



**BOARD OF ADJUSTMENT
MEETING AGENDA
January 11, 2022
Bentonville City Hall
305 SW A St
4:00 PM**

Meeting Link: https://us06web.zoom.us/webinar/register/WN_4KDGn-beQfGA9Hm5GKoMoA

- I. Call to Order**
- II. Approval of December 14th Meeting Minutes**
- III. New Business**

1. Ovation Homes

Variance*

402 SW 4th Street ([VAR22-0043](#))

- Rear-yard Setback Variance

1. 2023 Election of Officers

Election

- Discussion and vote on 2023 officers for Board of Adjustments



**BOARD OF ADJUSTMENT
MEETING MINUTES
December 14, 2022
Bentonville City Hall
305 SW A St
4:00 PM**

Recording Link:

A copy of the recording is available from the Planning Department.

I. Call to Order

- Called to order by Mr. Kruithof at 4:00pm.
- Board Member Present: Sam Pearson, Joe Haynie, Celia Swanson, Dean Kruithof, BJ Phillips.
- City Staff Present: Luke Aitken, Tom Adler, Bradley Gavrielides.

II. Approval of November 23rd Meeting Minutes

- Mr. Pearson motions to approve the meetings minutes with the proposed changes. Seconded by Mr. Haynie.
- Minutes approved 5-0.

III. New Business

1. Brittain

Variance*

302 SW E Street ([VAR22-0042](#))

- Fence setback.
- Luke Aitken reads staff report.
- Mr. Kruithof opens the public hearing; no members of the public are present to speak. Public hearing closed.
- There is discussion between staff, board members and applicant regarding the details of the proposed site design and its impact on old growth landscaping.
- Mr. Phillips abstained from voting due to conflict of interest.
- Mr. Pearson motions to approve the request as presented. Seconded by Mr. Haynie.
- Approved 4-0.

2. Variance Approval Checklist

Discussion Item

Discussion around criteria of approval for variances.

- Mr. Kruithof opens discussion on variance approval checklist.
- There is discussion between staff and board members, recommendations were given to staff by board members.
- No vote was taken.

Adjournment

- Mr. Pearson motions to adjourn the meeting. Seconded Mr. Haynie.
- Meeting adjourned.



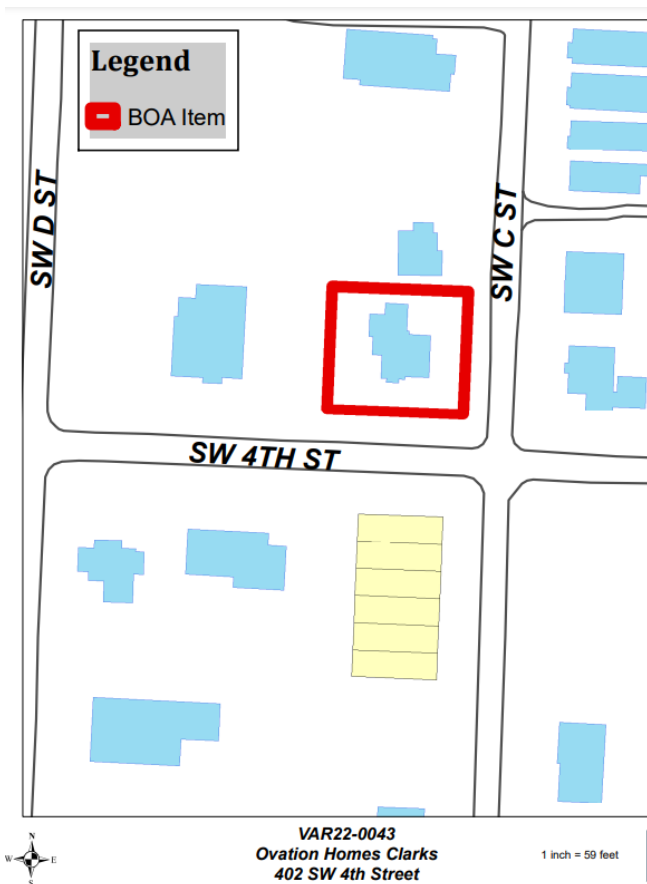
Kimberly & William Woodworth

402 SW 4th Street

BOA Date: 1/11/2023

Reviewer: Bradley Gavrielides – Planning
Technician

Project Number	VAR22-0043
Applicant / Current Owner	Ovation Homes / Kimberly & William Woodworth
Site Area	+/- 0.21 Acres
Current Zoning	R-1, Low Density Single Family Residential
Variance Request	Zoning Code Article: 401 Zoning District Regulations Section: Sec 401.07 Residential (R) Districts Regulations Part (c) (1) Minimum Setback Requirements



Property Description

This property is located at 402 SW 4th Street and is currently zoned R-1, Low Density Single Family Residential.

Regulation

Zoning Code Article 401, Section 401.07(c)(1) Minimum Setback Standards, requires a minimum rear setback of 25 feet from the rear property line in R-1, Low Density Single-Family Residential zoning districts.

Variance Request

The applicant is requesting a variance of 18 feet from the minimum rear setback of 25 feet, required by code, to allow the construction of an ADA compliant bathroom for their elderly spouse.

Background

The applicant states that they want to create a safer environment in their 120+ year old home while maintaining its unique character. The applicant's narrative states that their 85-year-old spouse currently must use the second-floor bathroom, which is inconvenient given their age and mobility. The applicant states that the proposed remodel of the bathroom would make it ADA compliant and enhance and ameliorate living standards for their elderly spouse.

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.

