



**BOARD OF ADJUSTMENT
AGENDA
June 13, 2018**

I. Call to Order

II. Approval of Minutes

III. New Business:

- 1. Gruener** (*VAR18-0015*)
507 West Central Ave.

Variance*

- Fence Adjacent to Public Right-of-Way & Side Exterior Yard Fence Height

IV. Other Business

V. Adjournment

Board of Adjustment
Minutes
April 25, 2018

Meeting called to order by Rick Rogers, Chairman

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

Motion by Mr. Pearson, seconded by Mr. Haynie to approve the minutes of April 11, 2018 as written.
Approved 5-0

New Business

Item #1

LG Bentonville, LLC, Variance Request for 1402 S Walton Blvd, Number of Wall Signs Allowed, VAR18-0010

Tyler Overstreet reads the staff report.

Opened public hearing

No public comments

Closed public hearing

The applicant explains the variance request to the Board.

The Board members and staff discuss which signs count as part of the request.

East-facing façade

Approved 5-0

North-facing façade

Approved 5-0

South-facing façade

Approved 5-0

Item #2

Koenigseder, Variance Request for Southwest F Street, Lot 21, Accessory Nonresidential Building Size, VAR18-0011

Tyler Overstreet reads the staff report.

Opened public hearing

No public comments

Closed public hearing

Casey Koenigseder explains the requests for both variances on Lots 20 and 21. There is discussion amongst Mr. Koenigseder, staff, and the Board members.

Approved 4-1

Ms. Holland votes against.

Item #3

Koenigseder, Variance Request for Southwest F Street, Lot 20, Accessory Nonresidential Building Size, VAR18-0012

Tyler Overstreet reads the staff report.

Opened public hearing

No public comments

Closed public hearing

There is discussion amongst Mr. Koenigseder, staff, and the Board members.

Approved 4-1

Ms. Holland votes against.

Item #4

Showcase Cars & Trucks, Inc, Variance Request for 1105 SE Walton Blvd, Digital Billboards, Separation Requirements, Distance From Other Billboards, VAR18-0013

Tyler Overstreet reads the staff report.

Mr. Rogers reminds the Board these items are re-applications from those that were denied from previous meetings. He also states that the Board has nothing to do with the Conditional Use, only the Variances.

Opened public hearing

No public comments

Closed public hearing

Whit Weeks, representative, explains the variance request and the differences from the previous applications. There is discussion amongst Mr. Weeks, staff, and the Board members regarding previous contact with Troy Galloway, and also the hardship.

Denied 5-0

Item #5

Hwy 102, LLC, Variance Request for 1404 SE Eagle Way, Digital Billboards, Location, Setbacks, VAR18-0014

Tyler Overstreet reads the staff report.

Opened public hearing

No public comments

Closed public hearing

The applicant explains the request to the Board. There is discussion amongst the applicant, Board, and staff.

Approved 5-0

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

Meeting adjourned

Ali Worley

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

BOA STAFF REPORT

VAR18-0015, Gruener, - Fence Adjacent to Public Right-of-Way & Side Exterior Yard Fence Height

TO: Bentonville Board of Adjustment Members
THRU: Shelli Kerr, Community Development Director
FROM: Jon Stanley, Senior Planner
BOA DATE: June 13, 2018

GENERAL INFORMATION:

Representative: Jeff Gruener

Applicant: Jeff Gruener

Location: 507 West Central Avenue

Existing Zoning: R-1, Single Family Residential

Existing Land Use: Single Family Residence

REQUEST: Variance(s)

Fence Adjacent to Public Right-of-Way		
	Regulation	Request
Article 1400, Sec1400.15.D.12Fence Adjacent to Public Right-of-Way	A fence shall be placed no closer than five (5) feet to the public right-of-way	Request of: 1' Variance of : 4'

Side Exterior Yard Fence Height Variance		
	Regulation	Request
Article 1400, Sec1400.15.D.12Fence Height	Maximum Height shall be three (3) feet above grade	Request of: 6' Variance of : 3'

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 setback requirements for a fence when adjacent to the public right-of-way for property located at 507 West Central Avenue. The applicant is requesting that a 1' setback be allowed which is a variance of 4' from the 5' required by ordinance.

In addition, the applicant has also submitted a variance request to the maximum fence height requirements for the side exterior yard (front yard). The applicant is requesting that a 6' tall fence be allowed which is a variance of 3' from the 3' 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.

Jeff Gruener
507 W. Central
Bentonville, AR 72712

May 23, 2018

Bentonville Planning Commission
305 W SW A Street
Bentonville, AR, 72712

Dear Planning Commission:

I wish to appeal for a variance for a fence extension in my backyard for the following reasons:

Current situation

- I currently have an existing fence that runs approximately 30 foot along E Street and wraps around the south lot line and partially down the east lot line.
- The current fence is in the back yard of the property.
- It is approximately 1 foot from the sidewalk along E street.

