

**MINUTES**  
**WASHINGTON COUNTY PLANNING BOARD**  
**&**  
**ZONING BOARD OF ADJUSTMENTS**  
**September 6, 2012**  
5:00 pm, Quorum Court Room, New Court House  
280 N. College Ave.  
Fayetteville, Arkansas 72701

DEVELOPMENTS REVIEWED:

*ACTION TAKEN:*

**LAND DEVELOPMENT HEARINGS**

County

**a: Burrow Addition CUP**

Approved

1. ROLL CALL:

*Roll call was taken. Members present include: Cheryl West, Kenley Haley, Robert Daugherty, and Walter Jennings. Daryl Yerton was absent. Randy Laney arrived after the presentation.*

2. APPROVAL OF MINUTES: *Cheryl West made a motion to approve the minutes from August 2, 2012. Walter Jennings second. Motion passed.*

3. APPROVAL OF THE AGENDA:

*Walter Jennings made a motion to approve the agenda. Chuck Browning seconded. Motion passed.*

4. NEW BUSINESS

**LAND DEVELOPMENT HEARINGS**

County

**a. Burrow Addition CUP**

***Conditional Use Permit Approval Request***

Location: Section 25, Township 15 North, Range 31 West

Owner: John Lee & Marguerite Burrow

Applicant: Eddie Burrow

Location Address: 11487 Tony Mountain Road, Fayetteville, AR 72701

Approximately 27.35 acres/ Proposed Land Use: Residential

Coordinates: Longitude: 94° 13' 11.74" W Latitude: 35° 57' 15.32" N

**Project #: 2012-097 Planner: Sarah Geurtz e-mail at [sgeurtz@co.washington.ar.us](mailto:sgeurtz@co.washington.ar.us)**

**REQUEST:** Conditional Use Permit approval to allow a second residence on a parcel of land (Lot 30) 16.76 acres in size with no County-Maintained Road frontage. This CUP request involves Lots 29 and 30 (a total of 27.35 acres) due to the existing house at 11487 Tony Mountain Road WC# 2071 having been built over the shared property line of these two lots.

**CURRENT ZONING:** This project lies within the County's Zoned area (Agricultural/Single-Family Residential 1 unit per acre).

**PLANNING AREA:** This project is *not* located within a city's planning area. It is located solely within the County, adjacent to West Fork's Planning Area.

**QUORUM COURT DISTRICT:** District 12 Ann Habison  
Dept. **SCHOOL DISTRICT:** West Fork

**FIRE SERVICE AREA:** West Fork Fire

**INFRASTRUCTURE:** **Water-** Washington **Electric-**Ozarks Electric **Natural Gas-** N/A **Telephone-**  
Windstream **Cable-** Cox  
Water Authority

**BACKGROUND/ PROJECT SYNOPSIS:**

The owners of this property are John Lee and Marguerite Burrow; the applicant is Eddie Burrow (the property owners' son). This property is located in Tony Mountain Subdivision off Tony Mountain Road WC #2071 (a Residential Drive) (see attachments A-12 and A-15).

This CUP request is to allow for a second residence on a parcel of land with no County-Maintained Road frontage. The applicant wishes to construct a steel building to serve as a residence/shop on Lot 30 (parcel 496-02326-000) in Tony Mountain Subdivision. Mr. Burrow's intent is to live in this structure so he can care for his parents and enable them to stay in their home (see attachment A-24). Mr. Burrow's parents live in the existing house (11487 Tony Mountain Road) that overlaps Lot 30's (496-02326-000) and Lot 29's (496-02325-00) shared parcel line (which makes this the second residence on Lot 30). Lot 30 consists of 16.76 acres and Lot 29 consists of 10.59 acres.

The main issue with this project has involved the utility easements and Cox Cable; this matter was addressed and resolved.

