



**Board of Adjustments
Meeting Agenda
June 11, 2025
Bentonville City Hall
Meeting Time: 4:00 PM**

Registration Link: <https://us02web.zoom.us/j/89457959558>

- I. Call to Order
- II. Approval of Minutes
 1. May 14th Meeting Minutes **Approval of Meeting Minutes**
- III. New Business
 1. **Bandaru & Edara** **Variance***
2005 NE Chaucer St (VAR25-0011)
Section 401.10 PUD setbacks
 2. **Bandaru & Edara** **Variance***
2008 Northeast Chaucer Street (VAR25-0012)
Section 401.10 PUD Setbacks
- IV. Old Business
- V. Other Business
- VI. Adjournment



**Board of Adjustments
Meeting Agenda
May 14, 2025
Bentonville City Hall
Meeting Time: 4:00 PM**

Recording Link:

https://us02web.zoom.us/rec/share/wTtqOT1etad3aj5VPmKI_ulwSoJZWmgt8zRNMZm1W7U1vxiglfkO_dbqvzoyz7Y6.Sw0SLDNhkrPmB_9?startTime=1747255288000

I. Call to Order

- Meeting called to order at 4:00 PM by chairman Dean Kruithof.
- Members present: BJ Phillips, Celia Swanson, Kevin Barrington (Zoom), Danny Bennett, Dean Kruithof
- Members absent: None
- Staff present: Tom Adler, Sophie McAdara, Nathan Izard

II. Approval of Minutes

1. April 23rd Meeting Minutes

Approval of Meeting Minutes

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

III. New Business

1. Icebreaker LLC

Variance*

604 Southwest 5th Street (VAR25-0008)

Section 401.07 of the Zoning Code - Downtown Neighborhood (DN) District Regulations, (e) DN Districts Setback Standards

- Chairman Kruithof notes that because this variance request was heard at the previous BOA meeting, an overview is unnecessary, and opens up for discussion among the BOA members and the representative. Chairman Kruithof further states that because the public hearing was held for this request at the last BOA meeting, a public hearing at this meeting is not required.
- Mr. Burris, the architect representative, gives an overview of his request.
- The Board of Adjustment members discuss the request with the representative.
- Bennett motions to table the proposal indefinitely, Swanson seconds.
- Item is tabled 4-0, Phillips abstains.

IV. Old Business

V. Other Business

VI. Adjournment

- Chairman Kruithof adjourns the meeting.

Lack of quorum - continued to June 25, 2025

**Bandaru & Edara**

2005 NE Chaucer St

BOA Date: 6/11/2025**Staff Report Details**

Project Number	VAR25-0011
Applicant / Current Owner	Swope Engineering / Srinivasa R Bandaru & Parvathi Veeramachaneni
Site Area	0.36 acres
Current Zoning	PUD, Planned Unit Development
Variance Request	Front setback variance and rear setback variance
Related projects	

Property Description

The subject property is located at 2005 Northeast Chaucer Street (Lot 97). The property is presently zoned PUD, Planned Unit Development, with a future land use designation of Neighborhood Suburban.

Regulation

Article 401 Zoning District Regulations, Section 401.10 PUD, Planned Unit Development. The PUD for this subdivision has established the following setbacks: 30' front (dwelling), 20' front (garage), and 25' rear.

Variance Request

Setback variances requested:

Variance 1: A 10-foot variance on the front building setback to allow for a 20-foot front building setback instead of the required 30-foot front setback.

Variance 2: A 5-foot variance for a portion of the rear building setback to allow for a 20-foot rear setback instead of the required 25-foot rear setback.

Background

Background

The applicant is requesting a 10-foot variance to allow for a 20-foot front building setback, instead of the 30-foot front building setback required and a 5-foot variance to allow for a 20-foot rear building setback instead of the 25-foot rear building setback requirements of the PUD, Planned Unit Development. The applicant states in their narrative that the topography in the rear of the lot is not buildable and is seeking to shift the proposed home towards the front of the property line. Please see provided plans for clarification. The front and rear setback requirements of 30 and 20 feet, respectively, were set previously through the Planned Unit Development Process and are found on a plat from 2009.

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 that special circumstances and conditions exist due to the rear yard topography of 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 the literal interpretation of the setback ordinance would mean a much smaller house would need to exist on this lot, which does not conform to the existing scale, character, context, and form of the existing neighborhood. The applicant writes that this ultimately reduces the property values of its neighbors and the subdivision as a whole.

