



CITY OF
FAYETTEVILLE
ARKANSAS

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

Board of Adjustment Agenda

**City Hall Room 219
Monday, May 4, 2026
3:45 PM**

Members

***Chair Erin Adkins-Oury (Exp. 03/27)
Vice Chair Jason Young (Exp. 03/28)
Sam Ata (Exp. 03/27)
Caroline Fox (Exp. 03/27)
Peter Norman (Exp. 03/28)***

City Staff

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

Zoom Information

Webinar ID: 856 0413 1511

Registration Link: https://fayetteville-ar.zoom.us/webinar/register/WN_igG3fWY0SaOOtQGVX51nOg

Call to Order

Roll Call

MINUTES:

Approval of the minutes from the April 6, 2026 meeting.

Unfinished Business

New Business

2. BOA-2026-0003: Board of Adjustment (2445 N HUGHMOUNT RD/D R HORTON - NW ARKANSAS LLC, 282):

Submitted by DR HORTON for property located at 2445 N HUGHMOUNT RD. The property is zoned R-A, RESIDENTIAL AGRICULTURAL & NS-G, NEIGHBORHOOD SERVICES GENERAL, and contains approximately 3.98 acres. The request is for a variance to build-to-zone requirements.

Planner: Wesley Frank

3. BOA-2026-0005: Board of Adjustment (1909 N STEPHEN CARR MEMORIAL BLVD/SI PROPERTY INVESTMENTS LLC, 363):

Submitted by SWOPE CONSULTING for property located at 1909 N STEPHEN CARR MEMORIAL BLVD. The property is zoned CS, COMMUNITY SERVICES and contains approximately 4.23 acres. The request is for a variance from the front build-to zone.

Planner: Jessica Masters

4. BOA-2026-0004: Board of Adjustment (200 S SKYLINE DR/ROY E HATCHER, 486):

Submitted by CITY OF FAYETTEVILLE for property located at 200 S SKYLINE DR. The property is zoned RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE and contains approximately 0.10 acres. The request is a variance to increase the building timeline from 18 months to 5 years. *THIS ITEM HAS BEEN WITHDRAWN BY STAFF FOR PRESENTATION AT A LATER DATE.*

Planner: Jessica Masters

Announcements

Adjournment

NOTICE TO MEMBERS OF THE AUDIENCE

All interested parties may appear and be heard at the public hearings. A copy of the proposed amendments and other pertinent data are open and available for inspection in the office of City Planning (479-575-8267), 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, April 6, 2026

Time:	In: 3:45 PM	Out: 6:38 PM					
Staff :			<input type="checkbox"/>	Jessie Masters, Planning Director			
			<input type="checkbox"/>	Donna Wonsower, Senior Planner			
			<input type="checkbox"/>	Wesley Frank, Planner			
			<input type="checkbox"/>	Citlali Samano, Planner			
			<input type="checkbox"/>	Kit Williams, City Attorney			
			<input type="checkbox"/>	Blake Pennington, Sr Assistant City Attorney			
			<input type="checkbox"/>	Hannah Hungate, Assistant City Attorney			
	Roll Call	Meeting Minutes 3-02-2026	2) BOA-2026-0002 (Hannah's Candle Company)				
Young	1	1	1				
Ata	1	1	1				
Norman	1	1	1				
Fox	1	1	1				
Adkins-Oury	0	-	-				
Agenda		Consent	New				
Motion To:		Approve	Approve				
Motion By:		Fox	Young				
Seconded:		Young	Ata				
Vote		4-0-0	3/1/2000				
Notes			Staff's determination overturned				
Public Comment:		0	24				



TO: Board of Adjustment

THRU: Jessie Masters, Planning Director

FROM: Wesley Frank, Planner

MEETING DATE: May 4, 2026

SUBJECT: **BOA-2026-0003: Board of Adjustment (2445 N. HUGHMOUNT RD/DR HORTON, 282):** Submitted by DR HORTON for property located at 2445 N HUGHMOUNT RD. The property is zoned R-A, RESIDENTIAL, AGRICULTURAL & NS-G, NEIGHBORHOOD SERVICES, GENERAL, and contains approximately 3.98 acres. The request is for a variance to build-to-zone requirements.

RECOMMENDATION:
Staff recommends denial of **BOA-2026-0003**.

RECOMMENDED MOTION:
"I move to approve BOA-2026-0003."

BACKGROUND:
The subject property is in northwest Fayetteville along N. Hughmount Rd. This 152-acre subject area was annexed into the City in 2020 (Ord. 6317) and was zoned that same year (Ord. 6326) – 91.79 acres zoned RSF-8, 47.89 acres to R-A, and 2.48 acres to NS-G. Much of the R-A zoned district is used to limit development in a FEMA-designated floodplain. The subject property was originally platted with the Hughmount South subdivision (FPL-2025-0007). The property is developed with a 2,100 sqft single-family home that was developed in 1994, according to Washington County records. Surrounding land uses and zoning are depicted in *Table 1*.

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

Direction	Land Use	Zoning
North	In Development – Hughmount Subdivision	R-A, Residential Agriculture; RSF-8, Residential Single-Family, 8 Units per Acre; NS-G, Neighborhood Services- General
South	Undeveloped	Washington County
East	Single-Family	R-A, Residential Agriculture
West	In Development – Hughmount Subdivision	RSF-8, Residential Single-Family, 8 Units per Acre

DISCUSSION:
Request: The applicant is requesting a variance to the build-to-zone requirement associated with the NS-G, Neighborhood Services-General zoning district. The applicant is proposing to place no portion of the single-family dwelling in a build-to-zone.

**Table 2:
Variance Request**

Variance Issue	Requirement	Proposal	Variance
Build-to-zone (N. Hughmount Rd)	A structure shall be placed within 0-25 of the front property line	164 feet from the front property line	143 feet

Public Comment: Staff has not received any public comment at this time.

RECOMMENDATION: Staff recommends denial of BOA-2026-0003. Should the Board choose to approve this item, staff recommends the following conditions:

Conditions of Approval:

1. The principal façade of the proposed single-family dwelling shall be oriented towards N. Hughmount Rd.; and
2. Approval of this variance is limited to the applicant’s request as described in this report; and
3. 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: May 4, 2026

Motion:

Second:

Vote:

City Plan 2040 Future Land Use Designation: Residential Neighborhood and Natural

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 (BTZ) appears to stem from the design of the site rather than circumstances

unique to subject property. The property is split zoned R-A and NS-G, and the proposed building is located entirely within the NS-G portion. In this zoning district, a single-family dwelling must be located within the BTZ begins at the front property line and ends at 25 feet. In the proposal, the building is approximately 164 feet from the front property line, exceeding the 25-foot requirement. The applicant has stated that the intention is to match the characteristics of R-A-zoned property in the area, but staff finds there are no applicable physical limitations preventing the applicant from meeting the typical zoning requirement. The build-to zone is encumbered by two easements; however, they do not prevent with compliance. The applicant could seek a rezoning to a district that does not have a BTZ or build the dwelling within the required threshold, neither of which has been attempted.

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 since it would allow for a dwelling to be built further from the BTZ. The NS-G zoning district's BTZ requirement is designed to encourage the development of buildings closer to the public right-of-way to enhance the pedestrian interaction with their physical environment. Staff finds the requested variance would not be aligned with the intent of the NS-G zoning district since it would allow the proposed building to be approximately 164 feet from the front property line, with no portion of a building within the build-to-zone. If approved, staff recommends that principal façade shall be oriented towards the public right-of-way along N. Hughmount Rd.

