



**BOARD OF ADJUSTMENT
AGENDA**

February 28, 2018

I. Call to Order

II. Approval of Minutes

III. Old Business:

- 1. Coleman Bass Construction** (*VAR17-0112*)
1800 NW Mystic Avenue
 - Interior Side Setback

Variance*

IV. New Business:

- 1. Premium Retail Services, Inc.** (*VAR18-0006*)
2701 SE J Street
 - Maximum area for Awning Sign

Variance*

V. Other Business

VI. Adjournment

Board of Adjustment
Minutes
February 14, 2018

Meeting called to order by Rick Rogers, Chairman

Present: Joe Haynie, Rustin Chrisco, Rick Rogers, Sam Pearson, and Jan Holland
Staff: Jon Stanley and Tyler Overstreet

Motion by Mr. Pearson, seconded by Mr. Haynie to approve the minutes of January 24, 2018 as written.
Approved 5-0

Old Business

Item #1

Coleman Bass Construction, Variance Request for 1800 NW Mystic Ave, Interior Side Setback,
VAR17-0112

Mr. Rogers states the applicant representative is not present, so moves the item to the end.

New Business

Item #1

North Benton County Land Development, Variance Request for 865 & 867 N Main Street, Fence Height,
VAR18-0004

Tyler Overstreet reads the staff report.

Opened public hearing

No public comments

Closed public hearing

Jenna Roddey & Kyle Cook, representatives, explains the hardship of their variance request.

There is discussion amongst the Board members and the representatives.

Motion by Mr. Rogers, seconded by Mr. Haynie to amend the request. Amendment: front-facing street fence and rear yard will be 6 feet; side yard will be 8 feet with a taper from 8 feet to 6 feet over a length of one fence panel.

Approved 5-0

Item #2

ELB Land Holdings, LLC, Variance Request for 3308 SW Stonepoint Avenue, Interior Side Setback & Lot Width, VAR18-0005

Tyler Overstreet reads the staff report.

Mr. Stanley confirms that there is a building permit.

Opened public hearing

No public comments

Closed public hearing

Chuck Bell, representative, speaks before the Board and states the reason for the variance request.

Mr. Overstreet gives some more explanation for the variance and the incidental subdivision.

There is discussion amongst the Board members.

Interior Side Setback

Approved 4-1

Mr. Chrisco votes against.

Lot Width

Approved 4-1

Mr. Chrisco votes against.

Old Business

Item #1

Coleman Bass Construction, Variance Request for 1800 NW Mystic Ave, Interior Side Setback,
VAR17-0112

Motion by Mr. Rogers, seconded by Mr. Pearson to table the item as applicant was not present.
Planning staff will notify the applicant. Action will be taken at the next meeting whether applicant is
present or not.

Tabled 5-0

Motion by Mr. Pearson, seconded by Mr. Haynie to adjourn.

Meeting adjourned

Ali Worley

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

BOA STAFF REPORT

VAR 17-0112, Coleman Bass Construction – Interior Side Setback

TO: Bentonville Board of Adjustment Members
THRU: Shelli Kerr, Community Development Director
FROM: Tyler Overstreet, Planner
BOA DATE: January 10, 2018 – January 24, 2018 – February 14, 2018 –
February 28, 2018

GENERAL INFORMATION:

Representative: Keith Coleman

Applicant: Coleman Bass Construction

Location: 1800 NW Mystic Avenue

Existing Zoning: R-1, Single Family Residential

Existing Land Use: Low-Density Residential

REQUEST: Variance

Interior Side Setback		
	Regulation	Request
Article 401, Sec 401.7-B.C.3 Minimum Setback Requirements	Interior Side Setback: 7'	Request of: 6' Variance of : 1'

SURROUNDING ZONING:

Direction	Zoning
North	R-1, Single Family Residential
South	R-1, Single Family Residential
East	R-1, Single Family Residential
West	R-1, Single Family Residential

BACKGROUND:

The applicant has submitted a variance request to the interior side setback for property in the R-1, Single Family Residential zoning classification, located at 1800 NW Mystic Avenue, to allow for the construction of a new single-family dwelling. The applicant is requesting a 6' interior side setback be allowed which is a variance of 1' from the 7' required by ordinance. There are no utility easements that will be impeded with the proposed addition.