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

The applicant states the lot topography is not a result of the current lot owner, but the existing lot grades appear to be a result of subdivision design and construction.

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 applicant states the variance requested will not confer any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district. The applicant is seeking a variance in order to build a home that confers with the surrounding neighborhood to ensure cohesion.

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 mention of nonconforming uses of neighboring 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

Background

minimum variance that will make possible the reasonable use of land, building or structure.

The applicant has provided a site design demonstrating how their requested variance is only needed for a portion of the rear of the building. The existing setbacks of 30' and 25' are depicted to show how far the proposed dwelling would exceed current code.

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 appears to have no detrimental impact 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.

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.

Conclusion

The applicant is requesting a 10-foot variance to allow for a 20-foot front building setback instead of the 30-foot front building setback as well as a 5-foot variance to allow for a 20-foot rear building setback instead of the 25-foot rear building setback required by the PUD. The applicant states that special circumstances and conditions exist due to the rear yard topography of the lot. Due to the topography, it is not buildable, according to the applicant. The applicant states that the literal interpretation of the setback ordinance would mean a much smaller house would need to exist on this lot, which does not conform to the existing scale, character, context, and form of the existing neighborhood. The applicant claims that this ultimately reduces the property values of its neighbors and the subdivision as a whole. The applicant further states the lot topography is not a result of the current lot owner, but the existing lot grades are a result of the subdivision design and construction.

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

If the Board approves the variances, the following conditions of approval are proposed:

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 201.10.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.

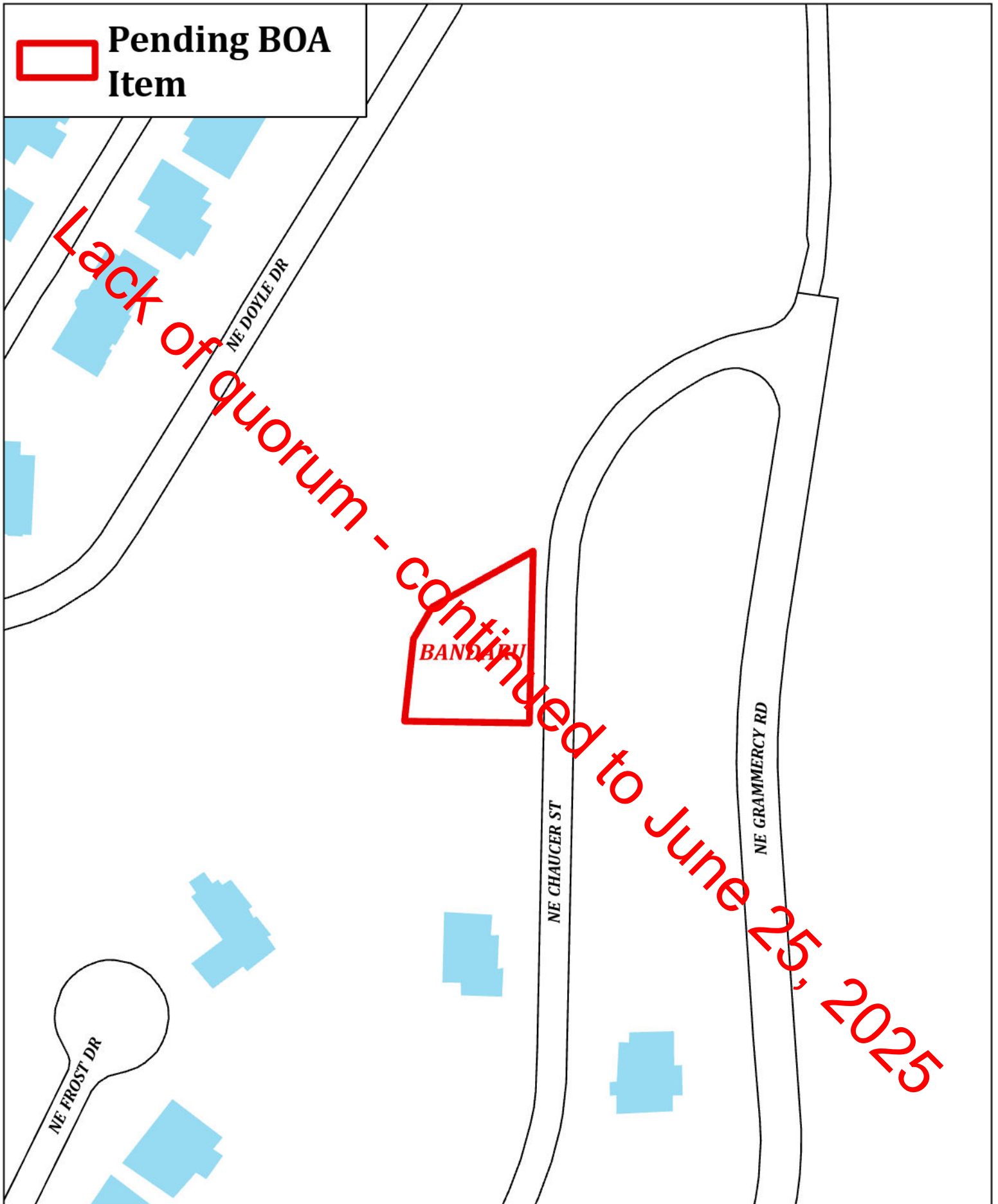
(3) The board of adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of land, building or structure.

