



**BOARD OF ADJUSTMENT
AGENDA**

January 8, 2020

I. Call to Order

II. Approval of Minutes

III. New Business:

1. Trailside Partners, LLC

Variance*

309 SE 2nd Street ([VAR19-0023](#))

- Density Requirements in DC District

2. Chen

Variance*

SE C Street ([VAR19-0029](#))

- Interior Side Setback

IV. Other Business

V. Adjournment

Board of Adjustment
Minutes
December 11, 2019

Meeting called to order by Rick Rogers, Chairman

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

Motion by Mr. Pearson, seconded by Mr. Haynie to approve the minutes of December 11, 2019 as written.
Approved 5-0

New Business

Item #1

McCranie: Variance Request for 325 Crestview Drive, Interior Side Setback, VAR19-0026

Tyler Overstreet reads the staff report.

Opened public hearing

No public comments

Closed public hearing

Felicia McCranie, applicant, explains the need for the variance request.

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

Approved 5-0

Item #2

eGeo, LLC & Live Tempo Homes, LLC: Variance Request for 502 & 504 SE B Street, Density Requirements in DE, Downtown Edge, Zoning District, VAR19-0028

Tyler Overstreet reads the staff report. He states that the 3rd condition of approval does not apply.

Opened public hearing

No public comments

Closed public hearing

Mr. Overstreet adds a 3rd condition of approval to state, "Applicant shall be required to apply for and obtain Large Scale Development approval prior to construction."

Kim Fugitt, applicant, explains the need for the variance request.

Mr. Rogers asks for staffs explanation on the variance request. There is discussion amongst staff and Board members

Approved 5-0

Other Business

Item #1

Election of Officers

Motion by Mr. Haynie, seconded by Ms. Holland, to keep the officers as they currently are.

Approved 5-0

Motion by Mr. Pearson to adjourn.

Meeting adjourned

Ali Worley

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

BOARD OF ADJUSTMENT REQUEST STAFF REPORT



Luke Chen

SE C Street

BOA Date: 1/8/2020

Reviewer: Ali Worley, Planning Technician

Project Number	VAR19-0029
Applicant / Current Owner	Luke Chen 19030 Kay Avenue Cerritos, CA 90703
Site Area	+/- 0.15 acres
Current Zoning	R-1, Single Family Residential
Variance Request	Article 401.07.d.1, Residential Districts Minimum Setback Standards, of the Zoning Code

Property Description

This property is located east of SE C Street and north of SE 4th Street. The site is currently zoned R-1, Single Family Residential. Adjacent zonings are R-1, Single Family Residential to the north, east, south, and west, as well as DN-2, Downtown Medium-Density Residential, to the west.

Variance Regulation

The minimum interior side setback for properties in the R-1, Single Family Residential, zoning district shall be 7 feet.

Variance Request

The applicant is requesting a 5-foot setback, which is a variance of 2 feet.

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. According to the applicant's narrative, the narrow lot width and current setback requirements would hinder the applicant's ability to construct a drive to access a rear garage. The applicant is proposing to build a 2-car garage at the rear of the property in order to give the prominent street view to the home and not the garage. Doing so would be in keeping with the character of the neighborhood.

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.



BOARD OF ADJUSTMENT REQUEST STAFF REPORT

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.

December 16, 2019

City of Bentonville Board of Adjustment
305 SW A Street
Bentonville, AR 72712

RE: Variance Request- SE C street-Lot 15 block 2

To Whom It May Concern:

My name is Reginald Wright and my wife, and I are the prospective buyers of the above reference lot. We are seeking a variance to reduce the north sideyard setback to 5 feet in lieu of the 7' that is required. We are requesting this variance because we would like to construct a 2-story home with a 2-car garage. Our challenge is that the lot is only 40.51 feet wide. To be in keeping with the character of the neighborhood we like to build the garage at the rear of the property and give the prominent street view to the home and not the garage. With the current setback requirements and the width of the lot, we would have to construct the garage on the front of the home which is not in keeping with the character of the neighborhood and surrounding structures.

