



**Benton County Planning Board
Public Hearing
Technical Advisory Committee Meeting**

October 21st, 2015

6:00 PM

Benton County Administration Building
215 East Central Avenue, Bentonville AR

Planning
Board
Approval:

CHays
11-4-15

Meeting Minutes

PUBLIC HEARING:

Call to Order: The meeting was convened at 6:00 PM by Planning Board Chair, Mark Curtis.

Roll Call: Jim Cole, Rick Williams, Mark Curtis, Sean Collyge, Starr Leyva, and Ron Homeyer were present. Ashley Tucker was absent.

Staff present: John Sudduth – Administrator of General Services, Building Inspector – J.C. Brenaman, Kevin Gambrell – Planning Director, Planning Manager – Taylor Reamer, and County Planner—Caitlynn Kimbrough were present.

Public Present: There were 5 members of the public present.

Disposition of Minutes: 10-7-2015.

Mr. Cole moved to approve the October 7th, 2015 Planning Board Meeting Minutes. The motion was seconded by Mr. Collyge. The motion carried 6-0.

General Public Comment:

Bob Bland, 10420 Keller Rd., Centerton

Mr. Bland stated concern with the previously denied Lonesome Oak Gun Range amendment for hours of operation. He stated the property owner was moved forth with another gun range and provided photos to the Planning Board of such development. Mr. Bland stated he made a formal complaint with the planning staff. Mr. Bland stated this new gun range is located to the Northwest of the original gun range property. He stated his concern with the planning use compatibility and with ADEQ regulations. Mr. Bland asked for the Board's attention to the planning issue.

Old Business: None

New Business:

- I. **Berens Variance, #15-149, 8280 Ozark Ridge Dr., Rogers
Represented by Steve Berens, 8280 Ozark Ridge Dr., Rogers**

Mr. Curtis asked Staff for the report of Berens Variance, #15-149.

Staff gave a presentation on Berens Variance, #15-149, outlining the information in the Public Hearing Report.

Applicant Comment:

Mr. Berens stated his family was seeking more space for their growing family and wanted to stay in the home

they had built. He stated due to the location of the septic, utility lines, and rough topography the addition was placed in the most cost efficient area. Mr. Berens stated he shifted the addition to be more reasonable within the required setback. He stated upon discussion with an architect, the addition location would work well with the lot. The addition was also shifted to ease the surrounding neighbors who had suggested the location. Mr. Berens also stated the shifted addition would be more favorable if someone were to populate the lot next door. The proposed addition would screen the neighbors view from the Berens deck and back yard. Mr. Berens addressed the emergency vehicle issue that was brought up at the previous meeting. He stated he did talk with the firefighter for his area. He was assured the home would be taken care of and accessible in an emergency situation.

Board Comment:

Mrs. Leyva asked the applicant about the sizing dimensions for the proposed addition.
Mr. Berens stated that his plan was to convert current living space to a bedroom and bathroom and the addition would serve as the new living area.
Mrs. Leyva asked if the applicant was looking for a particular size of room due to a smaller addition not requiring Planning Board approval.
Mr. Berens stated that he was just looking for the space needed for his family now and in the future.

Public Comment:

Carl Ryan, 13651 Grandview Cir, Rogers

Dr. Ryan stated that he and his wife live to the North of the Berens property within the same neighborhood. He stated he had expressed his concerns about the variance to the applicant along with other neighbors. Dr. Ryan stated he provided the applicant with several alternatives for the addition so that a variance would not be required. He provided the document stating the alternatives to the Planning Board. Dr. Ryan stated that the newly revised addition was one of the alternative plans shown to the applicant. He also stated there was a misunderstanding of where the Berens property line was. Dr. Ryan stated there was an opposition to the variance from the surrounding neighbors and provided the signed documents to the Planning Board. He stated his main concern was for an unsightly change to the neighborhood. Dr. Ryan also stated the applicant had not shown any undue hardship for the variance.

Leahman Whelchel, 8253 Ozark Ridge Dr., Rogers

Mr. Whelchel stated he was opposed to the variance due to a lack of consistency in the appearance of the neighborhood. He also had concern with neighbors building whatever they wanted.

Drew McGee, 8112 Ozark Ridge Dr., Rogers

Mr. McGee stated he was a friend of the Berens and had been for a long time. He stated he was unsure of why the other neighbors were opposed. Mr. McGee stated he owned one of the larger homes in the neighborhood and would have the most to lose if it were to negatively impact the neighborhood. He stated the neighbors who were in opposition were wrong. Mr. McGee stated the applicant is trying to increase his property value.

Mr. Curtis asked Mr. McGee if there was a Home Owners Association for the neighborhood.

Mr. McGee stated there was not but there is a covenant that is not currently enforced.

Dr. Ryan stated the opposition was not about the covenants, but the individual variance.

Mr. Curtis stated the Planning Board did not enforce covenants.

Cheryl McGee, 8112 Ozark Ridge Dr., Rogers

Mrs. McGee stated that the petition against the variance never came to their home. She said she was disappointed the concerns were never brought to them to be addressed. Mrs. McGee stated friendships were spoken of but the process had been anything but neighborly.

Mr. Berens stated he had not seen the petition was unaware of what it said. He listed a name of neighbors that did discuss the variance request with him. Mr. Berens stated a name on the petition that talked with him after signing and stated they wouldn't have signed if they would have spoken with Mr. Berens beforehand.

The Board reviewed topography and septic/utility placement on the Berens property.

Mrs. Leyva asked the applicant if there would be a new deck.

Mr. Berens stated that the existing deck would be removed for the addition and the remaining would be rebuilt.

Mrs. Leyva asked the applicant about the use of the addition.

Mr. Berens stated it would be living space.

Mrs. Leyva asked how big the space would be.

Staff stated 525 sq. ft.

Mr. Williams moved to approve the Berens Variance as written.

The motion was seconded by Mr. Cole.

The motion carried 5-1.

Berens Variance was approved.

Public Hearing adjourned at 6:34 pm.

TECHNICAL ADVISORY COMMITTEE

Call to Order: 6:34 pm

Old Business: None

New Business: None

Other Business: None

STAFF UPDATES:

- I. Administrative Approvals
 - A. Manion Minor Subdivision, #15-160
 - B. Amos Minor Subdivision, #15-162
 - C. Jackson Minor Subdivision, #15-164
 - D. Wyman Minor Subdivision, #15-165
 - E. Brandon Minor Subdivision, #15-167
 - F. Lessard Minor Subdivision, #15-168

DISCUSSION ITEMS:

- I. Trulove Construction, LLC – JP Appeal

Staff updated the Board on the Trulove Construction. The applicant had filed for an appeal. The hearing is scheduled for November 3rd with an Appeal Board appointed by the Judge.

Mr. Curtis asked if there was required participation from The Board.

Mr. Sudduth stated that the same presentation would be given from the night of the Public Hearing. He stated it was encouraged to attend but as far as participation their job was done. Mr. Sudduth stated after the presentation, the JP's would look at the project and make their decision.

II. Planning Board Binders – Reduction

Staff was encouraged to print less and reduce binders. The Board members stated if they would like their own binder or not. There will now one binder for the Chairman and one binder for the Board. There will be one for staff, one for the media, and one for the public.

III. 15716 E. Hwy 12, Rogers – 0-2004-33 Petitions

Various neighbors have complained on this property and have major concerns. Staff has been in contact with the property owner to work with him. Staff is watching for expansions of his business and looking for improvements.

Meeting Adjourned at 6:51 pm.