



**City of North Little Rock  
Board of Zoning Adjustment Agenda  
Thursday, August 31, 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 - July 27, 2023**

**Public Hearing Items -**

1. **BOA 2023-15**, 1001 East H Ave, a variance request from the area provisions of Section 4.1.2 to allow a reduced rear yard setback from 25-feet to 11.26-feet for a proposed addition to a single family home.
2. **BOA 2023-16**, 4200 Lochridge Rd, a variance is requested from the area provision of Section 4.1.2 to allow a reduction in the minimum separation distance from the primary structure and an accessory structure; (free standing roof over an existing deck).
3. **BOA 2023-17**, 4500 North Hills Blvd, a variance request from the area provision of Section 5.11.4 to allow the placement of a fence in the front yard of a residential district that will exceed three and a half (3.5) feet in height and be partially constructed of vinyl coated chain link.
4. **BOA 2023-18**, 5120 Northshore Dr, a variance request from the area provision of Section 14.24 to allow for a ground mounted sign to exceed the maximum allowable size of 64-square feet in area on an I2 zoned property.
5. **BOA 2023-19**, 2914 Pike Avenue, a variance request from the area provision of Section 5.11.5 to allow the placement of an 8-foot high security fence on the front and side yards of a commercially zoned property.

**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 September 1, 2023 Hearing Date September 28, 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 –July 27, 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. Amy Fields, City Attorney

**Others Present**

Ben Cox, Keet O'Gary Construction  
Tommy Keet, JTL Restaurants LLC  
Jake Keet, JTL Restaurants LLC

**Old Business**

None

**Administrative**

The previous months administrative appeal update was moved to the end of the meeting.

**Approval of Minutes**

Approval of the previous month's minutes was moved to the end of the meeting.

**Public Hearing Items –**

**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. Chairman Brown called the item and requested the applicant come forward and provide the Commission with his hardship. Mr. Tommy Keet representing JTL Restaurants LLC addressed the Board, stating that his company desires to close their location inside McCain Mall and build a stand-alone restaurant. Mr. Keet then discusses the parking improvements that will be made and the cross parking agreement that they have in place with the adjacent property owner. The stated hardship was the topography of the site. Mr. Giattina inquired about the parking improvements. Mr. Able inquired about handicap parking. Mr. Keet responded to the Board's inquires.

Chairman Brown questioned if any of the Board members had any questions or comments. There being none, he stated he would entertain a motion for approval of the variance request. Mr. Sparr provided a motion for approval. Mr. Burton provided a second to the motion. By a roll call vote, all members voted in the affirmative. The motion was approved (5/0)

**Approval of Minutes**

Chairman Brown called for a motion for approval of the previous meetings minutes Mr. Giattina formed a motion to approve the minutes from June 29, 2023 meeting . Mr. Able provided a second. Chairman Brown called for a vote. All members voted in the affirmative, the motion was approved.

**Administrative**

Chairman Brown revisited the administrative appeal from last month's meeting concerning the tower light at 3128 Pike Ave. Chairman Brown stated that the light has been turned off. Staff further explained the action.

**Public Comment and Adjournment**

There being no further business before the Board, Chairman Brown called for a motion adjourn the meeting. Mr. Sparr provided a motion to adjourn Mr. Able provided a second and by consent of all members present, the meeting was adjourn at 1:42 PM.

**Approved on this 31<sup>th</sup> day of August, 2023**

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**Tom Brown, Chairman**

BOA #2023-15  
August 31, 2021

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**Variance Requested:** a variance request from the area provisions of Section 4.1.2 to allow a reduced rear yard setback from 25-feet to 11.26-feet for a proposed addition to a single family home.

**Location of the Request:** 1001 East H Ave, North Little Rock, AR

**Legal Description of the Property:** Lot 2, Block 61, Park Hill 8N to the City of North Little Rock, Pulaski County, AR

**Owner/Applicant:** John G. Long / Evonne Vernice Rice

**Present Use of the Property:** Single-family

**Present Zoning of the Property:** R1, Single-family

**Site Characteristics:** The subject property is located within Park Hill neighborhood east of JFK Blvd and south of McCain Blvd. Built in 1956 a single-family home occupies the southeast corner of Idlewild Ave and East H Ave. The front of the house faces East H while off-street parking, carport, and single car garage are located on the west end of the home and accessed from Idlewild.

### **Surrounding Land Use and Zoning**

<b><u>Direction</u></b>	<b><u>Surrounding Zoning</u></b>	<b><u>Surrounding Uses</u></b>
North	R1, Single-family	Single Family
South	R1, Single-family	Single Family
East	R1, Single-family	Single Family
West	R1, Single-family	Single Family

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

**Staff Analysis:** The applicant is proposing to construct an addition to the rear of their home that will allow the parking of two vehicles in a sheltered and more secure environment. Additionally, this proposed space will also provide enough square footage for an ADA compliant master suite or living quarters for an in home nursing assistant if ever needed.

The plan submitted by the applicant indicates a carport and existing enclosed single-car garage on the west end of the structure. Also, shown is an addition to be located at the northeast corner of the home extending 22-feet in width to the north and 58-feet in length to the south. An existing

privacy fence located on the rear property line will separate the existing and new construction from the neighboring property's side yard to the north.

As existing the back of the house is now located 36.04-feet from the rear property line and in compliance with the 25-foot rear yard setback requirements in excess of 11-feet. If allowed the proposed 22-foot wide addition will bring the new rear wall of the home within 13.74-feet of the property line crossing the 25-foot rear yard setback 11.26-feet.



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.

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? No, the applicant is seeking to allow an addition to the existing home, which would result in a rear yard setback less than the 25-foot typically required by the zoning district.

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 properties
3. Will approval of the variance alter the essential character of the district? No, the area will remain as a residential neighborhood.
4. Will approval of the variance weaken the general intent and purpose of the land use and zoning plan? No the use of the property will remain as residential.
5. Will the approval of the variance be in harmony with the spirit of the ordinance? No, the spirit of the ordinance is to allow for proper setbacks and separations between homes to allow for adequate light and air and allow for access of emergency personal.
6. Will the approval of the variance adversely affect public health, safety, and general welfare? No, there will be no impact on the public health, safety or general welfare of the community.

**Approval Allows:**

1. Approval will allow the placement of an addition to the existing single-family residence resulting in a rear yard setback from 25-feet to 11.26-feet along the property's northern property line.
2. Approval of this variance request is valid for 180-days from date of approval. If a building permit is not secured within the 180-day period, approval becomes invalid unless, the Board of Zoning Adjustment has approved a request for a time extension. All requests for time extension must be made prior to the expiration of the Board's approval.



June 20, 2023

John G. Long

8716 Stillwater Rd.

Sherwood, AR 72120

Planning Board

700 West 29<sup>th</sup>

North Little Rock, AR

RE: 1001 East H Ave.

ATTN: Donna James

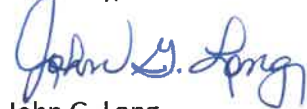
Planning Board Members:

After losing my spouse of nearly 40 years a couple of years ago, I have decided to marry once again to a longtime friend who lives in the Parkhill area. She loves her home and the Parkhill area, as do I, and does not really want to move at this point in her life (She recently retired from UAMS after a 47 year nursing career). Unfortunately, because of a number of factors, her home will not comfortably accommodate the two of us as we attempt to blend our households.

Therefore, we respectfully request that you grant us a 2' variance to the North behind the existing home. This will make it possible to park two vehicles in a new garage giving us the width we need to not only park but to get in and out of our vehicles in a sheltered and more secure environment. This will become more critical as we age and possibly need walker assistance. It will also give us needed living space to construct an ADA friendly Master Suite as we are both light sleepers and need our own sleeping space. Finally, should we need healthcare assistance in the future it will give us the option of having an in-home nursing assistant. Naturally, we hope that never happens but we are trying to plan for the possibility. Evonne has a great relationship with her neighbors as she is always willing to give a helping hand when they are in need. I am confident they will not object to what we are trying to do but understand there is a process you require us to complete in order to insure our neighbors know and are in support of this needed project.

We thank you in advance for your consideration.

