



**BOARD OF ADJUSTMENT
AGENDA
April 17, 2019**

I. Call to Order

II. Approval of Minutes

III. New Business:

1. Faciszewski

Variance*

1235, 1237 1239 & 1241 NE Monroe Street ([VAR19-0006](#))

- Front Yard Fence Location
- Front Yard Fence Height

2. Hall

Variance*

2 Bonita Court ([VAR19-0007](#))

- Use Regulations, Accessory Non Residential Building Setback

3. Moriarty

Variance*

935 North Main Street ([VAR19-0008](#))

- Fence Location – Adjacent to Public Right-of-Way

IV. Other Business

V. Adjournment

Board of Adjustment
Minutes
March 27, 2019

Meeting called to order by Rick Rogers, Chairman

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

Motion by Mr. Pearson, seconded by Mr. Haynie to approve the minutes of February 27, 2019 as written.
Approved 5-0

New Business

Item #1

Red Barn Farm, Variance Request for 1605 NW A Street, Maximum Fence Height, VAR19-0004

Ali Worley reads the staff report.

Opened public hearing

No public comments

Closed public hearing

Adam Millsap, representative and director of Farm Team, explains the variance request to the board.

There is discussion on type, look, and materials of fence.

Mr. Millsap states that they are replacing an existing barbed wire fence.

Mr. Rogers asks about the black color and changing it. Mr. Millsap states there is no issue on changing the color, other than trouble with sourcing a different color.

The request is amended to stop the northeastern front fence 20 feet setback from the property line.

Approved 5-0

Item #2

Bentonville High School, Variance Request for 1801 SE J Street, Maximum Fence Height, VAR19-0005

Ali Worley reads the staff report.

Opened public hearing

No public comments

Closed public hearing

Paul Wallace, Bentonville Public Schools Facilities Director, explains the variance request to the board.

Mr. Rogers asks about emergency access and Mr. Wallace informs the Board that he had a discussion with emergency departments and it does have emergency access. He then goes on to explain where the fence will be located.

Approved 5-0

Motion by Mr. Pearson, seconded by Ms. Holland to adjourn.

Meeting adjourned

Ali Worley

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

BOA STAFF REPORT

VAR19-0006, Faciszewski, Front Yard Fence Location & Height

TO: Bentonville Board of Adjustment Members
THRU: Ellen Norvell, Community Development Director
FROM: Jon Stanley, Senior Planning
BOA DATE: April 17, 2019

GENERAL INFORMATION:

Representative: Jared & Sonia Faciszewski

Applicant: Jared & Sonia Faciszewski

Location: 1235, 1237, 1239 & 1241 NE Monroe Street

Existing Zoning: DN-2, Downtown Medium Density Residential

Existing Land Use: Single Family Residences

REQUEST: Variance(s)

Front Yard Fence Location Variance		
	Regulation	Request
Article 1400, Sec1400.15.2.D Fence Location/Front Yard	Shall not be positioned any closer to the front property line than the front surface of the building for a typical residential lot. (Existing Home at 1207 is at 20')	Request of: 15' Variance of : 5'

Front Yard Fence Height Variance		
	Regulation	Request
Article 1400, Sec1400.15.D.2 Fence Height/Front Yard	Maximum Height shall be three (3) feet above grade	Request of: 6' Variance of : 3'

SURROUNDING ZONING:

Direction	Zoning
North	DN-2, Downtown Medium Density 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 fence location requirements for a front yard fence located at 1235, 1237, 1239 & 1241 NE Monroe Street. The applicant is requesting to place the fence at a setback of 15 feet, which is a variance of 5' feet from the 20 feet allowed by ordinance due to the existing home at 1207 NE Monroe Street that was constructed with a 20' setback under the R-1 zoning district requirements.

Additionally, the applicant is also requesting a variance to the Front Yard fence height requirements. The applicant is requesting that a 6-foot tall front yard fence be allowed, which is a variance of 3 feet from the 3 feet allowed by ordinance. At the time of this request, there are no utility easements, drainage easements nor overhead electric that would be impeded with the proposed variance.

