

LITTLE ROCK BOARD OF ADJUSTMENT

SUMMARY OF MINUTES

JULY 26, 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 June 28, 2010 meeting were approved as mailed by unanimous vote.

III. Members Present:            Robert Winchester, Chairman  
   Scott Smith, Vice Chairman  
   Leslie Greenwood  
   Rajesh Mehta  
   Brad Wingfield

Members Absent:                None

City Attorney Present:        Cindy Dawson

LITTLE ROCK BOARD OF ADJUSTMENT

AGENDA

JULY 26, 2010

2:00 P.M.

I. OLD BUSINESS:

- |    |          |                          |
|----|----------|--------------------------|
| A. | Z-8184-A | 17846 Colonel Glenn Road |
| B. | Z-8566   | 122 Rice Street          |

II. NEW BUSINESS:

- |    |        |                               |
|----|--------|-------------------------------|
| 1. | Z-8571 | 415 E. 8 <sup>th</sup> Street |
| 2. | Z-8572 | 2117 S. Ringo Street          |

JULY 26, 2010

ITEM NO.: A

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File No.: Z-8184-A  
Owner: Hector Hortelano and Laura Alvarez  
Applicant: Hector Hortelano  
Address: 17846 Colonel Glenn Road  
Description: Northwest Corner of Colonel Glenn Road and Winsome Drive  
Zoned: R-2

Variance Requested: A variance is requested from the area provisions of Section 31-156 to allow an accessory building which exceeds the size of the principal structure.

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 17846 Colonel Glenn Road is occupied by a 16 foot by 56 foot manufactured home. The property is located at the northwest corner of Colonel Glenn Road and Winsome Drive. The property consists of two (2) separate parcels (real estate records), but is considered one (1) zoning lot as per the City's Zoning Ordinance definition. There is a gravel driveway from Colonel Glenn Road which serves as access to the residence. The property is located out of the Little Rock City Limits, but within the City's extraterritorial zoning jurisdiction.

On March 26, 2007 the Board of Adjustment granted a variance from Section 36-156(a)(2) of the City's Zoning Ordinance to allow construction of a 40 foot by 50 foot metal accessory building on the property, as noted on the attached site plan. The proposed accessory building was to be located over 90 feet back from the front (south) property line. The accessory building was proposed to serve as storage for the existing residence and will aid in storing materials and tools when the applicants construct a new home on the lot in the future. The previous Board

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ITEM NO.: A (CON'T.)

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of Adjustment approval expired after two (2) years since the applicant did not begin construction of the accessory building. Therefore, the applicant is back before the Board of Adjustment asking that the variance be again approved. Some site work has recently takes place on the site where the accessory building is proposed.

Section 36-156(a)(2) of the City's Zoning Ordinance requires that accessory buildings or structures be subordinate to the principal structure on the lot and contain less gross floor area. Therefore, the applicant is requesting a variance to allow the 2,000 square foot accessory structure on the lot with an 896 square foot principal structure. The proposed accessory structure meets/exceeds all other setback requirements.

Staff is supportive of the requested variance. Staff views the request as reasonable, as the proposed metal storage building/garage will not be out of character with the general area. There are numerous large storage buildings, barns, etc. in this general area along Colonel Glenn Road. The proposed structure and residence represent a very minimal coverage of this two (2) acre property. As noted in the applicants' letter, there are plans to construct a larger single family home in the future. Staff believes the proposed accessory structure will have no adverse impact on the adjacent properties or the general area.

C. Staff Recommendation:

Staff recommends approval of the requested accessory structure variance, subject to the following conditions:

1. The accessory structure will be for the use of persons residing in the principal structure only. It cannot be rented out, or used as a dwelling or in conjunction with a business.
2. The accessory structure must be located at least 90 feet back from the front (south) property line to allow for future right-of-way dedication.

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BOARD OF ADJUSTMENT:

(JUNE 28, 2010)

The applicant was not present. There were no objectors present. Staff noted that the applicant had not completed the required notifications to surrounding property owners. Staff recommended the application be deferred to the July 26, 2010 agenda. The item was placed on the consent agenda and deferred to the July 26, 2010 agenda. The vote was 5 ayes, 0 noes and 0 absent.

JULY 26, 2010

ITEM NO.: A (CON'T.)

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BOARD OF ADJUSTMENT:

(JULY 26, 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.

