



**BOARD OF ADJUSTMENT
AGENDA**

February 14, 2018

I. Call to Order

II. Approval of Minutes

III. Old Business:

1. Coleman Bass Construction (VAR17-0112)

Variance*

1800 NW Mystic Aveune

- Interior Side Setback

IV. New Business:

1. North Benton County Land Development (VAR18-0004)

Variance*

865 & 867 North Main Street

- Fence Height

2. ELB Land Holdings, LLC (VAR18-0005)

Variance*

3308 SW Stonepoint Ave. (parcel # 01-14840-000)

- Interior Side Setback
- Lot Width

V. Other Business

VI. Adjournment

Board of Adjustment
Minutes
January 24, 2018

Meeting called to order by Rick Rogers, Chairman

Present: Joe Haynie, Rustin Chrisco, Rick Rogers, Sam Pearson, and Jan Holland
Staff: Jon Stanley and Tyler Overstreet

Motion by Mr. Haynie, seconded by Mr. Chrisco to approve the minutes of January 10, 2018 as written.
Approved 5-0

Old Business

Item #1

Coleman Bass Construction, Variance Request for 1800 NW Mystic Ave, Interior Side Setback, VAR17-0112

Tyler Overstreet reads the staff report.

Motion by Mr. Pearson, seconded by Mr. Chrisco to table the item

Tabled 5-0

New Business

Item #1

Aurora Partners, LLC, Variance Request for 8936 S Morningstar Rd, Garage Setbacks, VAR18-0001

Tyler Overstreet reads the staff report.

Opened public hearing

No public comments

Closed public hearing

The applicant explains the reason for the Variance request.

Mr. Rogers abstained from voting on this item.

Garage Setback for PRD Zone 1

Approved 4-0

Garage Setbacks for PRD Zone 2

Approved 4-0

Garage Setbacks for PRD Zone 3

Approved 4-0

Garage Setbacks for PRD Zone 4

Approved 4-0

Garage Articulation for PRD Zone 4

Approved 4-0

Home Articulation for Zone 1

Approved 4-0

Item #2

Boys & Girls Club of Benton County, Variance Request for 2801 N Walker St, Front Yard Fence Height, VAR18-0003

Tyler Overstreet reads the staff report.

Opened public hearing

No public hearing

Closed public hearing

The applicant explains the reason for the Variance request.

Approved 5-0

Motion by Mr. Pearson, seconded by Mr. Rogers to adjourn.

Meeting adjourned

Ali Worley

*There is no recording available for this meeting.

BOA STAFF REPORT

VAR 17-0112, Coleman Bass Construction – Interior Side Setback

TO: Bentonville Board of Adjustment Members
THRU: Shelli Kerr, Community Development Director
FROM: Tyler Overstreet, Planner
BOA DATE: January 10, 2018 - January 24, 2018 – February 14, 2018

GENERAL INFORMATION:

Representative: Keith Coleman

Applicant: Coleman Bass Construction

Location: 1800 NW Mystic Avenue

Existing Zoning: R-1, Single Family Residential

Existing Land Use: Low-Density Residential

REQUEST: Variance

Interior Side Setback		
	Regulation	Request
Article 401, Sec 401.7-B.C.3 Minimum Setback Requirements	Interior Side Setback: 7'	Request of: 5' Variance of : 2'

SURROUNDING ZONING:

Direction	Zoning
North	R-1, Single Family Residential
South	R-1, Single Family Residential
East	R-1, Single Family Residential
West	R-1, Single Family Residential

BACKGROUND:

The applicant has submitted a variance request to the interior side setback for property in the R-1, Single Family Residential zoning classification, located at 1800 NW Mystic Avenue, to allow for the construction of a new single-family dwelling. The applicant is requesting a 5' interior side setback be allowed which is a variance of 2' from the 7' required by ordinance. There are no utility easements that will be impeded with the proposed addition.

For additional information, please reference the attached documents.

PUBLIC COMMENT:

Staff has **NOT** received public comment regarding this request.

