

**North Little Rock Board of Zoning Adjustment
Minute Record – October 28, 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 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
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
Mr. Cedric Williams, Code Officer

Others Present

Mr. Jeff Johnson
Ms. Jodi Johnson
Mr. Charles Ross
Ms. Jennifer Page
Mr. Matt Page
Ms. Ashley Smith
City of North Little Rock Council Member Debi Ross
Ms. Glenda Ross, via telephone

Old Business

None

Approval of Minutes

Mr. Sparr formed a motion to approve the minutes from the previous meeting on September 30, 2021. Mr. Burton provided a second to the motion. All members voted in the affirmative. The motion was approved.

Public Hearing Items -

BOA Case #2021-25, a variance request from the area provision of Section 5.11, Subsection 5.11.4 (A)(3) to allow the placement of a chain-link fence within the front yard of an existing single-family home and Section 5.11.4(A)(1) to allow an increased height (6-foot vs. 3 ½-foot) located at 12 Ross Circle, North Little Rock, AR 72114. Chairman Brown called the case stating to Ms. Ross she had been before the Board at last months meeting and they had told her the City had an ordinance against putting chain-link fences in the front yard. He stated the Board had previously approved the placement of a wrought iron style fence in the front yard but Ms. Ross desired to change the previous request.

Ms. Ross stated she wanted an understanding of the front yard. She stated the garage is the location of where she wanted the fence. She stated the other side of the home facing Vine Street was the location she proposed to place the fence. She stated it was an open space yard.

Chairman Brown stated the Board voted to place wrought iron in the front and she could place any fence she desired on the side and back. He stated the only stipulation was the placement of wrought iron fencing on the front. He stated the only reason for the hearing was to allow chain-link in the front due to City ordinance prohibiting chain-link in the front. He stated the discussion was to be only related to the fencing on the front of the lot.

Ms. Ross stated she was unaware of the location the Board was referring to. Staff explained the location the Board was questioning for the placement of the chain-link vs the wrought iron fencing. Staff stated the 50-foot or so along Ross Circle was the location the Board was requesting to place wrought iron fencing. Staff stated the remainder of the fence could be chain-link style fencing.

Ms. Ross stated the cost of materials had gone up and she was aware the Board did not know her financial status but she could not afford wrought iron style fencing. She requested the Board consider placing a chain-link style fence in the front yard area. Chairman Brown stated the Board was agreeable to placing wrought iron fencing in the front and chain link on the remainder of the property.

Ms. Ross stated she felt Vine Street was the front of the home. She stated she did not have a clear understanding of the front yard. She stated she always felt Ross Circle was the rear yard. Chairman Brown explained to Ms. Ross the area which was considered the front, side and rear yards. Staff questioned if the Board would grant a continuance of the item and allow staff to meet with Ms. Ross on site to assist her in clearing up the confusion.

Mr. Sparr formed a motion to allow up to a 6-month continuance to allow staff time to meet with Ms. Ross and provide her with the location fencing was allowed and the location wrought iron fencing would be allowed. Mr. Burton provided a second to the motion. Chairman Brown requested a role call vote. All members voted in the affirmative.

**North Little Rock Board of Zoning Adjustment
Minute Record – October 28, 2021
Page 3 of 5**

BOA Case #2021-28, a variance request from the area provisions of Section 14.25(e) of the North Little Rock Zoning Ordinance (Sign Ordinance) to allow the placement of a wall sign without public street frontage located at 4315 McCain Boulevard, North Little Rock, AR 72114. Ms. Ashley Smith of McBee's Coffee and Carwash was present representing the request. Ms. Smith came forward to address the Board on the merits of the request.

Ms. Smith stated the signage proposed along the western façade did not meet the City's requirements of signage with street frontage. She stated the hardship was the signs were in place because the vacuums were directly below and the signage gave customers the location of the vacuums which aided in the traffic flow through the carwash. She stated the signs were necessary to direct customers to the location and to let customers know of the services provided.

Chairman Brown questioned if any of the Board members had any questions or comments. There being none, he stated he would entertain a motion on the item. Mr. Sparr formed a motion to approve the request based on the unique circumstance of the signage proposed allowed customers information concerning the location of the vacuums and the free coffee service provided which aided in traffic flows through the site. Mr. Burton provided a second to the motion. Chairman Brown requested a roll call vote. All members voted in the affirmative.

BOA Case #2021-30, a variance request from the area provisions of Section 4.1.2(d) R2, Single-family District, to allow the placement of an accessory structure within the side yard of the lot located at 212 W G Avenue, North Little Rock, AR 72116. Chairman Brown called the item and requested the applicant come forward and state their hardship. Ms. Jennifer Page addressed the Board on the merits of the request.