Proposed Fence

- I would like to **extend** the existing fence an additional 20-30 feet along E Street, so I can connect it to the back South West corner of the house to enclose my backyard.

Variance Request

- I request an exemption from the current code to:
 - To a **provide a safe place for my daughter** and privacy. We are on 2 high traffic streets (W. Central and E Street) with lots traffic. She lost her mother 2.5 years ago, so she comes home alone, is outside with the dog alone and is home alone after school, daily. The fence will prevent visibility to her as she comes and goes from the house and is outside in the backyard. The fence will provide additional protection/limit access to 4 of the 5 doors of the house.
 - To **protect our dog** from traffic along E street and Central Ave.
- In addition, I feel the variance is warranted because:
 - It is an **extension of an existing fence** which had been in place for greater that 15 years.
 - There are **2 massive ~100-year-old Oak Trees** about 5 feet from the sidewalk that prevents the fence from meeting the code setback. (see photos)
 - The extension will only run less than 50% of the lot length to connect into the house to create an enclosed area.
 - It **will not block visibility** to the corner of E and Central Ave., as it will end 40 feet from the corner.
 - Moving the existing fence back 4 feet to meet the current variance would result in me needing to move the irrigation system, and the existing landscaping (trees, bushes, beds, etc) at **considerable cost.**

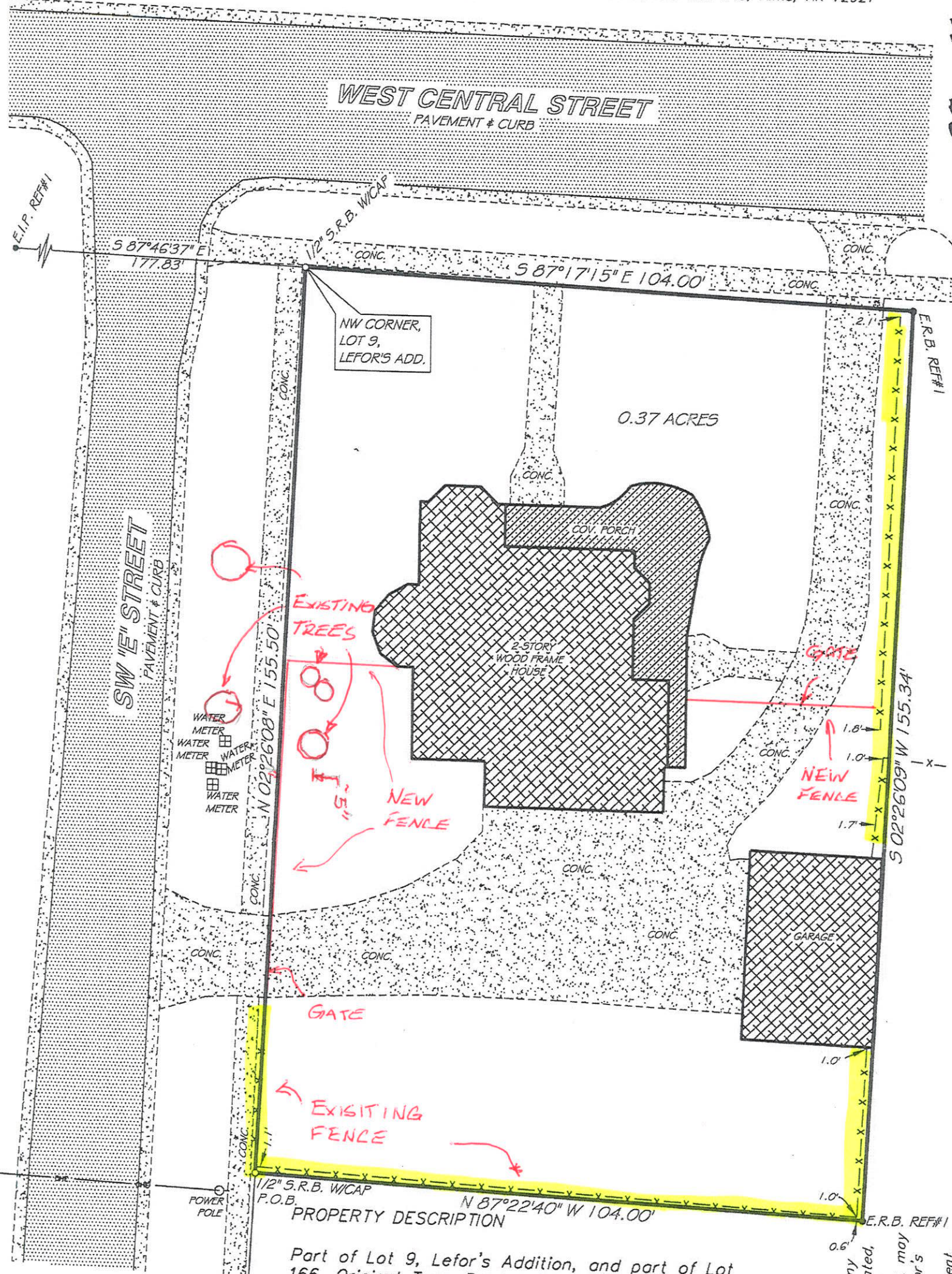
Sincerely,



Jeff Gruener

SURVEYOR'S NOTE: This survey was done to mark the corners on the ground and to show observed structures. Utilities located if Requested according to utility company records, and or above ground inspection. This survey was done from description furnished to us or instruction from the person(s) named on this plat. 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 search may disclose.