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
 - 161.19 NS-G, Neighborhood Services – General
- Project Maps
 - One Mile Map
 - Close-Up Map
 - Current Land Use Map
- Staff Exhibit
 - Site Plan Showing BTZ And Existing Hardship
- Request Letter
- Conceptual Site Plan

161.19 NS-G, Neighborhood Services - General

(A) *Purpose.* The Neighborhood Services, General district is designed to serve as a mixed use area of medium intensity. Neighborhood Services, General promotes a walkable, pedestrian-oriented neighborhood development form with sustainable and complementary neighborhood businesses that are compatible in scale, aesthetics, and use with surrounding land uses. For the purpose of Chapter 96: Noise Control the Neighborhood Services district is a residential zone.

(B) *Uses.*

(1) *Permitted Uses.*

Unit 1	City-wide uses by right
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three (3) and four (4) family dwellings
Unit 12b	General business
Unit 24	Home occupations
Unit 40	Sidewalk cafes
Unit 41	Accessory dwelling units
Unit 44	Cluster housing development
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 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 13	Eating places
Unit 16	Shopping goods
Unit 19	Commercial recreation, small sites
Unit 25	Offices, studios and related services
Unit 26	Multi-family dwellings
Unit 36	Wireless communication facilities
Unit 45	Small scale production
Unit 48	Private dormitories

(C) *Density.* Eighteen (18) or less per acre.

(D) *Bulk and Area Regulations.*

(1) *Lot Width Minimum.*

All dwellings	35 feet
All other uses	None

(2) *Lot Area Minimum.*

Single-family	4,000 square feet
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Two (2) family or more	3,000 square feet per dwelling unit
All other uses	None

(E) *Setback regulations.*

Front	Side	Side-Zero Lot Line*	Rear	Rear when contiguous to a single-family residential district
A build-to zone that is located between the front property line and a line 25 feet from the front property line.	5 feet	A setback of less than 5 feet (zero lot line) is permitted on one interior side, provided a maintenance agreement is filed**. The remaining side setback(s) shall be 10 feet.	None	15 feet

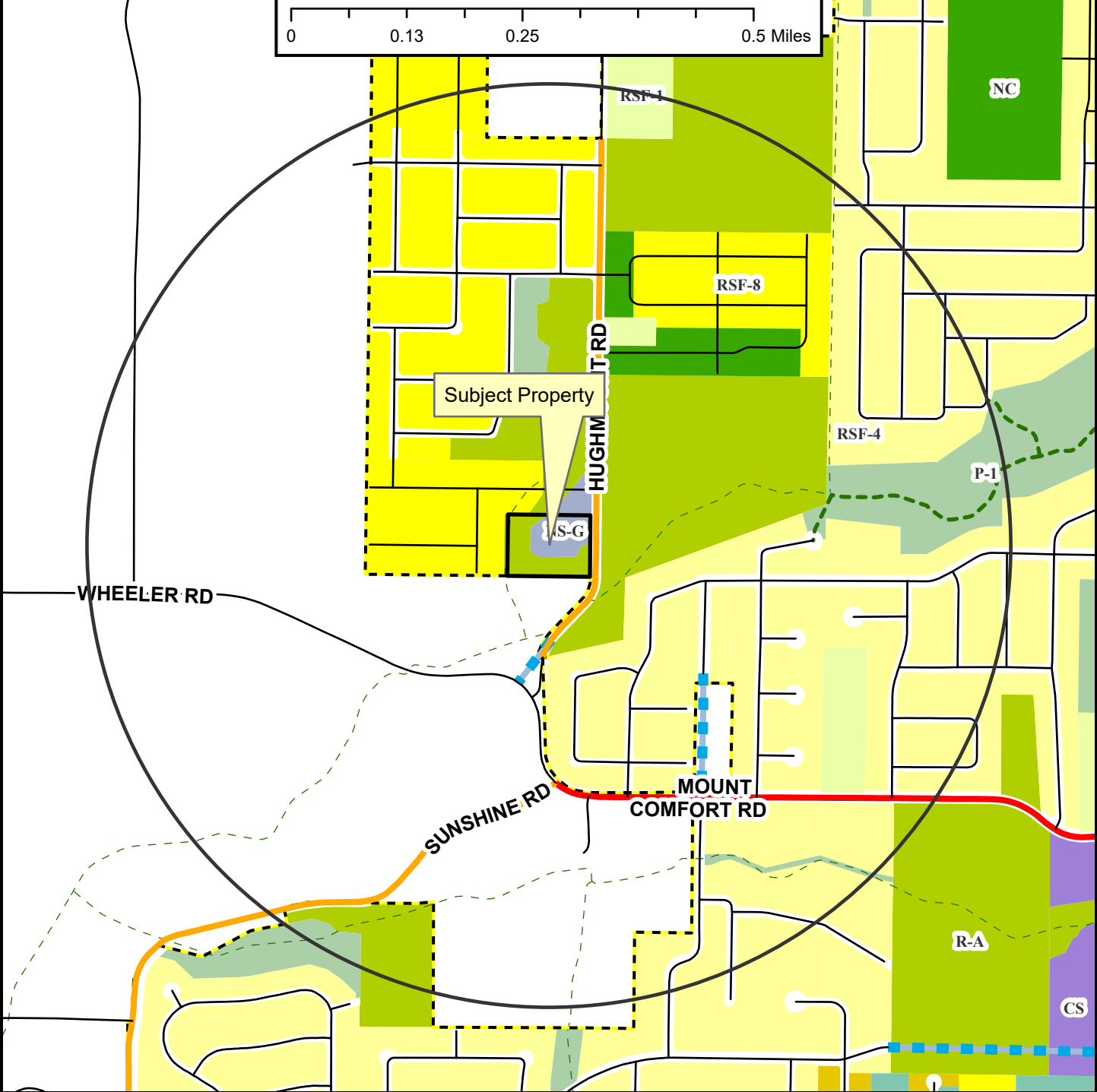
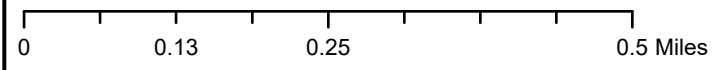
(F) *Building Height Regulations.*

Building Height Maximum	3 stories
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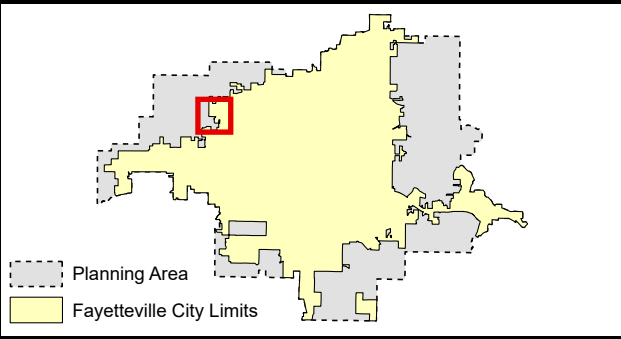
(G) *Minimum Buildable Street Frontage.* 50% of the lot width.

(Ord. No. 5945, §7(Exh. A), 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.



