



**City of North Little Rock
Board of Zoning Adjustment Agenda
Thursday, February 23, 2023 - 1:30 PM
Conference Room B – City Services Building – 120 Main Street, NLR, AR 72114**

Call to Order -

Roll Call and finding of a Quorum -

Approval of Minutes - January 26, 2023

Public Hearing Items -

1. **BOA #2023-03**, 8110 Baucum Pike Rd, NLR, AR a variance request from the area provision of Section 5.7(e) to allow an increase in tower height from an existing tower height of 146-feet to a proposed height of 166-feet
2. **BOA 2023-06**, 615 W 29th St, NLR, AR, a variance to allow the placement of a front yard fence within a C3 zone (Section 5.11.5)
3. **BOA 2023-07**, 4900 JFK Blvd, NLR, AR, a variance to allow the encroachment into the front setback along JFK Blvd for a proposed 7-Brew Coffee within a C2 zone (Section 4.2.4) a setback of

Administrative –

Public Comment -

Adjournment –

Reminder -

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

Next Board of Zoning Adjustment Hearing Filing Deadline March 1, 2023 Hearing Date March 30, 2023

For the Board to grant a variance the applicant must first establish a hardship. A hardship should not be created by the owner, it should be due to unique circumstances existing on the property. For example, it must be demonstrated a strict enforcement of the Zoning Ordinance would prohibit the development of the property or no reasonable use of the property can be made.



**NORTH LITTLE ROCK
BOARD OF ZONING ADJUSTMENT
HEARING PROCEDURES
(1/1/2019)**

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 City Council Chambers, 300 Main Street, North Little Rock, AR. 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.

**North Little Rock Board of Zoning Adjustment
Minute Record Summary – January 26, 2023**

Chairman Tom Brown called the meeting of the North Little Rock Board of Zoning Adjustment to order at 1:30 P.M. in Conference Room B of the City Services Building, 120 Main Street, North Little Rock, AR. Roll call found a quorum to be present; a quorum being three members present.

Members Present

Mr. Tom Brown, Chairman
Mr. Mike Abele
Mr. Gardner Burton
Mr. Steve Sparr

Members Absent

Mr. Tim Giattina, Vice-Chair

Staff Present

Ms. Donna James, Assistant Director of Planning
Mr. Tracy Spillman, City Planner
Ms. Marie Miller, City Attorney

Others Present

Stacy Light
Mark Spaight
Nick Tucker
Eric Maxwell

Old Business

None

Administrative

Mr. Sparr formed a motion to excusing Mr. Giattina. Mr. Burton provided a second. All members voted in the affirmative, the motion was approved.

Approval of Minutes

Mr. Sparr formed a motion to approve the minutes from December 29, 2022. Mr. Burton seconded the motion. Chairman Brown called for a vote. All members voted in the affirmative, the motion was approved.

Public Hearing Items –

BOA 2023-04, 2612 Gribble Street, NLR, AR, a variance request from the area provision of Section 4.3.3: I1 Office Warehouse District (C) Area Requirements Table to allow a reduced side yard setback along the western perimeter reducing the setback from 30-feet required to 11.52-feet. Chairman Brown called the item and requested the applicant come forward and provide their hardship.

Mr. Nick Tucker addressed the Board stating the hardship was the owner desired to place an addition to the western side of the building which encroached into the side yard setback for I1 zoned property. He stated the company was growing and the addition was necessary to allow for the additional space to continue to grow the company. He stated the addition could not be placed south of the existing building due to the location of the floodway.

Chairman Brown questioned if the hardship was the topography of the site. Mr. Tucker stated the hardship was the topography of the site and the inability to provide the addition to the south of the existing building.

Mr. Mark Spaight addressed the Board questioning any new and or redevelopment in the area. He stated he owned property in the area and questioned if the City had any plans for redevelopment or growth in the area. Chairman Brown stated Mr. Spaight could get with staff after the hearing and they could address his questions.

Chairman Brown questioned if any of the Board members had any questions or comments. He then questioned if anyone else in the audience wanted to address the Board. There being none, he stated he would entertain a motion for approval of the variance request. Mr. Sparr provided a motion for approval of the item based on the applicants stated hardship. Mr. Burton provided a second to the motion. By a roll call vote, all members voted in the affirmative. The motion was approved (4/0).

BOA #2022-05, 404 Chimney Rock Drive, NLR, AR a variance request from the area provision of Section 5.20 to allow an increased height of a front yard retaining wall allowing the height to taper from 7-feet in height to 2-feet in height. Chairman Brown called the item and requested the applicant come forward and provide their hardship.

Mr. Eric Maxwell addressed the Board on the merits of the request. He stated the hardship was the topography of the site. He stated there was a significant elevation change from north to south on the lot. He stated the height of the retaining wall was to allow steps to be constructed to serve the house. He stated the wall was a must to stabilize the area for the steps.

Mr. Abele questioned if the wall was a loop wall. Mr. Maxwell stated the wall would be incorporated into the site as a landscape feature but the purpose of the wall was to stabilize the area for the steps.

North Little Rock Board of Zoning Adjustment
Minute Record – January 26, 2023
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Chairman Brown questioned if any of the Board members had any questions or comments. He then questioned if anyone else in the audience wanted to address the Board. There being none, he stated he would entertain a motion for approval of the variance request. Mr. Sparr provided a motion for approval of the item based on the applicants stated hardship. Mr. Burton provided a second to the motion. By a roll call vote, all members voted in the affirmative. The motion was approved (4/0).

BOA #2023-03, 8110 Baucum Pike Rd, NLR, AR a variance request from the area provision of Section 5.7(e) to allow an increase in tower height from an existing tower height of 146-feet to a proposed height of 166-feet. Chairman Brown called the item and requested the applicant come forward and provide their hardship.

Ms. Stacy Light addressed the Commission on behalf of the tower owner, AT&T. She stated the additional height was necessary to allow for cell service coverage in the area. She stated the area was deficient in coverage for this area of the City. She stated the company had been granted approval by the FAA for the placement of the additional height.

Chairman Brown stated he felt there should be conditions placed on the proposed variance to provide multiple blinking lights on the top of the tower and a back-up power source to ensure the lights remained on at all times. He stated he felt this was necessary for safety.

Ms. Light stated the company had been granted approval for the height of the tower without the top beacon. She stated since the FAA did not require the light her owner did not feel it necessary to place the light on the tower.

