



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

Registration Link: <https://us02web.zoom.us/j/85484542599>

- I. Call to Order**
 - II. Approval of Minutes**
 - 1. September 24th Meeting Minutes** **Approval of Meeting Minutes**
 - III. New Business**
 - 1. HSK Homes LLC** **Variance***
 - 5404 Southwest Remington Road ([VAR25-0030](#))
 - Section 401.07 of Zoning Code Residential (R) Districts Regulations, (c)
 - Residential (R) District Setback Standards
- IV. Old Business**
 - 1. 215 NW A, LLC** **Informational**
 - ([VAR25-0013](#)) Staff made a finding that the proposed improvement was a kiosk.
- V. Other Business**
- VI. Adjournment**



**Board of Adjustments
Meeting Agenda
September 24, 2025
Bentonville City Hall
Meeting Time: 4:00 PM**

Recording Link: <https://bentonvillear.portal.civicclerk.com/event/1633/media>

I. Call to Order

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

II. Approval of Minutes

- 1. September 10th Meeting Minutes** **Approval of Meeting Minutes**
- Motion to approve by Barrington, second by Phillips.
 - Minutes are approved, 3-0, with Kruithof and Swanson abstaining.

III. New Business

IV. Old Business

- 1. August 27th Meeting Minutes** **Approval of Meeting Minutes**
- Motion to approve by Swanson, second by Barrington.
 - Minutes are approved, 4-0, with Phillips abstaining.

- 2. 211, 213, 215 NW A, LLC** **Variance***
215 NW A St. ([VAR25-0013](#))

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

- Mr. Izard provides an overview of the staff report.
- Chairman Kruithof notes that the public hearing was held on September 10, 2025.
- There are no members of the public present or online.
- Bradford Payne, applicant and representative, provides a supplementary overview, and is present for any questions.
- There is general discussion among board members around the difference between a monument sign and a directory or kiosk.
- Phillips makes a motion to table the item for two weeks to give staff the opportunity to review the designation of the proposed improvement. If the monument cannot be considered a kiosk or directory, the item will be on the next Board of Adjustments agenda. Kruithof seconds.

- The variance is tabled, 5-0.

V. Other Business

VI. Adjournment

- Barrington makes a motion to adjourn, Swanson seconds.
- Chairman Kruithof adjourns the meeting.



HSK Homes LLC

5404 Southwest Remington Road

BOA Date: 11/12/2025

Staff Report Details

Project Number	VAR25-0030
Applicant / Current Owner	HSK Homes LLC
Site Area	0.20 Acres
Current Zoning	R-1
Variance Request	Section 401.07 (c) (1)
Related projects	RES25-0653

Property Description

The subject property is located at 5404 SW Remington Road (Lot 55, Summerlin Subdivision Phase 1). The property is presently zoned R-1, Low-Density Residential, with a future land use designation of Suburban Neighborhood.

Regulation

Article 401 of Zoning District Regulations, Section 401.07 Residential (R) Districts Regulations. Per this section of code, the minimum residential setback standards for an R-1 property are 20' from the front property line, 7' from the side, and 25' from the rear.

Variance Request

Requesting variance from Section 401.07 (c) (1): Applicant is proposing the construction of a single-family home that would be non-conforming with residential setback requirements.

Background

Background

Background

The applicant is requesting variance from Section 401.07 (c) (1): Applicant is proposing the construction of a single-family home that would be non-conforming with residential setback requirements. The applicant states that there is hardship due to the unique triangular lot configuration that was designed at the time of subdivision.

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 how the lot was originally subdivided. The unique triangular shape coupled with the R-1 zoning district setback standards make construction difficult.

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 residential setback standards would restrict the design of the home. The applicant further states that with the current setbacks, the applicant believes that it is nearly impossible to fit a structure on this lot.

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

The applicant states that the lot configuration was not created by the owner, but the shape of the lot is how it was originally subdivided. The applicant states that the subject property was the last available, buildable lot in the subdivision.

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 design and elevations demonstrating how their requested variance would be constructed.

Background

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 narrative states that "the structure will not impede or cause any negative impacts to any of the surrounding properties."

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 variance from Section 401.07(c)(1) of the Zoning Code which requires a 25' rear yard setback for properties within the R-1 Zoning District. The applicant states that there is hardship due to the irregular shape of the lot and is requesting a rear yard setback of 20' rather than 25' as shown on the attached site plan (a corner of the garage is proposed to encroach 4' into the rear setback and a corner of the living room is proposed to encroach 5' into the rear setback.)

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.



