



**Board of Adjustments  
Meeting Agenda  
October 23, 2024  
Bentonville City Hall  
Meeting Time: 4:00 PM**

**Registration Link:** <https://us06web.zoom.us/j/84033729823>

- I. Call to Order**
- II. Approval of Minutes**
  - 1. October 9th Meeting Minutes** **Approval of Meeting Minutes**
- III. New Business**
  - 1. Matteri** **Variance\***
    - 612 Jefferson Street ([VAR24-0021](#))
    - Section 401.01 Residential district regulations (c) setbacks*
- IV. Old Business**
- V. Other Business**
  - 1. Discussion on Noticing Requirements for Variances** **Informational**
- VI. Adjournment**



**Board of Adjustments  
Meeting Agenda  
October 9, 2024  
Bentonville City Hall  
Meeting Time: 4:00 PM**

**Registration Link:** [https://us06web.zoom.us/rec/share/tirEvorHNvyvPm-7z0m4STHK6r3taFQ5HhaO1yDYUyO0mXqMfj9-V\\_mkDXZ\\_AMJO.AJQm3WTGJPFL0myi](https://us06web.zoom.us/rec/share/tirEvorHNvyvPm-7z0m4STHK6r3taFQ5HhaO1yDYUyO0mXqMfj9-V_mkDXZ_AMJO.AJQm3WTGJPFL0myi)

**I. Call to Order**

- Meeting called to order at 4:00 PM by Chairman Kruithof.
- Members present: BJ Phillips, Celia Swanson, Dean Kruithof, Sam Pearson, Danny Bennett
- Members absent:
- Staff present: Tom Adler, Keegan Stanton, Bradley Gavrielides

**II. Approval of Minutes**

**1. August 28th Meeting Minutes**

**Approval of Meeting Minutes**

- Motion to approve by Swanson, second by Pearson.
- Chairman Kruithof suggests stating who votes no and who votes yes when there is a split vote.
- Minutes are approved 5-0.
- Chairman Kruithof gives a brief overview of the process and flow of the meeting.

**III. New Business**

**1. Graham**

**Variance\***

606 Lyndal Lane ([VAR24-0017](#))

*Section 1100.06 Fence and Wall Requirements of the Zoning Code*

- Mr. Stanton provides an overview of the staff report.
- Chris Stewart of 608 Lyndal Lane states that he is opposed to this variance and gives background on the agreement that he and his neighbors had on a 6ft fence.
- Mr. Adler gives out additional materials provided by Mr. Stewart to the board.
- Mr. Stewart explains each document that he provided to the board.
- Devin Goldberg of 609 Southeast Cambridge Place states that he is curious about who is responsible for the fence replacement if it is needed. He understands why the fence was constructed too tall due to the pool issues, but he does not want to pay for another fence as a neighbor.
- Loui Graham, the applicant, is present.
- Mr. Graham states that the pool contractor has been attempting to save costs and did not dig the pool to the correct height.
- Mr. Graham states that the neighbors all agreed to construct the 8ft fence after discussing with them the safety issues of the pool.
- Mr. Graham and the board discuss details of the agreement and whether or not permits for the fence and the pool were pulled.
- Mr. Phillips states that financial obligation and input cannot be considered for the variance.

- Chairman Kruithof states that there must be a hardship not caused by the applicant for a variance to be granted.
- Emily Neal of Eldridge Brooks Partners, the applicant's attorney, states that there have been significant issues with the pool and the remediation of the pool.
- Mrs. Neal states that the hardship that exists is it is less expensive to raise a fence than to remove a pool.
- Mrs. Neal states that other fences in the neighborhood have been granted variances for taller fences.
- Mr. Pearson states that this fence variance should be looked as if the pool was not installed.
- Mr. Bennett states that if the contractor installed the pool correctly, then the applicant wouldn't requesting a variance.
- Discussion between the board and the applicant on the topography of the lot before the pool was constructed.
- Motion to approve variance by Swanson, second by Phillips.
- Variance is denied 5-0.

