



CITY OF
FAYETTEVILLE
ARKANSAS

*113 W. Mountain St.
Fayetteville, AR 72701*

Board of Adjustment Agenda

Monday, July 7, 2025

3:45 PM

City Hall Room 219

Members

Chair Erin Adkins-Oury (Exp. 03/27)

Vice Chair Jason Young (Exp. 03/28)

Caroline Fox (Exp. 03/27)

Jennifer Keys (Exp. 03/27)

Vacant (Exp. 03/28)

City Staff

*Planning Director Jessie Masters
Assistant City Attorney Hannah Hungate*

Zoom Information

Webinar ID: 868 9308 2690

Registration Link: https://fayetteville-ar.zoom.us/webinar/register/WN_kIPNMDQiT1yAy70WsDdkFg

Call to Order**Roll Call**

Approval of the minutes from the June 2, 2025 meeting.

BOARD OF ADJUSTMENT BY-LAWS AMENDMENTS**Unfinished Business**

- 3. BOA-2025-0011: Board of Adjustment (221 E. LAFAYETTE ST/ROSE, 485):**
Submitted by JAMES AND JUSTINE ROSE for property located at 221 E. LAFAYETTE ST. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.16 acres. The request is for a variance to setback requirements.

THIS ITEM WAS TABLED AT THE JUNE 2, 2025 BOARD OF ADJUSTMENT MEETING.

Planner: Jessica Masters

New Business

- 4. BOA-2025-0012: Board of Adjustment (463 S. BENCHMARK LN/RIVER OAK PARTNERS LLC, 517):**
Submitted by TITAN CONSTRUCTION LLC for property located at 463 S. BENCHMARK LN. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.15 acres. The request is for a variance to setback requirements.

Planner: Wesley Frank

- 5. BOA-2025-0013: Board of Adjustment (426 E. LAFAYETTE ST/FULL CIRCLE HOLDINGS LLC, 485):**
Submitted by FRAN FREE for property located at 426 E. LAFAYETTE ST. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.16 acres. The request is for a variance to setback requirements.

Planner: Jessica Masters

Announcements

Adjournment

NOTICE TO MEMBERS OF THE AUDIENCE

All interested parties may appear and be heard at the public hearings. A copy of the proposed amendments and other pertinent data are open and available for inspection in the office of City Planning (479-575-8267), 25 West Mountain Street, Fayetteville, Arkansas. All interested parties are invited to review the petitions.

Interpreters or TDD (Telecommunication Device for the Deaf) are available for all public hearings; a 72-hour notice is required. For further information or to request an interpreter, please call 479-575-8330.

As a courtesy, please turn off all cell phones and pagers.

Board of Adjustment - Monday, June 2, 2025

Time:	In: 3:45 PM	Out: 5:05 PM					
Staff :			<input checked="" type="checkbox"/>	Jessie Masters, Development Review Manager			
			<input checked="" type="checkbox"/>	Gretchen Harrison, Senior Planner			
			<input type="checkbox"/>	Donna Wonsower, Planner			
			<input checked="" type="checkbox"/>	Wesley Frank, Planner			
			<input type="checkbox"/>	Blake Pennington, Sr Assistant City Attorney			
			<input checked="" type="checkbox"/>	Hannah Hungate, Assistant City Attorney			
	Roll Call	Meeting Minutes 4-7-2025	1) BOA-2025-0009 (MCCABE)	2) BOA-2025-0010 (SOUTH CS APARTMENTS LLC)	3) BOA-2025-0011 (ROSE)		
Adkins-Oury	0						
Keys	1	1	1	1	1		
Young	1	1	1	1	1		
Fox	1	1	1	1	1		
Agenda		Consent	New	New	New		
Motion To:		Approve	Approve	Approve	Table		
Motion By:		Keys	Keys	Keys	Fox		
Seconded:		Young	Young	Young	Keys		
Vote		3-0-0	3-0-0	3-0-0	3-0-0		
Notes			With added condition that the addition meets setback requirements.		Until the July 7, 2025 Board of Adjustment meeting.		
Public Comment:		0	1	0	0		



OFFICE OF THE
CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



Kit Williams
City Attorney

Blake Pennington
Senior Assistant City Attorney

Hannah Hungate
Assistant City Attorney

Stacy Barnes
Paralegal

TO: **Board of Adjustment**
Jessie Masters, Development Review Manager

FROM: **Hannah Hungate**, Assistant City Attorney *Hannah Hungate*

DATE: **July 3, 2025**

RE: **Amendments to FOIA Statute**

This year, the Arkansas General Assembly passed Act 505, which made several changes to the Arkansas Freedom of Information Act. A change relevant to the Board of Adjustment is that new limitations have been placed on virtual attendance and participation at Board meetings.

The new language in Ark. Code Ann. § 25-19-106(e)(6) says:

- (6) For a member of a governing body who attends a meeting remotely to be counted for a quorum or to vote, the method used to permit the member of the governing body to attend remotely shall:
 - (A) Provide a method for the governing body to verify the identity of the member of the governing body attending remotely;
 - (B) Allow other members of the governing body and members of the public, whether physically present at the public meeting or attending the public meeting remotely, at all times to:
 - (i) Hear the member of the governing body attending remotely;
 - (ii) Observe or otherwise understand a vote of a member of the governing body attending remotely; and
 - (iii) Know the identity of the member of the governing body attending remotely when that member is speaking or voting; and
 - (C) Allow a member of the governing body attending remotely to hear the other members of the governing body and any public comment.

Based on the amendment to Act 505 and discussion with the sponsor of the bill that became Act 505, Senator Clark Tucker, we are proposing the following bylaw change to comply with Act 505 while still allowing Board members to attend virtually:

3. Place of Meetings. Unless otherwise specified by the Chair, and unless notice of a different meeting place is duly given with the notice of the time of meeting, as provided in Chapter 157, Unified Development Code, Board meetings shall be held at the Fayetteville City Administration Building. After proper notice has been provided to the public, the Board of Adjustment is authorized to assemble, gather, meet, and conduct open public meetings (including speaking, voting and approving or making recommendations regarding development applications) through appropriate electronic means which ensure the public's right to attend by being able to listen to the proceedings and discussions. These open public meetings include any Board of Adjustment committee meetings. **Board members attending meetings virtually shall ensure their faces are visible during roll call to establish quorum, any time they are speaking, and when voting on any question.**

BOARD OF ADJUSTMENT
Fayetteville, Arkansas

Rules of Procedure and Regulations

1. Purpose. It is the purpose of these rules to set forth the procedure to be followed at all Board of Adjustment meetings and to regulate enforcement of conditional variances.

2. Time of Meetings. The Board shall meet on the first Monday of each month in which variance applications or appeals have been filed. In the event the first Monday is a City Holiday, the meeting shall move to the second Monday. In addition, the Board may meet on call of the Chair, or Vice Chair when the Chair is absent.

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4. Records of Meetings. Meetings of the Board shall be recorded by audio and video means. In conjunction with documentation of attendance, motions, seconds, and votes, recordings shall serve as the official meeting record and minutes for the Board.

5. Quorum. Three (3) of the five (5) members of the Board constitute a quorum, and no action shall be taken by the Board on any motion unless a quorum is present and unless a majority of the members present votes in favor of the motion. An abstention shall not be construed as a vote. In the event of absence of a quorum at any called or regularly scheduled meeting, applications and appeals to have been heard at that meeting will be heard at the next Board Meeting.

6. Election and Duties of Chair and Vice Chair. A Chair and Vice Chair shall be elected each year for a one (1) year term at the first regularly scheduled meeting of the Board after March 1st. Nominees shall be placed in nomination and elected by a majority vote of those members present. In the event that there is a tie, the most senior member (by years of service) of those nominated for the position shall be elected to the position. To be eligible for election as Chair, one must be a member of the Board with at least one year remaining in one's membership term. It shall be the duty of the Chair to conduct all meetings of the Board, to assure that adequate records of the proceedings and actions of the Board are kept and to represent the Board as may be appropriate in its external affairs. The Vice Chair shall serve in the absence of the Chair. In the event both the Chair and Vice Chair are absent, the most senior member (by years of service) present shall become Temporary Chair and shall call and/or conduct the meeting. Should the office of Chair or Vice Chair become vacant due to reasons other than normal termination of the term of office, an election shall be held at the first Board meeting after the vacancy occurs.

7. Conduct of Meetings. The Chair, after dispensing with the Minutes of the previous meeting, shall read the first Agenda item, and ask for the Report of the Planning Staff, and their recommendations. The applicant or appellant or his or her representative shall then be given an opportunity to explain the written application or appeal previously filed, and any other person present at the meeting shall be allowed to comment for a reasonable period of time. Any member who intends to abstain when the vote is taken shall make this fact known when the Chair announces the agenda item and shall not participate in any aspect related to that request. Any other member of the Board may question any person who has spoken concerning the item. Applications and appeals shall be called for hearing in the order presented on the Board's agenda published by the Planning Division. Board meetings shall be open to any person, and although comments from the applicant or appellant and others who may be present will generally not be permitted during deliberation and decision, the Chair may call upon any person in attendance to respond to a question.

8. Actions which may be Taken. The Board may grant the variance or appeal. The Board may deny the variance or appeal. The Board may grant a variance which is different from that requested, as long as it is a "lesser" variance, in the sense that the Board perceives it would be more consistent with the provisions of the zoning ordinance and/or less affective of the surrounding property than the variance requested. By majority vote, the Board may delay public hearing and/or deliberation and decision of any application or appeal until the next regularly

scheduled meeting of the Board. Any further delay must also be by a majority vote of the Board and must be based upon the request of the appellant or applicant, either in writing or by oral statement before the Board. In no case will decision of an appeal or application be delayed beyond the second regular meeting after the original meeting at which the appeal or application was considered.

9. Reconsideration. After the decision of any question, any member of the prevailing side may request a reconsideration of any action at the same or the next succeeding meeting. A motion to reconsider requires a simple majority for passage. If the motion to reconsider is approved at the next succeeding meeting, the item shall be placed on the agenda of the next regular meeting of the Board, with renotification as required by Chapter 157 of the Unified Development Code.

10. Enforcement. The Zoning and Development Administrator will notify Building Safety inspectors of any conditions required by the Board to be met by one who has been issued a building permit allowing construction upon property as to which a variance has been granted. Building inspectors will, in turn, report any failure to comply with such conditions, to the Zoning and Development Administrator and no occupancy permit will be issued until the conditions have been met.

11. Amendment. The Rules of Procedure and Regulations of the Board of Adjustment, Fayetteville, Arkansas, may be amended only after the members of the Board have been notified in writing and by a 2/3 majority vote of the Board members.

These rules adopted by the Fayetteville Board of Adjustment on the 20th day of December, 1976, as amended: 09/20/1982; 03/06/2006; 06/04/2012; 04/04/2022; 10/7/2024; 3/3/2025; and 7/7/2025.

ERIN ADKINS-OURY, Chair

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ERIN ADKINS-OURY, Chair



TO: Board of Adjustment

THRU: Jessie Masters, Development Review Manager

FROM: Gretchen Harrison, Senior Planner

MEETING DATE: July 7, 2025

SUBJECT: **BOA-2025-0011: Board of Adjustment (221 E. LAFAYETTE ST./ROSE, 485):** Submitted by JAMES AND JUSTINE ROSE for property located at 221 E. LAFAYETTE ST. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.16 acres. The request is for a variance to setback requirements.

RECOMMENDATION:
Staff recommends denial of **BOA-2025-0011**.

RECOMMENDED MOTION:
"I move to deny BOA-2025-0011."

JUNE 2, 2025 BOARD OF ADJUSTMENT MEETING:
At the June 2 meeting, the Board of Adjustment voted to table this item until the July 7 meeting to give the applicant time to provide supporting information. During the meeting, board members raised questions about the location of property lines, setbacks, and the proposed structure. They asked the applicant to provide a survey of their property to verify that information. The Board also expressed concerns about potential conflicts with building code requirements. Given the proximity of existing structures on adjacent properties, the Board questioned whether the proposed building would be permissible under building code even if a zoning variance were granted.

