



**City of North Little Rock  
Board of Zoning Adjustment Agenda  
Thursday, July 27, 2023 - 1:30 PM  
North Little Rock, City Services Building, 700 W 29<sup>th</sup> St, NLR, AR, 72114**

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**Call to Order -**

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

**Approval of Minutes - May 29, 2023**

**Public Hearing Items -**

1. BOA 2023-14, 4221 Warden Rd, a variance request from the area provision of Section 6.2.3 to allow a reduced number of parking spaces required for a restaurant development

**Administrative -**

1. Tower Lights, 3128 Pike Avenue

**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 July 03, 2023 Hearing Date July 27, 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 North Little Rock, City Services Building, 700 W 29<sup>th</sup> St, NLR, AR, 72114. 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 –June 29, 2023**

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Chairman Tom Brown called the meeting of the North Little Rock Board of Zoning Adjustment to order at 1:30 P.M. in the North Little Rock City Services Building – 700 W 29<sup>th</sup> St. Roll call found a quorum to be present; a quorum being three members present.

**Members Present**

Mr. Tom Brown, Chairman  
Mr. Tim Giattina, Vice-Chair  
Mr. Mike Abele  
Mr. Gardner Burton  
Mr. Steve Sparr

**Members Absent**

None

**Staff Present**

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

**Others Present**

Callum Allison  
Brady Brown, Rose Law Firm  
Robyn Allmendinger, Rose Law Firm  
Randal Nailer  
Steve Baxter  
Debi Ross  
Joe Buford  
Randal Freeman

**Old Business**

None

**Administrative**

None

**Approval of Minutes**

Chairman Brown stated that the minutes would be reviewed and voted on at the end of the meeting.

**Public Hearing Items –**

**BOA #2023-11**, 7001 John F Kennedy Blvd, A variance from Section 14.24 to allow the placement of a wall sign without street frontage. Chairman Brown called the item and requested the applicant come forward and provide the Commission with his hardship. Mr. Callum Allison representing the owner addressed the Board with his hardship. He stated the signage needs to be on the north and south sides of the building since the business is a drive through establishment only and there is not a front door.

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 subject to the conditions as presented by staff in the staff analysis. Mr. Giattina provided a second to the motion. By a roll call vote, all members voted in the affirmative. The motion was approved (5/0)

**BOA #2023-12**, 10801 Paul Eells Dr, A variance request from the area provisions of Section 4.1.5: R4: Multi-Family District to allow existing structures to continue to encroach on the platted front, side, and rear yard setbacks adjacent to the north, south, and west property lines. Chairman Brown called the item and requested the applicant come forward and provide the Commission with his hardship. Mr. Brady Brown representing the owner addressed the Board stating that the complex was recently purchased and it was found that various existing structures encroach across building lines and to bring the site into compliance would be cost prohibitive. Chairman Brown inquired if the new owner was aware of the encroachments at the time of purchase. Mr. Brown stated that this was not discovered until the property was purchased. Mr. Giattina asked the applicant to articulate a hardship that was not solely economic based. Mr. Brown stated that this would require moving entire buildings and displacing residents. Chairman Brown inquired about the distance of the encroachments. Mr. Able requested to see any aerial views Mr. Brown presented site maps and Ms. Robyn Allmendinger (also representing the property owner) summarized each of the violations. Mr. Burton inquired of staff if there had been any phone calls or opposition concerning this variance. Ms. James (city staff) stated that there had been a minimum number of calls but no one expressing opposition. Ms. James also reiterated that this variance did not involve any new construction and the complex would remain as existing and staff does not view the variance request as an issue.

