

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 8th Street
Bentonville, AR 72712
Phone: (479) 271-1003
Fax: (479) 464-6170
Email:
taylor.reamer@bentoncountyar.gov

VARIANCE REVIEW PLANNER'S TECHNICAL REPORT
Martinkewiz Property
13640 Shaffer Road, Garfield

EXECUTIVE SUMMARY

The property owner Alan Martinkewiz, proposes to construct a new accessory storage structure on the subject parcel. In the Variance application, the applicant states the scope of the project is to construct a 32 ft. by 70 ft. accessory metal storage/workshop on the south side of Shaffer Road. The subject property is transected by Shaffer Road. The existing residential dwelling on the north side of the property closest to the lake; the proposed accessory structure would be located on the south side of Shaffer Road, opposite the existing dwelling. The location of the proposed accessory structure shows to be within the County required front and side building to property line setbacks as detailed in Chapter 4, section 3 of the Benton County Planning and Development Regulations. The accessory structure, as currently proposed, would be 25 ft. from the centerline of Shaffer Road, resulting in a zero ft. building to *front* property line setback in lieu of the County required 25 ft. setback. The proposed structure would also be 4 ft. from both the eastern and western property lines, resulting in a 4 ft. building to *side* property line setback in lieu of the County required 10 ft. setback. The property owner has stated in the Variance application the major locational limiting factor for construction the accessory structure is a pronounced rock ledge running east to west along the southern property line.

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

1. Zero (0) ft. building to front property line setback in lieu of the required 25 ft. building to front property line setback AND a four (4) ft. building to side property line setback in lieu of the required 10 ft. building to side property line setback for the proposed accessory structure.

On May 4th, 2016 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:
 - Local Roads – Fifty (50) feet measured from the centerline of the fronting local road or twenty-five (25) feet from the fronting property line, whichever is greater.
 - 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: Alan Martinkewiz
Address of subject property: 13640 Shaffer Road, Garfield
Parcel ID: 18-01155-000
Parcel Size: 1.08 +/- acres
Current Land Use: Residential
Proposed Land Use: Residential – New Accessory Structure Construction

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

1. Zero (0) ft. building to front property line setback in lieu of the required 25 ft. building to front property line setback AND a four (4) ft. building to side property line setback in lieu of the required 10 ft. building to side property line setback for the proposed accessory structure.

Attachments: The following drawings and documents are attached:

1. Vicinity Graphic
 2. Site Graphic
 3. Site Sketch
-

PLANNING ANALYSIS

Description of Property and Surrounding Area

The subject property is southeast of the city limits of Garfield. The subject parcel is 1.08 acres and the current land use is residential. The surrounding land use is residential and Army Corps land. The property is located in close proximity to Beaver Lake Reservoir.

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

Background information:

On May 4th, 2016 the applicant submitted a variance request. An interdepartmental review form was sent on May 10th, 2016 to the following: Planning Division, Health Dept., Road Dept., Building Dept., Fire Marshal, Administrator of General Services, Assessor's GIS Manager, 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 1.08 acres. The subject parcel currently contains one residential dwelling approximately 2,100 sq. ft. in area.

Noticing Requirements

The applicant submitted USPS certified mail receipts showing that written notice was sent to surrounding property owners regarding the June 1st, 2016 Public Hearing.

The applicant submitted photographs verifying that the required Public Hearing notice signage along the properties frontage with Shaffer Rd. has been conspicuously posted on site.

Building Setback

Required: A fifty (50) foot setback measured from the center line of the fronting roads (Shaffer Road) or twenty-five (25) feet from the fronting property lines, whichever is greater is required; A side and rear yard, building to property line setback of ten (10) feet is required.

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

1. Zero (0) ft. building to front property line setback in lieu of the required 25 ft. building to front property line setback AND a four (4) ft. building to side property line setback in lieu of the required 10 ft. building to side property line setback for the proposed accessory structure.

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 proposes a new access drive from Shaffer Road. The Benton County Roads Department did not provide comment on this project proposal.

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: The applicant does not propose installation of a new septic system in association with the proposed accessory structure.

