

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

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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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 27th day of SEPTEMBER


Tom Brown, Chairman