



**City of North Little Rock  
Board of Zoning Adjustment Agenda  
Thursday, May 26, 2022 - 1:30 PM  
Conference Room B – City Services Building – 120 Main Street, NLR, AR 72114**

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**Call to Order -**

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

**Approval of Minutes - April 28, 2022**

**Public Hearing Items -**

1. BOA 2022-10, 219 W D Avenue, NLR, AR, a variance request from Section 4.1.2-D to allow a reduced side yard setback for an accessory garage building (5-feet to 3 ½- feet)
2. BOA 2022-11, 520 W 14<sup>th</sup> Street, NLR, AR, a variance request from Section 4.1.4-C, to allow a reduced front yard setback for 3 proposed lots, Lots 1R, 2R and 3R, Block 41, North Argenta Addition to the City of NLR, Pulaski Co, AR, (25-feet to 15-feet)
3. BOA 2022-12, 3128 Pike Avenue, NLR, AR, a variance request from Section 5.17 – Communication Towers (E) to allow an increase tower height (75-feet in height to a total height of 145-feet)
4. BOA 2022-13, 605 Cherry Hill Drive, NLR, AR, a variance request from Section 4.1.2 to allow a reduced front building setback (25-feet to 11-feet)
5. BOA 2022-14, 4 Hays Court, NLR, AR, a variance request from Section 4.1.2-D to allow a reduced side yard setback for an accessory building (5-feet to 2 feet 5-inches) and to allow a reduced building separation between an existing accessory structure and a newly constructed accessory structure (10-feet to 3-feet 4-inches)
6. **Postponed** - BOA 2022-15, 1301 W 11<sup>th</sup> Street, NLR, AR a variance request from Section 4.1.5 to allow a reduced side yard setback along Division Street (15-feet to 8-feet)
7. BOA 2022-16 300 W G Avenue, NLR, AR, a variance request from the Section 4.1.3, to allow a reduced side yard setback for an attached carport (6-feet to 1-foot 6-inches) and to allow a reduced building separation between an existing detached garage and the new proposed carport addition (10-feet to 1-foot 6-inches)

**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 June 1, 2022 – Hearing June 30, 2022**

***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 – April 28, 2022**

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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 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

**Members Absent**

Mr. Tim Giattina, Vice-Chair  
Mr. Steve Sparr

**Staff Present**

Ms. Donna James, City Planner  
Ms. Marie Bernard-Miller, City Attorney  
Mr. Beau Cooper, Office Assistant

**Others Present**

Mr. James Paul, 817 Greendale Dr., North Little Rock, AR

**Old Business**

None

**Administration**

Chairman Brown requested a motion to excuse Mr. Sparr. Mr. Burton formed a motion to excuse Mr. Sparr's absence. M. Abele provide a second to the motion. All members voted in the affirmative. The motion was approved.

Chairman Brown requested that the minutes from the previous meeting be voted on after the public hearing items. The other Board members agreed.

**Public Hearing Items -**

**BOA 2022-09** – 817 Greendale Drive, North Little Rock, AR 72117 – A variance request from the area provision of Section 4.1.4 R3, Duplex District to allow a reduced side yard setback for a proposed garage addition (4'11" as opposed to 6').

## North Little Rock Board of Zoning Adjustment

Minute Record – April 28, 2022

Page 2 of 2

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Chairman Brown asked the applicant to approach the Board and state their hardship. Chairman Brown reminded the applicant that there were only three board members present, therefore all three members must vote to approve the application in order for it to pass. Mr. James Paul addressed the Board and stated that his hardship was one of safety because of the high crime rate in the area. He also stated that he was disabled so if he tried to make the garage smaller he would have a difficult time maneuvering in and out of a vehicle. He also stated that the garage would not cross into his neighbor's property.

Chairman Brown asked if this would be an enclosed garage. Mr. Paul answered that it would be enclosed. Chairman Brown asked if there would be enough room to pull into the yard. Mr. Paul stated that he has enough room.

Mr. Abele asked if there were any concerns from the neighbors. Ms. James answered that there had been no concerns or inquiries from any neighbors and that Mr. Paul had sent the required notices to his neighbors and had not heard back from anyone. Mr. Paul stated that his neighbor across the street formerly owned the property and told him that a garage was a good idea.

Mr. Burton asked why the garage needed to be on the side of the house instead of behind the house. Mr. Paul answered that he did not want to reduce the size of his backyard, especially since his children often played in the yard.

Chairman Brown asked if there would be a door from the garage to access the house. Mr. Paul answered that there would be.

Mr. Abele formed a motion to approve the application. Mr. Burton provided a second to the motion. Chairman Brown requested a roll call vote. All members voted in the affirmative. The item was approved.

### **Approval of Minutes**

Mr. Burton formed a motion to approve the minutes from the previous meeting on March 31, 2022. Mr. Abele provided a second to the motion. All members voted in the affirmative. The motion was approved.

### **Public Comment and Adjournment**

Chairman Brown called for public comment. There being none and there being no further business before the Board and on a motion of Mr. Abele and by consent of all members present, the meeting was adjourned at 1:42 pm.

Approved on this 26th day of May, 2022

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**Tom Brown, Chairman**

BOA #2022-10  
May 26, 2022

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**Variance Requested:** a variance request from the area provision of 4.1.2-D to allow a reduced side yard setback for an accessory building (garage – 3-feet 5-inches vs. 5-feet)

**Location of the Request:** 219 W D Avenue, North Little Rock, AR 72116

**Legal Description of the Property:** the West 50-feet of the East 100-feet of Lots 1, 2 & 3, Block 27, Park Hill 4N to the City of North Little Rock, Pulaski County, AR

**Owner/Applicant:** Natasha Sherrell Kendrick

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

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

**Background:** The applicant requested a building permit to allow construction of a 20-foot by 20-foot detached garage on March 29, 2021. The permit was issued and the building was constructed. Upon final inspection it was found by the building inspector the garage had been placed with a 3 ½-foot setback along the eastern property line as opposed to the 5-foot setback as indicated on the plan submitted for building permit.

**Site Characteristics:** The site contains a single-family home, recently remodeled and purchased by the applicant. The applicant has installed a garage within the rear yard of the home, which a permit was granted to allow the construction. The garage was placed on an existing concrete pad and constructed 3 ½-feet from the side (east) property line instead of the 5-feet typically required by the zoning ordinance and indicated on the permit request. The area is predominately single-family homes.

#### **Surrounding Uses 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

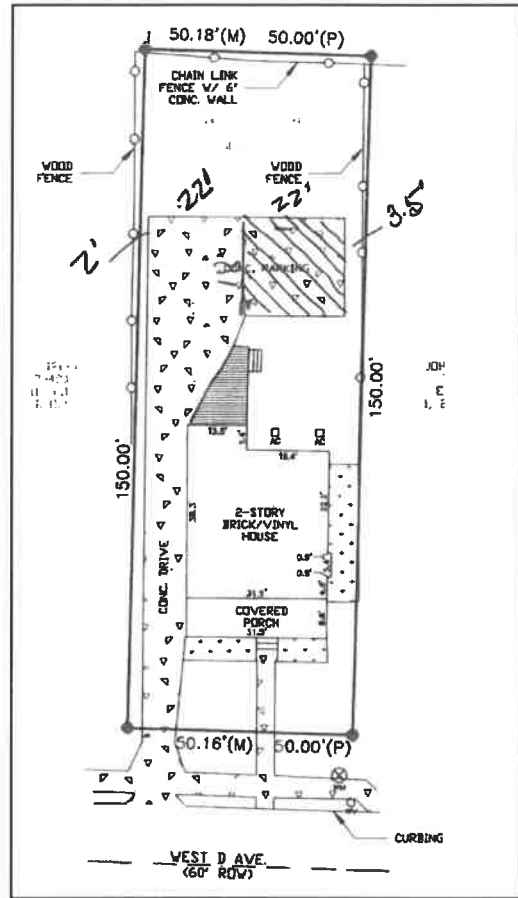
**Justification:** The applicant’s justification is presented in an attached letter.

**Staff Analysis:**

applicant states the building serves as a two car garage. The applicant has provided survey of the property which indicates a preexisting concrete pad extending from the existing concrete driveway. The applicant states complying with the 5-foot required setback would not have allowed enough space on the parking pad for a vehicle to enter and exit the garage building. As a result, the applicant is seeking a variance to allow a reduced side yard setback on the eastern property line.

The applicant states she ask the Board to consider the conditions and circumstances are not a result of the action of herself, the owner, and that the variance to be granted is the minimum variance that would make it possible for the reasonable use of the structure. Based on the width of the lot (50-foot), the width of the structure necessary to accommodate a vehicle (22-feet) and the required area for maneuvering the vehicle into and out of the garage (20-feet), the reduced setback is necessary to utilize the building for covered parking.

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:**

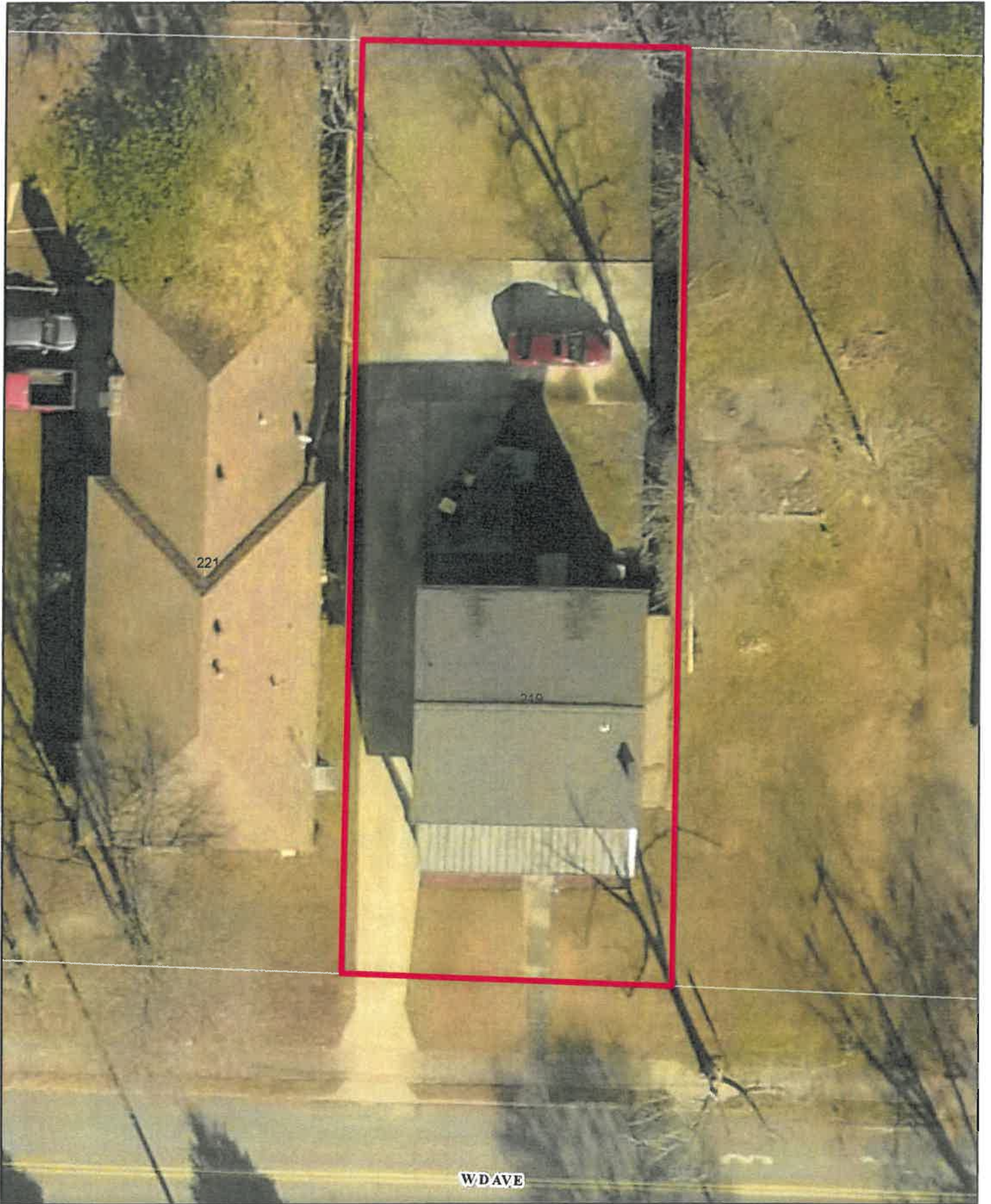
1. Is the variance for which the variance is sought due to unique circumstances existing on the property, the unique circumstances were not created by the owner of the property, and are not due to or the result of general conditions in the district in which the property is located? No, this area of Park Hill was originally platted with most lots being 50-foot widths.
2. Does the variance substantially or permanently injure the appropriate use of adjacent conforming property in the same district? No, the placement of the garage adheres to the required setbacks with regard to the distance from the house and other

- property lines. The eastern property line does not comply with the typical required setback.
3. Will approval of the variance alter the essential character of the district? No, there are other structures within the general area which have been placed with reduced setbacks.
  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 as residential
  5. Will the approval of the variance be in harmony with the spirit of the ordinance? No, setbacks are established to allow adequate separation between buildings and property lines.
  6. Will the approval of the variance adversely affect public health, safety, and general welfare? No, the approval will have no impact on the public health, safety and general welfare of the area.

**Approval Allows:**

1. Approval will allow the existing garage structure to remain located with a reduced side yard setback of 3-feet 5-inches.
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.

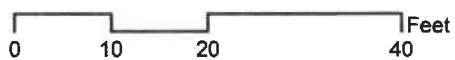
# North Little Rock Board of Adjustment



**BOA CASE #2022-10**

Date: 5/5/2022

1 inch = 20 feet



User: jhale





# North Little Rock Board of Adjustment



BOA Case #2022-10

219 W. D Ave.

To allow a reduced side yard setback for an accessory building.

**BOA CASE #2022-10**

Date: 5/5/2022

1 inch = 100 feet



User: jhale





## Hardship Letter

### In Support of Variance for Detached Garage Setback

219 W. D Ave North Little Rock, AR 72116

This letter is in support of my request, as the owner of the single-family home located at 219 W. D Ave, for a variance to reduce the side yard setback for a detached 18 by 22-foot metal building to 3 feet 5 inches, where 5 feet is required based on city zoning ordinance, in particular **Section 4.1.3: R2: Single-Family District**. The building serves as a two-car garage. The enclosed property survey reveals a pre-existing concrete parking pad that extends around to a concrete driveway on the west side of the home that is only 3 feet 5 inches from the east side fence on the property line. Complying with the 5-foot setback would not have permitted practical use of the garage as it would not allow enough space on the parking pad for a vehicle to enter an exit the building. As a result, I am seeking a variance to reduce the required setback.

I would ask the board to consider that the conditions and circumstances are not a result of the actions of myself, the property owner, and that the variance granted is the minimum variance that will make possible the reasonable use of the structure.

The enclosed will demonstrate the placement of the garage in reference to the property line and the pre-existing parking pad.

Accordingly, I respectfully request your favorable consideration of this submittal and request it be scheduled for the next available agenda or the Board of Adjustment. If you have any questions or need more information, please contact me at (501) 864-8301. Thank you for your attention in this matter.

Sincerely,



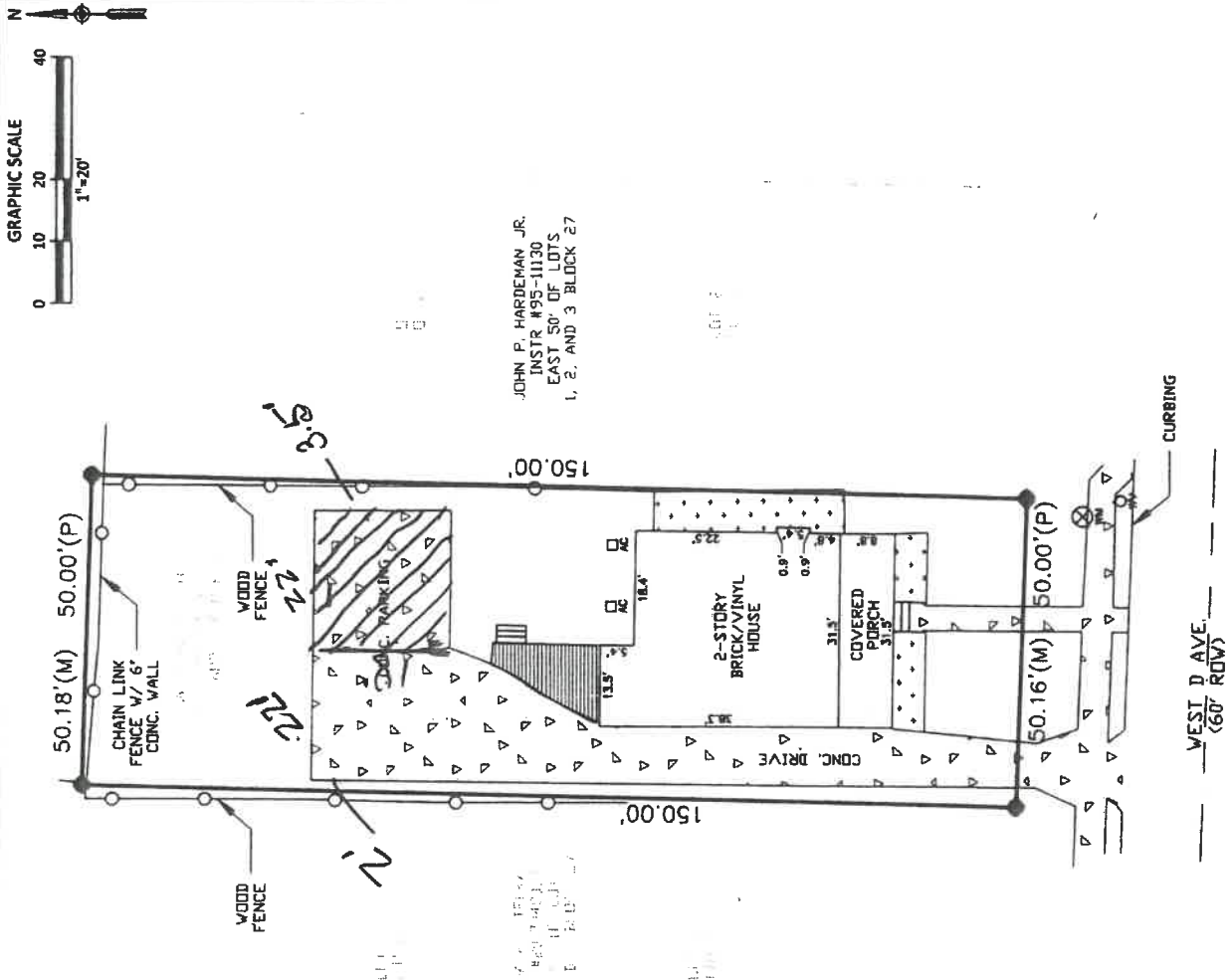
Natasha Kendrick

natasha.kendrick26@gmail.com

BOUNDARY SURVEY  
 WEST 50' OF LOTS 1, 2, AND 3  
 BLOCK 27, PARK HILL ADDITION  
 CITY OF NORTH LITTLE ROCK  
 PULASKI COUNTY, ARKANSAS



PROJECT NO:  
 ISSUED: 1/22/2021  
 DRAWN BY: AD  
 CHECKED BY: AD  
 SHEET TITLE:  
 BOUNDARY SURVEY  
 PAGE: 1 OF 1



Variance Request Plan











BOA #2022-11  
May 26, 2022

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**Variance Requested:** a variance from 4.1.4-C to allow a reduced front yard setback for three proposed lots from 25-feet required to 15-feet

**Location of the Request:** 520 W 14<sup>th</sup> Street, North Little Rock, AR

**Legal Description of the Property:** Lots 1R, 2R and 3R, Block 41, North Argenta Addition to the City of North Little Rock, Pulaski County, AR

**Owner:** Rock City Homes, LLC

**Applicant:** Aaron Robinson - Bond Consulting Engineering

**Present Use of the Property:** Undeveloped

**Present Zoning of the Property:** R3, Two-family

**Site Characteristics:** The previous single-family home which condemned by City Council on July 9, 2021 and a demo permit was issued for the site on August 23, 2021. The area contains a mix of one and two family homes. The Missouri Pacific Railroad is located to the west of this site and an asphalt paving contractor is located to the south of the site. There are a number of vacant lots located in the neighborhood. West 14<sup>th</sup> Street is a narrow street with no curb and gutter or sidewalk in place.

