

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

**October 26th, 2022
Bentonville City Hall
305 SW A St
4:00 PM**

Registration Link: https://us06web.zoom.us/webinar/register/WN_S3jpyrirR6anJbLUiOQuvg

- I. Call to Order**
- II. Approval of September 28th Meeting Minutes**
- III. New Business**

1. Northwest Assembly Student Center

305 SW Unity Blvd ([VAR22-0038](#))

- Sign Location Variance

Variance*

2. Aurora Subdivision Perimeter Fence

SW Awakening Ave ([VAR22-0039](#))

- Fence Location Variance

Variance*

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BOARD OF ADJUSTMENT

AGENDA

September 28th, 2022

Bentonville City Hall

305 SW A St

4:00 PM

Meeting Recording:

https://us06web.zoom.us/rec/share/3rs8UoCxyDT8RKAJwPjWIZhcF_IH2U5ycvihotptQqEc6mbENQNFWEqj5RvPDGE1.yhmo4ixfiZkai2dO

Present: Pearson, Haynie, Swanson

Absent: Kruithoff, Phillips

Staff: Christopher Hyatt, Luke Aitken, Tom Adler

I. Call to Order

- Mr. Pearson calls the meeting to order at 4:00pm

II. Approval of September 14th Meeting Minutes

- Motion by Haynie, second by Swanson.
- Approved 3-0

III. New Business

1. The Body Shop NWA

Variance*

1008 NW J Street Suite A-D ([VAR22-0036](#))

- Sign Location Variance
- Luke reads staff report
- Discussion among commissioners for clarification
- Public hearing opened
- Public hearing closed
- Greg Foster (Applicant) gave more specifics
- Approved 3-0

Ms. Swanson was Welcomed to the Committee

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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Motion to adjourn by Haynie, second by Swanson.

Meeting adjourned.

Jana Snyder
Community Development Coordinator

BOARD OF ADJUSTMENT STAFF REPORT



NW Assembly Student Center

305 SW Unity Blvd

BOA Date: 10/26/2022

Reviewer: Christopher Hyatt, Planning Technician

Project Number	VAR22-0038
Applicant / Current Owner	Best Sign Group / Northwest Assembly Inc.
Site Area	+/- 17.35 acres
Current Zoning	A-1, Agricultural
Variance Request	<i>Zoning Code Article 801.15(a) Zoning Height and Area Regulations</i>
Related Projects	

Property Description

This property is located at 305 SW Unity Blvd. It is currently zoned A-1, Agriculture.

Regulation

According to Zoning Code Article 801.15, Signs Allowed with a Sign Permit, Wall signs are not allowed for non-residential use in the A-1, Agriculture Zoning District.

Variance Request

The applicant is requesting a variance to permit a wall sign to be mounted on the NW Assembly Student Center building.

Background

According to the applicant's narrative, the student center sits further back behind additional buildings and parking lots along Unity Boulevard. They would like for the building to be more easily recognizable to others for its purpose and believe a wall sign would allow people to understand where to go during functions that are often held at the building. The proposed signage would be consistent with the current NW Assembly branding and signage that has been approved around the city.

