



**City of North Little Rock
Board of Zoning Adjustment Agenda
Thursday, August 18, 2022 - 2:00 PM
City Council Chambers 300 Main Street, NLR, AR 72114**

Call to Order -

Roll Call and finding of a Quorum -

Approval of Minutes - July 28, 2022

Public Hearing Items -

Case # BOA 2022-07, located at 1120 Rockwater Boulevard, North Little Rock, AR 72114 –

- i. a variance from Section 5.11.4(A)1 & 5.11.5 to allow installation of a 6-foot decorative fence (welded iron or similar look) beyond the building's front by approximately 4.9-feet,
- ii. a variance from Section 4.1.5(C) to allow a reduced front building setback along Rockwater Boulevard; the reduction in building setback is triangular in shape, approximately 21-feet at its maximum and approximately 5.5-feet at its minimum, and covers approximately 1470 square feet,
- iii. a variance from Section 4.1.5(C) to allow a reduced rear building setback along the River Trail; the reduction in building setback is varying in shape, from approximately 4.2-feet at its maximum and approximately 1.0-feet at its minimum, and covers approximately 290 square feet,
- iv. a variance from Section 6.2.3 to reduce the required number of parking stalls by 91.

Administrative –

Public Comment -

Adjournment –

Reminder -

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

Next Board of Zoning Adjustment Hearing Filing Deadline September 1, 2022 Hearing Date September 29, 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 – July 28, 2022**

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

Members Absent

Mr. Mike Abele

Staff Present

Ms. Donna James, Assistant Director of Planning
Mr. Rick Hogan, City Attorney

Others Present

Norman Clifton, 3310 E Broadway
David Reed, 10440 Mine Rd
Mirna Cedillos, 3913 B McCain Blvd
James Young, 413 Goshen Ave.

Old Business

None

Approval of Minutes

Mr. Giattina formed a motion to approve the minutes from June 30, 2022. Mr. Sparr seconded the motion. Chairman Brown called for a vote. The motion was approved.

Public Hearing Items –

1. **BOA 2022-23**, a variance request from the provisions of Section 5.11.4 to allow the placement of a front yard fence located at 10440 Mine Road

The applicant, David Reed of 10440 Mine Road, addressed the Board, stating his hardship was security of the property. He stated he was experiencing vehicles driving onto the property and the fence would prevent this.

Mr. Giattina provided a motion to approve the application. Mr. Sparr provided a second. Chairman Brown requested a roll call vote and all members present voted in favor of the motion. The application was approved.

2. **BOA 2022-24**, a variance request from the provisions of Section 14.25 of the North Little Rock Sign Ordinance to allow the placement of an additional wall sign located at 3913-B McCain Blvd

The applicant, Mirna Cedillos, of 3475 Albert Pike Rd, Hot Springs, AR, addressed the Board stating her hardship was the owner wanted the additional sign to be placed on the building where it could be seen from the street. She stated the front of the building faced into the shopping center.

Ms. James explained the proposed sign was larger than allowed by ordinance, which was 10% of leased space. Mr. Giattina asked if including some of the mechanical and dumpster spaces in the leased space would give a large enough area for the proposed sign. Ms. James answered the space would possibly not be big enough to support the size of sign proposed. She also stated the Board should remember there would likely be another business next door which would want a sign and they would also need space. Staff recommended the dumpster and mechanical spaces be included in the business's square footage calculations and the proposed sign's dimensions be shrunk to fit the 10% rule. Ms. Cedillos agreed to this.

Mr. Giattina provided a motion to approve the application. Mr. Sparr provided a second. Chairman Brown requested a roll call vote and all members present voted in favor of the motion. The application was approved.

3. **BOA 2022-25**, a variance request from the provisions of Section 4.1.2 to allow a reduced side yard setback for an attached carport, located at 413 Goshen Avenue

The applicant, Mr. James Young of 413 Goshen Ave, addressed the Board, stating his hardship was his driveway location required the carport be built beside the house which required a variance. He stated the carport could not be built in the back yard because the city had a black water line and a manhole cover, which would be covered by a carport.

Mr. Sparr asked if the neighbors were ok with the request. Mr. Young answered all the neighbors he had spoken with were ok with the garage.