## 2. **Adams**

## **Variance\***

504 Northwest B Street ([VAR24-0022](#))

*Sec 401.07-B (d), Downtown Neighborhood Districts Regulations, DN districts Lot Area Standards*

- Mr. Stanton provides an overview of the staff report.
- Doug Weekes 206 NW 5<sup>th</sup> states that he has no opposition to building a home on the lots.
- Mr. Weekes states that developers created this economic issue by tearing down the previous single family home.
- Chairman Kruithof states that the applicant needs a variance to try and obtain a rezoning and there should likely be a condition that the variance be contingent on obtaining a rezoning of DN-2.
- Nikki Littrell from Blew and Associates, representing the applicant, is here to answer any questions.
- Mark Haney is on zoom for any questions.
- Discussion between the board on what affects the variance has on a rezone and lot split request.
- Mrs. Swanson states that the neighborhood has expressed a desire to keep the area single family and lower density.
- Mr. Bennett states that the rezone is a request that goes before the planning commission.
- Discussion on the process and what can be considered for the variance request.
- Mrs. Swanson is cautious about approving the variance with the distinction of DN-2 given the neighborhood's desire to remain low density.
- Mrs. Swanson asks if the variance is approved and the applicant builds something not proposed during the variance, if the variance is still valid.
- Mr. Staton states that the variance request is for a single family attached unit, and only that kind of structure.
- Motion to approve variance as written by Phillips, second by Pearson.
- Variance is approved 3-2 with Swanson voting no and Pearson voting no.

## IV. **Old Business**

**V. Other Business**

**1. Summary of Admin Approvals for Fence Variances**

**Informational**

2801 Walker Street

VAR24-0014 Boys and Girls Club

- 2 ft variance in fence height to allow 8ft rear fence.

Mr. Adler states that there has been one variance.

Mr. Kruithof asks that a public notice discussion be placed on the next agenda.

**VI. Adjournment**

**Matteri**

612 Jefferson Street

**BOA Date:** 10/23/2024**Staff Report Details**

|                                  |                                                      |
|----------------------------------|------------------------------------------------------|
| <b>Project Number</b>            | VAR24-0021                                           |
| <b>Applicant / Current Owner</b> | DAVE BURRIS ARCHITECTURE / STEVE MATTERI             |
| <b>Site Area</b>                 | +/- <b>0.15</b> Acres                                |
| <b>Current Zoning</b>            | R-1, Low-Density Single-Family Residential           |
| <b>Variance Request</b>          | 401.01 Residential district regulations (c) setbacks |
| <b>Related projects</b>          | N/A                                                  |

**Property Description**

The subject property is located on 612 Jefferson Street. The property is presently zoned R-1, Single-family Residential with a future land use designation of Low-Density Residential.

**Regulation****Sec. 401.01 Residential district regulations (c) setbacks**

R-1, Single Family Residential, requires a 25' rear setback from the rear property line. The applicant is seeking a 5' variance from the 25' rear setback requirement to match an addition to an existing non-conforming home.

**Variance Request**

This report will consider and analyze this request based upon the six conditions of approval from the Zoning Code. Said conditions of approval will be bolded to differentiate from staff commentary.

**1. The applicant demonstrates that:****a. Special conditions and circumstances exist which are peculiar to the land, structure**

## Variance Request

**or building involved and which are not applicable to other lands, structure or buildings in the same district;**

This home was built prior to our current setback standards for R-1 zoning district, thus is an existing nonconformity. Other lots in the district may have the same condition and circumstance due to this property being located within the older downtown neighborhoods.

**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;**

The code, in regard to non-conforming structures, states that nonconformities may be built so long as the new addition meets current setbacks of the district. Literal interpretation of this chapter does not prevent an addition from occurring on this lot, but does prevent the applicant from completing this addition to the size as outlined on the site plan. Per the applicant's site plan, a majority of the addition does fit within current setbacks (approximately 481 square feet of the proposed 591 square foot addition).

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

The home is an existing nonconformity.

**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.**

This variance would grant the applicant a special privilege as no other homes in the district may be built to the 20' building setback line in the rear. While the existing home is non-conforming in this way, it is possible to complete an addition that stays within the setbacks as outlined in the 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.**

The applicant makes no reference to any nonconformities or properties in neighboring lands or zoning districts.

