

Note –The Community Development Building will be open for the public to attend. Those that do attend will be asked to watch the meeting from the building’s lobby. Attendees will only be allowed into the Chambers to make a public comment or to speak during any public hearing on the agenda. Those who do attend should observe the CDC recommendations concerning hygiene and social distancing (keeping at least 6 feet away from other persons present at the meeting). Moreover, no one should attend this meeting if they are experiencing any type of illness involving a fever, sneezing, or coughing. Those wishing to make public comments who do not want to attend the meeting may do so in written form, submitted to planning@bentonvillear.com by 3:00 p.m. on the day of the meeting. Those comments will be communicated to the members of the Board of Adjustment. While email comments are encouraged, accommodation has also been made to allow Bentonville citizens to make “live” public comments orally in the event they cannot or do not feel comfortable attending the meeting in person. To do so, please send an email indicating a desire to make “live” oral public comments to planning@bentonvillear.com by at least 3:00pm on the day of the meeting and a reply email will be sent with instructions about how your comments can be made. Making comments will require you to register with your name, address, phone number, and email address. Procedures with respect to oral public comments still apply.



**BOARD OF ADJUSTMENT
AGENDA**

January 27, 2021

Registration Link: https://us02web.zoom.us/webinar/register/WN_c3KSKbckRm6j3YM9Fc5QUA

- I. Call to Order**
- II. Approval of Minutes**
- III. New Business**

- 1. Calcon, Inc.**
SW Autumn Hills Road (VAR20-0034)
 - Sign Regulations
- 2. Clapper**
412 NW 5th Street (VAR21-0001)
 - Setbacks

Variance*

Variance*

- IV. Other Business**
- V. Adjournment**

**Denotes public hearing*

Board of Adjustment
Minutes
January 13, 2021

Meeting called to order by Rick Rogers, Chairman.

Present: Rustin Chrisco, Joe Haynie, Jan Holland, Sam Pearson (via Zoom), and Rick Rogers
Staff: Ali Worley

Motion by Mr. Haynie, seconded by Ms. Holland to approve the minutes of December 9, 2020 as written
Approved 5-0

Old Business

Item #1

Yates: Variance request for 323 Crestview Drive, Setbacks, VAR20-0033

Ali Worley reads the staff report.

Public hearing was held on December 9, 2020.

Hall Yates, applicant, speaks on the reason for his request.

Approved 5-0

New Business

Item #1

C Street Properties, LLC: Fence Height, 1601 NW A Street, VAR20-0035

Ali Worley reads the staff report.

Opened public hearing

No public comments

Closed public hearing

Matt O'Reilly, representative, speaks on the reason for the request.

There is discussion amongst Board members and staff.

Approved 5-0

Item #2

City of Bentonville: Setbacks, SW I Street & SW 41st Street, VAR20-0036

Ali Worley reads the staff report.

Opened public hearing

No public comments

Closed public hearing

Larry Grelle, representative, speaks on the reason for the request.

There is discussion amongst Board members and staff.

Motion by Mr. Rogers, seconded by Ms. Holland to state that the variance is contingent upon approval of a 10-foot setback along SW I Street by minor adjustment of building placement. If unable to achieve the 10-foot setback, applicant shall submit a revised plan to the Board members for approval.

Approved 5-0

Meeting adjourned

Ali Worley

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

Reviewer: Ali Worley, Planning Technician

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

Ellen Norvell, Planning & Building Services Director | 305 SW A Street, Bentonville, AR | (p) 479-271-3122 | (e) planning@bentonvillear.com

BOARD OF ADJUSTMENT STAFF REPORT

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.

