

City Of Little Rock Board Of Adjustment

AGENDA



BOARD OF ADJUSTMENT

Frank Allison – Chairman
Austin Grinder-Vice-Chairman
Richard Bertram
James Harkins
Jeremiah Russell

The five (5) member board of Adjustment is a quasi-judicial body.

Hearing Procedure – Opportunities to speak will be given to the applicant and others for or against an application. A spokesperson should be designated for large groups to avoid repetition and save time. Each person speaking is requested to use the microphone, giving first his or her name and address. Persons in the audience are requested to keep conversations to a minimum and to refrain from clapping or other noises. Your cooperation is appreciated.

Voting – During Public Hearings where fewer than the full Board membership is present, every application shall be required to receive three (3) affirmative votes to approve or deny issues other than procedural matters. Those items failing to receive three (3) votes for approval or denial are automatically deferred to the next scheduled meeting as specified by the Little Rock Board of Adjustment. An application not receiving three (3) votes either for approval or denial on the second appearance before the Little Rock Board of Adjustment is automatically denied. If the full Board is present at the first appearance and an application does not receive at least three (3) affirmative votes, then the application is automatically denied.

Time Limit – All variances for approval with or without conditions shall be granted for a period of two years from the date of approval. Within the two year time period the applicant should have obtained a building permit as well as initiate some type of construction.

Appeals – In the event of denial of the variance requested, the applicant has the right to file an appeal with Circuit Court if pursuit of the request is desired.

Office – For information or assistance, contact can be made at the Department of Planning and Development, located on the first floor, 723 West Markham Street or by telephoning 371-4790.

LITTLE ROCK BOARD OF ADJUSTMENT

AGENDA PROCEDURE

MAY 18, 2023

4:00 P.M.

- I. Roll Call and Finding of a Quorum
- II. Approval of the Minutes of the April 20, 2023 meeting of the Board of Adjustment
- III. Presentation of Consent Agenda
- IV. Presentation of Hearing Items

LITTLE ROCK BOARD OF ADJUSTMENT

SUMMARY OF MINUTES

MAY 18, 2023

4:00 P.M.

I. Roll Call and Finding of a Quorum

A Quorum was present being five (5) in number.

II. Approval of the Minutes of the April 20, 2023 meeting
of the Board of Adjustment

Members Present:	Frank Allison – Chairman
	Austin Grinder – Vice Chair
	Richard Bertram
	James Harkins
	Jeremiah Russell

Members Absent:	None
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City Attorney Present:	Sherri Latimer
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LITTLE ROCK BOARD OF ADJUSTMENT

ABBREVIATED AGENDA

MAY 18, 2023

4:00 P.M.

I. OLD BUSINESS:

A. Z-9758 93 Orle Circle

II. NEW BUSINESS:

1. Z-3206-C 11000 Kanis Road
2. Z-4145-A 1719 Merrill Drive
3. Z-7508-C 10621 Colonel Glenn Road
4. Z-9779 331 Rosetta Street
5. Z-9783 2322 North Garfield Street
6. Z-9784 1614 North Harrison Street

File No.: Z-9758

Owners: Chattanya Musham

Applicant: Markus Homes Inc – Melinda Markus

Address: 93 Orle Circle

Legal Description: Lot 43, Block 113, Chenal Valley, an addition to the City of Little Rock

Zoned: R-2

Present Use: Single-family Residence

Proposed Use: Single-family Residence

Variance(s) Requested: A variance is requested from the area provisions of 36-156 to allow a retaining wall (accessory structure) with reduced setbacks from side and rear yard property lines.

Justification: The applicant's justification is presented in an attached letter dated January 12, 2023.

STAFF REPORT:

A. Planning and Development Civil Engineering Comments:

Plans reviewed during building permit.

B. Landscape and Buffer Comments:

No Comments

C. Building Codes Comments:

No comments required.

D. Staff Analysis:

The site at 93 Orle Circle contains and recently constructed single-family dwelling with a paved access drive extending north to Orle Circle. The lot has been mostly cleared and slopes downward from east to west.

The applicant also proposes to construct a forty-two (42) inch high masonry wall starting at the northeast edge of the dwelling and proceed east twenty-seven (27) feet to the eastern property line. The masonry wall then proceeds south along the eastern perimeter of the property to the south property line. The applicant proposes

to construct an additional retaining wall (accessory structure) which will be offset to the west three (3) feet from the east property line. The retaining wall (accessory structure) will extend from north to south along the eastern side of the property to the south property line and proceed on the property line west one-hundred twenty feet (120) to the west property line.

Section 36-156(f) of the City's Zoning Ordinance states, "accessory buildings shall maintain at least a three (3) foot setback from any side or rear yard property line except where said rear yard abuts on a dedicated alley. No setbacks shall be required for an accessory building upon an alley." Therefore, the applicant is requesting a variance to allow the retaining wall, which is considered an accessory structure, with reduced rear and side yard setback.

The applicant provided responses and additional information to all issues raised during the staff's review of the application. To the staff's knowledge, there are no outstanding issues.

Staff is supportive of the reduced rear and side yard setback variances. The wall will be located along the eastern and southern perimeters of the property adjacent to the open tract, and staff views this request as minor in nature and feels that the reduced rear and side yard setbacks will have no adverse impact on the surrounding properties.

E. Staff Recommendation:

Staff recommends approval of the requested side setback variance, subject to the descriptions and any conditions in the "staff analysis," and the following conditions:

- A. A building permit being obtained for all construction.
- B. Abide by all site development requirements for R-2 zoned properties.

Board of Adjustment

(MARCH 16, 2023)

The applicant was present. There were no objectors present. Staff presented the application to the Commission and stated it recommended deferral of a variance request from the area provisions of 36-156 to allow a retaining wall (Accessory structure) with reduced setbacks from side and rear yard property lines. There was a consent motion to defer the application. The application was deferred on consent. The vote was 5 ayes, 0 nays and 0 absent.

Board of Adjustment

(APRIL 20, 2023)

The applicant was present. There were no objectors present. Staff presented the application to the Board and stated it recommended consent deferral of the application to the May 18, 2023, agenda as there is additional information needed to review of the application. The applicant asked what additional information is required. Staff reported the drawings submitted are not sufficient per the in-house engineer and that the walls need to be re-engineered. Staff suggested that the applicant meet with the staff engineer. There was a motion to defer the application. The application was deferred on consent. The vote was 5 ayes, 0 nays and 0 absent.

January 12, 2023

I would like to request permission to build a 6 foot retaining wall on the east side of the property at 93 Orle Circle. The proposed wall location is marked in yellow on the attached survey. The wall has been approved by the Chenal Architectural Committee. The wall as requested by Chenal will have a iron fence on the wall.

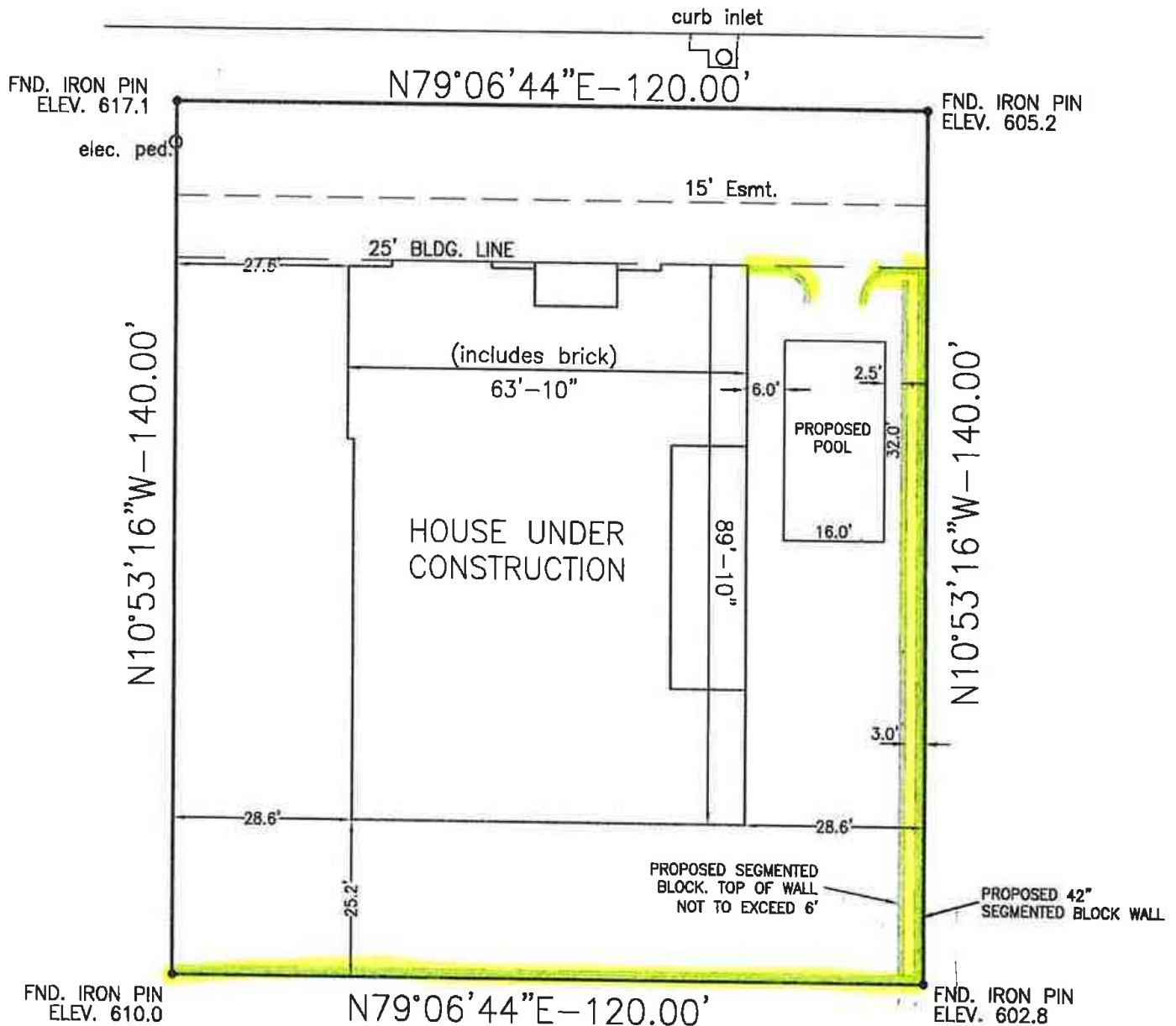
Thank you for your consideration.

Melinda Markus

Markus Homes, Inc.

A handwritten signature in cursive script, appearing to read "Melinda Markus".

