

# City of North Little Rock Board of Zoning Adjustment Agenda Thursday, July 28, 2022 - 1:30 PM

Conference Room B - City Services Building - 120 Main Street, NLR, AR 72114

## Call to Order -

Roll Call and finding of a Quorum -

Approval of Minutes - June 28, 2022

# Public Hearing Items -

- 1. **BOA 2022-23**, a variance request from the provisions of Section 5.11.4 to allow the placement of a front yard fence located at 10440 Mine Road
- 2. **BOA 2022-24**, a variance request from the provisions of Section 14.25 of the North Little Rock Sign Ordinance to allow the placement of an additional wall sign located at 3913-B McCain Blvd
- 3. **BOA 2022-25**, a variance request from the provisions of Section 4.1.2 to allow a reduced side yard setback for an attached carport, located at 413 Goshen Avenue
- 4. **BOA 2022-26**, a variance request from the provisions of Section 4.2.6 to allow a reduced front yard setback along E Broadway, 3310 E Broadway

### 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 August 1, 2022 - Hearing August 25, 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 – June 30, 2022

Chairman Tom Brown called the meeting of the North Little Rock Board of Zoning Adjustment to order at 1:30 P.M. in Conference Room B of the City Services Building, 120 Main Street, North Little Rock, AR. Roll call found a quorum to be present; a quorum being three members present.

# **Members Present**

Mr. Tom Brown, Chairman

Mr. Mike Abele

Mr. Gardner Burton

Mr. Steve Sparr

# **Members Absent**

Mr. Tim Giattina, Vice-Chair

# **Staff Present**

Ms. Donna James, City Planner

Ms. Marie Bernard-Miller, City Attorney

# **Others Present**

Greg Ferris, Wichita, KS
Stephen Smith, Ft. Smith, AR
Robert Wortsmith, Mt. Ida, AR
Garry Haas, 5301 Lakeview Rd, NLR, AR
Mary Ann Haas, 5301 Lakeview Rd, NLR, AR
Carletta Hampton, 117 Melrose Divide, NLR, AR
Chris Lacy, Cabot, AR
Jeff Aclin, Cabot, AR
Thomas Pownall, 3810 Lookout Rd, NLR, AR
Jon Oliver, 5309 Lakeview Rd, NLR, AR
Jaeda Oliver, 5309 Lakeview Rd, NLR, AR
Lee Jeffret, 8305 Edmar PI, NLR, AR
Lucille Jeffret, 8305 Edmar PI, NLR, AR
Aaron Robinson, Jacksonville, AR
Demetrius Bohannon, 2624 E Broadway, NLR, AR

# **Old Business**

None

# **Approval of Minutes**

Mr. Burton formed a motion to approve the minutes from May 26, 2022. Mr. Sparr seconded the motion. Chairman Brown called for a vote. The motion was approved.

# 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).

The applicant, Mr. Aaron Robinson, addressed the Board and stated that his hardship was the existing sewer line that cut through the property due to the fact that previous home on the lot faced a different direction.

Chairman Brown asked why the setback was needed for all 3 lots when only 1 lot was affected by the sewer line. Mr. Robinson answered for a continuous aesthetic across all three lots. Mr. Robinson stated they would accept the variance for 3R only, if that was the only option, but that 3R must have the variance to fit the house plan.

Mr. Abele asked if 20 feet would work instead of 15 feet. Ms. James stated that 20 feet was the usual setback that staff recommended so that parked cars would not block the sidewalk. Mr. Robinson answered the setback needed to 15 feet to work for the house and that their plans would include parking spaces behind the house for all three houses. Chairman Brown stated he did not support the request because of where the cars would park.

Chairman Brown asked for a motion. No motion was made. The application died for lack of a motion and was not approved.

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).

Mr. Chris Lacey and Mr. Chris Aclin, representing the Baring Cross Opportunity Zone, addressed the Board, stating their hardship was the size of the lot which did not allow for any structures to be built with the current setbacks. Chairman Brown stated this does not qualify as a hardship. He then asked Ms. James to read the definition of a hardship and asked the applicants to state their hardship.

Mr. Burton asked the applicants what they were trying to build on the lot. The applicants answered this would be a duplex whose entries would be facing Division Street. Mr. Burton asked for clarification on which sides of the duplex the reduced setbacks were needed. Ms. James answered the setbacks on the east and west sides did not meet the minimum requirements. She elaborated they could rezone to R3, which allowed for smaller setbacks, but they would still need a variance to allow the development of the lot.

Chairman Brown asked if there were any staff concerns. Ms. James stated there were concerns with overbuilding the lot. She stated even if it were developed as a single family home there would be variances associated with the request. But with a single-family home there would be green space and outdoor living areas. She stated a duplex would make it especially difficult to have outdoor living space.

Mr. Lacey informed the Board that parking would be on the north and south sides of the duplex. Ms. James stated the alley on the north side was not dedicated.

Chairman Brown asked if there were any more comments from the applicants or the Board. There being no additional comments, Chairman Brown called for a motion on the application. Mr. Sparr provided a motioned to approve the application, Mr. Abele seconded the motion. Chairman Brown requested a roll call vote. With 2 votes for the motion and 2 against, the motion failed to pass. The application was not approved.

- 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.

The applicants, Jon and Jaeda Oliver of 5309 Lakeview Road, addressed the Board, stating their hardship was the elevation of their yard made it nearly impossible to have a storage building in the back yard. They proposed to use the container as a storage shed, to set it flush against their house and then build a deck over it to conceal it.

Chairman Brown asked them why they didn't get a permit for the container. They stated they were unaware they needed one. Chairman Brown asked the applicants if they had other options besides a shipping container. They answered the other options were two or three times as expensive. Chairman Brown asked the applicants if they could build an addition onto the back of their house for storage. The applicants answered they would not want to access their storage through their home's interior.

Mr. Sparr asked if the container would still be visible from the sides of the deck. The applicants answered they planned to hide it by using something like lattice.

Chairman Brown asked the applicants to clarify the comment of the yard being level. The applicants stated the yard would be leveled by terracing and that the only place they could put a shed in the backyard would take up all of their outdoor living space because the rest of the terraces were too small.

