

**NORTH LITTLE ROCK
BOARD OF ADJUSTMENT AGENDA
March 31, 2016
1:30pm**

Agenda Meeting: ▪ Roll Call

Reminder ▪ Turn off cell phones

Administrative: ▪

Approval of Minutes: ▪ February 25, 2016

Public Hearings:

1. BOA Case 2016-3. To allow a 120 foot self supporting tower at an I-3 property located at a 2725 Central Airport Road.
2. BOA Case 2016-4. To allow a 6 foot chain link fence with 3 strands of barb wire (total height maximum of 7' tall) to be installed along the north, east and west perimeter.

Public Comment / Adjournment:

North Little Rock Board of Adjustment

Minutes

February 25, 2016

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

Jimmy Pritchett, City Planner
B.J. Jones, Secretary

Others Present

Paula Jones, City of North Little Rock Legal Department
Joe Fawcett, 4100 Dunkeld, North Little Rock, AR
Elisei Cojocar, 3800 E. Broadway, North Little Rock, AR

Old Business

None

New Business

1. **BOA Case #2016-3**: To allow a front and side yard 6' chain link fence with vertical or inclined inward barb wire (total 7' tall) located at 3800 East Broadway.

Chairman Jackson swore in the applicant and asked him to state his name and address for the record.

Mr. Pritchett showed pictures of the property.

Chairman Jackson asked the applicant to point out on the drawings what he is asking permission to install.

Mr. Brown asked to see the existing fence in the pictures.

Chairman Jackson asked the applicant to state a hardship.

Mr. Cojocarú explained that he needed the requested fencing for security. He added that there is a lot of traffic in the area and much of it uses his property as a way to shortcut. He explained that they use the property as a street and he needs to protect his equipment.

Mr. Brown asked the applicant to specify where he wanted to install the barb wire.

Mr. Cojocarú noted that the neighboring property has barb wire. He noted that he is not installing barb wire on Broadway and is not enclosing his third building, but only the middle section of the property.

Mr. Brown asked what kind of business operated at the location.

The applicant replied that he is a stucco contractor.

Mr. Abele asked if the drawing in the Board's packet is an accurate representation of what the applicant is requesting.

The applicant replied in the affirmative.

There was additional discussion regarding the fence placement and location of gates with the applicant indicating on the drawings what his intentions are.

Chairman Jackson noted several properties with similar fencing in the area, but was not sure how recently any had been approved.

He added that the Fire Marshal office would need to approve any requests to be sure their lock box access is included.

Mr. Hight added that staff shows they recommend approval of the applicant's request.

Chairman Jackson informed the applicant of conditions staff had placed on their favorable recommendation and the applicant agreed to the terms.

Chairman Jackson asked staff if the applicant should contact the Fire Marshal office.

Mr. Pritchett replied in the affirmative.

Chairman Jackson asked staff to assist the applicant in the process.

Mr. Pritchett agreed.

Mr. Hight formed a motion to approve the applicant's request with the condition he must meet staff recommendations.

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

2. **BOA Case #2016-1**: To allow a 10' front yard building setback located at 3709 Phyllis Court.

Chairman Jackson swore in the applicant and asked him to state his name and address for the record.

Mr. Fawcett responded that he is in attendance to represent Mr. Guzman.

Chairman Jackson asked the City Planner to display the photographs of the property and asked the applicant to state his hardship.

Mr. Fawcett replied that the expansion of the business building is needed due to growth in the business and to enhance the appearance of the entrance to the business.

Mr. Brown asked why they would not simply expand to the rear of the property, where it is allowed without the variance.

Mr. Fawcett responded that the pictures are not a good representation of what is going on at the property.

Mr. Brown asked if they might consider moving the entrance and building in the rear.

Mr. Fawcett replied that he was not sure without Mr. Guzman's input.

There was additional discussion about other options to relocate the entrance or build in the rear of the property.

Mr. Sparr noted that the existing building already encroaches on the forty foot building line.

Mr. Brown asked how long the business has been at the present location.

Mr. Fawcett replied that they had been there for three years.

Chairman Jackson noted that staff has stated they cannot support the applicant's request, as the request also includes building over a sewer easement.

Mr. Brown explained that building over a sewer easement required the owner to remove the structure in the event of sewer issues / problems.

Mr. Hight suggested this case be postponed to next month's meeting so Mr. Guzman could attend, considering it seems to be more complicated than the applicant might have anticipated. The owner should have the opportunity to address suggestions from this Board.

Mr. Hight formed the motion to postpone

Mr. Fawcett agreed the sewer easement is a problem and was not sure if the owner is aware of the issue. He added that the property already has sewer problems.

Mr. Pritchett indicated that the owner had previously been in discussions with Mr. Spencer who was not in attendance at today's meeting.

Chairman Jackson suggested the owner contact Mr. Pritchett.

Mr. Abele seconded the motion that was already on the table.

The Board voted unanimously to postpone the case to next month to allow the owner to be in attendance.

Administrative:

Chairman Jackson advised the Board that it is time to elect officers of the Board for the new year.

Mr. Brown nominated Carl Jackson to continue as Chairman of the Board. There was unanimous agreement from the Board.

Mr. Sparr nominated Tom Brown to continue to serve as Vice Chairman of the Board. There was unanimous agreement from the Board.

Chairman Jackson noted a needed correction in the minutes from the December 2015 meeting of this Board.

In Case # 2015-2, the second line in the agenda states “within 10” from the primary structure” and should be changed to 10’.