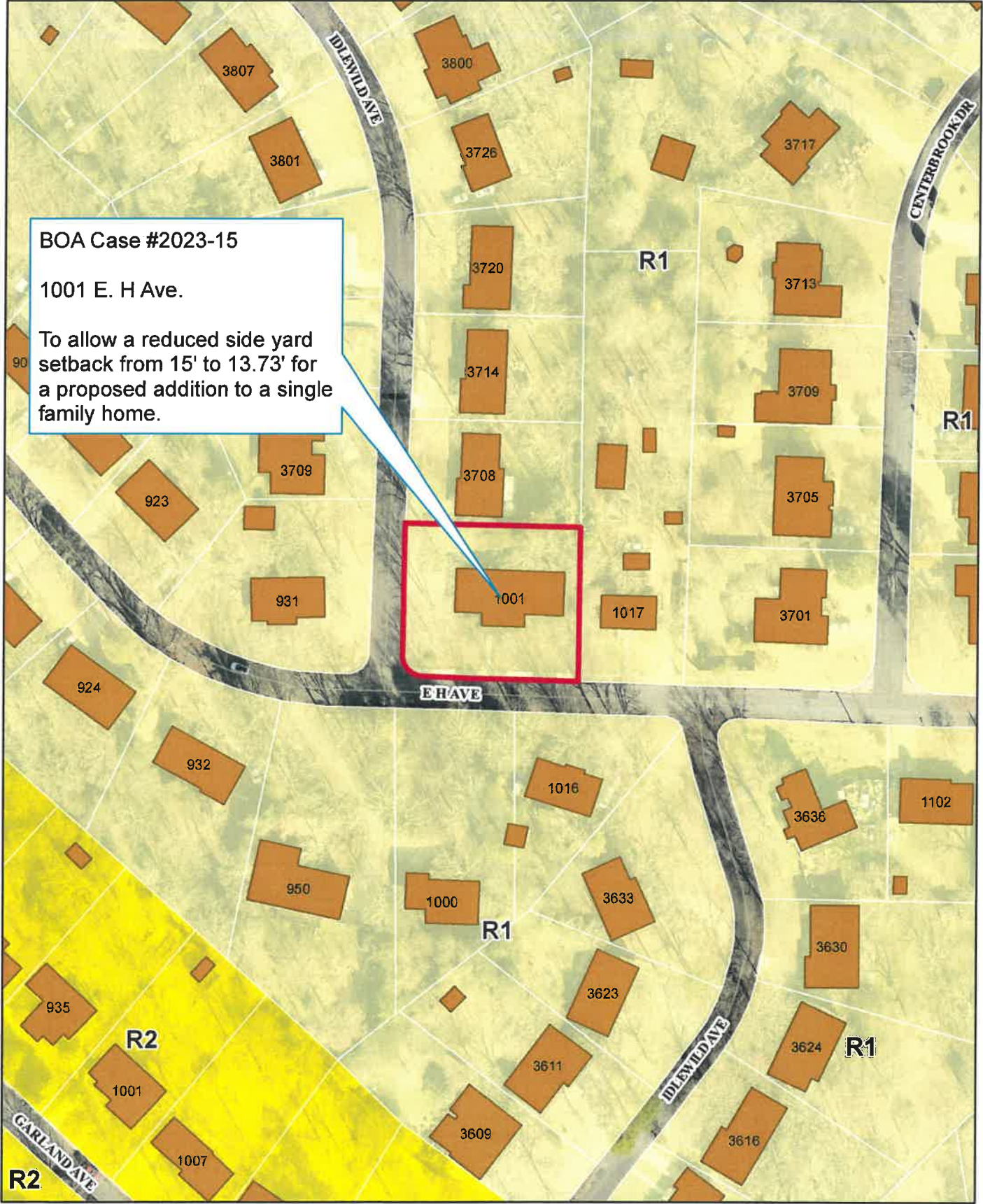
Sincerely,



John G. Long

(501) 680-6817/ email: jgalenlong@gmail.com

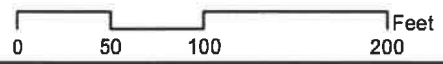
# North Little Rock Board of Adjustment



**BOA CASE #2023-15**

Date: 8/8/2023

1 inch = 100 feet



User: jhale





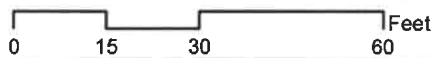
# North Little Rock Board of Adjustment



**BOA CASE #2023-15**

Date: 8/8/2023

1 inch = 30 feet

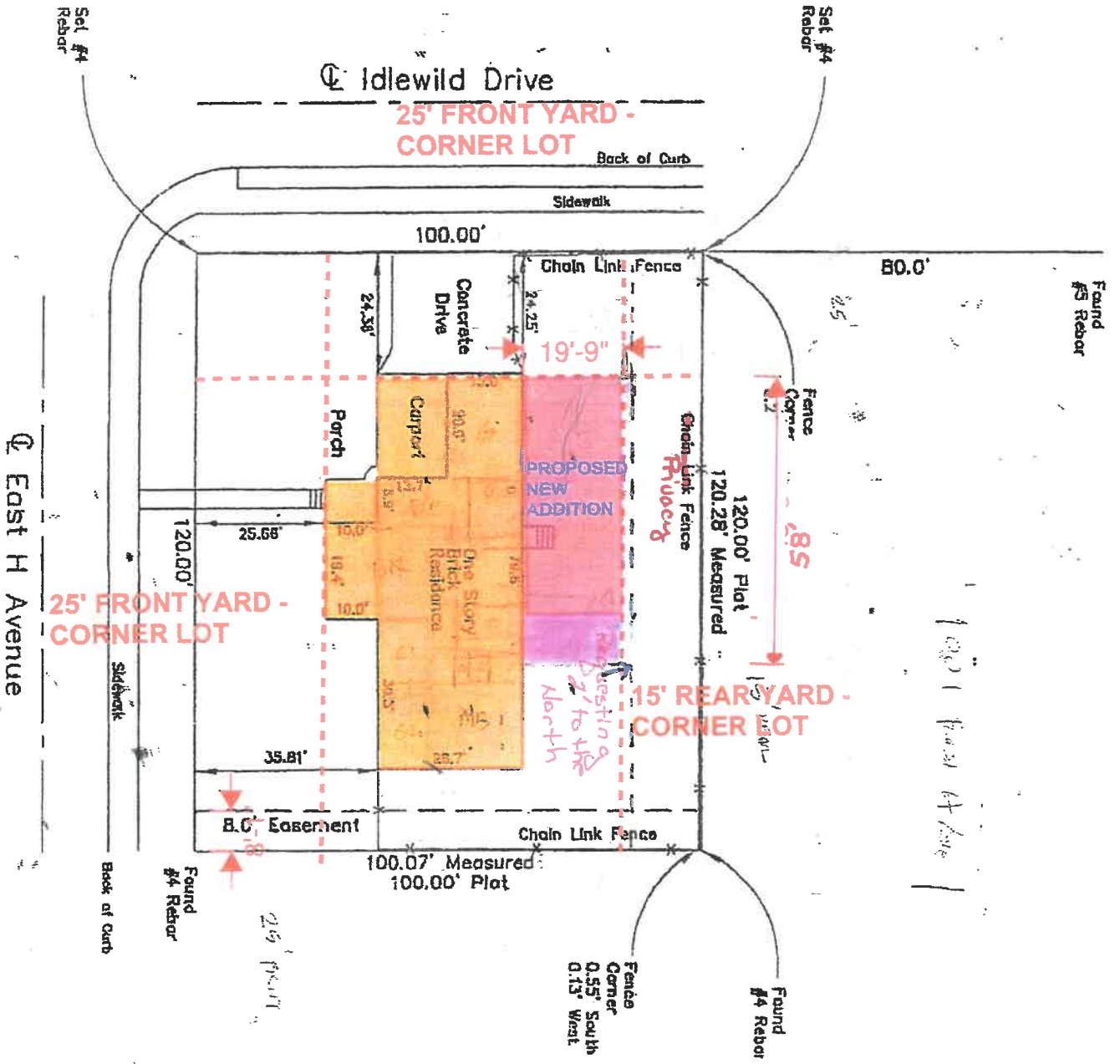


User: jhale





1001 EAST "H" AVENUE, NLR



1001 East H Ave



BOA #2023-16  
August 31, 2023

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**Variance Requested:** A variance is requested from the area provision of Section 4.1.2 to allow a reduction in the minimum separation distance from the primary structure and an accessory structure; (free standing roof over an existing deck).

**Location of the Request:** 4200 Lochridge Rd, North Little Rock, AR

**Legal Description of the Property:** Lot 1, Block 209, Park Hill 18N to the City of North Little Rock, Pulaski County, Arkansas

**Owner/Applicant:** Angelia Norris

**Present Use of the Property:** Single Family Residence

**Present Zoning of the Property:** R1, Single Family Residence

**Site Characteristics:**

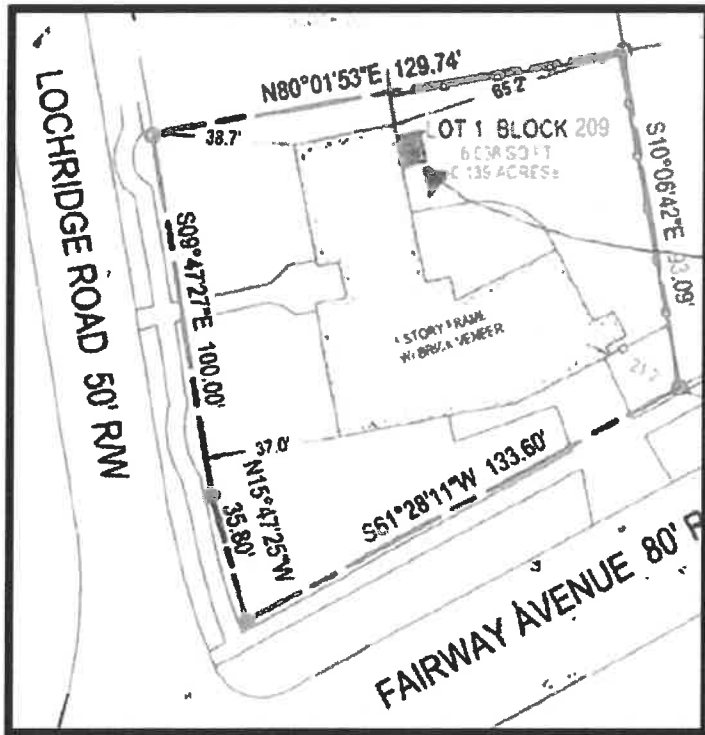
The subject property is located within Park Hill neighborhood east of JFK Blvd and south of McCain Blvd. The lot contains a single-family residence, built in 1956 occupying the northeast corner of Fairway Ave and Lochridge Rd. The front of the house faces Lochridge Rd with a circular drive providing off street parking and access to the front door of the home. Additional off-street parking and a garage are located at the southeast corner of the home and accessed from Fairway Ave. Improvements have been made to this 3,245 square foot home throughout the years including the exterior enhancements of a patio space and attached deck addition in the rear yard of the residence.