BOA Item

SW GATOR BLVD

SW WENTWORTH AVE

SW MORNING STAR RD

SW MONACO LN

SW ASHFIELD DR

SW REMINGTON RD

SW SAHARA ST

**RED LINE
PROPERTIES**

SW GREENSPRINGS RD

S MORNING STAR RD



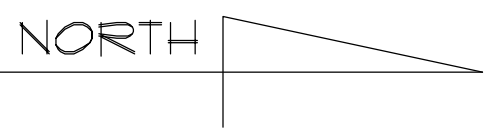
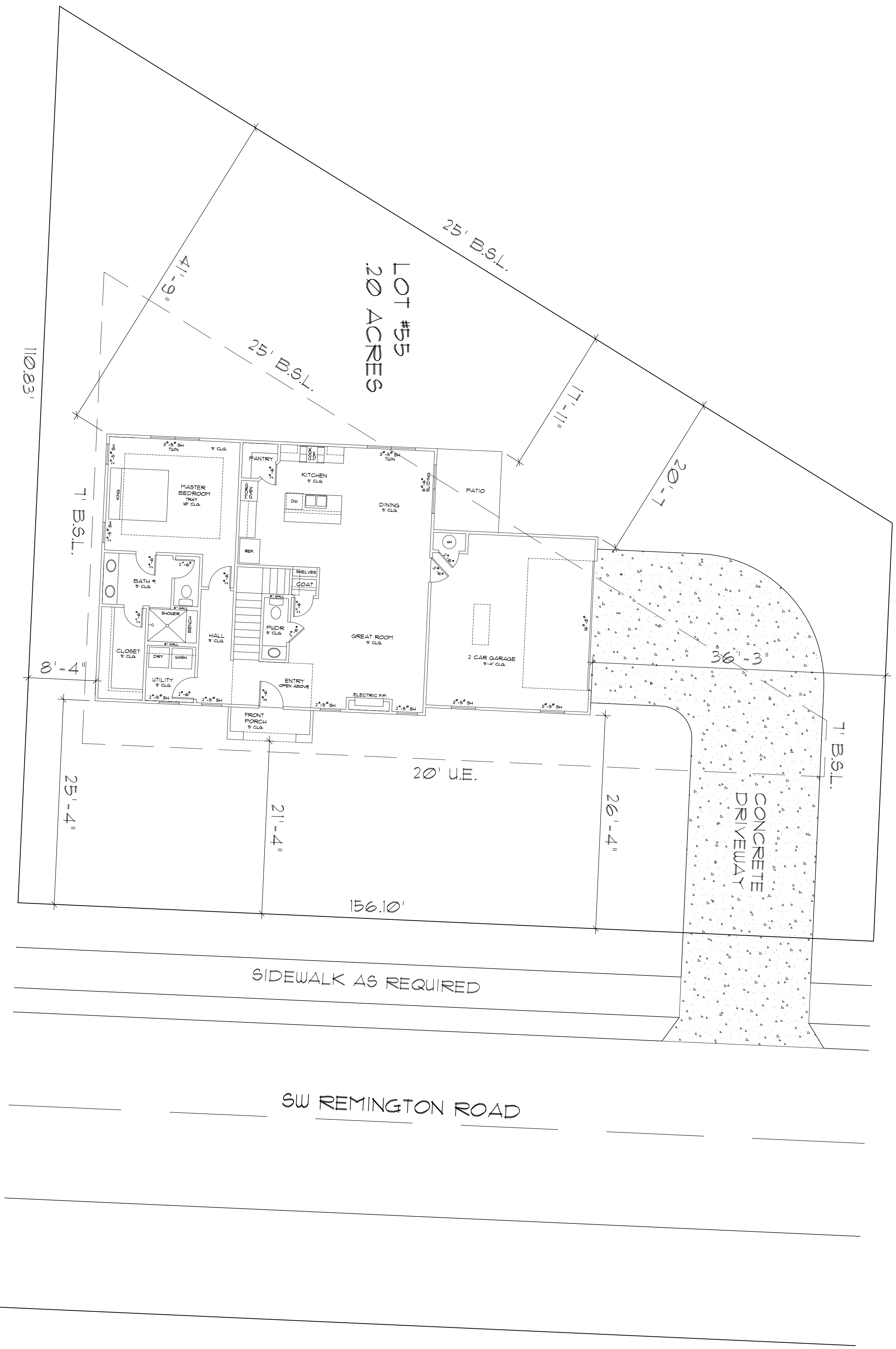
VAR25-0030

Red Line Properties

5404 SW REMINGTON RD



These plans were prepared by a residential design service not a professional engineer. The engineer, planner and builder of these plans releases the designer from any liability and or claim that may arise before, during, or after construction. Therefore the builder must carefully inspect all aspects of these drawings, dimensions, details, accuracy and overall integrity. These plans may need to be modified to comply with local and/or governing codes.



SUMMERLIN SUBDIVISION
3404 SW Remington Rd.
Bentonville, AR

SITE PLAN

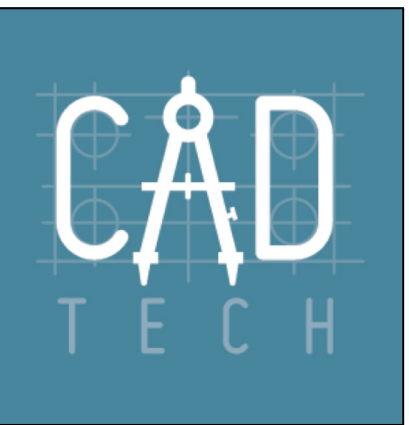
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Checked By :
Date: 9-5-25
Project No: 97-55
Revisions:

Sheet 1 of 1
S1.0

CHECKED BY: H&K HOWES
PROJECT NO.: H&K-SU-55

1 SITE PLAN

1/8" = 1'-0"

