



**City of North Little Rock  
Board of Zoning Adjustment Agenda  
Thursday, September 24, 2020 - 1:30 PM  
City Council Chambers – 300 Main Street, NLR, AR 72114**

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**Call to Order -**

**Roll Call and finding of a Quorum -**

**Approval of Minutes** - August 27, 2020

**Public Hearing Items -**

**BOA 2020-22** – A variance is requested from the area provision of Section 4.1.5(c) to allow a reduction in the rear yard setback and to allow an increase in the number of allowable units per the R4, Multi-family Zoning District.

**Public Comment -**

**Administrative -**

Next Board of Adjustment Hearing – October 29, 2020  
Filing Deadline for October 29, 2020 Public Hearing – October 1, 2020

**Adjournment –**

**Reminder -**

- *Turn off cell phones*
- *Board of Adjustment Hearing procedures on back of the Agenda*
- *Visitors sign-in with both name **and** address*



**NORTH LITTLE ROCK  
BOARD OF ZONING ADJUSTMENT  
HEARING PROCEDURES  
(1/1/2019)**

**Order of the Public Hearing:** The regularly scheduled public hearing is generally held on the last Thursday of each month at 1:30 PM in the Planning Department Conference Room, 120 Main Street. All meetings are open to the public. Typical hearings begin with roll call and finding of a quorum, approval of the previous meeting minutes, correspondence and staff reports, committee reports, unfinished business, new business, public comment and adjournment.

**Voting:** There are five members of the Board. A quorum consists of three members present. "Robert's Rules of Order" apply unless the Board has outlined alternative procedures. All business must be approved by a minimum of three votes.

**Procedure to allow a person to address or approach the Board:**

1. No person shall address or approach the Board without first being recognized by the Chair.
2. After being recognized, each person shall state their name and address for the record.
3. All questions and remarks shall be addressed through the Chair.
4. All remarks shall be addressed to the Board as a whole and not to any individual Board member.
5. When a group of citizens are present to speak on an item, a spokesperson may be selected by the group to address the Board. If multiple individuals of the group desires to speak, the Chair may limit each presentation to three minutes.
6. No person other than members of the Board and the person having the floor shall be permitted to enter into any discussion, either directly, indirectly or through a Board member, without permission of the Chair.
7. Once the question has been called, no person in the audience shall address the Board on the matter at hand without first securing permission to do so by a majority vote of the Board.
8. At least 24-hours prior to the public hearing, anyone wishing to submit exhibits for the record shall provide staff with copies of the exhibits for each Board member, one copy of the exhibit for staff to place in the permanent file and one copy of the exhibit for the legal department.
9. At least 24-hours prior to the public hearing, anyone wishing to read a statement into the record shall provide staff with a written copy of the statement.

**North Little Rock Board of Zoning Adjustment  
Minutes Record – August 27, 2020**

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The meeting of the North Little Rock Board of Zoning Adjustment was called to order by Chairman Tom Brown at 1:30 P.M. in the City Council Chambers, 300 Main Street, North Little Rock, AR. Roll call found a quorum to be present; a quorum being three members present.

**Members Present**

Tom Brown, Chairman  
Mike Abele  
Tim Giattina, Vice-Chair  
Steve Sparr

**Members Absent**

Gardner Burton

**Staff Present**

Ms. Donna James, City Planner  
Mr. Tim Reavis, Assistant Director of Community Planning

**Others Present**

Mr. Stan and Ms. Stella Williams, 622 Loop Road, Sherwood, AR 72120  
Ms. Marna Givens, 621 Loop Road, Sherwood, AR 72120  
Ms. Ashley Rodgers, 5421 Fairway Cove, North Little Rock, AR 72116  
Representative of the Arkansas State Veterans Cemetery, 1501 West Maryland Avenue,  
Sherwood, AR 72120

**Administrative**

Mr. Sparr made the motion to excuse Mr. Burton's absence. Mr. Giattina seconded the motion. All members voted in the affirmative. The motion was approved.

**Old Business**

None

**Approval of Minutes**

Mr. Sparr formed a motion to approve the minutes from the previous meeting of July 30, 2020. Mr. Abele seconded the motion. All members voted in the affirmative. The motion was approved.