Chairman Brown asked if there was anyone in the audience who wanted to speak about

this application.

Ms. Mary Ann Haas of 5301 Lakeview Road, addressed the Board stating her opposition to the project was as a neighbor. Ms. Haas stated the project was not just the container, it had been a large and slow moving project done mostly by Mr. Oliver himself. She stated the hole for the container was dug almost a year ago and there was still debris from the terracing and the backyard was unsightly.

Mr. Abele asked Ms. Haas if she could see the container from her backyard. She answered yes she could see the container and the rest of their backyard. She also stated the sewer line was open. Mr. Oliver stated the container would sit on top of the sewer line.

Mr. Sparr asked Ms. Haas if it would help if they put a screen around the container and placed the deck over the container. She answered yes it would, but questioned how long it would take since the project had already taken well over a year.

Chairman Brown asked the applicants if they had anything else they wanted to say to the Board. They stated they were willing to put up a temporary screen to block the Haas's view of their backyard while the project was ongoing.

Mr. Burton asked the applicants what kind of timeline they are looking at for this project. Ms. Oliver answered they were waiting on the structural engineer to complete the retaining wall to make this project safe. They further stated they too want this project to be completed as soon as possible.

Mr. Burton asked Ms. James to clarify what exactly the Board was deciding today. She answered a shipping container was considered temporary and approved for 30 days, the Board was voting on whether or not to allow the container to remain longer.

Chairman Brown asked for a motion to approve the application. No motion was made. The application died for lack of a motion and was not approved. Mr. Brown informed the applicants they had 30 days to remove the container.

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.

Ms. Carletta Hampton of 117 Melrose Divide, addressed the Board and stated her hardship was her yard was a corner lot and she had a lot of pedestrian traffic, so she would like to replace an existing chain link fence in her front yard. She stated over the years the trees and age of the fence had caused the existing fence to need repair and replacement.

Mr. Sparr provided a motioned to approve the application. Mr. Burton seconded the motion. Chairman Brown requested a roll call vote and all members voted in the affirmative.

- 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.
  - Mr. Demetrius Bohannon of 4116 Alma Street, North Little Rock and owner of the property in question, addressed the Board stating his hardship was he was unaware of setback requirements when he built the building on the property. He stated he built the building on top of the foundation of the former building which was previously there.

Mr. Lee Jeffrey of 8305 Atmore Place, North Little Rock, addressed the Board, stating he was representing the Eastern Star Baptist Church which was across the street from Mr. Bohannon's property. Mr. Jeffrey stated the church was a busy place with events 3-4 days of the week in addition to Sundays. He stated the proposed setback would be dangerous for people pulling in and out of the church's parking lot. He stated he was concerned with cars backing into the street close to the intersection.

Mr. Abele asked where cars would be parked. Mr. Bohannon answered there were two parking spaces on Cherry Street. Mr. Abele asked if this was going to be a commercial business. Mr. Bohannon answered the building was going to be used as storage for his vehicles.

Chairman Brown asked for a motion to approve the application. No motion was made. The application died for lack of a motion and was not approved. Mr. Brown informed the applicants they had 30 days to remove the building.

Ms. James informed the Board there was a case in the court system for not securing a building permit prior to construction. She stated the judge had allowed Mr. Bohannon to ask this Board for the requested variances to allow the building to remain. She stated now that the Board had denied the request the item would go back to the courts for finalization. Ms. James further clarified Mr. Bohannon did have a buildable space on the property within the setbacks, but it was not enough space for the use Mr. Bohannon was wanting.

- 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).
  - Mr. Thomas Pownell of Thomas Engineering addressed the Board stating the hardship for the case was the topography of the lot. He stated this was one of the smaller lots on JFK and all of the surrounding lots were already developed, so there was no room to expand. The reduced setback of 2.25-feet was necessary to build properly on the lot for the commercial project.

all members voted to approve. The application was approved.

Chairman Brown called for a motion. Mr. Burton made a motion to approve the application. Mr. Sparr provided a second to the motion. Chairman Brown requested a roll call vote and

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.

Mr. Greg Farris of Wichita, KS addressed the Board stating the hardship for the project was the topography of the surrounding land made it necessary to build the tower taller than the 75-feet allowed in order for the tower to be functional.

Chairman Brown stated the Board had heard from Mr. Farris at the previous meeting and he had been turned down due to the NLR Airport Commission having many concerns for the project. Since then, the Airport Commission has studied the project further and has concluded that it does not pose a threat and they approve of the project.

Mr. Farris assured the Board they would get FAA approval before requesting a building permit. He further stated the FAA only required approval for towers over 200 feet but AT&T would seek approval from FAA regardless out of an abundance of caution. He stated AT&T had already submitted plans to FAA for review.

Mr. Burton asked Mr. Farris if he had any issues with the staff recommendations. Mr. Farris answered he did not.

Chairman Brown asked if there was anyone who would like to speak about this project. Mr. Steven Smith of Fort Smith and representing SVA Communications addressed the Board. He stated SVA owned a tower which was .79 miles from the proposed site location and AT&T was currently located on the tower. He stated SVA was not had not been informed of the request SVA was ready to work with AT&T to extend coverage to the existing area.

Mr. Farris stated AT&T looked for any tower within ¼ mile of the proposed tower. He stated SVA tower was ¾ a mile away from this tower. He stated although did not sound like much of a difference to most people, it could mean a huge difference when it came to coverage. The proposed site would provide coverage to an area was in need. He further stated this tower would help with the capacity of several existing towers in the area.

Mr. Abele clarified the Board was voting only on the height of this proposed tower. Ms. James agreed and stated the applicants next steps was to go before the Planning Commission for Site Plan Review and a recommendation for a Special Use which then would be presented to the City Council and the Mayor.

Chairman Brown called for a motion. Mr. Sparr made a motion to approve the application.

North Little Rock Board of Zoning Adjustmen
Minute Record – June 30th, 2022
Page 7 of 7

Mr. Burton seconded the motion. Chairman Brown requested a roll call vote and all members voted in favor of the motion. The application was approved.

