

Note – Due to health concerns related to COVID-19, and the current Federal recommendations to avoid gatherings of 10 or more people, some of the members of the Planning Commission, as well as City staff members, may attend this meeting by phone or other remote means. That being said, the Community Development Building will be open for the public to attend. Those that do attend will be asked to watch the meeting from the building’s lobby. Attendees will only be allowed into the chambers to make a public comment or to speak during any public hearing on the agenda. Those who do attend should observe the CDC recommendations concerning hygiene and social distancing (keeping at least 6 feet away from other persons present at the meeting). Moreover, no one should attend this meeting if they are experiencing any type of illness involving a fever, sneezing or coughing. Those wishing to make public comments who do not want to attend the meeting may do so in written form, submitted to planning@bentonvillear.com before 3:00 p.m. on the day of the meeting. Those comments will be communicated to the members of the Board of Adjustment. While email comments are encouraged, accommodation has also been made to allow Bentonville citizens to make “live” public comments orally in the event they cannot or do not feel comfortable attending the meeting in person. To do so, please send an email indicating a desire to make “live” oral public comments to Ali Worley at aworley@bentonvillear.com by at least 3:00pm on the day of the meeting and a reply email will be sent with instructions about how your comments can be made. Making comments will require you to register with your name, address, phone number, and email address. Procedures with respect to oral public comments still apply.



**BOARD OF ADJUSTMENT
AGENDA
September 9, 2020**

- I. Call to Order**
- II. Approval of Minutes**
- III. New Business:**

- 1. Lone Projects, LLC**
101 NE 5th Street (VAR20-0022)
 - Fence Regulations
 - Setbacks

Variance*

IV. Other Business

- 1. Adjusted Start Time**

V. Adjournment

**Denotes public hearing*

Board of Adjustment
Minutes
August 26, 2020

Meeting called to order by Rick Rogers, Chairman.

Present: Rustin Chrisco, Joe Haynie, Jan Holland, Sam Pearson, and Rick Rogers
Staff: Ali Worley

Motion by Mr. Pearson, seconded by Ms. Holland to approve the minutes of August 12, 2020 as amended. The minutes should read, "Motion by Mr. Haynie, seconded by Ms. Holland to approve the minutes of July 22, 2020 as written."

Approved 5-0

New Business

Item #1

NFD, LLC: Variance request for 304 SE G Street, Rear Yard Setback, VAR20-0021

Ali Worley reads the staff report.

Opened public hearing

No public comments

Closed public hearing

Jake Newell, applicant, speaks on the reason for the variance request.

There is discussion amongst Mr. Newell, Board members, and staff.

Approved 5-0

Other Business

A formal request to amend the bylaws to update the start time to 4pm was submitted. Action will take place at the next scheduled meeting.

Motion by Ms. Holland, second my Mr. Pearson to adjourn.

Meeting adjourned

Ali Worley

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

BOARD OF ADJUSTMENT STAFF REPORT



Lone Projects, LLC

101 NE 5th Street

BOA Date: 9/9/2020

Reviewer: Ali Worley, Planning Technician

Project Number	VAR20-0022
Applicant / Current Owner	Lone Projects, LLC 2144 E Republic Road Springfield, Missouri
Site Area	+/- 0.46 acres
Current Zoning	R-1, Single Family Residential
Variance Request	Land Development Code Article 1100.06.a.3 Fence and wall requirements, Applicability, Replacement. Zoning Code Article 601.01.c, Accessory buildings, Setbacks.

Property Description

This property is located at 101 NE 5th Street. The site is currently zoned R-1, Single Family Residential and is completely surrounded by R-1.

Regulation

Regulation 1: According to the Land Development Code Article 1100.06.a.3, Fence and wall requirements, Applicability, Replacement, the replacement of an existing fence or wall that is a different size, at a different location or of a different material shall adhere to all regulations within the Land Development Code.

Regulation 2: According to Zoning Code Article 601.01.c, Accessory buildings, Setbacks, any accessory non-residential structure less than 200 square feet and not attached to a permanent foundation, shall have a minimum side and rear yard setback of five feet.

Variance Request

Request 1: The applicant is requesting an appeal of staff interpretation of Land Development Code Article 1100.06.a.3, Fence and wall requirements, Applicability, Replacement.

Request 2: The applicant is requesting a variance of the Zoning Code, Article 601.01.c, Accessory buildings, Setbacks. The greenhouse is set back three feet from the property line, which is a variance of two feet.

Background

According to the applicant's narrative, the existing fence (located within the right-of-way), was damaged through construction. The existing fence was a white picket fence. The applicant states that there is a shortage of pickets, therefore they restored the fence one panel at a time to a more Victorian metal fence. The fence posts were replaced with shallow footings for easy removal in the event the road is widened or utility work takes place.

In addition, the applicant states the greenhouse was intended and planned to be located five feet off the property line. However, during construction the stone wall was placed further east than the plans show, resulting in the greenhouse being located three feet from the property line.

