

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
August 9, 2023
Bentonville City Hall
305 SW A St
4:00 PM**

Meeting Link: https://us06web.zoom.us/webinar/register/WN_NjGdgB4vSguDd9oS4YSMsw

- I. Call to Order**
- II. Approval of July 26th Meeting Minutes**
- III. New Business**

- 1. LOXBLOX LLC** **Variance***
 - 1109 NE Monroe St ([VAR23-0023](#))
 - Variance for Lot Width of 2.5'
- 3. The Neighborhood Church** **Variance***
 - 2702 SW I St 2 ([VAR23-0025](#))
 - Signage for Preschool Building
- 4. Harris** **Variance***
 - 398 Vacant parcel ([VAR23-0026](#))
 - Side Set Back

- IV. Old Business**



**BOARD OF ADJUSTMENT
MEETING MINUTES**

July 26, 2023

Bentonville City Hall

305 SW A St

4:00 PM

Meeting Link:

<https://us06web.zoom.us/rec/share/5OEbrn27ljZlOv5s17vb2v12AO8zdwti77nTxAe1Y0ROcplgIC-wTRrQfAs5zjuu.RSvZaDKCQm9Kc9WA>

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

Board Members Absent: N/A

City Staff Present: Tom Adler, Luke Aitken

I. Call to Order

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

II. Approval of July 12th Meeting Minutes

- Motion by Swanson to approve the meeting minutes as presented, Second by Phillips.
- July 12th meeting minutes are approved 3-0.

III. New Business

IV. Old Business

***Note:** Originally the BOA held the advertised public hearings for these items and then tabled them at their June 28th meeting, as the applicant was absent. The applicant was also absent at the following July 12th meeting. With no representation present for Items 1-4 of Old Business, on July 12th, the Board decided unanimously that these items shall remain tabled until their next meeting on July 26th.*

- Chairman Kruithof states that the Public Hearings have already been held for these projects and the staff reports have already been read at previous meetings. Chairman Kruithof also states that the applicant has not attended the last two meetings.
- Mr. Aitken clarifies the variance requests on the staff reports.
- Muni Jampana gives details on the variance requests and why they are needed.
- Discussion between the Board and Staff on previously approved variances in the same neighborhood and how these variances fall in line with the PUD.
- Adler reads into the record page 440 of Principles and Practice of Urban Planning *“If the condition . . . is neighborhood-wide, it must be presumed that the governing body knew of this condition and deliberately chose, presumably on the basis of other considerations, to ignore it in the zoning requirements.”*
- Discussion between the Board and Staff on how and when to amend a PUD.

- | | |
|---|------------------|
| 1. Jampana
NE Steinbeck Dr (VAR23-0017) <ul style="list-style-type: none">• Front Building Setback• Motion to approve by Phillips, second by Haynie.• Variance request is approved 5-0. | Variance* |
| 2. Jampana
NE Doyle Dr (VAR23-0018) <ul style="list-style-type: none">• Front Building Setback• Motion to approve by Pearson, second by Haynie.• Variance request is approved 5-0. | Variance* |
| 3. Jampana
NE Steinbeck Dr (VAR23-0019) <ul style="list-style-type: none">• Front Building Setback• Motion to approve by Pearson, second by Haynie.• Variance request is approved 5-0. | Variance* |
| 4. Jampana
NE Chaucer St (VAR23-0020) <ul style="list-style-type: none">• Front Building Setback• Motion to approve by Pearson, second by Haynie.• Variance request is approved 5-0. | Variance* |

Motion by Phillips to Adjourn, second by Haynie.

Chairman Kruithof Adjourns the meeting at 4:19pm.

BOARD OF ADJUSTMENT STAFF REPORT



LoxBlox, LLC

1109 NE Monroe Street

BOA Date: 8/9/2023

Reviewer: Luke Aitken, Planning Technician

Project Number	VAR23-0023
Applicant / Current Owner	Blew & Assoc. P.A. / LoxBlox, LLC
Site Area	+/- 0.52 Acres
Current Zoning	DN-2, Downtown Medium-Density Residential
Variance Request	Zoning Code Article: 401 - Zoning District Regulations Section: 401.07-B – Downtown Neighborhood Districts Regulations (c)(1) <i>DN Districts lot and area standards.</i>

Property Description

This property is located at 1109 NE Monroe Street and is currently zoned DN-2, Downtown Medium Density Residential. The property in question includes Lots 17 & 18, Block 6 of W.A. Burks Addition, vacated right of way originally platted to continue NE Monroe Street south to NE Park Street, as well as Lot 28, Block 10 of W.A. Burks Addition which does not currently have an assigned address.

Regulation

Zoning Code Article Section 401.07-B (c)(1) *DN Districts lot and area standards*, requires a minimum lot width of 40 feet for all single or two-family structures with alleyway access. This zoning regulation also requires a minimum lot area of 4,000 square feet for the aforementioned building types.

Variance Request

The applicant is requesting a variance of two and one half feet from the minimum lot width of 40 feet, to allow the creation of six 37.5-foot-wide lots under the property's current DN-2 zoning.

The request above, if approved, necessitates a second variance be approved to bring the lots into compliance with zoning code. A variance for all lots, of 243 square feet, from the the minimum lot area of 4,000 square feet, would also be necessary in this case.

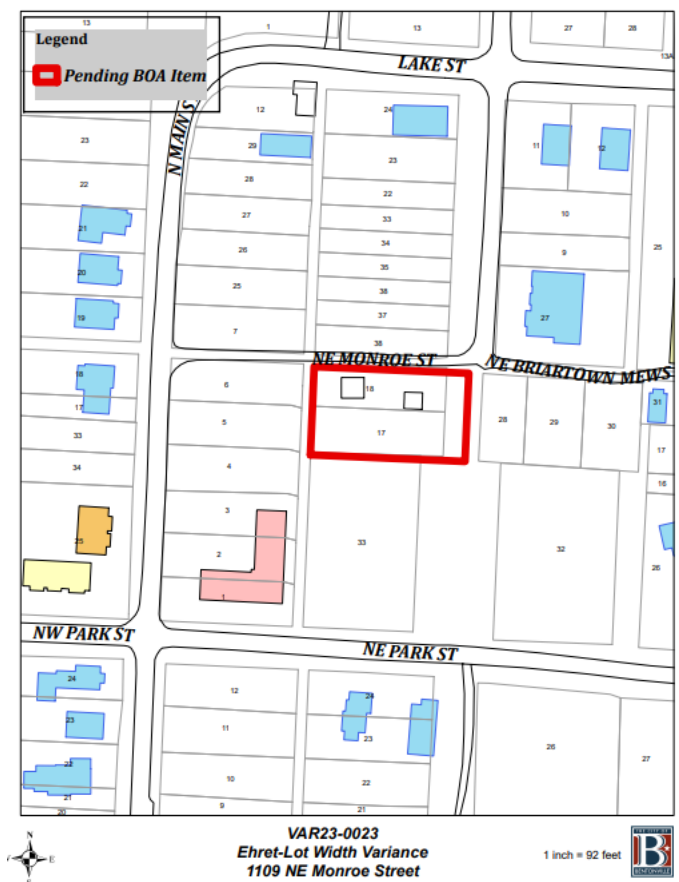
Background

The applicant claims in their narrative that the existing residence located east of this property was built 7 feet over his eastern property line. They claim this created a 7 foot encroachment on their property and that this presents a unique hardship, limiting the applicant to replat only five new lots instead of the proposed six. The applicants narrative also states their intent is to build six single family residential homes, meeting current downtown neighborhood zoning standards, on the proposed lots.

Staff believes that there are other avenues the applicant could pursue to remedy the claimed encroachment. Furthermore Staff concludes that the lack of land area necessary to plat six new lots is a direct result primarily of the blocks size itself, not the encroachment.

Public Comment

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



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.



VAR23-0023
Ehret-Lot Width Variance
1109 NE Monroe Street

1 inch = 92 feet





Blew & Associates, P.A.

Civil Engineers

Professional Land Surveyors

3825 N. Shiloh Dr.
Fayetteville, Arkansas 72703
479-443-4506
Fax 582-1883

July 7, 2023

To Whom It May Concern,

Variance

My client, Ken Ehret, is requesting a variance for lot width of 2.5' per proposed lot for the property at 1109 Northeast Monroe Street in Bentonville. The six proposed lots will be used for single family residential homes.

Hardship: The property located next to this property was built on the East side of the property line, creating a 7' encroachment on the property. The existing building is also inconsistent with the design standards of the Downtown Master Plan, allowing all 4 entry doors to face the interior of the property instead of the road, bypassing the alley and rear loading garage standards, and not allowing for enough parking.

The designs presented by the owners will adhere to the design standards of the master plan. Due to the encroachment and to make our front entry doors all face the road, we are requesting a variance from the standard lot width from 40' to 37.5'. This makes up for the land lost and allows for adherence to the Downtown Master Plan of having road-facing front doors and rear entry garages. This will also help us and the City of Bentonville achieve greater density by allowing for an additional two units.