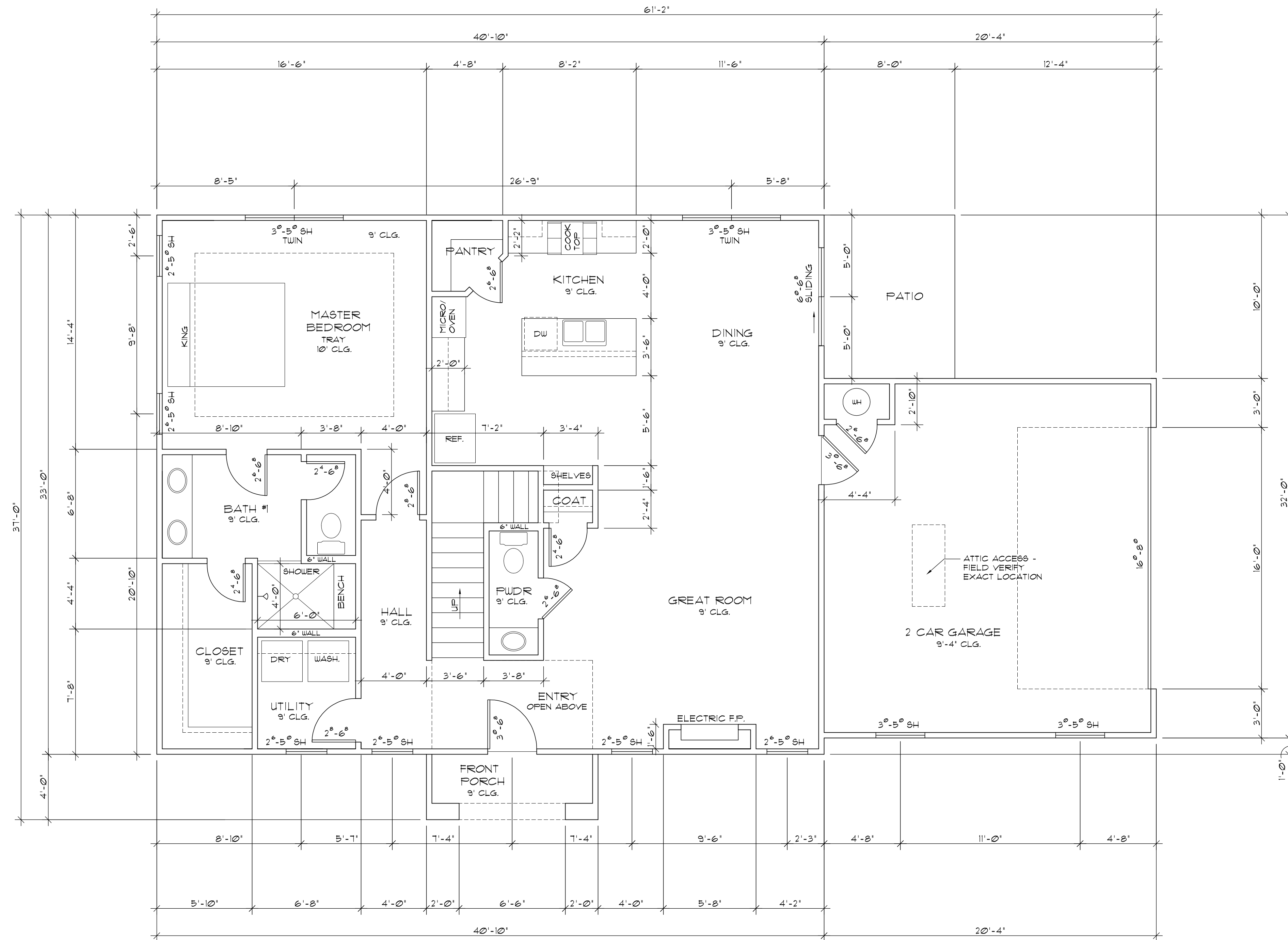


Chad Strauss
479-531-0097

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HEATED AREA	
MAIN FLOOR	1,347 SQ. FT.
UPPER FLOOR	690 SQ. FT.
TOTAL	2,037 SQ. FT.

UNHEATED AREA	
GARAGE	447 SQ. FT.
PATIO	60 SQ. FT.
FRONT PORCH	80 SQ. FT.



1 MAIN FLOOR PLAN

1/4"=1'-0"

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3404 SW Remington Rd.
Bentonville, AR

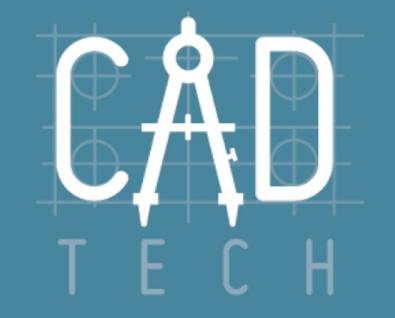
MAIN FLOOR PLAN

Drawn By : CP5
Checked By :
Date: 9-5-25
Project No. SU-55
Revisions:

Sheet 1 of 6

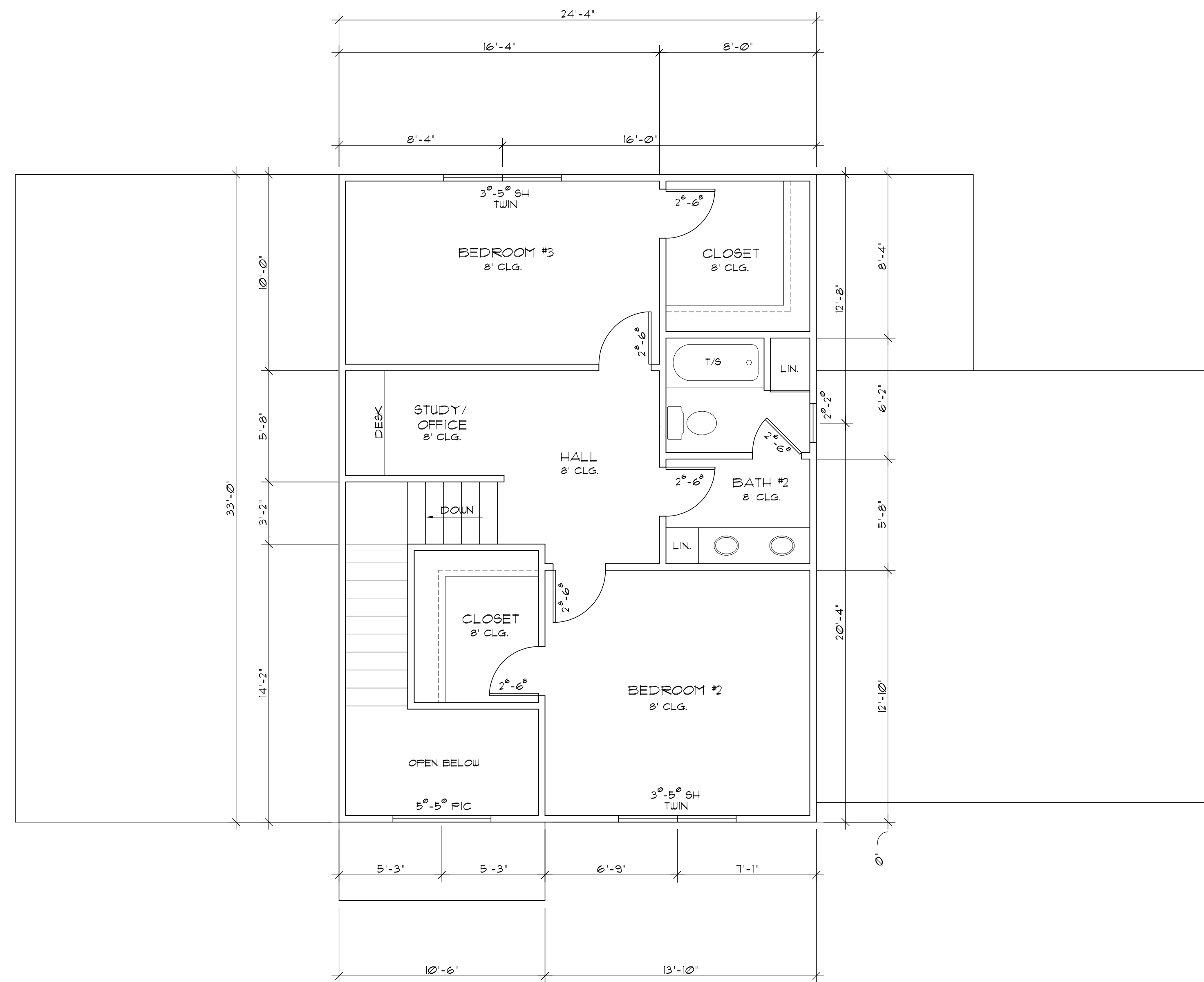
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1 UPPER FLOOR PLAN

1/4"=1'-0"

SUMMERLIN SUBDIVISION
3404 SW Remington Rd.
Bentonville, AR

UPPER FLOOR PLAN

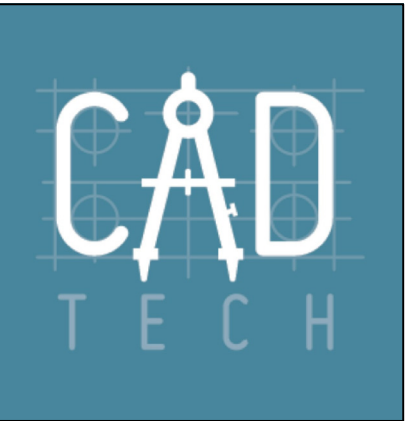
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Revisions:

Sheet 2 of 6

A2.0

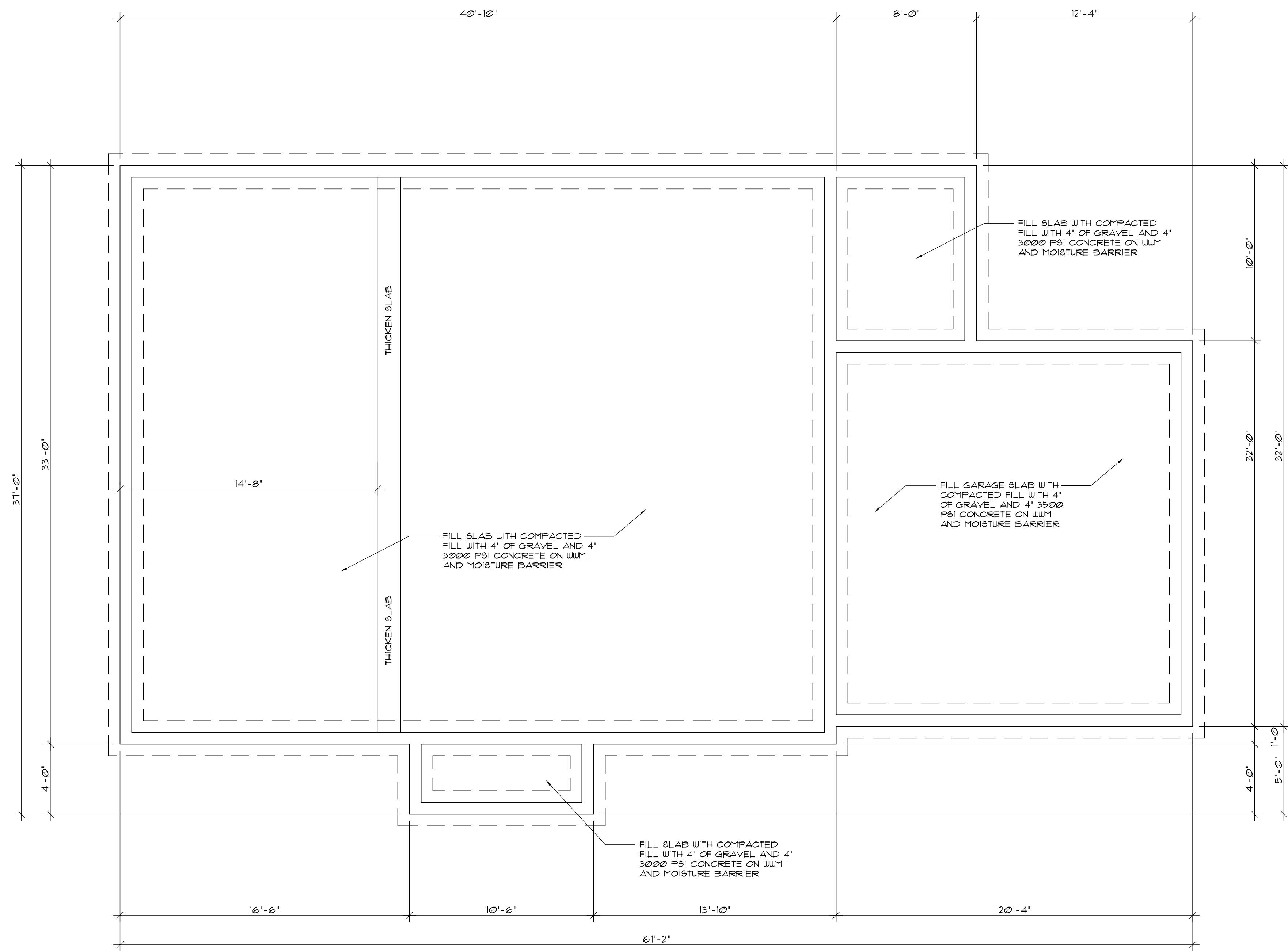
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1 FOUNDATION PLAN