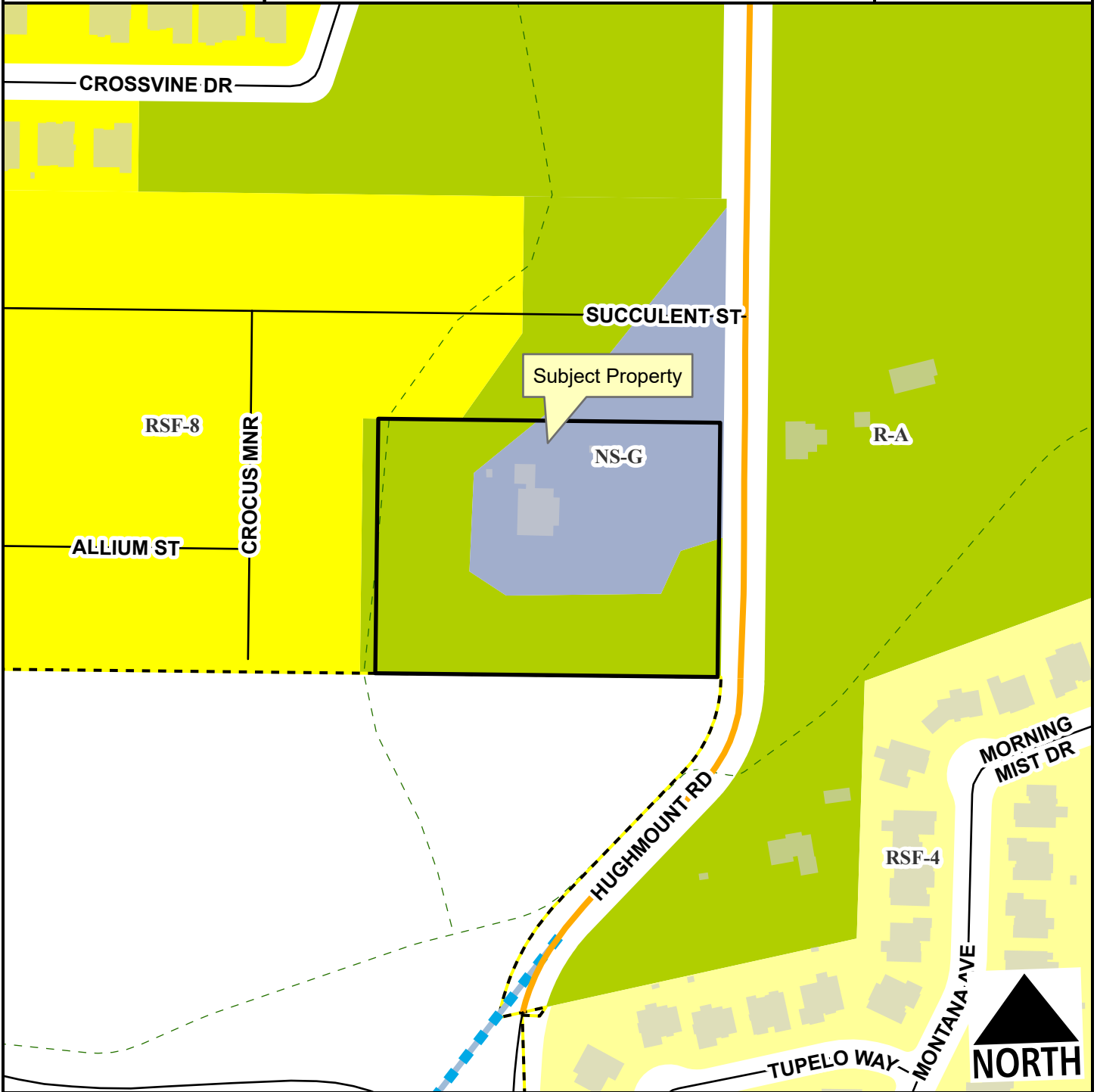
- Regional Link
- Neighborhood Link
- Unclassified
- Residential Link
- Planned Residential Link
- - - Shared-Use Paved Trail
- - - Trail (Proposed)
- Fayetteville City Limits
- Planning Area










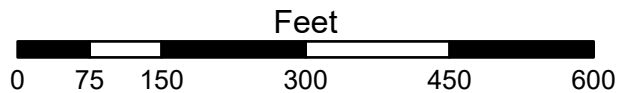
BOA-2026-0003

2445 N HUGHMOUNT RD

Close Up View



-  Neighborhood Link
-  Unclassified
-  Residential Link
-  Planned Residential Link
-  Planning Area
-  Fayetteville City Limits
-  Trail (Proposed)



1:2,400

BOA-2026-0003

2445 N HUGHMOUNT RD

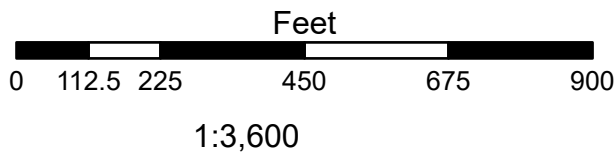


Current Land Use



2025 Imagery | EagleView Technologies | Surdex Corporation

- Neighborhood Link
- Unclassified
- Residential Link
- Planned Residential Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

Additional Flatwork Areas:	
Trash Container:	13 Sq.Ft.
Permit Box:	9 Sq.Ft.
Portable Toilet:	25 Sq.Ft.
Concrete Washout:	25 Sq.Ft.
AC Pad:	16 Sq.Ft.

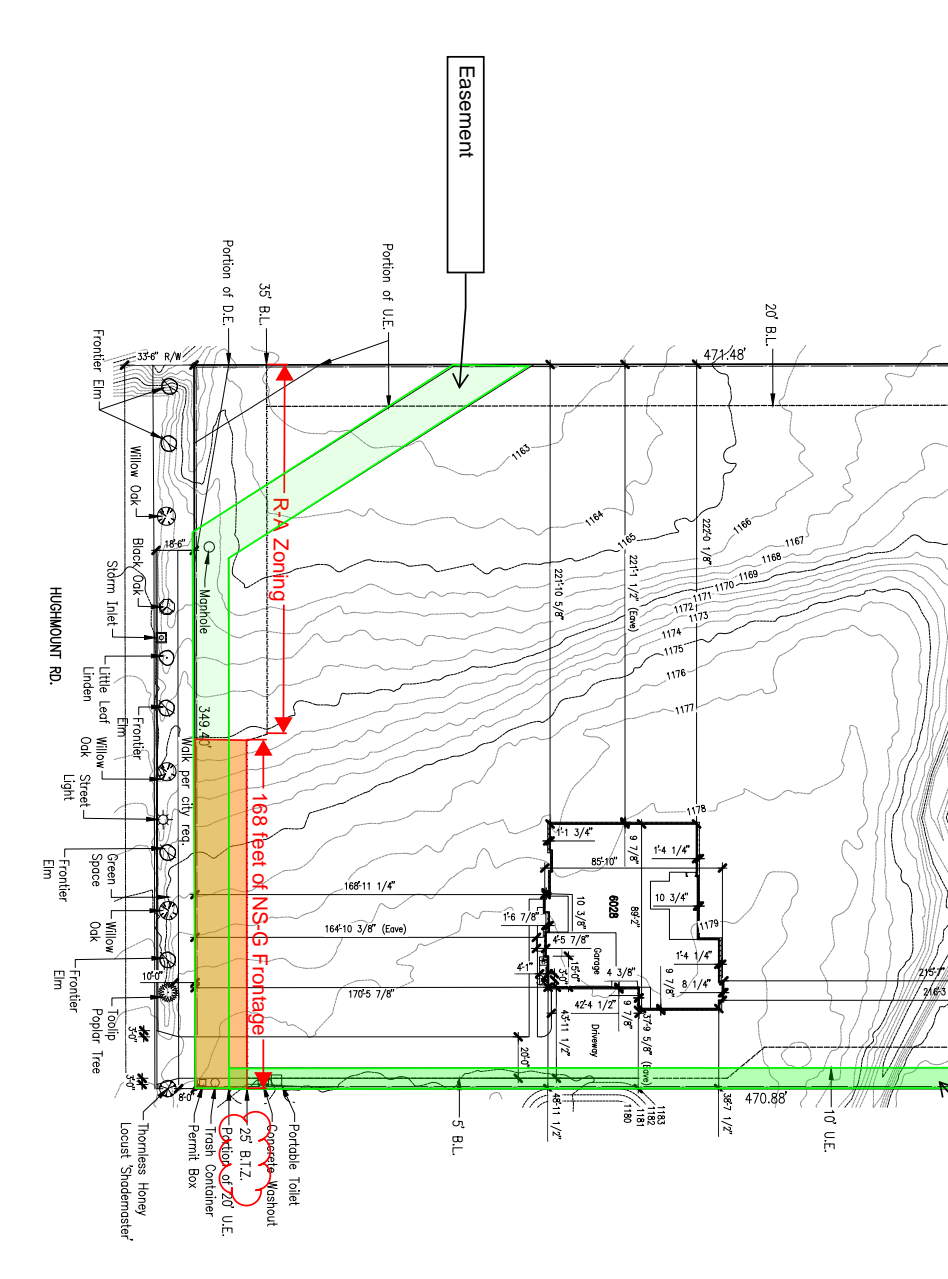
Lot Coverage Calculations:	
Lot Area:	3897 Sq.Ft.
Slab Area:	6307 Sq.Ft.
Coverage Ratio:	4 %
Silt Fence:	1612 Ln.Ft.
Lead Walk:	280 Sq.Ft.
Sidewalk:	1919 Sq.Ft.
Driveway:	5710 Sq.Ft.
Front & Side Sod:	7785 Sq.Ft.
Sod:	157048 Sq.Ft.

