

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
June 22nd, 2022**

Registration Link: https://us06web.zoom.us/webinar/register/WN_X99hCw0vQxeK2zPsG6wlMg

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

IV. New Business

- 1. Carter Real Estate Development LLC– New Construction** **Variance***
903 SE 10th Street ([VAR22-0026](#))
 - Appeal of Staff Interpretation Re: SEC 400.07 Sight Distance and Design Speeds
- 2. Mark and Karen Smith – New Construction** **Variance***
3720 N Rainbow Farm Road ([VAR22-0027](#))
 - Minimum Lot Area Variance

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**BOARD OF ADJUSTMENT
AGENDA
May 25th, 2022**

Meeting Recording:

<https://us06web.zoom.us/rec/share/N0RJYRXHYagKMXdXO8LJEAoIriYQhez9PEbiLUz1wMtgfUvyFym5Y9wQbRsd0t2.jjnuRMTwOOIO9dy5>

I. Call to Order

- Mr. Rogers called the meeting to order at 4:00pm

II. Approval of May 11th Minutes

- Motion by Mr. Pearson to approve the minutes as presented, seconded by Mr. Haynie
- Approved 5-0

III. Old Business

1. Flintlock LTD Co. – New Construction

Variance*

1402 Dogwood Drive ([VAR22-0012](#))

- Front Garage & Side Setback Variance

- Luke reads the amended variance request from the staff report
- Applicant provided an updated site plan showing the new proposed home location, maintaining a clear ASHTO sight triangle from the neighboring driveway to the West.
- Public hearing opened
- No one from the public is present for comments
- Public hearing closed
- Mark Haney, Homeowner, spoke more to the traffic and safety concerns brought to light at the last meeting
- Hunter Adkisson, Architect of record, gave more information on the site plan, in regards to the design of the site and the home
- Discussion amongst commissioners and staff regarding possible conditions of approval
- The Board clarifies that the Master Street Plan ROW shown in the applicant's drawings will not be dedicated, and that the setback variances will be in relation to (measured from) the front and East property lines respectively.
- **Condition of approval:** This variance shall be valid as long as the currently platted Right of Way remains in place.
- **Condition of approval:** The applicant's site plan exhibit "VE.4" shall be used as a visual reference for the approved variances.

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- **Condition of approval:** No new planting of mature vegetation above 30 inches in height shall be allowed, within the sight triangle outlined in exhibit “VE.4” and that all vegetation existing shall be limbed no lower than 48 inches, in order to maintain a safe sight triangle along the West side of the property from the neighboring driveway.
- Variance requests are clarified: Front set back variance of 10ft, from 20ft required by code. Front facing garage set back variance of 20ft, from 30ft required by code. East side set back variance of 7ft, from 7ft required by code.
- 7 ft Side setback variance to allow a 0ft set back on the East property line:
- Approved 5-0
- 10ft Front setback variance to allow a 10ft setback along the front property line:
- Approved 5-0
- 20ft Front facing garage setback variance to allow a 10ft front facing garage setback along the front property line:
- Approved 5-0

IV. New Business

1. Randall Hinton Development LLC

Variance*

503 SW E Street ([VAR22-0024](#))

- Maximum Building Height Variance

- Luke reads the staff report
- Public hearing opened
- No one from the public is present for comments
- Public hearing closed
- Dave Burris, of Burris Architecture, representing the applicant, gave more details about the project and explains the reason for the variance request.
- Discussion amongst commissioners and staff
- Dave notes that this variance would only affect roughly 10% or less of the overall building design
- The variance request is amended from 3ft, to a variance of 2ft from the maximum building height of 36 feet allowed by code.
- **Condition of approval:** applicant shall submit additional elevation drawings showing the percentage of the building which the variance will affect to be 10% or less of the overall structure.
- Approved 4-0, Mr. Phillips Abstains due to a conflict of interest.

Motion by Mr. Pearson to adjourn the meeting, seconded by Mr. Haynie.

Meeting adjourned.

BOARD OF ADJUSTMENT STAFF REPORT



SOMA Terrace Townhomes

903, 905, 907 SE 10th Street

BOA Date: 6/21/2022

Reviewer: Luke Aitken, Planning Technician

Project Number	VAR22-0026
Applicant / Current Owner	Randall Hinton Development, LLC
Site Area	+/- 0.75 acres
Current Zoning	DN-2, Downtown Medium-Density Residential
Variance Request	<u>Bentonville Street Specifications:</u> <i>Section 400.07 Sight Distance and Design Speeds.</i> <u>Land Development Code Article:</u> 1100.01 General Provisions <u>Section:</u> part (f), <i>Sight Distances at Driveways and Intersections.</i>

In addition to this variance request there is a rezoning request to PRD, Planned Residential Development, slated to be voted on by the City of Bentonville Planning Commission on 6/21/2022.

Regulation

Land Development Code Section 1100.01 (f) Sight distances at driveways and Intersections.

City of Bentonville Street Specifications Section 400.7 Sight Distance and Design Speeds states: Minimum sight distance for local and residential streets shall be 250- feet under ordinary conditions and 200 feet for hilly conditions. Collector Streets shall have a minimum sight distance 250-300 feet, depending on topography. AASHTO "Policy on Geometric design of Highways and streets" definition of sight distance shall apply. The design speed

Variance Request

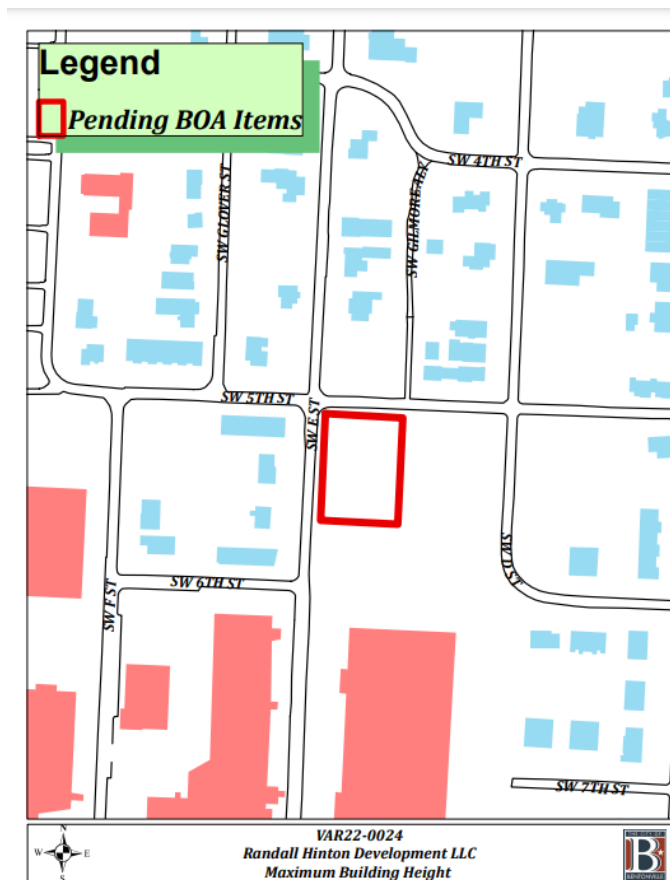
The applicant requests a variance to allow for street parking and planters at the street level on SE 10th Street, near J Street and one of the entrances to the new Walmart Campus. At issue is whether current interpretation of sight triangle standards will be met if the applicant is allowed to provide street parking and planters, and whether it is practical to apply Section 400.7 of the City's Street Specifications to downtown Bentonville's residential landscape.

