

LITTLE ROCK BOARD OF ADJUSTMENT

SUMMARY OF MINUTES

JULY 27, 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 June 29, 2009 meeting were approved as mailed by unanimous vote.

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

Members Absent: None

City Attorney Present: Debra Weldon

LITTLE ROCK BOARD OF ADJUSTMENT

AGENDA

JUNE 29, 2009

2:00 P.M.

I. OLD BUSINESS:

No Old Business

II. NEW BUSINESS:

- | | | |
|----|----------|------------------------|
| 1. | Z-4435-B | 13215 Interstate 30 |
| 2. | Z-8464 | #1 Treasure Hill Road |
| 3. | Z-8465 | 5516 Southwood Road |
| 4. | Z-8466 | 11604 Birchwood Drive |
| 5. | Z-8467 | 17 Windborough Court |
| 6. | Z-8468 | 325 W. Capitol Avenue |
| 7. | Z-8468-A | 325 W. Capitol Avenue |
| 8. | Z-8469 | 2324 S. Chester Street |

JULY 27, 2009

ITEM NO.: 1

File No.: Z-8474

Owner: Anthony and Leanne Mansell

Applicant: Anthony Mansell

Address: 7109 Kingwood Road

Description: Lot 277 and part of Lot 276, Kingwood Place Addition

Zoned: R-2

Variance Requested: A variance is requested from the building line provisions of Section 31-12 to allow an arbor addition which crosses a front 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 7109 Kingwood Road is occupied by a one-story brick single family residence. There is a two-car wide driveway from Kingwood Road which serves as access. The property slopes downward from front to back. The lot contains a 20 foot front platted building line.

The applicant recently constructed a new arbor-type structure on the front of the residence, as noted on the attached site plan. The arbor was constructed over a new concrete slab. An older concrete step/stoop structure was removed from the entry area of the residence. The arbor addition is 12 feet-8 inches by 16 feet-9 inches in size, and located 7 feet-4 inches back from the front (north) property line. It extends across the front platted building line by 12 feet-8 inches. The arbor structure is unenclosed and does not have a solid roof.

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ITEM NO.: 1 (Con't.)

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 a variance from this ordinance standard to allow the building (arbor) addition which crosses a front platted building line.

Staff does not support the requested variance to allow a front building line encroachment for the arbor addition. Staff's opinion is that the front encroachment is not in keeping with the character of the building setbacks along Kingwood Road. There is little variation in the front setbacks of the residences along the south side of Kingwood Road, with the exception of one (1) carport structure at the west end of Kingwood Road (7401 Kingwood Road). Although there may be a few examples of reduced front setbacks in this overall neighborhood, staff believes the proposed arbor addition will have an adverse visual impact on the adjacent properties along Kingwood Road.

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 denial of the requested variance for front building line encroachment.

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Anthony and Leanne Mansell were present, representing the application. There were no objectors present. Staff presented the application with a recommendation of denial.

Anthony Mansell addressed the Board in support of the application. He described a water run-off problem associated with the property. He explained that the new concrete slab in front of the residence was intended to keep water run-off away from the home's entry area. He noted that the arbor structure was constructed to help improve the appearance of the concrete slab area and front of the residence. He explained that there were other encroachments into the front yard areas in the neighborhood, including fences and walls. He further explained that many of the neighbors supported the arbor addition. He stated that he notified property owners outside the 200 foot required area. He noted that 25 of 46 property owners along Kingwood Road signed a petition of support.

Leanne Mansell made additional comments in support of the application. She explained that the front yard area, around the arbor addition, would be landscaped.

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James VanDover explained that the issue of fences and walls within the front setback area was not persuasive because the fence/walls were not violations. He asked if neighbors were aware of the variance request. Mrs. Mansell explained that they were.

Scott Smith asked if there was any additional work to be done to the arbor. Mr. Mansell stated that there was some finish trim work left. Mrs. Mansell explained that the area would be landscaped with the arbor appearing as a landscape feature. Mr. Smith noted that he would like to see a different column design for the arbor.