ORLE' CIRCLE



Sketch Map

City of Little Rock Planning & Development

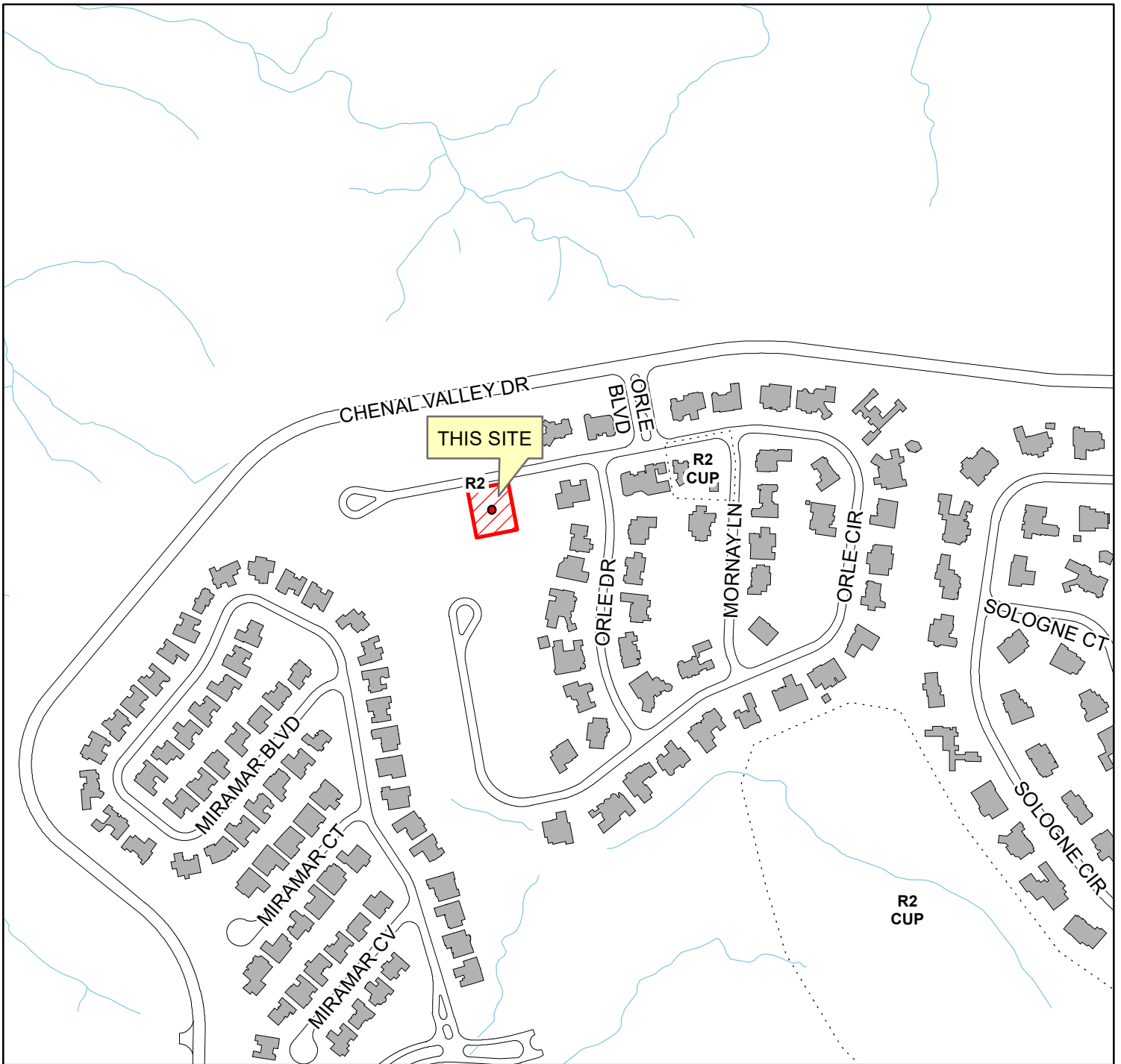
Case No: Z-9758

Name: Musham Retaining Wall

Location: 93 Orle Circle

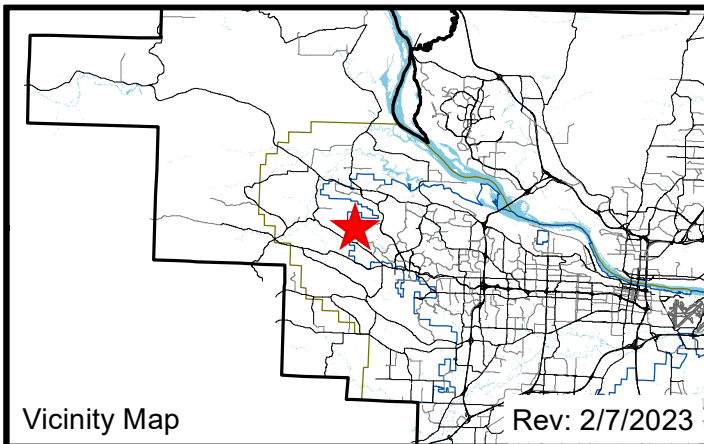
Title: Reduced front and rear yard setbacks, reduced lot size, no off street parking





Area Zoning

City of Little Rock Planning & Development



Case: **Z-9758**

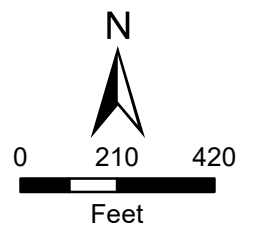
Location: **93 Orle Circle**

Ward: **5**

PD: **19**

CT: **42.13**

TRS: **T2N R14W 27**



File No.: Z-3206-C

Owners: Raju Vyas

Applicant: Raju Vyas

Address: 11000 Kanis Road

Legal Description: Lot 51R, 52 West Highland Addition and that portion of Lots 61,62 lying North of Kanis Road adjacent to closed Mason Drive ROW, all being part of Section 9, T-1-N, R-13-W, Pulaski County AR

Current Zoning: C-3

Present Use: Undeveloped

Proposed Use: Hotel

Variance(s) Requested: A variance is requested from the development provisions and the area provisions of Section 36-301 to allow a new building with increased building height.

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

STAFF REPORT:

A. Planning and Development Civil Engineering Comments:

No comments.

B. Landscape and Buffer Comments:

All landscaping and buffer areas for the new development must comply with Chapters 15 and 36 of the City of Little Rock Code of Ordinances.

C. Building Codes Comments:

No comments required.

D. Analysis:

The C-3 zoned property located along the north side of Kanis Road is comprised of 4.628 acres and is currently undeveloped. The property is mostly tree covered and generally slopes downward from south to north and from west to east.

The applicant proposes to construct a multi-level hotel building on the site as noted on the attached site plan. The proposed hotel building will be located within the west central half of the lot, with paved parking circling the building. An access drive will be

located along the south perimeter of the property connecting to Kanis Road. The proposed building will be five (5) stories in height, with a total floor area of approximately 70,000 square feet. The proposed building height will be sixty-four (64) feet, as viewed from the lowest finished floor (north elevation) to the highest point of the building's flat roof. Therefore, the applicant is requesting a variance to allow the increased building height from thirty-five (35) to sixty-four (64).

Section 36-301(d) allows a maximum building height of 35-feet for C-3 zoned property. The proposed building will have a height of 64-feet as viewed from the low sides of the property (north elevation).

Staff is supportive of the requested variance. Staff views the request as reasonable, as the property is located along a minor arterial roadway near a minor arterial/minor arterial intersection of Kanis Road and Shackleford Road. The property is bordered by C-3 and PCD Commercial zonings. Given the property's location and the site's topography, staff believes that the building height variance is appropriate and should have no adverse impact on the surrounding properties.

E. Staff Recommendation:

Staff recommends approval of the requested building height variance, subject to the descriptions and any conditions in the "staff analysis," and the following conditions:

1. A building permit being obtained for all construction.
2. Abide by all site development requirements for C-3 zoned properties.
3. Compliance with the Landscape and Buffer requirements of Chapters 15 and 36 of the City's code.

Raju Vyas

14 Caddo Court

Maumelle, AR 72113

City of Little Rock

Planning and Development

723 West Markham St. 1st Floor

Little Rock, AR 72201

Re: Height Variance for Proposed Hilton *Homewood E Tree* at 10916 Kanis Road, *Vogel properties*

To whom it may concern;

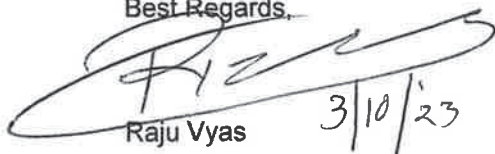
This letter is a request for a height variance for the proposed Hilton Garden Inn hotel in West Little Rock, AR. The proposed building is on the corner of Kanis Road and Shackleford Road and located in a C-3 construction zone. The height limitation for a C-3 zone building is 36ft. The proposed hotel, however, will be a five story structure with a height of 61ft. Therefore, we are requesting for a variance of 25ft.

The variance is being requested for two reasons. The first reason is the topography of the land that the proposed hotel will be located on. There are several low lying areas on the land that will need to be filled before the hotel can be built. Therefore, the lowest possible height for this building will be 61ft.

The second reason that a variance is being requested is that there are several buildings and other hotels within the 2 mile radius of the proposed hotel that are much taller than the proposed Hilton Garden Inn. For example, The Hampton Inn and Suites is less than 0.5 miles away from the proposed hotel and is a 5 story building. Additionally, the Embassy Suites is 1 mile away from the proposed Hilton Garden Inn and is a 9 story building. Therefore, we feel that the proposed hotel will not have an adverse effect or impact on the physical or environmental conditions in this district.

If you have any further questions please do not hesitate to contact me.

Best Regards,


Raju Vyas

3/10/23

President, Yogiji Inc.



