

Variance Summary – Ferstl Family

Overview: The Ferstl Family living at 4824 Hillcrest Ave. is seeking a variance to Little Rock Code of Ordinances Section 36-516, which states that "Between a required building setback line and a street right-of-way, the maximum height shall be four (4) feet. Other fences may be erected to a maximum height of eight (8) feet." Below is our argument.

History: I grew up in this area of Little Rock and have owned an historic house in Hillcrest since 2011, which I have spent considerable time, money, and effort renovating since then. Over the last few years I have focused my efforts on making this house more family-friendly. I have a wife and two young children.

Argument: Given the way our house is oriented on our lot, we do not have sufficient room for a back yard at the rear of our house (north). The only place to achieve what could be considered a backyard is to locate it on the western, Monroe-facing side of our property. However, the City's 1909 plat shows that our lot's "front yard" is actually facing Monroe St., even though our home is clearly facing Hillcrest Ave (our address is 4824 Hillcrest Ave) and was built before the plat in 1906. In fact, ours was the only house and property on this block until 1935, when the northern portion of land was subdivided and sold. To put this another way, the City considers our western side yard to be our front yard (with more restrictive setback). We desire to build a 6-foot fence containing ornamental cedar balusters (mirroring the design of our front porch) facing Hillcrest Ave. (south) and Monroe (west) and have already built a fence that will be 6 feet and 11 inches off grade on the northern perimeter of our property; we consider the northern perimeter to be our back yard (because in actuality it is), but the City considers this a side yard. An example of the proposed 6-foot ornamental fence can be found abutting our garage to the east side of our property. Below are four reasons why we believe we should be granted a variance:

- 1) **Privacy** – Like most homeowners living in a typical single-family residence, we desire a private "back yard." It is imperative that we have a private area where our young children (both under four years old) can play. A 4-foot fence around our proposed private yard area would not allow for adequate privacy.
- 2) **Safety** – Like most homeowners living in a typical single-family residence, we desire a safe, outdoor area. We need a safe space for our children to play. Cars often speed through the stop sign on the corner of Hillcrest and Monroe. In fact, some cars increase their speed through the intersection, making it unsafe for our toddlers to run freely in our yard.
- 3) **Security** – We need a safe space to park our cars. We have future plans to convert our garage to living space, also removing the driveway on Hillcrest Ave., where our cars frequently get broken into. Converting our garage and removing the driveway at the front of the house would also be in keeping with an historic aesthetic. A 4-foot fence around our proposed private yard area would not achieve the level of security a typical homeowner would expect. A permit for our driveway off Monroe (within our proposed private yard area) is also pending.
- 4) **Consistency** – We have documented 17 instances so far, within Hillcrest alone, of similar fence lines that exist on other corner lots. We are not asking to construct anything on our property that is not extremely common to the neighborhood, the City, or to thousands of subdivisions across the United States.

For all these reasons, we believe we should be granted a variance.

Sincerely,

Tommy Ferstl