

*Note – Due to health concerns related to COVID-19, and the current Federal recommendations to avoid gatherings of 10 or more people, some of the members of the Planning Commission, as well as City staff members, may attend this meeting by phone or other remote means. That being said, the Community Development Building will be open for the public to attend. Those that do attend will be asked to watch the meeting from the building’s lobby. Attendees will only be allowed into the chambers to make a public comment or to speak during any public hearing on the agenda. Those who do attend should observe the CDC recommendations concerning hygiene and social distancing (keeping at least 6 feet away from other persons present at the meeting). Moreover, no one should attend this meeting if they are experiencing any type of illness involving a fever, sneezing or coughing. Those wishing to make public comments who do not want to attend the meeting may do so in written form, submitted to [planning@bentonville.com](mailto:planning@bentonville.com) before 3:00 p.m. on the day of the meeting. Those comments will be communicated to the members of the Board of Adjustment. While email comments are encouraged, accommodation has also been made to allow Bentonville citizens to make “live” public comments orally in the event they cannot or do not feel comfortable attending the meeting in person. To do so, please send an email indicating a desire to make “live” oral public comments to Ali Worley at [aworley@bentonville.com](mailto:aworley@bentonville.com) by at least 3:00pm on the day of the meeting and a reply email will be sent with instructions about how your comments can be made. Making comments will require you to register with your name, address, phone number, and email address. Procedures with respect to oral public comments still apply.*



**BOARD OF ADJUSTMENT  
AGENDA  
August 26, 2020**

- I. Call to Order**
- II. Approval of Minutes**
- III. New Business:**

- 1. NFD, LLC**  
304 SE G Street (VAR20-0021)
  - Rear Yard Setback

**Variance\***

- IV. Other Business**

- 1. Adjusted Start Time**

- V. Adjournment**

*\*Denotes public hearing*

Board of Adjustment  
Minutes  
August 12, 2020

Meeting called to order by Rick Rogers, Chairman.

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

Motion by Mr. Pearson, seconded by Mr. Haynie to approve the minutes of July 22, 2020 as written.  
Approved 4-0

New Business

Item #1

Positronic Retail, LLC: Variance request for 210 Prairie Lane, Fence Height, VAR20-0020

Ali Worley reads the staff report.

Opened public hearing

Kathryn Carr, 3401 Blueberry Lane, has no opposition, but just has questions on placement of proposed fence and existing shared fence.

Closed public hearing

Heather Wegner, applicant, states her reason for the variance request.

There is some discussion amongst the applicant and the Board. An amended request was agreed upon to state, "The vertical plane of the fence shall be no more than six feet, with the top arm extension not being on the same plan having an additional two feet."

Approved 4-0

Other Business

A new start time is discussed, and agreed upon to amend by-laws to start meetings at 4pm. A formal request will need to be submitted.

Meeting adjourned

*Ali Worley*

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

# BOARD OF ADJUSTMENT STAFF REPORT



## NFD, LLC

304 SE G Street

BOA Date: 8/26/2020

Reviewer: Ali Worley, Planning Technician

<b>Project Number</b>	VAR20-0021
<b>Applicant / Current Owner</b>	NFD, LLC PO Box 808 Bentonville, Arkansas
<b>Site Area</b>	+/- 0.05 acres
<b>Current Zoning</b>	R-C2, Central Residential - Moderate Density
<b>Variance Request</b>	Section 401.07.c.1, Residential Districts Setback Standards, of the Zoning Code

### Property Description

This property is located at 304 SE G Street. The site is currently zoned R-C2, Central Residential-Moderate Density. Adjacent zonings are R-C2 to the north, R-3, Medium Density Residential to the west, DN-3, Downtown High-Density Residential to the south, and DN-4, Downtown Mixed-Use Residential to the east.

### Regulation

The rear yard setback for properties zoned R-C2 shall be 15 feet.

### Variance Request

The applicant is requesting a rear yard setback of 6 feet, 7 inches, which is a variance of 8 feet, 5 inches.

### Background

According to the applicant's narrative, the proposed structure will be a three-story home adjacent to two additional duplexes, all built by the same developer. The house meets the 15-foot setback requirement, however, the proposed stairwell for the building does not. In addition, since the pergola is attached to the home, it must meet the 15-foot setback requirement. It is being proposed at a 6-foot, 7-inch setback as well.

