Note – Some of the members of the Board of Adjustment, as well as City staff members, may attend this meeting virtually. For public health reasons, those who attend in person should consider personal hygiene, the use of facial coverings, and social distancing.

BOARD OF ADJUSTMENT
AGENDA
March 9th, 2022

Registration Link: https://us06web.zoom.us/webinar/register/WN_b9byPUpyR5uaaMpFibSNow

I. Call to Order
II. Approval of Minutes
III. Old Business

1. **Benton County Courthouse – Monument Sign** **Variance***
   215 E Central Ave (VAR22-0001)
   - Sign Design Variance

2. **Coffelt Townhomes – Appeal of Staff Interpretation** **Variance***
   407 SE B St (VAR22-0004)
   - Front Setback Variance

IV. New Business

1. **NW C Street – New Construction** **Variance***
   408 NW C Street (VAR22-0006)
   - Fence Height Variance

2. **Autumn Hills Rd – New Construction** **Variance***
   109 SW Autumn Hills Road (VAR22-0007)
   - Garage Setback Variance

3. **Lowell-Phillips Co. – SE J St Partial Rezone** **Variance***
   Parcel ID# 01-00164-000 (VAR22-0008)
   - Partial Rezone Variance

4. **George and Susan Spear – Rear Deck Addition** **Variance***
   3 Hanna Drive (VAR22-0009)
   - Rear Setback Variance

5. **SE L Street Development – Multifamily Development** **Variance***
   3302 SE L Street (VAR22-0010)
   - Side Setback Variance

Note – Some of the members of the Board of Adjustment, as well as City staff members, may attend this meeting virtually. For public health reasons, those who attend in person should consider personal hygiene, the use of facial coverings, and social distancing.

6. **Bob Stoker – Residential Remodel** **Variance***
   1808 SW D Street (VAR22-0011)
   - Side Setback Variance

7. **Flintlock LTD Co. – New Construction** **Variance***
   1402 Dogwood Drive (VAR22-0012)
   - Side Setback Variance

Note – Some of the members of the Board of Adjustment, as well as City staff members, may attend this meeting virtually. For public health reasons, those who attend in person should consider personal hygiene, the use of facial coverings, and social distancing.

BOARD OF ADJUSTMENT
AGENDA
February 9th, 2022

Meeting Recording:
https://us06web.zoom.us/rec/share/OZqE-x1oPKun3Z7Gup85LOU1M5X0mehxC-j8UQX1m_yB_gDwUVfuz__1kTQ0hjr-.InstmJ3I0fXn9oLL

Present: Joe Haynie, Sam Pearson, BJ Phillips, Dean Kruithof, Rick Rogers (Chairman)
Absent: N/A
Staff: Tyler Overstreet, Luke Aitken and Christopher Hyatt

I. Call to Order

- Meeting called to order by Mr. Rogers – Chairman at 4:00

II. Approval of Minutes

- Motion to approve the minutes by Mr. Pearson from January 26,2022, seconded my Mr. Haynie.
- Approved 5-0

III. Old Business

1. Benton County Courthouse – Monument Sign — Variance*

215 E Central Ave (VAR22-0001)

- Sign Design Variance
- Luke reads staff report
- Mr. Rogers opened the floor for the Public Hearing
- Brain Beason, County Facilities Administrator gave details about the project
- Discussion was had about the Wayfinding Hardship
- Closed Public Hearing
- There was discussion amongst Board members, the applicant, and staff.
- Vote was had to table to project
- Tabled 5-0

IV. New Business

1. Vaughn Elementary – Monument Sign — Variance*

5301 Barron Rd (VAR22-0002)

Note – Some of the members of the Board of Adjustment, as well as City staff members, may attend this meeting virtually. For public health reasons, those who attend in person should consider personal hygiene, the use of facial coverings, and social distancing.

- Sign Design Variance
- Chris reads staff report
- Mr. Rogers opened the floor for the Public Hearing
- Closed Public Hearing
- Jeff Baxter, Project Manager for Flinco gave more details on the project
- There was discussion amongst Board members, the applicant, and staff.
- Approve 5-0

2. Murtha Remodel – Front Porch Addition **Variance***
710 NW 5th St (VAR22-0003)

- Front Setback Variance
- Chris reads staff report
- Mr. Rogers opened the floor for the Public Hearing
- Jack Martha, applicant went up the podium for any questions that public might have had
- Elizabeth Sanchez, 714 NW 5th street homeowner expressed some concerns about the item
- Closed Public Hearing
- There was discussion amongst Board members, the applicant, and staff.
- Approved 5-0

3. Coffelt Townhomes – Appeal of Staff Interpretation **Variance***
407 SE B St (VAR22-0004)

- Front Setback Variance
- Chris reads staff report
- Mr. Rogers opened the floor for the Public Hearing
- Closed Public Hearing
- Mitch Moore, Newell Development spoke on the details of the item
- Tyler Steven's was available for any questions or concerns
- There was discussion amongst Board members, the applicant, and staff
- Concerns regarding the stairs were discussed
- Tabled 5-0

4. Sun Group Townhomes – Utility Box Location **Variance***
504 SW B Street (VAR22-0005)

- Rear Setback Variance
- Applicant withdrew their request for a variance

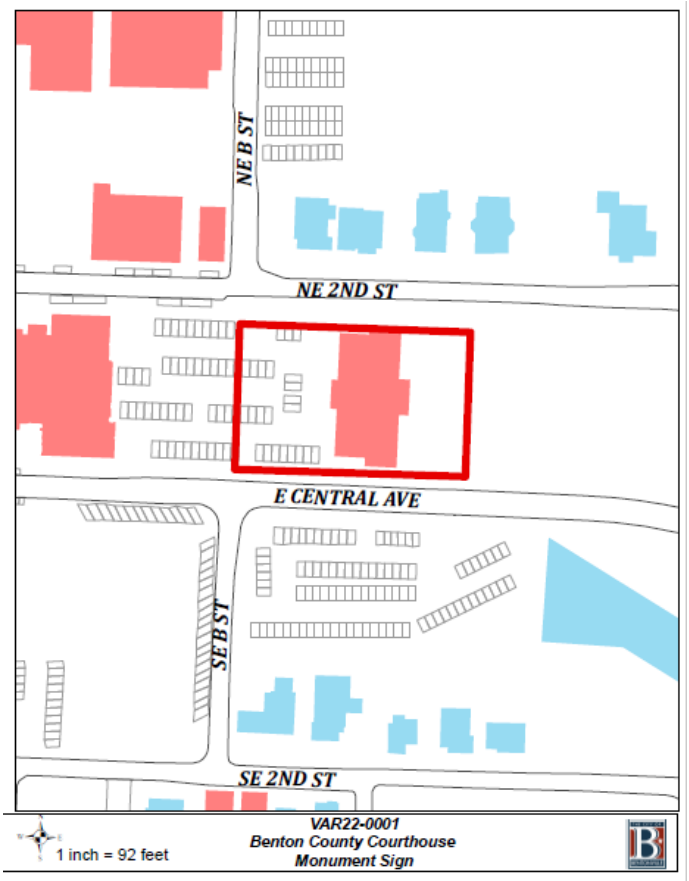
Motion by Mr. Pearson to adjourn the meeting, seconded by Kruithof
Meeting adjourned
Jana Snyder

BOARD OF ADJUSTMENT STAFF REPORT

Benton County Courthouse

215 E Central Avenue
BOA Date: 3/9/2022
Reviewer: Luke Aitken, Planning Tech

Project Number	VAR22-0001
Applicant / Current Owner	Best Sign Group
Site Area	+/- .62 acres
Current Zoning	DC, Downtown Core
Variance Request	*Zoning Code Article 801.15(a)*



Property Description
This property is located at 215 E Central Avenue. It is currently zoned DC, Downtown Core.

Regulation
According to Zoning Code Article 801.15, Signs Allowed with a Sign Permit, Freestanding monument type signs are not allowed in Downtown Zoning Districts and signs 32 square feet or smaller must be setback a minimum of 5 feet from all property lines.

Variance Request
The applicant requests a variance to allow a monument sign to be built in front of the Benton County Courthouse. This sign would be located along E Central Avenue, near the intersection of NE A Street and E Central Avenue.

Background
According to the applicant's narrative, they wish to construct a 4.5 foot tall, 43.80 square foot monument sign on the southeast portion of the property, located at the newly remodeled entrance for the Benton County Judicial Center. The applicant states this sign will serve as wayfinding to the main entrance to the building where security checks will occur. The applicant's narrative states this sign location has the best proximity to available parking and easy access to the new crosswalk designed to provide safety to pedestrians.

The applicant also claims that current landscaping, both mature and newly planned, will obscure the available wall space and visibility of any signage from the street as they grow. The applicant states the proposed sign location will direct traffic patterns away from the A Street entrance and identify the Central Street entrance as the main entrance. Additionally, the proposed sign would be designed to provide a similar look and feel to the building's aesthetics and maintain consistency in design.

Public Comment
Staff has **NOT** received public comment regarding this request at the time of writing this staff report.

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 and approved by the Board of Adjustment.
2. The applicant shall be required to obtain an approved sign permit before construction.

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.

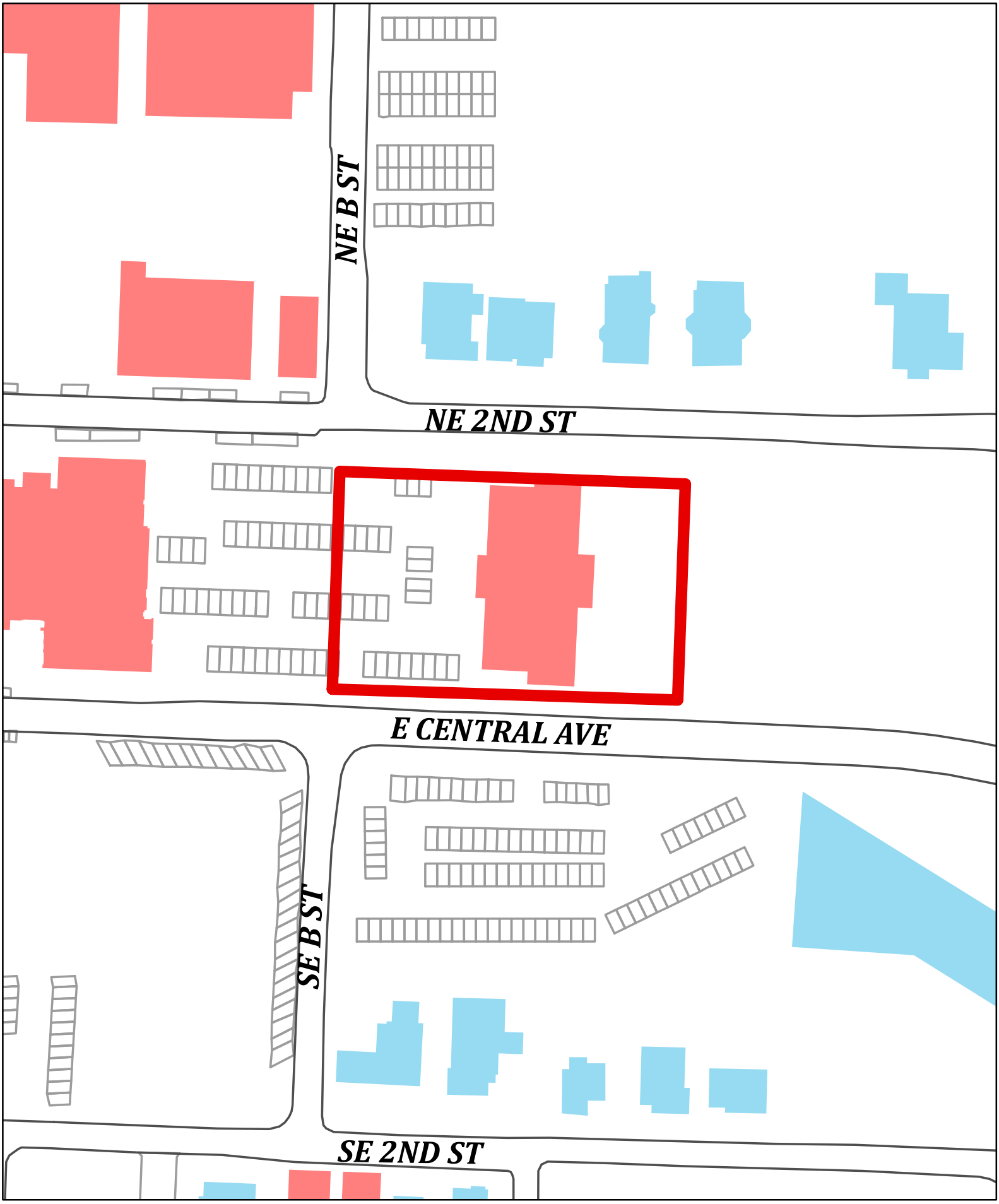
(2) No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

(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.



N
W E
S

1 inch = 92 feet

VAR22-0001
Benton County Courthouse
Monument Sign

Property Owner Consent Form

City of Bentonville Planning Department

305 SW A Street

Bentonville, AR 72712

479-271-3122

I, Bryan Beeson am the legal owner of the
(Owner's name, printed)

property located at 215 E Central, identified as Parcel
(Address or Street Name)

Identification Number 01-00950-000, located in
(Parcel ID)

Benton County, Arkansas.

I certify that I am the owner of the property above and that I have read the application and consent to its filing.

Bryan Beeson
(Property Owner Signature)

12/28/21
(Date)

****If one property has multiple owners, a separate signed Property Owner Consent Form is required for each owner.**

Filed 27th day of June 1837. Recorded 1st day of August 1837.

Jno. B. Dickson Clerk and Exofficio
Recorder.

./

Know all men by these presents that we Gideon G. Pace, Samuel Burks, Philip Duneho, Samuel P. Woods and William H. Woods are held and firmly bound unto James S. Conway Governor of the State of Arkansas & his successors in office in the Sum of Five thousand Dollars of good and lawful money of the United States the payment of which well and truly to be made we bind ourselves our Heirs Executors & Administrators jointly & severly by these presents sealed with our seals & dated this 10th day of March A. D. 1837.

The condition of the above obligation is such that whereas the above Gideon G. Pace has been duly elected & commissioned Sheriff of the County of Benton. Now if the said Gideon G. Pace shall well & truly execute all precepts which shall come to his hands & make due return of the same & shall collect & pay over to the proper persons all money by him collected and shall assess & collect all Tax & pay over the Same & do & perform all other things required of him by Law to do as Sheriff of said County then the above obligation to be void & of no effect otherwise to remain in full force & virtue. the date above written.

Gideon G. Pace (L.S)
Samuel Burks (L.S.)
Philip Duneho (L. S.)
Sam'l P. Woods (L.S)
Wm. H. Woods (L.S.)

Filed 10th March 1837

Recorded the 1st day of August A. D. 1837

Jno. B. Dickson
Clerk & Exofficio Recorder.

./

We the undersigned Commissioners Elected under an act of the General Assembly of the State of Arkansas. After haveing been duly qualifyed and giveing the notice required by Law and haveing duly examined the various Situations donations & conveniences, beg leave to report that they have selected a site (to wit) The south half of the south east quar of section thirty in Township No. twenty Range thirty West of the 5th principal maredian as presenting to your commissioners duly considering its situation the donations offered and its Ellegibility for a county seat more advantages & conveniences than any other situation which was presented for the consideration of your commissioners they have after selecting the same in accordance with the powers vested in them as commissioners proceeded to lay off a Town thereon haveing a square and makeing 136 lots and have named & called said

Town Bentonville all of which is respectfully submitted to the Court.

Filed the 7th Nov. A. D. 1837

Robert Cowen
Robert Weaver
Thomas Swaggerty

Recorded the 16th day of December A. D. 1837

Jno. B. Dickson Clerk & Exofficio Recorder.

/./././

December 28, 2021

Attn: Board of Adjustment Members,

Best Sign Group was contracted by Benton County to manufacture and install their signage located at 215 E Central. The area where we are requesting the sign be located is at the newly remodeled entrance for the Judicial Center.

This will serve as the main entrance to the building for security check as well it has the best proximity to available parking and easy access to the new cross walk designed to provide safety to pedestrians.

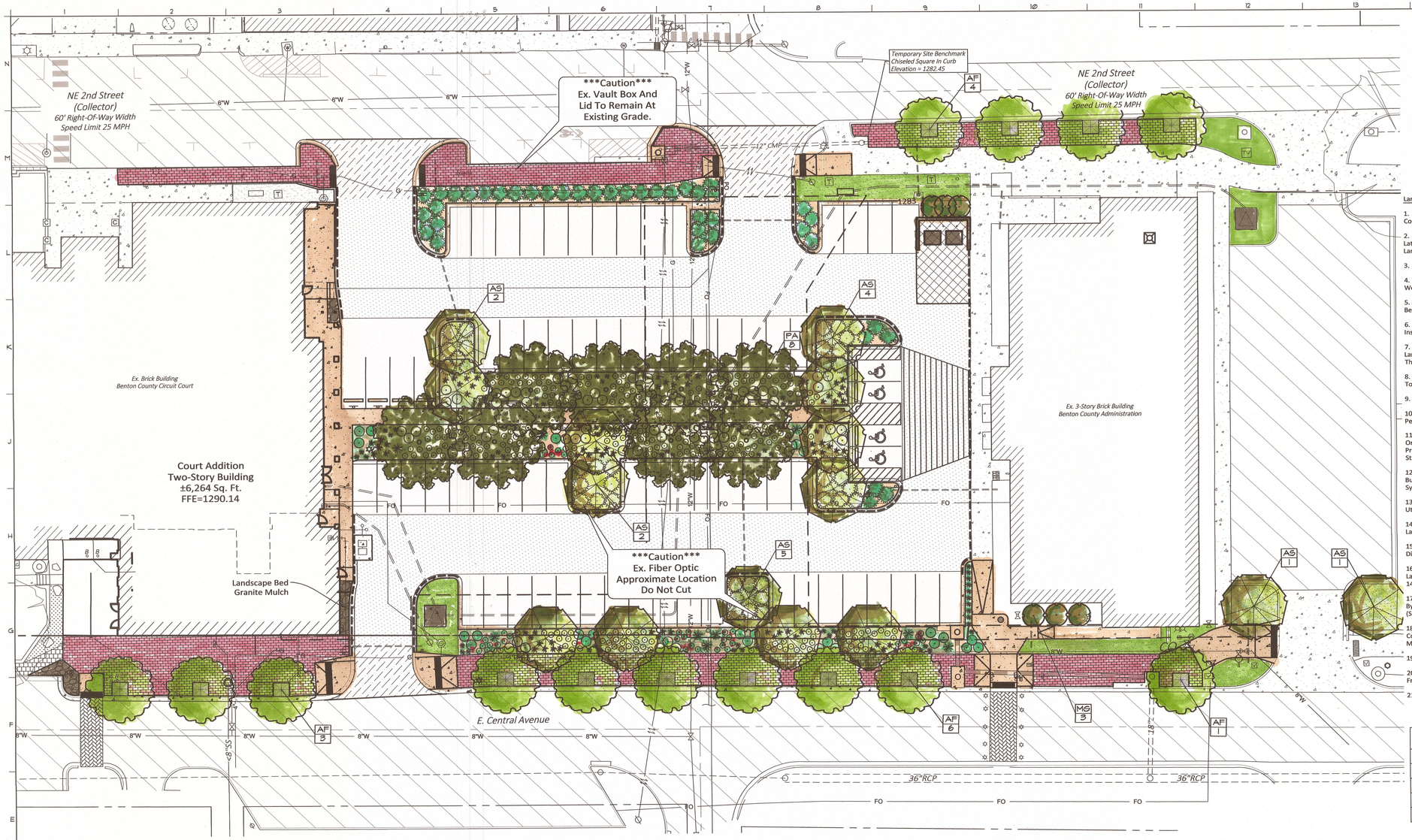
Another concern is the current landscaping both mature and newly planned will obscure the available wall space and visibility of any signage from the street particularly as they grow.

The client's goal is to direct traffic patterns away from the A St entrance and identify the Central St entrance as the main entrance. Additionally, the proposed sign would be designed to provide a similar look and feel to the buildings aesthetics and maintain consistency.

The property Landlord / Owner has given permission to install this sign on the grassy knoll at the SW corner of the entrance. Providing that it does not exceed the maximum square footage allowed by the City.

Considering it is a public facility and proper entrance identification is critical for the public we respectfully request that the Board grant permission to Benton County to install there sign as requested.

Sincerely Submitted… Best Sign Group



20 0 20
Scale in Feet

CALL BEFORE YOU DIG
1-800-482-8998
ARKANSAS ONE CALL SYSTEM

STATE OF ARKANSAS
LICENSED PROFESSIONAL ENGINEER
No. 9728
JOHN R. MARS
The Original Signed and Sealed Document is Retained by the Architect

ISSUED FOR REVIEW

Landscape Plan General Notes:

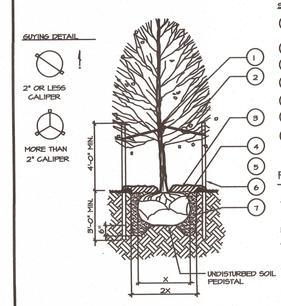
1. The Contractor Shall Furnish All Labor, Materials, Tools, Equipment, And Related Items Required For The Complete Installation Of Landscape.
2. All Plant Material Shall Be Nursery Grown. Plant Material Sizes And Grading Shall Comply With The Latest Edition Of American Standards For Nursery Stock, Published By The American Nursery And Landscape Association.
3. All Plant Material Shall Be Healthy And Free From All Visible Signs Of Disease Or Pest Infestation.
4. Contractor Shall Ascertain Location Of All Utilities Prior To Excavation. Prior To Commencing With Any Work, Contact The State One-call.
5. No Changes To Approved Plant Schedule (If Any) Will Be Allowed Without The Approval Of The City Of Bentonville And The Owner's Representative.
6. The Contractor Shall Provide A Two Year Minimum Warranty For All Proposed Plant Materials And Installation From The Date Of Acceptance, Or As Required By The City Of Bentonville.
7. The Contractor Shall Spoil Any Excess Topsoil Located On The Site That Is Not Required To Perform Landscape Operations. If Sufficient Topsoil Is Not Present On Site, The Contractor Shall Import Topsoil To The Site In Order To Complete The Landscape Operations.
8. In All Planting Beds, Sod Shall Be Removed Entirely And Soil Shall Be Amended With 12 Inches Of Topsoil And A Minimum Of 6 Inches Of Compost Tilled Into The Beds.
9. Hardwood Mulch And Weed Barrier Fabric ,Shall Be Applied To All Planting Beds Shown On This Plan.
10. All Trees Shall Be Installed, Mulched, Guyed, And Staked Per The Details. All Shrubs Shall Be Mulched Per The Details.
11. Irrigation System Shall Be Designed By Others. Irrigation System Shall Be Underground Sprinkler System Or Drip Irrigation System. The System Shall Be Protected By An RP Type Backflow Preventor. Backflow Prevention Assemblies Installed Outdoor Shall Be Protected By An Enclosure Which Complies With The Standards And Specifications Set Forth By The American Society Of Sanitary Engineering (ASSE) Code 1060.
12. New Irrigation System Shall Connect To Existing Irrigation System And Controllers At Administration Building. Irrigation Contractor Shall Verify Existing System Will Support New System. Coordinate Existing System Connection Location With Owner.
13. Proposed Trees Shall Be Placed A Minimum Distance Of 10' From Fire Hydrants, 20' From Overhead Utility Lines, And 5' From Any Public Underground Utility.
14. Contractor Shall Replace All Dead, Diseased, and Damaged Trees on Site. Coordinate with the Landscape Architect.
15. Once Installed, Landscaping Shall Be Maintained In Healthy Living Condition And All Plant Material That Dies Shall Be Replaced. (Sec. 1400.5C-10)
16. Trees Shall Not Be Topped At Any Time And Proper Tree Pruning Techniques As Established By The Latest Addition Of ANSI A300 'Standards For Tree Care' Shall Be Utilized For Maintenance purposes. (Sec 1400.5. C-11)
17. Healthy Trees Shall Not Be Removed At Any Time And Proper Tree Pruning Techniques As Established By The Latest Addition Of ANSI A300 'Standards For Tree Care' Shall Be Utilized For Maintenance purposes. (Sec 1400.5. C-12)
18. Living Materials, Such As Lawn, Grass Or Herbaceous Groundcovers Like Juniper Or Liriope, Etc., Shall Cover A Minimum Of Eighty Percent (80%) Of The Planting Islands. One Hundred Percent (100%) Of living Material Is Strongly Encouraged. (Sec. 1400.6.A-8 & 1400.8.G-7)
19. Where potential Utility Conflicts With Landscaping, Utility Locations Shall Be Field Verified.
20. All Trees Planted In The Right-Of-Way Shall Be 4" Caliper And The Lowest Limb Shall Be 60' Or Higher From Final Grade At Time Of Planting.
21. Trees Must Be Planted A Minimum Of 5' From All Public Utilities.

PLANT SCHEDULE

Key	COMMON NAME	Botanical Name	Size	Spacing	Quantity
PA	LITTLE GEM MAGNOLIA	Magnolia grandiflora 'Little Gem'	8' B&B	As Shown	6
PA	LONDON PLANETREE	Platanus x hispanica	2-1/2" Cal. B&B	As Shown	8
AF	AUTUMN BLAZE MAPLE	Acer x freemanii	2-1/2" Cal. B&B	As Shown	14
AS	SUGAR MAPLE	Acer saccharum	2-1/2" Cal. B&B	As Shown	15

LEGEND

- Ex. Boundary Line
- Ex. Adjacent Boundary Line
- Ex. Right of Way Line
- Ex. Road Centerline
- Ex. Handrail
- Ex. Asphalt
- Ex. Concrete
- Ex. Brick Paving
- Ex. Landscaping
- Ex. Landscaping Gravel
- Ex. Water Line
- Ex. Water Service Line
- Ex. Sanitary Sewer Line
- Ex. Sanitary Sewer Service Line
- Ex. Gas Line
- Ex. Fiber Optic Line
- Ex. Overhead Electric Line
- Ex. Storm Drain Pipe
- Ex. French Drain
- Ex. Contours
- Ex. Water Meter
- Ex. Fire Hydrant
- Ex. Water Valve
- Ex. Irrigation Control Valve
- Ex. Fire Department Connection
- Ex. Sewer Manhole
- Ex. Sewer Clean-Out
- Ex. Gas Meter
- Ex. Telephone Pedestal
- Ex. Fiber Optic Pedestal
- Ex. Fiber Optic Vault
- Ex. Electric Vault
- Ex. Power Pole w/ Guy Wire
- Ex. Light Pole
- Ex. Mailbox
- Ex. Sign
- Ex. Bollard
- Ex. Traffic Signal Box
- Ex. Air Conditioner
- Ex. Tree
- Ex. Building
- Proposed Type "A" Curb & Gutter
- Proposed Fire Lane Striping on Curb
- Proposed Concrete Sidewalk
- Proposed Handicap Ramp, Type "A" W/ Truncated Domes
- Proposed Handicap Ramp, Type "B" W/ Truncated Domes
- Proposed Light Duty Asphalt
- Proposed Concrete
- Proposed Medium Duty Asphalt
- Proposed Concrete Drive Apron Per City Of Bentonville Design Standards
- Proposed Heavy Duty Concrete Dumpster Pad
- Proposed 1" Service Line
- Proposed 6" Conduit
- Proposed 4" Irrigation Sleeve
- Proposed Gas Line
- Proposed Underground Electric Line
- Proposed Storm Drain Pipe
- Proposed Roof Drain Pipe
- Proposed Sewer Manhole
- Proposed Clean-Out
- Proposed Double Clean-Out
- Proposed Curb Inlet
- Proposed Sign
- Assessable Handicap Parking
- Proposed Bollard
- Proposed Relocated Light Pole
- Proposed Tree Grate
- Proposed Patio Bench (Victor Stanley, Inc. Classic Series CR-138 6' Bench Black - Or Approved Equal)
- Proposed Building
- Proposed Major Contour
- Proposed Minor Contour



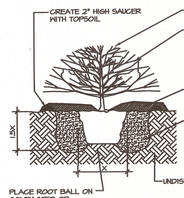
TREE PLANTING DETAIL — N.T.S. — LD 01

DECIDUOUS TREE PLANTING LEGEND

SYMBOL	DESCRIPTION
1	TREE STRAP LOOP AT FIRST BRANCH. USE RUBBER HOSE OR APPROVED EQUAL TO PREVENT DAMAGE TO TREE
2	12 GAUGE GALVANIZED WIRE & 1-1/2 PVC PIPE
3	4" ORGANIC MULCH PER SPECIFICATIONS. DO NOT PLACE MULCH AGAINST TREE TRUNCK
4	REMOVE WIRE BASKET AND REMOVE BURLAP & ROPE FROM TOP ⅓ OF ROOT BALL
5	TREE SAUCER (FORMED BY MIN. 4" THICK MULCH)
6	8' METAL TEE STAKE. KEEP STAKE PLUMB AND SECURED OUTSIDE OF TREE PIT.
7	PREPARED BACKFILL TAMP TO PREVENT SETTLEMENT. SOAK BACKFILL AFTER PLANTING.

PLANTING NOTES

A. RETAIN NATURAL SHAPE. DO NOT SHEAR OR CUT CENTRAL LEADER. TREES WITH CENTRAL LEADERS ARE NOT ACCEPTED IF LEADER IS DAMAGED OR REMOVED.
B. PRUNE ALL DAMAGED TWIGS AFTER PLANTING
C. WRAP TREES TO FIRST BRANCH IF PLANTED IN FALL. DO NOT WRAP IF PLANTED IN SPRING.
D. TREES TO BE INSTALLED SO TOP OF ROOT BALLS LEVEL WITH ADJACENT GRADE. TREE SHALL BEAR SAME RELATION TO FINISH GRADE AS MAINTAINED AT NURSERY
E. PLACE TREE BALL ON FIRM UNDISTURBED SOIL.
F. IF POSSIBLE MARL TREE TRUNK ON THE NORTHERN SIDE AT THE NURSERY AND PLANT TREE WITH MARK FACING NORTH
F. TOPSOIL USED SHALL BE AS SPECIFIED IN THE LANDSCAPE SPECIFICATIONS.



SHRUB PLANTING LEGEND

SYMBOL	DESCRIPTION
1	PRUNE BROKEN AND DAMAGED TWIGS AFTER PLANTING DO NOT PRUNE OR DAMAGE CENTRAL LEADER.
2	PLACE PLANT IN VERTICAL, PLUMB POSITION. REMOVE CONTAINER AND PLANT LABEL PRIOR TO PLACING BACKFILL.
3	3" - 4" OF MULCH AS SPECIFIED. DO NOT PLACE MULCH DIRECTLY AGAINST STEMS.
4	PREPARED BACKFILL AND FERTILIZE PER SPECIFICATION. TAMP AND SOAK BACKFILL AFTER PLANTING. MAINTAIN AFTER PLANTING PER SPECIFICATIONS.

