



**Board of Adjustments
Meeting Agenda
March 26, 2025
Bentonville City Hall
Meeting Time: 4:00 PM**

Registration Link: <https://us02web.zoom.us/j/89665741710>

I. Call to Order

II. Approval of Minutes

- | | |
|--------------------------------------|------------------------------------|
| 1. March 12th Meeting Minutes | Approval of Meeting Minutes |
|--------------------------------------|------------------------------------|

III. New Business

- | | |
|-----------------------|------------------|
| 1. HamHane LLC | Variance* |
|-----------------------|------------------|

450 Northwest Loblolly Lane ([VAR25-0007](#))

Section 401.07 of the Zoning Code - Downtown Neighborhood (DN) District

Regulations, (e) DN Districts Setback Standards

IV. Old Business

V. Other Business

VI. Adjournment



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

Recording Link:

https://us02web.zoom.us/rec/share/vHBNU24R2u4W1kBfgnH8IXb9Ckt3CYz0fOZRQ_8LloREZmjce7bZzeyltOybjlLrpCLQB2QGdPvYxzx?startTime=1741813147000

Passcode: r?^G7t^5

I. Call to Order

- Meeting called to order at 4:00 PM by Chairman Kruithof.
- Members present: Dean Kruithof (Chair), BJ Phillips, Danny Bennett, Celia Swanson, Kevin Barrington
- Members absent:
- Staff present: Tyler Overstreet, Tom Adler, Brittany Chue, Casey Hackler

II. Approval of Minutes

1. February 26th Meeting Minutes

Approval of Meeting Minutes

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

III. New Business

**1. Walmart Campus Signage - Hotel
Ventures Bentonville LLC**

Variance*

1308 Southeast 8th Street ([VAR25-0006](#))

Section 801.15 Signs Allowed With A Sign Permit, a) Height and Area Regulations

- Chairman Kruithof opens the public hearing.
- Bill Butler, a representative from Walmart, is here for any questions.
- Mr. Butler explains the purpose of the signs and asks that each sign be considered individually.
- The Board of Adjustments asks if there is street parking at the “Welcome to Walmart” sign.
- Mr. Butler notes that there are nearby parking lots and visitors would have to walk to the sign.
- Chairman Kruithof closes the public hearing.
- Motion to approve all 5 variances with conditions as specified in the staff report by Swanson, second by Barrington.
- The variance is approved 5-0.

IV. Old Business

V. Other Business

- | | | |
|----|--|------------------|
| 1. | Arnold, 403 Magnolia Dr. (VAR25-0004) The Variance was approved administratively with the modification that the side yard fencing would be limited to 7' and the backyard fence to 8'. <ul style="list-style-type: none">• Mr. Adler provides an overview of the staff report. | Variance* |
|----|--|------------------|

VI. Adjournment

- Chairman Kruithof adjourns the meeting.



HamHane LLC

450 Northwest Loblolly Lane

BOA Date:

Staff Report Details

Project Number	VAR25-0007
Applicant / Current Owner	HamHane LLC
Site Area	+/- 0.9 Acres
Current Zoning	DN-3, Downtown High Density Residential
Variance Request	Sec 401.07 (e) DN District Setback Standards
Related projects	N/A

Property Description

The subject property is located on 450 NW Loblolly Ln. The property is presently zoned DN-3, Downtown High Density Residential with a future land use designation of Urban Neighborhood.

Regulation

Section 401.07 Downtown Neighborhood (DN) District Regulations, (e) DN District Setback Standards

DN-3, Downtown High Density Residential zoning requires a 10-foot front setback, 10-foot exterior side yard setback, 7-foot interior side yard setback, and 25-foot rear setback. The applicant is seeking a variance of 4 feet from the 25-foot rear setback requirement to 21-feet on the western homes and a variance of 2 feet from the 25-foot rear setback requirement to 23-feet on the eastern homes.

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.

Variance Request

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 refers to the hardship of existing utility easements constraining the front and side setbacks thus creating a need for a variance in the rear setback.