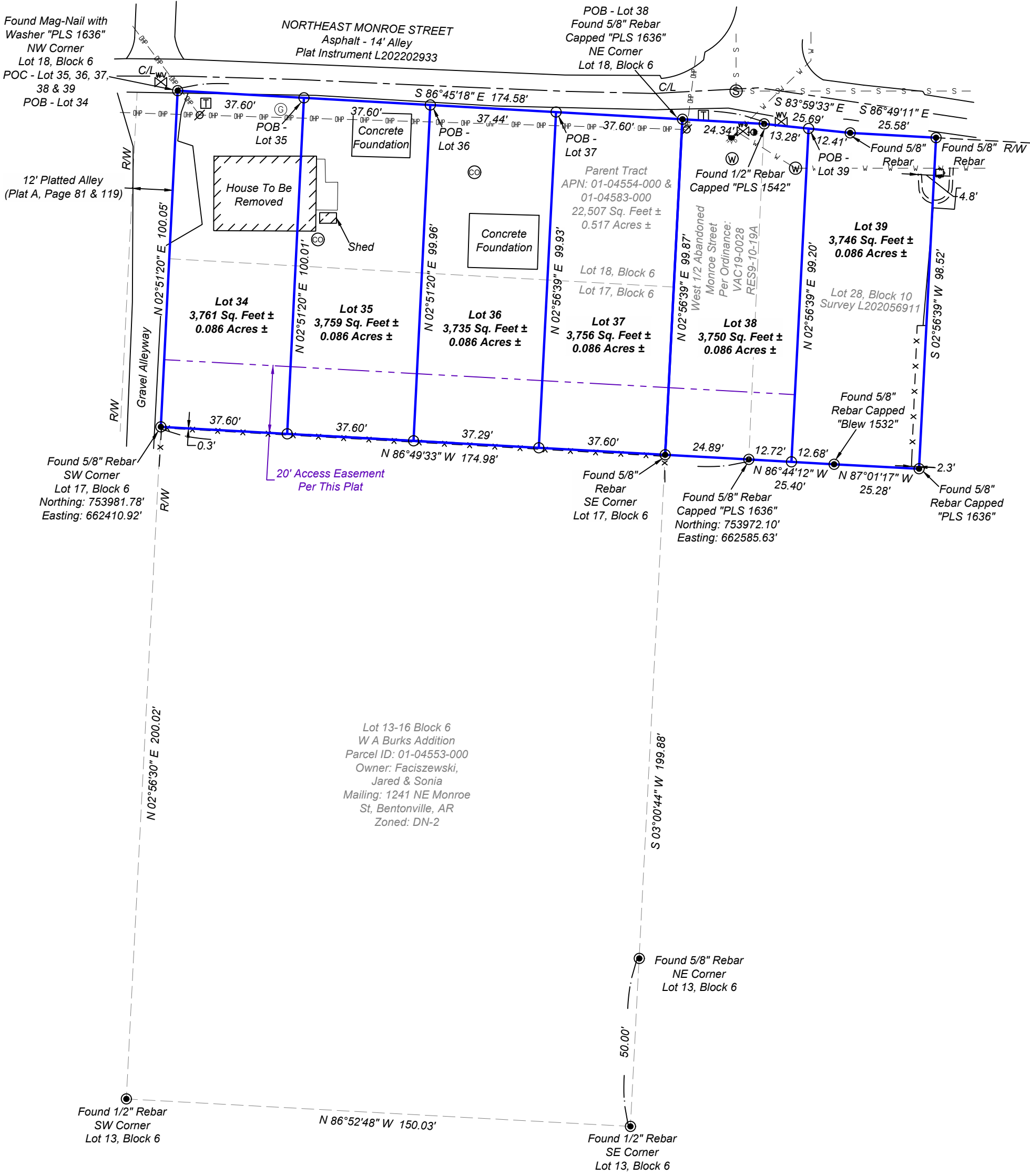
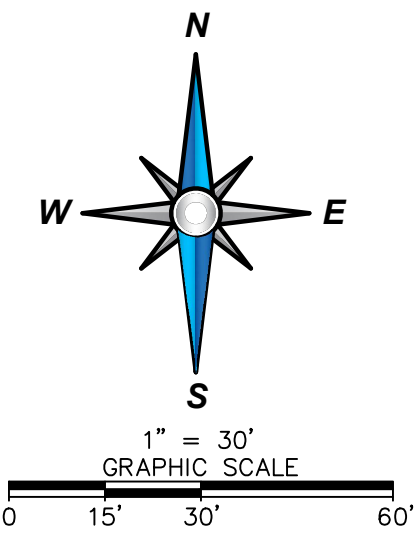
We cite the boards variance approval of a 2.5' variance per lot on 1019 and 1023 North Main Street (formerly 1003 North Main Street) in 2021 as our precedent.

Sincerely,

Nikki Littrell
Senior Project Coordinator
Blew & Associates, P.A.

LOT SPLIT
FOR LOTS 17 & 18, BLOCK 6, & LOT 28, BLOCK 10 OF W A BURKS ADDITION,
& THE WEST HALF OF ABANDONED MONROE STREET
CREATING NEW LOTS 34, 35, 36, 37, 38 & 39

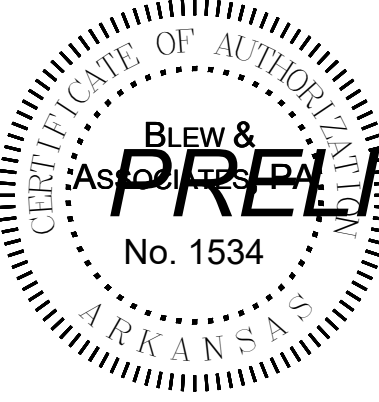
1109 NE MONROE STREET, BENTONVILLE, AR 72712
BENTON COUNTY



LEGEND & SYMBOLS

- FOUND MONUMENT (AS NOTED)
- SET 5/8" REBAR CAPPED "PLS 1659"
- ⊗ FIRE HYDRANT
- ⊙ SANITARY MANHOLE
- ⊘ POWER POLE
- ⊙ GUY ANCHOR
- ⊙ TELEPHONE PEDESTAL
- ⊙ GAS METER
- ⊙ WATER METER
- ⊙ WATER VALVE
- ⊙ CLEANOUT
- POC POINT OF COMMENCEMENT
- POB POINT OF BEGINNING
- BOUNDARY LINE
- EASEMENT LINE
- RIGHT-OF-WAY LINE (R/W)
- CENTERLINE (C/L)
- x - x - x - FENCE LINE
- OP - OP - OP - OVERHEAD POWER LINE
- - - - - SETBACK LINE (BSB)
- s - s - s - SANITARY SEWER LINE
- w - w - w - UNDERGROUND WATER LINE

I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT
TO THE BEST OF MY KNOWLEDGE AND BELIEF
ON THIS THE 30TH DAY OF MAY, 2023.



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

BLEW & ASSOCIATES, P.A.
Surveying
Engineering
Mapping
3825 N. SHILOH DRIVE - FAYETTEVILLE, AR 72703
EMAIL: SURVEY@BLEWINC.COM
OFFICE: 479.443.4506 · FAX: 479.582.1883
WWW.BLEWINC.COM

SHEET 2 OF 2

DATE	REVISION HISTORY	BY	SURVEYOR JOB NUMBER: 23-0165.01	SURVEY DRAWN BY: ANC - 02/28/2023
			SURVEY REVIEWED BY: TPN	SCALE: 1" = 30'
			FOR THE USE AND BENEFIT OF: KEN EHRET	CITY OF BENTONVILLE PROJECT NO: LS23-0015

BOARD OF ADJUSTMENT STAFF REPORT



The Neighborhood Church

2702 Southwest I Street, Suite 2

BOA Date: 8/9/2023

Reviewer: Bradley Gavrielides, Planning Technician

Project Number	VAR23-0025
Applicant / Current Owner	Abby Plemmons / The Neighborhood Church
Site Area	+/- 3.32 Acres
Current Zoning	A-1, Agricultural
Variance Request	Zoning Code Article: Article 801 Sign Ordinance - Private Property Section: Sec 801.15 Signs Allowed With A Sign Permit

Property Description

This property is located at 2702 Southwest I Street Suite 2 and is currently zoned A-1, Agricultural.

Regulation

Zoning Code Article: Article 801 Sign Ordinance - Private Property

Section: Sec 801.15 Signs Allowed With A Sign Permit does not allow for wall or awning signage in a non-residential use in A-1, Agricultural zoning.

Variance Request

The applicant is requesting a variance to allow two (2) building signs to be placed for the preschool that is opening. One (1) awning sign of 45 sq. ft. and one (1) wall sign of 91 sq. ft.

Background

The applicant states that the use of the property as a church was approved in 2017 via issuance of a Conditional Use Permit by Planning Commission. The applicant has since been granted large scale approval to construct a building addition and has begun the process of opening a preschool on the church property. The applicant states that the signage is important for visibility and wayfinding to the new preschool by their patrons entering from the nearby road.

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 sign permit(s) before construction.
3. The signage must comply with all other sections of Article 801: Sign Ordinance – Private Property.



VAR23-0025
Little Neighbors Preschool
Sign Variance

Scale = 1"=350'

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.

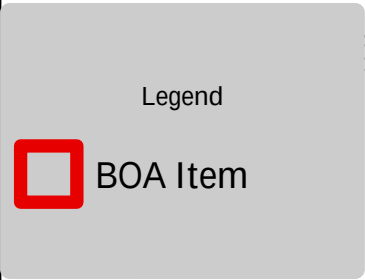
(2) No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

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(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.

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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.



Scale = 1"=350'



Best Sign Group

2860 W. Walnut, STE 300

Rogers, AR 72756

To: City of Bentonville, Arkansas

Date: 7.19.2023

RE: Request for Variance in Signage for Preschool Building Signs

To whom it may concern,

Best Sign Group is requesting a sign variance on behalf of our client, Neighborhood Church, Little Neighbors Preschool. We are asking for relief from the sign regulations within A1 Zoning. A1 regulations do not currently allow for any building signage to be displayed, creating a hindrance in advertising as well as locating the preschool from the road.

For the preschool to be successful, signage is important to create visibility and direction from the main road for patrons.

For your consideration we are requesting 2 building signs :

West Elevation : Awning Sign : 45 sq. ft. or 1.9% of total wall elevation.

East Elevation : Wall Sign : 91 sq. ft. or 4.2% of total wall elevation.

