

LITTLE ROCK BOARD OF ADJUSTMENT

SUMMARY OF MINUTES

OCTOBER 26, 2009

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 September 28, 2009 meeting were approved as mailed by unanimous vote.

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

Members Absent: Leslie Greenwood

City Attorney Present: Debra Weldon

LITTLE ROCK BOARD OF ADJUSTMENT

AGENDA

OCTOBER 26, 2009

2:00 P.M.

I. OLD BUSINESS:

No Old Business

II. NEW BUSINESS:

1. Z-4017-B 5018 Kavanaugh Blvd.
2. Z-7463-A 6425 S. University Avenue
3. Z-8500 4600 Crestwood Drive
4. Adoption of 2010 Board of Adjustment Calendar

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ITEM NO.: 1

File No.: Z-4017-B
Owner: Country Club Station Realty Company
Applicant: Jim Wilson, Maple Leaf Canvas
Address: 5018 Kavanaugh Blvd.
Description: Lots 1-7, Lots E and F and part of Lots A and B,
All in Shadowlawn Addition
Zoned: C-3

Variance Requested: A variance is requested from the sign provisions of Section 36-555 to allow an awning sign with reduced setback from a property line.

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

Present Use of Property: Grocery Store with Restaurant.

Proposed Use of Property: Grocery Store with Restaurant.

STAFF REPORT

A. Public Works Issues:

No Comments.

B. Staff Analysis:

The C-3 zoned property at 5018 Kavanaugh Blvd. is occupied by two (2) one-story commercial buildings and associated parking areas. The northernmost building (7,750 square feet) contains Terry's Finer Foods Grocery Store and another retail use with the south building (3,375 square feet) containing a liquor store. There is a driveway from Kavanaugh Blvd. between the two (2) buildings and a paved alley along the rear (east) property line. There is paved parking located between the two (2) buildings and along the east side of the southernmost building. There is also a small amount of parking (4 spaces) at the northeast corner of the northern building along the alley. There is additional parking along the west side of the north building which is mostly in the right-of-way. There are 33 parking spaces devoted to this development. There is also on-street parking in the area. The applicant recently received approval from the Board of Adjustment (January 26, 2009) for setback and parking variances

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associated with a building addition and restaurant use for the grocery store portion of the north building.

There are two (2) canvas canopies on front of the grocery store portion of the building. The canopies are approximately three (3) feet wide and extend approximately one (1) foot across the front property line, over the existing sidewalk. There is an existing wall sign over the southernmost canopy.

The applicant proposes to remove the existing wall sign and replace the two (2) canopies with new canopies slightly higher up on the building façade, approximately at the height of the existing wall sign. The new canopies will be seven (7) feet wide and extend approximately five (5) feet over the front property line and over the sidewalk. The new proposed canopies will be retractable. The applicant is proposing to place a 46 square foot sign (24 in. by 276 in.) on the face (flap) of the southernmost canopy. When retracted, the sign will be in the same location as the existing wall sign. The applicant has noted that the canopy frames will have a clearance of nine (9) feet above the sidewalk area.

Section 36-555(b) of the City's Zoning Ordinance requires that awning/canopy signs be located at least five (5) feet back from any property line. Therefore, the applicant is requesting a variance to allow the sign on the face of the southernmost canopy which extends across the front property line and into the right-of-way, when the canopy is opened.

Staff is supportive of the requested sign setback variance. Staff views the request as reasonable. If the sign were not to be located on the front of the southernmost canopy, the retractable canopies would be reviewed through a franchise permit. The canopies will be located over a rather wide sidewalk and will add to the property's street appeal and pedestrian use area. As noted previously, when the awnings are retracted, they will be flush against the front building façade, with the canopy sign at the same approximate location as the existing wall sign. Staff believes the requested canopy sign located over the existing sidewalk will have no adverse impact on the adjacent properties or the general area.

C. Staff Recommendation:

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

1. A sign permit must be obtained for the canopy sign.
2. A franchise permit must be obtained from the Public Works Department for the encroachment of the canopies into the public right-of-way.
3. Any additional wall signs on the front (west) building façade must not exceed 10 percent of the façade area when added to the area of the proposed canopy sign.

