



CITY OF
FAYETTEVILLE
ARKANSAS

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

Board of Adjustment Agenda

**City Hall Room 219
Monday, October 6, 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)
Peter Norman (Exp. 03/28)***

City Staff

***Planning Director Jessie Masters
Assistant City Attorney Hannah Hungate***

Zoom Information

Webinar ID: 837 5931 8036

Registration Link: https://fayetteville-ar.zoom.us/webinar/register/WN_L5jOxvz7Tyat2ldWUE_IIA

Call to Order

Roll Call

MINUTES:

Approval of the minutes from the September 8, 2025 meeting.

Unfinished Business

- 2. BOA-2025-0016: Board of Adjustment (S. RAZORBACK RD/3 STRANDS VENTURES LLC, 599):**
Submitted by COMMUNITY BY DESIGN for property located on S. RAZORBACK RD. The property is zoned UT, URBAN THOROUGHFARE and contains approximately 3.11 acres. The request is for a variance to setback requirements.

THIS ITEM WAS TABLED AT THE SEPTEMBER 8, 2025 BOARD OF ADJUSTMENT MEETING.

Planner: Jessica Masters

- 3. BOA-2025-0017: Board of Adjustment (925 & 942 N OAK DR/PARADIGM DEVELOPMENT & PENNINGS, 443):**
Submitted by PARADIGM DEVELOPMENTS for property located at 925 & 942 N. OAK DR. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE and contains two parcels of approximately 0.16 and 0.20 acres. The request is for a variance from lot width and lot area requirements.

THIS ITEM WAS TABLED AT THE SEPTEMBER 8, 2025 BOARD OF ADJUSTMENT MEETING.

Planner: Donna Wonsower

New Business

4. BOA-2025-0018: Board of Adjustment (4102 W. HURON LOOP/RIVERWOOD HOMES, 478):

Submitted by JORGENSEN & ASSOCIATES for property located at 4102 W. HURON LOOP. The property is zoned CS, COMMUNITY SERVICES and contains approximately 9.97 acres. The request is for a variance to minimum buildable street frontage requirements.

Planner: Wesley Frank

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, September 8, 2025

Time:	In: 3:45 PM	Out: 3:48 PM					
Staff :			<input checked="" type="checkbox"/>	Jessie Masters, Planning Director			
			<input type="checkbox"/>	Donna Wonsower, Senior Planner			
			<input 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 8-4-2025	1) BOA-2025-0016 (3 STRANDS VENTURES LLC)	2) BOA-2025-0017 (PENNING)			
Fox	1	1	1				
Adkins-Oury	1	1	1				
Keys	1	1	1				
Young	1	1	1				
Agenda			New	New			
Motion To:		Approve	Table	Withdrawn			
Motion By:		Fox	Young				
Seconded:		Young	Fox				
Vote		4-0-0	4-0-0				
Notes							
Public Comment:		0	0				



TO: Board of Adjustment

THRU: Jessie Masters, Planning Director

MEETING DATE: October 6, 2025

SUBJECT: **BOA-2025-0016: Board of Adjustment (S. RAZORBACK RD/3 STRANDS VENTURES LLC, 599):** Submitted by COMMUNITY BY DESIGN for property located on S. RAZORBACK RD. The property is zoned R-A, RESIDENTIAL-AGRICULTURAL AND UT, URBAN THOROUGHFARE and contains approximately 3.11 acres. The request is for a variance to setback requirements.

RECOMMENDATION:
Staff recommends denial of **BOA-2025-0016**.

RECOMMENDED MOTION:
"I move to approve BOA-2025-0016."

BACKGROUND:
The subject property is in south Fayetteville on S. Razorback Road, at the point where the Town Branch Trail crosses the street. The parcel is currently undeveloped, and a significant amount of the property is located within the floodplain. Further, a portion of the northern property line is located within the floodway. Currently split-zoned between R-A, Residential Agricultural and UT, Urban Thoroughfare, the property received this zoning designation in 2024 (Ordinance 6717). No overlay district currently governs the property. The surrounding land uses and zoning are depicted in *Table 1*.

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

Direction	Land Use	Zoning
North	Trail/Parkland	P-1, Institutional
South	Undeveloped	RMF-24, Residential Multi-Family, 24 Units per Acre, CS, Community Services; NS-L, Neighborhood Services, Limited
East	Multi-Family Residential	NS-G, Neighborhood Services, General
West	Trail/Parkland	P-1, Institutional

DISCUSSION:
Request: The applicant is requesting a variance to the 10-foot setback requirement established by the Urban Thoroughfare zoning district. While the district establishes a build-to zone within 10-25 feet of the front property line, the applicant seeks a variance to locate structures closer to the property line than would be permitted by code.

**Table 2:
Variance Request**

Variance Issue	Requirement	Proposal	Variance
Front setback	10 feet	1.65 feet	8.35 feet

Public Comment: Staff has not received any public comment on this item.

RECOMMENDATION: Staff recommends denial of BOA-2025-0016. 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. Structures within the setback shall have a principal façade which addresses the street with direct pedestrian connectivity to S. Razorback Road.
3. Structures within the setback shall be limited to a building height of three stories.
4. Approval of this variance does not grant approval of or entitlement to any other zoning or development variances.

BOARD OF ADJUSTMENT ACTION: **Approved** **Denied** **Tabled**

Date: October 6, 2025

Motion:

Second:

Vote:

City Plan 2040 Future Land Use Designation: City 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 have determined that the applicant has not sufficiently established a hardship. The UT (Urban Thoroughfare) zoning district is intentionally designed to be highly flexible, supporting high-intensity development with**

minimal restrictions on lot width, area, and density. The district also permits building heights up to seven stories. The applicant cites several constraints in their letter, including limited developable area due to floodplain, streamside protection zones, and existing easements. However, it is important to note that the current zoning designation—split between R-A and UT—was requested by the applicant in 2024 specifically to enhance flexibility and maximize development potential on the site due to these same constraints. As part of the variance request, the applicant proposes measuring the build-to zone from the rear edge of the Master Street Plan right-of-way rather than from the existing property line. While staff acknowledge the applicant’s concerns regarding the interaction between the existing and proposed right-of-way lines, staff also inquired whether a right-of-way vacation had been pursued. The applicant confirmed that the Arkansas Department of Transportation (ARDOT) has indicated such a vacation is not feasible in this location. Although this limits certain development options, the state agency’s position does not, in itself, constitute a hardship under the applicable standards. The applicant has chosen to develop the property with a mix of low-density residential types, including single-family, two-family, three-family, and four-family dwellings—all of which are permitted by-right in the UT zoning district. Despite the cited constraints, staff finds that there remains sufficient developable area on the site to comply with the setback requirements established by the UT zoning designation.

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 fully align with the spirit and intent of the zoning district. The UT zoning district is meant to “encourage a concentration of commercial and mixed-use development that enhances function and appearance along major thoroughfares. Automobile-oriented development is prevalent within this district and a wide range of commercial uses is permitted.” The 10-foot setback reflects the idea that, while form-based in intent, UT is meant to serve higher classification streets and higher intensity development. Higher traffic speeds tend to warrant deeper setbacks to ensure better pedestrian safety and comfort in between the street and the structures; while other form-based districts in Fayetteville’s code do not have the 10-foot limitation, this was established with the zoning district to help meet the district’s intent. On the other hand, the applicant is proposing to construct lower density residential development, another by-right use, which is not likely to overpower the pedestrian realm along S. Razorback Road. Further, the excess right-of-way in certain portions along the applicant’s frontage will likely give the adequate spacing to protect pedestrian comfort. Given the applicant’s low-intensity proposal, the request may not fully align with the zoning district’s overall intent but generally meets the purpose of the 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 applicant has not adequately provided a case for a hardship, nor does encroachment into the setback meet the spirit and intent of the zoning district. The property is developable without this variance.

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:

- One Mile Map
- Close-Up Map
- Current Land Use Map
- Unified Development Code
 - §161.24 Urban Thoroughfare
- Request Letter
- Site Plan
- ARDOT Vacation Response

161.24 Urban Thoroughfare

(A) *Purpose.* The Urban Thoroughfare District is designed to provide goods and services for persons living in the surrounding communities. This district encourages a concentration of commercial and mixed use development that enhances function and appearance along major thoroughfares. Automobile-oriented development is prevalent within this district and a wide range of commercial uses is permitted. For the purposes of Chapter 96: Noise Control, the Urban Thoroughfare district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two (2) family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 13	Eating places
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation trades and services
Unit 18	Gasoline service stations and drive-in/drive-through restaurants
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Offices, studios, and related services
Unit 26	Multi-family dwellings
Unit 34	Liquor store
Unit 40	Sidewalk cafes
Unit 41	Accessory Dwellings
Unit 44	Cluster Housing Development
Unit 45	Small scale production
Unit 46	Short-term rentals

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 33	Adult live entertainment club or bar
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities
Unit 38	Mini-storage units
Unit 42	Clean technologies
Unit 43	Animal boarding and training
Unit 48	Private dormitories

(C) *Density.* None

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Single-family dwelling	18 feet
All other dwellings	None
Non-residential	None

(2) *Lot area minimum.* None

(E) *Setback regulations.*

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	5 stories/7 stories*
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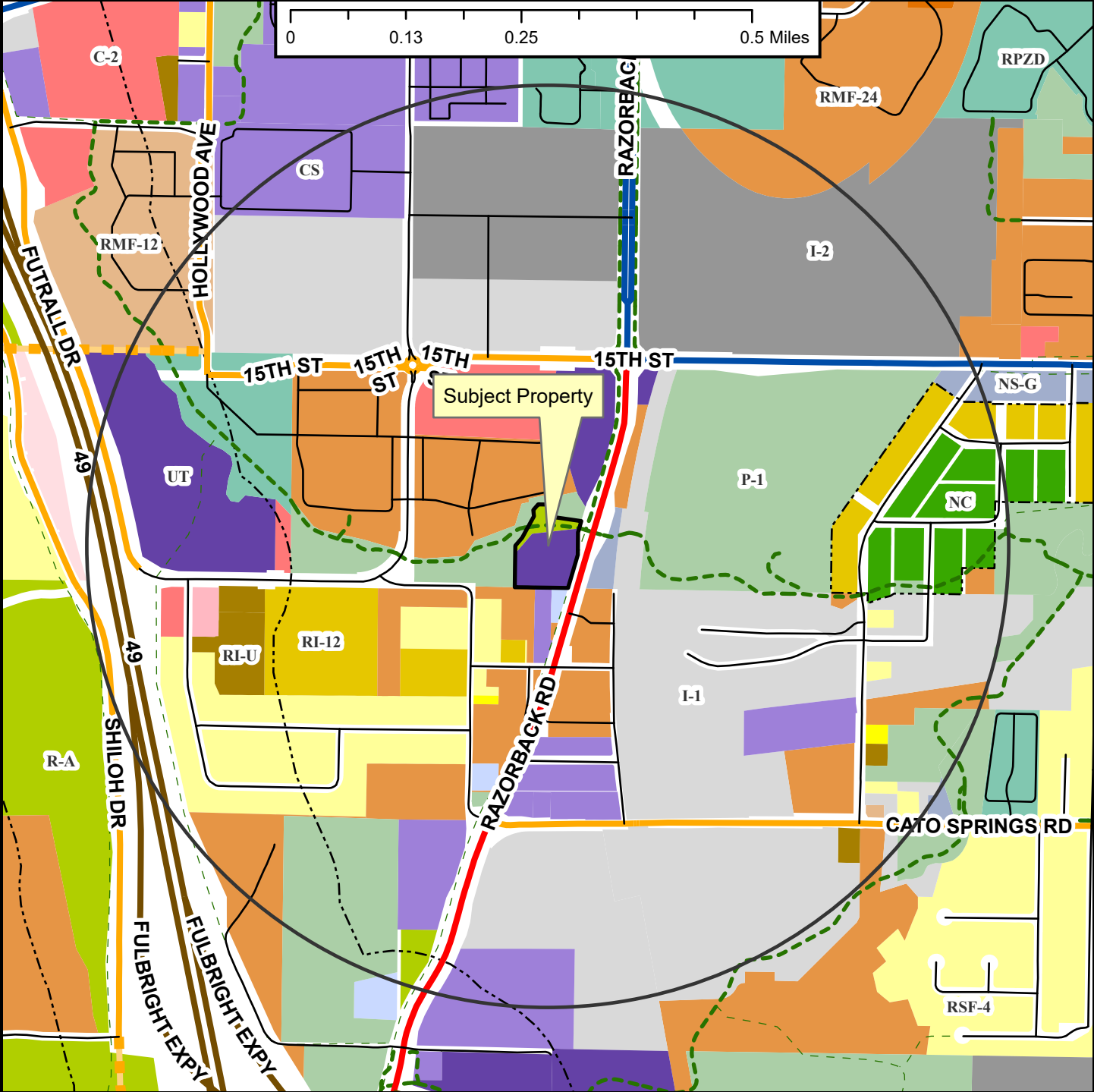
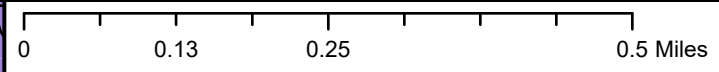
* A building or a portion of a building that is located between 10 and 15 feet from the front property line or any master street plan right-of-way line shall have a maximum height of five (5) stories. A building or portion of a building that is located greater than 15 feet from the master street plan right-of-way shall have a maximum height of seven (7) stories.

If a building exceeds the height of two (2) stories, the portion of the building that exceeds two (2) stories shall have an additional setback from any boundary line of an adjacent single family district. The amount of additional setback for the portion of the building over two (2) stories shall be equal to the difference between the total height of that portion of the building, and two (2) stories.

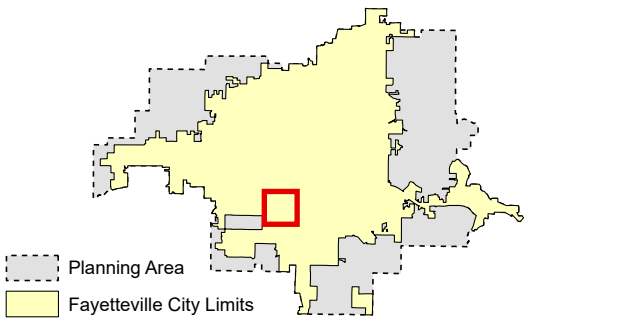
(G) *Minimum buildable street frontage.* 50% of the lot width.

(Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5353, 9-7-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800, §1(Exh. A), 10-6-15; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §§5, 7, 8, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6223, §1, 9-3-19; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21; Ord. No. 6879, §2, 5-20-25)

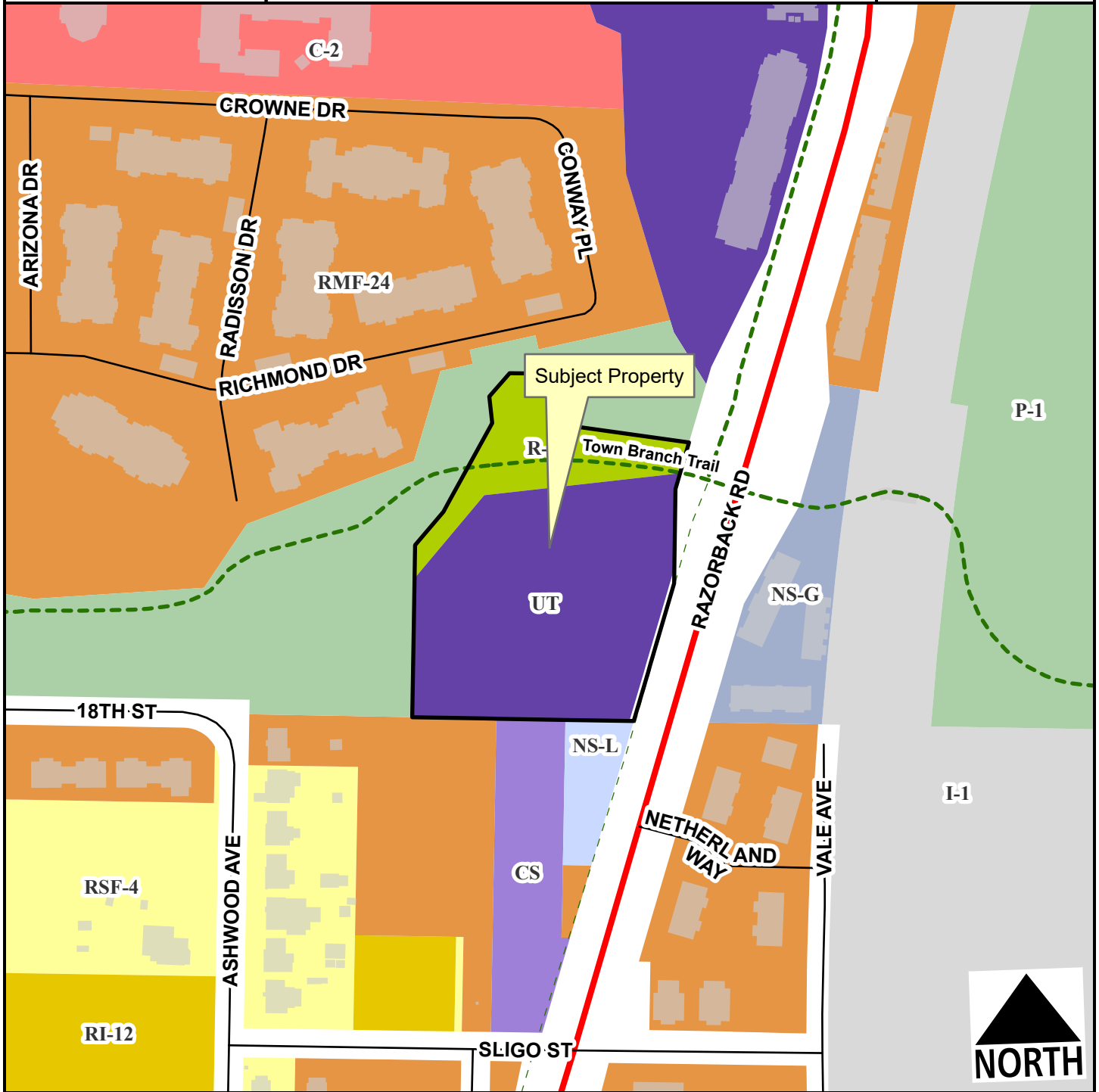
Editor's note(s)—Ord. No. 6888, §1, adopted June 17, 2025 determines that Ordinance 6427 (Sunset Clause), Ordinance 6625 (extending Sunset Clause), Ordinance 6710 (extending the Sunset Clause), and Ordinance 6820 (extending the Sunset Clause) be amended so that Ordinance 6427 and all amendments to Code Sections ordained or enacted by Ordinance 6427 shall automatically sunset, be repealed and become void on November 30, 2025 unless prior to that time and date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section.



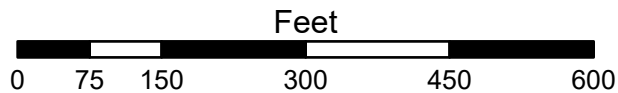
- Regional Link
- Neighborhood Link
- Regional Link - High Activity
- Freeway/Expressway
- Unclassified
- Alley
- Residential Link
- Planned Neighborhood Link
- - - Shared-Use Paved Trail
- - - Trail (Proposed)
- Design Overlay District
- Fayetteville City Limits
- Planning Area



Close Up View



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

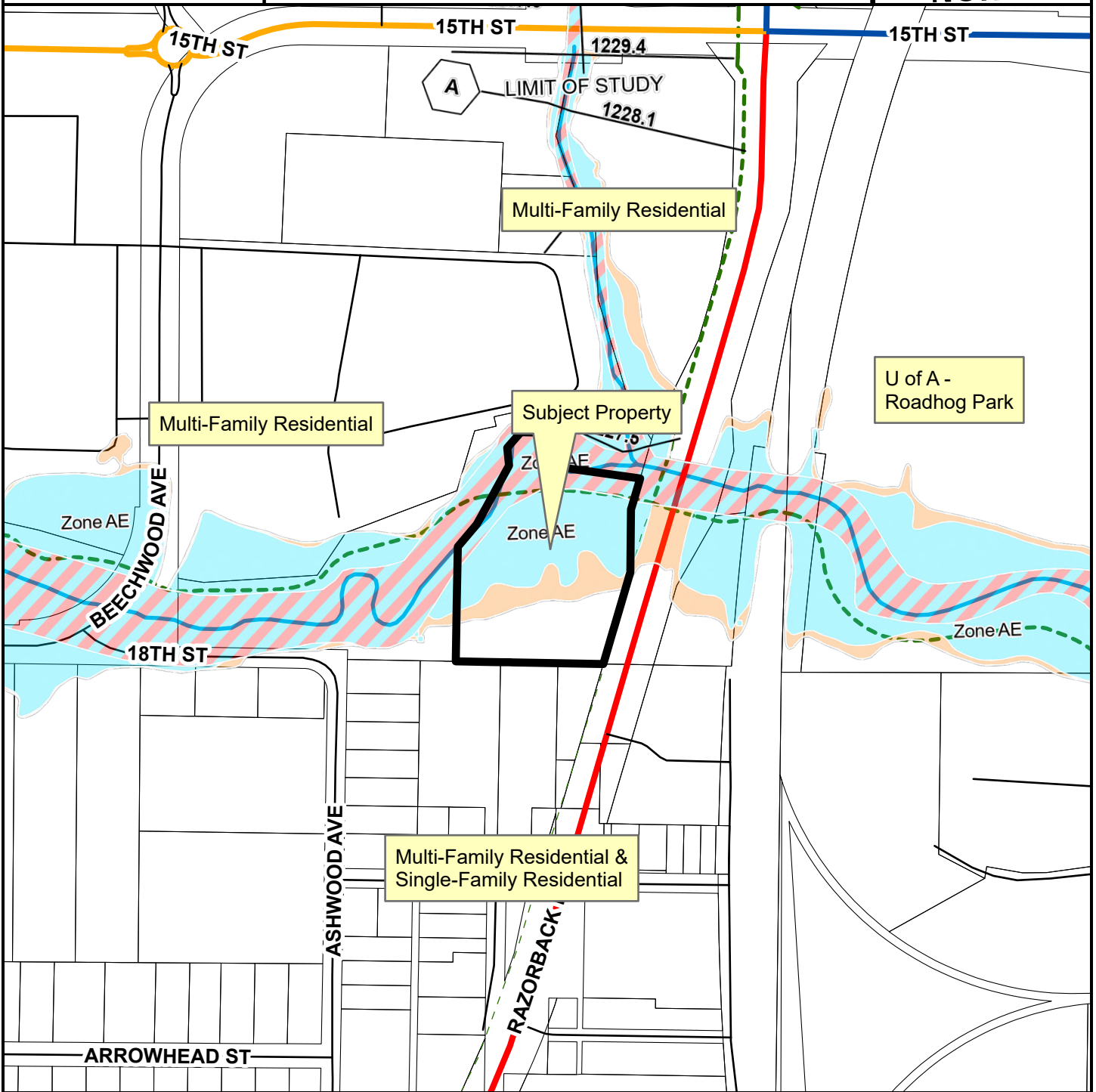


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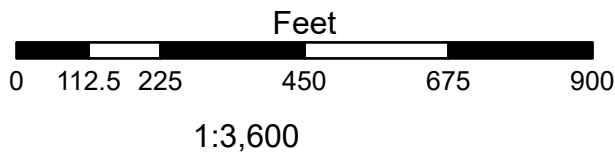




Current Land Use



- Regional Link
- Neighborhood Link
- Regional Link - High Activity
- Unclassified
- Residential Link
- - - Trail (Proposed)
- Planning Area
- Fayetteville City Limits



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

August 29, 2025

Via Email: jmasters@fayetteville-ar.gov

Ms. Jessie Masters
Zoning and Development Administrator
City of Fayetteville
125 West Mountain Street
Fayetteville, Arkansas 72701

Razorback Road and Town Branch – Variance Request

Ms. Masters,

Please allow this letter to serve as a variance request from the zoning regulations set forth in Chapter 161 of the City of Fayetteville Unified Development Code, specifically 161.12(E) Setback Regulations. The property, Washington County Parcel 765-14877-000, contains 3.06 acres and is zoned Urban Thoroughfare along its Razorback Road street frontage. Well over half the property, 1.81 acres, is located in floodplain associated with Town Branch Creek. Building on 0.85 acres is not possible due to existing floodway and the streamside protection ordinance. Some limited development may be possible on 0.95 acres located in the floodplain but outside the floodway. This would leave only 1.26 acres that are more buildable, but even that is encumbered with a 500 year floodplain, transmission utility easements, and building setbacks. This all makes being able to build on the southeasterly portion of the property, close to Razorback Road, critical.

Furthermore, there are 2 right of way conditions along the property frontage on Razorback Road, an extremely wide right of way condition to the north and a wider than normal condition to the south. See attached Exhibit #1 and Exhibit #2. In both conditions, existing right of way from centerline is greater than what is required by the Master Street Plan. On the south end, the existing right of way from centerline to the west measures 54.35' while the Master Street Plan only requires 46.00'. In lieu of attempting to abandon 8.35' of right of way to adhere to the Master Street Plan, we are requesting approval of a variance to change the build to zone requirement from 10'-25' to 0'-25' or to measure the build to zone from the Master Street Plan right of way instead of the existing right of way. Per our development plan, the buildings are proposed to be located 10.25' setback from the Master Street Plan right of way or 2.00' from the existing right of way, or within a 10'-25' build to zone if measured from the Master Street Plan right of way.

As proposed, the buildings would adhere to a 0-25' build to zone requirement from the existing right of way or they would also adhere to a 10-25' build to zone requirement from the Master Street Plan right of way. A 0'-25' build to zone is more typical amongst almost all of the form-based zoning districts, however Urban Thoroughfare and Community Services specify a 10'-25' build to zone. On the east side of Razorback Road, conditions similar to what is proposed for the west side currently exist. On the west side of Razorback Road, a 10' trail with aligned rows of trees is proposed that will present an ideal streetscape.

Thank you for considering this request. Please let me know if you have questions or if additional information is needed.

Sincerely,



Brian Teague
Community By Design

From: Marshall, Jason V. <Jason.Marshall@ardot.gov>

Sent: Tuesday, September 30, 2025 7:54 AM

To: Chris Looney <looneyjc@gmail.com>; brian communitybydesignllc.com
<brian@communitybydesignllc.com>

Cc: Rainwater, Marcus L. <Marcus.Rainwater@ardot.gov>; Hughey, Jason T.
<Jason.Hughey@ardot.gov>

Subject: RE: ARDOT ROW Vacation Inquiry - S. Razorback Road-Fayetteville, AR, Parcel
765-14877-000

Mr. Looney,

The Arkansas Department of Transportation will not be vacating a portion of the right of way at this location. We wish you the best moving forward in your endeavors and are willing to facilitate your access to the right of way for access and egress to Highway 16. However, we will maintain our existing right of way while doing so.

Thank you,

Jason Marshall | District 4 Permit

Officer

Arkansas Department of Transportation

P.O. Box 11170 | Fort Smith, AR 72917

(: **479.509.1911**)

*: D4permits@ardot.gov

*: jason.marshall@ardot.gov

| www.ardot.gov





TO: Board of Adjustment

THRU: Jessie Masters, Planning Director

FROM: Donna Wonsower, Senior Planner

MEETING DATE: October 6, 2025

SUBJECT: **BOA-2025-0017: Board of Adjustment (925 & 942 N OAK DR/PARADIGM DEVELOPMENT & PENNINGS, 443):** Submitted by PARADIGM DEVELOPMENTS for property located at 925 & 942 N. OAK DR. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE and contains two parcels of approximately 0.16 and 0.20 acres. The request is for a variance from lot width and lot area requirements.

RECOMMENDATION:
Staff recommends approval of **BOA-2025-0017**.

RECOMMENDED MOTION:
"I move to approve BOA-2025-0017 with conditions as recommended by staff."

BACKGROUND:
The subject property consists of two 0.2-acre parcels located in west Fayetteville approximately 800 feet south of W. Wedington Dr. on the cul-de-sac of N. Oak Dr. N. Oak Dr. is private for about 400 linear feet until it becomes a public road. They were originally platted in 1979 as part of the Sunset Woods Planned Unit Development (PUD), but were rezoned to RSF-4, Residential Single-Family, 4 Units per Acre at an indeterminate time prior to the adoption of the city-wide digital map in 2003. The parcels are fully encumbered by the Hillside Hilltop Overlay District and are currently undeveloped. Surrounding land uses and zoning are depicted in *Table 1*.

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

Direction	Land Use	Zoning
North	Two- and Single-Family Dwellings	RSF-4, Residential Single-Family, 4 Units per Acre
South	POA Common Area	RSF-4, Residential Single-Family, 4 Units per Acre
East	POA Common Area	RSF-4, Residential Single-Family, 4 Units per Acre
West	POA Common Area	RSF-4, Residential Single-Family, 4 Units per Acre

DISCUSSION:

UDC §161.07(D), Lot Width and Lot Area Minimum– In RSF-4 zoning, single-family lots within the Hillside Overlay District are required to have a minimum of 60 feet of lot frontage and 8,000 square feet of lot area. The applicant is requesting a variance to permit two parcels to be considered conforming with no public street frontage. Additionally, the applicant requests one parcel with approximately 6,970 square feet where 8,000 is required.

Staff recommendation: Staff is supportive of the applicant’s request. The applicant is requesting a variance to two sections of UDC §161.07(D), specifically lot width and lot area minimums. Neither parcel has any frontage along either a public street, alley, trail or public park which could be utilized to meet lot width minimum standards, and the nearest accessible public right-of-way is approximately 400 feet to the northeast where N. Oak Dr. becomes a public street. Staff finds the parcels were originally created under a PUD which permitted development along private streets and that the later rezoning made the parcels non-conforming. As they were undeveloped at the time, it also made the parcels unbuildable. Staff also finds that dedication of approximately 400 linear feet of public right-of-way is disproportionate to the potential impact of building out the lots and recommend in favor of the request with no added conditions.