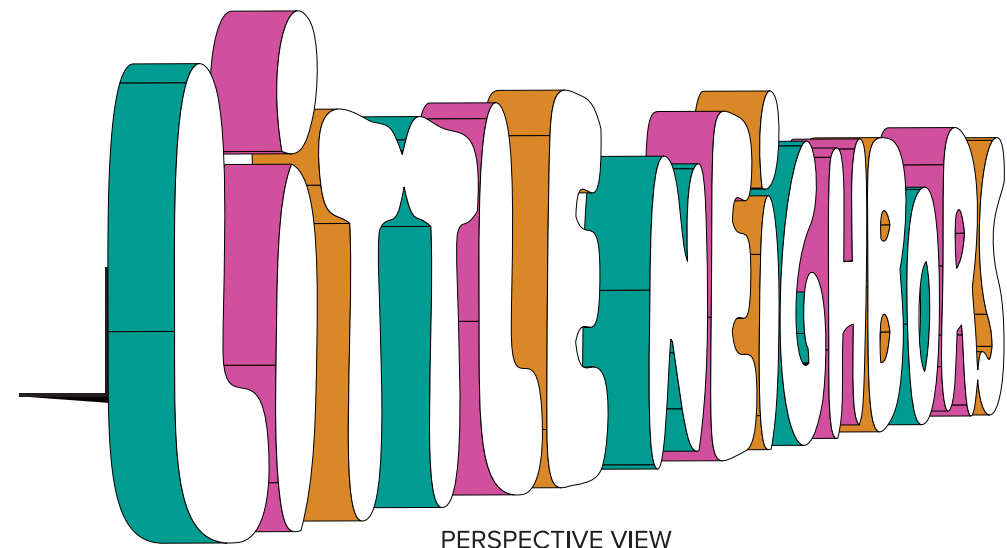
We feel this is a reasonable request due to the size of the facilities.

We hope that you will support this request for the preschool, as the City of Bentonville, has been generous enough to extend approvals to others in this situation like Northwest Assembly, who faced similar circumstances in an A1 zone & the need for church & student center identification.

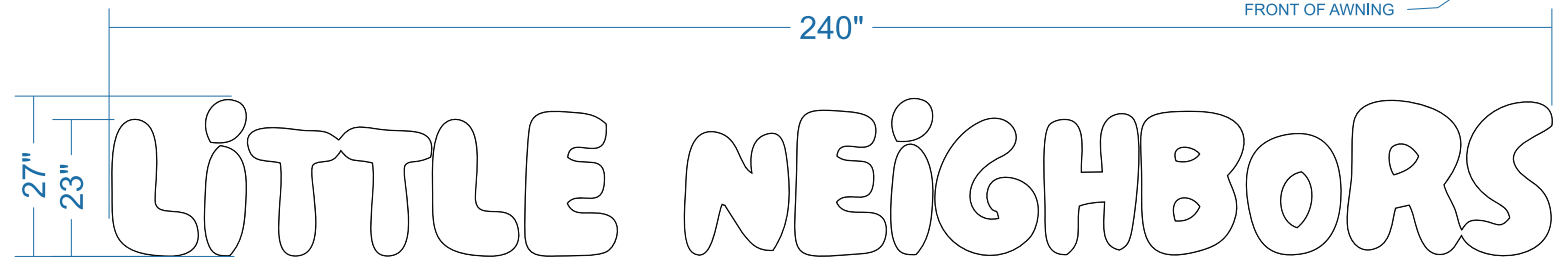
Thank you,

Mike Jones

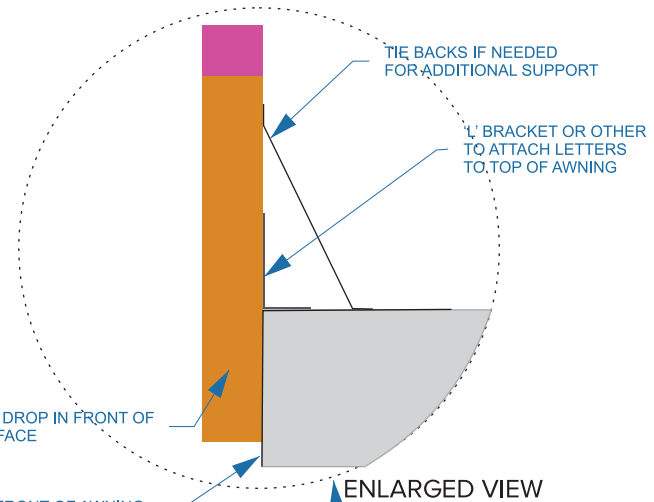
Best Sign Group



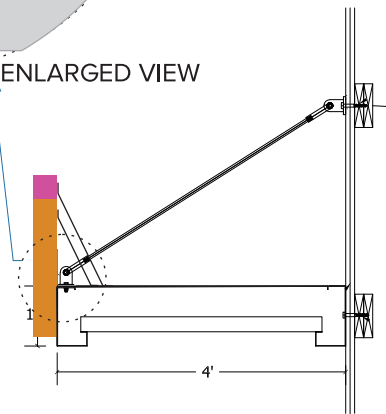
PERSPECTIVE VIEW



FRONT VIEW



ENLARGED VIEW



SIDE VIEW

PN1 PAGE NOTES

NON-ILLUMINATED

LETTERING
NON LIGHTED
FABRICATED ALUMINUM

FACES PAINTED WHITE
4" DEEP SIDES / PAINTED VARYING COLORS

LETTERS TO BE HOLLOW - NO LIGHTING COMPONENTS

BRACKET BEHIND EACH LETTER TO MOUNT TO AWNING
PLUS TIE-BACKS AS NEEDED FOR ADDITIONAL SUPPORT
FOR LETTERING

WEIGHT ESTIMATED AT 175LB - 200LB

QTY 1 EACH

ADDITIONAL INFO

**PER A1 ZONING RESTRICTIONS UNDER
STANDARD PERMITTING - WALL SIGNS
ARE NOT ALLOWED.

A VARIANCE SUBMITTAL MAY BE REQUIRED
OR A RE-ZONE OF THE PROPERTY

OPTION 5B



2860 W. WALNUT
SUITE 300
ROGERS, AR 72756

CLIENT
COMPANY
ADDRESS

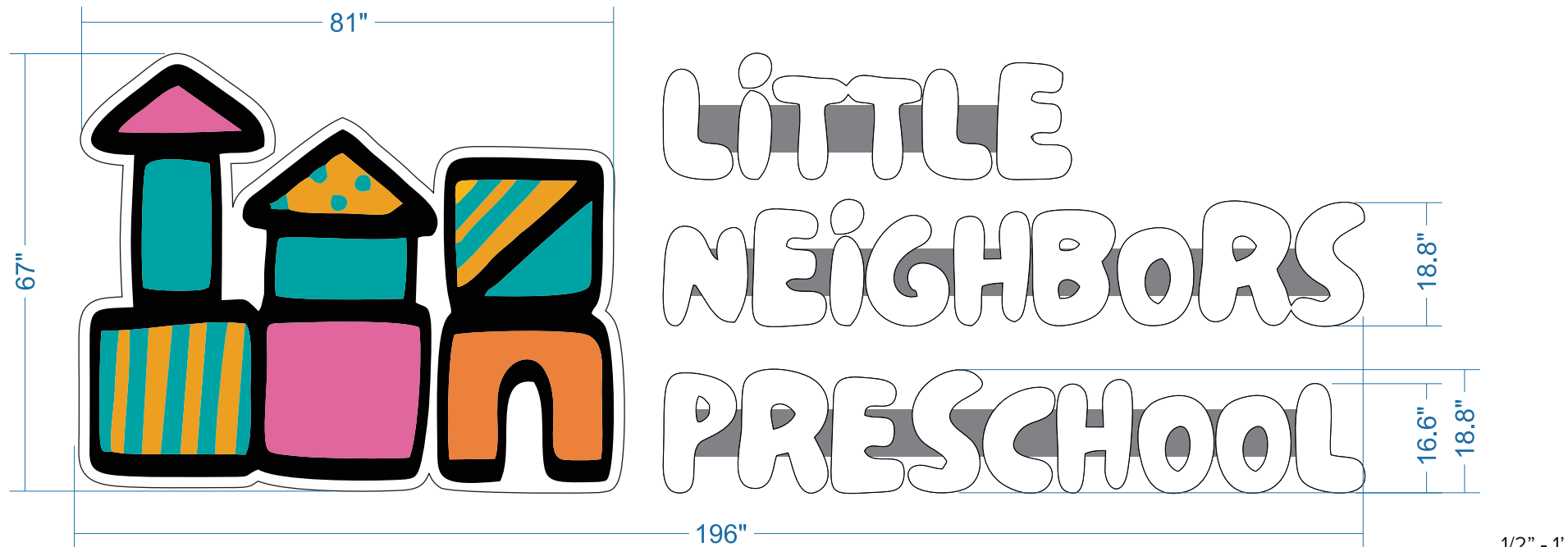
REVISIONS
01/00/2022

DATE
01/01/2022
DRAWN BY
ADP
NEIGHBORHOOD
CHURCH
LITTLE NEIGHBORS



1/8" - 1'
FRONT VIEW

01



FRONT VIEW



COLOR CHANGING LED'S IN SIGN

PN1 | PAGE NOTES

ILLUMINATED

LOGO
DIRECT MOUNT CHANNEL LOGO CABINET

FLAT ACRYLIC FACE WITH DIGITALY PRINTED GRAPHICS AS REQUIRED

RETURNS/SIDE COLOR TBD

LOGO TO HAVE WHITE LED'S

LETTERING
RACEWAY MOUNT CHANNEL LETTERS

FRONT LIT
WHITE ACRYLIC FACES

RETURNS / SIDES TO BE PAINTED INDIVIDUAL COLORS TBD

LETTERING TO HAVE RGB COLOR CHANGING LED'S

RACEWAYS TO BE CUSTOM DEPTH AT 6.5" TO CLEAR AIR VENTS THAT ARE BEHIND THE SIGN.

