

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
January 12th, 2022**

Registration Link: https://us06web.zoom.us/webinar/register/WN_IQBGoa_GTlKRxpPpk2fX9g

- I. Call to Order**
- II. Election of Officers**
- III. Approval of Minutes**
- IV. Old Business**

1. Table at the Station – Monument Sign

Variance*

409 SE 6th Street ([VAR21-0042](#))

- Sign Design Variance
- Sign Setback Variance

V. New Business

1. Bentonville Taco & Tamale – Wall Sign

Variance*

101 W Central Ave, Suite 101 ([VAR21-0045](#))

- Sign Design Variance

Board of Adjustment
Minutes
December 22, 2021

Meeting called to order by Mr. Rogers

Present: Rick Rogers, Joe Haynie, Sam Pearson, Rustin Chrisco, Jan Holland
Absent: N/A
Staff: Tyler Overstreet, Luke Aitken

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

Approved 5-0

New Business

Item #1

Table at the Station – Monument Sign, 409 SE 6th Street, VAR21-0042

Tyler Overstreet reads the staff report.

Opened Public Hearing

Closed Public Hearing

Ken Booth, representing the applicant, is available to speak on the item and answer questions.

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

A request is made by the applicant to table the item.

Tabled 5-0

Item #2

Kevin Kraning – Backyard Fence, 403 NW B Street, VAR21-0043

Tyler Overstreet reads the staff report.

Opened Public Hearing

Closed Public Hearing

Public comment in objection to the request, submitted via email from Brenda Anderson of 206 NW 4th Street, is read to the board.

Kevin Kraning, the applicant, and homeowner, is available to speak on the item.

There is discussion amongst Board members and staff. The variance request is amended from 2' of additional fence height, to 1' of additional height, using a scalloped design, shown to the board via pen and paper sketch.

Approved 4-0

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: 1/12/2022

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.

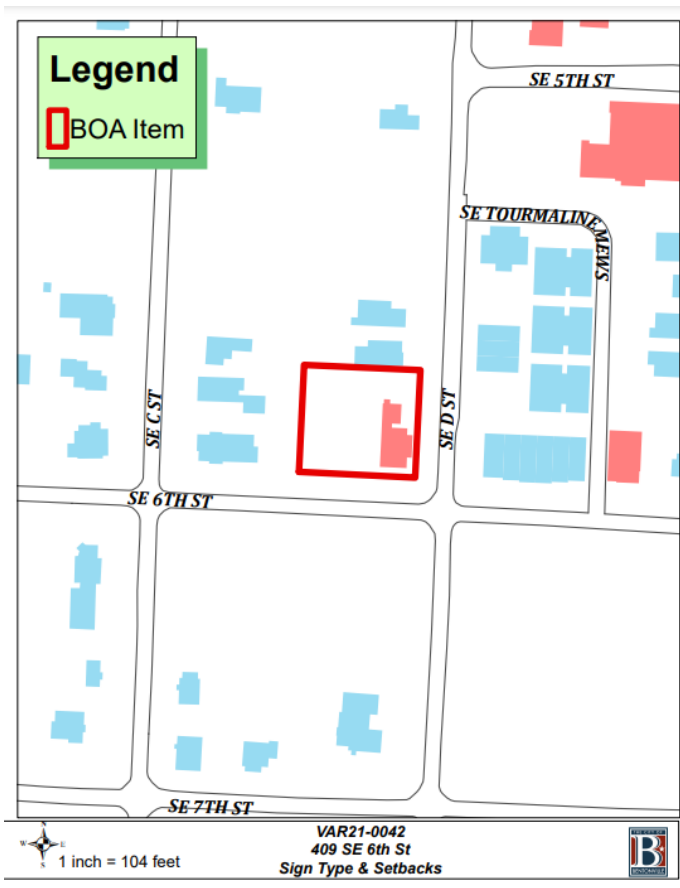
Public Comment

Staff has **NOT** received public comment regarding this request at the time of writing this staff report.

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.

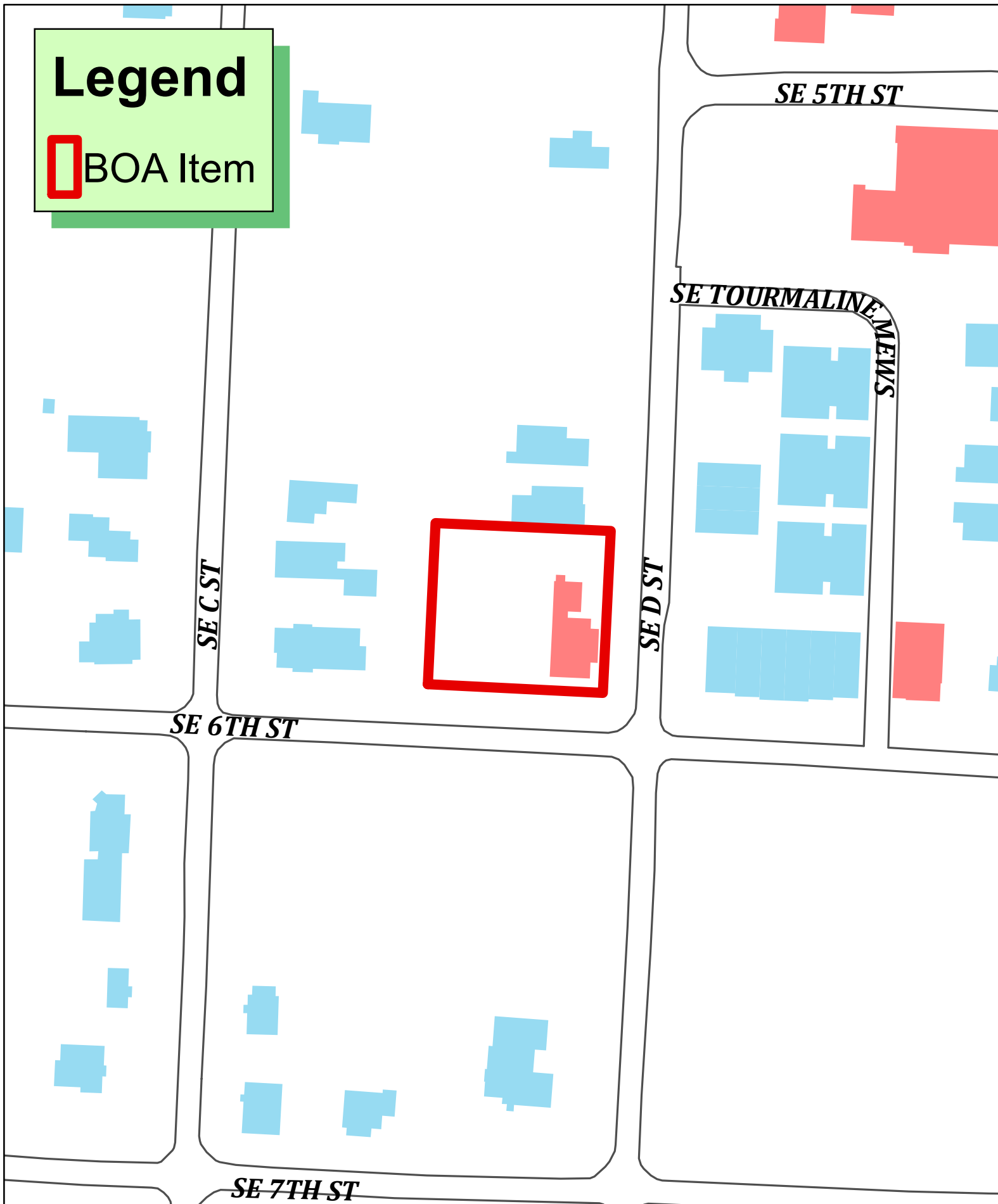
(5) *Conditions.* In granting any variance, the board of adjustment may prescribe appropriate conditions and safeguards that it deems necessary or desirable. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of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



Property Owner Consent Form

City of Bentonville Planning Department

305 SW A Street

Bentonville, AR 72712

479-271-3122

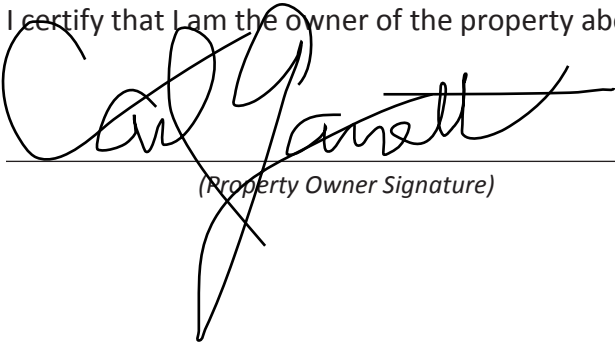
I, Carl Garratt - Table at the Station, L.L.C. am the legal owner of the
(Owner's name, printed)

property located at 409 SE 6th Street, identified as Parcel
(Address or Street Name)

Identification Number 01-03577-000 & 01-03574-000, located in
(Parcel ID)

Benton County, Arkansas.

I certify that I am the owner of the property above and that I have read the application and consent to its filing.