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 literal interpretation of the provisions of this chapter could deprive the applicant of buildable area as prescribed in the DN-3 district, as the city utility and easement dedications have increased the normal setbacks for DN-3 from 10' in front and 10' in the side to 12' and 18' respectively.

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

There are no special conditions or circumstances referenced by the applicant. The applicant would not be creating the need for the variance through their actions.

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 not grant the applicant a special privilege as other homes in the DN-3, Downtown High Density Residential zoning district could request setback variances due to challenges on the site.

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 variances requested are a minimal change to the rear setback allowance for DN-3.

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

Variance Request

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 Section 401.07 (e) DN District Setback Standards. The applicant is requesting that the Board of Adjustment allow a 21-foot rear setback instead of 25-feet on the western homes and a 23-foot rear setback instead of 25-feet on the eastern homes due to utility easements.

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 fence permit for the structure.

Background

A similar item was previously denied by the BOA on November 22, 2023.

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 fence 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

Haney

NW 5TH
ST

NW 5TH ST

NW D ST

NW C ST

DICKSON

NW 4TH ST



VAR25-0007
Haney-Setbacks
450 NW LOBLOLLY LN



24 February 2025

Board of Adjustment
City of Bentonville
305 SW A Street
Bentonville, AR 72712

**RE: REQUEST FOR SETBACK VARIANCE
LOBLOLLY LANE**

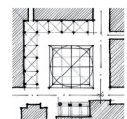
Dear Members and Chair of the Board of Adjustments,

We request a variance of 4' from the rear setback of 25' to 21' on the western homes at 453, 451, 443, 441, 433, and 431 NW Loblolly Lane and a variance of 2' from the rear setback of 25' to 23' on the eastern homes at 452, 450, 442, 440, 432, and 430 NW Loblolly Lane. With public rights-of-way holding various utilities and additional easements outside the rights-of-way on three sides of this development, the allowable front and side setbacks of the DN-3 zone (10' and 7' respectively) are reduced due to utility infrastructure and easement requirements, creating a hardship to develop homes appropriate for the DN-3 zone. This hardship makes it such that the only setback in which there is room to vary is the rear setback.

Specifically, the existing overhead power lines on the north side push the side setback to roughly 12', and on the south side existing overhead power lines push the side setback to roughly 18'. The front setbacks on the western lots are pushed from 10' to 12' by the widened public alley (widened by 5' at the request of the Planning Commission as a condition for the garages to front the alley) and further reduced on both sides of the alley due to water and sewer easements disallowing eaves and overhangs into the easement area that would otherwise be allowed in a setback without an easement. This request only allows us to have typical roof overhangs and a bay window, without increasing the overall bulk of the building. We are simply asking that we be allowed to build a more expressive architectural design within the hardships and constraints of the site.

Please refer to the attached diagram showing the proposed adjustment to building locations. We are also including perspective views of the proposed townhouses. As you can see, the buildings are durable and attractive. The design features bay windows, porches, decorative brackets, and extensive brick. We feel that these townhouses will be a significant asset to Downtown Bentonville.

The minimum variance to allow for the safe construction of these homes without any overhang into the utility easements is 4' on the western lots and 2' on the eastern lots. Building permits have been submitted and no changes to the design are proposed other than to shift the buildings, with this board's



approval, to accommodate the needs and constraints of the utility easements. The granting of this variance will be in harmony with the intent of the code calling for “increased neighborhood density through the development of small-lot single-family housing and townhouses throughout the district, and in harmony with intent of the development code and consistent with our shared vision of providing high quality housing in Downtown Bentonville.

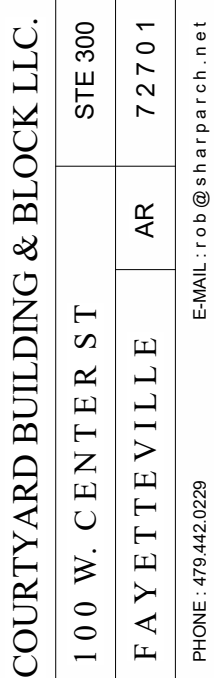
Thank you for considering this request and please let us know what additional information you need to review.