QTY 1 EACH

**PER A1 ZONING RESTRICTIONS UNDER STANDARD PERMITTING - WALL SIGNS ARE NOT ALLOWED.

A VARIANCE SUBMITTAL MAY BE REQUIRED OR A RE-ZONE OF THE PROPERTY

RGB COLOR CHANGING LED'S



1/4" - 1'
FRONT VIEW



131"

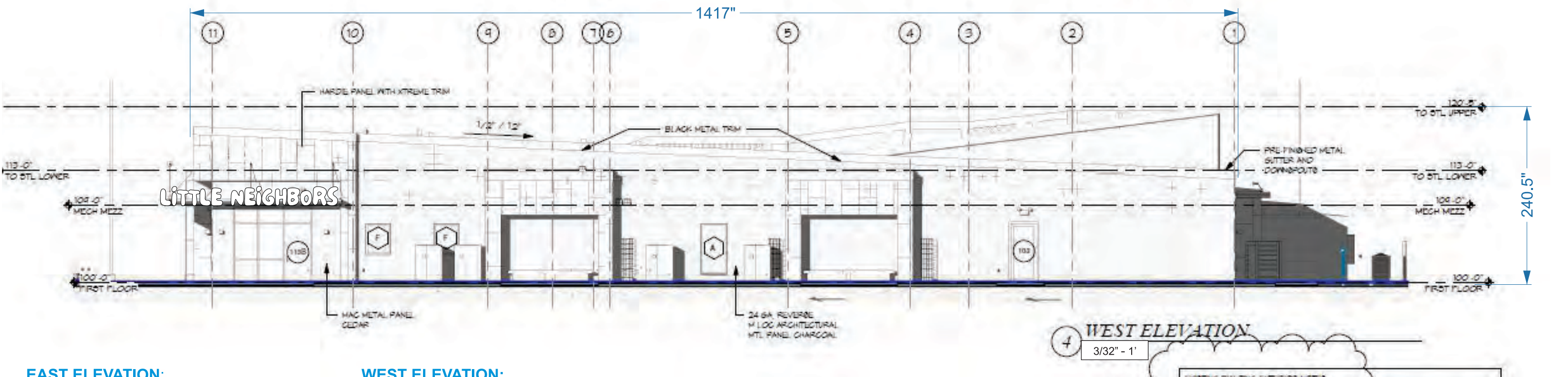
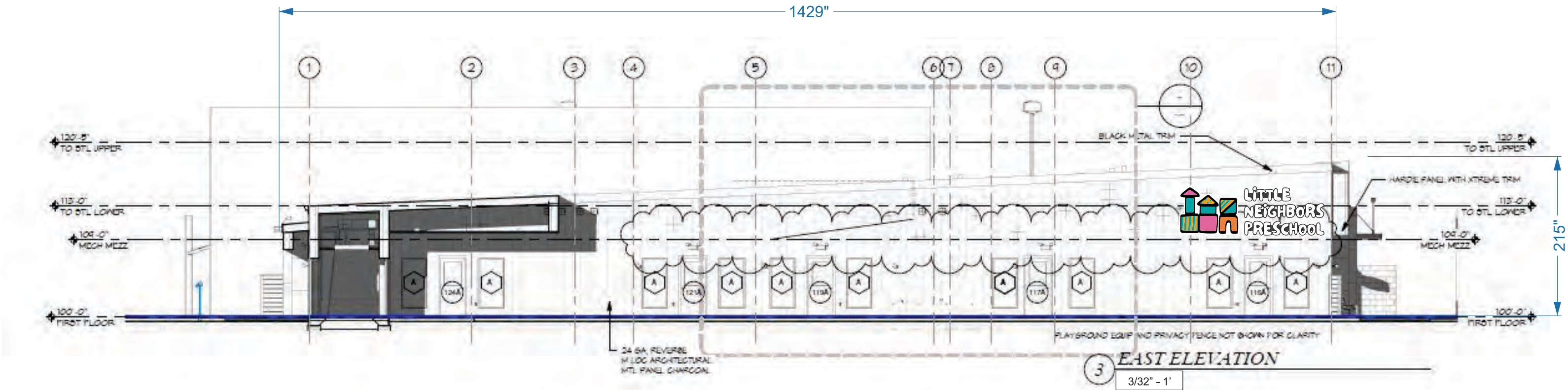
CLIENT
COMPANY
ADDRESS

REVISIONS
01/00/2022

DATE
01/01/2022

NEIGHBORHOOD
CHURCH
LITTLE NEIGHBORS

DRAWN BY
ADP



EAST ELEVATION:

- BUILDING : 2133.57 SQ FT
- SIGN: 91 SQ FT

- SIGN IS 4.2% OF ELEVATION

WEST ELEVATION:

- BUILDING : 2366.5 SQ FT
- SIGN: 45 SQ FT

- SIGN IS 1.9% OF ELEVATION



SITE COVERAGE NOTE - A-1 ZONING		
	SQUARE FEET	PERCENTAGE
IMPERVIOUS SURFACE	120822.16	45%
PERVIOUS SURFACE	147997.84	55%
TOTAL SQUARE FEET	268820	100%

PROPOSED	LEGEND	EXISTING	DESCRIPTION
			ACCESS EASEMENT
			ASPHALT (EDGE)
			ASPHALT (SURFACE)
			BOLLARD
			BUILDING
			BUILDING SETBACK LINE
			CABLE TV (UNDERGROUND)
			CENTERLINE
			CONCRETE (EDGE)
			CONCRETE (SURFACE)
			CONDUIT
			CONTOURS
			CURB & GUTTER
			DRAINAGE FLOW
			DUMPSTER
			UTILITY EASEMENT
			ELECTRICAL (UNDERGROUND)
			ELECTRICAL (OVERHEAD)
			ELECT. TRANSFORMER
			EROSION CONTROL FENCE
			EROSION CONTROL RIP-RAP
			FENCE (EX. WIRE/PR. SCREENING)
			FIBER OPTIC CABLE
			FIRE HYDRANT ASSEMBLY
			FLOWLINE
			FORCE MAIN
			GAS MAIN
			GAS METER/VALVE
			GRAVEL (EDGE)
			GRAVEL (SURFACE)
			IRON PIN - (RE-BAR)
			LIGHT
			POND
			POWER POLE
			PROPERTY LINE
			RETAINING WALL
			RIGHT-OF-WAY
			SANITARY SEWER MANHOLE
			SANITARY SEWER PIPE
			SANITARY SEWER SERVICE
			SECTION/TIE LINE
			SIDEWALK
			SIGN
			SPOT ELEVATION
			STABILIZED CONSTRUCTION ENT.
			STORM SEWER INLET
			STORM SEWER PIPE
			STRIP (PAINTED OR STICKY)
			TELEPHONE PED/MANHOLE
			TELEPHONE (UNDERGROUND)
			TREE LINE CANOPY
			TREE/TREE TO BE REMOVED
			WATER MAIN BLOWOFF VALVE
			WATER MAIN FIRE DEPT. CONN.
			WATER MAIN PIPE
			WATER MAIN REDUCER
			WATER MAIN THRUST BLOCK
			WATER METER
			WATER METER (IRRIGATION)
			WATER VALVE

INTERIOR LANDSCAPE CALCULATIONS:

PARKING AND DRIVE AISLE SQFT: 75646.35 SQFT
 INTERIOR LANDSCAPE REQUIRED FOR 50,000-149,000 SQFT = .10% OF PARKING AREA
 $75646.35 \times .10 = 7564.635$ SQFT REQUIRED INTERIOR LANDSCAPE

7622 SQFT INTERIOR LANDSCAPE PROVIDED

BUILDING SETBACKS (A-1):

FRONT	30 FT
SIDE	30 FT
REAR	30 FT

A1 ZONE: RESIDENTIAL DISTRICT LOT AND AREA STANDARDS:

SEC. 401.06 - A-1, AGRICULTURAL DISTRICT

BUILDING TYPES:	ALL
MIN. LOT AREA (SQFT.)	217,800 (5 ACRES)
MIN. LOT WIDTH	100 FT.
MIN. LOT DEPTH	100 FT.
MAX. LOT COVERAGE	INT. LOT: 30% EXT./CORNER LOT: 30%

—BEUD—

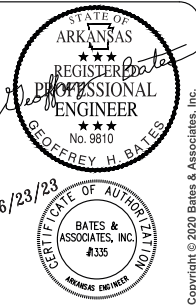
A.) CONTACT BEUD AT 479-271-3135 BEFORE PERFORMING ANY GRADING WITHIN 5' OF EXISTING OR PROPOSED POWER POLES.

B.) BEUD DESIGN LAYOUT TAKES PRECEDENCE OVER ANY ELECTRIC INFORMATION SHOWN ON THE SITE/UTILITY PLAN

C.) ELECTRIC FACILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST REVISION OF THE ELECTRIC SPECIFICATIONS FOUND ON THE WEBSITE. CONTRACTOR IS RESPONSIBLE FOR COMPLIANCE WITH THIS DOCUMENT.

