



**City of North Little Rock
Board of Zoning Adjustment Agenda
Thursday, May 29, 2025 - 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 - April 17, 2025

Public Hearing Items -

BOA 2025-12 - 3600 Royal Oak Dr, A variance from the area provisions of Section 4.1.5, R4: Multi-Family District, to allow the placement of an accessory structure (swimming pool) with a reduced separation distance between structures from a minimum of 10-feet to 4.5-feet.

Administrative - Revision to the September 26, 2024 Board of Zoning Adjustment meeting written Minute Record.

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: June 02, 2025 - Hearing Date June 26 , 2025

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 – April 17, 2025**

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, Planning Director
Tracy Spillman, City Planner
Marie-Bernarde Miller, City Attorney

Others Present

Germon Gates	4500 North Hills, North Little Rock, AR
Timothy Deloney	5110 Glenview Blvd, North Little Rock, AR 72116

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 2025-10 – 1724 Parker Street, A variance from the area provisions of Section 4.1.4 to allow a reduced side

North Little Rock Board of Zoning Adjustment
Minute Record – April 17, 2025
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yard setback from 8-feet to 3-foot and a variance from Section 5.11.4 (A) to allow a front yard fence to be opaque and exceed the 3.5 foot height maximum.

Chairman Brown called the item and requested the applicant to come forward and provide the Commission with a statement of hardship. The property owner Mr. Germon Gates explained the evolution of the project but was unable to define a hardship.

In addition Mr. Gates explained that it is his desire to provide privacy for the tenant and is requesting that a 6-foot high privacy fence be allowed to be constructed adjacent to the street rights-of-way in the front yard of the structure.

The Board members discussed the structures encroachment into the setback. Mr. Sparr voiced his concerns of obstructing the site line with a 6-foot privacy fence adjacent to the street rights-of-way.

Chairman Brown questioned if any of the Board members had any additional questions or comments. There being none, he stated he would entertain a motion. After the third request and the absence of a motion, the Board moved to the next item on the agenda.

Staff explained that the project would be required to come into compliance with the zoning code. Specifically stating that the existing fence on the north property line would need to be reconstructed to a height of no more than 3.5–feet in the front yard of the property and be ornamental in design. The cantilevered roof encroachment into the setback will be required to be removed, and the 6-foot high privacy fence in front yard of the structure (adjacent to the street rights-of-way) will not be allowed.

BOA 2025-11 - 5110 Glenview Blvd, A variance from the area provisions of Section 4.1.2 Accessory Structure Requirements Table: to allow an accessory structure (carport) in the front yard of the primary structure and to allow the same structure to have a minimum separation distance of less than 10-feet.

Chairman Brown called the item and requested the applicant to come forward and provide the Commission with a statement of hardship. The property owner and applicant Mr. Timothy Deloney, explained that due to his physical limitations he requires a covered parking area to keep himself out of the weather when entering and exiting his vehicle.

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 to approve the variance as submitted. Mr. Giattina 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. Giattina formed a motion to approve the minutes from the March 27, 2025 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; Mr. Sparr formed a motion to adjourn, all members present voted in the affirmative, the motion was approved. The meeting was adjourned at 1:42pm. .

Respectively submitted:

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

BOA #2025-12
May 29, 2025

Variance Requested: A variance from the area provisions of Section 4.1.5, R4: Multi-Family District, to allow the placement of an accessory structure (swimming pool) with a reduced separation distance between structures from a minimum of 10-feet to 4.5-feet.

Location of the Request: 3600 Royal Oak Dr, North Little Rock, AR 72116

Legal Description of the Property: Lot 42, Block 66, Lakewood, an Addition to the City of North Little Rock, Pulaski County, Arkansas