Legend



BOA Item

SW D ST

SW C ST

SW 4TH ST

VAR22-0043

***Ovation Homes Clarks
402 SW 4th Street***

1 inch = 59 feet



Date: 12/14/22

To: City of Bentonville Planning Committee

From: Kim and Bill Woodworth
402 SW 4th Street
Bentonville, Ar 72712

Re: Request for variance due to the needs of my 85 year old husband/homeowner

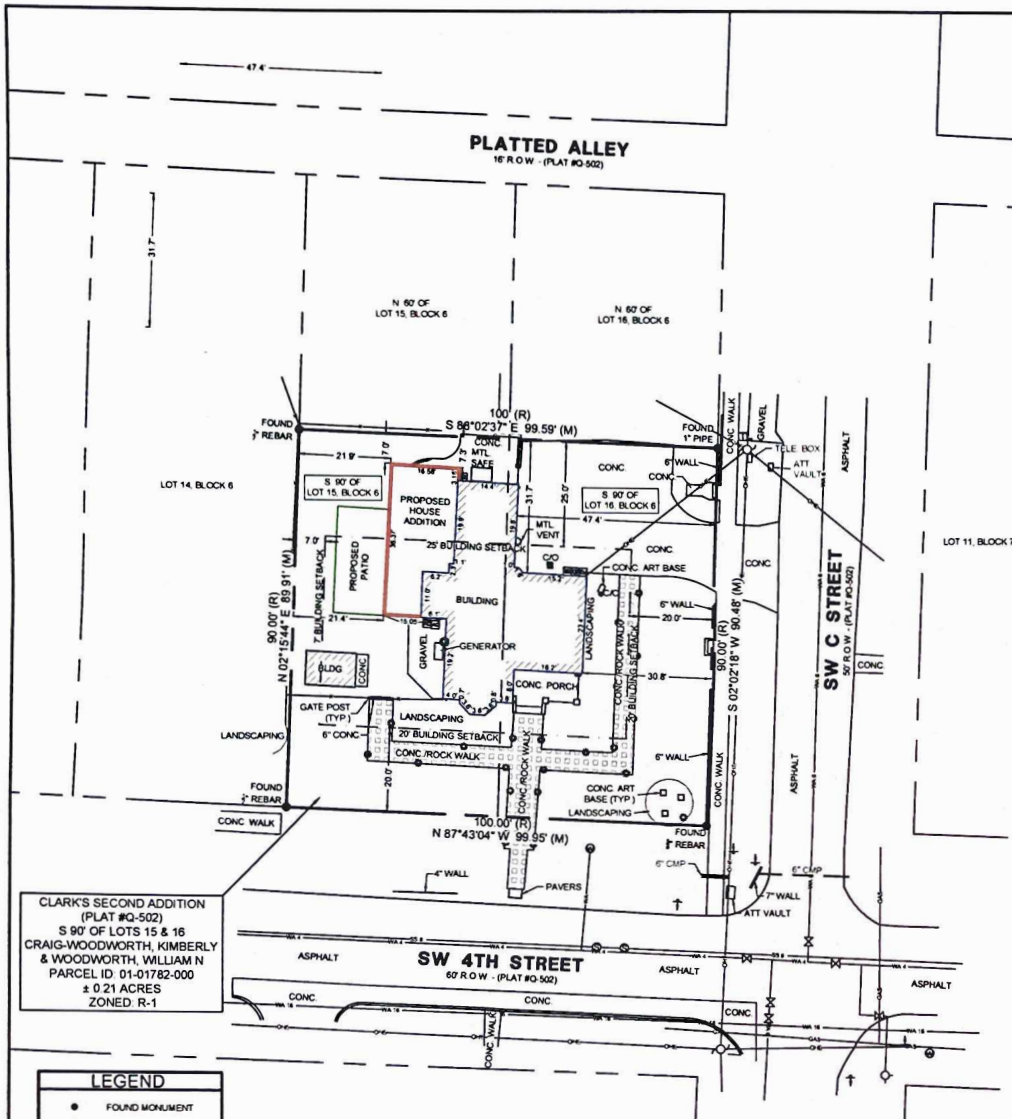
I am requesting a 7-foot (side) backyard set-back so that we may build an ADA compliant bathroom/bedroom to accommodate the current and future needs of my 85 year old husband.

This accommodation will alleviate safety concerns so that my husband no longer has to use the 2nd floor stairs which in turn will affirmatively enhance and ameliorate his living standards due to his age/disability.

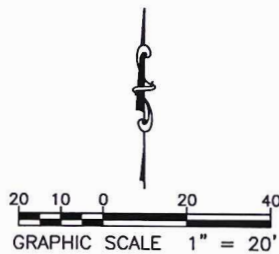
As homeowners of a 120 year old house in downtown Bentonville we want to create a safer environment with this improvement and still maintain the beautiful character of our home.

Thank you,

Kim and Bill Woodworth



LEGEND	
●	FOUND MONUMENT
⬢	FIRE HYDRANT
⊕	WATER VALVE
⊙	WATER METER
⊙	GAS METER
⊙	POWER POLE
⊙	POWER POLE W/ LIGHT
⊙	GUY WIRE
⊙	ORNAMENTAL LIGHT
⊙	TELEPHONE PEDESTAL
⊙	ELECTRIC METER
⊙	SANITARY SEWER MANHOLE
⊙	SIGN
—	WATER LINE
—	GAS LINE
—	OVERHEAD ELECTRIC



CITY OF BENTONVILLE ZONING	
BUILDING SETBACKS	
Front	R-1
Side - Interior	20'
Side - Exterior	7'
Rear	25'
GARAGE SETBACKS	
Street Facing	30'
Side- or Rear-loading	20'
Alley Facing	20'
Where a utility easement extends beyond the required setback, the edge of the utility easement shall be the setback.	



