



**Board of Adjustments
Meeting Agenda
November 27, 2024
Bentonville City Hall
Meeting Time: 4:00 PM**

Registration Link: <https://us06web.zoom.us/j/83956228876>

I. Call to Order

II. Approval of Minutes

- | | |
|--|------------------------------------|
| 1. October 23rd Meeting Minutes | Approval of Meeting Minutes |
|--|------------------------------------|

III. New Business

- | | |
|---|------------------|
| 1. Stuart Walsworth and Jennifer Dice | Variance* |
| 208 Northwest 5th Street (VAR24-0024) | |
| <i>Section 601.01(d)(4) of the Zoning Code - Accessory Structure Setbacks</i> | |

IV. Old Business

V. Other Business

- | | |
|---|----------------------|
| 1. Summary of Admin Approval | Informational |
| <i>VAR24-0023 Paws N Rec - 8 ft. dog run fence permitted at 8200 SW Regional
Airport Boulevard, Ste #14</i> | |
| 2. Social Media update | Informational |
| 3. Bylaws / 2025 Calendar | Informational |

VI. Adjournment



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

Meeting Recording: https://us06web.zoom.us/rec/share/C5Uqr_iqS3NmRvi-TKuGTJ3sk2ib2-sLsLpdQBIVXcdRSXJFeYakBF6yfXxNiBj8.CL2MWoKi8jSiW5g?startTime=1729717047000

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: Tyler Overstreet, Tom Adler, Sophie McAdara, Brittany Chue, Bradley Gavrielides on Zoom

II. Approval of Minutes

1. October 9th Meeting Minutes

Approval of Meeting Minutes

- Motion to approve by Phillips, second by Swanson.
- Minutes are approved 5-0.

III. New Business

1. Matteri

Variance*

612 Jefferson Street ([VAR24-0021](#))

Request for a 5' variance from the 25' rear setback required by Article 401 Zoning District Regulations, Section 401.07 Residential (R) Districts Regulations, Sub-section (c) Residential (R) districts setback standards.

- BJ Phillips is representing the applicant and stepping away from the Board for this item.
- Mr. Phillips discusses the owners separating out a space for his mother-in-law to stay in.
- Chairman Kruithof asks if there will be encroachments on neighboring properties.
- Mr. Phillips states the only change is extending the suite.
- Mrs. Swanson states that non-conformities may be built if new additions meet the setbacks of the zoning district.
- Mr. Adler clarifies that any enlargement of the building must comply with the R-1 zoning setbacks.
- Chairman Kruithof asks about the uniqueness in hardship with this property.
- Mr. Phillips wants the code section of setbacks for non-conformities to be looked at to allow for some extensions with non-conformities.
- Commissioners discuss the conditions of approval written by staff that the variance would be for the proposed site layout.
- Motion to approve variance by Pearson, second by Bennett.
- Variance is approved 3-1, with Swanson voting against.

IV. Old Business

V. Other Business

1. Discussion on Noticing Requirements for Variances Recommendation*

- Swanson asks if there is a notice requirement for BOA.
- Mr. Overstreet clarifies the notification requirements of putting out a sign seven days in advance and noticing in the local paper seven days in advance.
- Commissioner Kruithof asks how notification requirements are changed.
- Mr. Overstreet clarifies that the Planning Commission would have to recommend changes and City Council would have to approve it.
- Bennett asks if there have been previous issues with notification.
- Commissioner Kruithof states that neighbors were wanting to know about the pergola.
- Swanson agrees that that is the first case as well and believes it is a sensitive topic.
- Phillips asks how to make notifications easier for neighbors to find out?
- Mr. Overstreet states there are some new public hearing signs with QR codes in design.
- Pearson states that signs are hard to read.
- Swanson believes the QR code is a great idea and would also like to see social media.
- Mr. Overstreet states how the Municipal League wanted to change the noticing from paper notifications to digital notifications, but the legislation did not pass.
- Pearson asks, is there any reason why we cannot do it without the state approval?
- Mr. Overstreet states we can do it, but we must be clear on the intentionality of it.
- Pearson states he has not received a newspaper in years. Phillips agrees.
- Mr. Overstreet states the city must publish in the paper by state law.
- Swanson would like notifications on Facebook page for Planning Commission items.
- Phillips asks, does City of Bentonville have a Facebook page?
- Mr. Overstreet states that we do.
- Bennett does not want to put the burden on the developers, engineers, architects and homeowners.
- Pearson states if you have a sign up, Air BnB owners might not see the signs.
- Swanson believes transitioning to digital is the more progressive thing to do.
- Bennett believes the QR code on the sign will give access to everybody.
- Mr. Overstreet states there will be an administration meeting for Planning Commission on December 10th and Board Members are welcome to attend to discuss it.
- Phillips asks about text alerts for phones within 200' of the subject property.
- Shelli has looked at CivicAlert but we do not currently have it.
- Swanson believes the voice of citizens needs to be present as often as it can be.
- Kruithof believes the more we can let people know what's going on, the better it will be.
- Mr. Adler states as soon as a variance comes through, it goes through GIS.
- Swanson was also thinking of sending out notices but does not want it to be a burden.
- Bennett likes the QR code idea more than the applicant having the burden to send out notices.
- Swanson states we can put a notice on Bentonville Facebook page, a QR code. Kruithof likes QR code idea as well.
- Swanson asks, do we just want to go with the QR code or do we also want to advertise it on the Bentonville FB page?
- Mr. Adler states we can do a Planning Facebook page.
- Mr. Overstreet states we will discuss this with the planning team for BOA and PC.
- Kruithof states we have lots of digital options.
- Swanson states that Facebook is the platform of choice for these notifications.
- Mr. Overstreet states we will also look at a plug-in through CivicClerk.

