

**North Little Rock Board of Zoning Adjustment  
Minute Record – June 30, 2022**

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Chairman Tom Brown called the meeting of the North Little Rock Board of Zoning Adjustment to order at 1:30 P.M. in Conference Room B of the City Services Building, 120 Main Street, North Little Rock, AR. Roll call found a quorum to be present; a quorum being three members present.

**Members Present**

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

**Members Absent**

Mr. Tim Giattina, Vice-Chair

**Staff Present**

Ms. Donna James, City Planner  
Ms. Marie Bernard-Miller, City Attorney

**Others Present**

Greg Ferris, Wichita, KS  
Stephen Smith, Ft. Smith, AR  
Robert Wortsmith, Mt. Ida, AR  
Garry Haas, 5301 Lakeview Rd, NLR, AR  
Mary Ann Haas, 5301 Lakeview Rd, NLR, AR  
Carletta Hampton, 117 Melrose Divide, NLR, AR  
Chris Lacy, Cabot, AR  
Jeff Aclin, Cabot, AR  
Thomas Pownall, 3810 Lookout Rd, NLR, AR  
Jon Oliver, 5309 Lakeview Rd, NLR, AR  
Jaeda Oliver, 5309 Lakeview Rd, NLR, AR  
Lee Jeffret, 8305 Edmar PI, NLR, AR  
Lucille Jeffret, 8305 Edmar PI, NLR, AR  
Aaron Robinson, Jacksonville, AR  
Demetrius Bohannon, 2624 E Broadway, NLR, AR

**Old Business**

None

**Approval of Minutes**

Mr. Burton formed a motion to approve the minutes from May 26, 2022. Mr. Sparr seconded the motion. Chairman Brown called for a vote. The motion was approved.

**Public Hearing Items –**

1. BOA 2022-11, 520 W 14<sup>th</sup> Street, NLR, AR, a variance request from Section 4.1.4-C, to allow a reduced front yard setback for 3 proposed lots, Lots 1R, 2R and 3R, Block 41, North Argenta Addition to the City of NLR, Pulaski Co, AR, (25-feet to 15-feet).

The applicant, Mr. Aaron Robinson, addressed the Board and stated that his hardship was the existing sewer line that cut through the property due to the fact that previous home on the lot faced a different direction.

Chairman Brown asked why the setback was needed for all 3 lots when only 1 lot was affected by the sewer line. Mr. Robinson answered for a continuous aesthetic across all three lots. Mr. Robinson stated they would accept the variance for 3R only, if that was the only option, but that 3R must have the variance to fit the house plan.

Mr. Abele asked if 20 feet would work instead of 15 feet. Ms. James stated that 20 feet was the usual setback that staff recommended so that parked cars would not block the sidewalk. Mr. Robinson answered the setback needed to 15 feet to work for the house and that their plans would include parking spaces behind the house for all three houses. Chairman Brown stated he did not support the request because of where the cars would park.

Chairman Brown called for a motion on 4 occasions. No motion was made. The application died for lack of a motion and was not approved.

2. BOA 2022-15, 1301 W 11<sup>th</sup> Street, NLR, AR a variance request from Section 4.1.5 to allow a reduced side yard setback along Division Street (15-feet to 8-feet).

Mr. Chris Lacey and Mr. Chris Aclin, representing the Baring Cross Opportunity Zone, addressed the Board, stating their hardship was the size of the lot which did not allow for any structures to be built with the current setbacks. Chairman Brown stated this does not qualify as a hardship. He then asked Ms. James to read the definition of a hardship and asked the applicants to state their hardship.

Mr. Burton asked the applicants what they were trying to build on the lot. The applicants answered this would be a duplex whose entries would be facing Division Street. Mr. Burton asked for clarification on which sides of the duplex the reduced setbacks were needed. Ms. James answered the setbacks on the east and west sides did not meet the minimum requirements. She elaborated they could rezone to R3, which allowed for smaller setbacks, but they would still need a variance to allow the development of the lot.

Chairman Brown asked if there were any staff concerns. Ms. James stated there were concerns with overbuilding the lot. She stated even if it were developed as a single family home there would be variances associated with the request. But with a single-family home there would be green space and outdoor living areas. She stated a duplex would make it especially difficult to have outdoor living space.

Mr. Lacey informed the Board that parking would be on the north and south sides of the duplex. Ms. James stated the alley on the north side was not dedicated.

Chairman Brown asked if there were any more comments from the applicants or the Board. There being no additional comments, Chairman Brown called for a motion on the application. Mr. Sparr provided a motioned to approve the application, Mr. Abele seconded the motion. Chairman Brown requested a roll call vote. With 2 votes for the motion and 2 against, the motion failed to pass. The application was not approved.

3. **Withdrawn** - BOA 2022-16, 300 W G Avenue, NLR, AR, a variance request from the Section 4.1.3, to allow a reduced side yard setback for an attached carport (6-feet to 1-foot 6-inches) and to allow a reduced building separation between an existing detached garage and the new proposed carport addition (10-feet to 1-foot 6-inches)
4. BOA 2022- 17, 5309 Lakeview Road, NLR, AR, a variance request from the area provision of Section 5.18, to allow a mobile storage container to remain on the property in excess of 30-days.

The applicants, Jon and Jaeda Oliver of 5309 Lakeview Road, addressed the Board, stating their hardship was the elevation of their yard made it nearly impossible to have a storage building in the back yard. They proposed to use the container as a storage shed, to set it flush against their house and then build a deck over it to conceal it.

Chairman Brown asked them why they didn't get a permit for the container. They stated they were unaware they needed one. Chairman Brown asked the applicants if they had other options besides a shipping container. They answered the other options were two or three times as expensive. Chairman Brown asked the applicants if they could build an addition onto the back of their house for storage. The applicants answered they would not want to access their storage through their home's interior.

Mr. Sparr asked if the container would still be visible from the sides of the deck. The applicants answered they planned to hide it by using something like lattice.

Chairman Brown asked the applicants to clarify the comment of the yard being level. The applicants stated the yard would be leveled by terracing and that the only place they could put a shed in the backyard would take up all of their outdoor living space because the rest of the terraces were too small.

Chairman Brown asked if there was anyone in the audience who wanted to speak about

this application.

Ms. Mary Ann Haas of 5301 Lakeview Road, addressed the Board stating her opposition to the project was as a neighbor. Ms. Haas stated the project was not just the container, it had been a large and slow moving project done mostly by Mr. Oliver himself. She stated the hole for the container was dug almost a year ago and there was still debris from the terracing and the backyard was unsightly.

Mr. Abele asked Ms. Haas if she could see the container from her backyard. She answered yes she could see the container and the rest of their backyard. She also stated the sewer line was open. Mr. Oliver stated the container would sit on top of the sewer line.

Mr. Sparr asked Ms. Haas if it would help if they put a screen around the container and placed the deck over the container. She answered yes it would, but questioned how long it would take since the project had already taken well over a year.

Chairman Brown asked the applicants if they had anything else they wanted to say to the Board. They stated they were willing to put up a temporary screen to block the Haas's view of their backyard while the project was ongoing.

Mr. Burton asked the applicants what kind of timeline they are looking at for this project. Ms. Oliver answered they were waiting on the structural engineer to complete the retaining wall to make this project safe. They further stated they too want this project to be completed as soon as possible.

Mr. Burton asked Ms. James to clarify what exactly the Board was deciding today. She answered a shipping container was considered temporary and approved for 30 days, the Board was voting on whether or not to allow the container to remain longer.

Chairman Brown called for a motion on 4 occasions. No motion was made. The application died for lack of a motion and was not approved. Mr. Brown informed the applicants they had 30 days to remove the container.

5. BOA 2022-18, 117 Melrose Divide, NLR, AR, a variance request from the area provision of Section 5.11.4 to allow the placement of a front yard fence and to allow the front yard fence to be chain-link 4-feet in height.

Ms. Carletta Hampton of 117 Melrose Divide, addressed the Board and stated her hardship was her yard was a corner lot and she had a lot of pedestrian traffic, so she would like to replace an existing chain link fence in her front yard. She stated over the years the trees and age of the fence had caused the existing fence to need repair and replacement.

Mr. Sparr provided a motioned to approve the application. Mr. Burton seconded the motion. Chairman Brown requested a roll call vote and all members voted in the affirmative.

6. BOA 2022-19, 2624 E Broadway St, NLR, AR, a variance request from the area provision of Section 4.2.6 to allow a reduced front yard setback (from 40-feet to 17.5-feet, a reduced exterior side yard setback (25-feet to 19-feet) and a reduced rear yard setback (20-feet to 3.8 feet), to allow a reduced lot width (100-feet to 49.73 feet) and a reduced lot area (10,000 sf to 2,985 sf) and a variance from Section 6.2.4 to allow backing of vehicles directly into the public right of way along Cherry Street.

Mr. Demetrius Bohannon of 4116 Alma Street, North Little Rock and owner of the property in question, addressed the Board stating his hardship was he was unaware of setback requirements when he built the building on the property. He stated he built the building on top of the foundation of the former building which was previously there.

Mr. Lee Jeffrey of 8305 Atmore Place, North Little Rock, addressed the Board, stating he was representing the Eastern Star Baptist Church which was across the street from Mr. Bohannon's property. Mr. Jeffrey stated the church was a busy place with events 3-4 days of the week in addition to Sundays. He stated the proposed setback would be dangerous for people pulling in and out of the church's parking lot. He stated he was concerned with cars backing into the street close to the intersection.

Mr. Abele asked where cars would be parked. Mr. Bohannon answered there were two parking spaces on Cherry Street. Mr. Abele asked if this was going to be a commercial business. Mr. Bohannon answered the building was going to be used as storage for his vehicles.

Chairman Brown called for a motion on 4 occasions. No motion was made. The application died for lack of a motion and was not approved. Mr. Brown informed the applicants they had 30 days to remove the building.

Ms. James informed the Board there was a case in the court system for not securing a building permit prior to construction. She stated the judge had allowed Mr. Bohannon to ask this Board for the requested variances to allow the building to remain. She stated now that the Board had denied the request the item would go back to the courts for finalization. Ms. James further clarified Mr. Bohannon did have a buildable space on the property within the setbacks, but it was not enough space for the use Mr. Bohannon was wanting.

7. BOA 2022-20, 5503 JFK Blvd, North Little Rock, AR, a variance request from Section 4.2.3 to allow a reduced side yard setback (from 10-feet to 7.75-feet).

Mr. Thomas Pownell of Thomas Engineering addressed the Board stating the hardship for the case was the topography of the lot. He stated this was one of the smaller lots on JFK and all of the surrounding lots were already developed, so there was no room to expand. The reduced setback of 2.25-feet was necessary to build properly on the lot for the commercial project.

Chairman Brown called for a motion. Mr. Burton made a motion to approve the application. Mr. Sparr provided a second to the motion. Chairman Brown requested a roll call vote and all members voted to approve. The application was approved.

8. BOA 2022-21, 3128 Pike Avenue, North Little Rock, AR, 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 to a total height of 145-feet.

Mr. Greg Farris of Wichita, KS addressed the Board stating the hardship for the project was the topography of the surrounding land made it necessary to build the tower taller than the 75-feet allowed in order for the tower to be functional.

Chairman Brown stated the Board had heard from Mr. Farris at the previous meeting and he had been turned down due to the NLR Airport Commission having many concerns for the project. Since then, the Airport Commission has studied the project further and has concluded that it does not pose a threat and they approve of the project.

Mr. Farris assured the Board they would get FAA approval before requesting a building permit. He further stated the FAA only required approval for towers over 200 feet but AT&T would seek approval from FAA regardless out of an abundance of caution. He stated AT&T had already submitted plans to FAA for review.

Mr. Burton asked Mr. Farris if he had any issues with the staff recommendations. Mr. Farris answered he did not.

Chairman Brown asked if there was anyone who would like to speak about this project. Mr. Steven Smith of Fort Smith and representing SVA Communications addressed the Board. He stated SVA owned a tower which was .79 miles from the proposed site location and AT&T was currently located on the tower. He stated SVA was not had not been informed of the request SVA was ready to work with AT&T to extend coverage to the existing area.

Mr. Farris stated AT&T looked for any tower within ¼ mile of the proposed tower. He stated SVA tower was ¾ a mile away from this tower. He stated although did not sound like much of a difference to most people, it could mean a huge difference when it came to coverage. The proposed site would provide coverage to an area was in need. He further stated this tower would help with the capacity of several existing towers in the area.

Mr. Abele clarified the Board was voting only on the height of this proposed tower. Ms. James agreed and stated the applicants next steps was to go before the Planning Commission for Site Plan Review and a recommendation for a Special Use which then would be presented to the City Council and the Mayor.

Chairman Brown called for a motion. Mr. Sparr made a motion to approve the application.

Mr. Burton seconded the motion. Chairman Brown requested a roll call vote and all members voted in favor of the motion. The application was approved.

**Administrative -**

none

**Public Comment and Adjournment**

Mr. Sparr motioned to adjourn the meeting. Mr. Burton seconded the motion. All members voted in favor of the motion.

Approved on this 28<sup>th</sup> day of July

  
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**Tom Brown, Chairman**