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 height, location and materials of the fence only, as provided by the applicant within this application.
2. The fence shall maintain a minimum of 5' of separation from any public right-of-way.
3. The fence shall maintain a minimum of 5' of separation from any public utility.
4. The applicant shall obtain an approved fence permit prior to constructing the fence.

Sonia and Jared Faciszewski
1210 NE Monroe
Bentonville, AR 72712

March 23, 2019

Bentonville Planning Commission
305 SW A St.
Bentonville, AR 72712

Dear Planning Commission:

We wish to apply for a variance for the construction of a 6' privacy fence on 3 empty lots located at 1235, 1237, and 1239 NE Monroe. Below is an overview of the request and more detailed information and justification. Thank you for your consideration.

Overview:

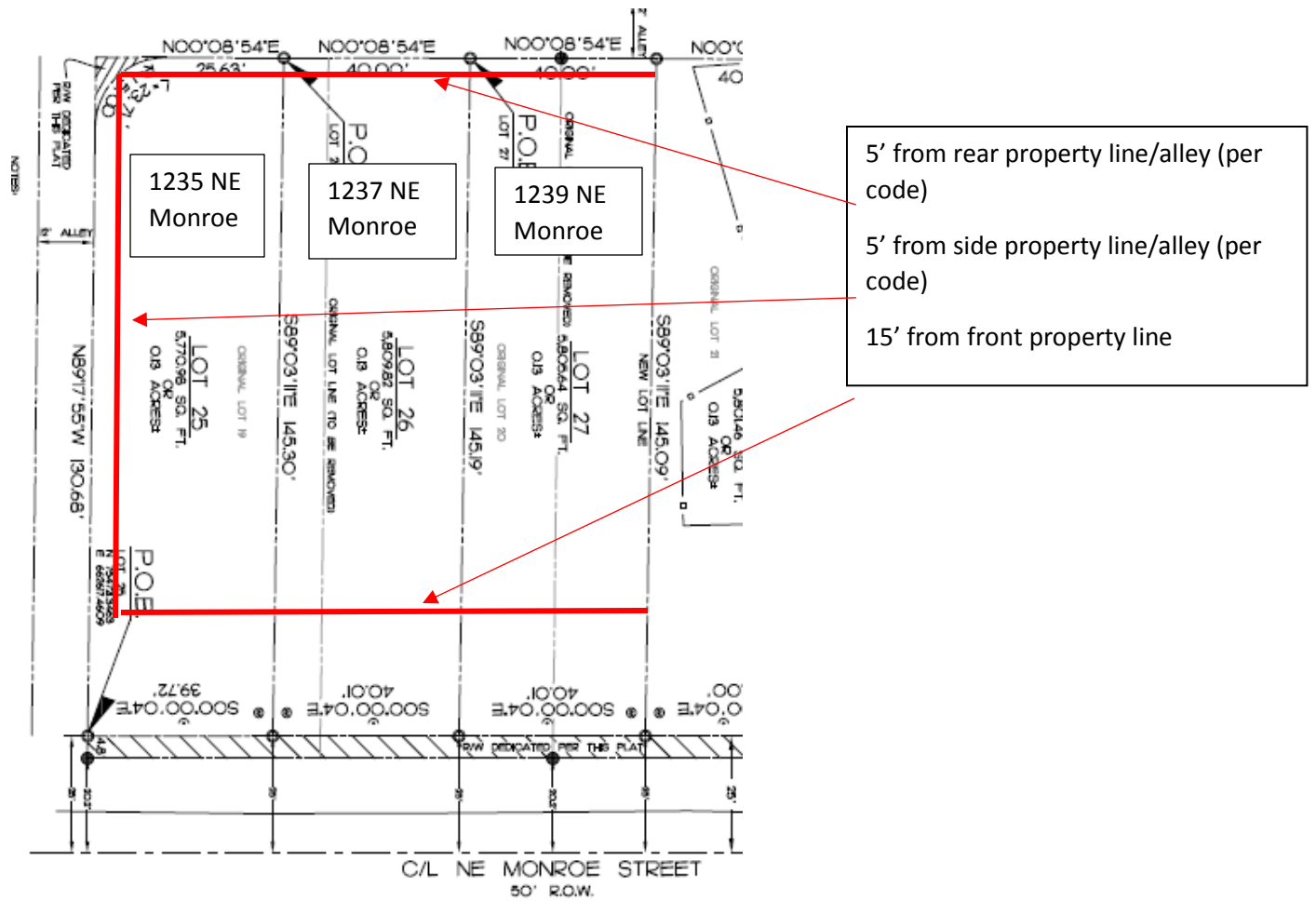
We would like to build a 6' fence across the east side of the above-mentioned three empty lots with a 15' setback from the front property line. The lots are zoned DN-2 and have a minimum front setback of 15' when the lots are ultimately developed. We are requesting a variance because a fence with a 15' setback would be approximately 5-6' closer to the front property than several houses on the block currently. The south, west, and north sides of the fence would be built according to code.