CONDITIONS OF APPROVAL:

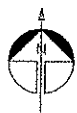
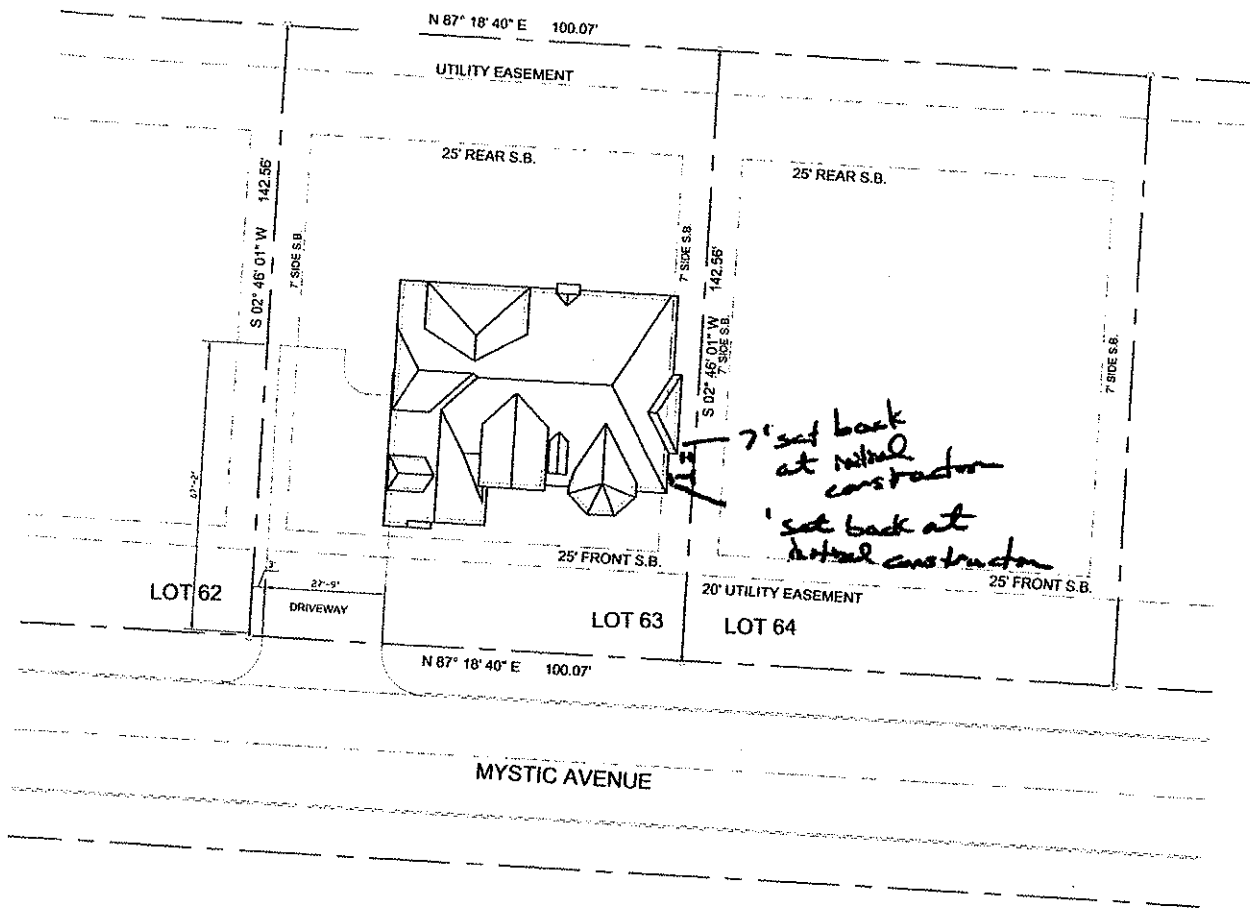
If approved, the following condition(s) shall apply:

1. The approved variance shall be for Lot 63 of Windemere Woods Phase 1 only as provided by the applicant within this application.
2. The approved variance shall be for the proposed footprint only as provided by the applicant within this application.



