

**NORTH LITTLE ROCK  
BOARD OF ADJUSTMENT AGENDA  
OCTOBER 27, 2016  
1:30 pm**

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**Agenda Meeting:** - Roll Call

**Reminder:** - Turn off cell phones

**Administrative:**

**Approval of Minutes:** September 29, 2016

**Public Hearing:**

1. BOA Case 2016-9. To allow a 6 ft. wood privacy fence with 3 strands of barb wire in rear of property located at 314 Main Street.
2. BOA Case 2016-10. To construct a three story building to an existing church located at 5124 Camp Robinson Road.

**Public Comment/Adjournment:**

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# North Little Rock Board of Adjustment

## Minutes

September 29, 2016

The meeting of the North Little Rock Board of Adjustment was called to order by Chairman Carl Jackson at 1:35 P.M. in the Planning Office (Conference Room B).

### Members Present

Mike Abele  
Tom Brown  
Steve Sparr  
Carl Jackson  
Andy Hight

### Members Absent

None

### Staff Present

Shawn Spencer, Director of Planning  
Jimmy Pritchett, City Planner  
B.J. Jones, Secretary

### Others Present

Paula Jones, City of North Little Rock Legal Department  
David Wilson, City of North Little Rock Fire Marshal Office  
Adam Melton, 1424 Rockwater Lane, NLR, AR 72114  
Wayne Hardy, 1445 Rockwater Lane, NLR, AR 72114  
Michele Hardy, 1445 Rockwater Lane, NLR, AR 72114  
James C. Yuen, 1516 Rockwater Lane, NLR, AR 72114  
David Wilson, 3013 Timber Creek Dr., NLR, AR  
John Owens, 1621 Rockwater Lane, NLR, AR  
Jim Jackson, 58 Carmel Dr., LR, AR 72212  
Lisa Ferrell, 58 Carmel Dr., LR, AR 72212  
Lynda Yuen, 3 Bretagne Cir, LR, AR 72223

### Approval of Minutes

Mr. Sparr formed a motion to approve minutes from last month's meeting of the Board.

Mr. Hight seconded the motion and there was no dissent.

### **Old Business**

None

### **New Business**

1. BOA Case 2016-8. To allow an 8-foot-tall brick fence in the side yard at an R-2 property located at 1516 Rockwater Lane.

Chairman Jackson swore in the applicant and others in attendance wishing to speak and asked staff to display pictures of the property.

Mr. Pritchett showed pictures of the property and the location of the brick fence which had been installed without a permit.

Chairman Jackson asked the applicant to explain the reason for his request.

Dr. Yuen explained that he needed the additional two feet of brick wall for privacy and security. He added that occupants of nearby apartments on the west have a straight view into his home with a direct view of his kitchen. He added that cars passing by also had a direct view into the home because of the glass windows on that side. He noted that he is coming from Chenal to this location and needs comparable privacy.

Mr. Hight questioned why the applicant seems more concerned with the apartment occupants or passersby than with the closest neighbor's constant visibility.

Dr. Yuen replied that he knew the neighbor from UAMS who is a doctor and professor so he is comfortable with that neighbor unlike the apartments which house all kinds of people, unlike Chenal.

Mr. Hight suggested it sounded like the applicant is discriminating against the apartment occupants though his property is adjacent to a public bike trail with access from the rear or street.

Dr. Yuen repeated that privacy is an issue for him considering the apartments, the traffic on the main road, and the construction people. He added that he planned to add a Jacuzzi on the porch and the extra privacy would be important. The applicant referred to a case from the previous month that was a fire hazard and had been approved. He stated that he is a scientist with confidence in numbers and is not convinced the added two feet will make any difference in fire danger. He asked if the Fire Marshal had numbers to prove the difference in firefighting the two feet would make.

Chairman Jackson reminded the applicant this is a hardship Board and asked the applicant to state his hardship.

The doctor replied that privacy is his hardship and the main issue. He is concerned for all the casual people and athletic people using the area.

Mr. Hight asked the applicant why he seems to discriminate against apartment people or athletic people.

The doctor reiterated that privacy is the issue for him.

Mr. Brown asked the applicant to state a hardship.

Dr. Yuen repeated that privacy is his hardship.

Mr. Brown replied that privacy is not a valid hardship as that issue has been created by the owner himself.

Mr. Spencer added that a house would block the site line of the apartments once the build out is complete. He also noted that the properties are on a private street behind a gate.

Dr. Yuen suggested the location of his requested variance might be considered back yard.

Mr. Spencer explained that the packet received for this meeting had included minutes from the previous meeting and had no bearing on this case. He added that there is no ambiguity in the ordinance for definitions, terms and maps showing front, side, or rear yards.

Chairman Jackson asked the Fire Marshal in attendance for his recommendations.

Captian Wilson responded that the present construction is a formidable obstruction for the fire department. He added that wood fences did not present the obstacle that brick fencing would. He suggested that getting the ladder over a wall of that height for roof access would be difficult.

Mr. Sparr asked what difference there would be between four foot, six foot, or eight-foot fencing.

The fire marshal explained different angles used for ladders to get over obstacles and onto the roof. He explained that normally they might set up on the neighbor's side and get over fences, but the way these homes are so close together, that will prove difficult as well.

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Chairman Jackson agreed the property is over built and asked how fire trucks can maneuver there.

The fire marshal responded that firetrucks could not get down the sides of the homes.

Mr. Spencer suggested firetrucks could use the bike trail or middle section of the development.

