



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

**I. Call to Order**

**II. Approval of Minutes**

**III. New Business:**

**1. TNG Properties, LLC**

212 Southeast 2<sup>nd</sup> Street

- Side Setback in D-E, Downtown Edge

**Variance\***

**2. Equity Trust/Paul Viala**

702 Northwest 2<sup>nd</sup> Street & 201 NW 'F' Street

- Density Variance in R-1, Single Family Residential
- Interior Lot Width Variance in R-1, Single Family Residential
- Bulk & Area Requirements in R-1, Single Family Residential

**Variance\***

**IV. Other Business**

**V. Adjournment**

Board of Adjustment  
Minutes  
August 26, 2015

The Board of Adjustment meeting called to order at 5:00 p.m. by Rustin Chrisco, Chairman.

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

Motion by Pearson, seconded by Haynie to approve the minutes of August 12, 2015 as written  
Approved 5-0

New Business:

Item #1

Jeff Martin: (15-1100022) Variance Request for Fence and Wall Requirements (Front Yard Fence Height), 1400 East Central Avenue, Zoned C-2, General Commercial.

The applicant has submitted a variance request to the Front Yard Fence Height requirements for property located in a C-2, General Commercial zoning district. The applicant is requesting a 4 feet high front yard fence be allowed for a distance of 36 linear feet which is a variance of 1 foot from the 3 feet allowed by ordinance, in addition the applicant is also requesting a 6 feet high fence be allowed for a distance of 33 linear feet which is variance of 3 feet from the 3 feet allowed by ordinance. The location and height is illustrated on the attached exhibit. The proposed variance is to provide security for a playground area associated with a commercial childcare facility.

Opened Public Hearing

Josephine Adesina of the Mustard Seed Children's Academy, Denise Chapman and a letter from another parent not able to attend spoke in favor of the requested variance.

Closed the public hearing

Motion by Pearson, seconded by Rogers to approve the 4' wrought iron fence

Approved 5-0

Motion by Pearson, seconded by Rogers to approve the 6' vinyl coated chain link fence.

Approved 5-0

Motion by Pearson, seconded by Rogers to adjourn

Adjourned

Diane Shastid

# BOA STAFF REPORT

## 15-1100024 –TNG Properties –Side Setback Requirements for Downtown Edge Zoning District

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

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### GENERAL INFORMATION:

**Representative:** Dave Burris

**Applicant:** TNG Properties, LLC (Neil Greenhaw)

**Location:** 212 SE 2<sup>nd</sup> Street (Southwest corner of intersection of Southeast 2<sup>nd</sup> & Southeast 'B' Street)

**Existing Zoning:** DE, Downtown Edge

**Existing Land Use:** Downtown Mixed Use Residential

**REQUEST:** Variance

Side Setback Variance		
	Regulation	Request
Article 401. Sec 401.8.C.3 Side Setback for D-E, Downtown Edge zoning district	6' side setback minimum	Request of: 4' Variance of : 2'

### SURROUNDING ZONING:

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

### BACKGROUND:

The applicant has submitted a variance requests to the zoning code for property located in the D-E, Downtown Edge, zoning classification. The applicant is requesting a 4' side setback be allowed which is a variance of 2' from the 6' required by ordinance. The proposed variance is for the construction of a 3 story mixed use building.

### 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 lot only, as provided by the applicant within this application.
2. The building shall be constructed in accordance with the 2012 Arkansas Fire Prevention Code. A code analysis must be provided at the time of building permit for each possible use. The building must be constructed assuming a residential and or commercial structure will be built on the property to the west at the eastern most minimum setback of the adjacent lot.



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# SAND CREEK

Engineering and Landscape Architecture, Inc.

Bentonville, Arkansas (479) 464-9282

Date: August 31, 2015

Job # 15056

RE: Haxton Studio  
212 SE 2<sup>nd</sup> Street  
Bentonville, AR. 72712

To: Bentonville Planning

Dear Planning,

The owner/developer of the Haxton Studio would like to request a variance on both side-yard setbacks for Lot 15, Block 4 of Railroad Addition, which is a replat of Lot 12, Block 4 of Railroad Addition currently being reviewed in Planning.

