



**BOARD OF ADJUSTMENT
AGENDA
November 14, 2018**

I. Call to Order

II. Approval of Minutes

III. New Business:

1. Bentonville/Bella Vista Trailblazers

Variance*

304 Coler Trail (*VAR18-0031*)

- Maximum Sign Height

2. Malec

Variance*

4800 SW Blaire Mont Road (*VAR18-0032*)

- Rear Yard Setback

3. Cornerstone Construction Homes, Inc.

Variance*

SW Elm Tree Road (*VAR18-0033*)

- Fence Location Adjacent to Public Right-of-Way

IV. Other Business

1. 2018 and 2019 Board of Adjustments Schedules

V. Adjournment

Board of Adjustment
Minutes
October 24, 2018

Meeting called to order by Rick Rogers, Chairman

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

Motion by Mr. Pearson, seconded by Mr. Haynie to approve the minutes of September 26, 2018 as written.

Approved 4-0

New Business

Item #1

LaRose Fields, Variance Request for 1401 SE Eagle Way, Maximum Sign Height, VAR18-0029

Tyler Overstreet reads the staff report.

Opened public hearing

No public comments

Closed public hearing

Mark Daniels, applicant, with Sign Studio explains the variance request.

Matthew LaRose, owner, spoke in favor due to visibility concerns.

Board members agree on having an 18" masonry base.

Approved 4-0

Item #2

Inclusion Realty, Variance Request for 502 SE C Street, Interior Side Setback, VAR18-0030

Tyler Overstreet reads the staff report.

Opened public hearing

No public comments

Closed public hearing

Applicant was not present. There was discussion amongst the Board members.

Approved 3-1

Mr. Chrisco votes against.

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

Meeting adjourned

Ali Worley

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

BOA STAFF REPORT

VAR18-0031, Bentonville/Bella Vista Trailblazers, Signs on Private Property (Max. Sign Height)

TO: Bentonville Board of Adjustment Members
THRU: Shelli Kerr, AICP, Community Development Director
FROM: Tyler Overstreet, Planner
BOA DATE: November 14, 2018

GENERAL INFORMATION:

Representative: India Olson, Ecological Design Group

Applicant: India Olson, Ecological Design Group

Location: 304 Coler Trail

Existing Zoning: A-1, Agricultural

Existing Land Use: Trail Property Under Development

REQUEST: Variance

Maximum Sign Height		
	Regulation	Request
Article 801, Sec 801.15.A Maximum Sign Height	Maximum Height of a non-residential sign in a residential zoning district shall be six (6) feet above grade.	Request of: 12' Variance of : 6'

SURROUNDING ZONING:

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

BACKGROUND:

The applicant has submitted a variance request to the maximum height of a freestanding, single tenant sign on property located at 304 Coler Trail, north of NW 3rd Street. The applicant is requesting two 12-foot non-residential signs be allowed in property zoned A-1, Agricultural, which is a variance of 6 feet from the 6 feet allowed by ordinance. The total square footage of the proposed signs are 39 square feet per face, with 32 square feet of sign text area, meaning that the signs otherwise meet the ordinance. All measurements shall be from final adjacent grade.

For additional information, please reference the attached documents and memo.

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 signs only as provided by the applicant within this application.
2. The applicant shall obtain sign permits prior to constructing the signs.
3. The sign must be located a minimum of 5 feet from all public utilities and any encroachment into a public easement shall be approved by the appropriate city departments prior to construction of the sign.

Variance Request for Board of Adjustment Narrative

To: City of Bentonville, Board of Adjustments
From: NWA Trailblazers Association, Inc.
Date: November 5, 2018

On behalf of NWA Trailblazers, Ecological Design Group, Inc. (EDG) is submitting this project narrative as part of the variance request to the Board of Adjustments. In order to erect signage that is easily visible from the road for passing motorists and pedestrians that is aesthetically pleasing and compliments the natural environment, the applicant is seeking a variance from the City of Bentonville Zoning Ordinance, *Article 801.15 (A): Sign Ordinance – Private Property; Signs Allowed with a Sign Permit; Height* to allow for two monument signs in the A1 district that have a maximum height of 12 feet, a sign text area of approximately 32 square feet, and a maximum overall sign size of approximately 39 square feet per sign face. Aside from the height, these signs would otherwise meet the provisions of the ordinance. One sign is proposed to be located on 3rd Street (see Exhibit A) and the other sign is proposed to be located at Peach Orchard (see Exhibit B).

