



BOARD OF ADJUSTMENT
AGENDA
May 8, 2019

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

- 1. Stroud
708 E Central Avenue ([VAR19-0010](#))
 - Rear Yard Fence Height

Variance*

- IV. Other Business
- V. Adjournment

Board of Adjustment
Minutes
April 24, 2019

Meeting called to order by Rick Rogers, Chairman

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

Motion by Mr. Haynie, seconded by Ms. Holland to approve the minutes of April 17, 2019 as written.
Approved 4-0

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

New Business

Item #1

Call, Variance Request for 2504 SW Worthington Avenue, Rear Yard Fence Height, VAR19-0009

Tyler Overstreet reads the staff report.

Opened public hearing

No public comments

Closed public hearing

Anson Call, owner and representative, explains his request to the Board.

There is discussion between Mr. Call, the Board members, and staff.

Denied 3-0

Meeting adjourned

Ali Worley

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

BOA STAFF REPORT

VAR19-0010, Stroud, Rear Yard Fence Height

TO: Bentonville Board of Adjustment Members
THRU: Ellen Norvell, Community Development Director
FROM: Tyler Overstreet, Planner
BOA DATE: May 08, 2019

GENERAL INFORMATION:

Representative: Daryle Stroud

Applicant: Daryle Stroud

Location: 708 E Central Avenue

Existing Zoning: R-1, Single-Family Residential

Existing Land Use: Single Family Home

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: 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 fence height requirements for a rear yard fence located at 708 E Central Avenue. The applicant is requesting that an 8-foot tall rear yard fence be allowed around their garden in their rear yard, which is a variance of 2-feet from the 6-feet allowed by ordinance. According to the applicant's narrative, the primary purpose of this taller fence is to prevent deer from damaging or destroying their garden produce.

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.

Narrative for a Variance for Stroud's Garden Fence:

My family has lived on our property at 702 E. Central, 708 E. Central and 105 SE F Street for 117 years. My Great Grandfather, my Grandfather, my Mother and Father and now myself have raised a garden every year for as long as I can remember.

We have a deer problem. A herd comes every night to feed on the acorns and our garden. Last year was the worst. The deer ate everything I planted. We have tried everything from fishing line on posts, granulated coyote urine, Irish Spring soap, human hair and sweaty t-shirts to no avail.

This is the reason I decided to go with an 8 foot chain link fence. I called the planning office. I got a recording to leave a message which I did leave my name and phone number, and no one called me back. I guess I made the mistake of moving forward with the fence without hearing from the city planning personnel but we are entering gardening season. Steel posts went in the ground on Monday, April 22 and then the code enforcement officer with the city stopped the building of the fence Tuesday afternoon, April 23.

The fence would sit at the back of our property at 708 E. Central. The garden is surrounded by land on all sides that we own, known as Stroud Addition. We have had the garden placement checked by ARKUP for utility lines and the garden is free from all utilities. We chose a chain link fence so that it would be visibly more appealing, instead of a tall wooden privacy fence that doesn't age well and requires more upkeep. We planned on planting shrubbery and flowers on the north side of the fence to camouflage the fence from East Central.

This is the reason I would like a variance so I can have an 8 foot chain link fence to keep the deer out of our garden.



04.26.2019



04.26.2019

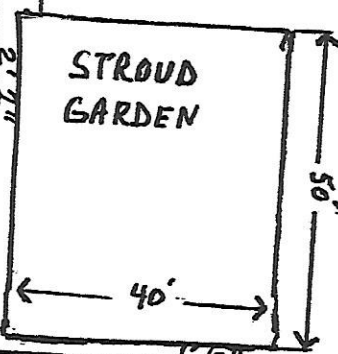
EAST CENTRAL STREET

702 E CENTRAL
LOT 4
0.71 ACRES
STROUD'S ADDITION

STROUD'S ADDITION
INCLUDES
LOT 4
LOT 5
LOT 6

N01°29'06"E

7' BUILDING SETBACK



708 E. Central Ave.

Lot 5

0.72 ACRES

25' BUILDING SETBACK

S87°18'46"E 148.27'

20' BUILDING SETBACK

30' BUILDING SETBACK

DRIVEWAY

24.00'

21.00'

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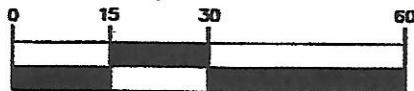
212.75'

S01°29'06"W

N87°00'48"W

148.29'

105 S.E. "F" STROUD'S ADDITION
LOT 6
0.70 ACRES



GRAPHIC SCALE
(IN FEET)
1 inch = 30 ft.

PLOT PLAN

LOT 5

STROUDS ADDITION

BENTONVILLE, BENTON COUNTY, ARKANSAS



03/08/2018