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Benton County Development Department
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VARIANCE REVIEW PLANNER'S TECHNICAL REPORT

16099 Wilson Court, Rogers AR 72756

EXECUTIVE SUMMARY

The applicant, Lilia Gamez, proposes a minor subdivision to split 6.18 acres into three new tracts: Tract A-1 (2.08 acres), Tract A-2 (2.06 acres), and Tract A-3 (2.04 acres). To proceed with the tract split application, a building-to-property line variance is required. The existing residence (16099 Wilson Court) on the subject parcel is within the required 10 foot side yard building to property line setback, and is shown on proposed Tract A-1. The existing accessory shed structure labeled 'A' on the submitted survey plat is completely within the required 25 foot front building-to-property line setback for proposed Tract A-1. The two accessory shed structures labeled 'B' on the submitted survey plat is completely within the required 25 foot front building-to-property line setback for proposed Tract A-3.

The applicant is requesting the following variances for the property:

- 7.7 ft. side yard building to property line setback in lieu of the required 10 foot setback to accommodate the existing residence addressed 16099 Wilson Court.
- 0 ft. front building to property line setback in lieu of the required 25 foot setback to accommodate the shed (labeled 'A' on site graphic) for proposed Tract A-1.
- 0 ft. fronting building to property line setback in lieu of the required 25 foot setback to accommodate the two shed structures (labeled 'B' on site graphic) for proposed Tract A-3.

On October 13, 2014 the applicant provided a variance request.

PROJECT INFORMATION

Owner: Antonio Hernandez, Miguel Anima, and Maria Del Carmen Ramos

Applicant: Lilia Gamez

Address of subject property: 16099 Wilson Court, Rogers AR 72756

Parcel ID: 18-04879-000 & 18-04878-000

Parcel Size: 6.18 acres

Current Land Use: Existing residential

Proposed Land Use: Residential

Request for a Variance: The applicant is requesting the following variances for the property:

- 7.7 ft. side yard building to property line setback in lieu of the required 10 foot setback to accommodate the existing residence addressed 16099 Wilson Court.
- 0 ft. fronting building to property line setback in lieu of the required 25 foot setback to accommodate the shed (labeled 'A' on site graphic) on proposed Tract A-1.
- 0 ft. fronting building to property line setback in lieu of the required 25 foot setback to accommodate the two shed structures (labeled 'B' on site graphic) on proposed Tract A-3.

Attachments: The following drawings and documents are attached:

1. Location Map
2. Proposed Tract Split Survey
3. Site Graphic

PLANNING ANALYSIS

Description of Property and Surrounding Area

The subject property is east of the City limits of Avoca. The surrounding land use is residential and agriculture.

According to staff research, the property is not located within a 100 year floodplain. The subject property is not located within a MS4 designated area.

Background information:

On October 13, 2014 the applicant submitted a variance request. An interdepartmental review form was sent on 10/31/2014 to the following: Planning Division, Health Dept., Road Dept., Building Dept., Fire Marshal, Administrator of General Services, Administrator of Public Safety, and Benton County 911 Administration.

TECHNICAL REVIEW OF SITE PLAN

Parcel Information

The proposed project area consists of one existing parcel of 6.18 acres.

Proposed tract split of subject parcel would include three parcels Tract A-1 – 2.08 acres, Tract A-2 – 2.06 acres, and Tract A-3 – 2.04 acres.

Noticing Requirements

Applicant submitted Certified Mail receipts on October 31, 2014.

Building Setback

Required: A fronting property line shall have a twenty-five (25) foot setback. A side yard shall have a ten (10) foot setback.

Comments: The applicant is requesting the following variances for the property:

- 7.7 ft. side yard building to property line setback in lieu of the required 10 foot setback to accommodate the existing residence addressed 16099 Wilson Court.
- 0 ft. fronting building to property line setback in lieu of the required 25 foot setback to accommodate the shed (labeled 'A' on site survey) on proposed Tract A-1.
- 0 ft. fronting building to property line setback in lieu of the required 25 foot setback to accommodate the two shed structures (labeled 'B' on site survey) on proposed Tract A-3.

Site Services - Drainage/ Stormwater Management Plan

Required: Applicant is required to comply with ADEQ for Stormwater Management due to the location within the County's Unincorporated Urbanized MS4 area.

