



ROGERS BOARD OF ADJUSTMENT AGENDA

Date:	September 23, 2021
Location:	Rogers City Hall
Virtual Option:	Zoom
Meeting Time:	4:00 PM

MEETING INSTRUCTIONS

- To attend via computer:
Go to <https://us02web.zoom.us/j/89206649255>
- To attend via phone:
Call [1-312-626-6799](tel:1-312-626-6799) and enter Webinar ID [892 0664 9255](https://us02web.zoom.us/j/89206649255) when prompted
- Members of the public wishing to provide input are strongly encouraged to do so in writing. Please email your statement, questions, or concerns to the Board of Adjustment at boardofadjustments@rogersar.gov before 4:00 PM Thursday.

VIRTUAL PARTICIPATION

- Board Members and Staff are the only visible attendees. All attendees are automatically muted and invisible to others upon entry. Staff will enable/disable talk for each speaker.
- If representing an agenda item or speaking in a public hearing:
 - Click **RAISE HAND** when prompted by the chairman. Staff will enable speaking for your presentation and disable speaking when done.
 - **Dial *9** to **RAISE HAND** if attending meeting by phone.
 -
- If a speaker has any additional documents or exhibits they wish to show the commission, please email them to boardofadjustments@rogersar.gov before 4:00 PM Thursday.

AGENDA ITEMS

CALL TO ORDER

OLD BUSINESS

NEW BUSINESS

1. (VAR 21-31) A request by Josh Hart for David Sadler to allow an increase in maximum height for an accessory structure in the R-SF (Residential Single Family) zoning district at 1206 W. Cherry Street.
 - *STAFF: Gloria Garcia*
 - *REPRESENTED BY: Josh Hart*

ACTION ON MINUTES

1. Draft of August 12, 2021 meeting minutes

ADJOURN



COMMUNITY DEVELOPMENT
PLANNING DIVISION
301 W. CHESTNUT
planning@rogersar.gov
(479) 621-1186

MEETING DATE
September 23, 2021

TO: BOARD OF ADJUSTMENT
RE: **STAFF SUMMARY REPORT**
VARIANCE – #21-31 DAVID SADLER
PL202101037

STAFF: Gloria Garcia, Zoning Technician

REQUEST DETAILS

ADDRESS/LOCATION:	1206 W. Cherry Street
SUBDIVISION:	Felkers Addition
CURRENT ZONING:	R-SF (Residential Single Family)
APPLICANT/REPRESENTATIVE:	Josh Hart for David Sadler
PROPERTY OWNER:	David Sadler
NATURE OF REQUEST:	Allow accessory structure taller than 16 feet
AUTHORITY:	Sec. 14-724, Rogers Code of Ordinances

SUMMARY

This request is to allow a garden tower at a maximum height of 27 feet.

Community Development recommends consideration of the request.

STAFF REVIEW

1. BOARD OF ADJUSTMENT DUTIES PER SEC. 14-724(e)(1):

- a) Hear appeals from the decision of the Department of Community Development in respect to the enforcement and application of the zoning ordinance, Chapter 14, and the sign permitting provisions contained in Chapter 44, and may affirm or reverse, in whole or in part, said decision of the Department of Community Development; and
- b) Hear requests for variance from the literal provisions of the zoning ordinance in instances where strict enforcement of the zoning ordinance would cause undue hardship due to circumstances unique to the individual property under consideration, and grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning ordinance.

2. SUBJECT REQUEST:

- a) Allow a garden tower at a maximum height of 27 feet.

3. GENERAL FINDINGS:

- a) Accessory building height is limited at 16 feet in the R-SF zoning district per Rogers Sec. 14-699(f)(1)c.
- b) The applicant states the proposed garden tower will have a platform height of 16 feet and a height to the top of the roof of 27 feet. The structure will be a total of 96 sf.
- c) The applicant doesn't cite a hardship basis for varying from city code but states that the garden tower will be for the property owner's personal use and believes it will not negatively impact any neighbors.
- d) Staff would note that the lot is 0.25 acres with the proposed garden tower to be built 38 feet from the east side property line, 41 feet from the west side property line and 41 feet from the rear property line, resulting in little to no impact for neighboring property owners.
- e) Staff has not identified any circumstances unique to the individual property where strict enforcement of the zoning ordinance would cause undue hardship.