Property Description (W.D. 2021-36350)

Lots 15 and 16, Block 6, Clarks Second Addition, Bentonville, Benton County, Arkansas, as shown on plat in Deed Record Q at page 502, LESS AND EXCEPT 60 feet square off the North side.

NOTES

Based on scaled map location and graphic plotting only, the subject property is in Flood Zone X, which is an area determined to be outside the 0.2% Annual Chance Floodplain, according to Flood Insurance Rate Map, Benton County, Arkansas, Map Number 05007C0255K, map revised June 05, 2012.

Bearings are based on Arkansas State Plane Coordinates - North Zone, NAD83 (NSRS2011), per GPS observation.

Contour interval = 1'. Elevation basis is NAVD83, per GPS observation.

Rights of way and Easements are shown hereon as per documents provided to the surveyor. Additional Rights of way and Easements recorded or not a part of the public record, may or may not exist that affect the subject property.

The locations of utilities as shown hereon are based on aboveground structures and record documents. Locations of underground utilities may vary from locations shown hereon. Additional buried utilities/structures may be encountered. No excavations were made during the progress of the survey to locate buried utilities/structures.

Certification

I, Allen J. Young, certify that a Boundary Survey was performed on the Property shown hereon by a D.C.I. Field Crew under my supervision and this drawing is an accurate representation of the Survey results. All property corners not found are set in accordance with existing found monuments in the area.

