



**BOARD OF ADJUSTMENT  
AGENDA  
October 14, 2015**

**I. Call to Order**

**II. Approval of Minutes**

**III. New Business:**

**1. Faciszewski**

1211 Northeast Monroe Street

- Lot Width Variance in R-1, Single Family Residential

**Variance\***

**2. Hurricane WA, LLC**

202 Southeast 7<sup>th</sup> Street

- Density Variance in D-E, Downtown Edge

**Variance\***

**IV. Other Business**

**V. Adjournment**

Board of Adjustment  
Minutes  
September 9, 2015

The Bentonville Board of Adjustment meeting called to order at 5:00 p.m. by Rustin Chrisco, Chairman.

Present: Rick Rogers, Rustin Chrisco, Jan Holland, Sam Pearson and Joe Haynie.

Others: Jon Stanley

Motion by Pearson, seconded by Haynie to approve the minutes of August 26, 2015 as written.

Approved 5-0

No Tape of Meeting

New Business:

Item #1

TNG Properties, LLC -Neil Greenhaw (15-11000024)212 SE 2<sup>nd</sup> Street, Southwest corner of intersection of Southeast 2<sup>nd</sup> & Southeast 'B' Street, Zoned DE, Downtown Edge.

The applicant has submitted a variance requests to the zoning code for property located in the D-E, Downtown Edge, zoning classification. The applicant is requesting a 4' side setback be allowed which is a variance of 2' from the 6' required by ordinance. The proposed variance is for the construction of a 3 story mixed use building.

Opened public hearing:

Dave Burris-present for questions, he is representing applicant.

Rogers-Will there be a lot Split? And will they have to come back for another variance?

Burris-No future plans for 2<sup>nd</sup> property

Holland-What is the use for the property

Burris- top floor is for living space, bottom floor is for a recording studio.

Neil Greenhaw Developer has no plans for adjoining property

Rogers-Is this a masonry building and will there be windows

Neil-there will not be very many windows

Closed public hearing

Motion to approve with the conditions of approval

Approved 5-0

Item #2

Equity Trust/Paul Viala (15-11000025)702 Northwest 2<sup>nd</sup> Street & 201 Northwest 'F' Street, Zoned R-1, Single Family Residential.

The applicant has submitted 3 variance requests to the zoning code for property located in the R-1, Single Family Residential zoning classification to allow the construction of one (1) single family home. If the variances are approved the applicant will then be required to submit a lot split reflecting the approved variances and gain approval from the planning commission. The variance requests are as follows.

The applicant is requesting that 8.57 units per acre be allowed which is a variance of 2.57 units per acre allowed by ordinance. The proposed variance is for the construction of one (1) single family home.

The applicant is requesting that a 47.76' wide interior lot be allowed which is a variance of 12.24' from the 60' required by ordinance. The proposed variance is for the construction of one (1) single family home.

The applicant is requesting that that a 4,780.30 square feet lot be allowed which is a variance of 1,219.70 square feet from the 6,000 square feet required by ordinance. The proposed variance is for the construction of one (1) single family homes.

Opened public hearing

Tim with Sand Creek Engineering, representing applicant was present for questions. If approved the condition of approval shall apply.

Motion to approve the 'Density Variance'

5-0

Motion to approve 'Lot Width Variance for Interior Lots'

Approved 5-0

Motion to approve 'Bulk & Area Variance'

Approved 5-0

Motion by Pearson, seconded by Rogers to adjourn

Meeting adjourned

Diane Shastid

# BOA STAFF REPORT

## 15-1100026 –Faciszewski – Interior Lot Width, and Bulk & Area Requirements

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**TO:** Bentonville Board of Adjustment Members  
**THRU:** Troy Galloway, AICP, Community Development Director  
**FROM:** Jon Stanley, Planner  
**BOA DATE:** October 15, 2015

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### GENERAL INFORMATION:

**Representative:** Newell Development (Thomas Ufer)

**Applicant:** Jared Faciszewski

**Location:** 1211 Northeast Monroe Street

**Existing Zoning:** R-1, Single Family Residential

**Existing Land Use:** Low Density Residential

**REQUEST:** Variance

Lot Width Variance for interior lots		
	Regulation	Request
Article 401. Sec 401.7.C.2 Lot Width for R-1, Single Family Residential	60' Lot Width minimum	Request of: 40' Variance of : 20'

### SURROUNDING ZONING:

Direction	Zoning
North	R-1, Single Family Residential
South	R-1, Single Family Residential
East	R-1, Single Family Residential
West	R-1, Single Family Residential

### BACKGROUND:

The applicant has submitted a variance requests to the zoning code for property located in the R-1, Single Family Residential, zoning classification. The applicant is requesting a 40' minimum lot width be allowed which is a variance of 20' from the 60' required by ordinance. The proposed variance is for the construction of a two single family homes.