(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



VAR25-0011
BANDARU
2005 NE CHAUCER ST



May 13, 2025

City of Bentonville

305 SW A Street

Bentonville, AR

RE: Front Building Setback Variance – 30' to 20'

Rear Building Setback Variance 25' to 20'

LOT 97, GRAMMERCY PARK SUBDIVISION, PHASE 1, BENTONVILLE, BENTON COUNTY, ARKANSAS, AS PER PLAT RECORDED IN PLAT BOOK 2009 AT PAGES 76 THROUGH 78.

To whom it may concern, please consider a front building setback variance of 10 feet (30' required, 20' requested) and a rear building setback variance of 4 feet (25' required, 20' requested) for a very small portion of the home along the rear lot line for the project referenced. The rest of the home along the rear lot line will conform to the 25' building setback. This lot has its own set of challenges and requires some accommodations to make it work. See the following responses, below, to the required criteria.

The special condition and circumstance that exists for the lot is the rear yard topography. This lot is not buildable well into the rear buildable area of the lot; therefore, the proposed home needs shifted to the front.

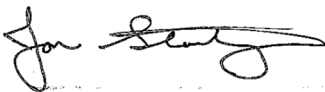
Literal interpretation of the setback ordinance would mean a much smaller house would have to exist on this lot, thereby not conforming to the existing scale, character, context and form of the existing neighborhood and ultimately reducing property values of its neighbors and the subdivision as a whole.

The special condition in this case, the lot topography, is not the result of the current lot owner. The existing lot grades appear to be result of subdivision design and construction.

The developer will ensure that there are no encroachments into the setback/utility easements including but not limited to the slab/footings.

In summary, we believe these setback variance request meets the standard criteria established for granting variances. This letter is submitted for your review and approval.

Sincerely,



Jon Stanley, ASLA
Senior Project Manager

FEATURE LINES AND SURVEY SYMBOLS

- UTILITY SYMBOLS

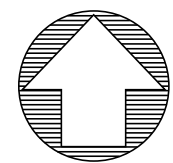
- THIS LEGEND MAY CONTAIN SOME SYMBOLS NOT SHOWN WITHIN THE PLAN OR PLAT VIEW**

PHIL SWOPE, P.E.
SWOPE ENGINEERING
7 HALSTED CIRCLE, SUITE 210
ROGERS, ARKANSAS 72756
479.685.8399 OFFICE

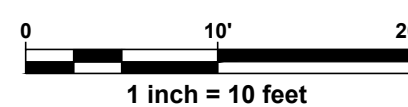
BASIS OF BEARING:
ARKANSAS STATE PLANE, NORTH ZONE (NAD 83), BASED UPON CITY OF
BENTONVILLE GPS MONUMENT, CONVERGENCE ANGLE -01°19'24.76",
COMBINED SCALE FACTOR: 0.999973753.



