



**Board of Adjustments
Meeting Agenda
March 25, 2026
Bentonville City Hall
Meeting Time: 4:00 PM**

Registration Link: <https://us02web.zoom.us/j/84190449649>

- I. Call to Order**
 - II. Approval of Minutes**
 - 1. January 28th Meeting Minutes** **Approval of Meeting Minutes**
 - III. New Business**
 - 1. Goins** **Variance***
 - Parcels 01-01993-000 and 01-01993-001 on NW 13th Street ([VAR26-0003](#))
Section 401.7 (c)(3)(a) of the Zoning Code - Street-facing garage
- IV. Old Business**
 - 1. Approval of By-Laws** **Vote**
- V. Other Business**
- VI. Adjournment**



**Board of Adjustments
Meeting Agenda
January 28, 2025
Bentonville City Hall
Meeting Time: 4:00 PM**

Recording Link: <https://bentonvillear.portal.civicclerk.com/event/1780/media>

I. Call to Order

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

II. Approval of Minutes

1. November 26th Meeting Minutes

Approval of Meeting Minutes

- Minutes are approved, 5-0.

II. New Business

1. Perez

Variance*

703 SW Brighton Drive (VAR26-0002)

Section 1100.06 (h)(1) of the Land Development Code – Fence Height

- Chairman Kruithof opens the public hearing.
- Amanda McConnell, a resident in the neighborhood, is present on Zoom and expresses support of the variance request.
- Tatiana Perez, the applicant, is present for any questions, and gives an overview of her request.
- The board members discuss and deliberate over the request.
- Chairman Kruithof closes the public hearing.
- Motion to approve by Phillips with the additional condition that the fence parallel to the house is moved 7 feet away from the corner of the house and all other conditions as recommended by planning staff are met, second by Wright.
- The variance is approved 4-1, with Barrington voting no.

IV. Old Business

V. Other Business

1. Election of Officers

Informational

- Election of Officers is discussed by board members.
- Motion by Phillips to keep the positions the same, second by Swanson.

- The Election of Officers is approved 5-0.

2. **Review of Bylaws**

Informational

- Chairman Kruithof asks if the bylaws need to be modified
- Swanson mentions that she found several typos, and the need to add language regarding voting policy.
- Mr. Adler advises that the by-laws state that when modifications are made, the vote must be postponed to the subsequent BOA meeting.

VI. Adjournment

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



Goins

Parcels 01-01993-000 and 01-01993-001 on NW 13th Street

BOA Date: 3/25/2026

Staff Report Details

Project Number	VAR26-0003
Applicant / Current Owner	John and Johnna Goins
Site Area	+/- 0.18 Acres
Current Zoning	R-2, Medium Density Two Family and Townhome Residential
Variance Request	Sec 401.7 (c)(3)(a) street-facing garage
Related projects	LS25-0028

Property Description

The subject property is located on NW 13th Street. The property is presently zoned R-2, Medium Density Two Family and Townhome Residential with a future land use designation of Walkable Neighborhood. The property will translate to T4.1 under the new code, which has a parking setback of 20ft from the front setback, and the front setback can be 0ft - 16ft.

Regulation

Section 401.07 Residential District Regulations, c) setback standards, 3) garages, a) street-facing garage

R-2, Medium Density Two-Family and Townhome Residential zoning requires a 30-foot minimum front setback for street-facing garages from the front property line. The applicant is seeking a 7-foot variance to have a 23-foot garage setback.

Variance Request

This report will consider and analyze this request based upon the six conditions of approval from the Zoning Code. Said conditions of approval will be bolded to differentiate from staff commentary.

Variance Request

1. The applicant demonstrates that:

a. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structure or buildings in the same district;

The applicant makes reference to the lot width, no access to an alley, right-of-way dedication greater than any other property on the street.

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 the reason for wanting the variance is to be consistent with other properties on the street.

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

The applicant makes reference to the lot size, lack of alley access, and right-of-way dedication.

