

## DEPT. OF COMMUNITY DEVELOPMENT

PLANNING DIVISION 301 W. CHESTNUT

PHONE: (479) 621-1186 FAX: (479) 986-6896

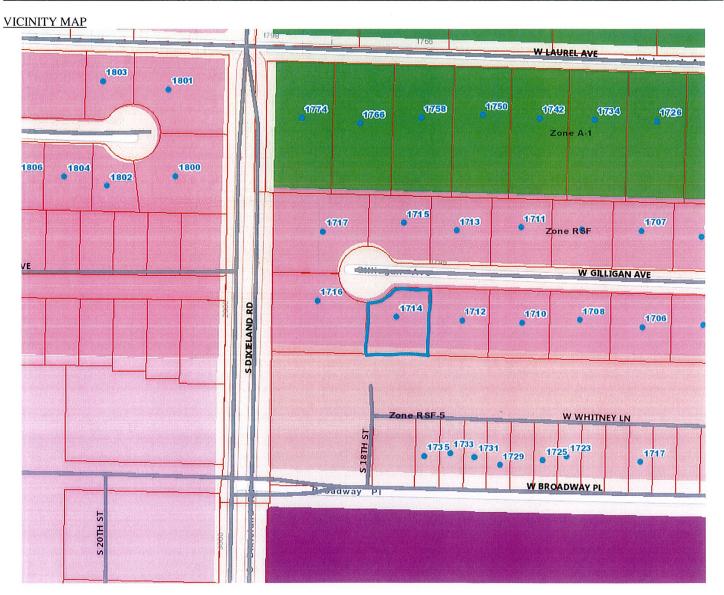
October 15, 2018

## STAFF SUMMARY REPORT

TO: BOARD OF ADJUSTMENT

SUBJECT: VARIANCE #18-59 – JOSEPH ADAM YANCEY

ADDRESS:	1714 W Gilligan Avenue
LAND OWNER:	Joseph Adam Yancey
APPLICANT/REP:	Joseph Adam Yancey
ZONING DISTRICT:	R-SF (Residential Single-Family)
REQUEST:	Rear Yard Setback and Utility Easement Reduction
AUTHORITY:	Sec. 14-724, Rogers Code of Ordinances



#### **BACKGROUND**

• Per Sec. 14-699(f) the subject lot shall have a 20' rear yard setback. The applicant request to reduce the rear yard setback and utility easement from 20' to 10'.

## STAFF REVIEW

## ENGINEERING REVIEW: N/A

## PLANNING REVIEW:

- 1) Land Use: N/A
- 2) Disposition of Structures: Portions of the proposed pool would encroach the rear yard setback and utility easement.
- 3) <u>Site-Specific Hardship</u>: Staff has not identified any circumstances unique to the individual property where strict enforcement of the zoning ordinance would cause undue hardship.
- 4) General Findings: The applicant requests a rear year setback and utility easement reduction to build a pool. The applicant's house is 31.85' from the property line, which would leave them with only 11.85' of room to build a pool. This variance would not negatively impact adjacent property, nor would it violate the spirit of the zoning ordinance. Overall, staff supports this request.
- 5) Views of Others: No supporting or opposing comments have been received by the Planning Division to date.
- 6) RECOMMENDATIONS:
  - a) Approve. If approved, the applicant must provide the City with a recorded setback and utility easement reduction survey.

ELIZABETH JOHNSON, Planner II City of Rogers Planning Division

## ADMINISTRATOR'S SUGGESTED MOTION:

1) Motion to approve/deny/table the variance request for a rear yard setback and utility easement reduction from 20' to 10' as presented.

## **DIRECTOR'S COMMENTS:**

1) Agree with recommendations and suggested motion.

JOHN C. McCURDY, Director

City of Rogers Department of Community Development

## Tabs:

- 1. Variance application and required supplements
- 2. Map and/or photos



DEPT. OF COMMUNITY DEVELOPMENT PLANNING DIVISION 301 W. CHESTNUT PHONE: (479) 621-1186

FAX: (479) 986-6896

	OFFICE US	SE ONLY	
Permit Fee:	\$100	CC	(\$100)
Zoning:	R-51		
App Number	18-5	9	
	plication: PL		873
Date: 101	512018		***************************************

## VARIANCE APPLICATION

APPLICANT: Joseph Adam Yancey
ADDRESS: 1714 W. Gilligen Ave SUITE#:
GENERAL LOCATION OF PROPERTY: Rogers, AR 72758
PHONE #: 9/9-423-6796 EMAIL: adam. yancey 2 gmail. com
PROPERTY OWNER: Joseph Adam Yancey PHONE #: 9/9-423-6786  NATURE OF APPEAL:  Appeal from decision of enforcement officer  Variance from zoning ordinance
easement reduction for pool installation.
Applicant Signature 10-4-18  Date
Attachment Checklist:  Letter explaining hardship or reason for request  Legal description of property  Relevant supporting documents  Survey or sign proofs as needed
PLANNING STAFF PROVIDES:  DATE FILED: \(\ldot \)/5/70\8 PUBLIC HEARING DATE: \(\ldot \ldot
SECRETARY. BOARD OF ADJUSTMENT DATE



# DEPT. OF COMMUNITY DEVELOPMENT PLANNING DIVISION 301 W. CHESTNUT

PHONE: (479) 621-1186 FAX: (479) 986-6896

## NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the **Board of Adjustment** in the **Community Room** at City Hall at 301 W Chestnut Street on **October 25, 2018** at **4:00 p.m.** on the application by **Joseph Adam Yancey** under the provisions of the City of Rogers Code of Ordinances, for a variance to reduce the rear yard setback and utility easement (from 20' to 10') at 1714 W Gilligan Ave in the city's **R-SF** (Residential Single Family) zoning district, more particularly described as follows:

## **LEGAL DESCRIPTION:**

Lot 8, The Grove Phase III, a Subdivision to the City of Rogers, Benton County, Arkansas, as shown on Plat Book 2007 at Page 862.