Chairman Brown questioned the willingness to place the beacons on top of the tower. Ms. Light stated she would need to contact her owner to discuss the requirement. Chairman Brown questioned if she would like to postpone the item to the next hearing. Ms. Light stated this was her desire. By voice vote all voted in the affirmative for postponement of the item to the February hearing date. (4/0)

Public Comment and Adjournment

There being no further business before the Board, and on the motion of Mr. Sparr and seconded provided by Mr. Abele, and by consent of all members present, the meeting was adjourn at 1:45 PM.

Approved on this 23th day of February, 2023

Tom Brown, Chairman

Variance Requested: a variance request from the area provision of Section 5.7(E) to allow an increase in tower height for an existing tower currently with a height at 146-feet and proposed with a new height of 166-feet

Location of the Request: 8110 Baucum Pike Road, NLR, AR

Legal Description of the Property: Lot 1 Spanish Grant 2497 to the City of North Little Rock, Pulaski County, AR

Owner: William Watt

Applicant: SMJ International, David Connell

Present Use of the Property: Cell tower

Present Zoning of the Property: I2

Site Characteristics: The site is developed with a communications tower located on the western side of I 440 along the entrance ramp from Baucum Pike. There is a liquor store to the north of the site and undeveloped property to the south and west of the site.

Surrounding Zoning and Uses

<u>Direction</u>	<u>Surrounding Zoning</u>	<u>Surrounding Uses</u>
North	I2	Liquor Store
South	I2	Undeveloped
East	N/A	Interstate 440
West	I2	Undeveloped

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

Staff Analysis:

The Board of Zoning Adjustment approved a height variance for a communications tower at this location at their May 31, 1995 hearing. The approval allowed the placement of a 150-foot tall monopole.

The applicant is now requesting an additional height variance to increase the overall height of the tower to 166-feet. Section 5.7 of the Zoning Ordinance governs all wireless communication facilities not defined as "small cell" or those communication facilities located within a dedicated or prescriptive street right of way or easement. Small cell facilities are governed by a separate ordinance. The general requirements applying to a communication tower or wireless communication facility are:

- Require co-location of wireless communication facilities of competing providers on communication towers.
- Require any wireless service provider or entity installing a new communication tower to make appropriate provisions to allow for the future addition of at least one other provider on a private rental basis.
- Require the wireless service provider or entity installing a new communication tower to agree to refrain from generating unreasonable obstacles to such collocation arrangements.
- Requests for communication towers outside of the permitted Zoning Districts shall require a rezoning or a Special Use.
- Any communication tower permitted in a Zoning District over 75-feet in height, will be directed to the Board of Zoning Adjustment before the request may be reviewed by the Design Review Committee.
- New communication towers shall be reviewed through the Site Plan Review process after any necessary variances.
- Communication towers shall be subject to all other applicable local regulations and shall be treated as the principal building on the lot on which it is located.

The development criteria are as follows:

- A reasonable separation of individual communication towers shall be required by maintaining a physical separation of 2,000-feet between communication towers.
- The tower shall be located on a platted lot not less than 5,625 square feet.
- The tower shall be located within a fenced area. The fence shall be 6-feet in height.
- The tower shall be located in the center of the lot.
- All accessory structures and buildings shall be placed within a fenced area and at least 15-feet from any fence.
- A planted buffer with a minimum depth of 10-feet with plant materials to reach a height of 20-feet at maturity shall be required around the exterior perimeter of the fence.

The property is zoned I2 which allows the placement of a communications tower. To allow the building permit to be issued the applicant must request and be granted the additional height proposed for the communications tower. The applicant has indicated the additional height is necessary to provide coverage to the North Little Rock customer base.

A hardship is a special circumstance, which makes it very difficult for a particular project to meet the Zoning Ordinance requirement. Special circumstances are not interpreted to be something intangible, such as lack of knowledge of the code or misinformation at the time of purchase or construction. A hardship generally occurs when the physical characteristics of a property are such that it cannot be developed as permitted by the zoning ordinance. A hardship may be created by surroundings, shape or topographical conditions particular to the specific property. A hardship cannot be self-imposed, or the result of the property owners own action.

Board to Consider:

1. Is the variance for which the variance is sought due to unique circumstances existing on the property, the unique circumstances were not created by the owner of the property, and are not due to or the result

- of general conditions in the district in which the property is located? Possibly, the height is necessary to achieve the required coverage area and demands the height of the tower as requested by the applicant.
2. Does the variance substantially or permanently injure the appropriate use of adjacent conforming property in the same district? No, variances have been granted for additional heights in communication towers when the topography of the land is such the additional height if necessary to achieve the desired coverage area.
 3. Will approval of the variance alter the essential character of the district? No, the communication tower will be placed in a manner to not alter the character of the area.
 4. Will approval of the variance weaken the general intent and purpose of the land use and zoning plan? No, land use and zoning will remain unchanged.
 5. Will the approval of the variance be in harmony with the spirit of the ordinance? Possibly, variances have been granted to allow for communication towers to increase the height when the trees or terrain have necessitated the additional height.
 6. Will the approval of the variance adversely affect public health, safety, and general welfare? No, the approval will have no impact on the health, safety and welfare of the area.

Approval Allows:

1. Approval will allow an existing communication tower to increase the height from the current 146-feet to the proposed 166-feet in height.
2. Approval of this variance request is valid for 6-months from date of approval. If a building permit is not secured within the 6-month 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.

Staff Recommendation:

Staff recommends approval of the request to allow the increase in tower height as proposed by the applicant subject to the following conditions:

- Multiple blinking lights be located on top of the tower to operate 24-hours per day, 7-days per week and 365-days per year;
- A letter from the FAA approving the tower height and location;
- The tower be of monopole type only;
- All abandoned or unused towers and associated facilities shall be removed within 12-months of the cessation of operations at the site. In the event that a tower is not removed within 12 months of the cessation of operations at a site, the tower and associated facilities may be removed by the City and the costs of removal assessed against the property.
- The fence around the communication tower site must be maintained and a minimum of 6-feet in height; and
- Any dead, diseased or missing landscaping within the required planted buffer be replaced around the exterior perimeter of the fence.