Know what's **below**.
Call before you dig

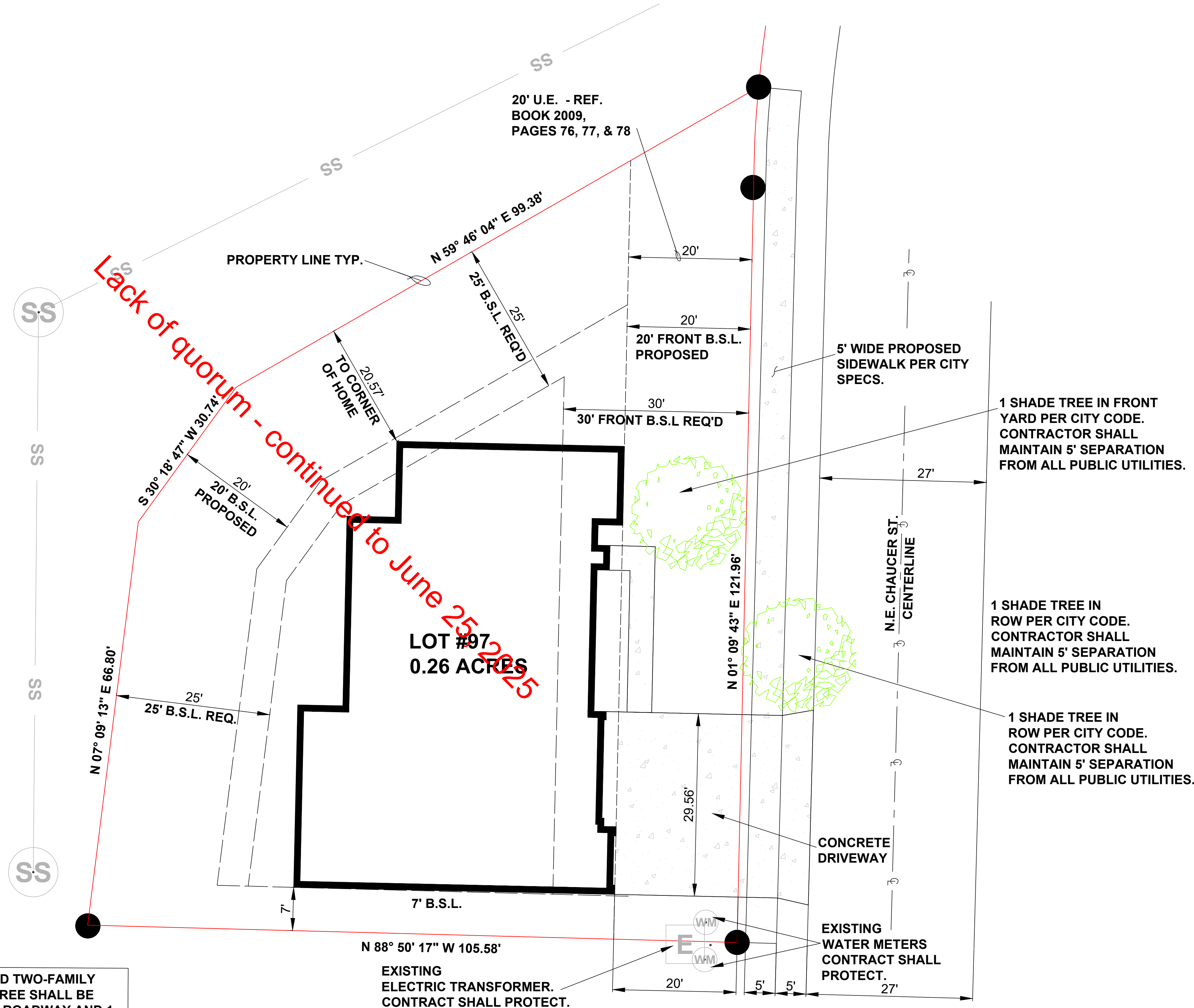


GRAPHIC SCALE



FOR NEWLY CONSTRUCTED SINGLE AND TWO-FAMILY RESIDENTIAL STRUCTURES: 1 SHADE TREE SHALL BE PLANTED IN EACH YARD ADJACENT TO ROADWAY AND 1 SHADE TREE SHALL BE PLANTED IN EACH RIGHT-OF-WAY ADJACENT TO ROADWAY.

NO STRUCTURES, OVERHANGS, OR FOOTINGS SHALL ENCROACH ON THE EXISTING UTILITY EASEMENT.



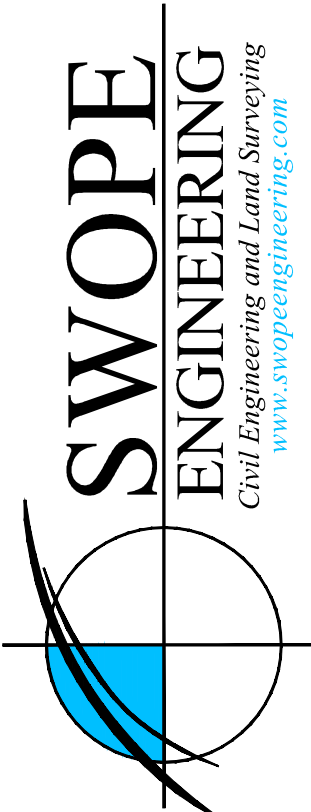
SITE PLAN

GRAMMERCY PARK SUBDIVISION LOT 97

SETBACK VARIANCE

BANDARU, SRINIVASAR & VEERAMACHANENI, PARVATHI
4606 SW CROSSBOW CIR BENTONVILLE AR 72713

NO.	DATE	REVISION
1	05/13/2025	FIRST SUBMITTAL
END		XXXXXXXXXXXXXXXXXXXXXXX
END		XXXXXXXXXXXXXXXXXXXXXXX



DRAWN BY: JON	JOB NUMBER: 25-213
SUBMITTAL DATE: 05/13/2025	CITY NUMBER: VAR25-0011
DRAWING NAME: 25-213PR.DWG	
SHEET NUMBER:	

1

**Bandaru & Edara**

2008 Northeast Chaucer Street

BOA Date: 6/11/2025**Staff Report Details**

Project Number	VAR25-0012
Applicant / Current Owner	Swope Engineering / Srinivasa R Bandaru & Sridhar Edara
Site Area	0.36 acres
Current Zoning	PUD, Planned Unit Development
Variance Request	Front setback variance and rear setback variance
Related projects	

Property Description

The subject property is located at 2008 Northeast Chaucer Street (Lot 100). The property is presently zoned PUD, Planned Unit Development, with a future land use designation of Neighborhood Suburban.

Regulation

Article 401 Zoning District Regulations, Section 401.10 PUD, Planned Unit Development. The PUD for this subdivision has established the following setbacks: 30' front (dwelling), 20' front (garage), and 25' rear.

Variance Request

Setback variances requested:

Variance 1: A 10-foot variance on the front building setback to allow for a 20-foot front building setback instead of the required 30-foot front setback.

Variance 2: A 3-foot variance for a portion of the rear building setback to allow for a 22-foot rear setback instead of the required 25-foot rear setback.

Background

Background

The applicant is requesting a 10-foot variance to allow for a 20-foot front building setback, instead of the 30-foot front building setback required and a 3-foot variance to allow for a 22-foot rear building setback instead of the 25-foot rear building setback requirements of the PUD, Planned Unit Development. The applicant states in their narrative that the topography in the rear of the lot is not buildable and is seeking to shift the proposed home towards the front of the property line. Please see provided plans for clarification. The front and rear setback requirements of 30 and 25 feet, respectively, were set previously through the Planned Unit Development Process and are found on a plat from 2009.

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The applicant states that literal interpretation of the setback ordinance would mean a much smaller house would have to exist on both lots, thereby not conforming to the existing scale, character, context and form of the existing neighborhood and ultimately reducing property values of its neighbors and the subdivision as a whole.

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The applicant states the lot topography is not a result of the current lot owner, but the existing lot grades appear to be a result of subdivision design and construction.

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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 mention of nonconforming uses of neighboring lands, structures, or buildings in the same district.

Background

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 applicant has provided a site design demonstrating how their requested variance is only needed for a portion of the rear of the building. The existing setbacks of 30' and 25' are depicted to show how far the proposed dwelling would exceed current code.

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The variance requested appears to have no detrimental impact to the public welfare.