**Surrounding Land Use and Zoning**

<b><u>Direction</u></b>	<b><u>Surrounding Zoning</u></b>	<b><u>Surrounding Uses</u></b>
North	R1, Single-family	Single Family
South	R1, Single-family	Single Family
East	R1, Single-family	Single Family
West	R1, Single-family	Single Family

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

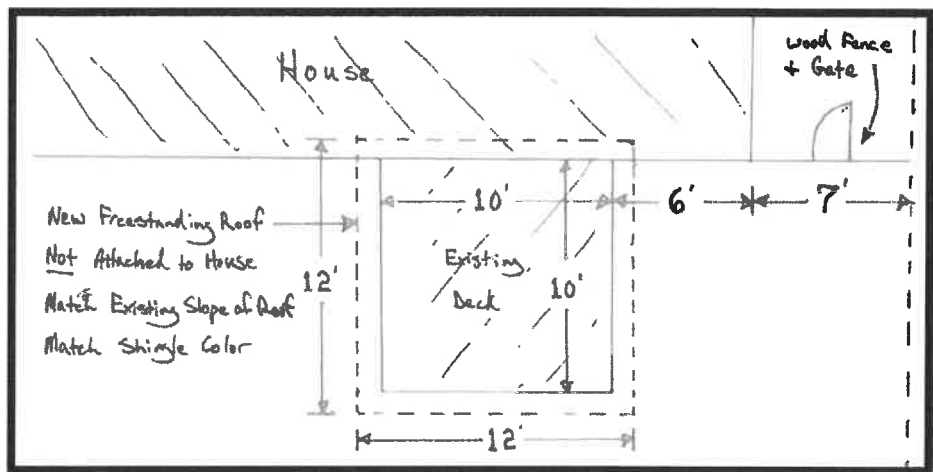
**Staff Analysis:**

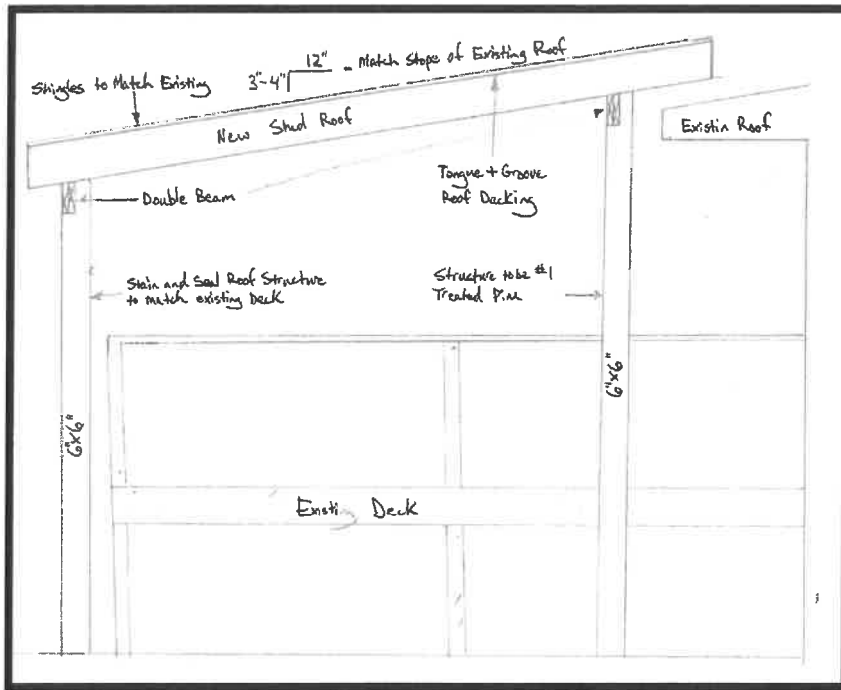


The before mentioned deck is located in the rear yard at the north end of the house. This 10-foot x 10-foot platform is attached to the primary structure and in compliance with the current building codes. The applicant now desires to install an overhead roof structure that is designed to be independent of the deck and the house. This free standing canopy is indicated to be constructed of 6x6 post with a shed roof matching the 3"-4"/12 pitch of the house and slightly elevated above and over the roof of the residence. The applicant states in their letter of hardship the deck is unusable in the summer due to the direct sunlight heating the platform surface and the adjacent bedroom in the house. The applicant has also stated that they desire to integrate the proposed canopy into the slope of the existing roof to

complement the mid-century architectural style of their home

The applicant is seeking a variance from Section 4.1.2 to allow a reduction in the minimum separation distance from the primary structure and an accessory structure, a free standing roof over an existing deck. The zoning ordinance states a minimum separation distance from all structures shall be a minimum of 10-feet. Requiring this separation of the roof deck area would not allow the shade structure to function as needed and also oppose the architectural style of the home.





The Board may grant variances to vary or alter the requirements of the Zoning Ordinance when the Board determines strict enforcement of the Zoning Ordinance creates an “undue hardship”. The hardship may be the result of the surroundings, shape or topographical conditions particular to a specific property. A variance may be granted after an analysis focused on particular conditions and circumstances of a specific property are considered. The burden of proof rests with the applicant to provide

evidence the variance is necessary to avoid undue hardship or practical difficulties as defined by the zoning ordinance.

The applicant has indicated the undue hardship is a result of the existing conditions on the lot. The existing deck was constructed with the original construction of the home. This structure is located at the rear corner of the home. The proposed overhead shade structure separation distance does not comply with the current zoning ordinance requirements.

**Board Member’s to Consider:**

1. Does the variance request authorize the operation of a use other than uses specifically permitted in the district? No, the property is zoned residentially and the use of the property will remain as a residential use.
2. Does the zoning ordinance, if literally interpreted, deny the reasonable use of the property? No, by not granting the variance the applicant is able to use the property as-is as a single-family home but would not be allowed to place the addition as currently proposed. The addition could still be allowed but the size of the addition would be decreased.
3. Are there unique circumstances, which were not created by the owner of the property, which necessitates the variance? Possibly, the overhead shade structure could be attached to the home however, for a freestanding structure to function correctly it would be required to be closer to the residence than the required minimum 10-foot separation.

4. Will approval of the variance harm the use of the adjoining property? No, the addition will not have any impact on the adjoining properties.
5. Will approval of the variance alter the essential character of the district? No, the site is a single-family residence; the area is predominately-single family and the use will continue as single-family.
6. Will approval of the variance weaken the general intent and purpose of the land use and zoning plan? No, the request does not include any amendments to the land use or zoning plan for the area.
7. Will the approval of the variance be in harmony with the spirit of the ordinance? Possibly, the zoning ordinance requires the separation of structures to allow for adequate access around structures should an emergency arise such as the need to access the rear of the home in case of a fire. The reduced distance will still allow for access should emergency personnel need to access this area.
8. Will the approval of the variance adversely affect public health, safety, and general welfare? No, approval of the addition as indicated will not have an impact on the public health, safety and the general welfare of the community.

**Approval Allows:**

1. Approval will allow the placement of an accessory structure (a detached overhead roof for an existing deck attached to the rear of the home), with a reduced separation from the rear wall of the home. The separation will be approximately 6-12 inches between the roof of the house and the proposed roof of the shade structure.
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.



Angelia Norris  
4200 Lochridge Road  
North Little Rock, AR 72116

July 25, 2023

City of North Little Rock  
Office of Community Planning  
Board of Zoning Adjustment

Re: Letter of Hardship for variance at 4200 Lochridge Road

Dear Board Members,

I am requesting a variance to allow a freestanding structure with a roof within 15 feet of my home. The freestanding roof is needed to cover my existing deck. The hardships are listed below.

Hardships:

- The deck is unusable in the summer due to the direct sunlight and heating of the deck surface.
- The adjacent primary bedroom is heated by the sun in the summer.
- The historic, mid-century style of the home would be diminished by the attachment of a typical roof over the deck.
- A typical deck roof would be even lower sloped than the home's 3/12 pitch and would require rolled roofing that would further detract from the style of the home.

Considerations:

- The desire is to not only have a roof deck that addresses the hardships posed by the direct sunlight, but to have the roof complement the existing style of the home.
- By making the roofing structure freestanding, it allows the pitch of the deck roof to match the 3/12 pitch of the home's roof.
- A freestanding roofing structure also allows use of the same architectural shingles on the home's roof.
- A deck roof that can match the pitch and material of the existing home will add to the cohesive mid-century charm of the neighborhood.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Angelia Norris', with a long, sweeping horizontal line extending to the right.

Angelia Norris

# North Little Rock Board of Adjustment

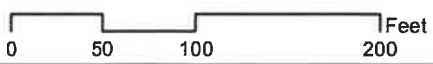


BOA Case #2023-16  
4200 Lochridge Rd.  
To allow a reduction in the minimum separation distance  
from the primary structure and an accessory structure;  
(free standing roof over an existing deck)

**BOA CASE #2023-16**

Date: 8/8/2023

1 inch = 100 feet



User: jhale





# North Little Rock Board of Adjustment



**BOA CASE #2023-16**

Date: 8/8/2023

1 inch = 30 feet



User: jhale





40 0 40 80 120

SCALE 1" = 40'

LOT 2  
BLOCK 3

LOT 2  
BLOCK 209

LOT 1, BLOCK 209  
6,038 SQ FT  
0.139 ACRES±

1 STORY FRAME  
W/ BRICK VENEER

LOT 1  
BLOCK 3

LOCHRIDGE ROAD 50' R/W

FAIRWAY AVENUE 80' R/W

LEGEND

- FOUND 1/2" REBAR
- CALCULATED POINT
- DENOTES LINK FENCE
- DENOTES ASPHALT
- DENOTES CONCRETE
- ▨ DENOTES WOOD DECK

New 12'x12'  
Shed Roof

NOTE: CHAIN LINK FENCE IS BUILT IN THE CENTER OF A 1 FOOT WIDE RETAINING WALL.



BASIS OF BEARING IS A NON DECLINATED MAGNETIC AZIMUTH.

NOTES

- 1) A TITLE SEARCH WAS NOT CONDUCTED BY THIS SURVEYOR. ALL DOCUMENTS ARE PROVIDED BY THE CLIENT AND/OR CLIENTS AND IS SUBJECT TO RECORDED AND/OR UNRECORDED EASEMENTS, ROAD RIGHTS OF WAY, COVENANTS, BUILDING SET BACK LINES, SUBDIVISION RESTRICTIONS, ZONING OR OTHER LAND USE REGULATIONS AND OTHER FACTS PROVIDED BY AN ACCURATE AND CURRENT TITLE SEARCH MAY ENCLOSE.
- 2) IT IS MY PROFESSIONAL OPINION THAT THIS PLAT REPRESENTS A SURVEY CONDUCTED BY ME OR UNDER MY DIRECT SUPERVISION. ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST AND THEIR LOCATION, SIZE, TYPE, AND MATERIAL ARE CORRECTLY SHOWN. THIS SURVEY IS IN ACCORDANCE TO ARKANSAS STANDARDS OF PRACTICE AS SET FORTH BY THE ARKANSAS AGRICULTURE DEPARTMENT, LAND SURVEY DIVISION.