**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.**

The variance is the minimum variance that the applicant could request to accomplish their request to build an addition in-line with the existing 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.**

The granting of this variance is not injurious to the neighborhood.

**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**

## Variance Request

**which the variance is granted, shall be deemed a violation of this chapter.**

The Board has the authority to attach any conditions to a variance request that it deems appropriate. Any conditions proposed with a variance approval should be clearly stated into the record in the approval motion.

**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.**

The applicant's request does not include a variance to use.

### Conclusion

The applicant's variance request comes from Sec. 401.01 (c) of the Zoning Code, which houses the setback regulations for R-1 zoning Districts. In R-1, the minimum rear setback is 25'.

Presently, the existing building has a rear setback of 20'. The applicant wishes to propose an addition aligning with the north existing wall. The proposed addition will not encroach any further into the setback than the existing home. The property to the north is a city-owned property that is used as overflow parking for Bogle Park.

## Background

## Public Comment

Has Staff received Public Comment at the time of this report?: **No**

## Conditions of Approval

The following conditions of the approval are below.

1. The approved variance shall be for the proposed layout and setbacks, as provided by the applicant within this application.
2. The applicant shall be required to obtain an approved building permit for the structure.

## 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, structures 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.



*Pending BOA Item*

*JACKSON ST*

*NW 3RD ST*

*NW F ST*

*HUFFMAN ST*

*Matteri*

*JEFFERSON ST*



**VAR24-0021**  
**Steve Matteri**  
**612 JEFFERSON ST**





# Burris Architecture

820 Tiger Blvd suite 4 Bentonville, AR 72712  
479.319.6045

Date: August 29-24

To: Bentonville Board of Adjustments

612 Jefferson St

We respectfully request a variance rear setback for the proposed addition at 612 Jefferson St..

Code reference 401.01 Residential district regulations (c) setbacks

The code requires a 25' rear setback from rear property line.

612 Jefferson St is a corner lot, Th front door faces Jefferson St. The home is currently a non conforming use with the structure 20' from the rear property line. The proposed addition aligns with the north existing wall. The proposed addition will not encroach any further than the existing home. The property to the north is a city owned property currently used as overflow parking for Bogle Park.

Unique Circumstance:

The existing structure is situated on just off the street setback, and currently within the rear setback.

