

File No.: Z-9915

Owner: Overdis and Peggy McKenzie

Applicant: Overdis McKenzie, Sr.

Address: 9 Hatfield Drive

Legal Description: Lots 63, 64, and part of Lot 49 in the Chicot Terrace Subdivision in the City of Little Rock, Pulaski County, Arkansas

Current Zoning: R-2

Present Use: Single-Family Residence

Proposed Use: Single-Family Residence

Variance(s) Requested: Variances are requested from the height and area provisions of Section 36-516 to allow an increased fence height from four (4) feet to five (5) feet between a required building setback line and a street right-of-way.

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

STAFF REPORT:

A. Planning and Development Civil Engineering Comments:

No comments required.

B. Landscape and Buffer Comments:

No comments.

C. Building Codes Comments:

No comments required.

D. Analysis:

The R-2 zoned property located at 9 Hatfield Drive is occupied by a single-family residence. The survey indicates a lot, triangular in shape, with 214 feet along

Hatfield Drive to the north, 260 feet width along the rear property line to the southeast, and 196 feet depth on the west side property line.

The house is constructed within the building setback lines of the property, 35+ feet from the front (north) property line, 55+ feet from the rear (southeast) property line, and 6' from the side (west) property line. The fence is located less than 1 foot inside the front and side property lines, and 6+ feet inside the rear property line.

The fence is constructed of chainlink with wood posts and wood top rail. The posts are topped with decorative, solar powered lights which exceed the fence height by approximately 1 foot. The height of the fence is approximately 5 foot tall. The fence serves to secure the yard for pets and children.

Section 36-516 (e)(1)(a) of the City's Zoning Ordinance states that the residential fence standards; "Between a required building setback line and a street right-of-way, the maximum height shall be four (4) feet. Other fences may be erected to a maximum height of eight (8) feet." Therefore, the applicant is requesting a variance to allow a fence to a height to five (5) feet between the building setback line and a street right-of-way.

According to Section 36-516 (f) (7), The proposed fence columns must comply with the following criteria: "(7) Support columns or support posts shall be permitted to exceed the allowable fence or wall height by no more than two (2) feet, including any ornamental features. Support columns or support posts shall have a maximum width of two (2) feet. There shall be a minimum distance of seven (7) feet six (6) inches between opposing faces of support columns or support posts which exceed the allowable fence or wall height, other than at gates or corners". The applicant's fence complies with this requirement.

Staff is supportive of the requested fence height variance. Staff views the request as reasonable and the variance request to generally be in conformance with the development pattern in the area. The proposed fence will essentially enclose the yard area of the property.

E. Staff Recommendation:

Staff recommends approval of the requested fence height variance to allow a chainlink and wood fence to be constructed to a height of five (5)-feet between the required building setback and the street right-of-way as per the staff analysis and submitted survey/ site plan.

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Board of Adjustment

(FEBRUARY 15, 2024)

This item is being deferred to the March 21, 2024 agenda as the applicant failed to notify surrounding property owners as required.

The item remained on the consent agenda for deferral. A motion was made and seconded to defer the item to the March 21, 2024 agenda. The vote was 4 ayes, 0 nays and 1 absent.

Board of Adjustment

(MARCH 21, 2024)

The March 21, 2024, Little Rock Board of Adjustment meeting did not have a quorum as required per the By-Laws. Therefore, all items on the March agenda have been deferred to the April 18, 2024 meeting.