In the meantime, the applicant has hired a professional land surveyor to prepare a survey of their property, which has not yet been completed. Planning staff also consulted with the City's Building Safety Division and confirmed that a structure may be built within required setbacks, however, any portion located within five feet of a property line must meet fire-rating requirements.

BACKGROUND:
The subject property is located on the south side of Lafayette Street between Washington Avenue and Willow Avenue. It contains one parcel totaling 0.16 acres, is currently developed with a single-family residence, and located within RSF-4 zoning. According to Washington County records, the house was built in 1916. The property lies within the Washington-Willow Historic District, which was listed on the National Register of Historic Places in 1980. The house is identified as a contributing structure in the district's National Register nomination. While the district is recognized in the National Register, no local design standards are currently in place for it. In September of 2024, a building permit was issued to remodel the house. The work primarily focused on interior alterations, though new windows and siding were also installed. Surrounding land uses and zoning are depicted in *Table 1*.

**Table 1:
Surrounding Land Uses and Zoning**

Direction	Land Use	Zoning
North	Single-Family Residential	RSF-4, Residential Single-Family, Four Units per Acre
South	Single-Family Residential	RSF-4, Residential Single-Family, Four Units per Acre
East	Single-Family Residential	RSF-4, Residential Single-Family, Four Units per Acre
West	Single-Family Residential	RSF-4, Residential Single-Family, Four Units per Acre

DISCUSSION:

Request: The applicant requests a variance to build a detached garage which would encroach into side and rear setbacks. The requested variance is described further in *Table 2*.

**Table 2:
Variance Request**

Variance Issue	Requirement	Proposal	Variance
Side (west) building setback	5 feet	0 feet	5 feet
Rear (south) building setback	15 feet	0 feet	15 feet

Public Comment: Staff received a letter of support from the owner of the adjacent property to the west. That letter was included with the applicant’s submission. No other public comments have been received otherwise.

RECOMMENDATION: Staff recommends denial of BOA-2025-0011. Should the Board choose to approve this item, staff recommends the following conditions:

Conditions of Approval:

1. Approval of this variance is limited to the applicant’s request as described in this report,
2. Any portion of the structure within five feet of a property line has to be fire rated in compliance with applicable building codes,
3. Approval of this variance does not grant approval of or entitlement to any required permits or other zoning or development variances, and
4. Approval of this variance does not represent allowance for encroachment into other required setbacks.

BOARD OF ADJUSTMENT ACTION: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Tabled
Date: <u>July 7, 2025</u>
Motion:
Second:
Vote:

City Plan 2040 Future Land Use Designation: Residential Neighborhood Area

FINDINGS OF THE STAFF

§156.02. ZONING REGULATIONS.

Certain variances of the zoning regulations may be applied for as follows:

B. Requirements for Variance Approval.

1. Where strict enforcement of the zoning ordinance would cause undue hardship due to circumstances unique to the individual property under consideration; and

Finding: Staff finds that the applicant does not meet the criteria for undue hardship. In their request letter, the applicant noted that a garage previously existed in the southwest corner of the property, but it was demolished by a previous owner and city records show that the structure was removed sometime between 1980 and 1994. The applicant plans to construct a new garage in a similar location, though the new structure would extend further north, measuring approximately 14 feet in width and 45 to 50 feet in length.

The applicant has stated that the proposed garage would provide covered parking and may help reduce groundwater infiltration into their home's basement. However, staff finds it unclear whether the new structure would meaningfully address the latter concern. Further, covered parking is not required by city code, so it is considered a convenience rather than a necessity. The City's parking ordinance states that parking for single-family dwellings must be provided at a rate of two spaces per unit, and there appears to be space in the existing driveway on the west side of the property to park two vehicles. Staff finds that granting the requested variance would ultimately allow for the addition of covered parking, which is not required by code and may be viewed as conferring a special privilege not generally available to other property owners within the RSF-4 zoning district.

2. Where the applicant demonstrates that the granting of the variance will be in keeping with the spirit and intent of the zoning ordinance.

Finding: Staff finds that granting the requested variance may not align with the spirit and intent of the zoning ordinance. The RSF-4 zoning district is intended to support low-density residential development in appropriate environments and to protect existing single-family developments of those types. Staff finds that denial of this variance would not prevent the applicant from using their property as a single-family residence since it would not affect the primary dwelling. Further, there is space on the property to accommodate the required number of off-street parking spaces for a single-family residence in the existing driveway. There also appears to be room in the rear yard to construct an accessory structure outside of required setbacks or with less encroachment. Therefore, denying this variance would not preclude the applicant from having on-site parking or an accessory structure, it would just limit their ability to construct a structure in a location that staff finds to be inconsistent with the intent of the zoning ordinance.

However, staff acknowledges that the existing development pattern in the Washington-Willow neighborhood is not fully consistent with current RSF-4 zoning regulations, despite most properties in the area being in that zoning district. As the applicant noted, several adjacent and nearby properties feature garages and accessory structures built directly on property lines or within current setbacks. Further, the subject property itself does not meet the bulk and area requirements of the RSF-4 zoning district. The property has a lot width of 63 feet and an area of approximately 7,000 square feet, while RSF-4 zoning requires a minimum lot width of 70 feet and a minimum lot area of 8,000 square feet. With that said, the proposed location of the garage may be compatible with the established neighborhood character which largely predates current zoning requirements. Nevertheless, staff finds that the proposed garage does not meet current zoning requirements and is not necessary to allow for the reasonable use of the applicant's property.

- C. **Minimum Necessary Variance.** The Board of Adjustment may only grant the minimum variance necessary to make possible the reasonable use of the applicant's land, building or structure.

Finding: Staff finds that the requested variance is not necessary to make reasonable use of the property since a detached garage is considered a convenience rather than a necessity. There is also undeveloped, buildable area in the rear yard, so the extent of the proposed setback encroachment may not represent the minimum required to accommodate a detached garage either.

- D. **Special Conditions.** In granting a zoning regulation variance, the Board of Adjustment may impose whatever special conditions found necessary to ensure compliance and to protect adjacent property.

Finding: Should the board choose to approve the variance, staff has recommended conditions of approval as outlined above.

- E. **Non-permitted Uses.** The Board of Adjustment may not grant, as a variance, any use in a zone that is not permitted under the zoning ordinance.

Finding: None is requested.

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - §161.07 District RSF-4, Residential Single-Family, Four (4) Units Per Acre
- Request Letter
- Site Plan
- Building Elevation
- Public Comment
- One Mile Map

- Close-Up Map
- Current Land Use Map

161.07 District RSF-4, Residential Single-Family - Four (4) Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 9	Two-family dwellings
Unit 12a	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cluster Housing Development

(C) *Density.*

	Single-family dwellings	Two (2) family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and Area Regulations.*

	Single-family dwellings	Two (2) family dwellings
Lot minimum width	70 feet	80 feet
Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet
Hillside Overlay District Lot minimum width	60 feet	70 feet
Hillside Overlay District Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	3 stories
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(G) *Building Area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot. Accessory ground mounted solar energy systems shall not be considered buildings.

Dear [Board of Adjustments/City Planning Department],

Good morning. My name is Justine Rose, and my husband David and I are the owners of the property at 221 E. Lafayette Street in Fayetteville. We purchased this home in August of last year, and since then, it has been undergoing an extensive renovation.

The house was in a state of severe disrepair when we acquired it. We have taken it down to the studs and have completed a full restoration. This includes brand-new electrical, plumbing, and HVAC systems, spray foam insulation, a new roof and gutters, Hardie board siding with vapor barrier, and the installation of 39 new windows. We've also updated all cosmetic finishes—remaining committed to preserving the home's original charm and maintaining the historic character of the neighborhood.

We are writing today to respectfully request a setback variance to build a garage with a carport-style entrance on the west side of our property. There was previously a garage in this location that was torn down by former owners, and we hope to rebuild in roughly the same area.

The proposed structure would be located in the backyard and attached to the main house, extending south toward the rear fence. It would be approximately 14 feet wide and 45 to 50 feet long, with a tandem design—appearing as a single-car garage from the front. A pergola-style carport would connect the garage to the house and extend toward the property line in a way that blends seamlessly with the architecture and maintains visual openness.

This project is important to us for several reasons. Functionally, it will allow us to protect our vehicles—including our all-electric car, which requires charging—and provide much-needed storage. More urgently, it has become a critical health and safety issue. We recently discovered that the basement is experiencing water intrusion, even after new gutters were installed. This has resulted in serious respiratory issues for me, and addressing the moisture problem has become a top priority.

The proposed garage structure with concrete driveway would prevent groundwater from seeping down through the foundation into the basement.

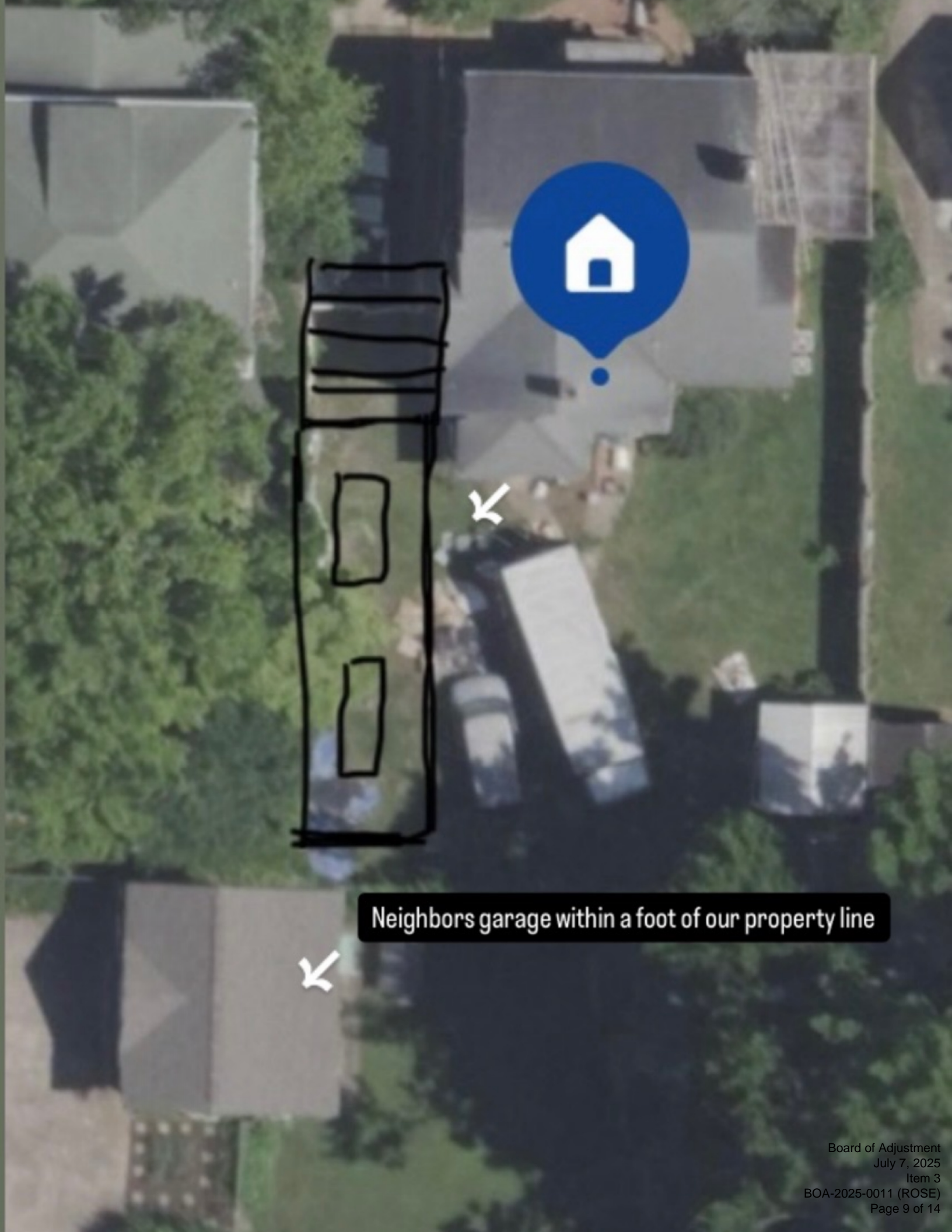
We've spoken to the Brembers who own the house directly adjacent to the proposed structure, and they have expressed no objection to our plans and wrote a letter in support of the project. Additionally, we have a photograph from roughly 20 years ago that shows the location of the original garage.

