File No.: Z-5928-A
Owners: Ross Clinton Davis & Sara Nutt Davis
Applicant: Yeary Lindsey Architects
Address: 5423 Country Club Blvd.
Legal Description: Lot 9R, Block 4, Country Club Heights Addition
Zoned: R-2 (Single-Family District)
Present Use: Single-family Residence
Proposed Use: Single-family Residence
Variance(s) Requested: Request from the area provisions of Sec. 36-254 to allow a reduced side yard setback in an R-2 District.

Justification: The applicant’s justification is presented as per the attached letter dated January 18, 2021.

STAFF REPORT
A. Planning and Development Civil Engineering:
   No Comments.

B. Buffering and Landscape 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:
   The required fire separation distance (building to property line) prescribed by the building code terminates at five (5) feet. Buildings are allowed to be closer than five (5) feet if they have properly constructed fire walls which provide the requisite one (1) hour fire resistance rating. When buildings are five (5) 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 (3) feet from the property line and are prohibited when the exterior wall is less than three (3) feet from the line. There is no restriction on openings when the exterior wall is more than three (3) feet from the property line.

   Contact the City of Little Rock Building Codes at (501)371-4832 for additional details.
D. **Staff Analysis:**

The R-2 zoned property located at 5423 Country Club Boulevard is occupied by a single-family residence. The parcel sets on the southeast corner of North Polk Street and Country Club Blvd. The home fronts Country Club Blvd and off-street parking is accessed on the west side of the property from North Polk Street. A single-family home is located south of the property that faces Stonewall Road. An additional single-family home is located east of the subject property with an associated one-lane drive separating the neighboring house and the shared property line.

The applicant has submitted a sketch proposing a new raised covered patio and retaining wall located on the east side of the home. The applicant’s letter of intent additionally states that the porch would project six (6) feet three (3) inches from the side of the primary structure to within one (1) foot four (4) inches of the east property line. The applicant has also stated that the new porch would be thirty (30) feet in length and would cover the existing stoop that accesses the home’s kitchen and incorporate an existing patio area to the north. The associated brick retaining wall would terminate on the east property line and a new fence or brick wall will be constructed on top of the wall to provide privacy.

The survey indicates the lot width to be fifty (50) feet which would normally requires a 5-foot side yard setback. The length of the lot is 140 feet and currently the eastern side yard setback is compliant with the current zoning code. While the primary structure will remain unchanged the exterior patio addition will be built to the property line eliminating thirty (30) linear feet of this side yard setback. This is not out of character with the surrounding properties in this older established neighborhood. Property searches within proximity to the subject parcel indicate several homes showing the entirety of the primary dwelling walls constructed on the property line eliminating all of the required side yard setback.

Section 36-254(d)(2) states “Side yard. There shall be a side yard set-back 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.” The applicant requests a variance to allow an encroachment into the east side-yard setback.

Based the analysis above, Staff believes the subject proposal is in keeping with the character and scale of the neighborhood and views the variance request as reasonable.

E. **Staff Recommendation:**

Staff recommends approval of the requested side yard setback, per the submitted survey / site plan sketch.