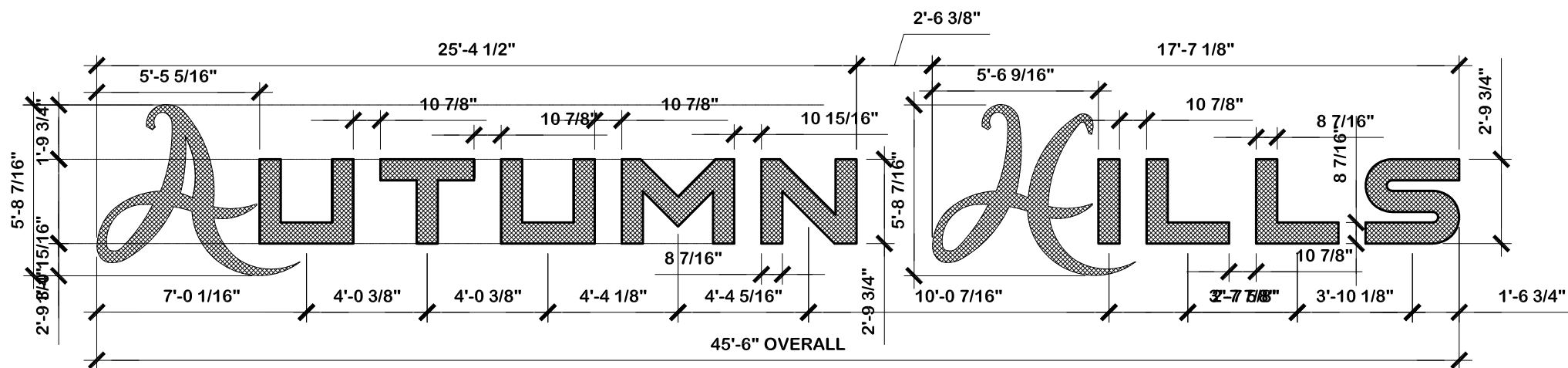
(5) *Conditions.* In granting any variance, the board of adjustment may prescribe appropriate conditions and safeguards that it deems necessary or desirable. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of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

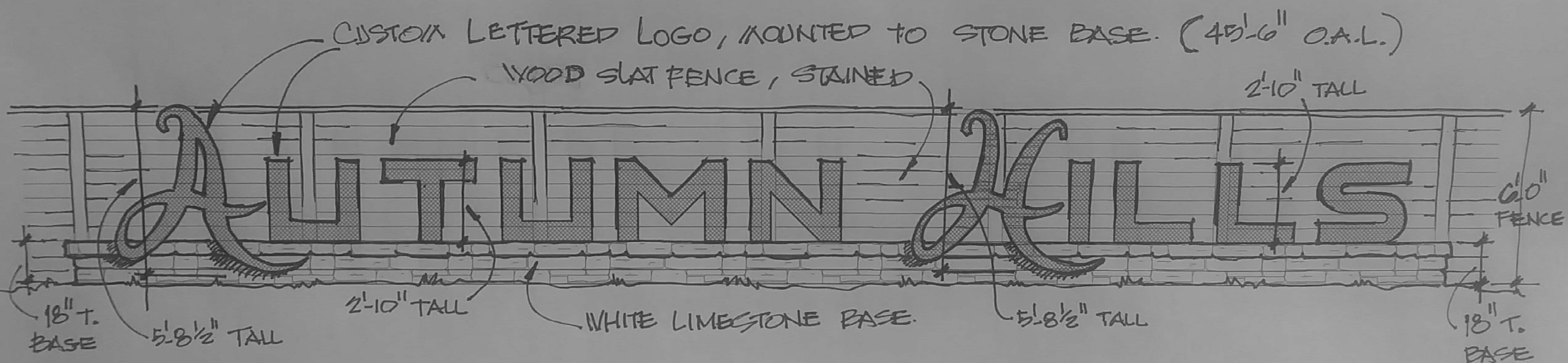
(6) *Uses.* Under no circumstances shall the board of adjustment grant a variance to allow a use not permissible under the terms of this chapter in the district involved, or any use expressly or by implication prohibited by the terms of this chapter in said district.



