



**BOARD OF ADJUSTMENT
AGENDA
February 22, 2017**

I. Call to Order

II. Approval of Minutes

1. February 8, 2017 Minutes

III. New Business:

- 1. Bornkessel** **Variance***
708 Northeast 2nd Street
 - Side Exterior Setback in the R-1, Single Family zoning district

- 2. Bike Rack Development, LLC** **Variance***
Southwest 6th Street & Southwest 'B' Street
 - Density in the D-E, Downtown Edge zoning district

IV. Other Business

V. Adjournment

Board of Adjustment
Minutes
February 8, 2017

Meeting called to order at 5:00 p.m. by Rick Rogers, Chairman

Present: Joe Haynie, Jan Holland, Rustin Chrisco, and Rick Rogers
Absent: Sam Pearson
Staff: Jon Stanley and Beau Thompson

Motion by Mr. Haynie, seconded by Mr. Chrisco to approve the minutes of January 25, 2017 as written.
Approved 4-0

Old Business

Item #1

City of Bentonville Municipal Airport, Variance request for side and rear setbacks, 2500 Southwest Aviation Street, Zoned A-1, Agricultural

Jon Stanley reads the staff report

Opened public hearing

No public comments

Closed public hearing

Jim Daniel, the representative speaks and explains the issues that have been resolved.

Side setback

Approved 4-0

Rear setback

Approved 4-0

New Business

Item #1

Food Hub NWA, LLC, Variance request for flood damage prevention code, 801 Southeast 8th Street, Zoned C-2, General Commercial

Jon Stanley reads the staff report

Mr. Rogers temporarily resigns his position for this item due to potential conflict of interest.

Opened public hearing

No public comments

Closed public hearing

Tom Oppenheim of CEI Engineering, representative, speaks. The project is proposed to include a greenhouse for the culinary school for teaching and growing food. The greenhouse is approximately 180 feet from the flood plain. In order to raise the elevation 3 feet above the flood plain, multiple steps will have to be used, which in turn would be a disruptive environment. The building itself is an accessory structure and would not be susceptible to typical flood damage. The flood plain ordinance would apply to any new structure should the use of the building change.

Mr. Chrisco asks exactly what the variance request is for since the greenhouse is not to be constructed in a special flood zone area as the ordinance states.

Mr. Thompson states that the issue is the drainage manual that would need the variance. The flood plain variance is appealable to the Board of Adjustments, but the drainage manual is not. The City is requesting a ruling by the Board of Adjustments so that they can get direction as they go to proceed in potentially waiving the drainage manual. Travis Matlock speaks.

Mr. Haynie states that being a greenhouse, there should not be any issue. Mr. Matlock's biggest concern is the applicant changing the use as utilities will already be placed.

Approved 3-0

Item #2

Main Street Crossing, LLC, Variance request for sight triangle, 1327 & 1335 South Main Street, Zoned DC, Downtown Core and DE, Downtown Edge

Jon Stanley reads the staff report

Opened public hearing

No public comments

Closed public hearing

Geoff Bates with Bates & Associates, representative, explains AASHTO Standard to the Board.

Approved 4-0

Item #3

Cadence Group, LLC, Variance request for density in DC, Downtown Core zoning district, 505 Southwest 'B' Street, Zoned DC, Downtown Core

Jon Stanley reads the staff report

Opened public hearing

No public comments

Closed public hearing

Brahm Driver with Ecological Design Group, civil engineer, gives the Board an overview.

Mr. Rogers asks staff if there has been any density issues recently. Mr. Thompson advises that parking on the street has been the only issue.

Jake Newell with Newell Development speaks and advises his plan for 'B' Street to be a mixture of different housing types. The current zoning does not allow the density needed for the housing types that are needed for Bentonville.

Mr. Chrisco abstains from voting.

Approved 3-1

Item #4

Terra Firma Holdings, Variance request for fence height, 1310 Southeast 'D' Street, Zoned R-1, Single Family Residential

Jon Stanley reads the staff report

Opened public hearing

No public comments

Closed public hearing

Tyler Thompson, property owner, gives a brief overview to the Board.

Request is modified to an 8 foot fence on the southern property line and 6 foot fence on remaining property lines.

Approved 4-0

Motion by Mr. Rogers, seconded by Mr. Haynie to adjourn
Meeting adjourned

Ali Worley

*A full recording of this meeting can be obtained from the City of Bentonville Planning Department.

BOA STAFF REPORT

17-11000006 –Bornkessel – Side Exterior Setback Variance

TO: Bentonville Board of Adjustment Members
THRU: Troy Galloway, AICP, Community Development Director
FROM: Jon Stanley, Planner
BOA DATE: February 22, 2017

GENERAL INFORMATION:

Representative: Blake Bornkessel

Applicant: Blake Bornkessel

Location: 708 Northeast 2nd Street

Existing Zoning: R-1, Single Family Residential

Existing Land Use: Single Family Home

REQUEST: Variance

Side Exterior Setback Variance		
	Regulation	Request
Article 401. Sec 401.7.C.3-c Minimum Setback Requirements for R-1, Single Family Residential	20' minimum side exterior setback	Request of: 15' Variance of : 5'

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 request to the side exterior setback for property located in the R-1, Single Family Residential zoning classification to allow for the construction of a new single-family dwelling. The applicant is requesting a 15' side exterior setback be allowed which is a variance of 5' from the 20' required by ordinance. There are no utility easements that will be impeded with the proposed addition.

For additional information, please reference the attached documents.

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 footprint of the single-family dwelling only, as provided by the applicant within this application.

Variance Justification Narrative

Applicant Statement:

We would like to redevelop the property on 708 NE 2nd St. (corner of 2nd St and G St.) which current holds a single-family residence and multiple rear structures across two and one-half lots. The intention of the homeowners is to adjust the lot lines across the property so that there are two lots in width of 60' and 67'.

We are requesting a reduction to the setback off of G St. from 20' to 15'. NW G St. holds 60' of right of way, whereas the Master Street Plan requires 50', thus representing an additional 10' more than the City requires or needs at this time. In lieu of the City vacating 5', we are requesting a setback variance.

Architecture plans have been developed by David Burris Architecture, who consulted with a city representative at the time of drafting who suggested that this variance is both needed and appropriate.

Criterion A. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land structures or buildings in the same district.

Applicant Response: The property line is not parallel with the centerline of the street. The shape of the lot requires a very large side yard if the full setback is to be followed according to code, much larger than on a lot with side lot lines perpendicular to the street frontage. The shape of the lot was platted more than 20 years ago, and is beyond our control. The requested setback still allows for the appropriate distance from the street to the property and enables a more build consistent with neighboring homes in the area.

Criterion B. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.

Applicant Response: Other homes on 2nd street were constructed with less than the minimum 20-foot front setback, while the existing structures on the property (garage port and shed) measure approximately 5' from the eastern property line on G. St. Approval of a variance to the G. St. setback would allow us to: develop and improve the potential of the lot to comply with current zoning, construct a home on the property reasonably consistent in size and character with other homes in the vicinity and same zone, and retain adequate distance from the home without having a negative impact on traffic safety or the ability of pedestrians to use a future sidewalk due to parked vehicles extending beyond the property line.

Criterion C. That the special conditions and circumstances do not result from the actions of the applicant. Note: No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

Applicant Response: NE G St has a recorded 60' right of way; the east property line varies from 35' on the north, to 30' on the south to the center of the road on NE G. A side setback of 20' would place the home at 55' from the centerline. The requested reduction is for a reduction of side setback to place the home at the designed 50' from centerline (5' reduction of setback). This will allow the home to maintain perceived setbacks in keeping with others in the neighborhood. Note, the property to the east is currently 43' from the Centerline, while the property to the south is approximately 47' from centerline.

PRELIMINARY
NOT FOR CONSTRUCTION

BORNKESSEL RESIDENCE
NE G STREET
BENTONVILLE, AR

Burris
Architecture
300 N 2nd St Suite A, Rogers, AR 72756
479-636-3531

DATE: 1-13-17
JOB NO: 16045
REVISIONS:

site
site overall



① SITE PLAN
1/16" = 1'-0"

This drawing is prepared as an advisory service only. It is not intended to be used for construction. The user assumes all responsibility for the accuracy and completeness of the information provided. The user shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities. The user shall be responsible for the accuracy and completeness of the information provided. The user shall be responsible for the accuracy and completeness of the information provided.

BOA STAFF REPORT

17-11000007 Bike Rack Development – Density

TO: Bentonville Board of Adjustment Members
THRU: Troy Galloway, AICP, Community Development Director
FROM: Jon Stanley, Planner
BOA DATE: February 22, 2017

GENERAL INFORMATION:

Representative: Ecological Design Group, Inc. (Brahm Driver)

Applicant: Bike Rack Development, LLC

Location: Southwest 6th Street & Southwest 'B' Street

Existing Zoning: D-E, Downtown Edge

Existing Land Use: Vacant

REQUEST: Variance

Density Variance		
	Regulation	Request
Article 401. Sec 401.8-B.C.1 Density Requirements for DE, Downtown Edge	18 dwelling units per acre	Request of: 47 dwelling units per acre Variance of : 29 dwelling units per acre

SURROUNDING ZONING:

Direction	Zoning
North	D-E, Downtown Edge
South	D-E, Downtown Edge
East	D-E, Downtown Edge
West	D-E, Downtown Edge

BACKGROUND:

The applicant has submitted a variance request to the density requirements for a 0.49 acre parcel located in the D-E, Downtown Edge zoning District. The applicant is requesting that 47 dwelling units per acre be allowed, which is a variance of 29 dwelling units per acre from the 18 dwelling units allowed by ordinance. The intent of the applicant per the provided written narrative would be to construct four 2-story buildings totaling 23 units that would provide 38 parking spaces as required by the current zoning code.