Mr. Hight formed a motion to correct the error.

Mr. Brown seconded the motion and the Board was in unanimous agreement.

PUBLIC COMMENT/ADJOURNMENT:

Mr. Hight moved for the Board to adjourn at 2:00pm.

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

PASSED: _____ RESPECTFULLY SUBMITTED:

CARL JACKSON, CHAIRMAN

SHAWN SPENCER, DIRECTOR

CASE: BOA #2016-3

REQUEST: To allow a 120 foot self supporting tower.

LOCATION OF THE REQUEST: 2725 Central Airport Road

APPLICANT: EasTex Tower

OWNER: Williams Terminal Holding Co

SITE CHARACTERISTICS: Developed lot in an Industrial zone.

ZONING: I-3

SURROUNDING USES:

| | |
|--------|-------------------------|
| NORTH: | Interstate 40 |
| SOUTH: | Industrial fuel storage |
| EAST: | Industrial fuel storage |
| WEST: | undevelopable land |

SUMMARY: The applicant is requesting a tower with a height limit to 120 feet. The maximum height in an industrial area is 90 feet.

STAFF RECOMMENDATION: Approve with conditions:

1. Allow a height up to 120 feet.

BOARD MEMBER'S CONSIDERATION

1. Does the request authorize a use not allowed in the zone? No.
2. Does the zoning ordinance, if literally interpreted, deny the reasonable use of property? No.
3. Is there something unique about the property that necessitates the variance? No.
4. Will the request injure the planned or appropriate use of adjoining property? No, the tower is located centrally in an industrial area.
5. Will the variance weaken the general intent and purpose of the land use and zoning plan? No.
6. Will the variance be in harmony with the spirit of the ordinance? Yes
7. Will a variance adversely impact health, safety and general welfare? No.



EASTTEX TOWER, INC.

3537 Gum Springs Road · Longview TX 75602
903-234-9370 · Fax: 903-234-9397

www.ettower.com



February 24, 2016

North Little Rock Community Planning
120 Main Street
North Little Rock, Arkansas 72114

RE: 2725 Central Airport Road

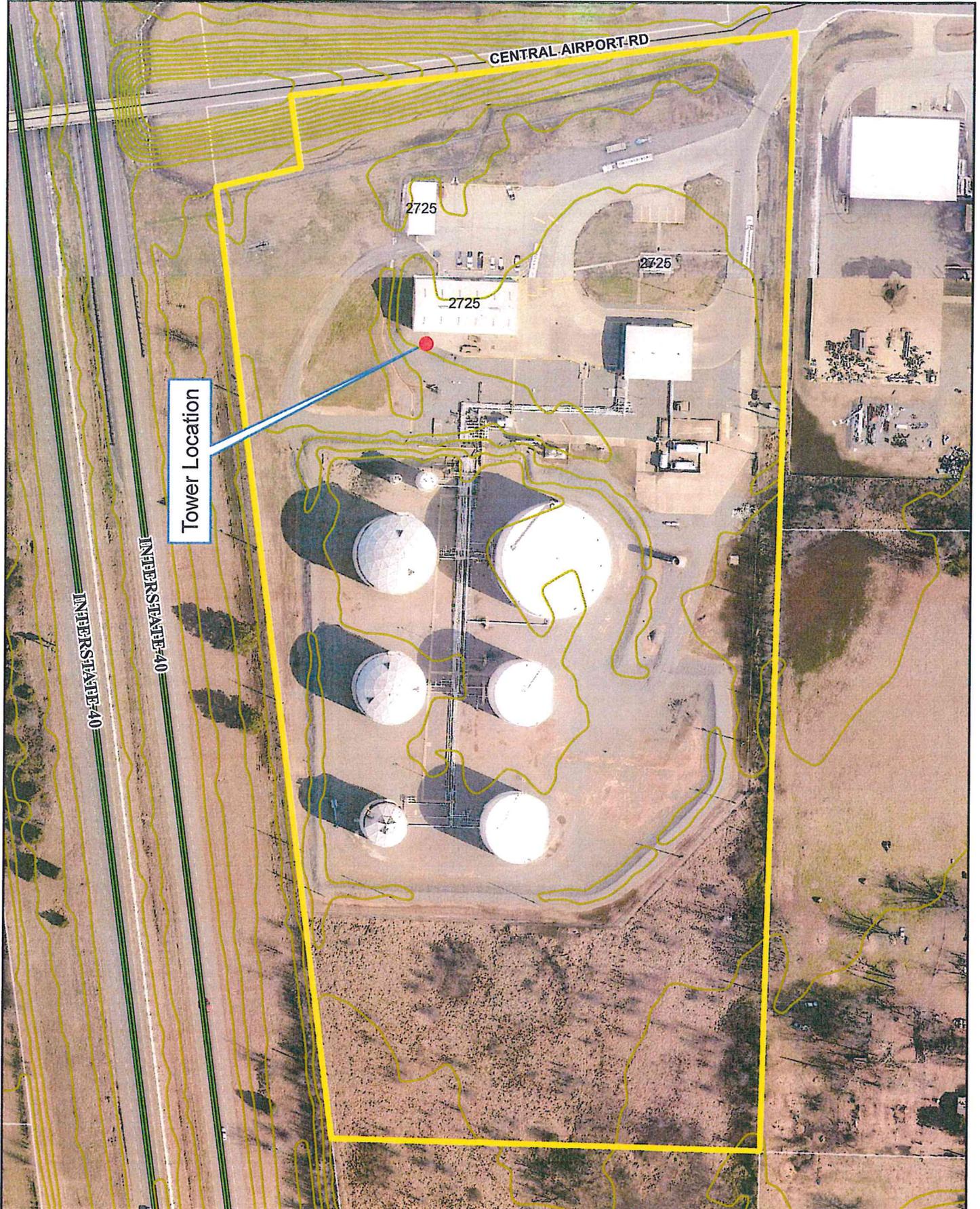
To Whom It May Concern:

On Behalf of Magellan Midstream Partners, I would like to request the board approval of a 120' self-support structure located at the existing Magellan service station property located at 2725 Central Airport Road. The tower will be for monitoring purpose only, and would not be available for commercial use. There are no existing structures on the property that would support the height needed to obtain the objectives of the tower and radio equipment. Please feel free to contact me should you need any additional information in regards to this project.

Best Regards,

Jessica Jones
405-820-4691
4045 NW 64th
Suite 310
OKC, OK 73106

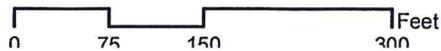
North Little Rock Board of Adjustment

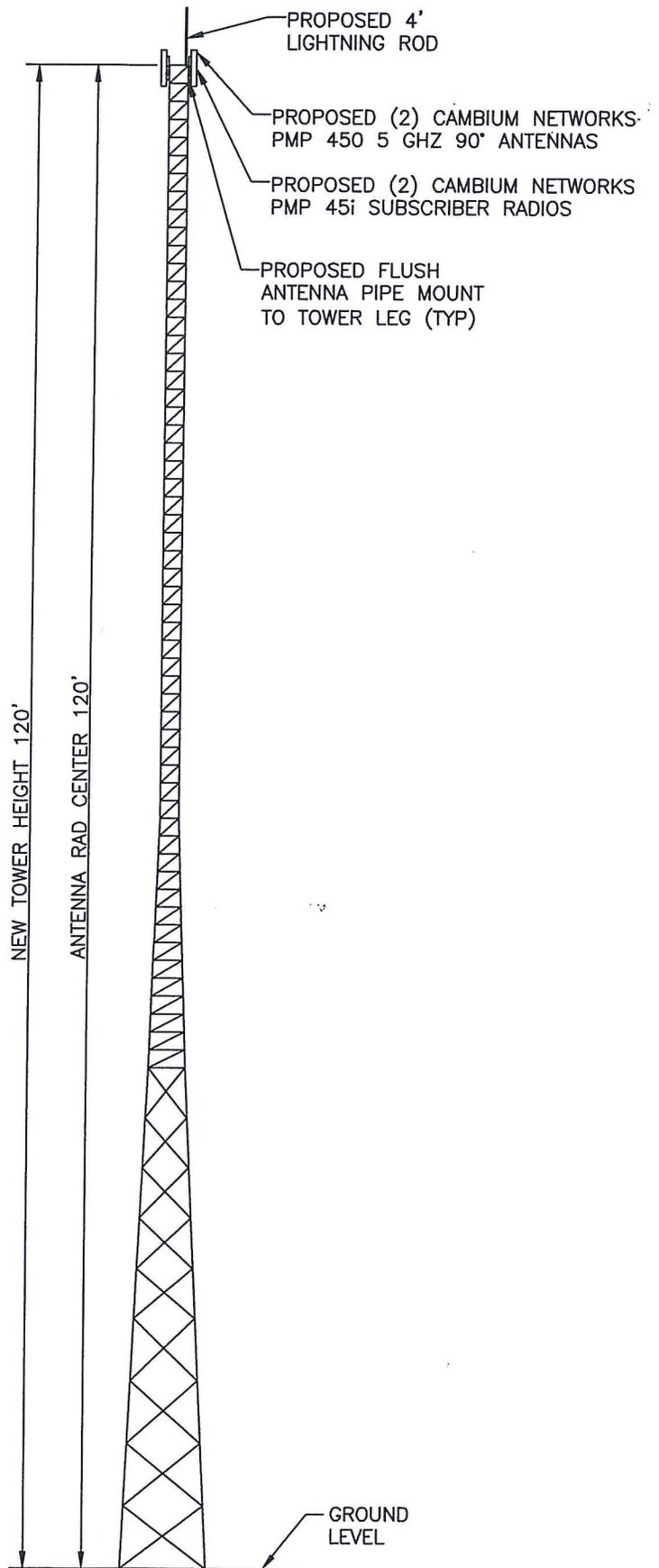


BOA CASE #2016-3

Date: 3/4/2016

1 inch = 150 feet





1 TOWER ELEVATION
 C3 NOT TO SCALE

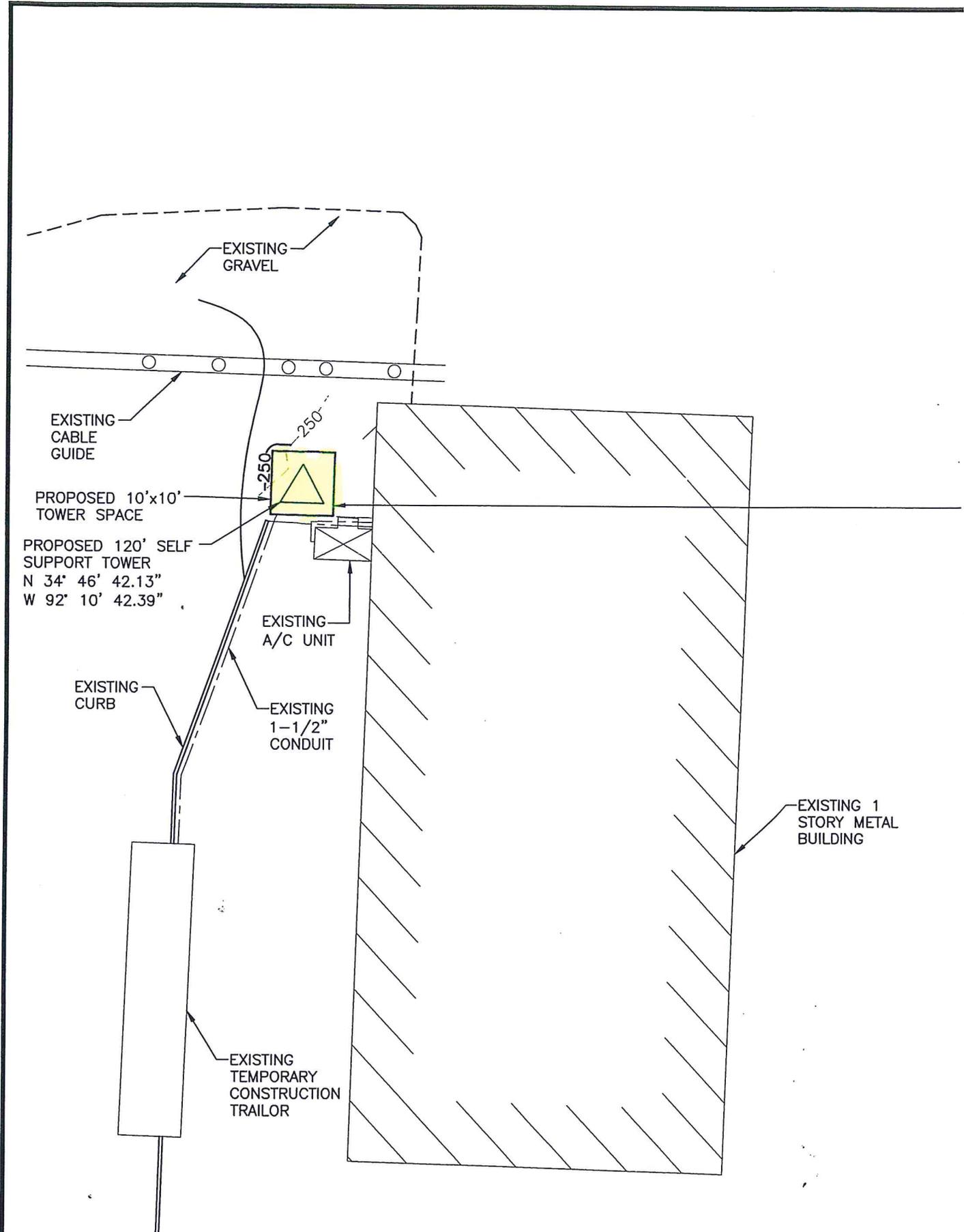


Central Airport Rd

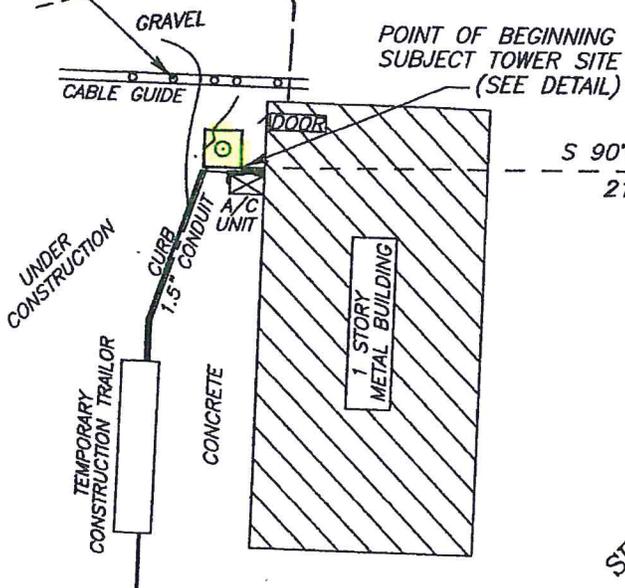
40







2' CONCRETE PIER (TYPICAL)



NORTH LINE PARENT TRACT

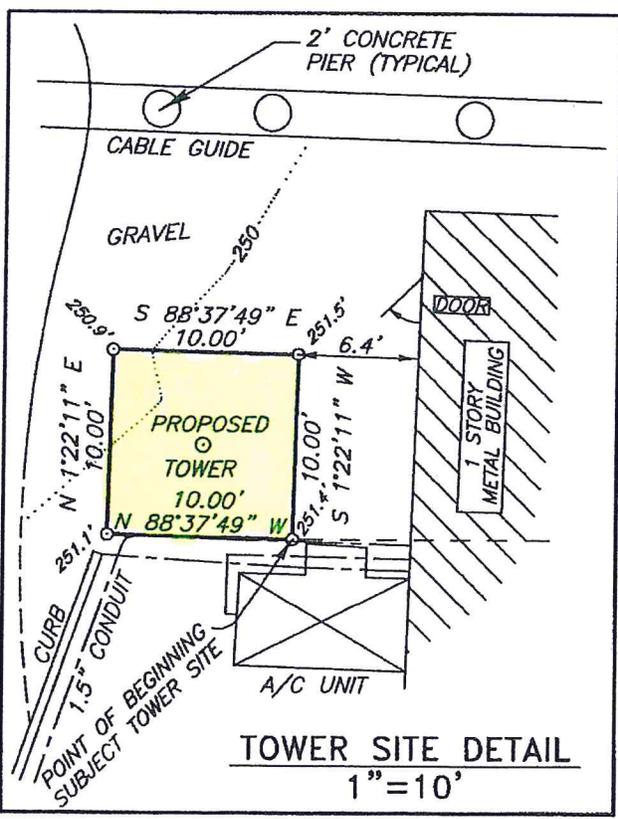
CONCRETE MONUMENT W/STEEL CAP

S 90°00'00" W
217.97'

