



**City of North Little Rock  
Board of Zoning Adjustment Agenda  
Thursday, December 29, 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 - November 17, 2022**

**Public Hearing Items -**

1. **BOA 2022-38**, 1515 W 16<sup>th</sup> Street, A variance to allow the placement of a fence on a currently vacant lot.
2. **BOA 2022-39**, 17212 Crooked Oak Drive, A variance to allow a reduced rear yard setback
3. **BOA 2023-01**, 16 Maumelle Court, A variance to allow the placement of an accessory building within the side yard
4. **BOA 2023-02**, 4116 E Broadway, A variance to allow a reduced setback along Coral Street and along E Broadway Street and a variance to allow a reduced number of on-site parking spaces
5. **BOA 2023-03**, 8110 Baucum Pike Road, A variance to allow an increase in tower height for an existing tower currently at 146-feet and proposed with a new height of 166-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 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 – November 17, 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. Mike Abele  
Mr. Gardner Burton  
Mr. Steve Sparr

**Members Absent**

(None)

**Staff Present**

Ms. Donna James, Assistant Director of Planning  
Mr. Tracy Spillman, City Planner  
Ms. Marie Miller, City Attorney

**Others Present**

Mauro Romero  
Charlie Best  
Bryan and Jennifer Toland

**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 #2022-34**, 4532 Purnell Dr, NLR, AR, a variance request from the provision of Section 4.1.2 to allow a swimming pool in the side yard. Ms. Jennifer and Mr. Bryan Toland were present representing the request. Chairman Brown called the item and requested the applicant come forward and state his hardship.

**North Little Rock Board of Zoning Adjustment  
Minute Record – November 17, 2022  
Page 2 of 3**

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Mr. and Mrs. Toland stated the request was for a variance to allow the placement of a pool within the side yard. Ms. Toland stated the variance was required due to a sewer main running through their side yard the entire length of the lot. Ms. Toland stated the sewer main limited the developable area of the rear yard. She stated within the rear yard was a detached garage in which the proposed pool would be placed with a minimum setback of 3-feet along a portion of the garage wall.

Chairman Brown questioned if the hardship was the topography and the shape of the lot. Ms. Toland replied this was indeed 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.

**BOA #2022-36**, 3125 Pike Avenue, NLR, AR, a variance request from the provision of Section 5.11.5 to allow the placement of an 8-foot vinyl coated chain link fence within the front yard. Chairman Brown called the item and requested the applicant come forward and state his hardship.

Mr. Mauro Romero came forward to address the Board. Mr. Romero stated the hardship was he desired to place a fence on his property to secure his automobile sales lot. He stated currently there was an area which was fenced and he wanted to expand the sales lot and place additional inventory on the property. He stated if the inventory was not secured there would be a theft problem.

Chairman Brown questioned Mr. Romero if the hardship was safety and security. Mr. Romero stated safety and security was the hardship and the need for the fencing as proposed.

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. Burton provided a second to the motion. By a roll call vote, all members voted in the affirmative.

**BOA 2022-37**, 3900 Vali Court, NLR, AR, a variance request from the provision of Section 6.2.3 to allow a reduced number of parking spaces from 111 required to 93 provided. Chairman Brown called the item and requested the applicant come forward and state his hardship.

Mr. Charlie Best came forward to address the Board stating the hardship was the irregular shape of the lot and the proposed hotels brand requiring a minimal number of rooms. He stated the hotel owner owned the two lots to the north of the proposed hotel site and if there was any overflow parking necessary the northern two lots could accommodate the additional parking necessary for this site.

Chairman Brown questioned if the hardship was the irregular shape of the lot. Mr. Best stated the shape of the lot along with the hotel brand requiring a minimum number of rooms was the hardship.

**North Little Rock Board of Zoning Adjustment  
Minute Record – November 17, 2022  
Page 3 of 3**

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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. Abele 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 1:45 PM.

Approved on this 29<sup>th</sup> day of December, 2022

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**Tom Brown, Chairman**

**Variance Requested:** a variance request from the area provision of Section 5.11.3 to allow the placement of a fence on a currently vacant lot

**Location of the Request:** 1515 W 16<sup>th</sup> Street, NLR, AR

**Legal Description of the Property:** Lot 9, Block 13, Laster's Addition to the City of North Little Rock, Pulaski County, AR

**Owner/Applicant:** Sharron Bowers

**Present Use of the Property:** Vacant

**Present Zoning of the Property:** R3, Single Family

**Site Characteristics:** The site is a vacant lot within an area with single-family homes as well as a number of vacant lots.

**Surrounding Zoning and Use**

<b><u>Direction</u></b>	<b><u>Surrounding Zoning</u></b>	<b><u>Surrounding Uses</u></b>
North	R3	Single Family
South	R3	Single Family
East	R3	Single Family
West	R3	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 fence on a currently vacant lot. The applicant states in her letter of hardship the fence is needed to secure the lot and limit the number of persons walking onto the lot and throwing trash on the lot. The applicant states cleaning the lot is difficult due to the amount of trash and beer bottles being thrown from the street and also from the rear alley. She states she has placed trash containers on the site but they are being taken by persons in and around the area. The applicant is requesting to secure the site with a 6 or 8 foot fence placed at the property lines.

The applicant is also seeking to place an accessory structure on the lot to store various items such as furniture, tools etc. Per Section 9.1.3 (A) *the Board may not authorize the operation of a use other than the use specifically permitted within the Zoning District of the property for which the variance is sought.* Since there is not a primary structure on the property the placement of the storage building then becomes the uses of the property which the Board is not authorized to approve.