For additional information, please reference the attached documents.

PUBLIC COMMENT:

Staff **HAS** received public comment regarding this request.

CONDITIONS OF APPROVAL:

If approved, the following condition(s) shall apply:

1. The approved variance shall be for Lot 63 of Windemere Woods Phase 1 only as provided by the applicant within this application.
2. The approved variance shall be for the proposed footprint only as provided by the applicant within this application. The applicant will need to provide a revised footprint to the Building Inspection Department if variance is approved.
3. Any projections into the side setback between Lots 63 & 64 of Windemere Woods Phase I including but not limited to soffits, fascias, bay windows or any other projections, must be non-combustible material and 1 hour rated construction. The ventilation of soffits is prohibited on side locations where the 10' fire separation requirements cannot be achieved. There shall be no doors or windows along the east wall of the home to be constructed on Lot 63.
4. Applicant shall consult and again approval from the Building Inspection Department prior to framing.



To Whom It May Concern:

Attached is a photo of where cuts will be made into slab and where new wall will be built and also a plat on the footprint of the home and setback.

Photo explanation: There are two white lines on the picture of the slab, the white line to the far right of the picture is the line where we will be cutting and removing the slab from that line to the edge of the pop out. Exposing the hole in the slab will allow us to dig down under the slab, remove plumbing, gravel and fill. Then the pop out itself will be cut off in pieces and a new wall built on the white line, making the entire side of the wall flush with no pop outs.

The plat shows that the home will be 6 feet and 1 inches off of the current property line. This puts the depth of the house, which is 44 ft being 11 inches into the setback, which means we are asking for a hardship variance on just over 3% of the setback on that one side of the house.

There have been meetings with the engineer on the subject and project will be completed to his specs just as the first wall, so that structural integrity and strength will not be compromised.

