

LITTLE ROCK BOARD OF ADJUSTMENT

SUMMARY OF MINUTES

MAY 24, 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 April 26, 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.: A

File No.: Z-6459-A

Owner: Satellite Heights Real Estate, LLC

Applicant: Jennifer Herron, Herron Horton Architects

Address: 5923 Kavanaugh Blvd.

Description: Part of Lots 10-12, Block 8, Mountain Park Addition

Zoned: C-3

Variance Requested: Variances are requested from the area provisions of Section 36-301 and the parking provisions of Section 36-502 to allow a building addition with reduced front setback and a reduced number of parking spaces.

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

Present Use of Property: Restaurant

Proposed Use of Property: Restaurant

STAFF REPORT

A. Public Works Issues:

No Comments.

B. Staff Analysis:

The C-3 zoned property at 5923 Kavanaugh Blvd. is currently occupied by a split level brick commercial building which is currently vacant. The property is located at the southeast corner of Kavanaugh Blvd. and University Avenue. There is an access drive from University Avenue, with paved parking on the south and east sides of the building. There are ten (10) parking spaces on the site, with an exit drive onto Kavanaugh Blvd. at the northeast corner of the property. There is an existing outdoor restaurant seating area (with three foot high railing) on the north side of the building, between the building and the sidewalk along Kavanaugh Blvd.

On March 9, 1998 the Board of Adjustment approved a parking variance to allow a restaurant, Satellite Café, to occupy the building. Satellite Café recently closed in order to remodel the building and re-open. As part of the remodeling project, the applicant proposes to add a nine (9) foot by ten (10) foot entry area on the north side of the building and an additional 342 square feet of outdoor seating area at the northwest corner of the building, both noted on the attached site plan.

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ITEM NO.: A (Con't.)

The applicant is requesting two (2) variances with the proposed remodeling project. The proposed front entry addition will be located 9.8 feet back from the front (north) property line. Section 36-301(e)(1) of the City's Zoning Ordinance requires a minimum front setback of 25 feet for C-3 zoned property. Therefore, the applicant is requesting a variance to allow the proposed 9.8 foot front setback.

Section 36-502(b)(3)c. requires a minimum of three (3) additional off-street parking spaces for the 342 square feet of additional outdoor dining space as proposed. Therefore, the applicant is requesting a variance from this requirement also. There are ten (10) paved parking spaces on the site. The restaurant use which occupied and will re-occupy the building would typically be required a minimum of 36 off-street parking spaces.

Staff is supportive of the requested setback and parking variances. Staff views the request as reasonable. With respect to the front setback variance, most of the other commercial buildings, along the south side of Kavanaugh Blvd., to the east are located on their front property lines adjacent to the sidewalk along Kavanaugh Blvd. The requested front setback for the new front entry area will not be out of character with other commercial buildings to the east. Additionally, staff views the parking variance as a minor issue. The remodeling of the existing restaurant space will not change the amount of available seating for the restaurant use, with the exception of the new 342 square feet outdoor seating area. This is a very small area of additional seating which requires an additional three (3) off-street parking spaces. As noted previously, the site contains ten (10) existing off-street parking spaces. The majority of the commercial uses along the south side of Kavanaugh Blvd. have no off-street parking spaces. Therefore, this site has a slight parking advantage over those other commercial uses, including other restaurants. Staff believes there is ample parking, including on-street parking, in this general area and that the requested variances will have no adverse impact on the adjacent properties or the general area.

C. Staff Recommendation:

Staff recommends approval of the requested setback and parking variances, subject to providing railing to delineate the area of outdoor seating.

BOARD OF ADJUSTMENT:

(APRIL 26, 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 May 24, 2010 Agenda. There was no further discussion. The item was placed on the consent agenda and deferred to the May 24, 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:

(MAY 24, 2010)

The applicant was present. There were no objectors present. Staff presented the item and a recommendation of approval as noted in the "staff recommendation" above. There was no further discussion. The item was placed on the consent agenda and approved as recommended by staff. The vote was 5 ayes, 0 noes and 0 absent.

MAY 24, 2010

ITEM NO.: 1

File No.: Z-7922-B
Owner: Friends of Recovery
Applicant: Terry Burruss
Address: 2701 W. 7th Street
Description: Southwest Corner of W. 7th and Jones Streets
Zoned: C-3

Variance Requested: A variance is requested from the area provisions of Section 36-301 to allow construction of a pavilion/carport-type structure with reduced rear yard setback.