Sketch Map

City of Little Rock Planning & Development

Case No: Z-3206-C Sketch 1 of 5

Name: Homewood Suites Hotel

Location: 11000 Kanis Road

Title: Building Height Variance





Sketch Map
City of Little Rock Planning & Development

Case No: Z-3206-C Sketch 2 of 5

Name: Homewood Suites Hotel

Location: 11000 Kanis Road

Title: Building Height Variance





Sketch Map
City of Little Rock Planning & Development

Case No: Z-3206-C Sketch 3 of 5
Name: Homewood Suites Hotel
Location: 11000 Kanis Road

Title: Building Height Variance





Sketch Map

City of Little Rock Planning & Development

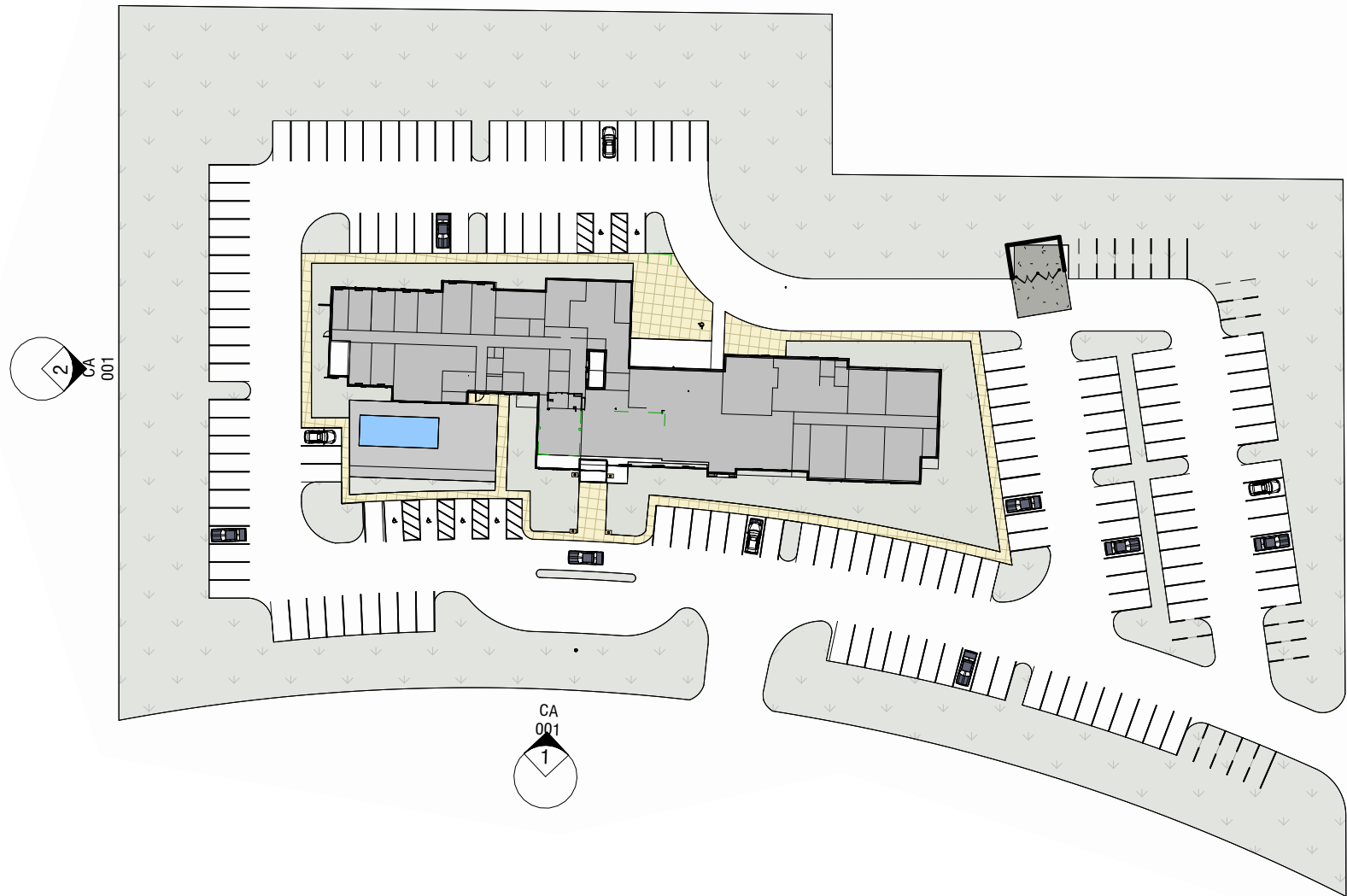
Case No: Z-3206-C Sketch 4 of 5

Name: Homewood Suites Hotel

Location: 11000 Kanis Road

Title: Building Height Variance





Sketch Map

City of Little Rock Planning & Development

Case No: Z-3206-C Sketch 5 of 5

Name: Homewood Suites Hotel

Location: 11000 Kanis Road

Title: Building Height Variance



MAY 18, 2023

ITEM NO.: 2

Z-4145-A

File No.: Z-4145-A

Owners: H.F. Enterprises, LLC

Applicant: Michael B. Childers

Address: 1719 Merrill Drive

Legal Description: Lot 8, Replated as Lot 8B, Charles Valley Subdivision, City of Little Rock

Zoned: C-4

Present Use: Commercial

Proposed Use: Commercial

Variance(s) Requested: A variance is requested from the compliance regulations of Sec. 36-11 to allow the continued encroachment of an existing structure into a utility easement.

A variance is requested from the compliance regulations of Section 36-302 to allow an existing structure to be located less than fifteen (15) feet from a side yard property line.

Justification: The applicant's justification is presented as per the attached letter dated October 19, 2021.

STAFF REPORT:

A. Planning and Development Civil Engineering Comments:

No Comments

B. Buffering and Landscape Comments:

No Comments.

C. Building Codes Comments:

No comments.

D. Staff Analysis:

The property located at 1719 Merrill Drive is occupied by a one-story commercial structure with paved parking areas along the east and west perimeters of the building.

The parking areas are linked to shared access easement drives along the north and south perimeters of the building which connect to Merrill Drive to the west.

A recent survey of the property indicates the structure was constructed within six (6) feet of the south perimeter of the site with a portion of the structure setting within an existing seven (7) foot utility easement.

Section 36-11 (f) states, "No building or structure as defined in this chapter shall be erected, converted, reconstructed, or structurally altered that encroaches on, over or into any easement. This includes drainage, utility access or use easements within the boundary of any lot of record, platted or otherwise established". Therefore, the applicant is requesting the continued encroachment of an existing structure into a utility easement.

Section 36-302(e)(2) of the City's Zoning Ordinance requires a minimum side yard setback of 15 feet on each side of a structure on this C-4 zoned lot. Therefore, the applicant is requesting a variance to allow the existing structure to have a reduced side (south) yard setback of six (6) feet.

Staff is supportive of the requested variances and views the requested variances as reasonable. Staff believes the original non-conforming unaltered location of the building will have no adverse impact on the surrounding properties.

E. Staff Recommendation:

Staff recommends approval of the requested encroachment variance, subject to the descriptions and any conditions in the "staff analysis," and the staff report.

March 14, 2023

VIA HAND DELIVERY

City of Little Rock
Department of Planning and Development
Attn: Mr. Monte Moore
723 West Markham
Little Rock, AR 72201

Re: H.F. Enterprises, LLC Non-Residential Zoning Variance Application

Dear Mr. Moore:

Please find enclosed our firm check in the amount of \$250 to pay the filing fee for the Application for Zoning Variance for H.F. Enterprises, LLC I emailed to you earlier today regarding the applicant's property located at 1719 Merrill Drive, Little Rock, AR 72212.

Please do not hesitate to contact me if you need anything else from us at this time for the application.

Sincerely,



Mike Childers

Enclosure

March 14, 2023

VIA EMAIL

City of Little Rock
Department of Planning and Development
Attn: Mr. Monte Moore
723 West Markham
Little Rock, AR 72201
Email: mmoore@littlerock.gov

Re: H.F. Enterprises, LLC Non-Residential Zoning Variance Application

Dear Mr. Moore:

This firm represents H.F. Enterprises, LLC (the "Applicant") in connection with an approximately 0.47 acre lot located at 1719 Merrill Drive, Little Rock, AR 72212 more particularly described as Lot 8B, Charles Valley Subdivision. Please find enclosed herewith the Applicant's Application for Zoning Variance for the subject property for submittal to the Board of Adjustment. The subject property is improved with an approximately 5,294 square foot commercial building that was constructed in 1984. In the course of surveying the property for an upcoming sale, it was discovered that the building encroaches on a 7.5' platted public utility easement along the south property line. The utility easement was dedicated on the Final Plat of Charles Valley Subdivision filed in Book 39, Page 78 on April 13, 1977, and is also shown on the more recent Replat of Lot 8, Tract "A", Charles Valley Subdivision filed in Book A, Page 327 on November 2, 1979 that established the property as Lot 8B. Copies of the two plats are enclosed for your reference.

The extent of the building encroachment is very minor. The encroachment at the southwest corner of the building is approximately 1.43' into the utility easement, and the encroachment at the southeast corner of the building is only 1.11' into the easement. The Applicant has not yet had an opportunity to complete a utility locate in the easement area, but based on the survey there do not appear to be any utility facilities currently located within the encroachment area. Since the building was constructed in 1984, we assume that any issues with the encroachment would have been discovered by now.

To resolve this encroachment issue, the Applicant is applying to the Board of Adjustment for a hardship variance from Section 36-11(f) of the Little Rock Code of Ordinances which prohibits any building from being erected on, over or into any easement. The strict enforcement of the literal provisions of Section 36-11(f) would cause undue hardship to the Applicant in that demolishing a portion of the building and relocating the south wall to the north side of the easement is the Applicant's only other option to resolve the encroachment. Granting this hardship variance request for such a minor encroachment would be in keeping with the spirit and

March 14, 2023
Page 2

intent of the provisions of Section 36-11(f) and would allow the easement to be modified to conform to the conditions that have existed at the property for the past 39 years.

Also attached with this letter and the Application is a current survey of the property prepared by Thomas Engineering Company on February 16, 2023. We are hand delivering the \$250 application fee to the Department of Planning and Development this afternoon with the submittal of this Application. Please do not hesitate to contact me with any questions regarding the Application or the attachments, or if anything else is needed from us at this time.

