

North Little Rock Board of Zoning Adjustment
Minutes Record – May 28, 2020

The meeting of the North Little Rock Board of Zoning Adjustment was called to order by Chairman Tom Brown 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
Tim Giattina
Steve Sparr

Members Absent

None

Staff Present

Donna James, City Planner
Tim Reavis, Assistant Director of Community Planning
Marie-Bernarde Miller, Deputy City Attorney

Others Present

Manley Denton, 2524 Gribble Street, North Little Rock, AR 72114
John Crow, 409 W 5th Street North Little Rock, AR 72114
Emily Whitley, 115 W 7th Street, North Little Rock, AR 72114

Administrative

The agenda page noted the following items were being withdrawn from the public hearing on this date: **BOA 2020-09** – A variance to allow a reduced side yard setback for a proposed carport for the property located at 700 W 34th Street, North Little Rock, AR 72118 and **BOA 2020-11** – A variance to allow the placement of an accessory building within the side yard and to allow a reduced separation of the proposed accessory building and an existing accessory building for the property located at 4301 North Hills Boulevard, North Little Rock, AR 72116.

Old Business

None

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BOA 2020-04 – A variance is requested from the area provisions of Section 5.9 – Commercial Zoning Chart of Lot, Yard and Height Regulations to allow a reduced rear yard setback for property located at 115 W 7th Street, North Little Rock, AR 72114 - Mr. John Crow addressed the Board of Zoning Adjustment on the merits of his request. He stated he was requesting the variance to allow a small addition to the rear of the property. He stated he had purchased the property and was currently making renovations to the property. He stated the home was located on a small lot. He stated the home contained two bedrooms and a bathroom as well as a small living and kitchen area. He stated the desire was to add a second bathroom to the home. He stated in order to do this he needed to push the mudroom which was to be the bath further to the north. He stated he was receiving State and Federal Tax Credits. He stated the Historic District Commission had approved the request as well as the Federal Parks Service. He stated the improvements would make the house more valuable.

Chairman Brown requested Mr. Crow provide the Board with a hardship. Chairman Brown requested staff read the definition of a hardship. Deputy City Attorney Miller provided the definition of a hardship. Chairman Brown asked the applicant, based on the City Attorney's reading, if he could substantiate a hardship.

Mr. Crow stated there was a definite hardship based on the reading of a hardship by the City Attorney. He stated he purchased the property as a commercial piece and the intent was to use the property as an Air B & B. He stated in order to maximize had investment he needed the second bath. He stated without the second bath the property was limited. He stated the property was going to be a small hotel. He stated the house was really small, near 900 square feet. He stated adding the second bath would allow him to realize a greater return on his investment.

Mr. Giattina questioned the applicant on the improvements, which had been completed to the property. Mr. Crow stated some interior demolition had been completed but they were waiting for the variance to begin the exterior renovations. He stated the asbestos siding would be removed and the wood siding replaced. He stated the renovations were near the same amount of money as he paid to purchase the property. Mr. Giattina asked the applicant if his intent was to update the property. Mr. Crow responded in the affirmative. He stated the home was located on the trolley track which was an added benefit for the use of the property as an Air B and B.

Commissioner Burton requested staff provide the sketch plan for the site indicating the area proposed for the addition. He asked the applicant if the area indicated in red was the area proposed for the addition. Mr. Crow stated the area indicated was the area for the addition.

There was a question as to why the variance was necessary. Commissioner Burton stated the home was built outside the perimeters of the current zoning setbacks. Mr. Crow stated any exterior modification would require a variance.

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Mr. Burton formed a motion to approve the request as filed by the applicant due to the unique circumstance the home was built on a lot which currently did not comply with lot area and setback requirements of the zoning ordinance. Mr. Giattina seconded the motion.

Chairman Brown requested a roll-call vote. All members voted in the affirmative. The motion was approved.

BOA 2020-05 – A variance to allow the placement of an accessory structure within the side yard for property located at 2208 West 58th Street, North Little Rock, AR 72118. Chairman Brown called the item and requested the applicant come forward. Noting the applicant was not present Chairman Brown requested Ms. Miller advised the Board on the proper protocol.

Ms. Miller stated the Board should not cancel the request but to put the applicant on notice of the next available hearing date and request the applicant's presence.

Chairman Brown requested Ms. James send the applicant notice of the next hearing. He requested the letter be sent via certified mail, return receipt requested. He stated the letter should advise the applicant of the next meeting date and notify her if she was not present the Board would take action on the item.

BOA 2020-10 – A variance is requested from the area provision of Section 12.15 to allow the placement of a front yard fence 6-feet in height and to allow the placement of the fence on a currently vacant lot for the property located at 2524 Gribble Street, North Little Rock, AR 72114. Mr. Manley Denton was present representing the request. He stated he had purchased the property located on Gribble Street in two parcels. He stated he had removed two mobile homes from the property. He stated a fence located on the east property line had been removed due to the age and bad repair of the fence. He stated the same was true of the fence on the west property line. He stated he had intentions of building a home on the property but he did not want to build until he had a barrier to protect raw materials. He stated in the mean time he owned a home in North Little Rock which he lived in during the week and a home west of Beebe. He stated Heritage Building located to the east of his site had a six foot fence along Gribble Street and the property to the north also had a six foot fence. Mr. Denton stated in the front of his property he wanted a six foot fence. He stated he did not agree with staff's recommendation of placing a three and one-half foot fence and then a six foot fence. He stated he wanted to install the six foot fence at the property line. He stated a gate would also be installed with a minimum setback of 20-feet from the right of way to allow for proper pull off when opening the gate. He stated the fence would give him security for the site. He stated currently he would go to his property and there would be people on the property using his boat dock or just hanging out. He stated on numerous occasion he had ask people to leave. He stated on occasion he felt threatened for asking people to leave his property. He stated

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if someone were to get hurt on the property they would come looking to him to make it right. He stated he was trying to protect himself and trying to be a good neighbor.

Commissioner Brown stated he was going to request Mr. Denton provide a hardship but felt Mr. Denton had done an adequate job in providing his hardship with regard to safety and security of the site.

Mr. Giattina stated he would provided a motion for approval of the request based on the applicant's stated hardship of safety and security of the property. Mr. Sparr seconded the motion.

Chairman Brown requested a roll-call vote. All members voted in the affirmative. The motion was approved.

PUBLIC COMMENT/ADJOURNMENT

Mr. Sparr formed a motion to adjourn at 1:50 pm and there was not dissent.

PASSED: 6/25/2020 **RESPECTFULLY SUBMITTED:**


Tom Brown, Chairman