



**BOARD OF ADJUSTMENT
AGENDA
April 8, 2015**

I. Call to Order

II. Approval of Minutes

III. New Business:

1. Mill Project LLC

Southeast corner of Northwest 'B' & Northwest 4th Street
(Rear Setback in an R-3 Zoning Designation)

Variance*

IV. Other Business

V. Adjournment

Board of Adjustment
March 25, 2015
Minutes

Meeting called to order at 5:00 p.m. by Rustin Chrisco, Chairman.

Present: Rick Rogers, Rustin Chrisco, Joe Haynie and Sam Pearson after call of minutes.

Absent: Jan Holland

Motion by Rogers, seconded by Haynie to approve the minutes of March 11, 2015 as written.

Approved 3-0

New Business:

Item #1

Bryan Doffin, (15-11000005) Street Facing Garage Setback, Variance, 604 West Central Avenue, Zoned R-1, Single Family Residential.

The applicant has submitted a variance request to the Street Facing Garage setback for property located in the R-1, Single Family Residential zoning classification. The applicant is requesting a 13 feet Street Facing Garage setback be allowed which is a variance of 17 feet from the 30 feet required by ordinance. In addition the applicant is also requesting a 0 feet side setback be allowed which is variance of 7 feet required by ordinance. The proposed variance is for a detached garage. 70 feet of right-of-way currently exist along Northwest 2nd Street.

If approved the variance shall be for the proposed only, as provided by the applicant within this application.

No public comment

Brian Doffin-604 West Central Ave, present to explain variance request.

Safety issues-backing onto Central is hazardous. Most of the other residence back onto 2nd Street.

Motion to approve side setback requirements

Approved 4-0

Motion to approve 17' variance for garage front

Approved 4-0

Other Business:

Election of Vice-Chair

Motion by Pearson, seconded by Haynie to elect Rick Rogers as Vice Chair.

Approved 3-0-1

Election of Secretary

Motion by Rogers, seconded by Chrisco to elect Joe Haynie as Secretary

Approved 3-0-1

Motion to adjourn

Diane Shastid

BOA STAFF REPORT

15-11000006 Mill Project, LLC – Rear Setback

TO: Bentonville Board of Adjustment Members
THRU: Troy Galloway, AICP, Community Development Director
FROM: Jon Stanley, Planner
BOA DATE: April 8, 2015

GENERAL INFORMATION:

Representative: Todd Jacobs

Applicant: Mill Project, LLC

Location: Southeast corner of Northwest 'B' & Northwest 4th Street

Existing Zoning: R-3, Medium Density Residential

Existing Land Use: Low Density Residential

REQUEST: Variance

Bulk & Area Requirement Variance		
	Regulation	Request
Article 401. Sec 401.6.C.2-e Minimum Lot Area Requirements for R-3, Medium Density Residential	6,000 square feet minimum	Request of: Minimum 3,309 square feet Variance of : 2,691 square feet

Lot Width Variance		
	Regulation	Request
Article 401. Sec 401.7.C.2-e Minimum Lot Width Requirements for R-3, Medium Density Residential	60' minimum lot width	Request of: 44' Variance of : 16'

Lot Depth Variance		
	Regulation	Request
Article 401. Sec 401.7.C.2-e Minimum Lot Depth Requirements for R-3, Medium Density Residential	100' minimum lot depth	Request of: 73' Variance of : 27'

Rear Setback Variance		
	Regulation	Request
Article 401. Sec 401.7.C.3-c Minimum Setback Requirements for R-3, Medium Density Residential	25' minimum rear setback	Request of: 15' Variance of : 10'

SURROUNDING ZONING:

Direction	Zoning
North	R-1, Single Family Residential
South	R-1, Single Family Residential
East	R-3, Medium Density Residential
West	R-1, Single Family Residential

BACKGROUND:

The applicant has submitted a variance request to the minimum lot area requirement for property located in the R-3, Medium Density Residential zoning classification. The applicant is requesting that 3,309 square feet be allowed which is a variance of 2,691 square feet from the 6,000 square feet required by ordinance. The applicant has also submitted a variance request to the minimum lot depth requirement. The applicant is requesting a 44 feet wide lot be allowed which is a variance of 16 feet from the 60 feet required by ordinance.