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

Present Use of Property: Meeting Facility

Proposed Use of Property: Meeting Facility

STAFF REPORT

A. Public Works Issues:

No Comments.

B. Staff Analysis:

The C-3 zoned property at 2701 W. 7th Street is occupied by a one-story brick and metal commercial building, located within the southeast portion of the property. The property is located at the southwest corner of W. 7th and Jones Streets. There is paved parking located on the west side of the building. A driveway at the northwest corner of the property provides access to the parking area. The northeast quarter of the property is grass covered. A bus stop/bus shelter is located at the northeast corner of the property. Friends of Recovery occupies the commercial building. The center provides a meeting space for twelve-step programs, with meetings two (2) to three (3) times per day.

The applicant is proposing to place a nine (9) foot by 21 foot prefabricated metal structure (carport-type structure) at the southwest corner of the property, as noted on the attached site plan. The structure will be unenclosed on all sides and located four (4) feet back west side property line and four (4) feet back from the rear (south) property line. The structure will be used as a shelter for persons who smoke and are at this location to attend meetings.

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ITEM NO.: 1 (Con't.)

Section 36-301(e)(3) of the City's Zoning Ordinance requires a minimum rear building setback of 25 feet for this C-3 zoned lot. Therefore, the applicant is requesting a variance to allow the smoking shelter with a reduced rear setback. All other setbacks conform to ordinance requirements.

Staff is supportive of the requested variance. Staff views the request as reasonable. The proposed smoking shelter/carport-type structure will be compatible with the general area which is comprised of residential, commercial and light industrial structures of various sizes. The proposed smoking shelter will be located adjacent to a service driveway and large commercial/light industrial structure to the south. The property immediately to the west appears to be occupied by a landscape maintenance business, with a small metal frame greenhouse-type structure. Staff believes the proposed covered/unenclosed structure with reduced rear yard setback will have no adverse impact on the adjacent properties of the general area.

C. Staff Recommendation:

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

1. Smoking shelter/carport-type structure must remain unenclosed on all sides.
2. A building permit must be obtained for the new structure.

BOARD OF ADJUSTMENT:

(MAY 24, 2010)

The applicant was present. There were no objectors present. Staff presented the item and a recommendation of approval as noted in the "staff recommendation" above. There was no further discussion. The item was placed on the consent agenda and approved as recommended by staff. The vote was 5 ayes, 0 noes and 0 absent.

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ITEM NO.: 2

File No.: Z-8356-A
Owner: Arvest Bank, Phyllis T. Billingsly and Tri-B Realty, Inc.
Applicant: Robert Brown, Development Consultants, Inc.
Address: 1720 S. University Avenue
Description: Northwest corner of University Avenue and Boyle Park Road
Zoned: C-3

Variance Requested: Variances are requested from the area provisions of Section 36-301 and the buffer provisions of Section 36-522 to allow construction of a commercial building with reduced setback and buffers.

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

Present Use of Property: Existing commercial building and undeveloped/vacant property.

Proposed Use of Property: Branch Bank Facility

STAFF REPORT

A. Public Works Issues:

- a. Boyle Park Road is classified on the Master Street Plan as a collector street. At time of development, a dedication of right-of-way 30 feet from centerline will be required.
- b. University Avenue is classified on the Master Street Plan as a principal arterial. At time of development, dedication of right-of-way to 55 feet from centerline is required.
- c. At time of development, a 20 foot radial dedication of right-of-way is required at the intersection of University Avenue and Boyle Park Road.
- d. At time of development, sidewalks with appropriate handicap ramps are required in accordance with Sec. 31-175 of the Little Rock Code and the master Street Plan shall be installed on Boyle Park Road at the property line.
- e. At time of development, a new driveway apron should be installed on Boyle Park Road per city standard detail.
- f. At time of development, repair and replace any curb and gutter or sidewalk that is damaged in the public right-of-way prior to occupancy.

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ITEM NO.: 2 (Con't.)

- g. Stormwater from the adjacent subdivision currently drains across this property. At time of development, a drainage easement should be provided and this open ditch piped to the University Avenue drainage system.
- h. Public Works has no comments on the building setback and the parking in the buffer.

B. Landscape and Buffer Issues:

Site plan must comply with the City's minimal landscape and buffer ordinance requirements.