Background

The applicant states that a rigid application of Street Specifications, Section 400.7, to downtown neighborhoods is counterproductive. It is the applicant's opinion that implementation of Section 400.7 would eliminate their ability to use the streetscape to slow traffic, provide denser housing and beautify our downtown neighborhoods, as downtown residents will continue to park on streets haphazardly in the absence of organized street parking.

The applicant has suggested that as downtown Bentonville continues to densify, streetscape architecture will be an essential and welcome part of our downtown's residential growth. The applicant claims this is already occurring today *de facto*, pointing out that there are numerous street locations throughout downtown that *do not* adhere to Sight Distance standards, and yet these locations remain safe despite shorter sightline distances.

In conclusion, the applicant requests that the city apply a reasonableness test to the Sight Distance standards for downtown Bentonville neighborhoods. The applicant states that if our city's streetscape supports housing downtown, that it will slow traffic along SE 10th and create a safer environment for all residents, cyclists, and drivers. The applicant also notes that their planter and street parking design along SE 10th Street would be aesthetically pleasing and provide a greater sense of community in downtown



Property Description

These properties are located at 903, 905, 907 SE 10th Street and are currently zoned R-1 Low Density Single Family Residential.

BOARD OF ADJUSTMENT STAFF REPORT

Public Comment

At the time of writing this report 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.
3. If approved, this variance shall be valid only if the associated rezoning request to PRD, Planned Residential Development, for the property in question is approved by the Bentonville Planning Commission and Codified by the Bentonville City Council.

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.

BLOCK 13

Legend



Pending BOA Item

BLOCK 14

SE H ST

SE 10TH ST

VAR22-0026

Carter Real Estate Development LLC
Sight Distance Design Speeds





Burris Architecture

820 Tiger Blvd Suite 4 Bentonville, AR 72712
479.319.6045

Date: June 1, 2022

To: Bentonville BOA / Re: Section 400.7 Sight Distance and Design Speeds

Burris Architecture represents the owner of 903, 905, 907 SE 10th Street (“Applicant”) and hereby requests a waiver of Section 400.7 Sight Distance and Design Speeds.

Street Specification Waiver -SEC. 400.7 SIGHT DISTANCE AND DESIGN SPEEDS A waiver is being requested to allow space for on street parking -Minimum sight distance for local and residential streets shall be 250 feet under ordinary conditions and 200 feet for hilly conditions. Collector streets shall have a minimum sight distance of 250-350 feet, depending on the topography. AASHTO “Policy on Geometric Design of Highways and Streets” definition of site distance shall apply. The design speed shall be 20 to 30 mph for local and residential streets and 25 to 35 mph for collector streets.

Applicant requests a variance to allow for street parking and planters at the street level on SE 10th Street, near J Street and one of the entrances to the new Walmart Campus. At issue is whether current interpretation of sight triangle standards will be met if Applicant is allowed to provide street parking and plants, and whether it is practical to apply Section 400.7 to Bentonville’s downtown residential landscape.

Applicant understands that Section 400.7 is needed for much of our city. However, Applicant believes that a rigid application of Section 400.7 to downtown neighborhoods is counterproductive. Implementation of Section 400.7 would eliminate Applicant’s ability to use streetscape to slow traffic, provide denser housing and beautify our neighborhood, as downtown residents will continue to park on streets haphazardly in the absence of organized street parking.

Applicant suggests that as downtown Bentonville continues to densify, streetscape architecture is an essential and welcome part of our downtown’s residential growth. This is already occurring today *de facto*, as there are numerous street locations throughout downtown that *do not* adhere to Sight Distance standards, and yet these shorter sightline locations remain safe.

Applicant requests that the city apply the reasonableness test to the Sight Distance standards for downtown Bentonville neighborhoods and allow our waiver. We believe our streetscape supports housing downtown, that it will slow traffic along SE 10th and create a safer environment for all residents, cyclists, and drivers, and that our planter and street parking design along SE 10th Street will be aesthetically pleasing and provide a greater sense of community.

The diagram below shows highway department standards. Thank you for your consideration.

