



**BOARD OF ADJUSTMENT
AGENDA
January 9, 2019**

I. Call to Order

II. Approval of Minutes

III. New Business:

1. Michael Family Limited Partnership of NWA Variance*

Richardson Properties

700 SW 14th Street (VAR18-0045)

- Flood Damage Prevention Code Appendix “A” Base Flood Elevation requirements for Nonresidential Structures

2. J & M Investments of NWA Variance*

3800 SW Post Loop (VAR18-0046)

- Minimum Lot Depth in R-ZL zoning District

IV. Other Business

- Election of Officers
 - i. Current Chair: Rick Rogers
 - ii. Current Vice-Chair: Sam
 - iii. Current Secretary: Rustin Chrisco

V. Adjournment

Board of Adjustment
Minutes
November 28, 2018

Meeting called to order by Rick Rogers, Chairman

Present: Joe Haynie, Rick Rogers, Jan Holland, and Rustin Chrisco
Absent: Sam Pearson
Staff: Jon Tyler and Tyler Overstreet

Motion by Mr. Haynie, seconded by Mr. Chrisco to approve the minutes of November 14, 2018 as written.
Approved 4-0

New Business

Item #1

Osterloh, Variance Request for 201 NW G Street, Rear and Side Yard Setbacks, VAR18-0034

Tyler Overstreet reads the staff report and clarifies that the request is for two signs.

Opened public hearing

No public comments

Closed public hearing

Nick Rumancik, representative, gives a summary and reason for the variance request.

There is discussion amongst the applicant, the Board members, and staff.

Rear Yard Setback

Approved 4-0

Side Yard Setback

Withdrawn by applicant

Item #2

Church of the Nazarene, Variance Request for 220 NW A Street, Fence Location Adjacent to Public Right-of-Way, VAR18-0035

Tyler Overstreet reads the staff report.

Opened public hearing

No public comments

Closed public hearing

Mal McCawley, representative and executive pastor, explains the hardship and reason for the variance request.

There is discussion amongst the Board members and Mr. McCawley. The Board agrees that the fence will need to be moved for safety reasons.

Amended to allow a 1.5-foot variance so the fence becomes 3.5 feet from the right-of-way.

Approved 4-0

Motion by Mr. Chrisco, seconded by Mr. Haynie to adjourn

Meeting adjourned

Ali Worley

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

BOA STAFF REPORT

VAR18-0045 – Michael Family Limited Partnership – Flood Damage Prevention Code - Appendix “A”

TO: Bentonville Board of Adjustment Members
THRU: Shelli Kerr, AICP, Community Development Director
FROM: Jon Stanley, Senior Planner
BOA DATE: January 9, 2019

GENERAL INFORMATION:

Representative: Crafton Tull & Associates (Daniel Ellis)

Applicant: Michael Family Limited Partnership (Richardson Properties)

Location: 700 SW 14th Street

Existing Zoning: C-2, General Commercial

Existing Land Use: Vacant commercial lot

REQUEST: Variance

Required Height above the Base Flood Elevation-Non Residential Structures		
	Regulation	Request
Flood Damage Prevention Code, Appendix “A”, Article 3, Section B, Item b),1,a. For Nonresidential Structures in Zone AE	All nonresidential structures shall be 3 feet above the published Base Flood Elevation (BFE)	Request of: 2’ Variance of : 1’

SURROUNDING ZONING:

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

BACKGROUND:

The applicant has submitted a variance request to the required height above Base Flood Elevation (BFE) for property located at 700 SW 14th Street. The property, currently zoned C-2, General Commercial, is the subject of a Large Scale Development application to allow for the construction of a commercial mini storage. The applicant is requesting to construct the proposed development 2 feet above the Base Flood Elevation, which is a 1-foot variance from the 3 feet required by ordinance for Nonresidential Structures.

For additional information, please reference the attached documents.

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 building footprints of the proposed mini storage development only as provided by the applicant within their application.
2. The applicant must obtain an approved building permit prior to construction.



Crafton Tull
architecture | engineering | surveying

901 N 47th Street, Suite 200
Rogers, AR 72756

479.636.4838 (ph)
479.631.6224 (fax)

December 21, 2018

Bentonville Planning Department
305 SW A Street
Bentonville, AR 72712

Re: Richardson Properties
Bentonville, AR
CTA No. 18108600

The purpose of this letter is to request a variance from the Bentonville Subdivision Code, Appendix A, Article 3, Section B, Item b),1,a.