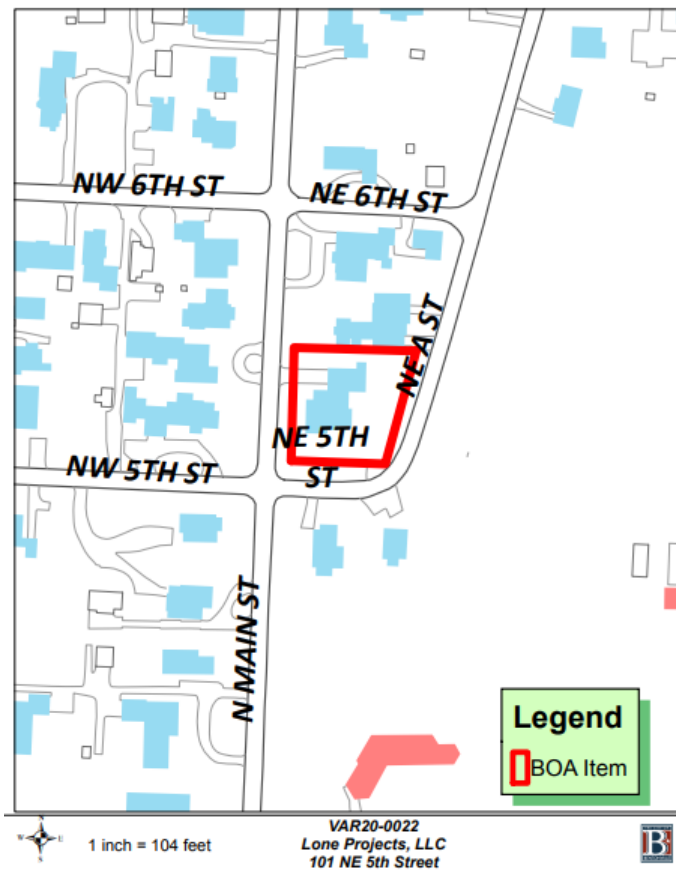
Public Comment

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

Conditions of Approval

If approved, the following conditions shall apply:

1. The approved variance shall be for the proposed fence height, location, and materials as provided by the applicant within the application.
2. The approved variance shall be for the proposed layout and setbacks, as provided by the applicant within this application.



BOARD OF ADJUSTMENT STAFF REPORT

Section 301.10.c, Standards of Approval, of the Zoning Code

Standards for approval. A variance from the terms of this chapter shall not be granted by the board of adjustment unless and until:

(1) The applicant demonstrates that:

- a. special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structure or buildings in the same district;
- b. that literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;
- c. that special conditions and circumstances do not result from the actions of the applicant; and,
- d. that granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district.

(2) No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

(3) The board of adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of land, building or structure.

(4) The board of adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(5) *Conditions.* In granting any variance, the board of adjustment may prescribe appropriate conditions and safeguards that it deems necessary or desirable. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter.

(6) *Uses.* Under no circumstances shall the board of adjustment grant a variance to allow a use not permissible under the terms of this chapter in the district involved, or any use expressly or by implication prohibited by the terms of this chapter in said district.

APPLICATION FOR VARIANCE

City of Bentonville
Planning Department
305 SW A Street
Bentonville, AR 72712

We are presenting an application for variance for 101 NE 5th Street, Bentonville, AR 72712 for the replacement of an existing fence and the construction of a small greenhouse./garden Shed.

FENCE

Variance: Land Development Code Section 1100.06.3.a and 1100.06.3.a

We met with city officials early to assess the fence regulations. At the cities direction, we left the existing fence in place throughout construction. Since we were not allowed to take the fence down through the entirety of process, it was severely damaged. As seen in the picture below, we kept the fence through out the process with the intention to replace the damaged pickets.



After attempting to source pickets for the fence to essentially rebuild it in place we found a major national shortage of pickets (not joking). Instead of replacing the pickets and posts that were damaged, we restored the fence one panel at a time to a more Victorian metal fence. The current fence is period specific and more durable. The fence posts were replaced with shallow footings for easy removal in the event the road is widened or utility work takes place.

We did as the city asked and while it's now a different fence, the fence was never fully removed and was restored in place. We did the absolute best we could to follow the code with the supplies we had available. My hope is that the board of adjustments will acknowledge the difficulty of leaving the fence up and repairing it to be exact and will consider our treatment of the fence as the best possible adherence to the rule.

We have done our best to adhere and would like to keep the fence to keep a period specific look to the restoration of this 1886 Historically registered house.

GREENHOUSE/GARDEN SHED

Variance: Land Development Code Section 601.01.c.2

We have inspected the greenhouse further and while the attached plans show it within 5 feet of the property line, the company we hired placed it relative to the stone wall shown on the plans (attached). During construction, the stone wall was placed further east than the plans show. As a result, the potting shed is located around 3' from the property line. Not 5'. This was simply a mistake and we had the room to make it fit.

We understand that if the city needs to use the Right of Way, the structure would need to be moved. We are happy to provide any documentation that states this.

