



**BOARD OF ADJUSTMENT
AGENDA
December 11, 2019**

I. Call to Order

II. Approval of Minutes

III. New Business:

1. McCranie

Variance*

325 Crestview Drive ([VAR19-0026](#))

- Interior Side Setback

2. eGeo, LLC & Live Tempo Homes, LLC

Variance*

502 & 504 SE B Street ([VAR19-0028](#))

- Density Requirements in DE District

IV. Other Business

1. Election of Officers

- Current Chair: Rick Rogers
- Current Vice-Chair: Sam Pearson
- Current Secretary: Rustin Chrisco

V. Adjournment

Board of Adjustment
Minutes
November 27, 2019

Meeting called to order by Rustin Chrisco, Secretary

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

Motion by Mr. Haynie to approve the minutes of November 13, 2019 as written.
Approved 3-0

New Business

Item #1

Smith, Variance Request for 301 NE Cobblestone Lane, Rear Setback, VAR19-0026

Ali Worley reads the staff report.

Opened public hearing

No public comments

Closed public hearing

Cameron Smith, applicant, explains the hardship. He requests the amend the variance request to 5ft, 8 in. and states he has contacted all utilities.

There is further discussion between the applicant, the Board members, and Staff.

Approved 3-0

Motion by Ms. Holland to adjourn.

Meeting adjourned

Ali Worley

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

BOA STAFF REPORT

Variance 19-0026, McCranie, Interior Side Setback

TO: Bentonville Board of Adjustment Members
THRU: Ellen Norvell, Community Development Director
FROM: Ali Worley, Planning Technician
BOA DATE: December 11, 2019

GENERAL INFORMATION:

Applicant: Felicia McCranie

Existing Zoning: R-1, Single Family Residential

Location: 325 Crestview Drive

Existing Land Use: Residential

REQUEST: Variance

Interior Side Setback in Residential District		
	Regulation	Request
Article 401, Section 401.07, Residential districts regulations, Subsection d.1, Standards	The minimum interior side setback for properties in R-1, Single Family Residential, zoning districts shall be 7 feet.	Request of: 5 ft, 11 in. Variance of: 1 ft. 1 in.

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 a variance request to the interior side setback requirements for property located in the R-1, Single Family Residential, zoning classification for an addition to the existing detached garage. The applicant is requesting a 5-foot, 11-inch interior side setback be allowed which is a variance of 1-foot, 1-inch from the 7 feet allowed by ordinance. According to the applicant's narrative, they desire to convert the detached garage into an accessory dwelling unit.

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 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.

Variance Request Narrative

Parcel: 01-01930-000

Address: 325 Crestview Drive, Bentonville

Request: Expand detached garage at the front of the building by 7 feet.

Reason for Variance Request: Sec. 401.07 Residential (R) district regulations. The expansion of this building would encroach on the required 7' interior setback standard by 1' and 1".

Reason for building: We would like to turn the room in the back of the garage into a handicap accessible apartment for my aging mother-in-law. This would allow us to give her the adequate care she will need while maintaining her autonomy. Once my mother-in-law no longer needs the apartment, we envision renting it out.

Impact to the community: This building request is a more sustainable building option, allowing us to leverage existing utilities to the building and an existing back driveway as well as also maintaining the front of the structure as a usable garage for cars and storage, keeping with a consistent look and feel of the neighborhood. This building request supports the principles of the PRD (401.11): (7) Efficient use of land resulting in smaller networks of utilities and streets and thereby lowering costs; (8) Environment of stable character in harmony with the surrounding development; (9) Efficient use of infrastructure. This apartment would also support the desired increase in density in downtown Bentonville, with very little impact and overall resources.

This encroachment has the potential to directly impact 323 Crestview Drive, parcel 01-01929-000. This home sits 21 feet from the property line at the adjacent point and would be 26' 11" from the closest point of the garage. The home owners, Venessa and Hall Yates have not only expressed no concerns with this encroachment, they welcome the build.

We are unable to extend the back of the property due to the detached garage already encroaching on the rear setback, according to collector road regulations. This garage was built prior to our owning the property and follows prior building setback rules, which my understanding would have allowed for an accommodation of 5" interior setback vs. 7" currently and I believe gives a reason for allowance of this accommodation. Additionally, prior to our purchase of the property, the home's attached drive through garage was turned into living space and the back driveway was blocked by a fence, limiting parking available on the property.

Also by not allowing us to expand this building from the front (or the back), this would require us to build the apartment into the garage losing the car storage and parking spaces therein and requiring our family members to park in the driveway as well as down the road into the neighborhood, due to the size of our family (2 adults, 3 teenagers/adults + mother-in-law's car), not to mention the guests we have at our home, due to our home being the "go-to" place for teenagers. Parking down the road would create a nuisance for our neighbors and add to road congestion.

Our desire is to be good children, good neighbors and good citizens of Bentonville and approving this variance request would allow us to best do all three. Thank you for your time and consideration.

