



COMMUNITY DEVELOPMENT PLANNING DIVISION

301 W. CHESTNUT
planning@rogersar.gov
(479) 621-1186

ROGERS BOARD OF ADJUSTMENT MEETING AGENDA

Date:	October 28, 2021
Location:	Rogers City Hall
	Community Room
Meeting Time:	4:00 PM

CALL TO ORDER

OLD BUSINESS

NEW BUSINESS

1. (VAR 21-32) A request by Lee & Lee Investments, LLC to allow an additional wall sign in the C-2 (Highway Commercial) zoning district at 1001 S. 52nd Street.
 - *STAFF: Lori Ericson*
 - *REPRESENTED BY: Bill Watkins*
2. (VAR 21-33) A request by Benjamin Crawford to allow a reduction in the rear setback in the RSF-5 (Residential Single Family, 5 units per acre) zoning district at 6211 S. 29th Street.
 - *STAFF: Lori Ericson*
 - *REPRESENTED BY: Benjamin Crawford*
3. (VAR 21-34) A request by Rob Caster on behalf of Vicki Proffer to allow a reduction in the rear setback in the RMF-6A (Residential Multifamily, 6 units per acre) zoning district at 9 Mission Hills Circle.
 - *STAFF: Lori Ericson*
 - *REPRESENTED BY: Rob Caster*

ACTION ON MINUTES

1. Draft of September 23, 2021 meeting minutes

ADJOURN



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

MEETING DATE
October 14, 2021

TO: BOARD OF ADJUSTMENT
RE: **STAFF SUMMARY REPORT**
VARIANCE – #21-32 Lee & Lee Investments
PL202101166

STAFF: Lori Ericson, Zoning Administrator

REQUEST DETAILS

ADDRESS/LOCATION:	1001 S. 52 nd Street
SUBDIVISION:	Metro Park South
CURRENT ZONING:	C-2 (Highway Commercial)
APPLICANT/REPRESENTATIVE:	Bill Watkins for Lee & Lee Investments, LLC
PROPERTY OWNER:	Pepsi Bentonville, LLC
NATURE OF REQUEST:	Allow additional wall signage
AUTHORITY:	Sec. 14-724, Rogers Code of Ordinances

SUMMARY

This request is to allow additional wall signage.

Community Development recommends approval 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 additional wall signage facing I-49 where the building has no frontage.
3. GENERAL FINDINGS:
 - a) Businesses located within the structure are allowed one wall sign on the building's front facing S. 52nd St. per Rogers Code Section 44-9.
 - b) Although, signage is located on both the west and east elevations of the existing structure, there appear to be no sign permits issued for any of the signs on the existing signage. And no variances for the signage in opposition to code.
 - c) The applicant doesn't cite a hardship basis for varying from city code but notes that there is no development on the 1.56-acre tract between the building and I-49. The application also notes the vacant tract is a detention basin for the Metro Park South Subdivision.
 - d) Staff agrees there is no true hardship, but supports the idea that the detention pond should not void the visibility the business might enjoy along I-49.
 - e) Staff would also note the existing signage has been on the building without complaint for a number of years.
 - f) Staff supports approval of the variance.
4. ZONING:

C-2 (Highway Commercial)
The C-2 zoning district is intended for commercial uses, which depend upon high visibility, generate high traffic volumens or cater to the traveling public.
5. PUBLIC INPUT RECEIVED:

Staff has not received any comments from the public regarding this request.
6. RECOMMENDATIONS:
 - a) Approve 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. Variance application with supplements
2. Vicinity map (aerial)
3. Public Notice
4. Final plat of Metro Park South



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

OFFICE USE ONLY

Permit Fee: \$100 fee (\$100)
Zoning: C-2
App Number: 21-32
CityView Application: PL202101166
Date: 9-24-2021

VARIANCE APPLICATION

APPLICANT: Lee & Lee Investments, LLC

ADDRESS: 408 N. Walton Blvd., Bentonville, AR 72712 SUITE #: _____

GENERAL LOCATION OF PROPERTY: 1001 S. 52nd St., Rogers, AR 72758

PHONE #: 479-636-2168 Bill Watkins EMAIL: bwatkins@watkinslawoffice.com

PROPERTY OWNER: Pepsi Bentonville, LLC PHONE #: 212-743-3232

REQUEST to ALLOW: Allow wall signage on the East side of the building facing I-49

HARDSHIP JUSTIFICATION to VARY FROM CODE: While not technically "street frontage"
the only property between the subject property and I-49 is a detention basin, The
current occupant presently has such signage.

Applicant Signature

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: 9-24-2021

PUBLIC HEARING DATE: 10-14-2021

BOARD OF ADJUSTMENT DECISION: _____

SECRETARY, BOARD OF ADJUSTMENT

DATE

PARCEL #02-20827-000
METRO PARK SOUTH LOT 13-A

**WATKINS, BOYER,
GRAY & CURRY, PLLC**

WILLIAM P. WATKINS, III, P.A.
RONALD L. BOYER, P.A.
JENNIFER E. GRAY, P.A.*
ANDREW T. CURRY, P.A.
WILLIAM A. KELLSTROM
JOHN E. JENNINGS (OF COUNSEL)
* ALSO LICENSED IN MISSOURI

ATTORNEYS AT LAW

WRITER'S DIRECT E-MAIL
bwatkins@watkinslawoffice.com

DELYNN HALE, SECRETARY
AMY BENSON, PARALEGAL
WHITNEY DUCKER, OFFICE MANAGER

September 24, 2021

City Planning Staff
Uploaded via City View Only

**Re: Lee & Lee Variance Request
1001 S. 52nd St. - Wall signs as street frontage**

Dear Staff:

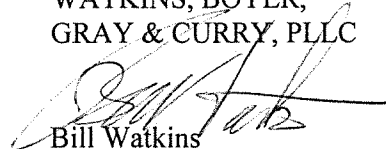
This variance is filed asking that the east side of the building at the above address be treated as street frontage as defined under the City Code. At present the property does not fit this definition as there is a detention basin between the subject building and I-49. There are no improvements within the detention basin nor can there ever be. The character of the property on that side is as street frontage. The hardship justifying this request is the presence of this detention basin, a condition not suffered by any other neighboring property.

The building presently has a sign on the wall on this side, thus it appears that such a variance has been granted previously. Most, if not all, other buildings adjoining I-49 in this area have wall signs on their east sides. The signage requested here would not be out of character for the area.

If you have any questions please do not hesitate to contact me.

Sincerely,

WATKINS, BOYER,
GRAY & CURRY, PLLC



Bill Watkins

BW:mos



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 **October 14, 2021 at 4:00 p.m.** regarding an application by **Lee & Lee Investments, LLC** under the provisions of the City of Rogers Code of Ordinances, for a variance to **allow an additional wall sign** in the C-2 (Highway Commercial) zoning district at **1001 S. 52nd Street**, more particularly described as follows:

LEGAL DESCRIPTION:

Lot 13-A, Metro Park South Subdivision, Rogers, as recoded in Benton County, AR

LAYMAN'S DESCRIPTION:

1001 S. 52nd Street

Josh Allen, Secretary
Board of Adjustment

PUBLISH ONE TIME ONLY: **October 3, 2021**
BILL THE CITY OF ROGERS





Graphic Scale

0 25 50 100 200

Surveyor's Certification

To Whom It May Concern: This is to certify that an accurate survey was made of the herein described property and that this plat is the true and correct copy of the original survey filed in the office of the Surveyor General of Arkansas, at Little Rock, Arkansas, on August 17, 2006. The survey was made by Ramsey Surveying, Inc., with a plat of said survey filed in the office of the Surveyor General of Arkansas, at Little Rock, Arkansas, on August 17, 2006. The survey was made by Ramsey Surveying, Inc., with a plat of said survey filed in the office of the Surveyor General of Arkansas, at Little Rock, Arkansas, on August 17, 2006. The survey was made by Ramsey Surveying, Inc., with a plat of said survey filed in the office of the Surveyor General of Arkansas, at Little Rock, Arkansas, on August 17, 2006. This survey and plat was completed on August 17, 2006.

Final Plat Of

Metro Park South

Horsebarn Road

Sheet #1 of 2

VICINITY MAP

LEGEND

- Found 5/8" Rebar
- Set 5/8" Rebar
- Aluminum Monument
- R/W Marker
- Computed
- Concrete Monument
- Concrete Monument
- Property Boundary
- Centerline
- Utility Easement
- Quarter-quarter line
- Building Setback
- Interstate Right-of-Way
- Sidewalk
- Curb

REGISTERED

STATE OF ARKANSAS

NO. 1227

JIM FRANKLIN RAMSEY

PROFESSIONAL LAND SURVEYOR

Job Final Plat of

Metro Park South

Scale 1"=100'

Sheet #1 of 2

Date: 8/17/06

Drawn By: ARS

Rev:

Location: Pt. of SW 1/4 NW 1/4 & Pt. of NW 1/4 SW 1/4

Sec 16, Twp 19 N, Rg 30 W

500-19N-30W-0-16-30-04-1227

RAMSEY SURVEYING, INC.

