



**City of North Little Rock
Board of Zoning Adjustment Agenda
Thursday, October 31, 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 - September 26, 2024

Public Hearing Items –

BOA 2024-19 – 7612 Yuma Ct, A variance from the area provisions of Section 4.1.2 (d) to allow the placement of an accessory structure in the side yard of residential property and to also allow the same structure to be located less than 5-feet from the property line as typically required

BOA 2024-21 - 2917 Parkway Dr, A variance from the area provisions of Section 4.2.5. (d) General Commercial District to allow a reduced rear and side yard setback along the north and east property lines for the purposed construction of an accessory building.

BOA 2024-22 - 5009 E Broadway, 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.

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 Nov 01, 2024 Hearing Date Nov 21, 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.

Variance Requested: a variance from the area provisions of Section 4.1.2 (d) to allow the placement of an accessory structure in the side yard of residential property and to also allow the same structure to be located less than 5-feet from the property line as typically required.

Location of the Request: 7612 Yuma Ct, North Little Rock, AR 72116

Legal Description of the Property: Lot 41, Block 0, Indian Hills West III Subdivision an Addition, to the City of North Little Rock, Pulaski County Arkansas

Owner/Applicant: Ian Snyder

Present Use of the Property: Residential

Present Zoning of the Property: R1 Single-family District

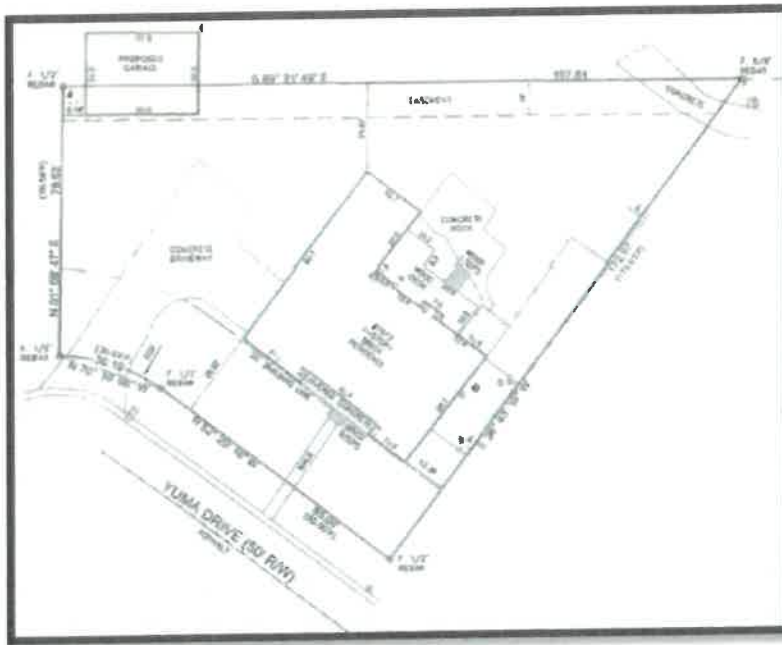
Site Characteristics: The property under review is located north of the Mission Rd, south of North Little Rock Airport, east of Remount Rd, and west of Pontiac Dr in the Indian Hills West III neighborhood. This neighborhood is predominately occupied with single-family homes that were developed in the 1970's thru 1980's. While there are very few vacant lots available in this area the homes have been maintained and the neighborhood remains a desirable location. Located on the north side of Yuma Ct at the end of a cul-de-sac the subject parcel was originally developed with a single family home in 1983. The adjacent properties to the east and west and across the street are also developed with single family homes. The north boundary of the property is heavily wooded land owned by the North Little Rock Airport and serves as a buffer approximately 1500 feet in depth before giving way to the airport development and runway.

Surrounding Land Use and Zoning

<u>Direction</u>	<u>Surrounding Zoning</u>	<u>Surrounding Uses</u>
North	I2, Light Industrial District	Wooded Buffer / Airport
South	R1, Single-family District	Yuma Ct ROW / 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:



Earlier this year in April the applicant, Mr. Snyder requested that the unused utility easement be vacated to allow construction of a detached garage. The utility easement was indicated to be 10-feet in width and run the length of the north (rear) property line of the property. The utility companies were notified of the request and there were no objections. A public hearing was conducted and the City Council approved to vacate and abandon an unused utility easement located on the property at 7612 Yuma Ct as noted in Ordinance

No. 9663, passed on 04/09/2024.

With the abandonment of the easement the applicant now desires to complete the project as planned and construct a two-car detached garage to be used as a hobby workshop. The garage is proposed to be approximately 30x28 and will be placed on the site with the overhead door facing the street. Due to the irregular shape of the lot the side yard of the property is slightly larger than the rear yard. While technically there is enough space behind the existing house that would accommodate this proposed building Mr. Snyder has indicated that due to the mature trees at the end of the driveway and in the rear yard it would not be reasonable to remove the vegetation to allow access to a building placed at the back of property.

It should be noted that the mature vegetation defines this cul-de-sac and serves as an important buffer from the airport property to the north. To retain as many of the trees as possible the applicant is seeking a variance to allow the construction of





an accessory building within the west side yard of their property. In addition, the applicant is also requesting that the proposed building be allowed to be constructed closer to the rear yard property line than required for accessory buildings on residential zoned properties.

The subject parcel is platted with the rear property line meeting the adjacent

property's side yard in front of the neighboring house. To lessen the impact of the new construction the applicant is requesting that the proposed accessory structure be placed within the abandoned easement approximately 6-inches from the rear property line. This will allow the maximum use of the property without constructing the proposed garage across the front building line of the adjacent property.