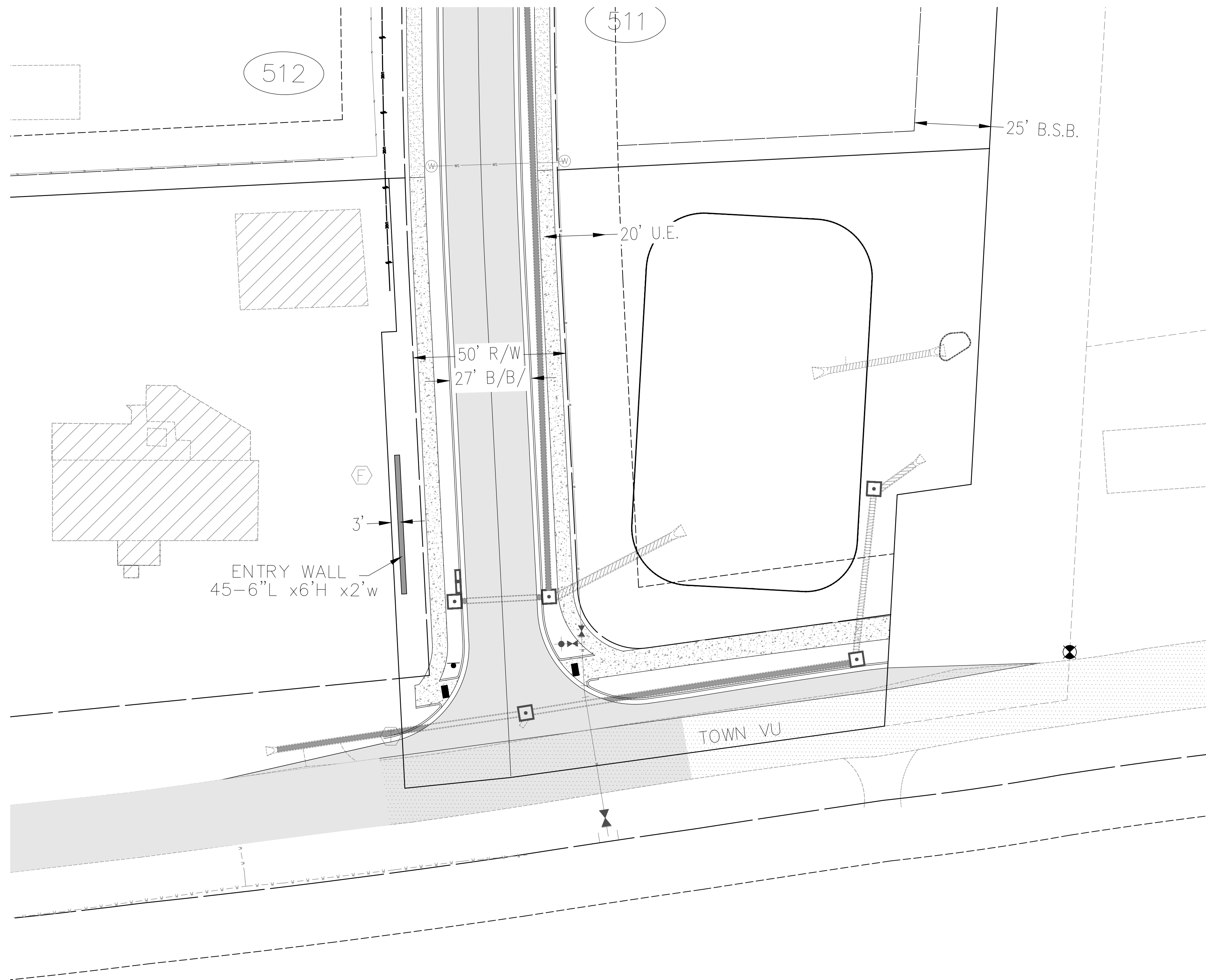
We are respectfully asking for a sign variance for our entryway signage in our Autumn Hills subdivision. We have a very long and narrow entry that we believe needs more than the current allowable square footage for our entryway sign. We are planning to use free standing letters to reduce the total square footage needed. We have also reduced the overall height of our letters to stay under the 6' requirement. We believe that this would be a new look that would be great for Bentonville and would be great for our neighborhood. We ask that you please grant us this variance.

