



**BOARD OF ADJUSTMENT  
AGENDA  
October 5, 2016**

**I. Call to Order**

**II. Approval of Minutes**

1. September 14, 2016 Minutes

**III. Old Business:**

**1. Grubbs**

220 & 226 North Walton Boulevard

- Maximum Sign Height
- Maximum Sign Area (per face)
- Minimum Sign Setback from property line

**Variance\***

**IV. Other Business**

**V. Adjournment**

Board of Adjustment  
Minutes  
September 14, 2016

Meeting called to order at 5:00 p.m. by Rustin Chrisco, Chairman

Present: Joe Haynie, Jan Holland, Rustin Chrisco and Rick Rogers  
Absent: Sam Pearson

Motion to approve the minutes of August 10, 2016 as written  
Approved 4-0

Motion to approve the minutes of August 24, 2016 as written  
Approved 4-0

New Business:

Item #1

Richard & Catherine Grubbs, Variance Request for sign on private property, 220 & 226 North Walton Boulevard, Zoned C-2.

The applicant has submitted a variance request to the maximum height of a freestanding, multiple tenant sign on property located at 220 & 226 North Walton Boulevard. The applicant is requesting a 22 feet high freestanding, multiple tenant sign be allowed which is a variance of 10 feet from the 12 feet allowed by ordinance. All measurements shall be from final grade. (See attached exhibit)

Additionally the applicant has submitted a variance request to the maximum area (per face) of a freestanding, multiple tenant sign requirements. The applicant is requesting 136 square feet of sign area be allowed (per face) which is a variance of 36 square feet (per face) from the 100 square feet (per face) allowed by ordinance. (See attached exhibit)

Furthermore, the applicant has submitted a variance request to the minimum setbacks from property lines for signs that are more than 32 square feet in area. The applicant is requesting that a setback from the property line of 1 foot be allowed which is a variance of 9 feet from the 10 feet allowed by ordinance. (See attached exhibit)

Ordinance #2011-55 amended Article 801 Signs & Billboards of Chapter 14 of the zoning code to require freestanding signs to be monument-style signs. A policy of the City of Bentonville's General Plan states that the city shall "encourage the installation of monument signs over other types of signs to protect the public health, safety and welfare. The intent of the City of Bentonville is to improve overall appearance with monument-style signs, instead of pole signs.

Opened public hearing  
No public comment  
Closed public hearing

The new sign code was adopted in July of 2011; Chick-fil-A sign, Taco Bell, Panda etc. were all in place prior to ordinance. If the buildings were razed they would have to conform to the new sign ordinance.

Rick-concerned over site triangle

Jon did not feel that it would affect the site triangle.

Rick-no hardship for sign, my biggest issue is the height.

Rick-would you be willing to table and take back to your engineer or architect to make changes.

Mr. Grubbs would like to table

Motion to table the maximum sign height

Tabled 4-0

Motion to table maximum sign area (per face)

Tabled 4-0

Motion to table minimum sign setback from property line

Tabled 4-0

Meeting adjourn

*Diane Shastid*

# BOA STAFF REPORT

## 16-11000030, Grubbs, Signs on Private Property (Max. Sign Height, Max. Sign Area & Minimum Sign Setback from property line)

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**TO:** Bentonville Board of Adjustment Members  
**THRU:** Troy Galloway, AICP, Community Development Director  
**FROM:** Jon Stanley, Planner  
**BOA DATE:** October 5, 2016

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### GENERAL INFORMATION:

**Representative:** Richard & Catherine Grubbs

**Applicant:** Richard Grubbs

**Location:** 220 & 226 North Walton Boulevard

**Existing Zoning:** C-2, General Commercial

**Existing Land Use:** Vacant Commercial Lot

**REQUEST:** Variance(s)

<b>Maximum Sign Height Variance</b>		
	<b>Regulation</b>	<b>Request</b>
<b>Article 801, Sec 801.15.A Maximum Sign Height</b>	Maximum Height of a freestanding, multiple tenant sign shall be shall be twelve (12) feet above grade.	Request of: 13'- 4" Variance of : 1'- 4"

<b>Maximum Sign Area Variance</b>		
	<b>Regulation</b>	<b>Request</b>
<b>Article 801, Sec 801.15.A Maximum Sign Area (per face)</b>	Maximum area (per face) of a freestanding, multiple tenant sign shall be shall be 100 square feet above grade.	Request of: 127.5 sq. ft. (pre face) Variance of: 27.5' sq. ft. (per face)

<b>Minimum Sign Setback Variance</b>		
	<b>Regulation</b>	<b>Request</b>
<b>Article 801, Sec 801.15.C.2 Freestanding Sign – Nonresidential Districts – Minimum Setbacks</b>	Sign area more than 32 square feet shall be setback 10 feet from the property line.	Request of: 1' Variance of : 9'