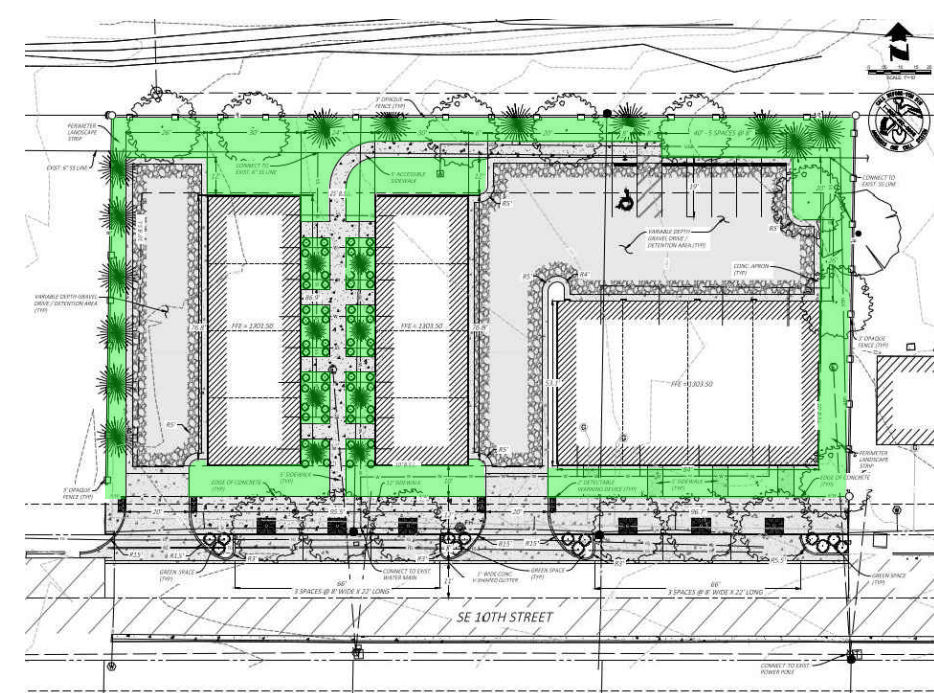
Dave P. Burris, AIA, NCARB

479-586-9400 / dave@burrisarch.com

MAY 2022

Planned Residential Development for SOMA Terrace Townhomes

Bentonville, Benton County, Arkansas

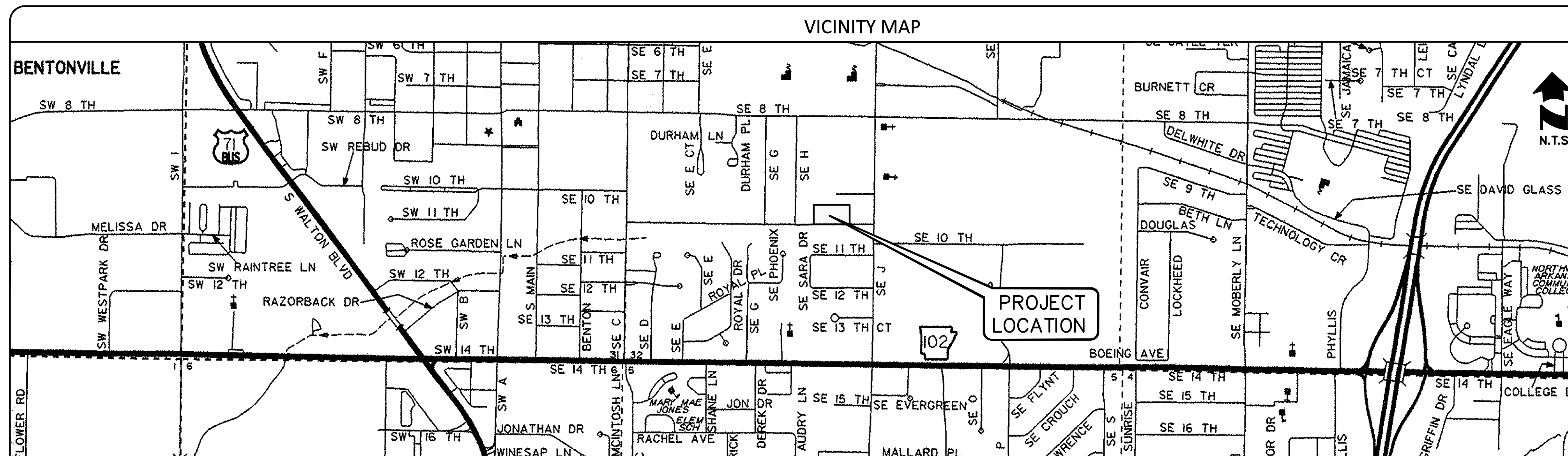


Note: 28% of Total Sqft Dedicated as Common Space.

AERIAL MAP



VICINITY MAP

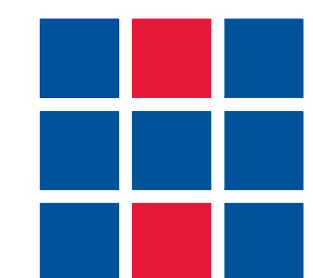


INDEX OF SHEETS

1. Cover Sheet, Aerial Map, Vicinity Map, & Index of Sheets
2. Master Site Plan
- 3-4. Architectural Layout (Building1)
- 5-6. Architectural Layout (Building2)
7. Architectural Layout (Building3)
8. Architectural Renderings

Issued For Review: 05.23.2022

FOR
REVIEW



MORRISON-SHIPLEY | HALFF
2407 SE Cottonwood St., Suite 1
Bentonville, AR 72712

OWNER/DEVELOPER
Carter Real Estate Development LLC
640 SW B Street
Bentonville, AR 72712
Contact: Bill Butler

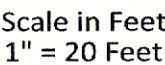
ENGINEER & SURVEYOR
Morrison-ShIPLEY | HALFF
2407 S.E. Cottonwood Street
Bentonville, AR 72712
Telephone: (479) 273-2209



- | | | | |
|--|-------------------------------|--|----------------------------|
| | Ex. Boundary Line | | Set 1/2" Rebar w/ PS# 1834 |
| | Ex. Adjacent Boundary Line | | Ex. Rebar |
| | Ex. Right of Way Line | | Ex. Water Meter |
| | Ex. Future Right of Way Line | | Ex. Fire Hydrant |
| | Ex. Road Centerline | | Ex. Water Valve |
| | Ex. Easement Line | | Ex. Sewer Manhole |
| | Ex. Concrete | | Ex. Sewer Clean-Out |
| | Ex. Asphalt | | Ex. Gas Meter |
| | Ex. Water Line | | Ex. Telephone Pedestal |
| | Ex. Sanitary Sewer Line | | Ex. Electric Pedestal |
| | Ex. Gas Line | | Ex. Electric Meter |
| | Ex. Telephone Line | | Ex. Power Pole |
| | Ex. Fiber Optic Line | | Ex. Brick Column |
| | Ex. Underground Electric Line | | Ex. Sign |
| | Ex. Overhead Electric Line | | Ex. Vault Box |
| | Ex. Fence Line | | Ex. Air Conditioner |
| | Ex. Ditch Line | | Ex. Tree |
| | Ex. Contours | | Ex. Building |

Basis of Bearings - Grid North, Arkansas State Plane Coordinate System, North Zone (0301). Based on static base position and utilizing Real Time Kinematic and terrestrial observations from City of Bentonville Monument No. 7, having a published value of : Northing 746381.99 USFT, Easting 665600.64 USFT, and an ellipsoid height of 1214.31 USFT.

- **Scale Factor** - 1.0000304998 (grid to ground)
- **Vertical Datum** - NAVD 88 (Geoid 18) based on differential leveling and terrestrial observations from City of Bentonville Monument 7, having a published orthometric height of 1306.69 USFT.
- **Flood Information** - Based on Graphical Review only of FIRM 05007C025K and having a revision date of June 5, 2012, the subject property lies wholly within Zone X - Areas determined to be outside the 0.2% annual chance floodplain.
- **Last Date of Field Survey** - January 18, 2022.
- **Reference Documents** - Warranty Deeds filed for record at Document Numbers L202122062, L202122286, and L202149944.
- Record Plat of B-W Heights Subdivision as file for record at Plat Book K Page 165 on December 16, 1971.

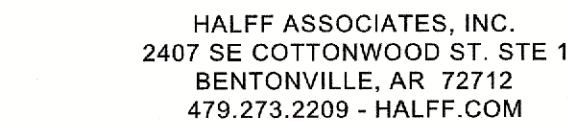
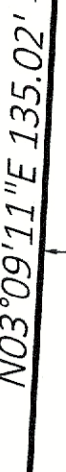
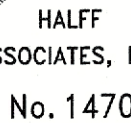
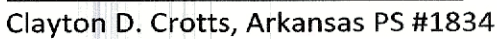


I, Clayton D. Crotts, do hereby declare that on this the 4th day of April, 2022, that this survey was completed under my direct supervision, that the boundary lines and corner monuments, to the best of my knowledge, are found and were established as indicated, and that this survey meets the Arkansas Standards of Practice for Property Boundary Surveys and Plats.

SURVEY OF Half

OWNER / DEVELOPER

Lots 5, 6, and 7, all in Block 1 of the Final Plat of B-W Heights Subdivision to the City of Bentonville, Arkansas as filed for record at Plat Book K Page 156