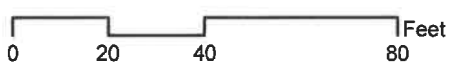
North Little Rock Board of Adjustment



BOA CASE #2023-03

Date: 12/19/2022

1 inch = 40 feet



User: jhale

INTERSTATE 440



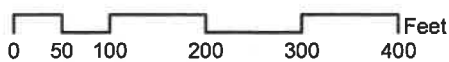
North Little Rock Board of Adjustment



BOA CASE #2023-03

Date: 12/19/2022

1 inch = 200 feet



User: jhale





AMERICAN TOWER SERVICES, LLC
 ATC TOWER SERVICES, LLC
 3688 REGENCY PARKWAY
 SUITE 100
 CANTON, MS 39046
 PHONE: (601) 488-0113
 COX: 852

THESE DRAWINGS AND/OR THE ACCOMPANYING SPECIFICATION ARE INSTRUMENTS OF SERVICE AND THE INTELLECTUAL PROPERTY OF AMERICAN TOWER SERVICES, LLC. NO PART OF THESE DRAWINGS OR SPECIFICATIONS IS TO BE REPRODUCED, COPIED, EITHER WHOLLY OR IN PART, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF AMERICAN TOWER SERVICES, LLC. THE PROJECT IS DESCRIBED IN THE ARCHITECTURAL DRAWINGS AND SPECIFICATIONS. THE PROJECT IS DESCRIBED IN THE ARCHITECTURAL DRAWINGS AND SPECIFICATIONS. THE PROJECT IS DESCRIBED IN THE ARCHITECTURAL DRAWINGS AND SPECIFICATIONS. ANY TRADE MARKS OR THE NAMES OF MANUFACTURERS ARE INDICATED FOR INFORMATION ONLY AND ARE NOT TO BE CONSIDERED A WARRANTY OR ENDORSEMENT BY AMERICAN TOWER SERVICES, LLC.

REV.	DESCRIPTION	BY	DATE
01	FIRST ISSUE	JES	04/28/22
02			
03			
04			

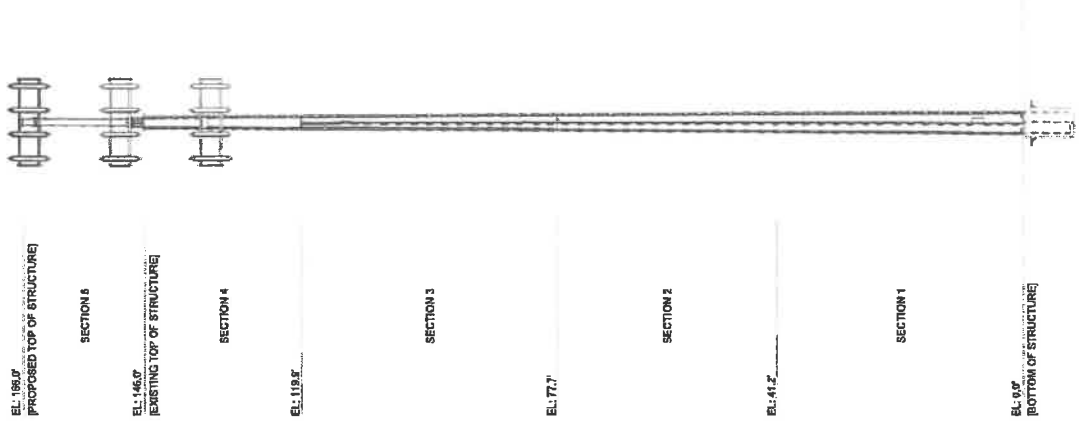
ATC SITE NUMBER: **98152**
 ATC SITE NAME: **BAUCUM (SCOTT)**
 ARKANSAS
 SITE ADDRESS: **9100 BAUCUM PIKE**
 NORTH LITTLE ROCK, AR 72117



DRAWN BY:	LPG
APPROVED BY:	MSR
DATE DRAWN:	04/28/22
ATC JOB NO.:	188727D_03_L06

MODIFICATION PROFILE

SHEET NUMBER:	S-201
REVISION:	0

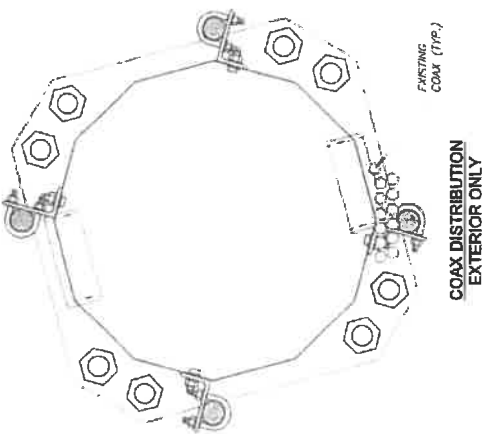


INSTALL 80 FT EXTENSION
 12.75" O.D. 8.375" P.D. W/
 2.5" RIBS (SEE SHEET S-202)
 FROM EL. 119.8' TO 146.0'. SEE SHEETS
 S-207 & S-208 FOR INSTALLATION DETAILS.

INSTALL (1) D17WD40
 #29 ALL THREAD RODS
 FROM EL. 106.0' TO 119.8'.
 SEE SHEETS S-207 & S-208
 FOR INSTALLATION DETAILS.

INSTALL (1) D17WD40
 #29 ALL THREAD RODS
 FROM EL. 119.8' TO 146.0'.
 SEE SHEETS S-207 TO S-208
 FOR INSTALLATION DETAILS.

INSTALL (1) D17WD40
 #29 ALL THREAD RODS
 FROM EL. 2.0' TO 119.8'.
 SEE SHEETS S-207 & S-208
 FOR INSTALLATION DETAILS.



- NOTES:**
1. PROPOSED AT&T MOBILITY COAX TO BE INSTALLED OUTSIDE MONOPOLE SHAFT. STACKING COAX IS NOT ALLOWED.
 2. BASE FLANGE WELD AND EXTENSER PLATE WELDS (WHEN PRESENT) ARE TO BE INSPECTED VISUALLY AND BY NDT METHODS BY A CERTIFIED WELD INSPECTOR WITH NDT LEVEL II CERTIFICATION. RESULTS ARE TO BE SENT TO ENR@AMERICANTOWERS.COM.
 3. CONTACT AMERICAN TOWER FIELD OPERATIONS WHEN EXISTING EQUIPMENT INTERFERES WITH INSTALLATION OF MODIFICATIONS. ONCE APPROVED, EXISTING EQUIPMENT MAY BE TEMPORARILY MOVED DURING INSTALLATION & REINSTALLED TO THE ORIGINAL HEIGHT & LOCATION BY CONTRACTOR POST COMPLETION OF MODIFICATIONS.



SMJ INTERNATIONAL

49030 Pontiac Trail, Suite 100
Wixom, MI 48393
www.smj-llc.com

December 7, 2022

Donna James, AICP
Assistant Director of Planning
City of North Little Rock
120 Main Street
North Little Rock, AR 72114-2134
501-975-8835

Re: **AT&T antenna colocation on existing cell tower
8100 Baucum Pike, North Little Rock, AR 72117**

98152

Encl: Check for \$170.00 for Board of Zoning Adjustment hearing

Ms. James:

Please find enclosed a check for \$170 for the Board of Zoning Adjustment hearing on December 29, 2022.

