



**BOARD OF ADJUSTMENT
AGENDA
August 10, 2016**

I. Call to Order

II. Approval of Minutes

III. New Business:

1. First Federal Bank of Arkansas

Variance*

Northwest Elm Tree Road & Southwest 2nd Street

- Minimum District Area Requirements for a Planned Residential Development (PRD)

IV. Other Business

V. Adjournment

Board of Adjustment
Minutes
July 27, 2016

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

Present: Jan Holland, Joe Haynie, Rick Rogers, Sam Pearson

Absent: Rustin Chrisco

Motion by Haynie, seconded by Pearson to approve the minutes of July 13, 2016
Approved 4-0

New Business:

Item #1

Mill Project: (16-11000027) Mill Project, Fence and Wall Requirements & Sight Triangle, 308, 310 & 312 Northwest 'B' Street, Zoned R-3, Medium Density Residential.

The applicant has submitted a variance request to the maximum fence height requirement for property located at 308, 310 & 312 Northwest 'B' Street.

The applicant is requesting a 3.5' high wooden decorative fence be allowed along Northwest 'B' Street which is a variance of 0.5' from the 3' allowed by ordinance. (See attached exhibit as provided by the applicant)

The applicant is also requesting a 3.5' high wooden decorative fence be allowed along Northwest 4th Street for 21.25 linear feet which is a variance of 0.5' from the 3' allowed by ordinance. (See attached exhibit as provided by the applicant)

The applicant is also requesting a 6' high wooden decorative fence be allowed along Northwest 4th Street for 54 linear feet which is a variance of 3' from the 3' allowed by ordinance. (See attached exhibit as provided by the applicant)

In addition to the variances listed above the applicant has also submitted a variance request to the location of the wooden decorative fence adjacent to the public right-of-way.

The applicant is requesting that the proposed wooden decorative fence along Northwest 'B' Street be located 2' out-side the public right-of-way line. This is a variance of 3' from the 5' required by ordinance. (See attached exhibit as provided by the applicant)

The applicant is also requesting that the proposed wooden decorative fence along Northwest 4th Street be located 2' out-side the public right-of-way line. This is a variance of 3' from the 5' required by ordinance. (See attached exhibit as provided by the applicant)

Furthermore the applicant has submitted a variance request to the sight triangle requirements as set forth in Article 1400, Section 1400.15.A of the Subdivision Code for above mentioned property. The applicant is requesting to allow a section of the proposed wooden decorative fence to be constructed within the site triangle at the intersection of Northwest 'B' Street and Northwest 4th Street as shown in the attached exhibit provided by the applicant.

It should be noted that the proposed wooden decorative fence along Northwest 'B' Street would be located within an existing utility easement.

The Board should also be aware that the following variances were approved by the Board for the

subject properties listed above on April 8, 2015:

- Minimum Lot Area Requirements for R-3, Medium Density Residential = Request of 3,309 sq. ft., a variance of 2,691 sq. ft. from the 6,000 sq. ft. required by ordinance.
- Minimum Lot Width Requirements for R-3, Medium Density Residential = Request of 44', variance of 16', from the 60' required by ordinance.
- Minimum Lot Depth Requirements for R-3, Medium Density Residential = Request of 73', variance of 27', from the 100' required by ordinance.
- Minimum Rear Setback Requirements for R-3, Medium Density Residential = Request of 15', variance of 10', from the 25' required by ordinance.

Opened Public Hearing

Alyson Jacobs with the Jacobs Group spoke to commissioners:

- Hardship-they have dogs and children
- Privacy-would like to build a courtyard

No public comment

Closed public hearing

Rogers-no problem with height and sight triangle, problem being so close to sidewalk

Joe has an issue with sight triangle

Jan-fence is already up-if they had turned in fence application we would not be here.

Pearson-problem with being too close to sidewalk

Rogers-house being too large for lot so that is not a hardship

1st Item

Mill Project LLC-Fence Height Variance along NW 'B' Street

Approved 4-0

2nd Item

Fence Height Variance along NW 4th Street for 21.25 [LF@3.5](#) High

Approved 4-0

3rd Item

Fence Height Variance along NW 4th Street for 54 LF@6' High

Approved 4-0

4th Item

Fence location Variance along NW 'B' Street

Approved 4-0

5th Item

Fence location variance along NW 4th Street

Change is now 2' for a variance of 3'

Approved 4-0

6th Item

Sight Triangle @ Intersection of NW 'B' Street & NW 4th Street

Approved 4-0

Meeting adjourned

Diane Shastid

BOA STAFF REPORT

16-1100028, First Federal Bank of Arkansas, PRD Minimum District Requirements

TO: Bentonville Board of Adjustment Members
THRU: Troy Galloway, AICP, Community Development Director
FROM: Jon Stanley, Planner
BOA DATE: August 10, 2016

GENERAL INFORMATION:

Representative: Swope Consulting, LLC (Phil Swope)

Applicant: First Federal Bank of Arkansas

Location: Northwest Elm Tree Road & Southwest 2nd Street (Arkansas State Highway 72 West)

Existing Zoning: A-1, Agricultural

Existing Land Use: Vacant

REQUEST: Variance

Minimum District Area Variance		
	Regulation	Request
Article 401, Sec. 401.13, A.5, Planned Residential Development Minimum District Area	3 acre minimum	Request of: 2.76 acres Variance of : 0.24 acres

SURROUNDING ZONING:

Direction	Zoning
North	R-1 Single Family Residential
South	C-1, Neighborhood Commercial, Benton County & R-1 Single Family Residential
East	R-1 Single Family Residential
West	A-1, Agricultural

BACKGROUND:

The applicant has submitted a variance request to the Minimum District Area Requirements for a PRD, Planned Residential Development, for property located at the Northeast corner of the intersection of Northwest Elm Tree Road and Southwest 2nd Street. The applicant is requesting the 2.76 acre parcel be zoned PRD, Planned Residential Development which is a variance of 0.24 acres from the 3 acres required by ordinance. The applicant states that the 3 acre minimum does not allow the parcel, which is situated between an existing single family subdivision to the north and east, and arterial roads to the south and west, to be utilized for infill development. The PRD was recommended by city planning staff for this 3 acre parcel to help facilitate the flexible development, screening and buffering of a multi-family development. The requirements set forth in the PUD zoning document will result in architecture that is consistent with the City of Bentonville's Design Standards.

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 existing 2.76 acre parcel as provided by the applicant within this application.



SWOPE CONSULTING, LLC

Civil Engineering
3511 SE J Street, Suite 9
Bentonville, AR 72712 479-685-8399

July 26, 2016

City of Bentonville Planning Department

Attn: Jon Stanley
305 SW "A" Street
Bentonville, AR 72712

**Re: PRD Variance Narrative
NE Corner Elm Tree Road & SW 2nd Street
(parcel 01-00942-077)**

Dear Jon:

Please accept this narrative, as required, for the subject variance. Listed below are the application-required questions, each of which is followed by our response.

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.

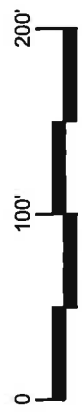
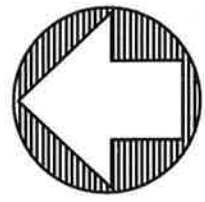
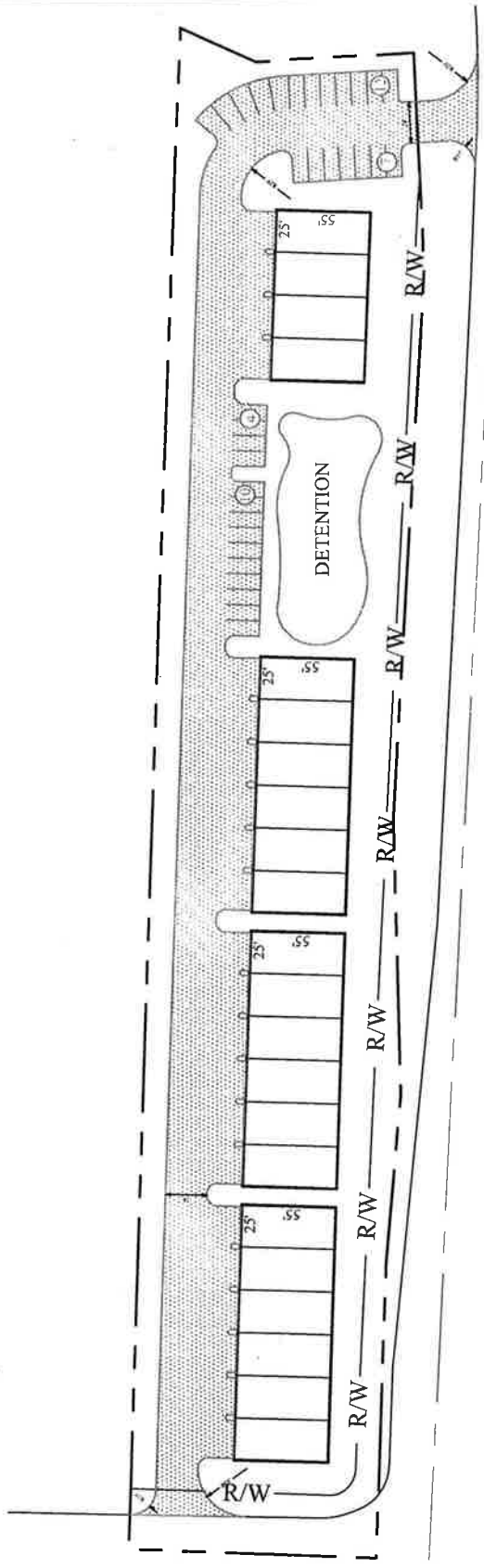
The owner is proposing to develop this property as a multi-family development that must make use of a very shallow property. The project must have two driveway access points, despite a driveway onto Elm Tree requiring a challenge during certain times of day. Building setbacks also may require a resolution in the PRD process.

The special condition for this property is that the land is under 3 acres, which is normally required by code 401.13.a.5. Instead, please allow this parcel to apply under PRD guidelines despite its small size.

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.

The literal interpretation requires a 3-acre minimum. All other properties in this district have sufficient dimensions (to not need a PRD) or are sufficiently large enough to fit into the existing PRD guidelines.

B. That the special conditions and circumstances do not result from the actions of the applicant.

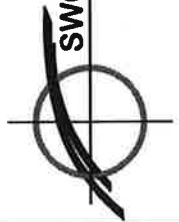


SCALE 1" = 100 FEET

PROJECT NO. 16-225	SCALE 1"=100'
DATE: JULY 31, 2016	
SITE PLAN CONCEPT	
SHEET NO	P1.0

ELM TREE TOWNHOMES

2nd STREET & ELM TREE ROAD
BENTONVILLE, AR 72712



SWOPE CONSULTING
Civil Engineering

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479.250.4285 fax