Staff explained that the reason for recommendation of denial was the fact that the proposed encroachment into the front setback was out of character with the other properties along Kingwood Road. This issue was briefly discussed.

Scott Smith noted support for the variance and explained. Vice-Chairman Winchester noted that he had trouble defining an arbor as a structure. He explained that it was more of a landscape feature.

There was a motion to approve the application, 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 arbor structure must remain unenclosed with no solid roof.
3. The arbor structure must remain unattached to the principal structure.

The motion passed by a vote of 5 ayes and 0 nays. The application was approved.

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ITEM NO.: 2

File No.: Z-8475
Owner: One Bank and Trust, N.A.
Applicants: Development Consultants, Inc./Robert Brown
Address: 6712 Cantrell Road
Description: Part of Block 2, Bellevue Addition
Zoned: C-3

Variance Requested: A variance is requested from the area provisions of Section 36-301 to allow construction of a new branch bank building with a reduced street side setback.

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

Present Use of Property: Existing Branch Bank Facility

Proposed Use of Property: New Branch Bank for Drive Through Service Only

STAFF REPORT

A. Public Works Issues:

No Comments

B. Landscape and Buffer Issues:

1. Compliance with the city's Landscape and Buffer Ordinance is required.
2. Street buffers required along the Cantrell Road and "T" St perimeters. Buffers are to be six (6) percent of average depth of the lot. Buffers appear to comply with allowable 25% trade off on the site.
3. Perimeter Landscape strips are to be nine feet in width. Landscape appears to comply with allowable 25% trade off on the site.

C. Staff Analysis:

The C-3 zoned property at 6712 Cantrell Road is occupied by a one-story bank branch facility. The property is located at the southeast corner of Cantrell Road and "T" Street. The existing building is located near the center of the property. There are access drives from Cantrell Road and "T" Street which serve the

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ITEM NO.: 2 (Con't.)

property. The elevation of the property is slightly higher than that of the adjacent streets.

The applicant proposes to remove the existing structure from the property and construct a new branch bank building, as noted on the attached site plan. The new building will also be located near the center of the property, with the building being 15 feet back from the north ("T" Street) property line. Drive through lanes will be located on the south side of the building. The drive through canopy will be located 31.3 feet back from the south (Cantrell Road) property line. The proposed building will be located well over 30 feet from the east and west property lines. Two (2) new access drives from "T" Street will serve the proposed branch bank facility.

The applicant is requesting one (1) variance with the new auto branch bank development. Section 36-301(e)(2) of the City's Zoning Ordinance require minimum building setbacks of 25 feet along street side property lines. Therefore, the applicant is requesting a variance to allow a 15 foot street side setback from the north ("T" Street) property line. All other building setbacks conform to ordinance standards.

Staff is supportive of the requested street side setback variance. Staff views the request as reasonable. The commercial lot has an irregular shape, being triangular in nature. The west property line is only 40 feet in depth, increasing to a depth of 100 feet along the east property line. The proposed building structure is relatively small, with the enclosed portion being only 500 square feet in area. The drive-thru canopy is approximately 960 square feet in size. Staff feels the applicant has proposed a quality redevelopment plan for the property. Staff believes the plan will have no adverse impact on the adjacent properties or the general area.

D. Staff Recommendation:

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

1. Compliance with the City's Landscape and Buffer Ordinances.
2. Any signage on the site must conform to ordinance standards.

BOARD OF ADJUSTMENT:

(JULY 27, 2009)

The applicant was present. There were no objectors present. Staff presented the item and a recommendation of approval subject to compliance with the conditions outlined in the "staff recommendation" above. There was no further discussion. The item was placed on the consent agenda and approved by a vote of 5 ayes and 0 noes.