The applicant is also requesting a variance to allow approximately 1,030 square feet less than the minimum lot area required by zoning. The applicant has limited options. 925 N Oak Dr. is surrounded by the private street to the north, POA property to the south and west, and another nonconforming lot to the north. A POA-owned building was previously constructed across the shared property line and the applicant has indicated the POA is no longer communicative or open to negotiations. As such, a property line adjustment between lots is not viable. While a rezoning to a district with a lower lot area could be a viable means of addressing the insufficient lot area for this parcel, staff finds that a variance would still be required for the lack of public street frontage. As such, staff finds that this is likely the most appropriate route to address this nonconformity.

**Table 2:
Variance Request**

Variance Issue	Requirement	Proposal	Variance
Lot Width (925 N. Oak Dr.)	60 feet	0 feet	60 feet
Lot Width (942 N. Oak Dr.)	60 feet	0 feet	60 feet

**Table 3:
Variance Request**

Variance Issue	Requirement	Proposal	Variance
Lot Size (925 N. Oak Dr.)	8,000 square feet	6,970 square feet	1,030 square feet

Public Comment: Staff has received an inquiry on the request. One comment was received from a member of the POA Board of Directors expressing concern with potential compliance with the neighborhood covenants.

RECOMMENDATION: Staff recommends approval of BOA-2025-0017. Should the Board choose to approve this item, staff recommends the following conditions:

Conditions of Approval:

1. **Board of Adjustment determination of a variance to UDC §161.07(D), Lot Width Minimum.** *Staff recommends approval of this request for the reasons stated above.*
2. **Board of Adjustment determination of a variance to UDC §161.07(D), Lot Area Minimum.** *Staff recommends approval of this request for the reasons stated above.*
3. **Approval of this variance is limited to the applicant’s request as described in this report, and**
4. **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>October 6, 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 lots under consideration with this request were platted in 1979 under a planned unit development with private streets and more bulk and area standards. When the area was later rezoned to RSF-4, the lots were made nonconforming lots; however, because of the private streets, neither lot is buildable under the provisions of 164.12(C) given their lack of frontage on a public street, alley, trail, or park. The applicant has few other reasonable alternatives to meet lot frontage requirements: all zoning districts in the city

require some amount of lot frontage for residential uses; the lots are disconnected with limited area to meet the requirements for a cluster housing development; and acquiring the additional public right-of-way necessary to meet lot frontage standards would require extensive land acquisition that would not likely be proportional to the issue at hand. Similarly, the applicant has limited options to address the lot area shortage for lot 36. The property is largely surrounded by common area property, which the applicant has indicated is managed by a POA which is unwilling to discuss property line revisions, and other adjacent land is either private right-of-way or another adjacent nonconforming lot.

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 would enable the existing lots to be considered buildable once again, permitting infill development within an existing subdivision that currently utilizes city utilities, police, fire, and other services. Staff finds the approval of these variances would not substantially alter existing conditions and would permit infill in line with the purpose of the RSF-4 district to “permit and encourage the development of low density detached dwellings.”

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 reasonable use of their property. The lots have been platted since 1979 and no changes are proposed to their configuration.

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
- Project Maps
 - One Mile Map
 - Close-Up Map
 - Current Land Use Map
- Applicant Exhibits
 - Request Letter
 - Site Plans
- 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
-------------------------	-----------

(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.

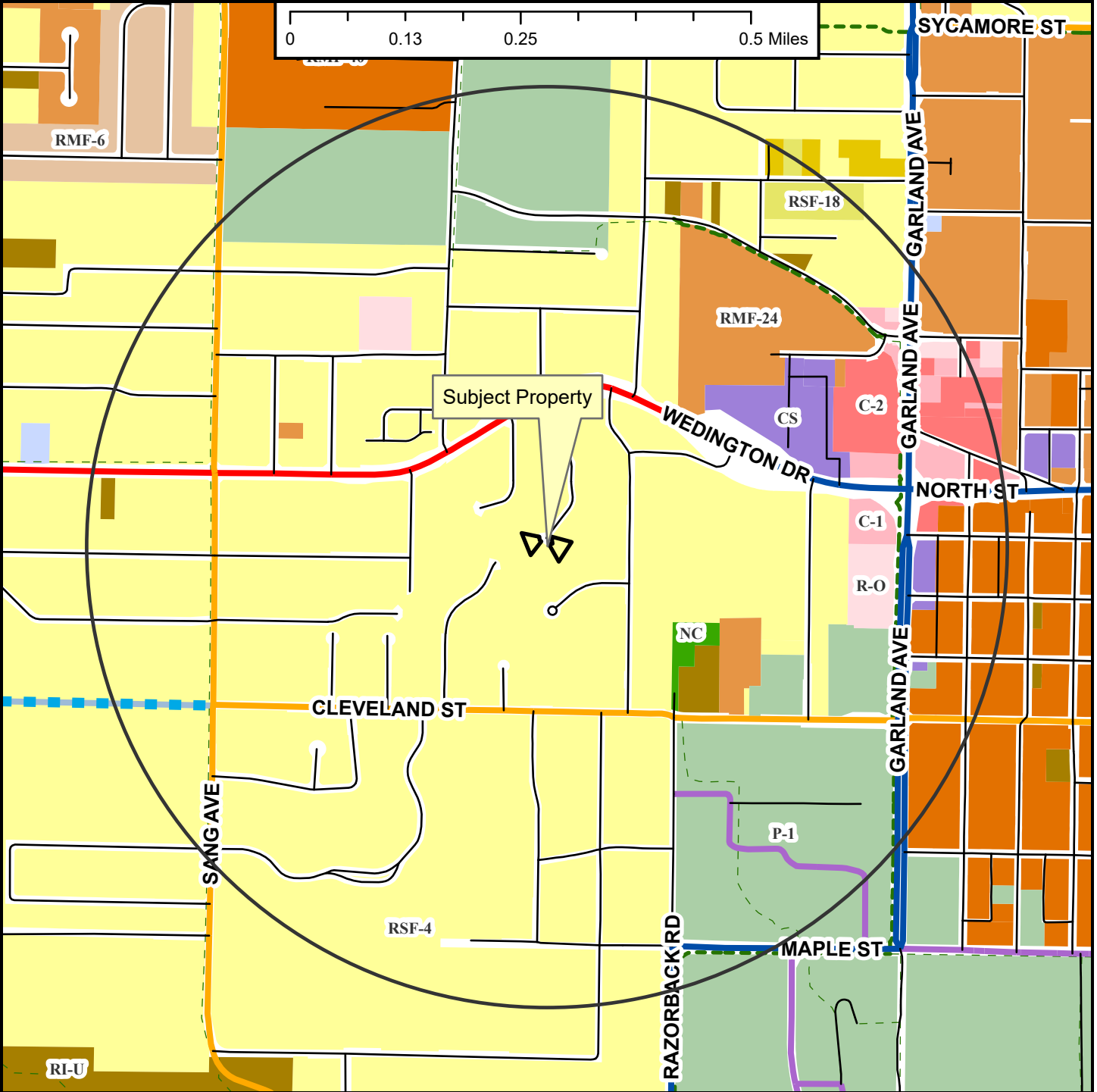
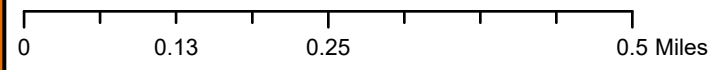
(Code 1991, §160.031; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. No. 4858, 4-18-06; Ord. No. 5028, 6-19-07; Ord. No. 5128, 4-15-08; Ord. No. 5224, 3-3-09; Ord. No. 5312, 4-20-10; Ord. No. 5462, 12-6-11; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §8, 1-17-17; Ord. No. 6015, §1(Exh.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

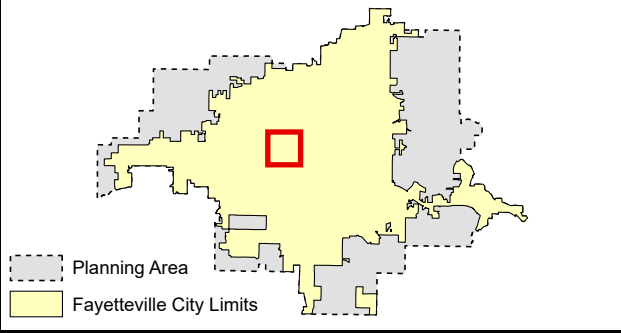
BOA-2025-0017

925 N. OAK DR

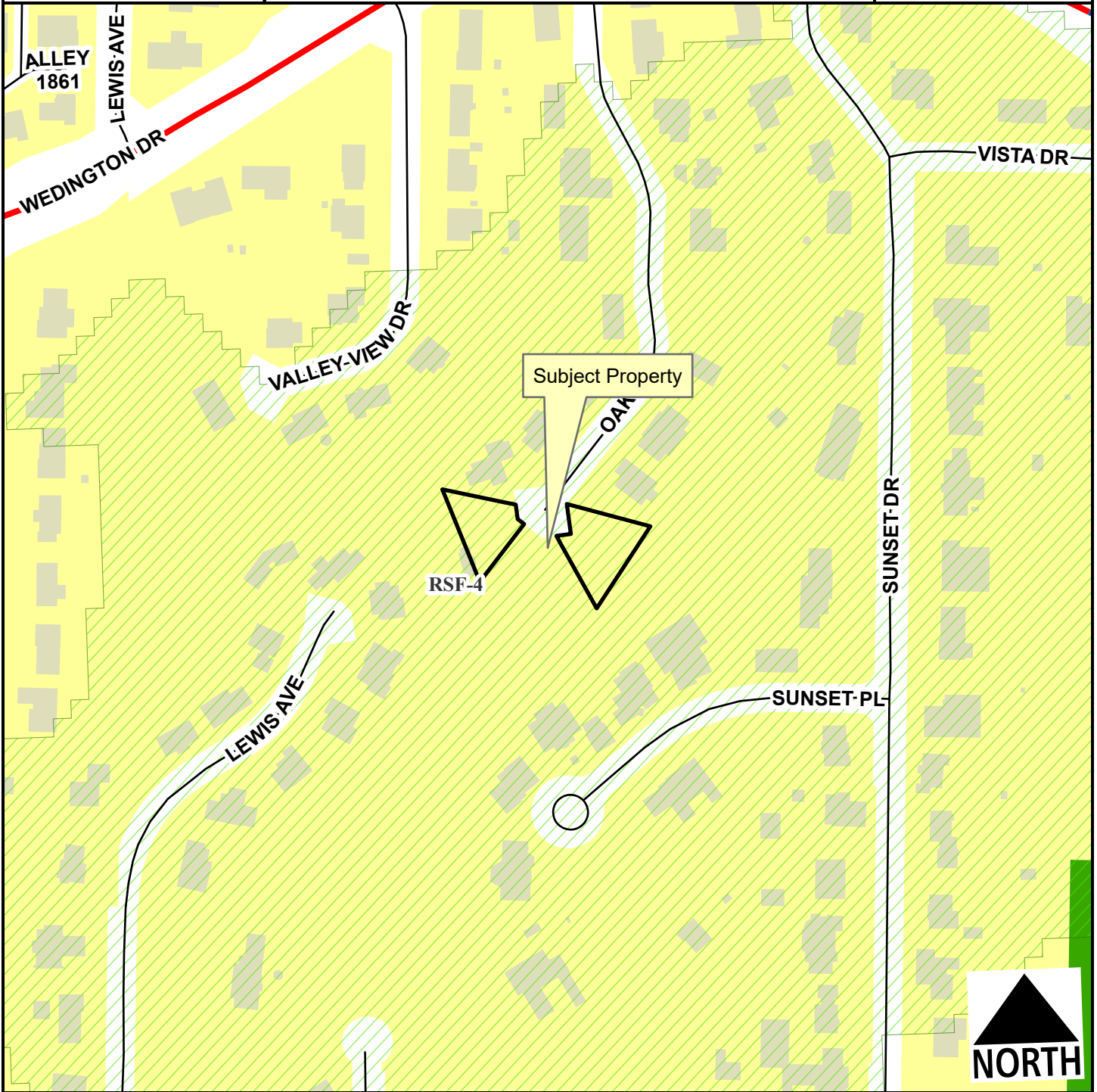
One Mile View



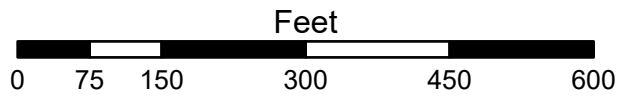
- Regional Link
- Neighborhood Link
- Institutional Master Plan
- Regional Link - High Activity
- Unclassified
- Alley
- Residential Link
- Planned Residential Link
- - - Shared-Use Paved Trail
- - - Trail (Proposed)
- Fayetteville City Limits
- Planning Area



Board of Adjustment
October 6, 2025
Item 3



- Regional Link
- Regional Link - High Activity
- Unclassified
- Alley
- Residential Link
- Hillside-Hilltop Overlay District
- Planning Area
- Fayetteville City Limits



