



**BOARD OF ADJUSTMENT
AGENDA
August 26, 2015**

I. Call to Order

II. Approval of Minutes

III. New Business:

1. Phillips

Variance*

708 Northeast 2nd Street Southwest B Street

- Density Variance in R-1, Single Family Residential
- Lot Width Variance for corner lot in R-1, Single Family Residential
- Lot Width Variance for interior lots in R-1, Single Family Residential
- Bulk & Area Variance in R-1, Single Family Residential
- Side Exterior Setback Variance in R-1, Single Family Residential

2. Martin

Variance*

1400 East Central Avenue

- Front Yard Fence Height Variance for 36' of 4' Wrought Iron Fence in R-1, Single Family Residential
- Front Yard Fence Height Variance for 33' of 6' Vinyl Coated Chain Link Fence in R-1, Single Family Residential

IV. Other Business

V. Adjournment

Board of Adjustment
Minutes
August 12, 2015

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

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

Absent: Joe Haynie

Motion by Rogers, seconded by Pearson to approve the minutes of July 8th as written
Approved 4-0

Tape is not available for this meeting

New Business:

Item #1

Daniel Hintz: (15-11000015)Hintz, Variance Request to Side Setback, 412 Southwest 'B' Street, Zoned D-E, Downtown Edge.

The applicant has submitted a side setback variance in the Downtown Edge zoning classification for a proposed addition to be located at 412 Southwest B Street. The Downtown Edge zone requires a minimum of 6' setback from the side property line. The applicant is requesting approval for a 3' setback which is a variance of 3'. Per the applicant a variance is needed to help facilitate a shared driveway along the east side of the property.

If approved the following contingencies shall apply:

1. The approved variance(s) shall be for the foot print of the proposed addition only, as provided by the applicant within this application.
2. The proposed addition must meet the minimum standards of the 2012 Edition Arkansas Fire Prevention Code.

Opened public hearing

No public comment

Approved 4-0

Item #2

Jeff and Julie Fackler: (15-11000016)Fackler, Variance to Front Setback, 401 Northwest A Street, Zoned R-1, Single Family Residential.

The applicant has submitted a Variance request at 401 Northwest A Street for the front setback in an R-1, Single Family Residential zone. The minimum front setback for that zone is currently 20'. The applicant is requesting they be allowed to construct the home at 14' from the right of way line on Northwest A Street. A variance of 6' is being requested.

If approved the following contingency shall apply.

1. The approved variance(s) shall be for the foot print of the proposed structure only, as provided by the applicant within this application and provided below.

Opened public hearing

Closed public hearing

Item #3

Palmco Properties: (15-11000017)Palmco Properties, LLC, Side Setback Variance, Lots 238-253 Stonemeadow Addition, Zoned R-ZL, Zero, Lot Line Residential.

The applicant has submitted a variance request to the Side Setback in an R-ZL, Zero Lot Line. The city of Bentonville currently requires a 12' setback on the interior lot line. The applicant is requesting a 10' setback be allowed which is a variance of 10'. Per the application more buildable area is needed due to the inadequate lot depth and fact that Stonemeadow subdivision was originally as a Duplex subdivision.

If approve the following contingency shall apply:

1. The approved variance shall be for the foot print of the existing lots 238-253 only, as provided by the applicant within this application.

Opened public hearing

No public comment

Approved 4-0

Item #4

Palmco Properties: (15-11000018)Palmco Properties, LLC, Side Setback Variance, Lots 41, 74-79, 122,123,126,127,174-177 Stonemeadow Addition.

The applicant has submitted a variance request to the Side Setback in an R-ZL, Zero Lot Line. The city of Bentonville currently requires a 12' setback on the interior lot line. The applicant is requesting a 10' setback be allowed which is a variance of 10'. Per the application more buildable area is needed due to the inadequate lot depth and fact that Stonemeadow subdivision was originally as a Duplex subdivision.

