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**VARIANCE REVIEW PLANNER'S PUBLIC HEARING REPORT**

**19000 Huntington Road, Gravette AR 72736**

**EXECUTIVE SUMMARY**

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 that permits would be issued by the City of Gravette. The property is within the planning approval authority of Benton County. 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. Based on aerial imagery from the County's GIS platform, the eastern property line appeared to be 35 to 40 ft. from the RV port. Based on historical surveys of the subject property, the property lines shown were approximately 40-45 ft. off set from the actual surveyed property lines based on the historical surveys. In the graphic provided by the applicant, the southeast property pin was found via metal detector. Using this pin, staff measured the property frontage to determine that the property lines shown on GIS were 40 ft. +/- shifted to the east. Based on these findings and measurements taken during site visit, staff determined the RV port is completely within the required 10 ft. side yard building to property line setback.

The applicant is requesting the following variances for the property:

- 36 ft. 5 inch fronting building to centerline setback in lieu of the required 50 foot setback to accommodate the metal RV carport.
- Zero ft. side yard building to property line setback in lieu of required 10 ft. to accommodate the metal RV carport.

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

**PROJECT INFORMATION**

**Applicant/Owner:** Ken Foxx

**Address of subject property:** 19000 Huntington Road, Gravette AR 72736

**Parcel ID:** 18-15191-001

**Parcel Size:** 1.09 acres

**Current Land Use:** Existing residential

**Proposed Land Use:** Residential

**Request for a Variance:** Applicant is requesting the following variances for the property:

- 36 ft. 5 inch fronting building to (local road) centerline setback in lieu of the required 50 feet to accommodate the metal RV carport.
- Zero ft. side yard building to property line setback in lieu of required 10 ft. to accommodate the metal RV carport.

**Attachments:** The following drawings and documents are attached:

1. Detailed Site Graphic
  2. Location Map
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## **PLANNING ANALYSIS**

### **Description of Property and Surrounding Area**

The subject property is approximately .65 miles southeast of the City limits of Gravette and 2.00 miles north 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 November 24, 2014, the applicant submitted a variance request. On December 5, 2014 Staff conducted a site visit to confirm the distance the RV carport was from the centerline of Huntington Road was within the 50 ft. required setback.

An interdepartmental review form was sent on 12/8/2014 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.

On December 17, 2014, the applicant attended the TAC meeting to answer questions from the Board about the variance request.

On December 19, 2014, Senior County Planner – Michael McConnell and Building Official – Glenn Tracy visited the site. During the site visit, staff determined the RV port was completely within the side building to property line

setback. The required side building to property line setback is 10 feet; Staff determined the RV port is within one (1) foot of the property line. In the same site visit, Staff investigated the applicant's complaint that other structures on Huntington Road were also within the County required fifty (50) foot setback for fronting property. Staff found two (2) other properties in which permanent structures were built closer to the centerline of Huntington Road than Mr. Foxx's RV port.

## **TECHNICAL REVIEW OF SITE PLAN**

### **Parcel Information**

The proposed project area consists of one existing parcel of 1.09 acres. In addition to the newly constructed RV carport, the property contains one 2000 sq. ft. residential dwelling and 4 detached structures. The RV carport is 45 ft. by 15 ft. in area.

### **Noticing Requirements**

Applicant submitted Certified Mail receipts on December 3, 2014.

The applicant provided date stamped photograph on December 15, 2014 of required Public Hearing signage posted on site.

### **Building Setback**

Required: Fronting property shall have a fifty (50) foot building to centerline setback. The minimum side setbacks shall be ten (10) feet. All properties and tracts shall observe a minimum ten (10) foot setback from side and rear lot lines.

Comments: The applicant is requesting a 36 ft. 5 inch fronting building to centerline setback in lieu of the required 50 feet and a zero foot side yard building to property line setback in lieu of the required ten (10) feet to accommodate the RV carport.

### **Site Features - Access Driveways**

Required: The design and construction shall be in accordance with the standards as presented in the Benton County Road Plan.

Comment: No access drive has been proposed. Benton County Roads Department commented on the variance proposal with the following "If applicant is to access this RV port from the road, then a driveway application will be needed with site review."

### **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

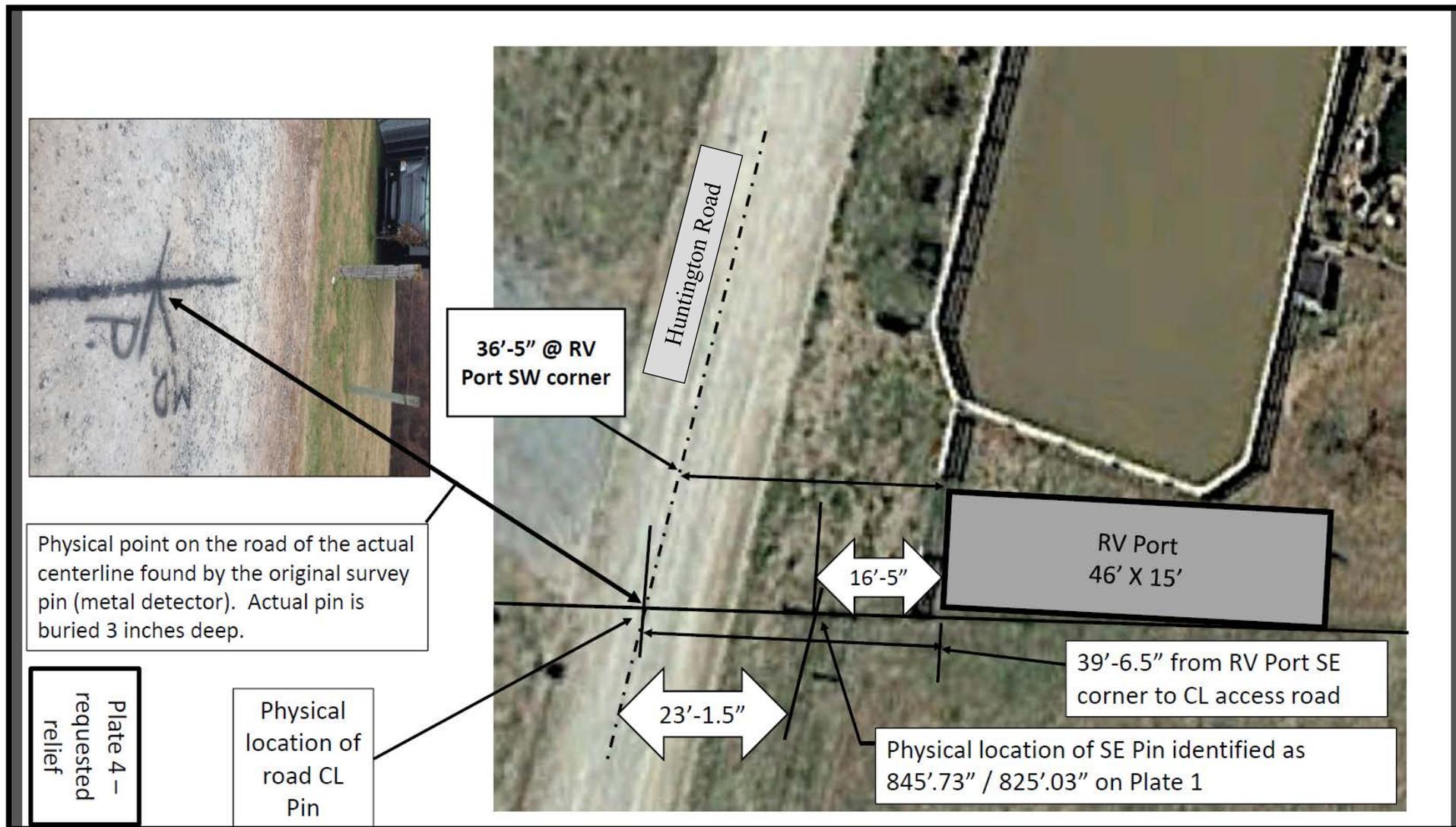
## **CONCLUSION**

The proposed setback variance was reviewed by Planning Staff to ensure compliance with the Benton County Planning and Development Regulations. The applicant is requesting a **36 feet 5 inch fronting building to centerline setback in lieu of the required 50 foot** and a **zero (0) foot side yard building to property line setback in lieu of the required ten (10) feet to accommodate the newly constructed RV port.**

**Prepared by: Taylor Reamer, Planning Manager**

**Reviewed by: Michael McConnell, Senior County Planner**

**Kevin M. Gambrill, AICP – Planning Director**



(Graphic Provided by Applicant)