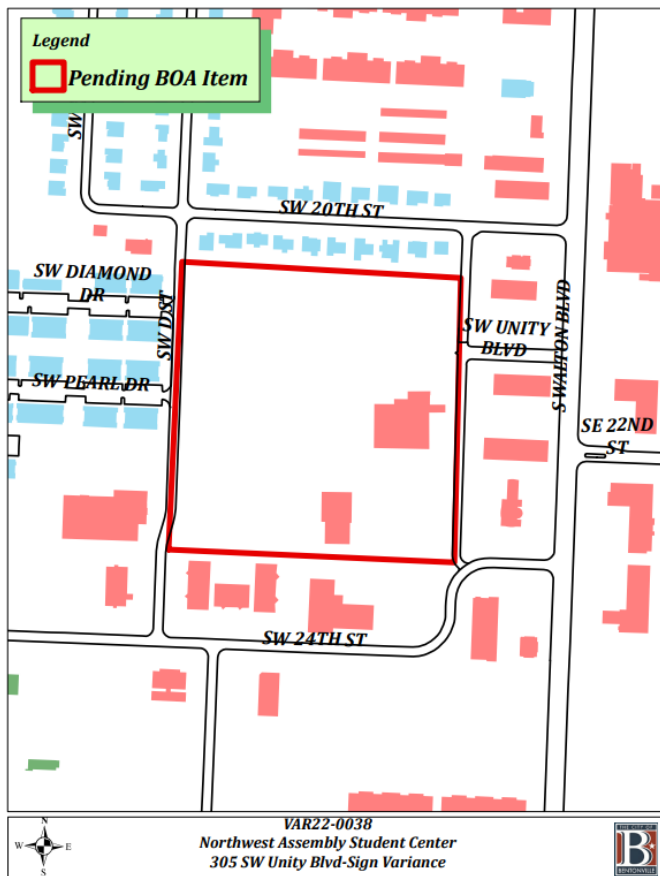
Public Comment

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.

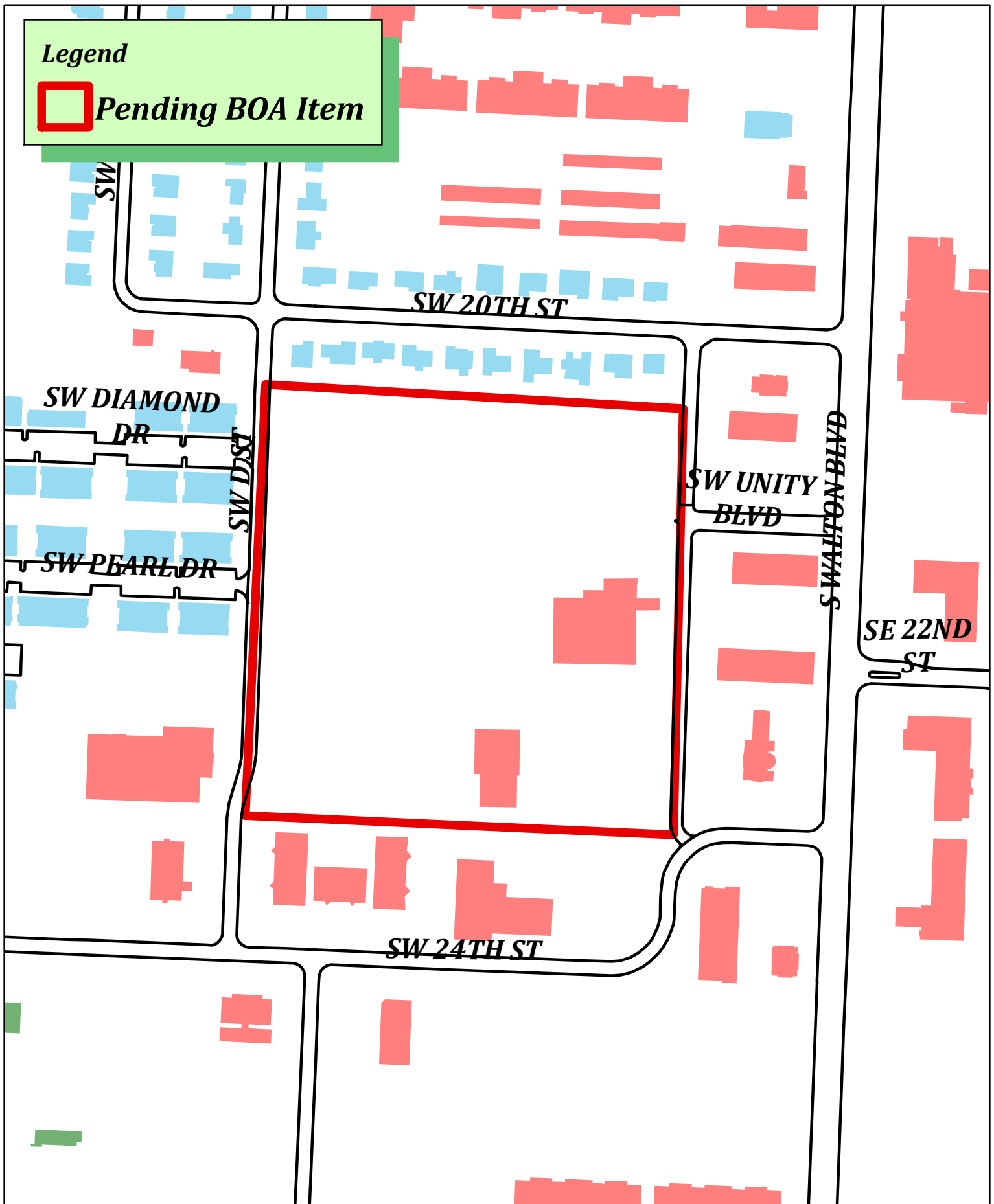
(4) The board of adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this chapter, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(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

