

**Benton County Planning Board**

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**Benton County Development  
Department Planning Division**

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**VARIANCE REVIEW PUBLIC HEARING REPORT**  
**Smith Variance**  
**14049 Pyramid Dr., Rogers, AR 72756**

**EXECUTIVE SUMMARY**

Applicant Tim Janacek attended the September 14, 2016 Development Review Committee (DRC) meeting and discussed constructing a lateral addition to an existing residence in order to accommodate an exercise room with a bedroom above. The applicant discussed various constraints of the site and highlighted that the proposed footprint encroached upon the property's 10-foot side setback. Staff offered that seeking a variance of the setback requirement was a route the applicant could consider.

On September 21, 2016, the applicant provided a variance request, asking for relief from the minimum building setback requirements for the proposed lateral addition. Finding minimum submittal requirements were met, Staff placed the project on the October 5 Technical Advisory Committee (TAC) agenda.

The applicant is requesting a variance from the minimum building setback requirements with the **intent of adding a 528 sf, two-story addition to the subject residence with a building-to-side yard setback of one (1) foot, in lieu of the required ten (10) 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: f. 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 a twenty-five (25) foot setback.

**PROJECT INFORMATION**

**Owner:** Donald Smith  
**Applicant:** Tim Janacek  
**Address of subject property:** 14049 Pyramid Dr., Rogers  
**Parcel ID:** 15-06305-000  
**Parcel Size:** 0.22 +/- acres  
**Current Land Use:** Residential  
**Proposed Land Use:** Residential (addition)

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

1. One (1) ft. building-to-side yard setback in lieu of the required ten (10) ft. for the proposed residential addition.

**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 Monte Ne Shores - Unit 1 - Subdivision, adjacent to Beaver Lake. The property is accessed from Pyramid Drive just off Canal Street, and is a pie-shaped lot fanning out toward the lake.

The surrounding land uses include:

- North: residential
- South: water body (Beaver Lake)
- East: residential
- West: residential

According to Staff research, a small portion of the property appears to be located in a 100-year floodplain. The subject property is not located in the County MS4 designated area.

**Background information:**

On September 21, 2016 the applicant submitted a variance request. An interdepartmental review form was sent on September 27, 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 0.22 acres, and includes one (1) single family residence.

**Noticing Requirements**

On September 30, 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 September 30, 2016, the applicant submitted photographs verifying that the required Public Hearing notice signage along the street has been conspicuously posted on site.

**Building Setback**

Required: A fifty (50) foot setback measured from the center line of the fronting roads (Birch Lane) 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. One (1) ft. building-to-side yard setback in lieu of the required ten (10) ft. for the proposed residential addition.

**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 addition.

**Benton County Emergency 911 Administration**

Required: Prior to issuance of any additional building permits for the property, the applicant shall meet any applicable Benton County E-911 Administration requirements.

Comment: Benton County E-911 Administration provided a ‘No Comment’.

**Benton County Fire Marshall**

Benton County Fire Marshall provided a ‘No Comment’.

**OUTSTANDING ITEMS:** None

**CONSIDERATION FOR THE BOARD**

Decision on the Smith Variance, #16-228. Finding in favor of the variance would allow construction of the proposed 528 sf, two-story addition, with a 1-foot building-to-side yard setback in lieu of the required 10 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**