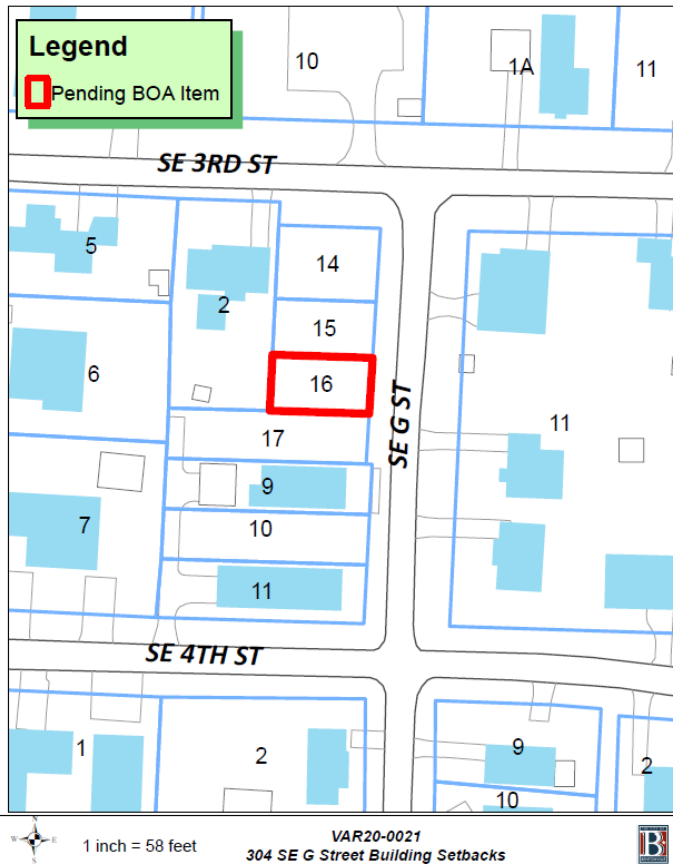
### Public Comment

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 obtain an approved building permit prior to construction.
3. Any eave or projection that encroaches closer than 5 feet to the property line would have to be fire-rated with no openings on the adjacent wall.



# BOARD OF ADJUSTMENT STAFF REPORT

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## 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.



**N E W E L L**

DEVELOPMENT

**Board of Adjustments Variance Request – Narrative Letter**

August 17, 2020

**Re:** Board of Adjustments – 305 SW A Street, Bentonville Arkansas  
Project Name: 3<sup>rd</sup> and G Street, Single Family  
Parcel No: 01-04675-002  
Address: 304 SE G Street

Newell Development is focused on building walkable infill developments including apartments, townhomes and detached single family homes throughout the Downtown Neighborhood Districts. Our projects are intended to offer more varied and affordable living options in the downtown area.

The property located at 304 SE G Street is being used to build a three-story single family home adjacent to two additional duplexes also being developed by Newell Development. The parcel is zoned R-C2 with setbacks as follows: Front - 20', Side / Interior - 7', and Rear – 15'.

Newell Development is requesting a variance to zoning district regulations sec 401.07.C.Pg 401-15-residential lot and area standards for the rear setback of the lot. While the building structure meets the 15' setback requirement, the proposed stairwell for the building does not. The stairwell as it currently sits is approximately 9' deep leaving approximately 6' (6' 7" actual) from the stairwell to the property line. We are requesting a variance of 9' to the rear setback requirements to proceed with the development as it stands.

We thank you in advance for your consideration on this variance request.  
Thank You,

Jake Newell  
Newell Development



**1 VICINITY MAP**  
SCALE = N.T.S.



**GENERAL FRAMING NOTES:**

- 1. DIMENSIONING:** ALL DIMENSIONS ARE TAKEN FROM OUTSIDE OF STUD FACE.
- 2. WALL SIZING:** ALL FRAMING TO BE 2X6 NOMINAL LUMBER FOR EXTERIOR WALLS, 2X6 NOMINAL LUMBER TO BE USED IN LAUNDRY WALLS. INTERIOR PARTITION WALLS TO BE 2X4 STUDS AT 16" O.C.
- 3. INSULATION:** "CALIFORNIA CORNERS" FOR ALL EXTERIOR OUTERWALL INTERSECTIONS. SOUND PROOFING PROVIDED TO ANY ADJACENT BEDROOM, BATHROOM, OR LAUNDRY WALLS.  
\*EXTERIOR WALL INSULATION TO BE APPROVED BY OWNER.
- 4. AC UNITS:** TO BE SCREENED WITH SIMILAR MATERIALS OF PROJECT.
- 5. WINDOWS:** NO TRIM; FLASHING AS NEEDED ABOVE WINDOW; FOR CUSTOM WINDOW TRIM REFER TO ELEVATION CALLOUTS

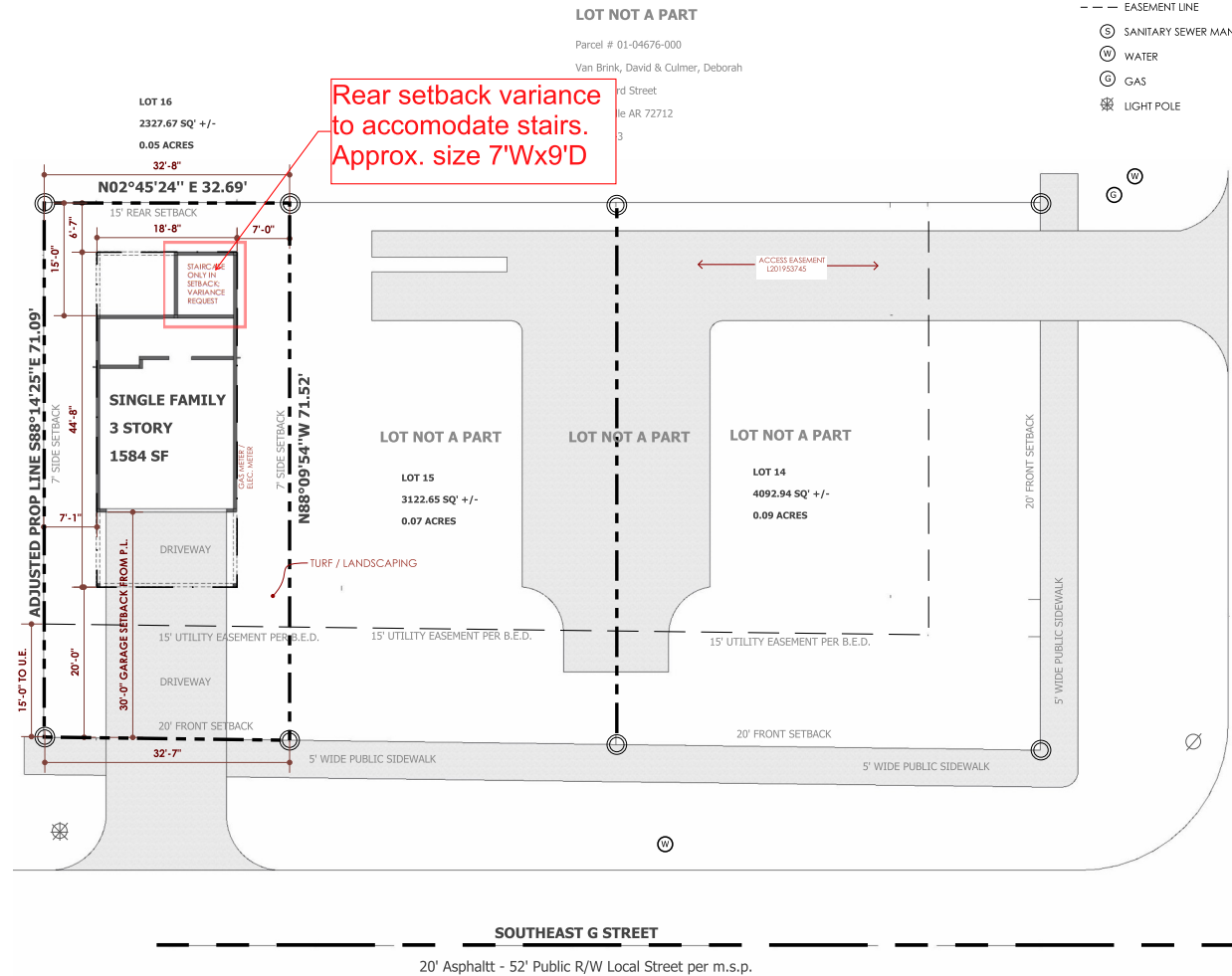
**GENERAL FINISHING NOTES:**

- 1. MEASUREMENTS:** ALL DIMENSIONS ARE TAKEN FROM OUTSIDE OF STUD FACE WITH 1/2 SHEETROCK ANTICIPATED.
- 2. SHEETROCK:** FINISHED TEXTURE - SMOOTH OR "LIGHT ORANGE PEEL" PER; CLIENT PREFERENCE
- 3. TRIM:** FLAT TRIM THROUGHOUT; 1 X 6 BASE BOARD WITH 1X4 CASING FOR DOORS (POPLAR SPECIES); NO CROWN MOLDING THROUGHOUT
- 4. SIDING:** CEMENTITIOUS MATERIAL FOR ALL LAP SIDING, PANELING, BATS, FACIA, AND SOFFIT (PERFORATED FOR VENTING)
- 5. BRICK:** CONSULT BUILD COLLECTIVE FOR COLOR SELECTION AND STYLE
- 6. EXTERIOR WOOD ACCENTS:**  
DECKING: CEDAR TO BE 5/4X6 RADIAL EDGE SMOOTH #2 S.T.K. OR BETTER; STAIN NATURAL OR CLEAR; CLIENT PREFERENCE  
WALLS AND CEILINGS: CEDAR TO BE 1X6 SHIPLAP JOINT; SMOOTH #2 S.T.K. OR BETTER; STAIN NATURAL OR CLEAR; CLIENT PREFERENCE

**GENERAL VENTING, ELECTRICAL, AND CEILING NOTES:**

**LOT NOT A PART**

Parcel # 01-04677-000  
Bentonville Re Development LLC  
1706 Carolyn Street  
Bentonville AR 72712  
Zoned RC - 2



City of Bentonville  
c/o Alison Worley  
305 SW A Street  
Bentonville, AR, 72712  
Via: email AWorley@bentonvillear.com

RE: Change in Board meeting time

Please accept this letter to meet the notification requirements set forth by Article 6 of the city of Bentonville's Board of Adjustment By-Laws as the members of the board's collective request to amend Section 3.1.1 of said By-Laws to change the time of meetings from 5pm on the 2<sup>nd</sup> and 4<sup>th</sup> Wednesdays of each month to 4pm on the 2<sup>nd</sup> and 4<sup>th</sup> Wednesdays of each month.

A handwritten signature in blue ink, appearing to read "Alison Worley", is written in a cursive style.

Chairman