



**City of North Little Rock  
Board of Zoning Adjustment Agenda  
Thursday, June 30, 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 - May 26, 2022**

**Public Hearing Items -**

1. 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)
2. 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)
3. **Withdrawn** - BOA 2022-16, 300 W G Avenue, NLR, AR, a variance request from the Section 4.1.3, to allow a reduced side yard setback for an attached carport (6-feet to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)
4. BOA 2022- 17, 5309 Lakeview Road, NLR, AR, a variance request from the area provision of Section 5.18, to allow a mobile storage container to remain on the property in excess of 30-days
5. BOA 2022-18, 117 Melrose Divide, NLR, AR, a variance request from the area provision of Section 5.11.4 to allow the placement of a front yard fence and to allow the front yard fence to be chain-link 4-feet in height
6. BOA 2022-19, 2624 E Broadway St, NLR, AR, a variance request from the area provision of Section 4.2.6 to allow a reduced front yard setback (from 40-feet to 17.5-feet, a reduced exterior side yard setback (25-feet to 19-feet) and a reduced rear yard setback (20-feet to 3.8 feet), to allow a reduced lot width (100-feet to 49.73 feet) and a reduced lot area (10,000 sf to 2,985 sf) and a variance from Section 6.2.4 to allow backing of vehicles directly into the public right of way along Cherry Street
7. BOA 2022-20, 5503 JFK Blvd, North Little Rock, AR, a variance request from Section 4.2.3 to allow a reduced side yard setback (from 10-feet to 7.75-feet)
8. BOA 2022-21, 3128 Pike Avenue, North Little Rock, AR, 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 to a total height of 145-feet

**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 July 1, 2022 – Hearing July 28, 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 – May 26, 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. Tim Giattina, Vice-Chair  
Mr. Gardner Burton  
Mr. Steve Sparr

**Members Absent**

Mr. Mike Abele

**Staff Present**

Ms. Donna James, City Planner  
Richard Hager, City Attorney

**Others Present**

David Burnett, 112 Spekar St., Conway, AR  
Greg Ferris, Wichita, KS  
Cory Malchaski, 4 Hays Ct., North Little Rock, AR  
Sam Edleman, 222 W. G St., North Little Rock, AR  
Denese Estep, 4 Ridgewell Ct., North Little Rock, AR  
Linda Price, 4 Ridgewell Ct., North Little Rock, AR  
Jim Evans, 605 Cherry Hill, North Little Rock, AR  
Jerry Evans, 3225 Cypress St., North Little Rock, AR  
Natasha Kendrick, 219 W. D Ave., North Little Rock, AR  
Ellen Yeary, 5312 Centerwood, Little Rock, AR  
Grace Wills, 304 Walnut St., Little Rock, AR

**Old Business**

None

**Approval of Minutes**

Mr. Burton formed a motion to approve the minutes from April 12, 2022. Mr. Sparr seconded the motion. Chairman Brown called for a vote. The motion was approved.

**Public Hearing Items -**

**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)**

Chairman Brown asked the applicant to approach the Board and state his name and address. Mr. Greg Ferris addressed the Board on the merits of the request, as the agent of the applicant. He stated that his hardship was a significant amount of mature trees on the property that create a serious block to communication signals, meaning that the tower would have to be constructed very tall in order to be effective. Chairman Brown asked Ms. James to clarify the definition of a hardship. Ms. James read the definition aloud. Mr. Ferris elaborated that the surrounding area and the topography of the land would not allow a tower that was built within the 75-foot height the ordinance allows, to be effective.

Chairman Brown asked if there was anyone in the audience who wished to speak about this application. Mr. Brad Hughes, Chairman of the North Little Rock Airport Commission addressed the Board. Mr. Hughes stated that the Airport Commission had concerns about the dangers to aircraft that the proposed tower would present when they were taking off or landing at the airport. Mr. Ferris replied that ATT can't build any towers without FAA approval, who would ensure that this tower presented no dangers to any aircraft before approval. He emphasized that the FAA had very strict safety standards for what they would approve and that if they felt there was any chance of danger they would not approve the plans.

Chairman Brown asked if the FAA had been consulted yet. Mr. Ferris replied that they would like to get a building permit from the City before they present plans to the FAA. Mr. Ferris stated that they were willing to receive approval from the FAA as a condition of approval before they receive a city permit, if the Board would prefer to set that condition.

Mr. Burton asked why the Airport Commission was not made aware of these plans earlier. Ms. James answered that they are not typically part of the review process, but that in the future they would be brought into the process. Mr. Burton stated that he was hesitant to take a vote on this issue since the Airport Commission just learned of the proposed tower and was opposing it's construction. Mr. Ferris reiterated that these plans must be approved by the FAA who would ensure that it was safe for the North Little Rock Airport.

Mr. Sparr asked if the tower could be built to a lower height if trees were removed. Mr. Ferris responded that it was not just the trees in the immediate area of the proposed tower, but trees and topography very far out, including many on the highway right of way and on private property, therefore removing the trees in the immediate area would not resolve the hardship.

Mr. Ferris stated that he appreciated the concerns of the Airport Commission but that ATT would not be allowed to violate those concerns, due to the fact that ATT will need FAA approval before they could build. He stated that ATT would never risk losing their FCC licenses by violating any FAA rules, especially for a single tower.

Mr. Giattina asked Mr. Hughes if he knew where this tower was proposed to be built. Mr. Hughes responded that the Airport Commission was told it would be essentially at the end of the runway. He stated that due to the small scale of the North Little Rock Airport, many of the aircraft there were smaller and older and therefore their equipment may not be as advanced, which was a cause of concern for the Airport Commission. Mr. Ferris stated that the FAA would use the same safety matrix for this airport as they did for any other.

Mr. Ferris asked the Board of Zoning Adjustment to waive any landscaping requirements that might normally be asked of a rezoning since they are only requesting a height adjustment.

Chairman Brown called for a motion. The proposal was denied due to lack of a motion.

Chairman Brown told Mr. Ferris that he had the right to appeal to the Pulaski County Circuit Court and that he could bring the proposal back to the Board of Zoning Adjustments as many times as he would like.

**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)

Ms. Natasha Kendrick addressed the Board on the merits of her request. She stated that an existing concrete slab made it necessary to build the garage on either the East or West side of the house. She was proposing to build it on the East side because the West side would place it even closer to the property line. She also stated that it could not be built any further back on the property because drivers would not be able to pull into it.

Chairman Brown reminded Ms. Kendrick that the Board needed to hear her hardship and he asked Ms. James to read the definition of a hardship. Ms. Kendrick stated that the topography, the width of the lot combined with the pre-existing slab created the hardship.

Mr. Sparr asked to see an aerial view of the property and asked Ms. Kendrick to point where the garage was built. Ms. Kendrick pointed out the location and stated that the garage was already built. Ms. James informed the Board that Ms. Kendrick did receive a building permit before constructing the garage, but the final inspection found that the building was 3.5 feet from the property line, as opposed to the 5 feet required by ordinance. Chairman Brown reminded Ms. Kendrick that although this may have been a result of work done by a contractor, the burden fell on her as the property owner. Ms. Kendrick acknowledged and agreed with this.

Mr. Burton asked Ms. Kendrick why she initially wanted to build the garage. She answered that it was built to give her covered parking and to offer more storage.

There being no further comments from the Board or the public, Chairman Brown called for a motion. Mr. Sparr formed a motion to approve the application and Mr. Giattina seconded the motion. Chairman Brown requested a roll call vote and all members voted in the affirmative.

**Postponed - 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)

Chairman Brown proposed that this application be proposed to give the applicant a fair chance to address the Board. Mr. Giattina motioned to hear this application next month. Mr. Burton provided a second. The Board voted unanimously to approve this motion.

**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)

Mr. Jim Evans of 605 Cherry Hill Drive, NLR addressed the Board. Chairman Brown asked Mr. Evans to state his hardship. Mr. Evans answered that the lot size and shape, as well as how the house sits on the lot made a variance necessary in order to remodel this house. Mr. Evans stated health concerns were making it necessary to remodel the house with larger doors and larger bath to allow for current and future immobility concerns.

Mr. Sparr asked if this was expanding the master bedroom and master bath. Mr. Evans answered in the affirmative.

There being no other comments from the Board or the public, Chairman Brown called for a motion. Mr. Burton made a motion to approve the application. Mr. Sparr provided a second. Chairman Brown requested a roll call vote. The Board unanimously voted to approve this motion.

**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)

Mr. Cory Machowski of 4 Hays Court addressed the Board, stating that his hardship was that the only place to build the shed within ordinance would place it over a wastewater line. Not wanting to build it there, he asked the Board to approve this application for a variance.

Chairman Brown asked Ms. James if the applicant would be allowed to build the shed over the sewer line. Ms. James answered that typically construction was not allowed in an easement, such as this sewer line, but that it might be possible if the construction was considered temporary. Currently storage sheds are not classified as temporary or permanent.

Mr. Sparr stated that he had built a garage in an easement, but had to build it in such a way that it could be disassembled and moved if the City ever required access to the easement.

There being no further comments from the Board or the public, Chairman Brown called for a motion. Mr. Burton made a motion to approve the application. Mr. Giattina provided a second. Chairman Brown requested a roll call vote. The Board voted unanimously to approve the



motion.

**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)

**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)

Ms. Ellen Yeary, the architect for the proposed project addressed the Board, stating that the hardship for the project was that the existing driveway necessitates that a carport be built beyond what current ordinances allowed. Ms. Yeary acknowledged that the neighbors might object to the project due to concerns about runoff. She stated the project could be built an additional 6 inches back from the property line, as well as have gutters installed, and additionally a stone wall that ran between the properties would prevent any runoff from entering the neighbor's property. She also stated that there were plans to also redirect some current drains, as well as digging a trench drain to redirect water to more appropriate places on the lot and keep the runoff from entering the neighbor's property.

Mrs. Sam Edleman of 222 W. G Ave. addressed the Board, stating her concerns about the project regarding possible damage to her property. Mrs. Edleman stated that the garage on the property had already caused flooding damage to her property next door due to the roofline being 6 inches from the property line. Mr. Burton asked if anyone knew when this garage was constructed. Mr. David Burnett of Conway, who is employed by Mrs. Edleman as a maintenance person, stated that there was an aerial view of the property from 2018 that does not show the garage. Sometime after 2018 was when the flooding problems began. Ms. Yearly stated that she believed the garage to be much older than 2018 due to the state of deterioration of the building. Mrs. Edleman stated that they could not find any records of when this garage was built. She invited Ms. Denise Estep of Sherwood to speak on this issue.

Ms. Estep stated that she looked through county and city records and found that there was an unfinished detached structure recorded on the property and that this structure had a small tool shed in front of it. She stated that between 2018 and 2020 this building was made into a garage. She stated that the roof of the garage and the roof of a rock building on the Edleman's property was 6 inches and that the sides of the two buildings were 22 inches apart. The runoff from this close proximity had caused water damage to the rock building, which the Edlemans have had to repair, and that has started to erode the foundation. The runoff flows underneath the rock wall that Ms. Yearly referred to earlier. She stated that they also had concerns about fire due to the close proximity of these two buildings. She stated that the rock wall directed water to the foundation of the main home on 222 W. G Ave.

Mr. Burton asked who owned the property prior to the current owner, who recently purchased the home. Ms. Estep answered that it was bought in 2015 by Mr. Clark Smith who used the house as rental property. Prior to that it was owned by Kelly Combs. Mr. Burton asked if any of

these issues were brought to Mr. Smith's attention. Ms. Estep stated that these issues were brought to the attention of several people who owned the house at 300 W. G over the years. She stated that their concern with the proposed carport was an increase of runoff from the roof and a concrete pad, causing further damage to the property of the Edlemans.

Mr. Sparr stated that the plans presented by Ms. Yearly would move water away from the neighboring property, including addressing some of the issues caused by the existing structure. Mrs. Edlemans reiterated the damage being done to her property currently and stated that the owner of the property at 300 W. G told her that she would be building a pole barn. She stated that this project would not in any way benefit the neighborhood or the direct neighbors.

Mr. Burton stated that if the proposed plans were followed as presented it should actually help mitigate some of the current issues with the runoff. He reminded Mrs. Edlemans and others opposing this project that the Board was only discussing the current proposed project and could not address some of the other issues that had been brought up regarding current structures and past damages.

Ms. Estep asked to be shown where the proposed trench drain would be on the plans. Ms. Yearly pointed out where the new paving and a new patio would be installed with plans to slope runoff towards driveway, where it would enter the new proposed trench drain, where it would then be piped underground to the street where it could be drained properly. She stated that there would be two drain collectors diverting water. Ms. Yearly gave Ms. Estep a copy of the plans to keep.

Mr. Giattina asked Ms. Yearly and the group opposed to the proposed project if they would like to table this issue so the two parties could discuss this further and then come back to the Board. Ms. Yearly agreed to that. Mrs. Edlemans stated that runoff which currently ran into the street pools in front of their driveway already, so additional runoff would make this problem worse.

Chairman Brown stated that the Board was going to table this proposal for a month so that the neighbors could discuss this project further. He gave his opinion that approving this 1.5 foot setback, instead of the 6 foot in the city ordinance, could set a precedent for other residents and future projects.

Mr. Giattina asked the group opposed to the project if they were willing to look at the plans and consider the project. Mrs. Edleman stated that she was willing to consider the plans.

Mr. Giattina made a motion to table this proposal until next month. Mr. Burton provided a second. The Board unanimously voted to approve the motion.

Chairman Brown stated that this issue would be resolved at the next meeting and that he hoped Ms. Bell would attend.

Ms. Yearly stated a concern that if she made the setback any more than the proposed 2 feet



then it would be too difficult to park in the carport.

Mr. Burton encouraged Ms. Yearly to consider ways to incorporate water mitigation from the current structure into these plans. Ms. Yearly agreed.

Chairman Brown asked if the existing building could be torn down and replaced with a garage or carport. Ms. Yearly stated that it would be possible but would be more money than Ms. Bell would like to spend. Chairman Brown stated that the Board must consider whether it can be done or not, not whether the owner can afford to do it.

**Administrative -**

Mr. Burton made a motion to excuse Mr. Abel. Mr. Giattina seconded the motion. The Board unanimously approved the motion.

**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. Giattina and by consent of all members present, the meeting was adjourned at 2:40 pm.

**Approved on this 30<sup>th</sup> day of June**

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**Tom Brown, Chairman**

**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

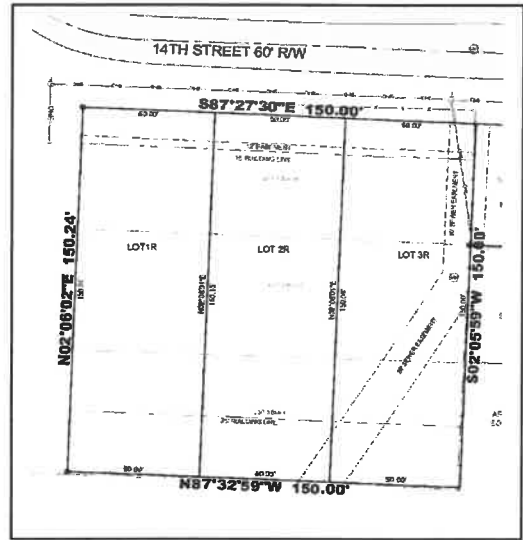
<u>Direction</u>	<u>Surrounding Zoning</u>	<u>Surrounding Uses</u>
North	R3, Two-family	Single-family
South	R3, Two-family	Arkansas Asphalt Paving
East	R3, Two-family	Single-family
West	I1, Industrial Park District	Missouri Pacific Railroad Co.

**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.

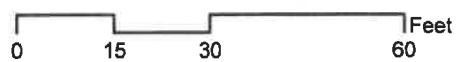
# North Little Rock Board of Adjustment



**BOA CASE #2022-11**

Date: 5/5/2022

1 inch = 30 feet

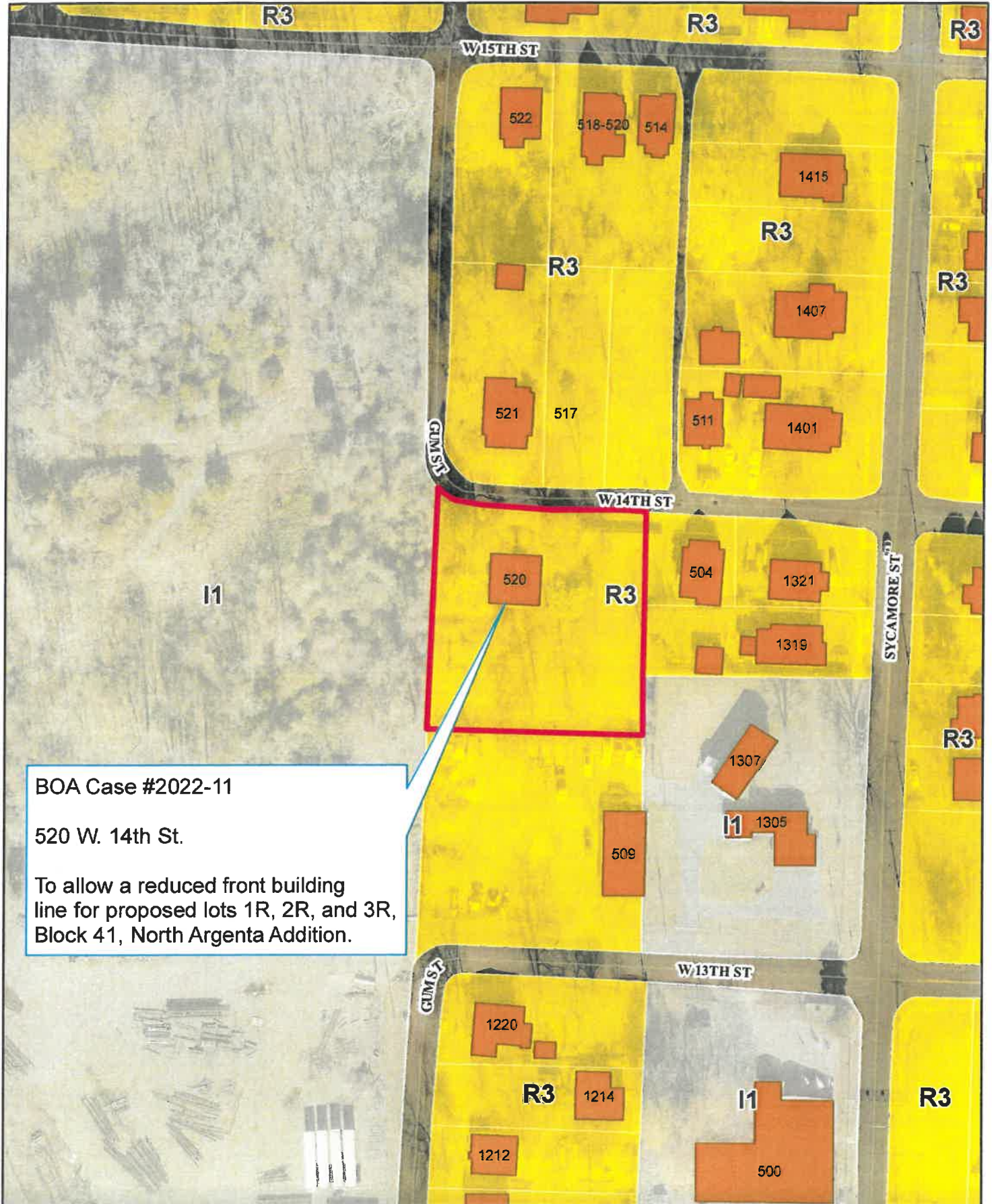


User: jhale





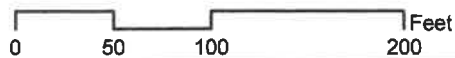
# North Little Rock Board of Adjustment



**BOA CASE #2022-11**

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 "A. Robinson", with a stylized flourish at the end.

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 558, RECORDS OF THE CIRCUIT 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 CONDITION OF APPROVAL HAVING BEEN COMPLETED, THIS DOCUMENT IS HEREBY ACCEPTED, THIS DOCUMENT IS HEREBY ACCEPTED AND THE CERTIFICATION ENCLOSED UNDER THE AUTHORITY OF SAID CODE.

DATE OF EXECUTION \_\_\_\_\_  
 SHAWN SPRINGER  
 NORTH LITTLE ROCK PLANNING DIRECTOR

**CERTIFICATE OF OWNERS:**

WE, THE UNDERSIGNED, OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A BOUNDARY SURVEY MADE BY ME AND ALL MONUMENTS SHOWN HERON ACTUALLY EXIST AND DO HEREBY GIVE, PLAT AND SUBDIVISION AND REAL ESTATE IN ACCORDANCE WITH THIS PLAT.

DATE OF EXECUTION \_\_\_\_\_  
 ROCK CITY HOMES  
 1522 S. 2nd STREET, CABOT, AR.

SOURCE OF TITLE D.A. \_\_\_\_\_ PAGE \_\_\_\_\_  
 INSTRUMENT NO. 202006629

**CERTIFICATE OF SURVEYING ACCURACY:**

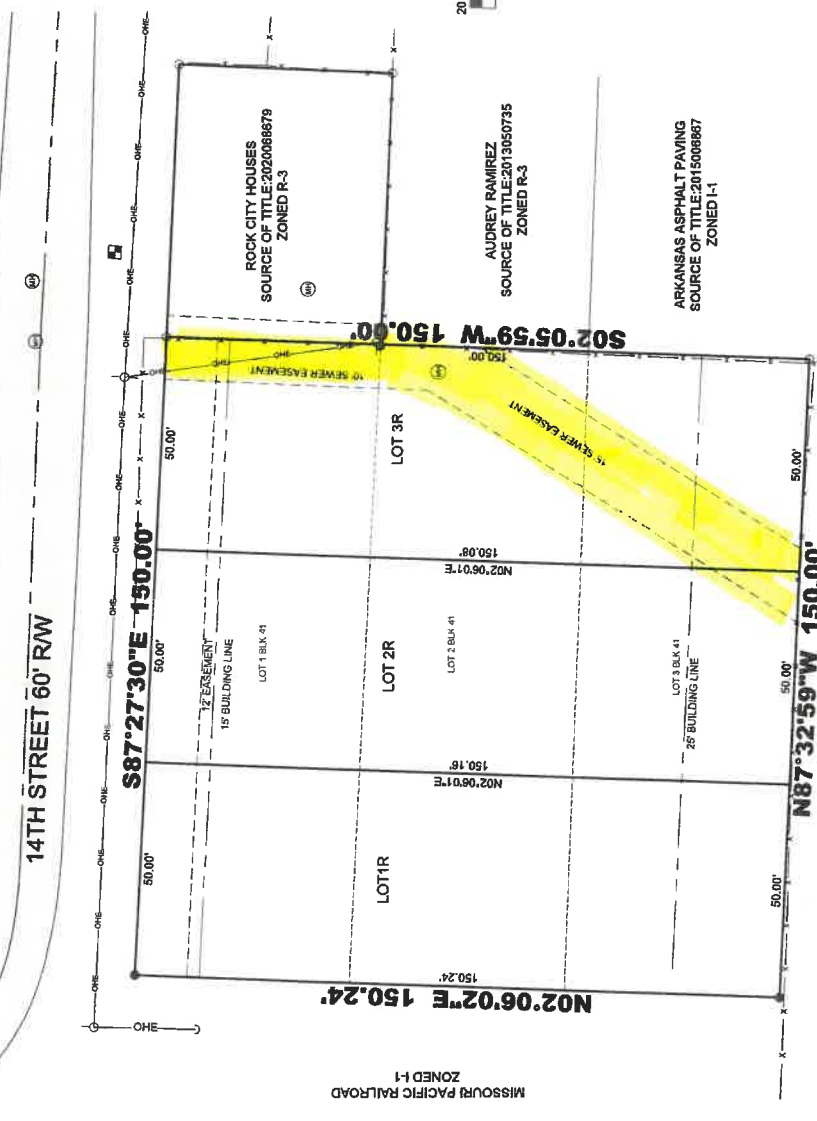
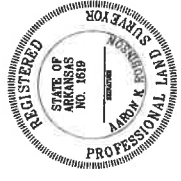
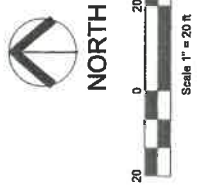
L. ARNON K. ROBINSON, HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A BOUNDARY SURVEY MADE BY ME AND ALL MONUMENTS SHOWN HERON ACTUALLY EXIST AND THEIR LOCATION, SIZE, TYPE AND MATERIAL ARE CORRECTLY SHOWN.

DATE \_\_\_\_\_  
 L. ARNON K. ROBINSON,  
 REGISTERED LAND SURVEYOR  
 NO. 1919 ARKANSAS

**CERTIFICATE OF ENGINEERING ACCURACY:**

L. 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 \_\_\_\_\_  
 L. ARNON K. ROBINSON,  
 REGISTERED PROFESSIONAL ENGINEER  
 NO. 1829 ARKANSAS



**GENERAL NOTES:**

- IRON PINS TO BE SET AT ALL LOT CORNERS.
- BUILDING LINES SHALL BE 15 FEET AS MEASURED FROM THE STREET RIGHT-OF-WAY, UNLESS STATED OTHERWISE.
- EASEMENTS TO BE SHOWN ON THIS PLAT ARE TO BE SUPPLIED BY THE NORTH LITTLE ROCK WATER AND SEWER SERVICE.
- WATER SERVICE SUPPLIED BY CENTRAL ARKANSAS WATER AND SEWER SERVICE SUPPLIED BY THE NORTH LITTLE ROCK WATER.
- THIS PROPERTY IS ZONED "R-3".
- 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 0518C 0144C (EFFECTIVE DATE: JULY 6, 2005) INDICATES THAT THIS PROPERTY IS LOCATED ABOVE THE 100 YEAR FLOOD PLAIN.