(Property Owner Signature)

12/2/2021

(Date)

****If one property has multiple owners, a separate signed Property Owner Consent Form is required for each owner.**

First National Title Company
300 SW 28th Street
Bentonville, AR 72712

WARRANTY DEED
(Limited Liability Company)

KNOW ALL MEN BY THESE PRESENTS:

That, **Lamplighter Restorations, LLC, an Arkansas limited liability company**, hereinafter referred to as Grantor, organized under and by virtue of the laws of the State of Arkansas, by its Manager/Member, duly authorized by proper resolution of its Members, for the consideration of the sum of One and No One Hundredths (\$1.00) Dollars and other good and valuable consideration in hand paid by **Table at the Station, LLC, an Arkansas limited liability company**, hereinafter referred to as Grantee, the receipt of which is hereby acknowledged, does grant, bargain, sell and convey unto the said **Table at the Station, LLC, an Arkansas limited liability company** and unto its successors and assigns forever the following lands lying in the County of **Benton**, and State of Arkansas, to-wit:

Lots 18 and 19, Block G, Orchard Addition to the City of Bentonville, Benton County, Arkansas, as shown on Property Line Adjustment Plat Book 2011 at Page 342. Subject to easements, rights-of-way and protective covenants of record, if any.

To have and to hold the same unto the said Grantee and unto its successors and assigns forever, with all appurtenances thereunto belonging.

And Grantor hereby covenants with the said Grantee that it will forever warrant and defend the title to said lands against all claims whatsoever, subject to existing easements, building lines, restrictions and assessments of record, if any. No warranty or representation is made as to any mineral interest on the aforementioned property.

Prepared under the supervision of
James R. Pender
Attorney At Law
415 N. McKinley Street, Ste 1200
Little Rock, AR 72205

IN TESTIMONY WHEREOF, The name of the Grantor is affixed by its **Manager/Member**, this **5th day of November, 2019**.

Lamplighter Restorations, LLC

BY: Todd Renfrow
Todd Renfrow
Manager/Member

ACKNOWLEDGMENT

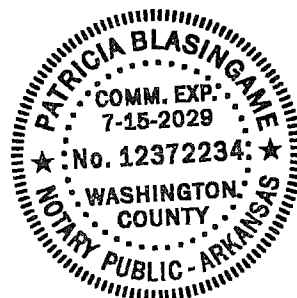
STATE OF ARKANSAS
COUNTY OF BENTON

On this day, before me, a Notary Public, duly commissioned, qualified and acting, within and for the said County and State, appeared in person the within named **Todd Renfrow** who to me personally well known, who stated he is the **Manager/Member of Lamplighter Restorations, LLC, an Arkansas limited liability company**, and is duly authorized in his capacity to execute the foregoing instrument for and in the name and behalf of said limited liability company and further stated that he so signed, executed and delivered said foregoing instrument for the consideration, uses and purposes herein mentioned and set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this **5th day of November, 2019**.

Patricia Blasingame
Patricia Blasingame, Notary Public

My commission expires: July 26, 2029





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.

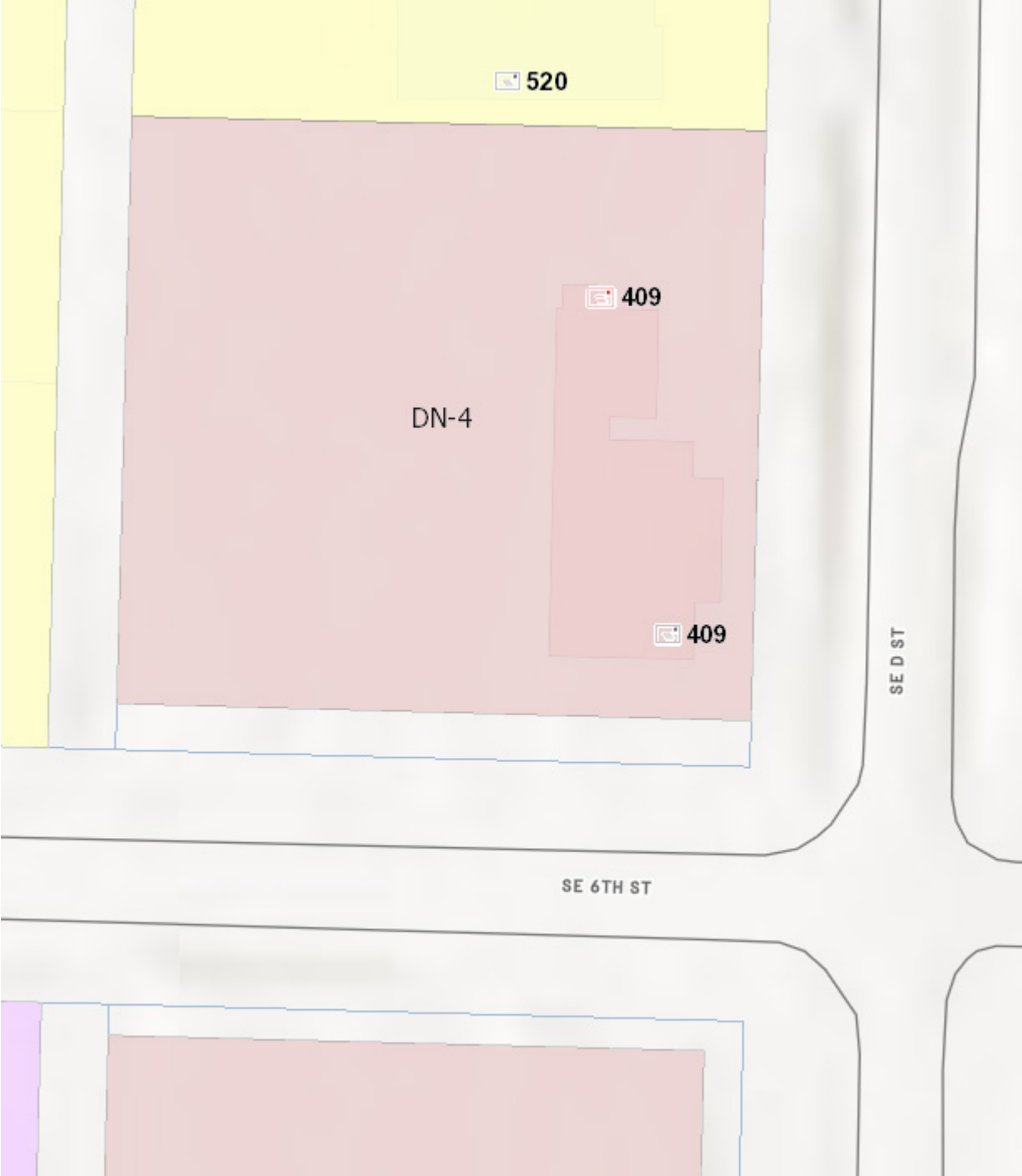
Sincerely,

Ken Booth Project Manager kbooth@sandcreek.us

1610 NW 12th Street

Bentonville, AR 72712

Phone: (479) 464-9282

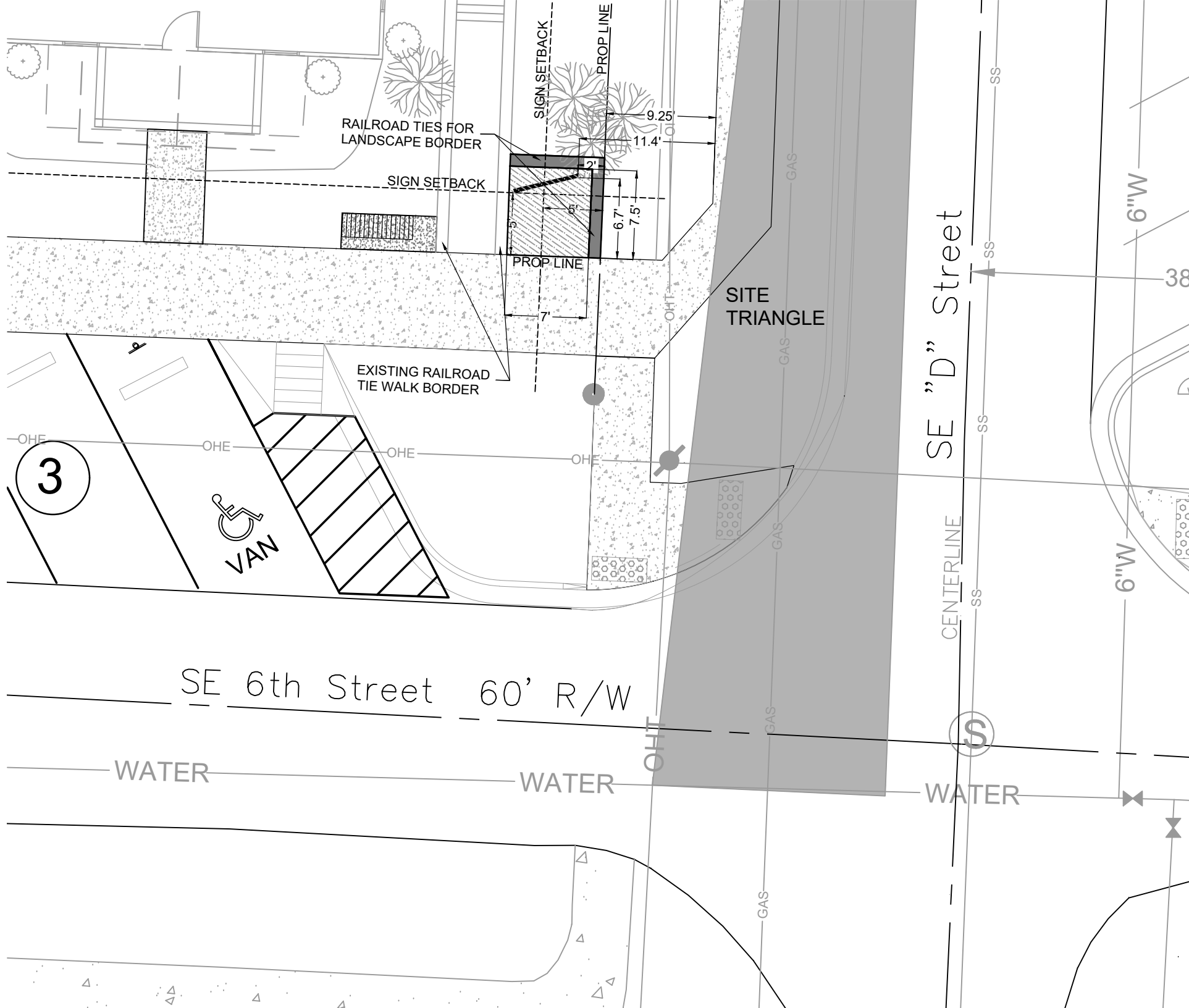










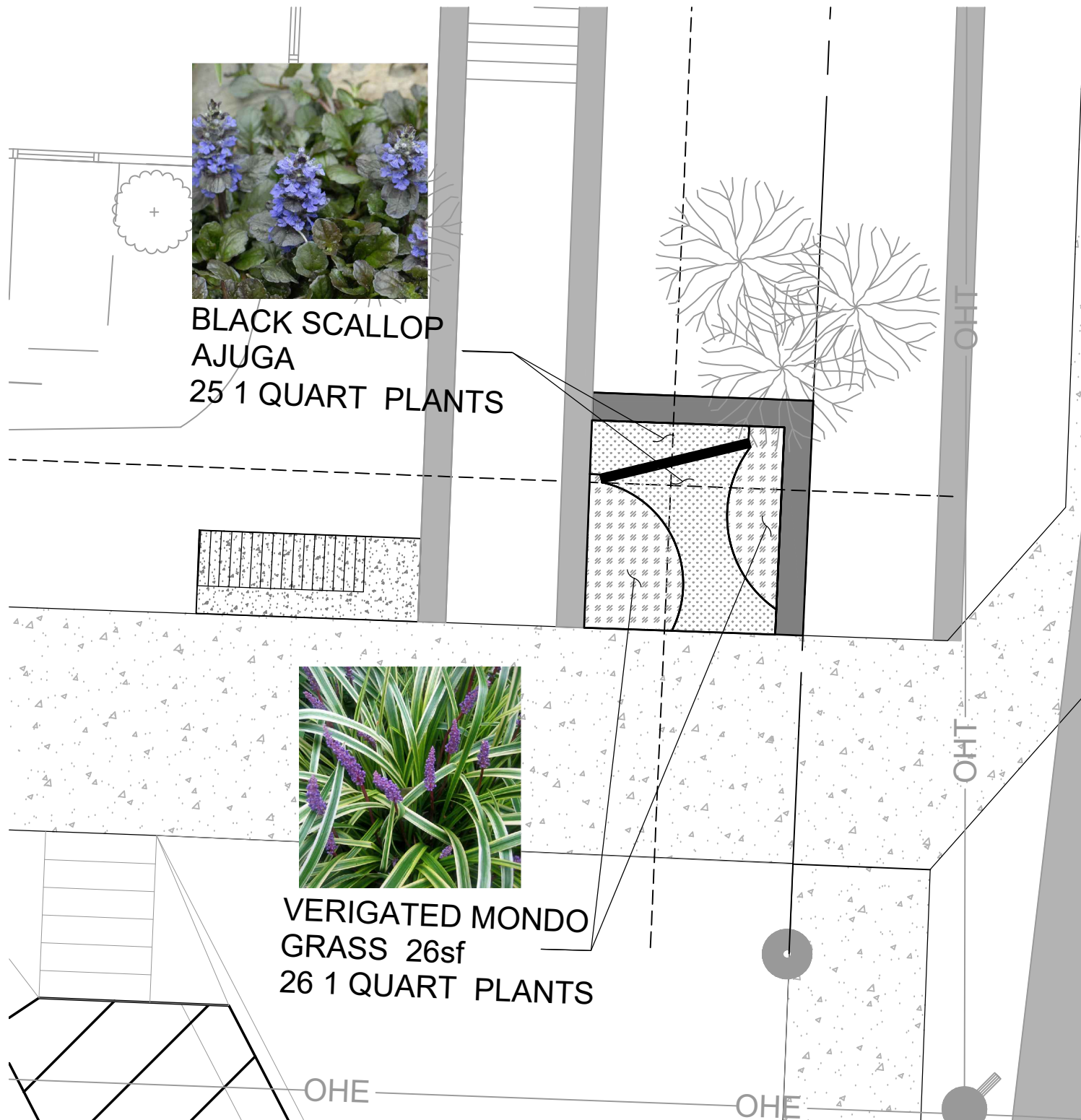




BLACK SCALLOP
AJUGA
25 1 QUART PLANTS



VERIGATED MONDO
GRASS 26sf
26 1 QUART PLANTS



BOARD OF ADJUSTMENT STAFF REPORT



Bentonville Taco & Tamale

101 W Central Avenue

BOA Date: 1/12/2022

Reviewer: Luke Aitken, Planning Tech

Project Number	VAR21-0045
Applicant / Current Owner	DB Square Main and Central LLC
Site Area	+/- .12 acres
Current Zoning	DC, Downtown Core
Variance Request	<i>Zoning Code Article 801, Section 801.15, Signs Allowed with a Sign Permit, section a, Height and Area Regulations</i>

Property Description

This property is located at 101 W Central Avenue. It is currently zoned DC, Downtown Core.

Regulation

According to Zoning Code Article 801, Section 801.15, Signs Allowed with a Sign Permit, section a, Height and Area Regulations, the maximum sign area for suspended signs shall be 4 square feet.

Variance Request

The applicant is requesting a variance of five square feet, from the allowed sign size, of four square feet, to accommodate a larger suspended sign above the entry way to their business. The applicant states that this would allow greater visibility from the nearby city square. A nearby tree and a large City of Bentonville wayfinding sign would disrupt the view of a blade style sign if installed. The applicant states that these visual interferences are unique to the location of the front entrance to their building.

Background

According to the applicant's narrative, they wish to install a 9-square-foot, circular, illuminated suspended sign on the northeast corner of their building to aid in visibility from the Bentonville square. The applicant states that if they construct a four square foot suspended sign, as is currently allowed, their business name would be illegible from the sidewalk and the city square.

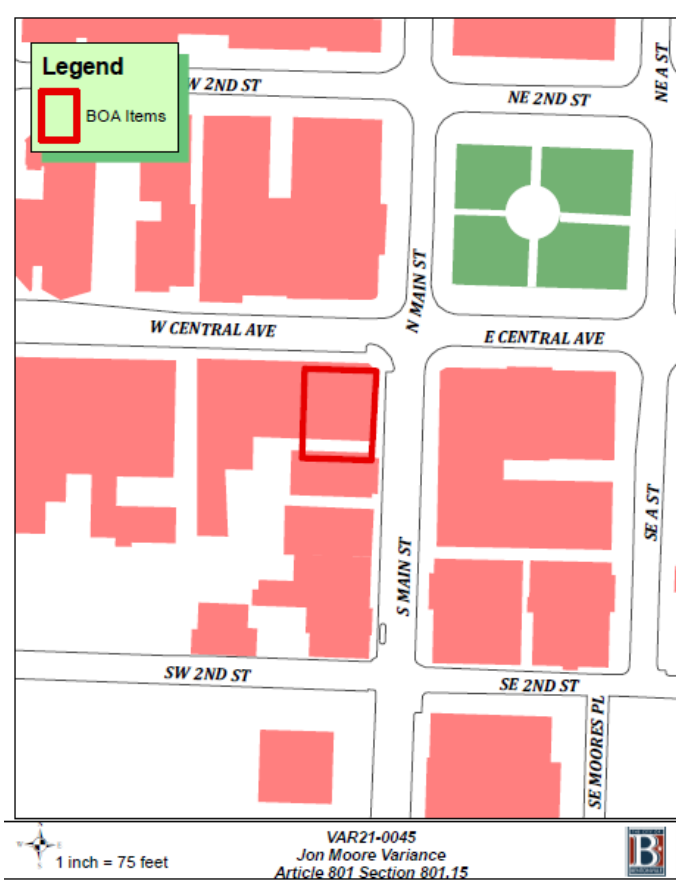
Public Comment

Staff has **NOT** received public comment regarding this request at the time of writing this staff report.

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

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(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.

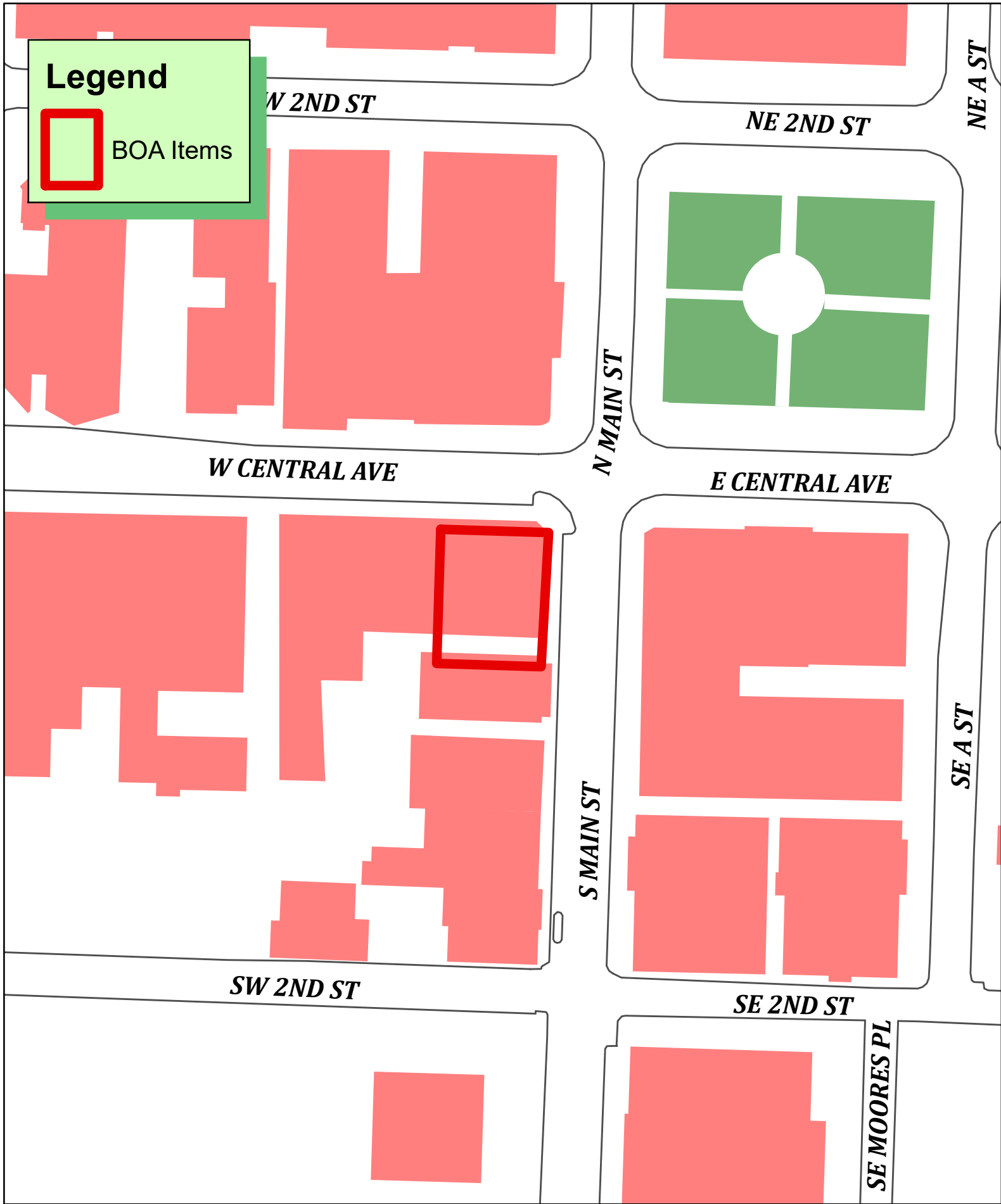
(2) No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

(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.



1 inch = 75 feet

VAR21-0045
Jon Moore Variance
Article 801 Section 801.15



Property Owner Consent Form

City of Bentonville Planning Department

305 SW A Street

Bentonville, AR 72712

479-271-3122

Lisa Kelley, Authorized Person for DB Square Main & Central I, LLC

I, _____ am the legal owner of the
(Owner's name, printed)

property located at _____ 101 W. Central Avenue _____, identified as Parcel
(Address or Street Name)

Identification Number _____ 01-01030-000 _____, located in
(Parcel ID)

Benton County, Arkansas.

I certify that I am the owner of the property above and that I have read the application and consent to its filing.