AUTUMN HILLS

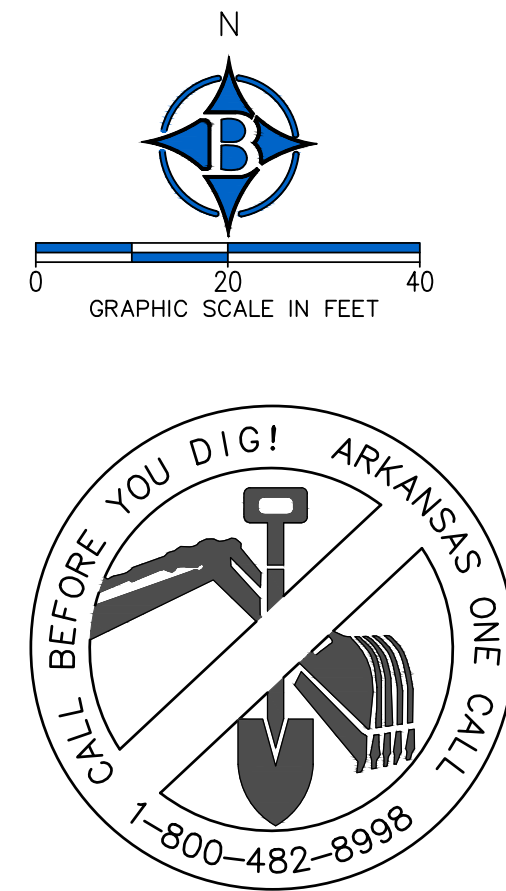




Time: 12:28 pm
Scale: 1=20 (PS)
Date: 3/27/2019



PROPOSED	LEGEND	DESCRIPTION
		ASPHALT (EDGE)
		ASPHALT (SURFACE)
		BUILDING
		BUILDING SETBACK LINE
		CONCRETE (EDGE)
		CONCRETE (SURFACE)
		CONDUIT
		CURB & GUTTER
		EASEMENT
		ELECTRICAL (OVERHEAD)
		FENCE (WIRE/WOOD CHAIN)
		FIRE HYDRANT ASSEMBLY
		GAS
		GAS MAIN
		GAS METER/VALVE
		GRAVEL (EDGE)
		GRAVEL (SURFACE)
		IRON PIN - (RE-BAR)
		LIGHT
		MONUMENT (CONCRETE)
		POWER POLE
		PROPERTY LINE (EXTERNAL)
		RIGHT-OF-WAY
		SANITARY SEWER MANHOLE
		SANITARY SEWER PIPE
		SANITARY SEWER SERVICE
		CENTERLINE
		SIDEWALK BUILT BY DEVELOPER
		STORM SEWER PIPE
		TELEPHONE PED/MANHOLE
		TREE LINE CANOPY
		WATER MAIN PIPE
		WATER MAIN REDUCER
		WATER MAIN THRUST BLOCK
		WATER METER
		WATER METER (IRRIGATION)
		WATER VALVE



**Bates &
Associates, Inc.**

www.rwabatesinc.com

Civil Engineering & Surveying

7230 S. Pleasant Ridge Drive Phone 479.442.9350 Fax 479.521.9350
Fayetteville, Arkansas 72704

AUTUMN HILLS
CONSTRUCTION PLANS
ENTRY SIGN SITE PLAN
BENTONVILLE, ARKANSAS

ENGINEER: G. Bates

08/31/20

STATE OF ARKANSAS
REGISTERED PROFESSIONAL ENGINEER
No. 9810
GEOFFREY H. BATES

CERTIFICATE OF AUTHORIZATION
BATES & ASSOCIATES, INC.
#335
ARKANSAS ENGINEER

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PROJECT NO 16-278

01
PP18-0010

BOARD OF ADJUSTMENT STAFF REPORT



Clapper

412 NW 5th Street

BOA Date: 1/27/2021

Reviewer: Ali Worley, Planning Technician

Project Number	VAR21-0001
Applicant / Current Owner	Lyle & Marie Clapper
Site Area	+/- 0.33 acres
Current Zoning	R-1, Single Family Residential
Variance Request	Zoning Code Article 401.07

Property Description

This property is located at 412 NW 5th Street. It is currently zoned R-1, Single Family Residential.

Regulation

According to Zoning Code Article 401.07, Residential districts regulations, section c, Residential setback standards, the front setback for the R-1 zoning district is 20 feet.

Variance Request

The applicant is requesting a setback of 11 feet, which is a variance of nine feet.

Background

According to the applicant's narrative, the property owners are upgrading the existing home. One of the upgrades includes a proposed wrap-around porch on the front of the house. Currently, the existing home has a front setback of 15 feet, making it an existing nonconformity.

Due to the proposed upgrades and additions, a property line adjustment is needed, which will necessitate right-of-way dedication of approximately five feet along NW 5th Street. This would put the existing home and proposed porch at a setback of 11 feet. The proposed porch does not encroach any further into the setback than the existing home.

