

Board of Adjustments

February 11, 2026

6:13 P.M.

Bull Shoals City Hall

Meeting was opened by Chair Rick Anderson at 6:13 p.m. for a hearing on a variance application to rebuild a sign that blew down in a recent storm.

Board Members in Attendance. Scott Scholes, John Stauffer, Rick Anderson, Merle Fawcett and Scott Gallart. (This Board is required to have 5 members, not 6 members.)

Rick introduced the application before them. The sign that blew down was a fairly large sign and exceeds what is allowed in the sign ordinance. The application asks for a variance and requests it be reinstalled “as was”.

Terry Partee, 522 Carolyn Drive, Bull Shoals, AR.

Terry was present to represent the owners Martin and Lisa Earhart. Rick invites him to please explain what their thoughts and intentions are regarding the construction of the new sign.

Terry states it was a big 12' x 34' sign. He says he wasn't at the hearing to push keeping it that size, but the owners would like to rebuild it the same size that it was. Terry gave the owners a quote to take out the old posts, put new 6' x 6' posts in, reframing, redecking and new faces on both sides. Terry said he was attending the meeting to facilitate this plan if the city will let them. If not, they'll move on to Plan B and make it smaller. He was there to answer any questions people may have.

Rick had a question: One of the questions on the application was “is there any hardship if this variance isn't granted” and the owners answered “none”. Rick was curious about that answer because one would assume they enjoyed an income from renting the sign and have leased it for at least a decade. It would seem there might be a hardship or a concern about money.

Terry said the owner, Martin, is not in good health. They have been texting but haven't actually talked to each other by phone. Terry didn't get a sense that it was going to be a huge deal if it wasn't passed but he thought Martin would like to have it rebuilt like it was. The sign has been patched before and probably a bit of an eyesore so taking the old posts

out and removing the concrete would be an improvement. He explained the changes he submitted and stated the footings and new concrete would make it look better for them and the city. Even though Terry hasn't talked to the owner personally, he states the sign is "kind of a business". He believes Martin would want his property and his billboard rebuilt back the way it was.

Rick said that's why he was surprised Martin put "none" on the application because if this was a new sign, the income doesn't qualify it as a hardship. But they've had it for more than a decade so I would consider there may be a hardship. Because if you took money away from somebody, that is a hardship. Just my personal opinion. Does anybody else have anything for Mr. Partee?

Scott S. asked if it would be a two-sided sign? Terry answered yes.

Scott S. said right now there's a separate sign sitting right next to it on a different pole advertising 178 Club. It's just letters on white background. Is that sign going to remain?

Terry thought the smaller sign would stay there. Scott S. points out that you're not allowed two signs within a certain proximity of each other. Rick said that he spoke with owner Lisa Earhart and she told him that if the smaller sign became an issue, she would be agreeable to that sign coming down.

Terry said that sign was originally advertising The Mountain Village and Bull Shoals Cavern. It's more like a marquee sign. Scott S. felt that the marquee sign is extremely visible at that size. Even more visible than the big sign that fell down.

Scott S. states he's just now finding out that the owner of the billboard is charging the businesses to advertise on that sign? Terry said that's correct. Rick restated that if they were making an income off it they could have claimed hardship. Scott S. commented that they're making income no matter what size it is. So there's a hardship one way or another.

Terry said that if the city decides that the sign needs to be smaller, he thinks it could still be valuable as a rental billboard, but his personal opinion is the larger it is the more visible it is. But you can't go overkill. He knows why they had it that big originally. It was because they were advertising for the Caverns and The Village 1890, which were kind of two separate entities or businesses. So that's why they had it that size. But since then 178 Club and Boondocks rented the other side of it.

Scott S. asked Terry, since he assumes Terry has the ability to construct signs, what's the difference between an 8' x 10' and the current size of that billboard as far as visibility? An 8' x 10' is a pretty big sign, it's 80 square feet. Terry answered there's quite a big difference in viewing distance between 8' x 10' and 12' x 34'. You're going to see a 12' x 34' from a lot further away than you are an 8' x 10'. It's going to stand out more.

Scott S. points out that our current code says 8' x 10' is the maximum size and the owners are basically getting something grandfathered into our codes. The sign has deteriorated and obviously they're asking for a variance. Scott doesn't think it's necessary for something that's as big as a house to be a sign. He drives by there a lot, and sees the little sign for 178 Club's lettering, it's much more stand out than some of the other larger signs. You can't read them all. You drive by most of the bigger signs before you can even read what's on the sign. I mean it's stupid. It goes back to bargaining.

Citizens Comments: Elizabeth Tilley, 1012 Bull Shoals Dam Blvd.

Elizabeth lives across the street from the giant sign. Her opinion is that it's an eyesore. It's not in keeping with the regular signage in Bull Shoals. The city has undertaken quite an effort to clean things up and move things forward and she thinks we should continue to do that. She also questions the setback from traffic. She's outside all the time with her dogs and can see traffic creeping up into oncoming traffic, attempting to see what's coming down the highway. People can't see what's coming down the road. She's not sure if there's ever been an accident there, or whether there ever will be, but she says it's worth questioning before putting signage back in that particular corner. She's not asking that they not be able to advertise their business, but they should be doing it within the current code.

