



**BOARD OF ADJUSTMENT  
AGENDA  
December 9, 2015**

**I. Call to Order**

**II. Approval of Minutes**

**III. New Business:**

**1. Robinson**

616 Northwest 2<sup>nd</sup> Street

- Street Facing Garage Setback Variance

**Variance\***

**IV. Other Business**

**1. Election of Officers**

- Chairperson
- Vice Chairperson
- Secretary

**2. 2016 Board of Adjustment Calendar**

**V. Adjournment**

Board of Adjustment  
Minutes  
November 25, 2015

Board of Adjustment meeting was called to order at 5:00 p.m. by Joe Haynie

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

Motion by Haynie, seconded by Holland to approve the minutes of November 12, 2015 as written.  
Approved 3-0

New Business:

Item #1

Quality Housing Partners LLC: (15-11000033) Quality Housing Properties LLC, Variance, 301 Northwest A Street and 204 and 206 Northwest 3<sup>rd</sup> Street, Downtown Edge.

The applicant has submitted a side setback variance in the D-E, Downtown Edge zoning district. The current minimum setback is 6' from side property lines. The applicant is requesting a 3' variance to allow the proposed townhome development to be placed 3' from the west property line. The 3' of separation from the property will allow the adjacent property the right to develop their property under the same regulations that are established today. The Arkansas Fire Prevention code does not require any building.

Opened public hearing

Tim Sorey with Sandcreek Engineering representative for applicant. Mike Baumann- the project will look more like Brownstone's. Mike-There will be 6 units facing NW A Street and 4 units will face NW 3<sup>rd</sup> Street.

Closed public hearing

Approved 3-0

Item #2

Main Co-op Property LLC:(15-11000034)Main Co-Op Property, 501 Southwest A Street, Zoned D-C.

The applicant has submitted a variance request to allow a roof top sign in the D-C, Downtown Core zoning district. According to section 801, roof signs are only permitted on structure with 3 or more stories. The applicant is requesting a variance be approved to allow a 32 square foot roof top sign on a single story structure. A photo of the sign and the applicant's narrative is attached below.

Opened public hearing

No public comment, no one present for meeting.

If approved, the following condition shall apply:

1. The approved variance shall be for the proposed and installed sign only, as provided by the applicant within this application.
2. If approved the applicant must obtain a sign permit within 30 days of approval.

Closed public hearing

Approved 3-0

Item #3

John and Julie Butler: (15-11000035) Butler Variance, Lot 14 Belle Heights, Southwest 12<sup>th</sup> Street, Zoned C-2, General Commercial.

The applicant has submitted a variance to the rear setback in the C-2, General Commercial zoning district when adjacent to residential. The C-2 zone requires a 30' setback when the commercial property is adjacent to a residential use. The applicant is requesting a variance of 11' which will place the setback 19' from the rear property line. The site exhibit and narrative are attached below.

Opened public hearing

Tim Sorey with Sandcreek representing applicant. Tim trying to hold the line that is adjacent to this site. Will have a nice entry way, basic use is the same as now.

Closed public hearing

Approved 3-0

# BOA STAFF REPORT

15-11000036 Robinson

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**TO:** Bentonville Board of Adjustment Members  
**THRU:** Troy Galloway, AICP, Community Development Director  
**FROM:** Jon Stanley, Planner  
**BOA DATE:** December 9, 2015

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## GENERAL INFORMATION:

**Representative:** Dan Gauw

**Applicant:** Diedra Robinson

**Location:** 616 Northwest 2<sup>nd</sup> Street

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

**Existing Land Use:** Vacant single family lot

**Proposed Land Use:** Single Family home

**REQUEST:** Variance

Street Facing Garage Setback		
	Regulation	Request
Section 401.7-C.3.A Garages	30' minimum Setback	Request of: 20' Variance of : 10'

## 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 street facing garage setback variance in the R-1, Single Family Residential zoning district. The current minimum setback for a street facing garage is 30' from the property lines. The applicant is requesting a 10' variance to allow the proposed street facing garage to be placed 20' from the western property line. 6.74' of additional right-of-way will be dedicated along Northwest 'F' Street. Please see the attached exhibit and narrative from the representative.