In addition the applicant has also submitted a variance request to the lot depth requirement for property located in the R-3, Medium Density Residential zoning district. The applicant is requesting a 73 feet deep lot be allowed which is a variance of 27 feet from the 100 feet required by ordinance. The applicant has also submitted a variance request to the rear setback requirement. The applicant is requesting a 15 feet rear setback be allowed which is a variance of 10 foot from the 25 feet required by ordinance. The proposed variance would be for three single family 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.
2. All three (3) single family structures shall be oriented as shown in the site plan provided by the applicant.



Todd Jacobs | Principal | 390 W 5th Street, Unit # 1
Direct: 479.466.1717 | Fayetteville, Arkansas 72702
E-mail: tjacobs@jacobs-group.com | www.jacobs-group.com

March 30, 2015

City of Bentonville
Board of Adjustment
Bentonville, Arkansas

RE: NW 4th and NW B Project – Variance Request

Dear Board of Adjustment members,

Jacobs Group sole focus is to develop, design, and build green housing within the downtown areas. We seek to develop the property located at NW 4th and NW B in downtown Bentonville in order to provide missing housing options for individuals seeking to live near the downtown location. We have seen a strong interest from home owners and renters who work in Bentonville but currently live in Fayetteville due to the limited variety of housing options available to them.

Project Description

The project site consists of one lot measuring approximately 149.94' x 75' and totaling approximately 10,982 Sq. Ft. The property is currently zoned R-3 Medium Density Residential. The project will consist of three single family homes which match the existing density allowed by R-3 zoning. We propose to keep the existing zoning in place and lot split the property into lots allowing three single family homes to be built. Parking for the project is handled by an alley and a shared drive creating an urban streetscape catered to pedestrians as opposed to the car.

Variance Request

Bulk & Area

- R-3 requires 6000 sq. ft per lot
- Our request is: Tract A *4,191.87 SF* - Tract B *3480.71 SF* - Tract C *3,309.93 SF*

Lot Width

- R-3 requires 60'
- Our request is: Tract A *55.20'* - Tract B *47'* - Tract C *44.93'*

Lot Depth

- R-3 requires lot depth of 100'
- Our request is: *73'*

Rear Setback

- R-3 requires 25'
- Our request is: *15'*



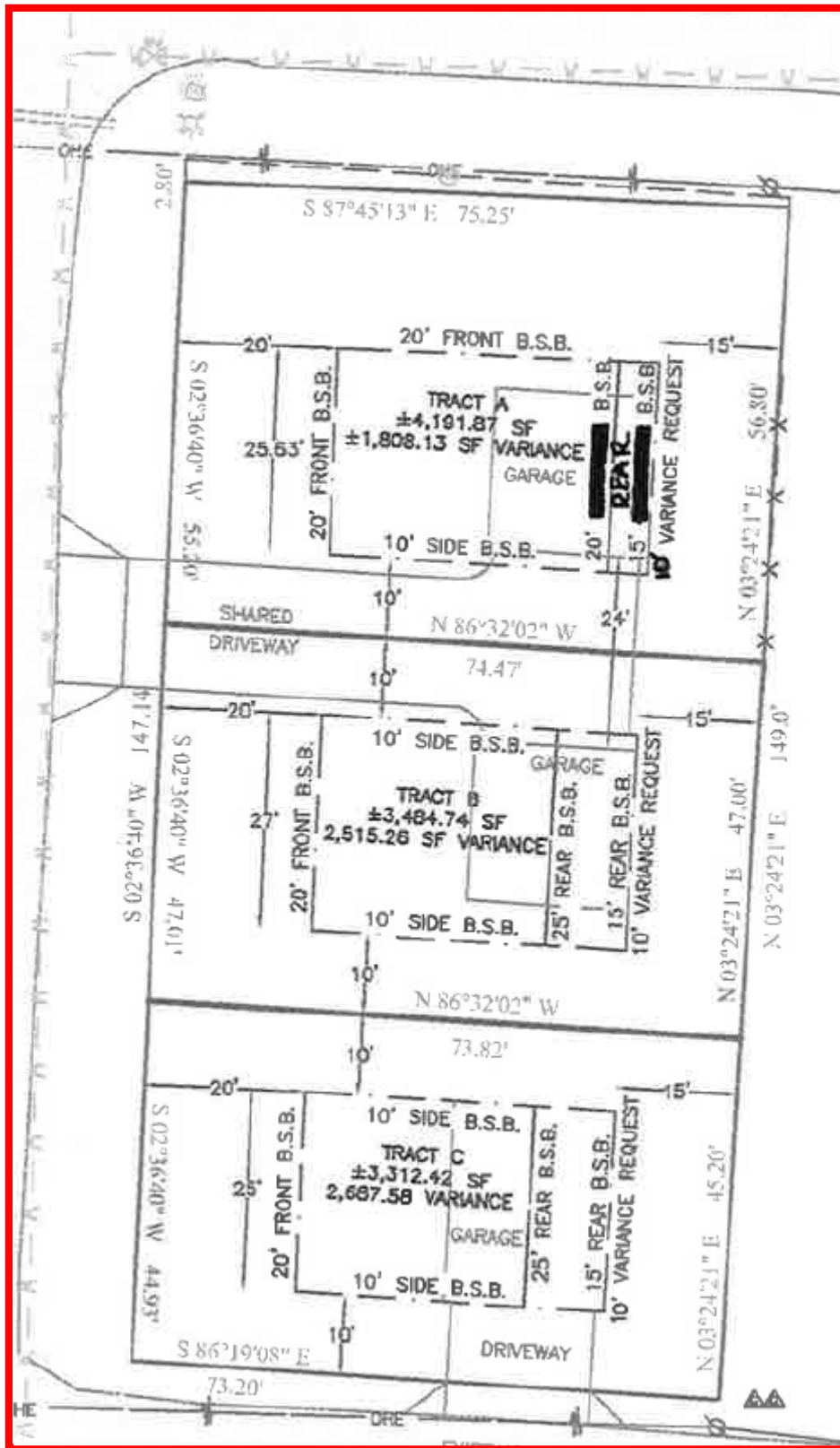
Todd Jacobs | Principal | 390 W 5th Street, Unit # 1
Direct: 479.466.1717 | Fayetteville, Arkansas 72702
E-mail: tjacobs@jacobs-group.com | www.jacobs-group.com

