



**City of North Little Rock
Board of Zoning Adjustment Agenda
Thursday, December 19, 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 - Nov 21, 2024

Public Hearing Items -

- BOA 2024-26 -** 7805 Kampground Way, A variance from the area provisions of Section 5.11.5 to allow the placement of a fence in the front yard of a commercial property and 5.11.8: to allow barbed wire fencing in a district that is zoned other than Industrial or C4: Services and Trades District.
- BOA 2024-27 -** 1600 & 1606 Waterside Dr, A variance from the area provisions of Section 5.20 to allow a rear yard retaining wall and accompanying fence to exceed the maximum combined height of 8-feet, and a variance from the area provisions of 4.1.2 (c) to allow a side yard setback to be less than 10% / or maximum 8-foot width of the lot.
- BOA 2024-28 -** 3116 Overbrook Circle, Variances requested from the area provisions of Section 4.1.2: R4: Multi-Family District, to allow the placement of an accessory structure (swimming pool) with a reduced rear yard setback and reduced separation distance from the primary structure.
- BOA 2024-29 -** 6208 MacArthur Dr, A variance from the area provisions of Section 4.2.6 to allow a front yard setback to be less than 40-feet as typically required for C4 zoned properties and to allow an accessory structure in the side yard of a commercially zoned property.
- BOA 2024-32 -** 1506 Waterside Dr, 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.
- BOA 2024-33 -** 901 N Highway 391 Dock. A variance from the area provisions of Section 4.1.3: R2: Single-Family District, to allow a side yard setback to be less than 10% of the lot width and the 6-feet minimum.

**Code Enforcement appeals to retain “inoperable or junk vehicles, and any parts thereof” on private property.
Inoperable Vehicle Appeal (IVA) Case Number**

IVA-010: 712 Glynn Lane – Debbie Hester

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 Sept 03, 2024 Hearing Date Sept 26, 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 – November 21, 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. Mike Abele
Mr. Gardner Burton
Mr. Tim Giattina, Vice-Chair
Mr. Steve Sparr

Members Absent

Staff Present

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

Others Present

Josh Minton, 77 Arena Rd. Cabot, AR
Mark Rickett, P.O. Box 7383 Little Rock, AR
Jacob White, 25 Rahling Cir Suite, A-2, Little Rock, AR
Sharon McClain, Military Dr, North Little Rock, AR

Old Business

None

Administrative

None

Approval of Minutes

Approval of the previous months Minutes was moved to the end of the meeting.

Public Hearing Items –

BOA 2024-23 – 901 SA Jones Dr, A variance request from the area provisions of Section 4.3.3 (c) to allow a rear yard setback to be less than 30-feet as prescribed for I1 zoned properties.

Chairman Brown called the item and requested the applicant to come forward and provide the Commission with a statement of hardship. The applicant, Mr. Josh Minton of Minton Engineering addressed the Board explaining that the current industrial zoning classification requires a 30-foot rear yard setback which would prove to be restrictive for the proposed development. Mr. Minton noted that if the development were in any other zoning classification the maximum setback would be 25-feet.

Chairman Brown further explained that the topography of the site is causing the hardship.

Mr. Able inquired if the parking would be sufficient to accommodate the new structure. Staff explained the existing and proposed parking stating that the allotted spaces would be sufficient.

Chairman Brown questioned if any of the Board members had questions or comments. There being none, he stated he would entertain a motion. Mr. Sparr provided a motion for approval. Mr. Able provided a second to the motion. By a roll call vote, all members present voted in the affirmative, and the motion was approved.

BOA 2024-24- 4220 Richards Rd, A variance from the area provisions of Section 4.2.6 to allow a front yard setback to be less than 40-feet as typically required for C4 zoned properties.

Chairman Brown called the item and requested the applicant to come forward and provide the Commission with a statement of hardship. The applicant, Mr. Mark Rickett of Rickett Moriconi Engineering addressed the Board. Chairman Brown asked the applicant to state their hardship. Mr. Rickett explained that due to existing flood zone buildable land was limited that could be utilized for construction.

Chairman Brown questioned if any of the Board members had questions or comments. There being none, he stated he would entertain a motion. 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.

BOA 2024-25 -5401 MacArthur Dr, A variance from the area provisions of Section 4.2.6 to allow a rear yard setback to be less than 20-feet as typically required for C4 zoned properties.

Chairman Brown called the item and requested the applicant to come forward and provide the Commission with a statement of hardship. Mr. Tony Thomas, owner of business located on the subject property, and Mr. Jacob White of White Engineering and Associates addressed the Board. Chairman Brown asked the applicant to state their hardship. Mr. Thomas stated that the hardship was due to the existing structure there is limited space to expand the building.

Chairman Brown explained that the topography of the site was restricting the expansion of the building.

Ms. Sharon McClain, neighbor of the subject property addressed the Board with concerns of how the property was being developed and inquired if this would encroach on her property? Mr. White and Mr. Thomas explained the proposed project in detail. Ms. McCain then stated that she had no objections to the project.

Mr. Abele inquired about the need of additional parking associated with the expansion. Staff addressed the parking to Mr. Abele's satisfaction.

Chairman Brown questioned if any of the Board members had any questions or comments. There being none, he stated he would entertain a motion. 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.

Approval of Minutes

Chairman Brown called for a motion for approval of the previous meetings minutes Mr. Burton formed a motion to approve the minutes from the October 31, 2024 meeting. Mr. Sparr provided a second to the motion. 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; the meeting was adjourned at 1:44 pm. .

Respectively submitted:

**D. Tracy Spillman, PLA
City Planner / Landscape Architect**

Variance Requested: – A variance from the area provisions of Section 5:11:5 to allow the placement of a fence in the front yard of a commercial property and 5.11.8: to allow barbed wire fencing in a district that is zoned other than Industrial or C4: Services and Trades District

Location of the Request: 7805 Kampground Way, North Little Rock, AR 72114

Legal Description of the Property: Part of the Southeast Quarter of the Southwest Quarter of Section 12, Township 2 North, Range 13 West, North Little Rock, Pulaski County, Arkansas

Property Owner: TRALE Properties LLC

Applicant: Bradford Fencing, Will LeMaster

Present Use of the Property: Office / Warehouse

Present Zoning of the Property: C3: General Commercial District

Site Characteristics: The subject property is located north of Crystal Hill Rd, south and east of Interstate 430, and west of Interstate 40. Specifically located on an island of land created by the convergence of Crystal Hill Rd, Bridgeway Rd, and Kampground Way. The triangular plat is positioned on the south side of Kampground Way being the first parcel located east of Bridgeway Rd. The 2400 sq. ft. building that occupies the site was developed in 1982 and served as a food service space known as Daddy’s Deli & Catering. The property recently sold to TRALE Properties LLC and building permits were issued in November of this year to renovate the building as an office warehouse space for an audio visual equipment supplier known as Martin & Company AV.

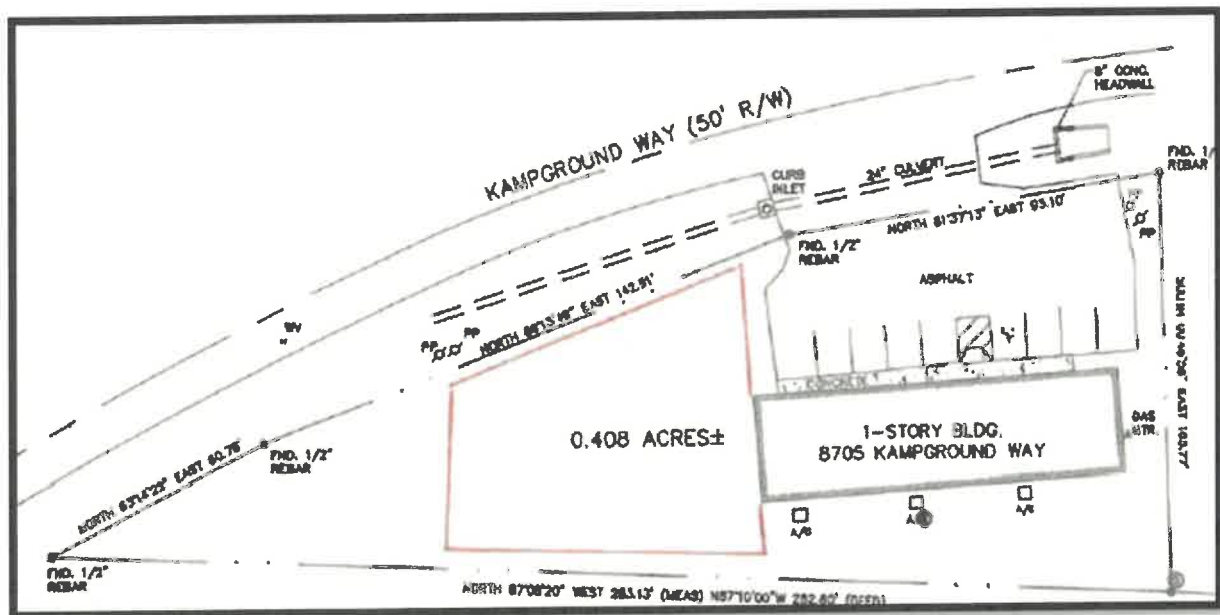
Surrounding Land Use

<u>Direction</u>	<u>Surrounding Zoning</u>	<u>Surrounding Uses</u>
North	N/A	ROW Kampground Way / Recreational Campground
South	C3: General Commercial District	Undeveloped
East	C3: General Commercial District	Undeveloped
West	C3: General Commercial District	Church

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

Staff Analysis:

As noted above the subject property has recently been purchased. The new owner is proposing to change the use from restaurant to an office warehouse to accommodate the current owner's audio visual business. The warehouse portion of the proposed project will only allow for storage of equipment and materials creating a need to secure work vehicles outside of the renovated structure. The applicant has stated "there is insufficient space at the back of the property to create a fence area for vehicles. A security fence is essential to protect the vehicles, which hold valuable electronics and metering devices." The applicant further states they "believe installing the fence will enhance the property's value and overall appearance while also ensuring a safe environment for the business and equipment." The applicant is requesting a 6-foot fence with 3-strands of barbed wire at the top which would create a barrier a total of 7-feet in height which is the standard height for security fencing. The applicant has also stated a fence "height shorter than 6-feet not including the barbed wire, would pose a safety hazard."



As indicated on the site plan the security fence is proposed to enclose portions of the front, side, and rear yards on west side of the building. The fence will start on the southwest corner of the building and extend approximately 10-feet towards the rear property line turning west and running approximately 90-feet. The fence will then change direction and proceed to the north for an approximate 50-feet before meeting the front property line and turning east for an approximate 90-feet. At this point the fence will meet the existing front parking area, change course to the south and connect to the front northwest corner of the building approximately 30-feet from the front property line. The total enclosed area will encompass approximately 5400 sq. ft.



The Zoning Ordinance defines the front yard as the open space between the front of the principal building and the front lot/property line or the projected edge of the Master Street Plan right of way. Commercial zoning districts allow for rear yard fences up to 8-feet in height, side yard fences up to 6-feet, and prohibit any front yard fences. Additionally, barbed wire fences are only permitted in the rear and side yards of Industrial Zoning Districts and C4 Zoning Districts. The applicant is requesting a variance to allow barbed wire security fencing on a C3 zoned property, and a fence that exceeds the side yard height requirements, and to allow a fence in the front yard of a commercial property. Once again the applicant states their hardship is the need to protect the



vehicles, which hold valuable electronics and metering devices while ensuring a safe environment for the business and equipment.

