

LITTLE ROCK BOARD OF ADJUSTMENT

SUMMARY OF MINUTES

FEBRUARY 23, 2009

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 26, 2009 meeting were approved as mailed by unanimous vote.

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

Members Absent: None

City Attorney Present: Debra Weldon

LITTLE ROCK BOARD OF ADJUSTMENT

AGENDA

FEBRUARY 23, 2009

2:00 P.M.

I. OLD BUSINESS:

A. Z-8424 1218 Center Street

II. NEW BUSINESS:

1. Z-8430 5 Blue Ridge Circle
2. Z-8431 2925 N. Taylor Street

FEBRUARY 23, 2009

ITEM NO.: A

File No.: Z-8424

Owner: Craig and Natalie Weatherly

Applicant: Craig Weatherly

Address: 1218 Center Street

Description: Lot 8, Block 195, Original City of Little Rock

Zoned: UU

Variance Requested: A variances 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 UU zoned property at 1218 Center Street is occupied by a two-story frame single-family residence which is in the process of being remodeled. There is a one-story accessory building in the rear yard area, near the southwest corner of the property. There is a paved alley along the rear (west) property line. There is a new wood fence which is located along the front (east), side (north) and rear (west) property lines. The new fence is six (6) feet in height running along the front and rear property lines. The majority of the fence along the north side property line is six (6) feet in height, with the exception of an eight (8) foot high section which runs for approximately the depth of the residence (approximately 52 feet). The fence transitions upward from the six (6) foot sections to the eight (8) foot section. There is an existing rock wall and fence located along a portion of the south side property line.

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ITEM NO.: A (CON'T.)

Section 36-516(e)(1)a. of the City's Zoning Ordinance allows a maximum fence height of four (4) feet for fences located between a front building setback line and a street right-of-way. Fences located along interior lot lines are allowed to have a maximum height of six (6) feet. Therefore, the applicant is requesting a variance to allow the six (6) foot high fence along the front property line and east 25 feet of the north side property line, and the eight (8) foot section (with transition) along the north side property line. The applicant has noted that the fence was constructed for security purposes while the house is being remodeled, and requests the variance for the portion along the front (east) property line for only one (1) year from the Board's meeting date. He has plans to replace it with a four (4) foot high wrought iron fence. The fence along the north (side) property line would remain as constructed.

Staff does not support the fence variance as requested. Although staff has no problem with the requested variance for the fence along the front property line (temporary) and the eight (8) foot section along the north property line, staff believes the east 18 feet of the fence located along the north property line should also be reduced to a height of four (4) feet within one (1) year. There is a residence located immediately to the north, and staff feels that reducing the fence height within the front yard area, at least to the front porch (18 feet from front property line), would help maintain the residential appearance for the front yard areas. If the applicant were willing to revise the application to include this 18 foot section, staff would support the application, subject to the following conditions:

1. The temporary portion of the fence located along the front and north side (east 18 feet) property lines be reduced to four (4) feet within one (1) year.
2. A building permit must be obtained for the fence construction.

C. Staff Recommendation:

Staff recommends denial of the fence height variance, as requested.

BOARD OF ADJUSTMENT:

(JANUARY 26, 2009)

Staff informed the Board that the application needed to be deferred to the February 23, 2009 Agenda based on the fact that the applicant failed to complete the notifications to surrounding property owners as required.

The item was placed on the Consent Agenda and deferred to the February 23, 2009 Agenda as recommended by staff with a vote of 5 ayes and 0 nays.

FEBRUARY 23, 2009

ITEM NO.: A (CON'T.)

BOARD OF ADJUSTMENT:

(FEBRUARY 23, 2009)

Staff informed the Board that the application needed to be deferred to the March 30, 2009 Agenda based on the fact that the applicant failed to complete the notifications to surrounding property owners as required.

The item was placed on the Consent Agenda and deferred to the March 30, 2009 Agenda as recommended by staff with a vote of 5 ayes and 0 nays.