**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 foot print and location of the PROPOSED only, as provided by the applicant within this application.

Date: November 25, 2015

RE: Proposed Variance of Code Section 401.7.C.3 garage setback for Lot 4 of Lefors Addition at 616 NW 2<sup>ND</sup> St.  
Parcel No. 01-03216-000 / Owner: Dan Gauw & Diedra Robinson

To: Bentonville Planning and Engineering

Planning Staff,

I would like to request a variance to the west garage setback on the above described parcel. The R-1 zoning requirement for a garage setback is 30' and the owner would like to request a setback of 20' for a variance of 10' on the west side.

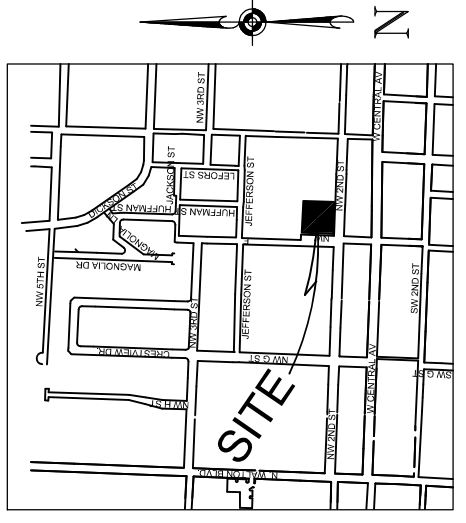
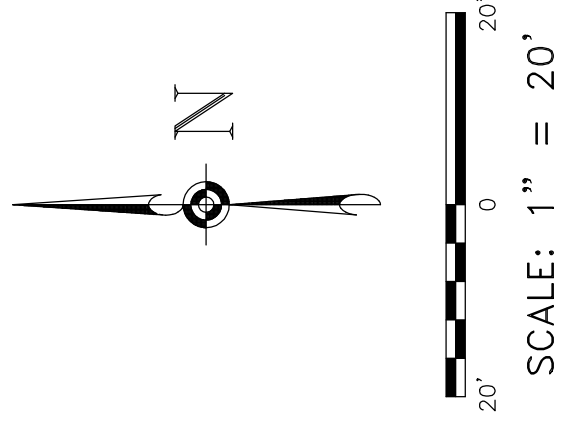
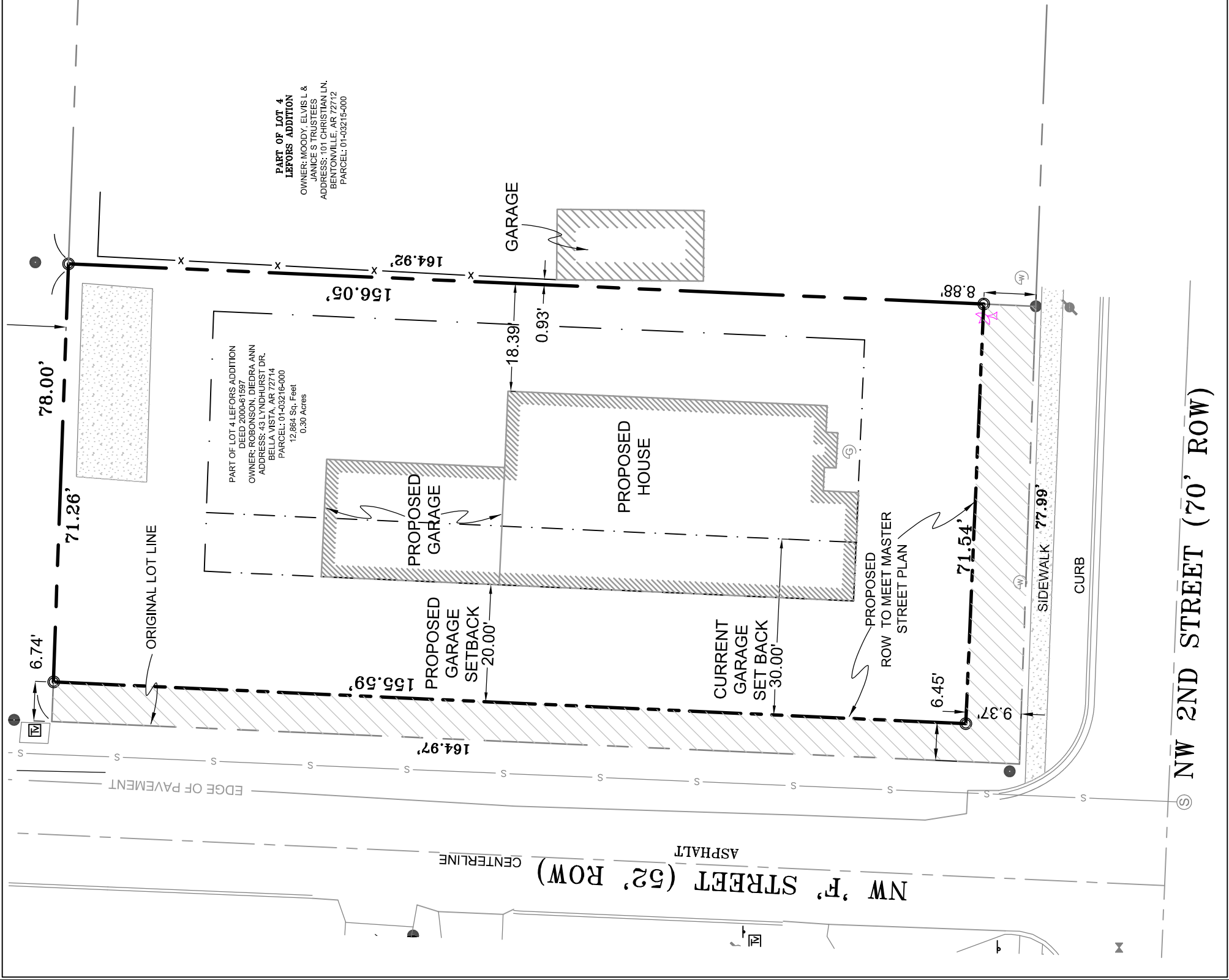
- The required right of way dedication reduces the available building area and would crowd the adjacent residence to the east. The proposed house placement would be in keeping with the current house spacing along NW 2<sup>nd</sup> Street.

