

North Little Rock Board of Adjustment

Minutes

August 27, 2015

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
Steve Sparr
Mike Abele
Andy Hight

Members Absent

None

Staff Present

Shawn Spencer, Planning Director
Jimmy Pritchett, City Planner
Tim Reavis, City Planner
B.J. Jones, Secretary

Others Present

Paula Jones, City of North Little Rock Legal Department
Karl Sorrells, North Little Rock Police Department
Angie & John Eley, 4405 East Dr, NLR, AR
Linda Wehunt, 4406 East Dr. NLR, AR
Laura Wood, 4400 East Dr., NLR, AR
Brenda Hunt, 4411 East Dr., NLR, AR
Steven Bennett, 4411 East Dr, NLR, AR
Lisa Hunt, 4411 East Dr, NLR, AR
Richard Hunt, 4411 East Dr, NLR, AR
Dakota Wade, 717 Hillcrest Rd, Sherwood, AR
Ken Belk, 717 Hillcrest Rd., Sherwood, AR

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. Spencer welcomed Mr. Reavis to the position of City Planner.

Old Business

None

New Business

1. **BOA Case #1535**. To allow a 4' tall chain link fence in the front yard. To allow a 10' tall privacy fence that is partially in the front yard, a 10' tall privacy fence in the side yard, and a 10' tall privacy fence that is partially in the rear yard. The location of this request is 4405 East Drive.

Chairman Jackson swore in the applicants and other that wanted to testify in this case.

Mr. Spencer showed video of the property, pointing out the existing fence down the property line and explaining what the applicant is requesting.

Chairman Jackson asked the Director to clarify what is allowed by ordinance and what part of the request requires a variance.

Mr. Spencer replied that a front yard fence could be 3 ½ feet tall and be made of wood pickets or iron fencing. The applicant is asking for chain link fence in the front yard. He added that the ordinance allows for a six foot fence in the side yard and an eight foot fence in the rear yard. He noted that any fencing or wall less than two feet is not considered a fence but rather landscaping elements.

Chairman Jackson asked the applicant to state a hardship.

Mrs. Eley explained that they need the four foot block wall because of flooding issues resulting from the neighbor's new driveway. Water has flooded the home six times since the driveway was installed. They are requesting the chain link fence to prevent the neighbor from destroying decorative fencing they have installed in the past. They are scared of the neighbor's behavior and concerned

for their safety. They are asking for the height variance hoping to provide a barrier from an extremely bright light the neighbor has shined at their bedroom window and hoping it will help provide a noise barrier from the loud truck that is parked in the driveway adjacent to the property line beside the bedroom. The truck is in and out numerous times, late at night and is very loud when the neighbor revs the engine repeatedly.

Mrs. Eley explained that they had been to court in the past regarding disputed property line and fence installation. The judge had ruled that the fence was properly installed on the property line and Mr. Hunt must accept it. Shortly after that ruling, Mr. Hunt built the new driveway and the Eley property began flooding. Our real hardship is dealing with this person. We simply want privacy, peace and to feel safe.

Chairman Jackson asked if there were any questions or any opposition to the applicant's request.

Mr. Richard Hunt stood and explained that he is the neighbor of the applicant. He had a handout for the Board members to outline his objections to the applicant's requests. He asked if the Board would like for him to state his objections.

Mr. Spencer replied in the affirmative and explained that the objections needed to be stated for the recorded record of the meeting.

Mr. Hunt stated that he had no objection to the ten foot fence at the back but asked that the side be limited to eight feet. He suggested a ten foot fence at the side would look odd and detract from the neighborhood.

Mr. Hunt complained that the applicant had installed their fence on his property. He explained that he had run a string to show the property line but the applicant had moved the string.

Mr. Brown interrupted to explain that the property line issue is a civil matter and not a matter for this Board.

Mr. Spencer added that only the height variance is the matter for this Board.

Mr. Hunt added that he would like to rebut the water complaint. He explained that the house is his childhood home and the owners prior to the applicant had always had flooding problems. He disagrees that his new driveway causes the flooding. He stated that he accidentally stepped on the applicant's fence and tried to straighten it out.

Mr. Hight asked if he broke the fence.

Mr. Hunt replied that he bent it and tried to fix it.

Mr. Hight asked if he took issue with the applicant weed eating across the property line.

Mr. Hunt replied that he would rather Mr. Eley stay on his own property. He denied that he had any anger management issues and that though he is bi-polar; his psychiatrist has agreed there are no anger issues.

Mr. Hunt suggested his issues with the applicant go back to them wanting to prevent him from parking his trailer in the back yard. He agreed it is a long, ongoing problem and he is as tired of it as she is.

Chairman Jackson asked the applicant if the ten foot fence would block the light shining from the neighbor.

Mrs. Eley responded that her fence man is in attendance today and has told her he believes the proposed fence will block the light.

Chairman Jackson asked if the video submitted by the applicant depicted the lighting problem.

Mr. Spencer showed video of the light and a separate video of the neighbor confronting the applicant.

Mr. Sparr asked if the applicant's bedroom was on the end of the house facing the neighbor's light.

The applicant replied in the affirmative.

Mr. Brown noted that Mr. Hunt had suggested he had accidentally stepped on the Eley fencing, yet the video clearly shows he stepped on the fence on purpose.

Mr. Hunt responded that the fence was on his property and suggested that Mr. Eley had intentionally thrown grass on him to provoke a reaction.

Chairman Jackson asked the applicant's fence man to state his name for the record.

Ken Belk stated that he is the fence man and wanted to clarify that he had pulled a string from pin to pin to mark the property line for the applicant and installed the fence properly. He has been in the fence business over twenty years and has never had to move a fence.

Linda Wehunt is a neighbor to the applicant and stated that she remembers Mr. Hunt's mother living in the home and having a pipe down the center of where the new driveway is located to divert water runoff. She has wondered what happened to the pipe when the new driveway was installed and suspected the flooding issues are connected to the pipe being removed when the driveway was built.

Ms. Wehunt added that the flood light is an issue in her home also and she has taped cardboard on her screen door to block the light. She added that other neighbors are affected by the light also and she only wishes all parties could get along with one another.

Mr. Abele asked her where she is located in relation to the applicant.

Ms. Wehunt replied that she lives directly across from the applicant and the big light.

Mr. Spencer directed the Board's attention to the attached list of all the neighbors in support of the applicant's request.

Mr. Hight asked for staff recommendations.

Mr. Spence replied that staff supports the applicant's request as submitted due to the lay of the land creating flooding issues.

Chairman Jackson asked if staff even supported the request for chain link fencing.

Mr. Spencer replied that staff had no objections considering the support of the neighborhood.

Chairman Jackson asked if that support included the requested block wall.

Mr. Spencer replied in the affirmative.

Mr. Brown noted that twenty-six people support the applicant's request and only Mr. Hunt opposes the request.

Mr. Abele asked for more explanation of where the light intrudes on the applicant.

Mrs. Eley showed where the light is located in relation to her bedroom and how the light shines in both bedroom windows.

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

Mr. Brown seconded the motion and it was approved with a unanimous vote.

Administrative:

None

PUBLIC COMMENT/ADJOURNMENT:

Mr. Abele moved for the Board to adjourn at 1:45pm.

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

PASSED: _____ RESPECTFULLY SUBMITTED:

CARL JACKSON, CHAIRMAN

SHAWN SPENCER, DIRECTOR