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:**

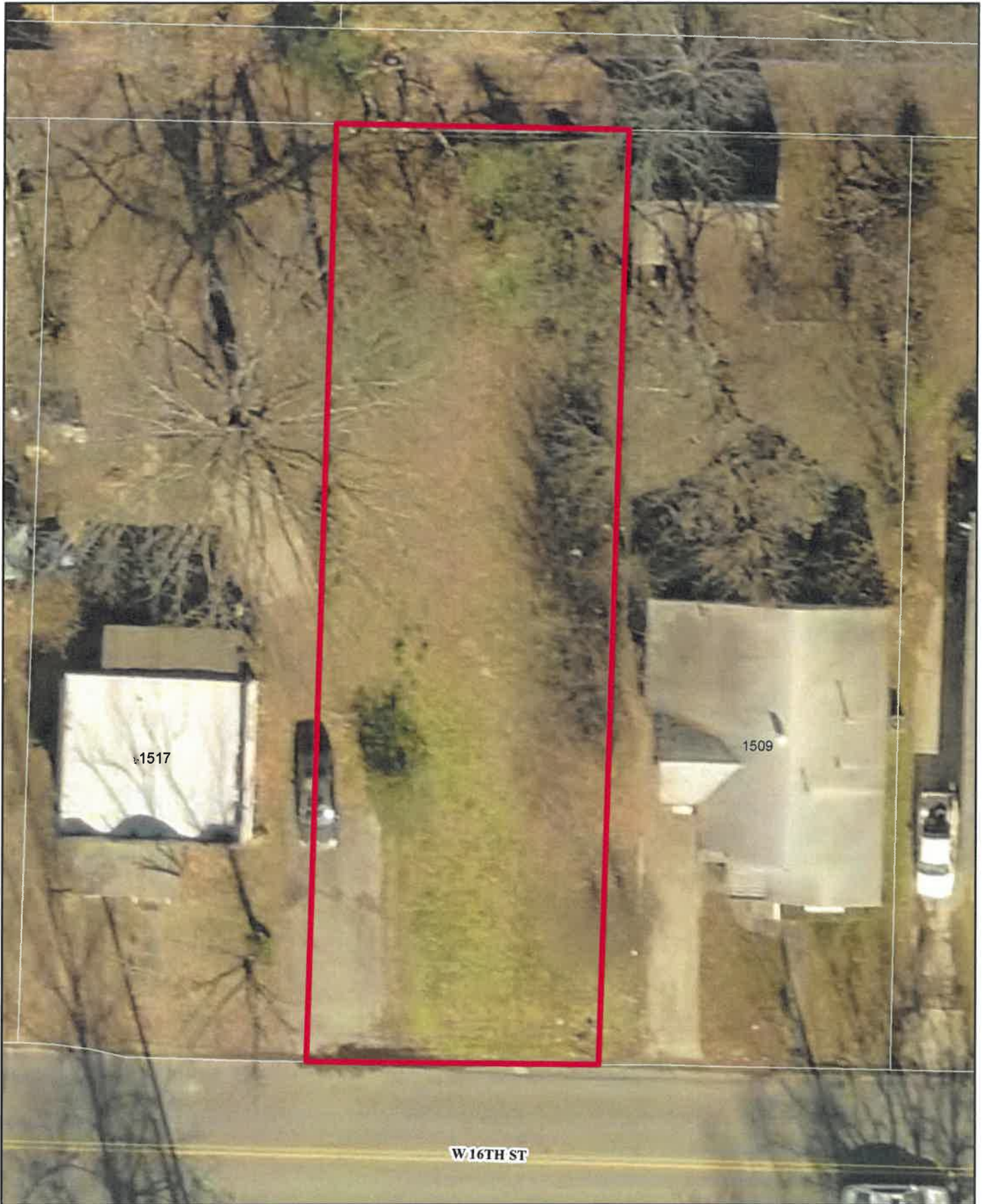
1. Is the variance for which the variance is sought due to unique circumstances existing on the property, the unique circumstances were not created by the owner of the property, and are not due to or the result of general conditions in the district in which the property is located? No, the applicant is seeking approval of the fence variance to secure the property and limit the ability of others currently trespassing on her property.
2. Does the variance substantially or permanently injure the appropriate use of adjacent conforming property in the same district? No, if the fence is placed as typically allowed in the case of a residence located on the lot there will be little impact on the adjacent properties.
3. Will approval of the variance alter the essential character of the district? No, the applicant is proposing to place the fence around the entire perimeter of the property.
4. Will approval of the variance weaken the general intent and purpose of the land use and zoning plan? No, there is no change to the land use or zoning plan for the area.
5. Will the approval of the variance be in harmony with the spirit of the ordinance? Possibly, the applicant is requesting to place the fence to limit or lessen the ability for persons trespassing on her property.
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 general welfare of the area residents with the placement of the fence

**Approval of the Application as Filed Allows:**

1. Approval will allow the placement of a fence on the property without a primary structure. The request includes the placement of a 6-8 foot solid board privacy fence along the perimeters of 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.



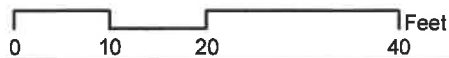
# North Little Rock Board of Adjustment



**BOA CASE #2022-38**

Date: 12/19/2022

1 inch = 20 feet



User: jhale





# North Little Rock Board of Adjustment

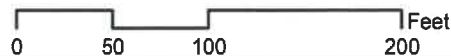


BOA Case #2022-38  
1515 W. 16th St.  
To allow the placement of a fence on a currently vacant lot.

**BOA CASE #2022-38**

Date: 12/19/2022

1 inch = 100 feet



User: jhale



*December 27<sup>th</sup>, 2021*

*The City Planning Office*

*120 North Main Street #2,*

*North Little Rock, Arkansas 72114*

*To Whom It May Concern,*

*Hello and My name is Sharon Y. Bowers I was writing a request to have a privacy fence built on my property located at 1515 West 16<sup>th</sup> Street, North Little Rock, Arkansas 72114. The reason that I am requesting for a privacy fence is because, there has been several occasions to where I've had to pick up paper, beer bottles, and containers of food boxes that were thrown on my property. This is happening frequently from week to week. I've had to call the local police, to report such trash being thrown on or, in front of my property in which I do have a copy of the report, or will be obtaining a copy of it. I have a video in which I have taken with my cell phone where there is several pieces of trash in the back by the alley. It would be a great satisfaction if I could build a privacy fence to avoid this happening in the near future. I do believe if they see a privacy fence. They will not be so quick to throw something on my property. If you would like to view the video I can email it to you. I am very grateful, and really appreciate you so much for taking the time out to hear, or review my request for this privacy fence. I hope the hat request is granted so that I can move forward to the next step. Again thanks so much, and I hope that you have a blessed day.*

*Sincerely Yours,*

*Signed Sharon Y. Bowers*

*December 27, 2021*

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# SHARON Y. BOWERS

1515 West 16, 2022, North Little Rock, Ar | (501)454.0705 , | lovelyoutgoing@yahoo.com

**May 12<sup>th</sup>, 2022**

North Little Rock,  
City Planning & Development Office  
120 Main Street  
North Little Rock, Arkansas 72114

**Dear North Little Rock,**

To Whom It May Concern, This a Letter of Hardship, to the City Planning Office. Hello to everyone my name is Sharon Y Bowers, and I am writing this letter of hardship to you. Why? Because I am requesting to have a storage shed, and also a privacy fence built on my property. I purchased this property last year at 1515 West 16<sup>th</sup>, 2021. Upon purchasing this property I found out that it has been sitting there vacant for over 20years, and many people who live, or don't live inside the community pass by my property throwing paper, trash, and beer bottles either on the outside, or in front my property ground making it very difficult for me to pick up. Why? Because it's in large quantity. Also whenever I have cut my grass, and clean the property of all trash, and paper when I leave the property a person, or person's is going pass the property walking or driving thrown g more paper their after I have cleaned it up. Prior to cutting my grass. This makes it even harder especially when it rains because then I have to wait a couple of days until the rain lets up. Then I have to clean the property off again. Upon returning to the property I might encounter, or have to pick up 25 to 30 beer bottles each time I am mowing my yard. Plus paper. I've also tried to keep small trash cans at the edge of my property so that trash will not pile up there. But someone keeps taking, or stealing it. The reason for the need of storage shed is because I have some old things that I wanted to store away, furniture, tools, lawnmower etc. It would also help me cut the cost that of storage fees being paid out, because then I would have built my own to store these things away. Also the location of where the storage shed will be built KS being used for dumping food, like dog

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food, and other unwanted food is being dumped out there onto my property also creating a very bad smell. And not to mention a huge mess for me to clean up. I have also noticed someone, or an individual have been digging for worms, and cleaning fish throwing it onto my property causing a swarm of flies, and smell. If I build the storage shed there, they won't be able to dig, or throw anything. For one the privacy fence will stop them from walking or entering on to my property. I am also having hardship because the property is located in, or around an alley. I would be most great full again for the privacy fence because many people, cars, and animals are walking in the alley throwing paper back there on my property. If the fence is there they can no longer throw paper, or beer bottles on my property. Also they won't be able to park there car there either. I believe that these hardship problems will go away if I am able to build an 8x10, or 10x 16 storage shed. And either an 6ft, or 8ft privacy fence making it difficult for them to throw paper or beer bottles there. All of these things have made it very hard for me, because they keep happening over, and over again. It would bring great joy to me if I could get the ball rolling g on these projects. I have taken the time to record some footage of the areas that I am talking about so that you can see what hardships I am having to deal with. I thank you for the opportunity to bring this matter before you, and I hope that we can get this resolved soon. Thanks and have a great day.

