

**North Little Rock Building and Housing Board of Adjustment  
Sign Board - Minutes  
December 10, 2019**

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The North Little Rock Building and Housing Board of Adjustment (Sign Board) meeting was called to order by Vice-Chair Gardner Burton at 9:31 am in the Community Planning Conference Room B. Roll was called and a quorum was found to be present. A quorum being three members present.

**Members Present**

Gardner Burton, Vice-chair  
Brad Hughes  
Mike Tabor  
Jeremy White

**Member Absent**

Gladys Webb, Chair

**Staff Present**

Donna James, City Planner  
Allison Austin, Secretary  
Marie Benarde Miller, Deputy City Attorney

**Others Present**

Brittany Nichols of Fast Signs at 300 W 5<sup>th</sup> Street, North Little Rock, AR 72116 representing Splash Investment Groups LLC, 5116 JFK Blvd, North Little Rock, AR 72116

**Approval of Minutes:**

Mr. Hughes made a motion for approval of the minutes from the previous meeting, August 13, 2019.

Mr. White seconded the motion. The motion carried with no dissent.

**Administrative:**

Mr. Burton reminded everyone to turn their phones off or on silent and for all the visitors to sign-in.

Mr. Burton asked for a motion to approve the 2020 calendar. Mr. Tabor made the motion.

Mr. White seconded. The motion carried with no dissent.

### **Public Hearing**

**Sign Board 2019-04:** To allow the placement of wall signs without street frontage on the north and south sides of the proposed new canopy and on the north and south sides of the proposed new architectural feature of the existing building for the property located at 5116 JFK Blvd, North Little Rock, AR.

Ms. Nichols introduced herself as the applicant representing Splash Investment Groups, LLC.

Ms. James introduced the item and provided a presentation to the Board, which included photos of the area, a photo of the location of the proposed wall signs without street frontage. Ms. James stated the Board would not be voting on the proposed roof signs because this request was being considered by the City Council. She also stated the proposed wall signs being voted on were not considered roof signs because the cables attaching the signs to the wall would act as the wall.

Ms. Nichols clarified the request only included the three wall signs on the architectural feature and not the signs on the proposed canopy.

Ms. James stated the original submission had the signs proposed on the canopy but the applicant had since revised the submission to include the three wall signs on the proposed architectural feature.

Mr. Hughes asked for clarification on which signs would be considered by City Council. Ms. James & Ms. Nichols answered, showing the specific signs on the graphics being considered by City Council. Mr. Hughes then asked what the difference between these canopy signs and a canopy sign at a gas station. Ms. James answered gas station canopy signs had a solid wall behind them so the lettering was fixed to the wall. Mr. Burton called it a technicality.

Ms. Nichols stated they had approached two City Aldermen asking to revise the language of the sign code as it applies to this address to allow the floating channel letters, which were not affixed to a wall and for the letters not to be defined as roof signs.

Ms. James stated the only signage being voted on today was the round splash logos on two opposite walls of an architectural roof piece. She also stated the logo in front complied with the ordinance. She stated the applicant had proposed to give up their existing digital sign as a part of the request. The site was located in the JFK Sign Overlay District and the digital sign would not be allowed today per code. She stated the digital sign was existing before the Overlay was adopted and was grandfathered in, but if taken down, they cannot

replace the digital sign due to the current code. She stated the applicant was not proposing any ground signs.

Mr. Hughes asks if the round logo signs did not say "Splash," would they be considered art. Ms. James answered the signs would be an architectural feature and would be legal. Ms. Miller clarified the interpretation stating the signs could be as either art or a sign, but because of the recent court challenges to the sign ordinances and laws there was not a direct answer as to which was art and which was a sign. Ms. James stated the City Attorney's office was reworking the sign ordinance to comply with the court challenges, but as of now, the City had to work with the current ordinance.

Mr. Hughes made a motion to approve the request as filed by the applicant.

Mr. White seconded the motion. The floor was opened for discussion.

Mr. Tabor asked what was the hardship. Ms. Nichols answered because there would be no street frontage; the two signs were not allowed. Mr. Burton clarified that to allow the signs as proposed the Board should receive a hardship for the site. Ms. James mentioned the owner indicated in their letter of hardship that since they are giving up their monument sign, which gave a reading of the business and the complete services the company provided, they would no longer have the ability to advertise the services they provided.

Ms. Miller mentioned that if this were considered art, it would not need to articulate a hardship. Mr. Tabor stated if this were art, the Sign Board would not be meeting to discuss the request. Ms. Miller responded it is a sign, but it is a strange situation. If the Board denied the request as a "sign," it could be challenged and the court could perceive it as "art." She asked the Board to consider the legal implications of art vs a sign.

Ms. Miller also mentioned taking away the monument sign would cause Splash to not have a sign that has the name of the business for identification purposes and the Board should discuss how they perceived that change in Splash's advertising. Ms. Nichols stated they would like to have the two signs without street frontage so people driving up and down JFK Blvd could also see the signs as well as the one directly in front of the business. Mr. Burton stated he considered this the hardship.

Mr. Burton stated it was important to note the sign they were giving up on JFK Blvd was a less attractive, dated sign that was also against current code and what they proposed to put in its place would be doing a good service to the community. Mr. Hughes mentioned the surrounding properties were notified and none of them had complained or opposed the proposal.

Mr. Burton called for a vote on the previously made motion by Mr. Tabor, seconded by Mr. White. The motion carried with no dissent.

Ms. Nichols asked if, when they tried to change the definition of a "roof sign" so the other signs they have proposed would be allowed, if they will have to come before the Sign Board again. Mr. Burton replied the request would be before the City Council. Ms. Nichols restated the owner had reached out to two City Aldermen to sponsor the request.

**Public Comment/ Adjournment**

Mr. Burton made a motion to adjourn the meeting.

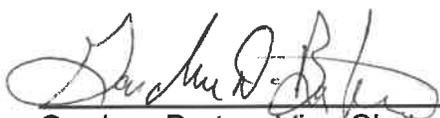
Mr. Hughes asked Ms. Miller if passing votes were counted by the majority of members present or by the majority of total members. Ms. Miller replied of the five total members, three represented a quorum, and there was a minimum of three votes required for an item to pass. Mr. Hughes asks if the By-laws were being changed the City should consider rewriting the rule to allow a majority of the members present because there was a disadvantage if only three members were present. Ms. Miller asks if he was asking to rewrite what constituted a quorum. Ms. James clarified stating he was asking to change the By-laws to reflect for an item to pass the item was to receive a positive vote of the majority of the members present rather than a majority of total members. Mr. Hughes stated the reasons for wanting this change was it was difficult sometimes to make a meeting and sometimes there were vacancies on the Board. Ms. Miller stated she would double check on the issue and report back to the Board.

Mr. Burton asks if there was any other business.

Mr. Burton accepted the previous motion to adjourn.

Mr. Hughes seconded the motion to adjourn at 9:51 am with no dissent.

PASSED: 1/14/2020 RESPECTFULLY SUBMITTED:

  
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Gardner Burton, Vice-Chair