

LITTLE ROCK BOARD OF ADJUSTMENT

SUMMARY OF MINUTES

JUNE 28, 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 May 24, 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: Debra Weldon

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ITEM NO.: 1

File No.: Z-5252-A
Owner: Mustafa A. Almagalch
Applicant: Terry Burruss
Address: 2608 Maple Street
Description: Lots 3-5, Block 9, R.C. Butler's Addition
Zoned: C-1 and C-3

Variance Requested: Variances are requested from the area provisions of Section 36-299 to allow a commercial building with a reduced front setback.

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

Present Use of Property: Convenience Store with Gas Pumps

Proposed Use of Property: Convenience Store with Gas Pumps

STAFF REPORT

A. Public Works Issues:

No Comments

B. Landscape and Buffer Issue:

1. The site plan must comply with the City's Landscape and Buffer requirements.
2. A screening fence must be constructed along the north and west property lines, where adjacent to residential zoned property. Based on the fact that there is an existing commercial building, the screening fence along the north property line will be in-lieu of landscape plantings within the buffer area.

C. Staff Analysis:

The C-1/C-3 zoned property at 2608 Maple Street is occupied by a one-story block commercial building within the north portion of the property and a convenience store building with gas pump canopy within the south portion. The property is located at the northwest corner of Maple Street and Asher Avenue. Driveways

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from Maple Street and Asher Avenue serve the site. There is paved parking within the south portion of the property.

The applicant recently began remodeling the northernmost commercial building which had a nonconforming, reduced building setback from the front (east) property line. The building is located 19 feet back from the front (east) property line and 5.3 feet back from the north side property line. Because the applicant actually removed and rebuilt a large portion of the building a variance will be required to address the reduced front setback. The overall development plan for the property includes removing the old convenience store building and refurbishing the gas pump canopy area. The easternmost driveway along Asher Avenue will be closed with new concrete driveway aprons for the other drives. A redesigned paved parking area will be located within the southern area of the property. The northernmost building will house the new convenience store.

Section 36-299(e)(1) of the City's Zoning Ordinance requires a minimum front setback of 25 feet for the C-1 zoned lot. Therefore, the applicant is requesting a variance to allow the reconstruction of a portion of the existing commercial building with a front setback of 19 feet.

Staff is supportive of the requested setback variance. Staff views the issue as very minimal. The variance is required based on the fact that the applicant actually removed and rebuilt a portion of the existing commercial building instead of just remodeling it. The front (east) building wall is located the same distance back from the front property line as has existed for a number of years. Staff believes that the overall redevelopment plan for this property is appropriate and will be a quality improvement along this section of Asher Avenue. Staff believes the continuation of the reduced front setback for the existing commercial building will have no adverse impact on the adjacent properties or the general area.

D. Staff Recommendation:

Staff recommends approval of the requested front setback variance, subject to compliance with the landscape and buffer comments as noted in paragraph B. 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 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.

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ITEM NO.: 2

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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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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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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ITEM NO.: 3

File No.: Z-8521-A
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: A variance is requested from the height provisions of Section 36-254 to allow a new residence with a height which exceeds the maximum 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 2112 Country Club Lane is occupied by a two-story (with finished basement) single family residence which is in the process of being constructed (framing). There will be a driveway along the south side of the residence leading to a carport on the rear of the residence. There is a 10 foot alley along the rear (west) property line. The property slopes downward from front to back (east to west) and side to side (north to south). Because of the slope of the property, the residence has the appearance of a two-story structure as viewed from the front (east) and north side. It has the appearance of a three-story structure as viewed from the rear (west) and south side. On February 22, 2010 the Board of Adjustment granted rear and side yard setback variances for this residential structure. The applicant is now back before the Board to request one (1) additional variance for which a need was not known at the time of the previous Board of Adjustment action.