### Surrounding Uses and Zoning

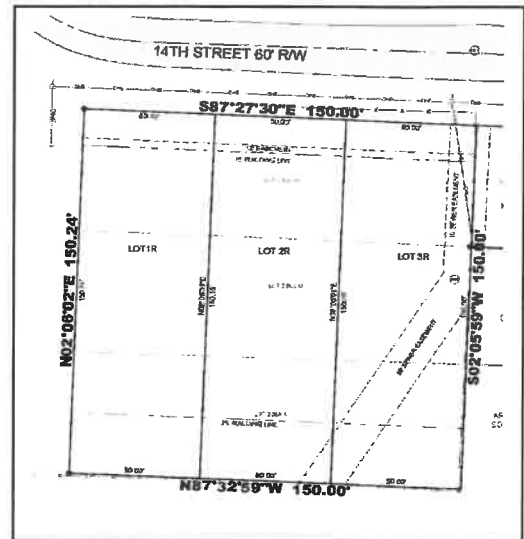
<b><u>Direction</u></b>	<b><u>Surrounding Zoning</u></b>	<b><u>Surrounding Uses</u></b>
North	R3, Two-family	Single-family
South	R3, Two-family	Arkansas Asphalt Paving
East	R3, Two-family	Single-family
West	I1, Industrial Park District	Missouri Pacific Railroad Co.

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

**Staff Analysis:** The applicant is seeking a variance to allow a reduced front yard setback for 3 lots located in the North Argenta Addition. The lots are currently platted as east/west lots with no street access in place. The applicant is seeking, through the Planning Commission, a replat of the lots to create north/south lots which will have street access on West 14<sup>th</sup> Street. The applicant notes in their cover letter the variance is necessary due to an existing sanitary sewer easement which runs through the property causing the proposed structure on Lot 3R to not fit on the lot with the typical 25-foot front yard setback. He states reducing the front yard setback will allow the structure to be built on

the lot and outside the sanitary sewer easement. He notes the desire is to reduce the setbacks on the other two lots to allow for the homes to align and to more closely align with an existing home which was previously constructed on a ½ lot (the west ½ of Lot 12, Block 41, East Argenta Addition) located to the east.

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.



Although staff is agreeable the construction of a home on Lot 3R would be difficult based on the sewer line easement. Staff does not feel the reduction is needed for Lots 1R and 2R since they are not impacted by the sewer line easement. In addition, staff feels the request to allow a reduced front setback is a reasonable request for Lot 3R but feels the front setback should be placed at 20-feet to limit the likelihood of vehicles parked in driveway from blocking the sidewalk which will be constructed with the new development.

**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? Possible on proposed Lot 3R, the sanitary sewer easement would make it difficult to construct a home and remain outside the 25-foot front yard setback.
2. Does the variance substantially or permanently injure the appropriate use of adjacent conforming property in the same district? Possibly, the variance to allow a 15-foot setback would potentially have cars parking within the right of way and blocking the sidewalk.
3. Will approval of the variance alter the essential character of the district? No the lots will remain as single-family. There are a number of uses in the area including the railroad yard to the west and a paving contractor to the south.
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 the same, single-family.
5. Will the approval of the variance be in harmony with the spirit of the ordinance? No, setbacks are established to allow for proper separation between homes, drives and street right of ways. The placement of the 15-foot setback would potentially have cars parked in the driveway and extending into the right of way, blocking the sidewalk.

6. Will the approval of the variance adversely affect public health, safety, and general welfare? Possibly, if persons are forced to walk in the street to pass these driveways there is a potential for unsafe pedestrian travel.

**Approval Allows:**

1. Approval will allow the placement of a 15-foot front building setback along West 14<sup>th</sup> Street for the 3 proposed lots.
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.

**Staff Recommendation:**

Staff recommends the plat provide a 20-foot front building setback to reduce the potential for vehicles parked in the driveway from blocking the sidewalk for Lot 3R and the placement of a 25-foot setback on Lots 1R and 2R.

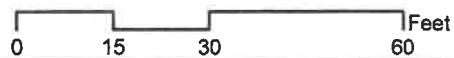
# North Little Rock Board of Adjustment



**BOA CASE #2022-11**

Date: 5/5/2022

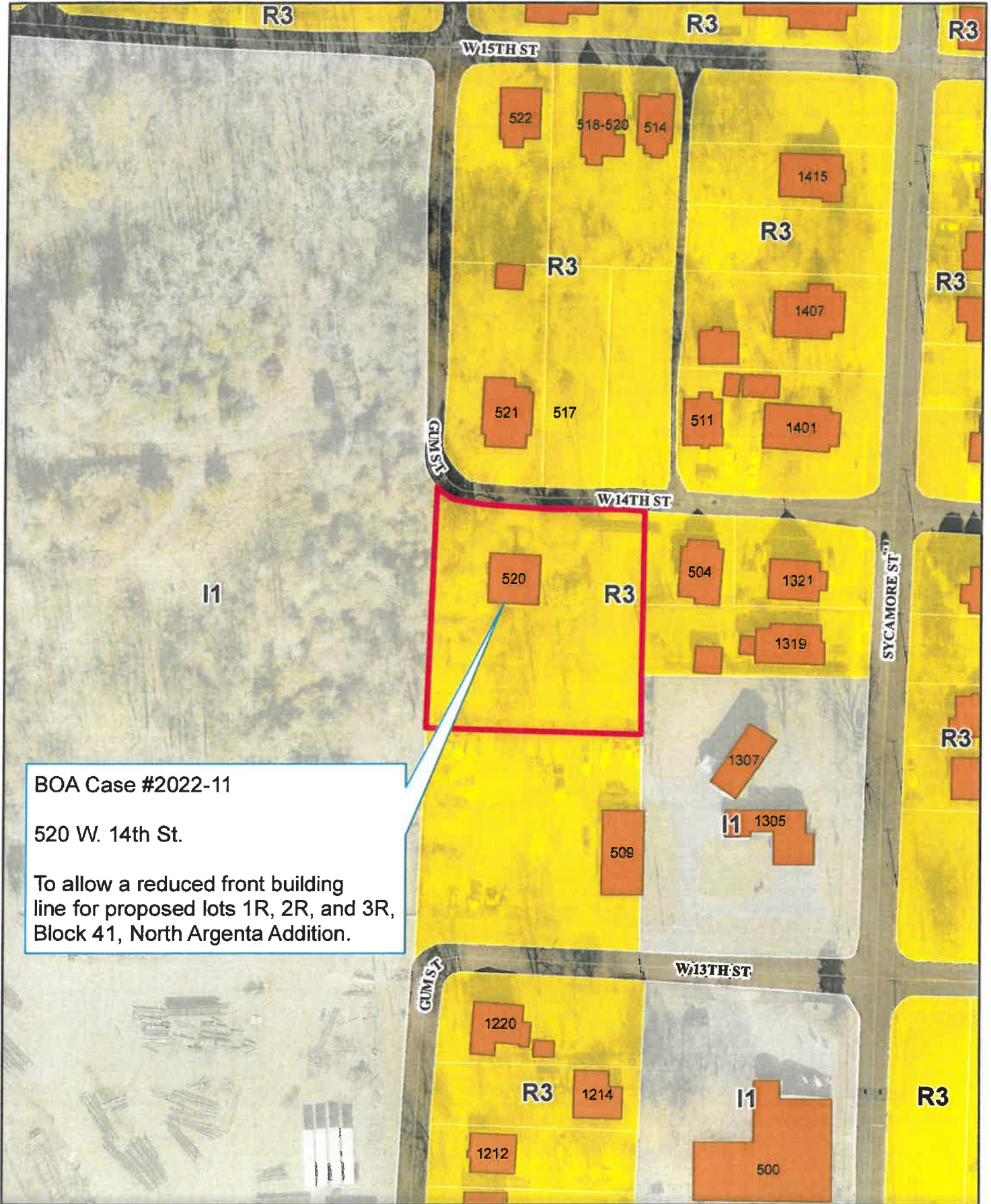
1 inch = 30 feet



User: jhale



# North Little Rock Board of Adjustment



BOA Case #2022-11

520 W. 14th St.

To allow a reduced front building line for proposed lots 1R, 2R, and 3R, Block 41, North Argenta Addition.

**BOA CASE #2022-11**

Date: 5/5/2022

1 inch = 100 feet



User: jhale





2601 T.P. White Drive  
Jacksonville, AR 72076

TEL 501.982.1538  
FAX 501.982.1530

[www.bondce.com](http://www.bondce.com)

April 25, 2022

Ms. Donna James  
City of North Little Rock

**RE: Variance Request, Lot 1R, 2R, & 3R – A Replat of Lots 1-3, Block 41, North Argenta**

Dear Ms. James:

We are requesting a variance of the front yard setback. We are requesting the minimum front yard setback be 15 feet instead of 25 feet. We are requesting this because the existing sanitary sewer runs through the property causing the proposed structures not to fit on the lot. Reducing the front yard setback will allow the structures to be built on the lots and outside the proposed sewer easement.

Please feel free to call me if you have any questions or if any comments or concerns about this request.

We are requesting you please place this item on the next planning commission meeting agenda

Sincerely yours

A handwritten signature in black ink, appearing to read 'AR', with a horizontal line extending to the right.

Aaron Robinson, P.E.

cc: Rock City Houses  
File # 9324



VICINITY MAP

**LEGAL DESCRIPTION:**

LOTS 1, 2, AND 3 OF BLOCK 41 OF NORTH ARGENTA, TO THE CITY OF NORTH LITTLE ROCK, PULASKI COUNTY, ARKANSAS, AS SHOWN IN BOOK 1, PAGES 546, RECORDS OF THE CLERK'S OFFICE, PULASKI COUNTY, ARKANSAS.

**CERTIFICATE OF FINAL PLAT APPROVAL:**

PURSUANT TO THE NORTH LITTLE ROCK SUBDIVISION AND DEVELOPMENT CODE, THIS PLAT HAS BEEN REVIEWED AND APPROVED FOR RECORDATION. THE CONDITIONS OF APPROVAL HAVING BEEN COMPLETED, THIS DOCUMENT IS HEREBY ACCEPTED. THIS DOCUMENT IS HEREBY ACCEPTED AND THE CERTIFICATION DELETED UNDER THE AUTHORITY OF AID CODE.

DATE OF EXECUTION \_\_\_\_\_

HAWN PRINCE  
NORTH LITTLE ROCK PLANNING DIRECTOR

**CERTIFICATE OF OWNERS:**

WE, THE UNDERSIGNED, OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, HAVE CAUSED THIS PLAT TO BE PREPARED, PLATTED, AND SUBMITTED, AND DO HEREBY LAY OUT, PLAT, AND SUBDIVIDE AND REAL ESTATE IN ACCORDANCE WITH THIS PLAT.

DATE OF EXECUTION \_\_\_\_\_

ROCK CITY HOMES  
1522 S. 2ND STREET, CABOT, AR

SOURCE OF TITLE: D.R. \_\_\_\_\_

PAGE \_\_\_\_\_

INSTRUMENT NO. 202006878

**CERTIFICATE OF SURVEYING ACCURACY:**

I, ARNON K. ROBINSON, HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A BOUNDARY SURVEY MADE BY ME AND ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST AND THEIR LOCATION, SIZE, TYPE AND MATERIAL ARE CORRECTLY SHOWN.

DATE \_\_\_\_\_

ARNON K. ROBINSON  
REGISTERED LAND SURVEYOR  
NO. 1819 ARKANSAS

**CERTIFICATE OF ENGINEERING ACCURACY:**

I, ARNON K. ROBINSON, HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A PLAT MADE BY ME AND THAT ENGINEERING REQUIREMENTS OF THE NORTH LITTLE ROCK SUBDIVISION CODE HAVE BEEN COMPLIED WITH.

DATE \_\_\_\_\_

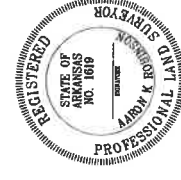
ARNON K. ROBINSON  
REGISTERED PROFESSIONAL ENGINEER  
NO. 18299 ARKANSAS



NORTH



Scale 1" = 20'



**GENERAL NOTES:**

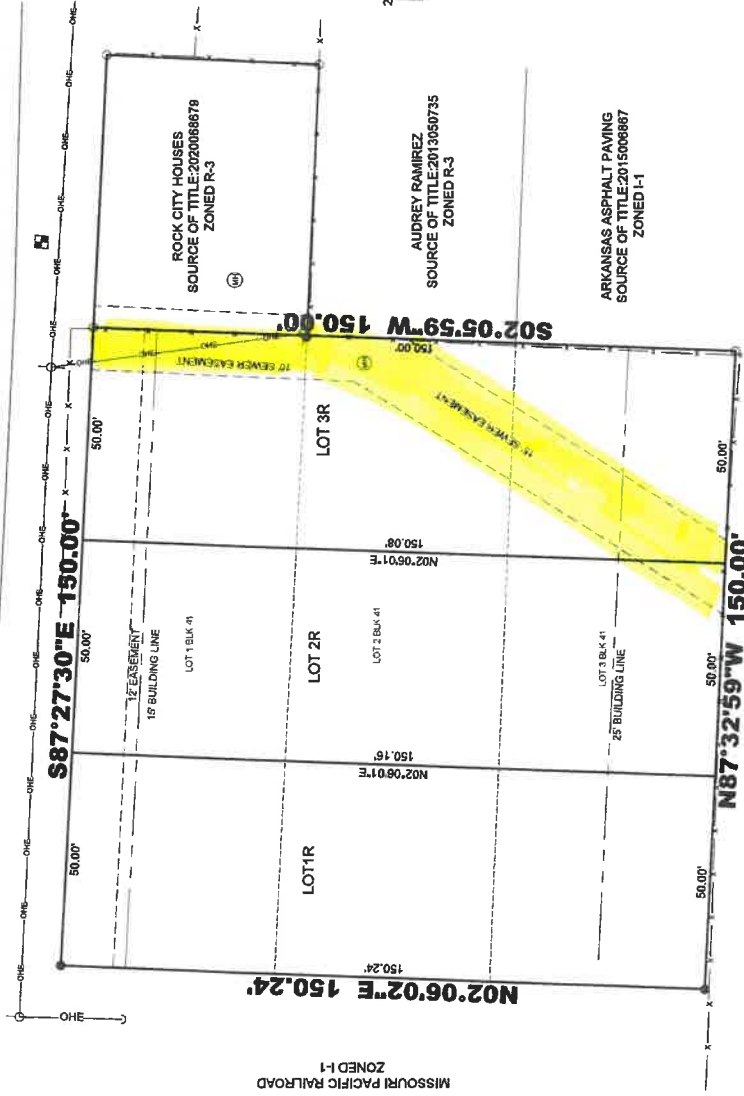
- 1) IRON PINS TO BE SET AT ALL LOT CORNERS.
- 2) BUILDING LINES SHALL BE 18 FEET AS MEASURED FROM THE STREET RIGHT-OF-WAY, UNLESS STATED OTHERWISE.
- 3) EASEMENTS SHALL BE SHOWN AND SET AS NOTED.
- 4) WATER SERVICE SUPPLIED BY CENTRAL ARKANSAS WATER AND SEWER SERVICE SUPPLIED BY THE NORTH LITTLE ROCK WATER DEPARTMENT.
- 5) THIS PROPERTY IS ZONED R-3. THE COORDINATES NORTH POINTS SHALL BE SET AS NOTED.
- 6) NO CHANGES IN THIS PLAT ARE PERMITTED WITHOUT APPROVAL OF NORTH LITTLE ROCK PLANNING COMMISSION.

IRON PINS SET = 1/2" REBAR

**FLOOD STATEMENT:**

FIRM FLOOD INSURANCE RATE MAP PANEL 0519C 014C (EFFECTIVE DATE: JULY 6, 2005) INDICATES THAT THIS PROPERTY IS LOCATED ABOVE THE 100 YEAR FLOOD PLAIN.