Comment: The property is not located in Unincorporated Urbanized MS4 designated area.

OUTSTANDING ITEMS:

- None

CONCLUSION

The proposed setback variance was reviewed by Planning Staff to ensure compliance with the Benton County Planning and Development Regulations. The applicant is requesting the following variances for the property:

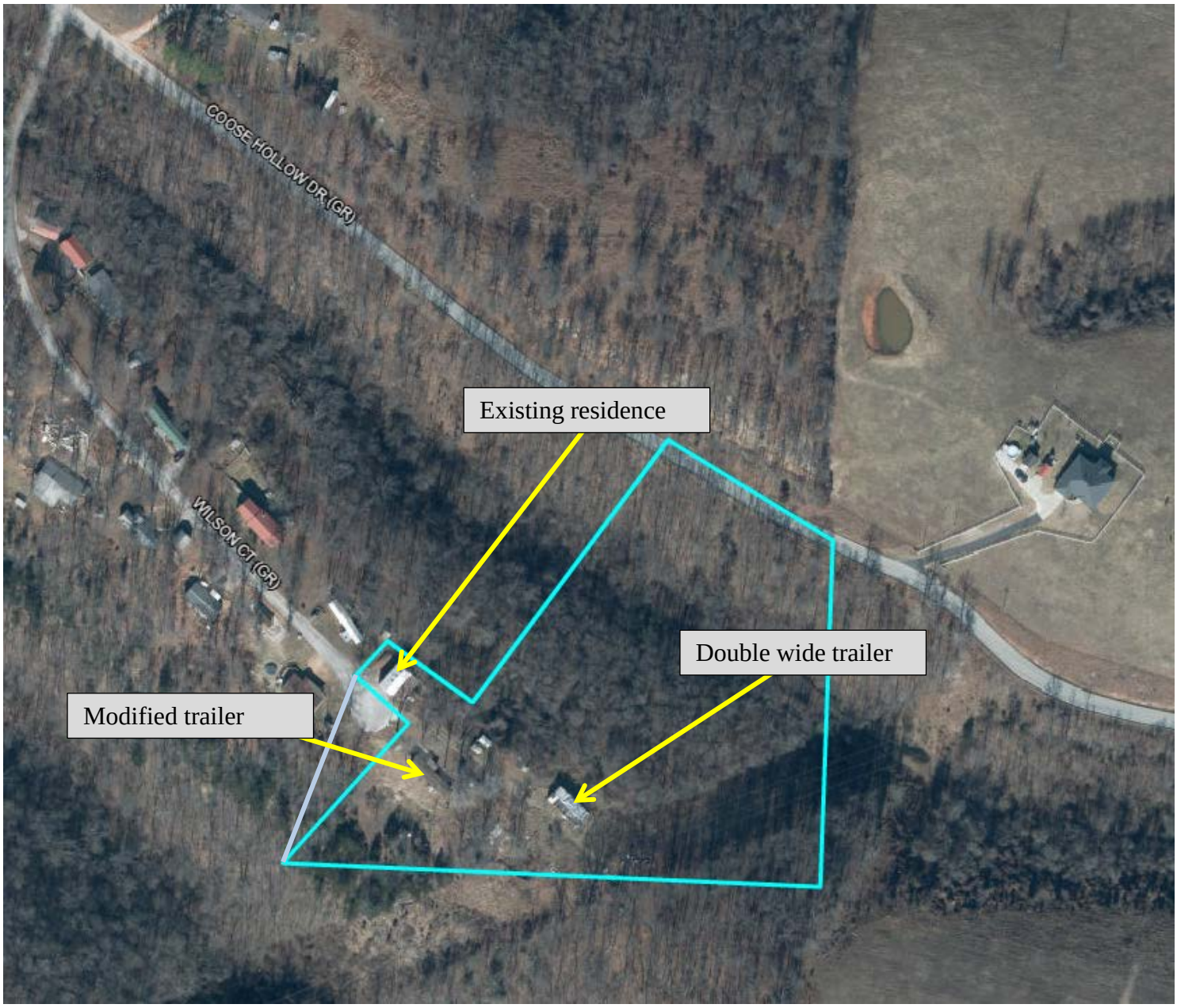
- 7.7 ft. side yard building to property line setback in lieu of the required 10 foot setback to accommodate the existing residence addressed 16099 Wilson Court.
- 0 ft. fronting building to property line setback in lieu of the required 25 foot setback to accommodate the shed (labeled 'A' on site graphic) on proposed Tract A-1.
- 0 ft. fronting building to property line setback in lieu of the required 25 foot setback to accommodate the two shed structures (labeled 'B' on site graphic) on proposed Tract A-3.

