



CITY OF
FAYETTEVILLE
ARKANSAS

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

Board of Adjustment Agenda

**City Hall Room 219
Monday, August 4, 2025
3:45 PM**

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: 859 3008 6534

Registration Link: https://fayetteville-ar.zoom.us/webinar/register/WN_babWoFA7QJa734_pLHfOzw

Call to Order

Roll Call

MINUTES:

Approval of the minutes from the July 7, 2025 meeting.

Unfinished Business

2. **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, AND THE JULY 7, 2025 BOARD OF ADJUSTMENT MEETINGS.

Planner: Wesley Frank

New Business

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), 125 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, July 7, 2025

Time:	In: 3:45 PM	Out: 4:05 PM					
Staff :			<input checked="" type="checkbox"/>	Jessie Masters, Development Review Manager			
			<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 6-2-2025	BOARD OF ADJUSTMENT BYLAWS AMENDMENTS	3) BOA-2025-0011 (ROSE)	4) BOA-2025-0012 (RIVER OAK PARTNERS LLC)	5) BOA-2025-0013 (FULL CIRCLE HOLDINGS LLC)	
Keys	0						
Young	1	1	1	1	1	1	
Fox	1	1	1	1	1	1	
Adkins-Oury	1	Abstain	1	1	1	1	
Agenda				Old	New	New	
Motion To:		Approve	Approve	Table	Approve	Approve	
Motion By:		Fox	Adkins-Oury	Adkins-Oury	Fox	Adkins-Oury	
Seconded:		Young	Fox	Young	Young	Young	
Vote		2-0-1	3-0-0	3-0-0	3-0-0	3-0-0	
Notes				Until the August 4, 2025 Board of Adjustment meeting.			
Public Comment:			0	0	0	0	



TO: Board of Adjustment

THRU: Jessie Masters, Planning Director

FROM: Wesley Frank, Planner

MEETING DATE: August 4, 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.

During this time, the applicant hired a professional land surveyor to prepare a survey of their property, which had not yet been completed then. 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.

July 7, 2025 BOARD OF ADJUSTMENT MEETING:

The Board voted to table this item until the August 4, 2025, meeting at the request of the applicant who was still attempting to create a survey for the application. During this time, the applicant updated their request to replace the proposed detached garage with a pergola.

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 pergola which would encroach into the side setback. The requested variance is described further in *Table 2*.

**Table 2:
Variance Request**

Variance Issue	Requirement	Proposal	Variance
Side (west) building setback	5 feet	1 foot 8 inches	3 feet 4 inches

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>August 4, 2025</u>
Motion:
Second:
Vote:

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 pergola in a similar location, though the new structure would extend further north, measuring approximately 14 feet in width and 40 feet in length.

The applicant has stated that the proposed pergola would 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 pergola may be compatible with the established neighborhood character which largely predates current zoning requirements. Nevertheless, staff finds that the proposed pergola 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 pergola 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 pergola 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
- One Mile Map
- Close-Up Map
- Current Land Use Map

- Request Letter
- Site Plan
- Building Elevation
- Public Comment

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.

