

**North Little Rock Board of Zoning Adjustment
Minutes Record – September 24, 2020**

The meeting of the North Little Rock Board of Zoning Adjustment was called to order by Chairman Tom Brown at 1:29 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
Gardner Burton
Steve Sparr

Members Absent

Tim Giattina, Vice-Chair

Staff Present

Ms. Donna James, City Planner
Mr. Tim Reavis, Assistant Director of Community Planning
Ms. Marie-Bernarde Miller, Deputy City Attorney

Others Present

Mr. Aaron Robinson, Bond Consulting Engineers, 2601 TP White Drive, Jacksonville, AR

Administrative

Mr. Burton made the motion to excuse Mr. Giattina's absence. Mr. Sparr 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 August 27, 2020. Mr. Burton seconded the motion. All members voted in the affirmative. The motion was approved.

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 at 1306 Parker Street, NLR, AR. Chairman Brown called the applicant forward and requested the applicant state their hardship.

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Mr. Aaron Robinson of Bond Consulting Engineering addressed the Board stating he was acting as agent for Ms. Sheila Neal, the owner of the property. He stated his client wanted to place a 4-plex on the property. He stated his client was using the property to help low-income persons. He stated the units were one-bedroom units. He stated to get the number of required parking spaces it was recommended the building be moved to the back so no one could use the alley for access to the parking spaces and access all the parking from Parker Street.

Chairman Brown requested the applicant state a hardship. Mr. Robinson questioned what kind of hardship the Board members were looking for. Chairman Brown requested staff read the definition of a hardship. Staff did so stating the hardship was to be unique to the property and not created by the owner.

Mr. Robinson stated due to the lot depth and width and the denial by staff to use the alley for access to the proposed rear parking area this created a hardship on the property. He stated to get the number of required parking spaces, the building had to be pushed back resulting in the setback variance request.

Chairman Brown stated to Mr. Robinson his statement did not meet the definition of a hardship in which the Board could grant the variances.

Mr. Robinson stated he did not know how to address the issue. He stated a plan was submitted to City staff with parking in the back of the building. He stated City staff stated there could not be any parking located in the rear of the building using the alley for access. He stated even though he proved to City staff residents could access the alley and maneuver the site City staff did not want the development to utilize the alley for access to parking. He stated the compromise was to move the building to the back and have the parking all off Parker Street. He stated the hardship came from the staff telling him he had to do this (move the parking to Parker Street) because they did not like people coming off the alley to the back parking lot. He stated even though he provide to staff the rear parking could function, they (staff) did not like the rear parking and liked this concept (all the parking accessed from Parker Street) better. He stated the hardship was the staff and the City requiring him to modify the site plan as presently presented to the Board. He stated he did not know any other way to state the hardship.

Deputy City Attorney Miller stated the hardship was to be the property was different from other properties in the area and the owner was not able to use the property in the same manner as other properties in the area. She stated in this case the owner of the property wanted to develop the property outside the bounds of the ordinance. She stated it appeared staff had offered an alternative to development of the property, which was more in compliance with the ordinance.

Chairman Brown read the staff recommendation to the applicant stating staff felt the site was being over-built. He stated in summary staff felt the number of units should be reduced to allow the site to develop more consistently with the density allowed per the zoning ordinance. He

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stated the area was all single-family homes and Mr. Robinson's client wanted to place a 4-plex on the site. He stated in his opinion a valid hardship had not been stated.

Mr. Robinson stated per Ms. Miller's statement, the use of the property as everyone was using his or her property was he was being denied access to the alley. He stated if he could use the alley, which everyone else was being allowed to use, then he could put the parking in the rear and meet the setback requirements.

Chairman Brown questioned Mr. Robinsons concerning if there were four apartments and each apartment had two automobiles. Mr. Robinson stated the units were one-bedroom units and most would only have one vehicle. Mr. Brown stated if there were two residents then there would likely be two vehicles. Mr. Robinson stated they were meeting the parking requirements of the City.

Mr. Able questioned the number of parking spaces stating there were five parking spaces and one handicap parking space. Mr. Robinson stated this was correct there were six parking spaces on the site.

Mr. Able questioned the number of parking spaces required for the development. Staff stated the City adopted a new zoning ordinance in July of this year. Staff stated based on the current ordinance eight parking spaces would be required. Staff stated based on the previous ordinance six parking spaces would be required. Staff stated the application was filed during a transitional period of phasing out the old ordinance and implementing the new ordinance so they had reviewed the plan and indicated to the applicant six parking spaces would meet the minimum ordinance requirements.

Chairman Brown questioned if there was any additional discussion. There being none he requested a motion. No motion was received. He called for a motion three additional times, no motion was provided. The item failed due to the lack of a motion. Chairman Brown informed the applicant he had the right of appeal of the decision to the Pulaski County Circuit Court.

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. Sparr and by consent of all members present, the meeting was adjourned at 1:41 pm.

Approved on this 19th day of November, 2020


Tom Brown, Chairman