

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 26th, 2022**

Registration Link: https://us06web.zoom.us/webinar/register/WN_vgI65zdWR4G9OZsZdKZjsg

- 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. Benton County Courthouse – Monument Sign

Variance*

215 E Central Ave ([VAR22-0001](#))

- Sign Design Variance

Board of Adjustment
Minutes
January 12, 2021

Meeting called to order by Mr. Haynie

Present: Joe Haynie, Sam Pearson, BJ Phillips, Dean Kruithof
Absent: Rick Rogers
Staff: Tyler Overstreet, Luke Aitken

Motion by Mr. Pearson, seconded by Mr. Phillips to approve the minutes of December 22, 2021 as written

Approved 4-0

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 Pubic Hearing

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

Carl Garret, the applicant and business owner is available to speak on the item.

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

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

Tabled 4-0

Item #2

Bentonville Taco and Tamale – Suspended Sign, 101 W Central Ave, VAR21-0045

Tyler Overstreet reads the staff report.

Opened Public Hearing

Closed Public Hearing

Amber Brewer, the applicant, is available to speak on the item.

There is discussion amongst Board members and staff.

Approved 4-0

Motion by Mr. Kruithof, seconded by Mr. Phillips 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: 1/26/2022

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.

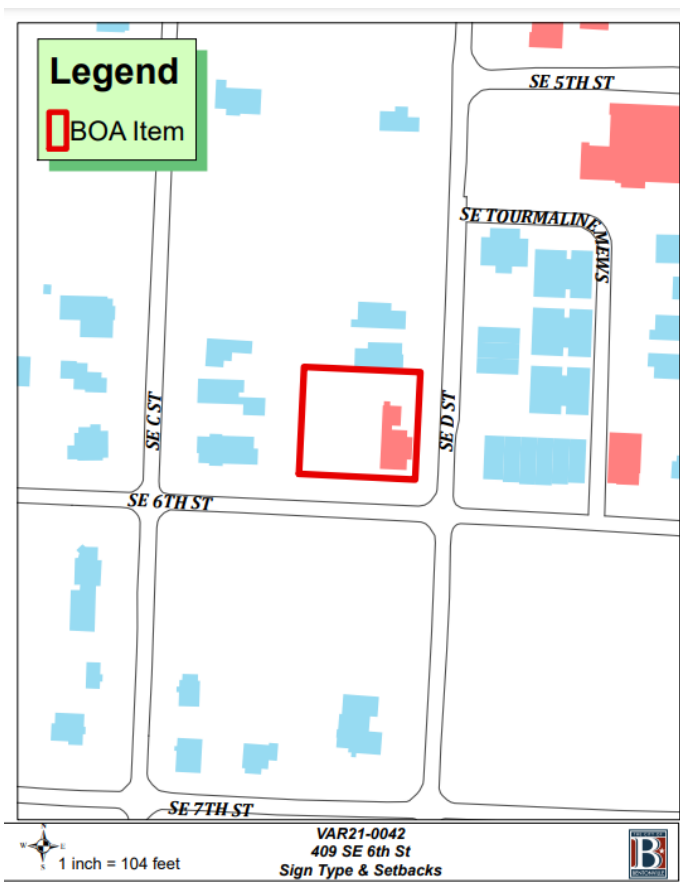
Public Comment

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.

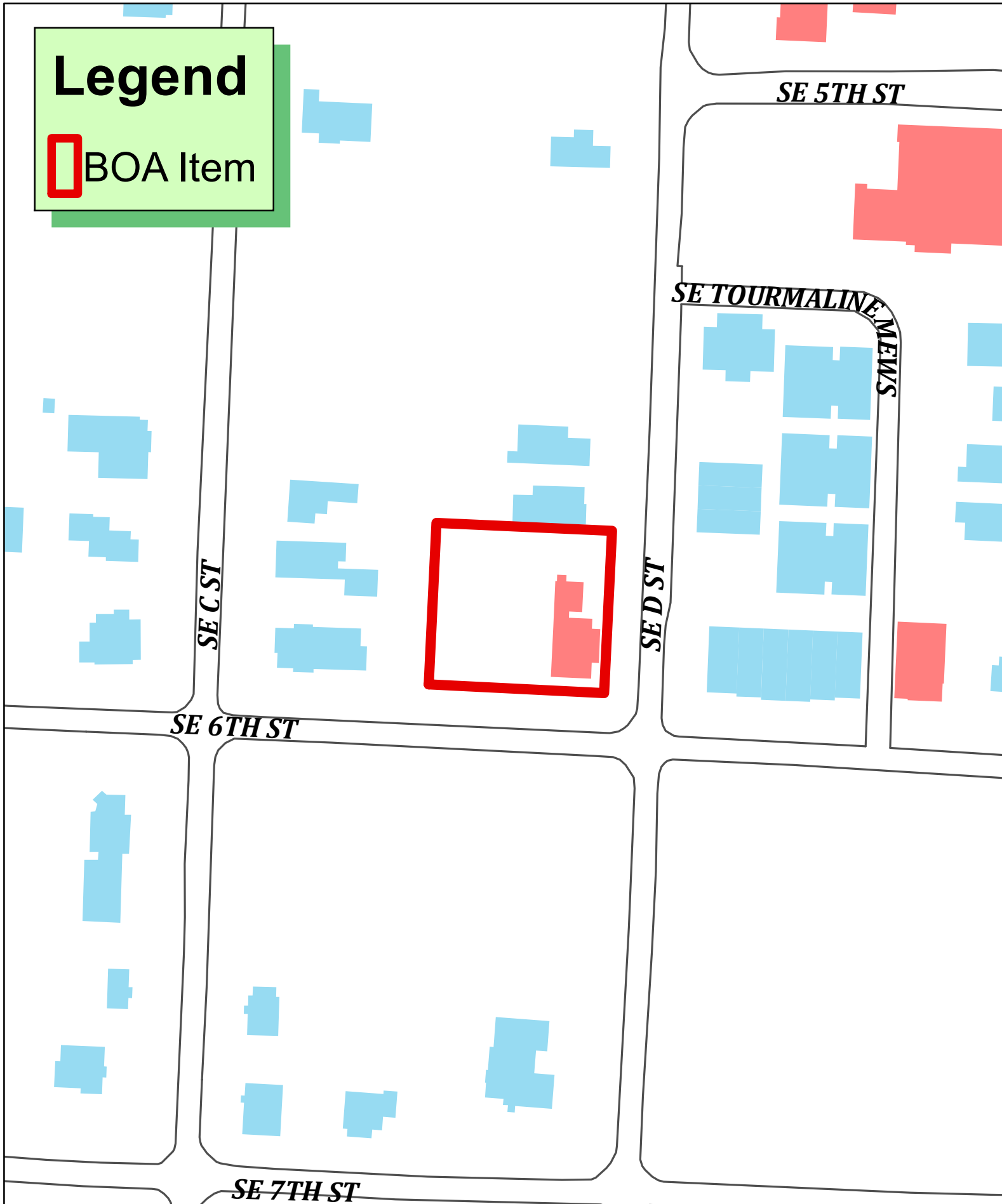
(4) The board of adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(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.

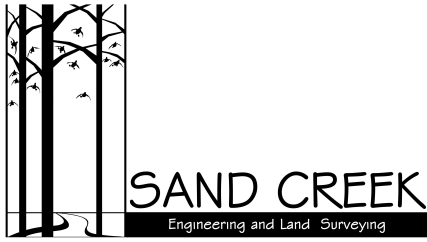
Legend

 BOA Item



1 inch = 104 feet

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



January 21, 2022

Project: 19118

Reference: Table at the Station

Planning,

The initial intent when the Station Café was moved from the downtown square was to place it in what had begun as a “Market District” with food vendors and restaurants planned for the area. The buyer, at that time, moved the café into an older home and did some remodel on the inside but kept the exterior looking like a single-family home to assure that it blended into the surrounding residential neighborhood. The buyer, at that time, was also the developer of the properties on all three corners of the SE 6th and D intersection. The Marsallis project, directly across D Street was constructed with the intent of having a commercial shop in that corner unit and the concept plans for the lots to the south across 6th Street was planned to be a 3-story building with a restaurant, offices, then residential units above. The interested parties backed out on the deal before that development was ever approved and the idea was dropped and is now single-family homes. In the process of the developer working out what their plans would be for that area, the Café was sold to the current owner, Carl Garrett. That to say, the initial plan was to play on the “Market District” theme prior to this owner taking possession of the restaurant and the surrounding plans changing.