Administrative -	Ad	min	istra	ative	_
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none

# **Public Comment and Adjournment**

Mr. Sparr motioned to adjourn the meeting. Mr. Burton seconded the motion. All members voted in favor of the motion.

Approved on this <u>28<sup>th</sup></u>	day of _July
Tom Brown, Chairman	

of a front yard fence

Variance Requested: a variance request from the provision of Section 5.11.4 to allow the placement

Location of the Request: 10440 Mine Road, NLR, AR 72120

Legal Description of the Property: Lot 5R, Hayden Heights Addition to the City of North

Little Rock, Pulaski County, AR

Owner/Applicant: David and Catherine Reed

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

**Present Zoning of the Property: R1** 

<u>Site Characteristics</u>: The property contains a newly developed single family home located on a private drive. The applicant's access to the home is from a gated private drive. Three other homes share the gated private drive. There is a large wooded buffer located along Mine Road on this property.

# Surrounding Uses and Zoning

<b>Direction</b>	Surrounding Zoning	Surrounding Uses
North	R1	Single Family
South	R1 .	Single Family
East	Not zoned	Single Family – Sherwood
West	Not zoned	Single Family - Sherwood

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

<u>Staff Analysis</u>: The applicant is seeking a variance to allow the placement of a 6-foot black ornamental steel fence which will run the full length of the property along Mine Road. The applicant is seeking to secure the property and tie the fence into an existing access gate located on the private drive accessing his home. The applicant states being in a remote location along Mine Road there is concern of a person simply backing up to one of the applicant's utility trailers and driving off.

The applicant notes three incidents in the past few years of trespassing, vandalism and theft. In the fall of 2020 there was a home invasion of one of the homes on the private drive. In the winter of 2021 teenagers crossed the property in the middle of the night and stole several items from a vehicle parked at a home on the private drive and in June 2022, two young boys walked out of the back of the Village East Neighborhood and trespassed in a neighbor's barn and stole and/or vandalized several items. The applicant states there are no neighbors/homes located between his home and Mine Road. He requests the Board take this into consideration and allow the fence to be placed and extend beyond

the front corner of his home along Mine Road for both the safety of his property as well as the other three homes located on the private drive.

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 property is a large platted lot with considerable vegetation along Mine Road which does not allow visibility into the property.
- 2. Does the variance substantially or permanently injure the appropriate use of adjacent conforming property in the same district? No, the adjacent properties are located set back a distance from Mine Road.
- 3. Will approval of the variance alter the essential character of the district? No, the district 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 are no changes to the land use and zoning of the area.
- 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 6-foot black ornamental fence within the front yard along Mine Road.
- 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.

David and Catherine Reed 10440 Mine Road North Little Rock, AR 72120



6/27/2022

City of North Little Rock Board of Zoning Adjustment 120 Main Street - 2nd Floor North Little Rock, AR 72114

Dear Board of Zoning Adjustment,

I am requesting to be allowed to install a 6' black ornanmental steel fence that would run the full length of my western property line. If I am not able to extend the fence past the front corner of my home I would have no other way to keep my property protected except to bring the fence across my driveway which would be extremely inconvenient. Additionally, the ability to run the fence all the way to our private drive to help protect the three other homes that share the private drive with us.

Being the remote location of Mine Road I am concerned about the ability of a person to simply back up to one of my trailers and drive off.

We have security camera footage of 3 instances in the last 2 and a half years. In the fall of 2020 there was a home invasion of one of the homes on our private drive. In the winter of 2021 there were some teenagers that crossed my property in the middle of night and stole several items out of a vehicle that was parked at a house on our private drive. In early June 2022 two young boys walked out of the back of the Village East Neighborhood and tresspassed in a neighbors barn and stole and vandalized some items.

I ask that you take the fact that I have no neighbors between my property and Mine road into consideration in granting me the permision to extend my fence past the front corner of my home to the private drive.

Thank you for your time and consideration on this matter.