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 subject to the conditions as presented by staff in the staff analysis. Mr. Giattina provided a second to the motion. By a roll call vote, all members voted in the affirmative. The motion was approved (5/0)

**Administrative Appeal:** Staff informed the Board that an administrative appeal would be heard that had not been included on the June 29, BOA agenda. Mr. Randal Nailer approached the Board stating that he was a member of the Cedar Hills Neighborhood Association and would like to discuss the cell phone tower and the flashing light that had recently been installed in close proximity of his property. Mr. Nailer discussed how this light has been disruptive to his living conditions and asked if this could be removed from the tower. Chairman Brown discussed the safety reasons for the Board requiring the light. City Council members, Steve Baxter and Debi Ross spoke in opposition of the cell tower light. Private residents Joe Buford and Randal Freeman spoke in opposition of the cell tower light. Staff discussed the actions that can be taken, the administrative appeal process, the issues with the cell tower/ light and the authority and responsibilities of the Board of Adjustment. Mr. Giattina made a motion to continue this discussion at an alternative date until further information could be gathered. Chairman Brown called for a second, Mr. Sparr seconded the motion and all members voted in the affirmative and the motion was approved. The Board agreed that a special meeting would be called to continue this discussion on July 13.

Update: After further post hearing discussions with the City attorney's office it was decided that the July 13<sup>th</sup> special meeting will not be required.

**Approval of Minutes**

Mr. Sparr formed a motion to approve the minutes from May 26, 2023. Mr. Burton provided a second. Chairman Brown called for a vote. All members voted in the affirmative, the motion was approved.

**Public Comment and Adjournment**

There being no further business before the Board, and on the motion of Mr. Sparr and seconded provided by Mr. Burton, and by consent of all members present, the meeting was adjourn at 2:18 PM.

Approved on this 29<sup>th</sup> day of June, 2023

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**Tom Brown, Chairman**

BOA 2023-14  
July 27, 2023

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**Variance Requested:** A variance request from the area provision of Section 6.2.3 to allow a reduced number of parking spaces required for a restaurant development.

**Location of the Request:** 4221 Warden Rd, NLR, AR

**Legal Description of the Property:** Lot 4AR, Being a Replat of Lot 4, Block 1, McCain Mall Addition to the City of North Little Rock, Pulaski County, AR

**Owner:** Jim Keet - JTJ Restaurants LLC

**Applicant:** Ben Cox - Keet O'Gary Construction

**Present Use of the Property:** Undeveloped

**Present Zoning of the Property:** C3, General Commercial District

**Site Characteristics:**

Located on the east side of McCain Mall the subject property is currently indicated to be a portion of the larger Dillard's Department Store tract. The present use is shown to be parking for Dillard's but is also being utilized as overflow parking by the adjacent Waldo's Chicken and Beer restaurant to the north. An existing drive aisle for the Mall and Dillard's Department store abuts the west perimeter of the property and an access drive located on the south side of the site connects the mall with Warden Rd to the east. A separate out parcel is located further to the north adjacent to Waldo's and occupied by an I-Hop restaurant.

**Surrounding Land Use and Zoning**

<b><u>Direction</u></b>	<b><u>Surrounding Zoning</u></b>	<b><u>Surrounding Uses</u></b>
North	C3, General Commercial District	Restaurant Waldo's
South	C3, General Commercial District	Access Drive / Restaurant – Tacos4Life
East	N/A	Warden Rd / HGWY 67/167
West	C3, General Commercial District	Drive Aisle / Parking McCain Mall / Dillard's Dept. Store