EAST LINE PARENT TRACT

PARENT TRACT
SPECIAL WARRANTY DEED
DOC# 2001053786

CENTRAL RIGHT OF WAY
(PUBLIC)
N 13°05'48" W
374.20'



FLOOD NOTE
 BY GRAPHICALLY PLOTTING THE PROPOSED LAND SPACE IS IN FLOOD ZONE 'X-UNSHADED' PER NATIONAL FLOOD INSURANCE RATE MAP, NO. 05119C0368G, EFFECTIVE DATE: JULY 6, 2015.

SOUTH LINE PARENT TRACT
SOUTH LINE NW/4, NW/4

CONCRETE MC W/STEEL CAP

CASE: BOA #2016-4

REQUEST: To allow a 6' chain link fence with 3 strands of barb wire for a maximum total height of 7 foot.

LOCATION OF THE REQUEST: 1922 Landski Drive

APPLICANT: Susi Witkowski

OWNER: Witkowski Family Partnership

SITE CHARACTERISTICS: Developed lot in a commercial zone.

ZONING: C-4

SURROUNDING USES:

| | |
|--------|------------------------|
| NORTH: | Adams Pest Control |
| SOUTH: | residence |
| EAST: | rail road right of way |
| WEST: | Riverstate Custom Iron |

SUMMARY: The applicant has installed a 6' chain link fence around the property with 3 strands of barb wire facing out toward the adjacent property. Fences are not permitted in front yards. Barb wire is only permitted in the rear and side yards of C-4 and C-5 zoned properties. Additionally contractor installed fence without purchasing a permit nor approval from the Board of Adjustment.

STAFF RECOMMENDATION: Approve with conditions:

1. Remove existing 3 strands of out facing barb wire and reinstall with vertical or inward barb wire.
2. Total height of fence including barb wire shall not exceed 7 feet.
3. Provide written approval of gates by the Fire Marshall when a fence permit is required.
4. Entrance gate from public street shall be setback 40' from edge of road.

BOARD MEMBER'S CONSIDERATION

1. Does the request authorize a use not allowed in the zone? No, the request is in a commercial zoned area.
2. Does the zoning ordinance, if literally interpreted, deny the reasonable use of property? No, the property has been used commercially for years.
3. Is there something unique about the property that necessitates the variance? No.
4. Will the request injure the planned or appropriate use of adjoining property? No, if approved by the board and a permit is issued, there should be no negative effect.
5. Will the variance weaken the general intent and purpose of the land use and zoning plan? No, the use is permitted in this zone.
6. Will the variance be in harmony with the spirit of the ordinance? Yes
7. Will a variance adversely impact health, safety and general welfare? No, the variance shown does not adversely impact health, safety and general welfare.

March 1, 2016

North Little Rock Board of Adjustment
City of NLR Arkansas

My family owns a piece of rental property at 1922 Landski next to the railroad track. The property has been rented for Used Car Sales in the past. Both tenants had windows broken in the office building, parts taken off cars and a bullet that shattered the inside and outside paneling on the office. ***The last tenant had to have Mr. Phillips next door make iron bars for the windows.***

When the building became vacant, I had numerous calls from potential tenants, but none that I would agree to rent to. I did not think that they had the business skills to survive. Mr. Grieves was recommended by a long time local business owner and vouched that he was a hard worker and good guy.

Mr. Grieves was also told by that local businessman that if he rented the property, he would need to have a barbed wire fence around the property to protect his customer's cars due to theft in the area. Mr. Grieves said he would rent the property, but only if the fence was installed. He did not want to be liable for theft to his client's autos. My first choice would not have been to erect a barbed wire fence or even a fence period. But, in order to get a responsible tenant of good standing to occupy this property, this was a requirement. I spent over \$4,000 getting the property ready for this tenant.

I called Ingle Fence and got an estimate which included Ingle getting a permit from NLR to erect the fence. The charge is on the estimate and I paid for a permit on the final bill. I was assured by the salesman and the ladies at the office at Ingle Fence that they would take care of all permits. When I asked Ingle if they got the permit, they said they did and I took their word for it. Ingle has a good reputation and has been in business a long time.

My hardships are:

1. I just buried my Mother who I was the primary care giver. My time and energy have and were on her care. I trusted that Ingle would take care of a permit just as they promised and I paid for.
2. The tenant was told that there was crime in the area and he would not rent without the fence. Mr. Phillips also next door had to put bars on windows at 1922 Landski.
3. MacArthur Drive is getting tougher and tougher to find good tenants. It takes a long time to get buildings and spaces rented. The area needs the city's help.
4. **There is crime in the area.** There used to be a drug dealer on Theresa Circle. There is a lot of riff raff from apartment complexes off Parkway who walk in front of this property daily. 4216 MacArthur had electrical boxes stolen off of the building this past week. 4008 MacArthur had the front window of the day care shattered and replaced this past Saturday.