Respectfully

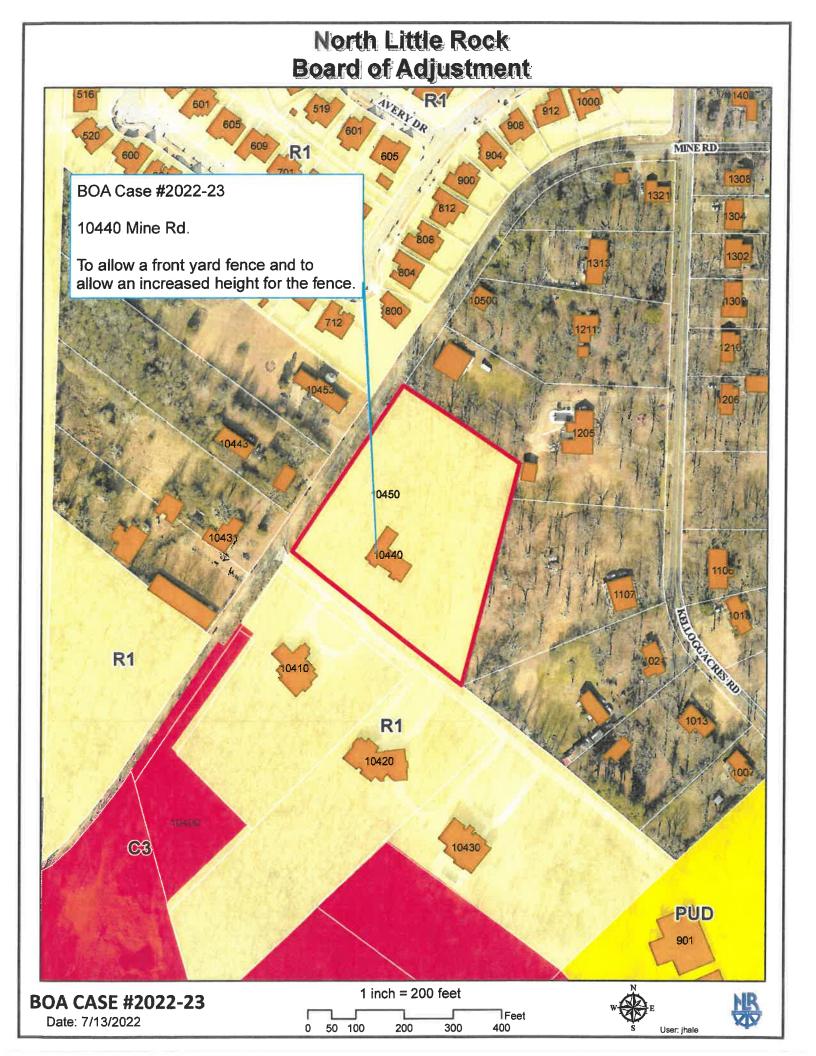
David Reed

**Catherine Reed** 

davidre lexicon-inc.com

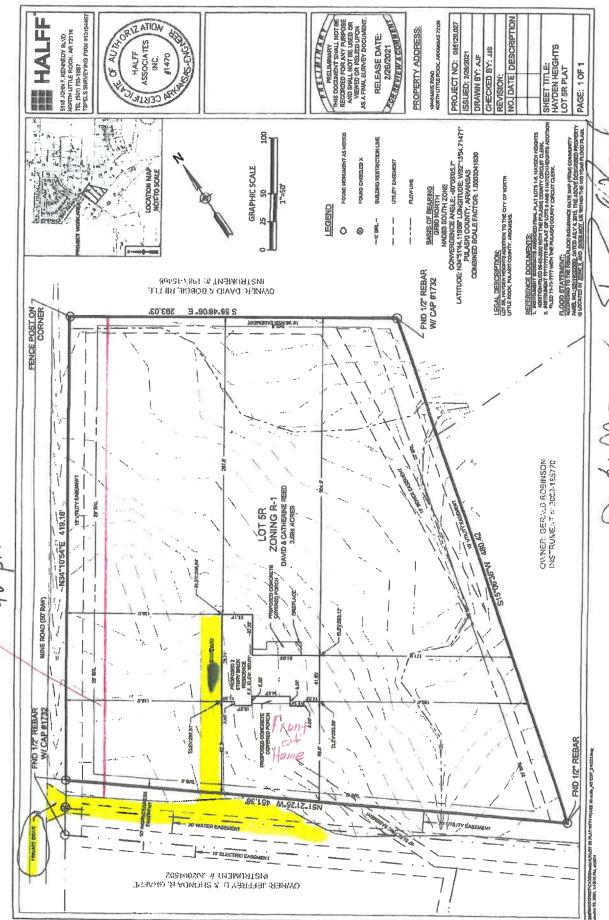
501-425-6438

North Little Rock **Board of Adjustment** 1 inch = 75 feet**BOA CASE #2022-23 T**Feet Date: 7/13/2022 37.5 75 150 User: jhale



# North Little Rock **Board of Adjustment** Proposed fence location. Section of proposed fence with variance requested. 1 inch = 75 feet **BOA CASE #2022-23 T**Feet Date: 7/13/2022 37.5 75 150 User: jhale

Reguesting Variance private fence 40



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<u>Variance Requested</u>: a variance request from the provision of Section 14.25 of the North Little Rock Sign Code to allow the placement of an additional wall sign

Location of the Request: 3913-B McCain Boulevard, NLR, AR

Legal Description of the Property: Lot 1, Block 1, McCain Mall Addition to the City of North

Little Rock, Pulaski County, AR

Owner: Stritage SRC Finance LLC

Applicant: DX Sign and Printing on behalf of McCain Nails & Spa

**Present Use of the Property:** Retail, Nail Salon

Present Zoning of the Property: C3

<u>Site Characteristics</u>: The site is located within the McCain Mall Shopping Center. The building is the former Sears Auto Repair, which has been converted into retail space. The western portion of the building is Longhorn Steakhouse. In addition to Longhorn Steakhouse there are additional retail spaces located within this former auto repair building; this lease space, Aspen Dental office and a vacant space.

# Surrounding Uses and Zoning

Direction	Surrounding Zoning	Surrounding Uses
North	C3	McCain Mall
South	C3	The Other Center Shopping Center
East	C3	Retail, Restaurant under construction
West	C3	Sleep Number Mattress Store

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

<u>Staff Analysis</u>: The applicant is seeking a variance to allow the placement of an additional wall sign on this lease space. The Sign Ordinance allows the placement of one wall sign per tenant lease space. The wall signs are to have direct street frontage except in cases where a sign without street frontage is the only means of identification such as shopping centers. The applicant has secured a sign permit to allow the placement of a sign on the front façade, which fronts into the McCain Mall parking lot. The applicant is seeking the variance to allow the placement of a second wall sign on the rear of the building along McCain Boulevard.

The applicant states the need for the sign is for driver visibility. The applicant states effective signage not only increases the growth of the business, but it also increases the number of customers who walk through the door. The applicant states placing the signage at the right place will help to draw attention of prospective customers. The applicant states the main entrance to the mall is located to the east but

should potential customers miss the main entrance to the site a second entrance is located just to the west of their building.

The sign is proposed 28-feet wide and 25-feet high for a total square footage of 56 square feet. The lease space for this tenant is 71-feet by 26-feet for a total area of 1846 square feet. Based on building permit information it appears the tenants lease space façade along the southern wall is 14-feet wide and 26-feet in height. Signage is allowed at 10% of the tenants lease space area not the total wall façade of the multi-tenant building. In addition, the sign must be located on the wall façade of the tenants lease space and not encroach onto an adjacent lease space. With a tenant lease space of 14-feet wide and 26-feet in height a total sign area of 36 square feet is the maximum size allowed.

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? Possibly, the site is located within a shopping center with a principal arterial, McCain Boulevard, located along the rear of the building.
- 2. Does the variance substantially or permanently injure the appropriate use of adjacent conforming property in the same district? No, similar variances have been approved for businesses within the shopping center.
- 3. Will approval of the variance alter the essential character of the district? No, there will be no change to 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? Possibly, the placement of wall signs within shopping center without street frontage is allowed. The applicant is seeking to place an additional wall sign on the rear of the building with visibility from McCain Boulevard.
- 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 or welfare of the area.

