

Note – Some of the members of the Board of Adjustment, as well as City staff members, may attend this meeting virtually. For public health reasons, those who attend in person should consider personal hygiene, the use of facial coverings, and social distancing.



**BOARD OF ADJUSTMENT
AGENDA
December 22nd, 2021**

Registration Link: https://us06web.zoom.us/webinar/register/WN_oq8NlbCGQmmgPzv3e1zl8Q

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

- | | |
|---|------------------|
| 1. Table at the Station – Monument Sign
409 SE 6th Street (VAR21-0042) <ul style="list-style-type: none">• Sign Design Variance• Sign Setback Variance | Variance* |
| 2. Kevin Kraning – Backyard Fence
403 NW B Street (VAR21-0043) <ul style="list-style-type: none">• Fence Height Variance | Variance* |

Board of Adjustment
Minutes
December 8th, 2021

Meeting called to order by Mr. Rogers

Present: Rick Rogers, Joe Haynie, Sam Pearson, Rustin Chrisco
Absent: Jan Holland
Staff: Tyler Overstreet, Beth Johnson Luke Aitken

Motion by Mr. Haynie, seconded by Mr. Chrisco to approve the minutes of October 8, 2021 as written

Approved 3-0

New Business

Item #1

Trail Ridge Subdivision – Perimeter Fence, 101 NW Trail Ridge Road, VAR21-0035

Beth Johnson reads the staff report.

Opened Public Hearing

Closed Public Hearing

Teri Mailes, the applicant, is available to speak on the item.

There is discussion amongst Board members, the applicant, and staff.

Approved 3-1

Item #2

Potts Law Firm – Balcony Sign, 201 SW 14th Street, Suite 201, VAR21-0037

Beth Johnson reads the staff report.

Opened Public Hearing

Closed Public Hearing

Matt Reese of Sign Studio, the applicant, is available to speak on the item.

There is discussion amongst Board members and staff.

Approved 4-0

Item #3

Robinson Family Trust – Home Courtyard Wall, 206 SE 3rd Street, VAR21-0038

Beth Johnson reads the staff report.

Opened Public Hearing

Closed Public Hearing

Ronnie Robinson, the applicant, and owner of 206 SE 3rd Street, is available to speak on the item.

There is discussion amongst Board members and staff.

The request is amended to include only the sides and rear fence height of 8'. The front fence will need to be a maximum of 4' tall.

Approved 4-0

Item #4

Phil and Lesley Herr – Existing Non-Conforming Addition, 301 SW 3rd Street, VAR21-0039

Tyler Overstreet reads the staff report.

Opened Public Hearing

Closed Public Hearing

Phil Herr, the applicant, and owner of 301 SW 3rd Street, is available to speak on the item.

There is discussion amongst Board members and staff.

Approved 4-0

Item #5

Old Town Dry Cleaners - Drive Through Remodel, 308 N Walton Blvd, VAR21-0040

Tyler Overstreet reads the staff report.

Opened Public Hearing

Closed Public Hearing

Matt Pearson, the applicant, and Mark Mathias, the owner, are available to speak on the item.

There is discussion amongst Board members and staff.

A vote is called for a variance of setback requirements (variance of 41')

Approved 4-0

Item #6

Crystal Lands LLC – New C Street Residential Construction, Parcels 01-00365-000, 01-00363-000, 01-00364-000, and 01-00366-000, VAR21-0041

Tyler Overstreet reads the staff report.

Opened Public Hearing

Closed Public Hearing

Nate Bachelor, the applicant, is available to speak on the item.

There is discussion amongst Board members and staff.

Approved 3-0

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

Meeting adjourned

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

Luke Aitken

BOARD OF ADJUSTMENT STAFF REPORT



Table at The Station

409 SE 6th Street

BOA Date: 12/22/2021

Reviewer: Luke Aitken, Planning Tech

Project Number	VAR21-0042
Applicant / Current Owner	Table at The Station LLC
Site Area	+/- .48 acres
Current Zoning	DN-4, Downtown Mixed-Use Residential
Variance Request	Zoning Code Article 801.15(a), (b)(2)

Property Description

This property is located at 409 SE 6th Street. It is currently zoned DN-4, Downtown Mixed-use Residential.