The zoning buffer ordinance and the landscape ordinance require a nine (9) foot wide buffer and a six foot nine inch wide landscape strip along the western perimeter of the site, next to the residentially zoned properties. Easements cannot be counted toward fulfilling the buffer requirement. Seventy percent (70%) of this area is to remain undisturbed.

The zoning buffer ordinance requires an average 23 foot wide street buffer along Boyle Park Road. Currently, the site plan does not meet this minimal amount.

C. Staff Analysis:

The C-3 zoned property at 1720 S. University Avenue is occupied by a one-story commercial building located within the north portion of the property. The property is located at the northwest corner of S. University Avenue and Boyle Park Road. Two (2) other buildings were recently removed from the site in preparation of redevelopment. The overall property is comprised of several platted lots within Blocks 6 and 7, Cox's subdivision of Taylor and Bodeman subdivision. There are no platted building lines.

On June 30, 2008 the Board of Adjustment approved variances for reduced buffers and setbacks associated with a proposed branch bank development at this location. The applicant has made minor adjustments to the site plan and is back before the Board to address the variances for reduced buffers and building setbacks.

The applicant is requesting three (3) variances with the revised site plan. The first two (2) are from the buffer provisions of Section 36-522(b)(3)a. and 36-522(b)(3)b. of the City's Zoning Ordinance. These sections require a minimum land use buffer along the west property line of nine (9) feet, and an average buffer width of 23 feet along the Boyle Park Road frontage. The applicant is proposing a buffer width of eight (8) feet along the west property line, seven (7) feet at the dumpster area. The ordinance does not allow the west five (5) feet of this area to be counted toward fulfilling the buffer requirement because it is a utility easement. Therefore, the applicant is providing a three (3) foot wide buffer outside the easement area.

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ITEM NO.: 2 (Con't.)

This buffer area does widen out just north of the drive-thru lanes. The street buffer along Boyle Park Road is 13 feet in width.

The third variance is from the area provisions of Section 36-301(1) of the City's Zoning Ordinance. This section requires a minimum front building setback of 25 feet. The proposed building will be located 14.90 feet back from the front (east) property line at its nearest point. The building previously approved had a front setback of six (6) feet.

Staff is supportive of the requested variances. Staff feels the proposed redevelopment plan for the property will be quality improvement within this corridor of S. University Avenue. The shallow depth of the property, being only approximately 110 feet, makes redevelopment with minimum building setbacks and buffers being met very difficult. The existing northernmost and southernmost (as previously existed) commercial buildings on the site do/did not conform to the minimum front and rear setback requirements. Any future redevelopment of the site would likely face the same issues as this proposed development. Additionally, any variances from the City's Landscape Ordinance will require approval from the City Beautiful Commission. Staff feels the proposed redevelopment plan for this property will have no adverse impact on the adjacent properties or the general area.

D. Staff Recommendation:

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

- a. Compliance with the Public Works requirements as noted in paragraph A. of the Agenda staff report, including any variances which may be granted by the City's Board of Directors.
- b. Compliance with the Landscape and Buffer Ordinance requirements with the exception of the buffer variances as approved by the Board. Variances from the Landscape Ordinance must be approved by the City Beautiful Commission.
- c. The dumpster area must be screened as per ordinance requirements.
- d. Any signage must conform to ordinance standards. Any ground sign must meet the minimum sign setback requirements after any additional right-of-way dedication.

BOARD OF ADJUSTMENT:

(MAY 24, 2010)

The applicant was present. There were no objectors present. Staff presented the item and a recommendation of approval as noted in the "staff recommendation" above. There was no further discussion. The item was placed on the consent agenda and approved as recommended by staff. The vote was 5 ayes, 0 noes and 0 absent.

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ITEM NO.: 3

File No.: Z-8364-A

Owner: Yogiji, Inc.

Applicant: Raju Vyas

Address: 10914 Kanis Road.

Description: North side of Kanis Road, west of Shackleford Road

Zoned: C-3

Variance Requested: A variance is requested from the height provisions of Section 36-301 to allow construction of a hotel building with increased height.

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

Present Use of Property: Undeveloped

Proposed Use of Property: Hotel

STAFF REPORT

A. Public Works Issues:

No Comments.

B. Landscape and Buffer Issues:

The site plan must comply with the City's minimal landscape and buffer ordinance requirements.