BOA STAFF REPORT

Variance 19-0028, eGeo, LLC & Live Tempo Homes, LLC, Density in DE District

TO: Bentonville Board of Adjustment Members
THRU: Ellen Norvell, Community Development Director
FROM: Ali Worley, Planning Technician
BOA DATE: December 11, 2019

GENERAL INFORMATION:

Applicant: Kim Fugitt

Existing Zoning: DE, Downtown Edge

Location: 502 & 504 SE B Street

Existing Land Use: Residential

REQUEST: Variance

Density Requirements in DE, Downtown Edge, Zoning District		
	Regulation	Request
Article 401, Section 401.08-B, Downtown districts regulations Subsection c, Density Standards	The maximum density allowed for DE, Downtown Edge, zoning districts is 18 dwelling units per acre.	Request of: 20 dwelling units total Variance of: 6 dwelling units total (2 dwelling units per acre)

SURROUNDING ZONING:

Direction	Zoning
North	R-3, Medium Density Residential
South	R-O, Residential Office & R-2, Duplex & Patio Home Residential
East	R-1, Single Family Residential & DN-2, Downtown Medium-Density Residential
West	R-2, Duplex & Patio Home Residential & R-3, Medium Density Residential

BACKGROUND:

The applicant has submitted a variance request to the maximum density requirements in the DE, Downtown Edge, zoning district. The site is approximately 0.76 acres, which would allow 14 dwelling units. The applicant is requesting 20 dwelling units be allowed which is a variance of 6 dwelling units total or 2 dwelling units per acre. According to the applicant's narrative, they are proposing two 3-story buildings housing 10 dwelling units each.

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 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.

FUGITT AND ASSOCIATES, INC.

1200 E. JOYCE BLVD., FAYETTEVILLE, AR. 72703 479-521-6686 kim.fugitt@fugittarc.com

NOVEMBER 08, 2019

JON STANLEY
SENIOR PLANNER
CITY OF BENTONVILLE
305 SW "A" STEET
BENTONVILLE, AR. 72712

RE: VARIANCE REQUEST FOR 502 AND 504 SE "B" STREET

MR. STANLEY,

PLEASE FIND THIS LETTER TO REQUEST A VARIANCE FOR THE REFERENCED PROPERTY IN BENTONVILLE, AR.

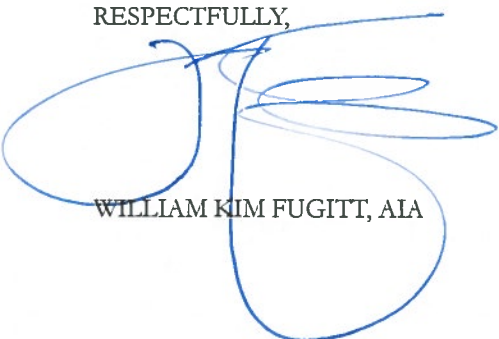
THE SUBJECT PROPERTY IS APPROXIMATELY 0.76 ACRES AND IS CURRENTLY ZONED "DE" WHICH WOULD ALLOW, ACCORDING TO BENTONVILLE ZONING CODE SECTION 401.8B(C) 14 DWELLING UNITS.

THE OWNER OF THE PROPERTY IS SEEKING APPROVAL OF A VARIANCE THAT WOULD ALLOW 2- THREE STORY BUILDINGS HOUSING 10 DWELLING UNITS EACH. FOR A TOTAL OF 20 DWELLING UNITS. THE PRODUCT PROPOSED IS SIMILAR IN NATURE TO 212 SE "A" STREET DEVELOPMENT.

THE PROPERTY OWNER IS ASKING FOR THIS VARIANCE BASED ON THE "HARDSHIP" CREATED BY THE LIMITED DENSITY OF THE "DE" ZONE. THE OTHER OPTION AVAILABLE TO THE OWNER IS TO REQUEST A REZONING TO "DN4" WHICH ALLOWS 40 UNITS PER ACRE. BASED ON SUCH A REZONING, THIS DEVELOPER OR SUCESSIVE DEVELOPER COULD CONTRUCT A MULTI STORY BUILDING CONTAINING 30 DWELLING UNITS. SUCH A DEVELOPMENT WOULD NOT BE, IN THE OPINION OF MANY, IN KEEPING OR HARMONY WITH THE SURROUNDING DEVELOPMENT OF THE AREA. ALLOWING THE REQUESTED VARIANCE WOULD LIMIT THE NUMBER OF UNITS TO 20 AND RESULT IN A DEVELOPMENT OF SMALLER SCALE AND CONSISTENT TO THE SURROUNDINGS.

THANK-YOU FOR YOUR CONSIDERATION.

RESPECTFULLY,



WILLIAM KIM FUGITT, AIA



SITE PLAN
Scale : 3/32"=1'-0"

**PRELIMINARY
NOT FOR
CONSTRUCTION**

Description:	502 AND 504 SE B STREET
Location:	Bentonville, AR
Sheet Content:	
Sheet:	C-1
Document Date:	November 14, 2019

502 AND 504 SE B STREET

BENTONVILLE, AR
SUBMITTAL Date : --- / --- / -----

FUGITT AND ASSOCIATES ARCHITECT
WILLIAM KIM FUGITT AIA
KEITH F. WHEELER AIA
1200 E. JOYCE BLVD.
FAYETTEVILLE AR 72703
479.521.6686
KIM.FUGITT@FUGITTARC.COM

**PRELIMINARY
NOT FOR
CONSTRUCTION**

REV	DATE	DESCRIPTION
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