

**Benton County Planning Board**

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**Benton County Development Department**

**Planning Division**

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**VARIANCE REVIEW PLANNER'S TECHNICAL REPORT**

**15833 Kedzie Circle, Rogers AR 72758**

**EXECUTIVE SUMMARY**

The applicant, Perry Chupp, submitted a minor subdivision application for the adjustment of the property line between Tract – 1 and Tract – 2, on attached survey. The property line adjustment is being sought in order to move the utility pole, servicing Tract – 2 onto the property of Tract – 2. To proceed with the property line adjustment application, a building-to-property line variance is required for the shop building on Tract 1.

The applicant is requesting the following variance for the property:

- 0.7 ft. rear yard building to property line setback in lieu of the required 10 ft. setback for the shop building on the northern property line of Tract 1.

On December 18, 2014 the applicant provided a variance request.

**PROJECT INFORMATION**

**Owner/Applicant:** Perry and Pamela Chupp

**Address of subject property:** 15833 Kedzie Circle, Rogers AR 72758

**Parcel ID:** 18-03864-000

**Parcel Size:** 1.487 acres

**Current Land Use:** Residential

**Proposed Land Use:** Residential (no change)

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

- 0.7 ft. rear yard building to property line setback in lieu of the required 10 ft. setback for the shop building on the northern property line of Tract 1.

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

1. Location Map
  2. Proposed Tract Split Survey
- 

## **PLANNING ANALYSIS**

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

The subject property is east of the City limits of Rogers. 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 December 11, 2014 the applicant submitted a property line adjustment application for the subject property. After a preliminary review, Staff determined that the shop building on Tract 1 is within in the required 10 ft. rear yard setback. The shop building was constructed in 2013 under the previous Planning and Development Regulations of Benton County, in which no rear yard building to property line setbacks were established. Under the current Benton County Planning and Development Regulations, the rear yard building to property line setbacks shall be 10 ft. The applicant is undertaking a planning action for the property (property line adjustment); therefore the variance is required to proceed with the property line adjustment.

On December 18, 2014 the applicant submitted a variance request. An interdepartmental review form was sent on December 29, 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 1.487 acres.

Proposed property line adjustment is as follows: Current Tract 1 – 1.487 acres, Adjusted Tract 1 – 1.440 acres and Current Tract 2 – 1.945 acres, Adjusted Tract 2 – 1.992 acres.

### **Noticing Requirements**

Applicant is to submit Certified Mail receipts on or before January 7, 2015 to satisfy this requirement.

A date stamped photograph of the public hearing signage post on site is to be submitted to Staff on or before January 7, 2015.

**Building Setback**

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

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

- 0.7 ft. rear yard building to property line setback in lieu of the required 10 ft. setback for the shop building on the northern property line on Tract 1.

**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 dated on or before January 7, 2015 for the Public Hearing Noticing Requirements and date stamped photograph of Public Hearing signage posted on site, on or before January 7, 2015.

**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 variance for the property:

- 0.7 ft. rear yard building to property line setback in lieu of the required 10 ft. setback for the shop building on the northern property line on Tract 1.