Please let me know as soon as possible if any additional information is required.

Attn: David Connell
49030 Pontiac Trail, Suite 100
Wixom, MI 48393

Phone: (630) 464-5893
Fax: (888) 745-4719
Email: dconnell@smj-llc.com

As always, feel free to contact me with any questions or concerns. I look forward to hearing from you.

Sincerely,

David Connell

David Connell
SMJ INTERNATIONAL

630-464-5893

Variance Requested: a variance to allow the placement of a front yard fence within a C3 zone (Section 5.11.5)

Location of the Request: 615 W 29th St, NLR, AR,

Owner/Applicant: Chubby Little Groundhogs, LLC

Present Use of the Property: Office

Present Zoning of the Property: C2

Site Characteristics: The site contains a single story office building and associated parking. The area is predominately office uses. To the north is I-40. To the east and southeast are hotels and to the south is an office building currently under renovation for City of North Little Rock offices.

Surrounding Land Use and Zoning

<u>Direction</u>	<u>Surrounding Zoning</u>	<u>Surrounding Uses</u>
North	NA	I-40
South	C3	Office
East	C3	Hotel
West	C3	Office-Warehouse

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

Staff Analysis: The applicant is seeking a variance to allow the placement of a wrought iron style fence within the front yard. The applicant is proposing to place a fence along with a gated entrance to the property to secure the site during non-business hours. The applicant states the property is located below the Levy on-ramp and south of I-40. The applicant states prior to closing on the property a homeless encampment was located behind the property along the I-40 right of way.

The applicant states the existing perimeter fence will be replaced. He states a new 6-foot decorative wrought iron fence will be placed in the front yard along with a security gate to allow the site to be secure and for the safety of the employees at the site. The gate will be placed a minimum of 40-feet from the property line along W 29th Street.

A hardship is a special circumstance, which makes it very difficult for a particular project to meet the Zoning Ordinance requirement. Special circumstances are not interpreted to be something intangible, such as lack of knowledge of the code or misinformation at the time of purchase or construction. A hardship generally occurs when the physical characteristics of a property are such that it cannot be developed as permitted by the zoning ordinance. A hardship may be created by surroundings, shape

or topographical conditions particular to the specific property. A hardship cannot be self-imposed, or the result of the property owners own action.

Board to Consider:

1. Is the variance for which the variance is sought due to unique circumstances existing on the property, the unique circumstances were not created by the owner of the property, and are not due to or the result of general conditions in the district in which the property is located? No, the request is to allow the placement of the fence within the front yard area.
2. Does the variance substantially or permanently injure the appropriate use of adjacent conforming property in the same district? No, there will be no impact on adjoining properties with the placement of the fence as proposed.
3. Will approval of the variance alter the essential character of the district? No, the character of the area will not change.
4. Will approval of the variance weaken the general intent and purpose of the land use and zoning plan? No, the land use and zoning will remain unchanged.
5. Will the approval of the variance be in harmony with the spirit of the ordinance? No, the zoning ordinance specifically states front yard fences are not allowed.
6. Will the approval of the variance adversely affect public health, safety, and general welfare? No, there will be no impact on public health, safety or welfare of the area.

Approval Allows:

1. Approval will allow the placement of a 6-foot wrought iron style fence within the front yard along with a security gate. The gate will be setback a minimum of 40-feet from the property line along W 29th Street.
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.