General Notes:

- The purpose of this plot plan is to show the proposed building footprint, on the foundation information, drive slopes, area calculations and any other information shown hereon shall be verified by the builder and appropriate government entities at permitting and prior to construction for accuracy and compliance with all applicable codes, ordinances and restrictions. A ground and/or aerial assessment may assist adjacent to any existing utility, sewer and builders should verify with appropriate utility companies before construction. Builder to confirm slopes and AC units can encroach into utility easements.
- Where applicable, the builder is responsible for ensuring that the footprint is contained within the prepared building pad. The building pad should be set high enough to allow for adequate drainage. Strond is not responsible for the design of grading and drainage on this lot.
- All calculations shown on this plan are approximate. They must be verified by the builder prior to use as any part of a contract, estimating or purchasing of materials, for permitting or construction. Strond is not responsible for any cost or reimbursement to builder for additional improvements shown or not shown on said plot plan.
- The information shown hereon does not constitute a boundary survey and shall not be used or relied upon for the transfer of title or any dispute regarding the location of property lines. This plan is provided for the benefit of a title search by Strond.
- Owner/Builder must verify minimum finished floor requirements prior to planning and/or construction.
- The architectural plans are the controlling document for all building dimensions and area calculations.
- Prior to foundation installation the builder shall ensure that any portions of the foundation that extend beyond the prepared building pad are constructed on natural grade or tested and compacted fill. All work shall be done in accordance with the geotechnical report and with geotechnical oversight and testing.

Legend:

- Silt Fence
- Lot
- Building Line
- Easement
- Drive/Walk/Path
- Street Center
- Roof Eaves
- BLK Foundation
- Topo
- Electric Panel
- Gas Meter
- Water Meter
- Sewer Service
- Existing Pavement



Legal Description:

A PART OF THE SW 1/4 OF THE SW 1/4 OF SECTION 31, 117N, E30W IN WASHINGTON COUNTY, ARKANSAS, AND BEING DESCRIBED AS FOLLOWS: COMMENCING AT THE NW CORNER OF SAID SW 1/4, THENCE S07°45'17" W 1884.84 FEET TO THE POINT OF BEGINNING, THENCE S87°18'47" E 1283.73 FEET, THENCE S07°38'17" W 657.90 FEET, THENCE N87°42'52" W 1298.37 FEET, THENCE N07°46'50" E 660.00 FEET TO THE POINT OF BEGINNING, CONTAINING 19.43 ACRES, MORE OR LESS, SUBJECT TO EASEMENT AND RIGHT OF WAYS RECORD.

UTILITY HOUSE PLACEMENT TYPICAL:

ELECTRIC PANEL IS LOCATED WITHIN 15' FROM THE FRONT OF THE SLAB ON THE GARAGE SIDE. THE GAS METER IS 3' FROM THE ELECTRIC PANEL AS SHOWN BELOW.

SLAB OUTLINE

AC PAD NOTE:

ALL AC PADS WILL BE LOCATED BEHIND A PERMANENT SIDEWALK AS PER THE CITY OF FAYETTEVILLE REQUIREMENT.

PL1

STRAND 2612194R1

PLOT PLAN

VER.

0003 Technology Blvd.
Dallas, TX 75220
972-620-8204
COA NO: 1340

Arkansas State Board of Adjustments
Professional Engineer
No. 17480
Andrew Etchison

May 4, 2026



To whom it may concern,

D.R. Horton is requesting a variance for the removal of a BTZ across the front of the property located at 2445 N Hughmount Road in Fayetteville. The current parcel consists of two zones (R-A and NS-G). Under the NS-G zoning, the BTZ is a requirement, however D.R. Horton intends to build a single-family home where an existing abandoned single-family home is located. The new single-family home will be approximately 6,028 heated sqft. There will be no additional offsite parking needed. The special circumstances on this land are that the property is held under two zoning requirements for this parcel and want this to be held to the R-A zoning criteria to match the integrity of the surrounding R-A zoned properties. Other properties in this area are set back off Hughmount Road. D.R. Horton acquired this property with the current zoning pre-established, and with the fact of the flood zone and streamside protection zone, a single residence following R-A zoning on this property would be more fitting. Please see attached site plan for an approximate location of the future home.

Best,

Nye Carnahan
Director of Construction, D.R. Horton



D.R. HORTON • EXPRESS • EMERALD • FREEDOM

AMERICA'S #1 HOMEBUILDER SINCE 2002

5502 West Walsh Lane Suite 201 • Rogers, AR 72758 | O: 479.334.0227 | drhorton.com/Arkansas/Northwest-Arkansas

Board of Adjustment

May 4, 2026

Item 2

BOA-2026-0003 (DR HORTON)

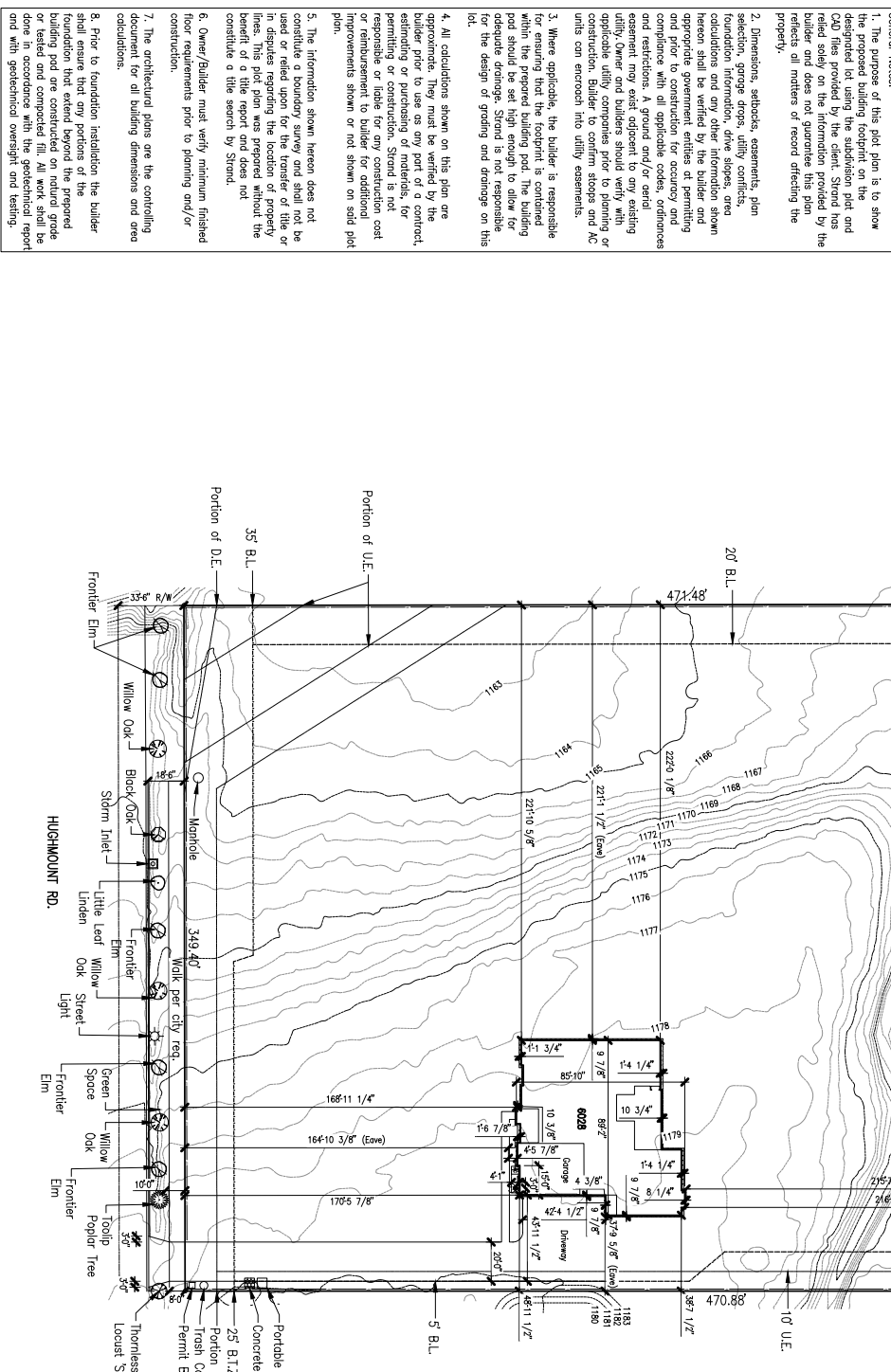


Additional Flatwork Areas:	
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Sod:	157048 Sq.Ft.

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—	Lot
—	Building Line
—	Easement
—	Drive/Walk/Path
—	Street Center
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—	BLK Foundation
—	Topo
—	Electric Panel
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—	Sewer Service
—	Existing Pavement

General Notes:

- The purpose of this plot plan is to show the proposed building footprint, on lot and foundation information, drive slopes, area calculations and any other information shown hereon shall be verified by the builder and appropriate government entities at permitting and prior to construction for accuracy and compliance with all applicable codes, ordinances and restrictions. A ground and/or aerial assessment may assist adjacent to any existing utility, sewer and builders should verify with appropriate authorities before construction. All units can encroach into utility easements.
- Where applicable, the builder is responsible for ensuring that the footprint is contained within the proposed building pad. The building pad should be set high enough to allow for adequate drainage. Storm is not responsible for the design of grading and drainage on this lot.
- All calculations shown on this plan are approximate. They must be verified by the builder prior to use as any part of a contract, estimating or purchasing of materials, for permitting or construction. Storm is not responsible for any errors or omissions in this plan or for any improvements shown or not shown on said plot plan.
- The information shown hereon does not constitute a boundary survey and shall not be used or relied upon for the transfer of title or any dispute regarding the location of property lines. This plan is prepared for the benefit of a title report and does not constitute a title search by Storm.
- Owner/Builder must verify minimum finished floor requirements prior to planning and/or construction.
- The architectural plans are the controlling document for all building dimensions and area calculations.
- Prior to foundation installation the builder shall ensure that any portions of the foundation that extend beyond the prepared building pad are constructed on natural grade or tested and compacted fill. All work shall be done in accordance with the geotechnical report and with geotechnical oversight and testing.

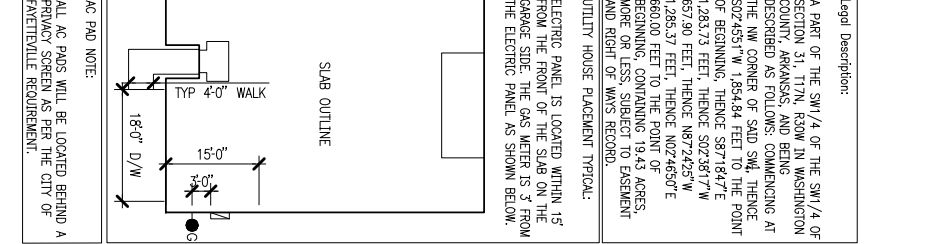


Legal Description:

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ELECTRIC PANEL IS LOCATED WITHIN 15' FROM THE FRONT OF THE SLAB ON THE GARAGE SIDE. THE GAS METER IS 3' FROM THE ELECTRIC PANEL AS SHOWN BELOW.



<p>AC PAD NOTE:</p> <p>ALL AC PADS WILL BE LOCATED BEHIND A PERMANENT SIDEWALK AS PER THE CITY OF FAYETTEVILLE REQUIREMENT.</p>	<p>PL1</p> <p>STRAND 2612194R1</p>
	<p>Builder: DR Horton Northwest Arkansas</p> <p>Subd.: Hughmount South</p> <p>Lot: 52 BLOCK x</p> <p>Address: 2445 N Hughmount Rd</p> <p>City: Fayetteville, Arkansas</p> <p>Plan: 6028</p>
	<p>Date: 3/12/26</p> <p>Scale: 1"=20'</p> <p>DRN: M.x.x.s.</p>
	<p>VER.</p>
	<p>STRAND 2612194R1</p>

STRAND

0003 Technology Blvd.
Dallas, TX 75220
972-620-8204
COA NO: 1340

STATE OF ARKANSAS
Professional Engineer
No. 17480
Andrew Etchison

Board of Adjusters
May 4, 2026

Item 2



TO: Board of Adjustment

FROM: Jessie Masters, Planning Director

MEETING DATE: May 4, 2026

SUBJECT: **BOA-2026-0005: Board of Adjustment (1909 N STEPHEN CARR MEMORIAL BLVD/SI PROPERTY INVESTMENTS LLC, 363):** Submitted by SWOPE CONSULTING for property located at 1909 N STEPHEN CARR MEMORIAL BLVD. The property is zoned CS, COMMUNITY SERVICES and contains approximately 4.23 acres. The request is for a variance from the front build-to zone.

RECOMMENDATION:
Staff recommends denial of **BOA-2026-0005**.

RECOMMENDED MOTION:
"I move to approve BOA-2026-0005."

BACKGROUND:
The subject property is in northwest Fayetteville, just west of the City of Fayetteville’s public safety campus on N. Stephen Carr Memorial Blvd. The property is zoned CS, Community Services and is located within the I-540 Overlay District. The property received its current zoning designation in two phases; the northern parcel was rezoned in 2019 and the southern portion in 2022. The property backs up to the I-49 Interstate. Surrounding land uses and zoning are depicted in *Table 1*.

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

Direction	Land Use	Zoning
North	ARDOT Interchange	N/A
South	Church	R-A, Residential Agriculture
East	City of Fayetteville Public Safety Campus	P-1, Institutional
West	ARDOT Interstate (I-49)	N/A

DISCUSSION:
Request: The applicant requests a variance to 161.22, Community Services, which requires a front build-to zone to be located between 10 feet and 25 feet from the front property line. The Community Services zoning district also has a 50% minimum buildable street frontage requirement.

**Table 2:
Variance Request**

Variance Issue	Requirement	Proposal	Variance
Front build-to zone	10-25 feet from front property line	Approximately 71 feet from front property line	100%

Public Comment: Staff has not received any public comment.

RECOMMENDATION: Staff recommends denial of BOA-2026-0005. Should the Board choose to approve this item, staff recommends the following conditions:

Conditions of Approval:

1. **Primary façade, or the façade that faces the street for any proposed buildings, must meet all design requirements as outlined by 166.24, Non-Residential Design Standards as if they were placed within the build-to-zone.**
2. **Public transit stop shall be coordinated and established with relevant transit agencies.**
3. **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: May 4, 2026

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 adequately represented the site-specific conditions that prevent the construction of their proposed building within the build-to zone. There do not appear to be any encumbrances such as**

easements, conflicting ordinances, or otherwise. Secondly, the design presented will require variances to other portions of code; by presenting the site plan as they have, the applicant will need to request additional design-related variances due to the placement of a drive aisle and associated parking in front of the structure.

That said, there are some unique circumstances with the type of services being provided and the ultimate end user that the Board may want to consider. The United States Department of Veterans Affairs is the end user; while the federal government will only be leasing the space, if the property were owned by that entity, the City's zoning ordinances would not apply. Further, many of the clients who will be using this space will be transported to this location using some form of non-vehicular transportation, or do not currently have access to vehicles. The applicant is showing an intent to provide an on-site bus stop, as well as provide a drive aisle in the front of the structure for a loading zone for those clients. The interior programming also has three separate entrances for the different needs that are being serviced. The structure will have a dual function as a community resource center for veterans, as well as an audiology clinic. The applicant's team is working to provide multiple, clearly marked, separate entrances to each facility. Given the unique service provision and end user, staff finds the deviation from zoning may be justified, though the case for site-specific hardship is unclear. Finding that, staff does think that additional design iterations of the interior to help meet the underlying zoning district requirements as well as serve the patrons of the space could be provided that would not require the variance.

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: The spirit and intent of the CS zoning ordinance, as well as other form-based zoning districts in the City of Fayetteville, is to allow a wide-variety of uses while creating a pedestrian-friendly, walkable, and inviting urban environment. Code requires placement of the building's principal façade within the build-to zone to meet that intent. Staff finds that allowing the applicant to develop the proposed structure outside of the build-to zone to serve their patrons who may be needing additional transportation support, such as paratransit or otherwise, may still serve and benefit the public interest, even if strict application of the code would require prioritization of pedestrians over vehicles. The applicant is, however, providing additional pedestrian-oriented elements, clear walkways, and a narrow, one-way drive aisle in the front of the structure to assist in that design intent.

- 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, though would provide a better alternative for the programmatic needs of the proposed end user.

- 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
- Interior Floor Plan

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- and four-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

(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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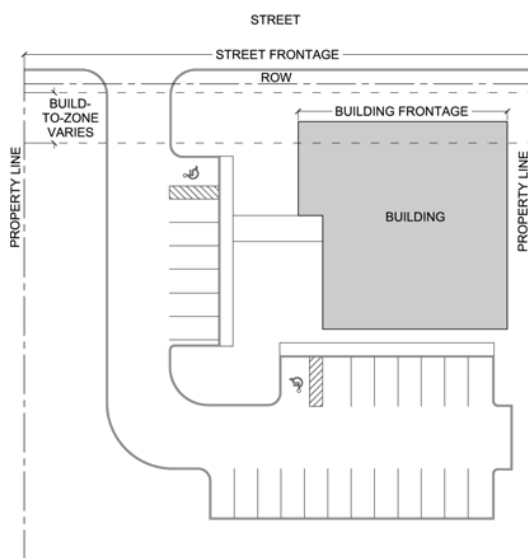
(G) *Minimum Buildable Street Frontage.* 50% of the lot width.

(Ord. No. 6945, §5(Exh. D), 12-16-25)

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.

Lot with One Frontage



(B) *Lot with one street frontage.*

- (1) Calculated by measuring the linear distance of the street adjacent to the lot and applying the minimum buildable street frontage requirement of the underlying zoning district.
- (2) The minimum buildable street frontage requirement shall be met by locating the principal façade of the primary structure in the build-to zone.
- (3) If the minimum buildable street frontage requirement cannot be met by locating the principal façade of the primary structure in the build-to zone, supplemental elements shall be required and shall not exceed 10% of the minimum buildable street frontage requirement.

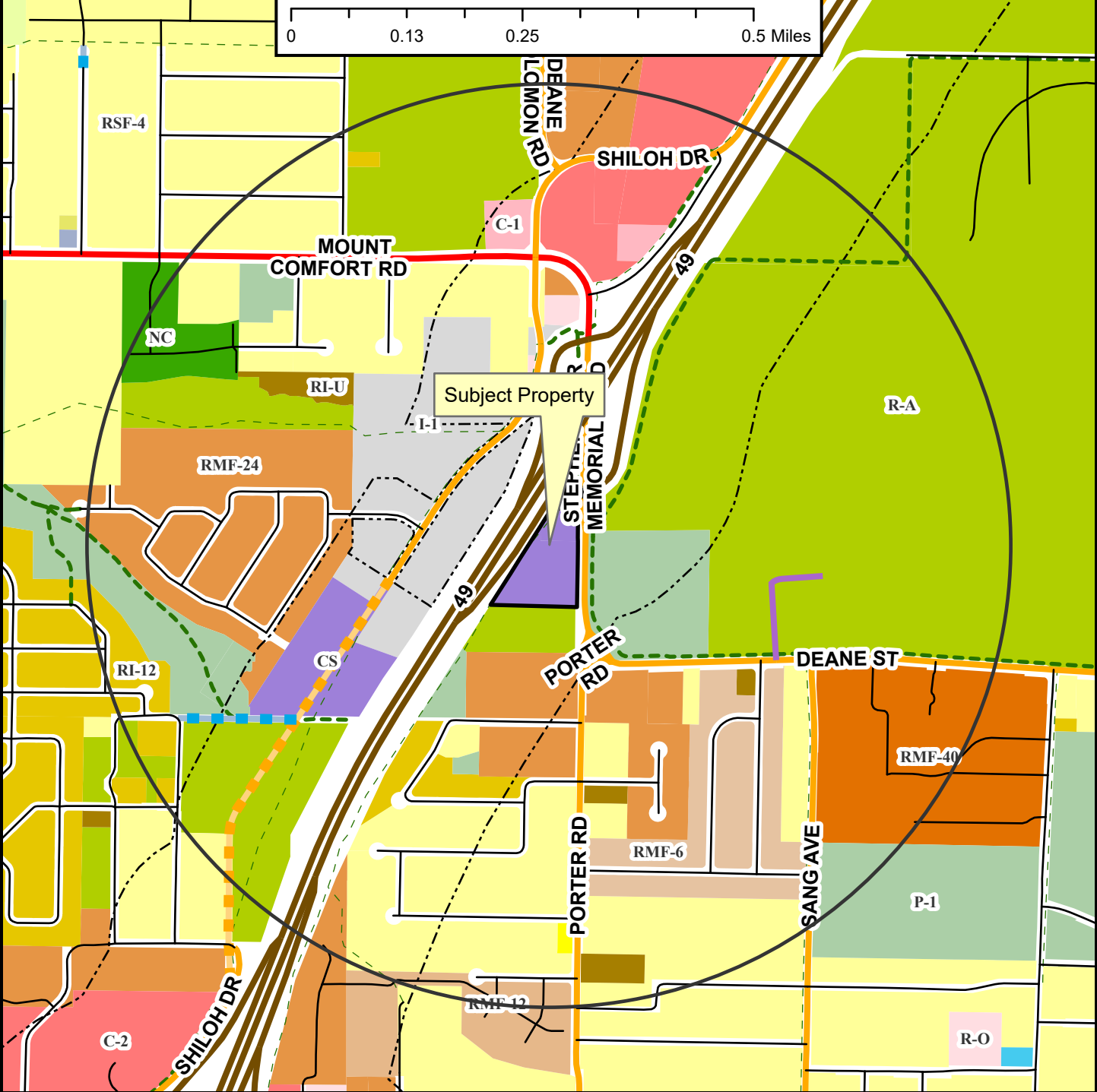
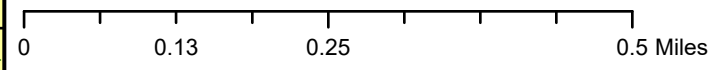
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(Code 1991, §160.080; Code 1965, App. A, Art. 7(5); Ord. No. 1747, 6-29-70; Ord. No. 2380, 9-20-77; Ord. No. 5348, 9-7-10; Ord. No. 5592, 06-18-13)

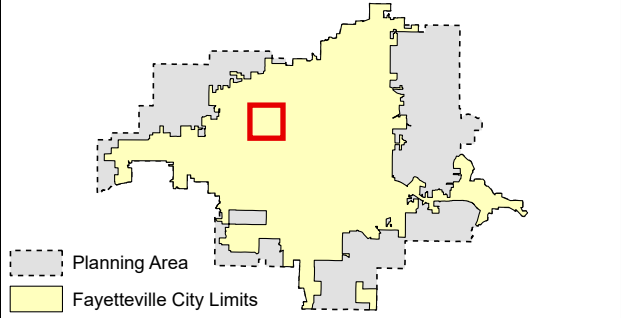
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1909 N STEPHEN CARR MEMORIAL BLVD

One Mile View



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

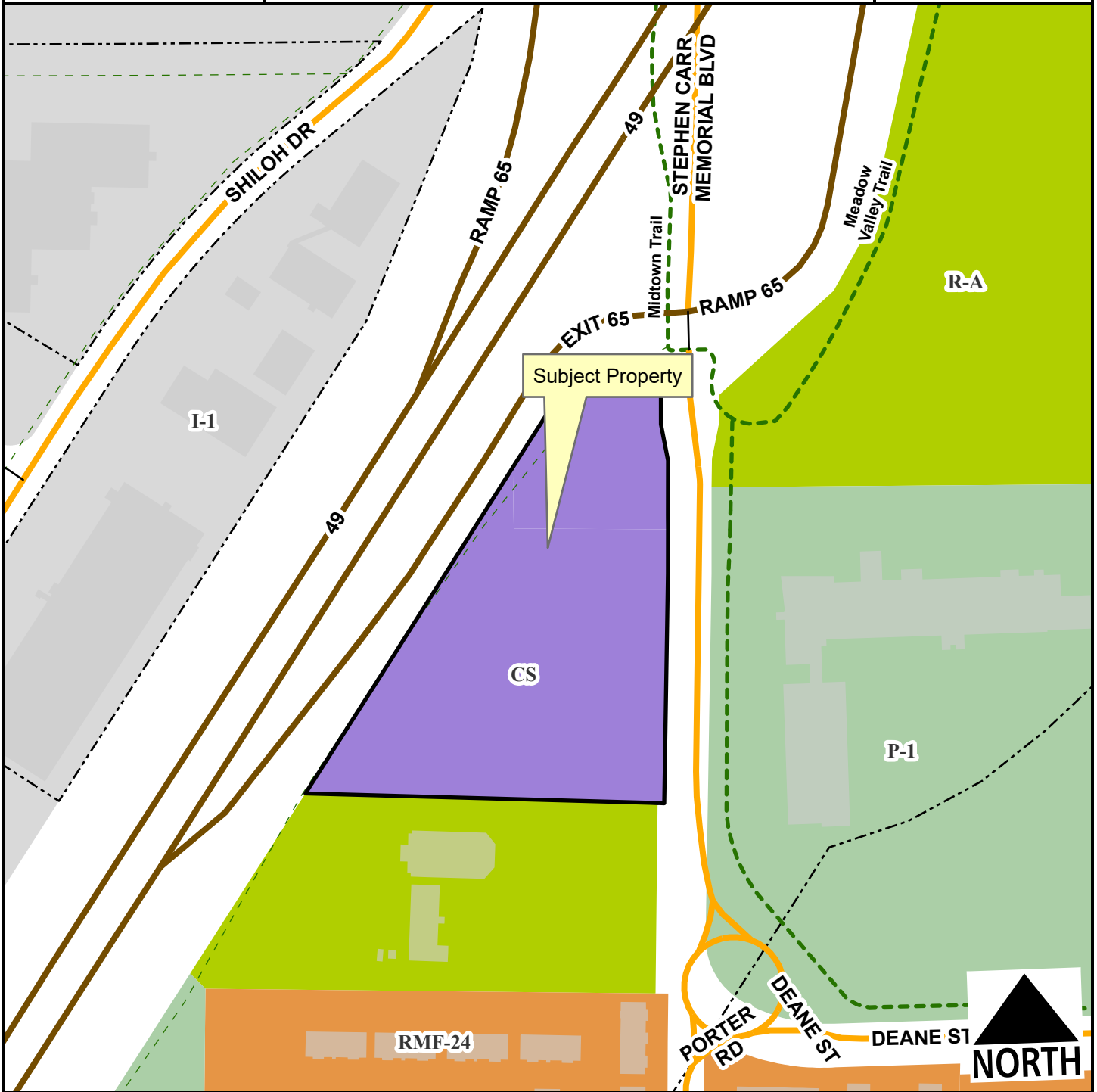


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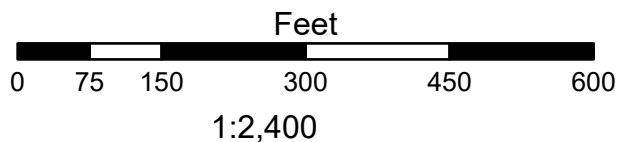
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1909 N STEPHEN CARR MEMORIAL BLVD

Close Up View



- Neighborhood Link
- Freeway/Expressway
- Residential Link
- Planning Area
- Fayetteville City Limits
- Shared-Use Paved Trail
- Trail (Proposed)
- Design Overlay District