ARKANSAS ASPHALT PAVING  
 SOURCE OF TITLE: 2015008867  
 ZONED R-3

**CERTIFICATE OF RECORDING:**

THIS DOCUMENT, NUMBER \_\_\_\_\_, FILED FOR RECORD  
 ON \_\_\_\_\_ AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ AM, RECORDED  
 IN PLAT BOOK \_\_\_\_\_ PAGE \_\_\_\_\_  
 DATE \_\_\_\_\_ CLERK \_\_\_\_\_  
 FOR BILL ASSURANCE SEE DEED RECORD BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

LEGEND:	
—	BOUNDARY LINE
—	BUILDING LINE
—	EASEMENT LINE
—	STREET CENTERLINE
●	BOUNDARY FOUND IRON PIN AS DESCRIBED
○	SET 1/2" IRON PIN
•	PERMANENT CONTROL PT

JOB No. 9324  
 DRAWN BY: JMS  
 FILE NO.:  
 Prepared For:  
 Rock City Homes, LLC  
 1522 S. 2nd Street  
 Cabot, AR 72023  
**BOND CONSULTING ENGINEERS, INC.**  
 2601 T. P. White Drive  
 Jacksonville, Arkansas 72076  
 Phone: (501) 962-5347 Fax: (501) 962-5349 E-mail: info@bondce.com  
**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 23, 2021  
 SHEET OF 1

**Variance Requested:** a variance request from the area provision of Section 4.1.5 to allow a reduced exterior side yard setback along Division Street from 25-feet to 5.9-feet and a reduced interior side yard setback from 10-feet to 5-feet

**Location of the Request:** 1301 W 11<sup>th</sup> Street, NLR, AR

**Legal Description of the Property:** Lot 4, Block 1, Vestals Addition to the City of North Little Rock, Pulaski County, AR

**Owner/Applicant:** Baring Cross Opportunity Zone LLC, Chris Lacy, Attorney at Law

**Present Use of the Property:** Vacant

**Present Zoning of the Property:** R4, Multi-family

**Site Characteristics:** The site is a vacant lot located at the intersection of Division and W 11<sup>th</sup> Streets. The property located across the street is also a vacant lot. Division Street is a narrow street with no curb and gutter and no sidewalks in place. The applicant has indicated Division Street continuing along the property northern boundary which is inaccurate. The right of way for Division Street does not extend to this area. West 11<sup>th</sup> Street was constructed with curb and gutter and sidewalk but all, adjacent to this site, are in disrepair.

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

<b><u>Direction</u></b>	<b><u>Surrounding Zoning</u></b>	<b><u>Surrounding Uses</u></b>
North	R4, Multi-family	Single Family
South	R4, Multi-family	Single Family
East	R4, Multi-family	Vacant Lot
West	R4, Multi-family	Single Family

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

#### **Staff Analysis:**

The applicant is proposing to develop the site with a new duplex and is seeking a variance from the minimum exterior side yard setback along Division Street. The applicant is requesting to reduce the exterior side yard setback along Division Street from 25-foot minimum to 5.9-feet and a reduced interior side yard setback from 10-feet to 5-feet. The applicant indicates in their letter of hardship, the lot is 33.49-feet wide and to comply with the current setback requirements the lot is not developable. The applicant is proposing to construct a single story duplex on the property. Rezoning of the property to R3, Duplex District would continue to require variances. The exterior side yard setback within the R3 Zoning District is 15-feet and the minimum side yard setback is 6-feet.

The lot contains 3,830 square feet of area. The lot is zoned R4 which has development criteria for minimum lot area and maximum lot coverage. The minimum lot area for an R4 zoned lot is 7,000 square feet. The minimum square footage for the first 3 dwelling units is 3,500 square feet in a multi-family structure with a maximum lot coverage of 50-percent of the total lot area. The building is proposed containing 600 square feet of floor area. Although the plan as presented meets the minimum requirements of the ordinance staff has concerns with the plan as presented. There does not appear to be adequate outdoor living space provided on the lot. The areas along the north and south sides of the building will be utilized as parking for the units. The only areas of outdoor greenspace are located within the side yard setback and the exterior side yard setback along Division Street.

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 narrow lot and to provide the required setbacks for development based on the current zoning decreases the buildable area for the lot.
2. Does the variance substantially or permanently injure the appropriate use of adjacent conforming property in the same district? No, the adjacent property will not be impacted by the reduction in the setbacks.
3. Will approval of the variance alter the essential character of the district? No, the area will remain as one and two-family.
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 not change.
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 of homes.
6. Will the approval of the variance adversely affect public health, safety, and general welfare? No, there will be no change to the general welfare, public health and safety of the area.

**Approval Allows:**

1. Approval will allow a reduction in the exterior side yard setback (reduced to 5-feet 9-inches from 25-feet and a reduction in the side yard setback to from 10-feet to 5-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

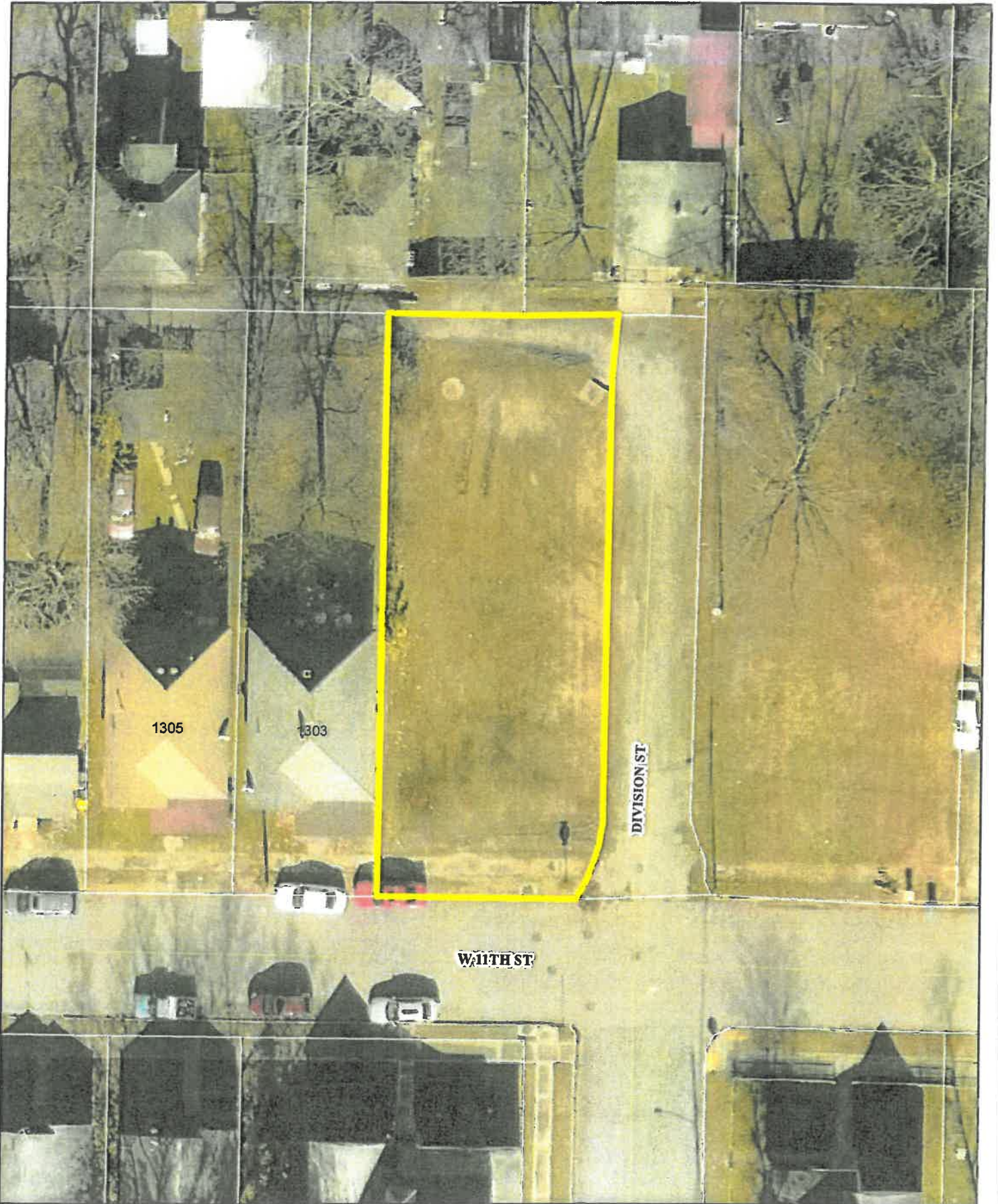
Adjustment has approved a request for a time extension. All requests for time extension must be made prior to the expiration of the Board's approval.

**Staff Recommendation:**

Staff recommends the applicant arrange the parking in such a manner as to not back vehicles into W 11<sup>th</sup> Street and the parking proposed for the northern unit be designed to back into the dedicated portion of Division Street and not the area to the north which is indicated as right of way but does not appear to be a dedicated right of way.



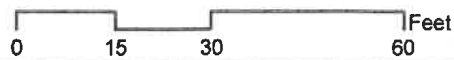
# North Little Rock Board of Adjustment



**BOA CASE #2022-15**

Date: 5/10/2022

1 inch = 30 feet

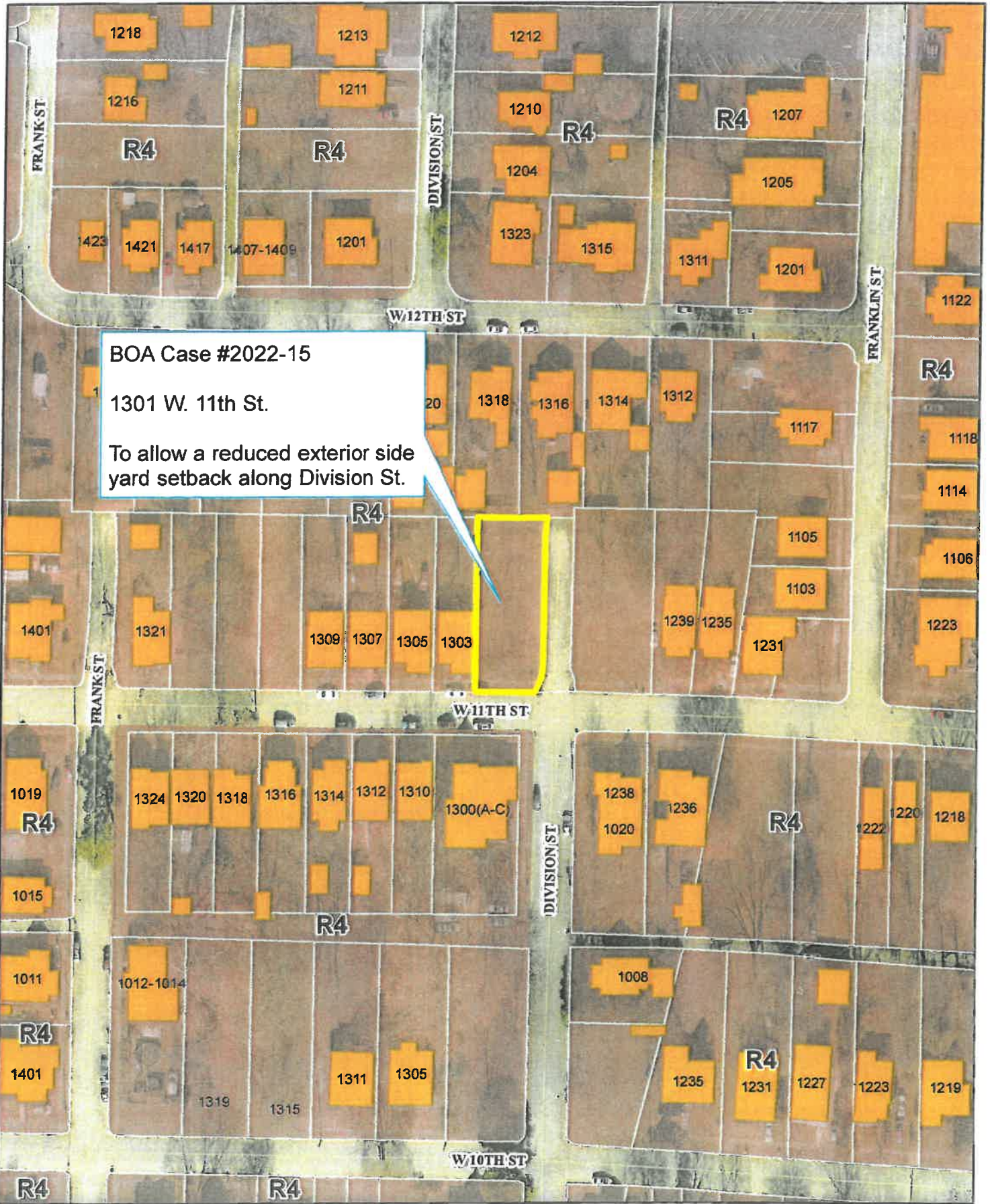


User: jhale





# North Little Rock Board of Adjustment

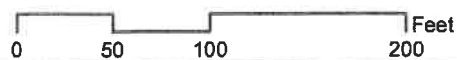


BOA Case #2022-15  
1301 W. 11th St.  
To allow a reduced exterior side yard setback along Division St.

**BOA CASE #2022-15**

Date: 5/10/2022

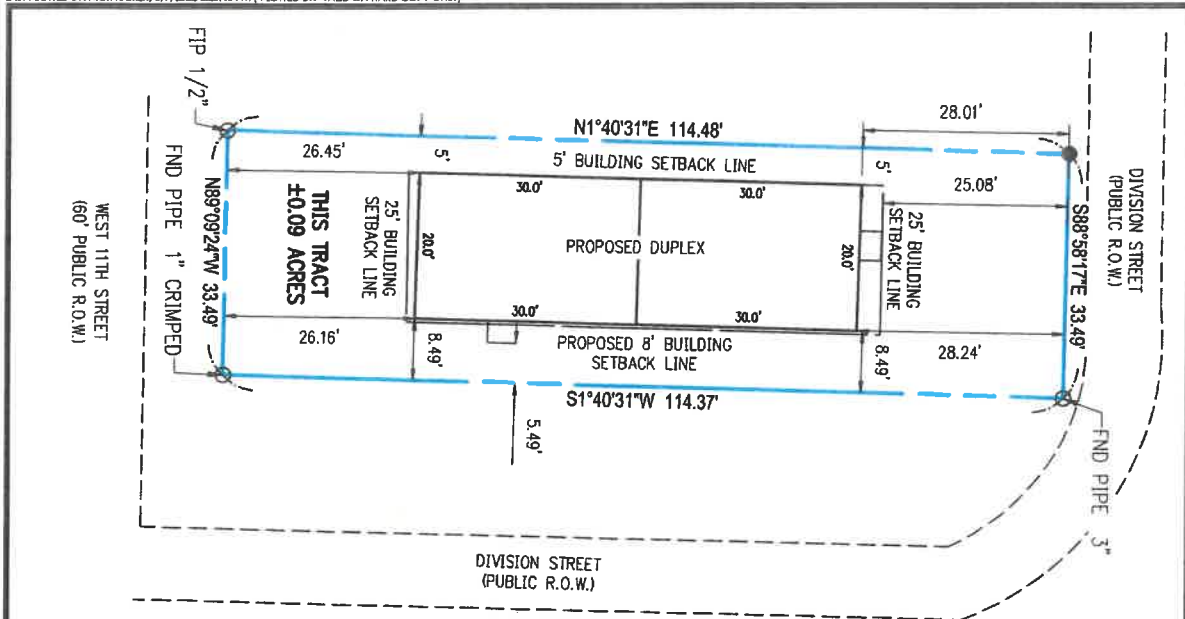
1 inch = 100 feet



User: jhale







WEST 11TH STREET  
 (60' PUBLIC R.O.W.)

DIVISION STREET  
 (PUBLIC R.O.W.)



**BASIS OF BEARINGS**  
 STATE PLANE COORDINATE SYSTEM,  
 ARKANSAS NORTH ZONE, NAD 83  
 U.S. SURVEY FOOT  
 BEARINGS: GRID  
 DISTANCES: GROUND  
 SCALE FACTOR: 1.000037330948  
 CONVERGENCE ANGLE: -0° 09' 52.26715265"  
 \*\*VALUES TAKEN AT THE NE/C OF LOT\*\*

- DRAWING LEGEND**
- PROPERTY LINE
  - ASPHALT OR CONCRETE
  - BUILDING SETBACK LINES
  - EASEMENT LINES
  - ROAD CENTERLINE
  - PROPOSED RESIDENCE
  - SET 5/8" REBAR WITH CAP, LS #1755
  - CALCULATED POINT
  - FOUND IRON PIN (AS NOTED)

**FLOOD ZONE NOTE**

BY GRAPHIC PLOTTING ONLY, THE PROPERTY SHOWN ON THIS SURVEY IS WITHIN ZONE X, ZONE X BEING AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN AS PER FEMA FIRM MAP COMMUNITY PANEL NUMBER 05119C0343G, DATED JULY 06, 2015, BASED UPON SURVEYORS INTERPRETATION OF THE LOCATION OF THE FLOOD HAZARD BOUNDARY LIMITS IN RELATION TO THE PROPERTY LINES.

**LEGAL DESCRIPTION**

THE EAST 33.4 FEET OF LOT 4, BLOCK 1 OF VESTALS SUBDIVISION, AS RECORD IN PULASKI COUNTY, ARKANSAS, AS SHOWN ON A PLAT OF RECORD, RECORDS OF THE CIRCUIT CLERK'S OFFICE, PULASKI COUNTY, ARKANSAS.

**SURVEY CERTIFICATION**

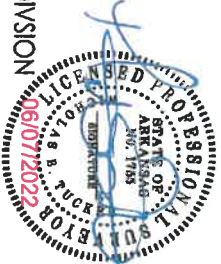
FOR USE AND BENEFIT OF ARKANSAS HOMES AND RENTALS:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE MOST CURRENT ARKANSAS STATE MINIMUM STANDARDS FOR SURVEYS OF THIS TYPE. THE FIELD WORK WAS COMPLETED UNDER MY SUPERVISION ON 04/25/2022

DATE OF PLAT OR MAP: 04/26/2022

NICHOLAS TUCKER, LS #1755

STATE PLAT CODE: PLATTED SUBDIVISION



BOUNDARY SURVEY  
 EAST 33.4 FEET OF LOT 4, BLOCK 1  
 VESTALS SUBDIVISION  
 1301 WEST 11TH STREET

PREPARED FOR:  
 AR HOMES AND RENTALS

NORTH LITTLE ROCK, PULASKI COUNTY ARKANSAS

DELTA	DESCRIPTION	DATE

1000 Ledgewood Dr.  
 Conway, Arkansas 72034

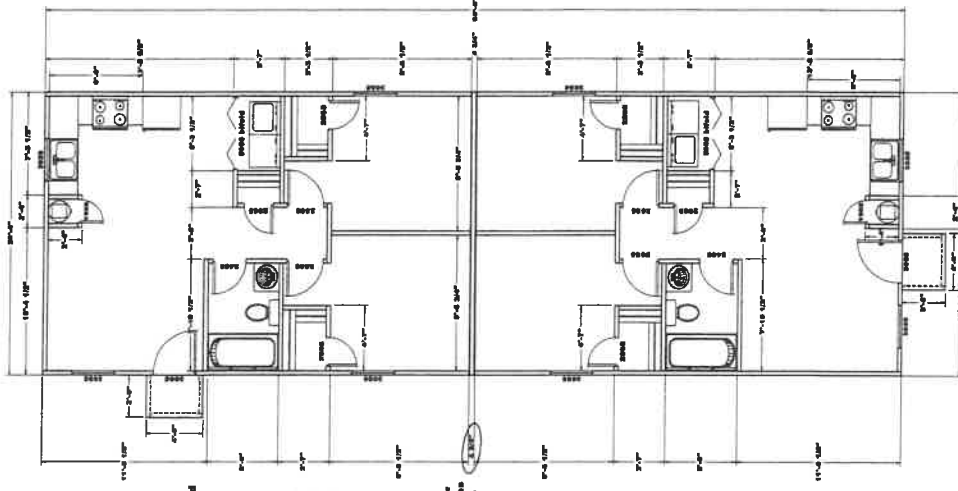
**Crafton Tull**  
 engineering/surveying  
 501-328-5316 | 501-328-5325 f  
 www.craftontull.com

© 2021 Crafton, Tull & Associates, Inc.

**CERTIFICATE OF AUTHORIZATION**  
 CRAFTON, TULL & ASSOCIATES, INC.  
 No. 109

PROJECT NO: 22203800  
 ISSUE DATE: 04/26/2022  
 DRAWN BY: B. FERRELL  
 APPROVE BY: N. TUCKER  
 SHEET NO: 1 OF 1



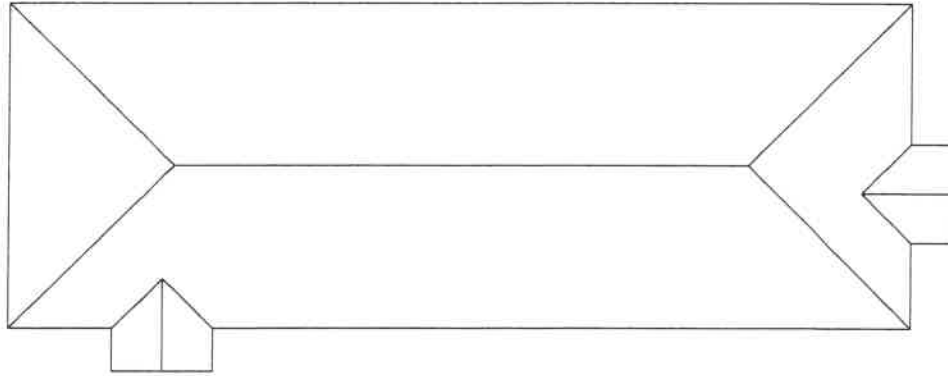


**First Floor Plan**  
 1/4" = 1'-0"

8" Collage unless otherwise noted

Roofed & Ceiled per unit sett. 600  
 Patch per unit sett. 612  
 Total structure sett. 1224

Contractor responsible for  
 meeting Party Wall codes  
 as per applicable codes



**Roof Elevation**  
 1/4" = 1'-0"  
 6/12

1501 Gum NLR  
Acin special duplex

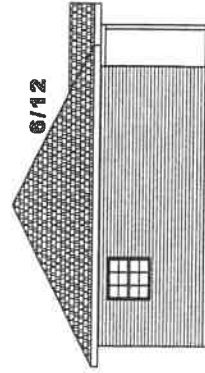
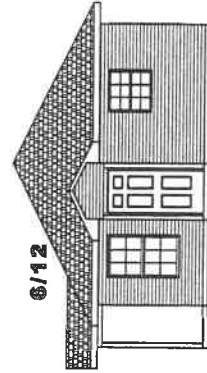
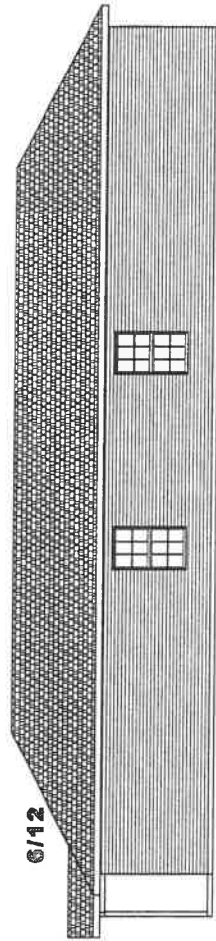
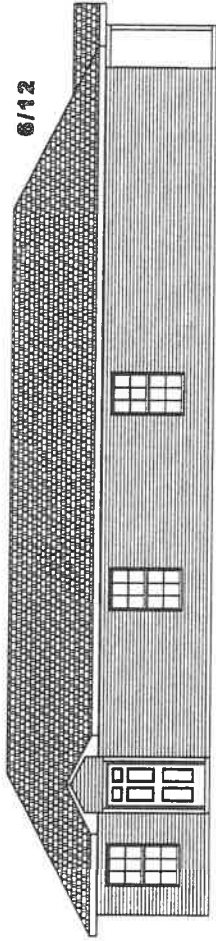
Scale:

Date: 11/04/20

Drawn By:

Revision Date:

Crams Custom Plans  
501-425-7687  
Cabot Ar, 72023





# Law Office of Chris Lacy

P.O. Box 1549  
Cabot, AR 72023  
PH(501) 941-3730 Fax(501) 941-3731



Chris Lacy, Attorney at Law

chris@lawofficeofchrislacy.com

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May 5, 2022

City of North Little Rock  
Board of Zoning Adjustment  
120 Main Street  
North Little Rock, AR 72114

RE: Hardship letter for Variance Request 1301 W 11<sup>th</sup> Street, North Little Rock, AR  
Parcel #33N2720000500

To whom it may concern,

The purpose of this letter is request a variance in the setbacks for the property referenced above. The property is located in a R4 district. The minimum setback for the side yard in R4 is 10 feet. As this lot is only 33.49 foot wide, to comply with the current set back requirements, a structure could only be 18 foot wide. Obviously this is difficult, if not impossible.