OUTSTANDING ITEMS: None

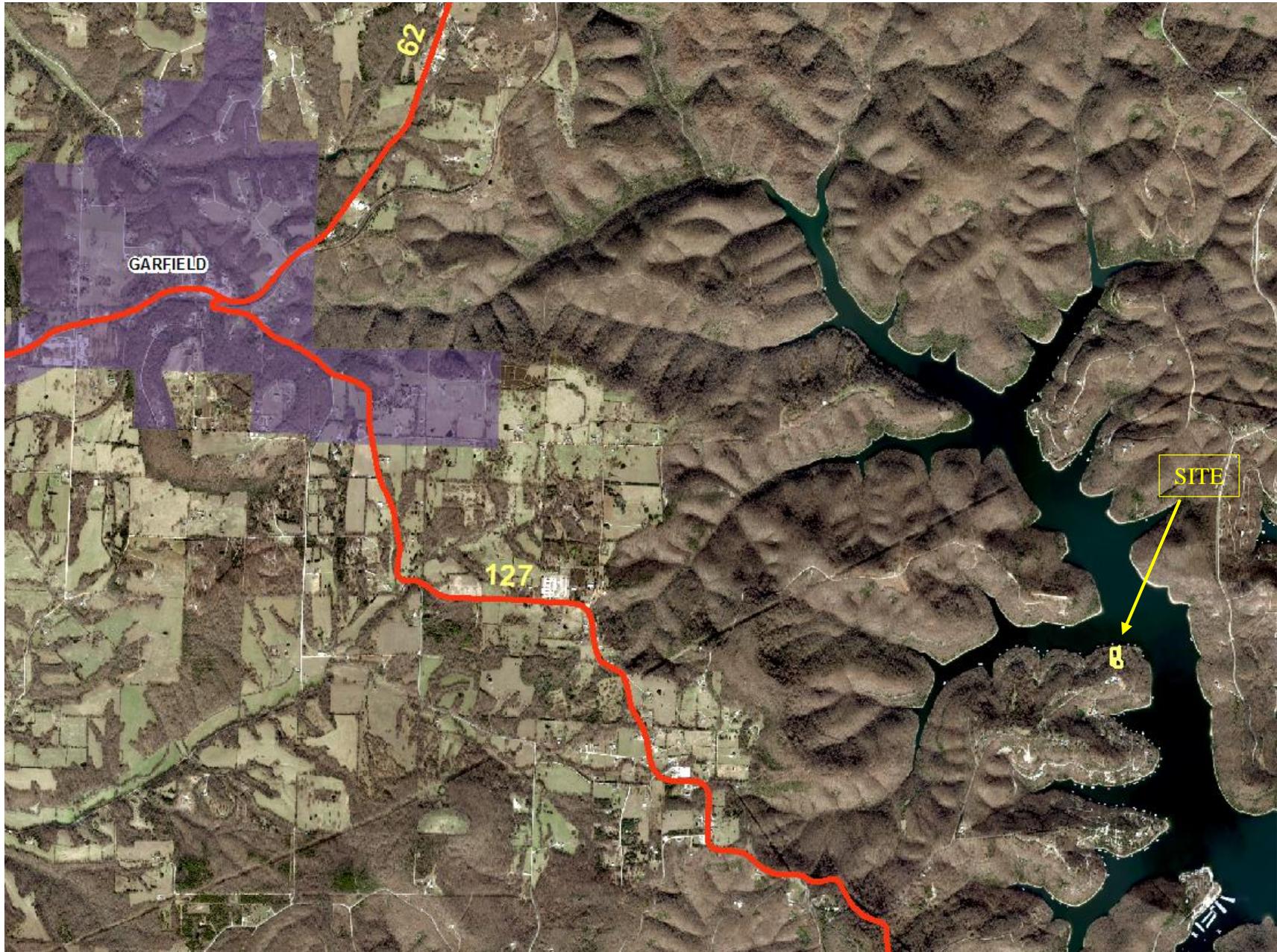
CONCLUSION

The proposed setback variance was reviewed by Planning Staff to ensure compliance with the Benton County Planning and Development Regulations. The applicant is requesting one (1) variance for the property.