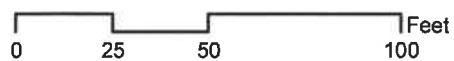
North Little Rock Board of Adjustment



BOA CASE #2023-06

Date: 2/9/2023

1 inch = 50 feet



User: jhale



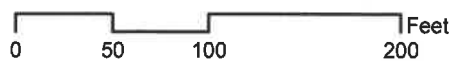
North Little Rock Board of Adjustment



BOA CASE #2023-06

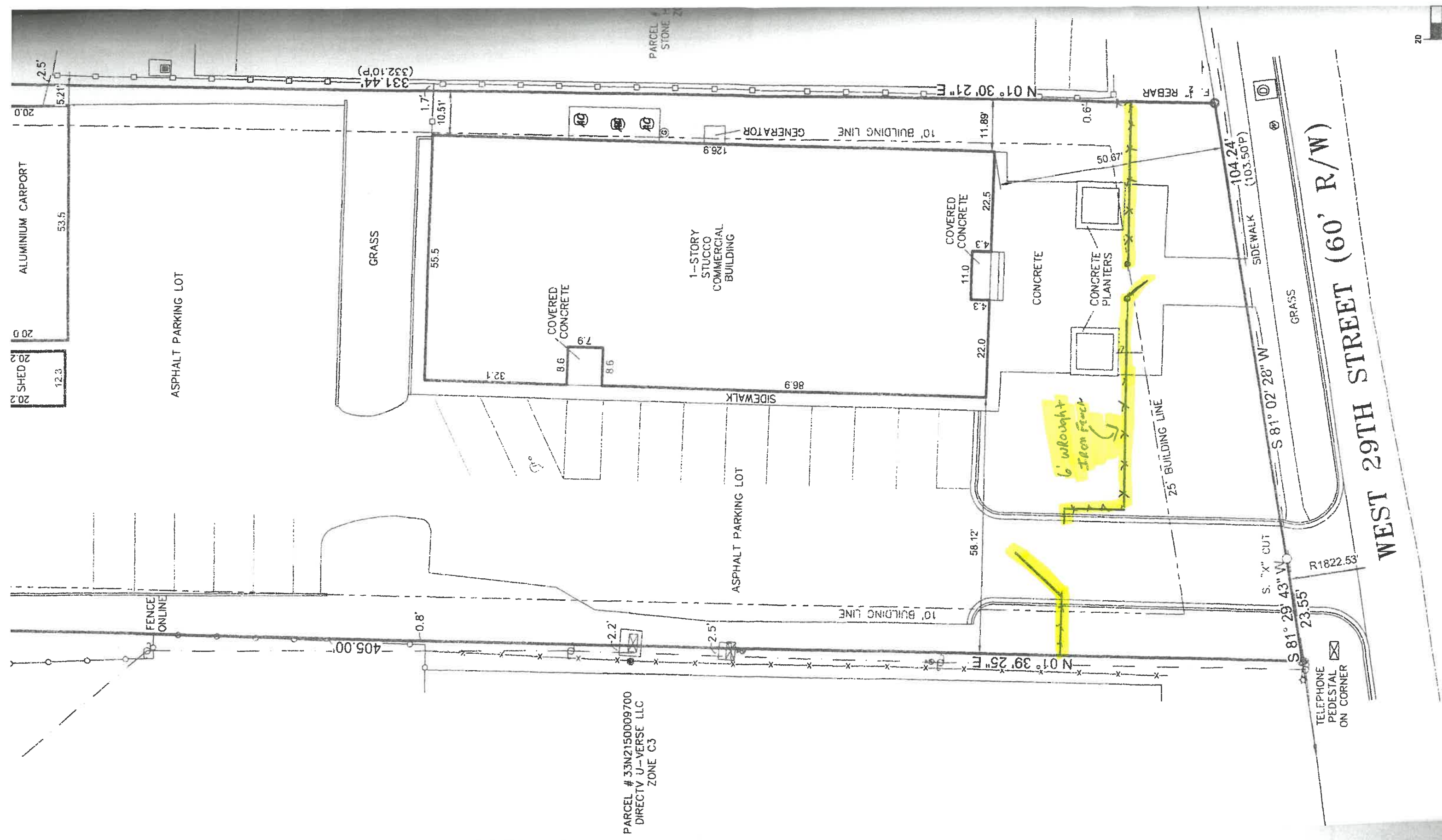
Date: 2/9/2023

1 inch = 100 feet



User: jhale





PARCEL # 33N2150009700
 DIRECTV J-VERSE LLC
 ZONE C3

WEST 29TH STREET (60' R/W)

James, Donna

To: Bob Miller
Subject: RE: 615 W. 29th St.

Donna James
Assistant Director of Planning
120 Main Street,
NLR, AR 72114

Pease accept this letter as a request for a zoning variance. Our office building is located at 615 West 29th St., North Little Rock, AR. We are asking for a variance based on safety and security reasons. The property prior to our closing had a homeless encampment located behind it. The property also sits below the Levy on-ramp and south of Interstate 40.

We are requesting a variance for a decorative six foot wrought iron fence in the front yard with a security gate with set-back as shown in the drawing. We would also like it to be noted that the fence in the back will now run along the property line and will be improved to the height of eight feet.

This property is registered with the city and secretary of state as Chubby Little Groundhogs, LLC.

Sincerely,

Robert Bob Miller

BOA 2023-07
February 23, 2023

Variance Requested: a variance to allow the encroachment into the front setback along JFK Blvd for a proposed 7-Brew Coffee within a C2 zone (Section 4.2.4)

Location of the Request: 4900 JFK Blvd, NLR, AR,

Owner/Applicant: 7-Brew Coffee

Present Use of the Property: Vacant Bank Branch

Present Zoning of the Property: C2

Site Characteristics: The site is a former bank location. The site has a driveway from McCain Blvd and a drive located on JFK Blvd. There are duplex/triplex units located to the east of the site and non-residential, commercial and office uses, located to the north, south and west of the site.

Surrounding Land Use and Zoning

<u>Direction</u>	<u>Surrounding Zoning</u>	<u>Surrounding Uses</u>
North	C2	Retail & Office
South	C2	Restaurant & Retail Strip Center
East	R4	Duplexes and Triplexes
West	C2	Restaurant, Retail & Office

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

Staff Analysis: The applicant is seeking a variance to allow an encroachment into the building setback along JFK Blvd. The property is zoned C2 which typically requires a minimum front yard setback of 40-feet and a minimum exterior side yard setback of 40-feet. The minimum rear yard setback required is 20-feet and the minimum side yard setback of 15-feet is required when adjacent to a residential use or zoning district. The applicant states in their letter, 7-Brew is requesting a variance for a drive thru bypass lane for a proposed new facility. The plan indicates a 31.45-foot setback from the property line along JFK Blvd resulting in an 8.55-foot encroachment into the required setback.

The desire of 7-Brew corporate and the franchisee ownership is all traffic to the business be located on the property and not adversely affect the traffic flow on city streets. Specifically, 7-Brew desires to prevent overflow of vehicles onto McCain and allow full circulation around the site along the east side so vehicles may pick-up their drinks and drive around the building to exit north on JFK Blvd. Additionally, the bypass lane on the east side can often be blocked by delivery trucks, dumpster pick-ups and/or peak time vehicular traffic on site. The additional bypass lane creates a safer layout for customers and reduces any impact on the intersection traffic at McCain.

A hardship is a special circumstance, which makes it very difficult for a particular project to meet the Zoning Ordinance requirement. Special circumstances are not interpreted to be something intangible, such as lack of knowledge of the code or misinformation at the time of purchase or construction. A hardship generally occurs when the physical characteristics of a property are such that it cannot be developed as permitted by the zoning ordinance. A hardship may be created by surroundings, shape or topographical conditions particular to the specific property. A hardship cannot be self-imposed, or the result of the property owners own action.

Board to Consider:

1. Is the variance for which the variance is sought due to unique circumstances existing on the property, the unique circumstances were not created by the owner of the property, and are not due to or the result of general conditions in the district in which the property is located? No, the applicant is proposing to redevelop the site with a new drive thru coffee business which does not meet the minimum setback along JFK Blvd.
2. Does the variance substantially or permanently injure the appropriate use of adjacent conforming property in the same district? No, the variance is to allow an encroachment into the building setback along JFK Blvd. Similar variances have been approved for businesses located in the area.
3. Will approval of the variance alter the essential character of the district? No, the character of the area will remain unchanged.
4. Will approval of the variance weaken the general intent and purpose of the land use and zoning plan? No, the land use and zoning will remain unchanged.
5. Will the approval of the variance be in harmony with the spirit of the ordinance? No, setbacks within zoning districts are established to allow for uniformity within development areas.
6. Will the approval of the variance adversely affect public health, safety, and general welfare? No, there will be no effect on public health, safety and the general welfare of the area.

Approval Allows:

1. Approval will allow an encroachment of a canopy within the setback along JFK Blvd placed at 31.45-feet from the property line resulting in an 8.55-foot encroachment.
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.