A hardship is a special circumstance, which makes it very difficult for a particular project to meet the Zoning Ordinance requirement. Special circumstances are not interpreted to be something

intangible, such as lack of knowledge of the code or misinformation at the time of purchase or construction. A hardship generally occurs when the physical characteristics of a property are such that it cannot be developed as permitted by the zoning ordinance. A hardship may be created by surroundings, shape or topographical conditions particular to the specific property. A hardship cannot be self-imposed, or the result of the property owners own action.

Variances should only be granted when the Board can determine the spirit of the zoning ordinance is observed, public safety is secured and substantial justice is done. Variance may be granted by the Board when the property owner can provide a unique circumstance existing on the property, the unique circumstance was not created by the owner of the property, and is not due to or the result of general conditions in the zoning district in which the property is located. The development or use of the property for which the variance is sought, if limited by a literal enforcement of the provision of the zoning ordinance cannot yield a reasonable return in service, use or income as compared to adjacent conforming property in the same zoning district.

Board Member's 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? There is nothing unique to the property which requires the variance. The zoning ordinances, without a variance, does not allow the placement of fences within the front yard or the use of barbed wire for most commercial developments.
2. Does the zoning ordinance, if literally interpreted, deny the reasonable use of the property? No, the applicant is not being denied reasonable use of the property.
3. Will approval of the variance harm the use of the adjoining property? No, adjoining to the south and east will remain unaffected north and west are the street rights-of-way.
4. Will approval of the variance alter the essential character of the district? No, the change in use of the property is allowable by right.
5. Will approval of the variance weaken the general intent and purpose of the land use and zoning plan? The approval will not weaken the general intent and purpose of the land use and zoning plan for the area.
6. Will the approval of the variance be in harmony with the spirit of the ordinance? Possibility, the applicant is proposing the placement of a fence within the front yard for security of the site.
7. Will the approval of the variance adversely affect public health, safety, and general welfare? The approval of the variance will not adversely affect public health, safety, and general welfare of the area.

Approval Allows:

1. The approval of the application as filed allows the placement of a chain-link fence with 3-strands barbed wire a total of 7-feet in height in the west side yard and north front yard of the property as described above and indicated on the applicant's 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.

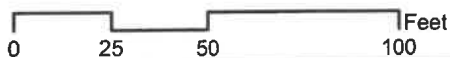
North Little Rock Board of Adjustment



BOA CASE #2024-26

Date: 12/5/2024

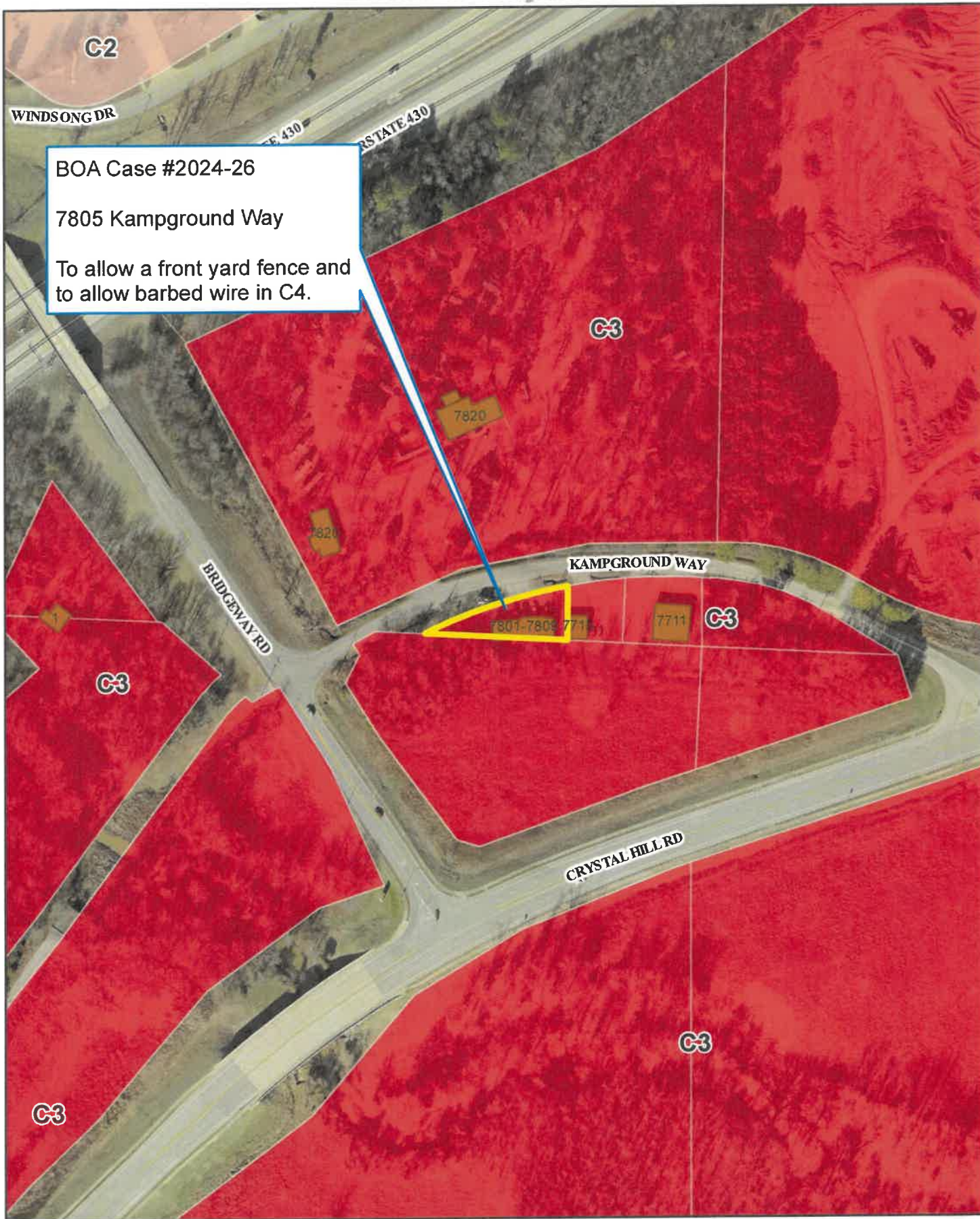
1 inch = 50 feet



User: JHale



North Little Rock Board of Adjustment



BOA CASE #2024-26

Date: 12/5/2024

1 inch = 200 feet

0 100 200 400 Feet



User: JHale





Bradford Fencing

CITY OF NORTH LITTLE ROCK
PERMIT DIVISION

This project involves the installation of a new fence at 7805 Kampground Way. TRALE Properties, LLC recently purchased the property to use as office and warehouse space for a service business. According to the survey, there is insufficient space at the back of the property to create a fenced area for vehicles. A security fence is essential to protect the vehicles, which hold valuable electronics and metering devices.

We believe that installing this fence will enhance the property's value and overall appearance while also ensuring a safe environment for the business and equipment. We are requesting approval for a 6-foot tall chain link fence topped with three strands of barbed wire. A height shorter than 6 feet not including the barbed wire, would pose a safety hazard. This height is the standard for security fencing.

We request that you review these documents for compliance and issue approval at your earliest convenience.

Please let us know if you require any additional documents or information.

Thank you for your assistance and consideration,
Bradford Fencing

 310 Amity Rd Conway, AR 72032

 501-205-4345

 connect@bradfordfencing.net

 www.bradfordfencing.net

November 13, 2024

City of North Little Rock
Permit Division

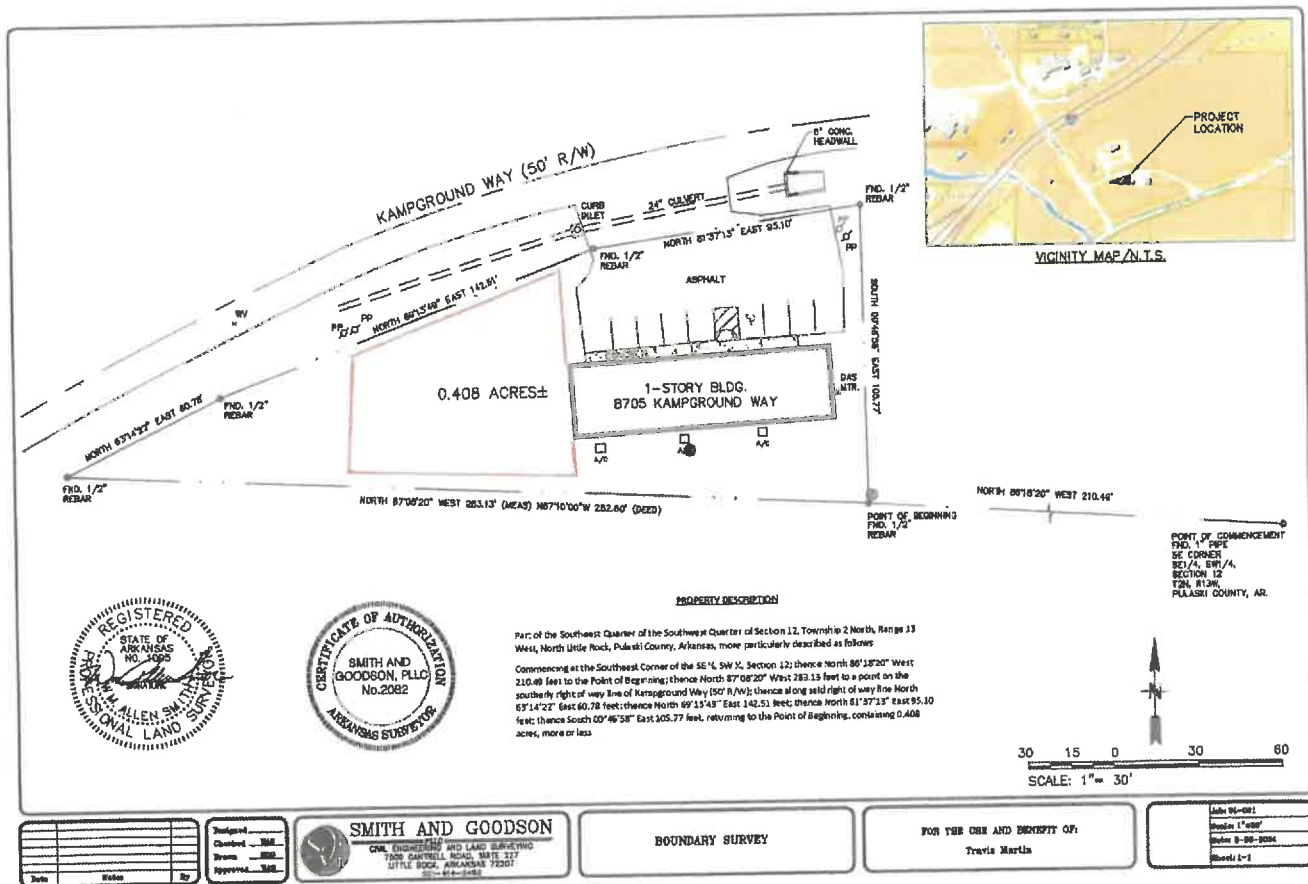
Re: 7805 Kampground Way
North Little Rock, AR 72118
Fence Request

Dear Planning Commission,

TRALE Properties, LLC gives Bradford Fencing permission to represent us for the request for permit approval for installation of new fence at 7805 Kampground Way.