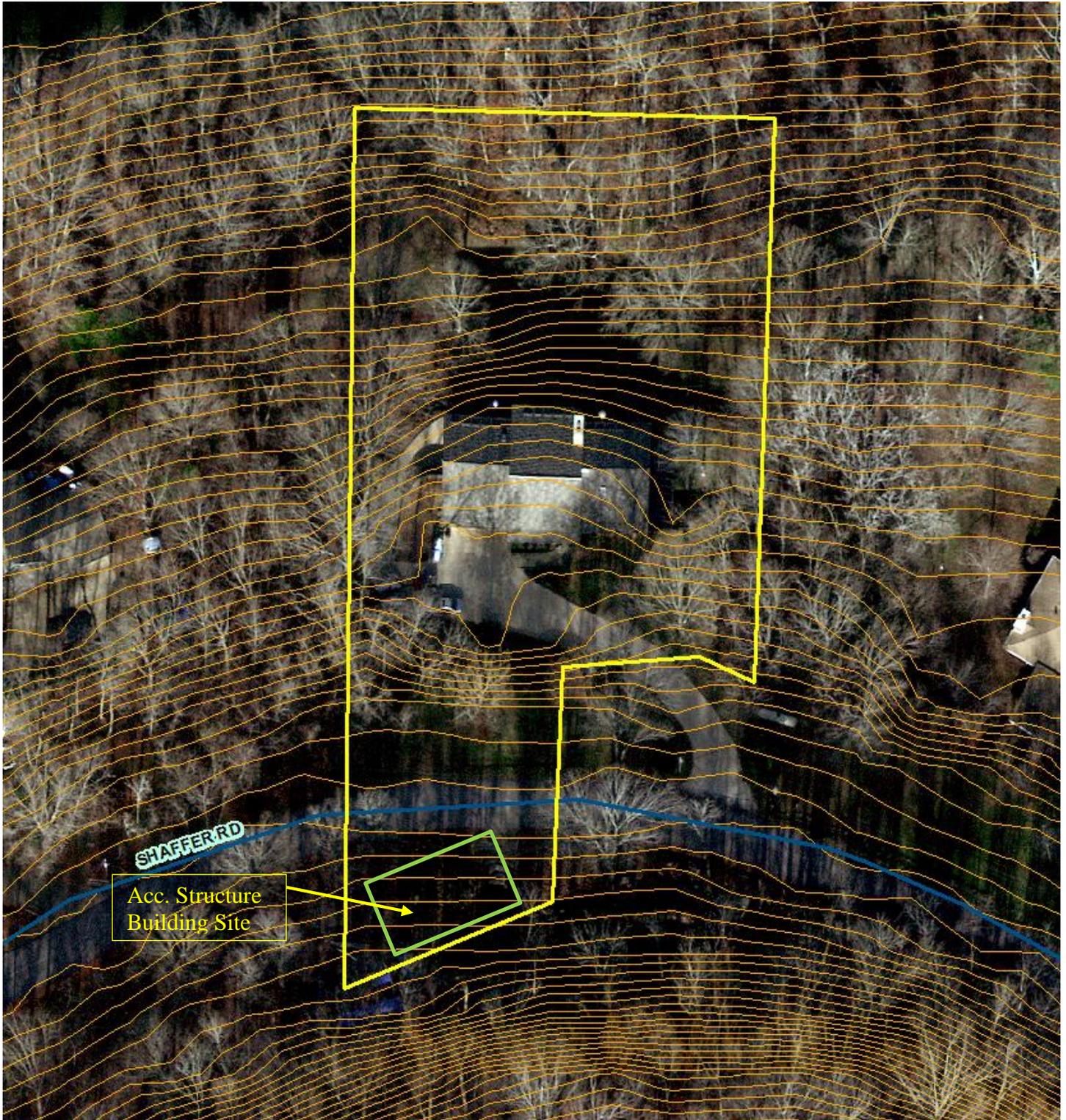
1. Zero (0) ft. building to front property line setback in lieu of the required 25 ft. building to front property line setback AND a four (4) ft. building to side property line setback in lieu of the required 10 ft. building to side property line setback for the proposed accessory structure.

