

**North Little Rock Board of Zoning Adjustment
Minute Record – May 27, 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
Gardner Burton
Steve Sparr

Members Absent

None

Staff Present

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

Others Present

Mike Roberts, 30 Silver Ridge Cove, NLR, AR
Kenny Roberts, 30 Silver Ridge Cove, NLR, AR
Gary Johnson, 30 Silver Ridge Cove, NLR, AR
Ronny Skipper, 5503 JFK, NLR, AR
Kimberlee James, 1930 E 2nd Street, NLR, AR
Bobbie James, 1903 E 2nd Street, NLR, AR
Michael Davis, Plum Street, NLR, AR
Mr. Jeff Solliday, 57 White Oak Lane, North Little Rock, AR
Mr. Charles Garnet, 1904 E 2nd Street, North Little Rock, AR

Administrative

None

Old Business

None

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Approval of Minutes

Mr. Sparr formed a motion to approve the minutes from the previous meeting of April 22, 2021. Mr. Abele seconded the motion. All members voted in the affirmative. The motion was approved.

BOA #2021-13 - A variance request from the area provisions of Section 5.11.4 of the North Little Rock Zoning Ordinance to allow the placement of a fence within the front building setback of the adjacent lot located at 437 W 4th Street, North Little Rock, AR 72114. Chairman Brown called the item and requested the applicant come forward and provide their hardship. He stated in order for the Board to approve the request a hardship must be established.

Mr. Kevin Sniff, 437 W 4th Street, North Little Rock, AR 72114, addressed the Board as the applicant. He stated his request was to allow the placement of a fence as currently constructed on his property.

Chairman Brown questioned staff if the requested survey had been provided. Staff stated the applicant did provide the survey earlier in the week. Staff stated the survey indicated the fence had been placed within the public right of way. Staff stated the Board could not approve the fence as currently constructed due to the fact the fence was located within the public right of way. Chairman Brown stated the fence in the public right of way was to be removed. Mr. Sniff questioned even the small amount. Chairman Brown stated the fence could not be located within the right of way. Chairman Brown questioned Ms. Miller as to the action the Board should take. She stated the Board should act on the request.

Mr. Burton made the motion to deny the request due to the fence being placed within the public right of way and allow the applicant 20-days to remove the fence from today's date. Mr. Giattina provided a second. Chairman Brown called for a roll call vote. All members voted in the affirmative. The motion was approved. Staff asked for clarification on the motion. Mr. Burton stated the motion was to deny the request.

Chairman Brown called for a role call vote. All members voted in the affirmative for denial of the request.

BOA #2021-14 - A variance request from the area provisions of Section 5.11.3 of the North Little Rock Zoning Ordinance to allow the placement of a fence on a currently vacant lot and from Section 4.1 to allow the placement of an accessory structure on a lot without a primary structure located at 1901 E 2nd Street, North Little Rock, AR 72114 Chairman Brown called the item and requested the applicant come forward and provide their hardship. He stated in order for the Board to approve the request a hardship must be established.

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Mr. Michael Davis, 1901 E 2nd Street, North Little Rock, AR addressed the Board on the merits of his request. He stated he was requesting to place a fence on a currently vacant lot and to allow the placement of two accessory structures on the lot. He stated his hardship was the foot traffic in the area. He stated there had been occasions when he had issues with persons urinating and defecating on his property. He stated his car had been broken into and garden tools stolen. He stated he wanted the fence to secure his property and a storage building to store his tools. He stated the second structure proposed was a greenhouse to grow plants. He stated the request was to secure his property. He stated he owned the property to the north. He stated the vacant lot appeared to be the yard area of his home but were individual lots, both of which he owned.

Chairman Brown questioned the fence proposed. Mr. Davis stated the southern portion of the site would be fenced with a 3 ½-foot picket style fence. The remainder of the lot would be fenced with a 6-foot wood fence along the sides and an 8-foot wood fence along the northern perimeter. Mr. Sparr questioned Mr. Davis's home location. Mr. Davis stated his home was 310 North Plum Street, the house to the north.

Mr. Jeff Solliday, 57 White Oak Lane, North Little Rock, AR addressed the Board in support of the request. He stated he had witnessed the foot traffic across the lot and the loss of items by Mr. Davis. He stated he had been working with Mr. Davis and witnessed the traffic. He stated it was not the kind of traffic one wanted and a path right through the middle of one's property was not desirable.

Mr. Charles Garnet, 1904 E 2nd Street, North Little Rock, AR addressed the Board in support. He stated the neighbors in the area were trying to revitalize the neighborhood. He stated Mr. Davis had done a great deal in cleaning the neighborhood. He stated the neighborhood was changing and there had been a lot of change to the neighborhood. He stated the area was trying to make it a more social neighborhood.

Ms. Kimberlee James addressed the Board in opposition of the request. She stated her address was 1903 East 2nd Street. She stated her home was next door to the property being considered for the variance. She questioned the accessory buildings and the purpose of the accessory buildings. She stated she had pictures of the lot and she was concerned Mr. Davis would put up the fence and then stack unwanted items within the enclosure. She stated there were cars everywhere and he wanted the fence to block it off and then hid his junk yard. She stated the church owned property in the neighborhood. She stated she was totally against the fence on the vacant lot. She stated she felt he was trying to hide something and requested the Board review her photos.

Mr. Giattina questioned if there had been any code violations on the property. Ms. James stated she felt there were code violations. She stated the Mayor was wanting to rezone the area. She stated the violations currently existing will only increase. She stated when she called to officers out they said there was not anything they could do because the cars would start and run. She stated there were a great number of cars on the lot and on the

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street. She stated this was a concern. She stated the area looked like an industrial area and not a residential neighborhood due to the cars and orange cones in the streets. She stated the crime rate was not bad in the neighborhood. She stated there were walkers but no one could stop someone from walking. She stated she did not want the lot fenced because she was concerned the lot would be overgrown and not attended to. She once again requested the Board view her photos of Mr. Davis's lot.

Mr. Abele questioned when the pictures were taken. Ms. James stated the pictures were date stamped. She stated the alleyway was covered in junk, car parts, a bathtub and construction material.

The Board viewed the pictures and questioned Ms. James on the location and the time frame for taking the pictures. The Board questioned the camper and if someone was living in the camper.

Chairman Brown questioned Mr. Davis concerning the comments made by Ms. James. He questioned the accessory structures and what was the purpose of the accessory structures. Mr. Davis stated the accessory structures were a tool shed and a greenhouse. He stated they were a part of the original application and were in the letter of hardship requesting the variance. Chairman Brown questioned the photos and stated the conditions were deplorable. Mr. Davis stated he had not seen the pictures provided. He stated he was not sure they had been authenticated.

Chairman Brown questioned the cars and if the cars were licensed. Mr. Davis stated they were all running and licensed. He stated he collected classic cars. He stated Mr. Ross of Code Enforcement had been by a number of times and had not cited him for a single violation. He stated the building materials were located on Ms. James lot and not his lot. He stated the camper was located on his lot to the north but not on the vacant lot. He stated Code Enforcement had been out and checked the camper as well. He stated there were no code violations with the City on record.

Mr. Sparr questioned why Mr. Davis was not requesting a fence on the northern lot. Mr. Davis stated he was going to fence the northern lot but was waiting until this approval before starting the fencing. He stated the front fence had been installed but was waiting on the side and rear yard until the Board approved his request. He would then fence the entire yards at one time.

Mr. Davis stated this was not a financial hardship but a hardship from the community we find ourselves in. He stated the hardship was the need for a fence to keep people off his property.

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Mr. Giattina stated safety and security was a valid hardship. He stated his concern was the placement of a fence which would be placed without visibility into the site from the outside. He stated his concern was Mr. Davis would fill the area with cars and junk.

Mr. Burton questioned staff if the variance request was due to the fence being on a vacant lot. Staff stated this was correct. Mr. Burton questioned if the solid fence was allowed along the Plum Street side of the development. Staff stated a solid fence was allowed along the Plum Street side of the property but in the past the Board had requested fences along streets be constructed of a material which was not a solid material.

Mr. Davis stated he would consider placing a see thru fence along Plum Street. Chairman Brown questioned the number of gates proposed. Mr. Davis stated one gate would be installed along Plum Street. He stated no gates would be placed along 2nd Street. He stated a gate from his property to the north would also be installed.

Mr. Giattina questioned if Ms. James was agreeable to the placement of a see-thru fence. Ms. James stated she was not agreeable to any fencing of the lot. She stated the fencing was out of character for the neighborhood. She stated there were no other fences in the neighborhood. She stated she was not supportive of any fencing on the lot. She stated she was afraid of the nuisance which would continue to grow.

Mr. Davis stated Ms. James was providing the Board with untruths. He stated the church had a fence in the front yard. He stated there were a number of fences within the front yards of homes in the area.

Chairman Brown called for a motion. Staff questioned Mr. Davis if he was amending his application to include a see-through fence along Plum Street. Mr. Davis stated he was not amending his application.

Mr. Solliday stated he felt there was a compromise. He stated the fence could be see-through with staggered pickets. He stated no one was trying to hide anything. He stated Mr. Davis wanted the fence to secure his property.

Chairman Brown question if there was any additional discussion. He called for a motion. Mr. Sparr provided a motion for approval of the item with a 6-foot fence in the rear and a fence constructed in a manner in which the picket style would allow you to see thru the fence along Plum Street. Mr. Sparr stated the reason for his motion was vacant lots had a tendency to become a nuisance if not secure. He stated it was for safety and security reasons. Mr. Burton provided a second.

There was a general discussion by the Board as to the see-thru style fence. There was a discussion concerning if the fence proposed by the motion was a chain link fence. Mr.

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Sparr stated he did not care the material of the fence only that the fence be constructed with a material that allowed visibility into the lot from Plum and 2nd Streets.

Chairman Brown called for a roll call vote. Four members voted in the affirmative. Mr. Brown was the dissenting vote. The motion was approved.

WITHDRAWN - BOA #2021-15 - A variance from the area provisions of Section 4.1.5(c) to allow a reduction in the exterior side yard setback for the side yard located along Frank Street located at 1423 W 12th Street, North Little Rock, AR 72114

BOA #2021-16 - A variance from the area provisions of Section 4.1.2 to allow a reduced rear yard setback located at 30 Silver Ridge Cove, North Little Rock, AR 72118. Chairman Brown called the item and requested the applicant come forward and provide their hardship. He stated in order for the Board to approve the request a hardship must be established.

Mr. Roberts and Mr. Johnson addressed the Board on the merits of the request. Mr. Johnson stated he was the homeowner and was requesting to construct a new room on the rear of the home for his son. He stated his son was a disabled veteran and currently was confined to a single bedroom in the home when he needed alone time. He stated the home was a three bedroom home and one room was a sewing room, office and many other things. He stated the addition would allow his son an area to be without being confined to a small bedroom area when he need to be alone. Mr. Johnson stated the new construction would require a variance to allow a reduced rear yard, 5-feet less than typically allowed. He stated the reason was due to the home being constructed so far back on the lot to meet the side yard setbacks.

Chairman Brown stated he had met his hardship requirement. He questioned if anyone was in the audience wanting to speak on the item.

Gary Robertson, 6705 Mountain Pine Road, North Little Rock, AR addressed the Board in support. He stated he had not met Mr. Johnson but was in full support of the request.

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 the need for additional living space for his disabled son. Mr. Burton provided a second. Chairman Brown called for a roll call vote. All members voted in the affirmative. The motion was approved.

BOA #2021-17 - A variance request from the area provisions of Section 14.25 of the North Little Rock Zoning Ordinance (Sign Ordinance) to allow the placement of a wall sign without public street frontage located at 5503 John F Kennedy Boulevard, North Little Rock, AR 72116. Chairman Brown called the item and requested the applicant come

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forward and provide their hardship. He stated in order for the Board to approve the request a hardship must be established.

Mr. Skipper of Seiz Sign Company addressed the Board on the merits of the request. He stated the Clark's were constructing a new building on JFK. He stated the lot was a narrow lot which did not allow the building to be placed with the front door along JFK. He stated the request was to allow the placement of a sign over the front entrance which was located without street frontage. He stated the property next door, Med-Express appeared to have the same variance request.

Mr. Burton questioned the lighting of the signs. Mr. Skipper stated the sign was internally illuminated. Mr. Burton stated his concern was the residents located to the north. He stated he felt the sign lighting should be turned off at night to not cause any light pollution to the homes to the north.


Mr. Skipper stated typically sign lighting was turned off in the evenings. Mr. Skipper stated most lighting was on a photocell. He stated the timer was adjusted for daylight savings time but typically the sign lighting would come on around 8 and turn off around midnight. He stated the lighting was not necessary during the late night hours due to the likelihood of gaining customers based on the sign lighting at that hour.

Chairman Brown question if there was any additional discussion. He called for a motion. Mr. Burton stated he felt the lighting should be turned off by 10:00 pm. Mr. Skipper stated this was agreeable. Mr. Burton provided a motion for approval of the item as filed with the stipulation the lighting of the site would be turned off by 10:00 pm. Mr. Giattina 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 2:10 pm.

Approved on this 24 day of June, 2021



Tom Brown, Chairman