

**Note – The Community Development Building will be open for the public to attend. Those that do attend will be asked to watch the meeting from the building’s lobby. Attendees will only be allowed into the Chambers to make a public comment or to speak during any public hearing on the agenda. Those who do attend should observe the CDC recommendations concerning hygiene and social distancing (keeping at least 6 feet away from other persons present at the meeting). Moreover, no one should attend this meeting if they are experiencing any type of illness involving a fever, sneezing, or coughing. Those wishing to make public comments who do not want to attend the meeting may do so in written form, submitted to [planning@bentonville.com](mailto:planning@bentonville.com) by 3:00 p.m. on the day of the meeting. Those comments will be communicated to the members of the Board of Adjustment. While email comments are encouraged, accommodation has also been made to allow Bentonville citizens to make “live” public comments orally in the event they cannot or do not feel comfortable attending the meeting in person. To do so, please send an email indicating a desire to make “live” oral public comments to [planning@bentonville.com](mailto:planning@bentonville.com) by at least 3:00pm on the day of the meeting and a reply email will be sent with instructions about how your comments can be made. Making comments will require you to register with your name, address, phone number, and email address. Procedures with respect to oral public comments still apply.**



**Board of Adjustment  
Agenda  
March 10, 2021**

**I. Call To Order**

**II. Approval Of Minutes**

Documents:

[BOA MINUTES 2-24-21.PDF](#)

**III. New Business**

- 1. Dilday\*  
Setbacks (VAR21-0004)**

Documents:

[STAFF REPORT\\_VAR21-0004.PDF](#)  
[BOA PACKET.PDF](#)

**IV. Adjournment**

\*Denotes Public Hearing

Board of Adjustment

Minutes

February 24, 2021

Meeting called to order by Rick Rogers, Chairman.

Present: Rustin Chrisco, Joe Haynie, Jan Holland, and Rick Rogers  
Absent: Sam Pearson  
Staff: Ali Worley

Motion by Mr. Haynie, seconded by Ms. Holland to approve the minutes of January 27, 2021 as written  
Approved 4-0

New Business

Item #1

Sethurajan: Setbacks, 3703 SW Town Vu Road, VAR21-0002

Ali Worley reads the staff report.

Opened public hearing

No public comments

Closed public hearing

Saravanan Sethurajan, applicant, speaks on the reason for the request.

There is discussion amongst Board members and staff.

Approved 4-0

Item #2

Fourt: Fence Height, 210 SW O Street, VAR21-0003

Ali Worley reads the staff report.

Opened public hearing

No public comments

Closed public hearing

Rob Fourt, applicant, speaks on the reason for the request.

There is discussion amongst Board members and staff.

A condition is added to state "Transition the length of at least one panel from eight feet to six feet along the north line, and the portion of the fence from the north line to the house will comply to the six feet."

Approved 4-0

Motion by Mr. Rogers to move Item #3 to the end.

Item #4

BBI-B Street, LLC: Fence Setback, 607 NW B Street, VAR21-0005

Ali Worley reads the staff report and corrects the address to 607 NW B Street.

Opened public hearing

No public comments

Closed public hearing

John Nessmith, applicant, speaks on the reason for the request. He states that the variance request is only for the fence adjacent to the alley. The fence along NW 7<sup>th</sup> Street will comply.

There is discussion amongst Board members and staff.

Mr. Rogers states that all fences need to be removed from the public right-of-way.

Approved 4-0

Meeting adjourned

*Ali Worley*

\*A copy of this recording can be obtained from the Bentonville Planning Department.

# BOARD OF ADJUSTMENT STAFF REPORT



## Dilday

514 Tiger Boulevard

BOA Date: 3/10/2021

Reviewer: Ali Worley, Planning Technician

<b>Project Number</b>	VAR21-0004
<b>Applicant / Current Owner</b>	Chad & Christina Dilday
<b>Site Area</b>	+/- 0.82 acres
<b>Current Zoning</b>	R-1, Single Family Residential
<b>Variance Request</b>	Zoning Code Article 401.07

### Property Description

This property is located at 514 Tiger Boulevard It is currently zoned R-1, Single Family Residential.

### Regulation

According to Zoning Code Article 401.07, Residential districts regulations, section c, Residential setback standards, the side setback for the R-1 zoning district is seven feet.

### Variance Request

The applicant is requesting a setback of five feet, which is a variance of two feet.

### Background

According to the applicant’s narrative, they are wanting to expand and add on to their existing house. The applicant states their only option of expansion is to the south and east. They state they have a septic system to the west, a pool to the north, and an existing driveway that would have to be removed otherwise.

### Public Comment

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

### Conditions of Approval

If approved, the following conditions shall apply:

1. The approved variance shall be for the proposed layout and setbacks, as provided by the applicant within this application.
2. The applicant shall be required to obtain an approved building permit prior to construction.
3. Any eave or projection that encroaches closer than 5-feet to the property line would have to be fire-rated with no openings on the adjacent wall.



