

**Benton County  
Planning Board**  
Mark Curtis, Chair  
Starr Leyva, Vice Chair  
Jim Cole, Member  
Ashley Tucker, Member  
Rick Williams, Member  
Sean Collyge, Member  
Ron Homeyer, Member



**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:  
caitlynn.kimbrough@bentoncountyar.gov

---

## VARIANCE REVIEW PLANNER'S TECHNICAL REPORT

**War Eagle Custom Lure - Brashers Property  
14352 E Highway 12, Rogers**

### EXECUTIVE SUMMARY

The applicant Pat Adams, for the property owner Keith Brashers submitted a Variance application and property survey for the proposed addition to the existing commercial building. The proposed addition will be 1,250 sq. ft. and will be used as storage by the property owner. The applicant has stated the proposed 1,250 sq. ft. addition would be used for private use by the property owner and would not be associated for any use with the existing commercial land use.

In 2003, War Eagle Custom Lures LLC was approved as a Large Scale Development. As part of the submittal, the site plan included the original 5,000 sq. ft. commercial structure and a 2,500 sq. ft. 'future expansion' area to the north of the structure. The property is currently improved with a 6,250 sq. ft. commercial structure and the proposed addition would increase the building footprint to 7,500 sq. ft. The total approved square footage in the 2003 Large Scale Development approval was 7,500 sq. ft.

The proposed addition would be within the current county required 10 ft. side and rear setbacks and requires a setback variance to legitimize the property under current regulations.

The applicant is requesting a 3.91 ft. side setback and 4.55 ft. rear setback in lieu of the required 10 ft to accommodate the existing structure and the proposed addition.

On July 2, 2015 the applicant provided a 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 Yard Setbacks – 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. The street side yard on a corner lot shall have twenty-five (25) foot setback.

**PROJECT INFORMATION**

**Owner:** Keith Brashers – War Eagle Custom Lures LLC  
**Applicant:** Pat Adams  
**Address of subject property:** 14352 E Highway 12, Rogers  
**Parcel ID:** 18-03291-000  
**Parcel Size:** .69 acres  
**Current Land Use:** Commercial (previously approved Large Scale Development)  
**Proposed Land Use:** Commercial (continued)  
**Request for a Variance:** The applicant is requesting one (1) variance for the property.

1. 3.91 ft. side and 4.55 ft. rear in lieu of the required 10ft. side and rear setback to accommodate the existing commercial structure and proposed addition.

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

1. Site Graphic
2. Site Survey

---

**PLANNING ANALYSIS**

**Description of Property and Surrounding Area**

The subject property is east of the City limits of Rogers. The subject parcel is .69 acres and the current land use is commercial. The surrounding land use is residential and timber land.

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 July 2, 2015 the applicant submitted a variance request. An interdepartmental review form was sent on August 13, 2015 to the following: Planning Division, Health Dept., Road Dept., Building Dept., Fire Marshal, Administrator of General Services, Administrator of Public Safety, Army Corps of Engineers, and Benton County 911 Administration.

**TECHNICAL REVIEW OF SITE PLAN**

**Parcel Information**

The proposed project area consists of one existing parcel of .69 acres. The subject parcel currently contains a single 6,250 sq. ft. commercial structure.

The applicant is proposing to construct a 1,250 sq. ft. storage space to the existing commercial building. The existing structures and the proposed addition are within the County required 10 ft. side and rear yard setback.

**Noticing Requirements**

Applicant shall submit certified mail receipts on or before August 19<sup>th</sup> verifying that the required mailings were sent to property owners within 500 feet of the subject property.

The applicant shall provide photographs of the required public hearing signage posted conspicuously on the property's frontage along E Hwy. 12 on or before August 19<sup>th</sup>, 2015.

**Building Setback**

Required: Minimum setbacks: side and rear setbacks shall be ten (10) feet.

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

1. 3.91 ft. side setback and 4.55 ft. rear setback to accommodate the existing commercial building and proposed addition.

**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 E. Hwy 12. The Benton County Roads Department provided 'no 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 submit a Stormwater Permit application and detailed site plan, showing full extent of all areas of disturbance, detailing exact square feet and/or acres of disturbance, and the precise location of all Best Management Practices (BMPs) to be used to further stabilize the site. All materials shall be submitted and contingently approved prior to any land disturbance or issuance of Planning Board decision letter.

**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.

August 19<sup>th</sup>, 2015

Comment: ADH provided the following comment concerning this proposal “It looks like their original septic plan was changed and what appears to have been installed was a tank behind the building (in the area they want to do the addition) and it goes onto another parcel for their lateral lines. The probably need to identify the exact location of this tank before they proceed with their addition.”

**Benton County Emergency 911 Administration**

Benton County E911 office verified the structure on site the address as 14352 E AR Hwy 12.