Mr. Brown asked the applicant if he had gotten a permit to build his brick fence.

The applicant replied in the negative.

Mr. Brown suggested if the applicant had gotten a permit and found out the fence requirements, the variance would not be necessary. He noted the problem is the additional two feet of fencing above what is allowed in a side yard.

Dr. Yuen apologized for using city resources to address the height issue they are obviously so serious about. He explained that his project had gone over budget and he decided to do the fence work separate from the original contractor. He told the Board he was unaware of the regulations, no one had told him the regulations, and that someone of his caliber would not intentionally disregard the regulations. He stated that this is a special neighborhood and there was just a miscommunication.

Mr. Brown asked if the builder is in attendance at today's meeting.

The applicant replied in the negative.

Mr. Hardy asked about measuring the height of a fence.

Mr. Spencer replied that it is measured at the point of dirt.

Lisa Ferrell addressed the Board on behalf of Dr. Yuen's request. She apologized for the unfortunate miscommunication and asked that the applicant not be required to incur the hardship and expense of lowering the fence. She added that no one had erred deliberately and asked the Board to please consider approving the applicant's request.

Mr. Brown asked the Planning Director to read the definition of a hardship.

Mr. Spencer complied, noting a hardship is due to unique circumstances of the property, not created by the owner.

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Chairman Jackson swore in four other attendees asking to speak in the case.

Mrs. Yuen noted that the lots are long and narrow.

Chairman Jackson recognized that all the lots had gotten smaller after large houses were placed on them.

John Owens noted that the zero lot line is a unique and unusual dynamic unlike any other in the city. He asked for the staff's direction before installing his own fence.

Chairman Jackson noted that that is exactly the point. If proper permits are obtained, one would be informed of the requirements. He added that it is the responsibility of the owner to do so or see that the contractor has done so.

Mr. Melton added that he has a stop work issued on a fence he has started without a permit and will be coming before this Board next month. His concern is for privacy and security on such a narrow lot.

Jim Jackson stated he is a developer of the properties and is supportive of Dr. Yuen's request. He added that these are stunning homes in a beautiful location with a very small area of fencing.

Chairman Jackson asked for a motion.

Mr. Hight noted that several are here from the applicant's neighborhood and no one has a problem with his request. They all want privacy and security.

Mr. Brown added that the fire marshal's opinions and staff suggestions regarding safety concerns carry more weight with him. He also stated that he does not believe there is a valid hardship.

Mr. Sparr suggested the brick wall poses no more of a problem than landscaping trees would.

The fire marshal disagreed. He stated that he can remove trees but cannot access this roof with the brick wall.

Chairman Jackson asked how long the brick wall is.

The applicant responded that the eight-foot portion of the wall is fourteen and one half feet long.

Mr. Sparr formed a motion to approve the applicant's request.

Mr. Hight seconded the motion.

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The applicant's request was passed with three affirmative votes. Mr. Brown and Mr. Abele cast votes to deny the applicant's request.

Mr. Spencer advised the Board that they have set a precedent for the neighborhood.

Paula Jones reminded the Board that the applicant must have a valid hardship.

Mr. Spencer cautioned the Board that the houses north of the applicant are even closer together and will be asking for the same variance.

Chairman Jackson replied that each case would be judged on its own merit.

Mr. Spencer replied that is true if the case has a valid hardship, but the Board has approved a variance without a valid hardship.

Lisa Ferrell assured the Board she would personally inform future lot buyers to get all required permits and make them aware of fence height requirements.

**Administrative:**

None

**PUBLIC COMMENT/ADJOURNMENT:**

Chairman Jackson moved for the Board to adjourn at 2:10pm.

Mr. Sparr seconded the motion and there was no dissent.

**PASSED: \_\_\_\_\_ RESPECTFULLY SUBMITTED:**

\_\_\_\_\_  
**CARL JACKSON, CHAIRMAN**

\_\_\_\_\_  
**SHAWN SPENCER, DIRECTOR**

CASE: BOA #2016-9

REQUEST: to allow a 6ft wood privacy fence with 3 strands of barb wire in rear of property

LOCATION OF THE REQUEST: 314 MAIN ST

APPLICANT: John Chandler

OWNER: ITALIA MANAGEMENT LLC

SITE CHARACTERISTICS: Commercial lot.

ZONING: C-6

**SURROUNDING USES:**

NORTH: Restaurant\Pharmacy

SOUTH: Restaurant

EAST: Parking Lot

WEST: Furniture Store

SUMMARY: Applicant has installed a 6 foot tall wooden privacy fence around an exterior refrigerator in the rear yard with barb wire facing outside in a C-6 zoned area. Barbwire is not allowed in areas zoned C-6

STAFF RECOMMENDATION: Approve with conditions.

1. Provide a Certificate of Appropriateness from Historic District for the fence and barbwire. If Historic District denies the barbwire, the barbwire is to be removed within one week of denial.
2. Allow 3 strands of barb wire facing upward or inward.

**BOARD MEMBER'S CONSIDERATION**

1. Does the request authorize a use not allowed in the zone? Yes. Barbwire is not allowed in areas zoned C-6.
  2. Does the zoning ordinance, if literally interpreted, deny the reasonable use of property? No
  3. Is there something unique about the property that necessitates the variance? Yes. The entire area has been plagued with theft after the area businesses are closed.
  4. Will the request injure the planned or appropriate use of adjoining property? No
  5. Will the variance weaken the general intent and purpose of the land use and zoning plan? No
  6. Will the variance not be in harmony with the spirit of the ordinance? No. If the barbwire is facing inside from the fence adequate security will be allowed.
  7. Will a variance adversely impact health, safety and general welfare? No
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September 7, 2016

To Whom it May Concern:

Recently we have been made aware that certain modifications to the fence behind our business are not allowed in our area. The gentleman with this information let us know that we may be able to apply for a hardship if this is something that is necessary to the protection of our equipment. In turn, we are writing to request a hardship exception.

