



**Board of Adjustments
Meeting Agenda
April 10, 2024
Bentonville City Hall
Meeting Time: 4:00 PM**

Registration Link: <https://us06web.zoom.us/j/81487620427>

I. Call to Order

II. Approval of Minutes

1. February 28th Meeting Minutes

Approval of Meeting Minutes

III. New Business

1. Milligan

Variance*

105 Northwest 6th Street ([VAR24-0003](#))
Section 401 of the Zoning Code

IV. Old Business

V. Other Business

VI. Adjournment



**Board of Adjustments
Meeting Minutes
February 28, 2024
Bentonville City Hall
Meeting Time: 4:00 PM**

Meeting Recording: <https://us06web.zoom.us/rec/share/UjutoIuzMZ08apaLsyedC313Ydf-6aux9T6ikfe8k6ftym2Q3SfMT5zcvSU8cpl4.qEVG3ZPc6tF6ZtgV>

I. Call to Order

- Meeting called to order at 4:00 PM by Chairman Kruithof
- Members present: BJ Phillips, Celia Swanson, Dean Kruithof, Sam Pearson, Joe Haynie
- Members absent: N/A
- Staff present: Tom Adler, Keegan Stanton, Bradley Gavrielides (via Zoom)

II. Approval of Minutes

- January 24th Meeting Minutes** **Approval of Meeting Minutes**
 - Motion to approve by Haynie second by Swanson.
 - Minutes approved 5-0

III. New Business

- Brittenum Construction** **Variance***

Southwest Adams and Southwest Anglin Roads ([VAR24-0002](#))

 - Chairman Kruithof asks Staff to read the conclusion of the Staff report due to its all-inclusiveness.
 - Mr. Stanton reads the conclusion of the Staff report.
 - Heather Campbell, representing Brittenum Construction, gives details on the request, referencing other developments in the area and nearby cities.
 - Mrs. Campbell gives details on price point of homes as a main reason they cannot build into the current code.
 - Chairman Kruithof gives the criteria the board members must vote prove to grant a variance.
 - Discussion between the Board and the applicant on the requirements that must be taken into account when coming to a vote decision.
 - Discussion on PUD requirements and hardship requirements from the property.
 - Applicant requests to withdraw the request.
 - Project withdrawn.

IV. Old Business

1. Review and approval of By-Laws

Informational

- Motion by Phillips to approve, second by Swanson.
- By-Laws are approved 5-0.

V. Other Business

VI. Adjournment



Milligan

105 Northwest 6th Street

BOA Date: 4/10/2024

Staff Report Details

Project Number	VAR24-0003
Applicant / Current Owner	Christopher and Christy Milligan
Site Area	+/- 0.21 Acres
Current Zoning	R-1, Low-Density Single-Family Residential
Variance Request	Zoning Code Article 401 - Section 401.07 Residential (R) Districts Regulations. Part (c) (1)
Related projects	N/A

Property Description

The property in question is located at 105 Northwest 6th Street. This property is currently zoned R-1, Low-Density Single-Family Residential, with a future land use map designation of Medium Density Residential. Adjacent zoning districts include R-1, Low Density Single Family Residential. The property is currently developed with one single family home on the site. Existing land uses adjacent to the property include single family homes.

Regulation

Zoning Code Article 401 - Section 401.07 Residential (R) Districts Regulations, Part (c) (1)
Residential (R) districts setback standards: *minimum interior side setback - 7 feet*

Variance Request

The applicant has requested a variance of 3.5' for the interior side setback minimum of 7'. This variance would enable the applicant to enclose the existing carport to be used as a garage as well as add a second story for additional living space. The applicant's narrative states that the subject property faces a unique hardship due to its lot spit from the previous owner, platting the house on the lot 3.5' from the property line instead of 7' when the previous owner built their new

Variance Request

house to the east. The applicant states that there is 14' of space between their carport and the neighboring house to the east.

The applicant states that this variance would allow them to have a garage on their property when there is no other way, a right commonly enjoyed by other property owners nearby. The applicant concludes that the garage and needed living space above will provide a much better living experience in their current house in the downtown area.

Background

The current home is a single-story dwelling with a carport and the second story addition would fit into the character of the surrounding neighborhood. The 7' of distance from the property line is the required setback per the adopted Zoning regulations. The building code requires a minimum of 10' between structures, and a minimum of 5' from the property line. Any less than that and the walls and building materials would need to be property fire-rated. The subject property has no other place to build a garage without the purchase of more land from the homeowner to the east. Any variance must meet the criteria of Zoning Code Section 301.10 (c) shown below.