**TECHNICAL CONCERNS:**

**Water/Plumbing/Fire Issues:**

Josh Moore of Washington Water Authority, and the applicant, Eddie Burrow, believe a water tap was installed at some time in the past on Lot 30. Planning Staff was unable to locate this water tap on the 08.22.2012 site visit. However, Mr. Moore has reported to Planning Staff that a water tap could be provided if there happened to not be a water tap (see attachment A-28 & A-29)

The Washington County Fire Marshal does not typically review or comment on subdivision of 4 lots or less.

**Sewer/Septic:**

Soil work conducted by Randall Wiggins (A Designated Representative (DR) of the Arkansas Department of Health) showed the soil to be "suitable for a standard subsurface sewage disposal system" and was signed by the Arkansas Health Department (see attachment A-25 & A-30). Melissa Wonnacott-Center of the Arkansas Department of Health is requiring the applicant to obtain an additional onsite septic system permit for the additional dwelling on the property. The septic system(s) must be approved, installed and inspected by the Health Department prior to occupation of the residence.

**Electric/Gas/Cable/Phone:**

Windstream has no concerns with this project. There is no gas. Chad Hodges of Cox Cable had asked that a utility easement be granted if the utility poles on these two parcels were not located within a utility easement. However, Planning Staff felt that since the filed Tony Mountain Subdivision plat (see attachment A-15) dedicated 25 foot utility easements along Tony Mountain Road WC #2071, the Planning Office could not request the applicant to provide those easements if the utility poles had been placed outside of this easement by a utility company (see attachment A-31).

The original Tony Mountain Subdivision plat (file number 8-85) details the following concerning easements:

"All tracts subject to a 15' utility easement adjacent to and parallel with all interior property lines (7.5' either side of line) and a 25' utility easement adjacent to and parallel with all exterior property lines and road easements." (see attachment A-15).

**Roads/Sight Visibility/Ingress-Egress:**

Tony Mountain Road WC#2071 is a Residential Drive. Residential Drives are not built to Washington County's road standards. As such, the Washington County Road Department does not regularly maintain them and there is no right of way. The Road Department will grade Residential Drives once or twice a year if requested but they are not regularly maintained. Since there is no dedicated right of way, a *road easement* provides the property owners in this subdivision with access to their properties.

**Drainage:**

The Washington County Contract Engineer does not typically review or comment on subdivisions 4 lots or less.

**Environmental Concerns:**

No stormwater permit will be required by Washington County at this time. Must comply with all ADEQ rules and regulations.

**COMPATIALITY CONCERNS:**

**Surrounding Densities:**

The applicant is proposing a density of 1 residence per 8.38 acres. The proposed project density has been found compatible with the surrounding densities.

**Adjoining Parcel Densities:**

Most dense – 1 residence per 2.91 acres  
Least dense - 0 residences per 160.61 acres  
Average density – 1 residence per 60.94 acres

Project's proposed density – 1 residence per 8.38 acres

**Proximity parcel densities:**

Most dense – 1 residence per 2.91 acres  
Least dense – 0 residences per 258.29 acres  
Average density – 1 residence per 71 acres

Project's proposed density – 1 residence per 8.38 acres

**Land Uses:**

**The applicant is not proposing a change to the land use of either Lot 29 or Lot 30 from what is allowed – agricultural/residential. Therefore, the applicant's request is compatible with the surrounding land uses.**

**County's Land Use Plan (written document):**

According to the County's Land Use Plan,

**SECTION III. PHYSICAL DEVELOPMENT**

**A. LAND USE CONSIDERATIONS**

**1. RESIDENTIAL**

a. To provide for development of residential areas at appropriate densities. **Staff feels that the proposed density of 1 residence per 8.38 acres is compatible with the surrounding densities in the area.**

b. Update, administer and enforce subdivision regulations; and develop, adopt, and enforce zoning and related regulations and codes;

c. Require development to be connected to utilities and utilize zoning as a means to guide the progression of development; **Ozarks Electric Cooperation and Windstream Telephone have no concerns with this CUP. A water tap is available from Washington Water Authority. Cox Cable's concerns about the utility easement have been addressed.**