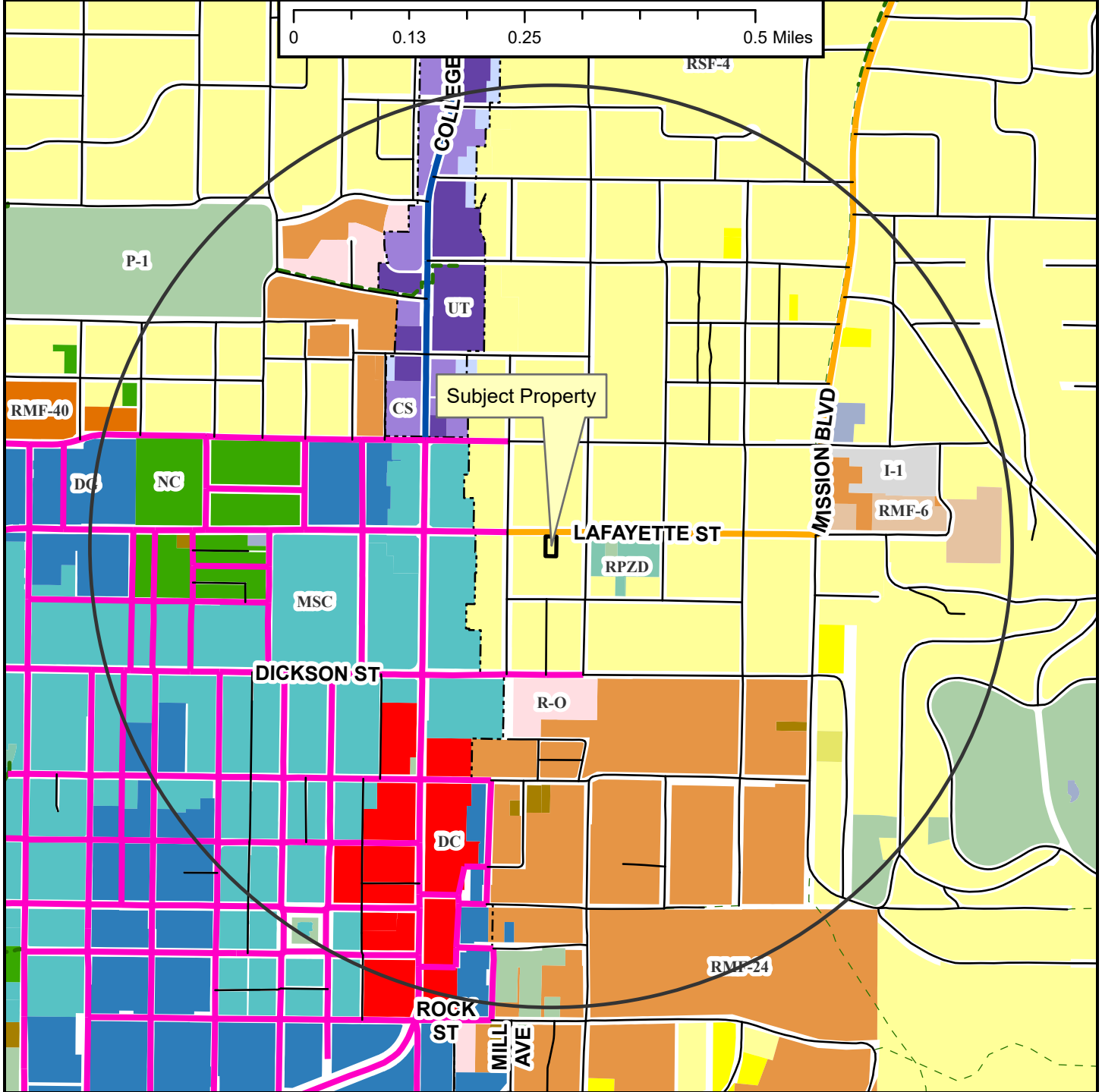
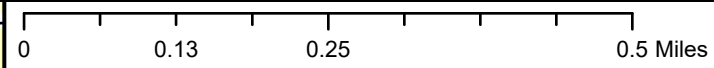