Owner Justin McGuire

Applicant: Aqua Blue Pools LLC / Aaron Raney

Present Use of the Property: Residential

Present Zoning of the Property: R4: Multi-family

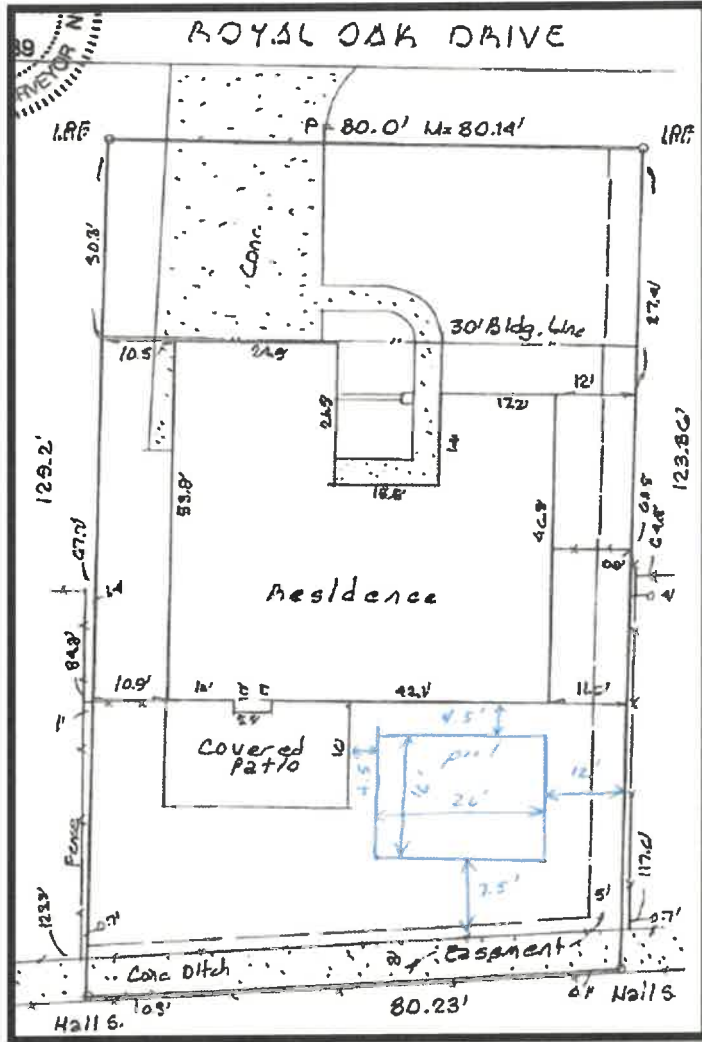
Site Characteristics: The property under review is located north of the McCain Blvd, south of City of Sherwood, east of North Hills Blvd, and west of Warden Rd in the Lakewood 5 N neighborhood. This neighborhood is predominately occupied with single-family homes that were developed in the early 1970's. All of the parcels in this neighborhood have been developed and maintained and the neighborhood remains a desirable location. The subject property is located on Royal Oak Dr. This street bisects the upper 1/3 of the neighborhood connecting Fairway Cove to the west and Bunker Hill to the east. Bunker Hill encircles the subdivision with entry/exit points at Fairway Cove. This subdivision is developed with approximately 220 single family homes. The parcel under review is positioned at the west end of the subdivision in the approximate center of the neighborhood. The existing home is located on the south side of Royal Oak Dr and listed to be 2,100 sq. ft. built on a .23 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	R4: Single-family District	Single-family
South	R4: Single-family District	Single-family
East	R4: Single-family District	Single-family
West	R4: Single-family District	Single-family

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

Staff Analysis:



The existing home at 3600 Royal Oak Dr was built to the 30-foot front building line and located an average of 35-feet from the rear property line. The west side yard is shown to be 10.9 feet in width while the east side yard is indicated to be 11.6-feet in width. An overhead power line is located adjacent to the east property line that cuts diagonally across the back yard. There is an 8-foot drainage easement that runs the width of the rear property line that is occupied by a concrete ditch. A 27x16 covered patio is connected to the rear southwest corner of the house leaving the only sizable building area for expansion at the southeast corner of the back yard.

The applicant is proposing to build a 26x16 in-ground swimming pool. To avoid the overhead power lines, the drainage easement, and to maximize the use of this small backyard the property owner is proposing to place the pool closer to the house than is normally allowed by code. The plan provided by the applicant indicates that

the pool will be placed 4.5-feet from east side of the covered patio and 4.5-feet from the back of the house. The south edge of the pool is shown to be located 7.5-feet from easement at the rear of the yard while the while the east edge of the pool will be located 12 feet from the side property line. This location will avoid the overhead power line which the property owner is going to relocate closer to the side property line to avoid any overhang in the pool area.

As per Section 4.1.5 the R1 Multi-Family District development standards and the Accessory Structure Requirements Table: accessory structures shall be separated by a distance of no less than 10-feet from any other building on the property. The applicant is requesting that the proposed

swimming pool be placed less than 10-feet and as close as 4.5-feet from south and west sides of the primary structure to maximize the use of the back yard and avoid any easements or utilities.

