



**Board of Adjustment
Agenda
February 10, 2021**

I. Call To Order

II. Approval Of Minutes

Documents:

[BOA MINUTES 1-27-21.PDF](#)

III. New Business

1. Sethurajan

3703 SW Town Vu Road

Variance*

Setbacks

Documents:

[STAFF REPORT_VAR21-0002.PDF](#)
[BOA PACKET.PDF](#)

2. Fourt

210 SW O Street

Variance*

Fence Regulations

Documents:

[STAFF REPORT_VAR21-0003.PDF](#)
[BOA PACKET.PDF](#)

IV. Other Business

V. Adjournment

*Denotes Public Hearing

Board of Adjustment
Minutes
January 27, 2021

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 13, 2021 as written
Approved 4-0

New Business

Item #1

Calcon, Inc.: Sign Regulations, SW Autumn Hills Road, VAR20-0034

Ali Worley reads the staff report.

Opened public hearing

No public comments

Closed public hearing

Drew Mayer, representative, speaks on the reason for the request.

There is discussion amongst Board members and staff.

Denied 3-1

Ms. Holland votes for the variance.

Item #2

Clapper: Setbacks, 412 NW 5th Street, VAR21-0001

Ali Worley reads the staff report.

Opened public hearing

No public comments

Closed public hearing

Dave Burris, representative, speaks on the reason for the request.

There is discussion amongst Board members and staff.

Motion by Mr. Rogers, seconded by Mr. Pearson to reduce the existing planter depth by 2 feet, 2 inches to accommodate a parking space.

Approved 4-0

Meeting adjourned

Ali Worley

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

BOARD OF ADJUSTMENT STAFF REPORT



Sethurajan

412 NW 5th Street

BOA Date: 1/27/2021

Reviewer: Ali Worley, Planning Technician

Project Number	VAR21-0002
Applicant / Current Owner	Saravanan Sethurajan
Site Area	+/- 0.36 acres
Current Zoning	R-1, Single Family Residential
Variance Request	Zoning Code Article 401.07

Property Description

This property is located at 3703 SW Town Vu Road. It is currently zoned R-1, Single Family Residential.

Regulation

According to Zoning Code Article 401.07, Residential districts regulations, section c, Residential setback standards, the rear setback for the R-1 zoning district is 25 feet.

Variance Request

The applicant is requesting a setback of 18 feet, which is a variance of seven feet.

Background

According to the applicant's narrative, they are wanting to put a 16x36-foot covered patio in their backyard. They also state there is an electric easement on the right side of the property. There are two utility easements on this property. There is a 20-foot utility easement that runs along both street frontages. The other is a 7.5-foot easement in the rear of the property.

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.



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.

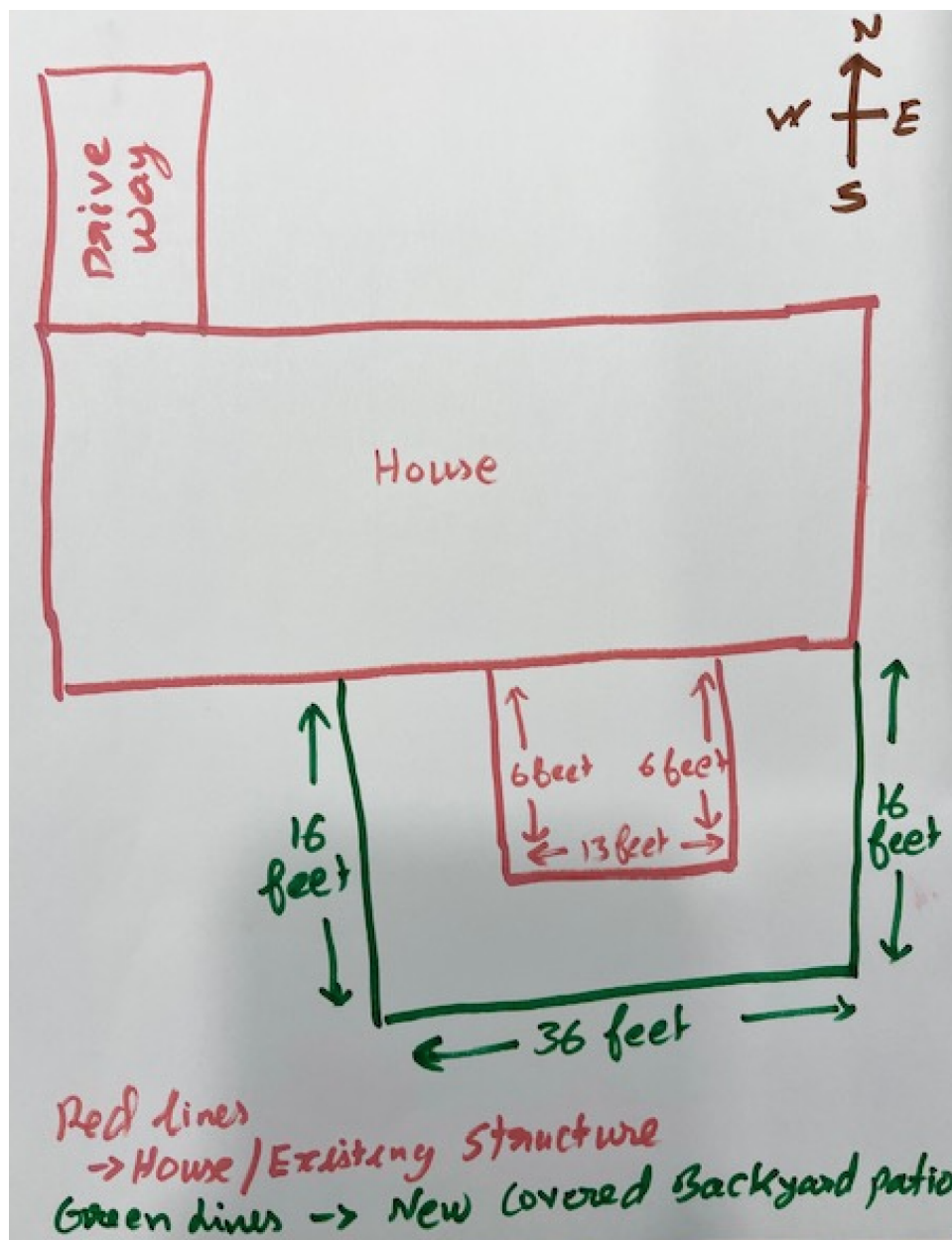
(5) *Conditions.* In granting any variance, the board of adjustment may prescribe appropriate conditions and safeguards that it deems necessary or desirable. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of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

