



**BOARD OF ADJUSTMENT
AGENDA
November 22, 2017**

I. Call to Order

II. Approval of Minutes

III. Old Business

1. Christensen

404 SW 4th Street

- Fence height

Variance*

IV. New Business:

1. McCormick

403 SW C Street

- Lot width

Variance*

V. Other Business

VI. Adjournment

Board of Adjustment
Minutes
October 11, 2017

Meeting called to order at 5:00 p.m. by Rick Rogers, Chairman

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

Motion by Mr. Pearson, seconded by Mr. Haynie to approve the minutes of September 27, 2017 as written.

Approved 5-0

New Business

Item #1

Suen Family Trust, Variance request for 515 Northwest 'D' Street, Fence Height

Jon Stanley reads the staff report.

Opened public hearing

Terry Suen, property owner, explains the reason for the Variance to the Board.

Grant Neville, 705 Northwest 'D' Street, speaks in favor of the proposed Variance. He is located directly north of Mr. Suen.

Closed public hearing

There is discussion between the Board members. Mr. Rogers proposes amendment to transition from 8 feet to 6 feet.

Amendment: 8 foot fence along western property line of the out lot and then transition starting at southwest corner of out lot along the common property line 40 feet and then one section of fence to allow for taper and then remaining portion of that fence to be 6 feet.

Amendment Approved 5-0

Item #2

Christensen, Variance Request for 404 Southwest 4th Street, Fence Height

Jon Stanley reads the staff report.

Opened public hearing

Scott Christensen, property owner, explains the reason for the Variance to the Board.

Closed public hearing

There is discussion between the Board members. A hardship will need to be proven.

Applicant requests to table the item.

Tabled 4-0

Motion by Mr. Haynie, seconded by Mr. Chrisco to adjourn

Meeting adjourned

Ali Worley

BOA STAFF REPORT

VAR 17-0105, Christensen - Fence Height

TO: Bentonville Board of Adjustment Members
THRU: Shelli Kerr, Community Development Director
FROM: Jon Stanley, Planner
BOA DATE: October 11, 2017

GENERAL INFORMATION:

Representative: Scott Christensen

Applicant: Scott Christensen

Location: 404 SW 4th Street

Existing Zoning: R-1, Single Family Residential

Existing Land Use: Single Family Residence

REQUEST: Variance

Fence Height Variance		
	Regulation	Request
Article 1400, Sec1400.15.E.1 Fence Height	Maximum Height shall be six (6) feet above grade	Request of: 8' Variance of : 2'

SURROUNDING ZONING:

Direction	Zoning
North	R-1, Single Family Residential
South	R-1, Single Family Residential & R-C2, Central Residential-Moderate Density
East	R-1, Single Family Residential
West	R-1, Single Family Residential

BACKGROUND:

The applicant has submitted a variance request to the maximum fence height requirement for property located at 404 SW 4th Street. The applicant is requesting an 8-foot high wood privacy fence, which is a variance of 2-feet from the 6-feet allowed by ordinance. All measurements shall be from final grade. See the attached narrative and site plan for the proposed fence location and additional information.

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.

10/1/17

PROPERTY: 404 SW 4TH ST

I am seeking a variance in order that the proposed fence match the existing fence located on the other side of the property. Proposed fence is 8' to match existing

Paul Christman

RESIDENCE FOR:
MR. & MRS. CHRISTENSEN

PLOT PLAN

AREAS:

NOTES:

SCALE: 1" = 10'