Dave P. Burris, AIA, NCARB

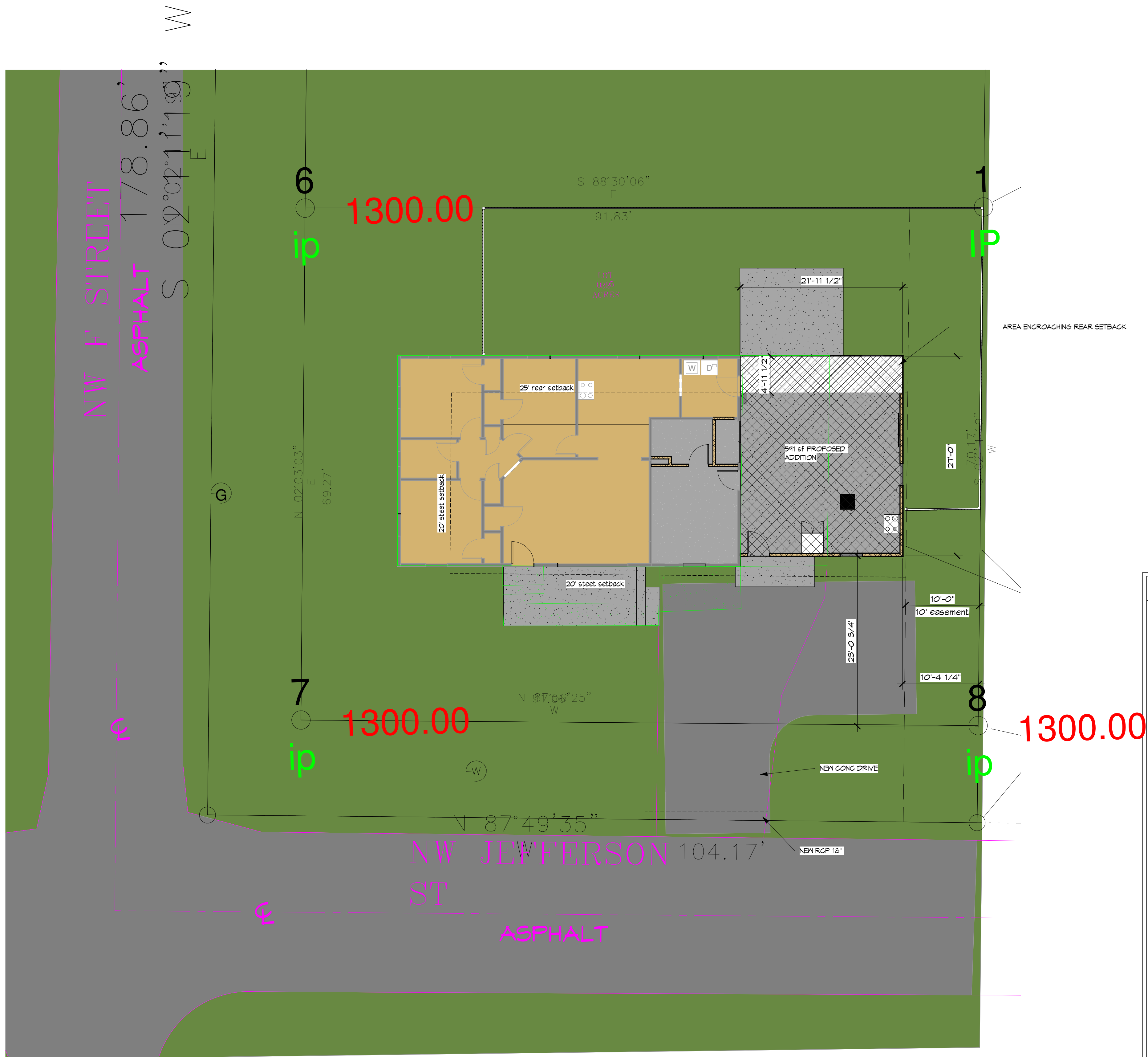
479-586-9400

[dave@burrisarch.com](mailto:dave@burrisarch.com)

MATTERI

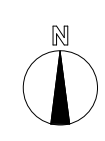
612 JEFFERSON ST

BENTONVILLE, AR



1 SITE PLAN

1/8" = 1'-0"



GENERAL SITE NOTES

- TAKE TEMPORARY CONTROL MEASURES TO PREVENT EROSION. SHEET PLOIN: USE STRAW OR HAY BALES, SILT FENCING OR VEGETATIVE FILTERS AS NECESSARY TO MINIMIZE SILT MOVEMENT OFF PROPERTY.
- CONTRACTOR SHALL FINISH GRADE SITE SO AS TO DIVERT WATER AWAY FROM BUILDING STRUCTURE.
- ALL FILL SHALL BE COMPACTED TO 95% STANDARD OVER PROCTOR DENSITY (ASTM D-698) AND MIN 3000 P.S.F. BEARING CAPACITY.
- MEET EXISTING GRADE AT ALL CONTRACT LIMITS OR PROPERTY LINES.
- GENERAL CONTRACTOR TO PROVIDE ROUGH GRADING TO 6" BELOW FINISH GRADE. 6" TOP SOIL TO BE REUSED OR PROVIDED FOR FINAL GRADING.
- PROVIDE CONTROL JOINTS AND EXPANSION JOINTS IN CONCRETE WHERE SHOWN (SEE PLANS AND DETAILS). WHERE NOT SHOWN PROVIDE AS FOLLOWS:  
EXPANSION JOINTS AT 20' O.C. MAX  