When Mr. Garrett decided to add a kitchen, he wanted to keep the look of the old house and just add onto the north end of the building. With the restaurant being known for years as the Station Café, the owner wanted to keep the “Station” name reference and began referring to it as Table at the Station. It has since been shortened to “Table” as part of the Table Mesa family.

Keeping the old house look and not razing the old and rebuilding new, the structure is at the initial setback location rather than constructed along the back of the sidewalk as most new development would be. This allows for green space and landscaped area between the sidewalk and the building. The monument restriction for the DN4 zoning is based partially on this issue. Also, with the structure setback and the structure façade being an older home, with covered porch and trees planted along the front, having a space to place a sign on the building and having much visibility from the two streets and especially from the 6th and D intersection is impossible to achieve with one sign. Therefore, the variance was requested.

Respectfully Submitted,

Ken Booth

Project Manager

kbooth@sandcreek.us

Property Owner Consent Form

City of Bentonville Planning Department

305 SW A Street

Bentonville, AR 72712

479-271-3122

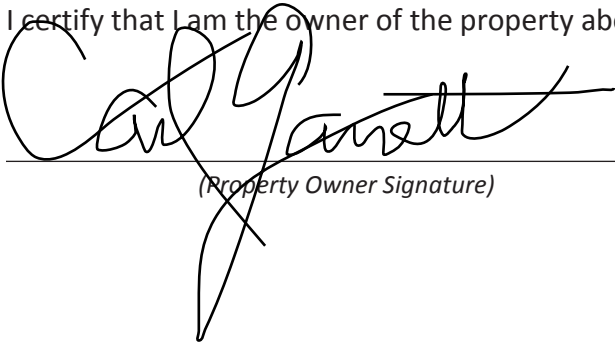
I, Carl Garratt - Table at the Station, L.L.C. am the legal owner of the
(Owner's name, printed)

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.**



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.

