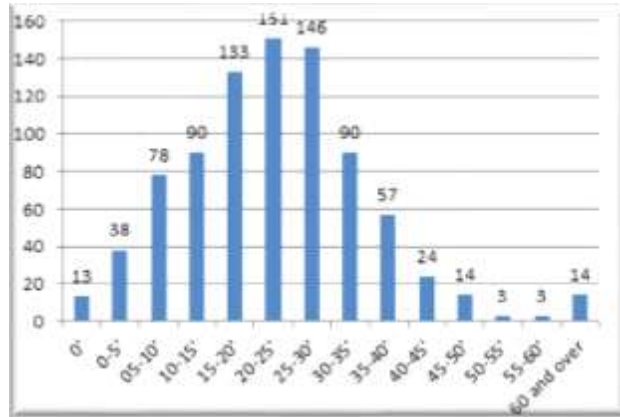


**CAPITOL ZONING DISTRICT COMMISSION  
STAFF REPORT  
2/8/18  
BIM**



**Petitioner:** CZDC Director  
**Location:** CZDC General Standards  
**Proposal:** Increase allowable setback waivers

**Description:** This rule change would amend the definition of “setback” in the General Standards, to allow the Commission to reduce the required setback in any zone by 50% percent (currently 25%), under special circumstances and with review.

During the extensive discussions on setbacks in 2017, Commissioner Minyard prepared a chart, based on GIS data, showing that roughly half the structures in the Governor’s Mansion Area exhibit front yard setbacks between 15 and 30 feet, while the other half of developed lots had front yards outside of this range. Staff has observed that the Mansion Area’s high-style, architect-designed homes are more often those which exhibit deep front yards. Traditional working-class housing, on the other hand, was more likely to be built closer to the street, often on narrower lots. The revised rule would allow owners of narrow or irregular parcels additional flexibility in new construction, reflective of these traditional development patterns. This could serve, in the long-run, to yield a broader range of new housing options in downtown Little Rock.

Development on standard size lots (50’ wide and 140’ or 150’ deep) and larger parcels would still have to observe the regular setback requirements currently prescribed in the General Standards.

**Previous Action:** A request for reducing a setback was traditionally construed as an application for a variance. But a 2011 Attorney General’s opinion, and a subsequent Circuit Court decision, significantly changed the Commission’s practice of granting variances. The Commission adopted the current 25% waiver provision in May 2013 to allow it to approve developments with special circumstances, without rising to the level of scrutiny required of a variance.

**Staff Recommendation:** Staff recommends the Commission initiate rulemaking and release the proposal for public comment.

**\*\*\* UPDATE (3/9/18) \*\*\*\*** Staff presented this item to the Commission at its February 2018 meeting. Several Commissioners asked for more information on parcels where this proposed rule might apply.

A standard downtown lot with an alley is 50' x 140', or 7,000sf. Staff sought to identify lots at least 10% smaller than this (6,300sf). Staff used the PAGIS Land Ownership Application ([pagis.org/webapps/wab/land](http://pagis.org/webapps/wab/land)) to search for parcels 6,300sf and under.

Staff identified 59 undersized (<6,300sf), but potentially buildable vacant parcels Mansion Area zones “M” and “N”. Of these, nine appeared to be in use as parking areas for an adjacent business under common ownership. Eight more parcels appeared to be in use as either back or side yards for an adjoining house or apartment building under common ownership. Not included in this count were “sliver” lots (ie. those likely too narrow for any principle structure), nor irregular-shaped large parcels.

In 2015, the City of Little Rock and Quapaw Quarter Association conducted a study of vacant properties in downtown neighborhoods. This “Re-Local” study found 97 vacant parcels in the Mansion Area. Based on these figures, staff concludes that the proposed rule could benefit between 40% and 60% of all the vacant parcels in the Mansion Area. Staff also observes that undersized, vacant parcels are seen most often near the edges of the District, especially in the blocks south of 23<sup>rd</sup> and west of Gaines that were added to the Mansion Area in 2001. **See map on page 4.**

Staff identified eight more parcels that could benefit from the proposed rule in Zone B (Capitol Area Residential).

**\*\*\* UPDATE (3/28/18) \*\*\*\*** Staff presented this item again at its March 2018 meeting. Members discussed at length that some lots are more substantially burdened than others by a small buildable area. The Commission voted 7-2 to initiate rulemaking for the language below. Staff submitted the proposed language to the Governor’s office for review on March 27.

## **PROPOSED LANGUAGE (mark-up)**

Capitol Zoning General Standards, Section 3-202 *Additional Zoning Requirements and Definitions* (page 30)

**Z15. Setback** A setback is the required space or yard, unenclosed from its lowest portion to the sky, from the property line to the nearest finished vertical surface of the main structure, not including the ordinary projection of architectural elements such as chimneys, eaves, sills, cornices, steps, unenclosed walkways, or ornamental features.