**Sharon Y. Bowers**

**May 12<sup>th</sup>, 2022**

**Variance Requested:** a variance request from the area provision of Section 4.1.2 to allow a reduced rear yard setback for a proposed new single family home

**Location of the Request:** 17212 Crooked Oak Drive, NLR, AR

**Legal Description of the Property:** Lot 9 Bent Tree Estates Phase 1 to the City of North Little Rock, Pulaski County, AR

**Owner/Applicant:** Billy Stain Construction

**Present Use of the Property:** Vacant Residential Lot

**Present Zoning of the Property:** R1, Single Family

**Site Characteristics:** Bent Tree Subdivision is located within the limits of North Little Rock accessed from Batesville Pike, which is located in Pulaski County. Bent Tree is a developing subdivision with a number of currently vacant lots. The lot was platted as a shallow lot and is located with a bulb in the street extending into the lot.

#### Surrounding Zoning and Uses

<u>Direction</u>	<u>Surrounding Zoning</u>	<u>Surrounding Uses</u>
North	N/A	Large Lot Single Family in the County
South	R1	Vacant Lots and Single Family Homes
East	N/A	Large Lot Single Family in the County
West	R1	Vacant Lots and Single Family Homes

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

**Staff Analysis:**

The applicant is seeking a variance to allow a reduced rear yard setback for the proposed new single family home to be constructed on this lot. The applicant indicates the home is proposed with 1900 square feet. The Subdivision Bill of Assurance has a minimum house size of 1800 square feet. The home has been placed on the lot with the required 25-foot front yard setback. The side yards are 30-feet on the west and 26-feet on the east resulting in a 15.83-foot rear yard setback. The applicant notes in his letter of hardship the shape of the lot makes it difficult to place a home on the lot and meet the minimum square footage requirements of the Subdivision Covenants.

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 shape of the lot and the covenants of the subdivision, which the City is not a party to, make it difficult to construct on the lot and meet the zoning ordinance setbacks.
2. Does the variance substantially or permanently injure the appropriate use of adjacent conforming property in the same district? No, the adjacent lots were platted with lot depths to allow construction of homes and meet both the restrictive covenants and the zoning ordinance setback.
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, setbacks are established to allow for proper separations between homes and uses.
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 a reduced rear yard setback reducing the setback from 25-feet to 15-83-feet.
2. Approval of this variance request is valid for 180-days from date of approval. If a building permit is not secured within the 180-day period, approval becomes invalid unless, the Board of Zoning Adjustment has approved a request for a time extension. All requests for time extension must be made prior to the expiration of the Board's approval.



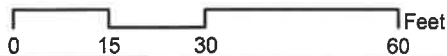
# North Little Rock Board of Adjustment



**BOA CASE #2022-39**

Date: 12/19/2022

1 inch = 30 feet



User: jhale





# North Little Rock Board of Adjustment

BOA Case #2022-39

17212 Crooked Oak Dr.

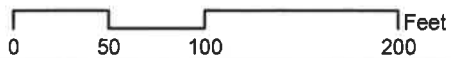
To allow a reduced rear yard setback.



**BOA CASE #2022-39**

Date: 12/19/2022

1 inch = 100 feet



User: jhale





December 1, 2022

To Whom It May Concern:

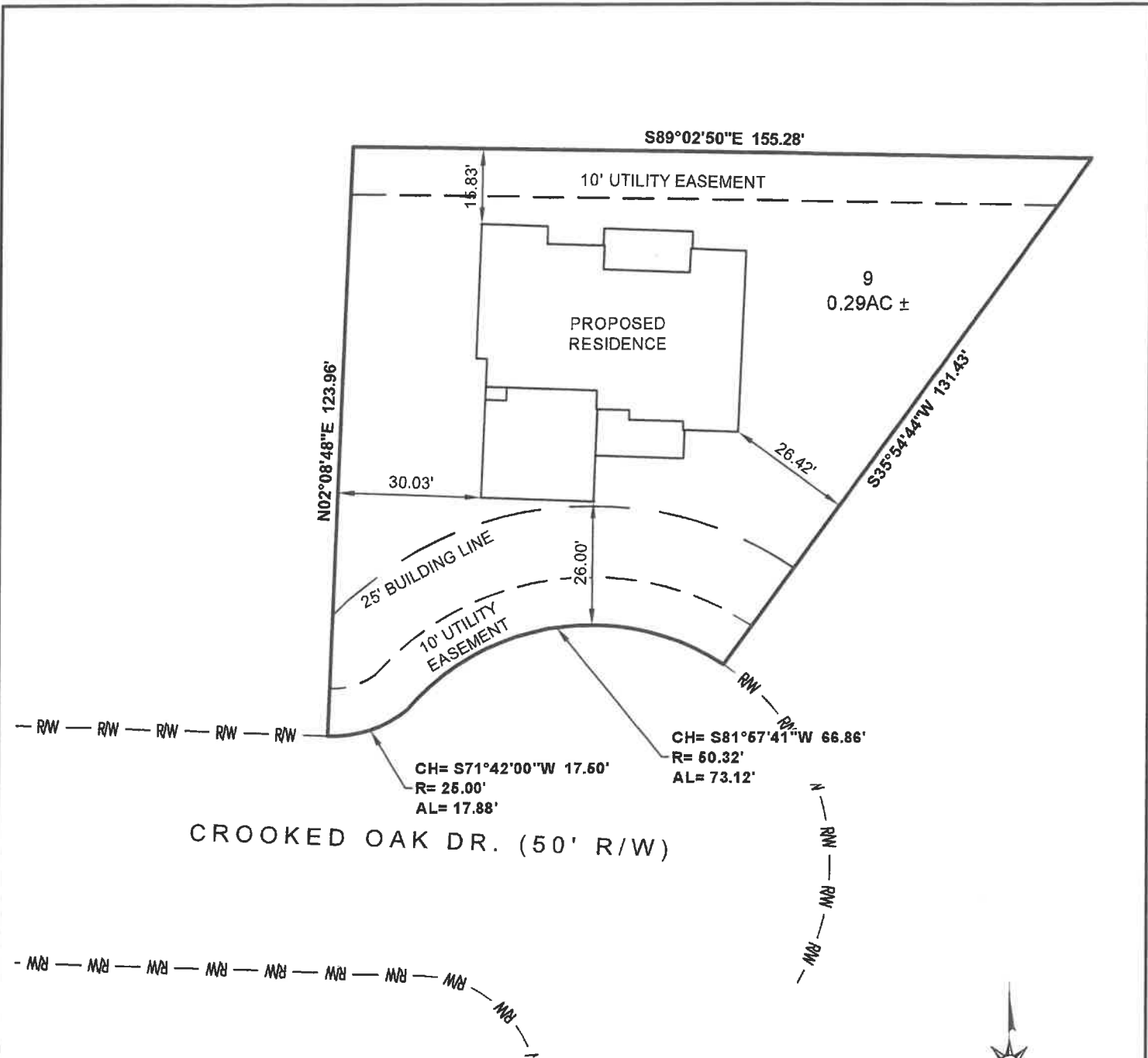
This letter is to request a variance at Lot 5 of the Bent Tree Subdivision, 17116 Crooked Oak Dr North Little Rock.