**PUBLIC COMMENT:**

Staff HAS NOT received public comment regarding this request.

**CONDITIONS OF APPROVAL:**

If approved, the following condition(S) shall apply:

1. The approved variance shall be for the proposed two- single family lots only, as provided by the applicant within this application.
2. A lot split reflecting the approved minimum lot width will be required to be submitted and approved by the planning commission.

Newell Development

101 SE G Court

Bentonville AR 72712

RE: Variance- Two New Lots 1211 NE Monroe

Owner desires to create two single family lots at 1211 NE Monroe.

A variance is being requested for two lot widths of 40 feet on the 100 ft x 150 ft lot. The remaining 20 feet would be absorbed by the property to the south (1209 NE Monroe). This lot split at 40ft x 150ft meets the 6,000 sq foot requirement.

These homes will be designed in a form and scale that will fit the neighborhood. The existing lot line of 50 ft street frontage does not allow for development of desired product that is needed to fulfill the demand close to the downtown area.

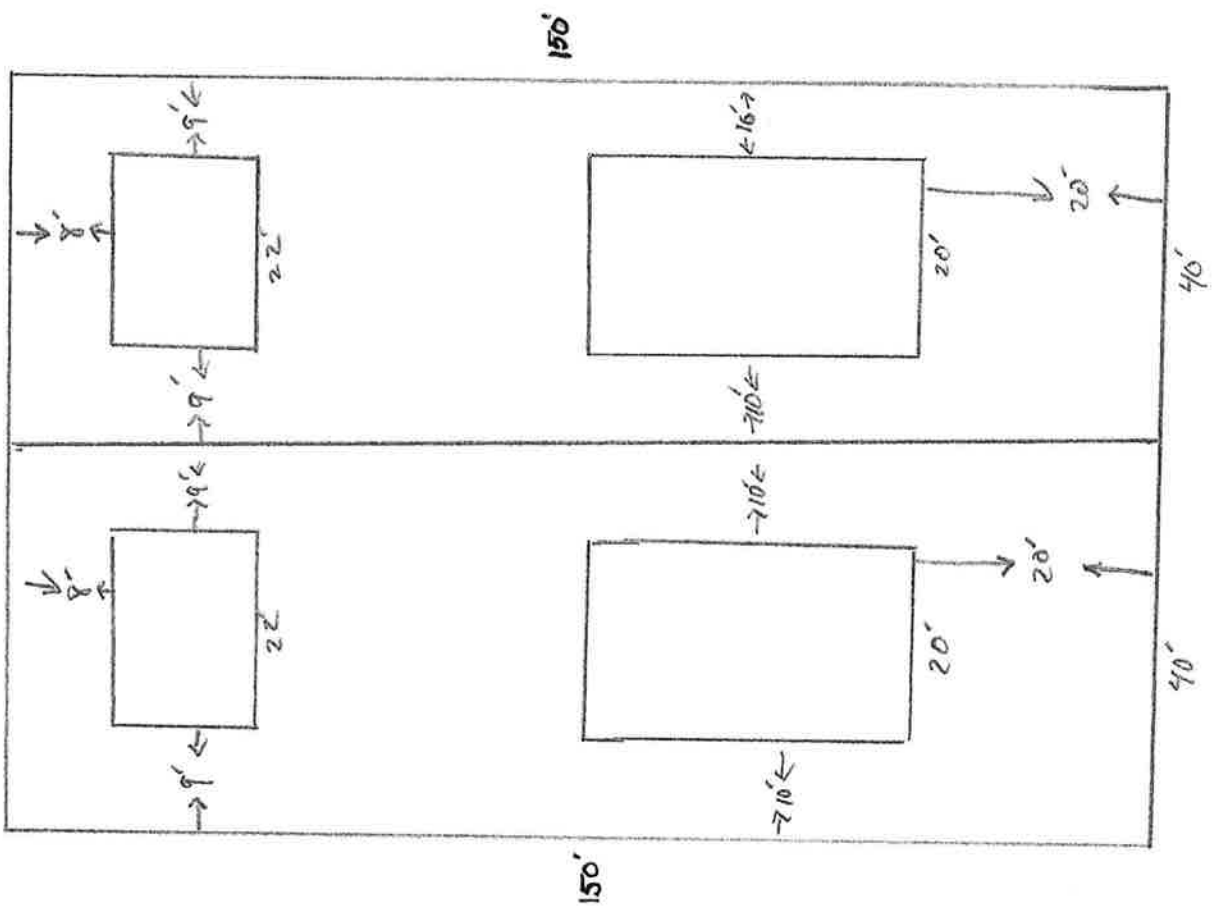
The land owner and developer are seeking to create a project that in form and scale will fit into the existing neighborhood. The goal is to provide residential housing in walkable and bikeable locations in and around Bentonville. We are committed to working within the cities framework to provide rooftops and create great places to live.

