



**City of North Little Rock
Board of Zoning Adjustment Agenda
Wednesday, April 24, 2024 - 1:30 PM
North Little Rock, City Council Chambers 300 Main St., NLR, AR, 72114**

Call to Order -

Roll Call and finding of a Quorum -

Approval of Minutes - March 28, 2024

Public Hearing Items -

BOA 2024-06 – 4516 Austin Dr, A variance from the area provisions of Section 4.1.2 to allow a reduced side yard setback from 8-feet to 6-feet and to also allow a reduced minimum separation distance between structures from 10-feet to 8.5-feet.

BOA 2024-07 - 3820 Lookout Rd, A variance from the area provisions of Section 4.2.5: C3: General Commercial District to allow a reduced front yard setback from 40-feet to 25-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 May 01, 2024 Hearing Date May 30, 2024

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 North Little Rock, City Council Chambers 300 Main St, NLR, AR, 72114. 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 – March 28, 2024**

Chairman Tom Brown called the meeting of the North Little Rock Board of Zoning Adjustment to order at 1:30 P.M. in the Council Chambers, City Hall, 300 Main Street. Roll call found a quorum to be present; a quorum being three members present.

Members Present

Mr. Tom Brown, Chairman
Mr. Gardner Burton
Mr. Mike Abele
Mr. Steve Sparr

Members Absent

Mr. Tim Giattina, Vice-Chair

Staff Present

Tracy Spillman, City Planner
Ms. Marie Miller, City Attorney

Others Present

Tim Fleming – 20012 N Spring Dr, 72103

Old Business

None

Administrative

Administrative action was moved to the end of the meeting

Approval of Minutes

Chairman Brown called for a motion for approval of the previous meetings minutes Mr. Sparr formed a motion to approve the minutes from February 29, 2024 meeting. Mr. Burton provided a second. Chairman Brown called for a vote, all members present voted in the affirmative, the motion was approved.

Public Hearing Items –

BOA 2024-04, 2101 Middleton Dr, A variance request from the area provisions of Section 4.1.2 to allow a reduced rear yard setback from 25-feet to 12.5-feet.

Chairman Brown called the item and requested the applicant come forward and provide the Commission with a statement of hardship. Mr. Tim Fleming, the contractor and designated representative of the property

owner for 2101 Middleton Dr addressed the Board. Chairman Brown asked the applicant to state their hardship. Mr. Fleming explained the property had been damaged by fire and that the owner's desire was to rebuild the preexisting workshop in the same/approximate location. After discussion with the Board it was determined that the hardship was a limited amount of property to reconstruct within the rear yard setback.

Mr. Able inquired about the type of construction and the limits of the property. In addition Mr. Able questioned the Staff's recommendation to correct this issue. Staff explained that the Board of Adjustment needed to be petitioned for a variance to rebuild within the rear yard setback.

Chairman Brown questioned if any of the Board members had 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. Mr. Burton provided a second to the motion. By a roll call vote, all members present voted in the affirmative, and the motion was approved.

Administrative

The Board discussed the possibility of not having a quorum at the next regularly scheduled meeting and suggested moving the next hearing to April 18. Chairman Brown called for a motion. Mr. Sparr motioned that the next BOA hearing be moved from the regularly scheduled date of Thursday, April 25th to Thursday April 18th. Mr. Able provided a second to the motion. Chairman Brown called for a vote, all members present voted in the affirmative, the motion was approved.

Approval of Minutes

Chairman Brown called for a motion for approval of the previous meetings minutes Mr. Sparr formed a motion to approve the minutes from February 29, 2025 meeting. Mr. Able provided a second. Chairman Brown called for a vote, all members present voted in the affirmative, the motion was approved.

Public Comment, Old Business, Administrative and Adjournment

There being no further business before the Board, Chairman Brown moved to adjourn; Mr. Sparr formed a motion to adjourn. Mr. Burton provided a second to the motion. All members present voted in the affirmative. The meeting was adjourned at 2:33 PM.

Approved on this 24th day of April, 2024

Tom Brown, Chairman

Variance Requested: A variance from the area provisions of Section 4.1.2 to allow a reduced side yard setback from 8-feet to 6-feet and to also allow a reduced minimum separation distance between structures from 10-feet to 8.5-feet.

Location of the Request: 4516 Austin Dr, North Little Rock, AR 72116

Legal Description of the Property: Lot 5, Block 4, Lakewood Northeast an Addition to the City of North Little Rock, Pulaski County, AR

Owner: Jarod and Paige Varner

Applicant: Jarod and Paige Varner

Present Use of the Property: Single-family

Present Zoning of the Property: R1, Single-family

Site Characteristics: The subject property is located within the Lakewood neighborhood east of JFK Blvd, Fairway Ave and Burrow Dr, north of McCain Blvd, west of Warden Rd, and south of the city limits and Valley Brook Dr. Built in 1978 this 2-story, brick and frame single-family home occupies the fifth parcel east of Burrow Dr on the south side of the street. The front of the house faces Austin Dr and allows access to off street parking and a two-car garage on the west side of the parcel. The surrounding properties are also occupied by single family homes that were built in the same time period and style of the subject property. The home was constructed within the allowable setbacks and includes an in-ground swimming pool in the backyard. The pool is separated from the main structure exceeding the minimum 10-foot required distance by 11-feet.

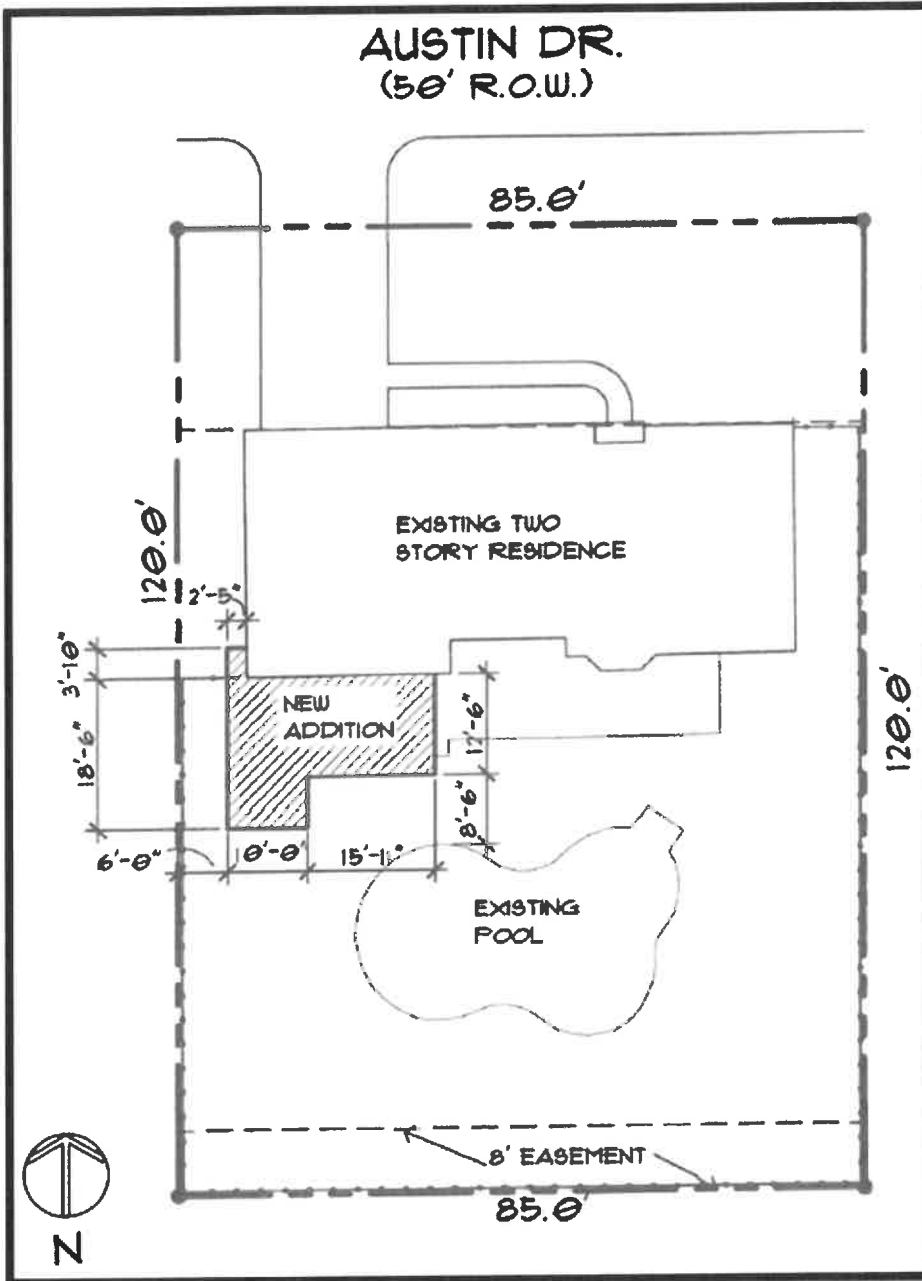
Surrounding Uses and Zoning

<u>Direction</u>	<u>Surrounding Zoning</u>	<u>Surrounding Uses</u>
North	R1, Single-family	Single Family
South	R1, Single-family	Single Family
East	R1, Single-family	Single Family
West	R1, Single-family	Single Family

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

Staff Analysis: The applicant is proposing a bed and bathroom addition on the ground level at the rear of their home. To accomplish the footprint as provided by their architect they are seeking a variance to allow a reduced side yard setback and a reduced separation from an existing (swimming pool) accessory structure. The proposed addition is shown to be positioned between the swimming pool and the southeast corner of the home. At 22-feet, 4-inches (north and south) x 25-feet, 11-inches

(east and west) the addition will encroach into the west side yard and will be located closer than 10-feet from the swimming pool. Section 4.1.2: R1: Single-Family District of the Zoning Code states that, "The side yard setback is 10% of the lot width, measured at the front building line. The minimum is 6 feet with an 8 feet maximum." In addition, the zoning code table indicates that the minimum separation of all buildings be a minimum of 10-feet.