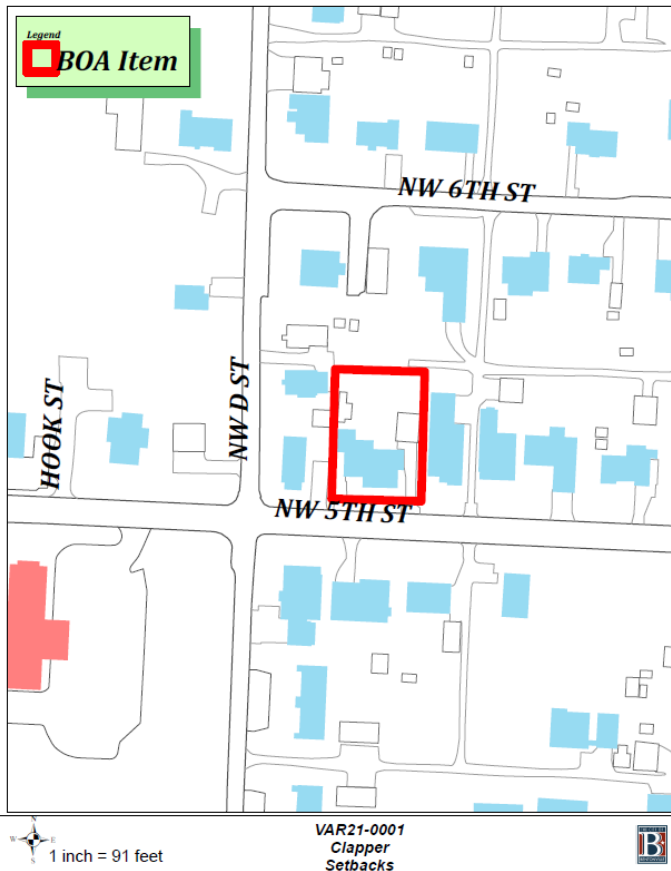
Public Comment

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 submit a property line adjustment prior to building permit issuance. The plat shall be filed prior to a final inspection.
3. The applicant shall be required to obtain an approved building permit prior to construction.



BOARD OF ADJUSTMENT 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.

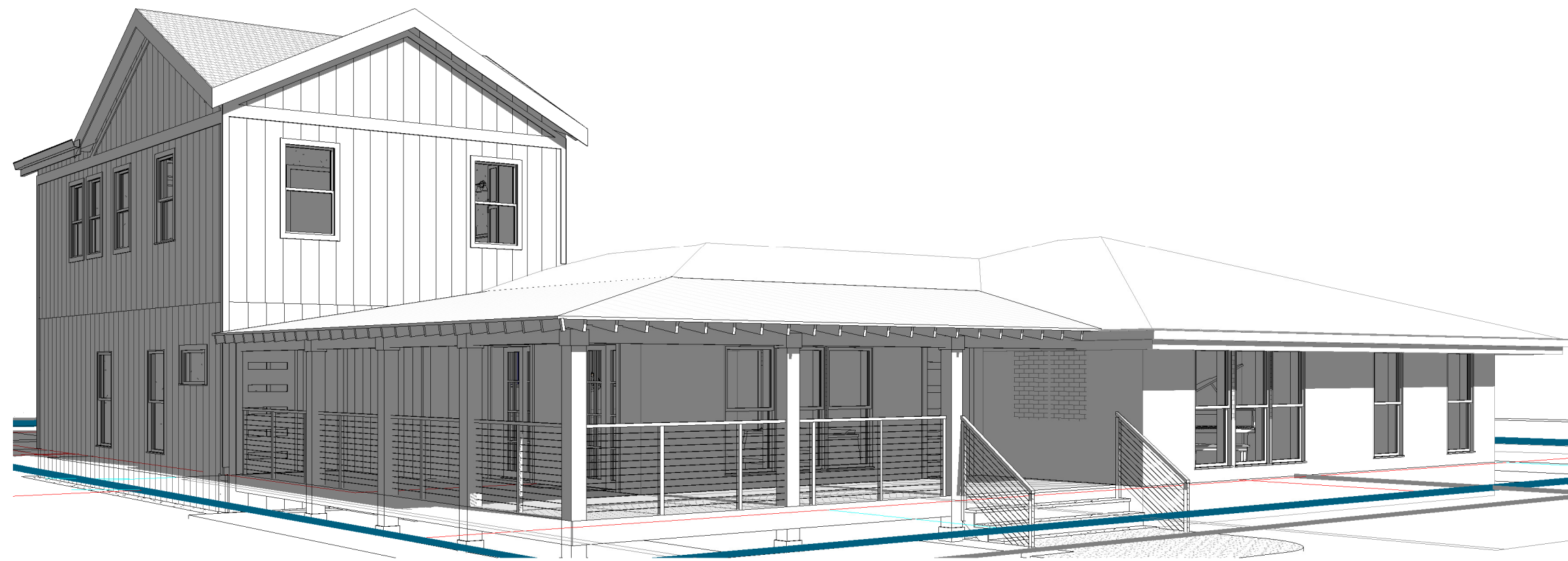
(6) *Uses.* Under no circumstances shall the board of adjustment grant a variance to allow a use not permissible under the terms of this chapter in the district involved, or any use expressly or by implication prohibited by the terms of this chapter in said district.



