



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

Registration Link: <https://us02web.zoom.us/j/89582215012>

**I. Call to Order**

**II. Approval of Minutes**

1. **November 12th Meeting Minutes** **Approval of Meeting Minutes**

**III. New Business**

1. **Couch** **Variance\***

850 Northwest A Street ([VAR25-0031](#))  
Section 401.07-B of Zoning Code Downtown Neighborhood (DN) Districts  
Regulations, (e) DN districts setback standards

**IV. Old 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

**V. Other Business**

**VI. Adjournment**



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

**Recording Link:** <https://bentonvillear.portal.civicclerk.com/event/1790/media>

**I. Call to Order**

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

**II. Approval of Minutes**

**1. September 24th Meeting Minutes**

**Approval of Meeting Minutes**

- Minutes are approved, 4-0.

**II. 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

- Chairman Kruithof opens the public hearing.
- The applicant is not in attendance.
- Chairman Kruithof closes the public hearing.
- Motion to table by Barrington, second by Swanson.
- The variance is tabled 4-0.

**IV. Old Business**

**1. 211, 213, 215 NW A, LLC**

**Informational**

(**VAR25-0013**) Staff made a finding that the proposed improvement was a kiosk.

**V. Other Business**

- Chairman Kruithof asks the board if anyone knows they will be absent for the November 26th BOA to ensure there will be a quorum.

**VI. Adjournment**

- Motion to adjourn by Barrington, second by Swanson.
- Chairman Kruithof adjourns the meeting.



**Couch**

850 Northwest A Street

**BOA Date:** 11/26/2025

**Staff Report Details**

<b>Project Number</b>	(VAR25-0031)
<b>Applicant / Current Owner</b>	Backyard Designs / Nan Couch
<b>Site Area</b>	0.23 Acres
<b>Current Zoning</b>	DN-2, Downtown Medium Density Residential
<b>Variance Request</b>	Section 401.07-B (e)
<b>Related projects</b>	RADD25-0064 & RES19-0358

**Property Description**

The subject property is located at 850 Northwest A Street (Lot 4, Normal Park Subdivision). The property is presently zoned DN-2, Downtown Medium Density Residential, with a future land use designation of Walkable Neighborhood.

**Regulation**

Article 401 of Zoning District Regulations, Section 401.07-B Downtown Neighborhood (DN) Districts Regulations. Per this section of code, the setback standards for a single-family building are a minimum of 12' from the front property line, 7' from the side, and 25' from the rear.

**Variance Request**

Requesting variance from Section 401.07-B (e): Applicant is requesting a 2-foot setback variance for the enclosure of their existing porch with glass panels to allow for a change from the 7-foot side setback to a 5-foot side setback. The existing open porch meets the setback encroachment standards found in 401.04 (h) which states that open porches that are not enclosed except with screenwire mesh may encroach into a required setback for properties, but no closer than 5 feet from the side property line. Once the porch becomes enclosed, however, it must abide by zoning district setback requirements.

## Background

### Background

The applicant is requesting a variance from Section 401.07-B (e) to reduce the required interior side setback from 7 feet to 5 feet in order to enclose an existing open porch with glass. The porch currently sits a little over 5 feet from the side property line, which is permissible under Section 401.04 (h) because it remains open. By enclosing the porch, it would now be considered part of the primary structure and therefore would need to follow the 7' side setback requirements.

As an aside, the existing principal structure was permitted in 2019 with a 5' side yard setback. The DN-2 Zoning District was modified later that year, moving from 5' to 7' side yard setback (see attached ordinance and previously approved plans).

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 does not specify any special conditions and circumstances peculiar to the land, the structure or building which are not applicable to other lands, structures or buildings in the same district but states that the proposed enclosed sun room would maintain the existing footprint as the existing structure.

##### **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 does not state that a literal interpretation of the code would deprive the applicant of rights commonly enjoyed by other properties in the same district but focuses more on the enhancement and usability of the space.

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

The applicant points to the previously approved open porch as a basis for the request.

##### **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 would not adversely impact neighboring properties, drainage or sight lines.

#### **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 and elevations demonstrating how their requested variance would be constructed.

**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 applicant states that the enclosure of the porch will not adversely impact neighboring properties, drainage, or site lines, and all other zoning and building requirements will continue to be met.

**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 2-foot setback variance for their porch from Section 401.07-B (e) of the Zoning Code which requires a 7-foot interior side yard setback for properties within the DN-2 Zoning District. The applicant states that the porch will not encroach further into the setback area than the existing primary structure.

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 standardized conditions of approval are included should the Board choose to use them:

## Conditions of Approval

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.



**PC Item**

**NW 9TH ST**

**NW A ST**

**N MAIN ST**

**BACKYARD DESIGNS**

**NW OZARK WAY**

**NW OZ VILLAGE DR**



**VAR25-0031**  
**Backyard Designs**  
**850 NW A ST**





Backyard Designs NWA  
3078 McRay Avenue  
Springdale, AR 72764  
(479) 927-2882  
[www.backyarddesignsnwa.com](http://www.backyarddesignsnwa.com)

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Date: 11/06/2025

To: Planning Department / Board of Adjustment

Address: 850 NW A Street

City, State ZIP: Bentonville, AR 72712

**Subject: Request for Side Setback Variance – Reduction from 7 Feet to 5 Feet**

Dear Members of the Board,

I am writing to formally request a variance to reduce the required side setback from seven (7) feet to five (5) feet at the property located at 850 NW A Street Bentonville, AR 72712 and identified as parcel number 01-18219-000.

This request is being made to allow the previously approved covered porch to be enclosed with glass panels to create a functional and climate-controlled sunroom. The enclosure would maintain the same footprint as the existing porch and would not encroach further into the setback area than the existing roofline.

The proposed modification is intended to enhance the usability of the space while maintaining the architectural integrity and aesthetic of the home. The enclosure will not adversely impact neighboring properties, drainage, or sight lines, and all other zoning and building requirements will continue to be met.

Backyard Designs NWA • 3078 McRay Avenue, Springdale, AR 72764 • (479) 927-2882 •  
[backyarddesignsnwa.com](http://backyarddesignsnwa.com)

We respectfully ask that the Board consider this request to permit a five-foot side setback, which will allow for the completion of the glass enclosure and improve the overall livability and value of the property.

Thank you for your time and consideration of this variance request. Please let me know if any additional information, drawings, or supporting documents are required for review.

Sincerely,

*Isaac Harris*

Isaac Harris

President, Backyard Designs NWA

479-927-2882

SOUTH  
WALL

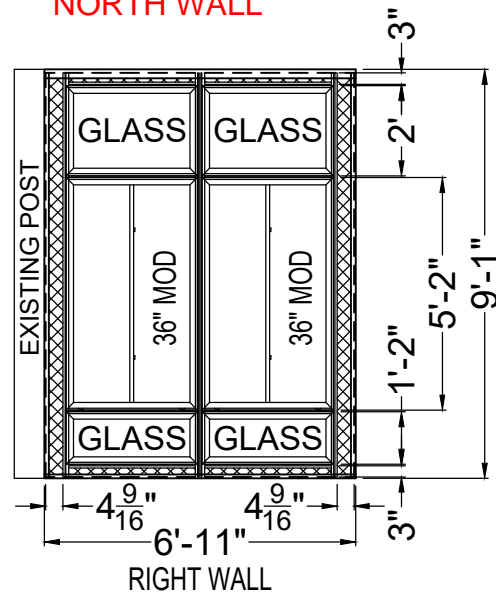
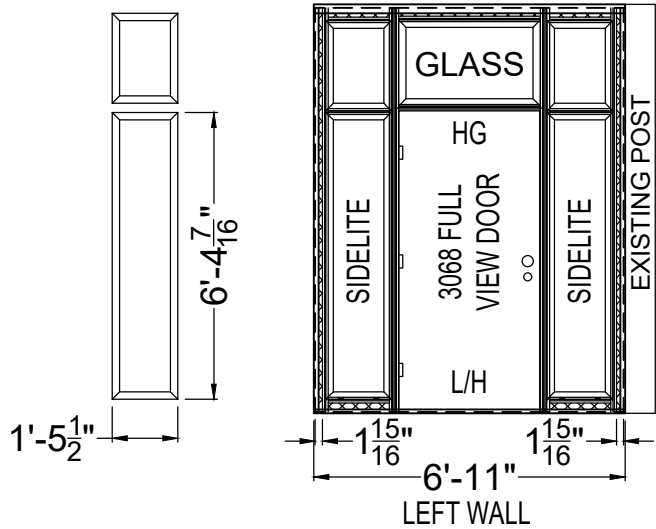
EAST WALL