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ITEM NO.: 3

File No.: Z-8476

Owner/Applicant: Jeffrey C. Jones

Address: 1204 N. Shackelford Road

Description: Lot 191, Walnut Valley Addition

Zoned: R-2

Variance Requested: Variances are requested from the area provisions of Section 36-254 and the easement provisions of Section 36-11 to allow a deck addition with reduced side setback and which encroaches into an easement.

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. The vertical supporting members of the deck must be located at the top of bank or no further than 3 ft. from the house foundation.

B. Staff Analysis:

The R-2 zoned property at 1204 N. Shackelford Road is occupied by a one-story rock and frame single family residence. There is a two-car wide driveway from N. Shackelford Road which serves as access. Grassy Flat Creek runs along the south side property line. The south side yard of the property slopes downward to the creek. There is currently a second story being added to the residence. There is a ten (10) foot wide easement along the south side property line.

The applicant is proposing to construct a six (6) foot by ten (10) foot deck on the south side of the residence, as noted on the attached site plan. The proposed deck will be uncovered and unenclosed, and located approximately three (3) feet back from the south side property line. The deck will be located within the easement running along the south side property line.

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ITEM NO.: 3 (CON'T.)

Section 36-254(d)(2) of the City's Zoning Ordinance requires a minimum side yard setback of 7.5 feet for this R-2 zoned lot. Section 36-11(f) requires building encroachments into easements be reviewed and approved by the Board of Adjustment. Therefore, the applicant is requesting variances to allow the deck addition with a reduced side setback of three (3) feet, and its encroachment into an easement.

The applicant submitted letters from the five (5) public utility companies addressing the easement encroachment. The comments are as follows:

- Little Rock Wastewater – no objection to encroachment. Sewer lines on other side of creek.
- Central Arkansas Water – no objection to encroachment. No existing or planned facilities located in easement.
- CenterPoint Energy – no objection to encroachment.
- AT&T – no objection to encroachment.
- Entergy – no objection to encroachment. No facilities located in easement.

Staff is supportive of the requested variances. Staff views the proposed uncovered, unenclosed deck addition as reasonable. The property is adjacent to a rather wide creek area. There is approximately 150 feet of separation between this residence and the residence across the creek to the southwest. As long as the deck is constructed as per the Public Works requirement, as noted in paragraph A. of this report, staff feels the deck structure will have no adverse impact on the adjacent property, creek area or neighborhood.

C. Staff Recommendation:

Staff recommends approval of the requested side setback and easement variances, subject to the following conditions:

1. Compliance with the Public Works requirement as noted in paragraph A. of the staff report.
2. The deck must remain uncovered and unenclosed.

BOARD OF ADJUSTMENT:

(JULY 27, 2009)

The applicant was present. There were no objectors present. Staff presented the item and a recommendation of approval subject to compliance with the conditions outlined in the "staff recommendation" above. There was no further discussion. The item was placed on the consent agenda and approved by a vote of 5 ayes and 0 noes.

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ITEM NO.: 4

File No.: Z-8479

Owner/Applicant: Andrew L. Jones

Address: 4808 Club Road

Description: Lot 3, Block 1, Country Club Heights Addition

Zoned: R-2

Variance Requested: A variance is requested from the area provisions of Section 36-254 to allow a porch addition with a reduced rear 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 an increase in stormwater drainage should be implemented to not cause damage onto adjacent property from the increased impervious area.

B. Staff Analysis:

The R-2 zoned property located at 4808 Club Road is occupied by a two-story frame single family residence. There is a one-car wide driveway from Club Road at the southeast corner of the lot. There is a ten (10) foot wide paved alley located along the rear (north) property line. A four (4) foot wide deck (uncovered and unenclosed) is located on the rear of the house, at its northwest corner. The existing deck is 22 feet back from the rear (north) property line.

The applicant proposes to remove the existing deck and construct a new 12 foot by 16 foot screened-in porch at the northwest corner of the residence. The proposed porch will be located 14 feet back from the rear (north) property line and maintain the same side setback (west) as the existing residence, which is

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ITEM NO.: 4 (Con't.)

approximately eight (8) feet. Steps from the proposed porch to the rear yard area will be located along the rear wall of the residence.