Section 36-254(c) of the City's Zoning Ordinance allows a maximum building height of 35 feet for structures in the R-2 zoning district. According to the ordinance definition of building height, it is measured from the lowest finished floor

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level to the mean height level between the eaves and ridge of a gable or hip roof. Because the basement level of this residence will be finished (game room, bathroom etc.), the height of the structure measures approximately 43 feet. As noted previously, this is primarily as viewed from the rear and south side. The height as measured is for the main portion of the residential structure and does not include the carport section as the rear of the structure which is well under the maximum height allowance. If the basement level of the residence were not finished space, the building height measurement would be approximately 34 feet. Therefore, the applicant is requesting a variance to allow the new single family residence with a height of approximately 43 feet.

Staff is supportive of the requested height variance. The fact that this structure has a finished basement level is the only reason that the building height measurement does not comply with ordinance standards. A portion of the finished basement will be below the finished grade of the yard area. As noted previously, if the basement level was not finished space, the building height measurement would be approximately 34 feet and comply with the ordinance. Additionally, the overall height of this residence, as measured from the finished grade of the yard area to the peak of the roof, will not be out of character with the neighborhood. There are other residences within one (1) to two (2) blocks of this residence which have overall heights similar, and possibly greater, than this residence. The changing slopes from property to property within this area of the neighborhood play a major role in how the overall building heights are viewed, without respect to the ordinance definition of height. Staff believes that the building height as being constructed will have no adverse impact on the adjacent properties or the general area.

C. Staff Recommendation:

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

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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.

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ITEM NO.: 4

File No.: Z-8561
Owner: William and Laura Titus
Applicant: Bill Titus
Address: 29 St. Andrews Drive
Description: Lot 7, Block 13, Pleasant Valley Addition
Zoned: R-2

Variance Requested: A variance is requested from the area provisions of Section 36-254 to allow a room/patio addition with reduced 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:

1. Any guttering and downspouts should direct stormwater flows away from adjacent property.
2. 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-2 zoned property at 29 St. Andrews Drive contains a two-story brick and frame single family residence. There is a two-car wide driveway from St. Andrews Drive which serves as access. There is a carport at the west end of the residence. The lot contains a 35 foot front platted building line.

The applicant is proposing to construct a room addition on the rear (south side) of the residence, as noted on the attached site plan. The addition will be one-story in height and contain a new master bath area. The east portion of the addition will be a covered patio area. The patio area will be enclosed with the exception of the east side. The proposed addition to the residence will be located 19 to 20 feet back from the rear (south) property line, and 7.5 feet back from the west side property line.

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Section 36-254(d)(3) of the City's Zoning Ordinance requires a minimum 25 foot rear setback for this R-2 zoned lot. Section 36-254(d)(2) requires a minimum side yard setback of eight (8) feet. Therefore, the applicant is requesting variances to allow a rear setback of 19 to 20 feet and a side setback of 7.5 feet for the proposed room/covered patio addition.

Staff is supportive of the requested variances. Staff views the request as reasonable. As noted previously, this R-2 zoned lot contains a 35 foot front platted building line, with the house actually located 50 feet back from the front property line. When the residence was constructed, it was pushed further back on the lot in order to line up with the other residences along St. Andrews Drive to the east and west. If the residence were on the front platted building line, the rear setback would not be an issue. With respect to the side setback, the 7.5 foot setback is simply a continuation of the setback of the existing residence along the west property line. Staff believes the requested reduced side and rear setbacks will have no adverse impact on the adjacent properties or the general area. The nearest structure to the south is located approximately 40 feet back from the dividing rear property line between the two (2) lots.

C. Staff Recommendation:

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

1. The addition must be constructed to match the existing residence.
2. A building permit must be obtained for the construction.

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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.