North Wall

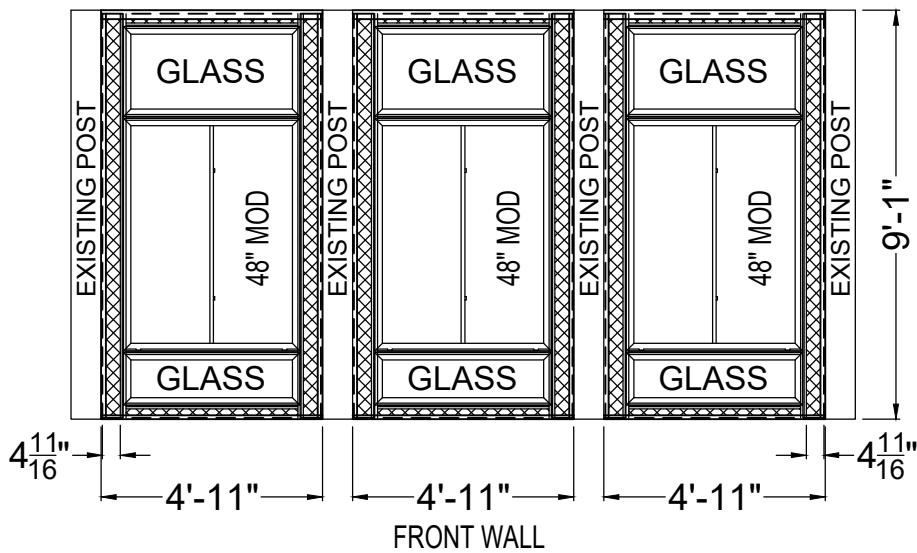


**SOUTH WALL**

**NORTH WALL**



**EAST WALL**



**NOTE: VERIFY ALL DIMENSIONS, COLOR & MATERIAL BEFORE SIGNING**

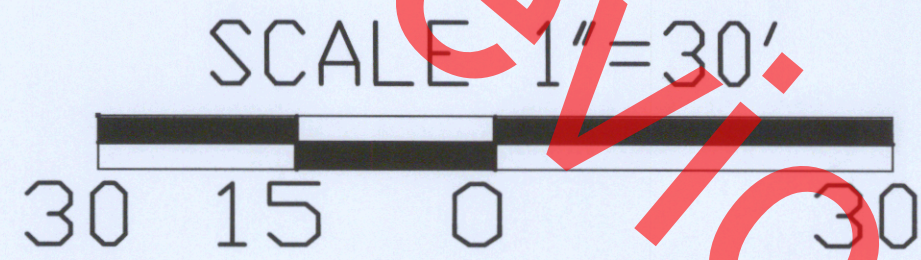
3-1/4" ALPHA PLUS WALL SYSTEM WITH HORIZONTAL SLIDERS I/G

COLOR	WALL PANEL	GLASS TYPE
<input type="checkbox"/> WHITE	<input checked="" type="checkbox"/> VINYL SKIN	<input type="checkbox"/> CLEAR / CLEAR
<input type="checkbox"/> WHEAT	<input type="checkbox"/> ALUM. SKIN WHITE ONLY	<input checked="" type="checkbox"/> LO E 366 / ARGON / CLEAR
TRANSOM / KICK PANEL	FULL VIEW I/G DOOR	OPERATING/HINGE SIDE
TOP TRANSOMS	3068 OUTSWING (VIEWED FROM OUTSIDE)	LEFT <input type="checkbox"/> RIGHT <input checked="" type="checkbox"/>
YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	3068 INSWING (VIEWED FROM INSIDE - EXTRA CHARGE)	LEFT <input type="checkbox"/> RIGHT <input type="checkbox"/>
BOTTOM TRANSOMS	FRENCH DOORS (VIEWED FROM OUTSIDE - EXTRA CHARGE)	LEFT <input type="checkbox"/> RIGHT <input type="checkbox"/>
YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	DOOR SUPPLIED BY CUSTOMER	<input type="checkbox"/>