Ms. Page stated they were asking for special placement of a garage on the property. She stated the garage would be placed on the property back from the street but was not proposed behind the house. She stated the placement was being requested due to a water and drainage issue which had never been addressed on the property. She stated the property was a double lot. She stated the property had sat vacant for 40 years and the drainage had never been addressed. She stated the water just flowed from the street into the side lot. She stated the proposed garage placement was not level with the street. She stated a great deal of shale had been brought in to prepare the site for the driveway and garage.

Chairman Brown questioned if the hardship was topography and drainage. Ms. Page stated this was the primary concern.

Mr. Giattina questioned where the water would go once the drainage was corrected on her lot. Ms. Page stated the reason for not pushing the garage further back on the property was to avoid forcing water onto the neighboring property. She stated the current curb was not functional. She stated the City was going to place a functional curb on the street to help divert the water to the storm drain and not onto the property or neighboring property.

Mr. Burton questioned if Ms. Page was willing to combine the two lots into a single lot.

**North Little Rock Board of Zoning Adjustment
Minute Record – October 28, 2021
Page 4 of 5**

Chairman Brown questioned if it was necessary. Staff replied the replat was necessary since the zoning ordinance prohibited placing an accessory structure on a vacant lot.

Mr. Abele questioned if there was any historical significance and if the applicant was following the guidelines. Ms. Page stated they were meeting the guidelines of the Arkansas Historic Preservation Program to allow the property to be recognized as historical and placed on the local register. She stated they were following the preservations guidelines but the City and the preservation guidelines were not the same. She stated the preservation guidelines wanted the garage setback and the City ordinance wanted the structure in the rear yard.

Chairman Brown introduced Council Member Debi Ross and noted she was in support of the request. Council Member Ross stated she was present to answer any questions. She stated she had worked with the City Engineer and they were agreeable the proposed solution to the water issues would not cause any additional run-off onto the adjacent properties and would most likely make the drainage problem better for all property owner abutting the site.

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 formed a motion to approve the request based on the unique circumstance of the property and the lack of drainage installation when the home was constructed many years ago subject to the property being replatted into a single lot prior to the issuance of a building permit. Mr. Sparr provided a second to the motion. Chairman Brown requested a role call vote. All members voted in the affirmative.

Administrative -

Mr. Jeff Johnson and Ms. Jodi Johnson were present representing their request for an administrative appeal of a staff decision. Chairman Brown stated the request was for an appeal of a decision concerning the location of the rear yard for the property located at 13723 Smarty Jones Drive, Scott, AR. He stated staff had determined the location of the proposed accessory building was located in the side yard and Mr. and Ms. Johnson felt the location was the rear yard. Mr. Johnson stated they had moved into their home in February. He stated the property was a trapezoid shaped property. He stated the house was placed in its location due to the elevation of the lot. He stated water flowed on each side of the house. He stated topography and drainage were truly has hardship. He stated the house had six sides. He stated the location of the shop was determined by staff to be the side of the house, which he considered the back of the house. He stated he wanted to start the shop with the edge of the house and extend to the rear of the lot. He stated the shop would be located behind all the adjacent homes. He stated the shop would match the house colors.

There was a general discussion by the Board as to the location of the rear of the home. The question was raised as to where the rear door was located. Mr. Johnson stated the screened porch was considered the rear door of the home. Mr. Johnson stated he felt this was his rear yard due to the location of his services.

**North Little Rock Board of Zoning Adjustment
Minute Record – October 28, 2021
Page 5 of 5**

Ms. Miller reminded the Board their role in this matter was to affirm the decision of staff or determine if staff is incorrect in their decision and reverse the decision of staff.

Chairman Brown called for a roll call vote on the item asking to affirm or reverse the decision of staff. All members voted to reverse the decision of staff.

Mr. Cedrick Williams of the City's Code Enforcement Department was present representing the City in the matter of the appeal for the property located at 2206 E Washington Avenue. Chairman Brown called the item stating the item was a request for an appeal of an administrative decision concerning the placement of a notice to board and secure property located at 2206 E Washington Avenue, North Little Rock, AR due to a fire at the location. The appellant was not present. The appeal was dismissed at 2:10 pm due to the appellant not appearing before the Board to state their case for the reason of the appeal.

The Board reviewed their 2022 calendar. Chairman Brown stated there was only one date in question which was the October meeting. There was no additional discussion. The Board approved the 2022 Board of Zoning Adjustment Calendar by voice vote subject to a possible change in the October meeting date.

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 2:15 pm.

Approved on this 18 day of November, 2021



Tom Brown, Chairman