Section 36-254(d)(3) of the City's Zoning Ordinance require a minimum rear yard setback of 25 feet. Therefore, the applicant is requesting a variance from this ordinance requirement to allow the screened porch addition with a 14 foot rear setback.

Staff is supportive of the requested variance. Staff believes the request is reasonable. The requested reduced rear setback for a porch structure will not be out of character with other properties in the area. The residences within this block on the north side of Club Road have front setbacks which are double the typical minimum front setback of 25 feet. The residence at 4808 Club Road is located approximately 51 feet back from the front property line which greatly reduces the size of the rear yard area. The residence immediately to the west has a landing/step structure for a deck with a similar rear setback as proposed. Additionally, the two (2) properties immediately to the east have building and raised deck areas which extend closer to their rear (north) property lines than the proposed porch. Staff believes the proposed porch addition will have no adverse impact on the adjacent properties or the general area. The paved alley along the rear property line provides ten (10) additional feet of separation between the proposed porch and the residential property to the north.

C. Staff Recommendation:

Staff recommends approval of the requested rear setback variance, subject to compliance with the Public Works requirement as noted in paragraph A. of the staff report.

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The applicant was present. There were no objectors present. Staff presented the item and a recommendation of approval subject to compliance with the conditions outlined in the "staff recommendation" above. There was no further discussion. The item was placed on the consent agenda and approved by a vote of 5 ayes and 0 noes.

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ITEM NO.: 5

File No.: Z-8480

Owner: Dan and Beth Cirwinski

Applicant: James Miles

Address: 19 Foxfield Cove

Description: Lot 17, Block 14, Woodland's Edge Subdivision

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 residence with reduced front setback 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 19 Foxfield Cove is occupied by a recently constructed two-story brick and rock single family residence, as noted on the attached site plan. There is a two-car wide driveway from Foxfield Cove which serves as access. There is a 25 foot front platted building line which follows the curvature of the front property line, located along the bulb of the cul-de-sac street.

When the residence was constructed, one (1) mistake was made in the lay-out of the structure. A small portion of the front of the residence extends approximately 3.5 feet across the front platted building line. The encroachment represents approximately 36 square feet of the overall residence.

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ITEM NO.: 5 (Con't.)

Section 36-254(d)(1) of the City's Zoning Ordinance requires a minimum front setback of 25 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 new residence with a reduced front setback and which crosses a front platted building line.

Staff is supportive of the requested building line variance. Staff views the request as very minor. Apparently the contractor at time of construction did not compensate for the curvature of the front platted building line. This resulted in approximately 36 square feet of the overall structure (over 3,500 square foot building foot print) encroaching across the front platted building line by approximately 3.5 feet. The lots within this area of Woodland's Edge Subdivision are allowed to have minimum rear setbacks of 15 feet. There was ample rear yard area for the residence to be shifted up to seven (7) feet to the south and avoid the building line encroachment. Therefore, it appears obvious that a mistake was made when the structure's foundation was laid out on the lot. Staff feels the encroachment being located on a lot along a cul-de-sac street, within the curvature of the cul-de-sac, has no negative visual impact on the adjacent lots or other lots along the roadway.

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 residence. 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 building line variance, subject to completion of a one-lot replat reflecting the change in the front platted building line as approved by the Board.

BOARD OF ADJUSTMENT:

(JULY 27, 2009)

The applicant was present. There were no objectors present. Staff presented the item and a recommendation of approval subject to compliance with the conditions outlined in the "staff recommendation" above. There was no further discussion. The item was placed on the consent agenda and approved by a vote of 5 ayes and 0 noes.

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ITEM NO.: 6

File No.: Z-8481

Owner: United Hoist and Crane, Inc.