We are proud of the improvements we've made to this historic home and are fully committed to contributing positively to the fabric of the Fayetteville community. We've included design renderings and reference materials with this letter, which reflect a garage that honors the era and style of the home.

We have attached pictures of where the old structure was on the property as well as other supporting pictures.

Thank you very much for your time and thoughtful consideration. We sincerely hope you will support our request for this meaningful and much-needed addition to our property.

Warm regards,
Justine & David Rose
221 E. Lafayette Street
Fayetteville, AR



Neighbors garage within a foot of our property line





5-10-25

To Whom it May Concern:

As owners of the property at 217 E. Lafayette St., we verify that we are okay with the Roses, owners of the property at 221 E. Lafayette St., building close to the property line which we share with them.

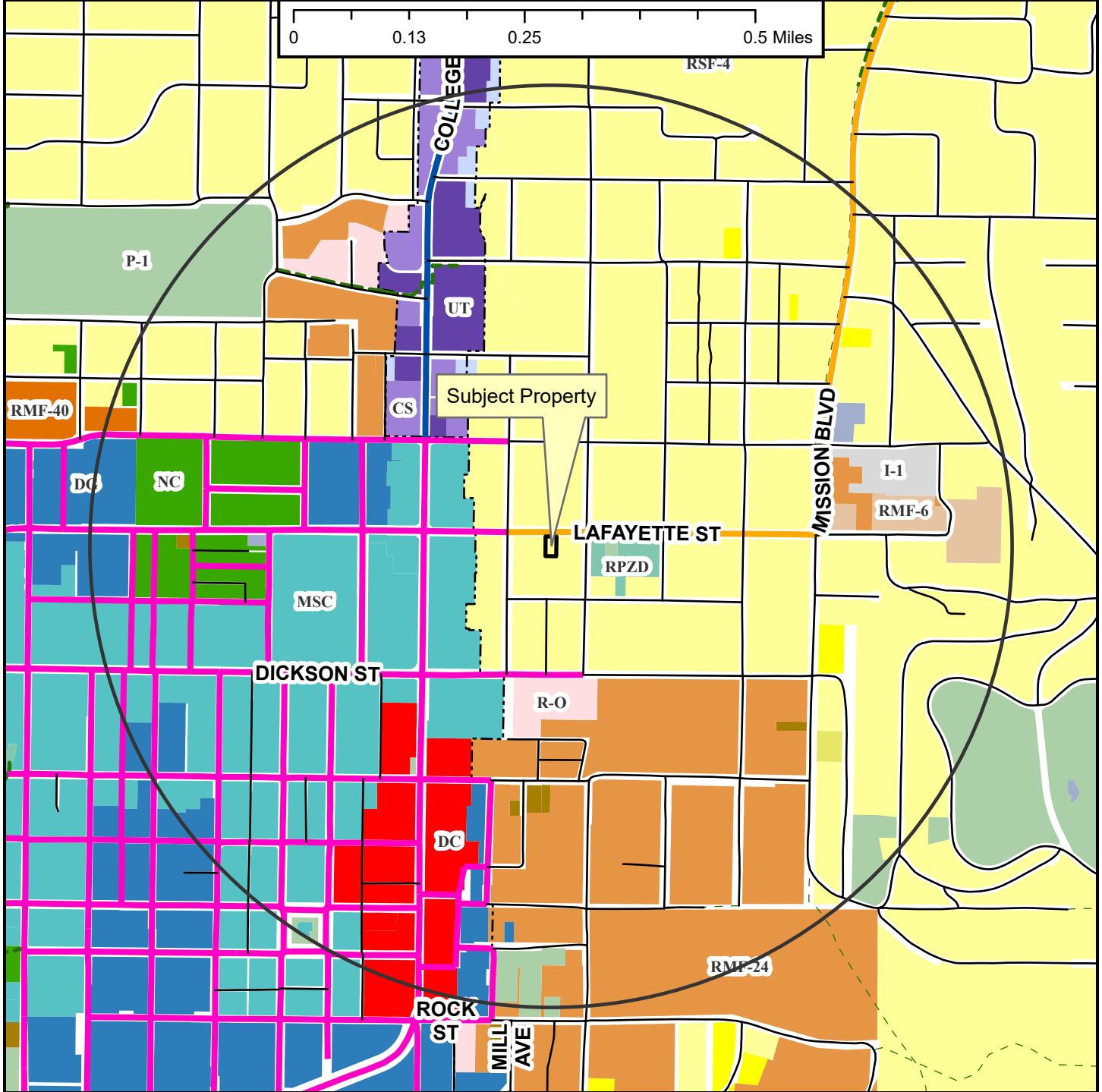
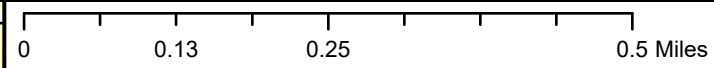
Thomas Bemberg

Paula H. Bemberg

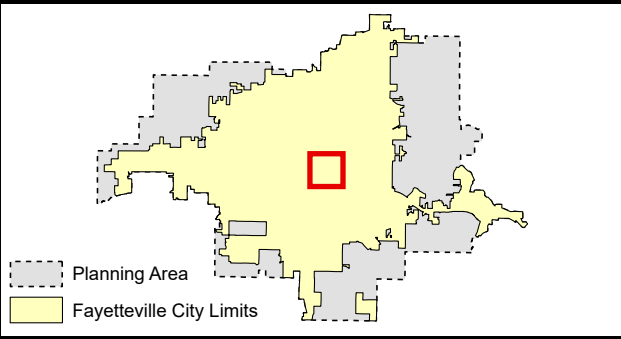
BOA-2025-0011

221 E. LAFAYETTE ST

One Mile View



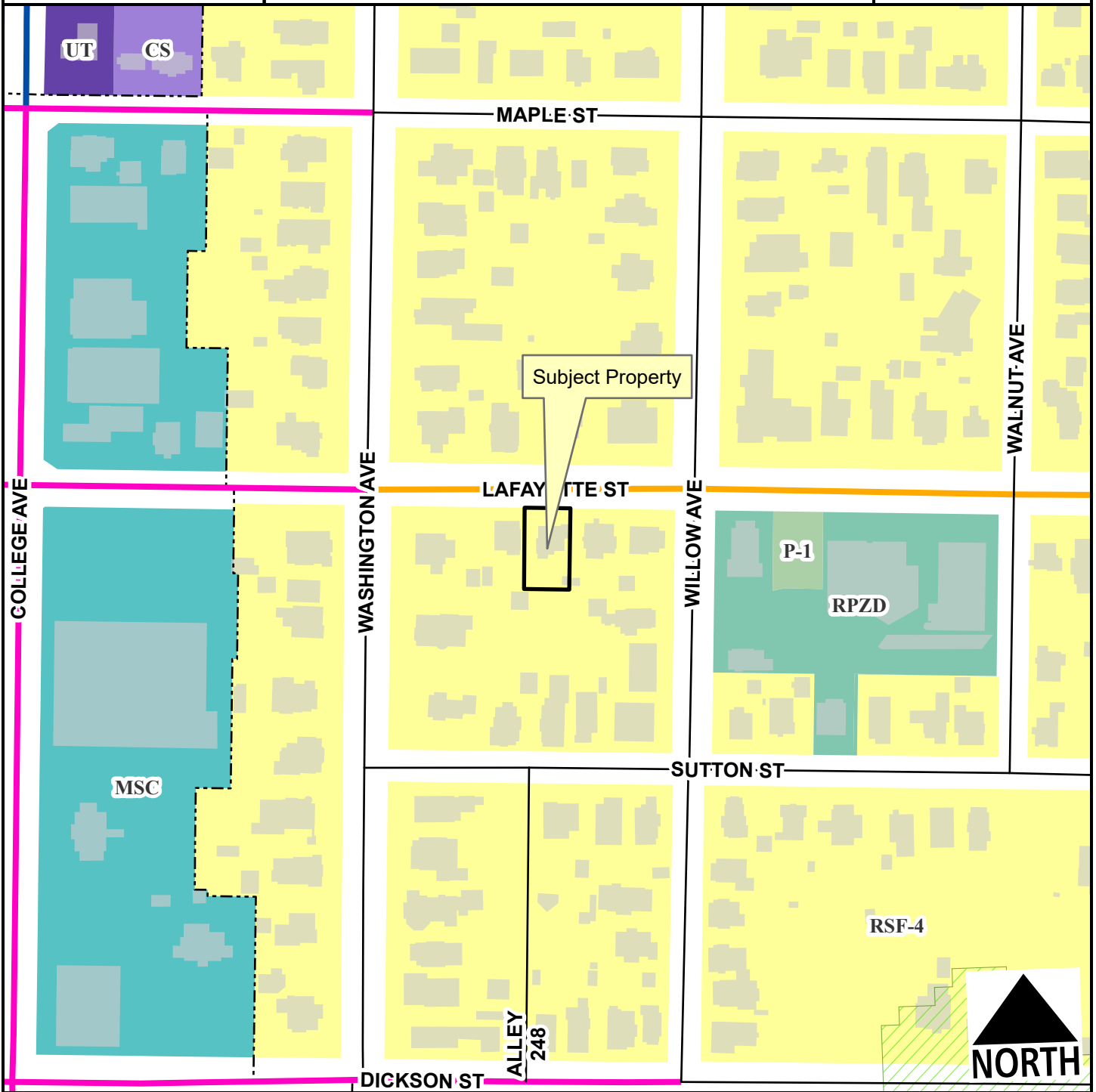
- Neighborhood Link
- Regional Link - High Activity
- Urban Center
- Unclassified
- Alley
- Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area



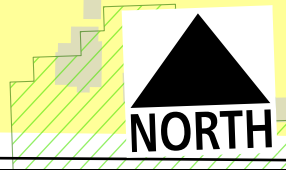
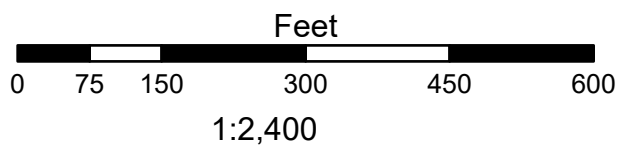
BOA-2025-0011

221 E. LAFAYETTE ST

Close Up View



- Neighborhood Link
- Regional Link - High Activity
- Urban Center
- Alley
- Residential Link
- Hillside-Hilltop Overlay District
- Planning Area
- Fayetteville City Limits
- Design Overlay District