Variance Request for Board of Adjustment Narrative:

- Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures, or buildings in the same district.
 - The sites for which the variances are being requested have steep topography, are heavily wooded and have unique sight line challenges. Because of these reasons, a sign meeting code requirements would lack the necessary scale and visibility to be effective in its purpose to identify the site to the public. The proposed vertical monument sign will be visible from the street while complementing the natural landscape. In addition, while one of the two properties is around 3 acres, the other is over 8 acres and serves as the gateway to a 111 acre parcel, which is the largest parcel zoned A-1 in this immediate area. The proposed signage would more appropriately match the scale of the properties. If a monument sign meeting code requirements was located at 3rd street, it would not be visible to a driver or passing cyclist traversing 3rd street from the east or west direction due to the existing topographical challenges as the entrance is located at a low point in the road. In addition, there is a retaining wall located on the north side of the road blocking the view of the sign. A monument sign meeting code requirements located at Peach Orchard would lack the necessary scale to be easily visible from the other side of the street due to the large right-of-way to allow for future expansion of Peach Orchard.
- Literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
 - Because the area is heavily wooded, the literal interpretation of this zoning ordinance would deprive the applicant from clearly identifying their property. A 6 foot tall sign would lack the necessary size to be visible from a passing driver, cyclists or pedestrians. A monument sign meeting code requirements located at 3rd street would not be visible to a driver or passing cyclist traversing 3rd street from the east or west direction due to the existing topographical challenges as the entrance is located at a low point in the road. In addition, there is a retaining wall located on the north side of the road blocking the view of the sign. A monument sign meeting code requirements located at Peach Orchard would lack the necessary scale to be visible from the other side of the street due to the large right-of-way to allow for future expansion of

Peach Orchard. In addition, a horizontal monument sign meeting code requirements at this location would be located in the floodway of the nearby creek.

- The special conditions and circumstances do not result from the actions of the applicant.
 - The request for this variance is not due to the direct actions of the applicant because the applicant wishes to provide signage that compliments the natural environment and scenic views, while remaining visible to drivers, visitors, and cyclists. The proposed sign location at 3rd Street is limited due to the right-of-way and easement restrictions. In addition, the existing topography creates significant challenges so that a monument sign meeting code requirements located at the 3rd street entrance would not be visible to a driver or passing cyclist. In addition, there is an existing retaining wall that blocks the view of the sign. A monument sign meeting code requirements located at Peach Orchard would lack the necessary scale to be visible from the other side of the street due to the right of way being so wide to allow for future road expansion. In addition, a horizontal monument sign meeting code requirements at this location would be located in the floodway of the nearby creek.

If you need any additional information or have any questions, please do not hesitate to contact me at (479) 935-4826.

Sincerely,
Ecological Design Group, Inc.