A drawing of the proposed fence location is shown below.

We are requesting exemption from the current code because:

1. There are several trees (5) that would be required to be relocated or destroyed to place the fence even with the front of adjacent houses.
2. The neighborhood is quickly redeveloping with both DN-2, R-3, and C-1 zoning already present in the neighborhood. As such, future development is likely to build within 15' of street right-of-way on this block in the near future.
3. We own the house (1241 NE Monroe) that is directly to the north of these three empty lots and as such would be the most heavily impacted property owner if variance is approved. The house to the south (1207 NE Monroe) is separated from 1235 NE Monroe (the southernmost lot where the proposed fence would be built) by a 12' alley and corresponding side setbacks. The fence will not block visibility and safety for traffic on Monroe Street in any way.
4. We will build a high quality, aesthetically pleasing cedar fence (pictures below).
5. We would like to maximize the use of these empty lots as a safe play area for children and pets.
6. Bentonville zoning code does not directly address the placement of fences on empty lots. The code simply states: "**Front Yard.** A fence located in the front yard or positioned any closer to the front property line than the front surface of the building for a typical residential lot, shall not exceed three (3) feet in height. Decorative fencing is permitted." As such, we are not asking to place this 6' fence any closer to the front property line than what we would be able to do if we developed these lots.

Fence Location (Thick Red Line is Fence)



Fence Design (Cap and Trim Cedar, Board to Board)



BOA STAFF REPORT

VAR19-0007, Hall, Use Regulations, Accessory Non-Residential Building Setback Variance

TO: Bentonville Board of Adjustment Members
THRU: Ellen Norvell, Community Development Director
FROM: Jon Stanley, Senior Planning
BOA DATE: April 17, 2019

GENERAL INFORMATION:

Representative: William & Janie Hall

Applicant: William & Janie Hall

Location: 2 Bonita Court

Existing Zoning: R-1, Single-Family Residential

Existing Land Use: Single Family Residences

REQUEST: Variance

Use Regulations, Accessory Non-Residential Building Setback Variance		
	Regulation	Request
Article 601, Sec601.01.C Setbacks	In case of a corner lot, said accessory building shall not project beyond the building line required or existing on the adjacent lot.	Request of: 3' Variance of : 17'

SURROUNDING ZONING:

Direction	Zoning
North	R-1, Single Family Residential & A-1, Agricultural
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 of an Accessory Non-Residential Building for a corner lot located at 2 Bonita Court. The applicant requests that a 14'x53' (742 sq. ft.) RV Carport be located on the Northeastern corner of said lot, 17-feet in front of the adjacent 20-foot setback that would be required for the adjacent northern lot. This is a variance request of 17-feet from the 20-feet 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 height, location and materials of the Accessory Non-Residential Building, as provided by the applicant within this application.
2. The Accessory Non-Residential Building shall maintain a minimum of 5' of separation from any public utilities and not be located within any utility easement.
3. The applicant shall obtain an approved building permit prior to constructing the building.

William Hall
2 Bonita Court
Bentonville, Ar.

