

North Little Rock Board of Adjustment

Minutes

May 29, 2014

The meeting of the North Little Rock Board of Adjustment was called to order by Chairman Carl Jackson at 1:30 P.M. in the Planning Office (Conference Room B).

Members Present

Carl Jackson, Chairman
Tom Brown, Vice-Chairman
Steve Sparr
Mike Abele
Andy Hight

Members Absent

None

Staff Present

Robert Voyles, Planning Director
Wade Dunlap, City Planner
B.J. Jones, Secretary

Others Present

Paula Jones, City of North Little Rock Legal Dept
Richard & Carolyn Friedl, 102 Coronado Pl, NLR, AR
Craig & Cathy Friedl, 9509 Johnson Dr, NLR, AR
Jim Jackson, 301 Parker, NLR, AR
Arthur McIntosh, 809 Pine St, NLR, AR
Jeanette Taylor, NLR, AR
Fletcher Hanson, 301 Main, suite 204, NLR, AR
Lisa Ferrell, 1118 Rockwater, NLR, AR
Mike Marlar, 5318 JFK Blvd, NLR, AR
Jerrie Ott, 204 No. 1st St, Cabot, AR
Melanie Gibson, 1 Allied Dr, LR, AR
Mark Horst, 39 OakTree Cir, NLR, AR
Robert Shelton, 41 Oak Tree Cir NLR, AR
Ceharley Holloway, 605 Cherry Hill, NLR, AR
Jerome Green, Shorter College, 604 No. Locust St, NLR, AR
Brian Dale, White Daters & Assoc.,LR, AR

Approval of Minutes

Mr. Sparr formed a motion to approve minutes from the previous meeting of the Board.

Mr. Abele seconded the motion and there was no dissent.

Old Business

1. **BOA CASE #1510** – Mrs. Melanie Gibson, representing Prestige Properties at 5039 Warden Road, legally described as LOT 8, BLOCK 2, SOMERS COM'L PARK – The request is to allow a height variance of 5 ft. above the maximum 35 ft. in a C-4 zone.

Ms. Gibson introduced two representatives for the case, Brian Dale, an engineer with White Daters, and Jerrie Ott, an architect for the applicant.

Chairman Jackson swore in the three representatives and two gentlemen that own adjacent properties.

Mr. Dale explained that requirements by the hotel group necessitated the height variance request. He noted that they had been working with the neighbors to work out any concerns the property owners might have. Windows have been removed from the plans for the side of the building facing the neighbors. There is also a forty foot buffer between the hotel and the neighboring properties. The buffer presently has vegetation and more trees are to be planted.

Ms. Ott noted that the neighbors have requested evergreen trees and they are working with the property owners to select trees that provide year round screening and grow quickly.

Mr. Abele asked how this request compared to others this Board has heard.

Mr. Dunlap replied that other cases had been C-3 and this is C-4, which have different height allowances, but not other great differences.

Mr. Brown summarized that this would be nothing out of the ordinary.

Mr. Abele asked if the nine feet requested is an additional floor for the hotel.

Ms. Ott replied in the negative and noted that five of the nine feet requested is for a parapet.

Chairman Jackson asked the applicant to state a hardship.

Ms. Gibson replied that the design of the national franchise necessitated the additional height.

Mr. Holst, a neighboring property owner, spoke of his living in the neighborhood for thirty years and the changes that have taken place over the years as car dealers have come and gone. He expressed concern for his privacy and fears he will not be able to enjoy his back yard. He believes codes and requirements that are in place should be adhered to. He noted that a power line runs through the buffer area and trees are regularly cut by the power company, diminishing the effectiveness of the buffer.

There was extended conversation regarding how much the power company should be allowed to cut trees to prevent outages in icy weather.

Mr. Abele suggested building a berm with trees atop to increase the height of screening.

Mr. Voyles suggested the same goal could be achieved with fencing and noted that it is common to require a fence and trees in such situations.

Mr. Brown asked who owns the buffer area.

Mr. Voyles responded that the hotel owns the property. He noted that this Board could attach conditions to the ruling for the harmony of the neighborhood.

Mr. Shelton is the second property owner in attendance at today's meeting and lives directly behind the hotel's proposed location. He asked for assurance that the green belt will stay and not be mowed down as it has been in the past by utility companies gaining access to the easement.

Mr. Voyles replied that the green belt is on the plat.

