

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
MEETING AGENDA
April 26, 2023
Bentonville City Hall
305 SW A St
4:00 PM**

Meeting Link: https://us06web.zoom.us/webinar/register/WN_h0Y7xSRMTJC_eKoeQf84gg

- I. Call to Order**
- II. Approval of April 12th Meeting Minutes**
- III. New Business**

- 1. Haney Enterprises** **Variance***
1004 NW A St (VAR23-0012)
 - Lot Width
- 2. Nuthalapati** **Variance***
2000 & 2002 NE Chaucer St (VAR23-0013)
 - Front Setback
- 3. Damon Epps** **Variance***
105 NE I St (VAR23-0014)
 - Fence Height
 - **NOTE: A public hearing notice was published in the paper and a sign posted on the subject property for this request to be heard at this meeting, but staff determined after the fact, that a variance was not needed to achieve the applicant's proposed fence design. A public hearing will need to be held for this item, but no action will be needed by the Board of Adjustments.**



**BOARD OF ADJUSTMENT
MEETING AGENDA
April 12, 2023
Bentonville City Hall
305 SW A St
4:00 PM**

Meeting Recording Link:

https://us06web.zoom.us/rec/share/jd2Np58i61gPRwWUpUeex754XufmYbz3cN13oepSB2KJK9d_AYvaYBxBmTa5oGIg.ERDXSYEf9adhzhfE

Board Members Present: Joe Haynie, Celia Swanson, Dean Kruithof (Chair), Sam Pearson, BJ Phillips

City Staff Present: Bradley Gavrielides, Tom Adler

I. Call to Order

- Meeting is called to Order by Chairman Kruithof at 4:00 PM.

II. Approval of March 22nd Meeting Minutes

- Motion Phillips, Second Haynie to approve the meeting minutes as amended.
- Minutes approved as amended 5-0.

III. New Business

1. Ehret

Variance*

1109 NE Monroe Street (VAR23-0008)

Lot Size Variance (Applicant requests to put the project on-hold)

- Mr. Gavrielides reads the staff report outlining the request.
- Chairman Kruithof opens the public hearing.
- Chairman Kruithof closes the public hearing.
- Mr. Adler advises the board that the applicant requests to table the project indefinitely as a rezone and lot split is proposed to Planning Commission.
- Motion to table the project by Haynie, second by Swanson.
- Project approved to be tabled 5-0.

2. Gilmore Park

Variance*

502 SW C Street (VAR23-0009)

Front Fence Variance (Applicant has Withdrawn, but project was published for a public hearing)

- Note that no action was taken on this project because it has been withdrawn.

3. Jacobs Group

Variance*

616/618 Bella Vista Rd (VAR23-0010)

Front Fence Variance

- Mr. Gavrielides reads the staff report outlining the request.

- Chairman Kruithof states that the vicinity map is incorrect on the staff report.
- Chairman Kruithof asks if anyone in the audience or online would like to speak on the project.
- Kyle Unser of Kutak Rock Attorneys speaks on behalf of the applicant and states that the applicant understands that this variance request is discretionary, as is every other variance request.
- Allison Jacobs of The Jacobs Group speaks on the question of why the sidewalk is turned toward the roadway. Mrs. Jacobs states that the sidewalk has been moved to align with the properties to the north and the back of sidewalk is at the right of way line.
- Discussion between Mrs. Jacobs and the Board on the fence type, location, and alignment with the properties to the north.
- Motion to approve the variance as requested by Phillips, second by Swanson.
- Variance is approved 5-0.

4. Arkansas Affordable Homes LLC (Airship Coffee)

Variance*

802 NW A Street ([VAR23-0011](#))

Sign Location Variance

- Chairman Kruithof opens the public hearing.
- Chairman Kruithof closes the public hearing
- Mark Bray, operator of Airship Coffee, speaks on the project and outlines the variance request.
- Discussion between Board and Staff on other projects in the area that have the same type of signage and zoning.
- Motion to approve the sign and variance as presented by Phillips, second by Haynie.
- Sign and variance is approved 5-0.

5. Discussion on Amendment to Sec 1100.06 Fence and Wall Requirements

Discussion

- Chairman Kruithof suggest adding the word “unique” to the language in front of topographical to better illustrate what the criteria is for an administrative approval.
- Consensus from the Board to submit the amendment to the Planning Commission for approval. Consensus is agreed to 5-0.



Haney Enterprises

1004 NW A Street

BOA Date: 4/26/2023

Reviewer: Bradley Gavrielides – Planning Technician

Project Number	VAR23-0012
Applicant / Current Owner	Justin Reed / Haney Enterprises
Site Area	+/- 0.69 Acres
Current Zoning	A request to rezone this property to DN-2, Downtown Medium-Density Residential was approved by Planning Commission on 4/18/2023.
Variance Request	Zoning Code Article: Article 401 Zoning District Regulations Section: Sec 401.07-B Downtown Neighborhood (DN) Districts Regulations (c) DN districts lot and area standards (1) Standards.
Related Projects	RZ23-0026 / LS23-0024

Property Description

This property is located at 1004 NW A Street and was recently approved for rezoning by Planning Commission on 4/18/2023 from R-1, Low Density Single Family Residential to DN-2, Downtown Medium-Density Residential. The lot currently features two triplex units.

Regulation

Zoning Code Article 401 Zoning District Regulations, requires a minimum of 40 feet in lot width for an alley accessed lot with single or two-family dwellings in DN-2 zoning.

Variance Request

The applicant is requesting a variance of 0.16 feet from the 40 foot lot width for one of the 5 proposed lots to allow a lot width of 39.84 feet on the proposed new Lot 35. The applicant is planning on putting single family dwellings on the new lots.

Background

The applicant states that the owner of the property desires to split the lot into 5 separate lots. There is currently a lot split set to go before the Planning Commission on May 16th, 2023, which to be approved by the Commission, would require this variance be granted by the Board of Adjustments. The applicant states that extensive line work was performed to determine that the western property line of the property is short 0.16 feet of the platted 200 feet.

The applicant states:

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.

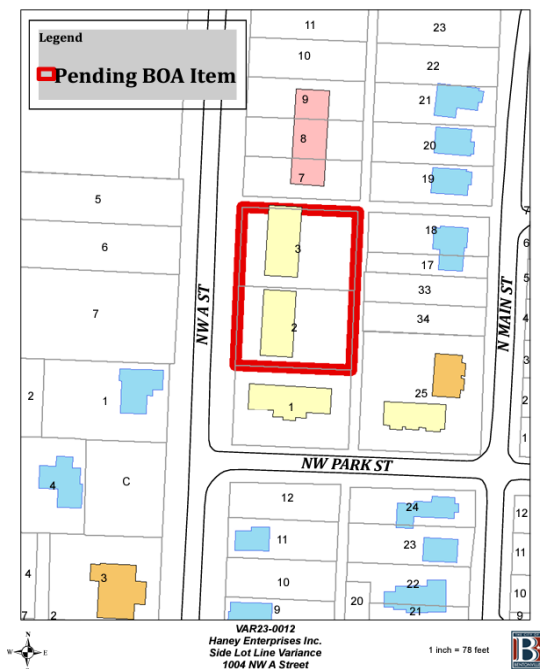
*Existing survey monuments prove that the existing west line of Parcel #01-04516-000 is 0.16' short of being the platted 200'. Extensive survey tie work and boundary calculations were performed to establish this distance.