PLANTING NOTES

A. HOLE DIAMETER SHOULD BE AT LEAST TWICE THE DIAMETER OF THE SHRUB ROOT BALL. SHRUB CROWN SHOULD BE PLACED SLIGHTLY HIGHER (1-2") ABOVE THAN SURROUNDING FINISHED GRADE.
B. SCORE ROOTBALL BY CUTTING ¼-¾" VERTICAL GROVES 3" APART
B. SPACE PLANTS PER PLANTING PLAN

CONTAINER SHRUB PLANTING DETAIL — N.T.S. — LD 02

LANDSCAPE PLAN

LSD20-0055

MORRISON SHIPLEY
2407 SE COTTONWOOD STREET • BENTONVILLE, AR 72712 • 479.273.2209 • MORRISONSHIPLEY.COM

Hight Jackson ASSOCIATES
5201 W Village Parkway, Suite 300 | Rogers, Arkansas 72758 | (479) 464-4965 | www.hjarch.com

AN ADDITION AND RENOVATION FOR
BENTON COUNTY COURTS
Bentonville, AR

DRAWN BY: TBL
CHECK BY: LMG
ISSUE DATE: 11/12/2020
PROJECT NO.: 2009

REVISION DATES
11/12/2020

DATE	DESCRIPTION
12/03/2020	Addendum #2
1/20/2021	Revised Per City
4/7/2021	Electric Routing

SHEET
C7.0

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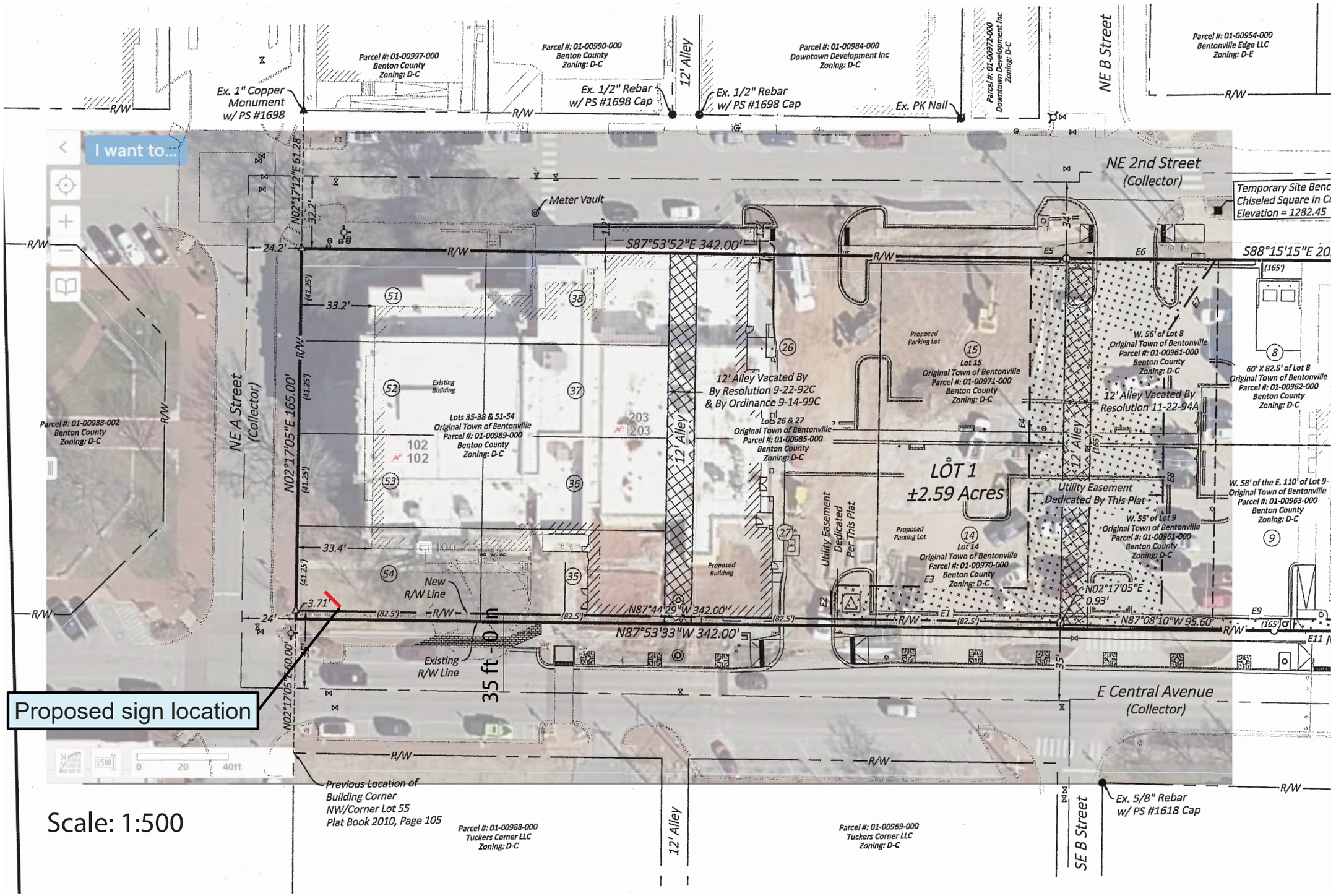
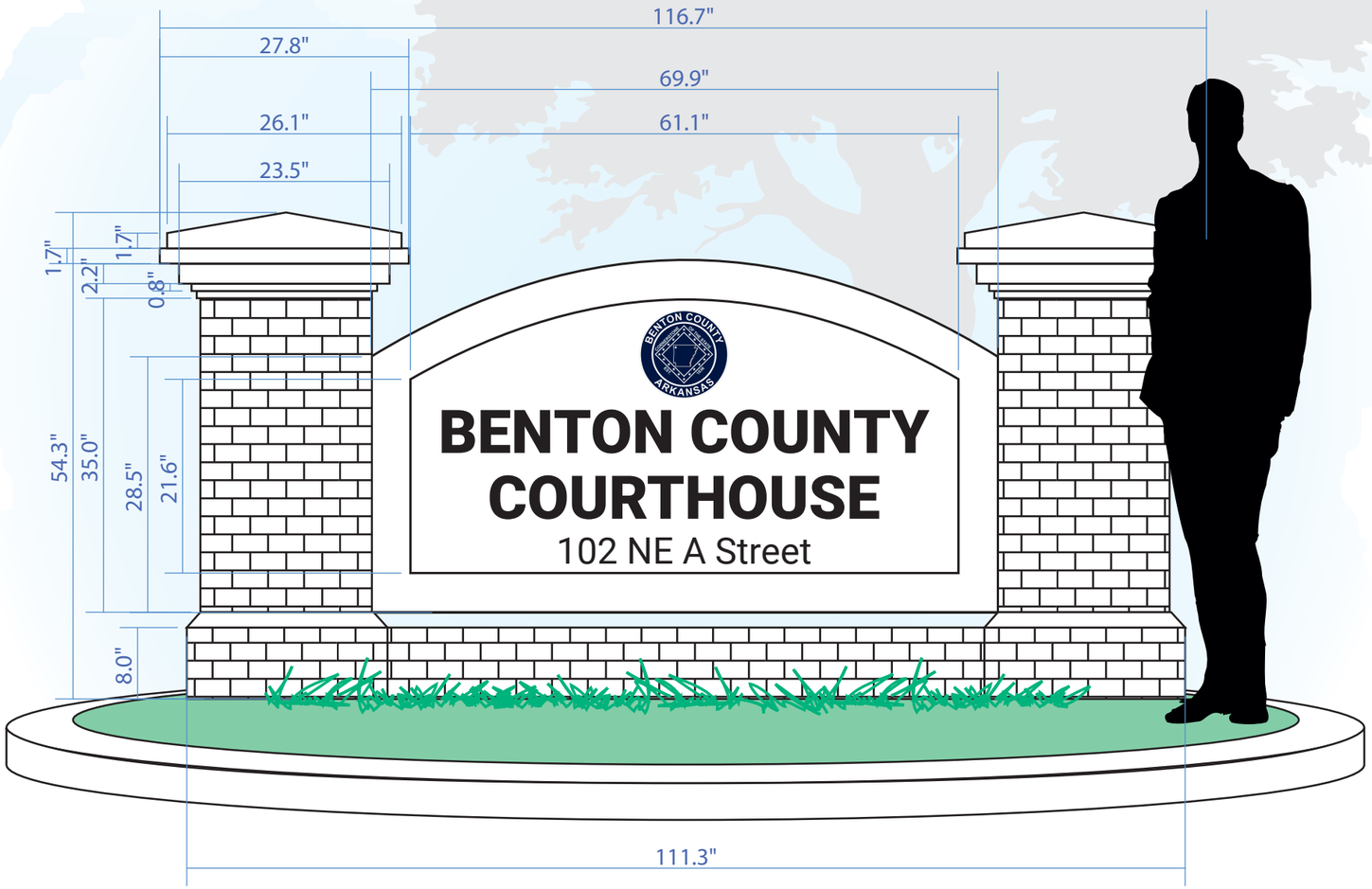
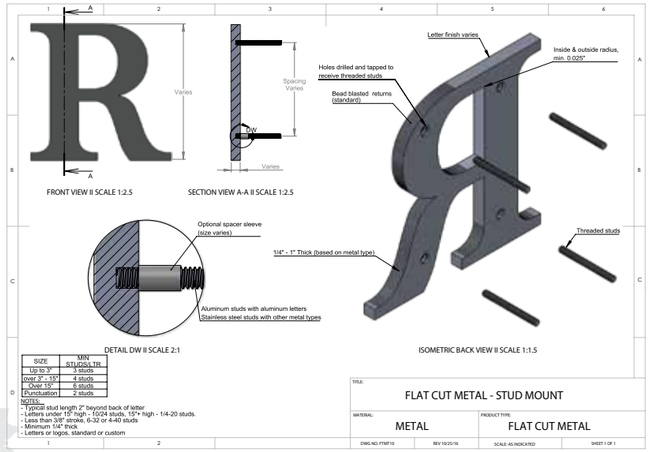
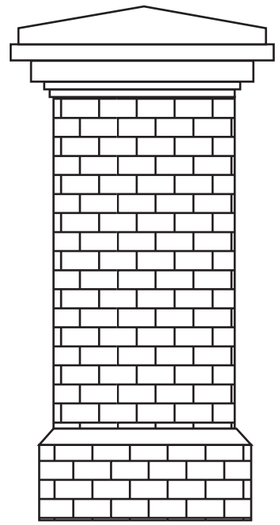

I want to...
Ex. 1" Copper Monument w/ PS #1698
Ex. 1/2" Rebar w/ PS #1698 Cap
Ex. 1/2" Rebar w/ PS #1698 Cap
Ex. PK Nail
12' Alley
NE B Street
NE 2nd Street (Collector)
Meter Vault
S87°53'52"E 342.00'
N02°17'12"E 61.28'
NE A Street (Collector)
N02°17'05"E 165.00'
12' Alley Vacated By By Resolution 9-22-92C & By Ordinance 9-14-99C
12' Alley Vacated By Resolution 11-22-94A
LOT 1
±2.59 Acres
Utility Easement Dedicated By This Plat
Proposed Parking Lot
Proposed Building
Existing Building
New R/W Line
Existing R/W Line
35 ft - 0 in
N87°44'29"W 342.00'
N87°53'33"W 342.00'
N87°08'10"W 95.60'
N02°17'05"E 0.93'
N02°17'05"E 60.00'
E Central Avenue (Collector)
SE B Street
Ex. 5/8" Rebar w/ PS #1618 Cap
Previous Location of Building Corner NW/Corner Lot 55 Plat Book 2010, Page 105
Proposed sign location
Scale: 1:500
Parcel #: 01-00997-000 Benton County Zoning: D-C
Parcel #: 01-00990-000 Benton County Zoning: D-C
Parcel #: 01-00984-000 Downtown Development Inc Zoning: D-C
Parcel #: 01-00972-000 Downtown Development Inc Zoning: D-C
Parcel #: 01-00954-000 Bentonville Edge LLC Zoning: D-E
Parcel #: 01-00988-002 Benton County Zoning: D-C
Lots 35-38 & 51-54 Original Town of Bentonville Parcel #: 01-00989-000 Benton County Zoning: D-C
Lots 26 & 27 Original Town of Bentonville Parcel #: 01-00985-000 Benton County Zoning: D-C
Lot 15 Original Town of Bentonville Parcel #: 01-00971-000 Benton County Zoning: D-C
Lot 14 Original Town of Bentonville Parcel #: 01-00970-000 Benton County Zoning: D-C
W. 56' of Lot 8 Original Town of Bentonville Parcel #: 01-00961-000 Benton County Zoning: D-C
60' X 82.5' of Lot 8 Original Town of Bentonville Parcel #: 01-00962-000 Benton County Zoning: D-C
W. 55' of Lot 9 Original Town of Bentonville Parcel #: 01-00961-000 Benton County Zoning: D-C
W. 58' of the E. 110' of Lot 9 Original Town of Bentonville Parcel #: 01-00963-000 Benton County Zoning: D-C
Parcel #: 01-00988-000 Tuckers Corner LLC Zoning: D-C
Parcel #: 01-00969-000 Tuckers Corner LLC Zoning: D-C
Temporary Site Benc
Chiseled Square In Cu
Elevation = 1282.45
S88°15'15"E 20
0 20 40ft

A

MONUMENT SIGN
Flat cut metal letters, stud mount
Color: TBD
Qty: 2 sets







SIDE VIEW

customer is responsible for contracting work
for the custom brick/concrete monument structure (optional)

Scale: 3/4”=1’

BEST SIGN GROUP Get Noticed.

CLIENT

BEST SIGN GROUP

LOCATION

2860 W WALNUT
ROGERS AR
72756

DATE

00/00/00

REP	ART
JSW	JSW

REVISIONS

8/18 - n/a

All drawings presented here are exclusive property of Best Sign Group. This artwork is a representation of sign(s) to be considered for manufacturing by Best Sign Group, and no other sign manufacturer, unless otherwise noted and agreed to. Drawings contained herein are not to be exhibited to others, outside of included parties and employees.

Coffelt Townhomes

410 SE C Street & 407 SE B Street
BOA Date: 3/9/2022
Reviewer: Luke Aitken, Planning Technician

Project Number	VAR22-0004
Applicant / Current Owner	JNJB LLC
Site Area	+/- 0.56acres
Current Zoning	DN-2, Downtown Medium-Density Residential
Variance Request	Zoning Code Article: Section 401.06(b)(2)

Property Description
These properties are located at 410 SE C Street & 407 SE B Street and are currently zoned DN-2, Downtown Medium-Density Residential.

Regulation
According to Zoning Code Article Section 401.06(b)(2) Minimum Setback Standards, the minimum front setback required in DN-2 Zones is 12 feet minimum and 25 feet maximum from the property line that the structure faces.

Variance Request
The applicant is requesting an appeal to staff interpretation of the application of front yard setbacks, to allow the construction of walk up stairs within the front setbacks for two new townhomes near downtown Bentonville.

Background
The applicant states that in reviewing the proposed townhouse development, it has been the staff's interpretation that the definition of "structure" includes anything with a foundation. This strict interpretation would therefore preclude any stairs up to an entrance porch from being placed within the front yard despite their having a separate foundation from that of the actual structure.

According to the applicant's narrative, this interpretation does not follow the historic pattern found in Bentonville. They state that the front yard building lines found on existing streets show setbacks and alignments with regard to exterior walls, covered porches, and roofs. That is consistent with the definitions of buildings and structures within the zoning code. The applicant claims that exterior walls, covered porches, and roofs are all considered "supporting or sheltering any use or occupancy" whereas a set of steps up to a porch is not part of a shelter, but instead, a transition element allowing a person to get up on to a raised porch or floor of the structure.

The applicant concluded that interpretation of the word "structure" and how it relates to what is allowed in the front yard setback by the staff creates a hardship with regard to improving the urban fabric of the street. They state that without the ability to locate the entrance steps within the front yard, there is not adequate space to create structures facing both streets.

Public Comment
Staff has **NOT** received a 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, as provided by the applicant within this application.
2. The applicant must receive Large Scale Development approval.
3. The applicant must obtain a building permit before construction begins on the development.

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.

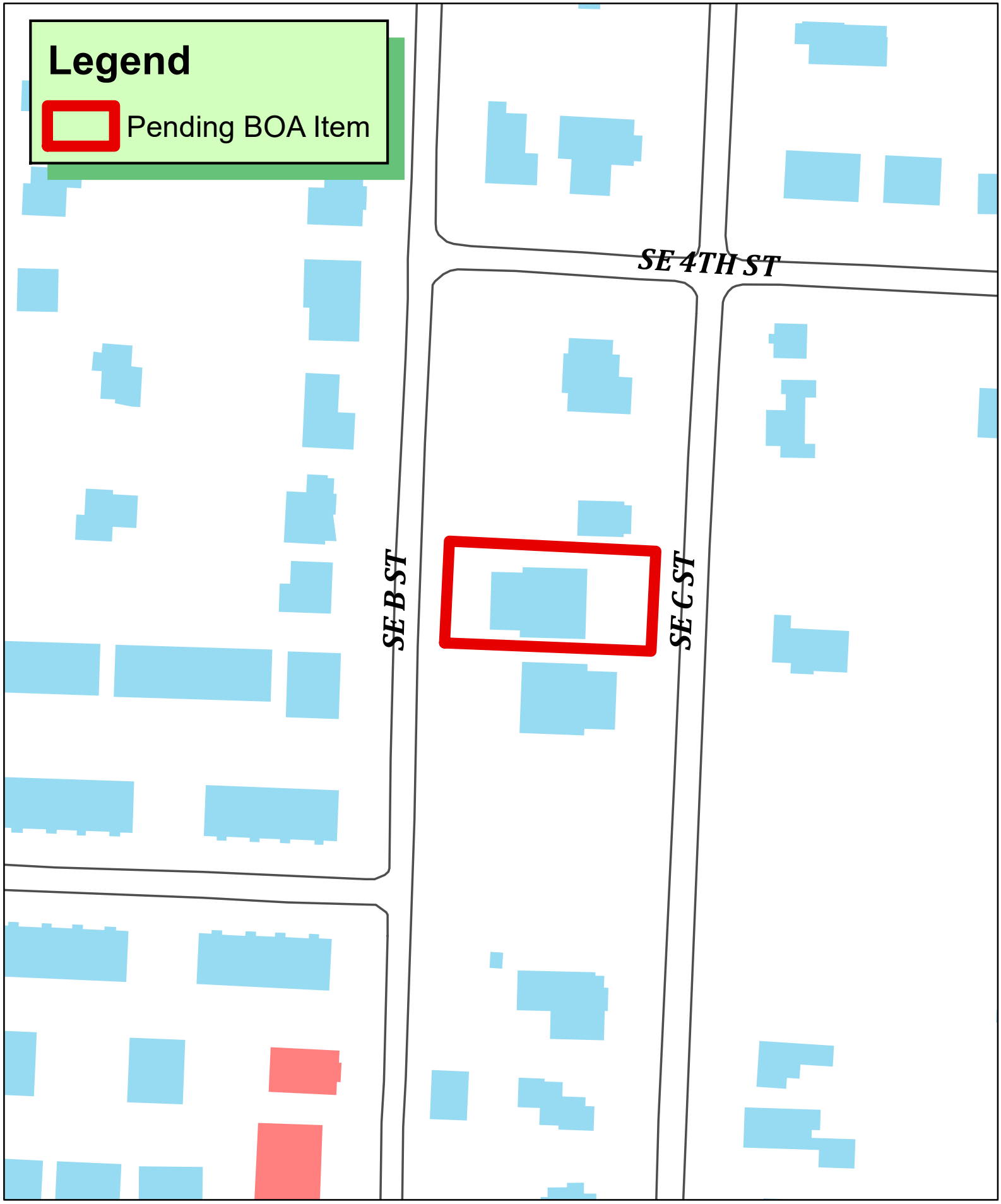
(2) No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

(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.



1 inch = 95 feet

VAR22-0004
Coffelt Townhomes-Appeal of Staff Interpretation
407 SE B St

Property Owner Consent Form

City of Bentonville Planning Department

305 SW A Street

Bentonville, AR 72712

479-271-3122

I, JBJN, LLC am the legal owner of the

(Owner's name, printed)

property located at 410 SE C & 407 SE B Street, identified as Parcel

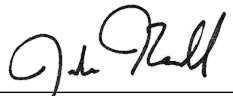
(Address or Street Name)

Identification Number 01-03540-000, located in

(Parcel ID)

Benton County, Arkansas.

I certify that I am the owner of the property above and that I have read the application and consent to its filing.



(Property Owner Signature)

1/20/2022

(Date)

****If one property has multiple owners, a separate signed Property Owner Consent Form is required for each owner.**

Property Owner Consent Form

City of Bentonville Planning Department

305 SW A Street

Bentonville, AR 72712

479-271-3122

I, JBJN, LLC am the legal owner of the
(Owner's name, printed)

property located at 410 SE C & 407 SE B Street, identified as Parcel
(Address or Street Name)

Identification Number 01-03540-000, located in
(Parcel ID)

Benton County, Arkansas.

I certify that I am the owner of the property above and that I have read the application and consent to its filing.

John Baxter (Jan 20, 2022 15:49 CST)

(Property Owner Signature)

Jan 20, 2022

(Date)

****If one property has multiple owners, a separate signed Property Owner Consent Form is required for each owner.**

Prepared by:
Joshua B. Hite, Attorney
Hite Law Firm, PLLC
5431 Pinnacle Pointe Dr., Ste. 105
Rogers, AR 72758

GENERAL WARRANTY DEED

File No. 21-6103

KNOW ALL BY THESE PRESENTS:

That, **Terry D. Coffelt and Hannah Taylor Gibby, Trustees of the Hannah Taylor Carr Exempt Trust c/u The Coffelt Family Trust dated June 30, 2008**, hereinafter called Grantor, for and in consideration of the sum of One and No/100-----Dollars---($1.00) and other good and valuable consideration in hand paid by **JNJB, LLC an Arkansas limited liability company,** hereinafter called Grantee, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto said Grantee and unto Grantee's successors and assigns, forever, the following described land, situated and being in the County of Benton, State of Arkansas, to-wit (the "Property"):

Lots 5, 6, and 7, Block "A" Orchard Addition to the City of Bentonville, Benton County, Arkansas. Also being one and the same as Tract 1 and Tract 2, on Lot Split Plat, filed for record in Plat Book 22 at Page 235, records of Benton County, Arkansas.
Subject to easements, covenants, restrictions, reservations and rights of way of record.
Subject to all prior mineral reservations and oil and gas leases.

TO HAVE AND TO HOLD the same unto said Grantee and unto the successors and assigns of Grantee, forever, with all appurtenances thereunto belonging. And Grantor hereby covenants with said Grantee that Grantor will forever warrant and defend the title to the Property against all claims whatsoever.

[*Signature Pages Follow*]

WITNESS our hands and seals on this 8 day of October, 2021.

GRANTOR:

Hannah Taylor Carr Exempt Trust c/u The Coffelt Family Trust dated June 30, 2008

By: Terry D Coffelt Trustee
Terry D. Coffelt, Trustee

By: Hannah Taylor Gibby Trustee
Hannah Taylor Gibby, Trustee

ACKNOWLEDGMENT

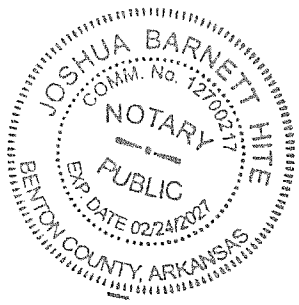
STATE OF AKANSAS)
) **SS**
COUNTY OF Benton)

On this day before the undersigned, a Notary Public, duly commissioned, qualified and acting, within and for the said County and State, appeared in person the within named **Terry D. Coffelt and Hannah Taylor Gibby,** to me personally known (or satisfactorily proven), who stated that they were the **Trustees** of the **Hannah Taylor Carr Exempt Trust c/u The Coffelt Family Trust dated June 30, 2008,** and stated that they were duly authorized in such capacity to execute the foregoing instrument for and in the name and behalf of said trust and further stated and acknowledged that they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

In Testimony Whereof, I have hereunto set my hand and official seal this 8 day of October, 2021.

Notary Public

My Commission Expires: 2/24/27



STATE OF ARKANSAS
DEPARTMENT OF FINANCE AND ADMINISTRATION
MISCELLANEOUS TAX SECTION
P.O. BOX 896, LITTLE ROCK, AR 72203-0896

Real Estate Transfer Tax Stamp

Proof of Tax Paid

File Number: 21-6103

Grantee:	JNJB, LLC
Mailing Address:	224 SE 2ND ST STE 100 BENTONVILLE AR 727120000
Grantor:	HANNAH TAYLOR CARR EXEMPT TRUST C/U THE COFFELT FAMILY TRUST DATED JUNE 30, 2008
Mailing Address:	250 N. WATER TOWER RD. BENTONVILLE AR 727120000
Property Purchase Price:	$1,545,000.00
Tax Amount:	$5,098.50
County:	BENTON
Date Issued:	10/08/2021
Stamp ID:	1919117312

I certify under penalty of false swearing that documentary stamps or a documentary symbol in the legally correct amount has been placed on this instrument.

Grantee or Agent Name (printed): citytitle llc & closing, as agent for Grantee

Grantee or Agent Name (signature): 479-935-4177 Date: 10/8/21

Address: _____

City/State/Zip: _____

January 24, 2022

Board of Adjustments
305 SW A Street
Bentonville, AR

Project Name: Coffelt Townhouses
407 SE B street and 410 SE C street
Parcel #: 01-03540-000

Board of Adjustments Variance Request – Narrative Letter

Newell Development is focused on building accessible urban infill projects including apartments, townhomes and detached single family homes throughout the Downtown Neighborhood Districts. Projects are intended to offer more varied and attainable living options in the downtown area while also updating the aesthetic in downtown neighborhoods.

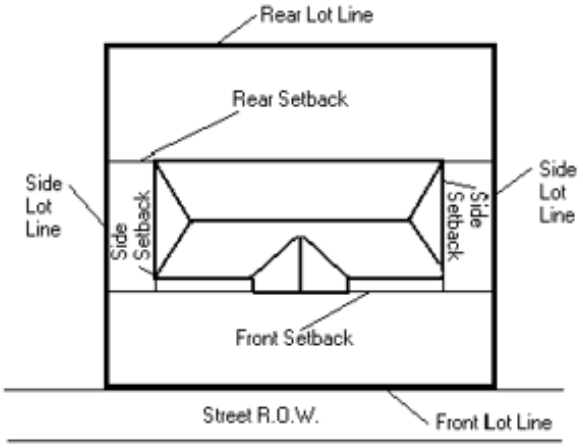
In regard to the recent conceptual review from the city planning staff for 407 SE B street and 410 SE C street in the DN-2 zoning district, we submit the following appeal to staff interpretation of the application of front yard setbacks.

Section 201.02 Definitions:

1. *Building:* Any structure used or intended for supporting or sheltering any use or occupancy.
2. *Building Line:* A line usually fixed parallel to a lot line, beyond which a building cannot extend under the terms of the Zoning Ordinance. It is equivalent to the setback or yard line.
3. *Setback:* The required distance between every structure and any lot line on the lot on which it is located.

Michael Byrd, AIA CSI

Tyler Stephens, AIA



4. *Yard:* A required open area at grade between a building setback line and a public right-of-way, access easement or property line, unoccupied and unobstructed by

any portion of a structure from the ground upward, except where otherwise specifically allowed in this code.

Background:

There are several purposes for setbacks in any zoning code. They include the regulation of items such as density, open space, and general street consistency. With regards to front yard setbacks, this concept of street consistency also serves to regulate the intended perception of scale along any street. In most cases, the closer to a town center a property is, the more density is allowed and therefore less of a front street setback is required. This is true of the Bentonville zoning code for the most part. However, within the code, there is not a precise front street setback in most zones, but rather, a range in which a building must fall. In the DN-2 zone, for instance, front yard setbacks for townhouses must be within 12' min and 25' max from the front property line.

This "building line" serves to ensure that structures do not crowd the public right of way. Front yards are used to provide some visual relief to the street, often containing landscaping or other features within the front yard, but not part of public property. These features serve to transition from the public right of way to the building façade both for visual and circulatory aspects of the property. Regarding circulation, these items include, but are not limited to, driveways, sidewalks and steps, entrance posts, fencing, entrance pillars, trellises, and porch stairs. None of these are part of the building structure itself, but many have independent foundations for their own purposes.

Staff Interpretation:

In reviewing the proposed townhouse development, it has been the staff's interpretation that the definition of "structure" includes anything with a foundation. This strict interpretation would therefore preclude any stairs up to an entrance porch from being placed within the front yard despite their having a separate foundation from that of the actual structure.

This interpretation does not follow the historic pattern found in Bentonville. The front yard building lines found on existing streets show setbacks and alignments with regard to exterior walls, covered porches and roofs. That is consistent with the definitions of *buildings* and *structures* within the zoning code. These are all used for "supporting or sheltering any use or occupancy". A set of steps up to a porch is not part of that shelter. It is simply another transition element allowing a person to get up on to a raised porch or floor of the structure.

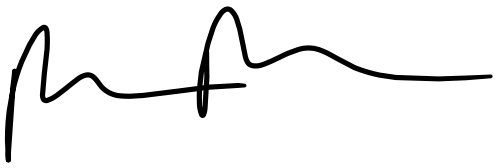
Conclusion:

The blocks between SE B and SE C streets are unusual in that they are only one lot deep, creating two street frontages both on SE B and SE C. This lot specifically has a third frontage that faces the multi-use trail. Our intent with this development is to preserve a good street façade by designing in a way that structures face both streets and the trail. While the existing structures on this lot attempted that by mirroring each other east and west, most existing structures have simply faced one street and turned their back to the other.

The interpretation of the word "structure" and how it relates to what is allowed in the front yard setback by the staff creates a hardship with regard to improving the urban fabric of the street. Without the ability to locate the entrance steps within the front yard, there is not adequate space to create structures facing both streets. The front setbacks would simply be too large.

Given the historic precedent of how front steps have been placed in front yards, we are requesting a variance to the staff interpretation of "structure" to exclude stairs, in turn allowing for steps to be placed in the front setback as a "transition" to the "structure" rather than being considered part of "structure".

Respectfully submitted,



Tyler Stephens, AIA
Principal
OREN Architecture, Inc.

Mitch Moore
COO
Newell Development

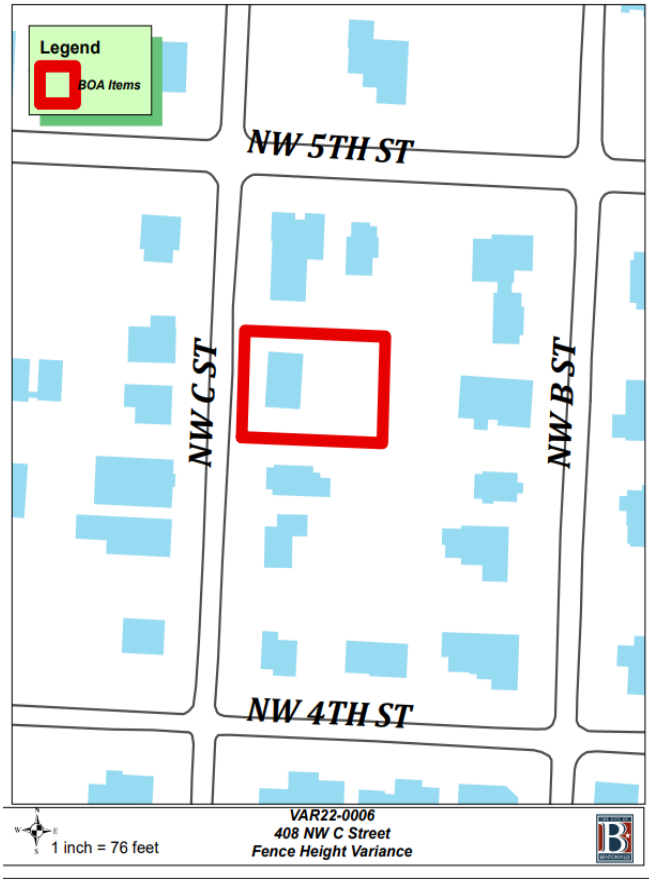
Meadow Lake Homes Design & Construction

408 NW C St

BOA Date: 3/9/2022

Reviewer: Christopher Hyatt, Planning Technician

Project Number	VAR22-0006
Applicant / Current Owner	Burris Architecture/ Meadow Lake Homes Design & Construction
Site Area	+/- 0.32 acres
Current Zoning	R-1, Low Density Single Family Residential
Variance Request	Zoning Code Article: Section 1100.06 (h) (1)



Property Description

This property is located at 408 NW C St and is currently zoned R-1, Low Density Single Family Residential.

Regulation

According to Zoning Code Article Section 1100.06 (h) (1) The maximum fence height shall be six (6) feet above grade on property zoned R-1, Low Density Single-Family Residential. Addtionally, per code 1100.06 (g) (2) A fence or wall shall be placed no closer than five (5) feet to the current or proposed public right-of-way as prescribed within the Master Street Plan.

Variance Request

The applicant is requesting a variance of two (2) feet from the maximum fence height of six (6) feet, required by code, to allow the construction of an eight (8) foot high fence around the property.

Background

The applicant states that the home currently has an existing finish floor level that is approximately two feet above the finish grade. The deck area is also approximately two feet above grade. The eight foot tall fence would allow the owner to have the same privacy allowed by others in an R-1 zoning by allowing the fence to be six feet in height from the finish floor level, or eight feet from the grade level..

Additionally, upon staff review, construction on this fence has been partially completed and is currently sitting +/- two (2) feet into the neighboring alleyway. Please see the photos from the City of Bentonville Code Enforcement Division below.

Public Comment

Staff has **NOT** received a 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, as provided by the applicant within this application.
2. The applicant must obtain a fence permit before construction.

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.

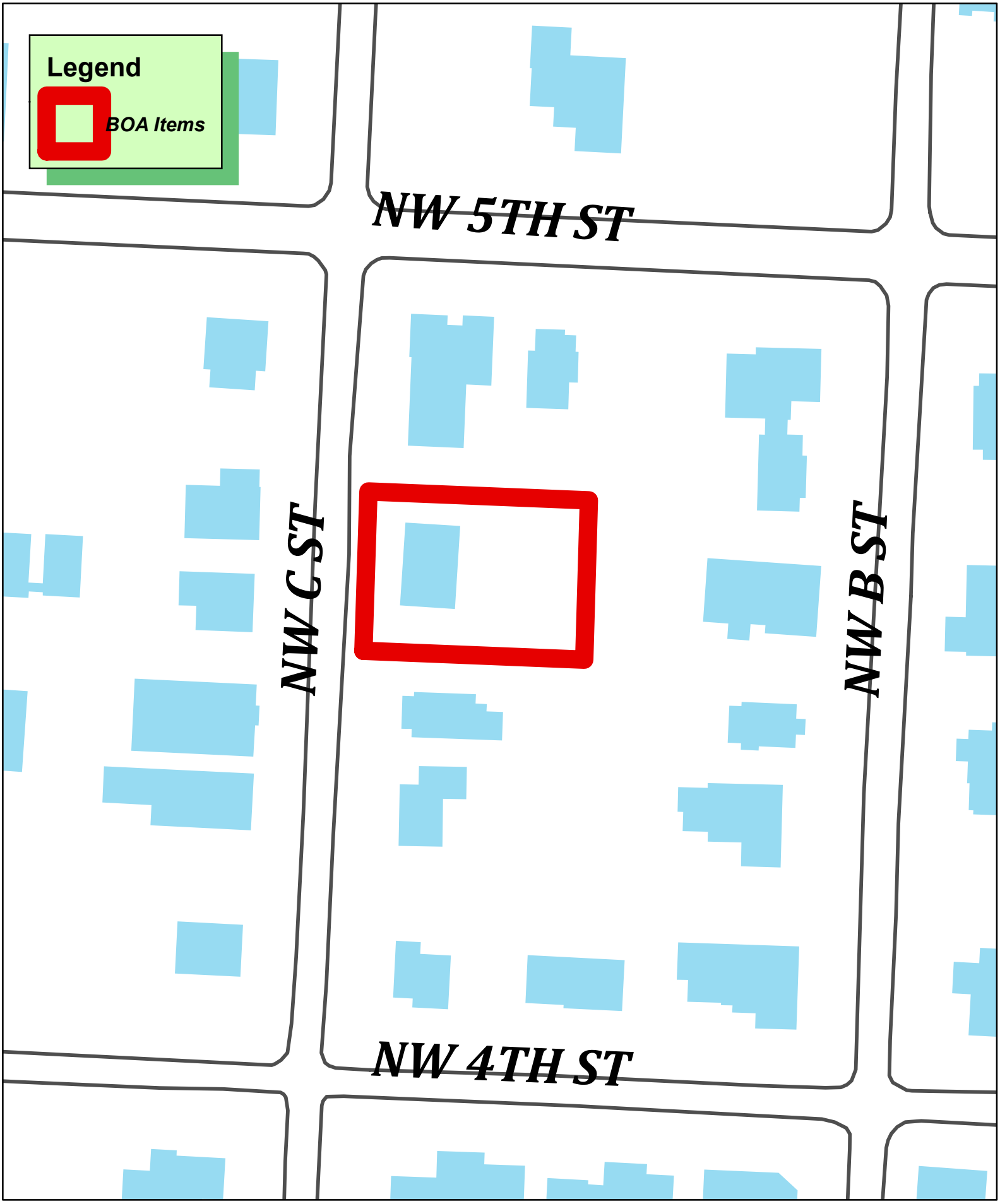
(4) The board of adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(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.

01-04-2022 02:39:36 PM GPS X= 36.376862 Y= -94.212430

01-04-2022 02:41:09 PM GPS X= 36.376892 Y= -94.212214



N
W E
S

1 inch = 76 feet

VAR22-0006
408 NW C Street
Fence Height Variance

THE CITY OF BENTONVILLE

Burris
Architecture
820 Tiger Blvd suite 4 Bentonville, AR 72712
479.319.6045

Date: Jan 4 2022

To: City of Bentonville Planning Commission

PROJECT NAME: 408 NW C st - Fence

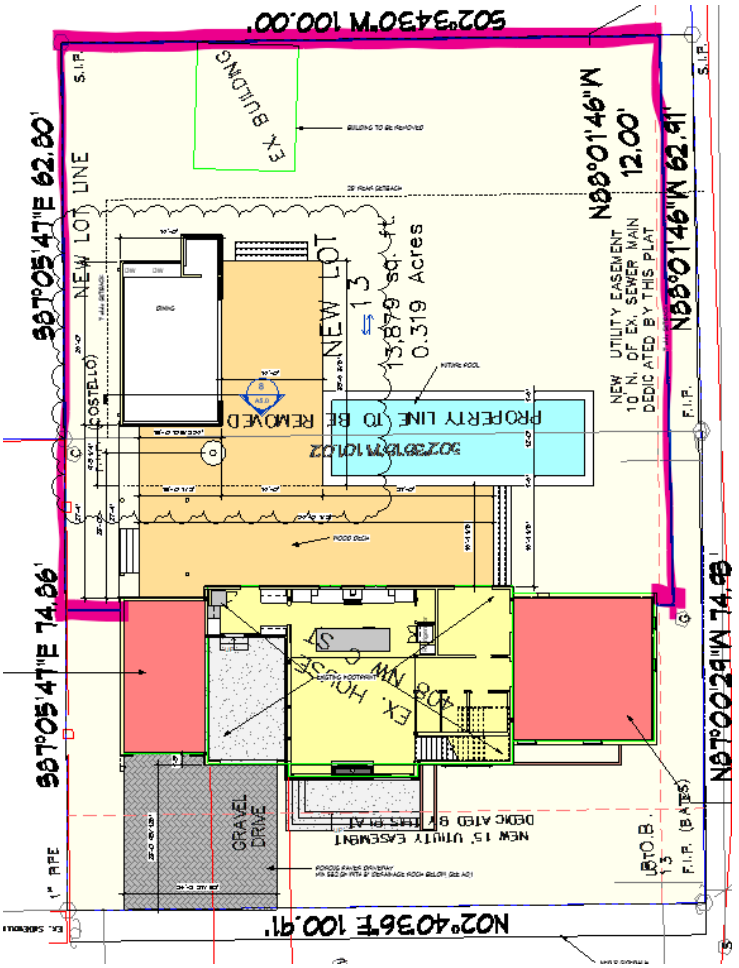
Re: Fence Height Waiver Request

Acting as the owner's agent, Burris Architecture respectfully requests a waiver of the maximum allowed fence height from 6' to 8'

.

The property located at 408 NW C st has an existing finish floor level that is approx. 2' above grade. The deck area is also approx. 2' above grade. The 8' tall fence would allow the owner to have the same privacy allowed by others in an R-1 zoning by allowing the fence to be 6' in height from the finish floor level, or 8' from the grade level. The diagram below highlights in "pink" the location of the fence.

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



Property Owner Consent Form

City of Bentonville Planning Department

305 SW A Street

Bentonville, AR 72712

479-271-3122

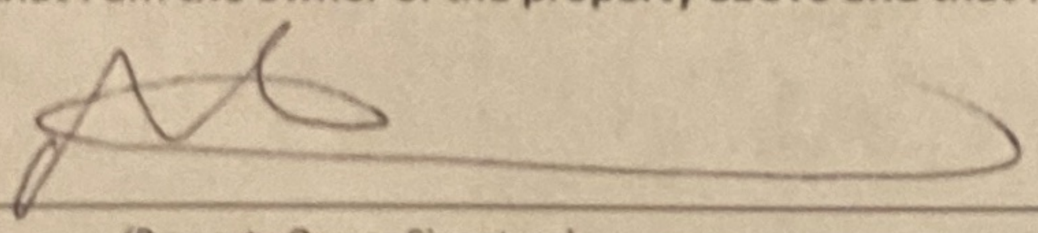
I, Meadow Lake Honest Design am the legal owner of the
(Owner's name, printed)

property located at 408 NW C ST. , identified as Parcel
(Address or Street Name)

Identification Number 01-02119000 , located in
(Parcel ID)

Benton County, Arkansas.

I certify that I am the owner of the property above and that I have read the application and consent to its filing.



(Property Owner Signature)

2/11/22
(Date)

**If one property has multiple owners, a separate signed Property Owner Consent Form is required for each owner.

L202068516
BENTON CO. AR FEE $25.00
PRESENTED & E-RECORDED
10/22/2020 03:20:14 PM
BRENDA DESHIELDS
Circuit Clerk & Recorder

This Instrument prepared by:
D. Joel Kurtz
Attorney at Law
Williams Law Firm
100 W Main, Gentry, AR 72734
(479) 736-8800

WARRANTY DEED

(CORPORATE ENTITY)

KNOW ALL MEN BY THESE PRESENTS:

That **SD Properties L.L.C.**, an Arkansas Limited Liability Company ("Grantor"), for and in consideration of the sum of Ten Dollars ($10.00) and for other good and valuable consideration, paid by **Meadow Lake Homes Design & Construction LLC**, an Arkansas Limited Liability Company ("Grantee"), the receipt and sufficiency of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto Grantee the following described lands situated in the County of Benton, State of Arkansas:

> The South 100 feet of Lot 4, Block 5, of Deming's Addition, to the City of Bentonville, Benton County, Arkansas, as shown on plat record "G" at page 163.
>
> [*Legal description provided by Realty Title & Closing Services, LLC.*]

Subject to any restrictions, conditions, covenants, rights of way, and easements now of record.

To have and to hold the same unto the said Grantee and unto its successors and assigns forever, with all tenements, appurtenances and hereditaments thereunto belonging.

And Grantor hereby covenants with said Grantee that it will forever warrant and defend the title to the said lands against all claims whatsoever.

IN WITNESS WHEREOF, the name of Grantor is hereunto affixed by its undersigned officers as of this 20th day of October, 2020.

SD Properties L.L.C.

By: _____
Scott Clubine, Member

By: _____
David J. Marrs, Member

Mail Tax Statement to:
478 Monaren Crest Trail
Durango CO 81301

RTC 20-61805R

Please see the attached Real Property Transfer Tax Affidavit of Compliance for proof of tax paid and the required documentary stamps or documentary symbol.

STATE OF ARKANSAS)
) ss. ACKNOWLEDGMENT
COUNTY OF BENTON)

On this day personally before me, a Notary Public, duly commissioned, qualified and acting, within and for this County and State, appeared the within named **Scott Clubine, Member of SD Properties L.L.C.**, an Arkansas Limited Liability Company, to me personally well known (or satisfactorily proven to be such person), who stated that he was duly authorized to execute the foregoing instrument for and in the name and on behalf of said Limited Liability Company, and further stated and acknowledged that pursuant to said authority, he had so signed, executed and delivered the foregoing Deed for the consideration, uses, and purposes therein mentioned and set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 27 day of OCT., 2020.

My commission expires: _____ Notary Public

JESSE HAND COMM # 12397003 NOTARY PUBLIC EXP. DATE 01/06/2024 BENTON COUNTY, AR

STATE OF ARKANSAS)
) ss. ACKNOWLEDGMENT
COUNTY OF BENTON)

On this day personally before me, a Notary Public, duly commissioned, qualified and acting, within and for this County and State, appeared the within named **David J. Marrs, Member of SD Properties L.L.C.**, an Arkansas Limited Liability Company, to me personally well known (or satisfactorily proven to be such person), who stated that he was duly authorized to execute the foregoing instrument for and in the name and on behalf of said Limited Liability Company, and further stated and acknowledged that pursuant to said authority, he had so signed, executed and delivered the foregoing Deed for the consideration, uses, and purposes therein mentioned and set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 27 day of OCT., 2020.

My commission expires: _____ Notary Public

JESSE HAND COMM # 12397003 NOTARY PUBLIC EXP. DATE 01/06/2024 BENTON COUNTY, AR

STATE OF ARKANSAS
DEPARTMENT OF FINANCE AND ADMINISTRATION
MISCELLANEOUS TAX SECTION
P.O. BOX 896, LITTLE ROCK, AR 72203-0896

Real Estate Transfer Tax Stamp

Proof of Tax Paid

File Number: 20-61805R

Grantee: MEADOW LAKE HOMES DESIGN & CONSTRUCTION LLC
Mailing Address: 478 MONARCH CREST TRAIL
DURANGO CO 813010000

Grantor: SD PROPERTIES L.L.C.
Mailing Address: 3502 RIVER BEND NW
BENTONVILLE AR 727120000

Property Purchase Price:	$280,000.00
Tax Amount:	$924.00
County:	BENTON
Date Issued:	10/22/2020
Stamp ID:	1579468800

I certify under penalty of false swearing that documentary stamps or a documentary symbol in the legally correct amount has been placed on this instrument

Grantee or Agent Name (printed): Ivonne Torres

Grantee or Agent Name (signature): Realty Title & Closing Services LLC Date: 10/22/20

Address: 3711 W. Walnut • Rogers, AR 72756
479-636-7766

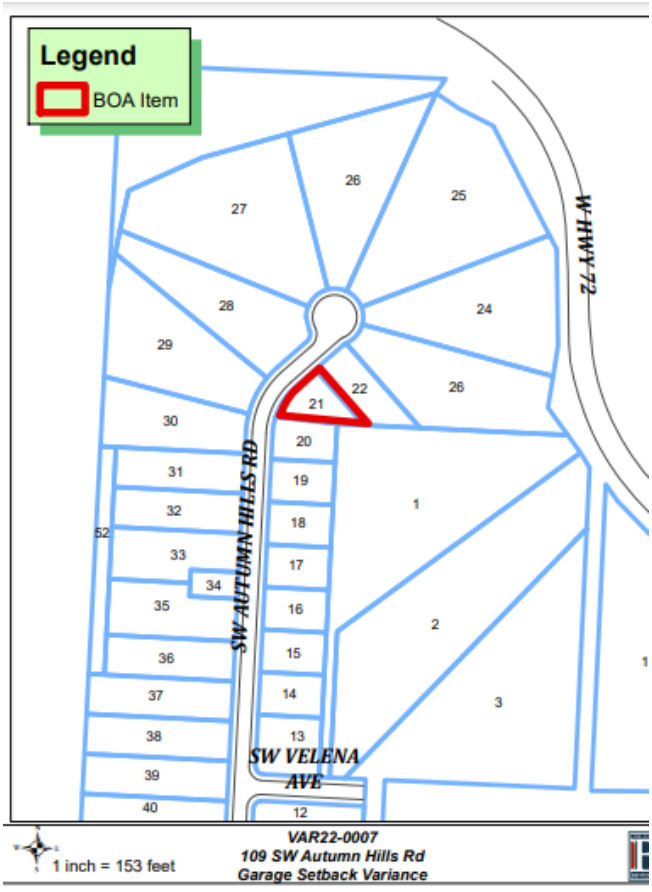
City/State/Zip:

CERTIFICATE OF RECORD
STATE OF ARKANSAS, COUNTY OF BENTON
I hereby certify that this instrument was
Filed and Recorded in the Official Records
in **Doc Num L202068516**
10/22/2020 03:20:14 PM
Brenda DeShields
BENTON COUNTY Circuit Clerk & Recorder

Anderson Custom Homes

109 SW Autumn Hills Road
BOA Date: 3/9/2022
Reviewer: Luke Aitken, Planning Technician

Project Number	VAR22-0007
Applicant / Current Owner	CALCON INC.
Site Area	+/- 0.20acres
Current Zoning	R-1 Low Density Single Family Residential
Variance Request	Zoning Code Article: Section 401.07(c)(1)



Note: Public Notice was not published in the paper 15-days before the February 23rd Board of Adjustments Meeting. This item will need to be tabled to the March 9th Board of Adjustments Meeting for a public hearing and vote.

Property Description
This property is located at 109 SW Autumn Hills Road and is currently zoned R-1, Low Density Single Family Residential.

Regulation
According to Zoning Code Article Section 401.06(b)(2) Minimum Setback Standards, the minimum garage setback required for street-facing garages on property zoned R-1, Low Density Single-Family Residential is 30 ft. from the property line the garage faces.

Variance Request
The applicant is requesting a variance of 9.8 feet from the minimum garage setback of 30 feet required by code to allow the construction of a garage 20.2 feet from the property line that the garage faces.

Background
The applicant states that the shape of the lot on which a home will be constructed creates a unique hardship. Their narrative claims it is difficult to position the home in a way that meets the requirements of the Zoning Code without altering its design to the point it is no longer cohesive with surrounding homes.

According to the applicant's narrative, they plan to build a three-car garage to reduce driveway congestion and the only way to do this on the lot in question would be to build 9.8 feet within the front garage setback. The applicant states that the shape and size of this lot are very different from others nearby, which also feature homes with three-car garages.

The applicant concludes that they would like to build a home of similar size, architecture, and finishes to other homes adjacent to this property, and the unique shape of the lot in question prevents them from doing so while complying with all setback standards.

Public Comment
Staff has **NOT** received a 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, as provided by the applicant within this application.
2. The applicant must obtain a building permit before construction begins on the development.

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.

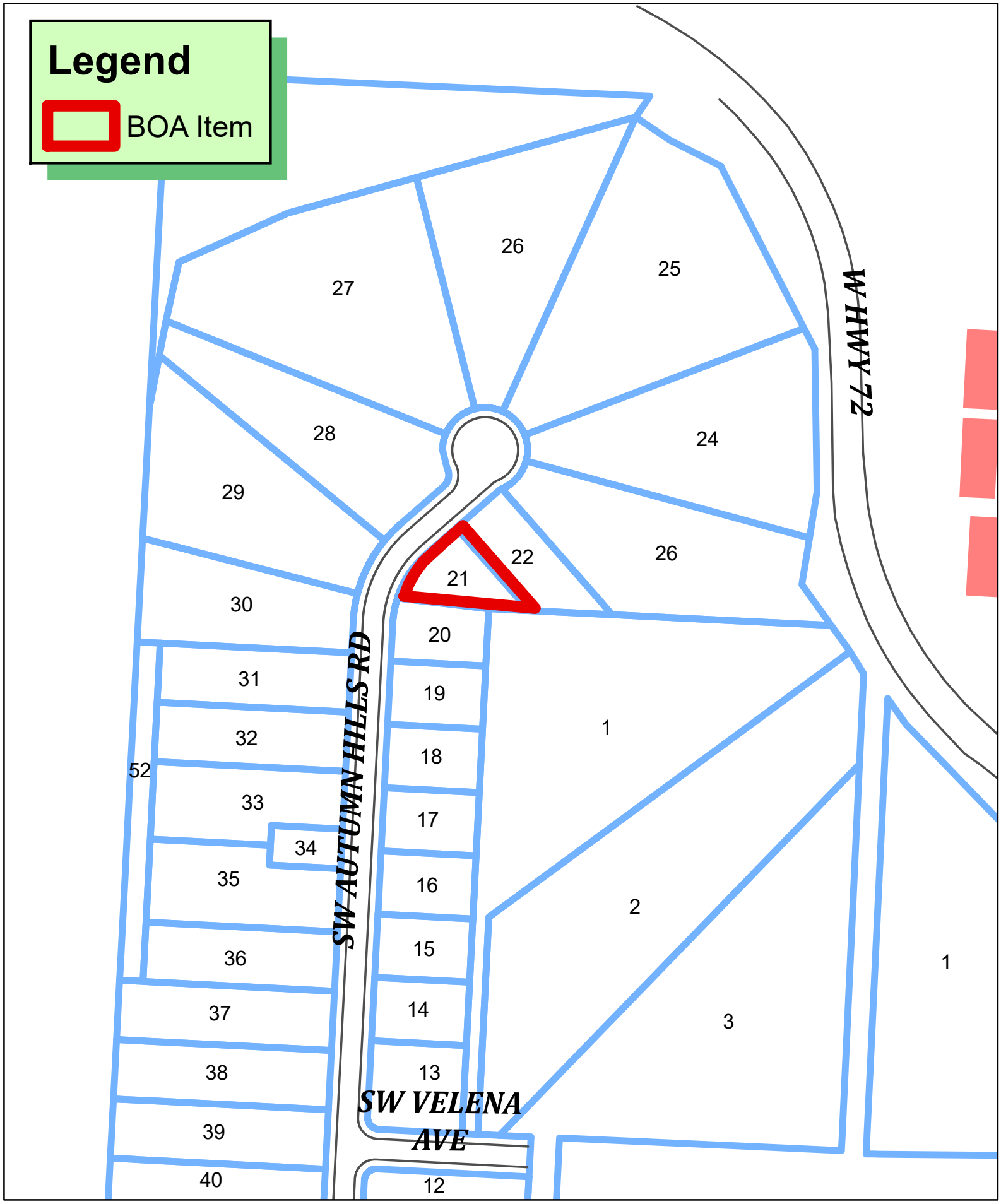
(2) No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

(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.



1 inch = 153 feet

VAR22-0007
109 SW Autumn Hills Rd
Garage Setback Variance

ANDERSON
CUSTOM HOMES, LLC
Built With Integrity
Scale:
1"=30'
Date:
1/28/2022
Plot Plan
LOT:
AH-21
© ACH 2019
Anderson Custom Homes, LLC, All Rights Reserved
Address
109 SW Autumn Hills Rd
SW Autumn Hills Rd.
26'
5'
5'
Sidewalk
Greenspace
50.12'
67.43'
20'-2"
20'
20' U.E. & S.B.
7'-2"
Millfield
3280sf
139.13'
7'
7' S.B.
56'-2"
25' U.E. & S.B.
25'
7' S.B.
7'
7' S.B.
7'-8"
116.01'
50.82'

I, Drew Mayer / Calcon inc, the legal owner of the property located at 109 SW Autumn Hills Dr. (Lot 21 of the Autumn Hills Subdivision). Grant Chase Anderson the right to seek a variance for the 30' front garage setbacks for this lot.

Property Owner Signature: _____

Date: 2/7/2022

Brenda DeShields
Circuit Clerk
Benton County, AR
Book/Pg: 2016/67149
e-Filed for Record
11/02/2016 3:59:28PM

First National Title Company
300 SW 28th Street
Bentonville, AR 72712

WARRANTY DEED
MARRIED PERSONS

KNOW ALL MEN BY THESE PRESENTS:

THAT, **Hilarie Dodd, a married person, and Charity Thornhill, a married person**, hereinafter called Grantors, for and in consideration of the sum of One and no one hundredths ($1.00) Dollars and other good and valuable consideration in hand paid by **Calcon, Inc., an Arkansas corporation**, the receipt of which is hereby acknowledged, do hereby grant, bargain sell and convey unto the said, **Calcon, Inc., an Arkansas corporation**, hereinafter called Grantee, and unto its successors and assigns forever, the following lands lying in the County of **Benton** and State of Arkansas, to wit:

See Exhibit A attached hereto and made a part hereof.

To have and to hold the same unto the said Grantee and unto its successors and assigns forever, with all appurtenances thereunto belonging.

And we hereby covenant with said Grantee that we will forever warrant and defend the title to said lands against all lawful claims whatever, subject to existing easements, building lines, restrictions and assessments of record, if any. No warranty or representation is made as to any mineral interest on the aforementioned property.

AND we, Hilarie Dodd and Charity Thornhill, for the consideration recited herein, do hereby release and relinquish unto the said Grantee all our rights of curtesy and dower and homestead in and to the said lands.

WITNESS our hands and seals on this **28th day of October, 2016.**

Hilarie Dodd
Hilarie Dodd

James Dodd
James Dodd

Charity Thornhill
Charity Thornhill

Don Thornhill Jr.
Don Thornhill, Jr.

I certify under penalty of false swearing that the legally correct amount of documentary stamps have been placed on this instrument.
Grantee: Kluever to agent for Calcon
Address: 10636 Hwy 72 W. Ste. 501 - Bentonville AR 72712

Prepared under the supervision of
James R. Pender
Attorney At Law
415 N. McKinley Street, Ste 1200
Little Rock, AR 72205

File No.: 105-160196-LW

0-L0107319264 aiL005

STATE OF ARKANSAS
DEPARTMENT OF FINANCE AND ADMINISTRATION
MISCELLANEOUS TAX SECTION
P.O. BOX 896, LITTLE ROCK, AR 72203-0896

Real Estate Transfer Tax Stamp

Proof of Tax Paid

File Number: 105-160196-LW

Grantee:	CALCON, INC
Mailing Address:	10636 HWY 72 W STE 501 BENTONVILLE AR 727120000
Grantor:	HILARIE DOOD
Mailing Address:	4708 TOWN VU RD BENTONVILLE AR 727120000
Property Purchase Price:	$400,000.00
Tax Amount:	$1,320.00
County:	BENTON
Date Issued:	11/02/2016
Stamp ID:	193454080

I certify under penalty of false swearing that documentary stamps or a documentary symbol in the legally correct amount has been placed on this instrument

Grantee or Agent Name (printed): Susan Stricklan for FAITC

Grantee or Agent Name (signature): Susan Stricklan Date: 11/2/16

Address: First National Title Company
300 SW 28th Street

City/State/Zip: Bentonville, AR 72712

Tran: 402628
Total Fees: $30.00

Benton County, AR
I certify that this instrument was Electronically filed
on 11/02/2016 3:59:28PM
in DEED Book 2016 Pages 67149 - 67153
Brenda DeShields-Circuit Clerk

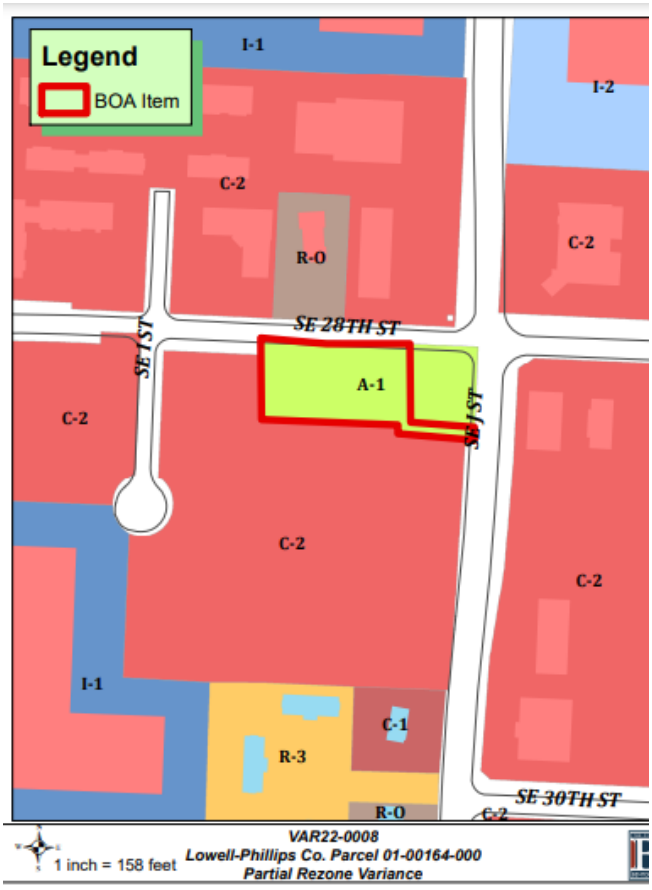
Narrative

Lot 21 of the Autumn Hills development is a difficult lot to both meet the requirements of the city and to build a house that fits in with the surrounding homes under construction. We have developed a plan that works well with the current building setbacks on the plat, however we are requesting a variance on the 30' setbacks for front facing garage. We would like to build a 3-car garage that would allow for a less congested and bigger driveway however, with this particular lot, the only way to get this plan to work is with a front load garage at the plats 20' setbacks. The shape and size of this lot is very different than the other lots in this development. Most, if not all houses under construction in this development have 3-car garages. Our hope is to be able to build a house with a similar size, architecture and finishes as the other surrounding homes in this development. No party has caused the need for this variance, it is just a difficult shaped lot. We hope that you see fit to allow the proposed variance in order to keep with similar sized houses in the subdivision.

Lowell-Phillips Rezone

PID# 01-00164-000, SE 28th St and SE J St
BOA Date: 3/9/2022
Reviewer: Luke Aitken, Planning Technician

Project Number	VAR22-0008
Applicant / Current Owner	Lowell-Phillips Co.
Site Area	+/- 1.08 acres
Current Zoning	A-1, Agricultural
Variance Request	Zoning Code Article: Section 401.06(b)(1)



Note: Public Notice was not published in the paper 15-days before the February 23rd Board of Adjustments Meeting. This item will need to be tabled to the March 9th Board of Adjustments Meeting for a public hearing and vote.

Property Description
This property is located at the corner of SE 28th Street and SE J Street and is currently zoned A-1, Agricultural.

Regulation
According to Zoning Code Article Section 401.06(b)(1) Lot and Area Standards, the minimum lot area required for property zoned A-1 Agricultural is 5 acres (217,800 square feet).

Variance Request
The applicant is requesting a variance of 3.92 acres from the minimum lot area of 5 acres required by code to allow their client to rezone and split a portion of the lot in question to C-2 General Commercial. This would leave a 0.64-acre portion of the property to the east zoned A-1, Agricultural.

Background
There is an existing cemetery on the east side of the property, taking up 0.64 acres. The applicant states that the existing cemetery on part of the A-1 Agricultural zoned property combined with the minimum lot area requirement of the zoning designation creates a unique hardship. Their narrative claims these circumstances limit their client's ability to rezone and develop the property and they state the variance from rezoning the entire parcel would maintain the existing pet cemetery located directly east of the proposed C-2 area, and allow redevelopment of a majority of the property once rezoned to C-2, General Commercial.

Public Comment
Staff has **NOT** received a 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, as provided by the applicant within this application.
2. The applicant must obtain a building permit before construction begins on the development.

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.

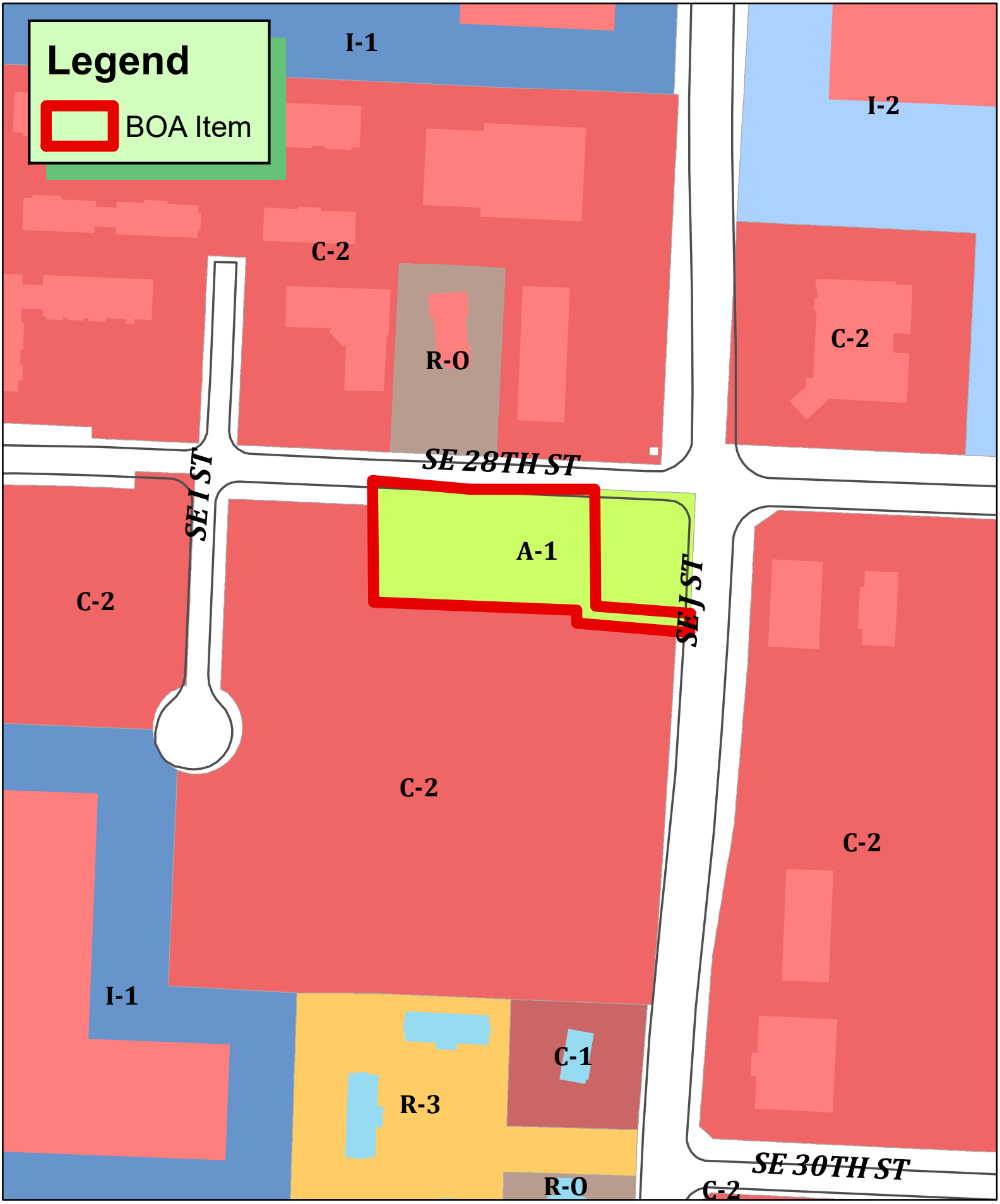
(2) No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

(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.