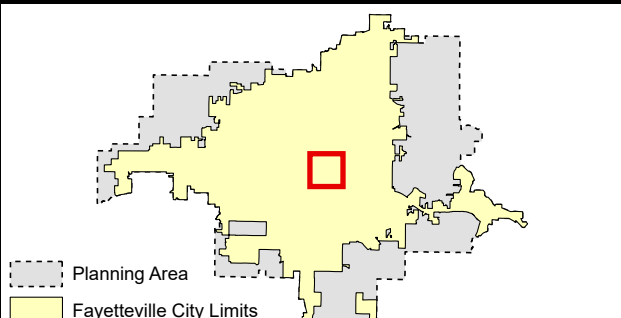
BOA-2025-0011

221 E. LAFAYETTE ST

One Mile View



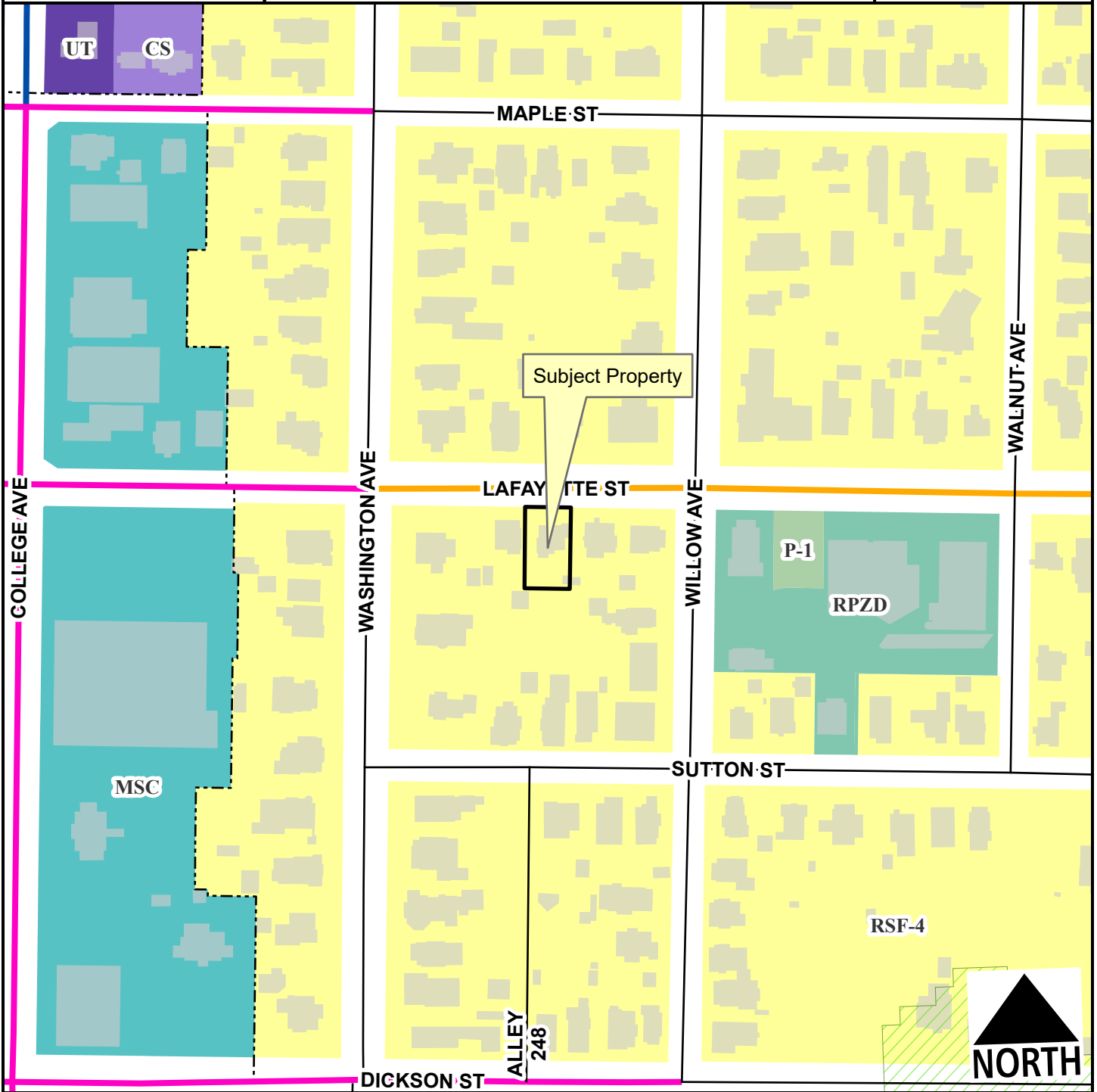
-  Neighborhood Link
-  Regional Link - High Activity
-  Urban Center
-  Unclassified
-  Alley
-  Residential Link
-  Shared-Use Paved Trail
-  Trail (Proposed)
-  Design Overlay District
-  Fayetteville City Limits
-  Planning Area