The variance request is to allow a reduced rear yard setback due to the irregular shape of the lot and the lot being located on a cul-de-sac. The house plan presented is 1,900 sq ft and the minimum square footage for the neighborhood is 1,800.

Thanks,

A handwritten signature in black ink that reads "Billy Stain". The signature is written in a cursive style with a horizontal line above the first few letters.

Billy Stain Construction



**LEGAL DESCRIPTION:**

LOT 9, BENT TREE ESTATES PHASE 1,  
RECORDED AS DOCUMENT NO. 2008003025,  
RECORDS OF PULASKI COUNTY, ARKANSAS.



BEARINGS ESTABLISHED BY  
STATE PLANE COORDINATES  
HARN 97(NAD 83)  
ARKANSAS NORTH ZONE

**CENTRAL  
ARKANSAS  
PROFESSIONAL  
SURVEYING**

OFFICE (501) 513-4800  
MOBILE (501) 472-2862  
FAX (501) 513-0900

P.O. BOX 298      ROBERT D. FRENCH  
CONWAY, AR 72033    P.L.S. 1363



<b>PLOT PLAN FOR:</b>	
BILLY STAIN	
OFFICE: JF	
DATE:	
11/22/2022	



**BOA 2023-01**  
**December 29, 2022**

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**Variance Requested:** a variance request from the area provision of Section 4.3.2(D) Accessory Structure Requirements Table, *Accessory structures shall be permitted only within the rear yard.*

**Location of the Request:** 16 Maumelle Court, NLR, AR

**Legal Description of the Property:** Lot A Maumelle Curve Business Park to the City of North Little Rock, Pulaski County, AR

**Owner:** Rogers River Holdings LLC

**Applicant:** Thomas Pownall, Thomas Engineering

**Present Use of the Property:** Office-Warehouse

**Present Zoning of the Property:** I2, Light Industrial

**Site Characteristics:** The site contains an office-warehouse purchased by the current owner in August 2022. The site was reviewed by the Planning Commission as a Site Plan Review case at their December hearing. A condition of approval of the site plan was to replat the 2 lots into a single lot prior to issuance of a building permit for the proposed accessory structure.

### **Surrounding Zoning and Uses**

<b><u>Direction</u></b>	<b><u>Surrounding Zoning</u></b>	<b><u>Surrounding Uses</u></b>
North	I2	Office-Warehouse
South	C4	Flooring Company and Daycare
East	I2 & C4	Undeveloped
West	I2 & C4	Auto Service and Warehouse

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

**Staff Analysis:**

The applicant is seeking a variance to allow the placement of an accessory structure within the side yard. According to the applicant the property was recently purchased by Arnold & Blevins Electric Company for their new business location. As part of their relocation and property improvements, they are proposing to construct a new accessory structure on the south portion of the property as shown on the site plan. Within the I2 Zoning District accessory structures are to be placed in the rear yard.

The applicant is seeking the variance to allow an accessory structure to the side of the property's primary building. The primary building on the north portion of the property was built to the 30-foot rear building setback maximizing the building area and leaving very little room for an accessory structure within the rear. The only allowable space for a new structure is to the south. The applicant states the hardship for the variance request is based on the unique shape of the lot and lack of space to the rear of the primary building to construct the accessory structure.

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 existing warehouse building was constructed to maximize the lot area and maximizing the buildable area.
2. Does the variance substantially or permanently injure the appropriate use of adjacent conforming property in the same district? No, there should be minimal impact on the adjacent property.
3. Will approval of the variance alter the essential character of the district? No, the character of the neighborhood 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 not change.
5. Will the approval of the variance be in harmony with the spirit of the ordinance? No, the placement of accessory structures within all zoning districts is typically within 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 public health, safety and general welfare of the community.

**Approval Allows:**

1. Approval will allow the placement of a 60-foot by 125-foot accessory structure within the side yard of the existing warehouse 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.