For additional information please reference the attached documents.

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 structure only, as provided by the applicant within this application.

ECOLOGICAL DESIGN GROUP, INC.

314 S. 3rd Street
Rogers, AR 72756



February 13, 2017

Board of Adjustments
City of Bentonville
305 SW A Street
Bentonville, Arkansas 72712

RE: Request for Variance – 6th and SW B Townhouses

On behalf of Bike Rack Redevelopment, LLC and Newell Development, Ecological Design Group, Inc. is requesting a variance to allow an increase in density from the requirements of Section 401.8 of the zoning code. The property is located in the Arts District in downtown Bentonville and is in the Downtown Edge (DE) zoning district with a density requirement of 18 du/acre. The applicant is requesting a variance to increase the density for this property to 47 du/acre.

Newell Development seeks to develop 4 2-story buildings, totaling 23 units for town-house project that will conform to existing neighborhood architecture and meet the city's design standards. This project will be designed with a form and scale that will fit the neighborhood. This project is on property zoned downtown edge and fits into the cities future plans for growth and development. The project is providing 38 parking spaces which meet the DE zoning parking requirements. The project is able to meet and exceed the parking requirement of 1 space per unit for downtown edge.

There is significant demand for quality affordable housing and by limiting the density it creates a significant financial challenge to provide this missing affordable middle housing type. Therefore, this variance is being requested to allow the developer to create the projects that the downtown core district intended, which from our understanding is dense walkable neighborhoods with a variety of housing types and price points.

The developer is seeking to create a project that would conform to the existing neighborhood. The project will add on-street parking to the neighborhood and put the parking in the rear of the building. Newell Development's end goal is to provide housing and walkable/bikeable locations near the Bentonville Square, and are to work within the city's framework to provide affordable apartment units and create unique places in Bentonville. Newell development has a track record of building quality infill projects, specifically in the arts district, and is committed to a long-term business model that builds value for the community.

- A. Special Conditions and circumstances exist which are peculiar to the proposed project, in particular that the density limit of 18 dwelling units per acre does not fully express the vision of the downtown plan, and that our use of primarily one and two bedroom apartments does not create excessive density.
- B. Literal interpretation of the code would deprive the developer the rights commonly enjoyed by other properties in the same district. The proposed buildings in no way exceeds the height or lot area coverage allowed by code, or the total number of bedrooms allowed by code for this zoning district. Strict interpretation of the zoning code would limit the use of the property.

- C. The special conditions and circumstances that exist are not the result of the actions of the applicant. The limit of 18 dwelling units per acre is not consistent with the vision for Downtown Edge zoning.

Please let us know if you need any additional information in regard to the Variance request. We appreciate your review and consideration of this project. If you need any additional information or have any questions, please do not hesitate to contact me at 479-935-4826 or via email at bdriver@ecologicaldg.com.

ECOLOGICAL DESIGN GROUP, INC.



Brahm Driver, PE
Civil Engineer



600, 602, 604, 606 SW B St., Bentonville, Arkansas

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Ecological Design Group, Inc.
120 S. Hard Street
Little Rock, AR 72201
p 501.378.0200
f 501.378.0201
314 South 3rd Street
Rogers, AR 72756
p 479.935.4826
210 E. Merriam Ave.
Wynne, AR 72396
p 870.588.6425
f 870.238.8110

**ZONE = DOWNTOWN
EDGE-CDE**

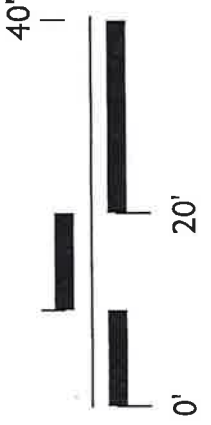
49 ACRES
11,280 sf proposed building
23 UNITS PROPOSED
DENSITY REQUIREMENTS

Allowed = $\frac{18 \text{ units}}{1 \text{ acre}}$
Proposed = $\frac{23 \text{ units}}{49 \text{ acres}} = 47 \text{ units/acre}$
Difference = $\frac{47 - 18}{29 \text{ units}}$

PARKING REQUIREMENTS
Required = 1 space per unit
Proposed units = 23 = 23 spaces
Provided = 38 spaces

REVISIONS

SHEET TITLE
ISSUE DATE
2-13-17
SHEET NO.



SW 6TH & B St. Townhouses Site Plan

SCALE: 1" = 20'-0"

