



**BOARD OF ADJUSTMENT
AGENDA
June 8, 2016**

I. Call to Order

II. Approval of Minutes

III. New Business:

1. Trofholz

215 Southwest 'C' Street

- Fence Height & Fence Location

Variance*

IV. Other Business

V. Adjournment

Board of Adjustments
Minutes
May 25, 2016

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

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

Absent: Jan Holland

Motion by Pearson, seconded by Haynie approve the minutes of May 25, 2016 as written.

Approved 4-0

New Business

Item #1

Deliropa, LLC: (16-11000014) Deliropa, LLC, Variance Request, Fence and Wall Requirements (Front Yard Fence Height) 3808 Southwest Capstone Ave, Zoned R-ZL, Zero Lot line Residential.

The applicant has submitted a variance request to the maximum fence height requirement for property located at 3808 Southwest Capstone Avenue. The applicant is requesting a 6 feet high wooden privacy fence be allowed in the front along the western property line which is a variance of 3 feet from the 3 feet allowed by ordinance. All measurements shall be from final grade.

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 prior to constructing the fence.
3. The location of the proposed fence shall be no closer than 5 feet to the adjacent public sidewalk.

Opened public hearing

Devon Ross, 528 S. Lincoln Street, Lowell AR spoke,

Rick Rogers-does the 3 foot fence ordinance apply to the fence height that runs parrell to the street or any fence that is in the front yard area.

Stanley-it states the front yard area.

The hardship is that the home sits on a corner lot, the position of the home, and the property is zoned R-ZL, zero lot line residential. There is little or no backyard.

Closed public hearing

There has not been any further public comment

Haynie-is there a POA

Ross-Yes

Motion to approve the 6' fence.

Approved 4-0

Meeting adjourned

Diane Shastid

BOA STAFF REPORT

16-11000015, Trofholz, Fence and Wall Requirements (Fence Height & Location)

TO: Bentonville Board of Adjustment Members
THRU: Troy Galloway, AICP, Community Development Director
FROM: Jon Stanley, Planner
BOA DATE: June 8, 2016

GENERAL INFORMATION:

Representative: Terry & Debbi Trofholz

Applicant: Terry & Debbi Trofholz

Location: 215 Southwest 'C' Street

Existing Zoning: R-1, Single Family Residential

Existing Land Use: Downtown Mixed Use Residential

REQUEST: Variance

Fence Height Variance along SW 'C' Street		
	Regulation	Request
Article 1400, Sec 1400.15.D.2 Fence Location, Front Yard Height	Maximum Height shall be six (3) feet above grade	Request of: 5' Variance of : 2'

Fence Location Variance along SW 'C' Street		
	Regulation	Request
Article 1400, Sec 1400.15.D.1 Fence Location, Adjacent to Public Right-of-Way	No closer than 5' to the right-of-way line	Request of: 2' Variance of : 3'

SURROUNDING ZONING:

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

BACKGROUND:

The applicant has submitted a variance request to the maximum fence height requirement for property located at 215 Southwest 'C' Street. The applicant is requesting a 5 feet high decorative fence be allowed along Southwest 'C' Street which is a variance of 2 feet from the 3 feet allowed by ordinance.

In addition to the fence height variance the applicant is also requesting a variance to the location of the decorative fence adjacent to the public right-of-way. The applicant is requesting that the proposed decorative fence be located 2' out-side the public right-of-way line along Southwest 'C' Street. This is a variance of 3 feet from the 5 feet required by ordinance. The location of the decorative fence along Southwest 3rd Street will meet the location requirements as set forth in Article 1400 of the current Subdivision Code.

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 prior to constructing the fence.

Trofholz Narrative 5-25-16

We have 2 dogs that we are looking to be able to allow exercise and containment at our home. I travel constantly on business and my wife is unable to walk our dogs regularly based on disabilities of polio & hip replacement which have gotten worse as she has aged now that she is 64 years old. From the C street side walk to the side of our home is only a 20 foot wide space and using a 5 ft setback we would lose 20% of our entire yard making the fenced in property too small to accomplish our intended purpose of exercise for our animals. I would hope the commission agrees this is a fair compromise for both the city and ourselves. Your kind consideration of our request is appreciated.

The requested fence height would be somewhere between 4ft-5ft. Preferably 5 ft as it will incur less expense for my wife and I but if not acceptable to the commission I would hope we could agree to no less than 4 ft.