I know that barb wire is not attractive, but this property is next to a railroad track, the area is dark, there is brush to the back and side of building, and there is lots of foot traffic from the apartments.

The property next to this has debris in the side yard, so I would not think that the neighboring business would have issues with the esthetics.

In conclusion, it is better to have a rented property to a good tenant who will bring positive activity to the area than a vacant building that invites more crime. Based upon conversations, documentation, and payment to Ingle Fence, there was no reason for me to have any concerns or questions that a permit was not approved or issued.

Sincerely,

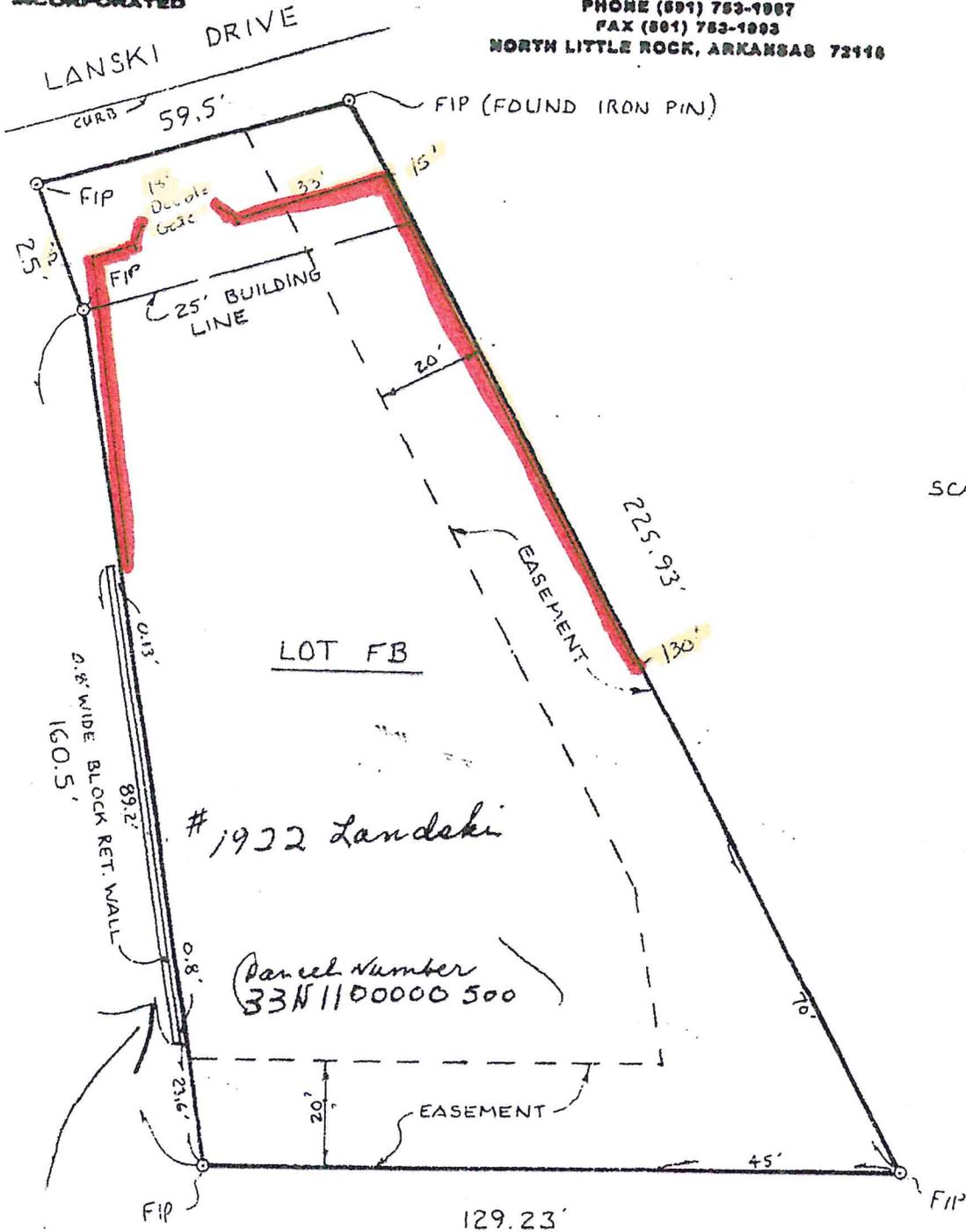
Susi Witkowski



MARLAR ENGINEERING CO., INC.