My client, Baring Cross Opportunity Zone, LLC, is in the business of building and providing quality homes and rental space for the people of North Little Rock, Arkansas. To that effect, they desire to build a single story duplex on the referenced lot. Included here are site plans, elevations, and preliminary plot plans. As you will see, to fit the proposed structure on the lot would require a reduction variance in the side setback, currently 10 feet, to 8.0 feet. It appears that all other setbacks could be maintained.

If there is not some form of setback variance, it is doubtful that any residence could ever be built on this lot, creating a tremendous waste of quality space for which the City to have the opportunity to provide another much needed home for its citizens.

In conclusion, we respectfully request that the side setbacks on the lot referenced above be modified and a variance allowed so that Baring Cross Opportunity Zone, LLC can build the proposed structure.

Sincerely,

Chris Lacy  
Law Office of Chris Lacy  
P.O. Box 1549  
Cabot, AR 72023  
Phone: 501.941.3730  
Fax: 501.941.3731  
[chris@lawofficeofchrislacy.com](mailto:chris@lawofficeofchrislacy.com)

encl. stated

c/c: client, file

**Variance Requested:** a variance request from the area provision of Section 5.18, to allow a mobile storage container to remain on the property in excess of 30-days

**Location of the Request:** 5309 Lakeview Road, NLR, AR

**Legal Description of the Property:** Lot 56, Block 200, Park Hill 15N to the City of North Little Rock, Pulaski County, AR

**Owner/Applicant:** JONATHAN & JAEDA BRUENING

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

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

**Site Characteristics:** The site is located along Lakeview Road with the rear of the property abutting the commercial uses along JFK Blvd. The lot has a 20-foot elevation change from near the rear of the home to the back lot line.

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

<b><u>Direction</u></b>	<b><u>Surrounding Zoning</u></b>	<b><u>Surrounding Uses</u></b>
North	C1	Commercial along JFK
South	R1	Single Family
East	R1	Single Family
West	R1	Single Family

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

**Staff Analysis:** Staff received a compliant concerning the applicant's placement of a shipping container on the property. Staff visited the site and determined the applicant was in violation of the zoning ordinance and informed the applicant to allow the shipping container to remain on the property in excess of 30-days would require approval by the Board of Zoning Adjustment.

The applicant states in his cover letter he and his wife moved to Arkansas from Wisconsin in October 2019 right before COVID hit. He states the desire is to remain in the home for decades however, the home and property have put strains on them since moving in. He states the homes in Wisconsin have basements, double car garages and vast accessible attic spaces above the house or the garage for storage. He states they enjoy taking care of this home which requires some equipment and tools, yet they are left with nowhere to store or put them. He states the back yard is on a hill/cliff, which slopes downward toward JFK Blvd. When the home was purchased there was a small storage building

located within the rear yard which was in disrepair and constantly falling down the hill. He states they were aware this was not a long term solution and sought an alternative for the storage needs. The home does not have a garage, only a carport, which according to the applicant the City regulates what can and cannot be stored under the carport. In addition the crawl space beneath the house is not adequate to allow for storage under the home.

The applicant states they are requesting to utilize a storage cube (shipping container) for permanent storage of tools, equipment and gardening supplies. The ultimate goal is to build a deck over the container to keep the back yard more aesthetically pleasing. After moving the container into the rear yard a “Stop Work” was issued by the Planning Department. The applicant notes he was unaware the use of the container was a concern and was also unaware a permit was required to allow an accessory structure.

The Zoning Ordinance states no mobile storage container or roll-off dumpster shall remain on the lot in excess of 30 consecutive days and no mobile storage container shall be placed at any one lot in excess of 30-days in any calendar years. The Ordinance states the container is to be placed a minimum of 10-feet from the principal building and/or accessory structures and a minimum of 5-feet from property lines. Variances to the requirements are to be heard by the Board of Zoning Adjustment.

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, the applicant is seeking approval to allow the use of a shipping container as an accessory structure for storage.

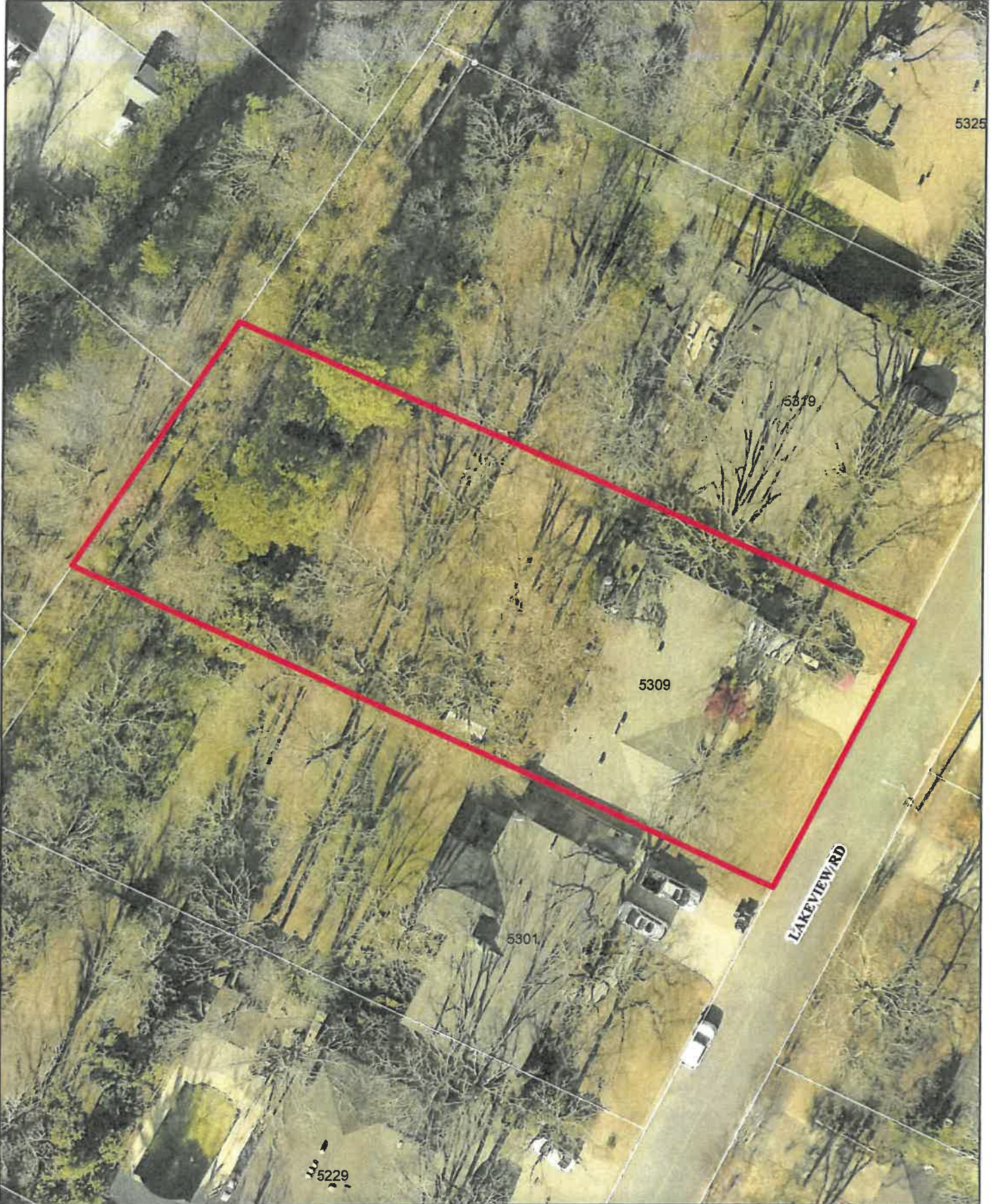
2. Does the variance substantially or permanently injure the appropriate use of adjacent conforming property in the same district? Yes, the ordinance specifically prohibits the use of shipping containers as accessory structures.
3. Will approval of the variance alter the essential character of the district? Yes, the use of shipping containers as accessory structures could potentially have an impact on the adjacent homes.
4. Will approval of the variance weaken the general intent and purpose of the land use and zoning plan? Yes, the approval of a permanent shipping container is in direct conflict with the zoning ordinance.
5. Will the approval of the variance be in harmony with the spirit of the ordinance? No, the ordinance specifically states shipping containers are limited to a 30-day period.
6. Will the approval of the variance adversely affect public health, safety, and general welfare? No, there will be no impact on the public health, safety and general welfare of the city.

**Approval Allows:**

1. Approval will allow the shipping container to remain on the property for a period in excess of 30-days.
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.



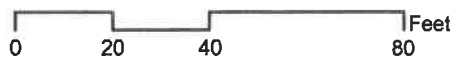
# North Little Rock Board of Adjustment



**BOA CASE #2022-17**

Date: 6/7/2022

1 inch = 40 feet

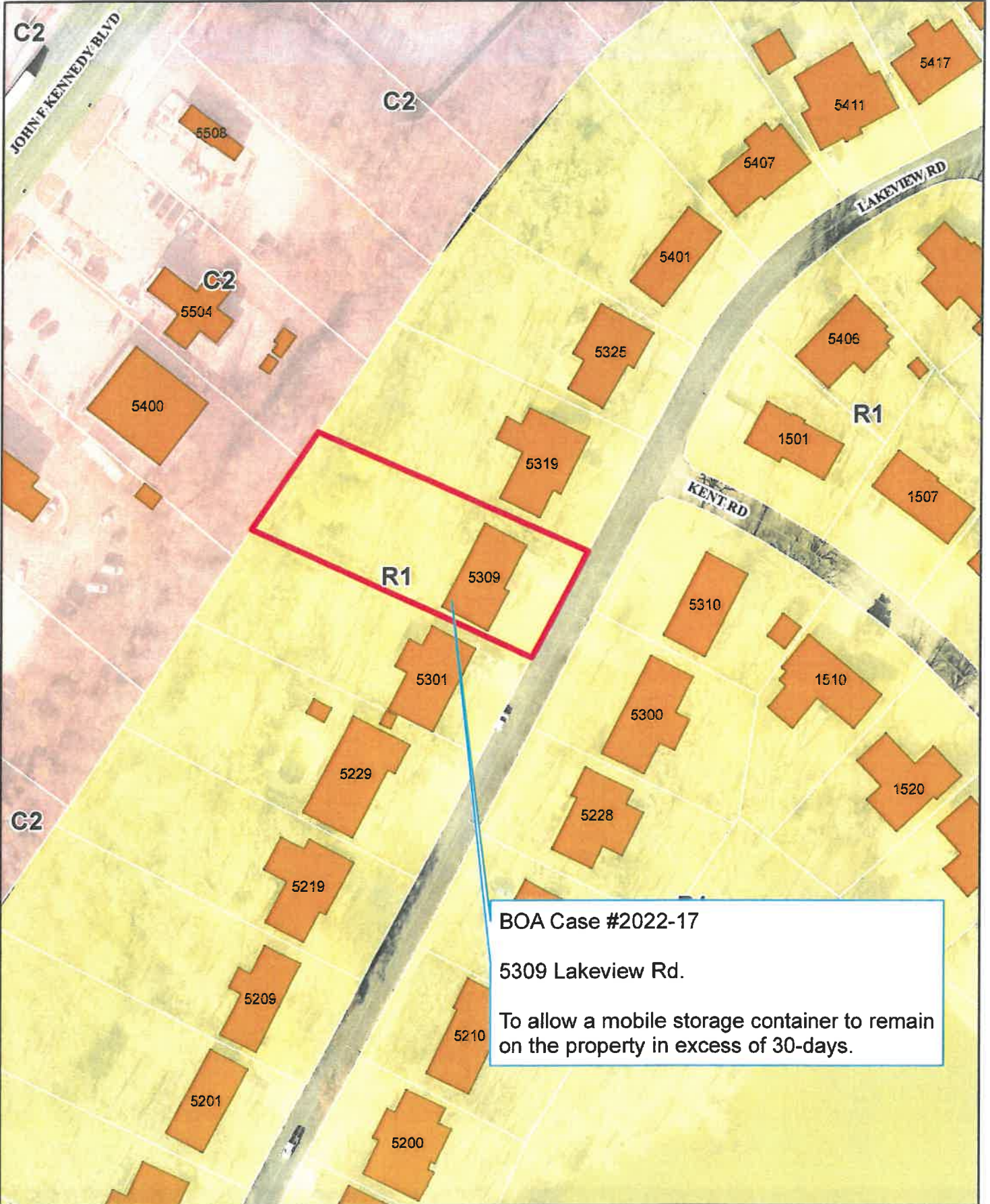


User: jhale





# North Little Rock Board of Adjustment



**BOA CASE #2022-17**

Date: 6/7/2022

1 inch = 100 feet



User: jhale



We are Jon & Jaeda Oliver and our home is at 5309 Lakeview Rd, North Little Rock, AR. We are a newly married couple and first-time home owners. We moved from Wisconsin to Arkansas in October 2019 right before COVID-19 hit. We love our home and plan on being in it for decades. However, our home and property has put strains on us since we moved in. Houses in Wisconsin have basements, double car garages, and vast accessible attic space above the house or garage for storage. We are an extremely hard-working young couple that prefers to save money and put in time and effort for what we have. We enjoy taking care of our house, yard, lawn, tending an outdoor garden, and working on different hobbies. When we bought our house, the front yard, side yards, and backyard were highly neglected with overgrowth. Maintaining a home requires some equipment and tools, yet we are left with nowhere to store or put them. We want to be clean, tidy, and have an awesome curb appeal and backyard while keeping our storage out of sight. Our backyard is on a hill/cliff, which slopes downwards towards JFK Boulevard. When we purchased the house, it came with a small storage shed propped up on cinderblocks and constantly falling down the hill. We knew this was not a safe, attractive, or a long-term solution after seeing the shape of the shed on our property. We also have no garage, only a carport, which the city of North Little Rock highly regulates items stored under. We would prefer to only store our vehicles under our carport. Lastly, our crawl space is not tall enough to store anything. Because of these difficulties, we are seeking a variance to use a storage cube as an affordable, permanent solution, due to the lack of storage on our property. This design and idea would allow us to have a permanent area for tools, equipment, and gardening supplies that is not obtrusive to us or our neighbors. Our goal is to build a deck (future permit) over the storage cube and to keep our back yard more aesthetically pleasing for us and our neighbors. After we moved the storage cube into our yard, we received a stop work order. We did not know this was against any rules and did not think it would be a problem or issue. Going forward, we now know who and where to go to with questions or any changes that we would like to do to our home and property. We did not mean to upset anyone, especially our neighbors, or anyone else on our street. Since moving here, we have gotten to know our neighbors around us. We want to comply and do what is right and not cause any issues. We would appreciate your grace and mercy regarding this variance and allow us to keep the storage cube as a permanent solution for our outdoor belongings. Please see the attached plans that we drafted. We truly appreciate your understanding in this matter and thank you for your time and consideration.

Blessings,  
Jon & Jaeda Oliver

Jon Oliver  
Jon Oliver 5/17/2022

Jaeda Oliver  
Jaeda Oliver  
5/17/22

print | x close  
 view full size

Parcel: 33N0181505300  
 Pulaski county

Residential Improvement # 1

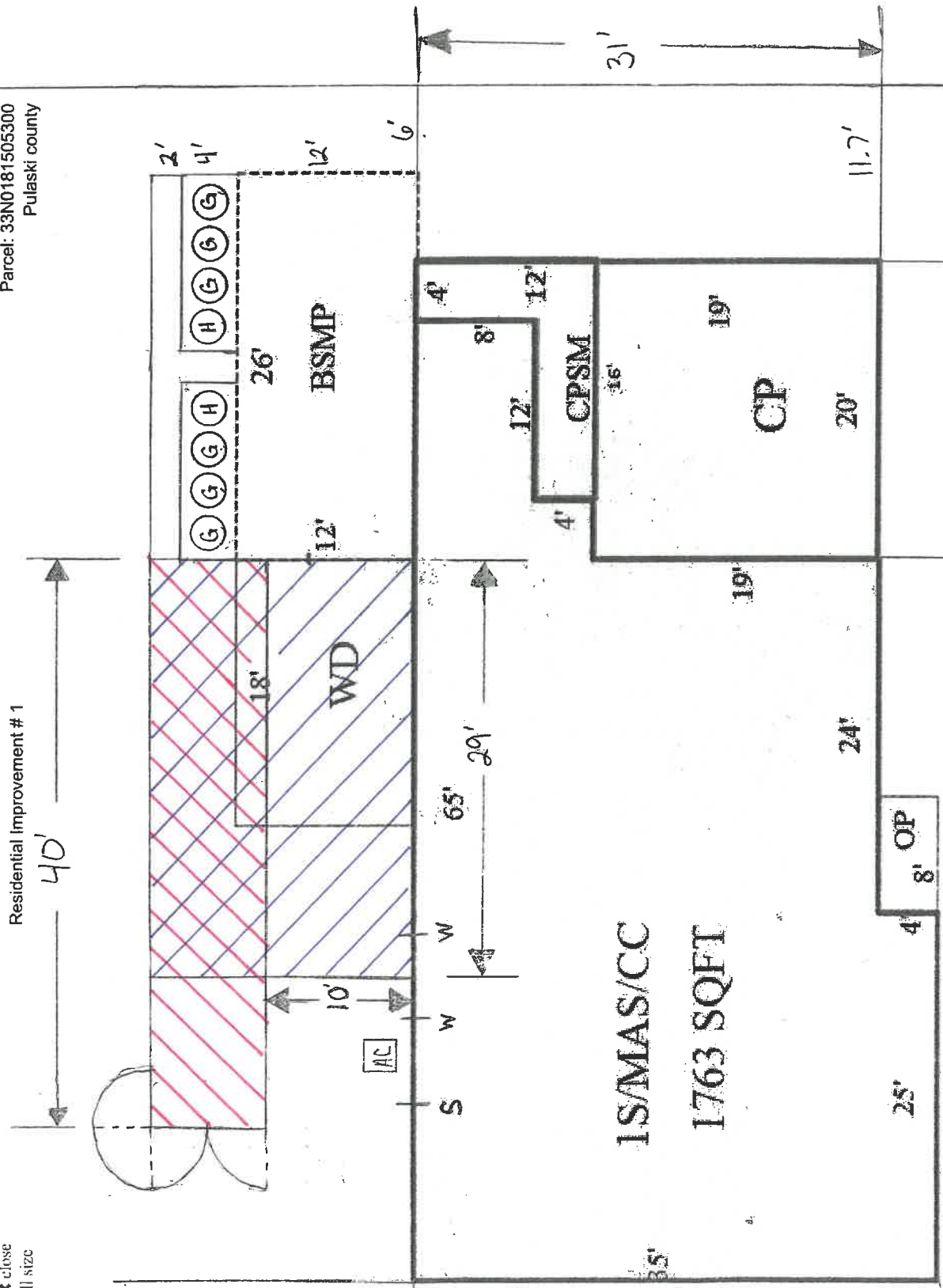


$8 \times 40 = 320 \text{ ft}^2$

Perm.  
Storage  
= Locat<sup>n</sup>

Propose  
= New  
Back.

$18 \times 99 = 522 \text{ ft}^2$



1S/MAS/CC  
 1763 SQFT

Driveway

$\frac{3}{32}'' = 1'$   
 $\frac{3}{8}'' = 4'$   
 $1'' = 10.66'$  or  $10' 8''$

Sketch by Apex Mapping™

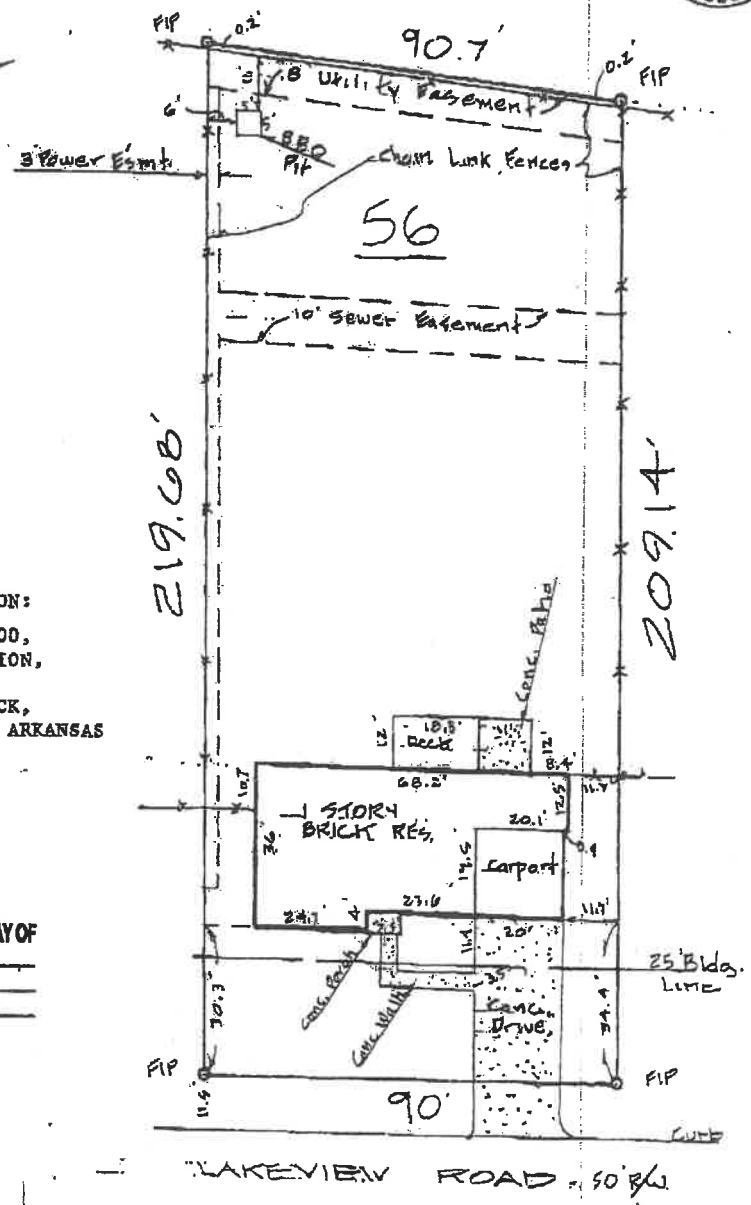
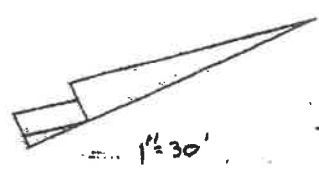




# MARLAR ENGINEERING CO., INC.

Consulting Civil Engineers & Land Surveyors

8016 JOHN F. KENNEDY BOULEVARD  
FMSBK (NE1) 781-1867  
FAX (501) 783-1803  
NORTH LITTLE ROCK, ARKANSAS 72118



LEGAL DESCRIPTION:  
LOT 56, BLOCK 200,  
PARK HILL ADDITION,  
TO THE CITY OF  
NORTH LITTLE ROCK,  
PULASKI COUNTY, ARKANSAS

ACCEPTED AND APPROVED ON THIS 09 DAY OF Oct, 2019  
BY: \_\_\_\_\_  
BY: \_\_\_\_\_

THIS IS TO CERTIFY THAT THE ABOVE DESCRIBED PROPERTY HAS BEEN SURVEYED. CORNERS ARE MARKED AS SHOWN AND ARE IN ACCORDANCE WITH EXISTING MONUMENTS IN THE AREA. THIS CERTIFICATION IS FOR AND LIMITED TO THE PARTIES SHOWN HEREON.

ACCORDING TO FLOOD INSURANCE RATE MAP NO. D50182 0004D DATED SEPT. 5, 1990, THE PROPERTY IS IN ZONE "A" AND DOES NOT LIE WITHIN THE 100-YEAR FLOOD PLAIN.

