

North Little Rock Board of Adjustment

Minutes

December 30, 2010

The regular 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
Mike Abele
Tom Brown
Andy Hight
Steve Sparr

Members Absent

None

Staff Present

Wade Dunlap, City Planner
B. J. Jones, Secretary

Others Present

Jeff Insley, 1932 Rodgers Rd, NLR, AR 72117
Steven Lee, 2312 Lansbrook Dr., NLR, AR
M. Dirk Thibodaux, 5208 Village Parkway, Ste 10, Rogers, AR 72758
Kishan Patel, 204 Fork River Rd, Sherwood, AR 72120

Approval of Minutes

Chairman Jackson called for approval of the minutes from the October meeting of the Board. Mr. Sparr made a motion for approval with Mr. Brown seconding. The motion passed unanimously.

Old Business

None

New Business

1. BOA CASE #1460 – Mr. Phil Swope, Gray Rock Consulting, 4339 Warden Road, legally described as, Lot 5B, Block 1, McCain Mall Addition – The request is to allow a 51 ft. high building, a 6 ft. variance in height for a building in a C-3 zone.

Chairman Jackson stated the case number, the applicant's name and swore in the applicant's representatives, Mr. Dirk Thibodaux and Mr. Kishan Patel. He asked the applicant to state a hardship.

Mr. Thibodaux explained that they wanted to build a Marriott Hotel which requires a specific room count, necessitating a four story hotel.

Mr. Dunlap displayed photos of the property. He explained that he had contacted the fire marshals and had been assured that the fire department had no objections to the four story plans. He also reminded the Board that they had previously heard similar requests from other hotel owners. Considering that the other requests had been approved, he stated that staff recommends approval of the applicant's request.

Mr. Thibodaux presented the Board with drawings of the proposed property.

Chairman Jackson asked if the existing asphalt would be removed.

The applicant replied in the affirmative.

Chairman Jackson asked how many entrances were proposed.

The applicant explained that an additional entrance would be included to increase circulation and connectivity with surrounding businesses. He added that he had already approached existing businesses in the immediate area and reported that they are all pleased to have the addition of the Marriott.

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

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

2. BOA CASE #1461 – Mrs. Shannon Goins, 7610 Counts Massie Road, Suite A, legally described as, A part of the SW ¼ SE ¼, Section 3, T-2-N, R-13-W, Pulaski County, Arkansas, more particularly described as follows: Commencing at a found ½" rebar, being used and accepted as the South ¼ corner of said Section 3, thence N 00°31'01"E, 197.90 feet to a set ½" rebar, said rebar being the point of beginning; thence N 00°31'03"E, 156.28 feet to a set ½" rebar; thence S 88°59'59" E, 278.73 feet to a set ½" rebar; thence S 00°31'03" W, 156.28 feet to a set ½" rebar; thence N 88°59'59" W, 278.73 feet to the point of beginning – The request is to allow a 27'-6" x 96'-5" greenhouse in the side yard of an

industrially zoned property. The greenhouse is to be 7'-6" from the property line and 8'-6" from the primary structure, requiring a variance of 12'-6" for the setback from the property line and 1'-6" from the primary structure. **POSTPONED**

Mr. Dunlap noted that this case has been postponed at the request of the City Attorney's office.

3. BOA CASE #1462 – Mr. Jeff Insley, 8401 Hwy 70, legally described as, The east half of that part of Blocks 21 and 28 North of US Highway 70 in the John S. Braddock's Subdivision – The request is to allow a 6 ft. chain link fence with 3 strands of barbed wire in the front yard of property in an I-3 zone.

Chairman Jackson stated the case number, the applicant's name and swore in the applicant. He asked the applicant to state his hardship for the Board.

Mr. Insley explained that during the process of closing on the referenced property, the property has already been broken into, causing damage. He explained that he has a towing business that involves some in and out business during the night, creating a concern for security. He noted that there is also some valuable equipment stored on the property and he would like to avoid any additional criminal activity. Mr. Insley added that his property is adjacent to Pruitt Auto Sales, which has recently been approved by this Board for the same request. He stated he likes the appearance of the Pruitt property and would like to continue the same look with black vinyl coated chain link and barb wire.

Mr. Dunlap asked for confirmation that the applicant is requesting barb wire atop the chain link fencing.

The applicant confirmed.

Mr. Brown asked if the barb wire is to be facing inward.

The applicant expressed agreement to whatever the Board determines.

Mr. Dunlap noted that the current I-3 zoning allows vehicle storage but no salvage is allowed.

Mr. Hight asked if the applicant operated a repo business in addition to towing.

The applicant replied in the negative.

Mr. Dunlap asked the applicant if he had obtained a business license for the new property.

The applicant stated that he had a current business license, but had not yet added the new location to the license.

Mr. Dunlap suggested questioning the Assistant Planning Director to see if a site plan review would be required for the property.

Mr. Brown asked the applicant if he intended to build a larger building on the property.

The applicant explained that eventually he would need to add some office space but for now his main concern is to secure the property.

Mr. Spencer joined the meeting and advised that no site plan review would be required if there is no building being built. He added that drawings would be required for any paving done on the property.

Mr. Insley asked where he would learn of any requirements.

Mr. Spencer directed him to the City Engineer's office for minimum requirements.

There was additional discussion regarding the height of the fence allowed in the rear and the front of the property. Guidelines were read for the height when barb wire is included.

Mr. Brown formed a motion to approve the applicant's request with a condition that the barb wire face inward and the fencing be black vinyl as the neighboring property.

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

4. BOA CASE #1463 - Mr. Steven Lee, 2312 Lansbrook Dr, legally described as, Lot 4, Block 3 Lansbrook Add – The request is to allow an expansion of an existing accessory building in the rear of the property that will require a 2'10" variance to the required 5 ft. setback from the property line.

Chairman Jackson asked if proper notification had been received for this case.

Mr. Dunlap replied in the negative, explaining that neighbors caddy cornered to the west and east of the property had not been notified.

Chairman Jackson stated that this Board will not hear the case until proper notification has been given.

Mr. Brown formed a motion to postpone the case to the next meeting.

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

Administrative:

Mr. Brown commented that he had previously asked that directions to each property on the agenda be included with the agenda. He formed a motion to have staff include the directions on the agenda.

The motion died due to lack of support.

PUBLIC COMMENT/ADJOURNMENT:

Mr. Sparr moved for the Board to adjourn at 2:00pm. Mr. Hight seconded the motion and there was no dissent.

PASSED: _____ RESPECTFULLY SUBMITTED:

CARL JACKSON, CHAIRMAN

ROBERT VOYLES, DIRECTOR