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

Board to Consider:

1. Is the variance 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 lot was not platted with the typical lot layout pattern. In addition, the property is defined by mature trees that would be destroyed if locating the structure behind the existing primary structure.
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 garage 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 area will remain as a single family residential 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 mature vegetation has created rear yard with limited building 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:

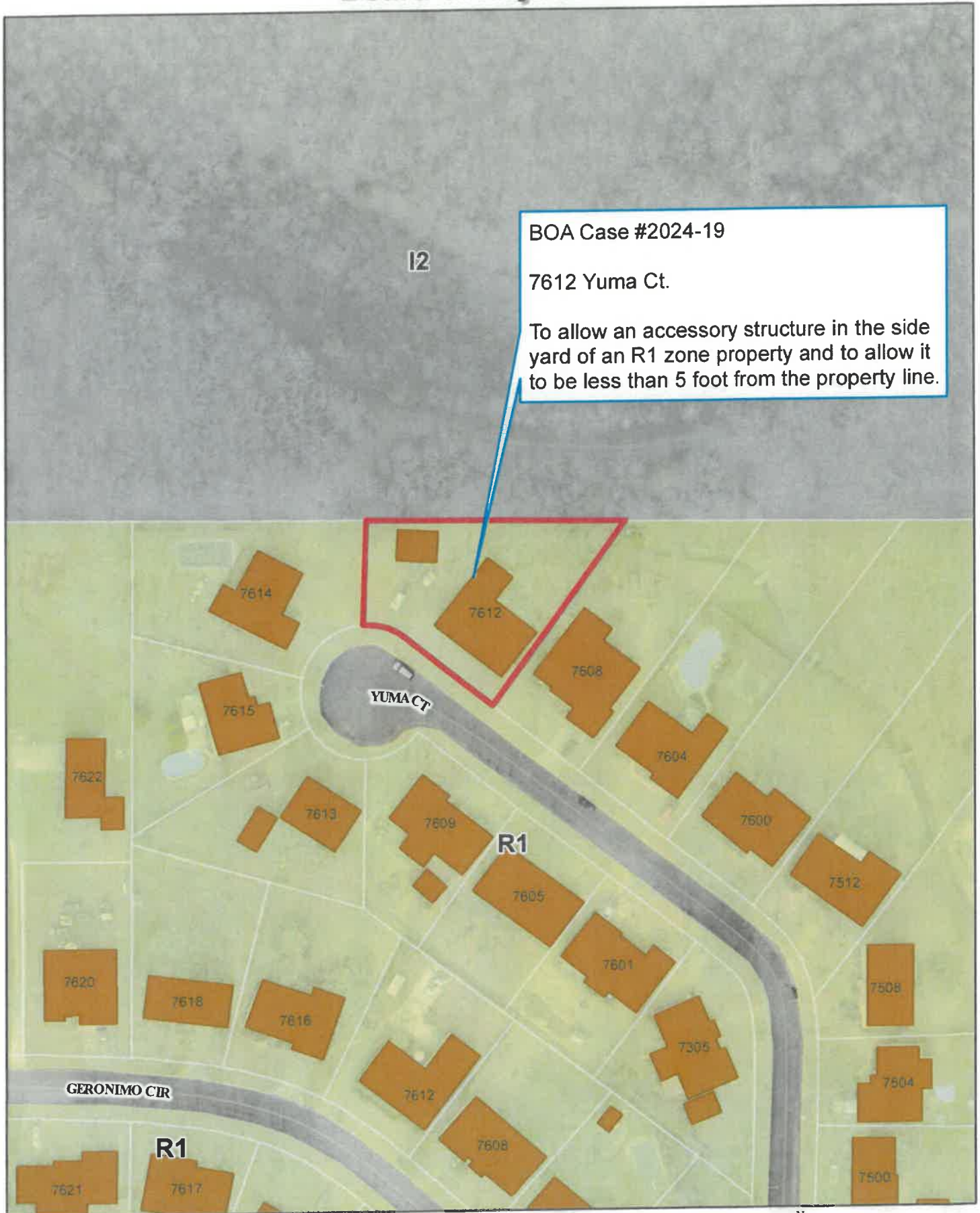
1. Approval will allow the placement of a garage/hobby workshop within the side yard of this single-family residence located a minimum of 6-inches from the northern property line and a minimum of 5-feet from the western property line as described above .
2. Approval of this variance request is valid 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 #2024-19

7612 Yuma Ct.

To allow an accessory structure in the side yard of an R1 zone property and to allow it to be less than 5 foot from the property line.



BOA CASE #2024-19

Date: 10/7/2024

1 inch = 100 feet



User: jhale



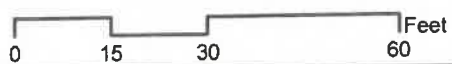
North Little Rock Board of Adjustment



BOA CASE #2024-19

Date: 10/7/2024

1 inch = 30 feet



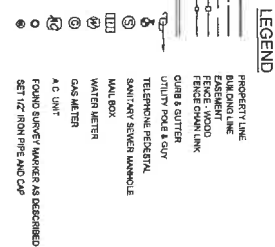
User: jhale



Ian M Snyder 7612 Yuma Court, NLR, AR 72116

This building site and subsequent variance is necessary in order to prevent the removal of four very large and mature oak trees. There is no other location on the property where the proposed garage will fit.


Ian M Snyder



SURVEYOR'S NOTES

CERTIFICATE

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

**FOR USE & BENEFIT OF:
IAN MCKILLOP SINDYER**



**THOMAS
ENGINEERING
COMPANY**

3810 LOOKOUT ROAD, N. LITTLE ROCK, AR. 72116
TEL: 501-753-4463 FAX: 501-753-8814

SUREY OF			
LOT 41,			
INDIAN HILLS WEST PHASE III,			
CITY OF NORTH LITTLE ROCK,			
PULASKI COUNTY, ARKANSAS			
APPROVED	DRAWN BY	DATE	SHEET NO.
SCALE 1" = 20'	MAC	5/26/24	1 OF 1

The City of North Little Rock

CHARLES F. WROBLESKI, PE
CHIEF CITY ENGINEER

MIKE SMITH, PE
CITY ENGINEER



1200 NORTH WILLOW STREET
NORTH LITTLE ROCK, ARKANSAS 72114
501-371-0401
501-371-0402

OFFICE OF CITY ENGINEER

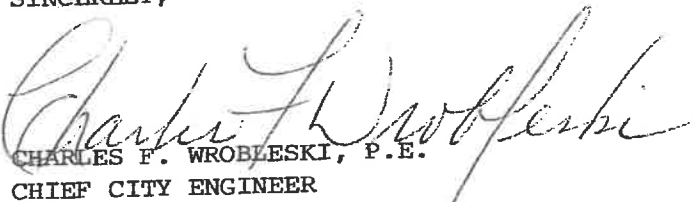
JUNE 24, 1991

MR. AND MRS IAN SNYDER
7612 YUMA COURT
NORTH LITTLE ROCK, AR 72116

DEAR MR. AND MRS SNYDER:

YOUR COOPERATION IN GRANTING THE NECESSARY DRAINAGE EASEMENT FOR THE WORK ALONG YUMA COURT IS DEEPLY APPRECIATED. ENCLOSED IS A COPY OF THE EXECUTED AND RECORDED EASEMENT FOR YOUR RECORDS. SHOULD YOU HAVE ANY QUESTIONS REGARDING THE PROJECT FEEL FREE TO CALL ME AT ANYTIME AT WORK 371-0401 OR HOME 753-4523.