Reducing the northern side yard setback to 5 feet would allow us to construct a concrete drive access to the rear garage since rear access is not possible. However, we do understand that any penetrations within the 5 feet setback such as roofs, canopies etc. would have to be constructed of fireproof materials. Should you have any questions or need additional information I may be contacted at 501-960-1296

Sincerely,

A handwritten signature in black ink, appearing to read 'RW', with a horizontal line extending to the right.

Reginald Wright.

December 27, 2019

City of Bentonville Board of Adjustment
Community Development Building
305 SW "A" Street
Bentonville, Arkansas 72712

RE: *Variance Requests*

To The City of Bentonville Board of Adjustment:

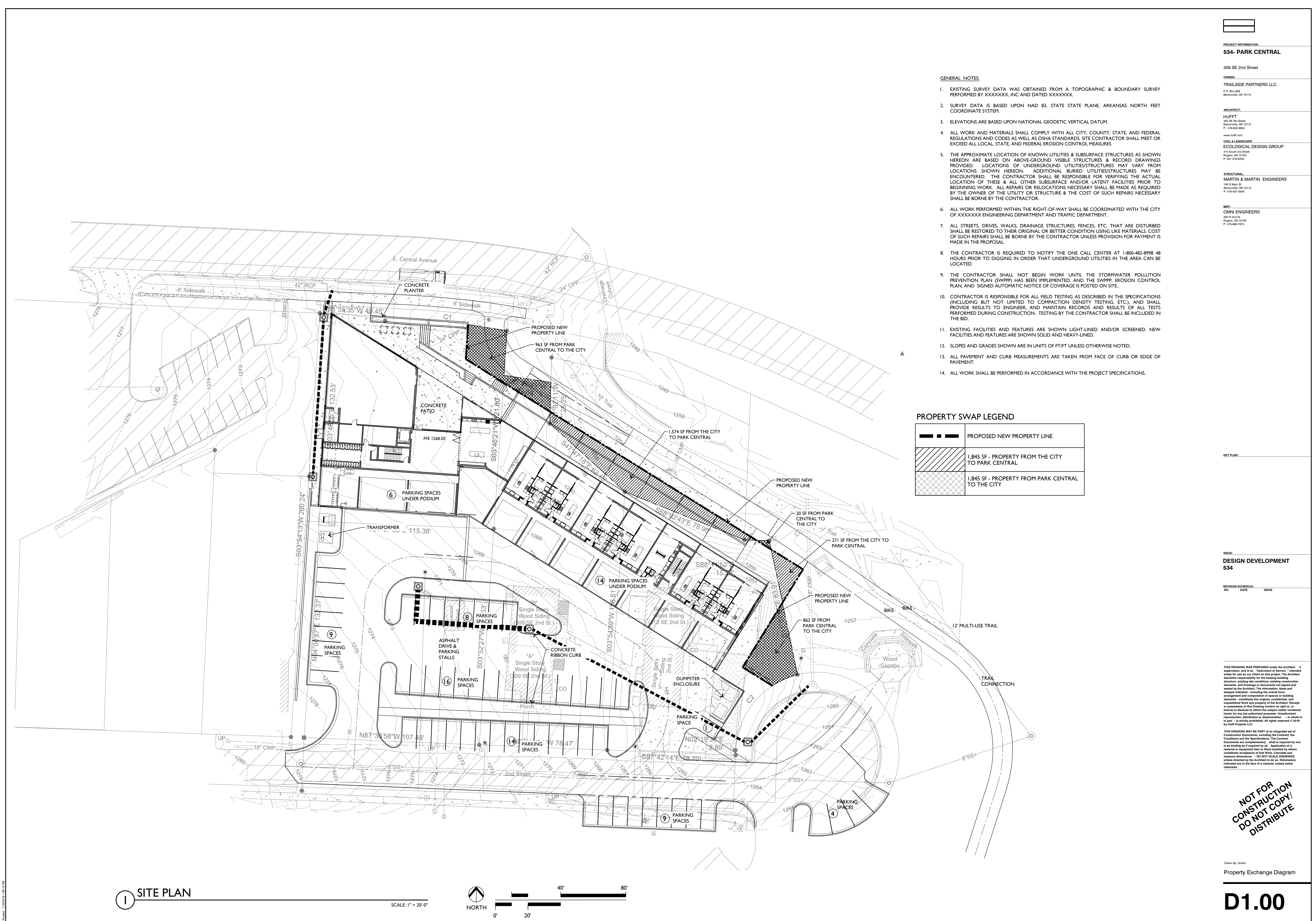
Trailside Partners, LLC seeks to add a four story, mixed use building with apartment living to the downtown Bentonville core within close proximity to the Bentonville Square. The goal of the development is in line with the intent of the Downtown Core zone, "to maintain and expand the pedestrian oriented character of the town square. The physical form is of an urban character with uses that promote retail and entertainment venues with upper story residential uses permitted".

