



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

January 7, 2015  
6:00 PM

Benton County Administration Building  
215 East Central Avenue, Bentonville AR

**Planning  
Board  
Approval:**

1/21/15

**Meeting Minutes**

**PUBLIC HEARING:**

**Call to Order:** The meeting was convened at 6:00 PM by Planning Board Chair Starr Leyva.

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

**Benton County Justice of the Peace:** JP Sue Shadlow was present at the meeting. JP Shadlow was introduced as the new Quorum Court's Planning Board liaison.

**Staff present:** Administrator of General Services – John Sudduth, Planning Director – Kevin Gambrill, Planning Manager - Taylor Reamer, and Building Official – Glenn Tracy were present.

**Public Present:** 6 members of the public were present. (See attached sign in sheet for additional information).

**Disposition of Minutes:** Mr. Curtis moved to approve the December 17, 2014 Planning Board Meeting Minutes. The motion was seconded by Mr. Cole. The motion carried 7-0.

**General Public Comment:** None

**Old Business:** None

**New Business:**

- A. Foxx Variance, #14-540, 19000 Huntington Road, Gravette AR 72736  
Represented by Ken Foxx, 19000 Huntington Road, Gravette AR 72736**

**Staff Report:** The applicant, Ken Foxx, constructed a metal RV carport, 45 ft. by 15 ft. in size, on property with frontage at 19000 Huntington Road, Gravette AR. The applicant did not acquire proper permitting for the construction of the carport from Benton County Building Safety Division, under the impression his property was in the Gravette Planning area and that permits would be issued by the City of Gravette. The property is within the planning approval authority of Benton County. The carport was constructed 36 ft. 5 inches (based on detailed site graphic provided by applicant) from the centerline of Huntington Road; within the County's required 50 ft. setback outlined in **§4.3 – Lot Size and Building Setbacks** of the Planning and Development Regulations of Benton County. Based on aerial imagery from the County's GIS platform, the eastern property line appeared to be 35 to 40 ft. from the RV port. Based on historical surveys of the subject property, the property lines shown on GIS were approximately 40-45 ft. off set from the actual surveyed property lines based on the historical surveys. In the graphic provided by the applicant, the southeast property pin was found via metal detector. Using this pin, staff measured the property frontage to determine that the property lines shown on GIS were 40 ft. +/- shifted to the east. Based on these findings and measurements taken

during site visit, staff determined the RV port is completely within the required 10 ft. side yard building to property line setback.

The applicant is requesting the following variances for the property:

- 36 ft. 5 inch fronting building to centerline setback in lieu of the required 50 foot setback to accommodate the metal RV carport.
- Zero ft. side yard building to property line setback in lieu of required 10 ft. to accommodate the metal RV carport.

On November 24, 2014 the applicant provided a variance request.

**Applicant Comment:**

Mr. Foxx stated that he was not aware of the side yard setback violation. He was under the impression that the side setback was in compliance. He stated that he constructed the RV port in a location that was furthest from the complaining neighbor and on level ground. He stated that the operating manual for the RV states a maximum 10% grade in which the RV can be safely operated, and he placed the RV port in a location that was safe for him to maneuver the RV. He outlined 2 locations on his property that his RV could be safely be maneuvered into RV port (detailed in a packet of information in Planning Board binders). He stated there is no other location on his property to construct the RV port other than where it is now or closest to the complaining neighbor's home.

**Board Comment:**

Mr. Curtis asked where the access easement on the applicant's western side property line connected to. Mr. Foxx stated the access easement leads to 20 acres of cattle pasture land. Mr. Curtis asked if the applicant purchased the property knowing the access easement was in place. Mr. Foxx stated he was aware that access easement was in place at the time of purchase.

Mr. Cole asked if Staff agreed with the graphic with contours that the applicant provided. Mr. Reamer stated he checked the elevations with County GIS and the values were accurate.

Ms. Leyva asked about the detached garage on the applicant's property, asking if the RV will fit into the garage. Mr. Foxx stated there is not enough ceiling clearance for the RV [to fit].

**Public Comment:**

**Larry Boling, 18811 Huntington Drive, Gravette AR 72736**

Mr. Boling stated he understands the RV needs to be under cover to protect the RV from the elements, but believes Mr. Foxx needs to abide by the setback requirements.

**Donna Senesac, 19080 Huntington Road, Gravette AR 72736**

Ms. Senesac stated she has lived at her residence for 15 years, and Huntington Road has always been a blue sign road with the County. The road has never been privately owned, only privately maintained. She stated

she was the western neighbor to Mr. Foxx. She stated the RV port was constructed right up against the fence line of the eastern neighbor. The RV port poses a site line danger of the driveways on Huntington Road. She state she is not in favor of the variance request.

Ms. Leyva asked if the current location of the RV port is more appealing that moving the RV port to another location closer to her home.

Ms. Senesac stated the RV port can be constructed on the western property line as long as it is not within the right-of-way of the access easement.