FEBRUARY 23, 2009

ITEM NO.: 1

File No.: Z-8430

Owner/Applicant: Daniel Beadle

Address: 5 Blue Ridge Circle

Description: Lot 5, Scenic Heights Addition

Zoned: R-2

Variance Requested: Variances are requested from the area provisions of Section 36-254 and the building line provisions of Section 31-12 to allow a building addition with reduced setbacks and which crosses a platted building line.

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 5 Blue Ridge Circle is occupied by a one-story brick and frame single family residence. There is a two-car wide driveway at the southeast corner of the lot which serves a garage at the south end of the residence. The property slopes upward from Blue Ridge Circle. The front of the residence is approximately three (3) feet above the grade of the street.

The R-2 zoned lot contains a 25 foot front platted building line. The existing house crosses the front platted building line by 10 feet at its northeast corner and 13 feet at its southeast corner. The lot has an irregular shape, with the front of the lot being 120 feet wide and the rear having a width of only 30 feet.

The applicant proposes to construct a five (5) to 5 ½ foot wide addition at the south end of the residence, as noted on the attached site plan. The addition is proposed to allow widening of the existing garage area and construction of a

new master bath and closet. The front (east) of the addition will be located approximately ten (10) feet back from the front property line, maintaining the same front wall as the existing house and extending across the front platted building line. The addition will be located four (4) feet (southwest corner) to 20 feet (southeast corner) back from the south side property line.

Sections 36-254(d)(1) and (2) of the City's Zoning Ordinance requires a minimum front setback of 25 feet and a minimum side setback of eight (8) feet. Section 31.12(c) of the Subdivision Ordinance requires that building line encroachments be reviewed and approved by the Board of Adjustment. Therefore, the applicant is requesting variances from these ordinance standards to allow the building addition with reduced front and side setbacks and which crosses a front platted building line.

Staff is supportive of the requested setback and building line variances. Staff views the request as reasonable. When the house was originally constructed it was pushed to the front of the lot and over the front platted building line due to the fact that the lot narrows from front to back. The building addition as proposed by the applicant is very minimal in area, as it covers only approximately 230 square feet. This is the only option the applicant has to enlarge an older, undersized garage. With the curvature of Blue Ridge Circle, the house with reduced front setback does not have the appearance of being out of alignment with the adjacent residences. Other structures along Blue Ridge Circle have the appearance of being as close to the front property lines as the residence at 5 Blue Ridge Circle. Staff believes the proposed addition will have no adverse impact on the adjacent properties or the general area.

If the Board approves the building line variance, the applicant will have to complete a one-lot replat reflecting the change in the platted front building line for the addition. The applicant should review the filing procedure with the Circuit Clerk's office to determine if the replat requires a revised Bill of Assurance.

C. Staff Recommendation:

Staff recommends approval of the requested setback and building line variances, subject to the following conditions.

1. Completion of a one-lot replat reflecting the change in the front platted building line as approved by the Board.
2. The building addition must be constructed to match the existing residence.

FEBRUARY 23, 2009

ITEM NO.: 1 (CON'T.)

BOARD OF ADJUSTMENT:

(FEBRUARY 23, 2009)

The applicant was present. There were no objectors present. Staff presented the item and a recommendation of approval.

The applicant offered no additional comments.

The item was placed on the Consent Agenda and approved as recommended by staff with a vote of 5 ayes and 0 nays.

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ITEM NO.: 2

File No.: Z-8431

Owner: Craig and Georgia May

Applicant: Craig May

Address: 2925 N. Taylor Street

Description: Southeast Corner of N. Taylor Street and N. Grandview Street

Zoned: R-2

Variance Requested: Variances are requested from the area provisions of Section 36-254 and the building line provisions of Section 31-12 to allow building additions with reduced rear setback and which cross platted building lines.