4. ZONING:

- a) R-SF (Residential Single Family)

The R-SF district, per Rogers Code Section 14-699, is intended primarily for single-family detached dwellings at low residential densities.

5. PUBLIC INPUT RECEIVED:

Staff has not received any comments from the public regarding this request.

6. RECOMMENDATIONS:

- a) Consider the request.

DIRECTOR'S COMMENTS

1. Agree with recommendation.



JOHN C. MCCURDY, Director
Community Development

SUGGESTED MOTIONS

1. IF APPROVING AS PRESENTED:

Move to approve the request as presented.

2. IF APPROVING SUBJECT TO OTHER ACTIONS:

Move to approve the request subject to (conditions or contingencies).

3. IF DENYING:

Move to deny the request as presented.

4. IF TABLING:
Move to table the request (indefinite or date certain).

TABS

1. Vicinity map (aerial)
2. Public Notice
3. Variance application with supplements



DEPT. OF COMMUNITY DEVELOPMENT
PLANNING DIVISION
301 W. CHESTNUT
PHONE: (479) 621-1186
FAX: (479) 986-6896

OFFICE USE ONLY

Permit Fee: \$100 (\$100)
Zoning: R-SF
App Number: 21-31
CityView Application: PL202101037
Date: 9/9/2021

VARIANCE APPLICATION

APPLICANT: Natural State Treehouses - Josh Hart

ADDRESS: 1206 Cherry St. SUITE #: _____

GENERAL LOCATION OF PROPERTY: Felker Add - Rogers

PHONE #: 479-387-0701 EMAIL: josh@naturalstatetreehouses.com

PROPERTY OWNER: David Sadler PHONE #: 479-633-3122

REQUEST to ALLOW: Total height of structure 11' above limit (27' total)

HARDSHIP JUSTIFICATION to VARY FROM CODE: Garden tower for clients' enjoyment in the backyard.

Josh Hart
Applicant Signature

9/3/21
Date

Attachment Checklist:

- ☒ Legal description of property
- ☒ Survey, elevations, sign proofs and/or other documents as needed to illustrate request

PLANNING STAFF PROVIDES:

DATE FILED: 9/9/2021

PUBLIC HEARING DATE: 9/23/2021

BOARD OF ADJUSTMENT DECISION: _____

SECRETARY, BOARD OF ADJUSTMENT

DATE



Letter Stating Reasons: David Sadler Garden Tower

created 9.3.21

To whom it may concern:

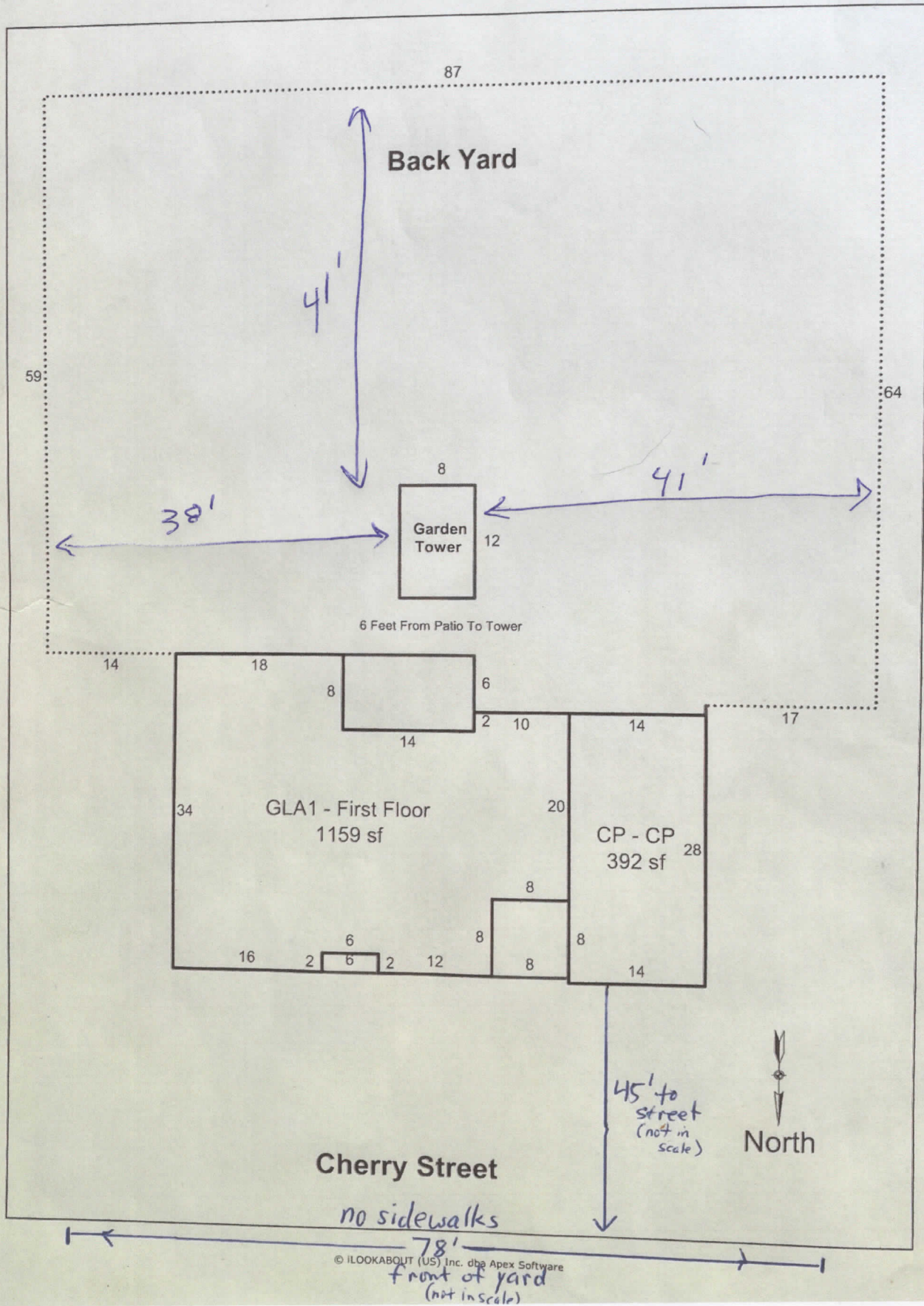
This letter is to specify reasons for the request for a variance for the garden tower at Mr. Sadler's residence at 1206 Cherry St.

Mr. Sadler has a beautiful property and backyard and enjoys spending time in his garden. The garden tower requested will provide a beautiful and unique compliment to his yard. We do not feel that the additional height of the tower above the standard 16' limit will in any way negatively impact Mr. Sadler's neighbors or the character of the neighborhood in any way, but rather will be a nice compliment to the current character of the neighborhood.

Thank you for your consideration.