Opened public hearing

No public comment

Approved 4-0

Motion by Pearson, seconded by Rogers to adjourn

Meeting Adjourned

Diane Shastid

BOA STAFF REPORT

15-1100021 –Phillips – Density, Lot Width, Bulk & Area and Side Exterior Setback

TO: Bentonville Board of Adjustment Members
THRU: Troy Galloway, AICP, Community Development Director
FROM: Jon Stanley, Planner
BOA DATE: August 26, 2015

GENERAL INFORMATION:

Representative: Thomas Ufer

Applicant: Charles Phillips

Location: 708 Northeast 2nd Street

Existing Zoning: R-1, Single Family Residential

Existing Land Use: Low Density Residential

REQUEST: Variance

Density Variance		
	Regulation	Request
Article 401. Sec 401.7.C.1 Density Requirements for R-1, Single Family Residential	6 Dwelling Units per Acre Max.	Request of: 10.32 units per acre Variance of : 4.32 units per acre

Lot Width Variance for corner lot		
	Regulation	Request
Article 401. Sec 401.7.C.2 Lot Width for R-1, Single Family Residential	60' Lot Width minimum	Request of: 50' Variance of : 10'

Lot Width Variance for interior lots		
	Regulation	Request
Article 401. Sec 401.7.C.2 Lot Width for R-1, Single Family Residential	60' Lot Width minimum	Request of: 37.5' Variance of : 22.50'

Bulk & Area Variance		
	Regulation	Request
Article 401. Sec 401.7.C.2 Lot Area for R-1, Single Family Residential	6,000 sq. ft. Lot Area minimum	Request of: 5,625 sq. ft. Variance of : 375 sq. ft.

Side Exterior Setback Variance		
	Regulation	Request
Article 401. Sec 401.7.C.3-a Minimum Setback Requirements for R-1, Single Family Residential	20' minimum side exterior setback	Request of: 15' Variance of : 5'

SURROUNDING ZONING:

Direction	Zoning
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 5 variance requests to the zoning code for property located in the R-1, Single Family Residential zoning classification to allow the construction of 3 single family homes. If the variances are approved the applicant will then be required to submit a property line adjustment reflecting the approved variances and gain approval from the planning commission. The variance requests are as follows.

The applicant is requesting that 10.32 units per acre be allowed which is a variance of 4.32 units per acre allowed by ordinance. The proposed variance is for the construction of 3 single family homes.

The applicant is requesting that a 50' wide lot be allowed which is a variance of 10' from the 60' required by ordinance. The proposed variance is for the construction of a single family home.

The applicant is requesting that two 37.50' wide lots be allowed which is a variance of 22.50' from the 60' required by ordinance. The proposed variance is for the construction of two single family homes.

The applicant is requesting that two 37.50' wide lots be allowed which is a variance of 22.50' from the 60' required by ordinance. The proposed variance is for the construction of two single family homes.

The applicant is requesting a 15 feet side exterior setback be allowed which is a variance of 5 feet from the 20 feet required by ordinance. The proposed variance is for the construction of a single family home.

PUBLIC COMMENT:

Staff HAS received public comment regarding this request. Several inquiry calls have been made to Community Development/Planning Department.

CONDITIONS OF APPROVAL:

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

1. The approved variance shall be for the proposed 3 single family lots only, as provided by the applicant within this application.

Newell Development

101 SE G court

Bentonville AR 72712

RE: Variance for Corner of NE G and Second

Newell Development desires to develop three single family lots at the corner of NE G and NE Second street.

Variance is being requested for lot width of 37.5 feet of the 60 feet required on two lots and 50 feet of the 60 feet required on one lot. In addition a variance for lot square footage for 5,625 square feet to the required 6,000 square feet. Additionally a variance for a 15 foot setback on the east side of the property that borders G is requested.

There are a number of lots that are under the 60ft width minimum in this immediate area:

803 E Central (45ft wide)

613 E Central (45ft wide)

402 N E F St (50ft wide)

612 NE 2nd St (50ft wide)

616 NE 2nd St (50ft wide)

618 NE 2nd St (50ft wide)

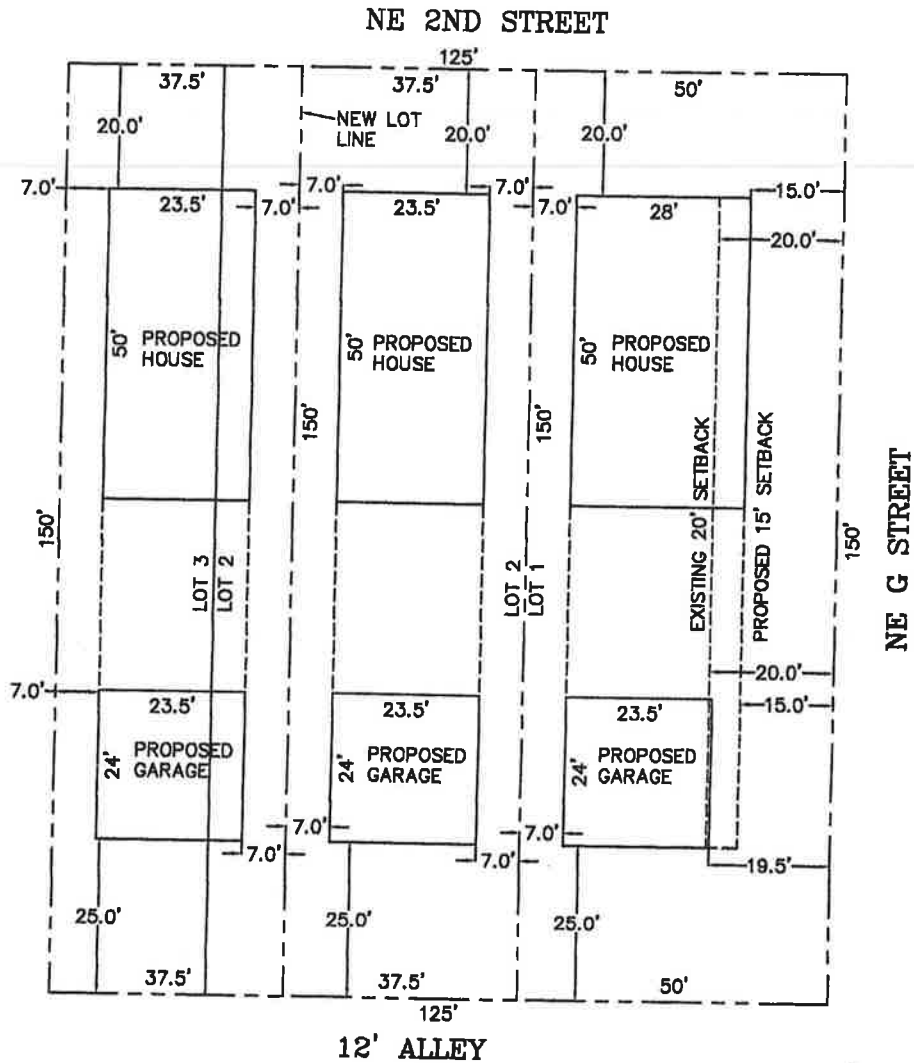
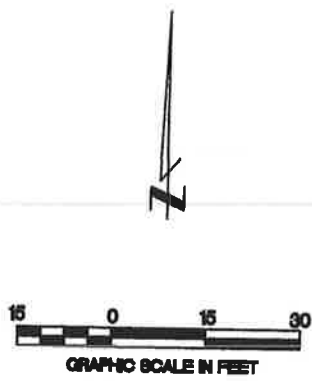
These homes will be designed in a form and scale that will fit the neighborhood. The existing R-1 zoning does not allow for development of desired product that is needed to fulfill demand close to the city's core.

The Developer is seeking to create a project that in form and scale will fit into the existing neighborhood. This project will have all rear loading garages, keep cars out of street and be a drastic improvement over the existing house that is on the market.

Newell Developments goal is to provide residential housing in walkable and bikeable locations in and around Bentonville. We are committed to working within the cities framework to provide rooftops and create great places.

Best Regards

Newell Development Team



SETBACKS ZONE R-1:

FRONT (GARAGE) 30'

FRONT 20'

SIDE (INTERIOR) 7'

SIDE (ROW) 20'

REAR 25'

LOTS 1, 2, & Pt 3
 DEED 2014-41119
 PLAT "B" PAGE 101 OWNER:

01-03245-000
 PHILLIPS, CHARLES L
 13829 PHILLIPS RD
 ROGERS AR 72756
 ZONED R-1

Variance Exhibit
 Lots 1, 2, & Pt. 3, Block 2
 Lincoln & Rice Addition
 Bentonville, Arkansas

