

LITTLE ROCK BOARD OF ADJUSTMENT

SUMMARY OF MINUTES

MARCH 29, 2010

2:00 P.M.

I. Roll Call and Finding of a Quorum

A Quorum was present being four (4) in number.

II. Approval of the Minutes of the Previous Meetings

The Minutes of the February 22, 2010 meeting were approved as mailed by unanimous vote.

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

Members Absent: David Wilbourn

City Attorney Present: Debra Weldon

LITTLE ROCK BOARD OF ADJUSTMENT

AGENDA

MARCH 29, 2010

2:00 P.M.

I. OLD BUSINESS:

- | | | |
|----|--------|---------------------------------|
| A. | Z-8507 | 814 West 7 th Street |
| B. | Z-8520 | 49 DuClair Court |

II. NEW BUSINESS:

- | | | |
|----|----------|----------------------|
| 1. | Z-8238-A | 5821 Kavanaugh Blvd. |
| 2. | Z-8526 | 35 Chenal Circle |
| 3. | Z-8527 | 39 St. John's Place |
| 4. | Z-8528 | 2822 N. Grant Street |

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ITEM NO.: A

File No.: Z-8507
Owner: Robert Berry
Applicant: Terry Burruss
Address: 814 W. 7th Street
Description: North side of W. 7th Street, between State and IZARD Streets.
Zoned: UU

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

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

Present Use of Property: Vacant Commercial Building

Proposed Use of Property: Tattoo Shop

STAFF REPORT

A. Public Works Issues:

1. Obtain a franchise agreement from Public Works (Bennie Nicolo, 371-4818) for the private improvements located in the right-of-way.

B. Staff Analysis:

The UU zoned property at 814 W. 7th Street contains a one-story brick commercial building which is currently vacant. The property is located on the north side of W. 7th Street, between State and IZARD Streets. The building was previously occupied by Eaton Beauty Stylist College. There is on-street parking in this general area which serves the commercial building. There are two (2) existing wall signs on the building which previously identified the Eaton College use. The wall sign on the front (south) of the building is approximately 15 square feet in area and the wall sign on the east building façade is approximately 48 square feet in area.

The applicant proposes to remove the two (2) existing wall signs and replace them with one (1) projecting sign on the front of the building to identify a new tattoo shop use for the building. The proposed projecting sign will be five (5) feet wide and eight (8) feet tall (40 square feet). The applicant originally submitted a proposal for a 60 square foot projecting sign, but has amended the size as noted. It will be located 11'-1" above the sidewalk along W. 7th Street. The sign will extend approximately 3 feet 7 inches above the roof of the building.

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ITEM NO.: A (Con't.)

At the January 25, 2010 meeting the Board of Adjustment determined that the proposed sign is not a "roof sign" as defined by ordinance.

Section 36-553(a)(2)b. of the City's Zoning Ordinance allows a projecting sign with a maximum area of 12 square feet for this UU zoned property. The ordinance would typically allow approximately 82 square feet of wall signage for the south façade of this building. Therefore, the applicant is requesting a variance to allow the 40 square foot projecting sign as proposed. The applicant has noted that the proposed projecting sign will be in-lieu of any wall signs.

Staff is supportive of the requested variance. Staff's support is based on the fact the Board determined this sign not to be a roof sign and the applicant agreeing not to place any wall signs on the front building façade. Staff views the request as reasonable. The 40 square foot projecting sign will not be out of character with other signs in the UU downtown zoning district. There are other projecting signs larger than 12 square feet in area in and near the River Market District of Downtown Little Rock. Staff believes the proposed projecting sign will have no adverse impact on the adjacent properties or the general area.

C. Staff Recommendation:

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

1. The projecting sign must not exceed 40 square feet in area.
2. There are to be no wall signs attached to the building.
3. A sign permit must be obtained for the projecting sign.

BOARD OF ADJUSTMENT: (NOVEMBER 30, 2009)

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

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

BOARD OF ADJUSTMENT: (DECEMBER 21, 2009)

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

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ITEM NO.: A (Con't.)

BOARD OF ADJUSTMENT:

(JANUARY 25, 2010)

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

BOARD OF ADJUSTMENT:

(FEBRUARY 22, 2010)

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

BOARD OF ADJUSTMENT:

(MARCH 29, 2010)

Terry Burruss and Robert Berry were present, representing the application. Staff presented the item with a recommendation of approval. There were no objectors present.

