

File No.: Z-8213-A
Owner/Applicant: John Kirk and Charlene Coker-Kirk
Address: 5209 Kavanaugh Boulevard
Description: Lot 12, Block 1, McGehee Addition to the City of Little Rock, Pulaski County, Arkansas.
Zoned: R-2
Variance Requested: A variance is requested from the area provisions of Section 36-156(a)(2)(c) to allow an accessory building to occupy more than 30 percent of the required rear yard area in an R-2 District.
A variance is requested from the area provisions of Section 36-156(a)(2)(f) to allow an accessory building with a reduced setback from a side yard property line.
Justification: Presented in letter dated August 28, 2020 (attached.)
Present Use: Single-Family Residential
Proposed Use: Single-Family Residential

STAFF REPORT

A. Planning and Development Civil Engineering:

No Comment.

B. Landscape:

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:

The required fire separation distance (building to property line) prescribed by the building code terminates at five feet. Buildings are allowed to be closer than five feet if they have properly constructed fire walls which provide the requisite one hour fire resistance rating. When buildings are five feet or more from the property line, the requirement no longer applies to the wall itself, only the projections such as eaves or overhangs.

Openings such as doors and windows are limited when the exterior wall is three feet from the property line and are prohibited when the exterior wall is less than three feet from the line. There is no restriction on openings when the exterior wall is more than three feet from the property line.

Contact the City of Little Rock Building Codes (501)371-4832 for additional details.

D. Staff Analysis:

Note - This item previously appeared before the Board of Adjustment as “Z-8213” on May 21, 2007. That application proposed a two-car carport to cover the existing concrete pad constructed unknown years prior, situated approximately 1’ from the west property line. Z-8213 was unanimously approved by the Board.

In April 2019 the carport was destroyed by a fallen tree during a storm. Section 36-154(b) states, “In the event that any structure that is devoted in whole or in part to a nonconforming use is destroyed by fire, explosion or other casualty, or the public enemy, to the extent of more than fifty (50) percent of the current replacement value immediately prior to such damage, such structure shall not be restored unless such structure and use thereof shall thereafter conform to all regulations of the zoning district in which such structure and use are located.”

As a result of the above-cited requirement, approval of the subject variance application, known as “Z-8213-A,” is necessary prior to issuance of a building permit.

The R-2 zoned property is located at 5209 Kavanaugh Blvd. on the south side of Kavanaugh Blvd., occupied only by the existing approximately 1,950 square-foot two-story wood frame single family residence. An original one-car wide driveway exists at the northwest portion of the property and extends from Kavanaugh Boulevard into the rear yard area. A paved alley right-of-way is located along the rear (south) property line.

The applicant proposes to construct a 524.3 s.f. one-story wood frame garage upon the existing 22.6’ x 23.2’ former carport foundation. This proposed two-car garage would generally match the principal residence, materially. The existing foundation, thus the proposed garage, is situated approximately 1.9 feet from the south (alley) property line, and approximately 1 foot from the west property line.

Section 36-156(a)(2)(c) limits rear yard coverage by an accessory building to 30 percent. The applicant requests a variance to allow the one-story accessory building to cover approximately 41 percent of the defined rear yard.

Section 36-156(a)(2)(f) requires a minimum of 3 feet of separation between an accessory structure and an adjacent property line. (0 feet separation is required between an accessory building and adjacent alley.) The applicant requests a variance to allow a minimum of 0.9 feet between the existing slab/proposed structure and west property line.

As of this writing, the Planning and Development Office has received no objections to the subject proposal. The applicant has indicated the neighbor to the west is in support of the application.

The proposed detached garage is compatible with and generally comparable in scale to most rear-yard alleyway garages in the general vicinity. Staff views the request as reasonable and supports the above-described variance requests.

E. Staff Recommendation:

Staff recommends approval of the requested increase in accessory building rear yard coverage to a maximum of 41%, and a reduction in the adjacent side yard setback to a minimum of 0.9 feet, subject to the following conditions:

1. Install roof guttering to prevent water run-off from the proposed garage onto the adjacent property to the west.
2. Install trees, if deemed applicable at the time of building permitting, in accordance with Heights Landscape Design Overlay District requirements.