Prepared by: Taylor Reamer, Planning Manager

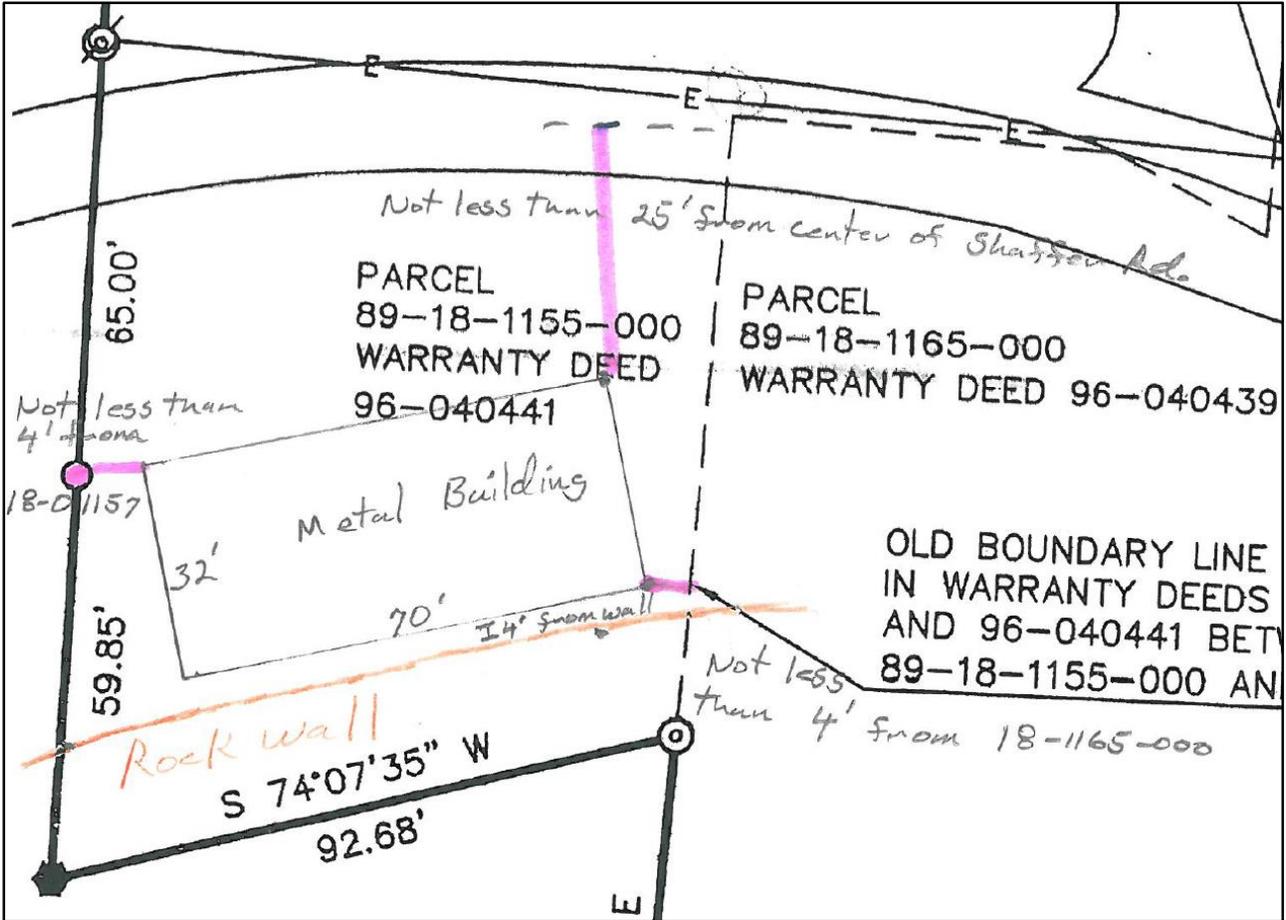
Reviewed by: Kevin M. Gambrill, AICP – Planning Director

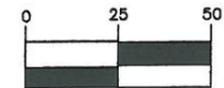


Site Graphic – Martinkewiz Property (2 ft. contours)



Site Sketch provided by Applicant





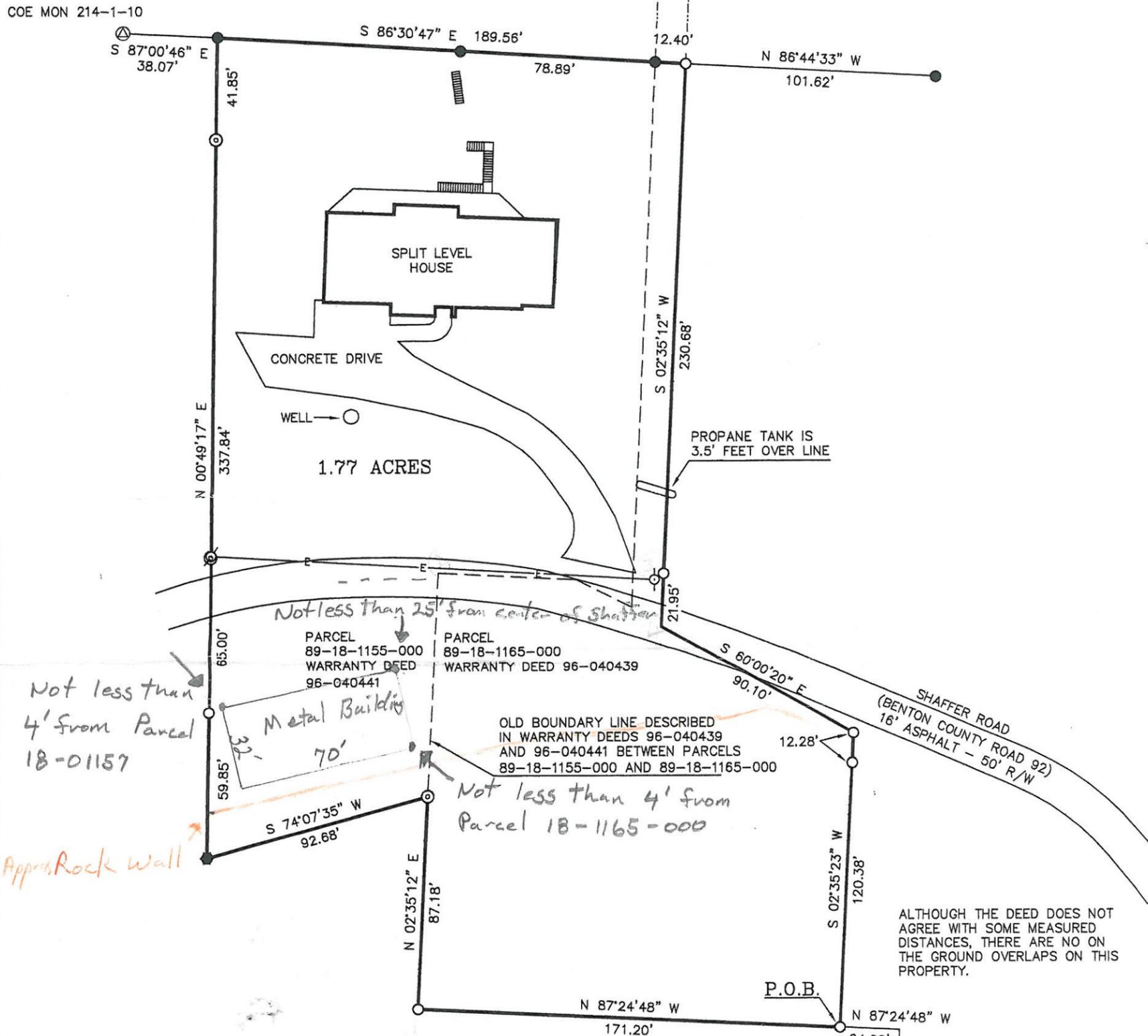
1 inch = 50 ft.



