

Note –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 by 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 planning@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
September 9, 2020**

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

- 1. Hill** **Variance***
1398 Quail Run Circle (VAR20-0023)
 - ADU Regulations
- 2. ELB Land Holdings, LLC** **Variance***
Lots 182, 183, 228, & 229 of Stone Meadow Addition (VAR20-0024)
 - Setbacks
 - Lot Width
- 3. Schmidt** **Variance***
301 SW C Street (VAR20-0024)
 - Fence Regulations

- IV. Other Business**

- V. Adjournment**

**Denotes public hearing*

Board of Adjustment
Minutes
September 9, 2020

Meeting called to order by Rick Rogers, Chairman.

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

Motion by Mr. Pearson, seconded by Mr. Haynie to approve the minutes of August 26, 2020 as approved
Approved 4-0

New Business

Item #1

Lone Projects, LLC: Variance request for 101 NE 5th Street, Fence Regulations and Setbacks, VAR20-0022

Ali Worley reads the staff report.

Opened public hearing

No public comments

Closed public hearing

Troy Davis, Code Enforcement Officer, states he is available for questions.

Matt O'Reilly, owner, gives his reason for the variance request.

There is extensive discussion amongst the Board, staff, and Mr. O'Reilly.

Fence Regulations-Appeal of Staff Interpretation

Denied 4-0

Setbacks

Approved 4-0

Other Business

Motion by Mr. Rogers, seconded by Mr. Chrisco to amend the Board of Adjustment by-laws to a new meeting start time of 4pm beginning on the October 14, 2020 meeting.

Meeting adjourned

Ali Worley

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

BOARD OF ADJUSTMENT STAFF REPORT



Hill

1398 Quail Run Circle

BOA Date: 9/23/2020

Reviewer: Ali Worley, Planning Technician

Project Number	VAR20-0023
Applicant / Current Owner	Hill Family Trust 1398 Quail Run Circle Bentonville, Arkansas
Site Area	+/- 4.71 acres
Current Zoning	R-1, Single Family Residential
Variance Request	Zoning Code Article 601.01.b, Accessory buildings, Size.

Property Description

This property is located at 1398 Quail Run Circle. The site is currently zoned R-1, Single Family Residential and is completely surrounded by R-1.

Regulation

According to the Zoning Code Article 601.01, Accessory buildings, subsection b, Size, the maximum footprint of a detached nonresidential building shall be 720 square feet.

Variance Request

The applicant is requesting a variance to build a 1200 square-foot detached garage, which is a variance of 480 square feet.

Background

According to the applicant's narrative, they are requesting to build a 1200 square foot, two-door, detached garage to house mowers, a trailer, and extra vehicles. The applicant states that the neighborhood consists of other lots with similar acreage that also have detached buildings. According to the applicant, the back of the property cannot be seen from the public street, and is surrounded by fences of other properties.