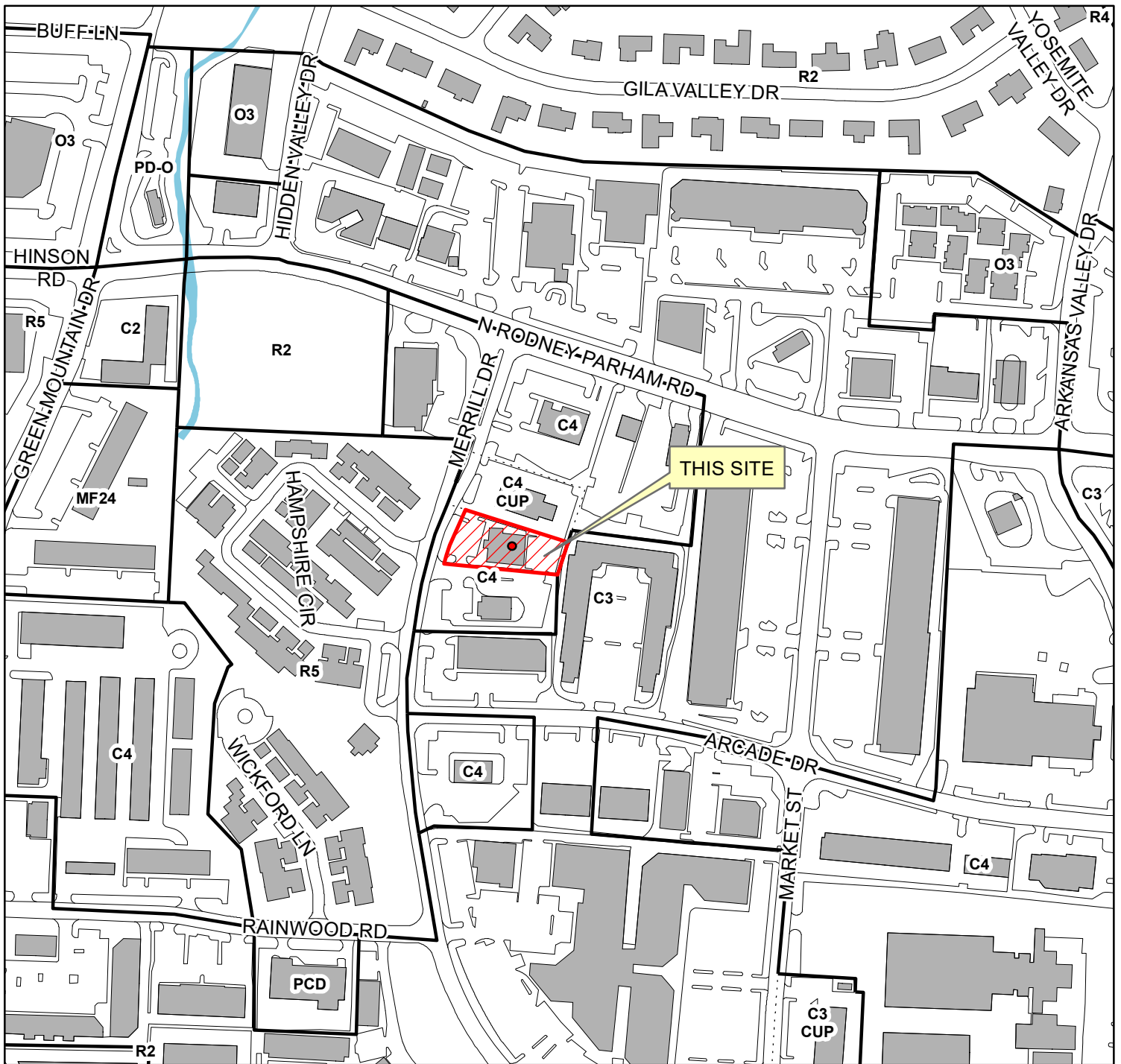
Sincerely,



Mike Childers

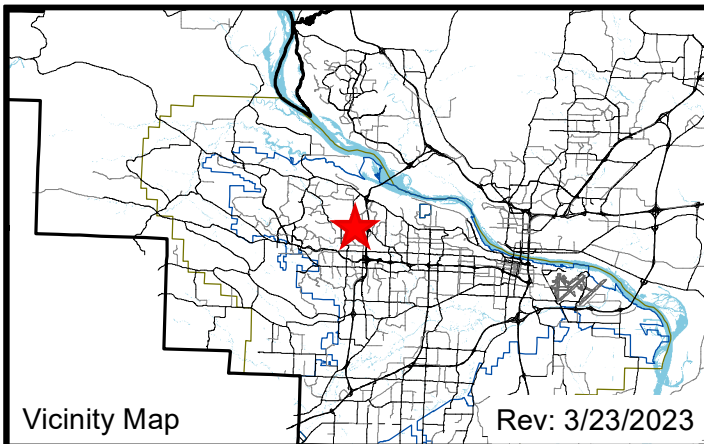
Enclosures: Application for Zoning Variance
Survey
Plats

cc: Ron Harb (*via email*)
Joey Nichols (*via email*)
Greg Joslin (*via email*)



Area Zoning

City of Little Rock Planning & Development



Case: **Z-4145-A**

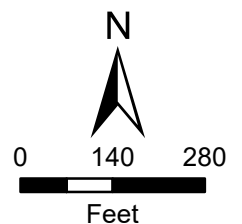
Location: **1719 Merrill Drive**

Ward: **4**

PD: **2**

CT: **22.09**

TRS: **T2N R13W 33**



File No.: Z-7508-C

Owner: CGTR Lot 2, LLC

Applicant: Joe White Associates Engineers

Address: 10621 Colonel Glenn Road

Legal Description: Lot 2R, Circustrix Addition, to the City of Little Rock, Pulaski County, Arkansas

Current Zoning: C-4

Present Use: Vacant

Proposed Use: New Commercial Construction

Variance(s) Requested: A variance is requested from the area provisions of Section 36-302 to allow a building with a reduced side yard setback in a C-4 District.

A variance is requested from the area provisions of Section 31-210 to allow a reduced minimum spacing of a driveway from an intersection.

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

STAFF REPORT:

A. Planning and Development Civil Engineering Comments:

Staff will support the proposed drive from Talley as a Right In, Right Out drive. However, staff does require as a provision that the developer provide a Traffic Impact Study at the time a building permit is applied for.

B. Landscape and Buffer Comments:

All landscape and buffer areas for the new development must comply with Chapters 15 and 36 of the City of Little Rock Code of Ordinances.

C. Building Codes Comments:

No comments.

D. Analysis:

The C-4 zoned property located at the southeast corner of Colonel Glenn Road and Talley Road is comprised of 1.07-acres and is currently vacant. The property is mostly

tree covered and generally slopes downward from north to south and from east to west.

The property is bordered to the south and east by C-4 zoned uses, a vacant C-3 zoned property to the west across Talley Road, an I-1 zoned warehouse to the northeast, and a PCD to the northwest across Colonel Glenn Road.

The applicant proposes to construct a new 4,300 square foot convenience store / gas station structure located at the central portion of the site with a new 2,500 square foot canopy for pumps and new paved parking area which circles the canopy structure from the west to the east. The proposed parking area is centered on the site adjacent to the north façade (main entry) of the convenience store with twelve (12) parking spaces.

The site plan indicates the proposed development will have two (2) paved access drives connecting Colonel Glenn Road to the north and Talley Road to the west. The proposed access drive connecting to Colonel Glenn Road at the northeast corner of site is indicated as a thirty (30) foot wide shared cross access (utility) easement drive bordering the existing lot to the east. The shared access drive extends south from Colonel Glenn Road at the north between Lot 2R and Lot 3R and connects to an existing asphalt drive bordering the south perimeter of the development.

The proposed thirty-five (35) foot wide access drive connecting to Talley Road is located eighty-five feet from the south of the north property line adjacent to the Colonel Glenn Road Right-of-Way. Staff is supportive of the drive connecting to Talley Road as a Right-In, Right-Out Drive with the including of a traffic impact study at the time a building permit is applied for.

Section 31-210(e)(2) *Collector Streets*, states, "Minimum spacing from the property line shall be one hundred twenty-five (125) feet". Therefore, the applicant is requesting a variance to allow the proposed access drive spacing from the property line to be reduced from one-hundred twenty-five (125) feet to eighty-five (85) feet.

The site plan indicates that the proposed new convenience store structure is to be located one-hundred fifty (150) feet from the north (front) property line and twenty-five (25) feet from the west (side) property line.

Section 36-302(e)(2) *Side yard*, states, "There shall be a side yard on each side of the building having a width of not less than fifteen (15) feet. On a corner lot, the side yard on the street side or exterior side shall be equal to the required front yard setback". Therefore, the applicant is requesting a variance to allow the side yard setback to be reduced from forty-five (45) feet to twenty-five (25) feet.

Staff is supportive of the requested variances. Staff views the requests as reasonable. The proposed location of the new access drives and new structure will be situated on the site in a manner similar to other developments in the immediate area. Staff

believes that the variances will have no adverse impact on the adjacent properties or the general area.

E. Staff Recommendation:

Staff recommends approval of the requested side yard setback reduction and the access drive spacing reduction, subject to the descriptions and any conditions in the “staff analysis,” and the following conditions:

1. A building permit being obtained for all construction.
2. Abide by all site development requirements for C-4 zoned properties.
3. Compliance with the Landscape and Buffer requirements of Chapters 15 and 36 of the City’s code.
4. Provision of a Traffic Impact Study at the time of building permit application.
5. Revision of the access drive connection to Talley Road to a Right-in, Right-out drive configuration.



JOE WHITE & ASSOCIATES, INC.
CIVIL ENGINEERING - CONSULTING SERVICES - LAND SURVEYING

March 14, 2023

Mr. Torrence Thrower
City of Little Rock
Neighborhoods and Planning
723 W. Markham Street
Little Rock, AR 72201

RE: Lot 2R Circustrix Addition
 Non-Residential Zoning Variance

Mr. Thrower,

Attached are the application, affidavit, site plan, and filing fee for the above referenced project.

This project is located at 10621 Colonel Glenn Road and contains approximately 1.07 acres. The parcel of land is currently zoned C-4.

Currently the property is undeveloped. The owner has a user that would like to construct a 4,300-sf building and covered canopy as shown on the attached site plan.

Due to the narrow shape of the property, the owner respectfully requests two variances. The first variance is for a 25' building setback along the west property line adjacent to Talley Road.

The second variance is for the driveway spacing along Talley Road. The user would like the ability for cars to exit the site without driving south to exit the site and turn back north on Talley Road.