ADDRESS: 5309 LAKEVIEW DRIVE  
NORTH LITTLE ROCK, ARKANSAS

FOR:

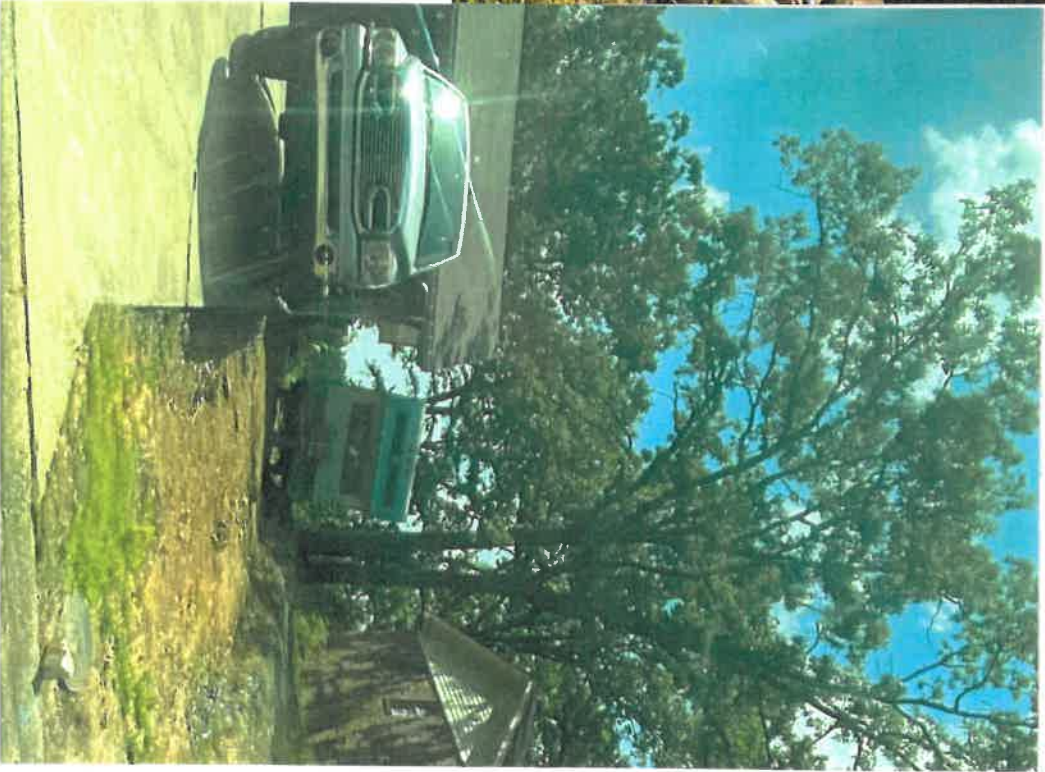
DATE: JUNE 2, 2000

SCALE: 1" = 30'

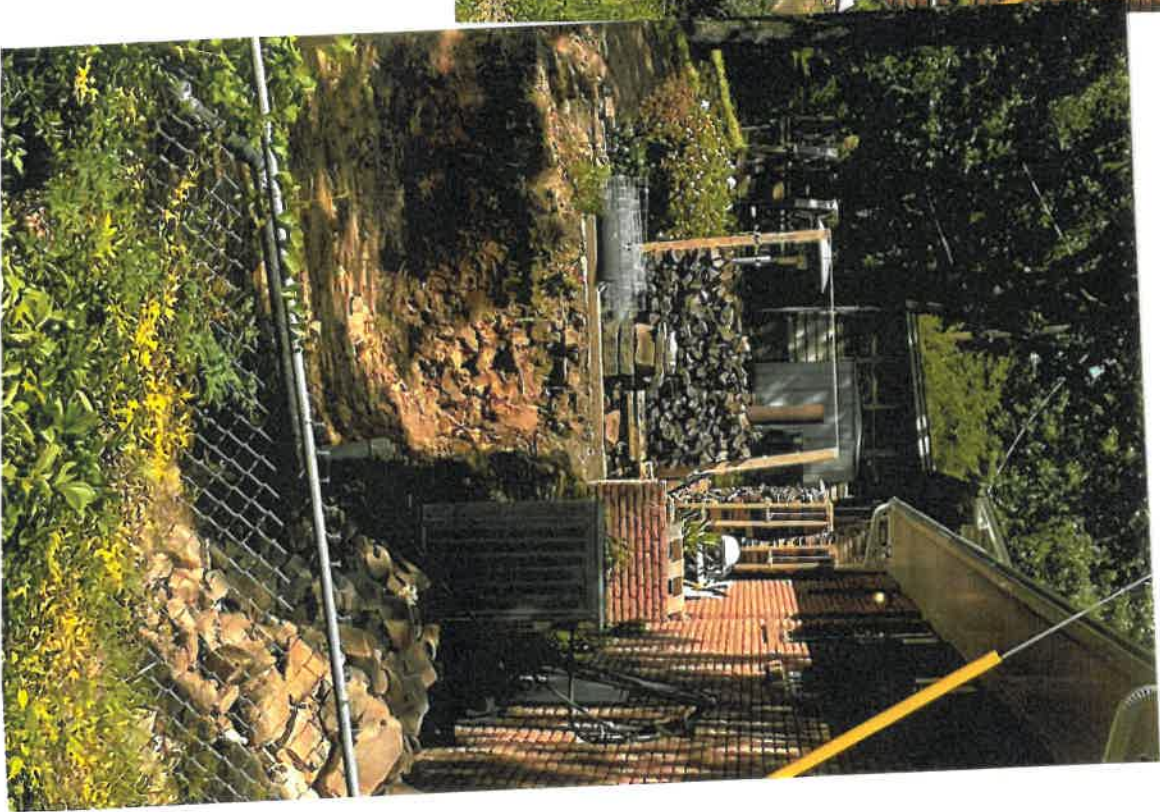












June 6, 2022

City of North Little Rock  
Board of Zoning Adjustment  
120 Main Street  
North Little Rock, AR 72114

RE: BOA Case #2022-17


To whom it may concern;

We are the owners and residents of 5310 Lakeview Road. This letter is in response to the above petition.

Mr. Oliver has told us his plans for the project that includes the storage building in question. We support Mr. and Mrs. Oliver's efforts to improve their property in a manner that meets their needs.

Thank you for your consideration.

Sincerely,

  
Joshua Certain

  
Robin Satterfield Certain

CC: Jonathan and Jaeda Oliver

**Variance Requested:** a variance request from the area provision of Section 5.11.4 to allow the placement of a front yard fence and to allow the front yard fence to be chain-link 4-feet in height

**Location of the Request:** 117 Melrose Divide, NLR, AR

**Legal Description of the Property:** BEING A REPLAT OF LOT'S 5 & 6 NOW REPLATTED AS LOT 5R MELROSE PLACE ADDITION TO THE CITY OF NORTH LITTLE ROCK, PULASKI COUNTY, AR

**Owner/Applicant:** Carletta Hampton

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

**Present Zoning of the Property:** R2, Single-family

**Site Characteristics:** The area is a loop street extending from Willow Street. The railroad is located to the north of the area and Rock Region Metro is located to the east. There are industrial uses located in the immediate area as well as single family homes. The area is located within the Historic District. The applicant has secured a Certificate of Appropriateness from the North Little Rock Historic District Commission to allow the replacement of the fence as proposed by the applicant.

### Surrounding Uses and Zoning

<b><u>Direction</u></b>	<b><u>Surrounding Zoning</u></b>	<b><u>Surrounding Uses</u></b>
North	R2	City of NLR Park
South	R2	Single Family
East	R2	Single Family
West	R2	Single Family

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

**Staff Analysis:** A contractor requested a fence permit for this property and was informed to allow the fence as proposed, a chain link fence within the front yard 4-feet in height, would require approval of a variance by the Board of Zoning Adjustment. The contractor informed the homeowner who then made application to allow the fence replacement as proposed. The property is located within the Historic District which has provided the applicant with a *Certificate of Appropriateness* to allow the fence as proposed.

The applicant states in her letter of hardship she is seeking approval of a variance to allow the replacement of a fence completely surrounding her yard. She states she has lived at this address for 27-years and the fence was in place when she purchased the home. She states the Mayor had eight trees removed from her yard due to the damage they had done to the fence and also due to them being rotten. She states she is requesting to replace the fence and install new gates in the front and in the rear. She states living across the street from Melrose Park is a challenge at times. She states people walk through her yard and let their dogs poop in the yard. She states the park has visitors all throughout the day and night who leave trash. She states there used to be trash cans at the park, but they have been removed. She states she and the neighbors try to keep the park clean.

She states for basic safety reasons and to maintain a neat and clean appearance for her home and the upkeep of the neighborhood she is seeking approval to allow the existing chain link fence to be replaced.

Section 5.11 of the Zoning Ordinance states all fences shall be constructed of a durable exterior grade material such as treated pine, cypress, cedar, redwood or other exterior materials. Section 5.11.1 states front yard fences shall be picket or ornamental iron style and not exceed 3 ½-feet in height. Front yard fences shall not be solid or opaque in appearance and front yard fences shall not be chain-link. The applicant is seeking the variance to allow the front yard fence to be chain link and the fence to exceed 3 ½-feet in height. Section 5.11.4 states fences are not allowed within the sight triangle and fences on corner lots are to not be any closer to a street than the established front building line of any abutting property.

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, the applicant is seeking to place a chain link fence within the front yard with a height which exceeds the height typically allowed.
2. Does the variance substantially or permanently injure the appropriate use of adjacent conforming property in the same district? No, there are other fences in the city which are chain link fences within the front yard.
3. Will approval of the variance alter the essential character of the district? No, the area will remain as residential.
4. Will approval of the variance weaken the general intent and purpose of the land use and zoning plan? No, there is not change to the land use and zoning.

5. Will the approval of the variance be in harmony with the spirit of the ordinance? No, the ordinance does not allow fencing as proposed by the applicant in the front yard.
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 welfare of the city.

**Approval Allows:**

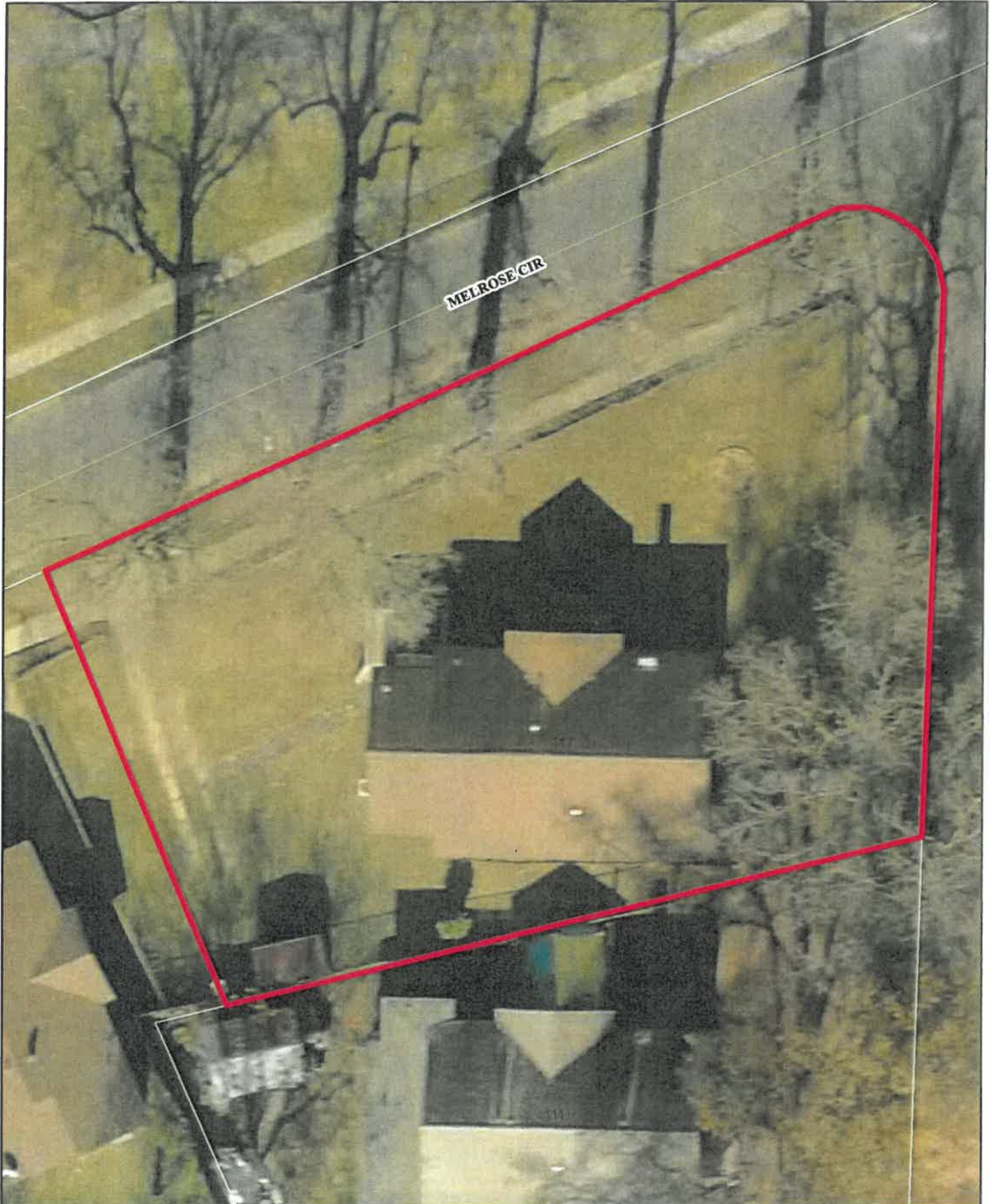
1. Approval will allow the placement of a 4-foot chain-link fence with the front yard area.
2. Approval of this variance request is valid for 180-days from date of approval. If a building permit is not secured within the 180-day period, approval becomes invalid unless, the Board of Zoning Adjustment 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:**

The fence is to be chamfered at the street intersection to be located outside the sight triangle.



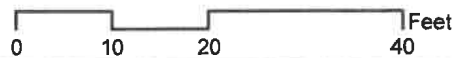
# North Little Rock Board of Adjustment



**BOA CASE #2022-18**

Date: 6/7/2022

1 inch = 20 feet



User: jhale



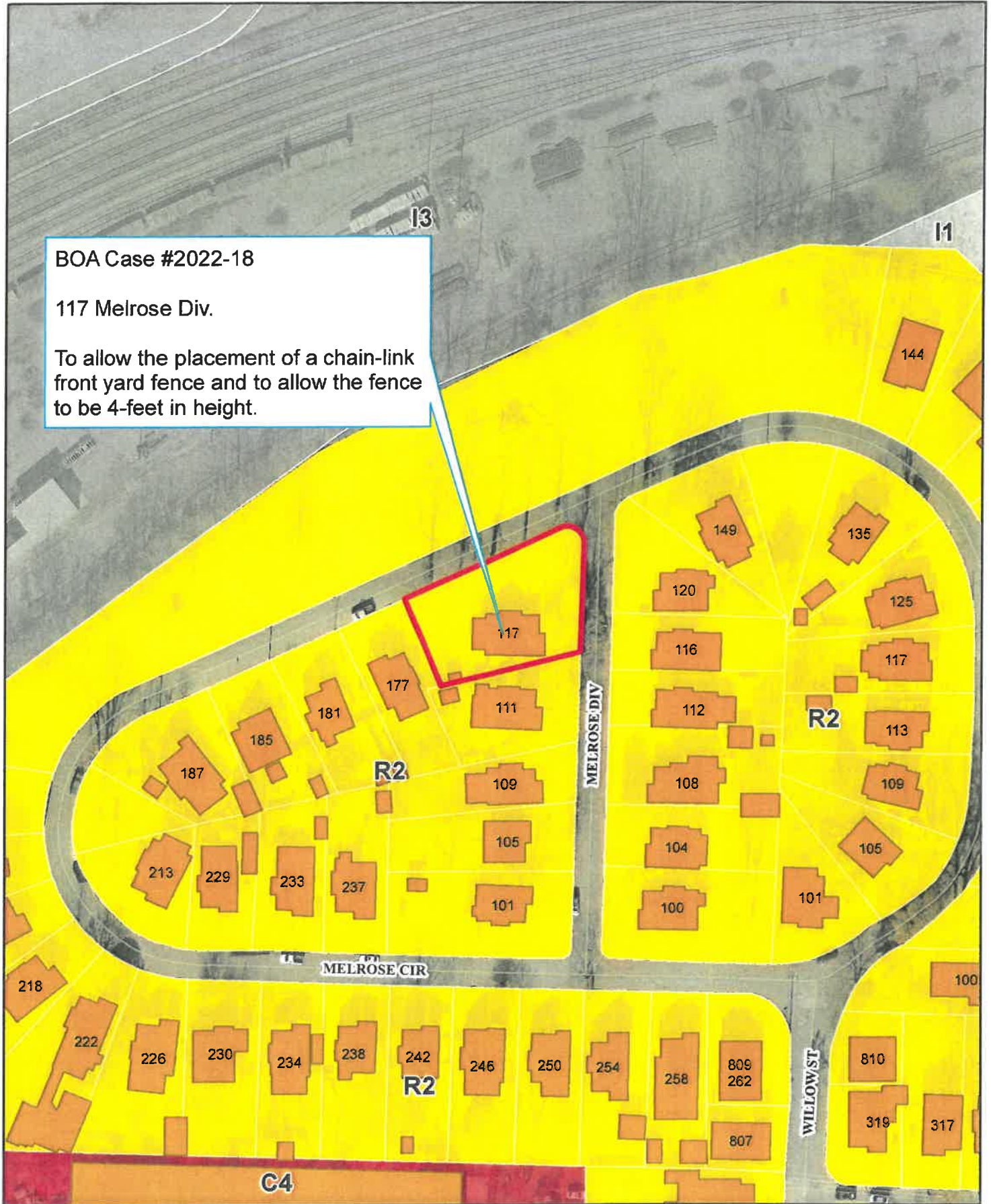


# North Little Rock Board of Adjustment

BOA Case #2022-18

117 Melrose Div.

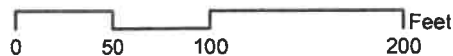
To allow the placement of a chain-link front yard fence and to allow the fence to be 4-feet in height.



**BOA CASE #2022-18**

Date: 6/7/2022

1 inch = 100 feet



User: jhale



May 26, 2022

North Little Rock Planning Department  
120 Main Street  
North Little Rock, Arkansas 72114

Carletta L. Hampton  
117 Melrose Divide  
North Little Rock, Arkansas 72114

To Whom It May Concern:

I am requesting approval to have a new fence constructed to completely surround my yard. It has been 27 years that I have resided in this house, and the fence was already there.

The mayor had eight trees removed from my yard due to the damage they had done to the fence and also due to being rotten. I am asking that the new fence have a gate in the front and in the back.

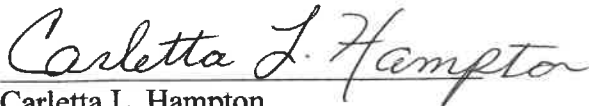
Living across the street from Melrose Park is a challenge at times. People walk through my yard and let their dogs poop in my yard too. The park has visitors all throughout the day and night who leave trash. There use to be trash cans at the park, but they have been removed. Myself and some of my neighbors try to keep the park clean.

For basic safety reasons and to maintain a neat and clean appearance for my home and the upkeep of the neighborhood, I am asking for approval for a new fence.

If you have further questions or concerns, I can be reached at the address above and/or by phone at (501) 374-4057.

Thank you in advance for taking the time to address this matter. Your assistance is greatly appreciated, and I look forward to hearing from you soon.

Respectfully,

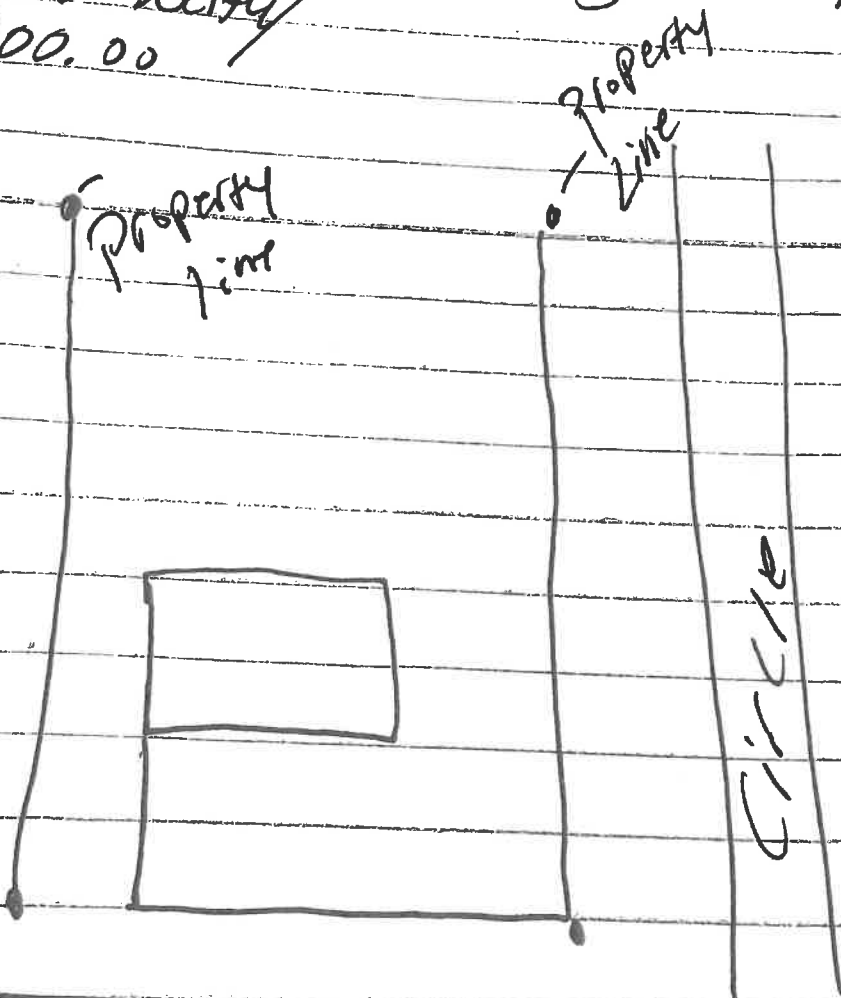
  
Carletta L. Hampton



117 Melrose Dr

North Little Rock

Replacing existing 4ft Chain link fence  
with New 4ft Chain link fencing. Have approval  
from Historical Society/  
Value 7900.00



Melrose Dr

Melrose

**NORTH LITTLE ROCK HISTORIC DISTRICT COMMISSION**  
**506 MAIN STREET**  
**NORTH LITTLE ROCK, ARKANSAS 72114**  
**TELEPHONE (501)371-0755; FAX (501)371-8360**

***CERTIFICATE OF APPROPRIATENESS***

**Certificate #:** 030222

**Property Location:** 117 Melrose Divide  
North Little Rock, AR 72114

**For:** Repair/replace existing chain link fencing

**Date of Commission Approval:** March 30, 2022

**Date of Certificate Issue:** March 30, 2022

**Certificate Issued to:** Carletta Hampton  
117 Melrose Divide  
North Little Rock, AR 72114



**Commission Signature**

*This Certificate of Appropriateness does not excuse the applicant, owner or agent from compliance with any other applicable codes, ordinances or policies of the City of North Little Rock.*

*Any changes from the approved project must be resubmitted to the North Little Rock Historic District Commission.*

**Variance Requested:** a variance request from the area provision of Section 4.2.6 to allow a reduced front yard setback (from 40-feet to 17.5-feet, a reduced exterior side yard setback (25-feet to 19-feet) and a reduced rear yard setback (20-feet to 3.8 feet), to allow a reduced lot width (100-feet to 49.73 feet) and a reduced lot area (10,000 sf to 2,985 sf) and a variance from Section 6.2.4 to allow backing of vehicles directly into the public right of way along Cherry Street

**Location of the Request:** 2624 E Broadway St, NLR, AR

**Legal Description of the Property:** the North 75 feet of Lot 7, Block 27, Choctaw Addition to the City of North Little Rock, Pulaski County, AR

**Owner/Applicant:** Demitrius Bohannon

**Present Use of the Property:** The applicant has constructed a 30' x 40' metal building on the property. The construction was completed without review by the Planning Commission, review by the Building Official or review by the Fire Marshal and without a building permit. No inspections were completed on the construction of the building.

**Present Zoning of the Property:** C4

**Site Characteristics:** The site contains a single story metal building containing 1207 square feet. The building was constructed without a permit. No inspections were completed on the building. There is a church located to the east of this site and a single family home, currently undergoing renovations to the south of this site.

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

<b><u>Direction</u></b>	<b><u>Surrounding Zoning</u></b>	<b><u>Surrounding Uses</u></b>
North	C4	Auto Sales
South	R4	Residential
East	C4 & R4	Church
West	C4	Undeveloped

**Justification:** The applicant's justification is presented in an attached letter. (The applicant has not provided a hardship only a letter stating the variances requested.)

**Staff Analysis:** Staff received a number of calls from area residents as well as elected officials concerning the building construction. Upon a site visit it was determined a building had been constructed (the building was constructed without proper review). Staff issued a "Stop Work" notice on the property. The applicant was informed the property did not comply with the development

criteria of the zoning district. The applicant filed an application to go before the Board of Zoning Adjustment to seek relief of the development criteria requirements for the zoning district.

The applicant is seeking a variance to allow a building, which was constructed without a permit, to remain on the property. The variances include a variance request from the area provision of Section 4.2.6 to allow -

1. a reduced front yard setback (from 40-feet to 17.5-feet)
2. a reduced exterior side yard setback (25-feet to 19-feet)
3. a reduced rear yard setback (20-feet to 3.8 feet)
4. to allow a reduced lot width (100-feet to 49.73 feet)
5. a reduced lot area (10,000 sf to 2,985 sf)

and a variance from Section 6.2.4 to allow backing of vehicles directly into the public right of way along Cherry Street. The applicant states the request is based on the hardship of the lot size being insufficient to allow for a commercial building.

Staff is not supportive of the applicant's request to allow the variances specified. The property has sat vacant for a number of years due to the development criteria constraints. In its current state the property is not of sufficient size to allow development but there are vacant properties which could be combined with the property to allow an adequate site area for development.

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, the applicant constructed the building without first contacting the City and securing proper reviews and permits to allow the construction.

2. Does the variance substantially or permanently injure the appropriate use of adjacent conforming property in the same district? Yes, the adjacent home is a residential use and the building is set within 4.17-feet of the property line. All other new construction along E Broadway have meet the setback requirements.
3. Will approval of the variance alter the essential character of the district? Yes, setbacks are established to limit the negative impacts of commercial on residential uses. In addition, the backing of vehicles into the public right of way at this intersection has the potential for a dangerous collision.
4. Will approval of the variance weaken the general intent and purpose of the land use and zoning plan? Yes, the zoning of the property was established to have a uniform setbacks and proper separations and screening between dissimilar uses.
5. Will the approval of the variance be in harmony with the spirit of the ordinance? No, the ordinance establishes setbacks and minimum lot areas to allow for quality development within the city.
6. Will the approval of the variance adversely affect public health, safety, and general welfare? Yes, the backing of vehicles into the right of way at this intersection could potentially be hazardous and cause vehicle collisions. In addition without proper screening and setbacks the adjacent residential home could be impacted negatively.