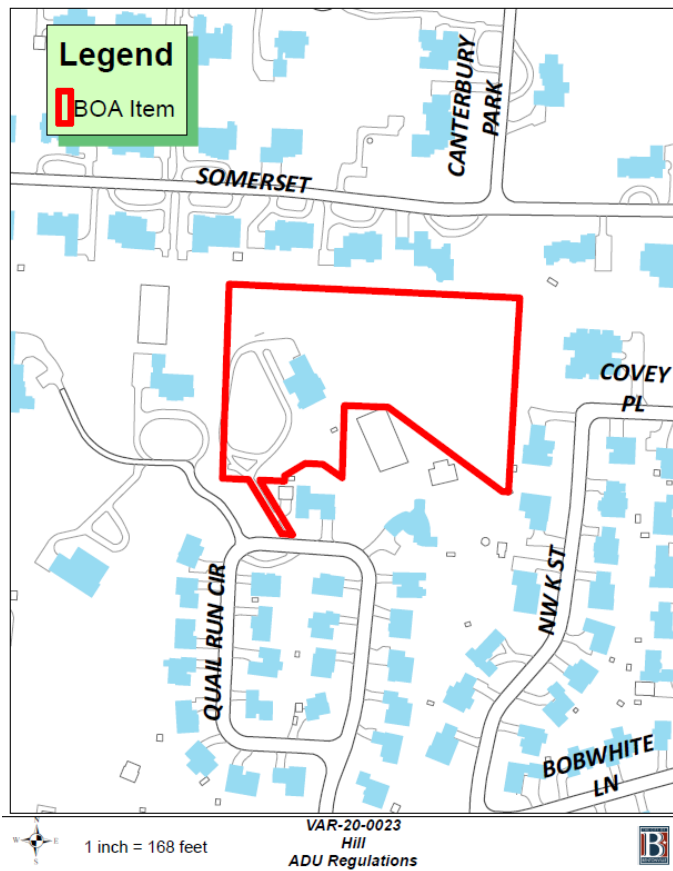
Public Comment

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

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.

September 10, 2020

We, Phillip and Lisa Hill, purchased 1398 Quail Run Circle, Bentonville AR 72712. The lot is 204,341 square feet or about 4.7 acres. We would like to build a 1200 square (30' by 40' foot) detached garage to hold mowers, a trailer and extra vehicles. The oversize detached garage will have 2 garage doors. We are at the back of the neighborhood with similar homes that have similar acreage with detached buildings so it would not look out of place.

1312 Quail Run Circle-1.8 acres

1314 Quail Run Circle-4.7 acres

1318 Quail Run Circle-3 acres

1320 Quail Run Circle-2.3 acres

1398 Quail Run Circle-4.7 acres

Our back property cannot be seen from any street and is surrounded by fences of other properties. Increasing the allowed size from 450 square feet will not affect anyone or be able to be seen by anyone's front yard.

BOARD OF ADJUSTMENT STAFF REPORT



ELB Land Holdings, LLC

SW Stonepoint Avenue & SW Hillstone Avenue

BOA Date: 9/23/2020

Reviewer: Ali Worley, Planning Technician

Project Number	VAR20-0024
Applicant / Current Owner	ELB Land Holdings, LLC 354 Angel Falls Lane Springdale, Arkansas
Site Area	+/- 0.44acres
Current Zoning	R-1, Single Family Residential
Variance Request	Zoning Code Article 401.07.b.1, Residential districts lot and area standards Zoning Code Article 401.01.c.1, Residential districts setback standards

Property Description

This property is located east of SW Riverstone Road, north of SW Hillstone Avenue, and south of SW Stonepoint Avenue. It is currently zoned R-ZL, Residential Zero-Lot Line. It is surrounded by R-ZL to the east and west, and R-2, Duplex & Patio-Home Residential to the north and south.

Regulation

Regulation 1: According to the Zoning Code Article 401.07, Residential districts standards, section b, subsection 1, Residential districts lot and area standards, the minimum lot width for R-ZL zoned districts shall be 40 feet.

Regulation 2: According to the Zoning Code Article 401.07, Residential districts standards, section c, subsection 1, Residential districts setback standards, the minimum interior side yard setback shall be 12 feet.

Variance Request

Request 1: The applicant is requesting a variance on Lots 183 and 228 of Stone Meadow Addition to have a lot width of 35.95 feet, which is a variance of 4.05 feet.

Request 2: The applicant is requesting a variance on Lots 182, 183, 228, and 229 of Stone Meadow Addition to have an interior side yard setback of 10 feet, which is a variance of two feet.

Background

According to the applicant's narrative, they are requesting the variances so they may build houses similar to those within the neighborhood.

On April 12, 2017, the Board of Adjustment approved a variance for a 10-foot interior side yard setback from the required 12 feet, on Lot 171 of Stone Meadow Addition, located north of these lots.

In addition, on February 14, 2018, the Board of Adjustment approved a variance for a 33-foot wide lot from the required 40 feet, on Lot 171 of Stone Meadow Addition.

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.