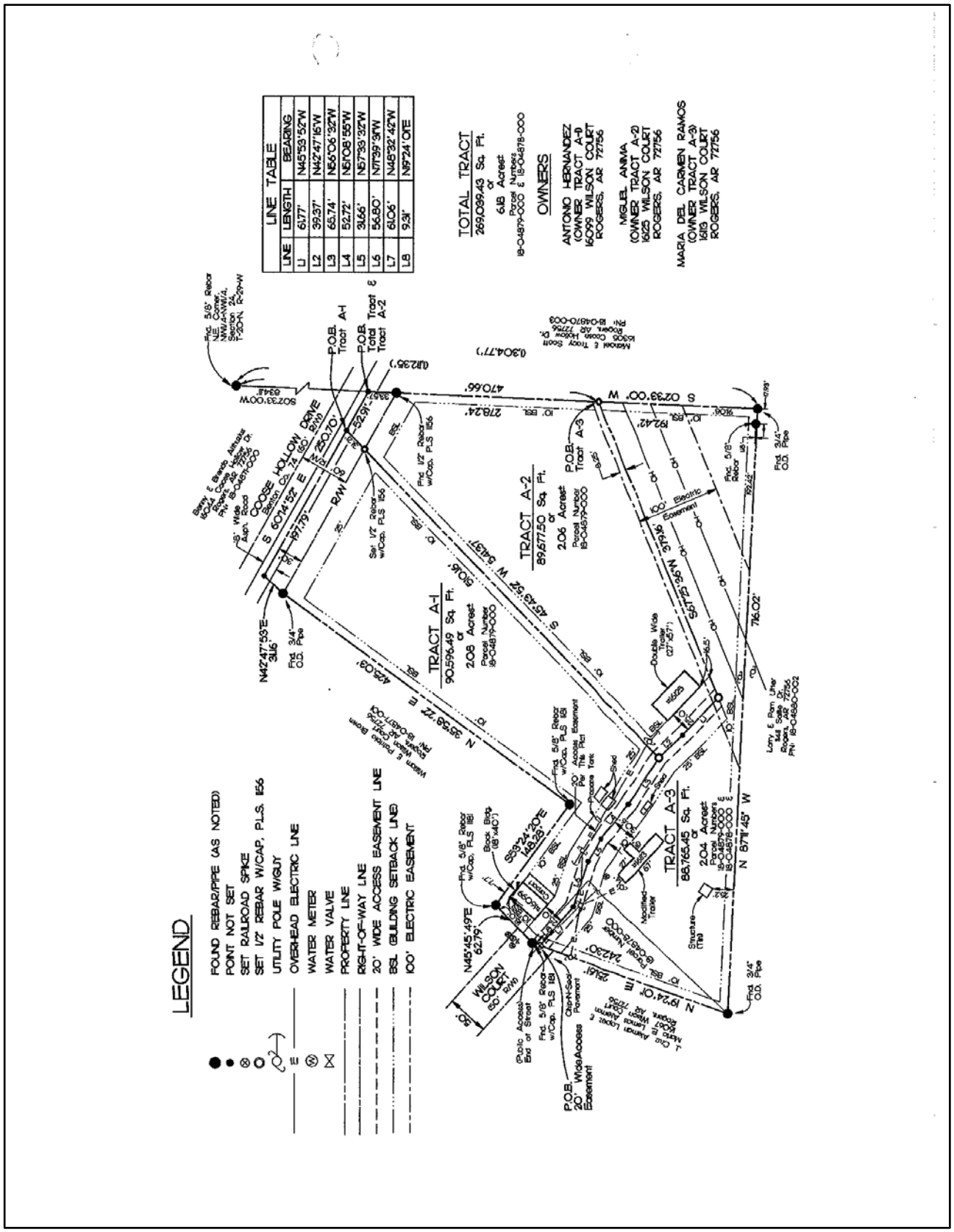
Planning Staff recognizes existing structures / improvements that were built prior to current setback requirements as 'non-conforming'. Given that these non-conforming structures are now part of a current planning review and approval process (i.e. proposed minor-subdivision), these structures should be legitimized through the variance process so that the final plats, and the structures shown, are made legal by way of variance that runs in perpetuity to the land unto which they reside.