Current Downtown Core zoning allows for 48 du/acre (65 units allowed for this site per current standards). Trailside Partners, LLC is proposing to build 81 units and is therefore requesting a variance to the *Downtown Districts Density Standards, Article 401.8 Section B, Pg 401-25* to allow 16 units over the allowed 48 du/acre limit. The 1.35 acre parcel is comprised of four parcels (#s 01-00398-000, 01-00398-001, 01-08234-000, 01-08235-000) will include 81 parking stalls, as well as project funded improvements to Town Branch Park.

We believe the proposed density and layout of this project are desirable both with respect to their impact on neighboring properties and to the city as a whole. Other projects completed in the Downtown Core zone have received similar variances so this request would not be granting special privileges outside of previously granted zoning code exceptions.

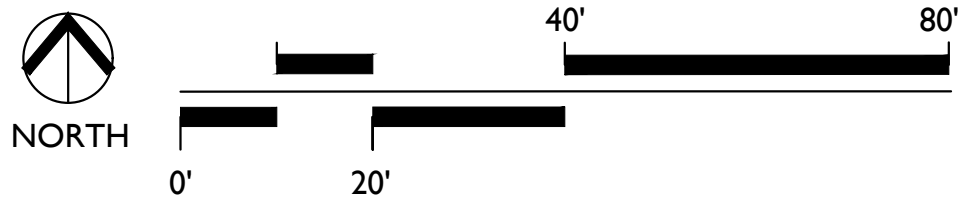
Respectfully submitted,

Trailside Partners, LLC



1 SITE PLAN

SCALE: 1" = 20'-0"



GENERAL NOTES:

- EXISTING SURVEY DATA WAS OBTAINED FROM A TOPOGRAPHIC & BOUNDARY SURVEY PERFORMED BY XXXXXXXX, INC AND DATED XXXXXXXX.
- SURVEY DATA IS BASED UPON NAD 83, STATE PLANE, ARKANSAS NORTH FEET COORDINATE SYSTEM.
- ELEVATIONS ARE BASED UPON NATIONAL GEODETIC VERTICAL DATUM.
- ALL WORK AND MATERIALS SHALL COMPLY WITH ALL CITY, COUNTY, STATE, AND FEDERAL REGULATIONS AND CODES AS WELL AS OSHA STANDARDS. SITE CONTRACTOR SHALL MEET OR EXCEED ALL LOCAL, STATE, AND FEDERAL EROSION CONTROL MEASURES
- THE APPROXIMATE LOCATION OF KNOWN UTILITIES & SUBSURFACE STRUCTURES AS SHOWN HEREON ARE BASED ON ABOVE-GROUND VISIBLE STRUCTURES & RECORD DRAWINGS PROVIDED. LOCATIONS OF UNDERGROUND UTILITIES/STRUCTURES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES/STRUCTURES MAY BE ENCOUNTERED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACTUAL LOCATION OF THESE & ALL OTHER SUBSURFACE AND/OR LATENT FACILITIES PRIOR TO BEGINNING WORK. ALL REPAIRS OR RELOCATIONS NECESSARY SHALL BE MADE AS REQUIRED BY THE OWNER OF THE UTILITY OR STRUCTURE & THE COST OF SUCH REPAIRS NECESSARY SHALL BE BORNE BY THE CONTRACTOR.
- ALL WORK PERFORMED WITHIN THE RIGHT-OF-WAY SHALL BE COORDINATED WITH THE CITY OF XXXXXXXX ENGINEERING DEPARTMENT AND TRAFFIC DEPARTMENT.
- ALL STREETS, DRIVES, WALKS, DRAINAGE STRUCTURES, FENCES, ETC. THAT ARE DISTURBED SHALL BE RESTORED TO THEIR ORIGINAL OR BETTER CONDITION USING LIKE MATERIALS. COST OF SUCH REPAIRS SHALL BE BORNE BY THE CONTRACTOR UNLESS PROVISION FOR PAYMENT IS MADE IN THE PROPOSAL.
- THE CONTRACTOR IS REQUIRED TO NOTIFY THE ONE CALL CENTER AT 1-800-482-8998 48 HOURS PRIOR TO DIGGING IN ORDER THAT UNDERGROUND UTILITIES IN THE AREA CAN BE LOCATED.
- THE CONTRACTOR SHALL NOT BEGIN WORK UNTIL THE STORMWATER POLLUTION PREVENTION PLAN (SWPPP) HAS BEEN IMPLEMENTED, AND THE SWPPP, EROSION CONTROL PLAN, AND SIGNED AUTOMATIC NOTICE OF COVERAGE IS POSTED ON SITE.
- CONTRACTOR IS RESPONSIBLE FOR ALL FIELD TESTING AS DESCRIBED IN THE SPECIFICATIONS (INCLUDING BUT NOT LIMITED TO COMPACTION DENSITY TESTING, ETC.), AND SHALL PROVIDE RESULTS TO ENGINEER, AND MAINTAIN RECORDS AND RESULTS OF ALL TESTS PERFORMED DURING CONSTRUCTION. TESTING BY THE CONTRACTOR SHALL BE INCLUDED IN THE BID.
- EXISTING FACILITIES AND FEATURES ARE SHOWN LIGHT-LINED AND/OR SCREENED. NEW FACILITIES AND FEATURES ARE SHOWN SOLID AND HEAVY-LINED.
- SLOPES AND GRADES SHOWN ARE IN UNITS OF FT/FT UNLESS OTHERWISE NOTED.
- ALL PAVEMENT AND CURB MEASUREMENTS ARE TAKEN FROM FACE OF CURB OR EDGE OF PAVEMENT.
- ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE PROJECT SPECIFICATIONS.

PROPERTY SWAP LEGEND

	PROPOSED NEW PROPERTY LINE
	1,845 SF - PROPERTY FROM THE CITY TO PARK CENTRAL
	1,845 SF - PROPERTY FROM PARK CENTRAL TO THE CITY



PROJECT INFORMATION:
534- PARK CENTRAL

309 SE 2nd Street

OWNER:

TRAILSIDE PARTNERS LLC.
P.O. Box 808
Bentonville, AR 72712

ARCHITECT:

HUFFT
403 SE 5th Street
Bentonville, AR 72712
P: 479-902-6845
www.hufft.com

CIVIL & LANDSCAPE
ECOLOGICAL DESIGN GROUP
314 South 3rd Street
Rogers, AR 72756
P: 501-579-0300

STRUCTURAL:

MARTIN & MARTIN ENGINEERS
100 S Main St
Bentonville, AR 72712
P: 479-407-0845

M.E.P.:

OMNI ENGINEERS
300 N 2nd St
Rogers, AR 72756
P: 479-696-7873

KEY PLAN:

ISSUE:

DESIGN DEVELOPMENT
534

REVISION SCHEDULE:

NO. DATE ISSUE

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Drawn By: Author

Property Exchange Diagram

D1.00