Sincerely,

A handwritten signature in black ink, appearing to read "R Sharp". The signature is fluid and cursive, with the first letter "R" being large and prominent.

Robert Sharp, Architect

Cc: File



HOUSES

NW 31H SI JOWN	
NW LOBLOLLY LANE	
BENTONVILLE	AR

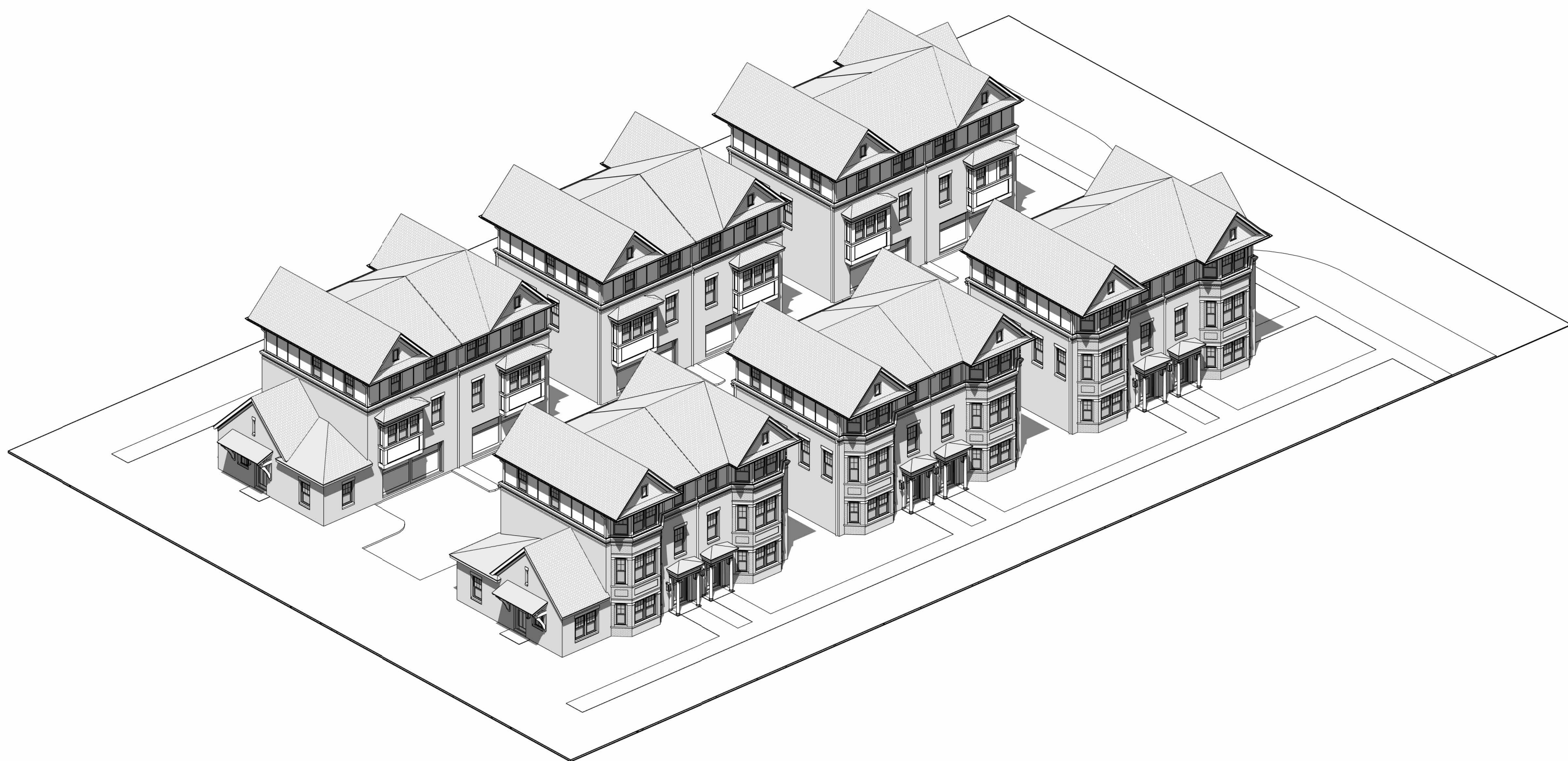
PROJECT NO. 24004

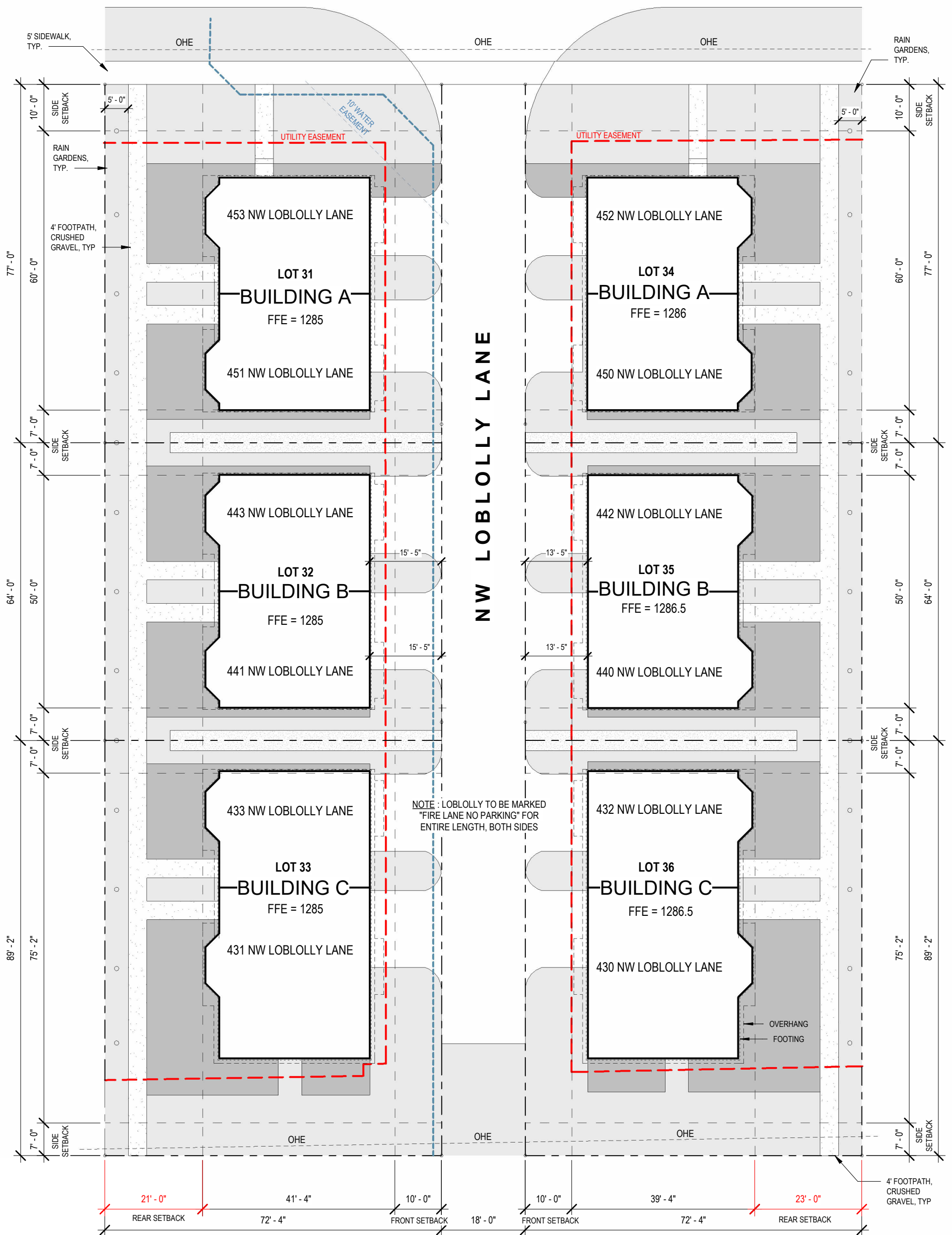
11 DEC 2024

SITE DIAGRAM

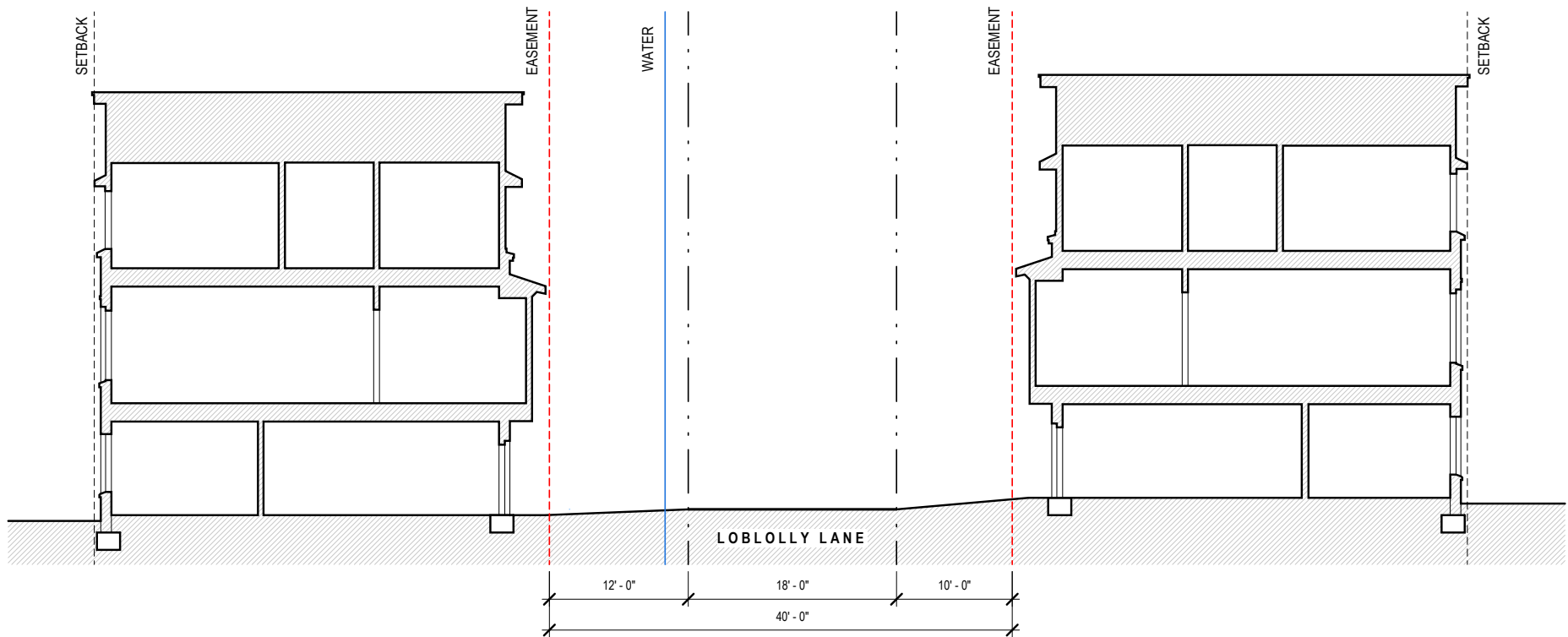
A0.1

3 SITE DIAGRAM
1/16" = 1'-0"





NW 5TH STREET DUPLEXES
REAR SETBACK VARIANCE DIAGRAM
 02.10.25





Oct 11, 2023

Dear Bentonville Board of Adjustments,

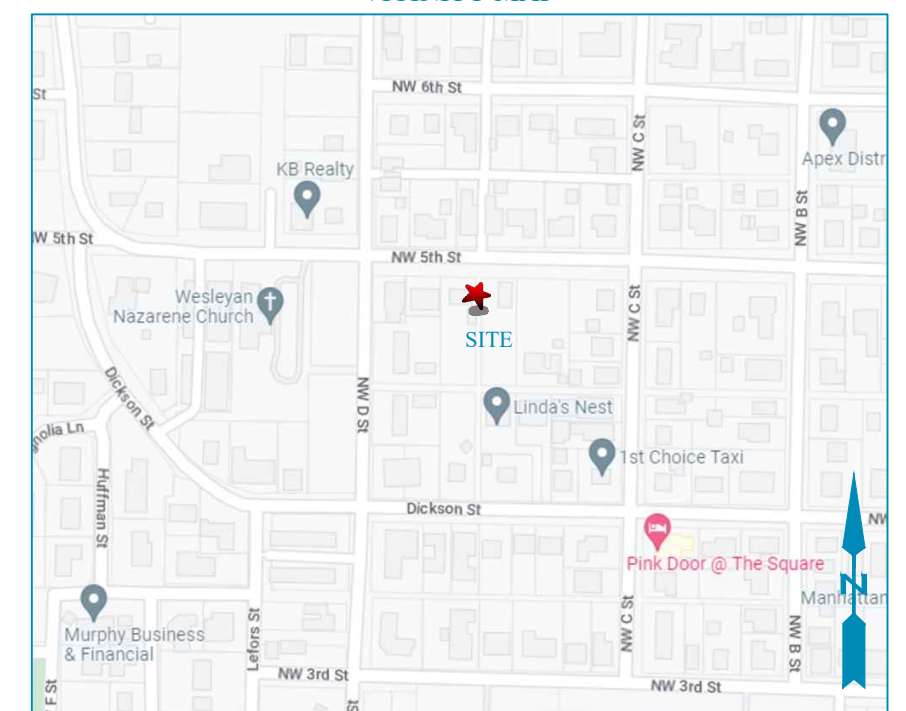
