



**BOARD OF ADJUSTMENT  
AGENDA  
February 10, 2016**

**I. Call to Order**

**II. Approval of Minutes**

**III. New Business:**

**1. Ferguson**

**Variance\***

128 West Central Avenue

- Wireless Communication Facilities Setback Variances in D-C, Downtown Core Zoning Designation

**IV. Other Business**

**V. Adjournment**

Board of Adjustment  
Minutes  
January 13, 2016

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

Present: Sam Pearson, Rustin Chrisco and Rick Rogers, Joe Haynie(after minutes vote)

Absent: Jan Holland

City Staff: Beau Thompson and Jon Stanley

Motion by Rogers, 2<sup>nd</sup> Pearson to approve the minutes December 9, 2015.  
Approved 4-0

New Business:

Item #1

Berns Capital, LLC:-(16-11000001)Density, Southwest 'B' Street & Southwest 4<sup>th</sup> Street(southwest corner of intersection) Zoned D-E, Downtown Edge.

The applicant has submitted a variance requests to the zoning code for property located in the D-E, Downtown Edge zoning classification to allow the construction of six (6) townhomes. The applicant is requesting that 35.29 units per acre be allowed which is a variance of 17.29 units per acre from the 18 units per acre allowed by ordinance.

Opened public hearing

No public comment

Jake Newell representative present for questions-Rezoning was not appropriate due to commercial 35.29 units per Acre. Parking almost each unit will have 2 spots per unit.

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

1. The approved variance shall be for the proposed 6 townhomes only, as provided by the applicant within this application.
2. A Large Scale Development will be required to be submitted and approved by the planning commission.

Rustin Chrisco recused himself due to owning property by development. Rick Rogers, Vice Chair will act as chair for the vote.

Approved 3-0-1abstain.

Item #2

Kendra Skaggs: (16-11000002)Rear Setback Variance, 4403 Southwest Beech Lane, Zoned R-1, Single Family Residential.

The applicant has submitted a variance request to the Rear Setback for property located in the R-1, Single Family Residential zoning classification to allow for the construction of a covered deck. The applicant is requesting a 20' rear setback be allowed which is a variance of 5' from the 25' required by

ordinance. The 15' utility easement that is located along the rear property line will not be impacted by the construction of the covered deck and will not hinder public or private utility services.

Jonathan Million representative with RLP investments. The house was built for ADA standards.

Opened public hearing

No public comment

Beau spoke to POA president they did not have any issues.

Approved 4-0

Motion by Pearson, seconded by Rogers to adjourn

Meeting adjourned

*Diane Shastid*

**BOA STAFF REPORT**  
**16-11000003 –Ferguson – Density**

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**TO:** Bentonville Board of Adjustment Members  
**THRU:** Troy Galloway, AICP, Community Development Director  
**FROM:** Jon Stanley, Planner  
**BOA DATE:** February 10, 2016

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**GENERAL INFORMATION:**

**Representative:** Bryan Brewer  
**Applicant:** Shirley Ferguson  
**Location:** 128 West Central Avenue  
**Existing Zoning:** D-C, Downtown Core  
**Existing Land Use:** Mixed Use  
**REQUEST:** Variance(s)

<b>Setback Variance for Tower</b>		
	<b>Regulation</b>	<b>Request</b>
<b>Article 601, Sec 601.27-E.1 Setback &amp; Separation Requirements for Wireless Communication Facilities in D-C, Downtown Core</b>	33' = 0.5 the height of the tower	Request of: 22' Variance of : 11.08'

<b>Setback Variance for Tower Guy Wires</b>		
	<b>Regulation</b>	<b>Request</b>
<b>Article 601, Sec 601.27-E.2 Setback &amp; Separation Requirements for Wireless Communication Facilities in D-C, Downtown Core</b>	Guy wires and other support devices shall maintain a min. setback of 20' from any property line.	Request of: 0' Variance of : 20'

**SURROUNDING ZONING:**

<b>Direction</b>	<b>Zoning</b>
North	D-C, Downtown Core
South	D-C, Downtown Core
East	D-C, Downtown Core
West	D-C, Downtown Core

**BACKGROUND:**

The applicant has submitted a variance requests to the zoning code for property located in the D-C, Downtown Core zoning classification to allow the construction of a 66.16' wireless communication facility.

