



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

Meeting Link: https://us06web.zoom.us/webinar/register/WN_CkiL_117Sf215GyL95hpMw

- I. Call to Order**
- II. Approval of June 28th Meeting Minutes**
- III. New Business**

- 1. Pujari** **Variance***
1005 SW Brockton Ave ([VAR23-0022](#))
 - Side Yard Fence – Height and Location

IV. Old Business

- 1. Jampana** **Variance***
NE Steinbeck Dr ([VAR23-0017](#))
 - Front Building Setback
- 2. Jampana** **Variance***
NE Doyle Dr ([VAR23-0018](#))
 - Front Building Setback
- 3. Jampana** **Variance***
NE Steinbeck Dr ([VAR23-0019](#))
 - Front Building Setback
- 4. Jampana** **Variance***
NE Chaucer St ([VAR23-0020](#))
 - Front Building Setback



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

Meeting Link: <https://us06web.zoom.us/rec/share/OPVp6AJkmgpWD3V-daH0GfA2aTEM8VoUftRMU34SRGRFjbc9JEQ54MNlnYnfY1wW.QWgjqS8NRmj3WLcQ>

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

City Staff Present: Tom Adler, Bradley Gavrielides

I. Call to Order

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

II. Approval of April 26th Meeting Minutes

- Mr. Gavrielides states an amendment to the April 26th Meeting Minutes, stating the motion to approve by Pearson and second by Haynie for approval of the April 12th Meeting Minutes.
- Motion by Phillips to approve meeting minutes as amended by Mr. Gavrielides by, second by Swanson.
- April 26th meeting minutes approved as amended 5-0.
- Chairman Kruithof requests without objection that Item 5 of New Business be moved to Item 1 of New Business.

III. New Business

1. Donckers

Variance*

3214 SW Warberry Ave (VAR23-0021)
Front Building Setback

- Mr. Gavrielides reads the staff report outlining the request.
- Chairman Kruithof opens the public hearing.
- Melanie Allen of the Stone Meadow POA Board states that the POA approved the porch and setback request.
- Mr. Phillips asks when the home was built.
- Daniel Tubbs of the Stone Meadow POA Board states that the porch/setback request was approved by the POA.
- Richard & Jill Donckers, the applicant, states that the home was built in 2019.

- Mr. Donckers details the damage to his home that has been caused by water intruding into his home through the door area.
- Chairman Kruithof closes the public hearing.
- Motion by Phillips to approve the variance as presented, second by Pearson.
- Variance is approved 5-0.

Note: Due to the applicant not being present for Items 2-5 of New Business, the Board held the public hearings for these items and then tabled them all until the next meeting so the applicant could attend.

- | | |
|---|-------------------|
| <p>2. Jampana
NE Steinbeck Dr (VAR23-0017)</p> <ul style="list-style-type: none"> • Front Building Setback | Variance* |
| <p>3. Jampana
NE Doyle Dr (VAR23-0018)</p> <ul style="list-style-type: none"> • Front Building Setback | Variance* |
| <p>4. Jampana
NE Steinbeck Dr (VAR23-0019)</p> <ul style="list-style-type: none"> • Front Building Setback | Variance* |
| <p>5. Jampana
NE Chaucer St (VAR23-0020)</p> <ul style="list-style-type: none"> • Front Building Setback • Chairman Kruithof opens the Public Hearing. • Chairman Kruithof closes the Public Hearing. • Motion to table New Business items 2-5 due to no representative present by Phillips, second by Swanson. • New Business items 2-5 are tabled until the next meeting 5-0. | Variance* |
| <p>6. Discussion on Amendment to Sec 1100.06 Fence and Wall Requirements</p> <ul style="list-style-type: none"> • Discussion between the Board and Staff in regard to the codified amendment. • Mr. Gavrielides states the codified verbiage. | Discussion |
- IV. Adjournment**
- Motion to adjourn by Phillips, Second by Pearson.
 - Meeting is adjourned 5-0 by voice vote.



Pujari

1005 SW Brockton Avenue

BOA Date: 7/12/2023

Reviewer: Luke Aitken, Planning Technician

Project Number	VAR23-0022
Applicant / Current Owner	Naveen Pujari
Site Area	+/- 0.25 Acres
Current Zoning	R-1, Low Density Single Family Residential
Variance Request	Zoning Code Article: Article 1100 Development Standards Section: Sec 1100.06 Fence and Wall (g) Fence location (6) Sight distance requirements AND (h) Fence design standards (1) Fence Height (c) Side exterior yard
Related Projects	N/A

Property Description

This property is located at 1005 SW Brockton and is currently zoned R-1, Low Density Single Family Residential.

Regulation

Zoning Code Article 1100 Development Standards, Sec 1100.06 Fence and Wall (h) Fence design standards (1) Fence Height (c) Side exterior yard: allows a maximum height of 4 feet for exterior side yard fences.

Variance Request

The applicant is requesting a variance in order to build an extended 6-foot-tall fence on the west side yard of their property along SW Dryden Road.

Their single variance request is twofold, as two different regulations apply within the code section in question. First the applicant requests a variance of 2 feet from the maximum fence height of 4 feet to allow a 6-foot-tall fence adjacent to a public right-of-way. The applicant states that the taller fence would allow a greater screening and separation between their backyard and side yard and the adjacent road.

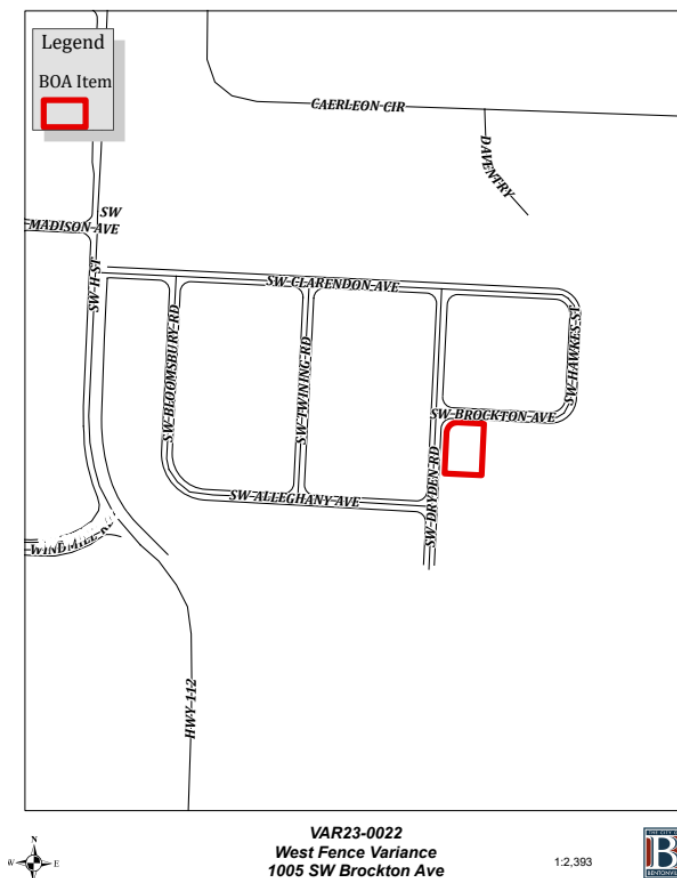
Second, the applicant requests a variance of 20 feet from the fence location requirements, prohibiting interference with sight distances of neighboring driveways. Code requires the fence be located along the western edge of the primary structure on the property to prevent sight distance issues in neighboring driveways. The applicant proposes the fence be located 12 feet from the right of way boundary along SW Dryden Road, which extends 20 feet beyond the west face of the existing structure on the property, according to the drawings submitted to Staff.

Background

The applicant states they want to increase privacy and safety around their property, claiming passing pedestrians walk in their western side yard lawn regularly and that they worry about neighbors damaging their side yard electric and internet infrastructure. The applicant also states a grade change from south to north decreases his family's privacy in their backyards and bedrooms, and that their neighbors house is built above their own giving the neighbors a sight line into their rear yard and bedroom windows.

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, minus the other conditions, 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.

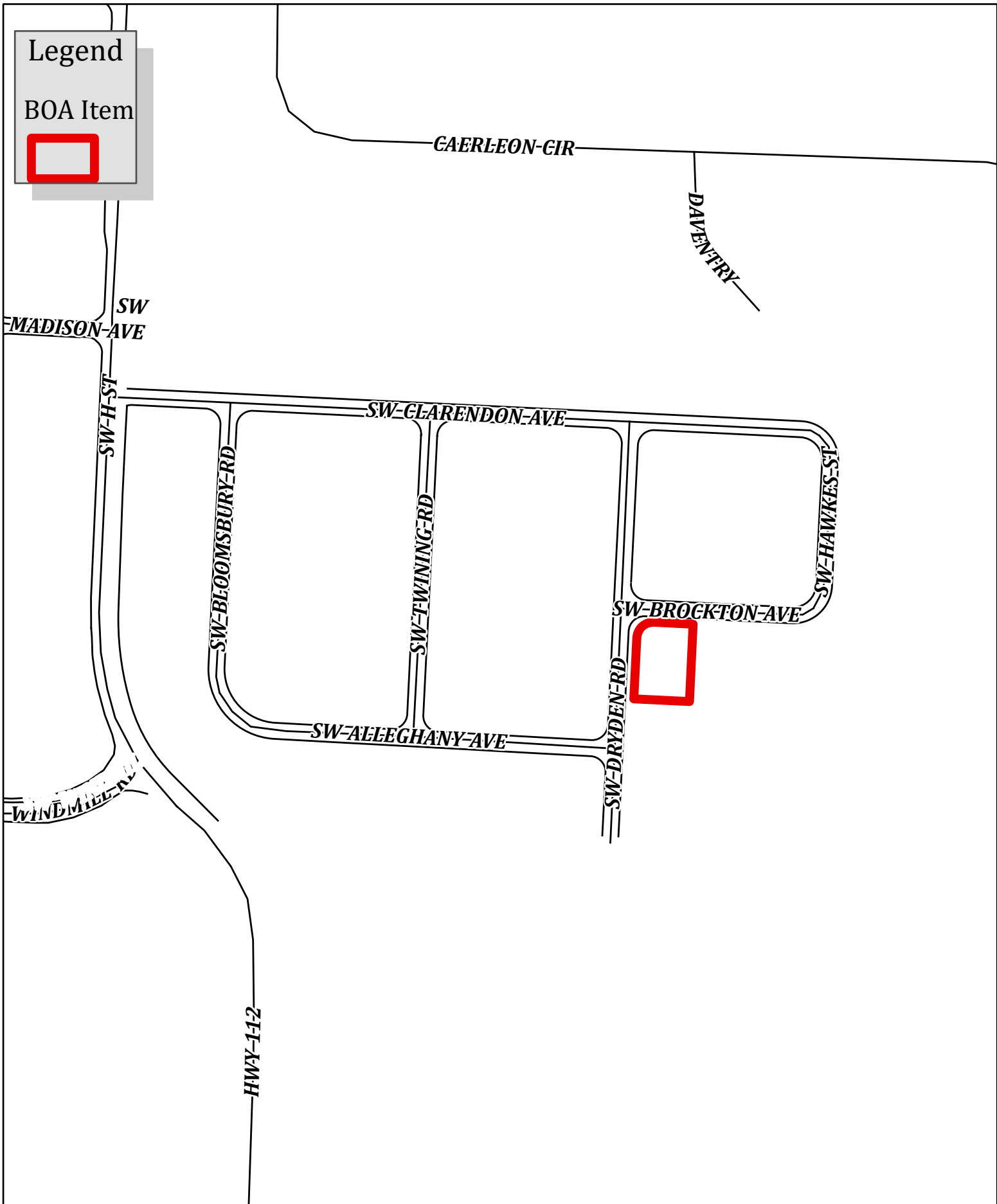
(2) No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

(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.