We are requesting a rear setback variance for 409 and 411 NW 5th St parcels 01-02133-000 and 01-02134-000 in order to construct attractive new single family home attached units. The lot presents some unique hardships due to the limited depth of 75', and encroachments into setbacks by utilities on 3 sides that limit the buildable area. On the north and south sides of the lots, overhead power lines require 20' clearance from any buildings. The alley in between the lots currently holds a city sewer line, and we are proposing to run both water and electric in the alley as well, but with the required utility and access easements, the front yards are pushed back beyond the allowed 10' front setback in the DN-3 zone (exact dimensions pending engineer's design and approval from city departments, in progress now).

Additionally, since both lots are block ends with street frontage on three sides, what we are calling the "rear" for the purposes of this request could actually be considered the "side" depending on the orientation of the new buildings. Our intention is for most or all to front the alley, but we will have architectural features addressing or potentially fronting the sides, to be determined in consultation with the architect when we begin design work. Since the units are attached, this could create a murky area of interpretation around building/unit orientation and for the sake of transparency and clarity, we respectfully request this variance to avoid any surprises or disagreements on interpretation later in the design process. Without a variance, construction is still possible, but would likely require a 3 level building instead of a 2 level building, and we believe a 2 level design would fit the neighborhood character more cohesively.

Considering the site's unique constraints, and our desire to preserve the traditional home proportions of the neighborhood, we request a rear setback of 7' (a variance of 18' from the standard 25') on both lots. Thank you for your thoughtful consideration.