No special conditions exists on this property to warrant the Variance, but in discussions with Planning the idea of reducing the side-yard setbacks was mentioned as a planned change that was soon to be implemented. The developer would like to take advantage of this change with this development and therefore request that a Variance request be heard.

Sincerely,

Ken Booth, Project Manager  
Sand Creek Engineering

**CLIENT:** TNG Properties, LLC  
 Neil Greenhaw  
 PO Box 692  
 Bentonville, AR 72712

**HAXTON STUDIO**  
 218 SE 2nd STREET  
 BENTONVILLE ARKANSAS

**SITE CONCEPT**

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



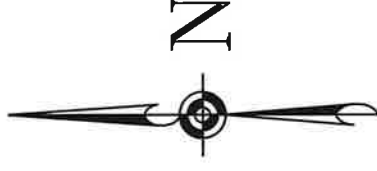
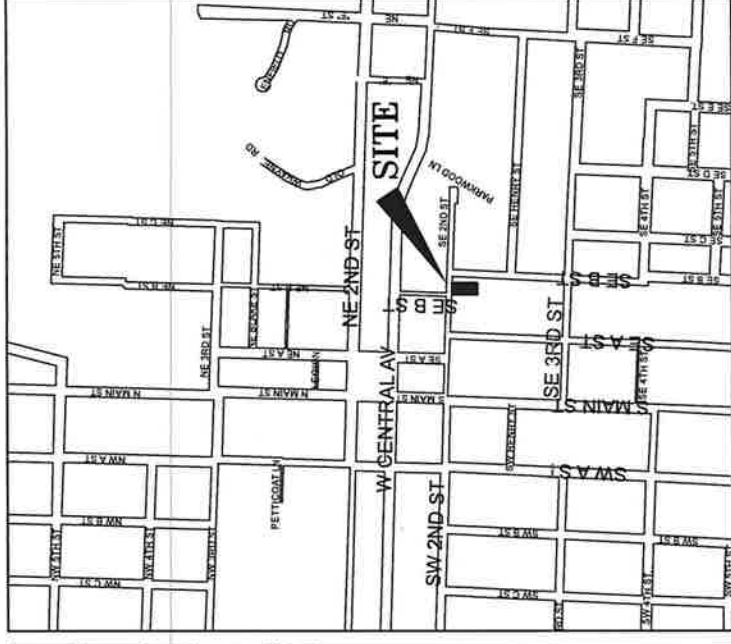
PLS: CAD: KB

FIELD:

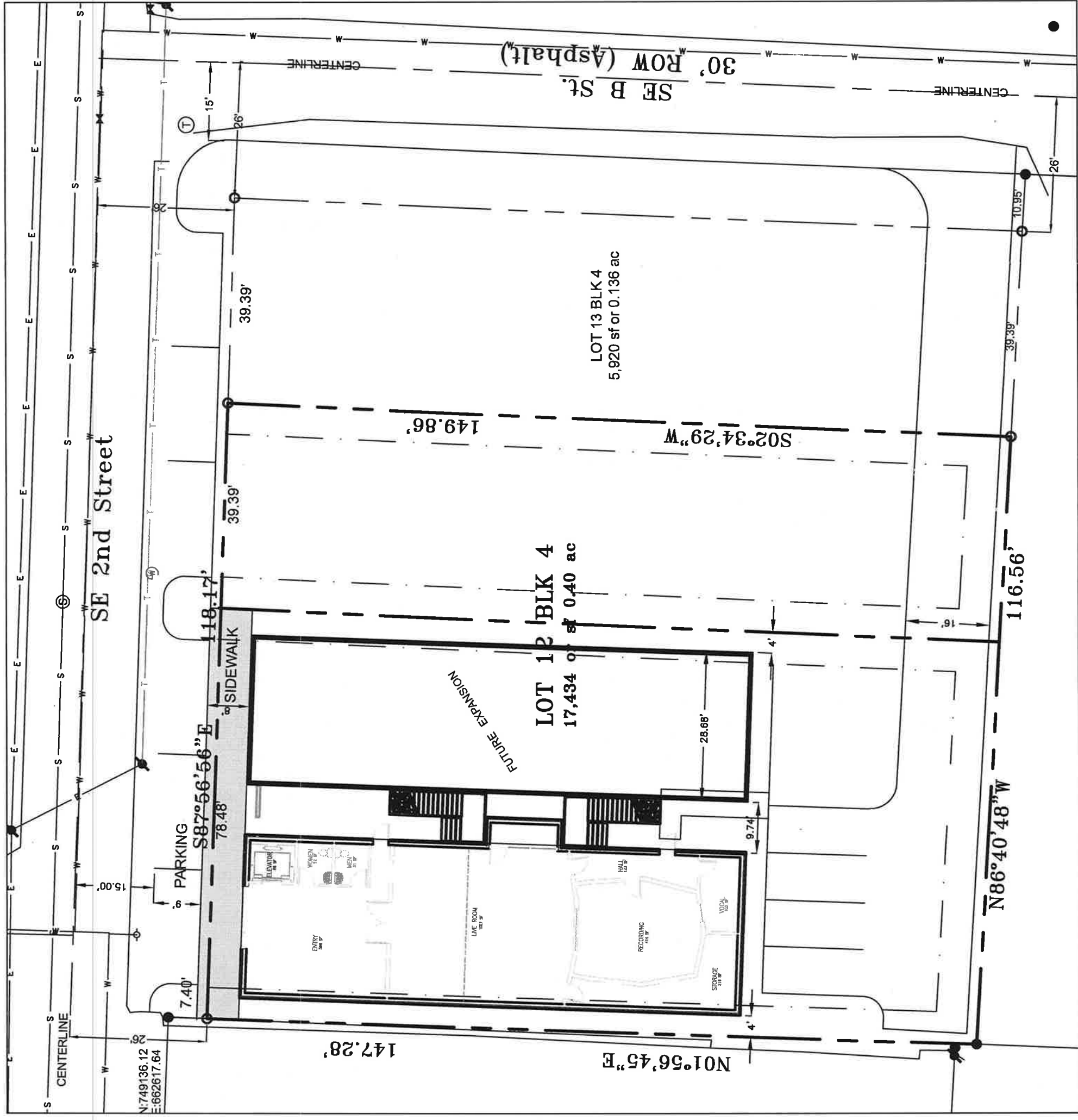
DWG: 15056\_HAXTON VARIANCE

DATE: AUG. 31, 2015

SHEET: 1 OF 1



SCALE: 1" = 20'



# BOA STAFF REPORT

## 15-11000025 –Equity Trust/Paul Viala – Density, Lot Width, and Bulk & Area Requirements

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

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### GENERAL INFORMATION:

**Representative:** Sand Creek Engineering (Jayne Sablotne)

**Applicant:** Equity Trust/Paul Viala

**Location:** 702 Northwest 2<sup>nd</sup> Street & 201 Northwest 'F' Street

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

**Existing Land Use:** Low Density Residential

**REQUEST:** Variance(s)

<b>Density Variance</b>		
	<b>Regulation</b>	<b>Request</b>
<b>Article 401. Sec 401.7.C.1 Density Requirements for R-1, Single Family Residential</b>	6 Dwelling Units per Acre Max.	Request of: 8.57 units per acre Variance of : 2.57 units per acre

<b>Lot Width Variance for interior lots</b>		
	<b>Regulation</b>	<b>Request</b>
<b>Article 401. Sec 401.7.C.2 Lot Width for R-1, Single Family Residential</b>	60' Lot Width minimum	Request of: 47.76' Variance of : 12.24'

<b>Bulk &amp; Area Variance</b>		
	<b>Regulation</b>	<b>Request</b>
<b>Article 401. Sec 401.7.C.2 Lot Area for R-1, Single Family Residential</b>	6,000 sq. ft. Lot Area minimum	Request of: 4,780.30 sq. ft. Variance of : 1,219.70 sq. ft.