N W E S

1 inch = 158 feet

VAR22-0008
Lowell-Phillips Co. Parcel 01-00164-000
Partial Rezone Variance

Crafton Tull

901 N 47th Street, Suite 400
Rogers, AR 72756

479.636.4838 (ph)
479.631.6224 (fax)

February 7, 2022

Bentonville Current Planning
305 SW A Street
Bentonville, AR 72712

RE: Variance Request (RZ22-0003)

Staff,

On behalf of our clients we would like to formally request a variance in the acreage requirement for rezoning existing A-1 parcels. This requires all resultant A-1 parcels to be at least 5 acres. The current parcel (Parcel #01-00164-000) is only 1.08 acres and currently does not meet this requirement.

We are requesting the variance from rezoning the entire parcel in order to maintain the existing pet cemetery located directly east of the proposed C-2 area. The resultant A-1 parcel for the pet cemetery would be 0.64 acres.

Thank you in advance for reviewing this request. Should you have any questions, or require any additional information, please contact us at your convenience.

Sincerely,

Sean Johnson

Property Owner Consent Form

City of Bentonville Planning Department

305 SW A Street

Bentonville, AR 72712

479-271-3122

I, Kelly Lowell - Lowell Phillips Co. am the legal owner of the
(Owner's name, printed)

property located at _____, identified as Parcel
(Address or Street Name)

Identification Number 01-00164-000, located in
(Parcel ID)

Benton County, Arkansas.

I certify that I am the owner of the property above and that I have read the application and consent to its filing.

_____ 2-7-2022
(Property Owner Signature) *(Date)*

****If one property has multiple owners, a separate signed Property Owner Consent Form is required for each owner.**

26

I hereby certify under penalty of false swearing that at least the legally correct amount of documentary stamps have been placed on this instrument. Exempt or no consideration paid if none shown..
Grantee or Agent: Charter Funeral Homes, Inc.
Grantee's Address: 1100 East Tamarack Road
Altus, OK 73521
Agent for grantee

When recorded, please return to:
CHICAGO TITLE INS. CO.
Bill Wertheimer
920 Grant Bldg.
Pgh. PA 15219

FILED FOR RECORD
At 9:27 O'Clock A M
01212581
DEC 31 2001
SUE HODGES
Clerk and Recorder
Benton County, ARK.

STATE OF ARKANSAS §
§
COUNTY OF BENTON §

SPECIAL WARRANTY DEED

THIS DEED is made to be effective as of December 7th, 2001, by **Benton County Memorial Park, Inc.**, an Arkansas corporation, whose address is c/o The Loewen Group, Inc., 2225 Sheppard Avenue East, Atria North III, 11th Floor, Toronto, Ontario, Canada M2J 5C2 ("Grantor"), to and for the benefit of **Lowell-Phillips Company,** an Oklahoma corporation, whose address is 1100 East Tamarack Road, Altus, Oklahoma 73521 ("Grantee").

W I T N E S S E T H:

THAT for the consideration as set forth below, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby grants, bargains, sells and conveys unto Grantee, in fee simple, those certain lots or parcels of land located in Benton County, Arkansas, and more fully described on Exhibit A attached hereto and incorporated herein by reference, together with all appurtenances thereto and improvements thereon (the "Property").

TO HAVE AND TO HOLD the Property unto Grantee, its successors and assigns forever, and Grantor hereby binds itself and its successors to warrant and forever defend the Property unto Grantee, its successors and assigns against every person whomsoever now or hereafter claiming the Property or any part thereof by through or under Grantor, but not otherwise, and in all respects SUBJECT TO: (i) easements, covenants, rights of way and other encumbrances or restrictions of record which do not have, individually or in the aggregate, a material adverse effect on the current use of the Property; (ii) liens related to taxes not yet due or payable or which are being contested in good faith and for which appropriate reserves have been taken; (iii) liens that are created, suffered or assumed by Grantee; and (iv) such matters described on Exhibit B attached hereto and incorporated herein by reference.

ROGERS
00.2500 WACO

NBU 1420000727
Benton County Memorial Park (5567, 5567A, & 5567B)
3800 W. Walnut, 301 S. 40th St., SE J Street & SE 28th St.
Rogers, AR (Benton County)

26965

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed by its duly authorized officer, to be effective as of the date first above written.

GRANTOR: **01212582**

Benton County Memorial Park, Inc.,
an Arkansas corporation

By: _____
Hugh T. Hornibrook, Vice President

PROVINCE OF BRITISH COLUMBIA §
§ ss.
COUNTRY OF CANADA §

On this the 14 day of November, 2001, before me the undersigned notary public, personally appeared Hugh T. Hornibrook, who acknowledged himself to be the Vice President of **Benton County Memorial Park, Inc.**, an Arkansas corporation, and that he, being authorized so to do in said capacity, executed the foregoing instrument on behalf of said corporation, for the purposes therein contained and the considerations therein stated .

IN WITNESS WHEREOF I hereunto set my hand and official seal.

_____
Printed Name: FRANK M. BAILY
Notary Public

My commission expires: N/A

FRANK M. BAILY
Barrister & Solicitor
#2109 - 4710 Kingsway
Burnaby, B.C. V5H 4M2
Ph. 437-6611 Fax 437-3065

Exhibit A
Legal Description

01212583

Tract 1:

Lot 18 and a part of Lots 17 and 16, all in Block 1, Foxfire Meadows, a subdivision to the City of Rogers, Benton County, Arkansas, as shown on Plat Record "O" at Page 160, being more particularly described as follows:

Beginning at the NW corner of said Lot 18, said point being an existing iron;

Thence South 88° 50' 15" East along the North line of said subdivision 127.91 feet to an existing iron which is South 88° 50' 15" East 16.19 feet from the NE corner of said Lot 17;

Thence South 00° 55' 01" West, along an existing fence 129.08 feet to a set iron on the South line of said Lot 17, said point being North 89° 16' 10" West of the SE corner of Lot 17;

Thence North 89° 16' 10" West along the South line of said Lots 17 and 18, 71.72 feet to a set iron at the beginning of a 25 foot radius curve concave to the North;

Thence Northwesterly along said curve 18.69 feet to a set iron at the SW corner of said Lot 18;

Thence North 16° 42' 19" West 129.32 feet to the Point of Beginning.

Tract 2:

Part of the NE 1/4 of the SE 1/4 of Section 9, Township 19 North, Range 30 West, Benton County, Arkansas, described as follows:

Beginning 471.9 feet East and 38 feet South of the NW corner of the said NE 1/4 of the SE 1/4 on the South right-of-way line of U.S. Highway 71;

Thence South 88° 52' 50" East 670.24 feet along said right-of-way line;

Thence South 00° 37' 55" West 282.65 feet;

Thence South 00° 40' 11" West 93.89 feet;

Thence South 00° 33' 53" West 259.67 feet;

Thence North 88° 50' 15" West 669.96 feet;

Thence North 00° 36' 42" East 259.62 feet;

Thence North 00° 33' 53" East 376.07 feet to the Point of Beginning

01212584

Tract 3:

A part of the NE 1/4 of the SE 1/4 of Section 9, Township 19 North, Range 30 West, Benton County, Arkansas, described as follows:

Beginning at a point 287 feet South of the NW corner of said 40 acres, run thence East 470.25 feet;

Thence South 357 feet;

Thence West 470.25 feet;

Thence North 357 feet to the Point of Beginning.

Tract 4:

Part of the NE 1/4 of the NW 1/4 of Section 8, Township 19 North, Range 30 West, Benton County, Arkansas, more particularly described as follows:

Beginning 148.32 feet South of the NE corner of the NE 1/4 of the NW 1/4 of said Section 8;

Thence North 88° 05' West 124.00 feet;

Thence North 03° 21' West 143.02 feet; thence South 89° 24' West 290.00 feet;

Thence South 03° 21' East 150; thence North 89° 24' East 265.0 feet

Thence South 03° 21' East 17.01 feet;

Thence South 88° 05' East 147.61 feet;

Thence North 25 feet to the Point of Beginning.

Containing 1.08 acres.

SAVE **01212585**

AND EXCEPT ANY and all cemetery plots previously conveyed out of said Tracts 1, 2, 3 and 4.

Benton County Memorial Park
3800 West Walnut/301 S. 40th Street
Rogers, AR 72758
(Locations **5567 & 5567A**)

Resthaven Pet Cemetery
SE J Street and SE 28th Street
Bentonville, AR 72712
(Location **5567B**)

Exhibit B
Permitted Liens

1. Claims or losses arising as a result of the obligations imposed by applicable provisions of the Arkansas Code for the operation and maintenance the Property as a cemetery.

2. Claims or losses arising as a result of the right of internment of remains already interred and to be interred under existing contracts and agreements as well as future agreements.

3. Claims or losses arising from the obligations of the owner of the Property to care for the lots located within the cemetery which is situated on the Property.

4. Reservations, Restrictions, Easements, Dedications, Right of Ways and Setback lines as may be set forth in Protective Covenants and/or Bill of Assurances recorded in Record Book 464 at Page 196 and in Record Book 468 at Page 572 of the Records of Benton County, Arkansas. (Tract 1)

5. Reservations, Restrictions, Easements, Dedications, Right of Ways and Setback Lines as may be shown upon the recorded plat of said Subdivision/Addition, filed for record in Plat Record Book "O" at Page 160 of the Records of Benton County, Arkansas. (Tract 1)

6. Conditions, Restrictions and Reservations contained in the Articles of Incorporation for the Foxfire Meadows Property Owner's Association, Inc., as filed for record in Circuit Court Record "T" at Page 141 of the Records of Benton County, Arkansas. (Tract 1)

7. Right-of-Way/Easement, in favor of Southwestern Bell Telephone Company dated September 29, 1992 and filed for record November 19, 1992 as Land Document No. 92 73566 of the Records of Benton County, Arkansas. (Tract 3)

8. Sanitary Sewer Easement, in favor of the City of Bentonville dated March 1, 1994 and filed for record January 31, 1995 as Land Document No. 95 006292 of the Records of Benton County, Arkansas. (Tract 4)

9. Exclusions for grave spaces sold or dedicated and restriction to cemetery uses, including the following:

   (a) Terms and provisions of, and all matters which may be revealed by, the various cemetery plats, including those which are recorded and any which pursuant to applicable law may be effective although unrecorded, including but not limited to any provisions contained in the plats that any partitions of the Property shall be used for cemetery purposes only, any reservations therein of drives, driveways, pathways and open areas and the overall effect of these plats in dedicating the land as cemetery;

(b) The right of parties and lot owners created by the instruments filed or recorded, either with the cemetery corporation or cemetery operators, and/or filed in the office of the recorder of deeds;

(c) The right of parties entitled thereto to keep therein the bodies and remains of deceased persons now interred, and the right and/or easement of lot owners and others over the Property for the purpose of grave visitation;

(d) Statutory rights and powers of State and County in which the Property is located, and of the municipalities in or near which the Property is located, to control the use of the Property as a cemetery.

10. Any matters that would be revealed by an accurate survey of the Property.

11. Any lien for ad valorem or other taxes assessed against the Property which are not yet due and payable.

Benton County Memorial Park
3800 West Walnut/301 S. 40th Street
Rogers, AR 72758
(Locations **5567 & 5567A**)

Resthaven Pet Cemetery
SE J Street and SE 28th Street
Bentonville, AR 72712
(Location **5567B**)

BOARD OF ADJUSTMENT STAFF REPORT

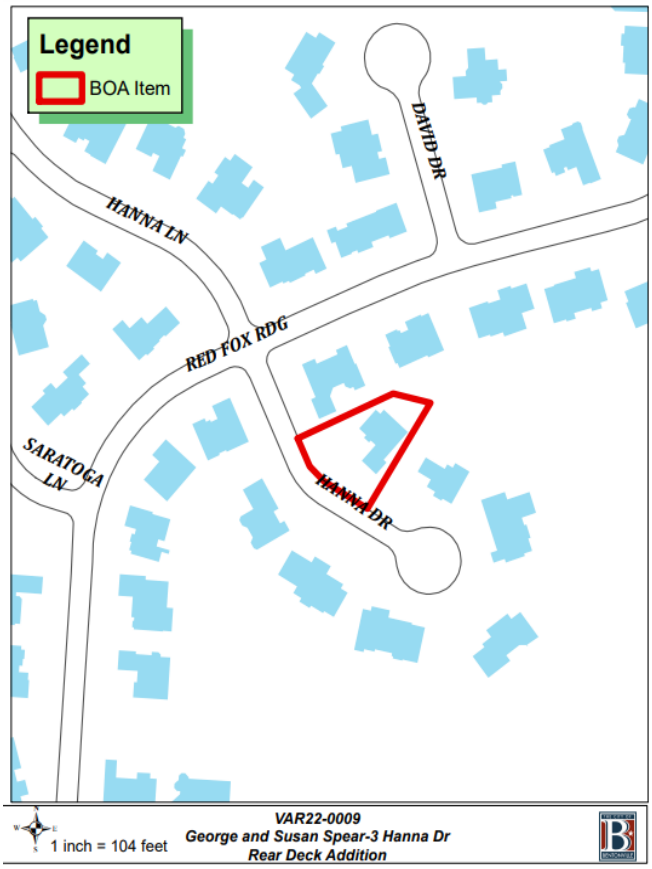
George and Susan Spear

3 Hanna Drive

BOA Date: 3/9/2022

Reviewer: Christopher Hyatt, Planning Technician

Project Number	VAR22-0009
Applicant / Current Owner	George and Susan Spear
Site Area	+/- 0.31 acres
Current Zoning	R-1, Low Density Single Family Residential
Variance Request	Zoning Code Article: Section 401.07(c)(1)



Property Description

This property is located at 3 Hanna Drive and is currently zoned R-1, Low Density Single Family Residential.

Regulation

According to Zoning Code Article Section 401.07(c)(1) Minimum Setback Standards, the minimum side setback required for an interior lot on property zoned R-1, Low Density Single-Family Residential is 7 feet.. Additionally, the minimum rear setback required for a property zoned R-1, Low Density Single-Family Residential is 25 feet from the property line.

Variance Request

The applicant is requesting a variance of 1 foot from the minimum side setback of 7 feet and 11 feet from the minimum rear setback of 25 feet, required by code, to allow the construction of a covered deck 6 feet from the side property line and 14 feet from the rear property line which the deck faces.

Background

The applicant states that the shape of the lot on which the home sits creates a unique hardship. Their narrative claims it is difficult to construct the deck in a way that meets the setback requirements in the zoning code without altering its design to the point it is no longer cohesive with the aesthetics of the rear of the house.

The applicant concluded that, due to setback requirements and the unique lot shape, the applicant would not be able to construct the rear deck as proposed.

Public Comment

Staff has **NOT** received a 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, as provided by the applicant within this application.
2. The applicant must obtain a building permit before construction.

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.

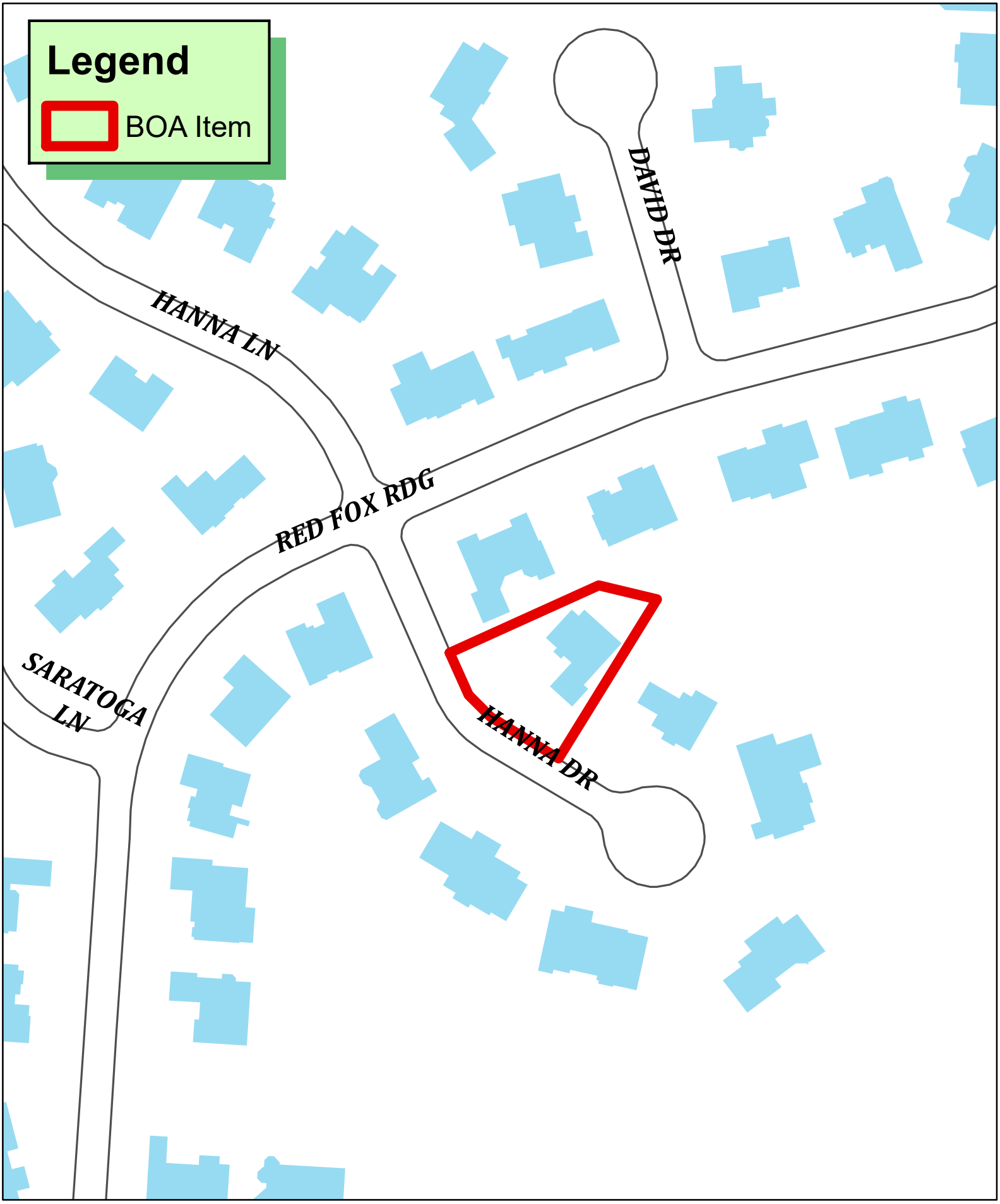
(2) No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

(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.



N
W E
S
1 inch = 104 feet

VAR22-0009
George and Susan Spear-3 Hanna Dr
Rear Deck Addition

0'
40'
80'
120'
14' to Property Line
Add 14' x 42' covered deck
N 66°12'30" E
N 23°47'30" W 114.20'
N 23°47'30" W 106.58' R/W
FOUND 5/8" CAPPED REBAR "1021"
FOUND 5/8" REBAR WITH FLAG
20' UTILITY EASEMENT AS SHOWN PER BOOK 20, PG 62
N 75°44'35" W 51.59'
SET 1/2" CAPPED REBAR "1659"
139.39'
55.36'
N 66°12'30" E
84.03'
10' BUILDING SETBACK
WALL
25' BUILDING SETBACK
DECK
HOUSE
BRICK
64.41'
S 68°34'41" E 96.52'
FOUND 5/8" REBAR WITH FLAG
6' to Property Line
FOUND 5/8" REBAR
C/L
CONCRETE
L2
94.00'
10' BUILDING SETBACK
N 31°17'35" E 158.40'
SET 1/2" CAPPED REBAR "1659"
SET CHISELED "X" IN CONCRETE
C1
20' UTILITY & ACCESS EASEMENT BOOK 20, PG 62
30' BUILDING SETBACK
SET 1/2" CAPPED REBAR "1659"
L1
CSW
LOT 10, LEXINGTON SUBDIVISION
FINAL PLAT PER BOOK 20, PG 62
APN: 0106430000
13650± SQ.FT.
0.313± ACRES
HANNA LANE
40' WIDTH PUBLIC RIGHT-OF-WAY AS SHOWN PER BOOK 31, PG 16
30' WIDTH ASPHALT PAVEME
FOUND CHISELED "X" IN CONCRETE
FIBER
R/W
L4
N 29°56'59" E 144.87'
FOUND 1/2" CAPPED

Property Owner Consent Form

City of Bentonville Planning Department

305 SW A Street

Bentonville, AR 72712

479-271-3122

I, Susan Spear am the legal owner of the
(Owner's name, printed)

property located at 3 Hanna Drive, identified as Parcel
(Address or Street Name)

Identification Number Lot 10, located in
(Parcel ID)

Benton County, Arkansas.

I certify that I am the owner of the property above and that I have read the application and consent to its filing.

Susan Spear
(Property Owner Signature)

2/1/2022
(Date)

****If one property has multiple owners, a separate signed Property Owner Consent Form is required for each owner.**

Property Owner Consent Form

City of Bentonville Planning Department

305 SW A Street

Bentonville, AR 72712

479-271-3122

I, GEORGE SPEAR am the legal owner of the
(Owner's name, printed)

property located at 3 HANNA DRIVE, identified as Parcel
(Address or Street Name)

Identification Number Lot 10, located in
(Parcel ID)

Benton County, Arkansas.

I certify that I am the owner of the property above and that I have read the application and consent to its filing.

George Spear
(Property Owner Signature)

2/1/2022
(Date)

****If one property has multiple owners, a separate signed Property Owner Consent Form is required for each owner.**

I, Brenda DeShields, certify this instrument is a true Copy of the WARRANTY DEED on file in this office, dated 07/26/2011 Book 2011 at page 38259-38260
Brenda DeShields
Brenda DeShields, Clerk
By Claudia Anca D.C.

Brenda DeShields-Circuit Clerk
Benton County, AR
Book/Ps: 2011/38259
Term/Cashier: CASH4/Mistie Hance
07/26/2011 8:12AM
Tran: 160048
Total Fees: $20.00

Book 2011 Page 38259
Recorded in the Above
DEED Book & Page
07/26/2011

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

That we, George W. Spear, III and Susan Spear, husband and wife, Grantors, for and in consideration of the sum of One Dollar ($1.00) and other valuable consideration, in hand paid by George W. Spear, III and Susan Spear, Trustees of the Spear Family Trust, U/D August 28, 2008, do hereby grant, bargain, sell and convey unto the said George W. Spear, III and Susan Spear, Trustees of the Spear Family Trust, U/D August 28, 2008, and unto its successors and assigns forever, all of their rights, title and interest in and to the following lands, situate in the County of Benton, State of Arkansas, to-wit:

Lot 10, Lexington Subdivision to the City of Bentonville, Benton County, Arkansas, as shown on Plat Record "20" at pages 62 and 63.

To have and to hold unto the said George W. Spear, III and Susan Spear, Trustees of the Spear Living Trust, U/D August 28, 2008 and unto its successors and assigns forever, with all appurtenances thereunto belonging.

And I, George W. Spear, III, husband of Susan Spear, and I, Susan Spear, wife of George W. Spear, III, for and in consideration of the said sum of money, do hereby release and relinquish unto the said Grantee, and unto its successors and assigns forever, all our rights and possibility of curtesy, dower and homestead in and to the above-described real property.

And we hereby covenant with said Grantee that we will forever warrant and defend the title to said lands against all lawful claims whatsoever.

WITNESS our hands and seals on this 18th day of July, 2011.

George W Spear III
GEORGE W. SPEAR, III

Susan Spear
SUSAN SPEAR

Book 2011 Page 38260
Recorded in the Above
DEED Book & Page
07/26/2011

Benton County, AR
I certify this instrument was filed on
07/26/2011 8:12AM
and recorded in DEED Book
2011 at pages 38259 - 38260
Brenda DeShields-Circuit Clerk

ACKNOWLEDGMENT

STATE OF ARKANSAS)
)ss.
COUNTY OF BENTON)

BE IT REMEMBERED, that on this day came before the undersigned, a Notary Public within and for the County aforesaid, George W. Spear, III and Susan Spear, husband and wife, to me well known as the Grantors in the foregoing Deed, and stated that they executed the same for the consideration and purposes therein mentioned and set forth.

WITNESS my hand and seal as such Notary Public this 18th day of July, 2011.

OFFICIAL SEAL
CHERYL BARBEE
BENTON COUNTY
NOTARY PUBLIC - ARKANSAS
MY COMMISSION EXP. NOV. 14, 2018
COMMISSION# 12368660

Notary Public

I certify under penalty of false swearing that at least the legally correct amount of documentary stamps have been placed on this instrument.

GRANTEE/AGENT

Mail Tax Statement to: George W. Spear, III and Susan Spear
3 Hanna Drive
Bentonville, Arkansas 72712

This instrument prepared by:
Jodie J. Kelley
Kelley Law Firm
a professional limited liability company
303 West Walnut Street
Rogers, Arkansas 72756

BENTON COUNTY, ARKANSAS
CLERK OF THE CIRCUIT COURT

From: **Nikki Littrell** nikki@blewinc.com
Subject: Re: 21-11058 S&S Survey
Date: January 17, 2022 at 10:01 AM
To: George Spear georgespear35@gmail.com

NL

Will do, thank you!

On Mon, Jan 17, 2022 at 9:47 AM George Spear <georgespear35@gmail.com> wrote:

> Milk
> Please extend thanks to Bill and the team
> For their work
> Regards
> George Spear
>
> On Mon, Jan 17, 2022 at 8:57 AM Nikki Littrell <nikki@blewinc.com> wrote:
>
> > Good morning.
> >
> > Attached is the signed and sealed survey for the property at 3 Hanna Drive in Bentonville. Please let me know if we can be of further assistance.
> >
> > Thank you!
> >
> > --

Nikki Littrell
Survey Group | Local Project Coordinator

nikki@blewinc.com

Blew & Associates, P.A.
3825 North Shiloh Drive
Fayetteville, AR 72703

479-443-4506
www.blewinc.com

BLEW & ASSOCIATES, P.A.
Surveying
Engineering
Mapping

--

Nikki Littrell
Survey Group | Local Project Coordinator

nikki@blewinc.com

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www.blewinc.com

BLEW & ASSOCIATES, P.A.
Surveying
Engineering
Mapping

LOT SURVEY

Survey Description

LOT 10, LEXINGTON SUBDIVISION, BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN ON THE FINAL PLAT AT PLAT RECORD BOOK 20 AT PAGE 62 ON NOVEMBER 06, 1994.

Legend of Symbols & Abbreviations

R/W	RIGHT-OF-WAY
C/L	CENTERLINE OF ROAD
CSW	CONCRETE SIDEWALK
CP	CONCRETE PAD
◉	FOUND MONUMENT AS NOTED
○	SET MONUMENT AS NOTED
⌖	COMPUTED POINT
W	WATER METER
⊘	OVERHEAD POWER POLE
S	SANITARY SEWER
⋈	WATER VALVE
EM	ELECTRIC METER
G	GAS METER
AC	AC CONDENSER
SCO	SANITARY CLEANOUT
OF/BER	FIBER OPTIC UTILITY
T	TELEPHONE PEDESTAL

- BOUNDARY LINE
- RIGHT-OF-WAY
- CENTERLINE OF ROAD
- LOT LINE
- BUILDING SETBACK PER BASIS PLAT
- EASEMENT LINE PER BASIS PLAT

Utility Note

THE LOCATIONS OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES ONLY. THE SURVEYOR WAS NOT PROVIDED WITH UNDERGROUND PLANS OR SURFACE GROUND MARKINGS TO DETERMINE THE LOCATION OF ANY SUBTERRANEAN USES.

BEFORE DIGGING IN THIS AREA, CALL "ONE CALL" 811 FOR FIELD LOCATIONS (REQUEST FOR GROUND MARKINGS) OF UNDERGROUND UTILITY LINES.

Miscellaneous Notes

COMPLETED FIELD WORK:
JANUARY 05, 2022

REFERENCE DOCUMENTS:
1. SURVEY PLATS FILED AS LEXINGTON SUBDIVISION FINAL PLAT AT BOOK 20, PAGE 62.

SOME FEATURES SHOWN ON THIS PLAT MAY BE SHOWN OUT OF SCALE FOR CLARITY.

DIMENSIONS ON THIS PLAT ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF UNLESS OTHERWISE NOTED. MONUMENTS WERE FOUND AT POINTS WHERE INDICATED.

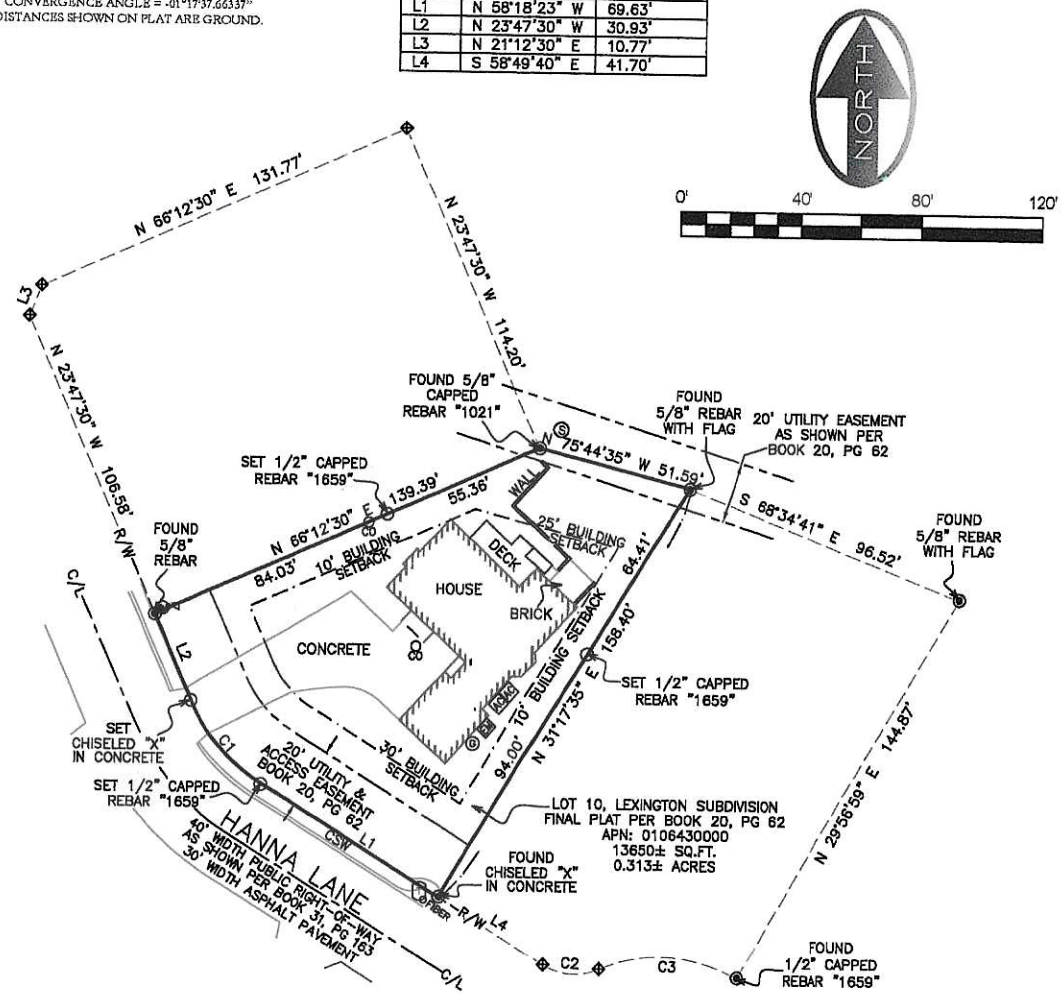
EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT OF ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT PROPERTY: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS WHICH WERE VISIBLE AT THE TIME OF SURVEY; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS OR OTHER LAND USE REGULATIONS; AND ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE.