C. Staff Analysis:

The C-3 zoned property at 10914 Kanis Road contains a vacant single family residential structure within the south half of the property. The property is located on the north side of Kanis Road, approximately 400 feet west of Shackleford Road. A gravel driveway from Kanis Road serves as access to the property. There is a vacant metal garage structure located on the north side of the residential structure. Gravel parking is located in the rear yard area. The majority of the property is undeveloped and wooded. There is a narrow paved (no curb and gutter) roadway along the west property boundary which ends near the northwest corner of the property.

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The applicant is proposing to redevelop the property and construct a new hotel facility, as noted on the attached site plan. The proposed hotel building will be located within the west half of the property, with parking on its east and south sides. A driveway at the southwest corner of the property will serve as access to the site. The hotel will consist of 76,083 square feet of building area on four (4) floors. It will contain 103 guest rooms.

The applicant is requesting one (1) variance with the proposed hotel development, as a result of the building permit review. The overall height of the hotel building is proposed at approximately 52 feet (as measured from the lowest finished floor to the mean level between the eaves and ridge of the sloped roof). Section 36-301(d) of the City's Zoning Ordinance allow a maximum building height of 35 feet for C-3 zoning. Therefore, the applicant is requesting a variance to allow the hotel building with an increased height of 52 feet.

Staff is supportive of the requested building height variance. Staff views the request as reasonable. The proposed building height for the hotel structure will not be out of character with other sites in this general area along the Shackelford Road corridor, from Financial Centre Parkway south to Interstate 430. There are numerous buildings within this general area with heights of four (4) stories or greater. The property immediately to the north is zoned O-3, with building heights allowed up to 60 feet. The undeveloped property immediately to the west is zoned C-2 and allows building heights up to 45 feet. Staff believes the proposed hotel building will be compatible with other existing buildings in this general area, and that the overall hotel development will have no adverse impact on the adjacent properties or the general area.

D. Staff Recommendation:

Staff recommends approval of the requested building height variance, subject to compliance with the City's Landscape and Buffer ordinance requirements.

BOARD OF ADJUSTMENT:

(APRIL 26, 2010)

The applicant was present. There were no objectors present. Staff presented the item and a recommendation of approval as noted in the "staff recommendation" above. There was no further discussion. The item was placed on the consent agenda and approved as recommended by staff. The vote was 5 ayes, 0 noes and 0 absent.

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(MAY 24, 2010)

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

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ITEM NO.: 3 (Con't.)

Raju Vyas addressed the Board in support of the application. In response to questions from Vice-Chairman Smith, there was a brief discussion of what zoning districts allowed hotels by right and the building height allowances for those districts. Other options for development (PZD, rezoning, CUP, etc.) were discussed. Vice-Chairman Smith noted that the height variance should be approved through a PZD or CUP, with Planning Commission review.

Mr. Vyas discussed the requested height variance and referenced other buildings in the area with increased building heights.

There was a motion to approve the requested height variance, as recommended by staff. The motion passed by a vote of 3 ayes, 1 nay and 1 abstention (Mehta). The application was approved.

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ITEM NO.: 4

File No.: Z-8547

Owner/Applicant: Chris Hartsfield

Address: 1 Mockingbird Lane

Description: Lot 526, Kingwood Place Addition

Zoned: R-2

Variance Requested: A variance is requested from the building line provisions of Section 31-12 to allow a building addition which crosses a side 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 1 Mockingbird Lane is occupied by a one-story brick and frame single family residence. The property is located at the southwest corner of Mockingbird Lane and Indian Trail. There is a two-car wide driveway from Mockingbird Lane which serves the property. The property slopes upward from Mockingbird Lane and Indian Trail. The lot contains a 25 foot front platted building line along the Mockingbird Lane frontage, and a 25 foot side platted building line along the Indian Trail frontage.

The applicant is proposing to construct a master bedroom/bath addition on the east side of the residence, as noted on the attached site plan. The addition will be one-story in height, and extend across the 25 foot side platted building line by three (3) to 3.75 feet. The addition will be 22 feet by 24 feet in area. It will be located 21.25 to 22 feet back from the east side property line and approximately 31.5 feet back from the front (north) property line.

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 addition which crosses a side platted building line.

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ITEM NO.: 4 (Con't.)

