



**BOARD OF ADJUSTMENT
AGENDA
July 26, 2017**

I. Call to Order

II. Approval of Minutes

III. New Business:

1. Brown

2105 SW Pin Oak Avenue

- Rear Setback in the R-1 zoning district

Variance*

2. Hurricane WA, LLC

SE 'A' Street & SE 7th Street

- Density in the DE zoning district

Variance*

IV. Other Business

V. Adjournment

Board of Adjustment
Minutes
June 14, 2017

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

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

Motion by Mr. Pearson, seconded by Mr. Chrisco to approve the minutes of May 24, 2017 as written.
Approved 5-0

New Business

Item #1

Wiseman, Variance request for 1000 N. Z. Ave., Side Extension Yard (Front Yard) Fence/Wall Height & Fence/Wall Adjacent to Public Right-of-Way

Jon Stanley reads the staff report

Opened public hearing

No public comments

Closed public hearing

The representative of Leisurescapes, Inc., presents the variance and the hardship to the Board. Angela Hayward, owner of Leisurescapes, states she stopped the work, but it will be finished at the proposed elevation.

Mr. Stanley states that the height is 6 feet at the tallest point; it is not a consistent height. The height variance is for the whole fence and the setback variance is only for the portion of the right-of-way.

Ms. Wiseman speaks to the Board about a lack of privacy due to the drastic increase of pedestrian traffic downtown.

Mr. Rogers states he supports the desire for privacy in the location. He does not agree with the hardship of the fence location due to drainage issues. He would not want to vote for the location along the right-of-way, but is open to compromise. Mr. Pearson agrees stating concerns over safety issues.

The Board, owner, and applicant agree on a variance of 2 feet regarding the location adjacent to the right-of-way.

Front Yard Fence/Wall Height

Approved 5-0

Fence/Wall Adjacent to Public Right-of-Way

Request of 3 feet, variance of 2 feet

Approved 5-0

Motion by Mr. Chrisco, seconded by Mr. Pearson 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
17-11000020, Brown, - Rear Setback

TO: Bentonville Board of Adjustment Members
THRU: Troy Galloway, AICP, Community Development Director
FROM: Jon Stanley, Planner
BOA DATE: July 26, 2017

GENERAL INFORMATION:

Representative: Charlie Woodrum
Applicant: Kevin Brown
Location: 2105 SW Pin Oak Avenue
Existing Zoning: R-1, Single Family Residential
Existing Land Use: Single Family Residence
REQUEST: Variance

Rear Setback		
	Regulation	Request
Article 401, Zoning District Regs Sec 401.7.C.3.c Minimum Setback Requirements for R-1 zoning	¶ P L Q L P rear setback	Request of: 23.50 ¶ Variance of : 1.50 ¶

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 minimum rear setback requirements for property located at 2105 SW Pin Oak Avenue in an R-1 Single Family Residential zoning district. The applicant is requesting a 23.50 ¶ rear setback be allowed which is a variance of 1.50 ¶ | U R 25 ¶ required by ordinance. All measurements shall be from property line to proposed façade.

