

Benton County Planning Board

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Benton County Development Department

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VARIANCE REVIEW PLANNER'S PUBLIC HEARING REPORT

22432 Bozarth Cemetery Road, Gentry 72734

EXECUTIVE SUMMARY

The applicant, Louis Barbian, proposes a minor subdivision to split the existing 25.00 acre parcel into two (2) tracts. Proposed tract one (1) would be 1.22 acres in area, and contain the existing residence and associated structures. Proposed tract two (2) would be 23.78 acres, containing the residual lands and be vacant / unimproved. To proceed with the tract split application a building to property line variance is required. The existing residence on the subject parcel is completely within the required 10 foot side yard building to property line setback.

The applicant is requesting a 0 ft. side yard building to property line setback in lieu of the required 10 foot setback to accommodate the existing residence.

On August 29, 2014 the applicant provided a variance request.

PROJECT INFORMATION

Applicant/Owner: Louis Barbian

Address of subject property: 22432 Bozarth Cemetery Road, Gentry AR 72734

Parcel ID: 18-14506-000

Parcel Size: 25.00 acres

Current Land Use: Existing residential and agriculture

Proposed Land Use: Residential

Request for a Variance: Applicant is requesting a 0 ft. side yard building to property line setback in lieu of the required 10 feet.

Attachments: The following drawings and documents are attached:

1. Location Map
 2. Proposed Tract Split Survey
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PLANNING ANALYSIS

Description of Property and Surrounding Area

The subject property is approximately 2.60 miles northwest of the City limits of Gentry and 2.85 miles southwest of the City limits of Decatur. The surrounding land use is residential and agriculture.

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

Background information:

On August 29, 2014, the applicant submitted a variance request. An interdepartmental review form was sent on 10/27/2014 to the following: Planning Division, Health Dept., Road Dept., Building Safety Division., 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 25.00 acres.

Proposed Minor Subdivision of subject parcel would include two parcels Tract 1 – 1.22 acres and Tract 2 – 23.78 acres.

Noticing Requirements

Applicant submitted Certified Mail receipts on November 3, 2014 satisfying this requirement. A public hearing sign was posted on site as of November 3, 2014 and was verified by staff.

Building Setback

Required: A side yard shall have a ten (10) foot setback.

Comments: The applicant is requesting a 0 ft. side yard building to property line setback in lieu of the required 10 feet to accommodate the existing residence.

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 an 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 a 0 foot side yard building to property line setback in lieu of the required 10 foot setback.

Planning Staff recognizes existing structure or improvements that were built prior to current setback requirements as 'non-conforming'. Given that this non-conforming structure is now part of a current planning review and approval process (i.e. proposed minor-subdivision), this structure should be legitimized through the variance process so that the final plat, and the structure shown, is 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, AICP – Planning Director