Sincerely,

Survey Description

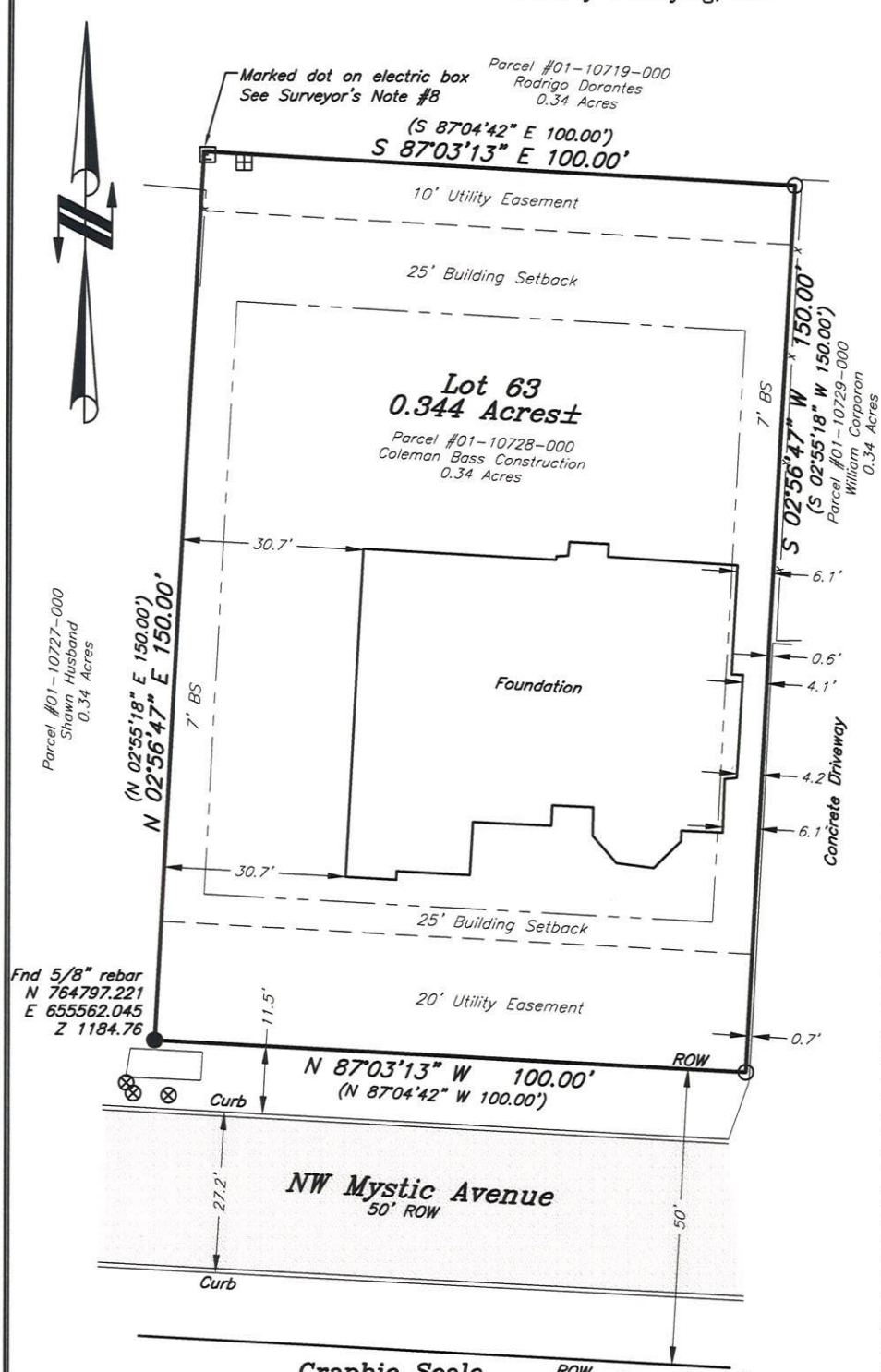
All of Lot 63 of Windemere Woods Phase 1 in Bentonville, Benton County, Arkansas as recorded in Plat Record 2003-38 in the Circuit Clerk's office.

Surveyor's Certification

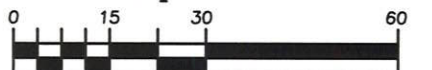
To Keith Coleman: This is to certify that an accurate survey was made of the hereon-described property and that this plat is the results of that survey. The land was surveyed under the supervision of Jim Ramsey, PS #1227, with a plat of said survey filed in the Benton County Circuit Clerk's office in Bentonville, Arkansas. FLOOD CERTIFICATION: According to this survey, no part of the above described land appears to lay in a known flood area, according to FIRM Community Panel number 05007C0090 J, effective date, September 28, 2007. The property surveyed is located in Zone X. A search for recently completed LOMAs effecting the location of the flood zone has not been completed at this time. This survey was completed on February 19, 2018. This plat was completed on February 20, 2018.

Surveyor's Notes:

1. In providing this survey, no attempt has been made to show data concerning location, size, depth, condition or capacity of underground utilities existing on site. Only visible utilities have been located on this survey.
2. No abstract of title, nor title commitment, or results of a title search were furnished to the surveyor. All documents of record reviewed are noted hereon. There may exist other documents of record that affect this surveyed parcel.
3. Ramsey Surveying, Inc. has made no additional investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.
4. Basis of bearings is Grid North according to the Arkansas Coordinate System, North Zone, derived from GPS RTK method. Record bearings in parentheses are according to Plat Record 2003-38.
5. This plat represents a survey of Parcel #01-10728-000.
6. The purpose of this survey is to mark the property corners and to show visible improvements.
7. Horizontal coordinates shown on this survey were established by GPS RTK method and are based on NAD 83 datum, City of Rogers Reference Station. Elevations shown on this survey were established by GPS RTK method and are based on NAVD 88 datum, City of Rogers Reference Station. This survey used a combined scale factor of 0.999988607 with a convergence angle of $-1^{\circ}17'55.86275''$ calculated at N 764835 E 655553 Z 1182.
8. The location of the property corners set on this survey is based on multiple corners found on several surrounding lots. This survey did not yield to a found "X" on the electric box at the Northwest Corner.



