



**BOARD OF ADJUSTMENT
AGENDA**

January 22, 2020

I. Call to Order

II. Approval of Minutes

III. New Business:

1. Hurricane WA, LLC

SE 7th Street & SE B Street ([VAR20-0001](#))

- Density Requirements in DE District

Variance*

IV. Other Business

V. Adjournment

Board of Adjustment
Minutes
January 8, 2020

Meeting called to order by Rick Rogers, Chairman

Present: Rustin Chrisco, Joe Haynie, Jan Holland, Sam Pearson, and Rick Rogers
Staff: Brian Bahr and Ali Worley

Motion by Mr. Haynie, seconded by Mr. Chrisco to approve the minutes of December 11, 2019 as written.
Approved 5-0

New Business

Item #1

Trailside Partners, LLC: Variance Request for 309 SE 2nd Street, Density Requirements in DC, Downtown Core, Zoning District, VAR19-0023

Ali Worley reads the staff report.

Opened public hearing

No public comments

Closed public hearing

Brad Kingsley, architect, and Mitch Moore, representative explain their request to the Board. They provide supplemental images to the Board.

There is discussion between the Board, staff, and representatives.

Approved 5-0

Item #2

Chen: Variance Request for SE C Street, Interior Side Setback, VAR19-0028

Ali Worley reads the staff report.

Evan Hill, 307 SE C Street, speaks out against the request.

Closed public hearing

Reggie Wright, potential buyer, explains his request to the Board.

There is discussion between the Board and staff.

The request is amended to have the side setback be relocated from the northern property line to the southern property line, and also includes both the residence and the detached garage.

Approved 5-0

Other Business

Item #1

Ms. Worley informs the Board to return their Statement of Financial Interest forms.

Motion by Mr. Pearson, seconded by Mr. Haynie to adjourn.

Meeting adjourned

Ali Worley

*A copy of this recording can be obtained from the Bentonville Planning Department.

BOARD OF ADJUSTMENT REQUEST STAFF REPORT



Hurricane WA, LLC

SE 7th Street & SE B Street

BOA Date: 1/22/2020

Reviewer: Ali Worley, Planning Technician

Project Number	VAR20-0001
Applicant / Current Owner	Hurricane WA, LLC PO Box 1285 Bentonville, Arkansas 72712
Site Area	+/- 0.32 acres
Current Zoning	DE, Downtown Edge
Code Section	Article 401.08-B.c, Downtown Districts Regulations, Density Standards, of the Zoning Code
Variance Request	Article 401.08-B.c, Downtown Districts Regulations, Density Standards

Property Description

This property is located at the southwest corner of SE 7th Street & SE B Street. The site is currently zoned DE, Downtown Edge. Adjacent zonings are DE to the south and west, and R-1, Single Family Residential, to the north and east.

Variance Regulation

The maximum density allowed for the DE, Downtown Edge, zoning district is 18 dwelling units per acre.

Variance Request

The applicant is requesting 34 dwelling units per acre, which is a variance of 16 dwelling units per acre.

Analysis

The site is approximately 0.32 acres, which would allow 5 dwelling units total. The applicant is requesting 11 total units be allowed at this site. According to the applicant's narrative, they are proposing to build 11 row homes to provide missing housing options in the downtown area.

According to Chapter 4, Land Use & Strategic Growth, of the Comprehensive Plan, the goal is to support intensification of the downtown area. In order to do this, the city should continue to support the increased density of residential development in the form of townhouse, multi-family, and mixed-use housing.