Summary for a RV Cover Variance

We live on a corner lot with no access to the West Side of our house so this Stops us from parking our Motor Home there.

We Do Not have a House to the North of our lot. We have a water retention Pond instead.

We have plenty of room on our Ease Side along Paradise Rd, inside of our Six foot fence in our back yard.

We have twenty Italian Cypress Trees growing up to fourteen feet tall inside Our Fenced Area.

Our neighbors have told us it would be fine with them to cover our RV with A covered structure.

This cover would be the same color as our house trim.

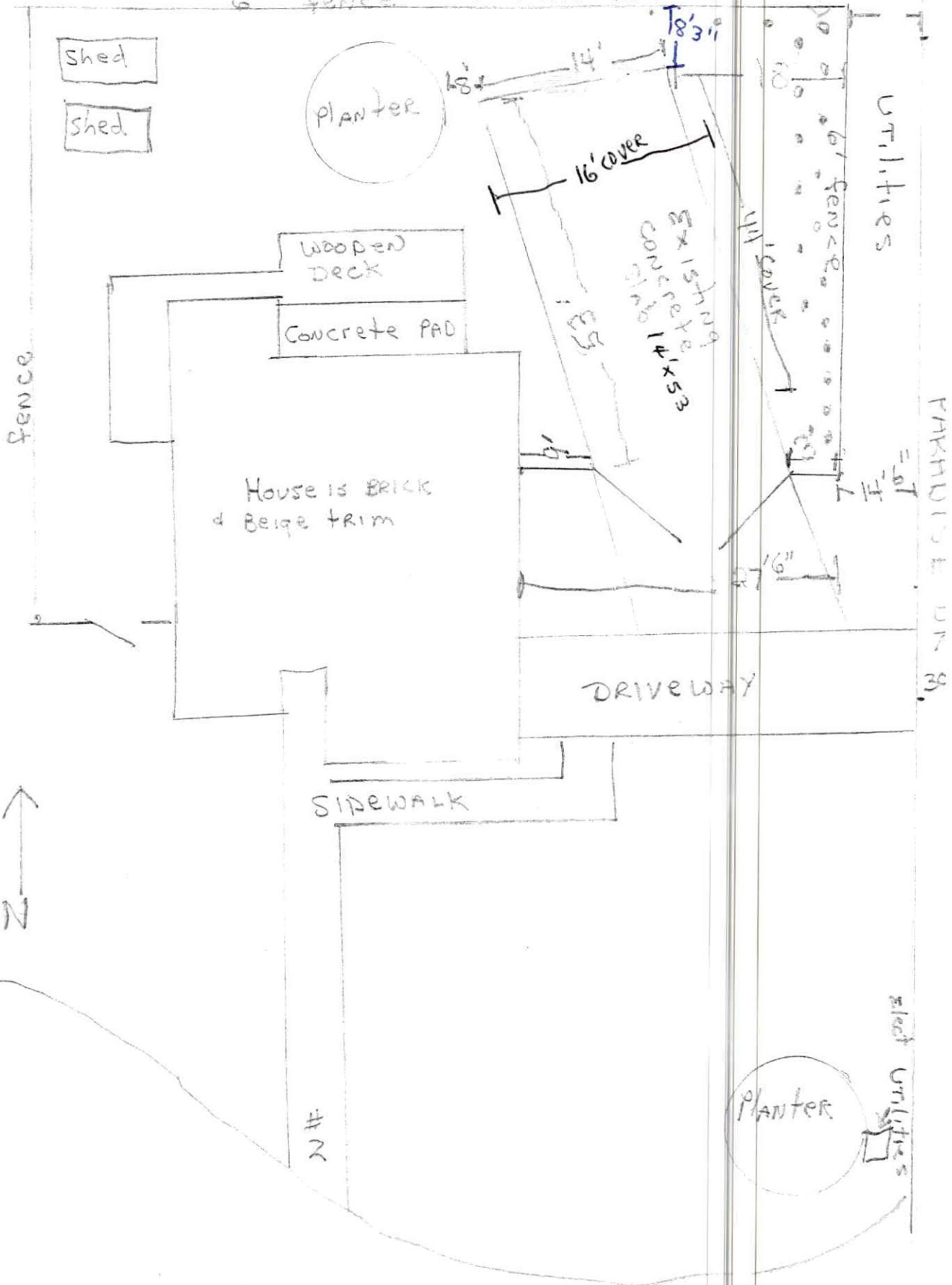
Thank You for your consideration.