Mr. Burton provided a motion to approve the application. Mr. Sparr provided a second. Chairman Brown requested a roll call vote and all members present voted in favor of the motion. The application was approved.

4. **BOA 2022-26**, a variance request from the provisions of Section 4.2.6 to allow a reduced front yard setback along E Broadway, 3310 E Broadway

The applicant, Mr. Norman Clifton of 3310 E. Broadway, addressed the Board, stating his hardship was the lot could not be developed due to the topography.

Mr. Sparr asked about staff's recommendations. Ms. James answered staff had no concerns with the proposed variance. Staff stated the building setback was measured from the existing right of way or the projected right of way of the Master Street Plan. Staff stated the existing right of way was a 60-foot right of way while the Master Street Plan indicated an 80-foot right of way. Staff stated with the existing right of way the building setback was being met. Staff stated with the projected right of way the building would encroach into the right of way by 10-feet.

Mr. Sparr provided a motion to approve the application. Mr. Giattina provided a second. Chairman Brown requested a roll call vote and all members present voted in favor of the motion. The application was approved.

Mr. Burton provided a motion to excuse any absent members. Mr. Sparr provided a second. All members voted in favor of the motion and it was passed.

Public Comment and Adjournment

Reminder the next meeting would be on August 18th in the City Council Chambers.

Mr. Giattina provided a motion to adjourn the meeting at 1:49 PM. Mr. Sparr provided a second. All members voted in favor of the motion and the meeting was adjourned.

Approved on this 18th day of August

Tom Brown, Chairman

BOA #2022-27
August 18, 2022

Variance Requested: a variance request from the area provision of Section 5.11.4(A)1 & 5.11.5 (fencing), Section 4.1.5 (setbacks) and Section 6.2.3 (parking)

Location of the Request: 1120 Rockwater Blvd, NLR, AR

Legal Description of the Property: See Attachment “A”

Owner: Shoreline at Rockwater LLC

Applicant: Thomas Pownall, Thomas Engineering

Present Use of the Property: Primarily vacant undeveloped C6 and R4 zoned property

Present Zoning of the Property: C6 and R4

Site Characteristics: The applicant is seeking to develop a multi-family project within a 4-block area bounded by Rockwater Boulevard and the Arkansas River, Pike Avenue and Rockwater Village Addition. The development is proposed with 360 total units contained within a single building along with 409 parking stalls. 3-entrances and exits are proposed from Rockwater Boulevard. The property proposed for development has a split zoning with the eastern portion, east of Parker Street, zoned C6 and the western portion of the property, west of Parker Street, zoned R4. There is a newly constructed four-plex located within the northwestern portion of the development.

Background: The NLR Planning Commission reviewed a request to allow the development plan for the property as multi-family at their July 11, 2022, public hearing. Along with the Site Plan Review request, the Commission recommended approval of the rezoning R4 & R2 to C6. At the City Council hearing on July 25, 2022, the applicant amended the request to limit the rezoning request to the R2 portion of the property. The Council approved this request.

Surrounding Uses and Zoning

<u>Direction</u>	<u>Surrounding Zoning</u>	<u>Surrounding Uses</u>
North	PUD and R4	The Porches at Rockwater
South	Unzoned	Arkansas River
East	C6	Undeveloped C6 zoned property
West	R2	Rockwater Village Single Family Subdivision

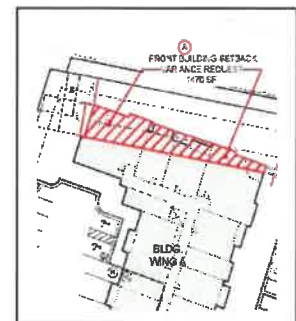
Justification: The applicant’s justification is presented as Attachment “B”.