Sincerely,

Travis Martin



Variance Requested: A variance from the area provisions of Section 5.20 to allow a rear yard retaining wall and accompanying fence to exceed the maximum combined height of 8-feet, and a variance from the area provisions of 4.1.2 (c) to allow a side yard setback to be less than 10% of the lot width or a minimum of 6-feet and a maximum 8-feet.

Location of the Request: 1600 WATERSIDE DR & 1606 WATERSIDE DR, NLR, AR

Legal Description of the Property: Lot 81, Block 127, Park Hill Addition to North Little Rock, Arkansas and Lot 82, Block 127, Park Hill Addition to North Little Rock, Arkansas

Owner/Applicant: Thomas Spears

Present Use of the Property: Single-family

Present Zoning of the Property: R1

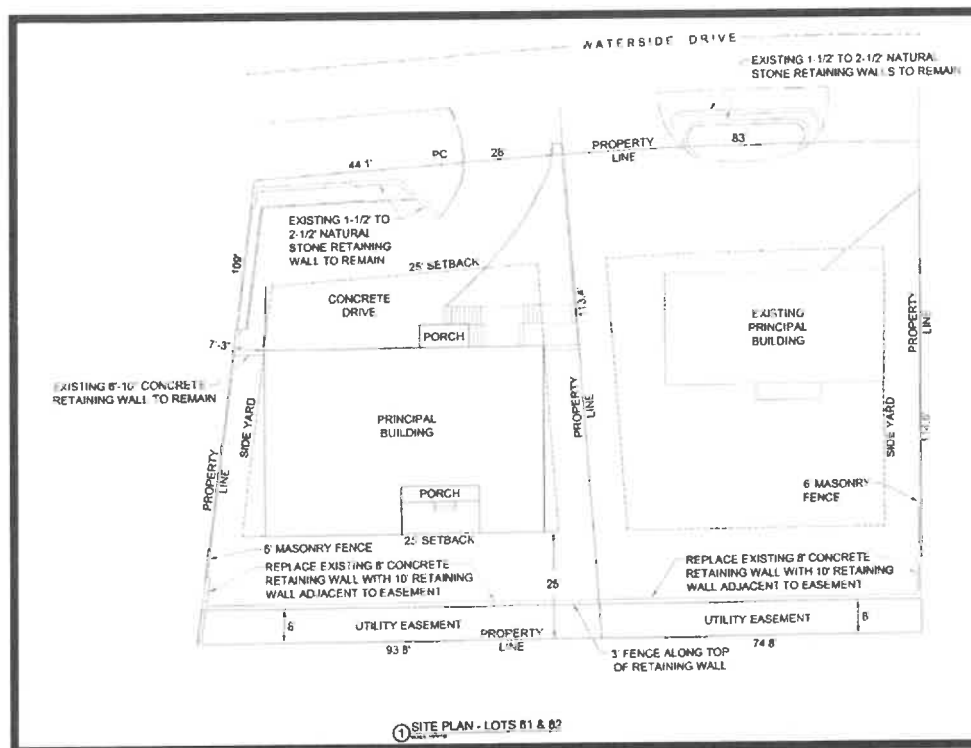
Site Characteristics: The property under review is located north of the Interstate 40, south of McCain Blvd, east of JFK Blvd, and west of North Hills Blvd in the Park Hill Neighborhood. This established neighborhood is predominately occupied with single-family homes that were developed in the 1950’s. While there are vacant lots available in this area the homes have been maintained and the neighborhood remains a desirable location. Located south of the neighborhood’s Lake #1 on Waterside Dr the two separate lots are occupied by single family residences with 1606 Waterside Dr being constructed in 1954 and 1600 Waterside being developed in 1959. The adjacent properties to the south, east and west were also developed with single family homes in this same era. Both steeply slope from the north southward towards Waterside Dr and the shore of Lake #1 directly across the street. To maintain buildable lots retaining walls were used in the rear of the property to provide level building pads.

Surrounding Land Use and Zoning

<u>Direction</u>	<u>Surrounding Zoning</u>	<u>Surrounding Uses</u>
North	N/A	ROW / Park Hill Lake #1
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.

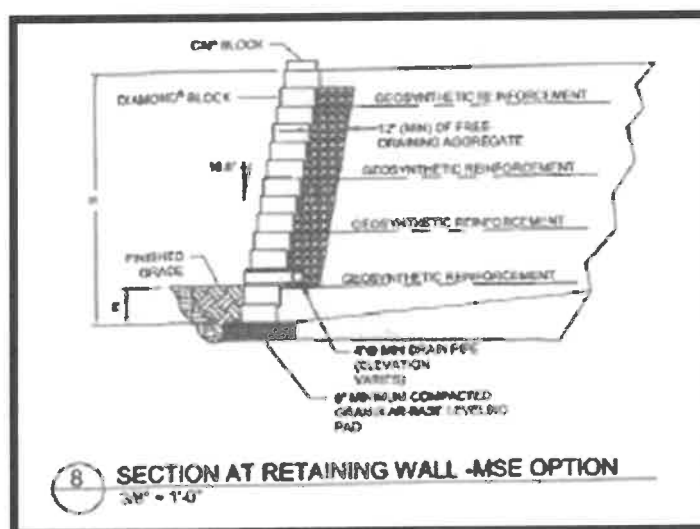
Staff Analysis:



The applicant who owns both properties originally planned to raze the existing homes and rebuild a single residence and accessory structure spanning both lots. As part of the development plan the applicant sought to abandon two 3-foot unused utility easements separating the adjacent east/west property line that connect to an easement that travels across the

rear property lines of Waterside Dr. In June of 2023 the North Little Rock City Council approved this request. However, the applicant did not develop the properties as originally planned and is now proposing to only develop 1600 Waterside (Lot 81) with a single family residence.

As noted above retaining walls were utilized at the rear of both properties to provide level building areas for the two existing houses. The lots are approximately 110-feet in depth and building pads were positioned well within the current setback requirements. At the time of the original home construction an 8-foot tall retaining wall was built extending across the back of both Lots 81 and 82. The original wall has deteriorated over the years and is in need of repair. The applicant is proposing to only redevelop the Lot 81 (1600 Waterside) with a new single family home but is requesting the





retaining wall be repaired on both lots at the same time. Section 5.20 – Retaining Walls (c) states “Rear yard retaining walls greater than three and a half (3.5) feet in height require a three (3) foot fence and the combination of retaining wall and fence shall not exceed eight (8) feet in height”. As part of this request the applicant requesting the existing wall be demolished and replaced with a mechanically stabilized earth (MSE) wall in lieu of a poured in place

concrete or CMU wall and proposing a wall height of 10-feet with a 3.5 fence added to the top as required by code, totaling a combined height of 13.5 feet.

In addition, upon review Staff noticed that the site plan indicates the northwest corner of the house is shown to be 7-feet, 3-inches from the west property line. While being a minor infraction this is still a larger encroachment than code allows. In accordance with the area requirement table in 4.1.2 (c): R1: Single-Family District the side yard setback shall be 10% the width of the lot with a minimum of 6-feet and a maximum of 8-feet. The average width of the lot is approximately 83-feet requiring a minimum 8-foot setback.

The applicant indicates their hardship is the topography of the lot along with the limited buildable area due to the slopping of the lot necessitate the need for the retaining wall height variance and the side yard setback encroachment.

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 Member's 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 grading of the site was accomplished before the current codes and the wall existing wall served its function in the 1950's. The applicant is razing the exiting house to be place the new structure on the existing pad elevation. The higher wall adjacent to the rear utility easement will provide enhanced stabilization of the steeply sloping site and protection for the new structure.

The topography of the lot and narrow plat increases the difficulty 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 property is residential and will remain residential. The increased wall height and side yard setback will have little to no impact on the adjacent properties.
3. Will approval of the variance alter the essential character of the district? No, the top of the wall will be below the elevation of the site to the north and the setback will not be out of character with many of the homes in the area that have similar encroachments.
4. Will approval of the variance weaken the general intent and purpose of the land use and zoning plan? No, zoning and land use will remain the same.
5. Will the approval of the variance be in harmony with the spirit of the ordinance? Yes, the variance process requires the applicant to show a valid hardship based on the shape of the lot or topography of the lot. The platting of the lot and the new retaining wall will be an upgrade from the existing conditions.
6. Will the approval of the variance adversely affect public health, safety, and general welfare? No, there will be no impact on public health, safety and general welfare of the neighborhood or the City.

Approval Allows:

1. Approval will allow an increased combined wall and fence height, from a total of 8-feet to combined height of 13-feet, 6-inches (10-foot wall, 3.5-feet fence on top of the wall) as indicated on the attached plans and described above. Approval will also allow the west side yard setback to be reduced from a maximum of 8-feet to 7-feet 3-inches.
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.

