

LITTLE ROCK BOARD OF ADJUSTMENT

SUMMARY OF MINUTES

FEBRUARY 22, 2010

2:00 P.M.

I. Roll Call and Finding of a Quorum

A Quorum was present being five (5) in number.

II. Approval of the Minutes of the Previous Meetings

The Minutes of the January 25, 2010 meeting were approved as mailed by unanimous vote.

III. Members Present: Robert Winchester, Chairman  
James Van Dover, Vice Chairman  
Leslie Greenwood  
Scott Smith  
David Wilbourn

Members Absent: None

City Attorney Present: Cindy Dawson

LITTLE ROCK BOARD OF ADJUSTMENT

AGENDA

FEBRUARY 22, 2010

2:00 P.M.

I. OLD BUSINESS:

A. Z-8507 814 West 7<sup>th</sup> Street

II. NEW BUSINESS:

1. Z-6209-A 1801 Shadow Lane

2. Z-8520 49 DuClair Court

3. Z-8521 2112 Country Club Lane

4. Z-8522 4907 Hawthorne Road

FEBRUARY 22, 2010

ITEM NO.: A

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File No.: Z-8507

Owner: Robert Berry

Applicant: Terry Burruss

Address: 814 West 7<sup>th</sup> Street

Description: North side of West 7<sup>th</sup> Street, between State and Icard Streets.

Zoned: UU

Variance Requested: A variance is requested from the sign provisions of Section 36-553 to allow a projecting sign which exceeds the maximum area allowed.

Justification: The applicant's justification is presented in an attached letter.

Present Use of Property: Vacant Commercial Building

Proposed Use of Property: Tattoo Shop

Staff Note:

The sign as proposed by the applicant is considered a "roof sign" by ordinance definition based on the fact that it extends above the roofline of the building. According to ordinance, a "roof sign" is a prohibited sign type. As such, the applicant cannot request a variance for the proposed sign.

Staff suggests that the applicant develop an alternate signage plan and present it to the Board of Adjustment at the December 21, 2009 meeting. Therefore, staff recommends this application be deferred to the December 21, 2009 Agenda.

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BOARD OF ADJUSTMENT:

(NOVEMBER 30, 2009)

The applicant was not present. Staff recommended the application be deferred to the December 21, 2009 agenda, to allow the applicant time to address the "roof sign" issue.

The Chairman placed the item on the Consent Agenda for deferral to the December 21, 2009 agenda. The Consent Agenda was approved with a vote of 3 ayes, 0 nays and 2 absent. The application was deferred.

FEBRUARY 22, 2010

ITEM NO.: A (CON'T.)

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Staff Note:

The applicant submitted a letter on December 9, 2009 requesting the application be deferred to the January 25, 2010 Agenda. Staff supports the deferral request.

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BOARD OF ADJUSTMENT: (DECEMBER 21, 2009)

The applicant was not present. There were no objectors present. Staff presented the item and informed the Board that the applicant had requested deferral of the item to the January 25, 2010 meeting. There was no further discussion. The item was placed on the consent agenda and deferred to the January 25, 2010 meeting by a vote of 5 ayes, 0 noes and 0 absent.

Staff Note:

The applicant has filed an appeal, appealing staff's interpretation of the definition of a "roof sign". The appeal is on this agenda (Item 3). Therefore, this application for variance needs to be deferred to the February 22, 2010 Board of Adjustment agenda, so that the Board may first act on the applicant's appeal.

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BOARD OF ADJUSTMENT: (JANUARY 25, 2010)

The applicant was present. There were no objectors present. Staff presented the item and informed the Board that the item needed to be deferred to the February 22, 2010 Agenda. There was no further discussion. The item was placed on the consent agenda and deferred to the February 22, 2010 meeting by a vote of 4 ayes, 0 noes and 1 absent.

Staff Note:

The applicant submitted a letter to staff on February 10, 2010 requesting this application be deferred to the March 29, 2010 agenda. The applicant is working to redesign the sign and make it smaller, and considering the possibility of adding a parapet to the front of the building. Staff is supportive of the deferral request.

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BOARD OF ADJUSTMENT: (FEBRUARY 22, 2010)

The applicant was present. There were no objectors present. Staff presented the item and informed the Board that the item needed to be deferred to the March 29, 2010 Agenda. There was no further discussion. The item was placed on the consent agenda and deferred to the March 29, 2010 meeting by a vote of 5 ayes, 0 noes and 0 absent.

