

**North Little Rock Board of Zoning Adjustment  
Minute Record – November 18, 2021**

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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 the Conference Room B, 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. Tim Giattina, Vice-Chair (1:32 pm)  
Mr. Mike Abele  
Mr. Gardner Burton  
Mr. Steve Sparr

**Members Absent**

None

**Staff Present**

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

**Others Present**

Mr. Jon Waldrip, 4 Desoto Circle, North Little Rock, AR 72116  
Mr. Norman Clifton, 1000 Cherry Hill Drive, North Little Rock, AR 72116  
Ms. Puente, 4413 Division Street, North Little Rock, AR 72118  
Mr. Brian Dale, 25 Rahling Circle, Little Rock, AR 72223  
Mr. Bear Davidson, 210 W Arch Avenue Suite D Searcy, AR 72143

**Old Business**

None

**Approval of Minutes**

Mr. Sparr formed a motion to approve the minutes from the previous meeting on October 28, 2021. Mr. Abele provided a second to the motion. All members voted in the affirmative. The motion was approved.

**Public Hearing Items -**

**BOA Case #2021-29**, a variance request from the area provision of Section 4.1.4(d) R3,

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Duplex District, to allow the placement of an accessory structure within the side yard of the lot located at 4413 Division Street, North Little Rock, AR 72118. Chairman Brown called the item and requested the applicant come forward to present their hardship. Ms. Puente addressed the Board stating her hardship was based on the lot configuration. She stated she desired to construct a carport on her property and was told by staff the carport was to be located in the rear yard. She stated she did not have a rear yard that would meet the requirements of the city with regard to setbacks.

Chairman Brown questioned if her hardship was the lot configuration. Ms. Puente stated this was the hardship.

Chairman Brown questioned if any of the Board members had any questions or comments. There being none, he stated he would entertained a motion on the item. Mr. Sparr formed a motion to approve the request based on the unique circumstance of the lot configuration. Mr. Burton provided a second to the motion. Chairman Brown requested a roll call vote. All members voted in the affirmative.

**BOA Case #2021-31**, a variance from the area provisions of Section 4.1.2 to allow a garage addition to the existing single-family home resulting in a reduced side yard setback of 3-feet located at 4 Desoto Circle, North Little Rock, AR. Chairman Brown called the item and requested the applicant come forward to present their hardship. Mr. Waldrip addressed the Board on the merits of his request. He stated his hardship was the configuration of his lot. He stated he wanted to place a garage addition to the home but could not meet the side yard setback required by the zoning ordinance. He stated the side yard setback was narrow along the front portion of his home and increased as the lot extended to the rear yard. He stated he was requesting a 3-foot setback along a portion of the lot and the remainder of the structure being set at 7-feet. He stated the addition would allow him to move his vehicles currently parked in the street into the secure parking area. He stated his vehicles parked in the street caused a safety concern for the school traffic and for the sanitation crews on garbage days. He stated one of the vehicles was vandalized last year. He stated he also had a number of trees in the yard. He stated a few years ago a large limb fell on the truck.

There was a general discussion by the Board concerning the request. Mr. Abele questioned if the fire department had any concerns with the location of the structure. Staff stated the reason for setbacks was to ensure adequate access around structures in case of an emergency. Staff stated typically 3-feet was adequate to allow for access. The Board question why the item was before them. Staff stated because the proposed addition did not meet the setback requirements of the zoning ordinance.

Ms. Bernard-Miller reminded the Board variances were to be granted in cases where the situation was peculiar to a particular lot in which the variance was sought. She stated the Board should ask if this was peculiar to Mr. Waldrip's lot or a general experience of anyone in the neighborhood.

Chairman Brown questioned if any of the Board members had any questions or comments. There being none, he stated he would entertained a motion on the item. Mr. Burton stated

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the situation was unique in that not all the homes in the neighborhood had a side and rear yard relationship, as was the case of the applicant. Mr. Burton formed a motion to approve the request based on the unique circumstance of the lot configuration. Mr. Sparr provided a second to the motion. Chairman Brown requested a roll call vote. All members voted in the affirmative.

**BOA Case #2021-32**, A variance request from the area provisions of Section 4.3.5.C to allow a reduced lot width, a reduced lot area and a reduced side yard setback for two proposed lots located in the John S Braddock's Subdivision located at 8013, 8103 & 8105 HWY 70, North Little Rock, AR. Mr. Clifton and Mr. Davidson addressed the Board on the merits of the request. Mr. Davidson stated the site currently contained two lots and the proposal was to reconfigure the lots, which would allow the two lots to be closer in size than currently existed. He stated the property was zoned industrially and the proposed reuse of the property was office/warehouse type uses. He stated the site would be accessed by truck traffic which would require the buildings to be located further apart thus reducing the side yard setbacks on the lots. He stated placing the buildings at mid-point on the lot did not allow for proper truck turning radius. He stated the desire was to use an existing pad on the western lot, which was located within a few inches of the property line. He stated the eastern lot would allow for a setback but would not meet the required set back of the I3 zoning district. He stated the hardship was the lots were not usable based on the zoning if the lots were required to meet the industrial zoning criteria.

Chairman Brown questioned if any of the Board members had any questions or comments. There being none, he stated he would entertained a motion on the item. Mr. Sparr formed a motion to approve the request based on the unique circumstance of the existing lot configurations. Mr. Giattina provided a second to the motion. Chairman Brown requested a roll call vote. All members voted in the affirmative.

**BOA Case #2021-33**, A variance request from the area provisions of Section 4.2.6.C to allow an increased height for a proposed self-storage building in the Somers Commercial Park Subdivision from 35-feet to 40-feet located at 5035 Warden Road, North Little Rock, AR. Chairman Brown called the item, requested the applicant come forward, and state their hardship. Mr. Brian Dale of Joe White and Associates came forward to address the Board. He stated the hardship was the developer was proposing to place an indoor storage facility on the site. He stated with the nature of the facility the floor thickness was greater than a standard office or commercial building, which then increase the overall height of the building. He stated the developer also desire to place a pitch on the roof over the mechanical equipment to allow for proper drainage. He stated with the increase in the floor thickness and the pitch for the roof the overall height of the building was increasing by 5-feet. Mr. Dale stated the application was being amended to remove the proposed windows from the rear of the building. He stated this would eliminate persons looking out into the rear yards of the adjacent homes. He stated there was currently a buffer in place, which would remain natural and an 8-foot fence would be constructed at the property line.

There was a general discussion concerning the drainage of the site and the adjacent neighborhood. Mr. Dale stated the homes were located above the proposed development

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site. He stated the homes would drain into the ditch behind the proposed storage facility. He stated the storage facility would not drain on to the adjacent residential property.

Staff stated the applicant was requesting additional time to request a permit. Staff stated the typical recommendation was 180-days but the applicant did not feel this was adequate time to close on the property and to secure a building permit. Mr. Dale stated the applicant was requesting to be allowed 9-months to secure a permit. Chairman Brown stated the Board was willing to allow 365-days to secure a permit. Staff stated they were agreeable to the additional time.

Chairman Brown questioned if any of the Board members had any questions or comments. There being none, he stated he would entertained a motion on the item. Mr. Sparr formed a motion to approve the request based on the unique circumstance of the floor thickness and roof pitch with no windows in the back and allow 365-days to secure the permit. Mr. Giattina provided a second to the motion. Chairman Brown requested a roll call vote. All members voted in the affirmative.

**Administrative -**

Chairman Brown questioned if staff had met with Ms. Ross concerning her front yard and the location of the fence placement. Staff stated they had not been out but had spoken with Ms. Ross concerning a visit, which would be completed after the first of the year.

Staff stated the sign located on East Pershing Boulevard had been removed.

**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 2:05 pm.

Approved on this 30<sup>th</sup> day of December, 2021



**Tom Brown, Chairman**