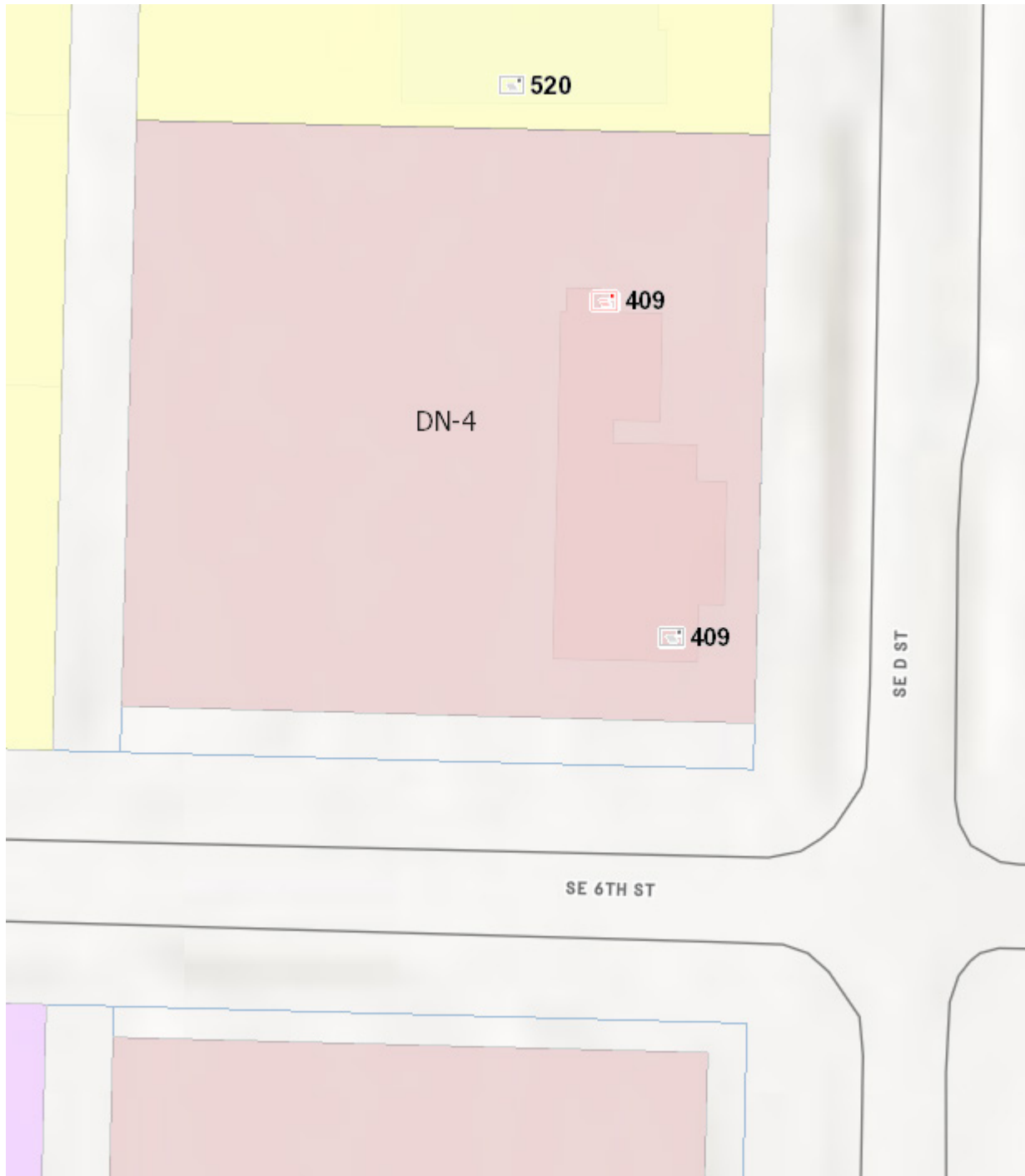
Sincerely,

Ken Booth Project Manager kbooth@sandcreek.us

1610 NW 12th Street

Bentonville, AR 72712

Phone: (479) 464-9282

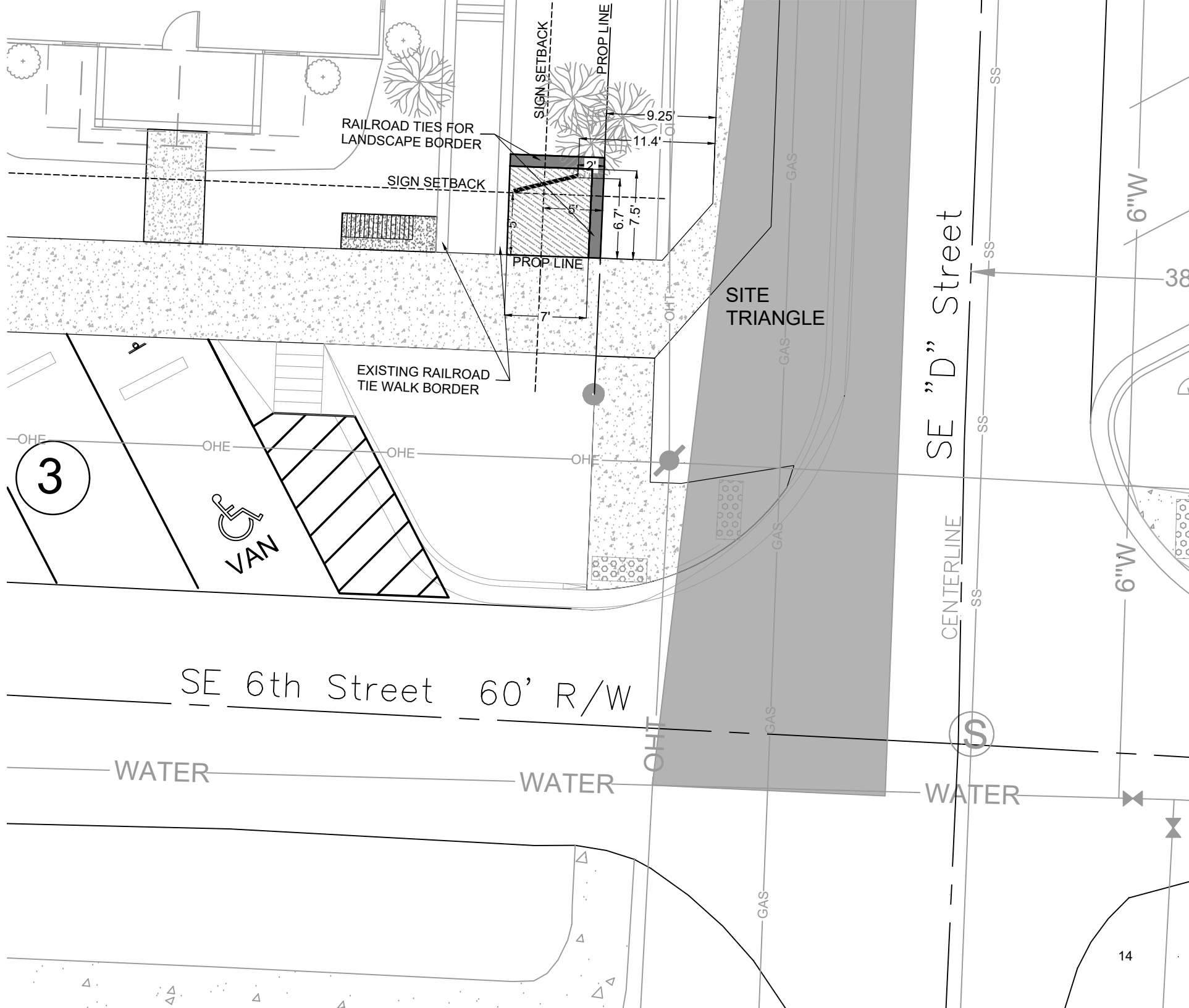










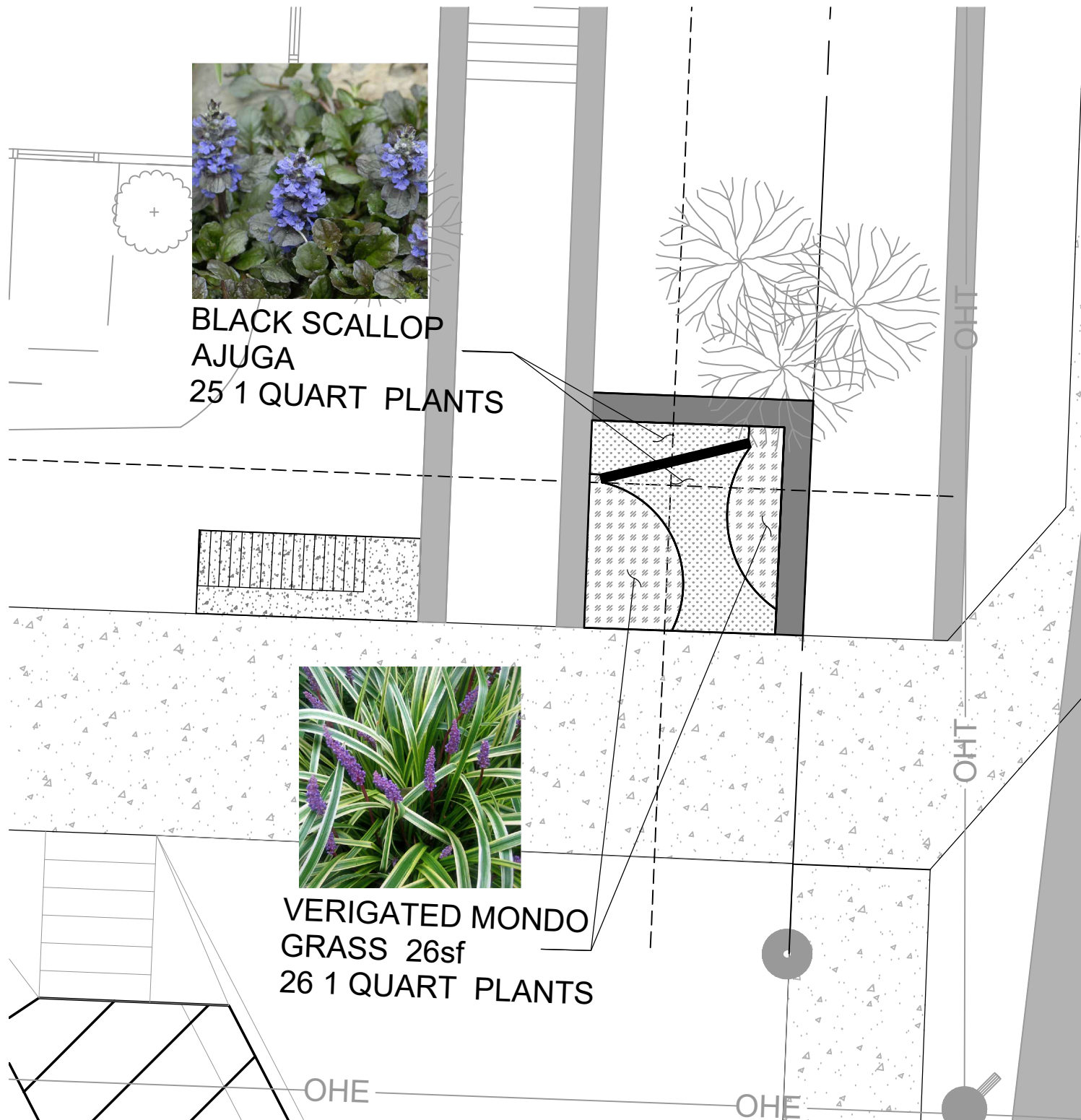




BLACK SCALLOP
AJUGA
25 1 QUART PLANTS



VERIGATED MONDO
GRASS 26sf
26 1 QUART PLANTS



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

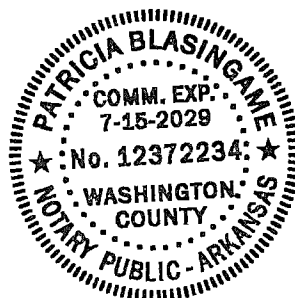
STATE OF ARKANSAS
COUNTY OF BENTON

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



BOARD OF ADJUSTMENT STAFF REPORT



Benton County Courthouse

215 E Central Ave

BOA Date: 1/26/2022

Reviewer: Luke Aitken, Planning Tech

Project Number	VAR22-0001
Applicant / Current Owner	Best Sign Group
Site Area	+/- .62 acres
Current Zoning	DC, Downtown Core
Variance Request	Zoning Code Article 801.15(a)

Property Description

This property is located at 215 E Central Ave. It is currently zoned DC, Downtown Core.

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 the Benton County Courthouse. This sign would be located along E Central Ave, near the intersection of NE A St and E Central Ave.

Background

According to the applicant's narrative, they wish to construct a 4.5' tall, 43.80 sq. ft. monument sign on the Southeast portion of the property, located at the newly remodeled entrance for the Benton County Judicial Center. The applicant states this sign will serve as wayfinding to the main entrance to the building where security checks will occur. The applicant's narrative states this sign location has the best proximity to available parking and easy access to the new cross walk designed to provide safety to pedestrians.

