
Benton County Planning Board

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**Benton County Development
Department Planning Division**

905 NW 8th Street
Bentonville, AR 72712
Phone: (479) 464-6166
Fax: (479) 464-6170
Email: derek.linn@bentoncountyar.gov

VARIANCE REVIEW PLANNER'S PUBLIC HEARING REPORT
Hall Variance
10311 Red Bluff Rd., Garfield

EXECUTIVE SUMMARY

On September 9, 2016, the applicant provided a variance request for relief from the minimum building setback requirements for proposed placement of a garage. Finding minimum submittal requirements met, staff placed the project on the October 5 Technical Advisory Committee agenda.

The applicant is requesting a variance from the minimum building setback requirements with the **intent of placing a 32' x 36' garage forty (40) feet from adjacent road centerline, in lieu of the required fifty (50) feet.**

Variance from Chapter 4, Section 4.3(B)(1)(c) – Minimum Setback. *“No structures, as defined in chapter III – Definitions, 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.”*

PROJECT INFORMATION

Owner: Hall, Steven and Tammie
Address of subject property: 10311 Red Bluff Rd., Garfield
Parcel ID: 15-10482-000
Parcel Size: 5.01 +/- acres
Current Land Use: Residential
Proposed Land Use: Residential – New Garage/Shop

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

1. A forty (40) ft. building -to- road centerline setback in lieu of the required fifty (50') ft. for a proposed garage/shop.

Attachments: The following drawings and documents are attached:

1. Context Map
 2. Site Aerial
 3. Site Plan
-

PLANNING ANALYSIS

Description of Property and Surrounding Area

The subject property is located within the Red Bluff Heights Subdivision, along Red Bluff Road, approximately ¼ mile north of the Slate Gap Road intersection. Red Bluff Road runs north/south through the middle of the parcel.

The current land use is residential, and surrounding land uses include:

- North: vacant (wooded subdivision lot)
- South: vacant (wooded subdivision lot)
- East: residential
- West: vacant (wooded subdivision lot)

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 September 9, 2016 the applicant submitted a variance request. An interdepartmental review form was sent on September 21, 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 E-911 Administration.

TECHNICAL REVIEW OF SITE PLAN

Parcel Information

The subject parcel contains approximately 5.01 acres, and includes one (1) single family residence on the east side of Red Bluff Road. The garage is proposed on the west side of the road. The property's elevation drops significantly toward two (2) drainages to Beaver Lake—greater than a 100' elevation change in each direction off the county road.

Noticing Requirements

On October 3, 2016, the applicant submitted USPS certified mail receipts showing that written notice was sent to surrounding property owners regarding the October 19, 2016 Public Hearing.

On October 5, 2016, the applicant submitted photographs verifying that the required Public Hearing notice signage along the street had been conspicuously posted on site.

Building Setback

Required: A fifty (50) foot setback measured from the center line of the fronting roads (Red Bluff Rd) 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.

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

1. A forty (40) ft. building -to- road centerline setback in lieu of the required fifty (50) ft. for a proposed garage/shop.

Access Driveways

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

Comment: Benton County Roads Department did not provide comment at the time of report.

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 the installation of a new septic system in association with the proposed garage.

Benton County Emergency 911 Administration

Required: Prior to issuance of any additional building permits for the property, the applicant shall file for a new address with Benton County E-911 Administration.

Comment: Benton County E-911 Administration provided the following address for the proposed building – 10311 Red Bluff Rd.

Benton County Fire Marshall

Benton County Fire Marshall provided a ‘No Comment’.

OUTSTANDING ITEMS: None

CONSIDERATION FOR THE BOARD

Decision on the Hall Variance, #16-217: Finding in favor of the variance would allow construction of the proposed 32’ x 36’ garage 40 feet from the road centerline, in lieu of the required fifty (50) feet .

Prepared by: Derek Linn, Senior County Planner

**Reviewed by: Taylor Reamer - Planning Manager
Kevin M. Gambrill, AICP – Director of Planning**

WAIVER AND MODIFICATIONS/ VARIANCE REQUEST

In accordance with Chapter 2, § 2.9 of the 'Planning and Development Regulations of Benton County',

Waivers and modifications are applicable to non-dimensional provisions of this Ordinance which, by the scrutiny of the Board and which may be informed by supporting evidence by staff or other experts, can be prudently and judiciously modified or waived to the extent reasonable and necessary to provide relief to the applicant as part of their development request.

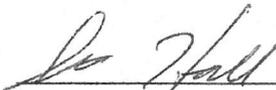
Variations: Variations are relief to a dimensional provision of this Ordinance by an affirmative vote of two-thirds (2/3) of the vote of the total membership of the Planning Board.

Confirm with Staff specified language for Request

(WAIVER/MODIFICATION/VARIANCE)

Please specify the provision of the regulations where relief is sought and a justification for the request.

ALLOW PROPOSED GARAGE/SHOP TO BE LOCATED 10 FT. OR
AS MUCH AS POSSIBLE INTO THE 25' FT. SETBACK. BECAUSE
OF THE LAY OF THE LAND, CONSTRUCTION WOULD BE SAFER
AND LESS EXPENSIVE. USING IT WOULD BE MORE PRACTICAL.
THERE WOULD BE NO MORE CLEARING REQUIRED.