The survey provided by the applicant indicates that the lot is 85-feet in width which would require an 8-foot side yard setback. The proposed addition is shown to encroach 2-feet into the west side yard reducing the side yard to 6-feet. The new construction is also shown to be placed 8-foot 6-inches from the existing swimming pool at its closest point exceeding the 10-foot minimum by 1-foot, 6-inches. The applicant is requesting these two variances to provide a new living space that will function best with the existing structures and site and meet their current needs.

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.

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 being 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 applicant is seeking to allow a home addition between two existing structures that will best function and serve the applicant needs.
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 current residential districts.
5. Will the approval of the variance be in harmony with the spirit of the ordinance? No, the placement of accessory structures within the rear yard was established to place non-primary uses to the backs of homes and lots.
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 a reduced side yard setback from 8-feet to 6-feet on the west side of the property and to also allow a reduced minimum separation distance between structures (house addition and existing swimming pool) from 10-feet to 8.5-feet as described above and shown on the attached site plan.
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.

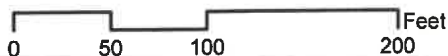
North Little Rock Board of Adjustment



BOA CASE #2024-06

Date: 4/16/2024

1 inch = 100 feet



User: jhale



North Little Rock Board of Adjustment



AUSTIN DR

4512

4516

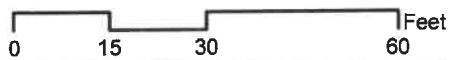
4520

4513

BOA CASE #2024-06

Date: 4/16/2024

1 inch = 30 feet



User: jhale



City of North Little Rock, AR

RE: Variance Request for 4516 Austin Drive, North Little Rock, AR

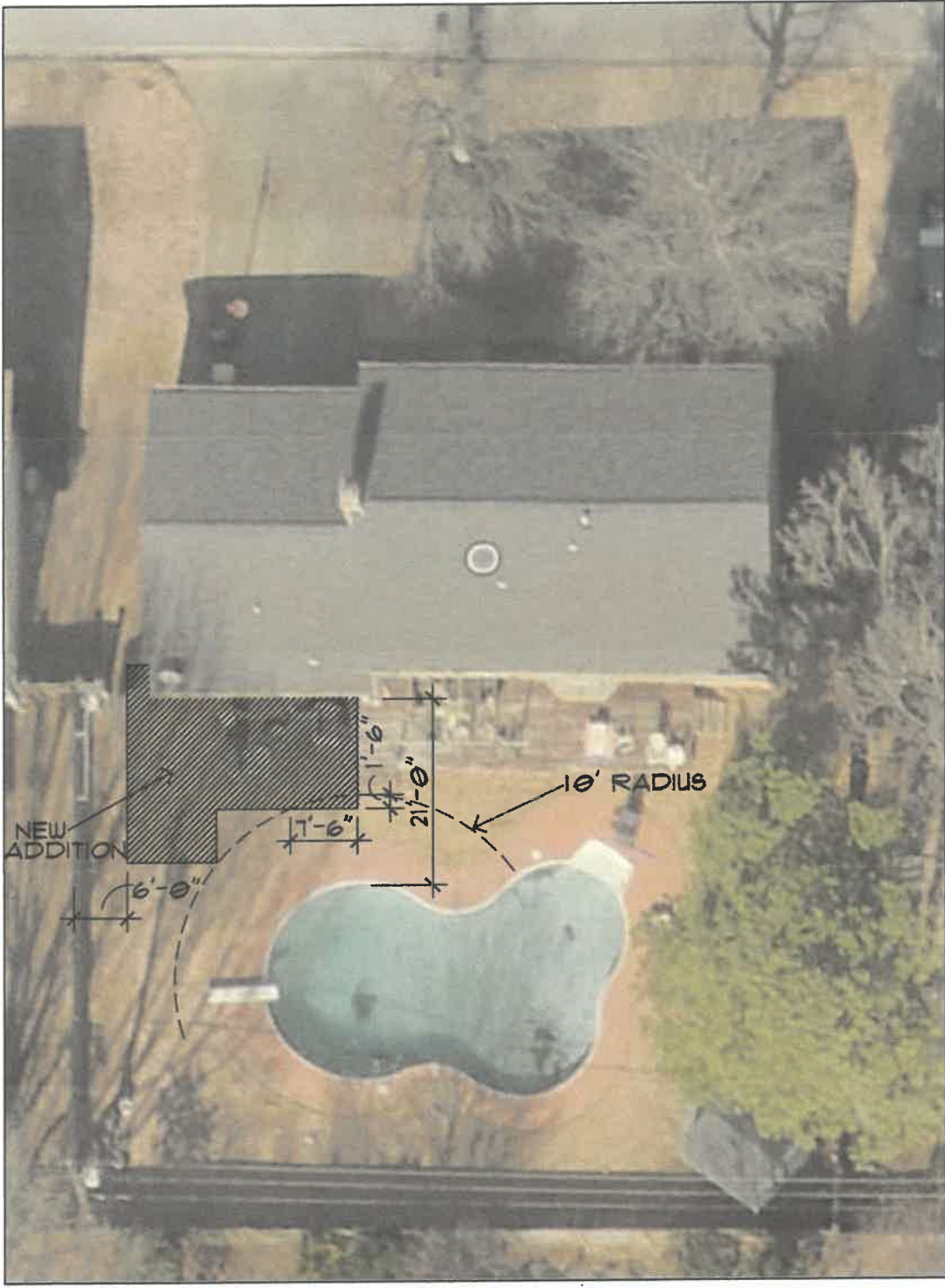
We would like to add a downstairs bedroom and bath to our home because all our other bedrooms are on the second floor. In order to do this the most space available is on the southwest corner of the house. The utilities are also located in this area. Because of these conditions we are requesting a variance to the side yard setback from 8' to 6'.