- Swanson believes any way we can be more transparent, would be good.
- Pearson would also like to see ways to track traffic online.
- Swanson would like to ask for noticing on social media.
- Kruithof also likes the idea of quick posting on social media to notify.
- Mr. Overstreet clarifies he will have staff look at it and get back to the Board members.

VI. Adjournment

- Meeting Adjourned.



Stuart Walsworth and Jennifer Dice

208 Northwest 5th Street

BOA Date: 11/27/2024

Staff Report Details

Project Number	VAR24-0024
Applicant / Current Owner	Chase Humphrey / Stuart Walsworth & Jennifer Dice
Site Area	+/- 0.16 Acres
Current Zoning	R-1, Low-Density Single-Family Residential
Variance Request	Minimum distance between accessory structure and primary structure
Related projects	RES24-0331

Property Description

The subject property is located at 208 Northwest 5th Street. The property is presently zoned R-1, Low Density Single Family Residential, with a future land use designation of Medium-Density Residential.

Regulation

Article 601 Zoning District Regulations, Section 601.01 Accessory Structures, Sub-section (d) Setbacks, (4) Distance from primary structure:
Any accessory structure in excess of 200 square feet shall be located a minimum of 12' from the primary structure.

Variance Request

One variance is requested:

Variance 1: A variance of 7.25 feet to allow for a 4.75-foot setback on the minimum

Variance Request

distance between an accessory structure and the primary structure.

Background

The applicant is requesting a 7.25-foot variance to allow for a 4.75-foot setback on the minimum distance allowed (12 feet) between an accessory structure and the primary structure for R-1, Low Density Single Family Residential. The applicant states in their narrative that the lot has a small buildable area because of the corner lot exterior side setback requirements being larger than the interior lot setback requirements. The applicant is requesting the variance to build a detached, single car garage located at the northwest corner of the property.

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

The applicant states the lot being a corner lot has limited the buildable area of a house and made it difficult to have a detached garage as an accessory structure because of the 12' separation requirement between accessory structures and the primary building. The applicant has also stated that the corner lot has less depth than the neighboring corner lot. The other properties on the block are 145' deep, whereas the subject property is 94' deep. The special conditions of setbacks stated by the applicant are the same conditions that exist for any R-1 corner property. Therefore, there are no special conditions or circumstances that exist for the lot.

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 applicant states that having a garage is customary for a single-family residence and the three-bedroom, three and a half bath, single-family residence takes up a large majority of the buildable area. The house adjacent to the east of the subject property has an attached garage at the rear of the property. The corner lot across the street is a larger lot and has a detached garage at the rear of the property. The property owners could have a garage through alternative options:

- Rezoning the property to DN-2, Downtown Medium Density Residential, to have a minimum setback at the front and exterior side yard of 12' instead of the current 20'. The detached interior side yard and rear yard setbacks would remain the same as the current R-1, Low-Density Single-Family Residential. This would allow the applicant to have a greater buildable area to move the house to the south and/or west sides. Greater setbacks through DN-2 zoning would allow the applicant to have a detached garage in the same location as shown on the site plan. Staff would support the rezoning because it fits with the future land use map of Medium Density Residential and the built environment of the neighborhood with the properties adjacent to the north as well as across the street being DN-2 lots.