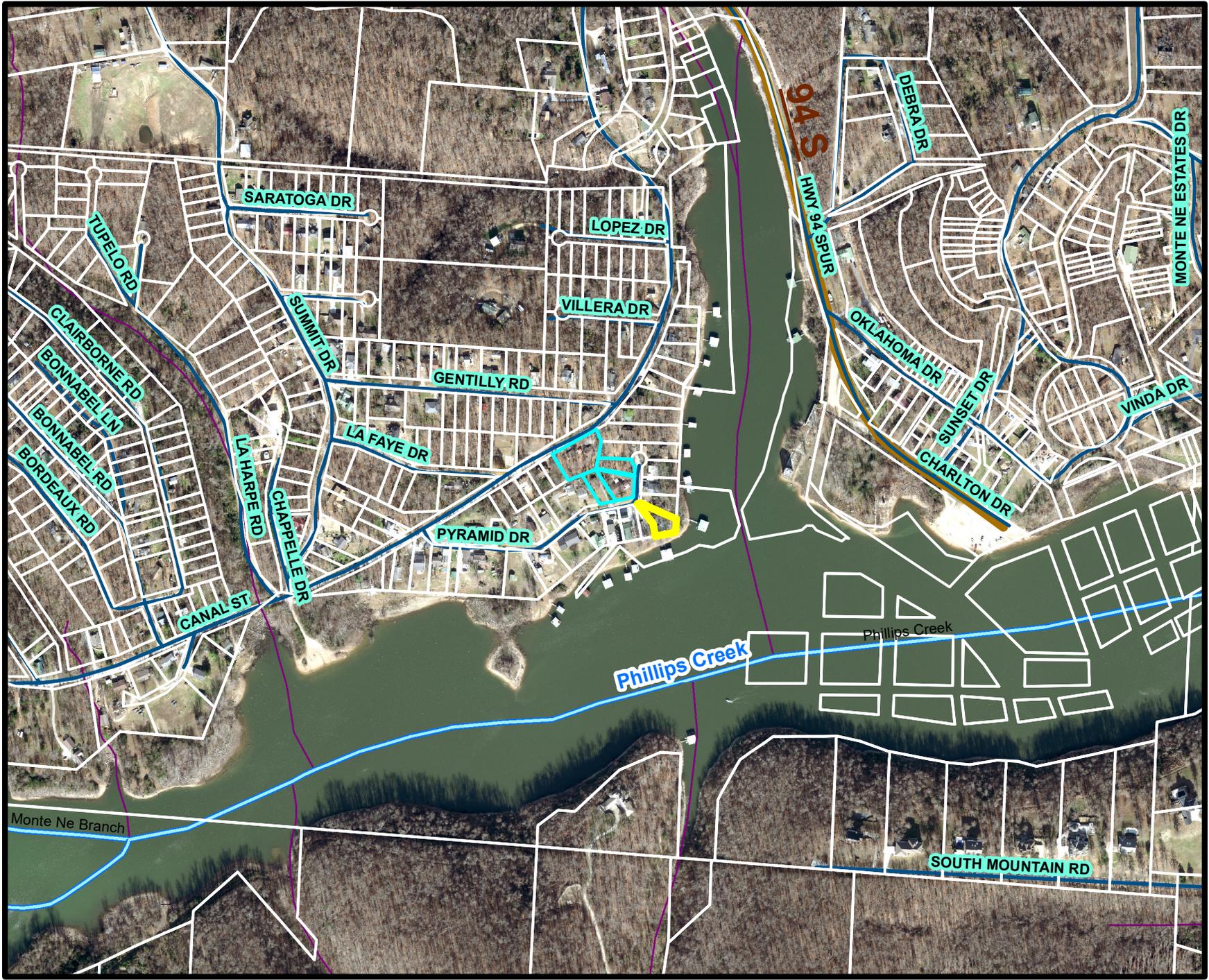
**(WAIVER/MODIFICATION/VARIANCE)**

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

There are a few of reasons for needing this variance:

- 1: Due to the pie shape of the existing lot there are no other locations on the property to allow for the new addition. On the lake side of his home he will be encroaching on the Corp of Engineers set-backs.
- 2: He cannot add it to the adjoining property because it is not their "home" where they spend their time with their family. While the family trust does own the adjoining property it is not their home.
- 3: The property owners want to add an "exercise room" on the first floor and a new "play-room" for their new grandbaby in the upstairs part of the new addition.
- 4: Since both pieces of property related to this variance would only affect the property owners and their immediate family, they are requesting this variance so that they may move forward with their project.