Graphic Scale



LEGEND

- Found 5/8" Rebar
- Set 5/8" Rebar
- ⊠ Electric Box
- ⊗ Water Meter
- ⊞ Broadband Pedestal

- Property Boundary
- - - Building Setback
- - - Utility Easement
- x - Privacy Fence
- == Curb

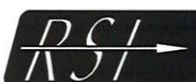


Survey Description

All of Lot 63 of Windemere Woods Phase 1 in Bentonville, Benton County, Arkansas as recorded in Plat Record 2003-38 in the Circuit Clerk's office.

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RAMSEY SURVEYING, INC.
1729 West Poplar Street
Rogers, Ar. 72758
www.ramseysurveying.com

Job: Lot Survey For
Keith Coleman

Scale 1"=30'

Date: 2/20/18

Location: Lot 63

Windemere Woods Phase 1

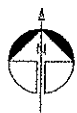
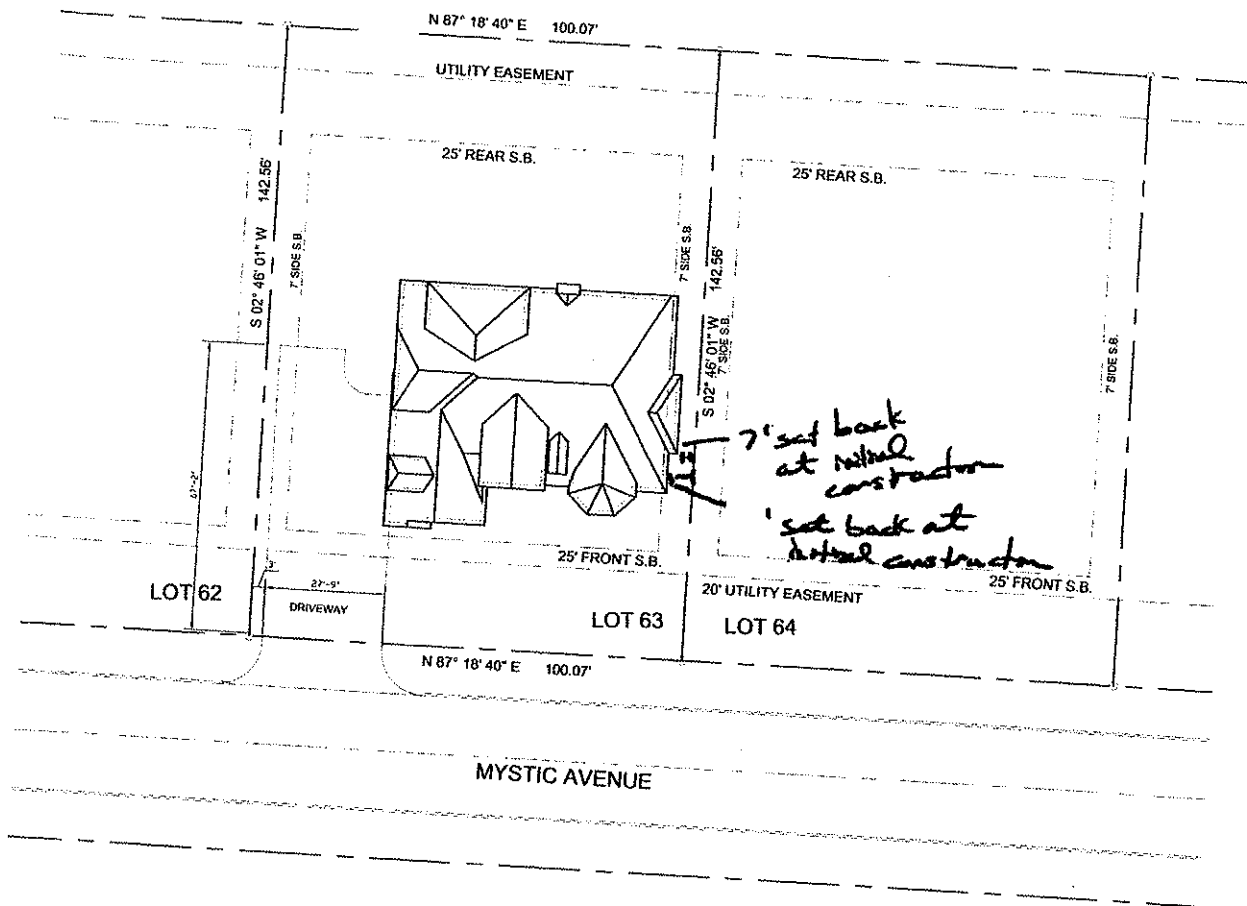
Jim F. Ramsey PS #1227
479-631-6663