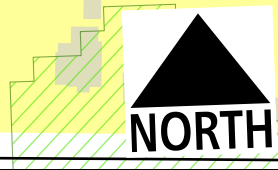
BOA-2025-0011

221 E. LAFAYETTE ST

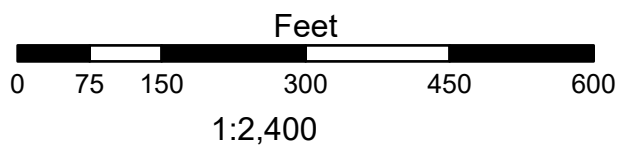
Close Up View



Subject Property



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

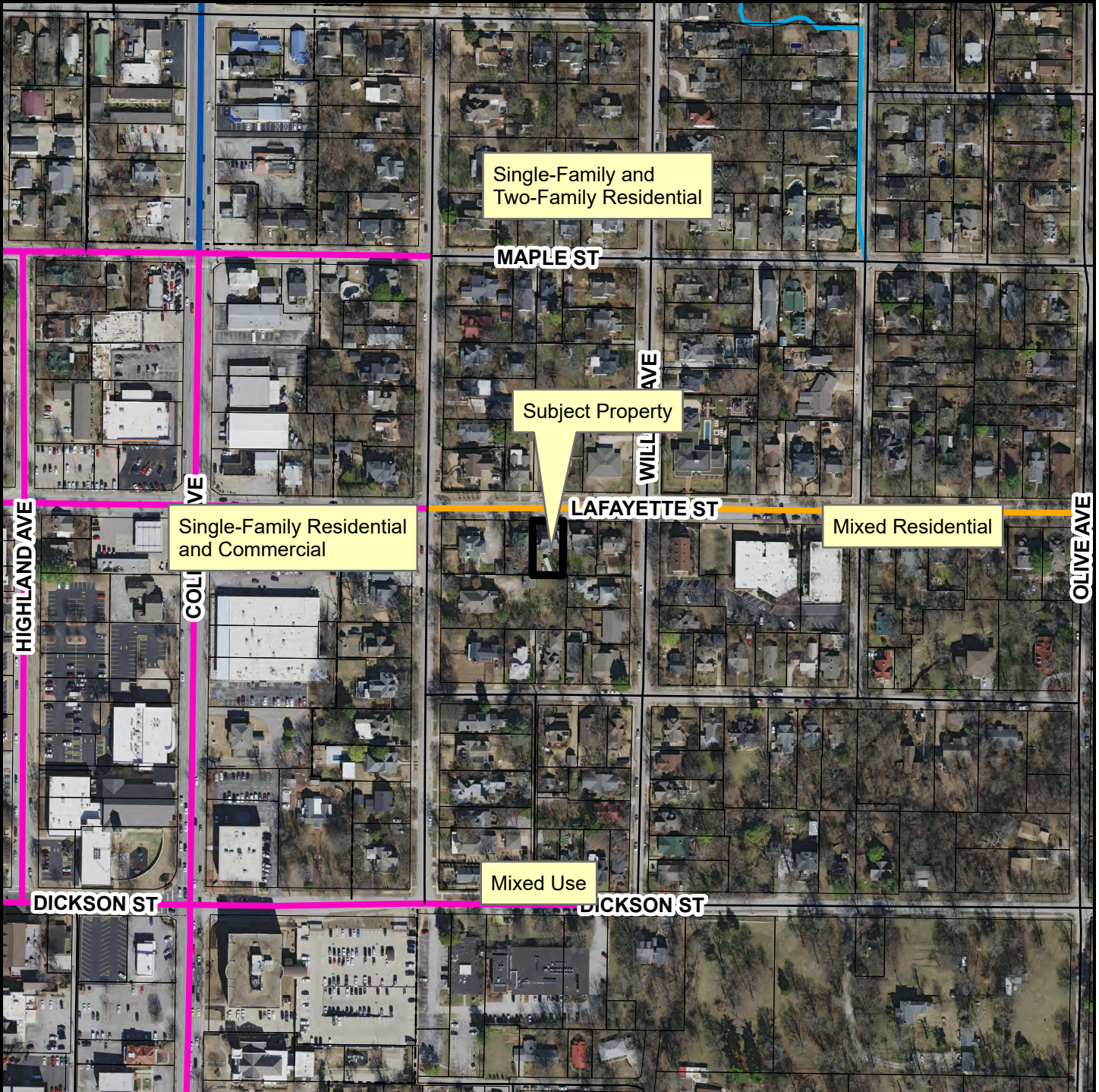


BOA-2025-0011

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

HIGHLAND AVE

COLLI AVE

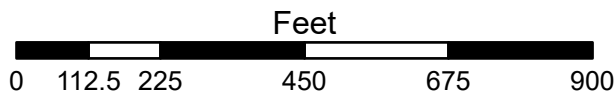
WILL AVE

OLIVE AVE

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

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 2024, 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 