This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

# BOARD OF ADJUSTMENT STAFF REPORT

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## Section 301.10.c, Standards of Approval, of the Zoning Code

*Standards for approval.* A variance from the terms of this chapter shall not be granted by the board of adjustment unless and until:

(1) The applicant demonstrates that:

- a. special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structure or buildings in the same district;
- b. that literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;
- c. that special conditions and circumstances do not result from the actions of the applicant; and,
- d. that granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district.

(2) No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

(3) The board of adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of land, building or structure.

(4) The board of adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(5) *Conditions.* In granting any variance, the board of adjustment may prescribe appropriate conditions and safeguards that it deems necessary or desirable. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter.

(6) *Uses.* Under no circumstances shall the board of adjustment grant a variance to allow a use not permissible under the terms of this chapter in the district involved, or any use expressly or by implication prohibited by the terms of this chapter in said district.

I attached a survey of my house we are trying to expand north of Tiger. We need a variance to expand the house due to the layout and existing structure and existing obstacles.

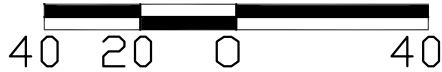
To the west..we have a septic system with the tank near the house that is being expanded (after speaking with the health and water departments). I had spoken with the Water Dept about potentially going onto city sewer but with over 400ft of back pressure on a sewer line (pumping up hill) and shutting down Tiger BLVD to dig it up for seems like a huge mess and a maintenance and construction nightmare. This would also require the destruction or removal of over 400 feet of existing driveway to the north we have a swimming pool. So our only option is to move south and East, which with the current design is putting us within a couple fee of our own property line, neighboring a retention pond and parking lot.



**SETBACK CHART, R-1 ZONING**

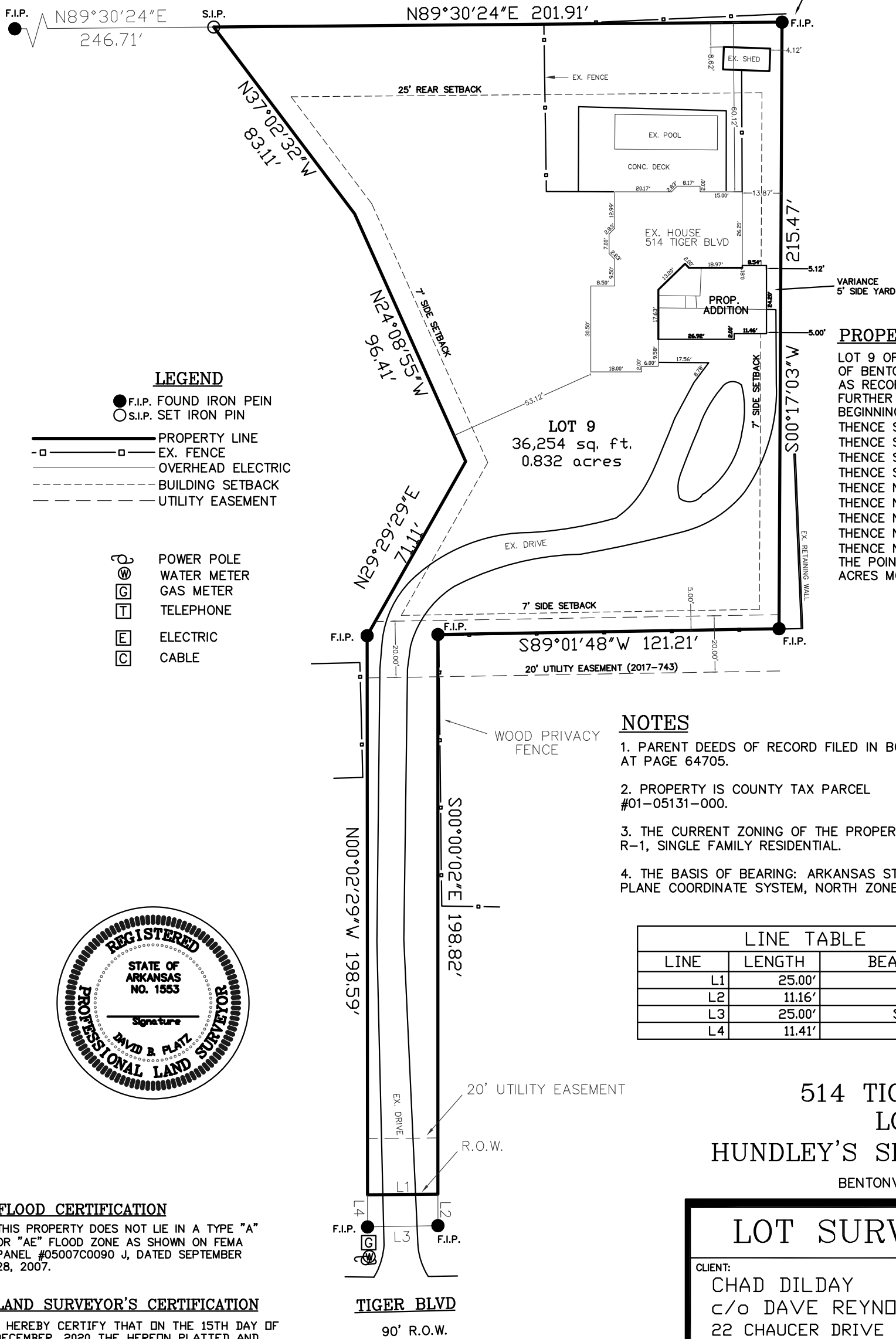
FRONT SETBACK	20'
REAR SETBACK	25'
SIDE SETBACK	7'