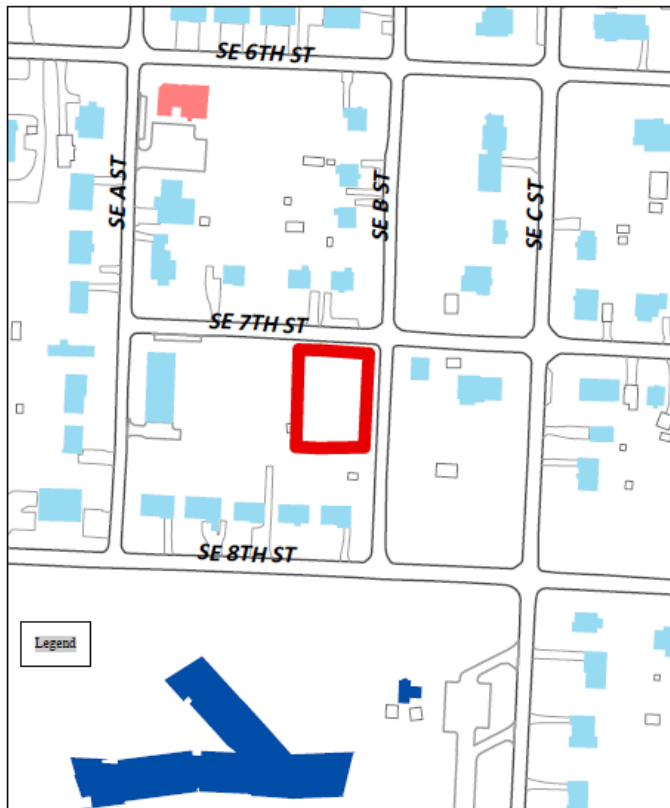
Public Comment

Staff has **NOT** received public comment regarding this request.

Conditions of Approval

If approved, the following conditions shall apply:

1. The approved variance shall be for the proposed layout and setbacks, as provided by the applicant within this application.
2. The applicant shall be required to apply for and obtain Large Scale Development approval prior to construction.
3. The applicant shall be required to obtain an approved building permit prior to construction.



1 inch = 115 feet

VAR 20-0001
Hurricane WA, LLC

BOARD OF ADJUSTMENT REQUEST STAFF REPORT

Section 301.10.c, Standards of Approval, of the Zoning Code

Standards for approval. A variance from the terms of this chapter shall not be granted by the board of adjustment unless and until:

(1) The applicant demonstrates that:

- a. special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structure or buildings in the same district;
- b. that literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;
- c. that special conditions and circumstances do not result from the actions of the applicant; and,
- d. that granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district.

(2) No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

(3) The board of adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of land, building or structure.

(4) The board of adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(5) *Conditions.* In granting any variance, the board of adjustment may prescribe appropriate conditions and safeguards that it deems necessary or desirable. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter.

(6) *Uses.* Under no circumstances shall the board of adjustment grant a variance to allow a use not permissible under the terms of this chapter in the district involved, or any use expressly or by implication prohibited by the terms of this chapter in said district.

JACOBS GROUP

Specializing in Downtown Housing

12-16-19

City of Bentonville
Board of Adjustments
305 SW A Street
Bentonville, AR. 72712

RE: SE B Street Rowhomes – Variance Request

Dear Board of Adjustment members,

Jacobs Group seeks to build eleven rowhomes located at the corner of SE B 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 2 lots measuring approximately 100' x 141' approximately 14,000 Sq. Ft. The property is currently zoned D-E Downtown Edge. The project will consist of eleven rowhomes ranging from 650-1250 sq. ft in size, which exceeds the density allowed by D-E zoning. We propose to keep the existing zoning in place as to match the rest of the city block in order to provide consistency.

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

Density

- D-E allows 18 DU per Acre
- Our request is for: *34 Units*

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

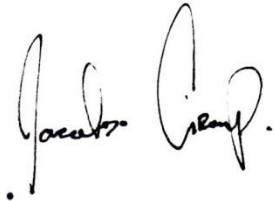
- A. Special Conditions and circumstances exist which are specific to the proposed project. *In particular the density of 18 units per acre does not allow for a true urban density in the context of the vision for Downtown Bentonville. The proposed project uses this infill site in an efficient manner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

Jacobs Group
PO Box 1285
Bentonville AR, 72712
479-936-4374

NOTE: ALL SITE IMPROVEMENTS ARE ILLUSTRATIVE. REFER TO LARGE SCALE DEVELOPMENT PACKAGE FOR DETAILS.