JULY 26, 2010

ITEM NO.: B

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File No.: Z-8566  
Owner: Pearl, LLC  
Applicant: David Pearlstein  
Address: 122 Rice Street  
Description: Lot 8, Block 4, Capitol View Addition  
Zoned: R-4

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-4 zoned property at 122 Rice Street contains a one-story frame single family residence. The property is located at the northwest corner of Rice Street and W. 2<sup>nd</sup> Street. There is a gravel driveway from W. 2<sup>nd</sup> Street which serves as access to the property. The property slopes downward from back to front (west to east). The front yard area of the lot is approximately four (4) to five (5) feet above the grade of Rice Street.

The applicant recently constructed a wood fence along the front (east) and south side property lines, as noted on the attached site plan. The fence varies in height and steps down with the slope along the south property line. The portion of the fence which is in the front yard area is constructed of three (3) to four (4) feet of solid wood with approximately two (2) feet of lattice-type woodwork (non-opaque) on top. The fence along the south side property line is six (6) to eight (8) feet in height with similar construction to the portion in the front yard area. The vast majority of the fence along the south property line is six (6) to seven (7) feet in height. It only nears the eight (8) foot high mark near the southeast corner of the lot.

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ITEM NO.: B (CON'T.)

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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 building setback line and street front or side property line, and six (6) feet elsewhere on a single family lot.

Therefore, the applicant is requesting a variance to allow those portions of the fence which are located between the building setback lines and the street side property lines to exceed the maximum height allowed.

Staff is supportive of the requested fence height variance. Staff views the request as reasonable. The yard elevation along where the fence is located is several feet above the grade of the adjacent streets. This gives the fence the appearance that it is taller than it actually is. Additionally, the new fence is not out of character with other fences in the general area. The property immediately to the south across W. 2<sup>nd</sup> Street recently received a variance to allow an eight (8) foot high fence along the street side property line. Staff believes the new fence is a nice improvement to the property and will have no adverse impact on the adjacent properties or the general area.

C. Staff Recommendation:

Staff recommends approval of the requested fence height variance, subject to a building permit being obtained for the fence construction.

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BOARD OF ADJUSTMENT:

(JUNE 28, 2010)

The applicant was not present. There were no objectors present. Staff noted that the applicant had not completed the required notifications to surrounding property owners. Staff recommended the application be deferred to the July 26, 2010 agenda. The item was placed on the consent agenda and deferred to the July 26, 2010 agenda. The vote was 5 ayes, 0 noes and 0 absent.

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BOARD OF ADJUSTMENT:

(JULY 26, 2010)

The applicant was not present. There were no objectors present. Staff noted that the applicant had not completed the required notifications to surrounding property owners. Staff recommended the application be deferred to the August 30, 2010 agenda. The item was placed on the consent agenda and deferred to the August 30, 2010 agenda. The vote was 5 ayes, 0 noes and 0 absent.

JULY 26, 2010

ITEM NO.: 1

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File No.: Z-8571

Owner: John C. Pagan and Heather Rhodes-Pagan

Applicant: John C. Pagan

Address: 415 E. 8<sup>th</sup> Street

Description: West 1/3 of Lots 11 and 12, Block 60, Original City of Little Rock

Zoned: R-4A

Variance Requested: A variance is requested from the area provisions of Section 36-342.2 to allow a building addition with a reduced rear yard 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:

1. Measures to control the increase in stormwater runoff from the increased impervious surface should be implemented to not damage adjacent property.

### B. Staff Analysis:

The R-4A zoned property at 415 E. 8<sup>th</sup> Street is occupied by a one-story frame single family residence. There is a paved alley located along the west side property line. The property is made up of the west one-third of two platted lots (Lots 11 and 12, Block 60, Original City of Little Rock). The property contains no platted building lines or easements.

The applicant proposes to construct a one-story addition to the rear of the residence, as noted on the attached site plan. The addition will be approximately 19 feet by 27.8 feet in area and located 11.3 to 11.5 feet back from the rear (south) property line. The addition will be for a new master bedroom/bath. The addition will be constructed to match the existing residence.

Section 36-342.2(d)(3) of the City's Zoning Ordinance requires a minimum rear setback of 25 feet for this R-4A zoned lot. Therefore, the applicant is requesting a variance to allow the room addition with a rear setback of 11.3 to 11.5 feet. The

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ITEM NO.: 1 (CON'T.)

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applicant notes that the one-story addition is proposed due to health reasons which prohibit a second story addition to the existing residence.

Staff is supportive of the requested rear yard setback variance. Staff views the request as reasonable, due primarily to the shallow depth of the lot. The lot is only 100 feet deep and comprised of small pieces of two (2) platted lots. The typical lot depths in this area is approximately 150 feet. If the lot were closer to the typical lot depth in the downtown area, the rear setback would not be an issue. Staff believes the building addition with reduced rear setback will have no adverse impact on the adjacent properties or the general area. The property is located in the MacArthur Park Local Ordinance Historic District. The proposed addition to the rear of the house is not subject to the review process of the Historic District Commission since it will not be visible from E. 8<sup>th</sup> Street.