Staff is supportive of the requested building line variance. Staff views the request as reasonable, as the proposed building addition exceeds all of the minimum building setbacks as per the R-2 zoning standards (Section 36-254). The proposed building will not be out of character with the area. The residence immediately to the south is located closer to the street side property line along Indian Trail than the residence at 1 Mockingbird Lane, as is the next residence further south at the southwest corner of Indian Trail and White Oak Lane. The requested building line encroachment is very minimal, and staff believes it will have no adverse impact on the adjacent properties or the general area.

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

C. Staff Recommendation:

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

1. Completion of a one-lot replat reflecting the change in the side platted building line as approved by the Board.
2. The building addition must be constructed to match the existing residence.
3. A building permit must be obtained for the room addition.

BOARD OF ADJUSTMENT:

(MAY 24, 2010)

The applicant was present. There were no objectors present. Staff presented the item and a recommendation of approval as noted in the "staff recommendation" above. There was no further discussion. The item was placed on the consent agenda and approved as recommended by staff. The vote was 5 ayes, 0 noes and 0 absent.

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ITEM NO.: 5

File No.: Z-8548
Owner: Philip W. and Paula B. Schmidt
Applicant: Paula Schmidt
Address: 10 Berwyn Drive
Description: Lot 110, Robinwood Addition
Zoned: R-2

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

No Comments.

B. Staff Analysis:

The R-2 zoned property at 10 Berwyn Drive contains a two-story brick and frame single family residence. There is a two-car wide driveway at the southwest corner of the property, which extends along the west side of the house to a garage at the northwest corner of the structure. There is a second driveway with parking pad at the southeast corner of the property. The property slopes upward from Berwyn Drive (front to back).

The applicant proposes to construct a carport addition on the west side of the residence, as noted on the attached site plan. The carport addition will be one-story construction, with an area of 18 feet by 28 feet. The proposed carport addition will be unenclosed on its north, south and west sides. It will be located five (5) feet from the west side property line. The proposed carport addition will have a low roof pitch from front to back, and will not be sloped toward the property to the west.

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. Therefore, the applicant is

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requesting a variance to allow the carport addition with a side setback of five (5) feet.

Staff is supportive of the requested side setback variance. Staff views the request as a relatively minor setback encroachment. There is ample separation between this residence and the home immediately to the west, as it is located approximately 15 feet back from the dividing side property line. Additionally, as noted previously, the proposed carport addition will be unenclosed on its north, south and west sides. As such, it should have very little visual impact on the property to the west. Staff believes the proposed carport addition will have no adverse impact on the adjacent properties or the general area.

C. Staff Recommendation:

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

1. The carport addition must be constructed to match the existing residence.
2. The carport addition must remain unenclosed on its north, south and west sides.
3. A building permit must be obtained for the carport addition.

BOARD OF ADJUSTMENT:

(MAY 24, 2010)

The applicant was present. There were no objectors present. Staff presented the item and a recommendation of approval as noted in the "staff recommendation" above. There was no further discussion. The item was placed on the consent agenda and approved as recommended by staff. The vote was 5 ayes, 0 noes and 0 absent.

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ITEM NO.: 6

File No.: Z-8549

Owner/Applicant: Imari and Monica Dellimore

Address: 2423 N. University Avenue

Description: Lot 1, Block 29, Parkview Addition

Zoned: R-2

Variance Requested: A variance is requested from the area provisions of Section 36-156 to allow construction of an accessory garage with reduced street 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:

No Comments.

B. Staff Analysis:

The R-2 zoned property at 2423 N. University Avenue is occupied by a one-story brick single family residence. The property is located at the southeast corner of N. University Avenue and "W" Street. There is a two-car wide driveway and parking pad from "W" Street at the northeast corner of the property.

The applicant proposes to construct an 18 foot by 24 foot detached garage structure at the northeast corner of the property, as noted on the attached site plan. The structure is proposed to be one (1) story in height, with a zero (0) setback from the north (street side) property line. The structure will be located 6.5 feet back from the rear (east) property line, and separated from the house (principal structure) by approximately six (6) feet. The structure as proposed will occupy 29.6 percent of the required rear yard (rear 25 feet of the lot).

Section 36-156(a)(2)c. of the City's Zoning Ordinance requires a minimum street side setback of 15 feet for accessory (detached) structures. Therefore, the applicant is requesting a variance to allow the proposed accessory garage structure with a reduced street side (north) setback of zero (0) feet.