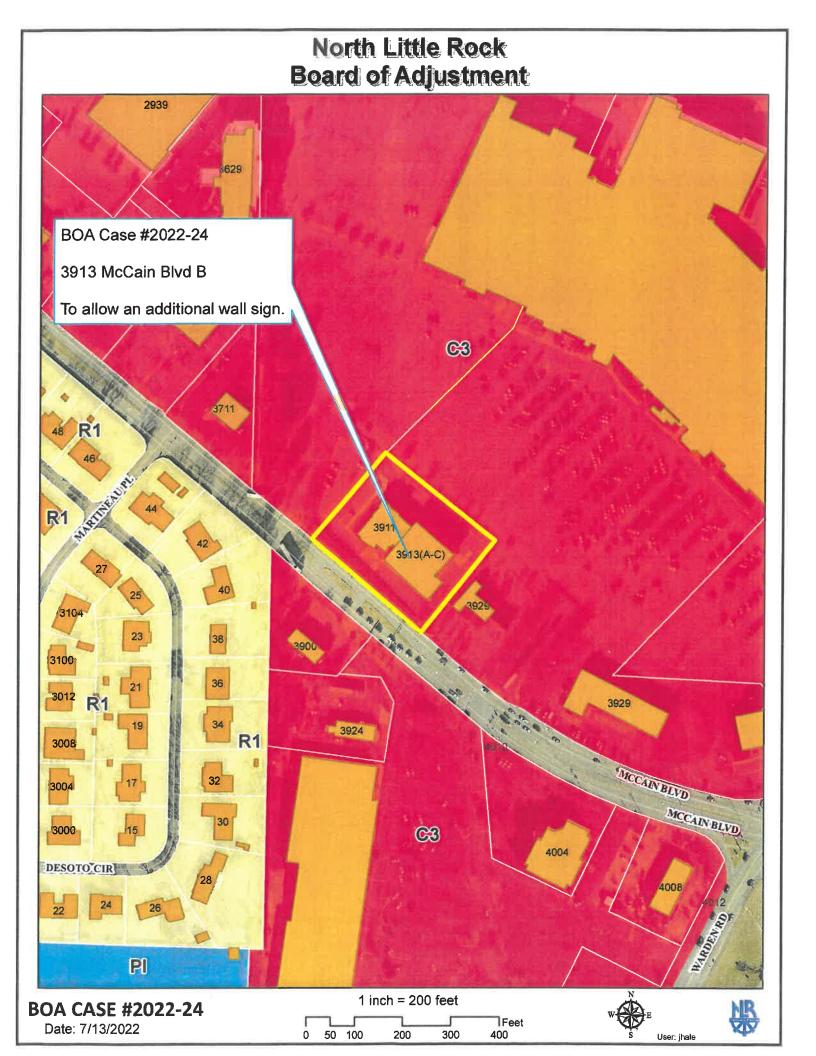
## Approval Allows:

1. Approval will allow the placement of a wall sign on the southern façade, along McCain Boulevard, with a maximum sign area of 56 square feet.

2. Approval of this variance request is valid for 180-days from date of approval. If a building permit is not secured within the 180-day period, approval becomes invalid unless, the Board of Zoning Adjustment has approved a request for a time extension. All requests for time extension must be made prior to the expiration of the Board's approval.

# **Staff Recommendation:**

Staff recommends the wall signage be limited to the maximum allowable square footage of the tenants lease space (maximum of 36 square feet of sign area).



# North Little Rock **Board of Adjustment** 2nd Wall Sign Location. MCCAN W/NO Wall Sign Location. 1 inch = 50 feet**BOA CASE #2022-24 T**Feet Date: 7/18/2022 25 100 50 User: jhale



# Dx Signs & Printing, LLC.

501-358-1841 Ph. Hot Springs, AR 71913 3475 Albert Pike Rd. Ste. B

06/14/22

Date: Name:

McCain Nails & Spa

Design: Dx Signs

Address: 3913-B McCain Blvd.

N. Little Rock, AR

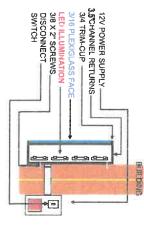
OHY:

Phone:

# Secund Sign Back Buiding



# Pan-Cannel letters



# **SPECIFICATIONS**

Contains all new UL components

Building 71'x26' = 1,846' SFt. **Signs** W-28'x H-25" = **56' SFt**. Front the sidewalk to the Sign 22' Ft. Interior illuminated Pan Channel Letters

# Materials:

.040 Aluminum, 1" black Trim-cap 1/8" Acrylite white 011 white 122 1/8" Acrylite red (McCAIN)c

Illumination: LED Module, 60W Power Supply

# Installation:

Attach Channel Lettering to wall construction 4 screws #12 x 2" on each letter



# 501-358-1841 Ph. Hot Springs, AR 71913 3475 Albert Pike Rd. Ste. B Dx Signs & Printing, LLC.

Date: 06/14/22

Name:

Design: Dx Signs

McCain Nails & Spa

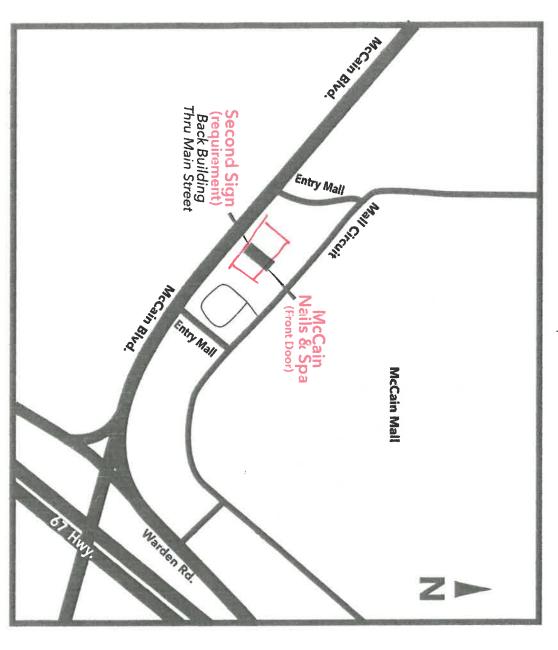
Address: 3913-B McCain Blvd.