Also, there is an existing pool in the backyard and one corner of the new structure would encroach into the 10' pool separation by 18". Because of this we are requesting an additional variance for this encroachment.

We respectfully request your consideration of these variances in order to allow the additional space that we need.

A handwritten signature in black ink, appearing to read "Jarod and Paige Varner". The signature is written in a cursive, flowing style.

Jarod and Paige Varner

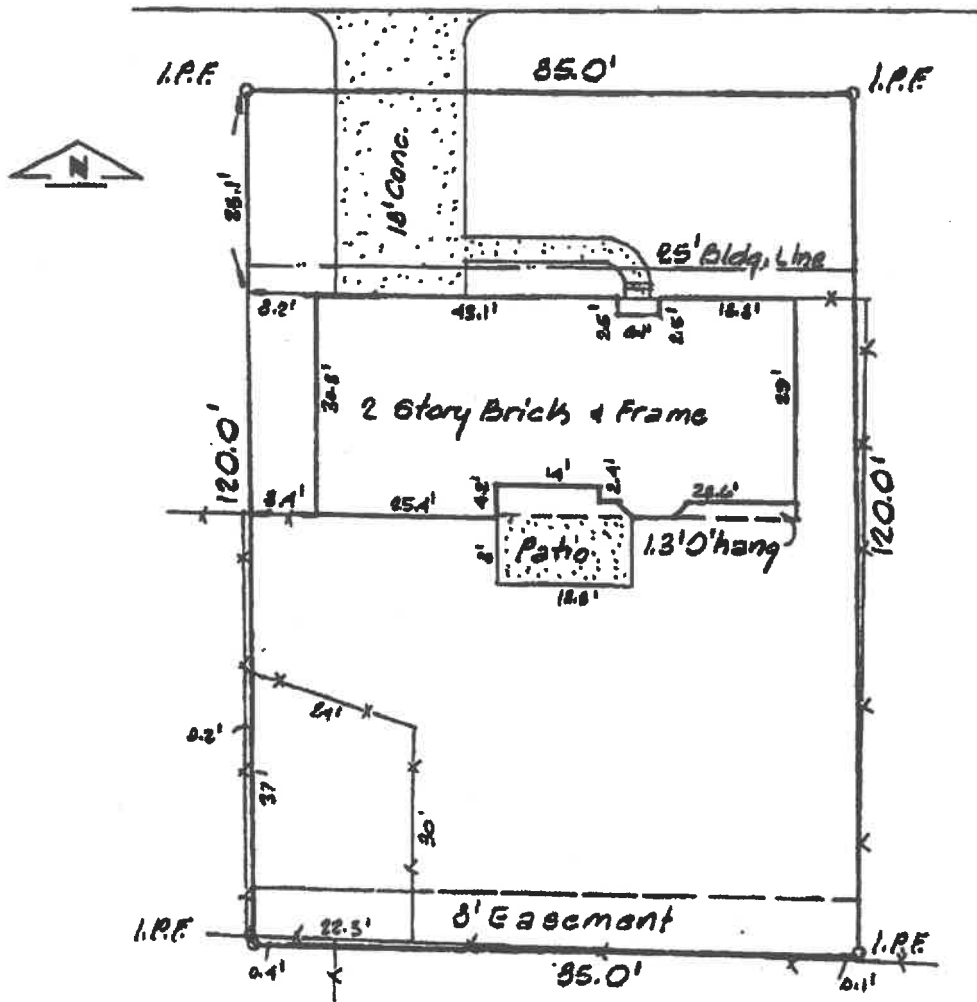


01-AERIAL VIEW

**4516 AUSTIN DR.
NORTH LITTLE ROCK, AR**

SCALE: NOT TO SCALE

AUSTIN DRIVE 50' A.W.