1:2,400

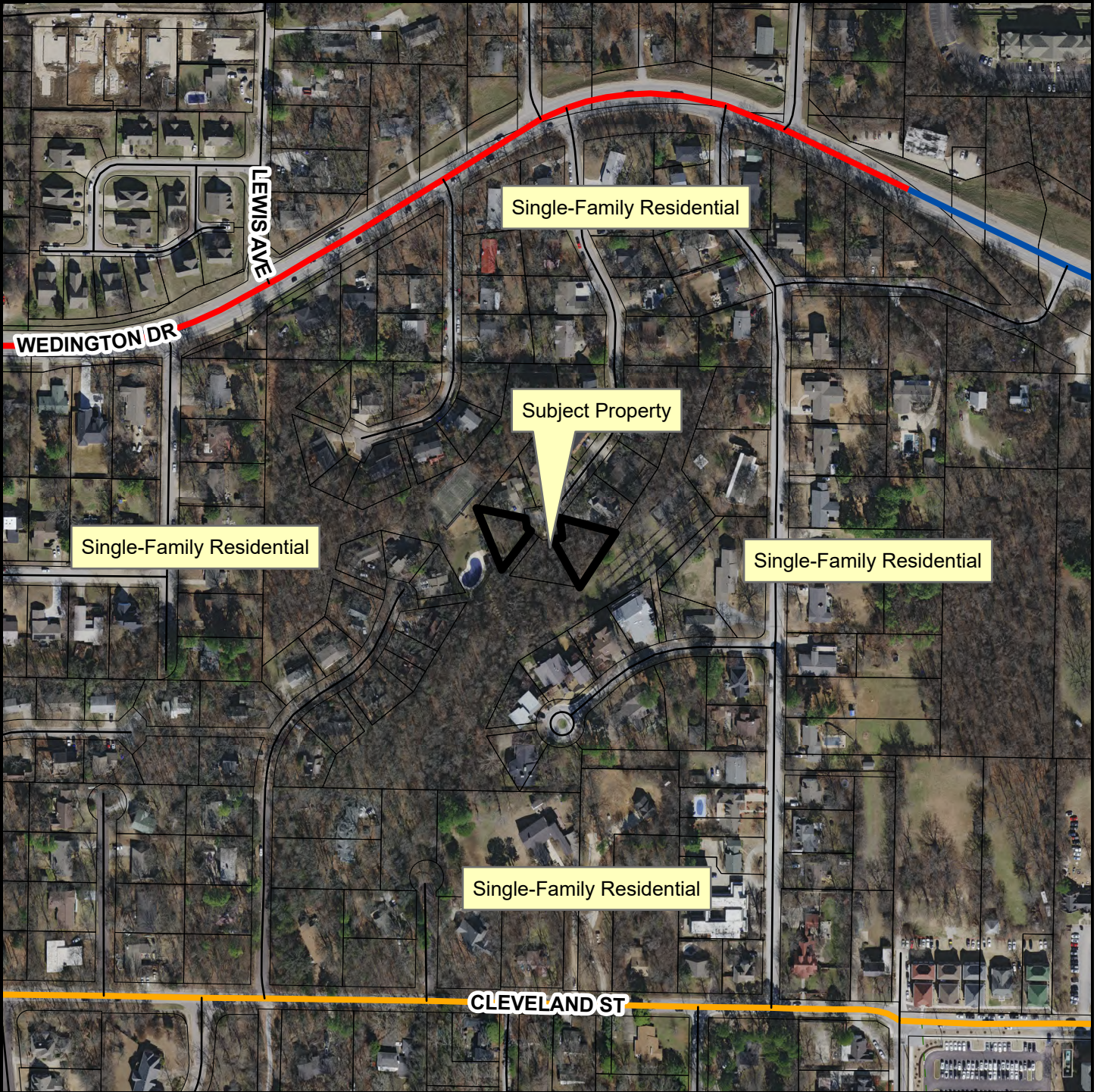


BOA-2025-0017

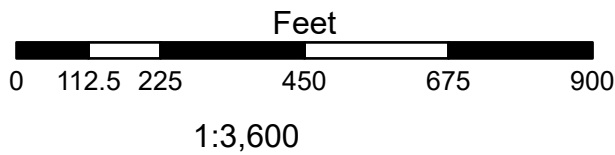
925 N. OAK DR





Current Land Use



-  Regional Link
-  Neighborhood Link
-  Regional Link - High Activity
-  Unclassified
-  Alley
-  Residential Link
-  Trail (Proposed)
-  Planning Area
-  Fayetteville City Limits



FEMA Flood Hazard Data

-  100-Year Floodplain
-  Floodway

Board of Adjustment
October 6, 2025
Item 3

Date: 9/23/2025

**To: Erin Adkins-Oury – Chair
Board of Adjustments, Fayetteville, AR**

**Applicant: Tracy K Hoskins - President
The Paradigm Companies/Paradigm Development**

**RE: Board of Adjustments meeting, 10/6/2025
Variances: Lots 36 and 38 of Sunset Woods**

Dear Mr. Chair –

I respectfully submit the following request for variances to the City of Fayetteville Board of Adjustments for Lots 36 and 38 located in Sunset Woods.

Variances Requested:

- 1. Variance of lot width minimum in RSF4 Zoning from 70 feet at the Right of Way, to 0 feet at the front property line.*
- 2. Variance reducing the required minimum of 8000sf of Lot area and Land area per unit to 6500sf feet or Lot 36.*

Description of this request: *The referenced lots are located at the end of a cul-de-sac on Oak Lane, in the Sunset Woods Community. Sunset Woods was originally a Planned Unit Development (PUD) including a mix of dwelling types (1 and 2 family) with privately owned and maintained streets.*

In the city's recent push to do away with previously zoned PZDs and PUDs, the city assigned a new zoning to Sunset Woods of RSF4. Unfortunately, in RSF4 zoning, specifically, all lots must front a public street. Further, the lot width minimum is 70 feet at the Right-Of-Way of the public street. As these are lots on private streets (and I have no authority to change this), there is technically no "Right-Of-Way" from which to measure from.

Regarding the request to reduce the minimum Lot Area and Land Area per Dwelling Unit, again, the community was originally developed under a PUD, which provided for compact lots. After the city rezoned the Sunset Woods community to RSF4, many of the platted lots do not meet the minimum Lot and Land Areas required under RSF4 Zoning. Lot 36 is one of these lots at just under .16 acres.

Building size in square feet; existing and proposed – *N/A*

Number of off-street parking spaces to be provided / number required. – *N/A*

The proposed variances meet each of the following criteria:

- a. Strict enforcement of the zoning ordinance would cause undue hardship due to circumstances unique to the individual property under consideration.
Strict enforcement of the zoning ordinance will render the property unbuildable for any use or purpose, other than a parking facility.
- b. The applicant demonstrates that the granting of the variance will be in keeping with the spirit and intent of the zoning ordinance.
There is no reason to anticipate the granting of these variances will affect the underlying zoning in any fashion. Further, the spirit under which the community was originally developed would not be compromised by this approval.
- c. The variance requested is the minimum variance necessary to make possible the reasonable use of the applicant's land, building or structure.
If the variances are granted, the lots become buildable again. If not, the city's previous actions have rendered them unbuildable, and therefore worthless.

Thank you for your consideration...

Tracy K. Hoskins President



1907 Best Friend Lane
Fayetteville, AR 72704
C. (479) 236-6636



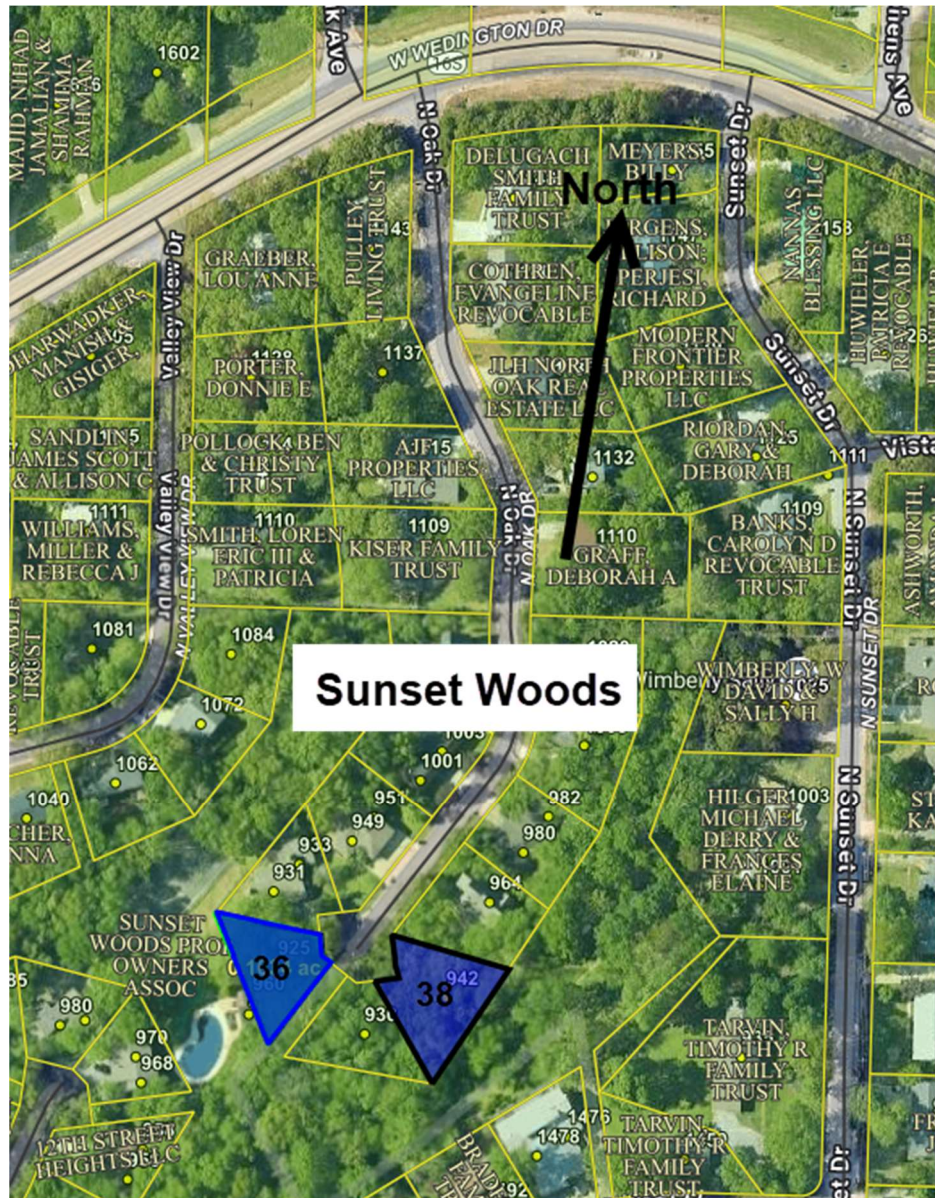
LEGAL DESCRIPTIONS

County Parcel Number:76-11334-000

Legal Description - Lot Numbered Thirty-six (36) of Sunset Woods, a planned unit development in the City of Fayetteville, Arkansas, as shown upon the recorded plat of said development on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas. Subject to covenants, restrictions and easements of record.

County Parcel Number:76-11338-000

Legal Description - Lot Numbered Thirty-eight (38) of Sunset Woods, a planned unit development to the City of Fayetteville, Arkansas, as per the plat of said development on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas. Subject to covenants, restrictions and easements of record.



Wonsower, Donna

From: Tracy Hoskins <tkhoskins@paradigmwa.com>
Sent: Wednesday, August 27, 2025 4:35 PM
To: Wonsower, Donna
Cc: Hopkins, Mirinda; Curth, Jonathan; Masters, Jessica
Subject: RE: Signs, Signs, everywhere there's signs... :) BOA-2025-0017

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.

Thank you so much for those lists. I have been working on those and haven't had a ton of luck. Going to get the out before I go home, one way or another.

I did want to note that 925 N. Oak is not meeting the lot area requirement for the RSF-4 district. We can absolutely add the lot area minimum to your BOA request for this one if you would like,

TKH - Wow. Well, I had not even thought of that. You are correct and we should add it for both lots just to be safe. Please do. Thank you.

though I would generally recommend a property line adjustment to get the POA building fully on to the adjacent POA property. That could resolve both the encroachment and the insufficient lot area (assuming the POA is reachable and cooperative).

TKH - Actually, there was a big bruhaha over this when the POA encroached on the lot. They all came to an agreement. POA is not cooperative on the matter any longer. We do have the right to move the fence they installed back over to the property line. If we did a PLA, it would make our lot than much smaller, which we cannot afford, of course. I'll likely have to deal with it one day, but I have to get all this other stuff behind me first.

Let me know what you'd like to do and I'll work on the letter draft. I'm also happy to meet in person if that would be more help, but I will only be in the office until noon tomorrow. After that, I'll be out on vacation until after Labor Day.

TKH - I am all eras or if you believe we need to meet, I'll be happy to attend. Just let me know. I figured I was on a deadline to get all the stuff in.

One thing is, what am I supposed to put in the letter to these people?

Thank you so much!!!

Tracy K. Hoskins President



1907 Best Friend Lane
Fayetteville, AR 72704
C. (479) 236-6636



Wonsower, Donna

From: Tracy Hoskins <tkhoskins@paradigmnwa.com>
Sent: Wednesday, August 27, 2025 4:53 PM
To: Wonsower, Donna
Cc: Curth, Jonathan
Subject: RE: BOA-2025-0017 Questions

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Tracy K. Hoskins President

 1907 Best Friend Lane
Fayetteville, AR 72704
C. (479) 236-6636



From: Wonsower, Donna <dwonsower@fayetteville-ar.gov>
Sent: Wednesday, August 27, 2025 3:56 PM
To: tkhoskins@paradigmnwa.com
Cc: Curth, Jonathan <jcurth@fayetteville-ar.gov>
Subject: RE: BOA-2025-0017 Questions

Tracy,

Happy to oblige! The survey does get me what I need for lot 36, and I'll see if I can find something in our records on lot 38.

I understand the confusion. Essentially, nonconforming lots aren't considered buildable unless they have at least 50% of the required lot width and lot area. If the board of adjustments grants the variance to the lot width requirement and you have at least 4,000 square feet on each lot, you can then build on the lots under our nonconforming lots ordinance ([UDC 164.12](#)). If the board of adjustments grants the variance for lot width and you have at least 8,000 square feet of lot area (or the board of adjustments also grants a variance to lot area), then the lots would simply be considered conforming, and you can build on them as you entirely normally would. So, essentially, you don't need to ask for a specific variance to permit construction of dwellings since granting the lot width minimum variance would fix the issue making them currently unbuildable. Hopefully that helps.

[TKH] Well, that definitely clears things up Lot 36 looks to be 6970sf and Lot 38 to be 9148sf. I think we need a variance on Lot Width and Lot Area, even on Lot 38 since we don't have a current survey.

I did want to note that 925 N. Oak is not meeting the lot area requirement for the RSF-4 district. We can absolutely add the lot area minimum to your BOA request for this one if you would like, though I would generally recommend a property line adjustment to get the POA building fully on to the adjacent POA property. That could resolve both

the encroachment and the insufficient lot area (assuming the POA is reachable and cooperative). I do want to state that, since the lot is over 50% the required size, you do not necessarily have to do either in order to build on the lot once a lot width variance is granted. Happy to discuss further if needed!

[TKH] I had not even thought of that. You are correct and we should add it for both lots just to be safe. Please do. Thank you.



Donna Wonsower, AICP
Senior Planner, Development
Services
City of Fayetteville, Arkansas
479-575-8358
fayetteville-ar.gov

Please note I will be out of the office from Thursday, August 28 through Monday, September 1.

From: Tracy Hoskins <tkhoskins@paradigmnwa.com>
Sent: Wednesday, August 27, 2025 3:28 PM
To: Wonsower, Donna <dwonsower@fayetteville-ar.gov>
Cc: Curth, Jonathan <jcurth@fayetteville-ar.gov>
Subject: RE: BOA-2025-0017 Questions

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Hi Donna!
Please, and this goes for all y'all. My name is TRACY, not Mr Hoskins. I appreciate it, but it makes me feel old. I'm still pretty immature to be old. Ha!

“Do you have a site plan that you could provide for your requested board of adjustment variance at 925 N. Oak Dr.? A survey would work provided that you are not proposing to subdivide the lot. We could potentially also use a previous plat, but do need a site plan that staff and the board can examine in evaluating the request.”

Attached is a copy of the original submittal. I THOUGHT I included the very thing you are asking for. I had spoken with either Jess or Jonathan once, and they said some plat from the county would work. I actually paid my engineering company to write up the legals for me, which I failed to attach those. I'm sorry. An updated version of the application is attached with the legals on the last page.

Also, Bates provided me with a survey they did a few years back. On lot 36. That is also attached. I have no drawing for the other lot, other than what I included in the application - the aerial with the lots highlighted. I can try again to find some kind of drawing, but I didn't have any luck finding anything legible previously.