**Benton County Fire Marshal**

Ben. Co. Fire Marshal Marc Trollinger provided ‘no comment’ on the project proposal.

**OUTSTANDING ITEMS:**

1. Applicant shall submit certified mail receipts on or before August 19<sup>th</sup> verifying that the required mailings were sent to property owners within 500 feet of the subject property.
2. The applicant shall provide photographs of the required public hearing signage posted conspicuously on the property’s frontage along E. Hwy 12 on or before August 19<sup>th</sup>, 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 one (1) variance for the property.

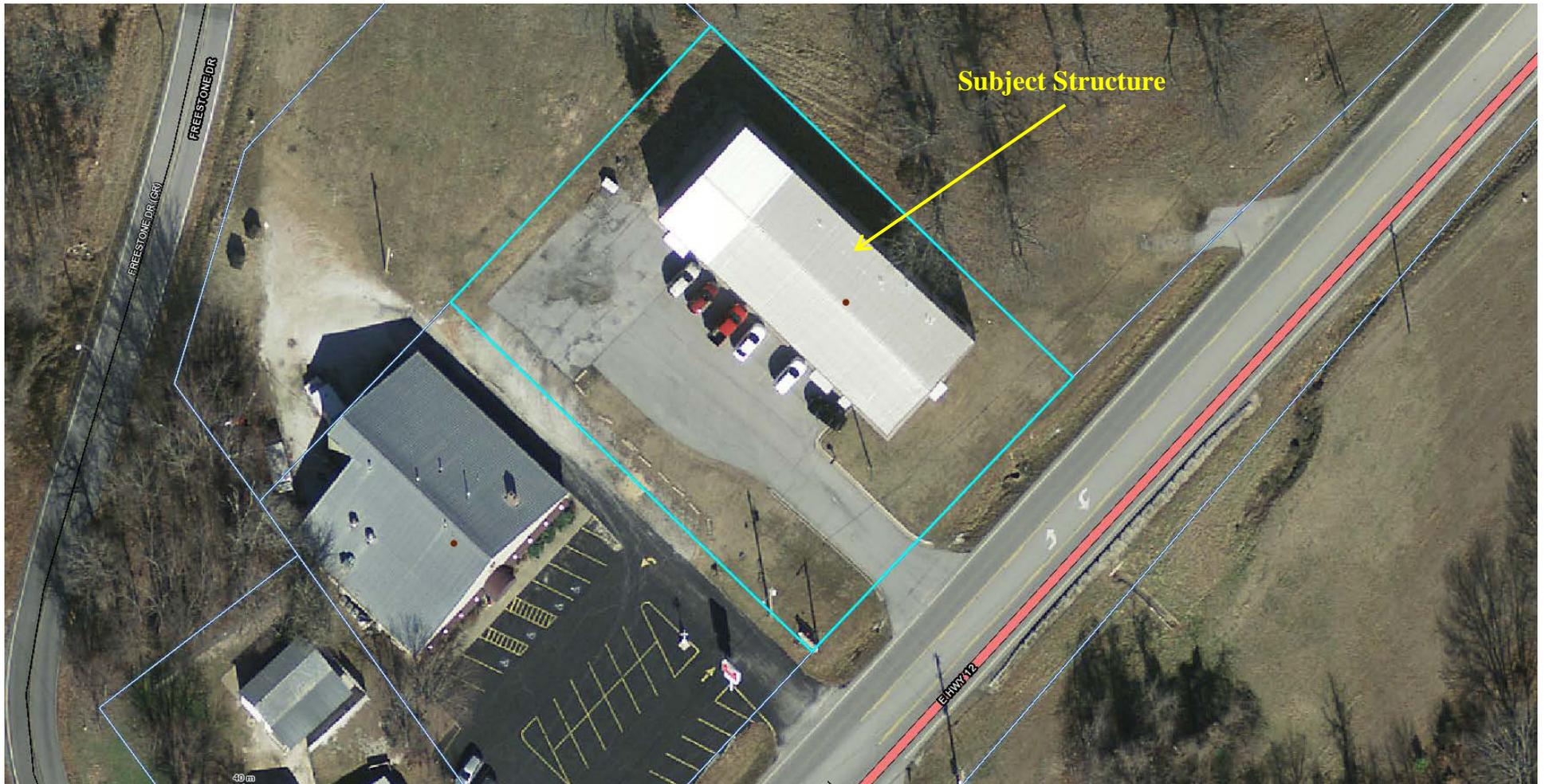
1. 3.91 ft. side setback and 4.55 ft. rear setback in lieu of the required 10 foot setback for side and rear yards to accommodate the existing commercial structure and proposed addition.

**Prepared by: Caitlynn Kimbrough, County Planner**

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

**Taylor Reamer, Planning Manager**

Brasher Variance – Site Graphic:



Structure Site Survey – Brashers Variance:

