

File No.: Z-10137

Owners: Jeff Fuller Homes, LLC

Applicant: Jeff Fuller (Owner/Agent)

Address: 1819 North Harrison Street

Legal Description: Lot 5, Block 1, Englewood 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 rear yard setback in the R-2 district.

A variance is requested from area regulations of Sec.36-254 to allow a reduced front 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:

1. The plat shows Newton St. as an alley and that needs to be revised.
2. If street improvements are ever proposed, this variance would not allow for the road widening.
3. If reduction of rear setback is wanted, a distance no closer than 7 feet to the property line will be acceptable.

B. Buffering and Landscape Comments:

No Comments.

C. Building Codes Comments:

As per 2021 Arkansas Fire Prevention Code Volume III R302.1(1) Single Family Dwellings have the following requirements when dealing with Dwellings that are closer than 7' from the property line:

1. If the soffit assembly extends inside of 5' from the property line, it must be constructed with fire-treated materials. 5/8" Type "X" Drywall, stucco, fire treated plywood or some other fire treated material on underside of the soffit, fire treated fascia, elimination of soffit vents and gable vents and crawl space vents on the affected portion of the wall. Note: Vents must be relocated to ensure proper venting of the attic space.
 - a. Exceptions to this are to fire block this section of the exterior wall from the top plate to the underside of the roof decking and to fire caulk the blocking at all joints.
2. As per 2021 Arkansas Fire Prevention Code Volume III R302.1(1) Single Family Dwellings have the following requirements when dealing with Dwellings that are closer than 5' from the property line:
 - a. Exterior walls from 3 to 5' from the property line must be constructed of 1-hour fire rated material and the soffit must be constructed from 1-hour fire rated material. Soffit and gable vents are not allowed, and venting must be relocated to adjacent roof and wall sections.
 - b. Fire Treated roof decking must extend 4' up the roof as per the Authority having jurisdiction.
 - c. In applications 3' to 5' from the dwelling unit to the property line exterior windows are not allowed to exceed 25% of the wall area.
3. **Zero Lot Line Construction** must be processed through Zoning for such allowances. Once processed the following requirements apply.
 - a. No part of the footing/foundation is allowed to extend beyond the property line.
 - b. No overhang is allowed closer than 2' from the property line and must be constructed from 1-hour fire-treated materials.
 - c. Roof decking must have 4' of fire treated material for the entire length of the wall and turning 4' along the adjacent wall with hip roof construction.
 - d. No windows or doors are allowed when the exterior wall is less than 3' from the property line. Windows are required in all sleeping rooms.

Utilities: Utilities are permitted below grade on property but cannot enter where dwellings are located less than 7' from the property line. HVAC Units must be located on dwelling unit property.

D. **Staff Analysis:**

The R-2 zoned property is located at 1819 Harrison Street. The lot is currently occupied by a one-level single family residence with a single-story accessory structure in the rear yard area.

The applicant proposes to remove the existing structures and construct a new two level 5,254 square foot single-family residence on the lot. The applicant states that

the proposed layout is necessary to provide garages to accommodate multiple vehicles with access to the adjacent street. The site plan indicates that the new structure will extend from east to west upon the lot to the rear (east) property line abutting Newton Street and have a paved access drive connecting to the garage area.

The applicant proposes to commence the front of the new residence at 22.45 feet aligning it with the surrounding houses, thus reducing the front (west) yard setback by 2.55-feet.

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 (zero) 0-feet.

Section 36-254(d)(1) of the City's Zoning Ordinance requires a minimum front yard setback of 25 feet for the principal structure on this R-2 zoned lot. Therefore, the applicant is requesting a variance to allow the new residence to be constructed with a reduced front yard setback of 22.45 feet along the front (west) property line.

Staff believes that the proposed reduction in setbacks is insufficient to support the required width for future expansion of Newton Street nor allow for the required perimeter buffers and landscaping required by the Heights Landscape Overlay District requirements. The location of the proposed structure shown on the submitted site plan does not adherence to fire code requirements for proximity to other structures.

Staff believes the proposed encroachment of the structure is too intense for the site will have an adverse impact on the surrounding properties.

E. Staff Recommendation:

Staff recommends denial of the requested variances.