LEGAL DESCRIPTION

Lot 5, Block 4, LAKEWOOD NORTHEAST, an Addition to the City of North Little Rock, Pulaski County, Arkansas.

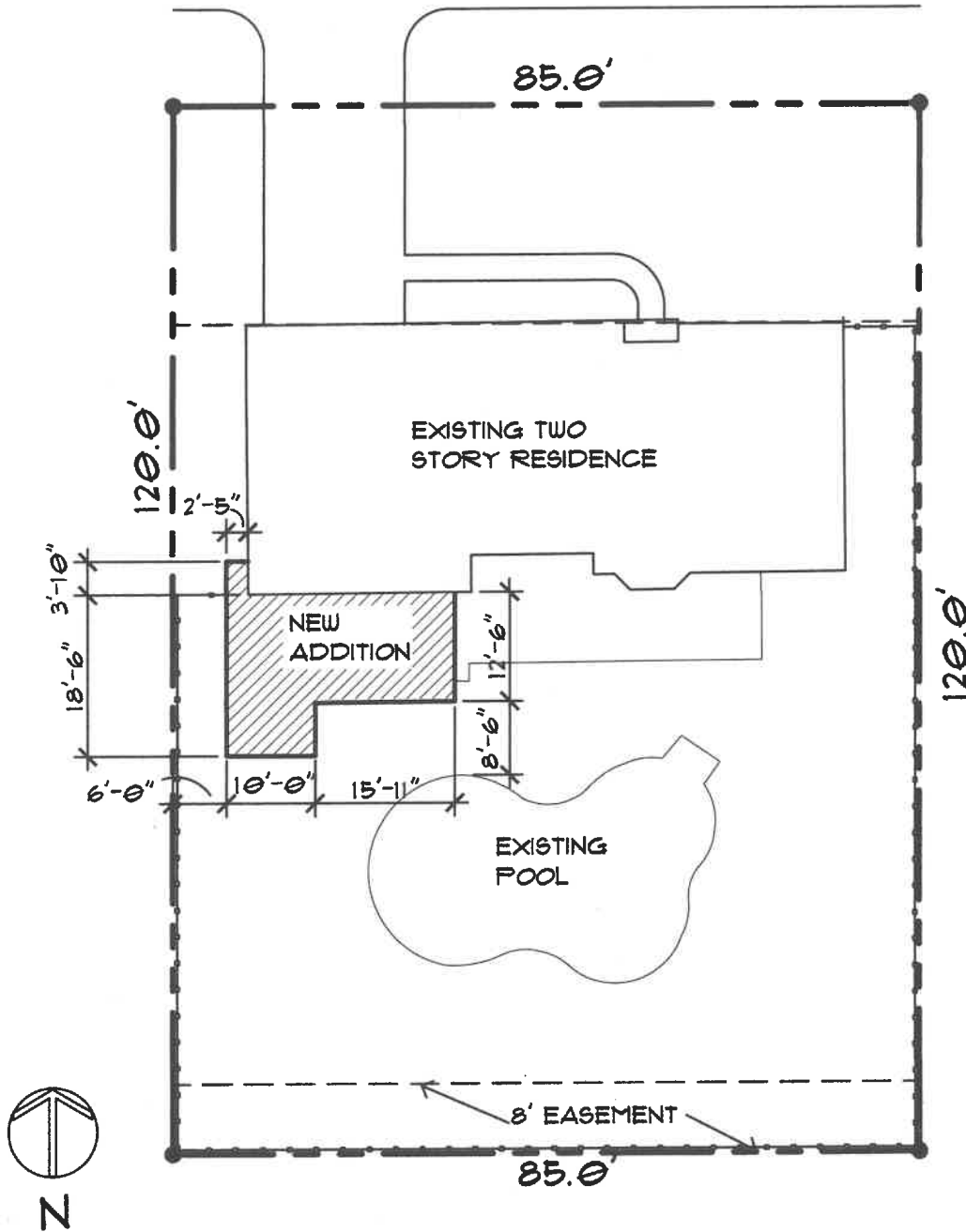
This property is not in the 100 year flood plain as per Panel 7 of 9 for North Little Rock, AR. Community-Panel #050182 0007 D, dated September 5, 1990 in Zone X.

Date of Survey:	July 28, 2004
Scale:	1" = 20'
Property Address:	4516 Austin Drive
For Use & Benefit of:	Angela M. Hess Bryan Frazier First National Title Company



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.

AUSTIN DR.
(50' R.O.W.)



01-SITE PLAN 4516 AUSTIN DR.
NORTH LITTLE ROCK, AR

SCALE: 1" = 20'

NP NORMAN PATTEN & ASSOC.
ARCHITECTURE & PLANNING
413 CEDAR ST. # MAIN - CEDAR HILL, TX 75104 - 972/293-2929

4516 AUSTIN DR.
NORTH LITTLE ROCK, AR

4-1-24
DATE

JOB NO.

