



**BOARD OF ADJUSTMENT  
AGENDA  
March 11, 2015**

**I. Call to Order**

**II. Approval of Minutes**

**III. New Business:**

- 1. Stuckey** **Variance\***  
Northwest corner of Northwest 6<sup>th</sup> Street & Northwest 'B' Street  
(Lot Area & Lot Width in an R-1, Single Family Residential Zoning Designation)
  
- 2. Troy Link Enterprises, LLC** **Variance\***  
Southeast corner of South Walton Boulevard and Southwest 8<sup>th</sup> Street  
(Maximum square footage of Office in an C-3, Central Commercial Zoning Designation)

**IV. Other Business**

**V. Adjournment**

Board of Adjustment  
Minutes  
February 11, 2015

Meeting called to order at 5:00 p.m. by Greg Matteri, Chairman.

Present: Joe Haynie, Rick Rogers, Greg Matteri, and Sam Pearson.

Absent: Rustin Chrisco

Motion by Haynie, seconded by Rogers to approve the minutes of January 28, 2015 as written.  
Approved 4-0

New Business:

Item #1

Habitat for Humanity: (15-1100002)Habitat for Humanity, Interior Side Setback, Variance, Durham Place Lot #7, Zoned R-3, Medium Density Residential.

No public comment

The applicant has submitted a variance request to the minimum street frontage requirements for two (2) proposed lots located in the R-3, Medium Density Residential zoning district. The applicant is requesting an 18 feet wide lot be allowed for each new lot along the street frontage which is a variance of 17 feet from the 35 feet required by ordinance. The proposed variance is for two single family residential lots.

If approved the following contingencies shall apply:

1. The approved variance shall be for the two (2) proposed lots only, as provided by the applicant within this application.

Approved 4-0

Motion by Pearson, seconded by Rogers to adjourn

Meeting adjourned

*Diane Shastid*

# BOA STAFF REPORT

## 15-1100004 Stuckey, Lot Area & Lot Width

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**TO:** Bentonville Board of Adjustment Members  
**THRU:** Troy Galloway, AICP, Community Development Director  
**FROM:** Jon Stanley, Planner  
**BOA DATE:** March 11, 2015

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### GENERAL INFORMATION:

**Representative:** Jake Newell (Newell Development)

**Applicant:** Andy & Karen Stuckey

**Location:** Northwest corner of Northwest 6<sup>th</sup> Street and Northwest 'B' Street

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

**Existing Land Use:** Low Density Residential

**REQUEST:** Variance(s)

<b>Lot Area Variance</b>		
	<b>Regulation</b>	<b>Request</b>
<b>Article 401. Sec 401.7.C.2.E Residential Bulk &amp; Area Requirements, Lot Area Square Footage for R-1, Single Family Residential</b>	6,000 sq. ft. minimum area	Request of: 5,280 sq. ft. Variance of: 720 sq. ft.

<b>Lot Width Variance</b>		
	<b>Regulation</b>	<b>Request</b>
<b>Article 401. Sec 401.7.C.2.E Residential Bulk &amp; Area Requirements, Lot Width for R-1, Single Family Residential</b>	60' minimum width	Request of: 48 feet Variance of: 12 feet

### 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 a variance request to the minimum lot area and lot width requirements for three (3) proposed lots located in the R-1, Single Family Residential zoning district. The applicant is requesting a minimum of 48 feet in width be allowed for the proposed lots, which is a variance of 12 feet from the 60 feet required by ordinance. In addition the applicant is also requesting a minimum lot area of 5, 280 square feet be allowed which is a variance of 720 square feet from the 6,000 square feet required by ordinance. The proposed variance is for three (3) single family residential lots.

**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 three (3) proposed lots only, as provided by the applicant within this application.