The Fire Department completed a review of this variance request and asked that, if approved, the variance be conditioned with requiring the construction to be fire-rated and be a listed fire-rated wall assembly.

Public Comment

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

Conditions of Approval

If approved, the following conditions shall apply:

1. The approved variance shall be for the proposed layout, as provided by the applicant within this application.
2. The applicant must obtain a building permit before construction.
3. The applicant will construct the addition with listed fire-rated wall assembly and meet the requirements of Table R302.1(1) of the Fire Code.

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.



Pending PC Items

NW 6TH ST

MILLIGAN

NW A ST

N MAIN ST

NW 5TH ST



VAR24-0003
MILLIGAN, CHRISTOPHER & CHRISTY
105 NW 6TH ST



Chris & Christy Milligan
105 NW 6th Street
Bentonville, AR 72712
501.831.0729
milligan.c@gmail.com

March 8, 2024

City of Bentonville Planning Department
Variance Board of Adjustments
305 SW A Street
Bentonville, AR 72712

To Whom It May Concern:

We are the homeowners of the property at 105 NW 6th St north of the square in Bentonville, and we are wanting to enclose our carport and add a playroom above. Our property is zoned R-1 which requires a 7'-0" side yard set back. Our house was built some time in the 70's and at some point later in the 80's, the previous owners split the lot to build another house to the east. Unfortunately, the property line was set approximately 3'-6" from the edge of our carport, not 7'-0" in keeping with the current side yard setback requirement.

In order to achieve our goal of enclosing the carport and adding a room above, we would require a zoning adjustment to the side yard setback of 7'-0". The neighboring house is 14'-0" away from our carport, totaling the minimum distance between houses if both houses were on the respective 7'-0" setback line. We have no other way to build a garage, attached or detached, only to enclose the carport we currently have, along with creating a space for our son and his friends at our house.

We are very proud of our house and enjoy living downtown. We are asking for this variance in order to create a better use of space within our current house condition.

Thank you in advance for your consideration.

Sincerely,



Chris Milligan



SCALE 1"=30'

30 15 0 30

- LEGEND**
- C.P. COMPUTED POINT
 - F.P. FOUND PIPE
 - S.F.P. SET IRON PIN
 - F.P. FOUND IRON PIN
 - PROPERTY LINE
 - FENCE
 - OVERHEAD ELECTRIC
 - POWER POLE
 - WATER VALVE
 - GAS METER
 - WATER METER
 - AIR CONDITIONING