BASIS OF BEARING:
BEARINGS SHOWN ARE BASED ON GRID NORTH FOR ARKANSAS COORDINATE SYSTEM, NORTH ZONE, NAD83.
LATITUDE = 36°24'05.84479"
LONGITUDE = -94°13'24.24532"
CONVERGENCE ANGLE = -01°17'37.66337"
DISTANCES SHOWN ON PLAT ARE GROUND.

Line & Curve Data

CURVE	RADIUS	ARC LENGTH	CHORD BEARING	CHORD LENGTH	DELTA ANGLE
C1	60.00'	36.34'	N 41°08'45" W	35.79'	34°42'18"
C2	20.00'	19.26'	S 86°04'29" E	18.52'	55°09'42"
C3	50.00'	47.49'	S 86°46'45" E	45.72'	54°24'57"

LINE	BEARING	DISTANCE
L1	N 58°18'23" W	69.63'
L2	N 23°47'30" W	30.93'
L3	N 21°12'30" E	10.77'
L4	S 58°49'40" E	41.70'



I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF ON THIS THE 12TH DAY OF JANUARY 2022.

REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF ARKANSAS
NO. 1659
SIGNATURE
B. GAGNER

IF THE SIGNATURE ON THIS SEAL IS NOT AN ORIGINAL AND NOT BLUE IN COLOR THEN IT SHOULD BE ASSUMED THAT THIS PLAT MAY HAVE BEEN ALTERED. THE ABOVE CERTIFICATION SHALL NOT APPLY TO ANY COPY THAT DOES NOT BEAR AN ORIGINAL SEAL AND SIGNATURE.

CERTIFICATE OF AUTHORIZATION
BLEW & ASSOCIATES, PA
No. 1534
ARKANSAS

FIRM:
BLEW & ASSOCIATES, PA
CIVIL ENGINEERS & LAND SURVEYORS
3825 N. SHILOH DRIVE
FAYETTEVILLE, ARKANSAS 72703
OFFICE: 479.443.4506
FAX: 479.582.1883
www.BLEWINC.com
Certificate of Authorization № 1534

DRAWN BY & DATE:	REVIEWED BY:	SURVEYED BY:
CB, 01/12/2022	TPN	BG
COUNTY & STATE: WASHINGTON COUNTY, ARKANSAS	JOB NUMBER: 21-11058	

LOCATION: 3 Hanna Drive, Bentonville, Arkansas 72712

FOR THE USE AND BENEFIT OF:
George Spear

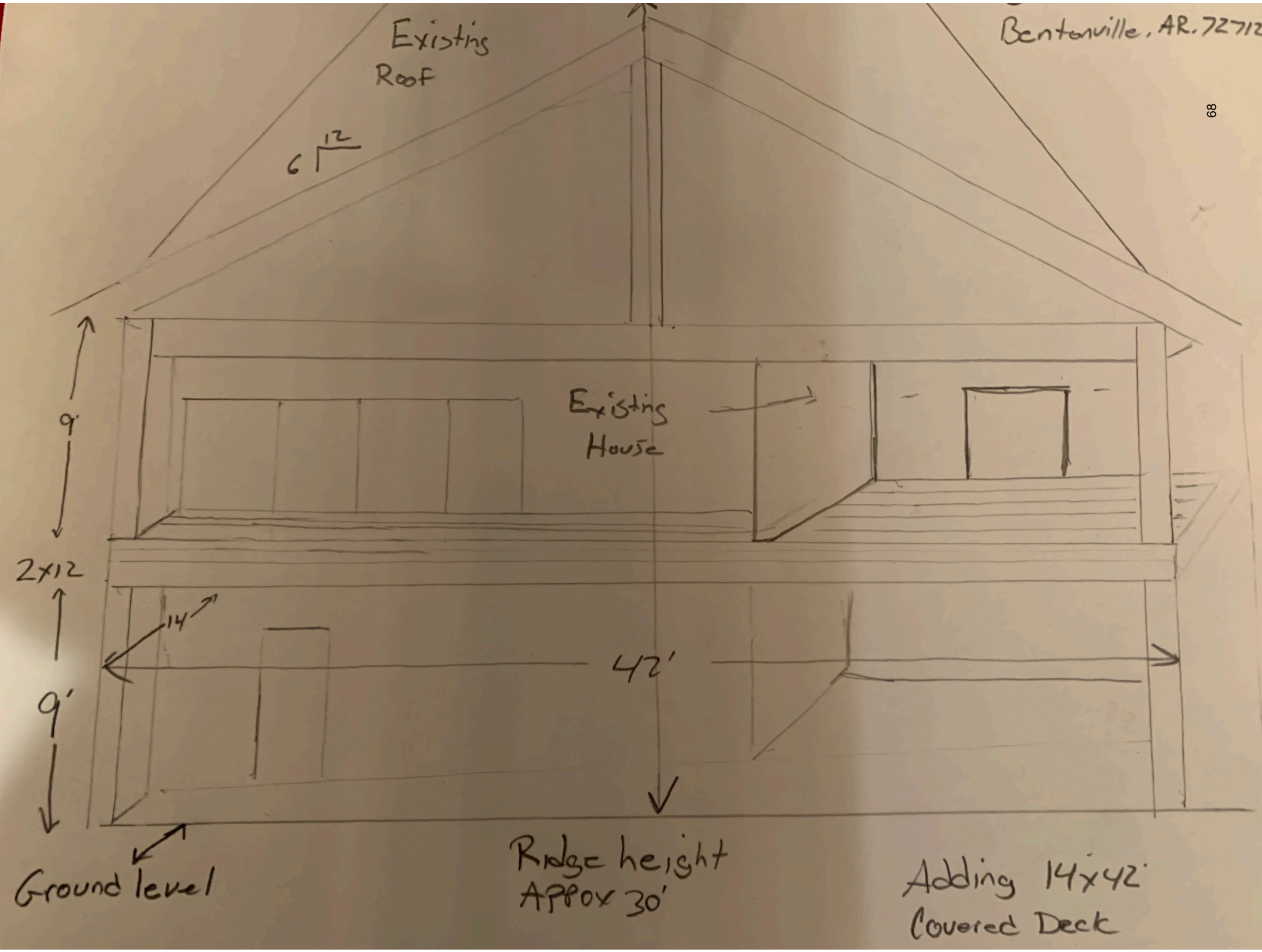
Narrative: 3 Hanna Drive, Bentonville, Ar 72712

Section 401.07 (C)(1) Residential District Setback Standards

- That Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land structures or buildings in the same district.
    - **Answer:** The 3 Hanna Drive property shape is unique. The proposed deck's overhang is not an obstruction to anything related to utilities, and access, etc. The intention of the new, rebuilt extended deck is to have a 14' by 42' covered structure.

- That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance
    - **Answer:** The intention of the new construction is to tie the new roof to match the aesthetics of the rest of the back of the house and deck and make it look like it has always been there.

- That the special conditions and circumstances do not result from the actions of the applicant.
    - **Answer:** these special conditions do not result from the actions of the applicant. The end of proposed deck & roofline @ 3 Hanna is still a significant distance from the utility easement


Existing
Roof
6 12
Bentonville, AR. 72712
68
9'
Existing
House
2x12
14'
42'
9'
Ground level
Ridge height
Approx 30'
Adding 14x42'
Covered Deck

BOARD OF ADJUSTMENT STAFF REPORT

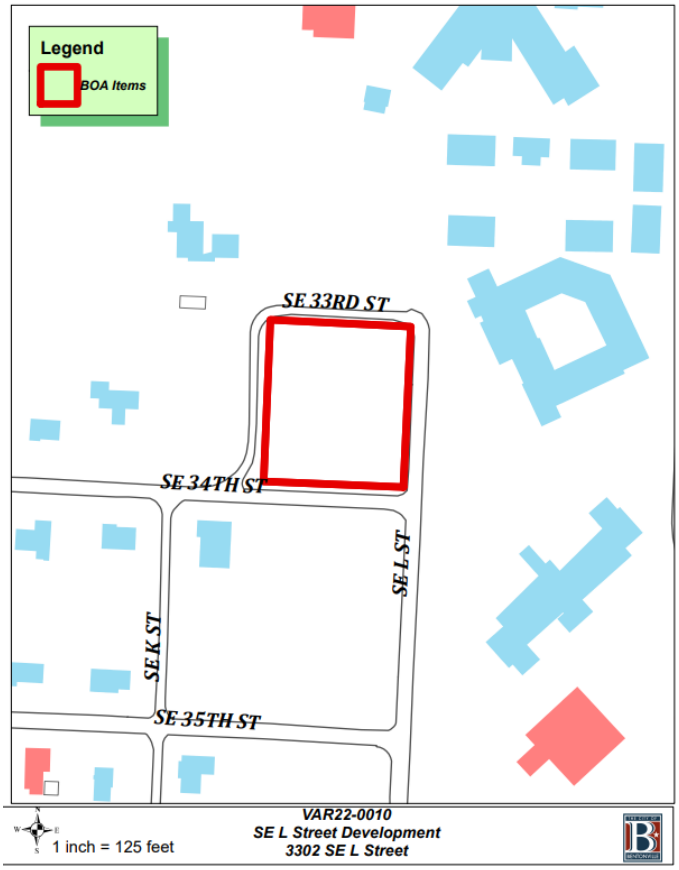
L Street Partners, LLC

3302 SE L St

BOA Date: 3/9/2022

Reviewer: Christopher Hyatt, Planning Technician

Project Number	VAR22-0010
Applicant / Current Owner	Ecological Design Group / L Street Partners, LLC
Site Area	+/- 1.24 acres
Current Zoning	R-3, Medium-High Density Multifamily Residential
Variance Request	Zoning Code Article: Section 401.07 (c) (1)



Planning has requested an adjustment to the property line as shown on the drawings, which could effect this variance request.

Property Description

This property is located at 3302 SE L St and is currently zoned R-3, Medium-High Density Multifamily Residential.

Regulation

According to Zoning Code Article Section 401.07 (c) (1) The minimum setback for an exterior side shall be twenty (20) feet on property zoned R-3, Medium-High Density Multifamily Residential.

Variance Request

The applicant is requesting a variance of seven (7) feet from the minimum exterior side setback of twenty (20) feet for the side of the lot that runs along SE K Street.

Background

The applicant states that this property is unique in that it is a single lot with street frontages on all four sides. Two of the streets are existing two lane local roads that provide access to the neighborhood, but also connect N Walton to SE J. Additionally, the applicant states that the two remaining roads, SE 33rd and SE K, that border the northern and western sides of the site are twelve (12) and fifteen (15) feet wide, and provide access to two home businesses to the north of the property. The R-3 minimum setback requirements call for a twenty (20) foot setback on exterior sides, and ten (10) foot setback for interior sides.

The applicant concludes that having a site with four exterior sides is a rare occurrence and presents a unique hardship, therefore would like to request a variance along the west side of the property to allow the owner to have a seven (7) foot encroachment, giving the west side treatment that is equivalent to an interior side.

Public Comment

Staff has **NOT** received a 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, as provided by the applicant within this application.
2. The applicant must obtain a building permit before construction.

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.

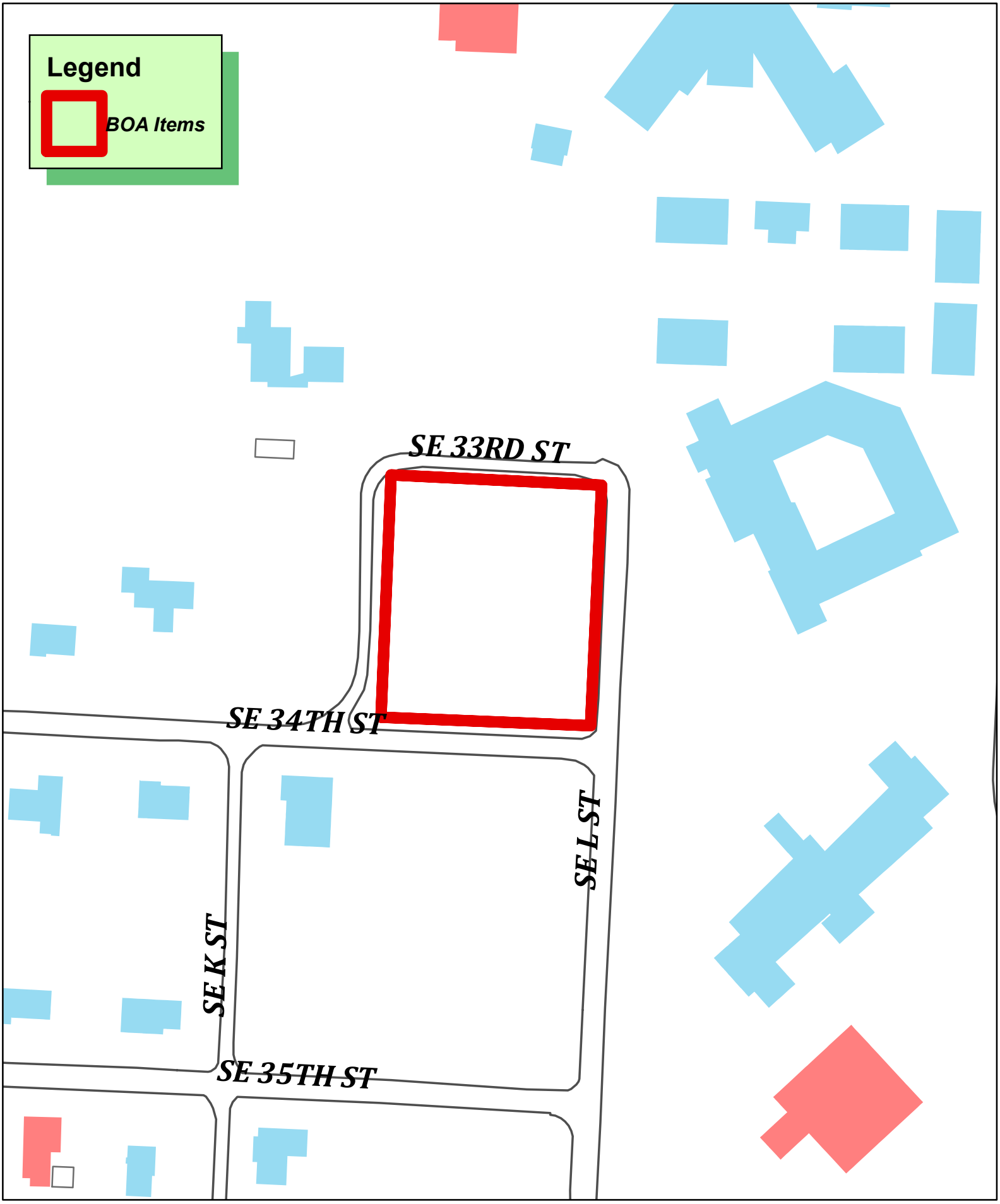
(2) No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

(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.



N
W E
S
1 inch = 125 feet

VAR22-0010
SE L Street Development
3302 SE L Street

Property Owner Consent Form

City of Bentonville Planning Department

305 SW A Street

Bentonville, AR 72712

479-271-3122

I, L Street Partners LLC am the legal owner of the

(Owner's name, printed)

property located at 3302 SE L St, identified as Parcel

(Address or Street Name)

Identification Number 01-00149-000, located in

(Parcel ID)

Benton County, Arkansas.

I certify that I am the owner of the property above and that I have read the application and consent to its filing.

(Property Owner Signature) *(Date)* 2/17/22

****If one property has multiple owners, a separate signed Property Owner Consent Form is required for each owner.**

Property Owner Consent Form

City of Bentonville Planning Department

305 SW A Street

Bentonville, AR 72712

479-271-3122

I, L Street Partners LLC am the legal owner of the
(Owner's name, printed)

property located at 3302 SE L St, identified as Parcel
(Address or Street Name)

Identification Number 01-00149-000, located in
(Parcel ID)

Benton County, Arkansas.

I certify that I am the owner of the property above and that I have read the application and consent to its filing.

John Baxter (Feb 18, 2022 05:24 CST)
(Property Owner Signature)

Feb 18, 2022
(Date)

****If one property has multiple owners, a separate signed Property Owner Consent Form is required for each owner.**

3302 SE L Street - Property Owner Consent Form-JB

Final Audit Report 2022-02-18

Created:	2022-02-17
By:	Chase Williams (chase@baxterfi.net)
Status:	Signed
Transaction ID:	CBJCHBCAABAAxJwVtgtFDDgPe4wa5d4K3ENAjAH935yl

"3302 SE L Street - Property Owner Consent Form-JB" History

Document created by Chase Williams (chase@baxterfi.net)
2022-02-17 - 7:16:42 PM GMT

Document emailed to John Baxter (john@baxterfi.net) for signature
2022-02-17 - 7:17:09 PM GMT

Email viewed by John Baxter (john@baxterfi.net)
2022-02-17 - 7:22:27 PM GMT

Document e-signed by John Baxter (john@baxterfi.net)
Signature Date: 2022-02-18 - 11:24:54 AM GMT - Time Source: server

Agreement completed.
2022-02-18 - 11:24:54 AM GMT

L202084263
BENTON CO. AR FEE $30.00
PRESENTED & E-RECORDED
12/22/2020 02:18:33 PM
BRENDA DESHIELDS
Circuit Clerk & Recorder

Prepared by:
Joshua B. Hite, Attorney
Hite Law Firm, PLLC
5431 Pinnacle Pointe Dr., Ste. 105
Rogers, AR 72758

GENERAL WARRANTY DEED

File No. 20-7264

KNOW ALL BY THESE PRESENTS:

That **Seven HB Real Estate, LLC, an Arkansas limited liability company**, hereinafter called Grantor, for and in consideration of the sum of One and No/100-----Dollars---($1.00) and other good and valuable consideration in hand paid by **L Street Partners, LLC, an Arkansas limited liability company**, hereinafter called Grantee, the receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto said Grantee and unto Grantee's successors and assigns, forever, the following described land, situated and being in the County of Benton, State of Arkansas, to-wit:

Part of the SW 1/4 of the NE 1/4 of Section 8, Township 19 North, Range 30 West, Benton County, Arkansas, described as beginning 40 feet north of the northeast corner of Lot 1 in Block 4 in Twin City Heights (Revised) as shown in Plat Record "E" at page 32 of the Records of Benton County, Arkansas, and run north 250 feet; thence east 216 feet; thence south 250 feet; thence west 216 feet to the point of beginning. Subject to all easements, covenants, restrictions, reservations and rights of way of record. Subject to all prior mineral reservations and oil and gas leases.

TO HAVE AND TO HOLD the same unto said Grantee and unto the successors and assigns of Grantee, forever, with all appurtenances thereunto belonging. And Grantor hereby covenants with said Grantee that Grantor will forever warrant and defend the title to the said lands against all claims.

[*Signature Page Follows*]

WITNESS our hands and seals on this 21 day of December, 2020.

Seven HB Real Estate, LLC,
an Arkansas limited liability company

By: _____
Gokulakrishn Munuswamy, Member

By: _____
Ramesh Subbiah, Member

By: _____
Navin Prakash Chander, Member

By: _____
Shankar Arjun Satappagol, Member

By: _____
Gopi Chandran, Member

By: _____
Srinivasulu Ramakrishnan, Member

ACKNOWLEDGMENT

STATE OF ARKANSAS)
) **SS**
COUNTY OF Benton)

On this day before the undersigned, a Notary Public, duly commissioned, qualified and acting, within and for the said County and State, appeared in person the within named **Gokulakrishnan Munuswamy, Ramesh Subbiah, Navin Prakash Chander, Shankar Arjun Satappagol, Gopi Chandran, and Srinivasulu Ramakrishnan,** to me personally known (or satisfactorily proven), who stated that they were the **Members** of **Seven HB Real Estate, LLC, an Arkansas limited liability company,** and stated that they were duly authorized in such capacity to execute the foregoing instrument for and in the name and behalf of said entity and further stated and acknowledged that they had so signed, executed and delivered said instrument for the consideration, uses and purposes therein mentioned and set forth.

In Testimony Whereof, I have hereunto set my hand and official seal this 21 day of December, 2020.

Notary Public

My Commission Expires: 12/21/20

JOSHUA BARNETT HITE
COMM. No. 12700217
NOTARY PUBLIC
EXP. DATE 02/24/2027
BENTON COUNTY, ARKANSAS

STATE OF ARKANSAS
DEPARTMENT OF FINANCE AND ADMINISTRATION
MISCELLANEOUS TAX SECTION
P.O. BOX 896, LITTLE ROCK, AR 72203-0896

Real Estate Transfer Tax Stamp

Proof of Tax Paid

File Number: 20-7264

Grantee:	L STREET PARTNERS LLC
Mailing Address:	301 SW 6TH ST. BENTONVILLE AR 727120000
Grantor:	7HB REAL ESTATE LLC
Mailing Address:	NA NA AR NA0000000
Property Purchase Price:	$400,000.00
Tax Amount:	$1,320.00
County:	BENTON
Date Issued:	12/21/2020
Stamp ID:	1218693120

I certify under penalty of false swearing that documentary stamps or a documentary symbol in the legally correct amount has been placed on this instrument.

Grantee or Agent Name (printed): citytitle llc & closing, as agent for Grantee

Grantee or Agent Name (signature): 479-935-4177 Date: 12/21/20

Address: _____

City/State/Zip: _____

CERTIFICATE OF RECORD
STATE OF ARKANSAS, COUNTY OF BENTON
I hereby certify that this instrument was
Filed and Recorded in the Official Records
in **Doc Num L202084263**
12/22/2020 02:18:33 PM
Brenda DeShields
BENTON COUNTY Circuit Clerk & Recorder

E | D | G

Ecological Design Group, Inc
216 W Birch Street
Rogers, AR 72756

Variance Request

To: City of Bentonville – Board of Adjustments

From: Ecological Design Group, Inc – on behalf of L Street Partners LLC

Date: February 22, 2022

Re: Multifamily Development @ 3302 L Street, Bentonville, AR

On behalf of L Street Partners LLC, Ecological Design Group, Inc. (EDG) is submitting this Variance Request concurrently with the project's LSD Submittal.

Project Description:

This project is located at 3302 SE L Street in Bentonville, Arkansas. The proposed improvements include a 3-story multifamily building(s) with approximately 51 one bedroom units. Improvements also include street widening, on-street parking, interior parking, utility service connections, exterior amenity space, and landscape areas.

The property is surrounded by the following zoning classifications/uses:

Direction	Zoning Classification	Use
North	R-O (Residential Office)	Small Businesses + Single Family Homes
East	R-3 (Med./High Density Residential)	Assisted Living Center/Apartments
South	A-1 (Agricultural)	Vacant/Abandoned
West	A-1 (Agricultural)	Vacant

The property is unique in that it is a single lot with street frontages on all four sides. Two of the streets are existing two lane local roads that provide access to the neighborhood, but also connect North Walton to SE J Street. These roads run along the eastern and southern sides of the property (SE 34th St and SE L St). These are respectively, the more active roads, and the proposed site plan has situated the building and proposed improvements to treat these frontages as the front door.

The two remaining roads, SE 33rd St and SE K St., border the north and western sides of the site. These existing roads are 12-15 feet wide, and provide access to two (2) home businesses to the north of the property. The are essentially single lane, and one way.

The Residential District Minimum Setback Requirements Chart calls for a 20 ft. setback on exterior sides, and 10 ft. setback on interior sides. Given as the site exists, all sides are exterior, a 20 ft. setback would be required. Enforcement of 'exterior' setbacks on both sides would cause an undue hardship by limiting the building area. Having four exterior sides is a rare occurrence, and is not due to any part of ownership or development of the site. As part of this hardship, EDG is requesting on behalf of the owner to allow a 7 ft. encroachment on the western side of the site. This is the equivalent of treating the less trafficked side as an 'interior' side setback, rather than enforcing two 'exterior' side setbacks.

The specific Variance request is detailed further below:

Side (Exterior) Setback Distance Variance

City of Bentonville Municipal Code: Appendix A – Zoning Code – Article 401 Zoning District Regulations;

Section 401.07 Residential (R) District Regulations;

401.07(c)(1) Residential (R) Minimum Setback Standards

RESIDENTIAL (R) DISTRICTS MINIMUM SETBACK STANDARDS					
District	Building Type	Front	Side		Rear
			Interior	Exterior	
R-E	All	30'	30'	30'	30'
R-1	All	20'	7'	20'	25'
R-2	All	20'	7'	20'	25'
R-3	All	20'	10'	20'	25'
R-4	All	20'	10'; 30' when adjacent to single-family	20'	25'

Requested Variance:

- Encroachment of 7 +/- ft inside the 20 ft side (exterior) setback along SE K Street.

The granting of this variance will not be detrimental to the public health, safety and welfare or injurious to other property in the area.

It is our interpretation that the granting of this variance will be in keeping with the spirit and intent of the Zoning Code.

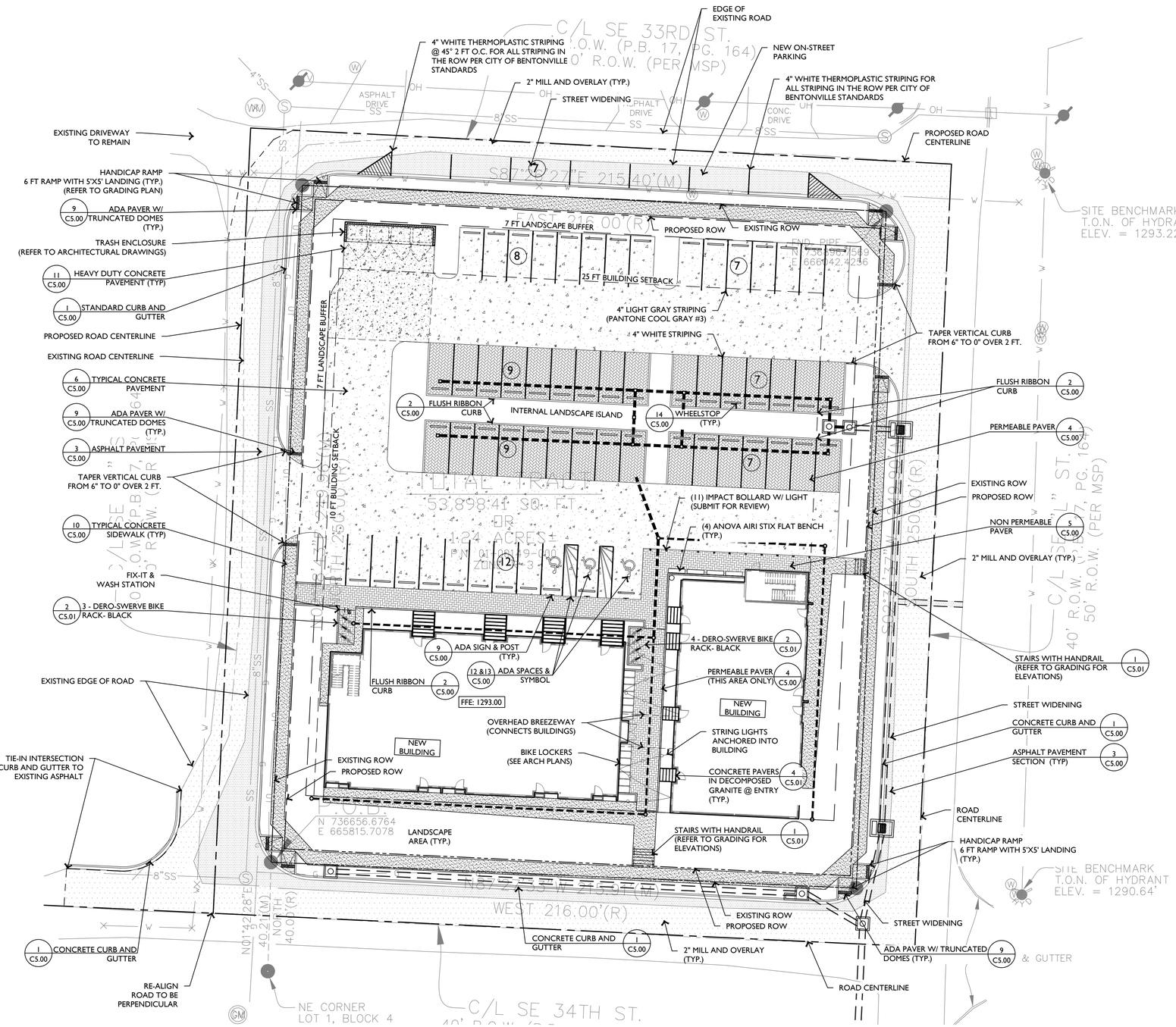
If you have any further questions or concerns, please contact me at jburbidge@ecologicaldg.com or 479.883.2845.

Sincerely,

Jenny C. Burbidge

Jenny Burbidge, ASLA
Project Manager
Ecological Design Group, Inc.

NOTE: ARCHITECTURAL FOOTPRINTS, THRESHOLDS AND VESTIBULES ARE SHOWN FOR REFERENCE. REFER TO ARCHITECTURAL PLANS FOR ALL EXACT MEASUREMENTS AND BUILDING DIMENSIONS.



1 SITE PLAN

EXISTING LEGEND

- FOUND REBAR (OR AS NOTED)
- SANITARY SEWER MANHOLE
- FIRE HYDRANT
- WATER METER
- WATER VALVE
- TELEPHONE RISER
- GAS METER
- UTILITY POLE
- SANITARY SEWER LINE
- OVERHEAD LINE
- WATER LINE
- GAS LINE
- UNDGR TELEPHONE LINE
- WIRE FENCE
- PROPERTY LINE
- RIGHT-OF-WAY LINE
- CENTER LINE
- EASEMENT LINE
- CONTOUR LINE
- SPOT ELEVATION

PROPOSED LEGEND

- PROPOSED CURB AND GUTTER (REF. PLANS FOR TYPE)
- LIMITS OF MILL AND OVERLAY
- LIMITS OF SAW-CUT AND PAVEMENT REMOVAL
- PERMEABLE PAVERS (4/C5.00)
- CONCRETE SIDEWALK (10/C5.00)
- STANDARD DUTY CONCRETE (6/C5.00)
- HEAVY DUTY CONCRETE (11/C5.00)
- FULL DEPTH ASPHALT PAVEMENT (3/C5.00)
- 2" MILL AND OVERLAY

SITE SUMMARY

ZONING:
MEDIUM DENSITY RESIDENTIAL (R-3)
USE:
MULTIFAMILY
AREA:
53,898 SF / 1.24 AC

PARKING DATA

ZONING	(R-3)
USE	MULTI FAMILY
PARKING REQUIREMENTS	RESIDENTIAL - MULTIFAMILY 3 SPACES FOR 2 DWELLING UNITS (1.5 SPACES PER UNIT) 51 UNITS * 1.5 SPACES = 76.5 SPACES
TOTAL	77 SPACES REQUIRED
PARKING PROVIDED	
ON SITE PARKING PROVIDED	60 SPACES
ON STREET PARKING PROVIDED	6 SPACES
TOTAL	66 SPACES PROVIDED*

PARKING WAIVER APPROVED - 11/02/21

ZONING SUMMARY

LOT AND AREA STANDARDS

	REQUIRED	PROVIDED
MIN. LAND AREA/ UNIT	800 SF	1,057 SF**
MIN. LOT AREA:	10,000 SF/.23 AC	53,898 SF/1.24 AC
MIN, LOT WIDTH:	100'	215'
MAX LOT COVERAGE MAX (MULTIFAMILY, CORNER LOT):	55%	20%

***VARIANCE APPROVED 10/13/2021*

SETBACK STANDARDS

	REQUIRED	PROVIDED
FRONT YARD MIN *(SE 34TH ST)*:	20'	20'
SIDE YARD (EXTERIOR) MIN *(SE L ST)*:	20'	20'
SIDE YARD (INTERIOR) MIN *(SE K ST)*:	10'	10
REAR YARD MIN *(SE 33RD ST)*:	25'	25'

PLANNING NOTES:

1. NO SIGNAGE IS PROPOSED AT THIS TIME. FUTURE SIGNAGE WILL REQUIRE A SEPARATE PERMIT.
2. MECHANICAL EQUIPMENT (ROOF AND GROUND MOUNTED) WILL BE SCREENED ON ALL SIDES BY SIMILAR MATERIALS AS THE BUILDING.
3. THE DUMPSTER ENCLOSURE SHALL BE SCREENED WITH SIMILAR MATERIALS AS THE BUILDING.
4. NO NEW LIGHTING IS PROPOSED AT THIS TIME. ANY NEW LIGHTING WILL BE FULL CUT OFF OR B-U-G (WITH A U RATING OF ZERO) AND APPROVED BY THE PLANNING DEPARTMENT.
5. COORDINATE WORK ON NEIGHBOR'S DRIVEWAY WITH CITY OF BENTONVILLE TO ENSURE RESIDENT IS NOTIFIED APPROPRIATELY.