Hardship Variance Request
1800 NW Mystic Ave

Big Hammer Contractors LLC and Coleman Bass Construction LLC are applying for a hardship variance caused by a failing exterior foundation wall. The house was originally built just as the original site plan that was turned into the city as well as the POA. The Main wall of the house was just over the 7 ft set back mark with the small pop out of the home just over this line at 6ft 4 in off the property line. When a contractor that was hired to core fill the foundation wall failed to properly fill the wall, the wall was compromised after the foundation was filled, all plumbing done and slab being poured. A quick decision was made due to the height of the wall to quickly put block up to hold back the fill and rest of the wall from falling onto the neighbors property while an engineer designed a new wall. As soon as the engineer arrived and put plans in place the lower portion of the wall was put into place to add strength to hold everything in place while metal work was being done to make the new wall strong enough to make the foundation last. This process was done in a hurry to make sure there was no structural damage done to the neighbors property or harm. In the process of getting this accomplished the wall moved from the inside portion of the footing to the middle/outside. The engineered wall is 12 inches thick of concrete, all of this expanded the end of the house by 14 inches, setting the new main portion of the wall at 5 ft 8 inches off the property line and the small pop out 5 feet from the property line. The home is ready for framing at the current point with no problems of any kind besides the required variance in set back.



SITE PLAN

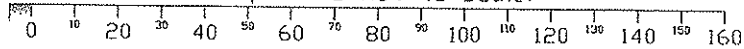
SCALE: 1" = 20'-0"

WINDMERE SUBDIVISION

LOT 63, Mystic Avenue

02/28/17

GRAPHIC SCALE (if print is not to scale)



* Original site plan + build
 Wall was pushed to inside of footing making
 everything, including pop-out meet the set back
 limit of 7'.

BOA STAFF REPORT

VAR18-0004, North Benton County Land Development–Fence Height

TO: Bentonville Board of Adjustment Members
THRU: Shelli Kerr, Community Development Director
FROM: Jon Stanley, Planner
BOA DATE: February 14, 2018

GENERAL INFORMATION:

Representative: Garrison & Jena Roddey

Applicant: North Benton County Land Development

Location: 865 & 867 North Main Street

Existing Zoning: R-1, Single-Family Residential

Existing Land Use: 2 Single Family Dwellings

REQUEST: Variance

Fence Height Variance		
	Regulation	Request
Article 1400, Section 1400.15.E.1, Fence Design Standards	Maximum Height shall be six (6) feet above grade	Request of: 8' Variance of : 2'

SURROUNDING ZONING:

Direction	Zoning
North	R-3, Medium Density Residential
South	R-3, Medium Density Residential
East	R-1, Single Family Residential
West	DN_2 Downtown Medium Density Residential

BACKGROUND:

The applicant has submitted a variance request to the maximum fence height requirements for the rear yards of properties located at 865 & 867 North Main Street. The applicant is requesting that a 8' tall, wooden privacy fence be allowed which is a variance of 2' from the 6' allowed by ordinance.

PUBLIC COMMENT:

Staff has **NOT** received public comment regarding this request.

CONDITIONS OF APPROVAL:

If approved, the following condition(S) shall apply:

1. The approved variance shall be for the proposed height, location and materials of the fence only, as provided by the applicant within this application.
2. The applicant shall obtain a fence permit prior to constructing the fence.

North Benton County Land Development LLC

January 13th, 2018

City of Bentonville Board of Adjustments
305 SW A Street
Bentonville, AR 72712

Board of Adjustments Committee Members:

We are honored to have the ability to own property in Bentonville. This letter is to request a variance in regards to the fence built between 865 and 867 North Main. We humbly ask for forgiveness for constructing the fences prior to making this request.

The building code currently allows for a maximum of a 6'. After construction was complete of 865 and 867 North Main, we upgraded the fence on the west property line as well as between the two parcels to provide privacy and clear separation of the two properties. To better serve customers, we have placed the master bedrooms of both homes on the first floor and an 8' fence achieves the privacy needed. While this was a building decision our hardship exist in balancing home width, function of the structure while offering necessary privacy on a 40' wide lot coupled with valued price point needed to entice families to the area.

We are requesting a 2' height variance for the current fences currently constructed.

Provided are current pictures of the fence in question along with other 8' fences around downtown Bentonville for a comparative measure.

Thank you for your time, help, and consideration in regards to our request.