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. *Under the current zoning three multi-family units would be allowed by right, however we wish to build single family homes within the existing zoning.*
- B. Literal Interpretation of the ordinance - *The project does not exceed density requirements set by the R-3 Zoning. Strict interpretation of the zoning code would severely limit the use of the property.*
- C. The special conditions and circumstance that exist are not the result of the actions applicant. *Current multifamily zoning does not allow for single family homes*

Sincerely,

A handwritten signature in blue ink, appearing to be 'Todd Jacobs', written over a light blue horizontal line.



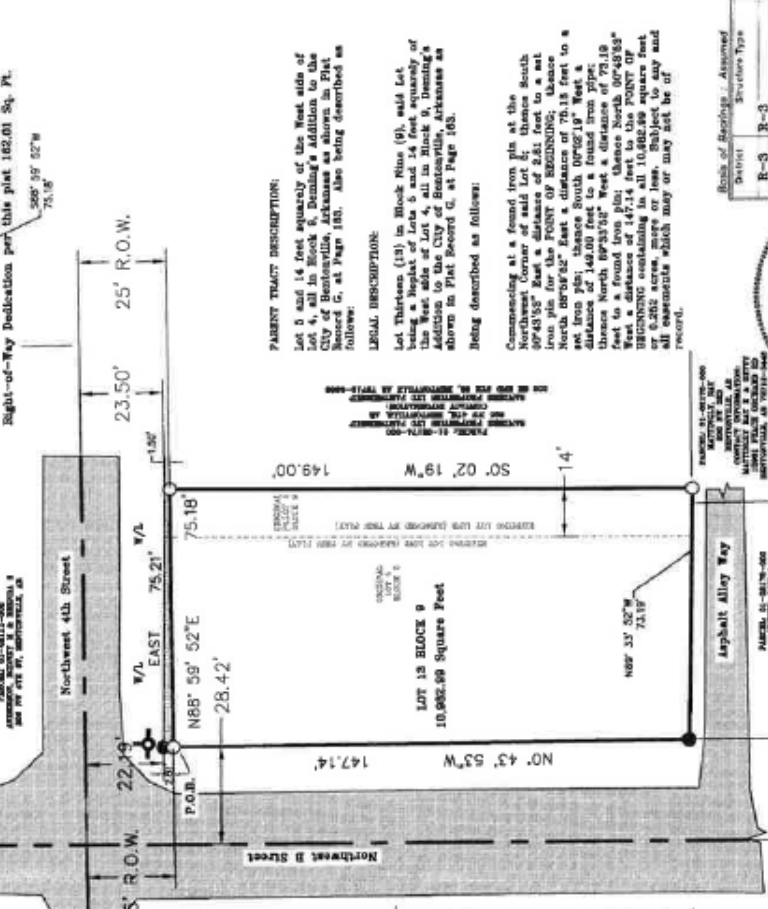
Area Reserved for Bentley
County Circuit Clerk File Made