Staff Analysis: The applicant is seeking variances from the following provisions of Ordinance No. 9263, the City of North Little Rock Zoning Ordinance and Subsections as noted -

- 1) a variance from Section 5.11 to allow installation of a 6-foot decorative fence (welded iron or similar look) beyond the building's front by approximately 4.9-feet (Sections 5.11.4(A)1 & 5.11.5)
- 2) a variance from Section 4.1.5(C) to allow a reduced front building setback along Rockwater Boulevard; the reduction in building setback is triangular in shape, approximately 21-feet at its maximum and approximately 5.5-feet at its minimum, and covers approximately 1470 square feet
- 3) a variance from Section 4.1.5(C) to allow a reduced rear building setback along the River Trail; the reduction in building setback is varying in shape, from approximately 4.2-feet at its maximum and approximately 1.0-feet at its minimum, and covers approximately 290 square feet
- 4) a variance from Section 6.2.3 to reduce the required number of parking stalls by 91

Section 5.11.4(A)1, Fencing in Residential Zoning District requirements - Front yard fences shall be picket or ornamental iron styles and not exceed 3 ½-feet in height. Section 5.11.5, Fencing in Commercial and Public/Institutional Zoning District Requirements – Front yard fences are not allowed.

Section 4.1.5(C), R4 Multi-family District - the minimum front, exterior side yard and rear yard setbacks are to be 25-feet. The minimum side yard setback on each side yard is to be 10-feet. The maximum height of buildings ranges from 45-feet to 90-feet. If the height of a building exceeds the height of 45-feet, the setback distance shall be increased by 1-foot for each 2-foot in increase of structure height above 45-feet. This applies to all yards. The building is proposed as a 4-story building with a maximum height of 65-feet. Section 4.2.8(C) Mixed Use Commercial District allows a maximum building height of 140-feet. The front and rear setbacks are allowed at zero, the side yard is allowed at zero unless abutting a residential use or zoning district, the setback shall be increased to 15-feet. Side yards are measured from the front building line. The minimum rear yard setback is 10-feet.



Section 6.2.3, Requirements by Parking Use Type – Parking Type 3, Multi-family Parking, requires 0 to 250 dwelling units provide 1.8 parking spaces per dwelling unit; then 1.5 spaces for every dwelling unit over 250. Section 4.2.8, C6 Mixed Use Commercial District (E), Parking and Screening: the C6 zoning classification does not have parking requirements for non-residential uses. Parking requirements for residential uses shall be one off-street parking space per dwelling unit. Within the C6 portion of the development the applicant indicates there are 184-units, with the ordinance requiring 184 parking stalls. Within the R4 zoned portion of the development the applicant indicates there are 176 units with the ordinance requiring 316 parking stalls.

The Board may authorize variances from the terms of the Zoning Ordinance. Conditions fixed by the Board are not to be contrary to the public interest where, due to exceptional and extraordinary circumstances, literal enforcement of the Code will result in undue hardship. A hardship is a special

circumstance, which makes it very difficult for a particular project to meet the Zoning Ordinance requirement. 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.

