



**BOARD OF ADJUSTMENT
AGENDA
February 26, 2020**

I. Call to Order

II. Approval of Minutes

III. New Business:

1. NFD, LLC

Variance*

304 SE G Street ([VAR20-0003](#))

- Rear Yard Setback
- Rear-Loading Garage in RC-2 Zoning District
- Street-Facing Garage Setback

2. Hurricane WA, LLC

Variance*

606, 608, 610, & 612 Bella Vista Road ([VAR20-0004](#))

- Fence Location Adjacent to Public Right-of-Way

IV. Other Business

V. Adjournment

Board of Adjustment
Minutes
January 22, 2020

Meeting called to order by Rick Rogers, Chairman

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

Motion by Mr. Pearson, seconded by Mr. Haynie to approve the minutes of January 8, 2020 as written.
Approved 4-0

New Business

Item #1

Hurricane WA, LLC: Variance Request for SE 7th Street & SE B Street, Density Requirements in DE, Downtown Edge, Zoning District, VAR20-0001

Ali Worley reads the staff report.

Opened public hearing

No public comments

Closed public hearing

Todd Jacobs, representative, explains his request for the variance.

There is discussion between the Board, staff, and representatives.

Approved 4-0

Other Business

Item #1

Ms. Worley informs the Board on the upcoming Zoning Code Amendments timeline.

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.

BOARD OF ADJUSTMENT STAFF REPORT



NFD, LLC

304 SE G Street

BOA Date: 2/26/2020

Reviewer: Ali Worley, Planning Technician

Project Number	VAR20-0003
Applicant / Current Owner	NFD, LLC 300 SW 5 th Street Bentonville, Arkansas 72712
Site Area	+/- 0.22 acres
Current Zoning	R-C2, Central Residential - Moderate Density
Variance Request	Variance 1: Article 401.07.d.1, Residential Districts Minimum Setback Standards, of the Zoning Code Variance 2: Article 401.07.d.2.3, Garages in R-C2 and R-C3 Districts, of the Zoning Code Variance 3: Article 401.07.d.2.1, Street Facing Garage, of the Zoning Code

Property Description

This property is located at the southwest corner of SE 3rd Street and SE G Street. The site is currently zoned R-C2, Central Residential – Moderate Density. Adjacent zonings are R-1, Single Family Residential to the north, DN-4, Downtown Mixed-Use Residential to the east, R-3, Medium Density Residential to the west, and DN-3, Downtown High-Density Residential to the south.

Variance Regulation

Variance 1: The minimum rear yard setback in the R-C2, Central Residential – Moderate Density zoning district is 15 feet.

Variance 2: In the RC-2 zoning district, when a rear alley or rear private drive exists or is platted, a rear-loading garage is required.

Variance 3: The minimum setback for street-facing garages shall be 30 feet from the property line that the garage faces.

Variance Request

Variance 1: The applicant is requesting a 7-foot setback, which is a variance of 8 feet.

Variance 2: The applicant is requesting to build a street-facing garage that faces SE G Street, where a platted access easement exists on the lot.

Variance 3: The applicant is requesting a 24-foot setback, which is a variance of 6 feet.

Background

According to the applicant's narrative, they state their hardship is that the RC-2 zoning district is friendly towards building large multi-family housing projects, but the zoning regulations make it difficult to build smaller attached and detached single-family homes. The applicant is proposing to build 3 duplexes, with a total of 6 units.

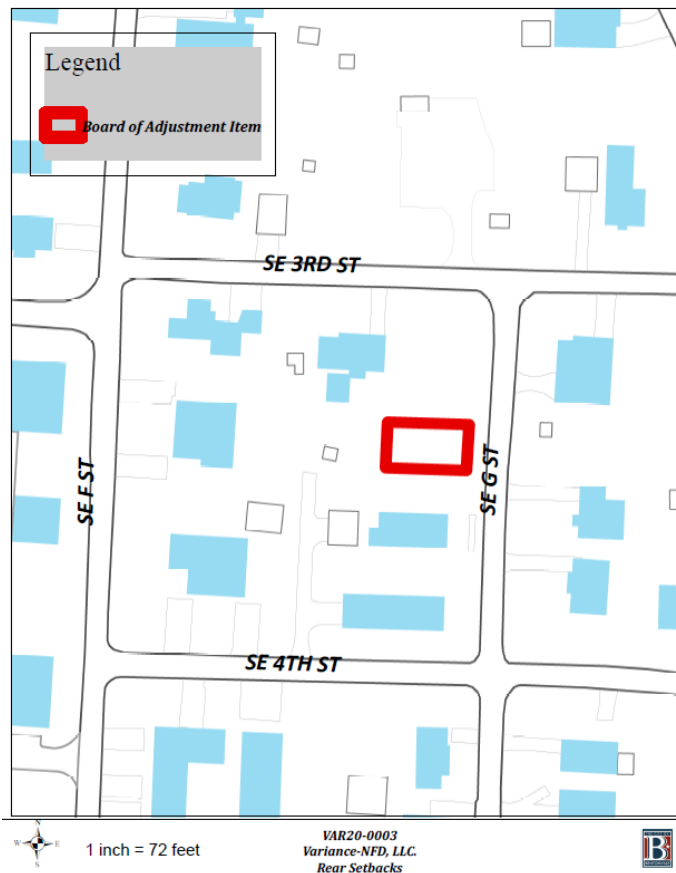
Public Comment

Staff has **NOT** received public comment regarding this request.