"I did also want to ask about a section of your letter which mentioned a variance to build dwellings on the property. RSF-4 allows single-family dwellings and ADUS, so I wanted to clarify it is what you are intending to construct. The board cannot grant approval for any use that is not allowed in the zoning district. Could you please explain what you would like to construct on this lot?"

Well, funny you should ask as I know what you are thinking. "Why the heck does this guy need a variance? What the heck does he want to build?" I asked the same thing over and over. I couldn't even figure out what I was suppose to ask the BOA for!

So, I've learned from being married for 30 years, I'm much better off just doing as I am told. So, here I am. 😊

I intend to build just typical houses, nothing MF or weird. The issue is, the 'hood was originally a PUD. The city got on a tear the last few years, to get rid of all the PZDs from the past and blanketed Sunset Woods with RSF4 zoning. These are small lots and will be difficult to build on, but "difficult" is my middle name, just ask Jess and Jonathan! Wait a minute...

Unless Staff (Jess and Jonathan who have been helping me with this), can identify any other issues I'm not be aware, of I think the RSF4 zoning regs should work fine. The dilemma is, the city assigned a zoning to the property and made the properties non-conforming. You cannot have RSF4 zoning on private streets. Theres no ROW from which to measure front setbacks. I have no authority to have the streets dedicated to the city. All of the street in Sunset Woods are private streets I'm pretty sure. So, I need the non-conforming lot issue resolved so that I can build on the lots. This is the avenue I was instructed to take to get the lots back to being buildable after the city did their thing.

Did I answer what you asked? Let me know if there's anything else.

Tracy K. Hoskins President

 1907 Best Friend Lane
Fayetteville, AR 72704
C. (479) 236-6636



From: Wonsower, Donna <dwonsower@fayetteville-ar.gov>
Sent: Wednesday, August 27, 2025 1:51 PM
To: Tracy Hoskins <tkhoskins@paradigmnwa.com>
Subject: FW: BOA-2025-0017 Questions

Mr. Hoskins,

Trying again! My previous email bounced back.

Donna Wonsower, AICP
Senior Planner, Development Services
City of Fayetteville, Arkansas
479-575-8358
fayetteville-ar.gov

Please note I will be out of the office from Thursday, August 28 through Monday, September 1.

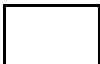
From: Wonsower, Donna
Sent: Wednesday, August 27, 2025 11:38 AM
To: thoskins@paradigmnwa.com
Cc: Masters, Jessica <jmasters@fayetteville-ar.gov>
Subject: BOA-2025-0017 Questions

Mr. Hoskins,

Do you have a site plan that you could provide for your requested board of adjustment variance at 925 N. Oak Dr.? A survey would work provided that you are not proposing to subdivide the lot. We could potentially also use a previous plat, but do need a site plan that staff and the board can examine in evaluating the request.

I did also want to ask about a section of your letter which mentioned a variance to build dwellings on the property. RSF-4 allows single-family dwellings and ADUS, so I wanted to clarify it is what you are intending to construct. The board cannot grant approval for any use that is not allowed in the zoning district. Could you please explain what you would like to construct on this lot?

Donna Wonsower, AICP
Senior Planner, Development Services
City of Fayetteville, Arkansas
479-575-8358
fayetteville-ar.gov



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Donna Wonsower, AICP
Senior Planner, Development Services
City of Fayetteville, Arkansas
479-575-8358
fayetteville-ar.gov

Please note I will be out of the office from Thursday, August 28 through Monday, September 1.

From: Masters, Jessica <jmasters@fayetteville-ar.gov>
Sent: Wednesday, August 27, 2025 2:49 PM
To: Wonsower, Donna <dwonsower@fayetteville-ar.gov>
Cc: Hopkins, Mirinda <mhopkins@fayetteville-ar.gov>; Curth, Jonathan <jcurth@fayetteville-ar.gov>
Subject: FW: Signs, Signs, everywhere there's signs... :) BOA-2025-0017

Donna,

Are you able to assist Mr. Hoskins with his public notification documentation?

Thank you,

Jessie

Jessie Masters, AICP
Planning Director
Development Services
City of Fayetteville, Arkansas

(479) 575-8239

www.fayetteville-ar.gov

[Website](#) | [Facebook](#) | [Twitter](#) | [Instagram](#) | [YouTube](#)



From: Tracy Hoskins <tkhoskins@paradigmnwa.com>

Sent: Wednesday, August 27, 2025 2:46 PM

To: 'Miranda Wilson' <Miranda.Wilson@driveluthermazdakc.com>

Cc: Curth, Jonathan <jcurth@fayetteville-ar.gov>; Masters, Jessica <jmasters@fayetteville-ar.gov>

Subject: Signs, Signs, everywhere there's signs... :) BOA-2025-0017

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Good afternoon, Miranda!

I was not sure to whom I am supposed to send this stuff. I am having to relearn all this since I don't have any assistants any longer.

Attached are the pics for BOA-2025-0017 (925 N OAK DR Fayetteville, AR 72701). I think I am supposed to submit these today, but I can't remember.

Let me know if I need to do this a different way or if you need me to do anything else.

Thank you so much!

Tracy K. Hoskins President



1907 Best Friend Lane
Fayetteville, AR 72704
C. (479) 236-6636



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581-3953

UNIVERSITY RESIDENTIAL
 ENTERPRISES, INC.
 DRIVE
 E, ARKANSAS 72701
 ENGINEERS, INC.
 E, ARKANSAS 72701

APPROVALS
 I HEREBY CERTIFY THAT THE PLAN IS A TRUE & CORRECT SURVEY & THAT THE INFORMATION STATED HEREON AS REQUIRED BY THE CITY OF FAYETTEVILLE, ARKANSAS.

[Signature]
 LAND SURVEYOR

WE HEREBY CERTIFY THAT THE PROPERTY SHOWN AND DESCRIBED HEREON IS ALL STREETS, ALLEYS, EASEMENTS, PUBLIC OR PRIVATE USE AS NOTED. WE HEREBY CERTIFY THAT THE PLATTING AS FILED ON RECORD IS PURSUANT TO APPLICABLE LOCAL ORDINANCES.

[Signature]
[Signature]

WE HEREBY CERTIFY THAT THE PROPOSED DRAINAGE, GRADING, UTILITY EASEMENTS, AND SEWER SYSTEMS PROPOSED TO BE INSTALLED MEET THE REQUIREMENTS OF THE CITY OF FAYETTEVILLE, ARKANSAS.

[Signature]

WE HEREBY CERTIFY THAT THE PROPOSED DRAINAGE, GRADING, UTILITY EASEMENTS, AND SEWER SYSTEMS PROPOSED TO BE INSTALLED MEET THE REQUIREMENTS OF THE CITY OF FAYETTEVILLE, ARKANSAS.

[Signature]

WE HEREBY CERTIFY THAT THE PROPOSED DRAINAGE, GRADING, UTILITY EASEMENTS, AND SEWER SYSTEMS PROPOSED TO BE INSTALLED MEET THE REQUIREMENTS OF THE CITY OF FAYETTEVILLE, ARKANSAS.

[Signature]

THIS PLAT WAS APPROVED BY THE BOARD OF ADJUSTMENT AT A MEETING HELD ON Dec 11, 1978.

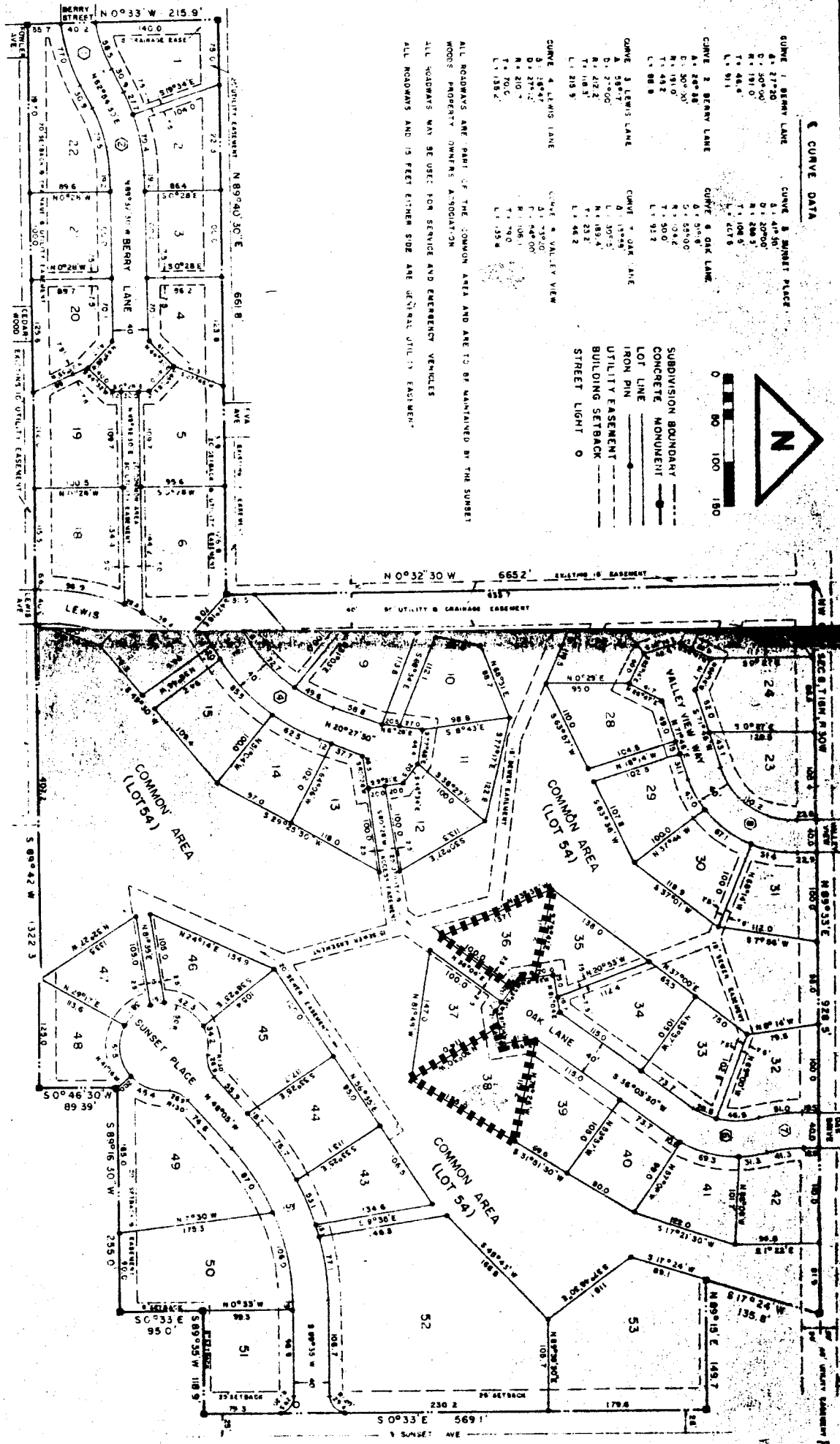
WE HEREBY CERTIFY THAT THE PROPOSED DRAINAGE, GRADING, UTILITY EASEMENTS, AND SEWER SYSTEMS PROPOSED TO BE INSTALLED MEET THE REQUIREMENTS OF THE CITY OF FAYETTEVILLE, ARKANSAS.

[Signature]

THE NW 1/4 OF THE SE 1/4 AND A PART OF SECTION 8, TOWNSHIP 16 NORTH, RANGE 10 WEST, COUNTY OF FAYETTEVILLE, ARKANSAS, DESCRIBED AS FOLLOWS: BEG. AT THE NW CORNER OF THE SE 1/4 AND RUNNING S 71° 24' W 135.8 FEET; THENCE S 71° 24' W 135.8 FEET; THENCE S 89° 35' W 569.1 FEET; THENCE S 89° 35' W 569.1 FEET; THENCE S 89° 16' 30" W 255.0 FEET; THENCE S 89° 42' W 1322.3 FEET; THENCE S 89° 42' W 1322.3 FEET; THENCE N 0° 32' 30" W 661.8 FEET; THENCE N 0° 32' 30" W 661.8 FEET.

[Signature]
[Signature]
 3-17-78

UNITS: 114



ALL ROADWAYS ARE PART OF THE COMMON AREA AND ARE TO BE MAINTAINED BY THE SUBMITTER. ALL ROADWAYS MAY BE USED FOR SERVICE AND EMERGENCY VEHICLES.

CURVE DATA	
CURVE 1 BERRY LANE	CURVE 2 SUNSET PLACE
A: 27°20'	B: 41°41'
D: 207'00"	D: 207'00"
R: 191.0'	R: 230.0'
L: 44.5'	L: 104.5'
L: 88.9'	L: 209.0'
CURVE 3 BERRY LANE	CURVE 4 OAK LANE
A: 58°30'	B: 52°00'
D: 500'30"	D: 520'00"
R: 191.0'	R: 191.0'
L: 44.5'	L: 91.0'
L: 88.9'	L: 182.0'
CURVE 5 LEWIS LANE	CURVE 6 VALLEY VIEW
A: 18°47'	B: 18°47'
D: 270'00"	D: 270'00"
R: 210.0'	R: 210.0'
L: 70.0'	L: 70.0'
L: 140.0'	L: 140.0'

FILED FOR RECORD
 1978 FEB 12 AM 11:44
 WASHINGTON COUNTY, ARK.
 ALMA HOLLEY
 CLERK

8-32

ENGINEERS
 CIVIL ENGINEERING CONSULTANTS
 FAYETTEVILLE, ARKANSAS

FINAL PLAT OF
 SUNSET WOODS

Planned Unit Development
 Board of Adjustment
 October 6, 2025
 Item 3
 BOA-2025-0017 (PARADIGM DEVELOPMENT & PENNING)
 Page 22 of 24

Wonsower, Donna

From: Hopkins, Mirinda
Sent: Thursday, October 2, 2025 8:36 AM
To: Wonsower, Donna
Subject: FW: Board of Adjustments meeting October 6th on calendar but no zoom link FW: Public Notification RE: Lots on North Oak
Attachments: Public Notification.pdf; Sunset Woods Covenant Document.pdf

Mirinda Hopkins
Development Coordinator
Planning Division
City of Fayetteville
479-575-8267



CITY OF
FAYETTEVILLE
ARKANSAS

From: Shaun and Janet Jones <texjones@tx.rr.com>
Sent: Wednesday, October 1, 2025 2:19 PM
To: Hopkins, Mirinda <mhopkins@fayetteville-ar.gov>
Cc: texjones@tx.rr.com; 'Stephen Goode' <sgoode90@vt.edu>
Subject: Board of Adjustments meeting October 6th on calendar but no zoom link FW: Public Notification RE: Lots on North Oak

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.

Ms Hopkins,

I am writing concerning the attached Public Notification on two lots within our Sunset Woods HOA. This is for the Board of Adjustments meeting on October 6th, regarding 925 and 942 N Oak Drive in Fayetteville.

I am on the Board of Directors, and we just found out about this proposal. We are interested in the proposal as this land is part of a Property Owner's association legally registered in Arkansas. The HOA has registered development criteria and architecture criteria for the land. The owner mentioned in the Public Notice has not submitted any planning to the HOA.