PAGE •

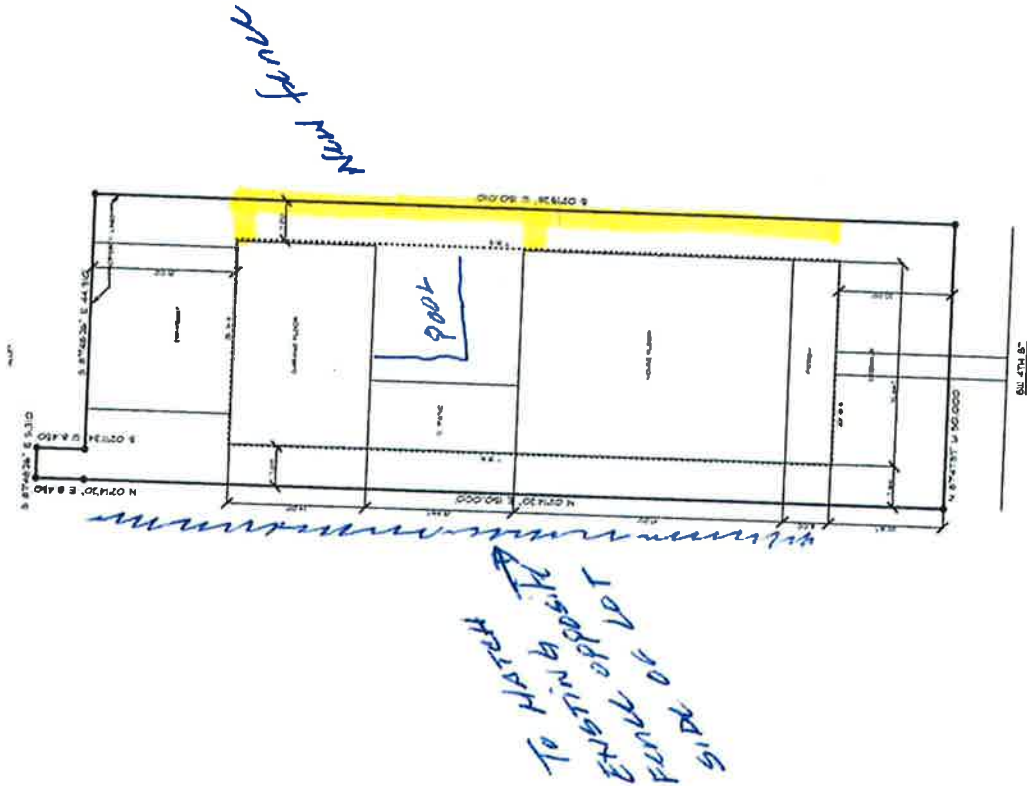
1 OF 10

LOT 14, BLOCK 6
CLARK'S 2ND ADDITION
BENTONVILLE, ARKANSAS



SITE PLAN

PROFESSIONAL SEAL
REGISTERED ARCHITECT
STATE OF ARKANSAS



PLAT OF SURVEY



Utility Notes

THE LOCATIONS OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND UTILITIES ONLY. THE SURVEYOR WAS NOT RESPONSIBLE FOR VERIFYING THE LOCATION OF ANY SUBTERRANEAN UTILITIES.

BEFORE DIGGING IN THIS AREA, CALL "ONE CALL" 811 FOR FIELD LOCATIONS REQUIRED FOR GROUND MARKINGS OF UNDERGROUND UTILITY LINES.

Miscellaneous Notes

COMPLETED FIELD WORK:
JULY 27, 2017

BASIS OF BEARING:
ARKANSAS STATE PLANE, NORTH ZONE, NAD 83

REFERENCE DOCUMENTS:
1. WARRANTY DEED FILED IN DEED BOOK 2600 AT PAGE 36508.
2. SUBDIVISION PLAT FILED IN PLAT BOOK Q AT PAGE 592.

SOME FEATURES SHOWN ON THIS PLAT MAY BE SHOWN IN OTHER DIMENSIONS ON THIS PLAT ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF UNLESS OTHERWISE NOTED. MONUMENTS WERE FOUND AT POINTS WHERE INDICATED.

Zoning & setback information

ZONING PER CITY OF BENTONVILLE GIS:
R-1, SINGLE FAMILY RESIDENTIAL.

BUILDING SETBACKS:

FRONT 5'
SIDE INTERIOR 7'
SIDE EXTERIOR 20'
REAR 25'

Significant Observations

SUED APPEARS TO ENCROACH PROPERTY LINE BY AS MUCH AS 1.46'

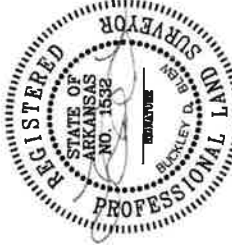
Survey Description

LOT 14, BLOCK 6, AND A PART OF A VACATED ALLEY BY CITY ORDINANCE #91-33 IN CLARK'S 2ND ADDITION, TO THE BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN IN PLAT RECORDED Q AT PAGE 592.

