City of North Little Rock
Board of Zoning Adjustment Agenda
Thursday, March 26, 2020 - 1:30 PM
Planning Office - 120 Main Street - Conference Room B

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

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

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

**Public Hearing Items**

**BOA 2020-04** – A variance is requested from the area provisions of Section 5.9 – Commercial Zoning Chart of Lot, Yard and Height Regulations to allow a reduced rear yard setback for property located at 115 W 7th Street, North Little Rock, AR 72114. – **Postponed to April 30, 2020**

**BOA 2020-04** – A variance is requested from the area provisions of Section 12.9 to allow the placement of an accessory structure within the side yard for property located at 2208 West 58th Street, North Little Rock, AR 72118.

**BOA 2020-04** – A variance is requested from the area provisions of Section 4.11 – residential Zoning Chart of Lot, Yard and Height Regulations to allow a reduced front yard setback and a reduced side yard setback on the western property line for the proposed new home for property located at 310 Skyline Drive, North Little Rock, AR 72116.

**Public Comment**

**Administrative**

Next Board of Adjustment Hearing Date: April 1, 2020
Filing Deadline for March 26, 2020 hearing April 30, 2020

**Adjournment**
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.
The meeting of the North Little Rock Board of Adjustment was called to order by Chairman Tom Brown at 1:30 P.M. in the Planning Office (Conference Room B). Roll call found a quorum to be present; a quorum being three members present.

Members Present

Tom Brown, Chairman
Mike Abele
Gardner Burton
Tim Giattina
Steve Sparr

Members Absent

None

Staff Present

Donna James, City Planner
B.J.Jones, Administrative Secretary
Shawn Spencer, Director, Community Planning
Marie-Bernarde Miller, Deputy City Attorney

Others Present

Matt Salas, PO Box 600, Boulder, CO 80306
Alysha Zimmerman, PO Box 600, Boulder, CO 80306

Administrative

None

Approval of Minutes

Mr. Sparr formed a motion to approve the minutes from the previous meeting on January 30, 2019. Mr. Abele seconded the motion and there was no dissent.

Old Business

None

New Business

BOA 2020-03 – A variance from the fence provision of Section 12.15(G) (3) of the North Little Rock Zoning Ordinance to allow the placement of front yard fence along Industrial Center Drive.
Chairman Brown requested the applicant come forward and provide the Board with his hardship.

Mr. Salas explained his existing fence had been run through and damaged. Though there had been temporary repairs, he would like to improve the security by extending the fence higher and reconfiguring the layout.

Chairman Brown summarized the hardship was security.

The applicant agreed.

Mr. Giattina asked if the property had cameras.

Mr. Salas replied the camera system was old and worked sporadically so he had installed additional lighting to aid security.

Chairman Brown asked why the applicant did not request an eight-foot fence for improved security.

Mr. Salas responded he did not realize this was an option but an eight-foot fence would be very helpful.

Ms. James responded the request could be amended and Mr. Spencer and Ms. Miller agreed the request could be made orally here and now considering the height of the fence had not been mentioned in the notice.

Chairman Brown added he did not have any issue with an eight-foot fence as long as there was no barbwire.

Ms. James replied the applicant had not requested barbwire.

Mr. Burton suggest the applicant could amend the request for up to eight-feet and install anything he wished under or up to the eight-foot height.

Chairman Brown confirmed with the applicant that he would like to request and eight-foot fence.

Mr. Salas replied in the affirmative.

Mr. Giattina noted that all notice only referenced a front yard fence and not the sides.

Mr. Spencer pointed out where the eight-foot fence could be installed in the front and rear, he stated the side fences could only be six-feet unless the applicant advertised the request for the additional height.
Ms. Miller cautioned the Board to include the oral amendment and hardship in any motion made.

Mr. Giattina formed a motion to grant the applicant’s amended request for an eight-foot fence in the front, due to security concerns.

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

PUBLIC COMMENT/ADJOURNMENT

Mr. Sparr formed a motion to adjourn at 1:40 pm and there was not dissent.