Conditions of Approval

If approved, the following conditions shall apply:

1. The approved variance shall be for the proposed layout and setbacks, as provided by the applicant within this application.
2. The applicant shall be required to obtain an approved building permit prior to construction.
3. Any eave or projection that encroaches closer than 5 feet to the property line would have to be fire-rated with no openings on the adjacent wall.



BOARD OF ADJUSTMENT STAFF REPORT

Section 301.10.c, Standards of Approval, of the Zoning Code

Standards for approval. A variance from the terms of this chapter shall not be granted by the board of adjustment unless and until:

(1) The applicant demonstrates that:

- a. special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structure or buildings in the same district;
- b. that literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;
- c. that special conditions and circumstances do not result from the actions of the applicant; and,
- d. that granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district.

(2) No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

(3) The board of adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of land, building or structure.

(4) The board of adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(5) *Conditions.* In granting any variance, the board of adjustment may prescribe appropriate conditions and safeguards that it deems necessary or desirable. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter.

(6) *Uses.* Under no circumstances shall the board of adjustment grant a variance to allow a use not permissible under the terms of this chapter in the district involved, or any use expressly or by implication prohibited by the terms of this chapter in said district.



N E W E L L
DEVELOPMENT

Board of Adjustments Variance – Narrative Letter

February 13, 2020

Re: Board of Adjustments – 305 SW A Street, Bentonville Arkansas
Project Name: 3rd and G Street
Parcel No: 01-04675-000
Address: 304 Southeast G Street

Newell Development is focused on building walkable infill developments including apartments, townhomes and detached single family homes throughout the Downtown Neighborhood Districts. Our projects are intended to offer more affordable living options to the missing middle in the downtown area. As they currently stand, RC2, RC 3 and DN zoning requirements are very friendly for building large multifamily housing projects, but make it hard for smaller detached and attached single family homes. We are seeking three separate variances for our 3rd and G duplex project which would yield 6 total single-family units (3 duplexes). The property is currently zoned R-C2 with setbacks as is follows: Front - 20', Side / Interior - 7', and Rear – 15'.

1. Variance to zoning district regulations sec 401.07.C.pg 401-15- residential lot and area standards: We are requesting the setback on the southwest portion of the property west of 304 Apt # 1 be considered an "Interior Side Yard Setback" as our entire project and main entryways effectively front both SE 3rd and SE G Street creating front and side setbacks only. The entrance to the unit in question face north toward SE 3rd street essentially creating a side yard on the west. The neighboring property (parcel # 01-0676-000) faces North to front SE 3rd Street and has a side yard setback of 10' (zoned R-3). These distances create a separation of 17', which we feel is adequate for public health, safety and welfare to the neighboring properties, and to any future development.
2. Variance to zoning district regulations sec 401.07.D.2.3, pg 401-17- garages: We are requesting a variance to the code to build a street facing garage on a RC-2 zoned property. The unit we are requesting the garage variance for is 304-2. The garage will be an architectural garage door with 4" wing walls on either side.
3. Variance to zoning district regulations sec 401.07.D.2.1, pg 401-17- garages: We are requesting a variance of 6' to the code that requires a 30' set-back for street facing garages. The current plans show a setback of 24' from the property line which we feel is adequate distance from the 5' sidewalk making the garage 29' feet from the street.

