



**City of North Little Rock
Board of Zoning Adjustment Agenda
Thursday, November 17, 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 - October 27, 2022

Public Hearing Items -

1. **BOA #2022-34**, 4532 Purnell Dr, NLR, AR, a variance request from the area provision of Section 4.1.2 to allow a swimming pool in the side yard
2. **BOA #2022-36**, 3125 Pike Avenue, NLR, AR, a variance request from the area provision of Section 5.11.5 to allow the placement of an 8-foot vinyl coated chain link fence within the front yard
3. **BOA 2022-37**, 3900 Vali Court, NLR, AR, a variance request from the area provision of Section 6.2.3 to allow a reduced number of parking spaces from 111 required to 93 provided

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 December 1, 2022 Hearing Date December 29, 2022

For the Board to grant a variance the applicant must first establish a hardship. A hardship should not be created by the owner, it should be due to unique circumstances existing on the property. For example, it must be demonstrated a strict enforcement of the Zoning Ordinance would prohibit the development of the property or no reasonable use of the property can be made.



**NORTH LITTLE ROCK
BOARD OF ZONING ADJUSTMENT
HEARING PROCEDURES
(1/1/2019)**

Order of the Public Hearing: The regularly scheduled public hearing is generally held on the last Thursday of each month at 1:30 PM in the City Council Chambers, 300 Main Street, North Little Rock, AR. All meetings are open to the public. Typical hearings begin with roll call and finding of a quorum, approval of the previous meeting minutes, correspondence and staff reports, committee reports, unfinished business, new business, public comment and adjournment.

Voting: There are five members of the Board. A quorum consists of three members present. “Robert’s Rules of Order” apply unless the Board has outlined alternative procedures. All business must be approved by a minimum of three votes.

Procedure to allow a person to address or approach the Board:

1. No person shall address or approach the Board without first being recognized by the Chair.
2. After being recognized, each person shall state their name and address for the record.
3. All questions and remarks shall be addressed through the Chair.
4. All remarks shall be addressed to the Board as a whole and not to any individual Board member.
5. When a group of citizens are present to speak on an item, a spokesperson may be selected by the group to address the Board. If multiple individuals of the group desires to speak, the Chair may limit each presentation to three minutes.
6. No person other than members of the Board and the person having the floor shall be permitted to enter into any discussion, either directly, indirectly or through a Board member, without permission of the Chair.
7. Once the question has been called, no person in the audience shall address the Board on the matter at hand without first securing permission to do so by a majority vote of the Board.
8. At least 24-hours prior to the public hearing, anyone wishing to submit exhibits for the record shall provide staff with copies of the exhibits for each Board member, one copy of the exhibit for staff to place in the permanent file and one copy of the exhibit for the legal department.
9. At least 24-hours prior to the public hearing, anyone wishing to read a statement into the record shall provide staff with a written copy of the statement.

**North Little Rock Board of Zoning Adjustment
Minute Record Summary – October 27, 2022**

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

Members Present

Mr. Tom Brown, Chairman
Mr. Tim Giattina, Vice-Chair
Mr. Mike Abele
Mr. Gardner Burton
Mr. Steve Sparr

Members Absent

(None)

Staff Present

Ms. Donna James, Assistant Director of Planning
Ms. Marie Miller, City Attorney

Others Present

Mr. Damon Crawford, 410 W A Ave, NLR, AR 72116

Old Business

None

Approval of Minutes

Mr. Sparr formed a motion to approve the minutes from October 27, 2022. Mr. Burton seconded the motion. Chairman Brown called for a vote. All members voted in the affirmative, the motion was approved.

Public Hearing Items –

BOA 2022-33 - 410 W A Avenue, NLR, AR a variance request from the area provision of Section 5.20 to allow an increased height in a retaining wall and the required fence on the retaining wall.

Chairman Brown called the item and requested the applicant come forward and state his hardship. Mr. Damon Crawford, the property owner, stated the hardship was there was an existing drainage ditch, which ran through the property leaving the lot with a very small amount of usable outdoor living space. He stated the desire was to create a flat surface on the property, which would allow an area for outdoor

play for his children and an outdoor area for the family to grill and entertain. He stated with the drainage ditch this created a substantial hardship due to a portion of their property being located on the east side of the ditch, the home is located on the west side of the ditch, and the slope of the lot from the house to the drainage ditch.

Chairman Brown questioned if the hardship was the topography of the lot. Mr. Crawford stated the topography of the lot was the hardship.

Chairman Brown questioned if any of the Board members had any questions or comments. There being none, he stated he would entertain a motion for approval of the variance request. Mr. Sparr provided a motion for approval of the item based on the applicants stated hardship. Mr. Giattina provided a second to the motion. By a roll call vote, all members voted in the affirmative.

Administrative - None

Public Comment and Adjournment

There being no further business before the Board, and on the motion of Mr. Sparr provided and seconded by Mr. Giattina, and by consent of all members present, the meeting was adjourn at 1:35 PM.

Approved on this 17th day of November, 2022

Tom Brown, Chairman

Variance Requested: a variance request from the area provision of Section 4.1.2 to allow a swimming pool in the side yard

Location of the Request: 4532 Purnell Dr, NLR, AR

Legal Description of the Property: Lot 9 Block 3 Lakewood NE Addition, to the City of North Little Rock, Pulaski County, AR

Owner/Applicant: Jennifer & Bryan Toland

Present Use of the Property: Single Family

Site Characteristics: The site contains a single-family home, which was constructed in the mid-70's. A detached garage is located behind the home containing 1,189 square feet. The lot has a unique shape with 5-sides. In addition, there is a sanitary sewer main located within the applicant's property which limits the buildable area for the lot.

Surrounding Zoning and Uses

<u>Direction</u>	<u>Surrounding Zoning</u>	<u>Surrounding Uses</u>
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 the placement of a swimming pool within the side yard and in close proximity to an existing detached garage. The pool is a 14-foot by 26-foot. The applicant is proposing to place the pool 15-feet from the side property line and 15-feet from the primary structure (the house). The pool is indicated with a setback, to the water line, of 3-feet to 6-feet based on the angle of the garage.

In the applicant's letter she indicates there is an existing sanitary sewer line bisecting their property. The line is a 12-inch main which runs from Purnell Drive through the front, side and rear yards. The main then meets on the back property line with an 8-inch line, which runs parallel with the applicant's rear property line. The applicant states to abide by the 10-foot easement requirement for the sanitary sewer lines the only area which would allow the placement of the pool is within the side yard and to the left of the detached garage.