In August of 2015, our first month open, the restaurant suffered large losses from the acts of a citizen. This person came into the area where our coolers are and forcefully ripped the copper from the large walk in cooler and freezer. Upon investigating the area around the damaged property, we noticed the insulation around some HVAC tubing had also been tampered with. This prompted us to guard that area heavily using the fence and barbed wire that you see in that location now as well as more surveillance cameras.

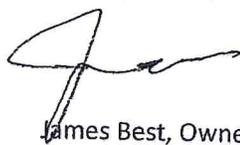
The theft incident took place almost immediately after we moved into the neighborhood. We did not give it a chance to get worse. We are very pleased to say in the past year of business, we haven't seen any unwanted activity in this area since the placement of the barbed wire.

With us having been open less than a month, the costs associated with replacing the copper, maintaining the refrigerant in a now damaged piece of equipment, replacing the fresh product(food) lost, and increasing the level of security could have been detrimental to the success we have seen in the Argenta area.

Skinny J's is very happy to be in the Argenta area. As we strive to bring a family friendly atmosphere to a community that seems to enjoy something more than just a bar, we believe that our staff must feel safe in order to reciprocate that feeling. Luckily, most of our staff is unaware of the theft that took place right outside our back door.

Please consider an exception to our fence and let the barbed wire remain. We think the addition of the barbed wire has been and will be our best defense in a situation that we hope to never face again.

Thank you for your time,



James Best, Owner Skinny J's



Sarah Reeves, Managing Representative Skinny J's

## Spencer, Shawn

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**To:** nlrhistory@comcast.net  
**Subject:** RE: Skinny J's barb wire fence

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**From:** nlrhistory@comcast.net [mailto:nlrhistory@comcast.net]  
**Sent:** Tuesday, September 27, 2016 1:14 PM  
**To:** Spencer, Shawn <SSpencer@nlr.ar.gov>  
**Subject:** Re: Skinny J's barb wire fence