Regulation

According to Zoning Code Article 801.15, Signs Allowed with a Sign Permit, Freestanding monument type signs are not allowed in Downtown Zoning Districts and signs 32 sq. ft. or smaller must be setback a minimum of five feet from all property lines.

Variance Request

The applicant is requesting a variance to permit a monument sign to be built in front of their business. This sign would be located along SE D Street, setback 2' away from the property line.

Background

According to the applicant's narrative, they wish to construct a 5.5' tall, 30.25 sq. ft. monument sign on the Southeast portion of their property, to allow for greater visibility of their business from nearby intersections. If the sign is allowed, the applicant wishes to rotate the sign to face a nearby park and intersection, which would place the sign 3' within the 5' setback required from their property line along SE D Street.

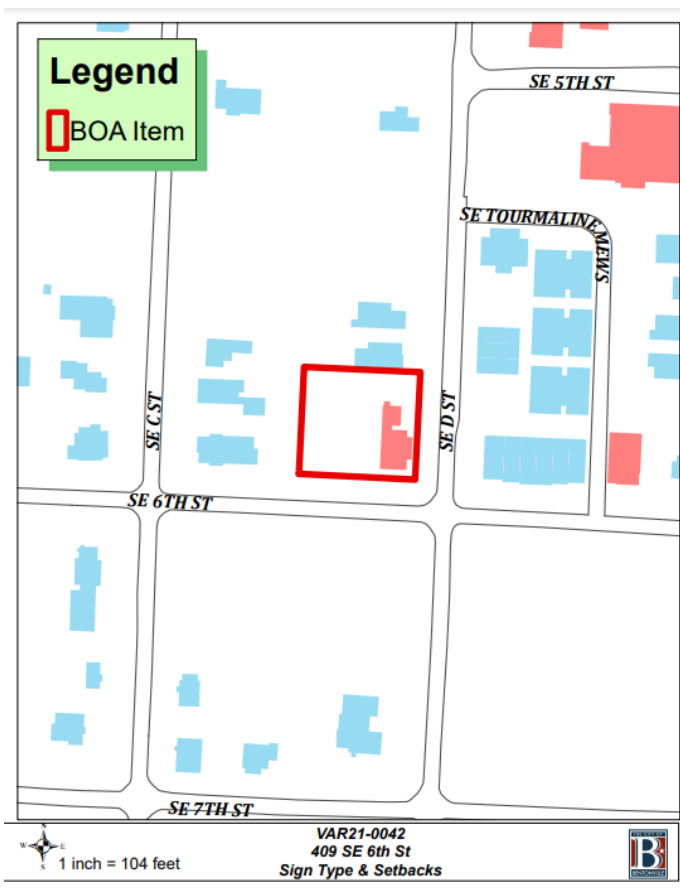
Public Comment

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 layout, as provided by the applicant and approved by the Board of Adjustment.
2. The applicant shall be required to obtain an approved sign permit prior to construction.



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.