1. The Commission, with review, may reduce a required setback by up to 25% in cases where a lot is smaller than what is typical for the Area, is not accessible from an alley, or is otherwise irregular due to its shape or platting. In extreme cases of lots 4,500 square feet or less in total area, the Commission may reduce a required setback by up to 50%.

2. The front yard is that portion of a parcel which directly abuts a public street. In cases where a parcel is located on the corner of two intersecting streets, the narrowest portion of the lot contiguous to the public street will be defined as the front yard.

## Google Maps imagery



These circa 1900 Queen Anne style cottages were built on half-lots (37.5' x 100') at 1302 and 1304 West Second Street. Each property exhibits an approximately 15' front yard.



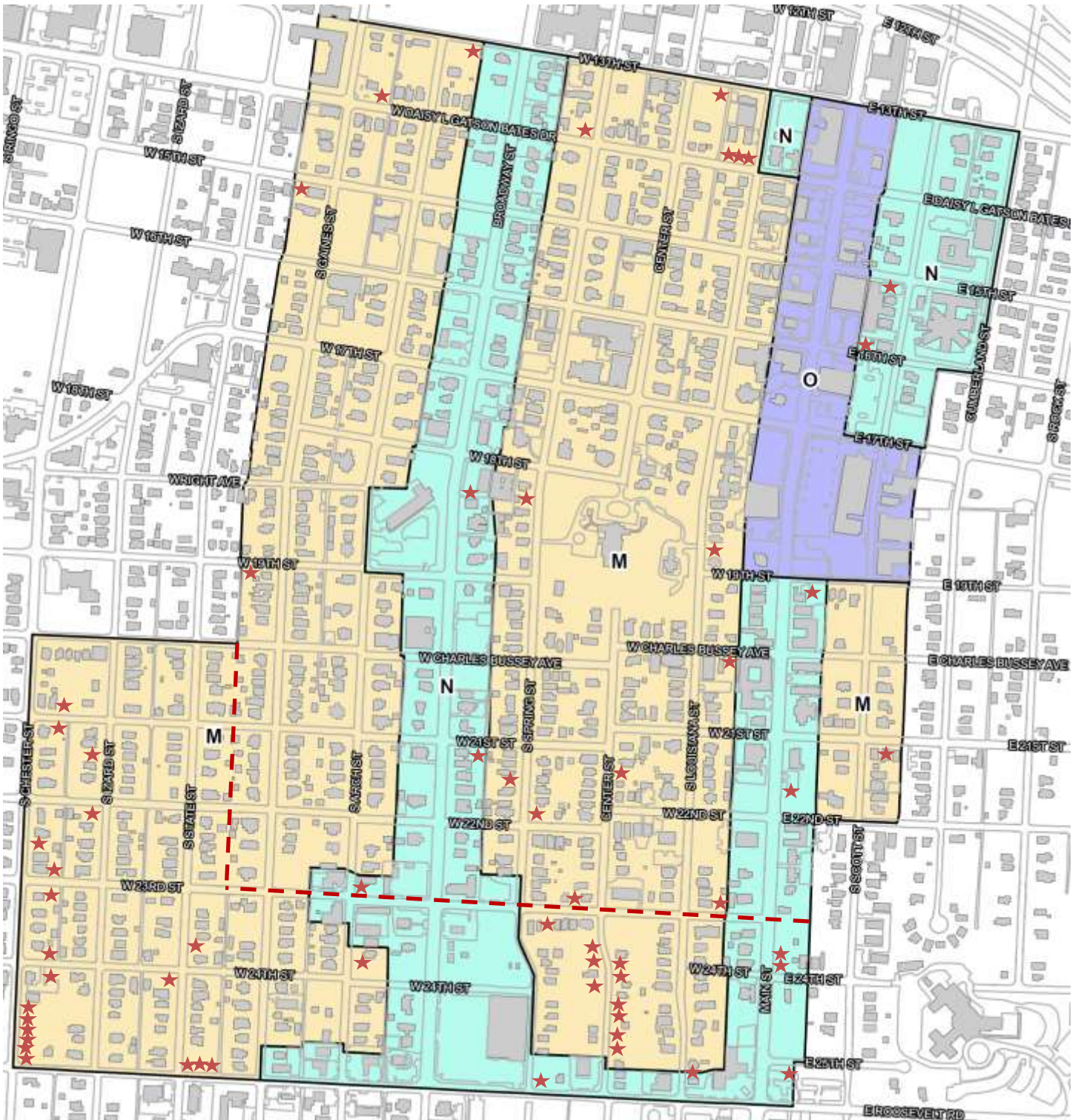
These circa 1950 Ranch style duplexes and the 1922 English Revival style J.P. Almand House in the 300 block of West Daisy Bates were all built on parcels just under 5,000 sf (roughly 2/3 of a standard downtown lot). Each house has a front yard between 12 and 15 feet.