 INSULATED WALL/FILLER PANEL

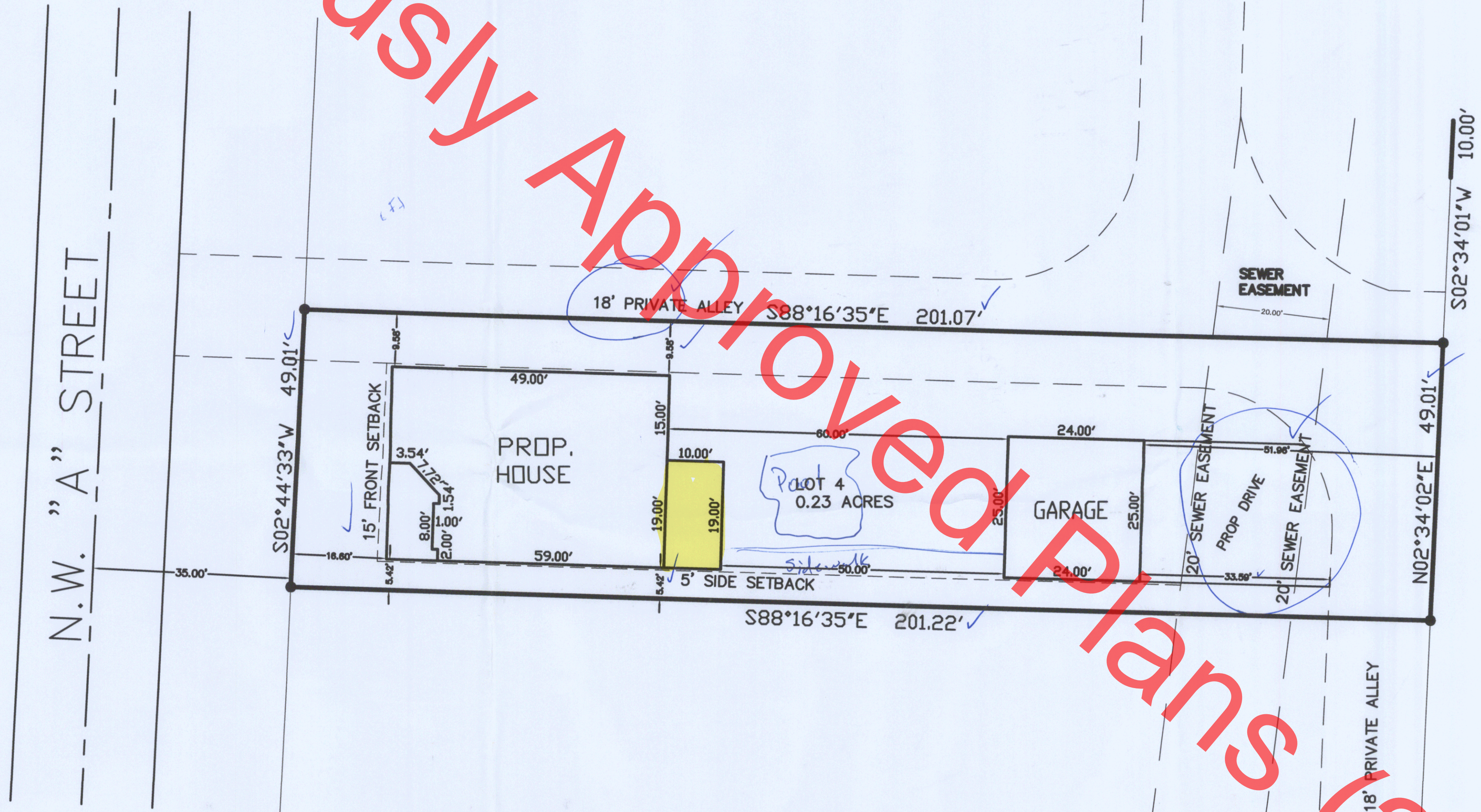
REVISED 9-8-25

<b>FOUR SEASONS BUILDING PRODUCTS</b> BIRMINGHAM, AL 35209-6307	DRAWN BY: BWV	DATE: 8-25-25	JOB NAME: COUCH	APPROVED BY:
	SCALE: N.T.S.	DWG. # 2 OF 2	CUSTOMER: BACKYARD DESIGN	APPROVAL DATE:



LEGEND

- FOUND IRON PIN
- BUILDING SETBACK
- - - 18' ALLEY



BUILDING SETBACK DN-2

FRONT	15'-25'
REAR	25'
SIDE (1)	5'
SIDE (2)	REM.

LOT 4  
NORMAN PARK SUBDIVISION

BUILDER:			
CALCON, INC.			
PLOT PLAN			
SCALE	DATE	JOB	SHEET
1"=30'	7/25/19	2019216	1

**ORDINANCE NO. 2019-160**

**AN ORDINANCE AMENDING CHAPTER 14 ZONING CODE OF THE  
BENTONVILLE MUNICIPAL CODE.**

**WHEREAS**, the City of Bentonville periodically reviews the Zoning Code to identify needs for clarification or updates to meet current conditions.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BENTONVILLE, ARKANSAS:**

**Section 1.** That within this ordinance, except section headings, all underlined text shall be added and strikethrough text shall be deleted.

**Section 2.** That Bentonville Municipal Code, Chapter 14 Zoning Code, **Sec. 401.05 Table of uses for zoning districts** shall be and is hereby amended with the following:

*(d) Uses allowed as an accessory use.* Where the letter “A” appears in the box where the land use row and the district column intersect, the use is allowed as an accessory use to the primary use and shall not be a primary use and is subject to all development standards.

Use Regs.

	A1	RE	R1	R2	R3	R4	R-C2	R-C3	R-MH	R-ZL	RO	DN-1	DN-2	DN-3	DN-4	C1	C2	C3	DC	DE	I1	I2
community garden	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•			•				
<u>urban farm</u>		C	C	C	C	C	C	C	C	C	C	C	C	C	C	•	•	•	•	•	•	•
home occupation – type A	•	•	•	•	•	•	•	•	•	•	•	•	•	•	•			•	•	•	•	
office – small scale, less than 4,000 sq. ft.											•			C	•	•	•	•	•	•	•	
medical services – doctor office											•			C	•	•	•	•	•	•		
personal services											C			C	•	•	•	•	•	•		
artisan shop														C	•	•	•	•	•	•		
bakery								P						C	•	•	•	•	•	•		
convenience store that sells beer and/or light wine for off-site consumption														C	•	•	•	•	C			
restaurant								C							P	•	•	•	•	C		
restaurant, microbrewery															P	C	C		C		C	
retail, small scale, less than 4,000 sq. ft.														•	•	•	•	•	•	•		
sidewalk café in public right of way														•	•		•	•	•			
<u>event center</u>	C														C	C	•	C	•	C	•	

**Section 3.** That Bentonville Municipal Code, Chapter 14 Zoning Code, **Sec. 401.03 Calculations and measurements** shall be and is hereby amended with the following:

(a) *Measuring lot width.* Lot width is measured from side lot line to side lot line along the front building setback line.

**Section 4.** That Bentonville Municipal Code, Chapter 14 Zoning Code, **Sec. 501.06 Number of off-street parking spaces required** be amended by adding the following:

(f) *Standards.*

Land Use	Parking Ratio
<u>Event center</u>	<u>1 space for every 4 occupants at the maximum permitted occupancy allowed under the building code and 1 space per 1 employee based on the largest shift.</u>

**Section 5.** That the following sections of the Bentonville Municipal Code, Chapter 14 Zoning Code, shall be and are hereby amended with the respective attachment, an electronic copy and paper copy of which are on file with the City Clerk, and are hereby adopted by reference as though they were copied herein fully:

- **Sec. 201.02 Definitions** amended with Attachment A: Zoning Definitions;
- **Sec. 401.07 Residential (R) districts regulations** amended with Attachment B: Residential District Standards;
- **Sec. 401.08-B Downtown Neighborhood (DN) districts regulations** amended with Attachment C: DN Districts Standards;
- **Sec. 601.01 Accessory non-residential buildings** and **Sec. 601.02 Accessory dwelling units** amended with Attachment D: Accessory Uses & Structures;
- **Sec. 601.25 Temporary uses and structures** amended with Attachment E: Temporary Uses & Structures; and,
- **Article 801 Sign Ordinance – Private Property** amended with Attachment F: Signs.

**Section 6.** This Ordinance shall be in full force and effect 30 days from the date of its passage and approval.

PASSED and APPROVED this 22<sup>nd</sup> day of October, 2019.

Approved:

Stephanie Orman

Mayor Stephanie Orman

ATTEST:

Linda Spence  
City Clerk

## ATTACHMENT C DN Districts Standards

*Underlined text to be added and strikethrough text to be deleted.*

District	Building Type	Min. Lot Area (sq. ft.) (A)	Min. Land Area / Dwelling Unit (sq. ft.)	Lot Width		Max. Lot Coverage (C)	
				Min. Lot Width (B)	Max. Lot Width	Interior lot	Exterior /corner lot
	Mixed-use <u>and all others not listed</u>	10,000	800	75'	<del>N/A</del> =	75%	<del>75%</del> 80%

(2) Street frontage. All lots in the DN districts shall have a minimum street frontage of 20'.