1/4"=1'-0"

SUMMERLIN SUBDIVISION
3404 SW Remington Rd.
Bentonville, AR

FOUNDATION PLAN

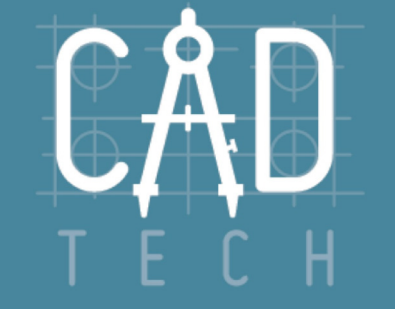
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Revisions:

Sheet 3 of 6

A3.0

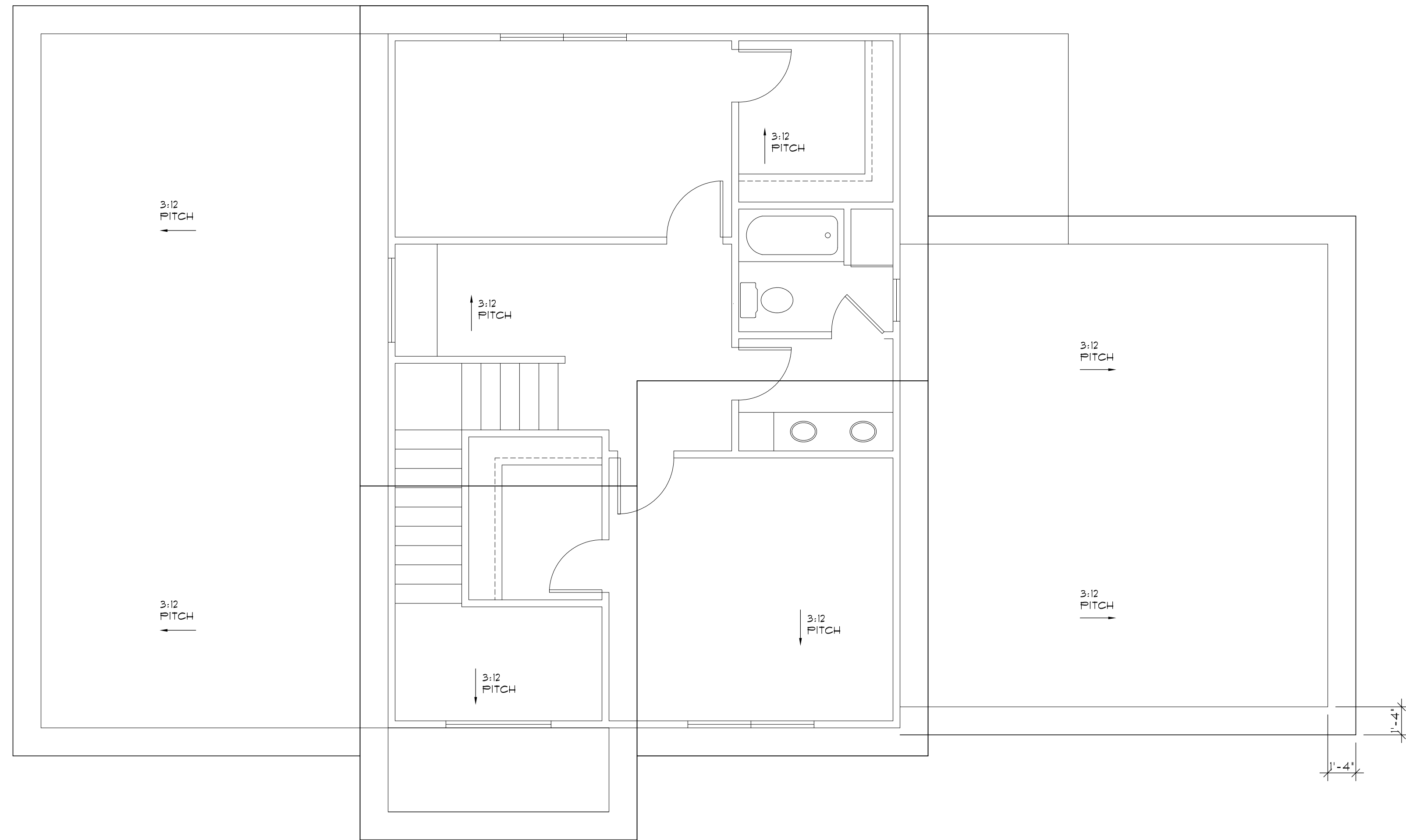
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SUMMERLIN SUBDIVISION
3404 SW Remington Rd.
Bentonville, AR