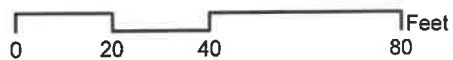
North Little Rock Board of Adjustment



BOA CASE #2024-27

Date: 12/6/2024

1 inch = 40 feet



User: JHale

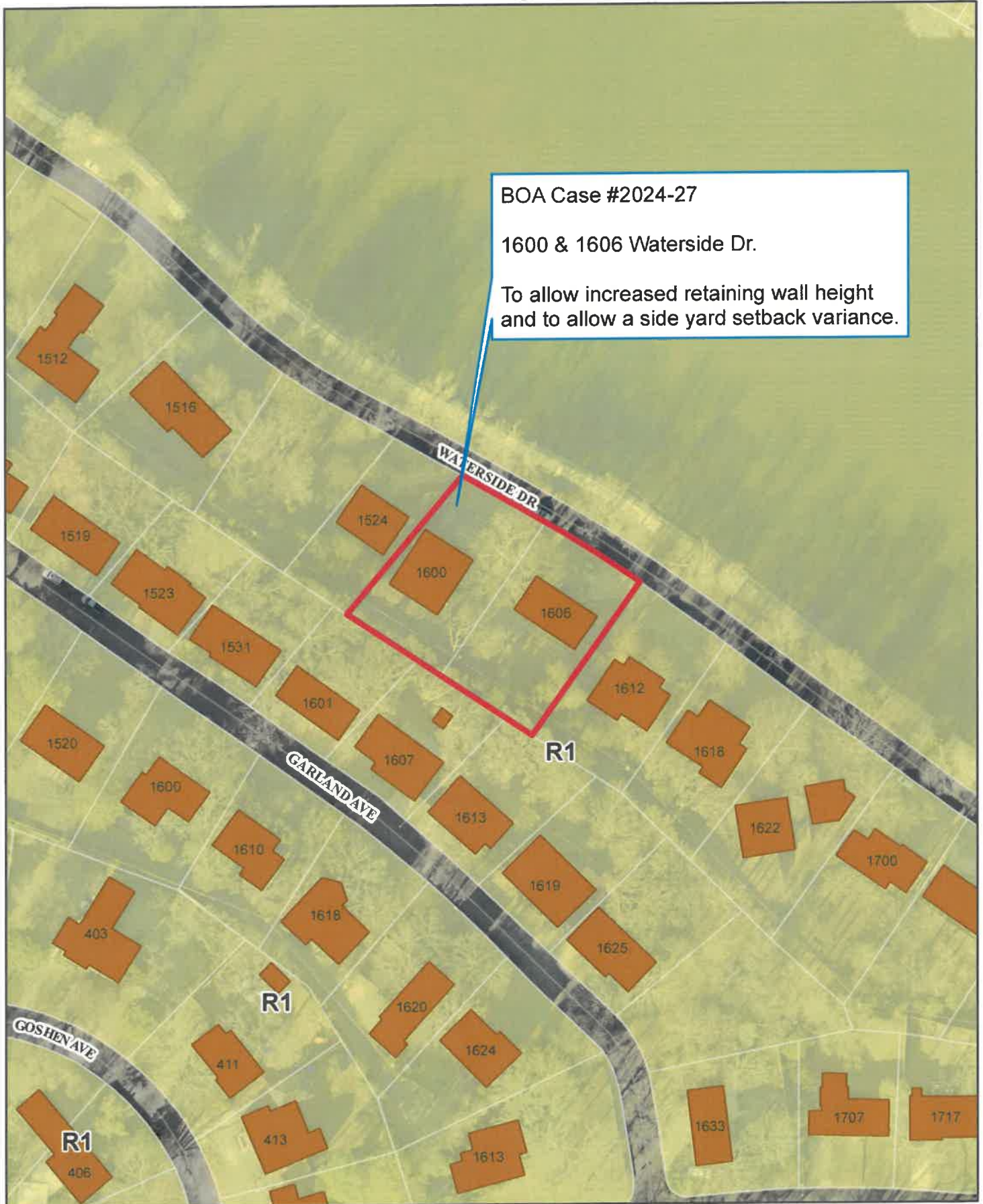


North Little Rock Board of Adjustment

BOA Case #2024-27

1600 & 1606 Waterside Dr.

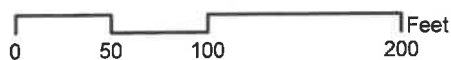
To allow increased retaining wall height
and to allow a side yard setback variance.



BOA CASE #2024-27

Date: 12/6/2024

1 inch = 100 feet



User: JHale



Thomas N. Spears
101 N Fork Dr
Sherwood, AR 72120-5834
Tel (501) 392-6340 Mobile (501) 612-8485

NOVEMBER 22, 2024

North Little Rock Board of Zoning Adjustment
City Hall-300 Main Street
North Little Rock, AR 72119-5757

Members of the Board of Zoning Adjustment,

I am writing to request a variance to the City of North Little Rock Zoning Ordinance, Section 5.20 – Retaining Walls, Item C. for maximum wall height:

- C. Rear yard retaining walls greater than three and a half (3.5) feet in height require a three (3) foot fence and the combination of retaining wall and fence shall not exceed eight (8) feet in height.

The requested variance is to replace an existing approx. eight (8) foot retaining wall with an approx. ten (10) foot retaining wall with a three and a half (3.5) foot fence adjacent to the existing rear utility easement. The eight (8) foot retaining wall extending across the back of both Lot 81 and 82 is in disrepair and needs to be replaced. Locating the new retaining wall adjacent to the rear utility easement would allow more usable/level area on the properties. The needed height variance of the replacement wall is due to the topography along the rear of both Lots.

(Note, the attached Site Plan indicates the footprint of a proposed replacement Principal Building on Lot 81 planned for construction upon replacement of the existing retaining wall.)

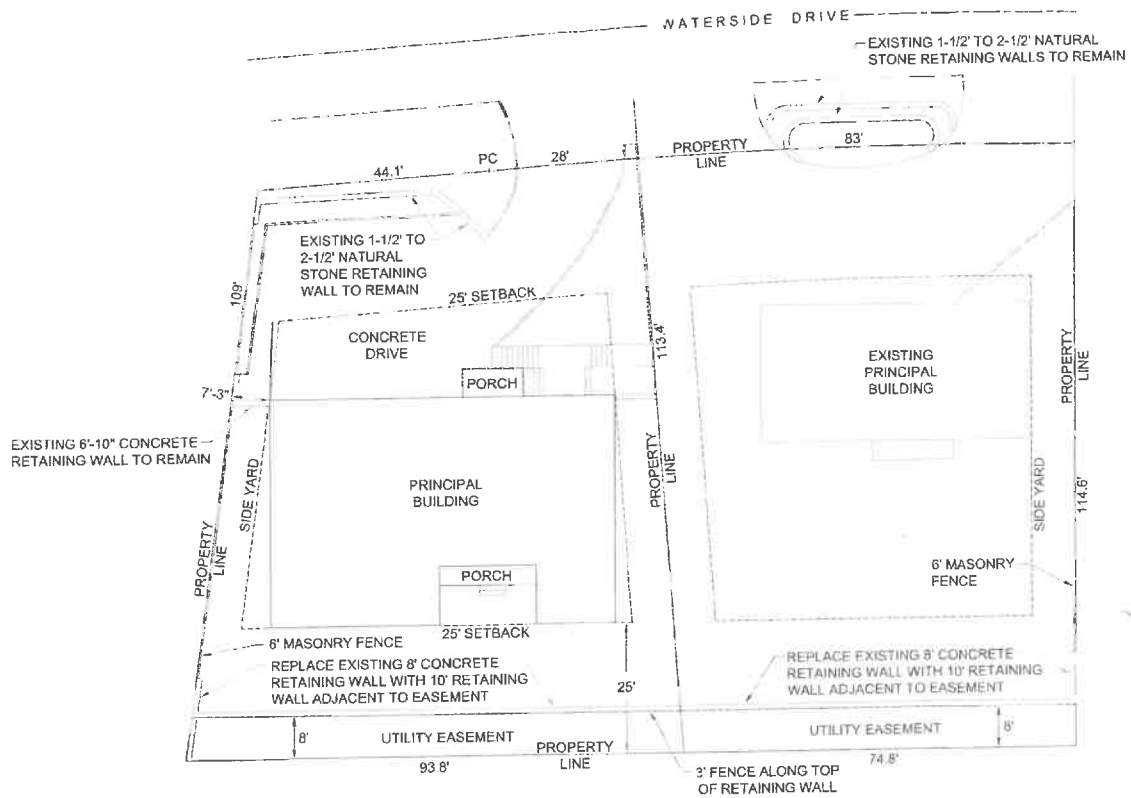
Referenced Lots:

1600 Waterside Drive
Lot 81, Block 127, Park Hill Addition to North Little Rock, Arkansas
1606 Waterside Drive
Lot 82, Block 127, Park Hill Addition to North Little Rock, Arkansas

Sincerely,

A handwritten signature in blue ink that reads "Thomas N. Spears, trustee". The signature is written in a cursive, flowing style.

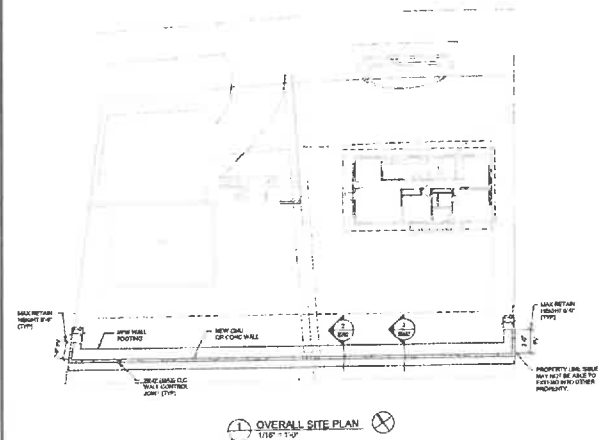
Thomas N. Spears as Trustee under Spears Living Trust dated December 14, 2018



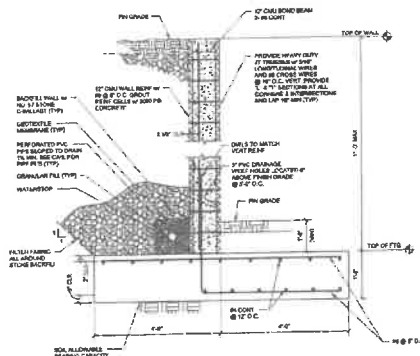
① SITE PLAN - LOTS 81 & 82
SCALE 1/8" = 1'-0"

WATERSIDE RETAINING WALL
SPEARS RESIDENCE
NORTH LITTLE ROCK, AR

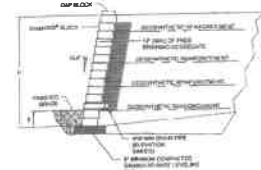
ISSUE DATE	11/7/82
PROJECT NUMBER	01-23-3120
SHEET TITLE	
RETAINING WALL PLAN & SECTIONS	
SHEET NUMBER	
S202	



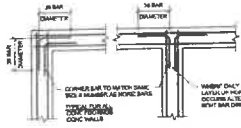
① OVERALL SITE PLAN ②
1/16" = 1'-0"



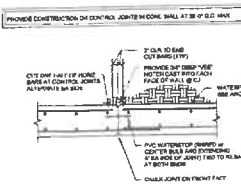
SECTION AT RETAINING WALL - CMU WALL OPTION



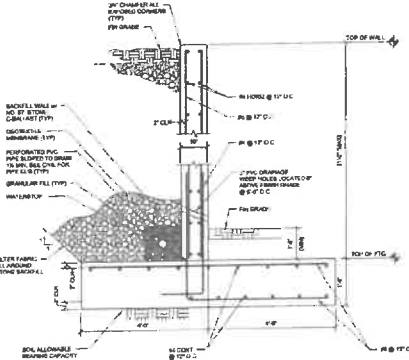
SECTION AT RETAINING WALL - MSE OPTION



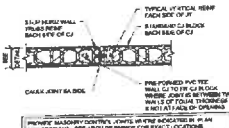
7 CORNER BAR DETAIL
34" x 1'-0"



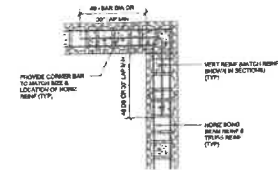
(B) TYP CONC WALL CONTROL JUT
NAT = 1'-0"



3 SECTION AT RETAINING WALL - CONCRETE WALL OPTION
34' - 1.0'



④ TYP MASONRY WALL C/L
3/4" ± 1'-0"



5 TYPICAL CORNER MASONRY WALL REINF DETAIL
3/4" x 1'-6"

PROVIDE MASONRY CONTROL JOINTS WHERE INDICATED IN PLAN
AND SECTION. SEE ARCH DRAWINGS FOR EXACT LOCATIONS.
DO NOT SPACES MORE THAN 24" O.C. APART











Variance Requested: Variances requested from the area provisions of Section 4.1.2: R4: Multi-Family District, to allow the placement of an accessory structure (swimming pool) with a reduced rear yard setback and reduced separation distance from the primary structure.

