



**Benton County Planning Board
Public Hearing
Technical Advisory Committee Meeting**

December 17, 2014

6:00 PM

Benton County Administration Building
215 East Central Avenue, Bentonville AR

Planning
Board
Approval:

01/07/15

Meeting Minutes

PUBLIC HEARING:

Call to Order: The meeting was convened at 6:00 PM by Planning Board Chair Starr Leyva.

Roll Call: Starr Leyva, Ron Homeyer, Ashley Tucker, Rick Williams, Jim Cole, Mark Curtis, and Sean Collyge were present.

Staff present: Planning Director – Kevin Gambrell, Senior County Planner – Mike McConnell, County Planner - Taylor Reamer, and Building Official – Glenn Tracy were present.

Public Present: 1 member of the public were present. (See attached sign in sheet for additional information).

Disposition of Minutes: Mr. Williams moved to approve the December 3, 2014 Planning Board Meeting Minutes. The motion was seconded by Mr. Tucker. The motion carried 7-0.

General Public Comment: None

Old Business: None

New Business: None

Public Hearing adjourned at 6:02pm.

TECHNICAL ADVISORY COMMITTEE

Call to Order: 6:02 pm

Old Business: None

New Business:

- A. **Foxx Variance, #14-540, 19000 Huntington Road, Gravette AR 72736**
Represented by Ken Foxx, 19000 Huntington Road, Gravette AR 72736

Staff Report: The applicant, Ken Foxx, constructed a metal RV carport, 45 ft. by 15 ft. in size, on property with frontage at 19000 Huntington Road, Gravette AR. The applicant did not acquire proper permitting for the construction of the carport from Benton County Building Safety Division, under the impression his property was in the Gravette Planning area and permitting would be completed with the City of Gravette. The carport was constructed 36 ft. 5 inches (based on detailed site graphic provided by applicant) from the centerline of

Huntington Road; within the County's required 50 ft. setback outlined in **§4.3 – Lot Size and Building Setbacks** of the Planning and Development Regulations of Benton County.

The applicant is requesting a 36 ft. 5 inch fronting building to centerline setback in lieu of the required 50 foot setback to accommodate the metal RV carport.

On November 24, 2014 the applicant provided a variance request.

Applicant Comment:

Mr. Foxx stated he did not realize that he had to come before the County Planning Board for this project. He stated he was, until recently, a member of the Gravette Planning Commission. He stated that he thought he was taking necessary steps to ensure this metal RV port was permitted and constructed in the proper way. Mr. Foxx asked about the permitting from the County Roads Department. Mr. Reamer explained that a representative from the Roads Department provided comment on this project stating an application and site review were necessary for this project.

Board Comment:

Mr. Curtis asked if the RV port was constructed before Mr. Foxx approached the city of Gravette to ensure compliance with the placement of the RV port. Mr. Foxx stated that he knew his property was inside the Gravette Planning area. From his understanding, the temporary structure, the RV port, was not permitted because it was a temporary structure. He stated that he was under the impression that Huntington Road was a private road, not a County road. If Huntington Road is a private road, a 35 foot setback is required, not the 50 foot setback that the county requires. Mr. Curtis asked if the issue with the necessity for the variance is that the applicant thought he was in the Gravette Planning area, and actually was not. Mr. Foxx stated that is one version to outlining the problem. He is also not clear if his property was in the Gravette Planning area or not.

Mr. Foxx stated he, as a member of the Gravette Planning Commission, was involved in creating the planning boundary for Gravette, but was unclear on the process of recording the area that would be included in the planning boundary. Mr. Gambrell stated that in general planning boundary designations are sent to the county, then the GIS department will digitally transcribe the city's planning boundary into the county basemap. Mr. Foxx stated as part of the Gravette Planning Commission he was involved in the development of the planning boundary, the ordinance was passed to designate the planning area for Gravette. As a member of the commission, the duty beyond the development of the ordinance was that of the city staff and the commission believed that planning area was now approved. Mr. Gambrell stated that if there is an ordinance that differs from what is shown on the county's planning boundary map, staff would be glad to confirm the accuracy of the county data.

Mr. Tucker asked if the RV port was anchored to footings. Mr. Foxx stated the RV port was secured via rebar anchors driven into the ground. Mr. Tucker asked if this was classified as a temporary structure.

Mr. Homeyer asked why the RV port was constructed in the location it is now. Mr. Foxx stated his property has a high amount of relief and this area was relatively flat and easily accessible from Huntington Road.

Mr. Cole asked how difficult it would be to move the RV port.

Mr. Foxx stated anything is possible, but he would rather not to.

Mr. Cole asked how the applicant was made aware of the setback violation.

Mr. Fox stated Building Official Glenn Tracy visited the site due to a complaint filed with the Development Department.

Mr. Foxx stated that there are other structures on Huntington Road closer than this RV port.

Ms. Leyva stated that there appears to be enough area north of the RV port to move out of front setback.

Mr. Foxx stated there is not very much relief in this area.

Mr. Tracy asked if the RV port is moved north, out of fronting setback, will the RV port then encroach on the side yard 10 ft. setback.

Mr. Reamer stated a site visit will need to be conducted to confirm the RV port's location in relation to the eastern property line.

Mr. Gambrill stated to the Board that there are specific criteria for the Board to grant a variance request.

Mr. Foxx asked for those criteria to be supplied to him.

Mr. Gambrill read section 2.9 of the Benton County Planning and Development Regulations to the applicant:

"Variances: Variances are relief to a dimensional provision of this Ordinance by an affirmative vote of two-thirds (2/3) of the vote of the total membership of the Planning Board. Note that a two-thirds (2/3) vote of the attending quorum is not sufficient.

The criteria to grant variances shall be without exception and singularly because strict compliance with any provision of this Ordinance would cause exceptional or undue hardship to the applicant. Additionally, extra expense, economic hardship, or additional outlay of capital funds or money shall never constitute grounds for exceptional or undue hardship. Hardship shall hereby be defined as:

1. There exist exceptional, extraordinary, or unique physical circumstances of the subject property such as irregularity, narrowness, shallowness, or slope.
2. Because of the exceptional physical circumstances, the strict application of this Ordinance would create an exceptional or undue hardship to the property owner.
3. The hardship is not self-imposed. While self-imposition may be a complicated assessment, generally it refers to fore knowledge of the limitation or reasonable expectation of fore knowledge upon assuming ownership or control of the property.
4. The variance, if granted, will not adversely affect the use and/or enjoyment of adjacent property as permitted under this Ordinance.
5. That the variance, if granted, will not change the character of the area in which the property is located, and is in keeping with the intent of this Ordinance; and,
6. That the variance, if granted, does not adversely affect the health, safety, and welfare of the citizens of Benton County."

Mr. Foxx stated his hardship would be the time and money expense to move the RV port.

Mr. Foxx stated his best argument may be that he and the other residences of Huntington Road were not

aware that Huntington Road was a county designated road. He and the other residences are solely responsible for the maintenance of Huntington Road. He was under the impression that a private road required a 35 ft. setback.

Mr. Tucker asked what the setback was for a private road.
Staff stated that the setback would still be 50 ft. from the centerline of the road. There is no distinction between private and local roads.

Ms. Leyva asked if the applicant had any questions for staff or the Board.
Mr. Foxx stated he understand what money cannot be considered a hardship, that is understandable. He stated the hardship placed on him would the effort to move the RV port. He stated that the grade would have to be analyzed to determine if the RV port would be less useful if moved to different location.

Mr. Cole asked if there were any permits issued from city of Gravette for the RV port.
Mr. Foxx stated that no permits were necessary from the city for temporary structures.

Other Business: None

STAFF UPDATES:

A. Administrative Approvals

- I. Limberg Minor Subdivision, Tract Split, 8909 Wedgewood Rd., Garfield AR
 - Total acreage of 10.50 acres
 - Tract 1 – 3.00 acres
 - Tract 2 – 7.50 acres
 - Approved December 2, 2014

DISCUSSION ITEMS:

A. Joyner Minor Subdivision

Staff showed a Minor Subdivision that had been approved in October of 2014, and stated the owner had approached Planning staff again to proceed with a similar Minor Subdivision application. The property was being split in a way that was not meeting the 4:1 ratio. There is a section of the Benton County Planning and Development Regulations speaking to the width/depth ration that shall be followed. The 4:1 width to depth ratio was not met. This ratio was found to be in the 'Major Subdivision' applications. Staff has the question if this 4:1 ratio is applicable to Minor and Major Subdivisions.

Mr. Curtis stated the intent was for the ratio to be applied to Minor and Major Subdivisions.
Mr. Gambrill stated that in for practical planning purposes, this type of tract orientation is less acceptable.

Ms. Leyva asked about the provision under Minor Subdivision stating that successive tract splits can be heard by the Planning Board for approval. This prohibits applicants from splitting land in a series of splits, in theory evading the 'Major Subdivision' review. In chapter 5, section 4 number 3 states that a series of splits cannot occur. The Board may choose to hear the tract split as a Major Subdivision.

Mr. Gambrill stated that this specific criterion, pertaining to sequential splitting, will create many more Major Subdivision reviews for the Board.

Ms. Leyva asked if staff is reviewing a larger number of splits that are in a series.

Mr. McConnell stated that most of the parcels in Benton County have been split before, and this specific

standard would characterize most Minor Subdivisions as Major Subdivisions.

Mr. Tucker stated the intent was to somewhat control the layout of subdivisions.

B. Planning Staff Update

Mr. Gambrill announced Senior County Planner Mike McConnell's resignation.

Mr. Gambrill announced County Planner Taylor Reamer has been promoted to Planning Manager.

Meeting Adjourned at 7:00 pm.