We appreciate your consideration and understanding,



Matt O'Reilly
Representative for Lone Projects, LLC

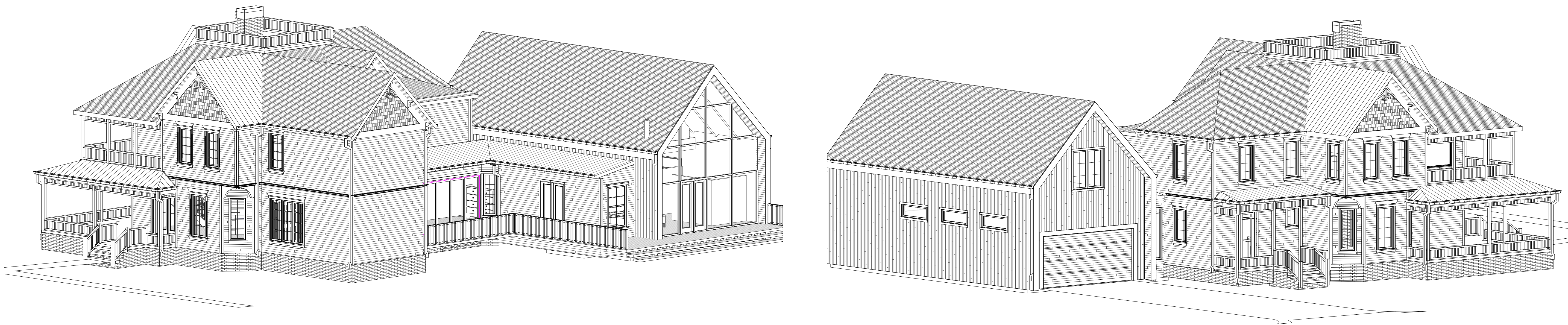
August 30, 2020

Date



101 5th STREET

11/24/19



INDEX OF DRAWINGS	
GENERAL	
G101	COVER SHEET
ARCHITECTURE	
D103	FIRST FLOOR DEMO PLAN
D104	SECOND FLOOR DEMO PLAN
A103	FIRST FLOOR PLAN
A104	SECOND FLOOR PLAN
A201	EXTERIOR ELEVATIONS DEMO
A202	EXTERIOR ELEVATIONS DEMO
A203	EXTERIOR ELEVATIONS
A204	EXTERIOR ELEVATIONS
A301	TRANSVERSE SECTIONS
A304	DOOR/WINDOW SCHEDULES AND FINISH SCHEDULES
A501	ROOF PLAN
MECHANICAL	
P101	PLUMBING PLAN
ELECTRICAL	
E101	FIRST FLOOR RCP
E103	FIRST FLOOR ELECTRICAL PLAN
E104	SECOND FLOOR ELECTRICAL PLAN

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STIPULATION FOR REUSE
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101 5th
STREET