Sincerely,

L. Garrison Roddey 479-899-8924
Managing Member
CC: Kyle Cook

Jenna- 870-830-2284
Roddey



Existing Fence on South Side of 867 North Main:



New fence on West Side of properties:



Middle of 865 and 867 North Main:



Front of property:



Other 8' fences around downtown Bentonville:



408 SW 3rd Street



408 SW 4th Street



205 SW D Street

BOA STAFF REPORT

VAR18-0005 –ELB Land Holdings, LLC– Side Interior Setback & Lot Width Variances

TO: Bentonville Board of Adjustment Members
THRU: Shelli Kerr, Community Development Director
FROM: Jon Stanley, Planner
BOA DATE: February 14, 2018

GENERAL INFORMATION:

Representative: Chuck Bell

Applicant: ELB Land Holdings, LLC

Location: 3308 SW Stonepoint Ave. (Lot 171 Stone Meadows Addition)

Existing Zoning: R-ZL, Zero Lot Line Residential

Existing Land Use: Single Family Lot under construction

REQUEST: Variance(s)

Side Interior Setback Variance (Lots 171 Stone Meadow Addition)		
	Regulation	Request
Article 401. Sec 401.7.C.3-c Minimum Setback Requirements for R-ZL, Zero Lot Line Residential	12' minimum side interior setback	Request of: 7.30' Variance of : 4.70'

Lot Width Variance (Lots 171 Stone Meadow Addition)		
	Regulation	Request
Article 401. Sec 401.7.C.2-e Bulk & Area Standards for R-ZL, Zero Lot Line Residential	40' minimum lot width	Request of: 33' Variance of : 7'

SURROUNDING ZONING:

Direction	Zoning
North	R-ZL, Zero Lot Line Residential
South	R-ZL, Zero Lot Line Residential
East	R-ZL, Zero Lot Line Residential
West	R-2, Duplex & Patio Home Residential

BACKGROUND:

The applicant has submitted a variance request to the side interior setback for Lot 171 Stone Meadow Addition, located in the R-ZL, Zero Lot Line Residential zoning classification, to allow for the construction of a new single-family dwelling. The applicant is requesting a 7.30' side interior setback be allowed, which is a variance of 4.70' from the 12' required by ordinance. There are no utility or drainage easements that will be impeded with the proposed variance. Please note that a side interior setback variance from the required 12' to 10' was previously approved for this lot by the Board of Adjustment on April 12, 2017.

Additionally, the applicant is requesting a variance to the minimum lot width standards for Lot 171 of Stone Meadow Addition. The applicant is requesting a lot width of 33' be allowed which is a variance of 7' from the 40' required by ordinance.

For additional information, please reference the attached documents.

PUBLIC COMMENT:

Staff HAS NOT received public comment regarding this request.

CONDITIONS OF APPROVAL:

If approved, the following condition(S) shall apply:

1. The approved variance shall be for the proposed footprint of the single-family dwelling for Lot 171 of Stone Meadow Addition only, provided by the applicant within this application.
2. The applicant shall obtain a building permit prior to construction.
3. Any projections into the side setback between Lots 170 & 171 of Stone Meadow Addition including but not limited to soffits, fascias, bay windows or any other projections, must be non-combustible material or 1 hour rated construction. The ventilation of soffits is prohibited on side locations where the 10' fire separation requirements cannot be achieved.

BELL CONSTRUCTION SOLUTIONS, LLC

Bentonville Board of Adjustments

02/05/2018

Re: Lot 170 Stone Meadows Subdivision Side Setback and Street Frontage Variance.

To Whom It May Concern

We are requesting variance for the Lot Width for Lot 170 Stone Meadows

Code 401.7 C.2 Lot and Area Requirements (Lot Width) minimum lot width Zone R-ZL is 40 feet, we are requesting the variance to reduce it to 33.14'

We are also requesting a variance for the Side Setback Code 401.71C.3 Minimum Setback Requirements

The minimum Side Setback in Zone R-ZL is 12 feet and we are requesting the variance for reducing it to varies 7.3 feet & 8.7' as shown on plat.

The reason for this request comes from employee error when house was laid out.

Thank you

Chuck Bell

Bell Construction Solutions, LLC

A detailed map of the Louisville, Kentucky area showing the site location. The map includes a north arrow and a grid of streets. The site location is marked with a star at the intersection of Riverstone Rd and Glen Rd. The map also shows the locations of the Louisville International Airport, the Louisville Convention Center, and the Louisville Zoo. The map is oriented with North at the top.