Variations 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 pool within the side yard. The zoning ordinance specifically states accessory structures are to be located in the rear yard.
2. Does the variance substantially or permanently injure the appropriate use of adjacent conforming property in the same district? No, there should be no impact on the adjacent properties.
3. Will approval of the variance alter the essential character of the district? No, the character of the site will not change.
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? No, accessory structures are to be located in the rear yard.
6. Will the approval of the variance adversely affect public health, safety, and general welfare? No, there will be no impact on the health, safety and general welfare of the area.

Approval Allows:

1. Approval will allow the placement of a pool within the side yard and with a minimal setback of 3-feet located adjacent to an existing detached garage.
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.

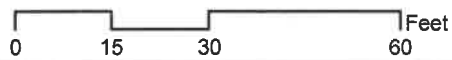
North Little Rock Board of Adjustment



BOA CASE #2022-34

Date: 11/4/2022

1 inch = 30 feet



User: jhale



North Little Rock Board of Adjustment

BOA Case # 2022-34

4532 Purnell Dr.

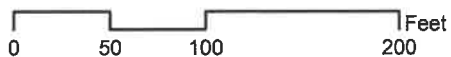
To allow a swimming pool within the side yard and to allow a reduced separation between the pool and an existing garage.



BOA CASE #2022-34

Date: 11/4/2022

1 inch = 100 feet



User: jhale



Bryan & Jennifer Toland
4532 Purnell Drive
North Little Rock, AR 72116

Legal Description: Lot 9, Block 3, Lakewood Northeast Addition, North Little Rock, Pulaski County,
Arkansas

October 24, 2022

Re: Letter of Hardship

To: Board of Zoning Adjustment

We are requesting a variance for a proposed swimming pool to be installed in our side yard and in closer proximity to the detached garage than typically required. Please find enclosed four pages of documentation, three pages from Aqua Blue Pools and one drawing from North Little Rock Wastewater. These illustrations will help visualize the unique situation of our property.

As depicted in the drawings from Aqua Blue Pools, the "side yard" where the proposed pool will be located is behind a brick and wood privacy fence so safety and security should not be a concern. Also shown in the drawings are two city sewer drains that run through our property. A 12-inch sewer drain runs from the street (Purnell Dr) through our front yard, side yard, and into the back yard where it meets up with an 8-inch sewer drain that runs parallel to the back property line. To abide by the 10-foot easement requirement for the sewer drains, as well as property line easements, the only area where the pool can be installed is in our side yard to the left of the detached garage.

We appreciate your consideration of our hardship request.

Sincerely,



Bryan and Jennifer Toland

10/18/2022

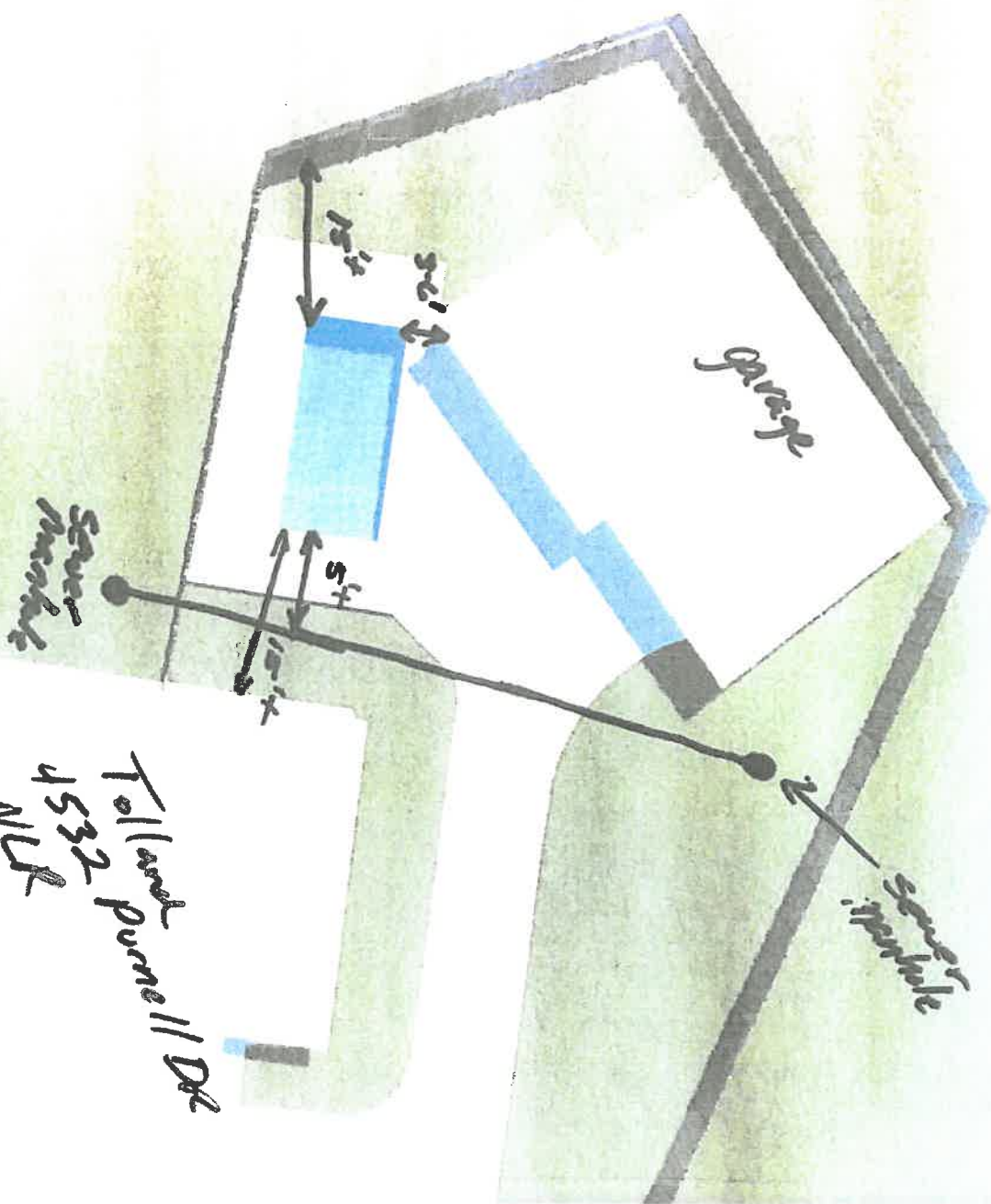
The proposed Tolland pool located at 4532 Purnell Dr in North Little Rock will have the following setbacks:

- 15 or more feet from all property lines
- 15 or more feet from house
- A variance is being requested for the proximity of the pool location in relation to the detached garage. The pool has been requested to be 3 to 6 feet from the detached garage
- The pool will be 5 feet or more from the sewer main located between the 2 manholes as seen in the rendering. Arkups located the sewer main.

