

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

September 28th, 2022

Bentonville City Hall

305 SW A St

4:00 PM

Registration Link: https://us06web.zoom.us/webinar/register/WN_RT0o56bJSkGMGZKhOuE-5g

- I. Call to Order**
- II. Approval of September 14th Meeting Minutes**
- III. New Business**

- 1. The Body Shop NWA** **Variance***
1008 NW J Street Suite A-D ([VAR22-0036](#))
 - Sign Location Variance
- 2. Bradley** **Variance***
416 SW Glover St ([VAR22-0037](#))
 - Garage location Variance

NOTE: *After review, staff determined that a waiver request, to be heard by the Planning Commission on 10/4 was a more appropriate course of action to address this project. Public Hearing was advertised for 9/28, so a public hearing must be held at this meeting.*

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BOARD OF ADJUSTMENT

AGENDA

September 14th, 2022

Bentonville City Hall

305 SW A St

4:00 PM

Meeting recording: https://us06web.zoom.us/rec/share/eS4UkClwQz1j2uI7NIv8RDYrfh-2cjRITzbdYnLJctuIPVgTk12I8aQPEMdQWAXC.9n-VJfYCwZ_A3TTq

Present: Phillips, Pearson, Haynie, Kruithof, Rogers

I. Call to Order

- Mr. Rogers called the meeting to order at 4:00pm

II. Approval of August 24th Minutes

- Motion by Pearson second by Kruithoff to approve minutes
- Approved 5-0

III. New Business

1. Spangler

Variance*

3101 and 3103 SW Walton Blvd ([VAR22-0034](#))

- Setback Variance

- Christopher reads staff report
- Public hearing opened
- Public hearing closed
- Dave Burris (Architect) speaks
- Discussion among commissioners and staff
- Phillips recuses himself from vote due to conflict of interest
- Approved 3-1
- Committee member Kruithof votes No, stating he believed a change in zoning would be more appropriate.

2. Slusin

Variance*

4600 SW Barton St ([VAR22-0035](#))

- Setback Variance

- Luke reads staff report
- Public hearing opened
- Kyle Lynn (4603 SW Barton St) speaks regarding concerns around setting precedent in neighborhood around rear setbacks.
- Rohit (4607 SW Crossbow Circle) speaks around privacy concerns and precedent concerns similar to that of Mr. Lynn.
- Luke reads neighborhood letter of rejection
- Mr. Rogers reads additional email that was provided to the board

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- Meredith Brown (1804 S Edinburgh) speaks in support of the applicant request.
- Rita McClary (1806 S Edinburgh)
- Renjith Erresserill speaks asking about setting precedents in the neighborhood.
- Joshua Slusin (Owner) speaks regarding POA status and addresses public comments
- Discussion among commissioners and staff
- Approved 3-2
- Committee member Kruithof votes No, referencing a lack of hardship
- Committee member Rogers votes No, referencing a lack of hardship

Meeting adjourned

BOARD OF ADJUSTMENT STAFF REPORT



Body Shop NWA

1008 NW J Street

BOA Date: 9/28/2022

Reviewer: Luke Aitken, Planning Tech

Project Number	VAR22-0036
Applicant / Current Owner	Gregory Foster/ Body Shop NWA, VBT Holdings LLC
Site Area	+/- 1.71 acres
Current Zoning	R-O, Residential Office
Variance Request	Zoning Code Article 801.15(a), (a)
Related Projects	SIGN22-0104

Property Description

This property is located at 1008 NW J Street. It is currently zoned R-O, Residential Office. The shopping center in which this business is located, includes a portion of land zoned R-O, Residential Office, and another portion zoned C-1, Neighborhood Commercial.

Regulation

According to Zoning Code Article 801.15, Signs Allowed with a Sign Permit, Awning type signs are not allowed in Residential Office Zoning Districts.

Variance Request

The applicant is requesting a variance to permit an awning sign to be mounted beneath the roof overhang of the storefront in question, displaying it in the only feasible location along the front of their business. This sign would be visible only from the interior of the shopping center.

Background

According to the applicant's narrative, they wish to construct a 30 sq. ft. awning sig, to be attached to awning brackets under the roof overhang in front of their business. Located in the southern half of the property in question. This sign's location would be like many others in the same shopping center, which are located on a separate portion of land on the east side of the development, zoned C-1. The C-1 district allows awning style signs up to 32 square feet in size. The applicant states, and staff has confirmed, that there are multiple companies in the same business center, owned by the same entity, who have signs approved and hung which are the exact dimensions as their proposed sign, if not slightly larger. The applicant's narrative also states this location as the only viable one for their given store front as they do not qualify for a roof mounted sign, and they do not have adequate space on the façade of their building to place a wall sign, which has a minimum size requirement of 25 Square Feet per code.

The applicant concludes that not being permitted to install an awning style sign such as the one proposed in the attached exhibit, is a hardship outside of their control as tenants, and would deprive their business of the same advertising ability, and overall visibility enjoyed by others in the same shopping center. The property owner has also written a letter of support for this variance request which is attached.

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.