1. BEFORE ANY WORK IN THE RIGHT-OF-WAY COMMENCES, CONTRACTOR AND/OR OWNER IS TO CONTACT THE CITY OF BENTONVILLE ENGINEERING AND TRANSPORTATION DEPARTMENTS AND NOTIFY SAID DEPARTMENTS ON THE INTENT AND TYPE OF THE WORK THAT WILL TAKE PLACE WITHIN THE RIGHT-OF-WAY.
2. OWNER/DEVELOPER SHALL COORDINATE WITH ALL LOCAL UTILITIES TO INSURE THAT EACH LOT HAS WATER, SEWER AND ELECTRIC SERVICE.
3. SIDEWALKS SHALL BE THE RESPONSIBILITY OF THE BUILDER/OWNER AT TIME OF BUILDING PERMIT ISSUANCE.
4. THERE MAY NOT BE FENCES OR ANY OTHER STRUCTURES BUILT IN ANY DRAINAGE EASEMENTS.

SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED A PART OF THIS SURVEY.

THE UNDERGROUND UTILITIES HAVE BEEN SHOWN BASED ON OBSERVABLE SURFACE EVIDENCE MADE AT THE TIME OF THE FIELD SURVEY. FIELD CONDITIONS MAY HAVE AN IMPACT ON THESE LOCATIONS. THE SURVEYOR MAKES NO CERTIFICATION THAT THE SUBSURFACE UTILITIES SHOWN ARE IN THE LOCATION, OR SIZES INDICATED.

DESCRIPTION OF ORIGINAL LOTS:

P.N. 01-14839-000 THE FINAL PLAT OF STONE MEADOW ADDITION AS
ALL OF LOT 170 OF RECORDED IN PLAT BOOK 2006 AT PAGE 954 OF THE PLAT RECORDS
OF BENTON COUNTY, ARKANSAS.

P.N. 01-14840-000
ALL OF LOT 171 OF THE FINAL PLAT OF STONE MEADOW ADDITION AS
RECORDED IN PLAT BOOK 2006 AT PAGE 954 OF THE PLAT RECORDS
OF BENTON COUNTY, ARKANSAS.

Pursuant to the City of Bentonville Subdivision Regulations and all other conditions and approvals having been completed, this document is hereby accepted. This Certificate is hereby executed under the authority of the said rules and regulations.

Date of Execution: _____

Signed: _____
Community Development Director

We the undersigned, owners of the real estate shown and described herein, do hereby certify that we have laid off, platted, and subdivided and do hereby by off, plat, subdivide said real estate in accordance with this plat and do hereby dedicate to the use of the public the streets, alleys, drives, easements, etc. as shown on said plat.

State of Execution:

Signed : _____

Source of Title: D.R.
Page _____

CERTIFICATE OF SURVEY.

I, LAZARO G. PATA, HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A BOUNDARY SURVEY MADE BY ME, BOUNDARY MARKERS AND LOT CORNERS SHOWN HEREON ACTUALLY EXIST, THEIR LOCATION, TYPE AND MATERIAL ARE CORRECTLY SHOWN AND ALL MINIMUM REQUIREMENTS OF THE ARKANSAS MINIMUM STANDARDS FOR LAND SURVEYORS HAVE BEEN MET.

DATE OF EXECUTION: 01/29/2018

SIGNED: Kazuo Faya
LICENSED PROFESSIONAL SURVEYOR NO. 1380
STATE OF ARKANSAS

FLOOD CERTIFICATION:

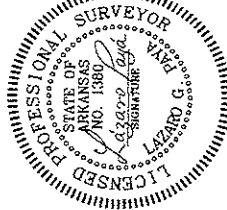
THIS PROPERTY IS NOT LOCATED WITHIN ANY PRESENTLY ESTABLISHED 100-YEAR FLOOD PLAIN, AS DETERMINED BY SCALING THE NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP FOR BENTON COUNTY, ARKANSAS AND INCORPORATED AREAS.

