

# BOZA/PLANNING COMMISSION STAFF REPORT

## REGULAR MEETING    April 9, 2024

Property Address: 115 E Van Buren

Property Owner: Tom Buford

Applicant: same

Application: Tree Cut Application

### Summary of Facts as presented on Application:

1. property located in C2, Contemporary Commercial Zone
2. seeking to remove 5 trees from property to allow for improvements and allow for conforming use of property

### Applicable Eureka Springs Municipal Code:

- Ordinance 2345 (2024): 7.56.06: "Criteria Supporting Tree Removal" C: tree is damaging or interfering with existing structures, site improvements, and utility services.
- Ordinance 2345 (2024): 7.56.06: "Criteria Supporting Tree Removal" D: removal of the tree is needed in order to construct improvements or otherwise allow conforming use of the property.

Staff recommendation: Approval

*Sample motion:* I move that the Eureka Springs Board of Zoning Adjustment approve the tree removal permit application proposed at 115 E VanBuren based on the agreed upon Summary of Facts as presented.

Approved: \_\_\_\_\_yes \_\_\_\_\_No

**City of Eureka Springs      Board Of Zoning Adjustment**  
**APPLICATION FOR TREE REMOVAL PERMIT APPEAL**

Name of Applicant T. A. BUFORD REV. TRUST  
Address 32 DOGWOOD RIDGE E.S. AR. 72632  
Phone 870-241-8232 Email TOM BUFORD @ COX. NET  
Name of Property Owner if different than Applicant \_\_\_\_\_  
Address \_\_\_\_\_

Address and/or Legal Description of property where tree removal is proposed \_\_\_\_\_  
115 EVAN BURAN E.S. AR. Zoning District C-2

Number of trees to be removed with base diameter of 4" (inches) or more 5  
An antique tree is any tree over fifty (50) years of age or with a minimum diameter of 36" (inches) measured four and one-half feet above grade. Are any antique trees to be removed? NO  
Reason for tree removal request WISH TO FILL AREA  
WHERE TREES ARE LOCATED.

At the time of filing this application, the following exhibits must be provided to the Board of Zoning Adjustment, plus a Tree Removal Permit processing fee of \$20.00 4.00

- ☒ 1. The completed application.
- ☐ 2. The denied Tree Cut Permit from the Building Official.
- ☒ 3. A plan or diagram locating all living trees distinguishing which trees are proposed for removal or destruction, and the location of any existing or proposed structures.
- ☒ 4. Provide current photographs of property and existing structures.

*I certify that I have read and understand Sections 7.56.01 – 7.56.10 of the Eureka Springs Municipal Code (attached) which apply to the application for which I am seeking approval. I further certify that all of the information furnished is correct to the best of my knowledge.*

Signature of owner if other than applicant \_\_\_\_\_ Applicant's signature Tom A. Buford Date 3-20-2024  
TRUSTEE

**Report of Tree Removal Permit Appeal to Board of Zoning Adjustment**

Public Hearing Date \_\_\_\_\_  
The Board of Zoning Adjustment of the City of Eureka Springs met in \_\_\_\_\_ regular \_\_\_\_\_ special session on \_\_\_\_\_ to review the above application.  
The application was \_\_\_\_\_ Approved \_\_\_\_\_ Denied with \_\_\_\_\_ ayes, \_\_\_\_\_ nays and \_\_\_\_\_ abstentions.  
Comments & Conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Board Secretary

Board Chairman

Date  
Revised 11/21/12



# CITY OF EUREKA SPRINGS

## Building & Safety Department

Inspection - Permits - Licensing - Planning - Enforcement

44 S. Main St. Eureka Springs, Ar. 72632

Ph. 479-253-9703 Fax 479-253-6967

## PERMIT APPLICATION

No. \_\_\_\_\_

Notice: Permit will not be issued or valid until all fees are paid and all approvals needed are final. Applicant agrees to abide by all codes and ordinances of and adopted by the City Of Eureka Springs, all State and Local licensing requirements, and all procedures and regulations of each department and commission of The City Of Eureka Springs, Ar.