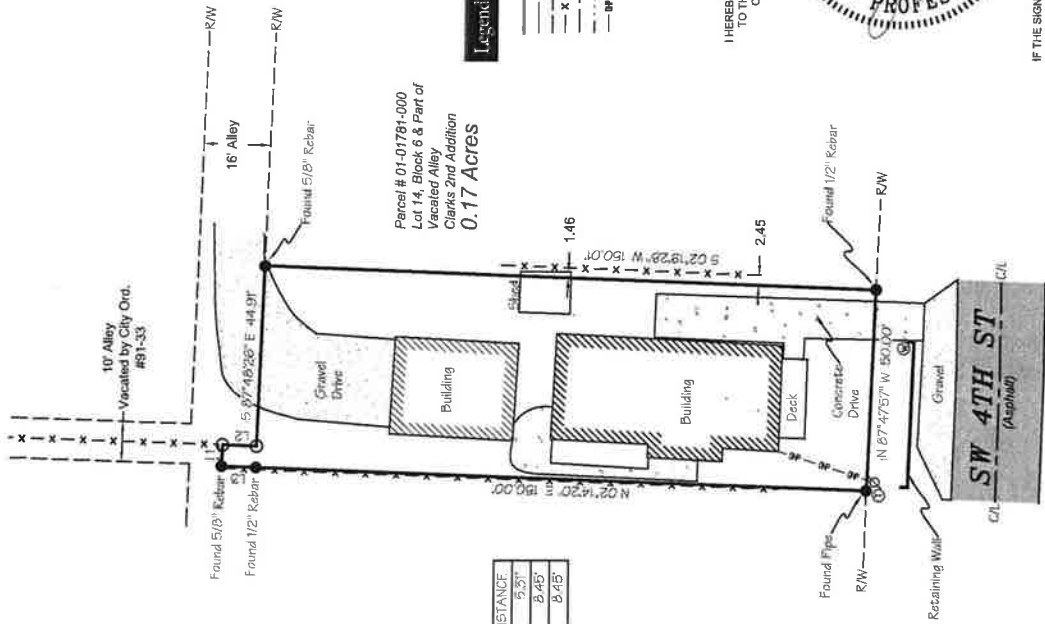
Legend of Symbols & Abbreviations

- BOUNDARY LINE
- CENTERLINE ROAD
- FENCE
- X-X- FENCE
- X-X- FENCE WITH 5/8" REBAR (B.S.B.)
- X-X- UTILITY EASEMENT (U.E.)
- X-X- OVERHEAD UTILITY LINE
- X-X- CONCRETE DRIVE (AS NOTED)
- SET FOR REBAR & CAP
- WATER METER
- UTILITY POLE PERIOD

I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF ON THIS THE 27TH DAY OF JULY, 2017.



IF THE SIGNATURE ON THIS SEAL IS NOT AN ORIGINAL AND NOT FULLY LEGIBLE, THE SIGNATURE ON THIS PLAT MAY HAVE BEEN ALTERED. THE ABOVE CERTIFICATION SHALL NOT APPLY TO ANY COPY THAT DOES NOT BEAR AN ORIGINAL SEAL AND SIGNATURE.



Parcel # 01-01781-000
Lot 14, Block 6 & Part of
Clark's 2nd Addition
0.17 Acres

LINE	BEARING	DISTANCE
L1	S 87° 48' 26" E	5.31'
L2	S 02° 11' 56" W	8.45'
L3	N 02° 14' 20" E	8.45'

BLEW & ASSOCIATES, PA
CIVIL ENGINEERS & LAND SURVEYORS
524 W. SYCAMORE ST, SUITE 4
FAYETTEVILLE, ARKANSAS 72703
OFFICE: 479-443-4506
FAX: 479-582-1883
www.BLEWINC.com

Certificate of Authorization No. 1534

DATE OF SURVEY	REVISIONS	BY	REVISIONS
MLB	7-27-2017	G.C.	R.S.
CITY & COUNTY	PROJECT NO.	DATE	
BENTONVILLE, ARKANSAS		17-1346	
PROJECT: LOT 14, BLOCK 6 & PART OF VACATED ALLEY, CLARK'S 2ND ADDITION			
FOR THE CLIENT AND HONORARY			
SCOTT & REBECCA CHRISTENSEN			

BOA STAFF REPORT

VAR 17-0107, McCormick – Lot Width

TO: Bentonville Board of Adjustment Members
THRU: Shelli Kerr, Community Development Director
FROM: Tyler Overstreet, Planner
BOA DATE: November 22, 2017

GENERAL INFORMATION:

Representative: Matthew McCormick

Applicant: Matthew McCormick

Location: 403 SW 'C' Street

Existing Zoning: R-1, Single Family Residential

Existing Land Use: Downtown Medium Density Residential

REQUEST: Variance

Lot Width Variance		
	Regulation	Request
Article 401, Sec 401.7-B.C.1 Lot and Area Standards	Minimum Lot Width (feet) 40'	Request of: two 39' 9" lots Variance of : 6"

SURROUNDING ZONING:

Direction	Zoning
North	R-1, Single Family Residential (pending rezoning to DN-2, Downtown Medium-Density Residential)
South	R-1, Single Family Residential
East	RC-3, Central Residential – High Density
West	R-1, Single Family Residential

BACKGROUND:

The applicant has submitted a variance request to the minimum lot width requirements for DN-2 Zoning Districts at 403 SW 'C' Street. The applicant's long-range plan is to rezone to district DN-2, allowing a future owner to demo the existing home and split the lot. The applicant is requesting a total variance of 6" from the 40' lot width requirement in DN-2, Downtown Medium-Density Residential Zoning Districts. See the attached narrative and site plan for the proposed, phased actions and final lot widths.

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 variances shall be for proposed lots, as provided by the applicant within this application.
2. The applicant (or new owner) shall gain approval from the Planning Commission to rezone the property to DN-2, Downtown Medium Density Residential.
3. The applicant (or new owner) shall gain approval from the Planning Commission for a lot split of the property as shown by the applicant within this application.

Dear Sir or Madam,

The applicants are asking for a variance on the code that addresses lot width minimums for single family residential zoned DN-2. They are asking for the variance on lot width minimums in the DN-2 Zoning designation of 40' to accommodate two lots at 39' 9" each. Currently, the property sits at 79' 6", roughly 3" short per lot if we were to split for a future plan as desired.

Currently, the lot is zoned R-1, but is within future city plan usage to convert to DN-2, which would help alleviate missing housing options for individuals seeking to live near the downtown businesses. The applicants would seek rezoning upon approval of this requested variance.

The McCormicks have worked in partnership with City Planning, specifically Jon Stanley, to verify that there is no alley access to the rear of the property, which allows for a curb cut to accommodate access to the property. When the lot is zoned to DN-2, there are provisions to allow for a shared driveway between two homes, which are exemplified by the properties located at 208 & 211 SW D St, as well as 213 & 215 SW D St. Submitted with this variance you will find renderings depicting what a proposal could look like.