LOTS 5-7

Prepared For: Bill Butler

BOUNDARY &

Revisions

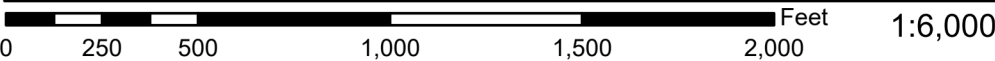
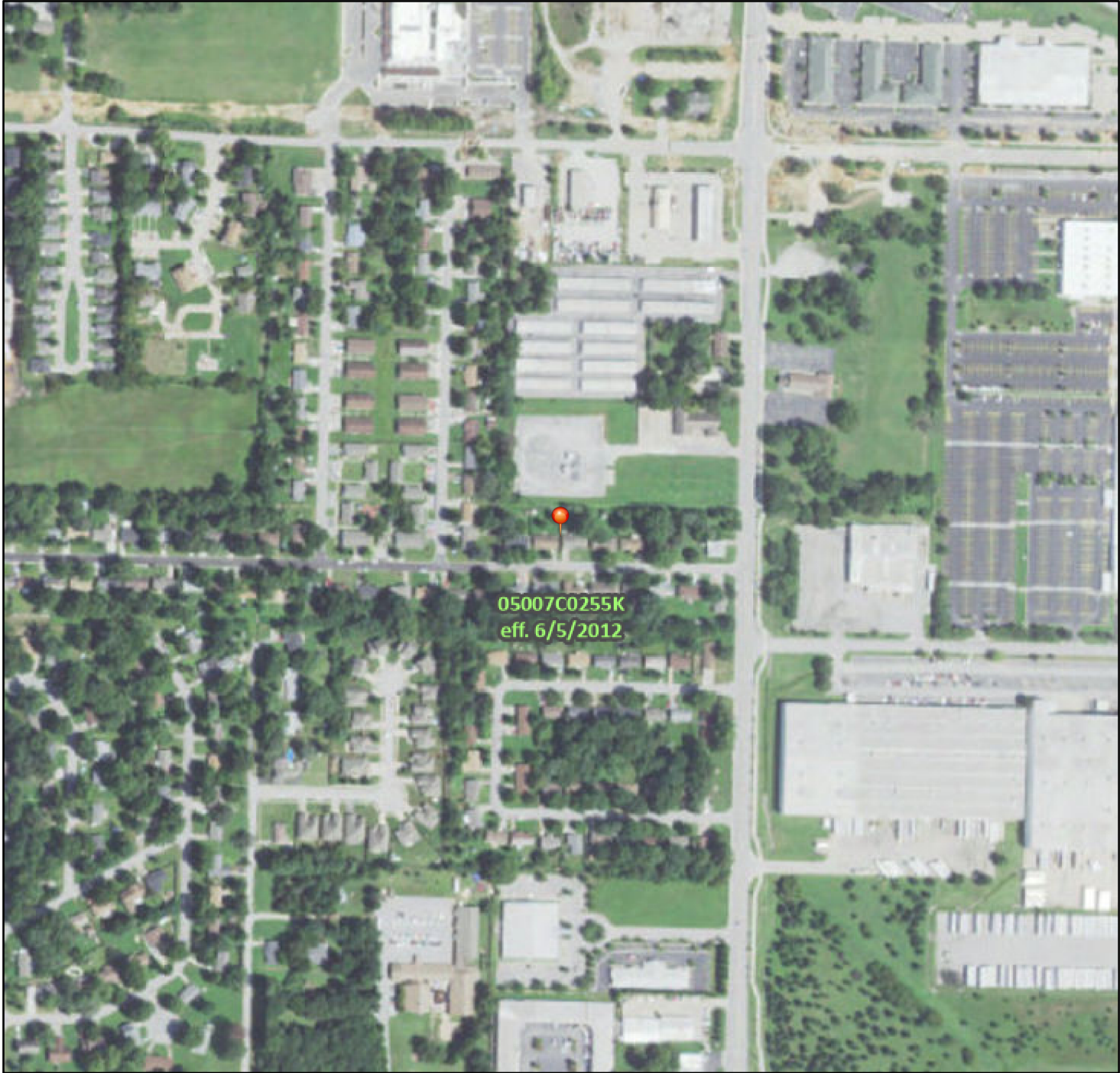
Drawn By: **JDS**

Drawing Name: P:\BUT-04 - SOMA Terrace\DRAWING\BUT-04 Boundary Survey.dwg Last Modified: Apr 04, 2022 - 5:29pm Plotted on: Apr 06, 2022 - 12:55pm by ah5163

National Flood Hazard Layer FIRMette



94°12'14"W 36°21'54"N



Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
		Area of Undetermined Flood Hazard Zone D
GENERAL STRUCTURES		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
		17.5 Cross Sections with 1% Annual Chance Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline
MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped

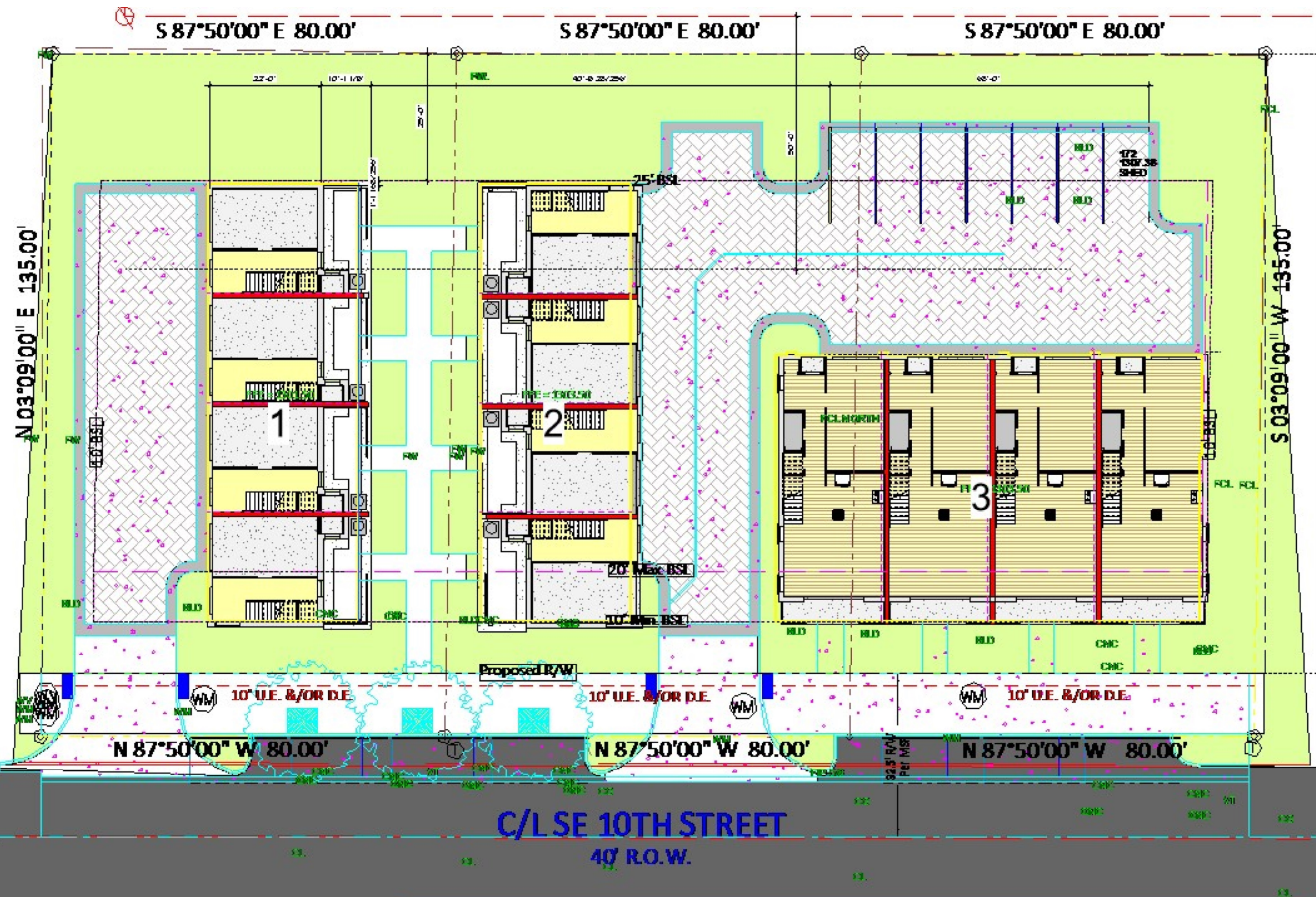


The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 4/6/2022 at 2:57 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



EXTERIOR FINISH LEGEND	
	ACME FACE BRICK - TUPO03 - VELOUR MODULAR - IV BRICK TIES AT 32" O.C. OVER 1" RIGID INSULATION OVER LIQUID APPLIED WEATHER BARRIER
	24 GA HORIZONTAL METAL PANEL
	24 GA VERTICAL METAL PANEL