Best Regards,

Thomas Ufer



1211 NE Monroe



# BOA STAFF REPORT

## 15-1100027 –Hurricane WA, LLC –Density Requirements for Downtown Edge Zoning District

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**TO:** Bentonville Board of Adjustment Members  
**THRU:** Troy Galloway, AICP, Community Development Director  
**FROM:** Jon Stanley, Planner  
**BOA DATE:** October 14, 2015

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### **GENERAL INFORMATION:**

**Representative:** Bill Cochran

**Applicant:** Hurricane WA, LLC (Todd Jacobs)

**Location:** 202 Southeast 7<sup>th</sup> Street

**Existing Zoning:** DE, Downtown Edge

**Existing Land Use:** Mixed Use

**REQUEST:** Variance

<b>Density Variance</b>		
	<b>Regulation</b>	<b>Request</b>
<b>Article 401. Sec 401.8-B.C.1 Density Requirements for D-E, Downtown Edge</b>	18 Dwelling Units per Acre Max.	Request of: 28 units per acre Variance of : 10 units per acre

### **SURROUNDING ZONING:**

<b>Direction</b>	<b>Zoning</b>
North	R-1, Single Family Residential
South	D-E, Downtown Edge
East	R-1, Single Family Residential
West	D-E, Downtown Edge

### **BACKGROUND:**

The applicant has submitted a variance request to the zoning code for property located in the D-E, Downtown Edge zoning classification to allow the construction of eight (8) multi-family dwellings. The applicant is requesting that 28 units per acre be allowed which is a variance of 10 units per acre allowed by ordinance.



**PUBLIC COMMENT:**

Staff HAS NOT received public comment regarding this request.

**CONDITIONS OF APPROVAL:**

If approved, the following condition(S) shall apply:

1. The approved variance shall be for the proposed density only, as provided by the applicant within this application.
2. The applicant shall be required to submit a Large Scale Development in accordance with the subdivision code, not to exceed the approved density variance and gain approval from the planning commission.



October 5, 2015

City of Bentonville  
Board of Adjustments  
305 SW A Street  
Bentonville, AR. 72712

RE: SE A and SE 7th Project – Variance Request

Dear Board of Adjustment members,

Jacobs Group seeks to develop the property located at the corner of SE A and SE 7<sup>th</sup> in downtown Bentonville in order to provide missing housing options for individuals seeking to live near the downtown location. We have seen a strong interest from home owners and renters who work in Bentonville but currently live in Fayetteville due to the limited variety of housing options available to them.

**Project Description**

The project site consists of one lot measuring approximately 94' x 134' after future ROW dedications and totaling approximately 12,596 Sq. Ft. The property is currently zoned D-E Downtown Edge. The project will consist of 8 multifamily rowhomes consisting of (6) – 2 Bedroom Units and (2) One Bedroom Units exceeding the density allowed by D-E zoning. We propose to keep the existing zoning in place. Parking for the project is handled by an internal parking court and a shared drive creating an urban streetscape catered to pedestrians as opposed to the car.