Time: 8:46 am
Scale: 1=30 (PS)
Date: 5/10/2021
Drawing Name: 20\200\20-228\Engineering\02-03 Site Plan.dwg
Xrefs Used: BATES-AR w signature, base, COA BBA, 24X36

DRAWN BY: J. YOUNG
ENGINEER: G. BATES



REVISIONS	DATE
2ND SUBMITTAL	07/18/2022
3RD SUBMITTAL	07/18/2022
4TH SUBMITTAL	07/20/2022
5TH SUBMITTAL	07/20/2022
6TH SUBMITTAL	07/20/2022
7TH SUBMITTAL	07/20/2022
8TH SUBMITTAL	07/20/2022
9TH SUBMITTAL	07/20/2022
10TH SUBMITTAL	07/20/2022
11TH SUBMITTAL	07/20/2022
12TH SUBMITTAL	07/20/2022
13TH SUBMITTAL	07/20/2022
14TH SUBMITTAL	07/20/2022
15TH SUBMITTAL	07/20/2022
16TH SUBMITTAL	07/20/2022
17TH SUBMITTAL	07/20/2022
18TH SUBMITTAL	07/20/2022
19TH SUBMITTAL	07/20/2022
20TH SUBMITTAL	07/20/2022
21ST SUBMITTAL	07/20/2022
22ND SUBMITTAL	07/20/2022
23RD SUBMITTAL	07/20/2022
24TH SUBMITTAL	07/20/2022
25TH SUBMITTAL	07/20/2022
26TH SUBMITTAL	07/20/2022
27TH SUBMITTAL	07/20/2022
28TH SUBMITTAL	07/20/2022
29TH SUBMITTAL	07/20/2022
30TH SUBMITTAL	07/20/2022
31ST SUBMITTAL	07/20/2022
32ND SUBMITTAL	07/20/2022
33RD SUBMITTAL	07/20/2022
34TH SUBMITTAL	07/20/2022
35TH SUBMITTAL	07/20/2022
36TH SUBMITTAL	07/20/2022
37TH SUBMITTAL	07/20/2022
38TH SUBMITTAL	07/20/2022
39TH SUBMITTAL	07/20/2022
40TH SUBMITTAL	07/20/2022
41ST SUBMITTAL	07/20/2022
42ND SUBMITTAL	07/20/2022
43RD SUBMITTAL	07/20/2022
44TH SUBMITTAL	07/20/2022
45TH SUBMITTAL	07/20/2022
46TH SUBMITTAL	07/20/2022
47TH SUBMITTAL	07/20/2022
48TH SUBMITTAL	07/20/2022
49TH SUBMITTAL	07/20/2022
50TH SUBMITTAL	07/20/2022
51ST SUBMITTAL	07/20/2022
52ND SUBMITTAL	07/20/2022
53RD SUBMITTAL	07/20/2022
54TH SUBMITTAL	07/20/2022
55TH SUBMITTAL	07/20/2022
56TH SUBMITTAL	07/20/2022
57TH SUBMITTAL	07/20/2022
58TH SUBMITTAL	07/20/2022
59TH SUBMITTAL	07/20/2022
60TH SUBMITTAL	07/20/2022
61ST SUBMITTAL	07/20/2022
62ND SUBMITTAL	07/20/2022
63RD SUBMITTAL	07/20/2022
64TH SUBMITTAL	07/20/2022
65TH SUBMITTAL	07/20/2022
66TH SUBMITTAL	07/20/2022
67TH SUBMITTAL	07/20/2022
68TH SUBMITTAL	07/20/2022
69TH SUBMITTAL	07/20/2022
70TH SUBMITTAL	07/20/2022
71ST SUBMITTAL	07/20/2022
72ND SUBMITTAL	07/20/2022
73RD SUBMITTAL	07/20/2022
74TH SUBMITTAL	07/20/2022
75TH SUBMITTAL	07/20/2022
76TH SUBMITTAL	07/20/2022
77TH SUBMITTAL	07/20/2022
78TH SUBMITTAL	07/20/2022
79TH SUBMITTAL	07/20/2022
80TH SUBMITTAL	07/20/2022
81ST SUBMITTAL	07/20/2022
82ND SUBMITTAL	07/20/2022
83RD SUBMITTAL	07/20/2022
84TH SUBMITTAL	07/20/2022
85TH SUBMITTAL	07/20/2022
86TH SUBMITTAL	07/20/2022
87TH SUBMITTAL	07/20/2022
88TH SUBMITTAL	07/20/2022
89TH SUBMITTAL	07/20/2022
90TH SUBMITTAL	07/20/2022
91ST SUBMITTAL	07/20/2022
92ND SUBMITTAL	07/20/2022
93RD SUBMITTAL	07/20/2022
94TH SUBMITTAL	07/20/2022
95TH SUBMITTAL	07/20/2022
96TH SUBMITTAL	07/20/2022
97TH SUBMITTAL	07/20/2022
98TH SUBMITTAL	07/20/2022
99TH SUBMITTAL	07/20/2022
100TH SUBMITTAL	07/20/2022

NEIGHBORHOOD CHURCH ADDITION
LARGE SCALE DEVELOPMENT PLANS

SITE PLAN 1

BENTONVILLE, ARKANSAS

THIS PLAN SET DOES NOT HAVE FINAL APPROVAL FROM THE CITY OF BENTONVILLE



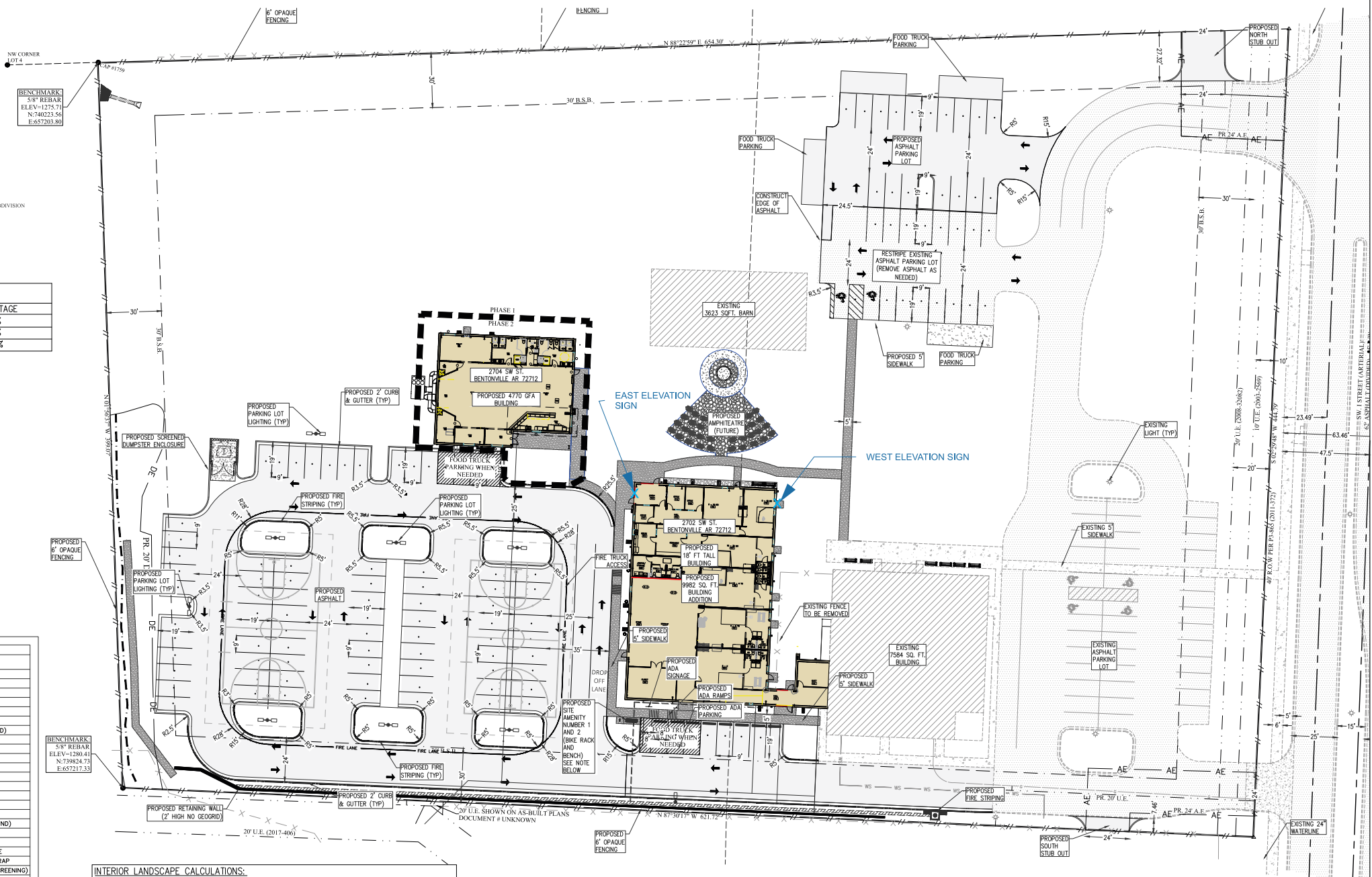
230 S. Pleasant Ridge Dr. Fayetteville, Arkansas 72704 • 479.442.9350 • Fax 479.521.9350

DRAWING NO

03

PROJECT NO	70 228
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LSD21-0072



<u>PARKING TABLE:</u>	
<u>501.6 F OFF-STREET PARKING STANDARDS</u>	
CHURCH SANCTUARY: 1 PARKING SPACE FOR EACH FOUR (4) SEATS BASED ON MAXIMUM SEATING CAPACITY IN THE PRINCIPAL ASSEMBLY ROOM	
PRINCIPAL ASSEMBLY ROOM SEATING:	270
TOTAL SPACES REQUIRED:	60
EXISTING STANDARD SPACES:	39
EXISTING ADA SPACES:	4
PROPOSED STANDARD SPACES:	120
PROPOSED ADA SPACES:	2
TOTAL PARKING PROVIDED:	159

SURVEY DESCRIPTION (PARCEL #01-09590-001 & #01-09590-000):

A PART LOT 3 OF JARNAGAN ADDITION TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT AN EXISTING REBAR MARKING THE NORTHWEST CORNER OF SAID LOT 3 AND RUNNING THENCE N88°22'59"E 654.30', THENCE S02°29'48"W 444.79', THENCE N87°30'17"W 621.72' TO AN EXISTING REBAR, THENCE N01°56'37"W 399.07' TO THE POINT OF BEGINNING, CONTAINING 6.17 ACRES, MORE OR LESS, SUBJECT TO THAT PORTION IN SOUTHWEST 1/4 STREET MASTER STREET PLAN RIGHT-OF-WAY ON THE EAST SIDE OF HEREIN DESCRIBED TRACT AND SUBJECT TO ALL OTHER EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

BIKE RACK AND BENCH NOTES
BENCH— WILL BE A MINIMUM OF 6 FEET IN LENGTH AND WILL BE A VICTOR STANLEY "CLASSIC" MODEL # C-10 OR APPROVED EQUAL.
BIKE RACK—WILL BE A SINGLE HOOP, DERO SWERVE RACK, SIZE 34"x21.5" THAT HOLDS AT LEAST 2 BIKES OR AN APPROVED EQUAL.