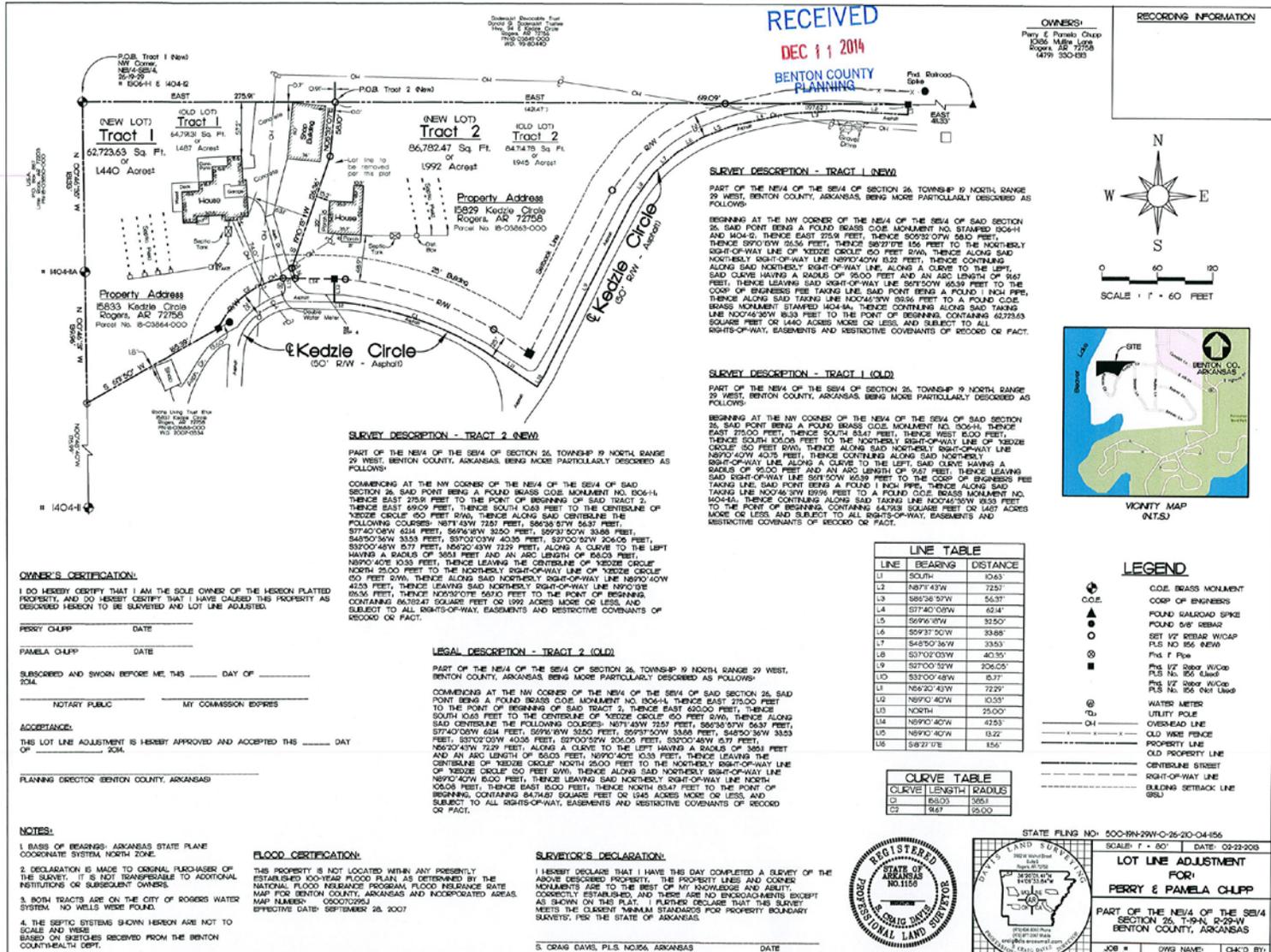
Planning Staff recognizes existing structures / improvements that were built prior to current setback requirements as 'non-conforming'. Given that these non-conforming structures are now part of a current planning review and approval process (i.e. proposed minor-subdivision), these structures should 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, Planning Manager**

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

**Kevin M. Gambrill, Planning Director**





**RECEIVED**  
DEC 11 2014  
BENTON COUNTY  
PLANNING

**OWNERS:**  
Perry & Pamela Chupp  
1404-A  
1479 300-025

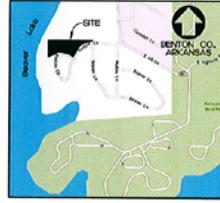
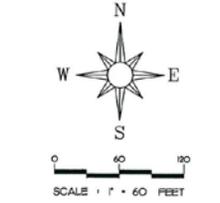
**RECORDING INFORMATION**