MAP NUMBER: 05007C0255K
REVISED DATE: JUNE 05, 2012

IONING AND SETBACK INFORMATION:

THIS PROPERTY IS CURRENTLY ZONED R-ZL (ZERO LOT LINE).
SETBACKS ARE AS FOLLOWS:
FRONT: 20 FEET
SIDE (INTERIOR): 12/0 FEET
SIDE (EXTERIOR): 20 FEET
REAR: 25 FEET

CURVE TABLE			
CURVE	DELTA	RADIUS	LENGTH
C1	11°44'49"	125.00'	25.63'
C2	10°12'03"	125.00'	22.25'



CERTIFICATE OF SURVEY.

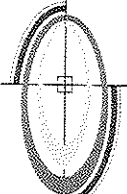
I, LAZARO G. PATA, HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A BOUNDARY SURVEY MADE BY ME, BOUNDARY MARKERS AND LOT CORNERS SHOWN HEREON ACTUALLY EXIST, THEIR LOCATION, TYPE AND MATERIAL ARE CORRECTLY SHOWN AND ALL MINIMUM REQUIREMENTS OF THE ARKANSAS MINIMUM STANDARDS FOR LAND SURVEYORS HAVE BEEN MET.

DATE OF EXECUTION: 01/29/2018

SIGNED: Kazuo Faya
LICENSED PROFESSIONAL SURVEYOR NO. 1380
STATE OF ARKANSAS

CITY OF BENTONVILLE PROJECT NUMBER: P/A 22-2222

REVISION	DATE	DESCRIPTION
R2	DATE	DESCRIPTION
R1	DATE	DESCRIPTION



PAYA INC.

www.paya-inc.com
(479) 696-9138
mail@paya-inc.com

PROPERTY LINE ADJUSTMENT OF LOTS 170 AND 171 OF
STONE MEADOW ADDITION CREATING LOTS 170a AND 171a
CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS

PREPARED FOR:	ELB LAND HOLDINGS LLC		
DRAWN BY:	LP	SCALE:	1" = 20'
DATE:	January 29, 2018		
CEB	DWG:	18004_LLA	
REVISED:	SHEET:		1 OF 1

CITY OF BENTONVILLE ATLAS PAGE NUMBER 442

LEGEND:

- IRON PIN FOUND
17" IRON PIN SET PS 1280
BOUNDARY LINE
LOT LINE
RIGHT OF WAY LINE
EASEMENT LINE
DRAINAGE HATCHOLE
SHORTWY SOWER MANHOLE
ELECTRIC TRANSFORMER
FIRE HYDRANT
WATER METER
WATER VALVE
CABLE TV RISER
UTILITY EASEMENT
SHARED ACCESS & UTILITY EASEMENT
DISTANCE AS SHOWN ON PLAT 2006-095
- S.A. HALL,
(DRAFT)

SURVEY DESCRIPTION LOT 170a (THIS PLAT):

A TRACT OF LAND BEING ALL OF LOT 170 AND A PART OF LOT 171 OF THE FINAL PLAT OF STONE MEADOW ADDITION AS RECORDED IN PLAT BOOK 2006 AT PAGE 954 OF THE PLAT RECORDS OF BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

beginning at an iron pin found at the northwest corner of said lot 70; thence along the north line of said lot 170, 669³/₈ feet to the northeast corner of said lot 70; thence along the east line of said lot 70, 71.00 feet to the northeast corner of said lot 70; thence along the south line of said lot 70, 100.00 feet to the north right-of-way line of Stonepointe Ave. (50' R/W); thence along said north right-of-way line of Stonepointe Ave., 174.45 feet; thence along a curve to the right having a delta of 11° 44' 45", a radius of 125.00 feet, a long chord of 25.63 feet, bearing N 87° 29' 38" W 174.45 feet; thence along a straight line, bearing N 81° 38' 26" E 25.58 feet, to the north right-of-way line N 89° 02' 22" E 117.60 feet to the point of beginning, containing 0.12 acres, more or less, subject to any easements, covenants or restrictions of record or fact.

SURVEY DESCRIPTION LOT 171a (THIS PLAT):

TRACT OF LAND BEING A PART OF LOT 171 OF THE FINAL PLAT OF STONE
MEADOW ADDITION AS RECORDED IN PLAT BOOK 2006 AT PAGE 954 OF THE PLAT
RECORDS OF BENTON COUNTY, ARKANSAS. MORE PARTICULARLY DESCRIBED AS
FOLLOWS:

[illegible]