SURVEYOR'S NOTE: This survey was conducted under the supervision of Clovis W. Satterfield, No. 0147, or Ricky Hill, No. 1443, Satterfield Land Surveyors, P.A., Certificate of Authorization No. 718. Satterfield Land Surveyors, P.A., 1-(479)-632-3565 Hwy. 71 North, P.O. Box 640, Alma, AR 72921



Part of Lot 9, Lefor's Addition, and part of Lot 166, Original Town Bentonville, Benton County, Arkansas, and being more particularly described as follows:

Commencing at the Southwest corner of Lot 9, Lefor's Addition, said point being on the East right of way SW "E". Thence along the West line of said Lot 9, and said right of way, North 02 degrees 26 minutes 08 seconds East, 92.00 feet to a set rebar with cap, and the Point of Beginning. Thence continue along said West line, and said right of way, North 02 degrees 26 minutes 08 seconds East, 155.50 feet to a set rebar with cap marking the Northwest corner of Lot 9, said point being the intersection of the East right of way of SW "E", and the South right of way of West Central. Thence along the North line of Lot 9, and along the North line of Lot 166, Original Town Bentonville, and along said South right of way, South 87 degrees 17 minutes 15 seconds East, 104.00 feet to an existing rebar. Thence leaving said right of way, and North line of Lot 166, South 02 degrees 26 minutes 09 seconds West, 155.34 feet to an existing rebar. Thence North 87 degrees 22 minutes 40 seconds West, 104.00 feet to the Point of Beginning, containing 0.37 acres and subject to any Easements of Record.

Satterfield Land Surveyors P.A., Copyright 2017

This plat is copyright material and is provided solely for the use of the person(s) named on this plat and may not be used or distributed to any other person(s) or company for their benefit. No license has been created, expressed or implied to copy the survey without the written consent of Satterfield Land Surveyors, P.A. No one including the person(s) named, may reproduce this plat. Only authentic copies that appear with the surveyor's seal in red may be used. Any copies used without this red seal are considered unauthorized copies and are considered a copyright infringement. After filing with State Surveyor's office, survey becomes public record.



REFERENCE DEED

SURVEY REFERENCES

I. GEORGE M. UNDERNEHR - SEPTEMBER 6, 1983

BASIS OF BEARING

ARKANSAS STATE PLANE COORDINATES GRID NORTH



SURVEYORS DISCLAIMER AND STATEMENT OF USE

This survey was conducted by the written or verbal authorization of the person named as the buyer and/or Use by as shown on this plat. No one has the authority to use the data or legal description from this survey except those named or their agents and the survey is only certified to the date shown on this plat. This plat is protected by copyright and any person other than those named using or relying upon this plat will be held responsible. Satterfield Land Surveyors, P.A. will not be responsible or have any liability to any other person or company who uses this plat without written authorization. After filing with State Surveyor's office, survey becomes public record.

- LEGEND
- S.R.B. = SET 1/2" REBAR W/ CAP
 - S.P.A.N. = SET P/X NAIL
 - S.R.R.S. = SET RAILROAD SPIKE
 - S.H. = SET NAIL
 - E.R.B. = EXISTING REBAR
 - E.L.P. = EXISTING IRON PIN
 - E.P.A.N. = EXISTING P/X NAIL
 - E.R.A.S. = EXISTING RAILROAD SPIKE
 - E.M. = EXISTING NAIL
 - = EXISTING GOVERNMENT MONUMENT
 - ▲ = EXISTING STONE
 - △ = EXISTING STATE MONUMENT
 - ⊙ = EXISTING P/X MARKER
 - ⊗ = EXISTING FENCE
 - ⊠ = COMPUTED POINT
 - ⊞ = FENCE CORNER

PROPERTY ADDRESS: 507 WEST CENTRAL AVE. BENTONVILLE, AR

BENTON COUNTY, ARKANSAS

SURVEY OF PART OF

LOT 9, LEFOR'S ADD. & PT LOT 166,
ORIGINAL TOWN BENTONVILLE, AR

FOR USE BY: OVERTON CONSTRUCTION

Satterfield Land Surveyors P.A.

1928 HWY. 71 NORTH, ALMA, ARK. - PHONE No. (479) 632-3565
FAX (479) 632-5002 - WEBSITE: <http://www.slsurveying.com>

DRAWN BY: J.D.B.D.

SCALE: 1"=20'

DATE: 10-19-17

JOB NO. 42,823

Tree Loading, Fewer





EXISTING FENCE



EXTEND TO APPROX.
HERE