

File No.: Z-9960

Owners: MF Trust

Applicant: Mauricio Moreno

Address: 84 Hallen Court

Legal Description: Lot 15, Block 96, Chenal Valley 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 the compliance regulations of Sec. 36-11 to allow the encroachment of structures into a utility easement.

A variance is requested from the area provisions of Section 36-156 to permit more than 30% coverage of the rear yard for an accessory structure.

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:

No Comments

C. Building Codes Comments:

The pool encroaches within the easement. It is a sewer utility main that crosses the back of the lot and Little Rock Water Reclamation Authority will not allow for the pool to be built within the easement.

LRWRA cannot approve of the proposed structures as they appear to encroach upon the existing 10-inch sewer main easement. The existing main will need to be relocated or the proposed plans will need to be adjusted in order for LRWRA to grant approval.

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

D. Staff Analysis:

The property at 84 Hallen Court is in a predominantly R-2 zoned neighborhood, within the Chenal Valley Addition to Little Rock. This district generally has no bearing on the subject variance requests.

The subject property is centrally located on the north side of Hallen Court. Built in 2018 the existing 2-story frame home occupying the property has undergone minimal improvements or additions that are often typical of this neighborhood. The immediate neighboring properties are also populated with single family homes.

The house faces south towards Hallen Court, and vehicular access is located at the south side of the home connecting to Hallen Court. The drive is located in this area and provides four off-street parking spaces adjacent to the public right-of-way. The north perimeter of the property is indicated to have an existing 10-foot utility sewer easement.

The applicant is proposing a covered patio and a swimming pool addition. The patio structure is indicated to be approximately 10-feet x 14-feet in area and be located in the central northeast portion of the rear yard. The pool is indicated to be 12x38 feet and will be classified as an accessory structure. The pool is indicated to be located near the center of the rear yard will meet all setback requirements. However, the covered patio and pool structures will cross the existing 10-foot utility easement approximately 4-feet.

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. For purposes of fence placement within easements, fences shall not be construed to be a building or structure." Therefore, the applicant is requesting the encroachment of new patio and pool structures into a utility easement.

Sec. 36-156(a)(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 the

construction of the covered patio and in-ground swimming pool with a reduced rear yard setback and be constructed no more than 1-foot from the rear property line.

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 sideline and may not occupy more than thirty (30) percent of the required rear yard area..." Therefore, the applicant is requesting a variance to allow an additional accessory structure (swimming pool – Covered Patio) which will increase the rear yard coverage to a maximum of 32%.

In Staff's opinion, the proposed accessory structures, poses no negative effect upon the health, safety, or welfare of the general public, and does not detract from the value or aesthetic of the neighborhood or surrounding properties. However, Staff finds the request to not be in conformance with the Cities ordinance pertaining to structures being constructed within an existing utility easement. Based on the above assessment and analysis, Staff finds the requested variances to be unreasonable.

E. Staff Recommendation:

Staff recommends denial of the requested variances as outlined in the above analysis.