

**North Little Rock Board of Zoning Adjustment
Minute Record – April 22, 2021**

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

Members Present

Tom Brown, Chairman
Mike Abele
Gardner Burton
Steve Sparr

Members Absent

Tim Giattina, Vice-Chair

Staff Present

Ms. Donna James, City Planner
Ms. Marie-Bernarde Miller, Deputy City Attorney

Others Present

Vicki Martin, 5401 MacArthur Drive, North Little Rock, AR
Rick Gardner, 5401 MacArthur Drive, North Little Rock, AR
James McHargue, 5608 Cadron Creek, North Little Rock, AR
Mireya Lopez, 4624 Schaer Street, North Little Rock, AR
Victor Lopez, 5608 Schaer Street, North Little Rock, AR
Ronny Skipper, 7101 JFK Boulevard, North Little Rock, AR

Administrative

A motion was made by Mr. Burton and seconded by Mr. Sparr to excuse Mr. Giattina's absence. All members voted in the affirmative. The motion was approved.

Old Business

None

Approval of Minutes

Mr. Burton formed a motion to approve the minutes from the previous meeting of March 25, 2021. Mr. Sparr seconded the motion. All members voted in the affirmative. The motion was approved.

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BOA 2021-09, a variance request from the area provisions of Section 5.11.5 of the North Little Rock Zoning Ordinance to allow the placement of a front yard fence 6-feet in height with 3 strands of barbed wire for a total fence height of 7-feet located at 5401 MacArthur Drive, North Little Rock, AR 72118. Chairman Brown called the item and requested the applicant's come forward and provide their hardship. Ms. Martin and Mr. Gardner came forward to address the Board on the merits of their case.

Ms. Martin stated the hardship was safety and security. She stated the development currently had gates between the buildings which were old and in need of replacement. She stated the request was to allow the placement of a fenced area and limit the access to a single gated entrance from the northern side of the mini-warehouse buildings.

Chairman Brown questioned if the new fencing was for security reasons. Ms. Martin stated this was the reasoning for adding the new fencing and gating. Chairman Brown stated he would be the first to go onto record stating he did not support the barbed wire request. He stated he did not mind barbed wire in the back or side but did not like it in the front yard area. He stated it just does not look nice. Chairman Brown stated he understood why they felt the need for barbed wire but he was not in support of placing barbed wire in the front yard area.

Ms. Martin stated there was not a concern with removing the barbed wire from the front. She stated it was needed in the rear and sides of the property but it could be removed from the front yard area.

Mr. Sparr questioned if the adjoining property had an issue with crime. Ms. Martin stated Budget Transmission had a fence in place. She stated the cars were parked within the fenced area. She stated the need was to allow the mini-warehouse to replace the existing gates because they were worn out and rickety.

Mr. Gardner addressed the Board stating they were wanting to replace three gates with one for safety reasons. Chairman Brown questioned the fence material. Mr. Gardner stated the fence would be an 8-foot black vinyl coated chain link fence.

Chairman Brown question if there was any additional discussion. He called for a motion. Mr. Burton provided a motion for approval of the item as amended to eliminate the barbed wire from the front portion of the property and based on the applicants stated hardship of safety and security. Mr. Sparr provided a second. Chairman Brown called for a roll call vote. All members voted in the affirmative. The motion was approved.

BOA 2021-10, a variance request from the area provisions of Section 5.11.3 of the North Little Rock Zoning Ordinance to allow the placement of fence on a currently vacant lot and to allow the placement of an 8-foot tall fence within the side yard of a corner lot located at 4624 Schaeer Street, North Little Rock, AR 72118. Chairman Brown called the item and requested the applicant's come forward and provide their hardship. Ms. Lopez came forward to address the Board on the merits of their case.

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Ms. Lopez stated she desired to place a fence on her currently vacant lot for security reasons. She stated currently persons were dumping trash on her lot and she had been issued a citation by the sanitation department for not keeping the lot cleaned. She stated persons were dumping tree limbs, grass and trash on the lot. She stated she had been clearing the lot for the past three months and it was difficult to keep the area clean. She stated the fence would allow for security of the lot.