N. Little Rock, AR

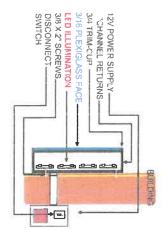
Phone:

City:

# **Buiding Location**



# Pan-Cannel letters



Contains all new UL components

# **SPECIFICATIONS**

Signs W-28'x H-25" = 56' SFt. Bulding 71'x26' = 1,846' SFt. Front the sidewalk to the Sign 22' Ft. Interior illuminated Pan Channel Letters

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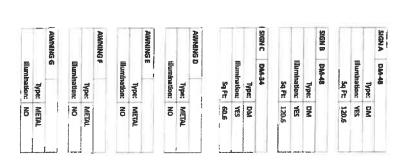
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SITE PLAN



R1-ISB-14/021/15: Revised North, Exc & South Elevations. R2 B1 12/4/15: add new size R3 BR 12/5/15: udd eign cyr's





CHANDLER

Sheet 1 of 14
ASPEN DENTAL
SATING SHOOL
MITTLE ROCK, AR

E FINCH | VB

**Àspen**Denta

0405705A/S

round

To Whom it May Concern

I am writing this letter to the north little rock board to ask permission to put up a second sign at the back of the shopping center. As it is required for the main intercept for driver visibility. this benefits us all so much that in my opinion it is not only required for me but for all merchants

Does signage help my business?

Effective signage not only increases the growth of the business, but it also increases the number of customers who walk through our door. Placing the signage at the right place will help us to draw the attention of prospective customers.

As the owner of the business **McCain Nails & SPA**, I will be eternally grateful for taking my case in mind hoping that the verdict benefits us all.

Permit request at address: 3913 McCain Blvd. Ste B N. Little Rock, AR 72114

Please contact me with any questions.

ATT: Thang q Nguyen

McCain Nails & SPA

Linhthang25@yahoo.com

501-960-2982

<u>Variance Requested</u>: a variance request from the provision of Section 4.1.2 to allow a reduced side yard setback for an attached carport

Location of the Request: 413 Goshen Avenue, NLR, AR

Legal Description of the Property: Lot 31, Block 2, Park Hill Addition to the City of North

Little Rock, Pulaski County, AR

Owner/Applicant: James Young

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

Present Zoning of the Property: R1

<u>Site Characteristics</u>: The home is located in the Park Hill neighborhood. The property currently has a concrete drive located in the area proposed for the carport addition. The area is predominately single family.

# Surrounding Uses and Zoning

Direction	Surrounding Zoning	Surrounding Uses	
North	R1	Single Family	
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**:

The applicant is seeking a variance to allow a carport addition to the west side of the home. The carport addition is proposed over an existing concrete drive. The structure is proposed 16-feet by 28-feet. The applicant is proposing to place the carport addition within one foot of the property line. The applicant states the variance is required to make the carport a functioning part of the home. The applicant states the carport addition cannot take place in the rear yard due to a previous addition to the home which was constructed in 2010. The addition has a sewer service line that runs through the backyard with a clean-out and a manhole in the location of any possible placement of the carport. He states without the variance the carport in the proposed location will be to narrow to access for parking.

Section 4.1.2 states the minimum side yard setback for R1 zoned property is 6-feet on each side yard and 25-feet on the front and rear yards. The applicant is seeking the variance to allow the encroachment into the side property line by 5-feet along the western portion of the lot.

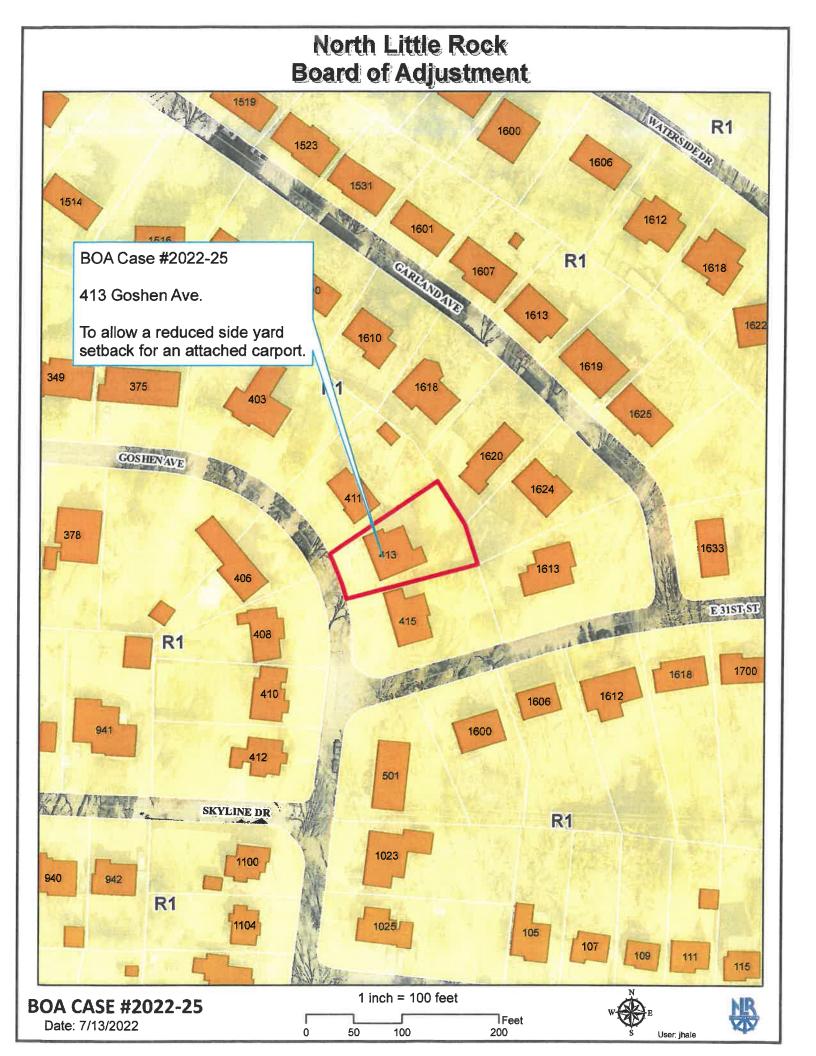
Variances should only be granted when the Board can determine the spirit of the zoning ordinance is observed, public safety is secured and substantial justice is done. Variance may be granted by the Board when the property owner can provide a unique circumstance existing on the property, the unique circumstance 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 the variance to allow the placement of an attached carport within 1-foot of the side property line.
- 2. Does the variance substantially or permanently injure the appropriate use of adjacent conforming property in the same district? No, the adjacent use is also single-family.
- 3. Will approval of the variance alter the essential character of the district? No, the area will remain as single-family.
- 4. Will approval of the variance weaken the general intent and purpose of the land use and zoning plan? No, the land use and zoning will remain as residential districts.
- 5. Will the approval of the variance be in harmony with the spirit of the ordinance? No, the placement of setbacks is primarily to allow for separation between uses and allow adequate access in and around structures.
- 6. Will the approval of the variance adversely affect public health, safety, and general welfare? No, there will be no adverse impact on the public health, safety or general welfare of the area.

