



**Board of Adjustments
Meeting Agenda
November 22, 2023
Bentonville City Hall
Meeting Time: 4:00 PM**

Virtual Meeting Link: <https://us06web.zoom.us/j/81436306441>

I. Call to Order

II. Approval of Minutes

1. November 8th Meeting Minutes

Approval of Meeting Minutes

III. New Business

IV. Old Business

1. HamHane LLC

Variance*

409 & 411 Northwest 5th Street

Variance request of 18 feet from the minimum rear setback of 25 feet required by:

Zoning Code Section 401.07-B Downtown Neighborhood (DN) Districts Regulations,

(c) DN districts setback standards.

V. Other Business

VI. Adjournment



**Board of Adjustments
Meeting Minutes
November 8, 2023
Bentonville City Hall
Public Hearing: 4:00 PM**

Zoom Recording Link: https://us06web.zoom.us/rec/share/U82Cp0xLwkclGgDEqjFkh_I8-1EZIOfDdl9Gli-BHmTuqk1ut3Ziv_BtNZwwHB9k.7g2ZuH_s9EbVyfDC

I. Call to Order

- Meeting called to order at 4:00PM by Chairman Kruithof
- Members present: BJ Phillips, Sam Pearson, Dean Kruithof, Joe Haynie
- Members excused: Celia Swanson
- Staff present: Tom Adler, Keegan Stanton, Luke Aitken

II. Approval of Minutes

1. October 25th Meeting Minutes

Approval of Meeting Minutes

- Motion by Haynie to approve the minutes as presented, Second by Phillips.
- October 25th meeting minutes are approved by a vote of 4-0.

III. New Business

1. Dream Structures Residential LLC

Variance*

3303 SW Sandalwood Ave

Request for setback variance of 8'-7" from the minimum 30' front garage setback required by Zoning Code Section 401.07 Residential (R) Districts Regulations.

- Mr. Aitken provides an overview of the staff report on the request.
- Chairman Kruithof opens the public hearing for this item.
- Chairman Kruithof briefs those present on the public hearing and voting procedures of the board.
- Steve Fisher, the applicant, representing Dream Structures Residential LLC, speaks to his reasoning for the variance request, as an honest mistake was made during construction which needs to be remedied before the home is finished.
- Seeing no other members of the public present for comment, Chairman Kruithof closes the public hearing for this item and opens the floor for discussion amongst the board.
- Chairman Kruithof states that he believes the applicant's narrative, which claims this situation was caused by an honest mistake.
- Chairman Kruithof states that other homes in the neighborhood feature identical front setbacks and the variance requested would simply allow the

home to blend in with others nearby.

- Mr. Phillips speaks in agreement with Kruithof and other board members, that this is a reasonable variance request.
- Motion by Phillips to approve the variance request as presented, second by Haynie.
- Variance request is approved by a vote of 4-0

2. **HamHane LLC**

Variance*

406 & 411 NW 5th Street Sandalwood Ave

Request for setback variance of 18' from the minimum 25' rear setback required by Zoning Code Section 401.07-B Downtown Neighborhood (DN) Districts Regulations.

- Mr. Aitken provides an overview of the staff report on the request.
- Mr. Adler details why the project is not ripe for discussion, mostly due to the lack of a project proposal and the speculative lot lines, which require a preliminary plat to be established.
- Chairman Kruithof opens the public hearing for this item.
- Mark Haney, the applicant, representing HamHane LLC, speaks to his reasoning for the variance request.
- Seeing no other members of the public present for comment, Chairman Kruithof closes the public hearing for this item and opens the floor for discussion amongst the board.
- Chairman Kruithof states that he agrees with the staffs report and that it is unclear what exact variance the board would be granting if a vote was taken today.
- Mr. Phillips speaks in agreement with Kruithof and other board members, that additional information on the proposed development should be provided by the applicant before the board votes on the variance request.
- Motion by Phillips to approve the variance request as presented, second by Haynie.
- Variance request is tabled by a vote of 4-0

IV. Old Business

V. Other Business

1. **Discussion – BOA Schedule: November and December**

Informational

- Discussion between Board members and staff around the upcoming meeting schedule and any necessary changes.
- Mr. Pearson indicates he will be absent from the November 22nd meeting.
- Chairman Kruithof states we will only hold meetings on December 13th and December 27th if there are any variance requests to be heard, otherwise the meetings will be

cancelled.