SINCERELY,

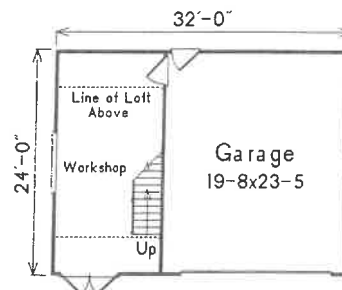

CHARLES F. WROBLESKI, P.E.
CHIEF CITY ENGINEER

CFW:pc
file

ENCLOSURE: EASEMENT

DESIGN #GM3-14003

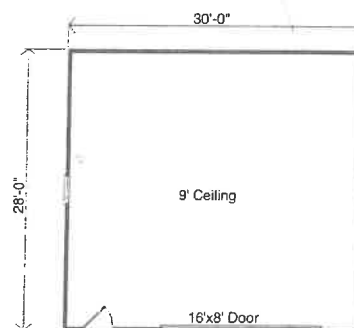
Price Code P8

**2-CAR GARAGE WITH WORKSHOP
AND PARTIAL LOFT**

- Size - 32' x 24'
- Building height - 20'-2"
- Roof pitch - 10/12
- Ceiling height - 9'-8"
- Workshop and loft ceiling height - 8'-0"
- 16' x 7' overhead door, 6'-0" x 6'-8" double-door
- Convenient loft above workshop for work space or storage
- Complete list of materials
- Step-by-step instructions

DESIGN #GM3-14522

Price Code P8

2-CAR GARAGE

- Size - 30' x 28'
- Building height - 17'-0"
- Roof pitch - 4/12
- Ceiling height - 9'-0"
- 16' x 8' overhead door
- Two side windows brighten interior
- Complete list of materials

BOA #2024-21
October 31, 2022

Variance Requested: A variance from the area provisions of Section 4.2.5. (d) General Commercial District to allow a reduced rear and side yard setback along the north and east property lines for the purposed construction of an accessory building.

Location of the Request: 2917 Parkway Dr, North Little Rock, AR, 72118

Legal Description of the Property: Lot B, Banaszak's Replat, Being a Part of Lot 10 of Lippincott's Subdivision, as Recorded in Pulaski County, Arkansas, as shown on a Plat of Record, Plat Book 888, at Page 619, Records of the Circuit Clerk's Office, Pulaski County, Arkansas

Owner: New Horizons Properties, LLC

Applicant: New Horizons Properties, LLC

Present Use of the Property: Single-Family

Present Zoning of the Property: C3, General Commercial District

Site Characteristics:

The subject property is located south and east of MacArthur Dr, west of the Missouri Pacific railroad easement, and north of Military Rd. The parcel is positioned on the east side of Parkway Drive and surrounded by other commercial zoned properties with the exception of the adjacent property to the north which is zoned R2. The west side of Parkway Drive is occupied by a mature vegetation buffer and the railroad easement. Originally developed as single-family house in 1960 the 2,035 sq. ft. masonry structure occupying the site faces Parkway Drive on this 0.50 acre lot.

Surrounding Land Use and Zoning

<u>Direction</u>	<u>Surrounding Zoning</u>	<u>Surrounding Uses</u>
North	R2, Single-Family District	Single-Family Home
South	C3, General Commercial District	Undeveloped
East	C3, General Commercial District	Undeveloped
West	N/A	Parkway Drive ROW Railroad Easement

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

Staff Analysis:

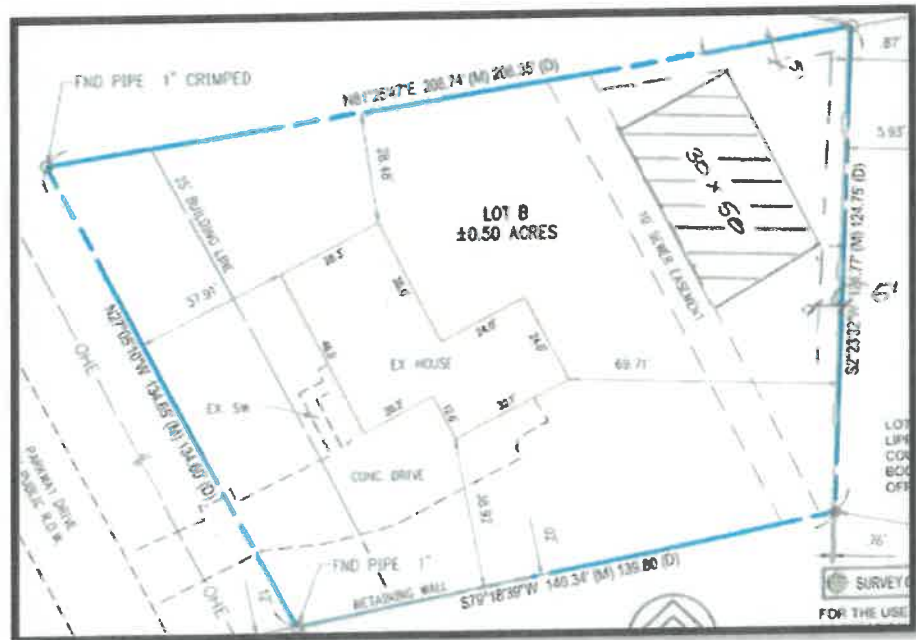


The applicant recently acquired the subject property and is planning to use the existing residential structure as office space which is allowable by right on a C3 zoned property. Also, to better serve the property owner's needs

an accessory structure will be required to be utilized as storage. Section 4.2.5. (d) General Commercial District outlines the lot development criteria for C3, General Commercial District zoned property indicating minimum setbacks for accessory structures to be 10-feet from the rear and side property lines. The maximum (rear yard) lot coverage allowed for accessory structures is 20-percent.