Dave P Burris, AIA, NCARB
479-319-6045
dave@burrisarch.com

CLAPPER REMODEL

412 NW 5TH ST
BENTONVILLE, AR



2 CONCEPT



1 SITE PLAN
1/16" = 1'-0"

GENERAL SITE NOTES

- TAKE TEMPORARY CONTROL MEASURES TO PREVENT EROSION
SHEET FLOW: USE STRAW OR HAY BALES, SILT FENCING OR VEGETATIVE FILTERS AS NECESSARY TO MINIMIZE SILT MOVEMENT OFF PROPERTY.
- CONTRACTOR SHALL FINISH GRADE SITE SO AS TO DIVERT WATER AWAY FROM BUILDING STRUCTURE.
- ALL FILL SHALL BE COMPACTED TO 95% STANDARD OVER PROCTOR DENSITY (ASTM D-698) AND MIN 3000 P.S.F. BEARING CAPACITY.
- MEET EXISTING GRADE AT ALL CONTRACT LIMITS OR PROPERTY LINES.
- GENERAL CONTRACTOR TO PROVIDE ROUGH GRADING TO 6" BELOW FINISH GRADE. 6" TOP SOIL TO BE REUSED OR PROVIDED FOR FINAL GRADING.
- PROVIDE CONTROL JOINTS AND EXPANSION JOINS IN CONCRETE WHERE SHOWN (SEE PLANS AND DETAILS) WHERE NOT SHOWN PROVIDE AS FOLLOWS:
EXPANSION JOINTS AT 20' O.C. MAX
CONTROL JOINTS AT 6' O.C. MAX AT SIDEWALKS
- ALL UTILITY LOCATIONS ARE APPROXIMATE, FIELD VERIFY EXACT LOCATIONS.
- ALL DISTURBED AREAS TO BE SEEDED.
- CONTRACTOR TO VERIFY ALL SITE CONDITIONS PRIOR TO WORK, NOTIFY ARCHITECT IF CONDITIONS VARY FROM WHAT IS SHOWN.
- SITE PLAN IS DIAGRAMMATIC IN NATURE. BOUNDARIES, UTILITIES, AND OTHER SITE FEATURES SHOULD BE REFERENCED FROM A LICENSED SURVEYOR. GC SHALL CONFIRM ALL SETBACKS AND CLEARLY MARK ON SITE PRIOR TO BEGINNING CONSTRUCTION.
- GC TO COORDINATE ALL UTILITY CONNECTIONS WITH APPROPRIATE GOVERNING BODY.
- SITE PLAN MUST BE APPROVED BY THE BUILDING OFFICIAL AND THE PLANNING DEPARTMENT PRIOR TO BEGINNING CONSTRUCTION.
- GENERAL CONTRACTOR IS TO SUBMIT DRAWINGS TO THE BUILDING INSPECTOR AND OBTAIN A BUILDING PERMIT PRIOR TO BEGINNING WORK.
- GENERAL CONTRACTOR SHALL LOCATE ALL PROPERTY LINES AND CLEARLY MARK ALL BOUNDARIES PRIOR TO WORK.
- ALL DIMENSIONS ARE SHOWN FOR BIDDING PURPOSES ONLY, ACTUAL DIMENSIONS WILL VARY WITH SITE CONDITIONS.

GENERAL NOTES:

- CONTRACTOR IS TO INSPECT EXISTING CONDITIONS INCLUDING BUT NOT LIMITED TO, UNDERGROUND WATER MAINS, SEWER, TELEPHONE, AND ELECTRIC. WORK HERE UNDER ARE INDICATED ON DRAWINGS FOR DIAGRAMMATIC PURPOSES. NO GUARANTEE AS TO THE ACCURACY OR COMPLETENESS OF SUCH INFORMATION. RESPONSIBILITY FOR SUCH ACCURACY AND COMPLETENESS IS DISCLAIMED. THE CONTRACTOR IS SOLELY RESPONSIBLE FOR LOCATING UNDERGROUND INSTALLATIONS PRIOR TO EXCAVATING.
- ALL DIMENSIONS ARE FROM FACE OF STUD, FACE OF CONC. OR CENTER LINE UNLESS NOTED OTHERWISE. DRAWINGS ARE NOT TO BE SCALED, DIMENSIONS SHALL BE IN WRITTEN INFORMATION ONLY. VERIFY DIMENSIONS PRIOR TO WORK. ALTERATIONS IN DIMENSIONS AFFECTING THE DESIGN SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT PROMPTLY FOR A RESOLUTION.
- NOT ALL MATERIALS AND ASSEMBLIES HAVE BEEN SPECIFIED. CONTRACTOR IS TO VERIFY ALL NON-SPECIFIED ITEMS WITH OWNER & ARCHITECT PRIOR TO EXECUTING ANY WORK INVOLVING THESE ITEMS.
- IT IS THE CONTRACTOR'S RESPONSIBILITY TO SUBMIT SUBSTITUTIONS OR DEVIATIONS FROM THE CONTRACT DOCUMENTS TO THE ARCHITECT FOR APPROVAL. NON-APPROVED DEVIATIONS WILL HOLD THE ARCHITECTS AND CONSULTING ENGINEERS HARMLESS FOR SUCH ITEMS.
- ALL WORK TO CONFORM TO APPLICABLE CODES. THE MOST STRINGENT CODE SHALL APPLY. DISCREPANCIES IN CODE AND CONTRACT DOCUMENTS SHALL BE BROUGHT TO THE ARCHITECTS ATTENTION IMMEDIATELY AND RESOLVED BEFORE PROCEEDINGS.
- ALL MATERIALS ARE TO BE INSTALLED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS AND AS SUCH ALL SUBCONTRACTORS ARE TO INSURE THAT ALL MANUFACTURER'S WARRANTIES WILL BE HONORED.
- ALL SUBCONTRACTORS ARE RESPONSIBLE FOR INSURING THEIR SAFETY AND OF THEIR PERSONNEL ON THE JOB SITE AT ALL TIMES. THEY SHALL CARRY WORKMAN'S COMPENSATION AND LIABILITY INSURANCE FOR THEMSELVES AND THEIR EMPLOYEES. SUBCONTRACTORS AND THEIR EMPLOYEES SHALL BE PERSONALLY RESPONSIBLE TO FOLLOW ALL OSHA RULES AND REGULATIONS.
- GENERAL CONTRACTOR IS TO COORDINATE ALL MECH, ELEC, AND PLUMBING AND PROVIDE NECESSARY CONSTRUCTION TO FACILITATE SUCH WORK INCLUDING SUPPORTS, BLOCKING, ROUGH OPENING ETC.
- IT IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO REVIEW ARCHITECTURAL DRAWINGS BEFORE INSTALLATION OF MECH, ELEC OR SYSTEMS INSTALLATION, AND SHALL NOTIFY ARCHITECT IMMEDIATELY FOR ANY DISCREPANCIES. ANY WORK INSTALLED IN CONFLICT WITH THE CONTRACT DOCUMENTS SHALL BE CORRECTED BY THE GENERAL CONTRACTOR AT NO EXPENSE TO THE OWNER OR ARCHITECT.
- ALL DRAWINGS, SPECIFICATIONS AND DESIGN OF THE FOLLOWING SYSTEMS ARE TO BE PROVIDED BY OTHERS AS REQUIRED. OWNER SHALL CONTRACT WITH OTHERS UNDER SEPARATE CONTRACTS.
A. CIVIL ENGINEERING B. MECHANICAL ENGINEERING C. ELECTRICAL ENGINEERING

CODE SUMMARY

APPLICABLE CODES:
INCLUDED BUT NOT LIMITED TO, THE LATEST ADOPTED ADDITIONS OF THESE CODES AS AMENDED BY THE CITY OF BENTONVILLE AND THE STATE OF ARKANSAS

2012 International Residential Code (IRC)
(Vol. 2 with Arkansas State amendments)

THIS PROJECT IS A NEW BUILDING ON AN EXISTING DEVELOPMENTS SITE. SITE PLANS HAVE BEEN DEVELOPED AND SUBMITTED BY A CIVIL ENGINEER UNDER A SEPARATE COVER.

THE BUILDINGS ARE NOT SPRINKLERED.