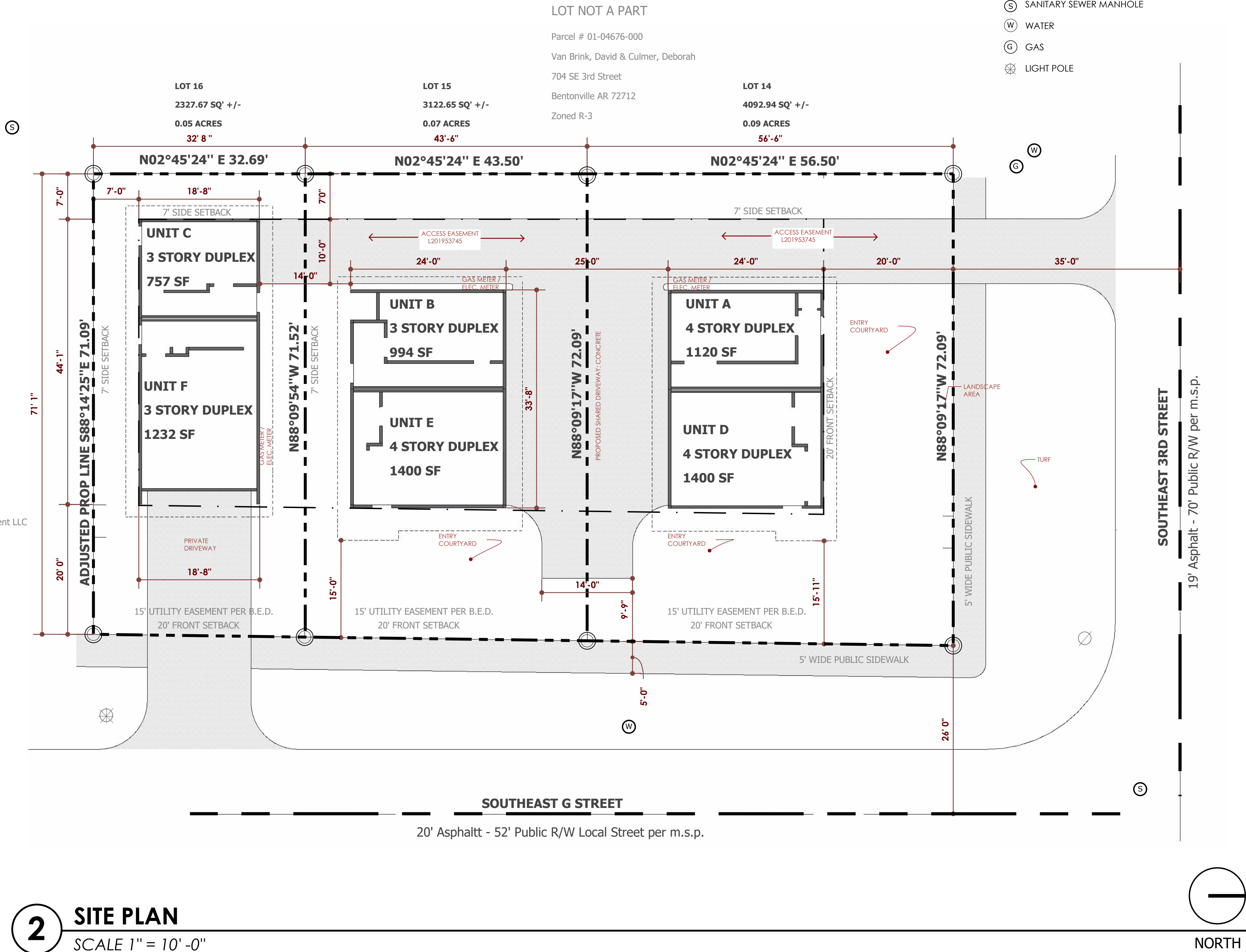
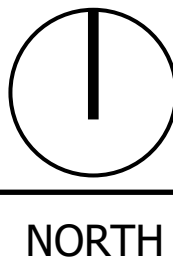
We thank you in advance for your consideration on these variance requests.
Thank You,

Jake Newell
Newell Development



1 VICINITY MAP

SCALE = N.T.S.



2 SITE PLAN

SCALE 1" = 10' -0"



1 VICINTY MAP

N.T.S.



2 STREET PERSPECTIVE FROM SOUTHEAST G STREET

N.T.S.

GENERAL NOTES:

1. CONTRACTOR IS TO INSPECT EXISTING CONDITIONS INCLUDING BUT NOT LIMITED TO, UNDERGROUND WATER MAINS, SEWER, TELEPHONE, AND ELECTRIC. WORK HERE UNDER ARE INDICATED ON DRAWINGS FOR DIAGRAMMATIC PURPOSES. NO GUARANTEE AS TO THE ACCURACY OR COMPLETENESS OF SUCH INFORMATION. RESPONSIBILITY FOR SUCH ACCURACY AND COMPLETENESS IS DISCLAIMED. THE CONTRACTOR IS SOLELY RESPONSIBLE FOR LOCATING UNDERGROUND INSTALLATIONS PRIOR TO EXCAVATING.
2. ALL DIMENSIONS ARE FROM FACE OF STUD, FACE OF CONC. OR CENTER LINE UNLESS NOTED OTHERWISE. DRAWINGS ARE NOT TO BE SCALED, DIMENSIONS SHALL BE IN WRITTEN INFORMATION ONLY. VERIFY DIMENSIONS PRIOR TO WORK. ALTERATIONS IN DIMENSIONS AFFECTING THE DESIGN SHALL BE BROUGHT TO THE ATTENTION OF THE BUILD COLLECTIVE PROMPTLY FOR A RESOLUTION.
3. NOT ALL MATERIALS AND ASSEMBLIES HAVE BEEN SPECIFIED. CONTRACTOR IS TO VERIFY ALL NON-SPECIFIED ITEMS WITH OWNER AND BUILD COLLECTIVE PRIOR TO EXECUTING ANY WORK INVOLVING THESE ITEMS.
4. IT IS THE CONTRACTORS RESPONSIBILITY TO SUBMIT SUBSTITUTIONS OR DEVIATIONS FROM THE CONTRACT DOCUMENTS TO BUILD COLLECTIVE FOR APPROVAL. NON-APPROVED DEVIATIONS WILL HOLD BUILD COLLECTIVE AND CONSULTING ENGINEERS HARMLESS FOR SUCH ITEMS.
5. ALL WORK TO CONFORM TO APPLICABLE CODES. THE MOST STRINGENT CODE SHALL APPLY. DISCREPANCIES IN CODE AND CONTRACT DOCUMENTS SHALL BE BROUGHT TO BUILD COLLECTIVE'S ATTENTION IMMEDIATELY AND RESOLVED BEFORE PROCEEDING.
6. ALL MATERIALS ARE TO BE INSTALLED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS AND AS SUCH ALL SUBCONTRACTORS ARE TO INSURE THAT ALL MANUFACTURER'S WARRANTIES WILL BE HONORED.
7. ALL SUBCONTRACTORS ARE RESPONSIBLE FOR INSURING THEIR SAFETY AND OF THEIR PERSONNEL ON THE JOB SITE AT ALL TIMES. THEY SHALL CARRY WORKMAN'S COMPENSATION AND LIABILITY INSURANCE FOR THEMSELVES AND THEIR EMPLOYEES. SUBCONTRACTORS AND THEIR EMPLOYEES SHALL BE PERSONALLY RESPONSIBLE TO FOLLOW ALL OSHA RULES AND REGULATIONS.
8. GENERAL CONTRACTOR IS TO COORDINATE ALL MECH. ELECT. AND PLUMBING AND PROVIDE NECESSARY CONSTRUCTION TO FACILITATE SUCH WORK INCLUDING SUPPORTS, BLOCKING, ROUGH OPENINGS ETC.
9. IT IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO REVIEW CONSTRUCTION DRAWINGS BEFORE INSTALLATION OF MECH. ELECT OR SYSTEMS INSTALLATION, AND SHALL NOTIFY BUILD COLLECTIVE IMMEDIATELY FOR ANY DISCREPANCIES. ANY WORK INSTALLED IN CONFLICT WITH THE CONTRACT DOCUMENTS SHALL BE CORRECTED BY THE GENERAL CONTRACTOR AT NO EXPENSE TO THE OWNER OR BUILD COLLECTIVE.
10. ALL DRAWINGS, SPECIFICATIONS AND DESIGN OF THE FOLLOWING SYSTEMS ARE TO BE PROVIDED BY OTHER AS REQUIRED. OWNER SHALL CONTRACT WITH OTHERS UNDER SEPARATE CONTRACTS.
A. CIVIL ENGINEERING B. MECHANICAL ENGINEERING C. ELECTRICAL ENGINEERING

