



**BOARD OF ADJUSTMENT  
AGENDA  
February 24, 2016**

**I. Call to Order**

**II. Approval of Minutes**

**III. New Business:**

**1. Walden**

**Variance\***

300 Northwest 'B' Street

- Front and Rear Setback requirements in an R-1, Single Family Residential Zoning Designation

**IV. Other Business**

**V. Adjournment**

Board of Adjustment  
Minutes  
February 10, 2016

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

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

Minutes of January 13, 2016 were approved as written  
Approved 5-0

New Business:

Item #1

Shirley Ferguson: Density Variance Request, 128 West Central Avenue, D-C, Downtown Core.

Opened public hearing

The applicant has submitted a variance requests to the zoning code for property located in the D-C, Downtown Core zoning classification to allow the construction of a 66.16' wireless communication facility.

Article 601, Section 601.27-E.1, Setback and Separation Requirements for Wireless Communication Facilities states: "Towers must be setback from the property line a distance equal to half the overall height of the tower constructed, or minimum setback for the zoning classification, whichever is greater".

The applicant is requesting that a 22' setback be allowed along the east/west axis for the tower which is a variance of 11.06' from the 33' required by ordinance. The tower meets setback requirements along the north/south axis.

Additionally, the applicant has submitted a variance requests to setback requirements for the guy wires that will help to secure the tower.

Article 601, Section 601.27-E.2, Setback and Separation Requirements for Wireless Communication Facilities states: "Guy wires and other support devices shall maintain a minimum setback of 20' from any property line".

The applicant is requesting that a 0' setback be allowed along the eastern and western property lines for the guy wires which is a variance of 20' required by ordinance.

Opened public hearing

Bryan Brewer (known as Garrett) representative: Garrett has received FCC approval for a radio station. They chose the Meteor Gallery due to cost (non-profit) and they have donated studio space. It was the right height to place a 40' pole and they have met the requirements of the FCC & FAA.

Rick-is the setback from the tower or the tower plus the building

Jon-it's the tower plus the building

Jan-Is it a single pole? Yes

Garrett-has notified surrounding business and they are ok with the radio station.

Rustin-Is there a light required on the pole-no

Closed public hearing

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

1. The approved variance shall be for the proposed wireless communication facility only, as provided by the applicant within this application.
2. A Conditional Use Permit must be submitted and approved by the Planning Commission.

Approved 5-0

Meeting adjourned

# BOA STAFF REPORT

## 16-11000004 – Waldon – Front & Rear Setback Variance

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**TO:** Bentonville Board of Adjustment Members  
**THRU:** Troy Galloway, AICP, Community Development Director  
**FROM:** Jon Stanley, Planner  
**BOA DATE:** February 24, 2016

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### GENERAL INFORMATION:

**Representative:** Bill Norwood

**Applicant:** Gene Waldon

**Location:** 303 Northwest 'B' Street

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

**Existing Land Use:** Low Density Residential

**REQUEST:** Variance

<b>Front Setback Variance</b>		
	<b>Regulation</b>	<b>Request</b>
<b>Section 401. Sec 401.7.C.3-c Minimum Setback Requirements for R-1, Single Family Residential</b>	20' minimum Front Setback	Request of: 9' Variance of : 11'

<b>Rear Setback Variance</b>		
	<b>Regulation</b>	<b>Request</b>
<b>Section 401. Sec 401.7.C.3-c Minimum Setback Requirements for R-1, Single Family Residential</b>	25' minimum Rear Setback	Request of: 10' Variance of : 15'

### 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 Front Setback for property located in the R-1, Single Family Residential zoning classification to allow for the construction of a new single family residence. The applicant is requesting a 9' front setback be allowed which is a variance of 11' from the 20' required by ordinance.

In addition the applicant is also requesting a variance to the Rear Setback for the property. The applicant is requesting a 10' rear setback be allowed which is a variance of 15' from the 25' required by ordinance.

Public water and sewer service are within the right-of-way of Northwest 'B' Street and there are no utility easements that are located along the front or rear of the property that would be impacted by the construction of the home. Adequate right-of-way exists along Northwest 'B' Street.

**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(S) shall be for the foot print of the PROPOSED only, as provided by the applicant within this application.