Consulting Civil Engineers & Land Surveyors

8318 JOHN F. KENNEDY BOULEVARD
PHONE (501) 753-1987
FAX (501) 783-1993
NORTH LITTLE ROCK, ARKANSAS 72116

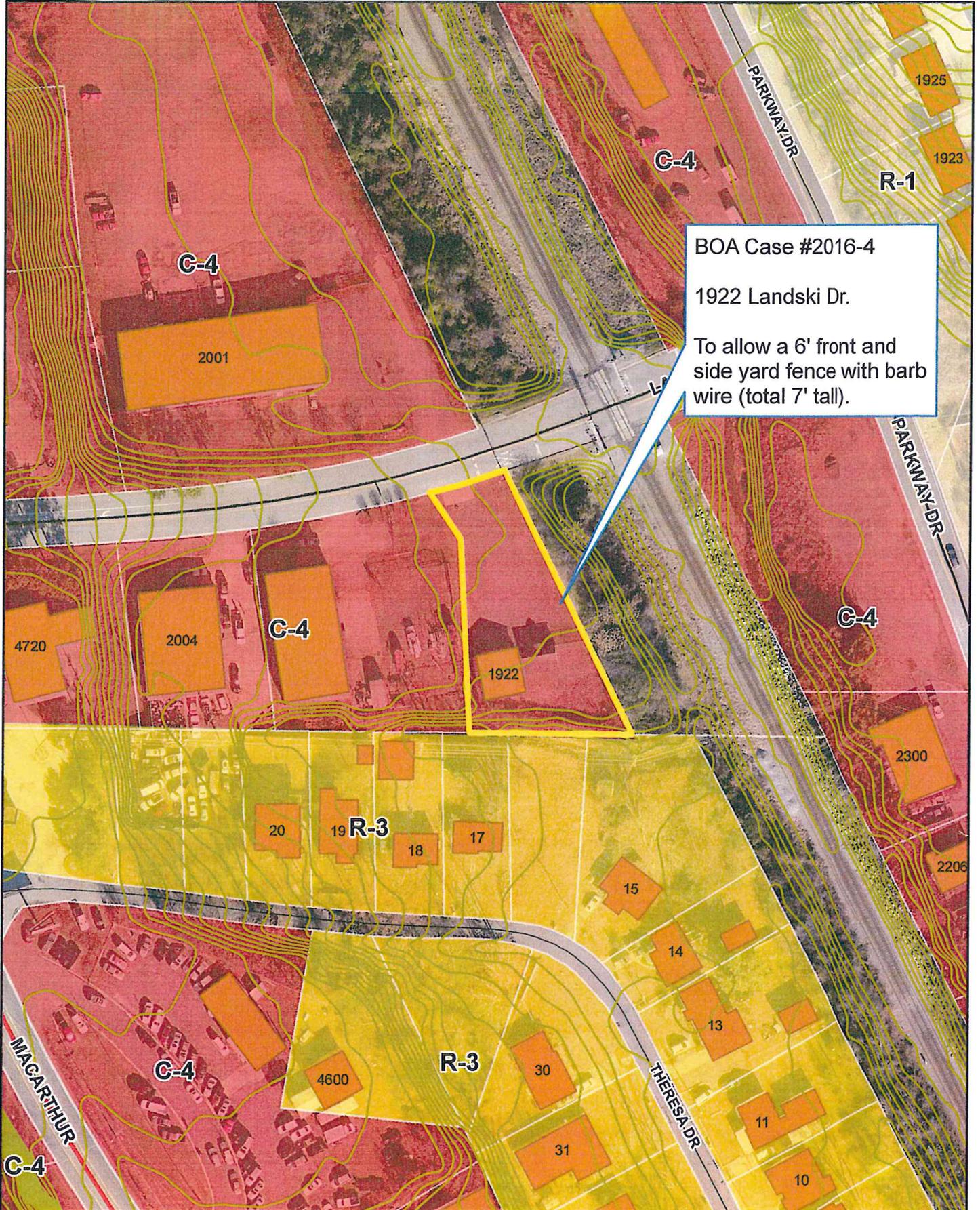


SCALE: 1" = 30'

LEGAL DESCRIPTION:

LOT FB,
THERESA ANNEX ADDITION
NORTH LITTLE ROCK,
PULASKI COUNTY, ARKANSAS

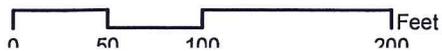
North Little Rock Board of Adjustment



BOA CASE #2016-4

Date: 3/2/2016

1 inch = 100 feet



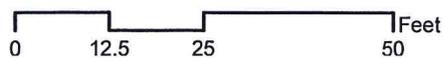
North Little Rock Board of Adjustment



BOA CASE #2016-4

Date: 3/2/2016

1 inch = 25 feet

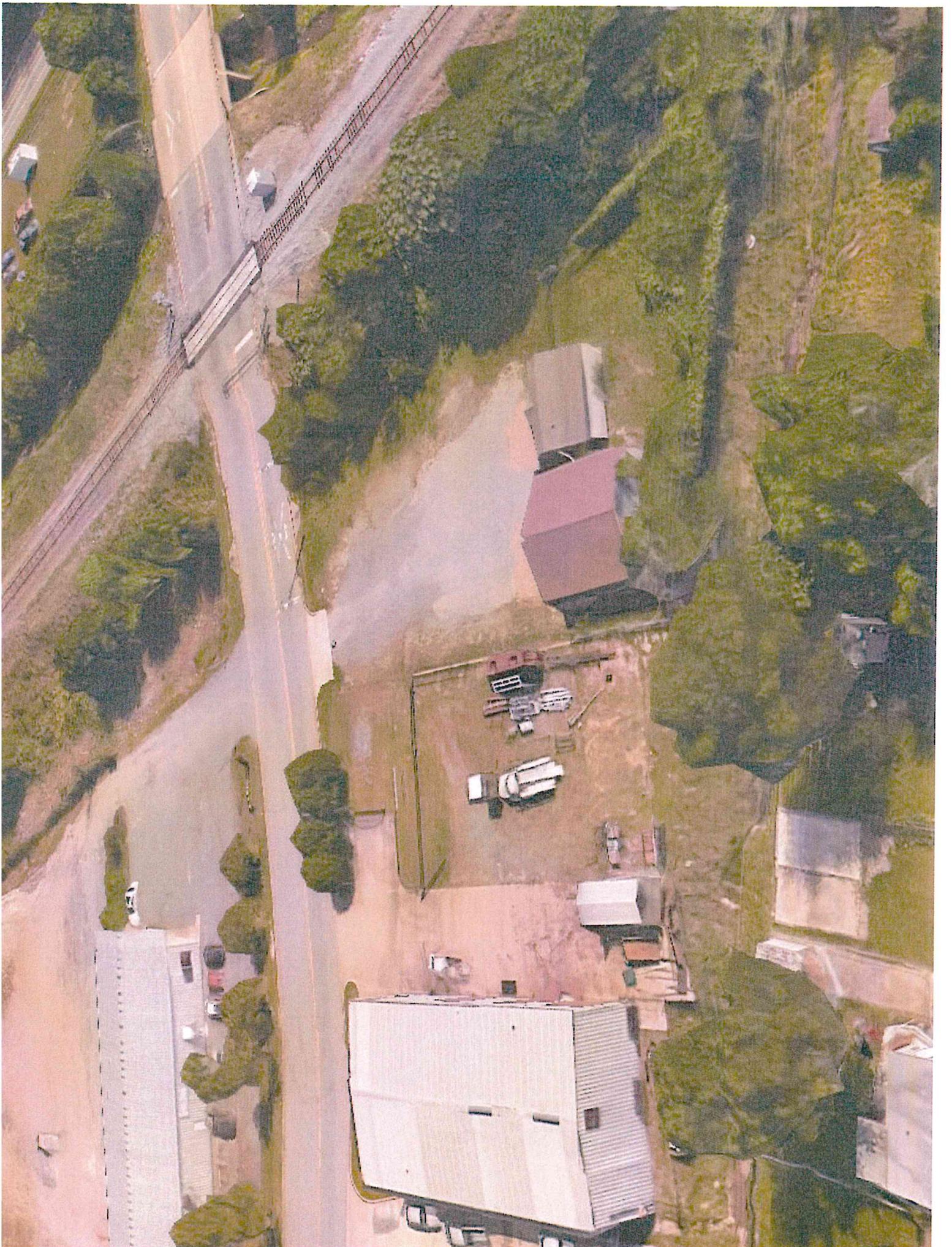


User: JHale















C&C Motors

03/01/2016

RE: Crime in the North Little Rock Levy community

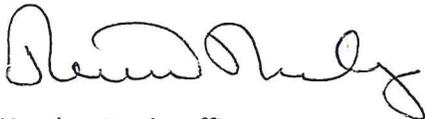
To Whom It May Concern:

C&C Motors has been a car dealership in the Levy community for 25 plus years. Over the past ten years our dealership has experienced a substantial amount of theft from our dealership. We have had to install a video surveillance system to help stop the petty theft. When the video did not help, then our dealership had to install motion alarm system around the perimeter of the dealership.

Recently, I have had to help to individuals that have had vehicles and tractors stolen in this area by recalling video from our camera system. Individuals roam the streets in Levy at all hours of the night.

I feel that with the barbed wired fence, surveillance system, and motion alarm system that we have had to install has helped detour individuals from stealing. These methods have been crucial in helping to stop some of the theft we were incurring nightly, but is doesn't stop all of it.

Sincerely,



Heather Healy, officer manager

501-753-2648 office

501-690-0063 cell

501-753-2747 fax

4600 MacArthur Drive
North Little Rock, AR 72118
501-753-2648 office
501-753-2747 fax

Carmell's Quality Daycare

4008 Macarthur dr. NLR, AR 72118

501-541-4305

To whom it may concern, I Carmell Boyd the leasee of the property named above. I have experienced some vandalism to my business. I've had broken windows, trash on the property and people hanging around premises after hours. I believe that alot of the problems are coming from the apartments behind my business. I am truly concerned for the safety of the kids and their parents who trust me to care for their kids. I also want my staff to feel safe as well. If there is anything that can help to end these situations, please do so. Thank you in advance,

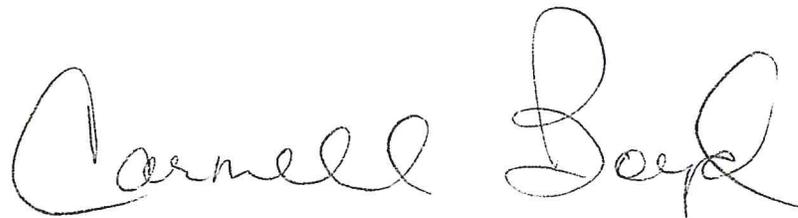
A handwritten signature in black ink that reads "Carmell Boyd". The signature is written in a cursive, flowing style.



Image capture: May 2013 © 2016 Google

North Little Rock, Arkansas

Street View - May 2013

Debris on yard next
to 1922 Landski



Image capture: May 2013 © 2016 Google

North Little Rock, Arkansas

Street View - May 2013

- NEXT TO RAILWAY TRACK
- BRUSH UNDER GROWTH
- DRUG DEALER ON THERESA CIRCLE
- APPT COMPLEXES IN FRONT AND BEHIND



Image capture: May 2013 © 2016 Google

North Little Rock, Arkansas

Street View - May 2013

CHAIN LINK FENCE FOLLOWS IRON
POSTS ALREADY IN GROUND.



4008 MacArthur

4216
MacArthur
electrical
stolen and had
to be replaced.