**SURROUNDING ZONING:**

<b>Direction</b>	<b>Zoning</b>
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 3 variance requests to the zoning code for property located in the R-1, Single Family Residential zoning classification to allow the construction of one (1) single family home. If the variances are approved the applicant will then be required to submit a lot split reflecting the approved variances and gain approval from the planning commission. The variance requests are as follows.

The applicant is requesting that 8.57 units per acre be allowed which is a variance of 2.57 units per acre allowed by ordinance. The proposed variance is for the construction of one (1) single family home.

The applicant is requesting that a 47.76’ wide interior lot be allowed which is a variance of 12.24’ from the 60’ required by ordinance. The proposed variance is for the construction of one (1) single family home.

The applicant is requesting that that a 4,780.30 square feet lot be allowed which is a variance of 1,219.70 square feet from the 6,000 square feet required by ordinance. The proposed variance is for the construction of one (1) single family homes.

**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 one single family lot only, as provided by the applicant within this application.
2. A lot split reflecting the approved density, lot width and bulk & area requirements will be required to be submitted and approved by the planning commission.
3. No access to the proposed lot will be allowed from Northwest 2<sup>nd</sup> Street. The lot must be accessed from Northwest ‘F’ Street through an access easement across the adjacent lot to the east.





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# SAND CREEK

Engineering and Landscape Architecture, Inc.

Bentonville, Arkansas (479) 464-9282

Date: September 1, 2015

Job # 15065

RE: Proposed Lot Split located at 702 NW 2<sup>nd</sup> St & 201 NW 'F' St  
Parcel No. 01-02389-000

To: Bentonville Planning and Engineering

Planning Staff,

On behalf of the owner, we would like to request a variance of lot width, density and bulk/area requirements for a proposed split of Lot 24, Dickson's Addition to allow for one additional unit to be placed on the proposed new lot.

- The R-1 lot width requirement is 60' and the owner would like to request 47.76' for a variance of 12.24'.
- There are two existing dwelling units located on the referenced lot of 15,246 sf allowing a density of 2.1 units. We are asking for a variance of 0.9 units to allow for one additional unit.
- The bulk/area requirements are 6000 sf per lot. The owner would like to request 4780.3 sf with a variance of 1219.7 sf.

The request to vary the minimum lot width and the unit density for the lot split would have no adverse impact on the surrounding properties.

Sincerely,

Jayne Sablotne/Project Manager  
Sand Creek Engineering

SCALE: 1" = 20'