Mr. Shelton noted that he did not anticipate any problems with the applicant's request. He does not think nine feet will make a big difference for the hotel.

Mr. Sparr formed a motion to approve the applicant's request.

Mr. Brown seconded the motion.

Mr. Hight asked to amend the motion to require a fence.

Mr. Shelton noted he was not concerned about a fence as he believes the green belt might be more damaged by building a fence.

Mr. Voyles questioned if new trees would be added to existing vegetation as he had understood from a subdivision presentation by the applicants. He is concerned they are now speaking of undercutting existing vegetation for hotel clean up requirements.

He cautioned the applicants that they must carry out the plan presented to the Planning Commission.

Mr. Dale noted they had not yet been to Planning Commission.

Ms. Ott added that they do not plan to undercut existing vegetation, only clean up the rugged area.

Mr. Brown reminded the applicants that they must carry out all agreements that are made with the Planning Commission.

Mr. Hight asked to amend the previous motion to also require an eight foot fence in the buffer area.

Mr. Brown seconded the amendment and both the motion and amendment were passed with a unanimous vote.

New Business

1.BOA CASE #1512 – Mr. Craig Friedl, representing Mr. and Mrs. Richard T. Friedl, at 102 Coronado Place, legally described as Lot 11, Block 22, Phase 5, Indian Hills – The request is to allow a 4.5 ft. variance to the required 7.5 ft. side yard setback on the north side of the lot for an attached carport

Chairman Jackson swore in the applicant and his parents.

Mr. Friedl explained that his mother is paralyzed and it is difficult to get her in and out of a vehicle and wheelchair and keep her out of the weather with the current parking situation. They are asking for the variance to be able to add a carport that will allow more room to assist his mother.

Mr. Dunlap showed video of the property and explained that the proposed carport would vary in distance from property lines due to the angled shape of the lot, which is in a cul de sac. He presented a letter from the neighbor with no objection to the request.

Mr. Brown asked if the proposed carport would continue the same roofline and pitch as the existing house.

Mr. Friedl replied in the affirmative.

Mr. Brown formed a motion to approve the applicant's request.

Mr. Sparr seconded the motion and it passed with a unanimous vote.

2. **BOA CASE #1513** – Mr. Charley Holloway at 312 Parker St, legally described as Lot 9, Block 11, Giles Addition – The request is to appeal the Planning Director's letter of non-permitted uses at 312 Parker Street, storage of semi-trailer and personal storage of other trailers on a C-6 zoned lot.

Chairman Jackson swore in Mr. Holloway.

Mr. Dunlap showed video of the property.

Robert Voyles explained that Mr. Holloway wishes to appeal a determination made regarding his property that he has made and notified Mr. Holloway by letter. Mr. Voyles explained that there is no primary building on the property. Mr. Holloway is using the property to park trailers that appear to be used for storage. He estimated that the trailers have been there for ten years or more. He explained that previous zoning on the property had been C-5 and was changed to C-6 around 1996. Neither zoning classification allows for the trailers to be parked and used for storage. The zoning is for light industrial.

Mr. Holloway replied that he has parked the trailers there for twenty-five years.

Chairman Jackson asked if there was anyone else to speak regarding the case. Lisa Ferrell spoke as a home and property owner of adjacent property. She expressed concern regarding the use of the property.

She explained that she had been required to remove items from the lot she had purchased from Argenta CDC due to non-conforming use for the area.

She spoke to efforts to improve the area and presented pictures of the lot in question showing the trash and vines making it such an eyesore for the community.

Mr. Holloway responded that others had taken his trash out of a trash can and thrown it on the ground and knocked down his wood pile.

Mr. Abele questioned if the applicant is asking for a variance to park his trailers.

Mr. Voyles explained that the applicant wishes to appeal the staff determination that the parked trailers are a non-conforming use for the lot or not legal or not allowed.

Mr. Brown asked the applicant what he stored in the trailers.

Mr. Holloway responded that he stores equipment for his concrete business.

Mr. Brown formed a motion to require Mr. Holloway to move the trailers in three days.

Ms. Jones advised that the role of this Board is to uphold the directive from Mr. Voyles or not.

Mr. Brown formed a motion to uphold the directive Mr. Voyles had written to the applicant.

Mr. Sparr seconded the motion and it was passed with a unanimous vote.

Mr. Brown asked what happens once this Board has upheld the directive.