Nevill Surveying, LLC
 705 NW D Street
 Bentonville, AR 72712
 479-790-7264

2015-0020 V Exhibit.DWG
 Note: Not a
 Survey or Plat

BOA STAFF REPORT

15-1100022, Martin, Fence and Wall Requirements (Front Yard Fence Height)

TO: Bentonville Board of Adjustment Members
THRU: Troy Galloway, AICP, Community Development Director
FROM: Jon Stanley, Planner
BOA DATE: August 26, 2015

GENERAL INFORMATION:

Representative: Josephine Adesina (Mustard Seed Children's Academy)

Applicant: Jeff Martin

Location: 1400 East Central Avenue

Existing Zoning: C-2, General Commercial

Existing Land Use: Office

REQUEST: Variance

Front Yard Fence Height Variance for 36' of 4' Wrought Iron Fence		
	Regulation	Request
Article 1400, Sec 1400.15.D.2, Fence Location, Front Yard	Maximum Height shall be six (3) feet above grade	Request of: 4' Variance of : 1'

Front Yard Fence Height Variance for 33' of 6' Vinyl Coated Chain Link Fence		
	Regulation	Request
Article 1400, Sec 1400.15.D.2, Fence Location, Front Yard	Maximum Height shall be six (3) feet above grade	Request of: 6' Variance of : 3'

SURROUNDING ZONING:

Direction	Zoning
North	C-2, General Commercial
South	R-1, Single Family Residential
East	C-2, General Commercial
West	C-1, Neighborhood Commercial

BACKGROUND:

The applicant has submitted a variance request to the Front Yard Fence Height requirements for property located in a C-2, General Commercial zoning district. The applicant is requesting a 4 feet high front yard fence be allowed for a distance of 36 linear feet which is a variance of 1 foot from the 3 feet allowed by ordinance, in addition the applicant is also requesting a 6 feet high fence be allowed for a distance of 33 linear feet which is variance of 3 feet from the 3 feet allowed by ordinance. The location and height is illustrated on the attached exhibit. The proposed variance is to provide security for a playground area associated with a commercial childcare facility. Please see attached narrative and site map.

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 location, linear footage and materials of the fence(s) only, as provided by the applicant within this application.

Mustard Seed Children's Academy
1400 E. Central Avenue
Bentonville AR 72712

08/17/2015

Appeal for a 4' tall Rod Iron and 6' tall Chain link fence for a Childcare Facility

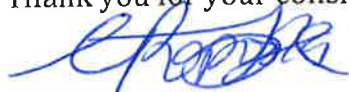
I, Josephine Adesina, owner of Mustard Seed Children's Academy occupying 1400 E. Central Avenue, hereby appeal to have a fence slightly higher (4' tall) than City Code stipulates (3' tall) on the Central Avenue side of the street and a 6' tall at the back side of the building (School Play Ground).

The main reason for this appeal is because we are a Childcare Center and this is a security issue for the children. We enroll and have on the playground children ages 6 weeks to Pre Kindergarten. A 3' fence is very easily assessable and within reach especially for our 4 and 5 years old and considering that we are close to the main street, a taller fence will help us keep the children safe.

Also putting into consideration the new fire codes where non of the doors on the inside can be locked, there is a potential danger if there is easy access to the main street by the children as well because having a fence as short as a 3' fence makes the street side easily more assessable.

I am appealing to the city to be able to put up a 4' Rod Iron Fence on the north side and 6' black Vinyl chain-link on the Playground/Back side of the fence.

Thank you for your consideration.



Josephine Adesina
Owner, Mustard Seed Children's Academy.