BOARD OF ADJUSTMENT STAFF REPORT



Harris

Northwest J Street

BOA Date: 8/9/2023

Reviewer: Bradley Gavrielides

Project Number	VAR23-0026
Applicant / Current Owner	Mark Hane / James Harris
Site Area	0.10 Acres
Current Zoning	R-1, Low Density Single Family Residential
Variance Request	Zoning Code Article: 401 Zoning District Regulations Section: 401.07 Residential (R) Districts Regulations (c) Residential (R) districts setback standards

Property Description

This property is located on Northwest J Street and is currently zoned R-1, Low Density Single Family Residential.

Regulation

Zoning Code Article Section 401.07(c)(1) Minimum Setback Standards requires a minimum rear setback for a detached accessory structure on property zoned R-1, Low Density Single-Family Residential of seven feet from the interior side property line and 20 feet from the exterior side property line.

Variance Request

The applicant is requesting a variance of three (3) feet from the minimum interior side setback of seven (7) feet and a variance of twenty (20) feet from the exterior side setback of twenty (20) feet, required by code, to allow the construction of a home with a four (4) foot setback from the northern property line and a zero (0) foot setback from the southern property line.

Background

The applicant states that the size of their lot does not constitute a sizeable home at 11-feet wide. Their narrative states that 11-foot wide house would not fit within the characteristic of the neighborhood, which is large-lot, single family homes. The applicant states that the Right of Way to the south creates a hardship on the lot due to the setback requirements of R-1 zoning. The applicant has attempted unsuccessfully to vacate the alleyway to aide in the setback issues with neighbors opposing the vacation.

Planning staff believes that approval of this variance would alter the essential character of the neighborhood and that there should not have been a reasonable expectation of receiving the variance in the purchase of the lot. Engineering does not support the request based on drainage concerns associated with the issuance of a building permit, a separate action.

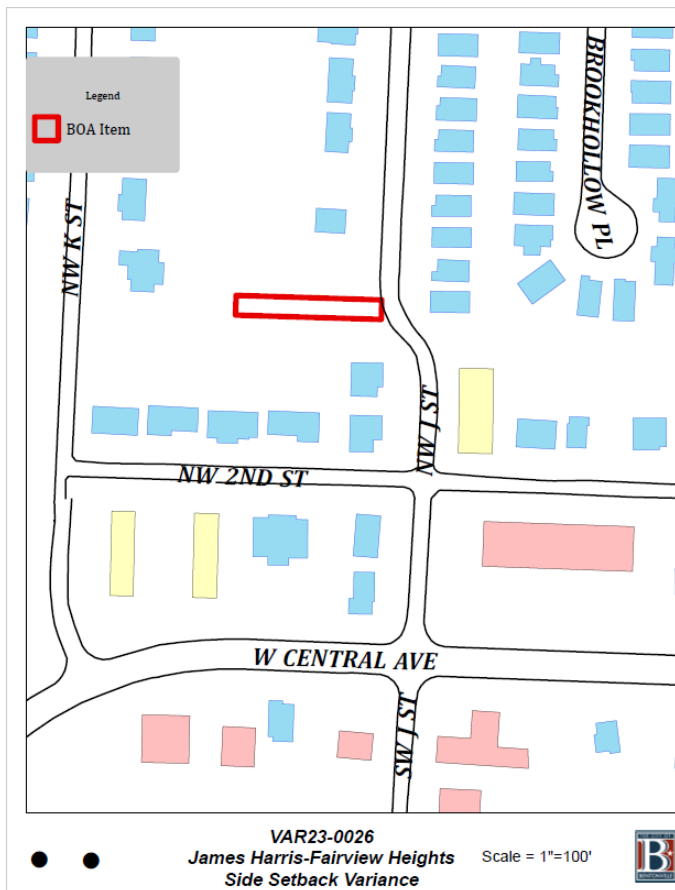
Public Comment

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.

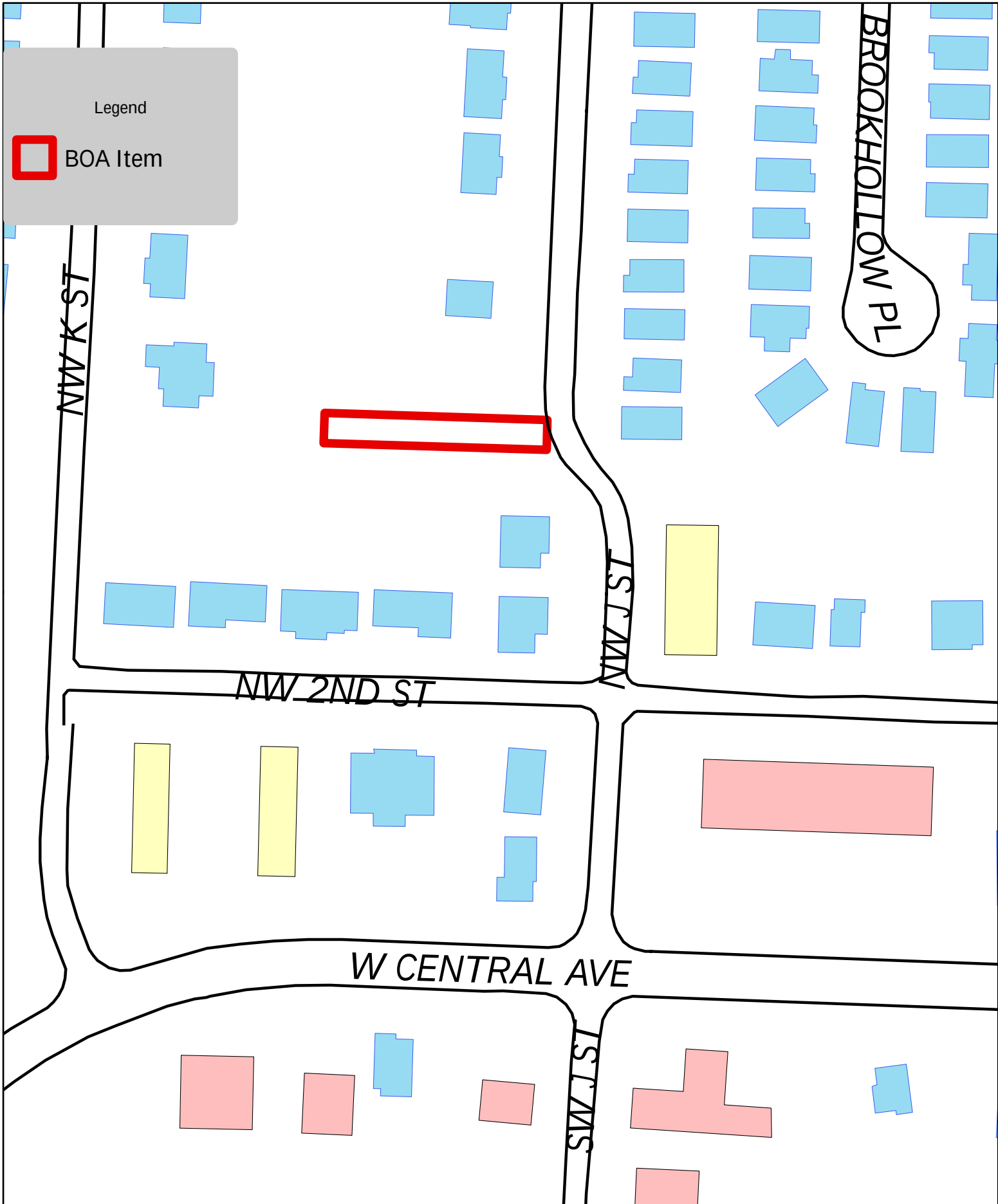
(2) No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

(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.

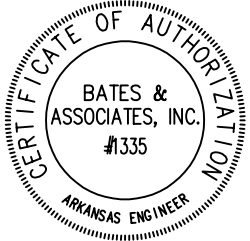


VAR23-0026
James Harris-Fairview Heights
Side Setback Variance

Scale = 1"=100'



BOUNDARY & TOPOGRAPHIC SURVEY



TREE LIST:

1) 8" ELM	- 40' CANOPY
2) 38" WALNUT	- 100' CANOPY
3) 24" WALNUT	- 80' CANOPY
4) 12" DOUBLE ELM	- 70' CANOPY
5) 14" WALNUT	- 80' CANOPY
6) 12" ELM	- 60' CANOPY
7) 20" DOUBLE ELM	- 100' CANOPY
8) 6" ELM	- 20' CANOPY
9) 6" ELM	- 20' CANOPY
10) 16" ELM	- DEAD
11) 44" MAPLE	- 100' CANOPY
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13) 14" DOUBLE ELM	- 70' CANOPY
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15) 40" WALNUT	- 90' CANOPY
16) 34" WALNUT	- 90' CANOPY
17) 4" ELM CLUSTER	- 30' CANOPY
18) 18" ELM	- 80' CANOPY
19) 40" WALNUT	- 100' CANOPY

FIELD WORK:
JUNE 23 & JULY 14, 2022

BASIS OF BEARING:
GPS OBSERVATION - AR NORTH ZONE
(NAD 83 [2007] HORIZONTAL DATUM)

BASIS OF ELEVATION:
CITY OF BENTONVILLE GPS MONUMENT #1
(NAVD88 VERTICAL DATUM)

CONTOUR INTERVAL:
ONE FOOT

- REFERENCE DOCUMENTS:
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 - 5) PLAT OF SURVEY FILED IN BOOK W AT PAGE 332
 - 6) LIMITED WARRANTY DEED FILED IN BOOK 2010 AT PAGE 39788

PROPERTY ZONED:
R-1
*ANY HOUSE ADDITION, GARAGE ADDITION, OR NEW STRUCTURE ON THIS LOT MAY CAUSE THE BUILDING SETBACK LOCATIONS DEPICTED ON THIS SURVEY TO VARY.