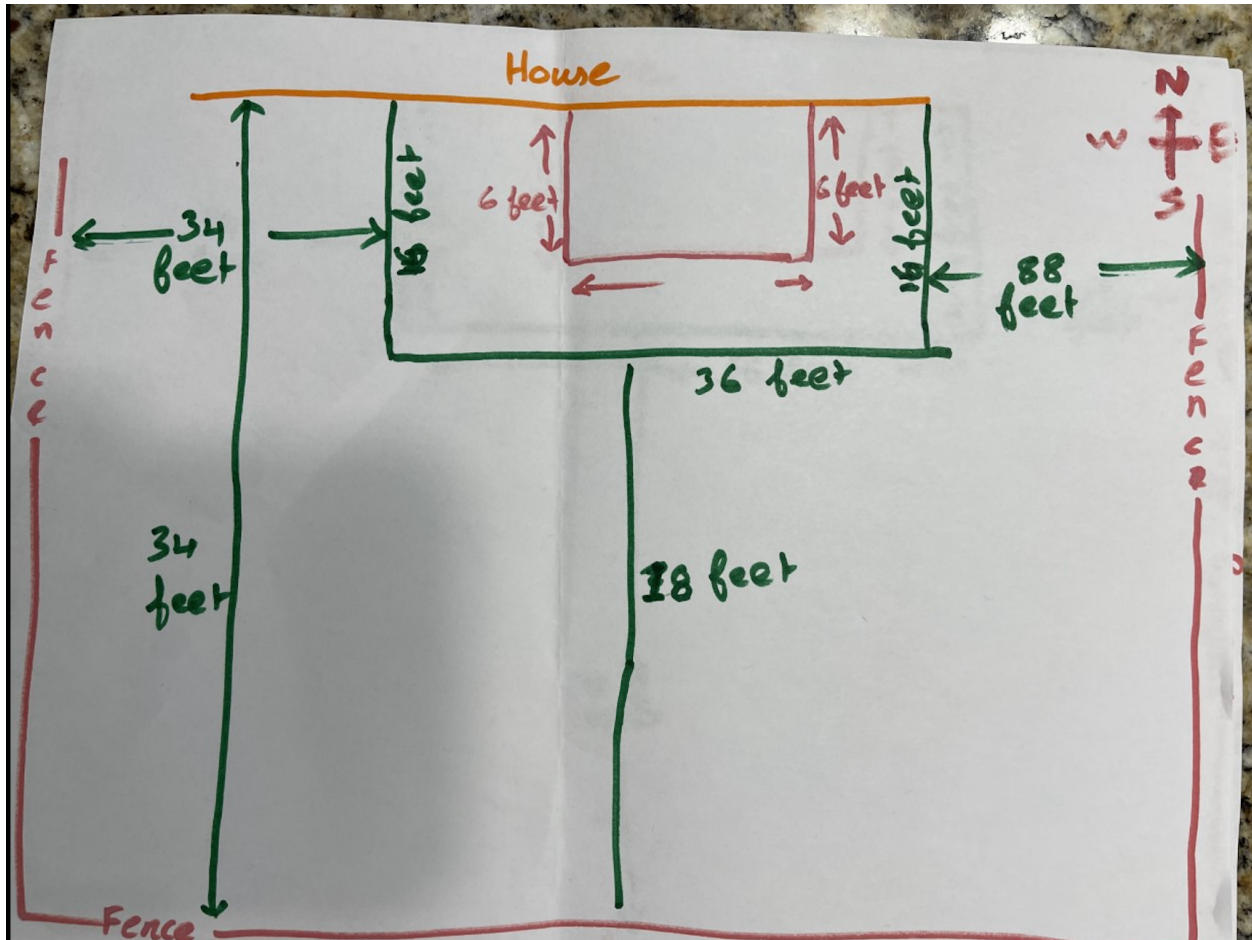
Respected Sir,

I am planning to put a covered back yard patio with the size specifications mentioned in my plan below (attached these in the permit and variance request also).

While trying to get a permit for this I came to know about the 25 minimum set back requirement from the city. There is **already electric easement** at right side of my property which does not give me option to extend patio towards it. So the only option I have is to extend it back side of my property. I have already purchase the materials for the patio work with out knowing about the requirements. So, I kindly request you to approve this variance with the plan I have put up.



Full setback length









BOARD OF ADJUSTMENT STAFF REPORT



Fourt

210 SW O Street

BOA Date: 2/10/2021

Reviewer: Ali Worley, Planning Technician

Project Number	VAR21-0003
Applicant / Current Owner	C Street Properties, LLC
Site Area	+/- 6.08 acres
Current Zoning	A-1, Agricultural
Variance Request	Land Development Code Article 1100.06

Property Description

This property is located at 210 SW O Street and is currently zoned A-1, Agricultural. Surrounding zonings include R-O, Residential Office to the north, A-1 to the west, and R-1, Single Family Residential to the south and east.

Regulation