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.

*Because Parcel #01-04516-000 is comprised of 2 platted lots, the denial of this variance would deprive the property owner of being able to split the land and maximize the total number of new lots allowed under the Bentonville incidental subdivision rules and regulations, with the current land area of the parcel.

That the special conditions and circumstances do not result from the actions of the applicant.

*The existing survey monuments that represent the lot corners of re-platted lots 2 and 3 were established and set in 1984 per filed plat book 5, page 121. The current owner purchased the property in 2015.



Public Comment

Staff has **NOT** received a public comment regarding this request.

2. An approved building permit shall be required for the proposed structures outlined in this application.

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.

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.

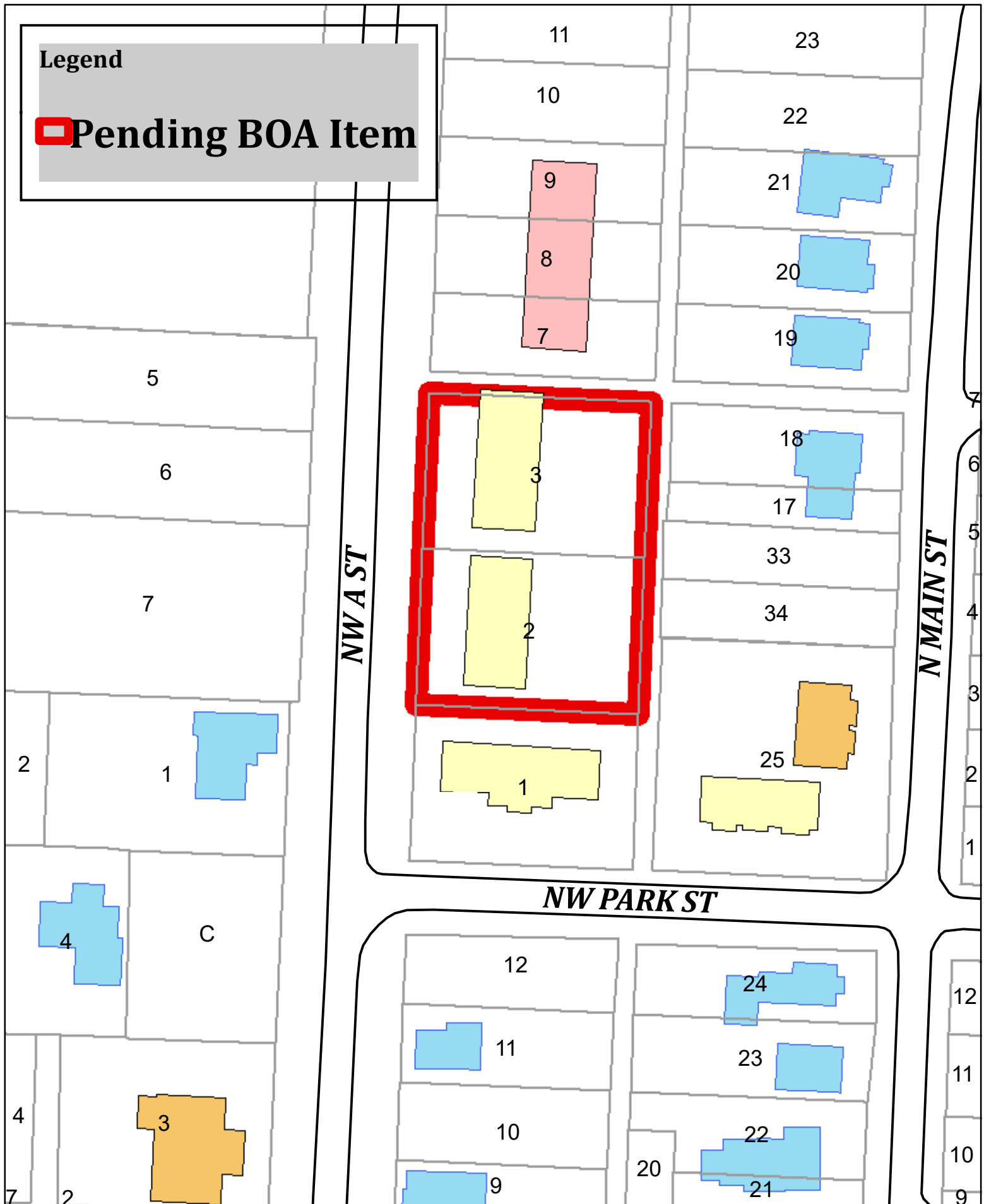
(4) The board of adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(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

 Pending BOA Item



NW PARK ST

NW A ST

N MAIN ST

VAR23-0012

**Haney Enterprises Inc.
Side Lot Line Variance
1004 NW A Street**

1 inch = 78 feet





Bates & Associates, Inc.

Civil Engineering & Surveying

7230 S. Pleasant Ridge Dr / Fayetteville, AR 72704

PH: 479-442-9350 / www.batesnwa.com

April 7, 2023

RE: Variance request at 1004 NW A Street to allow Proposed New Lot 35 to have a lot width of 39.84' (required lot width = 40' per DN-2 zoning).

To the City of Bentonville Board of Adjustments,

Haney Enterprises LLC, the property owner of parcel #01-04516-000 (1004 & 1006 NW A Street) is requesting a variance to the minimum lot width requirement for a single-family lot in DN-2 zoning.

Parcel #01-04516-000 currently has 2 triplex buildings, and the property owner is wanting to do a lot split to create 5 total lots via an incidental subdivision plat. Parcel #01-04516-000 is comprised of 2 platted lots (re-platted lots 2 and 3, block 6 of W.A. Burks Addition filed in book 5 at page 121). Currently there is a rezoning request from R-1 to DN-2 per City of Bentonville project #RZ23-0026. DN-2 zoning requires a 40' minimum lot width for single family homes. On the lot split, "New Lot 35" would have a 39.84' lot width.

Survey tie work to the surrounding properties was performed to determine that the west line of #01-04516-000 is short by 0.16' of the total platted 200.00'. This distance was established by survey tie work to the southwest corner of the adjacent lot to the south, re-platted Lot 1 per book 5, page 121. Distance proportioning was performed between the existing NW corner of re-platted lot 3 and the existing SW corner of re-platted Lot 1 to establish the lot widths shown on the attached variance exhibit. This proportioning reduces the total lot width of Parcel #01-04516-000 by 0.16'.