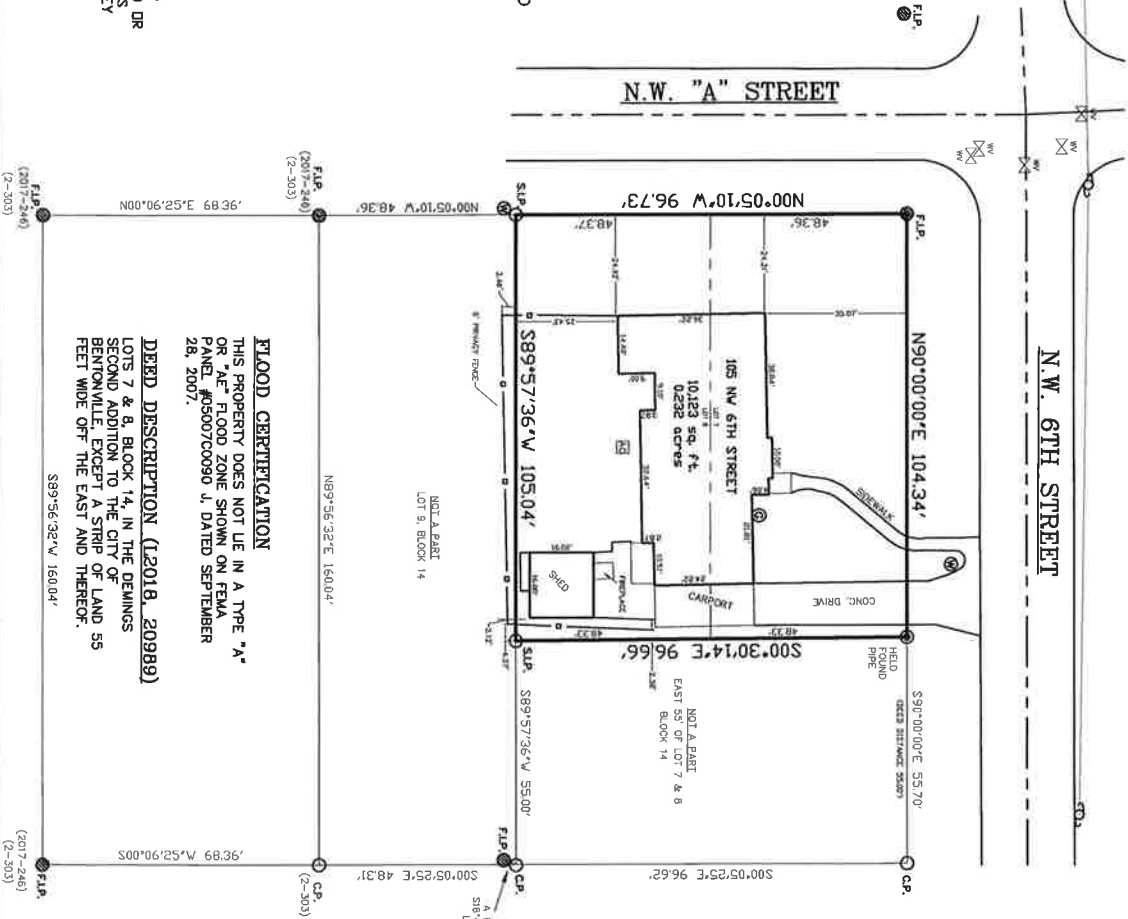
NOTES

1. PARENT DEED FILED IN DEED RECORD BOOK L2018, AT PAGE 20989
2. PROPERTY IS COUNTY TAX PARCEL #02-02202-000.
3. THE CURRENT ZONING OF THE PROPERTY IS R-1.
4. THE PROPERTY HAS 10,123 SQUARE FEET OR 0.232 ACRES.

LAND SURVEYOR'S CERTIFICATION

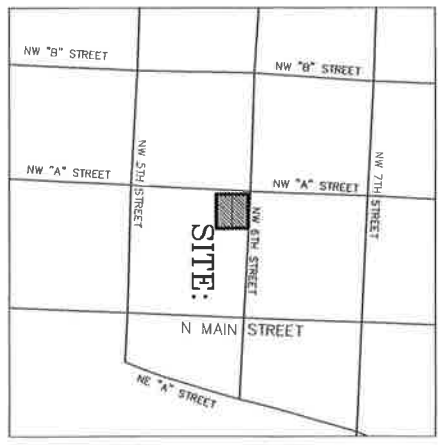
I HEREBY CERTIFY THAT ON THE 21ST DAY OF JANUARY, 2019 THE HEREIN PLATTED AND DESCRIBED SURVEY WAS COMPLETED UNDER MY SUPERVISION AND THE IRON PINS WERE FOUND OR SET, AS SHOWN ON THIS PLAT. ALL EASEMENTS AND ENCROACHMENTS REVEALED BY THE SURVEY ARE AS SHOWN ON THIS PLAT.

DAVID B. PLATT, R.L.S. #1663



FLOOD CERTIFICATION
THIS PROPERTY DOES NOT LIE IN A TYPE "A" OR "AE" FLOOD ZONE SHOWN ON FEMA PANEL #0500700090 J, DATED SEPTEMBER 28, 2007.

DEED DESCRIPTION (L2018, 20989)
LOTS 7 & 8, BLOCK 14, IN THE DENINGS SECOND ADDITION TO THE CITY OF BENTONVILLE, EXCEPT A STRIP OF LAND 55 FEET WIDE OFF THE EAST AND THEREOF.