**Approval Allows:**

1. Approval will allow an existing building, which was constructed without permits, to remain on the property.
2. Approval of this variance request is valid for 180-days from date of approval. If a building permit is not secured within the 180-day period, approval becomes invalid unless, the Board of Zoning Adjustment has approved a request for a time extension. All requests for time extension must be made prior to the expiration of the Board's approval.



# North Little Rock Board of Adjustment



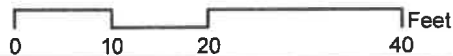
E BROADWAY ST

N CHERRY ST

**BOA CASE #2022-19**

Date: 6/7/2022

1 inch = 20 feet

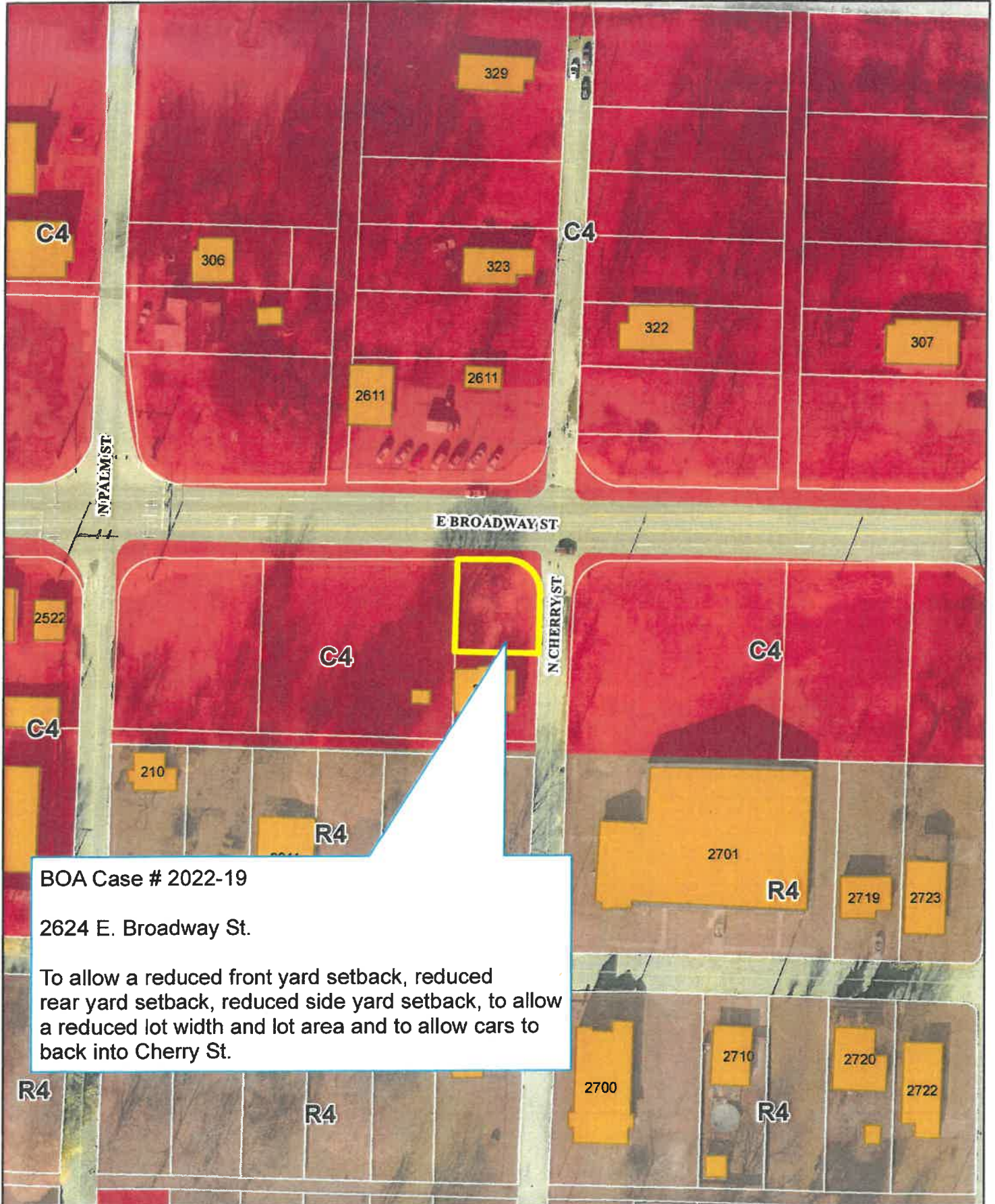


User: jhale





# North Little Rock Board of Adjustment



BOA Case # 2022-19

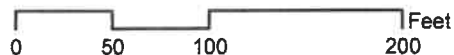
2624 E. Broadway St.

To allow a reduced front yard setback, reduced rear yard setback, reduced side yard setback, to allow a reduced lot width and lot area and to allow cars to back into Cherry St.

**BOA CASE #2022-19**

Date: 6/7/2022

1 inch = 100 feet



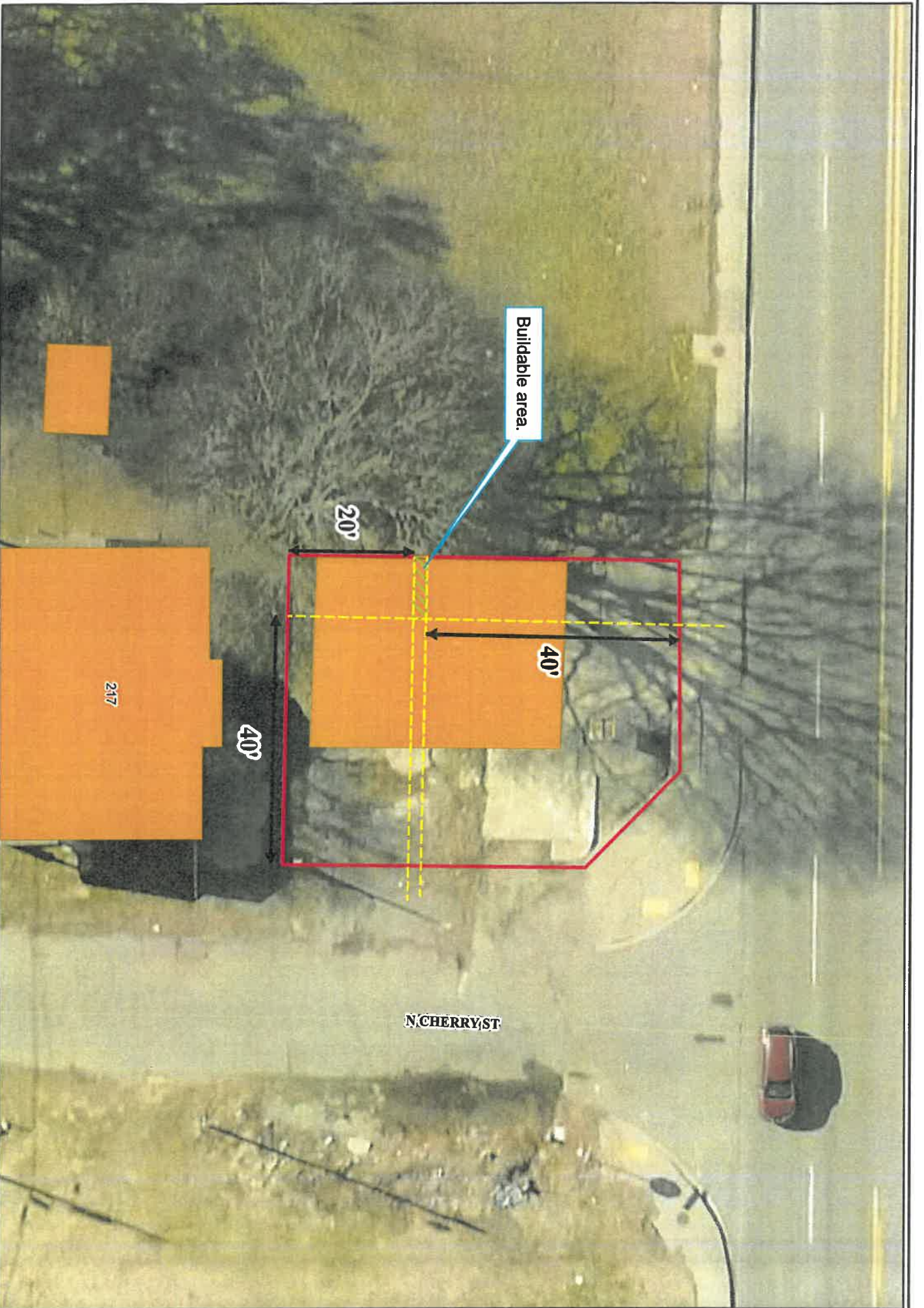
User: jhale







BOA 2022-19



Buildable area:

20'

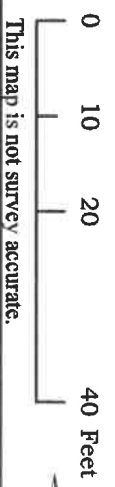
40'

40'

217

N. CHERRY ST

Date: 5/11/2022



This map is not survey accurate.

2624 ~~At the~~  
E Broadway St



MEMBER NATIONAL SOCIETY  
PROFESSIONAL ENGINEERS

**THOMAS ENGINEERING COMPANY**

3810 LOOKOUT ROAD  
NORTH LITTLE ROCK, ARKANSAS 72116  
TELE. No. 501-759-4463

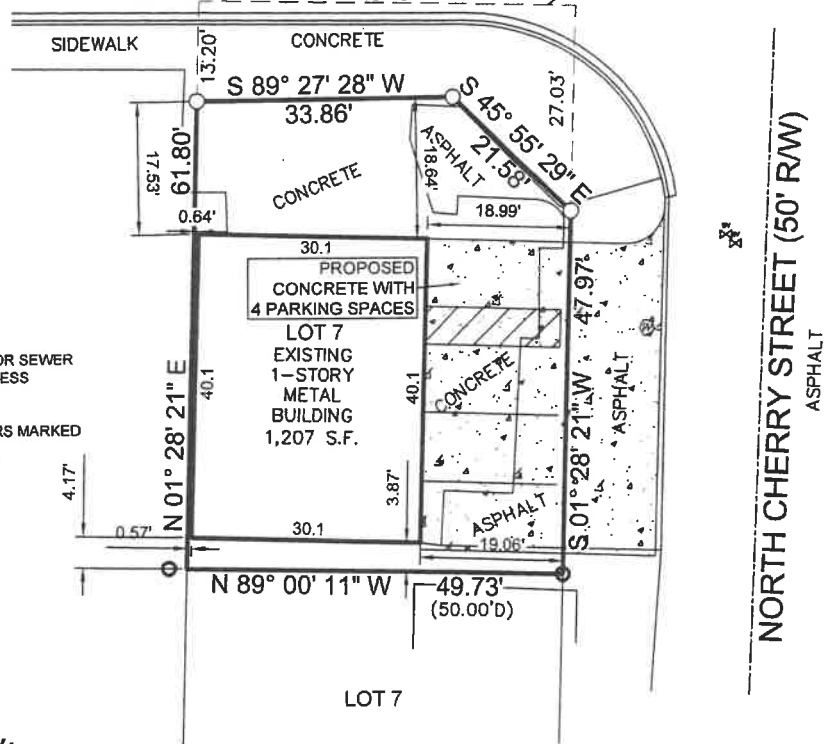
CIVIL ENGINEERS—LAND SURVEYORS  
LAND PLANNING & DEVELOPMENT  
RESIDENTIAL—COMMERCIAL—INDUSTRIAL

**U.S. HIGHWAY 70  
EAST BROADWAY STREET**

RIGHT OF WAY ACQUISITION  
ARDOT #060987  
OLD LOT LINE OF LOT 7

**NOTES:**

1. ALL EASEMENTS ARE FOR SEWER UTILITIES & DRAINAGE UNLESS OTHERWISE NOTED.
2. ALL PROPERTY CORNERS MARKED WITH IRON PIPE AND CAP



**SITE PLAN NOTES:**

1. WAREHOUSE USE:  
PARKING SPACES REQUIRED = 4  
PARKING SPACES PROVIDED = 4



**SURVEY OF  
NORTH 75' OF LOT 7, BLOCK 27, CHOCTAW ADDITION  
LESS AND EXCEPT ARDOT RIGHT OF WAY ACQUISITION JOB #060987  
City of North Little Rock, Pulaski County, Arkansas**

This is to certify that the above described land has been surveyed. The corners are marked as shown and are in accordance with existing monuments in the vicinity. This certification is for and limited to the parties shown hereon.

This lot is not shown in the 100 year flood plain as per F.I.R.M. No. 050182 0363 G dated JULY 6, 2015.

DATE: 5/4/2022

SCALE: 1" = 20'

FOR USE & BENEFIT OF: DEMITRIUS BOHANNON



May 31, 2022

Mrs. Donna James  
Assistant Planning Director  
City of North Little Rock  
&  
North Little Rock Board of Adjustment Memebers  
120 Main St  
North Little Rock, AR 72114

RE: Variance of Requirements  
Lot 7, Block 27, Choctaw Addition  
North Little Rock, AR

Dear Mrs. James & Board Memebers:

Please let this letter serve as our application to the Board of Adjustment to request a variance of the C-4 requirements to allow for a one story metal building. We would like to be placed on June 30, 2022 Board of Adjustment meeting agenda.

Property legal description: North 75 feet of Lot 7, Block 27, Choctaw Addition

Applicant & Owner: Demetrius Bohannon  
4116 Alma Street  
North Little Rock, AR 72117

The following variances are requested:

1. Minimum lot width from 100 feet to 49.73 feet
2. Minimum lot area from 10,000 s.f. to 2,985 s.f.
3. Minimum front yard setback from 40 feet to 17.5 feet
4. Minimum exterior yard setback from 25 feet to 19 feet
5. Minimum rear yard setback from 20 feet to 3.8 feet
6. Allow parking to back up on Cherry Street

We respectfully request the variances based on following hardship:

1. The lot size is insufficient to allow for a commercial building.

Also enclosed with this letter is a site plan and the filing fee of \$170.00.

Sincerely,

Demetrius Bohannon

BOA 2022-20  
June 30, 2022

---

**Variance Requested:** a variance request from Section 4.2.3 to allow a reduced side yard setback (from 10-feet to 7.75-feet)

**Location of the Request:** 5503 JFK Blvd, NLR, AR

**Legal Description of the Property:** Lot 22, Block 201, Park Hill Addition to the City of North Little Rock, Pulaski County, AR

**Owner:** Alignment Properties LLC

**Applicant:** Thomas Engineering

**Present Use of the Property:** Orthodontics Office

**Present Zoning of the Property:** C1

**Site Characteristics:** The site contains a newly constructed office building serving an orthodontics practice. The Board approved a variance request to allow the placement of a wall sign without direct street frontage at their May 27, 2021, public hearing. The Planning Commission reviewed a development plan for this property at their May 11, 2021 public hearing. In addition to approving the development plan the Commission voted to approve a variance from the Subdivision Ordinance to allow a hillside cut resulting in a 14-foot 10-inch high retaining wall also at their May 11, 2021, public hearing.

#### **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 Homes
South	C2	Restaurant & Office Uses
East	C2	Medical Office
West	C1	Office and Small Scale Educational uses

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

**Staff Analysis:** The applicant states in their letter of hardship, Clark Orthodontics is a newly constructed professional building on JFK Boulevard. He states the lot size and topography presented challenges during design of the project. In order to fit the building, parking and required landscaping on the site, a retaining wall 14-feet in height was built at the rear of the property. Allowable slopes in parking areas and driveways were maximized to keep the wall below the 15-foot height threshold. The lot is zoned C1 and requires a 10-foot side yard building setback. The site plan approved for construction labeled the side building setback at the required 10-foot but was mistakenly drawn at 8-

feet. After construction was completed, a final survey was prepared which indicted the building encroaching into the 10-foot side yard setback by 2.25-feet. The applicant states because of the 2.25-foot encroachment into the side building setback and based on the lot's challenging topography they are seeking a variance of 2.25-feet to the side building setback requirements.

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:**

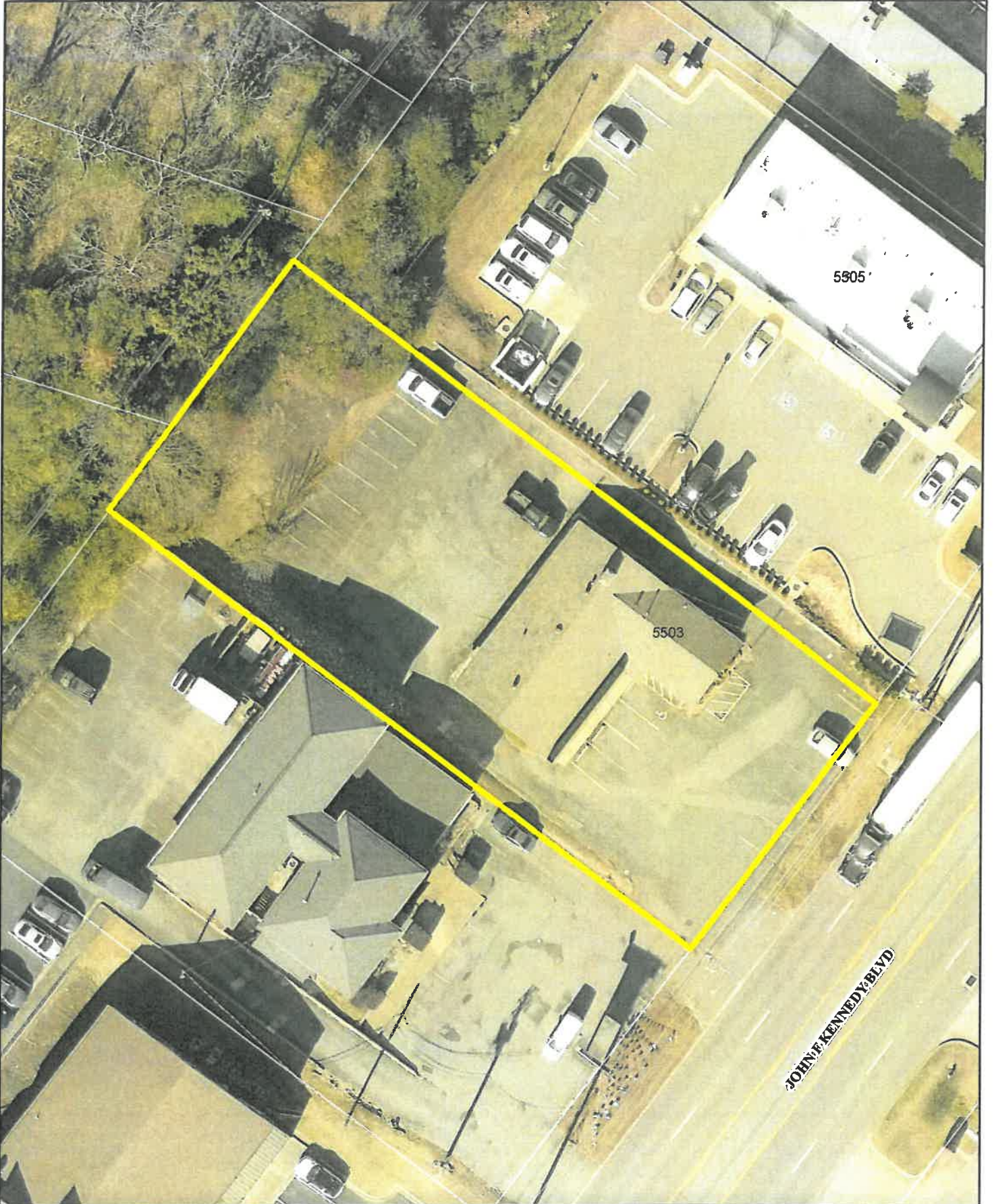
1. Is the variance for which the variance is sought due to unique circumstances existing on the property, the unique circumstances were not created by the owner of the property, and are not due to or the result of general conditions in the district in which the property is located? Potentially, the lot size and the steep slope on the rear of the property created a challenge to the development of the property.
2. Does the variance substantially or permanently injure the appropriate use of adjacent conforming property in the same district? No, the adjoining properties are developed and the residential to the rear of the site is located at an elevation well above the office building.
3. Will approval of the variance alter the essential character of the district? No, the approval will not have an impact on the character of the district.
4. Will approval of the variance weaken the general intent and purpose of the land use and zoning plan? No, the land use and zoning will remain unchanged.
5. Will the approval of the variance be in harmony with the spirit of the ordinance? 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? No, there will be no impact on the public health, safety and general welfare of the city.

**Approval Allows:**

1. Approval will allow the encroachment of the side yard setback 2.25-feet resulting in a 7.75-foot side yard setback.
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.



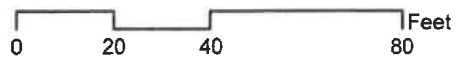
# North Little Rock Board of Adjustment



**BOA CASE #2022-20**

Date: 6/7/2022

1 inch = 40 feet

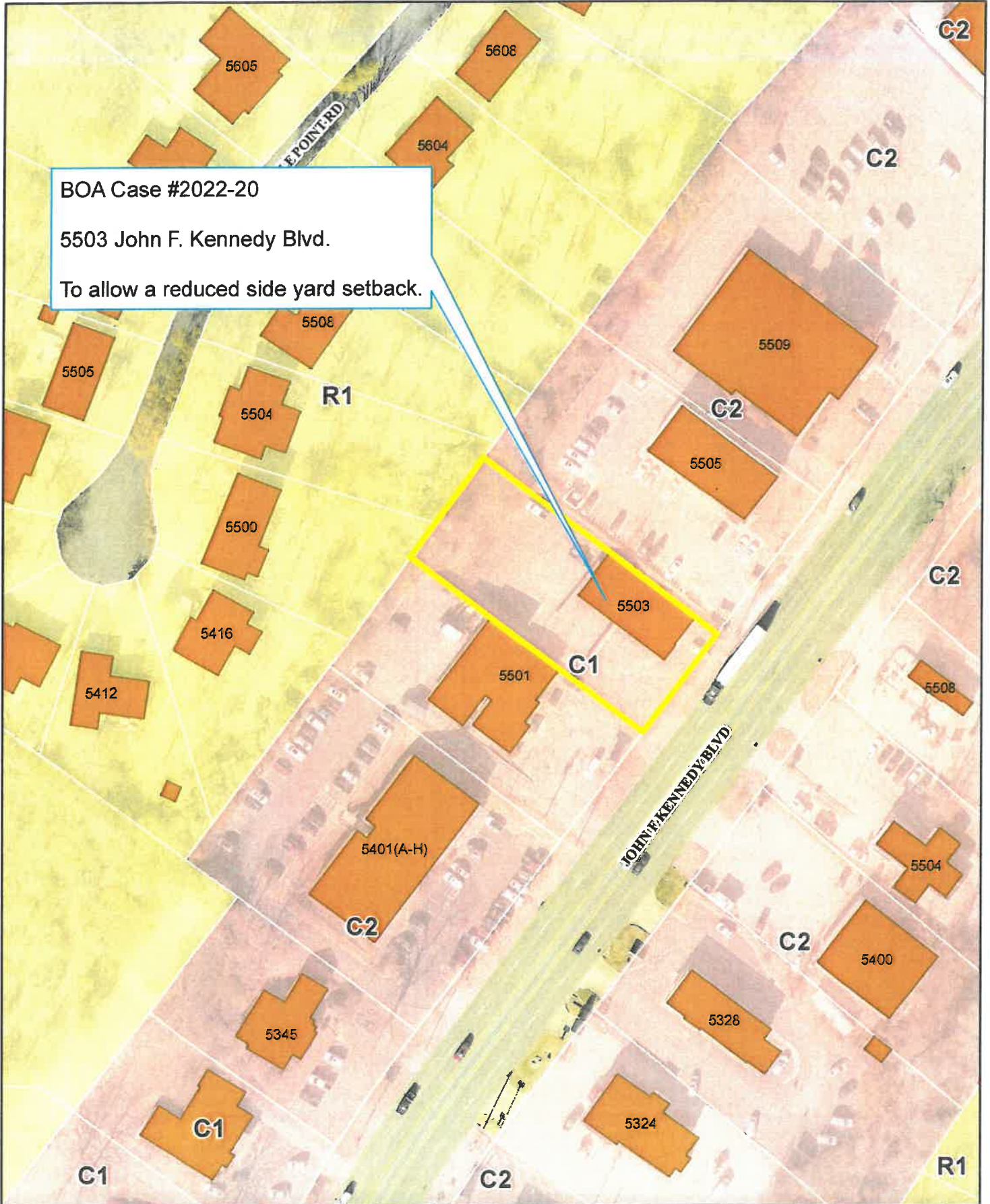


User: jhale





# North Little Rock Board of Adjustment

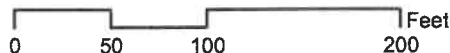


BOA Case #2022-20  
5503 John F. Kennedy Blvd.  
To allow a reduced side yard setback.