**Variance Request from Code Section: 401.8-B, C-1**

**Density**

- D-E allows 18 DU per Acre
- Our request is for: *28 DU Per Acre*

**For the reasons listed above, I ask that you find the following:**

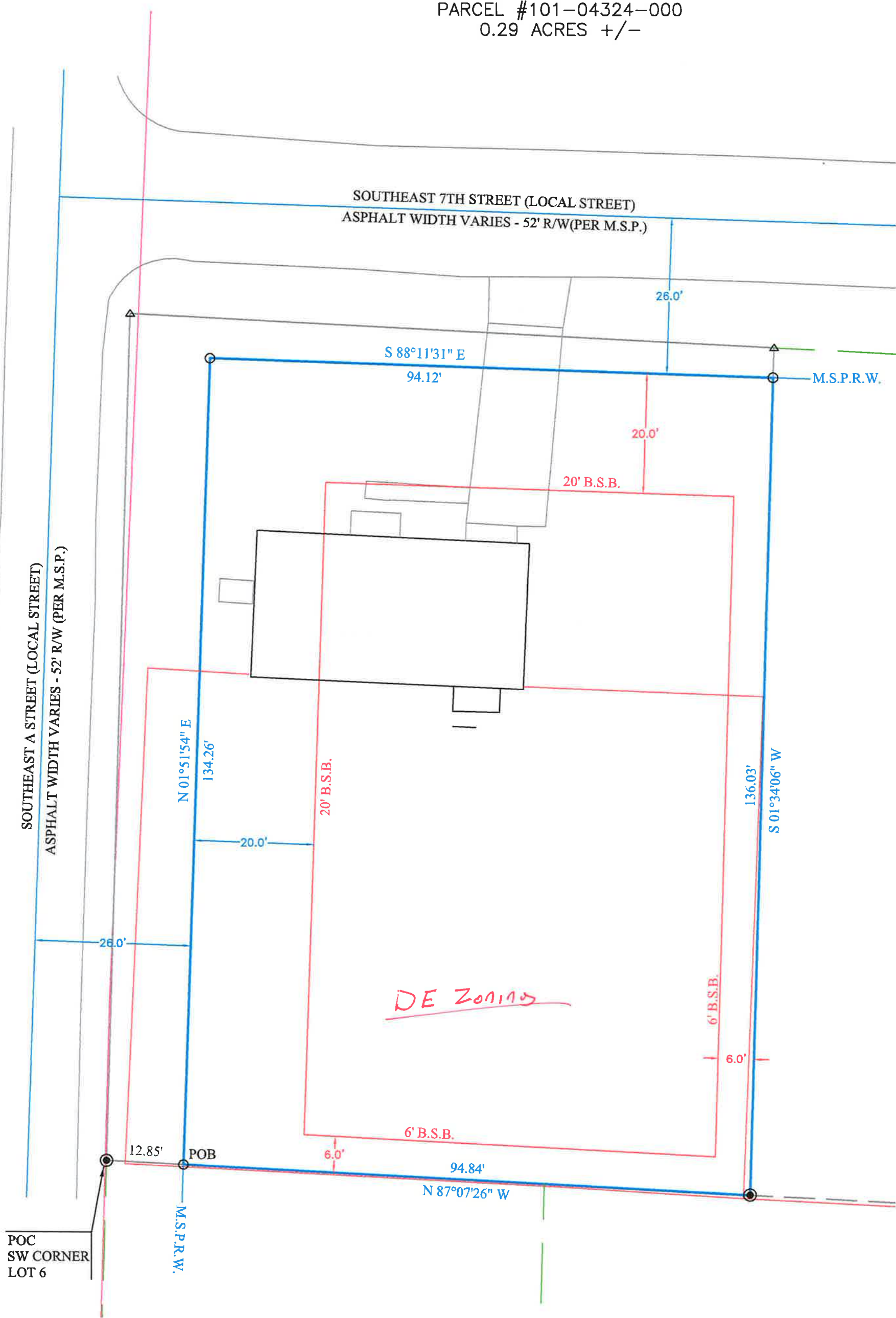
- A. Special Conditions and circumstances exist which are specific to the proposed project. *In particular the density of 18 units per acre does not allow for a true urban density in the context of the vision for Downtown Bentonville. The proposed project uses this infill site in an efficient manner while remaining sensitive to the human context.*
- B. Literal Interpretation of the ordinance - *Strict interpretation of the zoning code would severely limit the use of the property commonly enjoyed by other projects found in the same zoning district.*
- C. The special conditions and circumstances do not result from the actions of the applicant. *Current multi-family projects can be found within the City of Bentonville Downtown Zoning districts that are above the set density for this ordinance. Our multi-family project is in line with these found properties and we feel that the density we seek approval is warranted.*

Sincerely,

A handwritten signature in black ink, appearing to read "Jacobus Group". The signature is written in a cursive, flowing style.