GENERAL SITE NOTES:

1. TAKE TEMPORARY CONTROL MEASURES TO PREVENT EROSION
SHEET FLOW: USE STRAW OR HAY BALES, SILT FENCING OR VEGETATIVE FILTERS AS NECESSARY TO MINIMIZE SILT MOVEMENT FROM PROPERTY.
2. CONTRACTOR SHALL FINISH GRADE SITE SO AS TO DIVERT WATER AWAY FROM BUILDING STRUCTURE.
3. ALL FILL SHALL BE COMPACTED TO 95% STANDARD OVER PROCTOR DENSITY (ASTM D-698) AND MIN 3000 P.S.F. BEARING CAPACITY.
4. MEET EXISTING GRADE AT ALL CONTRACT LIMITS OR PROPERTY LINES.
5. GENERAL CONTRACTOR TO PROVIDE ROUGH GRADING TO 6" BELOW FINISH GRADE. 6" TO SOIL TO BE REUSED OR PROVIDE FOR FINAL GRADING.
6. PROVIDE CONTROL JOINTS AND EXPANSION JOINTS IN CONCRETE AGAINST FINISHED BUILDING STRUCTURE. PROVIDE AS FOLLOWS:
EXPANSION JOINTS AT 20' O.C. MAX
CONTROL JOINTS AT 6' O.C. MAX AT PROPERTY SIDEWALKS
- 7: ALL UTILITY LOCATIONS ARE APPROXIMATE, FIELD VERIFY EXACT LOCATIONS.
- 8: ALL DISTURBED AREAS TO BE SEEDED.
- 9: CONTRACTOR TO VERIFY ALL SITE CONDITIONS PRIOR TO WORK, NOTIFY BUILD COLLECTIVE IF CONDITIONS VARY FROM FROM WHAT IS SHOWN.
10. SITE PLAN IS DIAGRAMMATIC IN NATURE. BOUNDARIES, UTILITIES, AND OTHER SITE FEATURES SHOULD BE REFERENCED FROM A LICENSED SURVEYOR. GC SHALL CONFIRM ALL SETBACKS AND CLEARLY MARK ON SITE PRIOR TO BEGINNING CONSTRUCTION.
11. GC TO COORDINATE ALL UTILITY CONNECTIONS WITH APPROPRIATE GOVERNING BODY.
12. SITE PLAN MUST BE APPROVED BY THE BUILDING OFFICIAL AND THE PLANNING DEPARTMENT PRIOR TO BEGINNING CONSTRUCTION.
13. GENERAL CONTRACTOR / PROPERTY OWNER IS TO SUBMIT DRAWINGS TO THE BUILDING DEPARTMENT TO OBTAIN BUILDING PERMIT PRIOR TO BEGINNING WORK.
14. GENERAL CONTRACTOR SHALL LOCATE ALL PROPERTY PINS AND CLEARLY MARK ALL BOUNDARIES PRIOR TO WORK.
15. ALL SITE DIMENSIONS ARE SHOWN FOR BIDDING PURPOSES ONLY. ACTUAL SITE DIMENSION CAN VARY.

PROJECT SUMMARY

APPLICABLE CODES:
INCLUDED BUT NOT LIMITED TO, THE LATEST ADOPTED ADDITION OF THESE CODES AS AMENDED BY THE CITY OF BENTONVILLE AND THE STATE OF ARKANSAS.

2012 International Residential Code (IRC)
(Vol. 2 with Arkansas State amendments)

THIS PROJECT IS A NEW BUILDING ON A PREVIOUSLY UN-DEVELOPED SITE.
STEET VACATION HAS BEEN APPROVED FOR NE MONROE STREET; (PLAT A-81 & 119) ALONG WITH 12' ALLEY TO THE EAST (PLAT A-81 & 119)

A LOT SPLIT HAS BEEN COMPLETED BY A SURVEYOR AND RECORDED WITH THE COUNTY.