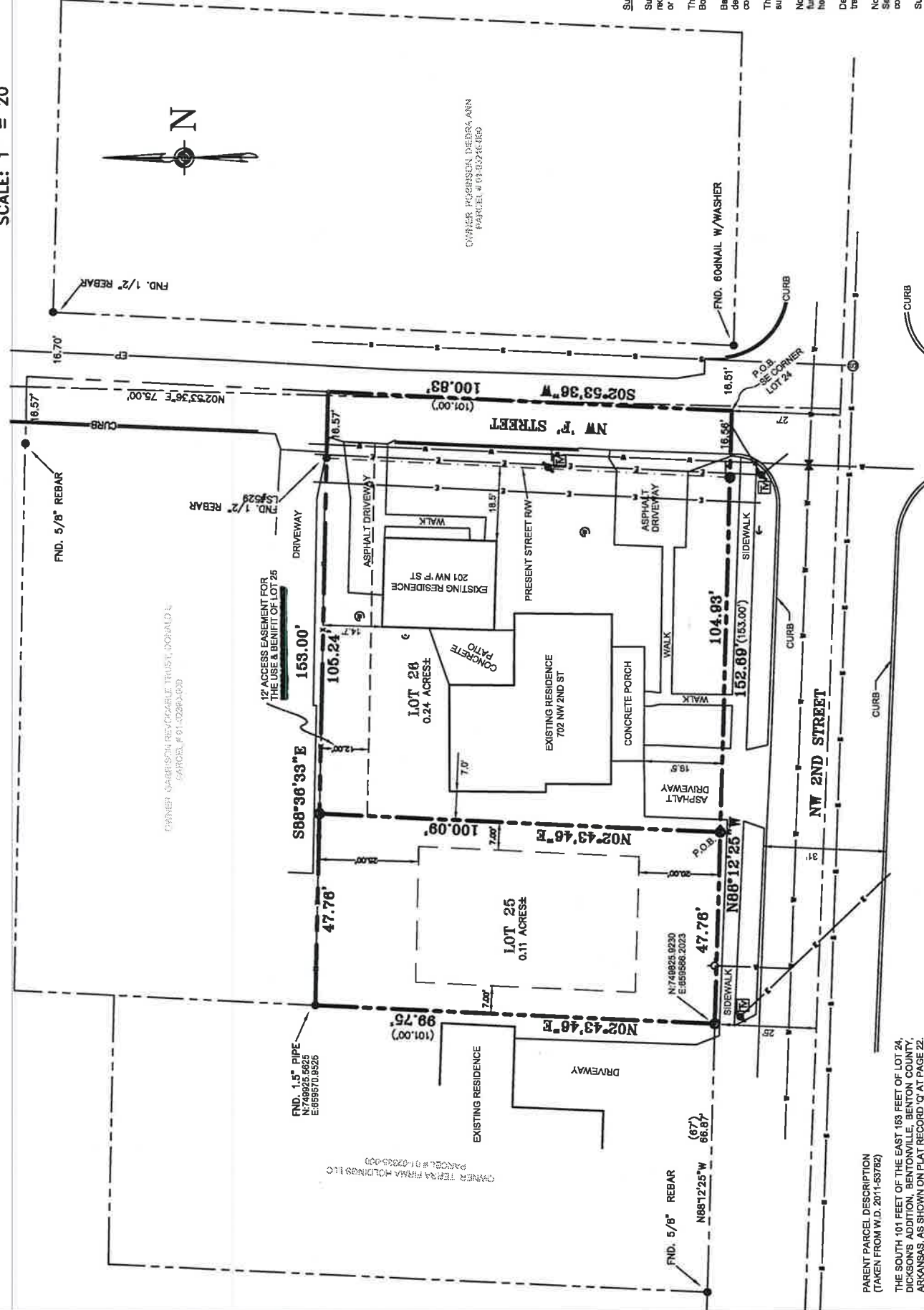


Vicinity Map  
N.T.S.

**LEGEND**

- MONUMENT FOUND (AS NOTED)
- MONUMENT SET (AS NOTED)
- UTILITY POLE
- UTILITY POLE (WITH GUY WIRE)
- TELEPHONE RISER
- CABLE RISER
- SIGN
- WATER METER
- WATER VALVE
- FIRE HYDRANT
- GAS METER
- SEWAGE TRENCH MANHOLE
- PROPERTY LINE
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**Survey Notes:**  
Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, title evidence, zoning restrictions, or any other fact which an accurate and current title search may disclose.  
This plat represents a boundary survey of the parcel recorded in Deed Record, Book 2011, Page 50762 at the courthouse in Benton County, Arkansas.  
Basis of Bearing: Arkansas State Plane Grid, North Zone, NAD-83, as determined by GPS observation. SE corner of lots have a computed convergence angle of -1°17'23.81"  
This survey is valid only if the drawing includes the seal and signature of the surveyor.  
No abstract of title, nor title commitment, nor results of title searches were furnished to the surveyor. The surveyor is not responsible for any errors or omissions which may exist in any other documents or records not shown hereon which would affect this parcel.  
Declaration is made to the original purchaser of the survey and is not transferable to any additional institutions or subsequent owners.  
No attempt was made to show building setback lines graphically on the survey. Setback dimensions are based on the orientation of the building(s) to be constructed.  
Subsurface and environmental conditions were not examined nor considered a part of this survey.  
The locations of underground utilities as shown hereon are based on above ground structures that were visible at the time of survey, and/or from record drawings provided to the surveyor and city GIS data. The location of underground utilities/structures may vary from locations shown hereon. No excavations were made during the progress of this survey to locate underground utilities/structures.  
All dimensions to curb are to back of curb.  
(BY GRAPHICAL PLOTTING ONLY)  
This property is not located within any presently established 100-year flood plain as determined by the National Flood Insurance Program, flood insurance rate map for Benton County, Arkansas. Map Number 05007C0285 K. Revised date June 5, 2012.