Josh Hart
President, Natural State Treehouses
(479) 387-0701

BUILDING SKETCH



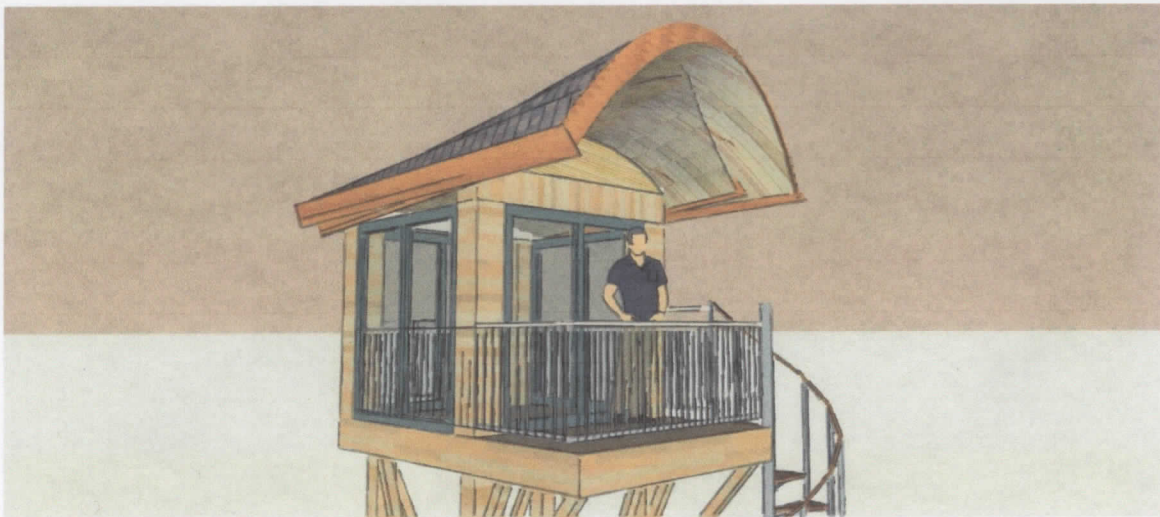


DESIGN: David Sadler Garden Tower
created 5.24.21



Overview

This contract is for the construction and installation of a freestanding tower in the client's garden, with a platform height 16' above grade, an 8'x8' enclosed space with sliding glass doors on four sides, a 4'x8' porch area, steel spiral staircase with wood treads and curved roof with cedar ceiling and asphalt shingles on top.