Background

- Moving the garage to the east side of the house and attaching it to the primary building, where the cars could access the garage from the rear instead of the side.

Therefore, the applicant is not deprived of rights commonly enjoyed by other properties because the property owners can still have a garage, whether attached or detached, through alternative options.

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

The applicant states the reduced setbacks for small, corner lots is a special condition. However, the applicant has options to change the site layout for the garage to fit or to rezone the property to keep the detached garage. The applicant has chosen to pursue a variance instead of the alternative options staff has presented to them. Therefore, the conditions of needing a variance in placing the detached garage at the rear of the property instead of using alternative ways to fit the garage does result from the actions of the applicant.

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.

The accessory structure code applies to all zoning districts. Granting the variance will confer on the applicant special privilege that is denied 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.

The applicant has not stated any nonconforming use of lands, structures, or buildings in the same district.

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 requested is not the minimum variance necessary to make possible the reasonable use of land, building, or structure. The detached garage could be left in the same place through a rezoning or moved to the east of the property as an attached garage, and a variance would not be necessary.

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 variance requested would have little impact on the public space. The variance will not be injurious to the neighborhood or detrimental to 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.

Background

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 of use.

Ultimately, the Board must find all six criteria to have been met for the approval of a variance request.

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.

BOUNDARY & TOPOGRAPHIC SURVEY

TREE LIST			
#	DBH	SPECIES	CANOPY
1.	12"	HACKBERRY	35'
2.	10"	HACKBERRY	30'
3.	8"	ELM	25'
4.	44"	ELM	70'
5.	24"	ELM	55'
6.	8"	HACKBERRY	20'
7.	8"	HACKBERRY	20'
8.	12"	HACKBERRY	30'
9.	20"	DEAD	
10.	12"	REDBUD	20'
11.	16"	WALNUT	25'
12.	22"	MAPLE	40'
13.	40"	QUAD ELM	50'
14.	10"	WALNUT	30'
15.	22"	ASH	50'
16.	12"	ELM	40'
17.	18"	CHERRY	35'
18.	6"	WALNUT	20'
19.	18"	ASH	40'
20.	18"	WALNUT	50'
21.	24"	MAPLE	35'

FIELD WORK:
JULY 27, 2023

BASIS OF BEARING:
GPS OBSERVATION - AR NORTH ZONE
NAVD88(2011) HORIZONTAL DATUM

BASIS OF ELEVATION:
ON-SITE NETWORK GPS OBSERVATION
NAVD88 VERTICAL DATUM

CONTOUR INTERVAL:
1/2 FOOT

EXISTING WARRANTY DEED DESCRIPTION (B. 2020, P. 21350)
LOT 16, BLOCK 15, DEMING'S SECOND ADDITION, TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS AS SHOWN ON PLAT RECORD L202020046. SUBJECT TO EASEMENTS, RIGHT-OF-WAYS, AND PROTECTIVE COVENANTS OF RECORD, IF ANY. SUBJECT TO ALL PRIOR MINERAL RESERVATIONS AND OIL AND GAS LEASES, IF ANY.

FLOOD CERTIFICATION:
NO PORTION OF THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE "A" OR "AE" AS DETERMINED BY THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP FOR BENTON COUNTY, ARKANSAS. (FIRM PANEL #05007C0090J. DATED 09/ 28/ 2007)

REFERENCE DOCUMENTS:
1) FINAL PLAT OF DEMING'S 2ND ADDITION FILED IN BOOK B AT PAGE 24
2) WARRANTY DEED FILED IN BOOK 2016 AT PAGE 32155
3) PLAT OF SURVEY FILED IN BOOK M AT PAGE 134
4) PLAT OF SURVEY FILED IN BOOK 2015 AT PAGE 388
5) PLAT OF SURVEY FILED IN BOOK L2020 AT PAGE 20046
6) PLAT OF SURVEY FILED IN BOOK L2019 AT PAGE 5249
7) PLAT OF SURVEY FILED IN BOOK I AT PAGE 1348
8) WARRANTY DEED FILED IN BOOK L2020 AT PAGE 21350