Location of the Request: 3116 Overbrook Circle, North Little Rock, AR 72116

Legal Description of the Property: Lot 25, Block 22, Lakewood 3N Subdivision, City of North Little Rock, Pulaski County, AR

Owner/Applicant: Bentley Family Trust / Hannah Bentley

Present Use of the Property: Residential

Present Zoning of the Property: R4: Multi-family

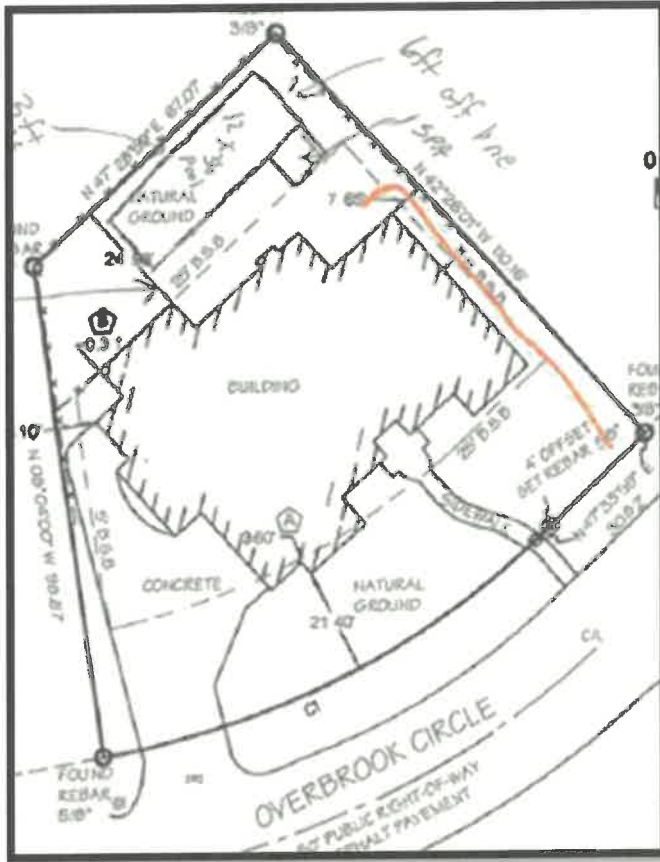
Site Characteristics: The property under review is located north of the McCain Blvd, south of City of Sherwood, east of North Hills Blvd, and west of Warden Rd in the Overbrook neighborhood. This neighborhood is predominately occupied with single-family homes that were developed in the late 1990's thru the early 2000's. All of the parcels in this neighborhood have been developed and maintained and the neighborhood remains a desirable location. The subject property located on Overbrook Circle where Calico Rock Dr terminates. Overbrook Circle is developed with approximately 40 single family homes with the parcel under review positioned at the south end of the circle on the interior of the development. The existing home is listed to be 3,223 sq. ft. built on a .25 acre lot. This type of coverage is typical for this neighborhood.

Surrounding Land Use and Zoning

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

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

Staff Analysis:



The existing home is located in the approximate center of the lot and built to both the front and rear 25-foot building setback lines. The west side yard is mostly paved with a side loading garage and the northwest corner of the house being positioned 8.10-feet from the property line. The survey also indicates the east side of the house is located 7.65-feet from the property line leaving very little buildable space for either expansion or accessory structures.

The applicant has stated they have been “working on plans to enhance their property to create a gathering place for our children, family, and friends to enjoy” and proposing a pool and connected spa design that is estimated to be 12’ x 36’ in the rear yard of their property. However, with limited buildable space on this small lot two separate variances will be required to construct the swimming pool in a manner that will best make use of the allotted space. The applicant has also

stated, “Our hardship is the irregular shape of the lot does not allow us to meet the minimum setbacks typically required by ordinance. The setbacks as proposed with our design allows us to create something of adequate size to enjoy for many years to come.”

The applicant is proposing the new swimming pool be located 3-feet from the rear property line and separated from the house (primary structure) by 7.5 feet. In accordance with zoning code, accessory structures are required to be located a minimum of 5-feet from the rear property line and be separated from any other building by no less than 10-feet requiring a rear yard and building separation variance

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

surroundings, shape or topographical conditions particular to the specific property. A hardship cannot be self-imposed, or the result of the property owners own action.

Variances should only be granted when the Board can determine the spirit of the zoning ordinance is observed, public safety is secured and substantial justice is done. Variance may be granted by the Board when the property owner can provide a unique circumstance existing on the property, the unique circumstance was not created by the owner of the property, and is not due to or the result of general conditions in the zoning district in which the property is located. The development or use of the property for which the variance is sought, if limited by a literal enforcement of the provision of the zoning ordinance cannot yield a reasonable return in service, use or income as compared to adjacent conforming property in the same zoning district.

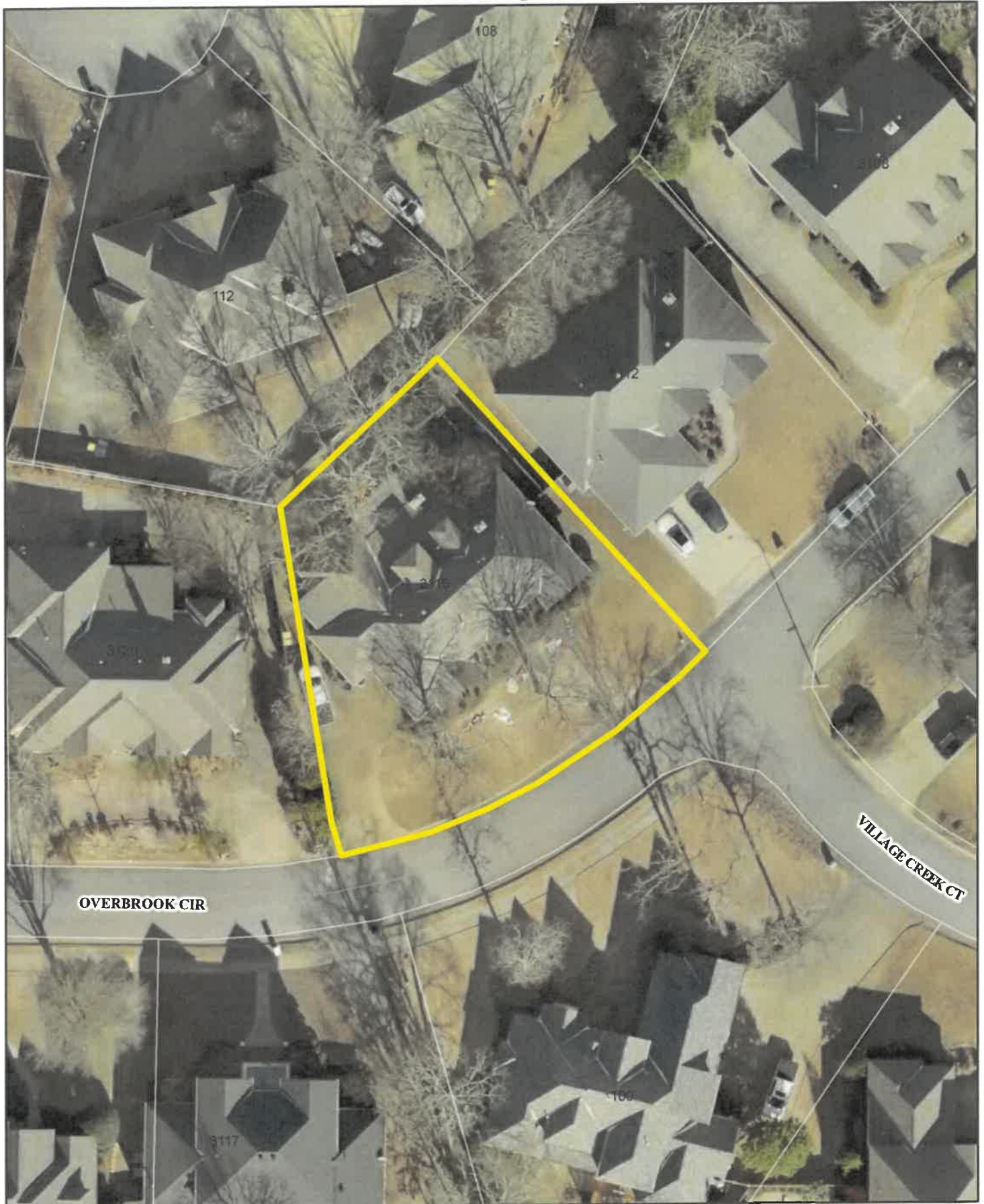
Board to Consider:

1. Is the variance 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 home and its amenities were constructed in 2000 leaving little or no space to logically expand or add accessory structures.
2. Does the variance substantially or permanently injure the appropriate use of adjacent conforming property in the same district? No, the property is residential and will remain residential. The addition of the swimming pool will have little to no impact on the adjacent properties.
3. Will approval of the variance alter the essential character of the district? No, the surrounding properties are all larger homes on small lots. The addition of the swimming pool will have little or no impact on the character of the district
4. Will approval of the variance weaken the general intent and purpose of the land use and zoning plan? No, zoning and land use will remain the same.
5. Will the approval of the variance be in harmony with the spirit of the ordinance? Yes, the variance process requires the applicant to show a valid hardship based on the shape of the lot or topography of the lot. The platting of the lot and the existing single-family residence has created little rear yard to allow the placement of the proposed swimming pool.
6. Will the approval of the variance adversely affect public health, safety, and general welfare? No, there will be no impact on public health, safety and general welfare of the neighborhood or the City.

Approval Allows:

1. Approval will allow the placement of an accessory structure (swimming pool) with a minimum setback of 3-feet from the rear property line and separated from the house (primary structure) by 7.5 feet as indicated on the attached site plan and as described above.
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.

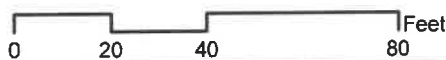
North Little Rock Board of Adjustment



BOA CASE #2024-28

Date: 12/5/2024

1 inch = 40 feet



User: JHale



North Little Rock Board of Adjustment



BOA CASE #2024-28

Date: 12/5/2024

November 25, 2024

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

Re: 3116 Overbrook Circle, North Little Rock, AR

Dear Board of Zoning Adjustment,

My name is Hannah Bentley and my husband and I are lifetime citizens of North Little Rock. We are working on plans to enhance our property to create a gathering place for our children, family, and friends to enjoy. We are excited about the vision we're crafting and feel our kids would enjoy being outside even more than they already do! My husband and I have always said: if we're going to do this, it's going to be done correctly and tastefully. Part of our vision includes an in-ground pool/spa in the backyard.

The pool design is estimated to be 12' x 36' with a connected spa. Current setback rules stipulate a pool must be 10 feet from the house and 5 feet from any perimeter fence. We're requesting a variance that would allow us to have the pool 7.5 feet from the house and 3 feet from the fence. Our hardship is the irregular shape of our lot does not allow us to meet the minimum setbacks typically required by ordinance. The setbacks as proposed with our design allows us to create something of adequate size to enjoy for many years to come.

We understand setbacks are there for legitimate reasons, however, we don't see this variance posing a significant safety risk. North Little Rock is a wonderful place to live and enjoy, and we want to open our home and create memorable times with our family and friends and we feel a well-executed outdoor area is a perfect way to do that.

Thank you for your consideration,

Hannah Bentley

 LIGHT
 FIRE HYDRANT
 INTERVAL
 RECESSED WORK AREA AS NOTED
 DOWN-HILL LINE
 CENTRELINE OF ROAD
 END OF PARK
 PS-62
 BACK TO BACK
 CENTER LINE
 ROAD END
 SET POINT
 GET MONUMENT AS NOTED

Variance Requested: A variance from the area provisions of Section 4.2.6 to allow a front yard setback to be less than 40-feet as typically required for C4 zoned properties and to allow an accessory structure in the side yard of a commercially zoned property.

Location of the Request: 6208 MacArthur Dr, North Little Rock, AR

Legal Description of the Property: PART OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 2 NORTH, RANGE 12 WEST, PULASKI COUNTY, ARKANSAS.

Owner: Ozark Nut Rosters

Applicant: Arrow Surveying: Blake Butler

Present Use of the Property: Nut Roasting and Packaging Facility

Present Zoning of the Property: C4: Services and Trades District

Site Characteristics: The subject property is located outside of the city limits in the north Extra-Territorial Jurisdiction (ETJ) of Pulaski County. North of Interstate 40 and east of Crystal Hill Road the property is specifically, located on the northeast corner of MacArthur Dr and Knights of Columbus Rd. The property owner has three separate parcels adjacent to each other that accommodate unrelated structures. The eastern property was developed in 1940 with a 1,068 sq. ft. single-family house while the western property was developed with an office space in 1963 that now houses a plumbing company. The center property has recently replatted taking in a portion of the west property to encompass all of the facilities existing and purposed for the business known as Ozark Nut Roasters.

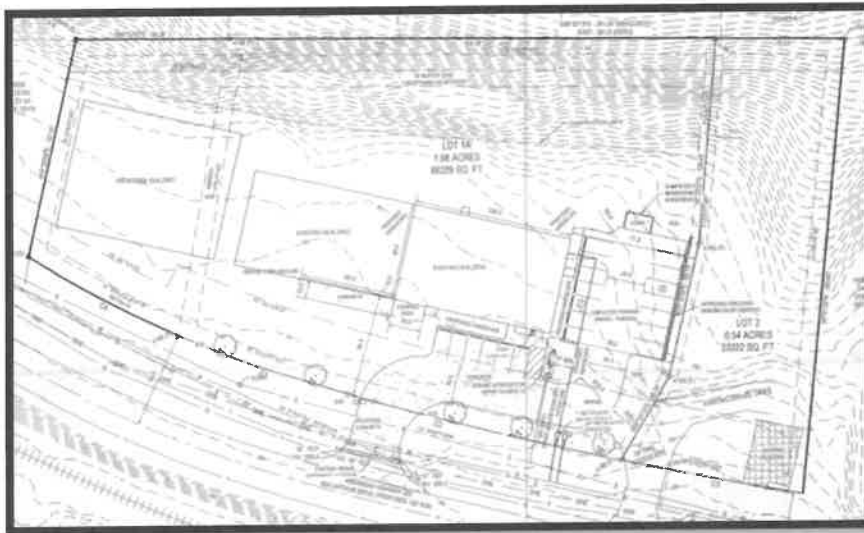
Surrounding Land Use and Zoning

<u>Direction</u>	<u>Surrounding Zoning</u>	<u>Surrounding Uses</u>
North	R6, R6: Manufactured Home District	Single Family / Manufactured Housing
South	ROW / RR Easement I3, Heavy Industrial District	Concrete Production
East	C4: Services and Trades District	Single-Family Residence
West	C4: Services and Trades District	Warehouse/Office

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

Staff Analysis:

The roasting company required additional space to accommodate the growth of the business. Plans indicate the newly created Lot 1R that houses the roasting company is 1.98 acres size providing the space for expansion. While not located in the city limits of North Little Rock the property owner was not aware of the ETJ status of the property and the requirement to meet North Little Rock City zoning codes and proceeded with development plans and construction of a new 100 x 80-foot building west of the original facility. The property owner contracted to have a new building constructed and new foundation and slab was poured in the west side yard of the property. The NLR Planning Department's, Building Official was alerted and construction was ceased until reviews could be conducted and permits issued.



Plans for the proposed expansion of the facility have been submitted and will be addressed at the January 14, 2024 Planning Commission meeting. Review of this submittal and construction to date found that the proposed structure would not be attached to the primary building, constituting an accessory structure.

In addition, this accessory structure is shown to be located in the west side yard of the existing building. A portion of the slab that was installed crosses the 40-foot front yard setback that is required for C4 zoned properties. The southwest corner of the proposed building and existing slab is shown to be constructed 25-feet from the front property line indicating a front yard encroachment of 15-feet.

Section 4.2.6: outlines the lot development criteria for C4: Services and Trades District zoned properties. The table indicates minimum setbacks of 40-feet from the front property line, 20-feet, from the rear property line, 0-feet from the side property line. In addition accessory structures are only to be permitted in the rear yard of a property and to be separated from the primary structure by a minimum of 10-feet. The plans indicate that that these minimum requirements have been met with the exception of the front yard setback and an accessory structure located in the side yard adjacent to the MacArthur Drive right-of-way.

The applicant is seeking a variance to allow a reduction in the front yard setback from 40-feet to 25 feet and to allow an accessory structure in the side yard of a C4 zoned property. It should be noted while land is available at the rear of the property the steep topography sloping upward to the north renders expansion in this area prohibitive allowing the only logical expansion area in the side yard of the existing 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.

Variances should only be granted when the Board can determine the spirit of the zoning ordinance is observed, public safety is secured and substantial justice is done. Variance may be granted by the Board when the property owner can provide a unique circumstance existing on the property, the unique circumstance was not created by the owner of the property, and is not due to or the result of general conditions in the zoning district in which the property is located. The development or use of the property for which the variance is sought, if limited by a literal enforcement of the provision of the zoning ordinance cannot yield a reasonable return in service, use or income as compared to adjacent conforming property in the same zoning district.

Board to Consider:

1. Is the variance 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, due to the topography of the lot the only substantial buildable areas of the site is located in the side yard of the existing facility
2. Does the variance substantially or permanently injure the appropriate use of adjacent conforming property in the same district? No, there will be little or no impact on the adjacent properties.
3. Will approval of the variance alter the essential character of the district? No, the land use of the area will not change.
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 as commercial and light industrial land use.

5. Will the approval of the variance be in harmony with the spirit of the ordinance? No, setbacks are established to provide protection to adjacent properties.
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.

Approval Allows:

1. Approval will allow an addition to the existing building reducing the reduction in the front yard setback from 40-feet to 25-feet and to allow an accessory structure in the side yard of a C4 zoned 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 #2024-29

Date: 12/5/2024

1 inch = 40 feet

0 20 40 80 Feet



User: JHale



North Little Rock Board of Adjustment



BOA CASE #2024-29

Date: 12/5/2024

1 inch = 100 feet

0 50 100 200 Feet



User: JHale



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: 1506 Waterside Dr, North Little Rock, AR 72116

Legal Description of the Property: Lot 76, Block 127, Park Hill Addition, City of North Little Rock, Pulaski County, AR

Owner/Applicant: Bentley Family Trust / Hannah Bentley

Present Use of the Property: Undeveloped

Present Zoning of the Property: R1: Single-family

Site Characteristics: The property under review is located north of the Interstate 40, south of McCain Blvd, east of JFK Blvd, and west of North Hills Blvd in the Park Hill Neighborhood. This established neighborhood is predominately occupied with single-family homes that were developed in the 1950’s. While there are vacant lots available in this area the homes have been maintained and the neighborhood remains a desirable location. Located south of the neighborhood’s Lake #1 on Waterside Dr. The adjacent properties to the north, east and west are developed with single family homes. The subject property is undeveloped, steeply sloping from the north southward towards Waterside Dr and the shore of Lake #1 directly across the street. The property is characterized by 6-foot utility easement diagonally crossing the first 1/3 front of the property, a 3-foot easement on the east property line and an 8-foot easement across the rear property line. Originally developed with a single-family home the structure was destroyed by fire in approximately 2005 and the property has remained vacant since that time.

Surrounding Land Use and Zoning

<u>Direction</u>	<u>Surrounding Zoning</u>	<u>Surrounding Uses</u>
North	R1: Single-family District	Single-family
South	ROW	Waterside Dr / Lake #1
East	R1: Single-family District	Single-family
West	R1: Single-family District	Single-family

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

Staff Analysis:

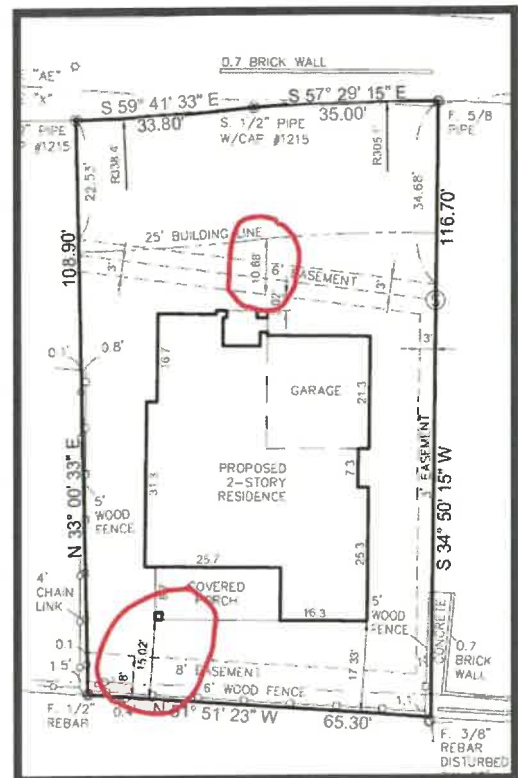


The property rights have changed throughout the years without any improvements to the property being made. However, the current owner is planning to develop this parcel with a new two-story single-family home. While there is buildable space on the lot for this type of development the active 6-foot wide utility easement cuts across the front of the property behind and crossing the 25-foot front building line. At the center of the lot the interior of the easement is shown to be located 10.68-feet back from the building line. The

applicant's plan also shows an additional 3.02-feet be maintained between the new structure and the easement boundary indicating the house will be built a minimum of 13.7 feet behind the front setback. While there is still buildable space on the lot for proposed construction to avoid the easement the proposed house will be pushed towards the back of the property. At the closest point the southwest corner of the proposed house is shown to be 15.02-feet from the rear property line encroaching 9.98 (10-feet) feet into the 25-foot rear setback.

The property owner is seeking a variance to allow a reduced rear yard setback for the proposed single family home. The proposed building is shown to be located south of the front utility easement that bisects the front 1/3 of the property which creates limited building space. It should be noted in June of 2015 the NLR Board of Adjustment reviewed this same property for a similar rear yard setback due to the existence of the front yard utility easement. The Board voted unanimously to approve the variance but the property remained undeveloped and was later sold.

A hardship is a special circumstance, which makes it very difficult for a particular project to meet the



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

Variances should only be granted when the Board can determine the spirit of the zoning ordinance is observed, public safety is secured and substantial justice is done. Variance may be granted by the Board when the property owner can provide a unique circumstance existing on the property, the unique circumstance was not created by the owner of the property, and is not due to or the result of general conditions in the zoning district in which the property is located. The development or use of the property for which the variance is sought, if limited by a literal enforcement of the provision of the zoning ordinance cannot yield a reasonable return in service, use or income as compared to adjacent conforming property in the same zoning district.