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



0.1

Miles





14062 PYRAMID DR

14057 PYRAMID DR

14053 PYRAMID DR

PYRAMID DR

14035 PYRAMID DR

14039 PYRAMID DR

14049 PYRAMID DR

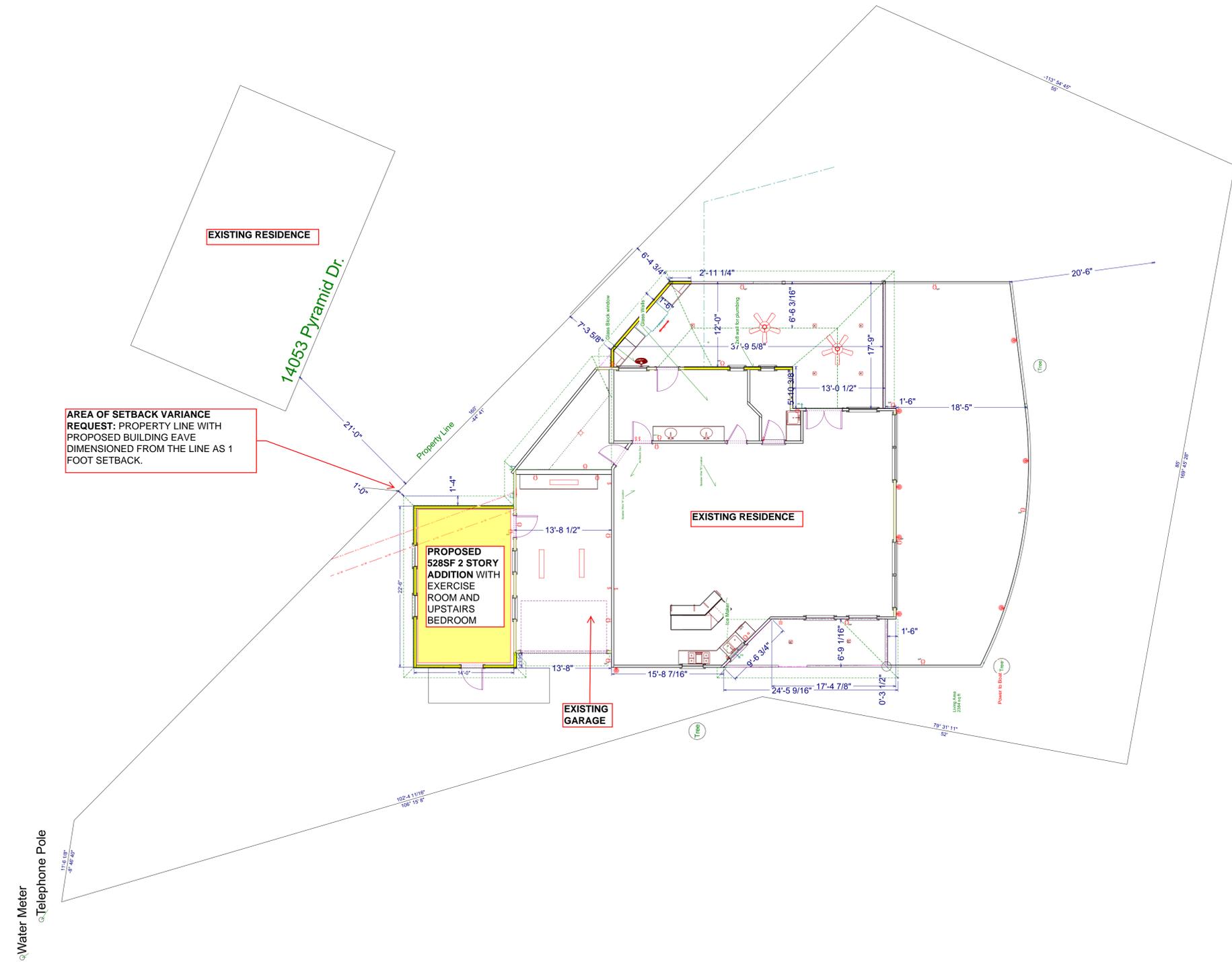
14045 PYRAMID DR

50

Feet



1/8" = 1' Scale



**AREA OF SETBACK VARIANCE**  
 REQUEST: PROPERTY LINE WITH PROPOSED BUILDING EAVE DIMENSIONED FROM THE LINE AS 1 FOOT SETBACK.

**PROPOSED 528SF 2 STORY ADDITION WITH EXERCISE ROOM AND UPSTAIRS BEDROOM**

**EXISTING RESIDENCE**

**EXISTING RESIDENCE**

**EXISTING GARAGE**

Water Meter  
 Telephone Pole

**SHEET**  
**2 of 2**

Date of Printing: 9/21/2016  
 Date of Creation: 9/6/16  
 SCALE: 1/4"=1'0"  
 DESIGNED & DRAWN BY:  
 JONATHAN J. JANACEK

Donnie Smith  
 14049 Pyramid Dr.  
 Rogers, AR

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**AREA OF SETBACK  
VARIANCE REQUEST  
FOR 528SF ADDITION**

**14053 PYRAMID DR.**

**SUBJECT PROPERTY:  
EXISTING GARAGE**

**APPROXIMATE LOT LINE LOCATION**

**SITE PHOTO: FROM INTERIOR AT LOT LINE, LOOKING TOWARD STREET**

