

*City of Jonesboro Planning Commission
Staff Report – CU 11-05 Richard Irvin
Huntington Building - 900 W. Monroe
For Consideration by Planning Commission on September 13, 2011*

REQUEST: Applicant proposes to use an existing accessory structure within an R-1 Residential Zoning District as an temporary/accessory dwelling unit under the Conditional Use process, Emergency Housing provision.

**APPLICANT/
OWNER:** Richard Irvin 1992 E. Lawson Rd., Jonesboro, AR 72401

LOCATION: 1992 E. Lawson Rd., Jonesboro, AR

SITE DESCRIPTION:

Tract Size:	1.00 acres 43,560 sq. ft.
Frontage:	195' along E. Lawson Rd., 245' along Jonkers Circle
Topography:	Flat
Existing Dvlpmt:	2 Accessory buildings on a wooded lot

SURROUNDING CONDITIONS:	<u>ZONE</u>	<u>LAND USE</u>
North:	R-1	Residential
South:	R-1	Residential
East:	R-1	Residential
West:	R-1	Residential

HISTORY:

The applicant applied for a residential permit on 11/29/10 and was to begin construction thereafter. During the construction phase it was the intent to only allow an accessory building to store materials and tools. However staff received complaints from neighbors that Mr. Irvin was residing in the building without any construction occurring. Thus the applicant was contacted to apply for an emergency housing unit which requires a conditional use permit. BZA variance request on subject building to be heard by the Board of Zoning Adjustments on September 20, 2011, because building was built within the required setback.

Zoning Code Analysis:

In carrying out the purpose of this section of Chapter 117 of the Jonesboro Code of Ordinances, the following development standards and design specifics shall be subject to review and approval. The appropriateness of these standards shall be determined for each specific conditional use location.

- (1) The proposed use is within the provision of conditional uses as set out in this chapter.
- (2) The proposed use conforms to all applicable provisions herein set out for the district in which it is to be located.
- (3) The proposed use is so designated, located and proposed to be operated that the public health, safety and welfare will be protected.
- (4) The proposed land use is compatible with and will not adversely affect other property in the area where it is proposed to be located.

- (5) The size and shape of the site, including the size, shape and arrangement of proposed structures, as well as signage related thereto, is in keeping with the intent of this chapter.
- (6) The proposed ingress and egress, internal circulation system, location and amount of off-street parking, loading and pedestrian-ways are sufficiently adequate, and not inconsistent with requirements of this chapter.
- (7) The proposed landscaping and screening of the proposed use are in accordance with provisions of this chapter.
- (8) Safeguards proposed to limit noxious or offensive emissions, including lighting, noise, glare, dust and odor are addressed. (Chapter 117-197)

Findings:

The principle residential structure is to be built on an acre lot along with the accessory building and dwelling unit. Existing trees provide privacy and buffers to the property on the north, east and southwest sides.

The applicant proposes to gain MAPC approval to allow he and his wife to reside within the accessory dwelling unit as the Ordinance states:

Section 117-253 Emergency Housing Units.

Emergency housing units may be approved as conditional uses in R-2, and less intensive districts for the purpose of providing temporary accommodations for persons in need of daily assistance due to health reasons. The following regulations shall apply to emergency housing units:

- (a) Hardship. Before approving a conditional use for an emergency housing unit, the Planning Commission shall determine that the applicant has a special need to provide temporary, nearby living quarters for a relative who needs daily assistance due to health reasons. The applicant shall provide proof of such hardship, evidenced by a letter from a physician or other appropriate professional. The Commission shall also determine that allowing an emergency housing unit would alleviate a social, economic or physical hardship for the resident of the principal dwelling or the resident of the emergency unit. Consideration of the effect on adjoining property shall also be factored into the Commission's decision. A permit granted for such purposes shall expire no later than one year from the date of approval. The Commission may approve a one time extension of up to one year of this period if the applicant applies for such extension within the original one year time period.
- (b) Unit Type. Only manufactured housing units or residential-design manufactured housing units may be approved for emergency placement.
- (c) Removal. Upon expiration of a conditional use permit for an emergency housing unit, the unit shall be promptly vacated, and within ninety (90) days of permit expiration, be removed from the premises.

Staff requests that a timeline is submitted for construction and the special use limited to a year. It is recommended MAPC approves the use of the emergency dwelling unit as a conditional use due to the applicant health status but the time period lapse beyond one year in terms of continued use. However all issues of other departments such as Building Inspections should be satisfied prior to any dwelling occupancy.



Zoning/Vicinity Map

Conclusion:

Staff finds that the requested Conditional Use: Case CU 11-05 should be evaluated based upon the above stated facts.

MAPC should consider the following conditions if the request is granted in full on the basis of the Conditional Use:

1. That upon issuance of the Conditional Use Approval, all future alterations to the structure shall be subject to MAPC approval in the future. No dwelling units shall be permitted on the property after year has lapsed.
2. The applicant must set a precise timetable to complete the principal structure and all permits shall be valid as approved by MAPC.
3. Approvals by all other applicable agencies and departments such as Building Inspections should be satisfied prior to any dwelling occupancy.
4. This approval is contingent upon BZA granting of a variance on the setback encroachment on the subject structure.

Respectfully Submitted for Commission Consideration,

Otis T. Spriggs, AICP
Planning & Zoning Director

Site Photographs



View looking east at the subject property (Proposed Emergency Housing Unit).



View looking north of subject property.



View looking northeast at neighbor's property (6602 Jonkers Circle).



View looking at neighbor's property to the southeast (6611 Jonkers Circle).



View looking at 2000 E. Lawson Rd. (Son's Home)



View looking south along Jonkers Circle.



View looking northeast along Jonkers Circle.