



**BOARD OF ADJUSTMENT
AGENDA
March 14, 2018**

I. Call to Order

II. Approval of Minutes

III. New Business:

- 1. Scheland** (*VAR18-0007*)
410 NW 6th Street
 - Fence Height

Variance*

IV. Other Business

V. Adjournment

Board of Adjustment
Minutes
February 28, 2018

Meeting called to order by Rick Rogers, Chairman

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

Motion by Mr. Pearson, seconded by Mr. Haynie to approve the minutes of February 14, 2018 as written.
Approved 4-0

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.

No public hearing as one has already been held at a previous meeting.

There is discussion between staff and the Board members.

The contractor, of Big Hammer Contractors, explains the changes of the variance to the Board.

Approved 4-0

New Business

Item #1

Premium Retail Services Inc, Variance Request for 2701 SE J St, Maximum Awning Sign Area, VAR18-0006

Tyler Overstreet reads the staff report.

Opened public hearing

No public comments

Closed public hearing

The applicant explains the hardship for the variance.

There is discussion amongst the Board members on the hardship.

There is a fourth condition set forth-this will be the only sign permitted on the entire exterior of the building. If additional signage is desired, the awning sign must come in to compliance with the current sign code.

There is an amendment for a variance for a 60 square foot sign plus/minus 10%.

Approved 3-1

Mr. Haynie voted against.

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

Meeting adjourned

Ali Worley

*A copy of this recording can be obtained from the Bentonville Planning Department.

BOA STAFF REPORT

VAR18-0007, Scheland–Fence Height

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

GENERAL INFORMATION:

Representative: Greg & Jennifer Scheland

Applicant: Greg & Jennifer Scheland

Location: 410 NW 6th Street

Existing Zoning: R-1, Single-Family Residential

Existing Land Use: Single Family Dwelling

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-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 maximum fence height requirements for the rear yards for property located at 410 NW 6th Street. The applicant is requesting an 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.

We are requesting a variance at 410 NW 6th Street to build an eight foot fence to enclose our property to ensure the safety and privacy of our family and surrounding community.

- Our property is bordered by two public alleyways used by surrounding neighbors. Given an increased amount of traffic near our house and yard, we would like to raise the fence to provide more privacy for our family. We have a very open back wall (our living room and kitchen) and want to feel comfortable with our children playing anywhere in our home without privacy concerns. There is an increased visibility on our property others would not have.
- This fence will be the only barrier enclosing our pool. We want to ensure that we reduce the temptation and possibility of others entering the area or hopping a fence to get to the pool. The concerns would be safety and liability both for our family and those around.

RECORDING INFORMATION

LEGEND

- FOUND 1" PIPE
- WIRE FENCE
- WOOD FENCE
- PROPERTY LINE
- RIGHT-OF-WAY LINE
- SETBACK LINE

NOTES:

- EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS WHICH WERE VISIBLE AT THE TIME OF MAKING OF THIS SURVEY, BUILDING SETBACK LINES, RESTRICTIVE COVENANTS, SUBDIVISION RESTRICTIONS, ZONING OR OTHER LAND-USE REGULATIONS, AND ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE COMMITMENT MAY DISCLOSE.
- BASIS OF BEARINGS: ARKANSAS STATE PLANE COORDINATE SYSTEM, NORTH ZONE.
- DECLARATION IS MADE TO ORIGINAL PURCHASER OF THE SURVEY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
- THIS SURVEY IS VALID ONLY IF THE DRAWING INCLUDES THE SEAL AND SIGNATURE OF THE SURVEYOR.
- THE PROPERTY SHOWN HEREON IS ZONED R-1 (SINGLE FAMILY RESIDENTIAL) AND IS WITHIN THE CITY LIMITS OF BENTONVILLE, ARKANSAS. THE FRONT, SIDE AND REAR YARD REGULATIONS ARE AS FOLLOWS:

GARAGE: 30 FEET FRONT SETBACK
FRONT YARD: 20 FEET
SIDE YARD: 7 FEET (INTERIOR), 20 (EXTERIOR)
REAR YARD: 25 FEET

- THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION. ATLAS MAPS AS MAY BE AVAILABLE FROM MUNICIPALITIES OR UTILITY COMPANIES, AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES STATE THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

- SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP, TITLE EVIDENCE, OR ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE COMMITMENT MAY DISCLOSE.

- THIS SURVEY DOES NOT PROVIDE SURVEY CONTROL FOR FUTURE CONSTRUCTION.

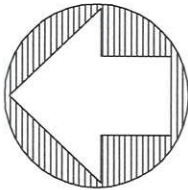
NEW LOT 2i:

LOT 15 AND THE W. HALF (W $\frac{1}{2}$) OF LOT 16, BLOCK 18, DEMING'S 2ND ADDITION, CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN ON PLAT BOOK "B", PAGE 24 OF THE BENTON COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT THE SW CORNER OF SAID 15, THENCE N02°00'09"E 143.15 FEET, THENCE S88°42'15"E 75.17 FEET, THENCE S02°03'38"W 144.70 FEET TO THE NORTH RIGHT-OF-WAY LINE OF NW 6TH STREET, THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE N87°31'29"W 75.02 FEET TO THE POINT OF BEGINNING, CONTAINING 10,807.70 SQUARE FEET OR 0.25 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT.

FLOOD CERTIFICATION:

I CERTIFY THAT I HAVE EXAMINED THE F.I.A. OFFICIAL FLOOD INSURANCE HAZARD RATE MAP PANEL NO. 0600700090J (EFFECTIVE DATE SEPTEMBER 28, 2007) AND FOUND THE DESCRIBED PROPERTY HEREON LIES IN ZONE "X", AN AREA HAVING NO SPECIAL FLOOD HAZARDS.



