

**Benton County Planning Board**

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**Benton County Development Department**

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**VARIANCE REVIEW PLANNER’S PUBLIC HEARING 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 setback variance is required for the shop building on Tract - 1. The shop building requiring the rear yard setback variance was constructed in 2013, prior to establishment of side and rear yard setbacks in the Planning and Development Regulations of Benton County.

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 existing shop building on the northern property line for the proposed, reconfigured 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 existing shop building on the northern property line for the proposed, reconfigured Tract 1.

**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 east of the City limits of Rogers. The surrounding land use is residential and timber.

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 Director, Health Dept., Road Dept., Building Safety Division, Fire Marshal, Administrator of General Services, Administrator of Public Safety, and Benton County 911 Administration.

On January 7, 2015 the applicant attended the TAC meeting to discuss the variance request with the Planning Board.

## **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**

The applicant submitted Certified Mail receipts to Staff on January 7, 2015 to satisfy this requirement.

The applicant provided date stamped photograph on January 7, 2015 of the required Public Hearing signage posted on site.

### **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 existing shop building on the northern property line for the proposed, reconfigured 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:**

- 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 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 existing shop building on the northern property line for the proposed, reconfigured 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: Kevin M. Gambrill, Planning Director**