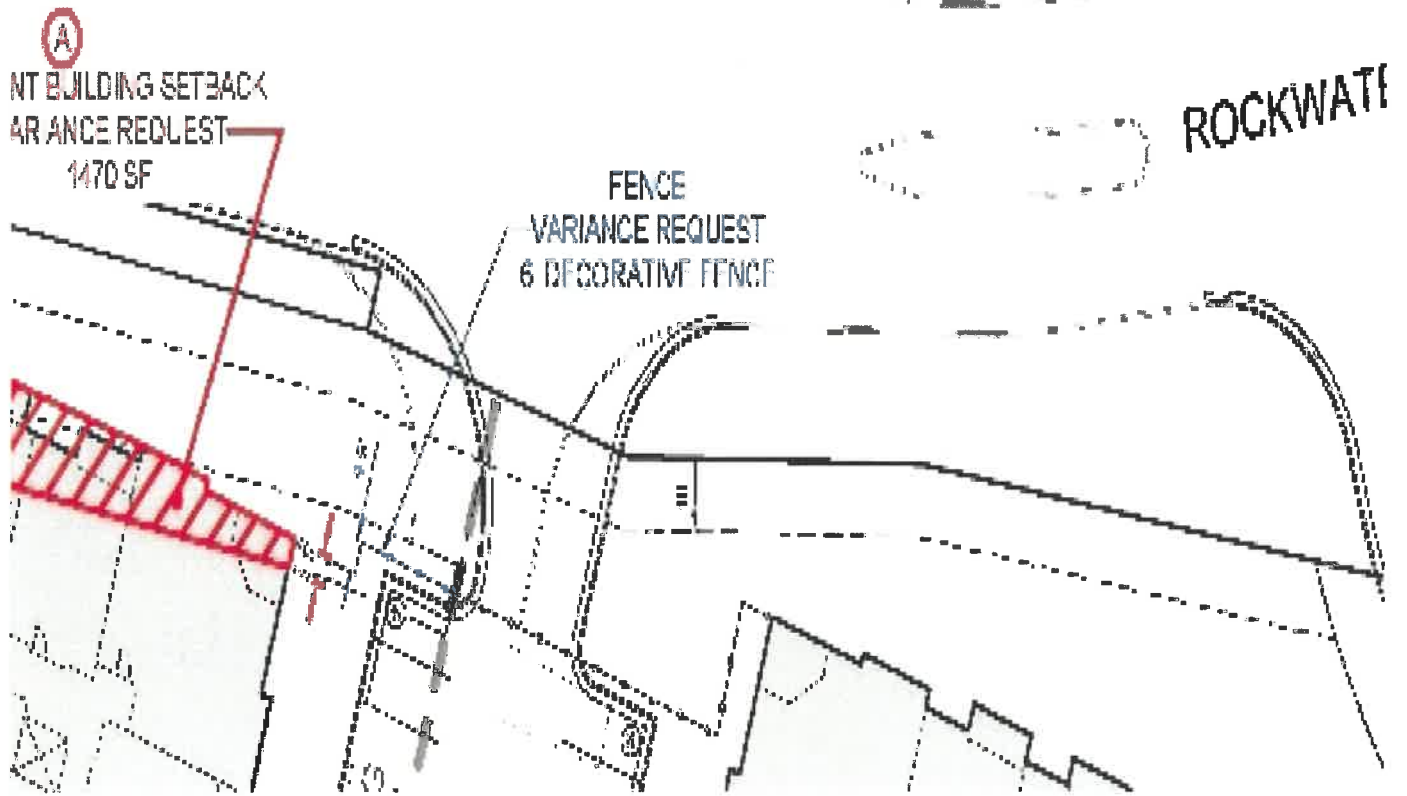
Variances should only be granted when the Board can determine the spirit of the zoning ordinance is observed, public safety is secured and substantial justice is done. Variance may be granted by the Board when the property owner can provide a unique circumstance existing on the property, the unique circumstance 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.

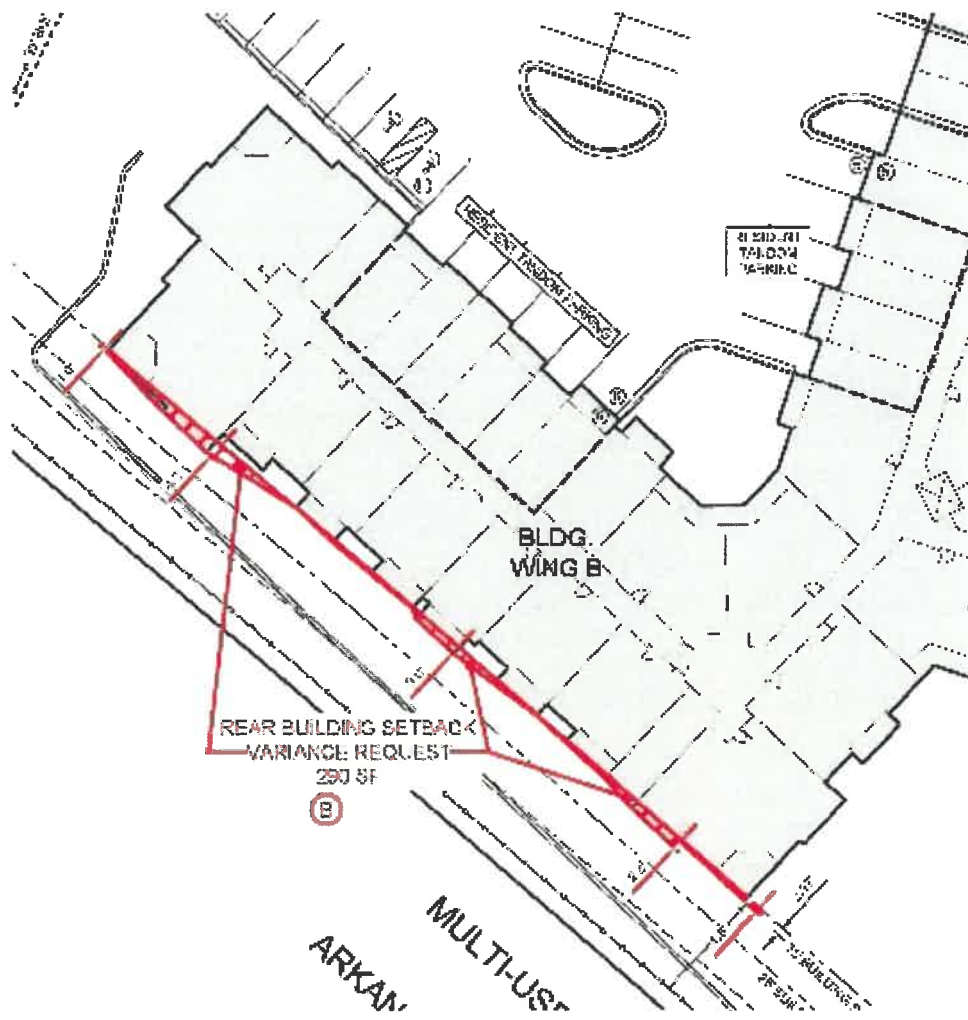
Board to Consider:

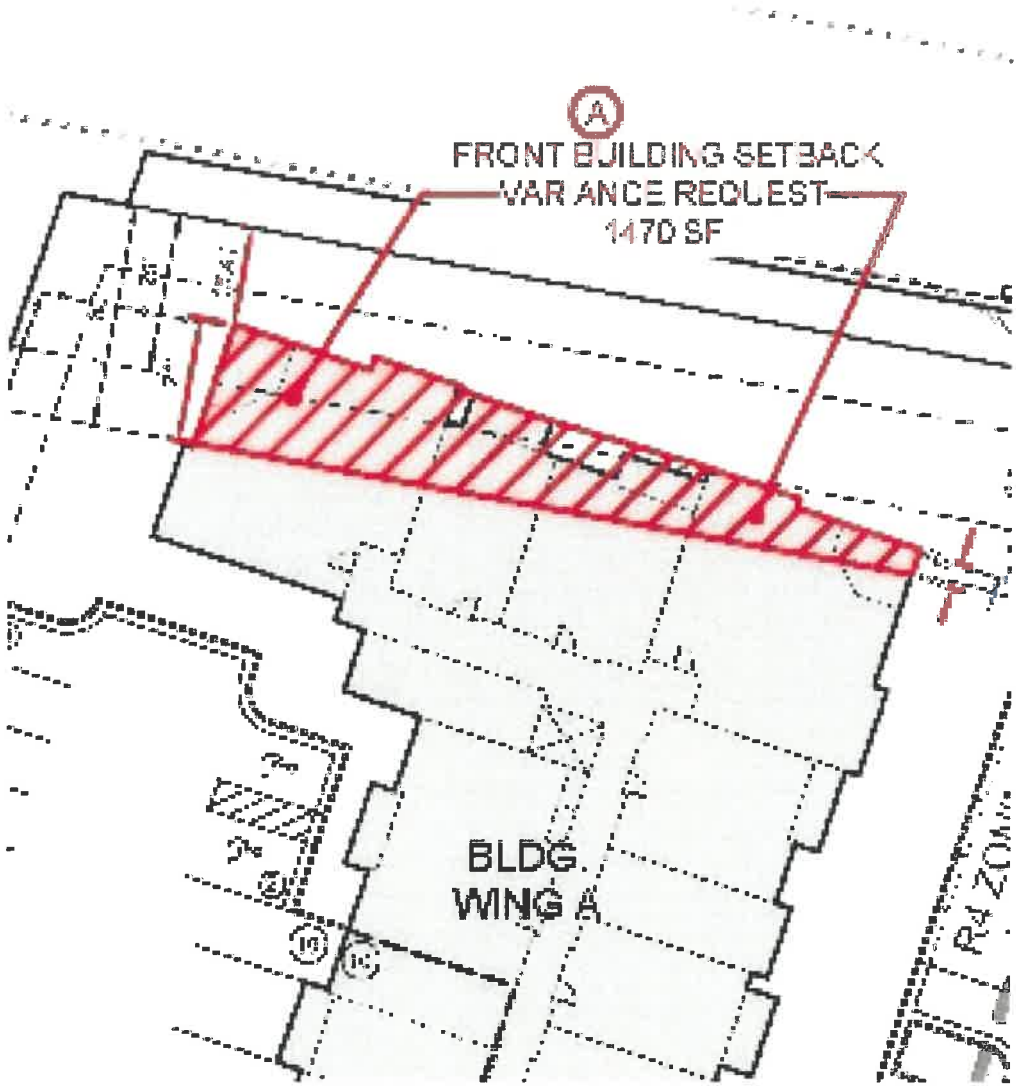
1. Is the variance for which the variance is sought due to unique circumstances existing on the property, the unique circumstances were not created by the owner of the property, and are not due to or the result of general conditions in the district in which the property is located? The property contains a 45-foot wide drainage easement, which can not be built in, along the entire eastern boundary. The easement houses a significant storm drain for the Baring Cross Neighborhood, which limits the building placement to the western 2/3^{rds} of the site.
2. Does the variance substantially or permanently injure the appropriate use of adjacent conforming property in the same district? There does not appear there will be any impact to the adjacent property by the reduction in the setbacks, the reduction in parking or the placement of the 6-foot fence within the front yard. The properties along Rockwater Boulevard and the River Trail have developed with reduced setbacks to create a “front porch community”. The fencing, the type and style, is proposed providing continuity with existing fencing of similar type developments along Riverfront Drive and Rockwater Boulevard. Parking, within the C6 Zoning District, is allowed at 1-space per unit. Based on the drainage easement the buildings can not be shifted to the east and placed within the C6 zoned portion of the property.
3. Will approval of the variance alter the essential character of the district? The fencing and setbacks proposed for the development are similar to setbacks and fencing located within the area.
4. Will approval of the variance weaken the general intent and purpose of the land use and zoning plan? The land use and zoning will remain unchanged.
5. Will the approval of the variance be in harmony with the spirit of the ordinance? The building heights proposed is permissible with proper setbacks within the zoning districts. The applicant is seeking the variance to allow the reduction in the setbacks along Rockwater Boulevard and the River Trail, and not a reduction to the setbacks to the abutting developed single-family homes to the west.
6. Will the approval of the variance adversely affect public health, safety, and general welfare? It does not appear the approval of the variances as proposed will be injurious to the public health, safety and general welfare of the community.

