



**Board of Adjustments
Meeting Agenda
July 9, 2025
Bentonville City Hall
Meeting Time: 4:00 PM**

Registration Link: <https://us02web.zoom.us/j/82418860900>

I. Call to Order

II. Approval of Minutes

1. June 25th Meeting Minutes

Approval of Meeting Minutes

III. New Business

1. Johnson

Variance*

901 Northeast Second Street ([VAR25-0018](#))

Section 401.7 of Zoning Code (Side Yard Setback)

IV. Old Business

1. VAR25-0011/12 follow up

Informational

On June 25, 2025 the Board gave conditional approval for VAR25-0011 and VAR25-0012 based on legal review. Legal has reviewed and concurs.

V. Other Business

VI. Adjournment



**Board of Adjustments
Meeting Agenda
June 25, 2025
Bentonville City Hall
Meeting Time: 4:00 PM**

Recording Link: <https://bentonvillear.portal.civicclerk.com/event/1630/media>

I. Call to Order

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

II. Approval of Minutes

1. May 14th Meeting Minutes

Approval of Meeting Minutes

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

III. New Business

1. Bandaru & Veeramachaneni

Variance*

2005 NE Chaucer St ([VAR25-0011](#))

Section 401.10 PUD setbacks

- Chairman Kruithof suggests discussing items 1 and 2 under New Business in an omnibus fashion.
- Chairman Kruithof opens discussion to whether it is proper to apply a variance to a PUD.
- Mr. Izard provides an overview of the staff report for items 1 and 2 under New Business.
- Chairman Kruithof opens the public hearing.
- Jon Stanley, the applicant, is present for any questions.
- Chairman Kruithof closes the public hearing.
- Commissioners conclude that the variance requests are clear and can be interpreted predictably, and that the requests are reasonable.
- Phillips makes a motion to approve, contingent on legal taking a second look at it, Swanson seconds.
- Mr. Izard calls roll for VAR25-0011. The variance is approved 5-0.
- Mr. Izard calls roll for VAR25-0012. The variance is approved 5-0.

2. Bandaru & Edara

Variance*

2008 Northeast Chaucer Street ([VAR25-0012](#))

Section 401.10 PUD Setbacks

- Item combined with item 1 under New Business.

3. Thaden School

Variance*

410 Southeast Staggerwing Lane ([VAR25-0015](#))

Section 801.15 of the Zoning Code – Signs Allowed With A Sign Permit, (a) Height and Area Regulation

- Mr. Izard provides an overview of the staff report.
- Chairman Kruithof opens the public hearing.
- Nick Melton, the applicant, is present for any questions.
- Rob Worton, the owner, is present for any questions.
- Chairman Kruithof closes the public hearing.
- Commissioners conclude that the variance request is clear and can be interpreted predictably, and that the request is reasonable.
- Phillips makes a motion to approve, Barrington seconds.
- Mr. Izard calls roll. The variance is approved 5-0.

4. Maverick 5173

Variance*

3610 Southwest Regional Airport ([VAR25-0002](#))

Section 801.15 subsection (a) Signs Allowed With A Sign Permit

- Mr. Izard provides an overview of the staff report.
- Chairman Kruithof opens the public hearing.
- Pete Webb, the applicant, withdraws his request for a variance of maximum number of signs allowed and amends the request to a variance of maximum square footage allowed (from 12 sq ft to 51 sq ft.)
- Chairman Kruithof closes the public hearing.
- Commissioners conclude that the variance request is clear and can be interpreted predictably, and that the request is reasonable.
- Phillips makes a motion to approve, Swanson seconds.
- Mr. Izard calls roll. The variance is approved 5-0.

IV. Old Business

V. Other Business

VI. Adjournment

- Chairman Kruithof adjourns the meeting.



Johnson

901 Northeast Second Street

BOA Date: 7/9/2025

Staff Report Details

Project Number	VAR25-0018
Applicant / Current Owner	Courtney Austin/Crafton Tull
Site Area	0.78 Acres
Current Zoning	R-1, Low Density Single Family Residential
Variance Request	Building Setbacks
Related projects	LSD25-0017, LS25-0016, VAC25-0023

Property Description

The subject property is located at 901 Southeast Second Street. The property is presently zoned R-1, with a future land use designation of Neighborhood Traditional.

The Lot Split associated with this project (LS25-0016) was approved by Planning Commission on July 1, 2025.