Article 601, Section 601.27-E.1, Setback and Separation Requirements for Wireless Communication Facilities states: "Towers must be setback from the property line a distance equal to half the overall height of the tower constructed, or minimum setback for the zoning classification, whichever is greater".

The applicant is requesting that a 22' setback be allowed along the east/west axis for the tower which is a variance of 11.06' from the 33' required by ordinance. The tower meets setback requirements along the north/south axis.

Additionally, the applicant has submitted a variance requests to setback requirements for the guy wires that will help to secure the tower.

Article 601, Section 601.27-E.2, Setback and Separation Requirements for Wireless Communication Facilities states: "Guy wires and other support devices shall maintain a minimum setback of 20' from any property line".

The applicant is requesting that a 0' setback be allowed along the eastern and western property lines for the guy wires which is a variance of 20' required by ordinance.

**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 wireless communication facility only, as provided by the applicant within this application.
2. A Conditional Use Permit must be submitted and approved by the Planning Commission.

# 103.3 FM KOBV Bentonville Local Radio Variance / Consideration Application

## Variance needed

Bentonville has a rare chance to start a community radio station and needs a variance in order to place a low-profile 40' pole and antenna on the roof of the Meteor building. Specifically we need the setback variance to place the pole on the center of the roof AND setback variance to place guy wires on the pole and building (see drawings for details).

The Meteor has graciously donated radio studio space and we would like to plug the antenna directly into the transmitter/studio. Other radio tower options we've tried to secure are cost-prohibitive or outside of our FCC approved antenna placement range.

The downtown Meteor antenna pole location is needed because it:

- provides KOBV with the only financially viable tower/antenna option
- is within the FCC's approved geography for KOBV antenna placement
- is centrally located to broadcast to Bentonville and
- is ideally positioned above the station located within the Meteor.

## Key Notes

No other structural changes will be needed for this effort. No additional parking needs required. Few additional patrons or employees expected other than one or two local volunteer DJs. Hours of in-person station operation to be determined by Meteor Guitar gallery standard hours and policies. Otherwise, KOBV will be run remotely.