SUBDIVISION COVENANTS:
 1100.3
 A. USE: R-3 MEDIUM DENSITY RESIDENTIAL PURPOSE
 B. ZONING: CURRENTLY ZONED DE
 C. ACCESS: PARKING PARALLEL TO BE 9'X22'
 D. TOPOGRAPHY: NO SIGNIFICANT SITE ISSUES
 E. SIZE
 F. BUSINESS AND INDUSTRIAL USE: PROJECT IS RESIDENTIAL, DOES NOT APPLY
 G. RESIDENTIAL USE

DISTRICT DE REQUIREMENTS 401.8-B:
 ALLOWS 18 DUPLEX PER ACRE - PROJECT HAS 9 TOWN HOUSES AND 2 APARTMENTS
 ALL BUILDING TYPES ALLOWED - R-3 ALLOWED
 NO MAX. OR MIN. LOT AREA REQUIRED
 MAX. OF 80% LOT COVERAGE ALLOWED- PROJECT IS 80% LOT COVERAGE
 MAX. HEIGHT 50'- ACTUAL BUILDING HEIGHT IS 38'-3 1/2"
 ENCROACHMENT: MIN. HEIGHT 8', MIN. SETBACK PRIMARY STREET 4', MIN. SETBACK ADJACENT TO A SECONDARY STREET 6' SETBACKS
 FRONT YARD: NO MIN, 20' MAX.
 SIDE YARD: 7' MIN, NO MAX. 5' (ON WEST SIDE)
 REAR ADJACENT TO RESIDENTIAL: 12' MIN., NO MAX.

SETBACKS PROVIDED:
 FRONT - NORTH ELEVATION TO PROPERTY LINE: 10'-0"
 SIDE - SOUTH ELEVATION TO PROPERTY LINE: 25'-0"
 FRONT - EAST ELEVATION TO PROPERTY LINE: 10'-0"
 REAR - WEST ELEVATION TO PROPERTY LINE: 11'-0"

PARKING REQUIREMENTS: RESIDENTIAL USES-2 + BEDROOMS - 1 SPACE/UNIT PLUS .5 FOR EACH BEDROOM OVER 3

11 PARKING SPACES REQUIRED (1 HANDICAP)/ 14 PARKING SPACES PROVIDED

CODE INFORMATION

1. SUMMARY OF WORK:

THE PROJECT IS NEW 2-STORY AND 3-STORY TOWN HOMES. THE NEW BUILDINGS CONSISTS OF A WOOD FRAMED WALLS AND PRE-ENGINEERED WOOD TRUSSES. EXTERIOR MATERIALS INCLUDE BRICK VENEER AND A COMPOSITION SHINGLE ROOF. SITE GRADING, PAVING, UTILITIES, SIDEWALKS AND LANDSCAPING ARE ALSO INCLUDED.

