

File No.: Z-10174

Owners: AOR, LLC

Applicant: Ben Wells; White-Daters & Associates, Inc.

Address: 1616 Brookwood Drive

Legal Description: Lot 2 Block O of the Riverdale Addition to the City of Little Rock, Pulaski County

Current Zoning: I-2

Present Use: Light Industrial

Proposed Use: Light Industrial

Variance(s) Requested: A variance is requested from the area provisions of Section 36-320(e)(2) to allow a reduced side yard setback in an I-2 zoning.

A variance is requested from the building line regulations of Sec. 31-12 to allow the encroachment of a structure across a platted building line.

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

#### STAFF REPORT:

A. Planning and Development Civil Engineering Comments:

B. Landscape and Buffer Comments:

No Comment

C. Building Codes Comments:

Full Building Permit with Full Plans required. Contact Curtis Richey at 501-371-4724 or crichey@littlerock.gov

D. Analysis:

The property located at 1616 Brookwood Drive is currently occupied by a gray brick warehouse building in an I-2 zoned area. The survey shows a lot width of approximately 174 feet and a lot depth of approximately 517 feet.

The applicant is proposing to place a prefabricated accessory structure on the property. The accessory structure will encroach on the building setback line which is plotted at 30 feet and the side yard setback which is 15 feet.

The applicant states the need for this variance arises due to the challenges with the existing levee not being located within the easement along the west property line and extending approximately 15 feet onto the owner's property line. Initially, plans were approved and permitted by the city to construct a retaining wall along the west easement line to facilitate building the accessory structure. However, the levee district has since informed us that this plan will not be approved. The levee district requires either relocating the levee back into the easement or moving the accessory structure away from the levee.

Relocating the levee is not feasible and positioning the accessory structure away from disturbing the levee, or to maintain the 30 foot setback south property line would place the building in the middle of the existing parking lot. This would significantly disrupt the parking lot's functionality and the property's overall use. After evaluating alternatives, the applicant proposes to move the accessory structure to the south property line and reduce the side set back to 10 feet. The adjustment would preserve the parking lot's utility while complying with the levee district's requirement.

Section 36-320(e)(2) states " There shall be a side yard on each side of the building having a width of not less than fifteen (15) feet. Therefore, the applicant is requesting a variance to allow the side yard setback to be reduced to no less than 10 feet.

Section 31-12(b) of the City's Subdivision Ordinance states, "In those instances where a recorded subdivision plat has established building setback lines in accordance with this chapter, variances of those lines shall only be granted by the Board of Adjustment." Therefore, the applicant is requesting a variance to allow a reduction of the 30-foot platted side building line to 10 feet.

In Staff's opinion, the proposed building line adjustment, poses no negative effect upon the health, safety, or welfare of the general public, and does not detract from the value or aesthetic of the neighborhood or surrounding properties. In addition, Staff finds the request to generally be in conformance with the development pattern in the area. Based on the above assessment and analysis, Staff finds the requested variances to be reasonable.

If the Board approves the requested building line setback variance, the applicant must then produce a one-lot replat reflecting the approved change. As such, the applicant must also review filing procedures with the County Clerk's office to determine if the replat will require a revised Bill of Assurance and respond as necessary and appropriate, as part of said replat.

E. Staff Recommendation:

Staff recommends approval of the requested side yard setback to no less than fifteen (15) feet, and the platted building line no less than 10 feet, subject to the following conditions:

1. Obtain a building permit prior to construction.
2. A replat of the property be performed and filed.