SITE AMENITIES

#1 - BIKE RACK - DERO-SWERVE BIKE RACK- BLACK OR APPROVED EQUAL

GENERAL NOTES:

1. EXISTING SURVEY DATA WAS OBTAINED FROM A TOPOGRAPHIC & BOUNDARY SURVEY PERFORMED BY CASTER & ASSOCIATES LAND SURVEYING, INC AND DATED 09/21/2021.
2. SURVEY DATA IS BASED UPON NAD 83, STATE STATE PLANE, ARKANSAS NORTH FEET COORDINATE SYSTEM.
3. ELEVATIONS ARE BASED UPON NATIONAL GEODETIC VERTICAL DATUM.
4. 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
5. 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.
6. ALL WORK PERFORMED WITHIN THE RIGHT-OF-WAY SHALL BE COORDINATED WITH THE CITY OF BENTONVILLE ENGINEERING DEPARTMENT AND TRAFFIC DEPARTMENT.
7. 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.
8. 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.
9. 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..
10. 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.
11. EXISTING FACILITIES AND FEATURES ARE SHOWN LIGHT-LINED AND/OR SCREENED. NEW FACILITIES AND FEATURES ARE SHOWN SOLID AND HEAVY-LINED.
12. SLOPES AND GRADES SHOWN ARE IN UNITS OF FT/FT UNLESS OTHERWISE NOTED.
13. ALL PAVEMENT AND CURB MEASUREMENTS ARE TAKEN FROM FACE OF CURB OR EDGE OF PAVEMENT.
14. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE PROJECT SPECIFICATIONS.
15. CONTACT BEUD AT 479-271-3135 BEFORE PERFORMING ANY GRADING WITHIN 5' OF EXISTING OR PROPOSED POWER POLES.
16. BEUD DESIGN LAYOUT DRAWING TAKES PRECEDENCE OVER ANY ELECTRIC INFORMATION SHOWN ON THE SITE UTILITY PLAN.
17. ELECTRIC FACILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST REVISION OF THE ELECTRIC SPECIFICATIONS FOUND ON THE BENTONVILLE ELECTRIC UTILITY DEPARTMENT WEBSITE. CONTRACTOR IS RESPONSIBLE FOR COMPLIANCE WITH THIS DOCUMENT.

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www.ecologicaldg.com
phone: 501 378 0200
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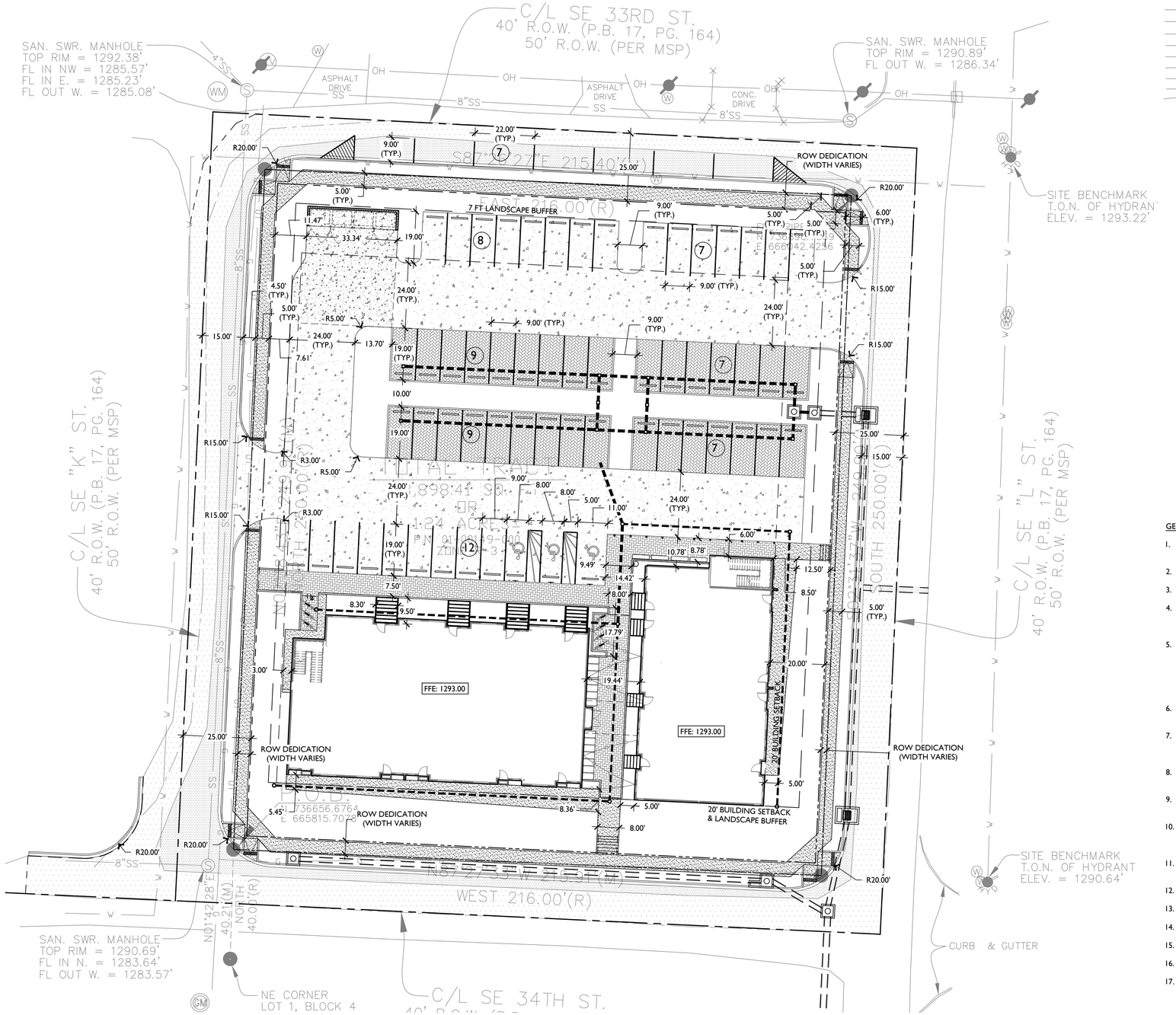
SE L STREET DEVELOPMENT
3302 SE L ST. BENTONVILLE, AR

EDG PROJECT NO.	21-012
DATE	2022.02.07
REVISIONS	
Number	Date
PHASE	Construction Documents
TITLE	Site Plan
SHEET NO.	C1.00

copyright EDG, Inc. 2020

NOTE: ARCHITECTURAL FOOTPRINTS, THRESHOLDS AND VESTIBULES ARE SHOWN FOR REFERENCE. REFER TO ARCHITECTURAL PLANS FOR ALL EXACT MEASUREMENTS AND BUILDING DIMENSIONS.



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- PROPOSED CURB AND GUTTER (REF. PLANS FOR TYPE)
- LIMITS OF MILL AND OVERLAY
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1 SITE LAYOUT PLAN

SCALE: 1" = 20'-0"

NORTH

0' 20' 40' 80'

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SE L STREET DEVELOPMENT
3302 SE L ST. BENTONVILLE, AR

EDG PROJECT NO. 21-012
DATE 2022.02.07
REVISIONS
Number Date
PHASE Construction Documents
TITLE Site Layout Plan
SHEET NO. C1.01

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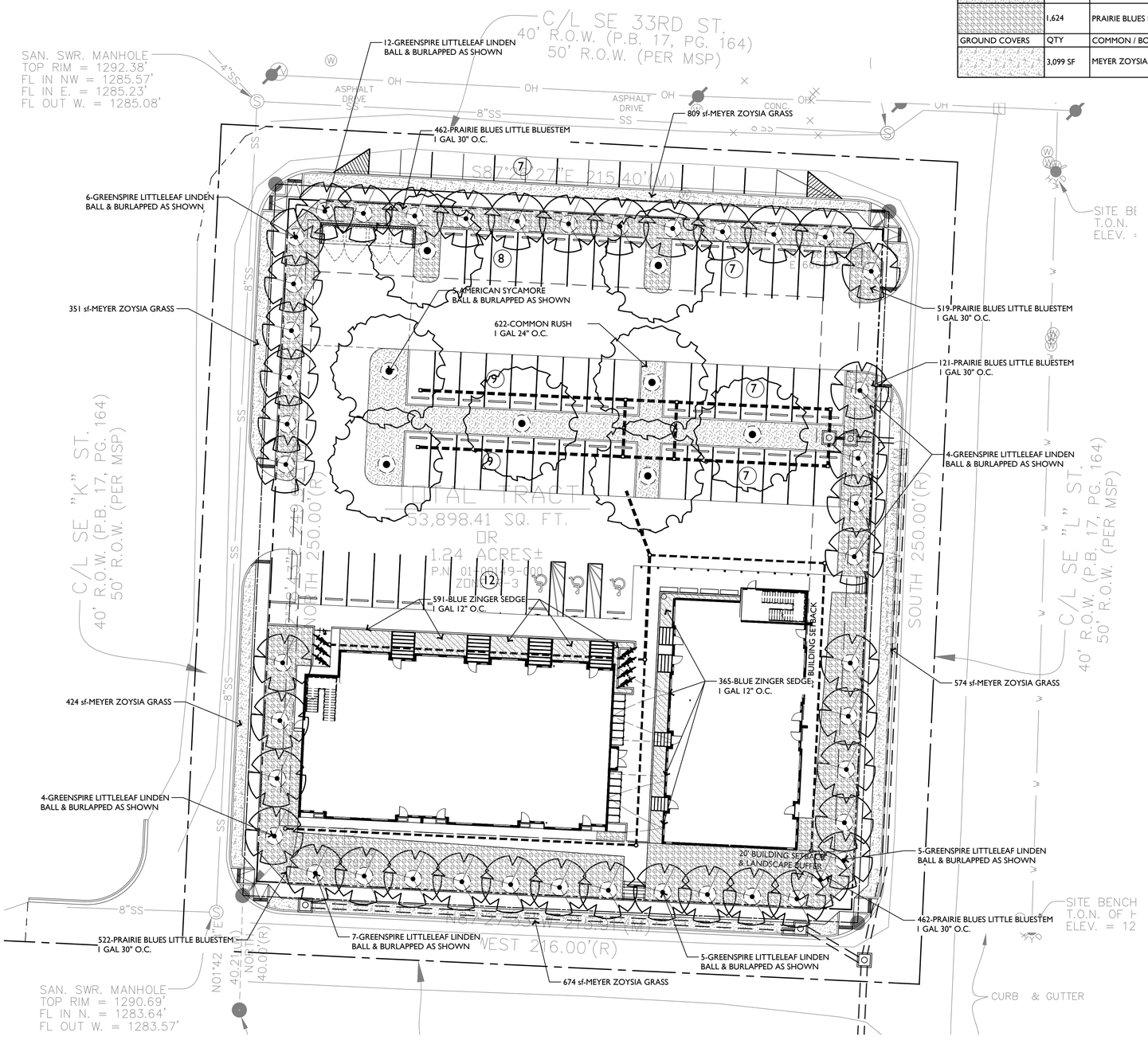
PLANT SCHEDULE

TREES	QTY	COMMON / BOTANICAL NAME	CALIPER	CONTAINER	SPACING		DETAIL
	8	AMERICAN SYCAMORE / PLATANUS OCCIDENTALIS	4" CAL	BALL & BURLAPPED	AS SHOWN		
	44	GREENSPIRE LITTLELEAF LINDEN / TILIA CORDATA 'GREENSPIRE'	2.5" CAL	BALL & BURLAPPED	AS SHOWN		
SHRUB AREAS	QTY	COMMON / BOTANICAL NAME	CALIPER	CONTAINER	SPACING	SPACING	DETAIL
	956	BLUE ZINGER SEDGE / CAREX FLACCA 'BLUE ZINGER'	---	1 GAL	12" O.C.	12" o.c.	
	622	COMMON RUSH / JUNCUS EFFUSUS	---	1 GAL	24" O.C.	24" o.c.	
	1,624	PRAIRIE BLUES LITTLE BLUESTEM / SCHIZACHYRIUM SCOPARIUM 'PRAIRIE BLUES'	---	1 GAL	30" O.C.	30" o.c.	
GROUND COVERS	QTY	COMMON / BOTANICAL NAME	CALIPER	CONTAINER	HEIGHT X SPREAD	SPACING	DETAIL
	3,099 SF	MEYER ZOYSIA GRASS / ZOYSIA JAPONICA 'MEYER'	SOLID SOD				



1 LANDSCAPE PLAN

SCALE: 1" = 20'-0"

EXISTING LEGEND

- FOUND REBAR (OR AS NOTED)
- SANITARY SEWER MANHOLE
- FIRE HYDRANT
- WATER METER
- WATER VALVE
- TELEPHONE RISER
- GAS METER
- UTILITY POLE
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- WIRE FENCE
- PROPERTY LINE
- RIGHT-OF-WAY LINE
- CENTER LINE
- EASEMENT LINE
- CONTOUR LINE
- SPOT ELEVATION

CITY OF BENTONVILLE LANDSCAPE REQUIREMENTS

		REQUIRED	PROVIDED
STREET FRONTAGE			
SE "L" STREET	MIN. 20 FT BUFFER	YES	YES
	ONE (1) TREE PER 20 LF OF STREET FRONTAGE (MINUS DRIVEWAY WIDTH): 216 LF / 20 LF = 11 TREES	11 TREES	10 TREES
SE 33RD STREET	MIN. 20 FT BUFFER	YES	YES
	ONE (1) TREE PER 20 LF OF STREET FRONTAGE: 208 LF / 20 LF = 10.4 = 10 TREES	10 TREES	12 TREES
SE "K" STREET	MIN. 20 FT BUFFER	YES	YES
	ONE (1) TREE PER 20 LF OF STREET FRONTAGE (MINUS DRIVEWAY WIDTH): 214 LF / 20 LF = 11 TREES	11 TREES	
SE 34TH ST	MIN. 20 BUFFER	YES	YES
	ONE (1) TREE PER 20 LF OF STREET FRONTAGE: 208 LF / 20 LF = 10.4 = 10 TREES	10 TREES	12 TREES
PERIMETER LANDSCAPE STRIP			
	NONE REQUIRED (STREET FRONTAGE ON ALL SIDES)		
INTERIOR PARKING LOT LANDSCAPING			
PLANTING ISLANDS	MAX. SPACING OF 15 SPACES APART	YES	YES
	AT ENDS OF ALL PARKING ROWS	YES	YES
INTERNAL PLANTING ISLANDS	MIN. SIZE OF 18' X 18'	YES	YES
	MIN. 2 TREES EACH	YES	YES
EXTERNAL PLANTING ISLANDS	MIN. SIZE OF 9' X 19'	YES	YES
	MIN. OF 1 TREE EACH	YES	YES
CONTINUOUS PLANTING ISLAND	REQ'D WHEN TWO OR MORE DOUBLE ROWS	YES	YES
	MIN. LENGTH OF PARKING ROW AND WIDTH OF 9 FT.	YES	YES
	ONE (1) SHADE TREE PER 6 SPACES	YES	YES
SCREENING REQUIREMENTS			
	NONE REQUIRED		
LANDSCAPE AND UTILITY REQUIREMENTS			
	TREES PLANTED UNDER OVERHEAD UTILITIES SHALL NOT EXCEED A MATURE HEIGHT OF 25'	YES	YES
	TREES SHALL NOT BE WITHIN 5' OF UNDERGROUND UTILITIES	YES	YES
	TREES AND LANDSCAPING SHALL NOT BE WITHIN 10' FROM THE DOOR SIDE OF TRANSFORMER; AND 3' FROM OTHER SIDES.	YES	YES
	TREES AND LANDSCAPING SHALL NOT BE WITHIN 3' OF A FIRE HYDRANT	YES	YES

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SE L STREET DEVELOPMENT
3302 SE L ST. BENTONVILLE, AR

EDG PROJECT NO. 21-012
DATE 2022.02.07

REVISIONS

Number	Date

PHASE Construction Documents

TITLE Landscape Plan

SHEET NO. L1.00

copyright EDG, Inc. 2020

9/27/2021 9:10:47 AM

MASONRY (PRIMARY MATERIAL):

BRICK

CONCRETE BLOCK

FIBER CEMENT:

PANEL:

CAVIAR SW 6990

SIDING:

PURE WHITE SW 7005

SIDING:

DOVE TAIL SW 7019

5 SD0.00 **3D View 4**

TOTAL AREA:	6644 sf	
WINDOWS:	1612 sf	
ADJ. TOTAL:	5032 sf	
BRICK	2021 sf	(40%)
CMU:	1081 sf	(21%)
FIBER CEMENT:	1930 sf	(38%)

6 SD0.00 **3D View 7**

TOTAL AREA:	6628 sf	
WINDOWS:	1612 sf	
ADJ. TOTAL:	5016 sf	
BRICK:	1956 sf	(39%)
CMU:	1008 sf	(20%)
BLACK PANEL:	1457 sf	(29%)
FIBER CEMENT:	634 sf	(12%)

7 SD0.00 **3D View 8**

TOTAL AREA:	5534 sf	
WINDOWS:	918 sf	
ADJ. TOTAL:	4616 sf	
BRICK:	1747 sf	(39%)
CMU:	1727 sf	(37%)
FIBER CEMENT:	1115 sf	(24%)

TOTAL AREA:	3307 sf	
WINDOWS:	820 sf	
ADJ. TOTAL:	2487 sf	
BRICK:	990 sf	(40%)
CMU:	908 sf	(36%)
FIBER CEMENT:	589 sf	(24%)

4 SD0.00 **EAST ELEVATION - FACING L ST**
3/32" = 1'-0"

8 SD0.00 **WEST ELEVATION - THROUGH BREEZEWAY**
3/32" = 1'-0"

3 SD0.00 **WEST ELEVATION - FACING K ST**
3/32" = 1'-0"

2 SD0.00 **NORTH ELEVATION - FACING 33RD ST**
3/32" = 1'-0"

1 SD0.00 **SOUTH ELEVATION - FACING 34TH ST**
3/32" = 1'-0"

b·u·f STUDIO
702 SE 5TH ST STE 30
BENTONVILLE, AR 72712
TEL: 479.321.0478

Drawings & Specifications as instruments of service are & shall remain the property of the Architect. They are not to be used on other projects or extensions to this project except by agreement in writing & with appropriate compensation to the Architect.

Contractor is responsible for confirming and correlating dimensions at job site; the Architect will not be responsible for construction means, methods, techniques, sequences or procedures, or for safety precautions and programs in connection with the project.

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CLIENT NAME
NEWELL DEVELOPMENT

L STREET MULTI-FAMILY

BENTONVILLE, AR 72712

NOT FOR CONSTRUCTION

09/27/2021

Architect Name - RYAN FAUST

Architect Number - 4711

THE SEAL & SIGNATURE APPLY ONLY TO THE DOCUMENT TO WHICH THEY ARE AFFIXED & WE EXPRESSLY DISCLAIM ANY RESPONSIBILITY FOR ALL OTHER PLANS, SPECIFICATIONS, ESTIMATES, REPORTS OR OTHER DOCUMENTS OR INSTRUMENTS RELATING TO OR INTENDED TO BE USED FOR ANY PART OR PARTS OF THE PROJECT.

REVISIONS

NO.	DATE	DESCRIPTION

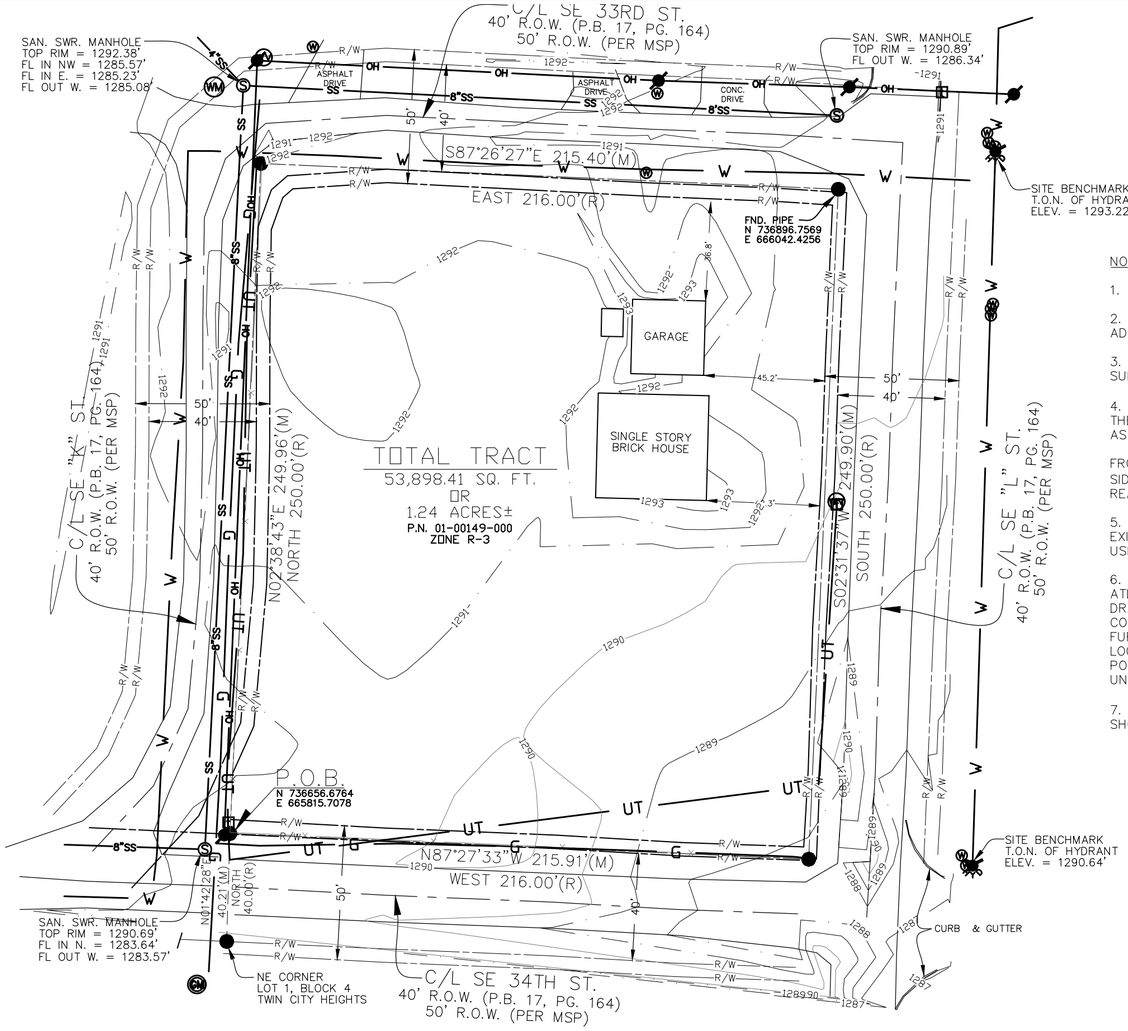
Drawing Size:	*Project #:*
24 x 36	21038
Drawn By:	*Checked By:*
KB	RMF

Title:
SCHEMATIC ELEVATIONS & RENDERINGS

Sheet Number:
SD0.00

Date: 09/27/2021

C:\Users\brewerk\Documents\21038_L Street Multi Family_Bentonville_AR_R20.rvt_CURRENT_detached.rvt FIXED_brewerk3GDD7.rvt



NOTES:

1. BASIS OF BEARINGS: ARKANSAS STATE PLANE COORDINATE SYSTEM, NORTH ZONE.

2. DECLARATION IS MADE TO THE PARTIES SPECIFIED HEREIN. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

3. THIS SURVEY IS VALID ONLY IF THE DRAWING INCLUDES THE SEAL AND SIGNATURE OF THE SURVEYOR.

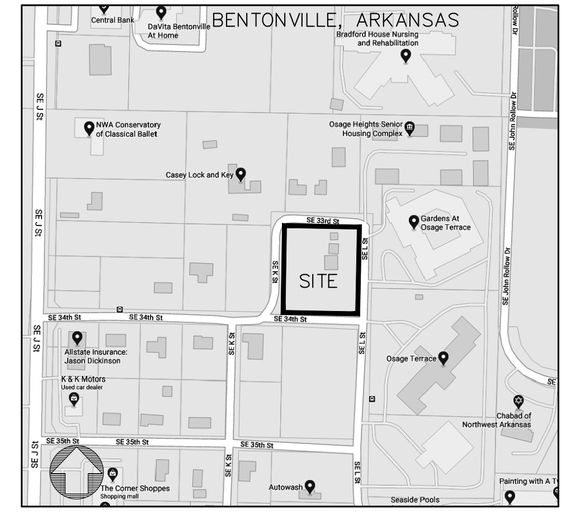
4. THE PROPERTY SHOWN HEREON IS ZONED R-3 (MEDIUM DENSITY RESIDENTIAL) AND IS WITHIN THE CITY LIMITS OF BENTONVILLE, ARKANSAS. THE FRONT, SIDE AND REAR YARD REGULATIONS ARE AS FOLLOWS:

FRONT YARD: 20 FEET
SIDE YARD: 10 FEET (INTERIOR); 20 FEET (EXTERIOR)
REAR YARD: 25 FEET

5. NO INVESTIGATION CONCERNING ENVIRONMENTAL AND SUBSURFACE CONDITIONS, OR THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES WHICH MAY AFFECT THE USE OF DEVELOPMENT OF THIS PROPERTY WAS MADE AS A PART OF THIS SURVEY.

6. THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION, ATLAS MAPS AS MAY BE AVAILABLE FROM MUNICIPALITIES OR UTILITY COMPANIES, AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES STATE THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

7. THE LOCATION AND/OR EXISTENCE OF UTILITY SERVICE LINES TO THE PROPERTY SURVEYED ARE SHOWN HEREON OR UNKNOWN.



VICINITY MAP
(N.T.S.)

LEGEND

- FOUND REBAR (OR AS NOTED)
- SANITARY SEWER MANHOLE
- FIRE HYDRANT
- WATER METER
- WATER VALVE
- TELEPHONE RISER
- GAS METER
- UTILITY POLE
- SS — SANITARY SEWER LINE
- OH — OVERHEAD LINE
- W — WATER LINE
- G — GAS LINE
- UT — UNDGR TELEPHONE LINE
- x — WIRE FENCE
- PROPERTY LINE
- RIGHT-OF-WAY LINE
- CENTER LINE
- EASEMENT LINE
- 1293 — CONTOUR LINE
- x1250.00 — SPOT ELEVATION

0 40 80

SCALE 1" = 40 FEET

LEGAL DESCRIPTION:

PART OF THE SW¼ OF THE NE¼ OF SECTION 8, TOWNSHIP 19 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, DESCRIBED AS BEGINNING 40 NORTH OF THE NORTHEAST CORNER OF LOT 1 IN BLOCK 4 IN TWIN CITY HEIGHTS (REVISED) AS SHOWN IN PLAT RECORD "E" AT PAGE 32 OF THE RECORDS OF BENTON COUNTY, ARKANSAS, AND RUN NORTH 250 FEET; THENCE EAST 216 FEET; THENCE SOUTH 250; THENCE WEST 216 FEET TO THE POINT OF BEGINNING.

SURVEY DESCRIPTION:

PART OF THE SOUTHWEST QUARTER (SW¼) OF THE NORTHEAST QUARTER (NE¼) OF SECTION 8, TOWNSHIP 19 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE NE CORNER OF LOT 1, BLOCK 4 OF TWIN CITY HEIGHTS (REVISED) AS SHOWN IN PLAT RECORD "E" AT PAGE 32 OF THE RECORDS OF BENTON COUNTY, ARKANSAS; THENCE N01°42'28"E 40.21 FEET TO THE POINT OF BEGINNING; THENCE N02°38'43"E 249.96 FEET; THENCE S87°26'27"E 215.40 FEET; THENCE S02°31'37"W 249.90 FEET; THENCE N87°27'33"W 215.91 FEET TO THE POINT OF BEGINNING, CONTAINING 53,898.41 SQUARE FEET OR 1.24 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT.

FIDELITY NATIONAL TITLE INSURANCE COMPANY
FILE NUMBER: 20-7264
COMMITMENT DATE: OCTOBER 26, 2020
SCHEDULE B - SECTION 2 EXCEPTIONS:

ITEM NO.	DESCRIPTION	EFFECT ON PROPERTY HEREON
1-10	GENERAL EXCEPTIONS	AFFECTS PROPERTY, UNABLE TO PLOT
11	MATTERS SET FORTH ON PLATS FILED FOR RECORD IN PLAT BOOK E AT PAGE 32, PLAT BOOK H AT PAGE 134, AND PLAT BOOK 17 AT PAGE 164, OF THE RECORDS OF BENTON COUNTY, ARKANSAS, INCLUDING BUT NOT LIMITED TO RESERVATIONS, RESTRICTIONS, EASEMENTS, DEDICATIONS, RIGHTS OF WAY AND SETBACK LINES.	AFFECTS PROPERTY, UNABLE TO PLOT
12	RIGHT OF WAY GRANT IN FAVOR OF ARKANSAS WESTERN GAS COMPANY, DATED OCTOBER 7, 1947 AND FILED FOR RECORD JANUARY 3, 1948, IN BOOK 270 AT PAGE 470, OF RECORDS OF BENTON COUNTY, ARKANSAS.	AFFECTS PROPERTY, BLANKET EASEMENT.
13	RIGHT OF WAY GRANT IN FAVOR OF ARKANSAS WESTERN GAS COMPANY, DATED JANUARY 10, 1950 AND FILED FOR RECORD JANUARY 27, 1950, IN BOOK 279 AT PAGE 354, OF RECORDS OF BENTON COUNTY, ARKANSAS.	AFFECTS PROPERTY, BLANKET EASEMENT.
14	EASEMENT, DEDICATION AND CONVEYANCE IN FAVOR OF THE TWIN CITY HEIGHTS MUTUAL WATER ASSOCIATION, DATED JUNE 21, 1963 AND FILED FOR RECORD JULY 10, 1963, IN BOOK 359 AT PAGE 299, OF THE RECORDS OF BENTON COUNTY, ARKANSAS.	DOES NOT AFFECT PROPERTY

FLOOD CERTIFICATION:

I CERTIFY THAT I HAVE EXAMINED THE OFFICIAL FLOOD INSURANCE HAZARD RATE MAP PANEL NO. 05007C0255K (EFFECTIVE DATE JUNE 5, 2012) AND FOUND THE DESCRIBED PROPERTY HEREON LIES IN ZONE "X", AN AREA HAVING NO SPECIAL FLOOD HAZARDS.