The applicant is proposing a 30 x 50 building which will fall within these requirements. However, due to an active 10-foot sewer easement crossing the rear yard limited space is available for the building.

The applicant is seeking a variance to allow an



accessory structure to be placed closer to the rear and side property lines than the minimum 10-feet as required for commercial properties. The proposed building is shown to be located east of the utility easement that bisects the eastern 1/3 of the property creating limited building space. If the structure is placed west of the easement it would encroach on the primary structure and the side yard easement. To avoid the utilities and existing structure the applicant is proposing that the building be placed in northeast corner of the lot. However, this location would push the 30 x 50 building within 5-feet from the north (side yard) property line and 5-feet from the west (rear yard) property line.

It should be noted that this area was originally developed for residential properties, and with the exception of the existing single-family home to the north of the subject parcel most of the surrounding properties have been rezoned to allow for commercial uses. Residential properties allow accessory buildings to be erected to within 5-feet of the side and rear property lines. The primary structure while being used as office will retain its residential character and the proposed accessory structure would not be out of place being built to 5-feet from the east and west property lines.

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 sewer easement and existing structures only allow for a limited amount of buildable space and placement of a 30x50 accessory structure.

2. Does the variance substantially or permanently injure the appropriate use of adjacent conforming property in the same district? No, most of this area has been rezoned to commercial property. The use of the existing residential structure as an office and the proposed accessory structure will not be out of character with the single family residence to the north.
3. Will approval of the variance alter the essential character of the district? No, the character of the district will remain unchanged.
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 residential.
5. Will the approval of the variance be in harmony with the spirit of the ordinance? Possibly, setbacks are established to provide protection to adjacent properties. However, the new development will retain its residential character.
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 a 30x50 accessory structure to be located a minimum of 5-feet from the side and rear property lines as described above and indicated on the attached development 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.

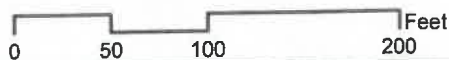
North Little Rock Board of Adjustment



BOA CASE #2024-21

Date: 10/7/2024

1 inch = 100 feet



User: jhale



North Little Rock Board of Adjustment



BOA CASE #2024-21

Date: 10/7/2024

1 inch = 40 feet

0 20 40 80 Feet



User: jhale





920 Shall Street, Little Rock, AR 72202
Phone: 501-244-2195 | Text: 501-285-8468

Tuesday October 2, 2024

Dear NLR Board of Zoning Adjustments:

We would like to build a garage and storage building on the back of our property at 2917 Parkway Drive. There is a 10 foot sewer easement that runs right across the middle of the back of our property. We are requesting a variance for a 5 foot rear and side yard set back. This would allow us to build a 30' x 50' building which should meet our needs and our budget. Without this the building would have to be smaller and may not meet our needs.

I will not be present at this meeting as I will be out of town. Someone from our company will be present. I can be reached at 501-749-6200 with any questions.

Thanks for your consideration,

Shane Mathews
Managing Partner
New Horizon Properties

partners@primadesignsource.com

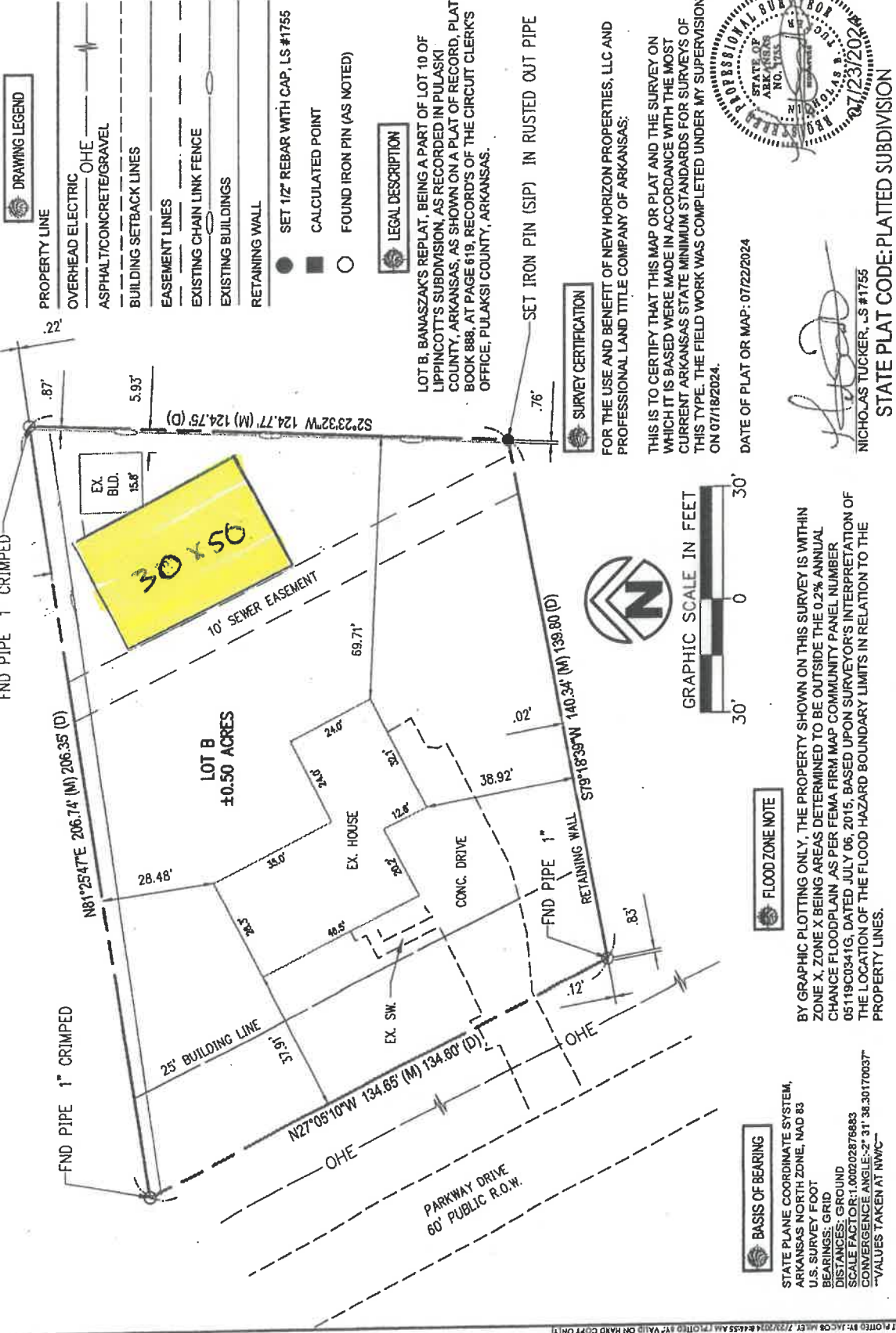
BOUNDARY SURVEY
LOT B, BANASZAK'S REPLAT, BEING A PART OF LOT 10
LIPPINCOTT'S SUBDIVISION
2917 PARKWAY DRIVE
PREPARED FOR:
NEW HORIZON PROPERTIES, LLC
NORTH LITTLE ROCK, PULASKI COUNTY
ARKANSAS