The applicant also claims that current landscaping, both mature and newly planned, will obscure the available wall space and visibility of any signage from the street as they grow. The applicant states the proposed sign location will direct traffic patterns away from the A St entrance and identify the Central St entrance as the main entrance. Additionally, the proposed sign would be designed to provide a similar look and feel to the buildings aesthetics and maintain consistency in design.

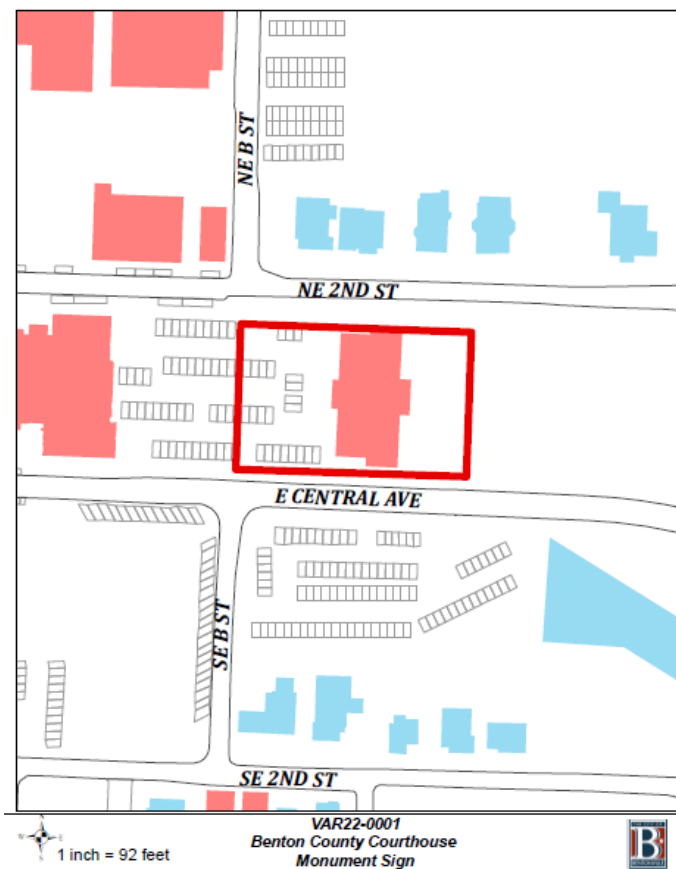
Public Comment

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.



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.

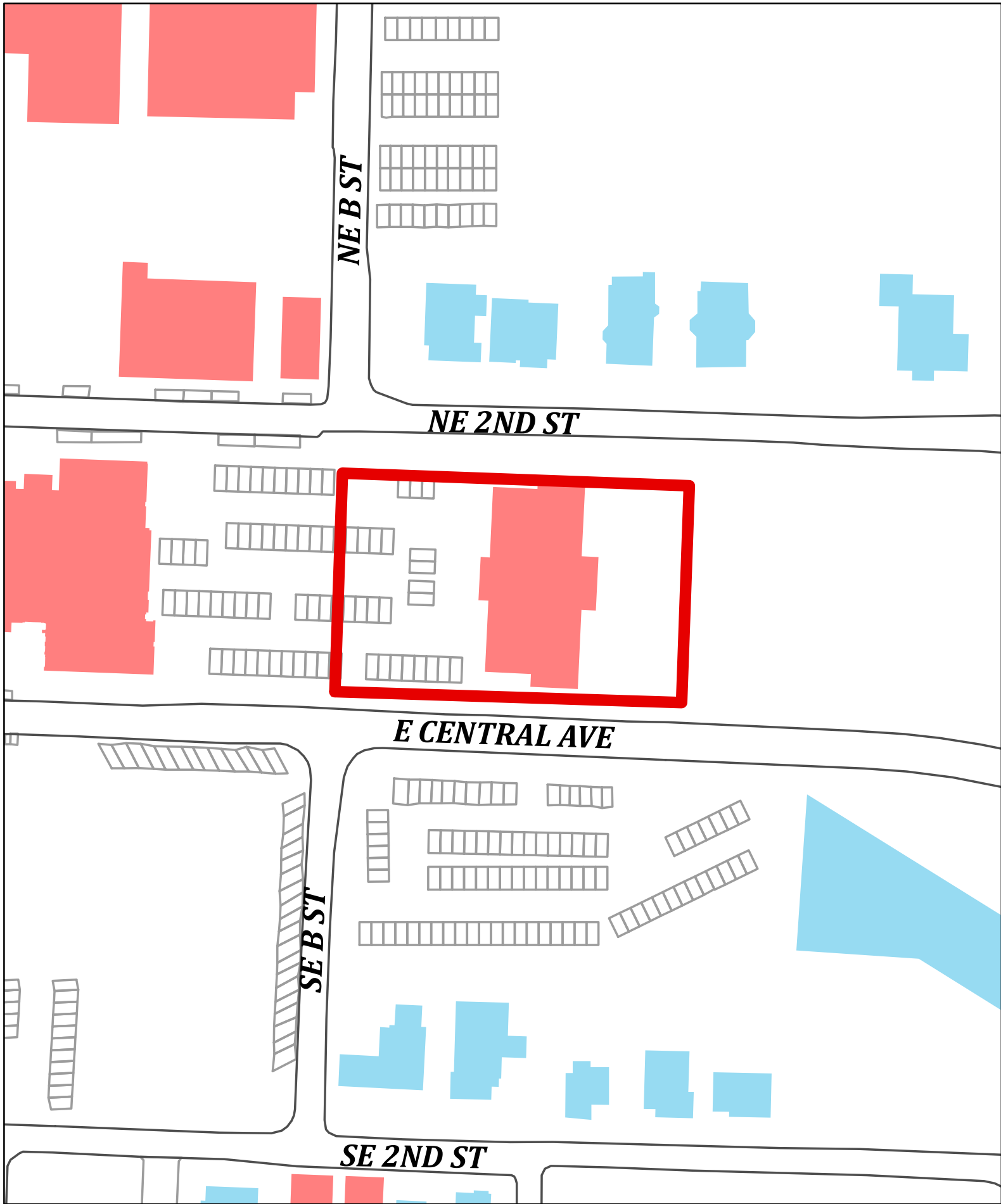
(2) No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

(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.



Property Owner Consent Form

City of Bentonville Planning Department

305 SW A Street

Bentonville, AR 72712

479-271-3122

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

property located at 215 E Central, identified as Parcel
(Address or Street Name)

Identification Number 01-00950-000, 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.

Bryan Beeson 12/28/21
(Property Owner Signature) *(Date)*

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

Filed 27th day of June 1837. Recorded 1st day of August 1837.

Jno. B. Dickson Clerk and Exofficio
Recorder.

.....

Know all men by these presents that we Gideon G. Pace, Samuel Burks, Philip Duneho, Samuel P. Woods and William H. Woods are held and firmly bound unto James S. Conway Governor of the State of Arkansas & his successors in office in the Sum of Five thousand Dollars of good and lawful money of the United States the payment of which well and truly to be made we bind ourselves our Heirs Executors & Administrators jointly & severly by these presents sealed with our seals & dated this 10th day of March A. D. 1837.

The condition of the above obligation is such that whereas the above Gideon G. Pace has been duly elected & commissioned Sheriff of the County of Benton. Now if the said Gideon G. Pace shall well & truly execute all precepts which shall come to his hands & make due return of the same & shall collect & pay over to the proper persons all money by him collected and shall assess & collect all Tax & pay over the Same & do & perform all other things required of him by Law to do as Sheriff of said County then the above obligation to be void & of no effect otherwise to remain in full force & virtue. the date above written.

Filed 10th March 1837

Gideon G. Pace (L.S.)
Samuel Burks (L.S.)
Philip Duneho (L.S.)
Sam'l P. Woods (L.S.)
Wm. H. Woods (L.S.)

Recorded the 1st day of August A. D. 1837

Jno. B. Dickson

Clerk & Exofficio Recorder.

.....

