

Note – Due to health concerns related to COVID-19, and the current Federal recommendations to avoid gatherings of 10 or more people, some of the members of the Planning Commission, as well as City staff members, may attend this meeting by phone or other remote means. That being said, the Community Development Building will be open for the public to attend. Those that do attend will be asked to watch the meeting from the building’s lobby. Attendees will only be allowed into the chambers to make a public comment or to speak during any public hearing on the agenda. Those who do attend should observe the CDC recommendations concerning hygiene and social distancing (keeping at least 6 feet away from other persons present at the meeting). Moreover, no one should attend this meeting if they are experiencing any type of illness involving a fever, sneezing or coughing. Those wishing to make public comments who do not want to attend the meeting may do so in written form, submitted to planning@bentonvillear.com before 3:00 p.m. on the day of the meeting. Those comments will be communicated to the members of the Board of Adjustment. While email comments are encouraged, accommodation has also been made to allow Bentonville citizens to make “live” public comments orally in the event they cannot or do not feel comfortable attending the meeting in person. To do so, please send an email indicating a desire to make “live” oral public comments to Ali Worley at aworley@bentonvillear.com by at least 3:00pm on the day of the meeting and a reply email will be sent with instructions about how your comments can be made. Making comments will require you to register with your name, address, phone number, and email address. Procedures with respect to oral public comments still apply.



**BOARD OF ADJUSTMENT
AGENDA
June 10, 2020**

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

- | | |
|---|---|
| <ul style="list-style-type: none"> 1. Prater
916 NW 7th Street (VAR20-0016) <ul style="list-style-type: none"> • Setbacks 2. Fitzgerald
2503 SW 8th Street (VAR20-0013) <ul style="list-style-type: none"> • Accessory Dwelling Unit Regulations 3. Blue Crane
301 NE Blake Avenue (VAR20-0014) <ul style="list-style-type: none"> • Sign Regulations | <p>Variance*</p> <p>Variance*</p> <p>Variance*</p> |
|---|---|

**Denotes public hearing*

4. Martin

703 NW D Street (VAR20-0017)

- Fence Height

Variance*

IV. Other Business

V. Adjournment

Board of Adjustment
Minutes
May 27, 2020

Meeting called to order by Rick Rogers, Chairman. Applicants and representatives were in attendance via Zoom.

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

Motion by Mr. Pearson, seconded by Mr. Haynie to approve the minutes of May 13, 2020 as written.
Approved 5-0

Item #1

Almeida: Variance request for Mayflower Road, Accessory Building Regulations, VAR20-0012

Ms. Worley reads the staff report.

Opened public hearing

No public comments

Closed public hearing

There are technical difficulties with the applicant.

There was some discussion amongst Board members.

Approved 5-0

Item #2

Kirkland: Variance request for 4303 SW Plumley Avenue, Fence Height, VAR20-0015

Ms. Worley reads the staff report.

Opened public hearing

No public comments

Closed public hearing

Spencer Kirkland, applicant, explains his request to the Board.

Peter Farmer discusses the sight triangle. There is some discussion.

Approved 5-0

Meeting adjourned

Ali Worley

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

BOARD OF ADJUSTMENT STAFF REPORT



Prater

916 NW 7th Street

BOA Date: 6/10/2020

Reviewer: Ali Worley, Planning Technician

Project Number	VAR20-0016
Applicant / Current Owner	Susan & Dale Prater 19 Oak Tree Circle North Little Rock, Arkansas 72116
Site Area	+/- 0.27 acres
Current Zoning	R-O, Residential Office
Variance Request	Section 401.07.c.1, Residential Districts Setback Standards, of the Zoning Code

Property Description

This property is located at the northeast corner of NW 7th Street and NW Ford Lane. The site is currently zoned R-O, Residential Office. Adjacent zonings are R-1, Single Family Residential, to the west, R-O, Residential Office, to the north and south, and C-2, General Commercial, to the east.

Regulation

The interior side setback for properties zoned R-O, Residential Office, shall be 10 feet.

Variance Request

The applicant is requesting a side setback of nine feet, which is a variance of one foot.

Background

According to the applicant's narrative, there is an existing concrete drive encroachment by the eastern neighbor at 701 N Walton Boulevard, Suite Spaces. Both the applicant and the property owners of Suite Spaces have agreed to propose a property line adjustment to sell off a strip of land rather than obtaining an access easement. Doing this would cause the applicant's existing building to be located nine feet from the proposed property line. Without the easement or the transfer of land, access and parking requirements would be hindered for the improvements made to Suite Spaces.

Public Comment

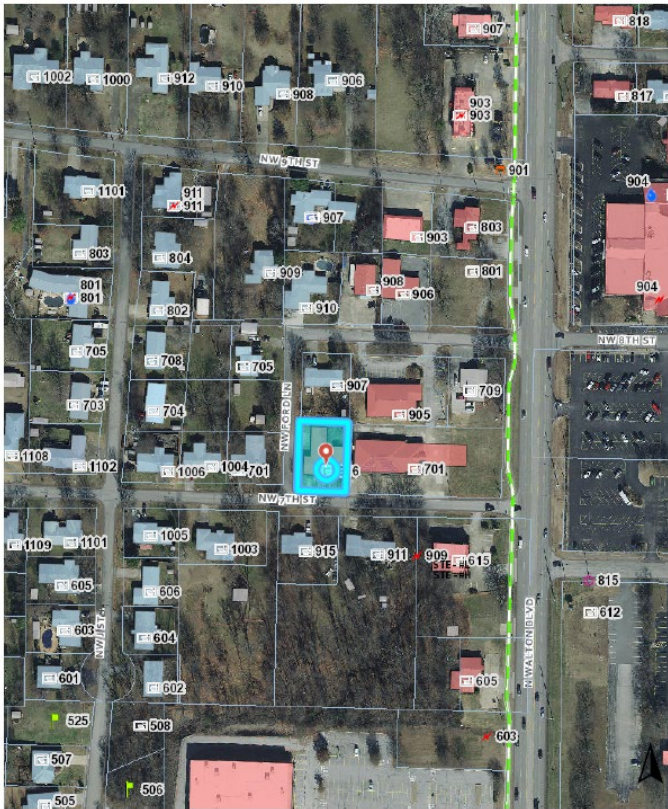
Staff has **NOT** received public comment regarding this request.