We are requesting that our buildings' FFEs be approved at 2 ft. above the BFE. This is a flat site and bringing in enough fill to raise all the building pads to 3 ft. would render the site undevelopable. In addition, the proposed buildings are only functioning as storage facilities, thus no lives will be in danger in the event of severe flooding.

If you have any additional questions or concerns, please contact us at your convenience.

Sincerely,

Daniel Ellis, P.E.

[illegible]

This document, and the ideas and designs incorporated herein, as an instrument of professional service, is the property of Crafton, Tull & Associates, Inc., and is not to be used, in whole or in part, for any other project, without the written authorization of Crafton, Tull & Associates, Inc.

PROJECTING: 181096000
 ISSUE DATE: 12/03/18
 CONTACT: D. ELLIS
 CHECKED BY: _____
 PRELIMINARY PLANS
 THIS DOCUMENT IS PRELIMINARY AND IS NOT A FINAL, SIGNED AND SEALED DOCUMENT
 NOT FOR CONSTRUCTION REVIEW SET NOT FOR CONSTRUCTION

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LSD # 18-0074

C-102

SYMBOLS

LINEWORK

- FOUND IRON PIN
 LIGHT POLE
- CURB _____
RIGHT OF WAY _____
ROAD CENTERLINE _____

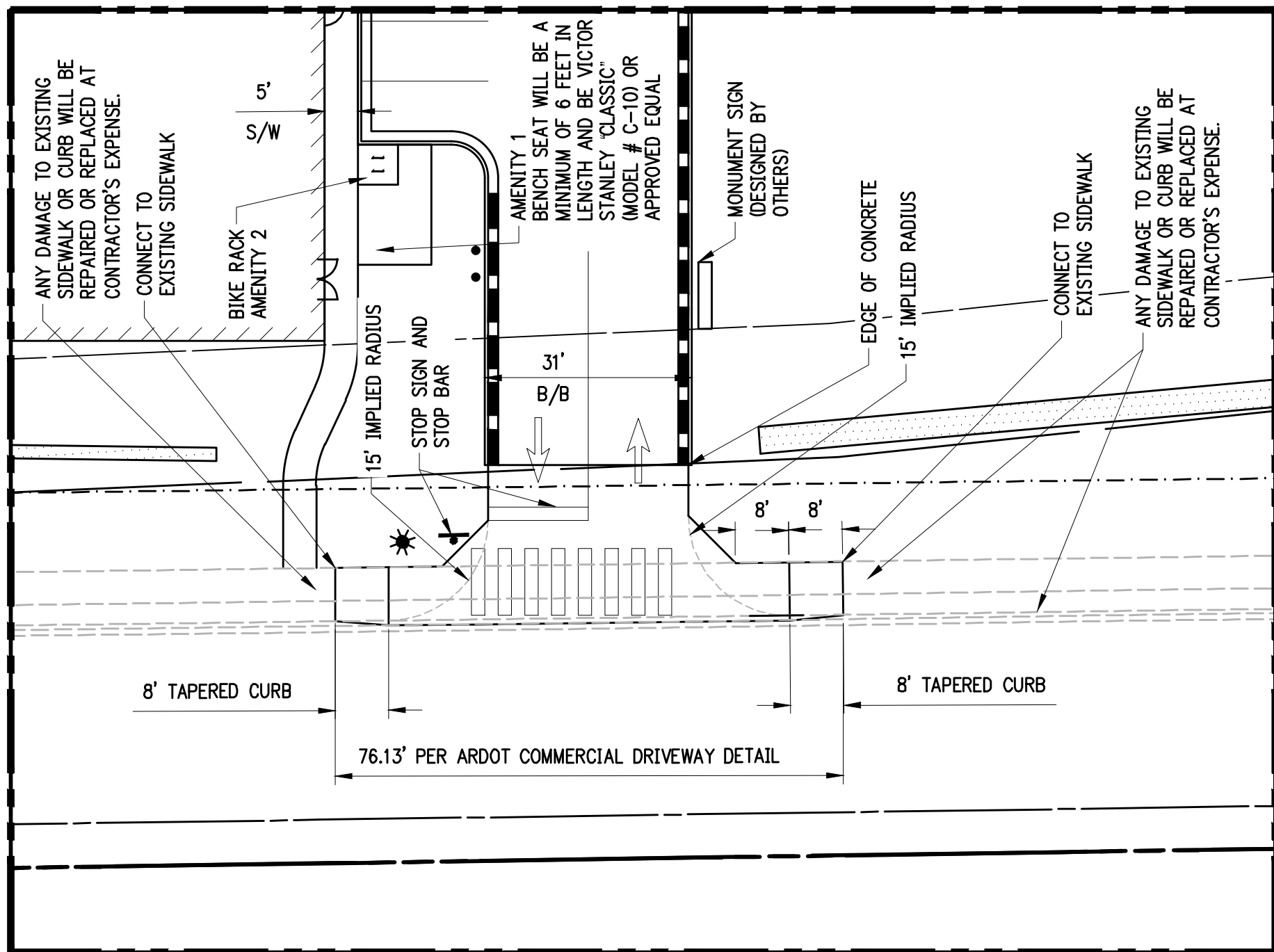
SYMBOL

LINEWORK

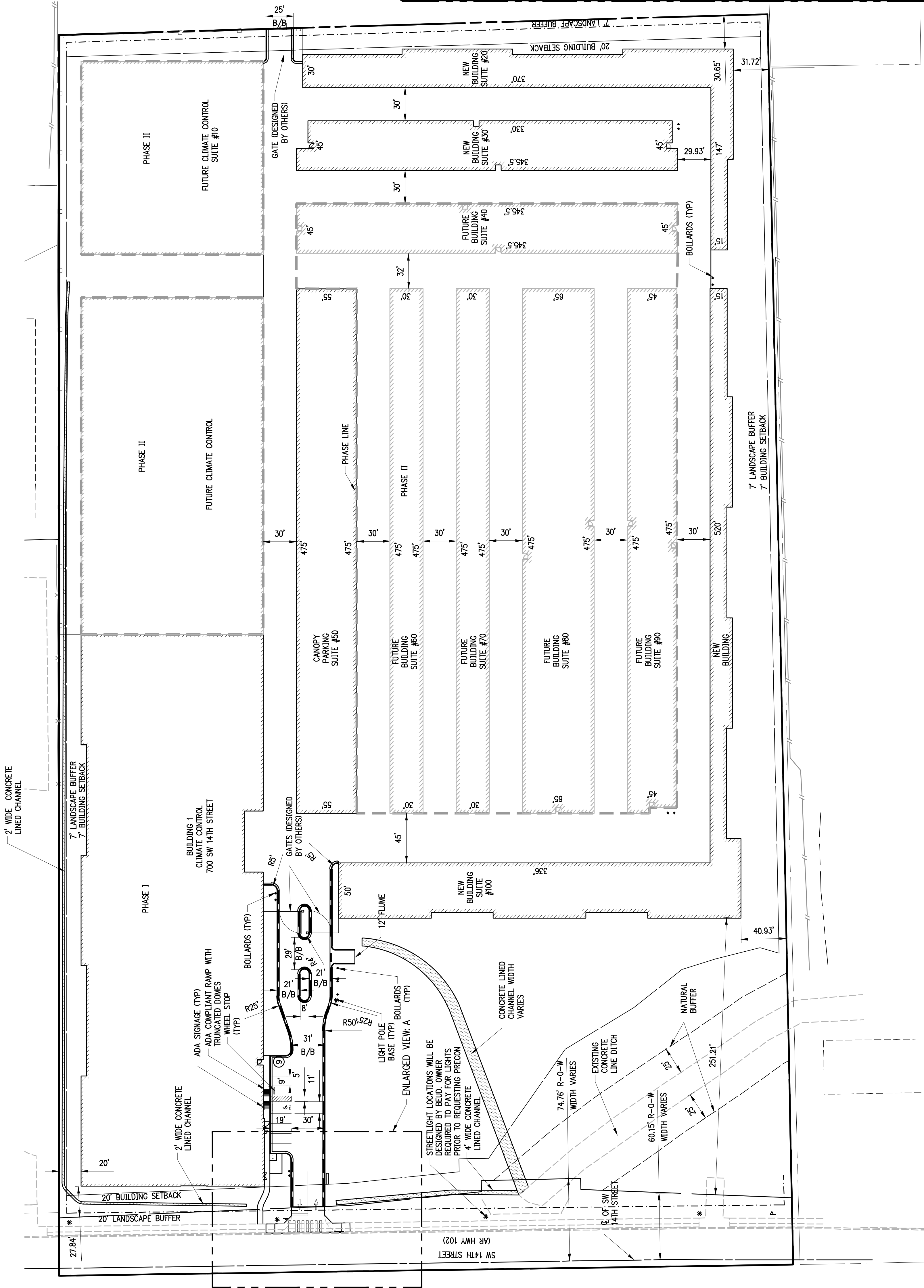
- | | | |
|-------|--------------------|-------|
| ● | SET IRON PIN | _____ |
| ✱ | LIGHT POLE | _____ |
| _____ | CURB & GUTTER | _____ |
| _____ | BUILDING SET BACK | _____ |
| _____ | RIGHT OF WAY | _____ |
| _____ | PROPERTY LINE | _____ |
| _____ | ROAD CENTERLINE | _____ |
| _____ | FIRE LANE STRIPING | _____ |