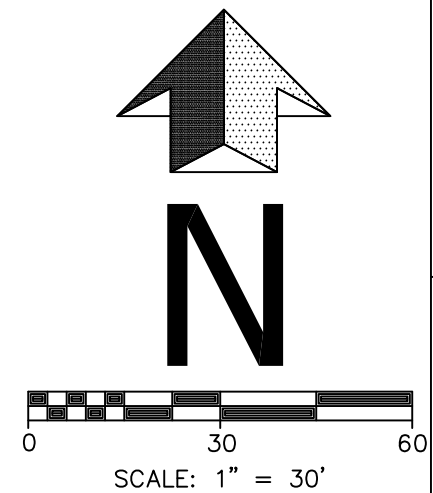
(6) *Uses.* Under no circumstances shall the board of adjustment grant a variance to allow a use not permissible under the terms of this chapter in the district involved, or any use expressly or by implication prohibited by the terms of this chapter in said district.

Lots 182,182,228 & 229 Stone Meadows

Narrative:

Owner is requesting a variance of lot width and set back, Lot 228 & 183 side setback from 20' to 10' and Lots 229 and 182 width as they are both corner lots and would like to build same type of house that is built in the subdivision.

PLOT PLAN & VARIANCE
EXHIBIT FOR
LOTS 182,183,228 & 229
STONE MEADOWS SUBDIVISION
BENTONVILLE, ARKANSAS



NOTES:

1. DIMENSIONS ARE PERPENDICULAR TO PROPERTY LINES.
2. THIS PLOT DEPICTS FUTURE CONSTRUCTION IMPROVEMENTS AS SHOWN.
3. THIS IS NOT A BOUNDARY SURVEY, IT IS NOT INTENDED FOR TRANSFER OF TITLE.
4. ALL DIMENSIONS MEASURED TO BLOCK LINE.
5. OVERHANG BUILT BEYOND BUILDING SETBACKS MAY NOT MEET NATIONAL FIRE OR BUILDING CODE.
6. ALL INFORMATION AS SHOWN HEREON IS RECORD INFORMATION OR INFORMATION PROVIDED BY THE CLIENT TO CHUCK BELL.

LEGEND:

	BOUNDARY LINE
	BUILDING SETBACK LINE
	EASEMENT LINE
	WIRE FENCE
	IRON PIN FOUND
	ELECTRIC RISER
	GAS METER
	GAS RISER
	SANITARY SEWER MANHOLE
	WATER METER
	FIRE HYDRANT
	WATER VALVE

EXHIBIT
LOTS 182, 183 &
LOTS 228, 229
STONE MEADOWS
ADD
BENTONVILLE, AR

BENTONVILLE
ARKANSAS

DATE OF LAST REVISION:



BELL CONSTRUCTION SOLUTIONS, LLC.

P.O. BOX 8
CAVE SPRINGS, AR.
PHONE: (479) 366-0640
chuck.bell@bellconsolutions.com

DRAWN BY: CEB

SCALE: 30

FIELD CREW: CEB

DATE: NOV 13, 2020

CHECKED BY: CEB

DWG: 1786.001

1 OF 1

11 X 17

BOARD OF ADJUSTMENT STAFF REPORT



Schmidt

301 SW C Street

BOA Date: 9/23/2020

Reviewer: Ali Worley, Planning Technician

Project Number	VAR20-0025
Applicant / Current Owner	Schmidt Living Trust 338 Onyx Cave Drive Eureka Springs, Arkansas
Site Area	+/- 0.27 acres
Current Zoning	R-1, Single Family Residential
Variance Request	Land Development Code Article 1100.06, Fence and wall requirements

Property Description

This property is located at the southeast corner of SW 3rd Street and SW C Street. The site is currently zoned R-1, Single Family Residential and is surrounded by R-1 to the north, south, east, and west, and RC-2, Central Residential-Moderate Density to the north.

Regulation

Regulation 1: According to the Land Development Code Article 1100.06, section g, subsection 2, a fence or wall shall be placed no closer than five feet to the current or proposed public right-of-way as prescribed within the Master Street Plan.

Regulation 1: According to the Land Development Code Article 1100.06, section h, subsection 1.c, the maximum fence height for a fence or wall located in the side exterior yard shall not exceed four feet in height.

Variance Request

Request 1: The applicant is proposing to construct the fence on the property line, which is a variance of five feet.