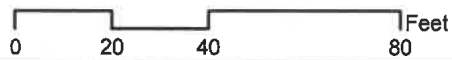
North Little Rock Board of Adjustment



BOA CASE #2023-07

Date: 2/9/2023

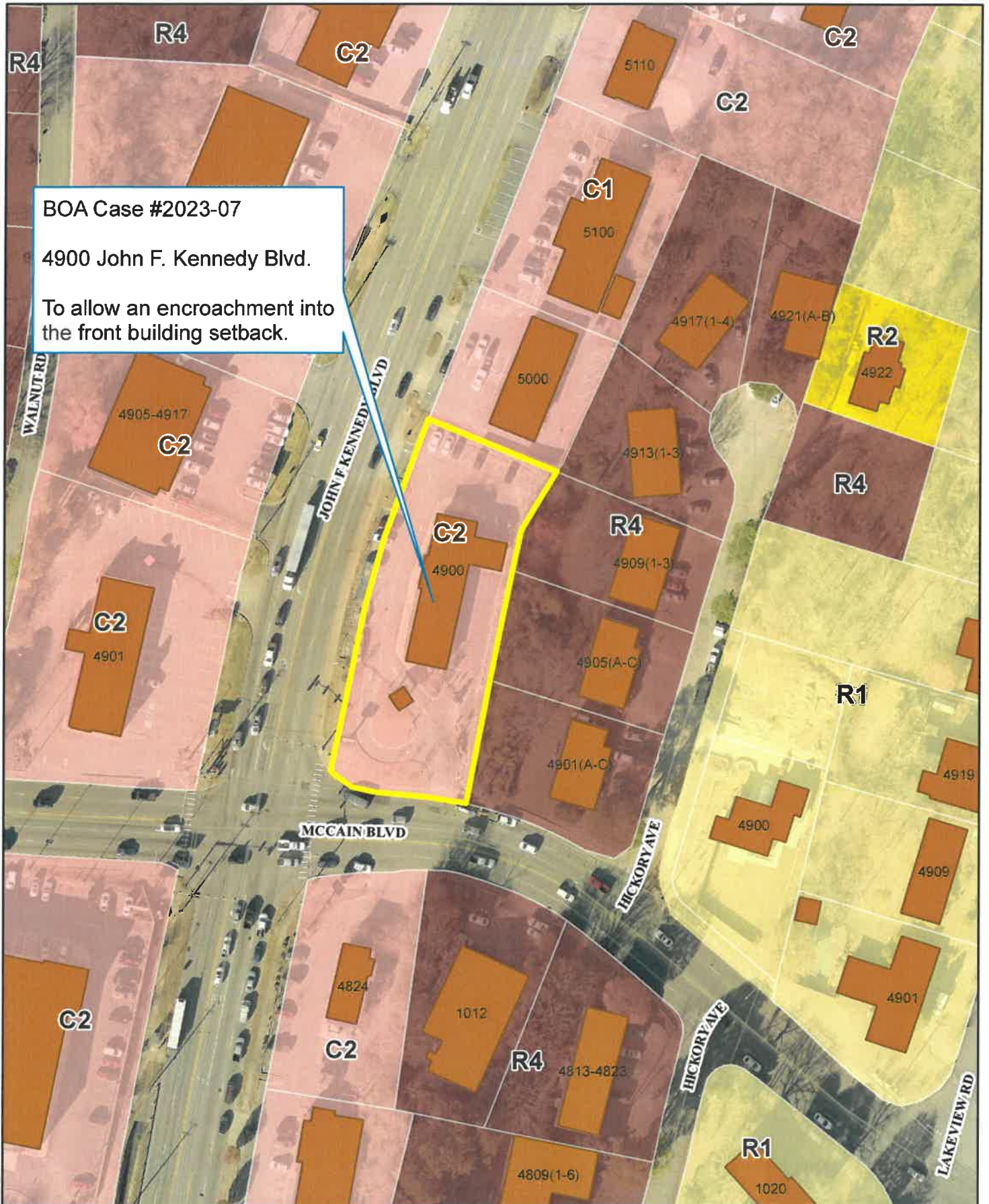
1 inch = 40 feet



User: jhale



North Little Rock Board of Adjustment



BOA Case #2023-07

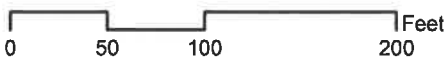
4900 John F. Kennedy Blvd.

To allow an encroachment into
the front building setback.

BOA CASE #2023-07

Date: 2/9/2023

1 inch = 100 feet



User: jhale





January 24, 2023

Board of Zoning Adjustment
City of North Little Rock
120 Main Street
North Little Rock, AR 72114

RE: 7Brew Variance Request
4900 John F. Kennedy Blvd.

To whom it may concern,

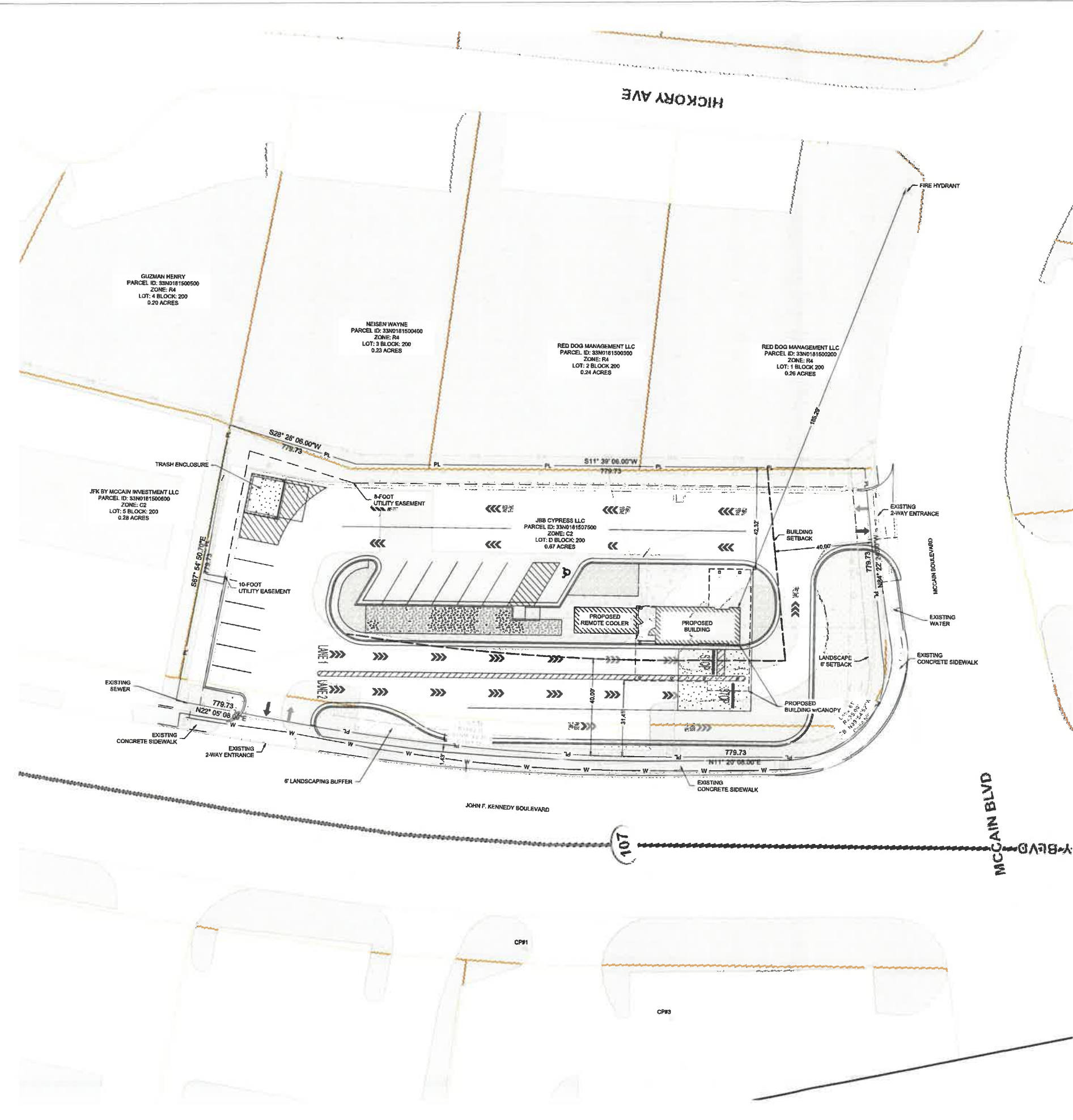
This letter is regarding the submittal made by 7Brew, in respect of a variance for a drive thru bypass lane. It is the desire of 7Brew corporate and the franchisee ownership that all traffic to the business be located on their property and not adversely affect the traffic flow in the city streets. Specifically, 7Brew desires to prevent overflow of vehicles onto McCain and allow full circulation around the site along the east side so vehicles may pick up their drinks and drive around the building to exit North on JFK Blvd. Additionally, this bypass lane on the east side can often be blocked by delivery trucks, dumpster pick ups and or peak time vehicular traffic on site. This additional bypass lane will create a safer layout for customers and reduce any impact on the intersection traffic at McCain.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "B Sebald".