(Property Owner Signature)

Lisa Kelley, Authorized Person for
DB Square Main & Central I, LLC

12-22-21
(Date)

****If one property has multiple owners, a separate signed Property Owner Consent Form is required for each owner.**

First National Title Company
300 SW 28th Street
Bentonville, AR 72712

WARRANTY DEED
(Limited Liability Company)

KNOW ALL MEN BY THESE PRESENTS:

That, **101 West Central Avenue, LLC, a Delaware limited liability company**, hereinafter referred to as Grantor, organized under and by virtue of the laws of the State of Delaware, duly authorized by proper resolution of its Members, for the consideration of the sum of One and No One Hundredths (\$1.00) Dollars and other good and valuable consideration in hand paid by **DB Square Main and Central I, LLC, an Arkansas limited liability company**, hereinafter referred to as Grantee, the receipt of which is hereby acknowledged, does grant, bargain, sell and convey unto the said **DB Square Main and Central I, LLC, an Arkansas limited liability company** and unto its successors and assigns forever the following lands lying in the County of **Benton**, and State of **Arkansas**, to-wit:

See Exhibit A attached hereto and made a part hereof.

To have and to hold the same unto the said Grantee and unto its successors and assigns forever, with all appurtenances thereunto belonging.

And Grantor hereby covenants with the said Grantee that it will forever warrant and defend the title to said lands against all claims whatsoever, subject to existing easements, building lines, restrictions and assessments of record, if any. No warranty or representation is made as to any mineral interest on the aforementioned property.

Prepared under the supervision of

Attorney At Law
415 N. McKinley Street, Ste 1200
Little Rock, AR 72205

IN TESTIMONY WHEREOF, The name of the Grantor is affixed by its , this 29th day of May, 2019.

101 WEST CENTRAL AVENUE, LLC,
a Delaware limited liability company

By: Professional Center, LLC
Its: Sole Member/Manager

By: Elmdale Properties, LLC
Its: Manager

By: 
Name: Lan Hagerty
Title: Sole Member/Manager

ACKNOWLEDGMENT

STATE OF ARKANSAS
COUNTY OF BENTON

On this day, before me, a Notary Public, duly commissioned, qualified and acting, within and for the said County and State, appeared in person the within named Lan Hagerty who to me personally well known, who stated he/she was the **Sole Member/Manager of 101 West Central Avenue, LLC**, a limited liability company, and is duly authorized in his/her capacity to execute the foregoing instrument for and in the name and behalf of said limited liability company and further stated that he/she so signed, executed and delivered said foregoing instrument for the consideration, uses and purposes herein mentioned and set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 29th day of May, 2019.


Amy Renee Miller, Notary Public

My commission expires: March 14, 2028



*Elmdale Properties, LLC, Manager of Professional Center, LLC,
Sole Member/Manager

EXHIBIT A

All of Lot 85 and the East 9 feet of Lot 96, all in the Original Town of Bentonville, Benton County, Arkansas, being described as follows, to-wit: Commencing from the Northwest corner of Lot 96, thence South 88°15'09" East 46.00 feet to the Point of Beginning, thence continuing South 88°15'09" East 64.36 feet to a found chiseled X, thence South 01°40'12" West 82.50 feet, thence North 88°15'09" West 64.47 feet, thence North 01°44'51" East 82.50 feet to the Point of Beginning. Subject to easements and rights-of-way of record.



CERTIFICATE OF RECORD
STATE OF ARKANSAS, COUNTY OF BENTON
I hereby certify that this instrument was
Filed and Recorded in the Official Records
in Doc Num L201926950
05/31/2019 11:29:48 AM
Brenda DeShields
BENTON COUNTY Circuit Clerk & Recorder

— STATEMENT OF HARDSHIP —

December 15, 2021

Our building sits at the corner of Main Street & West Central. The sign we are proposing a variance for resides in a location that sits 'dog-eared' or mitered to these streets allowing for a direct visual facing toward the Square.

There is a tree directly in the front of the location allotted for our blade sign which blocks the view of the sign from the Square & South bound traffic on Main Street. There is also a large City of Bentonville way-finding sign that disrupts the view of our blade sign position. Most other businesses that sit on the square do not have tree or wayfinding signage which interferences with their allotted primary sign areas.

Since our primary sign location has so many visual challenges AND is not positioned in relation to our entrance, we have designed a sign which integrates in a visually appealing way into the historic arch of our main entry way signifying our the entrance to our business in a manner that will be visible to most Bentonville square guests.

There are several other business on the Bentonville square that employ secondary and tertiary elements to direct guests as the subdivided shapes of historic buildings can be somewhat confusing from the street level.

The proposed sign will be the only one which fully displays the name of our business that is lighted. If we keep the size at the pre-approved size of 4 square feet, our diameter will be only 24" which will render our business name illegible to passers by. If we increase our size to 40" diameter (for a total of 9 square feet) the sign will be at a reasonable legibility and will sit inside the arch in a visually appealing way that will not disturb the integrity of the historic arch of the building.

This is the only sign on the building that will be lighted with our name on it and we believe its clear presence is fundamental to the long term success of our business on the Bentonville Square.

Sign Drawing



1" = 1' 0"

Site Plan