101 NE 5TH ST
BENTONVILLE, AR 72712

COVER SHEET

G101

ISSUE BLOCK

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101 5th STREET

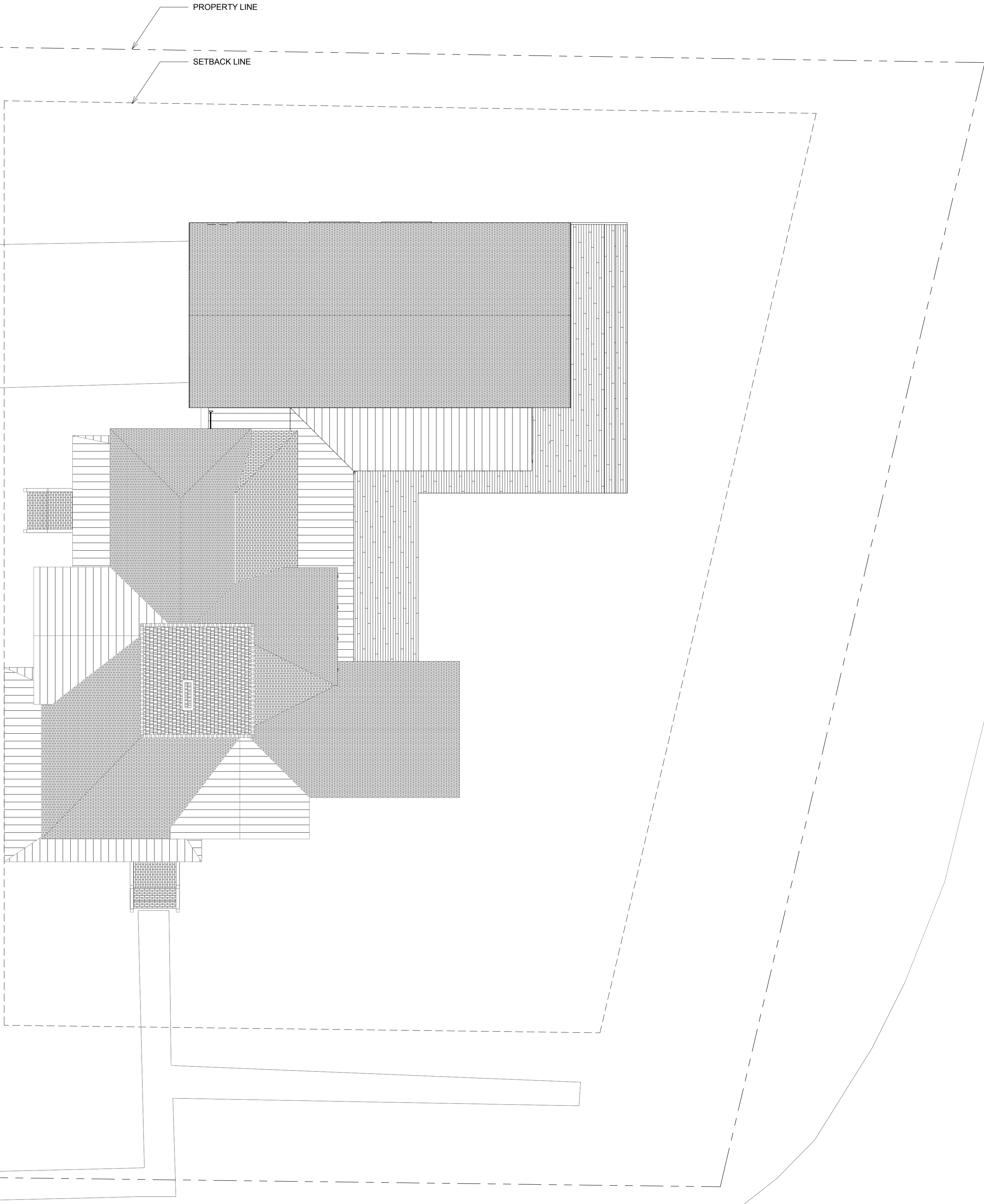
101 NE 5TH ST
BENTONVILLE, AR 72712

SITE PLAN

A101

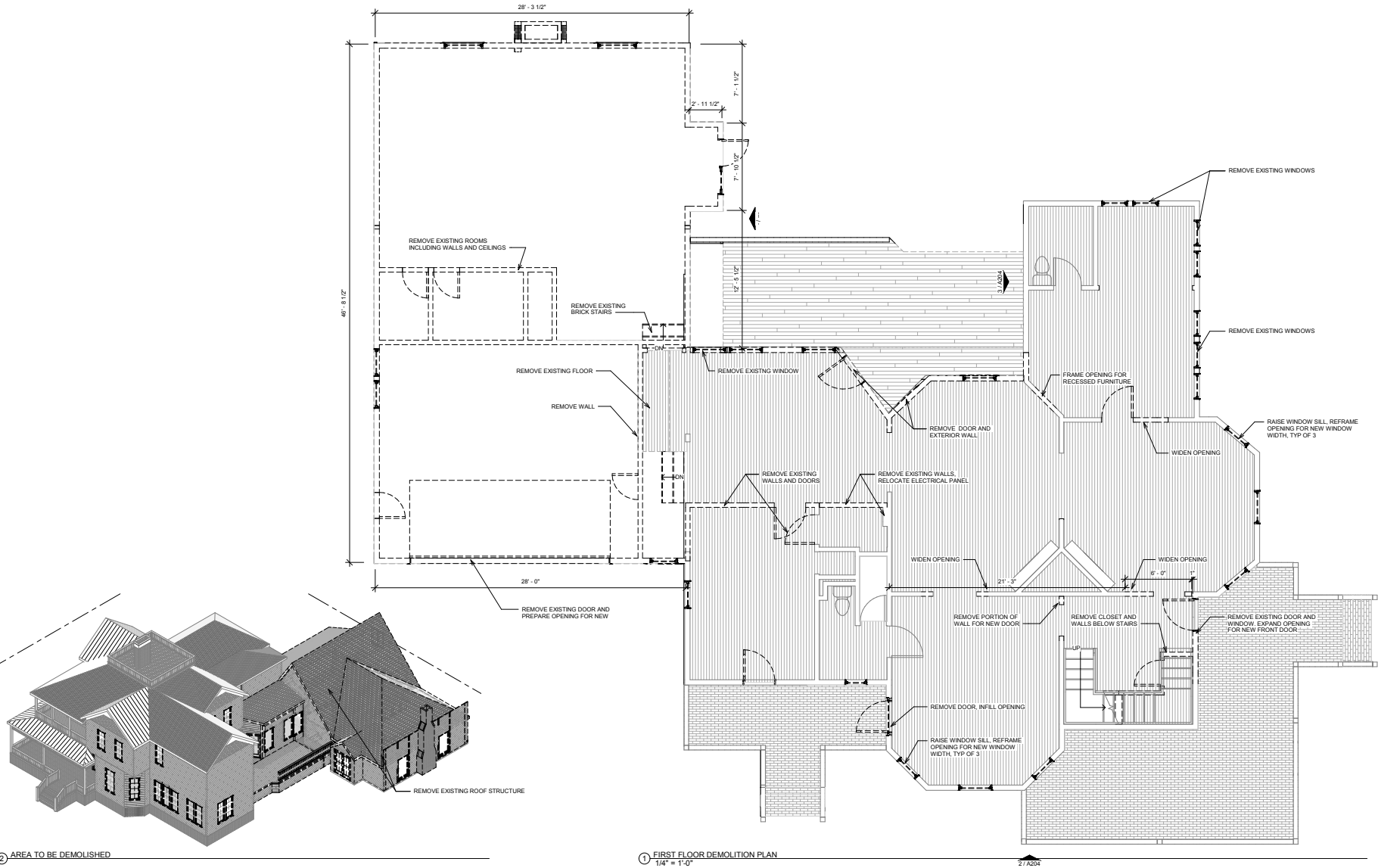
ISSUE BLOCK

1 SITE PLAN
1/8" = 1'-0"



HISTORIC HOME

101 NE 5TH ST
BENTONVILLE, AR 72712



27/203

FIRST FLOOR DEMO PLAN

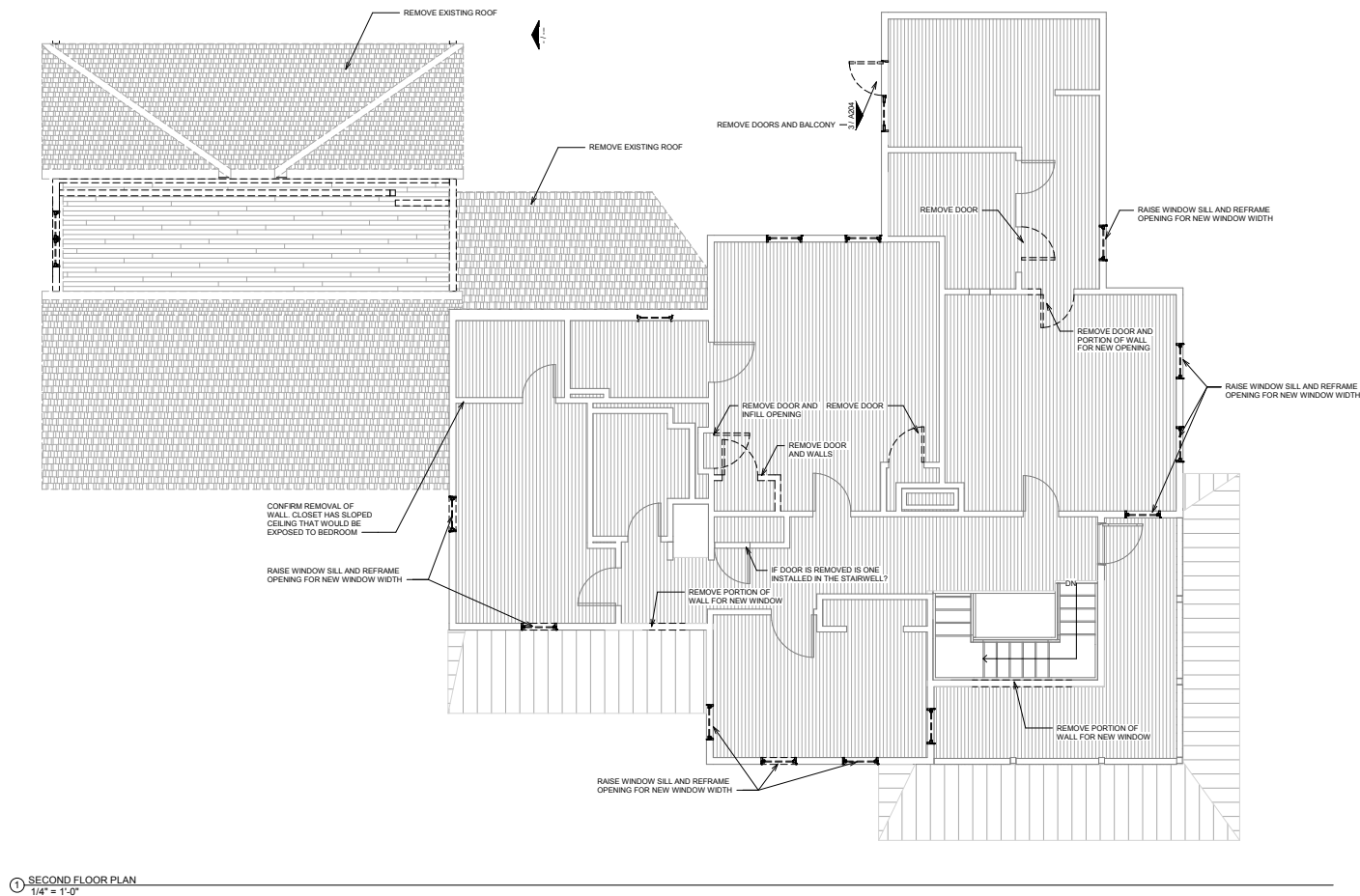
D103

ISSUE BLOCK

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HISTORIC HOME

101 NE 5TH ST
BENTONVILLE, AR 72712



① SECOND FLOOR PLAN