**SURVEY DESCRIPTION - TRACT 1 (NEW)**  
PART OF THE NE¼ OF THE SE¼ OF SECTION 26, TOWNSHIP 19 NORTH, RANGE 29 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT THE NW CORNER OF THE NE¼ OF THE SE¼ OF SAID SECTION 26, SAID POINT BEING A FOUND BRASS COLE MONUMENT NO. STAMPED 1006-H AND 1004-H; THENCE EAST 275.9 FEET; THENCE SOUTH 00°02'07W 56.0 FEET; THENCE S89°01'59W 25.56 FEET; THENCE S89°27'17E 156 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF "KEDZIE CIRCLE" 60 FEET R/W; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE NORTH40°00W 63.2 FEET; THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 95.00 FEET AND AN ARC LENGTH OF 96.5 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE S01°50'W 63.9 FEET TO THE CORNER OF BUSINESS FEE TAKING LINE, SAID POINT BEING A FOUND 1 INCH PIPE; THENCE ALONG SAID TAKING LINE N00°46'30W 85.58 FEET TO A FOUND COLE BRASS MONUMENT STAMPED 1004-H; THENCE CONTINUING ALONG SAID TAKING LINE N00°46'30W 85.58 FEET TO THE POINT OF BEGINNING, CONTAINING 62,723.63 SQUARE FEET OR 1,440 ACRES MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT.

**SURVEY DESCRIPTION - TRACT 1 (OLD)**  
PART OF THE NE¼ OF THE SE¼ OF SECTION 26, TOWNSHIP 19 NORTH, RANGE 29 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
BEGINNING AT THE NW CORNER OF THE NE¼ OF THE SE¼ OF SAID SECTION 26, SAID POINT BEING A FOUND BRASS COLE MONUMENT NO. 1006-H; THENCE EAST 275.00 FEET; THENCE SOUTH 83.47 FEET; THENCE WEST 8.00 FEET; THENCE SOUTH 83.47 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF "KEDZIE CIRCLE" 50 FEET R/W; THENCE ALONG SAID NORTHERLY RIGHT-OF-WAY LINE N87°07'40W 40.75 FEET; THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 90.00 FEET AND AN ARC LENGTH OF 95.7 FEET; THENCE LEAVING SAID RIGHT-OF-WAY LINE S01°50'W 63.9 FEET TO THE CORNER OF BUSINESS FEE TAKING LINE, SAID POINT BEING A FOUND 1 INCH PIPE; THENCE ALONG SAID TAKING LINE N00°46'30W 85.58 FEET TO A FOUND COLE BRASS MONUMENT NO. 1004-H; THENCE CONTINUING ALONG SAID TAKING LINE N00°46'30W 85.58 FEET TO THE POINT OF BEGINNING, CONTAINING 54,735.58 SQUARE FEET OR 1,248 ACRES MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT.

LINE	BEARING	DISTANCE
L1	SOUTH	15.53
L2	N87°07'43W	72.57
L3	S88°28'07W	56.37
L4	S77°40'09W	63.14
L5	S69°36'07W	32.50
L6	S59°37'50W	39.88
L7	S48°50'36W	33.53
L8	S37°02'03W	40.35
L9	S27°00'32W	206.05
L10	S32°00'48W	6.77
L11	N56°20'43W	72.29
L12	N69°02'40W	10.35
L13	NORTH	25.00
L14	N69°02'40W	42.53
L15	N69°02'40W	0.22
L16	S87°27'17E	156

CURVE	LENGTH	RADIUS
C1	54.00	368.1
C2	96.7	95.00



- LEGEND**
- COLE BRASS MONUMENT
  - CORNER OF BUSINESS
  - FOUND SAILROAD SPIKE
  - FOUND 5/8" DEBAR
  - SET 1/2" DEBAR W/COAP
  - PLS NO. 856 (NEW)
  - PLS. F. P. 106
  - PLS. 1/2" DEBAR W/COAP
  - PLS. NO. 856 (OLD)
  - PLS. 1/2" DEBAR W/COAP
  - PLS. NO. 856 (OLD)
  - WATER METER
  - UTILITY POLE
  - OVERHEAD LINE
  - OLD WIRE FENCE
  - PROPERTY LINE
  - OLD PROPERTY LINE
  - CENTRALISE STREET
  - RIGHT-OF-WAY LINE
  - BUILDING SETBACK LINE (BSL)

**OWNER'S CERTIFICATION:**  
I DO HEREBY CERTIFY THAT I AM THE SOLE OWNER OF THE HEREIN PLATTED PROPERTY, AND DO HEREBY CERTIFY THAT I HAVE CAUSED THIS PROPERTY AS DESCRIBED HEREON TO BE SURVEYED AND LOT LINE ADJUSTED.

PERRY CHUPP DATE \_\_\_\_\_  
PAMELA CHUPP DATE \_\_\_\_\_

SUBSCRIBED AND SWORN BEFORE ME, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2015.

NOTARY PUBLIC MY COMMISSION EXPIRES \_\_\_\_\_

**ACCEPTANCE:**  
THIS LOT LINE ADJUSTMENT IS HEREBY APPROVED AND ACCEPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2015.

PLANNING DIRECTOR BENTON COUNTY, ARKANSAS

**NOTES:**

1. BASIS OF BEARINGS: ARKANSAS STATE PLANE COORDINATE SYSTEM, NORTH ZONE.
2. DECLARATION IS MADE TO ORIGINAL PURCHASERS OF THE SURVEY; IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
3. BOTH TRACTS ARE ON THE CITY OF ROGERS WATER SYSTEM; NO WELLS WERE FOUND.
4. THE SEPTIC SYSTEMS SHOWN HEREON ARE NOT TO SCALE AND WERE BASED ON SKETCHES RECEIVED FROM THE BENTON COUNTY HEALTH DEPT.

**FLOOD CERTIFICATION:**  
THIS PROPERTY IS NOT LOCATED WITHIN ANY PRESENTLY ESTABLISHED 100-YEAR FLOOD PLAIN AS DETERMINED BY THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP FOR BENTON COUNTY, ARKANSAS AND INCORPORATED AREAS. MAP NUMBER: 1300020951  
EFFECTIVE DATE: SEPTEMBER 28, 2007

**SURVEYOR'S DECLARATION:**  
I HEREBY DECLARE THAT I HAVE THIS DAY COMPLETED A SURVEY OF THE ABOVE DESCRIBED PROPERTY, THE PROPERTY LINES AND CORNER MONUMENTS ARE TO THE BEST OF MY KNOWLEDGE AND ABILITY, CORRECTLY ESTABLISHED, AND THERE ARE NO ENCUMBRANCES EXCEPT AS SHOWN ON THIS PLAT. I FURTHER DECLARE THAT THIS SURVEY MEETS THE CURRENT MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS PER THE STATE OF ARKANSAS.

S. CRAIG DAVIS, PLS. NO.166 ARKANSAS DATE \_\_\_\_\_

STATE FILING NO: 200-19429W-0-26-20-04456  
SCALE: 1" = 60' DATE: 02-22-2008

**LOT LINE ADJUSTMENT FOR:**  
PERRY & PAMELA CHUPP

PART OF THE NE¼ OF THE SE¼ OF SECTION 26, T-19-N, R-29-W BENTON COUNTY, ARKANSAS

**REGISTERED PROFESSIONAL SURVEYOR**  
STATE OF ARKANSAS  
NO. 11156  
S. CRAIG DAVIS

**JOB #** 1404-A **DWG. NAME:** 1404-PLA **CHG'D BY:** SC0495