PLAT NOTES:
1) THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES. ALL UTILITY LINES APPEARING ON THIS PLAT, AS WELL AS THOSE THAT MAY EXIST UNDERGROUND NEED TO BE VERIFIED PRIOR TO DOING ANY TYPE OF EXCAVATION. SOME UTILITY LINES MAY ALSO EXIST THAT WERE NOT SHOWN ON THIS PLAT.
2) SIDEWALKS SHALL BE THE RESPONSIBILITY OF THE BUILDER/OWNER AT TIME OF BUILDING PERMIT ISSUANCE.
3) OWNER/DEVELOPER SHALL COORDINATE WITH ALL LOCAL UTILITIES TO INSURE THAT EACH LOT HAS WATER, SEWER AND ELECTRIC SERVICE.
4) BEFORE ANY WORK IN THE RIGHT-OF-WAY COMMENCES, CONTRACTOR AND OR OWNER IS TO OBTAIN RIGHT-OF-WAY PERMIT FROM THE CITY OF BENTONVILLE TRANSPORTATION DEPARTMENT.
5) THERE MAY NOT BE ANY FENCES OR ANY OTHER STRUCTURES BUILT IN ANY DRAINAGE EASEMENTS.
6) THE TREE SPECIES LISTED ON THIS PLAT WERE DETERMINED TO THE BEST OF OUR KNOWLEDGE AND ABILITY. SOME TREES ON THIS PLAT MAY NOT BE THE EXACT SPECIES LISTED. PLEASE CONSULT A LICENSED ARBORIST IF EXACT TREE SPECIES ARE NEEDED.
7. THERE IS A 4" METAL PIPE THAT IS PROTRUDING 5' OUT OF THE GROUND. THE PURPOSE OF THIS PIPE, AND WHAT IT MAY BE MARKING IS UNKNOWN.

PARCEL #01-02209-000
(NOT A PART OF THIS SURVEY)

PARCEL #01-02212-000
SURVEY L20195249
(NOT A PART OF THIS SURVEY)

NW B STREET (DOWNTOWN LOCAL)
ASPHALT WIDTH VARIES - 50' R/W (PER M.S.P.)

EXISTING GARAGE

EXISTING HOUSE
206 NW 5TH ST.

NW 5TH STREET (DOWNTOWN COLLECTOR)
30' ASPHALT - 65' R/W (PER M.S.P.)

PROPERTY ZONED:

R-1
*THE BUILDING SETBACKS SHOWN ON THIS SURVEY ARE FOR REFERENCE ONLY. ANY NEW STRUCTURE, AND ITS ORIENTATION 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

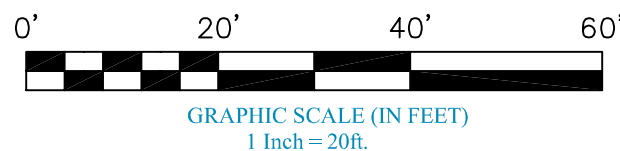
GARAGE, ALLEY FACING:
20ft FROM PROPERTY LINE AT ALLEY

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

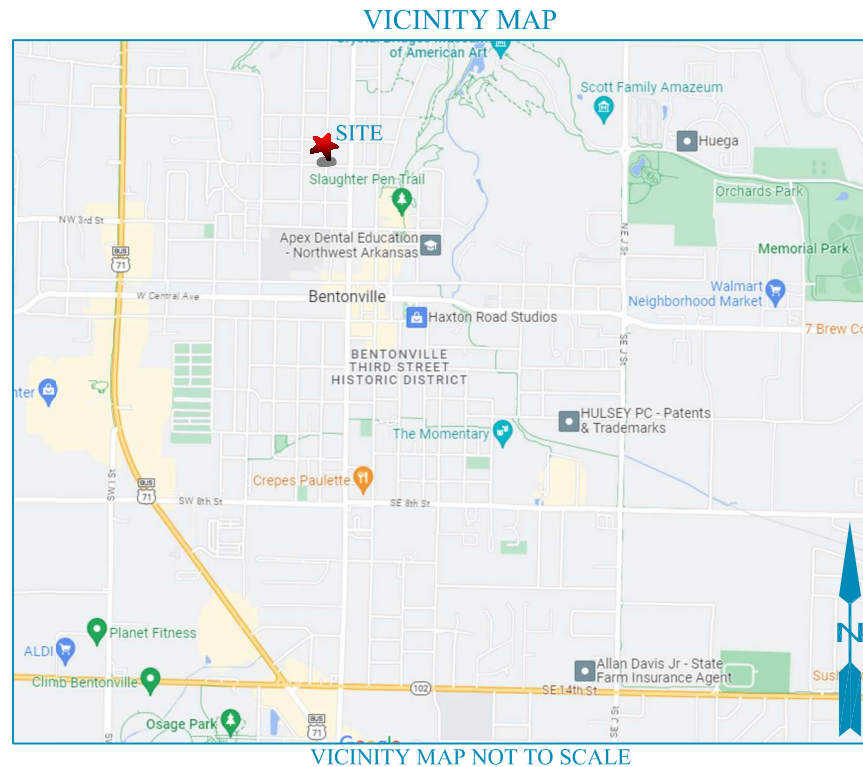
*ON CORNER LOTS: STRUCTURE SHALL NOT PROJECT BEYOND THE BUILDING LINE OF THE PRIMARY STRUCTURE ON THE ADJACENT LOT