These circa 1880 cottages at 214 and 218 W. 22<sup>nd</sup> Street each sit on a small, trapezoid-shaped lot. Both houses have a roughly 15 foot front yards.



## Undersized, buildable parcels in Zones M & N



Undersize, potentially buildable parcels ★  
Mansion Area boundary, pre-2001 - - - - -

## Undersized, buildable parcels in Mansion Area Zones M & N

Number	Street	Owner	Use
215	13th, W	Wayne Simpson	vacant
511	13th, W	Walker-Wisdom Trust	parking
711	15th, W	WFM Enterprises	yard
110	16th, E	Bray Sheet Metal	parking
109	19th, E	Phillip Naylor / Larry Chastain	yard
709	19th, W	Betty & David Hill	yard
207	21st, E	Jeanette Bailey	vacant
415	21st, W	David & Martha Chamness	vacant
914	21st, W	Valerie Smith, Tamara Kyser, & Caroline Rodgers	vacant
907	22nd, W	Stephano Santamaria	vacant
112	23rd, W	Gary & Theresa Bennet	vacant
306	23rd, W	Russell Hampton	vacant
317	23rd, W	Robert Perry	vacant
915	23rd, W	Shacara & Leonette Jones	yard
916	23rd, W	Roger McCoy	yard
913	24th, W	Ivy Foundation of Little Rock	parking
914	24th, W	Centennial Bank	yard
107	25th, E	St. John Missionary Baptist Church	parking
2223	Arch, S	Bevan & Kira Keating	parking
2321	Arch, S	Susan & George Chambers	yard
1813	Broadway, S	Harp Holdings	parking
2113	Center, S	Joseph Kelly	vacant
2312	Center, S	Azella & Annette Morehead	vacant
2314	Center, S	Gradyleen Ward	vacant
2315	Center, S	Arkansas Baptist College	vacant
2317	Center, S	Arkansas Baptist College	vacant
2320	Center, S	Lucille Robinson	yard
2405	Center, S	Matthew Lamb & Laura Blackwell	vacant
2407	Center, S	Tanya & Jessie Johnson	vacant
111	Charles Bussey, W	Haybar Properties	vacant
2217	Chester, S	Carl & Sheila Mitchell-Porter	vacant
2409	Chester, S	Willie Walter	vacant
2413	Chester, S	Ida Glenn	vacant
2417	Chester, S	Chauncey Slay	vacant
2419	Chester, S	Chauncey Slay	vacant
2423	Chester, S	Chauncey Slay	vacant
200	Daisy Bates, W	MP2 Enterprises	vacant
204	Daisy Bates, W	MP2 Enterprises	vacant
208	Daisy Bates, W	MP2 Enterprises	vacant
612	Daisy Bates, W	Stewart Living Trust	vacant
2010	Izard, S	Marshall Landrum	vacant
1819	Louisiana, S	Rosalind & Bokenza Thompson	vacant
2417	Louisiana, S	St. John Missionary Baptist Church	vacant

2119	Main, S	James Leveritt	vacant
2217	Main, S	Dixie Bunting	vacant
2323	Main, S	Gloria Van Compton	vacant
108	Roosevelt, W	St. John Missionary Baptist Church	parking
712	Roosevelt, W	Eleanor Wheeler	vacant
716	Roosevelt, W	Evans Properties	vacant
720	Roosevelt, W	Evans Properties	vacant
922	Roosevelt, W	City of Little Rock	vacant
1500	Scott, S	Bray Sheet Metal	parking
1322	Spring, S	Thomas Garday	vacant
1810	Spring, S	RC Smith Living Trust & Laura Smith Living Trust	yard
2112	Spring, S	Scott & Janette Basham	vacant
2123	Spring, S	Jeanetta Kearney	vacant
2423	Spring, S	Sarah Williams	vacant
2317	State, S	Diana Wilson	vacant
2400	State, S	Rochorn Thompson	vacant

**Undersized, buildable parcels in Capitol Area Zone B**

Number	Street	Owner	Use
1307	2nd, W	Roy Morton Jackson	parking
1216	4th, W	LHI Holdings LLC	vacant
1218	4th, W	LHI Holdings LLC	vacant
700	Park, S	Jan Realty Trust	vacant
702	Park, S	Jan Realty Trust	vacant
107	Pulaski, S	RJ Rogers Investment Company LP	vacant
109	Pulaski, S	RJ Rogers Investment Company LP	vacant
304	Pulaski, S	Association of Arkansas Counties	vacant