BUILDING SETBACKS:
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

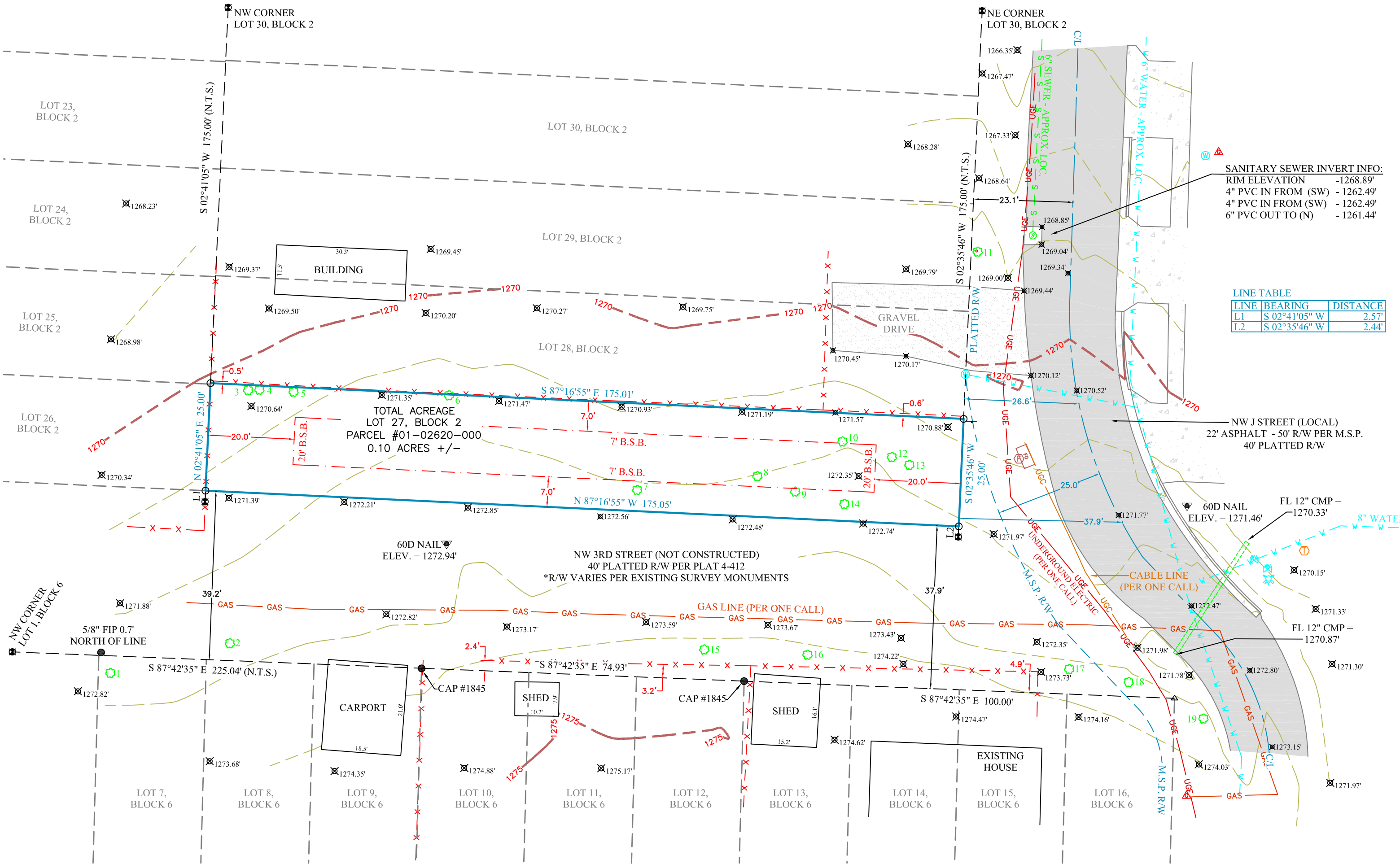
ATTACHED ACCESSORY DWELLING:
FRONT AS REQUIRED BY DISTRICT
SIDE AS REQUIRED BY DISTRICT
REAR AS REQUIRED BY DISTRICT

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

SURVEY DESCRIPTION:
LOT 27, BLOCK 2, FAIRVIEW HEIGHTS ADDITION TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN IN PLAT RECORD 4 AT PAGE 412. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

NOTE:
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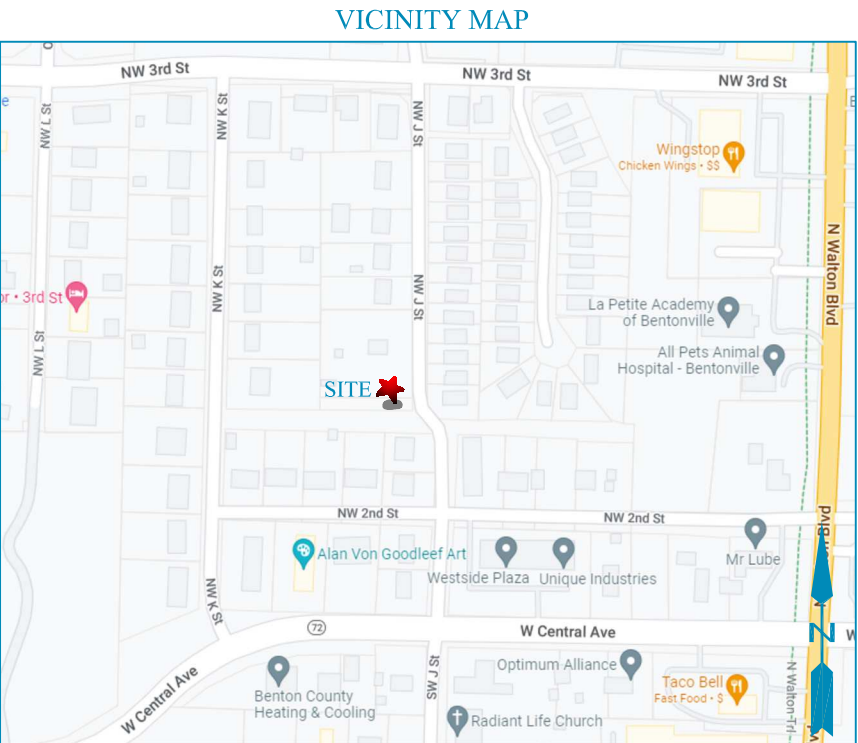
FLOOD CERTIFICATION:
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(FIRM PANEL #05007C0255K. DATED 06/ 05/ 2012)



I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF ON THIS THE 14TH DAY OF JULY, 2022.



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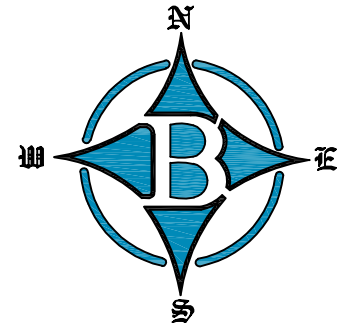


LINE TABLE

LINE	BEARING	DISTANCE
L1	S 02°41'05" W	2.57'
L2	S 02°35'46" W	2.44'

SANITARY SEWER INVERT INFO:
RIM ELEVATION -1268.89'
4" PVC IN FROM (SW) - 1262.49'
4" PVC IN FROM (SW) - 1262.49'
6" PVC OUT TO (N) - 1261.44'

RECORDING NUMBER/DATE



LEGEND:

BOUNDARY LINE (MEASURED)	SYMBOL
LOT LINE	---
TE LINE	---
CENTERLINE OF ROAD	---
RIGHT-OF-WAY	---
WATER LINE	---
SEWER SERVICE LINE	---
SEWER SETBACK	---
GAS LINE	---
UNDERGROUND ELECTRIC	---
CABLE LINE	---
STORM PIPE	---

LEGEND:

THESE STANDARD SYMBOLS WILL BE FOUND IN THE DRAWING.	SYMBOL
(R) RECORDED BEARINGS & DISTANCES	(R)
(M) MEASURED BEARINGS & DISTANCES	(M)
(F) FOUND 1/2" REBAR	(F)
(F) FOUND 5/8" REBAR	(F)
(F) SET 5/8" REBAR CAP	(F)
(F) 60D NAIL ELEV. BENCHMARK	(F)
(F) 60D NAIL ELEV. BENCHMARK	(F)
(F) TELEPHONE PEDestal	(F)
(F) SANITARY SEWER MH	(F)



FOR USE AND BENEFIT OF:

MARK HANEY	DATE: 07/26/22	SCALE: 1"=20'	SURVEYED: DT	DATE: 07/26/22	SCALE: 1"=20'
ADDRESS: NW J STREET, BENTONVILLE, ARKANSAS	LOCATION: LOT 27, BLOCK 2, FAIRVIEW HEIGHTS ADDITION	DATE: 07/26/22	SCALE: 1"=20'	DATE: 07/26/22	SCALE: 1"=20'
DRAWING #22-172					



Jul 21, 2023

Dear Bentonville Board of Adjustments,

We are requesting a side setback variance for NW J St parcel 01-02620-000 in order to construct a single family home as a personal residence for the lot owner. The lot presents some unique hardships due to the limited width of 25', which would not be permitted today but is an old filed plat. With standard R-1 side setbacks of 7', this means the constructable area is only 11' wide. While theoretically possible, a home of this width would be difficult to construct, less comfortable to live in, and fit unnaturally within the neighborhood of more traditionally proportioned homes.

