

**North Little Rock Board of Zoning Adjustment
Minute Record – March 25, 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
Tim Giattina, Vice-Chair
Mike Abele
Steve Sparr

Members Absent

Gardner Burton

Staff Present

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

Others Present

With Withrow, 2400 Skilpadde Lane, Little Rock, AR 72210
Angela Douglas, 1501 N University, Little Rock, AR 72207
Karen Ross, 1501 N University Avenue, Little Rock, AR 72207
Nick Plastiras, 12114 Cherry Laurel Drive, Little Rock, AR 72211
Bernard Neumeier, 11412 Gila Valley, Little Rock, AR 72212
John Johnson, 18 Corporate Hill Drive, Little Rock, AR 72205
Chris Jones, 204 E 4th Street, North Little Rock, AR 72114

Administrative

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

Old Business

None

Approval of Minutes

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

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BOA Case # 2021-06, located at 204 E 4th Street, North Little Rock, AR 72114, a variance from the area provisions of Section 4.2.8(d) to allow an increase in the rear yard lot coverage for an accessory structure (30-percent vs 20-percent) for Arkansas Regional Innovation Hub, Inc. Chairman Brown called the item and requested the applicant come forward and state the hardship. Chairman Brown read to the applicant the definition of a hardship.

Mr. Chris Jones of the Innovation Hub addressed the Board on the merits of the request. He stated the hardship was they could not meet the requirements of the ordinance and construct a solar panel system that would generate the power needs of the Innovation Hub. He stated there had been a number of designs considered and the current design allowed for the generation of power but needed a variance to allow an increase in the rear yard lot coverage, 30 percent vs 20 percent. He stated the Innovation Hub had come before the Board previously and there were questions concerning the size. He stated the panels had been redesigned to occupy a lesser footprint. He stated previously the request was 68 percent rear lot coverage and the current request was 30 percent rear lot coverage. He stated the variance for the additional ten percent would allow the Innovation Hub to meet their Mission. He stated the Mission was to bring technology to the community. He stated the technology along with the offset in the utility bill would allow the Hub to offer more programs.

Mr. Giattina questioned how this request differed from the original request. Mr. Jones stated there had been a great deal of research and the main item found was a more efficient panel, which would allow for a smaller footprint. Mr. Neumeier addressed the Board on the technical aspects of the request. He stated the previous size was based on 300-watt panels and the current request 50-watt panel size. He stated this was the best on the market as of this date, which allowed the footprint to be reduced.

Chairman Brown read to the applicant the portion of their letter stating the rear yard lot size did not allow the construction to meet the lot coverage requirement. Mr. Jones stated the coverage request was a 10 percent increase from the allowable 20 percent. He stated this was a much smaller footprint increase than was included in the previous request.

Mr. Sparr questioned staff's recommendation. Staff stated they were not supportive of the request. Staff stated if the design could be revised to allow a smaller footprint, in their opinion, the design could be made to comply with the requirements of the ordinance. Mr. Giattina questioned what was required to obtain staff support. Staff stated if the design meet the criteria of the ordinance without a variance then they could submit for commercial plan review and obtain a building permit.

Mr. Giattina questioned the services which could be provided with the installation of the panels. Mr. Jones stated a couple of things could be provided. One by having the panels on site they could offer training to students to install and/or repair solar systems. He stated solar maintenance would be an up and coming skilled trade needed. He stated the Innovation Hub offered hands on training. He stated without the panels the training could not occur.

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Mr. Abele questioned if there were any setback issues. Staff stated the only variance was lot coverage. Mr. Abele questioned if the structure could be relocated and attached to the building. Mr. Neumeier stated if the structure was located next to the building then there was the potential for shading which would lessen the effectiveness of the solar panel system.

Chairman Brown question if there was any additional discussion. He called for a motion. Mr. Giattina provided the motion for approval of the item based on solar energy would be beneficial to the Innovation Hub. Mr. Abele provided a second. Chairman Brown requested a roll call vote, which provided two ayes and two noes. The ayes were Mr. Abele and Mr. Giattina. The noes were Chairman Brown and Mr. Sparr. The motion failed for lack of a majority vote.