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ITEM NO.: 5

File No.: Z-8562
Owner: Matt Bell
Applicant: Jessica C. Szenher/Jim and Ellen Yeary (Yeary Lindsey Architects)
Address: 17 Oakwood Road
Description: Lot 9, Cedar Hill Terrace Addition
Zoned: R-2

Variance Requested: A variance is requested from the area provisions of Section 36-254 to allow a garage 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:

1. Any guttering and downspouts should direct stormwater flows away from adjacent property.
2. Measures to control the increase in stormwater runoff from the increased impervious surface should be implemented to not damage adjacent property.

B. Building Codes Comments:

The required fire separation distance (building to property line) prescribed by the building code terminates at five (5) feet. Buildings are allowed to be closer than five (5) feet if they have properly constructed fire walls which provide the requisite one (1) hour fire resistance rating. When buildings are five (5) feet or more from the property line, the requirement no longer applies to the wall itself, only the projections such as eaves or overhangs.

Openings such as doors and windows are *limited* when the exterior wall is three (3) feet from the property line, and are *prohibited* when the exterior wall is *less* than three (3) feet from the line. There is no restriction on openings when the exterior wall is more than three (3) feet from the property line.

Contact the City of Little Rock Building codes at 371-4832 for additional details.

C. Staff Analysis:

The R-2 zoned property at 17 Oakwood Road is occupied by a two-story/split-level brick and frame single family residence. There is a two-car wide driveway from Oakwood Road which serves as access to the property. There is a one-car wide carport at the south end of the residence. The property slopes downward from side to side (south to north) and front to back. The lot contains a 25 foot front platted building line.

The applicant proposes to widen the carport area to create a two-car wide enclosed garage at the south end of the residence, as noted on the attached site plan. The garage addition will run the entire depth of the residence and include storage room space. The proposed garage expansion will be located approximately two (2) feet back from the south side property line at the southwest corner of the addition, and approximately five (5) feet back at the addition's southeast corner. The garage expansion will be one (1) story in height. The driveway will be widened with a short retaining wall, if necessary.

Section 36-254(d)(2) of the City's Zoning Ordinance requires a minimum side setback of eight (8) feet for the R-2 zoned lot. Therefore, the applicant is requesting a variance to allow the garage addition with a reduced side setback ranging from two (2) feet to five (5) feet.

Staff is supportive of the requested side yard setback variance. Given the slope of the property from side to side and front to back, the house has been pulled up to the front building line. Expansion of the garage area to the side is the most reasonable option for this structure. The single family residence to the south is located at least 20 feet back and at a higher elevation from the dividing side property line between the two (2) lots. Therefore, ample separation will exist between the two (2) houses. Staff believes the proposed garage addition with reduced side setback will have no adverse impact on the adjacent properties or general area.

D. Staff Recommendation:

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

1. Compliance with the Public Works comments as noted in paragraph A. of the staff report.
2. Compliance with the Building Codes comments as noted in paragraph B. of the staff report.
3. The garage addition must be constructed to match the existing residence.

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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.

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ITEM NO.: 6

File No.: Z-8563
Owner: The GWC Revocable Trust
Applicant: Gertrude W. Cromwell
Address: 5400 Country Club Blvd.
Description: Lot 14, Block 9, Newton's 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 5400 Country Club Blvd. is occupied by a one-story brick and frame single family residence. The property is located at the northwest corner of Country Club Blvd. and N. Tyler Street. There is a two-car wide driveway from N. Tyler Street which accesses a garage on the east side of the residence.

The applicant is proposing to remove an existing fence between this residence and the residence immediately to the west, and replace it with an eight (8) foot high wood fence. Approximately 90 linear feet of fence is proposed, running from the front corner of the residence to rear corner of the residence. The new fence will tie into an existing fence in the rear yard area. The applicant has been working with the property owner immediately to the west regarding the fence issue, in order to provide additional privacy for both structures.

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Section 36-516(e)(1)a. of the City's Zoning Ordinance allows a maximum fence height of six (6) feet for R-2 zoned property. Therefore, the applicant is requesting a variance to allow the eight (8) foot high wood fence as proposed.