14TH STREET 60' RW



ARKANSAS ASPHALT PAVING  
SOURCE OF TITLE: 2015006867  
ZONED R-3

**LEGEND:**

- BOUNDARY LINE
- BUILDING LINE
- - - EASEMENT LINE
- STREET CENTERLINE
- BOUNDARY FOUND IRON PIN AS DESCRIBED
- SET 1/2" IRON PIN
- PERMANENT CONTROL PT

**CERTIFICATE OF RECORDING:**

THIS DOCUMENT, NUMBER \_\_\_\_\_, FILED FOR RECORD

ON \_\_\_\_\_ AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ M., RECORDED \_\_\_\_\_

IN PLAT BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

DATE \_\_\_\_\_ CLERK \_\_\_\_\_

FOR BILL ASSURANCE SEE DEED RECORD BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

JOB No. 9324

DRAWN BY: ARS

FILE NO. \_\_\_\_\_

BOND CONSULTING ENGINEERS, INC.

2601 T. P. White Drive  
Jacksonville, Atlanta 32276  
Phone: (910) 424-1000 Fax: (910) 424-1001 Email: arn@bce-engineers.com

Prepared For:

Rock City Homes LLC  
1522 S. 2nd Street  
Cabot, AR 72023

LOTS 1R, 2R & 3R - A REPLAT OF LOTS 1 - 3, BLOCK 41

NORTH ARGENTA

NORTH LITTLE ROCK, PULASKI COUNTY, ARKANSAS

SCALE 1" = 20'

DATE: APRIL 13, 2023

SHEET 1 OF 1

**Variance Requested:** a variance request from the area provision of Section 5.17 – Communication Towers (E) to allow an increase tower height from 75-feet in height allowed to a total height of 145-feet

**Location of the Request:** 3128 Pike Avenue, North Little Rock, AR

**Legal Description of the Property:** Twin City Addition Lots 13 & 14, Block 8, to the City of North Little Rock, Pulaski County, AR

**Owner:** Toddy Shop Properties LLC

**Applicant:** Ferris Consulting – Gregory Ferris

**Present Use of the Property:** Undeveloped

**Present Zoning of the Property:** C4

**Site Characteristics:** The site is a paved with no other improvements on the site. Percy Machin Drive is located along the frontage of the site, the street has curb and gutter and a sidewalk in place. The interstate is located to the north of the site and a railroad track located to the west of the site. Percy Machin Drive is a dedicated bike route.

### Surrounding Uses and Zoning

<b><u>Direction</u></b>	<b><u>Surrounding Zoning</u></b>	<b><u>Surrounding Uses</u></b>
North	Not Zoned	I-40 Right of way
South	Not Zoned	I-40 Right of way
East	Not Zoned	I-40 Right of way
West	C4	Auto Sales & Repair

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

### **Staff Analysis:**

Tillman Infrastructure (“Tillman”) on behalf of AT&T Wireless is requesting a variance to the height limitation for the property located at 3128 Pike Avenue, North Little Rock, AR. AT&T is seeking a new 145-foot Communication Tower, the (“Tower”). It will consist of a 145-foot monopole tower, with an 8-foot lightning arrestor, and utility cabinets within a 40-foot by 80-foot fenced enclosure with access gates. Section 5.7.1 (E) of the North Little Rock Code requires any communications tower in excess of 75-feet to seek a variance from the Board of Zoning Adjustment. Section 5.7 also requires any communication tower which are not located within a permitted zoning district to seek a rezoning



or a Special Use. Prior to the Planning Commission considering the request the applicant must submit and receive approval of any and all variances necessary to construct the communication tower.

AT&T Wireless (“AT&T”) will collocate their panel antennas, remote radio units, antenna mounting frame and mounting poles, fiber optic cables and equipment, a GPS antenna, surge protector, generator, radio equipment cabinets, utility connections on the facility. AT&T will located their antennas at a RAD Center of 140-feet. The tower will be constructed to allow collocation of at least two other antenna arrays.

The tower will be located on the east side of Pike Avenue. The subject property is zoned C-4. The area is commercial and adjacent to Interstate 40. The proposed parcel lies between Pike Avenue and I-40. There are significantly tall trees on the east side of the parcel. The owner of the existing parcel owns two properties immediately adjacent to the property on which the tower will be located. These also have mature trees that reach over fifty-foot in height. The other parcels adjacent are vacant or used for commercial purposes. The entire area has mature trees that form a canopy and reach at least 50-foot in height.

AT&T is seeking to provide coverage to this area of North Little Rock and to provide capacity relief along Interstate 40. Wireless coverage must be significantly above the tree canopy to cover the area desired. A narrative from the AT&T RF Engineer is attached to this application describing the need for the 140-foot height. If AT&T cannot get the height it requires it would place a severe hardship on it as it could not provide the coverage that is required to service AT&T customers in the North Little Rock area. Also provided is a map showing the existing AT&T sites. There are no other towers within three-fourths of a mile of the proposed location. Those sites cannot be substituted for the proposed tower and meet the coverage requirements of AT&T. The tree canopy, the highway height, and the radio frequency realities were not created by the property owner or AT&T. These conditions create a hardship that can only be overcome with the additional height requested.

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.

As stated above the placement of a communication tower in excess of 75-feet in height requires the applicant to first seek variance approval from the Board of Zoning Adjustment before requesting review by the Design Review Committee. New communication towers are required to go through the Site Plan Review process of the Planning Commission prior to requesting a building permit. In addition to seeking Site Plan Review approval from the Planning Commission the applicant must seek approval of a Special Use to allow the communication tower placement due to the C4 zoning designation, which does not allow the placement of a communication tower/facility as a by-right use.

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 a communication tower 140-feet in height.
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.

**Staff Recommendation:**

Staff recommends approval of the request to allow the replacement of the existing tower 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 placement of a fence around the communication tower site a minimum of 6-feet in height; and
- A planted buffer with a minimum depth of 10-feet with plant materials to reach a height of 20-feet at maturity be required around the exterior perimeter of the fence.

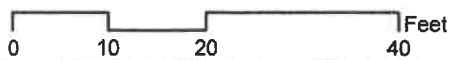
# North Little Rock Board of Adjustment



**BOA CASE #2022-12**

Date: 5/5/2022

1 inch = 20 feet



User: jhale

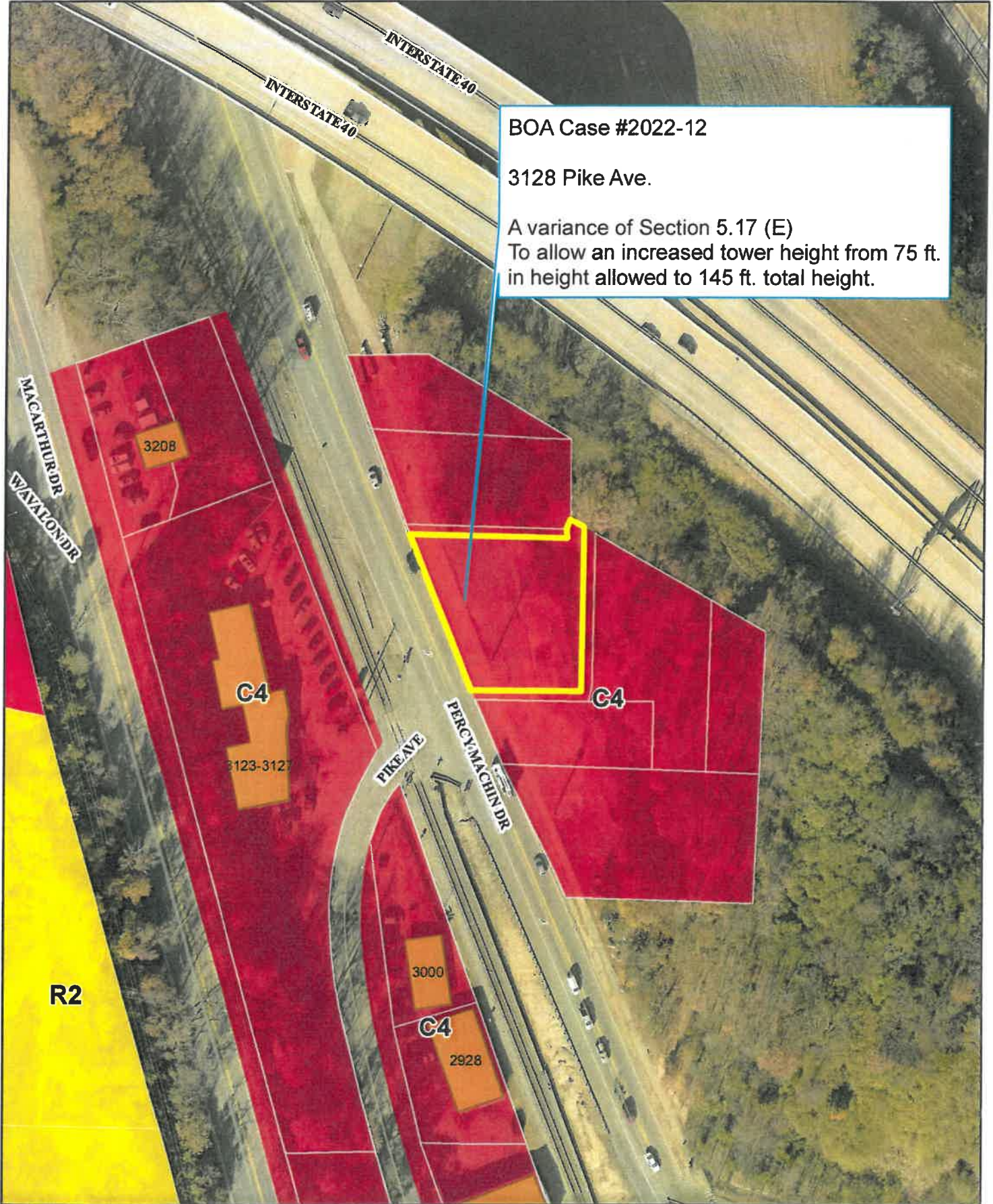


# North Little Rock Board of Adjustment

BOA Case #2022-12

3128 Pike Ave.

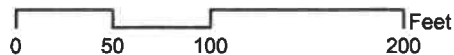
A variance of Section 5.17 (E)  
To allow an increased tower height from 75 ft.  
in height allowed to 145 ft. total height.



**BOA CASE #2022-12**

Date: 5/5/2022

1 inch = 100 feet



User: jhale





City of North Little Rock, AR, Planning Department  
Shawn Spencer, Planning Director

**Board of Adjustment Variance for Height of a Communication Tower Hardship Narrative**

**Applicant:** SCI Wireless and Tillman Infrastructure  
497 Ridge Point Drive  
Heath, TX 75126

**Tenant:** AT&T Wireless  
308 S. Akard St., 19<sup>th</sup> Floor  
Dallas, TX 75202

**Landowner:** Toddy Shop Properties LLC  
28 Southridge DR  
Mount Ida AR 71957-8802

**Rep.:** Greg Ferris, SCI Wireless  
PO Box 573  
Wichita, KS 67201  
Ph. 316-516-0808, Email: ferrisco@aol.com

**Site No.:** 15448426

**Location:** 3128 Pike Ave., North Little Rock, AR 72114 PIN: 33N1890004100

**Project Description**

Tillman Infrastructure ("Tillman") on behalf of AT&T Wireless is requesting a Variance to the height limitation for the property located at 3128 Pike Ave. and Zoned C-4. AT&T is seeking a new 145-foot Communication Tower, the ("Tower"). It will consist of a 145-foot monopole tower, with an 8-foot lightning arrestor, and utility cabinets within a 40' x 80' fenced enclosure with access gates. Section 5.7.1 (E) of the North Little Rock Code requires any communications tower in excess of 75' to get a Variance from the Board of Adjustment.

AT&T Wireless ("AT&T") will collocate their panel antennas, remote radio units, antenna mounting frame and mounting poles, fiber optic cables and equipment, a GPS antenna, surge

3128 Pike Ave, North Little Rock, AR 72114

protector, generator, radio equipment cabinets, utility connections on the Facility. AT&T will located their antennas at a RAD Center of 140 feet. The tower will be constructed to allow collocation of at least two other antenna arrays.

#### Location

The Facility will be located on the east side of Pike Street. The subject property is zoned C-4. The area is commercial and adjacent to Interstate 40. The proposed parcel lies between Pike St. and I-40. There are significantly tall trees on the East side of the parcel. The owner of the existing parcel owns two properties immediately adjacent to the property on which the tower will be located. These also have mature trees that reach over fifty-foot in height. The other parcels adjacent are vacant or used for commercial purposes. Notice will be sent to the adjacent parcels per the North Little Rock requirements. The list of those properties along with an aerial map showing them is attached to this application. The entire area has mature trees that form a canopy and reach at least 50-foot in height.

#### Hardship

AT&T is seeking to provide coverage to this area of North Little Rock and to provide capacity relief along Interstate 40. Wireless coverage must be significantly above the tree canopy to cover the area desired. A narrative from the AT&T RF Engineer is attached to this application describing the need for the 140-foot height. If AT&T cannot get the height it requires it would place a severe hardship on it as it could not provide the coverage that is required to service AT&T customers in the North Little Rock area.

Also provided is a map showing the existing AT&T sites. There are no other towers within three-fourths of a mile of the proposed location. Those sites cannot be substituted for the proposed tower and meet the coverage requirements of AT&T.

The tree canopy, the highway height, and the radio frequency realities were not created by the property owner or AT&T. These conditions create a hardship that can only be overcome with the additional height requested.

April 8, 2022

Shawn Spencer, Planning Director  
City Services Building  
120 N. Main St.  
North Little, AR 72114

Dear Mr. Spencer,

Toddy Shop Properties, LLC is the owner of the property on the attached application. Greg Ferris of SCI Wireless is authorized to represent the LLC as its agent, on the request for a Board of Adjustment Height Variance. He is also authorized as our agent for a Site Plan Review Special Permit for a Wireless Communication Facility, on the property with the Property Map Number of 33N1890004100 on the leased premises of 50' x 80' plus easements. The legal description of the leased premises is attached.

This authorization is restricted to the leased area on the property with a Property Identification Number of 33N1890004100 and does not apply to any other property owned by Toddy Shop Properties, LLC. This authorization is a one-time authorization for the Board of Adjustment, Site Plan Review and Special Use Permit for the Wireless Communication Facility.

Please let me know if you have any questions.

Sincerely,  
Toddy Shop Properties, LLC



Robert Wortsmith  
Manager



## Ownership List for Application

33N1890003900  
CITY OF NORTH LITTLE ROCK  
120 MAIN ST  
NORTH LITTLE ROCK AR 72111-42134

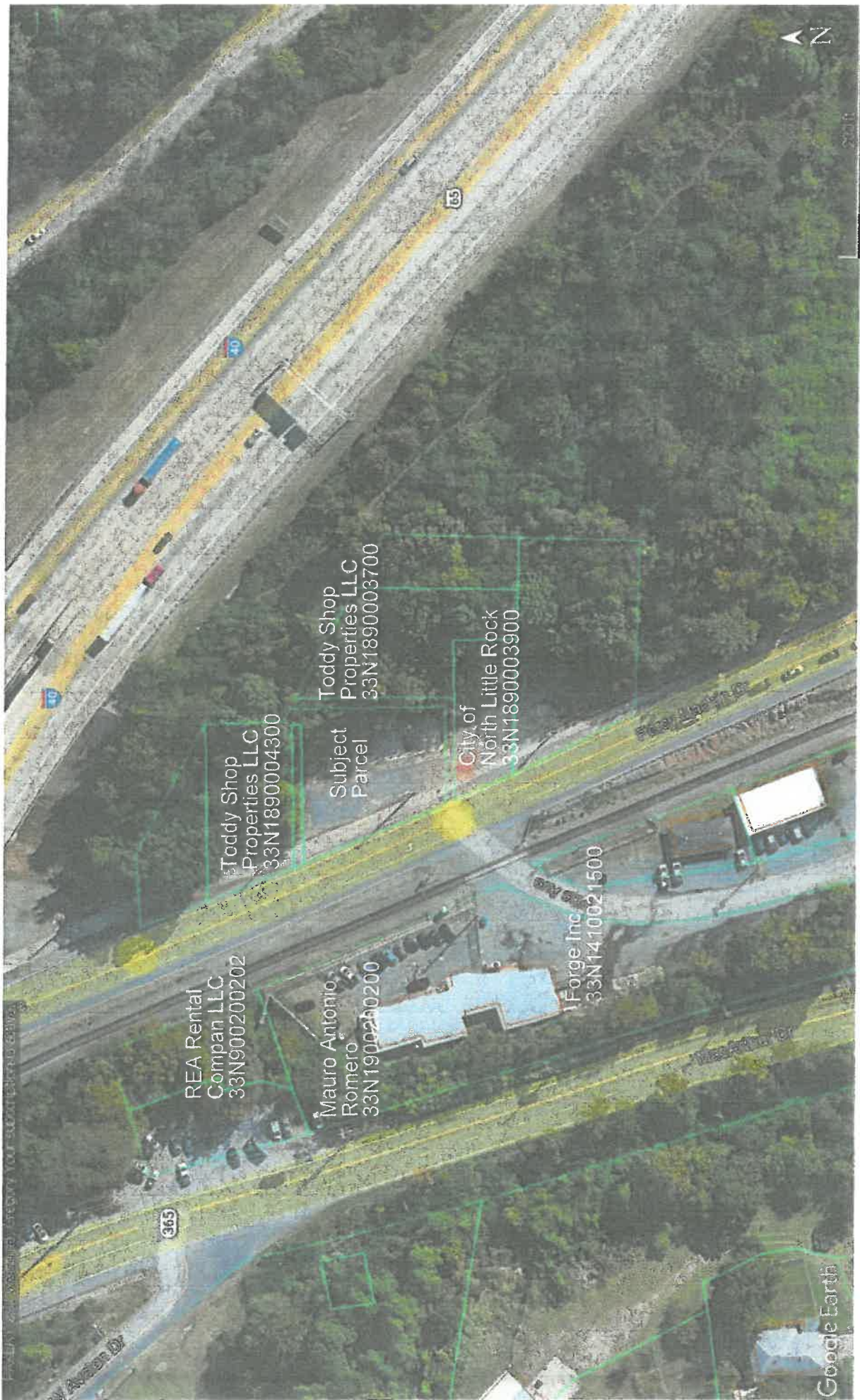
33N1410021500  
FORGE INC  
3000 PIKE AVE  
NORTH LITTLE ROCK AR 72114-2038

33N1900200202  
REA RENTAL CO LLC  
PO BOX 25922  
LITTLE ROCK AR 72221

33N1900200200  
ROMERO MAURO ANTONIO  
3125 PIKE AVE  
NORTH LITTLE ROCK AR 72118

33N1890003700  
TODDY SHOP PROPERTIES LLC  
218 DOOLEY RD  
NORTH LITTLE ROCK AR 72116

33N1890004300  
TODDY SHOP PROPERTIES LLC  
218 DOOLEY RD  
NORTH LITTLE ROCK AR 72116



REA Rental  
Compan LLC  
33N900200202

Mauro Antonio  
Romero  
33N1900200200

Toddy Shop  
Properties LLC  
33N1890004300

Toddy Shop  
Properties LLC  
33N1890003700

Subject  
Parcel

City of  
North Little Rock  
33N1890003900

Forge Inc  
33N1410021500

Google Earth

## **LEGAL NOTICE OF BOARD OF ADJUSTMENT HEARING**

**YOU ARE RECEIVING THIS BECAUSE YOU ARE AN ADJOINING PROPERTY TO THE PROPERTY REQUESTING THE VARIANCE**

**PROPERTY OWNER: Toddy Shop Properties LLC**

**AGENT FOR OWNER: Greg Ferris, SCI Wireless,  
PO Box 573  
Wichita, KS 67201  
316-516-0808**

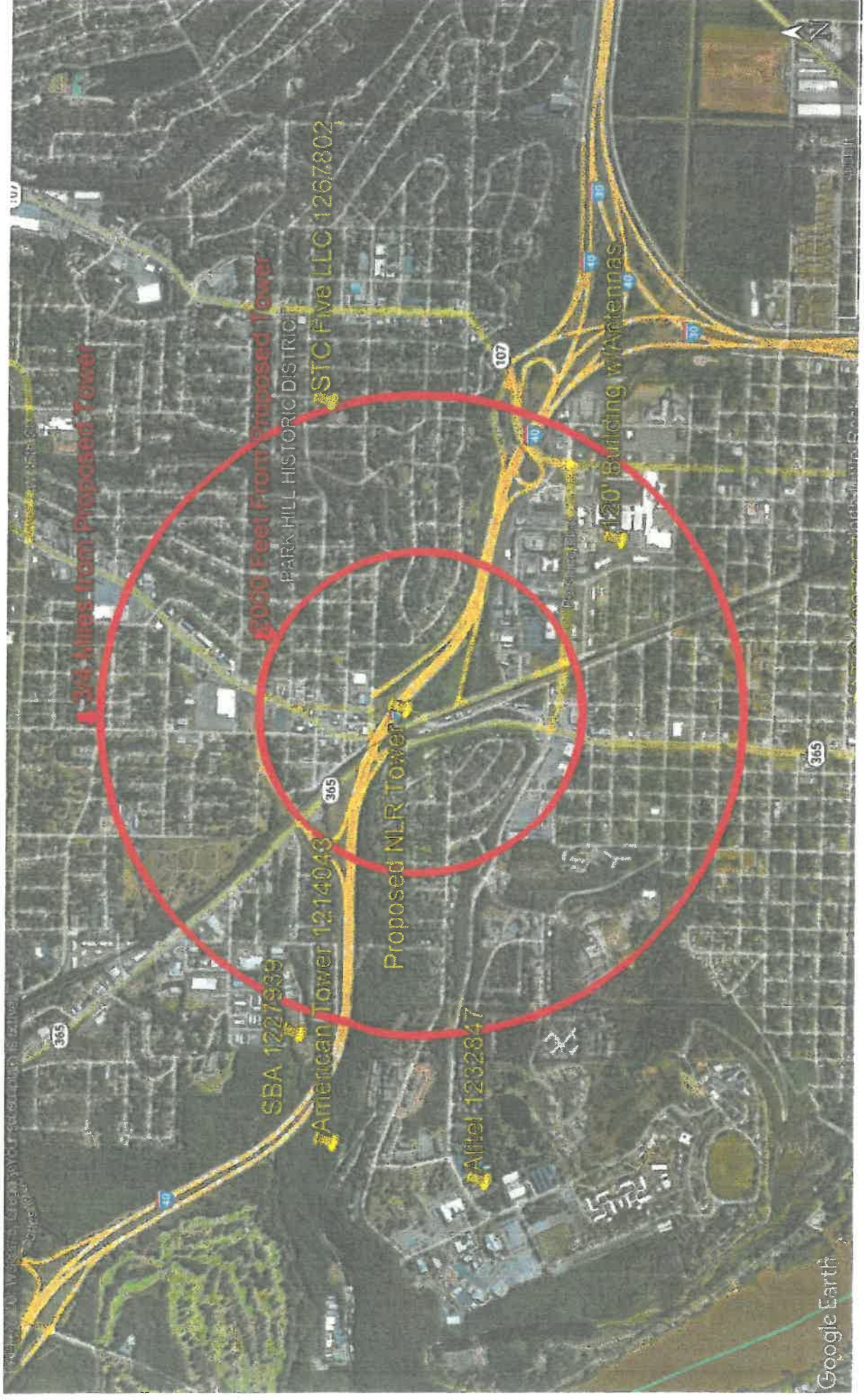
**REQUEST: Variance to allow 140-foot Wireless Communications Facility with an 8-foot lightning arrester**

**LOCATION: 3128 PIKE AVE**

**LEGAL DESCRIPTION: Lots 13 and 14 Block 8 Twin City Addition  
PARCEL# 33N1890004100 CONTAINING .19 ACRES**

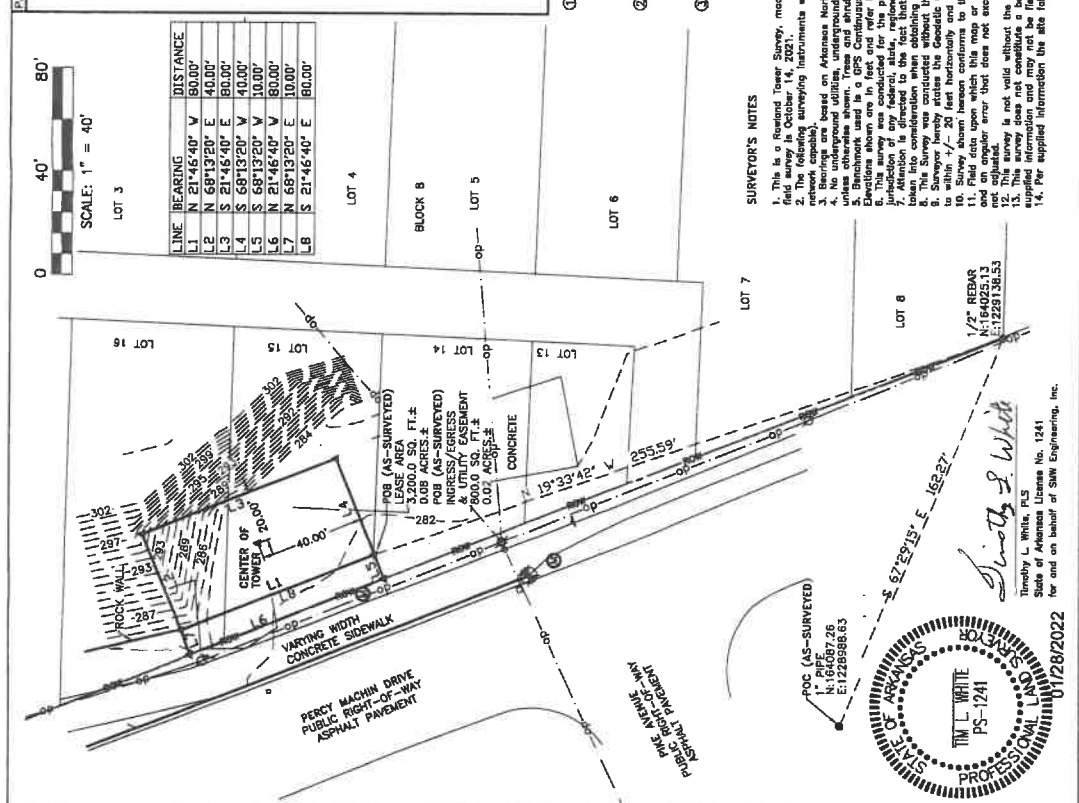
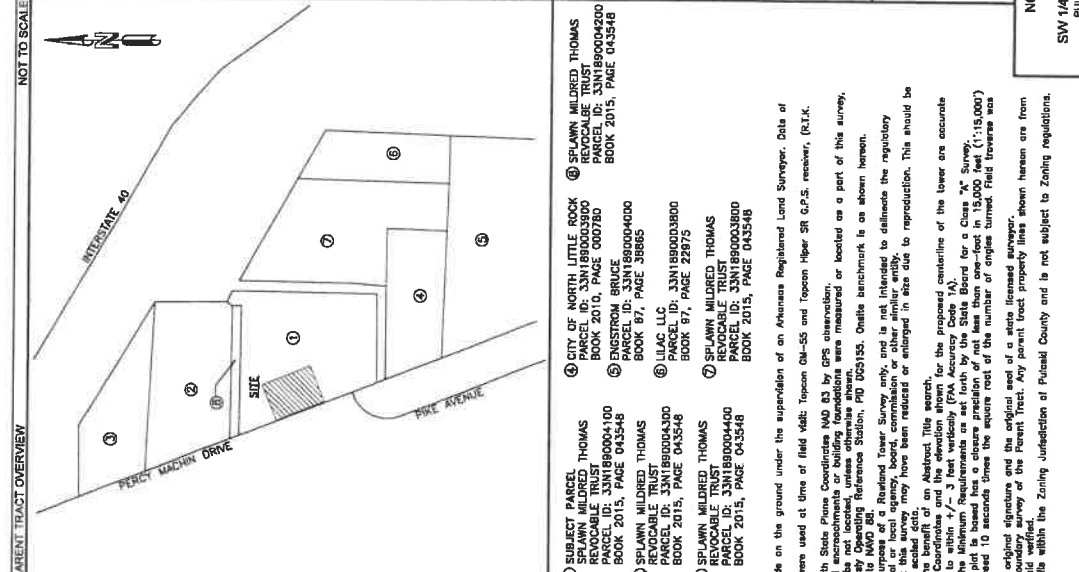
**A PUBLIC MEETING WILL BE HELD BEFORE THE NORTH LITTLE ROCK BOARD OF ADJUSTMENT LOCATED AT CITY SERVICES BUILDING, 120 MAIN STREET, 2<sup>ND</sup> FLOOR, NORTH LITTLE ROCK, AR ON MAY 26, 2022 AT 1:30 PM**

FCC Registered Towers and Tall Structures within 2000 feet and 3/4 Mile of the Proposed Tower





**RAMBLAND TOWER SURVEY**  
 CENTER OF TOWER:  
 LATITUDE: 34°47'03.851" NORTH  
 LONGITUDE: 87°18'36.314" WEST  
 GROUND ELEVATION: 283.50'  
 ABOVE MEAN SEA LEVEL (NAVD83)  
 SITE ADDRESS:  
 PERCY MACHIN DRIVE  
 NORTH LITTLE ROCK, ARKANSAS  
 72114  
 VICINITY MAP  
 ARKANSAS NORTH  
 GSD TO TRUE NORTH  
 CONVERGENCE  
 -0°09'40.61889"  
 TRUE NORTH TO MAGNETIC  
 DECLINATION  
 0.2 W  
 COMBINED SCALE FACTOR  
 1.000019174  
 LEGEND  
 ○ = 5/8" REBAR SET  
 ○ = FOUND PROPERTY MARKER  
 POC = POINT OF COMMENCEMENT  
 POC = POINT OF ENDING  
 ▲ = CALCULATED POINT  
 (R) = REFERENCED INFORMATION  
 (M) = MAGNIFIED  
 ○ = POWER POLE  
 ○ = MANHOLE  
 ○ = SIGN  
 ○ = TEMPORARY BENCHMARK  
 END OF CURB  
 ELEVATION: 281.31'  
 FLOOD NOTE  
 By graphic plotting only, the subject property appears to lie in Zone "X" which bears an effective date of 06/15/2010 and is NOT in a Flood Hazard Area. Zone "X" Areas determined to be outside the 0.2% annual chance floodplain.  
 NORTH LITTLE ROCK  
 TL-OPP-18187  
 SW 1/4, SEC. 22, T-2-N, R-12-W  
 PULASKI COUNTY, ARKANSAS



**SURVEYOR'S NOTES**  
 1. This is a Rebland Tower Survey, made on the ground under the supervision of an Arkansas Registered Land Surveyor. Data of field survey in October 14, 2021.  
 2. The following surveying instruments were used at time of field visit: Topcon GM-55 and Topcon Hiper SR G.P.S. receiver, (RZK).  
 3. Bearings were based on Arkansas North State Plane, Coordinate M.D. 83 by GPS observations.  
 4. No underground utilities, underground encroachments or building foundations were measured or located on a part of this survey, unless otherwise shown. These are shown as they were shown on the referenced information, unless otherwise shown.  
 5. Easements shown are in feet and refer to NMD 80.  
 6. This survey was conducted for the purpose of a Rebland Tower Survey only, and is not intended to delineate the regulatory boundary into consideration when obtaining each deed.  
 7. Attention is directed to the fact that this survey was made on the ground and may have been reduced or enlarged in size due to reproduction. This should be taken into consideration when obtaining each deed.  
 8. This survey was conducted without the benefit of an Abstract Title search.  
 9. Survey was conducted on the ground and is not intended to delineate the regulatory boundary into consideration when obtaining each deed.  
 10. Survey shown hereon conforms to the Minimum Requirements as set forth by the State Board for a Class "X" Survey, to within +/- 20 feet horizontally and to within +/- 3 feet vertically (FVA, Accuracy Code 1A).  
 11. Survey shown hereon conforms to the Minimum Requirements as set forth by the State Board for a Class "X" Survey, to within +/- 20 feet horizontally and to within +/- 3 feet vertically (FVA, Accuracy Code 1A).  
 12. The survey is not valid without the original signature and the original seal of a state licensed surveyor.  
 13. The survey is not valid without the original signature and the original seal of the Parent Trust. Any parent tract property lines shown hereon are from supplied information and may not be field verified.  
 14. For supplied information the site falls within the Zoning Jurisdiction of Pulaski County and is not subject to zoning regulations.

TIMOTHY L. WHITE, P.L.S.  
 License No. 1241  
 State of Arkansas  
 for and on behalf of SWM Engineering, Inc.  
 01/28/2022

**SUBJECT PARCEL (PER TITLE)**

Tract I:  
Lots 13 and 14, Block 8, Twin City Addition to Argento, new in the City of North Little Rock, Arkansas, including the lands lying between the East lot line of said Lot 13 and the South lot line of said Lots 13 and 14 out to the centerline of the original platbed Alleys Abutting on said Lots 13 and 14, which alleys were vacated and abandoned and thereto vested in the owners of the abutting property by City of North Little Rock Ordinance No. 2155 and No. 2559.

Tract II:  
Lot 4 South and West of highway, the East 100 feet of Lot 7, Lot 6, except East 50 feet thereof, Lot 5 except East 10 feet thereof and except West part of Lot 5 in highway right of way, all in Block 8, Twin City Addition to Argento, new in the City of North Little Rock, Arkansas, including the lands lying between the East lot line of said Block 8, which was vacated in December, 1956 by North Little Rock Ordinance No. 2559.

Tract III:  
A strip 40 feet wide off lot 15 running the entire length of said Lot 15 and adjoining Lot 16 and all of Lot 16 and 17 strip said property in Block 8, Twin City Addition to Argento, new in the City of North Little Rock, Pulaski County, Arkansas.

Tract IV:  
The South 10 feet of Lot 15, Block 8, Twin City Addition to Argento, in the city of North Little Rock, Arkansas, including the lands lying between the East lot line of said Block 8, which was vacated and abandoned and thereto vested in the owners of the abutting property by City of North Little Rock Ordinance No. 2155 and No. 2559.

**LEASE AREA (AS-SUPPLIED)**  
Being a portion of a certain tract of land described as Lot 14, 15, and 16, Block 8, Twin City Addition to Argento, and recorded in instrument No. 2015043548, in the Office of the Recorder, Pulaski County, and lying in the Southwest quarter of Section 22, Township 2 North, Range 12 West, Pulaski County, Arkansas, and being more particularly described as follows:  
Commencing at a 1" pipe found on the western right-of-way line of a railroad track, bearing Arkansas North State Plane Coordinates of N:164087.28 E:1228985.63; thence S 67°29'15" E a distance of 162.27 feet to a 1/2" rebar found for the northwest corner of Lot 9, in Block 8 of the said Twin City Addition to Argento, and having Arkansas North State Plane Coordinates of N:164025.13 E:1229138.53; thence N 19°33'42" W a distance of 255.59 feet to the Point of Beginning; thence N 21°46'40" W a distance of 80.00 to a point; thence N 68°13'20" E a distance of 80.00 feet to the Point of Beginning. Said above described lease area contains 3,200.0 square feet or 0.06 acres, more or less.

**INGRESS/EGRESS & UTILITY EASEMENT (AS-SUPPLIED)**  
Being a portion of a certain tract of land described as Lot 13 and 14, Block 8, Twin City Addition to Argento, and recorded in instrument No. 2015043548, in the Office of the Recorder, Pulaski County, and lying in the Southwest quarter of Section 22, Township 2 North, Range 12 West, Pulaski County, Arkansas, and being more particularly described as follows:  
Commencing at a 1" pipe found on the western right-of-way line of a railroad track, bearing Arkansas North State Plane Coordinates of N:164087.28 E:1228985.63; thence S 67°29'15" E a distance of 162.27 feet to a 1/2" rebar found for the northwest corner of Lot 9, in Block 8 of the said Twin City Addition to Argento, and having Arkansas North State Plane Coordinates of N:164025.13 E:1229138.53; thence N 19°33'42" W a distance of 255.59 feet to the Point of Beginning; thence S 68°13'20" W a distance of 10.00 feet, more or less, to a point on the western right-of-way line of Percy Martin Drive; thence N 21°46'40" W, following said right-of-way line a distance of 80.00 feet to the Point of Beginning; thence N 68°13'20" W a distance of 80.00 feet to the Point of Beginning. Said above described Easement contains 800.0 square feet or 0.02 acres, more or less.



**SURVEYOR'S CERTIFICATION**  
I certify that all parts of this survey and drawing have been completed in accordance with the laws of the State of Arkansas, and that the same are true and correct to the best of my knowledge, information, and belief.

*Timothy L. White*  
Timothy L. White, PLS  
State of Arkansas License No. 1241  
for and on behalf of Starr Engineering, Inc.

01/28/2022 DATE

**PLOTTABLE EXCEPTIONS**  
Fidelity, North Little Rock, Arkansas  
Commitment for Title Insurance File No. 21-114850-700  
Date October 1, 2021 @ 8:00 am

Exemption No.	Instrument	Comments
1-A, 1.1, 1.2		Standard exceptions. Contain no survey matters.
9	Pict Book 1, Page 284	Describe the original subdivision of these lots, but does not include the original platbed alleys or easements that affect the Lots Area or Easement.
10	Book 1, Page 284	Does affect, and is blanked in nature.









# ARL01730- NLR Levy- Request for Height Variance

To Whom it may concern,

AT&T is proposing a new tower location located at 34.78425, -92.27719 to address network capacity concerns on an existing tower location. The new tower is positioned to fit the existing network, but the surrounding terrain poses obstacles that require the tower height to be greater than the allowed 80'. AT&T is requesting an antenna height of 140' which is the minimum height required to overcome a hill immediately to the east of the proposed tower location on available property. The hill is located between the proposed tower locations and the primary coverage (customer traffic)target.

The following slides are intended to show the purpose of the new tower and illustrate the need for the requested antenna centerline.

Respectfully,

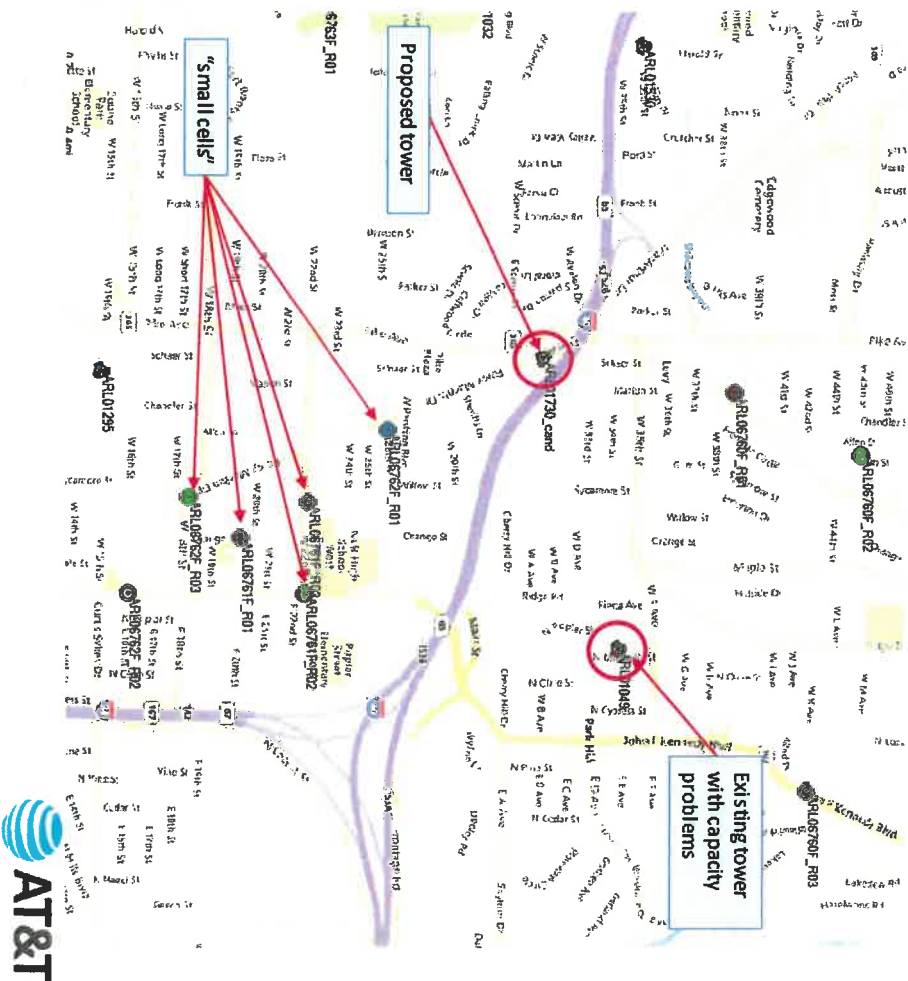
**Daniel Allbritton**  
Senior-RAN Engineer  
Technology Operations, Wireless Engineering, Const & Ops  
**AT&T Mobility Services**

# Summary: Purpose for Proposed Tower

- Proposed new tower is required to address capacity concerns on the existing Park Hill cell site, southwest sector
  - SW, "gamma" sector of ARL01049 (existing) covers a high traffic area encompassing surrounding neighborhoods, I-40, and numerous businesses and municipal buildings located between 140 and south of W. Pershing Blvd.
- Proposed tower location is positioned and configured to ensure that the new coverage addresses customer traffic requirements (offload) without degrading (interfering) with existing network elements.
- Overall quality and data throughput for customers is expected to improve.

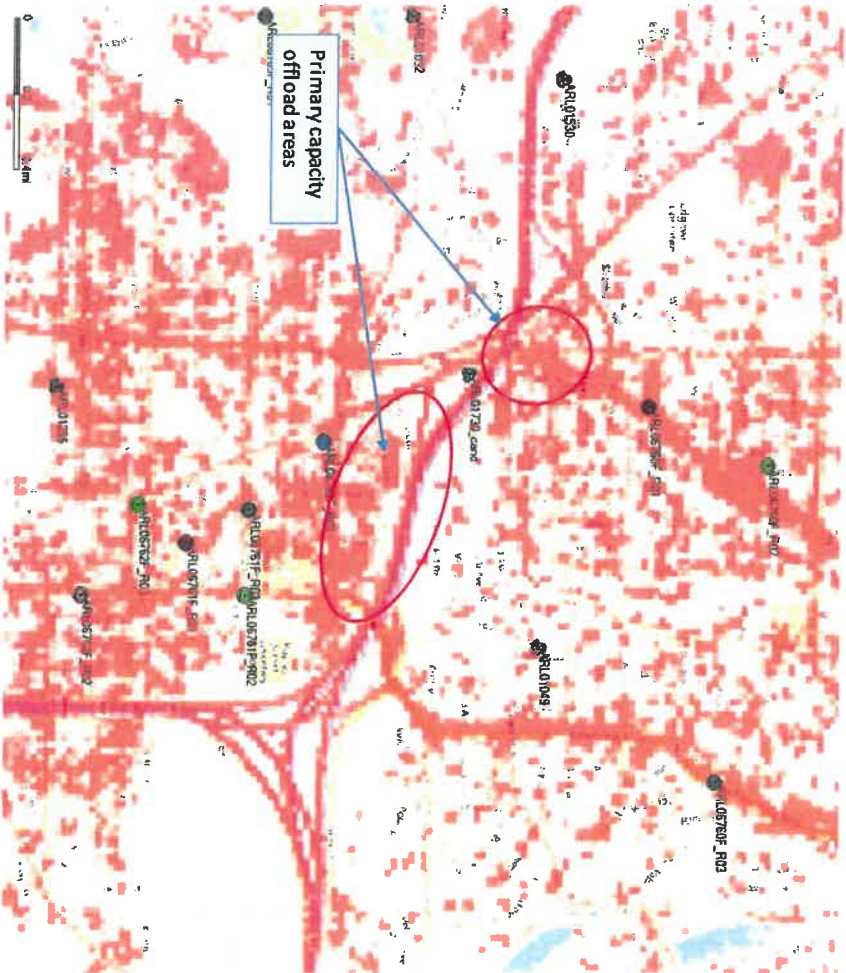


Network Element Map



# Customer Traffic

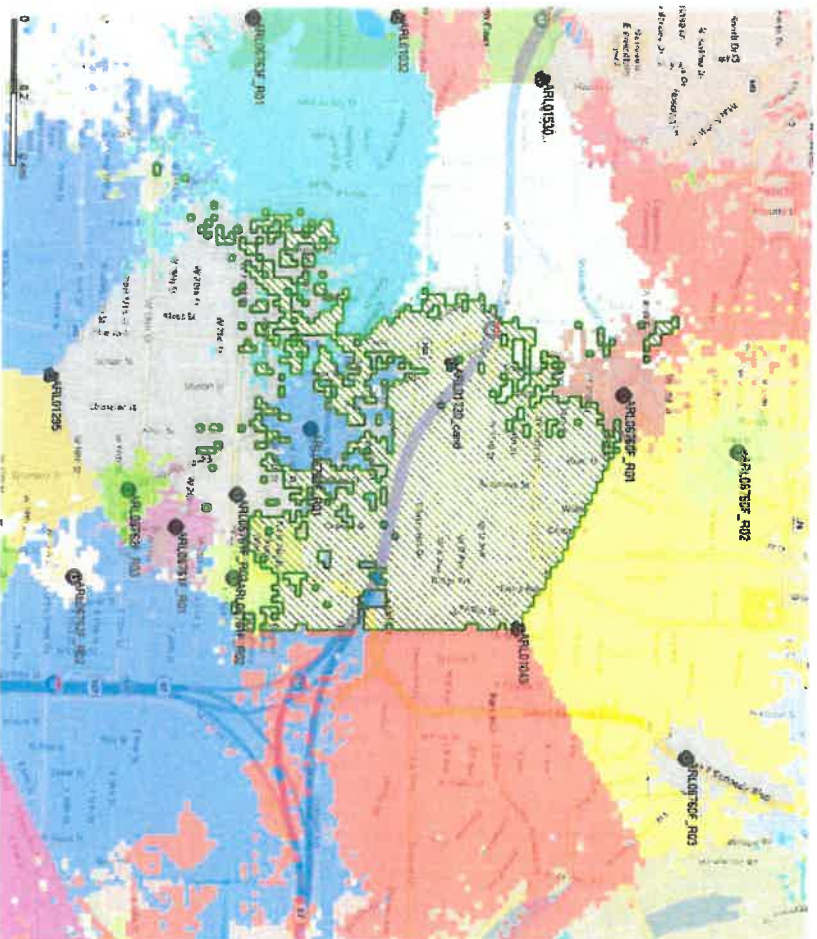
Traffic "Heat" Map



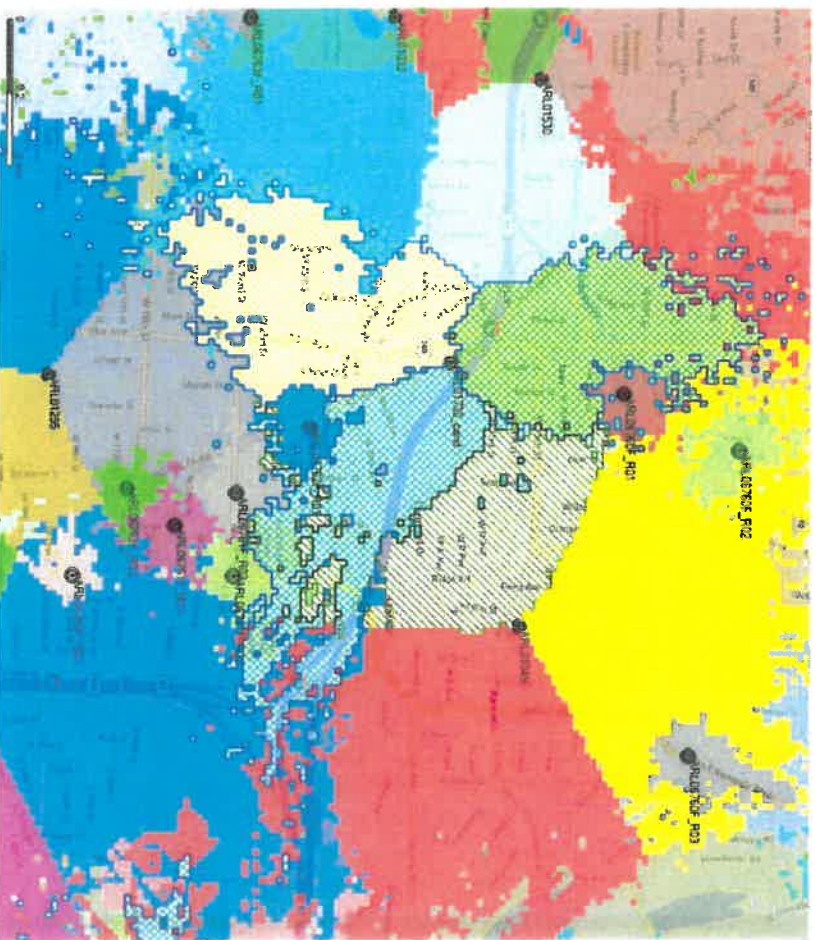
Min	Max	Legend
46	46	Traffic Density (No. users/km <sup>2</sup> ) >= 46
41	41	41 <= Traffic Density (No. users/km <sup>2</sup> ) < 46
36	41	36 <= Traffic Density (No. users/km <sup>2</sup> ) < 41
31	36	31 <= Traffic Density (No. users/km <sup>2</sup> ) < 36
26	31	26 <= Traffic Density (No. users/km <sup>2</sup> ) < 31
21	26	21 <= Traffic Density (No. users/km <sup>2</sup> ) < 26
16	21	16 <= Traffic Density (No. users/km <sup>2</sup> ) < 21
11	16	11 <= Traffic Density (No. users/km <sup>2</sup> ) < 16
6	11	6 <= Traffic Density (No. users/km <sup>2</sup> ) < 11
1	6	1 <= Traffic Density (No. users/km <sup>2</sup> ) < 6
1	1	Traffic Density (No. users/km <sup>2</sup> ) < 1

# Coverage Footprint

Existing Coverage Footprint

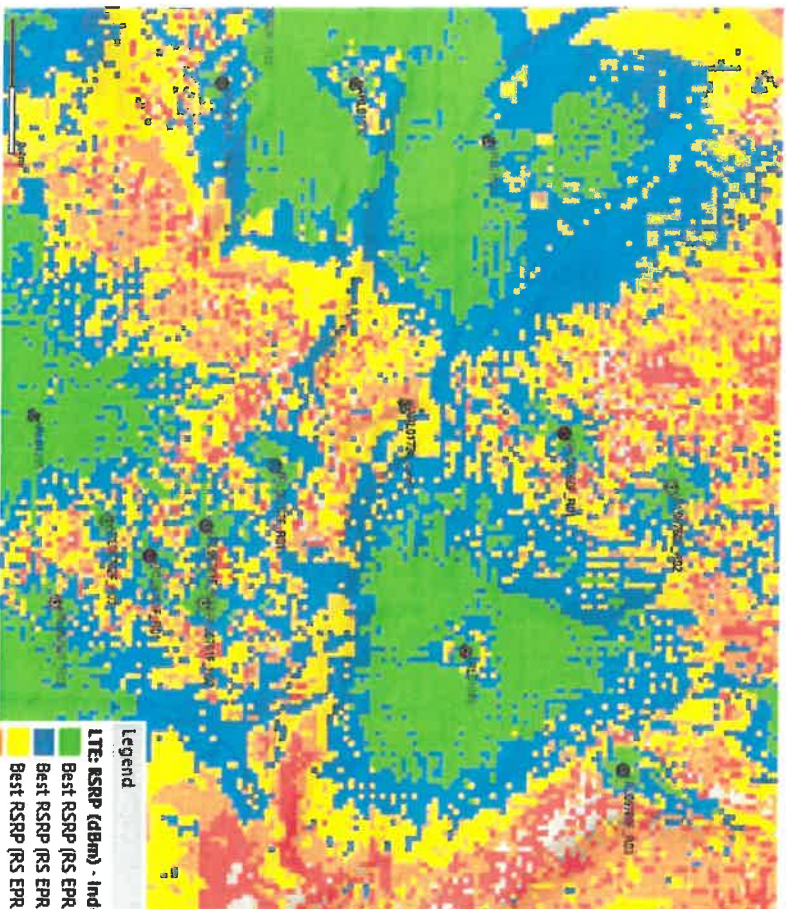


Proposed Coverage Footprint

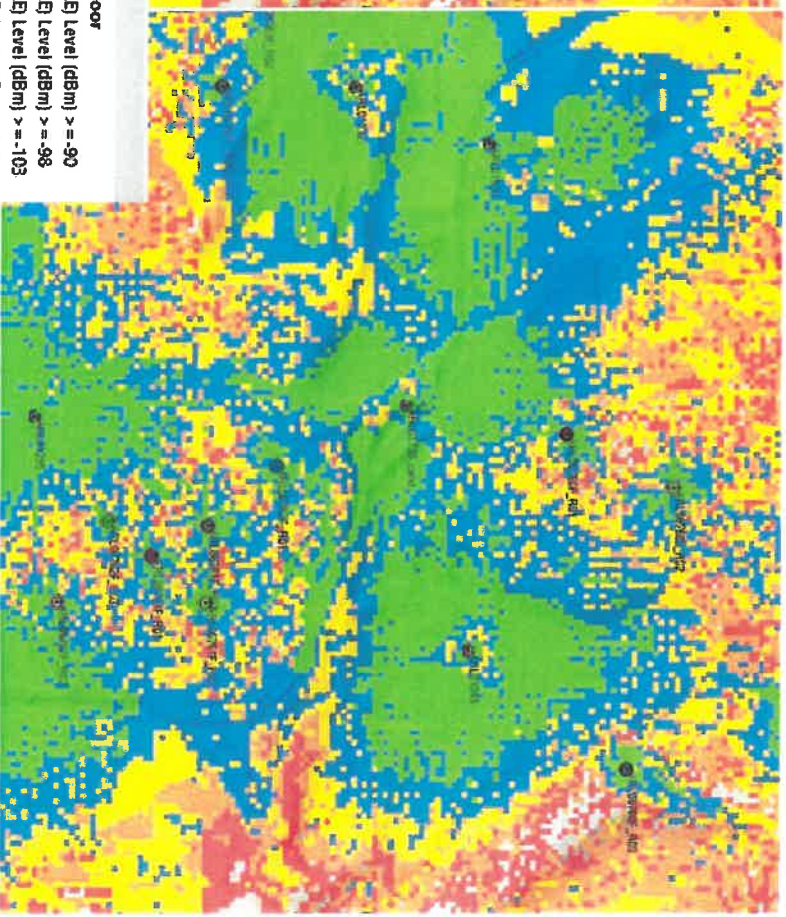


# Coverage RSSRP

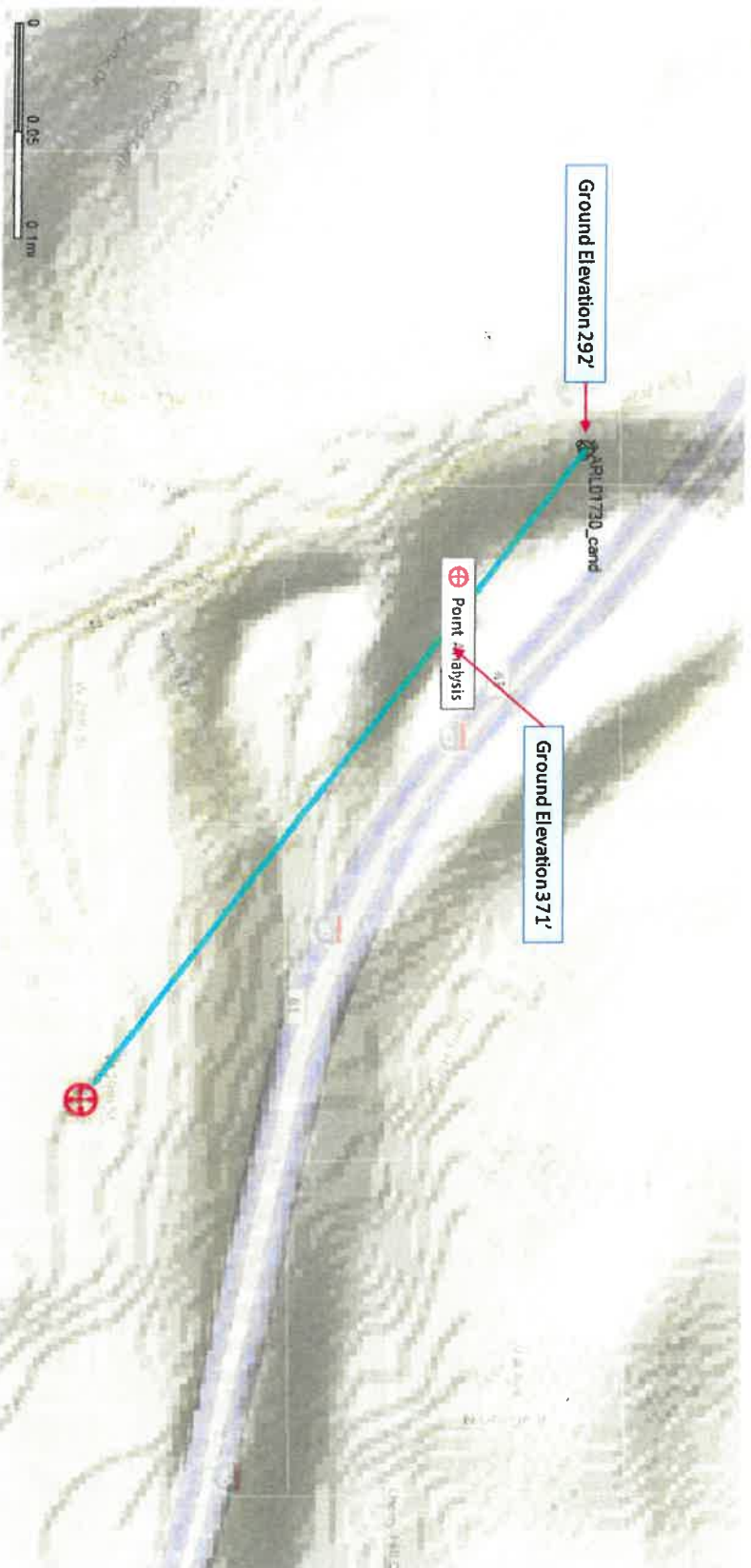
Existing Coverage



Proposed Coverage



# Terrain Profile



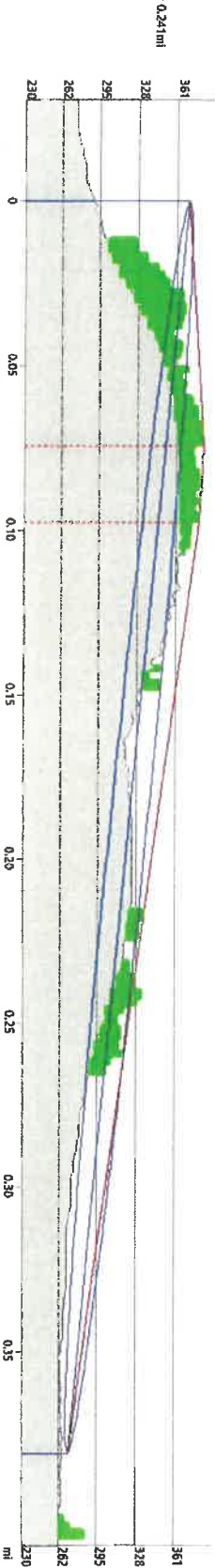
The following slide shows the horizontal terrain profile for the point-to-point path shown above and compares the profiles for antenna heights at 80', 120', and the requested antenna height of 140'.



# Terrain Profile ...continued

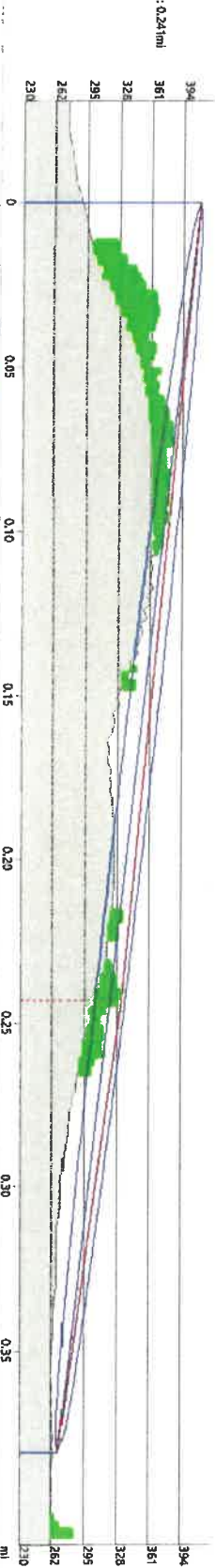
-56.55dbm (dBX)\_LROCK\_SU\_AST\_1900\_082619\_D0.38mi  
 Propagation mode: NLOS  
 Vertical plane: NLOS  
 Total path loss: 146.14dB  
 Antenna loss: 2.56dB  
 Diffraction 1st: 0.07mi Last: 0.24mi  
 Tx/Rx:  
 Azimuth: 127.68°  
 Direct angle: 2.89°  
 Receiver:  
 Azimuth: 307.51°  
 Elevation: -4.83°  
 Altitude: 82.38  
 Clutter: 5m - Grassland

Terrain profile @ 80' Antenna Centerline



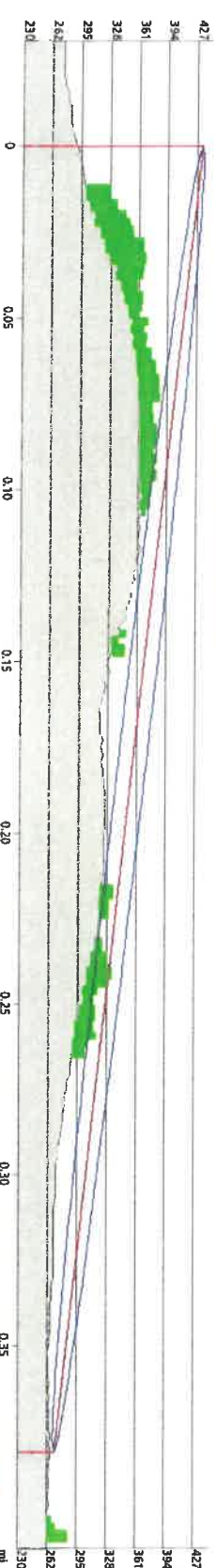
-49.33dbm (dBX)\_LROCK\_SU\_AST\_1900\_082619\_D0.38mi  
 Propagation mode: NLOS  
 Vertical plane: NLOS  
 Total path loss: 127.82dB  
 Antenna loss: 2.09dB  
 Diffraction 1st: 0.24mi Last: 0.24mi  
 Tx/Rx:  
 Azimuth: 127.68°  
 Direct angle: 4.03°  
 Receiver:  
 Azimuth: 307.51°  
 Elevation: -4.83°  
 Altitude: 82.38  
 Clutter: 5m - Grassland

Terrain profile @ 120' Antenna Centerline



Terrain profile @ 140' Antenna Centerline

-56.77dbm (dBX)\_LROCK\_SU\_AST\_1900\_082619\_D0.38mi  
 Propagation mode: LOS  
 Vertical plane: LOS  
 Total path loss: 116.26dB  
 Antenna loss: 2.18dB  
 Tx/Rx:  
 Azimuth: 127.68°  
 Direct angle: 4.60°  
 Receiver:  
 Azimuth: 307.51°  
 Elevation: -4.89°  
 Altitude: 82.38  
 Clutter: 5m - Grassland



BOA #2022-13  
May 26, 2022

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**Variance Requested:** a variance request from the area provision of Section 4.1.2 - R1, Single-Family District to allow a reduced front building setback from 25-feet to 11-feet

**Location of the Request:** 605 Cherry Hill Drive, NLR, AR

**Legal Description of the Property:** Lot 3, Block 45, Park Hill 6N Addition to the City of North Little Rock, Pulaski County, AR

**Owner/Applicant:** James Evans

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

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

**Site Characteristics:** The site contains a single family home which was constructed in the mid-1960's. Based on the curvature of Cherry Hill the home has a larger setback on the western portion of the home and less of a setback, 25-feet, at the far eastern portion of the home. The area is predominately single-family homes on larger lots. It appears when this home was constructed the lot was split to create two lots with the area to the north containing a home as well which fronts on W A Avenue.

### Surrounding Uses 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:**

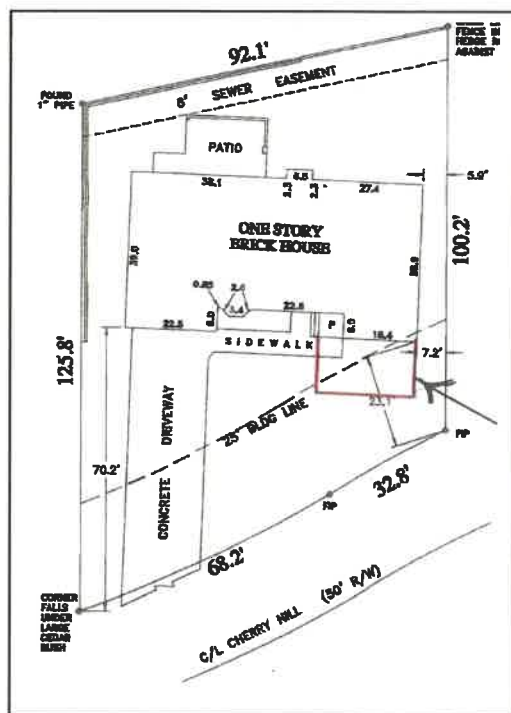
The applicant is seeking a variance to allow a reduced front yard building setback. The applicant states in his cover letter he is basing his request on a need to modify and slightly enlarge the house to address mobility impairment issues that are progressing due to age and the lot was created years ago by splitting a larger lot (this created 605 Cherry Hill and 708 W A Avenue). As a consequence, the lot does not have sufficient room to enable an enlargement of the house without encountering issues with the setback requirements in the front or the rear yard areas.

The need to remodel and enlarge is due to aging and mobility impairment issues based on the house being built in 1965 and has been untouched since it was built. As such, it is not suitable in its present condition to accommodate mobility needs, as a consequence, the applicant intends to rehab and remodel the residence extensively. The applicant states he is 72-years of age and beginning to suffer from mobility impairment issues and plans to remove and update the house in accordance with universal design principles to enable him to live in the house as he ages. The master bedroom will be enlarged to accommodate wheelchair use if such is necessary at some point in the future. Likewise, the shower door with curb and no walls on either side of the toilet to mount assist rails will required extensive rehab for the accommodations necessary, therefore a variance is requested to permit a small addition to the front south-east corner of the house (where the current master bedroom is located) that will enable the changes needed. If these changes are permitted, he anticipates he will be able to live unassisted in the house as long as his health allows such.

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.

The lot was split in the past making expansion problematic without the violation of the setbacks creating a lot that is sufficient wide but insufficiently deep. The most feasible way to ameliorate the existing problem with the bedroom, bath and closet is to add to the existing master bedroom area with a small addition and reconfigure the walls of the entire space. This would permit the space and doorway openings that are needed. The remedy will require expanding the bedroom area toward the street. The southeast corner of the bedroom which is also the southeast corner of the house currently sits on the 25-foot setback line.

The addition is proposed 14-feet deep and 13.5-feet in width. Cherry Hill Drive runs at an angle in front of the property. The setback along the western façade is 70.2-feet and the eastern façade of the home is set at 25-feet. The applicant is seeking to reduce the front setback along the eastern side of the home from 25-feet to 11-feet.



**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,

based on the angle of the street and the lot previously being split it would be difficult for the applicant to construct an addition and meet the current setback.

2. Does the variance substantially or permanently injure the appropriate use of adjacent conforming property in the same district? No, the property will remain as a residential use.
3. Will approval of the variance alter the essential character of the district? No, the area will remain single-family.
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? Possible, the variance process is designed to provide relief based on lot shape and topography.
6. Will the approval of the variance adversely affect public health, safety, and general welfare? There will be no impact on the public health, safety and general welfare of the area.

**Approval Allows:**

1. Approval will allow the placement of an addition to the front of the home along the southeast corner with a reduced setback resulting in a setback of 11-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.

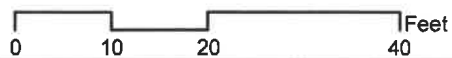
# North Little Rock Board of Adjustment



**BOA CASE #2022-13**

Date: 5/5/2022

1 inch = 20 feet



User: jhale

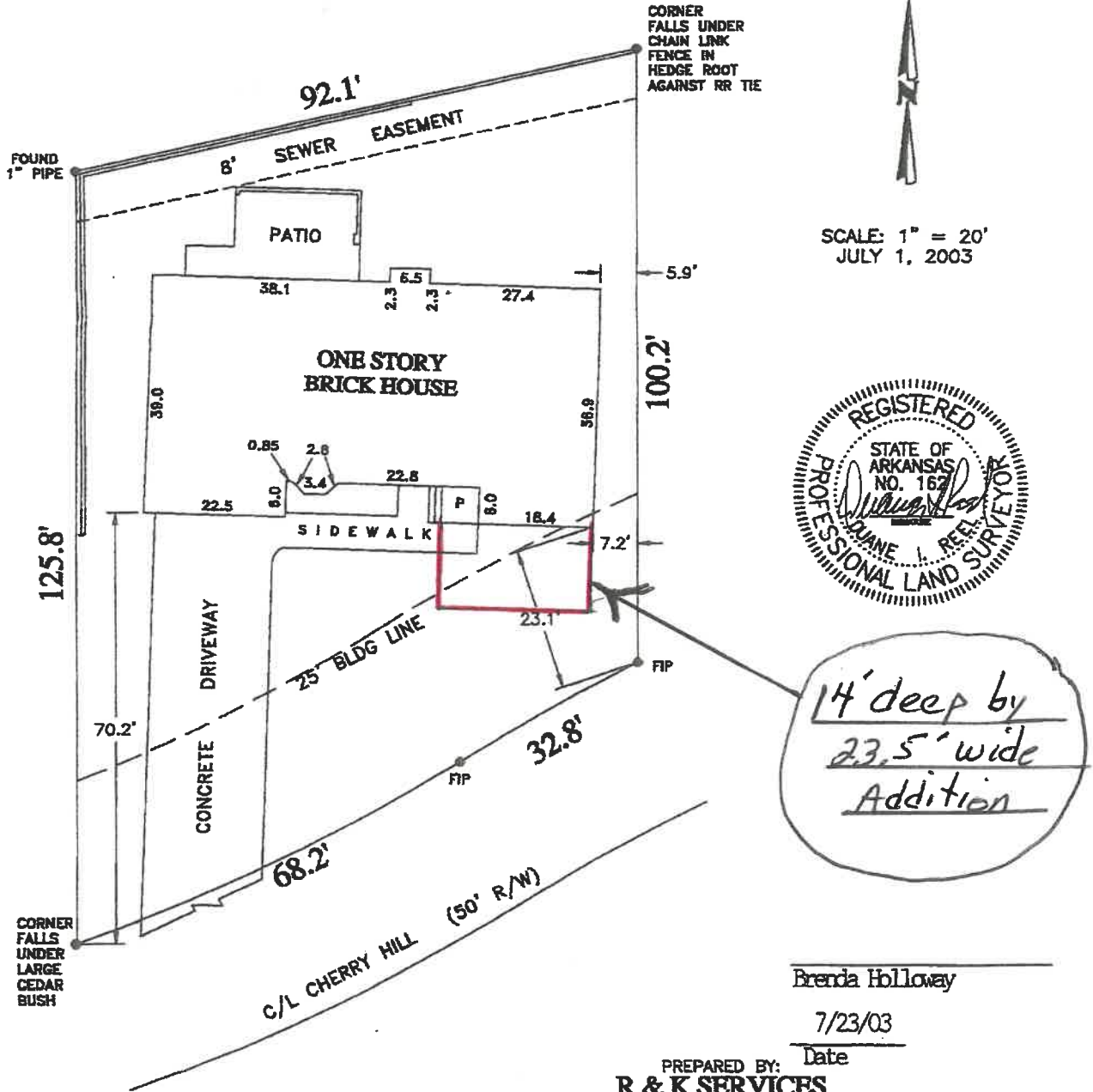




CERTIFICATION:  
 I CERTIFY THAT I HAVE SURVEYED THE PROPERTY DESCRIBED HEREON. ALL CORNERS ARE LOCATED IN ACCORDANCE WITH EXISTING MONUMENTS IN THE AREA. THERE ARE NO VISIBLE EASEMENTS OR ENCROACHMENTS, EXCEPT AS SHOWN. THIS PROPERTY IS NOT LOCATED IN A DESIGNATED FLOOD HAZARD AREA AS SHOWN ON FEMA MAP COMMUNITY-PANEL NO. 050182 0006 D, PANEL 6 OF 9, ZONE "X", SEPTEMBER 5, 1990.

THIS SURVEY IS FOR THE USE AND BENEFIT OF BRENDA HOLLOWAY AND ANY LIABILITY OF R & K SERVICES WILL EXTEND TO THEM ONLY AND NO OTHERS.

PROPERTY ADDRESS: 605 CHERRY HILL, NORTH LITTLE ROCK, ARKANSAS 72116



14' deep by  
 23.5' wide  
 Addition

Brenda Holloway

7/23/03

PREPARED BY: Date  
**R & K SERVICES**  
 P.O. BOX 5238  
 JACKSONVILLE, ARKANSAS 72078  
 982-4332 982-4336  
 FAX (501) 985-3741

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

Subject: Request for Variance of Setback Requirement  
605 Cherry Hill  
May 27, 2022 Meeting

Dear Members of the Board of Adjustment,

I am requesting a variance for the front set-back requirement for 605 Cherry Hill, North Little Rock. I am basing my request on 1) a need to modify and slightly enlarge the house to address mobility impairment issues that I have that are progressing due to age, and 2) the lot was created years ago by splitting a larger lot (this created 605 Cherry Hill and 708 West A street). As a consequence, the lot does not have sufficient room to enable an enlargement of the house without encountering issues with the set-back requirements.

- 1) **Need to remodel and enlarge due to aging and mobility impairment issues.** I have recently purchased the property at 605 Cherry Hill to live in as a permanent residence. The house was built in 1965 and has been untouched since it was built. As such, it is not suitable in its present condition to accommodate my needs, as a consequence, I intend to rehab and remodel the residence extensively. I am 72 years old, am beginning to suffer from mobility impairment issues and plan to remodel and update the house in accordance with universal design principles to enable me to live in the house as I age. The master bedroom will be enlarged to accommodate wheel chair use if such is necessary at some point in the future. Likewise, the current master bathroom (currently a very small footprint with a "27" access door and 21" shower door with curb, and no walls on either side of toilet to mount assist rails) will require extensive rehab to accommodate my needs as will the wall closets with folding doors. Narrow doorways throughout the house will either be enlarged to 3' or converted to minimum 4' cased openings, the laundry area will be enlarged, and the kitchen will be modified in design to enable me to prepare my own meals regardless of impairments. In order to permit the degree of remodeling and accommodation necessary, a variance is requested to permit a small addition to the front south-east corner of the house (where the current master bedroom is located) that will enable the changes that are needed. If these changes are permitted, I anticipate I will be able to live unassisted in the house as long as my health allows such.
- 2) **The lot was split in the past making expansion problematic without violation of setbacks.** At some point prior to 1965 the lot that the house located at 605 Cherry Hill sits on was split. Originally the lot went from Cherry Hill to West A street. The original lot became two lots: 605 Cherry Hill and 708 West A street. The house at 605 Cherry Hill and 708 West A were both constructed in 1965. The residence at 600 West A (next door to 708 West A) still sits on a single lot that runs from West A to Cherry Hill. The division of the lot that created 605 Cherry Hill created a lot that is sufficiently wide but that is insufficiently deep. The most feasible way to



Request for Variance of Setback Requirement  
605 Cherry Hill  
Page 2

ameliorate the existing problems with the bedroom, bath, and closet, is to add to the existing master bedroom area with a small addition and reconfigure the walls of the entire space. This would permit the space and doorway openings that are needed. This remedy will require expanding the bedroom area toward the street. The south east corner of the bedroom (which is also the south east corner of the house) currently sits on the 25' set-back line.

I am requesting a variance of the front set back requirement to permit a 14' addition of the bedroom area to the south (toward the street) which will place the addition past the 25' set back building line. I am working with a contractor to develop a comprehensive remodeling plan for the house. The plan involves completing needed repairs plus a total update (HVAC, plumbing, electrical, kitchen, baths, insulation, floors, windows, appearance, etc.) with preliminary cost estimates of \$150,000 - \$170,000. The result will, I believe, add value to the neighborhood. All such plans will be submitted to the city Planning Department for approval, permits, inspections, and code oversight. Your consideration of this request will be much appreciated. Please advise should you have any questions regarding this request. I may be contacted at 501-374-5131. Thank You.

Sincerely,



Jim Evans

jerryevans1@sbcglobal.net  
501-993-5619

**Request for a Variance of Set Back Requirement**  
**North Little Rock Planning Department**  
**Board of Zoning Adjustment**

**Affected Residential Property:**           **605 Cherry Hill**

**Owner:**   **Jim Evans**  
**605 Cherry Hill**  
**North Little Rock, Ar. 72116**  
**501-374-5131**

**Legal Description:**                       **Lot "3", Block "45", Park Hill 6N Addition**  
**North Little Rock, Pulaski County, Arkansas**

**For Board Meeting Date:**           **May 27, 2022**

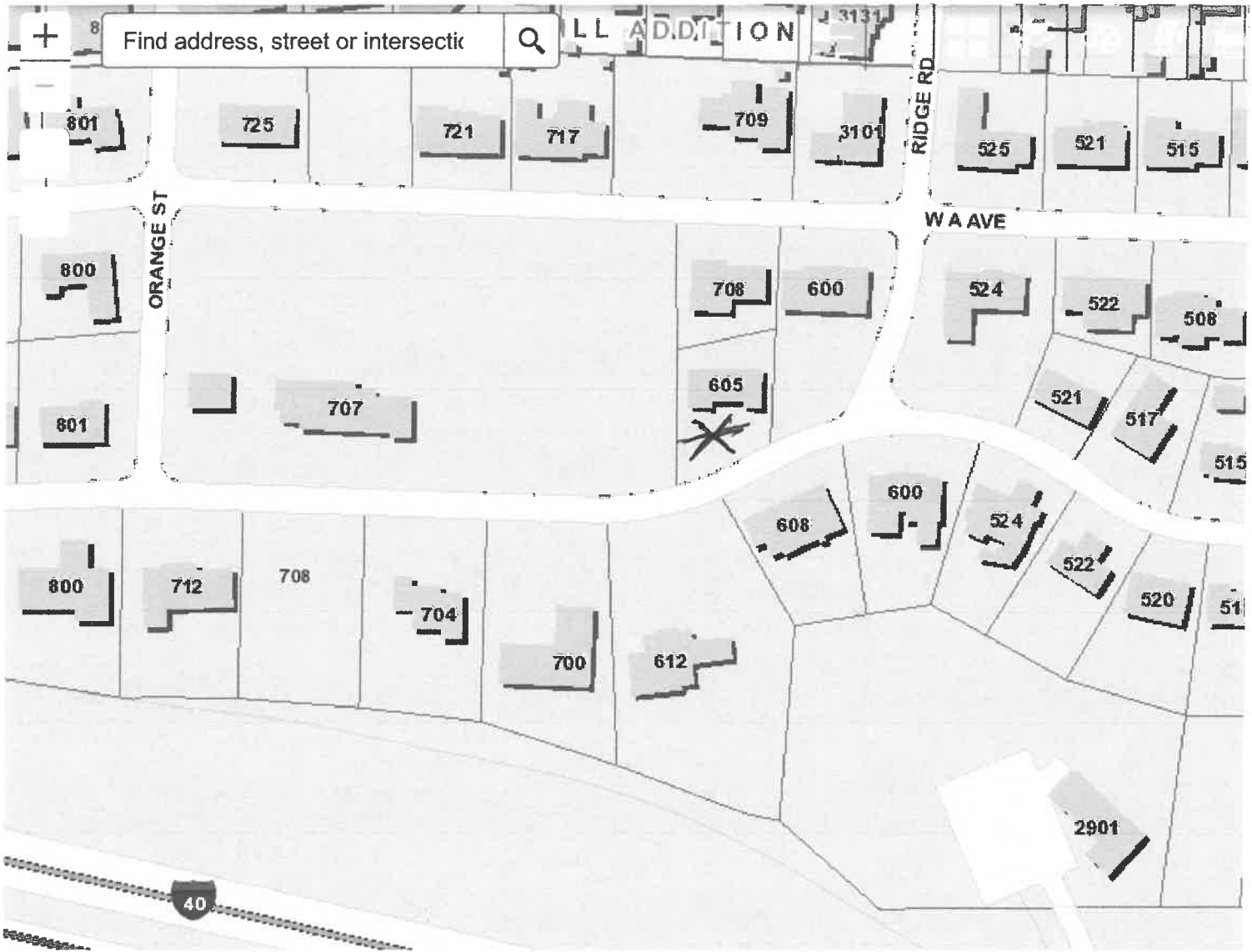
**Documents Attached:**

**Site Plan/Survey**

**Letter of Hardship**

**Map Showing Adjoining Properties (Source – Pulaski County Assessor)**

**List of Abutting Property Owners**



\* Property for which VARIANCE is being requested

200ft

1,232,215,377 163,884,809 Feet

**Variance Requested:** a variance request from the area provision of 4.1.2-D to allow a reduced side yard setback for an accessory building – 2 feet 5-inches vs. 5-feet and to allow a reduced building separation between an existing accessory structure and a newly constructed accessory structure (3-feet 4-inches vs 10-feet)

**Location of the Request:** 4 Hays Court, North Little Rock, AR

**Legal Description of the Property:** Lot 4, JH Hays Addition to the City of North Little Rock, Pulaski County, AR

**Owner/Applicant:** Cory Malcheski

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

**Present Zoning of the Property:** R3, Two-family

**Background:** The applicant requested a permit to construct a second accessory structure on the lot in March 2021. The site plan indicated the placement of the new construction 10-feet from an existing shed and 10-feet from the primary structure. The plan also indicated the placement would be 5-feet from the southern property line. During final inspection it was determined the shed had been placed 2-feet 5-inches from the southern property line and 3-feet 4-inches from the existing shed.

**Site Characteristics:** The area is predominately a single-family neighborhood with a cemetery located to the west. In addition to the home the lot has 2 accessory structures located within the rear yard.

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

<b><u>Direction</u></b>	<b><u>Surrounding Zoning</u></b>	<b><u>Surrounding Uses</u></b>
North	R3, Two-family	Single Family
South	R3, Two-family	Single Family
East	R3, Two-family	Single Family
West	R3, Two-family	Cemetery

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

#### **Staff Analysis:**

The applicant states in his letter of hardship he has lived at this address his entire life. He purchased the property from his parents in 2017 and in 2018 he had plumbing issues. He states the issue was in the main sewer line located along the rear property line. The line was replaced by North Little Rock Wastewater but during the process two shed buildings had to be removed from the easement area. He

states he demoed one building and moved the other to the left of the yard away from the rear sewer line. He states the placement of the building was also located away from the service line extending from the home, which is located in the middle of the back yard of the house. He states on the right side of the rear yard there is a brick retaining wall supporting the neighbor's rear yard and keeping the area from washing into Mr. Malcheski's yard even though when there is heavy rain the water gushes over the bricks.



The applicant states he needed to replace the shed which was removed with the sewer line replacement. He states the only place to put the 2<sup>nd</sup> shed was on the left side of the property, adjacent to the relocated shed and the neighbor's privacy fence. He states the new shed had to be built on sight because there was no access to the rear yard to allow a pre-built shed to be placed in the rear yard. He states the new building was placed to line up next to the old shed.



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:**

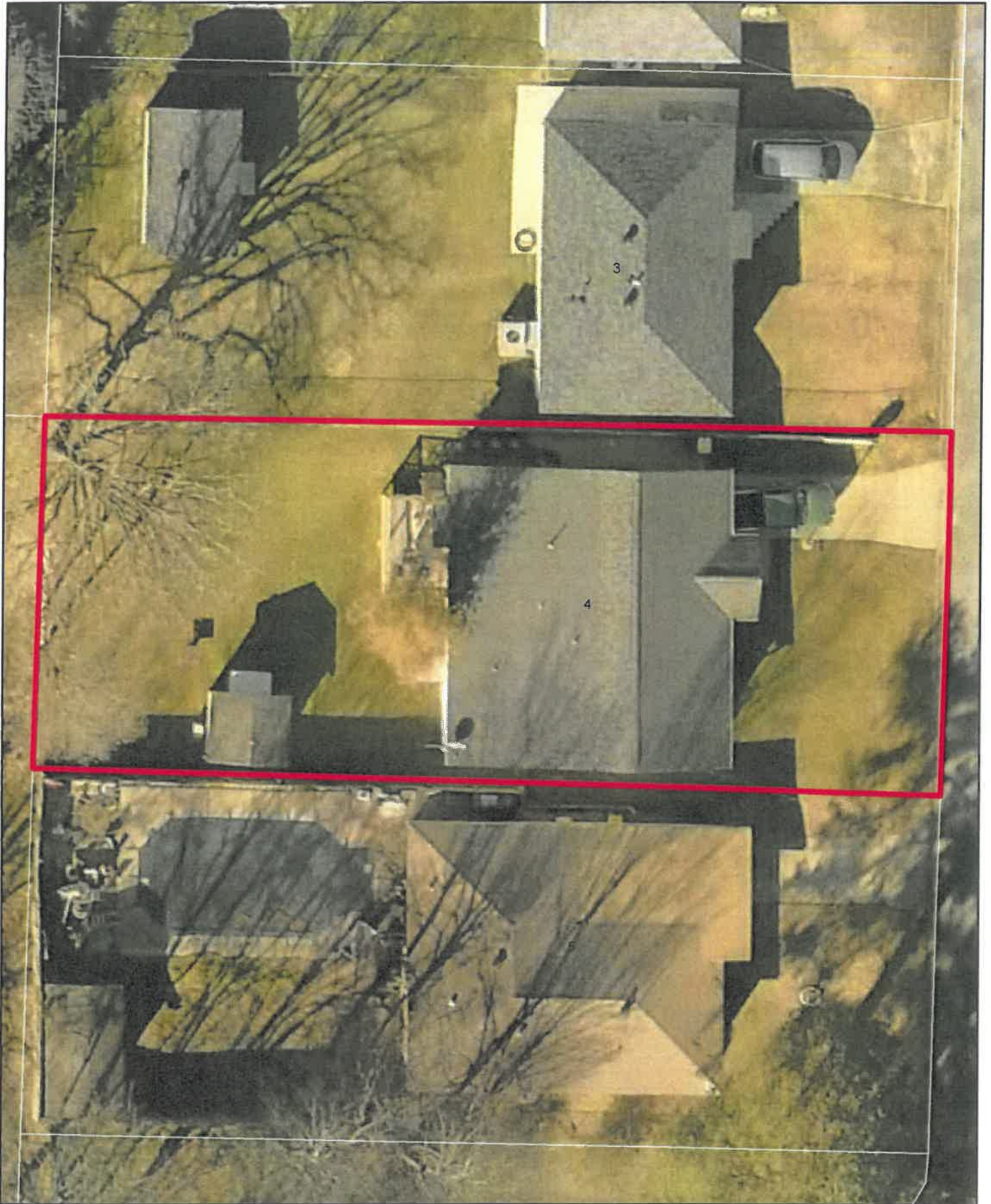
1. Is the variance for which the variance is sought due to unique circumstances existing on the property, the unique circumstances were not created by the owner of the property, and are not due to or the result of general conditions in the district in which the property is located? No, the applicant is seeking a variance to allow the existing accessory buildings to remain as constructed within the rear yard which does not meet the current setback requirements.
2. Does the variance substantially or permanently injure the appropriate use of adjacent conforming property in the same district? No, the applicant is seeking to place the accessory structure in the rear yard with a 2-foot 5-inch setback along the common property line and a reduced building separation between an existing accessory structure and a newly constructed accessory structure of 3-feet 4-inches.
3. Will approval of the variance alter the essential character of the district? No, accessory structures within the rear yard area common in this 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 as current residential districts.

5. Will the approval of the variance be in harmony with the spirit of the ordinance? No, the ordinance establishes setbacks to allow for proper separations between uses and structures.
6. Will the approval of the variance adversely affect public health, safety, and general welfare? No, there will be no adverse impact on the public health, safety or general welfare of the area.

**Approval Allows:**

1. Approval will allow the two accessory buildings to remain as constructed with a 2 foot 5-inches vs. 5-foot buildings setback along the southern property line and to allow a reduced building separation between an existing accessory structure and a newly constructed accessory structure, 3-feet 4-inches vs 10-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.

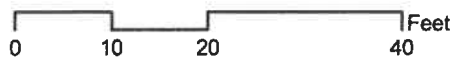
# North Little Rock Board of Adjustment



**BOA CASE #2022-14**

Date: 5/5/2022

1 inch = 20 feet



User: jhale

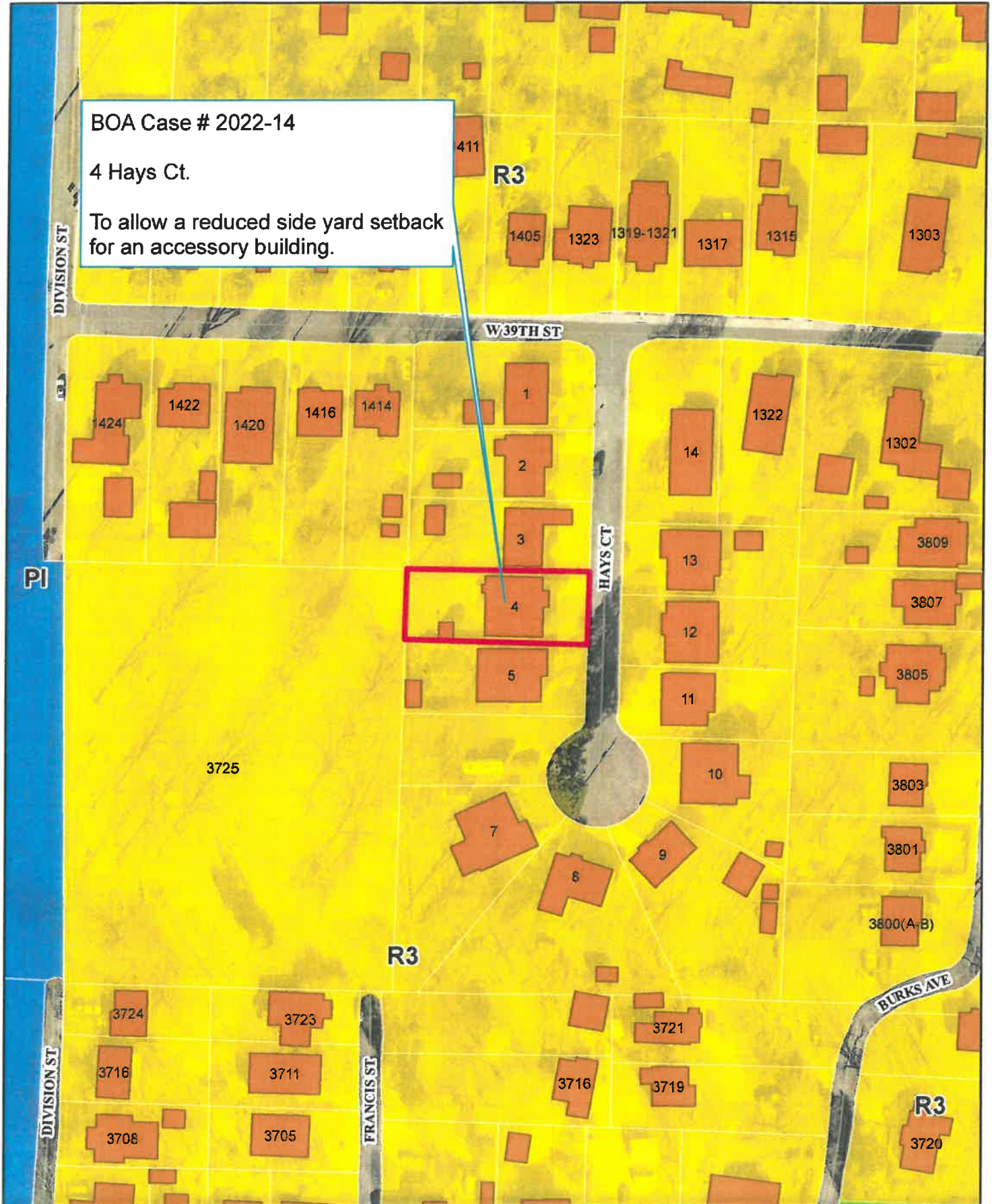


# North Little Rock Board of Adjustment

BOA Case # 2022-14

4 Hays Ct.

To allow a reduced side yard setback  
for an accessory building.



**BOA CASE #2022-14**

Date: 5/5/2022

1 inch = 100 feet



User: jhale





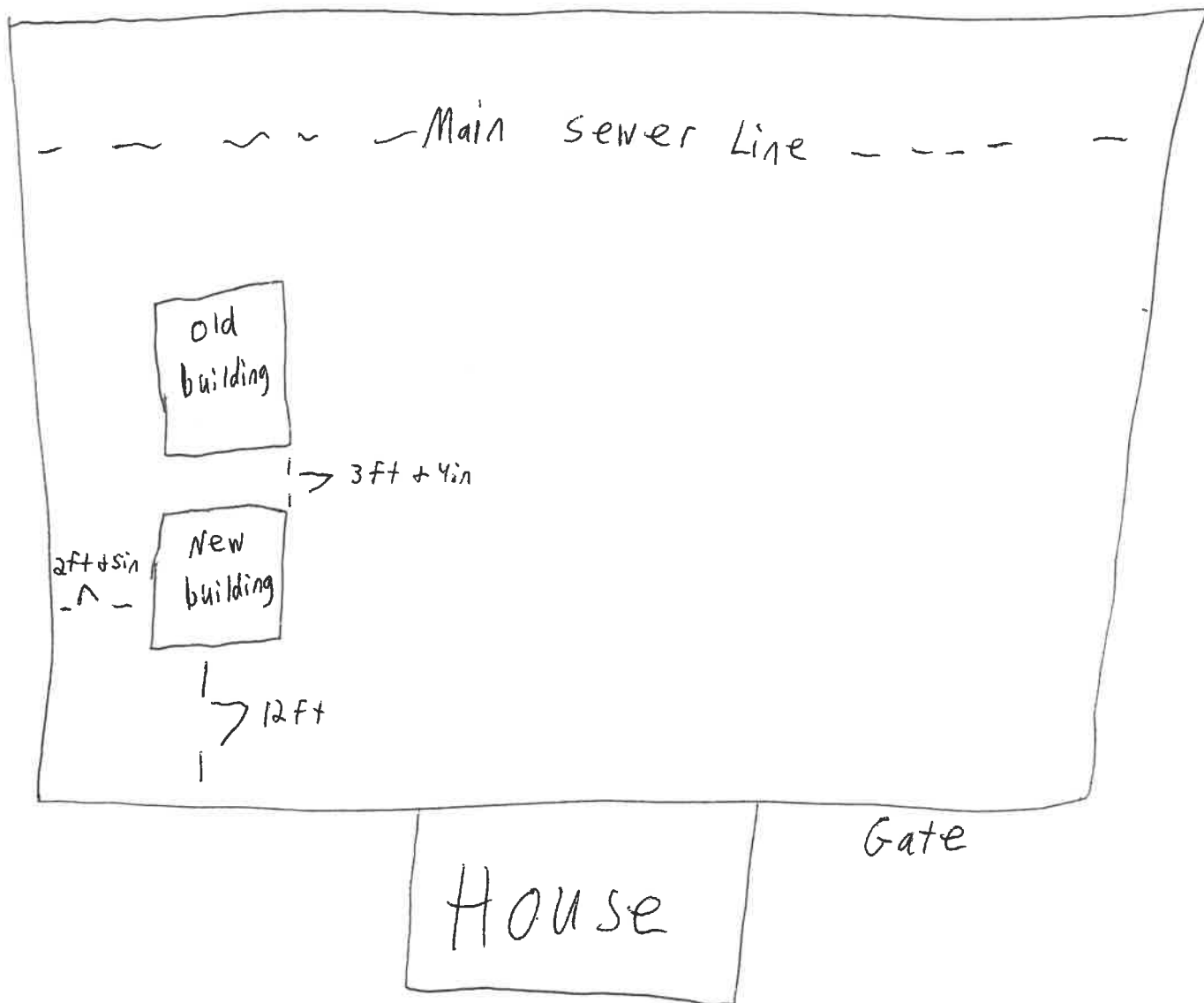


I have lived at #4 Hays Ct. all my life. I bought it from my Parents March 8, 2017. ON October 12, 2018 I had plumbing problems. The problem was in the main sewer across the whole backyard. Two shed buildings had to be moved. we tore one shed down and moved the other to the left of the yard away from the plumbing pipes that ran across the back of the yard and pipes ran in the middle of the yard to the house. ON the right side of the yard there's a brick wall holding my neighbors dirt from washing into my yard when there's heavy rain. It gushes over the bricks when flooding. The only place to put the shed was to the left where that neighbor has a privacy fence. Since we tore down one shed I bought another and it had to be built on sight because there's Palestine and Edge wood Cemetery behind my house. So this new building I just lined it up next to the old shed we moved. That's the only place I could!

Cory Malchaski

#4 Hays Court  
North Little Rock, AR 72118

Variance Request  
Site Plan Submitted 5/1/2022









**Variance Requested:** a variance request from the area provision of Section 4.1.3, R2 Single-family District to allow a reduced side yard setback (1-foot 4-inches) for an attached carport and to allow a reduced building separation between an existing detached garage and the new proposed carport addition (1-foot 6-inches)

**Location of the Request:** 300 W G Avenue, North Little Rock, AR 72116

**Legal Description of the Property:** Lot 27, Block 35 Park Hill Addition to the City of North Little Rock, Pulaski County, AR

**Owner/Applicant:** Ms. Georgia W Bell

**Applicant:** Yeary, Lindsey Architects, Ellen Powell Yeary, PA

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

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

**Site Characteristics:** The site is a developed lot located in Park Hill. The drive is a ribbon drive extending to the rear accessing the rear yard and a detached 16 x 16-foot former garage. The area is predominately single-family homes located on narrow lots but there are lots in the neighborhood which have a lot and ½ or two lots. Few homes have attached carports in the immediate area, however the lot to the east does have an attached carport.

### Surrounding Uses and Zoning

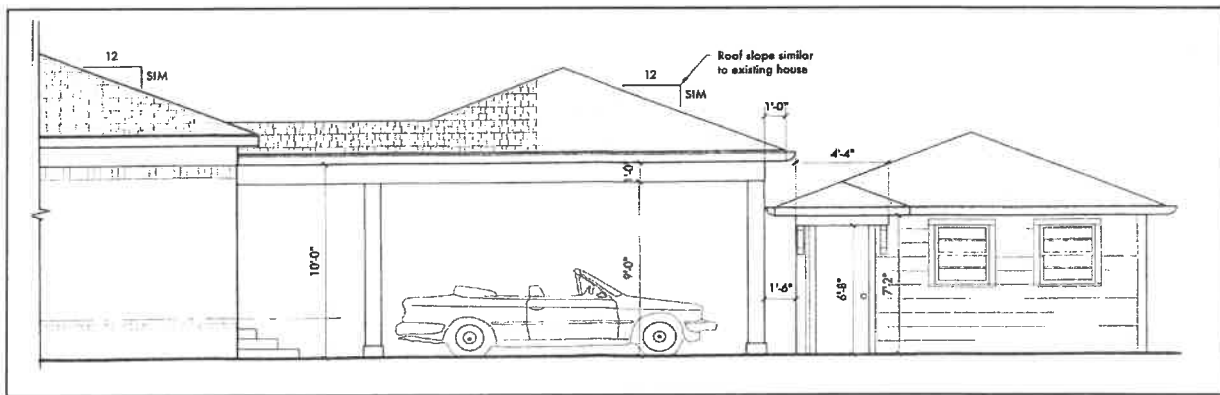
<b><u>Direction</u></b>	<b><u>Surrounding Zoning</u></b>	<b><u>Surrounding Uses</u></b>
North	R2, Single-family	Single Family
South	R2, Single-family	Single Family
East	R2, Single-family	Single Family
West	R2, Single-family	Single Family

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

**Staff Analysis:** The applicant is seeking a variance to allow a reduced side yard setback and a reduced separation from an existing outbuilding structure at 300 W G Avenue. The applicant is seeking to add a carport and covered walkway at the rear of the house. The carport will be placed at the end of the existing driveway and will remain detached from the existing garage/storage shed. Given the driveway is already at the far-east side of the property, the carport must encroach into the 6-foot side yard setback in order to tie into the house. The applicant is seeking for a reduced setback from 6-feet to 1-foot 4-inches from the east property line.

The applicant desires to keep an existing shed for storage purposes and the new carport location will also necessitate a reduced separation from it from 10-feet to 1-foot 4-inches. The carport is designed to be open on all 4-sides and is connected to the house at a much higher roofline than that of the shed so the proximity of the carport and shed will not be a problem where the roof lines overlap. The goal is to provide covered parking at the home and to provide increased safety of ingress, without extending past the limits of what has already been constructed.

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 lot is a 47-foot wide lot with the home constructed in 1933.
2. Does the variance substantially or permanently injure the appropriate use of adjacent conforming property in the same district? No, the adjacent use is also single-family.
3. Will approval of the variance alter the essential character of the district? No, the area will remain as single-family.
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 as current residential districts.
5. Will the approval of the variance be in harmony with the spirit of the ordinance? No, the placement of accessory structures within the rear yard was established to place non-primary uses to the backs of homes and lots.
6. Will the approval of the variance adversely affect public health, safety, and general welfare? No, there will be no adverse impact on the public health, safety or general welfare of the area.



**Approval Allows:**

1. Approval will allow the placement of a carport with a reduced side yard setback for an attached carport of 1-foot 4-inches and to allow a reduced building separation between an existing detached garage and the new proposed carport addition of 1-foot 6-inches.
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.

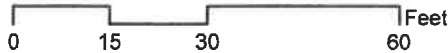
# North Little Rock Board of Adjustment



**BOA CASE #2022-16**

Date: 5/10/2022

1 inch = 30 feet



User: jhale



# North Little Rock Board of Adjustment

BOA Case #2022-16

300 W. G Ave.

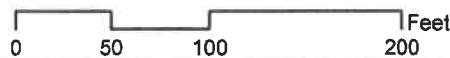
To allow a reduced side yard setback for a proposed attached carport and to allow a reduced building separation between an existing detached garage and new carport.



**BOA CASE #2022-16**

Date: 5/10/2022

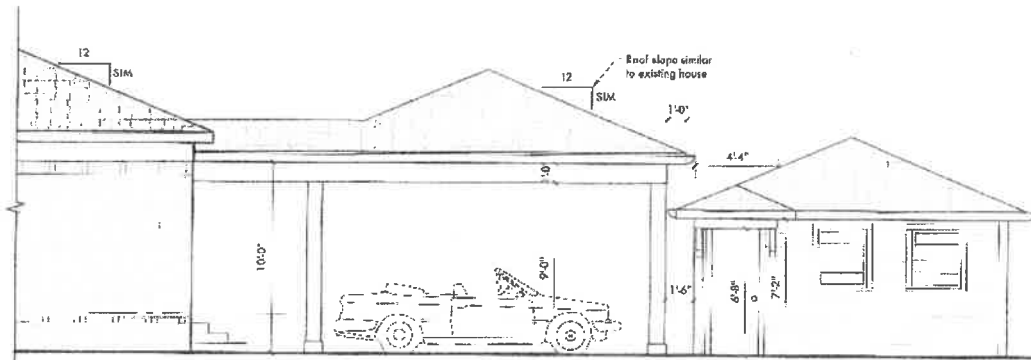
1 inch = 100 feet



User: jhale

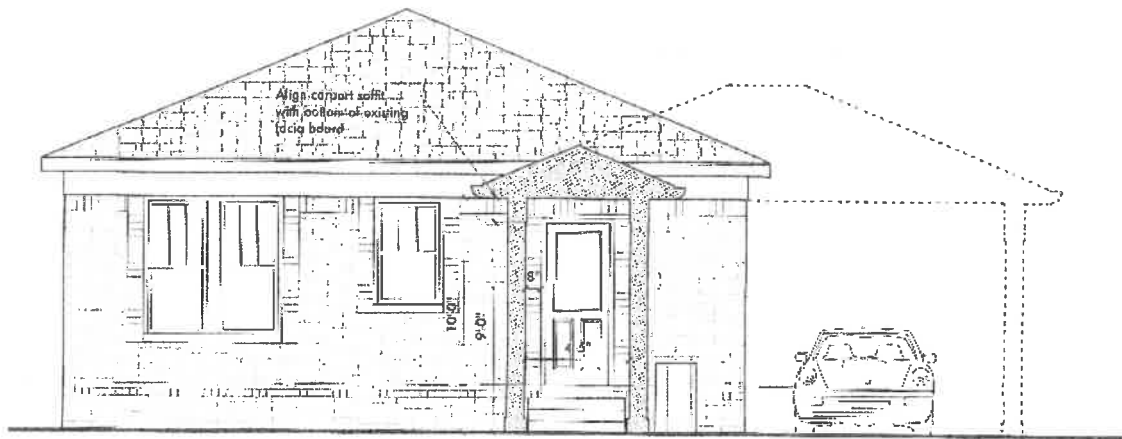






**WEST ELEVATION**

SCALE: 1/4" = 1'-0"



**SOUTH ELEVATION**

SCALE: 1/4" = 1'-0"



# Yeary Lindsey Architects

May 2, 2022

Ms. Donna James  
Planning Department of North Little Rock  
102 N. Main St. #2  
North Little Rock, AR 72114

**Re: Georgia Bell Variance Request**  
300 W. G Ave.  
North Little Rock, AR 72116

Dear Ms. James,

Please find attached our submittal to the North Little Rock Planning Department requesting a variance to allow a reduced side yard side yard setback and a reduced separation from an existing outbuilding structure at 300 W. G Street.

Our client is planning to add a carport and covered walkway at the rear of the house. The carport will be placed at the end of the existing driveway and will remain detached from the existing storage shed structure. Given that the driveway is already at the far east side of the property, the carport must encroach into the 6' side yard setback in order to tie into it. We are asking for a reduced setback from the 6' requirement to 1'-4" from the east property line.

Our client would like to keep the existing shed for storage purposes and the new carport location will also necessitate a reduced separation from it from 10' to 1'-6". The carport is designed to be open on all 4 sides and is connected to the house at a much higher roofline than that of the shed so the proximity of the carport and shed will not be a problem where the roof lines overlap.

Our goal is to provide covered parking at our client's home, and to provide increased safety of ingress, without extending past the limits of what has already been constructed. We therefore believe this is a reasonable request.

If you have any questions or need further information, please feel free to contact me. We appreciate your consideration of our request.

Thank you.

Sincerely,



Ellen Yeary, AIA

## Yeary Lindsey Architects

May 2, 2022

Ms. Donna James  
Planning Department of North Little Rock  
102 N. Main St. #2  
North Little Rock, AR 72114

**Re: Georgia Bell Variance Request**  
300 W. G Ave.  
North Little Rock, AR 72116

Dear Ms. James,

I, Georgia Bell, certify by my signature below that I hereby authorize Yeary Lindsey Architects to act as my agent regarding the Variance Application of the below described property:

Lot 37, Block 25, Park Hill Addition to the City of North Little Rock, Pulaski County,  
Arkansas.

Thank you.

Sincerely,



Georgia Bell