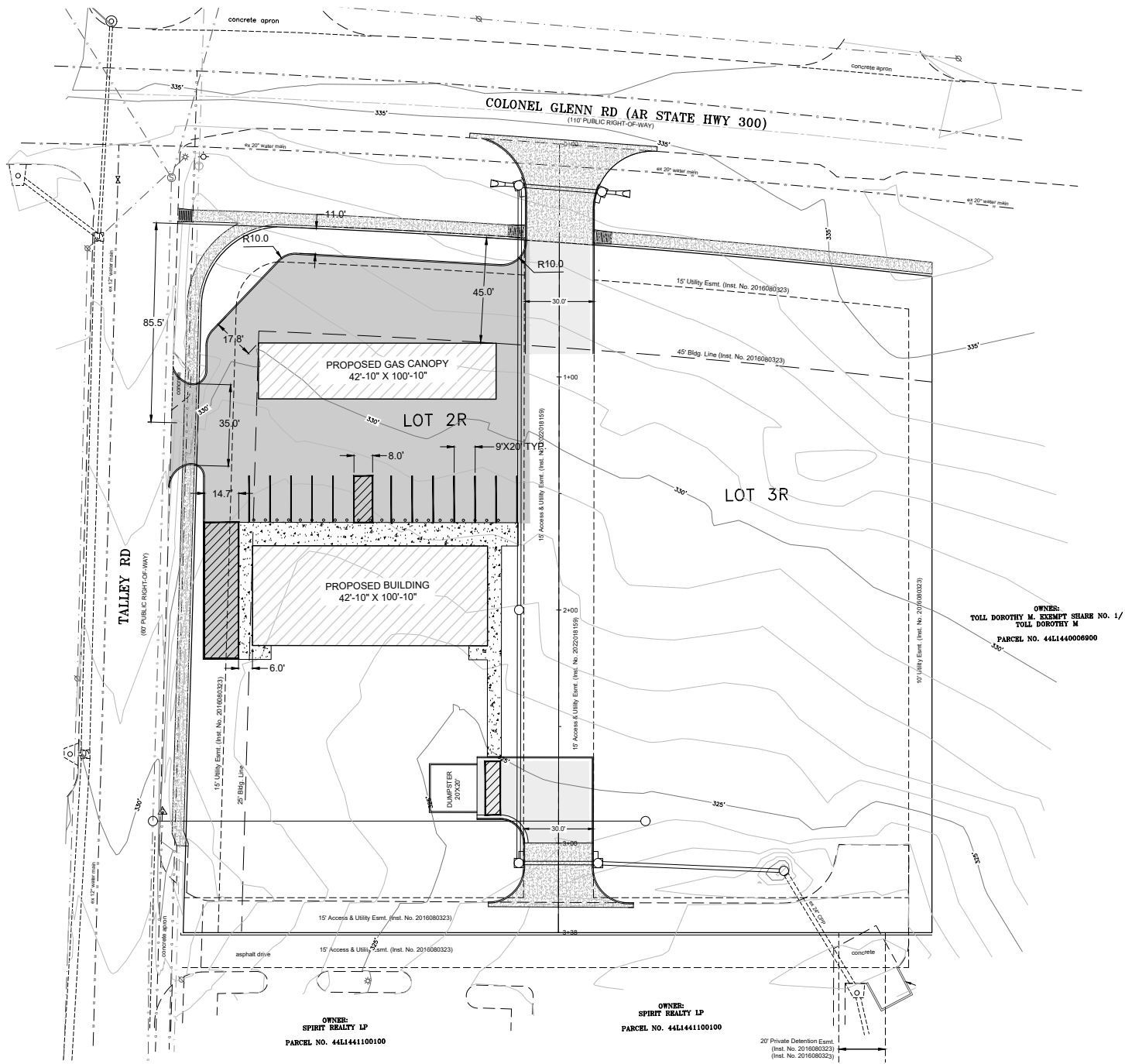
Please place this item on the next available Board of Adjustment agenda.

Please do not hesitate to call if you have any questions or require additional information.

Your help in this matter is greatly appreciated.

Best Regards,

Brian Dale



Sketch Map

City of Little Rock Planning & Development

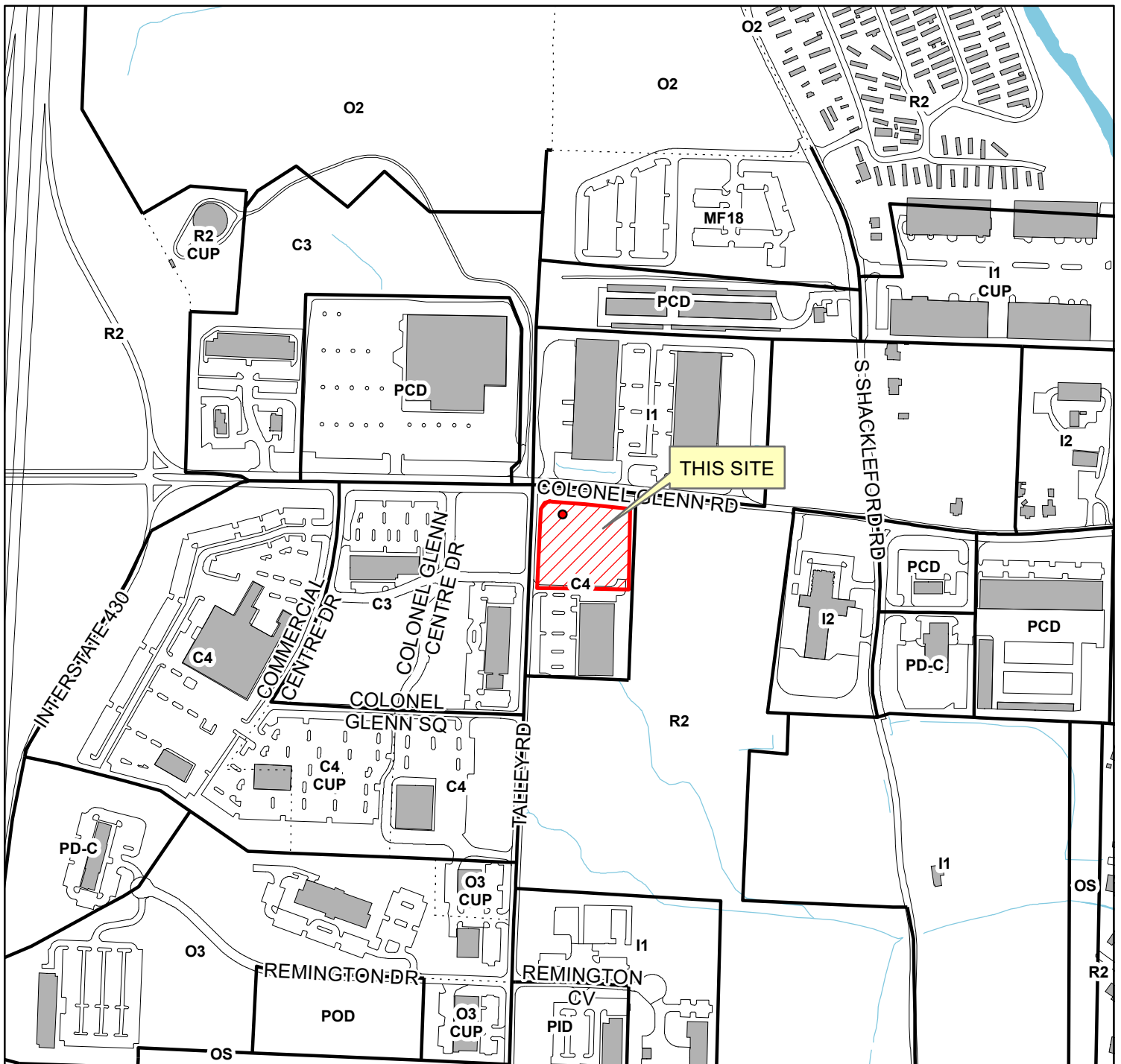
Case No: Z-7508-C Sketch Map

Name: Convenience Store

Location: 10621 Colonel Glenn Drive

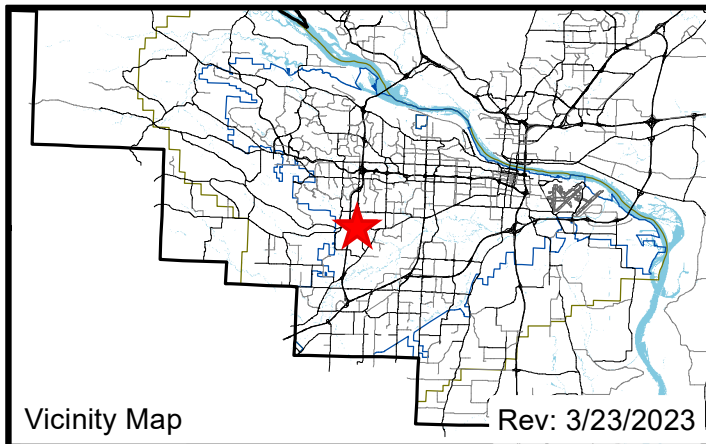
Title: c-4 Setback and additional driveway spacing.





Area Zoning

City of Little Rock Planning & Development



Case: **Z-7508-C**

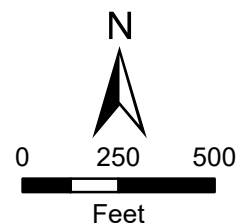
Location: **10621 Colonel Glenn Road**

Ward: **7**

PD: **12**

CT: **24.05**

TRS: **T1N R13W 22**



File No.: Z-9779

Owners: Casey Dillard, Ellen Hoppe

Applicant: Casey Dillard

Address: 331 Rosetta Street

Legal Description: The West 90 feet of Lot 13, Block 6, C.S. Stiff's Addition to the City of Little Rock, Pulaski County, Arkansas.

Zoned: R-3

Present Use: Single-family Residence

Proposed Use: Single-family Residence

Variance(s) Requested: A variance is requested from area regulations of Sec. 36-156 to allow an accessory structure to be less than six (6) feet from a residence.

Request from the area regulations of Sec. 36-156 to allow an accessory structure to occupy more than 30% coverage of the rear yard.

A variance is requested from area regulations of Sec. 36-156 to allow an accessory structure with a reduced side and rear yard setback.

Justification: The applicant's justification is presented as per the attached letter.

STAFF REPORT

A. Planning and Development Civil Engineering Comments:

1. A building permit must be obtained for all construction.

B. Buffering and Landscape Comments:

No Comments.

C. Building Codes Comments:

No Comments.

D. Staff Analysis:

The property located at 331 Rosetta Street is occupied by a single-story wood and masonry single-family residence. A one-car wide driveway extends north from West Capitol Avenue along the east border of the lot connecting to an existing one-story carport structure.

The applicant is proposing to remove the existing carport structure and construct a new twenty-six (26) foot by fourteen (14) foot enclosed garage structure in the same location connecting to the existing driveway. The proposed structure will be located in the northeast corner of the lot and be located 0.3-feet from the east property line, 1.8-feet from the north property line, and approximately 2-feet from the existing residential structure.

Section 36-156 (2)(b) of the City of Little Rock Zoning Ordinance requires an accessory structure be separated from a single-family residence by a distance of not less than six (6) feet. Therefore, the applicant is requesting a variance to allow an accessory structure with a reduced separation from a single-family residence.

Section 36-156(2)(f) states "Accessory buildings shall maintain at least a three-foot setback from any side or rear yard property line except where said rear yard abuts on a dedicated alley". Therefore, the applicant is requesting a variance to allow an accessory structure to have a reduced side and rear yard setback of less than three (3) feet.

Sec. 36-156(a)(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..." Therefore, the applicant is requesting a variance to allow the proposed accessory building to exceed the coverage requirements to a maximum of 44%.