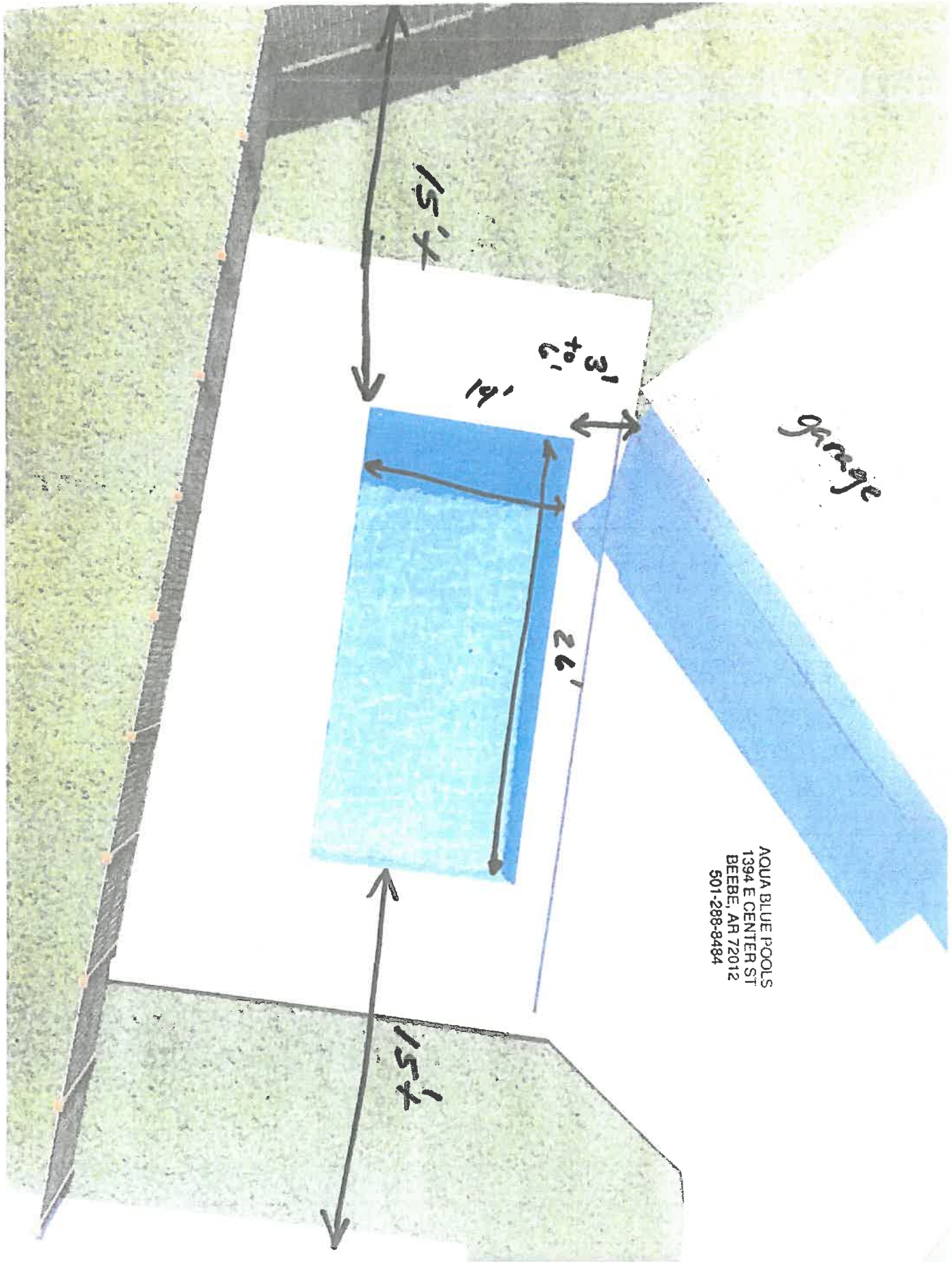
Aaron Raney
Aqua Blue Pools
1394 E Center ST
Beebe, AR 72012
501.288.4177



AQUA BLUE POOLS
1394 E CENTER ST
BEEBE, AR 72012
501-289-8484



Tolland Purnell Dr
4532
NLS
House



Garage

AQUA BLUE POOLS
1394 E CENTER ST
BEEBE, AR 72012
501-288-8484

15'4"

3' 3"

14'

26'

15'4"

Variance Requested: a variance request from the area provision of Section 5.11.5 to allow the placement of an 8-foot vinyl coated chain link fence within the front yard along Pike Avenue

Location of the Request: 3125 Pike Avenue, NLR, AR

Legal Description of the Property: Lot 1 Rea's Addition to the City of North Little Rock, Pulaski County, AR

Owner/Applicant: Mauro Antonio Romero

Present Use of the Property: Auto Sales

Site Characteristics: In June 2016 the City Council approved an ordinance for a Conditional Use to allow the use of the property as auto sales. Within the approval, the ordinance allowed the placement of an 8-foot chain link fence in the front yard, along a portion of the applicant's ownership adjacent to the railroad track, which was the area proposed for automobile display at the time of the request.

Surrounding and Zoning and Uses

<u>Direction</u>	<u>Surrounding Zoning</u>	<u>Surrounding Uses</u>
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 now seeking a variance to allow the placement of additional chain link fencing within the front yard of the existing business. The previously approved Conditional Use allowed the placement of an 8-foot black vinyl chain link fence within the front yard (along the railroad track) of the site, which was proposed for auto sales. The applicant is now requesting to place additional 8-foot chain link fencing on the property along the Pike Avenue frontage to enclose the remainder of the property and secure the site. The applicant states in his letter the area does not have adequate lighting at night and the desire is to secure the site and make it difficult for persons to break into the site/automobiles and steal vehicle parts and vehicle inventory. The applicant states he will also place security cameras on the site to deter would be criminals from gaining entry to the site.