Job Number:

476-531-5953 476-592-4977 Fax 476-592-4428 06020

CURVE	DELTA	RADIUS	LENGTH	CHORD	DIRECTION
C1	28°51'43"	1096.50'	514.07'	509.38'	S11°13'12"E
C2	28°03'39"	540.00'	264.47'	261.83'	N18°05'41"E
C3	9°38'08"	760.00'	127.81'	127.66'	S27°18'26"W
C4	13°31'07"	760.00'	179.32'	178.90'	S15°43'49"W
C5	12°58'15"	760.00'	172.05'	171.69'	S02°29'07"W
C6	13°30'48"	760.00'	179.25'	178.83'	S10°45'24"E
C7	3°07'12"	1040.00'	56.63'	56.62'	N15°57'13"W
C8	12°49'13"	1040.00'	232.71'	232.22'	N07°59'00"W
C9	12°43'39"	980.00'	213.25'	212.81'	N07°56'13"W
C10	3°12'46"	980.00'	53.83'	53.82'	N15°54'25"W
C11	1°33'53"	840.00'	22.94'	22.94'	S16°43'52"E
C12	8°32'59"	30.00'	43.67'	39.91'	N57°38'55"W
C13	25°35'22"	330.00'	147.38'	146.16'	S86°33'14"E
C14	26°02'10"	330.00'	149.96'	148.67'	S60°44'28"E
C15	20°08'04"	95.00'	33.38'	33.21'	S36°26'34"W
C16	18°52'29"	1056.50'	348.04'	346.47'	S15°12'49"E
C17	01°50'38"	25.00'	40.07'	35.92'	S48°07'59"W
C18	29°19'41"	270.00'	373.82'	344.67'	S37°27'11"E
C19	22°13'54"	270.00'	104.76'	104.11'	S88°13'58"E
C20	88°40'58"	30.00'	46.43'	41.94'	N36°18'36"E
C21	18°52'46"	840.00'	276.79'	275.54'	S01°24'30"W
C22	17°12'17"	840.00'	252.24'	251.29'	S18°27'02"W
C23	4°04'19"	840.00'	59.70'	59.68'	S30°05'20"W
C24	2°08'44"	480.00'	16.96'	16.96'	N31°04'08"E
C25	25°56'49"	480.00'	208.31'	208.54'	N17°02'21"E

2006 1014
Recorded in the Above
Plat Book & Page
09-23-2006 12:37:13 PM
Brenda Deshields-Circuit Clerk
Benton County, AR

CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CHORD	DIRECTION
C1	26°51'43"	1086.50'	514.07'	509.38'	S11°13'12"E
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C8	12°49'13"	1040.00'	232.21'	232.22'	N07°59'00"W
C9	12°43'39"	960.00'	215.25'	212.61'	N07°56'13"W
C10	3°12'46"	960.00'	53.83'	53.82'	N15°54'25"W
C11	1°33'53"	840.00'	22.94'	22.94'	S16°43'52"E
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C25	25°56'49"	460.00'	208.31'	206.54'	N17°02'21"E

Survey Description

Located in a part of the SW 1/4 of the NW 1/4 and in a part of the NW 1/4 of the SW 1/4 of Section 16, Township 19 North, Range 30 West in Rogers, Benton County, Arkansas, more precisely described as follows: Starting at the SW Corner of the SW 1/4 of the NW 1/4 of Section 16; thence North 02 degrees 12 minutes 40 seconds East, 430.36 feet to the true POINT OF BEGINNING; thence along the West line of the SW 1/4 of the NW 1/4, North 02 degrees 12 minutes 40 seconds East, 853.64 feet; thence South 85 degrees 56 minutes 42 seconds East, 1058.83 feet; thence along the Westerly right of way of Interstate Highway #540 the following courses: South 02 degrees 01 minutes 12 seconds West, 258.56 feet; thence South 01 degrees 38 minutes 16 seconds East, 200.51 feet; thence South 05 degrees 39 minutes 25 seconds West, 200.52 feet; thence South 08 degrees 28 minutes 36 seconds West, 301.22 feet; thence South 07 degrees 30 minutes 10 seconds West, 301.01 feet; thence South 04 degrees 11 minutes 01 seconds West, 200.12 feet; thence South 00 degrees 07 minutes 58 seconds East, 54.69 feet; thence leaving said right of way, North 86 degrees 12 minutes 05 seconds West, 788.26 feet; thence along the centerline of Horsebarn Road the following courses: North 24 degrees 39 minutes 03 seconds West, 196.98 feet; thence along a curve to the right having a radius of 1086.50 feet, an arc length of 514.07 feet, and a chord of North 11 degrees 13 minutes 12 seconds West, 509.38 feet to the true POINT OF BEGINNING containing 35.073 acres more or less and being subject to the rights of way of Horsebarn Road and Interstate Highway #540 and any easements of record.

Surveyor's Notes:

- In providing this survey, no attempt has been made to show data concerning size, depth, condition or capacity of underground utilities existing on site. Only visible utilities have been located on this survey.
- No abstract of title or results of a title search were furnished to the surveyor. All documents of record reviewed were provided by WACO Title and are noted herein. There may exist other documents of record that may affect this surveyed parcel.
- No additional investigation or independent search has been made by Ramsey Surveying, Inc. for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.
- Basis of Bearings is Grid North according to the Arkansas Coordinate System, North Zone, derived from solar observations.
- Traverse loop closure error was 0.12' with a precision of 1:31709 and an elevation error of 0.17'.
- This plot represents a survey of a Deed Record 528 page 367 (parent tract), Quitclaim Deed Record 704 page 726 (Robert Lawrence to Cecilia Lawrence), Deed Record 2005 9077 (parcel sold to Northwest Arkansas Radiation Therapy Institute) and Deed Record 2005 12375 (parcel sold to Harris & Harris Properties, LLC).
- The purpose of this survey is to subdivide the parent tract, Parcel #02-01671-047, interior lot corners and right-of-way angle points will be monumented per City of Rogers ordinances and Arkansas Minimum Standards for Property Boundary Surveys and Plats with 5/8" rebar.
- This survey yielded to found 5/8" rebar shown on a survey by Gene Buescher for the South line of the North 14 rods of the NW 1/4 of the SW 1/4.
- This survey yielded to found 5/8" rebar shown on Plat Record 2004-180 for the North line of the SW 1/4 of the NW 1/4.
- A 5/8" rebar with an aluminum cap was set at the SW Corner of the SW 1/4 of the NW 1/4 computed from Plat Record 2004-180.
- Elevations shown on this survey are based on NGVD 29 datum.
- Horizontal coordinates shown on this survey were established from City of Rogers GPS Monument #13 and are based on NAD 83 datum.
- Onsite benchmark is City of Rogers GPS Monument #13 (1272.36').

Owner/Developer:
CH Office Development
Properties 2, LLC
599 Horsebarn Road, Suite 100
Rogers, AR 72758
479-464-8622
Land Surveyor:
Ramsey Surveying, Inc.
Jim Ramsey PLS #1227
1729 W Poplar St.
Rogers, AR 72756
479-631-8863
Engineer: Tim Sorey
Sand Creek Engineering and
Landscape Architecture, Inc.
1610 NW 12th Street
Bentonville, AR 72712
479-464-9282

Owner's Certification and Dedication

We, the undersigned owners of the real estate shown and described herein, do hereby dedicate to the public all detention ponds & structures, streets, alleys, parks, and other public lands shown upon this plat and do hereby establish the easements shown upon this plat. Said easements shall be for the benefit of the City of Rogers and all utility companies, including cable television companies, and said easements shall be for the purpose of constructing, maintaining, repairing and replacing utility lines, cable television lines, and drainage structures. The City of Rogers, and all utility companies, and all cable television companies shall have the right of ingress and egress to said easements and shall have the right to remove or trim trees within said easements and the right to prohibit the erection of buildings, structures, or fences within said easements.

Date: 8-18-06 Owner: [Signature]
Date: _____ Owner: _____
Date: _____ Owner: _____
Date: _____ Owner: _____
Date: _____ Owner: _____
Date: _____ Owner: _____