carport 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 place a carport 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 carport 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 carport structure with concrete driveway would prevent groundwater from seeping down through the foundation into the basement.

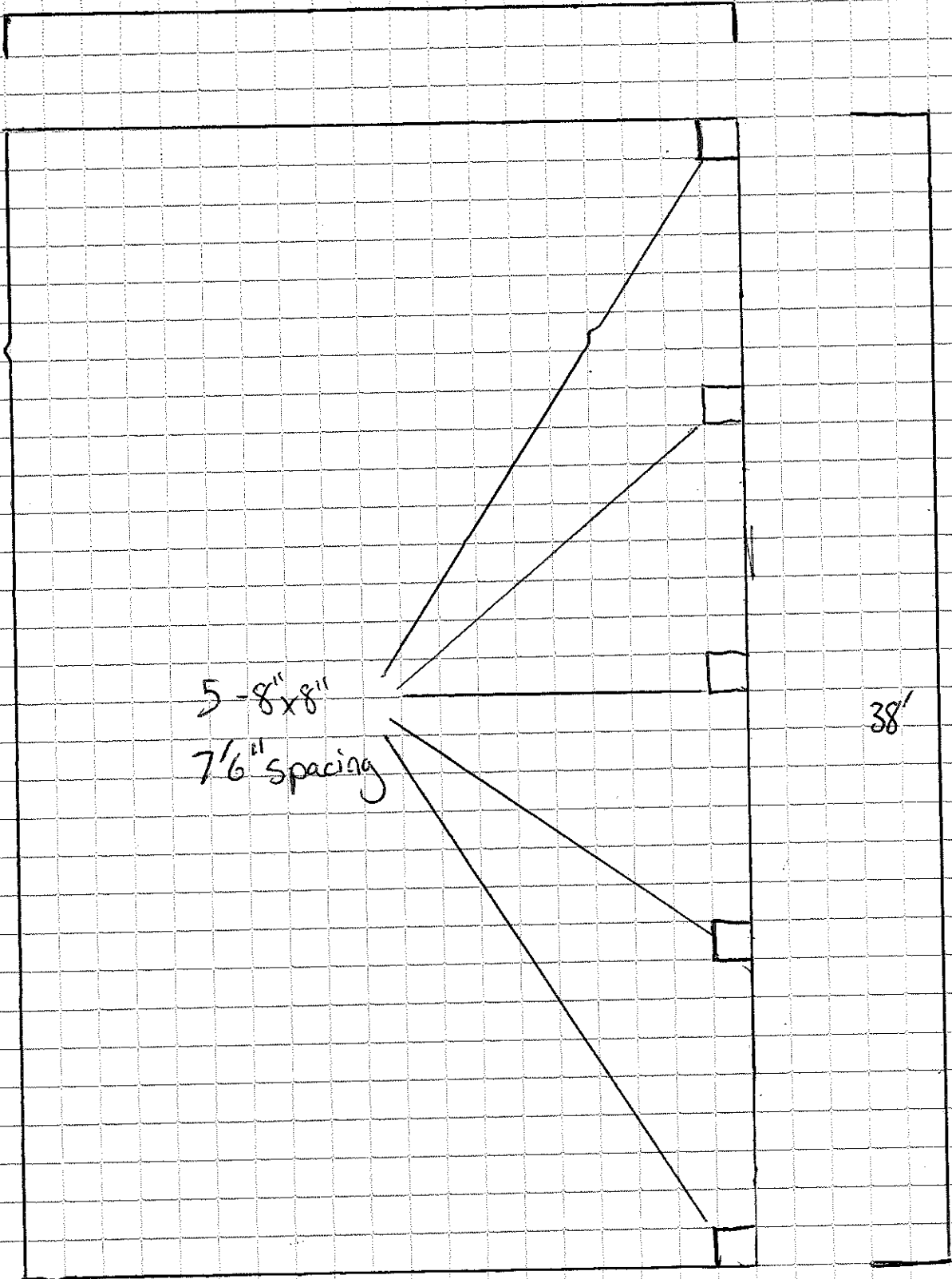
We've spoken to the Bremlers who own the house directly west and adjacent to the proposed structure, and they have expressed no objection to our plans and wrote a letter in support of the project.