## LAYMAN'S DESCRIPTION:

1714 W Gilligan Ave

Roger Clark, Secretary Board of Adjustment

**PUBLISH ONE TIME ONLY:** October 15, 2018

BILL THE CITY OF ROGERS

# J. Adam Yancey, M.D.

1714 W Gilligan Ave Rogers, AR 72758 919-423-6796 adam.yancey@gmail.com

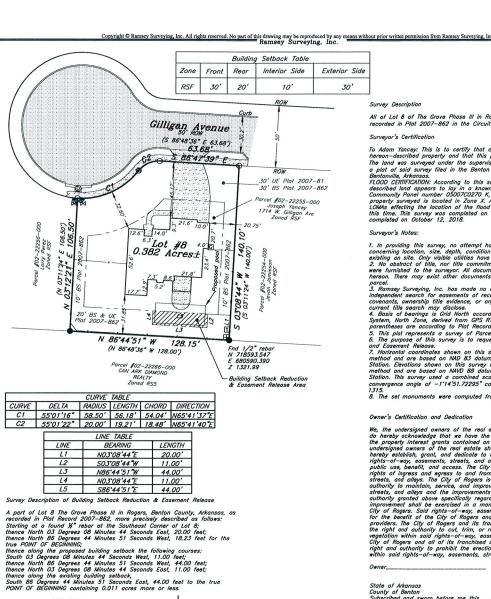
October 4, 2018

To Whom It May Concern:

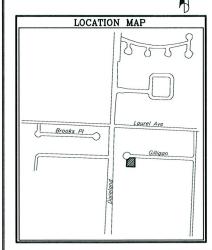
My family's home currently has a 20 foot rear setback which doubles as a utility easement. We are requesting a 10 foot setback/easement reduction in order to accommodate installation of an in-ground pool this fall. Given the configuration of our lot and the position of our home and back patio, the current setback imposes a significant hardship and does not allow for the construction of a reasonably sized pool in our desired location.

Thank you for your consideration,

J. Adam Yancey, M.D.



## Found 5/8" Rebar Set 5/8" Rebar Set Copper Monument Storm Manhole Water Valve G Gas Meter □ Telephone Pedestal Water Meter Property Boundary Building Setback Privacy Fence





Survey Description

All of Lot 8 of The Grove Phase III in Rogers, Benton County, Arkansas as recorded in Plat 2007-862 in the Circuit Clerk's office in Bentonville.

To Adam Yancey: This is to certify that an accurate survey was made of the hereon-described property and that this plot is the results of that survey. The land was surveyed under the supervision of Jim Ramsey, PS \$1227, with a lot of said survey filed in the Benton County Circuit Clerk's office in lot of said survey filed in the Benton County Circuit Clerk's office in FLOOD CERTIFICATION: According to this survey, no part of the above described lend appears to lay in a known flood area, occording to FIRM Community Panel number 05007C0270 K, effective date, June 5, 2012. The property surveyed is located in Zone X. A search for recently completed LOMAs effecting the location of the flood zone has not been completed at this time. This survey was completed on October 1, 2018. This plat was completed on October 12, 2018.

In providing this survey, no attempt has been mode to show data concerning location, size, depth, condition or capacity of underground utilities existing on site. Only visible utilities have been located on this survey.
 No obstract of title, nor title commitment, or results of a title search were furnished to the surveyor. All documents of record reviewed are noted hereon. There may exist other documents of record that affect this surveyed parcel.

Were turnished une survey.

Were turnished unit surveyed pareal.

In the major wist other documents of record that affect this surveyed pareal.

In the search for exements of record, encumbraness, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.

A Basis of bearings is Grid North according to the Arkansas Coordinate System, Morth Zone, derived from GPS RTK method. Record bearings in parentheses are according to Plat Record 2007–862.

5. This plat perseants a survey of Pareal flu2-22255-000.

6. The purpose of this survey is to request a Building Setback Reduction and Easement Release.

7. Harizontal coordinates shown on this survey were established by GPS RTK method and are based on NAD 83 datum, City of Bentonville Reference Station. Elevations shown on this survey were established by GPS RTK method and are based on NAD 83 datum, City of Bentonville Reference Station. This survey used a combined scale factor of 0.999933045 with a convergence angle of -114517.12295 Colciulated at N 718831 E 680424 2 1315.

B. The set monuments were computed from multiple found monuments. 

#### Owner's Certification and Dedication

Owner's Certification and Dedication

We, the undersigned owners of the real estate shown and described herein, do hereby acknowledge that we have the legal right and authority to make the property interest grants contained on and within this document. We, the undersigned owners of the real estate shown and described herein, do hereby establish, grant, and dedicate to the City of Rogers, Arkansas the rights—of-may, easements, streats, and alleys as shown on this plat for public use, benefit, and access. The City of Rogers is further granted the rights of ingress and egress to and from said rights—of-may, easements, streats, and alleys. The City of Rogers is also granted the right and authority to maintain, service, and improve said rights—of-may, easements, streats, and alleys and the improvements contained therein. Any right or authority granted obove specifically regarding maintenance, service, or improvement shall be exercised in a manner chosen at the discretion of the City of Rogers. Said rights—of—may, easements, streats, and alleys shall be for the benefit of the City of Rogers and all or its franchised utility providers the City of Rogers and its franchised utility providers shall have the right and authority to prohibit the erection of building, structures, or fences within said rights—of—way, easements, streats, and alleys.

Owner.

Date

aay or	20
	_
	_
	day ol