Mr. Voyles responded that he would inform Code Enforcement and they would direct the applicant to move the trailers.

Mr. Hight asked how long would be allowed to complete the move.

Mr. Voyles responded that would be a matter for Code to decide. He added that they had various options and would inform the applicant of such.

3. **BOA CASE # 1514** – Mr. Jason Bouwknecht of Marlar Engineering, representing Shorter College at 604 Locust Street, legally described as Lots 1R and 2R, Shorter College Campus Addition – The request is to allow a variance of 38 parking spaces from the required 108 for dormitories on the campus.

Chairman Jackson swore in Mike Marlar of Marlar Engineering and Jerome Green, president of Shorter College.

Mr. Brown asked how Shorter College got its name and Mr. Green gave a short history of the name of the college.

Mr. Dunlap showed pictures of the property, explaining that dormitories would be built on the vacant lot, but there was not enough space for all the required parking.

Chairman Jackson asked if the request is to waive all parking requirements.

Mr. Dunlap explained that there would be two dormitories with some parking, just not the full amount required by the zoning ordinance.

Mr. Brown asked if there is adequate parking in other areas of the campus to compensate for the waived spaces requested.

Mr. Marlar replied in the affirmative.

Chairman Jackson asked the applicant to state his hardship.

Mr. Marlar explained that there are additional dormitory complexes planned and additional parking elsewhere, but these specific dormitories will not accommodate all required parking on the site.

Mr. Brown formed a motion to grant the applicant's request.

Mr. Hight seconded the motion and it was passed with a unanimous vote.

4. **BOA CASE # 1515** – Mr. Adam Jenkins of Newmark Grub, representing the North Little Rock School District at 3901 Virginia Drive, Belwood Elementary, legally described as A tract of land in Belwood Addition in the SW1/4, NE1/4, Section 21, Township 2 North, Range 12 West, more particularly described as: Beginning at the Southeast corner of the SW1/4, NE1/4 Section 21, Township 2 North, Range 12 West; thence North 88 degrees 38 minutes West along the South line of Belwood Addition 612.2 feet to a point; thence North 0 degrees 38 minutes East, 407.4 feet to a point; thence South 88 degrees 27 minutes East, 442.5 feet to a point on the West right-of-way line Virginia Lane in Belwood Addition; thence South 0 degrees 38 minutes West along the West right-of-way line of said Virginia Lane, 163.5 feet to a point; thence South 72 degrees 22 minutes East along the South right-of-way line of Virginia Lane, 177.8 feet to a point on the East line of Belwood Addition; thence South 0 degrees, 38 minutes West along the East line of Belwood Addition, 192.9 feet to the point of beginning, containing 4.983 acres, more or less. – The request is to allow a variance of 3 ft. from the required 40 ft. front setback in the 0-1 zoning district at the Belwood Elementary building.

Chairman Jackson swore in Fletcher Hanson to represent the applicant, along with Ms. Turner, a neighboring property owner.

Mr. Dunlap explained that zoning changes in years past had changed setback requirements from the time the school was built. A pending sale of the property necessitates the applicant's request of a variance, simply to clean up title work.

Mr. Brown asked if the school district is selling the property.

Mr. Hanson replied that the property is under contract and a condition of the sale is clearing the title with this variance.

Mr. Abele asked who would be purchasing and for what purpose.

Mr. Dunlap noted that those questions had no bearing on the decision to be made here by this Board.

Ms. Taylor explained that she owned a duplex adjoining the property and was concerned the applicant's request would affect her property lines.

Mr. Dunlap explained that no property line changes are involved and that any planned uses after the sale must meet zoning requirements or she would be notified.

Mr. Abele asked if zoning would automatically change once the property is privately owned.

Mr. Dunlap replied in the negative and explained that an O-1 zoning does not have to be public.

Mr. Brown asked if the existing building will be torn down after the sale.

Mr. Hanson was not sure if that had been determined as of yet.

Mr. Hight formed a motion to grant the applicant's request.

Mr. Abele seconded the motion and it was passed with a unanimous vote.

Administrative:

None

PUBLIC COMMENT/ADJOURNMENT:

Mr. Abele moved for the Board to adjourn at 2:30pm. There was no dissent.

PASSED: _____ RESPECTFULLY SUBMITTED:

CARL JACKSON, CHAIRMAN

ROBERT VOYLES, DIRECTOR