

File No.: Z-10051

Owners: Robert and Sara Moery

Applicant: Robert and Sara Moery

Address: 2201 North Cleveland Street

Legal Description: Lot 24, Block 6, Alzheimer's 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 area regulations of Sec. 36-254 to allow a reduced rear yard and side yard and 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:

There needs to be an easement and affidavit that the property owner seeks from their neighbor of 5ft for access of maintenance. With the proposed item if it were to fail or fall it would land on the neighbor's property and there wouldn't be any way to access to fix the failed items.

D. Staff Analysis

The property at 2201 North Cleveland Street is in a predominantly R-2 zoned neighborhood, within the Heights Landscape Design Overlay District.

The subject property is located on the northeast side of the North Cleveland Street and the Beacon Street intersection. The vacant parcel was originally developed to contain a single-family residence which has been removed.

The applicant is proposing to construct a new 4,943 square-foot, two-story, single-family residence with a covered walkway to a carport structure in the rear yard area with a paved access drive connecting to Beacon Street.

The primary structure will be located 5-feet 6-inches from the north (side) property line, 5-feet 6-inches from the south (side) property line and will extend east into the rear yard setback area to 5-feet of the rear property line.

Section 36-254(d)(3) of the City's Zoning Ordinance requires a minimum rear yard setback of 25-feet for principal structures in R-2 zoning. 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 5-feet.

The site plan indicates that the residence will have a chimney structure that extends south 3-feet towards the south side property line along with a new paved access drive that connects the new carport to Beacon Street to the south.

Section 36-255(d)(2) states, "There shall be a side yard 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 five (5) feet." Therefore, the applicant is requesting a variance to allow a reduced side yard setback in the R-3 zoning district from 5-feet 6-inches to 2-feet 6-inches.

In Staff's opinion, the proposed setback reduction will pose no negative effect upon the health, safety, or welfare of the public, and will not detract from the value or aesthetics of the surrounding properties in the general area.

E. Staff Recommendation:

Staff recommends approval of the requested rear yard setback to no less than 5-feet and side yard setback reduction from 5-feet 6-inches to 2-feet 6-inches as per the submitted survey / site plan sketch, subject to the following condition:

1. Obtain a building permit prior to construction.
2. Install trees, if deemed applicable at the time of building permit, in accordance with the Heights Design Overlay District requirements.