

**North Little Rock Board of Zoning Adjustment
Minutes Record – July 30, 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 (Arrived at 1:32 pm)
Steve Sparr

Members Absent

None

Staff Present

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

Others Present

Dr. Stanley J and Dr. Jessica K Ellis, 16 Pimlico Cove, Scott, AR 72142
Mr. Dan Kovach, 2925 John F Kennedy Boulevard, North Little Rock, AR 72116

Administrative

There were no items for discussion.

Old Business

None

Approval of Minutes

Mr. Sparr formed a motion to approve the minutes from the previous meeting of June 25, 2020. Mr. Giattina seconded the motion. The motion was approved with no dissent.

BOA 2020-05 – A variance is requested from the area provisions of Section 12.9 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 applicant forward. The applicant was not present. Chairman Brown stated the item had been before the Board last

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month and the item was postponed to allow the applicant time to secure approval from Entergy to allow construction within their easement. He stated the City Attorney had provided potential motions for the item to allow postponement of the item and not require the item to be brought before the Board at each hearing while the applicant worked to secure approval from Entergy. Staff stated if the applicant walked into the office tomorrow with approval from Entergy to allow construction within their easement they would place the item on the Board's August agenda. Staff stated this allowed them to leave the item out of the Board's packet and allowed the applicant additional time to work with Entergy. Ms. Miller stated with the motion it also gave a date certain that if the easement issue with Entergy was not resolved then staff could remove the item from the docket and the applicant could reapply once all the proper documentation was provided to staff.

Mr. Sparr provided a motion to postpone the review of this application until the applicant had provided all documentation necessary for the Board to consider the application, not to exceed the last regular Board meeting scheduled for 2020. Mr. Able provided a second for the motion. Chairman Brown requested a roll call vote on the motion. All members voted in the affirmative. The motion was approved.

BOA 2020-17 - A variance is requested from the area provision of Section 12.15 to allow the placement of a 6-foot wrought iron style fence within the front yard of this single family residence for the property located at 16 Pimlico Cove, Scott, AR 72142. Chairman Brown called the applicant forward. Dr. Stanley Ellis addressed the Board on the merits of his request. Chairman Brown requested Dr. Ellis state the hardship. Dr. Ellis stated they were trying to increase the safety and security of their home not only for themselves but also for their 3-year old son. He stated there had been several instances in the neighborhood which he desired to provide to the Board. He stated the first item was at the time he purchased his home the developer had indicated a gate would be installed at the front of the street to keep non-residents from accessing their street. He stated this did not happen. He stated other streets had been gated but their street was not provided with a gate. He stated the neighborhood across the road, which did have a gate at the entrance, had had a number of instances and since then they had increased their security and installed security cameras. He stated this neighborhood did not have that luxury. He provided the Board with a number of instances which had occurred on the street which had lead up to the Ellis's wanting to be proactive. He stated there are wild animals running through their yard. He stated there had been an emu running through their yard and cars driving on their lawn to see the emu. He stated there had been three pit bull dogs sitting on his patio. He stated he could not leave his home because of the pit bull dogs. He stated once when taking out the trash, the dogs charged him. He stated he was able to escape their attack but only because he saw them in time to run for cover. He stated the dogs were kept in a 4-foot pen. He stated several neighbors had had their front doors kicked in and their homes raided and vandalized. He stated there had been several vehicles driving slowly in front of the house. He stated just last week a package had been delivered to the front door. He stated his wife was watching the package and saw a vehicle drive slowly down the street, go to the end of the cul-de-sac and turn around and drive back to the front of the house and stop. He stated his wife opened the door and picked up the package, at which time the vehicle

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drove off. Mr. Sparr stated this could have been him, he stated he was out last week looking at the site. Chairman Brown stated he also visited the site last evening.

Chairman Brown stopped Mr. Ellis stating he had just stated a valid hardship. Chairman Brown questioned the style of fence. Staff stated the fence would be similar to the fence across the street. Chairman Brown questioned if Dr. Ellis was going to place chain-link fencing along the side of the property. Dr. Ellis stated the entire perimeter would be the same wrought iron style fencing.

Chairman Brown questioned the members if there was any additional discussion. There being none he requested a motion. Mr. Sparr provided a motion for approval of the item based on the applicants stated hardship of safety and security. Mr. Burton provided a second for the motion. Chairman Brown requested a roll call vote. All members voted in the affirmative. The motion was approved.

BOA 2020-18 - A variance is requested from the area provision of Section 4.11 to allow reduced side yard setbacks, north and south and a reduced rear yard setback for the property located at 2925 John F Kennedy Boulevard. Chairman Brown called the item and requested the applicant come forward and state their hardship. Mr. Dan Kovach addressed the Board on the merits of his request. He stated he had a unique plot of property. He stated he had been working on the house for two years and had basically rebuilt the house from the ground up. He stated the only place to create a parking area was on the back side of the property on Crestview. He stated he was proposing to construct a 20 by 20-foot deck which would also serve as covered parking for his vehicles. He stated the size would allow for two cars to park. He stated also the side yard was very narrow and did not allow for any outdoor area. He stated the main goal was to allow covered parking for two vehicles and allow an area for outdoor living space. He stated he felt the Board had seen the paperwork. He stated this was a unique plot and the uniqueness of the plot was his hardship.

Mr. Giattina stated he was out yesterday looking at the site and questioned what area would be paved. Mr. Kovach stated a driveway would be created from the street. He stated the connection with the street would be concrete but the area for vehicle parking would be the 100 year old brick which was removed from the home.

Mr. Sparr questioned the structure. Mr. Kovach stated the structure would be a carport with a deck on top. He stated the roof would be flat to allow access from the upstairs doors onto the deck.

Chairman Brown questioned if there would be pitch to allow the water to drain from the roof/floor of the deck. Mr. Kovach stated there would be some pitch to allow for water run-off. Chairman Brown questioned if the deck would be covered. Mr. Kovach stated the deck would not be covered. Staff noted if an awning or a sun shade was requested they would work with the applicant but if he wanted a roof structure over the deck it would require approval by the Board

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at the time of the request for a deck covering. Staff stated a cover for the deck was not a part of the current application.

Mr. Able questioned if the structure would be built on City property. Staff stated the entire structure would be constructed on the applicant's property. Staff stated based on the property and being unclear on where the property lines were located Mr. Kovach had a survey of the property performed. Staff stated there would be a zero setback at one point along Crestview. Staff stated the structure would be reduced in size to ensure the placement of the structure outside the right of way.

Mr. Able questioned staff's recommendation. Staff stated they were in agreement with the applicant. Staff stated based on his lot configuration Mr. Kovach did not have a place to allow for any outdoor living space or an area to provide covered parking which would comply with the setback requirements of the zoning ordinance.

Mr. Sparr provided a motion for approval of the item based on the applicants stated hardship and staff's recommendation of approval. Mr. Giattina provided a second for the motion. Chairman Brown requested 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 seconded by Mr. Burton and by consent of all members present, the meeting was adjourned at 1:48 pm.

Approved on this 27th day of August

Tom Brown CHAIRMAN
Tom Brown, Chairman