FEBRUARY 22, 2010

ITEM NO.: 1

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File No.: Z-6209-A  
Owner: Cal and Heather McCastlain  
Applicant: Wayne Moore  
Address: 1801 Shadow Lane  
Description: Lot 116, Shadowlawn Addition  
Zoned: R-2

Variance Requested: A variance is requested from the area provisions of Section 36-254 to allow a building addition with reduced side setback.

Justification: The applicant's justification is presented in an attached letter.

Present Use of Property: Single Family Residential

Proposed Use of Property: Single Family Residential

#### STAFF REPORT

A. Public Works Issues:

No Comments.

B. Staff Analysis:

The R-2 zoned property at 1801 Shadow Lane is occupied by a two-story brick and stucco single family residence. The property is located at the northeast corner of Shadow Lane and Cantrell Road. The property is comprised of one (1) full lot and parts of two (2) other lots in the Shadowlawn Addition. The residence is located within the north portion of the property, back from Cantrell Road. There is a one-car wide driveway from Shadow Lane at the northwest corner of the property.

The applicant proposes to construct a one-story carport/storage addition on the north side of the residence, and a one-story master bedroom/screened porch addition on the rear (east side) of the residence, as noted on the attached site plan. The carport portion of the addition will be 21.3 feet by 30.5 feet in area, and be set back from the north side property line ranging from three (3) feet to 17 feet. The storage addition will be 13.1 feet by 15.6 feet in area, and be located three (3)

FEBRUARY 22, 2010

ITEM NO.: 1 (Con't.)

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feet to 9.5 feet back from the north side property line. The master bedroom addition to the rear of the residence is proposed to be approximately 588 square feet in area. The addition will be located 18 feet to 21.5 feet back from the rear (east) property line. The screened porch will be approximately 288 square feet in area and located on the west side of the master bedroom addition. The carport portion of the addition (21.3 feet by 30.5 feet) on the north side of the residence will be unenclosed on its north, west and portion of east sides. The carport/storage addition will have a flat or low-pitched roof so it will not conflict with the windows on the second floor of the residence.

Section 36-254(d)(2) of the City's Zoning Ordinance requires a minimum side setback of eight (8) feet. Section 36-254(d)(3) allows a minimum rear setback of eight (8) feet when minimum 25 foot front and exterior side setbacks are provided for a corner lot, which is the case with this property. Therefore, the applicant is requesting a variance to allow the carport/storage addition on the north side of the residence with a reduced side yard setback of three (3) feet at two (2) corners of the addition.

Staff is supportive of the requested side setback variance. Staff views the request as reasonable. The existing residence is located well behind the 25 foot front platted building line on the lot and at a slight angle to the front property line. The house is approximately 44 feet back from the front property line at its nearest point. This, in combination with the fact that the existing driveway is located on the north side of the residence, makes the north side of the residence the most logical area to located a carport/storage area. It would not be advisable to attempt to relocate the driveway elsewhere on the lot, given the volume of traffic on Cantrell Road. Additionally, there will be ample separation between the proposed carport addition and the residence immediately to the north. Staff believes proposed carport/storage addition will have no adverse impact on the adjacent properties or the general area.

C. Staff Recommendation:

Staff recommends approval of the requested side setback variance, subject to the following conditions:

1. The carport addition must remain unenclosed on its north, west and portion of east sides.
2. The additions must be constructed to match the existing residence.

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BOARD OF ADJUSTMENT:

(FEBRUARY 22, 2010)

The applicant was present. There were no objectors present. Staff presented the item and a recommendation of approval as noted in the "staff recommendation" above. There was no further discussion. The item was placed on the consent agenda and approved as recommended by staff. The vote was 5 ayes, 0 noes and 0 absent.

FEBRUARY 22, 2010

ITEM NO.: 2

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File No.: Z-8520

Owner/Applicant: Turag Ronaghi

Address: 49 DuClair Court

Description: Lot 11, Block 4, Chenal Valley Addition

Zoned: R-2

Variance Requested: A variance is requested from the fence provisions of Section 36-516 to allow a fence which exceeds the maximum height allowed.

Justification: The applicant's justification is presented in an attached letter.

Present Use of Property: Single Family Residential

Proposed Use of Property: Single Family Residential

#### STAFF REPORT

A. Public Works Issues:

No Comments.