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

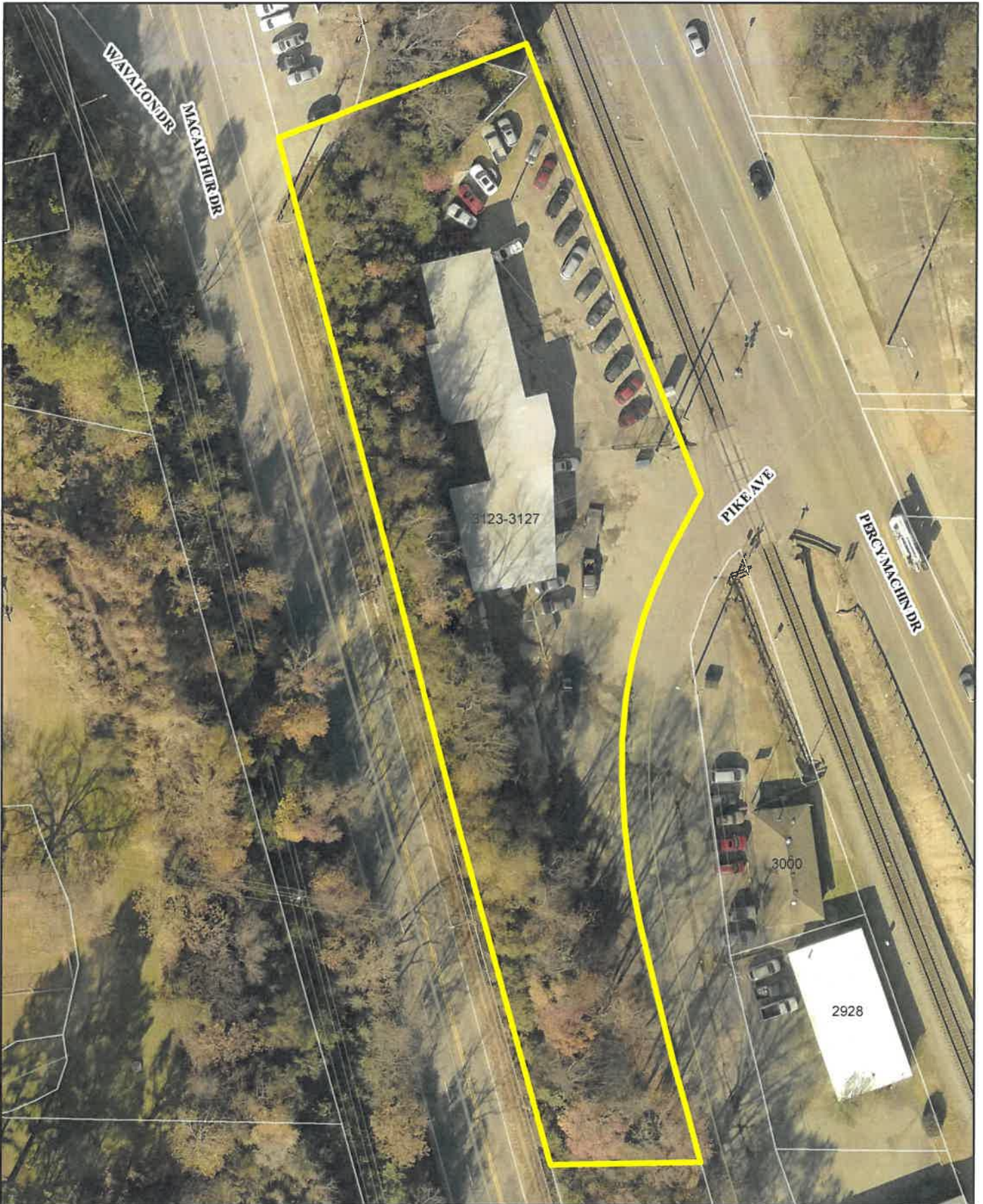
Board to Consider:

1. Is the variance for which the variance is sought due to unique circumstances existing on the property, the unique circumstances were not created by the owner of the property, and are not due to or the result of general conditions in the district in which the property is located? No, the applicant is seeking the placement of an 8-foot chain link fence along the property frontage on Pike Avenue.
2. Does the variance substantially or permanently injure the appropriate use of adjacent conforming property in the same district? No, the placement of the fence as proposed will not affect the conforming properties within the same zoning district.
3. Will approval of the variance alter the essential character of the district? No, the area is a commercial area.
4. Will approval of the variance weaken the general intent and purpose of the land use and zoning plan? No the land use and zoning will remain unchanged.
5. Will the approval of the variance be in harmony with the spirit of the ordinance? No, the zoning ordinance does not allow the placement of front yard fences.
6. Will the approval of the variance adversely affect public health, safety, and general welfare? There will be no impact on the health, safety or general welfare by the placement of the fence as proposed.

Approval Allows:

1. Approval will allow the placement of an 8-foot vinyl coated chain link fence with the front yard of the applicant's property along Pike Avenue.
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 #2022-36