Legend

BOA Item



CAERLEON CIR

DAVENTRY

MADISON AVE

SW

SW H ST

SW CLARENDON AVE

SW BLOOMSBURY RD

SW TWINING RD

SW HAWKES ST

SW BROCKTON AVE

SW ALLEGHANY AVE

SW DRYDEN RD

WINDMILL AVE

HWY 112



VAR23-0022
West Fence Variance
1005 SW Brockton Ave

1:2,393

6



June 29, 2023

West side 6ft Fence Variance Request: 1005 SW Brockton Ave, Bentonville AR 72713

Planning Department / Board of Adjustment

My name is Naveen Pujari, and my wife is Rajani Pujari. Our primary residence is at 1005 SW Brockton Ave. I can be reached at npujaris@gmail.com, or on my mobile phone at 860-356-6946.

This narrative is in support of Project variance request for fence, a Code Variance from Code Section 1100.06 Fence and Wall Requirements Subsection H1

We are requesting a variance in order to build a extended 6-foot-tall fence on west side our house for three reasons:

- 1.) We are concerned about the safety of our family and our guests as it relates on the west side of our property, at 1005 SW Brockton Ave. there is no west side fence that surrounds our Master Bedroom, Master Bath and utilities and west side of house exposed to SW Dryden Rd and peoples are walking on my west side lawn and dogs are barking night times. My internet and Power unit boxes are exposing outside on west side property, we are afraid that people are trespassing and can damage power and internet
- 2.) We would like to protect the safety and privacy of our two daughters (11 and 6 years old) and their young female guests at our house. The house at 5915 SW Dryden RD includes a raised garage which gives good view to full Dryden Rd , master bedroom and backyard of our house they will have a

full view of our master bedroom. We need privacy to our master bedroom and back yard also.

3.) Due to the steep down approaching to Brockton Ave from south, my home sits 12 feet below the homes and street to the south and sits 4.5 feet below the home to the west, increasing visibility and decreasing privacy.

a. West Visibility: The neighbors, pedestrians and vehicles to the west could see directly into my master bedroom and backyard with full visibility to my master bedroom and backyard area (pictures below)

b. South Visibility: Due to grade, south side homes could see directly into my backyard and master bedroom.

As all the new construction continues to build very tall neighboring houses, we are more interested in our privacy than in the past and feel a need to ask for an adjustment to our west side fence install with 6 feet height. (Please see attached site plan)

The fence will be installed 10 feet from main sewer line and 12 feet from sidewalk. This will give enough room for main sewer line and utilities and clear separation for utilities. Please let me know if you need more information

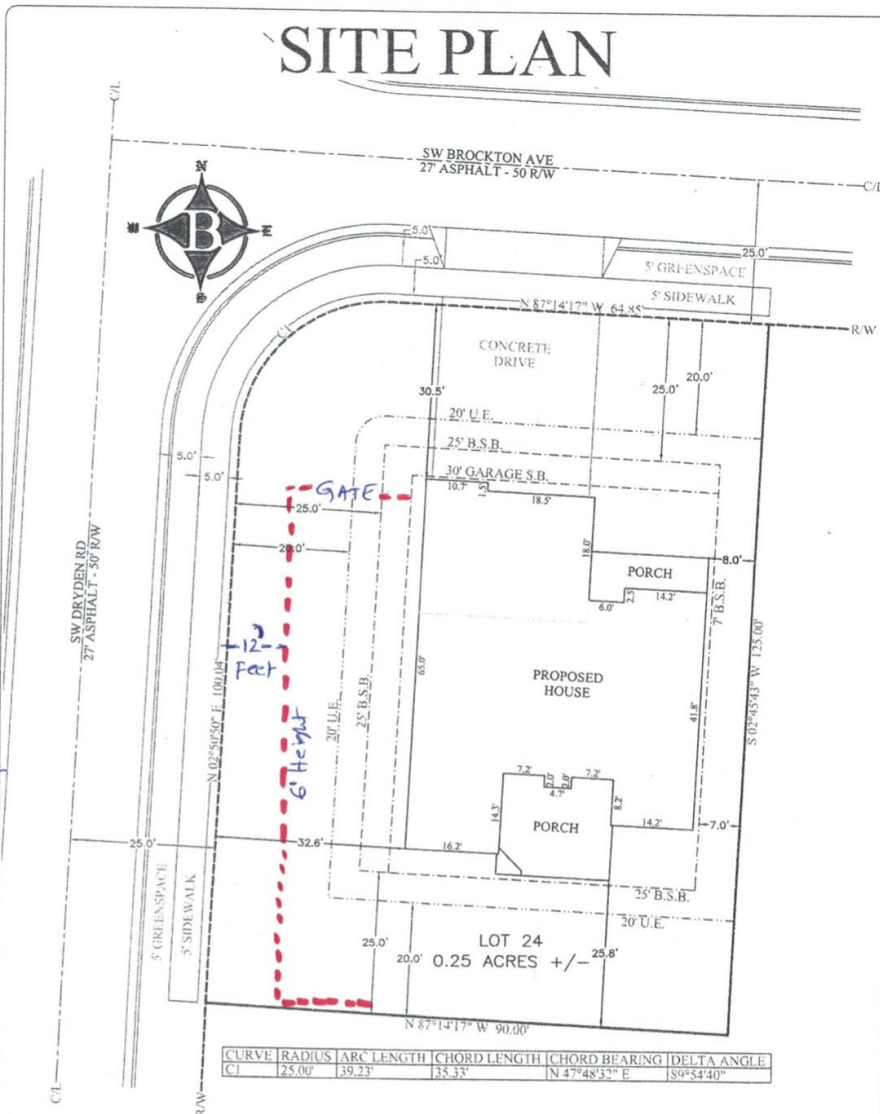
We believe that the safety, privacy, and aesthetic reasons provide sufficient hardship to justify our variance request. Thank you very much for your consideration, please let us know if you have any questions or need any further information from us.

We appreciate your consideration.

Naveen & Rajani Pujari

860-356-6946

SITE PLAN



*
12 Feet From
Side Walk
10 Feet From
Sewer main
line (shown
in site plan)
* 6 Feet High
Privacy fence

HOUSE LAYOUT

NOT FOR CONSTRUCTION

NOTES:

1. DIMENSIONS ARE PERPENDICULAR TO PROPERTY LINES.
2. THIS PLOT PICTURES FUTURE CONSTRUCTION OF IMPROVEMENTS AS SHOWN.
3. THIS IS NOT A BOUNDARY SURVEY, IT IS NOT INTENDED FOR TRANSFER OF TITLE.
4. ALL DIMENSIONS MEASURED TO WALL.
5. THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION OF THE BUILDING AND BUILDING DIMENSIONS SHOWN HEREIN MUST BE VERIFIED BEFORE PROCEEDING WITH CONSTRUCTION. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THAT THE BUILDING DOES NOT ENCROACH UPON ANY BUILDING SETBACKS AND OR EASEMENTS.

LEGEND: THESE STANDARD SYMBOLS WILL BE FOUND IN THE DRAWING.

—————	BOUNDARY LINE
- - - - -	CENTERLINE OF ROAD
- · - · -	RIGHT-OF-WAY
- · - - -	BUILDING SETBACK
- · · · ·	UTILITY EASEMENT

FOR USE AND BENEFIT OF:

GBS

ADDRESS:
1005 SW BROCKTON AVE
BENTONVILLE, ARKANSAS

DATE: 5/27/21
LOCATION:
LOT 24
CLARENDON

SCALE: 1"=20'	
SURVEYED:	DRAFTED:
XX	JY
REVIEWED: DT	



**Bates &
Associates, Inc.**
Engineers · Surveyors · Landscape Architects

7230 S. Pleasant Ridge Dr., Fayetteville, Arkansas 72704 • 479.442.9350 • Fax 678.521.9350

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Photos with extended west side fence with 6 ft height







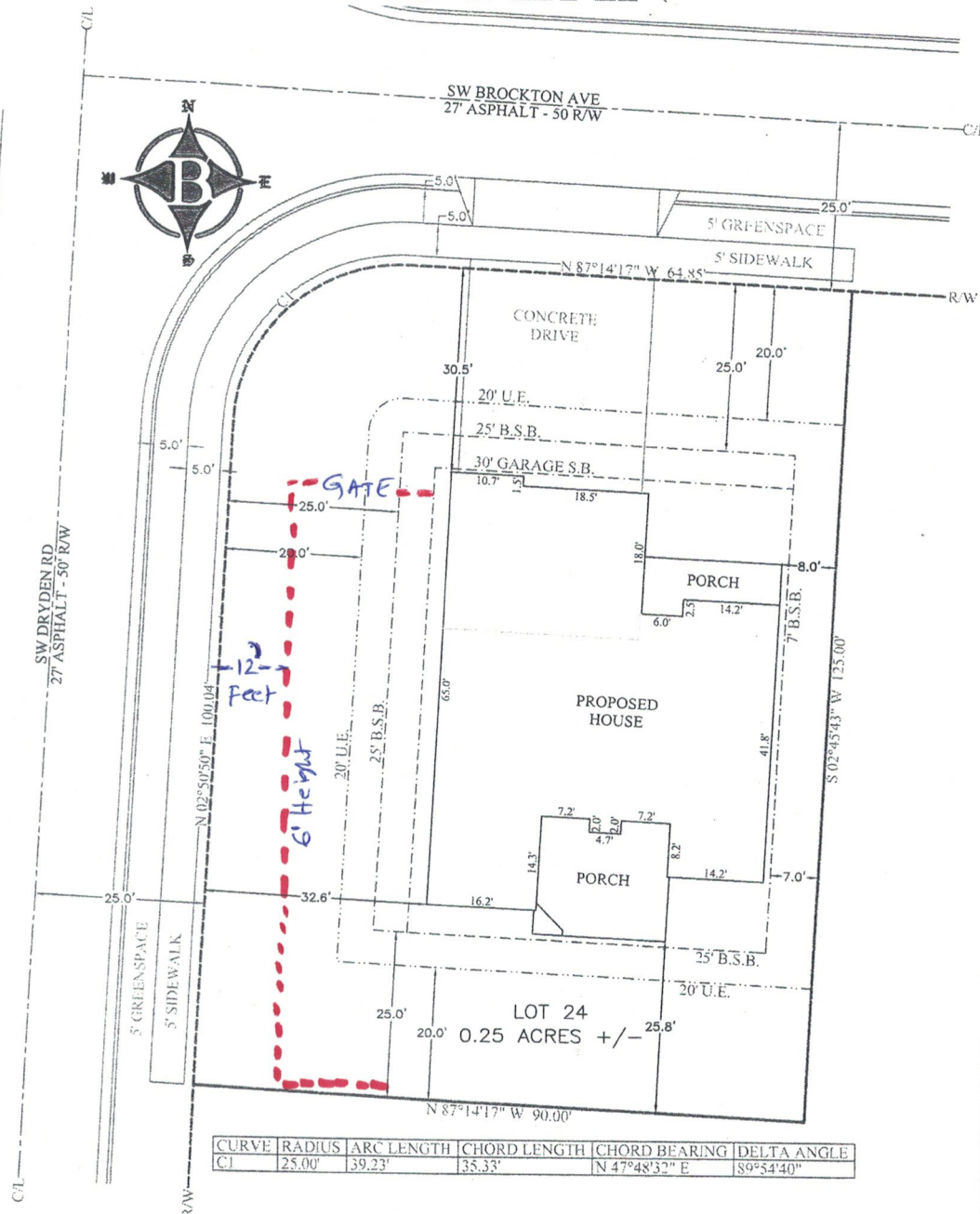
5915 SW Dryden RD house with raised garage height





SITE PLAN

*
12 Feet From
Side Walk
10 Feet From
Sewer main
line (shown
in site plan)
* 6 Feet Height
Privacy fence



HOUSE LAYOUT NOT FOR CONSTRUCTION

- NOTES:
1. DIMENSIONS ARE PERPENDICULAR TO PROPERTY LINES.
 2. THIS PLOT DEPICTS FUTURE CONSTRUCTION OF IMPROVEMENTS AS SHOWN.
 3. THIS IS NOT A BOUNDARY SURVEY, IT IS NOT INTENDED FOR TRANSFER OF TITLE.
 4. ALL DIMENSIONS MEASURED TO WALLS.
 5. THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION OF THE BUILDING AND BUILDING DIMENSIONS SHOWN HEREON MUST BE VERIFIED BEFORE PROCEEDING WITH CONSTRUCTION. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THAT THE BUILDING DOES NOT ENCROACH UPON ANY BUILDING SETBACKS AND OR EASEMENTS.