 **Pending BOA Item**



VAR22-0038

**Northwest Assembly Student Center
305 SW Unity Blvd-Sign Variance**





Dana A Winn
Director of Operations
Northwest Church
301 SW Unity Blvd.
Bentonville, Arkansas, 72712
479-273-5141

TO: City of Bentonville, Arkansas

DATE: September 6, 2022

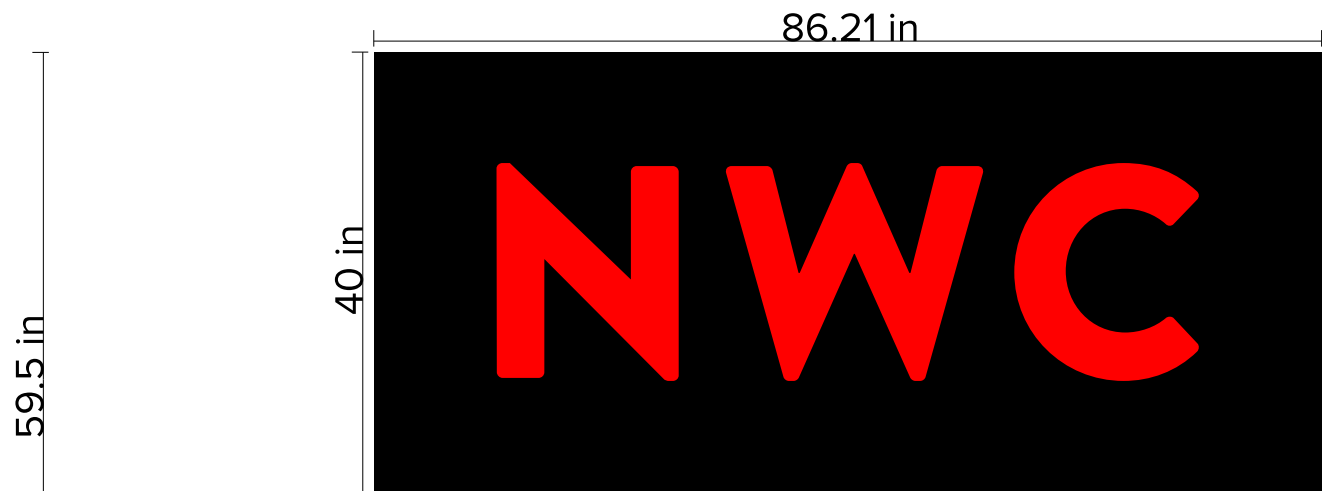
RE: Request for possible variance in signage for Student Center Building

To Whom it May Concern,

I am writing this letter in hopes to obtain a variance if needed for signage on our student center. The Student Center is a current structure and sits further back on our property at 301 SW Unity Blvd and does not currently have a sign on it. With this building sitting further back, and additional buildings and parking lots being added, we would like for it to be easily recognizable to others for its' purpose. This would allow for more visibility to those entering the property and from the roadway. This also allows people to know where to go during functions that are often held at this building. This signage would also be consistent with the current branding and signage we have already had approved with the city to maintain a consistent look for the city.