**CERTIFICATE OF OWNERSHIP:**  
We the Undersigned, owners of the real estate shown, and herein, do hereby certify that we have read and approve the contents of this plat, and subscribe our real estate in accordance with this plat.  
Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
State of Arkansas }  
County of Benton }  
Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 2015.  
Notary Public Signature: \_\_\_\_\_

**LOT 28 DESCRIPTION**  
PART OF THE SOUTH 101 FEET OF THE EAST 163 FEET OF LOT 24, DICKSON'S ADDITION, BENTONVILLE, BENTON COUNTY, ARKANSAS. MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT THE SE CORNER OF SAID LOT 24; THENCE N88°12'25"W ALONG THE SOUTH LINE OF SAID LOT 24 104.93 FEET; THENCE S02°43'46"E 100.09 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 101 FEET OF LOT 24; THENCE S88°36'33"E ALONG SAID NORTH LINE OF THE SOUTH 101 FEET OF LOT 24 105.24 FEET TO THE EAST LINE OF SAID LOT 24; THENCE S02°53'36"W 100.83 FEET TO THE POINT OF BEGINNING. CONTAINING 0.24 ACRES. MORE OR LESS. SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY OR COVENANTS OF RECORD OR FACT.

**LOT 25 DESCRIPTION**  
PART OF THE SOUTH 101 FEET OF THE EAST 163 FEET OF LOT 24, DICKSON'S ADDITION, BENTONVILLE, BENTON COUNTY, ARKANSAS. MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE SE CORNER OF SAID LOT 24; THENCE N88°12'25"W ALONG THE SOUTH LINE OF SAID LOT 24 104.93 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N88°12'25"W 77.79 FEET TO THE WEST LINE OF THE EAST 163 FEET OF SAID LOT 24; THENCE S02°43'46"E 100.09 FEET TO THE POINT OF BEGINNING. CONTAINING 0.11 ACRES. MORE OR LESS. SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY OR COVENANTS OF RECORD OR FACT.

**CITY OF BENTONVILLE PLANNING COMMISSION ACCEPTANCE:**  
APPROVED AND RECOMMENDED FOR ACCEPTANCE BY THE PLANNING COMMISSION OF BENTONVILLE, ARKANSAS.  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.  
Planning Director: \_\_\_\_\_

**OWNER: GARRISON REVOCABLE TRUST, DONALD L.**  
PARCEL # 01-02280-000

**OWNER: TERESA FIRMA HOLDINGS LLC**  
PARCEL # 01-02280-000

**OWNER: ROBINSON DIETRA-ARN**  
PARCEL # 01-02280-000

RECORDING INFORMATION

DEVELOPER / CLIENT:  
EQUITY TRUST CO.  
PO BOX 234  
BENTONVILLE, AR.  
478-840-7233

LOT SPLIT  
PART OF LOT 24, DICKSON'S ADDITION  
to be known as  
LOTS 25 & 26, DICKSON'S ADDITION  
TO THE CITY OF BENTONVILLE



Civil Engineering  
Land Planning  
Surveying  
LANDSCAPE ARCHITECTURE  
SAND CREEK  
Engineering and Landscape Architecture, Inc.  
1610 NW 12th Street  
Bentonville, Arkansas 72712  
(479) 464-9202 Fax (479) 464-9204

PLS. TFC
CAD: TFC
FIELD: NSR
FIELD: NSR
DWG: 15065 SPLT
DATE: 07/28/2015
SHEET: 1 OF 1