**BOA CASE #2022-20**

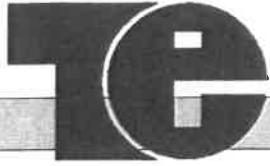
Date: 6/7/2022

1 inch = 100 feet



User: jhale





## THOMAS ENGINEERING COMPANY

civil engineers

land surveyors

3810 LOOKOUT RD

NORTH LITTLE ROCK, AR 72116  
NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS

(501)753-4463

June 1, 2022

Ms. Donna James  
City Planner  
Department of Planning  
&  
North Little Rock Board of Adjustment Members  
120 Main Street  
North Little Rock, AR 72114

RE: Side Building Setback Variance Request  
Clark Orthodontics  
5503 JFK Boulevard

Dear Ms. James & Board Members:

Please let this letter serve as our application to the Board of Adjustment to request a variance of the side building setback for Clark Orthodontics at 5503 JFK Boulevard. We would like to be placed on the June 30th, 2022 Board of Adjustment meeting agenda.

Clark Orthodontics is a newly constructed professional building on JFK Boulevard. The lot size and topography presented challenges during design. In order to fit the building, parking, and required landscaping on the site, a retaining wall 14 feet in height was built at the rear of the property. Allowable slopes in parking areas and driveways were maximized to keep the wall below the 15 foot height threshold.

The lot is zoned C1 and requires a 10 foot side building setback. The site plan approved for construction labeled the side building setback at the required 10 feet but was mistakenly drawn at 8 feet. After construction was completed, a final survey (attached) was prepared and showed the building encroaching into the 10 foot side building setback by 2.25 feet.

Because of the 2.25 foot building encroachment into the side building setback and based on the above description of the lot's challenging topography, we are requesting a variance of 2.25 feet to the side building setback requirements.

The following items are included with this application letter:

1. Application fee in the amount of \$170.00
2. Site Plan
3. Grading Plan
4. Survey
5. Legal Description
  - Lot 22, Block 201
  - Park Hill Addition
  - City of North Little Rock, Pulaski County, Arkansas
6. Owner's Information
  - Alignment Properties, LLC
  - 494 Ridge Way Drive
  - Little Rock, AR 72205

If you have any questions, please give me a call

Sincerely,

A handwritten signature in blue ink, appearing to read 'T. Pownall', is written over the 'Sincerely,' text.

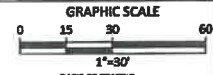
Thomas R. Pownall, P.E.  
Vice President

**LEGEND**

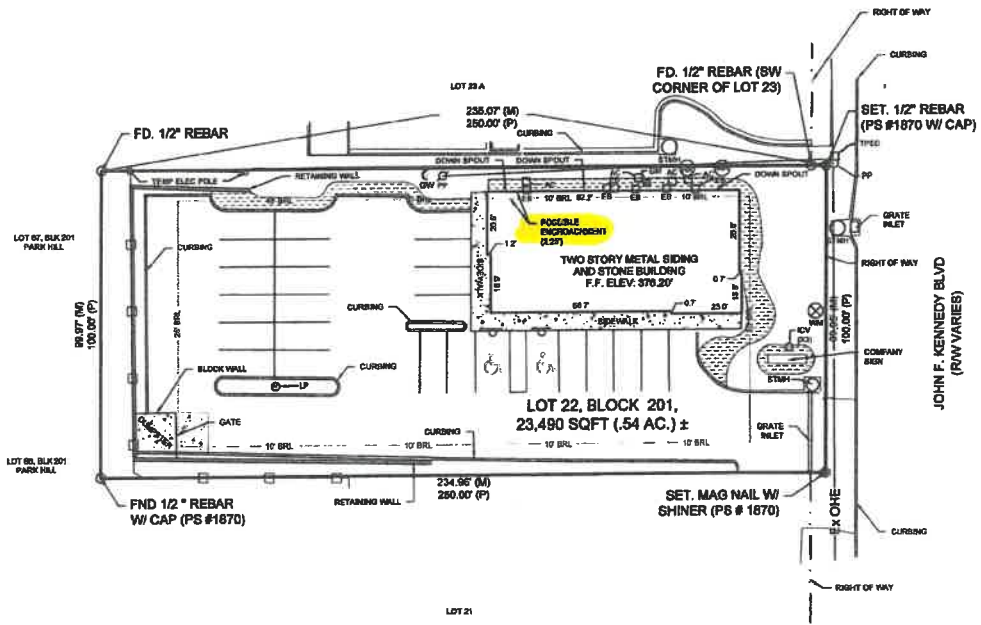
- FOUND MONUMENT AS NOTED
- SET MONUMENT AS NOTED
- AIR CONDITION UNIT
- ⊕ WATER RISER
- ⊕ STORM DRAIN MANHOLE
- ⊕ TELEPHONE PEDestal
- ⊕ POWER POLE
- ⊕ WATER METER
- ⊕ GAS METER
- ⊕ GUY WIRE
- ⊕ ADA PARKING SIGN
- ⊕ IRRIGATION CONTROL VALVE
- ⊕ ELECTRICAL BOX
- ⊕ LIGHT POLE
- ⊕ OVER HEAD ELEC. LINE
- ⊕ BUILDING RESTRICTION LINE
- ⊕ WOODEN FENCE
- ⊕ CONCRETE
- ⊕ PLANTER

**LOT 22, BLOCK 201,  
PARK HILL ADDITION**

**ZONING NOTE:**  
THE ZONING CLASSIFICATION ON THE ABOVE DESCRIBED PROPERTY IS: C-1



**BASE OF BEARING:**  
NAD83 ARKANSAS NORTH ZONE(2011)  
CONVERGENCE ANGLE: -07°02'37"  
LATITUDE: 34°48'14.00"N W LONGITUDE: 092°10'12.00"W  
PULASKI COUNTY, ARKANSAS  
COMBINED SCALE FACTOR: 1.000014897  
NAVD 83 DEOD 428 (CONRUS)



**FLOOD STATEMENT:**  
ACCORDING TO THE FEMA FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 100100000, DATED JULY 8, 2014, THE ABOVE DESCRIBED PROPERTY IS LOCATED IN ZONE X AND DOES NOT LIE WITHIN THE 100 YEAR FLOOD PLAN

- REFERENCE DOCUMENTS:**
1. INSTRUMENT 20270285, WARRANTY DEED FOR LOT 21, BLOCK 201, PARK HILL ADDITION TO THE CITY OF NORTH LITTLE ROCK, PULASKI COUNTY, ARKANSAS FILED WITH THE PULASKI COUNTY CIRCUIT CLERK'S OFFICE ON 01/11/2007.
  2. SURVEY OF THE REAR PROPERTY LINE OF LOT 22A, BLOCK 201, PARK HILL ADDITION TO THE CITY OF NORTH LITTLE ROCK, PULASKI COUNTY, ARKANSAS, PERFORMED BY MICHAEL MANLAR ON AUGUST 30, 2006.
  3. SURVEY OF LOT 21, BLOCK 201, PARK HILL ADDITION TO THE CITY OF NORTH LITTLE ROCK, PULASKI COUNTY, ARKANSAS, PERFORMED BY FORECAST MANLAR ON APRIL 14, 1980.
  4. SURVEY OF LOT 21, BLOCK 201, PARK HILL ADDITION TO THE CITY OF NORTH LITTLE ROCK, PULASKI COUNTY, ARKANSAS, PERFORMED BY DONALD BROOKS ON FEBRUARY 2, 1984.
  5. BOOK 257, PAGES 257 AND 258 FILED WITH THE PULASKI COUNTY CIRCUIT CLERK'S OFFICE ON 02/07/1984.
  6. DEED OF WY EASEMENT EXECUTED BY DENNY S. KITTLE AND EDITH A. KITTLE, HIS WIFE TO ARKANSAS STATE HIGHWAY COMMISSION, FILED FOR RECORD JUNE 3, 1978 AND RECORDED IN BOOK 1590, PAGE 493, RECORDS OF PULASKI COUNTY, ARKANSAS.

**SURVEYOR'S CERTIFICATION:**  
THE SUBJECT PLAT AND SURVEY WHICH WAS PERFORMED BY ME OR UNDER MY DIRECT SUPERVISION HAS BEEN EXECUTED IN ACCORDANCE WITH THE CURRENT MEASUREMENT STANDARDS AS SET FORTH IN PROPERTY BOUNDARY SURVEYS AND PLATS AS PUBLISHED BY THE DIVISION OF LAND SURVEYS OF THE ARKANSAS GEOGRAPHIC INFORMATION SYSTEMS OFFICE, DIVISION OF LAND SURVEYS.

- NOTES:**
1. THIS SURVEY IS FOR THE PURPOSE OF TITLE AND MORTGAGE WORK.
  2. THIS SURVEY DID NOT BENEFIT FROM A TITLE SEARCH THEREFOR GARREMENTS MAY EXIST ON THE PROPERTY.
  3. POSSIBLE ENCHONCHMENT OF 10' BUILDING RESTRICTION LINE



8318 JOHN F. KENNEDY BLVD  
NORTH LITTLE ROCK, AR 72116  
TEL. (501) 788-1987  
TWPELS SURVEYING FIRM #10184447

**USE AND BENEFIT:**  
ALIGNMENT PROPERTIES, LLC  
FIRST SECURITY BANK  
RURAL INSURANCE, INCORPORATED  
US SMALL BUSINESS ADMINISTRATION  
BEACH ABSTRACT  
CHICAGO TITLE INSURANCE COMPANY

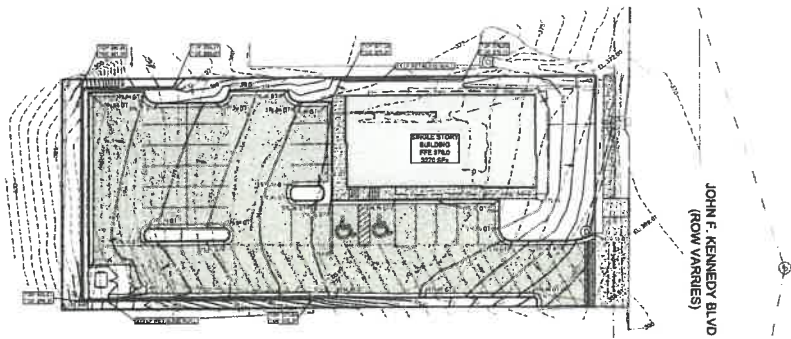


**PROPERTY ADDRESS:**  
803 JOHN F. KENNEDY BOULEVARD  
NORTH LITTLE ROCK, ARKANSAS 72116

**LEGAL DESCRIPTION:**  
LOT 22, BLOCK 201, PARK HILL ADDITION  
TO THE CITY OF NORTH LITTLE ROCK,  
PULASKI COUNTY, ARKANSAS

PROJECT NO:	047728.001	
ISSUED:	02/24/2022	
DRAWN BY:	AJF	
CHECKED BY:	AKD	
REVISION:		
NO.	DATE	DESCRIPTION
SHEET TITLE: BOUNDARY SURVEY		
PAGE: 1 OF 1		





JOHN F. KENNEDY BLVD  
(ROW VARIES)

**GRADING PLAN  
GENERAL NOTE:**

1. THE GENERAL CONTRACTOR SHALL TAKE ALL PRECAUTIONS NECESSARY TO AVOID PROPERTY DAMAGE TO ADJACENT PROPERTIES DURING THE CONSTRUCTION PHASES OF THIS PROJECT. THE CONTRACTOR WILL BE HELD SOLELY RESPONSIBLE FOR ANY DAMAGES TO THE ADJACENT PROPERTIES OCCURRING DURING THE CONSTRUCTION PHASES OF THIS PROJECT.
2. WARRANTIES/CLAIMS: THE DESIGN REPRESENTED IN THESE PLANS ARE IN ACCORDANCE WITH ESTABLISHED PRACTICES OF CIVIL ENGINEERING FOR THE DESIGN FUNCTIONS AND USES INTENDED AT THIS TIME. HOWEVER, THOMAS ENGINEERING COMPANY, INC. AND ITS PERSONNEL CAN OR DO NOT WARRANT THESE DESIGNS OR PLANS AS CONSTRUCTED EXCEPT IN THE SPECIFIC CASES WHERE THOMAS ENGINEERING COMPANY PERSONNEL INSPECT AND CONTROL THE PHYSICAL CONSTRUCTION ON A CONTINGENT BASIS AT THE SITE.
3. SAFETY NOTICE TO CONTRACTOR: IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, THE CONTRACTOR SHALL BE SOLELY AND COMPLETELY RESPONSIBLE FOR CONDITIONS OF THE JOB SITE, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY DURING PERFORMANCE OF THE WORK. THE RESPONSIBILITY WILL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL BUSINESS HOURS. THE DUTY OF THE ENGINEER OR ARCHITECT TO CONDUCT CONSTRUCTION REVIEW OF THE CONTRACTOR'S PERFORMANCE IS NOT EXTENDED TO INCLUDE REVIEW OF THE ADEQUACY OF THE CONTRACTOR'S SAFETY ARRANGEMENTS, IN OR ON NEAR THE CONSTRUCTION SITE.
4. ENGINEER'S NOTICE TO CONTRACTOR: THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANY AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REVEAL EXACT FIELD LOCATIONS OF UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLAN.

4. SEE ARCHITECTURAL PLANS FOR DETAILS ON CONCRETE RAMPS AND SIDEWALKS ATTACHED TO BUILDINGS.
6. FINISHED GRADE CONTOURS ARE INDICATED ALONG TOP OF COMPLETED STRUCTURES, TOP OF PAVEMENT AND UTILITIES LINE OF CURB, UNLESS OTHERWISE SHOWN. FOR EXISTING GRADING, CONTRACTOR SHALL ALLOW FOR DEPTH OF TOPSOIL AND CONCRETE STRUCTURES. FOR EXISTING GRADING, CONTRACTOR SHALL METAL TOPSOIL AND CONCRETE STRUCTURES TO FINISHED GRADE AS INDICATED ON THIS SHEET.
7. GRADE TO DRAIN AWAY FROM BUILDING AT MINIMUM 1% SLOPE.
8. ALL EXISTING DRAIN LINES AND UTILITY LINES UNDER THE PAVEMENT SHALL BE BACK FILLED WITH CRUSHED STONE.
10. PLACE A 6" MINIMUM DEPTH OF TOPSOIL OVER ALL LAWN AND LANDSCAPE AREAS.
11. REFER TO LANDSCAPE PLAN FOR PERMANENT TURF SOO AND SETBACK AREAS.
12. PROVIDE TEMPORARY SEEDING AND EROSION CONTROL PER STATE AND LOCAL CODES.
13. SEGMENTAL RETAINING BLOCKS, RETAINING WALL DESIGN PROVIDED BY OTHERS.

**LEGEND**

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- - - - - 9900' - - - - - EXISTING LOT LINES
- - - - - 10000' - - - - - EXISTING LOT LINES

NOTE: SPOT ELEVATIONS FINISHED GRADE UNLESS OTHERWISE SHOWN.

**GRAPHIC SCALE**



STATE OF ARIZONA  
REGISTERED PROFESSIONAL ENGINEER  
No. 94  
THOMAS ENGINEERING COMPANY  
REGISTERED



**TE THOMAS ENGINEERING COMPANY**  
8600 JOHN F. KENNEDY BLVD  
NORTH LITTLE ROCK, ARKANSAS

8600 LOCKNEY ROAD, N. LITTLE ROCK, AR. 72114  
TEL: 501-785-4465 FAX: 501-785-8814

PROJECT: CLARK ORTHODONTICS  
DATE: 01/15/2021  
SHEET NO.: C2.0



BOA 2022-21  
June 30, 2022

---

**Variance Requested:** a variance request from the height provision of Section 5.7 – Communication Towers (E) to allow an increase tower height from 75-feet in height 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

**Background:** The Board considered a request to allow an increased height for a proposed tower at their May 26, 2022, hearing. After consideration the item did not receive a motion and therefore died for lack of a motion. The applicant has provided additional information and documentation for the Board to consider with the current request.

**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 locate their antennas at a RAD Center of 140 feet. The tower will be constructed to allow collocation of at least two other antenna arrays.

AT&T is seeking to provide coverage to this area of North Little Rock and to provide capacity relief along Interstate 40. The North Little Code states "*A hardship is a special circumstance, which makes which makes is very difficult for a project to meet the Zoning Ordinance requirement.*" The Zoning Ordinance only allows towers of 75', unless approved by the BOA. The proposed tower is surrounded by the Interstate Highway and very tall trees.

The Interstate in this area is 69 feet above the ground elevation of the tower. There is a tree canopy that extends above the Highway. 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 Code further states that, "*A hardship generally occurs when the physical characteristics of a property are such that it cannot be developed as permitted by the zoning ordinance.*" The documents provided by the AT&T RF engineer demonstrate clearly that a 75-foot tower would not be feasible. The Code also says, "*A hardship may be created by surrounds, shape or topographical conditions particular to the specific property. A hardship cannot be self-imposed or the result of the property owner's own actions.*" 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. None of these issues are a result of the property owner's own action or are self-imposed.

The Board of Adjustment on May 26, 2022, failed to make a motion to approve a request for a Variance. The only reasons stated were related to testimony by someone saying they represented the North Little Rock Airport. Concerns were expressed that the tower would create a hazard for the Airport. The speaker stated the tower was directly in the flight path for a landing airplane. When you look at an aerial showing the NLR Airport you see that this is not the case. The Airport

is over three miles away and the direct flight path is north of the proposed tower.

Attached are documents that prove that there can be NO hazard created by the proposed tower. First, the Ground Level of the Airport is 544 feet AMSL (above mean sea level). The top of the tower, at 145 feet, would be 434 feet ASML. The top of the tower would be 79 feet BELOW the ground level of the Airport. Someone landing a plane would have to fly UPHILL to land a plane if the tower was to be an obstacle.

The documents also show that there are at least 24 existing towers closer to the Airport than the proposed tower. These include towers that ARE directly in the flight path. There are two existing towers to the northwest and northeast of the proposed tower. Both of these towers would keep the proposed tower from being any additional hazard.

More importantly, the City of North Little Rock has Ordinance No. 9311 that governs zoning around the airport. This Ordinance clearly uses the ASML of the Airport as the determining factor. Without exception the Ordinance uses the height of 544 feet as the starting point. The tower height of 424 feet ASML does not trigger any concern by the Airport according to Ordinance No. 9311.

Also mentioned by the BOA was the housing development between the proposed tower and Airport. That housing area is at an elevation of 491 AMSL. That is higher than the top of the proposed tower. There are also two existing towers very near that housing development that are close to the Airport. These are significantly taller than the proposed tower.

The BOA rightly considered the "*public health, safety and general welfare*" in its reaction to the testimony from the Airport representative. However, that representative provided no information, other than conjecture, to the hazard. The information provided with this application, along with Ordinance No. 9311, clearly demonstrate that there is NO hazard.

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 12-months 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.

**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.



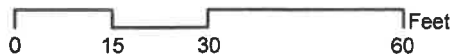
# North Little Rock Board of Adjustment



**BOA CASE #2022-21**

Date: 6/7/2022

1 inch = 30 feet



User: jhale



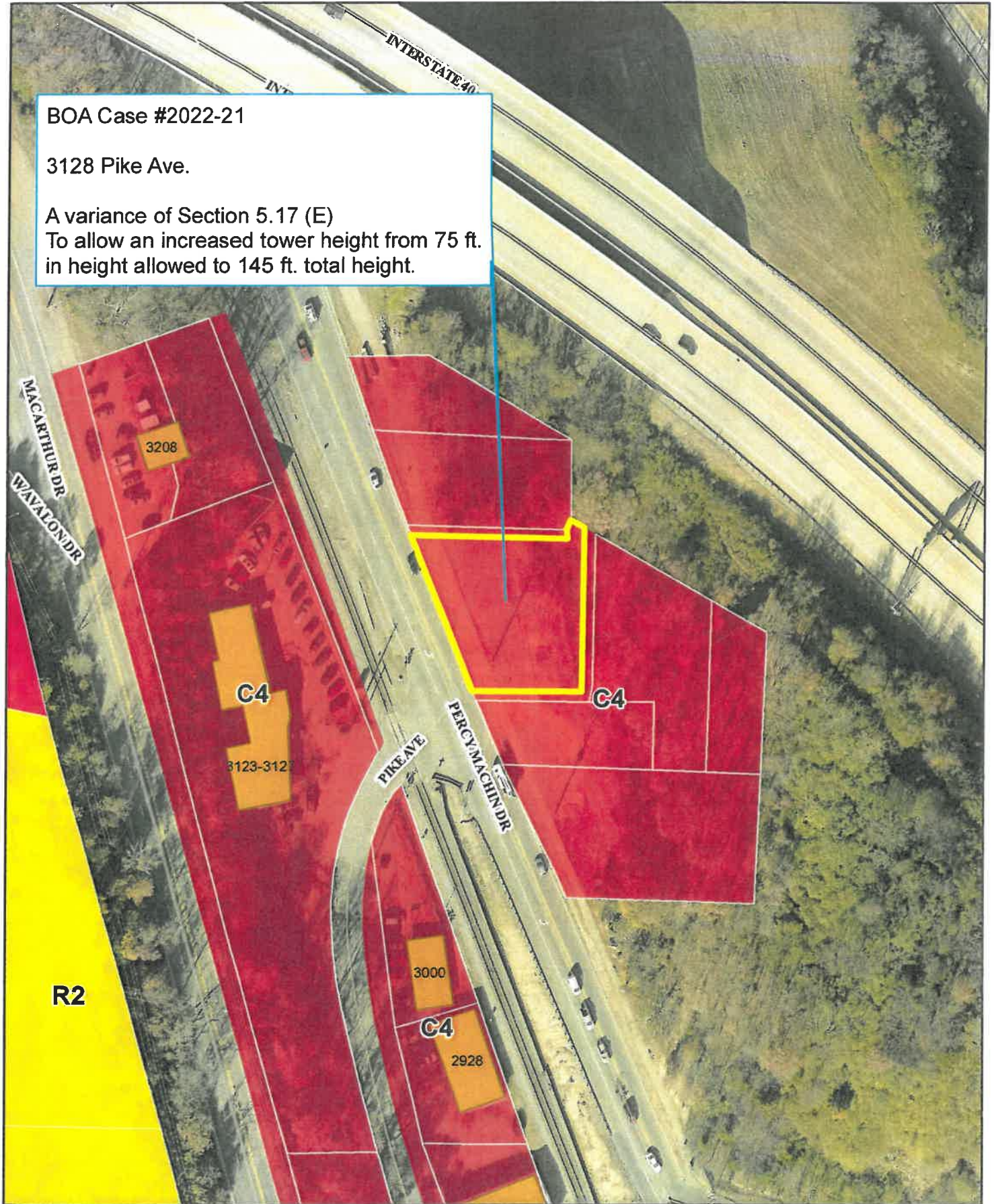


# North Little Rock Board of Adjustment

BOA Case #2022-21

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 #2022-21**

Date: 6/7/2022

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  
Including Information Regarding North Little Rock Airport

**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 protector, generator, radio equipment cabinets, utility connections on the Facility. AT&T will locate 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. The North Little Code states *"A hardship is a special circumstance, which makes which makes is very difficult for a project to mee the Zoning Ordinance requirement."* The Zoning Ordinance only allows towers of 75', unless approved by the BOA. The proposed tower is surrounded by the Interstate Highway and very tall trees.

The Interstate in this area is 69 feet above the ground elevation of the tower. There is a tree canopy that extends above the Highway. 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 Code further states that, *"A hardship generally occurs when the physical characteristics of a property are such that it cannot be developed as permitted by the zoning ordinance."* The documents provided by the AT&T RF engineer demonstrate clearly that a 75-foot tower would not be feasible. The Code also says, *"A hardship may be created by surrounds, shape or topographical conditions particular to the specific property. A hardship cannot be self-imposed or the result of the property owner's own actions."*



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. None of these issues are a result of the property owner's own action or are self-imposed.

#### Issues Related to North Little Rock Airport

The Board of Adjustment on May 26, 2022, failed to make a motion to approve a request for a Variance. The only reasons stated were related to testimony by someone saying they represented the North Little Rock Airport. Concerns were expressed that the tower would create a hazard for the Airport.

The speaker stated the tower was directly in the flight path for a landing airplane. When you look at an aerial showing the NLR Airport you see that this is not the case. The Airport is over three miles away and the direct flight path is north of the proposed tower.

Attached are documents that prove that there can be NO hazard created by the proposed tower. First, the Ground Level of the Airport is 544 feet AMSL (above mean sea level). The top of the tower, at 145 feet, would be 434 feet ASML. The top of the tower would be 79 feet BELOW the ground level of the Airport. Someone landing a plane would have to fly UPHILL to land a plane if the tower was to be an obstacle.

The documents also show that there are at least 24 existing towers closer to the Airport than the proposed tower. These include towers that ARE directly in the flight path. There are two existing towers to the northwest and northeast of the proposed tower. Both of these towers would keep the proposed tower from being any additional hazard.

More importantly, the City of North Little Rock has Ordinance No. 9311, that governs zoning around the airport. This Ordinance clearly uses the ASML of the Airport as the determining factor. Without exception the Ordinance uses the height of 544 feet as the starting point. The tower height of 424 feet ASML does not trigger any concern by the Airport according to Ordinance No. 9311.

Also mentioned by the BOA was the housing development between the proposed tower and Airport. That housing area is at an elevation of 491 AMSL. That is higher than the top of the proposed tower. There are also two existing towers very near that housing development that are close to the Airport. These are significantly taller than the proposed tower.