VI. Adjournment

- Meeting is adjourned by Chairman Kruithof at 4:51 PM



HamHane LLC

409 & 411 Northwest 5th Street

BOA Date:

Staff Report Details

Project Number	VAR23-0031
Applicant / Current Owner	HamHane, LLC
Site Area	+/- 0.78 Acres
Current Zoning	DN-3, Downtown High Density Residential
Variance Request	Variance request of 18 feet from the minimum rear setback of 25 feet required by: Zoning Code Section 401.07-B Downtown Neighborhood (DN) Districts Regulations, (c) DN districts setback standards.
Related projects	LSD23-0039; RZ23-0044; RZ23-0045; WAV23-0015

Property Description

The subject property is composed to two separate lots (Lots 4 & 5 Block 6 of Deming's Addition) bisected by a roughly 13-foot-wide alley. The alley continues at a T-intersection to run east-west along the southern boundary of both lots. The property is presently zoned DN-3, Downtown High Density Residential with a land use classification of High Density Residential (HDR). According to the Benton County Assessor, each lot is 0.39 acres, respectively. Each lot is roughly 75' wide and 230' deep. Both lots each have a single-family home situated on them, one of which is listed on the National List of Historic Places (409 NW 5th, the Historic Koons house).

The applicant states that the lots are considered block ends, which by definition they are, however, the lots have street frontage on only 2 sides, as opposed to 3 as stated by the applicant. The southerly alley is not considered a street, so the attached exhibit incorrectly considers the two southerly lots to be corner lots.

Both lots were the subject of recent rezoning requests that were approved to the DN-3, Downtown High-Density Residential zoning in projects RZ23-0044 and RZ23-0045 on June 6, 2023.

A waiver request was also approved by the Planning Commission on October 3, 2023, that permitted future proposed structures to front the alley as opposed to the public street. The

Property Description

waiver approval required an 18-foot-wide public paved street be provided for access to such structures, and that the buildings with elevations visible to Northwest 5th Street be designed in such a way that the 5th Street side of the structure have architectural features or character that resemble primary facades.

A large-scale development is presently under review to extend a water main to service the future proposed structures and lots.

The applicant states he is proposing to construct single-family attached units with primary entrance coming off of an 18-foot-wide public paved street, although some units may be oriented towards 5th Street.

Regulation

Section 401.07-B Downtown Neighborhood (DN) Districts Regulations, (c) DN districts setback standards. For two-family building type, which is what is proposed by the applicant, a 25-foot rear yard is the minimum setback required by the ordinance.

Variance Request

The applicant has requested a variance of 18 feet from the minimum rear setback of 25 feet required by: Zoning Code Section 401.07-B Downtown Neighborhood (DN) Districts Regulations, (c) DN districts setback standards. The exhibit presented at the November 8, 2023 Board of Adjustment meeting has been modified by the applicant to remove the proposed lot lines.

Background

The applicant states he is proposing to construct single-family attached units with primary entrance coming off of an 18-foot-wide public paved street, although some units may be oriented towards 5th Street.

Based on the applicant's variance request and provided exhibit, it is assumed that the lot lines along the 18-foot-wide street are to be considered the front lot lines. However, this is unclear as the code dictates that on corner lots, the "front lot line" shall mean that line separating said lot from that street which is designated as the front street in the plat and/or in the application for a building permit." The front street is not designated on the plat for Deming's Addition, nor has a building permit been requested, so the 'true' front lot line on either one of the lots that are a part of this variance request is not clear. With the modification of the applicant's exhibit to remove the proposed lot lines, the project is now considered Multi-Family, which is allowed under the zone but requires both an application for a Large Scale Development and a building permit, neither of which has been submitted. Further, if the applicant, at a subsequent date, decided to revert back to the original development plan of three lots per parcel, the development code, in Sections 600.01(d) and (h), requires a preliminary plat by virtue of the waiver received from Planning Commission for the substandard width street on October 3, 2023. Finally, the amended exhibit

Background

incorrectly characterizes portions of the 18-foot-wide street as "access easement" instead of right-of-way. The Planning Commission did not approve the waiver for the substandard street to be comprised of "access easement" so the front setback lines should start at the 18-foot-wide street.

The applicant is requesting a variance of the rear setback of each lot to allow for a 7-foot rear setback, which is in line with the existing 7-foot side setback. Additionally, the applicant has stated that the location of current and future utility services and extensions intrudes beyond the right-of-way line and into the front yards of each lot, which, coupled with the required easements, decreases the space near to the 18-foot street in which to build.