0' 20' 40' 60'



GRAPHIC SCALE (IN FEET)

1 Inch = 20 ft.

LEGEND: THESE STANDARD SYMBOLS WILL BE FOUND IN THE DRAWING.

- BOUNDARY LINE
- - - CENTERLINE OF ROAD
- - - RIGHT-OF-WAY
- - - BUILDING SETBACK
- - - UTILITY EASEMENT

FOR USE AND BENEFIT OF:

GBS

ADDRESS:
1005 SW BROCKTON AVE
BENTONVILLE, ARKANSAS

DATE: 5/27/21

SCALE: 1" = 20'

LOCATION:
LOT 24
CLARENDON

SURVEYED: DRAFTED:

XX JY

REVIEWED: DT

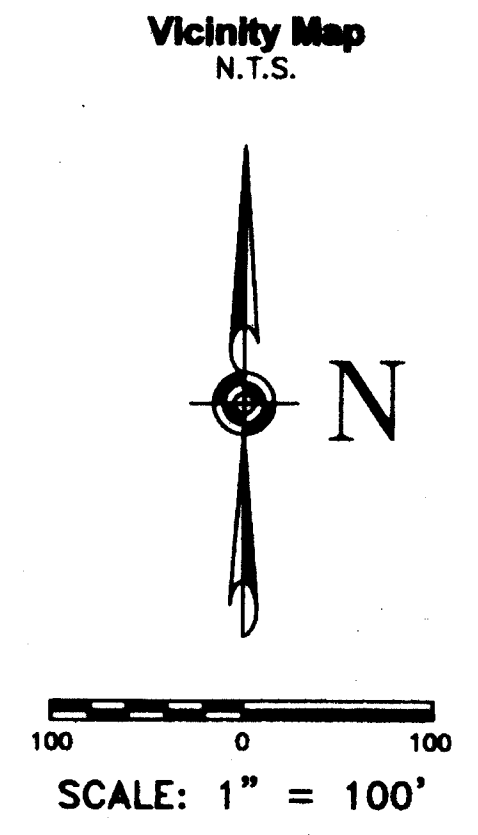
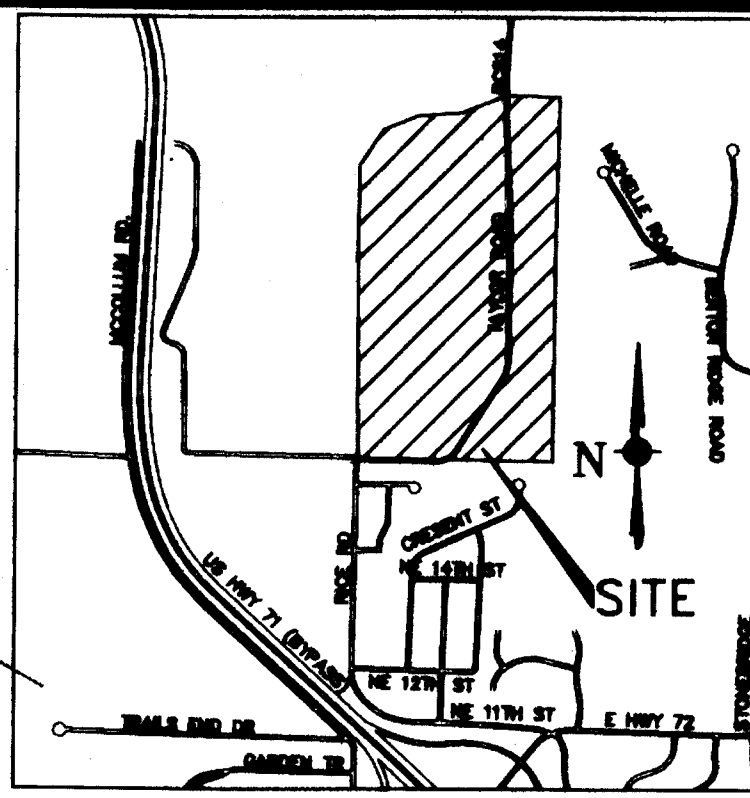
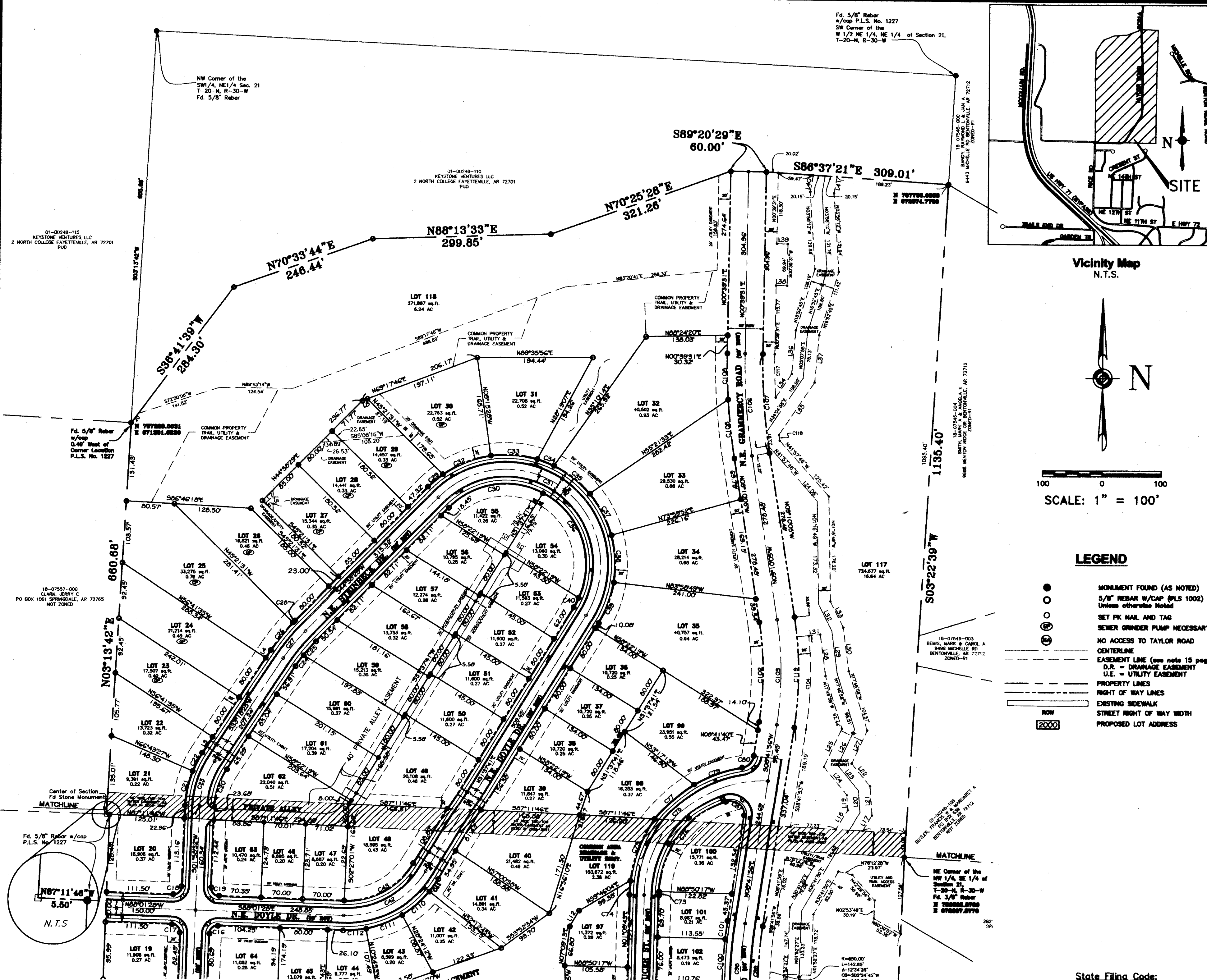


Bates & Associates, Inc.
Engineers · Surveyors · Landscape Architects

7230 S. Pleasant Ridge Dr., Fayetteville, Arkansas 72704 · 479.442.9350 · Fax 479.521.9350

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DRAWING #21-049 LOT 24



LEGEND

- MONUMENT FOUND (AS NOTED)
- 5/8" REBAR W/CAP (PLS 1002)
- Unless otherwise noted
- SET PK NAIL AND TAG
- SEWER GRINDER PUMP NECESSARY
- NO ACCESS TO TAYLOR ROAD
- CENTERLINE
- EASEMENT LINE (see note 15 page 3)
- D.R. = DRAINAGE EASEMENT
- U.E. = UTILITY EASEMENT
- PROPERTY LINES
- RIGHT OF WAY LINES
- EXISTING SIDEWALK
- STREET RIGHT OF WAY WIDTH
- PROPOSED LOT ADDRESS

State Filing Code:
500-20N-30W-0-21-130-04-1002
500-20N-30W-0-21-240-04-1002

Benita DeHelds-Circuit Clerk
Book/Pg: 2009/76
Term/Cashier: CASH/2009
02/25/2009 210102PM
Fees: \$15.00
Book: 2009 Page 76
Recorded with Above
PLAT Book & Page
02/25/2009