CONTROL JOINTS AT 6' O.C. MAX AT SIDEWALKS
- ALL UTILITY LOCATIONS ARE APPROXIMATE, FIELD VERIFY EXACT LOCATIONS.
- ALL DISTURBED AREAS TO BE SEEDED.
- CONTRACTOR TO VERIFY ALL SITE CONDITIONS PRIOR TO WORK, NOTIFY ARCHITECT IF CONDITIONS VARY FROM WHAT IS SHOWN.
- SITE PLAN IS DIAGRAMMATIC IN NATURE. BOUNDARIES, UTILITIES, AND OTHER SITE FEATURES SHOULD BE REFERENCED FROM A LICENSED SURVEYOR. GC SHALL CONFIRM ALL SETBACKS AND CLEARLY MARK ON SITE PRIOR TO BEGINNING CONSTRUCTION.
- GC TO COORDINATE ALL UTILITY CONNECTIONS WITH APPROPRIATE GOVERNING BODY.
- SITE PLAN MUST BE APPROVED BY THE BUILDING OFFICIAL AND THE PLANNING DEPARTMENT PRIOR TO BEGINNING CONSTRUCTION.
- GENERAL CONTRACTOR IS TO SUBMIT DRAWINGS TO THE BUILDING INSPECTOR AND OBTAIN A BUILDING PERMIT PRIOR TO BEGINNING WORK.
- GENERAL CONTRACTOR SHALL LOCATE ALL PROPERTY PINS AND CLEARLY MARK ALL BOUNDARIES PRIOR TO WORK.
- ALL DIMENSIONS ARE SHOWN FOR BIDDING PURPOSES ONLY, ACTUAL DIMENSIONS WILL VARY WITH SITE CONDITIONS.