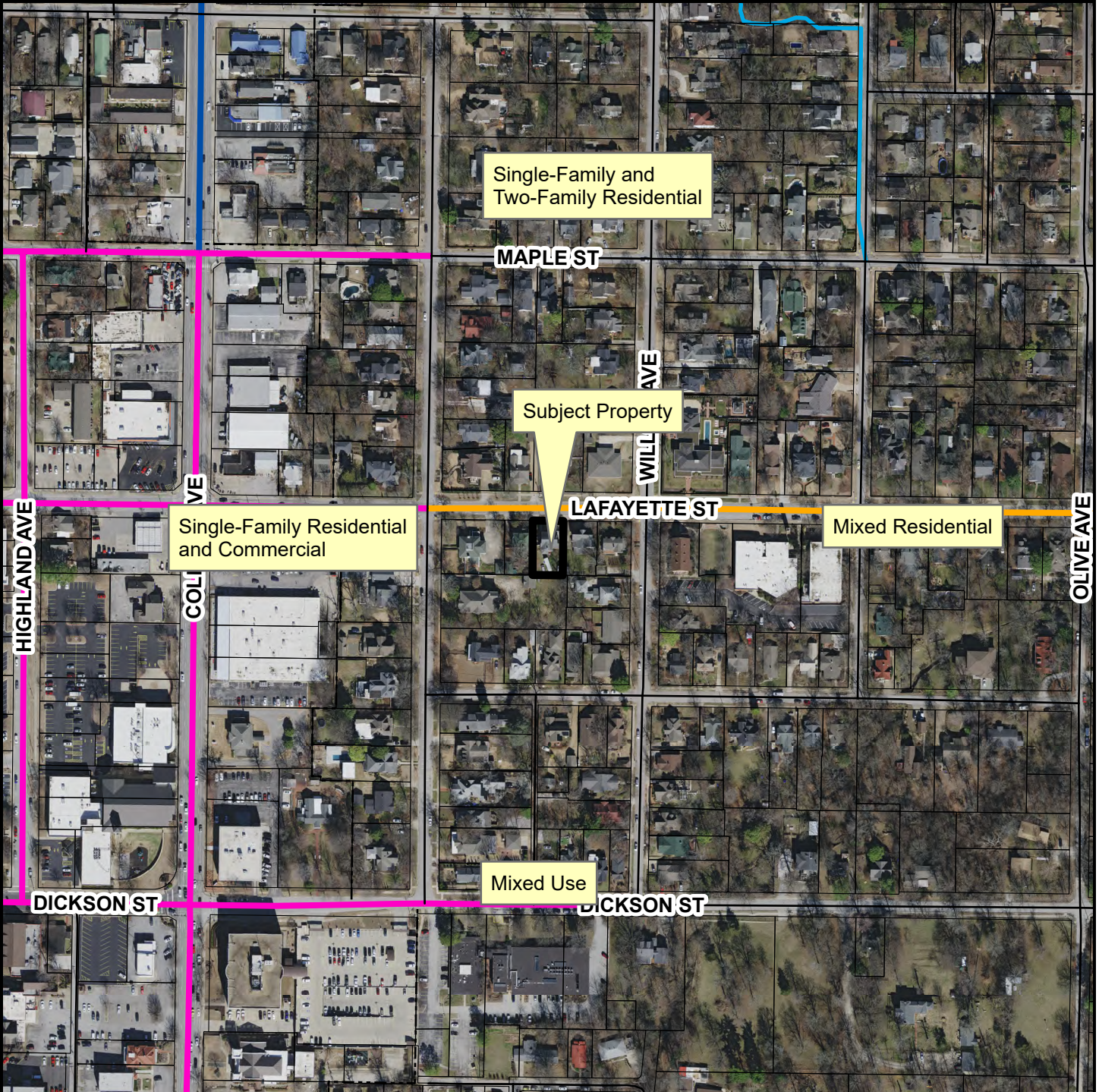


BOA-2025-0011

221 E. LAFAYETTE ST



Current Land Use



Single-Family and Two-Family Residential

MAPLE ST

Subject Property

LAFAYETTE ST

Single-Family Residential and Commercial

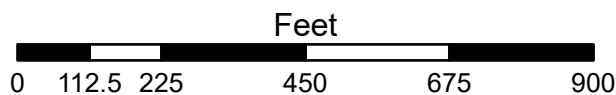
Mixed Residential

Mixed Use

DICKSON ST

DICKSON ST

- Neighborhood Link
- Regional Link - High Activity
- Urban Center
- Alley
- Residential Link
- Planning Area
- Fayetteville City Limits
- Design Overlay District



1:3,600

FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway



TO: Board of Adjustment

THRU: Jessie Masters, Planning Director

FROM: Wesley Frank, Planner

MEETING DATE: July 7, 2025

SUBJECT: **BOA-2025-0022: Board of Adjustment (463 S. BENCHMARK LN./RIVE OAKS PARTNERS, 517):** Submitted by TITAN CONSTRUCTION LLC for property located at 463 S. BENCHMARK LN. The property is zoned NC, NEIGHBORHOOD CONSERVATION and contains approximately 0.15 acres. The request is for a variance to setback requirements.

RECOMMENDATION:
Staff recommends approval of **BOA-2025-0022**.

RECOMMENDED MOTION:
*"I move to approve **BOA-2025-0022**."*

BACKGROUND:
The subject property is in south west Fayetteville, nearly 4/5 of a mile north of the West Martin Luther King Boulevard and South Ruppel Road intersection. The property is being developed with a single-family dwelling (RESI-2024-0847). The property is not located in an overlay district. Surrounding land uses and zoning are depicted in *Table 1*.

**Table 1:
Surrounding Land Uses and Zoning**

Direction	Land Use	Zoning
North	Single-Family	NC, Neighborhood Conservation
South	Single-Family	NC, Neighborhood Conservation
East	Single-Family	NC, Neighborhood Conservation
West	Single-Family	NC, Neighborhood Conservation

DISCUSSION:
Request: The applicant is requesting a variance to the NC zoning district's side setback requirement (UDC §161.29(E)). During the building process, a third-party contractor inadvertently moved the boundary pin, resulting in the home's footing to enter the side setback. The discovery of the encroachment occurred after the home was almost completed and a final survey performed. The applicant seeks to bring this single-family dwelling into compliance by seeking approval from the Board of Adjustment prior to completing the development.

**Table 2:
Variance Request**

Variance Issue	Requirement	Proposal	Variance
Side setback	5' setback	4' 9 3/5"	2 2/5" encroachment

Public Comment: Staff has not received any public comment to this request.

RECOMMENDATION: Staff recommends approval of BOA-2025-0022. Should the Board choose to approve this item, staff recommends the following conditions:

Conditions of Approval:

1. Approval of this variance is limited to the applicant’s request as described in this report, and
2. Approval of this variance does not grant approval of or entitlement to any other zoning or development variances or to any necessary permits.

BOARD OF ADJUSTMENT ACTION: Approved Denied Tabled

Date: July 7, 2025

Motion:

Second:

Vote:

City Plan 2040 Future Land Use Designation: Residential Neighborhood Area

FINDINGS OF THE STAFF

§156.02. ZONING REGULATIONS.

Certain variances of the zoning regulations may be applied for as follows:

B. Requirements for Variance Approval.

1. Where strict enforcement of the zoning ordinance would cause undue hardship due to circumstances unique to the individual property under consideration; and

Finding: Staff finds that the applicant does meet the criteria for undue hardship as the applicant was attempting to adhere to the setback requirement but was unable due to an error in development. The site plan, attached, that was submitted with the original building permit showed a structure that was meeting the required setbacks. Additionally, any alternative solution may be infeasible. The physical remedies in this case would either be to alter the property lines, or to alter the structure, both of which are disproportionate to the level of encroachment. A shift in property line may have knock-on effects to setback requirements for adjacent properties and reconstructing the building would likely have a cost that is unreasonable. With the applicant

attempting to adhere to the setback requirement when development began, the small scope of the variance request, and the non-proportional potential solution, staff finds that the applicant does have an undue hardship.

2. Where the applicant demonstrates that the granting of the variance will be in keeping with the spirit and intent of the zoning ordinance.

Finding: Staff finds that granting this variance would be in keeping with the spirit and intent of the zoning ordinance. The NC zoning district is designed to permit and encourage the development of low-density detached dwellings in suitable environments. The 5-foot side setback of this zoning district is intended for safety, uniformity, and privacy with nearby developments. The proposed variance request is determined to be acceptable as the setback change would not be significant enough to be a difference to the neighboring dwellings, confirming uniformity within the area. Building safety commented that although requiring a fire-rated wall may not be feasible at this time, the remaining setback separation of 4 feet and 9 inches from the home and neighboring home’s property line would be sufficient to ensure safety. Additionally, this remaining strip of distance will be managed yard which certifies privacy between the subject and neighboring properties. The variance request would not be a detriment to the area as it would still affirm the spirit of the side setback requirement.

C. Minimum Necessary Variance. The Board of Adjustment may only grant the minimum variance necessary to make possible the reasonable use of the applicant’s land, building or structure.

Finding: Staff finds that the requested variance is necessary to make reasonable use of the applicant’s existing structure.

D. Special Conditions. In granting a zoning regulation variance, the Board of Adjustment may impose whatever special conditions found necessary to ensure compliance and to protect adjacent property.

Finding: Should the board choose to approve the variance; staff has recommended conditions of approval as outlined above.

E. Non-permitted Uses. The Board of Adjustment may not grant, as a variance, any use in a zone that is not permitted under the zoning ordinance.

Finding: None is requested.

BUDGET/STAFF IMPACT:
None

ATTACHMENTS:

- Unified Development Code
 - §161.29 - Neighborhood Conservation
- Request Letter
- Site Plan
- One Mile Map
- Close-Up Map
- Current Land Use Map

161.29 Neighborhood Conservation

(A) *Purpose.* The Neighborhood Conservation zone has the least activity and a lower density than the other zones. Although Neighborhood Conservation is the most purely residential zone, it can have some mix of uses, such as civic buildings. Neighborhood Conservation serves to promote and protect neighborhood character. For the purposes of Chapter 96: Noise Control, the Neighborhood Conservation district is a residential zone.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 12a	Limited business*
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communication facilities
Unit 44	Cluster Housing Development

(C) *Density.* Ten (10) Units Per Acre.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

All dwelling types	40 feet
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(2) *Lot Area Minimum.* 4,000 square feet

(E) *Setback Regulations.*

Front	A build-to zone that is located between the front property line and a line 25 feet from the front property line.
Side	5 feet

Rear	5 feet
Rear, from center line of an alley	12 feet

(F) *Building Height Regulations.*

Building Height Maximum	3 stories
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June 13, 2025

Fayetteville Board of Adjustments – Commission Chair
113 West Mountain Street, Room 219
Fayetteville, AR 72701

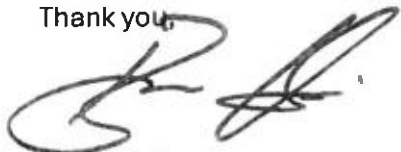
RE: Towne West Subdivision Phase VI – Lot 56 - 463 S Benchmark Lane

Dear Commission Chair,

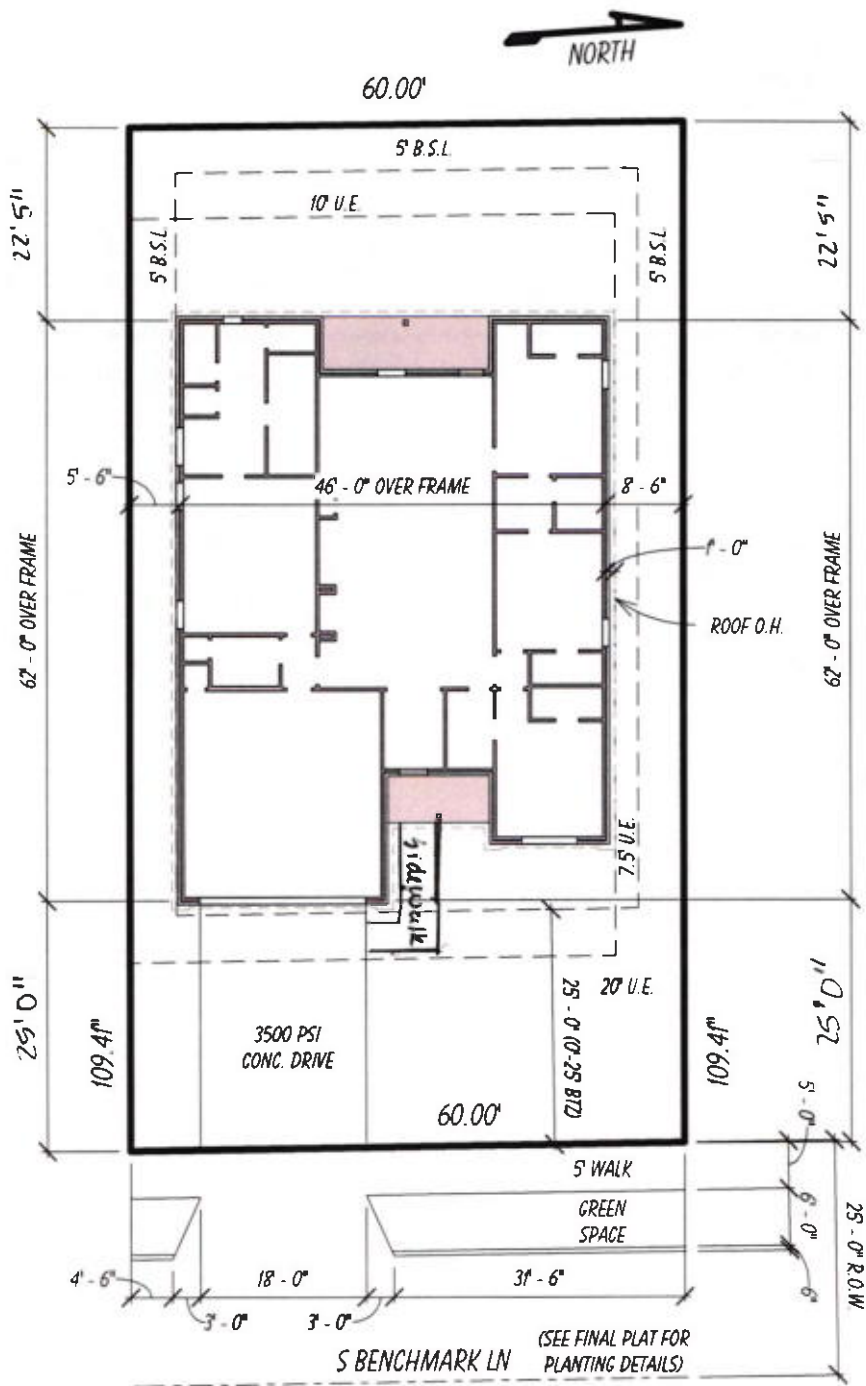
We are requesting a variance to the building setback on the south side of the lot. During work in the utility easement, along the west lot line, the boundary pins were removed by a 3rd party utility contractor. As a result, when the 2,700 sf home was laid out, it caused the footing to be 2.4” within the building set back. The encroachment was not realized until after the home had been fully erected, and almost complete.