Conditions of Approval

If approved, the following conditions shall apply:

1. The applicant shall be required to obtain an approved property line adjustment through the Planning Department.

City of Bentonville Master Map VAR20-0016 Prater



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

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.



SAND CREEK
Engineering and Landscape Architecture, Inc.

June 1, 2020

Project # 19042

RE: Suite Spaces – Prater Building Setback

Attention: Board of Adjustments

On behalf of the owners of 916 NW 7th Street, Zoned RO-Residential Office, Sand Creek Engineering hereby request a variance of Section 401, Setback Requirements, specifically on the East property line being required to have a 10' side yard setback.

There has been a concrete drive encroachment by the neighbor to the East for several years. During the design stage of the improvements to the neighbor's property the Praters' agreed to provide an easement to cover the encroachment as well as provide approval to improve the encroaching drive. The Praters' have decided they would rather sell a strip of land and clear up the encroachment area rather than do the easement. Both parties have agreed to do that, but the land transfer would leave the east side yard setback on the Praters' property with 9' of clearance from their building.

With a 1' variance on that setback, the land transfer can go through and no easement will be necessary.

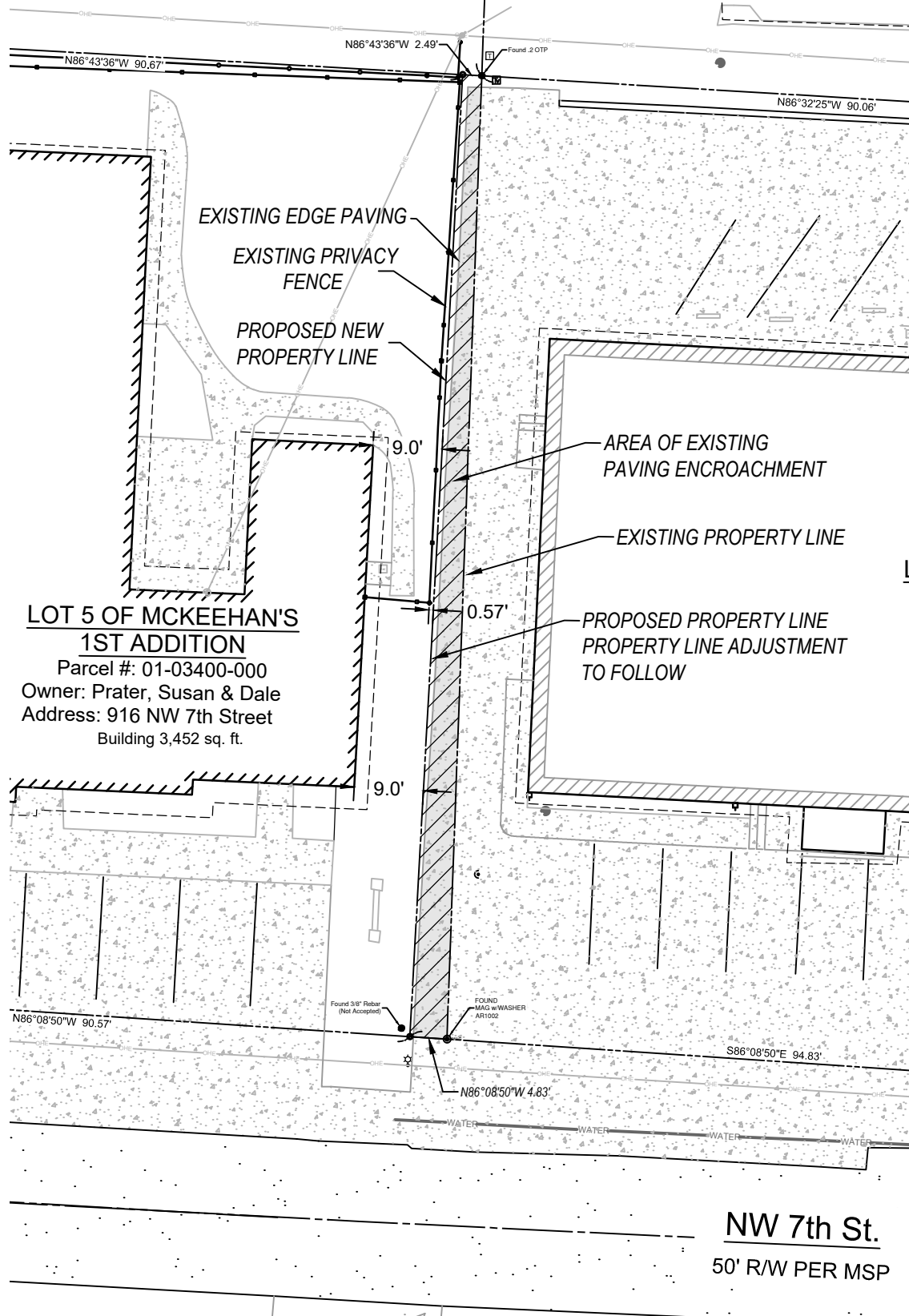
Sincerely,

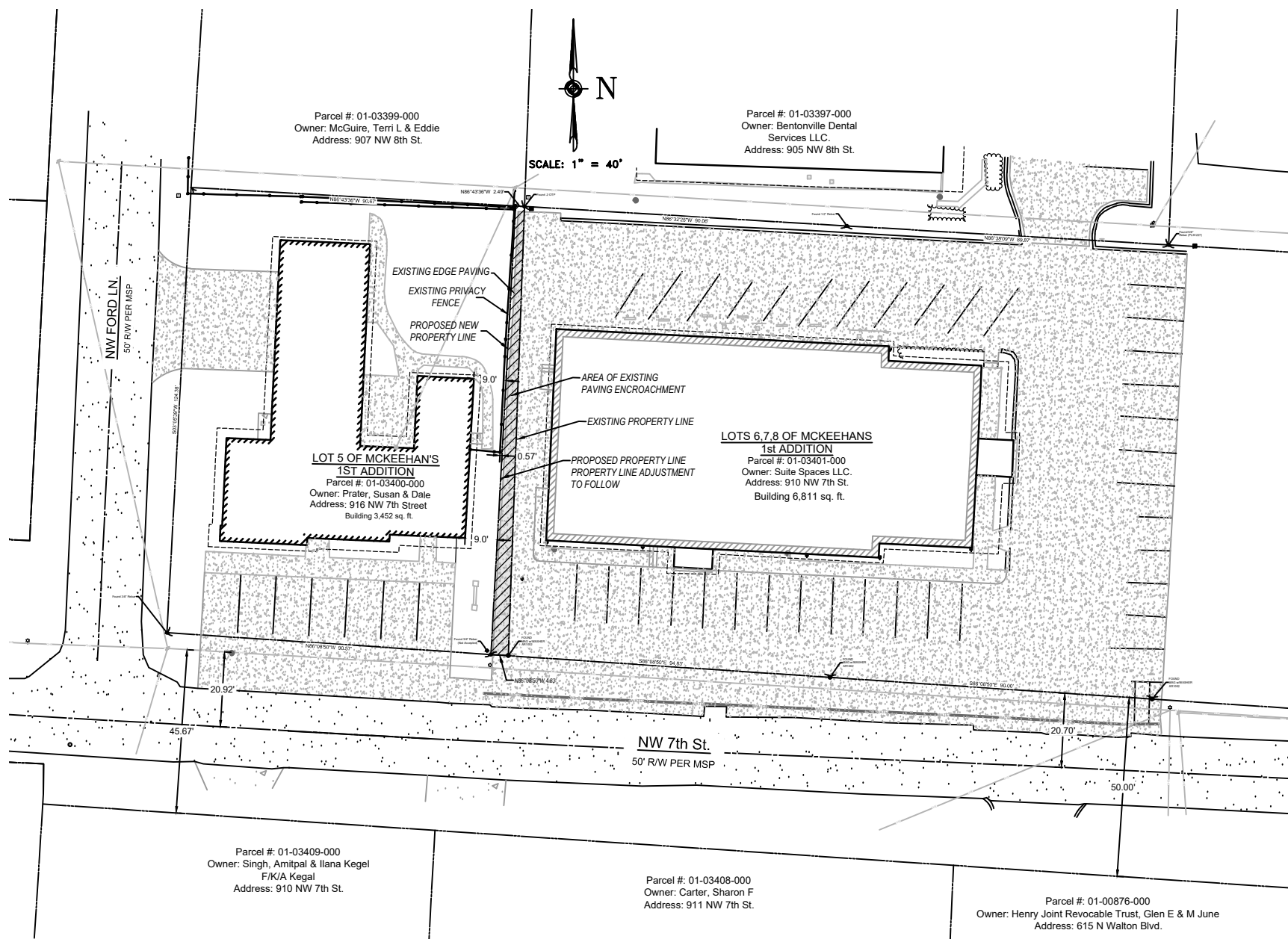
Ken Booth

Project Manager

tkbooth@sandcreek.us

Parcel #: 01-03399-000
Owner: McGuire, Terri L & Eddie
Address: 907 NW 8th St.





BOARD OF ADJUSTMENT STAFF REPORT



Fitzgerald

2503 SW 8th Street

BOA Date: 6/10/2020

Reviewer: Ali Worley, Planning Technician

Project Number	VAR20-0012