PRELIMINARY DRAWINGS -
NOT FOR CONSTRUCTION

LOT 5, BLOCK 4
LAKEWOOD NORTHEAST
AN ADDITION TO THE CITY
OF NORTH LITTLE ROCK,
PULASKI COUNTY, AR

BOA #2024-07
April 24, 2022

Variance Requested: A variance from the area provisions of Section 4.2.5: C3: General Commercial District to allow a reduced front yard setback from 40-feet to 25-feet.

Location of the Request: 3820 Lookout Rd, NLR, AR

Legal Description of the Property: Lot 15R (Replat of Lots 15 and 16) Hackett Place Subdivision, an Addition to Park Hill City of North Little Rock, Pulaski County, Arkansas

Owner: Nick Kockaya

Applicant: Edward Lofton / Engineering Surveying

Present Use of the Property: Undeveloped

Present Zoning of the Property: C3

Site Characteristics: The subject property is located within the Park Hill neighborhood east of JFK Blvd, north of Interstate 40, west of North Hills Blvd, and south of McCain Blvd, The property is bordered by an auto repair shop and undeveloped lot that fronts JFK Blvd to the west, R1 residential properties to the north, and a C3 commercial property to the south across Lookout Rd occupied by the Lake Hill Shopping Center. The property adjacent to the east property line is zoned C3, owned by Comcast and described as a storage warehouse facility. The properties further east are zoned R3 (duplex district) and occupied by single-family homes.

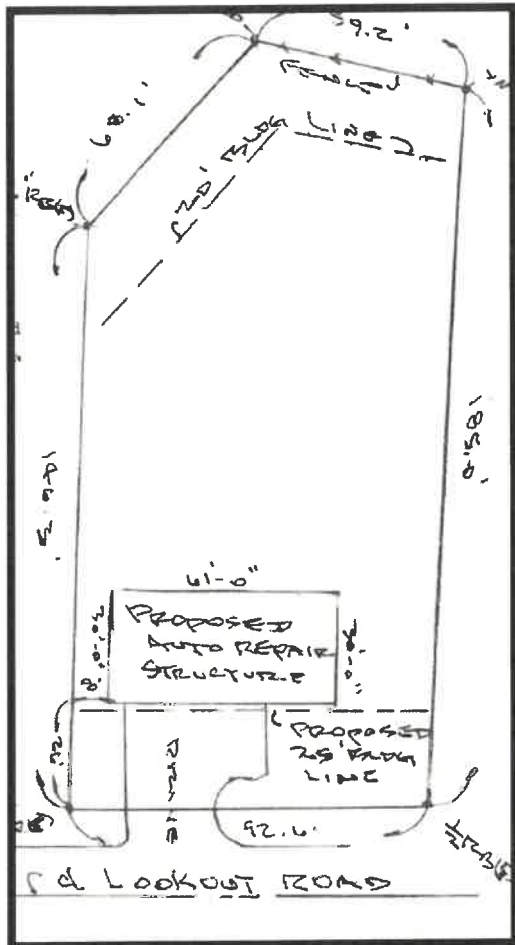
Surrounding Uses and Zoning

<u>Direction</u>	<u>Surrounding Zoning</u>	<u>Surrounding Uses</u>
North	R1	Single Family Residential
South	C3	Commercial / Retail
East	C3	Commercial / Warehouse
West	C3	Commercial / Auto Repair / Undeveloped

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

Staff Analysis:

The applicant is proposing to replat the two separate subject parcels identified as 33N-196.00-0030 and 33N-196.00-0040 located at 3820 Lookout Rd into one parcel and develop the vacant lots as an automobile repair service. While there is a similar business located on the adjacent property to the west fronting JFK Blvd a conditional use permit will be required before an automobile repair service



is allowed to operate on a C3 property. However, the applicant is pursuing the variance that he believes will be necessary in order to place the building on the buildable area of the property.

The applicant has stated that while the property is relatively flat adjacent to the street right-of-way this begins to slope dramatically as the site progresses to the north and the adjacent residential properties. The parcel is approximately 185-feet deep and the development plan only shows the first 56-feet adjacent to the Lookout Rd right-of-way to be developed. The building is proposed to be 61-feet in length (east to west) and 30-feet in width (north and south). The development plan proposes a 25-foot front building line with the structure located 1-foot back at 26-feet from the front property line. The applicant has stated that due to the steeply sloping terrain the only portion of the site that can feasibly be developed is within this limited area close to the street right-of-way.

The applicant is seeking a front yard setback variance from the normally required 40-feet for C3 zoned properties to a 25-foot front yard building line. The other side and backyard setbacks will be within the allowable limits for commercial developments.

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.

