



**BOARD OF ADJUSTMENT
AGENDA
June 26, 2019**

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

- 1. Enderland**

- 4507 SW Plumley Avenue ([VAR19-0013](#))

- Fence Height, Side Exterior Yard

Variance*

- IV. Other Business**
- V. Adjournment**

Board of Adjustment
Minutes
June 12, 2019

Meeting called to order by Rick Rogers, Chairman

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

Motion by Mr. Pearson, seconded by Mr. Haynie to approve the minutes of May 29, 2019 as written.
Approved 4-0

New Business

Item #1

Texzar Properties, LLC, Variance Request for Southwest Regional Airport Boulevard and Southwest Morningstar Road, Side Setback, VAR19-0012

Ali Worley reads the staff report.

Opened public hearing

No public comments

Closed public hearing

Dirk Thibodaux, representative, discusses the variance request and hardship to the Board.

Mr. Rogers asks when the applicant was made aware of the right-of-way dedication. Mr. Overstreet states that it's typically at the time of the Pre-Application Conference, but the applicant requested a waiver. Mr. Thibodaux notes that the waiver was requested at the 2nd round of comments.

There is some discussion on exactly where the setback is measured to. Mr. Overstreet explains and confirms with the code that it is measured to the foundation. This will allow the applicant to move the development so the variance request is reduced to four feet.

Mr. Rogers then asks the applicant about the hardship as he has the space to make the last four feet work. There is discussion between the Board, applicant, and staff. They discussed reducing the sidewalk from six feet to five feet, and then taking out some parking as they have gone beyond the parking requirements.

The Board discusses that there is no hardship.

Denied 4-0

Other Business

Ms. Worley informed the Board that the ordinance amendment to allow 8-foot fences in DE, Downtown Edge and DC, Downtown Core zoning districts will go before the Planning Commission on June 18th.

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

VAR19-0013, Enderland, Fence Height, Side Exterior Yard

TO: Bentonville Board of Adjustment Members
THRU: Ellen Norvell, Community Development Director
FROM: Tyler Overstreet, Senior Planner
BOA DATE: June 26, 2019

GENERAL INFORMATION:

Representative: Ron Enderland

Applicant: Ron Enderland

Location: 4507 SW Plumley Avenue Bentonville, AR 72713

Existing Zoning: R-1, Single-Family Residential

Existing Land Use: Single-Family Home

REQUEST: Variance(s)

Front Yard Fence Location Variance		
	Regulation	Request
Article 1100, Section 1100.06.h.1, Fence Height	A fence or wall located in the side exterior yard shall not exceed 4-feet in height.	Request of: 6-feet Variance of : 2-feet

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 in side exterior yards for a proposed fence at 4507 SW Plumley Avenue. The applicant proposes to construct a six-foot tall fence in their side exterior yard, which is a variance of two-feet from the four-feet required by ordinance. According to the applicant's narrative, their Property Owner's Association requires any constructed fence be six-feet in height; the applicant states their hardship should be based upon their estimated lost land value.

For additional information, please reference the attached documents.

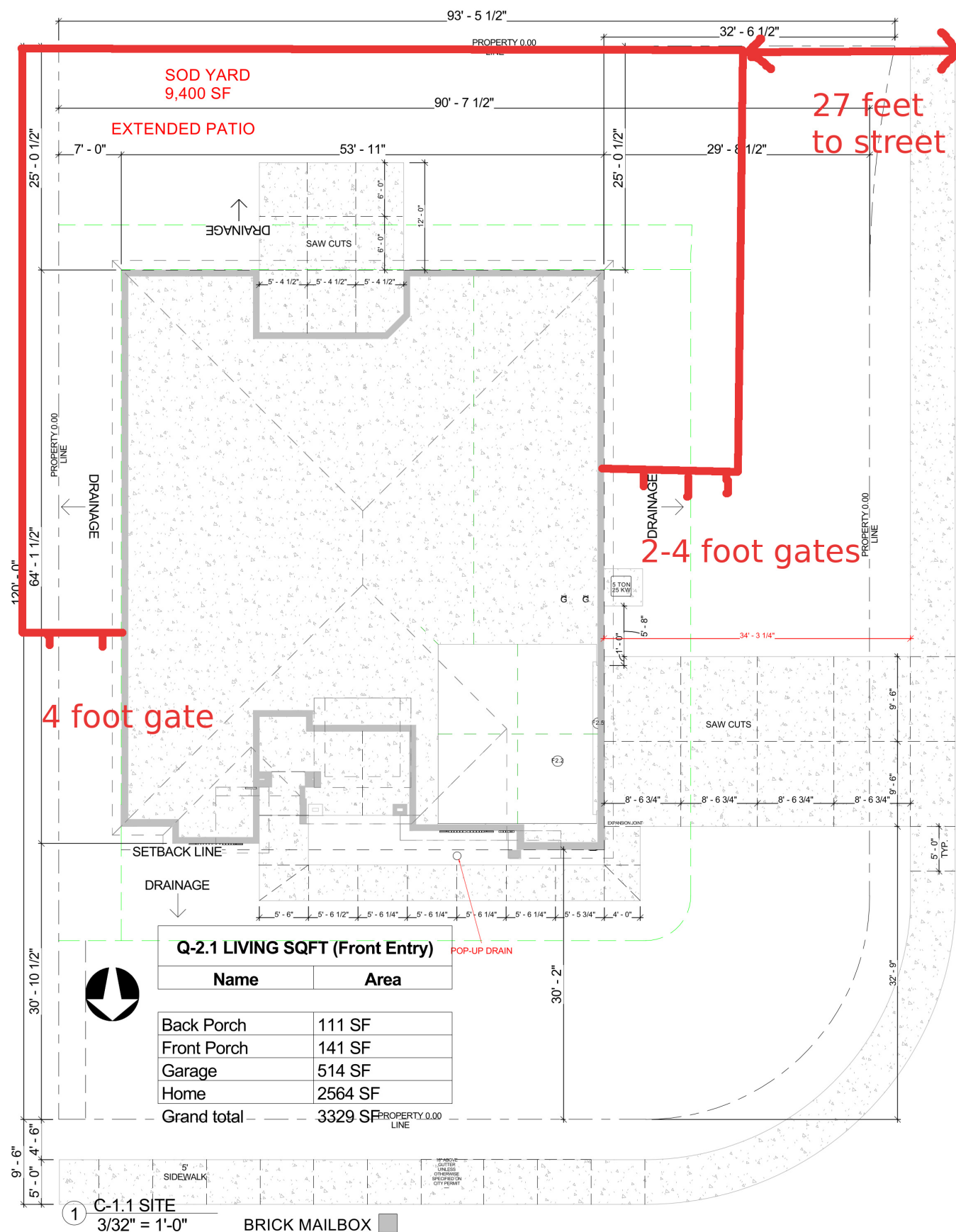
PUBLIC COMMENT:

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 fence height, location, and materials as provided by the applicant within the application.
2. The applicant shall be required to obtain a fence permit prior to constructing the fence.





25 Feet to street



MAIL HOLLOW DR
BRANDON WAY

22 feet to street

OBJECTS IN MIRROR ARE
CLOSER THAN THEY APPEAR



15.5 feet to street

23 feet to street