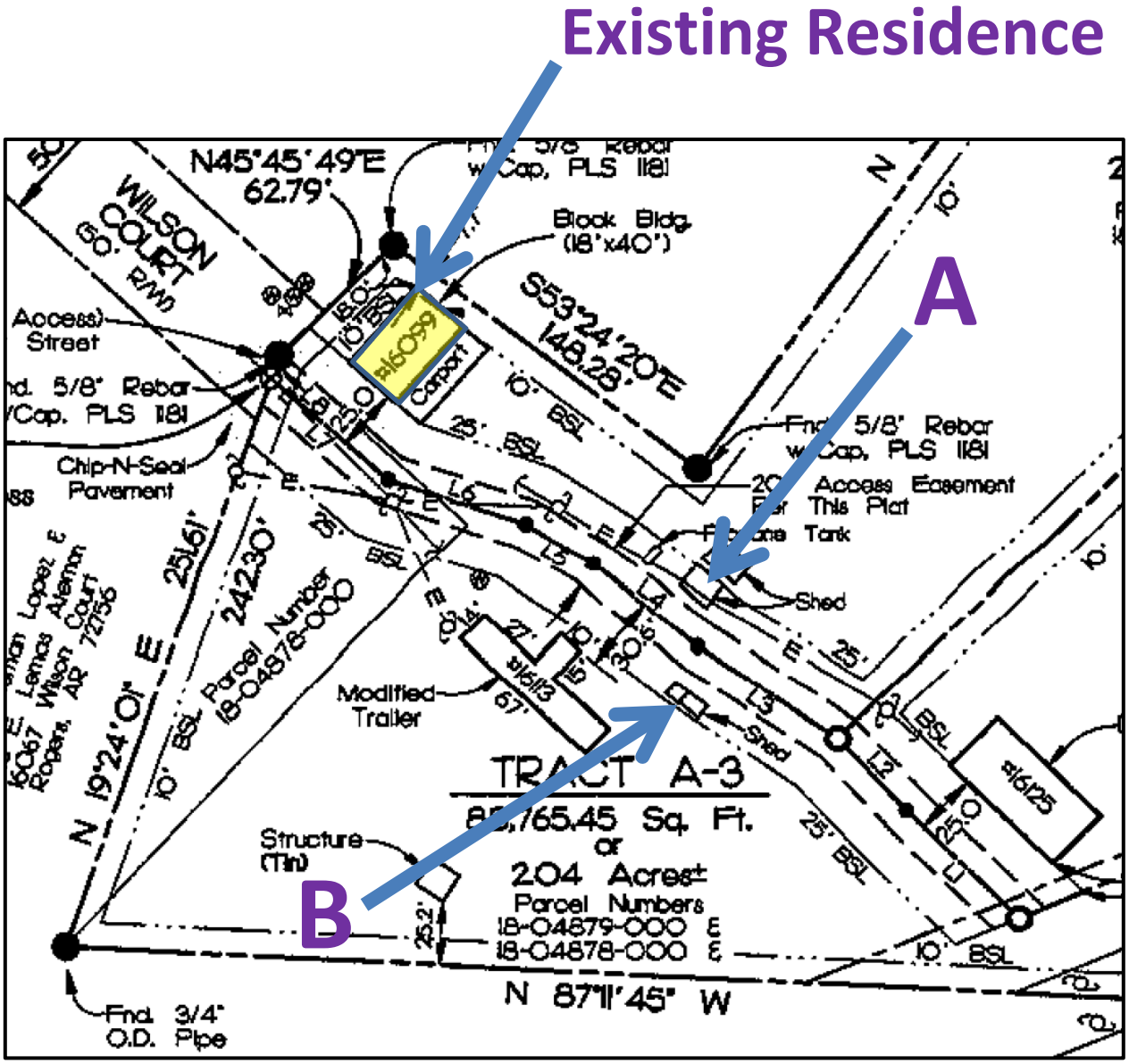
Prepared by: Taylor Reamer, County Planner

Reviewed by: Michael McConnell, Senior County Planner

Kevin M. Gambrill, Planning Director


COOSE HOLLOW DR (GR)
WILSON CT (GR)
Existing residence
Double wide trailer
Modified trailer