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ITEM NO.: 6 (Con't.)

Staff does not support the requested street side setback variance, as filed. Although staff has no problem with the applicants constructing a detached garage structure within the rear yard area, staff feels that a little more space is needed between the edge of pavement of "W" Street and the front of the garage structure. This would allow more space for vehicles to pull off the street when entering the garage, and more space to view oncoming traffic when exiting the structure. Staff could support a street side setback of 4.5 feet. This is the minimum setback for the principal structure on this lot, and a similar setback as the attached garages across "W" Street to the north. Staff believes a 4.5 foot street side setback will provide a safer situation and will not be out of character with other garages (attached and detached) in this general area.

C. Staff Recommendation:

Staff recommends denial of the requested street side setback variance, as filed.

BOARD OF ADJUSTMENT:

(MAY 24, 2010)

The applicant was present. There were no objectors present. Staff presented the item, noting that the applicant had revised the application to provide a minimum 4.5 foot street side setback for the proposed accessory building. Staff recommended approval of revised application, subject to the following conditions:

1. A building permit must be obtained for the construction.
2. The accessory building must be constructed to match the principal structure.

There was no further discussion. The item was placed on the consent agenda and approved as revised and recommended by staff. The vote was 5 ayes, 0 noes and 0 absent.

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ITEM NO.: 7

File No.: Z-8550
Owner: Doug and Julie Long
Applicant: Anna Fields, Arkansas Windows and Siding
Address: 13016 Morrison Road
Description: Lot 272, Marlowe Manor Addition, Phase IV
Zoned: R-2

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

No Comments.

B. Staff Analysis:

The R-2 zoned property at 13016 Morrison Road is occupied by a one-story frame single family residence. The property is located on the south side of Morrison Road, west of Stonehenge Place. There is a two-car wide driveway from Morrison Road which serves as access to a garage on the northwest corner of the residence. The property slopes downward from front to back (north to south). There is an existing uncovered deck with railing on the rear of the structure. The deck floor is approximately eight (8) feet above the grade of the rear yard area. The deck is located 13.5 feet to 21.5 feet back from the rear (south) property line.

The applicant is requesting to remove the deck from the rear of the home and construct a 12.6 foot by 21.8 foot sunroom in its place. A wood landing will be located on the east side of the sunroom, with steps and a second landing at ground level along the back wall of the residence. The proposed sunroom with landing will be located 15.5 feet to 24 feet back from the rear (south) property line. The steps and second landing will be 30 to 37 feet back from the rear property line.

Section 36-254(d)(3) of the City's Zoning Ordinance requires a minimum rear setback of 25 feet for this R-2 zoned lot. Therefore, the applicant is requesting a

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ITEM: NO.: 7 (Con't.)

variance to allow the proposed sunroom (with landing) with a rear setback ranging from 15.5 feet to 24 feet. The steps and second landing area conform to setback requirements.

Staff is supportive of the requested rear yard setback variance. Staff views the request as reasonable, given the irregular shape of this single family lot. The lot has a depth ranging from 78 feet along the west property line to 108.93 feet along the east property line. Current subdivision and zoning ordinance requirements call for a lot depth of no less than 100 feet. If the required minimum lot depth was provided along the west property line, the lot would be more "squared off" and the rear setback would not be an issue. As noted previously, the proposed sunroom addition will have a greater setback from the rear property line than the existing deck structure.

C. Staff Recommendation:

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

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

BOARD OF ADJUSTMENT:

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Randy Fields, of Arkansas Windows and Siding, was present, representing the application. There was one (1) objector present. Staff presented the application with a recommendation of approval.

Randy Riva addressed the Board in opposition to the application. He submitted photos to the Board. He explained that the proposed sunroom addition would look down into his rear yard area. He noted that he would like the applicant to conform to ordinance standards.

Randy Fields addressed the Board in support of the application. He described the proposed sunroom addition. He noted that the addition would have 24 inch high kneewalls with windows, and a gabled roof. Vice-Chairman Smith noted that the kneewall would help cut-off the view to the neighbor's property.

Leslie Greenwood asked when the deck was constructed. Mr. Fields noted that it was constructed approximately 20 years ago.

There was a motion to approve the application as recommended by staff. The motion passed by a vote of 5 ayes, 0 nays and 0 absent. The application was approved.

May 24, 2010

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

Date: _____

Vice-Chairman

Secretary