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 carport 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.

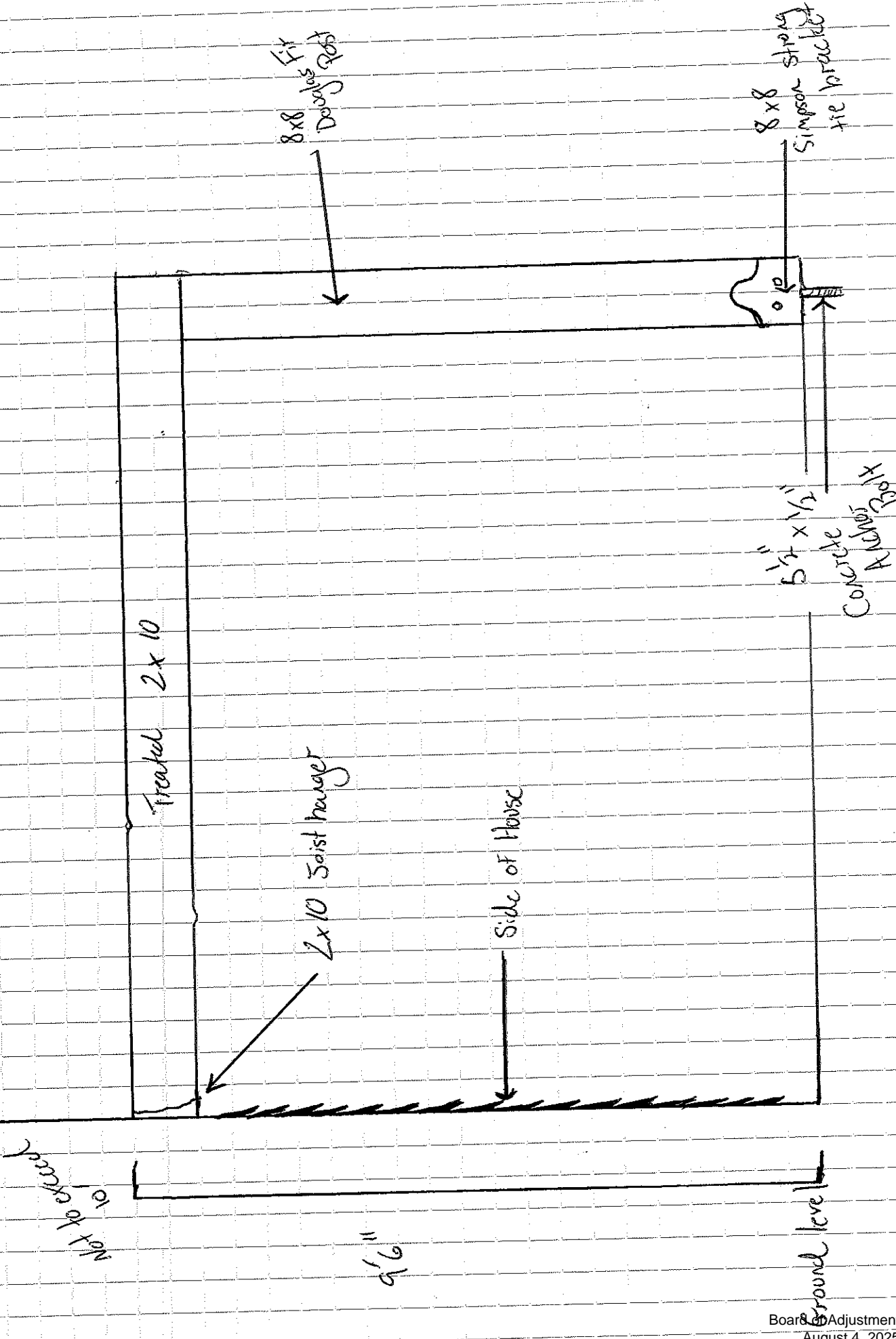
Warm regards,
Justine & David Rose
221 E. Lafayette Street
Fayetteville, AR