ROOF PLAN

Drawn By : CPS
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Date: 9-5-25
Project No. SM-55
Revisions:

Sheet 4 of 6

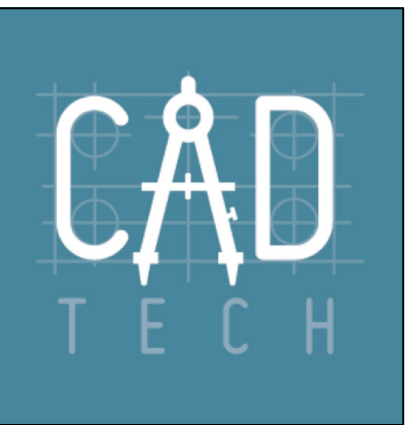
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1 ROOF PLAN

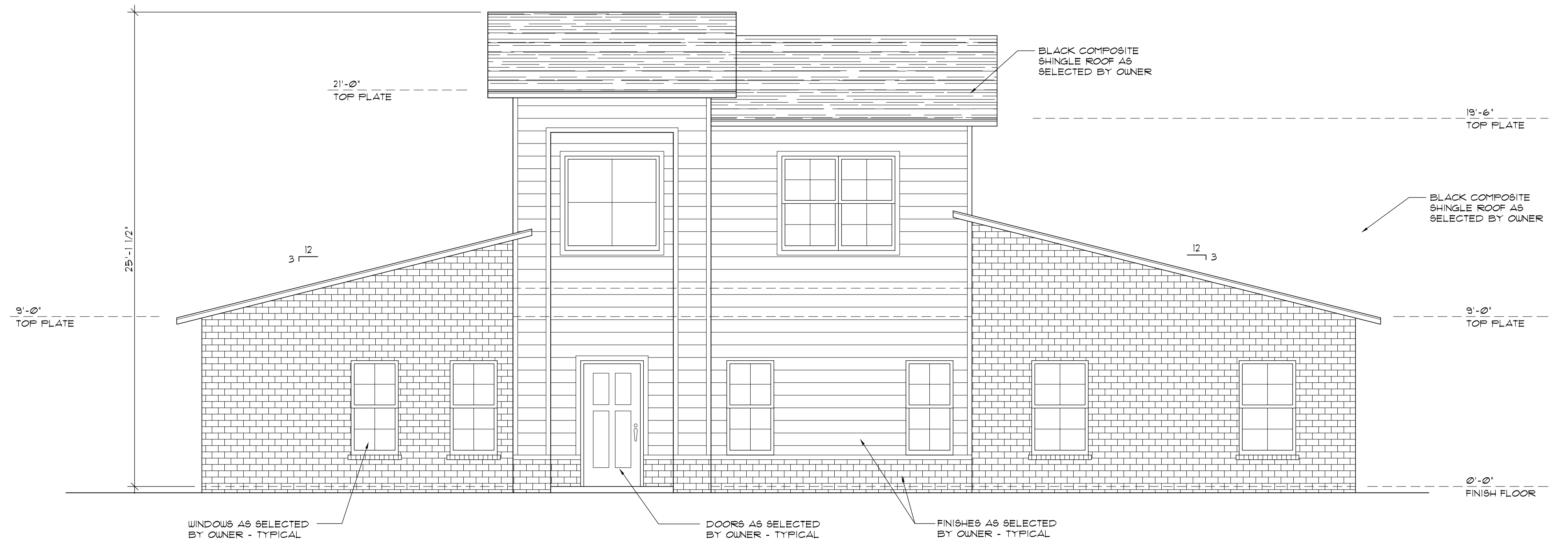
1/4" = 1'-0"