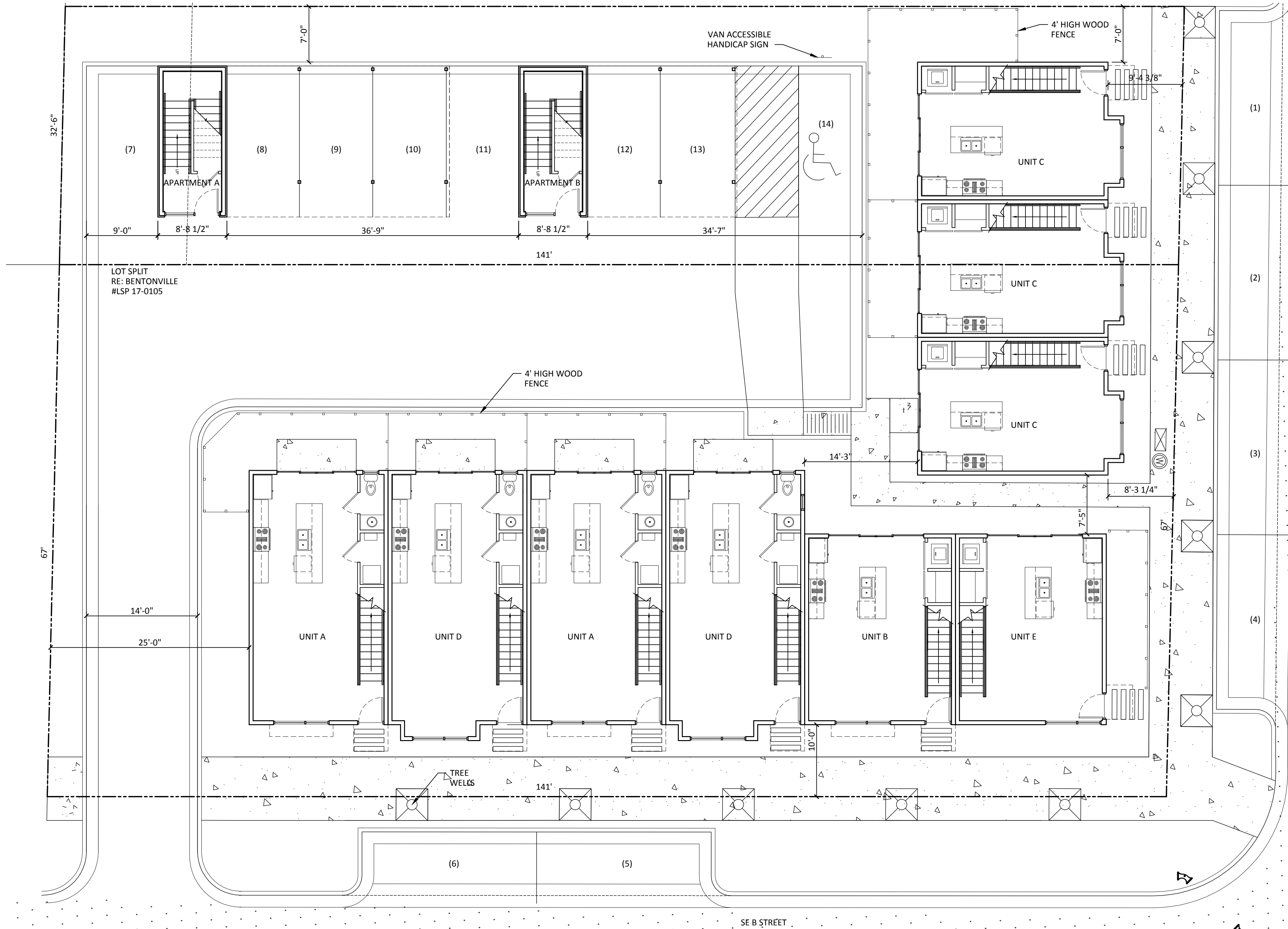
APPLICABLE CODES:

- 2. INTERNATIONAL RESIDENTIAL BUILDING CODE 2012
INTERNATIONAL FIRE CODE 2012
INTERNATIONAL PLUMBING CODE (PER STATE OF ARKANSAS)
INTERNATIONAL MECHANICAL CODE (PER STATE OF ARKANSAS)
NATIONAL ELECTRICAL CODE 2017
 - 3. CONSTRUCTION CLASSIFICATION:
TYPE VB,
 - 4. USE AND OCCUPANCY CLASSIFICATION:
TOWN HOUSE
 - 5. R302.2 TOWN HOUSES:
EACH TOWN HOUSE SHALL BE CONSIDERED A SEPARATE BUILDING AND SHALL BE SEPARATED BY FIRE-RESISTANCE RATED WALL ASSEMBLIES MEETING THE REQUIREMENTS OF SECTION R302.1 FOR EXTERIOR WALLS.
 - 6. CONSTRUCTION SUMMARY
TYPE VB (TABLE 302.1(1))
 - 7. FIRE-RESISTANCE RATING REQ FOR EXTERIOR WALLS BASED ON SEPARATION DISTANCE (TABLE 602)- R OCCUPANCY, VB CONSTRUCTION
 $X < 5 = 1 \text{ HR}$
 $5 < X < 10 = 1 \text{ HR}$
 $10 < X < 30 = 0 \text{ HR}$
 $> 30 = 0 \text{ HR}$
- NORTH ELEVATION TO PROPERTY LINE: 10'-0", NO RATING REQUIRED
 SOUTH ELEVATION TO PROPERTY LINE: 25'-0" AT WORST CASE, NO RATING REQUIRED
 EAST ELEVATION TO PROPERTY LINE: 10'-0", NO RATING REQUIRED
 WEST ELEVATION TO PROPERTY LINE: 5'-0", 1 HR RATING REQUIRED

