

North Little Rock Board of Adjustment
Minutes Record - December 19, 2019

The meeting of the North Little Rock Board of Adjustment was called to order by Chairman Tom Brown at 1:30 P.M. in the Planning Office (Conference Room B). Roll call found a quorum to be present; a quorum being three members present.

Members Present

Tom Brown, Chairman
Mike Abele
Gardner Burton
Tim Giattina
Steve Sparr

Members Absent

None

Staff Present

Donna James, City Planner
B.J.Jones, Administrative Secretary
Rodger Greene, Building Official, City of NLR
Arnold Coleman, Building Inspector, City of NLR
Marie-Bernarde Miller, Deputy City Attorney

Others Present

Leon Hamilton, 2107 Whyte Dr., NLR, AR
Robert Robinson, 405 E. Chester, Des Arc, AR 72040
Timothy R. DeLoney, 5110 Glenview Blvd, NLR, AR 72117
Lee Brewer, 5207 S. Woodland, NLR, AR

Administrative

None

Approval of Minutes

Mr. Sparr formed a motion to approve the minutes from the previous meeting on November 21, 2019. Mr. Giattina seconded the motion and there was no dissent.

Old Business

None

New Business:

BOA 2019-21 – A variance from the area provision of Section 4.11 of the North Little Rock Zoning Ordinance to allow a carport to extend beyond the front building setback for property located at 2107 Whyte Drive, NLR, AR.

Chairman Brown requested the applicant come forward, state his name, and address for the record and to provide the Board with his hardship. Chairman Brown noted the carport had already been built, without a permit.

Mr. Hamilton explained to the Board he originally wanted the carport to protect his vehicles from the elements and to provide shelter when moving from the vehicles into the home. He explained he had gotten sick during the construction process and had not been able to examine the contractor's work as it progressed. He added he knew a permit was required but saw the permit card for roof repairs and assumed the permit was obtained for all the work being done.

Mr. Hamilton continued by explaining he had come into the Planning office to discuss a fence permit when Ms. James informed him there was no permit issued for his carport. He stated at this point, he had contacted his contractor, who assured Mr. Hamilton he would remedy the situation. He stated so far, the contractor had contacted staff regarding the permit for the carport and the contractor was now not returning any calls placed to him from Mr. Hamilton.

Mr. Hamilton explained he would like to keep the carport, as it was helpful in the weather and he did not think it was unattractive. He stated he was willing to do what was necessary to keep the carport.

Mr. Robinson attended with Mr. Hamilton and interjected the work was substandard. He added he had experience in construction and had worked for Habitat for Humanity.

Chairman Brown asked staff if the contractor had been contacted.

Ms. James replied in the affirmative stating she had mailed a certified notice to the contractor and had not received any reply nor the return of the return receipt.

Mr. Hamilton added he had not been able to speak with the contractor as his secretary stated he was out of town working on other projects. He stated she denied receipt of any letter in the matter.

Chairman Brown asked Mr. Greene, the Building Official, to explain his observations.

Mr. Greene suggested Mr. Coleman, the Building Inspector, would be a better source of information as he had been to the site and observed the workmanship.

Mr. Coleman detailed the deficiencies of the project.

Mr. Hamilton added a friend had asked someone to inspect the roof and he was so disappointed in the results of the workmanship.

Mr. Robinson noted building materials were still stacked behind the house and had not been used for the project to repair the deck, which was also in the contract.

Chairman Brown advised the homeowner it was his responsibility to confirm the work had been properly permitted.

Mr. Hamilton agreed and explained he had experience in construction and was aware a permit was required. He reiterated his willingness to make the situation right.

Mr. Abele asked what was wrong with the construction of the structure.

Mr. Coleman replied the structure was unsound.

Chairman Brown asked if the structure was to be removed and the process started over.

Mr. Coleman replied that was one solution or Mr. Hamilton could hire a licensed structural engineer to evaluate the structure and make recommendations for solutions.

Chairman Brown replied the applicant probably could not afford to hire a structural engineer and asked for other suggestions.

Mr. Giattina explained to the applicant the Board was not against him keeping his carport but did not want the carport to be a hazard if the construction was unsound.

Chairman Brown asked the applicant if he had already paid for all the work.

Mr. Hamilton replied in the affirmative, he had already paid the contractor forty-seven thousand dollars (\$47,000.00) for the work, a new roof, a cover over an existing deck and the construction of the carport, which was the cost of the entire project.

Chairman Brown asked the applicant if he was aware of conditions recommended by staff in the agenda write-up. He stated if the Board approved the request, these conditions would become a part of the approval. He added he thought the structure was unsafe and needed to be removed.

Mr. Hamilton stated he was willing to meet the conditions as suggested by staff in the agenda write-up.

Mr. Sparr asked if any neighbors were in attendance or had any input.

There were two representatives of the neighborhood association, Mr. Brewer and Mr. DeLoney and neither had any objections to Mr. Hamilton's request. Mr. Brewer noted the contractor had told the applicant he had gotten the proper permits.

Mr. Abele asked what the time limit would be for making corrections to the work.

Mr. Giattina suggested 180-days.

Mr. Sparr formed a motion to approve the applicant's request including staff's recommendations included in the agenda write-up (the applicant must comply with all current building codes including any modifications to the structure required to allow the carport to come into compliance with the current building codes and have prepared a legal document stating the carport will never be enclosed and record the document with the County Clerk which will be binding on the current property owner and any future owners of the property) and with a limit of 180-days for the applicant to bring the carport into compliance.

Mr. Giattina seconded the motion and Chairman Brown added the staff conditions listed in the agenda were to be met and the triple fee for the "STOP WORK" order was to be paid.

The motion was passed with a unanimous vote.

PUBLIC COMMENT/ADJOURNMENT

Mr. Sparr formed a motion to adjourn at 1:55 P.M. Mr. Giattina seconded the motion and there was no dissent.

PASSED: 1/30/2020 **RESPECTFULLY SUBMITTED:**


Tom Brown, Chairman