Applicant: Steve Littleton

Address: Southeast Corner of Zeuber Road and Sloane Drive

Description: Tract F-1, Area 102, Little Rock Port Industrial Park.

Zoned: I-3

Variance Requested: A variance is requested from the paving provisions of Section 36-508 to allow an unpaved vehicular use area.

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

Present Use of Property: Undeveloped

Proposed Use of Property: Office/Warehouse

STAFF REPORT

A. Public Works Issues:

1. The Master Street Plan classifies Zeuber Road as a minor arterial. At time of building permit, additional right-of-way dedication will be required.

B. Landscape and Buffer Issue:

1. Compliance with the City's Landscape and Buffer Ordinances is required.
2. Street buffers are required along the Sloane Drive and Zeuber Road perimeters. Street buffers are to be six (6) percent of the average depth of the lot. The street buffer on the Zeuber Road perimeter is to be no less than 19.5 feet. The street buffer on the Sloane Drive perimeter is to be no less than 35 feet. Any required right-of-way dedication could affect placement of the buffers. Buffers are to be exclusive of any right-of-way.
3. Zeuber Road perimeter Landscape strip should extend 10 feet south of the south driveway. Any development of the portion of the tract extending to the south will require additional landscaping in that area.

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4. Screening of dumpsters is required.
5. Screening requirements for street perimeter planting strips are noted in Chapter 15, Section 15-55. Screening may be vegetation or combination of plantings and berms. Contact staff for information.

C. Staff Analysis:

The I-3 zoned property located at the southeast corner of Zeuber Road and Sloane Drive is currently undeveloped and mostly grass covered. Some site work is taking place in preparation of new building construction. The overall property is flat and free of slope. All surrounding properties are undeveloped.

The applicant is proposing to construct a new office/warehouse facility on the property, as noted on the attached site plan. The office portion of the building will represent 1,267.5 square feet, with 5,000 square feet of warehouse space. A 1,000 square foot trailer canopy will be located at the east end of the building. Two (2) access drives from Zeuber Road will serve the property. The northernmost drive will access a paved parking lot located along the north (front) and west sides of the building. The south drive will access a fenced area at the rear of the building, which will be utilized for heavy truck and trailer access. The rear fenced area as indicated on the attached plan will be covered with crushed stone and not paved.

With the new building construction, the City's Zoning Ordinance requires that the rear portion of the property be paved where subject to vehicular traffic as per Section 36-508. The applicant is requesting a variance to maintain the rear area of the property with a crushed stone base. The rear fenced area will be utilized for heavy truck and trailer traffic to and from the site.

Staff is supportive of the requested paving variance for the rear (south) portion of this property. Staff feels the maintenance of the gravel area is appropriate in this situation. The large truck maneuvering within this area, as well as the unloading of very heavy materials, would likely tear up an asphalt area rather quickly. It is very common to find unpaved vehicular use areas for larger vehicles in heavy commercial and industrial zonings in the City. Examples of gravel vehicular use areas can be found along Interstate 30 as well as the City's port industrial area. Staff believes the use of the crushed stone vehicular use area is reasonable and should have no adverse impact on the adjacent properties or the general area. As noted earlier, the front portion of the property where customers and employees will park will be paved and landscaped.

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ITEM NO.: 6 (Con't.)

D. Staff Recommendation:

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

1. Compliance with the Public Works requirements as noted in paragraph A. of the staff report.
2. Compliance with the Landscape and Buffer requirements as noted in paragraph B. of the staff report.

BOARD OF ADJUSTMENT:

(JULY 27, 2009)

The applicant was present. There were no objectors present. Staff presented the item and a recommendation of approval subject to compliance with the conditions outlined in the "staff recommendation" above. There was no further discussion. The item was placed on the consent agenda and approved by a vote of 5 ayes and 0 noes.

July 27, 2009

There being no further business before the Board, the meeting was adjourned at 2:34 p.m.

Date: _____

Chairman

Secretary