The McCormicks did attempt to purchase 6" of linear width (total of roughly 70 sq ft) from their neighbor to the south, but were unsuccessful in those attempts. As such, the applicants are submitting for the variance submission as a last measure to entice future buyers to the property.

The width of the lot would have originally equaled 80" at one point in time, but due to survey methods available at the time of the City/County Plats for the area, there were inaccuracies that have built over time.

For the reasons listed above, I ask that you find the following:

A. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land structures or buildings in the same district.

Allowing for a smaller frontage will allow true responsible urban density in the context of the vision for Downtown Bentonville and would be following the spirit of the regulations. The example proposal should serve as an example in-line with the sensitivities surrounding Downtown growth and regulations, and would further promote economic growth in the immediate neighborhood.

B. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.

Strict interpretation of the zoning code would severely limit the use of the property commonly enjoyed by other projects in the Downtown Area, as evidenced by recent contractual failure to sell the home.

C. That the special conditions and circumstances do not result from the actions of the applicant.

This particular lot allow for plenty of depth and is deeper then lots typically found in the downtown area.

Sincerely,

Matthew McCormick

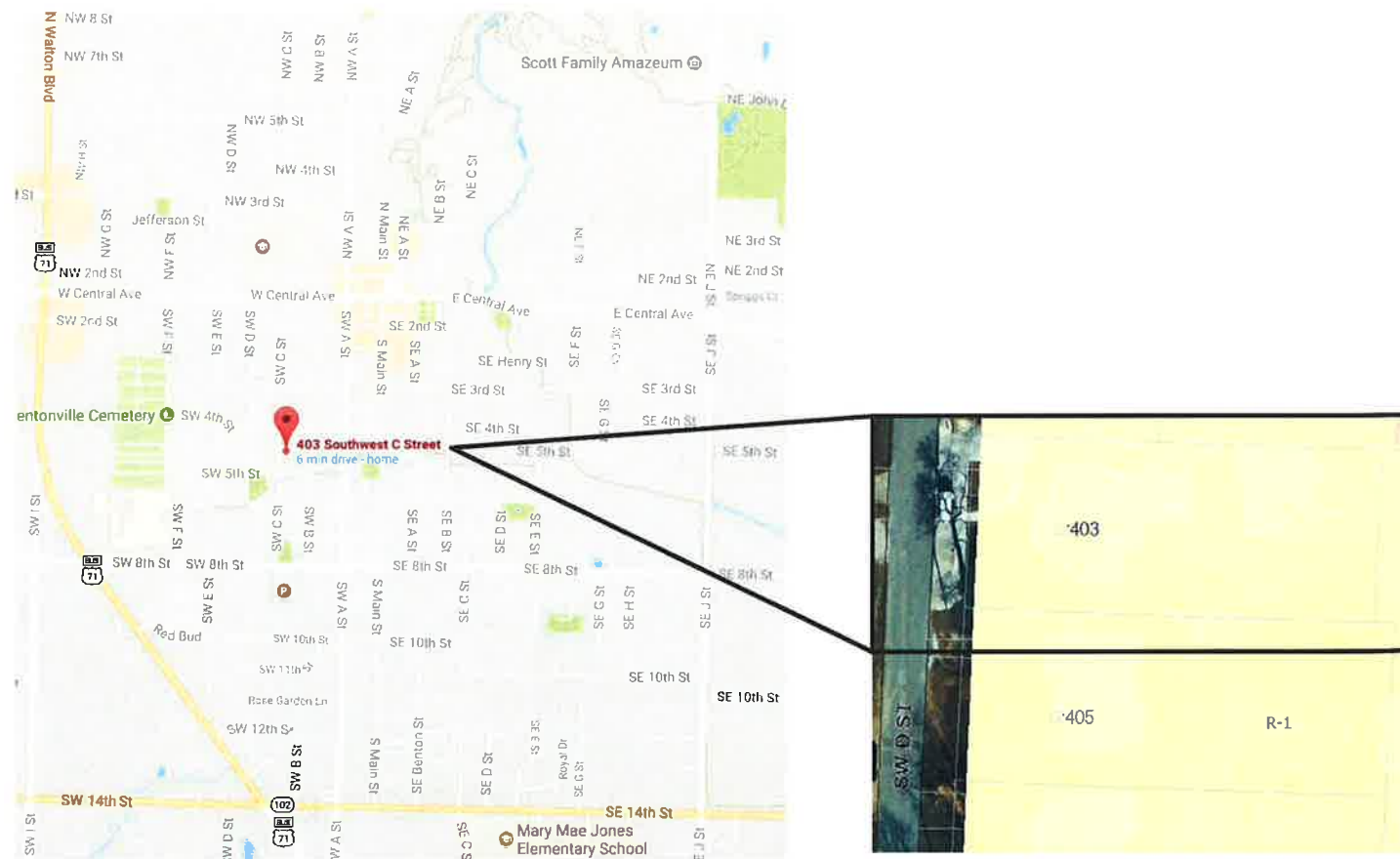
McCormick Residence

403 SW C Street
Bentonville, AR 72712

THOMAS B MERRITT, ARCHITECT
1211 Cedar Place, Bentonville, ar 72712
contact@thomasbmerritt.com
479-263-6338