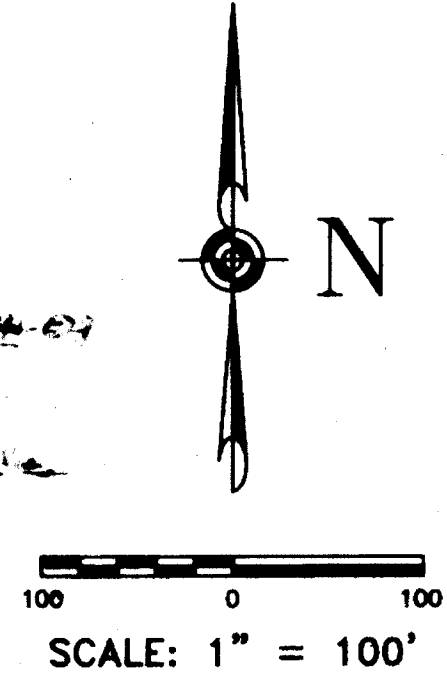
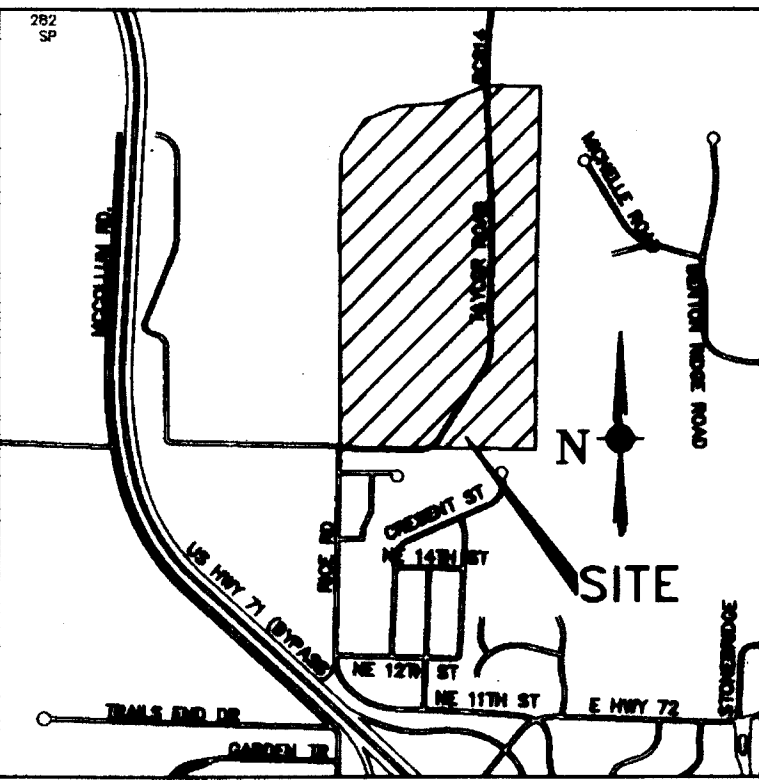
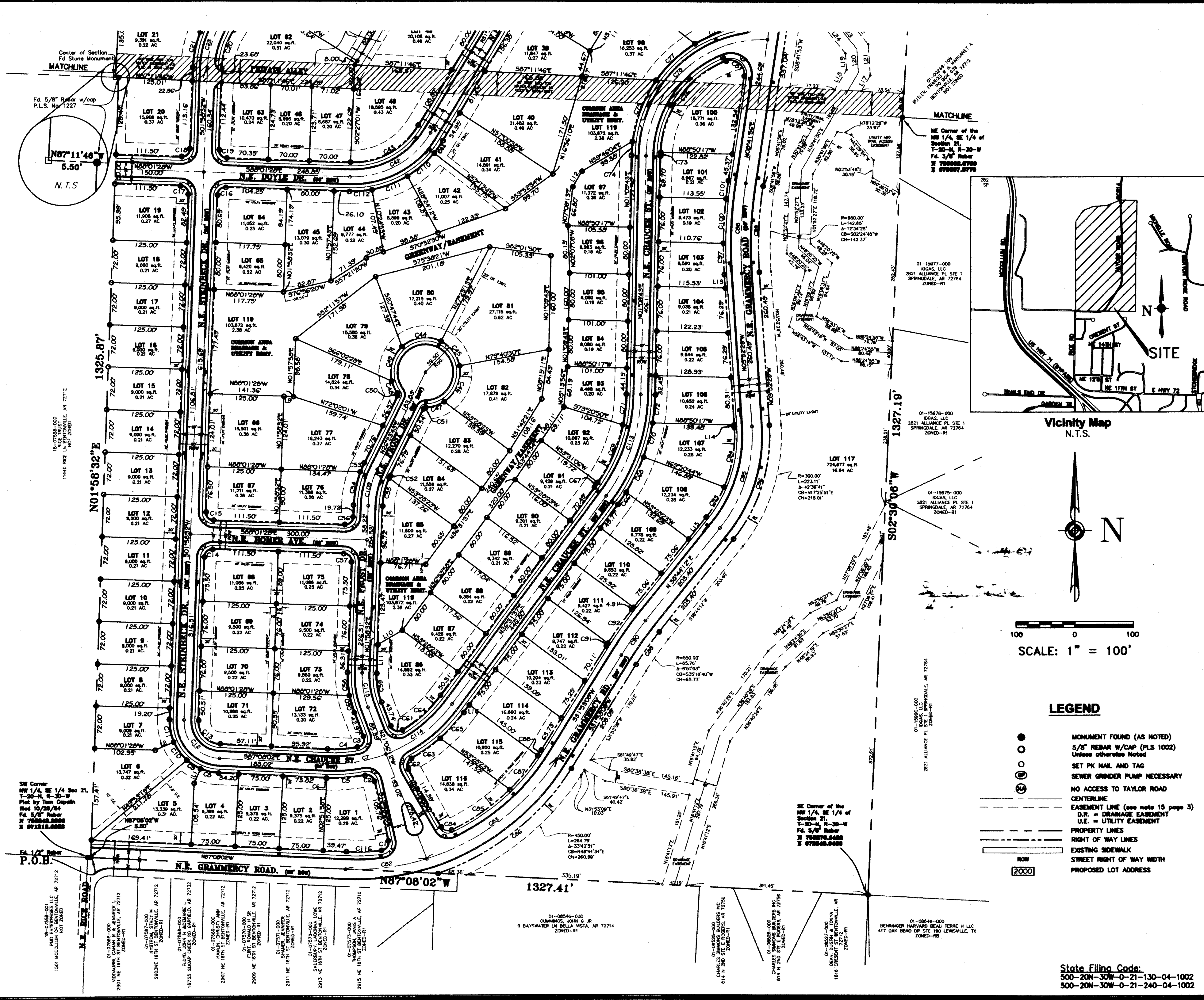
DEVELOPER:
KEYSTONE VENTURES, LLC
22 NORTH COLLEGE
FAYETTEVILLE, AR 72701
PHONE: (479)-587-1045
FAX: (479)-587-1257

FINAL PLAT
GRAMMERCY PARK ADDITION
PHASE I
PART OF THE SW1/4, NE1/4 & NW1/4, SE1/4
SECTION 21, T-20-N, R-30-W

REGISTERED
STATE OF ARKANSAS
NO. 1002
C. D. GRAY
PROFESSIONAL LAND SURVEYOR

Civil Engineering
Landscape Architecture
Land Planning
Surveying
SAND CREEK
Engineering and Landscape Architecture, Inc.
610 West 1st Street
Fayetteville, AR 72701
Ph: (479) 464-8888 Fax: (479) 464-8884

PLS: CEG
CAD: GEN, CEG, WGG
FIELD: GEN, WGG
FIELD: CEG
DWG: 04043final-plat.dwg
DATE: FEBRUARY 19, 2009
SHEET: 1 OF 3



- LEGEND**
- MONUMENT FOUND (AS NOTED)
 - 5/8" REBAR W/CAP (PLS 1002) Unless otherwise noted
 - SET PK NAIL AND TAG
 - SEWER GRINDER PUMP NECESSARY
 - NO ACCESS TO TAYLOR ROAD
 - CENTERLINE
 - EASEMENT LINE (see note 15 page 3)
 - D.R. = DRAINAGE EASEMENT
 - U.E. = UTILITY EASEMENT
 - PROPERTY LINES
 - RIGHT OF WAY LINES
 - EXISTING SIDEWALK
 - STREET RIGHT OF WAY WIDTH
 - PROPOSED LOT ADDRESS

State Filing Code:
500-20N-30W-0-21-130-04-1002
500-20N-30W-0-21-240-04-1002

FINAL PLAT
GRAMMERCY PARK ADDITION
PHASE I
PART OF THE SW1/4, NE1/4 & NW1/4, SE1/4
SECTION 21, T-20-N, R-30-W

REGISTERED
PROFESSIONAL LAND SURVEYOR
STATE OF ARKANSAS
NO. 1002
C.D. ONLY

Civil Engineering
Landscape Architecture
Land Planning
Surveying
SAND CREEK
SAND CREEK SURVEYING & LANDSCAPE ARCHITECTURE, INC.
10101 N. 10TH ST., SUITE 100
FORT WORTH, TEXAS 76132
PHONE: (817) 464-8888 FAX: (817) 464-8884

PLS: CEG
CAD: GEN, CEG, WGG
FIELD: GEN, WGG
FIELD: CEG
DWG: 04043final-plat.dwg
DATE: FEBRUARY 19, 2008
SHEET: 2 OF 3

DEVELOPER:
KEYSTONE VENTURES, LLC
92 NORTH COLLEGE
FAYETTEVILLE, AR 72701
PHONE: (479)-587-1045
FAX: (479)-587-1257

DEVELOPER:
KEYSTONE VENTURES, LLC
92 NORTH COLLEGE
FAYETTEVILLE, AR 72701
PHONE: (479)-587-1045
FAX: (479)-587-1257

DEVELOPER:
KEYSTONE VENTURES, LLC
92 NORTH COLLEGE
FAYETTEVILLE, AR 72701
PHONE: (479)-587-1045
FAX: (479)-587-1257



Jampana

2205, 2301, 2303 NE Steinbeck Dr

BOA Date: 6/28/2023

Reviewer: Luke Aitken, Planning Technician

Project Number	VAR23-0017
Applicant / Current Owner	Muni Jampana
Site Area	+/- 0.46, 0.35, & 0.33 acres respectively
Current Zoning	PUD, Planned Unit Development
Variance Request	Zoning Code Article: 401, Zoning District Regulations Section: 401.10 Planned Unit Development (e)(1) Modifications permitted.
Related Projects	PUD04-13000004, PP04-08000038, FP08-03000003, VAR23-0007, VAR23-0013

Property Description

These properties are located in North Bentonville at 2205, 2301, & 2303 NE Steinbeck Dr and are currently zoned PUD, Planned Unit Development.

Regulation

Zoning Code Article Section 401.10(e)(1) Modifications Permitted, allows building setbacks to be modified via Planned Unit Development Zoning. The approved PUD for this subdivision requires a minimum 30 foot setback for street facing garages.

Variance Request

The applicant is requesting a variance of ten feet from the minimum front garage setback of 30 feet, required by the approved PUD zoning of the properties in question. This variance would allow the construction of single family homes with street facing garages 20 feet from the front property line of each lot in question.

Background

The applicant states that the unique topography at the rear of the three properties creates a unique hardship, limiting the buildable area on each property. The properties feature steep slopes at the rear which create challenges for construction of single family homes. The lot topography, is not the result of the current lot owner. The narrative also states that the existing grades appear to be the result of the original subdivision design and construction. 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 could create challenges for the applicant in regard to grading the lots to be flat enough for building while adhering to the City's current grading and drainage regulations.

The applicant concludes that a literal interpretation of the required setbacks set forth by the PUD for this subdivision would mean a much smaller homes would have to be built on all lots, thereby reducing property values of neighboring homes.

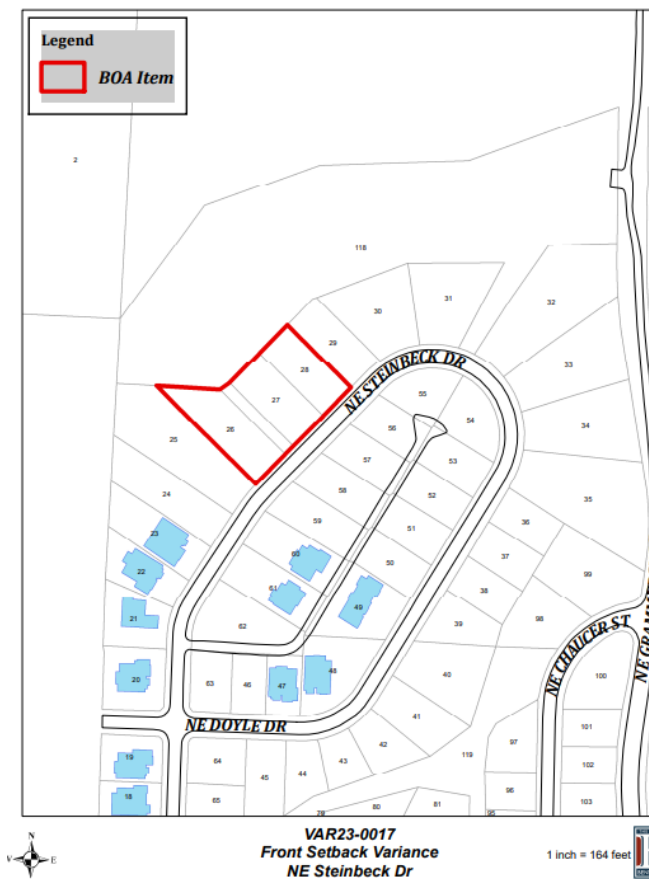
Public Comment

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.

