



BOARD OF ADJUSTMENT
AGENDA
April 24, 2019

- I. Call to Order
- II. Approval of Minutes
- III. New Business:

1. Call
2504 SW Worthington Ave [VAR19-0009](#)
 - Rear Yard Fence Height

Variance*

- IV. Other Business
- V. Adjournment

Board of Adjustment
Minutes
April 17, 2019

Meeting called to order by Rick Rogers, Chairman

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

Motion by Mr. Chrisco, seconded by Mr. Haynie to approve the minutes of March 27, 2019 as written.
Approved 4-0

Mr. Rogers informs the applicants that they will need at least 3 of the 4 votes to be yes in order for their request to be approved.

New Business

Item #1

Faciszewski, Variance Request for 1235, 1237, 1239, and 1241 Ne Monroe Street, Front Yard Fence Location and Front Yard Fence Height, VAR19-0006

Ali Worley reads the staff report.

Opened public hearing

No public comments

Closed public hearing

Jared Faciszewski, applicant/owner, gives background and explains the variance request to the Board. There is discussion amongst the Board members and staff. Mr. Stanley states that there is nothing currently in the code that addresses empty, undeveloped lots.

Mr. Faciszewski states that 1241 NE Monroe Street is his home and the fence will be built to code and is not a part of the variance request.

Approved 4-0

Item #2

Hall, Variance Request for 2 Bonita Court, Use Regulations, Accessory Non-Residential Building Setback, VAR19-0007

Ali Worley reads the staff report.

Opened public hearing

No public comments

Closed public hearing

William Hall, applicant/owner, explains the variance request to the Board.

There is discussion and deliberation between the Board members and Mr. Hall on different options as Mr. Hall cannot produce a hardship.

Denied 4-0

Mr. Stanley explains to Mr. Hall that the same request cannot be heard by the Board for one year, but they can hear a different request.

Item #3

Moriarty, Variance request for 935 N Main Street, Fence Location Adjacent to Public Right-of-Way, VAR19-0008

Ali Worley reads the staff report

Opened public hearing

No public comments

Closed public hearing

Todd Ring, representative, explains the variance request to the board.

There is discussion amongst the representative and the Board.

The Board proposes to amend the request to 3 feet, which is a variance of 2 feet. Mr. Ring accepts the amended request.

Approved 4-0

Other Business

Mr. Stanley states there will be a Planning Commission/Board of Adjustment/City Council tour of the city tentatively set for June 24th from 3-5pm.

Motion by Mr. Chrisco, 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

VAR19-0009, Call, Rear Yard Fence Height

TO: Bentonville Board of Adjustment Members
THRU: Ellen Norvell, Community Development Director
FROM: Jon Stanley, Senior Planning
BOA DATE: April 24, 2019

GENERAL INFORMATION:

Representative: Anson Call

Applicant: Anson Call

Location: 2504 SW Worthington Avenue

Existing Zoning: R-1, Single-Family Residential

Existing Land Use: Single Family Subdivision

REQUEST: Variance(s)

Front Yard Fence Location Variance		
	Regulation	Request
Article 1400, Section 1400.15.D.5, Rear Yard	A fence or wall located in the rear yard shall not exceed six (6) feet in height.	Request of: 7' Variance of : 1'

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 fence height requirements for a rear yard fence located at 2504 SW Worthington Avenue. The applicant is requesting that a 7-foot tall rear yard fence be allowed along their northern property line, which is a variance of 1-foot from the 6-feet allowed by ordinance. According to the applicant's narrative, due to the grading of the street and foundation heights, the home at 2505 SW Montana Avenue is roughly 2-3 feet above their own.

At the time of this request, there are no utility easements, drainage easements nor overhead electric that would be impeded by 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.

Date: 4/15/2019

FENCE HEIGHT VARIANCE REQUEST TO 7 FT

Dear Bentonville Adjustment Board Member(s):

The rear fence in the backyard of property 2504 SW Worthington Ave adjoins the backyard of property 2505 SW Montana Ave. Due to the grading of the street and foundations, the northside house at 2505 SW Montana Ave sits approximately 2-3 ft higher than the backyard fence, resulting in little to no privacy for the residents at 2504 SW Worthington. Because the patios and rear windows directly face each other, and the houses are about 10-15 yards apart, this results in both residents having a clear view inside each other's houses and backyards even if both of the parties are seated.

To mitigate the grading, I am requesting a variance waiver to increase the fence height from 6ft to 7 ft. The fence was also constructed in 2012 and is deteriorating and needs repair anyway. The house is owned by Lindsey real estate management and is rented out. I sent Lindsey Management a letter on 3/27/2019 with my intention to replace the fence with the same style. The residents vacated the property on 3/30/2019 and the property is currently vacant.

Thank you for your consideration in this matter.

Sincerely,

Anson Call



CHADDINGTON

SW MONTANA AVE

2505

78.5 ft

Length

2504

SW WORTHINGTON AVE

Fence Location



Proposed Height (approx)

Earth/street downgrade
• Northwest view from
2504 SW Worthington
backyard (standing up)



Earth downgrade

Proposed Height (approx)