From	To	Structure Type	Notes
20	30	R-3	Repl of Lot 5 and Pt. of Lot 4 in Demings Addition to the City of Bentonville. Creating Lot 13 in Blok 9 Located in the SW Quadrant of NW 8 & NW 4th Streets

Project Data
 Project Name: Demings Addition
 Subdivision: Block 9
 Date: 11/19/2013
 Status: ASSIGNED
 Drawn By: M.A.J.
 Checked By: L.C.G.
 Scale: 1" = 30'
 Sheet 1 of 1
 Revision: 2

Alias Page: 361
 Current Zoning: R3



PARENT TRACT DESCRIPTION:
 Lot Thirteen (13) in Block Nine (9), said Lot being a Replat of Lots 5 and 14 from a previously recorded plat in the City of Bentonville, Arkansas as shown in Plat Number G, at Page 183. Also being described as follows:
 LEGAL DESCRIPTION:
 Lot Thirteen (13) in Block Nine (9), said Lot being a Replat of Lots 5 and 14 from a previously recorded plat in the City of Bentonville, Arkansas as shown in Plat Number G, at Page 183.
 Being described as follows:
 Commencing at a found from pin at the Corner of said Lot 5 thence South 09°45'35" East 75.18 feet to a Found Iron Pin; thence North 89°09'42" East a distance of 76.18 feet to a set iron pin; thence South 09°02'19" West a distance of 148.00 feet to a found iron pin; thence North 89°09'42" East a distance of 76.18 feet to a found iron pin; thence North 09°45'35" East a distance of 75.18 feet to the POINT OF BEGINNING containing in all 10,982.89 square feet of 0.282 acre, more or less. Subject to any and all encumbrances which may or may not be of record.

Boths of Bearings & Assumed
 District: R-3
 Structure Type: R-3
 From: 20
 To: 30
 Notes: Repl of Lot 5 and Pt. of Lot 4 in Demings Addition to the City of Bentonville. Creating Lot 13 in Blok 9 Located in the SW Quadrant of NW 8 & NW 4th Streets



Vicinity Map
 Not to Scale

Plat to be underwritten, executed, recorded, and approved in accordance with the provisions of the Arkansas Subdivision Regulations and all other conditions and approval having been completed, has been accepted by the City of Bentonville. This Certificate is hereby executed under the authority of the said rules and regulations.

Date of Execution: 11-19-2013
 Signed: [Signature]
 Signature of Attorney: [Signature]
 Signature of Applicant: [Signature]
 Signature of City Clerk: [Signature]

PLAT NO. 01-0113-000
 BLOCK 9
 SUBDIVISION IN 1913-04-18
 PLAT NO. 01-0113-000
 BLOCK 9
 SUBDIVISION IN 1913-04-18

Repl of Lot 5 and Pt. of Lot 4 in Demings Addition to the City of Bentonville. Creating Lot 13 in Blok 9 Located in the SW Quadrant of NW 8 & NW 4th Streets

James L. Gabbard, Registered Land Surveyor, No. 12004, State of Arkansas
 Date of Execution: November 19, 2013

James L. Gabbard, Registered Land Surveyor, No. 12004, State of Arkansas, hereby certifies that this plat correctly represents a boundary survey made by me and boundary markers and lot corners shown herein actually exist and their location, type and material are correctly shown and all minimum requirements of the Arkansas Minimum Standards for Land Surveys have been met.

Date of Execution: November 19, 2013
 Signed: [Signature]
 Registered Land Surveyor
 No. 12004
 State of Arkansas

James L. Gabbard, Registered Land Surveyor, No. 12004, State of Arkansas, hereby certifies that this plat correctly represents a boundary survey made by me and boundary markers and lot corners shown herein actually exist and their location, type and material are correctly shown and all minimum requirements of the Arkansas Minimum Standards for Land Surveys have been met.