29 AUG 18

DATE

*Blake J. Butler*  
BLAKE J. BUTLER PLS 1453

STREET ADDRESS

4200 LOCHRIDGE ROAD  
NORTH LITTLE ROCK, AR 72116

LEGAL DESCRIPTION

LOT 1, BLOCK 209, PARK HILL 18N TO THE CITY OF NORTH LITTLE ROCK, PULASKI COUNTY, ARKANSAS. RECORDS OF PULASKI COUNTY, ARKANSAS.

FLOOD CLAUSE

ACCORDING TO THE FLOOD INSURANCE RATE MAP OF NORTH LITTLE ROCK, PANEL NUMBER 05119C 0361G, DATED JULY 6, 2015, THIS PROPERTY LIES WHOLLY WITHIN ZONE 'X', NOT IN THE 100 YEAR FLOOD PLAIN



P.O. BOX 13087  
PH: (501)993-0490

MAUMELLE, AR 72113  
BLAKE@ARROWSURV.COM

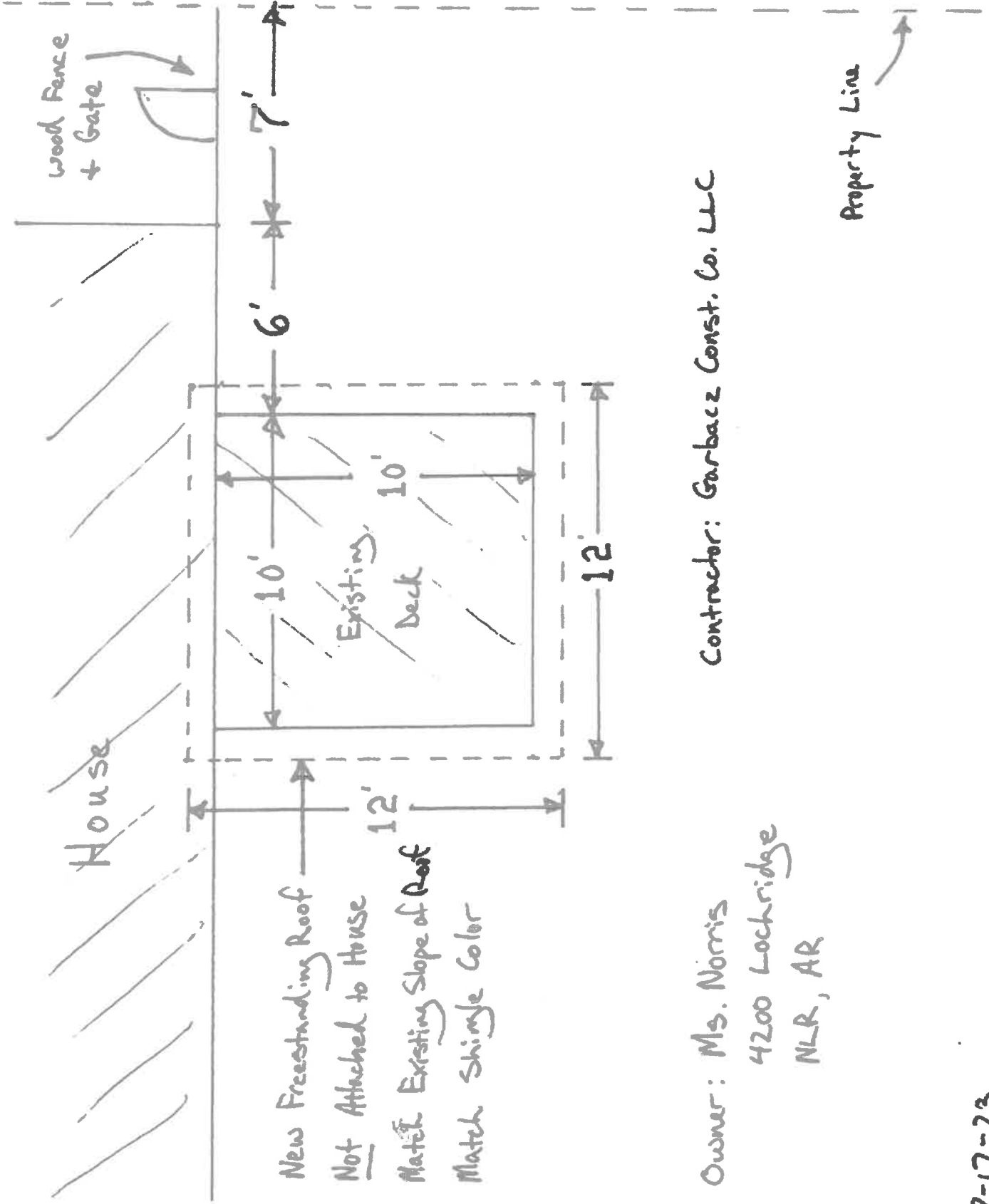
A survey of.

LOT 1, BLOCK 209,  
PARK HILL 18N

For: ANGELIA NORRIS  
ARKANSAS TITLE GROUP, LLC  
FIRST NATIONAL TITLE COMPANY  
OLD REPUBLIC NATIONAL TITLE  
INSURANCE COMPANY

FW BY: BB	DATE: 29 AUG 18
SCALE: 1" = 40'	DWG BY: BJB
JOB #: 18185	CHECKED: BJB





New Freestanding Roof  
 Not Attached to House  
 Match Existing Slope of Roof  
 Match Shingle Color

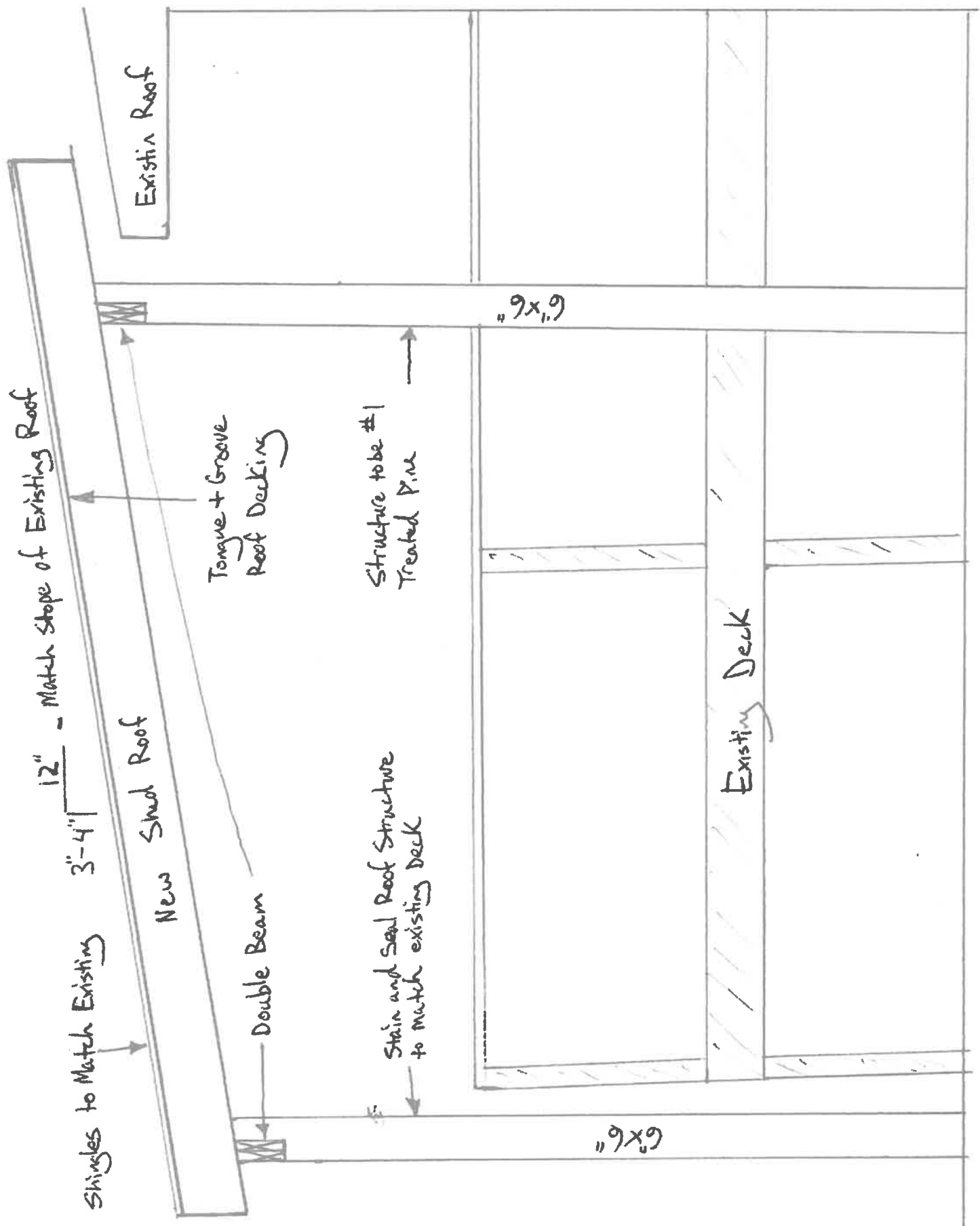
Contractor: Garbacz Const. Co. LLC

Owner: Ms. Norris  
 4200 Lochridge  
 NLR, AR

7-17-23



Angela Noelis



BOA #2023-17  
August 31, 2022

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**Variance Requested:** a variance request from the area provision of Section 5.11.4 to allow the placement of a fence in the front yard of a residential district that will exceed three and a half (3.5) feet in height and be partially constructed of vinyl coated chain link.