Drawn By: JFR

Rev:

Job Number:
18049





SITE PLAN

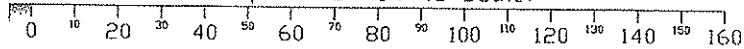
SCALE: 1" = 20'-0"

WINDMERE SUBDIVISION

LOT 63, Mystic Avenue

02/28/17

GRAPHIC SCALE (if print is not to scale)



* Original site plan + build
 Wall was pushed to inside of footing making
 everything, including pop-out meet the set back
 limit of 7'

BOA STAFF REPORT

VAR18-0006, Premium Retail Services, Inc., Signs on Private Property (Max. Sign Area for an Awning Sign)

TO: Bentonville Board of Adjustment Members
THRU: Shelli Kerr, Community Development Director
FROM: Jon Stanley, Senior Planner
BOA DATE: February 28, 2018

GENERAL INFORMATION:

Representative: Chuck Somborn & Brain Cameron

Applicant: Premium Retail Services, Inc.

Location: 2701 SE J Street

Existing Zoning: C-2, General Commercial

Existing Land Use: Office Building

REQUEST: Variance

Maximum Sign Area Variance		
	Regulation	Request
Article 801, Sec 801.15.A Maximum Sign Area for an Awning Sign.	Maximum area of a Awning Sign shall not exceed 32 sq. ft.	Request of: 72 sq. ft. Variance of: 40 sq. ft.

SURROUNDING ZONING:

Direction	Zoning
North	C-2, General Commercial
South	C-2, General Commercial
East	C-2, General Commercial
West	C-2, General Commercial

BACKGROUND:

The applicant has submitted a variance request to the maximum height of an awning sign on property located at 2701 SE J Street. The applicant is requesting a variance to the maximum area of an Awning Sign. The applicant is requesting 72 square feet of sign area be allowed which is a variance of 40 square feet from the 32 square feet allowed by ordinance.

For additional information, please reference the attached documents.

PUBLIC COMMENT:

Staff has **NOT** received public comment regarding this request.

CONDITIONS OF APPROVAL:

If approved, the following condition(S) shall apply:

1. The approved variance shall be for the proposed height, area, location and materials of the sign only, as provided by the applicant within this application.
2. The applicant shall obtain a sign permit prior to constructing the sign.
3. The sign must be located a minimum of 5 feet from all public utilities.

Premium.

February 16, 2018

Premium Retail Services City of Bentonville Awning Signage Appeal

Obviously, the Bentonville community is comprised of many businesses who partner with Walmart. Many in the community may not realize that last fall, Walmart narrowed the list of merchandising organizations that are permitted to work in their stores from several dozen – some estimates place the number at over 60 organizations – to only five. The announcement has fundamentally changed the marketplace and impacted many companies in and around Bentonville.