Allen J. Young
Arkansas Registered Professional
Land Surveyor No. 1441

Date



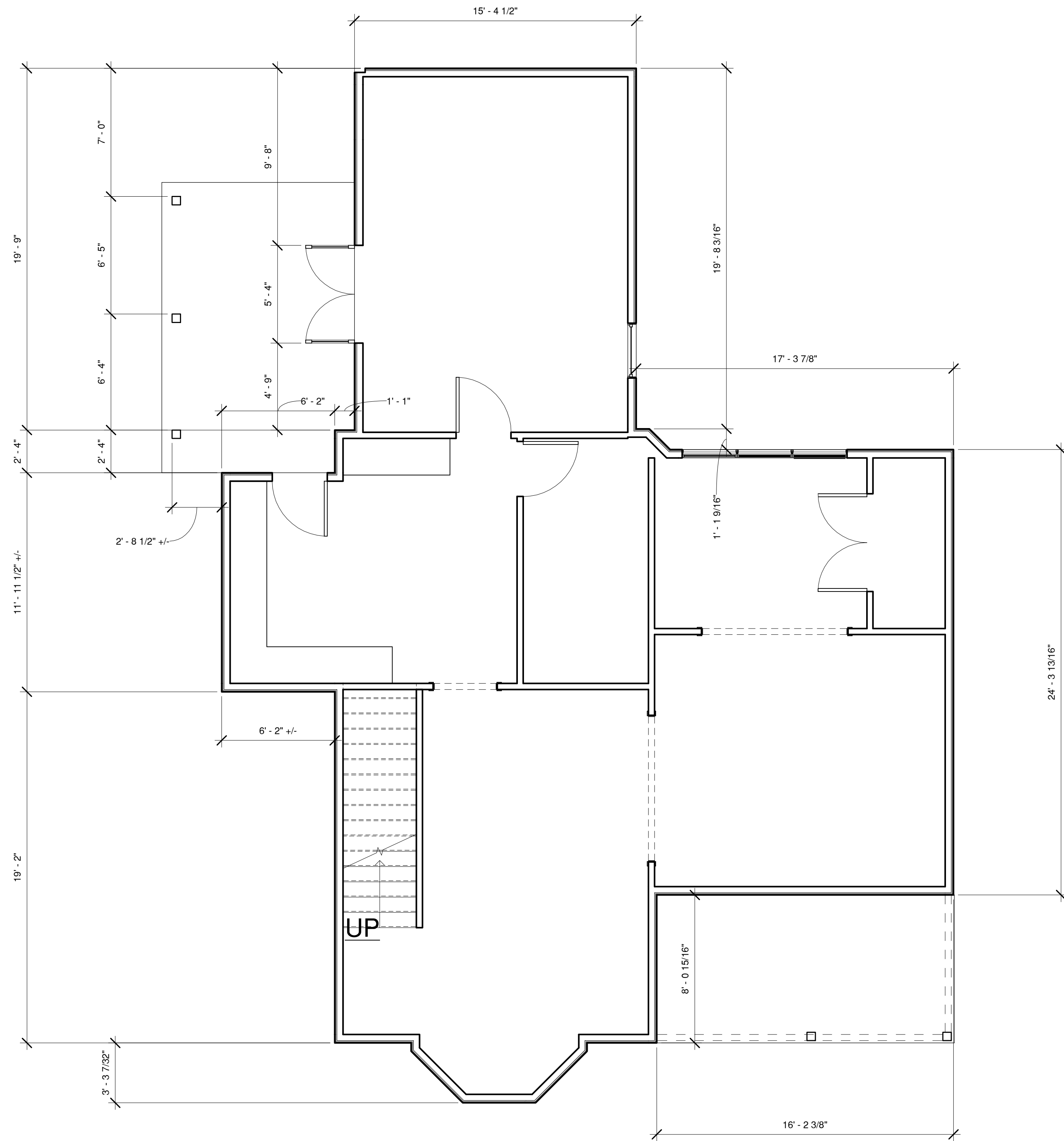
INCORPORATED
CONSULTANTS
DEVELOPMENT

402 SW 4TH BENTONVILLE HUNTER KITCHEN

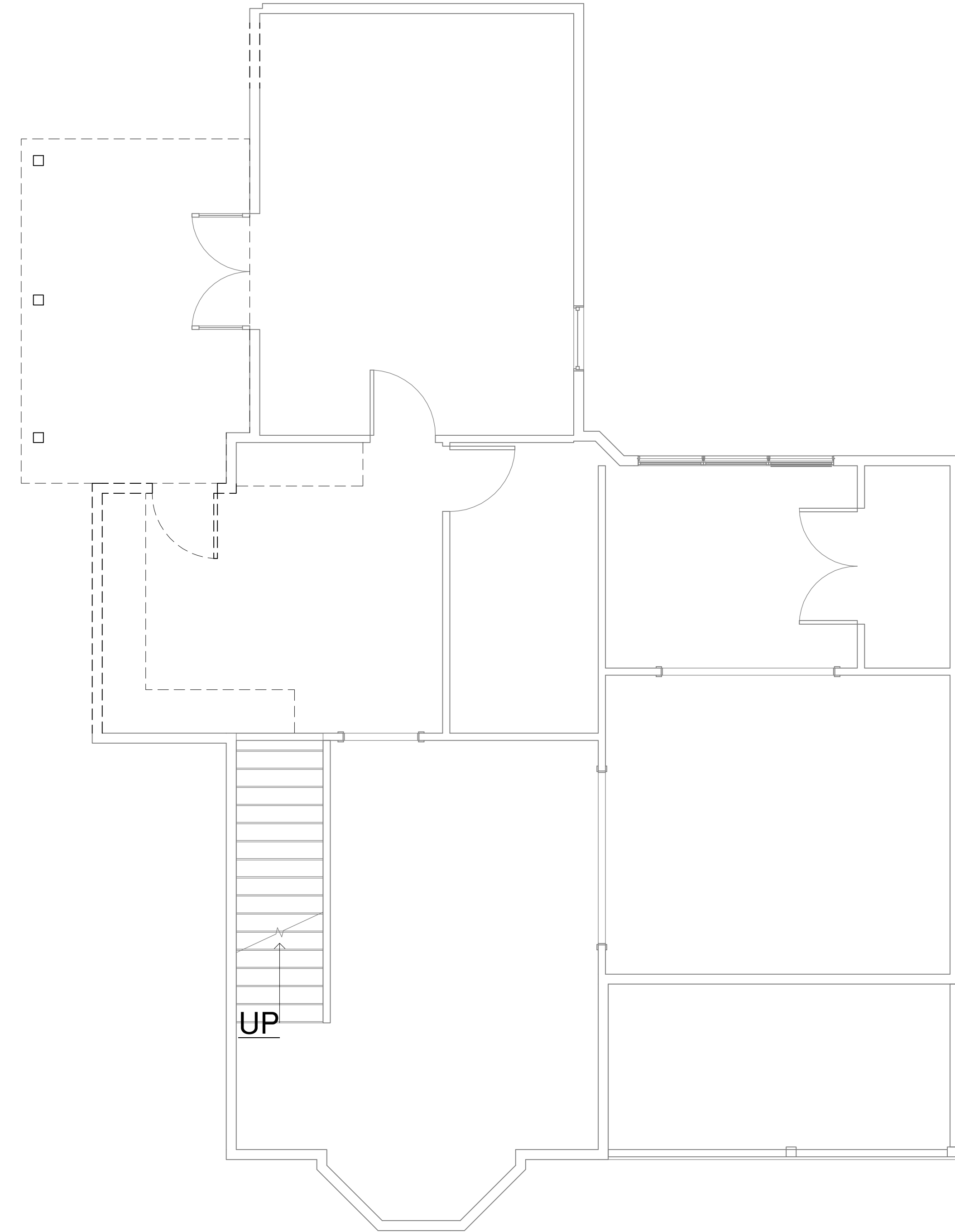
BENTONVILLE, ARKANSAS
BOUNDARY SURVEY | PLOT PLAN

22-195

B-1



FIRST FLOOR EXISTING
(FOR REFERENCE ONLY)



FIRST FLOOR DEMOLITION

WOODWORTH
RESIDENCE

FIRST FLOOR

AREAS:

FIRST FLOOR ADDITION:
523 S.F. FRAME +/-

NOTES:

ALL DIMENSIONS TO BE FIELD
VERIFIED BY CONTRACTOR

CEILING HEIGHTS ON FIRST
FLOOR TO BE COORDINATED
WITH EXISTING 2ND STORY
FLOOR STRUCTURE

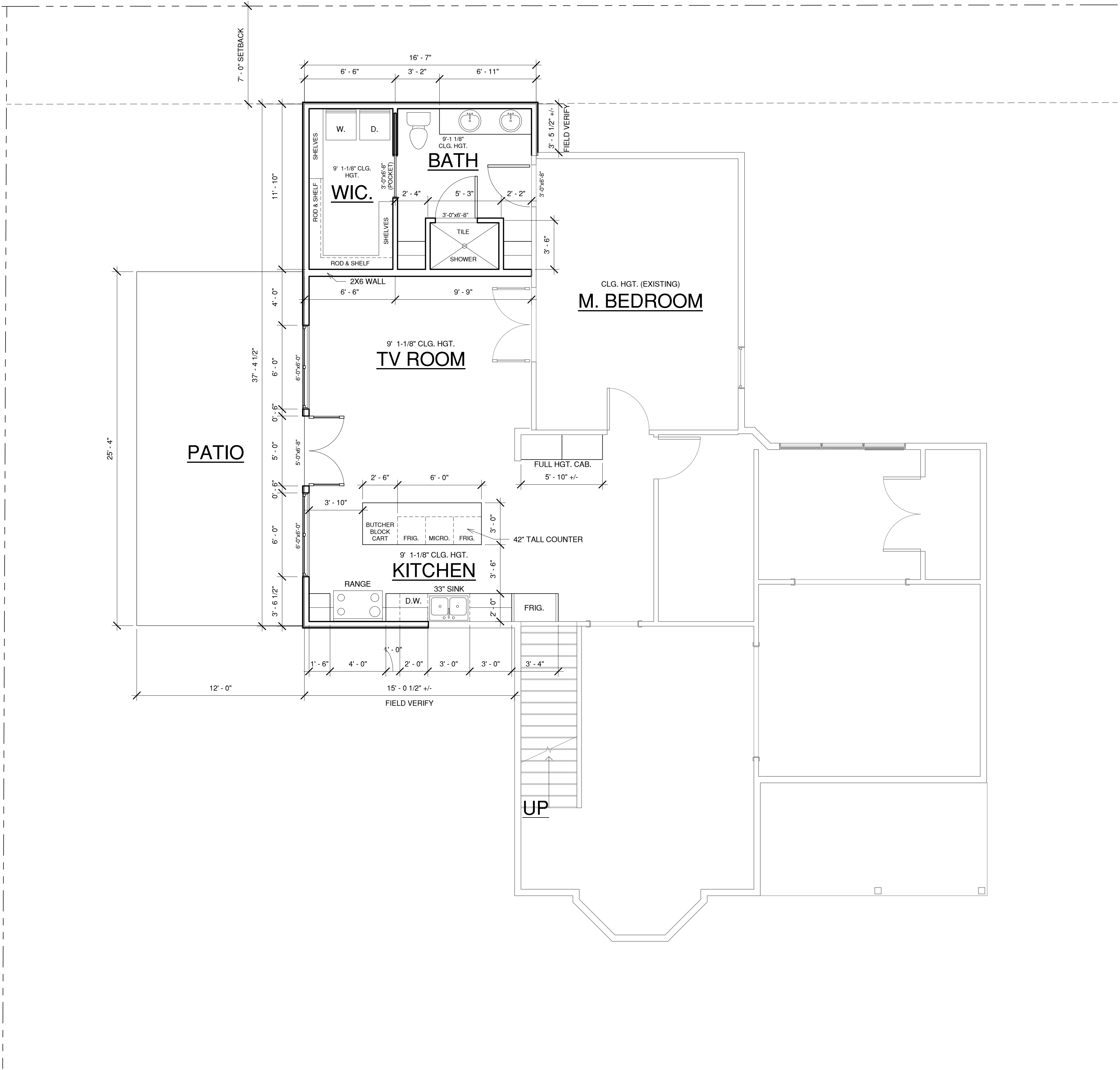
6'-8" TALL DOORS

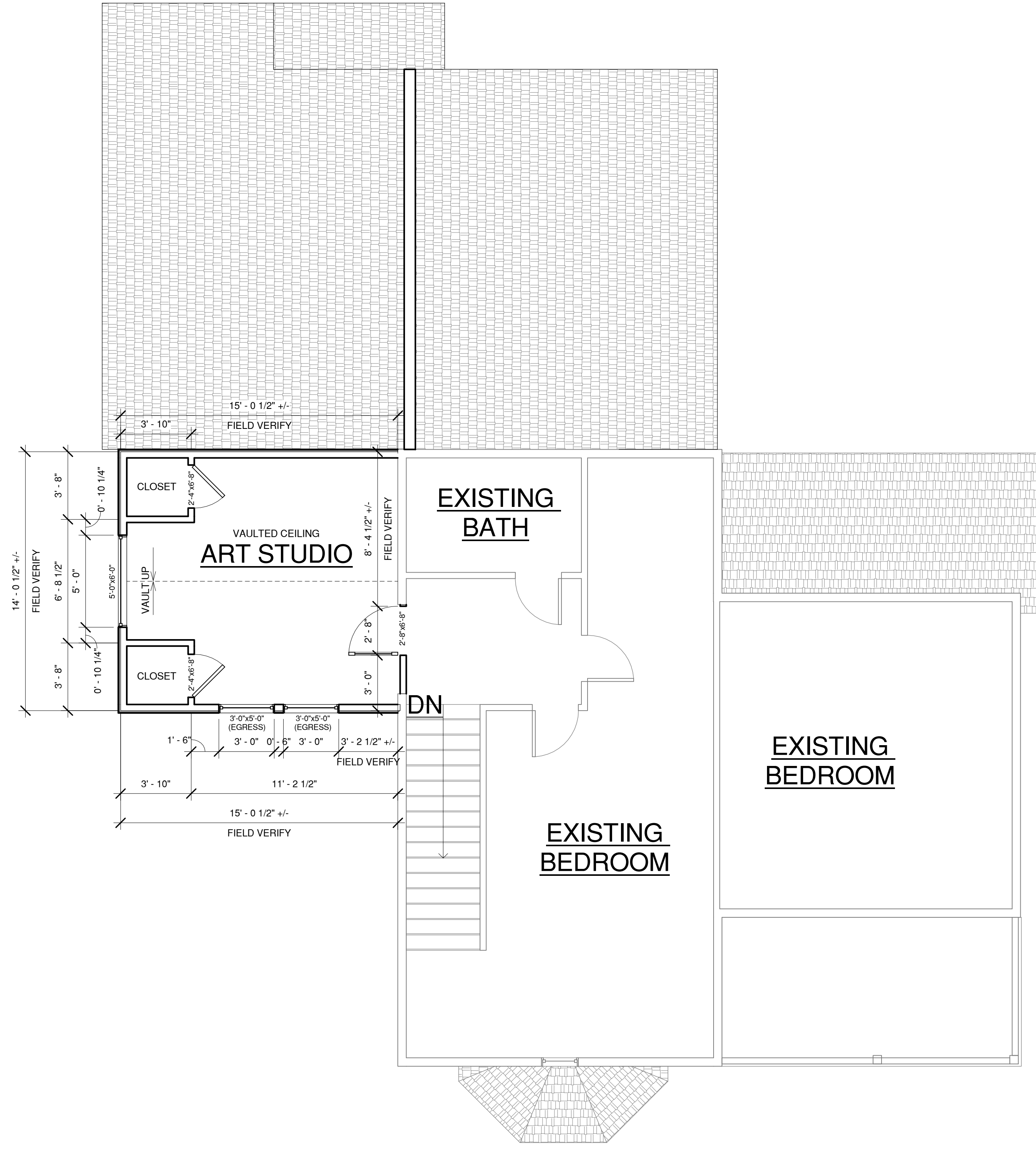
12" OVERHANGS

SCALE: 1/4"=1'-0"