We the undersigned Commissioners Elected under an act of the General Assembly of the State of Arkansas. After haveing been duly qualified and giving the notice required by Law and haveing duly examined the various Situations donations & conveniences, beg leave to report that they have selected a site (to wit) The south half of the south east quar of section thirty in Township No. twenty Range thirty West of the 5th principal maredian as presenting to your commissioners duly considering its situation the donations offered and its Ellegibility for a county seat more advantages & conveniences than any other situation which was presented for the consideration of your commissioners they have after selecting the same in accordance with the powers vested in them as commissioners proceeded to lay off a Town thereon haveing a square and makeing 136 lots and have named & called said

Town Bentonville all of which is respectfully submitted to the Court.
 Filed the 7th Nov. A. D. 1837

Robert Cowe
 Robert Wear
 Thomas Swag

A. D. 1837

Robert Cowen
Robert Weaver
Thomas Swaggerty

Recorded the 16th day of December A. D. 1837
Jno. B. Dickson

Clerk & Exofficio Recorder.

Recorded
 ./. /. /. /. /. /. /. /. /.
 We Samuel Whitehead and Martha Whitehead his wife have this day bargained and sold
 & do hereby transfer & convey to Singleton Lankston & his heirs for the consider-
 ation of two hundred Dollars to us in hand paid A tract of Land in the State of
 Arkansas County of Benton containing Eighty acres be the same more or less Bounded
 as follows (to wit) (the east half of the North east quarter of Section No. thirty-
 one in Township No. Twenty North of Range No. thirty West, to have & to hold the same
 to the said Singleton Lankston his Heirs & assigns forever, we do covenant to the
 said Singleton Lankston that we are lawfully seized of Said Land have a good right
 to convey it & that the same is unincumbered. We do further covenant & bind our-
 selves our Heirs & Representatives to warrant & forever defend the title to the said
 Land & every part thereof to the said Singleton Langston his Heirs & assigns against
 the lawful claim of all persons whatever in testimony whereof we have hereunto set
 our hands & affixed our Seals this 27th day of February One thousand eight hundred
 & thirty eight.

Signed sealed & delivered
in the presence of us

His
Samuel X Whitehead
mark

(L.S.)

Attest: Gideon G. Pace

Martha Whitehead

(L. S)

Joseph Dickson

State of Arkansas

County of Benton

SS

Be it remembered that on the 12th day of May one thousand eight hundred & thirty eight before me Jno. B. Dickson Clerk of the Circuit Court of Benton County Samuel Whitehead & his wife Martha Whitehead severly acknowledged the foregoing Indenture to be their act & deed & the lands & premises therein mentioned their Heirs Executors & assigns forever. She the said Martha haveing been by me first made acquainted with the contents thereof & by me particularly examined seperate & apart from her said Husband whether she executed the same Voluntarily & without compulsion or undue influence of her said Husband acknowledged that she assigned the same



December 28, 2021

Attn: Board of Adjustment Members,

Best Sign Group was contracted by Benton County to manufacture and install their signage located at 215 E Central. The area where we are requesting the sign be located is at the newly remodeled entrance for the Judicial Center.

This will serve as the main entrance to the building for security check as well it has the best proximity to available parking and easy access to the new cross walk designed to provide safety to pedestrians.

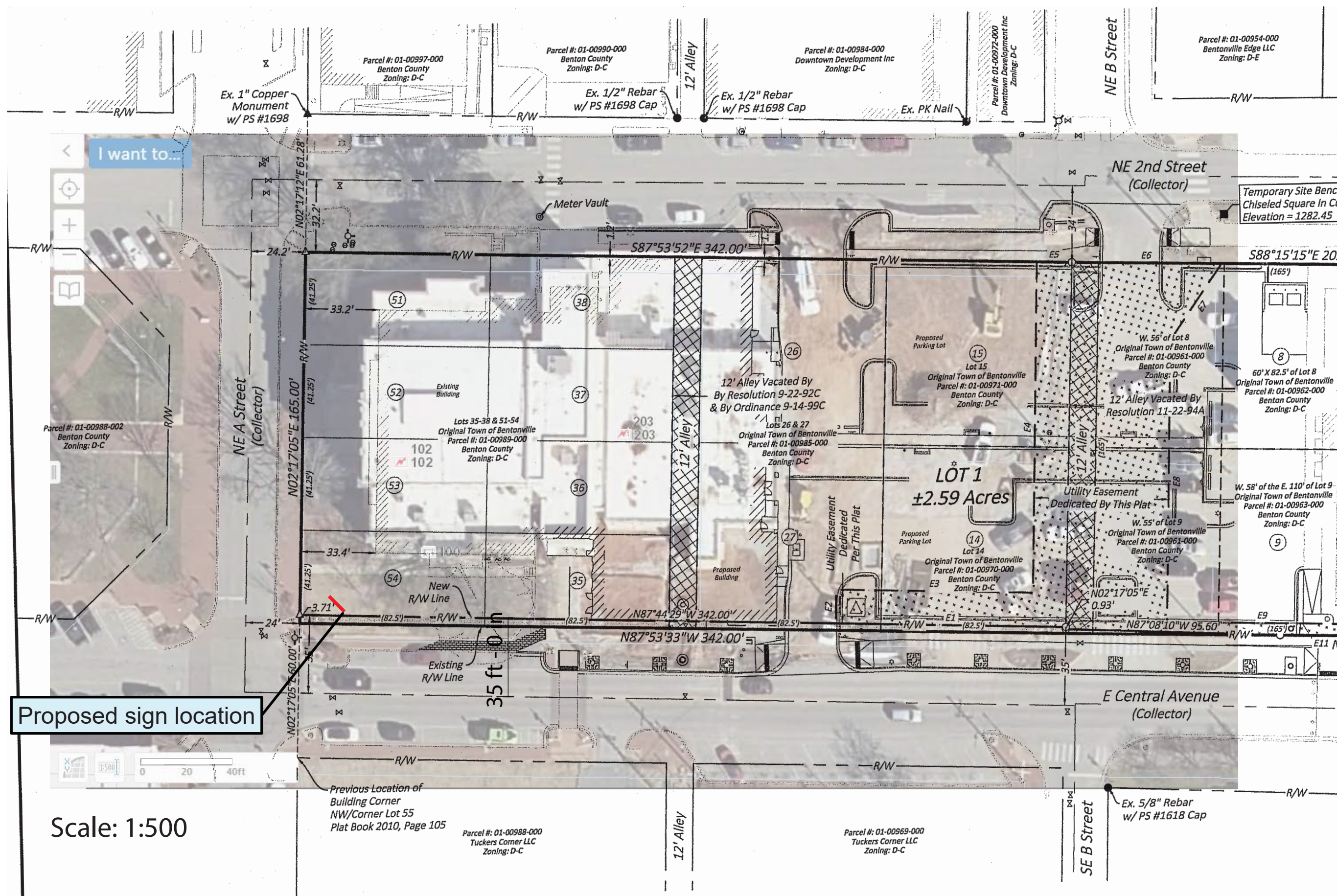
Another concern is the current landscaping both mature and newly planned will obscure the available wall space and visibility of any signage from the street particularly as they grow.

The client's goal is to direct traffic patterns away from the A St entrance and identify the Central St entrance as the main entrance. Additionally, the proposed sign would be designed to provide a similar look and feel to the buildings aesthetics and maintain consistency.

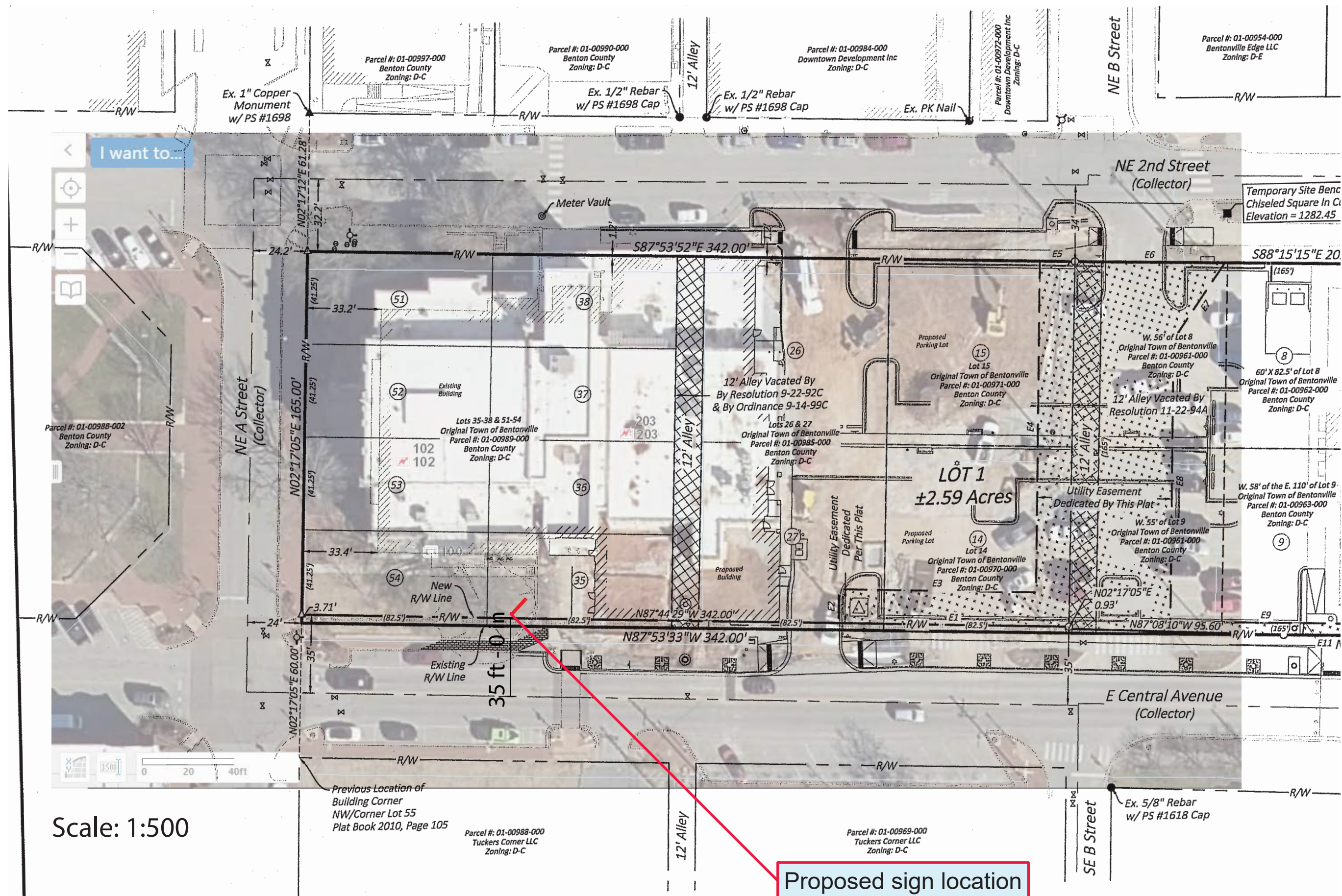
The property Landlord / Owner has given permission to install this sign on the grassy knoll at the SW corner of the entrance. Providing that it does not exceed the maximum square footage allowed by the City.

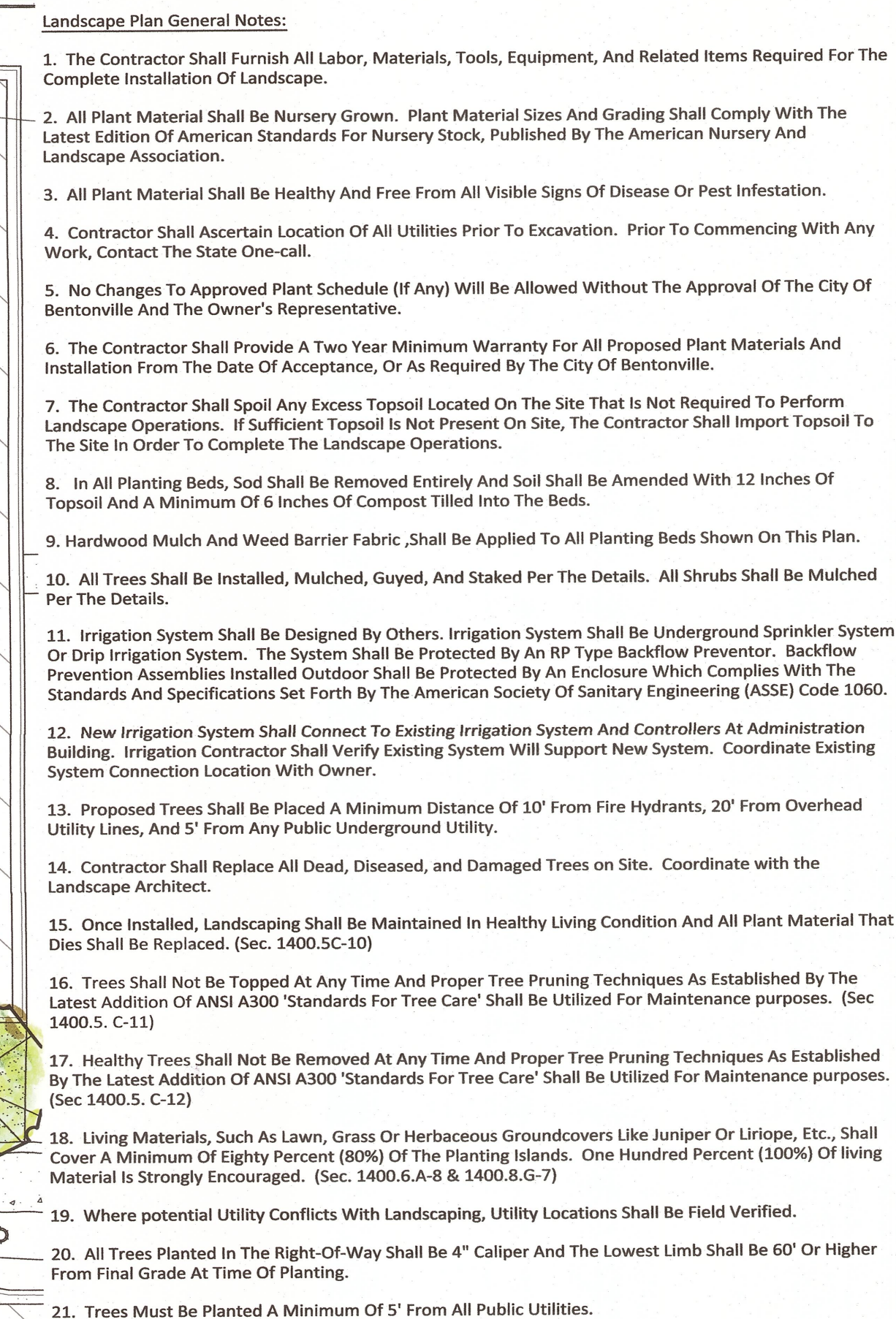
Considering it is a public facility and proper entrance identification is critical for the public we respectfully request that the Board grant permission to Benton County to install there sign as requested.