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

Public Comment

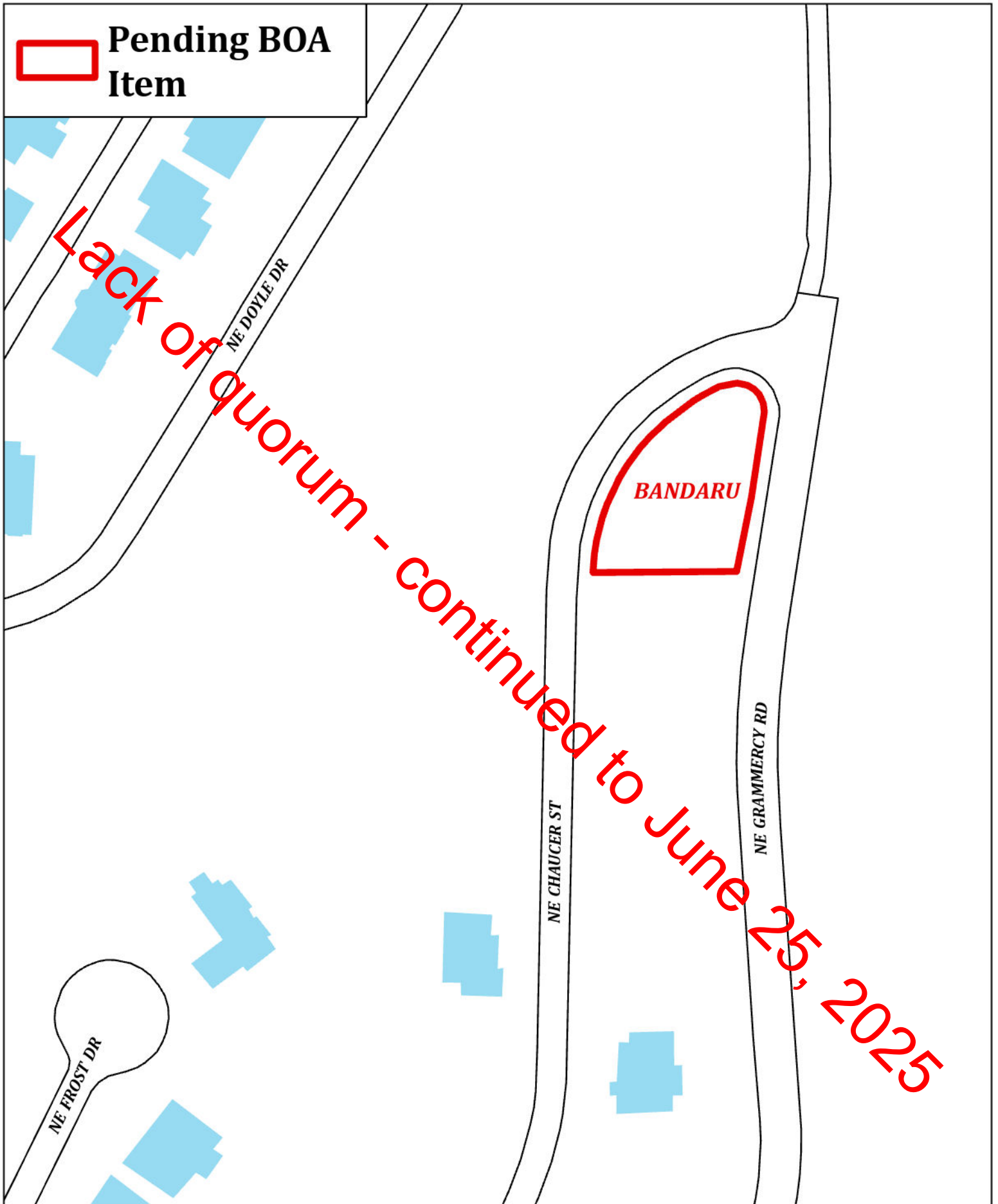
Has Staff received Public Comment at the time of this report?: **No**

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:

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 - 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



VAR25-0012
BANDARU
2008 NE CHAUCER ST





SWOPE
ENGINEERING

Civil Engineering and Land Surveying
www.swopeengineering.com

May 13, 2025

City of Bentonville

305 SW A Street

Bentonville, AR

RE: Front Building Setback Variance – 30' to 20'

Rear Setback Variance – 25' to 22'

LOT 100, GRAMMERCY PARK SUBDIVISION, PHASE 1, BENTONVILLE, BENTON COUNTY, ARKANSAS, AS PER PLAT RECORDED IN PLAT BOOK 2009 AT PAGES 76 THROUGH 78.

To whom it may concern, please consider a front building setback variance of 10 feet (30' required, 20' requested) and a rear building setback variance of 3 feet (25' required, 22' requested) for a very small portion of the home along the rear lot line for the project referenced. The rest of the home along the rear lot line will conform to the 25' building setback. This lot has its own set of challenges and requires some accommodations to make it work. See the following responses, below, to the required criteria.

The special condition and circumstance that exists for the lot is the rear yard topography. This lot is not buildable well into the rear buildable area of the lot; therefore, the proposed home needs shifted to the front.

Literal interpretation of the setback ordinance would mean a much smaller house would have to exist on both lots, thereby not conforming to the existing scale, character, context and form of the existing neighborhood and ultimately reducing property values of its neighbors and the subdivision as a whole.

The special condition in this case, the lot topography, is not the result of the current lot owner. The existing lot grades appear to be result of subdivision design and construction.

In summary, this setback variance meets the standard criteria established for granting variances. This letter is submitted for your review and approval.

Sincerely,

Jon Stanley, ASLA
Senior Project Manager

Lack of quorum - continued to June 25, 2025

PRELIMINARY PLAT
LEGEND

FEATURE LINES AND SURVEY SYMBOLS

- PROPERTY LINE
- OFFSITE PROPERTY LINE
- CENTERLINE OF ROAD
- RIGHT-OF-WAY
- FENCE
- ACCESS EASEMENT
- BUILDING SET BACK
- UTILITY EASEMENT
- CURB AND GUTTER
- ASPHALT PAVEMENT
- SET/FOUND REBAR
- FENCE CORNER POST
- FOUND STONE
- STATE MONUMENT
- SET/FOUND ALUM. MONUMENT
- SET/FOUND COTTON SPINDLE
- SET / FOUND MAG NAIL
- RAILROAD SPIKE
- BENCH MARK (ELEV.)
- FOUND PIPE

UTILITY SYMBOLS

- FLARED END SECTION
- CURB INLET
- AREA INLET
- JUNCTION BOX
- GRATE INLET
- SANITARY SEWER
- SEWER SERVICE
- FIRE HYDRANT ASSEMBLY
- WATER VALVE
- WATER SERVICE
- WATER METER
- POWER POLE
- LIGHT
- ELECTRICAL BOX
- TELEPHONE PEDESTAL
- GAS METER

HATCHES

- ASPHALT
- CONCRETE
- FLOOD ZONE
- GRAVEL
- WET
- 13M POND

THIS LEGEND MAY CONTAIN SOME SYMBOLS NOT SHOWN WITHIN THE PLAN OR PLAT VIEW

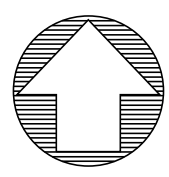
PROJECT ENGINEER

PHIL SWOPE, P.E.
SWOPE ENGINEERING
7 HALSTED CIRCLE, SUITE 210
ROGERS, ARKANSAS 72756
479.685.8399 OFFICE

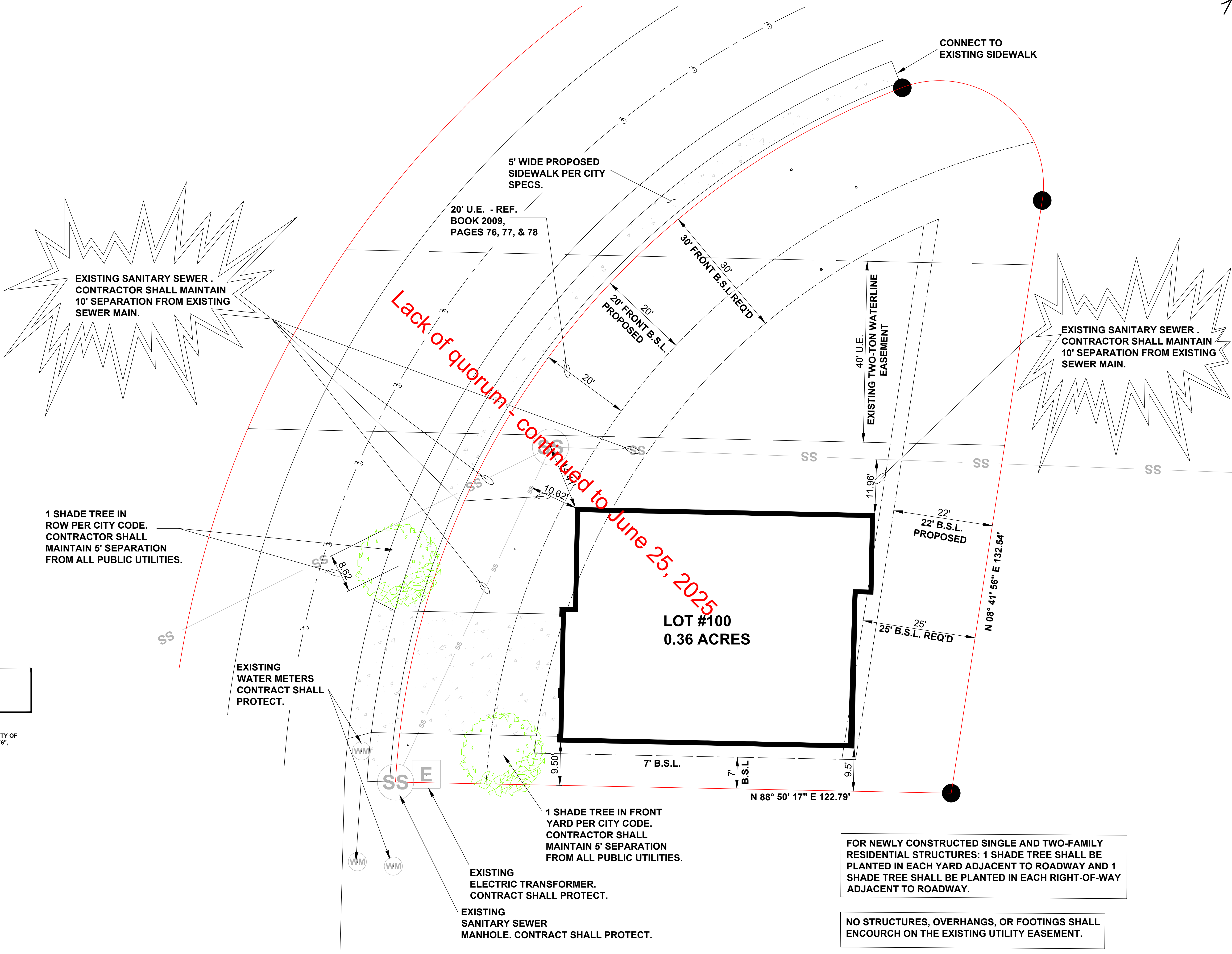
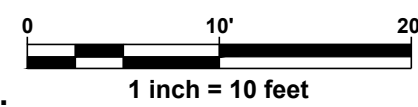
BASIS OF BEARING:
ARKANSAS STATE PLANE, NORTH ZONE (NAD 83), BASED UPON CITY OF BENTONVILLE GPS MONUMENT, CONVERGENCE ANGLE -01°19'24.76", COMBINED SCALE FACTOR: 0.999973753.