In reviewing the applicant's narrative, it appears that there is a second request of the Board in addition to the variance request. The applicant states that the proposed future building orientation may create a situation where what portion of each lot is interpreted to be front, side, or rear may be unclear due to the units being attached, and thus requests that interpretation be made with this variance request. The Zoning Code explicitly prescribes to the Board only three powers – hearing appeals of interpretation, granting variances, and determining zoning district boundaries. As the applicant has not yet furnished a staff interpretation from which he is appealing, it is not within the powers and duties of the Board to interpret outside of an appeal. Staff would ask that the Board refrain from issuing such interpretation until such time the applicant has formally requested an appeal and can provide the specific interpretation from which he is appealing.

The remainder of this report will consider and analyze this request based upon the six conditions of approval from the Zoning Code. Said conditions of approval will be bolded to differentiate from staff commentary.

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;

In the presentation provided to the Board at the Nov. 8th meeting, the applicant states that unique conditions of the property include the depth of the lots and placement of utilities. Further, in their narrative, the applicant clarifies that utilities are located on three sides of the lot, and the depth of the lots are limited to 75 feet.

Among the 32 other properties that are zoned DN-3, 27 have lot areas equal to or less than the proposed lots, 31 are equal to or narrower than the proposed lots, and 2 are shallower than the proposed lots – although keep in mind this is based on the assumption that the lot line along the 18-foot-wide street is considered the front. Again, without the front lot line being designated on the plat or on a permit submitted to the city, it is not clear which side is to be considered the front.

While the depth of the lots appears to be relatively unique, the encumbrances by utility easements, right-of-way dedications or other adopted city specifications is not. 22 of the 32 properties zoned DN-3 are encumbered by public dedications ranging from 2.5 feet all the way to 15 feet. Further, overhead power lines are ubiquitous in Bentonville, even downtown, and amongst the DN-3 zoning districts. The 20-foot setback from overhead power is something this applicant was able to work with on their neighboring property at the southwest corner of 5th and

Background

C. This is a DN-3 zoned property that is smaller than the subject property, was further subdivided into townhome lots, and is encumbered with overhead power on 2 sides. This property was able to be developed into 4 townhome units without any variances.

While the applicant states in their presentation that the proposed lots will have a depth shallower than nearby properties and others in the downtown context, the criterion directs the Board to consider those properties that are in the same zoning district. The vast majority of downtown properties, including most of those in proximity to the subject property, are not zoned DN-3.

There does not appear to be any special topographical features, nor do the existing or proposed lots have extraordinary shapes.

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;

In reviewing both the presentation and the narrative supplied by the applicant, it does not appear the applicant has addressed this review criterion specifically, however, in their narrative, the applicant admits that the proposal as shown is developable without a variance, just going to 3 stories rather than 2. Given this admission by the applicant that these lots are buildable as is, it is difficult to see what is being deprived of this applicant that is enjoyed by other properties zoned DN-3.

c. That special conditions and circumstances do not result from the actions of the applicant; and

To restate, the applicant states that unique conditions of the property include the depth of the lots and placement of utilities. Further, in their narrative, the applicant clarifies that utilities are located on three sides of the lot, and the depth of the lots are limited to 75 feet. What is clear is that the condition of depth of the lots may arise from the applicant's own actions. If the applicant chooses the front lot line to be along the 18-foot-wide street, the applicant has chosen the layout that would contribute to a shallower lot depth. If the applicant were to choose the alternative as the front, there would be no issue or special condition of depth as the existing platted lots are roughly 230 feet deep.

Moreover, in regard to utilities, the applicant has applied for a Large-Scale Development to extend the water main to service his proposed development, which requires granting additional easement. Without the water main extension or easements, the property remains developable, and each existing lot has access to water along 5th Street. By applying for and constructing a water main extension, the applicant is contributing to his own hardship by his own volition.

Lastly, the applicant has applied for and asked the Planning Commission to approve a waiver that would allow proposed development to front the existing north-south alley as opposed to 5th Street. As part of their approval, the Planning Commission required the applicant to provide an 18-foot-wide access as opposed to the platted 13-foot-wide right-of-way. While the applicant feels that this is a hardship as he states in his presentation, it was the applicant's choice to pursue this waiver request, understanding the risk that Planning Commission may impose additional conditions as is stated in the Land Development Code, Sec. 300.04(b).

d. That granting the variance requested will not confer on the applicant any special

Background

privilege that is denied by this chapter to other lands, structures, or buildings in the same district.

The applicant is asking the Board to approve a variance request for hardships to which the applicant is solely responsible for, or at least partially contributing to. The granting of this variance request, the justification for which rests heavily on consequences of the applicant's own actions, could be seen as a special privilege that is denied to others.