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Minutes Record  
August 27, 2020**

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**BOA 2020-19** – A variance request from the area provision of Section 5.11.3(c) to allow the fencing of a current vacant parcel of land, a 150-acre parcel, located near Sussix Loop, Village East Drive, Simler Road, Windstone Drive and Batesville Pike. Chairman Brown called the applicant forward and requested the applicant state their hardship.

Ms. Stella Williams addressed the Board on the merits of her request. She stated the fence was needed to keep people from trespassing on their property. She stated the property had signs and cameras but in the last month they had seen a number of persons walking on the property and 4-wheeling into the property. She stated her family did not want the liability should someone get hurt while trespassing on their private property. She stated there were a number of old fences along Batesville Pike that were broken down. She stated in areas where the fence was still in tack persons would cut the fence and walk and/or ride their 4-wheeler into their property. She stated they mowed the fields for hay and would like to have horses in the future but the main reason for the fence at this time was to keep people off their property, which were coming in illegally. She stated they would like to have the property secured and a fence was the only way to secure the property.

Chairman Brown questioned the type of fencing proposed. Ms. Williams stated for the most part the fencing would be wire panels with t-post. She stated adjacent to the homes on Sussix Loop the fence proposed was chain-link. She stated she felt the fencing adjacent to the homes in the subdivision should be of a nicer material than the other fencing, which was adjacent to vacant land. She stated the remainder of the fencing was cattle panel style fencing.

Mr. Giattina questioned staff's recommendation. Staff stated based on the criteria in the zoning ordinance staff did not feel the applicant had met the true definition of a hardship. Staff stated if the property were zoned agriculturally the applicant would be allowed to fence their property. Staff stated the property was zoned residentially therefore the Board had to review the request and determine if the request was appropriate.

Chairman Brown read into the record a letter received from Mr. James Bray. In the letter, Mr. Bray requested the fence be placed away from the property line to allow him access to maintain his wood fence and to trim and fertilize crape myrtles which were located behind his fence. Chairman Brown questioned Ms. Williams if the crape myrtles were located on Mr. Bray's property or the Williams property. Ms. Williams stated the crape myrtles were located on their property and not on Mr. Bray's property.

Mr. Giattina questioned if the Williams had spoken with Mr. Bray concerning any alternatives for placement of the fence.

Ms. Williams stated she had talked with Mr. Bray's wife. Ms. Williams stated she did not want to sound ugly but when her family purchased the property they were given the plat for the development of the future phases of the subdivision. She stated everyone in the subdivision was to share backyard fences. She stated she had visited with the homeowners on Sussix Loop and tried to be nice and let them know they did not want them trespassing on their

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property. She stated most had been reasonable. She stated it was difficult for the homeowners to understand why after so many years they would no longer be allowed free-rein on the Williams property. She stated the homes along Sussix Loop had gates in their fences which opened in to their land. She stated had the subdivision developed with lots behind the homes on Sussix Loop the gates would be opening into their neighbor's back yards. She stated even placing the fence at 18-inches was coming into the property a great deal. She stated the desire was to put the fence on the property line. She stated in the future as properties were sold it would be odd to future buyers where the property lines were located if the fence was not located on the property line.

Mr. Abele questioned the location of the fence. Staff indicated on the overhead the location of the fence along Sussix Loop. There was a general discussion concerning the location and Mr. Bray's property location in relation to the Williams property.

Chairman Brown questioned if there was any additional discussion. There being none he requested a motion. Mr. Sparr provided a motion for approval of the item based on the applicants stated hardship of safety and security. Mr. Giattina provided a second for the motion. Chairman Brown requested a roll call vote. All members voted in the affirmative. The motion was approved.

Chairman Brown explained to Ms. Williams the request had been approved and she was allowed to fence the property and to place a chain-link fence along the property line of the homes on Sussix Loop. He stated she was allowed to place the fence any place desired as long as the fence was on her property.