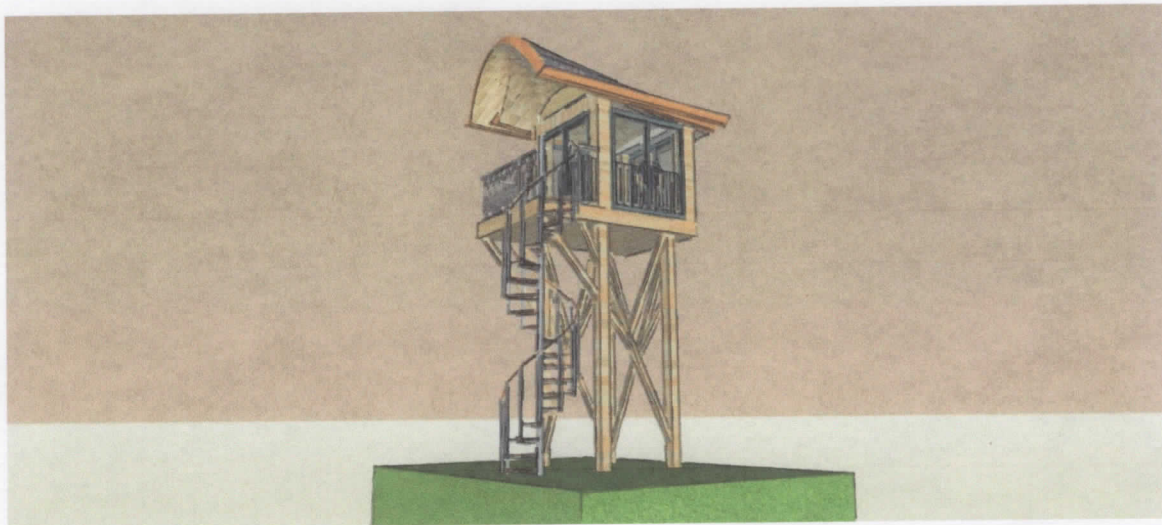


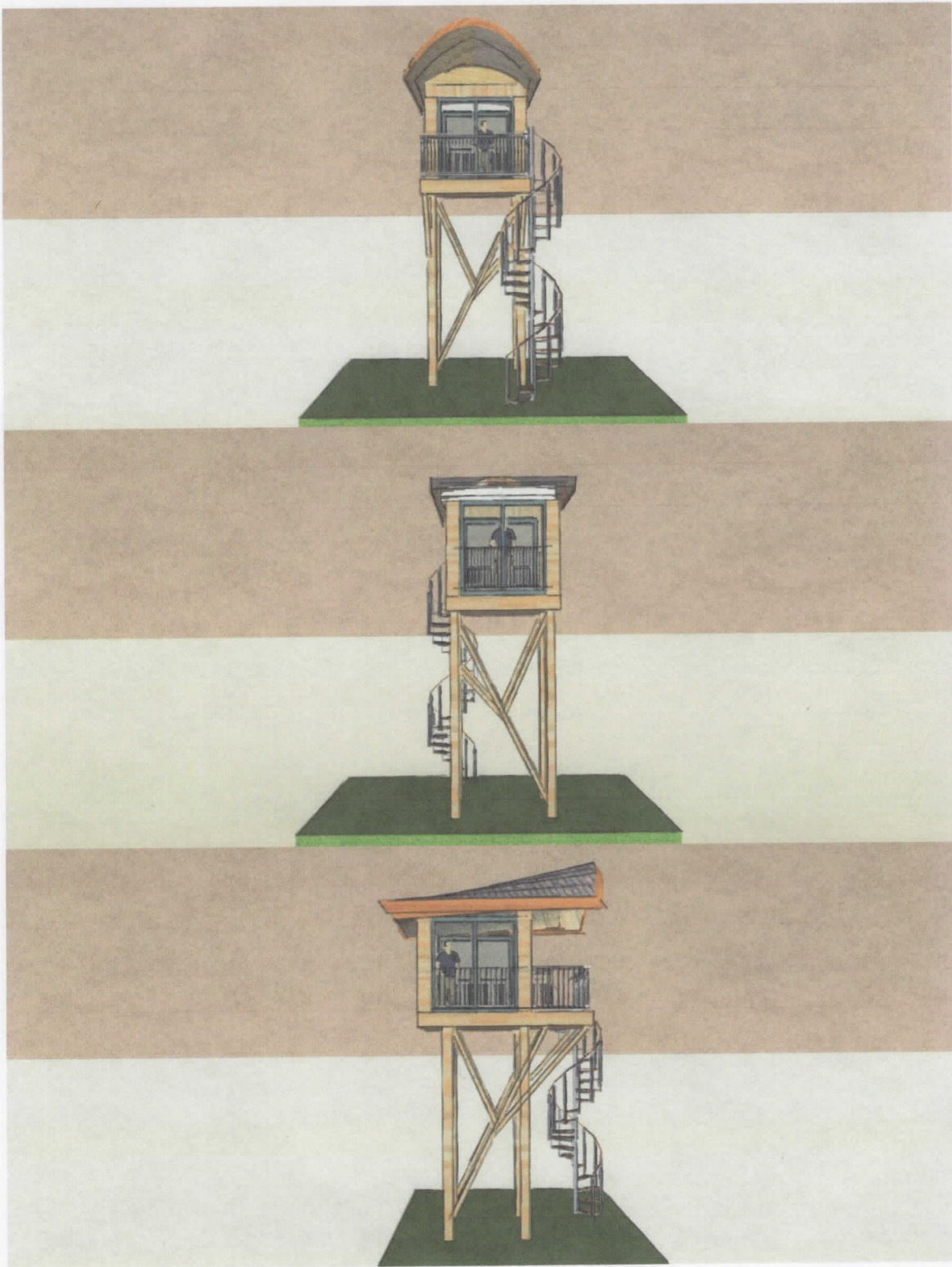
Materials

The primary posts will be treated round logs, whole log cedar or treated pine. The platform framing, enclosed space framing and decking will all be cypress or western red cedar. The railings will be steel. The staircase will be steel framing with wooden treads.

