



DEPT. OF COMMUNITY DEVELOPMENT
PLANNING DIVISION
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**BOARD OF ADJUSTMENT
MINUTES
July 8, 2021**

MEMBERS PRESENT:

Aaron Smith
John Schmelzle
Elizabeth Cisneros
Josh Allen
Hannah Cicioni

STAFF ATTENDING:

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

Board Member Aaron Smith agreed to serve as chairman for the meeting, in absence of Hunter Fry. Smith called the meeting to order at 4:11 pm.

NEW BUSINESS

- 1. (VAR 21-24) A request by Texas Roadhouse to allow two additional wall signs in the C-4 (Open-Display Commercial) zoning district and in the city's Interstate & Overlay District at 2922 S. 26th Street.**

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

- This site has two street frontages and is permitted two wall signs by right with a maximum of 390 sf of total sign area for the building, per Rogers Code Section 44-9.
- A sign permit was approved for two wall signs on June 10, 2021 totaling 327.8-sf.
- If the request is approved, the building's signage will total 353.88-sf, which is less than the 390-sf allowed.
- The applicant notes directional needs for traffic flow as a hardship for the additional signage.
- Staff has not identified any circumstances unique to the individual property where strict enforcement of the zoning ordinance would cause undue hardship.

Mike Jones, Best Sign Group, said the additional signs are mainly directional for pedestrian and driver safety around the restaurant now under development. The signs will identify the front of the steakhouse and the “To Go” area. He noted the building will actually face the south and not its street frontages of Interstate 49, nor S. 26th or S. 27th streets.

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

Board members discussed the positioning of the building and the fact that the square footage of the total signage will be below what’s allowed even with the two additional signs.

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

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

APPROVED

2. (VAR 21-25) A request by Kris Page to allow a rear setback reduction at 2003 W. Magnolia Street in the R-SF (Residential Single Family) zoning district.

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

- Rear setbacks are set out in Rogers Sec. 14-699(f)(2)(d), at 20 feet for the RSF zoning district.
- The site plan provided proposes a reduction of the 20-foot rear setback to 12 feet for a new 20’x30’ workshop.
- The applicant doesn’t state a hardship. However, the final plat confirms a 20-foot utility easement running diagonally across the rear of the property. GIS (see final page of this report) shows a 15-inch public sewer line located within that easement.
- Avoiding the utility easement pushes the structure’s location farther back infringing on the rear setback.
- The site plan shows the proposed workshop 6 feet from the utility easement. Staff believes the structure can be turned or repositioned to avoid encroaching into the rear setback.
- If approved, a recorded setback/easement reduction survey will be required prior to filing for a building permit.

Kris Page, property owner, said he’d updated his plans for the storage building to include repositioning but also a covered porch in the front. The change in plans came after discussing the plans for a plain workshop building. The repositioning and the aesthetic addition of the patio in front will make the structure look better and fit into the neighborhood better, Page said. He provided a drawing of the planned workshop and noted the repositioning does not change the requested rear setback reduction of 8 feet.

Fry opened the public hearing.

- John Jennings, adjacent neighbor to the north, introduced himself and his wife Shirley. Jennings said they favored the setback reduction so the building could be located in the planned corner. It would, he said, look better from his home.

Fry closed the public hearing.

Board members discussed the sewer line, its 20-foot-wide utility easement that runs diagonally across the property, and whether Page had room to reposition the building closer to the setbacks. Jennings and Page discussed their measurements and weren't sure how close the structure would need to be to the property line. Page agreed that it might be best to table his request until he can more precisely locate the planned building's footprint and its distance from the property lines.

Page requested to be tabled.

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

Voice vote: YES – Unanimous *Motion carried*

TABLED

- 3. (VAR 21-26) A request by Burrell Health to allow a pole rather than a monument sign at 2005 W. Elm Street in the C-2 (Highway Commercial) zoning district and in the city's Overlay District.**

Smith confirmed with staff that the applicant had withdrawn the variance for consideration.

WITHDRAWN

ACTION ON MINUTES

Previous minutes: June 10, 2021

Motion by Cicioni to accept the prepared second draft of the minutes for the June 10, 2021 meeting of the Board of Adjustment as presented. Second by Allen.

Voice vote: YES - Unanimous *Motion carried*

APPROVED

OTHER BUSINESS

ADJOURNMENT

Meeting adjourned at 4:47 pm. by Smith.

As recorded by:

Lori Ericson

Zoning Administrator

Community Development Department

City of Rogers

Approved by vote of the Board of Adjustment on: *August 12, 2021*