GENERAL NOTES:

- CONTRACTOR IS TO INSPECT EXISTING CONDITIONS INCLUDING BUT NOT LIMITED TO: UNDERGROUND WATER MAINS, SEWER, TELEPHONE, AND ELECTRIC. WORK HERE UNDER ARE INDICATED ON DRAWINGS FOR DIAGRAMMATIC PURPOSES. NO GUARANTEE AS TO THE ACCURACY OR COMPLETENESS OF SUCH INFORMATION. RESPONSIBILITY FOR SUCH ACCURACY AND COMPLETENESS IS DISCLAIMED. THE CONTRACTOR IS SOLELY RESPONSIBLE FOR LOCATING UNDERGROUND INSTALLATIONS PRIOR TO EXCAVATING.
- ALL DIMENSIONS ARE FROM FACE OF STUD, FACE OF CONC. OR CENTER LINE UNLESS NOTED OTHERWISE. DRAWINGS ARE NOT TO BE SCALED, DIMENSIONS SHALL BE IN WRITTEN INFORMATION ONLY. VERIFY DIMENSIONS PRIOR TO WORK. ALTERATIONS IN DIMENSIONS AFFECTING THE DESIGN SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT PROMPTLY FOR A RESOLUTION.
- NOT ALL MATERIALS AND ASSEMBLIES HAVE BEEN SPECIFIED. CONTRACTOR IS TO VERIFY ALL NON-SPECIFIED ITEMS WITH OWNER & ARCHITECT PRIOR TO EXECUTING ANY WORK INVOLVING THESE ITEMS.
- IT IS THE CONTRACTORS RESPONSIBILITY TO SUBMIT SUBSTITUTIONS OR DEVIATIONS FROM THE CONTRACT DOCUMENTS TO THE ARCHITECT FOR APPROVAL. NON-APPROVED DEVIATIONS WILL HOLD THE ARCHITECTS AND CONSULTING ENGINEERS HARMLESS FOR SUCH ITEMS.
- ALL WORK TO CONFORM TO APPLICABLE CODES. THE MOST STRINGENT CODE SHALL APPLY. DISCREPANCIES IN CODE AND CONTRACT DOCUMENTS SHALL BE BROUGHT TO THE ARCHITECTS ATTENTION IMMEDIATELY AND RESOLVED BEFORE PROCEEDINGS.
- ALL MATERIALS ARE TO BE INSTALLED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS AND AS SUCH ALL SUBCONTRACTORS ARE TO INSURE THAT ALL MANUFACTURER'S WARRANTIES WILL BE HONORED.
- ALL SUBCONTRACTORS ARE RESPONSIBLE FOR INSURING THEIR SAFETY AND OF THEIR PERSONNEL ON THE JOB SITE AT ALL TIMES. THEY SHALL CARRY WORKMAN'S COMPENSATION AND LIABILITY INSURANCE FOR THEMSELVES AND THEIR EMPLOYEES. SUBCONTRACTORS AND THEIR EMPLOYEES SHALL BE PERSONALLY RESPONSIBLE TO FOLLOW ALL OSHA RULES AND REGULATIONS.
- GENERAL CONTRACTOR IS TO COORDINATE ALL MECH. ELEC. AND PLUMBING AND PROVIDE NECESSARY CONSTRUCTION TO FACILITATE SUCH WORK INCLUDING SUPPORTS, BLOCKING, ROUGH OPENING ETC.
- IT IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO REVIEW ARCHITECTURAL DRAWINGS BEFORE INSTALLATION OF MECH, ELEC OR SYSTEMS INSTALLATION, AND SHALL NOTIFY ARCHITECT IMMEDIATELY FOR ANY DISCREPANCIES ANDY WORK INSTALLED IN CONFLICT WITH THE CONTRACT DOCUMENTS SHALL BE CORRECTED BY THE GENERAL CONTRACTOR AT NO EXPENSE TO THE OWNER OR ARCHITECT.
- ALL DRAWINGS, SPECIFICATIONS AND DESIGN OF THE FOLLOWING SYSTEMS ARE TO BE PROVIDED BY OTHERS AS REQUIRED. OWNER SHALL CONTRACT WITH OTHERS UNDER SEPARATE CONTRACTS.  
A. CIVIL ENGINEERING B. MECHANICAL ENGINEERING C. ELECTRICAL ENGINEERING