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Staff Note:

The applicant submitted a letter to staff on October 15, 2009 requesting to withdraw the application. Staff recommends the application be withdrawn, without prejudice.

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The applicant was not present. Staff noted that the applicant had requested the application be withdrawn. Staff recommended withdrawal, without prejudice.

The Chairman placed the item on the Consent Agenda for withdrawal, without prejudice. The Consent Agenda was approved with a vote of 4 ayes, 0 nays and 1 absent. The application was withdrawn, without prejudice.

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ITEM NO.: 2

File No.: Z-7463-A
Owner: Billy Milam
Applicant: Steven Murrah, White Sign Co.
Address: 6425 S. University Avenue
Description: Northeast Corner of S. University Avenue and W. 65th Street
Zoned: C-4

Variance Requested: A variance is requested from the sign provisions of Section 36-557 to allow a wall sign without direct street frontage.

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. Staff Analysis:

The C-4 zoned property at 6425 S. University Avenue is occupied by a recently constructed convenience store with gas pumps. The property is located at the northeast corner of S. University Avenue and W. 65th Street. The convenience store building is located within the east half of the property, with the gas pumps and canopy structure within the west half. Access drives from S. University Avenue and W. 65th Street serve the site. There is a ground-mounted sign at the southwest corner of the property oriented toward the traffic along S. University Avenue. There is also a wall sign on the west side (front) of the convenience store building. There are signs on the west, north and south sides of the gas pump canopy. The signs on the gas pump canopy have not been permitted.

The applicant is proposing to place a sign on the east side of the gas pump canopy (southeast corner), as noted on the attached sketches. The sign will be 46 square feet in area, with electronic display of fuel prices. The sign will occupy approximately seven (7) percent of the overall canopy façade.

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Section 36-557(a) of the City's Zoning Ordinance requires that signs face a public street frontage. Therefore, the applicant is requesting a variance to allow the sign on the east side of the gas pump canopy with no direct street frontage.

Staff is supportive of the requested sign variance, with certain conditions. Staff is willing to support the sign on the east side of the canopy as a trade-off for the sign on the south side of the canopy. Also, the sign on the north side of the canopy which has no street frontage and was placed on the canopy illegally, must be removed. A gas pump canopy sign without direct street frontage is a common occurrence found on gas pump canopies in this general area along S. University Avenue (Dodge Store and Zimmerman's Exxon). Staff believes the requested sign without street frontage 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 signs on the north and south ends of the gas pump canopy must be removed.
2. Sign permits must be obtained for the signs on the east and west sides of the gas pump canopy.

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

Todd White addressed the Board. He stated that he did not entirely agree with the staff recommendation. He stated that the applicant wished to keep the sign on the south end of the gas pump canopy. He noted that the sign on the east side of the canopy would be in-lieu of a second ground-mounted sign on the property, along the W. 65th Street frontage.

The issue was briefly discussed. The signage allowed for this property was also discussed.

Staff noted support of the application, subject to the following conditions:

1. The sign on the north end of the gas pump canopy must be removed within 30 days.
2. The sign on the south end of the gas pump canopy will be allowed to remain.,
3. There will be no other ground-mounted signs allowed on the property.
4. All signs must be permitted.

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A motion was made to approve the application as recommended by Staff, and noted above. The motion passed by a vote of 4 ayes, 0 nays and 1 absent. The application was approved.

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ITEM NO.: 3

File No.: Z-8500
Owner: C. Thomas and Cynthia W. Frazier
Applicant: Carolyn Lindsey, Yeary-Lindsey Architects
Address: 4600 Crestwood Drive
Description: Northwest Corner of Crestwood Drive and Beechwood Street
Zoned: R-2

Variance Requested: Variances are requested from the area provisions of Section 36-156 and 36-254, and the fence provisions of Section 36-516 to allow construction of a swimming pool with reduced front setback, building addition with reduced rear setback and fence with increased height.

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 4600 Crestwood Drive is occupied by a two-story brick, rock and frame single family residence. The property is located at the northwest corner of Crestwood Drive and Beechwood Street. There is a two-car wide driveway from Beechwood Street which serves as access. There is a one-story storage building/carport accessory structure located within the rear yard area, immediately north of the residence. There is a large side yard area along Beechwood Street on the east side of the residence. The site is comprised of two (2) single family lots (lots 11 and 12, Cliffwood Addition). There is a 25 foot platted front building line along the south (Crestwood Drive) property line and a 20 foot platted side building line along the east (Beechwood Street) property line.