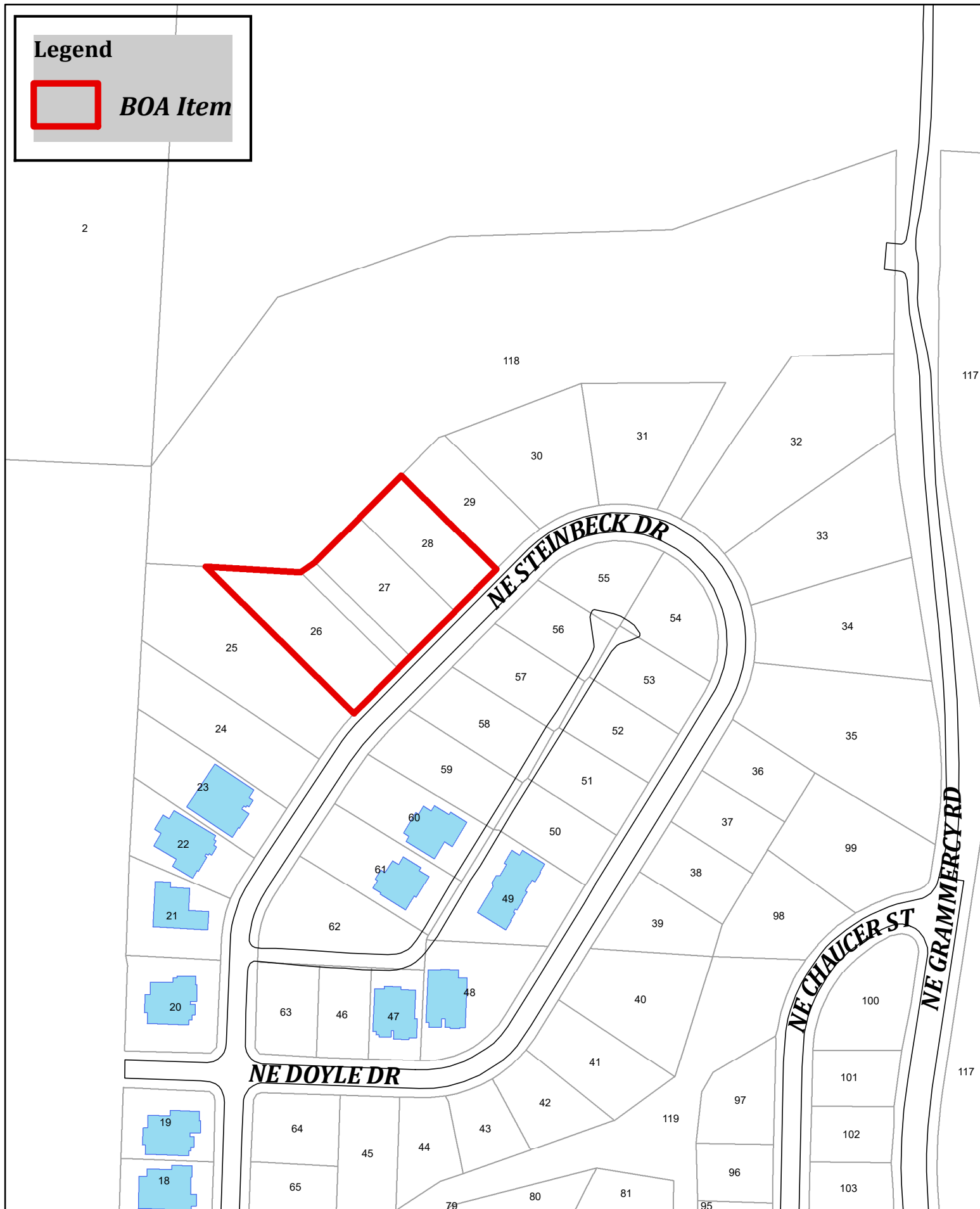
(5) *Conditions.* In granting any variance, the board of adjustment may prescribe appropriate conditions and safeguards that it deems necessary or desirable. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of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



VAR23-0017

***Front Setback Variance
NE Steinbeck Dr***

1 inch = 164⁹feet



Gator District

May 29th 2023

City of Bentonville
305 SW A St
Bentonville AR 72712

RE: Font Building Setback Variance – **30' to 20'**
Lot# **26,27 and 28** Grammercy Park Subdivision

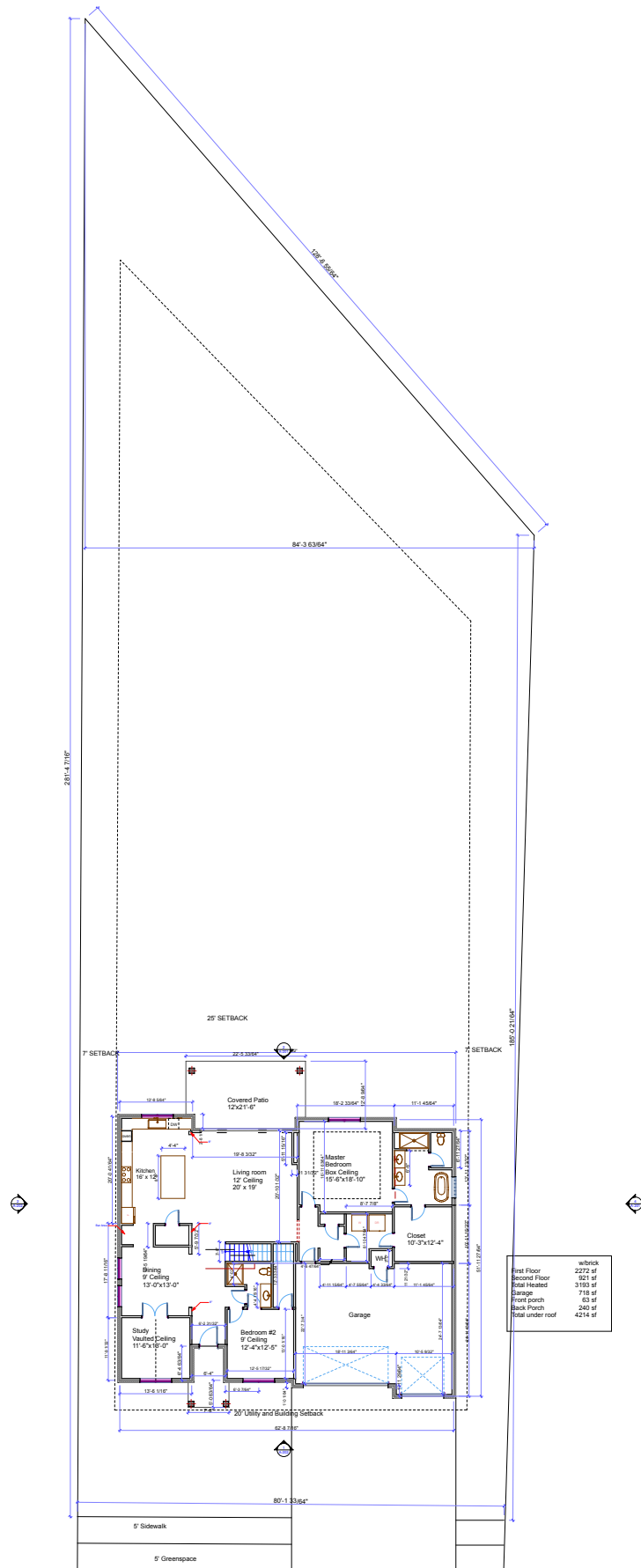
To whom it may concern, please consider a building setback variance for the referenced project. These lots have its own set of challenges and requires some accommodations to make it work. See the following responses, below, to the required criteria.

The special condition and circumstance that exists for the lots is the rear yard topography. These lots are not buildable well into the rear buildable area of the lots; therefore, the proposed homes need shifted to the front. Literal interpretation of the setback ordinance would mean a much smaller house would have to exist on both lots, thereby reducing property values of its neighbors.

The special condition in this case, the lot topography, is not the result of the current lot owner. The existing lot grades appear to be result of subdivision design and construction. In summary, this setback variance meets the standard criteria established for granting variances. This letter is submitted for your review and approval.