Vice-Chair Van Dover made a brief statement regarding justification for the variance. He noted that he could not support the application based on the percent of increase in size for the proposed projecting sign.

Terry Burruss noted that an existing projecting sign at another location would be used for this location. He stated that there would be two (2) businesses at this location.

Scott Smith asked about hardship with respect to this application as opposed to other variances such as building setbacks. Debra Weldon, City Attorney, quoted the hardship section of the ordinance with respect to the Board of Adjustment. The issue of hardship was briefly discussed. Dana Carney, City Planning staff, addressed the Board with respect to hardship and how it should be addressed.

Scott Smith asked about the size of the proposed projecting sign. Mr. Burruss explained how the projecting sign at another location would be modified for the two (2) businesses at 814 W. 7th Street. Chairman Winchester asked where the existing projecting sign was located. Mr. Burruss noted that it was just to the west on W. 7th Street.

There was a motion to approve the application as recommended by staff. The motion passed by a vote of 3 ayes, 1 nay and 1 absent. The application was approved.

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ITEM NO.: B

File No.: Z-8520

Owner/Applicant: Turag Ronaghi

Address: 49 DuClair Court

Description: Lot 11, Block 4, Chenal Valley Addition

Zoned: R-2

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

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

Present Use of Property: Single Family Residential

Proposed Use of Property: Single Family Residential

STAFF REPORT

A. Public Works Issues:

No Comments.

B. Staff Analysis:

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

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

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

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ITEM NO.: B (Con't.)

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

C. Staff Recommendation:

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

BOARD OF ADJUSTMENT:

(FEBRUARY 22, 2010)

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

BOARD OF ADJUSTMENT:

(MARCH 29, 2010)

The applicant was not present. There were no objectors present. Staff presented the item and informed the Board that the item needed to be deferred to the April 26, 2010 Agenda. There was no further discussion. The item was placed on the consent agenda and deferred to the April 26, 2010 meeting by a vote of 4 ayes, 0 noes and 1 absent.

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ITEM NO.: 1

File No.: Z-8238-A

Owner: David Hadidi

Applicant: Jacob Chi

Address: 5821/5823 Kavanaugh Blvd.

Description: Southeast corner of Kavanaugh Blvd. and Grant Street

Zoned: C-3

Variance Requested: A variance is requested from the parking provisions of Section 36-502 to allow expansion of a restaurant use with reduced parking.

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

Present Use of Property: Restaurant and Vacant Retail Space

Proposed Use of Property: Restaurant With Expansion

STAFF REPORT

A. Public Works Issues:

No Comments.

B. Staff Analysis:

The C-3 zoned property at 5823 Kavanaugh Blvd. is occupied by a one-story masonry commercial building. The property is located at the southeast corner of Kavanaugh Blvd. and N. Grant Street. The building is approximately 1,650 square feet in area and is part of a larger shopping center/commercial use area along the south side of Kavanaugh Blvd., extending from N. University Avenue to beyond N. Taylor Street to the west. The building previously housed retail-type commercial uses and had no off-street parking. On July 30, 2007 the Board of Adjustment approved a parking variance to allow conversion of the 1,650 square foot retail space to a restaurant, The Sushi Café. At that time, the applicant submitted a parking study, with respect to the on-street parking spaces located along Kavanaugh Blvd. and N. Grant Street. The applicant showed that there was ample on-street parking during peak restaurant hours.

The applicant has recently acquired the 2,100 square foot commercial space immediately to the east (B.A. Framer). The applicant proposes to expand the Sushi Café restaurant into 1,350 square feet of the space (rear portion), with

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ITEM NO.: 1 (Con't.)

additional seating/banquet room and storage. The front 750 square feet of the space is proposed for an ice cream shop operated by The Sushi Café. The applicant notes that there will be no exterior or structural changes to the building.

Section 36-502(b)(3)a. of the City's Zoning Ordinance requires a minimum of seven (7) off-street parking spaces for a 2,100 square foot retail use. Section 36-502(b)(3)c. requires a minimum of 21 off-street spaces for a similar size restaurant use. Therefore, the applicant is required to provide 14 off-street parking spaces for the conversion of the retail space to a restaurant use (the difference between the number of spaces required for the restaurant use and the non-conforming parking requirement for the past retail use). The applicant is requesting a variance from this ordinance standard in order to have the expanded restaurant use utilize the existing on-street parking in the area and provide no additional off-street spaces.