Applicant / Current Owner	Michael & Sandra Fitzgerald PO Box 36 Bentonville, Arkansas 72712
Site Area	+/- 0.46 acres
Current Zoning	R-1, Single Family Residential
Variance Request	Article 601.01.b.1, Accessory Buildings, Size, Standards, of the Zoning Code

Property Description

This property is located south of SW 8th Street and east of Tunbridge Drive. The site is currently zoned R-1, Single Family Residential. Adjacent zonings are R-1, Single Family Residential, on all sides.

Regulation

Regulation: The maximum footprint of a detached accessory dwelling unit (ADU) shall be 720 square feet or 50% of the floor area of the primary structure.

Variance Request

Request: The applicant is requesting the footprint of their accessory dwelling unit be 640 square feet, which is approximately 89% of the floor area of the primary residence. The primary residence is 835 square feet.

Background

There is a drainage easement, drainage ditch, and utility easements that impact the buildable area of this property. However, the property owners have devised a way to still be able to utilize the property by building an 835-square-foot tree house to be used as the primary residence. According to the applicant's narrative, the intent of building the ADU is to compliment the tree house and make it more livable.

It is important to note that the total combined area of both structures are approximately 1,475 square feet. The lot coverage is significantly lower than most in the vicinity. In addition, while the ADU may be over the maximum percentage, it is still less than the maximum footprint of 720 square feet and still smaller than the primary residence. Chapter 5 of the 2018 Bentonville Community Plan encourages developers and property owners to consider allowing alternative forms of density, such as accessory dwelling units, that would support housing affordability.

