



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

July 21, 2021

6:00 p.m.

Benton County Administration Building
215 East Central Avenue
Bentonville, AR 72712

Meeting Minutes

PUBLIC HEARING:

Call to Order: The meeting was convened at 6:00 p.m. by the Planning Board Chair, Mr. Torrez.

Roll Call: Bob Bracy, Theresa Neal, Terry Maienschein, Stephen Torrez, Bethany Rosenbaum, and Rick Williams were present.

Staff present: Taylor Reamer – Director of Planning, Madison Kienzle – Senior Planner, Sandra Garza – County Planner

Public Present: See sign in sheet

Disposition of Minutes: July 7, 2021

Mr. Williams motioned to approve the July 7, 2021, Planning Board Meeting minutes. The motion was seconded by Mr. Maienschein.

Motion approved: 6 – 0

General Public Comment: None

Old Business: None

New Business:

- I. Olson Variance, case no. 21-194, 5214 Joe Lane, Rogers, 18-04684-001

Representative: Eric Olson, 5214 Joe Lane, Rogers, AR 72756

Staff gave presentation

Dr. Neal asks if he owns the property adjacent to his where the deck is going to have a zero-lot line.

Mr. Olson states he does not, says he owns the one on the north side.

Mr. Torrez asks why the deck can't be aligned with the house, at 2.91 feet, is there a reason for the deck being at zero foot from the lot line?

Mr. Olson states he would like to make the deck as big as possible, he figured since the house was already within the encroachment of the 10 feet, why not go all the way to zero.

Mr. Torrez asks, that when they are doing the work on the deck and they are at zero of the property line, if anyone working on the deck will technically be on the adjacent property owner's property.

Mr. Olson states he would be on the adjacent property owner's property when working on the deck, he mentions that he can get written consent from the property owners showing that it is fine to be on their property and that it is okay with them for him to put his deck right at zero foot from the lot line.

Mr. Torrez states that in the future when he decides to sell the property, this issue could create a concern.

Mr. Bracy states that there have been property issues like this in the past, he feels that it would be more appealing if the deck was in line with the house. In the past they have approved no more than 5 feet so the property can get maintained. When fixed assets get put on the property line, the property lines can get obstructed and they can cause problems, that is why there is a 10-foot rule.

Mr. Torrez states that the first thing that comes up to his mind is safety, looks to the board for approval, to modify or deny the property owner's request.

Dr. Rosenbaum motions to modify to approve at the 2.91 feet, to be aligned with the existing home.

Mr. Maienschein seconds the motion.

Mr. Bracy asks the applicant if he agrees with the modification.

Mr. Olson states that will not work for him, that was the whole reason he applied for the variance, so it can go to the property line.

Mr. Reamer does a point of order; we have a proposed modification for consideration from Dr. Rosenbaum of 2.91 feet in lieu of the 10-foot setback, seconded by Mr. Maienschein, he recommends they take a vote on the modification, if they approve that would be the new consideration for the board.

Motion approved: 6-0

Mr. Torrez lets the applicant know that he has been approved to continue the project, but it has to be aligned with the house, at 2.91 feet.

Mr. Reamer recommends for the board to vote on the modification that is for 2.91 feet, or the original consideration, if the applicant is not amendable to the 2.91 feet, there will not be a need for a vote to be taken place and/or denied.

Mr. Torrez asks the applicant what he would like to do.

Mr. Olson asks for an extension to decide on this change because it may not work for what he is planning to do.

Mr. Torrez mentions that the board can motion to table or move on.

Mr. Williams asks if there is an option for the applicant to where he does or he doesn't.

Mr. Torrez clarifies that the applicant is trying to go for the zero-foot property line, and the 2.91 feet wouldn't work for him, the standard is a 10-foot setback.

Mr. Bracy asks for the applicant to state the reason why the 2.91 feet will not work for him.

Mr. Olson states there will be an above ground pool that will be there and that is why he wants to extend the deck out that far so he can put his launch chairs there and for there to be enough space for people to walk around on.

Mr. Torrez lets the applicant know that the board has made exceptions for example if the property is next to a cliff or the lake, but since he is trying to create something there, there is no exception other than the 2.91 feet. Mr. Torrez asks the board if they would like to table this project.

Mr. Bracy asks what they are tabling for

Mr. Reamer explains that they are tabling for a future meeting date to see if he can re-accommodate his design.

Mr. Torrez mentions they have approved for it to be 2.91 feet from property line.