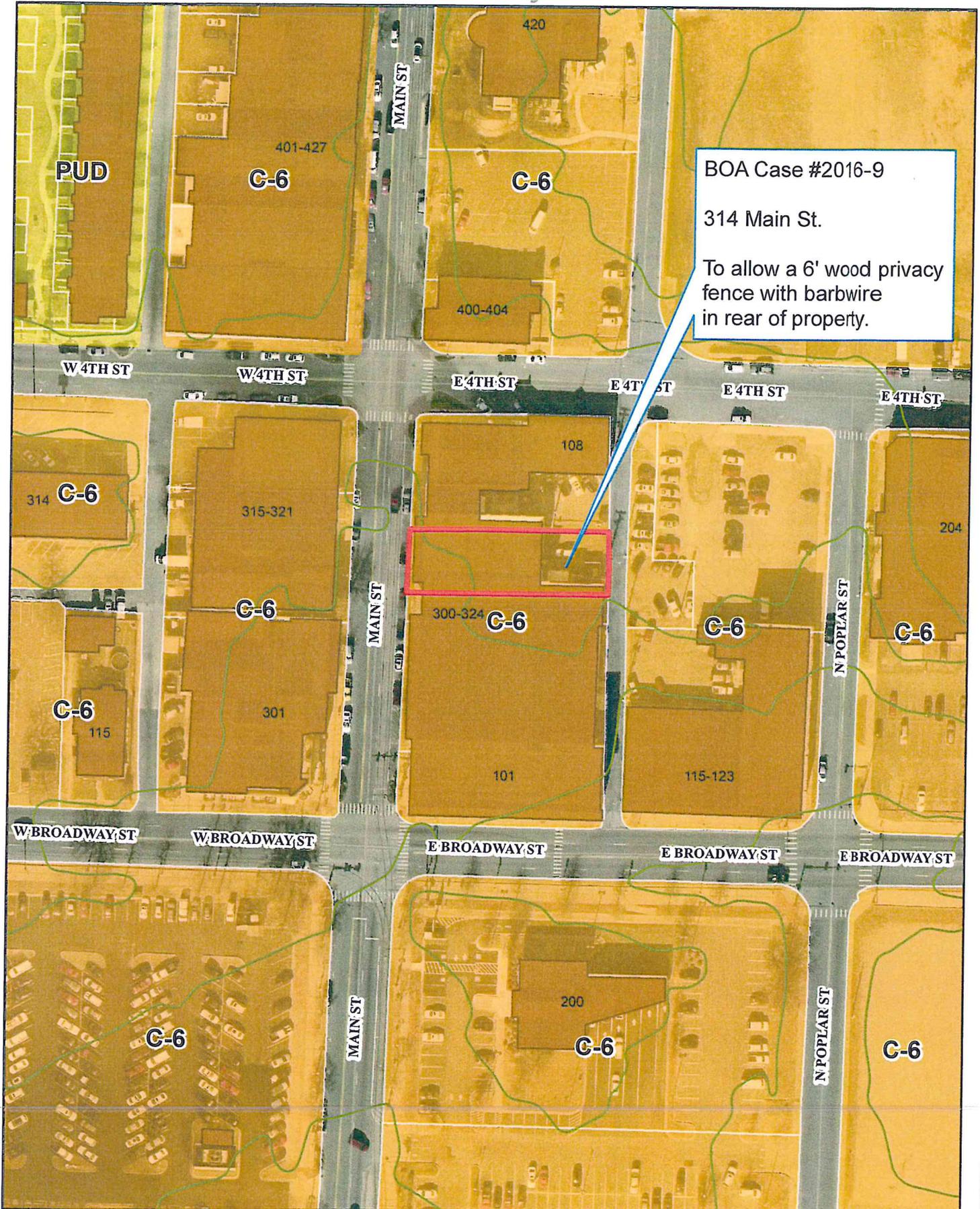
Shawn,

The North Little Rock Historic District Design Guidelines for the Argenta Historic District does not specifically discuss barbed wire. In the 23 years the Historic District Commission has been in place, there has never been an issue or application dealing with barbed wire.

The Commission's Design Guidelines state in Section 14: Fences and Walls, Item J. "Within commercial zones of the historic district, alternative fencing and fence materials may be acceptable providing these types of fences are not easily visible from the street."

Sandra

# North Little Rock Board of Adjustment

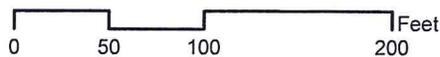


BOA Case #2016-9  
314 Main St.  
To allow a 6' wood privacy fence with barbwire in rear of property.

**BOA CASE #2016-9**

Date: 9/28/2016

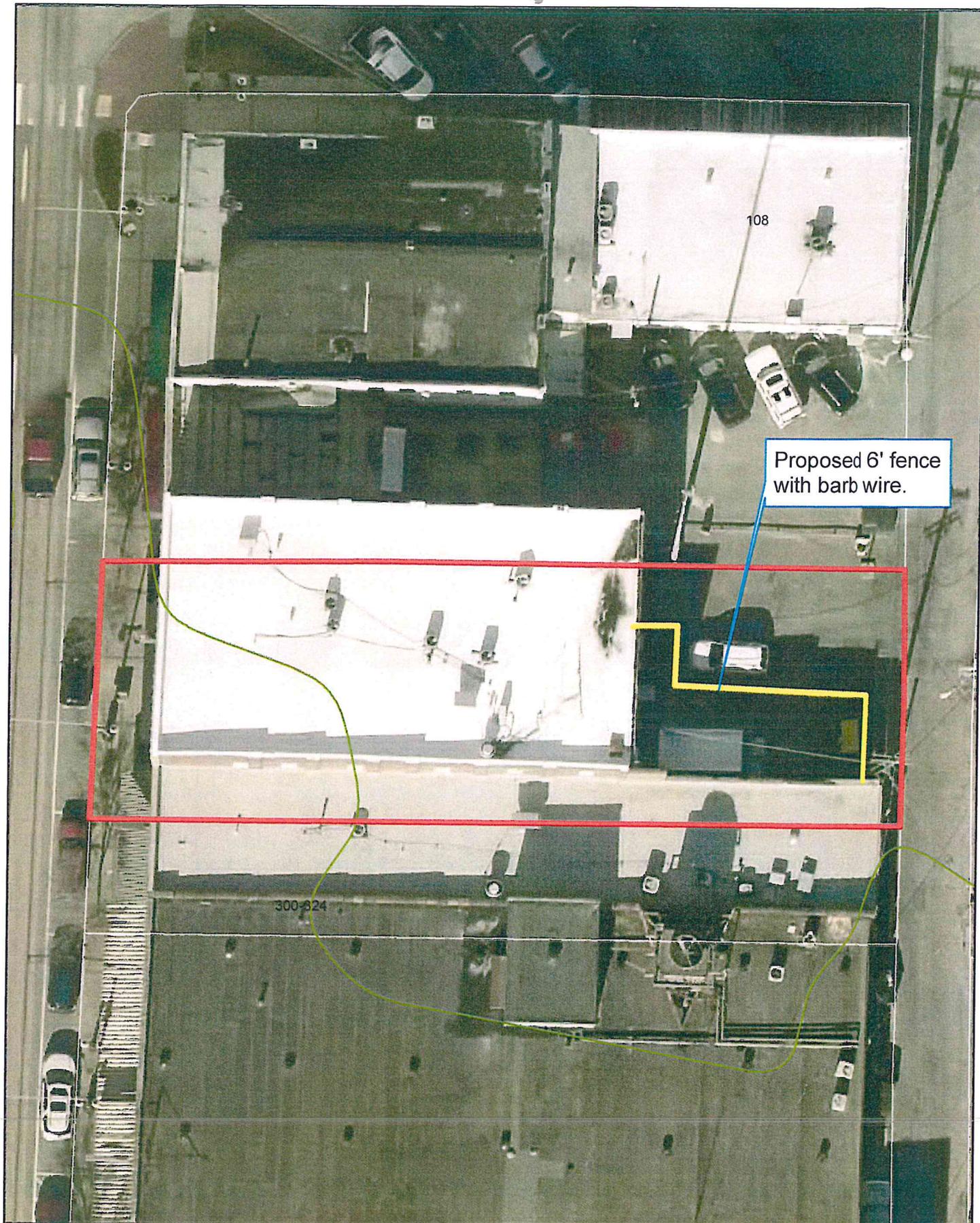
1 inch = 100 feet



User: jhale



# North Little Rock Board of Adjustment

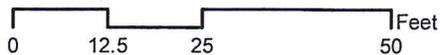


Proposed 6' fence  
with barb wire.