### **Approval Allows:**

- 1. Approval will allow the placement of a 16-foot by 28-foot carport with a reduced side yard setback for the attached carport with a 5-foot encroachment allowing a side yard setback of 1-foot.
- 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 #2022-25 Date: 7/13/2022

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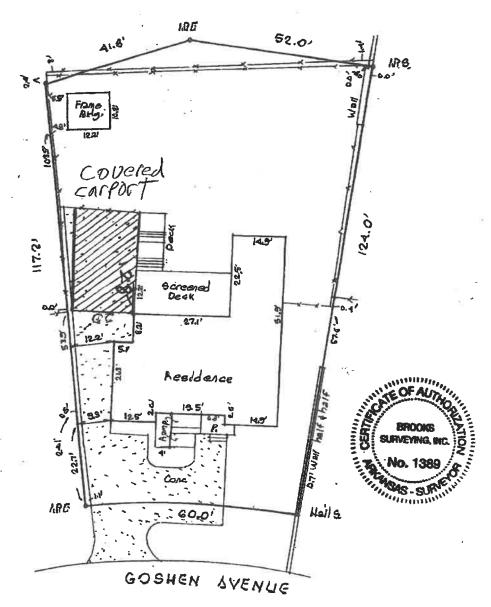




# North Little Rock **Board of Adjustment** Proposed attached carport. 1 inch = 30 feet **BOA CASE #2022-25 T**Feet Date: 7/13/2022 15

# 1

### BROOKS SURVEYING, INC. 20820 ARCH STREET PIKE HENSLEY, AR 72065 (501)888-5336 / brooksstrywing@atl.net



# LEGAL DESCRIPTION

Lot 31, Block 2, PARK HILL ADDITION to the City of North Little Rock, Pulaski County, Arkansas.

Date of Survey:

May 31, 2022

Scale:

1" = 20"

Property Address:

413 Goshen Avenue

For Use & Benefit of:

James Matthew Young



James Young 413 Goshen Ave. North Little Rock, AR 72116

July 6, 2022

Donna James AICP 120 Main Street North Little Rock, AR 72114

Dear Mrs. James:

This letter is in regards to the property at 413 Goshen Ave., North Little Rock, AR 72116. I am trying to build a carport on the west side of the property and need a variance to make it a functioning part of the house. The reason I cannot build this structure in the backyard is because of a previous addition to the house built in 2010. This addition has a black water line that runs through the backyard with a washout and a manhole cover in the location of any possible carport. Without this variance, the carport in the proposed location is too narrow to access. I appreciate your attention to this matter.

Sincerely,

James Young

501-413-8259 e1F99 @ subell.net

ELF 99@ Swbell. net

<u>Variance Requested</u>: a variance request from the provision of Section 4.2.6 to allow a reduced front yard setback along E Broadway

Location of the Request: 3310 E Broadway, NLR, AR

**Legal Description of the Property:** Lot 1 East Broadway Addition to the City of North Little

Rock, Pulaski County, AR

Owner/Applicant: Clifton Family LLLP

**Present Use of the Property:** Commercial

**Present Zoning of the Property: C4** 

<u>Site Characteristics</u>: The site contains a commercial building within the rear portion of the lot and a concrete slab located along the E Broadway portion of the lot. The applicant is proposing to construct a building over the existing 50-foot by 100-foot concrete slab which is located with an existing 40-foot front setback.

# Surrounding Uses and Zoning

<b>Direction</b>	Surrounding Zoning	Surrounding Uses
North	C4 and I2	Vacant I2 zoned property & Warehousing
South	I1	Industrial Light Manufacturing
East	C4	Retail
West	C4	Vacant C4 zoned property

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

### **Staff Analysis:**

The applicant is seeking a variance to allow the placement of a commercial building located upon an existing concrete slab. The building is being relocated from a property to the east of this site. The applicant is proposing to reassemble the pre-engineered 50-foot by 100-foot metal building on the existing concrete slab. The existing red iron frame will be used and all new metal siding, galvaloom roof and new insulation will be added.

Within the definitions section of the Zoning Ordinance the term setback is defined as the required distance between lot/property line, or projected Master Street Plan right of way and a principal building or accessory structure. In this case the existing right of way for E Broadway is a 60-foot right of way. The projected Master Street Plan right of way for this area is an 80-foot right of way. As noted the slab proposed for the building placement sits at the 40-foot front setback. Using the projected Master Street Plan right of way as the basis for the front building setback the new

construction will encroach into the required setback by 10-feet. The applicant is seeking a variance to allow the encroachment and allow a reduced front yard setback of 30-feet from the projected Master Street Plan right of way.

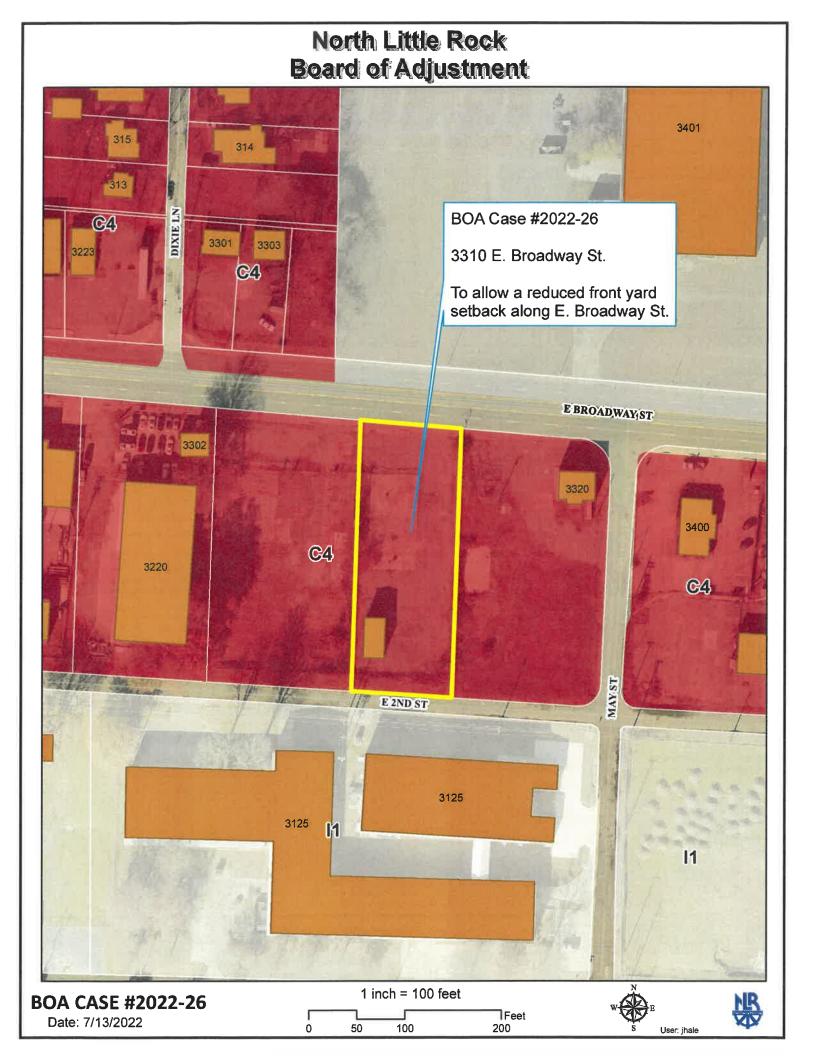
Variances should only be granted when the Board can determine the spirit of the zoning ordinance is observed, public safety is secured and substantial justice is done. Variance may be granted by the Board when the property owner can provide a unique circumstance existing on the property, the unique circumstance 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 the variance to allow the placement of a commercial building over an existing concrete slab.
- 2. Does the variance substantially or permanently injure the appropriate use of adjacent conforming property in the same district? No, the uses will be those allowed within the C4 zoning district.
- 3. Will approval of the variance alter the essential character of the district? No, the district will remain unchanged with commercial and industrial uses.
- 4. Will approval of the variance weaken the general intent and purpose of the land use and zoning plan? Possibly, the intent of the commercial setbacks are to increase the area between the building and right of way to allow for future improvements and street widening.
- 5. Will the approval of the variance be in harmony with the spirit of the ordinance? No, building setbacks are established to create uniformity within an area.
- 6. Will the approval of the variance adversely affect public health, safety, and general welfare? No, the variance will have no impact on the health, safety and welfare of the area.

### **Approval Allows**:

- 1. Approval will allow the placement of a building located with a 30-foot front setback from the projected right of way of the Master Street Plan along E Broadway.
- 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 #2022-26** 

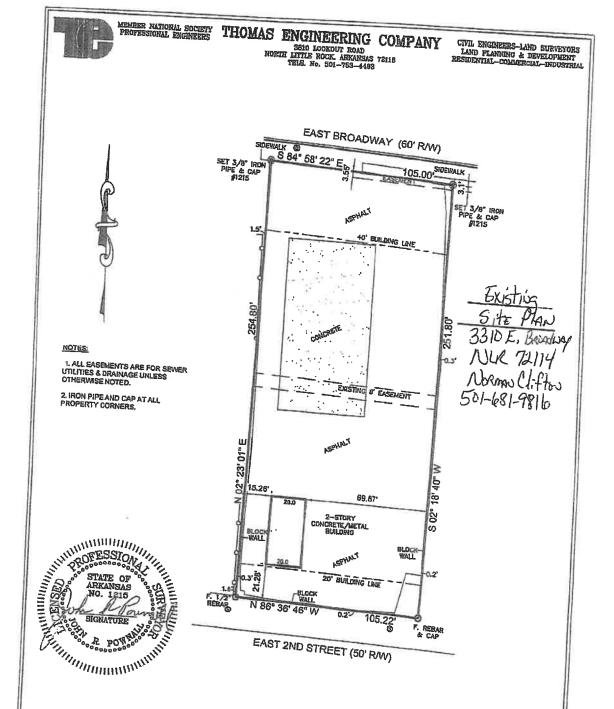
Date: 7/19/2022

Tinch = 40 feet

| Feet | 0 | 20 | 40 | 80







# SURVEY OF LOT 1. EAST BROADWAY ADDITION 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.

SCALE: 1" = 40'

FOR USE & BENEFIT OF: THE CLIFTON FAMILY, LILP

# THE CLIFTON FAMILY, LLLP 1000 CHERRY HILL DR. NORTH LITTLE ROCK, AR 72116 FAX 501-791-9543

Email: Snclifton@sbcglobal.net

Norman 501-681-9816 Bobby 501-960-9086

July 12th, 2022

City of North Little Rock Board of Adjustment

RE: 3310 E Broadway, NLR Lot 1

Dear Commissioners,

I am requesting a 10' front yard variance for erecting a building 10' into the 40' building set back line.

This is due to the Master Street Plan of a request of an 80' ROW expanded from the existing 60' ROW.

I humbly request your approval of this variance.

Thank you

Norman E. Clifton
501-681-9816

poorolenorm@sbcglobal.net

Boa 2022-26