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 has not provided evidence that this variance would not grant a special privilege over other properties in the zoning 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 reference to any nonconformities or properties in neighboring lands or zoning districts.

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

The applicant claims that this request is the minimum variance necessary to make possible the reasonable use of land.

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.

There is no evidence that this variance would be injurious to the neighborhood or 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.

Variance Request

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

The applicant's request does not include a variance to use.

Conclusion

The applicant's variance request comes from the Development Code, Section 401.07 (c)(3)(a) street-facing garage. The applicant is requesting a 23-foot setback instead of the 30-foot setback required by code due to *"lot size."*

Background

Public Comment

Has Staff received Public Comment at the time of this report?: **Yes**

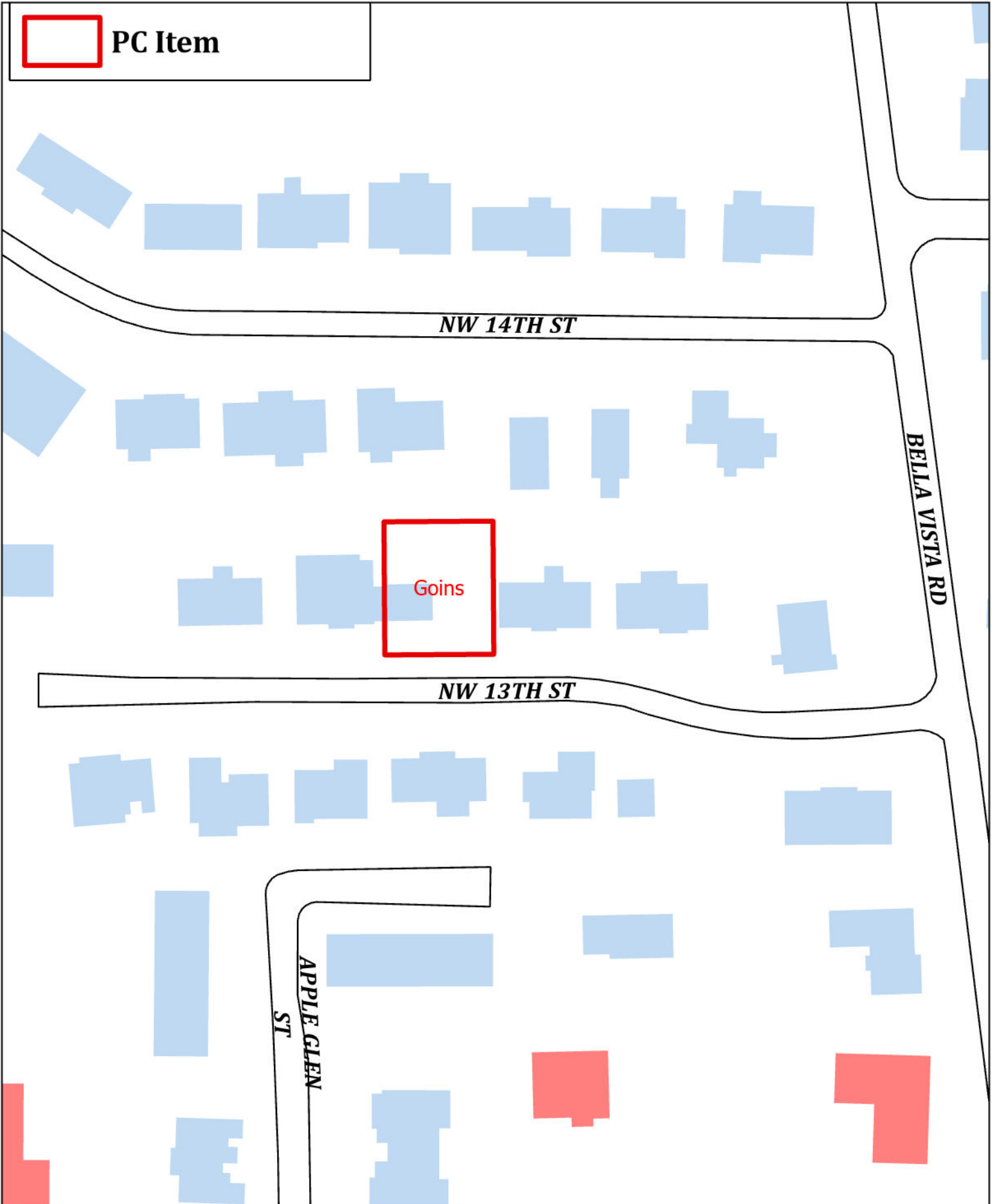