**BOA CASE #2016-9**

Date: 9/28/2016

1 inch = 25 feet



User: jhale



LEGEND

○ FOUND (AS NOTED)

● SET P/K NAIL

— DENOTES GUARD RAIL

□ DENOTES ASPHALT

□ DENOTES CONCRETE

MAIN STREET 70' R/W

S00°51'30"W 149.32'

74.86'

BUILDING CORNER

N90°00'00"W 140.18'

LOT 1

1 STORY BRICK COMMERCIAL BUILDING

NOTE: FIREWALL IS SHARED WITH ADJACINER TO THE NORTH.

LOT 2

2 STORY BRICK COMMERCIAL BUILDING

NOTE: FIREWALL FULLY LIES ON SUBJECT PROPERTY AS SURVEYED

1 STORY BRICK COMMERCIAL BUILDING

LOT 3

BUILDING CORNER

S89°48'42"W 140.85'

BUILDING CORNER

S00°36'18"W 142.85'

20' ALLEY

24.88'

31.7'

49.78'

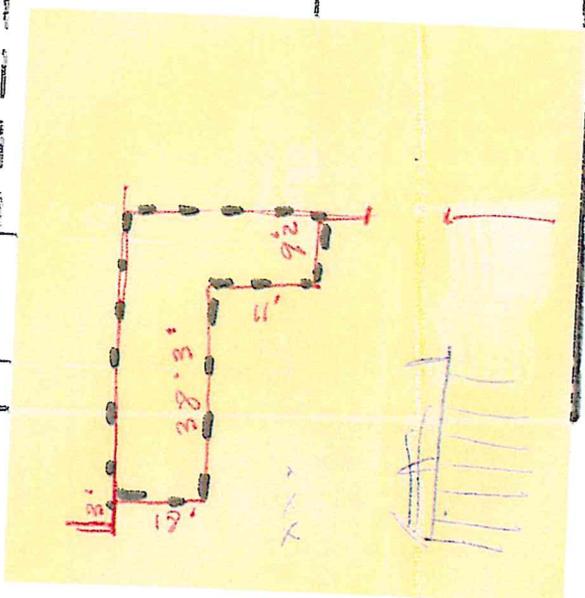
49.8'

49.52'

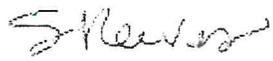
24.81'