(d) DN districts setback standards. The table below establishes the setback standards for the Downtown Neighborhood districts. ~~The required setback for townhouses applies to townhouse clusters. No setback is required between individual townhouse dwelling units within the same townhouse cluster.~~

### DOWNTOWN NEIGHBORHOOD (DN) DISTRICTS MINIMUM SETBACK STANDARDS

District	Building type	Front Yard		Side Yard					Rear Yard (R)
		Min. (F1)	Max. (F2)	Exterior / Corner Side Yard (CS)		Interior Side Yard (S)			
				Min.	Max.	Total Min. (% of lot width)	Detached Yard 1	Attached Yard 2	
DN-1	<del>Single family</del> <u>All</u>	15'	25'	15'	<del>N/A</del> =	25%	10' <u>7'</u>	<del>Remainder of total, but no less than 5'</del> <u>0'</u>	25'
DN-2	<u>Single family and Two-family</u>	<u>12'</u>	<u>25'</u>	<u>12'</u>	<u>25'</u>		<u>7'</u>	<u>0'</u>	<u>25'</u>
	<del>Single family with lot width &gt; 50' &amp; two-family with alley access</del>	15'	25'	12'	N/A	30%	7'	Remainder of total, but no less than 5'	25'
	<del>Single family with lot width &gt; 50' &amp; two-family without alley access</del>	15'	25'	12'	N/A	25%	10'	Remainder of total, but no less than 5'	25'
	<del>Single family with lot width equal to or &lt; 50' &amp; two-family</del>	15'	25'	12'	N/A	25%	7'	Remainder of total, but no less than 5'	25'
	<del>Townhouse cluster: block-end, and all others not listed</del>	<del>15'</del> <u>12'</u>	25'	12'	<del>N/A</del> <u>25'</u>	N/A	10'	10' <u>0'</u>	25'



**HSK Homes LLC**

5404 Southwest Remington Road

**BOA Date:** 11/12/2025

### Staff Report Details

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



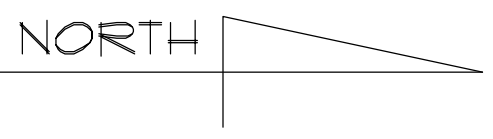
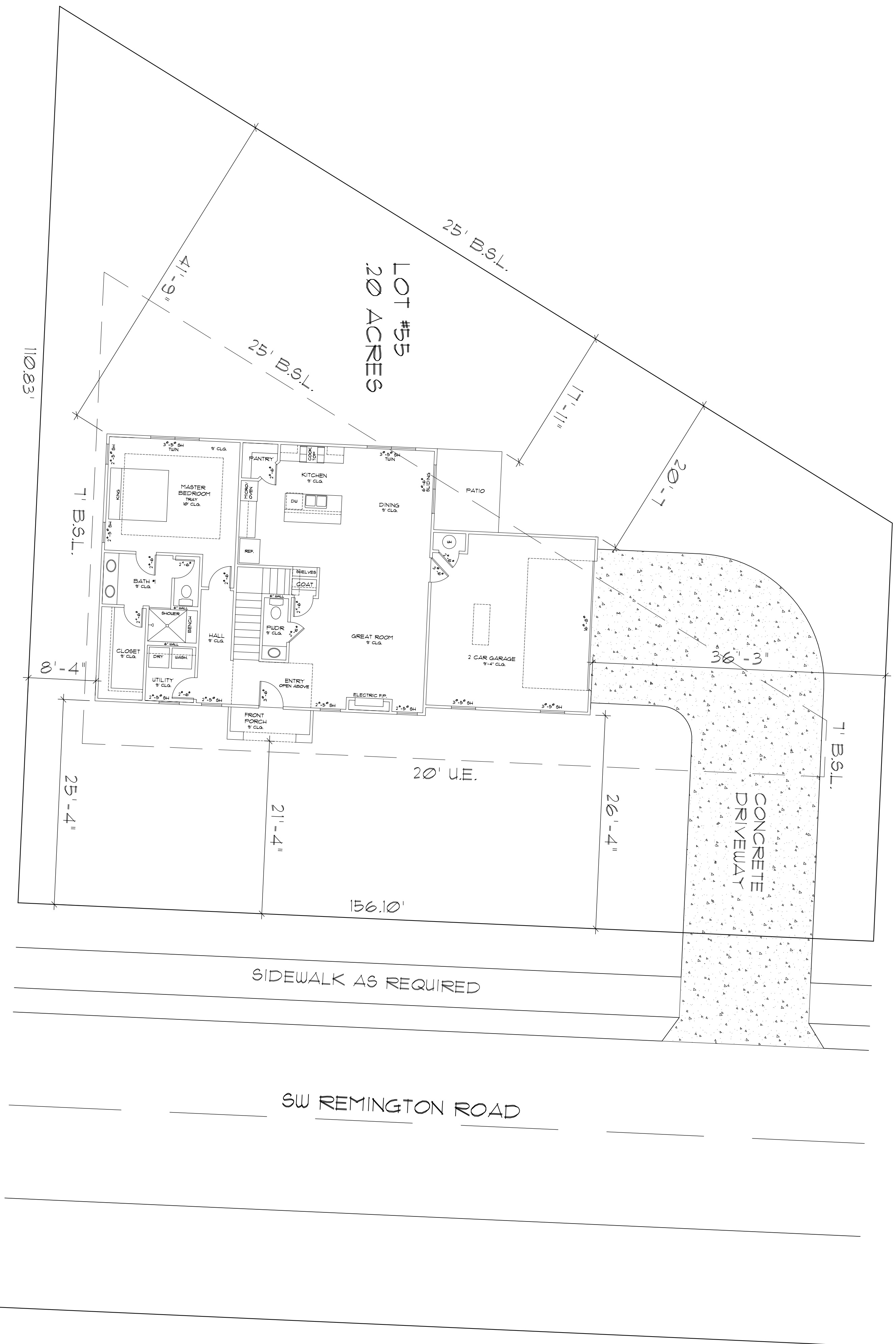
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**Red Line Properties**

**5404 SW REMINGTON RD**



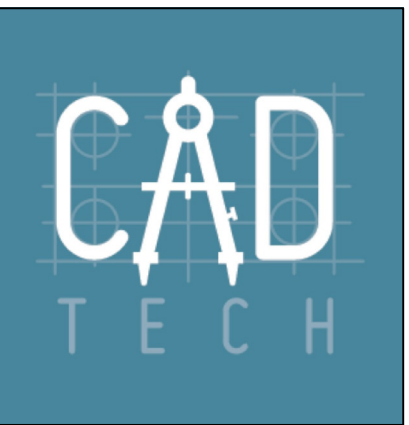
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SITE PLAN

Drawn By : CP6  
Checked By :  
Date: 9-5-25  
Project No: 571-55  
Revisions:

SUMMERLIN SUBDIVISION  
3404 SW Remington Rd.  
Bentonville, AR

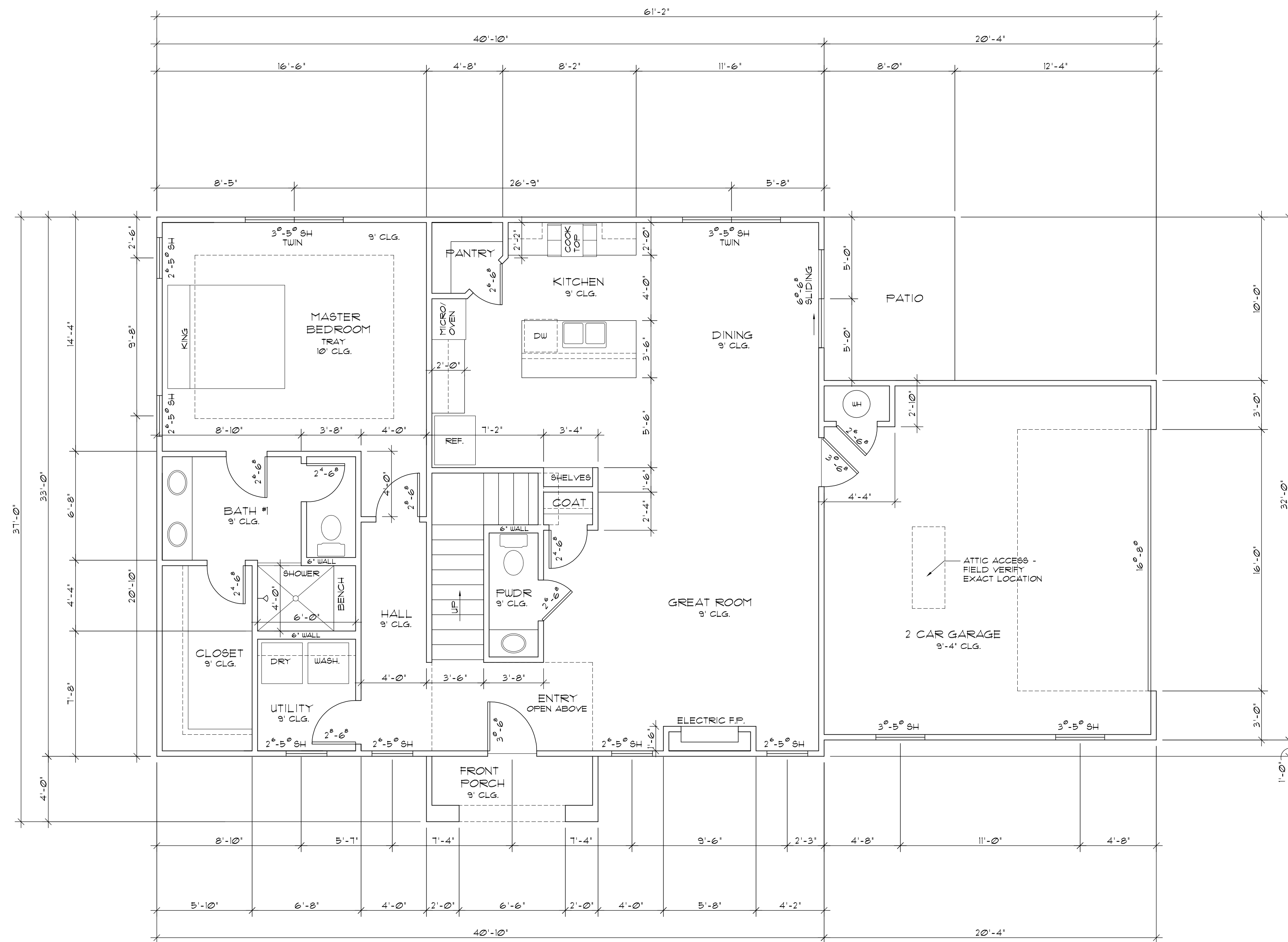


Chad Strauss  
479-531-0097

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HEATED AREA	
MAIN FLOOR	1,347 SQ. FT.
UPPER FLOOR	690 SQ. FT.
<b>TOTAL</b>	<b>2,037 SQ. FT.</b>

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



1 MAIN FLOOR PLAN

1/4"=1'-0"

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

SUMMERLIN SUBDIVISION  
3404 SW Remington Rd.  
Bentonville, AR

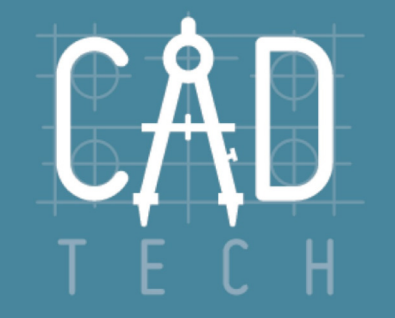
MAIN FLOOR PLAN

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

Sheet 1 of 6

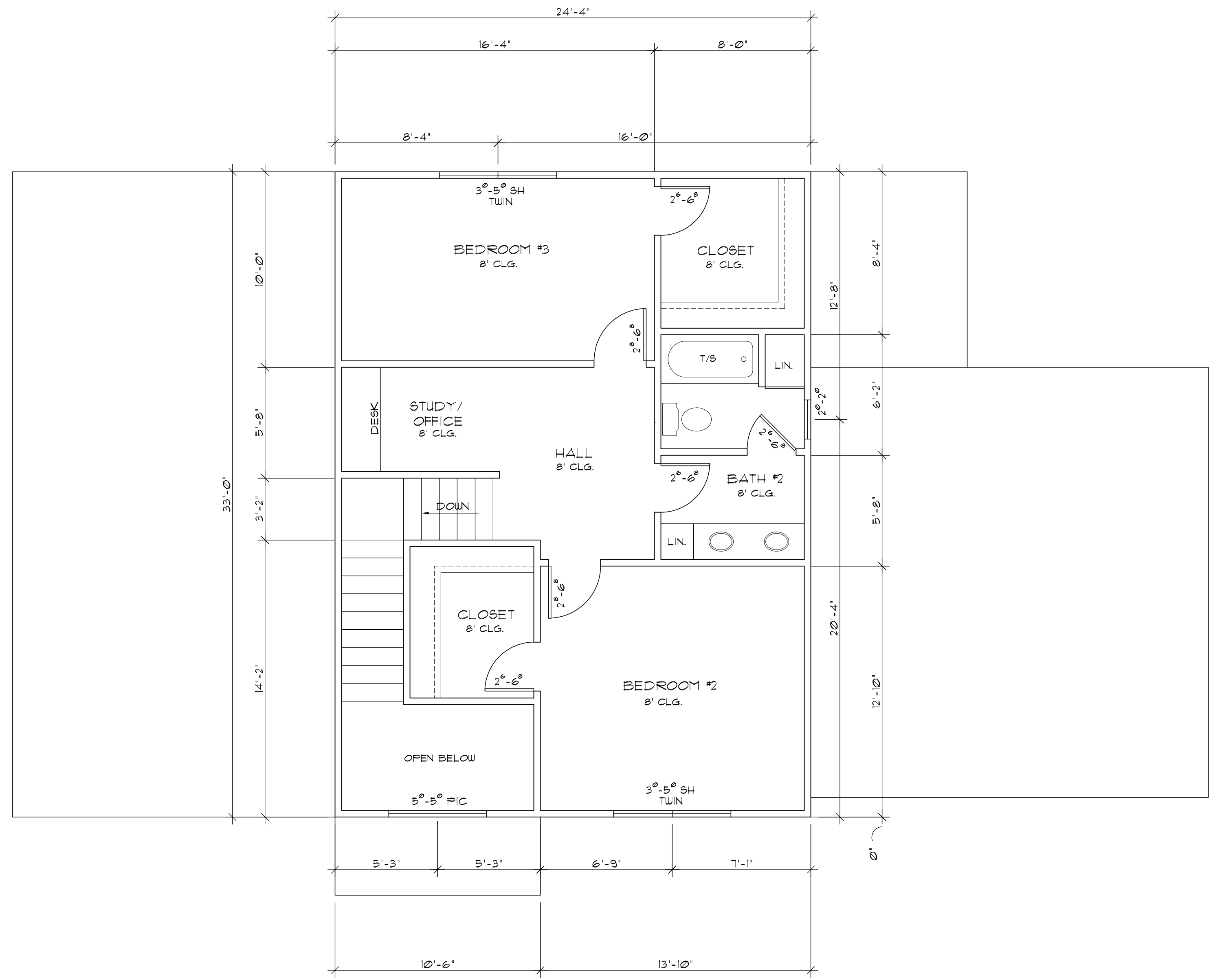
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UPPER FLOOR PLAN

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

Sheet 2 of 6

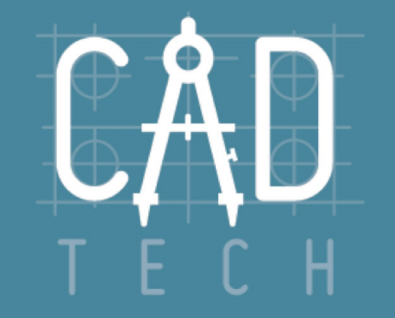
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1 UPPER FLOOR PLAN

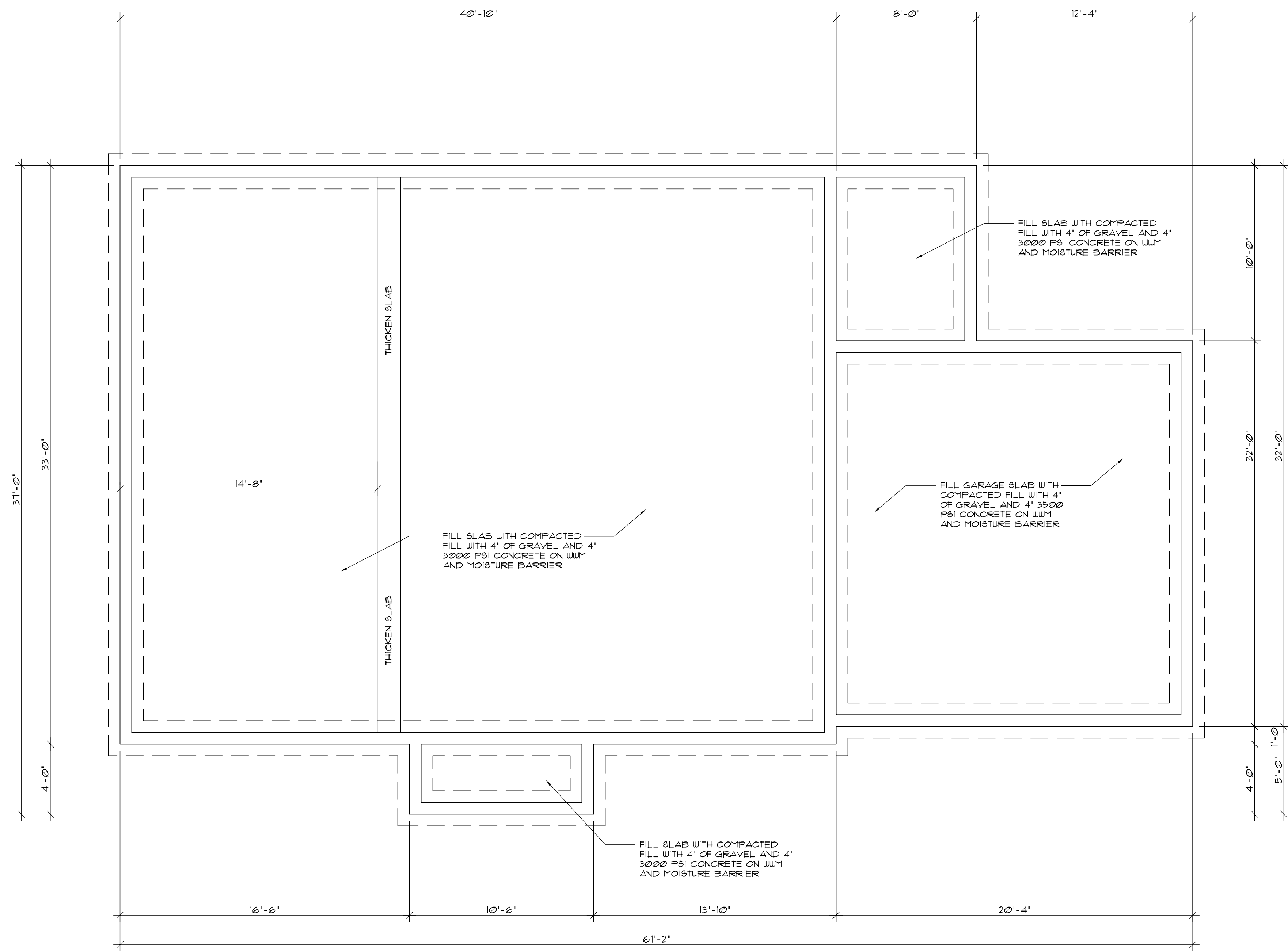
1/4"=1'-0"

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



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1 FOUNDATION PLAN

1/4"=1'-0"

SUMMERLIN SUBDIVISION  
3404 SW Remington Rd.  
Bentonville, AR

FOUNDATION PLAN

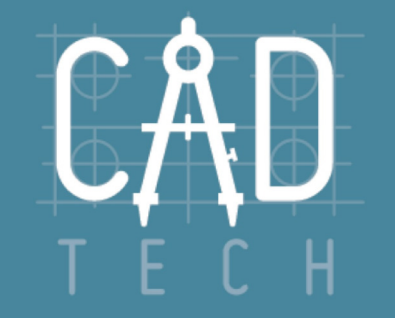
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Checked By :  
Date: 9-5-25  
Project No. SM-55  
Revisions:

Sheet 3 of 6

A3.0

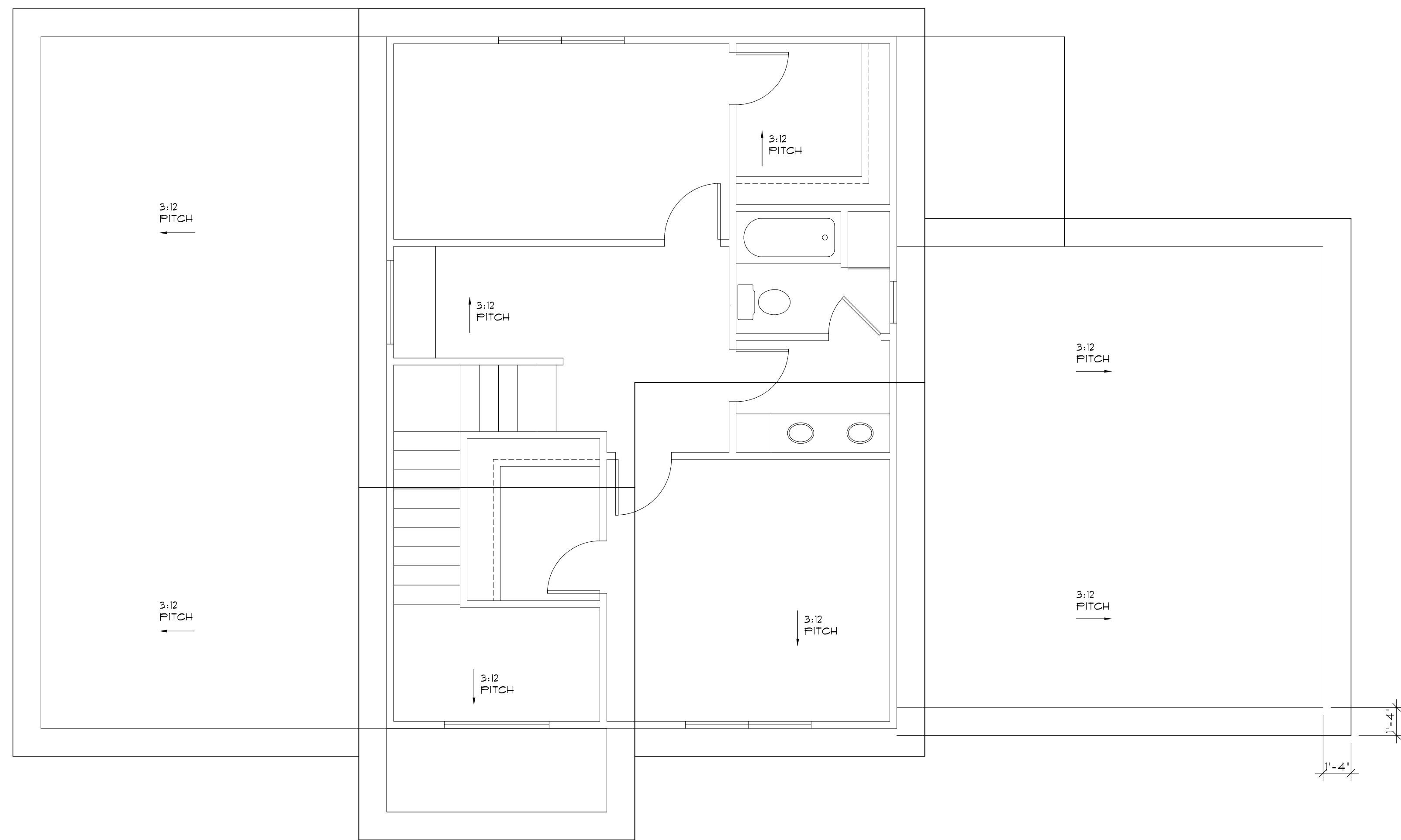
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3404 SW Remington Rd.  
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ROOF PLAN