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PROJECT NO.: H&K-SU-55



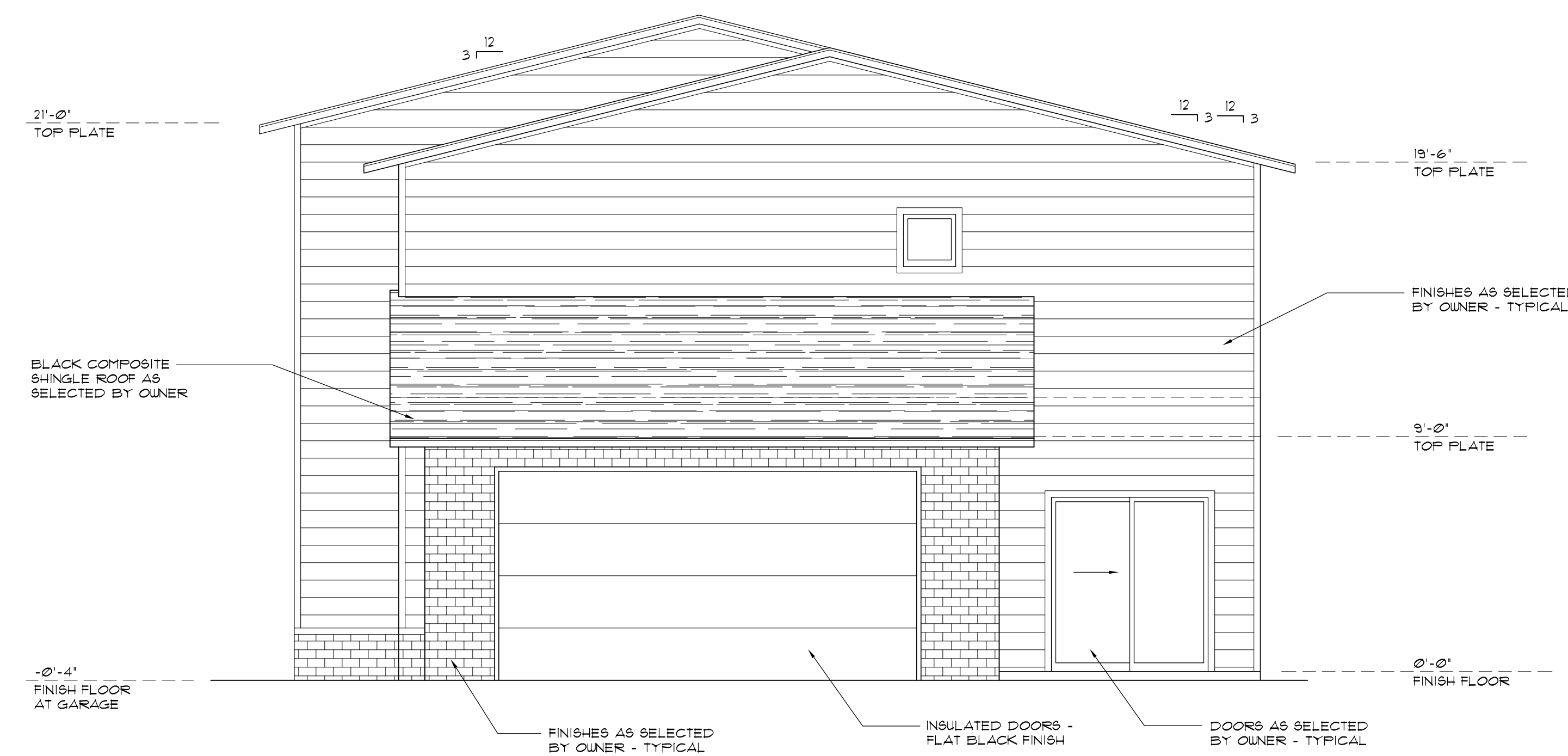
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1 FRONT ELEVATION

1/4"=1'-0"



2 SIDE ELEVATION

1/4"=1'-0"

SUMMERLIN SUBDIVISION
3404 SW Remington Rd.
Bentonville, AR

ELEVATIONS

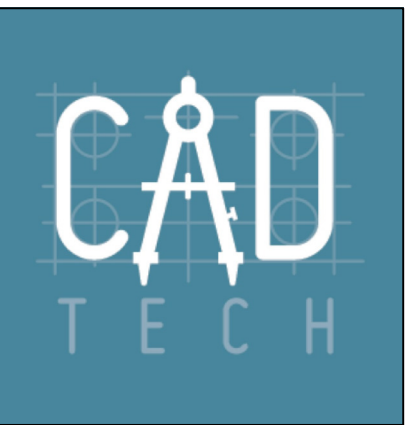
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Sheet 5 of 6