Regulation

Article 401 Zoning District Regulations, Section 401.07 Residential (R) Districts Regulations. The R-1 for this parcel has established the following setbacks: 20' front, 7' side (interior lot), 20' side (exterior lot), 25' rear.

Variance Request

Variance request:

1. Requesting a variance for the required 7' side setback to be reduced to 0' for Lot 1 of the 2nd Street Subdivision Project.

Background

Background

The applicant states that they are requesting a variance for the required 7' building setback for Lot 1 of the 2nd Street Subdivision Project. Please refer to the attached items for additional context.

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 writes that due to the way they had to configure the flag lots in order to provide access to public utilities along 2nd Street, there is not enough buildable area on Lot 1. The applicant also writes that this site is within a designated floodplain, which significantly reduces the buildable area on each lot and limits development options.

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 literal interpretation of the provisions of this chapter would result in the site visually appearing that it has more of a setback than what is required.

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

The applicant states that the special conditions and circumstances resulted due to constraints imposed by the floodplain and the existing utility constraints.

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.

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

The applicant has provided a site plan and floodplain data that they believe justifies their variance request.

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

Background

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 requests a variance of a 0' side setback for the required 7' building setbacks due to the constraints of the designated floodplain and constraints on public utility access which the applicant states resulted in the new lot configuration. The applicant writes that given the excess of right-of-way, the utility corridor created by the flag lot design, and the buildable area constraints imposed by the floodplain that they believe that they can meet the required building setback through alternative means.

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 draft conditions of the approval are presented below, should the Board choose to approve the variance.

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

Section 301.10.c, Standards of Approval, of the Zoning Code

Standards for approval. A variance from the terms of this chapter shall not be granted by the board of

adjustment unless and until:

(1) The applicant demonstrates that:

- a. special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district;
- b. that literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;
- c. that special conditions and circumstances do not result from the actions of the applicant; and,
- d. that granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district.

(2) No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

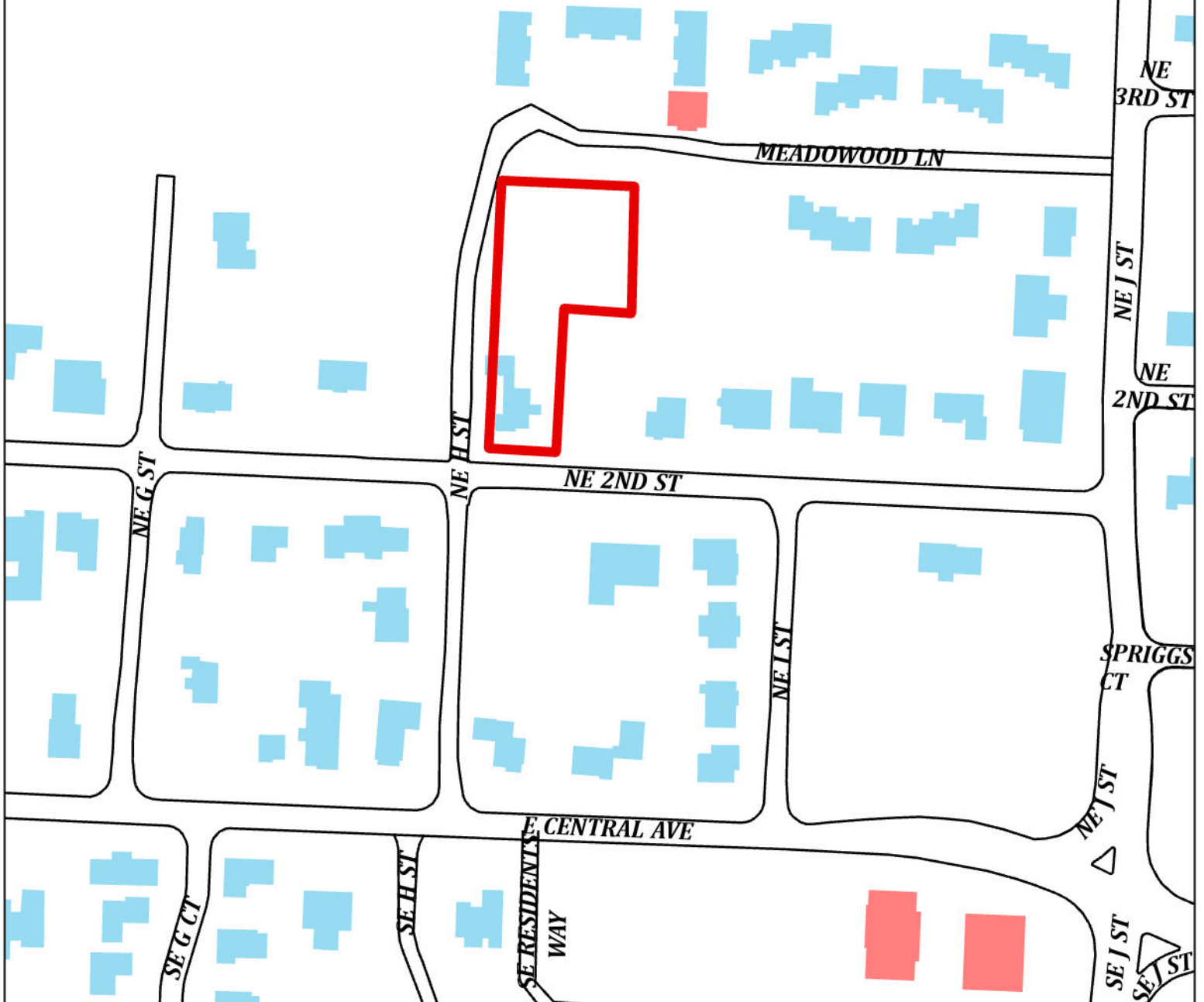
(3) The board of adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of land, building or structure.

