

# **North Little Rock Board of Adjustment**

## **Minutes**

**September 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  
Steve Sparr

### **Members Absent**

Andy Hight

### **Staff Present**

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

### **Others Present**

Donny Daniel, 1001 No. Magnolia, NLR, AR  
Amanda Daniel, 1001 No. Magnolia, NLR, AR  
David Jones, Marlar Engineering, 5318 JFK, NLR, AR  
Leathel Sanders, 1004 No. Poplar, NLR, AR

### **Approval of Minutes**

Chairman Jackson asked if all Board members had received their minutes in the mail. Mr. Sparr made a motion for approval of the previous month's minutes with Mr. Abele seconding. The motion passed unanimously.

Mr. Brown formed a motion to excuse the absence of Board member Andy Hight and there was no dissent.

**Old Business**

None

**New Business**

1. **BOA CASE #1456** – Mr. David Jones of Marlar Engineering, representing Daniel’s Moving and Storage at 1001 Magnolia Street, legally described as Lot A, Block A, Barton’s Addition – The request is to allow a 30' waiver of the required 30' building setback on the west property line (build on the property line).

Chairman Jackson stated the case number, the applicant’s name and swore in the applicant with the owner, Mr. Donny Daniel. He asked the applicant to state a hardship.

Mr. Daniel explained that if he were not allowed to build on the fence line, he would not be able to pull a fifty foot trailer into the property without the truck protruding into the street.

Mr. Dunlap presented photographs of the property showing the existing building and the alley. He explained that the property line is in the middle of the alley. He noted that the alley is not designated by the City.

Mr. Voyles interjected that there is a utility easement in the alley.

Mr. Daniel explained that he would like the new building to be in line with the existing building.

Mr. Brown questioned if the owner could block the alley, considering that it has not been designated.

Mr. Voyles replied that the owner could not block the alley as it had been used as an alley for many years, making it a prescriptive alley.

Chairman Jackson asked for clarification that the applicant is asking for a ten foot setback.

Mr. Dunlap explained that Wastewater is asking for a ten foot setback in consideration of the line they have placed in the middle of the alley. He noted that he had also contacted the water company and North Little Rock Electric. He added that the water company had no objections and the electric company had not responded.

Chairman Jackson asked for staff recommendations.

Mr. Dunlap replied that staff is asking the applicant to consider an eighteen foot setback to accommodate the screening ordinance for a buffer between dissimilar businesses.

Mr. Voyles reiterated that that would mean the building should be eighteen feet from the center of the alley.

Mr. Daniel noted that the existing fence is ten feet from the property line.

Mr. Voyles explained that the eighteen feet would be necessary to allow for planting trees to satisfy the screening ordinance. He noted that the new downtown plan incorporated the proposed building with screening. He explained that if this Board allowed a larger waiver, the applicant will have to go to City Council and ask for a screening waiver.

Mr. Daniel expressed concern that the additional eight foot for buffer would be a catch all for trash, which he already has a problem with.

Mr. Voyles added that an eight foot privacy fence is an additional buffer requirement.

Mr. Daniel explained that he wanted the rear wall of the building to replace the existing fence and act as the buffer, rather than a privacy fence.

Chairman Jackson asked the applicant if the required eighteen feet would allow his trucks to clear the street.

Mr. Daniel replied in the negative and expressed concern that these requirements would cause costs to exceed the usefulness of the expansion.

Chairman Jackson asked if the proposed building is for storage only.

Mr. Brown interjected that the use is for warehousing.

Chairman Jackson asked for clarification if this is for additional storage for an existing business or for a new business.

Mr. Daniel confirmed that it is an expansion of the existing business.

Chairman Jackson wanted to clarify that if this Board grants the applicant's request, he will still have to ask City Council for a waiver on the screening.

Mr. Voyles confirmed.

Mr. Jones added that the applicant is asking that the back of the proposed building be his fence and noted they would also ask City Council to waive the fence requirement.

Chairman Jackson asked the applicant if the staff's recommendations could work for him without the waiver.

The applicant replied in the negative.

Mr. Dunlap read the landscaping screening ordinance for the Board.

Mr. Brown asked for clarification regarding the back of the building being used as a wall for fencing.

Mr. Dunlap replied that the wall of the building would not satisfy the requirement.

Mr. Voyles added that the goal is to achieve blending of diverse properties and that screening makes others feel better in a transition area.

After some additional discussion of other businesses in the area and future potential of the area, Mr. Dunlap suggested that it might be more appropriate for Council to hear screening waiver before a decision is made by this Board.

Mr. Jones suggested that this Board make a ruling contingent on approval of the Council.

Chairman Jackson noted that the agenda stated the applicant is asking for a thirty foot waiver. He asked for clarification on what the amended request would be.

Mr. Dunlap replied that the applicant is now asking for a ten foot setback to be allowed.

Mr. Brown formed a motion to approve a twenty foot variance subject to City Council's approval of waiving the landscaping and screening ordinance. He added that his motion is to grant the applicant what he wants rather than what staff wants. He advised the applicant that he is there for him, not staff.

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

**Administrative:**

None

**PUBLIC COMMENT/ADJOURNMENT:**

Mr. Sanders was in attendance at the meeting as a concerned neighbor. He told the Board he had been concerned that Mr. Daniel wanted to close the alley, but his concerns had been laid to rest by what he had heard and witnessed. He informed the Board that there are drainage problems in the area and he wanted to be sure they would not be worsened by Mr. Daniel's plans. Other than those concerns, he supported Mr. Daniel's expansion and believed it to be helpful in stopping vagrant traffic.

Mr. Sparr motioned to adjourn at 2:03pm and there was no dissent.

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

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**CARL JACKSON, CHAIRMAN**

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**ROBERT VOYLES, DIRECTOR**