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.

The applicant, in their presentation, does reference neighboring properties, with particular attention to the size of their backyards. This review criterion instructs the Board to refrain from considering any legal nonconforming use or structure when considering a variance request. Several neighboring and nearby properties, including the one directly west of the subject property, are legally nonconforming, and should not be considered in review of this request.

Additionally, this criterion instructs the Board not to consider permitted structures or nonconforming structures that are in other zoning districts than, in this case, DN-3.

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.

In the narrative, the applicant references that the exact dimensions of the buildable area of the proposed lots is not yet known, pending an engineer's design and approval from city departments of the proposed water main extension. Without those dimensions, it is ambiguous as to what the minimum variance in this particular instance should be. Depending on the utility design and any requirements or concessions made by the city departments, the location of any utility lines or easements may shift up to and until there are designs approved by the city. Furthermore, the Large-Scale Development for the water main extension have yet to be approved, and there is ongoing concern from the Bentonville Water that the plans that are submitted with this request do not meet current standards adopted by the city for the location of the water main and easement. Without final plans for that approved, it would be challenging to know with any certainty the location of any easement, which in turn could affect this variance request and the desire to grant a minimum variance. There have also been no plans for subdividing the property or construction of any structures submitted to the city for review and/or approval. Without the applicant taking that step of turning in documents to the city for review and/or approval, there is a lack of commitment on the part of the applicant in that their plans could change following the granting of any variance, in which case, the minimum variance needed may change. This concern is evident in the contradictory nature of this request with the waiver request that was presented to Planning Commission. This request has the potential to severely limit the size of any backyard space. Contrarily, the applicant, in the narrative provided with the waiver request to Planning Commission, touted the desire to provide attractive backyards. Furthermore, between the 11/8/2023 Board of Adjustment meeting and the 11/22/2023 meeting, the applicant has provided a further revised plan that no longer shows the property being subdivided.

More pressing, however, is the applicant's admission that construction on the proposed

Background

development is possible, even amidst the hardships he has outlined, just going to 3 stories instead of 2, which is possible and permitted under DN-3 zoning. If that is the case, it begs the question, if the lots are buildable as they are proposed, would the minimum variance in this situation be no variance at all?

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.

The applicant, in their presentation, states that the request is in harmony with the general purpose and intent of the zoning code and will not be injurious to the neighborhood or detrimental to the public welfare but provides no additional justification for that statement.

The stated description and purpose of the DN-3 district is "to allow for an increased neighborhood density through the development of small-lot single-family housing and townhouses throughout the district. These areas tend to be adjacent to downtown commercial uses. In some instances, such as at the ends of blocks, multi-family apartment buildings may be an appropriate use in this district."

The applicant's proposed development does appear to meet the intent in that it would increase density of the neighborhood. However, given the lack of information provided to staff or the Board regarding the ultimate scale and design of the project, it is difficult to ascertain whether, or to what extent, the granting of the variance may be injurious to neighboring property. In this case, it may be more prudent for the applicant to pursue a PRD or PUD zoning designation that more comprehensively and clearly regulates height, scale, bulk, and design rather than an isolated request only dealing with the rear setback.

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.

The Board has the authority to attach any conditions to a variance request that it deems appropriate. Any conditions proposed with a variance approval should be clearly stated into the record in the approval motion.

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.

The applicant's request does not include a variance to use.

Conclusion

One of the most significant issues facing this variance request is likely the extent to which the applicant's own actions contribute to the hardship, and thus need for the variance. Consider that the property as it exists is composed of two legally platted lots, both of which meet the size and area requirements of the DN-3 district and possess no topographical or shape abnormalities. The

Background

applicant has requested the variance to allow him to develop the property in a way which he prefers, and while the applicant has not yet taken the full action to subdivide or develop the property, it is his own anticipated actions to do so, and the steps he has already taken through rezoning, waivers, and large-scale development, that make this request troublesome. Further, no large scale development, preliminary plat or building permit has been submitted to define the ultimate scope of the project and so there remains too much ambiguity in defining what the actual project is.

Equally as concerning is the developability of the property even without the variance, which would seem to invalidate this variance request on the grounds of the minimum variance review criterion. If the applicant openly states that the property is developable under his proposed vision, there must not be any need for a variance. While the applicant states a number of preferences as to how the property should be developed, preferences are not commensurate to a hardship, and it would not be sensible for the Board to consider such preferences.

