

**North Little Rock Board of Zoning Adjustment
Minutes Record – January 28, 2021**

Chairman Tom Brown called the meeting of the North Little Rock Board of Zoning Adjustment to order 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
Tim Giattina, Vice-Chair
Mike Abele
Gardner Burton
Steve Sparr

Members Absent

None

Staff Present

Ms. Donna James, City Planner
Ms. Marie-Bernarde Miller, Deputy City Attorney

Others Present

Marleny Vicente and Malcon Munoz, 4917 Sycamore Street, North Little Rock, AR 72118
Richard Dancer, 7 Tennyson Court, North Little Rock, AR 72116
Scotty Holland,

Administrative

- Election of Officers
- Discussion of the Sign Ordinance and the Boards new charge of reviewing variance requests from the City Sign Ordinance
- Discussion of the Variance and Hardship Handout

Old Business

None

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Approval of Minutes

Mr. Sparr formed a motion to approve the minutes from the previous meeting of November 19, 2020. Mr. Giattina seconded the motion. All members voted in the affirmative. The motion was approved.

Mr. Sparr requested of the Chairman to open the floor for nomination of officers. Chairman Brown recognized Mr. Sparr. Mr. Sparr submitted a nomination of Mr. Brown for Chairman and Mr. Giattina for Vice-Chairman. Mr. Burton provided a second to the nomination. Chairman Brown questioned if there were any other nominations. There being none Chairman Brown requested a voice vote. All members present voted in the affirmative.

BOA 2020-26, 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, a swimming pool for the property located at 900 Valley Creek Point. Chairman Brown called the item and requested the applicant to come forward. Mr. Richard Dancer of 7 Tennyson Court, North Little Rock, AR 72116 and Mr. Scott Holland came forward to address the Board.

Mr. Dancer stated the desire was to construct a swimming pool within the rear yard of their new home which was currently under construction at 900 Valley Creek Point. He stated the proposed pool did not meet the separation distance required by city ordinance for the placement of the pool from the house. He stated the variance was necessary due to the topography of the lot and an existing easement located on the rear of the lot. He stated the easement contained a Central Arkansas Water main, which could not be relocated. He stated the lot line angled and as the lot line traveled north, there was a larger separation between the home and the proposed pool. He stated the variance was necessary to allow for the pool.

Chairman Brown questioned Mr. Dancer as to his hardship. Mr. Dancer stated the hardship was the pool could not be placed in a manner that would allow for the distance based on the steep sloping hill located to the west of the property.

There was a question concerning the retaining wall height. Mr. Holland stated this was something needing discussion. He stated the wall would exceed the 5-foot height limit within the rear yard.

Chairman Brown stated the retaining wall and height were not a part of the current application and a new application was needed for the Board to consider this variance request.

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Staff stated the retaining wall height was a different section of the ordinance and would require a separate legal ad. Staff stated the application could have included both but the request for the retaining wall was not indicated in the original application.

Mr. Holland questioned if the pool permit would be issued while waiting for approval of the retaining wall height. Staff stated this was possible.

Chairman Brown requested Mr. Dancer state his hardship. Mr. Dancer stated the hardship was the Central Arkansas Water easement, the topography of the lot and the shape of the lot.

Chairman Brown questioned if there was any additional discussion. There being none he requested a motion. Mr. Burton provided a motion for approval of the request. Mr. Sparr provided a second on the motion. Chairman Brown requested a roll call vote. All members voted in the affirmative. The motion was approved.

BOA 2021-01 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, a detached garage located at 4917 Sycamore Street, North Little Rock, AR 72118. Ms. Marleny Vicente and Mr. Malcon Munoz, were present representing the request.

Chairman Brown requested the applicant's come forward and state their hardship. Mr. Munoz stated the hardship was the distance between the existing house wall and the existing detached garage. He stated they were planning a master suite addition to the home and were told by staff they did not meet the distance requirement of 10-feet and a variance was necessary to construct the addition as proposed.

There was a general discussion concerning the garage and the architectural significance of the garage. Mr. Munoz stated they did not want to tear the garage down because it was constructed with the original home and did serve a purpose.

Chairman Brown stated the rockwork on the home and garage were quality. He stated he did not desire for the garage to be removed.

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 request. Mr. Abele provided a second on the motion. Chairman Brown requested a roll call vote. All members voted in the affirmative. The motion was approved.

Chairman Brown stated the City Council had dissolved the Sign Board and the requests for variances from the sign ordinance would now be through the Board of Zoning Adjustment. He stated staff was going to provide a presentation on sign ordinance and what variances were typically requested from the sign ordinance.

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Staff provided an overview of what was considered a sign, the types of signs, where signs were allowed and in the various zoning districts. Staff also provided the Board with examples of cases, which were considered by the Sign Board.

Mr. Burton whom was previously on the Sign Board assisted staff with the presentation of the previous cases and helped explain the rationale behind the Sign Board's approval or denial.

Deputy City Attorney Miller stated the Board should consider placement and size when considering variances. She stated the Board should not consider content when considering approval or denial of a request.

Chairman Brown stated staff had one additional item. He stated staff was requesting a discussion of a variance and hardship handout. Staff stated this document was created to provide as a handout to citizens when requesting a variance to this Board. Staff stated on many occasion the public had questioned what a hardship was. Staff stated they felt this document would provide information to potential applicants.

Mr. Giattina questioned if the document could be considered as legal advice. Ms. Miller stated a note could be placed on the document indicating the document was for informational and educational purposes only. She stated she did not feel the information provided could be considered legal advice.

Mr. Burton questioned if staff was requesting a motion to allow the item to be distributed to potential applicants. Ms. Miller stated a simple vote of yes or no would suffice to allow for the distribution of the document. She stated staff would include the statement the document was for informational purposes only.

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 2:30 pm.

Approved on this 25 day of February, 2021



Tom Brown, Chairman