Respectfully,
Mark Haney

Setback Standards:		PROPERTY ZONED: DN-3						
District	Building type	Front Yard		Side Yard				Rear Yard
				Exterior Side Yard		Interior Side Yard		
		Min.	Max.	Min.	Max.	Detached Yard	Attached Yard	
DN-3	Single-family and Two-family	10'	20'	10'	20'	7'	0'	25'
	Townhouse	10'	20'	10'	20'	10'	0'	25'
	Multi-family block-end and others not listed	10'	20'	10'	20'	10'	0'	15'



VICINITY MAP NOT TO SCALE

DRAWING #23-061	FOR USE AND BENEFIT OF:		 BATES Engineers - Surveyors
	MARK HANEY		
	ADDRESS: 408 & 411 NW 5TH STREET BENTONVILLE, ARKANSAS		
	DATE: 10/19/23	SCALE: 1"=20'	
	LOCATION: LOTS 4 & 5 BLOCK 6 DEVELOP ADDITION	SURVEYED: DRAFTED: JRICH AH, JCR REVIEWED: DT COA #1335	

7230 S. Pleasant Ridge Dr - Fayetteville, Arkansas 72704 - 479.442.9350

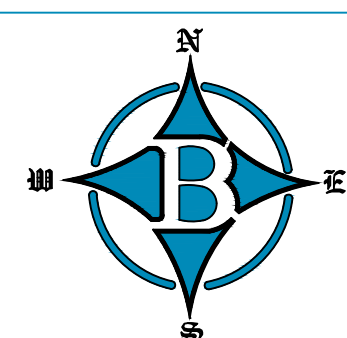
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SPOT ELEVATION

- SPOT ELEVATION

- | | | | |
|---|--------------------|---|--------------------------|
|  | SANITARY SEWER MH |  | BOUNDARY LINE (MEASURED) |
|  | TELEPHONE PEDESTAL |  | TIE LINE |
|  | AC CONDENSER UNIT |  | CENTERLINE OF ROAD |
|  | WATER METER |  | RIGHT-OF-WAY |
|  | GAS METER |  | WATER LINE |
|  | SEWER POLE |  | SEWER LINE |
|  | GUY ANCHOR |  | GAS LINE |
|  | GUY ANCHOR |  | OVERHEAD POWER LINE |
|  | LIGHT |  | FENCE |
|  | BOLLARD |  | BUILDING SETBACK |





**Board of Adjustments
Meeting Minutes
November 8, 2023
Bentonville City Hall
Public Hearing: 4:00 PM**

Zoom Recording Link: https://us06web.zoom.us/rec/share/U82Cp0xLwkclGgDEqjFkh_I8-1EZIOFddI9Gli-BHmTuqk1ut3Ziv_BtNZwwHB9k.7q2ZuH_s9EbVyfDC

I. Call to Order

- Meeting called to order at 4:00PM by Chairman Kruithof
- Members present: BJ Phillips, Sam Pearson, Dean Kruithof, Joe Haynie
- Members excused: Celia Swanson
- Staff present: Tom Adler, Keegan Stanton, Luke Aitken

II. Approval of Minutes

1. October 25th Meeting Minutes

Approval of Meeting Minutes

- Motion by Haynie to approve the minutes as presented, Second by Phillips.
- October 25th meeting minutes are approved by a vote of 4-0.

III. New Business

1. Dream Structures Residential LLC

Variance*

3303 SW Sandalwood Ave

Request for setback variance of 8'-7" from the minimum 30' front garage setback required by Zoning Code Section 401.07 Residential (R) Districts Regulations.

- Mr. Aitken provides an overview of the staff report on the request.
- Chairman Kruithof opens the public hearing for this item.
- Chairman Kruithof briefs those present on the public hearing and voting procedures of the board.
- Steve Fisher, the applicant, representing Dream Structures Residential LLC, speaks to his reasoning for the variance request, as an honest mistake was made during construction which needs to be remedied before the home is finished.
- Seeing no other members of the public present for comment, Chairman Kruithof closes the public hearing for this item and opens the floor for discussion amongst the board.
- Chairman Kruithof states that he believes the applicant's narrative, which claims this situation was caused by an honest mistake.
- Chairman Kruithof states that other homes in the neighborhood feature identical front setbacks and the variance requested would simply allow the

home to blend in with others nearby.