SCALE 1" = 30 FEET

CERTIFICATE OF SURVEY ACCURACY:

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

DATE OF EXECUTION

SIGNED: REGISTERED LAND SURVEYOR

NO. 1370

STATE OF ARKANSAS

CERTIFICATE OF AUTHORIZATION
COA CERTIFICATE NUMBER: 3049

CERTIFICATE OF OWNERSHIP AND DEDICATION:

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 LAY 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.

DATE OF EXECUTION:

PRINT NAME:

SIGNATURE:

STATE OF ARKANSAS, COUNTY OF BENTON, SUBSCRIBED AND SWORN BEFORE ME THIS DAY OF

NOTARY PUBLIC

MY COMMISSION EXPIRES:

CERTIFICATE OF APPROVAL:

PURSUANT TO THE BENTONVILLE SUBDIVISION REGULATIONS AND ALL OTHER CONDITIONS AND APPROVAL 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

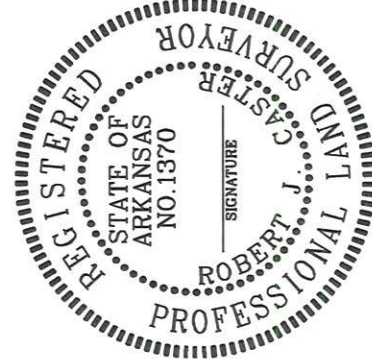
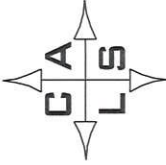
CASTER & ASSOCIATES

LAND SURVEYING, INC.

2715 SE 1st Street, Suite 5

Bentonville, AR 72712

Telephone 479-268-4464



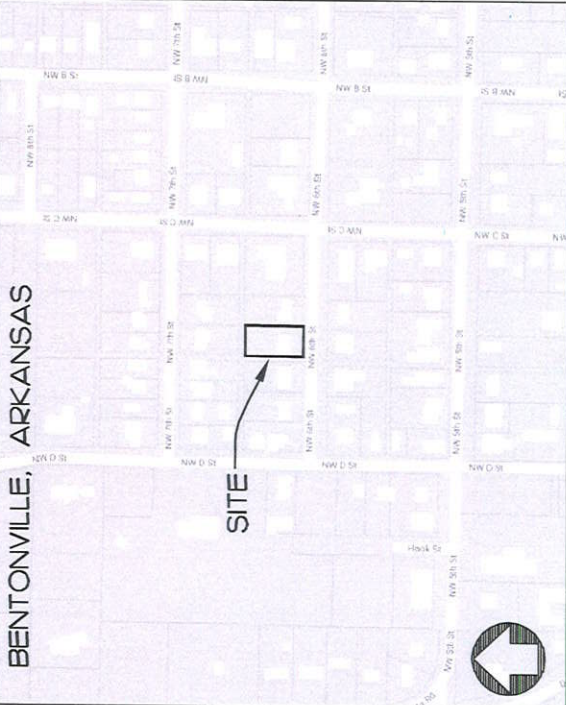
SCALE: 1" = 30'

DATE: 10-10-17

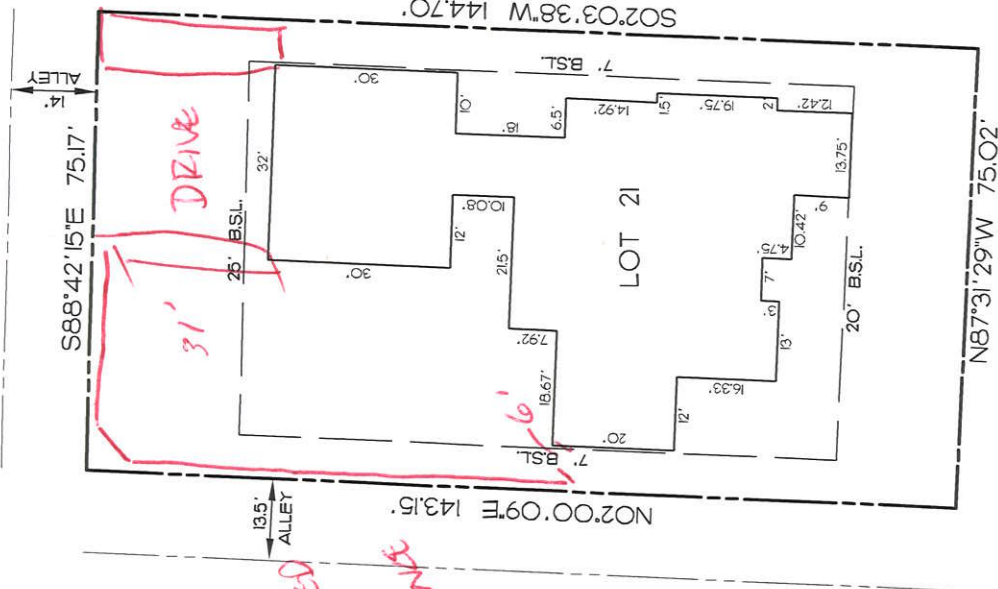
LOT 21
DEMING'S 2ND ADDITION

410 NW 6TH STREET
BENTONVILLE, BENTON COUNTY,
ARKANSAS

JOB # 17-132LS DRAWN BY: ASD CHK'D BY: RJC PAGE 1 OF 1



VICINITY MAP
(N.T.S.)



C/L NW 6TH STREET
52' ROW.