Mr. Reamer states that is correct, the board has approved for a modification of 2.91 feet and not the overall project.

Mr. Bracy states that to the north of the property there is yard space, so he can't justify to the county and the other residents to the hardship.

Mr. Torrez states that we are a growing county and we have to be aware of the decisions we are making.

Mr. Maienschein asks if they can still vote on the zero-lot line.

Mr. Reamer states they can.

Mr. Torrez states that will terminate the application.

Mr. Maienschein states that after that the applicant will have to start over.

Mr. Reamer explains that the board has two options, one; they can vote on the zero-lot line or option number two would be to vote on the modification of the 2.91 feet. Once the decision is made then the property owner will have the decision to proceed or re-apply.

Mr. Torrez asks the applicant what he would like the board to vote on.

Mr. Olson states he will take the 2.91 feet.

Mr. Williams motions, seconded by Dr. Rosenbaum.

Motion Approved: 6-0

II. Board Chairman and Vice Chairman Selection
i. Term: August 2021 – July 2022

Mr. Williams presents the nomination.

Motion to nominate Mr. Bob Bracy as Planning Board Chair.

Motion approved: 6-0

Motion to nominate Mr. Stephen Torrez as Planning Board Vice Chair.

Motion approved: 6-0

Mr. Williams motions, seconded by Dr. Neal

TECHNICAL ADVISORY COMMITTEE

2. Call to Order

3. Old Business / Ongoing Applications: None

4. New Business:

i. Roeder Variance, case no. 21-202, 649 Russell Rd, Rogers, 18-04620-000

Staff gave presentation

Mr. Maienschein asks if the structure already there.

Mr. Reamer states it is.

Mr. Roeder states the structure is tailing off onto a creek.

Mr. Maienschein asks if the creek is in between the structure and the road.

Mr. Roeder states that the land funnels down fairly steeply towards the creek and towards the back of the property as well. That spot was the only leveled spot that we were able to put the structure.

Mr. Bracy asks where the utilities are located; on which side of the road?

Mr. Roeder states there are electric posts and lines on his property

Mr. Bracy asks if there are above ground electrical lines that are in his utility easements, asks Mr. Roeder to explain what a move-on structure is.

Mr. Roeder clarifies that it is a portable shed that is pre-built and sold like that in some places, the company was the one who said that's where they should put it.

Mr. Bracy asks if it is anchored to the ground.

Mr. Roeder states it is not, it is just on blocks.

Dr. Rosenbaum asks why is this issue before the board now and not before.

Mr. Reamer states that in order to issue a building permit for a move on structure, it should comply with the building set back requirements, since he did not seek a building permit initially and it was caught for compliance purposes a building permit will not be issued without a variance being approved.

Mr. Torrez asks how long the building been there.

Mr. Roeder states it has been there for about six months, says it is basically going to be a she-shed for his wife, they will be running electric to it, so that is what led to all of this. Since it is a move-on structure he didn't know he needed a building permit.

Mr. Torrez asks if the road is a dirt road.

Mr. Roeder states it is, gravel/dirt road.

Dr. Neal asks for the size of the structure.

Mr. Roeder replies it is 240 square feet, so, 10' x 24'.

Mr. Bracy asks, because he is looking to put electric in this structure and is under 250 feet, does not require a building permit if it not anchored to the ground, correct?

Mr. Reamer states that 200 feet is the threshold

5. Other Business: None

6. Staff Updates - Administrative Approvals:

- I. Barrett Minor Subdivision, case no. 21-188, 12373 Georgia Flat Rd, Gravette, 18-15067-000
- II. Brandon Minor Subdivision, case no. 21-201, 15100 W Hwy 102, Decatur, 18-11330-000
- III. Hiding Place Hollow Minor Subdivision, case no. 21-206, 23044 E AR 12 Hwy, Rogers, 18-00050-000
- IV. Jones Minor Subdivision, case no. 21-208, W Spring Harbor Rd, Siloam Springs, 18-13193-013

- V. Wright Minor Subdivision, case no. 21-213, 18074 Robinson Rd, Fayetteville, 18-10554-000
- VI. Maghiar Minor Subdivision, case no. 21-187, Pleasure Heights Rd, Lowell, 15-16083-000

7. Discussion Item: None


Meeting Adjourned: 6:35 p.m.

Next Meeting: August 4, 2021

APPROVED THIS 4th DAY OF Aug, 2021.

ATTEST:

APPROVED:



PLANNING DIRECTOR



PLANNING BOARD CHAIR or
PLANNING BOARD VICE CHAIR