**Location of the Request:** 4500 North Hills Blvd, North Little Rock, AR, 72116

**Legal Description of the Property:** Lot 1R. Block 60, Lakewood, now in the City of North Little Rock, Pulaski County, Arkansas

**Owner/Applicant:** First Pentecostal Church of Jesus Christ, Inc. /  
Georgia Best

**Present Use of the Property:** R2: Single-Family District - Church / School

**Site Characteristics:** The subject property is the second parcel located from the southeast corner of North Hills Blvd and McCain Blvd. Fairway Avenue connects these two main thoroughfares behind the property. The main access to the site is from North Hills Blvd with two separate driveways on the north and south sides of the parcel. There is a secondary access point at the rear of the property to the east located off of Fairway Ave. The property is occupied by The First Pentecostal Church of Jesus Christ and also utilized by Calvary Academy's upper school. The properties north of the church are occupied by a convenience store with gas pumps on the southwest corner of North Hills and McCain, a Walgreens Pharmacy, on the southeast corner and a First Security Bank branch fronting McCain Blvd. The properties south and east of the subject property are characterized with single family homes facing Fairway Ave while a multifamily apartment complex is located across North Hills Blvd to the west. The site topography slopes to the south and the finished floor of the southwest corner of the building is set approximately 15-feet above the street level.

#### **Surrounding and Zoning and Uses**

<b><u>Direction</u></b>	<b><u>Surrounding Zoning</u></b>	<b><u>Surrounding Uses</u></b>
North	C3	General Commercial
South	R4	Multi-Family
East	R4 / R1	Multi-Family / Single Family
West	R4	Multi-Family

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

**Staff Analysis:**

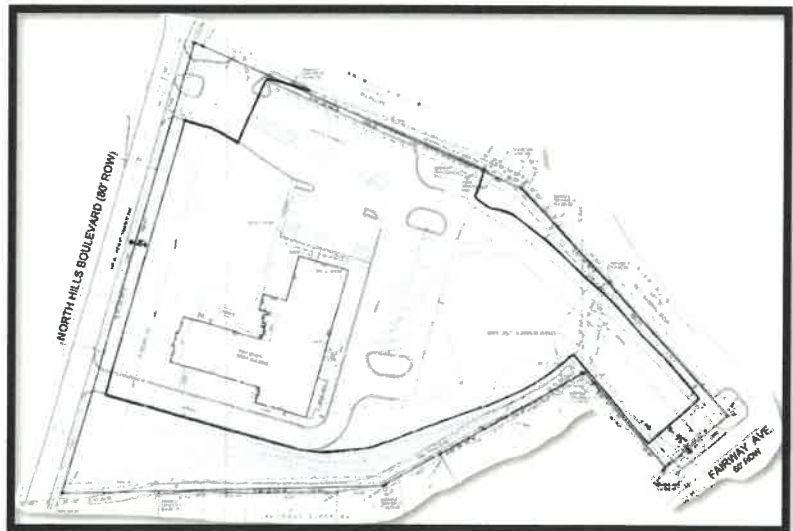


The applicant has stated increased foot traffic unassociated with the property, and vehicles cutting through the campus from Fairview Ave to McCain Blvd has become a security concern for the staff, students, and church parishioners, and has proposed to enclose the campus with a 6-foot

high security fence with gates.

This proposal includes an ornamental metal fence in the front yard adjacent to the North Hills Blvd right-of-way set approximately 25-feet inside the property line. This fence/gate will cross the south site entry drive and turn to the east and be placed at the back of the curb at the top of the slope approximately 100-feet from the residential property to the south, At the front/side of the building the ornamental metal fence will then change to vinyl coated chain link and follow the curb and slope to the Fairview Ave entrance.

The closest the fence will come to the property line and adjacent residential property is approximately 20-feet. A gate will be installed at the Fairview entrance and be placed approximately 10-feet inside the property line. The fence will turn and travel to the west approximately 350-feet meeting the shared Walgreens property line and stop at the access drive for this adjacent northern property. A gate will be placed across the drive leading to the to the subject property's parking area and the fence will return to ornamental metal and meet the fence line on the front of the property.



While the applicant desires to install a fence 6-feet in height for security purposes the R2 zoned property only allows a maximum front yard fence of 3.5-feet in height. The ordinance is written in this manner to address properties that are primarily utilized for single family or low density housing units. However, institutions such as churches or schools which are allowable by right under residential zoning classifications often require additional security. Therefore, the applicant is seeking a variance



to allow the placement of ornamental metal fence and that exceeds 3.5-feet within the front yard of this R2 zoned property.

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:**

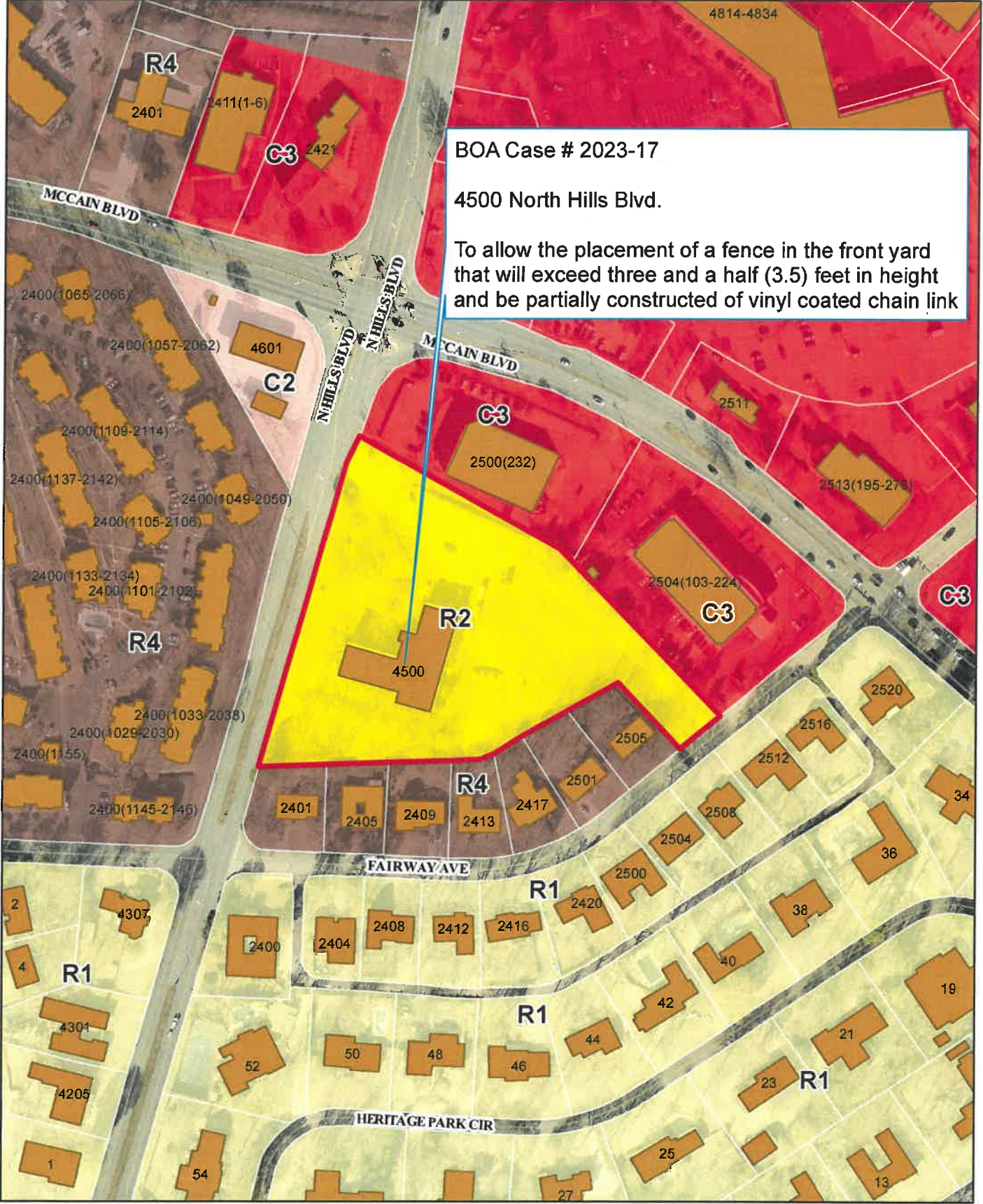
1. Is the variance being sought due to unique circumstances existing on the property, the unique circumstances were not created by the owner of the property, and are not due to or the result of general conditions in the district in which the property is located? No, the applicant is seeking the placement of an ornamental metal fence, 6-feet in height, within the front yard of an R2 zoned property.
2. Does the variance substantially or permanently injure the appropriate use of adjacent conforming property in the same district? No, the placement of the fence as proposed will not affect the conforming properties within the same zoning district.
3. Will approval of the variance alter the essential character of the district? No, the allowance of the increase in the height of the fence in the front yard will not have an impact on the character of the zoning district.
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 does not allow the placement of front yard fences exceeding the height of 3.5 feet on R2 zoned properties.
6. Will the approval of the variance adversely affect public health, safety, and general welfare? There will be no impact on the health, safety or general welfare by the placement of the fence as proposed.

**Approval Allows:**

1. Approval will allow the placement of an ornamental metal fence, 6-feet in height parallel with the North Hills Blvd right-of-way and the north and south perimeters within the front yard of the property.