C. Staff Recommendation:

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

1. Compliance with the Public Works comment as noted in paragraph A. of the staff report.
2. The building addition must be constructed to match the existing residence.

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BOARD OF ADJUSTMENT:

(JULY 26, 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.

JULY 26, 2010

ITEM NO.: 2

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File No.: Z-8572  
Owner: Marcus and Devita Crouther  
Applicant: Wayne Turner  
Address: 2117 S. Ringo Street  
Description: Part of Lots 3 and 4, Block 28, Weldon E. Wright's Addition  
Zoned: R-4

Variance Requested: Variances are requested from the area provisions of Section 36-256 and the design provisions of Section 36-370 to allow the reconstruction of a single family residence with reduced front setback and a stucco exterior.

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

Present Use of Property: Single Family Residence Under Construction

Proposed Use of Property: Single Family Residential

#### STAFF REPORT

A. Public Works Issues:

No Comments

B. Staff Analysis:

The R-4 zoned property at 2117 S. Ringo Street is occupied by a two-story single family residence which is under reconstruction. The residence which previously occupied the site was removed with the exception of floor joists. The residential structure which is being reconstructed occupies the same foot print as the previous structure, with the exception of the rear portion which was expanded. The front porch (unenclosed) section of the residence is located 14 feet back from the front (west) property line. The front wall of the residence has a 21.5 foot front setback. The front steps, which are also in the same location as steps for the previous residence, will be approximately 10 feet back from the front property line. There is an existing one-story accessory storage building with stucco exterior located in the rear yard area. The applicant is proposing a stucco exterior for the new reconstructed residence. There is also an alley along the rear (east) property line. A new driveway from the alley will be constructed to access a garage on the rear of the residence.

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Section 36-256(d)(1) of the City's Zoning Ordinance requires a minimum front setback of 25 feet for this R-4 zoned lot. Section 36-370(2), Central City Redevelopment Corridor-Design Overlay District, requires that the materials of the exterior shell of buildings be wood, brick or a material that resembles wood. Therefore, the applicant is requesting variances from these ordinance standards to allow reconstruction of the residence with a reduced front setback and stucco exterior.

Staff is supportive of the requested variances. The proposed residence with reduced front setback and stucco exterior will not be out of character with other structures in this neighborhood. The area contains a wide range of housing styles and sizes, with varying setbacks. The requested front setback will be similar to, and align with, other houses to the north and south along Ringo Street. With respect to the proposed stucco exterior, there are several houses within a three (3) block radius with exteriors of stucco or partial stucco. The homes within this neighborhood contain a wide variety of exterior applications including wood siding, metal siding, asphalt shingle-type siding, brick, rock, stucco, and combinations of these exteriors. The Central City Redevelopment Corridor-Design Overlay District was established after a tornado in 1999 to see that new construction be "compatible with the established neighborhood." Staff believes the proposed construction achieves the level of compatibility intended by the ordinance. Additionally, staff feels that the proposed residence will be a quality addition to the neighborhood, and one that may encourage and initiate improvements on other properties. Staff believes the proposed residence with reduced front setback and stucco exterior will have no adverse impact on the surrounding properties or the neighborhood.

C. Staff Recommendation:

Staff recommends approval of the requested variances, subject to the following conditions:

1. The porch must remain unenclosed on its north, south and west sides.
2. The front steps must remain uncovered and unenclosed.

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BOARD OF ADJUSTMENT:

(JULY 26, 2010)

Wayne Turner was present, representing the application. There were no objectors present. Staff presented the application with a recommendation of approval.

Wayne Turner addressed the Board in support of the application. Vice-Chair Smith noted that he only objected to the proposed dryvit-type exterior material. He asked why this type of exterior finish was chosen. Mr. Turner noted that the owners preferred the appearance of the dryvit-type exterior finish and explained that it was energy efficient. He noted that it would look just like stucco.

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ITEM NO.: 2 (CON'T.)

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Vice-Chair Smith discussed the differences between stucco and the proposed dryvit-type exterior. He noted that the overlay district had reasons for requiring only certain types of exterior materials.

There was a motion to approve the application as recommended by staff. The motion passed by a vote of 4 ayes, 1 nay and 0 absent. The application was approved.

July 26, 2010

There being no further business before the Board, the meeting was adjourned at 2:10 p.m.

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

\_\_\_\_\_

Chairman

\_\_\_\_\_

Secretary