Date 3-20-2024 Permit Address 115 E. VAN BUREN Zone C-2 HDC ☒  
Applicant Name T.A. BUFORD REV. TRUST Phone 870-261-8232  
Property Name \_\_\_\_\_ R \_\_\_\_\_ C \_\_\_\_\_ Phone \_\_\_\_\_  
Work Requested REMOVE TREES

Sign (sq. ft.)	_____	Value @	_____	@ \$5.50 = \$	_____	+ \$ 20 =	_____
Construction (sq. ft.)	_____			@ \$2.20 = \$	_____	+ \$ 30 =	_____
Renovation (value)	_____			@ \$5/k = \$	_____	+ \$ 30 =	_____
Roofing (value)	_____			@ \$5/k = \$	_____	+ \$ 30 =	_____
Electrical (value)	_____	Rough _____ and Final _____		@ \$5/k = \$	_____	+ \$ 30 =	_____
Plumbing (value)	_____	Rough _____ and Final _____		@ \$5/k = \$	_____	+ \$ 30 =	_____
HVAC (value)	_____	Rough _____ and Final _____		@ \$5/k = \$	_____	+ \$ 30 =	_____
Wall/Fence (value)	_____			@ \$5/k = \$	_____	+ \$ 30 =	_____
Walk/Pave (value)	_____			@ \$5/k = \$	_____	+ \$ 30 =	_____
Fill/Excav. (value)	_____			@ \$5/k = \$	_____	+ \$ 30 =	_____
Landscape (value)	_____			@ \$5/k = \$	_____	+ \$ 30 =	_____
Insulation	_____			@ \$5/k = \$	_____	+ \$ 30 =	_____
Drywall	_____			@ \$5/k = \$	_____	+ \$ 30 =	_____
Sheating	_____			@ \$5/k = \$	_____	+ \$ 30 =	_____
T-Pole	_____			@ \$5/k = \$	_____	+ \$ 30 =	_____
Pre-Pour	_____			@ \$5/k = \$	_____	+ \$ 30 =	_____
Water & Sewer	_____	Rough _____ and Final _____		@ \$5/k = \$	_____	+ \$ 30 =	_____
Gas	_____	Rough _____ and Final _____		@ \$5/k = \$	_____	+ \$ 30 =	_____
Demo Permit	_____					+ \$ 50 =	_____
Permit Extension (Max. 180 days)	_____					+ \$ 30 =	_____
Certificate of Occupancy (residential \$30 - commercial \$50)	_____						_____
Other Inspection (for)	_____						_____
Special Permit (for)	_____						_____
Tree Cut Permit # of Trees <u>5</u> Type of Trees <u>MAPLE, CILANARY, HATHAWAY</u>						+ \$ 20 =	<u>40</u>
Reason for Removal <u>ENLARGE SITE</u>							_____
Older than 50 yrs. or has historical value _____ larger than 36" dia. _____						\$	_____
I have given my approval _____ I have denied my approval _____							_____
Reasons for denial _____							_____
Action Recommended _____							_____

Applicant Signature

Tam A. Buford Trustee

Building Official

Date Permit Issued



1

#1

2-3

#  
2 + 3



#4

4



H  
5



H  
5

The site is .69 acre, and the area of the building is about .29 acre.

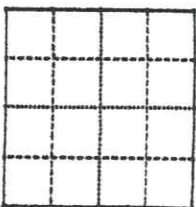
The remaining .40 acre is a ravine that is heavily wooded with several different trees, including a large growth of forsythia bushes.

Removing the five trees will have a small impact on the remaining trees.

The reason for the removal is to allow the area to be utilized for additional parking and enlarge the yard behind the house by adding fill.

Due to the steep ravine, I would like to cut the trees four feet above the ground and utilize the trunks to help hold the fill.