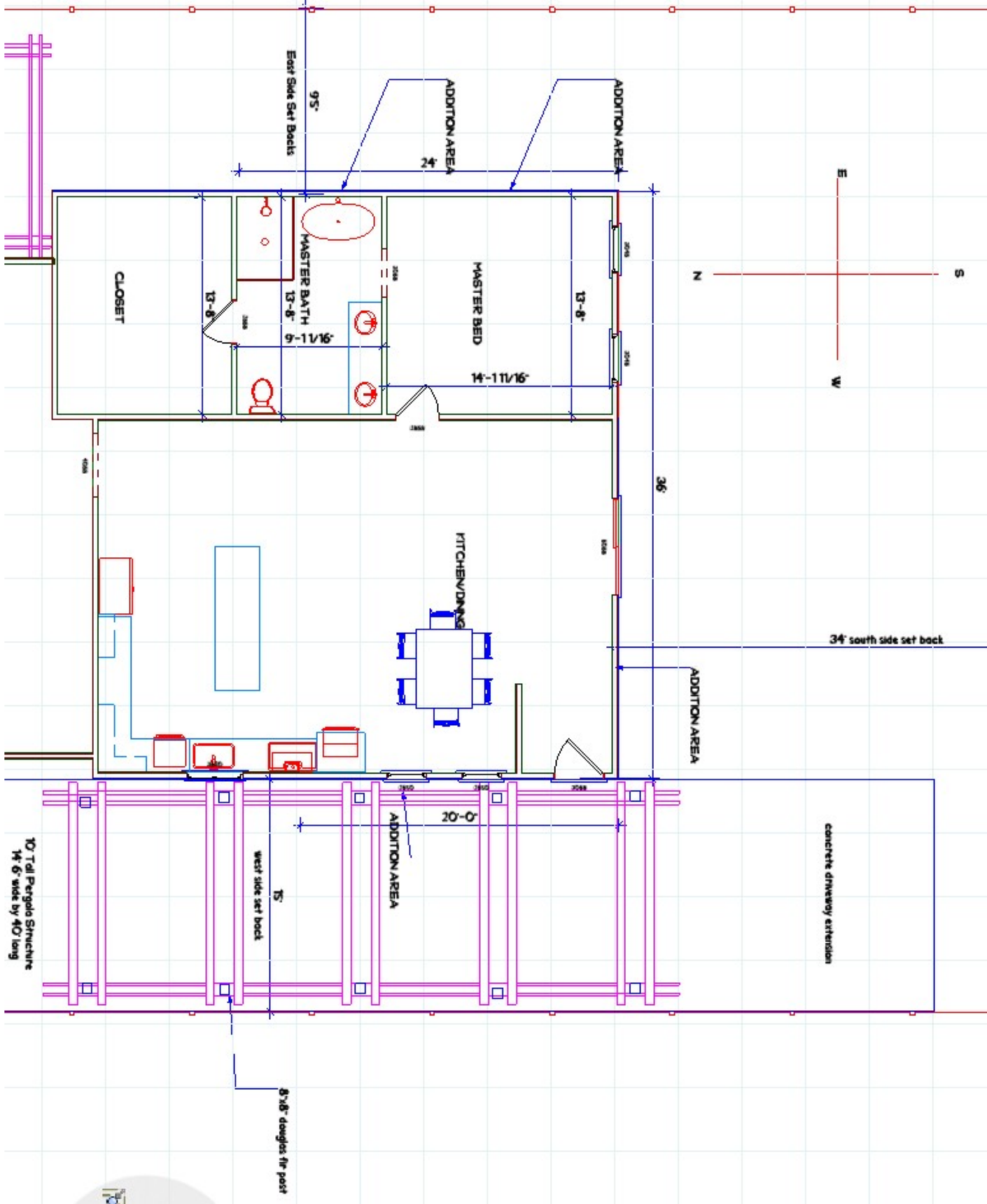
14' 6"