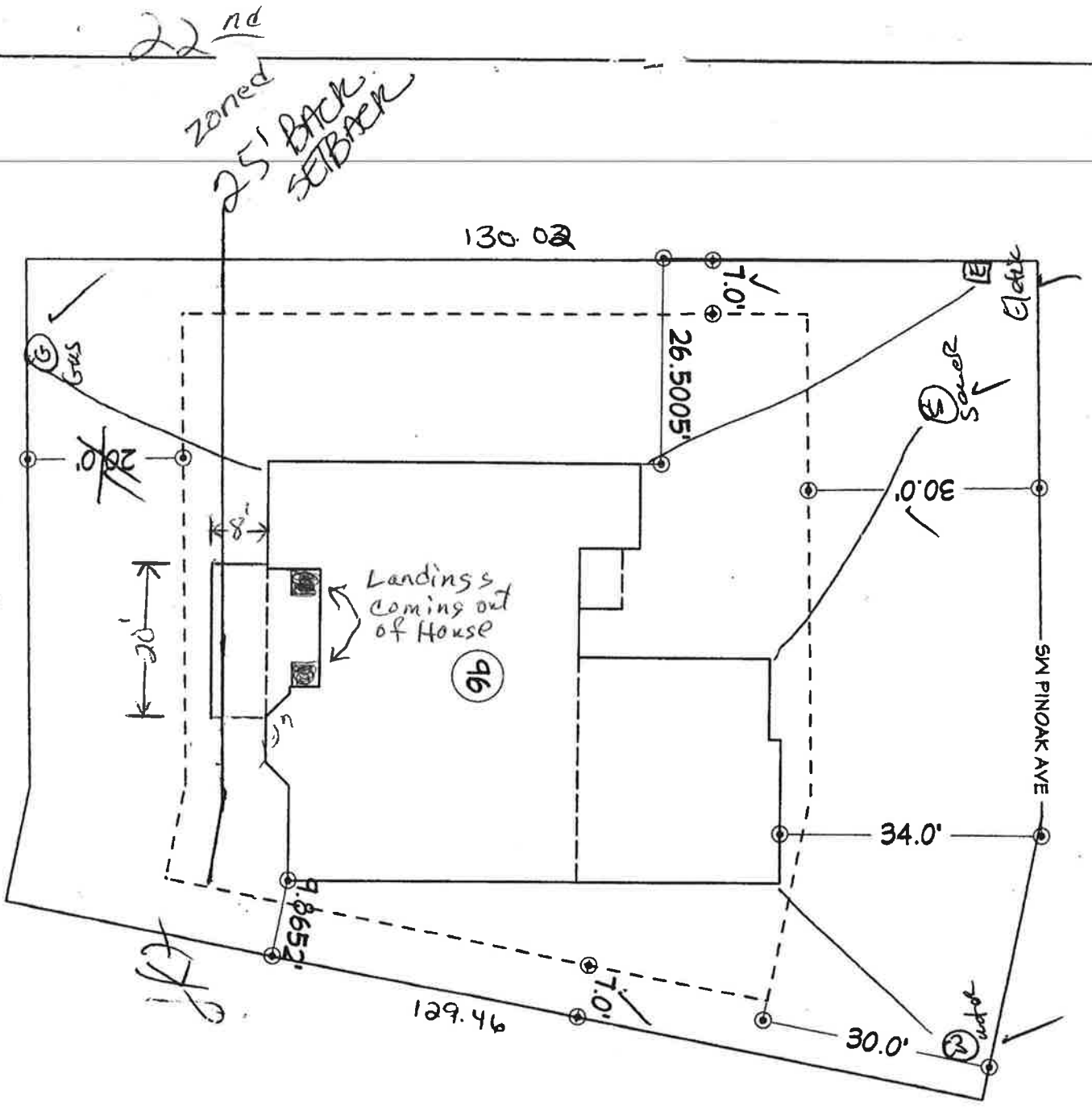
PUBLIC COMMENT:

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.
2. The applicant shall obtain a building permit prior to constructing the proposed structure.



application Buille
 Variance Planning page

NOTES:

1. THIS PLOT DEPICTS FUTURE CONSTRUCTION IMPROVEMENTS AS SHOWN.
2. DIMENSIONS ARE PERPENDICULAR TO PROPERTY LINES.
3. ALL DIMENSIONS MEASURED TO EXTERIOR FRAME.
4. DOTTED LINES REPRESENT BUILDING AND UTILITY EASEMENT SETBACKS.