d. Protect the character and integrity, and property values, of single-family, residential areas; **Staff feels that this additional residence on 16.76 acres would be compatible with the character of the adjoining properties which consists of agricultural/residential, and residential land uses, and would not harm the character, integrity, or property values of this subdivision.**

e. Protect residential neighborhoods from inappropriate non-residential influences through the use of regulatory controls; **This project is for a residential land use.**

f. Ensure land use and development patterns which provide for the most efficient and effective use of available utilities and services, including fire protection; and,

g. Maintain an adequate county road plan and standards to guide and accommodate traffic movement; to develop differing categories of roads; and to protect rights-of-ways for planned, future roads. **No right of way is required. This project accesses a gravel Residential Drive (Tony Mountain Road WC #2071) created with a roadway easement. There is no right of way and none required.**

**Planning Staff feels that since the land use would be residential in an area zoned residential/agricultural with an industrial land use to the east (a quarry), that the applicant's request is compatible with the surrounding land uses.**

**Future Land Use Plan**

There is no future land use designation for this portion of the County.

**NEIGHOR COMMENTS/CONCERNS:**

(All neighbors within 300 feet of the boundary of this property were notified by certified mail of this proposed project.)

No comments have been received. Staff will provide the Planning Board Members with any additional submitted comments at the Planning Board Meeting on September 6, 2012.

**STAFF RECOMMENDATION: Staff recommends *approval* of the proposed Burrow Addition Conditional Use Permit with the following conditions:**

**Planning Conditions:**

1. Building setbacks for Tony Mountain Subdivision that must be abided by are: 50' from road easements and 25' from lot lines.
2. A 911 address will be conditionally released upon approval of Burrow Addition CUP by the Washington County Planning Board/Zoning Board of Adjustments.
3. Any future residences to be constructed on this property must come through the Washington County Planning Office.

**Septic Conditions:**

1. The applicant must obtain an additional onsite septic system permit for the additional dwelling.

2. The septic system(s) must be approved, installed and inspected by the Health Department prior to occupation of the residence(s).

**Environmental Conditions:**

1. No stormwater permit will be required by Washington County at this time. Must comply with all ADEQ rules and regulations.

**Utility Conditions:**

1. Any damage to or relocation of existing facilities will be at owners/developers expense.

**Standard Conditions:**

1. Pay neighbor notification mailing fees (\$21.70) within 30 days of project approval. Any extension must be approved by the Planning Office (invoice was mailed to applicant on 8/22/12).
2. Any work to be completed in the County Road Right-of-Way requires a permit from the Road Department prior to beginning work. Any tile that may be needed must be sized by the Road Department. The Road Department may be reached at (479) 444-1610.
3. Any further splitting or land development not considered with this approval must be reviewed by the Washington County Planning Board/Zoning Board of Adjustments.
4. This CUP must be ratified by the Quorum Court.
5. All conditions shall be adhered to and completed in the appropriate time period set out by ordinance.
  - a. This project does not require additional review. Therefore, all conditions of this CUP approval must be completed within 18 months of this CUP project's ratification.

*Washington County Planner, Sarah Geurtz, presented the staff report.*

*No public comments. Public comments closed.*

*Chuck Browning made a motion to approve the **Burrow Addition CUP** subject to staff recommendations. Kenley Haley seconded. All board members were in favor of approving. Motion passed.*

**5. Other Business**

- Discussion of Current Development.
- Reminder of upcoming regular Planning Board meeting October 4, 2012
- *Juliet Richey, updated the board about the appeal hearing for the NWA Quarry from the past Quorum Court meeting.*
- Any other Planning Department or Planning Board business.

**6. Old Business**

**7. Adjourn**

*Cheryl West moved to adjourn. Robert Daugherty seconded. Motion passed.  
All Board members were in favor of approving.*

*Planning Board adjourned.*

Minutes submitted by: Phuong Pham

Approved by the Planning Board on:

\_\_\_\_\_ Date: \_\_\_\_\_  
Randy Laney, Planning Board Chairman