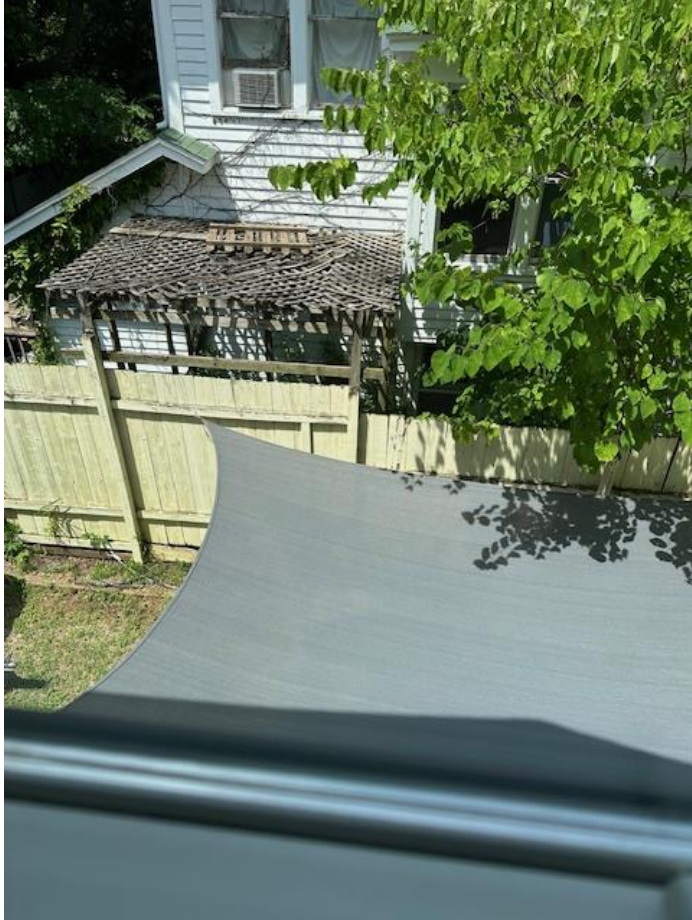
5 - 8" x 8"
7/8" spacing

38'









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