PLOT PLAN

LOT 96
 WILDWOOD SUBDIVISION
 PHASE III
 BENTONVILLE, AR

DATE:
 10/04/2004

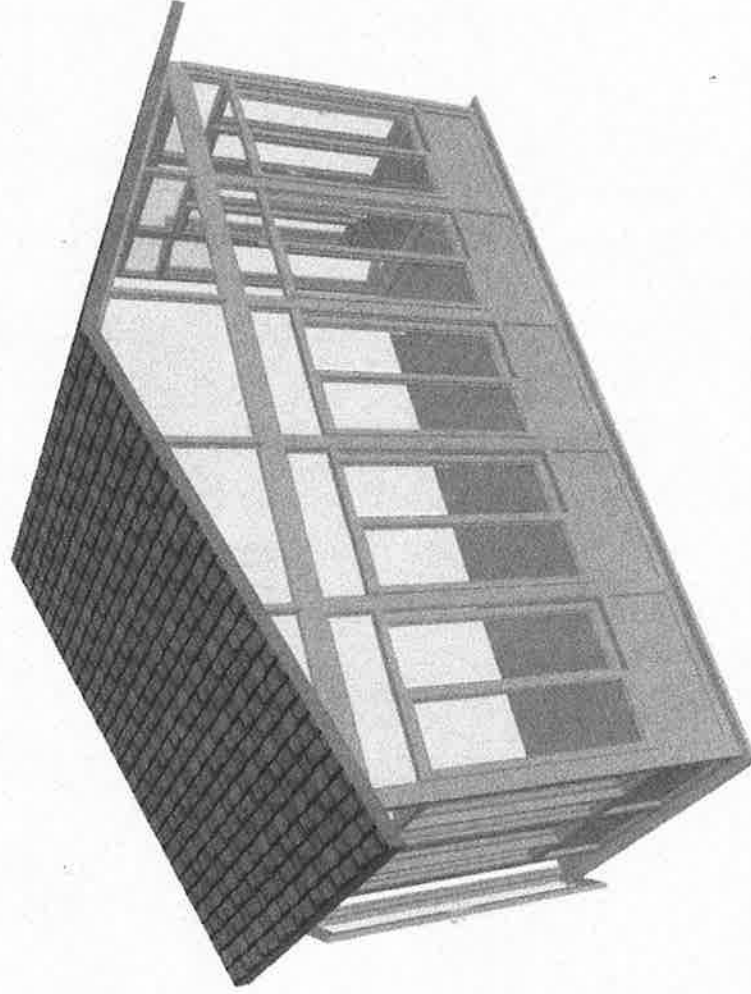
SCALE: 1" = 20'

PRECISION LAYOUT

PHONE (479) 841-4674 FAX: (479) 251-1208
 P.O. BOX 10108 FAYETTEVILLE ARKANSAS



Backyard Designs - (479)927-2882



Customer Name: brown	Room Type: Cathedral Sunroom	Ext. Width: 20'
Quote: 88	Pitch: 4/12	Ext. Projection: 8'
Ref: sunroom	Roof: Brown Shingles	Wall Height: 9'
Date: May 17, 2017	Color: Sandstone	

*This drawing is provided for quotation purposes only. Detailed production drawings will be issued upon order confirmation

BOA STAFF REPORT

17-11000019 Hurricane WA, LLC – Density

TO: Bentonville Board of Adjustment Members
THRU: Troy Galloway, AICP, Community Development Director
FROM: Jon Stanley, Planner
BOA DATE: July 26, 2017

GENERAL INFORMATION:

Representative: Jacobs Group

Applicant: Hurricane WA, LLC

Location: Southeast 'A' Street 7 Southeast 7th Street

Existing Zoning: DE, Downtown Edge

Existing Land Use: Downtown Mixed Use Residential

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: 22 dwelling units per acre Variance of : 4 dwelling units per acre

SURROUNDING ZONING:

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

BACKGROUND:

The applicant has submitted a variance request to the density requirements for a 0.23 acre parcel located in the DE, Downtown Edge zoning district. The applicant is requesting that 22 dwelling units per acre be allowed, which is a variance of 4 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 five, 2 story, 2 bedroom townhomes and provide 6 on-street 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.
2. The applicant shall obtain Large Scale Development approval from the Planning Commission.
3. The applicant shall obtain a building permit prior to constructing the proposed structure.