### Pebbles : Addition

[illegible]

**Certificate of Surveyor:**

I hereby certify the attached plat is a true representation of a survey performed under my supervision on the 16<sup>th</sup> day of April 2004

**Legend:**

Δ - Found Monument as Noted  
 ● - Set 1/2" Rubber W/ Cap  
 - Existing Fence  
 x

**Joe Zickmund**  
**Charles Edwards**

SCALE 1" = 60'	APPROVED BY:	DRAWN BY: KGA
DATE 4-20-04	Gerald Farmer, P.L.S.	REVISER:

**Basis of Bearings:** O.M.S. survey filed in Cdb. A. S. 1951.

**DWGS Surveying Co., Inc.**  
R. O. Box 205  
Berryville, Arkansas 72616

**DRAWING NUMBER**  
**2166a**

1. FORTHMAN PLACE	8"
2. SILVER MAPLE	8"
3. HAZEL BERRY	6"
4. CHERRY	5"
5. SILVER MAPLE	9"



## Building and Safety Inspection Report

1 Apr 2024

Complete

Score	0 / 1 (0%)	Flagged items	1	Actions	1
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### Type of inspection

Property maintenance inspection/Tree assessment.

### Permit Information

Pre Con

### Contractor Information/Owner information

John Cross 479 409 9402

### Inspector/Code Enforcement

Jacob Coburn

### Conducted on

01.04.2024 12:31 CDT

### Location

22 S Main St  
Eureka Springs AR 72632  
United States  
(36.40148227870826,  
-93.73762670489323)

### Inspection took place on

01.04.2024 12:32 CDT

### Inspection Results

Fail

Hazardous trees located on site, requiring removal of all hazardous trees identified in this report to prevent the loss of life and damage of property.

Remove all trash and debris in and around the parking lot area

Remove all dry dead vegetation in and around the parking lot area as well as around the property itself.



Photo 1



Photo 2

**Remedial action plan** | Priority: Low | Due: 09.04.2024 08:46 CDT | Created by: jacob coburn

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### Code violations

Hazard trees identified, 8 trees recommended for immediate removal, crumbling peeling bark decaying/rotting trunk sections, hazardous leans ,root exposure/root damage. Retaining wall failure caused by tree system.

Missing hand rail at staircase side of property.

Miscellaneous trash and debris located on property as well as parking lot area.

Retaining wall failure

Dry dead vegetation on property and above parking area.

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### Corrections required

Address all code violations before calling in a Re inspection.

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### Building Code Reference

City of Eureka Springs municipal code maintenance of property.

International property maintenance code.

International fire code.

State of Arkansas fire prevention code volume one.

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### Photo Documentation



Photo 3



Photo 4



Photo 5



Photo 6



Photo 7



Photo 8



Photo 9



Photo 10



Photo 11



Photo 12



Photo 13



Photo 14



Photo 15



Photo 16



Photo 17



Photo 18



Photo 19



Photo 20



Photo 21

## Flagged items & Actions

1 flagged, 1 action

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Title Page

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## Other actions

0 actions

## Media summary



Photo 1



Photo 2



Photo 3



Photo 4



Photo 5

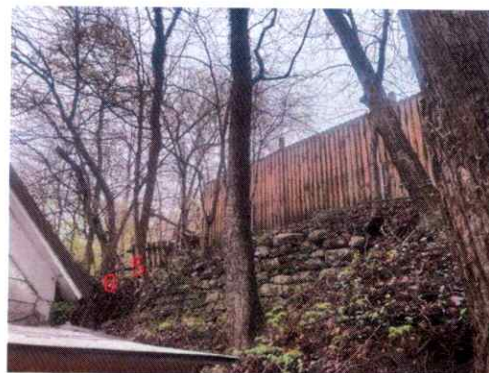


Photo 6



Photo 7



Photo 8



Photo 9



Photo 10



Photo 11



Photo 12



Photo 13



Photo 14



Photo 15



Photo 16



Photo 17



Photo 18



Photo 19



Photo 20



Photo 21