BUILDING DATA:
PROPOSED USE: SINGLE FAMILY DWELLING UNIT
R-3

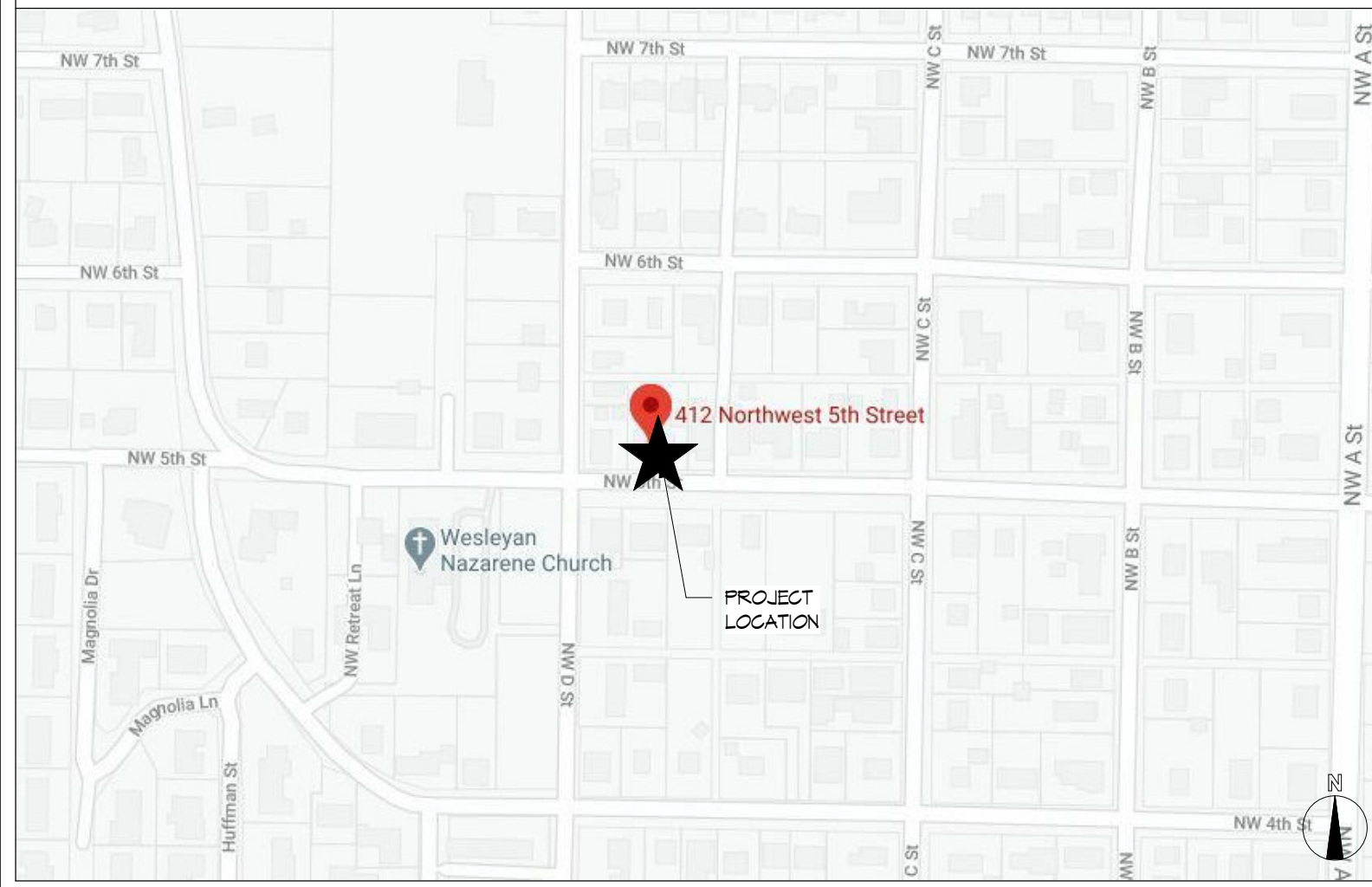
CONSTRUCTION TYPE: 5B

ACTUAL AREA:
FIRST FLOOR HEATED REMODELED= 2113 SF
FIRST FLOOR HEATED NEW = 651 SF
SECOND FLOOR HEATED NEW = 102 SF

SHEET INDEX

#	SHEET NAME	ISSUE DATE	REVISION
A0.0	COVER SHEET	12-15-20	
D1.0	DEMO PLANS	12-15-20	
S1.0	FOUNDATION PLAN	12-15-20	
A1.0	FLOOR PLANS	12-15-20	
A1.1	REFLECTED CEILING PLANS	12-15-20	
A2.0	EXTERIOR ELEVATIONS	12-15-20	
A2.1	EXTERIOR ELEVATIONS	12-15-20	
A3.0	BUILDING SECTIONS	12-15-20	
A3.1	WALL SECTIONS	12-15-20	
A4.0	MILLWORK ELEVATIONS / DETAILS	12-15-20	

LOCATION MAP



DATE
12-15-20
JOB NO.
20110
REVISIONS

A0.0
COVER SHEET

CLAPPER REMODEL
412 NW 5TH ST
BENTONVILLE, AR

Burris
Architecture
820 Tiger Blvd, Suite 4, Bentonville, Ar 72712
479-319-6045

PRELIMINARY
NOT FOR CONSTRUCTION