LINE TABLE
LINE LENGTH BEARING
L1 61.77' N45°53'52"W
L2 39.37' N42°47'15"W
L3 65.74' N55°06'32"W
L4 52.72' N51°08'55"W
L5 31.56' N57°39'32"W
L6 56.80' N77°39'31"W
L7 61.06' N48°32'42"W
L8 9.31' N9°24'01"E
TOTAL TRACT
269,099.43 Sq. Ft.
or
6.18 Acres±
Parcel Numbers
18-04879-000 & 18-04878-000
OWNERS
ANTONIO HERNANDEZ
(OWNER TRACT A-1)
16009 WILSON COURT
ROGERS, AR 72756
MIGUEL ANIMA
(OWNER TRACT A-2)
16125 WILSON COURT
ROGERS, AR 72756
MARIA DEL CARMEN RAMOS
(OWNER TRACT A-3)
16113 WILSON COURT
ROGERS, AR 72756
LEGEND
FOUND REBAR/PIPE (AS NOTED)
POINT NOT SET
SET RAILROAD SPIKE
SET 1/2" REBAR W/CAP, P.L.S. 156
UTILITY POLE W/GUY
OVERHEAD ELECTRIC LINE
WATER METER
WATER VALVE
PROPERTY LINE
RIGHT-OF-WAY LINE
20' WIDE ACCESS EASEMENT LINE
BSL BUILDING SETBACK LINE
100' ELECTRIC EASEMENT
TRACT A-1
90,596.49 Sq. Ft.
or
2.08 Acres±
Parcel Number
18-04879-000
TRACT A-2
89,677.50 Sq. Ft.
or
2.06 Acres±
Parcel Number
18-04879-000
TRACT A-3
88,765.45 Sq. Ft.
or
2.04 Acres±
Parcel Numbers
18-04879-000 &
18-04878-000
WILSON COURT
60' R/W
S 60°14'52" E
197.79'
S 45°43'52" W 541.37'
N 35°59'22" E
N 19°24'01" E
N 87°11'45" W
S 02°33'00" W
470.66'
276.24'
192.42'
716.02'
N 42°47'53" E
31.16'
N 45°45'49" E
62.79'
S 89°24'20" E
148.29'
P.O.B.
Tract A-1
P.O.B.
Total
Tract A-2
P.O.B.
Tract A-3
P.O.B.
20' Wide Access
Easement
Fnd. 5/8" Rebar
NE Corner,
NW1/4-NW1/4,
Section 24,
T-20N, R-29-W
S02°33'00"W
634.11'
Fnd. 3/4"
O.D. Pipe
Set 1/2" Rebar
w/Cap. PLS 156
Fnd. 1/2" Rebar
w/Cap. PLS 156
Fnd. 5/8" Rebar
w/Cap. PLS 181
Block Bldg.
(18'x40')
Chip-N-Seal
Pavement
Public Access
End of Street
Modified
Trailer
Structure
(Tin)
Shed
Double Wide
Trailer
(27'x51')
Process Tank
20' Access Easement
This Plat
Per
100' Electric
Easement
Fnd. 3/4"
O.D. Pipe
Fnd. 5/8"
Rebar
Larry E. Pom Usher
Real Estate
Rogers, AR 72756
PN: 18-04860-002
Wesley E. Pinkard Brown
Rogers, AR 72756
PN: 18-04877-000
Manuel & Tracy Scott
16006 Cross Hollow Dr.
Rogers, AR 72756
PN: 18-04870-003
Barry E. Brandt Allmaus
16004 Cross Hollow Dr.
Rogers, AR 72756
PN: 18-04871-000
COOSE HOLLOW DRIVE
(Pvt)
Benton Co. 74 (60')
R/W
25'
25'
25'


Existing Residence
A
B
N45°45'49"E
62.79'
WILSON COURT
60' R/W
Block Bldg.
(18'x40')
S53°24'20"E
148.28'
Access Street
Chip-N-Seal Pavement
Carport
Access Easement
Shed
Modified Trailer
Structure (Tin)
TRACT A-3
204 Acres±
Parcel Numbers
18-04879-000
18-04878-000
N 87°11'45" W
N 19°24'01" E
Fnd. 3/4" O.D. Pipe