

File No.: Z-10179

Owner: Jacy Daugherty

Applicant: Tom Fennell (Agent)

Address: 10179 N. Spruce

Legal Description: Lot 36, Cliffewood Addition to the City of Little Rock, Pulaski County Arkansas, and that part of Lot 35 in said addition.

Current Zoning: R-2

Present Use: Single-Family Residence

Proposed Use: Single-Family Residence

Variance(s) Requested: A variance is requested from area regulations of Sec. 36-254 to allow a reduced side yard setback in the R-2 district.

A variance is requested from area regulations of Sec. 36-254(d)(3) to allow a reduced rear yard setback in the R-2 district.

A variance is requested from the area provisions of Section 36-156 to permit more than 30% coverage of the rear yard for an accessory (pool) structure.

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

STAFF REPORT:

A. PLANNING AND DEVELOPMENT CIVIL ENGINEERING COMMENTS:

1. Driveway shall not exceed 40% of lot width or exceed 32ft whichever is the strictest, per City Code 30-43.
2. Parking area out front shall conform with current zoning regulations.

B. LANDSCAPE AND BUFFER COMMENTS:

In October 2020 the City adopted the "Heights Landscape Design Overlay District," requiring installation of one tree per 40 linear feet of street frontage within the

Heights District Boundary, applicable to [among other types] residential construction in excess of 600 square feet.

C. BUILDING CODES COMMENTS:

No comments.

D. ANALYSIS:

The R-2 zoned property located at 1709 N. Spruce Street is occupied by a 4,998 square foot, two-story single-family residence. The survey indicates that the lot width of 93 feet along N. Spruce Street and an average depth of 120 feet.

As improvement to the residence the applicant is proposing to construct new spaces along the north, east and south sides of the dwelling. The new additions include a breakfast area, mud room and carport area with storage.

The site plan indicates the applicant proposed to construct a new 147 square foot breakfast area at the northeast corner of the residence. The addition is shown to be a 12-foot, 10-inch by 12-foot 10-inch space that extends 3.3 feet into the north side yard setback

Additionally, the site plan indicates a proposed new mud room space to the south connecting to a new carport area with storage, which extends to within five (5) feet on the south side property line.

Section 36-254(d)(2) states, "There shall be a side yard setback on each side of the building having a width of not less than ten (10) percent of the average width of the lot, not to exceed eight (8) feet." Therefore, the applicant is requesting a variance to allow the extension of the new breakfast room along the north perimeter of the property into the side yard setback reducing the setback to no less than 5-feet on the north side. Also, on the south side of the residence, they are requesting a reduction in the side yard setback to 3 feet, 1 inch to accommodate the new carport and storage area.

The new 690 square foot carport structure extends from west to east into the rear yard setback area to within 2-feet 9-inches of the rear property line.

Section 36-254(d)(3) states, "There shall be a rear yard setback having a depth of not less than twenty-five (25) feet. In the case of a corner lot, however, when providing a twenty-five-foot exterior side yard, the rear yard may be reduced to not less than eight (8) feet". Therefore, The applicant is requesting a variance to allow extension of the carport storage structure to extend into the rear yard are, reducing the setback to no less than two (2) feet nine(9) inches.

The site plan indicates the pool shall occupy greater than 30% percent of the rear yard area.

Section 36-156 (2)(c) states, "Accessory buildings or structures in the R-1 through R-4A districts shall not be located closer than sixty (60) feet to the front property line, fifteen (15) feet from a street side line and may not occupy more than thirty (30) percent of the required rear yard area. For purposes of double front lots, accessory buildings shall conform to front yard setback requirements on both streets. Accessory buildings or structures shall in all instances be subordinate to the principal structure on the lot and contain less gross floor area. Accessory dwellings shall not exceed the permitted land coverage allowed by the district regulations. Swimming pools and all appurtenant structures both above ground and below grade of adjacent yard area shall be construed to be accessory structures and conform to the standards of this section. The planning director may authorize the encroachment of structures into a required yard setback except when more than one (1) encroachment is proposed. The encroachment shall be limited to ten (10) percent". Therefore, the applicant is requesting a variance to allow an accessory pool structure to occupy greater than 30% of the rear yard area

Based on the above assessment and analysis, Staff finds the requested variances to be reasonable. Staff is supportive of the requested variances and believes the general configuration of the new additions and the proposed accessory structure is generally in conformance with the development pattern in the neighborhood and would not have an adverse impact on surrounding properties.

E. STAFF RECOMMENDATION:

Staff recommends approval of the requested both side yards setbacks and the rear yard setback and also support the subject to the descriptions and any conditions in the "staff analysis", and the following condition:

1. A building permit being obtained for all construction.
2. Install trees, if deemed applicable at the time of building permit in accordance with the Heights Design Overlay District requirements