(4) The board of adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(5) *Conditions.* In granting any variance, the board of adjustment may prescribe appropriate conditions and safeguards that it deems necessary or desirable. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter.

(6) *Uses.* Under no circumstances shall the board of adjustment grant a variance to allow a use not permissible under the terms of this chapter in the district involved, or any use expressly or by implication prohibited by the terms of this chapter in said district.

 Pending PC Item



LSD25-0017
2nd Street Subdivision
901 NE 2ND ST





July 2nd, 2025

City of Bentonville
Engineering Department
305 SW A Street
Bentonville, AR 72712

RE: LSDP – 2nd Street Subdivision
CTA Job No. 24107700
LSD25-0017

Dear City of Bentonville:

I am writing to formally request a Variance for the required 7' building setback for Lot 1 of the 2nd Street Subdivision Project.

This proposed subdivision includes three lots, two of which are configured as flag lots in order to provide access to public utilities along 2nd Street. As a result of this configuration, approximately 20 feet of open space is created between Lot 1 and the right-of-way for H Street (10' for each flag lot). This area will accommodate the service lines for all utilities serving the 3 lots. That combined with the open space between the Right-of-Way and the existing road provides ample space for the intent of the setback to still be met.

An additional site-specific hardship affecting this request is the presence of a designated floodplain on the property, which significantly reduces the buildable area on each lot and limits development options. Compounding this issue is the lack of available utility connections along H Street. Despite efforts to coordinate the installation of new utility mains with Bentonville Water, the floodplain and separation constraints from existing utilities and electric lines ultimately necessitated the use of flag lots. Enforcing the full 7-foot building setback on Lot 1, on top of the existing floodplain and utility constraints, would drastically reduce the usable building footprint and jeopardize the project's overall feasibility.

Furthermore, the existing right-of-way along H Street is wider than what is necessary for the designated future land use and roadway classification in this downtown area. Given the excess right-of-way, the utility corridor created by the flag lot design, and the buildable area constraints imposed by the floodplain, we believe the intent of the building setback requirement is being met through alternative means. As any future building will be 20' off the sidewalk and over 45' from the existing edge of asphalt. Visually, the site will look like it has more of a setback than what is required.