30 0 30 60 90

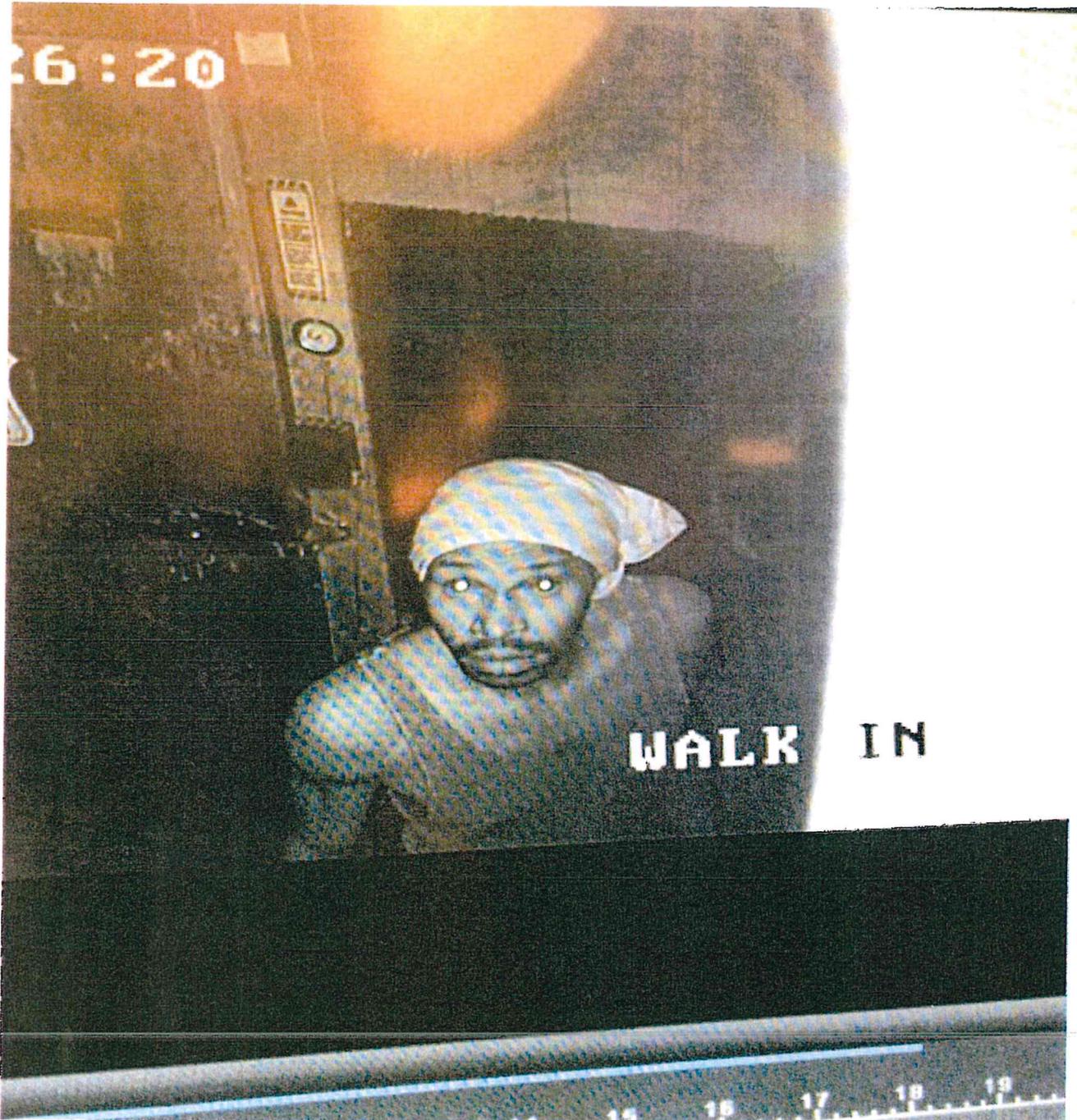
STREET ADDRESS



James Best, Owner Skinny J's



Sarah Reeves, Managing Representative Skinny J's







CASE: BOA #2016-10

REQUEST: To construct a three story addition to an existing church.

LOCATION OF THE REQUEST: 5124 Camp Robinson Road

APPLICANT: Jonathan Rogers

OWNER: Levy Church of Christ

SITE CHARACTERISTICS: Church facility in an R-2 Residential area.

ZONING: R-2

**SURROUNDING USES:**

NORTH: Single Family Residence

SOUTH Single Family Residence

EAST: Church

WEST: Single Family Residence

SUMMARY: Applicant has requested a variance to allow construction of a 3 story building in a section of the parking lot area. R-2 zoning allows maximum height of structure to be 40 feet which is a typical max height for a residence. Churches are permitted in residential zoning which have a lower maximum height limit than some of the commercially zoned properties.

STAFF RECOMMENDATION: Approve with conditions:

1. Allow 45 foot tall addition to existing church.

**BOARD MEMBER'S CONSIDERATION**

1. Does the request authorize a use not allowed in the zone? No. Levy Church of Christ has been in the location
  2. Does the zoning ordinance, if literally interpreted, deny the reasonable use of property? No
  3. Is there something unique about the property that necessitates the variance? Yes.
  4. Will the request injure the planned or appropriate use of adjoining property? No.
  5. Will the variance weaken the general intent and purpose of the land use and zoning plan? No
  6. Will the variance be in harmony with the spirit of the ordinance? Yes .
  7. Will a variance adversely impact health, safety and general welfare? No, the variance shown does not adversely impact health, safety and general welfare.
-

# The Levy Family

*Levy church of Christ*

North Little Rock Community Planning  
120 Main Street  
North Little Rock, AR 72114

Board of Adjustment

To whom it may concern:

OUR HARDSHIP IS, our building is bound by right of way and easements on all sides and we are in need of additional classroom and meeting space. We need three stories and the hardship is that is not allowed without a variance.

We are requesting a height variance for our new building addition. We are looking to add a three story building for additional classroom/meeting space in the existing parking lot due to the growth of our congregation. The facility needs to be able to accomodate both our current classroom needs and growth for the coming years. The best way for us to accomplish this is an addition contiguous to our existing facility that will improve the overall look and usefulness of our building(s). The reason we need to utilize three stories is because we are limited in the size of the footprint we can build due to easements and drive access, and if this were to be built at another location it would not serve the purpose we need, plus it would be more expensive than an addition to our building.

We currently own the property around this new building so the height should not be an issue with any third parties current facility or view. Also, this is on the interior of our campus and faces our parking areas so it will not be along a current traffic thoroughfare.

As we celebrate our 64th anniversary in North Little Rock, we appreciate your consideration and we look forward to building a new building to continue our growth and support of the entire North Little Rock community.