PAGE:

2 OF 5





WOODWORTH RESIDENCE

SECOND FLOOR

AREAS:
2ND FLOOR:
211 S.F. FRAME +/-

NOTES:
6'-8" TALL DOORS
12" OVERHANGS

PAGE:
3 OF 5

WOODWORTH
RESIDENCE

ELEVATIONS

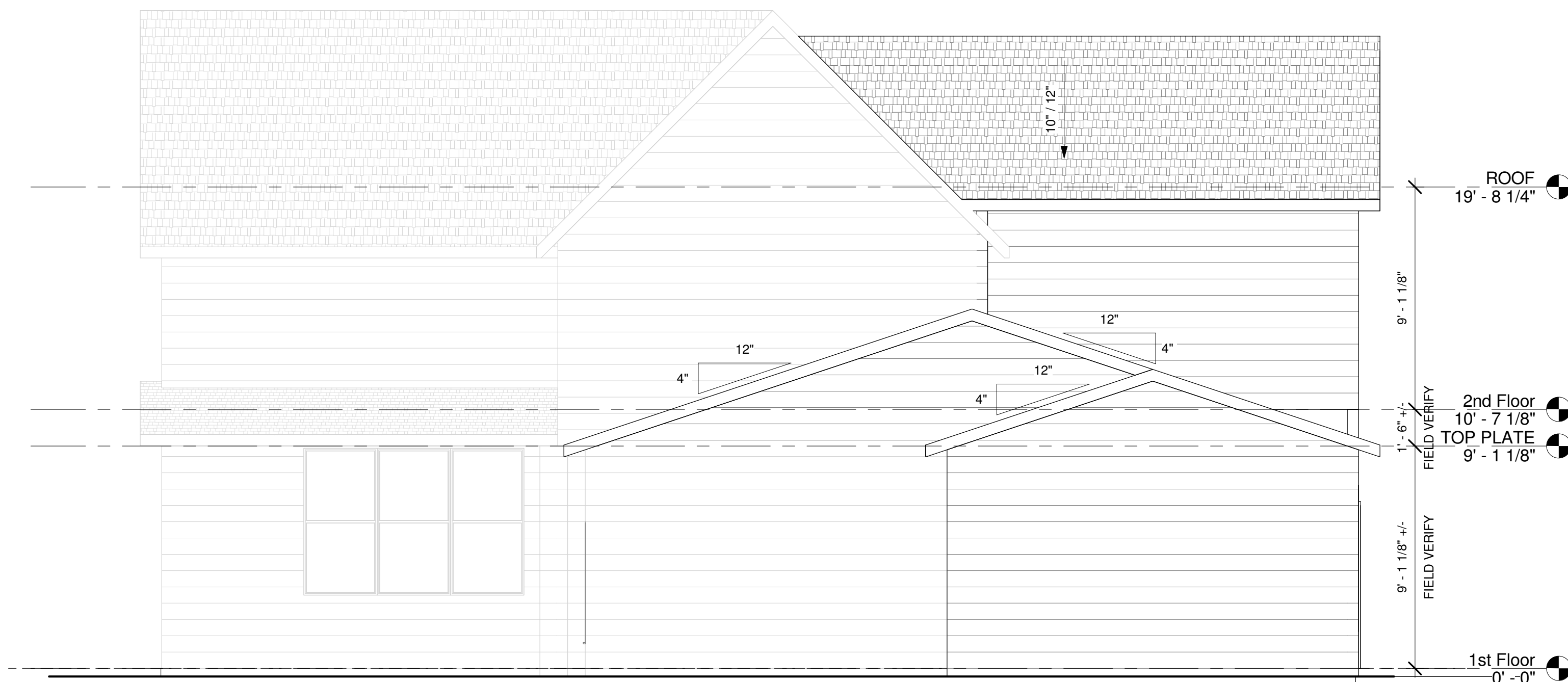
AREAS:

NOTES:

SCALE: 1/4"=1'-0"

PAGE:

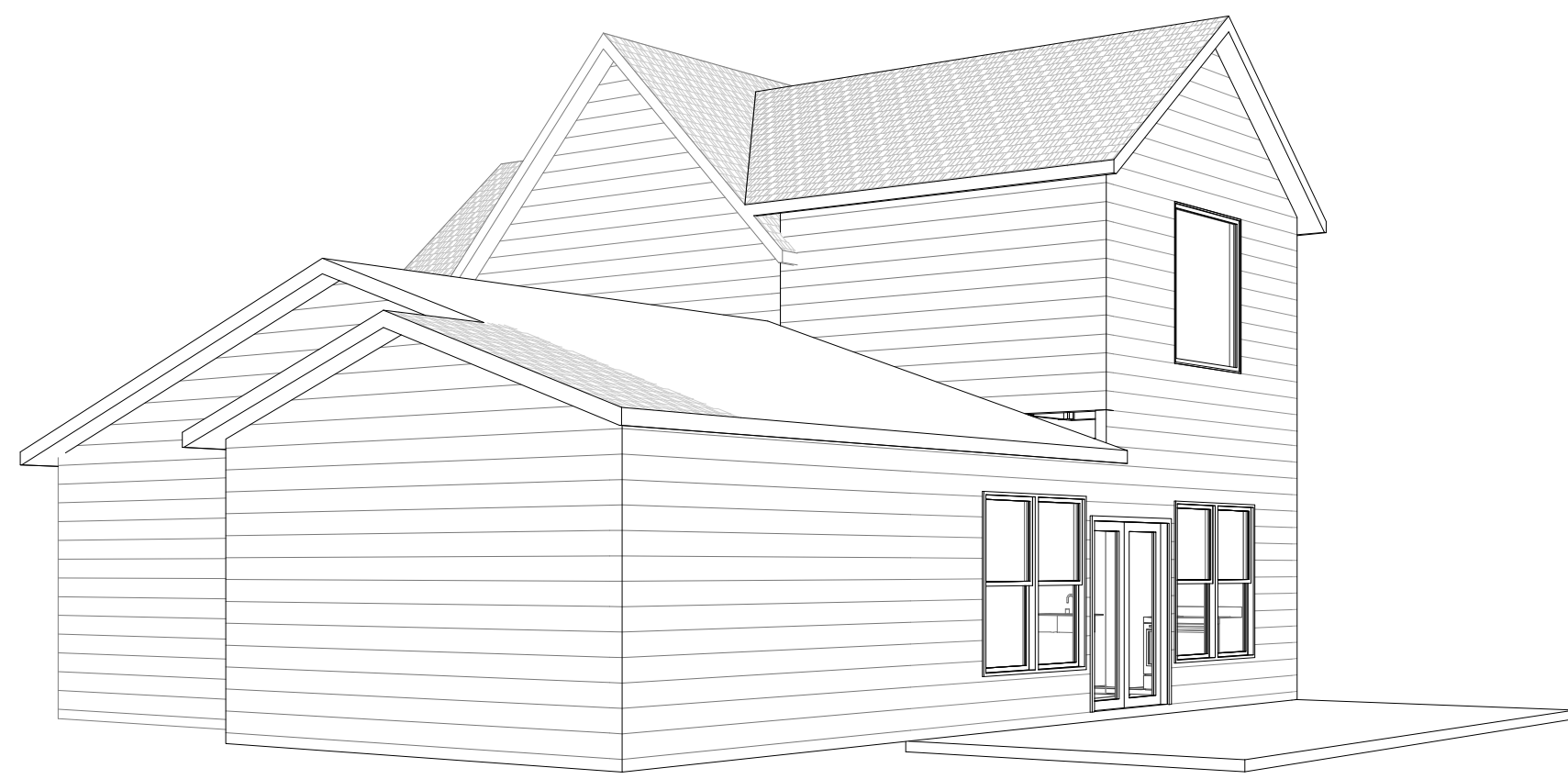
4 OF 5



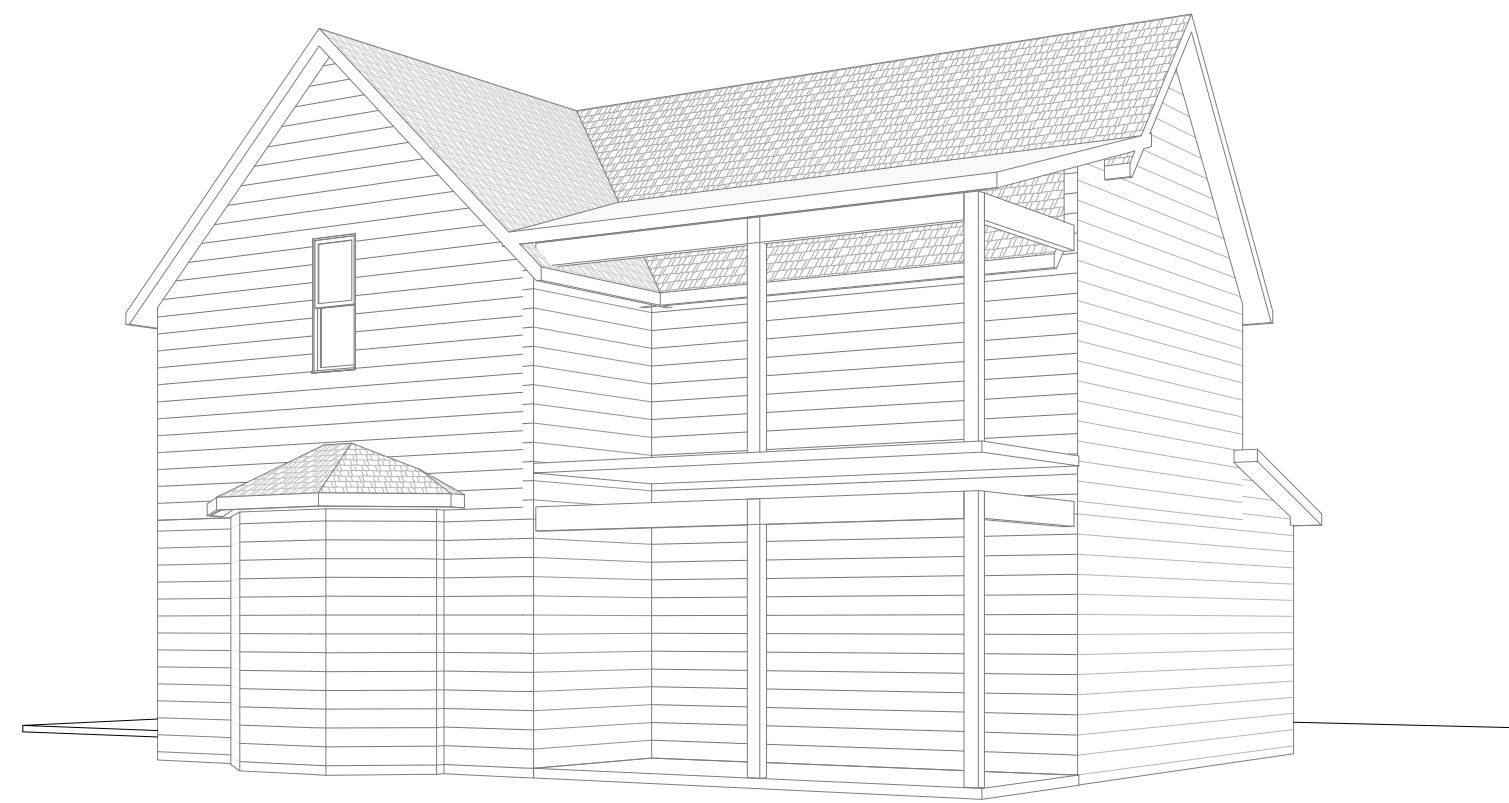
REAR ELEVATION

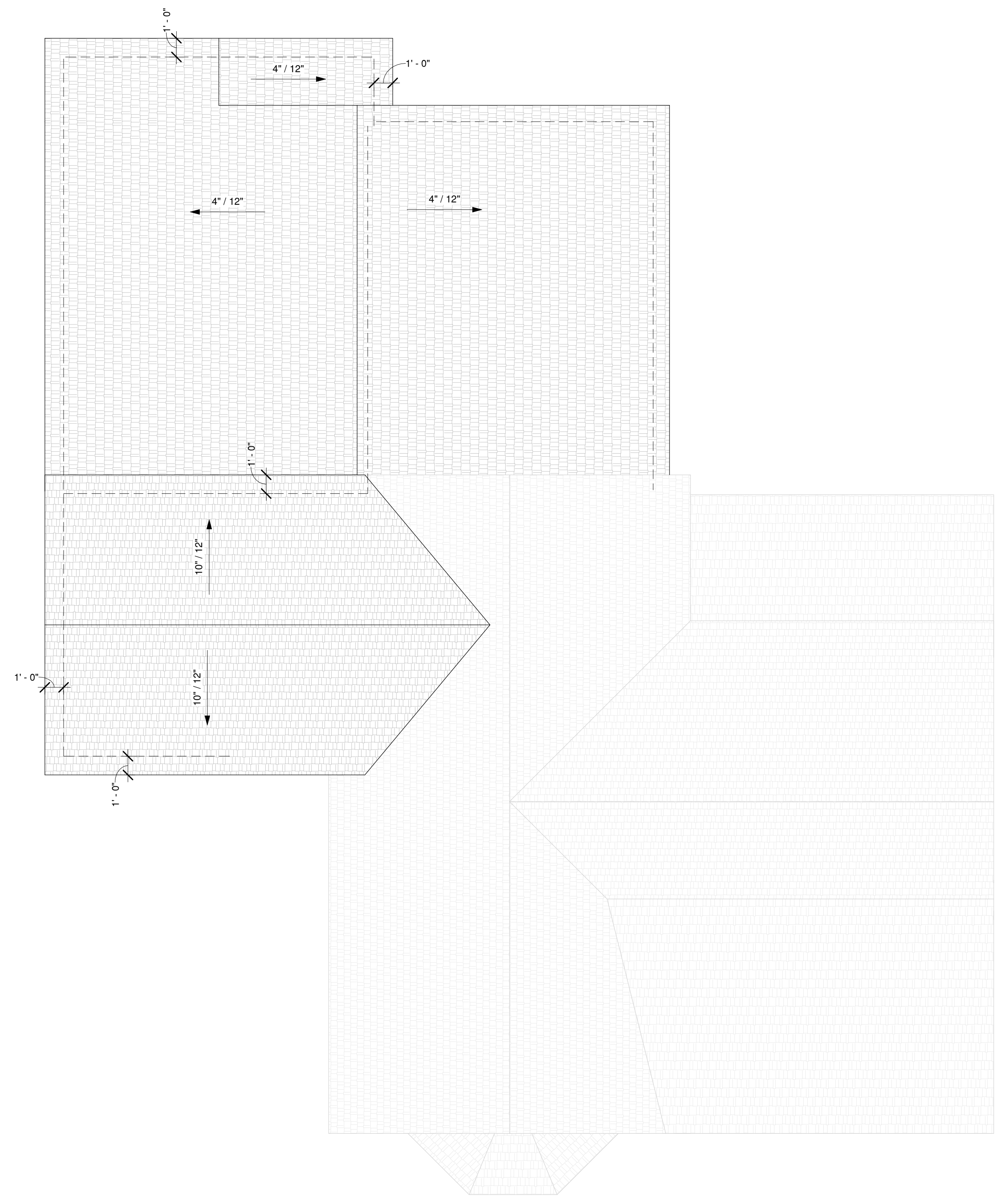


FRONT ELEVATION



LEFT ELEVATION





AREAS:

NOTES:

9' 1 1/8" CLG. HGT.
UNLESS NOTED
OTHERWISE

12" OVERHANGS

PAGE:

5 OF 5