



**Board of Adjustment
Agenda
March 24, 2021**

I. Call To Order

II. Approval Of Minutes

Documents:

[BOA MINUTES 3-10-21.PDF](#)

III. New Business

- 1. Kathy R. Scott***
Fence Height (VAR21-0006)
[2614 NW A STREET](#)

Documents:

[STAFF REPORT_VAR21-0006.PDF](#)
[BOA PACKET.PDF](#)

IV. Adjournment

*Denotes Public Hearing

Board of Adjustment

Minutes

March 10, 2021

Meeting called to order by Rick Rogers, Chairman.

Present: Joe Haynie, Jan Holland, and Rick Rogers, Rustin Chrisco (arrived late)

Absent: Sam Pearson

Staff: Tyler Overstreet, Elizabeth Johnson

Motion by Mr. Haynie, seconded by Ms. Holland to approve the minutes of February 24, 2021 as written

Approved 3-0 as Mr. Chrisco is running late to the meeting

New Business

Item #1

Dilday: Setbacks, 518 Tiger Boulevard, VAR21-0004

Tyler Overstreet reads the staff report.

Opened public hearing

No public comments

Closed public hearing

Chad Dilday, the applicant, speaks on the reason for the request.

There is discussion amongst Board members and staff.

Approved 3-1 as Mr. Chrisco refuted due to late attendance to the meeting,

Motion by Mr. Haynie, seconded by Mr. Rogers to adjourn the meeting.

Meeting adjourned

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

Baylea Birchfield

BOARD OF ADJUSTMENT STAFF REPORT



Kathy R. Scott

2614 NW A Street

BOA Date: 3/25/2021

Reviewer: Elizabeth Johnson, Senior Planner

Project Number	VAR21-0006
Applicant / Current Owner	Kathy R. Scott
Site Area	+/- 0.92 acres
Current Zoning	R-1, Single Family Residential
Variance Request	Zoning Code Article 1100.06

Property Description

This property is located at 2614 NW A Street. It is currently zoned R-1, Single-Family Residential.

Regulation

According to Land Development Code Article 1100.06, Fence design standards, section h, Fence height, the maximum fence height shall be six feet above grade.

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, she is wanting to replace her current fence and move it to enclose her pool and landscaping. Currently, the fence is only enclosing the pool and the land that the current fence sits on is at a higher elevation than it would be if she were to move it. The applicant is requesting the fence height increase in order to maintain the same level of privacy when she places her fence at a lower elevation.

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, as provided by the applicant within this application.
2. The applicant shall be required to obtain an approved fence 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.

4/10

Planning Committee:

January 5, 2021

First of all thank you for your consideration of my request to take the fence on the westside (only) of my side yard to an 8 foot tall fence versus 6 foot. Below are the reasons for asking for a variance.

My name is Kathy Scott. I live at 2614 NW "A" Street Bentonville, AR., Hidden Springs Subdivision. My house overlooks the walking trail at the bottom of the hillside which is a graduating healthy slope from the top of the road to the bottom of my land.

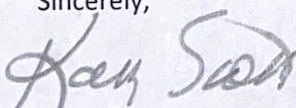
I recently had my lot surveyed by Blew Surveying & Associates; working with Amanda Hallmark to ensure my fence is located inside my property line. Please see their surveying stakes with pink ribbons in the attached pictures.

My husband, Tim Scott passed away December 2015. My fence post have rotted causing the need for fence replacement.

I would like to place the new fence to enclose my landscaping on my property to extend this area for our family enjoyment where my 3 crape myrtles trees are planted

The current fence is a the TOP of the pool deck versus the bottom of my landscaping that slopes north and is downhill which is several feet lower because of the way the pool was constructed. This is the reason I am asking for an exception to not lose as much as I currently have with privacy. Please see the pictures.

Sincerely,


Kathy Scott

Cell: 479.633.4859

Email: krs1@cox.net



NORTHWEST