India Olson

Exhibit A

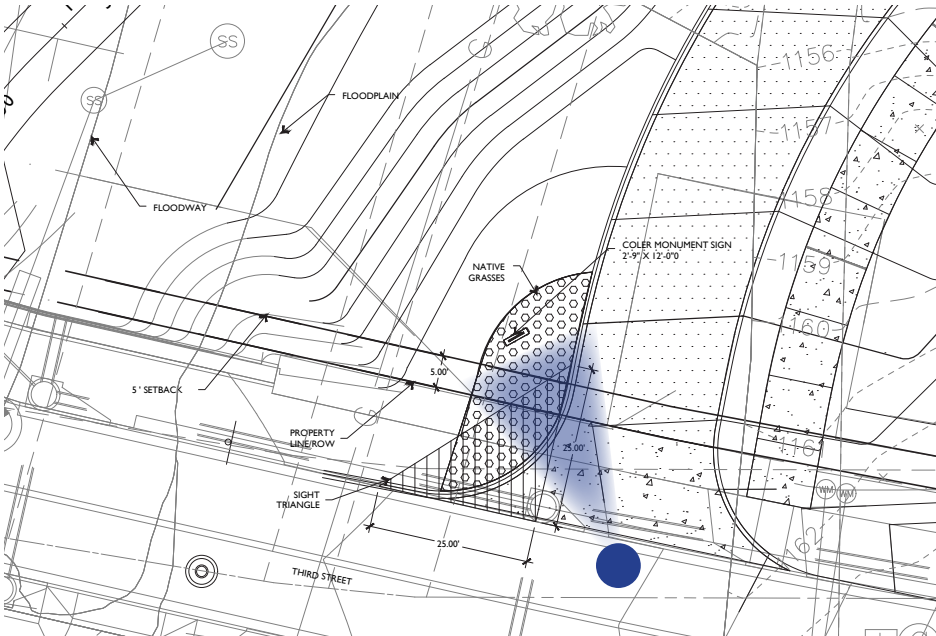
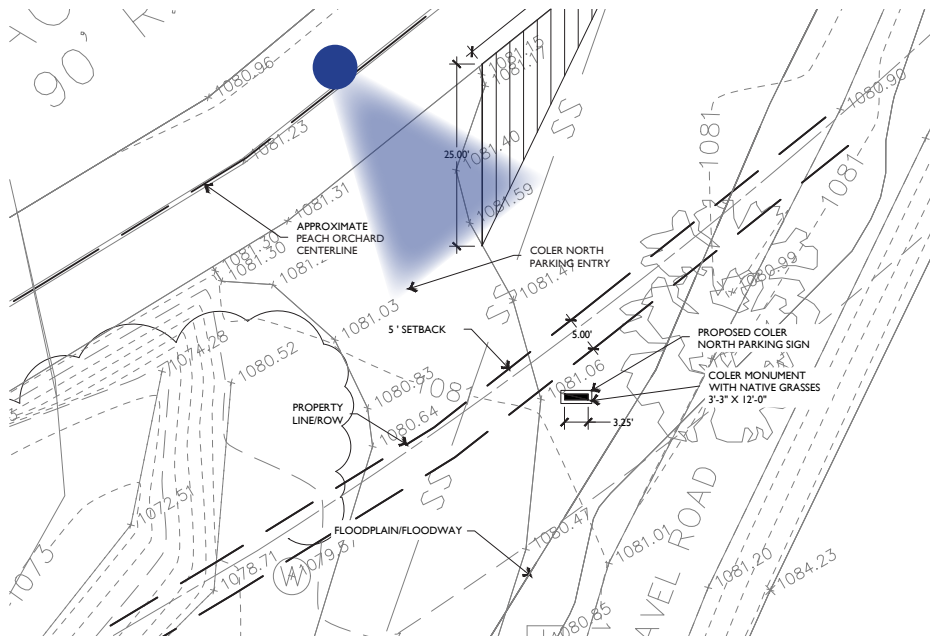
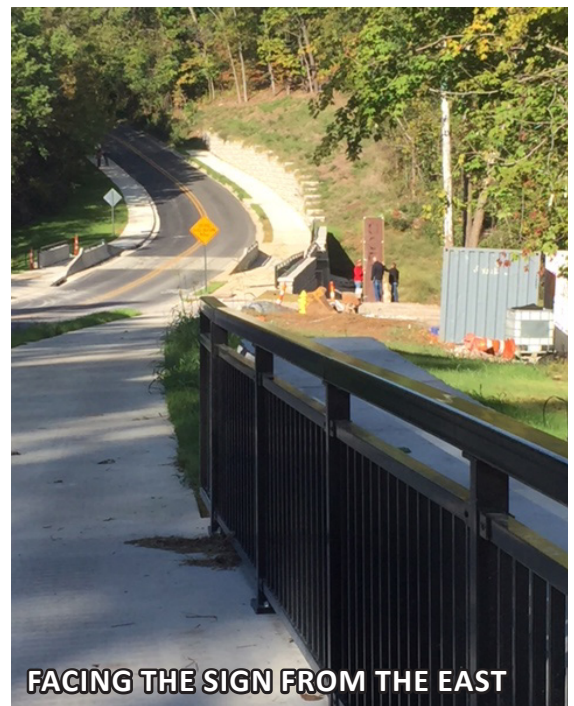


Exhibit B

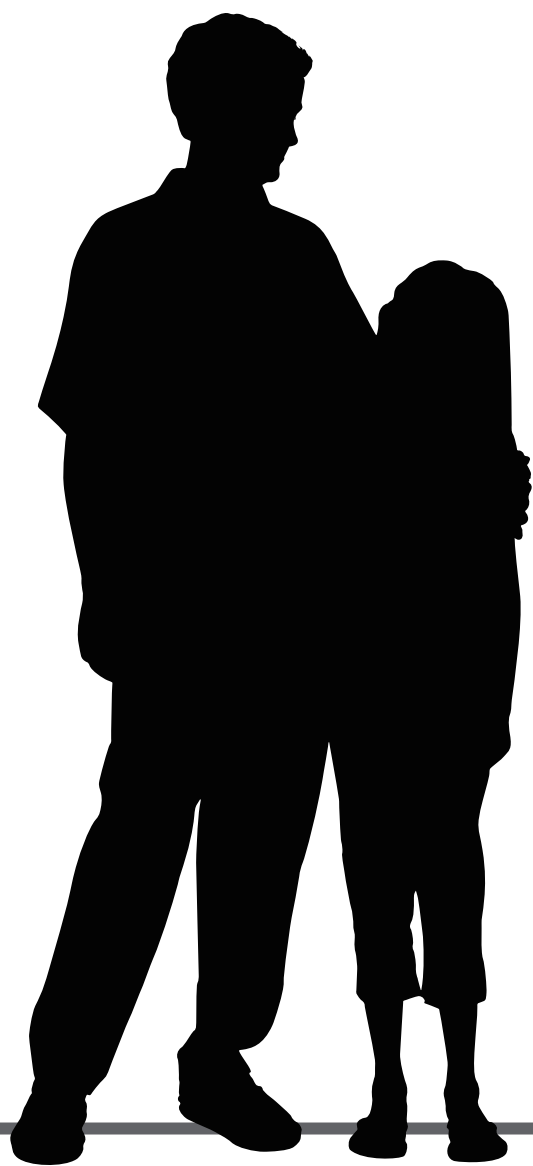


PROPOSED MONUMENT SIGN ON 3RD STREET



PROPOSED MONUMENT SIGN ON PEACH ORCHARD

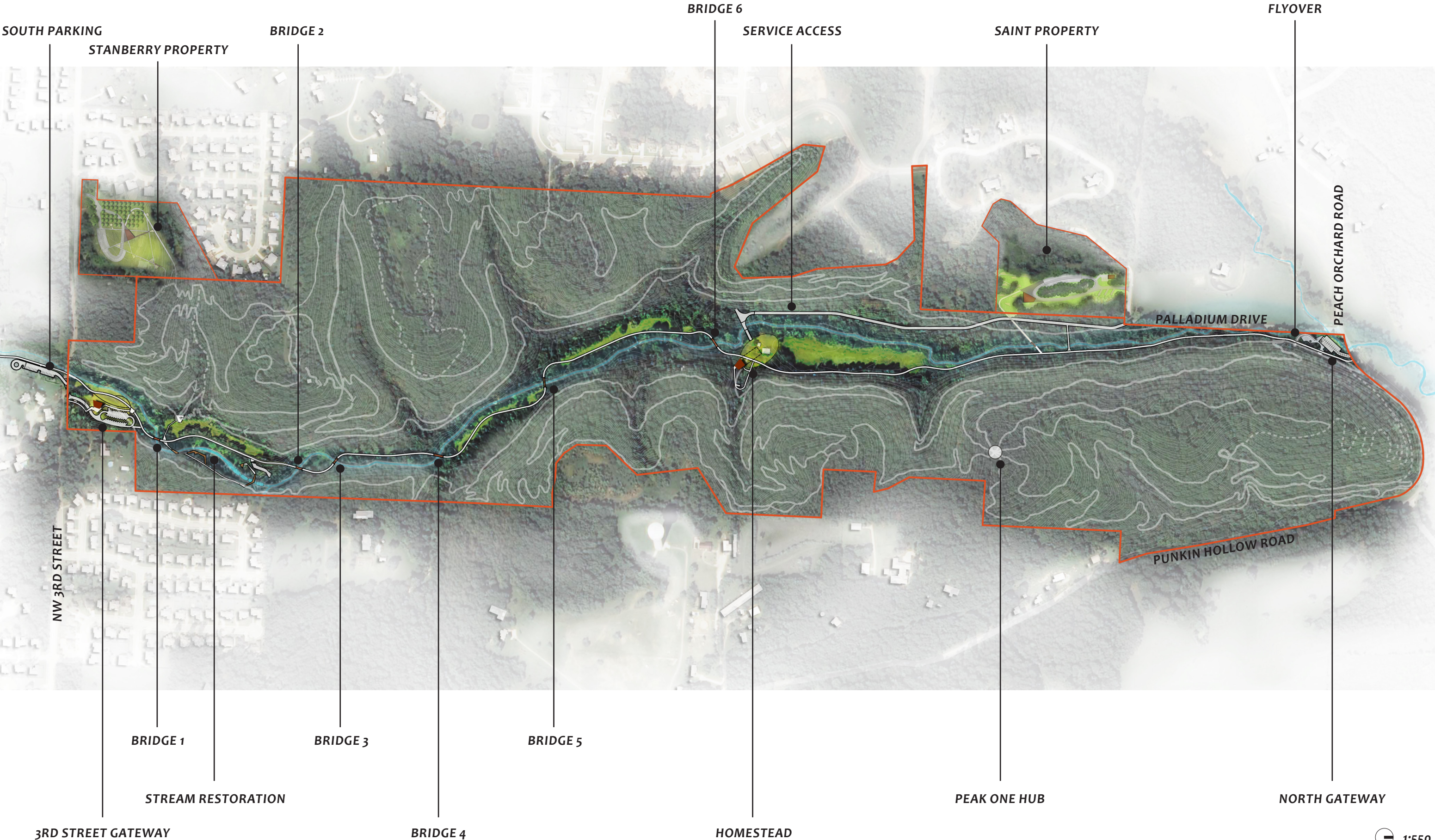




3'-3" x 12'
18" subsurface
north gateway and south gateway / 3rd street
metal slab with cut through typography
front



3'-3" x 12'
18" subsurface
north gateway and south gateway / 3rd street
metal slab with cut through typography
back



BOA STAFF REPORT

VAR18-0032 – Malec – Rear Yard Setback Variance

TO: Bentonville Board of Adjustment Members
THRU: Shelli Kerr, AIPC, Community Development Director
FROM: Tyler Overstreet, Planner
BOA DATE: November 14, 2018

GENERAL INFORMATION:

Representative: David Anderson

Applicant: James & Kimberly Malec

Location: 4800 SW Blaire Mont Road

Existing Zoning: R-1, Single-Family Residential

Existing Land Use: Existing Single-Family Home

REQUEST: Variance

Interior Side Yard Setback Variance		
	Regulation	Request
Article 401. Sec 401.07.d.1 Minimum Rear Yard Setback Standards for R-1	25' minimum rear setback	Request of: 6.7' Variance of : 18.3'

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 rear setback for property located at 4800 SW Blaire Mont Road that resides in the R-1, Single-Family Residential zoning classification to allow for the construction of a roof structure over an existing concrete patio. The applicant is requesting the edge of the proposed roof structure be 6.7' from the rear property line, a variance of 18.3' from the 35' required 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 footprints of the covered patio only as provided by the applicant within this application
2. The applicant must obtain an approved building permit prior to construction of the structures.
3. Any projections into the 5 foot setback including but not limited to soffits, fascias, bay windows or any other projections, must be non-combustible material or 1 hour rated construction. The ventilation of soffits is prohibited on side locations where the 10 foot fire separation requirement cannot be achieved.
4. Applicant shall provide approval from the Lochmoor Club POA on letter head and present to the city prior building permit issuance.