Date: 11/4/2022

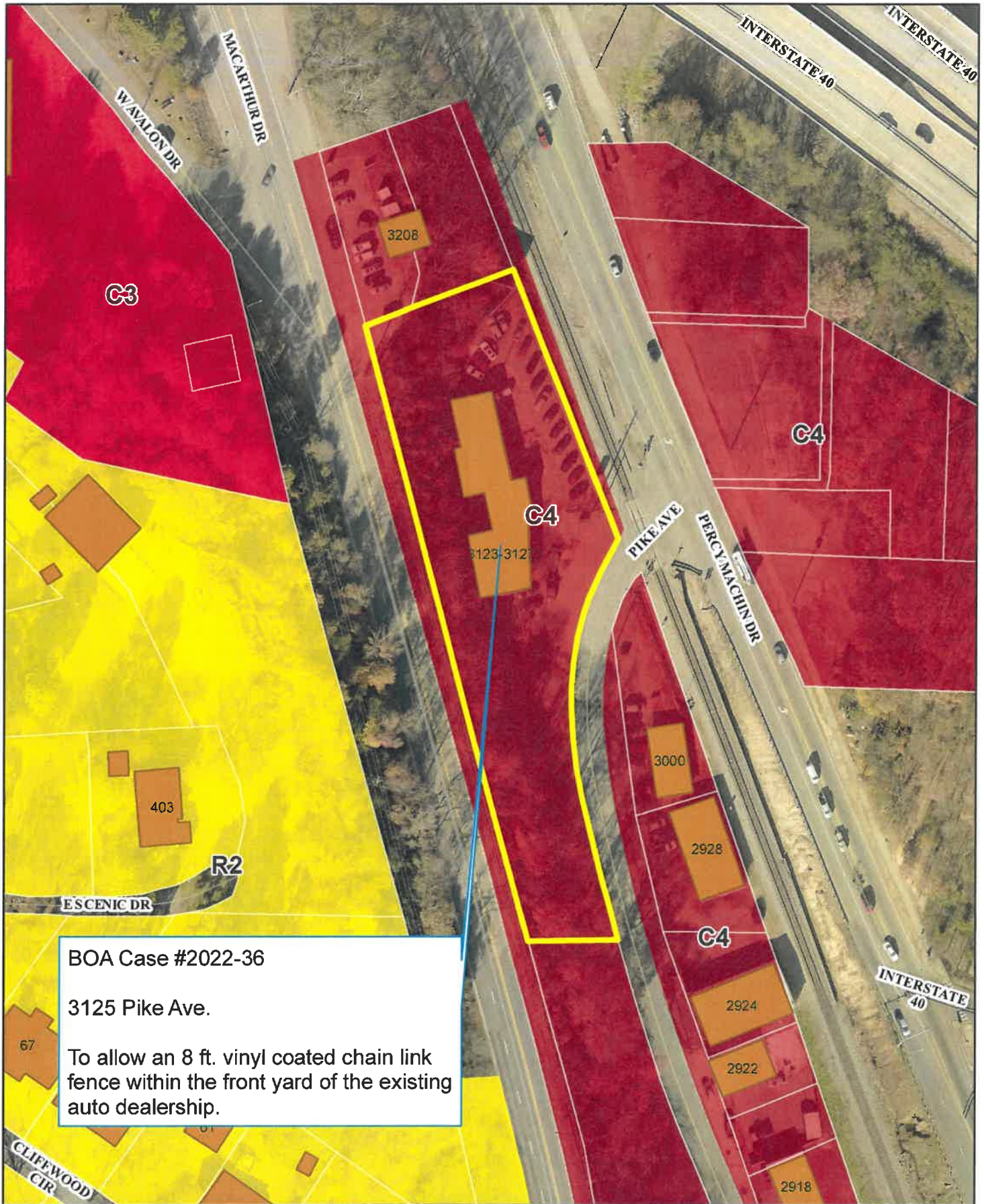
1 inch = 60 feet



User: jhale



North Little Rock Board of Adjustment



BOA Case #2022-36

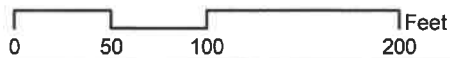
3125 Pike Ave.

To allow an 8 ft. vinyl coated chain link fence within the front yard of the existing auto dealership.

BOA CASE #2022-36

Date: 11/4/2022

1 inch = 100 feet



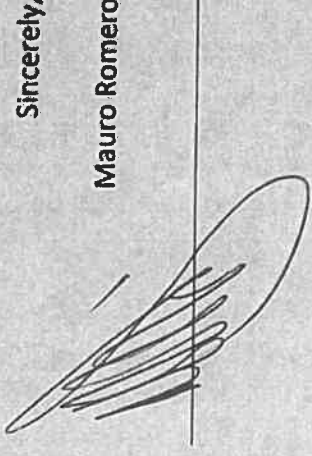
User: jhale



My name is Mauro Romero, and I am requesting to extend my business fence to the rest of the lot located at 3125 Pike Ave North Little Rock AR 72114. I currently have a 8ft metal chain link fence that only covers the front of the business. As I explained to Mrs. Donna, I want to extend the business and have more space for inventory. The main reason I am requesting to have this fence at 8 Ft tall is because in this area is very dangerous for someone to break into a business and make damages or steal inventory. For the security of my business, I want to make this fence tall enough to keep people from breaking in at night specially because it's dark out in this area. I also want to contribute with the community to make it safer for clients and neighboring businesses. By adding more security such as cameras to the area facing both ways of the street I can accomplish the goal to make it safer.

Sincerely,

Mauro Romero

A handwritten signature in black ink, appearing to read 'Mauro Romero', is written over a horizontal line.

3125 Pike Ave



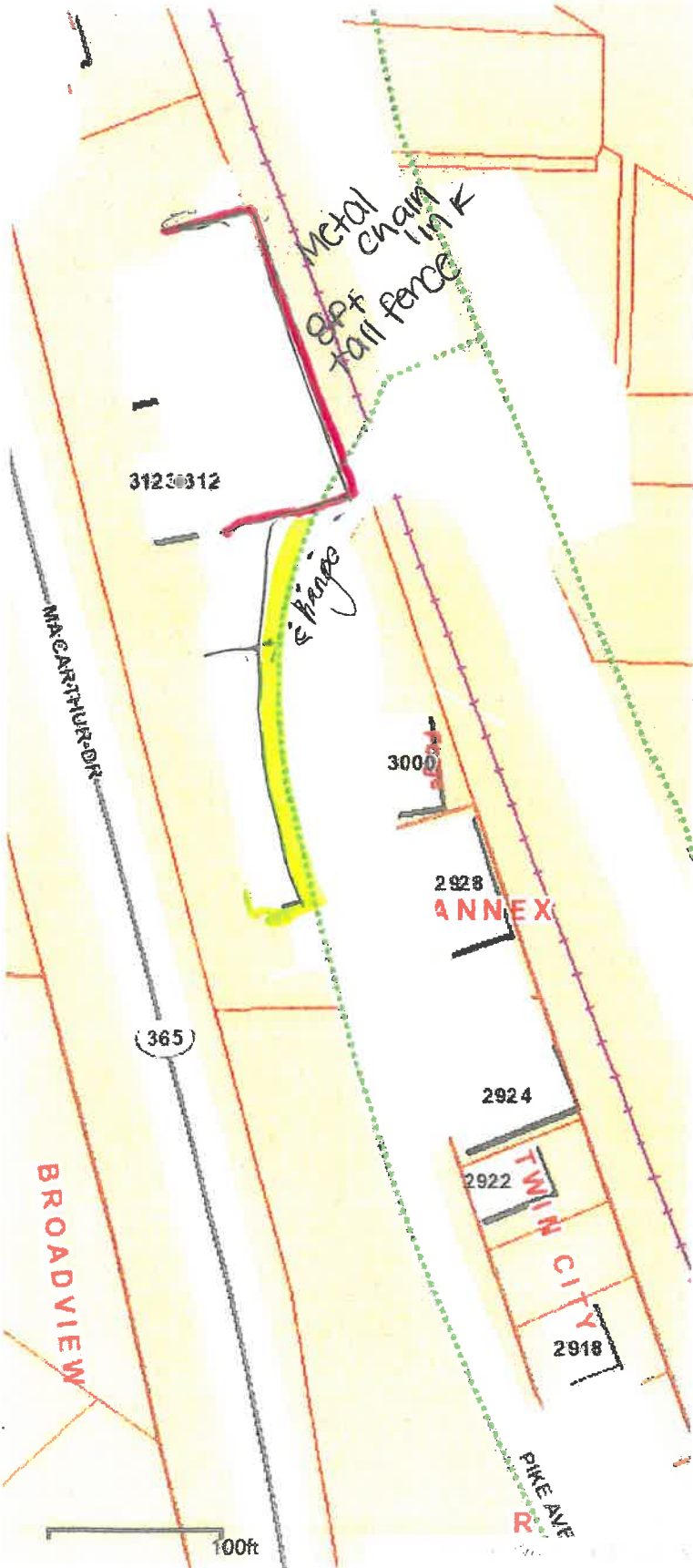
Show search results for 3125 Pike Ave

Operational layers

Pulaski Taxing Districts

OperationalLayers

- Current Fence Covered red
- where we want to add Fence.



