

**Benton County Planning Board**

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**Benton County Development Department**

**Planning Division**

905 NW 8<sup>th</sup> Street  
Bentonville, AR 72712  
Phone: (479) 271-1003  
Fax: (479) 464-6170  
Email:  
[taylor.reamer@bentoncountyar.gov](mailto:taylor.reamer@bentoncountyar.gov)

**VARIANCE REVIEW PLANNER'S PUBLIC HEARING REPORT**  
**Easley Property**  
**8654 Low Chaparral Road, Rogers AR 72756**

**EXECUTIVE SUMMARY**

The property owners, Jeff and Laura Easley, propose to construct a new replacement dwelling on the subject property. In a letter dated April 20, 2015, the applicant states the scope of the project is as follows; *“Demolition of existing house at 8654 Low Chaparral in Rogers, AR and rebuild of house on same site. The existing foundation and lower support structure along with the suspended garage flooring will be preserved. An expanded foundation will be tied into the existing foundation to support the new house.”*

The new home construction is proposed to be 3 ft. 9 inches on the NW front corner and 6 ft. 11 inches on the NE back corner from the side property line, which are within the 10 ft. side yard building to property line setback.

The applicant is requesting one (1) variance for the property.

1. 3 ft. 9 inch (NW front corner) and 6 ft. 11 inch (NE back corner) building to side property line setback in lieu of the required 10 ft. building to side property line setback for the proposed new home.

On April 20, 2015 the applicant submitted a formal variance request.

Variance request is from Section 4.3.B – Lot Size and Building Setbacks

1. Minimum Setbacks – No structures shall be constructed or other improvements undertaken within the following minimum setback lines:
  - Side and Rear Yards – All properties and tracts shall observe a minimum ten (10) foot setback from side and rear lot lines.

**PROJECT INFORMATION**

**Owner:** Jeff & Laura Easley

**Builder:** Corby Bradt

**Address of subject property:** 8654 Low Chaparral Road, Rogers AR 72756

**Parcel ID:** 18-03379-000

**Parcel Size:** .87 acres

**Current Land Use:** Residential

**Proposed Land Use:** Residential – New Construction (replacement dwelling)

**Request for a Variance:** The applicant is requesting one (1) variance for the property.

1. 3 ft. 9 inch (NW front corner) and 6 ft. 11 inch (NE back corner) building to side property line setback in lieu of the required 10 ft. building to side property line setback for the proposed new home construction.

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

1. Site Graphic
  2. Site Plan 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 subject parcel is .87 acres and the current land use is residential. The surrounding land use is residential, with water frontage along Beaver Lake (Army COE regulatory jurisdiction).

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

**Background information:**

On April 20, 2015 the applicant submitted a variance request. An interdepartmental review form was sent on April 22, 2015 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 .87 acres. The subject parcel currently contains one residential dwelling approximately 2,100 sq. ft. in area. The applicant is proposing to demolish the current dwelling and rebuild a larger replacement dwelling on the site.

### **Noticing Requirements**

Applicant submitted certified mail receipts on May 5, 2015 verifying that the required mailings were sent to property owners within 500 feet of the subject property.

Planning Staff confirmed required Public Hearing signage had been posted conspicuously on the property's frontage along Low Chaparral Road on May 6, 2015.

### **Building Setback**

Required: The minimum side setbacks shall be ten (10) feet.

Comments: The applicant is requesting one (1) variance for the property.

1. 3 ft. 9 inch (NW front corner) and 6 ft. 11 inch (NE back corner) building to side property line setback in lieu of the required 10 ft. building to side property line setback for the proposed new home.

### **Access Driveways**

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

Comment: The applicant is not proposing a new access drive from Low Chaparral. The Benton County Roads Department did not provide comment on this project proposal.

### **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 located in Unincorporated Urbanized MS4 designated area. The applicant shall apply for a Stormwater permit prior to any land disturbance on site. The scale of this project will require the applicant to submit a grading plan for the site, which show limits of disturbance as well as applicable BMP's per County Stormwater Ordinance. Applicant shall contact Staff to set up a pre-conference meeting prior to construction activities occurring on site.

### **Site Services - Sewerage Disposal**

Required: Regardless of development size, a state-approved septic disposal method is required of all commercial and industrial developments. All disposal system criteria must meet or exceed septic requirements as established by the Arkansas Department of Health in accordance with Act 402 of 1977 as amended.

Comment: ADH provided the following comment on this project proposal: the site plan should show the existing septic systems on site, construction activities should be done in a way to minimize impact to the septic systems, and applicant shall maintain the current number of bedrooms to prevent the current septic system from becoming incapable of working properly.

The applicant shall show the current septic system on an updated site plan.

### **OUTSTANDING ITEMS:**

1. Updated Site Plan showing septic system

### **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 one (1) variance for the property.

1. 3 ft. 9 inch (NW front corner) and 6 ft. 11 inch (NE back corner) building to side property line setback in lieu of the required 10 ft. building to side property line setback for the proposed new home.

### **CONSIDERATIONS FOR THE BOARD:**

Approval of the Easley Variance Request case #15-050 with the following stipulations:

1. Apply for demolition/remodel permit with Benton County Building Safety Division prior to issuance of decision letter
2. Apply for MS4 Stormwater permit with Benton County Planning Division prior to any land disturbance during remodel/demolition/rebuild process, and prior to issuance of any building permits.

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

**Reviewed by: Kevin M. Gambrill, AICP – Planning Director**

Caitlynn Kimbrough - County Planner



Site Graphic – Easley Variance