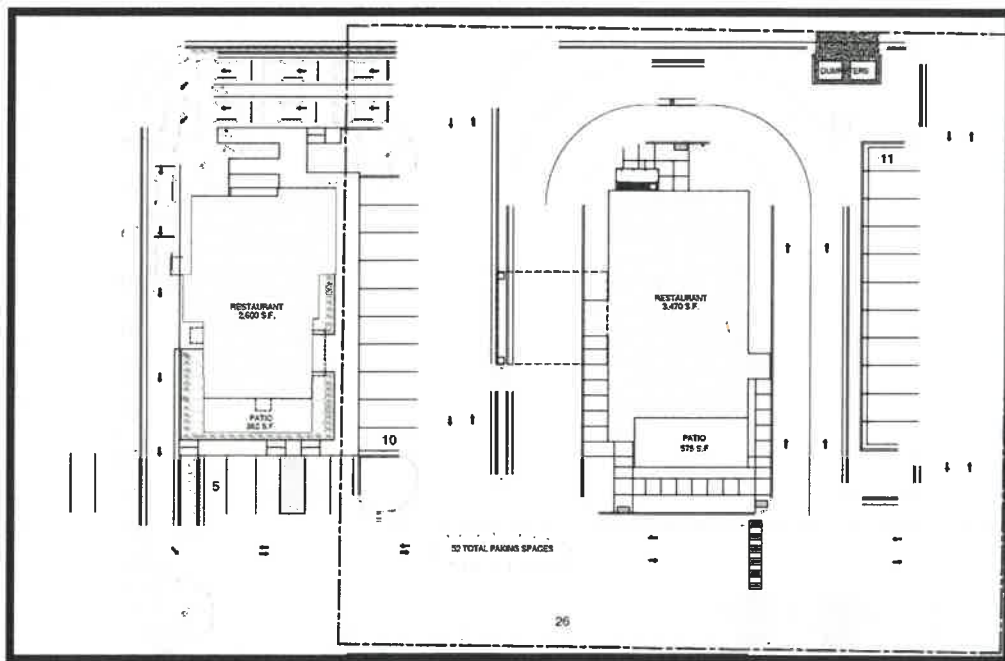
**Staff Analysis:**

A new Taziki's restaurant is proposed for the area between the existing Waldo's restaurant and the entry drive to McCain Mall from Warden Rd. J TJ Restaurants LLC, the proprietor of both Taziki's and Waldo's has a Letter of Intent to purchase this small parcel of land from Dillard's with the objective to replat the property into separate outparcels. The preliminary site plan indicates a buildable area of approximately 195-feet in length and 65-feet in width (12,675 sf). The proposed restaurant is indicated to be 2600 sf with an additional 382 sf of patio for a total of 2,982 sf of restaurant space. The exiting Waldo's indicates a building 3470 sf in area with an additional 575 sf of patio space for a total of 4,045 sf.



The preliminary site plan indicates a buildable area of approximately 195-feet in length and 65-feet in width (12,675 sf). The proposed restaurant is indicated to be 2600 sf with an additional 382 sf of patio for a total of 2,982 sf of restaurant space. The exiting Waldo's indicates a building 3470 sf in area with an additional 575 sf of patio space for a total of 4,045 sf.

A two-lane drive aisle and planting medium separate the proposed development from the Waldo's drive thru. There are 10 parking spaces adjacent to the proposed Taziki's sidewalk on the north side of the proposed building, which are now indicated to be located on the Waldo's property. Additionally, the development indicates 10 parking spaces within the boundaries of the site with 9 drive thru stacking spaces. The Waldo's site includes 21 spaces east of the building adjacent to the Warden Rd



right-of-way and 11 spaces north of the building adjacent to the ingress/egress to the mall parking area. In addition there are approximately 22 drive-thru stacking spaces.

Article 6 of the zoning code requires restaurants with drive thru to provide 1 space per 100 sf of gross floor area of that use. The new restaurant as proposed would require 30 onsite parking spaces. The existing Waldo's requires 40 parking spaces. Combined, both restaurants would mandate a total of 70 parking spaces. Depending on the replat of the properties the number of parking spaces provided on each site may vary from what is shown on the proposed site plan for each Taziki's and Waldo's. The plans submitted for variance indicate there are a total of 52 parking spaces provided on both sites with an approximate 31 drive thru stacking spaces leaving a deficiency of 18 parking bays for the combined development.

The hardship letter presented by the applicant states that "they cannot meet the parking requirements because of the size of the lot". The applicant has also indicated that they have a relationship with Dillard's to utilize their parking area as needed if overflow occurs.

Variations should only be granted when the Board can determine the spirit of the zoning ordinance is observed, public safety is secured and substantial justice is done. Variance may be granted by the Board when the property owner can provide a unique circumstance existing on the property, the unique circumstance was not created by the owner of the property, and is not due to or the result of general conditions in the zoning district in which the property is located. The development or use of the property for which the variance is sought, if limited by a literal enforcement of the provision of the zoning ordinance cannot yield a reasonable return in service, use or income as compared to adjacent conforming property in the same zoning district.