Premium Retail Services (Premium), a 33-year-old Chesterfield, Missouri-based national retail solutions provider was named one of Walmart's five preferred merchandising service providers. Premier Concepts (Premier), a long-term, Bentonville-based merchandising and analytics organization whose entire business is conducted within Walmart stores, was not.

Premium acquired Premier's business in January 2018. Premier's employees have been retained as Premium employees and our combined organization remains committed to serving Walmart and investing in the Bentonville community. This spring, Premium's NWA team will relocate to the former Premier headquarters located on SE J Street in Bentonville from their current location in Rogers. Now called the Premium Retail Solutions Center, everyone on our team is incredibly excited about the future of our company and our beautiful, modern facility.

As indicated in the provided documentation, Premium's Retail Solutions Center is an attractive two-story building situated facing the intersection of SE J St and SE 28th St. Because of its unique architecture and its orientation, the most prominent feature of the building is a awning upon which the Premier Concepts sign has always hung.

Premium provided the city of Bentonville a rendering of a proposed building sign to replace the former Premier Concepts sign on that awning. This rendering was rejected, despite our attempts to replace the existing Premier sign with a Premium sign of similar dimensions. We have been informed that the signage code for awnings permits signs of a maximum 32 square feet.

As our proposed sign is 71.68 square feet, we respectfully request a variance of 40 square feet on the following grounds:

1. It is crucial to our business that Walmart, its partners and Suppliers understand that Premier is now Premium and therefore is one of only five companies in our industry permitted to provide service in Walmart stores. The similarity of our names and the fact that we have long been competitors that have been confused for one another – Premium and Premier – only adds to potential for confusion. We believe that not making this distinction very apparent on our building could have an adverse effect on our business and our investment in Bentonville.



Premium.

2. The awning upon which we would like to erect our Premium sign sits nearly 62 feet from the intersection, making the small signage square footage permitted for awning signs an inadequate size for appropriate visibility. Further, the building's angled orientation at the corner prevents a straight, 90-degree view of the awning at any point, further hindering the ability to view a small sign.
3. The unique architecture and positioning of the building prevents a sign of suitable size from being erected in a visually pleasing way anywhere else on the building besides the awning. The building features a large amount of stonework, dormers with oversized windows, and an angled roof. Our concern is that any attempt to place a sign of suitable size elsewhere on the building will compromise the pleasing aesthetics of those elements, sacrificing the elegance of the building far beyond making an exception for a awning-mounted sign.
4. Our rendering was designed to complement the architecture of the building, incorporating elements seen elsewhere on the building, including black slatted material and tan accents. We believe that our proposed Premium sign is more visually appealing than the previous Premier Concepts sign we would be replacing.
5. Despite the fact that the Premium sign proposed is larger than the Premier sign it would be replacing, much of that is due to the differences in our respective logos. Premiere Concepts' logo was all capital letters. Premium's logo is a subtle, classic, mixed case design. Because the Premium logo is a bit more delicate in its nature, we must place a backing material behind it. This backer adds to the sign's overall dimensions, but the logo portion itself will remain smaller than the Premier logo was. The backer is largely black, designed to architecturally complement the building and will virtually disappear, especially at night.

On behalf of our Premium family, I appreciate your time and careful consideration of our position. We are firm in our commitment to growing this business in Bentonville and we look forward to next steps.

Respectfully,

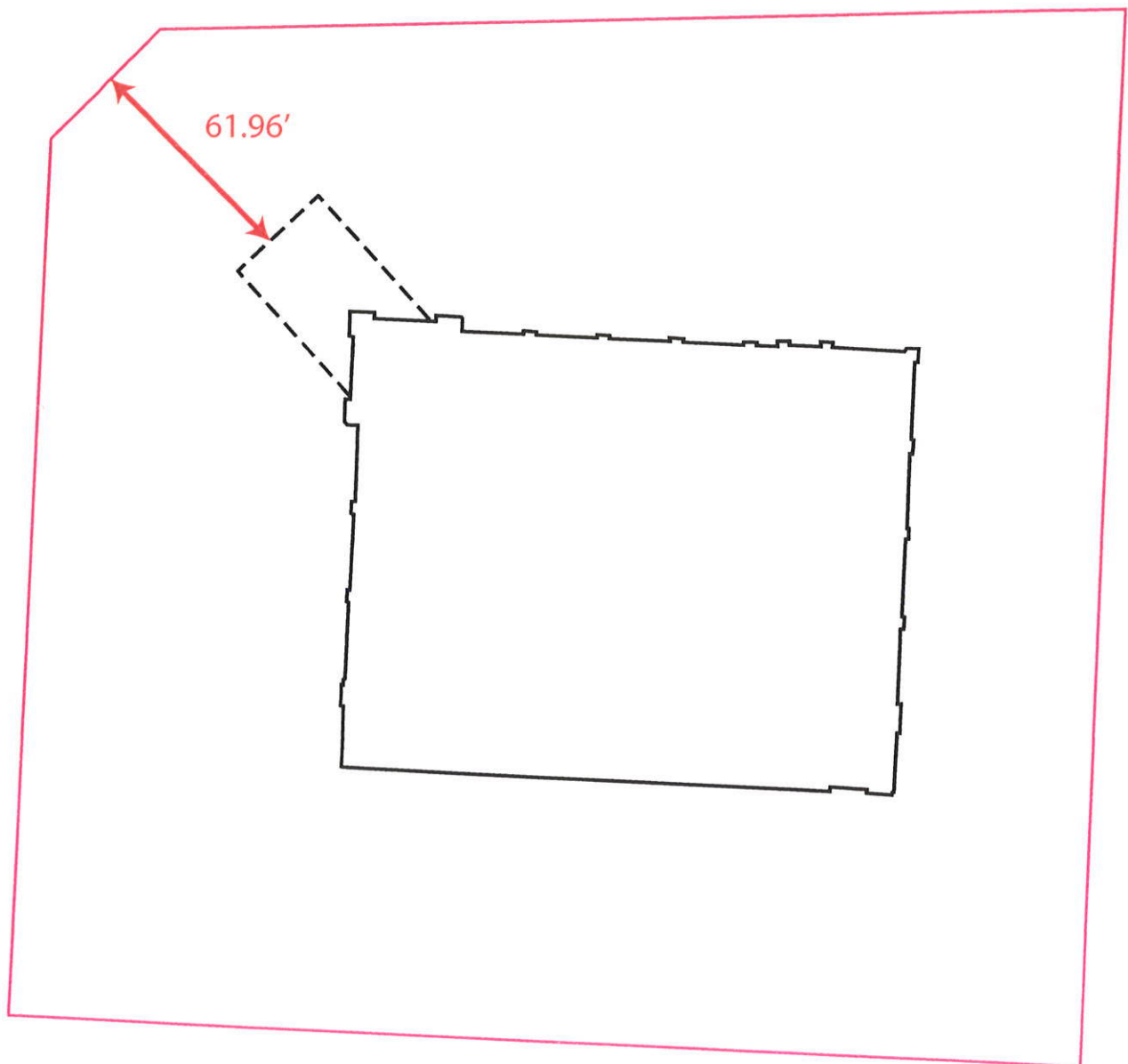
Brian Cameron | *VP, Marketing & Communications*
bcameron@premiumretail.com
636.534.2571



Building sign — Scaled site plan.

Existing and proposed structures —
Setback from the structure
to the property line: **61.96'**

Property boundary	
Awning footprint	
Building footprint	
Setback to existing/ proposed sign	



Premium.

2

Building sign —
Former design / with existing canopy.

Sign area: 52.18 sq.ft.



Premium.

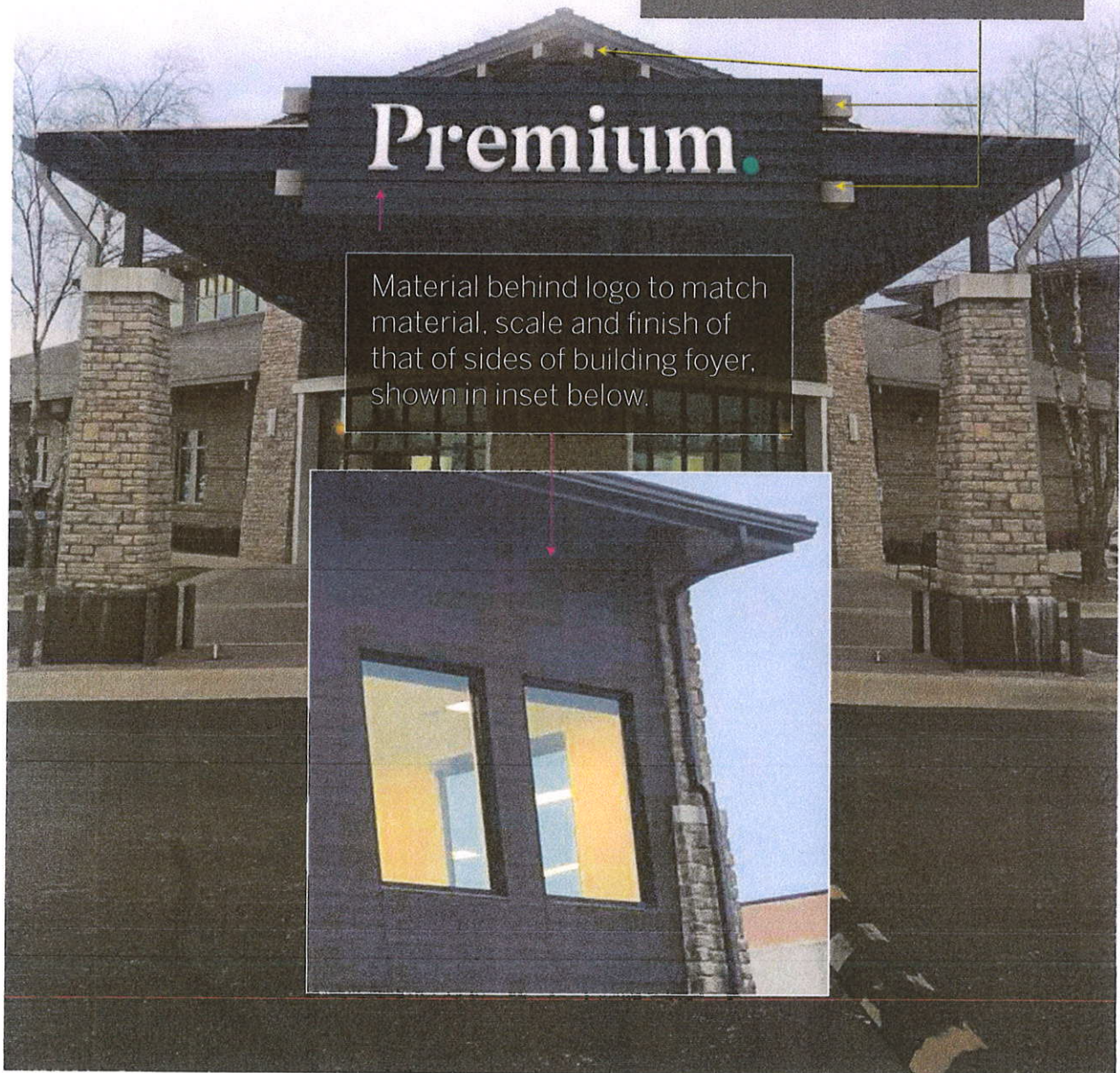
3

Building sign — Proposed design.

Sign area: 71.68 sq.ft.

Material of tan posts behind sign backdrop should match material of the criss-crossed posts above the foyer, noted by the yellow arrows.

Material behind logo to match material, scale and finish of that of sides of building foyer, shown in inset below.



Premium.

4

Building sign —
Scaled drawing.

