

**Benton County Planning
Board**

Starr Leyva, Chair
Mark Curtis, Vice Chair
Jim Cole, Member
Ron Homeyer, Member
Ashley Tucker, Member
Rick Williams, Member
Sean Collyge, Member



**Benton County Development
Department**

Planning Division

905 NW 8th Street
Bentonville, AR 72712
Phone: (479) 271-1003
Fax: (479) 464-6170
Email:

taylor.reamer@bentoncountyar.gov

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

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 has not submitted Certified Mail receipts.

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:

- Certified Mail receipts and Public Hearing sign installed on or before 11/19/2014

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