Staff is supportive of the requested fence height variance. Staff views the request as reasonable. The eight (8) foot high fence is proposed in order to provide additional privacy based on the location of windows on the two (2) opposing structures which are separated by approximately 14 feet. An eight (8) foot high fence along an interior property line will not be out of character with other fences in the neighborhood. The Board of Adjustment has granted several variances for increased fence heights within this neighborhood in the past. Staff believes the proposed eight (8) foot high fence 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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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.

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ITEM NO.: 7

File No.: Z-8564

Owner: Besser-Modi, Inc.

Applicant: Steve Modi

Address: 1019 Main Street

Description: Lot 6 and part of Lot 5, Block 11, Original City of Little Rock

Zoned: UU

Variance Requested: A variance is requested from the development provisions of Section 36-342.1 to allow outside display of rental equipment.

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

Present Use of Property: Retail Hardware Store

Proposed Use of Property: Retail Hardware Store with Equipment Rental

STAFF REPORT

A. Public Works Issues:

If the area of outdoor display creates a sight distance problem, the area may need to be reduced or adjusted to provide adequate sight distance.

B. Staff Analysis:

The UU zoned property at 1019 Main Street contains a one-story commercial building, part of a two-building commercial development which houses a hardware store business. The property is located at the northeast corner of Main Street and the I-630 frontage road. A driveway from Main Street serves the development. Paved parking is located between the two (2) buildings. There is some outdoor storage of bagged landscape materials which has existed on the site for a number of years.

The applicant recently began renting small equipment as part of the hardware store business, within the southernmost of the two (2) commercial buildings. As part of the equipment rental portion of the business, the applicant proposes to have

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a small area of outdoor equipment display on the paved area along the west side of the building, as noted on the attached site plan. The equipment rental will include smaller equipment, targeting the homeowner and not commercial contractors. The applicant has noted that the equipment displayed will be moved into the building at the close of each business day.

Section 36-342.1(d)(1) of the City's Zoning Ordinance states that all permitted uses within the UU zoning district must be inside or enclosed, except outdoor dining. Therefore, the applicant is requesting a variance from this development criteria to allow the outdoor display of small equipment.

Staff is supportive of the requested variance. Staff views the request as reasonable. This property is located near the outer edge of the UU zoning district and along Interstate 630. There is a history of businesses with outdoor display in this area. The vacant property across Main Street to the west previously housed an auto dealership. There was additional auto display to the north across W. 10th Street. Also, the hardware store at the southwest corner of Main Street and W. 9th Street was granted approval by the Board of Adjustment to have outdoor display/storage of materials. Additionally, there are a number of surface parking lots in this general area. The proposed outdoor display of small equipment at this location will not be out of character with other uses in this area of the UU zoning district. Staff believes that the area of outdoor display will have no adverse impact on the adjacent properties or the general area.

C. Staff Recommendation:

Staff recommends approval of the requested variance to allow outdoor equipment display, subject to the following conditions:

1. Compliance with the Public Works comments as noted in paragraph A. of the staff report.
2. The equipment displayed must be moved inside the building at the close of each business day.

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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.

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ITEM NO.: 8

File No.: Z-8565
Owner: Howard M. Knoff
Applicant: John Beneke
Address: 49 Woodberry Road
Description: Lot 53, Longlea Subdivision
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 Woodberry Road is occupied by a two-story brick and frame single family residence. The property is located at the northwest corner of Woodberry Road and Holly Springs Court. A two-car wide driveway from Holly Springs Court serves as access to the property. There is also a circular driveway from Woodberry Road. The lot contains a 25 foot platted building line along the front (south) and street side (east) property lines.