BOA Case # 2021-07, located at 5328 Northshore Cove, North Little Rock, AR 72118, a variance 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 without public street frontage for Advanced Pathology Solutions. Chairman Brown called the item, requested the applicant come forward, and state the hardship.

Mr. Whit Withrow addressed the Board on the merits of the request. He stated traveling east and west on Northshore the front of the building was very visible. He stated once turning onto Northshore Cove the front of the building was the predominate view. He stated the request was to place a sign on the front of the building identifying the entrance to the building. He stated from an aesthetics standpoint the building would look odd without the sign. He stated the visibility of the allowed signage was not adequate to meet the needs of the business.

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. Mr. Abele provided a second. Chairman Brown called for a roll call vote. All members voted in the affirmative. The motion was approved.

BOA Case # 2021-08, located at 5 Esplanade Circle, North Little Rock, AR 72114, a variance from the area provisions of Section 14.23 of the North Little Rock Zoning Ordinance (Sign Ordinance) to allow the placement of a wall sign with an increased sign area and a monument sign with an increased height, for the Esplanade Apartment Community. Chairman Brown called the item, requested the applicant come forward, and state the hardship.

Mr. John Johnson addressed the Board on the merits of the request. He stated this was the first phase of a multi-phase development. He stated the overall development was 40-plus acres. He stated the owners were developing this phase with upscale residential apartments. He stated the building was located in a manner, which would allow for maximum visibility. He stated during the design it was decided to put letters on the vertical wall of the building. He stated it was not considered a sign by the owners but an architectural feature. He stated this was later determined to be incorrect. He stated based on the font and the wall elevation the size of the sign exceed the allowable limit within the zoning district.

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He stated the ground sign was located at the gated entrance with an increased height. He stated based on the overall acreage of the development a trade-off for the number of signs vs the size of the sign was considered. He stated the desire was to have one sign, larger than typically allowed, as opposed to a number of signs within the development.

Mr. Johnson stated the hardship was the location being the entry point into the development. He stated the larger portion of the development had been rezoned to C6, Mixed Use Commercial District, which the proposed signage would be allowed within the C6, Mixed Use Commercial District. He stated since this was the entry to the future development area the signage was an important element in introducing the overall planned area to provide continuity. Mr. Giattina questioned what was unique to the property that would allow the Board to approve the variance. Mr. Johnson stated the entry point of the development, visibility from River Road and the entry point to a multi-acre development area necessitated the sign. He stated visibility from the river and the Little Rock side of the river necessitated the sign size and placement.

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. Mr. Abele provided a second. Chairman Brown called for a roll call vote. Three members voted in the affirmative with one dissenting. The ayes were Mr. Abele, Chairman Brown and Mr. Sparr. The dissenting vote was Mr. Giattina. The motion was approved.

At the request of Chairman Brown, the members were provided a listing of previous cases, which had built something which did not comply with some standard of the ordinance and then the person sought a variance for relief after the fact. He stated there were nine cases in two years, which was a great number in his opinion. He stated the Board needed something to provide enforcement of the ordinance to keep the people from building without a permit and without receiving approval from the Board for a variance prior to construction.

There was a general discussion by the Board members as to what steps or what action was needed to allow the Board to enforce the ordinance. The Board requested Ms. Miller speak with the City Attorney to see if there was legislation which could allow the Board more power for enforcement and to "tell the building official to impose a triple fee". There was a general discussion concerning what fee was paid vs the original cost of the permit. It was noted a fence permit was \$30.00 and a triple fee would result in a permit cost of \$90.00. Chairman Brown stated this Board needed "some teeth" to enforce the assessment of fines and/or penalties. Ms. Miller stated the current ordinance did not allow the Board of Zoning Adjustment to require a fee be paid. She stated a possible amendment to the ordinance would be to allow the Board to impose a fee. She stated she would speak with the City Attorney to determine if an ordinance amendment could be drafted to meet the objective of the Board.

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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. Giattina and by consent of all members present, the meeting was adjourned at 2:17 pm.

Approved on this 22 day of April, 2021



Tom Brown, Chairman