Board to Consider:

1. Is the variance 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 location of an active utility easement only allows for a limited amount of buildable space
2. Does the variance substantially or permanently injure the appropriate use of adjacent conforming property in the same district? No, the property is residential and will remain residential. The addition construction of the new home as proposed will have little to no impact on the adjacent properties.
3. Will approval of the variance alter the essential character of the district? No, the surrounding properties have all developed or redeveloped in a similar manner. Due to the topography of the adjacent rear lots the home being pushed to the rear will not have an impact on the adjacent homes due to the homes in the rear are located at a higher elevation and will continue to “look-over” this home.
4. Will approval of the variance weaken the general intent and purpose of the land use and zoning plan? No, zoning and land use will remain the same.
5. Will the approval of the variance be in harmony with the spirit of the ordinance? Yes, the variance process requires the applicant to show a valid hardship based on the shape of the lot or topography of the lot. The utility easements have created limited rear yard space
6. Will the approval of the variance adversely affect public health, safety, and general welfare? No, there will be no impact on public health, safety and general welfare of the neighborhood or the City.

Approval Allows:

1. Approval will allow the placement of a new single-family residence with a minimum rear yard setback of 9.98 (10) 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.

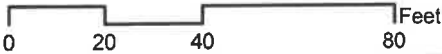
North Little Rock
Board of Adjustment



BOA CASE #2024-32

Date: 12/5/2024

1 inch = 40 feet



User: JHale



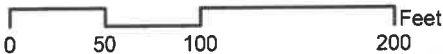
North Little Rock
Board of Adjustment



BOA CASE #2024-32

Date: 12/5/2024

1 inch = 100 feet



User: JHale





THOMAS ENGINEERING COMPANY

civil engineers

land surveyors

3810 LOOKOUT RD

NORTH LITTLE ROCK, AR 72116
NATIONAL SOCIETY OF PROFESSIONAL ENGINEERS

(501)753-4463

December 2, 2024

Mr. D. Tracy Spillman, PLA
City Planner/Landscape Architect
City of North Little Rock
700 W. 29th Street
North Little Rock, AR 72114-2134
&
North Little Rock Board of Adjustment Members
120 Main Street
North Little Rock, AR 72114

RE: 1506 Waterside Drive
North Little Rock, AR 72116
Rear Building Setback Variance

Dear Mr. Spillman & Board Members:

Please let this letter serve as our application to the Board of Adjustment to a request variance associated with the proposed single-family house on 1506 Waterside Drive. We would like to be placed on the December 19th, 2024 Board of Adjustment meeting agenda.

Our variance request is as follows:

1. 25' Rear Building Setback
 - a. Allow a 10 foot variance of the 25 foot rear building setback.
 - b. Shown in red on provided plan.
 - c. Hardship:
 - i. Unique circumstances of the lot. An existing sanitary sewer line encroaches beyond the 25 foot front building setback reducing the buildable area of the lot. This is not a typical location of a sewer line. Though the encroachment distance varies, at the center of the lot, the distance is 10 feet and the basis of our 10 foot variance request.

The following items are included with this application letter:

1. Application fee in the amount of \$170.00
2. Survey/Site Plan
3. Legal Description: Lot 76, Block 127, Parkhill Addition
4. Agent permission statement.
5. Owner's Information:

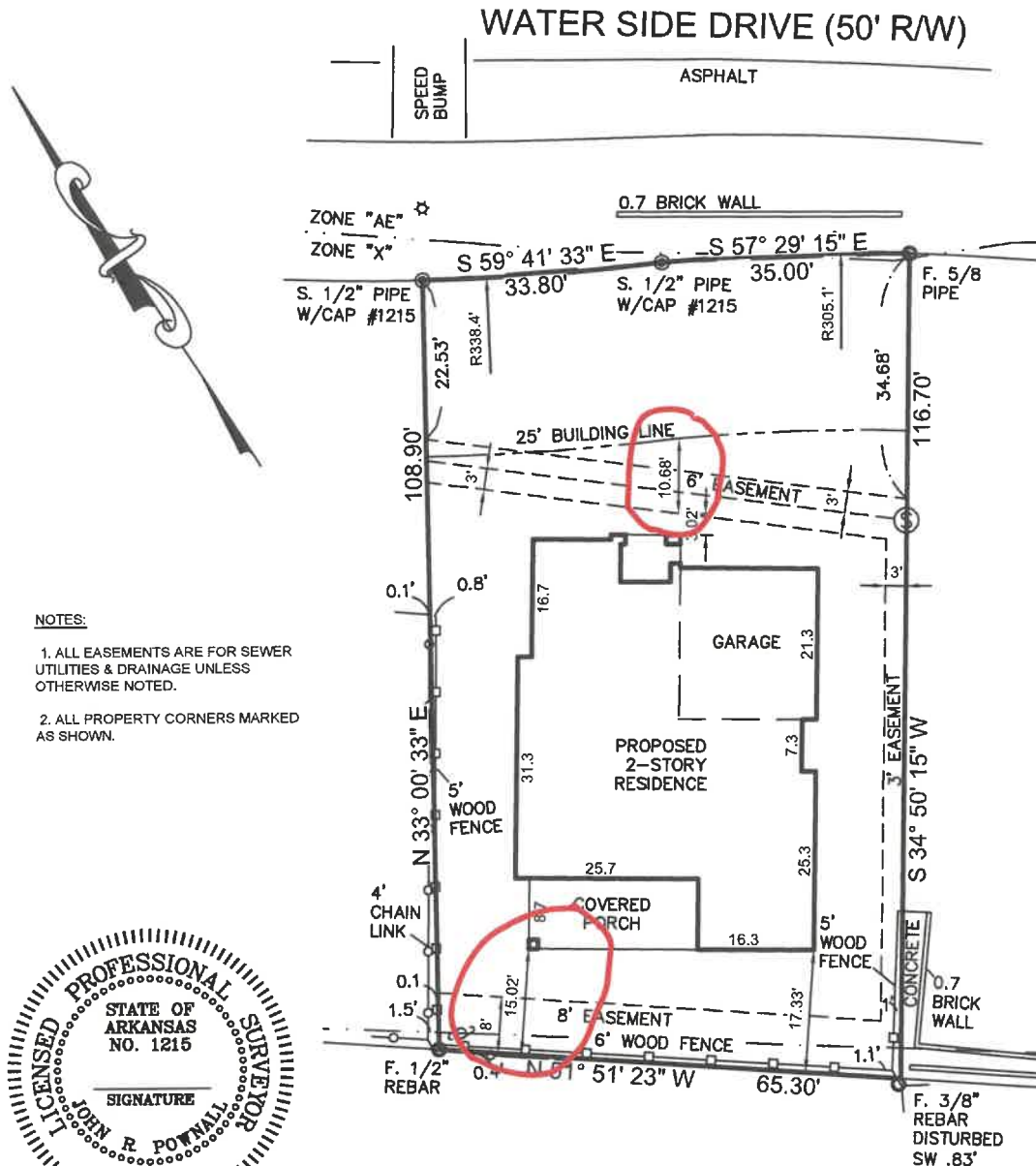
Felton Property Holdings, LLC
1300E. 13th Street
North Little Rock, AR 72114
281-309-1749

If you have any questions, please give me a call

Sincerely,

A handwritten signature in blue ink, appearing to read 'T. Pownall', is written over a horizontal line.

Thomas R. Pownall, P.E.
Vice President



SURVEY OF
LOT 76, BLOCK 127, PARK HILL ADDITION
City of NORTH LITTLE ROCK, Pulaski County, Arkansas

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

Part of this lot is shown in the 100 year flood plain as per F.I.R.M. No. 050182 361 G dated JULY 6, 2015.

DATE: 12/2/24

SCALE: 1"=20'

FOR USE & BENEFIT OF: FELTON PROPERTY HOLDINGS, LLC

Thomas R. Pownall, P.E.

From: Brayden Leach <brayden.leach@dcc-ark.com>
Sent: Monday, December 2, 2024 10:00 AM
To: thomas@thomasengineering2000.com
Cc: hmedlockconstruction@gmail.com
Subject: 1506 Waterside Dr

Thomas,

Felton Family Holdings, LLC grants permission to Thomas Engineering to act as its agent regarding the variance request at 1506 Waterside Drive.

Thank you,

Brayden Leach



Diamond Construction Company
P.O. Box 856
North Little Rock, AR 72115
1300 E 13th Street
North Little Rock, AR 72114
(O): 501-374-2241
(P): 501-269-7469
(F): 501-372-6273

Variance Requested: A variance from the area provisions of Section 4.1.3: R2: Single-Family District, to allow a side yard setback to be less than the required 8 feet setback.

Location of the Request: 901 N Highway 391, NLR, AR (Dock address)

Legal Description of the Property: All That Part of the W 1/2 of Section 31, Township 2 North, Range 10 West of the Fifth Principal Meridian, Lying West of Arkansas Highway 391, being located in the City of North Little Rock, Pulaski County, Arkansas

Owner/Applicant: Interstate 40 Land Holdings LLC, Tim Mitchell

Present Use of the Property: A building has been constructed on the site after the applicant being advised not to build, without prior approval, a fire protection plan or a building permit. The applicant was provided a 911 address to allow a dock on the abutting lake located on the property. The applicant was told at the time of providing the 911 address he was not allowed to build a home on the property due to fire protection concerns. He was told that the address was only for the boat dock.

Site Characteristics: The property is located on HWY 391 within the city limits of North Little Rock. The property/area was annexed into the City in 1997 and the current owner purchased the property in 2021. There is an oxbow lake located to the west of the site and farm land to the east. Faulkner Lake Road is located south of the site.

Surrounding Land Use and Zoning

<u>Direction</u>	<u>Surrounding Zoning</u>	<u>Surrounding Uses</u>
North	R2, CONS I2	Undeveloped
South	R2	Single Family
East	R2	Grass Farm
West	CONS	Ox Bowl Lake

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

Background:

On or about September 14th 2023, the City received complaint about person(s) clearing property without a permit. The City Engineer's office researched the complaint and informed Mr. Mitchell that a permit from their office would be needed to finish the work he had started. On September 15th, Mr. Mitchell applied and received the appropriate permits from the City Engineer's office.

On September 18th, Mr. Mitchell asked for an address for a residence. Mr. Mitchell was informed by the Planning Director, Shawn Spencer that due to Highway 391 not having a water main and there were no fire hydrants to fight a fire, that Staff could not issue any addresses or building permits until a water main was installed along Highway 391 or fire protection was provided. Mr. Mitchell argued that a judge and Mr. Norman Clifton had told him that he is in the County and did not have to follow the City's regulations. Mr. Mitchell was told that the property is in the City limits and is zoned R2 residential and all City building and fire codes apply to property that is zoned. He was also informed that IF he was in the county – the property is zoned and that the same safety regulations and building codes apply to a house that is in the City or in the County.

Once he was not provided an address for a house, Mr. Mitchell then asked for an address for an electric meter for a dock. On September 18th 2023, Mr Mitchell was provided the address of 901 N. Highway 391 for a electric meter for a dock. He was also informed that this address was for the dock only and could not be used for the residence he was trying to get an address for.

On or about November 21st 2023, the City received a complaint about a house being built without a permit. A stop work permit and a citation was written on November 22nd 2023. The house was built on the property line, with very little setback.