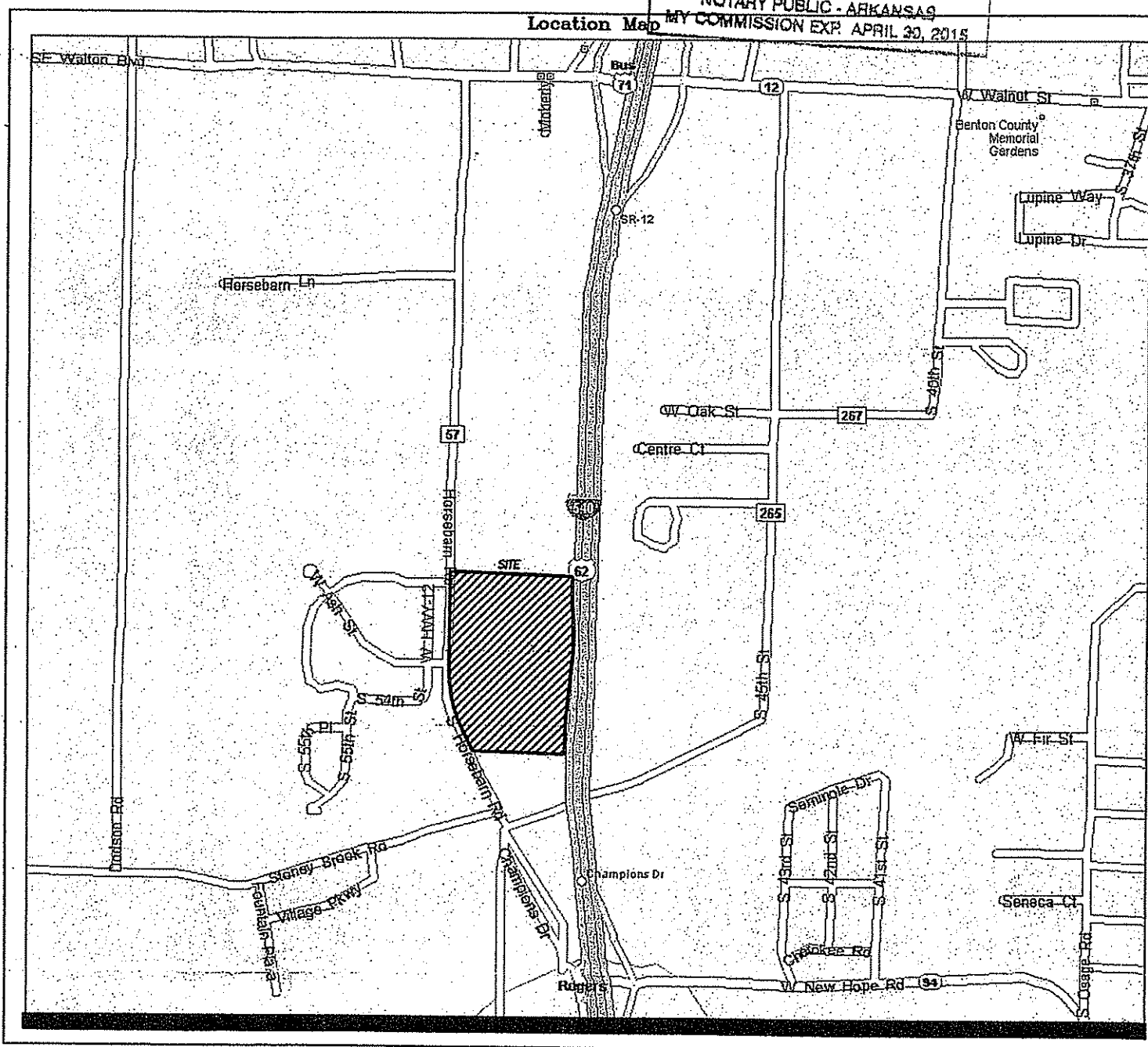
State of Arkansas

County of Benton
Subscribed and sworn before me this 18th day of August 2006
Notary Public: Sara Hartwick
My commission expires April 30, 2015

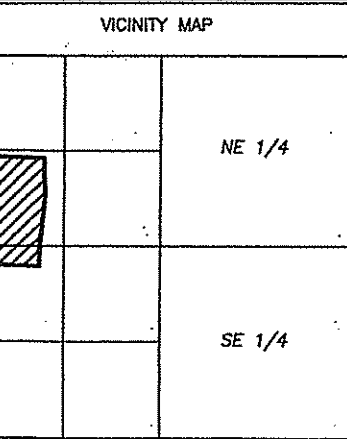
Acceptance

Approved and accepted by the City of Rogers Planning Division
this 15th day of August 2006
Chairman: [Signature]
Acceptance
Approved and accepted by the City of Rogers City Council
this 15th day of August 2006
Mayor: [Signature]
Secretary: [Signature]

OFFICIAL SEAL
SARA HARTWICK
WASHINGTON COUNTY
NOTARY PUBLIC - ARKANSAS
MY COMMISSION EXPIRES APRIL 30, 2015



Final Plat Of Metro Park South Horsebarn Road Sheet #2 of 2



LEGEND

- Found 5/8" Rebar
- Set 5/8" Rebar
- Aluminum Monument
- R/W Marker
- Computed
- Concrete Monument
- Property Boundary
- Centerline
- Utility Easement
- Quarter-quarter line
- Building Setback
- Interstate Right-of-Way
- Sidewalk
- Curb



Job: Final Plat of Metro Park South	Scale: 1"=100'	Sheet: #2 of 2	Drawn By: ARS	Rev: [Blank]
Date: 8/17/06	Location: Pl. of SW 1/4 NW 1/4 & Pt. of NW 1/4 SW 1/4	Sec 16, Twp 19 N, Rg 30 W	500-139-30W-0-15-30A-04-1227	Job Number: 479-631-8863
RAMSEY SURVEYING, INC.				479-631-8863 479-682-4977 Fax 479-639-4489 06020





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

MEETING DATE
October 28, 2021

TO: BOARD OF ADJUSTMENT
RE: **STAFF SUMMARY REPORT**
VARIANCE – #21-33 Benjamin Crawford
PL202101211

STAFF: Lori Ericson, Zoning Administrator

REQUEST DETAILS

ADDRESS/LOCATION:	6211 S. 39 th Street
SUBDIVISION:	Silo Falls
CURRENT ZONING:	RSF-5 (Residential Single Family, 5 units per acre)
REPRESENTATIVE/APPLICANT:	Benjamin Crawford
PROPERTY OWNER:	Benjamin Crawford
NATURE OF REQUEST:	Reduction of rear setback
AUTHORITY:	Sec. 14-724, Rogers Code of Ordinances

SUMMARY

This request is to allow a reduction in the rear setback for a pool house.

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) Reduction of the 20' rear setback to 14' for a pool house consisting of a covered patio, bathroom and storage area.

3. GENERAL FINDINGS:

- a) Rear setbacks are set out in Rogers Sec. 14-699(f)(2)(d), at 20 feet for the RSF zoning district.
- b) The Final Plat of Silo Falls, Phase 2, recorded 2/3/2006 also establishes the rear setback at 20 feet for lots within the subdivision. The lot in question, Lot 112, also shows a 10-foot utility easement unaffected by the proposed reduction.
- c) The applicant doesn't specifically list a hardship on the application, but states the reduction is needed to build the 20' x 12' structure.
- d) The structure is planned at 12 feet from the home, per the site plan provided.
- e) Staff would note, that the setback reduction request would not be needed for the pool itself, only the vertical structures. Pools with no vertical structures are allowed at 6 feet from the rear property line in single-family residential areas.
- f) If approved, a recorded setback/easement reduction survey will be required prior to filing for a building permit.
- g) 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 suitable in areas within the city for attached and detached residential development.

5. PUBLIC INPUT RECEIVED:

To date, 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. Variance application with supplements
2. Public Notice
3. Final Plat Silo Falls
4. Vicinity maps



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

OFFICE USE ONLY

Permit Fee: \$100 PAID ONLINE (\$100)
Zoning: BSF-5
App Number: 21-33
CityView Application: PL202101211
Date: 10-8-21

VARIANCE APPLICATION

APPLICANT: Benjamin Crawford

ADDRESS: 6211 S 29th St, Rogers, AR 72758 SUITE #: _____

GENERAL LOCATION OF PROPERTY: Silo Falls

PHONE #: 479-366-2520 EMAIL: bicrawf@yahoo.com

PROPERTY OWNER: Benjamin Crawford PHONE #: 479-366-2520

REQUEST to ALLOW: Outdoor pool patio with bathroom to be built in backyard adjacent to pool.

HARDSHIP JUSTIFICATION to VARY FROM CODE: The design and layout will place the edge of structure 14 ft from the rear property fence line. As this is within 20 ft, I believe this variance form is required.

[Signature]
Applicant Signature

10/9/2021
Date

Attachment Checklist:

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

PLANNING STAFF PROVIDED:

DATE FILED: 10-8-2021

PUBLIC HEARING DATE: 10-28-2021

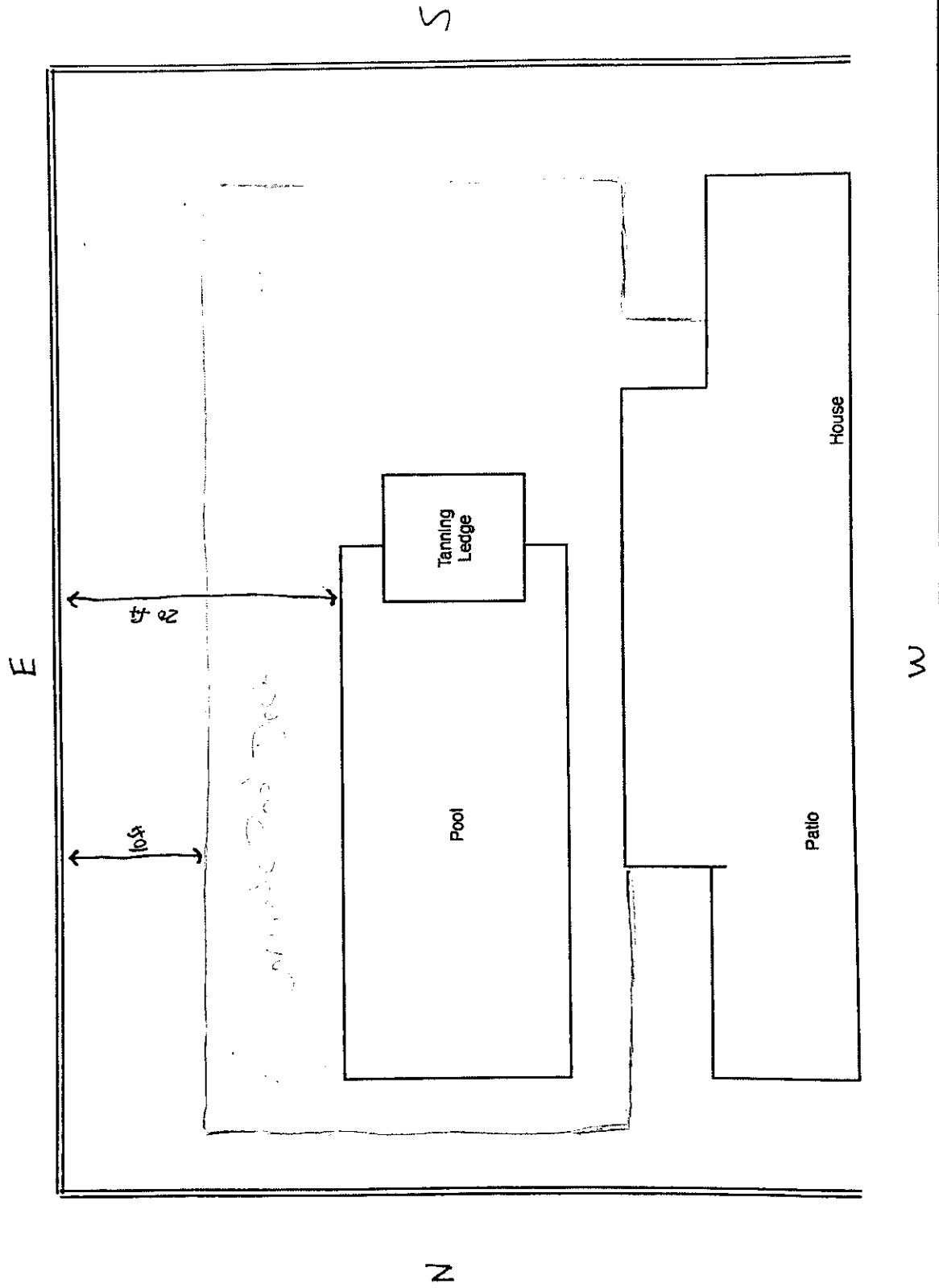
BOARD OF ADJUSTMENT DECISION: _____

SECRETARY, BOARD OF ADJUSTMENT _____ DATE _____

PARCEL # 02-19306-000

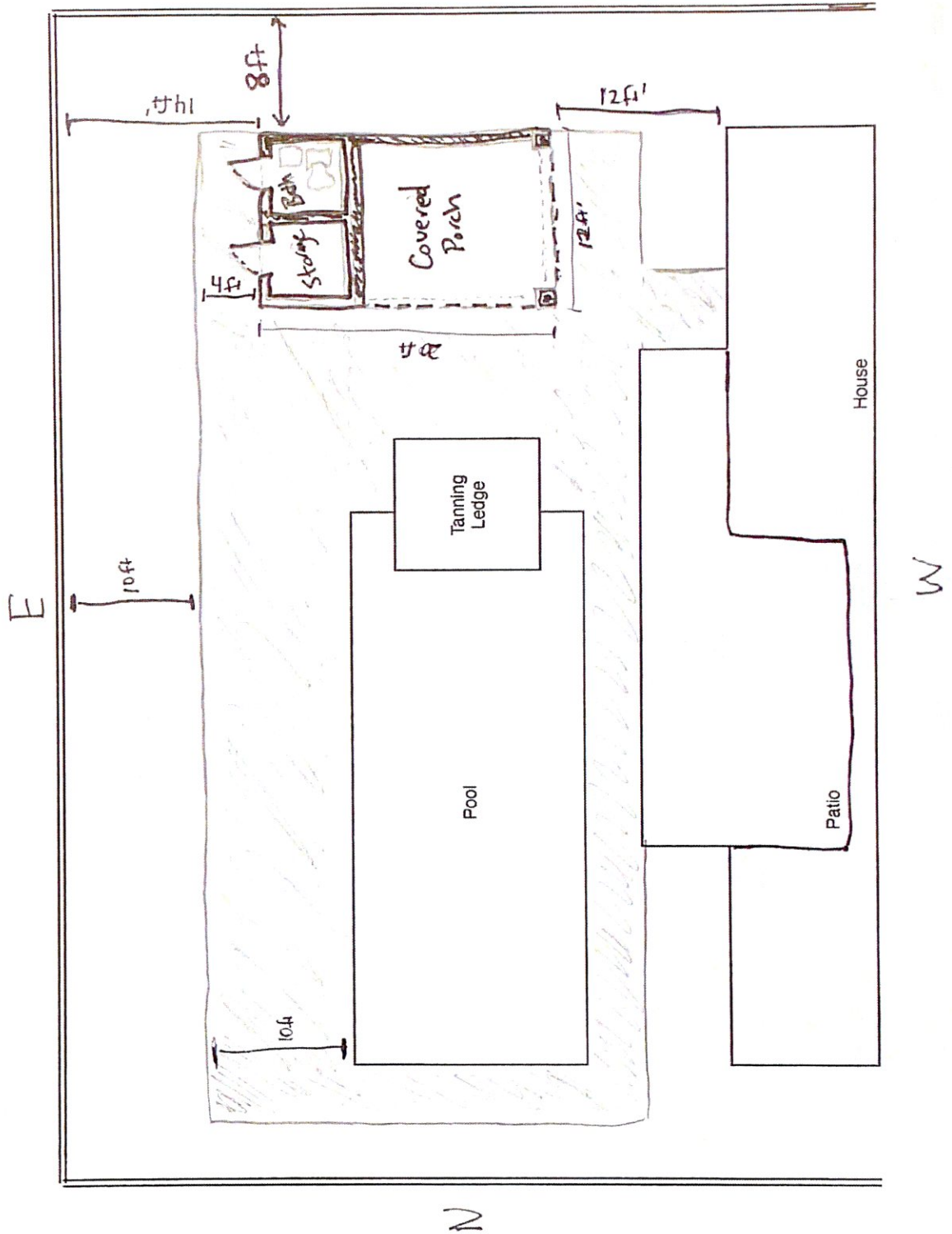
6211 S 29th St

CURRENT - October 9, 2021



#PL21-1211
DRAWING
bierawf@yahoocan

6211 S 29th St
PLANNED - Pool Patio Addition





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 **Rogers Board of Adjustment** on **October 28, 2021 at 4:00 p.m.** at Rogers City Hall regarding an application by **Benjamin Crawford** under the provisions of the City of Rogers Code of Ordinances, for a variance to **allow a reduction in the rear setback** in the RSF-5 (Residential Single Family, 5 units per acre) zoning district at **6211 S. 29th Street**, more particularly described as follows:

PARCEL NUMBER:

02-19306-000

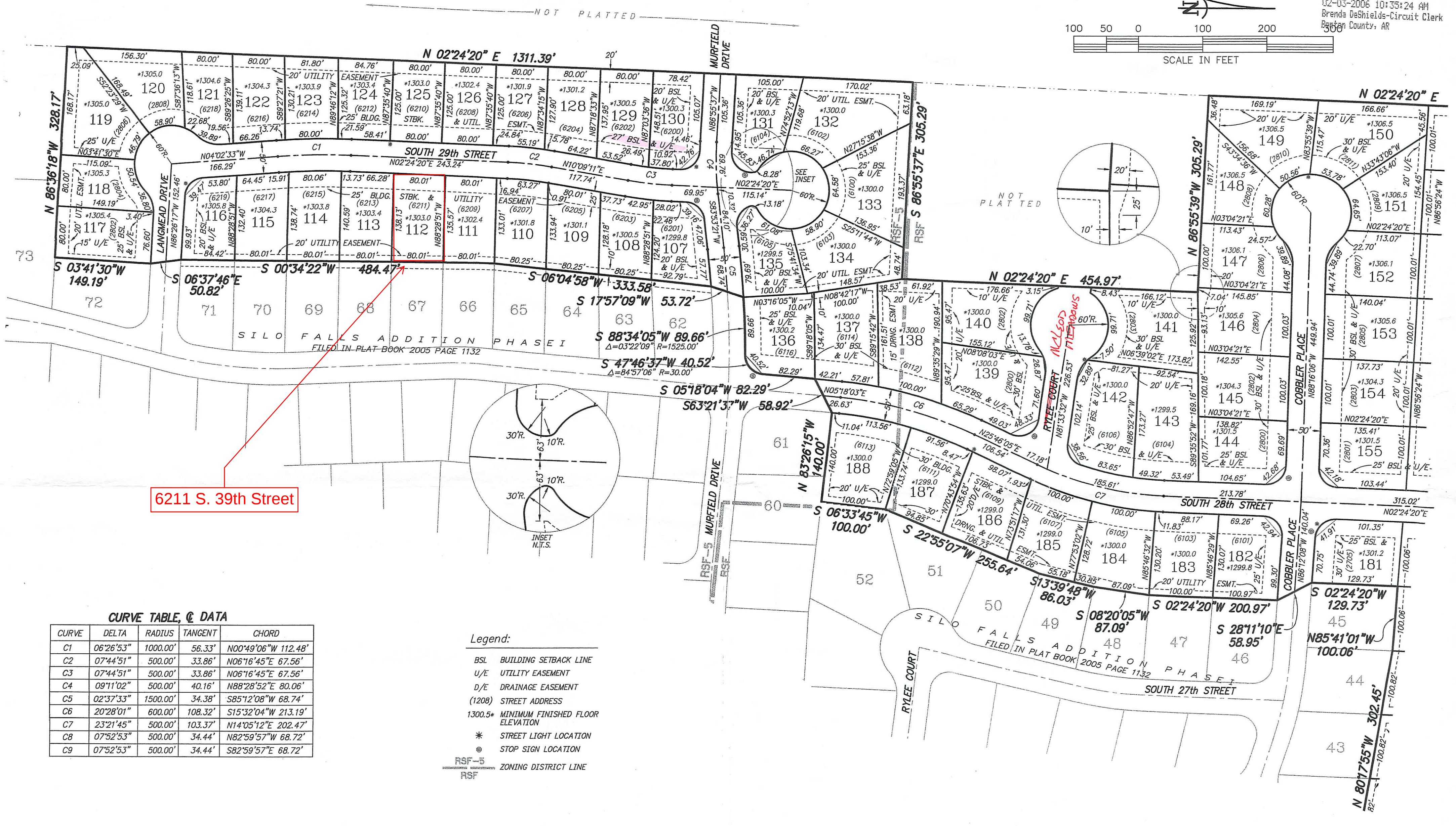
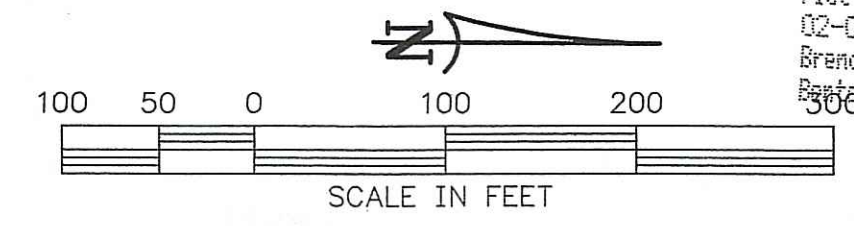
LOCATION:

6211 S. 29th Street

Josh Allen, Secretary
Board of Adjustment

PUBLISH ONE TIME ONLY: **October 17, 2021**
BILL THE CITY OF ROGERS

2006 131
Recorded in the Above
Plat Book & Page
02-03-2006 10:35:24 AM
Brenda DeShields-Circuit Clerk
Benton County, AR



6211 S. 39th Street

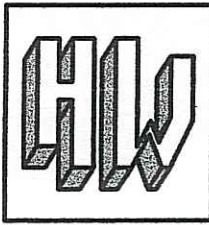
CURVE TABLE, & DATA

CURVE	DELTA	RADIUS	TANGENT	CHORD
C1	06°26'53"	1000.00'	56.33'	N00°49'06"W 112.48'
C2	07°44'51"	500.00'	33.86'	N06°16'45"E 67.56'
C3	07°44'51"	500.00'	33.86'	N06°16'45"E 67.56'
C4	09°11'02"	500.00'	40.16'	N88°28'52"E 80.06'
C5	02°37'33"	1500.00'	34.38'	S85°12'08"W 68.74'
C6	20°28'01"	600.00'	108.32'	S15°32'04"W 213.19'
C7	23°21'45"	500.00'	103.37'	N14°05'12"E 202.47'
C8	07°52'53"	500.00'	34.44'	N82°59'57"W 68.72'
C9	07°52'53"	500.00'	34.44'	S82°59'57"E 68.72'

- Legend:
- BSL BUILDING SETBACK LINE
 - U/E UTILITY EASEMENT
 - D/E DRAINAGE EASEMENT
 - (1208) STREET ADDRESS
 - 1300.5* MINIMUM FINISHED FLOOR ELEVATION
 - * STREET LIGHT LOCATION
 - STOP SIGN LOCATION
 - RSF-5 ZONING DISTRICT LINE
 - RSF

SILO FALLS ADDITION, PHASE II

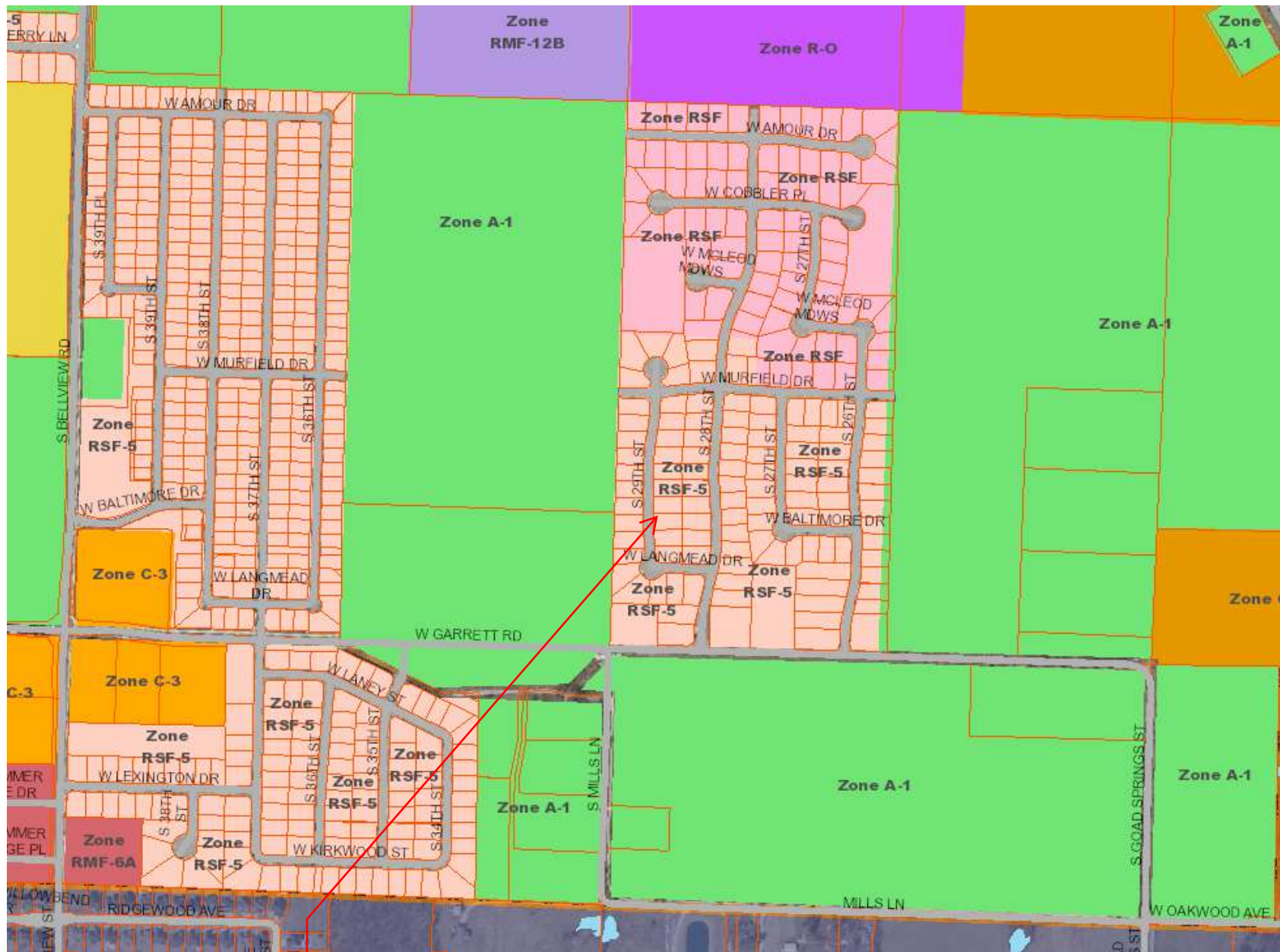
Lots 107 through 188



HAWKINS-WEIR ENGINEERS, INC.
Engineers • Surveyors • Consultants
110 South 7th Street
P.O. Box 648
Van Buren, AR 72957-0648
(479) 474-1227
FAX (479) 474-8531
www.hawkins-weir.com



6211 S. 29th Street



6211 S. 29th Street



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

MEETING DATE
October 28, 2021

TO: BOARD OF ADJUSTMENT
RE: **STAFF SUMMARY REPORT**
VARIANCE – #21-34 Vicki Proffer
PL202101204

STAFF: Lori Ericson, Zoning Administrator

REQUEST DETAILS

ADDRESS/LOCATION:	9 S. Million Hills Circle
SUBDIVISION:	Champions Golf & Country Club
CURRENT ZONING:	RMF-6A (Residential Multifamily)
REPRESENTATIVE/APPLICANT:	Rob Caster for Vicki Proffer
PROPERTY OWNER:	Proffer Family Trust
NATURE OF REQUEST:	Reduce rear setback
AUTHORITY:	Sec. 14-724, Rogers Code of Ordinances

SUMMARY

This request is to allow a reduction in the rear setback and drainage easement for an addition to a pool house.

Community Development recommends denial 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) Reduction of the 20' rear setback and 15' drainage easement to 10" for a pool house.

3. GENERAL FINDINGS:

- a) Rear setbacks in the typical RMF (Residential Multifamily) zoning district are set out in Rogers Sec. 14-703(f)(2)(d), at 30 feet. However, the Champions Golf & Country Club, approved by Rogers City Council Ordinance in 1989, establishes the rear setback at 20 feet, and a drainage and utility easement at 15 feet, for all lots within the subdivision.
- b) The applicant doesn't specifically cite a hardship on the application, but states the reduction is needed to add on to the pool house.
- c) The survey provided does not show the house in relation to the pool house. However, the house is built on a separate adjacent 0.68-acre lot created by a lot split approved earlier this year by Rogers Planning staff.
- d) The lot with the pool house 0.3 acres and has no other development, appearing to have plenty of room for expansion of the pool house on two other sides without encroaching into setbacks or easements. The applicant has presented no hardship for not being able to expand the pool house in a way that meets city code.
- e) City engineering staff had no comment on the possible reduction of the drainage easement by 5 feet.
- f) If approved, a recorded setback/easement reduction survey will be required prior to filing for a building permit.
- g) 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 suitable in areas within the city for attached and detached residential development.

5. PUBLIC INPUT RECEIVED:

To date, staff has not received any comments from the public regarding this request.

6. RECOMMENDATIONS:

- a) Deny 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. Variance application with supplements
2. Public Notice
3. Vicinity maps



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

OFFICE USE ONLY

Permit Fee: \$100 PAID ONLINE (\$100)
Zoning: RMF-6A
App Number: 21-34
CityView Application: PL202101204
Date: 10-11-2021

VARIANCE APPLICATION

APPLICANT: ROB CASTER FOR VICKI PROFFER

ADDRESS: 9 S. MISSION HILLS CIR. SUITE #: _____

GENERAL LOCATION OF PROPERTY: 9 S. MISSION CIR.