Currently there is no zoom information for the meeting on October 6th. I would like to participate, but I am currently out of the state.

Could you please let me know when a zoom will be posted? I would also like to share the zoom with the rest of the Board and other members of our community.

For information, I have attached a copy of our Covenants which can be shared with the Board of Adjustments members.

Thanks in advance,
Janet Jones
Sunset Woods HOA
817 401 7708

**SUNSET WOODS PROPERTY OWNERS ASSOCIATION
COVENANTS OF ASSURANCE**

KNOW ALL MEN BY THESE PRESENTS:

These Covenants of Assurance are entered into by and between the parties hereto on this 12TH day of FEBRUARY 1979, WITNESSETH:

WHEREAS, Bowen Enterprises, Inc. is the owner of the following described real property situated in Washington County, Arkansas, to-wit: Sunset Woods, a planned unit development to the City of Fayetteville, Arkansas, as per the plat of said development on file in the Office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas. And

WHEREAS, said owner desires to establish certain Covenants of Assurance to assure the orderly development of the above described real property and to further assure the protection of the investment made in such property by this owner and all others who shall purchase herein.

THEREFORE, the following Covenants of Assurance are deemed in full force and effect, the same to run with and apply to all of the above described real property from this date forward until the same shall terminate or be modified according to the provisions herein, to-wit:

(1) No part of the property shall be used for other than housing and common recreational purposes for which the property was designed. All buildings and structures to be erected on the above described real property shall be of new construction and no building or structures shall be moved from other locations to the property and no subsequent structure of a temporary character, trailer, basement, tent, shack, shall be used anywhere at any time as a residence, either temporarily or permanently. Only single family residences and multi-family dwellings, each containing therein one or more full and complete living units shall be constructed on said property. The total number of units into which the above described real property may be divided shall not exceed one hundred fourteen (114) in number. A unit shall be defined as a separate, family living space contained within a building.

(2) No multi-family units shall be permitted without the prior written approval of the Architectural Control Committee of the Sunset Woods Property Owners Association, which approval will not be granted where the effect of such would be to permit in excess of twenty-five (25) units on anyone street or to exceed one hundred fourteen (114) units for the entire development. In addition, upon prior written approval of the Architectural Control Committee of the Sunset Woods Property Owners Association, lot splits may be made pursuant to the Ordinances of the City of Fayetteville, Arkansas.

(3) No animals, rabbits, livestock, fowl or poultry of any kind shall be raised, bred, or kept in any dwelling on the property herein, or upon the land herein set forth, except that dogs, cats or other household pets may be kept on or about the premises, such to be subject to rules and regulations adopted by the governing body of a property owners association known as Sunset Woods Property Owners Association, and further provided that such are not kept, bred, or maintained for any commercial purpose; and provided further that any such pets causing or creating a nuisance or unreasonable disturbance shall be permanently removed from the property

subject to these restrictions according to a procedure to be set forth in the rules and regulations of said governing body.

(4) All lots to be platted upon the above described real property shall provide for multi-family dwelling construction. The minimum permissible habitable floor area per living units will be one thousand five hundred (1,500) square feet for single family dwellings and one thousand two hundred (1,200) square feet per living unit for multi-family dwellings. The minimum square footage requirements may be reduced upon application to the Architectural Control Committee to be established pursuant to the By-Laws of the Sunset Woods Property Owner's Association, where construction as planned is of sufficient quality and design as to enhance the development, but in no event less than one thousand two hundred (1,200) square feet for single family and one thousand (1,000) square feet for each unit in multi-family dwellings. However if an individual multi-family dwelling unit shall contain sufficient floor area to average one thousand (1,000) square feet per unit, then the owner may distribute said square footage as desired with the prior, written approval of the Architectural Control Committee to be established pursuant to the By-Laws of the Sunset Woods Property Owners Association.

(5) Each unit constructed or to be constructed upon the lots to be platted as set forth hereinabove shall provide sufficient and adequate off-street parking for those vehicles owned by the property owner or owners residing in said dwelling units, or, those vehicles normally parked at said dwelling unit, whichever is greater, plus sufficient space for two additional vehicles. No on-street parking of vehicles shall be permitted.

(6) No boats, boat trailers, house trailers, motorized recreational vehicles or any similar items shall be parked or stored on the street within said planned unit development. All such items shall be parked or stored off-street within an enclosure or car port. Provided however, that if the storage or parking of said vehicles off-street, but in the open shall not interfere with the enjoyment of other property owners, then, with the prior permission of the Property Owners Association, said items may be parked off-street, but not in an enclosure or car port.

(7) Utility easements shall be reserved over the lots to be platted on the above described real property, and shall be set forth in locations and in width as shown upon the recorded plat of said addition.

(8) All common access easements and areas as depicted upon the plat to be recorded of the real property set forth hereinabove, to be known as the Sunset Woods planned unit development, shall be available to all lot owners in the planned unit development.

(9) No private structures may be located or constructed upon the common areas to be platted herein, nor may any private obstruction be placed thereon or items stored within said common areas without the prior consent of the Sunset Woods Property Owners Association, except as may be expressly provided for in the rules and regulations promulgated by said governing body.

(10) No structure shall be permitted or located within fifteen (15) feet of the lot line on common roadways, or within twenty-five (25) feet of public streets. Further, the building setbacks shall be a ~~maximum of~~¹ twenty (20) feet from the back or rear property line and eight (8) feet from the side property line. Said building setbacks from the back or rear property lot line and side lot line may be reduced by the Architectural Control Committee upon application made by the property owner in accordance with rules and regulations and the By-Laws of the Sunset Woods Property Owners Association.

(11) No structure shall exceed two (2) stories in height. This requirement may be varied by the Architectural Control Committee appointed pursuant to the By-Laws of the Sunset Woods Property Owners Association to permit homes or dwelling units of greater than two (2) stories in height, or by limiting the same to less than two (2) stories in height. In determining the maximum height to be permitted, said Architectural Control Committee shall consider the right of adjoining property owners to an unobstructed view from their property and no such structure shall be permitted to exceed two (2) stories in height if the same shall unreasonably obstruct or interfere with light, sight, or view of an adjoining or neighboring property owner.

(12) No noxious or offensive trade shall be carried on upon any lots, nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood it being the expressed understanding that the planned unit development to be created upon and including the real property described hereinabove shall be for residential purposes only with the exception of those social and recreational uses on and within the common areas to be platted thereon.

(13) No building shall be erected, altered, or constructed upon any lot until the design, plans, elevations, structural materials, site preparation and location thereof have been approved in writing by the Architectural Control Committee established pursuant to the By-Laws of the Sunset Woods Property Owners Association.

(14) No fence of a solid nature that would block the view of any lot or have an unsightly appearance is to be erected in the planned unit development upon the real property set forth hereinabove, with the exception of temporary fences which may be constructed by the subdividers during the construction phase.

(15) No signs, with the exception of the planned unit identification signs, shall be displayed to the public view upon any lot. However, one professional sign of not more than one (1) square foot, or one sign of not more than five (5) square feet, advertising the property for sale or rent, or any signs used by the subdividers or a builder to advertise the property during the construction and sales period, will be permitted.

(16) No lot shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

(17) All clothes lines, equipment, garbage cans, and storage piles shall be kept screened in space provided by the owners so as to conceal them from view of neighboring dwellings and the common area as well as from streets.

(18) All of the streets, platted and designated as Berry Lane, Lewis Lane, Sunset Place, Oak Lane and Valley View Lane shall be privately owned, and shall be maintained by the Sunset Woods Property Owners Association. To the extent that the City of Fayetteville shall have specific requirements for the maintenance of private streets, those requirements shall, by reference herein, become a specific part of these Covenants of Assurance. Further, Sunset Woods, a planned unit development, shall contain thereon a storm drainage system which shall likewise be privately owned and shall be maintained by the Sunset Woods Property Owners Association.

(19) The Architectural Control Committee as appointed pursuant to the By-Laws of the Sunset Woods Property approval, the right to designate a reasonable time for completion of any dwelling, from the date the site preparation shall begin until occupancy, taking into account the nature of the dwelling, the natural contours of the lot and other things and matters properly brought to their attention, said time of completion not to be set unreasonably short, and to further provide for a daily, monetary penalty for each day said dwelling shall remain not ready for occupancy past

the completion date so set, which said penalty shall constitute a lien upon the land upon which said dwelling is being constructed.

(20) All owners of property described hereinabove shall belong to the association known as Sunset Woods Property Owners Association, which association shall be duly incorporated pursuant to the laws of the State of Arkansas as a corporation not for profit. That association shall be governed by a Board of Administration elected by the property owners herein and shall be managed according to the By-laws and the rules and regulations promulgated thereunder. The authority of the Board of Administration in the enforcement of these Covenants of Assurance and the rules and regulations of said association shall be absolute and all owners consent to said enforcement by their purchase of real property and dwellings hereunder. Among its other powers, said Board of Administration shall have authority to make assessments against the real property and dwellings of the owners in order to obtain the means required to maintain the common areas and the real property of the owners as well as the public streets and storm sewer system. Such assessments will be made on a per unit basis, the same to be according to the rules, regulations and By-laws of said association. Said assessments, when made, shall constitute a valid lien on the real property benefited thereby to the extent of said assessment and if not paid when due, shall be subject to foreclosure. In addition, such other fees as may, from time to time, be imposed by said Board of Administration pursuant to the rules, regulations and By-laws of said association shall be the same as assessments and constitute a lien on the real property and improvements thereon of the property owners, said fees to be uniform.

(21) Nothing in these covenants shall be deemed to restrict the rights of the subdividers or the property owners association or established horizontal property regimes within said planned unit development to establish and enforce rules, regulations and other Covenants governing the operation, ownership and maintenance of said planned unit development for multi-family dwellings and/or condominiums located therein, however, in no event shall said rules and regulations so promulgated have any force and effect if the same shall conflict with these Covenants of Assurance, and to the extent that such shall conflict with these Covenants of Assurance, then said other restrictions, rules or regulations shall be null, void and of no effect whatsoever.

(22) These covenants and restrictions are to run with the land, and shall be binding upon the subdividers, owners, their successors and assigns for a period of twenty-five (25) years from the date hereof. At any time within six (6) months from the expiration period hereof, a majority of the lot owners or property owners may express their intention in writing, drafted so as to be recordable with the registrar of deeds, that they no longer wish that said Covenants of Assurance remain in full force and effect. Upon the filing of said expression, then the Covenants of Assurance shall be terminated as of the expiration date. In the event that no such action be taken, then these covenants shall continue for an additional period of five (5) years, and may then be terminated in accordance with the terms set forth for the original termination. It is further provided that, should a three-fourths (3/4) majority of property owners at any time wish to amend these Covenants of Assurance, either by adding to or taking from said covenants, in their present form, then the same may be accomplished upon the execution of a written instrument duly executed by said three-fourths (3/4) majority, in a form capable of being recorded as above referred to and under the same terms and conditions thereof.

(23) If any of the parties hereto, or their successors in title, or their heirs or assigns shall violate or attempt to violate any of these covenants or restrictions as hereinabove set forth, prior to the expiration or termination of these Covenants of Assurance, both in the original term and continuations thereof, then it shall be lawful and authorized for any other person or persons, either

as a class or singularly, who own(s) any lot in this planned unit development as set forth on the above described real property, or any portion thereof, to prosecute any proceedings at law or in equity against the person or persons so violating, or attempting to violate, any such covenant or restriction. Said action may be brought either to prevent said violation, to recover damages, or for any and all other penalties available for such violation, and further, to utilize any and all other remedies at law or equity which may now exist or which may hereafter apply.

WITNESS our hands and seals on this 12th day of February 1979.

SUGG-BOWEN ENTERPRISES, INC.

By _____
Ann W. Sugg
President

ATTEST:

SEAL

By _____
John G. Sugg
Secretary

(Signatures and seal on file with President or Secretary-Treasurer of SWPOA and the Washington County Clerk)

ACKNOWLEDGMENT

STATE OF ARKANSAS

COUNTY OF WASHINGTON

Now on this 12th day of February, 1979, personally appeared before me) a Notary within and for the State and County aforesaid, duly commissioned and acting, Ann W. Sugg and John G. Sugg, President and Secretary of Sugg-Bowen Enterprises Inc., an Arkansas corporation, and stated that they, as such persons all being to me well known, were duly authorized and empowered by said corporation to execute and that they had executed the above and foregoing document entitled "Covenants of Assurance" of their own free will and for the purposes and upon the terms and conditions therein set forth.

WITNESS my hand and official seal on the day first hereinabove written

Notary Public _____

My Commission Expires: _____

(Signatures and seal on file with President or Secretary-Treasurer of SWPOA and the Washington County Clerk)

¹ Corrected March 28, 2001, by Board of Administration for clarification.

AMENDMENTS TO COVENANTS OF ASSURANCE

KNOW ALL MEN BY THESE PRESENTS :

These Amendments to Covenants of Assurance are entered into by and between the parties hereto on this 4th day of May, 1993.

RECITALS

On or about February 12, 1979, Sugg-Bowen Enterprises, Inc. entered into Covenants of Assurance, which were filed on February 12, 1979 with Washington County Circuit Clerk, as the owner of the following described real property situate in Washington County, Arkansas, to-wit:

Sunset Woods, a planned unit development to the City of Fayetteville, Arkansas, as per the plat of said development on file in the Office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.

Paragraph (2) of said Covenants of Assurance permitted the construction of multi-family dwelling units upon obtaining prior written approval of the Architectural Control Committee of the Sunset Woods Property Owners Association, which approval could not be granted where the effect would be to permit in excess of a stated number of units on anyone street or for the entire development. Other covenants placed rules and regulations upon various aspects of such units, including but not limited to location, size and construction.

Paragraph (22) of the Covenants of Assurance provided that a three fourth's (3/4) majority of the property owners could amend the Covenants of Assurance by the execution of a written instrument duly executed by said three-fourths (3/4) majority, in a form capable of being recorded in accordance with the Covenants of Assurance. By their signatures hereto, a three-fourths (3/4) majority of the current property owners of the Sunset Woods Property Owners Association hereby express their desire to and do amend said Covenants of Assurance to prohibit the construction or expansion of any additional or existing multi-family units in the Sunset Woods Planned Unit Development as described above.

TERMS AND CONDITIONS

Therefore, in consideration of the recitals set forth above and the terms and conditions set forth below, the following Amendments to the Covenants of Assurance are hereby adopted and deemed in full force and effect from the date hereof, the same to run with and apply to all of the above-described real property from this date forward until the same shall terminate, be modified or expire according to the provisions hereof or the Covenants of Assurance, to-wit:

1. Paragraph (2) of the Covenants of Assurance to the Sunset Woods Planned Unit Development is hereby repealed and replaced and amended to read as follows:

No additional multi-family units shall be permitted to be constructed or situated in the Sunset Woods Planned Unit Development. No existing multi-family units in the Sunset Woods Planned Unit Development shall be expanded in any way. Upon prior written approval of the Architectural Control Committee of the Sunset Woods Property Owners Association, lot splits may be made pursuant to the ordinances of the City of Fayetteville, Arkansas.