The BOA rightly considered the "*public health, safety and general welfare*" in its reaction to the testimony from the Airport representative. However, that representative provided no information, other than conjecture, to the hazard. The information provided with this application, along with Ordinance No. 9311, clearly demonstrate that there is NO hazard.

# 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.

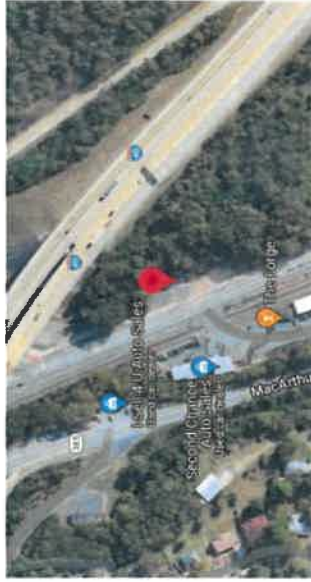
Respectfully,

**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 I40 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.

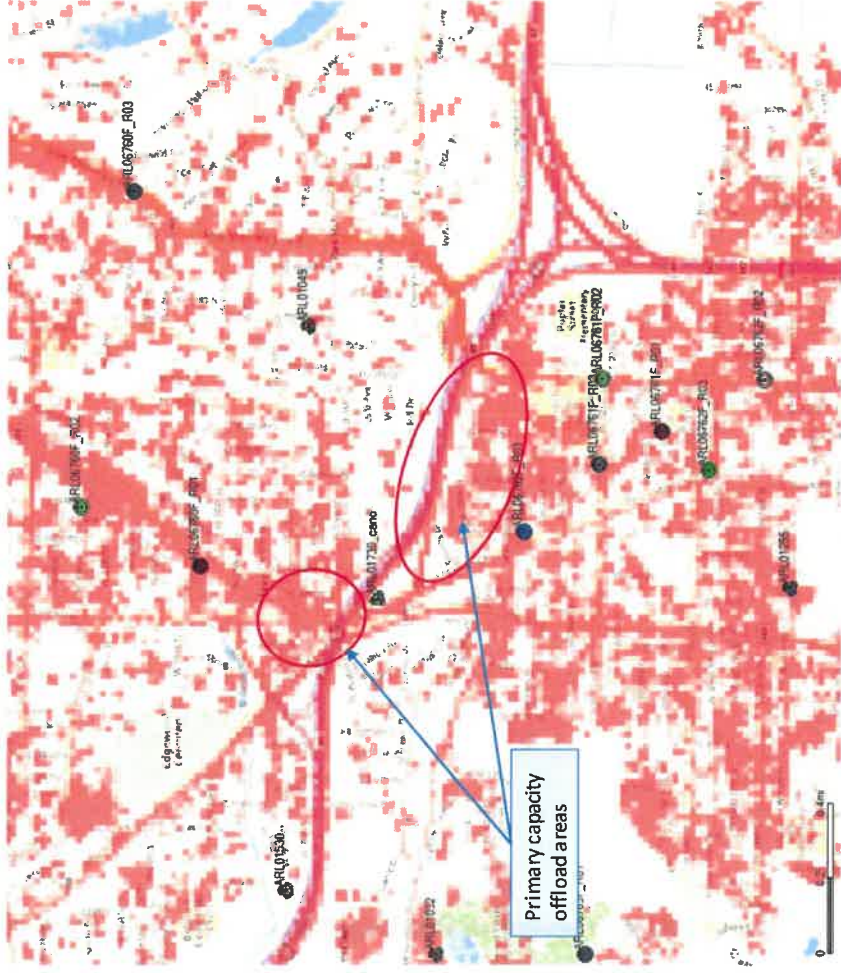


Network Element Map



# Customer Traffic

Traffic "Heat" Map



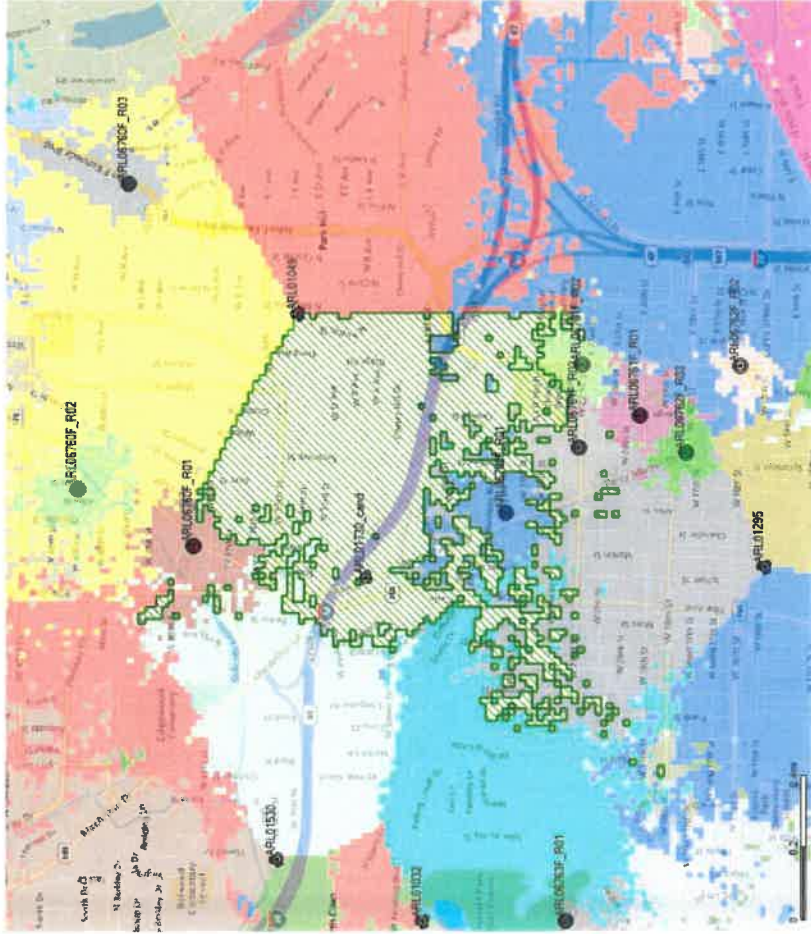
Min	Max	Legend
46		Traffic Density (No. users/km <sup>2</sup> ) > =46
41	46	41 < = Traffic Density (No. users/km <sup>2</sup> ) < 46
36	41	36 < = Traffic Density (No. users/km <sup>2</sup> ) < 41
31	36	31 < = Traffic Density (No. users/km <sup>2</sup> ) < 36
26	31	26 < = Traffic Density (No. users/km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



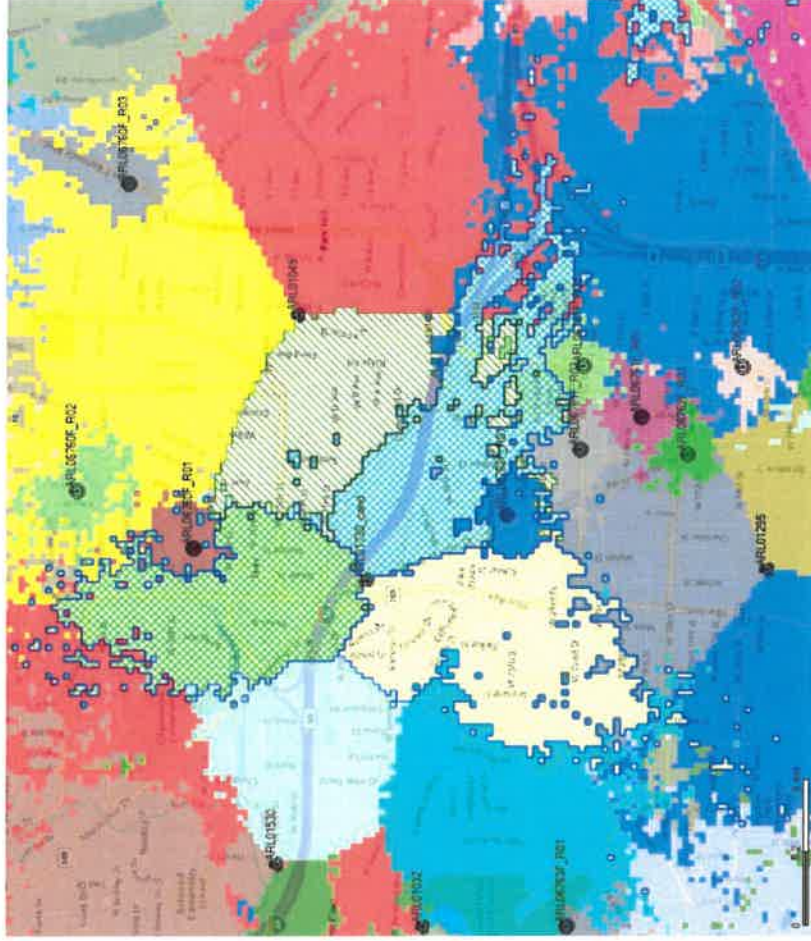


# Coverage Footprint

Existing Coverage Footprint



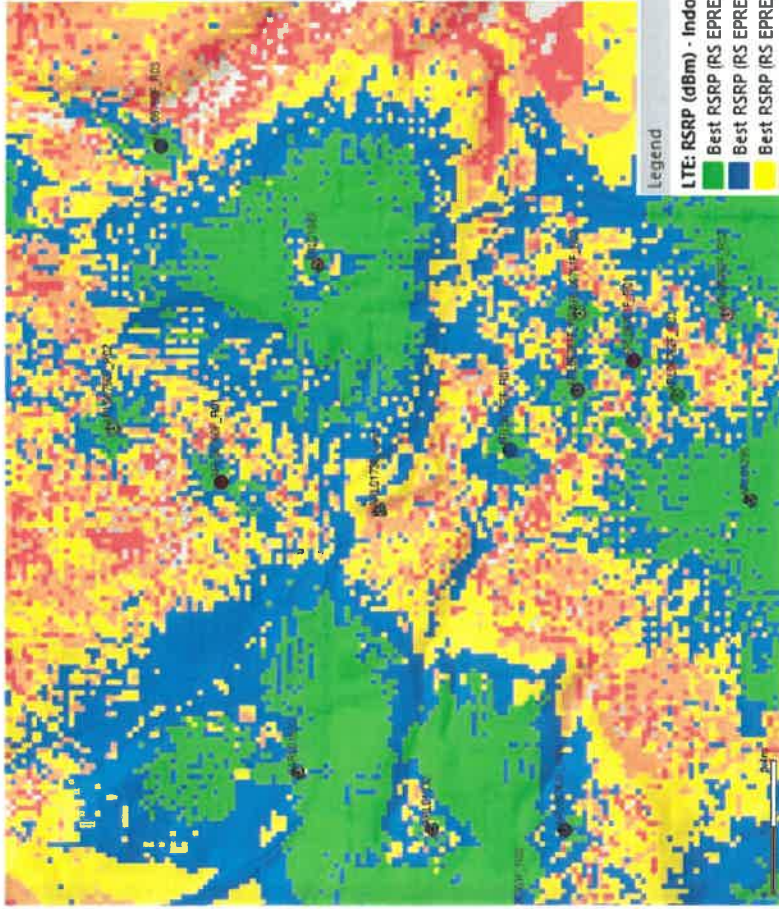
Proposed Coverage Footprint



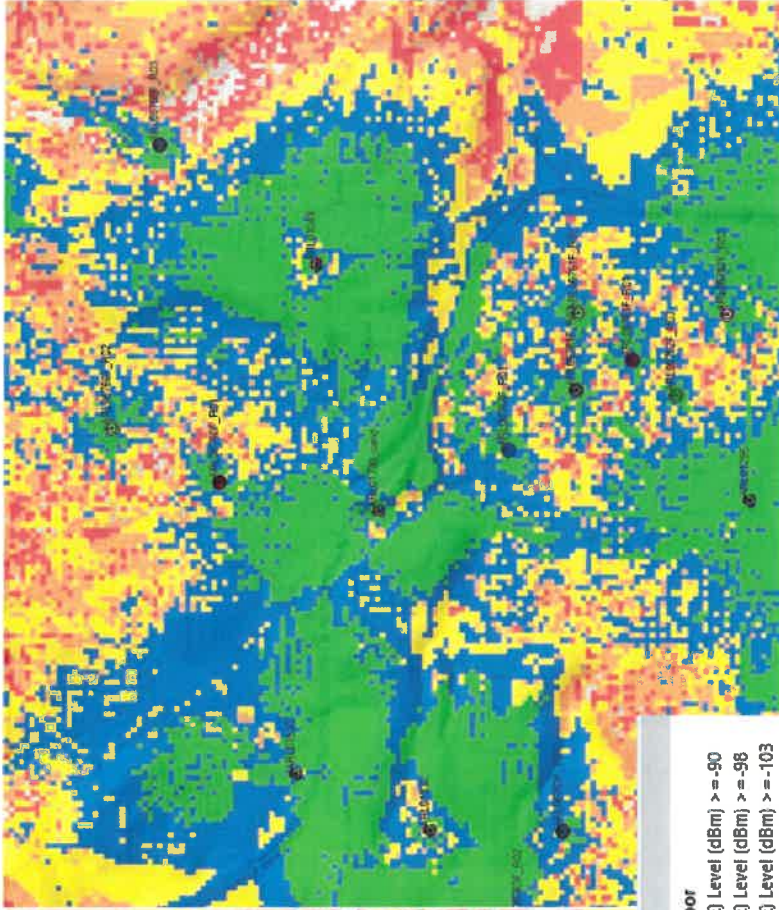


# Coverage RSRP

Existing Coverage



Proposed Coverage



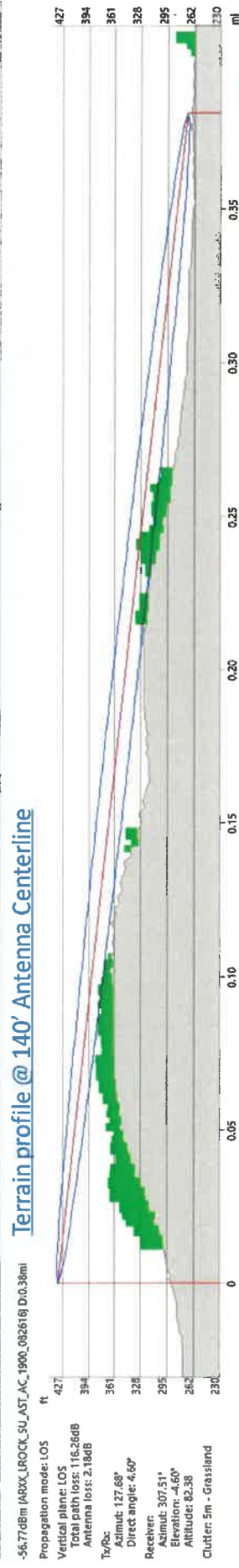
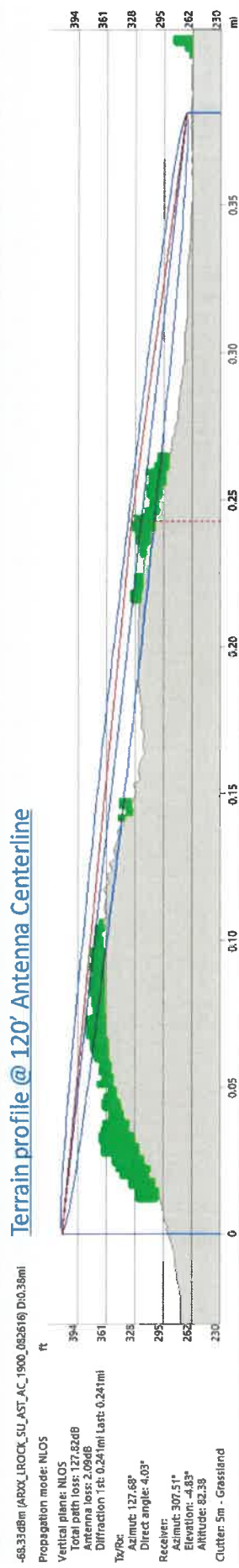
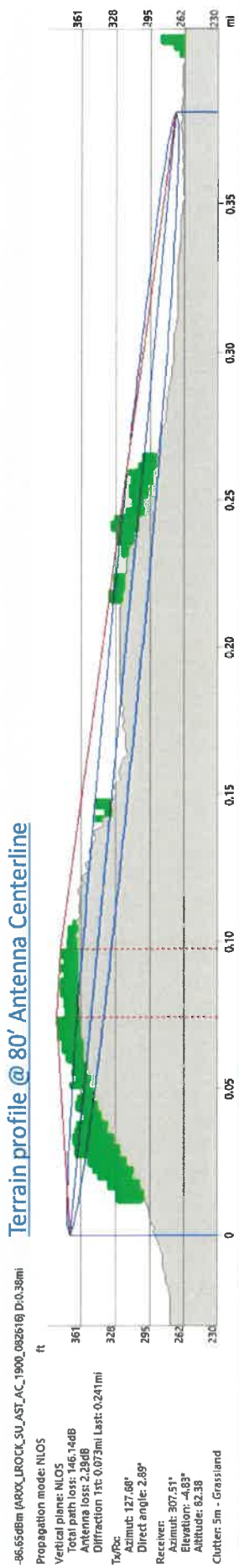
Legend  
**LTE: RSRP (dBm) - Indoor**  
 Best RSRP (RS EPRE) Level (dBm) >= -90  
 Best RSRP (RS EPRE) Level (dBm) >= -98  
 Best RSRP (RS EPRE) Level (dBm) >= -103  
 Best RSRP (RS EPRE) Level (dBm) >= -108  
 Best RSRP (RS EPRE) Level (dBm) >= -113





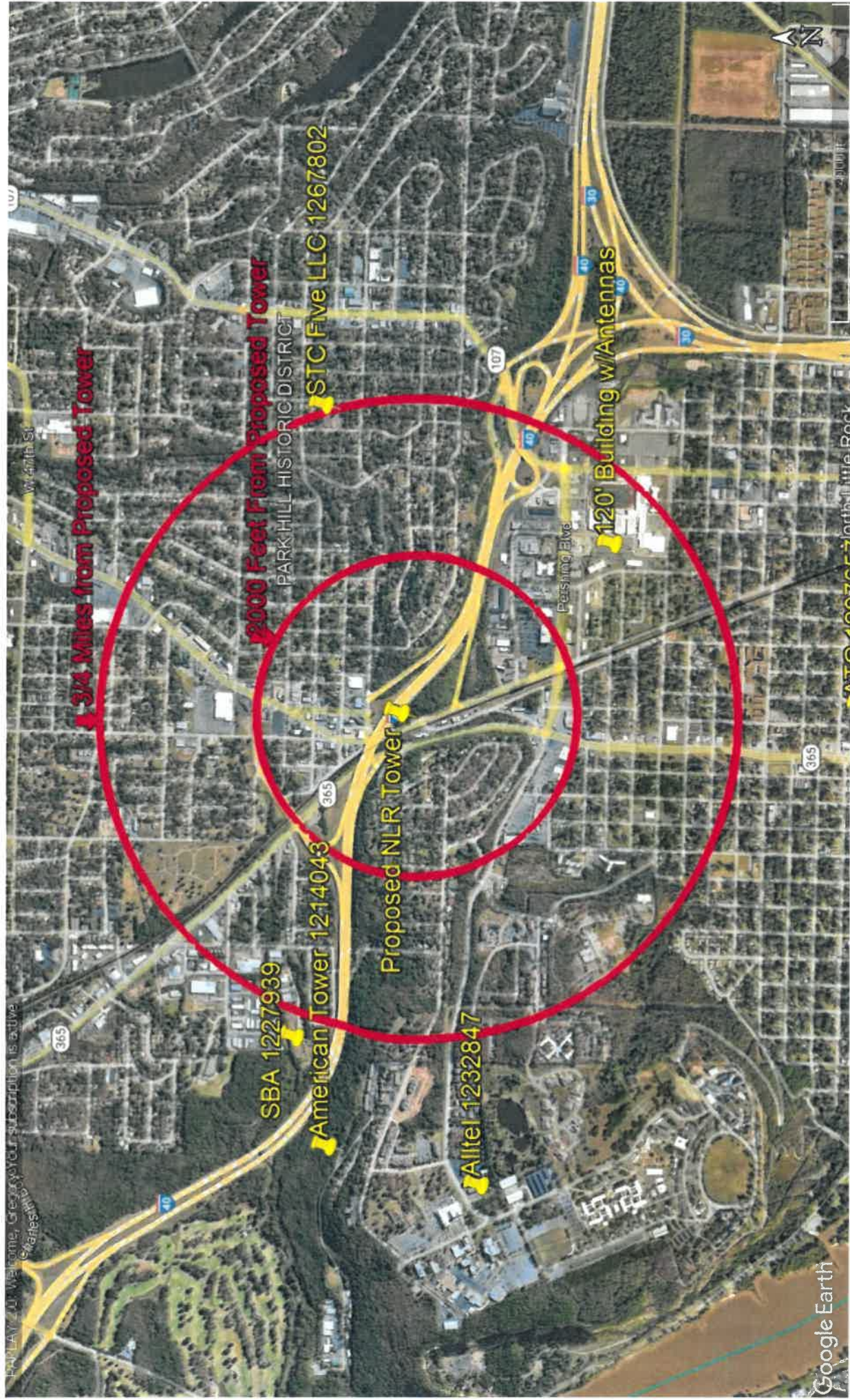


# Terrain Profile ...continued





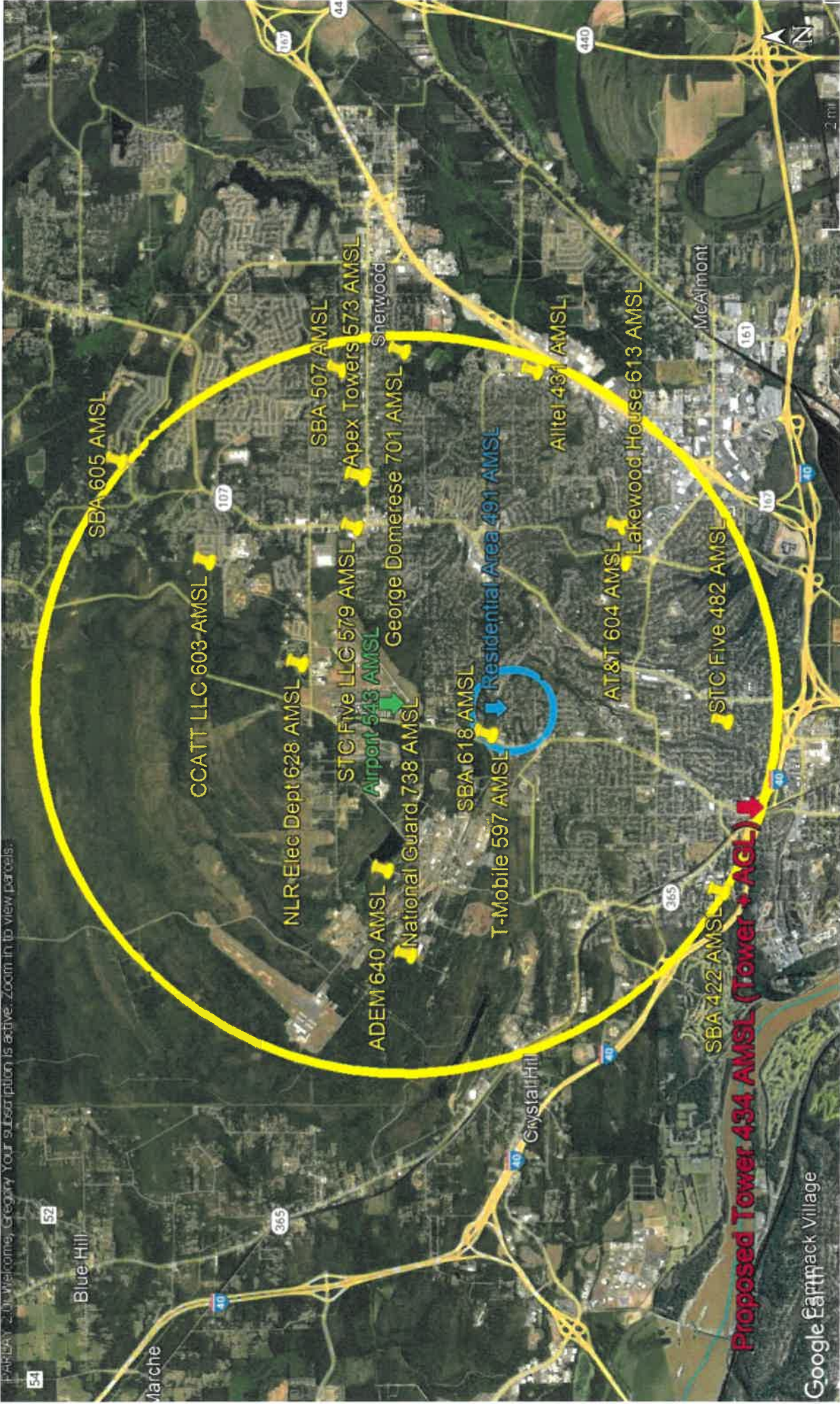
FCC Registered Towers and Tall Structures within 2000 feet and 3/4 Mile of the Proposed Tower





# A List of FCC Registered, Existing, Towers within the Radius from the Airport to the Proposed Tower

ASML is the Height Above Mean Sea Level. The Tower ASML is the Groud Height plus the Tower Height