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 1972 leaving little space to expand or add accessory structures in the rear yard of the property.
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 addition of the swimming pool and its proposed location 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 limited space in the 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 separation distance of 4.5-feet from the south and east sides of the house (primary structure) 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 #2025-12

Date: 5/6/2025

1 inch = 100 feet

0 50 100 200 Feet



User: jhale



North Little Rock Board of Adjustment



BOA CASE #2025-12

Date: 5/6/2025

1 inch = 30 feet

0 15 30 60 Feet



User: jhale



4/29/2025

Aqua Blue Pools
1394 E Center St
Beebe, AR 72012

Board of Zoning Adjustment
North Little Rock, AR

To Whom It May Concern:

Aqua Blue Pools is requesting that the pool set back off the residence located at 3600 Royal Oak Dr. be reduced to 4.5 ft. If the setbacks remain 10 ft, the size of the pool will be restricted in size. The McGuires have requested a 16 x 26 rectangle pool. The 4.5 ft variance adjustment will not only allow for their requested pool size to be constructed, but also not force a smaller pool to be near the backyard fence.

Thank you,

A handwritten signature in black ink, appearing to read 'Aaron Raney', with a long horizontal flourish extending to the right.

Aaron Raney
Owner, Aqua Blue Pools
501-288-4177

3600 Royal Oak Drive

North Little Rock, AR 72116

Phone: 501-940-0219

Board of Zoning Adjustment

North Little Rock, AR

Subject: Property Owner Authorization Letter

To Whom It May Concern,

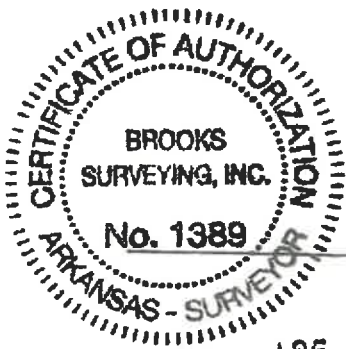
I, Justin McGuire, the owner of the property located at 3600 Royal Oak Drive, North Little Rock, AR 72116, hereby give my full permission to Aqua Blue Pools to submit a request on my behalf to the Board of Zoning Adjustment. Aqua Blue Pools is authorized to apply for any necessary zoning variances, permits, or adjustments related to this property.

Should you require any additional information, please feel free to contact me at 501-940-0219.

Sincerely,

Justin McGuire

Justin McGuire

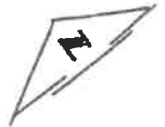


BROOKS SURVEYING, INC.

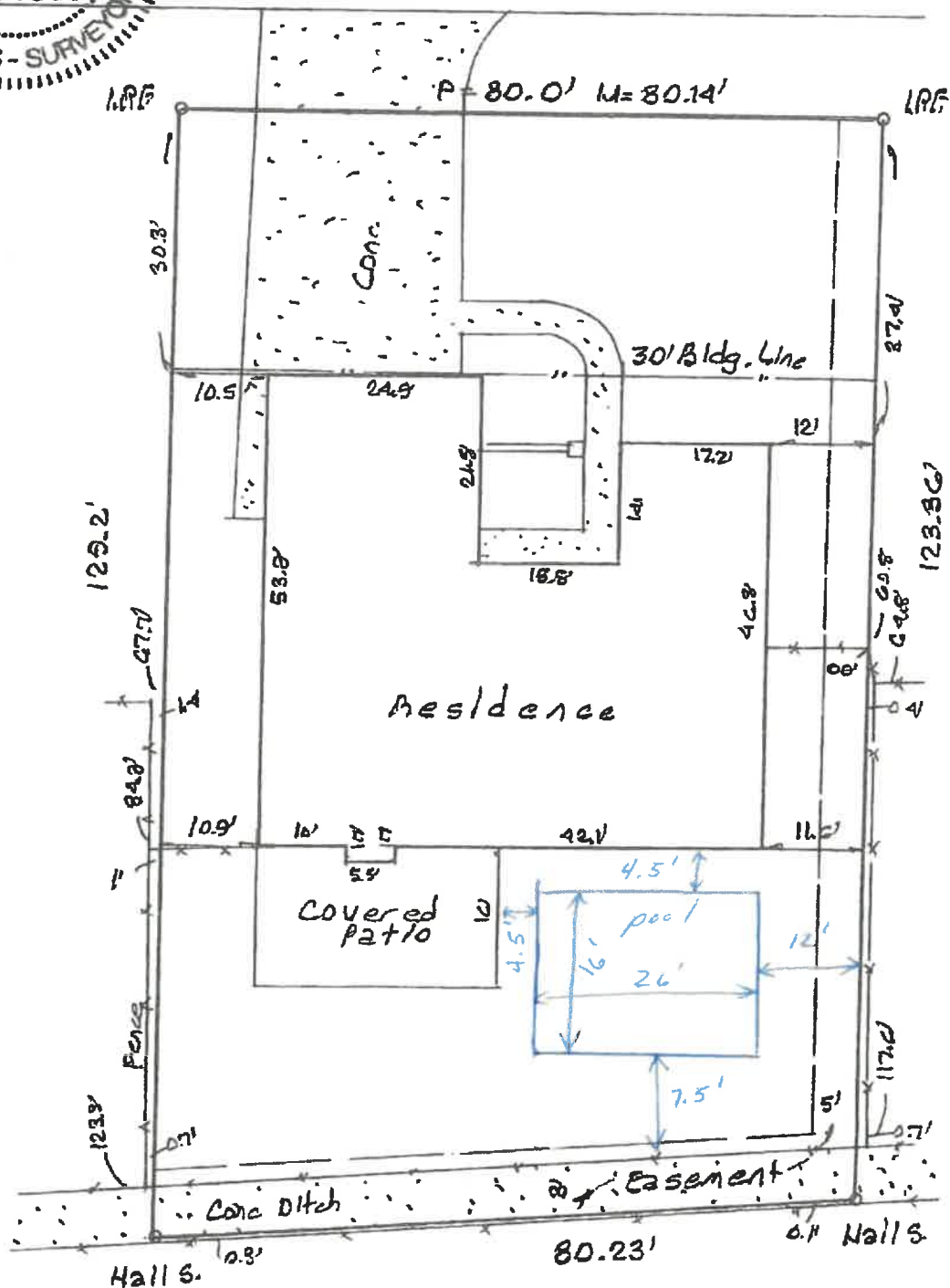
20820 Arch Street Pike

Hensley, AR 72065

501-888-5336/brookssurveying@att.net



ROYAL OAK DRIVE



LEGAL DESCRIPTION

Lot 42, Block 66, LAKEWOOD, an Addition to the City of Little Rock,
Pulaski County, Arkansas.



The City of North Little Rock
Office of Planning
700 W 29th Street
North Little Rock, AR 72114

MEMORANDUM

To: City of North Little Rock Board of Zoning Adjustment Commissioners

From: D. Tracy Spillman, City of North Little Rock, City Planner

Date: April 29, 2025

Subject: Revision to the written Minute Record summary for the September 26, 2024 Board of Zoning Adjustment meeting.

Board of Zoning Adjustment Commissioners:

It has come to the attention of Staff that there is an inconsistency between the written minute summary and the recorded Meeting Minutes of the September 26, 2024 Board of Zoning Adjustment meeting.

The written summary for **BOA Case #2024-18 - 6722 Mountain Pine** states: "Chairman Brown questioned if any of the Board members had questions or comments. There being none, he stated he would entertain a motion. Mr. *Burton* provided a motion for approval. Mr. *Sparr* provided a second to the motion. By a roll call vote, all members present voted in the affirmative, and the motion was approved."

The attendance log shows that both Mr. Burton and Mr. Sparr were not present at this meeting. In addition, the record for the meeting indicates that Mr. Giattina provided a motion for approval with Mr. Able providing a second to the motion for Case #2024-18. Approval will remain intact however, the commissioners will be asked to form a motion to revise the written minute summary to reflect the recorded Minutes at the next regularly scheduled meeting.

Should you have any questions, please contact me at your convenience.

Respectfully,

D. Tracy Spillman

D. Tracy Spillman, PLA
City Planner / Landscape Architect
City of North Little Rock
501-975-8871
TSpillman@nlr.ar.gov

Cc: Shawn Spencer, Planning Director
Donna James, Assistant Planning Director
Marie-Bernarde Miller, City Attorney

**North Little Rock Board of Zoning Adjustment
Minute Record Summary – September 26, 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. Tim Giattina, Vice-Chair

Members Absent

Mr. Gardner Burton
Mr. Steve Sparr

Staff Present

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

Others Present

Patton Hahn – Baker Donelson – 1701 6th Ave N, Birmingham AL
Julian Bickell - 9800 Maumelle Blvd
Thomas Pownall - 3810 Lookout Rd
Tony Runions - 15921 Cedar Ln N Little Rock
Linda Williams - 2612 Lakeview Rd - Linda Williams

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 2024-14 –5500 Chiquito Rd, a variance request from the area provision of Section 5.17 – Communication Towers (E) to allow an increase tower height from 75-feet in height allowed to a total height of 125-feet

Chairman Brown called the item and requested the applicant to come forward and provide the Commission with a statement of hardship. The applicant's representative, Mr. Patton Hahn from the Law office of Baker Donelson addressed the Board. Chairman Brown asked the applicant to state their hardship. Mr. Hahn stated that if the proposed cell tower was lowered to the 75-feet as required by code it would put the tenants at a disadvantage and would be require towers to maintain the same coverage as the taller system.

After a discussion with the Board the applicant stated that the limited height of the topography was the hardship requiring the taller tower.

Mr. Able inquired if the Planning Commission will review the technical abilities of the tower. Staff explained the Planning Commission will review tower but does not review the engineering specifications.

Chairman Brown questioned if any of the Board members had questions or comments. There being none, he stated he would entertain a motion. Mr. Giattina 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 2024-16- 2912 N Hills Blvd, A variance request from the area provision of Section 14.23 - Signs permitted in R4 and R5 zones of the North Little Rock Zoning Ordinance (Sign Ordinance) to allow the placement of a wall sign that exceeds the prescribed 24-square feet in sign area.

Chairman Brown called the item and requested the applicant to come forward and provide the Commission with a statement of hardship. The applicant's representative, Mr. Julian Bickell of the Design Group addressed the Board. Chairman Brown asked the applicant to state their hardship. Mr. Bickell explained the project and stated that the maximum allowable size (24sf) for a sign on R4 property would be inadequate for such a large building.

Mr. Able inquired if the lager sign had already been installed. Mr. Bickell stated that the building has been constructed but the signage has not yet been installed.

Chairman Brown questioned if any of the Board members had questions or comments. There being none, he stated he would entertain a motion. Mr. Giattina 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 2024-17 - A variance from the area provisions of Section 5.11.6: Industrial Zoning Districts Requirements, to allow a fence to be placed in the front yard of an industrial zoned property and to also allow a fence to exceed the 6-foot height maximum in the side yard of the same I2 zoned property.

Chairman Brown called the item and requested the applicant to come forward and provide the Commission with a statement of hardship. The applicant's representative, Mr. Thomas Pownall of Thomas Engineering addressed the Board. Chairman Brown asked the applicant to state their hardship. Mr. stated that the hardship was due to the need of security. Mr. Pownall also stated that a chain link fence had already been installed and that the owner wants to improve the visual appearance and of his property while also securing the business.

**North Little Rock Board of Zoning Adjustment
Minute Record – September 26, 2024
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Chairman Brown questioned if any of the Board members had questions or comments. There being none, he stated he would entertain a motion. Mr. Giattina 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 2024-18 - 6722 Mountain Pine, A variance from the area provisions of 4.1.3(D): R2: Single Family District to allow an accessory structure to exceed the maximum 20-foot height requirement.

Chairman Brown called the item and requested the applicant to come forward and provide the Commission with a statement of hardship. The applicant's representative, Mr. Tony Runions addressed the Board. Chairman Brown asked the applicant to state their hardship. Mr. Runions stated that described the cross that had been in place at Chrystal Hill Pentecostal Church stating that it had been damaged and the church is seeking to replace this structure. Mr. Runions also stated the trees in the area of the cross have matured and that a taller cross was now desired. Mr. Runions further stated that the topography was the hardship for requiring a taller cross that could be viewed from outside the property.

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

Inoperable Vehicle Appeal (IVA) Case Number

IVA-007: 2612 Lakeview Rd - Linda Williams

Chairman Brown called for the code enforcement item IVA-007: 2612 Lakeview Rd - Linda Williams.

Ms. Williams addressed the Board stating that she required more time to have the vehicles removed from her property.

Chairman Brown stated that the Board could only affirm or deny Code Enforcements action.

Mr. Giattina formed a motion to affirm Code Enforcements citation and follow the predetermined course of action. 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.

Approval of Minutes

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

Public Comment, Old Business, Administrative and Adjournment

There being no further business before the Board, Chairman Brown moved to adjourn; the meeting was adjourned at 1:55pm.

Respectively submitted:

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