TUCKER
LAND SURVEYING

P.O. Box 1821
Cabel, Arkansas 72023
Phone: 501.288.7138
www.tuckersurveying.com

PROJECT NO: 24-0429
DATE: 07/22/2024
DRAWN BY: JM
APPROVED BY: N.TUCKER
SHEET NO: 1 OF 1



BY GRAPHIC PLOTTING ONLY, THE PROPERTY SHOWN ON THIS SURVEY IS WITHIN ZONE X, ZONE X BEING AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS PER FEMA FIRM MAP COMMUNITY PANEL NUMBER 05119C0341G, DATED JULY 06, 2015, BASED UPON SURVEYOR'S INTERPRETATION OF THE LOCATION OF THE FLOOD HAZARD BOUNDARY LIMITS IN RELATION TO THE PROPERTY LINES.

FLOOD ZONE NOTE

BASIS OF BEARING

STATE PLANE COORDINATE SYSTEM,
ARKANSAS NORTH ZONE, NAD 83
U.S. SURVEY FOOT
BEARINGS: GRID
DISTANCES: GROUND
SCALE FACTOR: 1.000202875683
CONVERGENCE ANGLE: -2' 31" 38.30170037"
--VALUES TAKEN AT NW--

BOA #2024-22
October 31, 2024

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: 5009 E Broadway, North Little Rock, AR 72114

Legal Description of the Property: Lot E, Mrs. M. A. Miller's Subdivision to the City of North Little Rock, Pulaski County, AR

Property Owner / Applicant: Glen Thomas, North Little Rock Welding Supply

Present Use of the Property: North Little Rock Welding Supply / Warehouse

Present Zoning of the Property: C3: General Commercial District / I2: Light Industrial District

Background: On November 10, 2020, the Little Rock Planning Commission approved a request to allow the construction of an office with a warehouse located at 5009 E Broadway. There were requirements of the approval, which included the placement of an office and restroom within the new warehouse building. The approval also included the construction of a paved handicap parking space and the placement of landscaping, 3-street trees and 1-parking lot tree.

On January 22, 2021, the applicant requested a building permit. The plans submitted did not include the placement of landscaping nor an office or restroom facilities within the proposed warehouse building. After conversations with the applicant/owner it was determined the initial request made by Mr. Jim Butler on the applicant's behalf was not the building construction the applicant had intended to complete.

Staff informed the applicant to allow the construction of an "accessory building", (the warehouse building), with no plumbing or office space, would require approval from the Board of Zoning Adjustment to allow the placement of an accessory building on a vacant lot.

The variance was approved and the warehouse was completed in 2021.

Site Characteristics:

The subject property is located east of Interstate 30, west of Highway 161, north of Baucum Pike and south of Interstate 40. Specifically located between Glenview Ln and Park Pl the parcel is located on the north side of E Broadway St. Developed in 1920 as a single family residence the original structure was razed in 2021 and redeveloped as a warehouse for the applicants adjacent welding supply company.

Surrounding Land Use

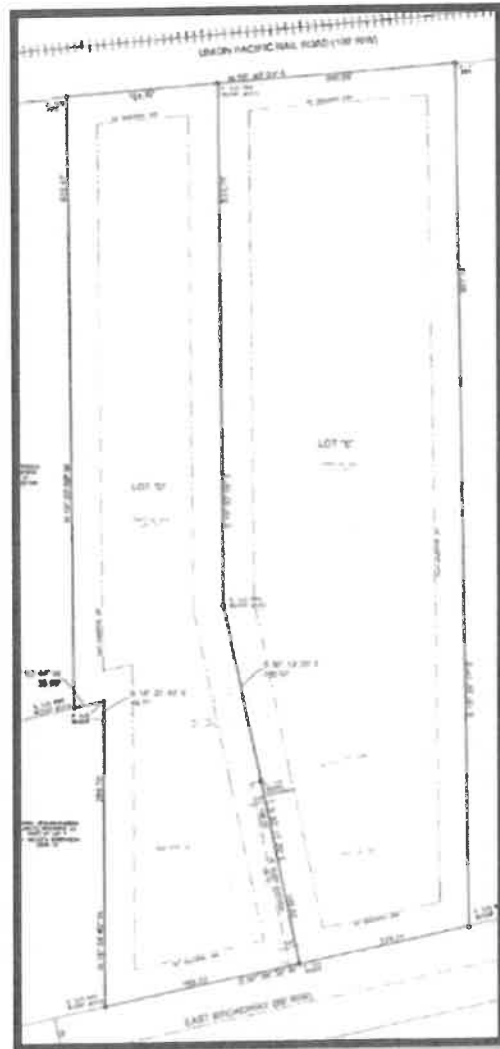
<u>Direction</u>	<u>Surrounding Zoning</u>	<u>Surrounding Uses</u>
North	I2, Light Industrial District	Railroad Easement
South	N/A	E Broadway, ROW
East	C4: Services and Trades District	Jones Rigging
West	I2, Light Industrial District	NLR Welding Supply

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

Staff Analysis:

The subject property has recently been replatted from two separate parcels into one that is now legally described as Lot D. The original two parcels had different zoning classifications, commercial (C4) that fronted E Broadway, and (I2) Industrial, adjacent to the commercial property's north boundary. A single-family house was located on the commercial property and a warehouse was built on the industrial portion. The properties were not rezoned into one zoning classification when replatted and still retain their separate zoning identities.