**BOA 2020-20** - A variance request from the area provision of Section 4.1.2 to allow a reduction in the minimum separation distance from the primary structure and an accessory structure (swimming pool) and allow a reduced side yard setback variance for the swimming pool retaining wall for property located at 5421 Fairway Cove, North Little Rock, AR 72116. Chairman Brown called the applicant forward and requested she state her hardship.

Ms. Ashley Rodgers addressed the Board on the merits of her request. She stated her request was to allow a reduction in the required setback between the house and the proposed pool. She stated her father frequently visited the home and she and her husband had two small children. She stated safety was a big concern. She stated the further back the pool was located created a need for additional steps and additional tiered decking. She stated having a pool with slippery surfaces and additional multi-tiered decking created concerns for safety and liability. She stated her father's doctors also suggested he do water therapy so the addition of the pool would be a benefit to him to allow for the water therapy treatment. She stated she was aware of the concern the reduced setback could create if there was an emergency situation. She stated she had talked with a fire fighter and he had provided an email indicating there was no concern with the reduced separation. She provided a copy of the email to staff to place in the file. She stated ultimately the concern was for safety of her family and guest and any potential liability which could result from an accident.

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Mr. Giattina questioned if the neighbors were in support. Ms. Rodgers stated they were in support. Chairman Brown questioned if proper notice had been provided. Staff stated proper notice was given to the abutting property owners either by obtaining signatures or by mailing notices via certified mail. Mr. Abele questioned if there were any power lines in the area. Staff stated all electric service along this street was under ground.

Mr. Giattina provided a motion for approval of the item based on the applicants stated hardship of safety and liability. Mr. Sparr provided a second for the motion. Chairman Brown requested a roll call vote. All members voted in the affirmative. The motion was approved

**Public Comment and Adjournment**

Chairman Brown called for public comment. There being none and there being no further business before the Board and on a motion of Mr. Abele and by consent of all members present, the meeting was adjourned at 1:42 pm.

**Approved on this \_\_\_\_\_ day of \_\_\_\_\_**

\_\_\_\_\_  
**Tom Brown, Chairman**

BOA #2020-22  
September 24, 2020

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**Variance Requested:** – A variance is requested from the area provision of Section 4.1.5(c) to allow a reduction in the rear yard setback and to allow an increase in the number of allowable units per the R4, Multi-family Zoning District.

**Location of the Request:** 1306 Parker Street

**Legal Description of the Property:** Lot 18, Block 1, Baring Cross Addition to the City of North Little Rock, Pulaski County, AR

**Owner/Applicant:** Bond Consulting Engineering for  
Sheila Lewis Neal  
913 Timberwolf Trail, Jacksonville, AR 72076

**Present Use of the Property:** Vacant

**Present Zoning of the Property:** R4, Multi-family

**Site Characteristics:** The site is a vacant lot located along the east side of Parker Street. A building permit was issued in 2011 to demolition the former structure located on the property. There is an alley located along the eastern portion of the lot and vacant property east of the alley, which appears to have been purchased along with the right of way necessary to construct Pike Avenue to its current five-lane design. This area is predominately-single family. There is a church located to the south of this site, Agape Community Temple of Servants, located at 1224 Franklin Street. There is an apartment building located south of this site on West 13<sup>th</sup> Street and the alley previously mentioned.

### **Surrounding Land Use and Zoning**

<b><u>Direction</u></b>	<b><u>Surrounding Zoning</u></b>	<b><u>Surrounding Uses</u></b>
North	R4, Multi-family	Single Family
South	R4, Multi-family	Single Family
East	R4, Multi-family	Vacant property and Pike Avenue
West	R4, Multi-family	Single Family

**Justification:** The applicant's justification is presented in an attached letter.

**Staff Analysis:**

The applicant is seeking a variance to allow the construction of a 4-plex on a currently vacant lot. The applicant is seeking variances from two provisions of the zoning ordinance. The applicant is requesting a variance to allow a reduction in the rear yard setback and a variance to allow an increase in the number of units allowed on the lot.

The zoning ordinance typically requires a 25-foot front and rear yard setback and a side yard setback of 10-feet. The applicant is requesting to reduce the rear yard setback to 10-feet.