Sincerely Submitted... Best Sign Group

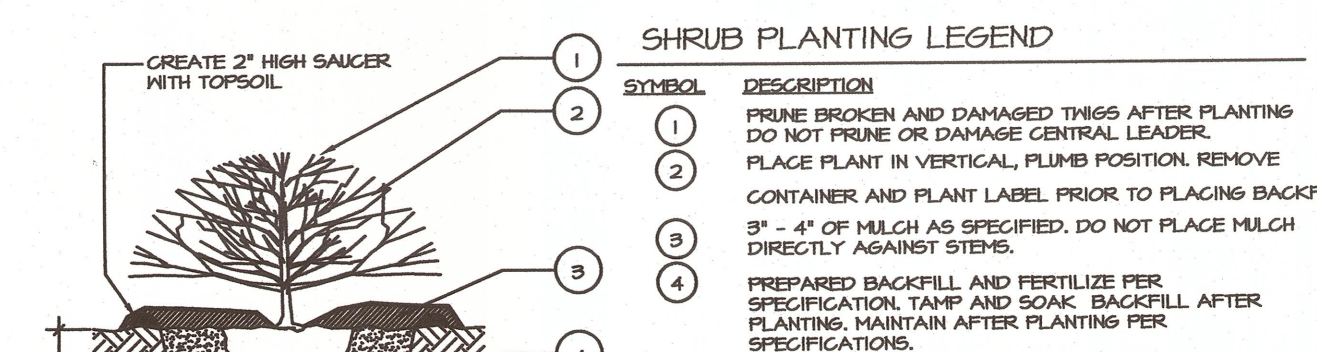


Scale: 1:500





PLANT SCHEDULE					
Key	COMMON NAME	Botanical Name	Size	Spacing	Quantity
PA	LITTLE GEM MAGNOLIA	Magnolia grandiflora 'Little Gem'	8' B&B	As Shown	6
PA	LONDON PLANETREE	Platanus x hispanica	2-1/2" Cal. B&B	As Shown	8
AF	AUTUMN BLAZE MAPLE	Acer x freemanii	2-1/2" Cal. B&B	As Shown	14
AS	SUGAR MAPLE	Acer saccharum	2-1/2" Cal. B&B	As Shown	15



UNDISTURBED SOIL

PLANTING NOTES

- HOLE DIAMETER SHOULD BE AT LEAST TWICE THE DIAMETER OF THE SHRUB ROOT BALL. SHRUB CROWN SHOULD BE PLACED SLIGHTLY HIGHER (1-2") ABOVE THAN SURROUNDING FINISHED GRADE.
- SCORE ROOTBALL BY CUTTING $\frac{1}{2}$ " VERTICAL GROVES 3" APART
- SPACE PLANTS PER PLANTING PLAN

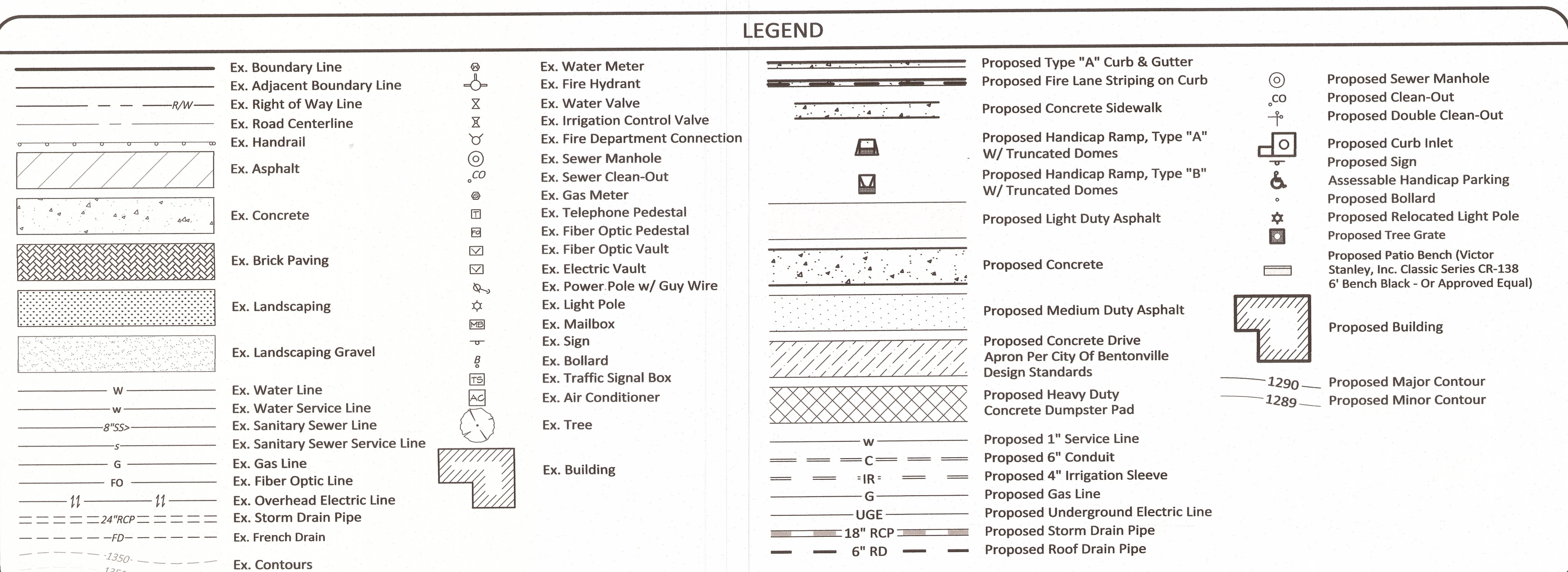
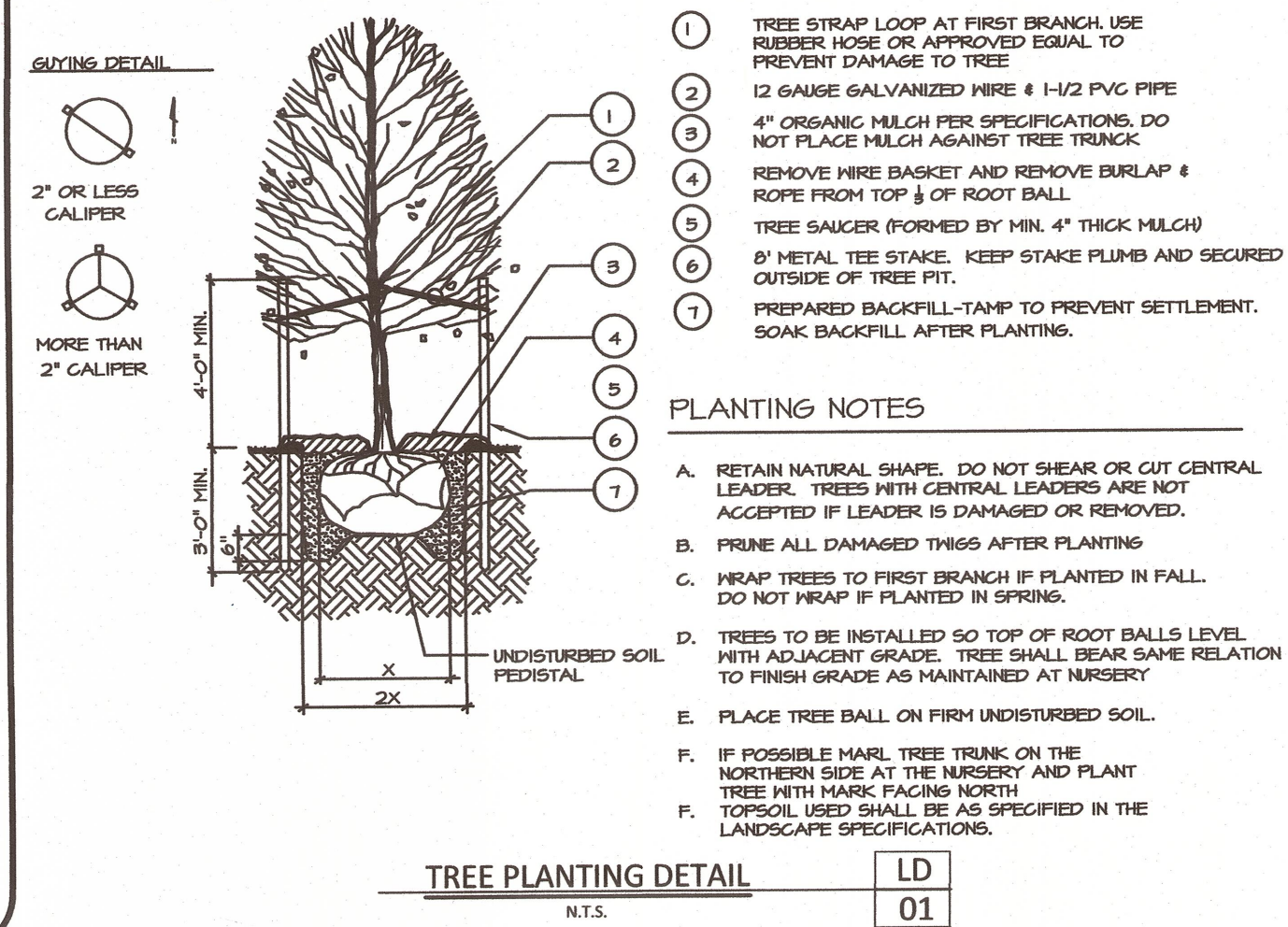