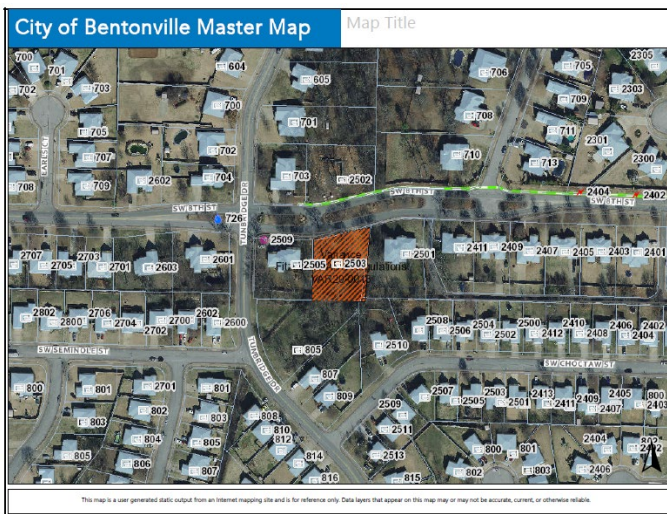
Public Comment

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 approved building permits prior to construction.
3. The proposed accessory building shall meet all setbacks as set forth in Article 601.01.c, Accessory Buildings, Setbacks, of the Zoning Code.



BOARD OF ADJUSTMENT STAFF REPORT

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

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(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.

WATKINS, BOYER, GRAY & CURRY, PLLC

ATTORNEYS AT LAW

WILLIAM P. WATKINS, III, P.A.
RONALD L. BOYER, P.A.
JENNIFER E. GRAY, P.A.*
ANDREW T. CURRY, P.A.
WILLIAM A. KELLSTROM
JOHN E. JENNINGS (OF COUNSEL)
* ALSO LICENSED IN MISSOURI

WRITER'S DIRECT E-MAIL
wkellstrom@watkinslawoffice.com

DELYNN HALE, SECRETARY
AMY BENSON, PARALEGAL
WHITNEY DUCKER, OFFICE MANAGER

June 1, 2020

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

RE: Project #VAR20-0013, Fitzgerald Pool House

Dear Commissioners:

Our law firm represents Michael Fitzgerald in connection to his home under construction at 2503 SW 8th St. This letter is being sent as part of the abovementioned variance request. My client is requesting a variance from the size limitations imposed on Accessory buildings under Section 601.01 of the Bentonville Zoning Code for the purpose of building an accessory dwelling on his property. Section 601.01 provides that the maximum floor area of any Detached Accessory Dwelling shall be fifty percent (50%) of the floor area of the primary structure, and that the maximum footprint shall be less than 720 square feet. My client is requesting a variance from the fifty percent requirement.

The home under construction on Mr. Fitzgerald's property is one of a kind project for a one of a kind piece of land. The land in question is subject to a drainage easement that runs across nearly the middle of the property. What this amounts to is a steep drainage ditch that effectively consumes about a third of the lot. In addition, the lot is also subject to the sewer and drainage easements and setbacks of the Tunbridge subdivision—all told, only around a third of the lot can actually be built upon. To counter this, my client is currently building a 835 square foot tree home which will be suspended above a portion of the drainage ditch, which otherwise would be unbuildable land

In an attempt to make that home more livable, my client wishes to build an accessory dwelling to compliment the tree home. As planned, the accessory dwelling will be 640 square feet. While this is under the maximum footprint limitation of 720 square feet, it does not satisfy the fifty percent limitation, as the primary residence is only 835 square feet.

Due to the abovementioned special conditions and circumstances that exist on this property, my client was forced to build a smaller, specialized home. To enforce the limitation strictly here would deprive him of the right to enjoy the same sort of square footage which would be allowed on all other lots in the neighborhood. Moreover, granting this variance would not confer any special privilege upon my client, as the proposed accessory dwelling complies with the 720 square feet footprint limitation and is well under fifty percent of the square footage of most homes in the area.

Finally, granting this variance would be in harmony with the general intent of the accessory

Fitzgerald Variance

Page 2

dwelling statute. The purpose of the two limitations on the size of accessory dwellings, presumably, are: (1) to prevent homeowners with larger homes from being allowed to build substantially larger accessory dwellings than those with smaller homes, and (2) to prevent homeowners from essentially building a second full sized home on the same lot. Here, my client is doing neither—he is simply trying to achieve the square footage of normal sized home while working around the dimensional limitations of his lot.

In short, Mr. Fitzgerald is proposing a creative solution for utilizing a lot that would otherwise be unusable, but is doing so in a manner which is not addressed by the code—namely, achieving the square footage of an average home with two structures. If you have any questions, please contact me at 479-636-2168.

Sincerely,

WATKINS, BOYER,
GRAY & CURRY, PLLC

W. 

Will A. Kellstrom

WK:

pc:

2503 SW 8TH ST
BENTONVILLE, AR



1 SITE PLAN
3/32" = 1'-0"



2 CONCEPT

1. TAKE TEMPORARY MEASURES TO PREVENT EROSION
STAKE DOWN USE STRAIN OR CHAINS, BUILT FENCING OR
VEGETATIVE FENCES AS NECESSARY TO MINIMIZE EIL MOVEMENT OF
PROPOSED SITES
2. CONTRACTOR SHALL FILL GRADE SITE SO AS TO DIVERF THEIR WAY
FROM BUILDING STRUCTURE.
3. ALL TILL SHALL BE CONTRACTED TO BE STANDARDED OVER PROCTOR
DENSITY (ASTM D 155) AND IN 3000 P.S.F. BEARING
CAPACITY
4. MEET DISTING GRADE AT ALL CONTRACT LOTS AND PROPERTY LINES
5. GENERAL CONTRACTOR TO PROVIDE ROADS OR GRADING TO BE
DESIGN FILL GRADE IF TOP SOIL TO BE USED OR PROVIDED FOR
FINAL GRADING
6. PROVIDE CORRECT JOINTS AND EXPANSION JOINTS IN
CONCRETE DRIVEWAY (SEE PLAN) AND DRIVEWAY
PARKING NOT SHOWN PROVIDED AT FOLLOWING:
CONCRETE JOINTS AT 20' ON CENTER
CONCRETE JOINTS AT 6' O.C. HALL ARE REQUIRED
7. ALL UTILITY LOCATIONS ARE APPROXIMATE, FIELD VERIFY
EXACT LOCATIONS
8. ALL DISTANCE AREAS TO BE SEENED
9. CONTRACTOR TO VERIFY ALL SITE CONDITIONS PRIOR TO
WORK. VERIFY ALL DISTANCE FROM PROPERTY
BOWNS
10. SITE PLAN IS DRAINAGE/MAINT. IN NATURE. BOUNDARIES,
UTILITIES AND OTHER SITE FEATURES SHOULD BE
IDENTIFIED BY A SURVEYOR. ALL SHALL COMPLY ALL
DISTANCES AND CLEARLY MARK ON SITE PRIOR TO BEGINNING
CONSTRUCTION
11. AS TO COORDINATE ALL UTILITY CONNECTIONS WITH
APPROPRIATE GOVERNMENT BODY
12. SITE PLAN MUST BE APPROVED BY THE BUILDING OFFICE
AND THE PLANNING DEPARTMENT PRIOR TO BEGINNING
CONSTRUCTION
13. GENERAL CONTRACTOR TO SUBMIT DRAWINGS TO THE BUILDING
OFFICE AND OBTAIN A BUILDING PERMIT PRIOR TO
BEGINNING WORK
14. GENERAL CONTRACTOR SHALL LOCATE ALL PROPERTY LINE
AND CLEARLY MARK BOUNDARIES FROM PROXIMITY
15. ALL DIMENSIONS ARE SHOWN FOR BODING PURPOSES ONLY.
ALL SHALL COMPLY WITH VARY WITH DISTANCE