Newell Development  
101 SE G Court  
Bentonville AR 72712

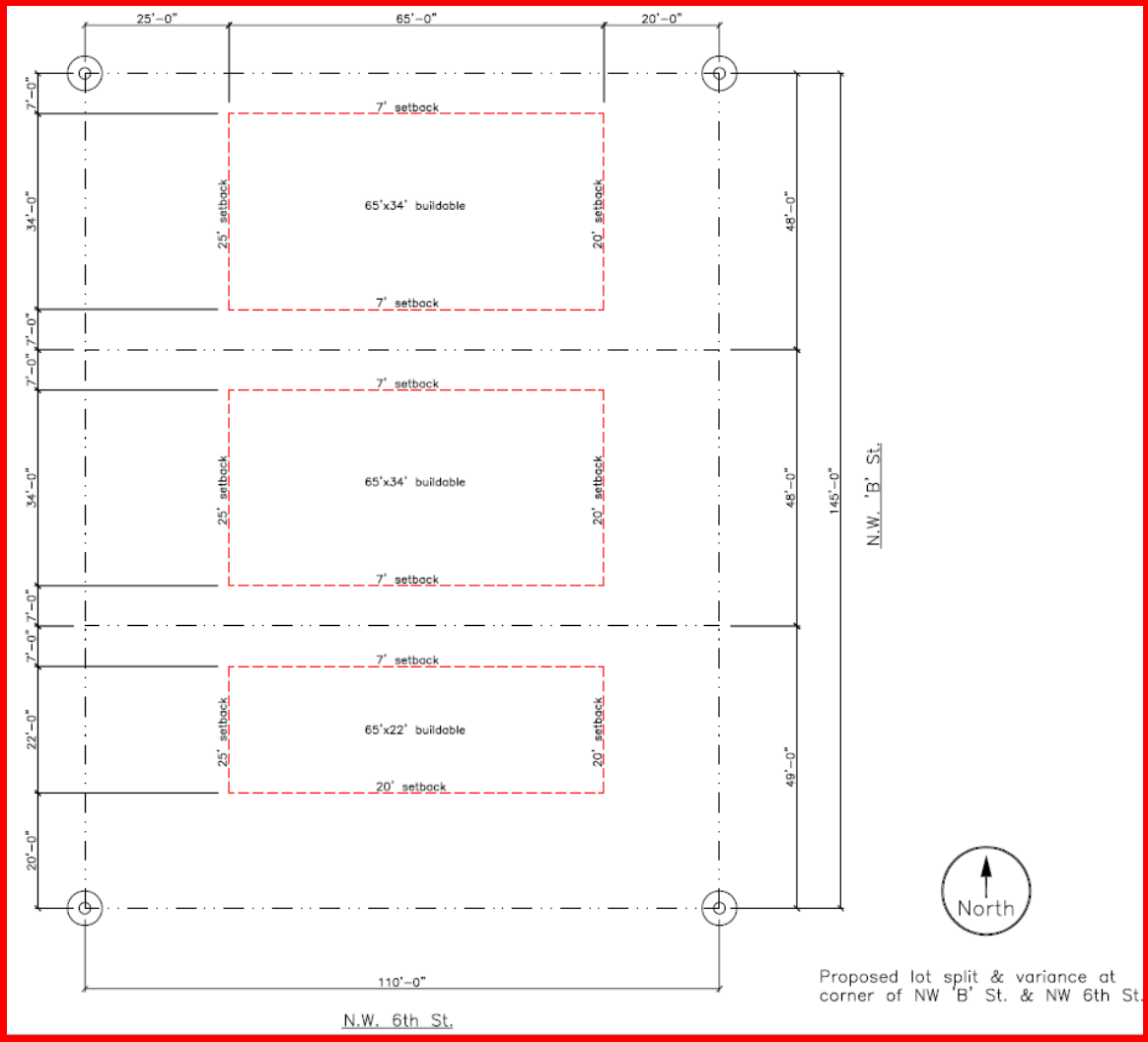
RE: Variance for Lots at NW corner of NW 6<sup>th</sup> and NW B

Newell Development desires to build three single-family houses at the NW corner of NW 6<sup>th</sup> and NW B. We are requesting a variance for lot square footage (5280 instead of 6000 required), lot width (48 feet to the 60 feet required). Newell Development seeks to develop 3 single family homes that conform to the existing neighborhood architecture and lot size. These homes will be designed at a form and scale that will fit in the neighborhood. The product type will be 1600 to 2000 square feet and will similar to the architecture the Developer has built at the corner of G court and East Central. (See attached pictures) This property currently has two and a half lots running from south to north. The adjustment of the lots from the north south direction to the east west direction allows new properties to be developed in a form and scale that blends in with the existing neighborhood much more if the original lots remained.

The existing R 1 zoning does not allow for development of the desired product type that is needed to grow rooftops in locations close to city center. The existing zoning does not allow for infill projects to bring product type to the market such as Newell Development desires to develop. Under the current conditions existing R1 zoning would only allow for one house on the property. The needed rooftop additions downtown are not possible in R1 areas without a variance or a rezone. Developer does not wish to rezone as Newell Development is committed to growing the Park Springs neighborhood with single family homes not multifamily. A rezone to a denser residential zoning could set precedent for multifamily. In no way does applicant seek to create any change that could allow for multifamily. In this neighborhood the applicant is committed to an affordable single family product. The developer is seeking to create lots that would conform to existing neighborhood as there are many lots that around 50 feet wide or less. Several that are 45 to 50. (See list provided by the applicant). The future project would have all rear loading carriage style garages and have a traditional architectural design that will conform to the existing neighborhood. It will put cars in the rear and provide front porches that will enhance community interaction.