2. Paragraph (4) of the Covenants of Assurance to the Sunset Woods Planned Unit Development is hereby amended to delete the first sentence which reads as follows: **All lots to be platted upon the above described real property shall provide for multi-family dwelling construction.**

3. All provisions of the Covenants of Assurance dated February 12, 1979 consistent herewith shall continue to remain in force and effect as provided therein. All provisions of said Covenants of Assurance inconsistent herewith shall be null and void to the extent they can not be enforced consistent with the amendments set forth herein. All provisions regulating the various aspects of multi-family units, such as size, location and construction, shall remain in effect and applicable to the existing multi-family units in the Sunset Woods Planned Unit Development.

4. The Amendments to Covenants of Assurance adopted herein shall be in full force and effect from and after the date hereof and shall run and apply to all of the above-described real property from this date forward until the same shall terminate, be modified or expire according to the provisions hereof or the Covenants of Assurance.

5. The Sunset Woods property owners whose signatures appear below state and affirm that they have read, approved and affirmed the foregoing Amendments to Covenants of Assurance dated February 12, 1979 and by signing below express their vote that said Amendments be adopted and take full force and effect from and after the date first stated above.

(Signatures and seal on file with President or Secretary-Treasurer of SWPOA and Washington County Clerk)



TO: Board of Adjustment

THRU: Jessie Masters, Planning Director

FROM: Wesley Frank, Planner

MEETING DATE: September 8, 2025

SUBJECT: **BOA-2025-0018: Board of Adjustment (4102 W. HURON LOOP/RIVERWOOD HOMES, 478):** Submitted by JORGENSEN & ASSOCIATES for property located at 4102 W. HURON LOOP. The property is zoned CS, COMMUNITY SERVICES and contains approximately 9.97 acres. The request is for a variance to minimum buildable street frontage requirements.

RECOMMENDATION:
Staff recommends denial of **BOA-2025-0018**.

RECOMMENDED MOTION:
"I move to deny BOA-2025-0018."

BACKGROUND:
The subject property is located in west Fayetteville at the corner of W. Huron Loop and N. Ruppel Road. This property abuts Owl Creek School and is part of the Courtyards of Owl Creek subdivision. The property is vacant but is being proposed for a clubhouse for the subdivision. It is also not in the Hillside Hilltop Overlay District. Surrounding land uses and zoning are depicted in *Table 1*.

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

Direction	Land Use	Zoning
North	Owl Creek School	R-A, Residential-Agriculture
South	Undeveloped	R-A, Residential-Agriculture
East	Undeveloped	R-A, Residential-Agriculture, CS, Community Services
West	Single-Family Dwelling	CS, Community Services

DISCUSSION:
Request: The applicant is requesting a variance to the build-to-zone requirement associated with the CS, Community Services zoning district. Typically, in Urban Form districts a building is required to be placed within the build-to-zone to meet the 50% minimum buildable street frontage (UDC § 161.22) as well as placed in both frontages of a corner lot (UDC § 164.06(D)(2)). The applicant is proposing to place the building in only one build-to-zone as well as not fulfilling the required 50% lot width minimum buildable street frontage requirement.

**Table 2:
Variance Request**

Variance Issue	Requirement	Proposal	Variance
Build-to-zone (W. Huron Loop and N. Ruppel Road)	194 feet	18 feet	176 feet

Public Comment: Staff has not received public comment but has received a question requesting more information about the request.

RECOMMENDATION: Staff recommends denial of BOA-2025-0018. Should the Board choose to approve this item, staff recommends the following conditions:

Conditions of Approval:

1. The driveway shall access onto W. Huron Loop, a Residential Link street with a lower classification than N. Ruppel Road, a Regional Link street, and
2. The principal façade of the proposed clubhouse shall be oriented towards N. Ruppel Road, and
3. Supplemental elements must be incorporated into the site design along the property’s frontage for minimum buildable street frontage as described in 164.06(F);
4. Approval of this variance is limited to the applicant’s request as described in this report, and
5. 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>October 6, 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 not met the threshold for undue hardship as the request to not place a building within the appropriate build-to-zone and with the required length appears to stem from the design of the site rather than circumstances unique to subject property. The CS zoning district requires a build-to-zone between 10 and 25 feet from the front property line along the length of the property's frontage. It also requires that portions of the building be located within the build-to-zone for at least 50% of the width of the property's frontage. That total would be 484 linear feet for a corner lot with a resulting in 242 feet of required minimum buildable street frontage. The applicant has submitted a request for an administrative waiver to exclude much of the build-to-zone; however, Staff is only able to waive the build-to-zone that is located in the streamside protection zone to the east (72 feet) and the driveway (24 feet), which reduced the amount to 388 feet, requiring 194 feet of total buildable frontage. In this proposal, the building is located in just 18 feet of the buildable frontage.

The applicant is also proposing a building that is not adhering to the corner lot placement requirement by only fronting onto W. Huron Loop. In UDC §164.05(D), the minimum buildable street frontage requirement shall be met by locating the principal faced of a building in both frontages – W. Huron Loop and N. Ruppel Road. In the proposal, the building is located to only front onto W. Huron Loop, not meeting the requirement of fronting both. Staff finds that the applicant has not given a site-specific reason as to why the building cannot meet the buildable street frontage requirement or the correct placement of a corner lot. No alternative design has been submitted. One example of an alternative would be for the applicant to place the proposed building where the court is in an attempt to fulfill the spirit of the standards.

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 would not be in keeping with the spirit and intent of the zoning ordinance. The CS zoning district is designed to encourage a concentration of commercial, residential, and cultural & recreational development in an urban form with buildings closer to the street to enhance the pedestrian interaction. Staff finds the requested variance would not be aligned with the intent of the CS zoning district since it would allow the proposed building to be set further from N. Ruppel Road.

- 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 applicant's land or proposed building.

- 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
 - 161.22 Community Services
 - 164.06 Minimum Buildable Street Frontage
- Project Maps
 - One Mile Map
 - Close-Up Map
 - Current Land Use Map
- Request Letter
- Conceptual Site Plan
- Elevations

161.22 Community Services

(A) *Purpose.* The Community Services District is designed primarily to provide convenience goods and personal services for persons living in the surrounding residential areas and is intended to provide for adaptable mixed use centers located along commercial corridors that connect denser development nodes. There is a mixture of residential and commercial uses in a traditional urban form with buildings addressing the street. For the purposes of Chapter 96: Noise Control, the Community Services district is a commercial zone. The intent of this zoning district is to provide standards that enable development to be approved administratively.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 13	Eating places
Unit 15	Neighborhood Shopping goods
Unit 24	Home occupations
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 40	Sidewalk Cafes
Unit 41	Accessory dwellings
Unit 44	Cluster Housing Development
Unit 45	Small scale production
Unit 46	Short-term rentals

Note: Any combination of above uses is permitted upon any lot within this zone. Conditional uses shall need approval when combined with pre-approved uses.

(2) *Conditional Uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 14	Hotel, motel and amusement services
Unit 16	Shopping goods
Unit 17	Transportation, trades and services
Unit 18	Gasoline service stations and drive-in/drive-through restaurants
Unit 19	Commercial recreation, small sites
Unit 28	Center for collecting recyclable materials
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communication facilities*
Unit 42	Clean technologies

Unit 48	Private dormitories
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(C) *Density.* None.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

Dwelling	18 feet
All others	None

(2) *Lot Area Minimum.* None.

(E) *Setback regulations.*

Front:	A build-to zone that is located between 10 feet and a line 25 feet from the front property line.
Side and rear:	None
Side or rear, when contiguous to a single-family residential district:	15 feet

(F) *Building Height Regulations.*

Building Height Maximum	5 stories
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(G) *Minimum Buildable Street Frontage.* 50% of the lot width.

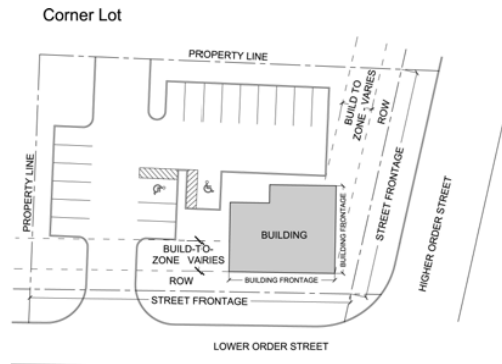
(Ord. No. 5312, 4-20-10; Ord. No. 5339, 8-3-10; Ord. No. 5462, 12-6-11; Ord. No. 5592, 6-18-13; Ord. No. 5664, 2-18-14; Ord. No. 5735, 1-20-15; Ord. No. 5800, §1(Exh. A), 10-6-15; Ord. No. 5921, §1, 11-1-16; Ord. No. 5945, §§5, 7—9, 1-17-17; Ord. No. 6015, §1(Exh. A), 11-21-17; Ord. No. 6223, §1, 9-3-19; Ord. No. 6409 §1, 2-2-21; Ord. No. 6427, §§1(Exh. C), 2, 4-20-21; Ord. No. 6497, §1, 10-19-21; Ord. No. 6879, §2, 5-20-25)

Editor's note(s)—Ord. No. 6888, §1, adopted June 17, 2025 determines that Ordinance 6427 (Sunset Clause), Ordinance 6625 (extending Sunset Clause), Ordinance 6710 (extending the Sunset Clause), and Ordinance 6820 (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 November 30, 2025 unless prior to that time and date the City Council amends this ordinance to repeal or further amend this sunset, repeal and termination section.

164.06 Minimum Buildable Street Frontage

- (A) *Purpose.* The purpose of minimum buildable street frontage regulations is to ensure traditional town form by locating buildings and structures in the build-to zone adjacent to the street.

...



- (D) *Corner Lot.*

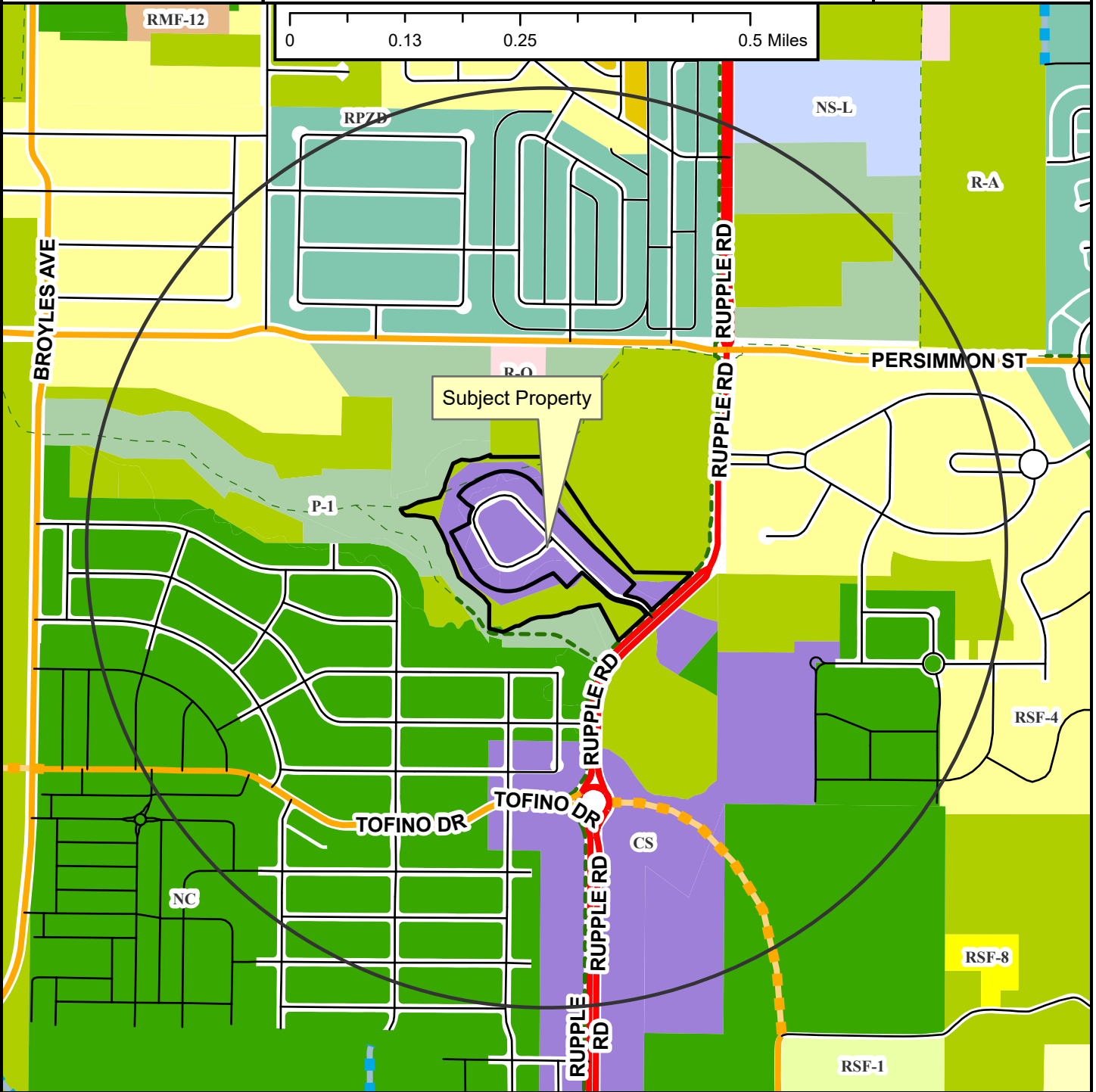
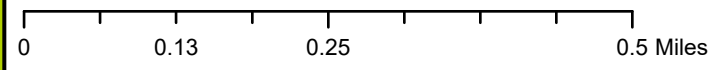
- (1) Calculated by summing the linear distance of two (2) intersecting streets adjacent to the lot and applying the minimum buildable street frontage requirement of the underlying zoning district to the total.
- (2) The minimum buildable street frontage requirement shall be met by locating the principal façades of the primary structure in the build-to zone at the intersection of the two streets measured for the purposes of a corner lot.
- (3) If the minimum buildable street frontage requirement cannot be met supplemental elements shall be required and shall not exceed 25% of the minimum buildable street frontage requirement.

...