**City of Bentonville
Board of Adjustments
Application for Rear Yard Setback Variance
4800 SW Blaire Mont Road
Bentonville, AR 72713**

City Staff and Directors,

We are applying for a variance to the rear yard setback code to allow for a new roof structure to be built over an existing concrete patio at the rear of the residence. This existing patio is located within the 25' rear yard setback. The 17' x 35' hipped roof is proposed to extend from the existing home to cover the patio and will be supported by brick columns. All finish materials and elevation heights shall match the existing home as built and will be an open air structure.

There is also a proposed chimenea at the furthest edge of the patio area from the home and shall have proper fire safety items including approved fire brick construction or prefabricated unit with a spark arrestor at the chimney with the code clearance above finished roof.

There are no current gutter or drainage plans at the moment as much of the surrounding drip line from the proposed roof is permeable gravel and ground cover with landscaping and root systems from trees and shrubs surrounding the existing concrete patio area. Water run off from the roof will be addressed at time of construction if gutters and french drains will be necessary. Currently the landscaping around the concrete area will continue to utilize rain water.

The proposed structure will be from 6 and a half feet to almost 8 feet from the property line. There is a privacy fence beyond the property line in between neighboring properties. Please see attached survey and plans.

A handwritten signature in black ink, appearing to read 'David Anderson', with a stylized flourish at the end.

David Anderson
gusdesigncoop@gmail.com
479-790-0645

LOT 25

60' ELECTRIC LINE EASEMENT

30' SEWER EASEMENT

DRIVE

2 STORY HOUSE

PATIO

CONC

BBQ

AC

SIDEWALK

SW BLAIR, MONT ROAD

CURB

MAIL

TEL

CABLE

WM

MH

60.0'

30.0'

24.3'

3.9'

24.2'

7'

25'

125.00'

N89°19'09"W 125.38'

N68°59'52"E 125.00'

40.2'

13.7'

R=280.50

R=280.50

LOT 24 LOCHMOOR CLUB SUBDIVISION PER A PLAT FILED IN THE BENTON COUNTY, ARKANSAS
RECORDERS OFFICE IN PLAT RECORD 2004 AT PAGE 76 THRU 79.



ARKANSAS STATE PLANE COORDINATES, NAD 83 NORTH ZONE GRID,
PER CITY OF BENTONVILLE G.I.S. MONUMENTS.

THIS DOCUMENT FILED FOR RECORD
20____ IN PLAT BOOK NO. ____ DA
PAGE ____.

LEGEND

	FOUND IRON PIN
	SET IRON PIN
	PROPERTY LINE
	CONCRETE
	FENCE
	UTILITY EASEMENT
	WATER METER
	MAIL BOX
	ELEC OR CABLE BOX

FRONT	20'
FRONT AT GARAGE	30'
SIDE INTERIOR	7'
SIDE EXTERIOR	20'
REAR	25'

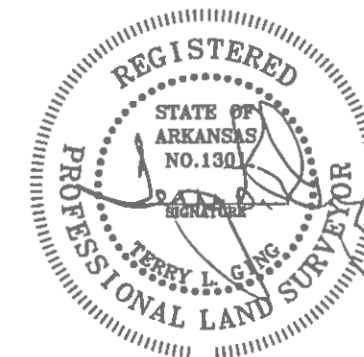
I, TERRY GING, HEREBY CERTIFY THAT THE PLAT CORRECTLY REPRESENTS A BOUNDARY SURVEY MADE BY ME AND BOUNDARY MARKERS AND LOT CORNERS SHOWN HEREON ACTUALLY EXIST AND THEIR LOCATION, TYPE AND MATERIAL ARE CORRECTLY SHOWN AND ALL MINIMUM REQUIREMENTS OF THE ARKANSAS MINIMUM STANDARDS FOR LAND SURVEYOR HAVE BEEN MET

SIGNED: _____
REGISTERED LAND SURVEYOR
NO. 1301
STATE OF ARKANSAS

SURVEYOR:
TERRY GING SERVICES
1808 SW D STREET
BENTONVILLE, AR 72712

OWNER:
MALEC, JAMES AND KIMBERLY
4800 SW BLAIRE MONT RD
BENTONVILLE, AR 72713

PARCEL:
01-11118-000



Bentonville, Arkansas 72712

LOT24
LOCHMOOR CLUB SUB.
4800 SW BLAIRE MONT ROAD
BENTONVILLE, ARKANSAS

EXISTING
SITE PLAN

CHECKED:
TLG 8/30/2018
DRAWN:
TLG 8/30/2018
PROJECT MGR.:
FLG 8/30/2018
FILE NAME:
CHECKED: 8/30/2018
PROJECT No.:
LOCHMOOR LOT 24
PLOT DATE/REV.:
8/30/2018 0
SHEET No.:
CHECKED: 1



PROPOSED COVERED PATIO PLAN
SCALE 1/8"=1'

1' overhang at covered
patio to match existing
home overhang

New chimenea w/
prefabricated fire
box/stone insert
and spark arrestor

1' x 1' brick columns
to match existing columns
at rear entry

Proposed hipped roof
to cover existing concrete
patio, all finishes to match
existing home

24.3'

7.3'

17'

35'

6.7'

24.9'

N68°59'52"E

125.00'

2 STORY
HOUSE

SIDEWALK

PRIVATE RESIDENCE ROOF ADDITION
4800 SW BLAIRE MONT RD

10/10/2018

güs

design cooperative

BOA STAFF REPORT

VAR18-0033 – Cornerstone Construction – Fence Location Adjacent to Public Right-of-Way Variance

TO: Bentonville Board of Adjustment Members
THRU: Shelli Kerr, AIPC, Community Development Director
FROM: Tyler Overstreet, Planner
BOA DATE: November 14, 2018

GENERAL INFORMATION:

Representative: Tim McGuire

Applicant: Cornerstone Construction Homes, Inc.

Location: SW Elm Tree Road

Existing Zoning: R-1, Single-Family Residential

Existing Land Use: Existing Single-Family Home

REQUEST: Variance

Interior Side Yard Setback Variance		
	Regulation	Request
Article 1400, Section 1400.15.d.6	Fences shall be placed no closer than 5-feet to current or proposed public right-of-way	Request of: 1' Variance of : 4'

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 location of fences in relation to public right-of-way for property on SW Elm Tree Road that resides in the R-1, Single-Family Residential zoning classification. The applicant requests they be permitted to discuss a privacy fence 1-foot from public right-of-way for Lots 1-6 of Coler Creek Subdivision, which is a variance of 4-feet from the 5-feet required 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 design and location of the fence only as provided by the applicant within this application
2. The applicant must obtain an approved fence permit prior to construction.

Tim McGuire President of Cornerstone Construction Homes Inc.
Fence Variance Appeal for The Board of Adjustments in the City of Bentonville

Lots 1-6 Coler Creek Subdivision
Bentonville, AR 72712

Cornerstone Construction Homes Inc. respectfully requests appeal to the board to allow our company to build a rock wall/entrance/fence three feet from the sidewalk public right of way, instead of the required five feet from the sidewalk public right of way. This entrance/wall/fence will be approximately 500 feet long, parallel to Elm Tree Road. This entrance will have removeable sections in necessary areas to allow the water department to maintain the water lines in a safe and effective manner in the future. It will have a beautiful appeal visually and will look wonderful for decades to come. Beau Thompson (Water Department) has agreed to the design and had input along the way to help solve the problems, and we appreciate his input.

5.A.

The lots 1-6 in Coler Creek are less in depth than code allows in the City of Bentonville. As a result, the utilities i.e. water and the sidewalk public right of way are in conflict for a reasonable solution to be concluded to build an entrance/wall/fence if article 1400 section 1400.15.D.6 is followed.

Although it is understood as to the reasoning behind the lot depth and why it was accepted by City Engineers at the final platting for Coler Creek, we are in total agreement with the city's decisions regarding depth of the lots. We are two feet from adhering to the above code (Article 1400 section 1400.15.D.6).

All authorities including the water department, the planning department, and Cornerstone Construction Homes, Inc. agree with a positive solution and outcome to this lot depth problem that is problematic to the code.

5.B.

In short, if we go by code 1400.15.D.6, the \$360,000 homes backed up against Elm Tree road, would have insufficient backyards for a residential home. Approximately 50% of the backyards would be unusable. The entrance/wall/fence, if article 1400.15.d.6 is adhered to, will be 12.5 feet from the rear of the homes. This depletes the value of the homes on lots 1-6, and will devalue the property, and will make it dangerous for children to be playing in these backyards with traffic so close, thus the need for a rock wall further from these homes.

5.C.

These conditions were the result of the best and brightest minds in this city. If the lot depths were not adjusted, this subdivision most likely wouldn't have worked. The hills and undulation of this property was not a friend to the engineers working on this project. It is very clear why this shallow lot situation exists. It is not the engineer's fault, or our company's fault, it is the land that dictated this issue.

Thank you for your consideration of this matter. Cornerstone Construction Homes Inc. is deeply connected in Bentonville and appreciates this special consideration for this neighborhood.



Residential design & drafting

1 of 1

Scale
1" = 20' (24x36)



**Board of Adjustment
City of Bentonville
2018 Schedule**

Deadline	Board of Adjustment
Friday 12/29/2017	1/10/2018
Friday 1/12/2018	1/24/2018
2/5/2018	2/14/2018
Friday 2/16/2018	2/28/2018
3/5/2018	3/14/2018
3/19/2018	3/28/2018
4/2/2018	4/11/2018
4/16/2018	4/25/2018
4/30/2018	5/9/2018
5/14/2018	5/23/2018
6/4/2018	6/13/2018
6/18/2018	6/27/2018
7/2/2018	7/11/2018
7/16/2018	7/25/2018
7/30/2018	8/8/2018
8/13/2018	8/22/2018
Friday 8/31/2018	9/12/2018
9/17/2018	9/26/2018
10/1/2018	10/10/2018
10/15/2018	10/24/2018
11/5/2018	11/14/2018
11/19/2018	11/28/2018
12/3/2018	12/12/2018
12/17/2018	12/26/2018
12/31/2018	1/9/2019
1/14/2019	1/23/2019

*** ALL SUBMITTALS ARE DUE BY 12:00 PM ON DEADLINE DAYS**

Late Submittals can not be accepted due to publication deadlines

Board of Adjustment Meetings are held the 2nd and 4th Wednesdays of every month

Meeting Time Location:

Community Development Building, Planning Commission Chambers 305 SW A Street, 5:00 p.m.

Please Note: Items may be voted on if there is no representation at Board of Adjustment

Denotes a change due to Holiday



**Board of Adjustment
City of Bentonville
2019 Schedule**

Deadline	Board of Adjustment
12/31/2018	1/9/2019
1/14/2019	1/23/2019
2/4/2019	2/13/2019
Friday 2/15/2019	2/27/2019
3/4/2019	3/13/2019
3/18/2019	3/27/2019
4/1/2019	4/10/2019
4/15/2019	4/24/2019
4/29/2019	5/8/2019
5/13/2019	5/22/2019
6/3/2019	6/12/2019
6/17/2019	6/26/2019
7/1/2019	7/10/2019
7/15/2019	7/24/2019
8/5/2019	8/14/2019
8/12/2019	8/28/2019
Friday 8/30/2019	9/11/2019
9/16/2019	9/25/2019
9/30/2019	10/9/2019
10/14/2019	10/23/2019
11/4/2019	11/13/2019
11/18/2019	11/27/2019
12/2/2019	12/11/2019
12/16/2019	Thursday 12/26/2019
12/30/2019	1/8/2020
1/13/2020	1/22/2020

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Community Development Building, Planning Commission Chambers 305 SW A Street, 5:00 p.m.

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Denotes a change due to Holiday