Conditions of Approval

The following conditions of approval are offered for the Board's consideration, if approved:

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 a building permit for the structure.
3. The applicant shall ensure all proposed work is in conformance with any conditions, covenants, or restrictions recorded against the property by the Home Owners Association, if any.



PC Item



NW 14TH ST

BELLA VISTA RD

Goins

NW 13TH ST

APPLE GLEN ST



VAR26-0003

Goins

NW 13th St



TO: CITY OF BENTONVILLE PLANNING COMMISSION AND CITY COUNCIL
RE: LOTS 18 & 19, CURTIS HEIGHTS – VARIANCE REQUEST

Planning Commission and City Council members,
John and Johnna Goins request a variance at (APN: 01-01993-000 and 01-01993-001) located at NW 13th St in preparation for a residential-use development. The subject property is approximately quarter mile north from Sugar Creek Elementary School and half a mile west from Lincoln Junior High School. NW 13th St. is a dead-end street connected to Bella Vista Rd with 13 single family residential buildings.

Proposed development is ***attached single-family***.

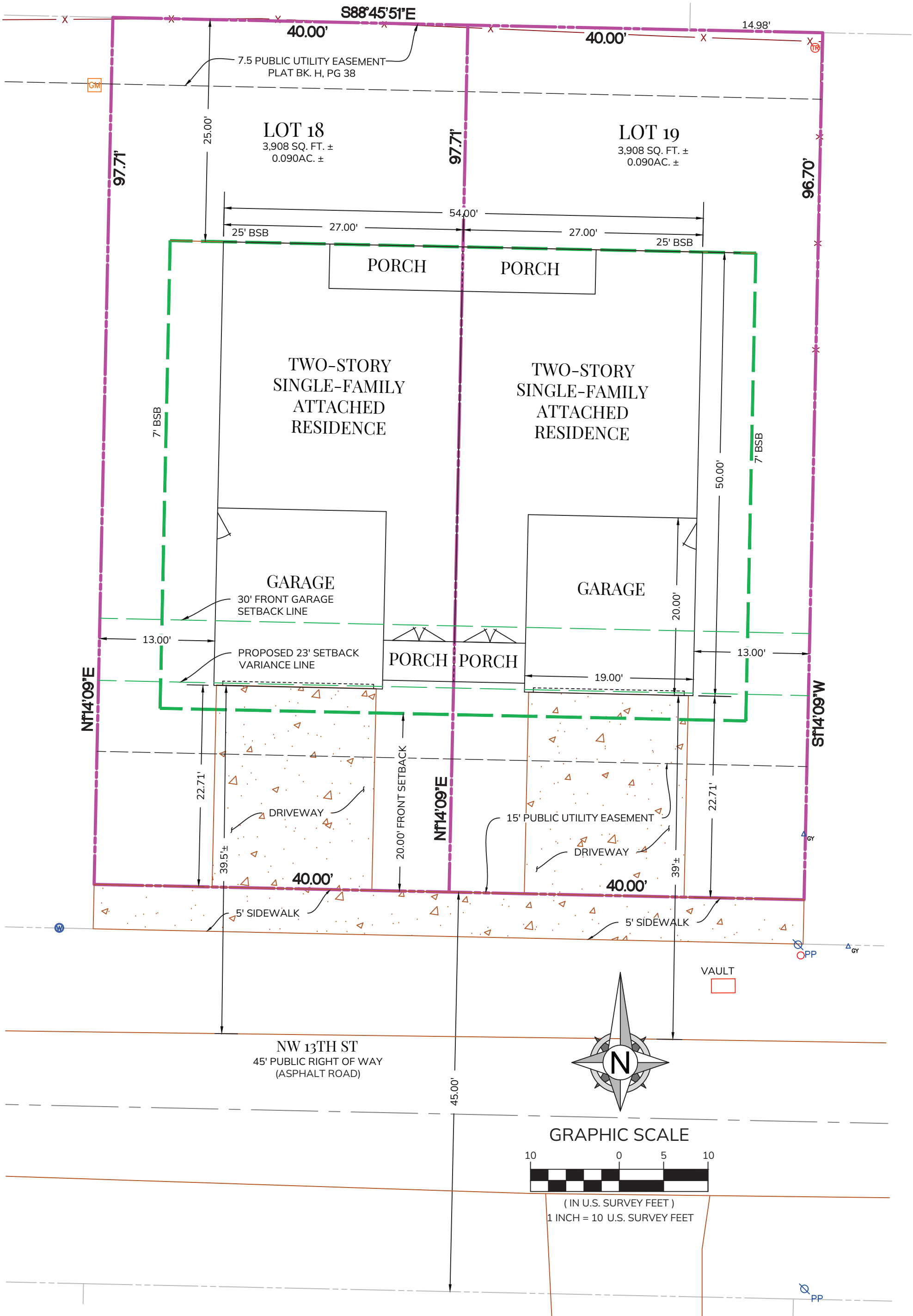
Variance Requested: Sec. 401.7 (c)(1)(3) Garages.