BRICK - RED: 503 SF = 10%
BRICK - CHARCOAL: 403 SF = 13%
METAL PANEL VERTICAL: 1,342 SF = 43%
METAL PANEL HORIZONTAL: 330 SF = 11%
GLASS: 486 SF = 15%
DOES NOT INCLUDE DOORS



1 W ELEVATION - COLOR
1/4" = 1'-0"

EXTERIOR FINISH LEGEND	
	*COLOR RED - ACME FACE BRICK - TUPO03 - VELOUR MODULAR - IV BRICK TIES AT 32" O.C. OVER 1" RIGID INSULATION OVER LIQUID APPLIED WEATHER BARRIER
	*COLOR CHARCOAL - ACME FACE BRICK - TUPO03 - VELOUR MODULAR - IV BRICK TIES AT 32" O.C. OVER 1" RIGID INSULATION OVER LIQUID APPLIED WEATHER BARRIER
	24 GA VERTICAL METAL PANEL
	24 GA HORIZONTAL METAL PANEL

BRICK - RED: 1,434 SF = 51%
BRICK - CHARCOAL: 310 SF = 11%
METAL PANEL VERTICAL: 354 SF = 13%
METAL PANEL HORIZONTAL: 363 SF = 13%
GLASS: 321 SF = 12%
DOES NOT INCLUDE DOORS

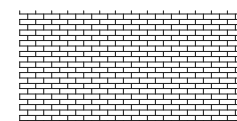


2 E ELEVATION - COLOR
1/4" = 1'-0"

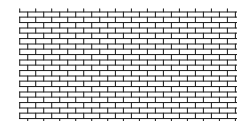


3 3D View 1

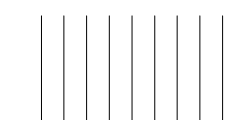
EXTERIOR FINISH LEGEND



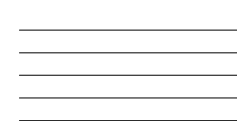
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#COLOR CHARCOAL - ACME FACE BRICK - TUPOOS - VELOUR MODULAR - 1/4\"/>



24 GA VERTICAL METAL PANEL



24 GA HORIZONTAL METAL PANEL

BRICK - RED: 950 SF 32 %
BRICK - CHARCOAL: 101 SF 16 %
METAL PANEL VERTICAL: 195 SF 11 %
METAL PANEL HORIZONTAL: 294 SF 21 %
GLASS: 144 SF 13 %
DOES NOT INCLUDE DOORS
TOTAL 1120 SF



4 3D View 2

BRICK - RED: 545 SF 53 %
BRICK - CHARCOAL: 214 SF 19 %
METAL PANEL VERTICAL: 66 SF 6 %
METAL PANEL HORIZONTAL: 195 SF 18 %
GLASS: 12 SF 1 %
DOES NOT INCLUDE DOORS
TOTAL 1125 SF



1 S ELEVATION - COLOR
1/4" = 1'-0"



2 N ELEVATION - COLOR
1/4" = 1'-0"

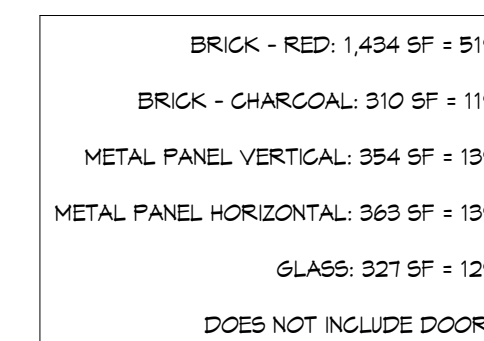
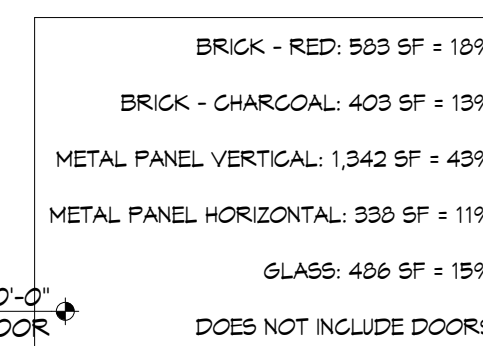
PRELIMINARY
NOT FOR CONSTRUCTION

Burris
Architecture
8208 Tiger Blvd, Suite 4, Bentonville, AR 72712
479-319-6045

10TH ST (BUILDING 1)
SE 10TH
BENTONVILLE, AR

DATE
5-10-22
JOB NO.
21120
REVISIONS

A7.1
COLOR ELEVATIONS



② W ELEVATION - COLOR
1/4" = 1'-0"



3 3D View 1



4 3D View 2

EXTERIOR FINISH LEGEND	
	#COLOR RED - ACME FACE BRICK - TUPOOS - VELOUR MODULAR - 1/4\"/>
	#COLOR CHARCOAL - ACME FACE BRICK - TUPOOS - VELOUR MODULAR - 1/4\"/>
	24 GA VERTICAL METAL PANEL
	24 GA HORIZONTAL METAL PANEL



1 S ELEVATION - COLOR
1/4" = 1'-0"



2 N ELEVATION - COLOR
1/4" = 1'-0"

PRELIMINARY
NOT FOR CONSTRUCTION

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

10TH ST (BUILDING 2)
SE 10TH
BENTONVILLE, AR

DATE
5-10-22
JOB NO.
21120
REVISIONS

A7.1
COLOR ELEVATIONS





PRELIMINARY
NOT FOR CONSTRUCTION

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

10TH ST (BUILDING 1)
SE 10TH
BENTONVILLE, AR

DATE
4-29-22
JOB NO.
21120
REVISIONS

A7.2
RENDERINGS

THIS DRAWING IS PROVIDED AS AN INSTRUMENT OF SERVICE BY THE ARCHITECT. IT IS THE PROPERTY OF THE ARCHITECT AND SHALL BE RETURNED TO THE ARCHITECT UPON COMPLETION OF THE CONSTRUCTION WORK. ALL DRAWINGS, SPECIFICATIONS, NOTES, AND COMMENTS ARE THE PROPERTY OF THE ARCHITECT. ANY REPRODUCTION, USE, OR MODIFICATION OF THE ARCHITECT'S WORK WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT IS STRICTLY PROHIBITED.

BOARD OF ADJUSTMENT STAFF REPORT



Smith

3720 N Rainbow Farm Rd

BOA Date: 6/22/2022

Reviewer: Christopher Hyatt, Planning Technician

Project Number	VAR22-0027
Applicant / Current Owner	Candice Anderson/ Mark and Karen Smith
Site Area	+/- 2.00 acres
Current Zoning	R-E, Residential Estate
Variance Request	<u>Zoning Code Article:</u> 401 Zoning District Regulations <u>Section:</u> 401.07 (b) (1), Residential (R) districts lot and area standards.

Property Description

This property is located at 3720 N Rainbow Farm Rd and is currently zoned R-E, Residential Estate.

Regulation

Zoning Code Article Section 401.07 (b) (1) Residential (R) districts lot and area standards table. R-E Minimum Lot Area is 87,120 sq. ft. (2 Acres)

Variance Request

The applicant is requesting a variance of .41 Acres from the minimum lot area requirement of 2 Acres allowed by code, to allow for their proposed property line adjustment (PLA22-0015).