The appeal to allow the lot width of New Lot 35 to have a 39.84' lot width is based on the following criteria:

-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.

*Existing survey monuments prove that the existing west line of Parcel #01-04516-000 is 0.16' short of being the platted 200'. Extensive survey tie work and boundary calculations were performed to establish this distance.

-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.

*Because Parcel #01-04516-000 is comprised of 2 platted lots, the denial of this variance would deprive the property owner of being able to split the land and maximize the total number of new lots allowed under the Bentonville incidental subdivision rules and regulations, with the current land area of the parcel.

-That the special conditions and circumstances do not result from the actions of the applicant.

*The existing survey monuments that represent the lot corners of re-platted lots 2 and 3 were established and set in 1984 per filed plat book 5, page 121. The current property owner purchased the property in 2015.

Thank you for your time and consideration for this request. Please let me know if you have any questions.

Justin Reid - Project Manager
Bates and Associates
479-442-9350
justin@batesnwa.com

VARIANCE EXHIBIT FOR A PROPOSED LOT SPLIT OF REPLATTED LOT 2 & REPLATTED LOT 3, BLOCK 2 OF W.A. BURKS ADDITION CREATING NEW LOTS #35, 36, 37, 38 & 39

NOTES:

1. THE VARIANCE REQUEST IS FOR NEW LOT 35 TO HAVE A LOT WIDTH OF 39.84', WHICH IS A REDUCTION OF 0.16' FROM THE REQUIRED 40' LOT WIDTH PER DN-2 ZONING.
2. PENDING REZONING ON THIS PROPERTY FROM R-1 TO DN-2 PER CITY OF BENTONVILLE PROJECT RZ23-0026.
3. THE BUILDING SETBACKS ON THIS EXHIBIT ARE SHOWN PER THE PROPOSED DN-2 ZONING.
4. THE EXISTING 3-PLEXES ON THIS PROPERTY ARE TO BE DEMOLISHED.
5. THE SIZES AND LOCATIONS OF THE PROPOSED SINGLE FAMILY HOUSES AND GARAGE / ADU ARE APPROXIMATE AND FOR VISUAL REFERENCE ONLY.

PROPERTY OWNER:
HANEY ENTERPRISES LLC
1307 NW K ST
BENTONVILLE, AR 72712

ATLAS PAGE:
361

ADJACENT LAND OWNERS

- 1) SHORES BYPASS TRUST
MARY KAY & SHORES LEASING
PROPERTIES LLC
PO BOX 569
BENTONVILLE, AR 72712
PARCEL #01-04517-000
ZONED: R-E
2) RUBLEY, BILL
904 N QUAIL TER
ROGERS, AR 72756
PARCEL #01-04521-000
ZONED: R-1
3) PARIS, ROBERT WAYNE
1005 N MAIN ST
BENTONVILLE, AR 72712
PARCEL #01-04519-000
ZONED: R-1
4) ZEDIKER TIMOTHY C & ELIZABETH P
508 NW B ST
BENTONVILLE, AR 72712
PARCEL #01-04519-001
ZONED: DN-2
5) JDP INVESTMENTS LLC
190 E STACY RD 306-373
ALLEN, TX 75002-8734
PARCEL #01-04518-000
ZONED: R-3
6) OREGON GUINEA LLC &
CANJURA GUZMAN LLC
28 W WIMBELDON WAY
ROGERS, AR 72758
PARCEL #01-04515-000
ZONED: R-3
7) MANNING, BOBBY R & WANDA
1003 NW A ST
BENTONVILLE, AR 72712
PARCEL #01-02752-000
ZONED: R-1
8) BENTONVILLE RE DEVELOPMENT LLC
1706 CAROLYN ST
BENTONVILLE, AR 72712
PARCELS #01-02750-000, #01-02751-000
& #01-02751-001
ZONED: R-1 & DN-2

FIELD WORK:
JANUARY 17-19 & 21-23, 2023

BASIS OF BEARING:
GPS OBSERVATION - AR NORTH ZONE
NAD 83 - HORIZONTAL DATUM

REFERENCE DOCUMENTS:

- 1) PLAT OF SURVEY FILED IN BOOK 5 AT PAGE 121
2) PLAT OF SURVEY FILED IN BOOK P AT PAGE 30
3) PLAT OF SURVEY FILED IN BOOK 34 AT PAGE 230
4) PLAT OF SURVEY FILED IN BOOK L2022 AT PAGE 61013
5) PLAT OF SURVEY FILED IN BOOK 7 AT PAGE 68
6) FINAL PLAT OF W.A. BURK'S ADDITION FILED IN BOOK A AT PAGE 119
8) WARRANTY DEED FILED IN BOOK L2020 AT PAGE 03906

PROPOSED ZONING:
DN-2 PER PENDING CITY OF BENTONVILLE PROJECT RZ23-0023

PROPOSED BUILDING SETBACKS PER DN-2:

SINGLE FAMILY & 2-FAMILY:

FRONT 12ft MIN. / 25ft MAX.
SIDE 07ft INTERIOR - DETACHED YARD
SIDE 00ft INTERIOR - ATTACHED YARD
SIDE 12ft MIN. / 25ft MAX. - EXTERIOR
REAR 25ft

*WHERE A UTILITY EASEMENT EXTENDS BEYOND THE REQUIRED SETBACK, THE EDGE OF THE UTILITY EASEMENT SHALL BE THE SETBACK

GARAGE SETBACK STANDARDS:
(APPLICABLE TO ATTACHED AND DETACHED GARAGES)

PROHIBITED IN FRONT YARDS, GARAGES, PARKING LOTS OR DESIGNATED PARKING SPACES ARE PROHIBITED IN THE FRONT YARD AND CORNER SIDE YARD.

ATTACHED GARAGES, GARAGES MAY BE ATTACHED TO THE PRIMARY STRUCTURE. HOWEVER, IF THE GARAGE IS ATTACHED, IT MUST BE LOCATED AND ORIENTED IN SUCH A WAY THAT IT DOES NOT PROTRUDE FROM THE SIDE FAÇADE OF THE PRIMARY BUILDING IN ORDER TO BE VISIBLE FROM THE PUBLIC STREET.

DETACHED GARAGES, DETACHED GARAGES SHALL BE LOCATED TO THE REAR OF THE PRIMARY STRUCTURE.

CORNER LOT, ON A CORNER LOT, THE GARAGE SHALL NOT BE LOCATED CLOSER THAN 20' TO THE CORNER SIDE LOT LINE IN ORDER TO ALLOW FOR OUTDOOR VEHICULAR PARKING ENTIRELY ON THE LOT.

DETACHED GARAGES, DETACHED GARAGES MUST BE SEPARATED FROM THE PRIMARY STRUCTURE BY A MINIMUM OF 10'.