Sincerely,

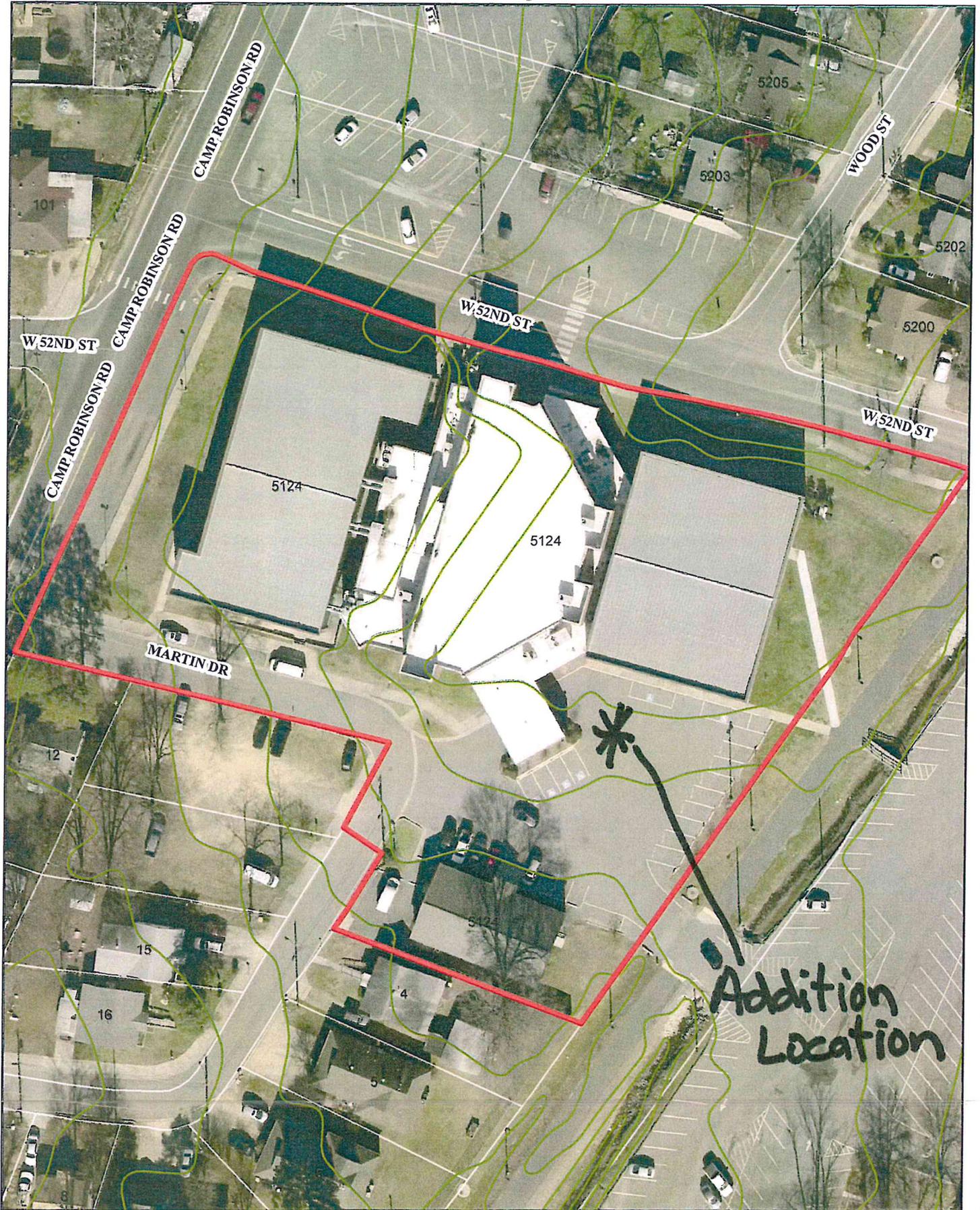


Jonathan T. Rogers  
Building Chair  
Levy Church of Christ

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cc: Mike Steelman, AIA

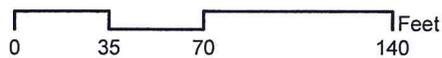
# North Little Rock Board of Adjustment



**BOA CASE #2016-10**

Date: 10/6/2016

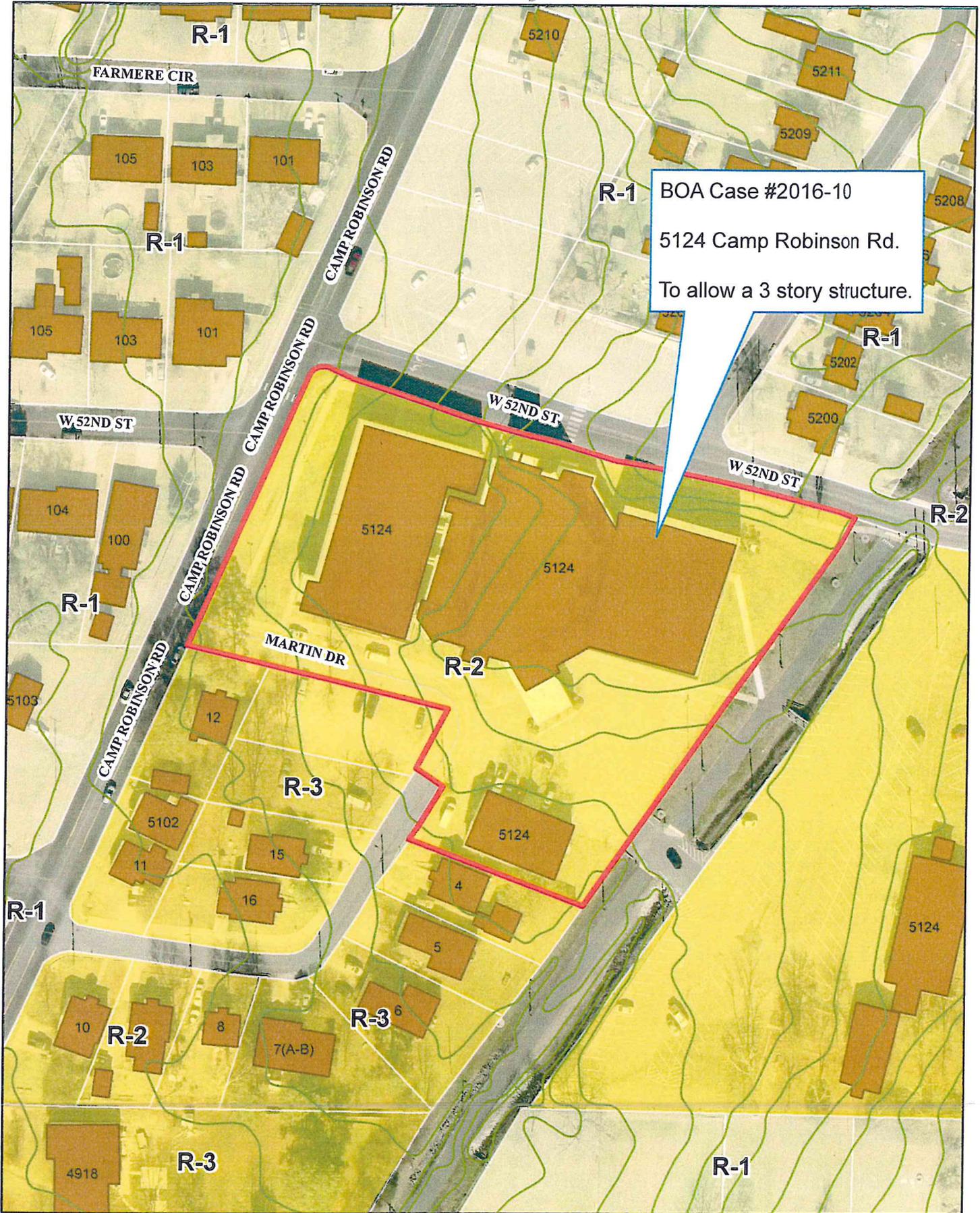
1 inch = 70 feet



User: jhale



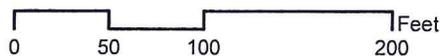
# North Little Rock Board of Adjustment



**BOA CASE #2016-10**

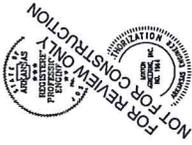
Date: 10/6/2016

1 inch = 100 feet



User: jhale





**ADDITION AND RENOVATIONS TO  
THE LEVY CHURCH OF CHRIST  
5124 CAMP ROBINSON ROAD  
NORTH LITTLE ROCK, ARKANSAS**

REVISIONS:  
September 21, 2016

PROJECT NO.  
10581  
August 30, 2016

Site Plan  
Review

**C1.01**



**Addition**

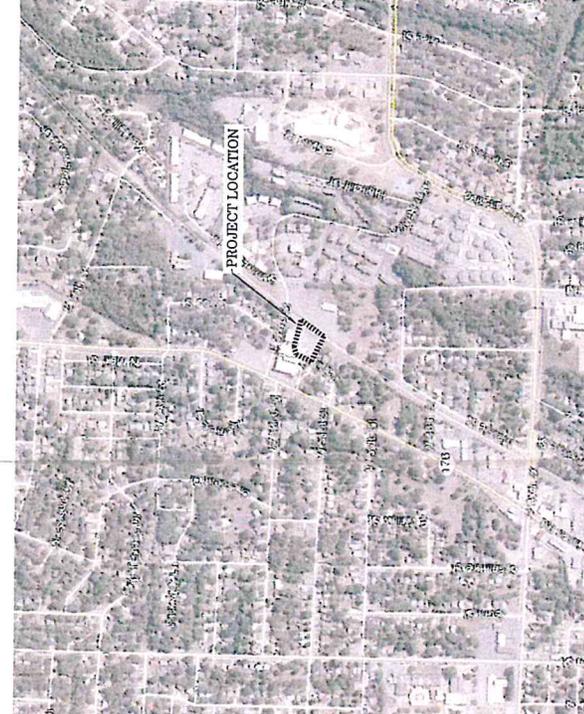
OWNER/DEVELOPER:  
LEVY CHURCH OF CHRIST  
300 NORTHPORT DRIVE  
NORTH LITTLE ROCK, AR 72118  
PH: 501.753.4860

ENGINEER:  
MARLAR ENGINEERING, INC.  
300 NORTHPORT DRIVE  
CAROT, AR 72023  
PH: 501.941.5559

SURVEYOR:  
MARLAR ENGINEERING CO.  
5318 JFK BLVD.  
NLR, AR 72116  