BUILDING DATA

PROPOSED USE: (3) 2 FAMILY DWELLING UNITS; (6 TOTAL UNITS)
PROPERTY SHOWN IS ZONED: **RC - 2**
FRONT, SIDE, AND REAR YARD REGULATIONS ARE AS FOLLOWS:
Front Setback: 20' minimum
Side Interior Setback: 7' minimum
15' Utility Easement along street frontage

UNIT A - FIRST FLOOR - 88 SF
UNIT A - SECOND FLOOR - 494 SF
UNIT A - THIRD FLOOR - 388 SF
UNIT A - FOURTH FLOOR - 150 SF
UNIT A - ROOF DECK- 160 SF
UNIT A - GARAGE/ STORAGE - 214 SF
TOTAL HEATED / COOLED - 1120 SF

UNIT B - FIRST FLOOR - 65 SF
UNIT B - SECOND FLOOR - 494 SF
UNIT B - THIRD FLOOR - 435 SF
UNIT B - GARAGE / STORAGE - 254 SF
TOTAL HEATED / COOLED - 994 SF

UNIT C - FIRST FLOOR - 44 SF
UNIT C - SECOND FLOOR - 393 SF
UNIT C - THIRD FLOOR - 320 SF
UNIT C - GARAGE / STORAGE - 226 SF
TOTAL HEATED / COOLED - 757 SF

UNIT D - FIRST FLOOR - 61 SF
UNIT D - SECOND FLOOR - 636 SF
UNIT D - THIRD FLOOR - 523 SF
UNIT D - FOURTH FLOOR - 180 SF
UNIT D - ROOF DECK- 210 SF
UNIT D - GARAGE/ STORAGE - 389 SF
TOTAL HEATED / COOLED - 1400 SF

UNIT E - FIRST FLOOR - 61 SF
UNIT E - SECOND FLOOR - 636 SF
UNIT E - THIRD FLOOR - 523 SF
UNIT E - FOURTH FLOOR - 210 SF
UNIT E - GARAGE / STORAGE - 389 SF
TOTAL HEATED / COOLED - 1400 SF

UNIT F - FIRST FLOOR - 64 SF
UNIT F - SECOND FLOOR - 578 SF
UNIT F - THIRD FLOOR - 590 SF
UNIT F - PORCHES / DECKS - 115SF
UNIT F - GARAGE / STORAGE - 400 SF
TOTAL HEATED / COOLED - 1232 SF

SURVEY CONTACT

BLEW & ASSOCIATES
3825 N. SHILOH DRIVE
FAYETTEVILLE, ARKANSAS 72703
OFFICE: 479-582-1883
JOB # 19-3725

SHEET INDEX:

0.0 COVER SHEET
A101 SITE PLAN
A102 FLOOR PLANS; (UNIT A / B)
A103 FLOOR PLANS; (UNIT A / B)
A102.1 FLOOR PLANS; (UNIT C / D)
A103.1 FLOOR PLANS; (UNIT C / D)
A201 ELEVATIONS; (UNIT A / B)
A202 ELEVATIONS; (UNIT A / B)
A203 ELEVATIONS; (UNIT A / B)
A201.1 ELEVATIONS; (UNIT C / D)
A202.1 ELEVATIONS; (UNIT C / D)
A203.1 ELEVATIONS; (UNIT C / D)
A501 CONSTRUCTION DETAILS
A501.1 CONSTRUCTION DETAILS
E701 ELECTRICAL & R.C.P.; (UNIT A / B)
E702 ELECTRICAL & R.C.P.; (UNIT A / B)
E701.1 ELECTRICAL & R.C.P.; (UNIT C / D)
E702.1 ELECTRICAL & R.C.P.; (UNIT C / D)
A801 ROOF PLAN
A801.1 ROOF PLAN



BUILD
COLLECTIVE

CONTACT

Bill Cochran
4230 NW Meadowcreek Cir - 204
Fayetteville Ar
T: 479-409-3387
E: bill@buildcollective.co

CLIENT

Newell Development
Bentonville Arkansas
T: 479 - 225 - 3997
T: 479 - 544 - 1344

PROJECT

SE 3rd and SE G Street - Lots 14, 15, 16
Bentonville Arkansas

PROJECT NO.
DE - 1916

ISSUE

R - 1
11.4.19

DRAWN BY
BC

DESCRIPTION
COVER PAGE

cp

0.0

BOARD OF ADJUSTMENT STAFF REPORT



Hurricane WA, LLC

606, 608, 610, 612 Bella Vista Road

BOA Date: 2/26/2020

Reviewer: Ali Worley, Planning Technician

Project Number	VAR20-0004
Applicant / Current Owner	Hurricane WA, LLC PO Box 1285 Bentonville, Arkansas 72712
Site Area	+/- 0.22 acres
Current Zoning	DN-2, Downtown Medium-Density Residential
Variance Request	Article 1100.06.g.2, Fence Location Adjacent to Public Right-of-Way, of the Land Development Code

Property Description

This property is located at 606, 608, 610, and 612 Bella Vista Road. The site is currently zoned DN-2, Downtown Medium-Density Residential. Adjacent zonings are R-1, Single Family Residential, to the south and west, and PRD, Planned Residential Development, to the north and east.

Regulation

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.

Variance Request

The applicant is requesting a 2-foot setback from the public right-of-way, which is a variance of 3 feet.