TO BAXTER PROPERTIES, INC., AN ARKANSAS CORPORATION, SEVEN HB REAL ESTATE, LLC, FIDELITY NATIONAL TITLE INSURANCE COMPANY, CITY TITLE & CLOSING, LLC, AMERICAN LAND TITLE ASSOCIATION:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 7A, 7B1, 8, 11, 13, 16, 19 & 20 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETE ON JANUARY 22, 2021.

_____
ROBERT J. CASTER, P.L.S. NO. 1370, ARKANSAS DATE

CERTIFICATE OF AUTHORIZATION
COA CERTIFICATE NUMBER: 3049

STATE SURVEY CODE: 500-19N-30W-0-08-130-04-1370

CASTER & ASSOCIATES
LAND SURVEYING, INC.
2715 SE "I" Street, Suite 5
Bentonville, AR 72712
Telephone 479-268-4464

REGISTERED
STATE OF ARKANSAS
NO.1370
SIGNATURE
ROBERT J. CASTER
PROFESSIONAL LAND SURVEYOR

SCALE: 1" = 40' | DATE: 9-8-21

ALTA/NSPS LAND TITLE SURVEY
PART SW1/4 OF NE1/4
SECTION 8, T-19-N, R-30-W

3302 SE L STREET
BENTONVILLE, BENTON COUNTY, ARKANSAS

JOB #	DRAWN BY:	CHK'D BY:	PAGE
21-018	ASD	RJC	1 OF 1

Grainbeck Holdings, LLC / Bob Stoker

1808 SW D Street

BOA Date: 3/9/2022

Reviewer: Christopher Hyatt, Planning Technician

Project Number	VAR22-0011
Applicant / Current Owner	Grainbeck Holdings, LLC / Bob Stoker
Site Area	+/- 0.23 acres
Current Zoning	R-1, Low Density Single Family Residential
Variance Request	Zoning Code Article: Section 401.07(c)(1)

Property Description
This property is located at 1808 SW D Street and is currently zoned R-1, Low Density Single Family Residential.

Regulation
According to Zoning Code Article Section 401.07(c)(1) Minimum Setback Standards, the minimum side setback required for an interior lot on property zoned R-1, Low Density Single-Family Residential is 7 feet from the property line along the side of the home.

Variance Request
The applicant is requesting a variance of 2 feet from the minimum side setback of 7 feet, required by code, to allow the construction of an 18 foot wide car port, 5 feet from the side property line.

Background
The applicant states that the placement of the home on the lot creates a unique hardship, not allowing for the placement of a new carport within the setback limits. Their narrative claims that due to an improved (concrete lined) stream/drainage way located to the south side of and adjacent to the southern property line of the subject property. Currently the 7 foot wide side setback line would limit the available width in which to construct the desired carport to only 16 feet, which is an insufficient width for 2 vehicles to park side by side.

The applicant concluded that granting this variance will allow the applicant to provide covered parking improvements making it comparable to other homes in the neighborhood/subdivision, the majority of which feature two car garages.

Public Comment
Staff has **NOT** received a 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, as provided by the applicant within this application.
2. The applicant must obtain a building permit before construction.

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.

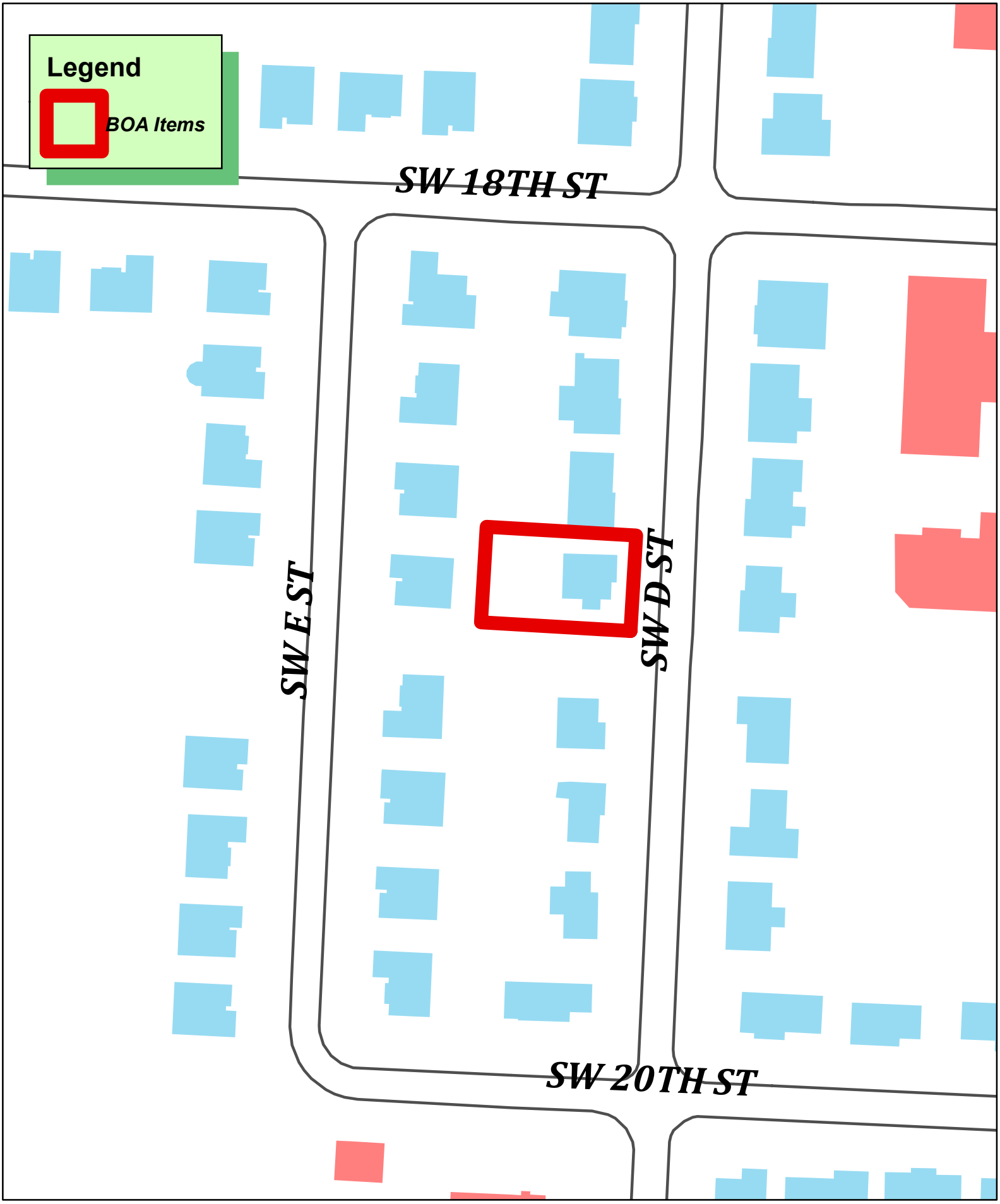
(2) No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

(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.



1 inch = 101 feet

VAR22-0011
Bob Stoker-Residential Remodel
1808 SW D Street-Side Setbacks

GRAINBECK HOLDINGS

Grainbeck Holdings, LLC
404 NW H St
Bentonville, AR 72712

February 22, 2022

City of Bentonville Planning Department
305 SW A St
Bentonville, AR 72712

RE: Side yard setback variance
1808 SW D ST, Bentonville, AR 72712
Lot4, Block 3, Hendrix Subdivision (Parcel #01-02897-000

Grainbeck Holdings/ LLC (the "Applicant") is the current owner of and is renovating the home at the above address. As part of the renovation of this property, Applicant obtained a building permit authorizing the renovation and conversion of the single car garage within the existing structure to add an additional bedroom and bathroom.

The Applicant would like to construct a new two-car carport to provide off-street covered parking for this home. Due to the location of the home on the property, there is no room to construct a new carport either on the front (east side) of the house (which would also not be in general conformance with the current character of the neighborhood), nor is there room to place such on the north side of the property due to the proximity of property boundaries.

Applicant would like to construct the carport on the south side of the home. There is currently an improved (concrete lined) stream/drainage way located to the south side of and adjacent to the southern property line of the subject property. Currently, the 7' wide side setback line would limit the available width in which to construct the desired carport to only 16.04', which is insufficient width for 2 vehicles to park side by side.

Due to this constraint, Applicant requests a variance from the setback regulations established the City of Bentonville Zoning Code, Article 401.07 (c) (1). Applicant requests 2' variance to the 7' side yard setback for R-1 zoned properties, leaving a 5' setback. This variance will allow for the construction of an 18' wide carport (which would accommodate the side-by-side parking of 2 vehicles). Granting of this variance will allow Applicant to provide covered parking improvements that will be in keeping and comparable to other homes in the neighborhood/subdivision, the majority of which feature two car garages. Placement of the

carport on the south side of the lot will also preserve the full use and unobstructed enjoyment of the rear yard of the property as well as maintaining a similar in-situ front yard building setback matching the profile of the other homes located along SW D street.

According to the Standards for approval of variances per Article 301.10 (c) of the Zoning Code;

(1) (a) The Applicant asserts that special conditions exist which are peculiar to the land, and which are not applicable to other properties/homes along SW D Street; namely, the existence of the improved stream/drainage channel or easement adjacent to the south side of the applicant's property. The existence of this drainage feature/easement, which is approximately 30'wide, results in an actual distance of approximately 35' between the applicant's proposed carport and the adjacent property line of the nearest neighbor to the south. Additionally, there is an access ramp for maintenance on the south side of the drainageway – to the opposite side of the Applicant's property line, thus the existence of the carport at a 5'setback will not interfere with maintenance operations in the drainage way.

(b) That other properties in the same district (Hendrix Subdivision/SW D ST) feature two car garages for off street parking. Lacking similar accommodation, applicant's property cannot offer the same or comparable off-street parking improvements as is offered commonly in the same district. Without these improvements, residents living at Applicant's property might need to park at least one vehicle on the street, which would have the undesirable effect of limiting the width of the travel lanes on this busy residential street.

(c) That Applicant's requested variance and construction of the proposed carport will not, as a result, create special conditions or circumstances specifically affecting either the immediately adjacent properties or other properties elsewhere within the subdivision/district.

(d) That granting of the Applicant's requested variance will not confer any special privilege that is denied by Article 401.07 (c) (1) to other lands/structures, or buildings in the same district, specifically that the proposed carport will not in fact be closer than 7' to the adjacent neighbor's property line as required by said Article.

GRAINBECK HOLDINGS

(2) No nonconforming uses of neighboring lands, structures or buildings in the same district have been considered as grounds for the request of this variance

(3) The Applicant has requested the minimum variance necessary and reasonable to allow for the reasonable use of the land, specifically the construction of the 2-car carport for off street parking

(4) The applicant believes that the granting of the variance will be in harmony with the general purpose and intent of the relevant Article 401.07 and will not be injurious to the neighborhood or otherwise detrimental to the public welfare, and

(5) The applicant's requested variance is not made for the purpose of allowing a use of the land that is not permissible under the terms of the relevant residential zoning land use in the subdivision or district where the property is located.

We appreciate the consideration of this variance request,

Sincerely,

Robert Stoker, Owner
Grainbeck Holdings, LLC
479-936-1719

Property Owner Consent Form

City of Bentonville Planning Department

305 SW A Street

Bentonville, AR 72712

479-271-3122

I, Robert Stoker , Owner of Grainbeck Holdings, LLC am the legal owner of the
(Owner's name, printed)

property located at 1808 SW D St, Bentonville, AR 72712 , identified as Parcel
(Address or Street Name)

Identification Number 01-02897-000, located in
(Parcel ID)

Benton County, Arkansas.

I certify that I am the owner of the property above and that I have read the application and consent to its filing.

(Property Owner Signature)

February 22, 2022
(Date)

****If one property has multiple owners, a separate signed Property Owner Consent Form is required for each owner.**

L202154301
BENTON CO. AR FEE $25.00
PRESENTED & E-RECORDED
07/21/2021 09:18:15 AM
BRENDA DESHIELDS
Circuit Clerk & Recorder

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS:

THAT **Terry L. Ging, Trustee of The Ging Irrevocable Trust dated April 23, 1992,** herein called Grantor, for and in consideration of the sum of Ten Dollars ($10.00) and other good and valuable consideration in hand paid by Grantees, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell and convey unto **Grainbeck Holdings, LLC, an Arkansas Limited Liability Company,** hereinafter called Grantees, and unto their successors and assigns forever, the following lands lying in **Benton** County, Arkansas, to-wit:

21-2123

Lot 4, Block 3, Hendrix Subdivision, Bentonville, Benton County, Arkansas, as shown in Plat Record W Page 18.

SUBJECT to existing easements, mineral reservations, conveyances and/or leases, and covenants and restrictions of record, if any.

TO HAVE AND TO HOLD the same unto the said Grantees, and unto their successors and assigns forever, together with all improvements thereon and all rights, privileges and appurtenances thereunto belonging.

AND, Grantors will WARRANT and FOREVER DEFEND the same unto said Grantees, their heirs and assigns against said Grantors, their heirs or assigns, and all and every person or persons whomsoever lawfully claiming, or to claim the same.

Prepared under the supervision of:
Caitlin JM Johnson
624 W Walnut St.
Rogers, AR 72756
479-631-8274

MAIL TAX STATEMENTS TO:

707 SW 10th Street
Bentonville, AR
72712

I certify under penalty of false swearing that documentary stamps or a documentary symbol in the legally correct amount has been placed on this instrument. 21-2123

_____
GRANTEE/AGENT

WITNESS our hands and seals this 19th day of July, 2021.

The Ging Irrevocable Trust dated April 23, 1992

By: Terry L. Ging, Trustee

Terry L. Ging, Trustee

ACKNOWLEDGMENT

State of Arkansas)
)ss
County of Benton)

On this day before the undersigned, a Notary Public, duly commissioned, qualified and acting, within and for the said County and State, personally appeared the within named Terry L. Ging to me personally well known, who stated that he is the Trustee of The Ging Irrevocable Trust dated April 23, 1992, and that he is duly authorized and had executed and delivered said foregoing instrument for the consideration, uses and purposes therein mentioned and set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 19th day of July, 2021.

Heather Guerra
NOTARY PUBLIC

My commission expires: _____

OFFICIAL SEAL - #12000920
HEATHER D. GUERRA
NOTARY PUBLIC-ARKANSAS
BENTON COUNTY
MY COMMISSION EXPIRES: 09-17-22

STATE OF ARKANSAS
DEPARTMENT OF FINANCE AND ADMINISTRATION
MISCELLANEOUS TAX SECTION
P.O. BOX 896, LITTLE ROCK, AR 72203-0896

Real Estate Transfer Tax Stamp

Proof of Tax Paid

File Number: 21-2123

Grantee:	GRAINBECK HOLDINGS, LLC
Mailing Address:	707 SW 6TH STREET BENTONVILLE AR 727120000
Grantor:	TERRY L. GING, TRUSTEE OF THE GING IRREVOCABLE TRUST
Mailing Address:	562 E. CENTERTON BLVD CENTERTON AR 727190000
Property Purchase Price:	$175,000.00
Tax Amount:	$577.50
County:	BENTON
Date Issued:	07/21/2021
Stamp ID:	1834510336

I certify under penalty of false swearing that documentary stamps or a documentary symbol in the legally correct amount has been placed on this instrument

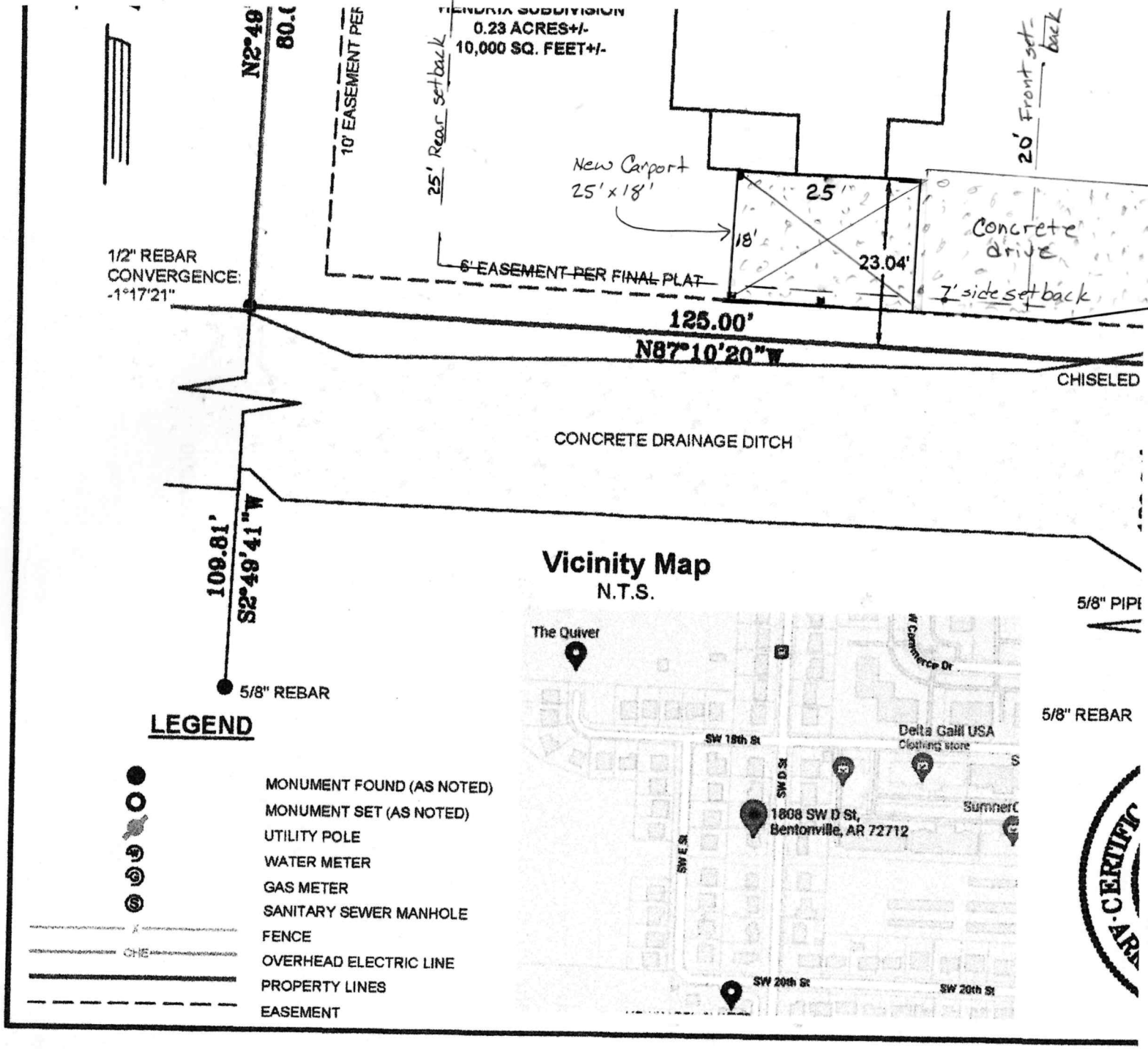
Grantee or Agent Name (printed): PCI Advance Title

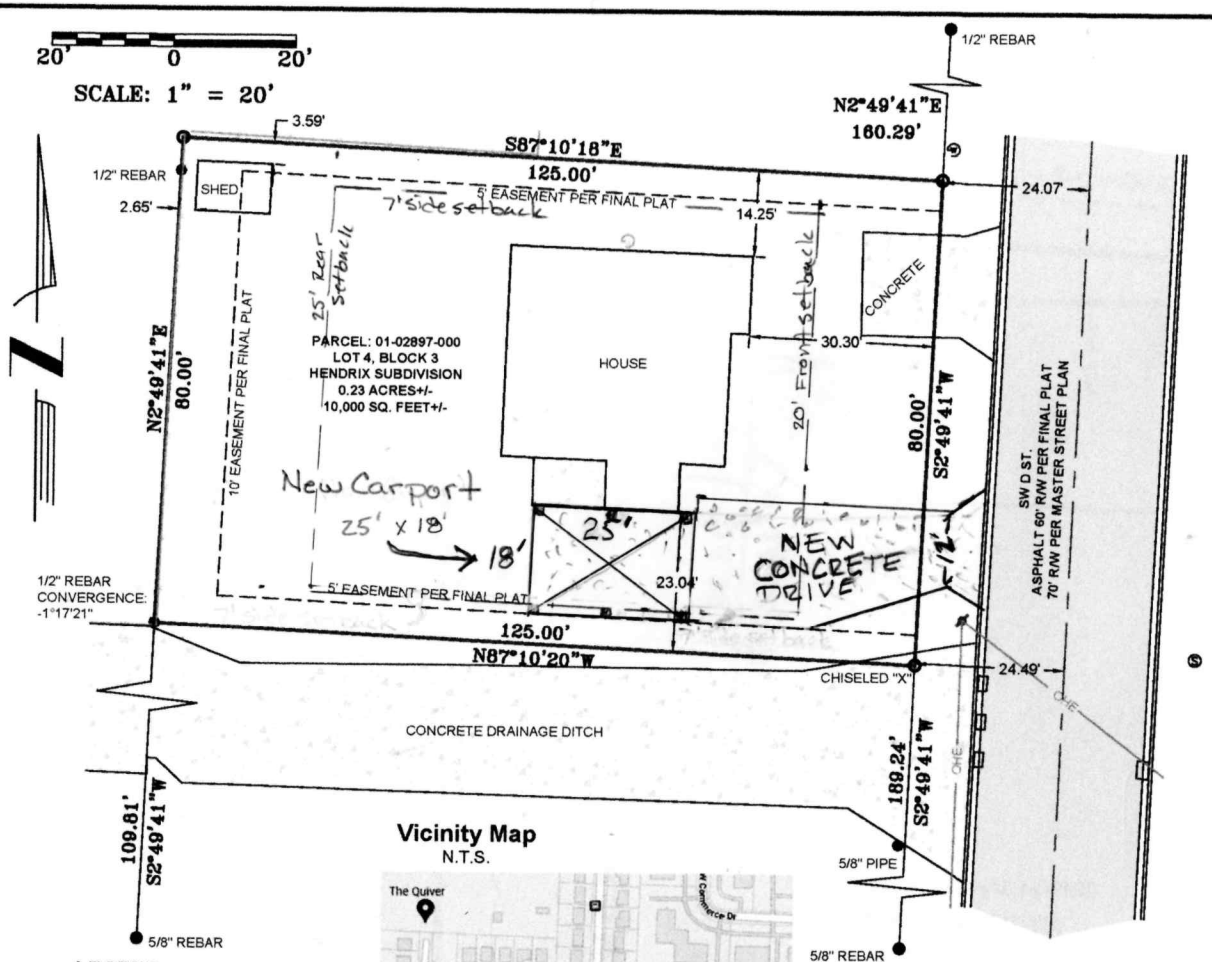
Grantee or Agent Name (signature): _____ Date: _____

Address: _____

City/State/Zip: _____

CERTIFICATE OF RECORD
STATE OF ARKANSAS, COUNTY OF BENTON
I hereby certify that this instrument was
Filed and Recorded in the Official Records
in **Doc Num L202154301**
07/21/2021 09:18:15 AM
Brenda DeShields
BENTON COUNTY Circuit Clerk & Recorder


0.23 ACRES+/-
10,000 SQ. FEET+/-
10' EASEMENT PER
25' Rear setback
20' Front set-back
New Carport
25'x18'
25'
18'
23.04'
Concrete drive
7' side setback
1/2" REBAR
CONVERGENCE:
-1°17'21"
6' EASEMENT PER FINAL PLAT
125.00'
N87°10'20"W
CHISELED
CONCRETE DRAINAGE DITCH
109.81'
S2°49'41"W
5/8" REBAR
Vicinity Map
N.T.S.
The Quiver
W Commerce Dr
SW 18th St
Delta Galil USA
Clothing store
SW D St
1808 SW D St,
Bentonville, AR 72712
SW E St
SW 20th St
SW 20th St
5/8" PIPE
5/8" REBAR
LEGEND
MONUMENT FOUND (AS NOTED)
MONUMENT SET (AS NOTED)
UTILITY POLE
WATER METER
GAS METER
SANITARY SEWER MANHOLE
FENCE
OVERHEAD ELECTRIC LINE
PROPERTY LINES
EASEMENT



DESCRIPTION:
LOT 4, BLOCK 3, HENDRIX SUBDIVISION, BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN IN PLAT RECORD W PAGE 18.

SUBJECT TO EXISTING EASEMENTS, MINERAL RESERVATIONS, CONVEYANCES AND/OR LEASES, AND COVENANTS AND RESTRICTIONS OF RECORD, IF ANY.

Recording Information

Notes:

1. Except as specifically stated or shown on this plat, the survey does not purport to reflect any of the following which may be applicable to the subject real estate:

   Easements, other than possible easements which were visible at the time of making of this survey; building setback lines; restrictive covenants; subdivision restrictions; zoning or other land-use regulations, or any other facts which an accurate and current title search may disclose.

2. Every document of record reviewed and considered as a part of this survey is noted hereon. Only the documents noted hereon were supplied to the surveyor.
3. This plat represents a boundary survey of the parcel recorded in Deed Records, Book L202154301 at the Office of the Circuit Clerk Benton County, Arkansas.
4. Basis of Bearings: Arkansas State Plane System North Zone (NAD83).
5. This survey is valid only if the drawing includes the seal and signature of the surveyor.
6. This survey meets current "Arkansas Minimum Standards for Property Boundary Surveys and Plats."
7. No abstract of title, nor title commitment, nor results of title searches were furnished to the surveyor. There may exist other documents of record which would affect this parcel.
8. Current Building setbacks for zone R-1 are as follows:

Front	20 Feet
Side (Interior)	7 Feet
Side (R.O.W)	20 Feet
Rear	25 Feet

9. No attempt was made to show building setback lines graphically on the survey.
10. Subsurface and environmental conditions were not examined nor considered a part of this survey.
11. No attempt has been made as a part of this boundary survey to obtain or show data concerning existence, size, depth, condition, capacity, or location of any utility or facilities.
12. (BY GRAPHICAL PLOTTING ONLY)
    This property is not located within any presently established 100-year flood plain as determined by the National Flood Insurance Program, flood insurance rate map for Benton County, Arkansas. Map Number 05007C0255K. Revised date 06/05/2012.

Vicinity Map
N.T.S.

LEGEND

- MONUMENT FOUND (AS NOTED)
- MONUMENT SET (AS NOTED)
- UTILITY POLE
- WATER METER
- GAS METER
- SANITARY SEWER MANHOLE
- FENCE
- OVERHEAD ELECTRIC LINE
- PROPERTY LINES
- EASEMENT

CERTIFICATE OF AUTHORIZATION · ARKANSAS SURVEYOR · JAMES LAYOUT SERVICES, LLC NO. 2389

REGISTERED STATE OF ARKANSAS NO. 1845 PROFESSIONAL LAND SURVEYOR
SIGNATURE 2/17/22
MATTHEW D. JAMES

Boundary Survey for:
Bob Stoker

Project Data	
Job Number:	22-034
Date:	02/16/2022
System:	AR SPC North Zone
Field Op.:	A.S.
Drawn By:	N.R.
Checked By:	M.J.
Scale	1"=20'
Sheet	1 of 1
Revision	0

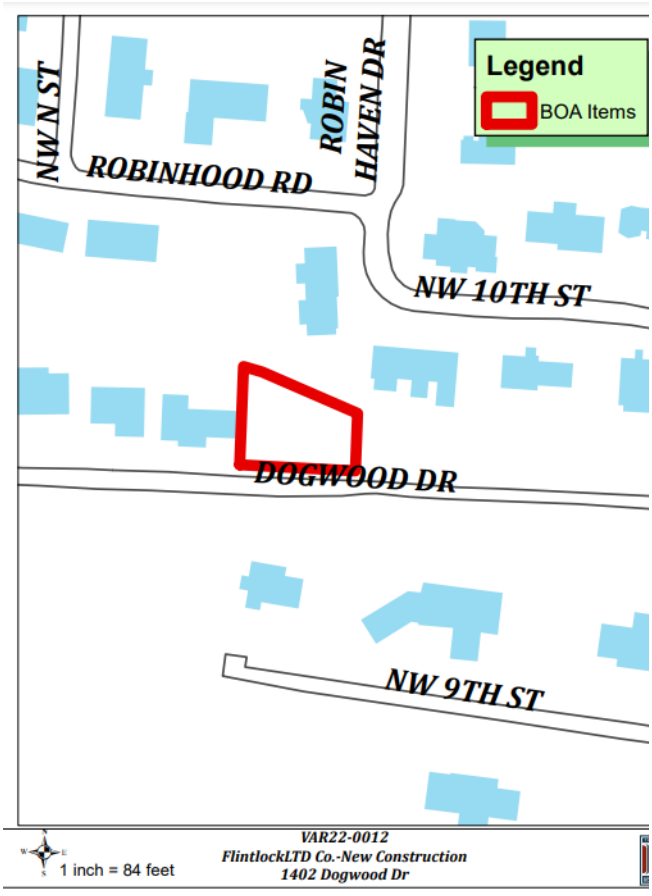
JLS
James Layout Services, LLC
P.O. Box 611
Farmington, Arkansas 72730
Telephone: (479) 439-9929
survey@jlsnwa.com

BOARD OF ADJUSTMENT STAFF REPORT

Haney – 1402 Dogwood Drive

1402 Dogwood Drive PID# 01-04167-000
BOA Date: 3/9/2022
Reviewer: Luke Aitken, Planning Technician

Project Number	VAR22-0012
Applicant / Current Owner	Mark Haney/Flintlock LTC Co.
Site Area	+/- 0.22 Acres
Current Zoning	R-1 Low Density Single Family Residential
Variance Request	Zoning Code Article: Section 401.07(c)(1), (c)(2)



Property Description
This property is located at 1402 Dogwood Drive and is currently zoned R-1, Low Density Single Family Residential.

Regulation
According to Zoning Code Article Section 401.07(c)(1) and (c)(2) Minimum Setback Standards, on property zoned R-1, Low Density Single-Family Residential, the minimum front setback required is 20 feet, the minimum front garage setback required for street-facing garages is 30 feet from the property line the garage faces, and the minimum side setback is 7 feet.

Variance Request
The applicant is requesting a variance of 20 feet from the minimum garage setback of 30 feet, a variance of 7 feet on the east side of the property from the minimum side setback of 7 feet, and a variance of 20 feet from the minimum front setback of 20 feet, required by code. These variances would leave 8'11" to 11'6" from the proposed structure to the front property line.

Background
The applicant states that the shape of the lot, on which a home would be constructed, in combination with its topography creates a unique hardship. Their narrative claims it is difficult to position a home in a way that meets the requirements of the Zoning Code, and that with the parcel's flattened triangular shape, the effects of the front and rear setbacks compound with steep topography to make the lot unbuildable. The parcel to the east is already developed on its northern portion and has no buildable area immediately adjacent to this property due to its steep slope.

According to the applicant's narrative, the owner's goal is to secure enough buildable area for a single family home on the most level portion of the site. A survey of comparison lots in the neighborhood reveals a significant disparity in development opportunity for this property – most notably, 26% less buildable area and 32% less buildable garage area by lot size than other neighborhood lots. Of the lot's 9,926 square feet, only 1,778 square feet are currently permittable for a garage and all of it is over 30% grade. The applicant claims constructing a vehicular drive 30 ft from the street would be prohibitively expensive, and driving on it in winter conditions would be potentially dangerous.

The applicant concludes that variances for the front and east setbacks would increase this lots buildable area from 28% for the main structure and 18% for the garage, up to 51% of the lot for each which would be similar to the buildable areas of other lots in the neighborhood, averaging 55% and 49% respectively.

Public Comment
Staff has **NOT** received a 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, as provided by the applicant within this application.
2. The applicant must obtain a building permit before construction begins on the development.

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.