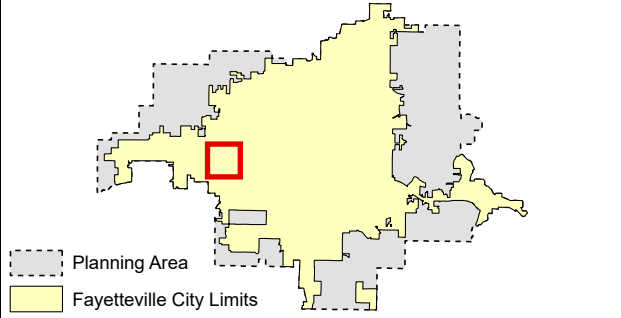
BOA-2025-0018

4102 W. HURON LOOP

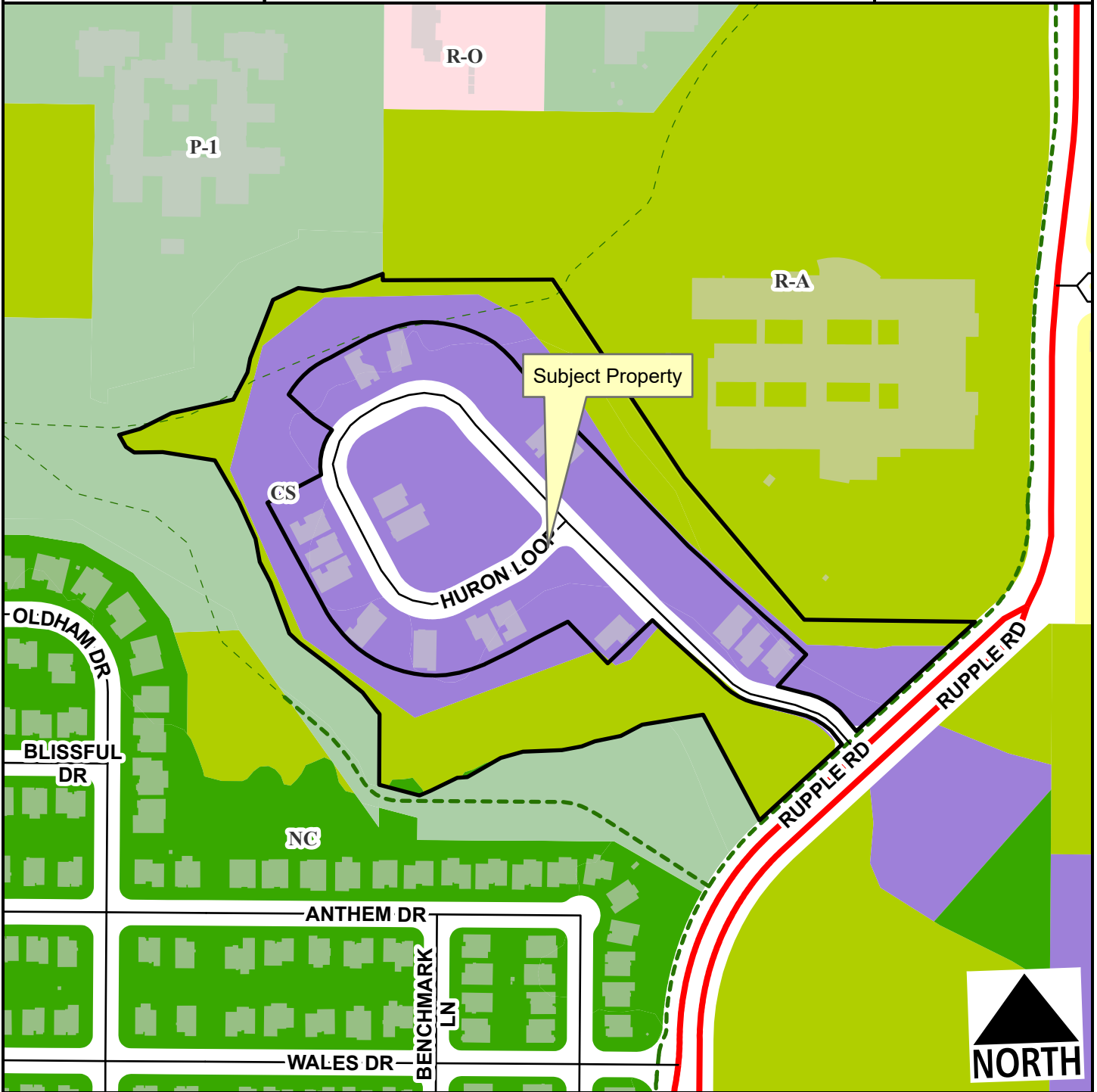
One Mile View









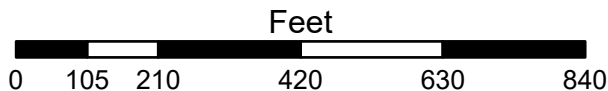
- Regional Link
- Neighborhood Link
- Alley
- Residential Link
- Planned Neighborhood Link
- Planned Residential Link
- Shared-Use Paved Trail
- Trail (Proposed)
- Fayetteville City Limits
- Planning Area



Board of Adjustment
October 6, 2025
Item 4



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

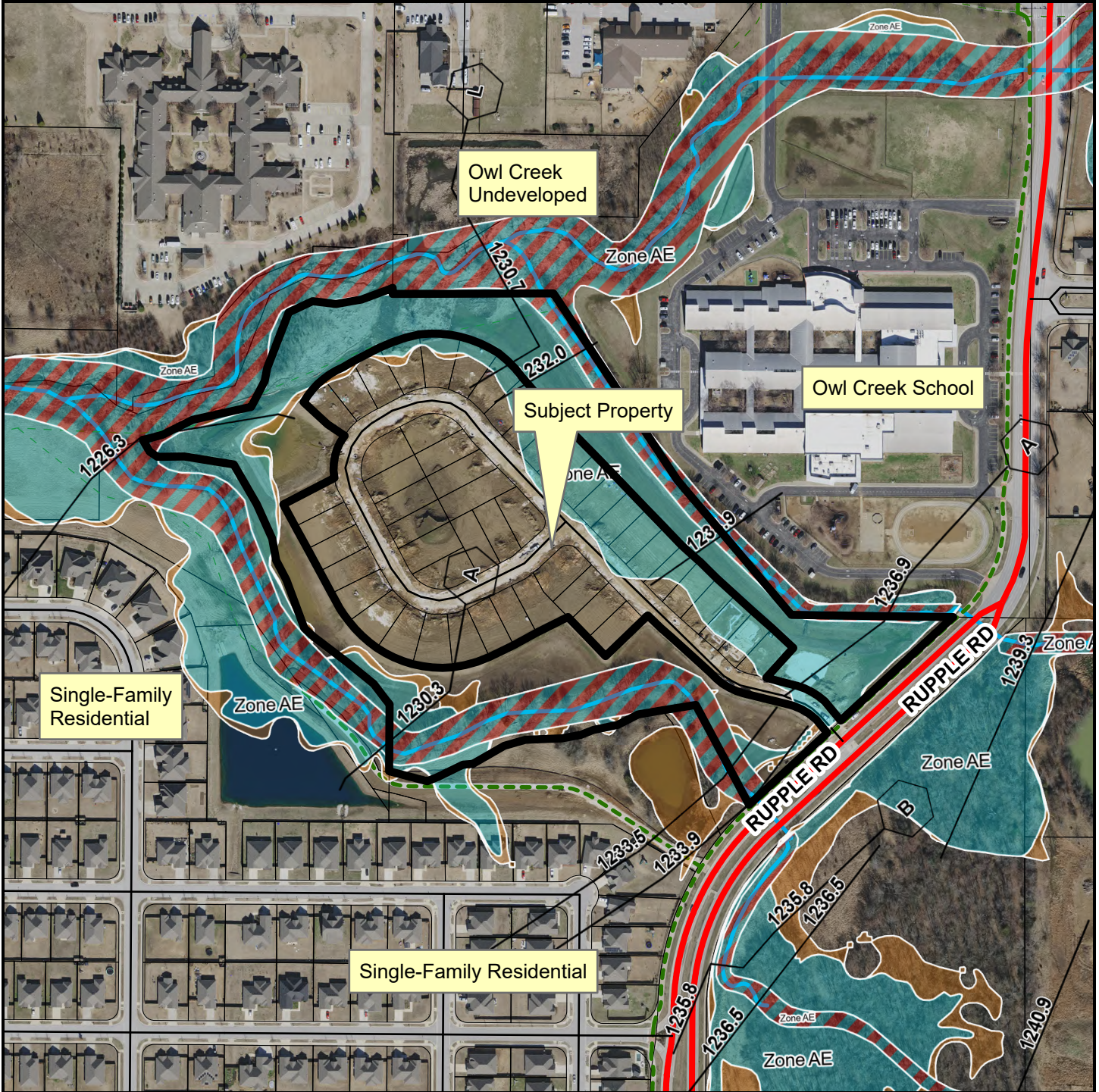


1:3,400

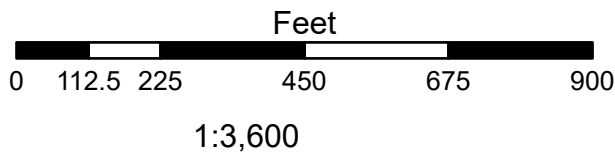






Current Land Use



-  Regional Link
-  Residential Link
-  Trail (Proposed)
-  Planning Area
-  Fayetteville City Limits



FEMA Flood Hazard Data

-  100-Year Floodplain
-  Floodway



JORGENSEN
+ASSOCIATES
Civil Engineering · Surveying

124 W Sunbridge Drive, Suite 5
Fayetteville, AR 72703
Office: 479.442.9127
Fax: 479.582.4807
www.jorgensenassoc.com

August 29th, 2025

City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Attn: Development Services

Re: Variance for Lot 52 of The Courtyards at Owl Creek

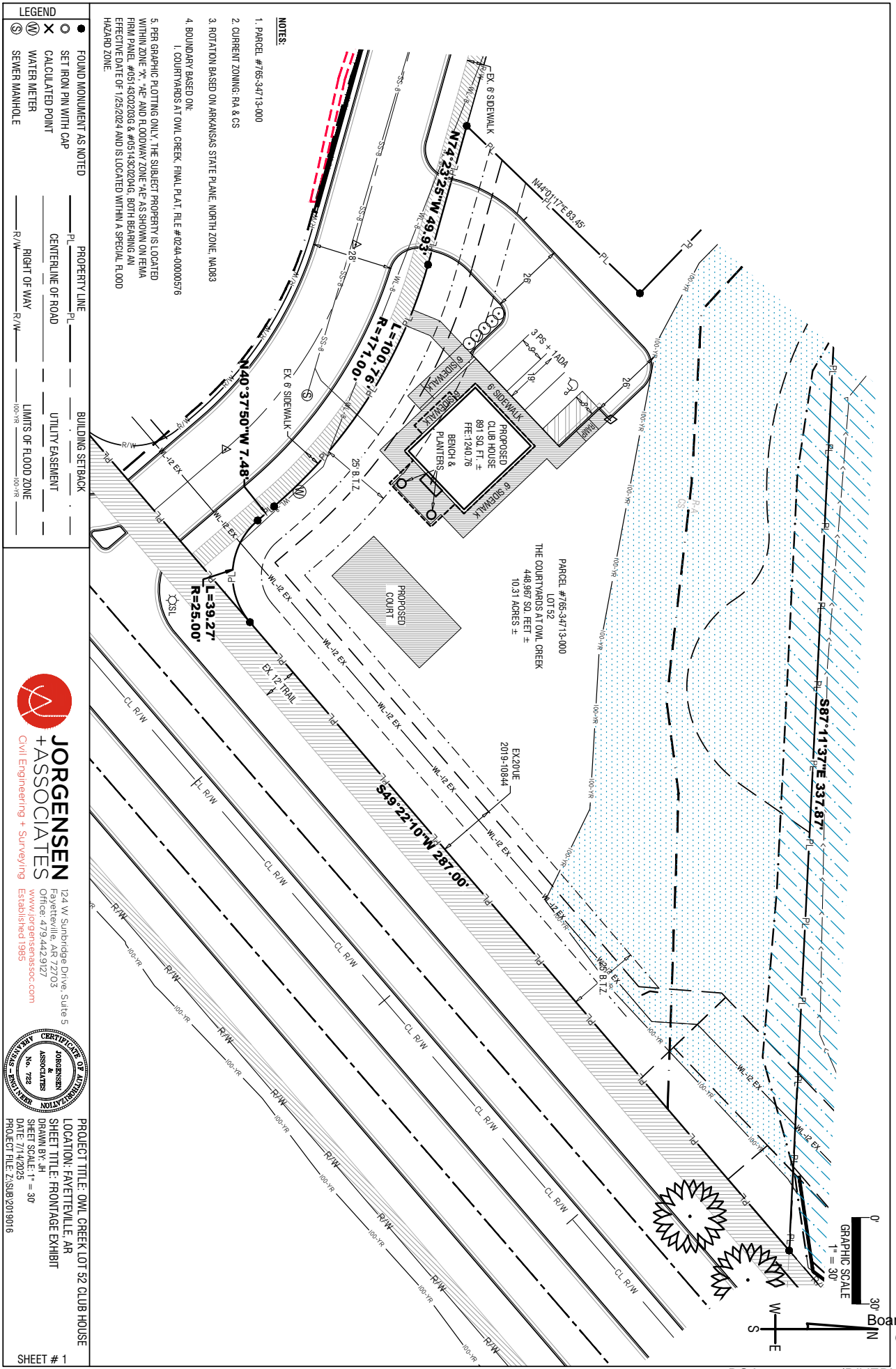
Attached herewith please find a variance request from the requirements for the build to zone as listed in the City of Fay code. This lot is a corner lot with frontage along Ruppel Road and frontage along W Huron Loop and the only intention for this lot has been to build a clubhouse for the subdivision. Given the amount of street frontage on this lot there is no way to design & orient a clubhouse to cover all the build to zone requirements along both streets. We are also requesting a Variance for not putting the building in the corner and the reason for this is to get the Pickle ball court up near the road and away from the residential portion of the site to keep the noise away. Furthermore, there is floodplain that exist along the east side and south side. A majority of the lot has been taken out of the floodplain via a LOMR-F and approved by FEMA but due to their requirements it did leave some floodplain along the edges as mentioned. Due to these given hardships, we are requesting an Administrative Variance to these requirements.

We thank you for your consideration of this proposal and please call with any questions,

Thank you.

Sincerely;

Justin L. Jorgensen, P.E.



LEGEND

●	FOUND MONUMENT AS NOTED
○	SET IRON PIN WITH CAP
×	CALCULATED POINT
⊕	WATER METER
⊗	SEWER MANHOLE

— PL —	PROPERTY LINE	— PL —	BUILDING SETBACK
— CL —	CENTERLINE OF ROAD	— U —	UTILITY EASEMENT
— R/W —	RIGHT OF WAY	— FZ —	LIMITS OF FLOOD ZONE

NOTES:

1. PARCEL #755-34713-000
2. CURRENT ZONING: RA & CS
3. ROTATION BASED ON ARKANSAS STATE PLANE, NORTH ZONE, NAD83
4. BOUNDARY BASED ON:
 1. COURTYARDS AT OWL CREEK, FINAL PLAT, FILE #024A-00000576
5. PER GRAPHIC PLOTTING ONLY, THE SUBJECT PROPERTY IS LOCATED WITHIN ZONE "X", "AE" AND FLOODWAY ZONE "AE" AS SHOWN ON FEMA FIRM PANEL #0514302026G & #0514302026G, BOTH BEARING AN EFFECTIVE DATE OF 1/25/2024 AND IS LOCATED WITHIN A SPECIAL FLOOD HAZARD ZONE

PROJECT TITLE: OWL CREEK LOT 52 CLUB HOUSE
 LOCATION: FAYETTEVILLE, AR
 SHEET TITLE: FRONTAGE EXHIBIT
 DRAWN BY: JH
 DATE: 7/14/2025
 SHEET SCALE: 1" = 30'
 PROJECT FILE: 218UB2019016

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