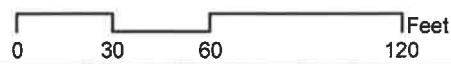
# North Little Rock Board of Adjustment



**BOA CASE #2023-01**

Date: 12/19/2022

1 inch = 60 feet

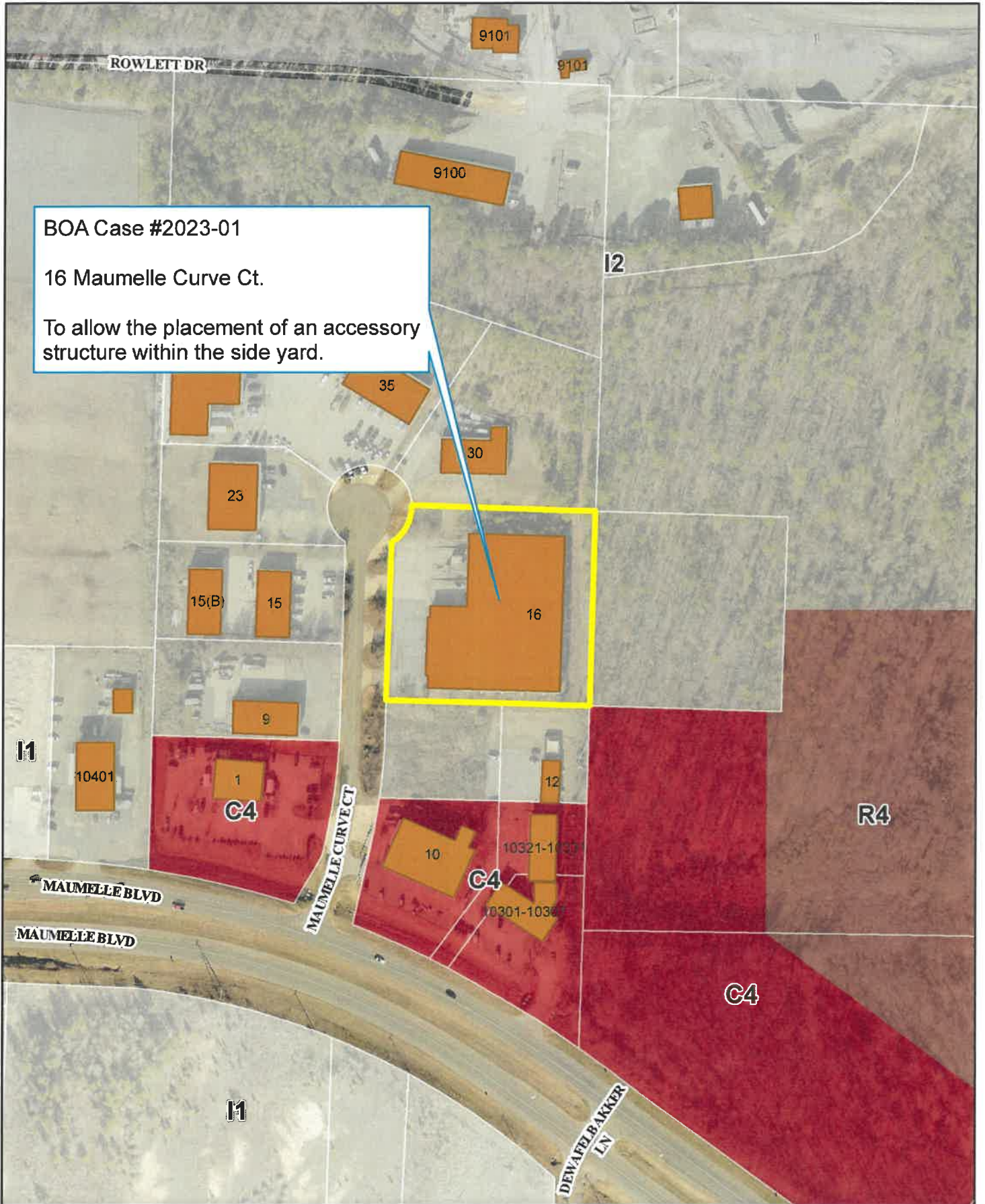


User: jhale





# North Little Rock Board of Adjustment

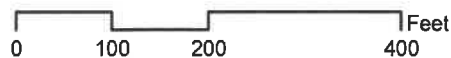


BOA Case #2023-01  
16 Maumelle Curve Ct.  
To allow the placement of an accessory structure within the side yard.

**BOA CASE #2023-01**

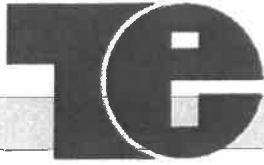
Date: 12/19/2022

1 inch = 200 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

August 1, 2022

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

RE: Lot A, Maumelle Curve Business Park  
16 Maumelle Curve Court  
Variance Request Application

Dear Mrs. James & Board Members:

Please let this letter serve as our application to the Board of Adjustment to request a variance associated with the proposed building located on Lot A, Maumelle Curve Business Park. We would like to be placed on the December 29<sup>th</sup>, 2022 Board of Adjustment meeting agenda.

The property was recently purchased by Arnold & Blevins Electric Company for their new business location. As part of the relocation and property improvements, they are proposing to construct a new accessory structure on the south portion of the property as shown on the included site plan. I2 Zoning regulations require these type structures be in the rear yard. Because of this we, request the following variance:

A variance to allow an accessory structure to the side of the property's primary building. The primary building on the north portion of the property is built to the 30 foot rear building setback maximizing the building area and leaves very little room for any accessory structure in the rear. The only allowable space for a new structure is to the south and therefore our hardship for the variance request is based on the unique shape of the lot and lack of space to the rear of the primary building.

The following items are included with this application letter:

1. Application fee in the amount of \$170.00
2. Site Plan
3. Legal Description:  
    Lot 9RR, (less and except the east 300 feet) and Lot 10A, Maumelle Curve Business Park,  
    City of North Little Rock, Pulaski County, Arkansas
4. Owner's Information  
    Rogers River Holdings, LLC  
    PO Box 688  
    North Little Rock, AR 72115-0688

If you have any questions, please give me a call

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Pownall', written in a cursive style.

Thomas R. Pownall, P.E.  
Vice President



**Variance Requested:** a variance request from the area provision of Section 4.2.5 to allow a reduced setback along Coral Street and along E Broadway Street and a variance to allow the elimination of the required on-site parking spaces Section 6.2.3

**Location of the Request:** 4116 E Broadway, NLR, AR

**Legal Description of the Property:** Lot 1R, Block 1, Wilson’s Subdivision to the City of North Little Rock, Pulaski County, AR

**Owner:** Don’s Weaponry

**Applicant:** Halff and Associates

**Present Use of the Property:** Don’s Weaponry

**Present Zoning of the Property:** C3

**Site Characteristics:** The site is located on East Broadway and bounded by streets on the East, Coral Street and West, School Street. There are vacant lots and single family homes located to the east and north of the property. There is a vacant commercial buildings located to the west, across School Street.

**Surrounding Zoning and Uses**

<b><u>Direction</u></b>	<b><u>Surrounding Zoning</u></b>	<b><u>Surrounding Uses</u></b>
North	R3	Single Family
South	C3	General Retail
East	C3 & R3	Vacant and Single Family homes
West	C3 & C2	Vacant Retail/ Warehouse

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

**Staff Analysis:**

The site contains a building constructed in 1964 containing 3,248 square feet. The upper portion of the building contains the retail store with the lower level, basement, containing the gun range for Don’s Weaponry. The applicant is proposing an addition to the existing building containing 10,763 square feet of floor area (14,011 total).

The applicant is seeking a variance to allow a reduced building setback along E Broadway and along Coral Street. The Ordinance requires exterior building setbacks along street sides to be a minimum



of 40-feet. The plan as indicated indicates a 10-foot setback along Coral Street and the existing building encroaching into the setback along E Broadway by 12-feet, after right of way dedication.

The applicant is proposing a replat of the site to combine a number of existing lots into a single lot to allow the expansion. With the replat the applicant is required to dedicated 15-feet of right of way to meet the Master Street Plan. With the dedication, the parking along E Broadway will be eliminated due to the remaining depth of the paved area and backing into the right of way is prohibited.

Parking for the use is based on 1-space per 250 gross square feet of floor area. Based on the proposed addition a total of 56 on-site parking spaces would be required. Currently parking is located in front of the building along E Broadway and a small area along the western side of the building. With the exception of the E Broadway parking area, the remainder of the parking areas remain unimproved.

The plan as presented does not include any on-site parking. The plan indicates a parking area across Coral Street located on a 40-foot wide lot. The lot is currently zoned R3 which does not allow the placement of a commercial parking lot and the parking plan as presented does not appear to be a workable plan to allow maneuvering without backing out of the area into the public right of way. There are areas on-site, which appear to be developable for parking which the applicant has not indicated as parking or proposed parking improvements.

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 a reduced setback along the abutting streets and allow a reduction (elimination) of the number of required parking spaces.
2. Does the variance substantially or permanently injure the appropriate use of adjacent conforming property in the same district? No, the variance will not have an impact on the adjacent properties in the area.
3. Will approval of the variance alter the essential character of the district? No, the variance will not alter 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? No, minimum setbacks and parking are established to allow development to not intrude on adjacent property.

6. Will the approval of the variance adversely affect public health, safety, and general welfare? No, approval will not adversely affect the public health, safety and general welfare of the area.