GARAGES WITH ALLEY ACCESS, GARAGES WITH ALLEY ACCESS MUST BE SETBACK 8' FROM THE ALLEY.

ACCESSORY STRUCTURES (I.E. GARAGES, STORAGE SHEDS, SEPARATE DWELLING UNITS):

DETACHED NON-RESIDENTIAL & DETACHED ACCESSORY DWELLING:

FRONT AS REQUIRED BY DISTRICT
SIDE 07ft
REAR 07ft

ATTACHED ACCESSORY DWELLING:

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

*ON CORNER LOTS: STRUCTURE SHALL NOT PROJECT BEYOND THE BUILDING LINE OF THE PRIMARY STRUCTURE ON THE ADJACENT LOT

EXISTING ZONING:
R-1

BUILDING SETBACKS PER R-1:

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

*WHERE A UTILITY EASEMENT EXTENDS BEYOND THE REQUIRED SETBACK, THE EDGE OF THE UTILITY EASEMENT SHALL BE THE SETBACK

GARAGE SETBACK STANDARDS:
(APPLICABLE TO ATTACHED AND DETACHED GARAGES)

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

ACCESSORY STRUCTURES (I.E. GARAGES, STORAGE SHEDS, SEPARATE DWELLING UNITS):

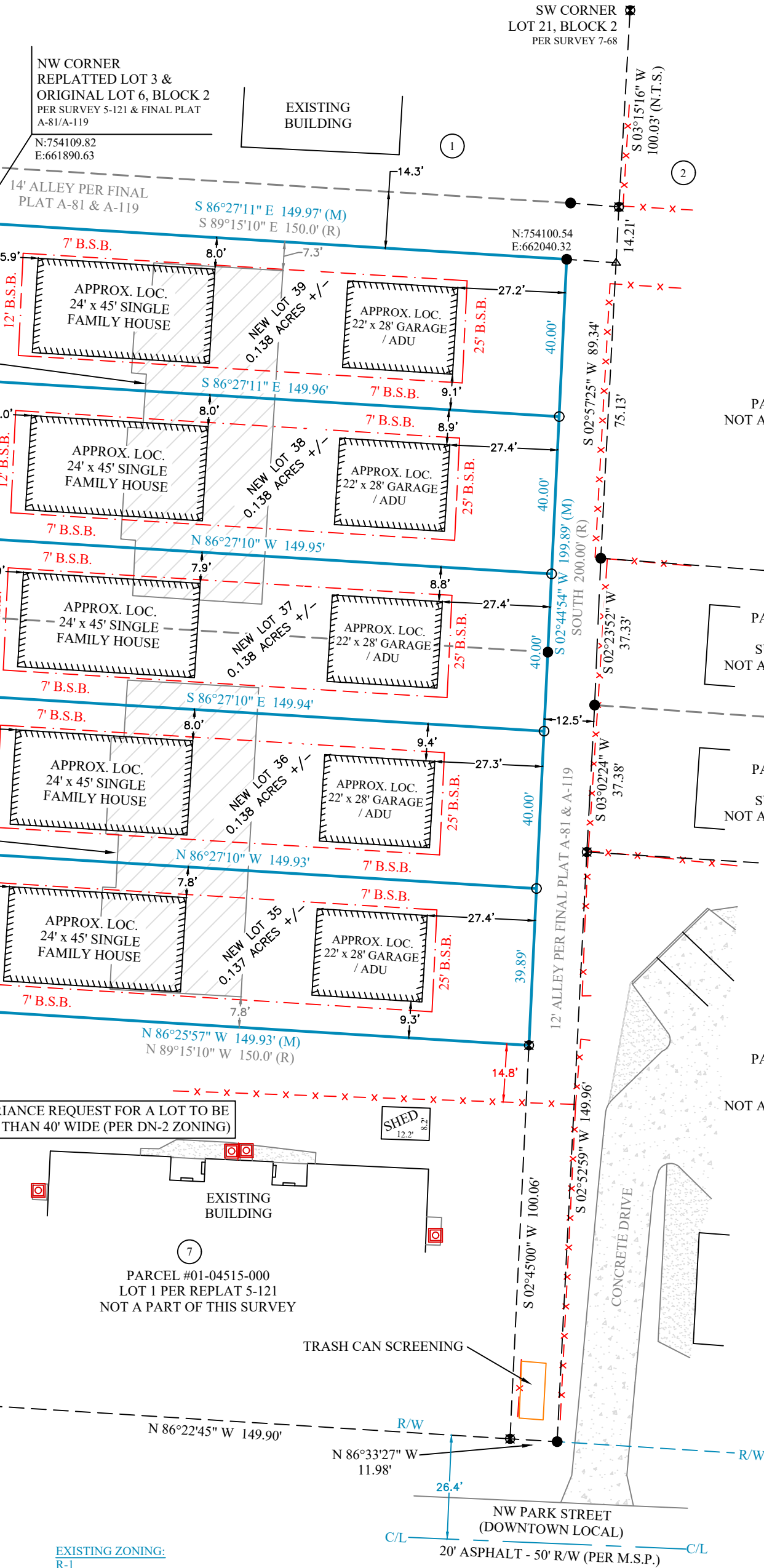
DETACHED NON-RESIDENTIAL & DETACHED ACCESSORY DWELLING:

FRONT AS REQUIRED BY DISTRICT
SIDE 07ft
REAR 07ft

ATTACHED ACCESSORY DWELLING:

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

*ON CORNER LOTS: STRUCTURE SHALL NOT PROJECT BEYOND THE BUILDING LINE OF THE PRIMARY STRUCTURE ON THE ADJACENT LOT



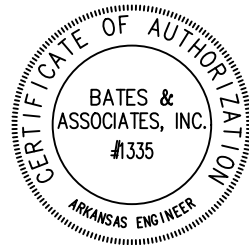
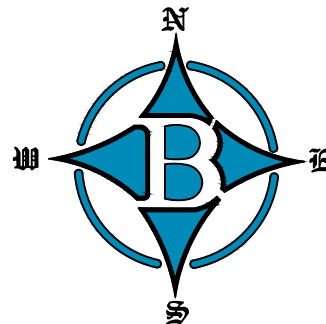
TOTAL ACREAGE
PARCEL
#01-04516-000
0.69 ACRES +/-