SITENOTES

1. THE DESIGN, INSPECTION, AND CERTIFICATION OF ANY RETAINING WALL SHOWN OR REFERENCED HEREIN, INCLUDING BUT NOT LIMITED TO, SEGMENTAL RETAINING WALLS, MASS GRAVITY WALLS, CANTILEWALL WALLS, ETC., GREATER THAN FORTY-EIGHT INCHES IN HEIGHT, SHALL BE BY OTHERS. ANY RETAINING WALL DATA SHOWN OR REFERENCED HEREIN SHALL BE FOR COORDINATION OF THE WALL LOCATION AND ELEVATIONS ONLY.
2. ALL WORK AND MATERIALS SHALL COMPLY WITH ALL CITY/COUNTY/STATE/FEDERAL REGULATIONS AND CODES AND OSHA STANDARDS.
3. CONTRACTOR SHALL REFER TO ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF VESTIBULES, EXISTING SIDEWALKS, EXIT PORCHES, TRUCK DOCKS, PRECISE BUILDING DIMENSIONS AND EXACT UTILITY ENTRANCE LOCATIONS.
4. ALL WORK SHALL BE DONE TO THE BACK OF CURB UNLESS OTHERWISE NOTED.
5. ALL PAVEMENT MARKINGS DIMENSIONS FACE OF CURB UNLESS OTHERWISE NOTED.
6. ALL WORK SHALL BE DONE IN STRICT ACCORDANCE WITH THE PROJECT SPECIFICATIONS.
7. ALL CURB SIDEWALK/HANDICAP RAMP DESIGNS SHALL CONFORM TO ADA STANDARDS OR LOCAL RESTRICTIVE CODES, WHICHEVER IS MORE RESTRICTIVE.
8. CONTRACTOR SHALL ENSURE ALL NECESSARY PERMITS ARE OBTAINED PRIOR TO CONSTRUCTION START.
9. CONTRACTOR SHALL MATCH NEW CURB AND GUTTER, CONCRETE, AND PAVEMENT TO EXISTING IN GRADE AND ALIGNMENT.
10. CONTRACTOR SHALL MAINTAIN ALL EXISTING PARKING, SIDEWALKS, DRIVES, ETC. CLEAR AND FREE FROM ANY CONSTRUCTION ACTIVITY AND/OR MATERIAL TO ENSURE EASY AND SAFE PEDESTRIAN AND VEHICULAR TRAFFIC TO AND FROM THE SITE.
11. THE DUMPSITE ENCLOSURE SHALL BE CONSTRUCTED WITH SIMILAR MATERIALS AS THE BUILDING.
12. THERE CAN BE NO STRUCTURES BETWEEN 30" AND 60" IN HEIGHT WITHIN THE SHADED SIGHT TRIANGLES.
13. ALL SIGNAGE WILL REQUIRE A SEPARATE PERMIT.
14. ALL SIGNAGE LOCATIONS SHALL BE APPROVED BY THE PLANNING DEPARTMENT (AT CUT-OFF OR B-U-G WITH U RATING OF D) AND APPROVED BY THE PLANNING DEPARTMENT.
15. ALL MECHANICAL EQUIPMENT ROOF AND GROUND MOUNTED WILL BE SCREENED ON ALL SIDES BY SIMILAR MATERIALS AS BUILDING.
16. ELECTRIC FACILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST REVISION OF THE ELECTRIC SPECIFICATIONS FOUND ON THE WEBSITE. CONTRACTOR IS RESPONSIBLE FOR COMPLIANCE WITH THIS DOCUMENT.