**Approval Allows:**

1. Approval will allow a reduced exterior setback along Coral Street and E Broadway allowing a 10-foot setback along Coral Street and a 28-foot setback along E Broadway.
2. Approval will allow a variance to eliminate the 56 required on-site parking spaces.
3. 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

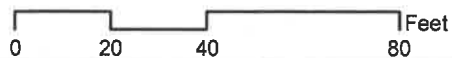


4114-4116

**BOA CASE #2023-02**

Date: 12/19/2022

1 inch = 40 feet



User: jhale



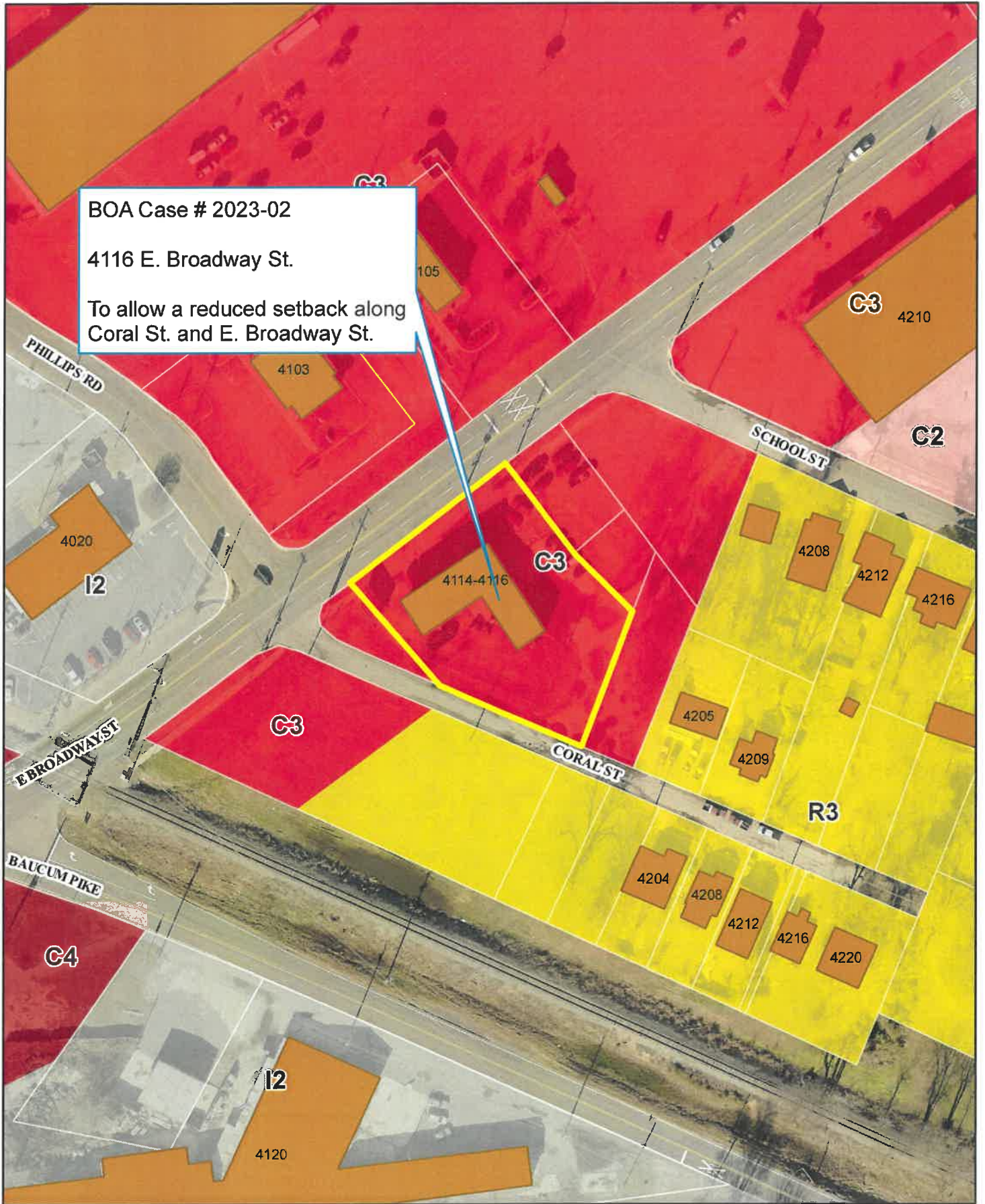


# North Little Rock Board of Adjustment

BOA Case # 2023-02

4116 E. Broadway St.

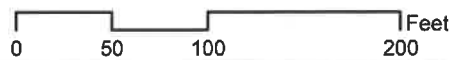
To allow a reduced setback along  
Coral St. and E. Broadway St.



**BOA CASE #2023-02**

Date: 12/19/2022

1 inch = 100 feet



User: jhale





December 1, 2022

North Little Rock Board of Adjustments  
Planning Department  
120 Main St.  
NLR, AR 72114

RE: Variance Request  
Don's Weaponry  
4116 E. Broadway St.  
North Little Rock, AR

North Little Rock Board of Adjustments members,

Please accept this letter to serve as our request for the above referenced submittal.

Our client would like to request the following waivers:

- Waiver building set back line on Coral Street.
- Waiver building set back line on Broadway Street.

The reason for the variance requests are due to the following:

1. The shape of the lot.
2. The Right-of-Way dedication.
3. The shape and location of the current building.

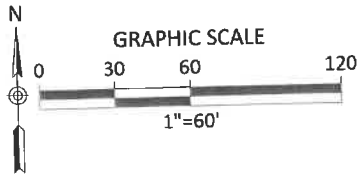
Enclosed please find a check for the review fee in the amount of \$170.00 along with the exhibit sketch.

If you have any questions, you may ask Jason Scheffer.