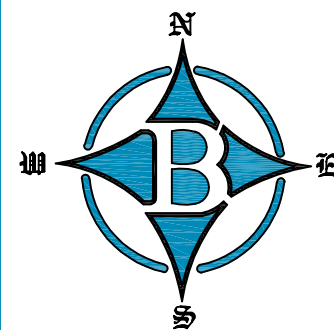
I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF ON THIS THE 27TH DAY OF JULY, 2023.



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.



RECORDING NUMBER/DATE



LEGEND:	
BOUNDARY LINE (MEASURED)	PARCEL LINE
TIE LINE	CENTERLINE OF ROAD
RIGHT-OF-WAY	FENCE
CLEAN OUT	WATER LINE
FOUND 1.2" REBAR	OVERHEAD POWER LINE
FOUND 3.8" REBAR	SEWER LINE
SET 5.8" REBAR CAP	UTILITY EASEMENT
COMPUTED POINT	BUILDING SETBACK
YARD HYDRANT	
WATER VALVE	
FOUND 4" METAL PIPE	

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

BATES
Engineers - Surveyors
7230 S. Pleasant Ridge Dr., Fayetteville, Arkansas 72704 • 479.442.9350
BATES & ASSOCIATES, INC. Copyright 2023. This plat is a representation of the surveyor's work and is not to be used for any other purpose without the written consent of Bates & Associates, Inc. The surveyor is not responsible for any errors or omissions in this plat, and the user assumes all liability for the correctness of the herein cited maps. Furthermore, the above statement does not represent the opinion of Bates & Associates, Inc. of the probability of flooding.

FOR USE AND BENEFIT OF:
HUFT ARCHITECTS
ADDRESS:
208 NORTHWEST 5TH STREET
BENTONVILLE, ARKANSAS
DATE: 09/01/23
SCALE: 1"=20'
SHEETED: 20
PART OF: LOTS
RS: A/B/C/D
REVIEWED: DT
BOOK: 2023
ADDITION
COA #1335
DRAWING #18-110 TOPO 2023

