

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.