Background

The applicant states that due to dedication of right-of-way requirements for Shell Road, .41 Acres of the lot will need to be granted to the City for future improvements, reducing the existing lot from 2.28 Acres to 1.87 acres.

The applicant has concluded that, the lot split that created lot 2 was approved in 2019 (LS18-0040) without the dedication of future Shell Road right-of-way. . Adjusting the property lines

as presented in the current project is intended to set the boundary for a purchase and development of one of the lots. ROW dedication was anticipated at that time in conjunction with the proposed development plans and rezoning application. With the planning request to dedicate the ROW with this PLA instead of with the development plan has created a hardship in meeting the minimum land area required for RE zoning district.

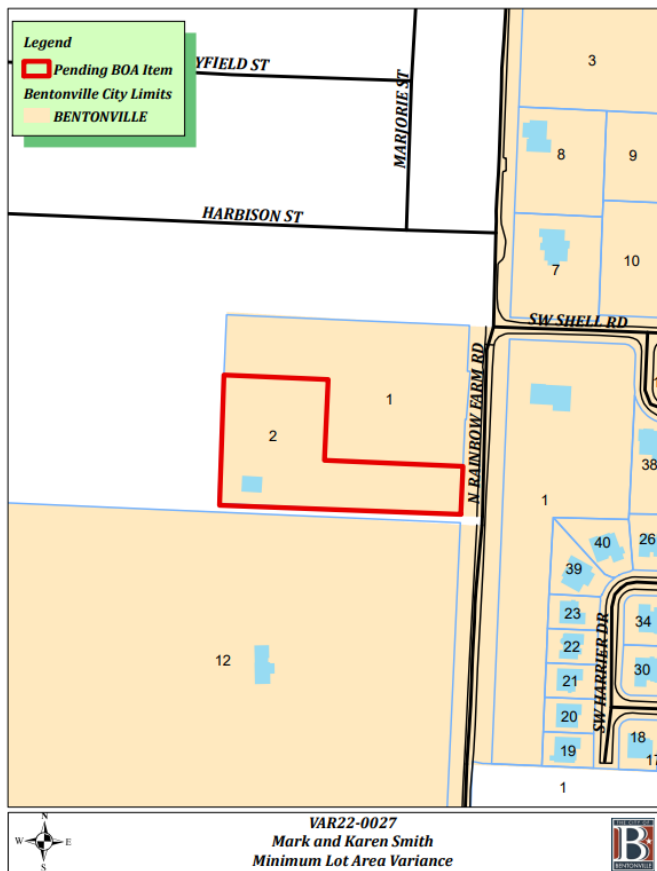
Public Comment

At the time of writing this report 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.



BOARD OF ADJUSTMENT STAFF REPORT

Section 301.10.c, Standards of Approval, of the Zoning Code

Standards for approval. A variance from the terms of this chapter shall not be granted by the board of adjustment unless and until:

(1) The applicant demonstrates that:

- a. special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structure or buildings in the same district;
- b. that literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;
- c. that special conditions and circumstances do not result from the actions of the applicant; and,
- d. that granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district.

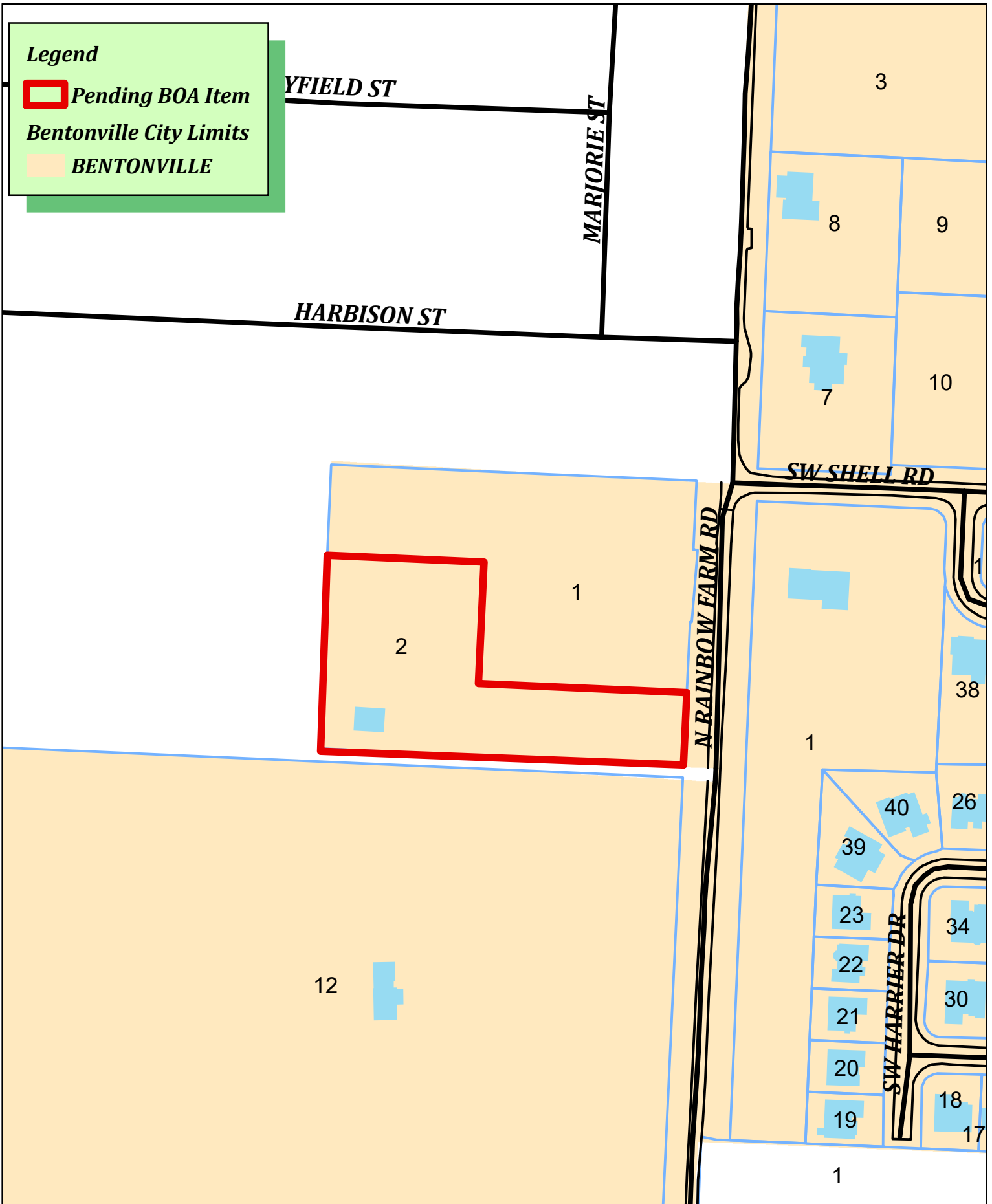
(2) No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

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

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

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

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





Civil Engineering, Landscape Architecture,
Survey, Planning & Program Management

3108 SW Regency Parkway
Bentonville, AR 72712
Office: 479.273.9472
Toll-free: 1.800.433.4173
ceieng.com

City of Bentonville
Board of Adjustments
305 SW A St.
Bentonville, AR 72712

June 6, 2022

RE: Variance from Zoning Code Section 401.07(b)(1) Standards. Residential (R) Districts Lot and Area Standards. Minimum Lot Area (sq. ft.)
CEI Project No. 32584
City Project No. PLA22-0015

Bentonville Board of Adjustments:

On behalf of Mark and Karen Smith, CEI is requesting a variance for minimum lot area for a RE zone:

- **Section 401.07(b)(1) Residential (R) districts lot and area standards. Minimum Lot Area (sq. ft.)** which defines in a standards table.
District: RE Minimum Lot area (sq. ft.) is 87,120 (2 acres)

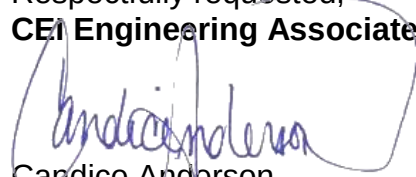
The proposed Property Line Adjustment PLA22-00015 is for property currently zoned as Residential (RE). First submittal review City comments received on May 25, 2022 from the City Planning Department, requested a portion of the PLA to be dedicated to a proposed right-of way to the City. The dedication shall reflect the Master Street Plan for Shell Rd. for future improvements west of Rainbow Farm Road. The dedication of the right-of-way requires 0.41 acres to be granted to the City for future Shell Rd. improvements. Dedicating the right-of-way at this time will reduce the existing PLA Lot 3 from 2.28 acres to 1.87 acres. No new lots are being created with this lot line adjustment, but dedication of the future Shell Road ROW would create a deficiency in the minimum lot size. The developer requests the City to accept the variance with the reduction in the standard minimum lot area for RE zone.

For reference the lot split that created these two properties was approved in 2019 as LS18-0040 without the dedication of future Shell Road ROW. Adjusting the property lines as presented in the current project is intended to set the boundary for a purchase and development of one of the lots. ROW dedication was anticipated at that time in conjunction with the proposed development plans and rezoning application. With the planning request to dedicate the ROW with this PLA instead of with the development plan has created a hardship in meeting the minimum land area required for RE zoning district.

City of Bentonville
Smith – Rainbow Farm Rd. Variance Request
June 6, 2022

We appreciate your consideration of our request and look forward to discussing any questions you may have. Contact me at your convenience in the office at 479-273-9472, or by email: canderson@ceieng.com.

Respectfully requested,
CEI Engineering Associates, Inc.

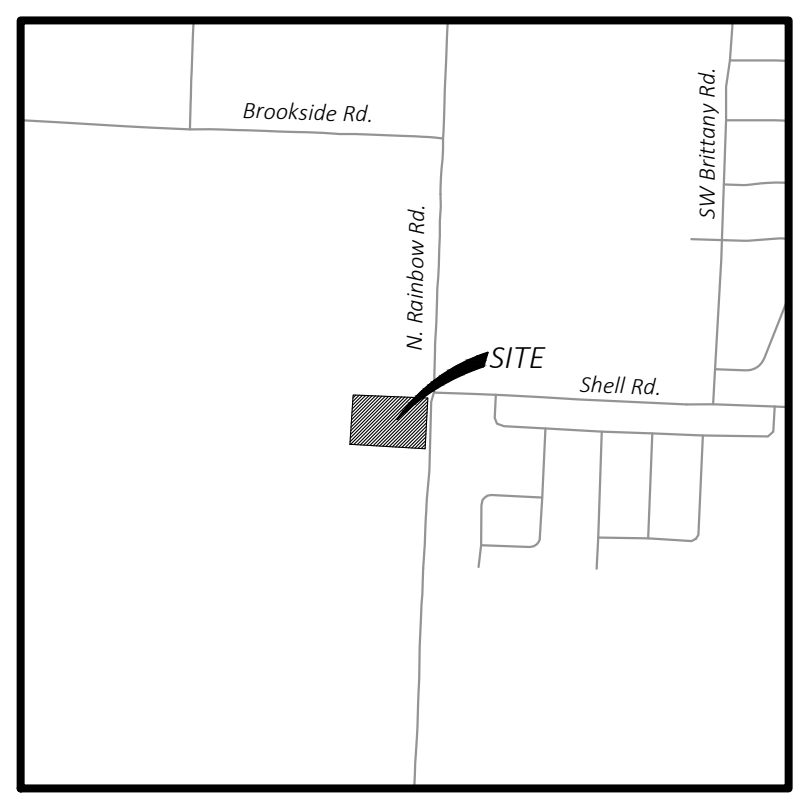


Candice Anderson
Assistant Project Manager – Local Development

Property Line Adjustment of Lots 1 & 2, Stagecoach Subdivision Creating Lots 3 & 4 Vetti Group Realty, LLC

3710 & 3810 N. Rainbow Farm Road
Bentonville, Benton County, Arkansas

- GENERAL NOTES:
1. 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.
 2. This plat represents a Property Line Adjustment of the parcel recorded in Deed Records, DEED INSTR. #L202188993, INSTR. #L201812781, and INSTR. #L202189050 in the public records of Benton County, Arkansas.
 3. The contractor must determine that proposed structures are clear of all boundary lines, easements, and meet building setback requirements before construction begins.
 4. Basis of Bearings: All bearings and distances shown hereon are grid based on Arkansas State Plane Coordinate System, NAD83, North Zone.
 5. This survey is valid only if the drawing includes the seal and signature of the surveyor.
 6. This survey meets current Arkansas Standards of Practice for Property Boundary Surveys and Plats.
 7. No attempt was made to show building setback lines graphically on the survey. The assignment, vacation, or orientation of setbacks that impact the usage rights of the property are determined by the local governing jurisdictional agency. Setback dimensions will be based on the orientation of the building(s) to be constructed as approved.
 8. 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.
 9. Underground utilities were located by visible above ground markings as marked by utility locators and shown hereon as located by CEI Engineering Associates, Inc. survey field crews. All utility locations shown hereon are approximate. All utilities may not have been marked/located by the appropriate locators. No excavation has taken place as of this date to determine the exact location of existing underground utilities shown on this survey.
 10. The contractor is advised to contact the 811 One-Call Center before any construction begins, depending on the state there is a possibility of a severe penalty for not making this call. Not all utility companies are members of the One-Call Systems. Therefore the contractor is advised to contact all non-members as well as the One-Call System.
 11. By scale map location and graphical plotting only. This property is located in shaded Zone "X" which are areas of 0.2% annual flood chance; areas of 1% annual flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and area protected by levees from 1% annual chance flood as determined by the National Flood Insurance, Flood Insurance Rate Map for Benton County, Arkansas.
Map Number: 05007C023K
Map Revised: June 5, 2012
 12. No current zoning report or letter regarding zoning classification was provided to the Surveyor. Setbacks shall be per the current zoning district as stated in the most recent City of Bentonville Zoning Code. For more info visit www.bentonvilleplanning.com or call the Planning Department @ 479-271-3122.
 13. Sidewalks shall be the responsibility of the builder/owner at time of building permit issuance.
 14. There may not be fences or any other structures built in any drainage easements.
 15. Before any work in the right-of-way commences, contractor and or owner is to obtain right-of-way permit from the City of Bentonville Transportation Department.
 16. Owner is to contact New Service coordinator (479-271-3139) to discuss electric service prior to beginning any construction. Failure to contact BEUD prior to construction will result in delays to get electric service.
 17. All structures must maintain minimum of 20' clearance from all electric lines.
 18. BEUD's standard practice is to place underground equipment (transformers, secondary pedestals, junction boxes, etc.) on the lot line of a development. Any adjustments to the property line that result in our equipment not being on the lot line require the developer to pay for the cost of BEUD to relocate the equipment to the lot line.
 19. It is the responsibility of the developer to pay for any cost associated with moving of equipment. This includes but is not limited to any costs associated with loss of equipment (wire and elbows) and labor and material to move the equipment to the new lot line.
 20. Relocation of any existing electrical facilities shall be at the owner's expense.
 21. Owner/Developer shall coordinate with all local utilities to insure that each lot has water, sewer and electric service.



