

North Little Rock Board of Adjustment

Minutes

July 29, 2010

The regular meeting of the North Little Rock Board of Adjustment was called to order by Chairman Carl Jackson at 1:29 P.M. in the Planning Office (Conference Room B).

Members Present

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

Members Absent

None

Staff Present

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

Others Present

Mark & Tonja Pruitt, 211 Dortch Loop, NLR, AR 72113
Louis & Wanda Dillard, 205 No. Beech, NLR, AR
Andy Francis, 2311 Biscayne Dr, #205, LR, AR 72227
Eric Francis, 616 Willow St, NLR, AR
Chidi Ukegbu, 1222 E. Broadway, NLR, AR
Stephanie Glover, 1222 E. Broadway, NLR, AR
Tennille Dillard, 1217 E. 2nd St, NLR, AR
Alderman Maurice Taylor, 4101 Rogers, NLR, AR

Approval of Minutes

Chairman Jackson called for approval of the minutes. Mr. Hight made a motion for approval with Mr. Abele seconding. The motion passed unanimously.

Old Business

None

New Business

1. **BOA CASE #1448** – Mr. Eric Francis – 616 Willow St, legally described as Lot 8R, Block 9, Clendenins Addition – The request is to allow a house addition that will encroach 3.5 feet into the required 25 foot setback.

Chairman Jackson stated the case number, the applicant’s name and swore in the applicants. Mr. Francis was joined by his brother, Andy Francis, as his legal counsel.

Mr. Dunlap showed photographs of the property.

Andy Francis explained that the owner planned to remove the existing “lean-to” structure and wanted to reconstruct a larger room addition. He added that the planned addition would encroach on the required setback by three and one half feet. Mr. Francis also noted that the owner had already presented the plan to the Historic Commission and had been granted the required certificate of appropriateness. He explained to the Board that the lot had been replatted in 1994. During that process the orientation of the lot had been changed from 7th St toward Willow St. This change decreased the depth of the lot from one hundred forty feet to eighty-six feet, necessitating this request for a variance.

Mr. Brown asked the applicant to re-state his hardship.

Mr. Francis summarized that his lot had a shorter depth than typical lots in the area.

Mr. Dunlap interjected that staff recommended approval based on the size of the lot and the desirability of improvements in Argenta.

Andy Hight formed a motion to approve the applicant’s request.

Mr. Brown seconded the motion which passed with a unanimous vote.

2. **BOA CASE #1449** – Mr. Mark Pruitt – 8417 Hwy 70, legally described as W. 1/2 of lot 27 John S. Braddocks Subdivision – The request is to allow a 6 ft. fence in the front yard with 3 strands of barbed wire for a total height of 7 ft. in the front and side yard of a auto sales lot in an I-3 zone.

Chairman Jackson stated the case number, the applicant's name and swore in the applicants.

Mr. Dunlap showed photographs of the property and explained that the applicant was requesting a front yard fence along the highway. He illustrated in the photos that the request is to add fencing all the way forward adjacent with the existing roll gate. The applicant is requesting six foot chain link with barb wire.

Mr. Pruitt added that the proposed chain link fencing is to be vinyl coated in black to be more appealing to the eye.

Chairman Jackson asked the applicant to state his hardship.

Mr. Pruitt explained that there had been a lot of trouble with damage to cars and stolen goods.

Mrs. Pruitt presented pictures she had taken of other fences in the area. She added that cars had actually been stolen and driven over the existing barricades in the front of the property.

Chairman Jackson asked the Pruitts to estimate how many incidents had been reported.

Mr. Pruitt estimated that the police had been called to the site once per month for stolen property reports.

Mrs. Pruitt added that there were additional incidents involving angry customers trying to recover property in a repossessed vehicle.

Mr. Pruitt noted that they do have security cameras but the cameras have not proven to be enough of a deterrent.

Chairman Jackson asked Mrs. Pruitt how many of her photographs included fences with barb wire.

Mrs. Pruitt responded that she was not sure, as she had not been focused on that particular aspect.

Mr. Pruitt noted that the fence across the street had barb wire.

Chairman Jackson agreed that there are plenty of fences in the area that are similar to the requested fence but added that he is opposed to the barb wire.

Mr. Dunlap noted that many of the examples of fences in the area are very old fences.

Mr. Brown added that those fences were most likely erected before that area became part of the city. He noted that staff does not approve of the applicant's request for fear it will set a precedent. Mr. Brown believes the precedent has already been set by other businesses in the area with barb wire facing outward.

Mr. Dunlap explained that examples Mr. Brown had used had been considered a side yard fence and had been granted by staff due to the need for high security.

Chairman Jackson asked the applicant if he could move the fence back.

Mr. Pruitt explained that he had already given up ten feet of his property for his signage.

Chairman Jackson asked if the post barricades in the photograph are set ten feet back.

The applicant replied in the negative and explained that his sign is set ten feet back.

Mr. Dunlap asked if he was referring to the ten foot utility and drainage easement that had been required.

Mr. Pruitt responded that his sign is ten foot from the ditch.

Mr. Abele asked where the applicant is proposing to place the fence.

Mr. Pruitt referred to the photograph in explaining that he would like to place the fence in alignment with the existing roller gate.

Mrs. Pruitt asked if the Board was suggesting the fence be moved back in alignment with the existing signage.

Mr. Pruitt interjected that such a move would hurt his business as it would limit the already tight space to pull in and park on the lot.

Mr. Hight noted that the property is quite sizeable and asked the applicant if he might consider fencing an area further back and move the cars in and out of the fenced area daily.