Staff is supportive of the requested variances. Staff views the request as reasonable. The proposed variance requested is generally in conformance with the development pattern in the area. Staff believes the proposed accessory structure will have no adverse impact on the surrounding properties.

E. Staff Recommendation:

Staff recommends approval of the requested separation variance, subject to the descriptions and any conditions in the "staff analysis," and the following conditions:

1. A building permit being obtained for all construction.

331 Rosetta Street

Casey Dillard and Ellen Hoppe
331 Rosetta Street
Little Rock, AR 72205
501-529-8559
CaseyDillard1213@gmail.com

March 13th, 2023

Dear Members of the Board of Adjustment,

When we bought our Stifft Station home in 2017, it fit us perfectly. We love our home, our neighborhood, and the community here. However, since 2017, our family has grown and we need more space. While we have kept our eyes open for other homes in other places, we regard 331 Rosetta Street as our "forever home" and don't want to lose it or the roots we have established here over the last 5+ years.

We really and truly don't want to move but really and truly need more space. We realized that a multi-use accessory structure can easily be added onto our property if we replace the existing carport with a garage/storage shed. In addition to being an improvement to the property's curb appeal, we believe an enclosed structure would provide more protection and security for our property. Unfortunately, our carport and its attached storage shed have been the location of multiple thefts.

The carport currently sits on a concrete slab that is 28' x 12' along the rear property line and within a few feet of our house. The Little Rock Code of Ordinances Sec. 36-156 (2) b-f states that an accessory structure must be six feet from the house and three feet from the property line. However, considering there is an existing structure on the concrete, we hope the proposed improvement will be readily accepted.

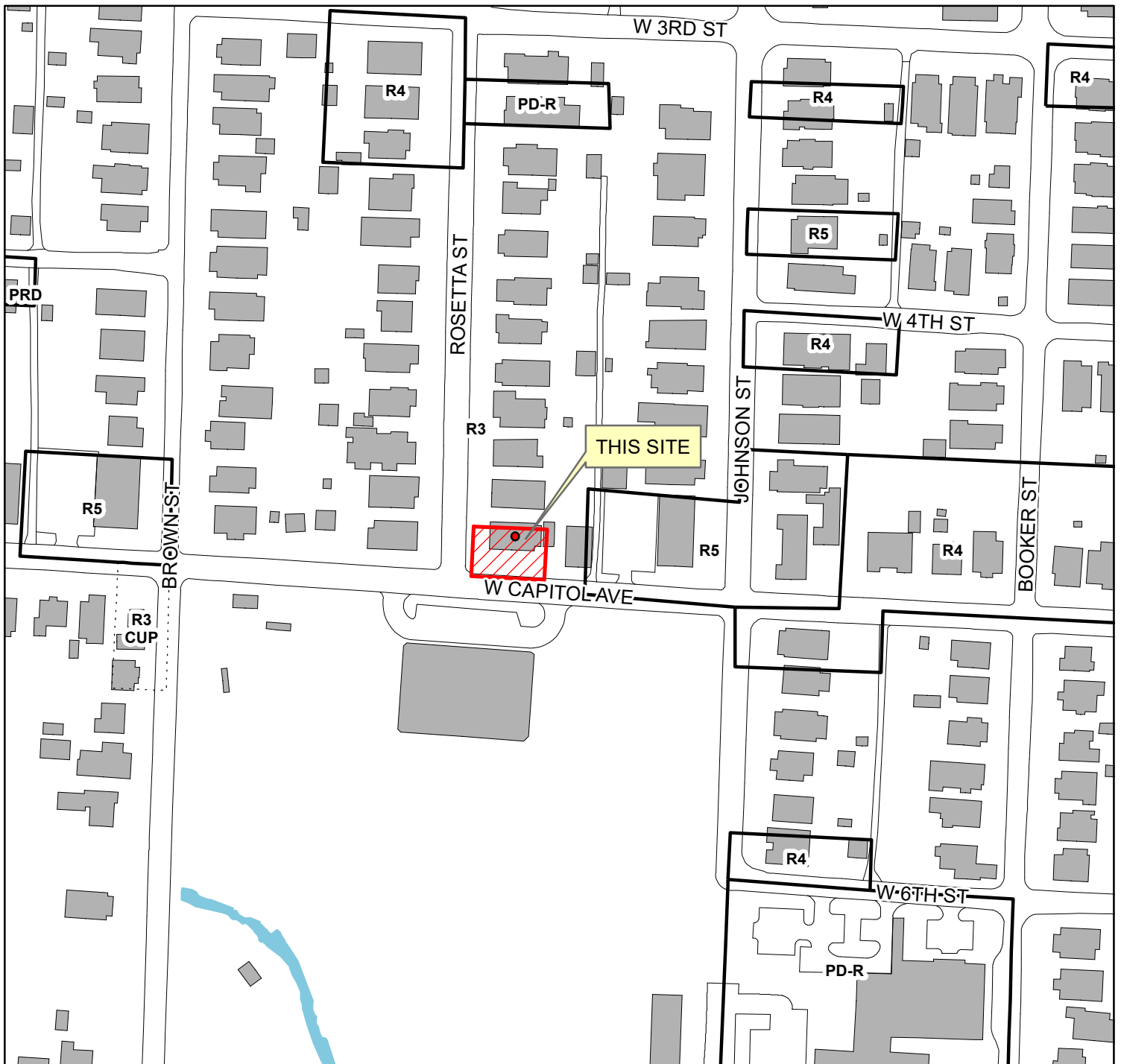
Thank you for your time and consideration,

Casey Dillard



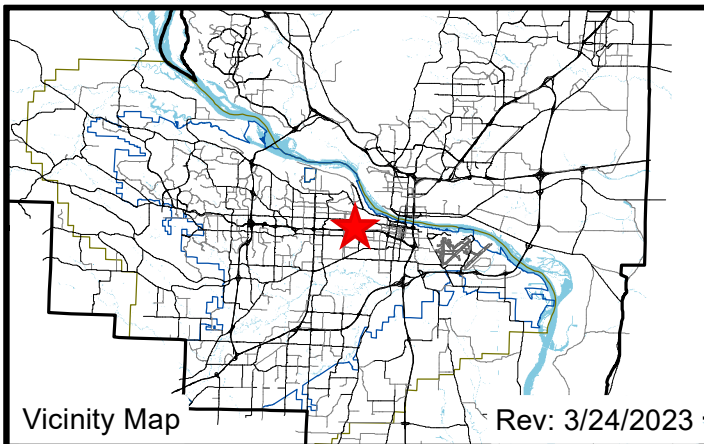
Ellen Hoppe





Area Zoning

City of Little Rock Planning & Development



Case: **Z-9779**

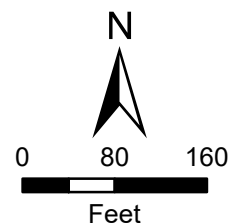
Location: **331 Rosetta Street**

Ward: **3**

PD: **9**

CT: **48**

TRS: **T1N R12W 5**



File No.: Z-9783

Owners: Whit and Lisa Hall

Applicant: Ellen Yeary
Yeary Lindsey Architects

Address: 2322 North Garfield Street

Legal Description: Lot 12, Block 7, Altheimers Addition to the City of Little Rock,
Pulaski County Arkansas

Zoned: 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
to allow a reduced rear yard setback in the R-2 district.

Justification: The applicant's justification is presented as per the attached
letter.

STAFF REPORT

A. Planning and Development Civil Engineering Comments:

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:

No Comments.

D. Staff Analysis:

The R-2 zoned property located at 2322 North Garfield Street is 0.15-acre cleared vacant lot. The applicant proposes to construct a new residential dwelling with a garage structure connected by a covered breezeway. The main residential structure will be setback 25-feet from the front (east) property line, 5-feet from the north and south property lines and 11-feet from the rear (west) property line.

The site plan indicates that the proposed garage will connect to the main dwelling structure with a one-story breezeway which will be approximately 10-feet in width with a single roof structure. The breezeway area will be unenclosed on its north and south sides and have an access stair on the south side connecting to the side yard within the setback.

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 a reduction of the side yard setback from 5-feet to 4-feet.

The site plan indicates that the garage structure will extend west from the breezeway into the rear (west) setback of the lot connecting to a new access drive adjacent to the existing alley to the west.

Section 36-254(d)(3) states "There shall be a rear yard setback having a depth of not less than twenty-five (25) feet. "Therefore, the applicant is requesting a variance to allow the extension of the primary structure into the rear yard setback reducing the setback to no less than 11-feet.

Staff is supportive of the requested variances. Staff views the requests as reasonable. The reduction of yard area for the garage and breezeway structures are similar to development patterns in the area. Staff believes that the requested variances will have no adverse impact on the surrounding properties.

E. Staff Recommendation:

Staff recommends approval of the requested variances, subject to the descriptions and any conditions in the "staff analysis", and the following conditions:

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

Yeary Lindsey Architects

March 14, 2023

Mr. Romie Price
Department of Planning and Development
723 West Markham
Little Rock, AR 72201

Re: Whit & Lisa Hall Variance Request
2322 N. Garfield Street
Little Rock, AR 72207

Dear Mr. Price,

Please find attached our submittal to the Little Rock Board of Adjustments requesting a variance to allow the crossing of the side yard and rear yard setbacks at 2322 N. Garfield Street.

Our request is based on our clients' desire to build a new traditional single-family home with an accessory garage to the rear, connected by an open-air covered breezeway. We are asking for a side-yard variance to allow the construction of a stair from the breezeway to the south side of the property, necessitated by the slope of the site. The stair will remain 4'-0" off the south property line. We are also requesting a variance to the rear-yard area coverage for accessory structures, to allow for a three-car garage with ample room above for a guest quarter. The property abuts a rear alley, which will provide buffer space to the adjacent properties to the west.

We are hoping to fulfill our clients' desire to have a comfortable home with living space above the garage where they may easily care for a family member. Given the topography of the site and the minimal lot area, we believe a variance is a reasonable request.