ENLARGED VIEW: A
SCALE: 1"=20'



BOA STAFF REPORT

VAR18-0046, J & M Investments of NWA, LLC, - Minimum Lot Depth

TO: Bentonville Board of Adjustment Members
THRU: Shelli Kerr, Community Development Director
FROM: Jon Stanley, Senior Planner
BOA DATE: January 9, 2019

GENERAL INFORMATION:

Representative: Jorgensen & Associates (Jared Inman)

Applicant: J & M Investments of NWA, LLC (Jon Brittenum)

Location: 3800 SW Post Loop

Existing Zoning: R-3, Medium Density Residential

Existing Land Use: Multi Family Residential

REQUEST: Variance

Minimum Lot Depth Variance		
	Regulation	Request
Article 401, Sec401.7.C.1, Residential Lot and Area Standards for the R-ZL zoning district	Minimum Lot Depth of 100 feet	Request of: 91' Variance of : 9' for 5 proposed lots along the southern portion of the property only.

SURROUNDING ZONING:

Direction	Zoning
North	Expired PUD, Planned Unit Development
South	PUD, Planned Unit Development
East	R-3, Medium Density Residential
West	Expired PUD, Planned Unit Development

BACKGROUND:

The applicant has submitted a variance request to the minimum lot depth requirements for the R-ZL, Zero Lot Line Residential zoning district for 5 proposed lots located on what is currently Lot 4 of Harbin Pointe Addition Phase 2 Subdivision. The applicant is requesting that these 5 lots be a minimum of 91 feet in depth, which is variance of 9 feet from the 100 feet required by ordinance. All other lots within the proposed subdivision will meet the ordinance requirements for the R-ZL district.

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 5 lots only as provided and shown by the applicant within this application.
2. The applicant shall obtain a building permit.
3. The applicant shall obtain PC and/or CC approval for a rezoning to R-ZL, Zero Lot Line Residential.
4. The applicant shall obtain PC and/or CC approval for a Preliminary and Final Plat.



**JORGENSEN
+ASSOCIATES**
Civil Engineering · Surveying
Landscape Architecture Services

124 W Sunbridge Drive, Suite 5
Fayetteville, AR 72703

Office: 479.442.9127
Fax: 479.582.4807
www.jorgensenassoc.com

December 27, 2018

City of Bentonville
305 SW A Street
Bentonville, AR 72712

Attn: Planning Department
Re: Harbin Pointe Ph 2 Variance Request

This letter is in regards to a proposed variance request associated with a replat of lots 3 & 4 of Harbin Pointe Ph 2 located at the southwest corner of SW Juniper Ave and SW Buckeye St, along SW Post Loop. The site is a total of 7.13 acres. The applicant is proposing to rezone the property to R-ZL and replat the two existing lots into smaller residential lots for single-family structures. The purpose of this letter is to request a variance from the minimum lot depth requirement (100') that is mandated by the R-ZL zoning code.

Harbin Pointe Addition Ph 2 was submitted for preliminary plat approval in late 2016. The construction plans were approved around Spring of 2017 to place infrastructure (streets, storm drain, water, sewer, etc.) within the development. The applicant purchased this property in June 2017 and completed the approved infrastructure as well as built townhomes on the east side of SW Buckeye St. At the time of City approval, the plan for development was to build townhomes on the west side of SW Buckeye St, similar to what is now on the east side. A rezoning request has been submitted along with this variance request to amend the zoning on this property from R-3 to R-ZL.

There are 5 proposed lots on the south portion of the property that will have lot depths ranging from 91 feet to 92 feet. These lots will meet the minimum lot area requirement and the structures built within the lot will adhere to the current setbacks and easements. The applicant is also willing to provide landscaping that will enhance the frontage of these lots, as needed. The applicant did not know at the time of the original approved plan that the west side could develop into a different product, however they would like the opportunity to provide a single-family product that we think will be compatible with surrounding and future developments, as well as add to the mixture of use in this area.

The applicant is not requesting any kind of special privilege, only that staff review the proposed layout, with its lot depths on the south, and please understand that meeting the minimum lot depth in this location case will not be possible.

We thank you for your consideration of this proposed variance and look forward to addressing any comments or concerns.

Sincerely,



Jared S. Inman, R.E.