**Board to Consider:**

1. Is the variance being 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? Yes, the applicant is seeking a variance to allow the placement of a restaurant on a site with a limited buildable area and is requesting a reduced number of required parking spaces to maximize the building sf for the use of patrons and employees.
2. Does the variance substantially or permanently injure the appropriate use of adjacent conforming property in the same district? No, there will be little impact on the adjacent conforming property.
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 zoning and land use for the area will remain the same.
5. Will the approval of the variance be in harmony with the spirit of the ordinance? No, the parking requirements of the ordinance were established to protect adjacent properties and uses and limit possible impacts of overflow parking on adjacent property.



6. Will the approval of the variance adversely affect public health, safety, and general welfare? No, there will be no impact to the public health, safety or general welfare of the area.

**Approval Allows:**

1. Approval will allow a reduction in the required parking for the combined proposed/existing restaurants from the required 70 parking spaces to the 52 provided parking spaces as shown on the development plan with the condition that the Dillard's parking area will be utilized for any overflow parking.
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 #2023-14

4221 Warden Rd.

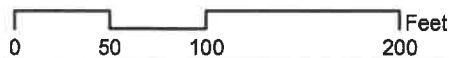
To allow a reduced number of parking spaces required for a restaurant development.



**BOA CASE #2023-14**

Date: 7/13/2023

1 inch = 100 feet



User: jhale





# North Little Rock Board of Adjustment



**BOA CASE #2023-14**

Date: 7/13/2023

1 inch = 50 feet



User: jhale





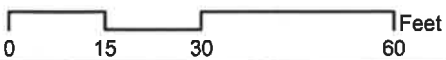
# North Little Rock Board of Adjustment



**BOA CASE #2023-14**

Date: 7/13/2023

1 inch = 30 feet



User: jhale



**KEET O'GARY**  
CONSTRUCTION

July 3, 2023

**RE: Proposed Taziki's Mediterranean Café Location-- North Little Rock**

To whom it may concern,

JTJ Restaurants is requesting a variance for the above referenced location. Currently, they cannot meet parking requirements because the size of the lot. They need 52 total parking spaces and have an signed LOI with Dillard's for parking at McCain Mall adjacent to Waldo's Chicken and Beer. This would be utilized for parking as needed. Please reference the attached survey and proposed site plan.