1/4" = 1'-0"

SECOND FLOOR
DEMO PLAN

D104

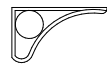
ISSUE BLOCK	

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HISTORIC HOME
101 NE 5TH ST
BENTONVILLE, AR 72712



EAVE BRACE - LOWER



EAVE BRACE - UPPER

CORNICE



EAVE ORNAMENT - LARGE



EAVE ORNAMENT - SMALL

③ EXTERIOR TRIM PROFILES
1/2" = 1'-0"

② SOUTH ELEVATION REMODEL
1/4" = 1'-0"



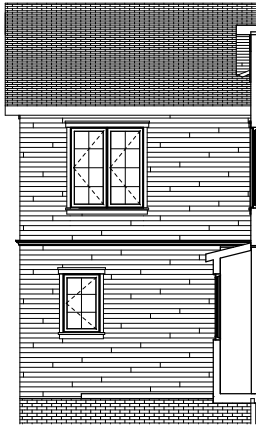
① NORTH ELEVATION REMODEL
1/4" = 1'-0"



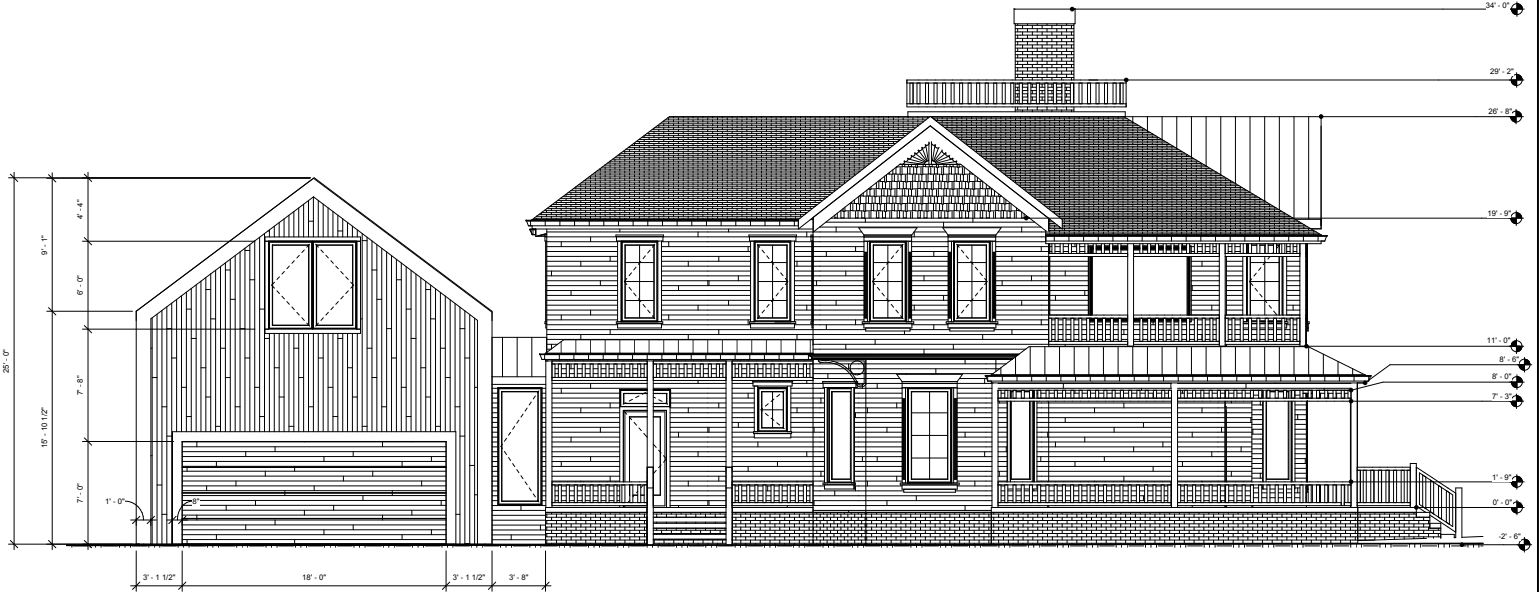
EXTERIOR ELEVATIONS

A203

ISSUE BLOCK



③ EAST ALCOVE ELEVATION
1/4" = 1'-0"



② WEST ELEVATION REMODEL
1/4" = 1'-0"



① EAST ELEVATION REMODEL
1/4" = 1'-0"

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HISTORIC HOME

101 NE 5TH ST
BENTONVILLE, AR 72712

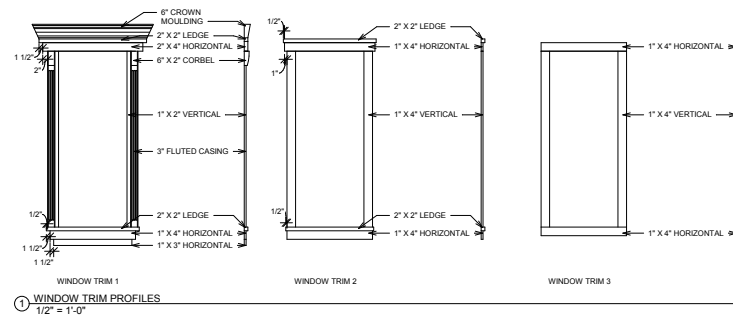
EXTERIOR ELEVATIONS

A204

ISSUE BLOCK

DOOR SCHEDULE					
From Room: Name	Mark	Width	Height	Manufacturer	Model
BACK PORCH	11	10' - 0"	8' - 0"	Windsor Windows and Doors	Pinnacle Clad Black
MASTER BEDROOM	12	5' - 0"	8' - 0"	Windsor Windows and Doors	Pinnacle Clad Black

WINDOW SCHEDULE												
From Room: Name	Mark	Rough Height	Rough Width	Head Height	Sill Height	Manufacturer	Model	Glass	Number of Horizontal Lites Per Panel	Number of Vertical Lites Per Panel	Screen	Operation
LOUNGE	1	6'-6 1/2"	2'-4 1/2"	8'-2"	1'-8"	Windsor Windows and Doors	Pinnacle Clad Black	Glass-Windsor-Loe 366-Standard	2	4	Yes	Casement
LOUNGE	2	6'-6 1/2"	3'-0 1/2"	8'-2"	1'-8"	Windsor Windows and Doors	Pinnacle Clad Black	Glass-Windsor-Loe 366-Standard	2	4	No	Stationary
LOUNGE	3	6'-6 1/2"	2'-4 1/2"	8'-2"	1'-8"	Windsor Windows and Doors	Pinnacle Clad Black	Glass-Windsor-Loe 366-Standard	2	4	Yes	Casement
PARLOR	4	6'-6 1/2"	2'-6 1/2"	8'-2"	1'-8"	Windsor Windows and Doors	Pinnacle Clad Black	Glass-Windsor-Loe 366-Standard	2	4	Yes	Casement
PARLOR	5	6'-6 1/2"	2'-6 1/2"	8'-2"	1'-8"	Windsor Windows and Doors	Pinnacle Clad Black	Glass-Windsor-Loe 366-Standard	2	4	Yes	Casement
PARLOR	6	6'-6 1/2"	3'-0 1/2"	8'-2"	1'-8"	Windsor Windows and Doors	Pinnacle Clad Black	Glass-Windsor-Loe 366-Standard	2	4	No	Stationary
LIBRARY	7	6'-6 1/2"	2'-4 1/2"	8'-2"	1'-8"	Windsor Windows and Doors	Pinnacle Clad Black	Glass-Windsor-Loe 366-Standard	2	4	Yes	Casement
LIBRARY	8	6'-6 1/2"	2'-4 1/2"	8'-2"	1'-8"	Windsor Windows and Doors	Pinnacle Clad Black	Glass-Windsor-Loe 366-Standard	2	4	No	Stationary
LIBRARY	9	6'-6 1/2"	2'-4 1/2"	8'-2"	1'-8"	Windsor Windows and Doors	Pinnacle Clad Black	Glass-Windsor-Loe 366-Standard	2	4	Yes	Casement
MASTER BATHROOM	10	4'-6 1/2"	2'-6 1/2"	8'-2"	3'-8"	Windsor Windows and Doors	Pinnacle Clad Black	Glass-Windsor-Loe 366-Standard	1	1	No	Stationary
KITCHEN	11	4'-6 1/2"	3'-0 1/2"	8'-2"	3'-8"	Windsor Windows and Doors	Pinnacle Clad Black	Glass-Windsor-Loe 366-Standard	1	1	Yes	Casement
KITCHEN	12	4'-6 1/2"	3'-0 1/2"	8'-2"	3'-8"	Windsor Windows and Doors	Pinnacle Clad Black	Glass-Windsor-Loe 366-Standard	1	1	No	Stationary
KITCHEN	13	4'-6 1/2"	3'-0 1/2"	8'-2"	3'-8"	Windsor Windows and Doors	Pinnacle Clad Black	Glass-Windsor-Loe 366-Standard	1	1	No	Stationary
KITCHEN	14	4'-6 1/2"	3'-0 1/2"	8'-2"	3'-8"	Windsor Windows and Doors	Pinnacle Clad Black	Glass-Windsor-Loe 366-Standard	1	1	Yes	Casement
DINING	15	6'-6 1/2"	4'-0 1/2"	8'-2"	1'-8"	Windsor Windows and Doors	Pinnacle Clad Black	Glass-Windsor-Loe 366-Standard	2	4	No	Stationary
MASTER BEDROOM	16	6'-6 1/2"	4'-0 1/2"	8'-2"	1'-8"	Windsor Windows and Doors	Pinnacle Clad Black	Glass-Windsor-Loe 366-Standard	2	4	No	Stationary
MASTER SHOWER	17	2'-0 1/2"	4'-0 1/2"	8'-2"	8'-2"	Windsor Windows and Doors	Pinnacle Clad Black	Glass-Windsor-Loe 366-Safety Echl	1	1	No	Stationary
GARAGE	18	2'-0 1/2"	4'-0 1/2"	8'-2"	8'-2"	Windsor Windows and Doors	Pinnacle Clad Black	Glass-Windsor-Loe 366-Standard	1	1	Yes	Awning
GARAGE	19	2'-0 1/2"	4'-0 1/2"	8'-2"	6'-2"	Windsor Windows and Doors	Pinnacle Clad Black	Glass-Windsor-Loe 366-Standard	1	1	Yes	Awning
GARAGE	20	8'-0 1/2"	3'-0 1/2"	8'-2"	0'-2"	Windsor Windows and Doors	Pinnacle Clad Black	Glass-Windsor-Loe 366-Standard	1	1	No	Casement
LAUNDRY	21	5'-0 1/2"	2'-6 1/2"	8'-2"	3'-2"	Windsor Windows and Doors	Pinnacle Clad Black	Glass-Windsor-Loe 366-Standard	2	3	Yes	Casement
GUEST BATHROOM	22	3'-0 1/2"	2'-0 1/2"	8'-2"	5'-2"	Windsor Windows and Doors	Pinnacle Clad Black	Glass-Windsor-Loe 366-Standard	2	2	Yes	Casement
PLAYROOM	23	5'-6 1/2"	2'-6 1/2"	8'-2"	2'-8"	Windsor Windows and Doors	Pinnacle Clad Black	Glass-Windsor-Loe 366-Standard	2	4	Yes	Casement
PLAYROOM	24	5'-6 1/2"	2'-6 1/2"	8'-2"	2'-8"	Windsor Windows and Doors	Pinnacle Clad Black	Glass-Windsor-Loe 366-Standard	2	4	Yes	Casement
PLAYROOM	25	5'-6 1/2"	2'-6 1/2"	8'-2"	2'-8"	Windsor Windows and Doors	Pinnacle Clad Black	Glass-Windsor-Loe 366-Standard	2	4	Yes	Casement
PLAYROOM	26	5'-6 1/2"	2'-6 1/2"	8'-2"	2'-8"	Windsor Windows and Doors	Pinnacle Clad Black	Glass-Windsor-Loe 366-Standard	2	4	Yes	Casement
SORA BEDROOM	27	5'-6 1/2"	2'-6 1/2"	8'-2"	2'-8"	Windsor Windows and Doors	Pinnacle Clad Black	Glass-Windsor-Loe 366-Standard	2	4	Yes	Casement
SORA BEDROOM	28	5'-6 1/2"	2'-6 1/2"	8'-2"	2'-8"	Windsor Windows and Doors	Pinnacle Clad Black	Glass-Windsor-Loe 366-Standard	2	4	Yes	Casement
SORA BEDROOM	29	5'-6 1/2"	2'-6 1/2"	8'-2"	2'-8"	Windsor Windows and Doors	Pinnacle Clad Black	Glass-Windsor-Loe 366-Standard	2	4	Yes	Casement
SORA BATHROOM	30	5'-6 1/2"	2'-6 1/2"	8'-2"	2'-8"	Windsor Windows and Doors	Pinnacle Clad Black	Glass-Windsor-Loe 366-Standard	2	4	Yes	Casement
SORA BATHROOM	31	5'-6 1/2"	2'-6 1/2"	8'-2"	1'-8"	Windsor Windows and Doors	Pinnacle Clad Black	Glass-Windsor-Loe 366-Standard	2	4	Yes	Casement
SORA BATHROOM	32	5'-6 1/2"	2'-6 1/2"	8'-2"	1'-8"	Windsor Windows and Doors	Pinnacle Clad Black	Glass-Windsor-Loe 366-Standard	2	4	Yes	Casement
SAGE BEDROOM	33	5'-6 1/2"	2'-6 1/2"	8'-2"	2'-8"	Windsor Windows and Doors	Pinnacle Clad Black	Glass-Windsor-Loe 366-Standard	2	4	Yes	Casement
SAGE BEDROOM	34	5'-6 1/2"	2'-6 1/2"	8'-2"	2'-8"	Windsor Windows and Doors	Pinnacle Clad Black	Glass-Windsor-Loe 366-Standard	2	4	Yes	Casement
SAGE BATHROOM	35	3'-0 1/2"	2'-6 1/2"	7'-2"	4'-2"	Windsor Windows and Doors	Pinnacle Clad Black	Glass-Windsor-Loe 366-Standard	2	2	Yes	Casement
BONUS ROOM	36	6'-0 1/2"	3'-0 1/2"	7'-2"	1'-2"	Windsor Windows and Doors	Pinnacle Clad Black	Glass-Windsor-Loe 366-Standard	1	1	Yes	Casement
BONUS ROOM	37	6'-0 1/2"	3'-0 1/2"	7'-2"	1'-2"	Windsor Windows and Doors	Pinnacle Clad Black	Glass-Windsor-Loe 366-Standard	1	1	Yes	Casement
BONUS ROOM	38	6'-0 1/2"	3'-0 1/2"	7'-2"	1'-2"	Windsor Windows and Doors	Pinnacle Clad Black	Glass-Windsor-Loe 366-Standard	1	1	Yes	Casement
GUEST ROOM	39	5'-6 1/2"	2'-6 1/2"	8'-2"	1'-8"	Windsor Windows and Doors	Pinnacle Clad Black	Glass-Windsor-Loe 366-Standard	2	4	Yes	Casement
GUEST ROOM	39	5'-6 1/2"	2'-6 1/2"	8'-2"	1'-8"	Windsor Windows and Doors	Pinnacle Clad Black	Glass-Windsor-Loe 366-Standard	2	4	Yes	Casement
SECOND FLOOR HALL	40	5'-6 1/2"	2'-6 1/2"	8'-2"	2'-8"	Windsor Windows and Doors	Pinnacle Clad Black	Glass-Windsor-Loe 366-Standard	2	4	Yes	Casement



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STIPULATION FOR REUSE
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HISTORIC HOME

101 NE 5TH ST
BENTONVILLE, AR 72712

STEVEN BAKER, AIA

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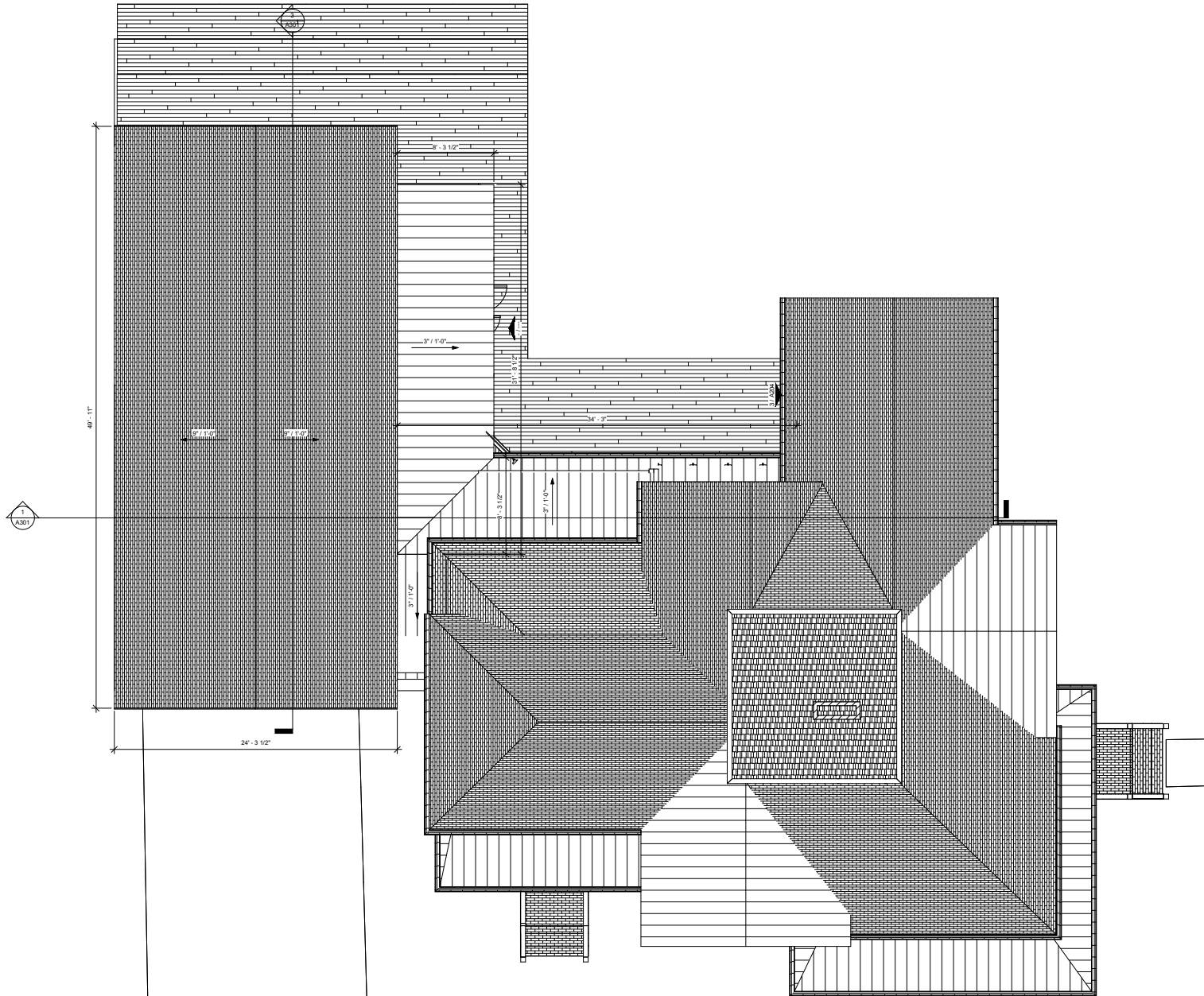
HISTORIC HOME

101 NE 5TH ST
BENTONVILLE, AR 72712

ROOF PLAN

A501

ISSUE BLOCK	



1 ROOF
1/4" = 1'-0"

City of Bentonville
c/o Alison Worley
305 SW A Street
Bentonville, AR, 72712
Via: email AWorley@bentonvillear.com

RE: Change in Board meeting time

Please accept this letter to meet the notification requirements set forth by Article 6 of the city of Bentonville's Board of Adjustment By-Laws as the members of the board's collective request to amend Section 3.1.1 of said By-Laws to change the time of meetings from 5pm on the 2nd and 4th Wednesdays of each month to 4pm on the 2nd and 4th Wednesdays of each month.

A handwritten signature in blue ink, appearing to read "Alison Worley", is written over a light blue circular stamp.

Chairman