- 1. *Street facing garage.* The minimum front setback for street facing garages shall be 30 feet from the property line that the garage faces.**

We are asking to reduce the setback for a street facing garage from 30 feet to 23 feet. The subject lots are currently 40 feet wide. The lots are not wide enough to support a side or rear loading garage, and there is no alley or other access from the rear. In addition, these lots have dedicated more right-of-way than all but one other lot along NW 13th St., which would put the front plane of the house well behind neighboring houses with the wider right-of-way. Even with the reduced garage setback, the garage would be situated further back from the road than the neighboring houses, all of which already have street facing garages. Granting this variance would also still place the front plane of the house and garage approximately 40 feet from the existing edge of the road. NW 13th St. is a dead end street one block in length, and is unlikely to ever be widened for any type of heavier traffic street due to severe topography and existing commercial businesses along N. Walton Blvd. on the other side of a large and deep ravine.

Sincerely,
John Goins

SITE PLAN
R-2 ZONING



BY-LAWS
BENTONVILLE BOARD OF ADJUSTMENT

ARTICLE 1. Members, Term, Attendance

- 1.1. The members and terms of office shall be as stipulated by Municipal Code Section 301.04, as amended.
- 1.2. When a new member is appointed to the Board, the position number he or she is filling will be so designated at the time of appointment.
- 1.3. Missing three consecutive regular meetings or a total of six meetings in a one calendar year period, except in extraordinary cases, may, at the recommendation of the Board constitute cause for removal by the City Council.
- 1.4. Members should advise the Secretary or Staff before the meeting date if they expect to be absent or late.

ARTICLE 2. Officers, Election and Term, Duties, Chairing the Meeting, Signing for the Board

- 2.1. The members shall elect a chairman, vice-chairman and a secretary at the first regular meeting in January, and the term of office shall be until the next officers have been elected.
- 2.2. The chairman shall preside at meetings and hearings and shall decide point of order or procedure, following Robert's Rules of Order.
- 2.3. In case the chairman is absent, the vice-chairman shall assume the duties as Chair; in the absent of both the Chair and the Vice-Chair; the Secretary shall preside.
- 2.4. The Secretary shall be responsible for the following tasks; however, they may delegate authority for performing them to another member of the Board or an employee of the City of Bentonville.
 - 2.4.1. Furnish a current copy of the by-laws and appointing orders at meetings as required.
 - 2.4.2. Prepare the minutes of meetings and public hearings.
 - 2.4.3. Distribute the proposed order of business items and notice of regular and special meetings.
 - 2.4.4. Distribute the proposed order of business items and notice of regular and special meetings.