Variance Request, Narrative

208 NW 5TH Street
Bentonville, AR 72712

Board of Adjustments Member,

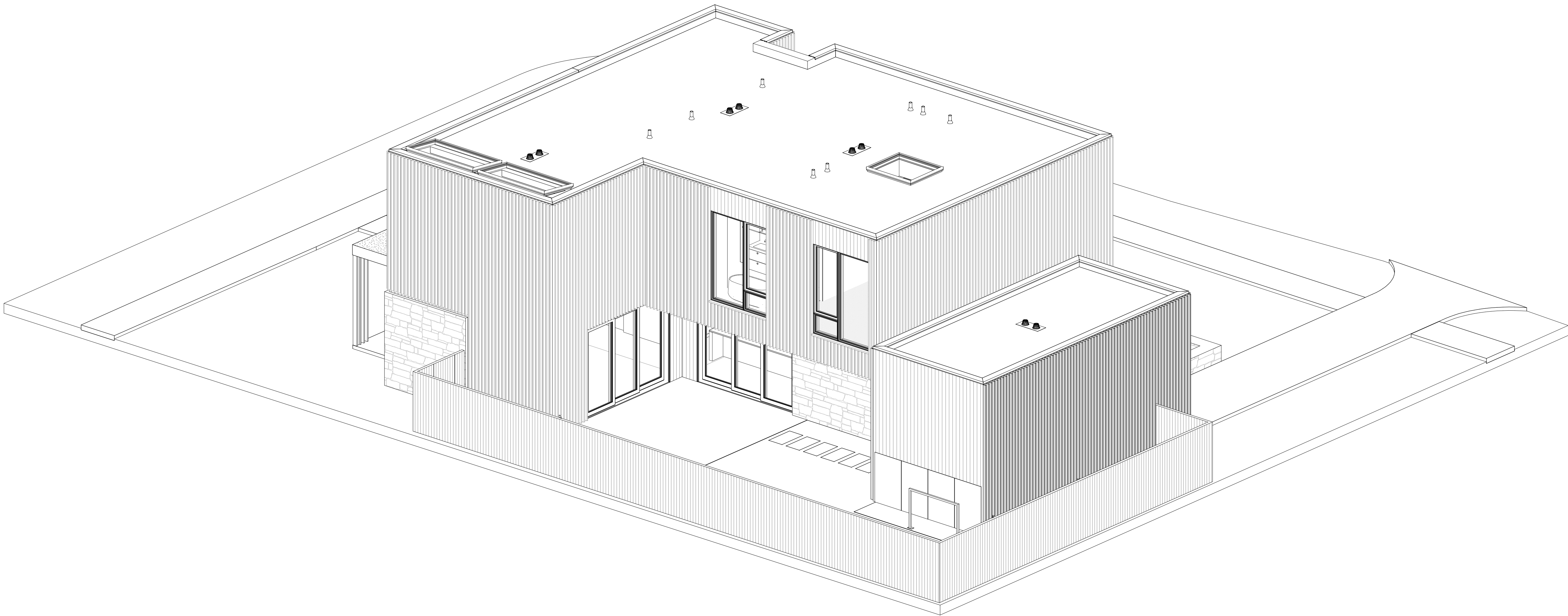
We are requesting a variance related to Zoning Code, Section 601.01, (d), (4). This particular section of the zoning code establishes minimum setbacks associated with “accessory structures”. Within this section the code establishes a minimum distance between a primary and accessory structure that are located on the same property.

Section 601.01, (d), (4)

“(4) Distance from primary structure. Any accessory structure in excess of 200 square feet shall be located a minimum of 12’ from the primary structure.”

The property at 208 NW 5th Street is zoned as R-1 and is considered a corner lot. When compared to the R-1 “lot and area standards” and the surrounding properties, this lot is considered small by all measurable metrics. The other properties on the block are typically 145’ deep, but 208 NW 5th Street is 94’ deep. The R-1 district requirements lists the “minimum width of corner lots” to be 75’ wide, but 208 NW 5th Street is slightly narrower at 74’-8” wide. As a corner lot, the exterior side setback is 20’ instead of the typical 7’ side setback. These special conditions and circumstances create an uncharacteristically small buildable area and unreasonable burden on a property zoned for single-family construction. An efficiently designed three-bedroom, three and a half bath, single-family residence takes up a large majority of the buildable area. As is customary for a single-family residence, the property owners would also like to build a garage on the property. The proposed detached, single car garage would be located at the northwest corner of the property as a “detached accessory structure”. This would be the only garage on the property. As illustrated on the site plan, the detached, single car garage would adhere to all applicable property line setbacks. This detached structure would not be encroaching on the adjacent properties beyond what is allowed by code. We are requesting a variance, so that the single car, detached garage can be built closer than 12’ from the primary structure. As shown, the proposed garage would have a 4’-9” separation from the primary structure. The 12’ required separation is an internal setback between two structures on the same property. We greatly appreciate your consideration in granting this variance and look forward to discussing this request at a future date.

Respectfully,
Chase Humphrey, RA



2 AXON - NORTHEAST CORNER



1 AXON - SOUTHWEST CORNER

EXTERIOR FINISH LEGEND				
TAG	FINISH TYPE	DESCRIPTION	SIZE	FINISH / COLOR
CONC-1	CONCRETE	CAST-IN-PLACE CONCRETE SLAB	SEE DRAWINGS / SPECS	LIGHT BROOM FINISH
MSN-1	MASONRY	ARKANSAS FIELD STONE	+/-4" THICKNESS	SEE MOCKUP
MTL-1	METAL	PLATE STEEL FASCIA	1/4" THICKNESS	PAINTED, COLOR: TBD
MTL-2	METAL	HSS STEEL COLUMNS	SEE DRAWINGS / SPECS	PAINTED, COLOR: TBD
MTL-3	METAL	SHEET METAL FLASHING / PARAPET CAP	24 GAUGE OR THICKER	PAINTED, COLOR: TBD
MTL-4	METAL	PLATE ALUMINUM PANEL	1/4" THICKNESS	PAINTED, COLOR: TBD
RF-1	ROOFING	TPO MEMBRANE ROOFING	60 MIL THICKNESS	WHITE
SD-1	WOOD SIDING	T&G, THERMALLY MODIFIED WOOD BOARD SIDING, NICKLE GAP (1/8"), SQUARE (NO V-GROOVE)	1X6 BOARDS	TBD
SD-2	WOOD BATTEN	THERMALLY MODIFIED WOOD BATTENS	2X4 BOARDS	TBD