10 NOV 17



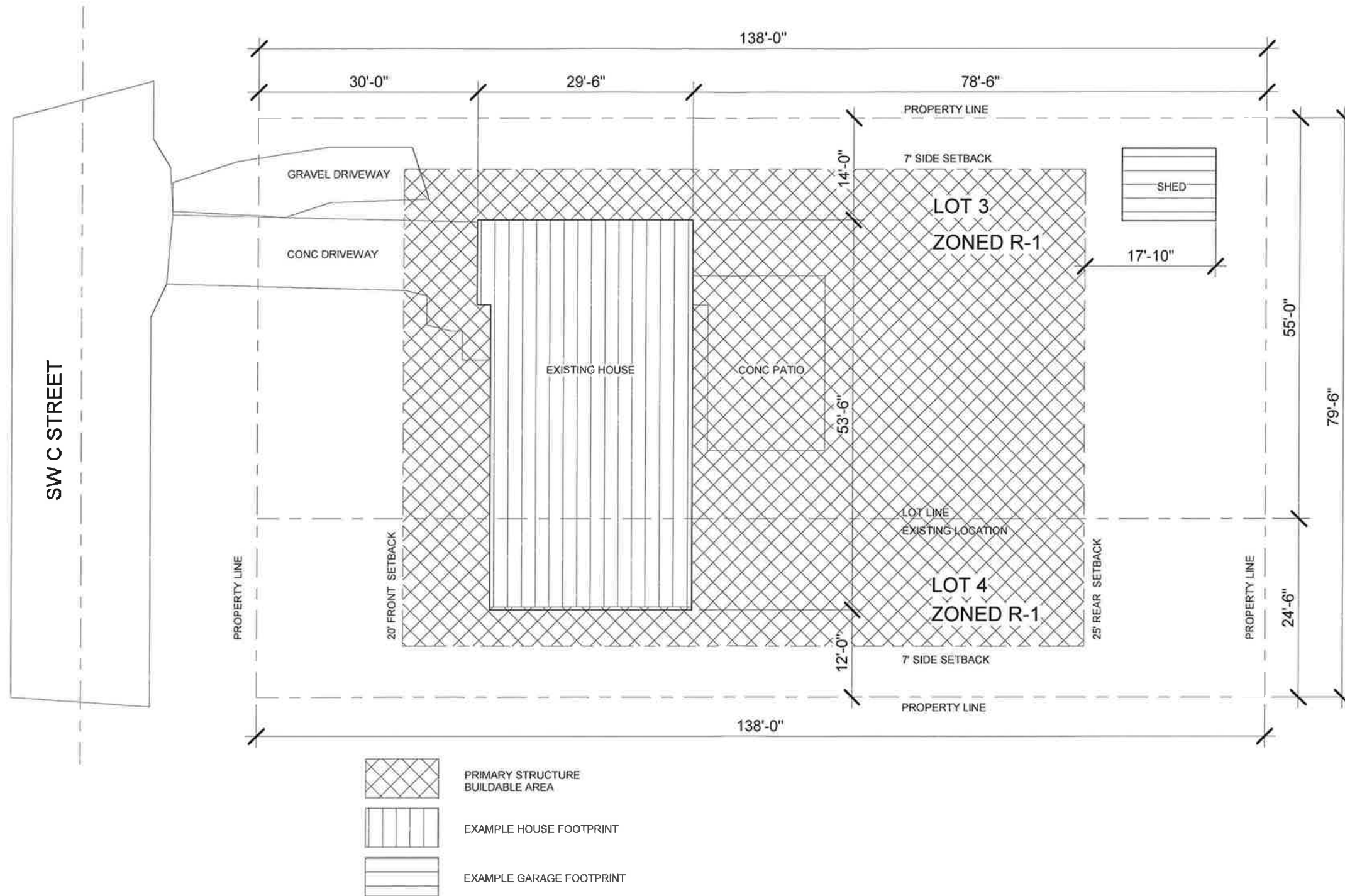
VICINITY MAP




REFERENCED:
CITY OF BENTONVILLE
ART. 401 ZONING DISTRICT REGULATIONS
SEC. 406.6 - 401.7-B



AERIAL MAP

A0.0



-  PRIMARY STRUCTURE BUILDABLE AREA
-  EXAMPLE HOUSE FOOTPRINT
-  EXAMPLE GARAGE FOOTPRINT

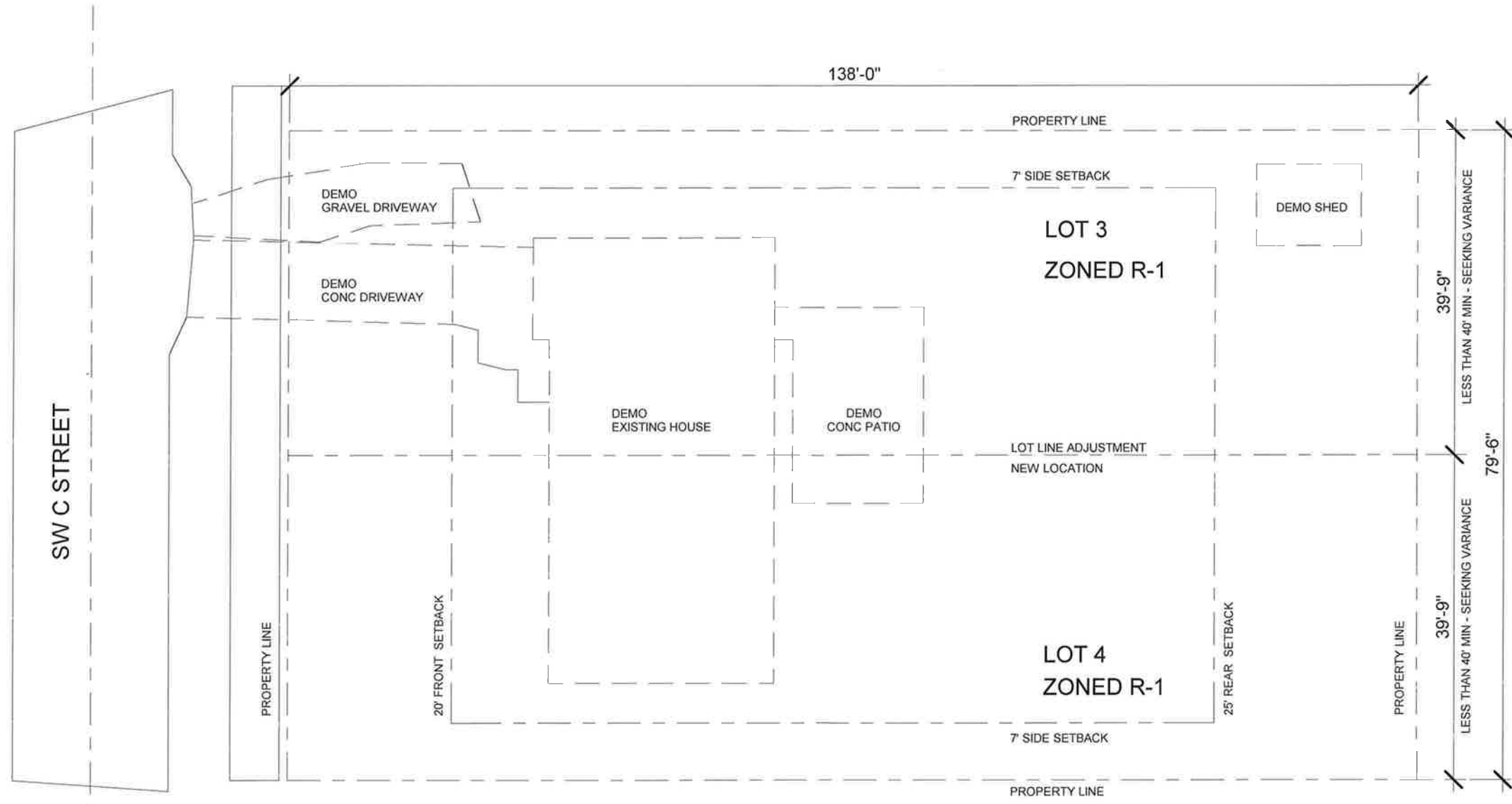
① SITE PLAN PLAN Existing
1/16" = 1'-0"



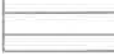
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479-263-6338

10 NOV 17



McCormick Residence
403 SW C Street
Bentonville, AR 72712



-  PRIMARY STRUCTURE BUILDABLE AREA
-  EXAMPLE HOUSE FOOTPRINT
-  EXAMPLE GARAGE FOOTPRINT

① SITE PLAN Lot Line Adjusment
1/16" = 1'-0"