My wife and I bought the lot with an existing house on it. We decided tear down the existing house to build a new house. The current deed description of parcel 01-03216-000 is "the East 78' of Lot 4, Lefors Addition". Due to there being other houses on the remainder of said Lot 4 a lot split will be required to satisfy the current R-1 zoning requirements in order to obtain a building permit. The lot split will include the dedication of right of way along NW F & 2<sup>nd</sup> Streets on the West and South sides. The lot area will be reduced by approximately 13-14% as a result of this right of way dedication.

The request to vary the garage setback would have no adverse impact on the surrounding properties.

Sincerely,  
Dan Gauw





VARIANCE EXHIBIT

616 NW 2ND STREET  
BENTONVILLE, AR 72712

Civil Engineering  
Landscape Architecture  
Land Planning  
Surveying  
**SAND CREEK**  
Engineering and Landscape Architecture, Inc.  
1610 NW 12th Street  
Bentonville, Arkansas 72712  
Ph. (479) 464-9282 Fax (479) 464-9284

PLS: GN CAD: NSR  
FIELD: NSR FIELD:  
DWG: 15132  
DATE: 11/18/2015  
SHEET: 1 OF 1

CLIENT / CLIENT:  
Dan Gauw  
43 Lyndurst Dr.  
Bella Vista, AR 72714

**NOT A SURVEY**

**NOT A SURVEY**

The hereon described property is zoned R-1 (single family residential).  
 Building setbacks for zone R-1 are as follows:

Front	20 Feet
Garage	30 Feet
Side(Interior)	7 Feet
Side(Exterior)	20 Feet
Rear	25 Feet

DESCRIPTION (TAKEN FROM WARRANTY DEED 2000-61597):  
 78 FEET SQUARELY OFF THE WEST SIDE OF LOT 4, LEFORS ADDITION TO THE CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS AS SHOWN IN PLAT RECORD "B" AT PAGE 106 AND PLAT RECORD 13 AT PAGE 50.