Each of the six standards for approval listed in the Zoning Code must be met in order for the Board to grant the approval of this variance request. Upon review of the property, its context, code requirements, the sequence of events leading up to this request, and the materials provided by the applicant, among other considerations, this request does not appear to meet several of the standards for approval.

Public Comment

Has Staff received Public Comment at the time of this report?: **No**

Conditions of Approval

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, structures 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.

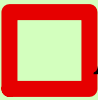
(3) The board of adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of land, building or structure.

(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.

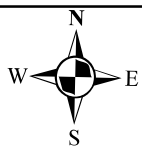
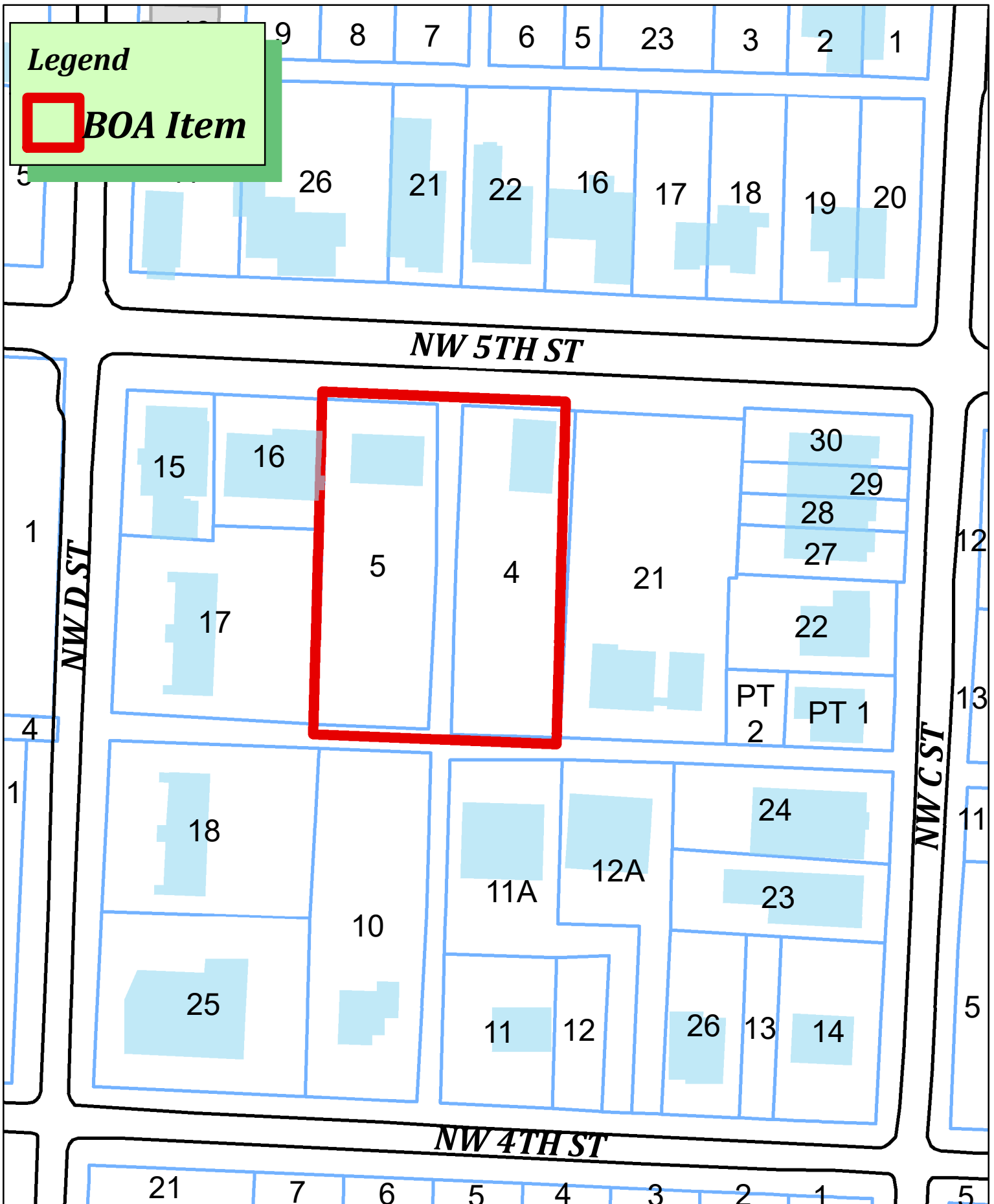
(5) *Conditions.* In granting any variance, the board of adjustment may prescribe appropriate conditions and safeguards that it deems necessary or desirable. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of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