Flood Pond

20 - 6 ITALIAN CYPRESS

6' FENCE

Utilities EASEMENT



Lot # 29
Bonita Court

ALL STEEL CARPORTS

www.allsteelcarports.com

**Affordable Buildings,
Exceptional Quality!**

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Local Dealer
Phone Number 1-800-730-7908

Any Size Carport,
Garage, Storage Building
or Motor Home Co.
CUSTOM SIZES AVAILABLE!

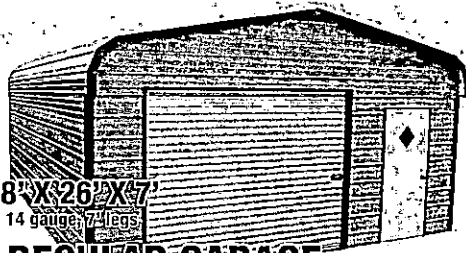
Before You Buy Anywhere
Else, Compare Our
Installation Schedules
and Value-Added
Standard Features!

Optional Anchors
Available at \$25 each.

Highly recommended for
sand & clay!

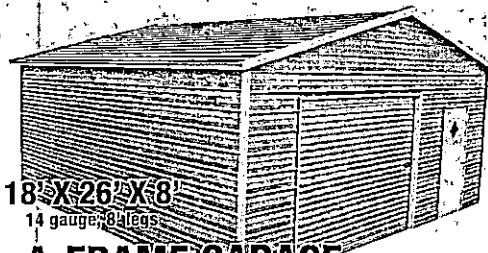
Temporary anchors
included at no cost.

Engineered
Certified Carports
& Buildings



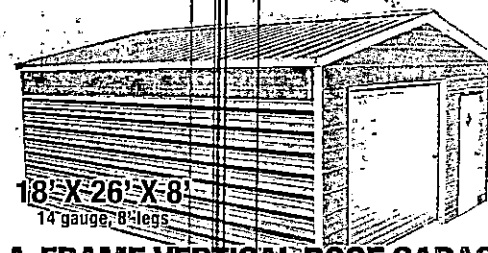
18' X 26' X 7'
14 gauge, 7' legs

REGULAR GARAGE



18' X 26' X 8'
14 gauge, 8' legs

A-FRAME GARAGE



18' X 26' X 8'
14 gauge, 8' legs

A-FRAME VERTICAL ROOF GARAGE

AVAILABLE IN 12 COLORS!

FREE INSTALLATION!

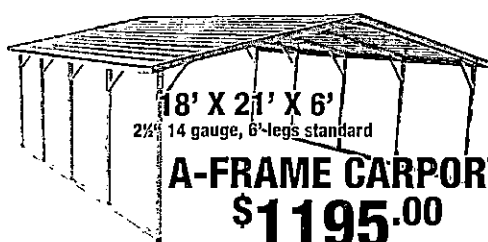
BRACES ON EVERY LEG & CENTER!
This Type of Cover