With the construction of the warehouse and the removal of the house the applicant is now requesting to fence all of the newly created Lot D to secure the property. An existing six-foot high chain link fence with 3-strands of barbed surrounds the industrial zoned portion of the lot. The applicant is requesting this same type of fence be extended approximately 182-feet on the east property line with an 80-foot portion inset 40-feet to allow for a new drive and access gate. The



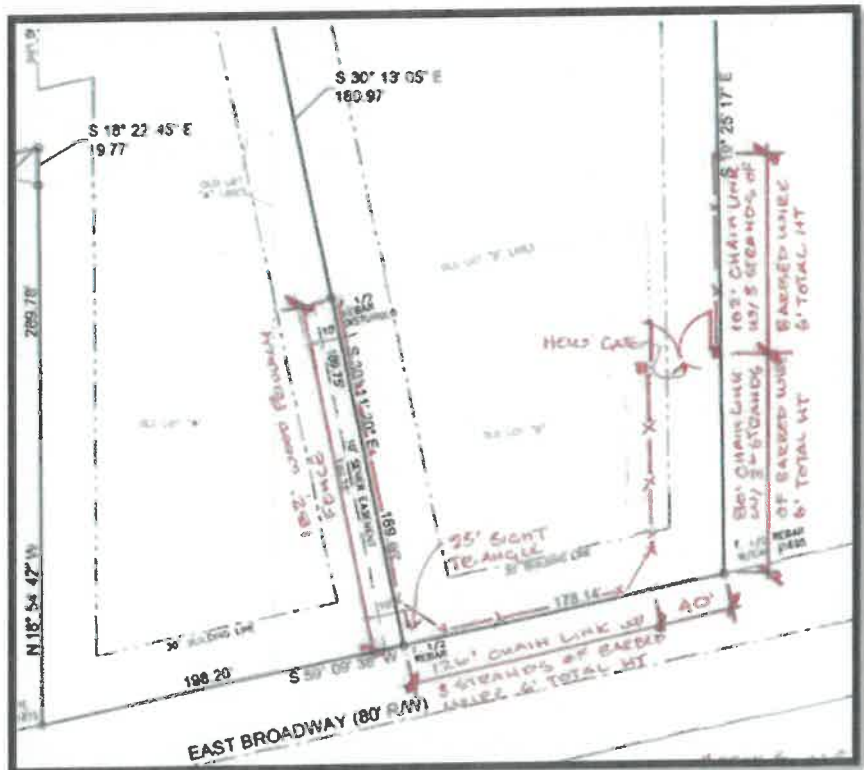


proposed fence will then turn west at the front property line adjacent to the E Broadway and run 126-feet before turning north at the west property line. At this point the materials will change to a wood privacy fence that will be 6-feet in height. This portion of the fence will then travel approximately 182-feet until it meets the existing chain link fence on the industrial zoned portion of the site.

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. C3 zoning requires a 40-foot front yard setback and I2 zoning requires a 30-

foot front yard setback.

The replatted property creates a larger than average front yard. The newly constructed warehouse is located approximately 275-feet from the front property line and serves as the primary structure. In addition, the zoning code only allows for the use of barbed wire on fences in the rear and side yards of Industrial or C4 Zoning Districts. The applicant is seeking approval from the Board of Zoning Adjustment to allow the placement of a chain-link fence with 3-strands barbed wire a total of 6-feet in height in the east and south front yard, and a wood privacy fence with a height of 6-feet in the west front yard of this I2/C3 development.



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:

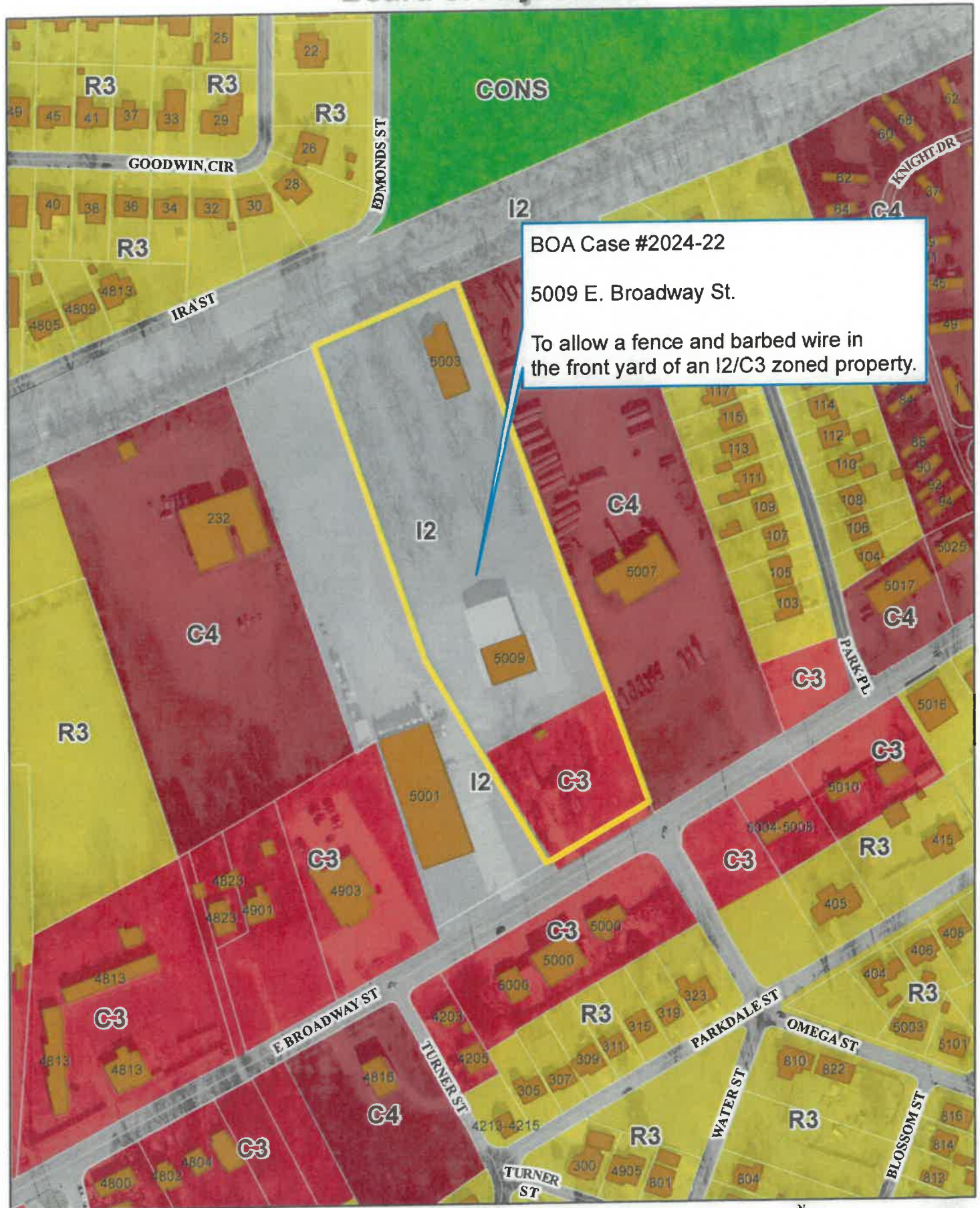
1. Is the variance being sought due to unique circumstances existing on the property, the unique circumstances were not created by the owner of the property, and are not due to or the result of general conditions in the district in which the property is located? There is nothing unique to the property which requires the variance. The zoning ordinances, without a variance, does not allow the placement of fences within the front yard 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. The replat of two parcels into one property leaves a large portion of the property unsecured.
3. Will approval of the variance harm the use of the adjoining property? No, the adjoining property to the west is owned by the applicant and used for the same business. Property to the west will remain industrial and the south property line is adjacent to the E Broadway right-of-way.
4. Will approval of the variance alter the essential character of the district? No, the use of the property will remain unchanged.
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? Possibly, 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 6-feet in height in the east and south front yard, and a wood privacy fence, 6-feet in height in the west front yard 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 #2024-22