September 8, 2022

VBT Holdings, LLC
1008 NW J Street Suite A-D
Bentonville, AR 72712

To Whom It Concerns:

VBT Holdings, LLC dba The Body Shop NWA is seeking a variance from the Bentonville city code preventing us from hanging signs from the store front roof line.

The Body Shop NWA is investing a substantial amount of money to form a business which promotes a healthy lifestyle to include a gym, salon, and skin therapy treatments. Having a reasonably sized sign hung from the store front will provide an equal opportunity for the Body Shop NWA to compete in the marketplace and give the citizens of Bentonville another option, while increases competition and ultimately reducing the cost for the citizens of Bentonville.

There are multiple companies in the same business center, owned by the same owner, who have signs approved and hung which are the exact dimensions as our proposed sign, if not slightly larger.

Please consider the attached warranty deed, letter of approval from the current owner and scaled sketch with exact dimensions of our proposed sign and its design.

We look forward to your response.

Respectfully,

Gregory Foster
Heather Foster
(Owners)



Moses Tucker
PARTNERS



200 River Market Ave., Suite 501
Little Rock, AR 72201



501.376.6555



mosestucker.com

September 8, 2022

Best Sign Group
2860 W. Walnut, Ste. 300
Rogers, AR 72756

Re: VBT Holdings, LLC
Signage
The Body Shop Logo

To Whom it May Concern:

The purpose of this letter is to approve signage proposed in the email dated September 8, 2022. Moses Tucker Partners, LLC, on behalf of the Landlord, Bryant Partners, LLC, approves the sign design and location for VBT Holdings, LLC to be put on the building located at 1008 NW J Street, Bentonville, AR above Suites A & B.

If you have any questions or require additional information, please do not hesitate to contact me at 479-271-6118 or email at lbeebe@mosestucker.com

Sincerely,

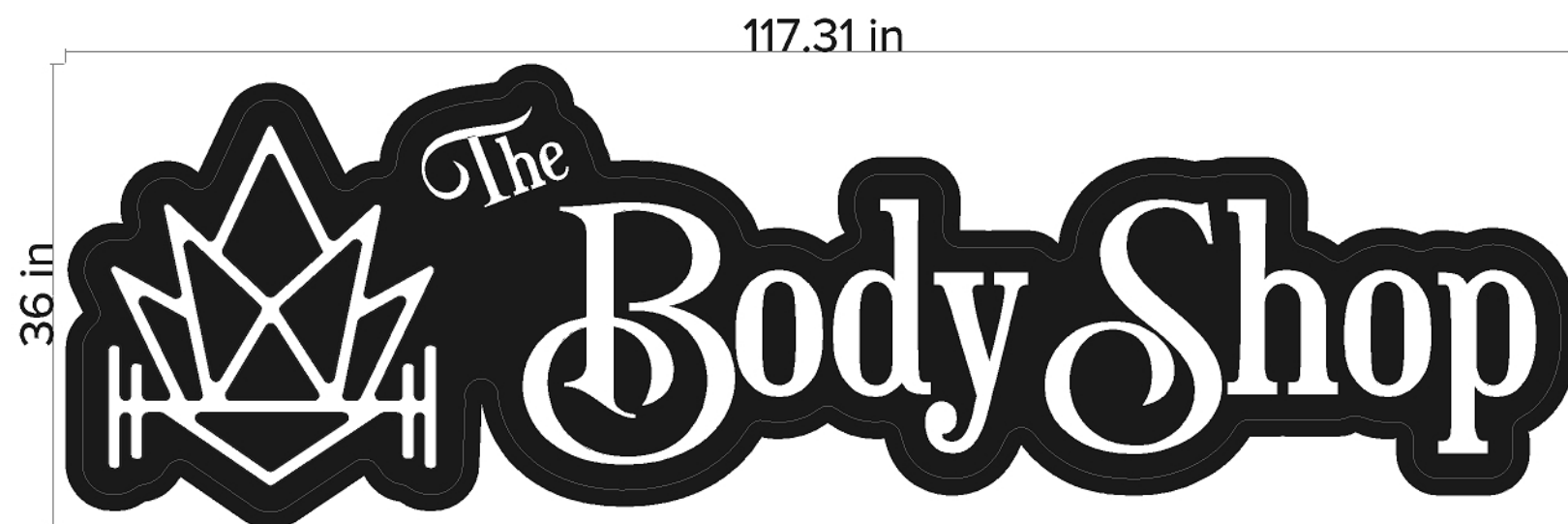
Lisa Beebe

Lisa Beebe
Director of Property Management NWA



Moses Tucker
PARTNERS

T 479-271-6118
C 479-225-1540
lbeebe@mosestucker.com



01 | LIGHTED CABINET

- QTY 1 - LED-LIGHTED CABINET SIGN
- CUSTOM ROUTED SHAPE, 6" DEEP
- 1.5" RETAINER
- BLACK RETURNS
- 3/16" POLYCARB FACE
- BLACK VINYL REVERSE CUT

REMOVAL OF AWNING
MOUNTED TO EXISTING BRACKETS



DAY VIEW



NIGHT VIEW