Mr. Burton questioned the fence material. Ms. Lopez stated the fence would be wood with chain link in the front area.

Staff stated they had concerns with the fence material as proposed. Staff presented a recommendation the side yard fences be limited to 6-foot and the rear yard would be allowed at 8-foot. The gate opening limited to three to four feet in width. Chairman Brown questioned Ms. Lopez if she was agreeable with staff's recommendation. Ms. Lopez stated the staff recommended fencing was acceptable to her.

Chairman Brown question if there was any additional discussion. He called for a motion. Mr. Sparr provided a motion for approval of the item as amended to limit the height of the fence to 6-feet within the side yards and allow the fence to be 8-feet in height within the rear yard and limit the gate opening to three to four feet in width based on the applicants stated hardship of security. Mr. Burton provided a second. Chairman Brown called for a roll call vote. All members voted in the affirmative. The motion was approved.

BOA 2021-11, a variance request from the area provisions of Section 14.24 of the North Little Rock Zoning Ordinance (Sign Ordinance) to allow the placement of a wall sign on the east and west facades located without public street frontage located at 7101 John F Kennedy Boulevard, North Little Rock, AR 72116, Indian Hills Shopping Center – McDonalds Restaurant. Chairman Brown called the item and requested the applicant's come forward and provide their hardship. Mr. Skipper came forward to address the Board on the merits of their case.

Mr. Skipper stated the property was a parcel of the larger shopping center located off JFK even though the address was JFK. He stated the restaurant was not visible from JFK. He stated traffic accessed the site from side roads to the property. He stated the signage on the sides was necessary for patrons to know the location. He stated the request was signage to allow customers to identify the property. He stated the McDonalds was going to be renovated and the façade changed from the current mansard style roof to a more modern flat EIFS style façade with the signs mounted flat to the façade.

Mr. Burton questioned the signage request. Mr. Skipper stated the request included the placement of the arches on the east side of the building along with the McDonald's name and the arches only on the western façade of the building. He stated the eastern façade was visible from the nearby street which would offer visibility to the restaurant.

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Chairman Brown question if there was any additional discussion. He called for a motion. Mr. Burton provided a motion for approval of the item as requested based on the applicant's stated hardship of visibility and lack of street frontage. Mr. Sparr provided a second. Chairman Brown called for a roll call vote. All members voted in the affirmative. The motion was approved.

BOA 2021-12, a variance request from the area provisions of Section 5.20 of the North Little Rock Zoning Ordinance to allow the replacement of an existing retaining wall with an increased height and to allow the combination of the wall and fence to exceed 8-feet located within the rear yard located at 5608 Cadron Creek Road, North Little Rock, AR 72116. Chairman Brown called the item and requested the applicant's come forward and provide their hardship. Mr. McHargue came forward to address the Board on the merits of their case.

Mr. McHargue stated the site currently contained a retaining wall which was constructed of cross ties. He stated the wall was showing its age and was in need of replacement. He stated the lot had a significant slope. He stated the hardship was the topography of the lot. Chairman Brown questioned the construction material. Mr. McHargue stated the wall would be constructed of solid concrete with rebar supports.

Mr. Abele questioned the fence. Staff stated the fence was a requirement on walls which exceeded 5-feet in height. Staff stated in some locations the fence and wall would be 11-feet in height.

Chairman Brown question if there was any additional discussion. He called for a motion. Mr. Sparr provided a motion for approval of the item based on the applicants stated hardship of topography. Mr. Burton provided a second. Chairman Brown called for a roll call vote. All members voted in the affirmative. The motion was approved.

Public Comment and Adjournment

Chairman Brown called for public comment. There being none and there being no further business before the Board and on a motion of Mr. Sparr and by consent of all members present, the meeting was adjourned at 2:17 pm.

Approved on this 27 day of May, 2021



Tom Brown, Chairman