SHEET INDEX		
#	SHEET NAME	ISSUE DATE REVISION
A0.0	COVER SHEET	1-7-14 1-22-20
A1.0	TREE HOUSE PLAN	3-7-14
A1.1	LOFT PLAN	3-7-14
A1.2	REFLECTED CEILING PLANS	3-7-14
A2.0	EXTERIOR ELEVATIONS	3-7-14
A2.1	BUILDING SECTIONS	3-7-14

[illegible]

APPLICABLE CODES:
INCLUDED BUT NOT LIMITED TO, THE LATEST ADOPTED ADDITIONS OF THOSE CODES
AS ADOPTED BY THE CITY OF BOSTON AND THE STATE OF MASSACHUSETTS.

2012 International Residential Code (IRC)
(W/ 2 JOIST ANCHORAGE STUDS REVISIONS)

THE PROJECT IS A NEW BUILDING ON AN EXISTING DEVELOPMENTS SITE. SITE
PREP WAS DEVELOPED AND SUBMITTED BY A CIVIL ENGINEER UNDER A
SEPARATE COVER.

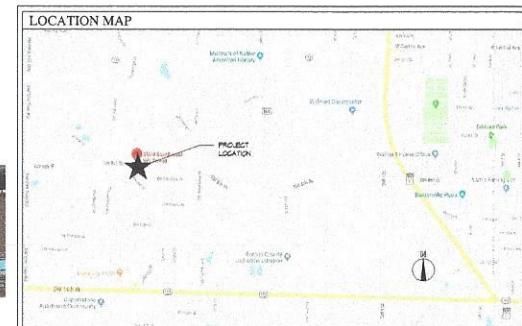
THE BUILDING AREAS NOT SPANNERED.

BUILDING DATA:
PROPOSED USE: SINGLE FAMILY DWELLING UNIT
R-2

CONSTRUCTION TYPE: SB

ACTUAL AREA:
MAIN FLOOR: 164 SF
LOFT: 220 SF

1. THESE DRAWINGS OUTLINE A GENERAL FLOOR PLAN AND ELEVATIONS FOR A DWELING UNIT LOCATED ON AN ELEVATED PLATFORM. ALL STRUCTURAL INFORMATION AS IT PERTAINS TO THE EXISTING TREES, CONNECTIONS, AND PLATFORM FRAMING AND BRACING, IS DESIGNED BY OTHERS.