Crafton Tull

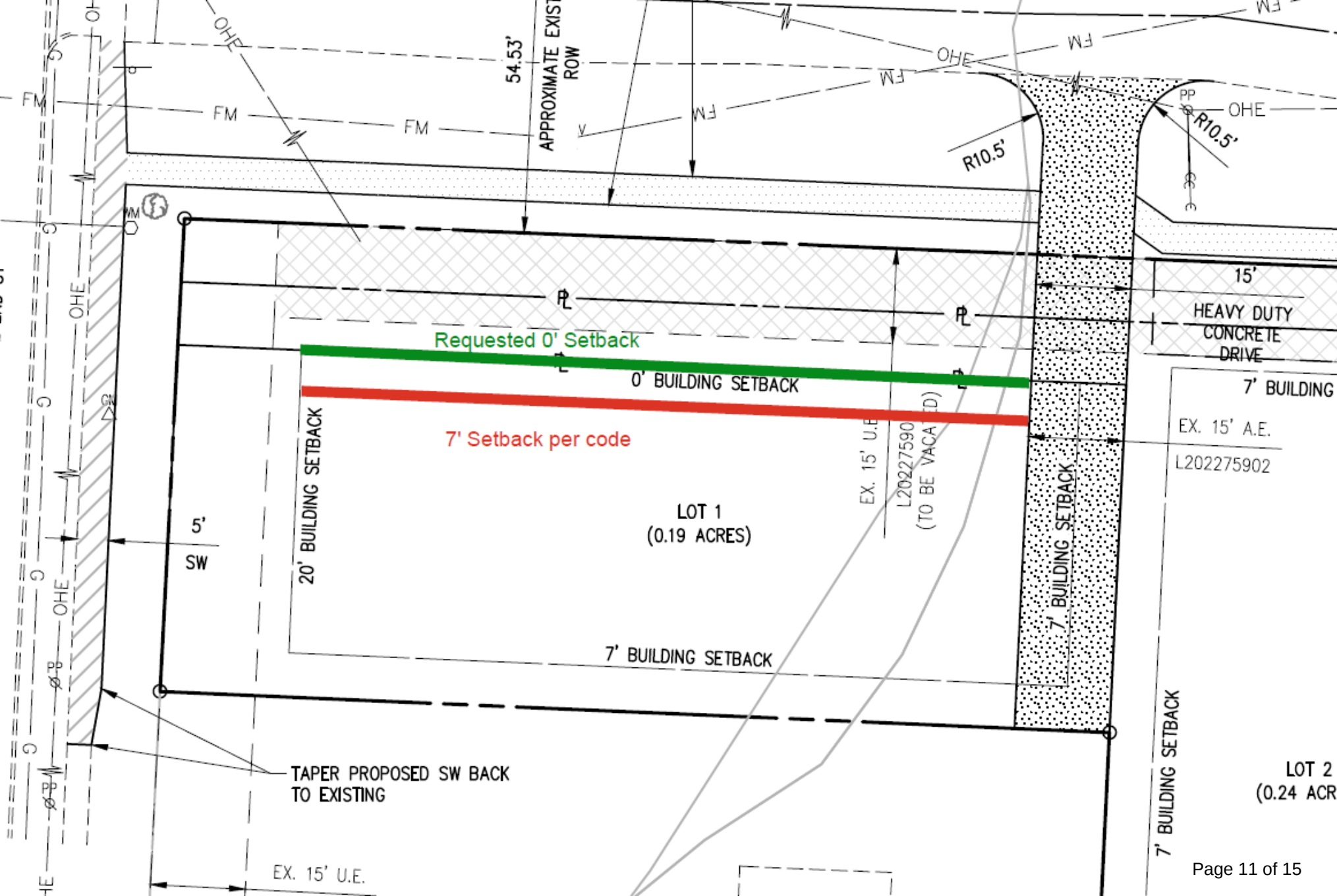
901 N 47th Street, Suite 400
Rogers, AR 72756

479.636.4838 (ph)
479.631.6224 (fax)

We appreciate your consideration in this matter. Should you have any questions, or require any additional information, please contact us at your convenience.

Sincerely,


Courtney Austin, E.I.





LSD25-0017



DRAWING C-104/100: PROPOSED SUBDIVISION MAPS AND GRADING PLANS
UNLESS OTHERWISE NOTED, ALL DIMENSIONS ARE IN FEET
UNLESS OTHERWISE NOTED, ALL DIMENSIONS ARE IN FEET