ENERGY CONSERVATION - 2018 IECC	
ADDRESS:	208 NW 5TH ST., BENTONVILLE, AR 72712
CLIMATE ZONE:	4A (NON-MARINE)
FENESTRATION U-FACTOR:	0.32
SKYLIGHT U-FACTOR:	0.55
GLAZED FENESTRATION SHGC:	0.40
WOOD-FRAMED CEILING:	R-49
WOOD-FRAMED WALL:	R-13 + 5 (CONT.)
WOOD-FRAMED FLOOR:	R-19
BASEMENT WALL:	R-10 (CONT.) OR R-13
SLAB:	R-10, 2 FT DEPTH

KEYNOTES	
NUMBER	DESCRIPTION
1	FULL-HEIGHT LOCKER
2	BUILT-IN BANQUETTE
3	FULL-HEIGHT PANTRY
5	BUILT-IN BAR
6	APPLIANCE GARAGE
7	FUTURE ELEVATOR FRAME FLOOR TO BE REMOVED LATER
8	FIREPLACE
9	BUILT-IN WARDROBE
10	BUILT-IN BENCH
11	FURNITURE BY OWNER
12	CONTRACTOR BUILT SHELVING
13	FULL-HEIGHT CABINET
14	STACKED WASHER/DRYER
17	LIGHT COVE
17	RECESSED LIGHT COVE AT CEILING
18	TILE CEILING AT CEILING
19	ROOF BALLAST OVER TPO

KEYNOTES	
NUMBER	DESCRIPTION
20	OVERHEAD STORAGE LOFT
21	CUSTOM BIKE STAND AT BIKE WASH. PTD
22	OWNER PROVIDED BIKE WACK
23	HOSE BIB LOCATION, AQUOR HOUSE HYDRANT V2+ SLATE GRAY POLYMER
24	ROOF DRAIN & OVERFLOW
25	ROOF OVERFLOW DRAIN WALL OUTLET
26	WALL EXHAUST FOR LIVING ROOM FIREPLACE
27	HOSE BIB LOCATION, AQUOR HOUSE HYDRANT V2+ SLATE GRAY POLYMER
27	PAINTED METAL DOWNSPOUT BETWEEN COLUMNS, MATCH COLUMNS
28	TPO ROOF OVER CONTINUOUS SLOPED ROOF INSULATION
29	DRYER EXHAUST
30	PLUMBING VENT
31	COOKTOP EXHAUST
32	EXHAUST VENT
33	IFE PAVEN ON PEDESTAL SYSTEM OVER TPO ROOF
34	SLAB TO RECEIVE AN EPOXY COATING SUITABLE FOR GARAGE FLOORS

Hufft

PROJECT INFORMATION:
729-TRAIL HOUSE

208 NW 5TH STREET
BENTONVILLE, AR 72712

OWNER:

JENN DICE & STUART WALSHWORTH

ARCHITECT:

HUFFT

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Bentonville, AR 72712

P: 816-611-0200

www.hufft.com

STRUCTURAL ENGINEER:

Stand Structural Engineering Inc.

1234 Hickory, SE

Overland Park, KS 66204

CIVIL ENGINEER:

Development Consultants Inc.

1234 Maple Street, Suite 200

Peapack, NJ 07757



10000
CONSTRUCTION
DOCUMENT
SUBMITTAL
OCTOBER 24, 2024

REVISIONS
NO. DATE ISSUE

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EXTERIOR BUILDING ELEVATIONS

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2025

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BY-LAWS
BENTONVILLE BOARD OF ADJUSTMENT

ARTICLE 1. Members, Term, Attendance

- 1.1. The members and terms of office shall be as stipulated by Municipal Code Section 301.04, as amended.
- 1.2. When a new member is appointed to the Board, the position number he or she is filling will be so designated at the time of appointment.
- 1.3. Missing three consecutive regular meetings or a total of six meetings in a one calendar year period, except in extraordinary cases, may, at the recommendation of the Board constitute cause for removal by the City Council.
- 1.4. Members should advise the Secretary or Staff before the meeting date if they expect to be absent or late.