18' X 21' X 6'
2 1/2" 14 gauge, 6' legs standard

REGULAR CARPORT

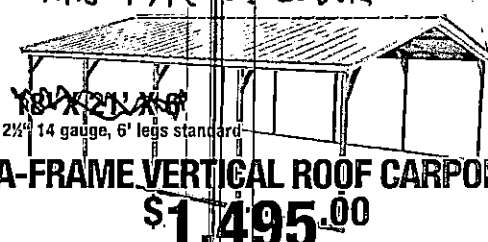
\$1095.00



18' X 21' X 6'
2 1/2" 14 gauge, 6' legs standard

A-FRAME CARPORT

\$1195.00



18' X 21' X 6'
2 1/2" 14 gauge, 6' legs standard

A-FRAME VERTICAL ROOF CARPORT

\$1,495.00

Prices for regular style, open carport with 6 ft. legs

We Recommend Adding extra in Height For Future Garage

STANDARD 14 GAUGE 2 1/2" STEEL	12X21	\$995.00	12X26	\$1,195.00	12X31	\$1,395.00	12X36	\$1,645.00	12X41	\$1,895.00	12X46	\$2,145.00	12X51	\$2,395.00
	18X21	\$1,095.00	18X26	\$1,345.00	18X31	\$1,595.00	18X36	\$1,845.00	18X41	\$2,095.00	18X46	\$2,345.00	18X51	\$2,595.00
	20X21	\$1,295.00	20X26	\$1,595.00	20X31	\$1,895.00	20X36	\$2,195.00	20X41	\$2,495.00	20X46	\$2,795.00	20X51	\$3,095.00
	22X21	\$1,495.00	22X26	\$1,895.00	22X31	\$2,245.00	22X36	\$2,595.00	22X41	\$2,995.00	22X46	\$3,395.00	22X51	\$3,795.00
	24X21	\$1,695.00	24X26	\$2,095.00	24X31	\$2,495.00	24X36	\$2,895.00	24X41	\$3,295.00	24X46	\$3,695.00	24X51	\$4,095.00
	26X21	\$2,095.00	26X26	\$2,645.00	26X31	\$3,145.00	26X36	\$3,695.00	26X41	\$4,195.00	26X46	\$4,745.00	26X51	\$5,295.00
	28X21	\$2,295.00	28X26	\$2,895.00	28X31	\$3,445.00	28X36	\$4,195.00	28X41	\$4,595.00	28X46	\$5,195.00	28X51	\$5,795.00
	30X21	\$2,495.00	30X26	\$3,145.00	30X31	\$3,795.00	30X36	\$4,445.00	30X41	\$5,095.00	30X46	\$5,795.00	30X51	\$6,395.00

NOTE: Frames are 1 foot shorter than roof length-wise

PREMIUM 12 GAUGE 2 1/2" STEEL	12X21	\$1,195.00	12X26	\$1,445.00	12X31	\$1,745.00	12X36	\$2,045.00	12X41	\$2,295.00	12X46	\$2,545.00	12X51	\$2,895.00
	18X21	\$1,395.00	18X26	\$1,695.00	18X31	\$2,045.00	18X36	\$2,345.00	18X41	\$2,695.00	18X46	\$2,945.00	18X51	\$3,295.00
	20X21	\$1,595.00	20X26	\$1,945.00	20X31	\$2,345.00	20X36	\$2,695.00	20X41	\$3,095.00	20X46	\$3,445.00	20X51	\$3,895.00
	22X21	\$1,795.00	22X26	\$2,145.00	22X31	\$2,695.00	22X36	\$3,145.00	22X41	\$3,595.00	22X46	\$4,045.00	22X51	\$4,495.00
	24X21	\$1,995.00	24X26	\$2,445.00	24X31	\$2,945.00	24X36	\$3,395.00	24X41	\$3,895.00	24X46	\$4,345.00	24X51	\$4,895.00
	26X21	\$2,395.00	26X26	\$2,995.00	26X31	\$3,595.00	26X36	\$4,195.00	26X41	\$4,795.00	26X46	\$5,395.00	26X51	\$5,995.00
	28X21	\$2,595.00	28X26	\$3,245.00	28X31	\$3,895.00	28X36	\$4,545.00	28X41	\$5,195.00	28X46	\$5,845.00	28X51	\$6,495.00
	30X21	\$2,795.00	30X26	\$3,495.00	30X31	\$4,195.00	30X36	\$4,895.00	30X41	\$5,595.00	30X46	\$6,295.00	30X51	\$6,995.00

ATTENTION: COLORS BELOW ARE REPRESENTATIONS ONLY. PLEASE SPEAK TO AN ALL-STEEL CARPORT REPRESENTATIVE OR DEALER FOR ACTUAL COLOR SAMPLE



12 Gauge - 20 year limited warranty on rust through out the framing assuming normal care and maintenance on the 12 gauge only.
22 feet wide and up, recommend using 12 gauge material.