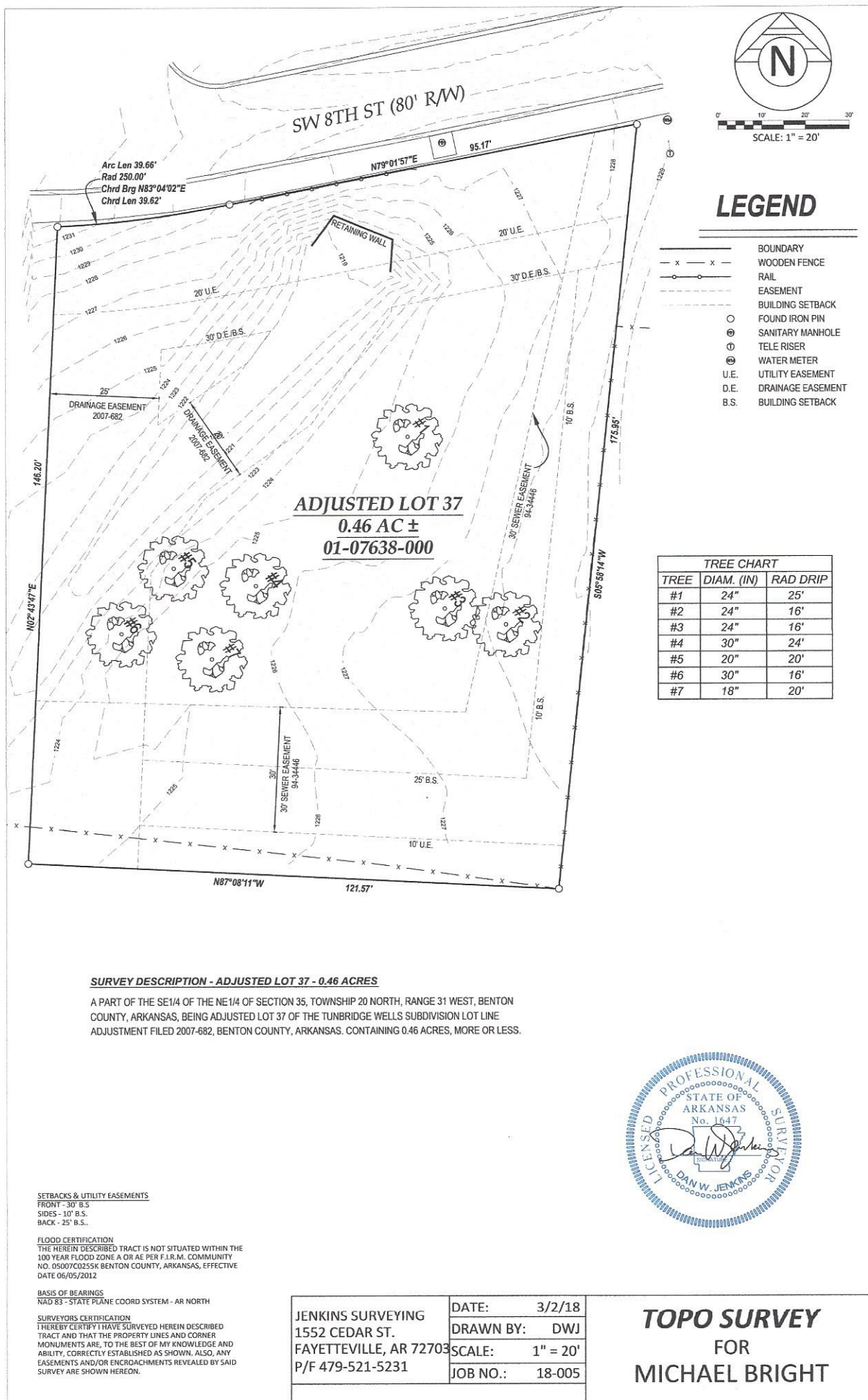


TREEHOUSE
2503 SW 8TH ST
BENTONVILLE, AR

**Burris
Architecture**
820 Tiger Blvd, Suite 4, Bentonville, AR 72712
479-319-6045

DATE 3-7-19
JOB NO. 18020
REVISIONS 1-22-20

A0.0
COVER SHEET



BOARD OF ADJUSTMENT STAFF REPORT



Blue Crane

301 NE Blake Avenue

BOA Date: 6/10/2020

Reviewer: Ali Worley, Planning Technician

Project Number	VAR20-0014
Applicant / Current Owner	Blue Crane 702 SE 5 th Street, Suite 34 Bentonville, Arkansas 72712
Site Area	+/- 0.99 acres
Current Zoning	DE, Downtown Edge
Variance Request	Section 801.15.a, Signs Allowed with a Sign Permit & Section 801.15.c, Freestanding Signs, Monument Style

City of Bentonville Master Map VAR20-0014 Blue Crane



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

Property Description

This property is located at the northeast corner of NE B Street and NE Blake Avenue, home of the Blake Street House. The site is currently zoned DE, Downtown Edge. Adjacent zonings are R-1, Single Family Residential, to the east, DE, Downtown Edge, to the south, DC, Downtown Core, to the west, and DN-3, Downtown High-Density Residential, to the north.

Regulation

Regulation 1: Freestanding signs are not allowed within the DE, Downtown Edge, zoning district.

Regulation 2: Freestanding signs shall be designed to meet the definition of a monument sign. Per Article 801.18, Definitions, of the Zoning Code, a monument sign is defined as “a low-profile, permanent, freestanding sign supported by a solid structural base, or other solid structural feature other than support poles.”

Variance Request

Request 1: The applicant is requesting that a freestanding sign be allowed at this location, which is zoned DE, Downtown Edge.

Request 2: The applicant is requesting that the sign type allowed be a pole sign.

Background

According to the applicant’s narrative, the Blake Street House sign was made by artist Todd Sanders as part of a larger master plan intended for downtown Bentonville. The sign is to be placed on a 30-inch tall steel post and be low in the landscape. It is meant to sit at the sculpture garden alongside other art pieces.

It is important to note that per Article 801.16, Prohibited Signs, of the Zoning Code, pole signs are prohibited in all zoning districts. The Zoning Code defines pole signs as “a permanently mounted, freestanding sign which is supported above the ground by one or more uprights, braces, poles, or other similar structural components.”

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

BOARD OF ADJUSTMENT STAFF REPORT

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

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- 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.

Variance Narrative:

The Blake Street House sign was made by artist Todd Sanders as part of a larger art master plan intended for downtown Bentonville. Todd Sanders neon art has increasingly become a iconic landmarks at many locations around downtown, and this sign follows that same intent. The BSH sign is a two-sided piece that is meant to sit at the sculpture garden alongside other art pieces. We respectfully ask that this sign be considered as more than just business wayfinding, but as a recognizable art piece that will benefit the downtown experience, and therefore should be allowed to be installed as originally intended.



street view rendering



porch view rendering



Typical post install detail.

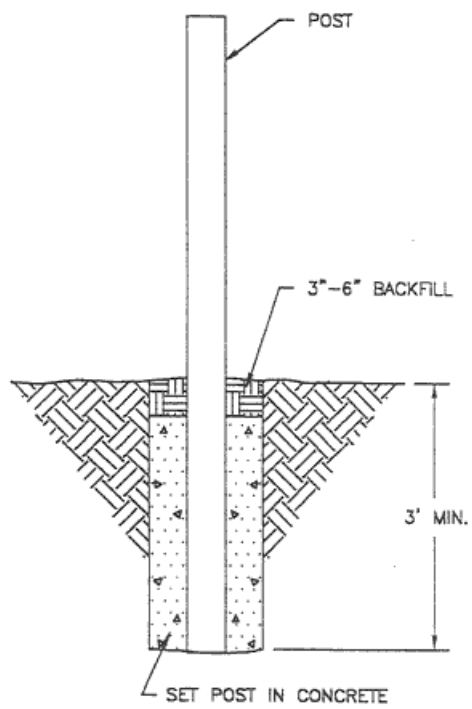


DIAGRAM 2

BOARD OF ADJUSTMENT STAFF REPORT



Martin

703 NW D Street

BOA Date: 6/10/2020

Reviewer: Ali Worley, Planning Technician

Project Number	VAR20-0017
Applicant / Current Owner	Nancy Martin 35 Stonehenge Drive Bentonville, Arkansas 72712
Site Area	+/- 0.17 acres
Current Zoning	R-1, Single Family Residential
Variance Request	Article 1100.06.h.1, Fence Height, of the Land Development Code

Property Description

This property is located west of NW D Street and northwest of NW 7th Street. The site is currently zoned R-1, Single Family Residential. Adjacent zonings are R-1, Single Family Residential, to the north, south, and east, and A-1, Agricultural, to the west.