Staff Analysis:

The applicant is seeking a variance to allow a structure which was constructed without a permit to remain on the property with a side yard setback encroachment. The applicant constructed a 40-foot by 60-foot metal building on the property, without a permit, which was placed too close to the southern property line. The property is zoned R2 which requires the placement of a 25-foot front and rear yard setback with a side yard setback of 8-feet. The applicant has constructed the building with a southern side yard setback of approx 3 inches. (according to the survey)

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

Variances should only be granted when the Board can determine the spirit of the zoning ordinance is observed, public safety is secured and substantial justice is done. Variance may be granted by the Board when the property owner can provide a unique circumstance existing on the property, the unique circumstance was not created by the owner of the property, and is not due to or the result of general conditions in the zoning district in which the property is located. The development or use of the property for which the variance is sought, if limited by a literal enforcement of the provision of the zoning ordinance cannot yield a reasonable return in service, use or income as compared to adjacent conforming property in the same zoning district.

Board to Consider:

1. Is the variance for which the variance is sought due to unique circumstances existing on the property, the unique circumstances were not created by the owner of the property, and are not due to or the result of general conditions in the district in which the property is located?

No, the applicant constructed the building without a permit after being advised not to build. The applicant did not verify the property lines prior to construction, which would have been required if he had sought a permit.

2. Does the variance substantially or permanently injure the appropriate use of adjacent conforming property in the same district?

Yes, setbacks are required to allow adequate fire and safety, air separation between structures and property lines. A structure being built on the property line will restrict the abutting property owner in their options to build and utilize their property.

3. Will approval of the variance alter the essential character of the district?

Yes, the setback of inches is not in keeping with setbacks in the area.

4. Will approval of the variance weaken the general intent and purpose of the land use and zoning plan?

Yes, some of the general purposes of the zoning plan is to: provide for and protect the general health, safety and welfare of its residents – safety from fire and other dangers – and adequate light and air in the use of buildings.

5. Will the approval of the variance be in harmony with the spirit of the ordinance?

No, the approval is not in the spirit of the ordinance.

6. Will the approval of the variance adversely affect public health, safety, and general welfare?

Yes, with the reduced setback there is a potential for direct negative impact on the abutting property.

Staff Recommendation #1 (no action by the board is required)

1. Remove any vertical structure that encroaches into the side 8 foot setback.
2. Allow the roof to overhang the allowed 2.5 feet into the setback (Sec 3.1.F). If the roof trusses are prefabricated and will have to be altered, an engineered set of stamped drawings will be required to determine that altering the prefabricated truss does not impact the stability of the truss.
3. The fire protection plan/system shall be reviewed, permitted, installed, inspected and approved by the Fire Marshal before a building permit for the residence can be applied for.
4. The property shall be platted and recorded with the County before a building permit can be applied for.
5. The residence shall meet all State, County, City, Local, Fire codes.
6. If a building permit is not secured within the 180-day period, approval becomes invalid unless, the Board of Zoning Adjustment has approved a request for a time extension. All requests for time extension must be made prior to the expiration of the Board's approval.

Staff Recommendation #2 (no action by the board is required)

1. Purchase a strip of land from abutting neighbor. This strip will serve as the required setback.
2. The fire protection plan/system shall be reviewed, permitted, installed, inspected and approved by the Fire Marshal before a building permit for the residence can be applied for.
3. The residence shall meet all State, County, City, Local, Fire codes.
4. The property shall be platted and recorded with the County before a building permit can be applied for.
5. Apply for a building permit.

Staff Recommendation #3 (no action by the board is required)

1. Disassemble the shell structure and re-assemble (once all requirements have been met and a permit issued) in a location that meets the regulations.
2. The fire protection plan/system shall be reviewed, permitted, installed, inspected and approved by the Fire Marshal before a building permit for the residence can be applied for.
3. The residence shall meet all State, County, City, Local, Fire codes.
6. The property shall be platted and recorded with the County before a building permit can be applied for.
7. Apply for a building permit.

Approval as requested by applicant:

1. Approval shall allow the existing structure to encroach into the side setback, but no part of the structure shall cross or overhang the property line.
2. Approval of this variance request is valid for 180-days from date of approval.
3. The fire protection plan/system shall be reviewed, permitted, installed, inspected and approved by the Fire Marshal before a building permit for the residence can be applied for.

4. The residence shall meet all State, County, City, Local, Fire codes.
5. The property shall be platted and recorded with the County before a building permit can be applied for.
6. Apply for a building permit. 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.

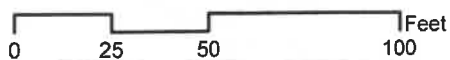
North Little Rock Board of Adjustment



BOA CASE #2024-33

Date: 12/9/2024

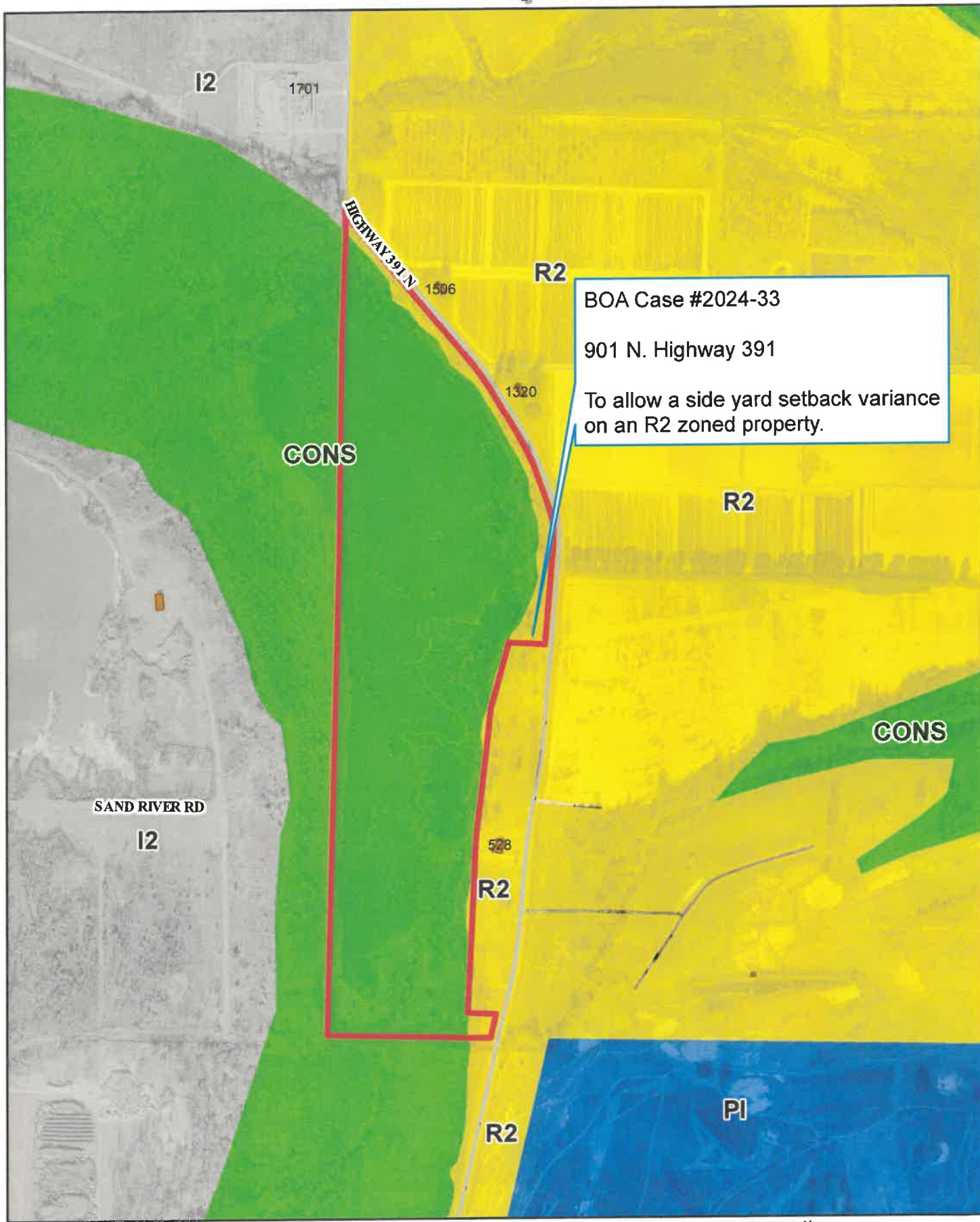
1 inch = 50 feet



User: JHale



North Little Rock Board of Adjustment



BOA CASE #2024-33

Date: 12/5/2024

1 inch = 750 feet



User: JHale



To: Members of the Waiver Board

From: Tim Mitchell- Hardship letter

12/02/2024

Mitchell 8205
@
Yahoo
.com

I am requesting a waiver to continue to build on my property on Hwy 391. I had this property surveyed by Thomas Engineering before I began building. It was the original survey from 1995 because there were no others recorded online. We started building at that point because we understood not being in the Quapaw subdivision and being in the county that there were no restrictions according to Standard abstract and the seller.

I cleared the lot to build without incident and as soon as I started to build the house, not a barn house, the neighbor called the city on me.

The city has given me a list of things that I had to do to get the permit and continue building. This list has taken me 13 months and is completed except for 1 thing; my SE corner was built about 28 ft from the property line that was marked; but then the neighbor, who has caused all the issues, bought the lots next door and did a new survey and the line moved 27ft N from the original. I called Thomas Engineering and the city made me get another company to survey it and they found that after the neighbor surveyed the lots he had in his possession a survey from 1998 later than my survey and the Arkansas Dept of Health made him buy more land to go from a half acre of a $\frac{3}{4}$ acre because of the septic system.

That survey was never recorded or if it was Thomas Eng never found it, so in turn my house is now less than a foot from the line buy only 1 corner, a 7x7 foot area is all it is. We are asking to be able to keep that corner in place even if it's used just as a patio or even where the well pump will be located and well drilled. It can be left as a clear space with 1 6x6 foot post left within the right of way or hopefully left as part of the carport as it is now.

4 things that come into play are these:

1. The city of NLR does not even have to provide me electricity or sewer. I'm having to drill a well and use a septic tank. Electricity is provided by Entergy. I'm not sure how the city can take something in and never have to provide any services to the address when everything around me including the forestry commission is county and there are no houses or subdivisions near me, it's all rural farm land.
2. The houses in Faulkner Crossing just finished in the last year are 10 ft apart that's a 5ft right of way in a subdivision that didn't install sprinklers in the houses. If a fire broke out with 25 mph winds every house in there would burn to the ground before you could get a fire truck there because they were built so close.
3. I have no neighbors on my 110 acre tract total. The lot next to me I don't believe can be built on because the width and length sloping toward the water being lowland would never allow

enough room for a septic system or drilling for a well because it's impossible to fit the legal requirements of the health dept within this lot. That is just another reason why leaving a 7x7 foot corner would hinder anyone in the future.

4. Lastly, I also need to state that I offered 5K for 200 sq ft. to the church so I could continue to build and get on with my life. They came back at \$70,000.00 no exceptions. They are all tied in together with my neighbor who is the trouble maker. They started the church and want me to tear down my house because, as they told me to my face, they think my house devalues their tiny lot which makes no since. I've tried doing everything I can including meeting with the church, being a good neighbor but they refuse to do anything because as they also stated they wanted to buy my property before I did but didn't know it was for sale.