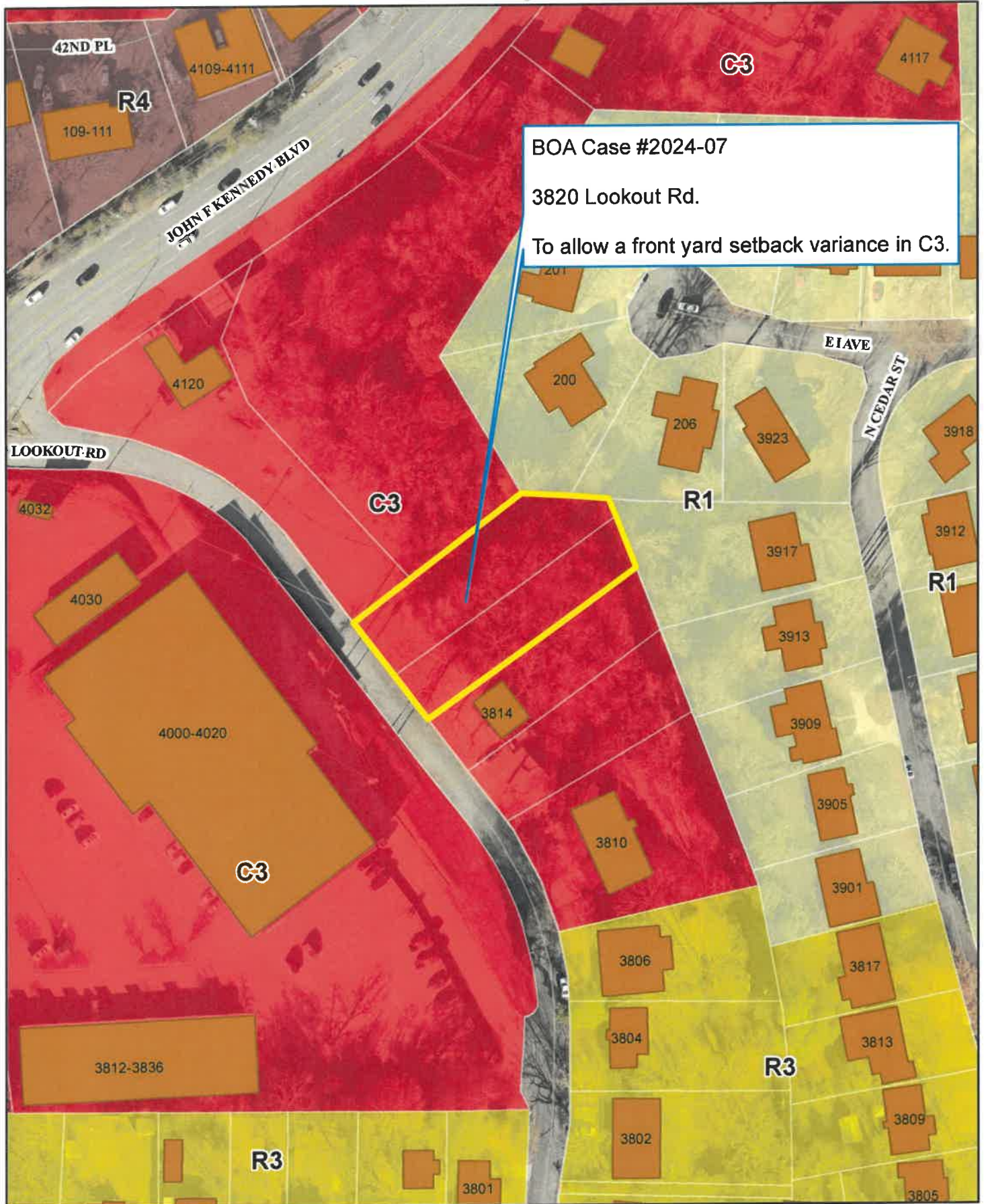
Board to Consider:

1. Is the variance being 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? Yes, the applicant is seeking the variance to allow the placement of a commercial building within the normally prescribed 40-foot front building setback due to the steeply sloping topography.
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 C3 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 a reduced front yard setback from 40-feet to 25-feet adjacent to the Lookout Rd right-of-way.
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 #2024-07
3820 Lookout Rd.
To allow a front yard setback variance in C3.

BOA CASE #2024-07

Date: 4/16/2024

1 inch = 100 feet



User: jhale



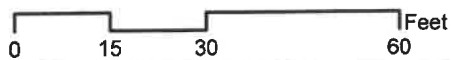
North Little Rock Board of Adjustment



BOA CASE #2024-07

Date: 4/16/2024

1 inch = 30 feet



User: jhale



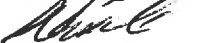
North Little Rock Board of Zoning Adjustment
700 West 29th Street
North Little Rock, Arkansas 72114

1 April 2024

RE: Replat of Lots 15 and 16, Hackett Place Subdivision, North Little Rock, Arkansas

I currently own the above subject Lots in Hackett Place Subdivision and I am proposing to replat said Lots into Lot 15R. Copy of the site plan for the proposed structure is enclosed.