CODE SUMMARY

APPLICABLE CODES:  
INCLUDED BUT NOT LIMITED TO, THE LATEST ADOPTED ADDITIONS OF THESE CODES AS AMENDED BY THE CITY OF BENTONVILLE AND THE STATE OF ARKANSAS

2021 International Residential Code (IRC)  
(Vol. 2 with Arkansas State amendments)

THIS PROJECT IS AN ADDITION TO AN EXISTING HOME.

THE BUILDINGS ARE NOT SPRINKLERED.

BUILDING DATA:  
PROPOSED USE: SINGLE FAMILY DWELLING UNIT  
R-3

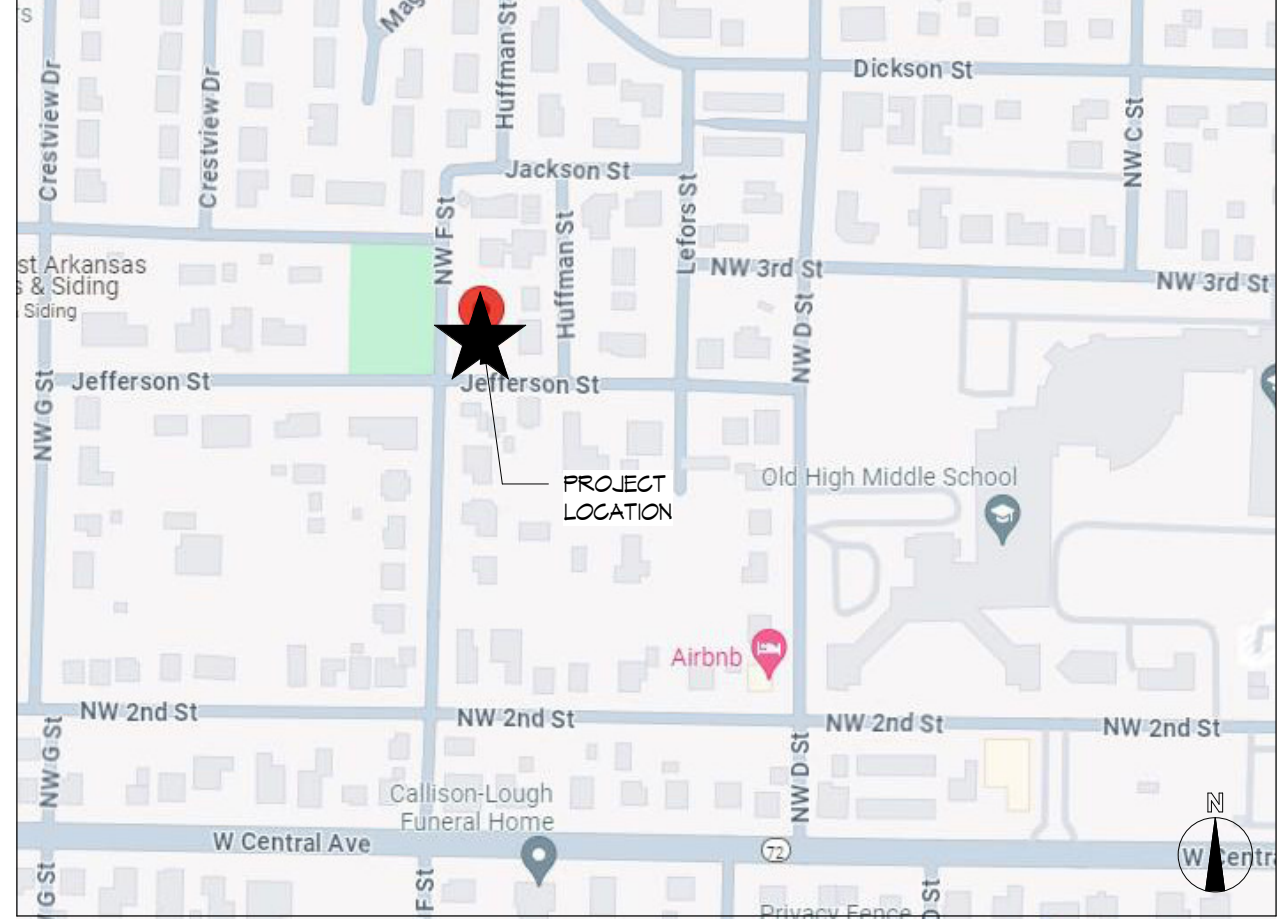
CONSTRUCTION TYPE: 5B

FIRST FLOOR HEATED, EXISTING TO REMAIN : 1311 SF  
FIRST FLOOR HEATED NEW : 441 SF  
ACTUAL AREA : TOTAL 1752 SF

SHEET INDEX

| #    | SHEET NAME                    | ISSUE DATE | REVISION |
|------|-------------------------------|------------|----------|
| A0.0 | COVER SHEET                   | 8-29-24    |          |
| A0.4 | DRAINAGE DETAIL               | 8-29-24    |          |
| S1.0 | FOUNDATION PLAN               | 8-29-24    |          |
| D1.0 | DEMO PLANS                    | 8-29-24    |          |
| A1.0 | FIRST FLOOR PLAN              | 8-29-24    |          |
| A1.1 | REFLECTED CEILING PLANS       | 8-29-24    |          |
| A2.0 | EXTERIOR ELEVATIONS           | 8-29-24    |          |
| A3.0 | BUILDING SECTIONS             | 8-29-24    |          |
| A4.0 | MILLWORK ELEVATIONS / DETAILS | 8-29-24    |          |

LOCATION MAP





## Discussion on Noticing Requirements for Variances

BOA Date:

### Staff Report Details

|                           |                       |
|---------------------------|-----------------------|
| Project Number            | 2024-962              |
| Applicant / Current Owner |                       |
| Site Area                 | +/- [Site_Area] Acres |
| Current Zoning            |                       |
| Variance Request          |                       |
| Related projects          |                       |

### Property Description

### Regulation

### Variance Request

### Background

### Public Comment

| Public Comment                                                           |
|--------------------------------------------------------------------------|
| Has Staff received Public Comment at the time of this report?: <b>No</b> |

| Conditions of Approval                                                                                                                                                                                                                                                                                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>The following conditions of the approval are below.</p> <ol style="list-style-type: none"> <li>1. The approved variance shall be for the proposed layout and setbacks, as provided by the applicant within this application.</li> <li>2. The applicant shall be required to obtain an approved building permit for the structure.</li> </ol> |

**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, structures 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.