PASSED: ____________________________ RESPECTFULLY SUBMITTED:

_______________________________
Tom Brown, Chairman
VARIANCE REQUESTED: A variance is requested from the area provisions of Section 12.9 to allow the placement of an accessory structure within the side yard.

LOCATION OF THE REQUEST: 2208 W 58th Street, North Little Rock, AR 72118

OWNER/APPLICANT: Renee Rhoads
2208 West 58th Street, North Little Rock, AR 72118

PRESENT USE OF THE PROPERTY: Residential

PRESENT ZONING OF THE PROPERTY: R1 Single-family Zoning District

SITE CHARACTERISTICS: The site is a single-family residence with two accessory buildings. The property is located on the south side of West 58th Street, which dead-ends near the applicant’s driveway. There is an overhead power transmission line located across the applicant’s property.

SURROUNDING ZONING:
- North: R1 Single-family Zoning District
- South: R1 Single-family Zoning District
- East: R1 Single-family Zoning District
- West: R1 Single-family Zoning District

SURROUNDING USES:
- North: Single-family
- South: Single-family
- East: Single-family
- West: Single-family

JUSTIFICATION: The applicant’s justification is presented in an attached letter.

BACKGROUND:

On April 26, 1989, the Board approved a request to allow a reduced rear yard setback for this property. The approval allow the construction of an addition to the home resulting in a 17.5-foot rear yard setback. The approval was for the former property owner, Dr. Bryant B. Ashley, Jr.

STAFF ANALYSIS/RECOMMENDATION:

She states the request to place the structure in the side yard is due to the depth vs. the width of the lot. The property has 189.4-feet of frontage on West 58th Street and the depth of the property is 106.9-feet along the western property line and 120-feet along the eastern property line. The house was constructed with a 35-foot setback from West 58th Street. Located on the property is a 30-foot by 50-foot shop and a 10-foot by 15-foot storage building. The applicant also has an above ground pool. The City of North Little Rock has a concrete channel drainage structure located along the applicant’s eastern
and southern perimeters. There is an Entergy Arkansas power line running across the applicant’s property.

The applicant is proposing the placement of an accessory structure located within the side yard of her home. The carport cover in the side yard is proposed to cover her recently purchased 25-foot travel trailer to protect the travel trailer from the weather and prolong the life of this purchase. The applicant states in her letter of hardship she feels the covering is an insurance policy to prevent future damage to the travel trailer.

The applicant is proposing to place a 12-foot by 24-foot metal covering within the side yard of her home located 50-feet from West 58th Street and 70-feet from the southern property line. Section 12.2 states accessory buildings are allowed to be constructed in the rear yard. Section 12.2 also states accessory buildings are to maintain a minimum building separation of 10-feet and setback a minimum of 5-feet from property lines. The metal canopy will be placed in excess of the required building setbacks from property lines and building separation from the existing shop and accessory building. The covering will not be placed a minimum of 10-feet from the existing residence. The applicant notes to maintain a distance from the overhead power lines the covering will be placed within 5-feet of the eastern wall of the home. It appears the structure will be placed within the existing power line easement. Staff recommends prior to the issuance of a building permit the applicant provide in writing approval from Entergy Arkansas to allow the placement of the structure within their existing easement.

Staff feels the applicant’s request is reasonable. The applicant is seeking approval to allow the placement of a canopy over a travel trailer she has recently purchased. The applicant’s property contains just over ½-acre with little to no rear yard area and a great deal of side yard area. Staff is supportive of the applicant’s request.

**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
2. Does the zoning ordinance, if literally interpreted, deny the reasonable use of the property? Possibly, the property was developed with a lot width greater than the lots depth and previous Board approvals have reduced the rear yard which does not allow adequate area for placement of the covering without a variance.
3. Are there unique circumstances, which were not created by the owner of the property, which necessitates the variance? Possibly, the depth vs the width of the lot.
4. Will approval of the variance harm the use of the adjoining property? No
5. Will approval of the variance alter the essential character of the district? No
6. Will approval of the variance weaken the general intent and purpose of the land use and zoning plan? No
7. Will the approval of the variance be in harmony with the spirit of the ordinance? Yes
8. Will the approval of the variance adversely affect public health, safety, and general welfare? No
IF APPROVED:

1. Prior to the issuance of a building permit, the applicant must provide in writing, approval from Entergy Arkansas to allow the placement of the structure within their existing easement.