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 2925 N. Taylor Street is occupied by a one-story brick and frame single family residence. The property is located at the southeast corner of N. Taylor Street and N. Grandview Street. There is a two-car wide driveway from N. Grandview Street at the northeast corner of the property. The driveway leads to a carport at the east end of the "L" shaped residence. The lot contains a 30 foot front platted building line along the west property line, and a side platted building line along the north property line which ranges from 20 feet to 30 feet. The northeast corner of the existing residence crosses the side platted building line by approximately four (4) feet.

The applicant is proposing to construct three (3) building additions to the existing house, as note on the attached site plan. The first addition will be a

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ITEM NO.: 2 (CON'T.)

new covered porch addition to the front (west) of the residence. The porch will be 6 feet by 20 feet in area and will be unenclosed. The porch will be located approximately 26.5 feet back from the front (west) property line, crossing the 30 foot front platted building line by approximately 3.5 feet. The front steps to the porch will be approximately 25 feet back from the front (west) property line.

The second proposed addition is a 6 foot by 23 foot den addition to the north end of the residence. The addition will be one (1) story in height and located 14 feet to 23.5 feet back from the north side property line. This addition will cross the side platted building line by approximately 8 feet.

The third and largest of the proposed additions is a master suite and carport/storage addition to the rear (east) of the residence. This addition involves removing the existing carport structure and a portion of the rear enclosed area of the residence. The proposed addition will be one (1) story in height, with the master suite portion being approximately 1,060 square feet in area. The carport portion will be unenclosed on its north, east and a portion of the south sides and have an area of approximately 495 square feet. The storage portion of the addition will be approximately 105 square feet in area and be located on the south side of the carport area. The overall addition to the rear of the residence will be located 20 feet back from the north side property line at its nearest point, crossing the side platted building line by approximately 8.5 feet. Only approximately 180 square feet of the addition crosses the side platted building line. The addition will also be located 5 feet to 13 feet back from the rear (east) property line, and 8 feet to 11 feet back from the south side property line.

Section 36-254(d)(3) of the City's Zoning Ordinance requires a minimum rear setback of 25 feet (from the east property line) for this R-2 zoned lot. Section 31.12(c) of the Subdivision Ordinance requires that building line encroachments be reviewed and approved by the Board of Adjustment. Therefore, the applicant is requesting variances from these ordinance standards to allow the building additions with a reduced rear setback and which cross front and side platted building lines.

Staff is supportive of the requested setback and building line variances. Staff views the request as reasonable. The proposed building additions will not be out of character with other residences in this general area. Although the lot is relatively large, the excessive platted building lines along both street frontages greatly reduce the amount of overall buildable area. With the additions, the overall massing of the residence on this lot is relatively minimal. There is a rather large yard space on both the west and north sides of the residence. Additionally, staff does not believe the proposed unenclosed front porch addition will have an adverse visual impact with respect to alignment with the houses to the north and south along N. Taylor Street. Staff believes the proposed additions will have no adverse impact on the adjacent properties or the general area. Adequate separation will exist between the proposed additions and the residences to the south and east.

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ITEM NO.: 2 (CON'T.)

If the Board approves the building line variances, the applicant will have to complete a one-lot replat reflecting the change in the platted front and side building lines for the additions. The applicant should review the filing procedure with the Circuit Clerk's office to determine if the replat requires a revised Bill of Assurance.

D. Staff Recommendation:

Staff recommends approval of the requested setback and building line variances, subject to the following conditions.

1. Completion of a one-lot replat reflecting the change in the front and side platted building lines as approved by the Board.
2. The building additions must be constructed to match the existing residence.
3. The carport addition must remain unenclosed on its north, east and portion of south sides.
4. The porch addition must remain unenclosed on its north, south and west sides.

BOARD OF ADJUSTMENT:

(FEBRUARY 23, 2009)

The applicant was present. There were no objectors present. Staff presented the item and a recommendation of approval.

The applicant offered no additional comments.

The item was placed on the Consent Agenda and approved as recommended by staff with a vote of 5 ayes and 0 nays.

February 23, 2009

There being no further business before the Board, the meeting was adjourned at 2:04 p.m.

Date: _____

Chairman

Secretary