



**BOARD OF ADJUSTMENT
AGENDA
July 24, 2019**

I. Call to Order

II. Approval of Minutes

III. New Business:

1. J Street Company, LLC

2600 SE J Street ([VAR19-0018](#))

- Fence Height

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

VAR19-0018, J Street Company, LLC, Fence Height

TO: Bentonville Board of Adjustment Members
THRU: Ellen Norvell, Community Development Director
FROM: Tyler Overstreet, AICP, Senior Planner
BOA DATE: July 24, 2019

GENERAL INFORMATION:

Representative: DeWayne Soper

Applicant: J Street Company, LLC

Location: 2600 SE J Street

Existing Zoning: C-2, General Commercial

Existing Land Use: Parking Lot and Basketball Court

REQUEST: Variance(s)

Front Yard Fence Location Variance		
	Regulation	Request
Article 1100, Section 1100.06.h.1, Fence Height	The maximum fence height shall be six (6) feet above grade.	Request of: 10 feet Variance of : 4 feet

SURROUNDING ZONING:

Direction	Zoning
North	C-1, Neighborhood Commercial
South	I-1, Light Industrial
East	I-2, Heavy Industrial
West	I-1, Light Industrial

BACKGROUND:

The applicant has submitted a variance request to the fence height requirements for an addition in height to an existing fence at 2600 SE J Street. The applicant proposes to construct four-feet of netting above an existing six-foot tall chain link fence, a variance of four-feet from the six-feet required by ordinance. According to the applicant's narrative, the primary purpose of the additional fence height is to prevent basketballs from bouncing outside of the existing basketball court area.

For additional information, please reference the attached documents.

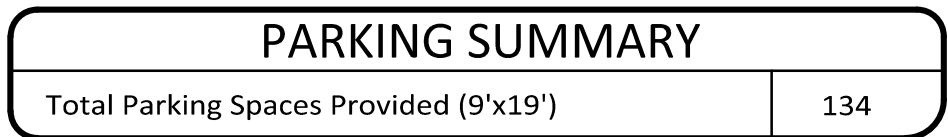
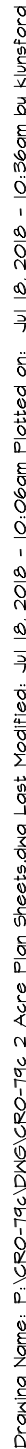
PUBLIC COMMENT:

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.



1. The Contractor Shall Be Solely And Completely Responsible For Conditions Of The Job Site, Including Safety Of All Persons And Property During All Phases Of Construction Of This Site. This Requirement Shall Apply Continuously And Shall Not Be Limited To Construction Working Hours.
2. It Is The Contractor's Responsibility To Take All Precautions Necessary To Avoid Property Damage To Adjacent Properties During The Construction Phases Of This Project.
3. All Dimensions, Unless Otherwise Noted, Are To The Face Of Curb, Face Of Building, Edge Of Pavement, Or Centerline Of Stripe.
4. All Radii Are 5 ft. At Back Of Curb, Unless Otherwise Noted.
5. Contractor Shall Coordinate And Comply With All Utility Companies Involved In Project And Pay All Required Fees And Costs.
6. Unless Otherwise Noted, All Curb Shall Be 6" Type "A" Concrete Curb And Gutter. Refer To Detail Sheets.
7. All Construction Shall Conform To The City Of Bentonville Development Regulations.
8. All Signage, Pavement Markings, And Striping Shall Conform To The Manual Of Uniform Traffic Control Devices (MUTCD) Standards And Regulations. Pavement Markings Within City Right-Of-Way Shall Be Thermoplastic.
9. Contractor Must Obtain A Permit Prior To Performing A Street Cut Within City Of Bentonville Right-Of-Way. All Construction In Said Right-of-Way Shall Be In Accordance With City Of Bentonville Details And Specifications.
10. All Outdoor Lighting Shall Have "Cut-Off" Fixtures In Accordance With The City Of Bentonville Requirements.
11. No Pylon Or Monument Sign Are Proposed At This Time.
12. Relocation Of Any Existing Electrical Facilities Will Be At The Owner's Expense.
13. Streetlight Locations Will Be Designed By BEUD At Owner/Developer Expense.
14. Contact BEUD At (479)-271-3135 Before Performing Any Grading With 5' Of Existing Or Proposed Power Poles.
15. BEUD Design Layout Drawing Takes Precedence Over Any Electric Information Shown On The Site Utility Plan.
16. Electric Facilities Shall Be Installed In Accordance With The Latest Revision Of The Electrical Specifications Found On The Website Contractor Is Responsible For Compliance With This Document.
17. Lighting Will Be Single Phase, 120/240V.

Revision	By	Date

STATE OF
ARKANSAS

LICENSED
PROFESSIONAL
ENGINEER

DATE 12/31/2018
A. LUNDSTROM
No. 18077

Vertical Scale:	—
Horizontal Scale:	20
Plotting Scale:	1
Drawing Name:	Plan Sheets

SITE DIMENSION PLAN

CITY PROJECT #LSD18-0018

Issued for Review: 07.18.18

Sheet No.:
3
of 10