The applicant recently conducted a parking study of the on-street public parking within 1,000 feet of the property at 5821/5823 Kavanaugh Blvd., as well as the private parking lots within a 500 foot radius. The study was conducted during peak restaurant hours on a week day and a Saturday. The results of the study are attached with the applicant's cover letter, and show that there is ample on-street parking available during peak restaurant hours.

Staff is supportive of the requested parking variance. Staff believes there is adequate on-street parking to serve the proposed restaurant expansion/ice cream shop in conjunction with the other commercial and restaurant uses in the area. The majority of the commercial buildings along the south side of Kavanaugh Blvd., east of N. University Avenue, were developed with very little or no off-street parking and have thrived as such (including restaurant uses) for a number of years. Staff believes the proposed restaurant expansion at 5821 Kavanaugh Blvd. will have no adverse impact on the parking situation in this general commercial area.

C. Staff Recommendation:

Staff recommends approval of the requested parking variance, subject to the variance being only for a restaurant use owned by Jacob Chi, Sushi Café at 5821 Kavanaugh Blvd.

BOARD OF ADJUSTMENT:

(MARCH 29, 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 4 ayes, 0 noes and 1 absent

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ITEM NO.: 2

File No.: Z-8526
Owner: Julie Pruet
Applicant: Bennett Pruet
Address: 35 Chenal Circle
Description: Lot 15, Block 2, Chenal Valley Addition
Zoned: R-2

Variance Requested: A variance is requested from the fence provisions of Section 36-516 to allow construction of 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 35 Chenal Circle is occupied by a two-story stucco single family residence. There is a circular driveway from Chenal Circle which serves as access. Within the rear yard area, there is a six (6) foot high wood fence along the east side property line and a seven (7) foot high masonry wall along the rear (south) property line. The wall was constructed by the two (2) lot owners to the south. An eight (8) foot high wood fence which was located along the west side property line was recently removed. The applicant is requesting to construct a new eight (8) foot high fence along this west property line, as noted on the attached site plan.

Section 36-516(e)(1)a. of the City's Zoning Ordinance allows a maximum fence height of six (6) feet in residential zones. Therefore, the applicant is requesting a variance to allow the eight (8) foot high fence along the west side property line, within the rear yard area.

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ITEM NO.: 2 (Con't.)

Staff is supportive of the requested fence variance. Staff views the request as appropriate. The property immediately to the west has a rear yard relationship with this property. The deck on the rear of the residence next door faces the rear yard of this property and is approximately two (2) to three (3) feet above grade overlooking the rear yard of the applicant's property. The proposed eight (8) foot high fence will add to the privacy of both properties given the difference in deck/patio elevations. Additionally, the applicant has submitted a letter of support from the property owners immediately to the west. Staff believes the requested eight (8) foot high fence will have no adverse impact on the adjacent property or the general area. As noted above, the proposed eight (8) foot high fence will only be located along the west property line, within the rear yard area, of 35 Chenal Circle.

C. Staff Recommendation:

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

BOARD OF ADJUSTMENT:

(MARCH 29, 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 4 ayes, 0 noes and 1 absent

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ITEM NO.: 3

File No.: Z-8527
Owner: Phil and Paula Schmidt
Applicant: Rodney Parham
Address: 39 St. John's Place
Description: Lot 8R, Block 6, Newton's 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 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:

No Comments.

B. Staff Analysis:

The R-2 zoned property at 39 St. John's Place is occupied by a one-story brick and frame single family residence. There is a driveway from St. John's Place at the southwest corner of the property. The driveway is a shared driveway (within a 25 foot wide ingress/egress easement) between this residence and the two (2) residences immediately to the south. The driveway leads to a garage on the south side of the residence. The rear yard portion of the property is fenced and has a slight slope downward from front to back and side to side (south to north). A small accessory building is located near the northeast corner of the lot. The lot contains a 35 foot front platted building line.

The applicant proposes to construct a one-story addition on the rear of the structure, at its southeast corner, as noted on the attached site plan. The addition and roof line will be constructed to match the existing residence. The proposed addition will have a setback of approximately six (6) feet from the rear (east) property line, and 14.2 feet back from the south side property line. The addition will not encroach into the ingress/egress easement.