Due to the topography of the site, I am requesting a variance of the building set back from 40 feet to 25 feet.


Nick Kockaya
Lookout Road
North Little Rock, Arkansas

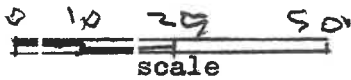
Enclosure:
Proposed site plan

Edward Lofton
Engineering Surveying
 15415 Oakcrest Little Rock, Arkansas 72206
 Phone 888-5232(H) 580-8771(C) E-mail eddlofton@att.net Fax 888-5232

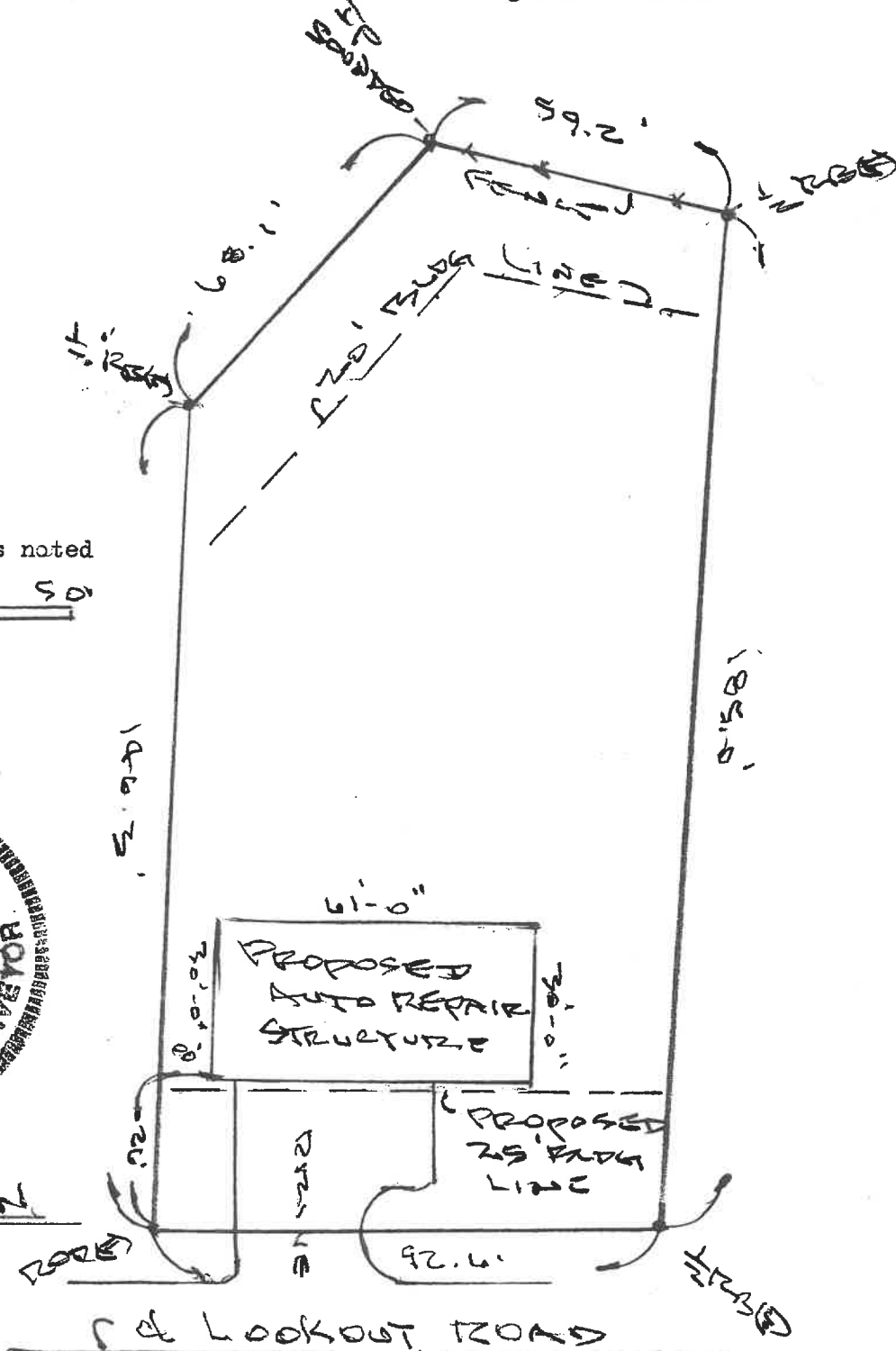


LEGEND

- (F) Found
- (S) Set
- (RB) Rebar
- Monument as noted



SITE PLAN



SURVEY OF

Lot 15R (Replat of Lots 15, and 16) Hackett
 Place Subdivision, an Addition to Park Hill
 City of North Little Rock, Pulaski County,
 Arkansas

Date of Survey 2 April 2024
 Scale: 1" = 30'

This property is in Flood Zone X. It is not
 within the limits of the 100 year Flood Plain map.