A5.0

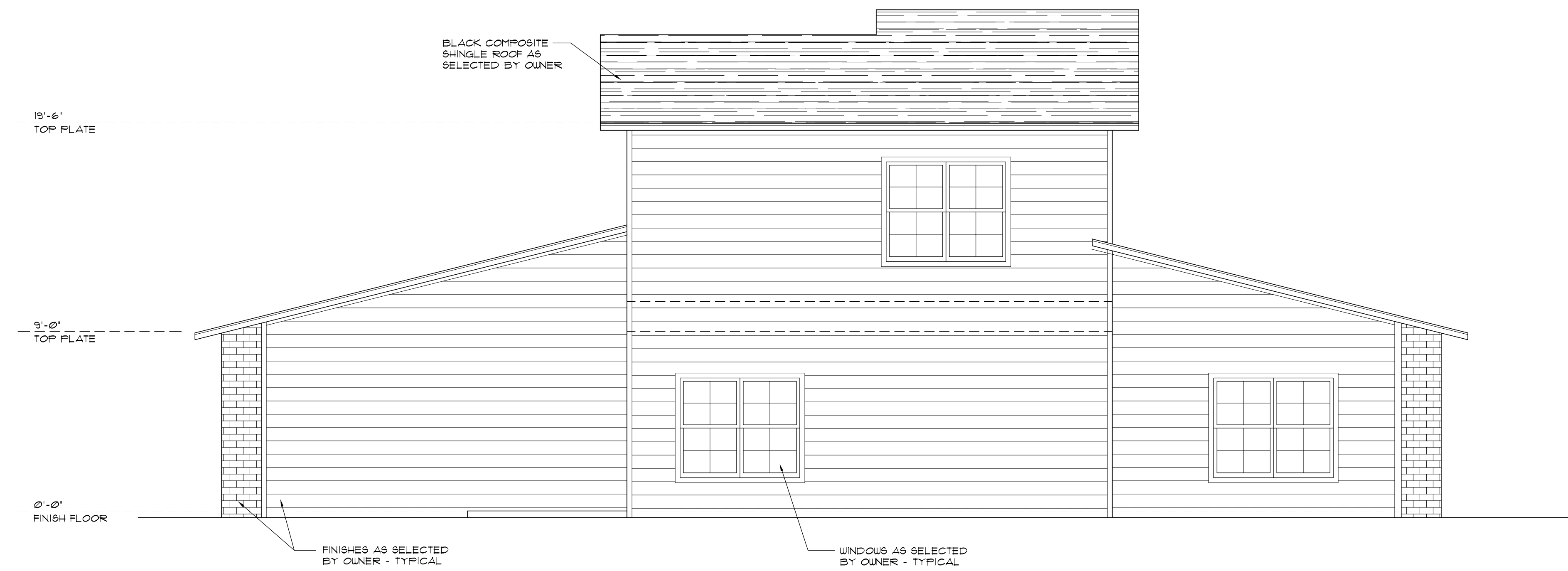
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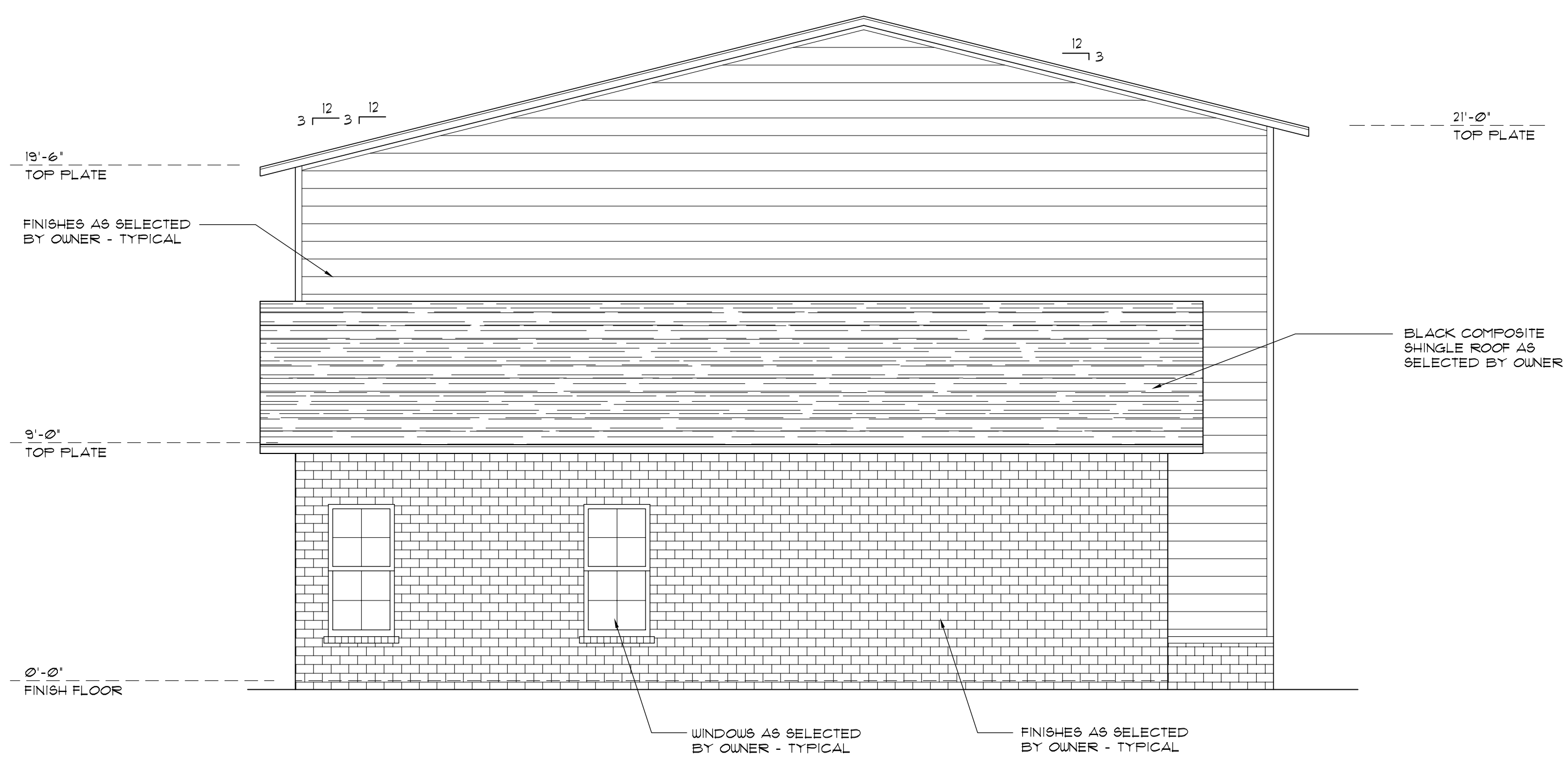
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1 REAR ELEVATION

1/4"=1'-0"



2 SIDE ELEVATION

1/4"=1'-0"

SUMMERLIN SUBDIVISION
3404 SW Remington Rd.
Bentonville, AR

ELEVATIONS

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A6.0

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Variance request

In regard to 5404 SW Remington RD, Bentonville AR 72712.

Currently with the setbacks of this lot, it is near impossible to fit a structure. The lot is a triangle shape and with utility setbacks on the front it leaves little room for the structure. The current set back is 25' on the backside of the property. The current proposed structure garage encroaches approximately 4' on the NW corner of the property. The Structure also encroaches approximately 3' on the NW corner of the dining room. There is a non-covered patio also in the setback area. With the proposed structure the garage corner is approximately 20' 7" from the back of the property line and the corner of the dining room is approximately 20' from the back of the property line.

This is the last available, buildable lot in this subdivision. This structure will not impede or cause any negative impacts to any of the surrounding properties. This structure will help bring up the value of the neighboring properties and the subdivision.

Thankyou for your consideration.

Alex McCalla

479-276-3418

Hari Konakanchi

479-270-0552