Brandon Sebald
Brew Crew
7Brew Franchisee



**NORTH LITTLE ROCK, AR
PULASKI COUNTY**

LEGAL DESCRIPTION:
 PLAT OF LOT 2, BLOCK 200, PARK HILL ADDITION
 BEING A REPLAT OF LANDS FORMERLY PLATTED AS 'C' & 'B', BLOCK
 200, PARK HILL ADDITION,
 AND
 DEDICATION OF A PORTION OF JOHN F. KENNEDY BLVD.
 IN THE CITY OF NORTH LITTLE ROCK,
 AND IN
 SE 1/4 SE 1/4 & NE 1/4 SE 1/4 SECTION 14
 TOWNSHIP 2 NORTH, RANGE 12 WEST
 PULASKI COUNTY, ARKANSAS.

FEMA:
 MAP# 25110C03-02G
 PANEL 342G
 DATE: 07.06.2015
 AREA OF MINIMAL FLOOD HAZARD ZONE X.

PROPOSED USE:
 RESTAURANT WITH DRIVE THRU.
 PARKING SPACES: 14 VEHICLES

ZONING:
 ZONING: C2 COMMERCIAL

BUILDING AND LOT DATA:
 PROJECT FOOTPRINT = 0.75 ACRES
 PROPOSED BUILDING (1 STORY) - RETAIL = 510 SQ. FT.
 PROPOSED BUILDING (HEIGHT) = 19.67 FT.
 CONSTRUCTION TYPE: 1-4B
 REMOTE COOLER = 275 SQ. FT.

KINETIC
 DESIGN + DEVELOPMENT
 2101 W CHESTERFIELD BLVD, SUITE A101 • SPRINGFIELD, MO 65807 • P (417) 535-4321
 ARCHITECTURAL CORPORATION MISSOURI LICENSE NUMBER A-2010011427

ENGINEER OF RECORD:
 NAME: SHAWN W BARRY
 LICENSE NO. AR #PE-16815

PROJECT NUMBER:
 22177 7BMLA

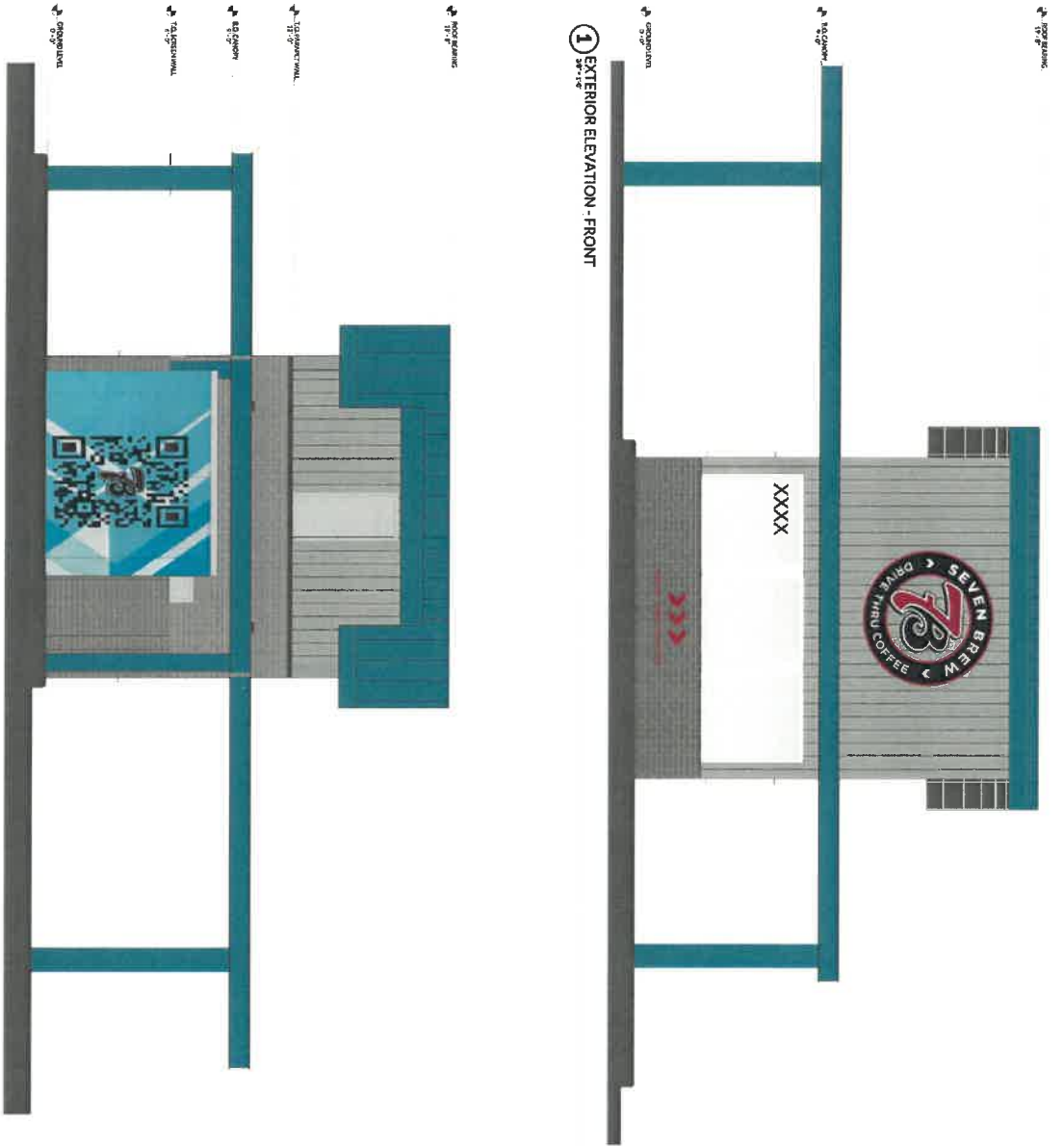
REVISION:

7 BREW COFFEE
NORTH LITTLE ROCK 03
 4900 J.F.K.
 NORTH LITTLE ROCK, ARKANSAS
 PARK HILL SUBDIVISION

Arkansas One Call
811
 Know what's below.
 Call before you dig.
 or
1-800-482-8998
 www.arkonecall.com

TOTH & ASSOCIATES
 1550 E. REPUBLIC ROAD
 SPRINGFIELD, MO 65804
 Ph: 417-888-0940 Fax: 417-888-0687
 www.tothassociates.com
 AFS 1008
 © 2023 Toth and Associates, Inc.

REVIEW
 SITE PLAN
 DATE: JANUARY 31, 2023



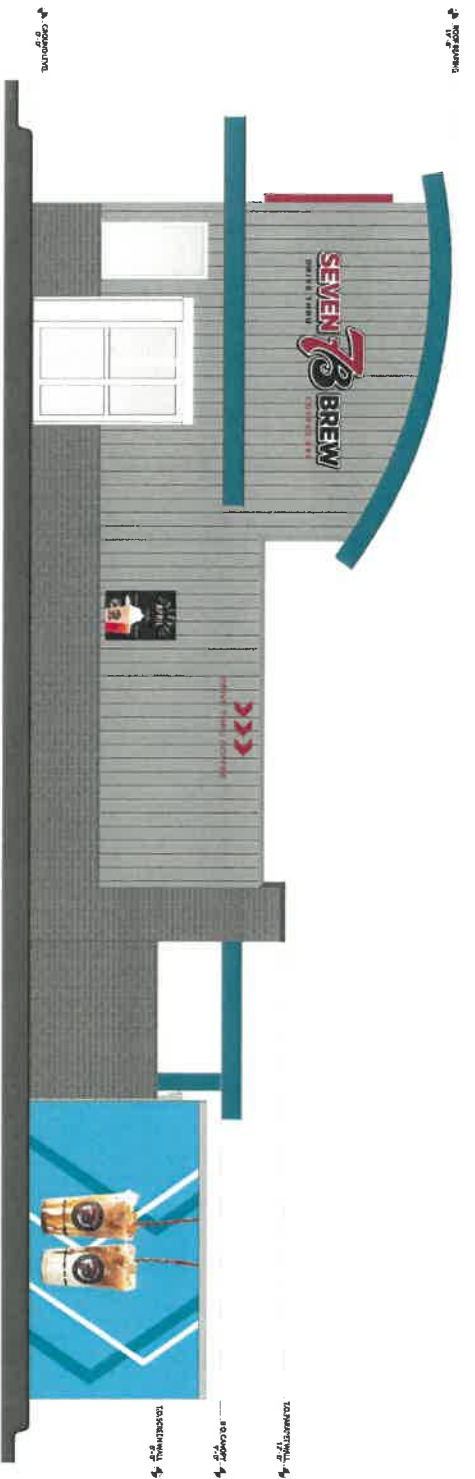
② EXTERIOR ELEVATION - BACK

① EXTERIOR ELEVATION - FRONT

Exterior Finish Legend

- Material: Solid Gray Metal Slats
- Material: Medium Density Fiberboard (MDF)
- Material: Solid Blue Metal Slats
- Material: Solid Gray Metal Slats
- Material: Solid Gray Metal Slats

<p>A2.1 EXTERIOR ELEVATIONS DATE: APRIL 15, 2022</p>	<p>ARCHITECT OF RECORD: NAME: ADMIN/REBER LICENSE NO. 2015002714</p>	<p>7 BREW COFFEE STANDARD PROTOTYPE</p> <p>ANYWHERE, USA</p>	<p>KINETIC DESIGN + DEVELOPMENT</p> <p>2721 W. GALE STREET, SUITE 101, BOSTON, MA 02116 ARCHITECTURAL CORPORATION ARE+USAS LICENSE NUMBER: 00A-01194</p>
	<p>PROJECT NUMBER: 25057524</p> <p>REVISION:</p>		



1 EXTERIOR ELEVATION - RIGHT SIDE



2 EXTERIOR ELEVATION - LEFT SIDE

Exterior Finish Legend

	Medium Siding
	Grey Wood Siding
	Natura Woodgrain
	Dark Grey Siding
	Blue
	Dark Grey
	Black

<p>A2.2 EXTERIOR ELEVATIONS DATE: APRIL 15, 2022</p>	<p>ARCHITECT OF RECORD: NAME: ADAM NISHER LICENSE NO.: 2011027044</p>	<p>7 BREW COFFEE STANDARD PROTOTYPE ANYWHERE, USA</p>	<p>KINETIC DESIGN + DEVELOPMENT 2817 W. GLEN FULTON BLVD. SUITE 1101, SPRINGFIELD, MO 65807 P: (417) 533-4321 ARCHITECTURAL CORPORATION ARKANSAS LICENSE NUMBER: COA-0104</p>
	<p>PROJECT NUMBER: 22023714</p> <p>REVISION:</p>		