2.4.5. Maintain correspondence as filed and place notices of public hearings and advertisements.

2.5. When the certifying signature is required, the Chair's signature shall be utilized unless such authority has been designated by the Chair to another Board member or to a Board employee.

Article 3 Meeting, Scheduling, Quorum, Majority, Order of Business, Public Hearings

3.1. Board meetings shall be open to the public as provided by the Arkansas Freedom of Information Act.

3.1.1. The regular meetings of the Board of Adjustment shall be on the second and fourth Wednesday of each month at 4:00 p.m. at City Hall.

3.1.2. Special meetings may be called at any time by the Chair or any three members.

3.2. No formal business shall be conducted without a quorum and no member may vote by proxy.

3.2.1. A quorum shall exist when a majority of the appointive members are physically present.

3.2.2. The affirmative vote of a simple majority of the full membership of the Board shall carry any motion or resolution.

3.2.3. The Mayor shall be an ex-officio member and shall have no vote. The Mayor shall not be counted in arriving at a quorum.

3.2.3.3.2.4. Members must be physically present to vote pursuant to Arkansas Code § 25-19-103.

3.3. The order of business shall follow the distributed agenda unless otherwise agreed to by the members.

Public hearings shall be conducted informally, and the Chair shall make all rulings and determinations regarding the scope of the inquiry, the admissibility of evidence, the order in which evidence, objection, and arguments will be heard, and other like matters, except that other members shall be privileged to make inquiries personally and to call for a vote on any ruling of the Chair to expedite the hearing, confining the participants to the presentation of only essential matters, but entertaining the presentation of sufficient matter to do substantial justice to all concerned parties to the proceedings. Each speaker shall be limited to a total of three minutes. No speaker shall speak twice on the same subject at a single meeting, however the Board may call any speaker to answer additional questions. Additional time may be granted by a majority of the Board. Final or official action

shall be taken only in regular meetings unless the public hearing is continued to a special session of the Board after the hearing.

3.4.

Article 4 Committees

- 4.1. The Chairman may establish standing, special, or advisory committees. Committee members may be persons other than members of the Board, but a board member shall be named as either active or ex-officio Chair of each committee.
- 4.2. Meetings shall be called by the chairman of the committee, or a majority of the membership of the committee, notifying the others.

Article 5 Records, Actions, Studies, Recommendation, Public Access

- 5.1. The Board shall keep a file including all official documents of the Board including, but not limited to reports, records of decisions, recommendations, and studies made by the Board or its employees in the discharge of its duties and responsibilities.
- 5.2. Records shall be kept open to the public, available without fees or delays, subject only to the necessity for good order in the office of the Board.

Article 6 Amendments to These By-Laws, Timing, Majority

- 6.1. These by-laws shall be adopted, and later suspended, changed, or canceled only after an affirmative vote of a majority of the membership of the Board. Amendments shall be proposed in writing at a regular meetings and moved for action at a following meeting, unless ten-days notice and the written amendment itself have been given to all members, in which case motion may be made at a special meeting ten days after all the members have received the proposed change to these by-laws. Records shall be kept open to the public, available without fees or delays, subject only to the necessity for good order in the office of the Board.

Board Action:

By majority of the appointed members so voting, these by-laws for the Bentonville Board of Adjustment are hereby approved the ~~25th~~ day of ~~February~~ March, February 20264.

ATTEST:

Secretary

Chair

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Board Action:

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ATTEST:

Secretary

Chair