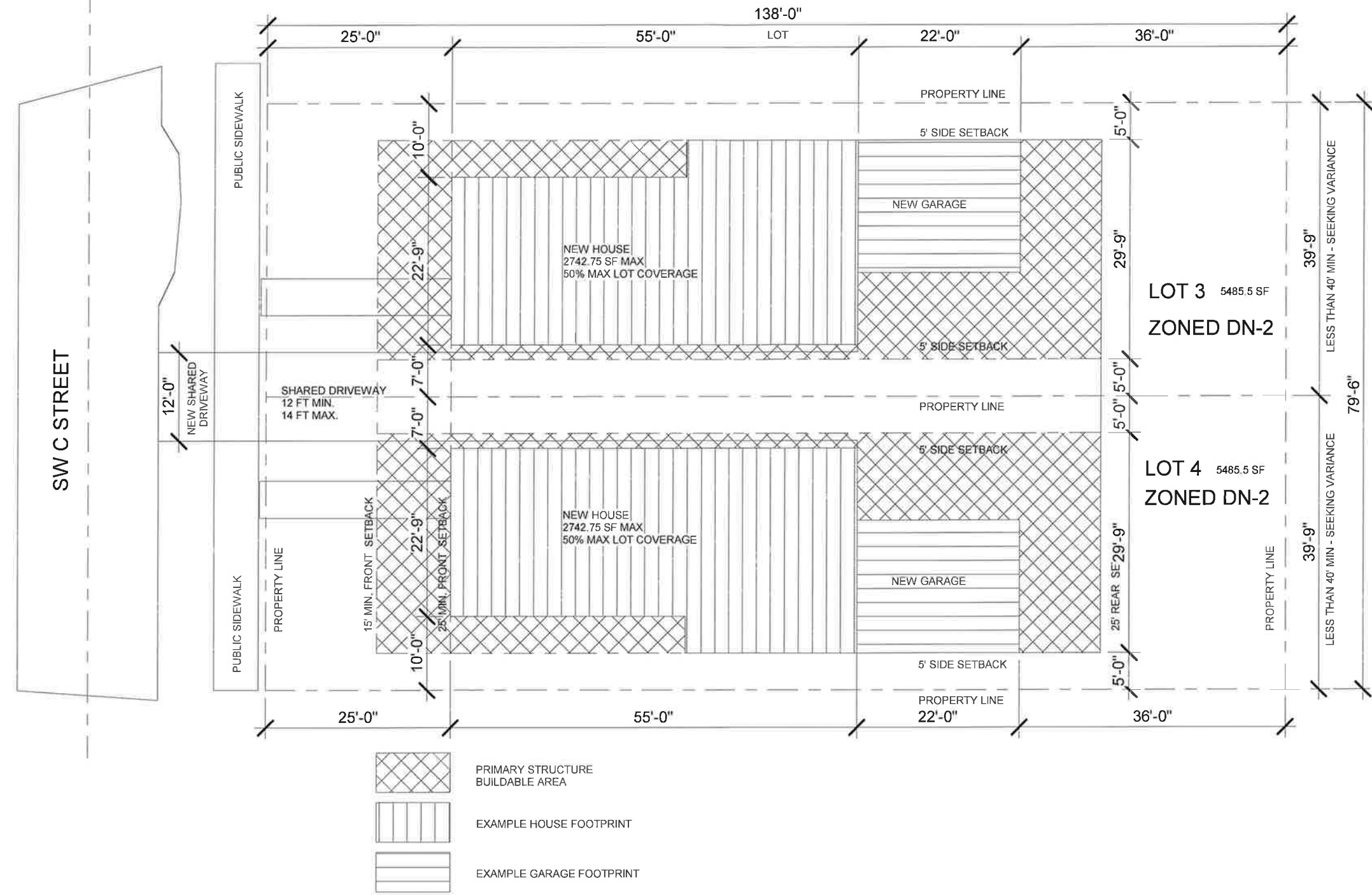
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10 NOV 17



McCormick Residence
403 SW C Street
Bentonville, AR 72712

1 SITE PLAN REZONED DN-2
 1/16" = 1'-0"



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10 NOV 17



McCormick Residence
 403 SW C Street
 Bentonville, AR 72712

Utility Notes

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BEFORE DIGGING IN THIS AREA, CALL "ONE CALL" 811 FOR FIELD LOCATIONS (REQUEST FOR GROUND MARKINGS) OF UNDERGROUND UTILITY LINES

Miscellaneous Notes

COMPLETED FIELD WORK:
SEPTEMBER 7, 2017

BASIS OF BEARING:
ARKANSAS STATE PLANE, NORTH ZONE, NAD 83

REFERENCE DOCUMENTS:
1. WARRANTY DEED FILED IN DEED BOOK 2015 AT PAGE 50348.
2. SURVEY PLAT FILED IN PLAT BOOK A AT PAGE 134.

SOME FEATURES SHOWN ON THIS PLAT MAY BE SHOWN OUT OF SCALE FOR CLARITY

DIMENSIONS ON THIS PLAT ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF UNLESS OTHERWISE NOTED. MONUMENTS WERE FOUND AT POINTS WHERE INDICATED.

BY GRAPHIC PLOTTING ONLY, NO PORTION OF THIS PROPERTY IS IN ZONE "A" OR "AE" OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 05007C0255K, WHICH BEARS AN EFFECTIVE DATE OF 06/5/2012 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA.

Survey Description

ALL OF LOT 3 AND THE NORTH 24 1/2 FEET OF LOT 4, BLOCK 1, IN THE SCOGGAN SUBDIVISION TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN ON PLAT RECORD "A" AT PAGE 134.