According to Land Development Code Article 1100.06, Fence and Wall Requirements, section h, Fence design standards, subsection 1, Fence height, the maximum fence height shall be six feet.

Variance Request

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

Background

According to the applicant's narrative, they are requesting an 8-foot fence to provide privacy from the two-story apartments to the west and the Museum of Native American History to the north. The 8-foot portion will only be in the northwest corner.

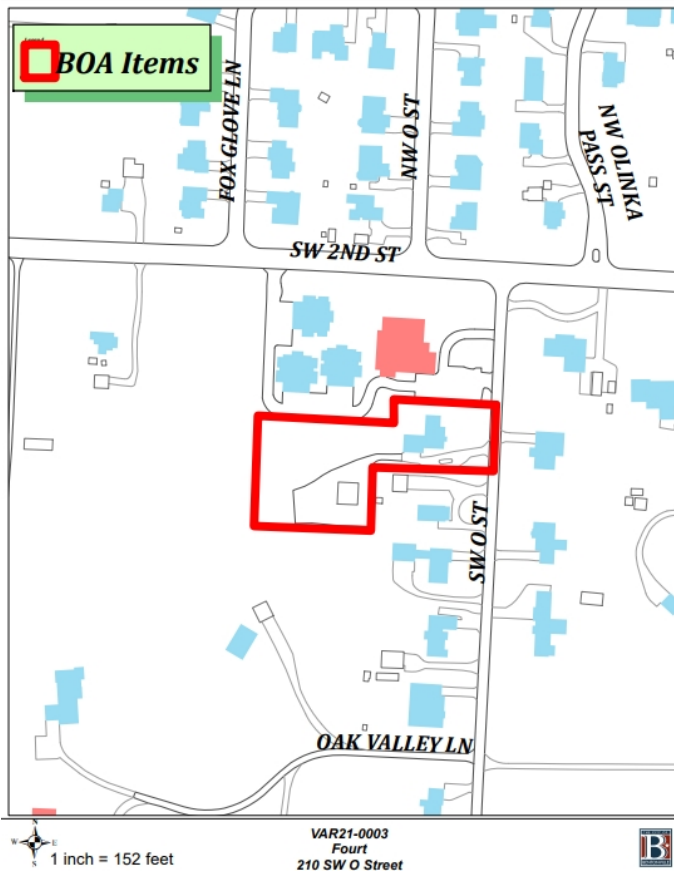
Public Comment

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

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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.

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(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.

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Alison Worley

From: Rob Fourt <rob.lawnworks@gmail.com>
Sent: Monday, January 25, 2021 10:42 AM
To: Alison Worley
Subject: 8' privacy narrative

Request 8 foot privacy fence for privacy from two story apartments to the west and from the museum and Connex metal storage container.

Thank you for your help today Ali,

--

Rob Fourt
President
Lawnworks of Northwest Arkansas
479-531-8591 cell
479-464-9398 office
rob.lawnworks@gmail.com