Variance Requested: a variance request from the area provision of Section 6.2.3 to allow a reduced number of parking spaces from 111 required to 93 provided

Location of the Request: 3900 Vali Court, NLR, AR

Legal Description of the Property: Lot 2R Springhill Plaza Addition to the City of North Little Rock, Pulaski County, AR

Owner: Kal Makan - Makan Hospitality Inc

Applicant: Charles Best, Hurricane Valley Inc.

Present Use of the Property: Undeveloped

Present Zoning of the Property: C3, General Commercial District

Site Characteristics: The site is an undeveloped property located south of McCain Boulevard on Vali Court. The properties along Vali Court are primarily developed with office uses. There is a restaurant located on the northeast corner of Vali Court and East McCain Boulevard. There is a US Post office and distribution facility located to the east of the site and further east are a mix of commercial and industrial uses. South of the site is an assisted living/nursing home. West of the site are commercial uses including a Wal-Mart and two home improvement stores.

Surrounding Land Use and Zoning

<u>Direction</u>	<u>Surrounding Zoning</u>	<u>Surrounding Uses</u>
North	C3, General Commercial District	Hotel, Restaurant
South	R4, Multi-family District	Assisted Living/Nursing Home
East	I2, Light Industrial District	US Postal Facility
West	C3, General Commercial District	State of Arkansas Offices AR Liquid Petroleum Gas & AR Activities Association

Staff Analysis:

On February 17, 2022, this Board approved a variance request to allow an increased height of a proposed 4-story hotel. The C3 zoning district allows a maximum building height of 45-feet. The hotel was proposed with a height of 62-feet at the highest point. The Board allowed 12-months for the applicant to secure a building permit for the project.

Staff Analysis:

The applicant is now seeking a variance to allow a reduced number of parking spaces for the proposed hotel. The applicant states in their letter the need for the parking variance is due to the size of the lot, the size of the hotel and the landscaping requirements. The applicant notes the owner of the proposed hotel also owns the hotel immediately to the north, which will allow any potential overflow parking to occur on this adjacent lot. The applicant is seeking the variance to allow the placement of 93 parking spaces on the lot in-lieu of the typically 111 required parking spaces. The zoning ordinance based on the use, a hotel with 20 or more guest rooms, would typically require the placement of 5 parking spaces plus 1.2 parking spaces per guest room. The hotel is proposed with 88 guest rooms resulting in a requirement of 111 parking spaces.

Variations 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 a variance to allow the placement of a 4-story hotel on the site with a reduced number of parking spaces.
2. Does the variance substantially or permanently injure the appropriate use of adjacent conforming property in the same district? No, there will be little impact on the adjacent conforming property.
3. Will approval of the variance alter the essential character of the district? No, the character of the area will remain unchanged.
4. Will approval of the variance weaken the general intent and purpose of the land use and zoning plan? No, the zoning and land use for the area will remain the same.
5. Will the approval of the variance be in harmony with the spirit of the ordinance? No, the parking requirements of the ordinance were established to protect adjacent properties and uses and limit possible impacts of overflow parking on adjacent property.
6. Will the approval of the variance adversely affect public health, safety, and general welfare? No, there will be no impact to the public health, safety or general welfare of the area.

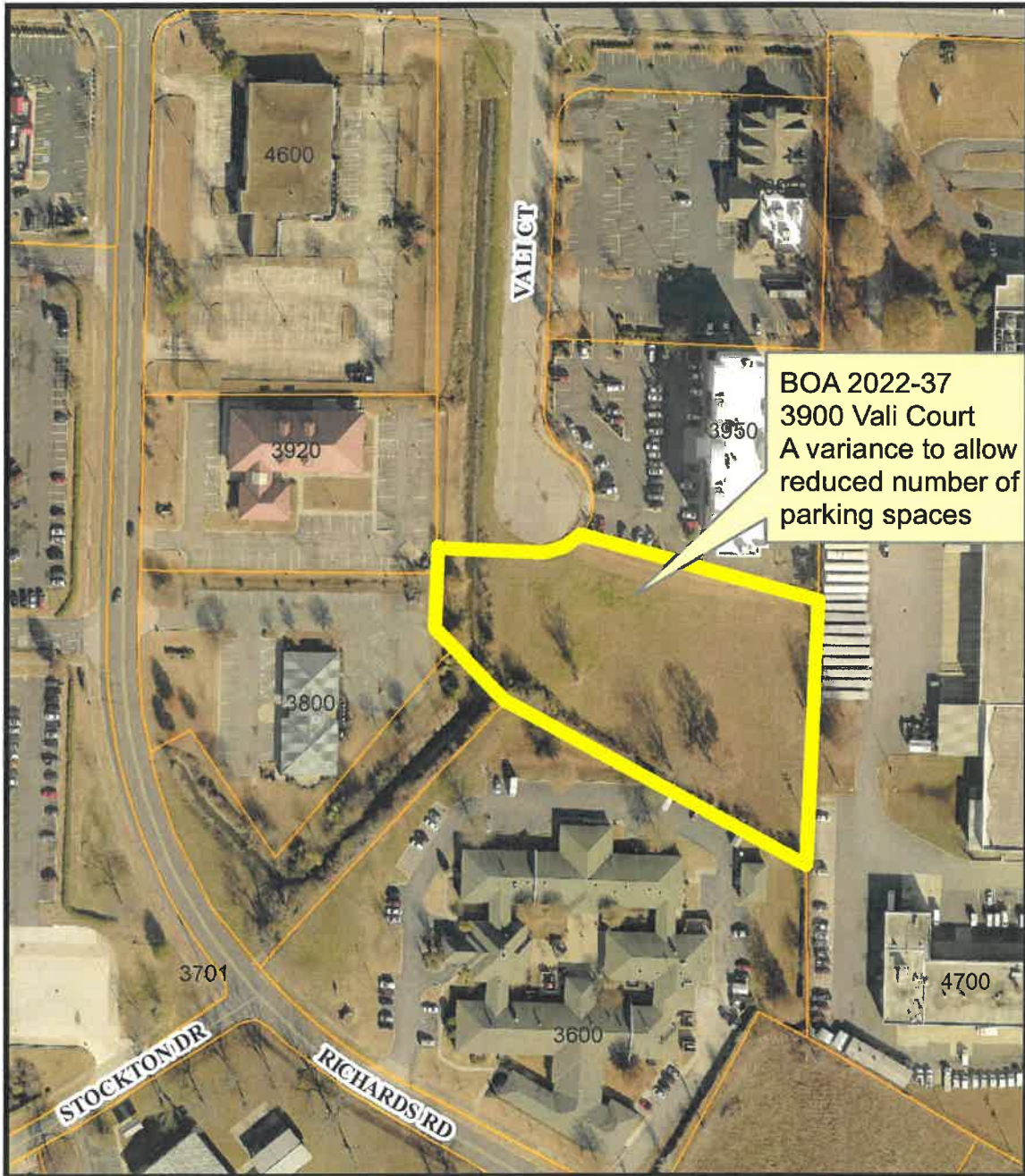
Approval Allows:

1. Approval will allow a reduction in the required parking for the proposed hotel from the required 111 parking spaces to the 93 provided parking spaces.

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

North Little Rock Board of Zoning Adjustment

BOA Case # 2022-37



To allow a reduced
number of parking spaces

3900 Vali Court



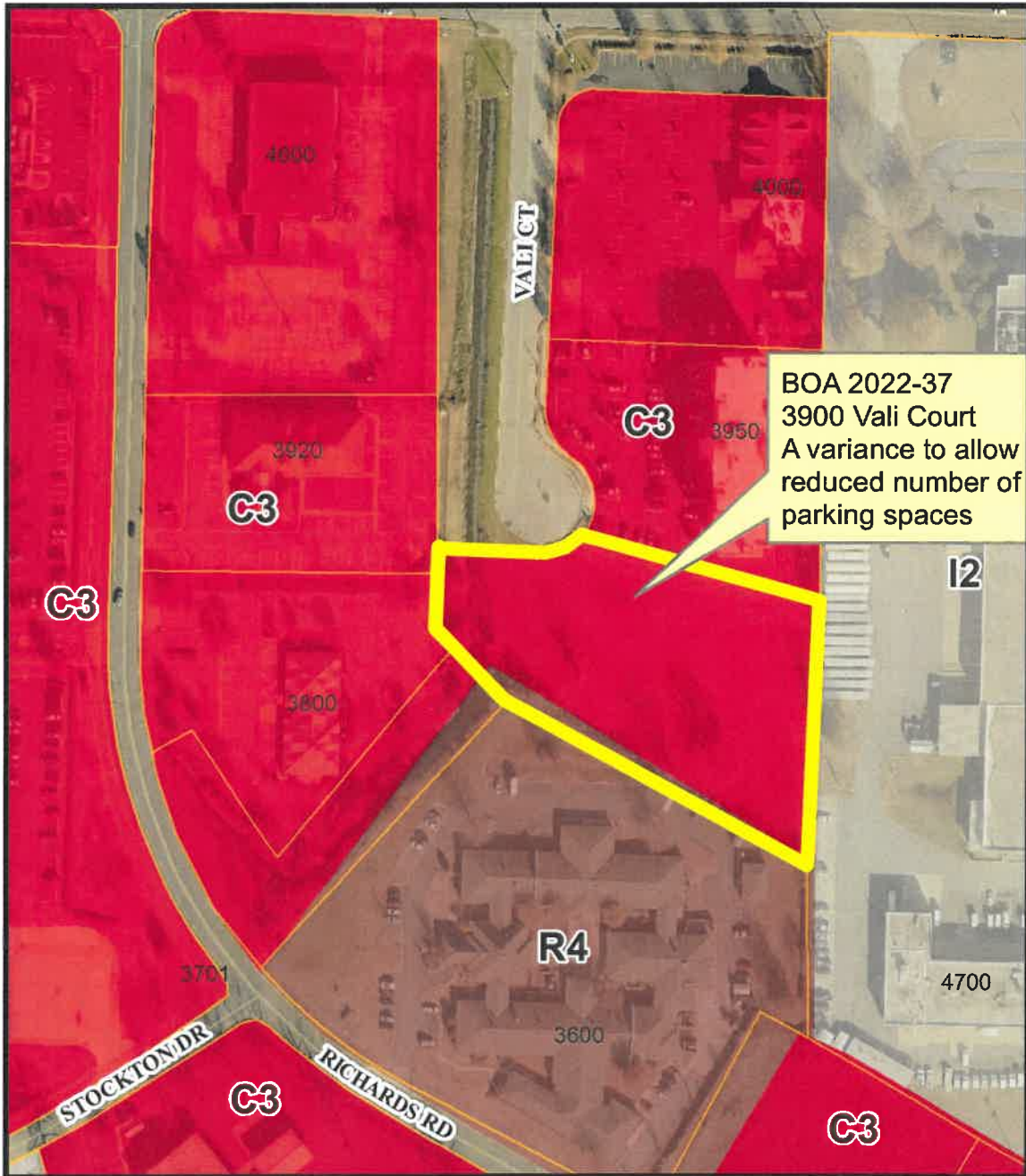
Map Created 11/9/2022

Hearing Date 11/17/2022



North Little Rock Board of Zoning Adjustment

BOA Case # 2022-37



To allow a reduced
number of parking spaces

3900 Vali Court



175 87.5 0 175 Feet

Map Created 11/9/2022

Hearing Date 11/17/2022



Hurricane Valley, Inc.
Professional Engineering Consultants
P.O. Box 118 (72089) 1506 Prickett Road
Bryant, AR
Tel 501-847-7282
hvicbest@sbcglobal.net

October 28, 2022

Ms. Donna James
City Planner
City of North Little Rock, AR
120 Main St.
North Little Rock, AR

RE: Parking Variance
Lot 2R, Springhill Plaza
Towneplace Suites by Marriott

Ms. Janes:

Please accept this letter to serve as our request to be on The Board of Adjustment agenda. It is scheduled to meet on the November 17.


A variance from 111 parking spaces required to 93 spaces is requested. Please refer to the attached Site Plan Review drawing showing the proposed parking.

The reason for the hardship is the lack of parking area available do to the size of the proposed hotel, lot size and landscaping requirements.

A check will be mailed or brought to your off for \$170 for the review fee.