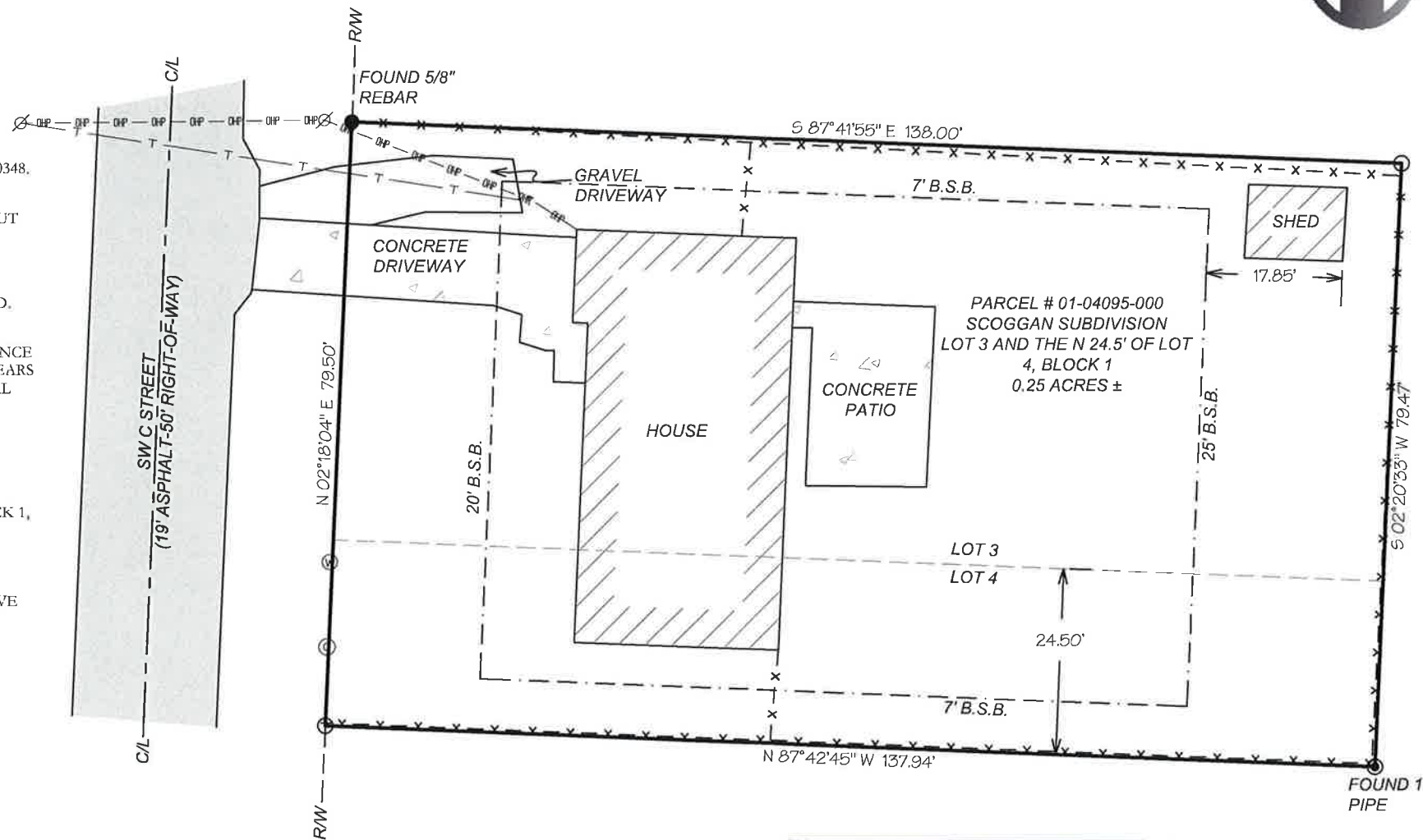
SUBJECT TO EASEMENTS, RIGHTS-OF-WAY, AND PROTECTIVE COVENANTS OF RECORD, IF ANY.
SUBJECT TO ALL PRIOR MINERAL RESERVATIONS AND OIL AND GAS LEASES.

Zoning Information

ZONING: R-1 PER BENTONVILLE ZONING MAP BUILDING SET BACKS:

FRONT: 20 FEET
SIDE: 7 FEET
REAR: 25 FEET

LOT SURVEY



Legend of Symbols & Abbreviations

- BOUNDARY LINE
- CENTERLINE OF ROAD
- RIGHT-OF-WAY
- x - FENCE
- - - BUILDING SET BACK (B.S.B.)
- OP - OP OVERHEAD POWER LINE
- T - TELEPHONE LINE
- SET IRON PIN
- FOUND MONUMENT AS NOTED
- ⊙ FOUND PIPE
- ⊕ POWER POLE
- ⊗ GAS METER
- ⊙ WATER METER

I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF ON THIS THE 8TH DAY OF SEPTEMBER, 2017.



IF THE SIGNATURE ON THIS SEAL IS NOT AN ORIGINAL AND NOT BLUE IN COLOR THEN IT SHOULD BE ASSUMED THAT THIS PLAT MAY HAVE BEEN ALTERED. THE ABOVE CERTIFICATION SHALL NOT APPLY TO ANY COPY THAT DOES NOT BEAR AN ORIGINAL SEAL AND SIGNATURE.



FIRM:
BLEW & ASSOCIATES, PA
CIVIL ENGINEERS & LAND SURVEYORS

524 W. SYCAMORE ST, SUITE 4
FAYETTEVILLE, ARKANSAS 72703
OFFICE: 479.443.4506
FAX: 479.582.1883
www.BLEWINC.com

Certificate of Authorization No 1534

DRAWN BY & DATE: W.P. 9/8/2017	REVIEWED BY: G.C.	SURVEYED BY: R.S.
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COUNTY & STATE: Benton County, Arkansas	JOB NUMBER: 17-1759
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LOCATION:
403 SW C Street, Bentonville, AR 72712

FOR THE USE AND BENEFIT OF:
MATTHEW MCCORMICK