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

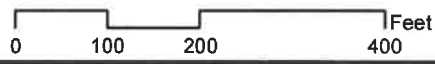


**BOA Case # 2023-17**  
4500 North Hills Blvd.  
To allow the placement of a fence in the front yard that will exceed three and a half (3.5) feet in height and be partially constructed of vinyl coated chain link

**BOA CASE #2023-17**

Date: 8/8/2023

1 inch = 200 feet



User: jhale





# FIRST PENTECOSTAL CHURCH OF JESUS CHRIST, INC.

July 28, 2023

Mr. Shawn Spencer, Planning Director  
City Services Building  
700 W 29th Street  
North Little Rock, AR 72114

RE: Variance Request for Fence at 4500 North Hills Blvd.

Dear Mr. Spencer:

We own the property located at 4500 North Hills Boulevard. Our Spanish congregation has church in the building and we also use the building for Calvary Academy upper school (grades 6-12). We are applying for a variance to have a fence installed around the property because of the following:

1. High presence of homeless individuals in the area. Our school security officer had to deal with homeless individuals many times during the 2022-23 school year making sure the premises were safe before students began arriving in the morning, and also had incidents later during the school day with foot traffic.
2. Random vehicles using the building drive as a cut-through from North Hills to Fairway, sometimes at a high rate of speed.
3. As an added layer of protection for the children who are present during school hours and at church services.

Thank you for your consideration of these matters as we go through the process of obtaining a fence permit.

Sincerely,

Georgia Best  
Administrator

gbest @ fpcnlr.com  
office 501-758-3090  
cell 501-838-3400



# North Little Rock Board of Adjustment



**BOA CASE #2023-17**

Date: 8/8/2023

1 inch = 100 feet

0 50 100 200 Feet



User: jnale







BOA #2023-18  
August 31, 2023

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**Variance Requested:** A variance request from the area provision of Section 14.24 to allow for a ground mounted sign to exceed the maximum allowable size of 64-square feet in area on an I2 zoned property.

**Location of the Request:** 5120 Northshore Dr, North Little Rock, AR 72118

**Legal Description of the Property:** Lot 5, Block 3, Northshore Business Park Subdivision to the City of North Little Rock, Pulaski County, Arkansas

**Owner:** Montrose Environmental Group, Inc

**Applicant:** Blake D. Lewis, Corporate Counsel

**Present Use of the Property:** Office / CTEH, Environmental Consulting Firm

**Present Zoning of the Property:** I2, Light Industrial District

**Site Characteristics:**

**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	Undeveloped
South	Northshore Dr, ROW C3, General Commercial District	Undeveloped
East	I2, Light Industrial District	Office / Warehouse
West	PI, Public/Institutional District	School

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

**Background:** The subject property is located in the Northshore Business Park east of Interstate 430, south of Crystal Hill Rd and north of the Arkansas River. The property was developed in

2005 and is occupied by an 18,540 square foot building and associated parking and vehicular use areas.

The applicant has stated that The Center for Toxicology and Environmental Health L.L.C. (“CTEH”) has operated its business on this property for more than fifteen years. The company was recently acquired by Montrose Environmental Group, Inc, previously headquartered in Irvine California and has since moved their headquarters to North Little Rock. Montrose will be sharing office space with CTEH and has indicated a desire to update and increase the size of the current ground mounted sign located in close proximity of the Northshore Dr right-of-way.



**Staff Analysis:**

The applicant has stated that they would like to update their existing ground mounted sign (shown to the left) to accommodate both the CTEH and Montrose names. In order to accomplish this the applicant feels that the existing sign will need to increase in size to provide clear visibility to their clients and visitors. The applicant is seeking a variance to allow an increase in the minimum square footage for freestanding signage that is allowable as per the North Little Rock Zoning Ordinance

(Sign Ordinance). Section 14.24, states, Signs Permitted in I1, I2 and I3 Zones limits shall not to exceed 2-square feet in sign area for each linear foot of main street frontage up to a maximum of 64-square feet. The existing sign is approximately 10-feet in length and 6 feet in height compromising 60 square feet in surface area. The applicant has stated that proposed sign (shown at the right) will be 84-square feet in area exceeding the allowable sign area minimums by 33%.



The Board may grant variances or alter the requirements of the Zoning Ordinance when the Board determines strict enforcement of the Zoning



Ordinance creates an “undue hardship”. 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. A variance may be granted after an analysis focused on particular conditions and circumstances of a specific property are considered. The burden of proof rests with the applicant to provide evidence the variance is necessary to avoid undue hardship or practical difficulties as defined by the zoning ordinance.

**Board Member’s 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? No, the site characteristics have no bearing on the size of the sign.
2. Does the variance substantially or permanently injure the appropriate use of adjacent conforming property in the same district? No, approval of the variance will not injure the use of the adjacent property.
3. Will approval of the variance alter the essential character of the district? No, the allowance of additional sign area for a ground mounted sign will not have an impact on the character of the zoning district.
4. Will approval of the variance weaken the general intent and purpose of the land use and zoning plan? No, the zoning of the area will remain unchanged.
5. Will the approval of the variance be in harmony with the spirit of the ordinance? No, signs permitted in I1, I2 and I3 Zones limits shall not to exceed 2-square feet in sign area for each linear foot of main street frontage up to a maximum of 64-square feet.
6. Will the approval of the variance adversely affect public health, safety, and general welfare? No, approval of the variance will not have an impact on the public health, safety or general welfare of the site or the area.

**Approval Allows:**

1. Approval will allow the placement of a ground mounted sign compromised of 84 square feet of sign area exceeding the maximum allowable square footage by 20 square feet.

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.



July 31, 2023

North Little Rock Planning Department  
Board of Zoning Adjustment  
120 Main St.  
North Little Rock, AR 72114

**Re: CTEH Properties, LLC – Permission to Apply for Request and Letter of Hardship**

To whom it may concern:

By way of introduction, I am General Counsel and Secretary of Montrose Environmental Group, Inc., the parent company of CTEH Properties, LLC, which is the owner of 5120 Northshore Drive, North Little Rock, Arkansas 72118 having a legal description of Lot 5, Block 3, Northshore Business Park Subdivision to the City of North Little Rock, Pulaski County, Arkansas ("Property").

The Center for Toxicology and Environmental Health, L.L.C. ("CTEH"), has operated its business on the Property for more than fifteen years. In March of 2020, CTEH was acquired by Montrose Environmental Group, Inc. (NYSE: MEG), a company previously headquartered in Irvine, California. Impressed with the quality of local talent, Montrose decided to move its corporate headquarters to North Little Rock, Arkansas in August of 2021.

Consequently, Montrose would like to update the sign located on the Property to list both CTEH and Montrose. To accommodate both company names, the new sign will need to be eighty square feet, which is larger than the city restriction of 64 square feet, in order to provide clear visibility to our clients and visitors. A copy of the proposed sign is enclosed herewith. Accordingly, we respectfully request a zoning variance that would allow us to install the proposed eighty square foot sign.

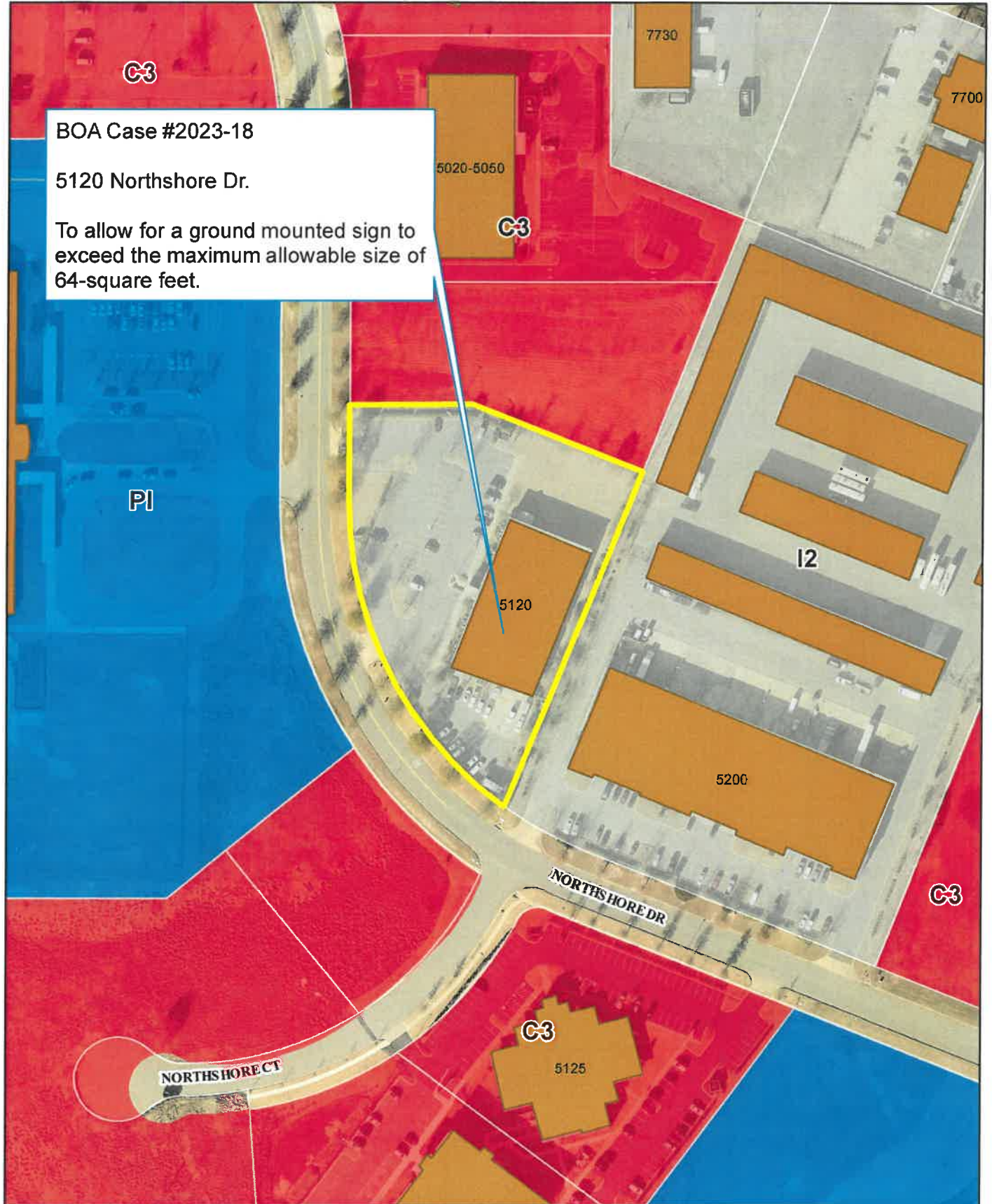
I hereby give Blake Lewis, as corporate counsel of Montrose Environmental Group, Inc., permission to apply to the Board of Zoning Adjustment on behalf of CTEH Properties, LLC for a zoning variance.