Background

According to the applicant's narrative, their hardship of placing the fence 5 feet from the public right-of-way would limit usable front yard space. The proposed fence is for the front yard only. On January 16, 2018, the applicant's proposal to rezone the property from R-1, Single Family Residential to DN-2, Downtown Medium-Density Residential, was approved. The front setback for this zoning district is a minimum of 12 feet and a maximum of 25 feet.

The fence is located 1.79 feet from the existing sewer line within the platted 15-foot utility easement. While construction of fences can be allowed in utility easements, the fence installer and/or property owner assumes some risk by doing so. The applicant is also proposing the fence remain 5 feet from the existing manhole. Please see the attached memo from the Bentonville Water Department.

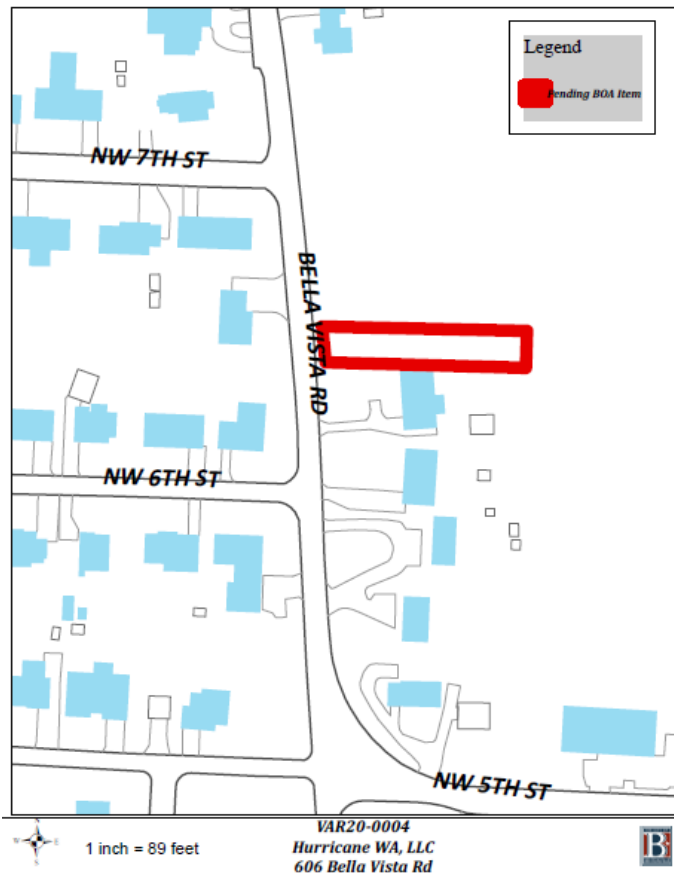
Public Comment

Staff has **NOT** received public comment regarding this request.

Conditions of Approval

If approved, the following conditions 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 an approved fence permit prior to constructing the fence.
3. The fence shall meet the requirements for fences located within utility easements listed within the Land Development Code.
4. Issuance of the fence permit shall be contingent upon review and approval from the City of Bentonville Water and Electric departments.



BOARD OF ADJUSTMENT STAFF REPORT

Section 301.10.c, Standards of Approval, of the Zoning Code

Standards for approval. A variance from the terms of this chapter shall not be granted by the board of adjustment unless and until:

(1) The applicant demonstrates that:

- a. special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structure or buildings in the same district;
- b. that literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;
- c. that special conditions and circumstances do not result from the actions of the applicant; and,
- d. that granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district.

(2) No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

(3) The board of adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of land, building or structure.

(4) The board of adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(5) *Conditions.* In granting any variance, the board of adjustment may prescribe appropriate conditions and safeguards that it deems necessary or desirable. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter.

(6) *Uses.* Under no circumstances shall the board of adjustment grant a variance to allow a use not permissible under the terms of this chapter in the district involved, or any use expressly or by implication prohibited by the terms of this chapter in said district.

JACOBS GROUP

Specializing in Downtown Housing

2-14-2020

City of Bentonville
Board of Adjustments
305 SW A Street
Bentonville, AR. 72712

RE: 612, 610,608, 606 Bella Vista Road – Front Fence Variance Request

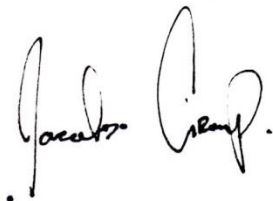
Dear Board of Adjustment members,

Jacobs Group requests a variance to build 160 LF of wood fence that is 42” tall. The fence would be located 2’ from the back of the public sidewalk. The houses are set 15’ back from the sidewalk/right of way. Placing the front fence 5’ back from the public right of way limits the front yard space to an unusable area. Additional under ground utilities are located approximately 4’ to 12’ from back of sidewalk creating a hardship.

For the reasons listed above, I ask that you find the following:

- A. Special Conditions and circumstances exist which are specific to the proposed project. *In particular the required 5’ fence setback from public sidewalk takes up 35% of the houses front yard.*
- B. Literal Interpretation of the ordinance - *Strict interpretation of the zoning code would severely limit the use of the property commonly enjoyed by other projects found in Downtown Bentonville.*
- C. The special conditions and circumstances do not result from the actions of the applicant. *Currently other projects can be found within the City of Bentonville Downtown where the front fence is located directly up against the public sidewalk.*

Sincerely,

A handwritten signature in black ink, appearing to read "Jacobs Group", with a stylized flourish at the end.

