

NORTH LITTLE ROCK BUILDING AND HOUSING BOARD OF ADJUSTMENT

MINUTES

April 13, 2010

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The meeting of the North Little Rock Building and Housing Board of Adjustment was called to order by Chairwoman Zap at 9:30 A.M. in the Community Planning Office conference room.

Members Present:

**Tommy Cupples
Phillip Davis
Brad Hughes
Basil Shoptaw
Karen Zap**

Members Absent:

None

Staff Present:

**Wade Dunlap, City Planner
Shawn Spencer, Assistant Planning Director
B.J. Jones, Secretary**

Others Present:

**Russ Elrod, Code Enforcement
Andy Lawrence, 1719 Hwy 161, NLR**

APPROVAL OF MINUTES:

Mr. Shoptaw made a motion to approve the minutes from the previous meeting.

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

OLD BUSINESS

None

NEW BUSINESS

1. BHBA Case # 535 – Mr. Andy Lawrence, Cocky’s Fun Foods – To allow an 8 ft. rooster, serving as a second freestanding sign at 1719 Hwy 161.

Chairwoman Zap asked the applicant to state his name and hardship.

Mr. Lawrence stated his name and explained that the rooster sculpture related directly to the name of his business and was pictured on his menu. He added that the rooster and name signified a fun place for fun food. He is concerned that without the rooster representation, the name of the business might be misconstrued.

Mr. Shoptaw asked if “Cocky” is a sign or a work of art.

Mr. Dunlap noted that there are precedents for considering sculptures as signage. He gave examples of a moving gorilla and stacked chairs as cases previously heard by this Board. He cited the ordinance for the definition of a sign as an attention gathering device.

Mr. Shoptaw asked if the rooster moved.

The applicant replied in the negative. He explained where the rooster had come from and told how people stop to have their picture made with the rooster. He added that he did not consider the rooster a sign. He noted that his existing sign explains what they do, but the rooster represents the type of business.

Mr. Cupples stated that he did not have a problem with the rooster as long as it does not move and remains beside the building rather than at the road side.

Mr. Davis agreed that there is precedent.

Chairwoman Zap asked for staff recommendations.

Mr. Dunlap advised the Board that staff is OK with the rooster as long as it remains within five feet of the building.

Mr. Davis formed a motion to grant the applicant’s request with a condition that positioning must not be moved away from the building.

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

Mr. Dunlap advised the applicant to obtain a permit for the additional signage.

ADMINISTRATIVE:

Wade Dunlap advised the Board that they needed to elect a new Vice Chairman.

Mr. Shoptaw nominated Brad Hughes and Mr. Cupples seconded the motion.

The nomination passed with four affirmative votes.

PUBLIC COMMENT / ADJOURNMENT:

Mr. Davis made the motion to adjourn at 9:40am. Mr. Shoptaw seconded the motion and there was no dissent.

PASSED: _____ RESPECTFULLY SUBMITTED:

KAREN ZAP, CHAIRWOMAN

ROBERT VOYLES, DIRECTOR