Respectfully,

  
Nasym Afsari, General Counsel and Secretary

bllewis@montrose-env.com  
501.681.1759

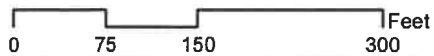
# North Little Rock Board of Adjustment



**BOA CASE #2023-18**

Date: 8/8/2023

1 inch = 150 feet



User: jhale





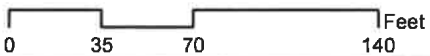
# North Little Rock Board of Adjustment



**BOA CASE #2023-18**

Date: 8/8/2023

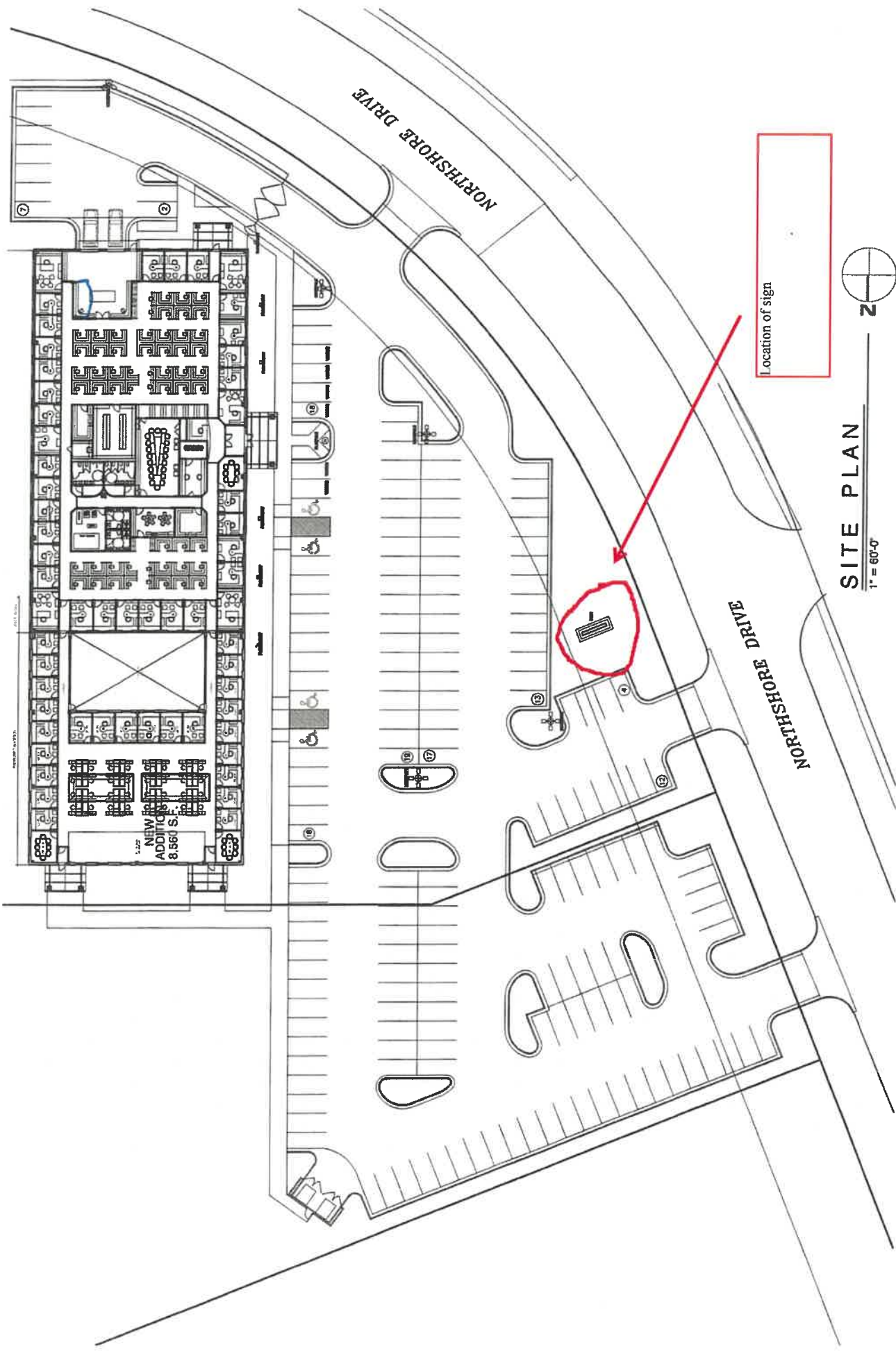
1 inch = 70 feet



User: jhale







**SCHEME 2A - SITE**  
**CENTER FOR TOXICOLOGY &**  
**ENVIRONMENTAL HEALTH**  
 5120 Northshore Drive, North Little Rock, Arkansas





**CTEH**  **MONTROSE**  
ENVIRONMENTAL





BOA #2023-19  
August 31, 2023

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**Variance Requested:** a variance request from the area provision of Section 5.11.5 to allow the placement of an 8-foot high security fence on the front and side yards of a commercially zoned property

**Location of the Request:** 2914 Pike Avenue, NLR, AR, 72114

**Legal Description of the Property:** Lot 2, Rea's Addition to the City of North Little Rock, Pulaski County, Arkansas being a replat of the South 125 feet of Lot 6, except the East 10 feet thereof, in Block 10, Twin City Addition to Argenta in the City of North Little Rock, Pulaski County, Arkansas

**Owner:** Bryant Mason, Mason's Quality Motors

**Applicant:** Jessica E. Poynter

**Present Use of the Property:** Auto Sales / Vacant

**Site Characteristics:** The subject property is located south of Interstate 40, west of Percy Machin Dr, north of Pershing Blvd and east of MacArthur Dr. The adjacent properties to the south and west (across Pike Avenue) are undeveloped. An active railroad easement borders the east (rear) property line. The property to the north is developed with a parking lot and properties further north are occupied with various commercial businesses that serve as a church, tire shop, construction (roofing) shop, and a bar and grill. The topography of the site is generally flat and roughly at the same elevation of the adjacent street right-of-way.

### **Surrounding and Zoning and Uses**

<b><u>Direction</u></b>	<b><u>Surrounding Zoning</u></b>	<b><u>Surrounding Uses</u></b>
North	C4: Services and Trades District	Parking
South	C4: Services and Trades District	Undeveloped
East	N/A	Railroad Easement
West	C4: Services and Trades District	ROW / Undeveloped

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



**Staff Analysis:**

In May of 2015 the City Council approved an ordinance for a Conditional Use to allow the use of the property as auto sales. Subject to this action, “Fences shall not be allowed in the front yard of the vehicle sales lot, except as mandated under Article 15 of the Zoning Ordinance.” Additionally, any “Existing fences located in the front yard of the vehicle sales lot shall be removed, unless required when adjacent to residential use.”



Since purchasing this Pike Ave tract the proprietor of the car lot has stated experiencing an extensive amount of vandalism to the property and inventory, including a transient population sleeping on, and littering the premises. The owner has stated that these

issues have made the property unsuitable in which to conduct business and has been working from home. In order to return to his place of business the applicant is now seeking a variance to allow the placement of a fence on the front and side yards of the car lot. Under the C4 zoning regulations a fence 8-feet in height is allowable in the rear yard of a commercially zoned property while fences 6-feet in height are allowable in the side yards. The proposal is to place a chain link fence, 8-feet in height on the property along the Pike Avenue frontage and on the north and south sides of the property to enclose and secure the site.

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 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? No, the applicant is seeking the placement of a chain link fence, 8-feet in height along the street frontage adjacent to Pike Avenue right-of-way and an 8-foot chain link fence in the side yards adjacent to the north and south property lines.

2. Does the variance substantially or permanently injure the appropriate use of adjacent conforming property in the same district? No, the placement of the fence as proposed will not affect the conforming properties within the same zoning district.
3. Will approval of the variance alter the essential character of the district? No, the area is a commercial area.
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 does not allow the placement of front yard fences or fences exceeding 6-feet in height in the side yards on properties zoned commercial.
6. Will the approval of the variance adversely affect public health, safety, and general welfare? There will be no impact on the health, safety or general welfare by the placement of the fence as proposed.

**Approval Allows:**

1. Approval will allow the placement of an 8-foot chain link fence in the front yard adjacent to the Pike Avenue right-of-way and an 8-foot chain link fence in the side yards adjacent to the north and south property lines.
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.

July 13, 2023

City of North Little Rock:

I am requesting a variance to allow for an eight (8) foot fence around the front and side yards (right and left) for my business located at 2914 Pike Ave, North Little Rock, Arkansas. Since purchasing this property from Rick and Karla Middleton, I have experienced the following issues at my business that have caused both major financial and emotional distress in my business and my personal life:

- All windows of my building have been busted out multiple times, resulting in having to hire a welder to weld steel bars around all windows.
- Mailbox has been broken into resulting in me having to have all my business mail forwarded to my home address.
- Cameras have been stolen and all wiring has been cut from all corners of the building.
- I have found multiple people sleeping on the property, along with endless amounts of trash.
- Damage to vehicles, not limited to: stolen catalytic converters, slashed tires, busted windows, and rocks in gas tanks.

This part of town has a high crime rate and homeless population. By granting a variance for a fence, I will be able to return to my place of business, rather than working from my home. A variance will improve safety and security immediately for myself and employees, my customers, my vehicles and assets, and my property. By allowing me to put up a fence it will deter criminal activity, as it would no longer be considered an easy target, preventing future theft, vandalism, and other crimes.