PARCEL #01-04520-000
NOT A PART OF THIS SURVEY

PARCEL #01-04519-000
LOT 33, BLOCK 2
SURVEY L2022-61013
NOT A PART OF THIS SURVEY

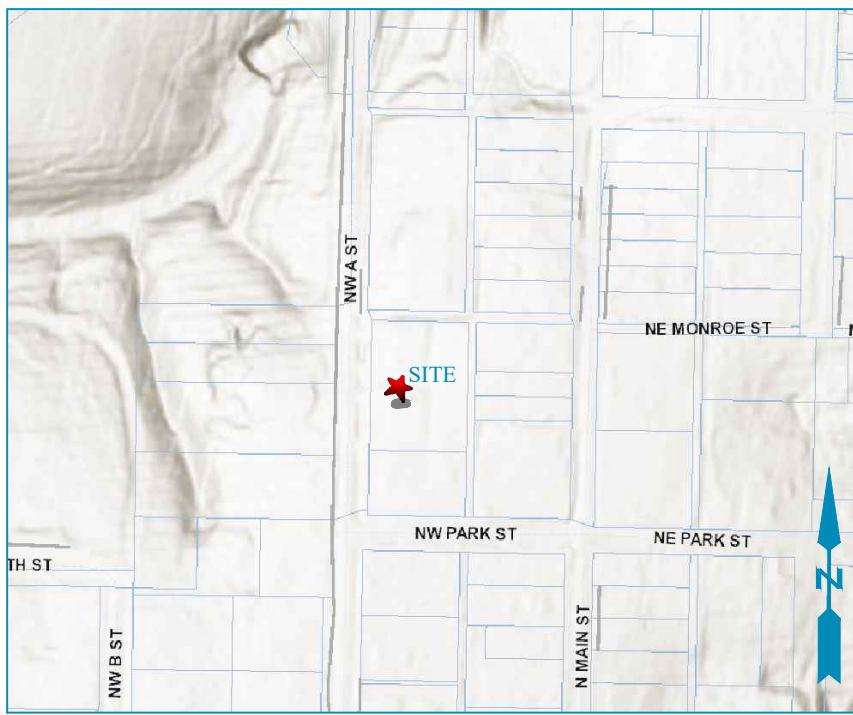
PARCEL #01-04519-001
LOT 34, BLOCK 2
SURVEY L2022-61013
NOT A PART OF THIS SURVEY

PARCEL #01-04518-000
LOT 25, BLOCK 2
SURVEY 34-230
NOT A PART OF THIS SURVEY



GRAPHIC SCALE (IN FEET)
1 Inch = 30ft.

VICINITY MAP



VICINITY MAP NOT TO SCALE

BENTONVILLE CITY PROJECT #VAR23-0012

DRAWING #23-004 VARIANCE

FOR USE AND BENEFIT OF:
MARK HANEY

ADDRESS:
1004 & 1006 NW A STREET
BENTONVILLE, ARKANSAS

DATE: 04/07/23 SCALE: 1"=30'

LOCATION:
REPLATTED
LOTS 2 & 3
BLOCK 2
W.A. BURK'S
ADDITION

SURVEYED: AH, JCR
DRAFTED: DT
REVIEWED: COA #1335



Bates & Associates, Inc.
Engineers • Surveyors

7230 S. Pleasant Ridge Dr. • Fayetteville, Arkansas 72704 • 479.442.9350 • Fax 479.521.9350
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This survey was conducted for the person or persons whose name(s) appear on this plat. This plat is protected by copyright. No one including the person(s) named may reproduce this plat without the express written consent of Bates & Associates, Inc. Surveyor has made no independent investigation for encumbrances, restrictive covenants, ownership title evidence, or any other fact which a complete and accurate title search may disclose. Any flood statement provided on this plat is for information only and Bates & Associates, Inc. assumes no liability for the correctness of the herein cited maps, furthermore the above statement does not represent the opinion of Bates & Associates, Inc. of the probability of flooding.

LEGEND:

THESE STANDARD SYMBOLS WILL BE FOUND IN THE DRAWING.

(W) RECORD BEARING & DISTANCE
(M) MEASURED BEARING & DISTANCE

● FOUND 5/8" REBAR
● FOUND 1/2" REBAR

⊗ SET CHISELED "X" IN CONC.
△ COMPUTED POINT

○ SET 5/8" REBAR CAP
○ SANITARY SEWER MH
○ TELEPHONE PEDESTAL
○ ELECTRICAL METER

○ WATER METER
○ CLEANOUT
○ POWER POLE
○ WATER VALVE
○ GAS METER
○ AC CONDENSER UNIT
○ BOLLARD

— BOUNDARY LINE (MEASURED)
--- PARCEL / LOT LINE
--- TIE LINE
--- CENTERLINE OF ROAD
--- RIGHT-OF-WAY
- - - - - FENCE



Nuthalapati

2002 and 2000 NE Chaucer St

BOA Date: 4/26/2023

Reviewer: Luke Aitken – Planning Technician

Project Number	VAR23-0013
Applicant / Current Owner	Venkata Sridhar Rad Nuthalapati
Site Area	+/- 0.21 acres and 0.20 acres
Current Zoning	PUD, Planned Unit Development
Variance Request	Zoning Code Article: Article 401 Zoning District Regulations. Front facing setback of 30' is required by approved PUD04-12000004.
Related Projects	VAR23-0007

Property Description

These properties are located in northeast Bentonville at 2002 and 2000 NE Chaucer Street and are currently zoned PUD, Planned Unit Development. The neighborhood consists of other single family homes similar in size to that proposed for construction by the applicant.

Regulation

Approved PUD04-12000004 requires a minimum front setback of 30 feet in the Grammercy Park Subdivision.

Variance Request

The applicant is requesting a variance of 7 feet from the 30 foot front setback required by the approved PUD for this subdivision, to allow a front setback of 23 feet. The applicant is planning on building separate single family dwellings on the two lots.

Background

The applicant states that the lots in question are both very steep at the rear to the point it would create challenges for construction of the proposed single family homes. The applicant also claims that if a 30 foot front setback was enforced they would not have a usable rear yard similar to other homes in the same neighborhood. The drastic elevation changes also could create challenges in regard to grading the lots to be flat enough for building while adhering to the City's grading and drainage regulations.

It should be noted that a similar variance request was approved by this board for 2004 and 2006 NE Chaucer St, just to the north of the two lots in question, (VAR23-0007) at the 3/22/2023 meeting.