Info@mustardseedacademy.com

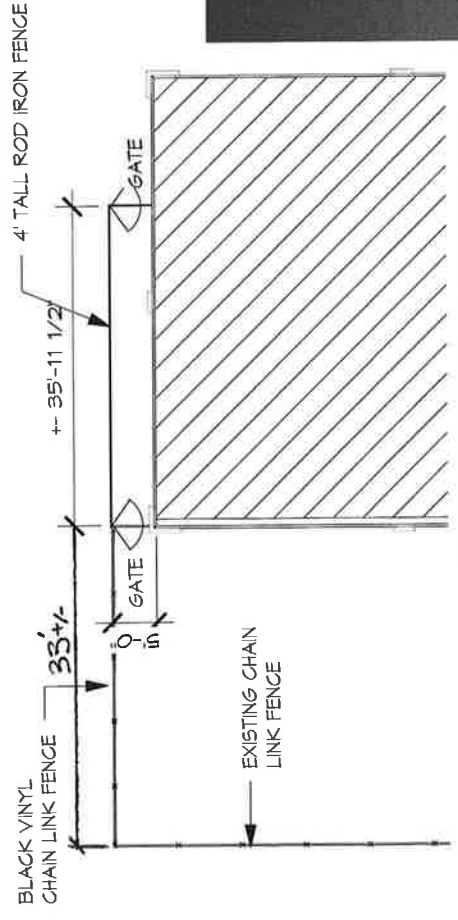
C: 347-893-6248; W: 479-268-5121



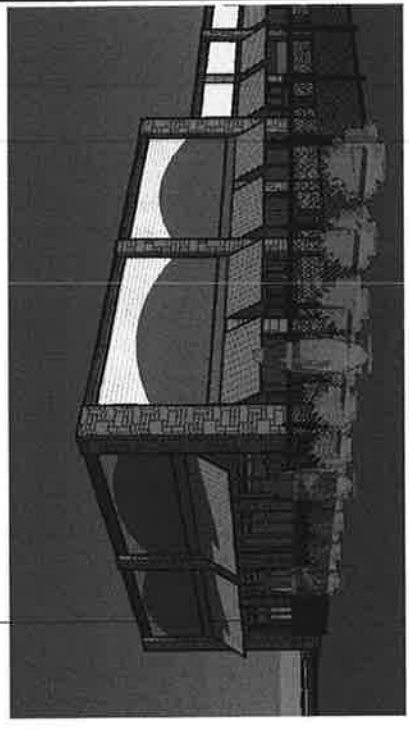
MUSTARD SEED
 1400 EAST CENTRAL
 BENTONVILLE, AR