Thank you,

*Bryant Mason Sr*

**Bryant Mason**

Owner of Mason's Quality Motors  
2914 Pike Avenue  
Little Rock, Arkansas 72114

CC:

Certified mail to Abutting Property Owners:

**Phillip Rea**

P.O. Box 95922  
Little Rock, Arkansas 72221

**Richard and Karla Middleton**

816 Walkers Corner Road

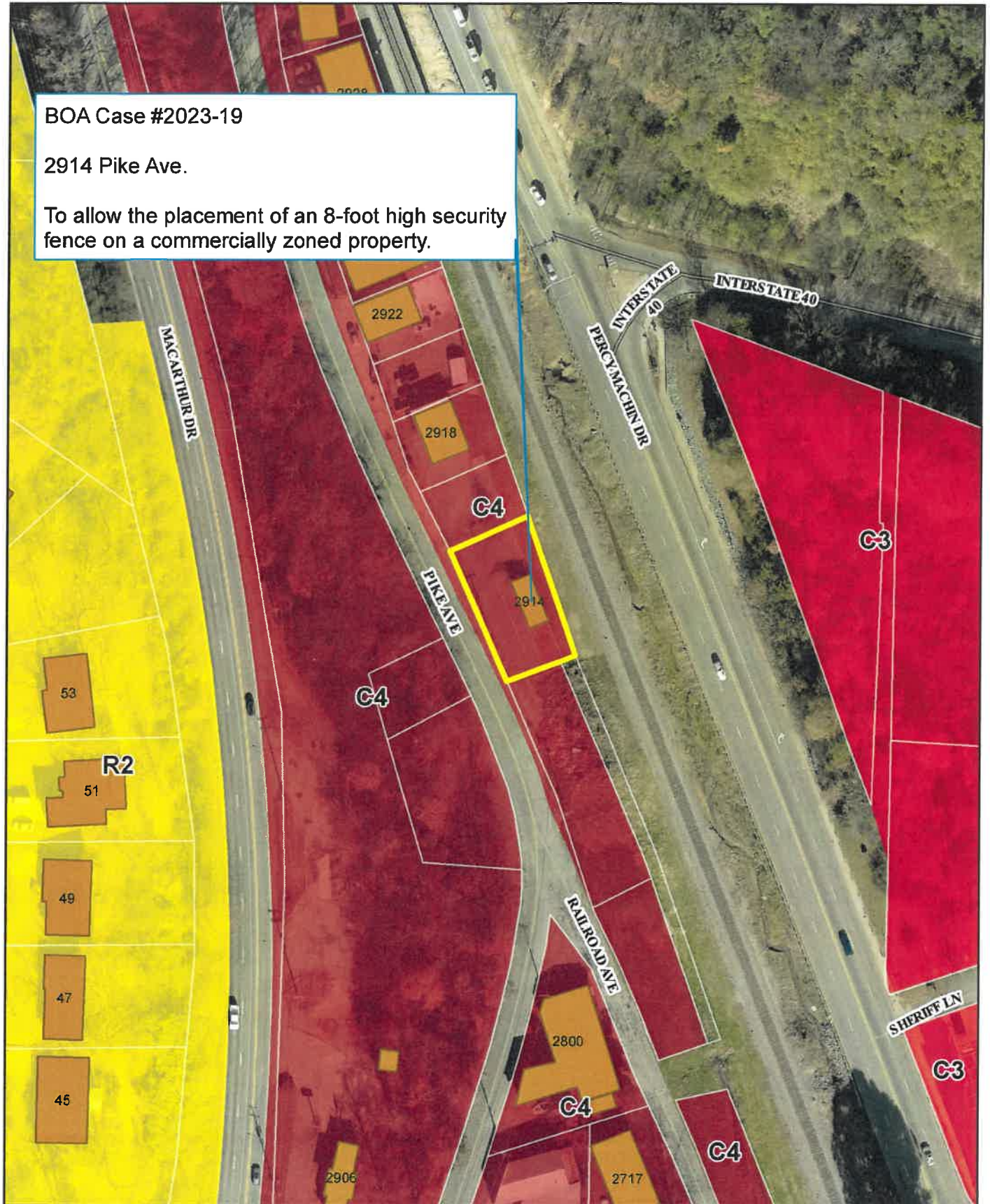


# North Little Rock Board of Adjustment

BOA Case #2023-19

2914 Pike Ave.

To allow the placement of an 8-foot high security fence on a commercially zoned property.



**BOA CASE #2023-19**

Date: 8/8/2023

1 inch = 100 feet



User: jhale





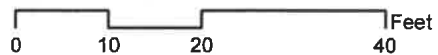
# North Little Rock Board of Adjustment



**BOA CASE #2023-19**

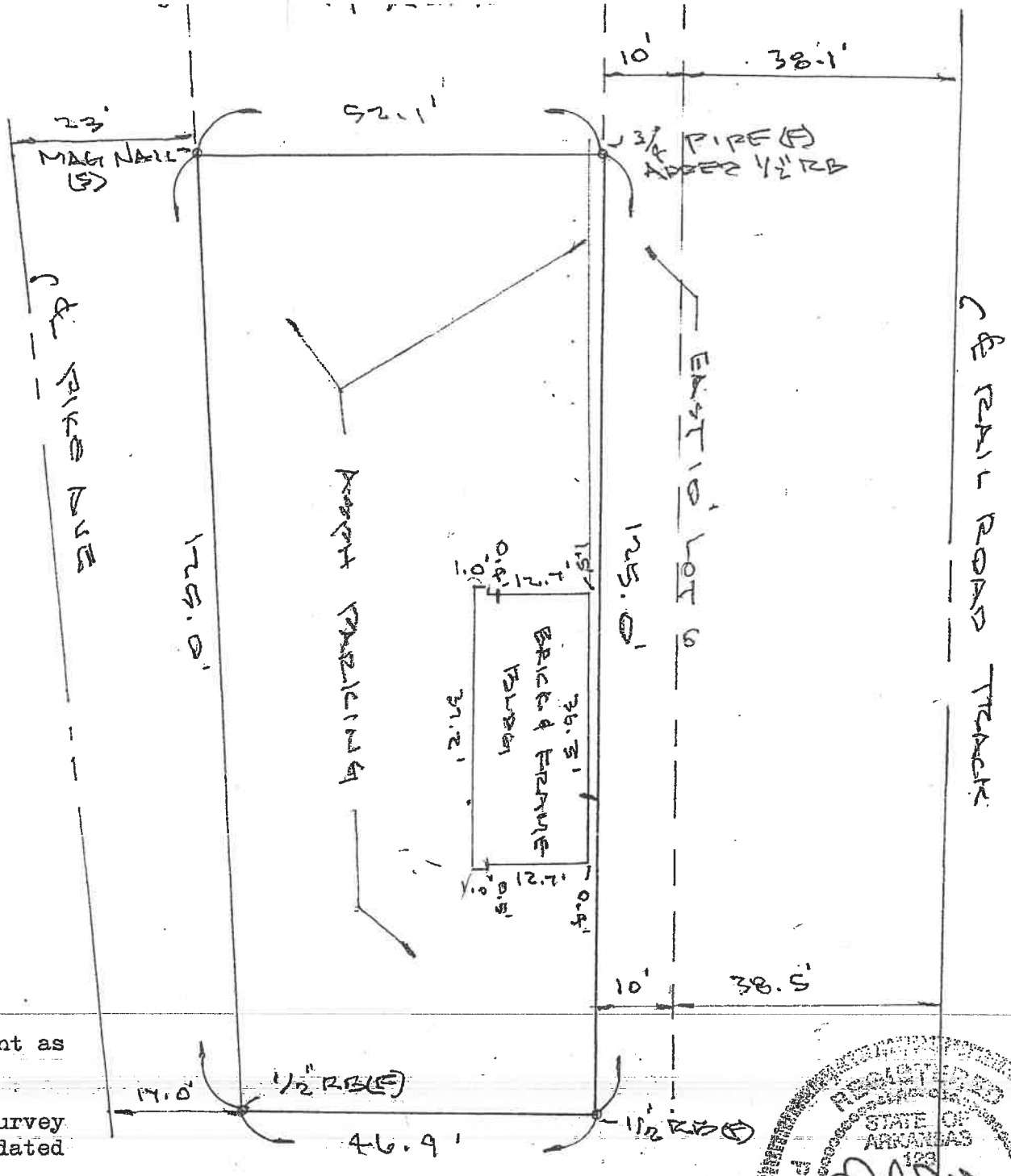
Date: 8/8/2023

1 inch = 20 feet



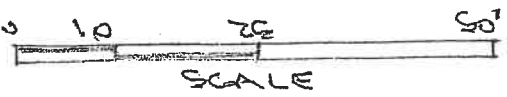
User: jhale





LEGEND  
 (S) Set  
 (F) Found  
 (RB) Rebar  
 • Monument as Noted

Reference survey by PLS 261 dated 10 Jan 2003



**SURVEY OF**  
**Lot 2, Rea's Addition to the City of North Little Rock, Pulaski County, Arkansas,**  
**being a replat of the South 125 feet of Lot 6, except the East 10 feet thereof, in**  
**Block 10, Twin City Addition to Argenta in the City of North Little Rock, Pulaski**  
**County, Arkansas**

Date of Survey 1 December 2008  
 Scale: 1" = 20'  
 Property Address: 2914 Pike Ave  
 North Little Rock, AR  
 For Use & Benefit of: Rick Middleton

This property is in Flood Zone X. It is not within the limits of the 100 year Flood Plain per Panel 0006D for North Little Rock, Arkansas Community Panel 050182, Dated, 5 Sept 1990

This is to certify that the above described property has been surveyed and corners are marked as shown and are in accordance with existing Monuments in the vicinity. This certification is for and limited to the parties shown herein.