Kevin Hutchison, 716 Locust, Bull Shoals, AR.

Kevin wanted to speak as a councilman and said he had received 8 or 9 emails about this issue. He was somewhat surprised that all of them had been opposing the bigger sign. All emails stated that if the signs are going to be there, they should be within code. They also brought up issues that have been coming up, including the sign being too close together. Kevin says that since being on the council, he's found that people read their ordinances when they're upset about something. If we have an ordinance in the book that says certain things should be happening, these 8 or 9 people that have emailed him think they should comply. Kevin also points out that he has heard from 0 people who support this. He's just reporting that he's getting opposition and no support for the bigger sign to go back up. The other thing that he questions is, it looks like the 178 Club sign hasn't been changed in

quite a long time. It looks as if that sign has kind of been forgotten about and perhaps it doesn't need to be there.

Citizen Comments: Gary Fancher, 2232 Central Boulevard, Bull Shoals, AR.

Gary thinks that if there's a new business in town, Planning & Zoning should talk to the business before making them change their signs. It would be more business friendly to reach out to them before saying "no you cannot have your sign".

Rick agreed but said the Commission is more concerned about who owns and rents the signs. They are not so concerned about who is advertising on them. The owners of the billboard can turn over customers and rent it to someone else.

Commissioners Comments:

Rick said he wasn't here when this ordinance was passed five years ago but he's read through it many times. From what he's been able to gather from the spirit and the intent of the sign codes, he gets the impression that people didn't want big signs anymore. They wanted smaller signs that are visible. He understands that bigger signs can be seen from farther away. He's driven Hwy 178 many times now and the speed limit is 35 miles per hour now. You're not going 50 miles an hour so you don't need a billboard that size. The other side of that is, the sign that was there goes against several parts of the sign ordinance. It was over height, it's oversize by five times, not twice but five times. And there are two signs there which is not allowed anymore. So right now if we allow it to go back up there are three violations right there and he can't condone a sign going up that has three violations against it. He would be willing to say no to this variance, however, he believed the people have the right to make money on something that they had. He would like to offer a solution. He offers that (1) the sign that's there right now, the white sign he mentioned before that Lisa said she would be agreeable to taking it down, it should come down. Then he would allow two 8' x 10' or 10' by 8' (they can put it up however they want) to be put side by side in the original footprint of what's there, at least three feet apart so it can never be joined. This way they will get four signs they can rent, it will be of adequate size and will meet everything except for one thing, and that would be there are two signs within 600 feet. Rick would be okay with that. That would drop the violations down to one. The variance would be giving them two signs, within a 600 foot range. However, he would like to see our city have a more uniform sign ordinance and he think this ordinance really did cover it quite well. He asked for other Commissioners comments.

Scott S. said his personal opinion is simply that we have an ordinance, we need to think a little farther ahead about this city too and where we want to take it . But two 8' x10' signs

on the same property next to each other? He's not into that one. He's only into obeying and sticking with the ordinance. Let's not have any violations. The sign blew down. That may be a little Godsend here but who knows? But his opinion is an 8' x 10' is plainly visible and it has no problem staying within the city codes and can be done very nicely, stylishly and not hurt anything. And the second sign still needs to come down. Scott says let's stick to what we have here. Let's not say one violation is better than three violations. How about no violations? Let's keep it uniform and go from here and set a precedent.

Rick agrees that is a concern because there is another sign that blew down and that more than likely will be coming before us here in the near future. Scott S. says they have a chance to set a precedent and they need to stick to the ordinances.

Scott G. agreed. We need to follow the ordinance. He doesn't mind the sign being there but he thinks it's too big. That's a highway sign and you see them all up and down the highways. But that's not a highway anymore. He wants to work with the businesses and see everybody succeed but the old sign is just too darn big.

Merle said we have other ordinances that we should be enforcing and if we start giving leeway to enforcing ordinances, people are going to want leeway on other enforcements. Rick admits this will set a precedent for future signs and there's another sign that's soon to come down and that will become an issue when it comes down too. Scott G. said if we can make one variance, we'll be asked to make another. Why do we have ordinances?

Rick asked for a motion to approve or not approve the variance request.

Merle made a motion to place the votes. Scott S. seconded the motion. The Board Members were called on for their answers. Individual roll call was made for or against the variance request:

Scott Scholes was against, John Stauffer was for, Rick Anderson was against, Merle Fawcett was against and Scott Gallart was against.

Quorum four against the request, one for the request. The variance was denied.

Rick stated that the owners are more than welcome to put up a sign. If they put up a sign in the same place, they can put in a 8x10 sign but they'll have to remove the smaller sign. You can only have one sign on the property. They will have to follow the ordinance as is.

Terry asked if a double sided sign would be allowed. Rick said yes. A double sided sign is allowable.

Terry confirmed they were allowed one 8' x 10', double sided?

Rick answered 10' x 8' or 8' x 10'. It's up to the owner. It has to be no higher than 15 feet.

Motion to adjourn the meeting of the Board of Adjustment was made by Scott G. Seconded by Scott Scholes. The meeting was closed at 6:33 p.m.

Respectfully submitted,
Peggy Anderson
Secretary, Pro Tempore