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ITEM NO.: 3 (Con't.)

As part of this project, the applicant is also proposing to construct a swimming pool with raised pool deck (slab) on the north side of the addition, within the rear yard area, also noted on the attached site plan. The pool deck (slab) area will also be located six (6) feet back from the rear (east) property line, and 8.9 feet back from the north side property line. The pool deck area will be approximately 42 inches above the grade of the rear yard area at its highest point. The pool and deck area will not be covered or enclosed.

Section 36-254(d)(3) of the City's Zoning Ordinance requires a minimum rear yard setback of 25 feet for this R-2 zoned lot. Therefore, the applicant is requesting a variance to allow the room addition and pool/deck addition with a rear setback of six (6) feet.

Staff is supportive of the requested rear setback variance. Staff views the request as reasonable. As noted above, this R-2 zoned lot contains a 35 foot front platted building line. The R-2 zoning typically requires a 25 foot minimum front setback. The porch/entry portion of the residence is located at the 35 foot front setback, with the main front wall of the house having a front setback of approximately 52 feet. Therefore, the house is located far back on the lot which decreases the amount of buildable rear yard area substantially. With the proposed addition, the overall lot coverage will be compatible with the lots in St. John's Place PRD and many of the lots in the overall Heights neighborhood. There is a rather large vacant yard area immediately east of the applicant's lot, and the proposed addition will have no separation issues with any adjacent structures.

C. Staff Recommendation:

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

1. The addition must be constructed to match (exterior and roofline) the existing residence.
2. The pool deck (slab) area must remain uncovered and unenclosed.

BOARD OF ADJUSTMENT:

(MARCH 29, 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 4 ayes, 0 noes and 1 absent

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ITEM NO.: 4

File No.: Z-8528

Owner: James I. Lasley, III

Applicant: Ross McCain

Address: 2822 N. Grant Street

Description: Lot 12 and part of Lot 11, Block 13, Park View Addition

Zoned: R-3

Variance Requested: A variance is requested from the area provisions of Section 36-255 to allow construction of a new residence with 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:

No Comments.

B. Staff Analysis:

The R-3 zoned property at 2822 N. Grant Street is occupied by a one-story frame single family residence. The property is located at the southwest corner of N. Grant Street and Ampersand Street. There is a one-story storage building/carport along the rear (west) property line. A gravel driveway from Ampersand Street serves as access to the carport.

The applicant is proposing to remove the existing residence and accessory building from the property and construct a new two-story single family home, as noted on the attached site plan. The new residence will be located 25 feet back from the front (east) property line. The main portion of the structure will be located five (5) feet back from the south side property line and 10 feet back from the north street side property line. There will be a two-story garage portion located in the rear yard area. The garage (with playroom above) will be connected to the main portion of the house by way of a second floor, heated and cooled, hallway. This connection makes the garage structure part of the principal structure and not a

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ITEM NO.: 4 (Con't.)

separate accessory structure. The garage portion will be located five (5) feet from the north street side property line and 15 feet from the rear (west) property line.

Section 36-255(d)(3) of the City's Zoning Ordinance requires a minimum rear setback of 25 feet for this R-3 zoned property. Therefore, the applicant is requesting a variance to allow the garage portion of the residence with a rear setback of 15 feet.

Staff is supportive of the requested rear yard setback variance. Staff views the request as reasonable. The overall massing/lot coverage proposed is similar to other lots in the area. The overall building coverage proposed is approximately 35 percent of the total lot area. If the garage were detached, it would only need a variance for street side setback (15 feet typically required). The existing carport/storage building on the site is approximately 3.5 feet from the rear (west) property line. As noted above, the proposed new rear setback is 15 feet. Staff believes the proposed residence with reduced setback will have no adverse impact on the adjacent properties or the general area. The applicant should be aware that no portion of the front step structure (more than one (1) foot above finished grade) may extend into the front 25 foot setback.

C. Staff Recommendation:

Staff recommends approval of the requested rear yard setback variance, subject to no portion of the front step structure, which is more than one (1) foot above finished grade, extending across the 25 foot front setback.

BOARD OF ADJUSTMENT:

(MARCH 29, 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 4 ayes, 0 noes and 1 absent

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There being no further business before the Board, the meeting was adjourned at 2:24 p.m.

Date: _____

Vice-Chairman

Secretary