PH: 501.753.1987



**SITE PLAN REVIEW**  
SCALE: 1" = 20'  
0 20 40



**2** VICINITY MAP  
SCALE: 1" = 1/4 MILE

**SITE LEGEND**

EL	CONTOUR LINE
PL	PROPERTY LINE
EL	SEWER LINE
G	EL GAS LINE
EL	OVERHEAD ELECTRIC
EL	WATER LINE
EL	TRAIL
TV	EL CONTOUR
S	PAE SCOUR
G	PAE GAS
ST	PAE STORM PIPE
▲	PAE VALVE/LINE BLDG
■	PAE CONCRETE
TS	TOP OF SIDEWALK
TF	TOP OF PAVEMENT
TC	TOP OF CURB
TV	TOP OF GRADE
TV	TOP OF WALL
RP	REFINISHED CONCRETE PIPE
CP	COMPOSITE PLASTIC PIPE
FL	FLOW LINE
CEL	CLEAR DIRT TO GRADE
EX	EXISTING
PR	PROPOSED

**PAVING LEGEND**

[Pattern]	LOW IMP. FLEXIBLE PAVEMENT
[Pattern]	1" CONC. SURFACE COURSE AND SPAC.
[Pattern]	1" CLASS 1 OGDEN STRE. BASE
[Pattern]	1" COMPACTED SUELL CL. OR PROP. AGG. SPREAD WITH 1" MIN. OVERLAY
[Pattern]	LOW IMP. RIGID PAVEMENT
[Pattern]	1" CONC. SURFACE COURSE AND SPAC.
[Pattern]	1" CLASS 1 OGDEN STRE. BASE
[Pattern]	1" COMPACTED SUELL CL. OR PROP. AGG. SPREAD WITH 1" MIN. OVERLAY

SEE GENERAL NOTES AND SPECIFICATIONS FOR DETAILED CONSTRUCTION REQUIREMENTS. REFER TO THE REPORT FOR A DETAILED EXPLANATION OF SUELL SPREAD, AND CONSTRUCTION REQUIREMENTS.

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Existing Bldg.