Your help and assistance in this matter is greatly appreciated. Thank you for taking the time to view and consider this variance.

Dana Winn



- 01 | CHANNEL LOGO + LETTERS
- CHANNEL LOGO CABINET
ROUTED & BACKED W/ ACRYLIC
FRONT & HALO-LIGHTED
ALUMINUM PAINTED BLACK
 - LETTERS
INDIVIDUALLY MOUNTED
ACRYLIC FACES + BLACK DAY / NIGHT PERF VINYL
(LETTERS LIGHT WHITE AT NIGHT)
BLACK SIDES & TRIMCAP

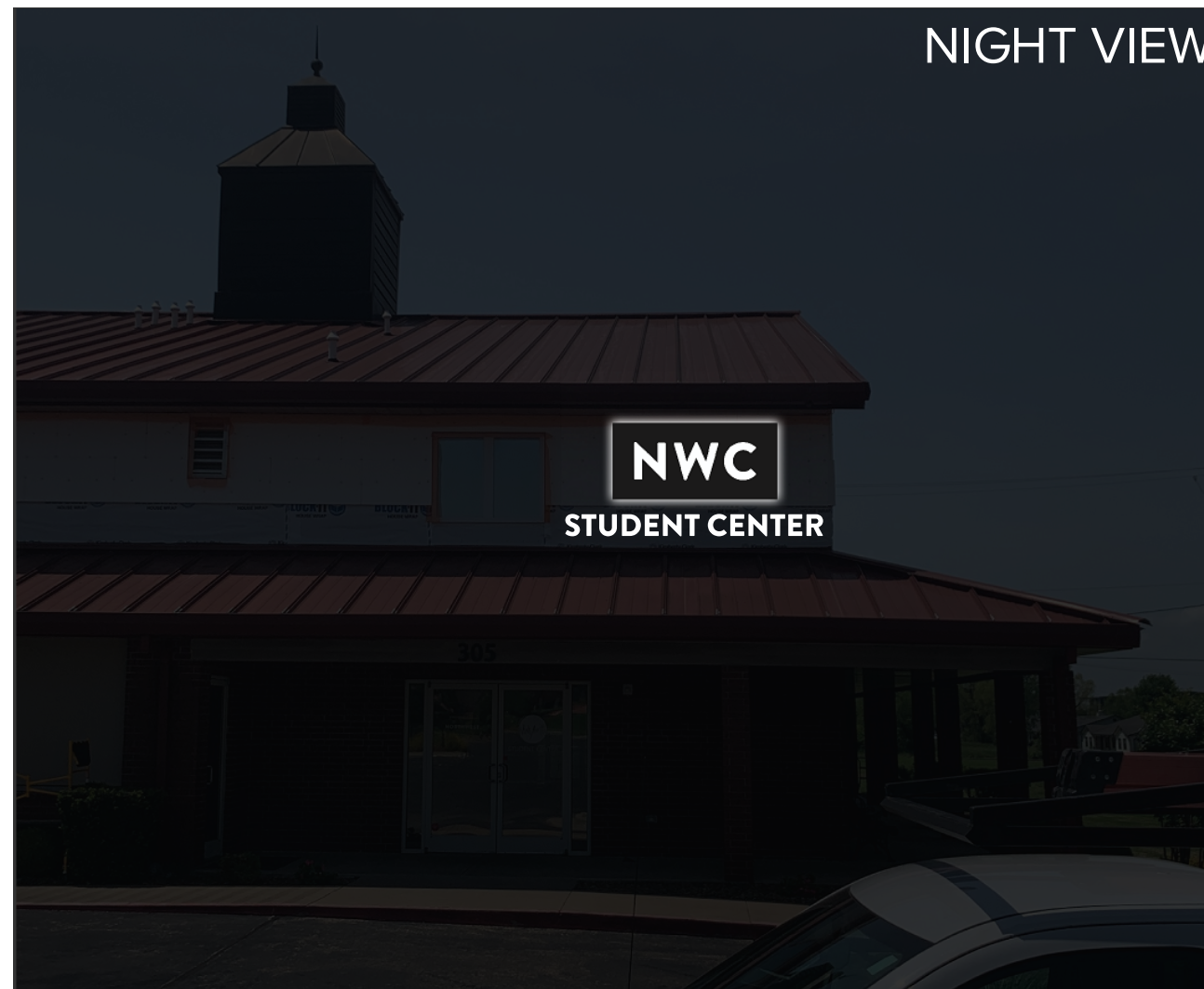


SIDE VIEW

11.7 in 135.01 in
STUDENT CENTER



DAY VIEW



NIGHT VIEW

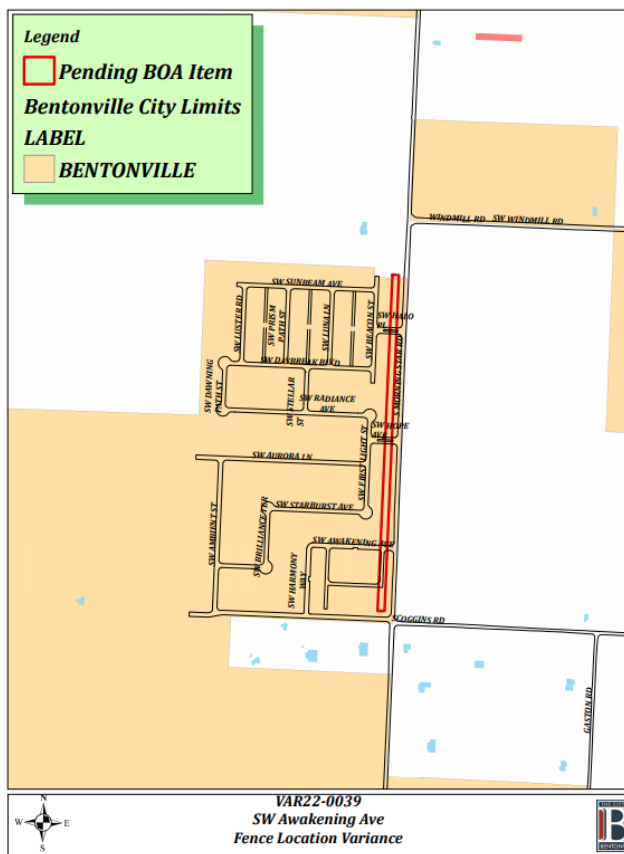
BENTONVILLE

COMMUNITY & ECONOMIC DEVELOPMENT

Reviewer: Luke Aitken, Planning Technician

Project Number	VAR22-0039
Applicant / Current Owner	CEI Engineering / Aurora Development Company LLC
Site Area	+/- 3.03 Acres
Current Zoning	PRD, Planned Residential Development
Variance Request	Land Development Code: Article 1100 Section: 1100.06 Fence and Wall Requirements (g) (2)

1. The approved variance shall be for the proposed layout, as provided by the applicant within this application.
2. The applicant must obtain an approved fence permit before construction.