PHONE #: 479-268-4464 EMAIL: RCASTERCAL5@GMAIL.COM

PROPERTY OWNER: VICKI PROFFER PHONE #: _____

REQUEST to ALLOW: BUILDING SETBACK REDUCED FROM 20'
TO 10' AND L.I.E. FROM 15' TO 10'

HARDSHIP JUSTIFICATION to VARY FROM CODE: TO ALLOW
ADDITION TO POOL HOUSE

[Signature]
Applicant Signature

10-6-21
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: 10-11-21

PUBLIC HEARING DATE: 10-28-21

BOARD OF ADJUSTMENT DECISION: _____

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 **Rogers Board of Adjustment** on **October 28, 2021 at 4:00 p.m.** at Rogers City Hall regarding an application by **Rob Caster on behalf of Vicki Proffer** under the provisions of the City of Rogers Code of Ordinances, for a variance to **allow a reduction in the rear setback** in the RMF-6A (Residential Multifamily, 6 units per acre) zoning district at **9 Mission Hills Circle**, more particularly described as follows:

PARCEL NUMBER:

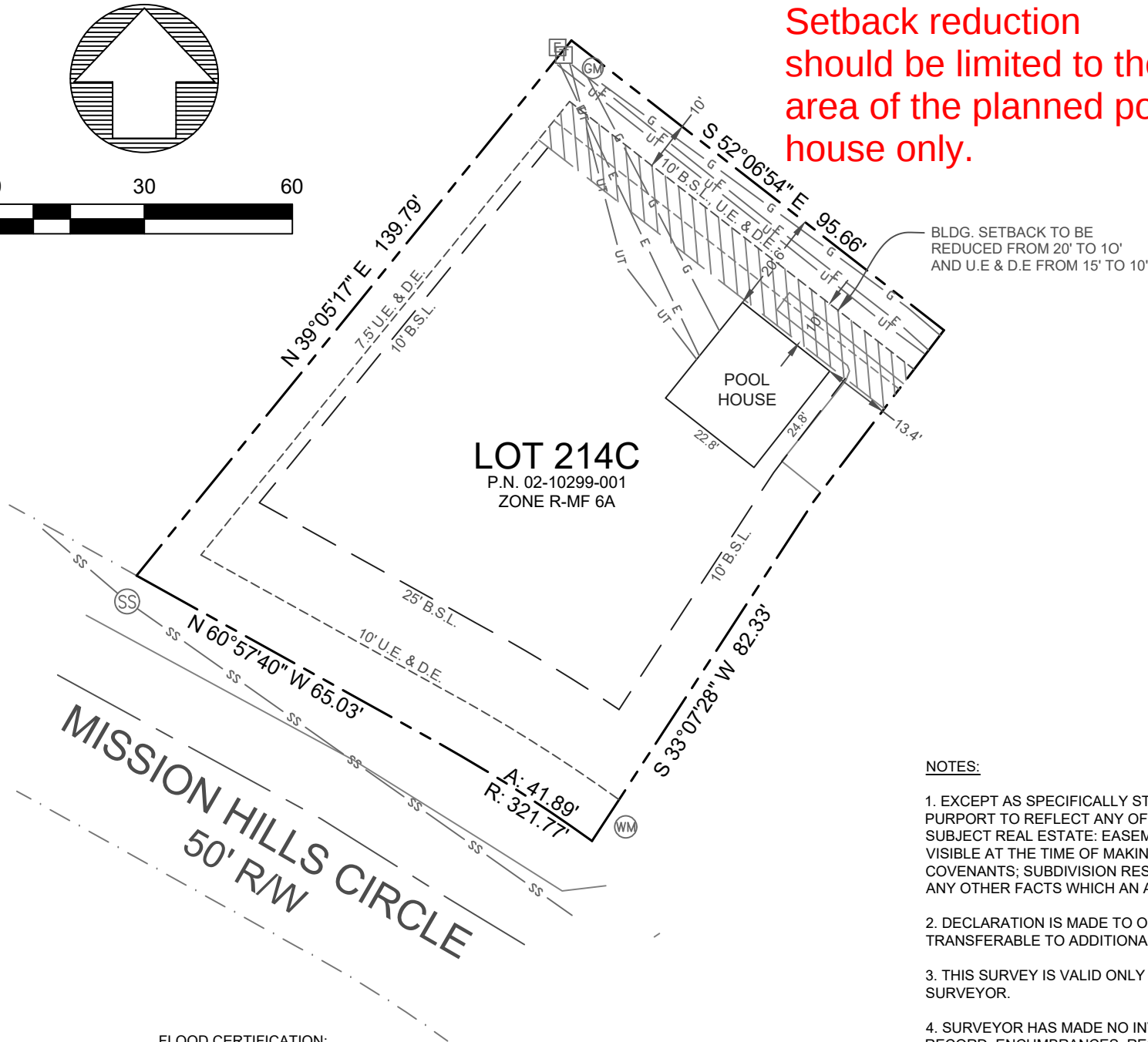
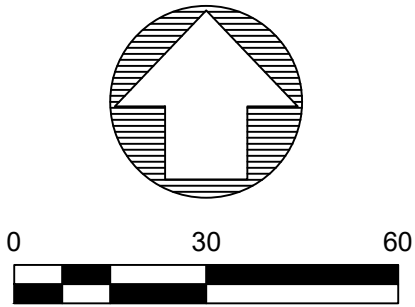
02-10299-000

LOCATION:

9 S. Mission Hills Circle

Josh Allen, Secretary
Board of Adjustment

PUBLISH ONE TIME ONLY: **October 17, 2021**
BILL THE CITY OF ROGERS



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-WAY, EASEMENTS, STREETS, 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-WAY, EASEMENTS, STREETS, AND ALLEYS. THE CITY OF ROGERS IS ALSO GRANTED THE RIGHT AND AUTHORITY TO MAINTAIN, SERVICE, AND IMPROVE SAID RIGHTS-OF-WAY, EASEMENTS, STREETS, AND ALLEYS AND THE IMPROVEMENTS CONTAINED THEREIN. ANY RIGHT OR AUTHORITY GRANTED ABOVE SPECIFICALLY REGARDING MAINTENANCE, SERVICE, OR IMPROVEMENT SHALL BE EXERCISED IN A MANNER CHOSEN AT THE DISCRETION OF THE CITY OF ROGERS. SAID RIGHTS-OF-WAY, EASEMENTS, STREETS, AND ALLEYS SHALL BE FOR THE BENEFIT OF THE CITY OF ROGERS AND ALL OF ITS FRANCHISED UTILITY PROVIDERS. THE CITY OF ROGERS AND ITS FRANCHISED UTILITY PROVIDERS SHALL HAVE THE RIGHT AND AUTHORITY TO CUT, TRIM, OR REMOVE TREES, SHRUBS, AND OTHER VEGETATION WITHIN SAID RIGHTS-OF-WAY, EASEMENTS, STREETS, AND ALLEYS. THE CITY OF ROGERS AND ALL OF ITS FRANCHISED UTILITY PROVIDERS SHALL ALSO HAVE THE RIGHT AND AUTHORITY TO PROHIBIT THE ERECTION OF BUILDING, STRUCTURES, OR FENCES WITHIN SAID RIGHTS-OF-WAY, EASEMENTS, STREETS, AND ALLEYS.

DATE _____ OWNER _____

STATE OF ARKANSAS
COUNTY OF BENTON
SUBSCRIBED AND SWORN BEFORE ME THIS ____ DAY OF _____ 20__.

NOTARY PUBLIC _____

MY COMMISSION EXPIRES _____

NOTES:

- EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS WHICH WERE VISIBLE AT THE TIME OF MAKING OF THIS SURVEY; BUILDING SETBACK LINES; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS; ZONING OR OTHER LAND-USE REGULATIONS, AND ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE COMMITMENT MAY DISCLOSE.
- DECLARATION IS MADE TO ORIGINAL PURCHASER OF THE SURVEY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
- THIS SURVEY IS VALID ONLY IF THE DRAWING INCLUDES THE SEAL AND SIGNATURE OF THE SURVEYOR.
- SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP, TITLE EVIDENCE, OR ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE COMMITMENT MAY DISCLOSE.
- BASIS OF BEARINGS: STATE PLANE NAD 83.

PROPOSED
SETBACK AND
UTILITY REDUCTION
PLAT.

LEGEND

- SS SEWER MANHOLE
- WM WATER METER
- GM GAS METER
- T TELEPHONE RISER
- E ELECTRIC RISER
- PROPERTY LINE
- RIGHT-OF-WAY
- CENTERLINE
- SETBACK
- EASEMENT
- UT UNDGR. TELEPHONE LINE
- E UNDGR. ELECTRIC
- G GAS LINE
- SS SANITARY SEWER LINE

FLOOD CERTIFICATION:

I CERTIFY THAT I HAVE EXAMINED THE OFFICIAL FLOOD INSURANCE HAZARD RATE MAP PANEL NO. 05007C0265K (EFFECTIVE DATE JUNE 5, 2012) AND FOUND IN THE DESCRIBED PROPERTY HEREON LIES IN ZONE "X", AN AREA HAVING NO SPECIAL FLOOD HAZARDS.

EASEMENT RELEASE

AS, THE UNDERSIGNED UTILITY COMPANY NAMED, BY OUR SIGNATURE, WE RELEASE THE UTILITY EASEMENT SHOWN AND DESCRIBED ON THIS PLAT OF SURVEY.

