



**Board of Adjustments
Meeting Agenda
February 12, 2025
Bentonville City Hall
Meeting Time: 4:00 PM**

Registration Link: <https://us02web.zoom.us/j/86062970218>

I. Call to Order

II. Approval of Minutes

1. January 8th Meeting Minutes

Approval of Meeting Minutes

III. New Business

1. Chad Dilday

514 Tiger Boulevard ([VAR24-0026](#))

Variance*

IV. Old Business

V. Other Business

VI. Adjournment



**Board of Adjustments
Meeting Agenda
January 08, 2025
Bentonville City Hall
Meeting Time: 4:00 PM**

Registration Link: https://us06web.zoom.us/rec/share/X9eB214PUIZ_4lhxZsurXnpTfP7-tKjltDhjDJIPiO6O3T01FaG1hVJVUp6uGyKJ.oaPbUIFVnd_7fLdS

I. Call to Order

- Meeting called to order at 4:00 PM by Chairman Phillips.
- Members present: BJ Phillips (Chair), Danny Bennett, Celia Swanson
- Members absent: Dean Kruithof
- Staff present: Tom Adler, Bradley Gavrielides, Sophie McAdara

II. Approval of Minutes

1. November 27 Meeting Minutes Approval of Meeting Minutes

- Motion to approve by Swanson, second by Bennett.
- Minutes are approved 3-0.
- Chairman Phillips gives a brief overview of the meeting process.

III. New Business

1. Matthews

Variance*

406 SE 6th (VAR24-0025)

Section 401.01(d)(4) of the Zoning Code -

- Ms. McAdara provides an overview of the staff report.
- Chairman Phillips opens the public hearing.
- Chairman Phillips closes the public hearing.
- Chase Humfry, the applicant's architect, gives an overview of the request.
- Board member Swanson requests clarification on the other property lines that are nonconforming.
- Ms. McAdara states that the request is only for the property line that is moving.
- Clarification on when a property line adjustment could occur if the variance is approved.
- Motion to approve by Swanson with making the eastern setback conform as well, second by Bennett.
- Request is approved 3-0.

IV. Old Business

V. Other Business

VI. Adjournment

Chairman Phillips adjourns the meeting.



Chad Dilday

514 Tiger Boulevard

BOA Date: 2/12/2025

Staff Report Details

Project Number	VAR24-0026
Applicant / Current Owner	Chad Dilday
Site Area	+/- [0.82] Acres
Current Zoning	R-1, Low-Density Single-Family Residential
Variance Request	Setbacks, location of accessory structure
Related projects	

Property Description

The subject property is located on 514 Tiger Boulevard. The property is presently zoned R-1, Low-Density Single-Family Residential with a future land use designation of Residential Estate.

Regulation

Section 601.01 (d)(1) of the Zoning Code - setback standards for accessory structures
Section 401.07(c)(1) & (3)(b)- Residential (R) districts setback standards

R-1 requires a 30' front setback for a front-loading garage, and a 20' setback for a side- loading garage. Additionally, in no circumstances may an accessory structure be located in front of the primary structure.

The applicant is seeking a variance from the requirement that the accessory garage be located behind the building line of the primary structure in order to locate the detached structure in the southeast corner of the property and follow the 7' and 7' side setbacks that would be afforded to a detached accessory structure if it were located within the rear of the property.

Variance Request

This report will consider and analyze this request based upon the six conditions of approval from

Variance Request

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 cites drainage and topography challenges as a reason for the placement of the detached garage in this location. The applicant states that the property is surrounded by septic fields on the west and a city-owned water retention pond to the east which impacts the water flow. The applicant fears that if the garages were attached and placed to the south or east side of the primary structure, the garage would obstruct this flow, potentially exacerbating existing flooding issues. During severe weather events, the retention pond has already overflowed into the applicant's yard.

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;

As the applicant's home does not sit on the street, their front yard faces their neighbor's backyard. In a normal neighborhood block setup, property owners can generally have structures within 7 feet of their neighbor's backyards if they are under 720 square feet.

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

The applicants did not create the lot shape.

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 have an accessory structure in the front yard. However, as this is a flag lot, the structure would abut the neighbor's rear yard, as all accessory structures within the city currently do.

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. The applicant states that the proposed location for the garage is the only viable option that does not interfere with existing drainage patterns.

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.

Variance Request

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.

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 601.01 (d)(1) of the Zoning Code - Section 401.07(c)(1) & (2)(b) -which houses the setback regulations for R-1, regulations for accessory structures. In R-1, accessory structures may not be located in front of the primary structure. The applicant is requesting that the Board of Adjustment allow this accessory garage to be placed in front of the building line, treating the front yard as a rear yard due to the shape and location of this flag lot off of the main street.