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

Sheet 4 of 6

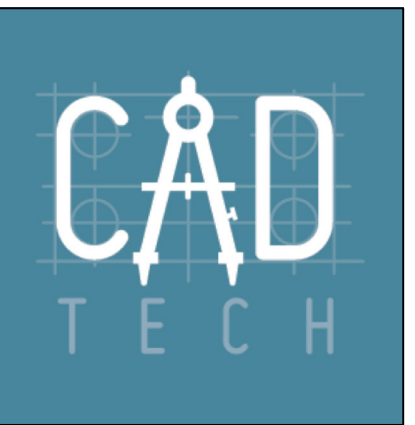
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1 ROOF PLAN

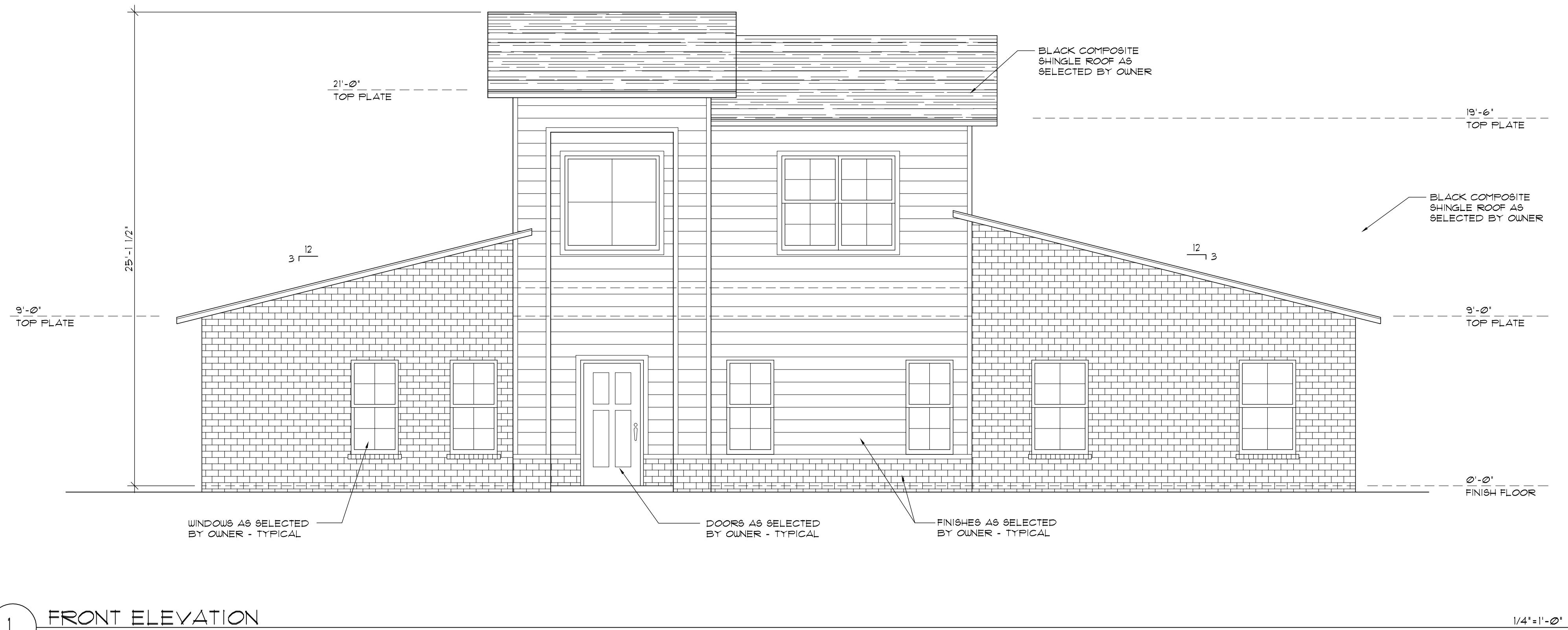
1/4" = 1'-0"

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

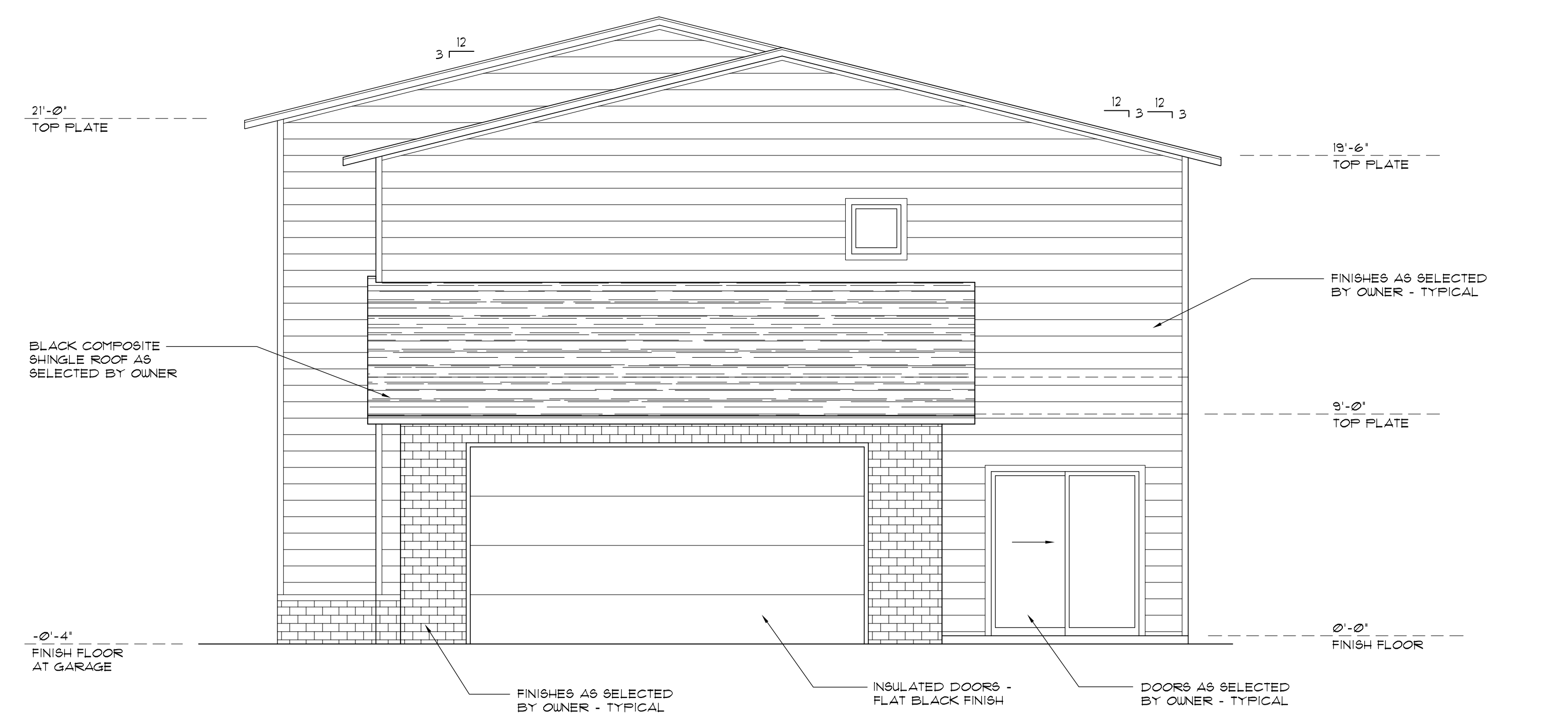


Chad Strauss  
479-531-0097

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1 FRONT ELEVATION



2 SIDE ELEVATION

SUMMERLIN SUBDIVISION  
3404 SW Remington Rd.  
Bentonville, AR

ELEVATIONS

Drawn By : CPS  
Checked By :  
Date: 9-4-25  
Project No. SM-55  
Revisions:

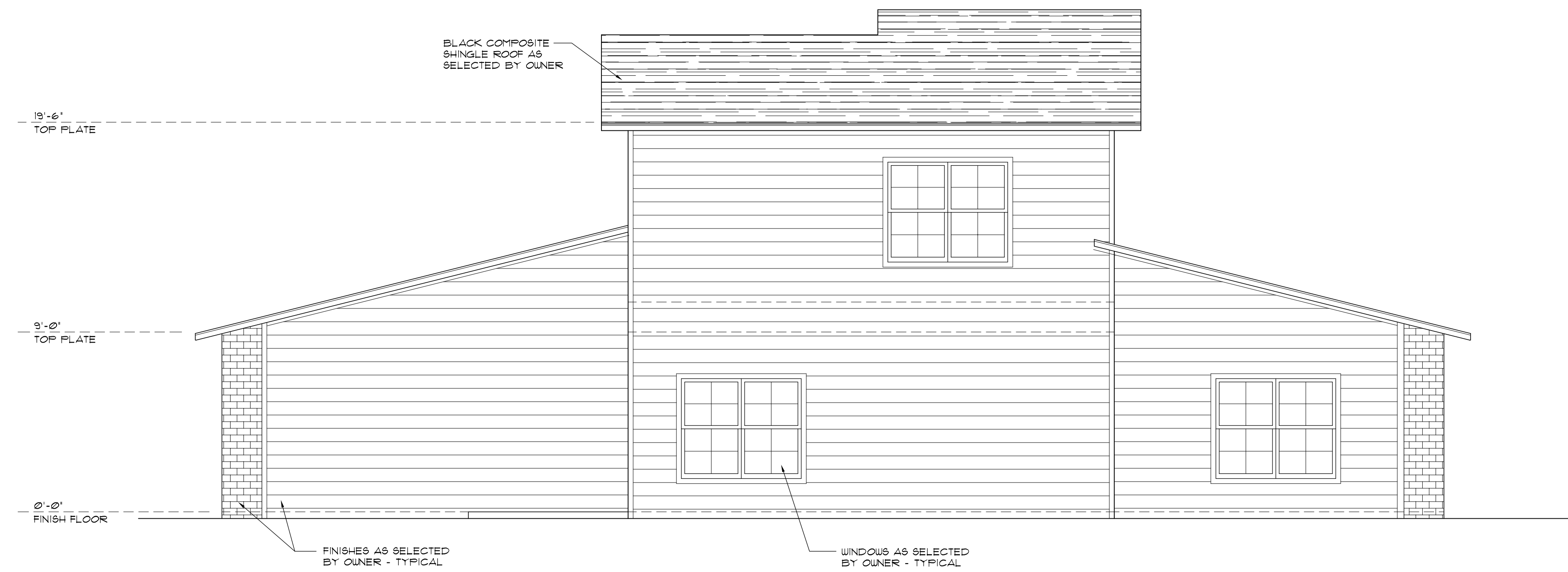
Sheet 5 of 6

A5.0

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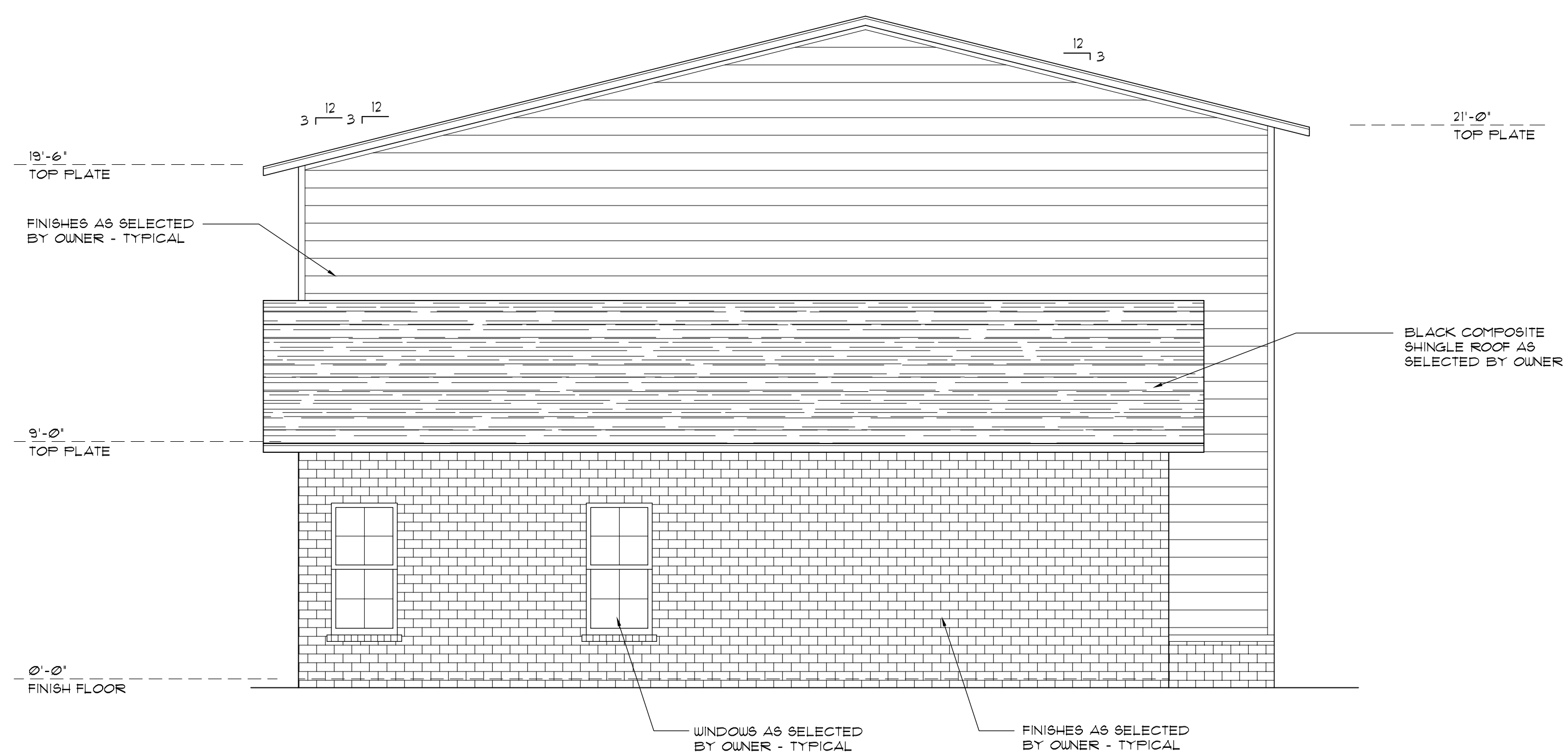
CHECKED BY: H&K HOMES  
PROJECT NO.: H&K-SU-55

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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

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

Sheet 6 of 6

A6.0

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PROJECT NO.: H&K-SU-55

# 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