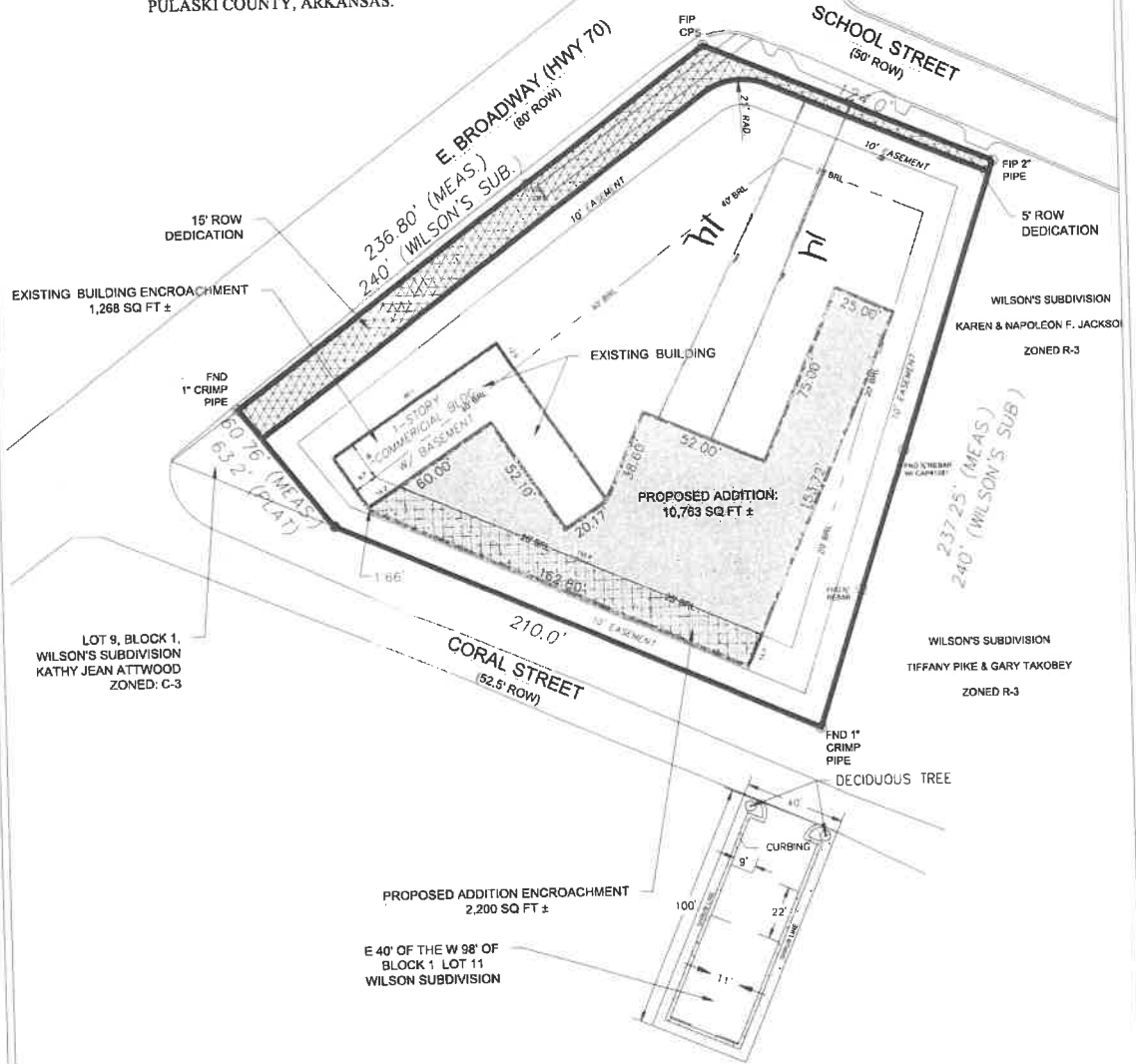
Sincerely,

A handwritten signature in black ink that reads "Tony" followed by a stylized flourish.

Tony Furman



REPLAT  
 LOT 1R, BLOCK 1  
 WILSON'S SUBDIVISION  
 TO THE CITY OF NORTH LITTLE ROCK,  
 PULASKI COUNTY, ARKANSAS  
 BEING A REPLAT OF  
 LOTS 4-8 OF WILSON'S SUBDIVISION OF BLOCK 1  
 LESSER-GOLDMAN SUBDIVISION OF PART OF SE¼,  
 SECTION 31, TO THE CITY OF NORTH LITTLE ROCK,  
 PULASKI COUNTY, ARKANSAS.



I:\36000\036225\001\CADD\EXHIBIT.dwg  
 December 12, 2022, 10:56:33 AM, a03974



**HALFF**

5318 JOHN F. KENNEDY BLVD  
 NORTH LITTLE ROCK, AR 72116  
 TEL (501) 801-3470  
 TSPELS SURVEYING FIRM #10194467

DRAWN BY: AJF	DATE: 12/1/2022	CLIENT: DON'S WEAPONRY
CHECKED BY: AKD	SCALE: 1"= 60'	
JOB NO.:	SHEET TITLE:	
036225.001	EXHIBIT	
REVISIONS:		
NO.	DATE	DESCRIPTION

ADDRESS:  
 4116 E BROADWAY ST  
 NORTH LITTLE ROCK 72117



**Variance Requested:** a variance request from the area provision of Section 5.7(E) to allow an increase in tower height for an existing tower currently with a height at 146-feet and proposed with a new height of 166-feet

**Location of the Request:** 8110 Baucum Pike Road, NLR, AR

**Legal Description of the Property:** Lot 1 Spanish Grant 2497 to the City of North Little Rock, Pulaski County, AR

**Owner:** William Watt

**Applicant:** SMJ International, David Connell

**Present Use of the Property:** Cell tower

**Present Zoning of the Property:** I2

**Site Characteristics:** The site is developed with a communications tower located on the western side of I 440 along the entrance ramp from Baucum Pike. There is a liquor store to the north of the site and undeveloped property to the south and west of the site.

### Surrounding Zoning and Uses

<b><u>Direction</u></b>	<b><u>Surrounding Zoning</u></b>	<b><u>Surrounding Uses</u></b>
North	I2	Liquor Store
South	I2	Undeveloped
East	N/A	Interstate 440
West	I2	Undeveloped

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

### **Staff Analysis:**

The Board of Zoning Adjustment approved a height variance for a communications tower at this location at their May 31, 1995 hearing. The approval allowed the placement of a 150-foot tall monopole.

The applicant is now requesting an additional height variance to increase the overall height of the tower to 166-feet. 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.

The property is zoned I2 which allows the placement of a communications tower. To allow the building permit to be issued the applicant must request and be granted the additional height proposed for the communications tower. The applicant has indicated the additional height is necessary to provide coverage to the North Little Rock customer base.

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 an existing communication tower to increase the height from the current 146-feet to the proposed 166-feet in height.
2. Approval of this variance request is valid for 6-months from date of approval. If a building permit is not secured within the 6-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 increase in tower height 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 fence around the communication tower site must be maintained and a minimum of 6-feet in height; and
- Any dead, diseased or missing landscaping within the required planted buffer be replaced around the exterior perimeter of the fence.



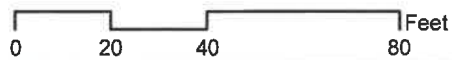
# North Little Rock Board of Adjustment



**BOA CASE #2023-03**

Date: 12/19/2022

1 inch = 40 feet



User: jhale





# North Little Rock Board of Adjustment

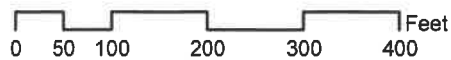


BOA Case #2023-03  
8110 Baucum Pike  
To allow an increased height of an existing communications tower.

**BOA CASE #2023-03**

Date: 12/19/2022

1 inch = 200 feet



User: jhale





**SMJ** INTERNATIONAL

49030 Pontiac Trail, Suite 100  
Wixom, MI 48393  
www.smj-llc.com

December 7, 2022

Donna James, AICP  
Assistant Director of Planning  
City of North Little Rock  
120 Main Street  
North Little Rock, AR 72114-2134  
501-975-8835

Re: **AT&T antenna colocation on existing cell tower  
8100 Baucum Pike, North Little Rock, AR 72117**

**98152**

Encl: Check for \$170.00 for Board of Zoning Adjustment hearing

Ms. James:

Please find enclosed a check for \$170 for the Board of Zoning Adjustment hearing on December 29, 2022.

Please let me know as soon as possible if any additional information is required.

Attn: David Connell  
49030 Pontiac Trail, Suite 100  
Wixom, MI 48393

Phone: (630) 464-5893  
Fax: (888) 745-4719  
Email: dconnell@smj-llc.com

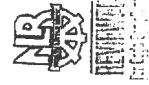
As always, feel free to contact me with any questions or concerns. I look forward to hearing from you.