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 approved variance shall be for the proposed size as outlined in the narrative for the detached garage (576 square feet)

Conditions of Approval

3. The approved variance shall be for a garage, not any other type of accessory structure.
4. 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 PC Item

JONQUILLA WAY

Dilday
Variance

TIGER BLVD

NW D ST



VAR24-0026
Dilday
Variance



Chad and Christina Dilday
514 Tiger BLVD
Bentonville, AR 72712
December 17, 2024

Planning Department
City of Bentonville
215 E. Central Ave.
Bentonville, AR 72712

Re: Variance Request for Property at 514 Tiger Blvd., Bentonville, AR 72712

Dear Planning Department,

I am writing to request a variance from the following sections of the Bentonville Zoning Code:

Section 601.01(d)(1): Regarding front setbacks for accessory structures, which states that accessory structures shall not extend beyond the front building line of the primary structure nor be located in front of it.

Section 401.07(c)(1) & (3)(b): Concerning the minimum front setback for garages, which specifies a 20-foot front setback.

Interpretation and Use Sought:

We seek to construct a detached garage with a footprint of 576 sq. ft. (26x26) at the southeast corner of the property due to unique conditions that render conventional placement unfeasible.

Grounds for Variance:

Drainage and Topography. The property is surrounded by septic fields and alternative septic fields on the west and a city-owned water retention pond on the east, both of which impact the natural water flow. Placing the garage attached to the south or east side would obstruct this flow, potentially exacerbating flooding issues, (which is an issue) especially during severe weather when the retention pond has overflowed into our yard. Sending higher velocity water than typical broadside against our housing foundation.

Other residents in Bentonville enjoy the ability to block their neighbors backyards with structures coming within 7 feet of their neighbors backyards if the structures

are under 720 ft.² and on your own lot, we don't have that ability currently because the setbacks are designed for houses that sit on streets while ours does not.

Most lots would be backyard to backyard front yard to front yard, the cities own examples and schematics. Illustrate lots in this way. We are backyard to backyard to backyard to side yard water retention pond.

We believe this meets the special condition in section 301.10 (c) 1 a

Property Layout:

Our lot is a flag stem or pipe stem type, not directly accessible from a road, surrounded entirely by back or side yards of neighboring properties. This configuration makes traditional zoning requirements impractical for our situation.

Exceptional Condition or Situation:

The unique layout and environmental considerations of our property create an exceptional condition where placing the garage as per standard zoning would lead to practical difficulties or undue hardship. Specifically: Blocking the Natural Flow of Water.

Minimum Variance Needed:

The proposed location for the garage is the only viable option that does not interfere with existing natural water drainage patterns or increase flood risk to our home and is most practical for the land use position and zoning condition. We would like to be granted a 7 foot setback from the widest most southern point of our lot excluding our driveway stem and be able to locate the detached garage in the front of the lot.

Scaled Drawing and Additional Information:

We will submit a scaled drawing and all relevant information no later than ten days prior to the public hearing, as required.

Compliance with Variance Standards:

We believe this request meets the variance criteria outlined in the municipal code, particularly in demonstrating:

- That strict application of the zoning ordinance would result in unnecessary hardship due to the unique property conditions.
- That the variance is the minimum needed to allow reasonable use of the property.

- That granting this variance will not alter the essential character of the neighborhood or district in which the property is located, given the property's secluded nature.

We are prepared to provide any additional information requested by the planning department to facilitate this request.

Thank you for considering our application. We look forward to the opportunity to discuss this further at the upcoming public hearing.

