

# North Little Rock Board of Adjustment

## Minutes

February 26, 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**

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

### **Others Present**

Paula Jones, City of North Little Rock Legal Department  
John W. Crow, 143 Plainview Cir. North Little Rock, AR  
Maurice Taylor, 4101 Rogers, North Little Rock, AR 72117

### **Approval of Minutes**

Mr. Sparr formed a motion to approve minutes from the previous meeting of the Board in November last year.

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

### **Old Business**

None

**New Business**

1. **BOA CASE #1525** – Mr. Maurice Taylor, Rausch Coleman Homes at 1311 Canna Court, legally described as Lot 268, Faulkner Crossing Subdivision – The request is to allow a setback of 18.2 ft., a 6.8 ft. variance to the rear setback requirement of 25 ft.

Mr. Dunlap showed video of the property and explained that this case and the next case are for two adjacent lots with the same issues.

Mr. Sparr noted that there seemed to be plenty of area, but the lots are not very deep.

Mr. Dunlap agreed that the lots are odd shaped and shortened due to the drainage area in the rear.

Mr. Taylor explained that the standard two story home that Rausch Coleman builds would not fit properly on these lots.

Chairman Jackson asked the applicant to state his hardship.

Mr. Taylor explained that Rausch Coleman builds specific plans for homes and that the two story home would not fit on these lots.

Mr. Dunlap added that the hardship is the size of the lot, which has been shortened to accommodate the drainage ditch in the rear.

Chairman Jackson asked if the photos showed a highway in the distance.

Mr. Dunlap responded that he is seeing Faulkner Lake Road.

Chairman Jackson asked how the property is zoned.

Mr. Voyles replied that the lots are zoned R-2.

Mr. Dunlap added that the view on the zoning map clearly shows the drainage ditch behind both lots.

Chairman Jackson stated his observation that these reflect big houses on small lots.

Mr. Voyles expressed that buyers typically want a one story home with no stairs.

Chairman Jackson asked for staff recommendations.

Mr. Dunlap replied that staff recommends approval of the applicant's request for both lots.

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

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

Mr. Dunlap reminded the applicant that the caps on the fence must not be over eight feet and he had ninety days to purchase the permit for the fence.

2. **BOA CASE #1526** – Mr. Maurice Taylor, Rausch Coleman Homes at 1305 Canna Court, legally described as Lot 269, Faulkner Crossing Subdivision – The request is to allow a setback of 14.9 ft., a 10.1 ft. variance to the rear setback requirement of 25 ft.

Mr. Hight formed a motion to approve the applicant's request for variance on the second lot as well, considering both lots had been the object of discussion during the previous case.

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

3. **BOA CASE #1527** – Mr. John W Crow, 143 Plainview Circle, legally described as E 37 ft. of lot 18, W 50 ft. of lot 17, Block 1, Park Hill Addition – The request is to allow a 50 ft. length of 8'4" high privacy fence in the side yard on the east property line.

Chairman Jackson asked the applicant to state his hardship and explain to the Board why he needed the extra height requested for a fence.

Mr. Crow explained that his neighbor built a play house and the toys continually come over into Mr. Crow's yard. He is concerned for the safety of children retrieving toys from his gold fish pond and yard and disturbed by the noise level.

Chairman Jackson questioned if that response is truly a hardship.

Mr. Dunlap stated examples of typical hardships.

Ms. Jones added that the Board should determine if the hardship is a valid one and determines if an eight foot fence is a reasonable request compared to a six foot fence.

Mr. Brown asked the applicant why an eight foot fence is necessary.

The applicant responded that he felt like an eight foot fence would keep more toys out of his yard and help with the noise level.

Mr. Sparr questioned the applicant regarding the security of the fence requested, considering the yard would not be totally enclosed, what would stop a child from getting in to the gold fish pond no matter how tall the fence would be.

The applicant responded that a child would have to go to the street and down to the pond.

Mr. Sparr explained to the applicant that this Board has to consider the precedent they might be setting for future requests.

Mr. Voyles suggested that the applicant could have an eight foot fence from the rear corner of the house.

Mr. Crow replied that he needed an eight foot fence at the side of the house.

Mr. Brown pointed out existing shrubbery and questioned if that was not already an adequate noise barrier.

Mr. Crow replied that the shrubbery has been cleared out and is not enough of a buffer for the noise level.

Mr. Dunlap suggested the applicant consider a six foot fence in the side yard with additional plantings to buffer the sound.

Mr. Brown asked the applicant to repeat his hardship.

Chairman Jackson asked for the hardship previously stated to be read from the record.

The keeper of the minutes read the previously stated hardship from the record.

Mr. Hight asked how often toys are coming into the applicant's yard.

Mr. Crow replied that it was not often and he threw the toys back to prevent the children from needing to retrieve them from his yard.

Chairman Jackson asked if there was a motion from the Board.

There was no response.

After several requests from the Chairman with no responses, Chairman Jackson informs the applicant that his request is denied due to the lack of a motion from the Board.

**Administrative:**

Mr. Voyles asks Ms. Jones if it is better to have a vote to deny the applicant's request than to have no action on the matter, as in the previous case before the Board.

Ms. Jones agreed it would be better to vote on the matter even if it was denied, to keep the record cleaner.

Mr. Brown asked if the Board has to do so.

Ms. Jones replied that no one could make the Board members form a motion, but it would be cleaner in the record.

Mr. Hight asked if it is more proper to deny a request than to have no action on the matter.

Ms. Jones replied in the affirmative.

Mr. Abele asked how to handle questionable hardships.

Mr. Voyles suggested a motion to deny the applicant's request due to an insufficient hardship.

Mr. Sparr suggested the Board vote on leadership for the new year.

Mr. Brown nominated Carl Jackson for Chairman.

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

Mr. Hight nominated Tom Brown as Vice-Chairman.

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

Mr. Brown formed a motion to change the March Board meeting to Wednesday, March 25<sup>th</sup>, 2015.

Mr. Hight seconded Mr. Brown's motion and there was no opposition.

**PUBLIC COMMENT/ADJOURNMENT:**

Mr. Hight moved for the Board to adjourn at 1:55pm. Mr. Sparr seconded the motion and there was no dissent.

Chairman Jackson thanked Wade Dunlap for his service to this Board and wished him well on future endeavors.

**PASSED:** \_\_\_\_\_ **RESPECTFULLY SUBMITTED:**

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**CARL JACKSON, CHAIRMAN**

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**ROBERT VOYLES, DIRECTOR**