SETBACK CHART, R-1 ZONING

FRONT SETBACK 20'
GARAGE 30'
REAR SETBACK 25'
SIDE SETBACK 7'



LOTS 7 & 8, BLOCK 14
EXCEPT THE EAST 15'
DEMING'S SECOND ADDITION

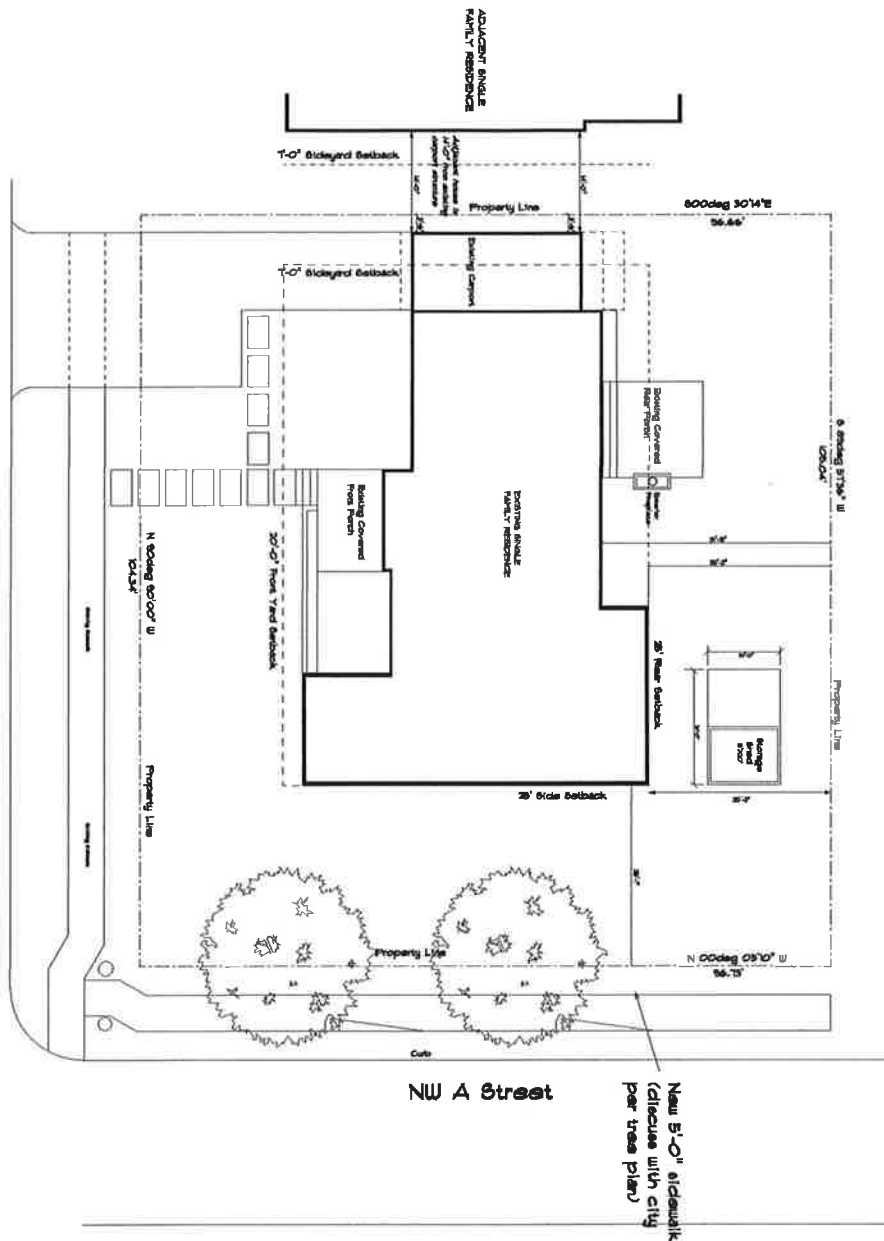
LOT SURVEY		REVISIONS	
OWNER:	DWELLINGS INC.	No.:	BY:
C/O JAN HOLLAND		DATE:	
COLDWELL BANKER			
3113 N WALTON BLVD			
BENTONVILLE, AR 72712			
DATE:	2/1/19		
DRAWN BY:	JIP/ZS		
CHECKED BY:	2019027		
DATE:	2/1/19		
APP NO.:	2019027		
SHEET:	1		



CONSULTING
BENTONVILLE, AR 72712

Site Plan
Scale: 1/8" = 1'-0"