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The applicant is proposing to make one-story additions to the rear (north) of the existing residence, as noted on the attached site plan sketch. The additions will connect to the existing accessory structure in the rear yard area. A 5.5 foot wide addition is also proposed to the carport portion of the accessory structure, with enclosure of the carport to create a garage. The existing accessory structure becomes part of the principal structure with the proposed connection. The accessory structure is currently three (3) feet to 12 feet back from the rear (north) property line. Section 36-254(d)(3) of the City's Zoning Ordinance requires a minimum rear yard setback of 25 feet for principal structures in R-2 zoning. Based on the fact that the residence is located at least 25 feet back from the front and street side property lines, the minimum rear yard setback requirement becomes eight (8) feet. Therefore, the applicant is requesting a variance to allow a portion of the existing accessory structure, which becomes part of the principal structure, to have a setback of less than eight (8) feet; (three (3) feet at its closest point).

The applicant is also proposing to construct an in-ground swimming pool within the east side yard area. The pool will be located 32 feet back from the front (south) property line and six (6) feet from the east side of the house. The pool will be located behind the 20 foot platted side building line. Section 36-156(a)(2) of the City's Zoning Ordinance requires a minimum front setback of 60 feet for accessory structures, including swimming pools. Therefore, the applicant is requesting a variance to allow the pool with a 32 foot front setback.

The applicant is also proposing to construct a six (6) foot high wrought iron fence with stone columns around the pool area. A portion of the fence extends between the 20 foot platted side building line and the Beechwood Drive right-of-way. Section 36-516(e)(1)a. of the Ordinance allows a maximum fence height of four (4) feet for fences located between building setback lines and street side property lines. Therefore, the applicant is requesting a variance to allow the portion of the fence which extends across the 20 foot platted building line to be six (6) feet in height.

Staff is supportive of the requested setback and fence variances. Staff views the variances as relatively minor issues. With respect to the requested rear yard setback variance, only a very small sliver of the existing accessory structure requires the setback variance. All of the new construction will be located more than eight (8) feet back from the rear (north) property line. The overall size of the residence (after additions) will not be out of character with other properties in the general area with respect to lot coverage and massing. Additionally, the pool will be located in a side yard area which has been utilized as a rear yard space in the past. There is playground-type equipment within the south portion of this yard space. With the fence and landscaping as proposed, the pool will not be very visible from the adjacent streets. The proposed six (6) foot tall fence between the 20 foot side building line and the street will not be out of character with other fences and screening walls in this general area. The fence will be located back far enough as to create no sight-distance problems at the intersection of Beechwood Street and Crestwood

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Drive, nor at the access drive at the northeast corner of the property (drive from Beechwood Street to garage). Staff believes the requested building additions, pool and fence construction will have no adverse impact on the adjacent properties or the general are. The applicant will also be constructing a new front porch on the south side of the residence which will conform to setback requirements.

C. Staff Recommendation:

Staff recommends approval of the requested setback and fence height variances, as filed.

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

Carolyn Lindsey addressed the Board in support of the application.

Scott Smith noted concern with the proposed pool setback from the front property line. The issue of the 60 foot front setback requirement was briefly discussed. Mr. Smith noted that the accessory building could be torn down with the pool placed in the rear yard area.

Ms. Lindsey explained that it would be difficult to fit the pool in the rear yard area. She noted that there was much more room for landscaping in the side yard area. Mr. Smith noted that putting the pool in the rear yard area would eliminate the fence issue. The fence issue was briefly discussed.

Ms. Lindsey explained that the intent was to not cross the 20 foot side building line with the pool. The issue of landscaping around the pool area was discussed.

Mr. Smith further expressed concern with the fence and pool variances. The issue of fence placement on other properties in the area was discussed. The issue of landscaping around the pool area was also further discussed.

There was a motion to approve the application, subject to the following condition:

1. Full landscape screening must be installed along the fence to screen the pool area from the adjacent streets.

The motion passed by a vote of 4 ayes, 0 nays and 1 absent. The application was approved.

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

Date: _____

Chairman

Secretary