CARROLL ELECTRIC, _____ DATE _____
BLACK HILLS ENERGY ACCEPTANCE _____ DATE _____
COX COMMUNICATIONS, _____ DATE _____
AT&T/SBC _____ DATE _____
ROGERS WATER UTILITIES _____ DATE _____

ROGERS PLANNING DIVISION:

THIS _____ DAY OF _____, 20__.
COMMUNITY DEVELOPMENT DIRECTOR _____
CITY ROGERS, MAYOR _____
CITY ROGERS, CITY CLERK _____

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT I HAVE COMPLETED A SURVEY OF THE ABOVE DESCRIBED PROPERTY. THE PROPERTY LINES AND CORNER MONUMENTS ARE TO THE BEST OF MY KNOWLEDGE AND ABILITY, CORRECTLY ESTABLISHED, AND THERE ARE NO VISIBLE ENCROACHMENTS EXCEPT AS SHOWN ON THIS PLAT. THIS SURVEY MEETS THE CURRENT "MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS", PER THE STATE OF ARKANSAS.

ROBERT J. CASTER, P.L.S. NO. 1370, ARKANSAS _____ DATE _____

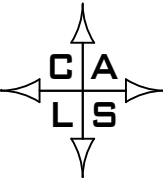
CERTIFICATE OF AUTHORIZATION
COA CERTIFICATE NUMBER: 3049

LEGAL DESCRIPTION:

LOT 214C OF OF CHAMPIONS GOLF & COUNTRY CLUB, AS SHOWN ON PLAT RECORD L202150268 OF THE BENTON COUNTY RECORDS.

CASTER & ASSOCIATES
LAND SURVEYING, INC.

2715 SE "I" Street, Suit 5
Bentonville, AR 72712
(479) 268-4464



SCALE: 1" = 30' DATE: 8-23-21

LOT 214C - CHAMPIONS GOLF
COUNTRY & COUNTRY CLUB
BUILDING SETBACK &
EASEMENT REDUCTION PLAT

S. MISSION HILLS CIRCLE
ROGERS, BENTON COUNTY, AR

JOB #	DRAWN BY:	CHK'D BY:	PAGE
21-042ESBR	ASD	RJC	1 OF 1

DESCRIPTION OF PARENT TRACT (LOT 214B) FROM PLAT 23L PAGE 152:

ALL OF LOT 214A AND 216 OF CHAMPIONS GOLF AND COUNTRY CLUB, A SUBDIVISION TO THE CITY OF ROGERS, BENTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS: BEGINNING AT AN IRON PIN FOUND FOR THE SOUTHWEST CORNER OF LOT 216, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE NORTH 36 DEGREES, 14 MINUTES, 38 SECONDS EAST 140.31 FEET TO A FOUND IRON PIN; THENCE SOUTH 54 DEGREES, 52 MINUTES, 20 SECONDS EAST 285.21 FEET TO A FOUND IRON PIN; THENCE SOUTH 18 DEGREES, 13 MINUTES, 48 SECONDS EAST 79.41 FEET TO A FOUND IRON PIN; THENCE SOUTH 72 DEGREES, 23 MINUTES, 46 SECONDS WEST 143.89 FEET TO A FOUND IRON PIN ON THE NORTHERLY RIGHT-OF-WAY OF MISSION HILLS CIRCLE; THENCE ALONG A CURVE TO THE LEFT WITH A DELTA ANGLE OF 36 DEGREES, 46 MINUTES 57 SECONDS, HAVING A RADIUS OF 321.77 FEET AND A ARC LENGTH OF 206.57 FEET, WITH A CHORD BEARING A DISTANCE OF NORTH 45 DEGREES, 48 MINUTES, 25 SECONDS, WEST 202.86 FEET TO A FOUND IRON PIN; THENCE NORTH 64 DEGREES, 01 MINUTES, 40 SECONDS WEST 65.03 FEET TO THE TRUE POINT OF BEGINNING.

DESCRIPTION OF NEW LOT 214C (0.30 ACRES):

PART OF LOT 214B OF CHAMPIONS GOLF AND COUNTRY CLUB, CITY OF ROGERS, BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 214B; THENCE NORTH 39°05'17" EAST A DISTANCE OF 139.79 FEET; THENCE SOUTH 52°06'54" EAST A DISTANCE OF 95.66 FEET; THENCE SOUTH 37°15'15" WEST A DISTANCE OF 43.50 FEET; THENCE SOUTH 33°07'28" WEST A DISTANCE OF 82.33 FEET TO A POINT ON THE NORTHEASTERLY RIGHT OF WAY OF MISSION HILLS CIRCLE; THENCE ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 321.77 FEET, A CENTRAL ANGLE OF 07°27'33", AN ARC LENGTH OF 41.86 FEET, AND A CHORD BEARING AND DISTANCE OF NORTH 57°53'33" WEST, WITH A CHORD LENGTH OF 41.86 FEET ALONG SAID RIGHT OF WAY; THENCE NORTH 60°57'40" WEST A DISTANCE OF 65.03 FEET ALONG SAID RIGHT OF WAY TO THE POINT OF BEGINNING, WITH AN AREA OF 13163.29 SQUARE FEET, OR 0.302 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT.

DESCRIPTION OF NEW LOT 214D (0.68 ACRES):

PART OF LOT 214B OF CHAMPIONS GOLF AND COUNTRY CLUB, CITY OF ROGERS, BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 214B; THENCE ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 321.77 FEET, A CENTRAL ANGLE OF 29°19'24", AN ARC LENGTH OF 164.68 FEET, AND A CHORD BEARING AND DISTANCE OF NORTH 39°30'04" WEST, WITH A CHORD LENGTH OF 162.89 FEET ALONG THE NORTHWESTERLY RIGHT OF WAY OF MISSION HILLS CIRCLE; THENCE NORTH 33°07'28" EAST A DISTANCE OF 82.33 FEET; THENCE NORTH 37°15'15" EAST A DISTANCE OF 43.50 FEET; THENCE SOUTH 52°06'54" EAST A DISTANCE OF 189.55 FEET; THENCE SOUTH 15°59'00" EAST A DISTANCE OF 79.41 FEET; THENCE SOUTH 75°17'50" WEST A DISTANCE OF 143.89 FEET TO THE POINT OF BEGINNING, WITH AN AREA OF 29816.45 SQUARE FEET, OR 0.684 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT.

LEGEND

●	FOUND IRON PIN
⊙	SET 1/2" IRON PIN W/ CAP
⊕	SEWER MANHOLE
⊖	WATER METER
⊗	GAS METER
⊠	ELECTRIC RISER
⊡	TELEPHONE RISER
---	PROPERTY LINE
- - - -	RIGHT-OF-WAY
---	CENTERLINE
---	EASEMENT
- S - S -	SEWER LINE
- W - W -	WATER LINE

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-WAY, EASEMENTS, STREETS, 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-WAY, EASEMENTS, STREETS, AND ALLEYS. THE CITY OF ROGERS IS ALSO GRANTED THE RIGHT AND AUTHORITY TO MAINTAIN, SERVICE, AND IMPROVE SAID RIGHTS-OF-WAY, EASEMENTS, STREETS, AND ALLEYS AND THE IMPROVEMENTS CONTAINED THEREIN. ANY RIGHT OR AUTHORITY GRANTED ABOVE SPECIFICALLY REGARDING MAINTENANCE, SERVICE, OR IMPROVEMENT SHALL BE EXERCISED IN A MANNER CHOSEN AT THE DISCRETION OF THE CITY OF ROGERS. SAID RIGHTS-OF-WAY, EASEMENTS, STREETS, AND ALLEYS SHALL BE FOR THE BENEFIT OF THE CITY OF ROGERS AND ALL OF ITS FRANCHISED UTILITY PROVIDERS. THE CITY OF ROGERS AND ITS FRANCHISED UTILITY PROVIDERS SHALL HAVE THE RIGHT AND AUTHORITY TO CUT, TRIM, OR REMOVE TREES, SHRUBS, AND OTHER VEGETATION WITHIN SAID RIGHTS-OF-WAY, EASEMENTS, STREETS, AND ALLEYS. THE CITY OF ROGERS AND ALL OF ITS FRANCHISED UTILITY PROVIDERS SHALL ALSO HAVE THE RIGHT AND AUTHORITY TO PROHIBIT THE ERECTION OF BUILDING, STRUCTURES, OR FENCES WITHIN SAID RIGHTS-OF-WAY, EASEMENTS, STREETS, AND ALLEYS.

DATE 6/7/2021

OWNER

Victoria G. Proffer
Victoria G. Proffer

STATE OF ARKANSAS

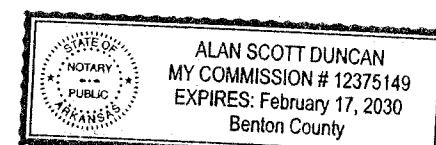
COUNTY OF BENTON

SUBSCRIBED AND SWORN BEFORE ME THIS 17 DAY OF June 2021

NOTARY PUBLIC

MY COMMISSION EXPIRES

2/17/30



COMMUNITY DEVELOPMENT DEPARTMENT

APPROVED AND RECOMMENDED FOR ACCEPTANCE BY THE ROGERS PLANNING DEPARTMENT.