5009 E. Broadway St.

To allow a fence and barbed wire in the front yard of an I2/C3 zoned property.

BOA CASE #2024-22

Date: 10/21/2024

1 inch = 200 feet



User: JHale



North Little Rock
Board of Adjustment



BOA CASE #2024-22

Date: 10/21/2024

1 inch = 100 feet



User: JHale



NLR Nitrogen Services

5009 East Broadway
North Little Rock, AR 72117
501-231-1490

October 11, 2024

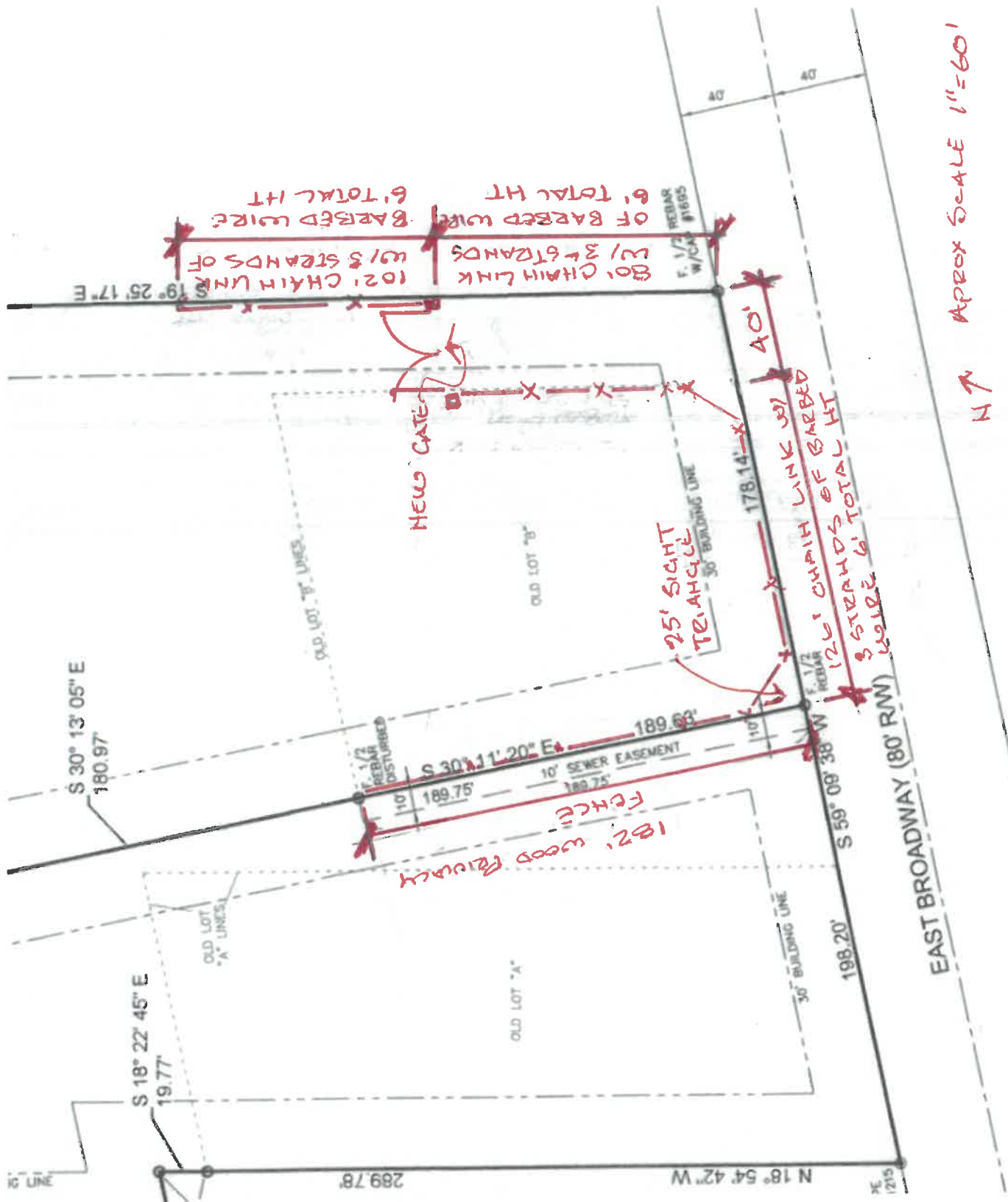
City of North Little Rock Board of Adjustments
RE: Variance Request

Due to security and periodic use of hazardous materials, liquid nitrogen, I would like to request 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.