**Terry Roberts, 18994 Huntington Road, Gravette AR 72736**

Mr. Roberts stated he owns the 15 acres directly east of the RV port. He stated he is the neighbor most affected by the RV port. The RV port is right up against the fence line of his property. He stated he had no idea the RV port was being constructed until it was already built. He stated he does have an issue with the RV port being on the property line and thinks it should be moved. He stated that the current location of the RV port is not on level ground, the RV port is not aesthetically pleasing. He stated he is a supporter of property rights, but would respectfully request the Board deny the variance request.

**Applicant Comment:**

Mr. Foxx apologized for not making his neighbors aware that the RV port was going to be built. He stated the current location of the RV port is on a 1% grade.

**Board Comment:**

Mr. Tucker asked what the cost of the RV port was originally and what the cost would be to move the structure.

Mr. Foxx stated approximately \$6000 to move the RV port.

Mr. Curtis stated he does not have as much of an issue with the front setback, but he does have an issue with the side setback violation.

**Vote:** Mr. Curtis made a motion to deny the Foxx Variance. Mr. Cole seconded the motion. The motion carried 6-1. Mr. Collyge voted in opposition of the denial.

**The Foxx Variance was denied 6-1.**

Public Hearing adjourned at 6:35 pm.

**TECHNICAL ADVISORY COMMITTEE**

**Call to Order:** 6:35 pm

**Old Business:** None

**New Business:**

**A. Chupp Variance, #14-547, 15833 Kedzie Circle, Rogers AR 72756  
Represented by Perry Chupp, 15833 Kedzie Circle, Rogers AR 72756**

**Staff Report:** The applicant, Perry Chupp, submitted a minor subdivision application for the adjustment of the property line between Tract – 1 and Tract – 2, on attached survey. The property line adjustment is being sought in order to move the utility pole, servicing Tract – 2 onto the property of Tract – 2. To proceed with the property line adjustment application, a building-to-property line variance is required for the shop building on Tract 1.

The applicant is requesting the following variance for the property:

- 0.7 ft. rear yard building to property line setback in lieu of the required 10 ft. setback for the shop building on the northern property line of Tract 1.

On December 18, 2014 the applicant provided a variance request.

**Board Comment:**

Mr. Chupp stated that the shop was built prior to any setback regulations for side and rear yards, but he is adjusting the property line so that there is 10 feet between the property line and the shop.

Ms. Leyva stated the variance is being heard to clear the property of any planning violation.

Mr. Curtis asked if any development was on the land north of the applicant's property.

Mr. Chupp stated it was undeveloped timber land.

Mr. Cole asked how long the shop building has been in place.

Mr. Chupp stated 2 years.

**Other Business: None**

**STAFF UPDATES:**

**A. Administrative Approvals**

- I. Harris Minor Subdivision, Tract Split, 17033 Logan Cave Road, Siloam Springs AR 72761
  - Total acreage of 47.78 acres
  - Tract 1 – 46.78 acres
  - Tract 2 – 1.00 acres
  - Approved December 17, 2014
- II. Williams Minor Subdivision, 2691 Williams Way, Bentonville AR 72712
  - Total acreage of 49.22 acres
  - Minor Replat of Lots 8, 9, 10, 16 and 17.
  - Approved December 22, 2014
- III. Van Breeman Minor Subdivision, Hwy 94 E, Rogers AR 72758
  - Total acreage of 5.25 acres
  - Tract 1 – 3.25 acres
  - Tract 2 – 2.00 acres
  - Approved December 17, 2014
- IV. KC Eddleman Minor Subdivision, 13760 Gailey Hollow Road, Highfill AR 72734
  - Total acreage of 39.95 acres

- Tract 1 – 29.86 acres
- Tract 2 – 10.09 acres
- Approved December 29 2014

**DISCUSSION ITEMS:**

**A. TowMate LLC, Minor Amendment**

Mr. Gambrill stated that the engineer came into the Planning office for the required Stormwater permitting for the Highway 12 project location. Mr. Davis, the engineer for the TowMate applicant, stated the owner Bryan Anderson was considering changing the use of the newly approved building on the subject property. The Planning and Development regulations do not speak to the decrease in intensity for site plan minor amendments. Taking what Mr. Davis outlined as the proposed storage space for the approved building on site, Staff would not require the applicant to come to Planning for a minor amendment. There are also plans for the TowMate property to increase by acquiring adjacent property, and Planning staff would require Mr. Anderson to come before the Board for a major amendment to an approved site plan for the proposed purchasing of adjacent property to use for the TowMate business.

Mr. Curtis stated the property that is being considered for purchase by Mr. Anderson has been approved for a light industrial use by the Planning Board.

Mr. Gambrill stated that TowMate would still be required to come before the Board for a major amendment, since the use of the proposed property will be changing.

Ms. Leyva stated that if the manufacturing continues to be done in the main building that was approved, and newly approved storage building continues to be used as such, there is no need for a major amendment.

**B. Other Updates**

Mr. Sudduth stated the local newspaper was asking for yearly totals for the reviews done by the Planning Division. There was also a request to compare 2013 project totals with 2014 project totals.

Meeting Adjourned at 6:55 pm.