There is an existing city right-of-way directly south of the parcel, which we tried to vacate but were not able to gain the support of neighbors to request the vacation. There appear to be no plans to develop anything in this ROW, which only connects between NW J and NW K, with an electric pole blocking access on NW K. It can still be used for access to this proposed residence, and the backyards of other neighboring properties.

Considering the site's unique constraints, the neighboring ROW, and our desire to preserve the traditional home proportions of the residential neighborhood, we request a side setback of 0' on the south lot line, and 4' on the north lot line. This would expand the buildable width to a more natural 21' and allow us to proceed with design work. Thank you for your thoughtful consideration.

Respectfully,
Mark Haney

BOUNDARY & TOPOGRAPHIC SURVEY



Black box indicates potential footprint of home with 0' side setback on south property line and 4' side setback on north property line

TREE LIST:

1) 8" ELM	- 40' CANOPY
2) 38" WALNUT	- 100' CANOPY
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BUILDING SETBACKS:

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SIDE	20ft (EXTERIOR)
REAR	25ft

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DETACHED NON-RESIDENTIAL & DETACHED ACCESSORY DWELLING:

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SIDE	07ft
REAR	07ft

ATTACHED ACCESSORY DWELLING:

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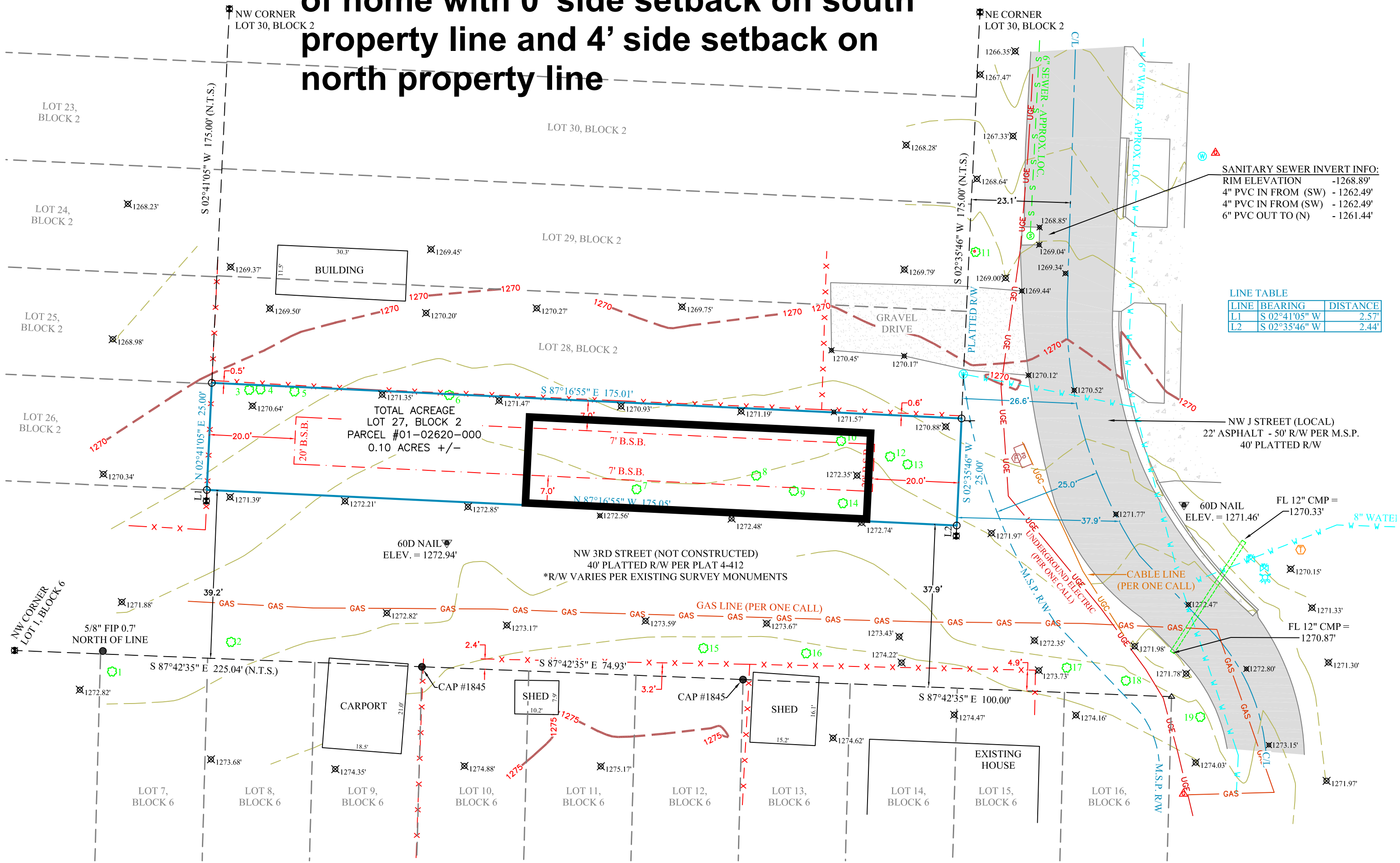
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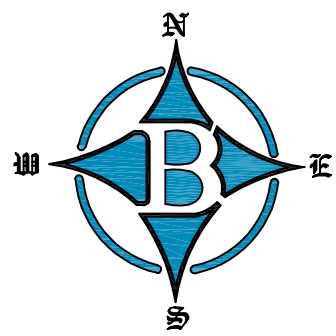


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SEWER SERVICE LINE	UNDERGROUND ELECTRIC
BUILDING SETBACK	CABLE LINE
GAS LINE	STORM PIPE
UNDERGROUND ELECTRIC	

LEGEND:

THESE STANDARD SYMBOLS WILL BE FOUND IN THE DRAWING.	(R) RECORDED BEARINGS & DISTANCES	(M) MEASURED BEARINGS & DISTANCES	(F) FOUND 1/2" REBAR	(S) SET 5/8" REBAR	(B) BENTONVILLE ELEV. BENCHMARK	(N) 60D NAIL ELEV. BENCHMARK	(T) TELEPHONE PEDestal	(S) SANITARY SEWER MH
(W) WATER METER	(F) FIRE HYDRANT	(F) FREE	(F) FIBER OPTIC PEDestal	(F) FIBER OPTIC VAULT	(G) GAS METER	(S) SIGN	(W) WATER VALVE	

Bates & Associates, Inc.
Engineers - Surveyors

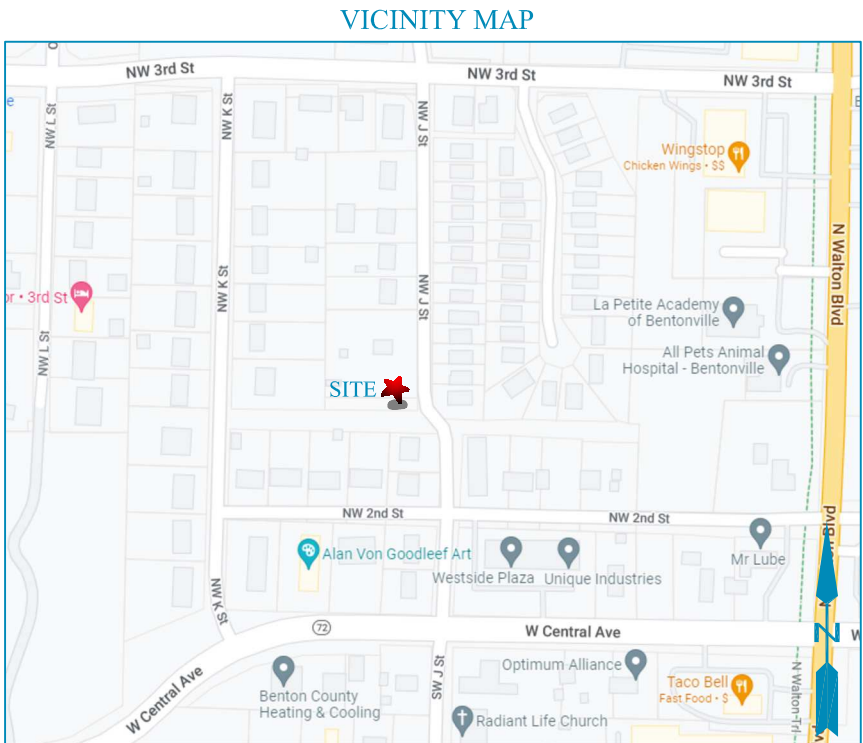


FOR USE AND BENEFIT OF:
MARK HANEY

ADDRESS:
NW J STREET
BENTONVILLE, ARKANSAS

DRAWING #22-172

DATE: 07/26/22	SCALE: 1"=20'	SURVEYED: DT	REVIEWED: DT	COA: #1335
LOCATION: LOT 27, BLOCK 2, FAIRVIEW HEIGHTS ADDITION	DATE: 07/26/22	SCALE: 1"=20'	SURVEYED: DT	REVIEWED: DT
DATE: 07/26/22	SCALE: 1"=20'	SURVEYED: DT	REVIEWED: DT	COA: #1335



VICINITY MAP

VICINITY MAP NOT TO SCALE