Jacobs Group
PO Box 1285
Bentonville AR, 72712

JACOBS GROUP

Specializing in Downtown Housing

479-936-4374

BUILDING SETBACK TABLE	
DN - 2 ZONING	
FRONT MIN.	12'
FRONT MAX.	25' MAX
CORNER SIDE	12' MIN.
INTERIOR SIDE	5' MIN.
TOTAL MIN.	25'
REAR	25'

ORIGINAL LEGAL DESCRIPTION - LOTS 28 & 29:
 LOTS 28 & 29 OF McANDREW & JACKSON ADDITION, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 28, THENCE S00°39'24"W 67.23' BEING THE POINT OF BEGINNING, CONTAINING 15,346 SQUARE FEET, MORE OR LESS, SUBJECT TO ASSESSMENTS AND RIGHT OF WAYS OF RECORD.

LEGAL DESCRIPTION - LOT 33:
 Part of Lot 28 of McAndrews & Jackson Addition to the City of Bentonville, Benton County, Arkansas as Filed in Book A, Page 30, being more particularly described as follows: Beginning at the NE Corner of said Lot 28, thence S00°39'24"W 67.23' BEING THE POINT OF BEGINNING, CONTAINING 15,346 SQUARE FEET, MORE OR LESS, SUBJECT TO ASSESSMENTS AND RIGHT OF WAYS OF RECORD.

LEGAL DESCRIPTION - LOT 34:
 Part of Lot 28 of McAndrews & Jackson Addition to the City of Bentonville, Benton County, Arkansas as Filed in Book A, Page 30, being more particularly described as follows: Beginning at the NE Corner of said Lot 28, thence S00°39'24"W 67.23' BEING THE POINT OF BEGINNING, CONTAINING 15,346 SQUARE FEET, MORE OR LESS, SUBJECT TO ASSESSMENTS AND RIGHT OF WAYS OF RECORD.

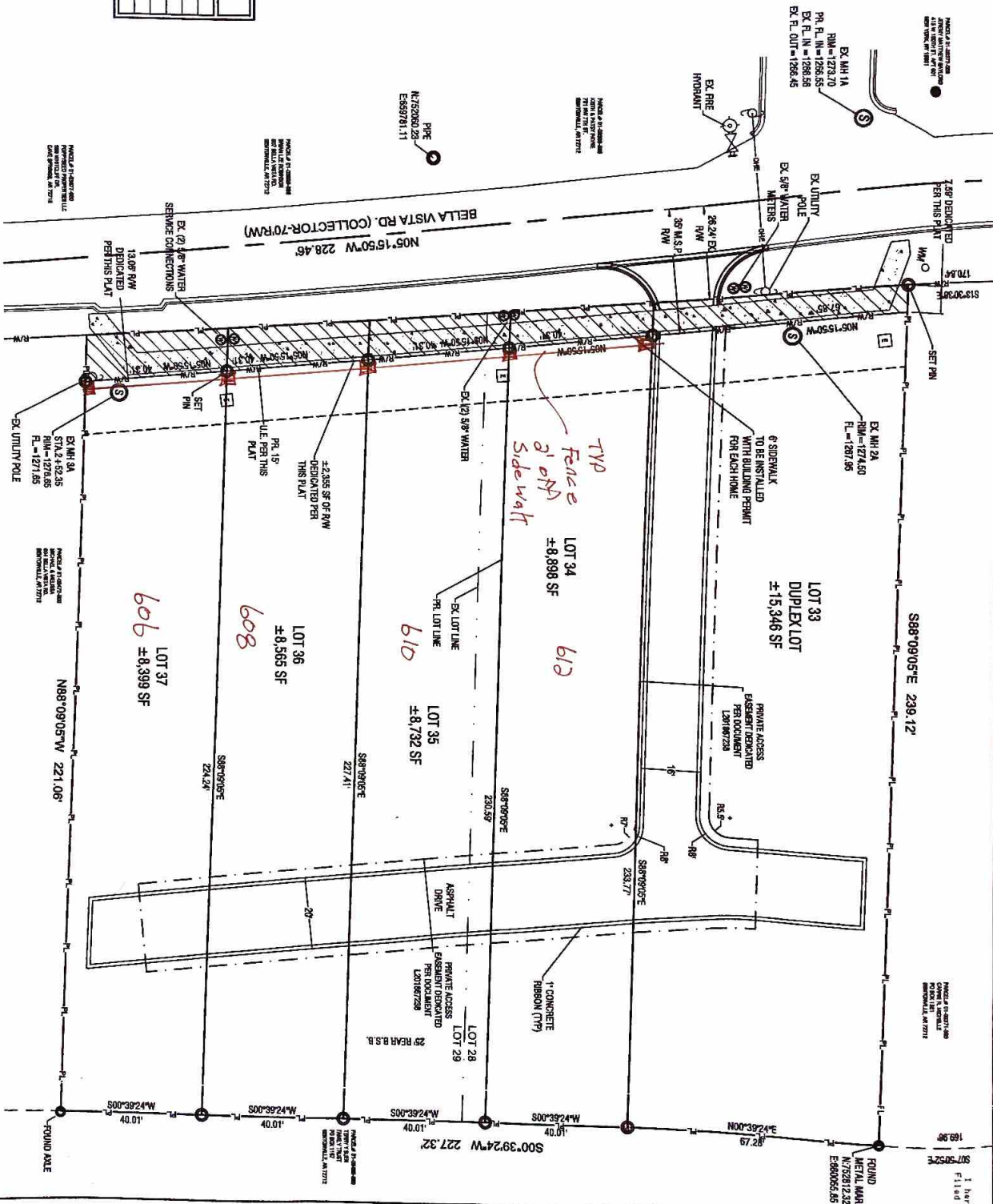
LEGAL DESCRIPTION - LOT 35:
 Part of Lot 28 of McAndrews & Jackson Addition to the City of Bentonville, Benton County, Arkansas as Filed in Book A, Page 30, being more particularly described as follows: Beginning at the NE Corner of said Lot 28, thence S00°39'24"W 67.23' BEING THE POINT OF BEGINNING, CONTAINING 15,346 SQUARE FEET, MORE OR LESS, SUBJECT TO ASSESSMENTS AND RIGHT OF WAYS OF RECORD.