Mr. Pruitt replied that an inventory of one hundred forty cars would require much time to move twice daily.

Mr. Brown asked the applicant if he noticed the weekend being more of a problem than week days.

Mr. Pruitt responded that it was becoming a problem all of the time.

Mr. Sparr noted that he had visited the property. He is of the opinion that the applicant's request is not to improve his business, but to protect his property.

Mr. Pruitt agreed. He explained that he would rather not have the fence and didn't really have the funds to install the fence but that he needed the protection.

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

Mr. Sparr seconded the motion, which passed with a unanimous vote.

Mr. Dunlap questioned if the Board is approving the barb wire.

Mr. Brown replied that the applicant needed the barb wire.

Mr. Abele wanted clarification that the barb wire would face inward.

Mr. Pruitt replied in the affirmative.

3. **BOA CASE #1450** – Mr. Chidi Ukegbu – 1222 E. Broadway St, legally described as Lots 9, 10, 11, 12 Block 20, East Argenta Add – The request is to allow an accessory structure (car port) in the side yard.

Chairman Jackson stated the case number, the applicant's name and swore in the applicant and others in the room that wished to speak at the meeting.

Mr. Dunlap displayed video relating to the case and explained that an aluminum frame carport had been erected on the property without a permit. The Plans Examiner had notified the applicant that a permit was necessary to install the structure and that he would need a variance to situate the structure where it had been installed. Mr. Dunlap also noted the residential property directly behind the business and its close proximity to the illegal carport.

Chairman Jackson asked the applicant to state his hardship.

Mr. Ukegbu explained that he needed extra shelter to clean cars while it has been so hot. He explained that he had no idea he needed a permit. He understood that the carport should be behind the building but he explained that there was not space for it there.

Chairman Jackson noted that there are three bays in the main building

Mr. Ukegbu explained that it was even hotter in there than with no shelter at all.

Chairman Jackson asked what the applicant's plans were for cold weather.

The applicant replied that he could then move the activities inside.

Chairman Jackson asked if there was anyone else in attendance that would like to speak regarding this case.

Mr. Louis Dillard was recognized by the Chairman. He stated that he owned the property to the south of the applicant. He indicated his desire to see the applicant move his business inside the building as the illegal carport is situated right at his back door and his family is subjected to fumes, loud noise, cursing, etc. He added that the applicant had been instructed to direct the barb wire on his fencing toward the inside, yet he had failed to do so, creating an obstruction encroaching on Mr. Dillard's property.

Mr. Ukegbu replied that he had been instructed to remove any razor wire, which he had done.

Mrs. Dillard replied that the applicant had removed the razor wire, but had not turned the bars to the inside as he was supposed to do.

Alderman Taylor informed the Board that this car lot had been a problem since day one. He explained that the applicant had never complied with what he was supposed to do. There were to be no wrecked cars and no debris. To the contrary, the debris is constant and there are wrecked cars on the property. He added that he regretted sponsoring the applicant, as he would never have subjected the Dillards to that kind of punishment, referring to the loud music and other complaints.

Mr. Ukegbu denied the use of any drugs on the property. He added that he had nothing against Alderman Taylor, but felt the Alderman had something against him. He explained that the Alderman had contacted his landlord to inquire about the basketball court on the lot. He noted that his children come to the lot and he would not subject them to a bad environment. He expressed

his concern that the Dillards do not understand that it is a business at their back door and sounds and fumes are inevitable on a car lot with cars running all day long.

Mr. Dillard replied that he had been in his house all of his life and that a business had been behind him most of the time, yet he had never experienced such an obnoxious environment to date.

Alderman Taylor questioned why the applicant had people playing basketball at all hours yet complained that it is too hot to detail cars without shelter from the illegal carport. He expressed that as an elected official, he works tirelessly with others to improve East Broadway. He expressed frustration at trying to do his job yet having to continue fighting to improve the area.

Mr. Hight asked the applicant if this was his first business venture.

The applicant replied in the negative. He noted that he had previously had a retail store.

Mr. Brown explained to the applicant that Mr. Taylor was not out to get him. He reasoned that Mr. Taylor is the applicant's alderman also and that his job is to represent everyone and what is best for the community.

Mr. Dunlap noted that the illegal structure is an open carport and therefore, by ordinance, it is not allowed to work on autos outdoors.

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

Mr. Sparr seconded the motion.

Mr. Brown wanted to clarify a deadline for when the carport should be removed.

After the Board discussed a three day time period versus a ten day deadline, the initial motion was withdrawn and Mr. Brown amended his motion. He wanted to deny the applicant's request and allow ten business days to have the illegal structure removed.

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

Administrative:

Chairman Jackson asked if Code Enforcement could be contacted to visit the property and enforce what should have been done.

Mr. Dunlap noted that the requirement had been to remove razor wire and that had been done. He added that he could find no documentation regarding which direction the barb wire should be directed.

Chairman Jackson asked for an update regarding the Tolliver property.

Mr. Dunlap replied that Mr. Voyles had been working on that matter and considering that he is on vacation this week, he would have to check later. He believes that a Special Use permit will be required, limiting the number of vehicles on the property.

Mr. Hight commented that the Rogers fence looks better and better to him.

Mr. Brown wanted to welcome the newest member to the Board, Mr. Steve Sparr.

PUBLIC COMMENT/ADJOURNMENT:

Mr. Hight moved for the Board to adjourn at 2:10pm. There was no dissent.

PASSED: _____ RESPECTFULLY SUBMITTED:

CARL JACKSON, CHAIRMAN

ROBERT VOYLES, DIRECTOR