B. Staff Analysis:

The R-2 zoned property at 49 Duclair Court is occupied by a one-story brick single family residence. There is a paved alley located along the rear property line. A driveway from the alley serves as access to a garage on the rear of the residence.

The applicant recently began construction of a six (6) foot – nine (9) inch tall wood fence to enclose a portion of the rear yard area, as noted on the attached site plan. The new fence consists of standard six (6) foot high (1 inch by 4 inch) wood pickets (dog-eased), on top of two (2) 2 X 6 timbers running horizontally on end. A portion of the fence along the south property line has not been completed, as the applicant stopped work when he was informed of the need for a variance.

Section 36-516(e)(1)a. of the City's Zoning Ordinance allows a maximum fence height of six (6) feet for fences in R-2 zoned areas. Therefore, the applicant is requesting a variance to allow the newly constructed fence with an overall height of approximately six (6) feet – nine (9) inches.

FEBRUARY 22, 2010

ITEM NO.: 2 (Con't.)

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Staff is supportive of the requested fence variance. Staff views the issue as a relatively minor increase in fence height. There are several six (6) foot tall fences located along the alley. Several of the fences have decorative posts with heights near seven (7) feet. When viewing the new fence from one end of the alley or the other, it does not have the appearance of being out of character, height-wise, with the other fences along the alley. Staff believes the fence, as constructed, will have no negative impact on the adjacent properties or the general area. The applicant should be aware that there may be an architectural review committee for this neighborhood which could include fence construction.

C. Staff Recommendation:

Staff recommends approval of the requested fence height variance, as filed.

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BOARD OF ADJUSTMENT:

(FEBRUARY 22, 2010)

The applicant was present. There were no objectors present. Staff presented the item and informed the Board that the item needed to be deferred to the March 29, 2010 Agenda. There was no further discussion. The item was placed on the consent agenda and deferred to the March 29, 2010 meeting by a vote of 5 ayes, 0 noes and 0 absent.

FEBRUARY 22, 2010

ITEM NO.: 3

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File No.: Z-8521  
Owner: Brian and Caren Norris  
Applicant: Caren Norris  
Address: 2112 Country Club Lane  
Description: Lot 5 and part of Lot 4, Block 3, Country Club Heights Addition  
Zoned: R-2

Variance Requested: Variances are requested from the area provisions of Section 36-254 to allow a new residence with reduced side and rear setbacks.

Justification: The applicant's justification is presented in an attached letter.

Present Use of Property: Single Family Residential

Proposed Use of Property: Single Family Residential

#### STAFF REPORT

A. Public Works Issues:

No Comments.

B. Staff Analysis:

The R-2 zoned property at 2112 Country Club Lane is currently occupied by a one-story brick and frame single family residence which is in the process of being removed from the site. There is a driveway from Country Club Lane at the southeast corner of the lot. The property slopes downward from side to side (north to south) and front to back. There is a 10 foot wide platted alley along the rear (west) property line.

The applicant is proposing to construct a new two-story residence on the site, as noted on the attached site plan. The residence will be located approximately 35 feet back from the front (east) property line, which will align with the front setbacks of the other residences within this block fronting Country Club Lane. A 5.5 foot setback is proposed from the north side property line. The front and north side setbacks are approximately the same as the residence which is being removed from the site. A driveway

FEBRUARY 22, 2010

ITEM NO.: 3 (Con't.)

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will be located on the south side of the residence, leading to a carport on the west (rear) side of the residence. The carport will be constructed with a room above. This portion of the residence will be located 12 feet back from the rear (west) property line. The main portion of the residence will be located 32 feet back from the rear (west) property line. The carport portion of the residence will be 20 feet by 27 feet in area. It will be unenclosed on its north, south and west sides (carport level). Additionally, the residence will be setback 13 feet from the south side property line to accommodate the driveway.

Section 36-254(d)(2) of the City's Zoning Ordinance requires a minimum side setback of 7.5 feet for this R-2 zoned lot. Section 36-254(d)(3) requires a minimum rear setback of 25 feet. Therefore, the applicant is requesting variances to allow the residence with a 5.5 foot side (north) setback and a 12 foot rear setback for the carport portion of the structure.