The Proposed Tower is 434 ft above MSL. The Airport is 524 above MSL. A plane would have to fly uphill to land flying over the Proposed Tower. Further there are numerous towers between the proposed tower and the airport. It is IMPOSSIBLE for the Proposed Tower to create a hazard for the Airport. The residential area mentioned by the BOA is at 491 ASML, or 60 ft higher than the Tower



# Towers within the Radius of the Distance from Proposed Tower to NLR Airport

## Specified Search

Latitude='34-49-44.1 N', Longitude='92-15-33.8 W', Radius=5 Kilometers

Registration Number	Status	File Number	Owner Name	Latitude/Longitude	Structure City/State	Overall Height Above Ground (AAG) in Meters
1 1013644	Terminated	A0845298	Alltel Communications Wireless, Inc.	34-48-43.0N 092-15-03.0W	NORTH LITTLE ROCK, AR	45.7
2 1028950	Terminated	A0622121	Alltel Cellular Associates of Arkansas Limited Partnership	34-51-29.0N 092-14-01.0W	SHERWOOD, AR	35.1
3 1043135	Constructed	A0050809	LAKEWOOD HOUSE	34-47-55.0N 092-14-19.0W	NORTH LITTLE ROCK, AR	63.7
4 1054747	Constructed	A1204931	SBA Properties, LLC	34-48-59.6N 092-15-55.4W	North Little Rock, AR	48.8
5 1057976	Constructed	A1030492	CCATT LLC	34-51-06.0N 092-14-15.0W	SHERWOOD, AR	25.3
6 1065210	Granted	A0075867	GRACE COMMUNICATIONS,INC.	34-49-04.0N 092-15-57.0W	NO.LITTLE ROCK, AR	28.0
7 1206459	Granted	A0104039	City of North Little Rock	34-47-12.7N 092-15-51.9W	North Little Rick, AR	48.7
8 1211148	Constructed	A1210748	STC Five, LLC	34-49-57.8N 092-13-58.0W	LITTLE ROCK, AR	46.1
9 1211318	Constructed	A1210786	STC Five, LLC	34-47-05.2N 092-13-42.6W	N. LITTLE ROCK, AR	35.1
10 1212823	Constructed	A0833643	SBA Properties, LLC	34-51-44.0N 092-13-16.7W	North Little Rock, AR	94.4
11 1214043	Terminated	A0605808	American Towers, Inc.	34-47-12.0N 092-17-42.6W	North Little Rock, AR	53.9
12 1227939	Constructed	A0834275	SBA Properties, LLC	34-47-16.2N 092-17-26.9W	North Little Rock, AR	60.6
13 1228975	Constructed	A0834307	SBA Properties, LLC	34-48-34.4N 092-12-35.9W	Sherwood, AR	33.5
14 1228976	Terminated	A0673308	TeleCorp Communications, LLC	34-49-04.0N 092-14-20.7W	North Little Rock, AR	35.9
15 1228979	Constructed	A0834309	SBA Properties, LLC	34-50-02.3N 092-12-29.7W	Sherwood, AR	60.6
16 1231995	Terminated	A0622130	Alltel Cellular Associates of Arkansas Limited Partnership	34-48-34.5N 092-12-34.2W	Sherwood, AR	50.6
17 1235643	Cancelled	A0327125	Sprint Spectrum L.P.	34-47-12.8N 092-15-51.8W	North Little Rock, AR	49.3
18 1237336	Constructed	A1023288	T-Mobile West Tower LLC	34-49-00.3N 092-15-54.6W	North Little Rock, AR	40.2
19 1237694	Constructed	A0374013	DOMERESE,GEORGE	34-49-34.0N 092-12-19.0W	SHERWOOD, AR	108.2
20 1251229	Dismantled	A0591811	Verizon Wireless Tennessee Partnership	34-51-05.0N 092-14-13.1W	Sherwood, AR	33.5



21	1253624	Constructed	A0640876	Apex Towers LLC	34-49-52.9N 092-13-29.7W	Sherwood, AR	59.4
22	1256703	Constructed	A0588995	ADEM	34-49-49.4N 092-17-08.9W	NORTH LITTLE ROCK, AR	30.5
23	1263166	Dismantled	A0936080	Tower Assets Newco IX, LLC	34-51-05.0N 092-14-13.1W	Sherwood, AR	33.5
24	1264426	Constructed	A0696955	JFHQ-AR NATIONAL GUARD	34-49-39.6N 092-17-56.0W	N. Little Rock, AR	53.3
25	1267802	Constructed	A1211226	STC Five, LLC	34-47-12.8N 092-15-51.8W	North Little Rock, AR	49.4
26	1278137	Constructed	A1112473	AT&T Mobility Spectrum LLC	34-47-57.6N 092-14-02.0W	North Little Rock, AR	56.4
27	1285436	Granted	A0781747	City of North Little Rock Electric Dept.	34-50-24.4N 092-15-12.7W	North Little Rock, AR	26.2
28	1313586	Constructed	A1159294	Alltel Corporation	34-47-09.0N 092-13-49.0W	North Little Rock, AR	11.2
29	1313594	Granted	A1166063	Alltel Corporation	34-47-25.1N 092-13-36.5W	North Little Rock, AR	11.5
30	1313668	Granted	A1146081	Alltel Corporation	34-47-17.7N 092-13-38.7W	North Little Rock, AR	11.2
31	1313673	Granted	A1169991	Alltel Corporation	34-47-37.7N 092-13-56.1W	North Little Rock, AR	12.1
32	1313990	Granted	A1158867	North Little Rock Airport Commission	34-49-58.6N 092-15-20.6W	North Little Rock, AR	10.7
33	1314552	Constructed	A1166055	Alltel Corporation	34-47-49.9N 092-14-14.7W	North Little Rock, AR	11.2
34	1319194	Constructed	A1214582	T-Mobile West Tower LLC	34-49-00.1N 092-15-54.8W	North Little Rock, AR	47.2
35	1319381	Constructed	A1199640	Alltel Corporation	34-47-20.2N 092-13-28.4W	North Little Rock, AR	13.4
36	1320509	Constructed	A1206651	Alltel Corporation	34-47-46.4N 092-14-07.6W	North Little Rock, AR	11.5
37	1320903	Granted	A1203990	New Cingular Wireless PCS, LLC	34-47-48.6N 092-13-21.7W	North Little Rock, AR	24.1

**SITE INFORMATION**

**EH1 SITE ADDRESS:**  
 152 PIKE AVENUE  
 NORTH LITTLE ROCK, AR 72114  
 PULASKI COUNTY

**LATITUDE (NAD 83):**  
 34° 47' 53.981" (34.798317)  
**LONGITUDE (NAD 83):**  
 -92° 19' 34.334" (-92.323157)

**GROUND ELEVATION:**  
 235.7 (ANSI)

**JURISDICTION:**  
 CITY OF NORTH LITTLE ROCK

**JURISDICTION CONTACT:**  
 NORTH LITTLE ROCK COMMUNITY DEPARTMENT  
 152 MAIN STREET  
 NORTH LITTLE ROCK, AR 72114  
 DONNA JAMES  
 501.976.8882

**LAND OWNER:**  
 TODDY SHOP PROPERTIES LLC  
 ALLEN BIRNSTRON  
 152 MAIN STREET  
 NORTH LITTLE ROCK, AR 72114

**ZONING:**  
 COMMERCIAL C-4

**PARCEL/AMP NUMBER:**  
 33N180004190

**TOWER OWNER:**  
 TILLMAN INFRASTRUCTURE LLC  
 152 WEST 87TH STREET 27TH FLOOR  
 NEW YORK, NY 10019

**STRUCTURE TYPE:**  
 MONOPOLE

**STRUCTURE HEIGHT:**  
 145 (AGL)

**POWER SUPPLIER:**  
 NORTH LITTLE ROCK ELECTRIC DEPARTMENT  
 801.976.8888

**TELCO SUPPLIER:**  
 AT&T  
 #44.353.3434

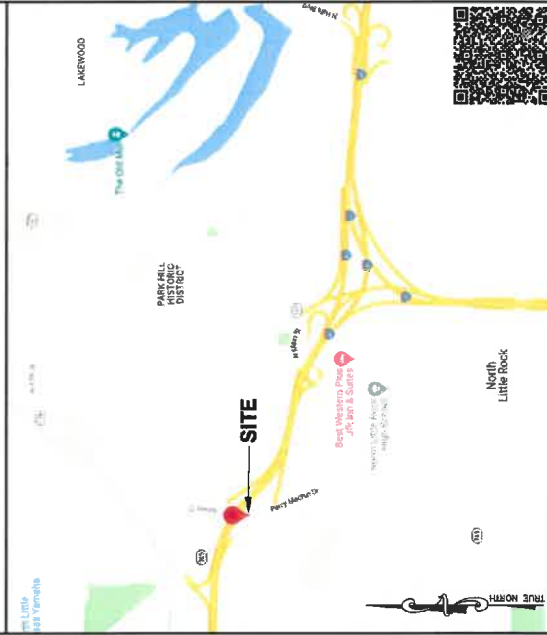
**PROJECT TEAM**

**APPLICANT:**  
 TILLMAN INFRASTRUCTURE LLC  
 NEW YORK, NY 10019

**PROJECT MANAGEMENT FIRM:**  
 SCI WIRELESS  
 497 RIDGE POINT DRIVE  
 HEATH, TX 75128  
 (817) 377-2091  
 sciwireless@sciwireless.com  
 daniel@sciwireless.com

**ENGINEERING FIRM:**  
 MISSOURI COMMUNICATIONS  
 6032 CONSTITUTION DR. SUITE C  
 FORT WAYNE, IN 46804  
 (317) 233-1100  
 W.L. HEDREN  
 whedren@missouri.com

**VICINITY MAP**



**CODE COMPLIANCE**

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL JURISDICTION UNLESS OTHERWISE SPECIFIED TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THE LATEST EDITIONS OF THE FOLLOWING CODES:

- 2014 INTERNATIONAL MECHANICAL CODE, CURRENT EDITION
- AS ADOPTED BY LOCAL JURISDICTION
- 2014 NATIONAL ELECTRIC CODE, CURRENT EDITION AS ADOPTED BY LOCAL JURISDICTION
- 2014 INTERNATIONAL MECHANICAL CODE, CURRENT EDITION AS ADOPTED BY LOCAL JURISDICTION
- AS ADOPTED BY LOCAL JURISDICTION
- NFPA 70B, LINE SAFETY CODE, CURRENT EDITION AS ADOPTED BY LOCAL JURISDICTION
- 2014 INTERNATIONAL FIRE ALARM CODE, CURRENT EDITION AS ADOPTED BY LOCAL JURISDICTION
- AMERICAN CONCRETE INSTITUTE
- ANSI/TIA-222-G
- TIA 607
- INSTITUTE FOR ELECTRICAL & ELECTRONICS ENGINEER #1
- TELECOMMUNICATIONS FACILITY CONSTRUCTION
- TELECOMMUNICATIONS FACILITY CONSTRUCTION
- ANSIT 311
- MANUAL OF STEEL CONSTRUCTION 10TH EDITION

**DRAWING INDEX**

- T-1 TITLE SHEET
- Z-1 SURVEY
- Z-1 OVERALL SITE PLAN
- Z-2 ENLARGED SITE PLAN
- Z-3 ELEVATION

**DRAWING SCALE**

THESE DRAWINGS ARE SCALED TO FULL SIZE AT 22"x34" AND HALF SIZE AT 11"x17". CONTRACTOR SHALL VERIFY ALL PLANS AND EXISTING DIMENSIONS AND CONDITIONS ON THE JOB SITE AND SHALL IMMEDIATELY NOTIFY THE DESIGNER / ENGINEER IN WRITING IF ANY DISCREPANCIES ARE FOUND. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS ON THE JOB SITE AND SHALL IMMEDIATELY NOTIFY THE DESIGNER / ENGINEER IN WRITING IF ANY DISCREPANCIES ARE FOUND. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS ON THE JOB SITE AND SHALL IMMEDIATELY NOTIFY THE DESIGNER / ENGINEER IN WRITING IF ANY DISCREPANCIES ARE FOUND. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS ON THE JOB SITE AND SHALL IMMEDIATELY NOTIFY THE DESIGNER / ENGINEER IN WRITING IF ANY DISCREPANCIES ARE FOUND.

**SCOPE OF WORK**

- THIS PROJECT CONSISTS OF:
- CONSTRUCTION OF A PROPOSED UNMANNED TELECOMMUNICATIONS FACILITY.
  - PLATFORM OR CONCRETE PAD AND UTILITY INSTALLATIONS.



Know what's below.  
 Call before you dig.  
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REV	DATE	DESCRIPTION
0	04/20/2022	ZONING EXHIBIT

DRAWN BY:	DL
CHECKED BY: <td>DL</td>	DL

**TI-OPP #**  
 19197-A  
**15448426**  
**SITE NAME:**  
 NLR LEVY  
**SITE ADDRESS:**  
 3128 PIKE AVENUE  
 NORTH LITTLE ROCK, AR 72114

**SHEET TITLE**  
 TITLE SHEET

**SHEET NUMBER**  
 T-1

**TOWER INFO**

CENTER OF TOWER: LATITUDE: 34°47'03.951" NORTH LONGITUDE: 92°16'38.334" WEST (NAD 83) GROUND ELEVATION: 283.50' ABOVE MEAN SEA LEVEL (NAVD88) SITE ADDRESS: PERCY MACHIN DRIVE NORTH LITTLE ROCK, ARKANSAS 72114

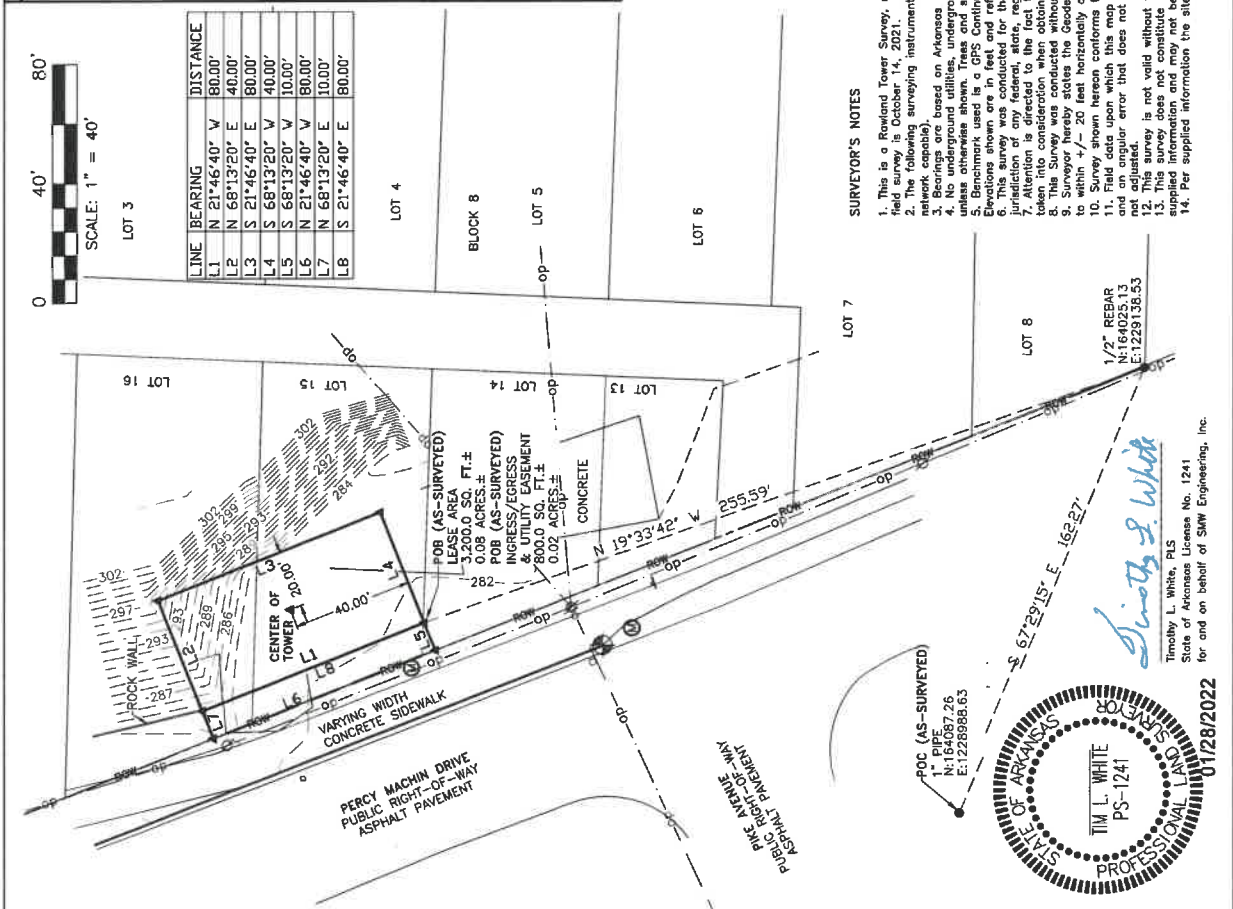
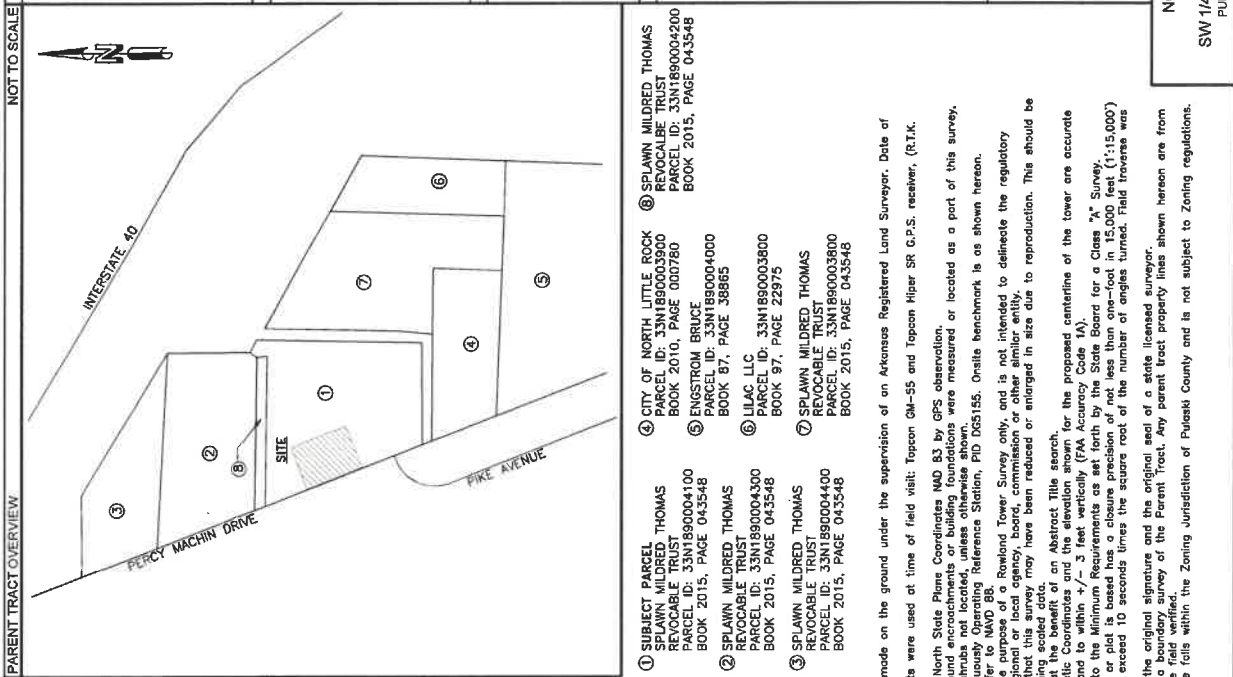
**VICINITY MAP**

**LEGEND**

- = 5/8" REBAR SET
- = FOUND PROPERTY MARKER
- POB = POINT OF BEGINNING
- POC = POINT OF COMMENCEMENT
- ▲ = CALCULATED POINT
- (R) = REFERENCED INFORMATION
- (M) = MEASURED
- ⊕ = POWER POLE
- ⊗ = MANHOLE
- ⊙ = SIGN
- ⊕ = TEMPORARY BENCHMARK
- END OF CURB ELEVATION: 281.31'
- = RIGHT-OF-WAY
- = OVERHEAD POWER

**FLOOD NOTE**

By graphic plotting only, the subject property appears to lie in Zone "X" of the Flood Insurance Rate Map Community Panel No. 05119003426, which is in effect as of 06/01/2015. In a special flood hazard area, the Zone "X" Areas determined to be outside the 0.2% annual chance floodplain.





**SUBJECT PARCEL (PER TITLE)**

Tract II: Lot 7, South and West of Highway, the East, 100 feet of Lot 7, Lot 6, except East 50 feet thereof, Lot 5 except East 50 feet thereof and except a portion of 5 in highway right-of-way, all in Block 8, Twin City Addition to the City of North Little Rock, Arkansas, including the centerline of the original platted Alleys Abutting on said Lots 13 and 14, and the South Lot line of said Lots 13 and 14 out to the centerline of the original platted Alleys Abutting on said Lots 13 and 14, which alleys were vacated and abandoned and title thereto vested in the owners of the abutting property by City of North Little Rock Ordinances No. 2155 and No. 2599.

Tract III: 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 50 feet thereof and except a portion of 5 in highway right-of-way, all in Block 8, Twin City Addition to the City of North Little Rock, Arkansas, including the centerline of the original platted Alleys Abutting on said Lots 13 and 14, and the South Lot line of said Lots 13 and 14 out to the centerline of the original platted Alleys Abutting on said Lots 13 and 14, which alleys were vacated and abandoned and title thereto to the centerline thereof vested in the owners of the abutting property by City of North Little Rock Ordinance No. 2155 and No. 2599.

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

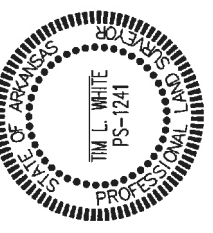
Tract V: A strip 10 feet of Lot 15, Block 8, Twin City Addition to Argenta, in the City of North Little Rock, Arkansas, including the lands lying between the East lot line of the said South 10 feet of Lot 15 and the centerline of the original platted alley abutting thereon, which alley was vacated and abandoned and title thereto to the centerline thereof vested in the owners of the abutting property by City of North Little Rock Ordinance No. 2155 and No. 2599.

**LEASE AREA (AS-SURVEYED)**  
Being a portion of a certain tract of land described as Lot 14, 15, and 16, Block 8, Twin City Addition to Argenta, 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, having Arkansas North State Plane Coordinates of N:164087.26 E:1228988.63; 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 Argenta, 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 feet to a point; thence N 68°13'20" E a distance of 40.00 feet to a point; thence S 21°46'40" E a distance of 80.00 feet to a point; thence S 68°13'20" W a distance of 40.00 feet to the Point of Beginning. Said above described Lease Area contains 3,200.0 square feet or 0.08 acres, more or less.

**INGRESS/EGRESS & UTILITY EASEMENT (AS-SURVEYED)**  
Being a portion of a certain tract of land described as Lot 13 and 14, Block 8, Twin City Addition to Argenta, 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, having Arkansas North State Plane Coordinates of N:164087.26 E:1228988.63; 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 Argenta, 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 Machin Drive; thence N 21°46'40" W, following said right-of-way line a distance of 80.00 feet to a point; thence N 68°13'20" E a distance of 10.00 feet to a point; thence S 21°46'40" E 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.



01/28/2022  
DATE

**SURVEYOR'S CERTIFICATION**

I certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Arkansas 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 SMW Engineering, Inc.

**PLOTTABLE EXCEPTIONS**  
Fidelity National Title Insurance Company  
Commitment for Title Insurance File No. 21--114850--700  
Date October 1, 2021 @ 8:00 am  
Schedule B, Section II

Excision No.	Instrument	Comment
1-8, 11, 12		Standard exceptions. Contain no survey matters.
9	Plat Book 1, Page 284	Describes the original subdivision of these lots, but does not contain easements or encumbrances that effect the Lease Area or Easement
10	Book 1, Page 284	Deeds effect, and is blanket in nature.

DATE	01/11/22 PM
REVISION	
UPDATED LEASE AND EASEMENT	
PROJECT NO.	21-11350
DRAWN BY: PM	
CHECKED BY: MKD	
APPROVED BY: MKD	
SCALE: N.T.S.	
SHEET 2 OF 2	

**RAWLAND TOWER SURVEY**  
SCI WIRELESS  
497 RIDGE POINT DRIVE  
HEATH, TX 75126

**SMW Engineering Group, Inc.**  
188 Business Center Drive  
Birmingham, Alabama 35244  
Ph: 205-252-6965  
www.smweng.com

NORTH LITTLE ROCK  
T-OPP-19187  
SW 1/4, SEC. 22, T-2-N, R-12-W  
PULASKI COUNTY, ARKANSAS









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



PARLAY 2011. Welcome. Gregory, your subscription is active.

Google Earth

200 ft



REA Rental  
Compan LLC  
33N900200202

Mauro Antonio  
Romero  
33N1900200200

Toddy Shop  
Properties LLC  
33N1890004300

Subject  
Parcel

Toddy Shop  
Properties LLC  
33N1890003700

City of  
North Little Rock  
33N1890003900

Forge, Inc.  
33N1410021500

365

40

W Avenida Dr

MacArthur Dr

Percy Maclin Dr