LANDSCAPE PLAN

LSD20-0055

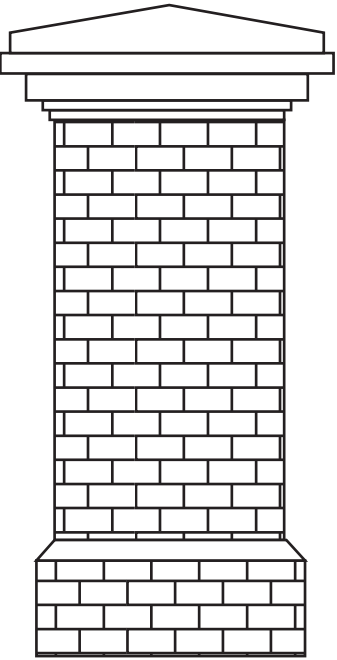
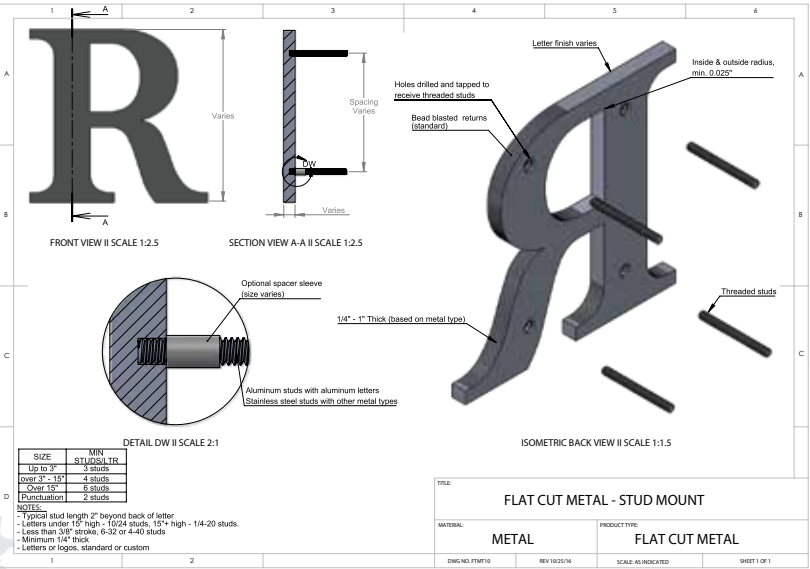
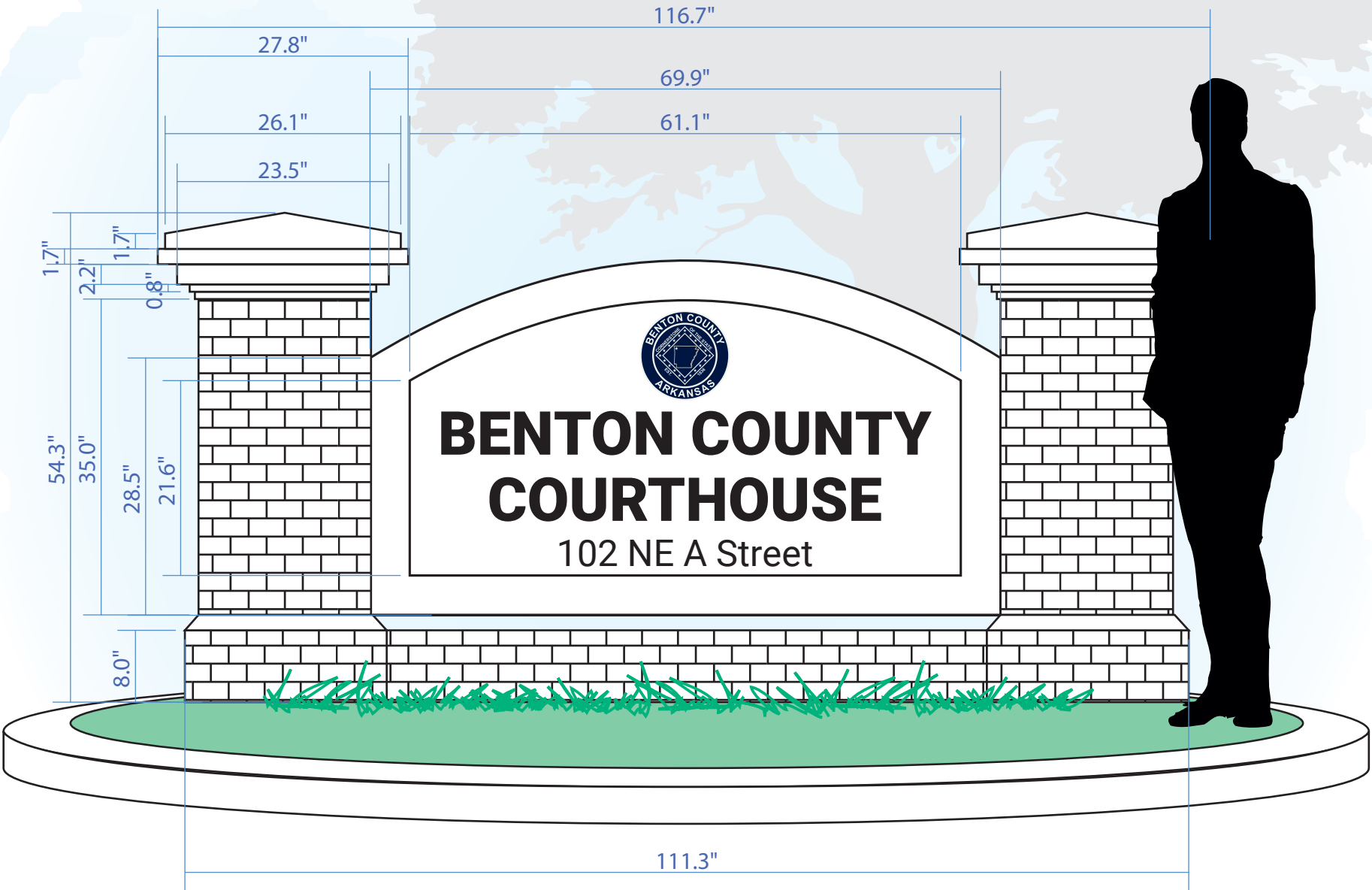


2407 SE COTTONWOOD STREET • BENTONVILLE, AR 72712 • 479.273.2209 • MORRISONSHIPLEY.COM



A

MONUMENT SIGN
Flat cut metal letters, stud mount
Color: TBD
Qty: 2 sets



SIDE VIEW

customer is responsible for contracting work
for the custom brick/concrete monument structure (optional)

Scale: 3/4"=1'



CLIENT

BEST SIGN GROUP

LOCATION

2860 W WALNUT
ROGERS AR
72756

DATE

00/00/00

REP

JSW

ART

JSW

REVISIONS

8/18 - n/a

All drawings presented here are exclusive property of Best Sign Group. This artwork is a representation of sign(s) to be considered for manufacturing by Best Sign Group, and no other sign manufacturer, unless otherwise noted and agreed to. Drawings contained herein are not to be exhibited to others, outside of included parties and employees.