Staff is supportive of the requested variances. Staff views the request as reasonable. The applicant is locating the residence 35 feet back from the front property line in order to align with the front setbacks of the homes to the north and south. The ordinance requires only a 25 foot front setback. If the applicant pulled the residence up to the 25 foot minimum front setback, the rear setback would be less of an issue, as staff could possibly address it administratively. Also, as noted previously, the carport level of the structure will be unenclosed. This will help lessen any impact on adjacent lots. Additionally, there is a 10 foot platted alley along the rear (west) property line. With respect to the side setback variance, the proposed 5.5 foot side (north) setback is the same side setback as the residence which was removed from the site. Five (5) foot side setbacks are typical throughout the Heights neighborhood area. The overall massing of the residence on this lot is not out of character with the area, and is essentially the same massing as a residence located at the 25 foot front setback on this lot could have by right. Staff believes the proposed residence with reduced side and rear setbacks will have no adverse impact on the adjacent properties or the general area.

C. Staff Recommendation:

Staff recommends approval of the requested side and rear setback variances, subject to the carport portion of the overall structure being unenclosed on its north, south and west sides.

FEBRUARY 22, 2010

ITEM NO.: 3 (Con't.)

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BOARD OF ADJUSTMENT:

(FEBRUARY 22, 2010)

The applicant was present. There were no objectors present. Staff presented the item and a recommendation of approval as noted in the "staff recommendation" above. There was no further discussion. The item was placed on the consent agenda and approved as recommended by staff. The vote was 5 ayes, 0 noes and 0 absent.

FEBRUARY 22, 2010

ITEM NO.: 4

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File No.: Z-8522  
Owner: Mary Alice and John Dickens  
Applicant: Justin Stewart  
Address: 4907 Hawthorne Road  
Description: Lot 2, Block 14, Newton's Addition  
Zoned: R-2

Variance Requested: A variance is requested from the area provisions of Section 36-156 to allow construction of an accessory building with increased rear yard coverage.

Justification: The applicant's justification is presented in an attached letter.

Present Use of Property: Single Family Residential

Proposed Use of Property: Single Family Residential

#### STAFF REPORT

A. Staff Analysis:

No Comments.

B. Staff Analysis:

The R-2 zoned property at 4907 Hawthorne Road is occupied by a single family residence, which is in the process of being constructed. Foundation work is currently being done on the new home construction. A driveway from Hawthorne Road at the northeast corner of the lot will serve as access. A home which existed on the site for a number of years was recently removed. The single family lot has a slight slope downward from front to back.

The applicant is proposing to construct a 19.17 foot by 36 foot accessory building within the rear yard area, as noted on the attached site plan. The accessory structure will be located three (3) feet from the rear (south) and east side property lines, and nine (9) feet from the principal residential structure. The east portion of the accessory structure (approximately

FEBRUARY 22, 2010

ITEM NO.: 4 (Con't.)

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234 square feet) will be enclosed storage, with the west portion (approximately 455 square feet) being a covered/unenclosed patio area. The structure will occupy approximately 48 percent of the required rear yard area (rear 25 feet of the lot).

Section 36-156(a)(2)c. of the City's Zoning Ordinance allows an accessory structure to cover a maximum of 30 percent of the required rear yard area of a single family lot. Therefore, the applicant is requesting a variance to allow the proposed accessory structure with a 48 percent rear yard coverage.

Staff does not support the requested rear yard coverage variance. Although a portion of the structure is unenclosed, staff feels the overall structure occupies too much of the rear yard area of this single family lot. The principal structure/residence occupies 84 feet of the 140 foot overall depth of this lot, leaving approximately 31 feet of rear yard area total. The proposed accessory structure occupies almost 40 percent of the entire rear yard area. Staff could support a variance to allow an accessory structure covering approximately 40 percent of the required rear yard area (rear 25 feet of the lot). This would require cutting off approximately six (6) feet of the accessory structure's 36 foot overall length. This size structure would be more compatible with other accessory structures in the area. Additionally, this would be the same coverage (40 percent) as allowed in the Hillcrest Design Overlay District to the south, a neighborhood area with similar lot sizes to the Heights neighborhood.

C. Staff Recommendation:

Staff recommends denial of the requested rear coverage variance, as filed.

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BOARD OF ADJUSTMENT:

(FEBRUARY 22, 2010)

Staff informed the Board that the applicant submitted a letter requesting the application be withdrawn. Staff supported the withdrawal request. There was no further discussion. The item was placed on the Consent Agenda and withdrawn by a vote of 5 ayes, 0 nays and 0 absent.

February 22, 2010

There being no further business before the Board, the meeting was adjourned at 2:05 p.m.

Date: \_\_\_\_\_

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Vice-Chairman

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Secretary