



The City of
NORTH LITTLE ROCK
OFFICE OF COMMUNITY PLANNING
120 Main St. • North Little Rock, AR 72114-2134
Phone (501) 975-8835 • Fax (501) 975-8837

Memorandum

To: Board of Adjustment Members
From: Donna James
Date: April 18, 2022
Subject: April 28, 2022 - Board of Zoning Adjustment Public Hearing Meeting Packet

Enclosed please find the agenda packet for the April 28, 2022, public hearing. Included with the minute record from the March 31, 2022, public hearing. Also please find the staff analysis for the following item for discussion –

BOA 2022-09 - 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') located at 817 Greendale Drive, North Little Rock, AR 72117.

THIS MONTH'S MEETING WILL BE HELD IN THE PLANNING CONFERENCE ROOM

The meeting will be held in **Conference Room B, City Services Building, the Planning Conference Room, 120 Main Street**, beginning at 1:30 pm. Please let me know if you have any questions or if I can provide you with any additional information (501-975-8862 - DJames@nlr.ar.gov).



City of North Little Rock
Board of Zoning Adjustment Agenda
Thursday, April 28, 2022 - 1:30 PM
Conference Room B – City Services Building – 120 Main Street, NLR, AR 72114

Call to Order -

Roll Call and finding of a Quorum -

Approval of Minutes - March 31, 2022

Public Hearing Items -

BOA 2022-09 - 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') located at 817 Greendale Drive, North Little Rock, AR 72117.

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 May 2, 2022 – Hearing May 26, 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 – March 31, 2022**

Chairman Tom Brown called the meeting of the North Little Rock Board of Zoning Adjustment to order at 1:30 P.M. in the City Council Chambers 300 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. Tim Giattina, Vice-Chair
Mr. Mike Abele
Mr. Steve Sparr

Members Absent

Mr. Gardner Burton

Staff Present

Ms. Donna James, City Planner
Ms. Amy Fields, City Attorney
Mr. Beau Cooper, Office Assistant

Others Present

Mr. Dale Wilson, 435 W. 4th St., North Little Rock, AR 72114
Mr. Anthony Nguyen, 1501 E. 8th St., North Little Rock, AR 72114
Mr. Steve Huff, 1501 E. 8th St., North Little Rock, AR 72114
Mr. Josh Minton, Cabot, AR
Mr. Scott Girner, North Little Rock, AR
Mr. Clayton Vaden, Little Rock, AR
Mrs. Gentree Mergens, 31 E. Lake Drive, North Little Rock, AR
Mr. Devin Mergens, 31 E. Lake Dr., North Little Rock, AR

Old Business

None

Approval of Minutes

Mr. Sparr formed a motion to approve the minutes from the previous meeting on February 17, 2022. Mr. Abele provided a second to the motion. All members voted in the affirmative. The motion was approved.

Public Hearing Items -

BOA 2022-06 - 1302 E. 8th Street, North Little Rock, AR - A variance request from the area provision of Section 4.3.4, I2, Light Industrial District to allow a reduced rear yard setback along the northern property line for the proposed new construction of warehouse space. A portion of the existing warehouse will be removed to allow for the new construction. Chairman Brown called the item and requested the applicants to come forward to address the Board on the merits of the request.

Mr. Josh Minton of Minton Engineering addressed the Board on the merits of the request. Mr. Minton stated that representatives from Safe Foods, who recently purchased the property, and representatives from Lewis Architects Engineers were also present. He stated that the hardship was that the current building was built along the North property line with no setback. He invited Mr. Clay Vayton of Lewis Architect Engineers to address the Board and explain the hardship further. Mr. Vayton stated that the owners would like to tear down 60,000 sq ft of the existing 200,000 sq ft warehouse and build new construction on top of the existing slab.

Chairman Brown questioned if any of the Board members had any questions or comments. There being none, he stated he would entertain a motion on the item. Mr. Sparr formed a motion to approve the request. Mr. Giattina provided a second to the motion. Chairman Brown requested a roll call vote. All members voted in the affirmative. The item was approved.

BOA 2022-07 - 435 W. 4th Street, North Little Rock, AR - A variance request from the area provision of Section 4.1.6, R5, Townhome District to allow a reduced side yard setback along the eastern property line for a proposed accessory building. Chairman Brown called the item and requested the applicants to come forward to address the Board on the merits of the request.

Mr. Dale Wilson addressed the board on the merits of the request. Mr. Wilson stated that there was a sidewalk in the backyard that connected the parking spaces to the home, making it necessary to build the shed on one side of the yard, which would put it within 5 ft of the existing fence. Chairman Brown asked Mr. Wilson to confirm that there was already a shed in place. Mr. Wilson stated that there was currently a shed there and he would like to replace it with a larger shed. Chairman Brown asked if he would be tearing down the current shed before constructing the new one. Mr. Wilson

answered that he would be tearing the current shed down.

Chairman Brown questioned if any of the Board members had any questions or comments. Mr. Giattina asked how much bigger the new shed would be. Mr. Wilson stated that the current shed was 8'x8' and the new shed would be 12'x12'. Mr. Giattina formed a motion to approve the request. Mr. Sparr provided a second to the motion. Chairman Brown requested a roll call vote. All members voted in the affirmative. The item was approved.

BOA #2022-08 - 31 Eastlake Drive, North Little Rock, AR - A variance request from the area provision of Section 4.1.2, R1, Single-family District to allow the placement of an accessory structure, a swimming pool, within the side yard of this single family home. Chairman Brown called the item requesting the applicant come forward and provide his hardship.

Mr. Devin Mergens addressed the Board on the merits of the request. Mr. Mergens stated that because the home was at the end of a cul-de-sac, the back yard was wedge-shaped and necessitates the location of the pool to be in the side yard. Mr. Abele asked Mr. Mergens what the neighbors thought of the pool. Mr. Mergens answered that they were in favor of the pool. Ms. Donna James stated to the Board that she has spoken with two or three neighbors and there were no concerns regarding the construction of the pool.

Chairman Brown questioned if any of the Board members had any questions or comments. There being none, he stated he would entertain a motion on the item. Mr. Sparr formed a motion to approve the request. Mr. Abele provided a second to the motion. Chairman Brown requested a roll call vote. All members voted in the affirmative. The item 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. Sparr and by consent of all members present, the meeting was adjourned at 1:47 pm.

Approved on this 28th **day of** April, 2022

Tom Brown, Chairman

BOA #2022-09
April 28, 2022

Variance Requested: 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').

Location of the Request: 817 Greendale Drive, North Little Rock, AR 72117

Legal Description of the Property: Lot 8, Block 6, Greenlea Addition to the City of North Little Rock, Pulaski County, AR

Owner/Applicant: Paul James

Present Use of the Property: Single Family

Present Zoning of the Property: R3, Duplex District

Site Characteristics: The area is a single-family neighborhood. Most of the homes were constructed with driveways off-set from the house or if covered parking was constructed it was constructed as a carport.

Surrounding Land Use and Zoning

<u>Direction</u>	<u>Surrounding Zoning</u>	<u>Surrounding Uses</u>
North	R3, Duplex District	Single Family
South	R3, Duplex District	Single Family
East	R3, Duplex District	Single Family
West	R3, Duplex District	Single Family

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

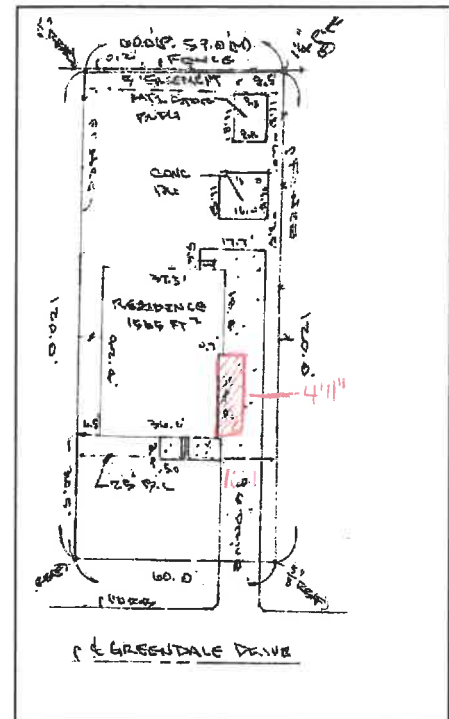
Staff Analysis:

The applicant is seeking a variance to allow a reduction in the side yard setback from 6-feet to 4-feet 11-inches to allow the placement of an attached garage to his home. The applicant states in his letter of hardship the distance from the house to the property line is 16-feet 11-inches. He states his desire is to construct a single car 12-foot wide garage in this area. He states he is a disabled veteran and any garage size less than 12-feet wide would render it difficult to maneuver/opening of doors wide enough to exit the vehicle within the new garage area due to his disabilities. He states in his letter of hardship, he feels the granting of the special exception will be in harmony with the general purpose and intent of the zoning

regulations and zoning maps and will not tend to affect adversely the use of neighboring property.

Section 4.1.4(C) of the North Little Rock Zoning Ordinance states the minimum side yard setback is 10-percent of the lot width, measured at the front building line. The minimum is 6-feet with an 8-foot maximum. The lot is 60-feet wide by 120-feet deep. 10-percent of the lot width would require a minimum side yard setback of 6-feet.

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



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

Board to Consider:

1. Is the variance 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,
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, 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 setbacks was established to allow proper separations between houses.
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 a reduced side yard setback for a proposed garage addition, 4-feet 11-inches as opposed to 6-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 Zoning Adjustment

BOA Case # 2022-09



To allow a reduced side yard setback for a proposed garage addition

817 Greendale Drive



Map Created 04/14/2022

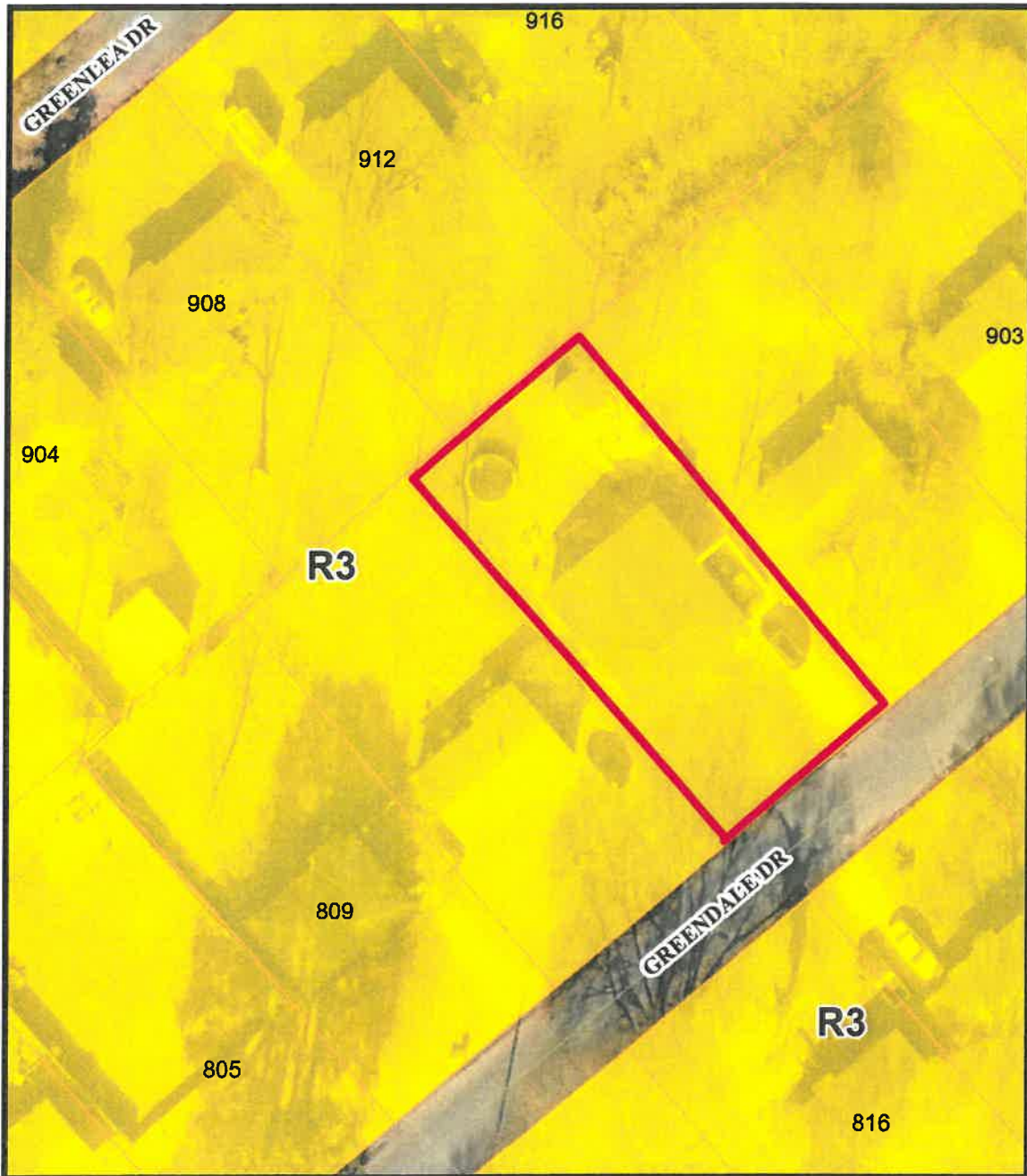


Hearing Date 04/28//2021



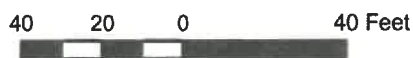
North Little Rock Board of Zoning Adjustment

BOA Case # 2022-09



To allow a reduced side yard setback for a proposed garage addition

817 Greendale Drive



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Hearing Date 04/28//2021



North Little Rock Board of Zoning Adjustment

BOA Case # 2022-09



To allow a reduced side yard setback for a proposed garage addition

817 Greendale Drive




Map Created 04/14/2022

Hearing Date 04/28//2021



Letter of Hardship

I, James Paul, residing at 817 Greendale Dr, is requesting a hardship to variance. I am seeking to build a single car garage. Since a single car garage requires 12 ft and the total distance between my house and the property line is 16 ft. and 11 in., I am requesting a variance from 6 ft. to 4 ft and 11 in. if possible or at least 5 ft. I am a disabled veteran and any shorter than 12 ft. would make it impossible to maneuver in my future garage. Granting of a special exception in this case "will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps" and "will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps.

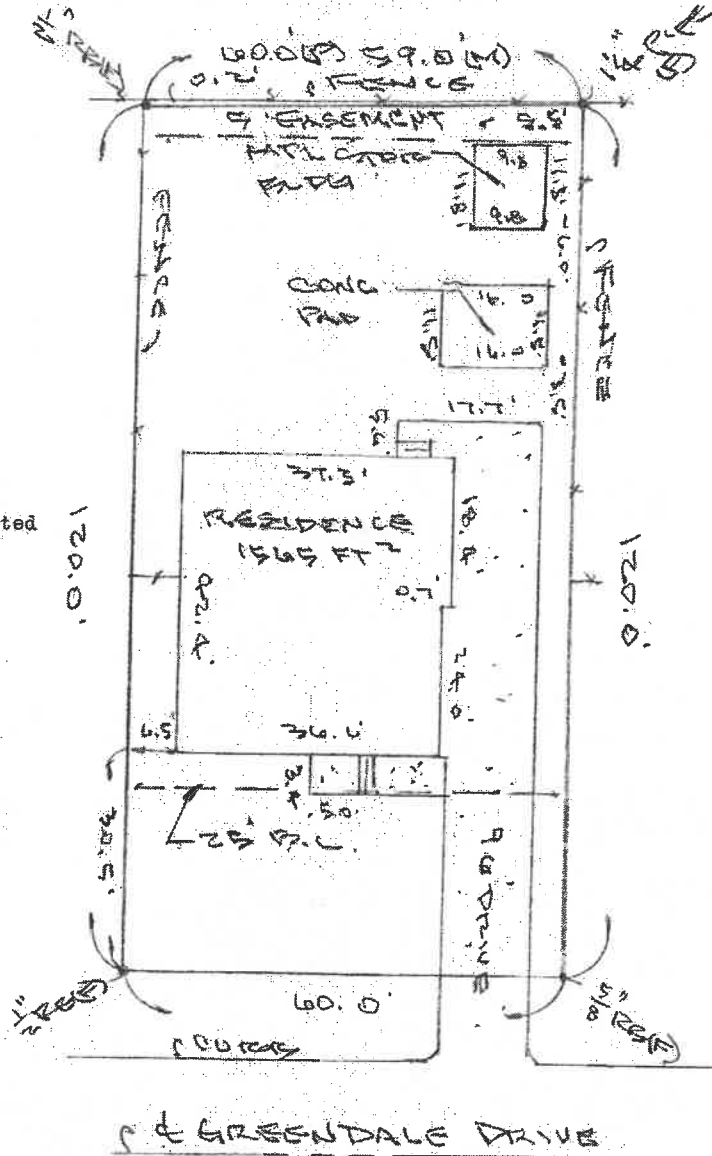


James Paul
817 Greendale Dr
North Little Rock AR 72117

James.paul629@gmail.com



- LEGEND**
- (F) Found
 - (S) Set
 - (RB) Rebar
 - (P) Plat
 - (K) Measured
 - Monument as noted



SURVEY OF
 Lot 8, Block 6, Greenlea Subdivision, North
 Little Rock, Pulaski County, Arkansas



Date of Survey 14 February 2022

Scale: 1" = 20'

Property Address: 817 Greendale Drive
 North Little Rock, AR 72110

For Use & Benefit of: James Paul

This property is in Flood Zone X. It is not
 within the limits of the 100 year Flood Plain per
 Panel 0364G for North Little Rock, Arkansas
 Community Panel 050182, Dated, 7/06/2015