2. The approval will allow the placement of an accessory structure within the side yard of this home located 5-feet from the primary structure.

3. 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.
BOA Case #2020-05
2208 W. 58th St.
To allow the placement of an accessory structure within the side yard.
Proposed Metal Building

58th Street Gravel Private Drive
March 11, 2020

City of North Little Rock
Community Planning
Donna James, AICP

RE: Permit Request

Dear Ms. James

I was in your office last week requesting a permit to put a Metal Carport/Canopy in my back yard. You stated that for several reasons it could not be done. I am requesting that I be hear by the Board of Adjustment on 3/26/20.

I believe the main reason was that, I was requesting that it was not in my back yard, it was considered my side yard. As I explained, that is actually my back yard as the back door to my house comes out into that area and the area behind my house is not wide enough.

I am requesting that we be given a variance to put the Carport Cover in the requested spot to cover our recently purchased 25' Travel Trailer under, to protect it from the weather condition and prolong the life of this $25,000 + purchase. I fell that this is like an insurance policy to prevent future damage on this item. The cost of replacing a roof on a travel trailer because of damage or leaks is very expensive and most of time it will always leak after repairs.

I live on a private drive and the access to my back/side yard is from that road. I have a privacy fence surrounding my property we do everything to keep our property nice.

Please let me know if there is anything I need to do to be able to present my concern to the Board of Adjustment.

Thanks

Renee Rhoads
VARIANCE REQUESTED: A variance is requested from the area provisions of Section 4.11 – residential Zoning Chart of Lot, Yard and Height Regulations to allow a reduced front yard setback and a reduced side yard setback on the western property line for the proposed new home.

LOCATION OF THE REQUEST: 310 Skyline Drive, North Little Rock, AR 72116

OWNER/APPLICANT: Alexander M Sieg

APPLICANT: Scott Jones Custom Homes, Inc.
8918 Williams Road, Sherwood, AR 72120

PRESENT USE OF THE PROPERTY: New home under construction

PRESENT ZONING OF THE PROPERTY: R1 Single-family Residential Zoning District

SITE CHARACTERISTICS: The site is one of the few vacant lots located on Skyline Drive in Historic Park Hill. A new single-family home is currently being constructed on the lot. The site has a significant slope from north, Skyline Drive, to south, wooded undeveloped residually and commercially zoned property.

SURROUNDING ZONING: 

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

BACKGROUND:

The Board has previous approved side yard setback variance requests for properties located at 125, 311 and 436 Skyline Drive. The Board has approved front yard setback variance requests for 372 and 384 Skyline Drive. The Board did not approve a request for an increase height for a rear yard retaining wall for the property located at 319 Skyline Drive.

➢ On June 28, 1989, the Board approved a request to allow the placement of an arbor within 12-inches of the side property line for the property located at 311 Skyline Drive.
On October 31, 2002, the Board approved a request to allow a reduced front yard setback, from 25-feet to 20-feet for the property located at 372 Skyline Drive.

On December 6, 2002, the Board approved a request to allow a reduced front yard setback, from 25-feet to 20-feet for the property located at 384 Skyline Drive.

On November 22, 2006, the Board approved a request to allow a reduced side yard setback to 3.5-feet on the west side of the lot and allow a 2-foot side yard setback on the east side of the lot for a room addition for the property located at 125 Skyline Drive.

On September 25, 2008, the Board approved a request for a time extension to allow the construction of a carport attached to an existing residence with a 3.5-foot side yard setback for property located at 436 Skyline Drive.

On May 23, 2019, the Board denied a request; in the fact, the Board did not form a motion for approval of a request, to allow a rear yard retaining wall with an increased height. Including the required fence the wall was proposed 9-feet 4-inches.