The applicant is in the process of making extensive landscape improvements to the property in the rear yard area. The improvements include a new deck/gazebo structure, covered outdoor kitchen area, firepit and water feature. As part of the landscape upgrade the applicant is proposing to construct a new fence to enclose the rear yard area, as noted on the attached site plan. The new fence will be eight (8) feet in height, six (6) feet of solid wood with two (2) feet of lattice on top. This fence will have eight (8) foot high brick columns. It replaces a six (6) foot high wood fence. The applicant is also proposing to replace the existing six (6) foot high wood fence along the remainder of the rear (north) property line and within the east (street side) yard area. This area of fencing will be located between existing

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brick columns. A portion of this fence will be located between the 25 foot platted building line and the east (street side) property line.

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 side property line, and six (6) feet elsewhere on a single family lot. Therefore, the applicant is requesting a variance from this ordinance standard to allow the new eight (8) foot high wood fence within the rear yard area, and replacement of the existing six (6) foot high fence located within the east side yard area, between the 25 foot platted building line and east street side property line.

Staff is supportive of the requested fence height variance. Staff views the request as reasonable. The property immediately to the west is located below the grade of the rear yard of this lot. The proposed fence will help screen the adjacent property from the new elevated deck/gazebo area within the rear yard. The six (6) foot high fence within the east street side yard area will simply replace an existing wood fence of the same height. Additionally, the higher fencing will not be out of character with other fences in this neighborhood. Staff believes the proposed fences 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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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.

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ITEM NO.: 9

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. 2nd Street. There is a gravel driveway from W. 2nd 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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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. 2nd 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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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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ITEM NO.: 10

File No.: Z-8567
Owner: Thomas L. and Nancy Baxley
Applicant: Mark Spradley
Address: 42 Robinwood Drive
Description: Lot 72, Robinwood 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 42 Robinwood Drive contains a one-story brick and frame single family residence. A circular driveway from Robinwood Drive serves as access to the property. A garage is located at the east end of the residence. The property slopes downward from front to back (south to north).

The applicants recently constructed a new eight (8) foot high wood fence along the rear (north) property line, as noted on the attached site plan. New wood fencing ranging in height from six (6) to eight (8) feet was constructed along the rear yard portion of the west side property line. The fence was constructed in October, 2008, and has a "finished" appearance on both sides.

Section 36-516(e)(1)a. of the City's Zoning Ordinance allows a maximum fence height of six (6) feet for R-2 zoned lots. Therefore, the applicant is requesting a variance to allow the eight (8) foot high wood fence along the rear (north) property line and the six (6) to eight (8) foot high wood fence along a portion of the west side property line.

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Staff is supportive of the requested fence height variance. Staff views the request as reasonable. As noted previously, the fence was constructed in October, 2008, with both sides of the fence being finished. With the property sloping downward from front to back, the increased fence height provides additional privacy screening between this property and the property immediately to the north. Additionally, the eight (8) foot high fence is not out of character with other fences in this neighborhood. Staff believes the existing fence has 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 permit being obtained for the fence construction.

BOARD OF ADJUSTMENT:

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Thomas and Nancy Baxley and Mark Spradley were present, representing the application. There were two (2) persons present with concerns. Staff presented the application with a recommendation of approval.

Mark Spradley addressed the Board in support of the application. He noted that several neighbors he had talked to had no objections to the fence height variance. He discussed the elevation of this property in relation to the property to the north. He explained that the eight (8) foot high fence as proposed was an asset to the neighborhood.

Alan Abston addressed the Board with concerns. He discussed the issue of drainage between the two (2) properties. He noted that he had no issue with the proposed fence height.

Suzanna Abston also addressed the Board with concerns. She noted that the fence panels were seven (7) inches off the ground in places. She discussed the issue of drainage, noting that she had tried to work with the Baxley's on the drainage problem. She stated that she had no issue with the fence height.

There was additional discussion of the drainage issue in the area. Chairman Winchester noted that the only issue before the Board was the variance for the increased fence height, and that the Board could not address the drainage issue.

There was a motion to approve the requested fence height variance, as recommended by staff. The vote was 5 ayes, 0 noes and 0 absent. The application was approved.