Note on images, dimensions, and scope of work

Images in this proposal are intended to show the overall size, scope, and style of the structure – exact placement of some components, particularly braces and structural supports, will be at carpenter's discretion during construction. Dimensions referenced in this proposal refer to rough outside lumber dimensions, not usable enclosed space. Natural State Treehouses will be responsible for minor tree trimming and debris removal; significant leveling of earth, large tree removal, reshaping of planting beds, and extensive debris removal are not included, nor are they necessary for most projects. Client will be responsible for insuring that any city approval, permitting or HOA/POA approval is secured and that the location of the treehouse is within the property boundaries.







Project Timeline

Installation time is estimated at 10 days from start to finish, but we will reserve additional days on our calendar to ensure proper attention to this project and account for any weather delays. *Please note that due to COVID-19, schedules and timelines may become more prolonged or unpredictable and that availability of some materials may delay the project date. Project installation is tentatively scheduled for August 2021 but that schedule may change dramatically due to unanticipated COVID-19-related delays.*

Residential Building Permit

City of Rogers
Risk Reduction
113 N 4th St
Rogers, AR 72756
(479)-621-1100



Application Instructions - Please fill this form out completely and submit all required information.

Submittal Requirements: *Site plan drawn to scale *Set of plans *Address Verification Letter (New home)

PROPERTY INFORMATION

PERMIT NUMBER:

Property Address: 1206 W. Cherry St. Parcel Number: 02-04274-000
Subdivision: Felker Add- Rogers Lot Number: W55'7 E 30'6 Block: 1

You will be required to obtain and submit an address verification letter on all new residential homes from Benton County 911 Addressing prior to submitting your permit. They can be reached by calling 479-271-1085.

BUILDING INFORMATION

Class of Work: New Home ☐ Addition ☐ Remodel ☐ Detached Garage ☐ Accessory Structure ☒
Fence ☐ Pool ☐ Storm Shelter ☐

Total Sqft: 96 Heated Sqft: 0 No. of Stories: 1 Valuation of Work: \$ 20,000

Is this property on Septic? Yes ☐ No ☒

*If yes - Provide copy of perc test

Does this property have a variance? Yes ☐ No ☒

*If yes - provide copy of signed variance

Description of Work: Garden tower - freestanding structure in the client's backyard. Platform height is 16'. Total height of structure is 27'.

OWNER INFORMATION

Owner Name: David A. Sadler Phone Number: 479-633-3122
Address: 1206 W. Cherry St City/State: Rogers, AR 72756

CONTRACTOR INFORMATION

Company Name: Natural State Treehouses Contact Person: Joshua Hart
Address: 10001 Smokey Lane City: Fayetteville State: AR Zip: 72701
Email Address: josh@naturalstatetreehouses.com Phone Number: 479-387-0701

Separate permits are required for plumbing, electrical and mechanical. This permit becomes null and void if work or construction authorized is not commenced within 6 months, or if construction or work is suspended or abandoned for a period of 6 months at any time after work is commenced. I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

David A. Sadler
Signature of Owner, Contractor

8/17/21
Date

OFFICE USE ONLY: Cash ☐ Credit Card ☐ Check ☐ Check # Total Due: \$



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 an online meeting on Zoom (instructions to be posted under the BOA at www.rogersar.gov) on **September 23, 2021 at 4:00 p.m.** regarding an application by **Josh Hart for David Sadler** under the provisions of the City of Rogers Code of Ordinances, for a variance to **allow an increase in maximum height for an accessory structure** in the R-SF (Residential Single Family) zoning district at **1206 W. Cherry Street** more particularly described as follows:

LEGAL DESCRIPTION:

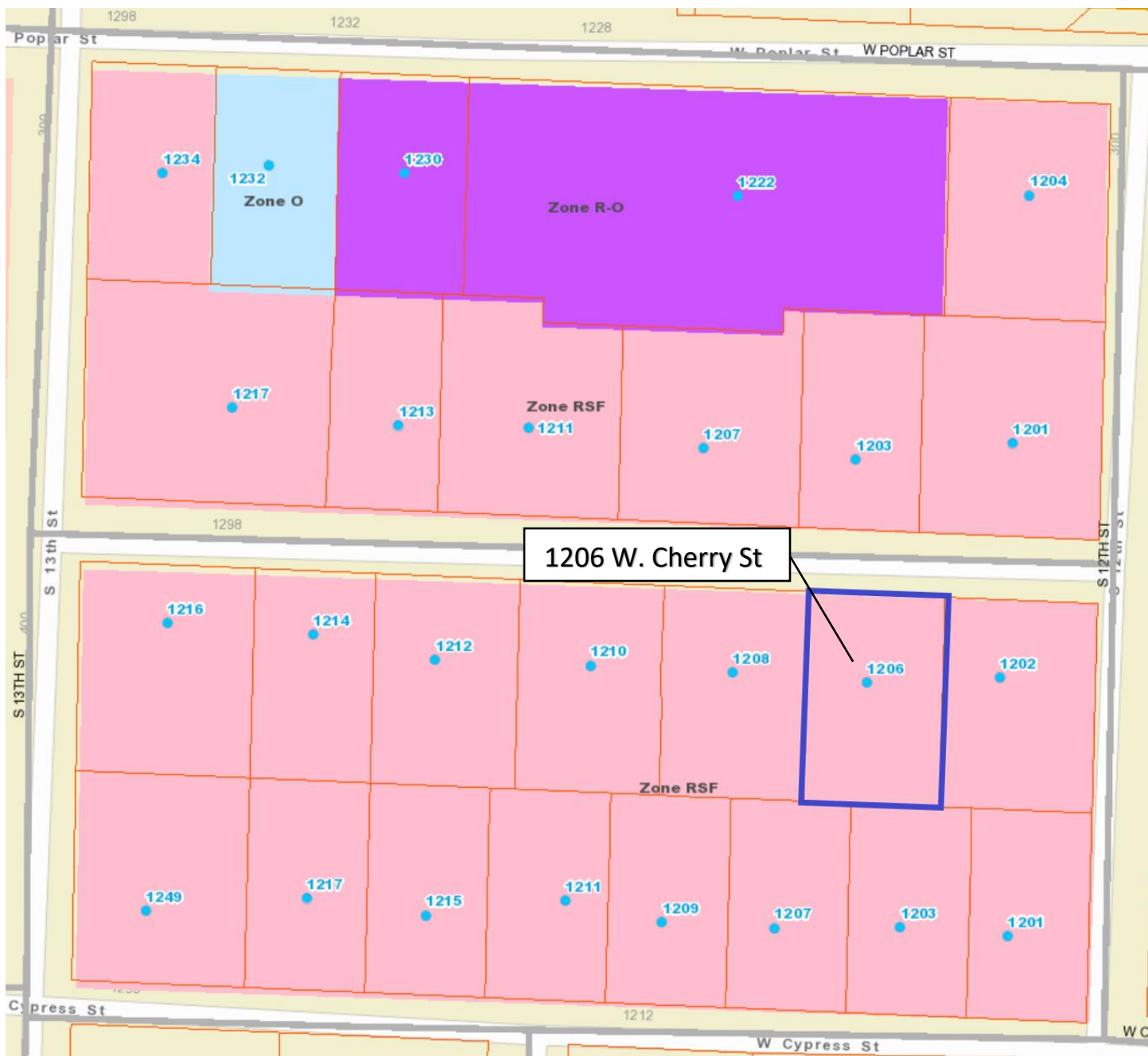
The West 55 feet of Lot 7 and the East 30 feet of Lot 6 in Block 1 in Felker's Addition to the City of Rogers, Benton County Arkansas.