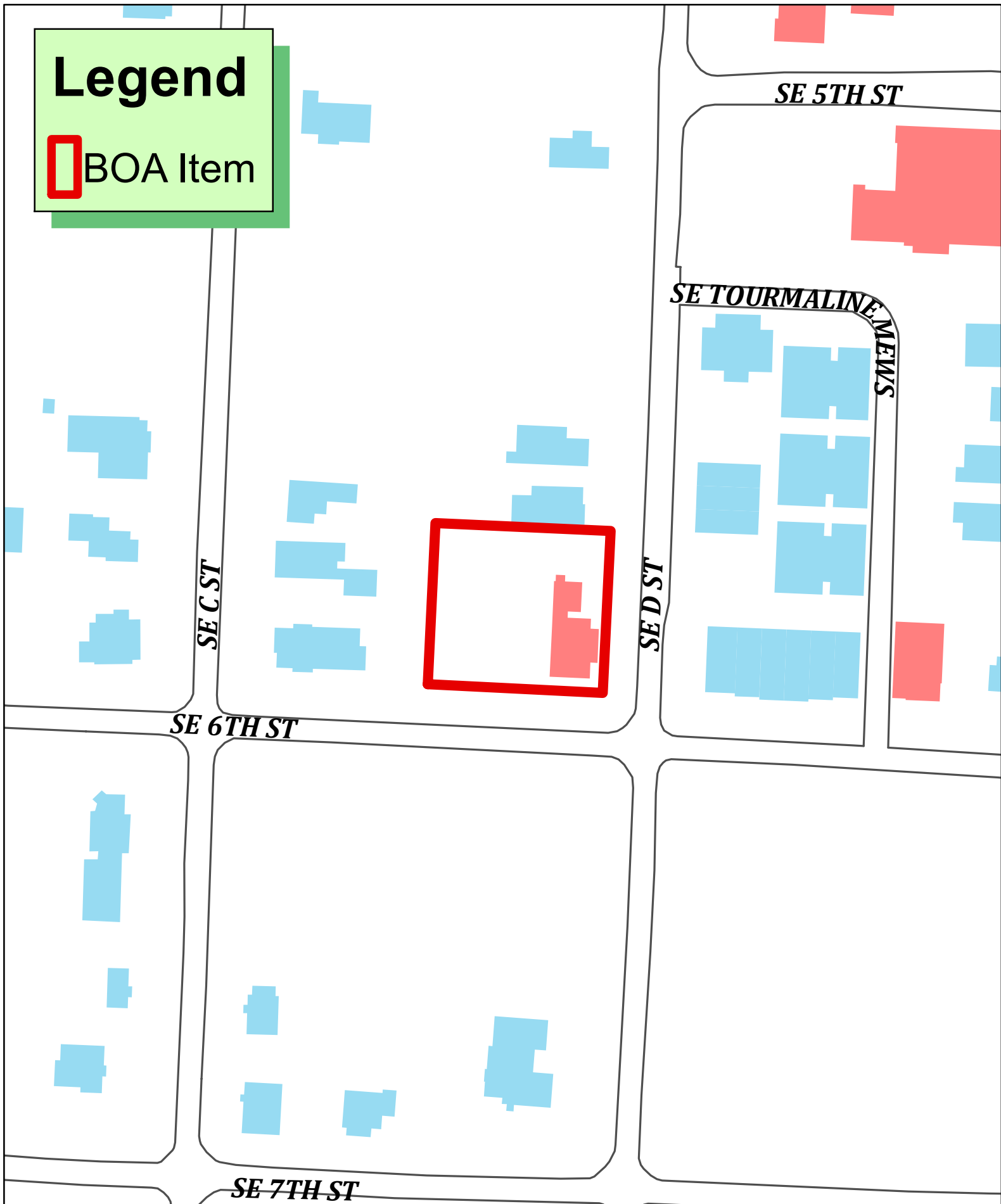
(5) *Conditions.* In granting any variance, the board of adjustment may prescribe appropriate conditions and safeguards that it deems necessary or desirable. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of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

Legend



BOA Item



1 inch = 104 feet

VAR21-0042
409 SE 6th St
Sign Type & Setbacks





December 6, 2021

RE: Table at the Station
Restaurant at 409 SE 6th Street
Bentonville, AR. 72712

Project #19118

To whom it may concern,

On behalf of the Table at the Station we hereby submit a request for Variance of the Sign Code Section 801.15 Sign type and Sign setback restrictions. The property is located on the NW corner of the intersection of SE 6th and D, Zoned DN-4 and was the location the Station Cafe was moved to when the cafe first left the Bentonville Square. Properties on the other three corners of the intersection are - NE is RC-2, Residential townhomes with business and on-street parking on both 6th and D, the SE corner is R-3, Baggett Park, and the SW corner is also DN-4 with single-family residential. We request the following variances:

1. Variance to allow for a Monument Side - The code restricts monument type, free-standing signs in residential areas. The existing sign is free-standing, but not a compliant monument sign. We are requesting to be able to convert the existing sign to meet the requirements of a monument sign as detailed in the images and documents attached. We would lower the sign and cut off the upper post to make the overall height 5.5'. Adding another wooden section, as shown in the attached image, to the lower portion to block the open area and with the width currently being 5.5' that would make the sign 30.25 square feet, which is less than the 32 square feet allowed.
2. Setback Variance - We would also like to rotate the sign toward the intersection of SE 6th and D to face Baggett Park where traffic, and visibility, would be most prevalent. We request a variance of the 5' required setback along the right of way of SE D Street of 3' to allow the setback on the East end of the sign to be 2' from the Right of Way. Please refer to the attached sign layout with dimensions shown.

The required 50 square foot landscaped area will be added around the base of the sign utilizing existing railroad ties and adding two additional ties to keep with the theme of the "Station" and a landscape design plan is also part of this submittal.

Please place this item on the agenda for the next Variance Board meeting.

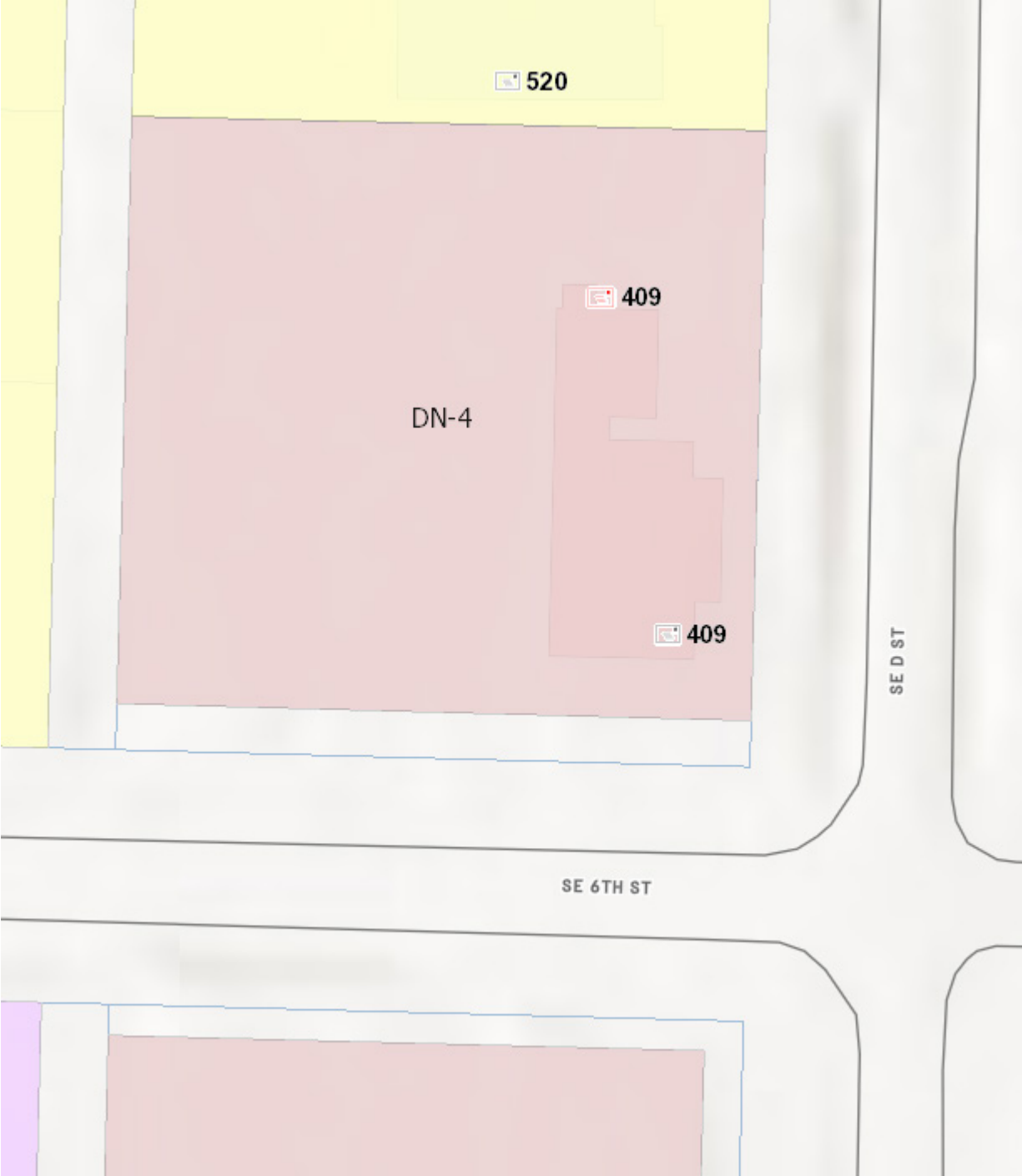
Sincerely,

Ken Booth Project Manager kbooth@sandcreek.us

1610 NW 12th Street

Bentonville, AR 72712

Phone: (479) 464-9282

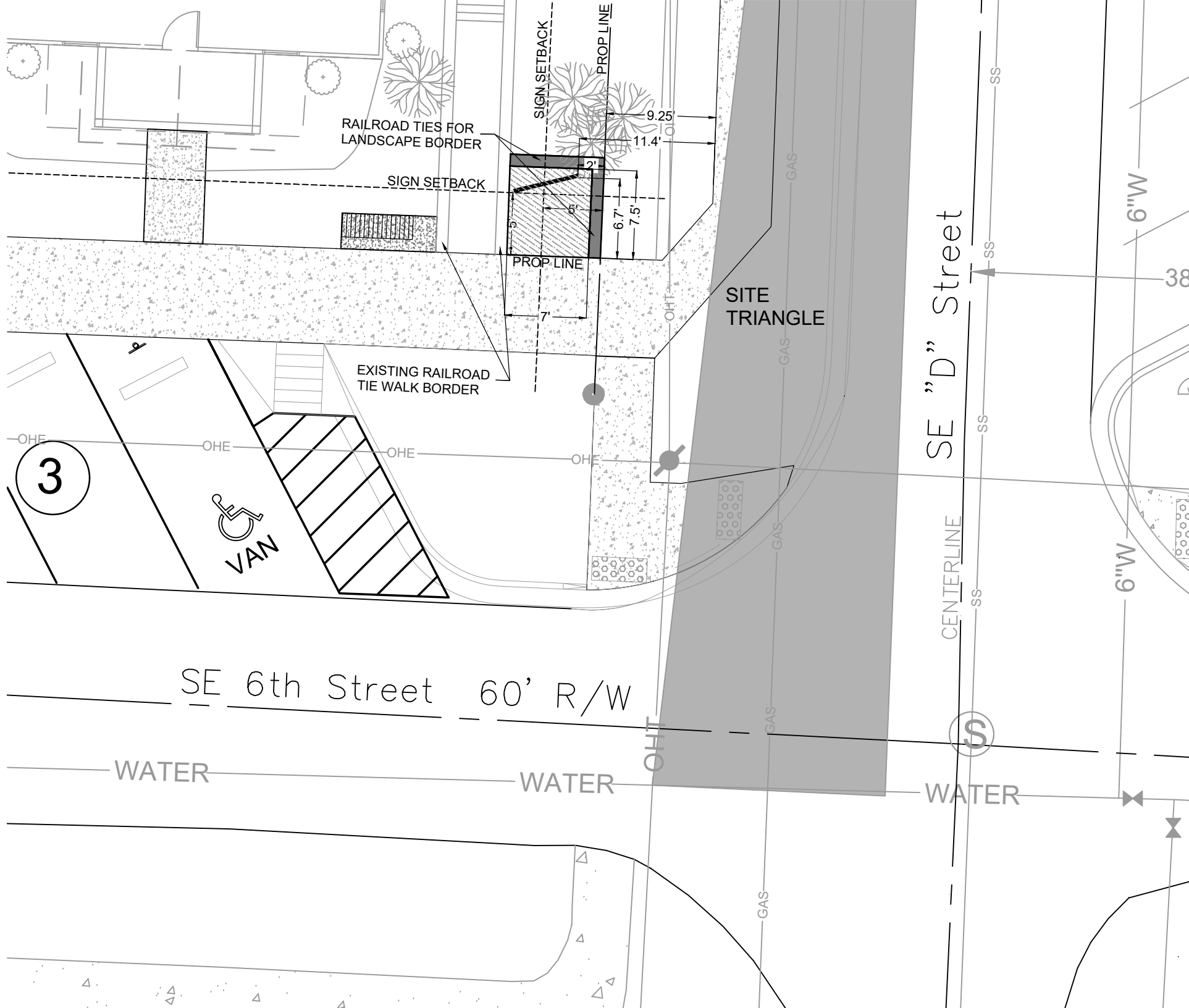










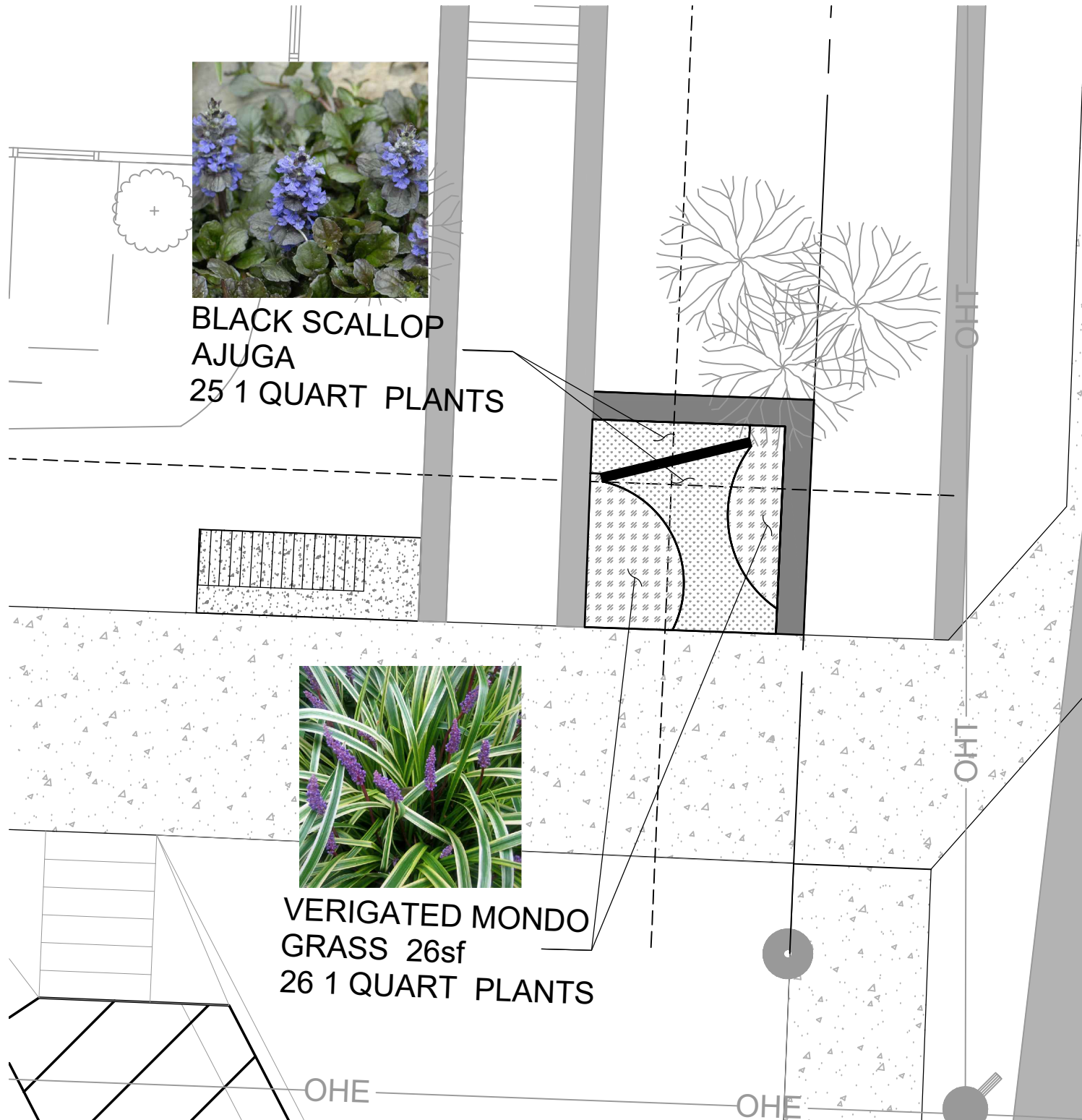




BLACK SCALLOP
AJUGA
25 1 QUART PLANTS



VERIGATED MONDO
GRASS 26sf
26 1 QUART PLANTS



BOARD OF ADJUSTMENT STAFF REPORT



Kraning Privacy Fence

403 NW B Street

BOA Date: 12/22/2021

Reviewer: Luke Aitken, Planning Tech

Project Number	VAR21-0043
Applicant / Current Owner	Kevin R. Kraning
Site Area	+/- .41 acres
Current Zoning	R-1, Single Family Residential
Variance Request	<i>Land Development Code, Article 1100, Design Standards, Section 1100.06, Fence design standards, Subsection h, Fence height</i>

Property Description

This property is located at 403 NW B Street. It is currently zoned R-1, Low Density Single Family Residential.

Regulation

According to Land Development Code Article 1100, Section 1100.06, Fence design standards, section h, Fence height, the maximum fence height shall be six feet above grade.

Variance Request

The applicant is requesting a variance of two feet to accommodate the differing building heights of their neighbor's homes. This would result in an eight-foot-tall wooden fence along the northern, southern, and western property lines.

Background

According to the applicant's narrative, they wish to construct an eight-foot-tall wooden fence around the North side, and the South and West sides of their property to aid in privacy from their neighbor's taller homes. The applicant states that if they construct a six-foot-tall fence, their neighbors would have a unique line of sight into their back yard.

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 layout, as provided by the applicant and approved by the Board of Adjustment.
2. The applicant shall be required to obtain an approved fence permit prior to construction.



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.

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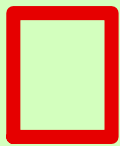
(3) The board of adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of land, building or structure.

(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.

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Legend



BOA Items

NW 5TH ST

NW C ST

NW B ST

NW 4TH ST



1 inch = 117 feet

VAR21-0043
403 NW B St.
Fence Height Variance



November 30, 2021

Planning Department / Board of Adjustment

Luke Aitken

laitken@bentonvillear.com

My wife and I own properties 403 & 405 NW B Street. We have invested heavily in downtown Bentonville since 2012, with these two properties plus the four locations prior on SE 2nd Street under the name Downtown Bentonville Cottages LLC. We since sold those properties to the apartment developers facing Central in 2020.

When we purchased these current two lots on NW B Street in early 2017, we renovated both houses and continued our investment in the market. As all of the new construction continues to build very tall neighboring houses, we are more interested in our privacy than in the past and feel a need to ask for an adjustment to our backyard fence height.

Our current 6ft fence needs to be replaced and with our planned backyard enhancements for January of 2022, we would ask for the opportunity to raise our fence height from 6ft to 8ft. Likely we would begin with the north side facing the vacant alley, then later move across the west side and then the south side due to increased lumber costs.

We appreciate your consideration.

Kevin & Shelley Kraning

479-799-1824



Owner

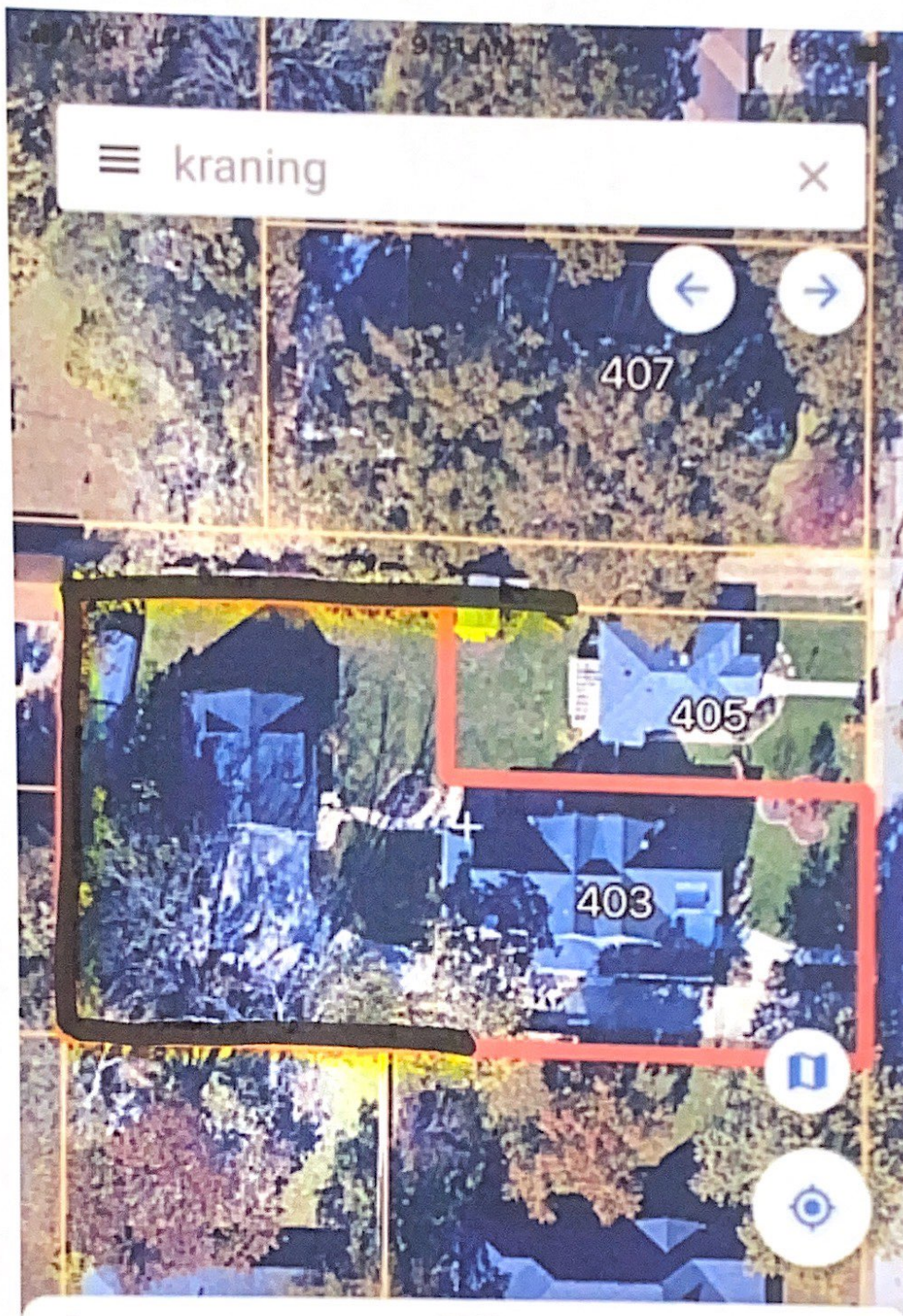
KRANING FAMILY TRUST- KEVIN R & MICHELLE M

Address

403 NW B

Parcel ID

01-02124-000



Owner

KRANING FAMILY TRUST- KEVIN R & MICHELLE M

Address

403 NW B

Parcel ID

01-02124-000