Legend



BOA Item



VAR23-0031

Mark Haney

409 NW 5th St-Rear Setback Variance





Oct 11, 2023

Dear Bentonville Board of Adjustments,

We are requesting a rear setback variance for 409 and 411 NW 5th St parcels 01-02133-000 and 01-02134-000 in order to construct attractive new single family home attached units. The lot presents some unique hardships due to the limited depth of 75', and encroachments into setbacks by utilities on 3 sides that limit the buildable area. On the north and south sides of the lots, overhead power lines require 20' clearance from any buildings. The alley in between the lots currently holds a city sewer line, and we are proposing to run both water and electric in the alley as well, but with the required utility and access easements, the front yards are pushed back beyond the allowed 10' front setback in the DN-3 zone (exact dimensions pending engineer's design and approval from city departments, in progress now).

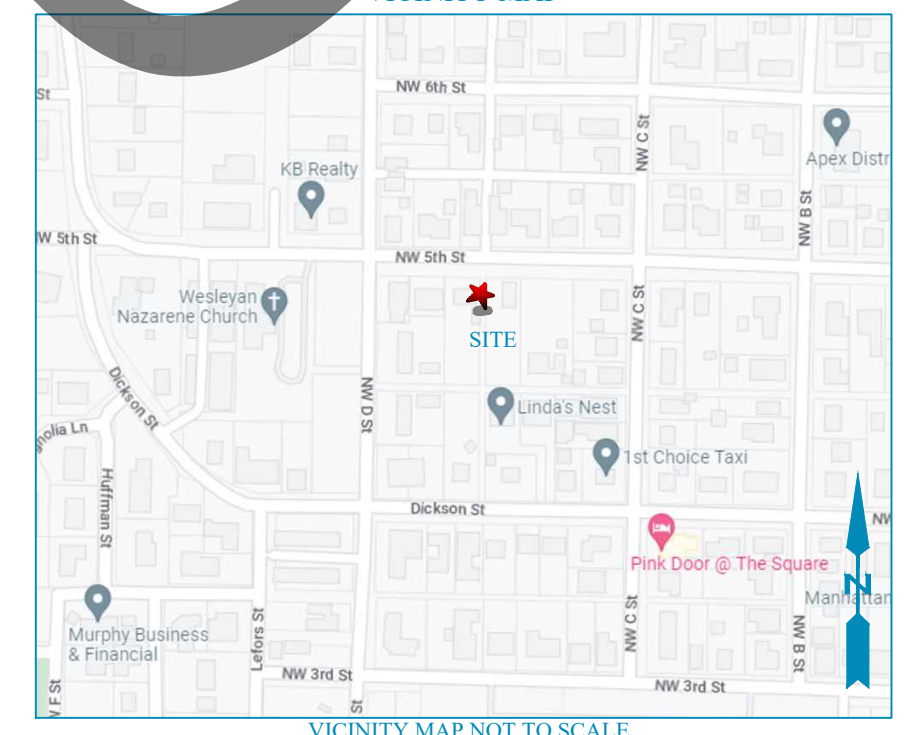
Additionally, since both lots are block ends with street frontage on three sides, what we are calling the "rear" for the purposes of this request could actually be considered the "side" depending on the orientation of the new buildings. Our intention is for most or all to front the alley, but we will have architectural features addressing or potentially fronting the sides, to be determined in consultation with the architect when we begin design work. Since the units are attached, this could create a murky area of interpretation around building/unit orientation and for the sake of transparency and clarity, we respectfully request this variance to avoid any surprises or disagreements on interpretation later in the design process. Without a variance, construction is still possible, but would likely require a 3 level building instead of a 2 level building, and we believe a 2 level design would fit the neighborhood character more cohesively.

Considering the site's unique constraints, and our desire to preserve the traditional home proportions of the neighborhood, we request a rear setback of 7' (a variance of 18' from the standard 25') on both lots. Thank you for your thoughtful consideration.