See Reverse Side For Useful Options







BOA STAFF REPORT

VAR19-0008, Moriarty, Fence Location - Adjacent to Public Right-of-Way

TO: Bentonville Board of Adjustment Members
THRU: Ellen Norvell, Community Development Director
FROM: Jon Stanley, Senior Planning
BOA DATE: April 17, 2019

GENERAL INFORMATION:

Representative: Hamilton & Margaret Moriarty

Applicant: Hamilton & Margaret Moriarty

Location: 935 North Main Street

Existing Zoning: DN-2, Downtown Medium Density Residential

Existing Land Use: Single Family Residences

REQUEST: Variance

Fence Location, Adjacent to Public Right-of-Way Variance		
	Regulation	Request
Article 1400, Sec1400.15.D.6 Fence Location/Front Yard	A fence or wall shall be placed no closer than 5 feet to the current or proposed public right-of-way as prescribed within the Master Street Plan	Request of: 0' Variance of : 5'

SURROUNDING ZONING:

Direction	Zoning
North	R-1, Single Family Residential
South	DN-2, Downtown Medium Density Residential
East	R-1, Single Family Residential
West	R-1, Single Family Residential

BACKGROUND:

The applicant has submitted a variance request to the location of a fence in relation to public right-of-way for property located at 935 North Main Street. The applicant requests that a 6' tall wooden privacy fence, be allowed on their northern property line which is also the public right-of-way line for the public alley. This is a variance request of 5-feet from the 5-feet 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 height, location and materials of the fence only, as provided by the applicant within this application.
2. The fence shall maintain a minimum of 5' of separation from any public utilities.
3. The applicant shall obtain an approved fence permit prior to constructing the fence.

City of Bentonville Board of Adjustments

Property Variance Submission for: 935 N. Main Street, Bentonville AR 72712

Meeting April 10th, 2019

April 1st, 2019

Board of Adjustments,

I am a 12yr native of Bentonville and am very excited about the completion of my new home on 935 N. Main Street. I would like to submit for a variance so I am able to have some fenced in yard for my new property. The current setbacks to the property state a fence needs to be 5ft from any property line or road, which would only allow 3ft of fenced in yard. The home is a zero lot line, with an access road leading to the backs of 3 houses (no back yard, only a small front and side yard).

The variance I would like to submit would have a 6ft tall wood privacy fence along the access road, vs 5ft from the access road. This would allow 8ft of grassy area to be fenced in vs 3ft. This would also allow a decent space for maintaining the yard and being able to maneuver a lawn mower, etc. As well, this would ensure a secure space for my dog (140lb Great Dane) to have some yard and not be a disruption to others.

Unfortunately, the access road developed is 18in on top of my property line, which even further reduces an opportunity to have some yard space. We were counting on having more space, yet the developer to the neighboring home paved the road right before we scheduled our build, causing a hardship in this case. This would be a nice solve vs having to submit moving that road. Please note on the plat of survey, that the asphalt road drawn is not accurate – see picture for reference.

I'm very eager to see the continued beautification of this town, and feel this would also aesthetically be more appealing than the current code would allow.

Please see the current fence plans and attached plat for review.