- Mr. Phillips speaks in agreement with Kruithof and other board members, that this is a reasonable variance request.
- Motion by Phillips to approve the variance request as presented, second by Haynie.
- Variance request is approved by a vote of 4-0

2. HamHane LLC

Variance*

406 & 411 NW 5th Street Sandalwood Ave

Request for setback variance of 18' from the minimum 25' rear setback required by Zoning Code Section 401.07-B Downtown Neighborhood (DN) Districts Regulations.

- Mr. Aitken provides an overview of the staff report on the request.
- Mr. Adler details why the project is not ripe for discussion, mostly due to the lack of a project proposal and the speculative lot lines, which require a preliminary plat to be established.
- Chairman Kruithof opens the public hearing for this item.
- Mark Haney, the applicant, representing HamHane LLC, speaks to his reasoning for the variance request.
- Seeing no other members of the public present for comment, Chairman Kruithof closes the public hearing for this item and opens the floor for discussion amongst the board.
- Chairman Kruithof states that he agrees with the staffs report and that it is unclear what exact variance the board would be granting if a vote was taken today.
- Mr. Phillips speaks in agreement with Kruithof and other board members, that additional information on the proposed development should be provided by the applicant before the board votes on the variance request.
- Motion by Phillips to approve the variance request as presented, second by Haynie.
- Variance request is tabled by a vote of 4-0

IV. Old Business

V. Other Business

1. Discussion – BOA Schedule: November and December

Informational

- Discussion between Board members and staff around the upcoming meeting schedule and any necessary changes.
- Mr. Pearson indicates he will be absent from the November 22nd meeting.
- Chairman Kruithof states we will only hold meetings on December 13th and December 27th if there are any variance requests to be heard, otherwise the meetings will be

cancelled.

VI. Adjournment

- Meeting is adjourned by Chairman Kruithof at 4:51 PM



**Board of Adjustments
Meeting Minutes
November 22, 2023
Bentonville City Hall
Meeting Time: 4:00 PM**

Meeting Recording Link:

<https://us06web.zoom.us/j/8446121270?pwd=Zsude6lFZjJubQZwNt6Oi4wtrlgHutrV4YRphradURwYnYvcKnAP7aCEaFbQFUPj.T3fL-WKye4UXLW-X?startTime=1700690366000>

I. Call to Order

- Meeting called to order at 4:01 PM by Chairman Kruithof
- Members present: Celia Swanson, Dean Kruithof, Joe Haynie
- Members absent: Sam Pearson, BJ Phillips
- Staff present: Tom Adler, Tyler Overstreet, Luke Aitken

II. Approval of Minutes

- November 8th Meeting Minutes** **Approval of Meeting Minutes**
 - Motion by Haynie to approve the minutes as presented, Second by Swanson.
 - November 8th meeting minutes are approved by a vote of 3-0

III. New Business

IV. Old Business

- HamHane LLC** **Variance***

409 & 411 Northwest 5th Street
Variance request of 18 feet from the minimum rear setback of 25 feet required by: Zoning Code Section 401.07-B Downtown Neighborhood (DN) Districts Regulations, (c) DN districts setback standards.

- Chairman Kruithof briefs those present on the public hearing and voting procedures of the board, noting this will not require a separate public hearing.
- Chairman Kruithof gives Ms. Swanson a chance to ask any clarifying questions due to her absence from the last meeting.
- Mr. Adler clarifies changes made by the applicant to the proposed site plan since the November 8th meeting, to include removal of fictional lot lines and the revision of two building footprints.
- Mark Haney, the applicant, speaks to utility restraints of the site in question and makes his case for the setback variance because of those constraints in combination with the existing rights of way through the site and on the north and south of the site.

- Ms. Swanson, Mr. Haynie and Chairman Kruithof all agree with staffs stated recommendations in the staff report, that sufficient hardship does not exist to justify a variance at this time.
- Motion by Swanson to disapprove the variance request, Second by Kruithof.
- Variance request is disapproved by a vote of 3-0.

V. Other Business

VI. Adjournment