Sincerely,

Chad and Christina Dilday

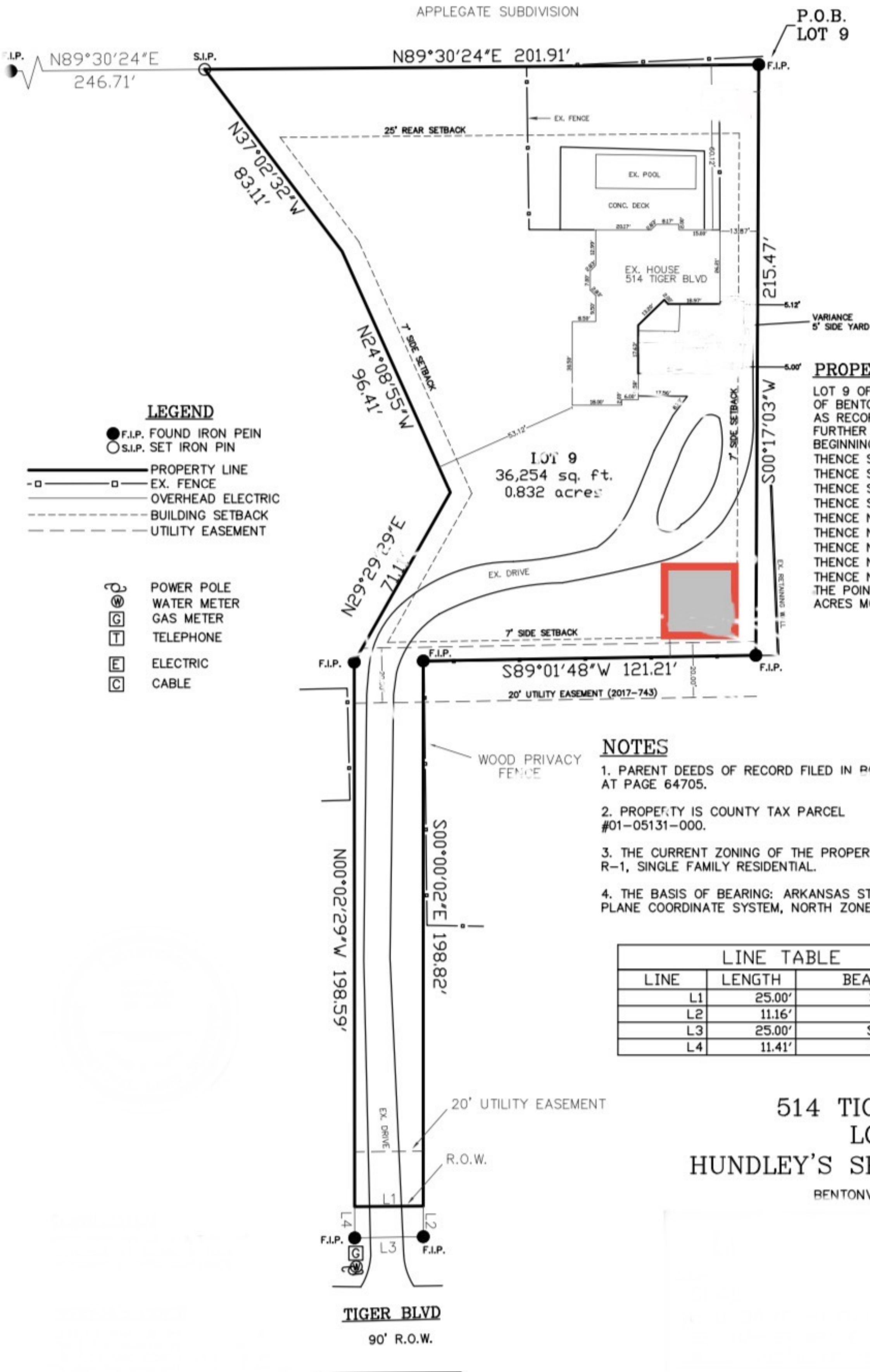
479-321-9856

469-685-4646



SETBACK CHART, R-1 ZONING

FRONT SETBACK	20'
REAR SETBACK	25'
SIDE SETBACK	7'



LEGEND

- F.I.P. FOUND IRON PEIN
- S.I.P. SET IRON PIN
- PROPERTY LINE
- □ - EX. FENCE
- OVERHEAD ELECTRIC
- - - BUILDING SETBACK
- - - UTILITY EASEMENT
- Ⓢ POWER POLE
- Ⓜ WATER METER
- ⓖ GAS METER
- Ⓣ TELEPHONE
- ⓔ ELECTRIC
- Ⓢ CABLE

PROPERTY DESCRIPTION

LOT 9 OF HUNDLEY'S SPECIAL ADDITION, CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS AS RECORDED IN BOOK 2017 AT PAGE 743, FURTHER DESCRIBED AS FOLLOWS; BEGINNING AT THE NE CORNER OF SAID LOT 9, THENCE SOUTH 00°17'03" WEST 215.47 FEET; THENCE SOUTH 89°01'48" WEST 121.21 FEET; THENCE SOUTH 00°00'02" EAST 198.82 FEET; THENCE SOUTH 89°33'15" WEST 25.00 FEET; THENCE NORTH 00°02'29" WEST 198.59 FEET; THENCE NORTH 29°29'29" EAST 71.11 FEET; THENCE NORTH 24°08'55" WEST 96.41 FEET; THENCE NORTH 37°02'32" WEST 83.11 FEET; THENCE NORTH 89°30'24" EAST 201.91 FEET TO THE POINT OF BEGINNING, CONTAINING 0.832 ACRES MORE OR LESS.

NOTES

1. PARENT DEEDS OF RECORD FILED IN BOOK 2017 AT PAGE 64705.
2. PROPERTY IS COUNTY TAX PARCEL #01-05131-000.
3. THE CURRENT ZONING OF THE PROPERTY IS R-1, SINGLE FAMILY RESIDENTIAL.
4. THE BASIS OF BEARING: ARKANSAS STATE PLANE COORDINATE SYSTEM, NORTH ZONE.

LINE TABLE		
LINE	LENGTH	BEARING
L1	25.00'	S89°33'15"W
L2	11.16'	S00°02'29"E
L3	25.00'	S88°58'53"W
L4	11.41'	N00°02'29"W

514 TIGER BLVD.
LOT 9
HUNDLEY'S SPECIAL ADDITION
BENTONVILLE, AR 72712