Sincerely Yours,

*Ben Cox*

**Ben Cox  
Project Manager  
501-478-9640**





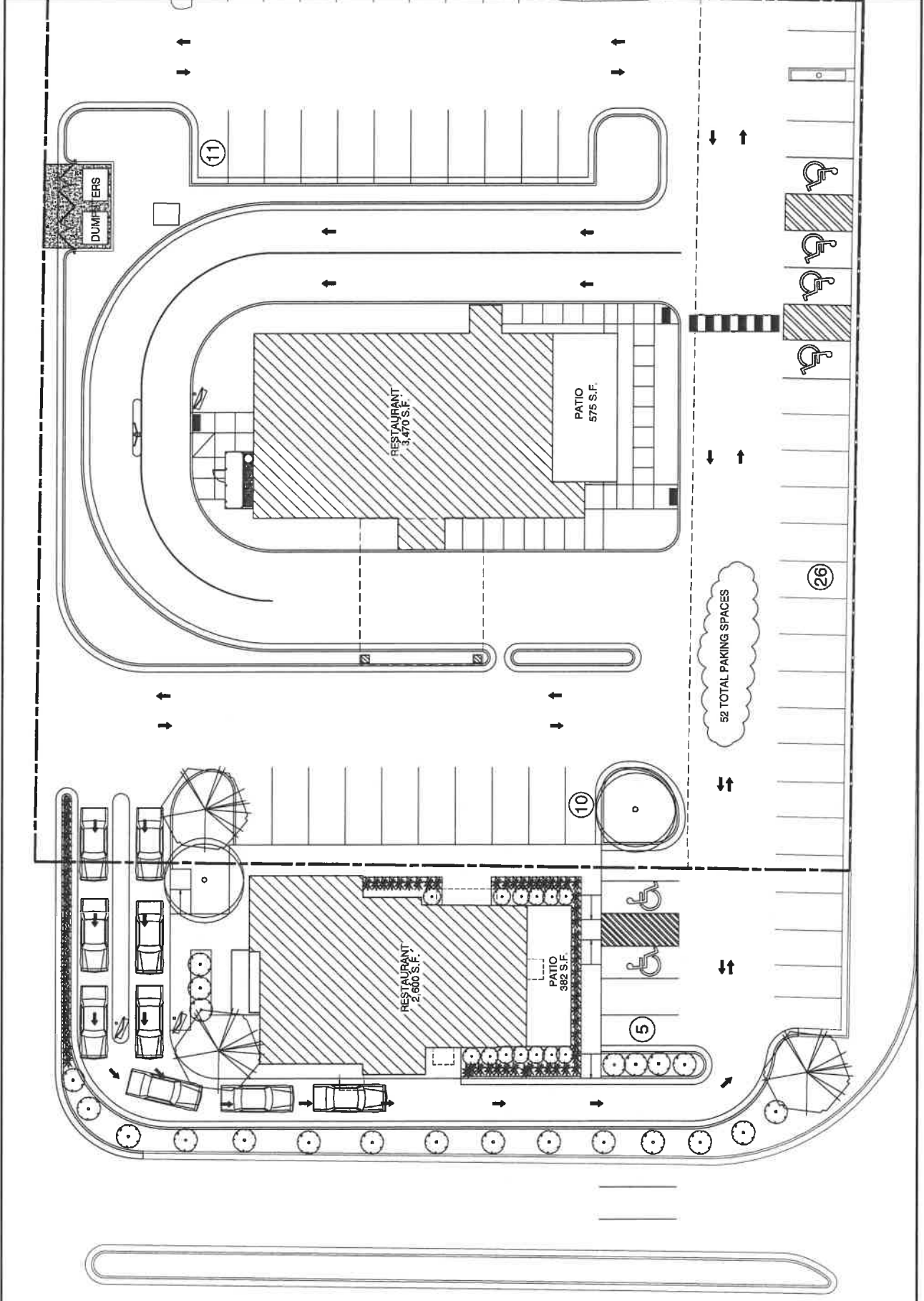
ROARK PERKINS ARCHITECTURE + INTERIOR DESIGN  
 711 W. BROADWAY STREET • LITTLE ROCK, AR 72202  
 (501) 375-1234

A NEW RESTAURANT FOR  
 TAZIKI'S MEDITERRANEAN CAFE  
 4221 WARDEN ROAD  
 NORTH LITTLE ROCK, ARKANSAS

PRELIMINARY  
 SITE PLAN  
 OPTION 2



DATE	JOB NO.	SHEET	OF
00-2-4-23	.....	A1.1	1



REVISIONS	DATE



The City of North Little Rock  
Office of Planning  
700 W 29th Street  
North Little Rock, AR 72114

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## MEMORANDUM

To: Mr. Tom Brown, Chairman NLR Board of Zoning Adjustment &  
Board of Zoning Adjustment Members

From: Donna James, Assistant Director of Planning

Date: July 18, 2023

Subject: Communication Tower Conditions – 3128 Pike Avenue, NLR, AR

Case # BOA 2022-21

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Chairman Brown and Board of Zoning Adjustment Members –

The Board approve a variance request on June 30, 2022 to allow a communications tower with an increased height of the tower from 75-feet to 145-feet. The approval was subject to a number of conditions, one of which, *the requirement of 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.* The tower was constructed and the lights placed on the tower as required. After the tower lights were activated, the City received complaints from residents living in the adjacent residential subdivision stating the lights were a nuisance. The tower lights were located at eyelevel to the homes to the west.

The request before the Board is to remove the condition of requiring the placement of the lighting on top of the tower. The lighting was not a requirement of the FAA due to the height of the tower. The tower company is agreeable to “turning-off” the lighting.