ARTICLE 2. Officers, Election and Term, Duties, Chairing the Meeting, Signing for the Board

- 2.1. The members shall elect a chairman, vice-chairman and a secretary at the first regular meeting in January, and the term of office shall be until the next officers have been elected.
- 2.2. The chairman shall preside at meetings and hearings and shall decide point of order or procedure, following Robert's Rules of Order.
- 2.3. In case the chairman is absent, the vice-chairman shall assume the duties as Chair; in the absent of both the Chair and the Vice-Chair; the Secretary shall preside.
- 2.4. The Secretary shall be responsible for the following tasks; however, they may delegate authority for performing them to another member of the Board or an employee of the City of Bentonville.
 - 2.4.1. Furnish a current copy of the by-laws and appointing orders at meetings as required.
 - 2.4.2. Prepare the minutes of meetings and public hearings.
 - 2.4.3. Distribute the proposed order of business items and notice of regular and special meetings.
 - 2.4.4. Distribute the proposed order of business items and notice of regular and special meetings.

2.4.5. Maintain correspondence a filed and place notices of public hearings and advertisements.

2.5. When the certifying signature is required, the Chair's signature shall be utilized unless such authority has been designated by the Chair to another Board member or to a Board employee.

Article 3 Meeting, Scheduling, Quorum, Majority, Order of Business, Public Hearings

3.1. Board meetings shall be open to the public as provided by the Arkansas Freedom of Information Act.

3.1.1. The regular meetings of the Board of Adjustment shall be on the second and fourth Wednesday of each month at 4:00 p.m. at City Hall.

3.1.2. Special meetings may be called at any time by the Chair or any three members.

3.2. No formal business shall be conducted without a quorum and no member may vote by proxy.

3.2.1. A quorum shall exist when a majority of the appointive members are present.

3.2.2. The affirmative vote of a simple majority of the full membership of the Board shall carry any motion or resolution.

3.2.3. The Mayor shall be an ex-officio member and shall have no vote. The Mayor shall not be counted in arriving at a quorum.

3.3. The order of business shall follow the distributed agenda unless otherwise agreed to by the members.

3.4. Public hearings shall be conducted informally, and the Chair shall make all rulings and determinations regarding the scope of the inquiry, the admissibility of evidence, the order in which evidence, objection, and arguments will be heard, and other like matters, except that other members shall be privileged to make inquiries personally and to call for a vote on any ruling of the Chair to expedite the hearing, confining the participants to the presentation of only essential matters, but entertaining the presentation of sufficient matter to do substantial justice to all concerned parties to the proceedings. Each speaker shall be limited to a total of three minutes. No speaker shall speak twice on the same subject at a single meeting, however the Board may call any speaker to answer additional questions. Additional time may be granted by a majority of the Board. Final or official action shall be taken only in regular meetings unless the public hearing is continued to a special session of the Board after the hearing.

Article 4 Committees

- 4.1. The Chairman may establish standing, special, or advisory committees. Committee members may be persons other than members of the Board, but a board member shall be named as either active or ex-officio Chair of each committee.
- 4.2. Meetings shall be called by the chairman of the committee, or a majority of the membership of the committee, notifying the others.

Article 5 Records, Actions, Studies, Recommendation, Public Access

- 5.1. The Board Shall keep a file including all official documents of the Board including, but not limited to reports, records of decisions, recommendations, and studies made by the Board or its employees in the discharge of its duties and responsibilities.
- 5.2. Records shall be kept open to the public, available without fees or delays, subject only to the necessity for good order in the office of the Board.

Article 6 Amendments to These By-Laws, Timing, Majority

- 6.1. These by-laws shall be adopted, and later suspended, changed, or canceled only after an affirmative vote of a majority of the membership of the Board, Amendments shall be proposed in writing at a regular meetings and moved for action at a following meeting, unless ten-days notice and the written amendment itself have been given to all members, in which case motion may be made at a special meeting ten days after all the members have received the proposed change to these by-laws. Records shall be kept open to the public, available without fees or delays, subject only to the necessity for good order in the office of the Board.

Board Action:

by majority of the appointed members so voting, these by-laws for the Bentonville Board of Adjustment are hereby approved the 28th day of February 2024.

ATTEST:



Secretary



Chair