City of Bentonville, Arkansas | Community Development Department
305 SW A Street, Bentonville, AR | (p) 479-271-3122 | (e) planning@bentonvillear.com

BOARD OF ADJUSTMENT STAFF REPORT

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- 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,
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Legend



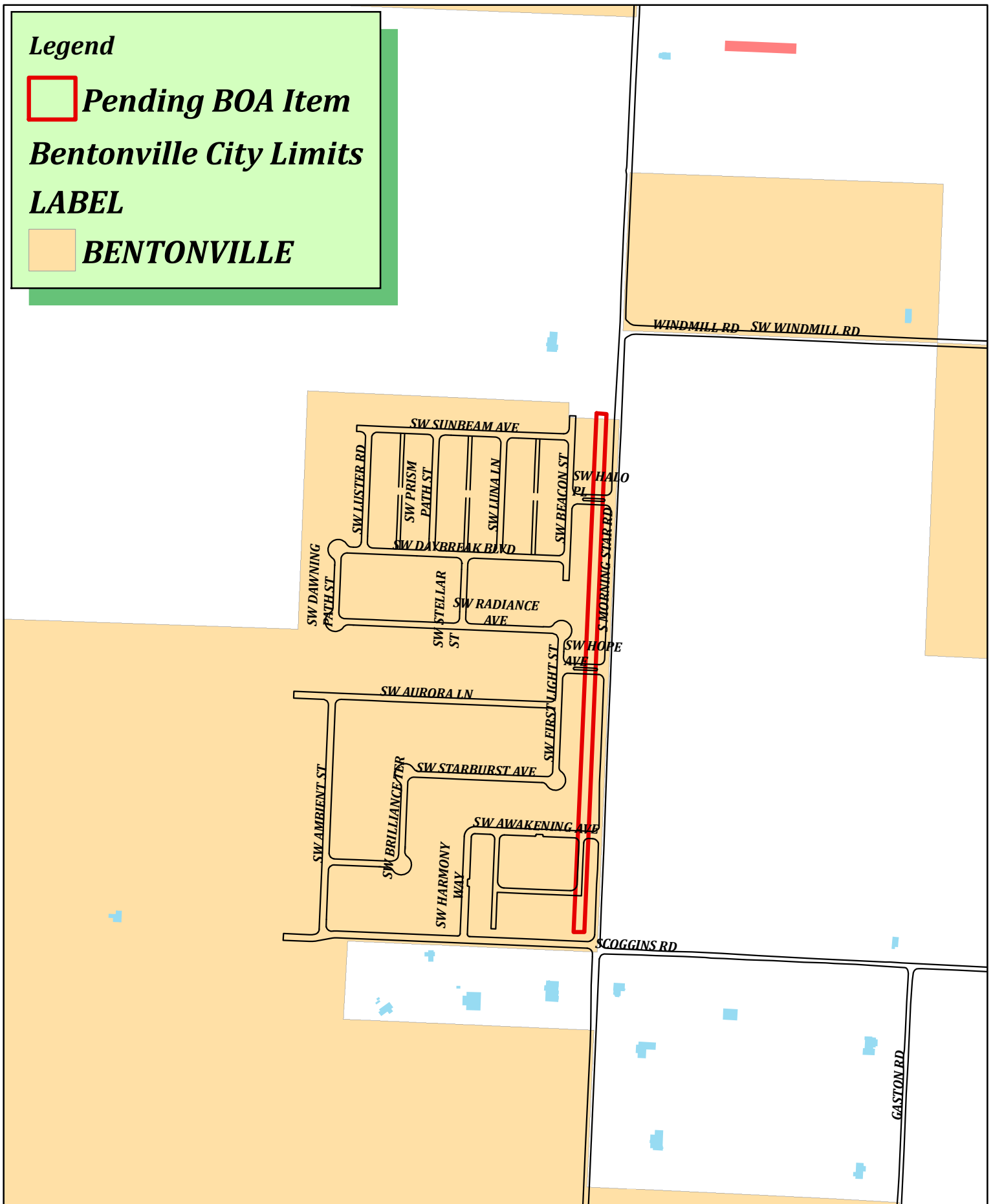
Pending BOA Item

Bentonville City Limits

LABEL



BENTONVILLE



VAR22-0039
SW Awakening Ave
Fence Location Variance





*Civil Engineering, Landscape Architecture,
Survey, Planning & Program Management*