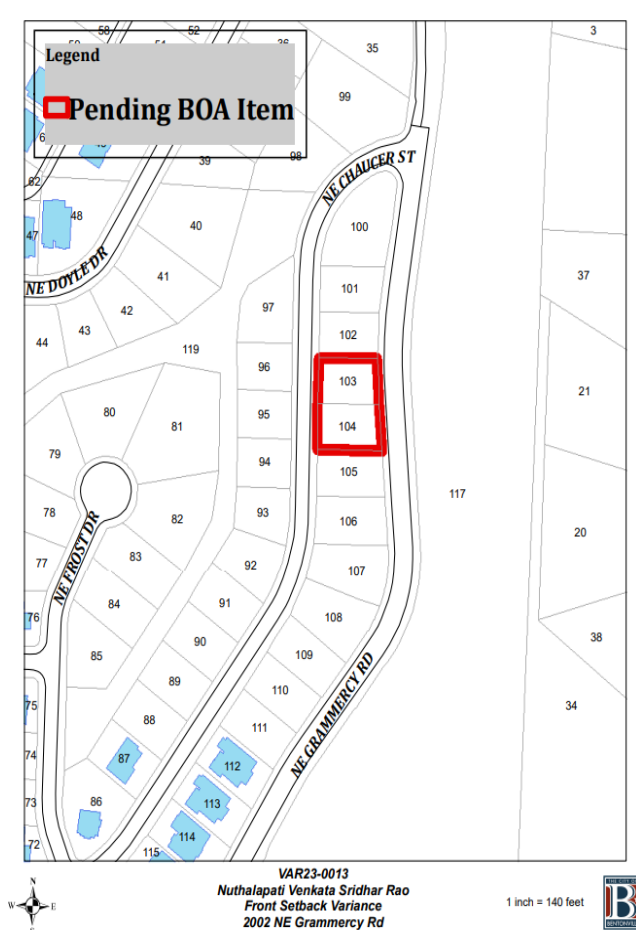
Public Comment

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. An approved building permit shall be required for the proposed structures outlined in this application.



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.

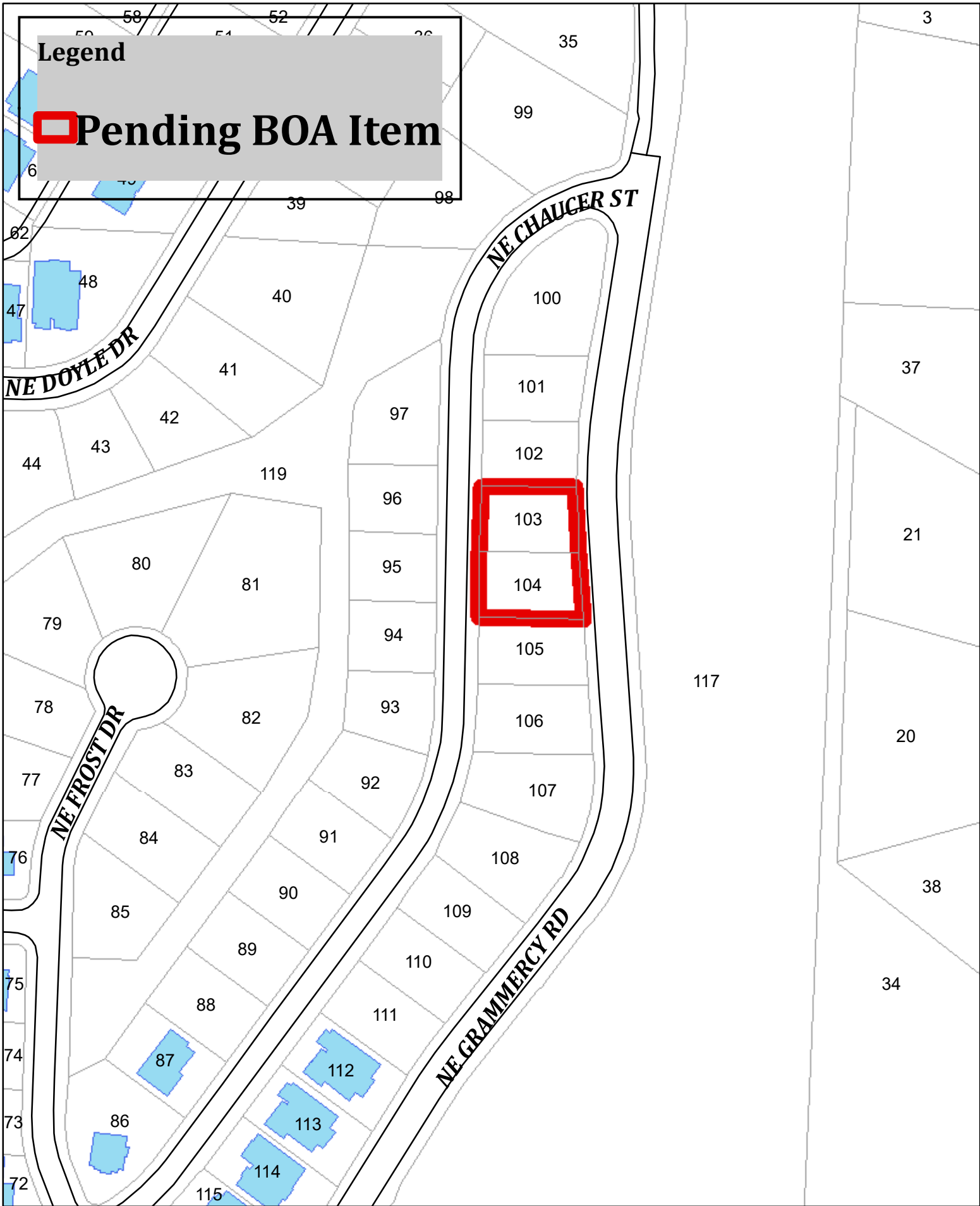
(2) No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

(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.



VAR23-0013
Nuthalapati Venkata Sridhar Rao
Front Setback Variance
2002 NE Grammercy Rd

1 inch = 140 feet



PROPERTY INFORMATION

Water: ☒ Public Water ☐ Private/Semi Private Well

Sanitary: ☒ Public Sewer ☐ Private Septic System

Storm Drainage: ☐ Ditches ☐ Swales ☐ Retention Pond ☐ Detention Pond ☐ Bio-Retention Pond

Access to Property: ☒ County Road (Road Name NE Grammercy Road)
☐ Easement

Electricity Provider: Bentonville Utilities

APPLICANT'S STATEMENT of RELIEF or HARDSHIP

Property owner or applicant: In your own words, briefly specify the provision of the regulations where relief is sought and the hardship or justification for this request.

This Variance Request is for Lot # 103 and Lot # 104 located at 2000 NE Chaucer Dr and 2002 NE Chaucer Dr, Bentonville in Grammercy Park Subdivision. These lots are 76' wide and 110' - 115' depth. However the back of the lots are very steep and falling significantly low. Because of this it is very challenging constructing a house with current front setbacks which is 30' front from the property line and having a usable backyard. Hence requesting to provide approval on this variance request for a front setback of 23' instead of current 30' allowing to built house 7' towards the street. This will help to construct a house with a usable backyard. Also for quick reference a recent Variance Request with similar issue was approved (Ref VAR23-0007 HSK Homes LLC - BOA-3/22/2023) for neighbor lots Lot # 101 and Lot # 102.