Many thanks for your time and consideration,

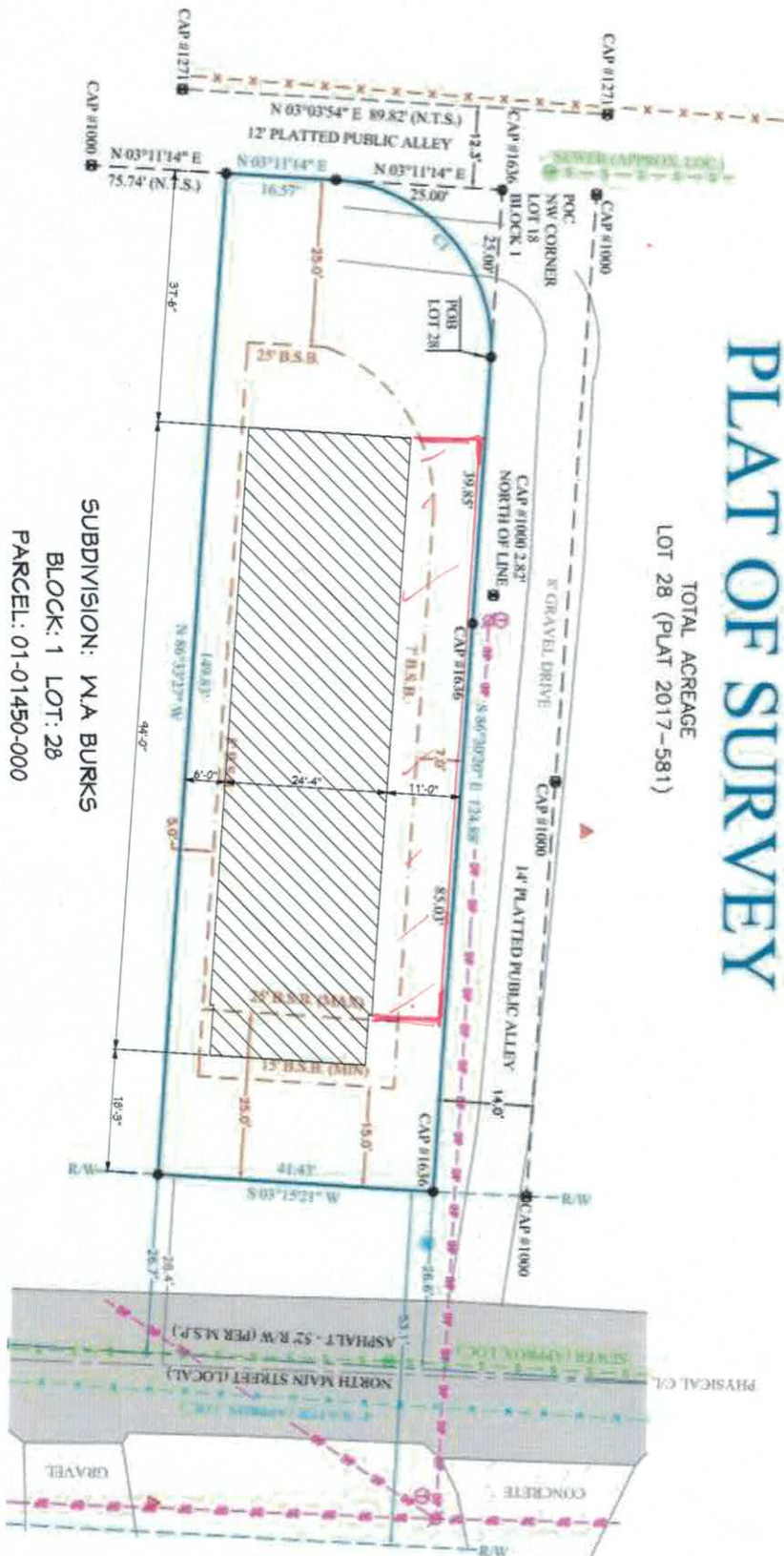
Hamilton Moriarty

6ft wood
privacy fence
along property line.

Note: Asphalt access road
is 18" on top of property
line - not indicated in
this survey. Please
see picture in Narrative
for reference.

PLAT OF SURVEY

TOTAL ACRES
LOT 28 (PLAT 2017-581)



SUBDIVISION: WA BURKS
BLOCK: 1 LOT: 28
PARCEL: 01-01450-000

GENERAL SITE NOTES:

MINIMIZE SITE DISTURBANCE BY TIGHT CONTROL OF EXCAVATION LIMITS. ALL EXPOSED SOIL SHALL BE MULCHED WITH A 2\"/>