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ITEM NO.: 11

File No.: Z-8568
Owner: Larry and Theresa Middleton
Applicant: Burt Taggart
Address: 4 Lacelle Court
Description: Lot 15, Block 14, Chenal 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. A variance is also requested from Section 31-12 to allow a second addition which crosses a rear 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. Building Codes Comments:

The required fire separation distance (building to property line) prescribed by the building code terminates at five (5) feet. Buildings are allowed to be closer than five (5) feet if they have properly constructed fire walls which provide the requisite one (1) hour fire resistance rating. When buildings are five (5) feet or more from the property line, the requirement no longer applies to the wall itself, only the projections such as eaves or overhangs.

Openings such as doors and windows are *limited* when the exterior wall is three (3) feet from the property line, and are *prohibited* when the exterior wall is less than three (3) feet from the line. There is no restriction on openings when the exterior wall is more than three (3) feet from the property line.

Contact the City of Little Rock Building Codes at 371-4832 for additional details.

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C. Staff Analysis:

The R-2 zoned property at 4 Lacelle Court is occupied by a two-story brick single family residence. Lacelle Court is a private, gated street running east from Chenal Valley Drive. There is a paved circular driveway from Lacelle Court which serves as access. The driveway leads to a garage on the west end of the residence. The property backs up to the Chenal Valley golf course.

The applicant is proposing to construct two (2) additions to the existing residence, as noted on the attached site plan. A new master bedroom/bath addition is proposed at the northwest corner of the residence. This addition conforms to ordinance standards with respect to minimum setbacks from all property lines. However, the northwest corner of the addition crosses a rear platted building line, which was platted as a line of sight between the residences to the west and the golf course.

The second addition is proposed at the northeast corner of the residence. This addition will consist of a trellis-like structure attached to the northeast corner of the residence which ties into a covered (unenclosed) outdoor living/patio space. This addition will be located one (1) foot to 17 feet back from the east side property line.

Section 36-254(d)(2) of the City's Zoning Ordinance requires a minimum side setback of eight (8) feet for this R-2 zoned lot. Section 31-12(c) of the Subdivision Ordinance require that building line encroachments be reviewed and approved by the Board of Adjustment. Therefore, the applicant is requesting a variance to allow the reduced side setback for the proposed building addition at the northeast corner of the residence. The applicant is also requesting a variance to allow a rear building line encroachment for the proposed building addition at the northwest corner of the residence.

Staff does not support the proposed variances, as requested. Staff has no problem with the requested building line encroachment near the northwest corner of the residence, as long as written approval is obtained from the Chenal property owners association. However, staff does not support the reduced side setback for the proposed covered patio at one (1) foot from the side property line. Although the one (1) foot side setback is proposed for only one (1) corner of the structure, staff feels that there is ample area to work with in this rear yard and could support a variance to allow the nearest corner of the covered patio area at a minimum of three (3) feet from the side property line. If the applicant were willing to increase this side setback, staff could support the application.

If the Board approves the building line variance, the applicant will have to complete a one-lot replat reflecting the change in the platted rear 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.

D. Staff Recommendation:

Staff recommends denial of the requested variances, as filed.

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BOARD OF ADJUSTMENT:

(JUNE 28, 2010)

The applicant was present. There were no objectors present. Staff noted that the applicant had revised the application by withdrawing the requested side setback variance along the east property line. Staff explained that the applicant would provide the minimum eight (8) foot side setback as required. Staff recommended approval of the requested building line encroachment subject to completion of a one-lot replat reflecting the change in the side platted building line as approved by the Board. Staff also noted that the Chenal Valley Architectural Control Committee and two (2) adjacent neighbors had submitted letters of approval. 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.

June 28, 2010

There being no further business before the Board, the meeting was adjourned at 2:30 p.m.

Date: _____

Vice-Chairman

Secretary