DATE 7-27-15
 JOB NO. 14074

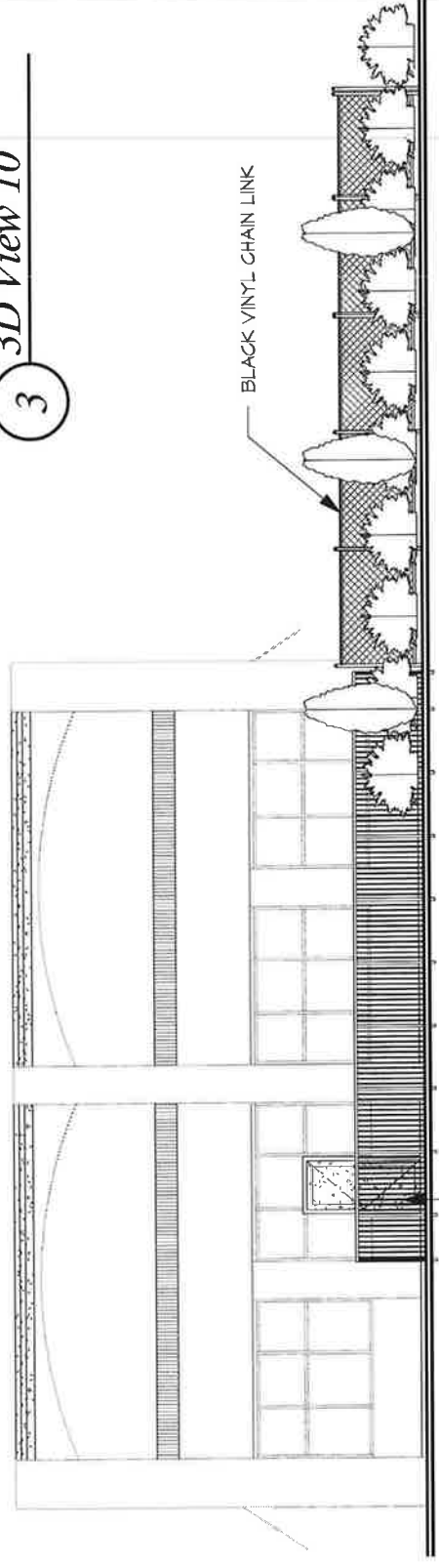
SD.1
 FENCE CHANGE



2 FENCE LINE DIAGRAM



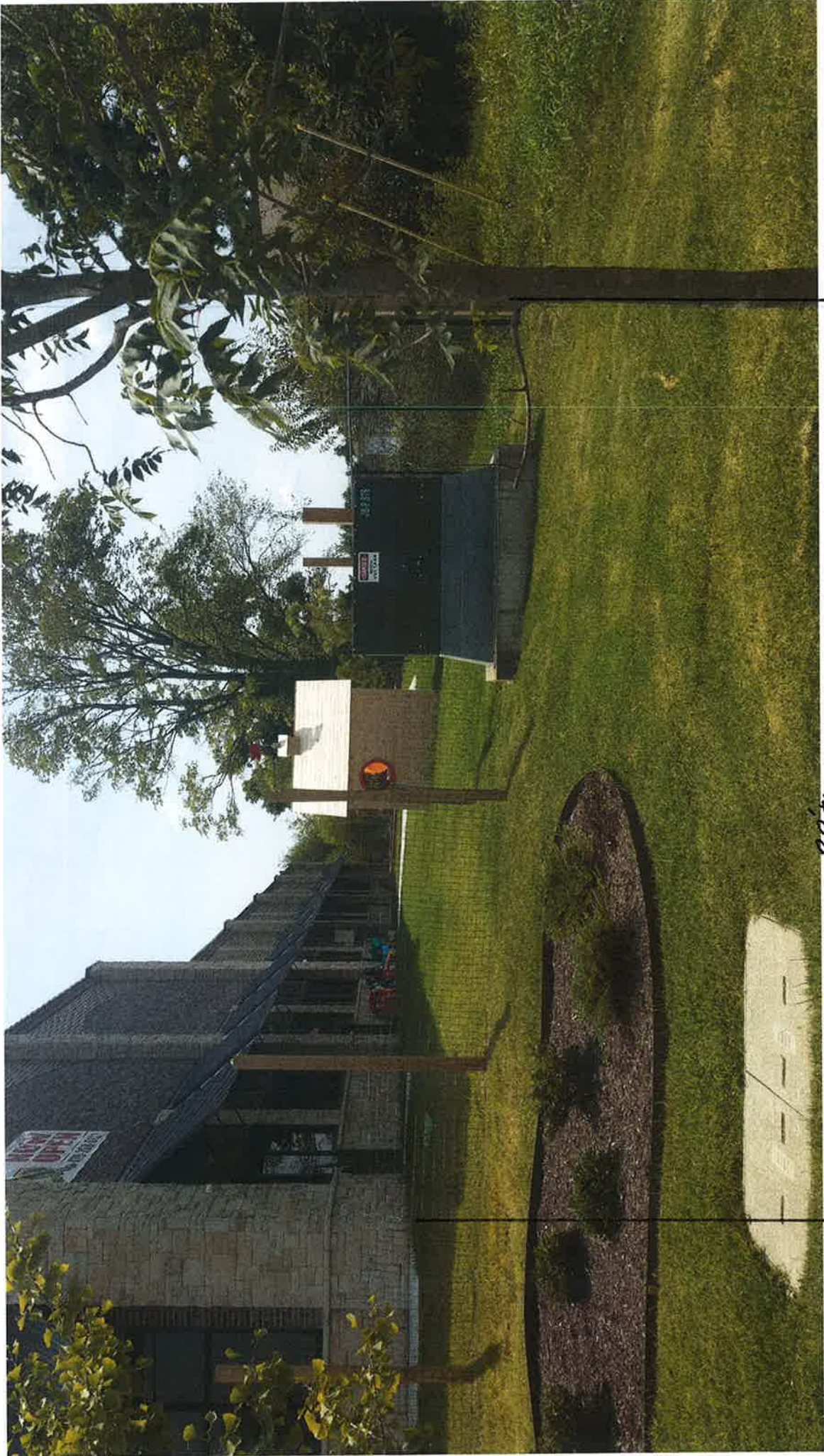
3 3D View 10



1 FENCE ELEVATION



36 1/2
4' ROD IRON FENCE



33 1/2

6' BLACK VINYL CHAIN LINK FENCE