TABLE R302.1(1) EXTERIOR WALLS			
EXTERIOR WALL ELEMENT	MINIMUM FIRE-RESISTANCE RATING	MINIMUM FIRE SEPARATION DISTANCE	
Walls	Fire-resistance rated	1 hour—tested in accordance with ASTM E 119 or UL 263 with exposure from both sides	< 5 feet
	Not fire-resistance rated	0 hours	≥ 5 feet
Projections	Fire-resistance rated	1 hour on the underside	≥ 2 feet to < 5 feet
	Not fire-resistance rated	0 hours	≥ 5 feet
Openings in walls	Not allowed	N/A	< 3 feet
	25% maximum of wall area	0 hours	3 feet
Penetrations	Unlimited	0 hours	5 feet
	All	Comply with Section R302.4	< 5 feet
		None required	5 feet

For SI: 1 foot = 304.8 mm.
 N/A = Not Applicable.

- 8. FIRE PARTITIONS SHALL HAVE A FIRE RESISTANCE RATING OF NOT LESS THAN 1 HOUR
 COMPLIANCE: WALL BETWEEN TOWNHOUSES WILL HAVE TO BE A 1 HR FIRE PARTITION
- 9. SMOKE DETECTION AND FIRE ALARM SYSTEMS SHALL BE PROVIDED.



1 ARCHITECTURAL SITE PLAN
 SCALE: 1/8" = 1'-0"
 NORTH

PROJECT SUMMARY

DESCRIPTION	QUANTITY OF UNITS	HEATED/COOLED SQ FOOTAGE (FIRST FLOOR)	HEATED/COOLED SQ FOOTAGE (SECOND FLOOR)	HEATED/COOLED SQ FOOTAGE (THIRD FLOOR)	FULL BATHS	1/2 BATHS	EXTERIOR FRAME	EXTERIOR SIDING	INTERIOR FRAME
TOWNHOUSE - UNIT 'A'	2	572 SF	572 SF	-	2	1	2X6 WOOD STUDS	MASONRY	2X4 WOOD STUDS
TOWNHOUSE - UNIT 'B'	1	456 SF	468 SF	468 SF	2	-	2X6 WOOD STUDS	MASONRY	2X4 WOOD STUDS
TOWNHOUSE - UNIT 'C'	3	434 SF	434 SF	434 SF	2	-	2X6 WOOD STUDS	MASONRY	2X4 WOOD STUDS
TOWNHOUSE - UNIT 'D'	2	580 SF	560 SF	-	2	1	2X6 WOOD STUDS	MASONRY	2X4 WOOD STUDS
TOWNHOUSE - UNIT 'E'	1	456 SF	456 SF	456 SF	2	-	2X6 WOOD STUDS	MASONRY	2X4 WOOD STUDS
APARTMENT A	1	166 SF	698 SF	-	1	-	2X6 WOOD STUDS	CEMENTITIOUS SIDING	2X4 WOOD STUDS
APARTMENT B	1	166 SF	523 SF	-	1	-	2X6 WOOD STUDS	CEMENTITIOUS SIDING	2X4 WOOD STUDS

\\SVR-11\projects\2019 PROJECTS\19008-JACOBS-SE B-BENTONVILLE, AR\CAD\AS1-D-Architectural Site Plan.dwg Plotted on: Dec 05, 2019 - 4:50pm by lujimelny

THIS DOCUMENT IS PRELIMINARY IN NATURE AND IS NOT TO BE USED FOR CONSTRUCTION OR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF RICK STUBER ARCHITECT.



JACOBS GROUP
 SOUTHEAST 7TH STREET & SOUTHEAST B STREET
 ROW HOMES
 BENTONVILLE, AR

Issued:	Date:
△	2-07-2019
△	3-27-2019
△	8-02-2019
Revisions:	Date:
△	11-15-2019

Drawn by: JH

Checked by: RS

Date: 1-31-2019

Plan Number: 19008

Contents
 ARCHITECTURAL
 SITE PLAN

Sheet Number

AS1.0

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