Know what's below.
Call before you dig.

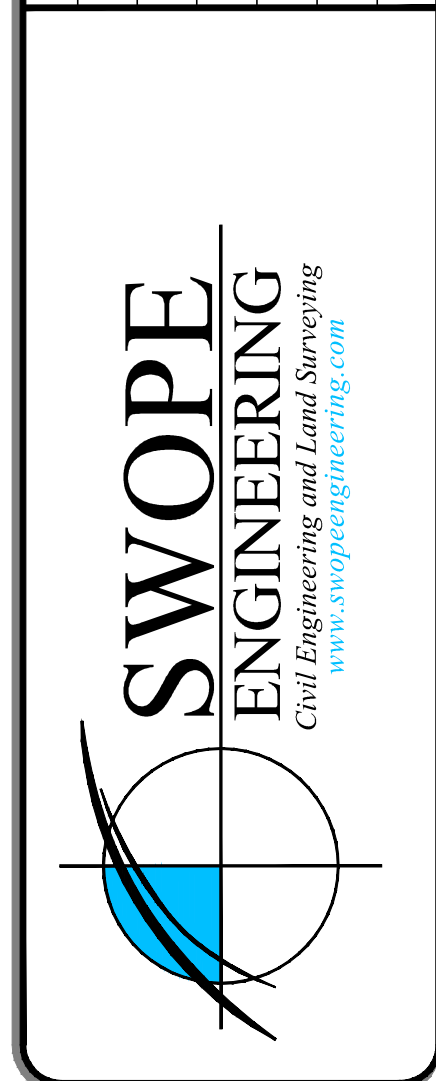


GRAPHIC SCALE



SITE PLAN
GRAMMERCY PARK SUBDIVISION LOT 100
SETBACK VARIANCE
BANDARU, SRINIVASA R & VEERAMACHANENI, PARVATHI
OWNER ADDRESS: 4606 SW CROSSBOW CIR BENTONVILLE AR 72713

NO.	DATE	REVISION
1	05/13/2025	FIRST SUBMITTAL



DRAWN BY: JON STANLEY	JOB NUMBER: 25-213
SUBMITTAL DATE: 05/13/2025	CITY NUMBER: VAR25-0011
DRAWING NAME: 25-213PR.DWG	SHEET NUMBER: 1