July 17, 2017

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 build five rowhomes located at the corner of SE A and SE 7th in downtown Bentonville in order to provide missing housing options for individuals seeking to live near the downtown location.

Project Description

The project site consists of one lot measuring approximately 71' x 141' approximately 10,020 Sq. Ft. The property is currently zoned D-E Downtown Edge. The project will consist of five rowhomes consisting of two bedroom units and exceeding the density allowed by D-E zoning. We propose to keep the existing zoning in place.

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

Density

- D-E allows 18 DU per Acre
- Our request is for: *22 DU Per Acre*

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

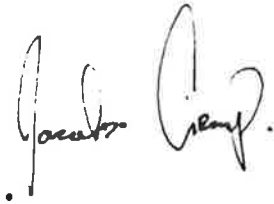
- A. Special Conditions and circumstances exist which are specific to the proposed project. In particular the density of 18 units per acre does not allow for a true urban density in the context of the vision for Downtown Bentonville. The proposed project uses this infill site in an efficient manner while 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.*

JACOBS GROUP

Specializing in Downtown Housing

- C. The special conditions and circumstances do not result from the actions of the applicant. *Currently other projects can be found within the City of Bentonville Downtown Zoning districts that are above the set density for this ordinance. Our rowhome project is well below those found properties and we feel that the density we seek approval is warranted.*

Sincerely,

A handwritten signature in black ink, appearing to read "Jacobs Group". The signature is stylized and cursive.

Jacobs Group
PO Box 1285
Bentonville Ar, 72712

PROJECT SUMMARY

LOT

- 141.00' X 71.08' (10,020 SF) .230 ACRES
- ZONED DE (DOWNTOWN EDGE)

R.O.W DEDICATION

- 2235 SF (22% OF LOT)

ROW HOMES

- FIVE (5) 2 BED, 2.5 BATH, TWO STORY ROWHOMES AT 1357 SF
- 1ST FLOOR FOOTPRINT OF UNITS = 3465 SF

PARKING

- SIX (6) ON STREET PARKING SPOTS (9' X 22')

PROJECT ANALYSIS

DENSITY

- 18 DU/ACRE ALLOWED THUS:
 .23 ACRES X 18 = 4.14 UNITS ALLOWED
 ACTUAL UNITS = 5
 *REQUESTED VARIANCE TO 22 DU/ACRE (.23 X 22 = 5.06 UNITS)

LOT AND AREA REQUIREMENTS

- MIN. LOT AREA = COMPLY
- MIN. LOT WIDTH = COMPLY
- MAX LOT COVERAGE = 80% (ACTUAL 35%) COMPLY

SETBACKS

- 6' SIDE YARD SETBACK = COMPLY
- 12' REAR YARD SETBACK (ADJACENT TO RESIDENTIAL > 20') = COMPLY
- 20' MAX FRONT YARD SETBACK = COMPLY