GRADING AND DRAINAGE NOTES

1. THE DESIGN, INSPECTION, AND CERTIFICATION OF ANY RETAINING WALL SHOWN OR REFERENCED HEREIN, INCLUDING BUT NOT LIMITED TO, SEGMENTAL RETAINING WALLS, MASS GRAVITY WALLS, GABION WALLS, ETC., GREATER THAN FORTY-EIGHT INCHES IN HEIGHT, SHALL BE BY OTHERS. ANY RETAINING WALL DATA SHOWN OR REFERENCED HEREIN SHALL BE FOR COORDINATION OF THE WALL LOCATION AND ELEVATIONS ONLY.
2. THE OWNER/CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR OBTAINING AND PROVIDING SEPARATE AND INDEPENDENT RETAINING WALL DESIGNS, INSPECTIONS, AND CERTIFICATIONS BY A REGISTERED PROFESSIONAL ENGINEER OTHER THAN CRAFTON TULL. THIS SHALL ALSO APPLY TO ANY ASSOCIATED AND NECESSARY PUBLIC SAFETY DEVICES INCLUDING, BUT NOT LIMITED TO, PEDESTRIAN SAFETY RAILS.
3. THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES, AND WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CONTACT THE APPROPRIATE UTILITY COMPANIES AT LEAST 72 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF EXISTING UTILITIES ON SITE OR IN RIGHT-OF-WAY. ALL UTILITIES MUST BE LOCATED PRIOR TO GRADING START.
4. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE TECHNICAL SPECIFICATIONS, GEO-TECHNICAL REPORT, OR LOCAL JURISDICTION, WHICHEVER IS MORE RESTRICTIVE.
5. ALL CUT OR FILL SLOPES SHALL BE A MAX 3:1 SLOPE OR FLATTER UNLESS OTHERWISE NOTED.
6. IF ANY EXISTING STRUCTURES TO REMAIN ARE DAMAGED DURING CONSTRUCTION, IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO REPAIR AND/OR REPLACE THE EXISTING STRUCTURE AS NECESSARY TO RETURN IT TO EXISTING CONDITION OR BETTER.
7. ALL STORM SEWER PIPE CONNECTIONS TO STRUCTURES SHALL BE GROUTED TO ENSURE CONNECTION AT STRUCTURE IS WATERTIGHT. ALL STORM SEWER STRUCTURES SHALL HAVE A SMOOTH UNIFORM POURED MORTAR INVERT FROM INVERT IN TO INVERT OUT.
8. ALL DRAINAGE STRUCTURES AND STORM SEWER PIPES SHALL MEET HEAVY DUTY TRAFFIC (H20) LOADING AND BE INSTALLED ACCORDINGLY WHEN IN PAVED AND TRAFFIC AREAS.
9. ALL STORM SEWER MANHOLES IN PAVED AREAS SHALL BE FLUSH WITH THE PAVEMENT AND SHALL HAVE TRAFFIC BEARING RINGS AND COVERS. MANHOLES IN UNPAVED AREAS SHALL BE 1" ABOVE FINISH GRADE. LIDS SHALL BE LABELED PER JURISDICTIONAL SPECIFICATIONS.
10. SITE GRADING SHALL NOT PROCEED UNTIL APPROPRIATE EROSION AND SEDIMENT CONTROL MEASURES HAVE BEEN INSTALLED. THE CONTRACTOR SHALL ADHERE TO ALL TERMS AND CONDITIONS AS OUTLINED IN THE GENERAL NPDES PERMIT AND THE SWPPP FOR STORMWATER DISCHARGE ASSOCIATED WITH CONSTRUCTION ACTIVITIES.
11. ALL UNSURFACED AREAS DISTURBED BY GRADING OPERATION SHALL RECEIVE 4 INCHES OF TOPSOIL TO FINAL GRADE. REFER TO THE LANDSCAPE PLAN.
12. TOPOGRAPHIC INFORMATION TAKEN FROM A TOPOGRAPHIC SURVEY BY LAND SURVEYORS. IF CONTRACTOR DOES NOT ACCEPT EXISTING TOPOGRAPHY AS SHOWN ON PLANS, CONTACT ENGINEER IMMEDIATELY.
13. THE CONTRACTOR SHALL ASSURE POSITIVE DRAINAGE AWAY FROM BUILDINGS FOR ALL NATURAL AND PAVED AREAS THROUGHOUT ALL PHASES OF CONSTRUCTION.
14. CONTRACTOR SHALL REFER TO ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF VESTIBULES, SLOPE PAVING, SIDEWALKS, EXIT PORCHES, TRUCK DOCKS, PRECISE BUILDING DIMENSIONS AND EXACT UTILITY ENTRANCE LOCATIONS.
15. THE EARTHWORK FOR ALL BUILDING FOUNDATIONS AND SLABS SHALL BE IN ACCORDANCE WITH ARCHITECTURAL BUILDING PLANS, GEO-TECHNICAL REPORT AND SPECIFICATIONS.
16. EXISTING DRAINAGE STRUCTURES TO BE INSPECTED AND REPAIRED AS NEEDED, AND EXISTING PIPES TO BE CLEANED OUT TO REMOVE ALL SILT AND DEBRIS.
17. CONTRACTOR SHALL ADJUST AND/OR CUT EXISTING PAVEMENT AS NECESSARY TO ENSURE A SMOOTH FIT AND CONTINUOUS GRADE.
18. CONTRACTOR SHALL MAINTAIN ALL EXISTING PARKING, SIDEWALKS, DRIVES, ETC. CLEAR AND FREE FROM ANY CONSTRUCTION ACTIVITY AND/OR MATERIAL TO ENSURE EASY AND SAFE PEDESTRIAN AND VEHICULAR TRAFFIC TO AND FROM THE SITE.
19. IF WET AREAS ARE ENCOUNTERED ON-SITE THE CONTRACTOR SHALL COORDINATE WITH THE GEOTECHNICAL ENGINEER FOR THE DESIGN AND PLACEMENT OF A FRENCH DRAIN SYSTEM.
20. CRAFTON, TULL & ASSOCIATES, INC. (CTA) HAS NOT NECESSARILY ESTABLISHED MINIMUM FINISH FLOOR ELEVATIONS FOR EACH INDIVIDUAL BUILDING OR LOT IN THIS SUBDIVISION. WHEN A MINIMUM BUILDING FLOOR ELEVATION IS NOT ESTABLISHED AND NOTED, THE ULTIMATE RESPONSIBILITY FOR THE PROPER GRADING OF EACH INDIVIDUAL LOT OR PARCEL SHALL REST WITH THE LOT'S OWNER. TYPICALLY, THE MINIMUM FINISH FIRST FLOOR ELEVATIONS SHOULD BE AT LEAST TWELVE INCHES (12") ABOVE THE FINISHED TOP OF STREET CURB ELEVATION ASSOCIATED WITH EACH INDIVIDUAL LOT OR PARCEL OR AS REQUIRED BY LOCAL AND STATE CODES.