The applicant is currently seeking site plan review approval from the City of North Little Rock Planning Commission to allow the development of the site with the 4-plex. The original submission to the Planning Commission included the placement of parking within the front yard and within the rear yard with the rear yard parking accessed via the existing 10-foot wide alley, which is in various states of disrepair. Adjustments were made to the site plan to allow for the required landscape strips, resulting in concerns from the City Engineering Department.

During the review process, the City Engineer determined the alley was not constructed with a width adequate to support vehicular traffic. In addition, with the placement of the landscape strips, the applicant could not demonstrate vehicles exiting the rear parking area could maneuver to exit the parking spaces without backing into the alley, which is prohibited by City Ordinance.

The applicant has in-turn revised their site plan to provide the required parking within the front yard of the 4-plex. By moving the parking to the front yard the building has been pushed back to allow for the two parking spaces, previously proposed in the rear yard, to be relocated to the front. This results in the need for the variance approval from the Zoning Board of Adjustment to allow the reduced rear yard setback. The item will not be reviewed by the Planning Commission until this Board takes action on the variance request.

The applicant is also seeking a variance to allow an increase in the number of units allowed per the R4, Zoning District. The zoning ordinance states a minimum lot size of 7,000 square feet is required. The ordinance also states a minimum area of 3,500 square feet for each of the first three dwelling units in a multi-family structure is required plus an additional 1,000 square feet for each additional dwelling unit. The lot is 49-feet by 140-feet resulting in a lot area of 6,860 square feet. Per the zoning ordinance to allow the placement of four units on a site would require a lot area of 11,500 square feet.

The site plan includes the placement of six parking spaces. The City recently adopted a new zoning ordinance (July 2020), which requires the placement of two parking spaces per unit within a 4-unit residential development. The newly adopted zoning ordinance

requires the placement of 1.8-spaces per unit for multi-family developments. The application to the Planning Commission was filed in the transition period from the former zoning ordinance to the newly adopted zoning ordinance. The previous zoning ordinance did allow multi-family developments to provide parking at a rate of 1 ½-spaces per unit. The current ordinance would require the placement of seven to eight parking spaces depending on the calculation used. The former ordinance would require the placement of six parking spaces as proposed by the applicant.

Staff is not supportive of the applicant's request. There is currently a corridor study being conducted for the Pike Avenue Corridor to review various street design enhancements for the area. The placement of the structure with a reduced setback along the rear, fronting on Pike Avenue, would be out of character with the existing homes along this portion of the roadway.

Staff feels the applicant is overbuilding the site. Staff feels the number of units should be reduced which would then allow the development of the site more consistently with the lot area requirements. By reducing the number of units, less parking is required, which then allows the site to develop with the proper setback, required landscape strips and at a density more in keeping with the density allowed for the lot size.

**Board Member's to Consider:**

1. Does the variance request authorize the operation of a use other than uses specifically permitted in the district? No, the property is zoned to allow for multi-family development.
2. Does the zoning ordinance, if literally interpreted, deny the reasonable use of the property? No, the property can still be developed. The site cannot be developed at the density proposed by the applicant but development of one or two family could be allowed.
3. Are there unique circumstances, which were not created by the owner of the property, which necessitates the variance? No, the applicant is seeking to develop the property with a 4-plex, which results in the need for parking which exceeds the site area available to meet the proper setbacks and to allow the development of the site with a density which exceeds the density allowed per the lot area development criteria.
4. Will approval of the variance harm the use of the adjoining property? Possibly, if the parking on site is inadequate or if the parking is not convenient to the apartment dwellers they will then in-turn park along the substandard alley or within the right of way along Parker Street. This could potentially create a nuisance to the adjacent property owner since of the 49-foot street frontage; 20-feet will be driveway access to the parking area. In addition, the development of four units on a single lot in an area that is predominately single-family could potentially have an impact on the adjacent properties.
5. Will approval of the variance alter the essential character of the district? Possibly, the area is predominately single-family homes with single car driveway. The applicant is

proposing to place a parking lot within the front yard of the proposed multi-family development.