Thank you for your time and consideration.

Thank you,

A handwritten signature in black ink, appearing to read 'Bransen Harris', written over a white background.


Bransen Harris
Member
River Oaks Partners, LLC

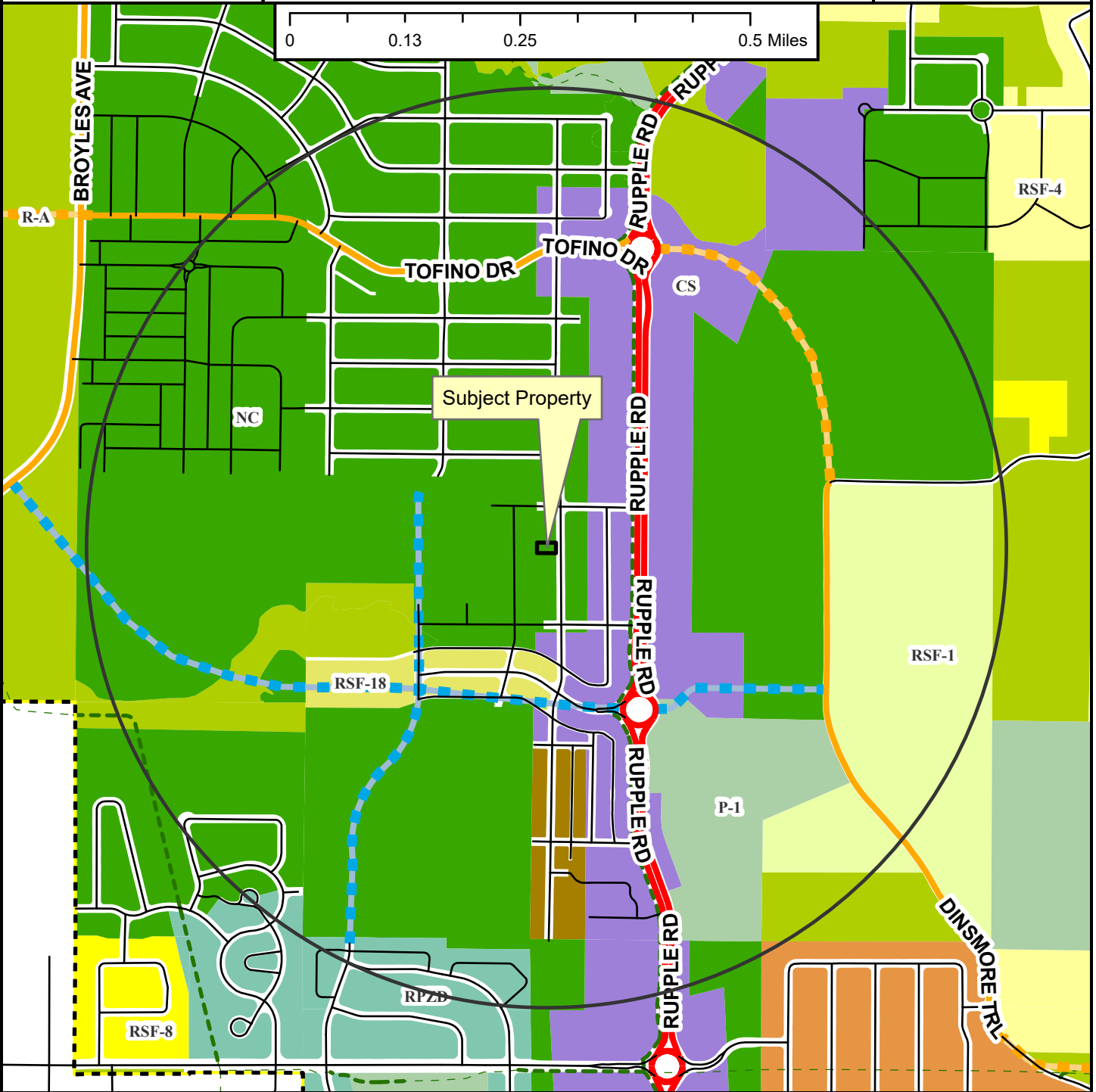
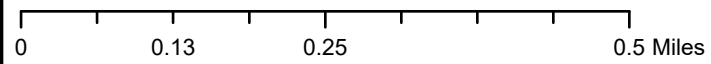


Towne West, Lot 56

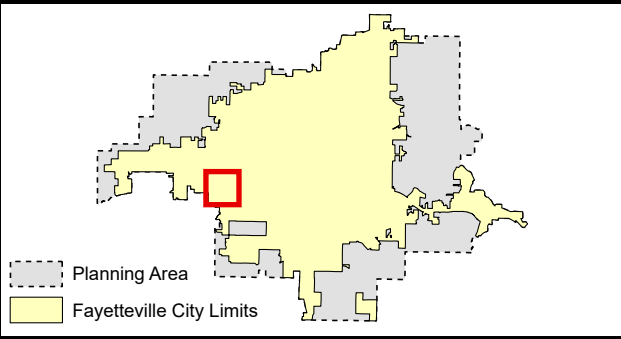
1" = 20'-0"

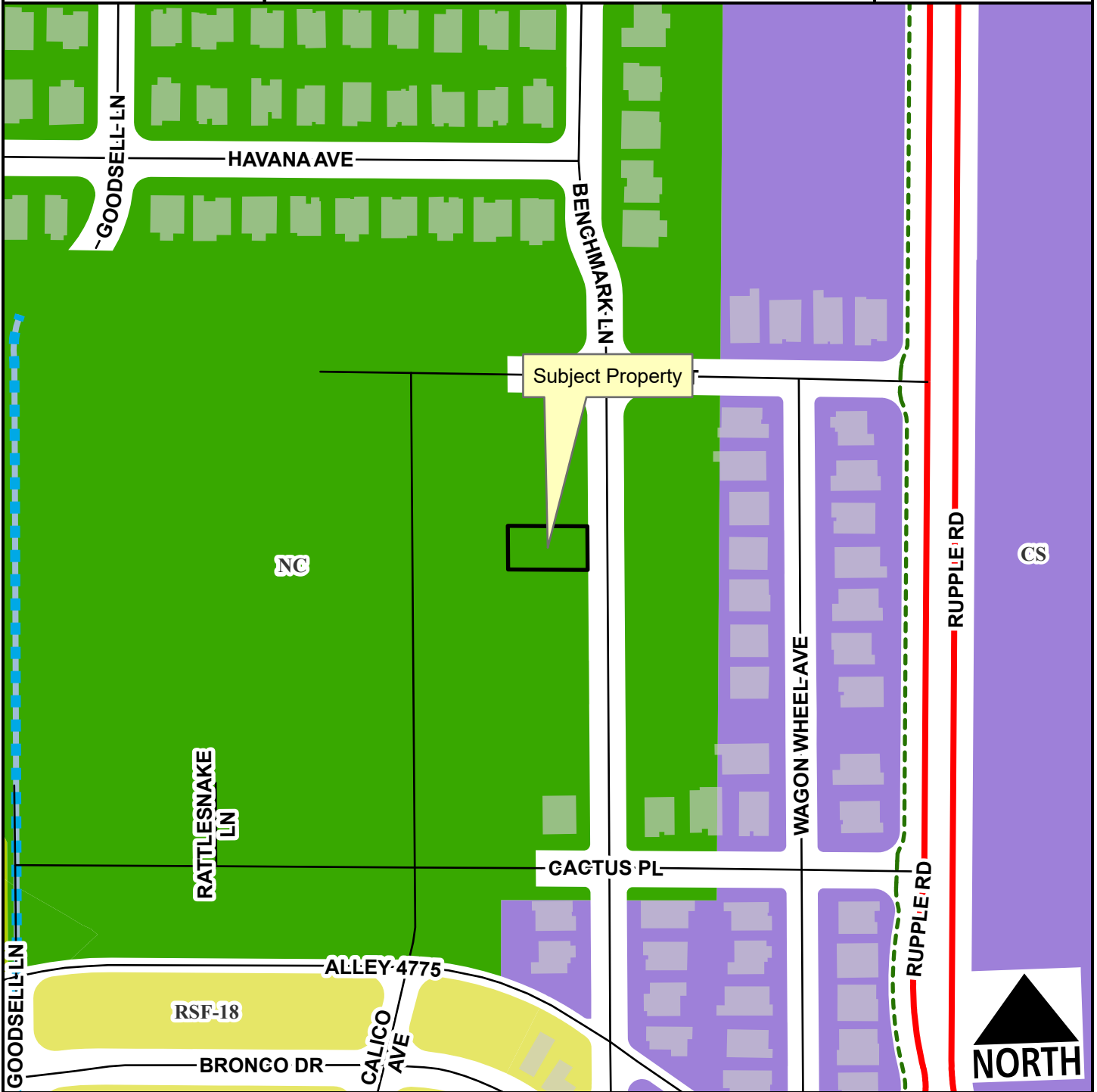
463 S Benchmark Ln

 KCP Kissinger's Custom Plans OFFICE: 479-431-4183 FAX: 479-431-6210 WWW.KCPH.NET	Geoffrey MacDonald	Lot 56, S Benchmark LN	
		Date 10/11/2024 3:30:57 PM Footage Tabulation	Site Plan Scale 1" = 20'-0"

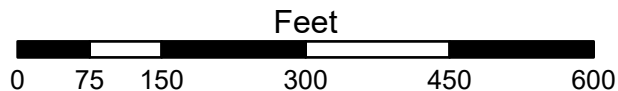


- Regional Link
- Neighborhood Link
- Unclassified
- Alley
- Residential Link
- Planned Neighborhood Link
- Planned Residential Link
- Shared-Use Paved Trail
- - - Trail (Proposed)
- Fayetteville City Limits
- Planning Area





- Regional Link
- Residential Link
- Planned Residential Link
- Planning Area
- Fayetteville City Limits
- Shared-Use Paved Trail