Respectfully,
Mark Haney

[illegible]

Setback Standards:		PROPERTY ZONED: DN-3						
District	Building type	Front Yard		Side Yard				Rear Yard
				Exterior Side Yard		Interior Side Yard		
		Min.	Max.	Min.	Max.	Detached Yard	Attached Yard	
DN-3	Single-family and Two-family	10'	20'	10'	20'	7'	0'	25'
	Townhouse	10'	20'	10'	20'	10'	0'	25'
	Multi-family block-end and others not listed	10'	20'	10'	20'	10'	0'	15'



BATES
Engineers - Surveyors

7230 S. Pleasant Ridge Dr • Fayetteville, Arkansas 72704 • 479. 442. 9350

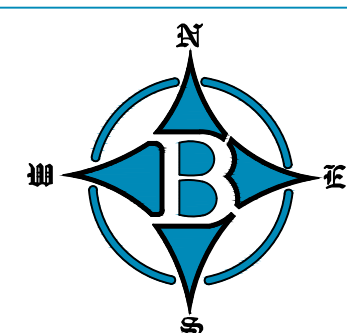
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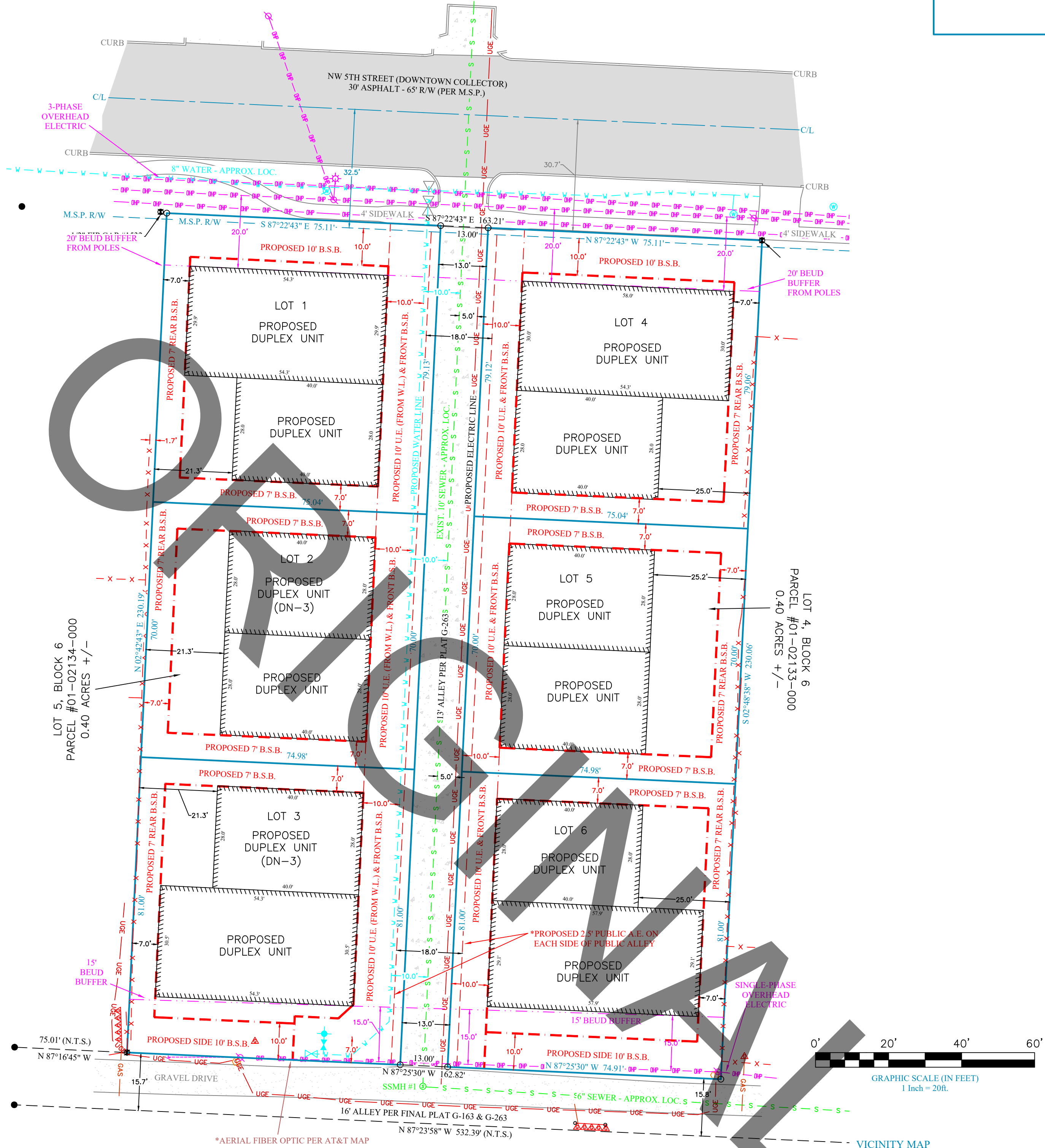
THESE STANDARD SYMBOLS WILL BE FOUND IN THE DRAWING.