## Variance Request for 303 NW B Street Bentonville, AR

### Narrative to variance request

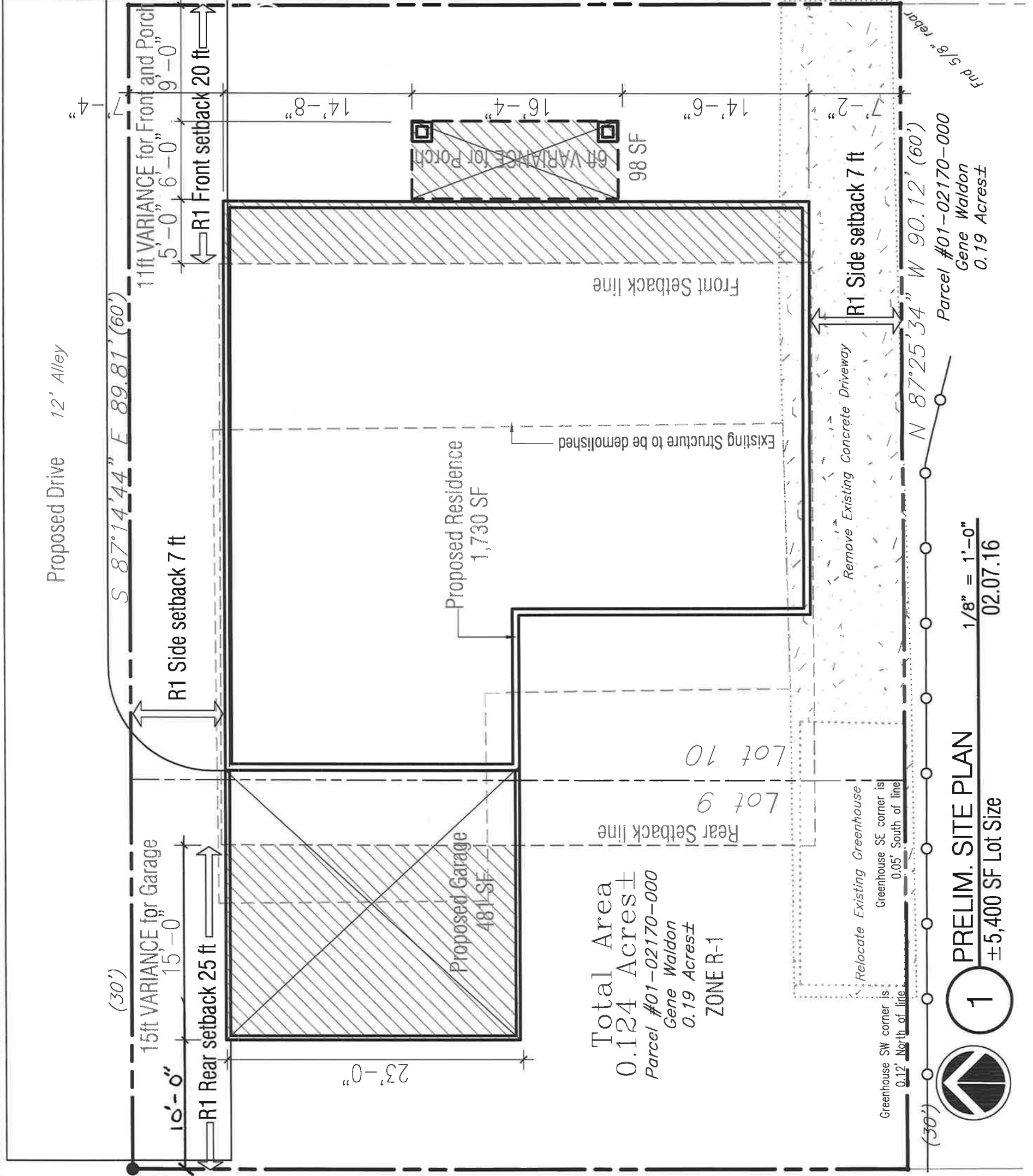
The owner of the property desires to construct a new residence which is totally handicapped accessible on one living level for his pending retirement. He currently lives in the adjacent larger two story residence to the south and is committed to remaining in his neighborhood community through retirement. The current structure is not adaptable to modern accessible standards and will be demolished.

Current R-1 setbacks at the front and rear would not permit a traditional neighborhood design approach utilizing a rear garage and front porch while maintaining a fully accessible living space design. The owner desires to construct a residence that more closely follows trending 'walkable' neighborhood planning principles which place priority on concealing garages and having a porch closer to the sidewalk and street.

The applicant does not want to leave his neighborhood and prefers to remain in, invest and enhance the traditional neighborhood with a new, but fully accessible retirement residence which allows his "aging-in-place".

No citizen should be forced to leave one area of the city for another because of the type of housing they need is not available.

Parcel #01-02163-000 Gail M. Brewer 0.28 Acres±



Parcel #01-02169-000  
Kenneth Bates  
0.27 Acres±  
N 02°51'57" E 60.21' (60')

750643.760  
661227.788  
Z 1292.49

Total Area  
0.124 Acres±  
Parcel #01-02170-000  
Gene Waldon  
0.19 Acres±  
ZONE R-1



1

PRELIM. SITE PLAN

1/8" = 1'-0"

02.07.16

Remove Existing Concrete Driveway

Relocate Existing Greenhouse  
Greenhouse SW corner is 0.12' North of line  
Greenhouse SE corner is 0.05' South of line

Parcel #01-02170-000  
Gene Waldon  
0.19 Acres±  
N 87°25'34" W 90.12' (60')

R1 Side setback 7 ft

Proposed Drive 12' Alley

S 87°14'44" E 89.81' (60')

R1 Side setback 7 ft

11ft VARIANCE for Front and Porch  
5-0 6-0 9-0

R1 Front setback 20 ft

S 02°34'12" W 59.92' (60')

Asphalt Parking

Edge of Pavement

NW "B" Street

50' ROW



Existing Walk

Frnd 5/8" Rear