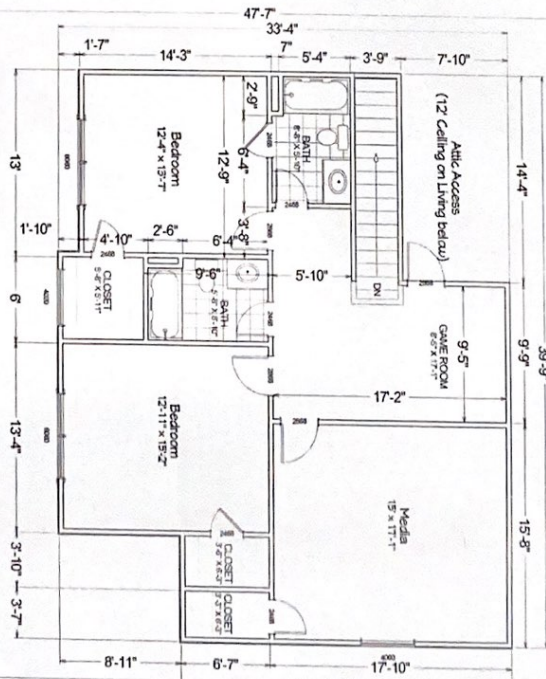
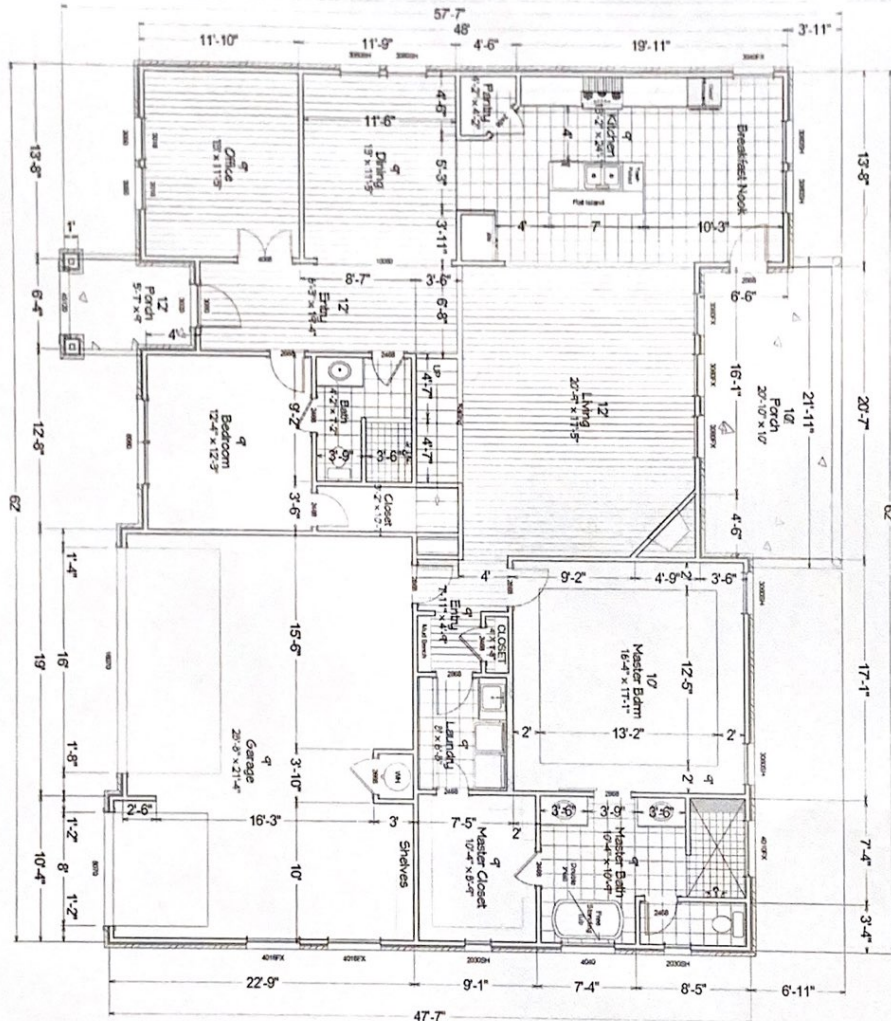
IMPORTANT NOTE

In accordance with Chapter 2, section 2.9 of the Planning and Development Regulations of Benton County,

Variances are relief to a **dimensional** provision (i.e. setback variance) of this ordinance by an affirmative vote of two-thirds (2/3) of the vote of the total membership of the Planning Board.

Waivers and modifications are applicable to **non-dimensional** provisions (i.e. septic waivers) of this ordinance which, by the scrutiny of the Planning Board and which may be informed by supporting evidence by staff or other experts, can be prudently and judiciously modified or waived to the extent reasonable and necessary to provide relief to the applicant as part of their development request.

NOTE: A representative for this application must appear before the Benton County Planning Board at both the Technical Advisory Committee (TAC) portion of the Planning Board meeting as well as again two weeks later at the Public Hearing portion of the Planning Board meeting.



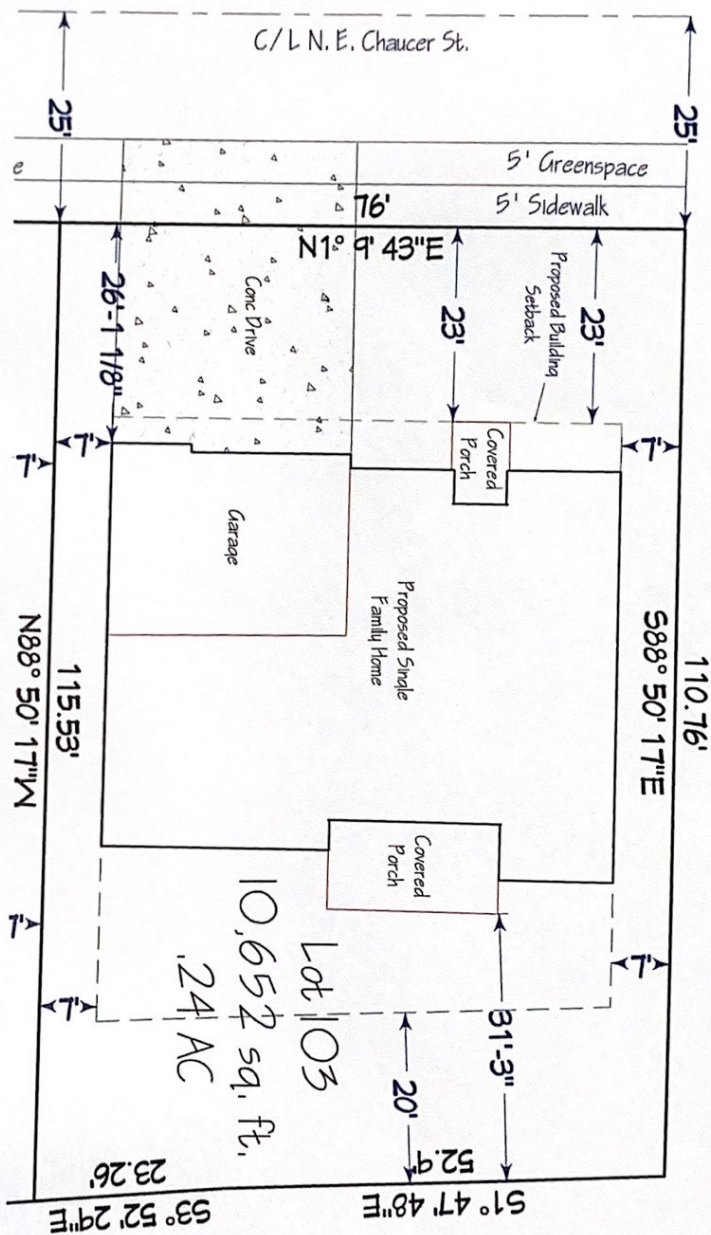
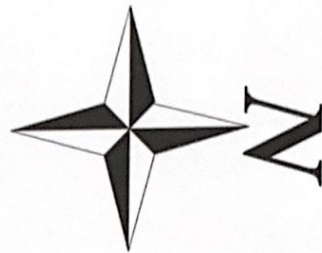
HEATED OUT OF STUD MAIN:	2144
HEATED OUT OF STUD UP:	1073
GARAGE OUT OF STUD:	644
FORCHIPATIO:	265
TOTAL UNDER ROOF:	4131
HEATED OUT OF FINISH:	3244
HEATED OUT OF FINISH:	3222 sqft