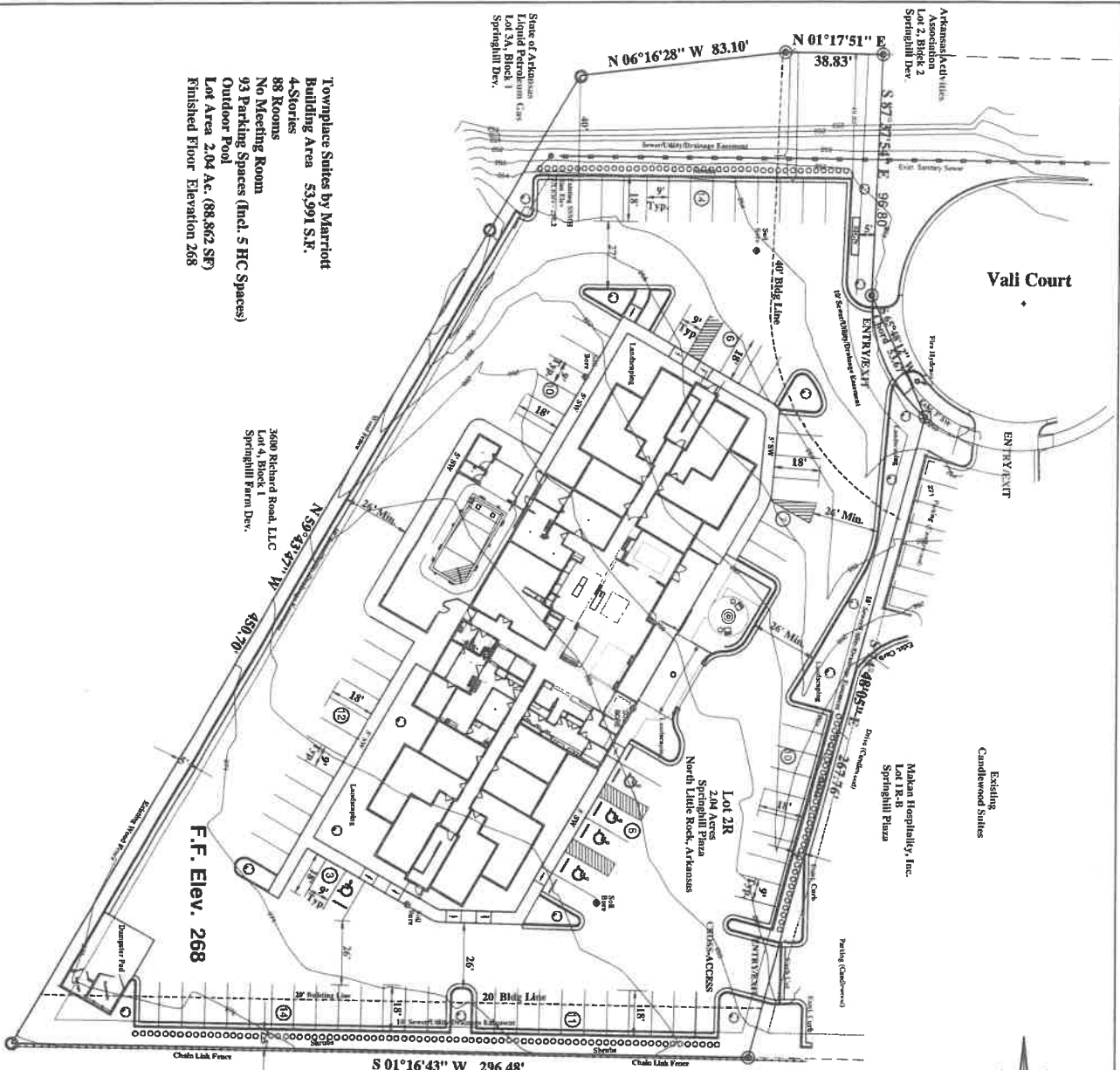
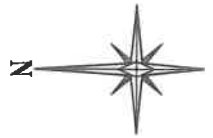
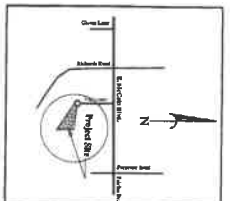
In you have any questions or require additional information call or e-mail.

Sincerely:



Charles Best P.E.
501-231-5136 cell

REVISED ON:	NO.	DESCRIPTION
	1	9-24-22
	2	9-27-22
	3	9-28-22
	4	10-25-22
	5	



Townplace Suites by Marriott
Building Area 53,991 S.F.
 4-Stories
 88 Rooms
 No Meeting Room
 93 Parking Spaces (Incl. 5 HC Spaces)
 Lot Area 2.04 Ac. (88,862 SF)
 Finished Floor Elevation 268

3600 Richard Road, LLC
 Lot 4, Block 1
 Springhill Farm Dev.

F.F. Elev. 268

United States
 Postal Service Mail
 Distribution Center

FEMA Flood Zone
 Area of Potential Flood Hazard - Zone X
 City of North Little Rock, 02012
 Parcel No. 031903000 01 0000015

Property Area:
 2.04 Acres, 88,862 SF
 Zoning: C-3

Legal Description:
 Lot 2R, Springhill Plaza
 North Little Rock, Pulaski County, AR

Surveyor:
 Consultant: Shropshire & Whiting
 1020 Reardon Dr. #908
 Spring Hill, AR 72157
 501-531-9214

Geotechnical Engineer:
 5100 Rockledge Blvd.
 Spring Hill, AR 72157
 501-481-1491

Utilities:
 Water - Central Arkansas Water
 Sewer - City of North Little Rock
 Gas - Comstock

Owner:
 N&B Hospitality, LLC
 2000 N. Main Street, Suite 100
 North Little Rock, AR 72117
 501-531-9214

Architect:
 S&B Architects, Inc.
 1000 Reardon Dr. #908
 Spring Hill, AR 72157
 501-531-9214

Engineer:
 Hurricane Valley Inc.
 703 East 12th Street, #6
 Spring Hill, AR 72157
 501-481-1491

Legend
 - Building Footprint
 - Parking Stall
 - Property Boundary
 - Easement
 - Right-of-Way
 - Utility Line
 - Survey Point
 - Proposed Building
 - Proposed Parking

Graphic Scale
 1" = 20'
 0' 20' 40' 60'



HURRICANE VALLEY INC.
 Professional Engineering Consultant
 703 East 12th Street, #6
 Spring Hill, AR 72157
 501-481-1491
 License No. 16091

Townplace Suites by Marriott
Site Plan Review
 Springhill Plaza C,
 North Little Rock, Arkansas
 Date: September 3, 2022