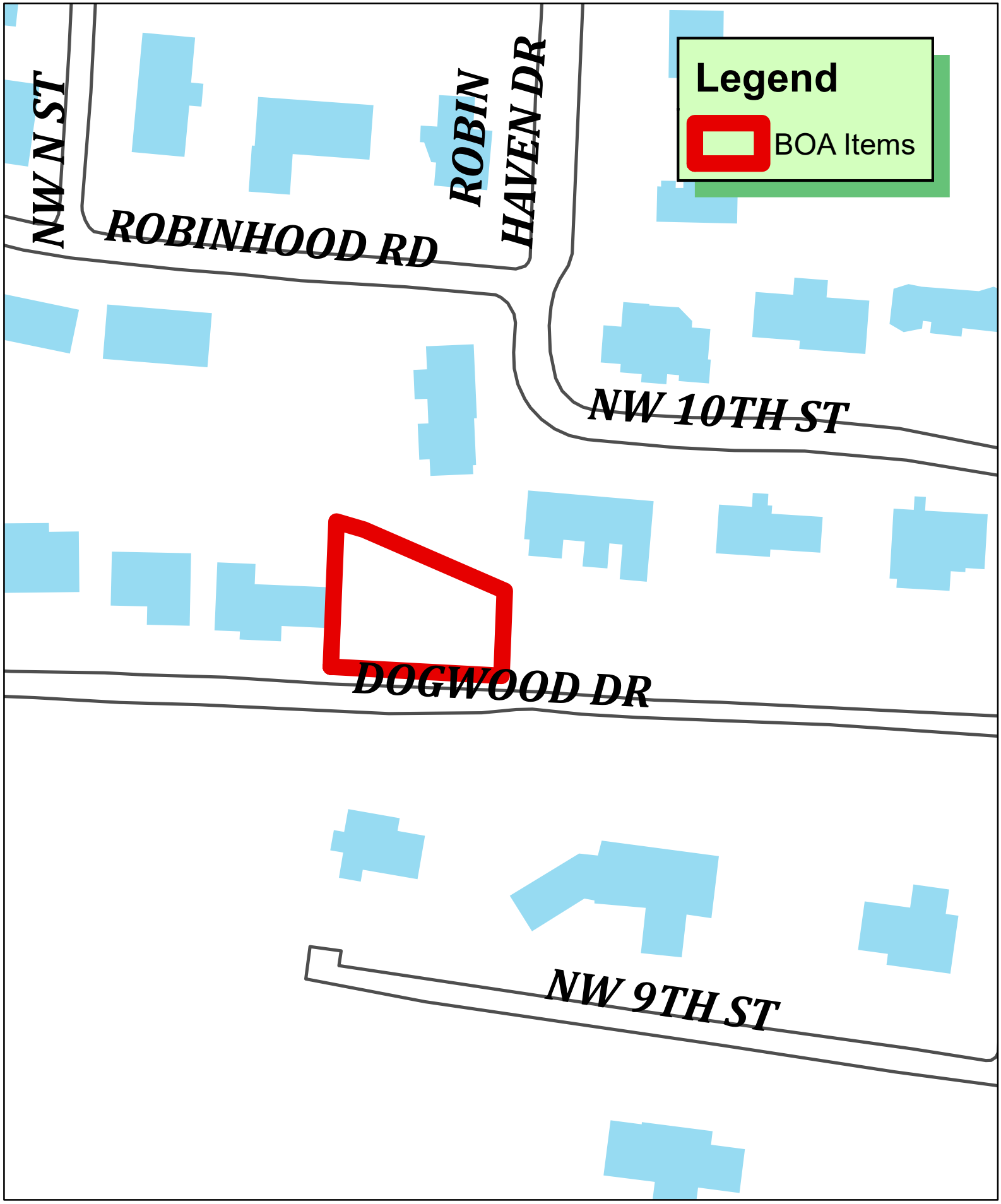
(2) No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

(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.



1 inch = 84 feet

VAR22-0012
FlintlockLTD Co.-New Construction
1402 Dogwood Dr

Property Owner Consent Form

City of Bentonville Planning Department

305 SW A Street

Bentonville, AR 72712

479-271-3122

I, Mark Haney, Haney Properties LLC am the legal owner of the
(Owner's name, printed)

property located at 304 VACANT PARCEL, BENTONVILLE, AR 72712, identified as Parcel
(Address or Street Name)

Identification Number 01-04167-000, located in
(Parcel ID)

Benton County, Arkansas.

I certify that I am the owner of the property above and that I have read the application and consent to its filing.

Mark Haney — 2/18/22

(Property Owner Signature) *(Date)*

**If one property has multiple owners, a separate signed Property Owner Consent Form is required for each owner.

BOUNDARY & TOPOGRAPHIC SURVEY

FIELD WORK:
NOVEMBER 6 & 7, 2021

BASIS OF BEARING:
GPS OBSERVATION - AR NORTH ZONE

BASIS OF ELEVATION:
CITY OF BENTONVILLE GPS MONUMENT #1
NAVD 88 VERTICAL DATUM

CONTOUR INTERVAL:
ONE FOOT

REFERENCE DOCUMENTS:
1) FINAL PLAT OF SHERWOOD FOREST ADDITION FILED IN BOOK K AT PAGE 112
2) PLAT OF SURVEY FILED IN BOOK G AT PAGE 345
3) PLAT OF SURVEY FILED IN BOOK 12 AT PAGE 308
4) PLAT OF SURVEY FILED IN BOOK U AT PAGE 289
5) PLAT OF SURVEY FILED IN BOOK P1 AT PAGE 825
6) COMMISSIONERS DEED FILED IN BOOK 2003 AT PAGE 36957

PROPERTY ZONED:
R-1

BUILDING SETBACKS:

FRONT	20ft
SIDE	07ft (INTERIOR)
SIDE	20ft (EXTERIOR)
REAR	25ft

GARAGE SETBACKS:

GARAGE, STREET FACING:	30ft FROM THE PROPERTY LINE THE GARAGE FACES
GARAGE, SIDE-OR-REAR-LOADING:	20ft FROM THE FACING PROPERTY LINE
GARAGE, ALLEY FACING:	20ft FROM PROPERTY LINE AT ALLEY

*APPLICABLE TO ATTACHED AND DETACHED GARAGES

ACCESSORY STRUCTURE SETBACKS:
DETACHED NON-RESIDENTIAL:

FRONT	AS REQUIRED BY THE DISTRICT
SIDE	07ft
REAR	07ft

ACCESSORY STRUCTURE SETBACKS CONTINUED:
DETACHED ACCESSORY DWELLING:

FRONT	AS REQUIRED BY THE DISTRICT
SIDE	07ft
REAR	07ft

ATTACHED ACCESSORY DWELLING:

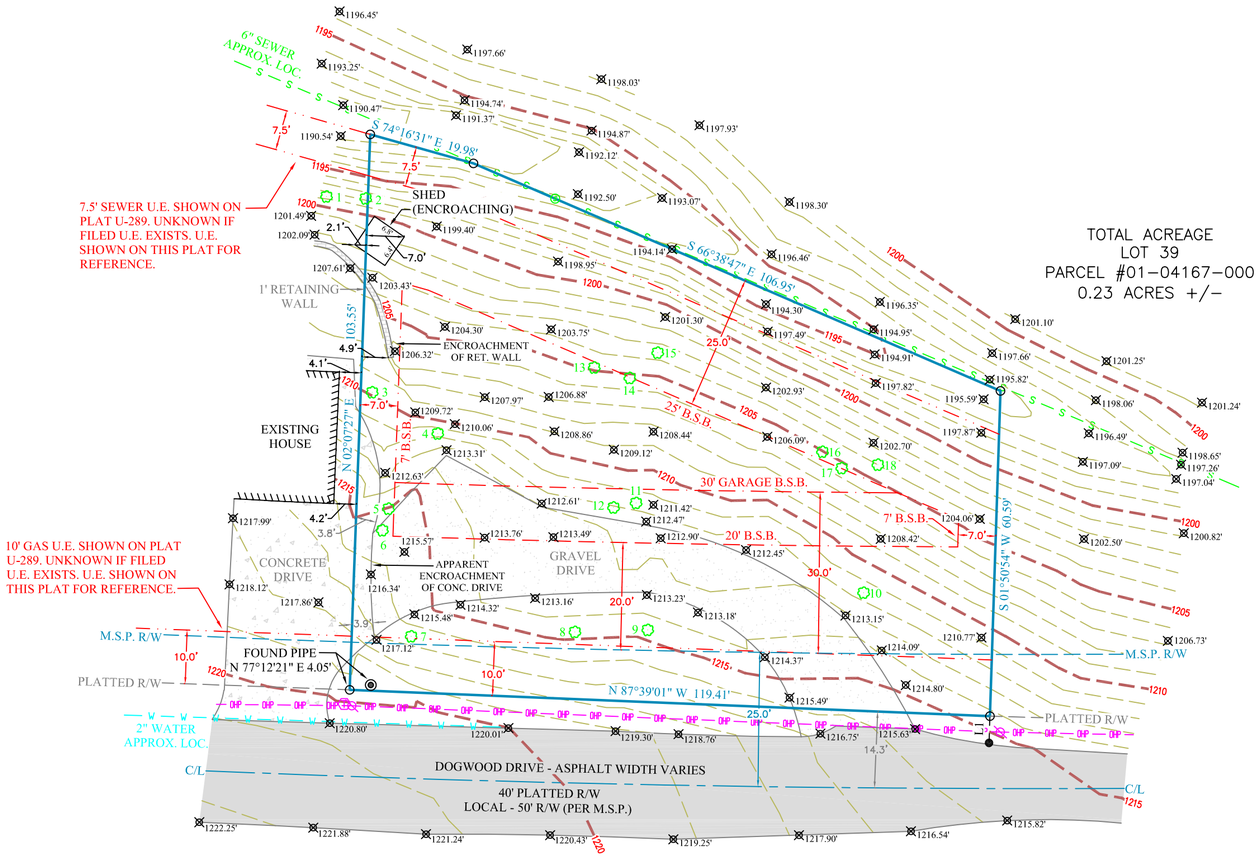
FRONT	AS REQUIRED BY THE DISTRICT
SIDE	AS REQUIRED BY THE DISTRICT
REAR	AS REQUIRED BY THE DISTRICT

*ON CORNER LOTS, STRUCTURES SHALL NOT PROJECT BEYOND THE BUILDING LINE OF THE PRIMARY STRUCTURE OF EXISTING PRIMARY STRUCTURE OF THE ADJACENT LOT.

EXISTING PROPERTY DESCRIPTION:
LOT 39 OF THE REPLAT OF SHERWOOD FOREST ADDITION TO CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, FILED IN BOOK K AT PAGE 112.
SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

NOTE:
THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES. ALL UTILITY LINES APPEARING ON THIS PLAT, AS WELL AS THOSE THAT MAY EXIST UNDERGROUND NEED TO BE VERIFIED PRIOR TO DOING ANY TYPE OF EXCAVATION OR DESIGN. SOME UTILITY LINES MAY ALSO EXIST THAT WERE NOT SHOWN ON THIS PLAT.

FLOOD CERTIFICATION:
NO PORTION OF THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE "A" OR "AE" AS DETERMINED BY THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP FOR BENTON COUNTY, ARKANSAS.
(FIRM PANEL #05007C0090J. DATED 09/ 28/ 2007)



TOTAL ACREAGE
LOT 39
PARCEL #01-04167-000
0.23 ACRES +/-

TREE LIST:

1) 20" OAK	- 40' CANOPY
2) 10" ELM	- 25' CANOPY
3) 50" MAPLE	- 60' CANOPY
4) 10" DEAD TREE	
5) 12" HICKORY	- 30' CANOPY
6) 14" ELM	- 30' CANOPY
7) 12" HACKBERRY	- 30' CANOPY
8) 10" PERSIMMON	- 20' CANOPY
9) 20" HACKBERRY	- 35' CANOPY
10) 26" OAK	- 50' CANOPY
11) 10" MULBERRY	- 20' CANOPY
12) 26" OAK	- 50' CANOPY
13) 18" ELM	- 45' CANOPY
14) 16" OAK	- 40' CANOPY
15) 36" OAK	- 60' CANOPY
16) 36" OAK	- 60' CANOPY
17) 10" HICKORY	- 20' CANOPY
18) 24" OAK	- 45' CANOPY

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 01°50'54" W	5.00'

CERTIFICATE OF AUTHORIZATION
BATES & ASSOCIATES, INC. #1335
ARKANSAS ENGINEER

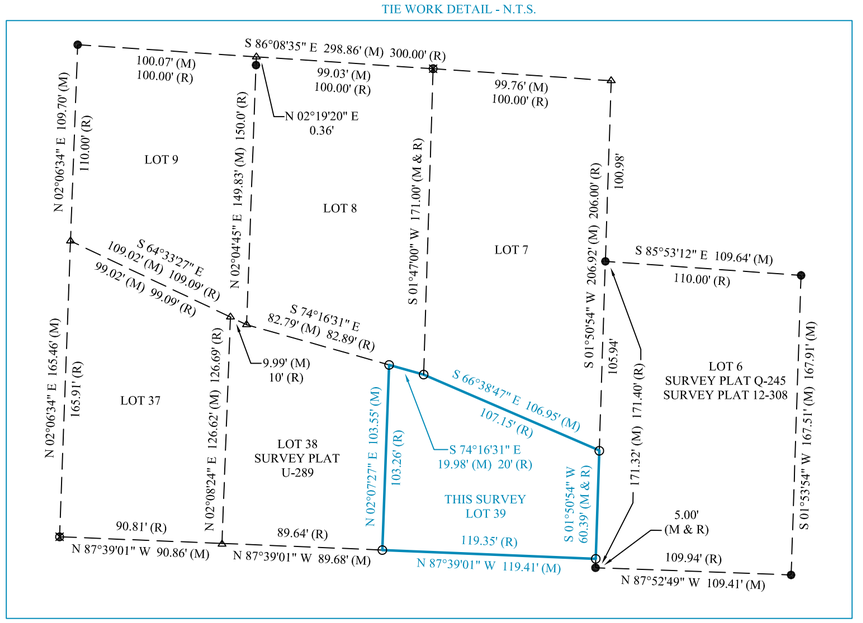
0' 20' 40' 60'
GRAPHIC SCALE (IN FEET)
1 Inch = 20ft.

I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF ON THIS THE 7TH DAY OF NOVEMBER, 2021.

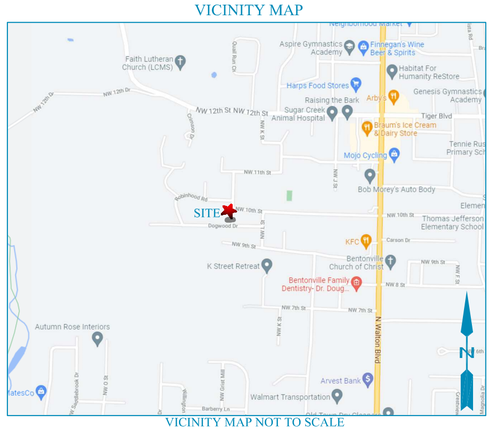
REGISTERED
STATE OF ARKANSAS
NO. 1642
SIGNATURE
DERRICK L. THOMAS
PROFESSIONAL LAND SURVEYOR

IF THE SIGNATURE ON THIS SEAL IS NOT AN ORIGINAL AND NOT BLUE IN COLOR THEN IT SHOULD BE ASSUMED THAT THIS PLAT MAY HAVE BEEN ALTERED. THE ABOVE CERTIFICATION SHALL NOT APPLY TO ANY COPY THAT DOES NOT BEAR AN ORIGINAL SEAL AND SIGNATURE.

TIE WORK DETAIL - N.T.S.



VICINITY MAP



VICINITY MAP NOT TO SCALE

RECORDING NUMBER/DATE

LEGEND:
THESE STANDARD SYMBOLS WILL BE FOUND IN THE DRAWING.
FOUND 5/8" REBAR
FOUND 1/2" REBAR
FOUND PIPE
SET 5/8" REBAR/CAP
COMPUTED POINT
SPOT ELEVATION
60D NAIL BENCHMARK
TELEPHONE PEDESTAL
(R) RECORDED DISTANCE
(M) MEASURED DISTANCE
SANITARY SEWER MH
POWER POLE
BOUNDARY LINE (MEASURED)
TIE LINE
CENTERLINE OF ROAD
PLATTED RIGHT-OF-WAY
M.S.P. RIGHT-OF-WAY
WATER LINE
OVERHEAD POWER LINE
SEWER LINE
BUILDING SETBACK
UTILITY EASEMENT

Bates & Associates, Inc.
Engineers · Surveyors · Landscape Architects
7230 S. Pleasant Ridge Dr. · Fayetteville, Arkansas 72704 · 479.442.5550 · Fax 479.521.9350

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FOR USE AND BENEFIT OF:
MARK HANEY
ADDRESS: 304 DOGWOOD DRIVE, BENTONVILLE, ARKANSAS
DATE: 11/17/21
LOCATION: LOT 39 SHERWOOD FOREST ADDITION
SCALE: 1"=20'
SURVEYED: JA
DRAFTED: AH
REVIEWED: DT
COA #1335

DRAWING #21-349

flintlock
ARCHITECTURE & LANDSCAPE

February 22, 2022

PETITION FOR SETBACK VARIANCE

Dear Board of Adjustments members and Planning Department Staff,

Flintlock LTD Co on behalf of Mark Haney respectfully requests a variance to the building setbacks of 1402 Dogwood Drive (304 Vacant Lot, Parcel01-04167-000). Per Sec.401.07.c.1 and c.2, its R-1 zoning currently requires a front setback of 20', side setbacks of 7', a rear setback of 25', and a front garage setback of 30'. The lot is longer and shallower than adjacent lots, giving it relatively high street frontage and therefore more setback area than narrower and deeper lots. With the parcel's flattened triangular shape, the effects of the front and rear setbacks compound with the steep topography to make the lot unbuildable. The attached survey and Exhibit VE.2 show this graphically along with multiple encroachments into the lot on its western edge.

The existing street-facing garage setback requirement of 30' is also problematic. Of the lot's 9,926 square feet, only 1,778 square feet are currently permittable for a garage. This buildable zone is only 18% of the parcel, and all of it is over 30% grade. To construct a vehicular drive down that far from the street would be prohibitively expensive, and driving on it in winter conditions would be potentially dangerous. Furthermore, this 18% is 32% less than comparable parcels in the neighborhood that average a buildable garage area of 49% of the lot (Exhibit VE.1).

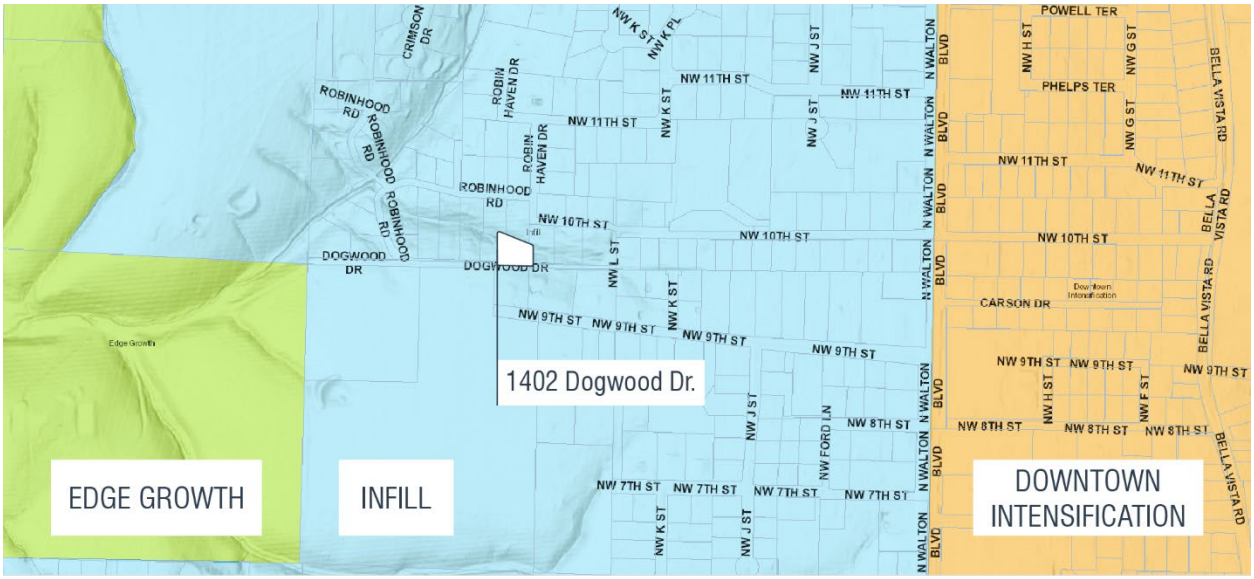
These hardships of lot shape, corresponding setbacks, and topography are due to the unique and unusual existing circumstances of the site. These special conditions are inherent to this lot and are not a result of the actions of applicant.

The owner's goal is to secure enough buildable area for a single family home on the most level portion of the site. Literal interpretation of the provisions of Bentonville Code Sec.401.07.c.1 Setback Standards and Sec.401.07.c.2 Garage Setback Standards would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance. A survey of comparison lots (Exhibit VE.1) in the neighborhood reveals the significant disparity in development opportunity for this property – most notably, 26% less buildable area and 32% less buildable garage area by lot size than other neighborhood lots. Even compared with Reference Lot #2 that has a slightly smaller acreage, 1402 Dogwood has 22% less buildable area by lot size and 24% less buildable garage area by lot size.

Flood risk to north (see Exhibit VE.3), encroachments to the west, and steep topography drive us to request a variance to the front and east side setbacks for this parcel. We request the front setback be reduced to the M.S.P. Right of Way and the east side setback be reduced from 7' to 0'. These requests produce no negative impact to adjacent properties. The home across the street is set back 96' from the property line of 1402 Dogwood Drive so has sufficient visual separation. The parcel to the east is already developed on its northern portion and has no buildable area immediately adjacent to 1402 Dogwood due to its steep slope at that point, so a side setback reduction would not hamper future development or sufficient lot separation.

Reduction of the front and east setbacks at 1402 Dogwood would bring its buildable areas from 28% of the lot for the main structure and 18% of the lot for the garage up to 51% of the lot for each. This is more in line with the buildable areas of other lots in the neighborhood, averaging 55% and 49% respectively. Additionally, granting of this variance

would support Bentonville's Strategic Growth Plan by allowing for infill development on this hardship parcel that would otherwise be unbuildable.



STRATEGIC GROWTH ZONES

Granting of this variance will allow development of this property in a manner that is reasonable, customary, and consistent with other properties in the area. We believe, and hope you agree, that this variance will provide a fair and economical opportunity to develop 1402 Dogwood Drive as a desirable addition to Bentonville's infill housing goals.

Respectfully,
FLINTLOCK LTD CO

Allison Thurmond Quinlan
AIA RLA LEED AP
Principal Architect

LOT COMPARISON

LOT #	SQUARE FOOTAGE	ACRES	STREET FRONTAGE	SETBACK SF	SETBACK SF AS % OF LOT	GARAGE SF	GARAGE SF AS % OF LOT
1	11,774	0.27	99'	6,280	53%	6,280	53%
2	9,835	0.23	89'	4,912	50%	4,162	42%
3	16,082	0.37	90'	10,116	63%	9,353	58%
4	13,081	0.30	91'	7,429	57%	6,660	51%
5	10,070	0.23	89'	5,029	50%	4,275	42%
AVERAGE	12,168'	0.28	92'	6,753'	55%	6,146'	49%
1402 Dogwood	9,926	0.23	119'	2,794	28%	1,778	18%
DIFFERENCE	2,242'	0.05	27'	3,959'	26%	4,368'	32%

flintlock
ARCHITECTURE & LANDSCAPE

528 N College Ave
Fayetteville
AR 72701

T 479.305.4807
www.flintlocklab.com

NO. Date Issues/Revisior

STAMP

NOT FOR CONSTRUCTION

PROJECT NAME

1402 DOGWOOD
Fayetteville, Arkansas

1402 DOGWOOD DR,
BENTONVILLE, AR 72712

DRAWN BY:
CHECKED BY:

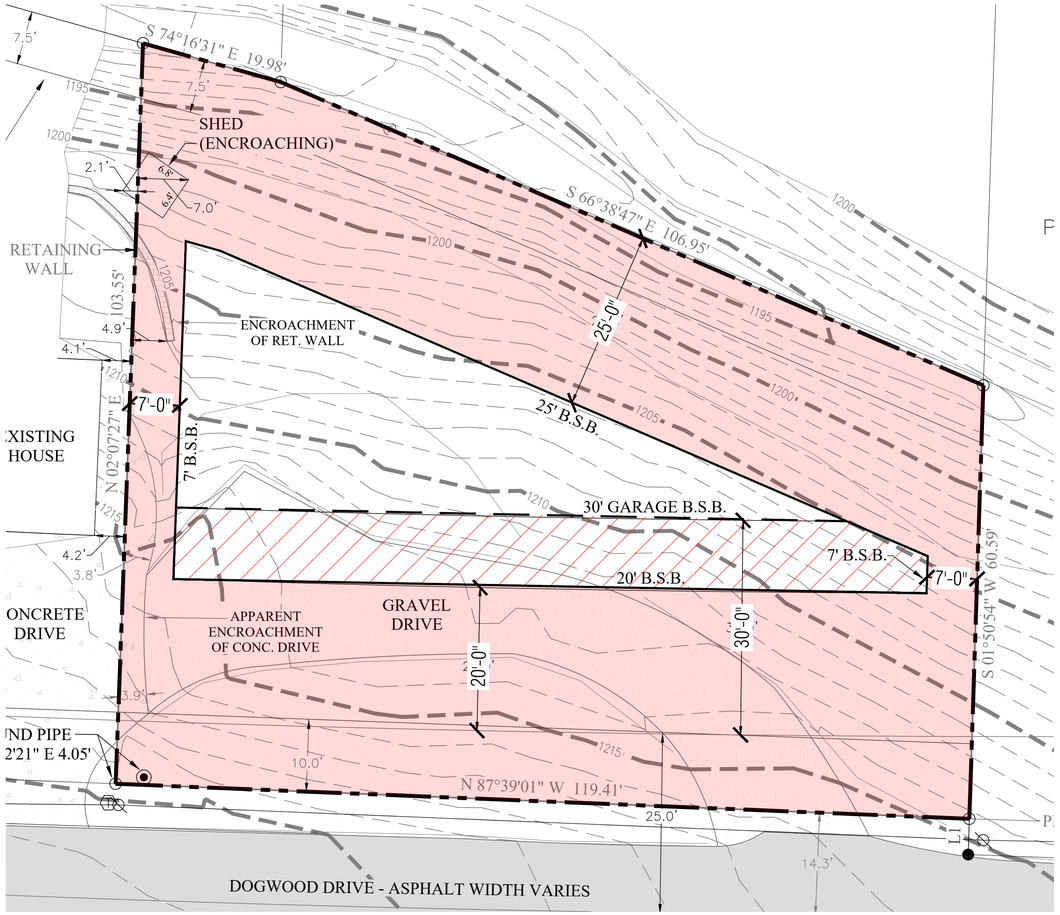
DRAWING TITLE

LOT COMPARISON

DATE: FEBRUARY 22, 2022
SCALE: 1" = 30'

DRAWING NUMBER

VE.1



1 VE.2 EXISTING SETBACKS
SCALE: 1" = 10'

2 VE.2 PROPOSED SETBACKS
SCALE: 1" = 10'

PROPOSED AMENDMENTS

	SQUARE FOOTAGE	ACRES	SETBACK SF	SETBACK SF AS % OF LOT	GARAGE SF	GARAGE SF AS % OF LOT
1402 Dogwood Existing	9,926	0.23	2,794	28%	1,778	18%
		NEIGHBORHOOD AVERAGES		55%		49%
1402 Dogwood Proposed	9,926	0.23	5,061	51%	5,061	51%

flintlock
ARCHITECTURE & LANDSCAPE

528 N College Ave
Fayetteville
AR 72701

T 479.305.4807
www.flintlocklab.com

NO. Date Issues/Revisior

STAMP

NOT FOR CONSTRUCTION

PROJECT NAME

1402 DOGWOOD
Fayetteville, Arkansas

1402 DOGWOOD DR.
BENTONVILLE, AR 72712

DRAWN BY:
CHECKED BY:

DRAWING TITLE

EXISTING + PROPOSED

DATE: FEBRUARY 22, 2022
SCALE: 1" = 10'

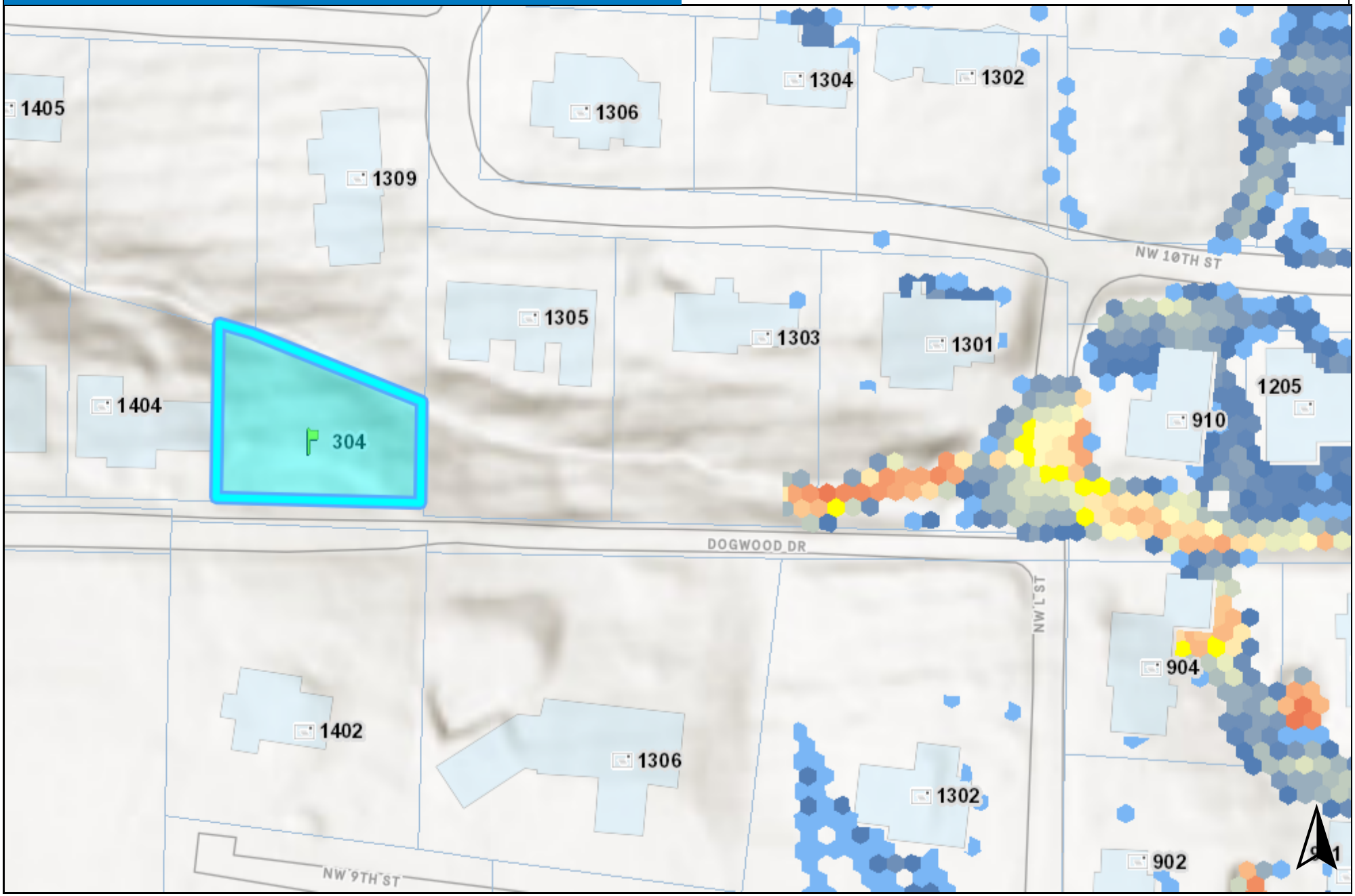
DRAWING NUMBER

VE.2

City of Bentonville Master Map

1402 Dogwood Dr Flood Risk

VE.3



The FTN Downtown Flood Study data stops just short of the parcel, yet the hillshade basemap shows how the potentially problematic flood drainage would continue to the west onto the northern part of Vacant Lot 304 (1402 Dogwood Dr.)