SITE STABILIZATION AND CERTIFICATION

CRAFTON TULL CANNOT CERTIFY THE SITE AS COMPLETE IN ORDER TO OBTAIN THE CERTIFICATE OF OCCUPANCY UNTIL ALL DISTURBED AREAS RELATED TO THE CONSTRUCTION OF THE PROJECT, BOTH ONSITE AND OFFSITE, HAVE BEEN STABILIZED PER THE PLANS AND SPECIFICATIONS AND ALL REQUIREMENTS SPELLED OUT IN PERMITS ISSUED BY THE STATE AND LOCAL AUTHORITIES HAVE BEEN MET.

LEGEND (EXISTING SYMBOLS)

SYMBOLS	LINEWORK
TP TOP OF PAVEMENT	CURB
	INTERMEDIATE CONTOUR
	INDEX CONTOUR
	RIGHT OF WAY
	ROAD CENTERLINE
	EXISTING BFE FLOODPLAIN

LEGEND (CONSTRUCT)

SYMBOLS	LINEWORK
SET IRON PIN	CONCRETE
	INTERMEDIATE CONTOUR
	INDEX CONTOUR
	PROPERTY LINE
	PROPOSED FLOODPLAIN

901 N. 47th St., Suite 400
Rogers, Arkansas 72756

479.636.4638 |
www.craftontull.com

CERTIFICATE OF AUTHORIZATION

CERTIFICATE OF AUTHORIZATION

CRAFTON TULL & ASSOCIATES, INC.
No. 109
ARKANSAS ENGINEER

GRAPHIC SCALE IN FEET

20' 0 20'

2ND STREET SUBDIVISION
BENTONVILLE, AR

No. Description Date

1 FIRST SUBMITTAL 3/7/2025

2 SECOND SUBMITTAL 4/4/2025

3 THIRD SUBMITTAL 5/2/2025

4 FOURTH SUBMITTAL 5/21/2025

This document, and the ideas and designs incorporated herein, as an instrument of professional service, is the property of Crafton, Tull & Associates, Inc., and is not to be used, in whole or in part, for any other project, without the written authorization of Crafton, Tull & Associates, Inc.

PROJECT NO: 24107700
ISSUE DATE: mm/dd/yyyy
CONTACT: LTOPPING
DATE: 5/2/2025
DATE: 5/21/2025

PRELIMINARY PLANS

© 2025 Crafton, Tull & Associates, Inc.

GRADING PLAN

C-104

LSD25-0017

Page 15 of 15