Respectfully,

A handwritten signature in black ink that reads "Glen Thomas". The signature is written in a cursive style with a large, stylized "G" and "T".

Glen Thomas, Pres.
NLR Nitrogen Services



Approx Scale 1"=60'



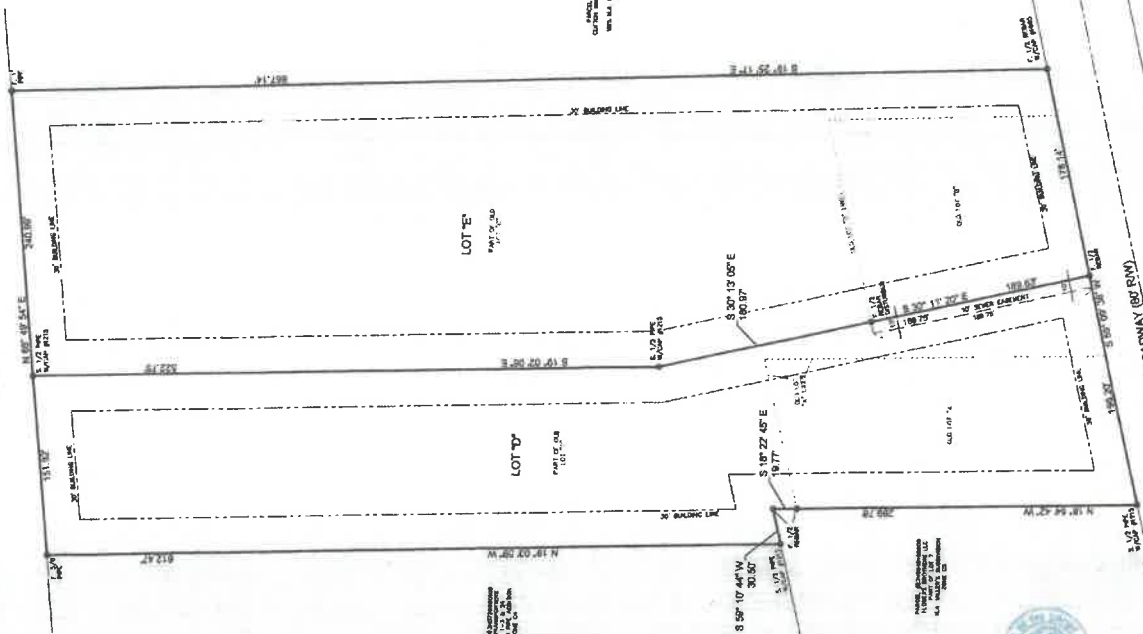


VICINITY MAP

THIS SITE



UNION PACIFIC RAIL ROAD (100' RW)



GRAPHIC SCALE



LEGEND

- EXISTING EASEMENTS
- EXISTING BUILDING FOOTPRINT
- EXISTING DRIVEWAY, UTILITY AND DRAINAGE EASEMENT
- EXISTING LOT WITH CAP PLS 10A
- EXISTING FENCED BARNY WAREHOUSE AS EXISTING

LEGAL DESCRIPTION
LOT 'D' & 'E' MRS. M.A. MILLER'S SUBDIVISION, IN THE CITY OF NORTH LITTLE ROCK, PULASKI COUNTY, ARKANSAS

GENERAL NOTES

1. THE PROPERTY IS LOCATED ON THE 100' X 100' LOTS, BEING LOTS 'D' & 'E'.
2. THE PROPERTY IS LOCATED ON THE 100' X 100' LOTS, BEING LOTS 'D' & 'E'.
3. THE PROPERTY IS LOCATED ON THE 100' X 100' LOTS, BEING LOTS 'D' & 'E'.
4. THE PROPERTY IS LOCATED ON THE 100' X 100' LOTS, BEING LOTS 'D' & 'E'.

PLAT OF
MRS. M.A. MILLER'S SUBDIVISION
(BEING A REPLAT OF LOTS "A", "B" & "C",
MRS. M.A. MILLER'S SUBDIVISION)
IN THE CITY OF NORTH LITTLE ROCK,
PULASKI COUNTY, ARKANSAS



THOMAS ENGINEERING COMPANY
3610 LINDSEY BLVD., N. LITTLE ROCK, AR 72118
TEL. 501-753-4443 FAX. 501-753-8814

PLAT OF
MRS. M.A. MILLER'S SUBDIVISION
NORTH LITTLE ROCK, PULASKI COUNTY
ARKANSAS

APPROVED
DATE
BY
DATE
BY

1

CERTIFICATE OF SURVEY
I, JOHN R. POWELL, hereby certify that this plat represents a boundary survey made in accordance with the laws of the State of Arkansas, and that the location, type and material are correct.

DATE 4/23/24
JOHN R. POWELL, P.E.

CERTIFICATE OF ENGINEERING
I, JOHN R. POWELL, hereby certify that this plat represents a boundary survey made in accordance with the laws of the State of Arkansas, and that the location, type and material are correct.

DATE 4/23/24
JOHN R. POWELL, P.E.

CERTIFICATE OF OWNER
I, JOHN R. POWELL, hereby certify that this plat represents a boundary survey made in accordance with the laws of the State of Arkansas, and that the location, type and material are correct.

DATE 4/23/24
JOHN R. POWELL, P.E.

CERTIFICATE OF TOWN CLERK
I, JOHN R. POWELL, hereby certify that this plat represents a boundary survey made in accordance with the laws of the State of Arkansas, and that the location, type and material are correct.

DATE 4/23/24
JOHN R. POWELL, P.E.

OWNER & SUBDIVIDER
JOHN R. POWELL
3610 LINDSEY BLVD., N. LITTLE ROCK, AR 72118



202400000
In Other States of Arkansas, the following Qualifying Date

4/23/24
4/23/24