Owner/Applicant

Date 9/8/16

***Note that there is an additional \$75.00 fee for each waiver and or variance request.**

Tracy Backs

From: john slaymaker <jhslaymaker@gmail.com>
Sent: Friday, October 7, 2016 9:12 AM
To: Tracy Backs
Subject: Request for setback variance by Steven and Tammie Hall for Parcel 15-10482-000

We ask that the variance request NOT be allowed for the following reasons:

- Red Bluff Rd. is in a rural area where no other property owners have structures even close to the road and this would not be in keeping with the overall appearance of the area.

- The owners have just built a house on the other side of the road that is close to the legal setback and itself contains a two car attached garage.

Building this new garage just across the road and even closer than the legal 50 feet setback does not appear necessary and will certainly create an even stronger tunnel view effect for all the local residents when traveling down the road to their places.

- To my knowledge, all other owners in this area have followed the setback laws, so why is an exception necessary in this case?

Thank you for your consideration.

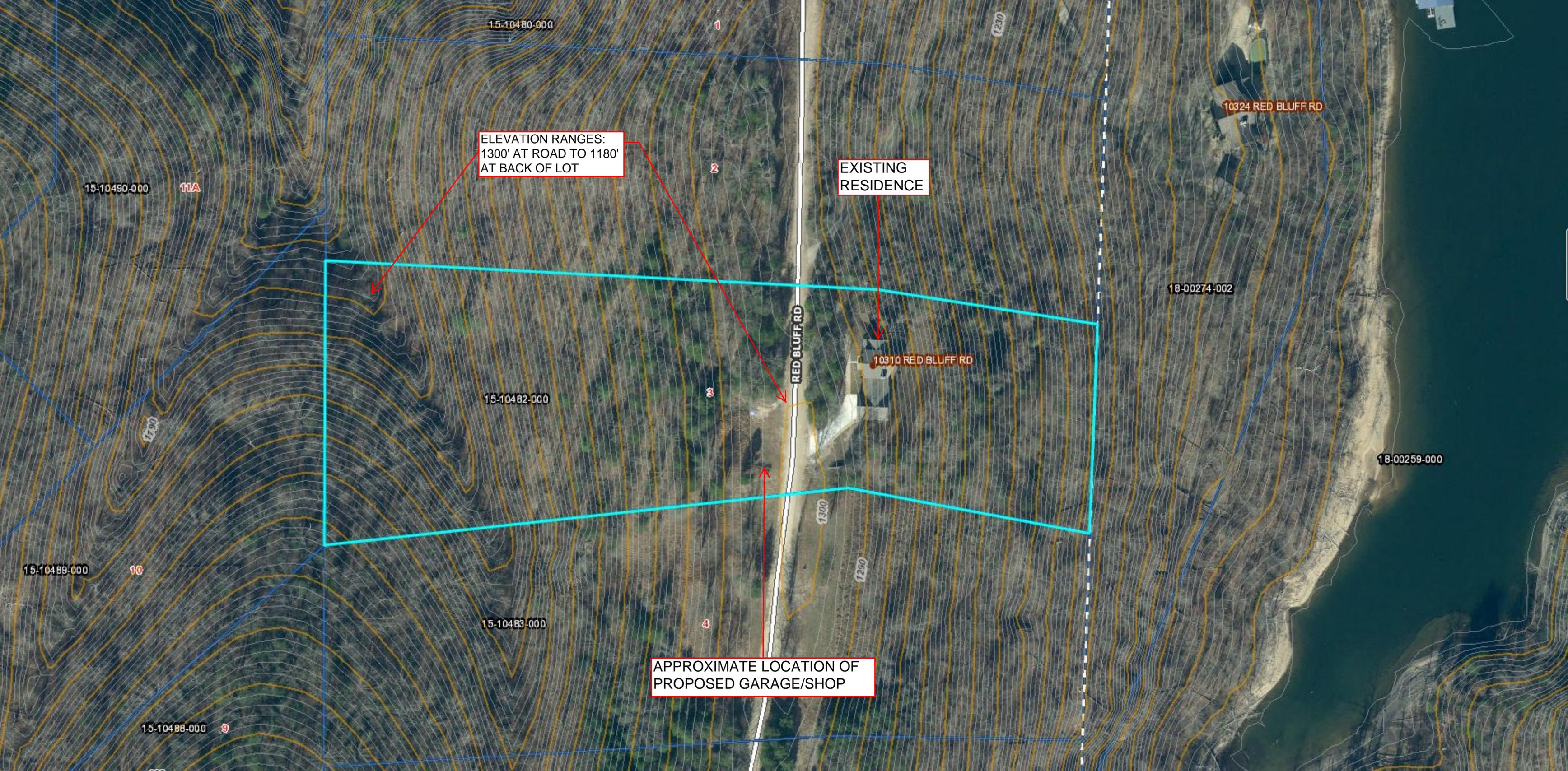
John and Kathleen Slaymaker



0.3

Miles





ELEVATION RANGES:
1300' AT ROAD TO 1180'
AT BACK OF LOT

EXISTING
RESIDENCE

APPROXIMATE LOCATION OF
PROPOSED GARAGE/SHOP

15-10490-000 11A

15-10480-000

10324 RED BLUFF RD

18-00274-002

15-10482-000

RED BLUFF RD

10310 RED BLUFF RD

18-00259-000

15-10489-000 10

15-10483-000

1300

1200

15-10488-000 9