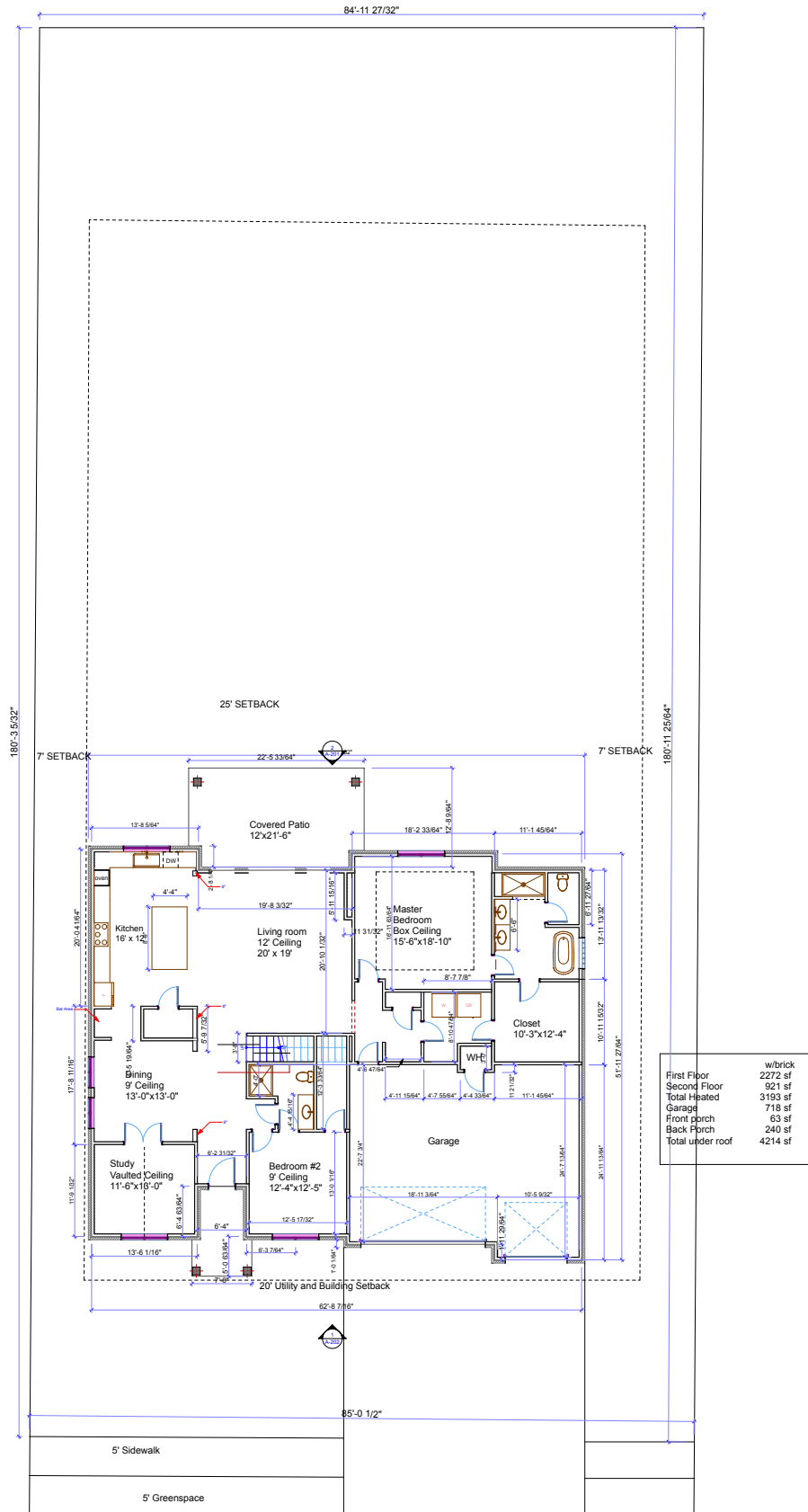
Sincerely,

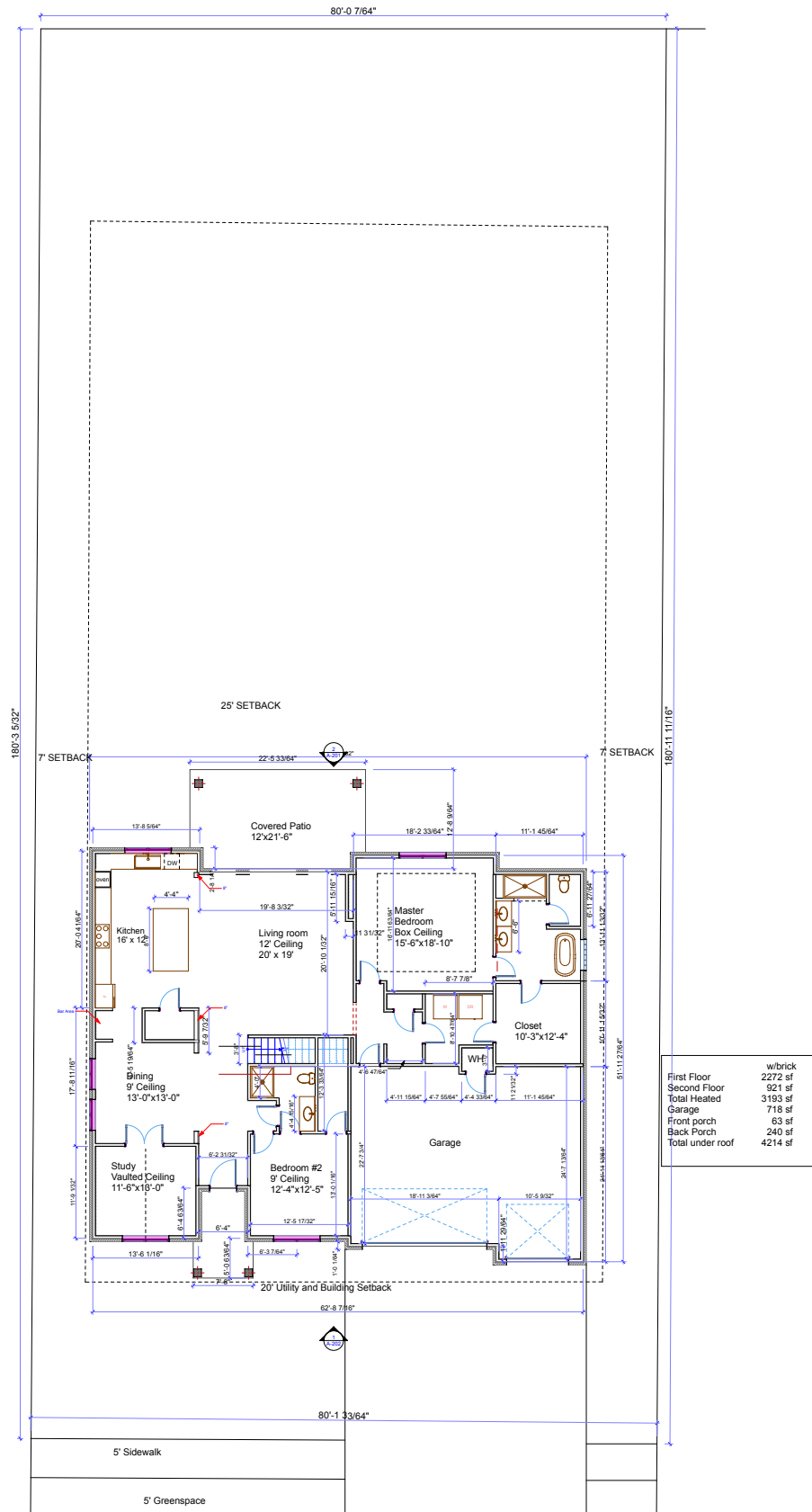
Muni Jampana
RAY Residential Homes LLC
Gator District LLC



First Floor	2272 sf
Second Floor	822 sf
Total Heated	3193 sf
Garage	718 sf
Front porch	63 sf
Back Porch	240 sf
Total under roof	4214 sf

First Floor	2186 sf
Second Floor	886 sf
Total Heated	3072 sf
Garage	694 sf
Front porch	63 sf
Back Porch	240 sf
Total under roof	4069 sf







Jampana

3204, 3202, 3200 NE Doyle Dr

BOA Date: 6/28/2023

Reviewer: Luke Aitken, Planning Technician

Project Number	VAR23-0018
Applicant / Current Owner	Muni Jampana
Site Area	+/- 0.68, 0.65, & 0.94 acres respectively
Current Zoning	PUD, Planned Unit Development
Variance Request	Zoning Code Article: 401, Zoning District Regulations Section: 401.10 Planned Unit Development (e)(1) Modifications permitted.
Related Projects	PUD04-13000004, PP04-08000038, FP08-03000003, VAR23-0007, VAR23-0013

Property Description

These properties are located in North Bentonville at 2205, 2301, & 2303 NE Steinbeck Dr and are currently zoned PUD, Planned Unit Development.

Regulation

Zoning Code Article Section 401.10(e)(1) Modifications Permitted, allows building setbacks to be modified via Planned Unit Development Zoning. The approved PUD for this subdivision requires a minimum 30 foot setback for street facing garages.

Variance Request

The applicant is requesting a variance of ten feet from the minimum front garage setback of 30 feet, required by the approved PUD zoning of the properties in question. This variance would allow the construction of single family homes with street facing garages 20 feet from the front property line of each property.

Background

The applicant states that the unique topography at the rear of the three properties creates a unique hardship, limiting the buildable area on each property. The properties feature steep slopes at the rear which create challenges for construction of single family homes. The lot topography, is not the result of the current lot owner. The narrative also states that the existing grades appear to be the result of the original subdivision design and construction. 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 could create challenges for the applicant in regard to grading the lots to be flat enough for building while adhering to the City's current grading and drainage regulations.

The applicant concludes that a literal interpretation of the required setbacks set forth by the PUD for this subdivision would mean a much smaller homes would have to be built on all lots, thereby reducing property values of neighboring homes.

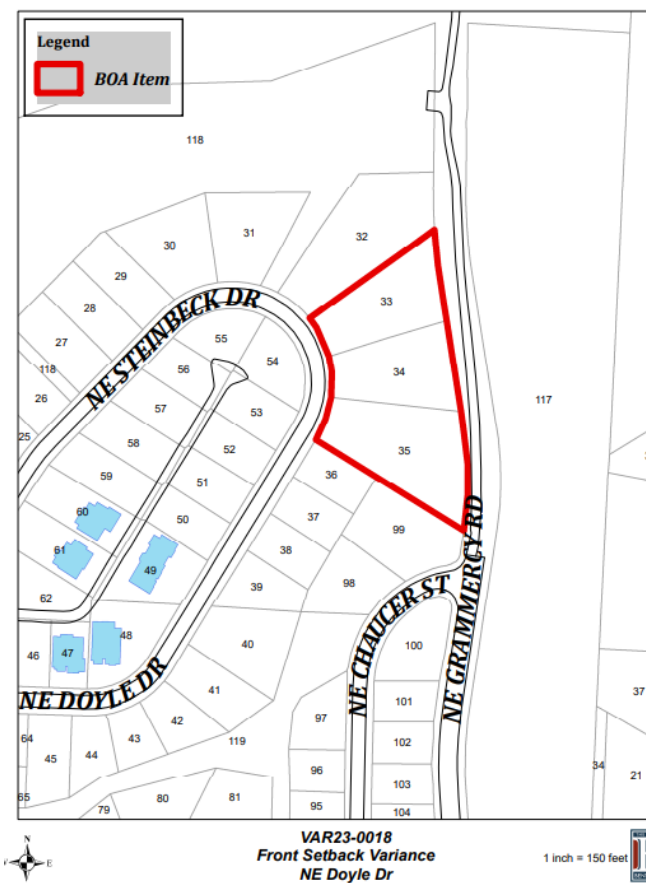
Public Comment

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.

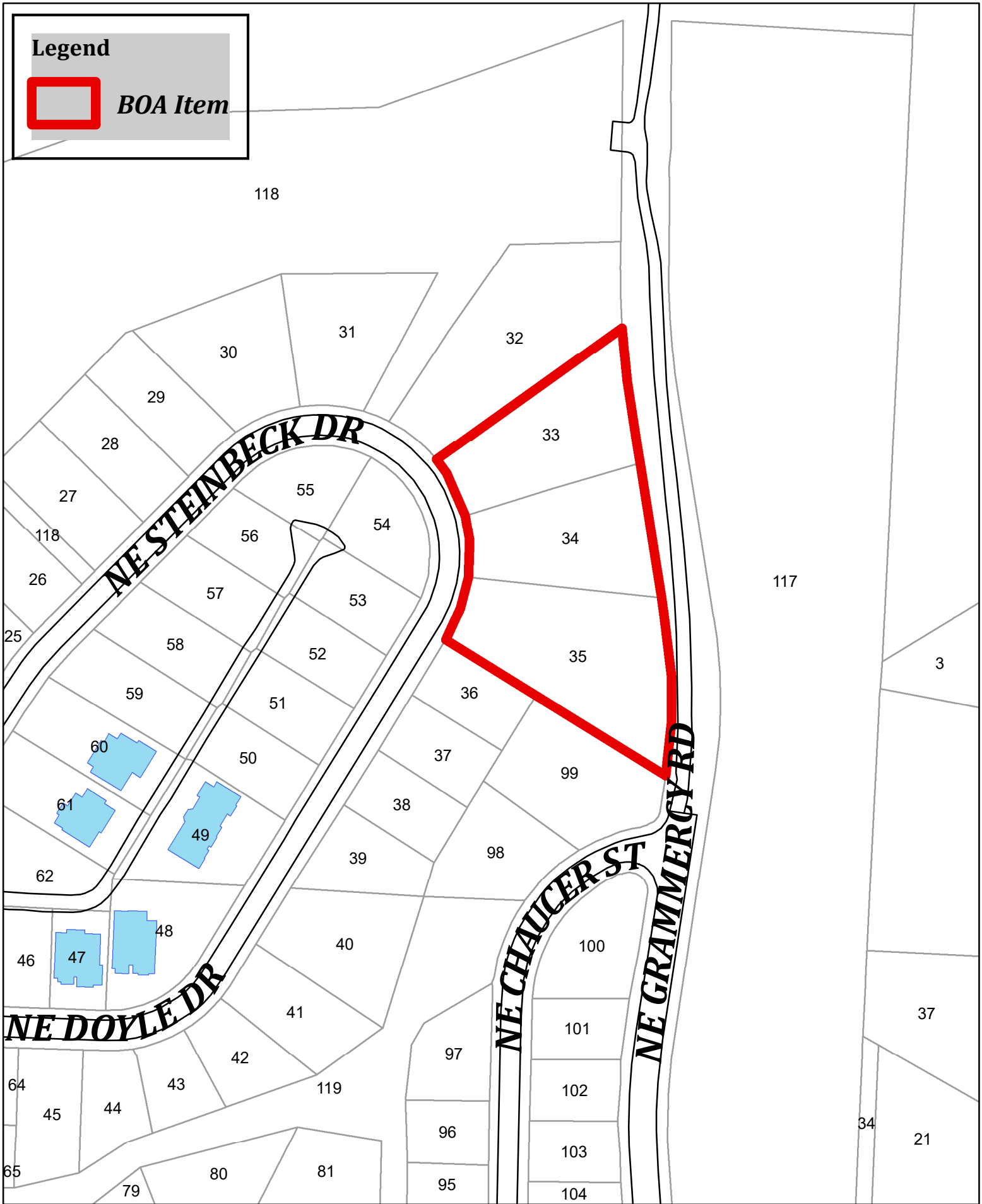
(5) *Conditions.* In granting any variance, the board of adjustment may prescribe appropriate conditions and safeguards that it deems necessary or desirable. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of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