NW 6th Street



S-1

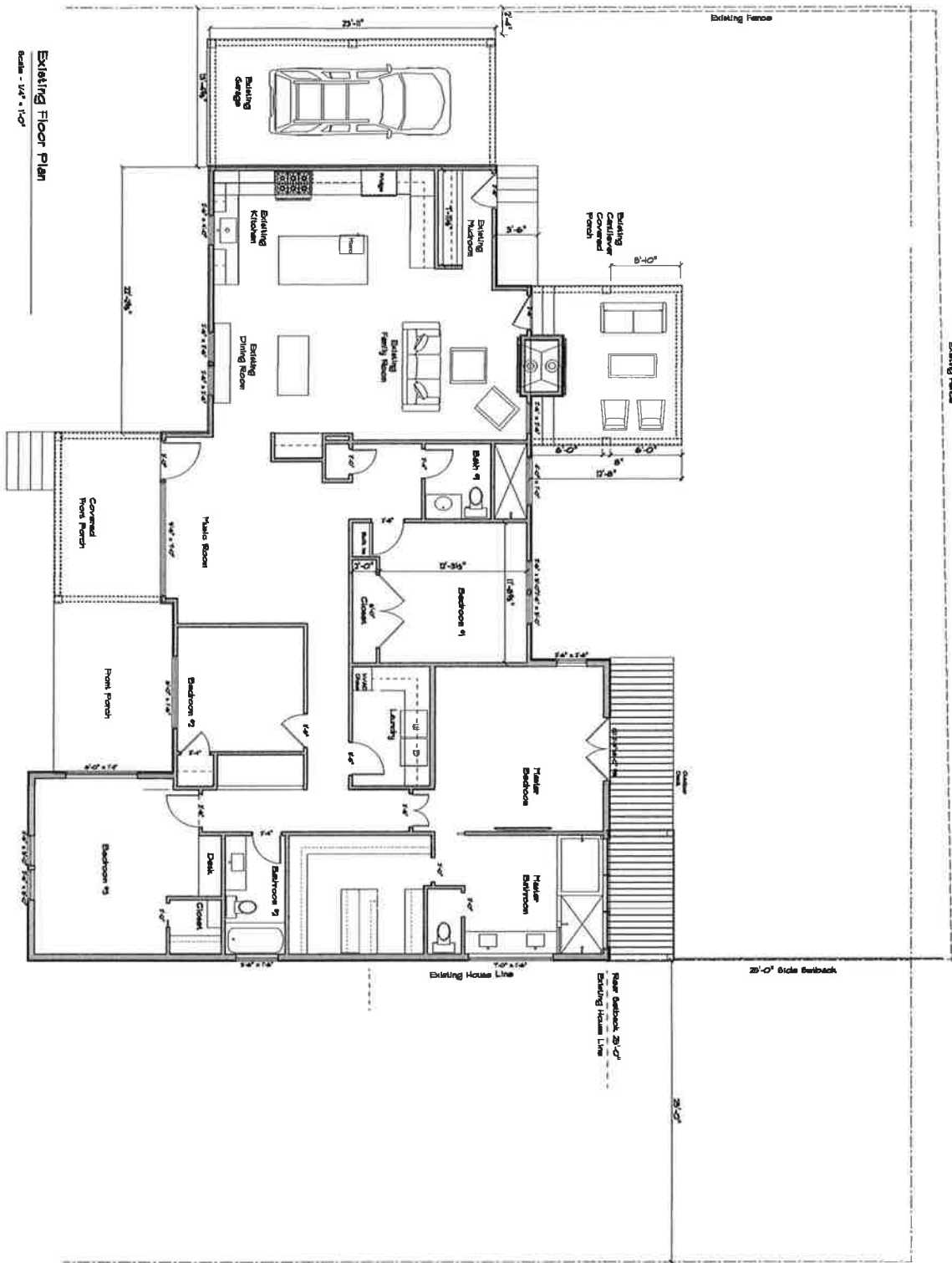
This drawing was prepared by Dwelling, Inc. for the purpose of illustrating the proposed design. It is not to be used for construction without the approval of the local authority having jurisdiction. The client is responsible for obtaining all necessary permits and approvals. The drawing is not to be used for any other purpose without the written consent of Dwelling, Inc.

Milligan Residence
105 NW 6th Street
Bentonville, AR 72712

Revisions

Site Plan

Dwellings, Inc.
105 NW 6th Street
Bentonville, AR 72712
501.931.0739



A-1

The design and drawing is for the existing structure only. It is not intended to be used for any other purpose. The design and drawing is not to be used for any other purpose. The design and drawing is not to be used for any other purpose.

Milligan Residence
 105 NW 6th Street
 Bentonville, AR 72712

Revisions

Existing Floor Plan

Dwellings, Inc
 105 NW 6th Street
 Bentonville, AR 72712
 501.831.0709