VICINITY MAP
NOT TO SCALE
Latitude: 36°20'10"N
Longitude: 94°16'22"W

Owner:
Parcel #: 01-18724-000, 01-18725-000
Mark & Karen Smith
3710 N Rainbow Farm Rd.
Bentonville, AR 72712

Surveyors:
CEI Engineering Associates, Inc.
3108 SW Regency Parkway
Bentonville, AR 72712
Phone: (479) 273-9472
Fax: (479) 271-0536
Surveyor: Dustin Riley, Arkansas PLS #1618



CERTIFICATE OF OWNERSHIP:

We the undersigned, owners of the real estate shown and described herein, do hereby certify that we have laid off, platted, and subdivided and do hereby lay off, plat, subdivide said real estate in accordance with this plat and do hereby dedicate to the use of the public the streets, alleys, drives, easements, etc. as shown on said plat.

Date of Execution: _____ Signed: _____

Date of Execution: _____ Signed: _____

Address: _____

Print Name: _____ Mark Smith _____ Print Name: _____ Karen Smith _____

Source of Title: Inst. No. L201812781

Subscribed and sworn before me, this _____ day of _____, 20____.

Notary Public My Commission Expires _____

CERTIFICATE OF APPROVAL:

Pursuant to the Bentonville Land Development Code and all other conditions and approval having been completed, this document is hereby accepted. This Certificate is hereby executed under the authority of said rules and regulations.

Date of Execution: _____

Signed: _____
Bentonville Planning Commission Chairman

Signed: _____
Mayor, City of Bentonville

Signed: _____
City Clerk, City of Bentonville

CERTIFICATE OF SURVEYING ACCURACY:

I Dustin Riley, hereby certify that this plat correctly represents a boundary survey made by me and boundary markers and lot corners shown hereon actually exist and their location, type and material are correctly shown and all minimum requirements of the Arkansas Minimum Standards for Land Surveyors have been met.

Date of Execution: _____

Signed: _____
Registered Land Surveyor
No. 1618
State of Arkansas

Parent Tract Description Plat Instrument #L201913950:

Lot 1 and 2, Stagecoach Subdivision



ATLAS PAGE: 482

City of Bentonville Project # PLA22-0015

State Survey Code: 500-19N-R31W-0-10-340-04-1618



CEI ENGINEERING ASSOCIATES, INC.
3108 SW REGENCY PKWY
BENTONVILLE, AR 72712
PHONE: (479) 273-9472
FAX: (479) 273-0844
CORPORATE TBPLS FIRM #10031500

3030 LBJ FREEWAY, SUITE 100
DALLAS, TX 75234
PHONE: (972) 488-3737
FAX: (972) 488-6732
BRANCH TBPLS FIRM #10194234

Property Line Adjustment
Vetti Group Realty, LLC
3710 & 3810 N. Rainbow Farm Road
Bentonville, Benton County, Arkansas

Preliminary
This document shall not be recorded for any purpose and shall not be used or viewed or relied upon as a final survey document

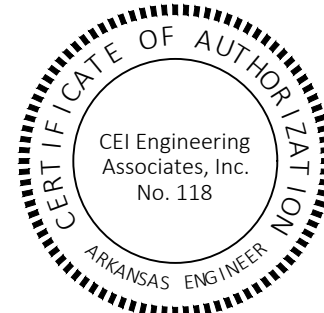
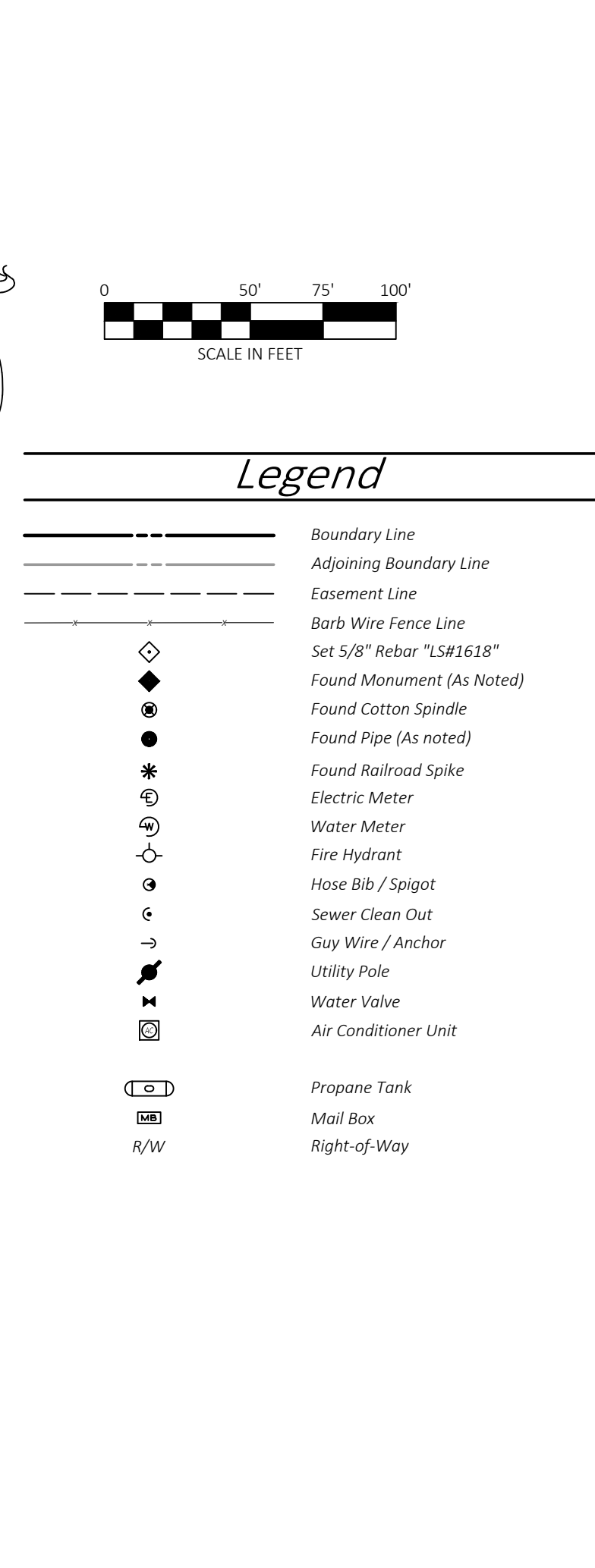
PROFESSIONAL OF RECORD	DGR
DESIGNER	JDS
FIELD WORK	KDM
CEI PROJECT NUMBER	32584
DATE	6/2/2022
REVISION	REV-1

Cover Sheet
SHEET TITLE

SHEET NUMBER

1 OF 2

DRAWING LOCATION - S:\32000\32584\DRAWINGS\SURVEY\WORKING\32584LS.DWG -- SAVED BY - JCHRISTIANSEN



CEI
*Solutions for
Land and Life*

Property Line Adjustment
Vetti Group Realty, LLC
3710 & 3810 N. Rainbow Farm Road
Bentonville, Benton County, Arkansas

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SHEET TITLE

SHEET NUMBER

City of Bentonville Project # PLA22-0015

State Survey Code: 500-19N-R31W-0-10-340-04-1618