VAR23-0018
Front Setback Variance
NE Doyle Dr

1 inch = 150 feet



Gator District

May 29th 2023

City of Bentonville
305 SW A St
Bentonville AR 72712

RE: Font Building Setback Variance – **30' to 20'**
Lot# **33,34 and 35** Grammercy Park Subdivision

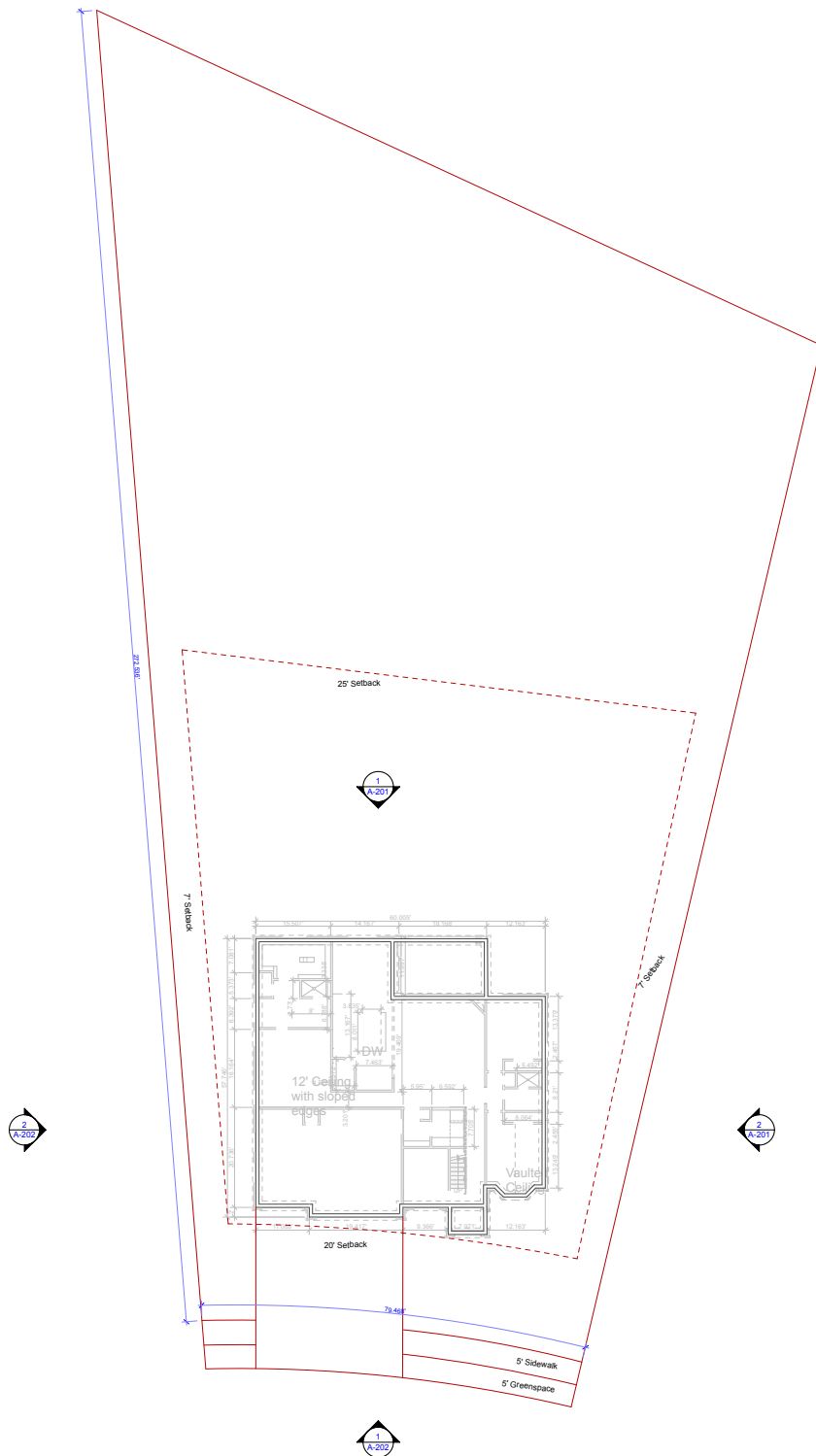
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The special condition and circumstance that exists for the lots is the rear yard topography. These lots are not buildable well into the rear buildable area of the lots; therefore, the proposed homes need shifted to the front. Literal interpretation of the setback ordinance would mean a much smaller house would have to exist on both lots, thereby reducing property values of its neighbors.

The special condition in this case, the lot topography, is not the result of the current lot owner. The existing lot grades appear to be result of subdivision design and construction. In summary, this setback variance meets the standard criteria established for granting variances. This letter is submitted for your review and approval.

Sincerely,

Muni Jampana
RAY Residential Homes LLC
Gator District LLC





Jampana

2307 NE Steinbeck Dr

BOA Date: 6/28/2023

Reviewer: Luke Aitken, Planning Technician

Project Number	VAR23-0019
Applicant / Current Owner	Muni Jampana
Site Area	+/- 0.52 acres
Current Zoning	PUD, Planned Unit Development
Variance Request	Zoning Code Article: 401, Zoning District Regulations Section: 401.10 Planned Unit Development (e)(1) Modifications permitted.
Related Projects	PUD04-13000004, PP04-08000038, FP08-03000003, VAR23-0007, VAR23-0013

Property Description

This property is located in North Bentonville at 2307 NE Steinbeck Dr and is currently zoned PUD, Planned Unit Development.

Regulation

Zoning Code Article Section 401.10(e)(1) Modifications Permitted, allows building setbacks to be modified via Planned Unit Development Zoning. The approved PUD for this subdivision requires a minimum 30 foot setback for street facing garages.

Variance Request

The applicant is requesting a variance of ten feet from the minimum front garage setback of 30 feet, required by the approved PUD zoning of the property in question. This variance would allow the construction of a single family home with street facing garage 20 feet from the front property line.

Background

The applicant states that the unique topography at the rear of the property creates a unique hardship, limiting the buildable area of the lot. The property features steep slopes at the rear which create challenges for construction of single family homes. The lot topography, is not the result of the current owners actions. The narrative also states that the existing grades appear to be the result of the original subdivision design and construction. 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 could create challenges for the applicant in regard to grading the lot to be flat enough for building while adhering to the City's current grading and drainage regulations.

The applicant concludes that a literal interpretation of the required setbacks set forth by the PUD for this subdivision would mean a much smaller home would have to be built on the lot, thereby reducing property values of neighboring homes.

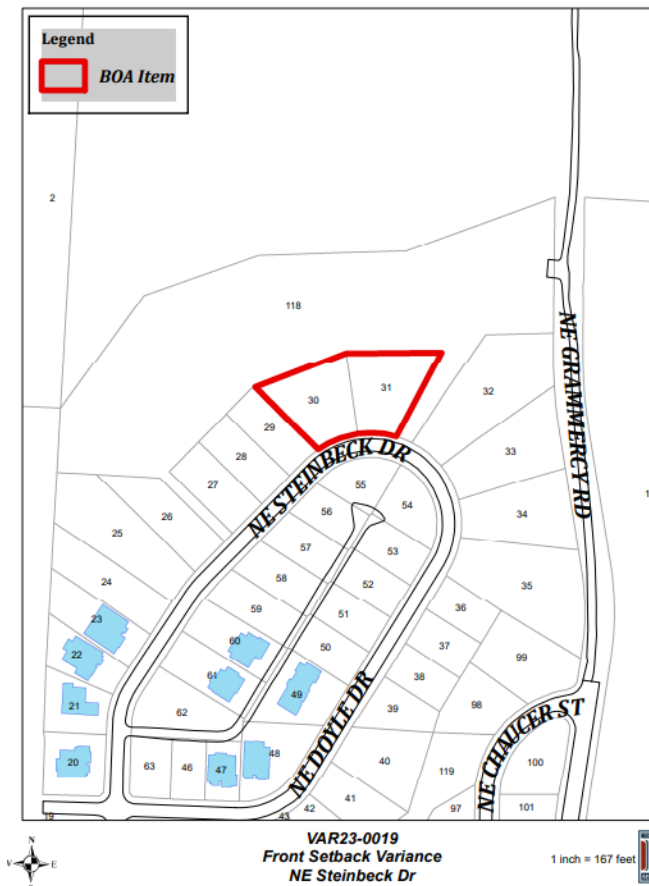
Public Comment

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.

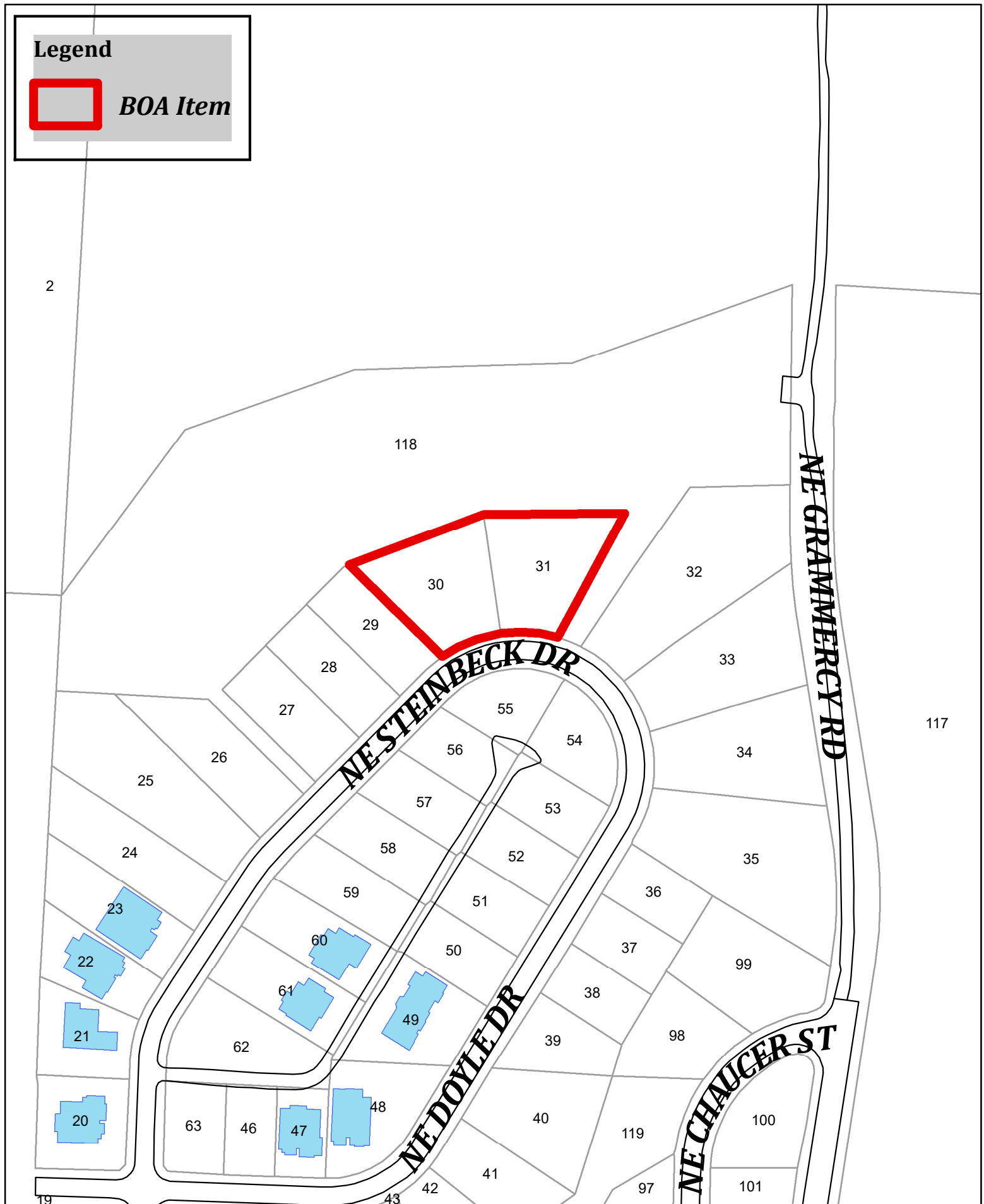
(5) *Conditions.* In granting any variance, the board of adjustment may prescribe appropriate conditions and safeguards that it deems necessary or desirable. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of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



VAR23-0019
Front Setback Variance
NE Steinbeck Dr

1 inch = 167.3 feet



Gator District

May 29th 2023

City of Bentonville
305 SW A St
Bentonville AR 72712

RE: Font Building Setback Variance – **30' to 20'**
Lot# **30 and 31**, Grammercy Park Subdivision

To whom it may concern, please consider a building setback variance for the referenced project. These lots have its own set of challenges and requires some accommodations to make it work. See the following responses, below, to the required criteria.

The special condition and circumstance that exists for the lots is the rear yard topography. These lots are not buildable well into the rear buildable area of the lots; therefore, the proposed homes need shifted to the front. Literal interpretation of the setback ordinance would mean a much smaller house would have to exist on both lots, thereby reducing property values of its neighbors.

The special condition in this case, the lot topography, is not the result of the current lot owner. The existing lot grades appear to be result of subdivision design and construction. In summary, this setback variance meets the standard criteria established for granting variances. This letter is submitted for your review and approval.

Sincerely,

Muni Jampana
RAY Residential Homes LLC
Gator District LLC



Jampana

1901, 1903, 1905 & 1907 NE Chaucer St

BOA Date: 6/28/2023

Reviewer: Luke Aitken, Planning Technician

Project Number	VAR23-0020
Applicant / Current Owner	Muni Jampana
Site Area	+/- 0.21, 0.21, 0.23 & 0.20 acres respectively
Current Zoning	PUD, Planned Unit Development
Variance Request	Zoning Code Article: 401, Zoning District Regulations Section: 401.10 Planned Unit Development (e)(1) Modifications permitted.
Related Projects	PUD04-13000004, PP04-08000038, FP08-03000003, VAR23-0007, VAR23-0013

Property Description

These properties are located in North Bentonville at 1901, 1903, 1905 & 1907 NE Chaucer St and are currently zoned PUD, Planned Unit Development.

Regulation

Zoning Code Article Section 401.10(e)(1) Modifications Permitted, allows building setbacks to be modified via Planned Unit Development Zoning. The approved PUD for this subdivision requires a minimum 30 foot setback for street facing garages.

Variance Request

The applicant is requesting a variance of ten feet from the minimum front garage setback of 30 feet, required by the approved PUD zoning of the properties in question. This variance would allow the construction of single family homes with street facing garages 20 feet from the front property line of each property.

Background

The applicant states that the unique topography at the rear of the three properties creates a unique hardship, limiting the buildable area on each property. The properties feature steep slopes at the rear which create challenges for construction of single family homes. The lot topography, is not the result of the current lot owner. The narrative also states that the existing grades appear to be the result of the original subdivision design and construction. 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 could create challenges for the applicant in regard to grading the lots to be flat enough for building while adhering to the City's current grading and drainage regulations.

The applicant concludes that a literal interpretation of the required setbacks set forth by the PUD for this subdivision would mean a much smaller homes would have to be built on all lots, thereby reducing property values of neighboring homes.

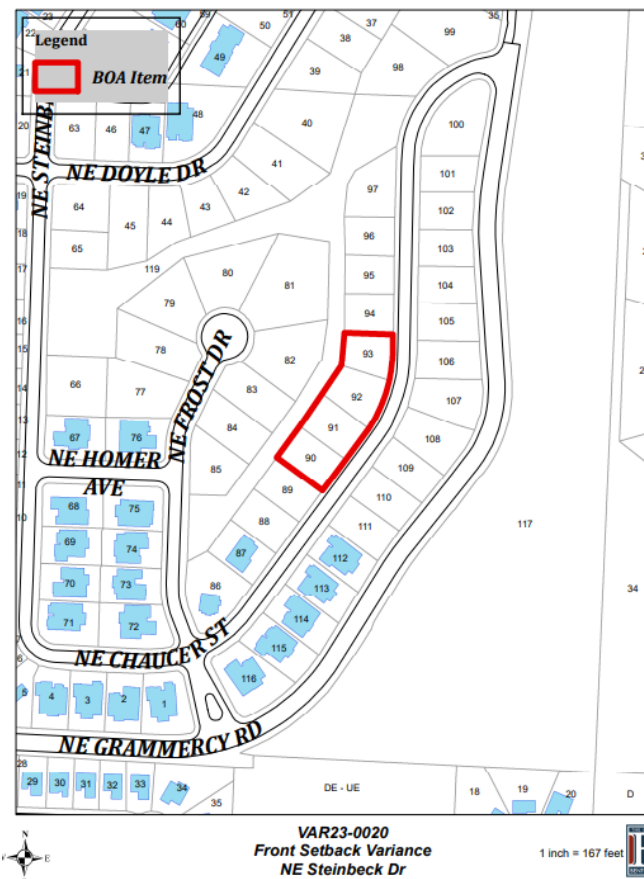
Public Comment

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

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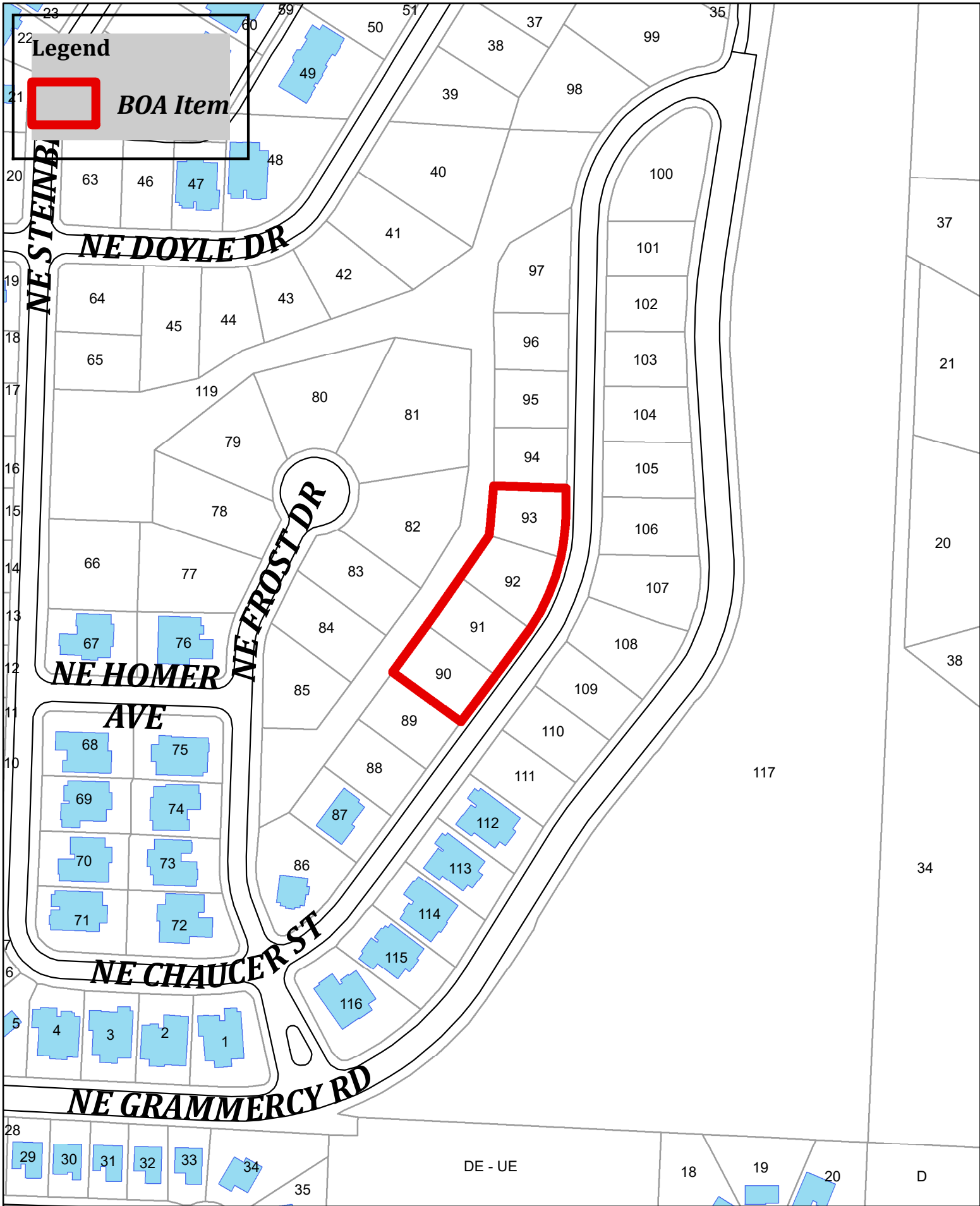
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(6) *Uses.* Under no circumstances shall the board of adjustment grant a variance to allow a use not permissible under the terms of this chapter in the district involved, or any use expressly or by implication prohibited by the terms of this chapter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



VAR23-0020
Front Setback Variance
NE Steinbeck Dr

1 inch = 167 feet



Gator District

May 29th, 2023

City of Bentonville
305 SW A St
Bentonville AR 72712

RE: Font Building Setback Variance – **30' to 20'**
Lot# **90,91,92 and 93** Grammercy Park Subdivision

To whom it may concern, please consider a building setback variance for the referenced project. These lots have its own set of challenges and requires some accommodations to make it work. See the following responses, below, to the required criteria.

The special condition and circumstance that exists for the lots is the rear yard topography. These lots are not buildable well into the rear buildable area of the lots; therefore, the proposed homes need shifted to the front. Literal interpretation of the setback ordinance would mean a much smaller house would have to exist on both lots, thereby reducing property values of its neighbors.

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Sincerely,



Muni Jampana
RAY Residential Homes LLC & Gator District LLC