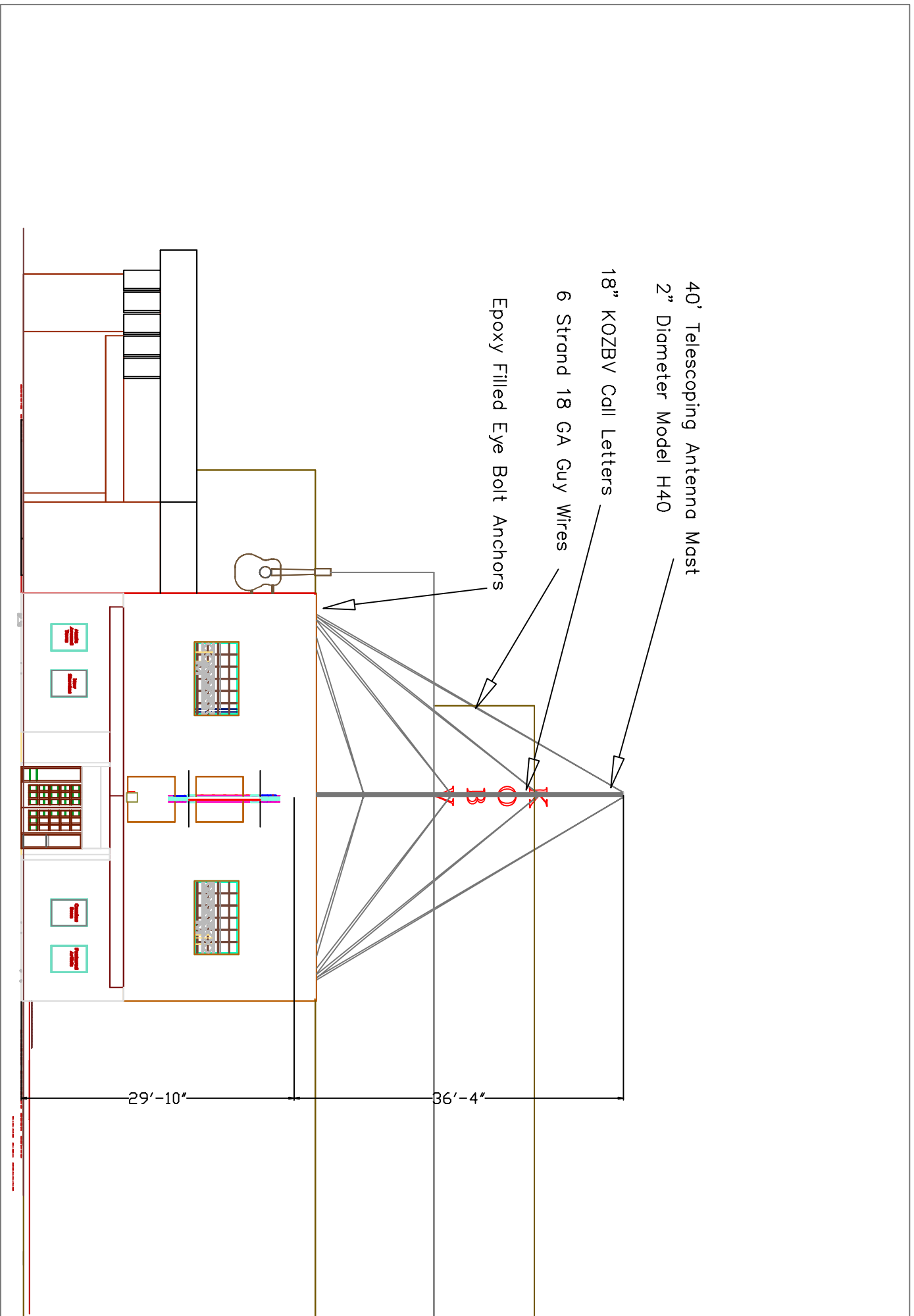
## Background

In April of 2015, the FCC approved 103.3 FM for use as a Bentonville community LPFM (501c3 non-profit) radio station. KOBV's mission is to broadcast Bentonville local event news -- concerts and community events around town as well as an eclectic mix of good music.

Thousands of citizens in the community have shown their support for a local radio station. We have held three fundraising events and raised roughly \$10,000. The FCC/FAA construction permits are complete and now we need the city to approve this pole so that we can begin constructing the station.

KOBV must be on the air by October 2016. otherwise the FCC will rescind KOBV's permit. This is a very rare chance to start community radio. Most cities' radio-waves are completely full, the

FCC hasn't accepted community radio applications since 2001 and it may never happen again. 'Bentonville Information' is the non-profit which was created in 2013 to apply for the 103.3 LPFM FCC permit. Bentonville Information's board members currently consist of Bryan Brewer, Michael Abb and Leslie Key.

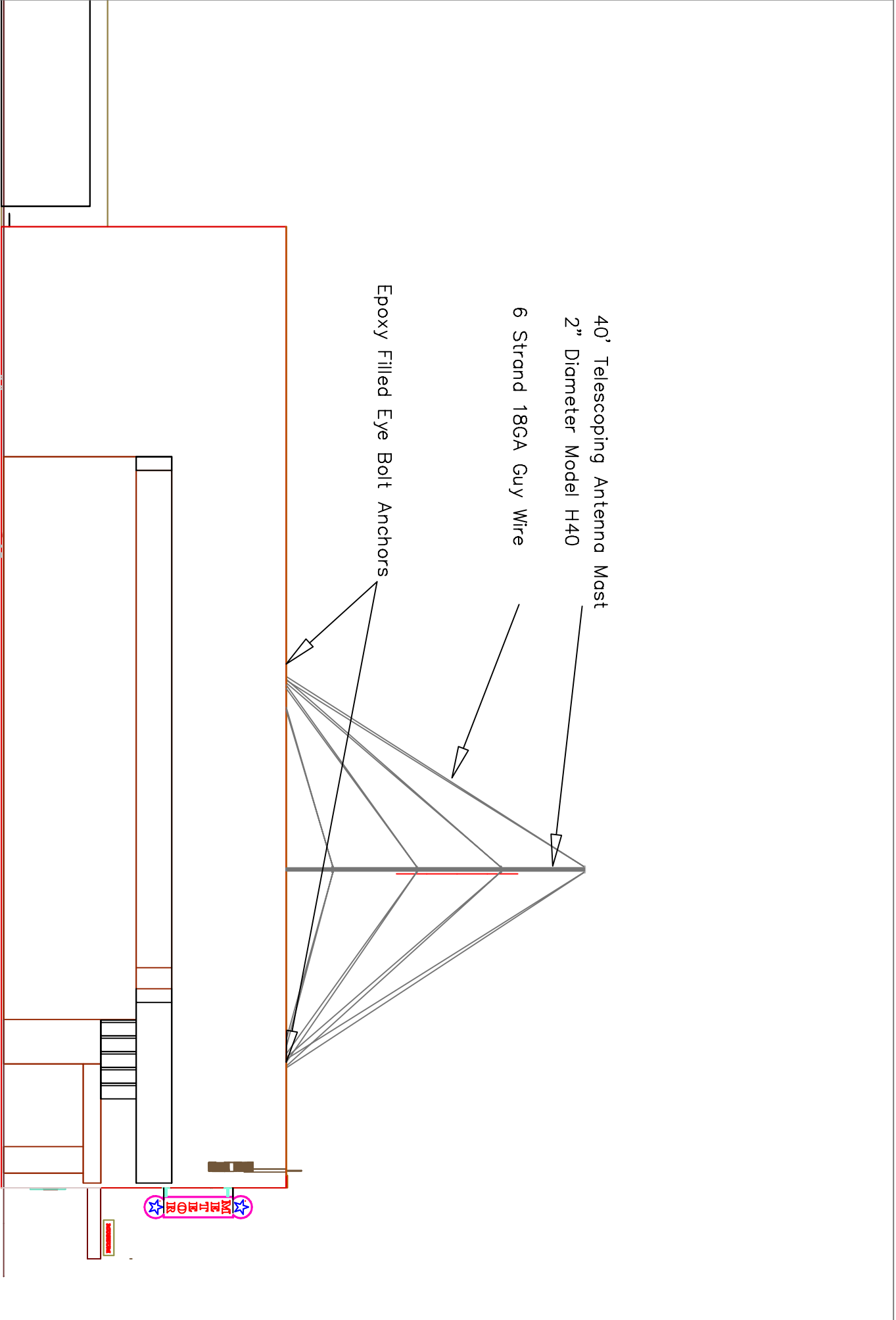


Meteor Guitar Gallery  
128 W. Central Ave.  
Bentonville, Ar 72712

Radio Station Antenna  
and Signage Plans

Antenna Front View





40' Telescoping Antenna Mast

2" Diameter Model H40

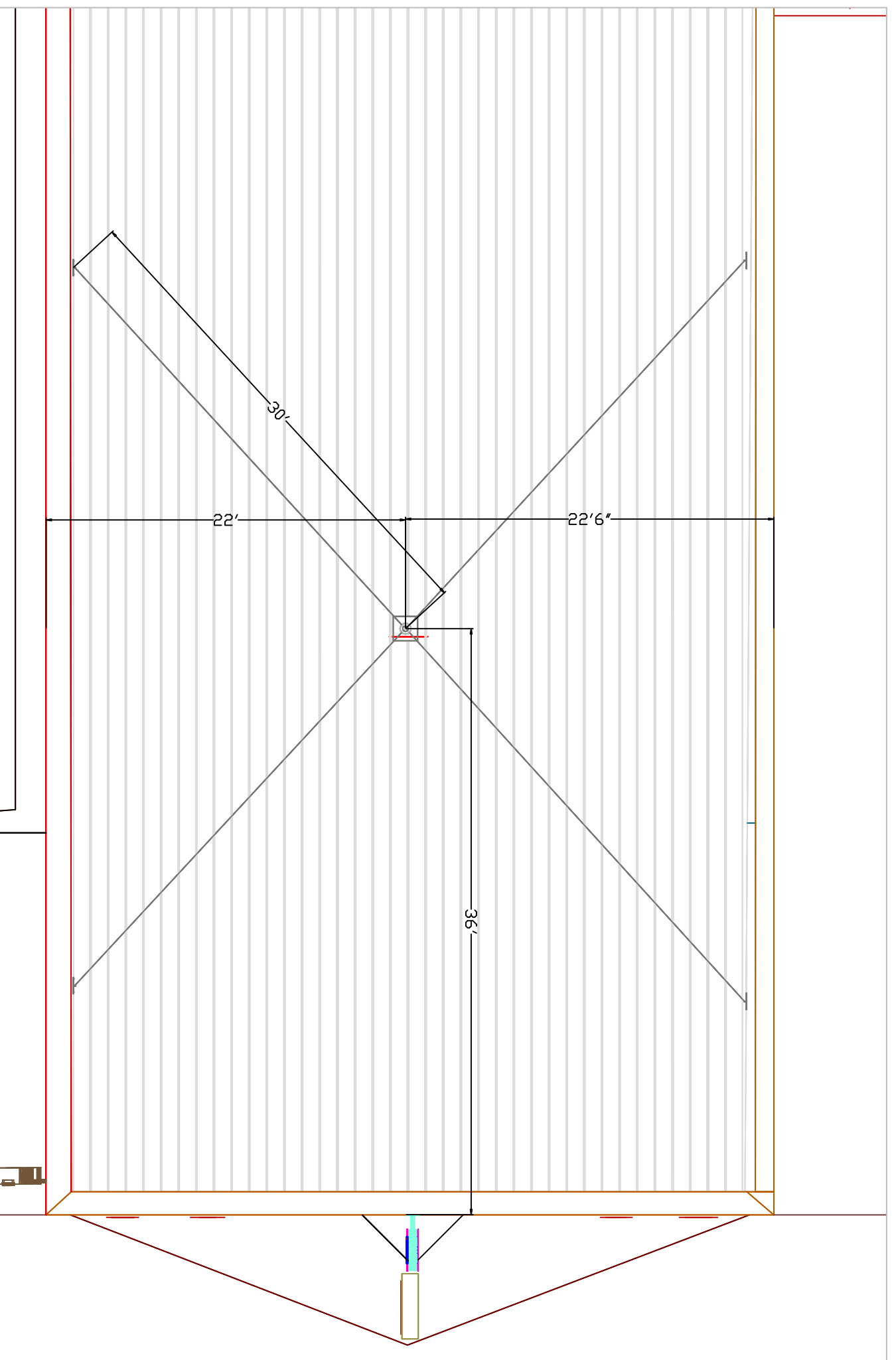
6 Strand 18GA Guy Wire

Epoxy Filled Eye Bolt Anchors

Meteor Guitar Gallery  
 128 W. Central Ave.  
 Bentonville, Ar 72712

Radio Station Antenna  
 and Signage Plans

Antenna West Side View



Meteor Guitar Gallery  
 128 W. Central Ave.  
 Bentonville, Ar 72712

Radio Station Antenna  
 and Signage Plans

Antenna Top View

## Image of Meteor Building



## Other

Engineering drawings, owner signatures, deed copies and adjacent owner approval to be attached to this application as well.

# Pole Example Images

Pole is a low-profile, thin, galvanized, 40' telescoping mast with guy wires and a roof mount.



Example images below.