Newell Developments end goal is to provide single-family housing and walk able/ bike able locations near the Bentonville Square. We are committed to working within the cities framework to provide roof tops and creating unique places in Bentonville.

Best Regards,  
Newell Development Team



# **BOA STAFF REPORT**

## **15-1100003 Troy Link Enterprises, LLC, Maximum Square Footage of Office allowed in C-3, Central Commercial**

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**TO:** Bentonville Board of Adjustment Members  
**THRU:** Troy Galloway, AICP, Community Development Director  
**FROM:** Jon Stanley, Planner  
**BOA DATE:** March 11, 2015

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### **GENERAL INFORMATION:**

**Representative:** Sammi May (Morrison-Shipleigh Engineers)

**Applicant:** Troy Link Enterprises, LLC

**Location:** Southeast corner of South Walton Boulevard & Southwest 8<sup>th</sup> Street

**Existing Zoning:** C-2, General Commercial

**Existing Land Use:** Commercial

**REQUEST:** Variance

<b>Maximum Square footage of office use allowed in C-3, Central Commercial Zoning Variance</b>		
	<b>Regulation</b>	<b>Request</b>
<b>Office – Large Scale (&gt; 4,000 gsf) in C-3, Central Commercial Zoning District</b>	Max 4000 sf of office in C-3	Request of: 187,500 sq. ft. Variance of: 183,500 sq. ft.

### **SURROUNDING ZONING:**

<b>Direction</b>	<b>Zoning</b>
North	C-2, General Commercial
South	C-2, General Commercial
East	C-2, General Commercial
West	C-2, General Commercial

### **BACKGROUND:**

The applicant has submitted a variance request to the amount of square footage used as office in a C-3, Central Commercial zoning district for a proposed mixed use building. The applicant is requesting 187,500 square feet of office be allowed for the proposed building. A variance of 183,500 square feet from the 4,000 square feet allowed by ordinance is requested. Per the applicant, the requested variance is due to the acquisition of right-of-way for the future 8<sup>th</sup> Street improvements. Due to the amount of right-of-

way required for the project, the allowable building area of the property has been significantly reduced. Therefore if the variance is granted the applicant intends to rezone the property to C-3, Central Commercial.

**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.





# MORRISON SHIPLEY

ENGINEERS • SURVEYORS

February 25, 2015

Board of Adjustments  
City of Bentonville  
315 S.W. "A" St.  
Bentonville, AR 72712

**Re: 8W Center Project – Current Jimmy John's Site  
805 S. Walton Boulevard, Bentonville, AR  
Variance Request**

Dear Board Members:

A proposed multi-story office/retail/restaurant/parking facility is proposed for this site; the total square footage of the planned building is 179,800 square feet. There is 80,000 square feet of office space currently planned, with a possible 107,500 square feet that could be used as office space in the future. A rezone request was submitted for the site to rezone from C-2 to C-3 that is on the March 17<sup>th</sup>, 2015 Planning Commission agenda. The rezone is being requested in order to reduce the required building setbacks because of the planned 8<sup>th</sup> Street right-of-way acquisition. The allowable office space under the current use table for C-3 zoning is only 4,000 square feet; **therefore we respectfully request a variance of the allowable office space in a C-3 zoned area for this property to allow for the possible planned office use.** The amount of office space requested under this variance request is 107,500 square feet. It is also our understanding from the City that this specific requirement limiting the amount of office space will likely be removed when the table of uses is revised.

The special condition that justifies the requested variance for this property is the acquisition of right-of-way for 8<sup>th</sup> Street. Because of the amount of land that is required for the right-of-way, the allowable building size for the property is reduced, thereby negatively affecting the land owner.

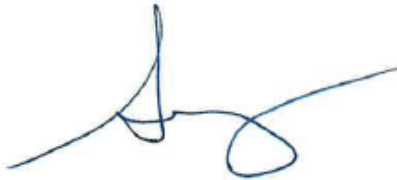
Surrounding Land Uses/Street Frontage:

Variance Request  
805 S. Walton Boulevard  
February 25, 2015

- The building fronts arterials streets (as shown on the Master Street Plan) and is adjacent to C-2 and C-3 zoning areas on all sides. We believe that the proposed use is compatible with the surrounding area.

For the reasons listed above, we ask that a variance be granted for the allowable amount of office space for the proposed 8W Center building.

Sincerely,  
*Morrison Shipley Engineers, Inc.*  
*Representing Troy Link Enterprises, LLC*



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Sammi May, P.E.  
Project Manager

