

North Little Rock Board of Adjustment

Minutes

August 28, 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
Steve Sparr
Mike Abele
Andy Hight

Members Absent

Tom Brown, Vice-Chairman

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
Melanie Gibson, 7315 Missouri, Little Rock, AR
Basil Shoptaw, Thomas Engineering
Stephen Eanes, 5 Shady Valley Ct, NLR, AR
Tommy Eanes

Approval of Minutes

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

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

Mr. Sparr formed a motion to excuse the absence of Vice Chairman Tom Brown.

The motion was seconded by Mr. Hight and there was no dissent from the Board.

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 asked the Board for a ninety day extension, explaining that the owner had resolved his medical issues that had delayed the process. She added that the architect was in the process of having the asbestos survey completed to be able to begin the demolition phase of the project.

Chairman Jackson reminded the Board of this case on Warden Road that they had previously approved.

Mr. Dunlap asked the applicant if ninety days is a sufficient extension.

Ms. Gibson responded that the owner had asked her to request one hundred and eighty days, but she was not sure if she could request that much time all at once or if she should make the request in ninety day increments.

Mr. Sparr formed a motion to allow the one hundred eighty day extension.

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

Mr. Hight asked about the asbestos.

Ms. Gibson replied that she did not know yet if there is any, but the testing must be done.

New Business

1. **BOA CASE #1520** – Mr. Basil Shoptaw, of Thomas Engineering and representing T. Alvin Eanes Building Company at 7104 Scotthaven Dr, legally described as Lot 15 Scotthaven Subdivision – The request is to allow a zero setback on the rear property line, a variance of 20 ft. from the rear setback on the plat.

Chairman Jackson swore in the applicant and Mr. Eanes.

Mr. Dunlap showed the proposed footprint of the home and the plat of the subdivision, along with an aerial image of the site, indicating the one hundred year flood plain and Five Mile Creek.

Chairman Jackson asked if all the land indicated had been filled in to raise the elevation.

Mr. Shoptaw responded that the land is all well above the one hundred year flood plain in its natural condition there. Any fill on the property would only be necessary from the drive to the garage to level the slope from the street. He added that the situation is the hardship for the case, being a unique situation and not having filled the property all the way to the creek.

Chairman Jackson asked Mr. Shoptaw to clarify the hardship.

Mr. Shoptaw explained that the original plat situated the lot well above the flood plain so flood insurance would not be required.

Mr. Dunlap added that the lot had been cut smaller to avoid the flood insurance requirement.

Mr. Shoptaw explained that they are trying to please the customer but he wants a larger house than they had ever anticipated.

Chairman Jackson asked for staff recommendations.

Mr. Dunlap noted that staff is concerned that allowing the applicant's request might set a precedent and recommends a sixteen foot variance should be adequate to meet the needs of the applicant.

Mr. Voyles suggested the applicant amend his request.

There was additional discussion regarding the lot not being in the flood plain, there being no flood issues now and what is required to begin filling in the flood plain.

Mr. Eanes clarified that the request is more of a paperwork situation for FEMA relief and avoiding a flood plain study FEMA would require.

Chairman Jackson asked if the house is already sold.

Mr. Eanes replied in the affirmative.

Mr. Voyles reiterated that no part of this lot is located in the flood plain.

Mr. Eanes repeated that his request helps lighten his FEMA paperwork.

Mr. Sparr formed a motion to approve a sixteen foot variance, rather than the twenty feet the applicant had originally asked for.

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

Mr. Voyles asked if the model home in the subdivision was located twenty feet from the rear property line.

Mr. Eanes replied in the affirmative.

Administrative:

None

PUBLIC COMMENT/ADJOURNMENT:

Mr. Hight moved for the Board to adjourn at 1:40pm. Mr. Sparr seconded the motion and there was no dissent.

PASSED: _____ RESPECTFULLY SUBMITTED:

CARL JACKSON, CHAIRMAN

ROBERT VOYLES, DIRECTOR