Legend:

- Found Iron Pin
- Set Iron Pin
- ⊙ Found Pipe
- ⊕ Found Corps Monument
- ◆ Found Nail and Bottle Cap
- ⊖ Power Pole
- E Overhead Electric

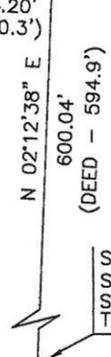
THIS PIECE, ALTHOUGH DESCRIBED IN DEED 96-040439, IS NO LONGER PART OF THE PROPERTY SINCE THE CORPS OF ENGINEERS' LINE HAS BEEN MOVED SOUTH TO THE CURRENT PROPERTY LINE.



ALTHOUGH THE DEED DOES NOT AGREE WITH SOME MEASURED DISTANCES, THERE ARE NO ON THE GROUND OVERLAPS ON THIS PROPERTY.

SURVEY DESCRIPTION

PART OF THE SE/4 OF THE SE/4 OF SECTION 1, TOWNSHIP 20 NORTH, RANGE 28 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SE CORNER OF SAID SE/4 OF THE SE/4, THENCE N 02°12'38" E 600.04 FEET, N 87°24'48" W 24.20 FEET TO THE POINT OF BEGINNING, THENCE N 87°24'48" W 171.20 FEET, THENCE N 02°35'12" E 87.18 FEET, THENCE S 74°07'35" W 92.68 FEET, THENCE N 00°49'17" E 337.84 FEET, THENCE S 86°30'47" E 189.56 FEET, THENCE S 02°35'12" W 230.68 FEET, THENCE S 60°00'20" E 90.10 FEET, THENCE S 02°35'23" W 120.38 FEET TO THE POINT OF BEGINNING CONTAINING 1.77 ACRES, AND SUBJECT TO THE RIGHT-OF-WAY OF SHAFFER ROAD (BENTON COUNTY ROAD 92) RUNNING EAST AND WEST THROUGH THE APPROXIMATE CENTER OF THE PROPERTY. ALSO SUBJECT TO ANY OTHER EASEMENTS OF RECORD OR FACT.



THIS PROPERTY IS NOT IN A 100 YEAR FLOOD ZONE ACCORDING TO F.E.M.A. MAP # 05007C0100 E, DATED SEPTEMBER 18, 1991.

THIS SURVEY WAS COMPLETED ON APRIL 3, 2006 AND IS FOR THE SOLE USE OF THE PARTY STATED HEREON.

500-20N-28W-0-01-220-04-1181

SURVEY FOR:

JEFF SANDERS

SURVEY 1, INC.

2620 Melody Lane, Springdale, Arkansas 72762
 TEL 479-750-1608 FAX 479-750-1629
 Gene E. Buescher R.L.S. #1181