Regulation

The maximum fence height shall be six feet above grade.

Variance Request

The applicant is requesting a maximum height of eight feet, which is a variance of two feet.

Background

According to the applicant's site plan, they are requesting to build an eight-foot fence along the northern property line to tie in to an existing eight-foot fence. The existing eight-foot fence was approved by Board of Adjustments on October 11, 2017. The site plan shows the fence to be located 18-feet from NW D Street to hide the neighbor's storage container. However, it is important to note that the maximum height for a fence located in the front yard or positioned any closer to the front property line that the front surface of the building shall not exceed four feet, per Section 1100.06.h.1.b, of the Land Development Code.

Public Comment

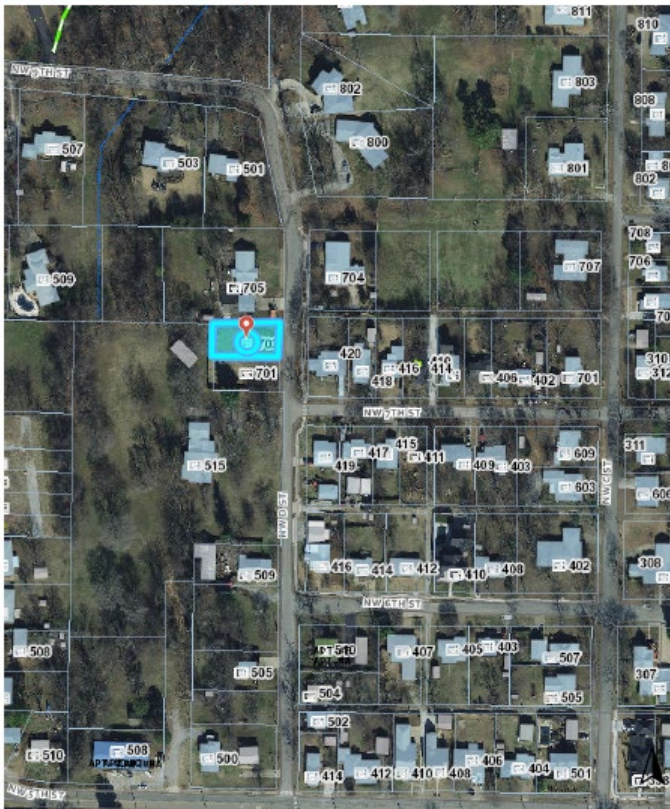
Staff has **NOT** received public comment regarding this request.

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.

City of Bentonville Master Map VAR20-0017 Martin



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BOARD OF ADJUSTMENT STAFF REPORT

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

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- 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.

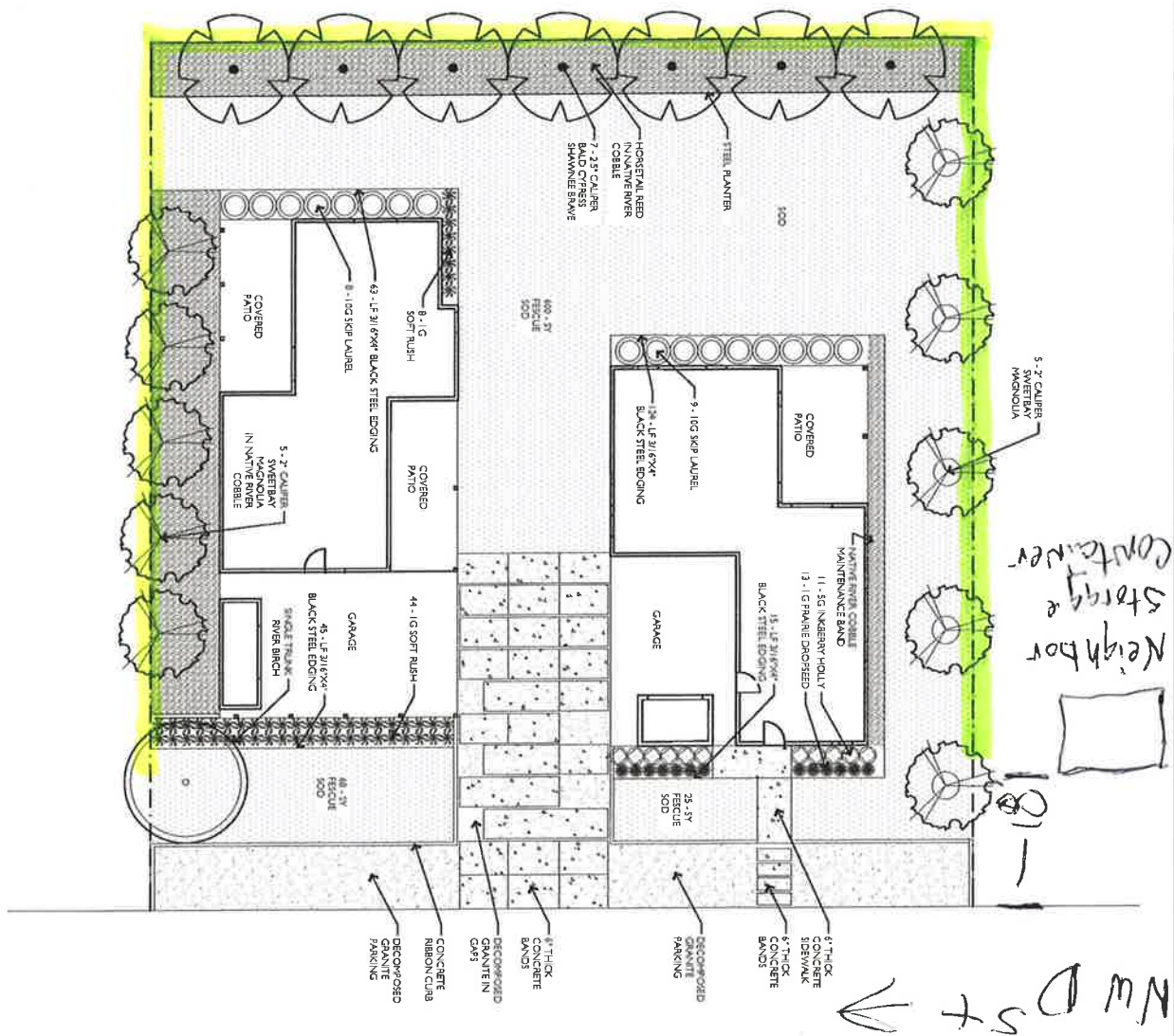
(4) The board of adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(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.

CONCEPTUAL PLAN

10'-0" x 12'-0" = 1" = 1'-0"



Existing 8' Fence
Proposed 8' Fence (18' off the road)
To cover a storage container

Know what you dig.
Call before you dig.



SHEET NO.
L1.00

SHEET TITLE
MAINTENANCE PLAN
ISSUE DATE
03.03.20

100% SCHEMATIC DESIGN
REVISIONS

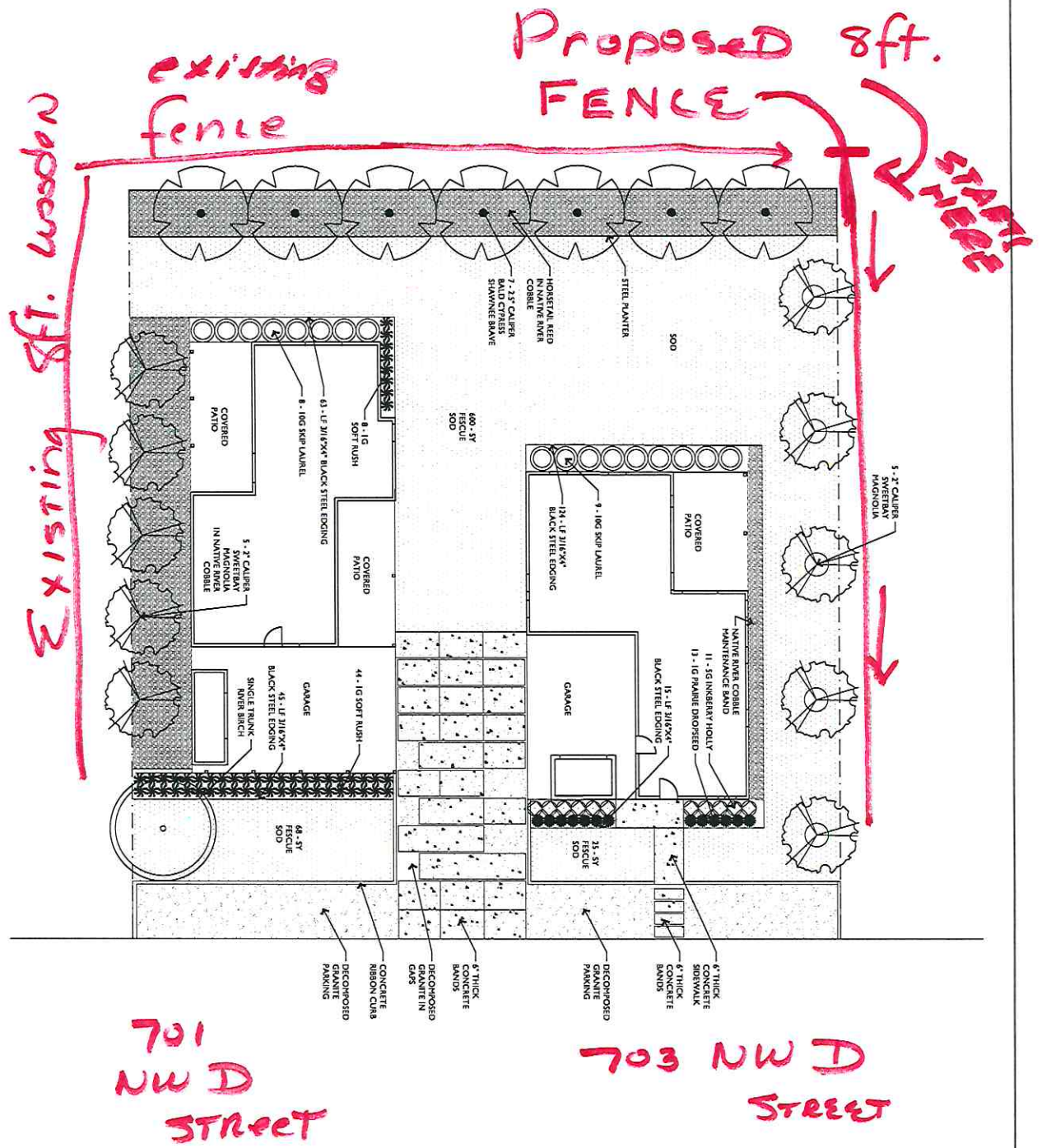
STAMP/REVIEW

NOT FOR CONSTRUCTION

603 NW D Street
Bentonville, Arkansas

1 CONCEPTUAL PLAN

SCALE 1/8" = 1'-0"



Know what's below.
Call before you dig.

L1.00

SHEET TITLE
PLANNING PLAN
ISSUE DATE
01/12/20

100% SCHEMATIC DESIGN RESPONSES

NOT FOR CONSTRUCTION
STAMPED

603 NW D Street
Bentonville, Arkansas