LEGAL DESCRIPTION - LOT 36:
 Part of Lot 28 of McAndrews & Jackson Addition to the City of Bentonville, Benton County, Arkansas as Filed in Book A, Page 30, being more particularly described as follows: Beginning at the NE Corner of said Lot 28, thence S00°39'24"W 67.23' BEING THE POINT OF BEGINNING, CONTAINING 15,346 SQUARE FEET, MORE OR LESS, SUBJECT TO ASSESSMENTS AND RIGHT OF WAYS OF RECORD.

LEGAL DESCRIPTION - LOT 37:
 Part of Lot 28 of McAndrews & Jackson Addition to the City of Bentonville, Benton County, Arkansas as Filed in Book A, Page 30, being more particularly described as follows: Beginning at the NE Corner of said Lot 28, thence S00°39'24"W 67.23' BEING THE POINT OF BEGINNING, CONTAINING 15,346 SQUARE FEET, MORE OR LESS, SUBJECT TO ASSESSMENTS AND RIGHT OF WAYS OF RECORD.

LEGAL DESCRIPTION - LOT 38:
 Part of Lot 28 of McAndrews & Jackson Addition to the City of Bentonville, Benton County, Arkansas as Filed in Book A, Page 30, being more particularly described as follows: Beginning at the NE Corner of said Lot 28, thence S00°39'24"W 67.23' BEING THE POINT OF BEGINNING, CONTAINING 15,346 SQUARE FEET, MORE OR LESS, SUBJECT TO ASSESSMENTS AND RIGHT OF WAYS OF RECORD.

LEGAL DESCRIPTION - LOT 39:
 Part of Lot 28 of McAndrews & Jackson Addition to the City of Bentonville, Benton County, Arkansas as Filed in Book A, Page 30, being more particularly described as follows: Beginning at the NE Corner of said Lot 28, thence S00°39'24"W 67.23' BEING THE POINT OF BEGINNING, CONTAINING 15,346 SQUARE FEET, MORE OR LESS, SUBJECT TO ASSESSMENTS AND RIGHT OF WAYS OF RECORD.



1 inch = 20 ft

7/19/2007

REGISTERED PROFESSIONAL LAND SURVEYOR
 STATE OF ARKANSAS
 No. 122618
 JORGENSEN + ASSOCIATES
 CIVIL ENGINEERING + SURVEYING
 124 W. Sunbridge Drive, Suite 5
 Fayetteville, AR 72703
 Office: 479.442.9127
 Fax: 479.582.4807
 www.jorgensenassoc.com

PROJECT TITLE:
 McANDREW & JACKSON ADDITION
 OLD LOTS 28-29
 CREATING LOTS 33-37

PROJECT LOCATION:
 BENTONVILLE, AR

DATE: 12/20/06
 DRAWN BY: ELM
 CHECKED BY: JLM
 FILE PATH: L:\LOT\JORGENSEN\PLAT
 SHEET SIZE: 18" x 24"
 SCALE: 1" = 20'

JORGENSEN + ASSOCIATES
 Civil Engineering + Surveying

124 W. Sunbridge Drive, Suite 5
 Fayetteville, AR 72703
 Office: 479.442.9127
 Fax: 479.582.4807
 www.jorgensenassoc.com

FLING NUMBER

STATE OF ARKANSAS, COUNTY OF BENTON
 I hereby certify that this is a true and correct copy of the original plat as filed in the office of the County Clerk of Benton County, Arkansas.
 BENTON CO., AR FEE \$



February 21, 2020

Ali Worley
Community Development
305 W A Street
Bentonville, Arkansas, 72712

RE: Jacob's Variance Request. VAC20-0004

To whom it may concern,

The proposed fence location is within 2' of a recently installed and accepted city sewer line. The preferred practice is to provide 5' of separation from the front yard fence to any public utility when running parallel in a utility easement.

That being said, due to the depth of the sewer line, if the fence is setback 5' from front property line it would be in conflict with any repairs or the replacement of said line. At this point the fence construction type and method of installation is the main concern in order to reduce replacement cost if the fence is damage or removed by Bentonville Water Utilities.

The City of Bentonville Water Utilities Department is amendable to a reduced separation contingent upon the following conditions of the Variance approval.

- The fence shall be constructed of wood including post and pickets.
- The fence is not located closer than 5' to manhole rim or lid edge.
- An inspection of the fence is scheduled upon completion to verify access to City Infrastructure is maintained.

Please let us know if you have any questions.

Thank you.

Beau Thompson, AICP
Bentonville Water Utilities
Technical Services Supervisor