HEIGHT REQUIREMENTS

- MIN (NONE) = COMPLY
- MAX (60') = COMPLY

ENCROACHMENT REQUIREMENTS

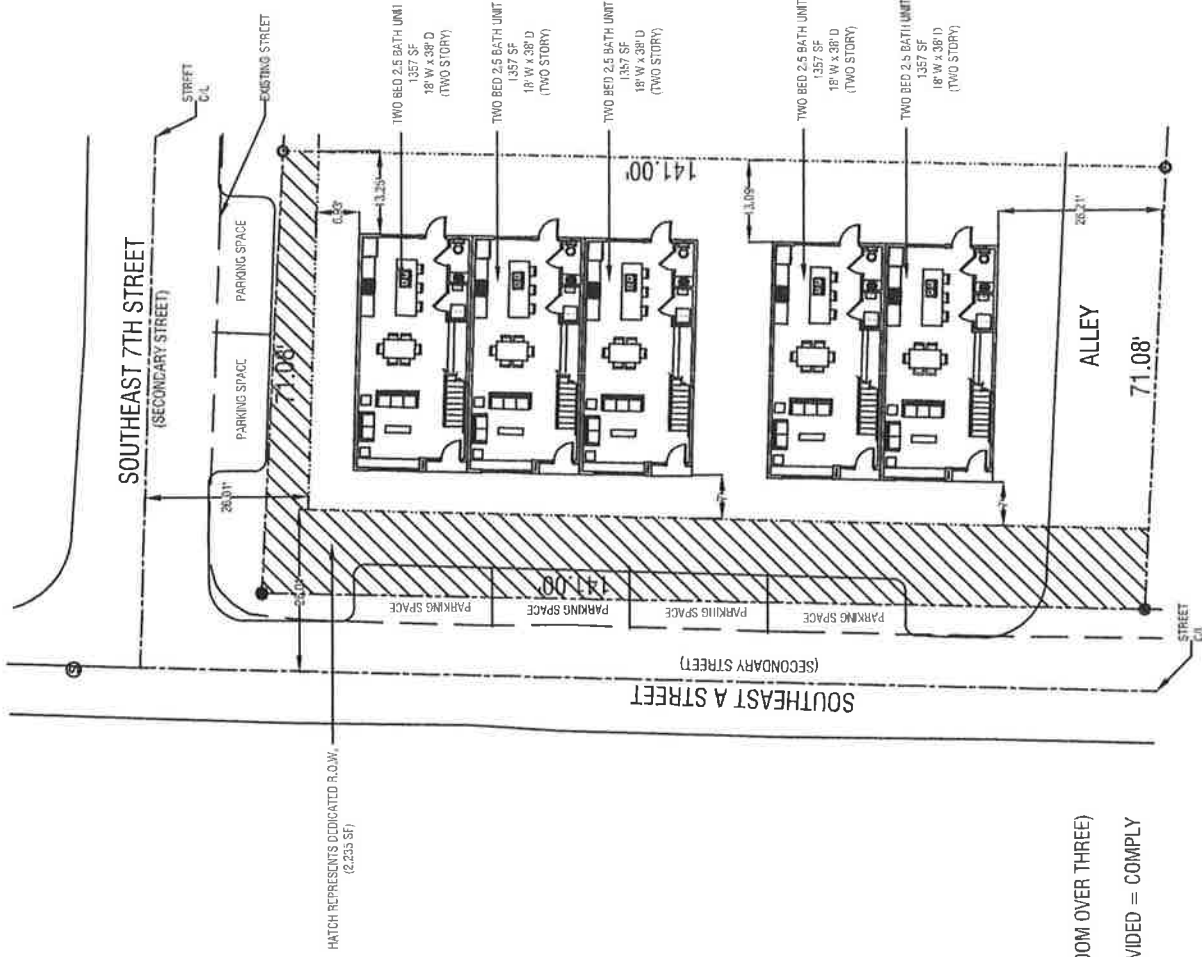
- COMPLY

PARKING REQUIREMENTS

- RESIDENTIAL USES - 2 + BEDROOMS (1SPACE /UNIT PLUS .5 FOR EACH BEDROOM OVER THREE)
 THUS;
 FIVE (5) TWO BEDROOM UNITS = 5 PARKING SPACES REQUIRED, 6 PROVIDED = COMPLY

REQUESTED VARIANCE

*REQUESTED VARIANCE TO 22 DU/ACRE (.23 X 22 = 5.06 UNITS) IN LIEU OF 18 DU/ACRE



1 SITE PLAN

SCALE: 1:30

PLAN PROVIDED AND COPYRIGHTED BY
 JACOBS GROUP
 P.O. BOX 1285
 BENTONVILLE, AR 72712