STAFF ANALYSIS/RECOMMENDATION:

The applicant is proposing the construction of a new home on this currently vacant lot. The home is proposed as a 2-story home. The height of the home from the lowest finished floor is 32-feet 5 1/4-inches. The maximum height allowed per the R1 Single-family Zoning District is 40-feet.

The applicant is requesting a reduction in the front building setback and a reduction in the side yard setback along the western perimeter. Section 4.11 requires a front building setback of 25-feet and a side yard setback of 6-feet. The applicant is requesting to reduce the front yard setback to 20-feet (5-foot reduction) and an 8-foot setback (3-foot reduction) along the western perimeter. The applicant states in his letter of hardship the need for the reduced front yard setback is due to the severe rearward slope of the lot and the property pins being placed 18-feet from the back of curb. The applicant notes a number of the homes in the neighborhood sit closer to the street than the standard 25-foot building setback. Section 3.2 (B) Exception to Lot Widths, Lot Areas and Minimum Setbacks in Residential Zones states exception to setback requirements – when houses are built on infill lots within a block the front yard setback shall be no less than the average setback of the existing houses.

The applicant states the need for the reduced western side yard setback is to allow an additional setback along the eastern property line to allow the existing drainage to be reconstructed which will lessen the impact on this lot as well as the lot to the east.

The lot slopes from 362 elevation near the street to 336 elevation along the rear property line, roughly 20 percent, falling from North to South. New subdivisions developing utilizing the Hillside Development Regulations of the City of North Little Rock Regulations to Control Development and Subdivision of Land are allowed to reduce the front building setback on residential lots to 15-feet in cases where the lot has an average slope steeper
than a 4:1 slope. Also, at the time of platting Skyline Drive, was platted with a 60-foot right of way in-lieu of a typical 50-foot right of way for residential streets.

Staff is supportive of the applicant's request. As indicated by the applicant a number of the homes in the area have been developed with a reduced front building setback on the side of Skyline Drive, which has the significant elevation change from the street sloping southward. The applicant has moved the home to the west allowing a larger setback along the eastern property line, adjacent to an existing single-family home (12.51-feet) and the reduced side yard setback is adjacent to an undeveloped lot. Staff feels the applicant's request is reasonable.

**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
2. Does the zoning ordinance, if literally interpreted, deny the reasonable use of the property? Possibly, due to the topography of the lot.
3. Are there unique circumstances, which were not created by the owner of the property, which necessitates the variance? Possibly, the significant slope of the lot dropping 26-feet from North to South.
4. Will approval of the variance harm the use of the adjoining property? No
5. Will approval of the variance alter the essential character of the district? No
6. Will approval of the variance weaken the general intent and purpose of the land use and zoning plan? No
7. Will the approval of the variance be in harmony with the spirit of the ordinance? Yes
8. Will the approval of the variance adversely affect public health, safety, and general welfare? No

**IF APPROVED:**

1. The approval will allow a reduced front yard setback of 20-feet and a reduced side yard setback of 5-feet along the western property line.
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.
BOA Case #2020-06

310 Skyline Dr.

To allow a reduced front yard setback and a reduced side yard setback on the western property line.
SURVEY OF
LOT 11, BLOCK 107, PARK HILL ADDITION
City of North Little Rock, Pulaski County, Arkansas

This is to certify that the above described land has been surveyed. The corners are marked as shown and are in accordance with existing monuments in the vicinity. This certification is for and limited to the parties shown hereon.

This lot is not shown in the 100 year flood plain as per F.I.R.M. No. 050182 0342 G dated JULY 6, 2015.

DATE: 02/18/20 REV. 03/12/20
SCALE: 1"=20'
FOR USE & BENEFIT OF: Scott Jones
3/16/20

8918 Williams Drive
Sherwood, AR 72120

To whom it may concern:

I am requesting a variance on the front building line at 310 Skyline drive to be reduced from 25’ to 20’ due to the severe rearward slope of the lot and the property pins being 18’ from the curb. Other houses in the neighborhood sit closer to the street than the standard 25’ building line.

Sincerely,

[Signature]