Request 2: The applicant is proposing to construct a six foot privacy fence, which is a variance of two feet.

Background

According to the applicant's narrative, they are seeking a variance to replace an existing chain link fence along SW 3rd Street. They state that if they were to place the fence five feet off the property line, it would be located within existing trees that the owner wishes to keep.

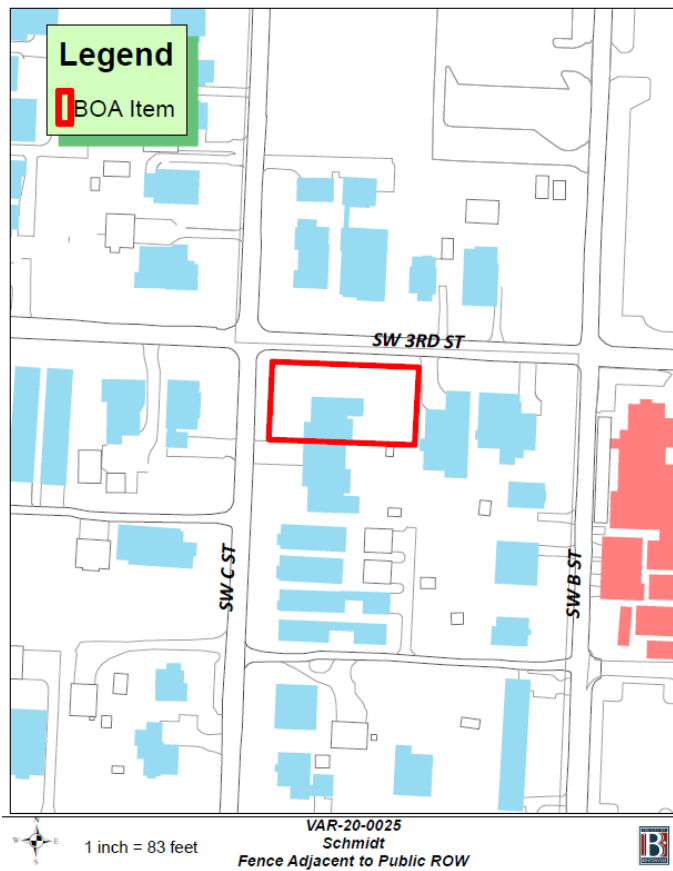
Public Comment

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.



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.

