



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

I. Call to Order

II. Approval of Minutes

1. February 22, 2017 Minutes

III. New Business:

1. RCPV, LLC

Variance*

Nomad Road and SW Windmill Road (Providence Village Subdivision)

- Planned Residential Development (PRD) Structural Design Standards, front facing garages.

IV. Other Business

V. Adjournment

Board of Adjustment
Minutes
February 22, 2017

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

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

Motion by Mr. Pearson, seconded by Mr. Haynie to approve the minutes of February 22, 2017 as written.

Approved 4-0

New Business

Item #1

Bornkessel, Variance request for Side Exterior Setback, 708 Northeast 2nd Street, Zoned R-1, Single Family Residential

Jon Stanley reads the staff report

Opened public hearing

No public comments

Closed public hearing

Blake Bornkessel speaks on his request.

Ms. Holland asks if he plans to build another house. Mr. Bornkessel states he is unsure of his plans at this time.

Commissioner states that the Board has received multiple requests for setbacks and lot sizes. He asks what is best for the city: smaller lot sizes or less setback. The Board discusses.

Mr. Thompson states that they have recommended DN-1 for this area of town, making it low density with 60-foot minimum lots. He states the major hardship for the applicant is the 5 additional feet of right-of-way that was taken with the Lincoln-Rice Subdivision, where the city only needs 10.

Approved 4-0

Item #2

Bike Rack Development, LLC, Variance Request for Density in Downtown Edge Zoning, Southwest 6th Street & Southwest 'B' Street, Zoned DE, Downtown Edge

Jon Stanley reads the staff report

Opened public hearing

No public comments

Closed public hearing

Jake Newell, representative, believes that the current regulations does not support density to create more affordable units. The goal is to create 2.5 story units that will be one and two bedrooms. The sizes will be 680 square feet to 1180 square feet.

Mr. Thompson states that this is less than the DN-4 zoning today. The Planning Department will have the opportunity to rework the regulations before the full zoning rewrite.

Mr. Rogers wants to verify that this is in line with the City's future land use plan. Mr. Thompson states that it is, but the City will be looking at parking requirements in the future.

Approved 4-0

Motion by Mr. Pearson, 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

17-1100008 –RCPV, LLC– PRD Structural Design Standards – Front Facing Garages

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

GENERAL INFORMATION:

Representative: Hunter Haynes

Applicant: RCPV, LLC

Location: Providence Village Subdivision (Planning Area 1, Lots 1 through 139)

Existing Zoning: PRD, Planned Residential Development

Existing Land Use: Single Family Homes

REQUEST: Variance

Side Exterior Setback Variance		
	Regulation	Request
Article 401. Sec 401.13.D.6-h PRD Structural Design Standards for Front Loading Garages	Front loading garages in a PRD shall be recessed a minimum of 10' from the front elevation of the house.	Request of: 0' Variance of : 10'

SURROUNDING ZONING:

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

BACKGROUND:

The applicant has submitted a variance request to the Structural Design Standards for property located in a PRD, Planned Residential Development. The design standards require that all front loading garages be recessed a minimum of 10' from the front elevation of the home. The applicant is requesting a 0' recess be allowed which is a variance of 10' from the 10' required by ordinance for Lots 1 through 139 (Planning Area 1) of Providence Village Subdivision. (See attachments for additional information)

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 footprints of the single-family dwellings only, as provided by the applicant.

Bentonville Board of Adjustment Members

The Providence Village Subdivision is a unique property. It was originally developed under a Planned Unit Development (PUD) application in 2005. At that time the land owner received approval for 188 lots and started construction on the storm sewer, sanitary sewer, lift station, water lines, curb and gutter, streets and alleys. Unfortunately, in 2008, just prior to filing for final plat approval, property ownership reverted to the bank. The 119-acre property sat incomplete for 5 years. In 2013, the property was rezoned to R-1. The intent was to reconstruct much of the water and sewer infrastructure to align with a new lot layout. However, reconstruction of the existing infrastructure was determined to be, so the plans were abandoned.

In 2015, seven years after the development was started, Chambers Bank began the application process to get the property fully entitled and ready for home construction. The bank planned to utilize the existing R-1 zoning, as 139 lots were compliant with the zoning code and could be developed. The bank planned to request a variance for the 44 alley-loaded lots, since the lot dimensions had already been set by the existing utility infrastructure, which was installed in 2006. However, the bank was advised not to request a variance for these 44 lots. Rather, another PUD application was recommended. The bank's PUD application, which was approved in January 2017, outlines specific zoning and architectural standards for two distinct Planning Areas: 139 front-loaded lots and 44 alley-loaded lots.

In February, building permits were submitted to the City of Bentonville for review. However, the permits were denied, since the homes did not comply with Section 401.13 *Structural Design Standards*, which requires front-loaded garages to be recessed 10 feet from the front elevation of the house.

There are special conditions and circumstances specific to this development that are not applicable to other land. Specifically, over 10 years ago, this property was almost fully developed with utility services and alleys to serve a very specific layout and development pattern. The current PUD application included specific design standards that comply with Section 401.7 Minimum Setback Requirements, and that allow for the development of 60-foot wide front-load lots and 45-foot alley-loaded lots. This entire process, including the zoning standards has been driven by a subdivision design that was created over 10 years ago, and now the builder is being told that the project must also comply with another set of architectural design standards. These additional design standards were never mentioned to Chambers Bank representatives and effectively prohibit the development 139 lots.

The driveway must be off-set from the property line several feet (typically 5 feet) to allow for installation and maintenance, and the driveway must be at least 20 to 24 feet wide adjacent to the garage door to allow maneuvering into and out of the garage. The area needed for a driveway, coupled with a 5-foot side setback on the other side of the house leaves no more than 30-feet of width to build a home. Not only does this make modern home construction infeasible, it provides a floor plan that is extremely inefficient and undesirable to today's homebuyer.

The literal interpretation of the ordinance, at this point, denies the property owner's rights to build an average home. As noted above, the Structural Design Standards were never mentioned to the Bank during the rezoning process. In fact, when the property was zoned R-1, these standards did not even apply. The recommendation to rezone the entire property to a PUD was not necessary, since all the 60-foot lots complied with the R-1 zoning standards. The appropriate course of action should have been to rezone the alley-loaded lots only, since they did not comply with the R-1 standards.

The layout and concept of this subdivision was determined by a previous owner over a decade ago, and is in no way a result of the bank's actions, or homebuilder's actions. Further, the recommendation to rezone R-1 lots, which could have been developed in accordance with the R-1 zoning code and design regulations, to a PUD has resulted in a situation

where the homebuilder has less than 30 feet of buildable area in most situations. The requested variance is applicable to lots within Planning Area 1.

Please do not hesitate to contact me with any questions.

Regards,



Jesse Fulcher
479-301-6639