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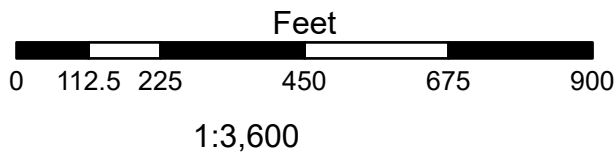
1909 N STEPHEN CARR MEMORIAL BLVD



Current Land Use



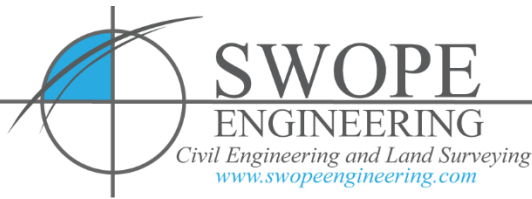
- Neighborhood Link
- Freeway/Expressway
- Residential Link
- Planned Neighborhood Link
- Trail (Proposed)
- Planning Area
- Fayetteville City Limits
- Design Overlay District



FEMA Flood Hazard Data

- 100-Year Floodplain
- Floodway

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 May 4, 2026
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April 8th, 2026

City of Fayetteville Planning Commission
113 W. Mountain Street
Fayetteville, AR 72701

**RE: Fayetteville VA Clinic
Waiver Request, front build to requirement**

I am respectfully requesting a variance from the front build to requirement of the City of Fayetteville Unified Development Code (UDC) for the property located at 1909 N Stephen Carr Memorial Blvd. The requested variance would allow the proposed building to be set back approximately 50 ft beyond the required build to line to accommodate the VA drop-off entrance at the closest point to the proposed bus transit stop and passenger waiting area along the adjacent roadway.

The requirement to "front" the proposed VA building to the major road would orient the back of the building to Stephen Carr Memorial Drive. However, this does not allow the VA transportation, or future regional transit, to pickup/drop-off passengers for front-door access. Front door access is required for proper check-in/check-out procedures as required by VA standard rules.

Strict compliance with the front build to requirement creates a practical difficulty due to the site-specific constraint of a VA operations, including pedestrian and passenger flow. Without the requested adjustment, an operating VA facility is not feasible with transit.

The variance is not self-imposed and is requested specifically to support public transportation infrastructure, and proper access to veterans' use of a local facility. Granting the variance aligns with the intent of the UDC and the City of Fayetteville's goals for multimodal transportation, pedestrian safety, and transit-supportive development.

The setback variance will not adversely affect surrounding properties or alter the character of the area. It increases separation from Stephen Carr, improves safety, and enhances the functionality of the streetscape and overall facility.

For these reasons, we respectfully request approval of the variance. Thank you for your time and consideration.

Sincerely,

Phil Swope, PE
Project Engineer



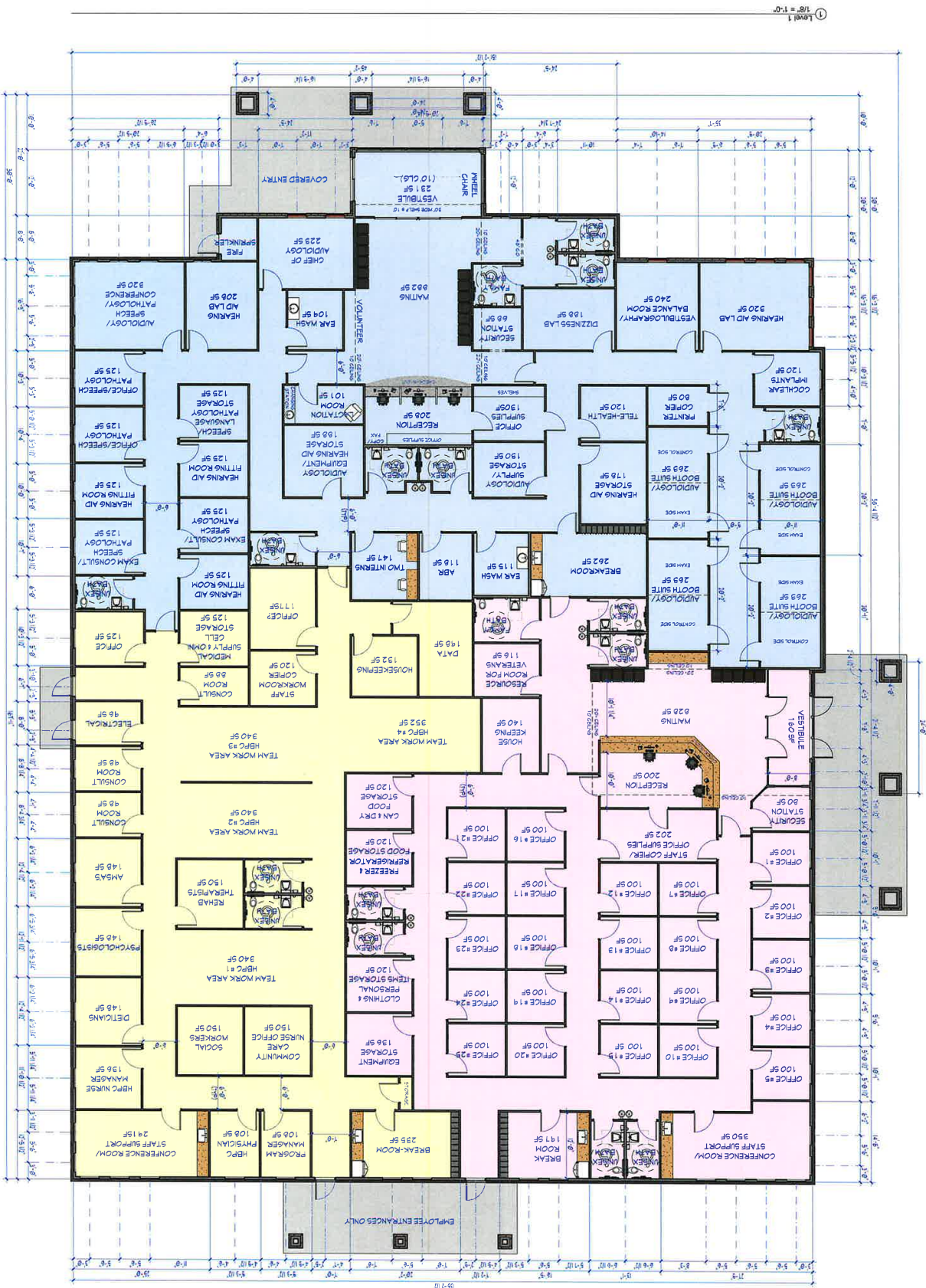
IMPORTANT NOTE ABOUT PLAN LIABILITY:
THESE DRAWINGS HAVE NOT BEEN SEaled OR LEGAL FOR USE IN THE CONSTRUCTION OF ANY BUILDING OR STRUCTURE. THE DESIGNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR ANY DAMAGE TO PERSONS OR PROPERTY ARISING FROM THE USE OF THESE DRAWINGS. THE DESIGNER SHALL NOT BE RESPONSIBLE FOR ANY DAMAGE TO PERSONS OR PROPERTY ARISING FROM THE USE OF THESE DRAWINGS.

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HOME PLANS
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VA - Fayetteville Audiology
1st FLOOR HEATED
COVERED EXTERIOR
2,200 SF
TOTAL UNDER ROOF
25,465 SF

VERSION # 10
23,685 TOTAL CONDITIONED SF

- 4,673 SF
- 7,643 SF
- 6,369 SF



Level 1
1/8" = 1'-0"