Sincerely,

*David Connell*

**David Connell**  
**SMJ** INTERNATIONAL

630-464-5893



**AMERICAN TOWER**  
**ATC TOWER SERVICES, LLC**  
 3500 REGENCY PARKWAY  
 SUITE 100  
 OMAHA, NE 68112  
 PHONE: (416) 469-1121  
 COA-882

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REV.	DESCRIPTION	BY	DATE
1	FIRST ISSUE	LEG	04/08/22

ATC SITE NUMBER:  
**98152**

ATC SITE NAME:  
**BAUCUM (SCOTT)**

ARKANSAS

SITE ADDRESS:  
 8100 BAUCUM PIKE  
 NORTH LITTLE ROCK, AR 72117

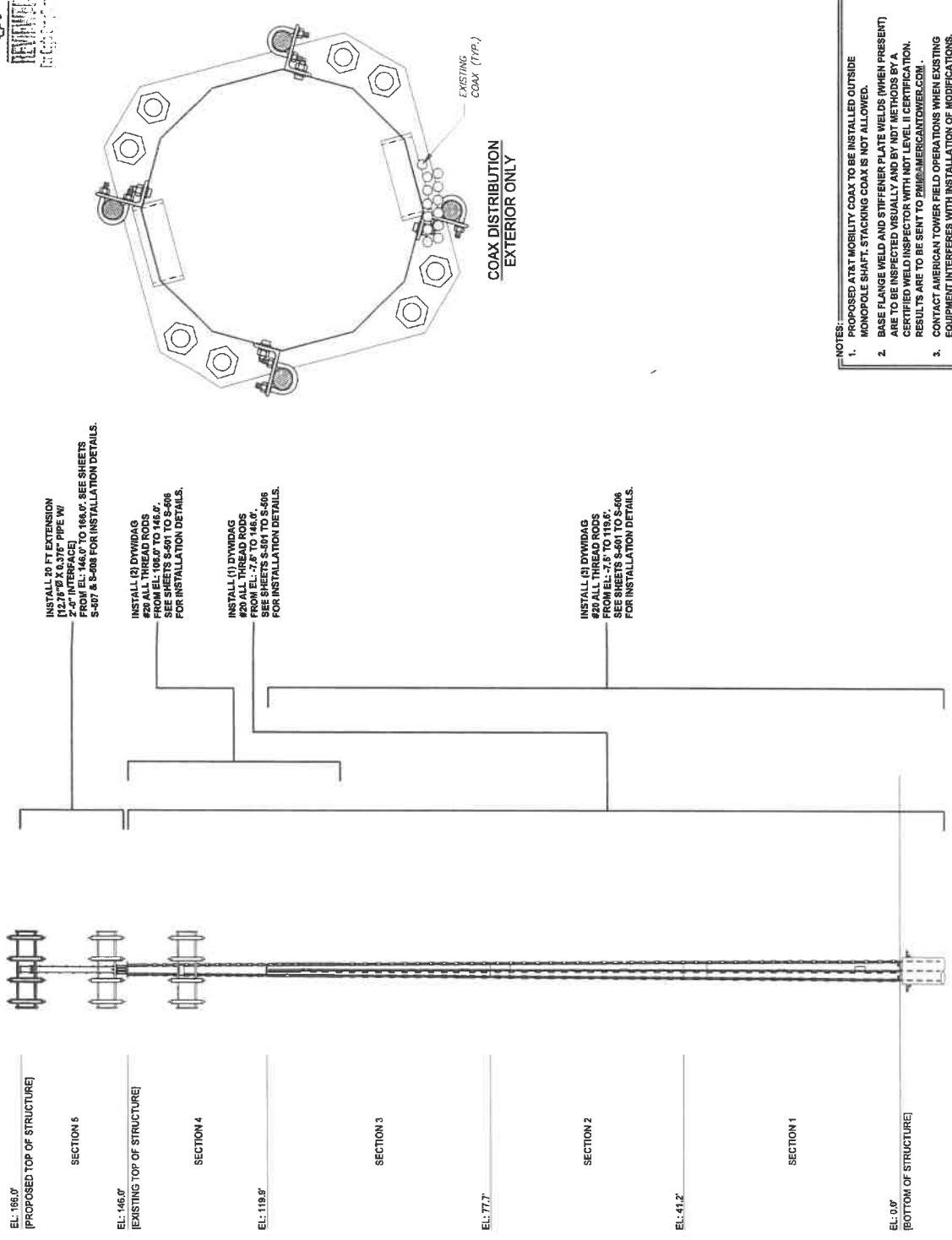


DRAWN BY: LPG  
 APPROVED BY: MER  
 DATE DRAWN: 04/08/22  
 ATC JOB NO.: 138717L\_D9\_US

**MODIFICATION PROFILE**

SHEET NUMBER:  
**S-201**

REVISION:  
**0**

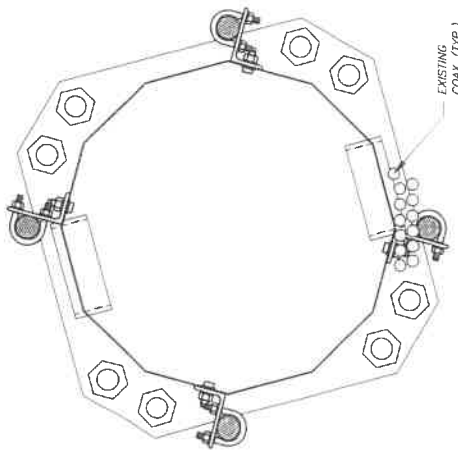


INSTALL 10 FT EXTENSION  
 (12.75" Ø X 0.375" PIPE W/  
 2"-Ø INTERFACE)  
 FROM EL. 146.0' TO 166.0'. SEE SHEETS  
 S-207 & S-208 FOR INSTALLATION DETAILS.

INSTALL (3) DYNIDAG  
 #20 ALL THREAD RODS  
 FROM EL. 106.0' TO 146.0'.  
 SEE SHEETS S-491 TO S-498  
 FOR INSTALLATION DETAILS.

INSTALL (1) DYNIDAG  
 #20 ALL THREAD ROD  
 FROM EL. 7.0' TO 146.0'.  
 SEE SHEETS S-494 TO S-496  
 FOR INSTALLATION DETAILS.

INSTALL (3) DYNIDAG  
 #20 ALL THREAD RODS  
 FROM EL. 41.2' TO 77.7'.  
 SEE SHEETS S-491 TO S-498  
 FOR INSTALLATION DETAILS.



- NOTES:**
- PROPOSED AT&T MOBILITY COAX TO BE INSTALLED OUTSIDE MONOPOLE SHIFT. STACKING COAX IS NOT ALLOWED.
  - BASE FLANGE WELD AND STIFFENER PLATE WELDS (WHEN PRESENT) ARE TO BE INSPECTED VISUALLY AND BY NDT METHODS BY A CERTIFIED WELD INSPECTOR WITH NDT LEVEL II CERTIFICATION. RESULTS ARE TO BE SENT TO [PM@AMERICANTOWER.COM](mailto:PM@AMERICANTOWER.COM).
  - CONTACT AMERICAN TOWER FIELD OPERATIONS WHEN EXISTING EQUIPMENT INTERFERES WITH INSTALLATION OF MODIFICATIONS. ONCE APPROVED, EXISTING EQUIPMENT MAY BE TEMPORARILY MOVED DURING INSTALLATION & REINSTALLED TO THE ORIGINAL HEIGHT & LOCATION BY CONTRACTOR POST COMPLETION OF MODIFICATIONS.