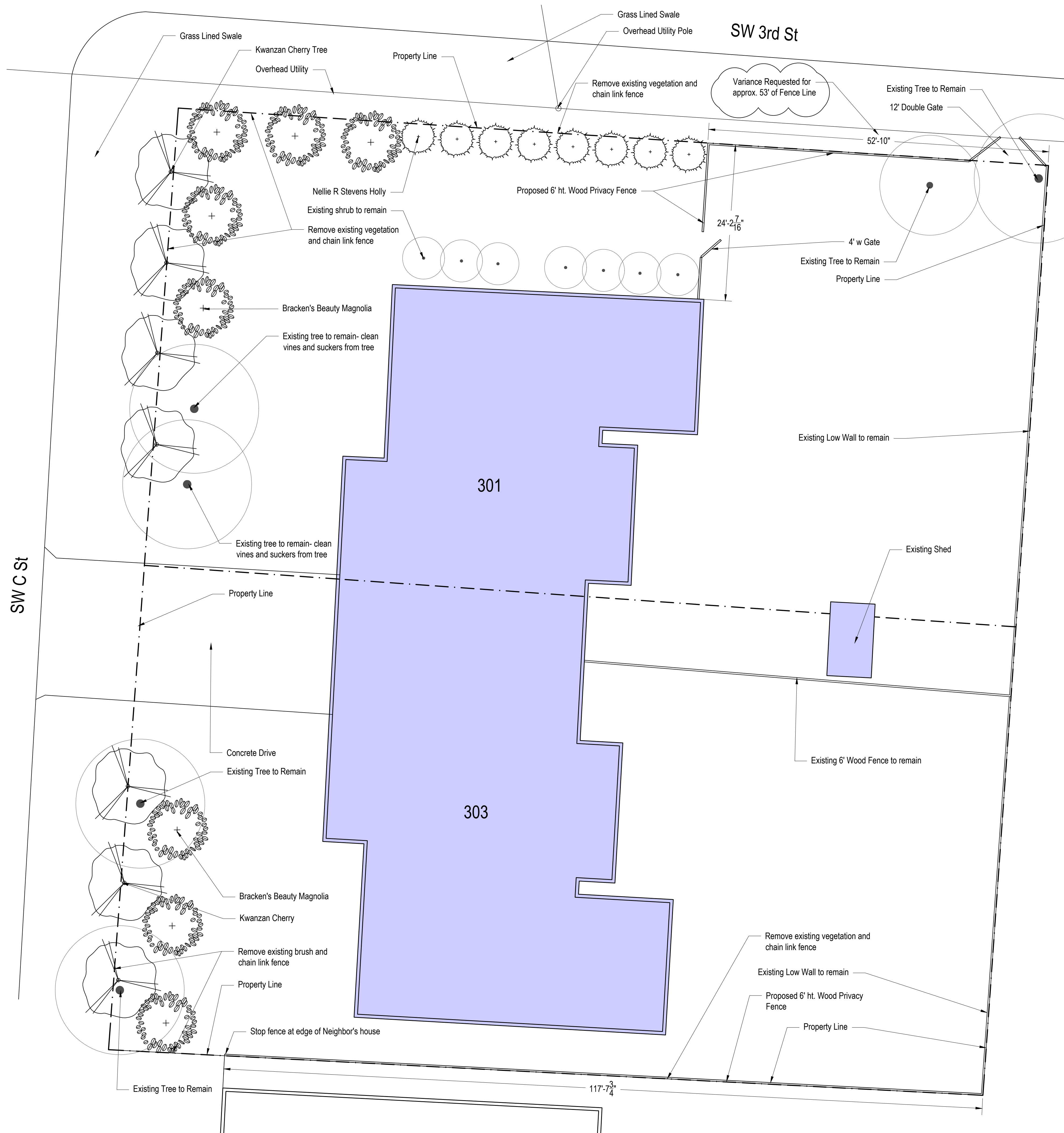
(4) The board of adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(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.

We are requesting a variance for the fence along SW 3rd St. The existing chain link fence and rock border are being removed and replaced with a 6' tall privacy fence. Code requires the fence to be placed 5' off the ROW but doing so will cause the fence to be in the middle of existing trees that the owner wishes to keep.

We are removing the existing chain link fence from the entire ROW all the way to SW C St and are only requesting a small portion to be replaced.



Planting and Fence Plan - 301 , 303 SW C St

Note:
Photos for reference only



Bracken's Brown Beauty Magnolia



Nellie R Stevens Holly



Kwanzan Cherry

Plant Legend

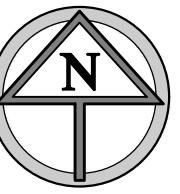
Graphic	Common Name	Botanical Name	Size	Count
	Bracken's Brown Magnolia	<i>Magnolia Grandiflora</i> 'Bracken's Brown Beauty'	10-12' ht.	8
	Pink Flowering Cherry	<i>Prunus Laurocerasis</i> 'Kwanzan'	4" cal.	7
	Nellie R Stevens Holly	<i>Ilex 'Nellie R Stevens'</i>	7' ht.	8

Fence Note:

1. Fence shall be 6' ht. wooden privacy fence.
2. Fence to be stained natural wood color.
3. Gates shall have black powder coated hardware.

Fence Variance Request: We are requesting a variance for the north section of fence along SW 3rd St to replace the existing fence and keep the new fence in the same location. Existing trees do not allow for moving the new fence 5' off ROW.

Scale:
1/8" = 1'-0"



September 14, 2020

Planting Plan

These drawings and the information contained herein are for general presentation purposes only. These drawings are intended as templates to assist the designer. They do not contain the full details required for construction and are not intended for use on engineering design plans. These are not construction documents.

301 SW C St. Bentonville, AR 72712

DK Design

Reder Residence

OUTDOOR LIVING