SCALE 1"=40'



APPLEGATE SUBDIVISION

P.O.B.  
LOT 9



**LEGEND**

- F.I.P. FOUND IRON PEIN
- S.I.P. SET IRON PIN
- PROPERTY LINE
- EX. FENCE
- OVERHEAD ELECTRIC
- - - BUILDING SETBACK
- - - UTILITY EASEMENT
- ⊕ POWER POLE
- ⊗ WATER METER
- ⊙ GAS METER
- ⊕ TELEPHONE
- ⊖ ELECTRIC
- ⊙ CABLE

**PROPERTY DESCRIPTION**

LOT 9 OF HUNDLEY'S SPECIAL ADDITION, CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS AS RECORDED IN BOOK 2017 AT PAGE 743, FURTHER DESCRIBED AS FOLLOWS; BEGINNING AT THE NE CORNER OF SAID LOT 9, THENCE SOUTH 00°17'03" WEST 215.47 FEET; THENCE SOUTH 89°01'48" WEST 121.21 FEET; THENCE SOUTH 00°00'02" EAST 198.82 FEET; THENCE SOUTH 89°33'15" WEST 25.00 FEET; THENCE NORTH 00°02'29" WEST 198.59 FEET; THENCE NORTH 29°29'29" EAST 71.11 FEET; THENCE NORTH 24°08'55" WEST 96.41 FEET; THENCE NORTH 37°02'32" WEST 83.11 FEET; THENCE NORTH 89°30'24" EAST 201.91 FEET TO THE POINT OF BEGINNING, CONTAINING 0.832 ACRES MORE OR LESS.

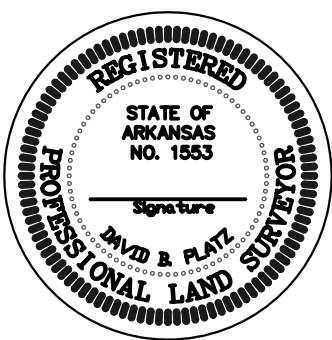
**NOTES**

- PARENT DEEDS OF RECORD FILED IN BOOK 2017 AT PAGE 64705.
- PROPERTY IS COUNTY TAX PARCEL #01-05131-000.
- THE CURRENT ZONING OF THE PROPERTY IS R-1, SINGLE FAMILY RESIDENTIAL.
- THE BASIS OF BEARING: ARKANSAS STATE PLANE COORDINATE SYSTEM, NORTH ZONE.

**LINE TABLE**

LINE	LENGTH	BEARING
L1	25.00'	S89°33'15"W
L2	11.16'	S00°02'29"E
L3	25.00'	S88°58'53"W
L4	11.41'	N00°02'29"W

514 TIGER BLVD.  
LOT 9  
HUNDLEY'S SPECIAL ADDITION  
BENTONVILLE, AR 72712



**FLOOD CERTIFICATION**

THIS PROPERTY DOES NOT LIE IN A TYPE "A" OR "AE" FLOOD ZONE AS SHOWN ON FEMA PANEL #05007C0090 J, DATED SEPTEMBER 28, 2007.

**LAND SURVEYOR'S CERTIFICATION**

I HEREBY CERTIFY THAT ON THE 15TH DAY OF DECEMBER, 2020 THE HEREDON PLATTED AND DESCRIBED SURVEY WAS COMPLETED UNDER MY SUPERVISION AND THE IRON PINS WERE FOUND OR SET, AS SHOWN ON THIS PLAT, ALL EASEMENTS AND ENCROACHMENTS REVEALED BY THE SURVEY ARE AS SHOWN ON THIS PLAT.

DAVID B. PLATZ, R.L.S. #1553

LOT SURVEY		REVISIONS	
CLIENT:	CHAD DILDAY c/o DAVE REYNOLDS 22 CHAUCER DRIVE BELLA VISTA, AR 72714	No.:	BY: DATE:
273-7989 OR 366-7989		DRAWN BY:	DATE:
		DP/ZS	1/4/21
		CHECKED BY:	JOB No.:
			2020523
		SCALE:	SHEET:
		1"=40'	1