- FOUND 5/8" REBAR
- ⊗ FOUND 1/2" REBAR
- ⦿ FOUND AXLE
- SET 5/8" REBAR/CAP
- ▼ 60D ELEVATION BENCHMARK
- ▬ FINISHED FLOOR ELEVATION (FF)
- ⊗ SPOT ELEVATION

	SANITARY SEWER MH		BOUNDARY LINE (MEASURED)
	TELEPHONE PESTAL		TIE LINE
	AC CONDENSER UNIT		CENTERLINE OF ROAD
	WATER METER		RIGHT-OF-WAY
	GAS METER		WATER LINE
	POWER POLE		SEWER LINE
	GUY ANCHOR		GAS LINE
	LIGHT		OVERHEAD POWER LINE
	BOLLARD		BEUD BUFFER ZONE
			FENCE
			BUILDING SETBACK



BUILDING SETBACK VARIANCE EXHIBIT



Setback Standards:

PROPERTY ZONED:
DN-3

District	Building type	Front Yard		Side Yard				Rear Yard
				Exterior Side Yard		Interior Side Yard		
		Min.	Max.	Min.	Max.	Detached Yard	Attached Yard	
DN-3	Single-family and Two-family	10'	20'	10'	20'	7'	0'	25'
	Townhouse	10'	20'	10'	20'	10'	0'	25'
	Multi-family block-end and others not listed	10'	20'	10'	20'	10'	0'	15'

FOR USE AND BENEFIT OF:
MARK HANEY

ADDRESS:
409 & 411 NW 5TH STREET
BENTONVILLE, ARKANSAS

DATE: 10/19/23
LOCATION: LOTS 4 & 5
BLOCK 6
DEMINGS ADDITION

BATES
Engineers - Surveyors

7230 S. Pleasant Ridge Dr. • Fayetteville, Arkansas 72704 • 479.442.9350

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LEGEND:
THESE STANDARD SYMBOLS WILL BE FOUND IN THE DRAWING.

- FOUND 5/8" REBAR
- FOUND 1/2" REBAR
- FOUND AXLE
- SET 5/8" REBAR/CAP
- FOOD ELEVATION BENCHMARK
- FINISHED FLOOR ELEVATION (FFE)
- SPOT ELEVATION
- SANITARY SEWER MH
- TELEPHONE PEDESTAL
- AC CONDENSER UNIT
- WATER METER
- GAS METER
- POWER POLE
- GUY ANCHOR
- LIGHT
- BOLLARD
- BOUNDARY LINE (MEASURED)
- TIE LINE
- CENTERLINE OF ROAD
- RIGHT-OF-WAY
- WATER LINE
- SEWER LINE
- GAS LINE
- OVERHEAD POWER LINE
- BEUD BUFFER ZONE
- FENCE
- BUILDING SETBACK

VICINITY MAP NOT TO SCALE



October 17, 2023

Mr. Mark Haney
848 NW C Street
Bentonville, AR, 72712
RE: Waiver Request WAV23-0015

To whom it may concern,

We are pleased to inform you that the Bentonville Planning Commissioners approved your waiver requests for the properties at 409 and 411 Northwest 5th Street during their October 3, 2023 meeting. Please see below for more information on the approved waivers.

1. Waiver from Land Development Code, Article 1100 - Development Standards, Section 1100.10 Lot Standards, Subsection (a) Access: "Every lot shall have direct access to a public street except where private streets are explicitly approved by the Planning Commission in Planned Developments".

This waiver allows homes to face the public street with a paved roadway width of 18'.

2. Waiver from Article 1100 Development Standards, Section 1100.22 Downtown Residential Design Standards, Subsection (d) General residential site access and parking, (1) Parking Location: "a. Prohibited in front yards. Garages, parking lots, or designated parking spaces are prohibited in the front yard. b. Attached garages. Garages may be attached to the primary structure. However, if the garage is attached, it must be located and oriented in such a way that it does not protrude from the side façade of the primary building in order to be visible from the public street."

This waiver allows garages to face the 18' wide street, provided that the northerly two structures along NW 5th Street will address the NW 5th Street frontage with an architectural treatment that appears more as the front of a house.

Please retain a copy of this for your records. If you have any questions do not hesitate to call the Planning Department at (479) 271-3122 ext. 2 or email planning@bentonvillear.com.

Sincerely,

Luke Aitken
Planning Technician

DUPLEX DEVELOPMENT CONCEPT