**SURROUNDING ZONING:**

<b>Direction</b>	<b>Zoning</b>
North	C-2, General Commercial
South	C-2, General Commercial
East	C-2, General Commercial
West	C-2, General Commercial

**BACKGROUND:**

The applicant has submitted a variance request to the maximum height of a freestanding, multiple tenant sign on property located at 220 & 226 North Walton Boulevard. The applicant is requesting a 13’ – 4” high freestanding, multiple tenant sign be allowed which is a variance of 1’ – 4” feet from the 12 feet allowed by ordinance. All measurements shall be from final grade. (See attached exhibit)

Additionally the applicant has submitted a variance request to the maximum area (per face) of a freestanding, multiple tenant sign requirements. The applicant is requesting 127.5 square feet of sign area be allowed (per face) which is a variance of 27.5 square feet (per face) from the 100 square feet (per face) allowed by ordinance. (See attached exhibit)

Furthermore, the applicant has submitted a variance request to the minimum setbacks from property lines for signs that are more than 32 square feet in area. The applicant is requesting that a setback from the property line of 1 foot be allowed which is a variance of 9 feet from the 10 feet allowed by ordinance. (See attached exhibit)

Ordinance #2011-55 amended Article 801 Signs & Billboards of Chapter 14 of the zoning code to require freestanding signs to be monument-style signs. A policy of the City of Bentonville’s General Plan states that the city shall “encourage the installation of monument signs over other types of signs to protect the public health, safety and welfare. The intent of the City of Bentonville is to improve overall appearance with monument-style signs, instead of pole signs.

**PUBLIC COMMENT:**

Staff has **NOT** received public comment regarding this request.

**CONDITIONS OF APPROVAL:**

If approved, the following condition(S) shall apply:

1. The approved variance shall be for the proposed height, area, location and materials of the sign only, as provided by the applicant within this application.
2. The applicant shall obtain a sign permit prior to constructing the sign.
3. The sign must be located a minimum of 5 feet from all public utilities and the Large Scale Development plans must be revised as necessary and approved by the City of Bentonville.

9/26/16

**Sign Variance Application Explanation  
Urban Edge Development  
220 & 226 N Walton Blvd**

Dear Board Members,

After meeting with Troy, Beau, Brian and Jon in a meeting at the Planning Office, we have come up with a much lower sign with less sign area. Please find the original requested variances below followed by the adjusted requested variances.

Thank you again for your time and consideration.

Rich Grubbs  
1215 NE Waverly Way  
Bentonville, AR 72712  
479-619-5253

**Original Requested Sign Variances:**

<b>Max Sign Height (SEC. 801.9 “A”):</b>	10 linear feet variance
<b>Max Sign Area (SEC. 801.9 “A”):</b>	36 square feet variance
<b>Back of ROW (SEC. 801.9 “D2”):</b>	9 linear feet variance

**Adjusted Sign Variances:**

<b>Max Sign Height (SEC. 801.9 “A”):</b>	1 feet & 4 inches variance
<b>Max Sign Area (SEC. 801.9 “A”):</b>	27.5 square feet variance
<b>Back of ROW (SEC. 801.9 “D2”):</b>	9 linear feet variance

9/2/16

**Sign Variance Application Explanation**  
**Urban Edge Development**  
**220 & 226 N Walton Blvd**

Dear Board Members,

After much thought and consideration my team and I have come to the conclusion that to compete on an equal playing field with the surrounding business (McDonalds, Chick-fil-A, Wing Stop, Papa John's, Rent-A-Center, State Farm (Just to name a few)), it is critical to the new businesses locating at Urban Edge keep the current sign at 220 N Walton BLVD. Removal of the sign would create an unfair advantage to the surrounding businesses and place a hardship on the efforts to lease out and maintain tenants at the new Urban Edge development. The Urban Edge development encompasses what previously was 220 & 226 N Walton Blvd. The Jim's Razorback pole sign at 226 N Walton Blvd has been removed and this sign will be used for both properties.

The design team has come up with two new renderings of the current sign by matching the architecture and materials of the Urban Edge buildings. One design exhibits the bricked base reaching up to the "SIGNAGE" area. This design replicates the monument style. The other design exhibits a lower brick base that allows visibility through the sign at the driver's viewing height. The sign has always had a full-bloomed Crape Myrtle in the middle that blocked the entire opening. It has never been a problem. Both sign designs are included in this packet. The newly designed current sign will in both cases have sign inserts with opaque background and translucent copy. Such illumination shall be in a manner, which avoids glare or reflection, which in any way interferes with traffic safety.

Thank you for your time and consideration.

Richard Grubbs  
1215 NE Waverly Way  
Bentonville, AR 72712  
479-619-5253