6. Will approval of the variance weaken the general intent and purpose of the land use and zoning plan? Possibly, the Future Land Use Plan designates the site as Duplex.
7. Will the approval of the variance be in harmony with the spirit of the ordinance? No, the site is proposed as a multi-family development.
8. Will the approval of the variance adversely affect public health, safety, and general welfare? Possibly, the density of the development along with the additional paved area to support the density of the development could potentially have an adverse impact on the existing homes in the area.

**Approval Allows:**

1. The approval of the application as filed would allow a reduction in the rear yard setback and to allow an increase in the number of allowable units per the R4, Multi-family Zoning District
2. Approval of this variance request is valid for 180-days from date of approval. If a building permit is not secured within the 180-day period, approval becomes invalid unless, the Board of Zoning Adjustment has approved a request for a time extension. All requests for time extension must be made prior to the expiration of the Board's approval.

**Staff Recommendation:**

Staff recommends denial of the request.

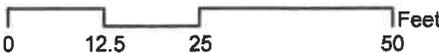
# North Little Rock Board of Adjustment



**BOA CASE #2020-22**

Date: 9/11/2020

1 inch = 25 feet



User: jhale



# North Little Rock Board of Adjustment

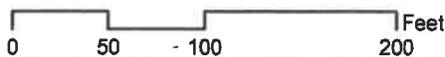


BOA Case #2020-22  
1306 Parker St.  
To allow a reduced rear yard setback.

**BOA CASE #2020-22**

Date: 9/11/2020

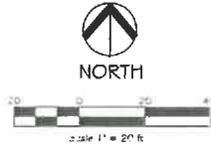
1 inch = 100 feet



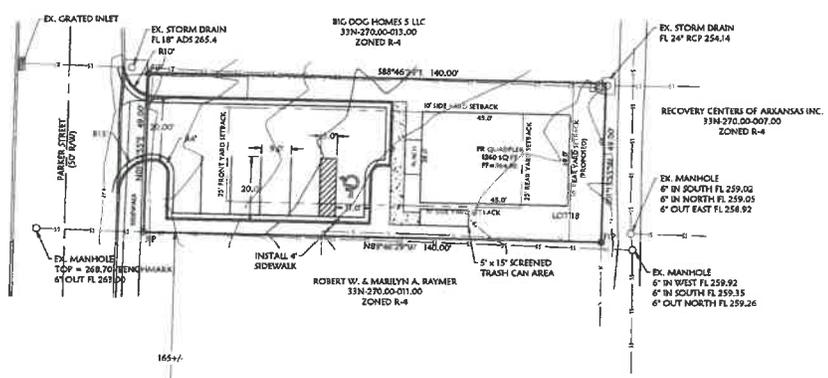
User: jhale







VICINITY MAP



**SITE AND BUILDING STATISTICS:**

PROPOSED BUILDING: 1,064 SQ. FT.  
 BUILDING HEIGHT: TWO STORY  
 SITE COVERAGE: 45%

**PARKING CALCULATIONS:**

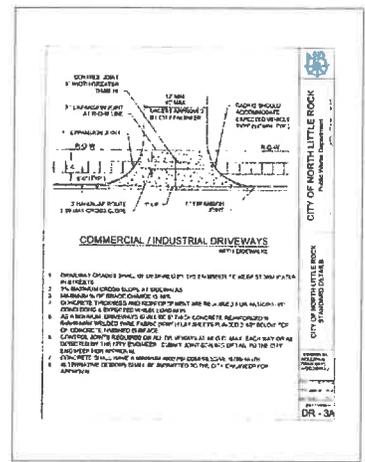
CRITERIA: QUADPLEX  
 ONE AND ONE HALF SPACES PER UNIT

NUMBER OF UNITS: 4  
 PARKING CALC: 4 / 1.5 = 6 SPACES  
 TOTAL PARKING REQ: 6 SPACES  
 PARKING PROVIDED: 6 SPACES  
 HANDICAP PARKING PROVIDED: 1 SPACE