1:2,400

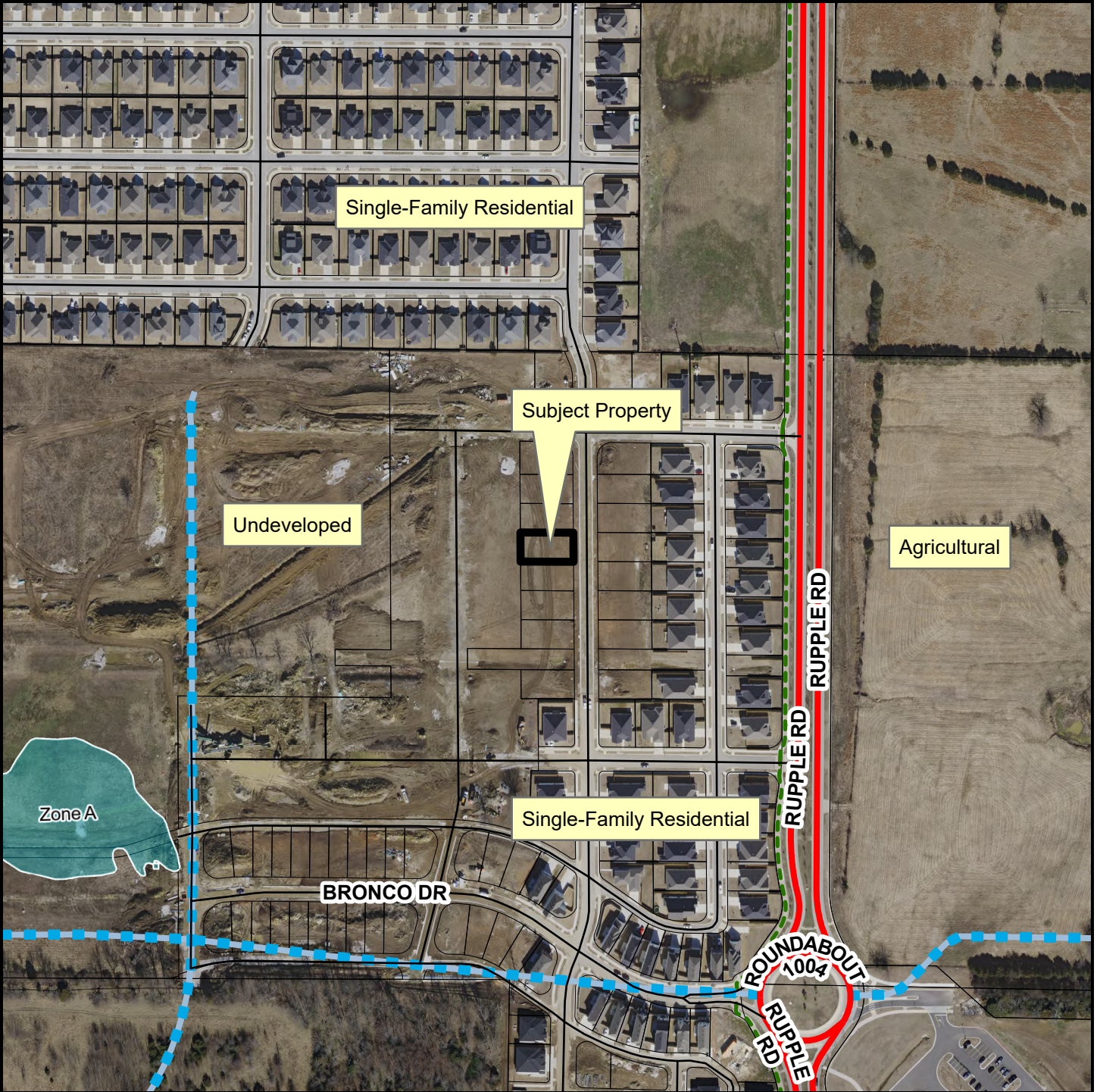


BOA-2025-0012

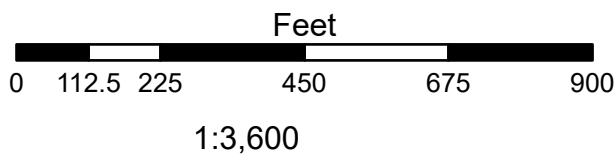
463 S. BENCHMARK LN



Current Land Use



- Regional Link
- Alley
- Residential Link
- Planned Residential Link
- Planning Area
- Fayetteville City Limits



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway



TO: Board of Adjustment

FROM: Jessie Masters, Planning Director

MEETING DATE: July 7, 2025

SUBJECT: **BOA-2025-0013: Board of Adjustment (426 E. LAFAYETTE ST/FULL CIRCLE HOLDINGS, LLC, 485):** Submitted by FRAN FREE for property located at 426 E. LAFAYETTE STREET. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE and contains approximately 0.16 acres. The request is for a variance from setback requirements.

RECOMMENDATION:
Staff recommends approval of **BOA-2025-0013**.

RECOMMENDED MOTION:
"I move to approve BOA-2025-0013."

BACKGROUND:
The subject property is located at the northwest corner of E. Lafayette Street and N. Olive Avenue. The parcel is zoned RSF-4, Residential Single-Family, 4 Units per Acre, is approximately 0.16 acres, contains a single-family home that County records indicate was constructed in 1936. There are neither any overlay districts that encumber the site nor notable natural features on the site, though it is located just outside of the Washington Willow Historic District. Surrounding land uses and zoning are depicted in *Table 1*.

**Table 1:
Surrounding Land Uses and Zoning**

Direction	Land Use	Zoning
North	Single-Family Dwelling	RSF-4, Residential Single-Family, 4 Units per Acre
South	Single-Family Dwelling	RSF-4, Residential Single-Family, 4 Units per Acre
East	Single-Family Dwelling	RSF-4, Residential Single-Family, 4 Units per Acre
West	Single-Family Dwelling	RSF-4, Residential Single-Family, 4 Units per Acre

DISCUSSION:
Request: The applicant is requesting a variance to the front setback requirement associated with the RSF-4 zoning district to reconstruct and enlarge two existing exterior staircases. The overall structure is currently non-conforming and encroaches extensively into the front setback along N. Olive Avenue. Per the requirements in 164.12, a non-conforming structure cannot be expanded upon in any way without requiring a variance from the Board of Adjustments. The requested variance is depicted below in *Table 2*.

**Table 2:
Variance Request**

Variance Issue	Requirement	Proposal	Variance
Front setback	15 feet	0.5 feet	14.5 feet

Public Comment: Staff has received public comment in support of the request.

RECOMMENDATION: Staff recommends approval of BOA-2025-0013. Should the Board choose to approve this item, staff recommends the following conditions:

Conditions of Approval:

1. Approval of this variance is limited to the applicant’s request as described in this report, and
2. Approval of this variance does not grant approval of or entitlement to any other zoning or development variances.

BOARD OF ADJUSTMENT ACTION: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> Tabled
Date: <u>July 7, 2025</u>
Motion:
Second:
Vote:

City Plan 2040 Future Land Use Designation: Residential Neighborhood

FINDINGS OF THE STAFF

§156.02. ZONING REGULATIONS.

Certain variances of the zoning regulations may be applied for as follows:

B. Requirements for Variance Approval.

1. Where strict enforcement of the zoning ordinance would cause undue hardship due to circumstances unique to the individual property under consideration; and

Finding: Staff finds that the applicant has met the threshold for undue hardship. The existing stairs serve as major sources of ingress and egress to the structure and are not built to current requirements for tread depth and height. The structure under consideration with this request was constructed in 1936, long before the creation of the current zoning regulations governing the site. Under 164.12, the applicant has the right to continue to maintain that existing non-conforming structure, and the right to reconstruct up to 50% of the non-conforming structure, provided it is not increased in volume, area, or footprint; while minimal, the granting of this variance will expand the encroachment into the existing setback by an additional 43 square feet between the two staircases. The applicant has few other reasonable alternatives: rezoning the property to allow an encroachment may not be

compatible with surrounding land uses or future City goals; leaving the stairs as is or rebuilding in the exact same way would create a potential hazard for occupants of the structure and would not meet building codes; and removing the staircases would require extensive interior remodeling that would not likely be proportional to the issue at hand.

2. Where the applicant demonstrates that the granting of the variance will be in keeping with the spirit and intent of the zoning ordinance.

Finding: Staff finds that granting the variance is in line with the spirit and intent of the zoning ordinance. The applicant’s proposal creates safer staircases while respecting the original architecture of the residence, and they are not substantially expanding the overall structure (i.e. adding interior space, a porch, or other covered structure) that may run counter to the intent of the RSF-4 district.

- C. **Minimum Necessary Variance.** The Board of Adjustment may only grant the minimum variance necessary to make possible the reasonable use of the applicant’s land, building or structure.

Finding: Staff finds that the requested variance is the minimum necessary to ensure the applicant has safe and effective use of their property. They are not intending to expand the footprint of the structure beyond the installation of two new staircases that meet existing building codes.

- D. **Special Conditions.** In granting a zoning regulation variance, the Board of Adjustment may impose whatever special conditions found necessary to ensure compliance and to protect adjacent property.

Finding: Should the Board choose to approve this variance, staff has recommended conditions of approval as outlined above.

- E. **Non-permitted Uses.** The Board of Adjustment may not grant, as a variance, any use in a zone that is not permitted under the zoning ordinance.

Finding: None are requested.

BUDGET/STAFF IMPACT:

None

ATTACHMENTS:

- Unified Development Code
 - 161.07 District RSF-4, Residential Single-Family - Four (4) Units Per Acre
- Request Letter
- Conceptual Site Plan
- Public Comment
- One Mile Map
- Close-Up Map
- Current Land Use Map

161.07 District RSF-4, Residential Single-Family - Four (4) Units Per Acre

(A) *Purpose.* The RSF-4 Residential District is designed to permit and encourage the development of low density detached dwellings in suitable environments, as well as to protect existing development of these types.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 41	Accessory dwellings
Unit 46	Short-term rentals

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 9	Two-family dwellings
Unit 12a	Limited business
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 44	Cluster Housing Development

(C) *Density.*

	Single-family dwellings	Two (2) family dwellings
Units per acre	4 or less	7 or less

(D) *Bulk and Area Regulations.*

	Single-family dwellings	Two (2) family dwellings
Lot minimum width	70 feet	80 feet
Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet
Hillside Overlay District Lot minimum width	60 feet	70 feet
Hillside Overlay District Lot area minimum	8,000 square feet	12,000 square feet
Land area per dwelling unit	8,000 square feet	6,000 square feet

(E) *Setback Requirements.*

Front	Side	Rear
15 feet	5 feet	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	3 stories
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(G) *Building Area.* On any lot the area occupied by all buildings shall not exceed 40% of the total area of such lot. Accessory ground mounted solar energy systems shall not be considered buildings.

(Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 4858, 4-18-06; Ord. No. 5028, 6-19-07; Ord. No. 5128, 4-15-08; Ord. No. 5224, 3-3-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §8, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6245, §2, 10-15-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21)

Editor's note(s)—Ord. No. 6820, §1, adopted December 4, 2024, determines that Ordinance 6427 (Sunset Clause), Ordinance 6625 (extending Sunset Clause) and Ordinance 6710 (extending the Sunset Clause) be amended so that Ordinance 6427 and all amendments to Code Sections ordained or enacted by Ordinance 6427 shall automatically sunset, be repealed and become void on July 1, 2025 at 7:00 p.m. unless prior to that time and date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section.

Dennis Nelms & Fran Free
PO Box 4100
Fayetteville, AR 72702

June 16th, 2025

Ms. Erin Adkins-Oury
Board Chair
Board of Adjustments
City of Fayetteville, Arkansas

Board Chairperson Adkins-Oury,

We purchased this bungalow in September with the intent of making it our future forever home and are currently rehabilitating it in the vein of its 1936 character. We request a variance for the building setback to replace out-of-code concrete stairways with safe egresses. Two entrances, within the same setback, do not meet safety codes. These entrances are necessary to make reasonable use of this property and are essential to the functionality of the home:

- The east (kitchen) entrance was originally designed as the main point of egress for the homeowners. The concrete stairs were added during a mid-century remodel. There is no landing or handrail, and the rise and run are too narrow to allow sure footing (7"X 9"). The drop from the bottom of the door threshold is 3'-7". Any drops above 30" from grade require a guardrail. The variance would allow proper fall protection to be installed for the exit to meet code requirements. We would like to replace these stairs with a wooden porch and stairs oriented towards the parking area so as not to horizontally protrude into the setback any further than they already are (see rendition). Variance request is to protrude into side setback no further east than the existing, non-code compliant stairs already protrude at the door leading from the kitchen.
- The north (bedroom) entrance was also added during a mid-century remodel. Originally a row of three sash windows, one window was removed and replaced by a door and concrete stairs. We seek a variance to replace the concrete stairs, which are not currently to code, with a platform, wider steps, and fall protection, oriented away from the setback, to address safety and privacy concerns. By making this egress private to this bedroom, the home still has the east kitchen entrance and the south front porch entrance (see rendition). Variance request to protrude into side setback at the northeast bedroom door that is currently not code compliant for the egress required in residential bedrooms.

This house was built by Mr. & Mrs. E.J. Mathis in 1936, the same year the very first Planning Commission was established. This home was here before any land use codes were adopted and, subsequently, does not meet all RSF-4 zoning requirements. As new owners of this home, we are concerned with safely entering and exiting the home.



Figure 1. East (kitchen) entrance



Figure 2. North (bedroom) entrance



Figure 3. Current out of code stairs at East (kitchen) entrance

In contemplating stair options, we have landed on the least obtrusive: orient the steps towards the parking area so as not to horizontally protrude into the setback any further than they already are and add fall protection to both stairways.



Figure 4. Rendition of both porches

The building size is 2,010 ft² with an open porch of 200 ft² and a basement of 1,170 ft². These numbers are both existing and proposed. The current square footage for the kitchen stairway is 15 ft², proposed is 46 ft². The current square footage for the northeast bedroom stairway is 26 ft², proposed is 53 ft². The number of off-street parking spaces to be provided are two.

We did consider alternatives to this variance request, such as:

- **Leave as-is.** We feel that these steps create an immediate fall danger. If both sets of stairs remained as-is, we would be in violation of several residential fire codes,¹ including: R311.3,² R311.7.5.2,³ R311.7.6⁴ and R312.1.1.⁵
- **Seek rezoning of the property.** This house would be in code if it existed in a different residential zone, but we feel RSF-4 is the most appropriate zoning for this neighborhood; we agree with the current master plan and do not wish to seek rezoning. Not only would that create a zoning island but may also set an example that other neighbors may follow.
- **Remove both egress points.** If both points were to be removed, anyone living in the home must park in the off-street parking area then walk around the house to the front porch. This would necessitate an undue expense in establishing a new walkway (which would be in the setback) the entire length of the home, removal of newly purchased and installed doors and windows, covering up the voids left by those removals to be replaced with materials that may not be cohesive with the historic time period. We searched for historic brick to match the house but were not able to find it. A new emergency escape point would have to be established for the bedroom to meet code R310.1.⁶
- **Replace both stairs with one continuous porch that connects both doors.** One porch could be designed to connect both doors with one set of stairs at the northeast corner. This would create a more direct connection with the parking area

¹ 2021 Arkansas Fire Prevention Code, Volume III - Residential

² R311.3 - There shall be a landing or floor on each side of each exterior door. Landings shall have a dimension of not less than 36 inches measured in the direction of travel.

³ R311.7.5.2 - Tread depth shall be not less than 10 inches.

⁴ R311.7.6 - There shall be a floor or landing at the top and bottom of each stairway. The width perpendicular to the direction of travel shall be not less than the width of the flight served. For landings of shapes other than square or rectangular, the depth at the walk line and the total area shall be not less than that of a quarter circle with a radius equal to the required landing width. Where the stairway has a straight run, the depth in the direction of travel shall be not less than 36 inches (914 mm).

⁵ R312.1.1 - Guards shall be provided for those portions of opensided walking surfaces, including floors, stairs, ramps and landings that are located more than 30 inches measured vertically to the floor or grade below at any point within 36 inches horizontally to the edge of the open side.

⁶ R310.1 - Every sleeping room shall have not less than one operable emergency escape and rescue opening.

and would provide ample landing area and fall protection to address safety concerns but would encroach on the privacy of the bedroom and would take up more square footage within the setback area.

We feel that changing the stairway orientation and adding fall protection is the minimal action that can be taken to bring safety, while maintaining the spirit of the neighborhood and its zoning intent.

Thank you for your consideration in this matter, and please reach out with any questions at (479)799-4990.

Sincerely,

The image shows two handwritten signatures in black ink. The signature on the left is 'Dennis Nelms' and the signature on the right is 'Fran Free'. Both are written in a cursive, flowing style.

Dennis Nelms & Fran Free
Full Circle Holdings, LLC

CODE REQUIREMENTS:

- 2021 Arkansas Fire Prevention Code, Volume III - Residential
- R310.1 - Every sleeping room shall have not less than one operable emergency escape and rescue opening.
- R311.3 - There shall be a landing or floor on each side of each exterior door. Landings shall have a dimension of not less than 36 inches measured in the direction of travel.
- R311.7.5.2 - Tread depth shall be not less than 10 inches.
- R311.7.6 - There shall be a floor or landing at the top and bottom of each stairway. The width perpendicular to the direction of travel shall be not less than the width of the flight served. For landings of shapes other than square or rectangular, the depth at the walk line and the total area shall be not less than that of a quarter circle with a radius equal to the required landing width. Where the stairway has a straight run, the depth in the direction of travel shall be not less than 36 inches (914 mm).
- R312.1.1 - Guards shall be provided for those portions of open-sided walking surfaces, including floors, stairs, ramps and landings that are located more than 30 inches measured vertically to the floor or grade below at any point within 36 inches horizontally to the edge of the open side.

VARIANCE REQUEST:

- Variance Request to protrude into setback no further east than the existing, non-code compliant stairs already protrude at the door leading from the kitchen.
- Variance Request to protrude into side setback at the northeast bedroom floor that is currently not code compliant for the egress required in residential bedrooms. New Egress Perimeter protrudes no further into setback than existing building footprint.
- Existing conditions that are not safe for use are shown in red (to be removed) and be replaced by safe, code compliant stair needs, risers, guardrails and landings.

NOTES:
VERIFY ALL DIMENSIONS IN FIELD, DIMENSIONS BASED ON OWNER MEASUREMENTS AND OWNER PROVIDED SURVEY.



NELMS OLIVE
426 AR-45, Fayetteville, AR
72701



REVISION _____ DATE _____

SEALED SIGNATURE _____

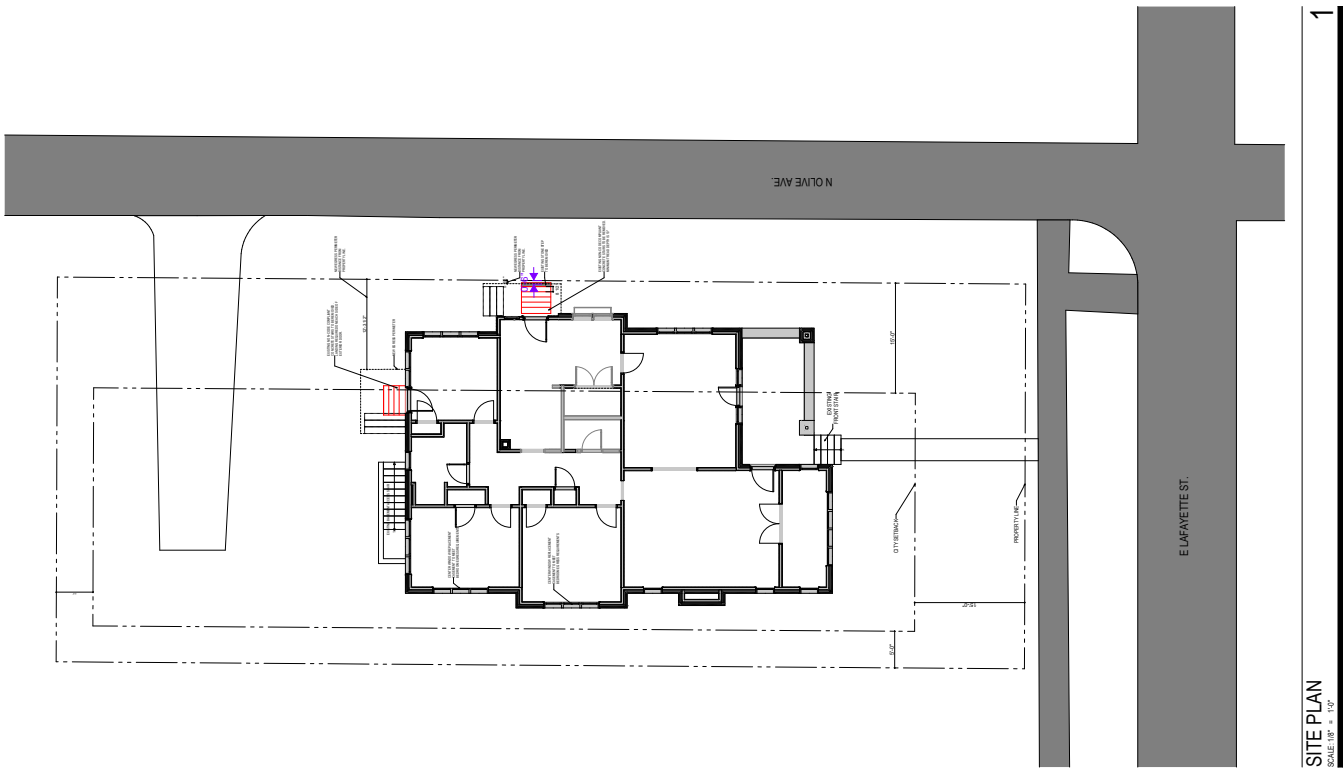
PROJECT STATUS
**BOARD ADJUSTMENT
VARIANCE**
ISSUE DATE
06/13/2025

PROJECT NUMBER
250002

SHEET DESCRIPTION
ARCHITECTURAL SITE PLAN

AS01

SHEET (N-4)
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SITE PLAN
SCALE: 1/8" = 1'-0"

BOA-2025-0013
Public Comment

From: Katie Mihalevich <kmihale@me.com>
Sent: Thursday, June 26, 2025 10:32 AM
To: Planning Shared <planning@fayetteville-ar.gov>
Cc: Mihalevich, Matthew <mmihalevich@fayetteville-ar.gov>
Subject: Neighbor Supports BOA Variance at 426 E. Lafayette

CAUTION: This email originated from outside of the City of Fayetteville. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Planning Office,

We received a letter about our neighbors' variance request at 426 E. Lafayette. Please put me on record as being fully supportive of the Nelms/Free's variance request. I believe they are at a unique hardship with the current setbacks and deserve to have safe ingress/egress to the home. I do not believe this variance will pose a problem for pedestrians or the character of our unique neighborhood. Further, I trust that the neighbors at 426 E. Lafayette are working with the highest quality designers and builders who will create a built environment that the neighborhood will be proud of.

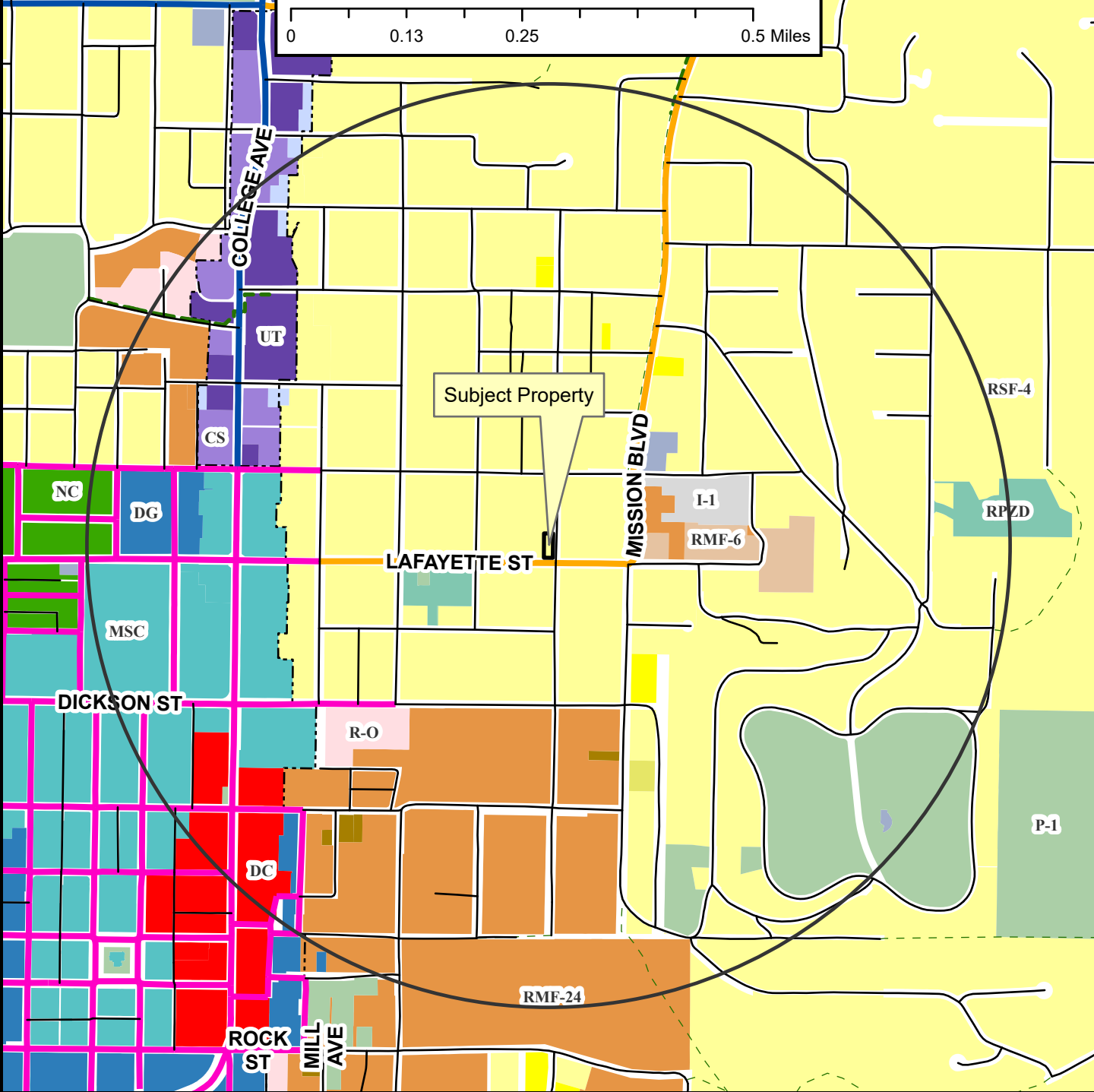
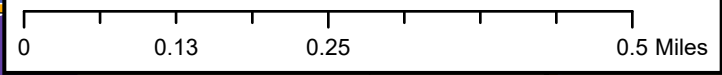
Respectfully,
Katie Mihalevich
420 E. Lafayette St.

Katie Mihalevich,
Executive Broker, REALTOR, CLHMS
Flyer Homes Real Estate
For immediate assistance: 479-422-7448

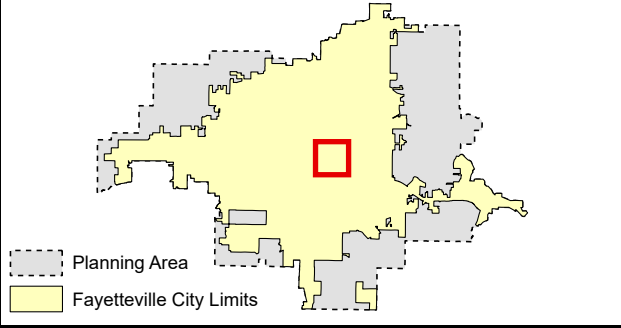
BOA-2025-0013

426 E. LAFAYETTE ST

One Mile View



- Neighborhood Link
- Regional Link - High Activity
- Urban Center
- Unclassified
- Alley
- Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area

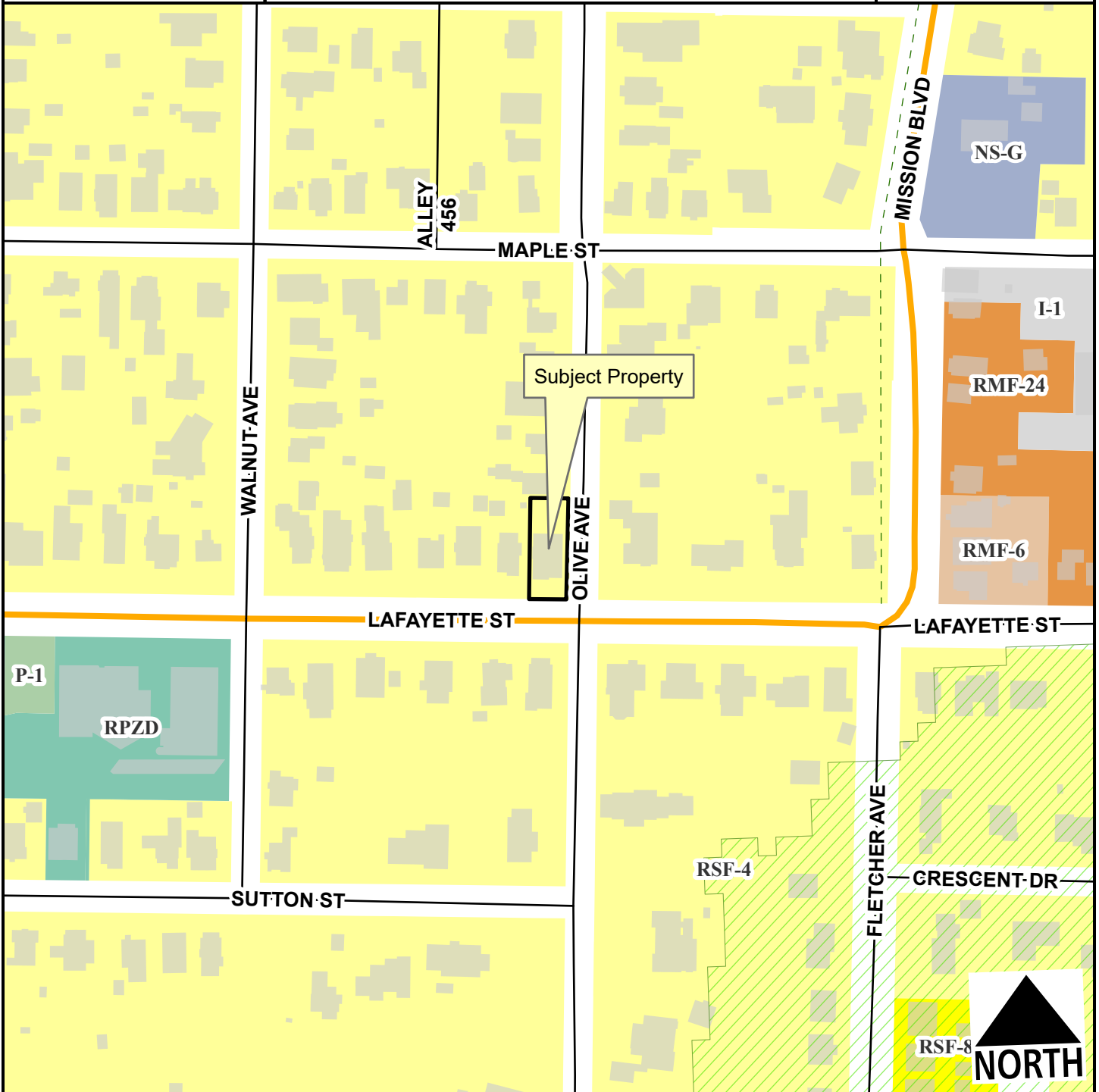









Board of Adjustment
July 7, 2025
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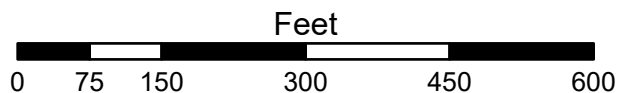
BOA-2025-0013

426 E. LAFAYETTE ST

Close Up View



-  Neighborhood Link
-  Alley
-  Residential Link
-  Hillside-Hilltop Overlay District
-  Planning Area
-  Fayetteville City Limits
-  Trail (Proposed)



1:2,400

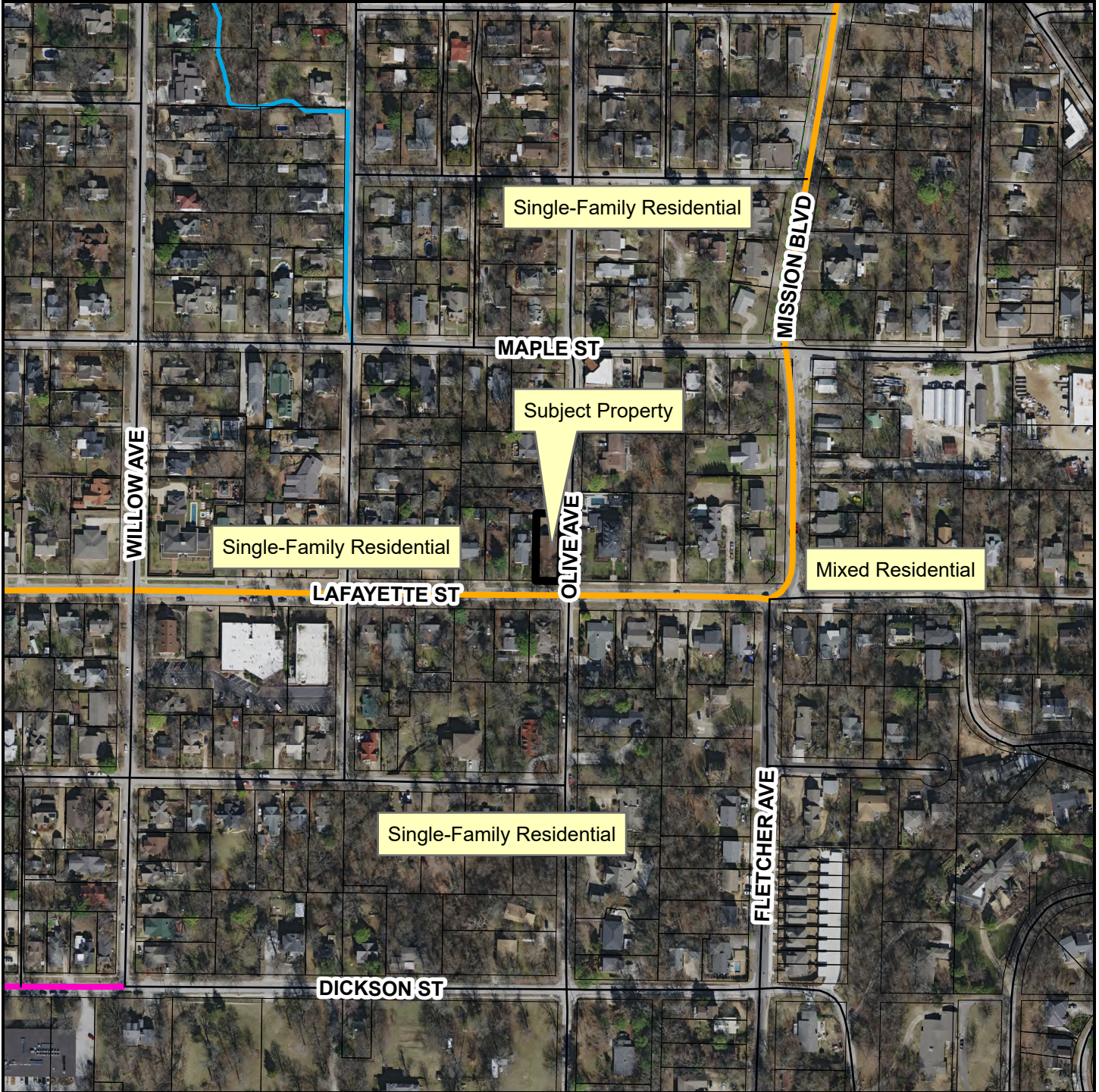
Board of Adjustment
 July 7, 2025
 Item 5








BOA-2025-0013

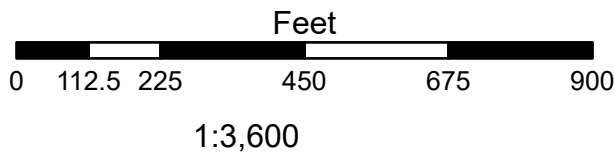
426 E. LAFAYETTE ST





Current Land Use



-  Neighborhood Link
-  Urban Center
-  Alley
-  Residential Link
-  Trail (Proposed)
-  Planning Area
-  Fayetteville City Limits



FEMA Flood Hazard Data

-  100-Year Floodplain
-  Floodway

Board of Adjustment
 July 7, 2025
 Item 5