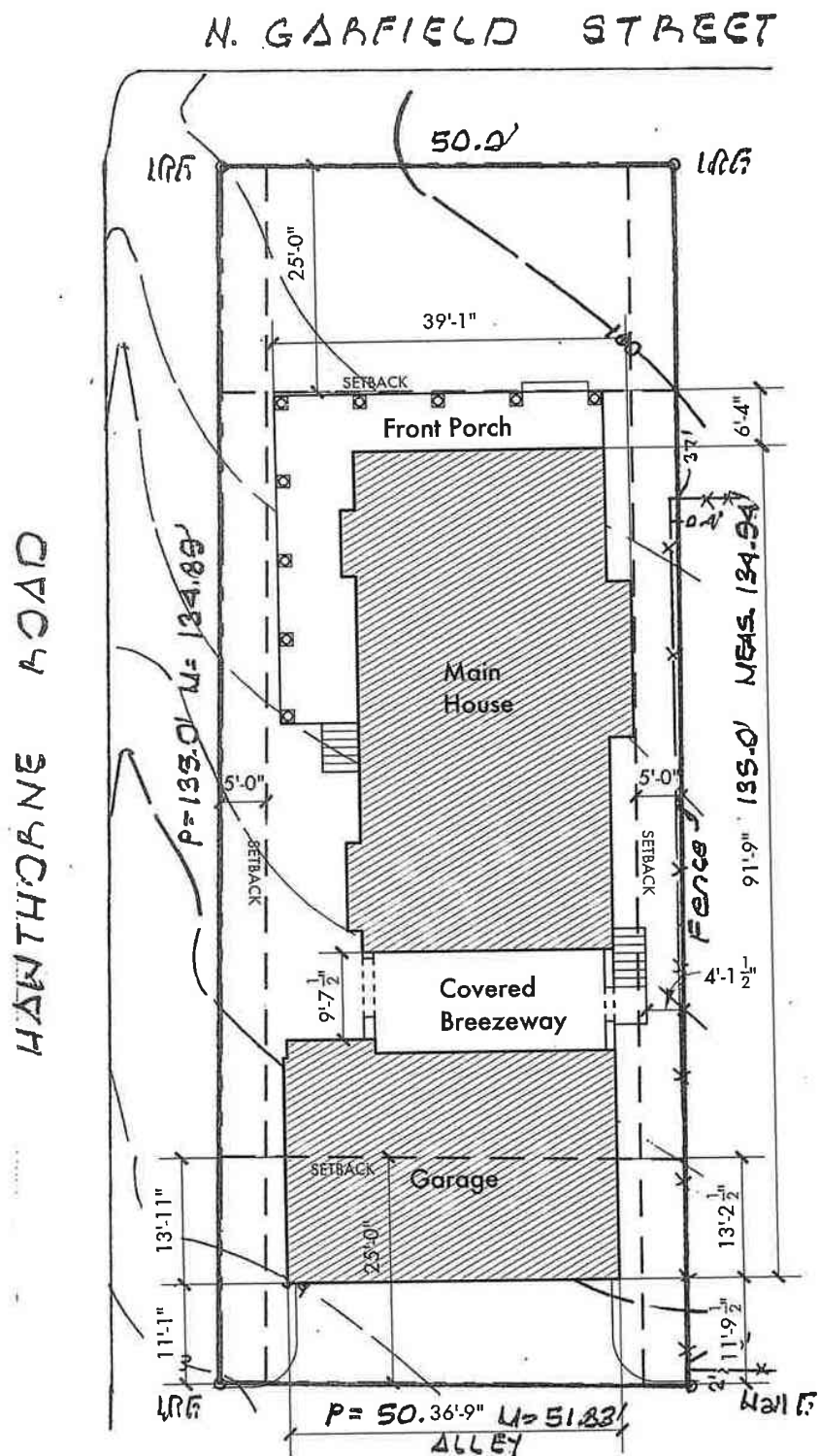
If you have any questions or need further information, please feel free to contact me. We appreciate your consideration of our request.

Thank you.

Sincerely,



Jim Yeary, AIA



Sketch Map

City of Little Rock Planning & Development

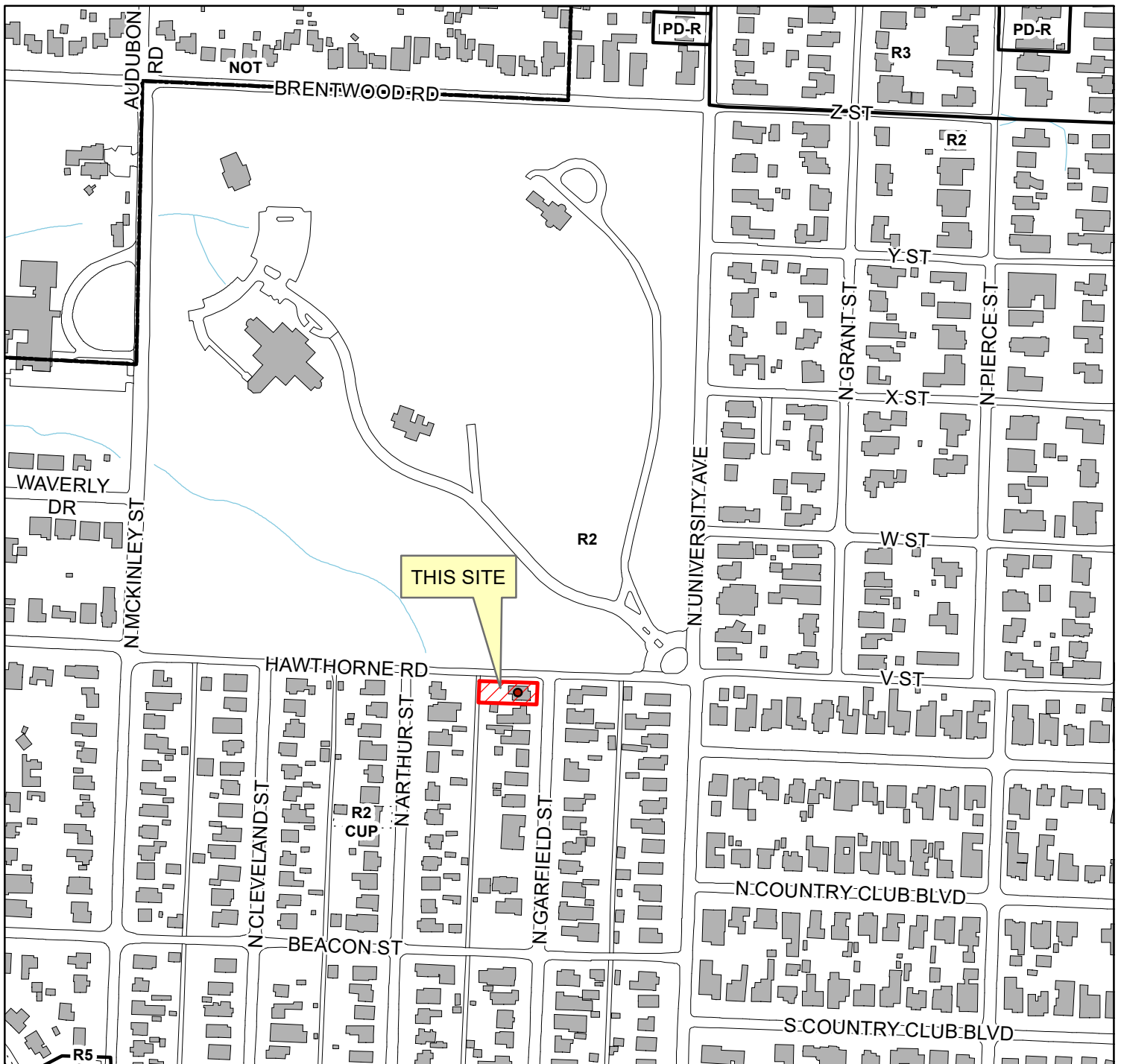
Case No: Z-9783

Name: hall-Whittington Addition

Location: 2322 North Garfield Street

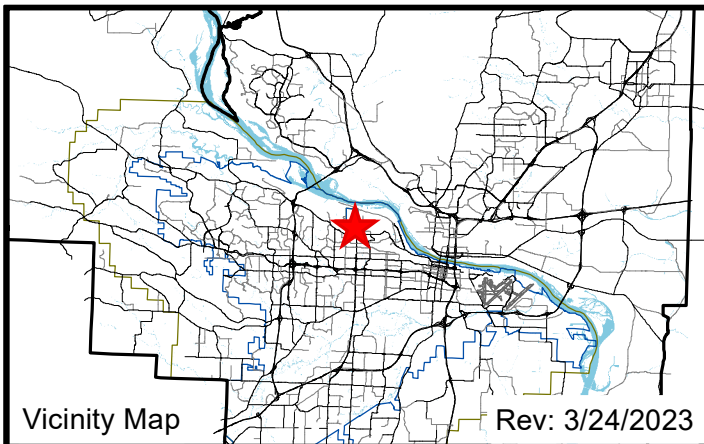
Title: Accessory structure yard coverage, and setbacks.





Area Zoning

City of Little Rock Planning & Development



Case: **Z-9783**

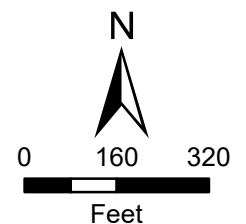
Location: **2322 North Garfield Street**

Ward: **3**

PD: **3**

CT: **49**

TRS: **T2N R13W 25**



File No: Z-9784

Owner: Sarah Bruner & Kyle Bruner

Applicant: Kyle Bruner

Address: 1614 N. Harrison Street

Legal Description: Lot 4, Block 3, Edgewood 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 Section 36-156 to allow an accessory structure to be less than six (6) feet from a residence.

A variance is requested from the area regulations of Section 36-156 to allow an accessory structure to occupy more than thirty percent (30%) coverage of the rear yard.

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

Staff Report:

A. Planning and Development Civil Engineering Comments:

No comments required.

B. Landscape and Buffer Comments:

No comments required.

C. Building Codes Comments:

No comments required.

D. Analysis:

The R-2 zoned property located at 1614 N. Harrison Street is occupied by a one-story single-family residence. The property is located on the west side of the street between Cantrell Road and "O" Street. The survey indicates a lot with a width of 50-feet and a depth of 140-feet. The residence is set 25-feet from the front (east) property line, 14.5-feet from the south property line, 4.8-feet from the north side

property line, and 50.5-feet from the rear (west) property line abutting a 20-foot alley. As part of the improvement to the residence, the applicant proposes to construct a 641-square foot single-story living-space addition with a 127-square foot covered porch on the rear (west) of the existing residence.

The applicant proposes to construct a new 22-foot by 26-foot, (572) square foot carport with storage, separated approximately 4-foot 9-inches to the west of the new addition. The carport will be accessed from the 20-foot dedicated alley behind the property. As an accessory structure, the carport is required by Section 36-156(2)(b) of the City's Zoning Ordinance to have a separation of not less than 6 feet from the residence. Therefore, a variance is requested from the area regulations of Section 36-156 to allow an accessory structure to be less than six (6) feet from a residence.

Section 36-156(2)(c) requires the accessory building not to occupy more than thirty percent (30%) of the required rear yard area. The proposed carport will occupy approximately forty-six percent (46%) of the area. Therefore, the applicant is requesting a variance to allow an accessory structure to occupy more than thirty percent (30%) of the rear yard area.

Section 36-156(2)(f) requires, for accessory buildings, a minimum three-foot setback from any side or rear yard property line, except when abutting an alley, where no setback is required. The proposed complies by right with the required minimum setbacks in the R-2 zoning district. Therefore, the applicant is requesting variances to allow an accessory structure with a reduced separation from the dwelling structure and an increased rear yard coverage.

Staff is supportive of the requested variances for the accessory structure. Staff views the request as reasonable and is consistent with development patterns in the area and will have no adverse impact on the surrounding properties.

E. STAFF RECOMMENDATION:

Staff recommends approval of the requested variances, subject to the descriptions and any conditions in the "staff analysis" and the following conditions:

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

March 13, 2023

Brad Jordan, Development Manager
City of Little Rock
Planning and Development Department
723 West Markham Street
Little Rock, AR 72201

Address: 1614 North Harrison Street, Little Rock, Arkansas, 72207

Zoning: R2

We are requesting a variance on the West and South side lines of the lot to add a carport. The required setback is 5 feet on the side and 25 feet on the back, and the proposed building will be sited at 3 feet from both side lot lines, therefore a relaxation of 2 feet is requested on the side and 23 feet is requested on the back.

The current setback requirements create a hardship to the owner because it would require the carport to be too close to the approved proposed addition due to the lot size. We've also noted there are several other property owners with similar structures near our home.

With all of that in consideration, we request a variance to remedy that hardship.

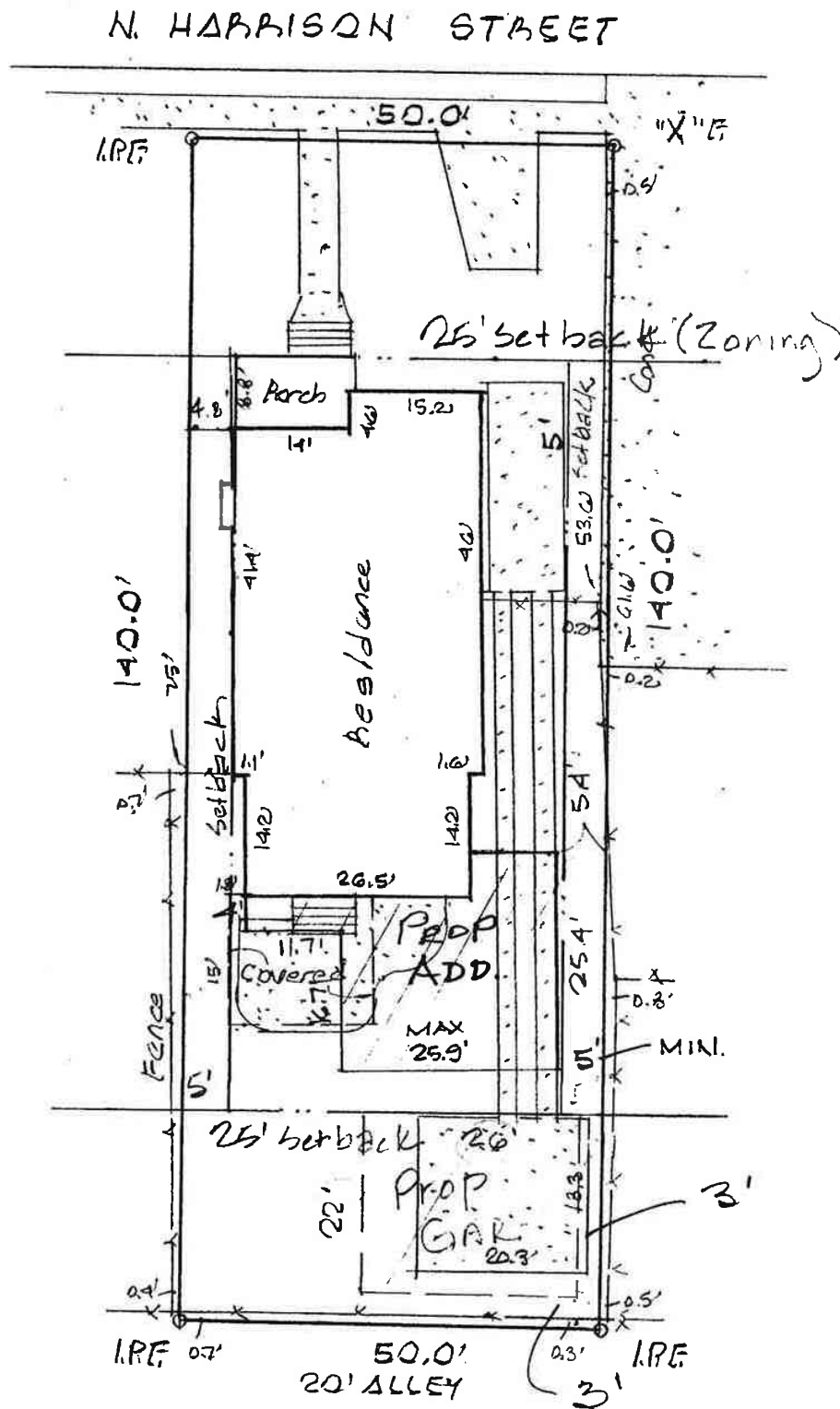


Kyle Bruner
(254)-485-1561

kyledbruner@gmail.com

Sarah Bruner

sarahwbruner@gmail.com



Sketch Map

City of Little Rock Planning & Development

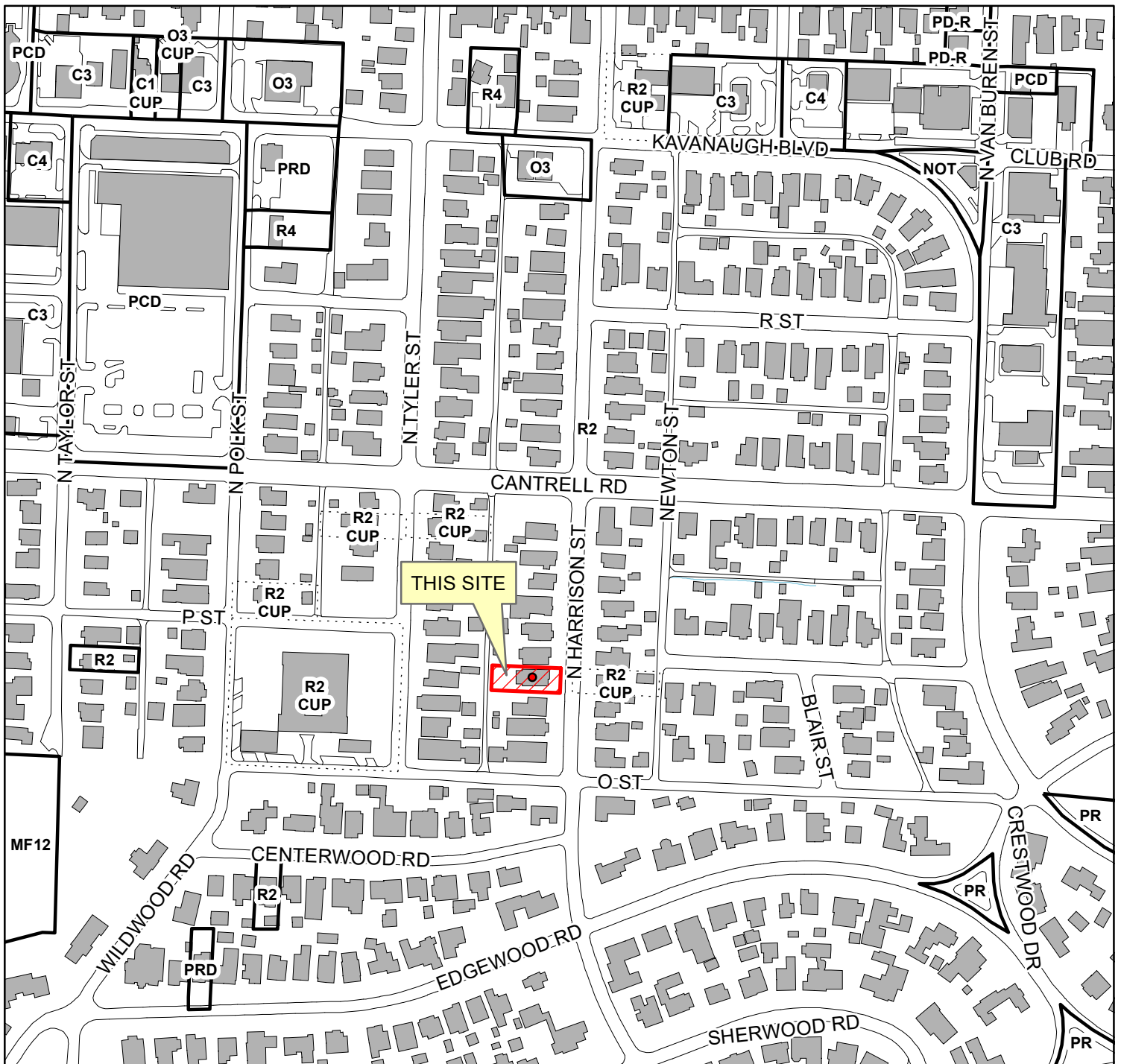
Case No: Z-9784

Name: Brunner Accessory Dwelling

Location: 1614 North Harrison Street

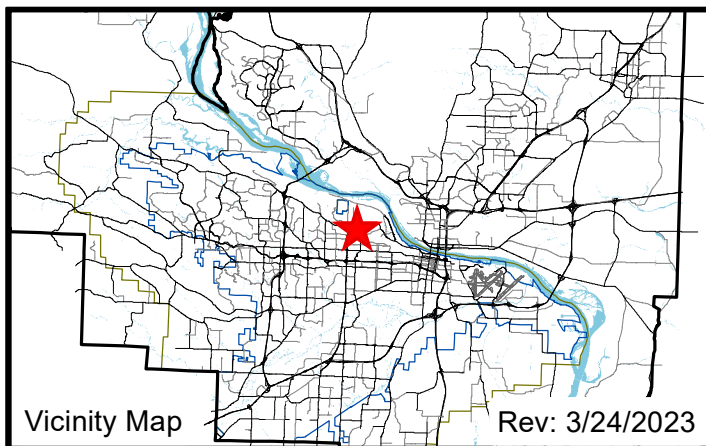
Title: Accessory structure in setback.





Area Zoning

City of Little Rock Planning & Development



Case: **Z-9784**

Location: **1614 North Harrison Street**

Ward: **3**

PD: **4**

CT: **16**

TRS: **T2N R12W 31**