FLOOR PLAN GP Homes Lot 103

Sheet Pla
DATE 4/5/2023
SCALE 1/8" = 1'-0"
Drawn By
CMS

LOT
GP-103

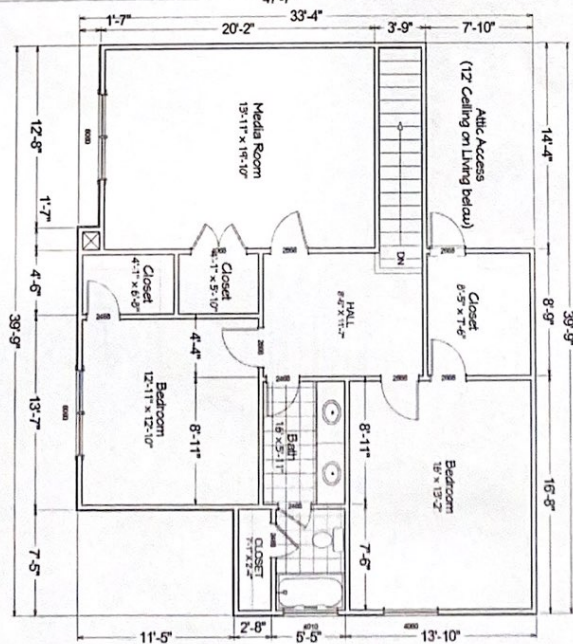
Grammercy Park Phase I



- Property Line
- Foundation Line
- - - Building Setback
- - - Easement

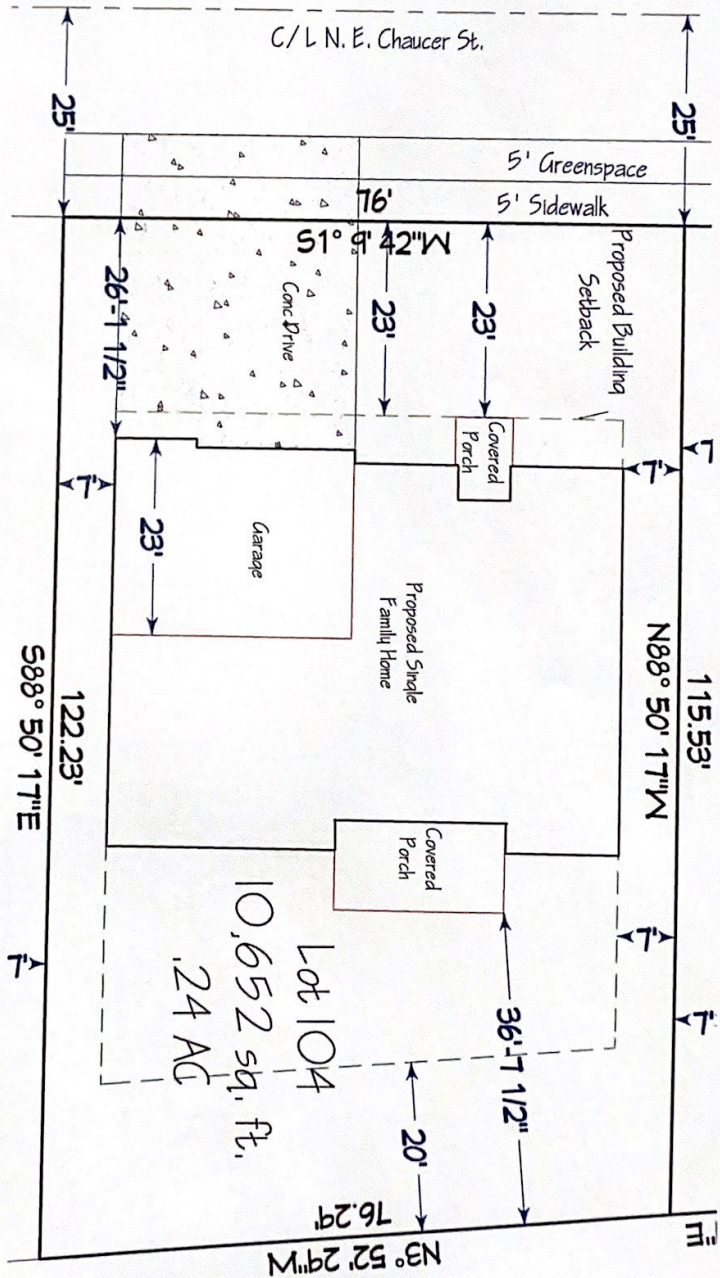
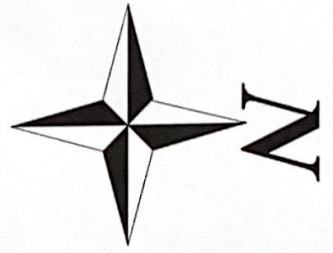
Address 2002 N. E. Chaucer St.

Scale: 1"=20'	Date 4/7/2023	Plot Plan	Drawn For: GP Homes	Lot: 103
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104	FLOOR PLAN SDAN Homes Plan 104
Sheet	Pla
DATE	4/5/2023
SCALE	1/8" = 1'-0"
Drawn By	CMS

Grammercy Park Phase I



- Property Line
- Foundation Line
- Building Setback
- Easement

Address 2000 N. E. Chaucer St.

Scale:



Date 4/7/2023

Plot Plan

Drawn For:
SPAN Homes LLC

LOT:

104