

File No.: Z-9892-A - Appeal
Owner: Tara J. Tinnin
Applicant: Stephen R. Giles (Agent)
Address: 822 Monroe Street
Legal Description: On file
Zoned: R-2
Variance(s) Requested: An appeal of the Special Use Permit denial.
Justification: The applicant's appeal is presented in the letter dated March 26, 2024.

STAFF REPORT

A. Planning and Development Civil Engineering:

No Comments.

B. Landscape and Buffers:

No Comments.

C. Building Codes:

No Comments.

D. Staff Analysis:

822 North Monroe Street lies within the limits of the City of Little Rock and is zoned R-2 Residential. The property has been utilized as a residence since construction. The property was recently purchased by Tara J. Tinnin.

In November 2023 the applicant filed an application to The Little Rock Planning Commission for Group Home Special Use Permit at the residence. The application was denied at the January 11, 2024, hearing of the planning commission.

In February 2024, the applicant filed another application at this property for the same use, with the only change being the number of occupants (11 to 8) in the home. It was staff's interpretation that they did not comply with rules for reapplication after denial, which is spelled out in the zoning code and in the Planning Commission bylaws (E)(7)(c), and which states, "No identical or substantially identical application concerning a specific parcel or parcels of land that has been denied by the Planning Commission or Board of Directors may be made for a period of one (1) year." According to Dictionary.com, the definition of "substantially" is as follows: "By an ample or considerable amount; quite a lot."

On February 26, 2024, the City issued a letter to Stephen Giles at Wright, Lindsey, Jennings stating that the property had failed to comply with the Group Home Code of Ordinance and the proposed use as a group home does not meet the code requirements for submittal.

Staff Comments:

“The Planning & Development staff has reviewed your application for the above-referenced property. We have determined this application is identical or substantially identical to the previously submitted application which was denied by the Little Rock Planning Commission at their January 11, 2024, meeting.

The proposal to reduce the number of residences from eleven (11) to eight (8) is not a substantial change in the application. Therefore, your application for the Special Use Permit for 822 Monroe Street application has been denied.”

Furthermore, it was stated to the applicant what staff would consider “substantial” to be:

“It is the Planning & Development staff’s opinion that a reduction to six (6) proposed individuals at this residence would represent a substantial change in the application and could be reviewed by the Little Rock Planning Commission.”

In March 2024 the applicant filed an appeal to Little Rock Board of Adjustment contesting the staff’s administrative decision that the application is not substantially different from the original denied application.

The Board of Adjustment is asked to determine if staff’s administrative decision that the SUP application cannot be filed is appropriate based on the zoning code and the Planning Commission bylaws.

Board of Adjustment

(JUNE 20, 2024)

The applicant was present. There were seven (7) persons registered in opposition. Staff presented the item and a recommendation of denial as noted by Staff.

Cameron T. Bowden, Deputy City Attorney, addressed the Board to establish guidelines for discussion regarding group homes and ADA criteria.

Attorney David Parker was present, representing the application. Mr. Parker addressed the Board to discuss Staff’s determination between the terms “substantial” and “identical.” Mr. Parker referenced a letter submitted to Staff, however, Staff noted there was no record of the letter on file. Mr. Paker offered to read the letter.

Sherri Lattimer, Deputy City Attorney discussed the difficulty of the reading because one (1) Board member's attendance was virtual. She noted the possibility of oversight on the applicants and/or Staff part regarding the letter. She stated if the oversight was by Staff, the City would pay for notices, if required.

There was a brief discussion about the correspondence and Staff not having a record of it on file.

Mr. Parker stated that the correspondence will be provided to Staff following the meeting.

Mr. Parker discussed the matter with his client. It was decided to defer the item to the July 18, 2024 meeting.

There was a motion to defer the item to the July 18, 2024 meeting and seconded. There was no further discussion. The vote was 4 ayes, 0 nays and 1 absent.