LAYMAN'S DESCRIPTION:

1206 W. Cherry Street

Josh Allen, Secretary
Board of Adjustment

PUBLISH ONE TIME ONLY: **September 12, 2021**
BILL THE CITY OF ROGERS







DEPT. OF COMMUNITY DEVELOPMENT
PLANNING DIVISION
301 W. CHESTNUT
PHONE: (479) 621-1186
FAX: (479) 986-6896

**BOARD OF ADJUSTMENT
MINUTES
August 12 2021**

MEMBERS PRESENT:

Hunter Fry
Josh Allen
Hannah Cicioni
Aaron Smith
John Schmelzle

STAFF ATTENDING:

John McCurdy, Community Development Director
Lori Ericson, Zoning Administrator
Gloria Garcia, Zoning Technician
Karen Perez, Zoning Technician

Chairman Hunter Fry called the meeting to order at 4:00 pm. for a hybrid zoom/in-person session

NEW BUSINESS

Recognizing there was no representative in attendance for the Crestwood Homes request, Chairman Fry elected to move on to the second item on the agenda.

1. (VAR 21-28) A request by Matt Lewis to allow a rear setback reduction at 6140 W. Knoll View Way in the RSF-5 (Residential Single Family, 5 units per acre) zoning district.

Zoning Tech Gloria Garcia presented the staff report, recommending consideration of the request:

- The site plan provided proposes a reduction of the 20' rear setback to 17'4" for a new deck.
- The applicant doesn't specifically list a hardship on the application, but states the reduction is needed to build the new deck using the same footprint as the original deck.
- Staff recommended consideration of the request since the setback reduction would be minimal and there had been no complaints from neighbors about the location of the previous deck.

Matt Lewis stated the original deck was destroyed in the tornado about 18 months prior. He said the plan is to replace it in the exact location of the previous deck.

Chairman Fry opened the public hearing. There were no public comments and the hearing was closed.

Hannah Cicioni stated she supported the reduction since the deck would be going in the same location as that destroyed in the tornado.

Motion by Cicioni to APPROVE the variance. Second by Schmelzle.

Voice vote: YES – Unanimous **Motion carried**

APPROVED

2. (VAR 21-27) A request by Crestwood Homes, LLC/Barry Cooksey to allow an exterior side setback reduction at 1308 W. Fir Street in the R-SF (Residential Single Family) zoning district.

Zoning Tech Karen Perez presented the staff report, recommending consideration of the request:

- The 30-foot exterior side setback also serves as a utility easement per the final plat for the Clower subdivision.
- The site plan provided proposes a reduction of the 30-foot exterior side setback to 24 feet for a new house with three-car garage.
- The applicant states that when the subdivision was designed the two corner lots on Fir Street were not made large enough to build a house with a three-car garage.
- Staff believes the dimensions of the lot were likely known prior to its purchase and construction plans were solidified.
- Staff would also note that this is one of four lots that border the subdivision's two entrances.
- Staff has not identified any circumstances unique to the individual property where strict enforcement of the zoning ordinance would cause undue hardship.
- If approved, a recorded setback/easement reduction survey will be required prior to filing for a building permit.

Chairman Fry asked if anyone was present to represent the request. There was no response.

Chairman Fry opened the public hearing. There were no public comments and the hearing was closed.

Cicioni stated that she would be more comfortable delaying discussion until a representative is present. She suggested it be tabled. Chairman Fry agreed.

Motion by Cicioni to TABLE the variance. Second by Smith.

Voice vote: YES – Unanimous **Motion carried**

TABLED

ACTION ON MINUTES

Previous minutes: July 8, 2021

Motion by Smith to accept the prepared minutes for the July 8, 2021 meeting of the Board of Adjustment as presented. Second by Cicioni.

Voice vote: YES - Unanimous ***Motion carried***

APPROVED

OTHER BUSINESS

ADJOURNMENT

Meeting adjourned at 4:12 pm. by Chairman Fry.

As recorded by:

Lori Ericson

Zoning Administrator

Community Development Department

City of Rogers

Approved by vote of the Board of Adjustment on: