



**BOARD OF ADJUSTMENT  
AGENDA  
October 12, 2016**

**I. Call to Order**

**II. Approval of Minutes**

1. October 5, 2016 Minutes

**III. New Business:**

**1. CHP, LLC**

408 Southwest 3<sup>rd</sup> Street

- Maximum Fence Height

**Variance\***

**2. Vancon, LLC**

Northwest Riverbend Road (entrance into Creekstone Subdivision III)

- Fence location

**Variance\***

**IV. Other Business**

**V. Adjournment**

Board of Adjustment  
Minutes  
October 5, 2016

Meeting called to order at 5:00 p.m. by Rustin Chrisco, Chairman

Present: Joe Haynie, Sam Pearson, Jan Holland, Rustin Chrisco, and Rick Rogers

Motion to approve the minutes of September 14, 2016 as written

Approved 5-0

Old Business:

Item #1

Richard & Catherine Grubbs, Variance Request for sign on private property, 220 & 226 North Walton Boulevard, Zoned C-2.

Jon Stanley read staff report.

No public hearing held as one was held on September 14, 2016 without any public comment.

Mr. Grubbs request for height variance to be removed.

Motion to approve maximum sign area (per face)

Approved 5-0

Motion to approve minimum sign setback from property line

Approved 5-0

Meeting adjourn

*Ali Worley*

To Whom It May Concern,

I am requesting a variance for the height of a fence that is presenting a hardship between 408 SW 3<sup>rd</sup> St and 217 SW D St. It is impossible to create privacy between the properties staying under the 6' height requirement. Due to ignorance, the fence was constructed without a fence permit; at the highest point, the fence is 8' 4" from top to bottom and ties into the neighboring fences. I have already submitted a fence permit application that is contingent up approval of this variance.

Regards,



Powell McKinney

# **BOA STAFF REPORT**

## **16-11000032, Vancon, LLC, Fence and Wall Requirements (Fence Location)**

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**TO:** Bentonville Board of Adjustment Members  
**THRU:** Troy Galloway, AICP, Community Development Director  
**FROM:** Jon Stanley, Planner  
**BOA DATE:** October 12, 2016

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### **GENERAL INFORMATION:**

**Representative:** Vancon, LLC

**Applicant:** Vancon, LLC

**Location:** Northwest Riverbend Road (Creekstone Subdivision Phase III entrance)

**Existing Zoning:** R-1, Single Family Residential

**Existing Land Use:** Single Family Subdivision

**REQUEST:** Variance

<b>Fence Height Variance</b>		
	<b>Regulation</b>	<b>Request</b>
<b>Article 1400, Sec 1400.15.D.1 Fence Location, Adjacent to Public Right-of-Way</b>	Minimum of 5' from the right-of-way line	Request of: 3'-6" Variance of : 1'-6"

### **SURROUNDING ZONING:**

<b>Direction</b>	<b>Zoning</b>
North	R-1, Single Family Residential
South	R-1, Single Family Residential
East	R-1, Single Family Residential
West	R-1, Single Family Residential

### **BACKGROUND:**

The applicant has submitted a variance request to the fence location adjacent to the public right-of-way. The applicant is requesting that the proposed fence adjacent to the public right-of-way along Northwest Riverbend Road be located 3'-6" out-side the public right-of-way line. This is a variance of 3' from the 5' required by ordinance. (See attached exhibit as provided by the applicant)

**PUBLIC COMMENT:**

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

**CONDITIONS OF APPROVAL:**

If approved, the following condition(S) shall apply:

1. The approved variance shall be for the proposed height, location and materials of the fence only, as provided by the applicant within this application.
2. The applicant shall obtain a fence permit.
3. Applicant must maintain 5' of separation from all public utilities.

To: Board of Adjustment  
City of Bentonville

Re: Fence Variance  
Entrance to Creekstone Phase III

Date: 9/29/2016

The fence to be installed is located between the 5 foot city sidewalk and lots 1, 23, and 24 of Creekstone Phase III, which is a gated community. The city sidewalk is around a cul-de-sac which only serves as a turnaround prior to the gated entrance to Phase III. This turnaround is only accessed by driving through the first two phases of Creekstone Subdivision and is approximately  $\frac{3}{4}$  mile from McNelly Road. The turnaround will have very limited use as a public thoroughfare, as the sidewalk does not continue into Phase III. The proposed position of the 5 foot high steel fence is  $3\frac{1}{2}$  feet inside the 5 foot green space and the 5 foot city sidewalk. The steel fence would be between 2 foot x 2 foot rock columns spaced approximately 25 feet apart and  $2\frac{1}{2}$  feet behind the sidewalk. The fence purpose is to secure the gated community. The terrain is a fairly steep slope. Positioning the fence farther away from the sidewalk would move it down the slope, which in turn would require it to have taller columns and fencing. The appearance of the fence would not be as attractive if it was required to be moved farther down the slope.

The entrance and its appearance is a key factor to this type of community. I do appreciate your consideration of this variance for the fence set back.

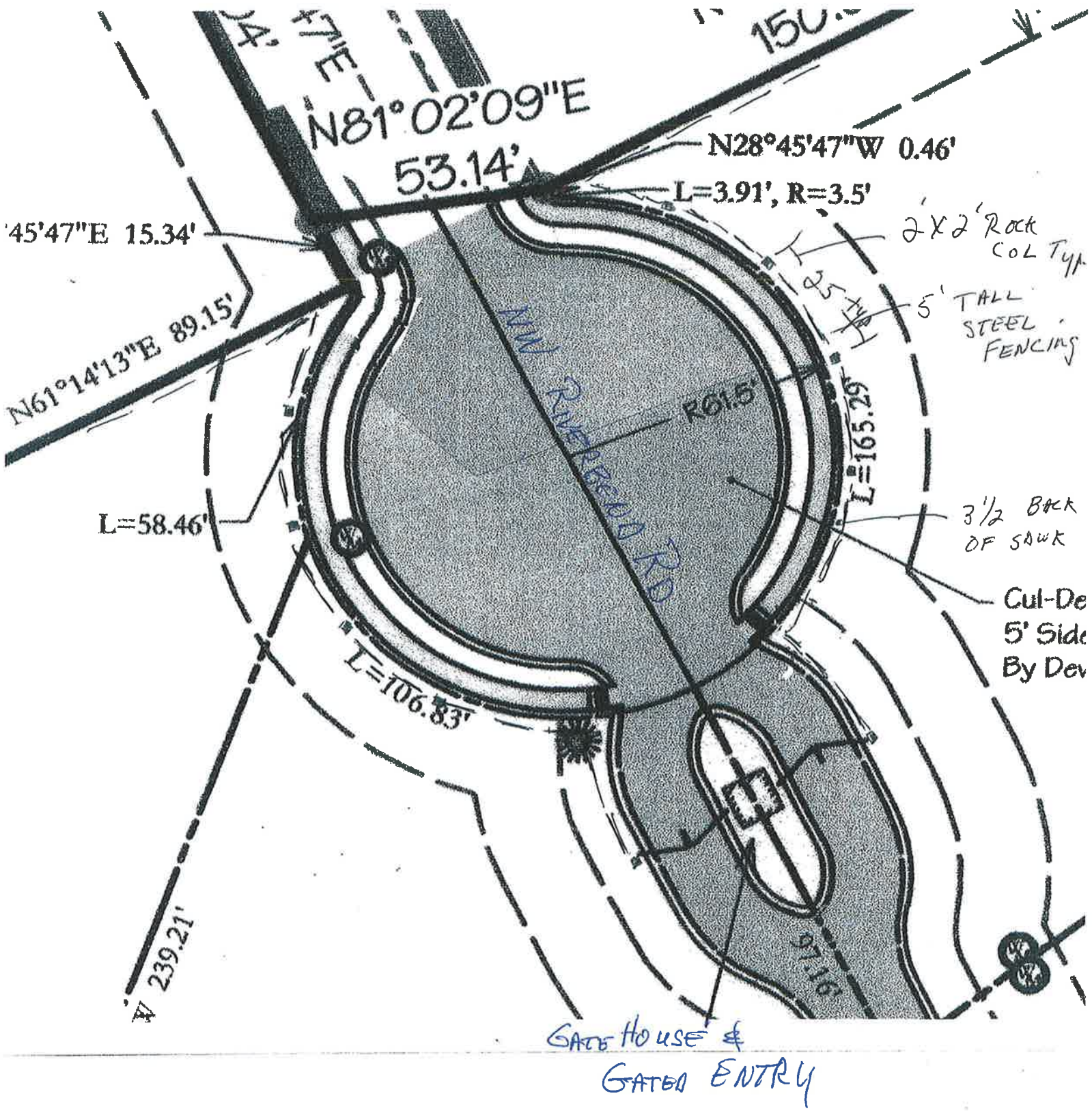
Sincerely,



Larry Vandevor

CREEKSTONE ESTATES  
PHASE III

SCALE 1" = 30'



Site Plan