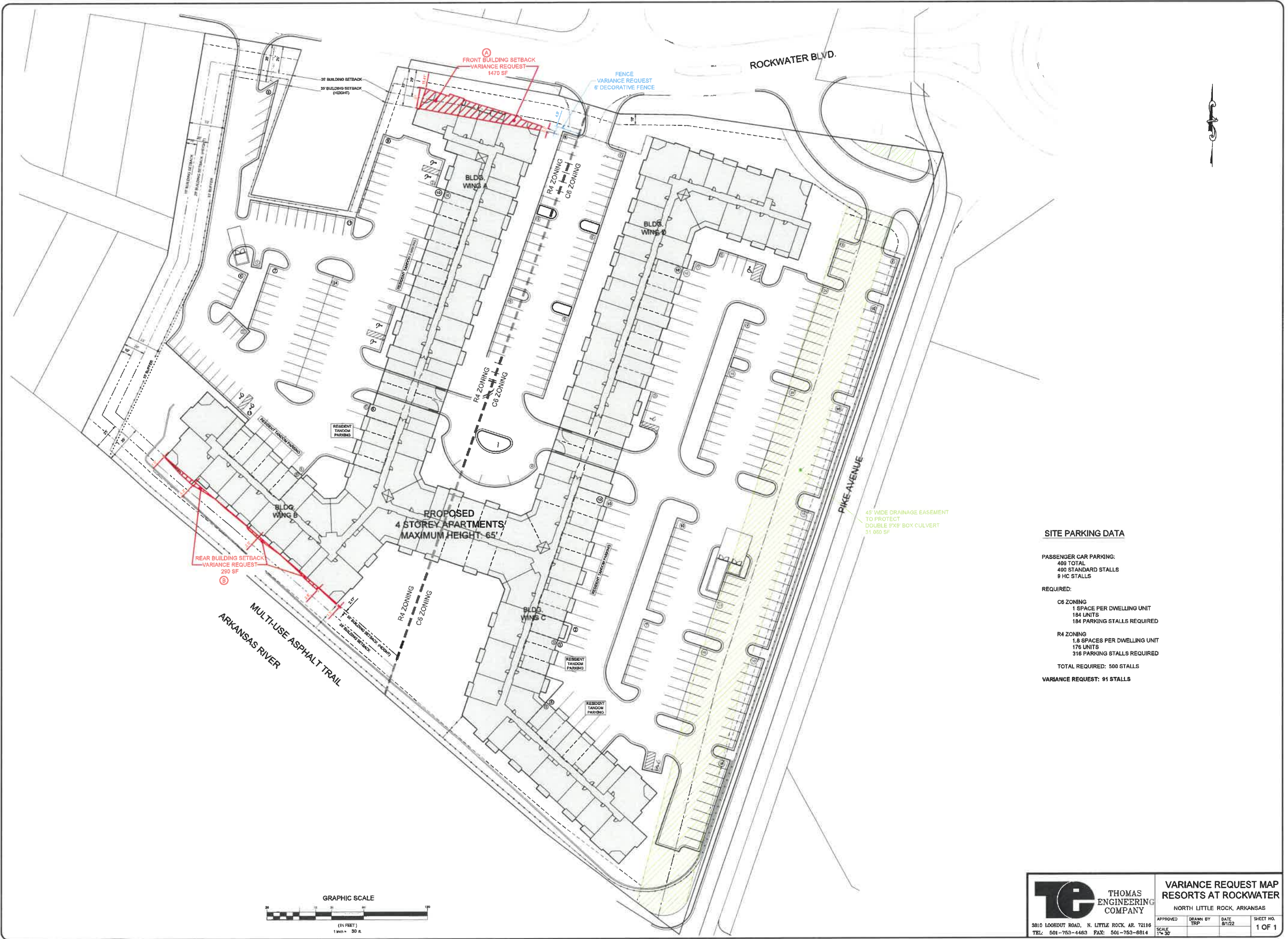
Approval Allows:

1. Approval will allow the following variances -
 - i. a variance from Section 5.11.4(A)1 & 5.11.5 to allow installation of a 6-foot decorative fence (welded iron or similar look) beyond the building's front by approximately 4.9-feet,
 - ii. a variance from Section 4.1.5(C) to allow a reduced front building setback along Rockwater Boulevard; the reduction in building setback is triangular in shape, approximately 21-feet at its maximum and approximately 5.5-feet at its minimum, and covers approximately 1470 square feet,
 - iii. a variance from Section 4.1.5(C) to allow a reduced rear building setback along the River Trail; the reduction in building setback is varying in shape, from approximately 4.2-feet at its maximum and approximately 1.0-feet at its minimum, and covers approximately 290 square feet,
 - iv. a variance from Section 6.2.3 to reduce the required number of parking stalls by 91.
2. Approval of this variance request is valid for 12-month from date of approval. If a building permit is not secured within the 12-month period, approval becomes invalid unless, the Board of Zoning Adjustment has approved a request for a time extension. All requests for time extension must be made prior to the expiration of the Board's approval.









SITE PARKING DATA

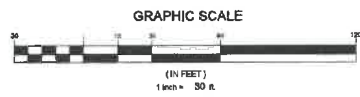
PASSENGER CAR PARKING:
 409 TOTAL
 400 STANDARD STALLS
 9 HC STALLS

REQUIRED:

C6 ZONING
 1 SPACE PER DWELLING UNIT
 184 UNITS
 184 PARKING STALLS REQUIRED

R4 ZONING
 1.8 SPACES PER DWELLING UNIT
 176 UNITS
 316 PARKING STALLS REQUIRED

TOTAL REQUIRED: 500 STALLS
 VARIANCE REQUEST: 91 STALLS



<p>THOMAS ENGINEERING COMPANY 3810 LOOKOUT ROAD, N. LITTLE ROCK, AR. 72116 TEL: 501-753-4463 FAX: 501-753-6814</p>	<p>VARIANCE REQUEST MAP RESORTS AT ROCKWATER NORTH LITTLE ROCK, ARKANSAS</p>			SHEET NO.
	APPROVED	DESIGN BY	DATE	1 OF 1
	TRP	8/1/22		
SCALE				
1"=50'				