3108 SW Regency Parkway
Bentonville, AR 72712
Office: 479.273.9472
Toll-free: 1.800.433.4173
ceieng.com

September 29, 2022

City of Bentonville
Board of Adjustment
305 S.W. "A" Street
Bentonville, AR 72712

RE: Aurora Subdivision Fence Variance Request

Dear Members of the Bentonville Board of Adjustment,

On behalf of Aurora Development Company, CEI is requesting a variance to the required location of perimeter subdivision fencing with respect to street right of way. Article 1100 Section 1100.06(g)2 requires fences to be offset from public right of way by five (5) feet. Additional sections under that code require no obstructions within the sight triangles at intersections and various requirements for placement around utilities. Setbacks from utilities and sight triangle requirements will be met with this proposal.

The owner proposes to set a double sided wood board privacy fence at the right of way line to make use of the maximum 6' height allowed by the code. The topographic features of the site create a hardship by effectively lowering the screening ability of the fence from the adjoining street. The finished grade of the properties backing up to Morningstar slope away from the road causing more visibility into the private back yards of those homes if the fence were placed 5' down the slope. Fencing is also proposed to turn the corners into the subdivision entries for a uniform welcoming entry feature to the neighborhood. At the entries adjustments to the fence location will be made to insure utility clearances and sight triangles are maintained. All fences will be maintained within private properties.

This request is consistent with similar development such as Woodland Crossing built at the same time in the same proximity of the Aurora Subdivision. We request your consideration and approval of the requested variance for fence placement.

Respectfully submitted,
CEI Engineering Associates, Inc.

A handwritten signature in blue ink that reads 'Nate Bachelor'.

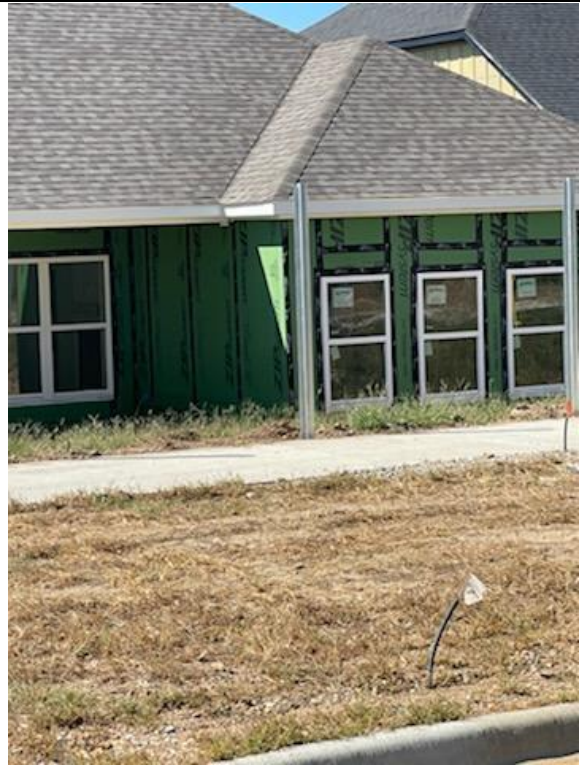
Nate Bachelor, PE

Attachments: Aurora subdivision sketch of fence location, photos

cc: Bob David, Developer



Morningstar Fencing grade change



Morningstar Fencing grade change



Woodlands Crossing Fence



Woodlands Crossing Fence

PREPARED BY:



CEI Engineering Associates, Inc.

3108 SW Regency Pkwy, Suite 2
Bentonville, Arkansas

(479) 273-9472 or 1-800-433-4173 / Fax (479) 273-0844

Exhibit Description: Photographs
Job Number: 30234
City, State: Bentonville AR
Type of Work: Variance Exhibit

EXHIBIT NUMBER

EX1.01