**GENERAL NOTES:**

- 1.) IRON PINS SHALL BE SET AT ALL LOT CORNERS.
  - 2.) BUILDING LINES SHALL BE 25 FEET OR AS SHOWN AS MEASURED FROM THE STREET RIGHT-OF-WAY, UNLESS STATED OTHERWISE.
  - 3.) EASEMENTS SHALL BE 15 FEET IN WIDTH UNLESS NOTED OTHERWISE.
  - 4.) WATER AND SEWER SERVICE SUPPLIED BY THE CITY OF CAMBRI.
  - 5.) THIS PROPERTY IS ZONED R-4.
  - 6.) SITE COVERAGE = 45%
  - 7.) NO DUMPSTER REQUIRED DUE TO SMALL AMOUNTS TRASH GENERATED
  - 8.) CURVE DIMENSION MEASURED ALONG CHORD.
  - 9.) BASIS OF BEARING: PREVIOUS SURVEY
  - 10.) ALL DISTURBED AREAS WILL BE SOID SOODED WITH BERMUDA SOD.
- IRON PINS SET = 1/2" REBAR

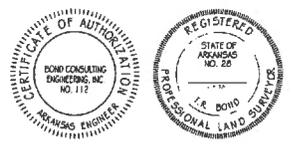
**FLOOD STATEMENT:**  
 FIRM FLOOD INSURANCE RATE MAP PANEL 050182 0344 G  
 (EFFECTIVE DATE: JULY 6, 2015) INDICATES THAT THIS PROPERTY IS LOCATED ABOVE THE 100 YEAR FLOOD PLAIN.



**COMMERCIAL / INDUSTRIAL DRIVEWAYS**

1. FINISH SHALL BE CONCRETE OR ASPHALT WITH A MINIMUM 1/2" THICKNESS.
2. THE SUBGRADE SHALL BE A MINIMUM 4" THICKNESS OF GRANULAR FILL.
3. DRIVEWAYS SHALL BE 18" WIDE AND 24" DEEP TO THE FINISH SURFACE.
4. ALL DRIVEWAYS SHALL BE 18" WIDE AND 24" DEEP TO THE FINISH SURFACE.
5. DRIVEWAYS SHALL BE 18" WIDE AND 24" DEEP TO THE FINISH SURFACE.
6. DRIVEWAYS SHALL BE 18" WIDE AND 24" DEEP TO THE FINISH SURFACE.
7. DRIVEWAYS SHALL BE 18" WIDE AND 24" DEEP TO THE FINISH SURFACE.
8. DRIVEWAYS SHALL BE 18" WIDE AND 24" DEEP TO THE FINISH SURFACE.

LEGAL DESCRIPTION:  
 LOT 18, BLOCK 1, BARING CROSS SUBDIVISION TO CITY OF NORTH LITTLE ROCK,  
 PULASKI COUNTY, ARKANSAS



JOB No. 8661 DRAWING BY: [Signature] FILE NO:	<b>BOND CONSULTING ENGINEERS, INC.</b> 3840 T. P. White Drive Jacksonville, Arkansas 72076 Phone: (501) 727-1318 Fax: (501) 727-1319 Email: info@bondce.com	Prepared For: Sheila Lewis Neal 7211 Northlake Drive Jacksonville, AR 72076	<b>SITE PLAN REVIEW</b> LOT 18, BLOCK 1 - BARING CROSS SUBDIVISION NORTH LITTLE ROCK, PULASKI COUNTY, ARKANSAS	BOND UTILITY, INC. SHEET NO. 1 OF 3 DATE: 10/1/2015 1 3
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2601 T.P. White Drive  
Jacksonville, AR 72076

TEL 501.982.1538  
FAX 501.982.1530

[www.bondce.com](http://www.bondce.com)

September 10, 2020

Ms. Donna James  
City of North Little Rock

**RE: Variance Request, Lot 18, Block 1, Bearing Cross Subdivision**

Dear Ms. James:

We are requesting a variance of the rear set back. We are requesting the minimum rear setback be 10 feet instead of 25 feet. We are requesting this because the alley is not wide enough to meet the requirements for ingress and egress of vehicles. Thus requiring all vehicles to enter and exit off Parker Street.

Please let me know if you have any questions, comments, or concerns about this request.

Sincerely yours

A handwritten signature in black ink, appearing to read 'AR', with a horizontal line extending to the right.

Aaron Robinson, P.E.

cc: Ms. Sheila Neal  
File # 8661