Jacobs Group  
PO Box 1285  
Bentonville Ar, 72712

TOTAL ACREAGE  
PARCEL #101-04324-000  
0.29 ACRES +/-



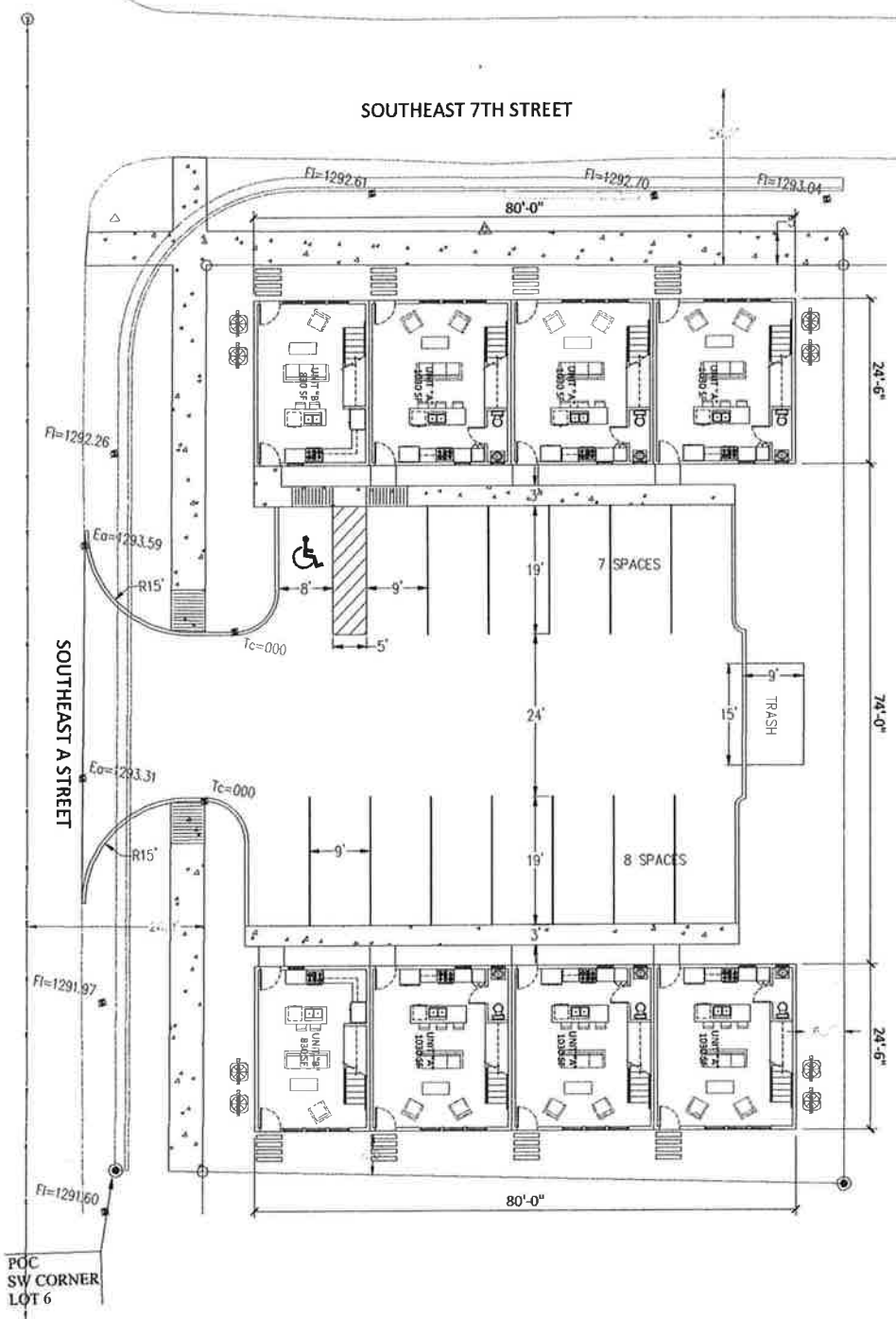
POC  
SW CORNER  
LOT 6

TOTAL ACREAGE  
 PARCEL #101-04324-000  
 0.29 ACRES +/-

1 ARCHITECTURAL SITE PLAN / FIRST FLOOR



PROJECT SUMMARY		QUANTITY OF UNITS	HEATED/COOLED SQ FOOTAGE	NON-HEATED/COOLED SQ FOOTAGE	ADDITIONS	DEMOLITIONS	FINISHED SPACES	FOUNDATION	EXTERIOR FINISH	EXTERIOR SING	INTERIOR FINISH	MISC	INSULATION
1	TWO BEDROOM	4	12834	939	2	0	3	CONCRETE	BRICK	BRICK	BRICK	BRICK	BRICK
2	ONE BEDROOM	2	7242	939	1	0	1	CONCRETE	BRICK	BRICK	BRICK	BRICK	BRICK
TOTAL, OVERALL PROJECT		6	20076	1878	3	0	4	CONCRETE	BRICK	BRICK	BRICK	BRICK	BRICK



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AS1.0	ARCHITECTURAL FIRST FLOOR	15037
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JACOBS GROUP  
 TOWNHOME PROJECT  
 BENTONVILLE, AR



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**PRELIMINARY**  
 AND IS NOT TO BE USED FOR  
 CONSTRUCTION.