THIS 18 DAY OF June 2021

DIRECTOR

NOTES:

- EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS WHICH WERE VISIBLE AT THE TIME OF MAKING OF THIS SURVEY; BUILDING SETBACK LINES; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS; ZONING OR OTHER LAND-USE REGULATIONS, AND ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE COMMITMENT MAY DISCLOSE.
- BASIS OF BEARINGS: ARKANSAS STATE PLANE COORDINATE SYSTEM, NORTH ZONE.
- DECLARATION IS MADE TO ORIGINAL PURCHASER OF THE SURVEY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
- THIS SURVEY IS VALID ONLY IF THE DRAWING INCLUDES THE SEAL AND SIGNATURE OF THE SURVEYOR.
- BUILDING SETBACKS:**
FRONT: 25 FEET
SIDE: 10 FEET
REAR: 20 FEET
- THE LOCATION AND/OR EXISTENCE OF UTILITY SERVICE LINES TO THE PROPERTY SURVEYED ARE SHOWN HEREON OR UNKNOWN.
- SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP, TITLE EVIDENCE, OR ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE COMMITMENT MAY DISCLOSE.
- NO SEPTIC SYSTEMS PRESENT.

FLOOD CERTIFICATION:

I CERTIFY THAT I HAVE EXAMINED THE OFFICIAL FLOOD INSURANCE HAZARD RATE MAP PANEL NO. 05007C70265K (EFFECTIVE DATE 09/05/2012) AND FOUND IN THE DESCRIBED PROPERTY HEREON LIES IN ZONE "X", AN AREA HAVING NO SPECIAL FLOOD HAZARDS.

OWNERSHIP INFORMATION

RONALD & VICTORIA PROFFER
9 S. MISSION HILLS CIRCLE
ROGERS, AR 72756-1407

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT I HAVE COMPLETED A SURVEY OF THE ABOVE DESCRIBED PROPERTY. THE PROPERTY LINES AND CORNER MONUMENTS ARE TO THE BEST OF MY KNOWLEDGE AND ABILITY, CORRECTLY ESTABLISHED, AND THERE ARE NO VISIBLE ENCROACHMENTS EXCEPT AS SHOWN ON THIS PLAT. THIS SURVEY MEETS THE CURRENT "MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS", PER THE STATE OF ARKANSAS.

ROBERT J. CASTER, P.L.S. NO. 1370, ARKANSAS
DATE 6-17-21

CERTIFICATE OF AUTHORIZATION
COA CERTIFICATE NUMBER: 3049

CITY VIEW #PL202100444

CASTER & ASSOCIATES
LAND SURVEYING, INC.

2715 SE "I" Street, Suite 5
Bentonville, AR 72712
(479) 268-4464

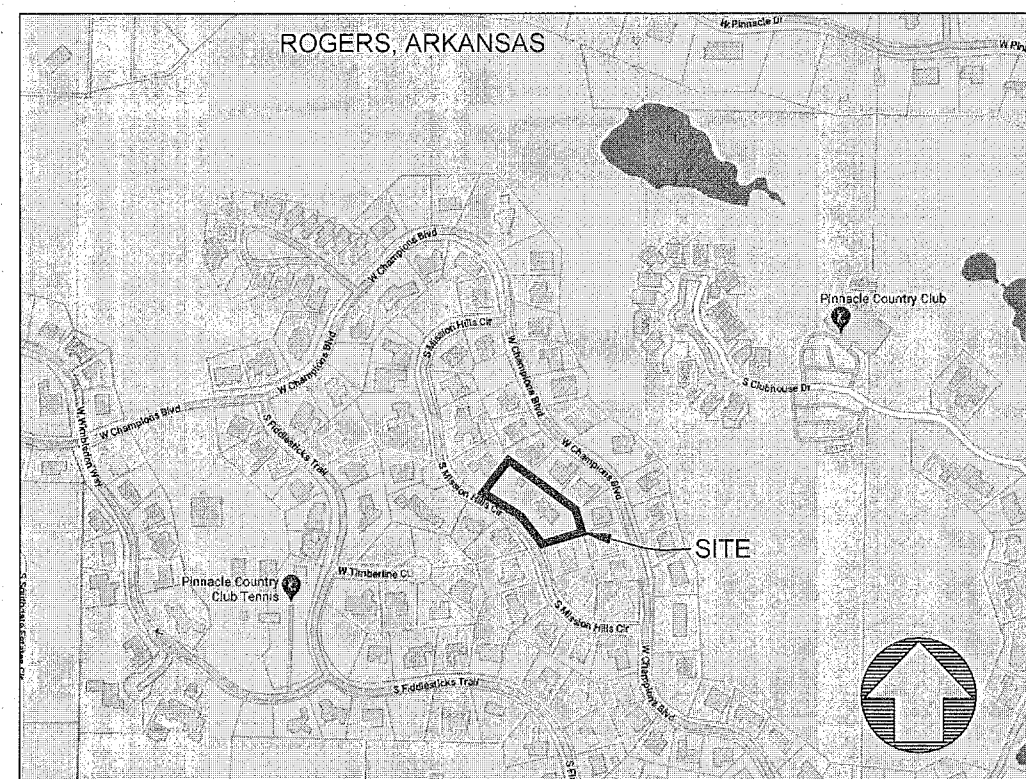
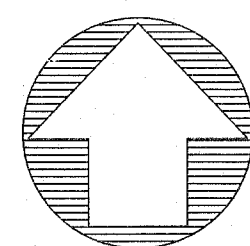
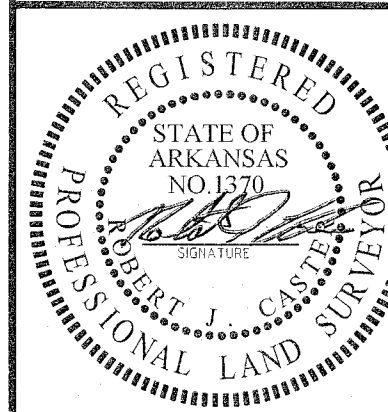
SCALE: 1" = 50'

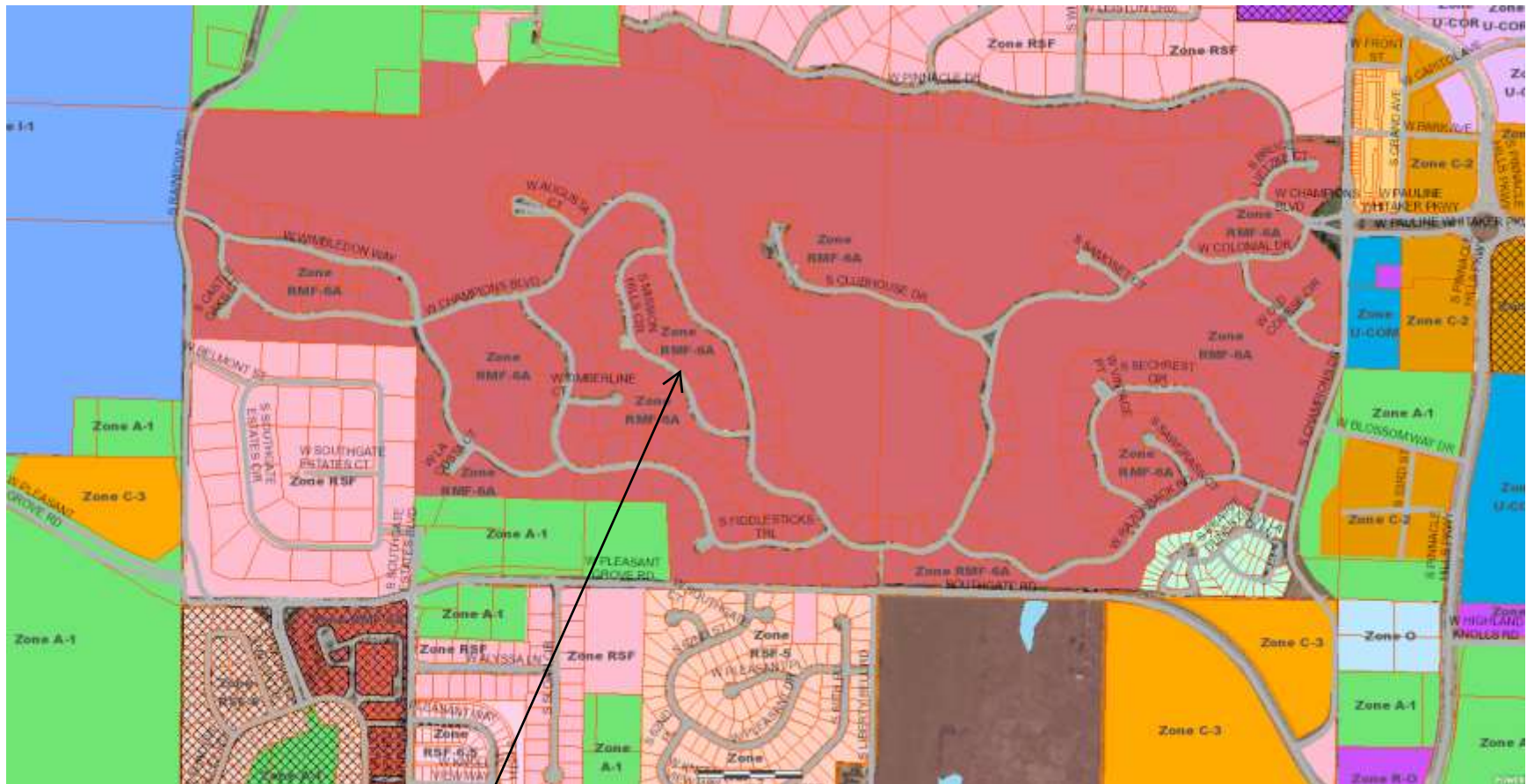
REVISED DATE: 5-12-21

LOT SPLIT OF LOT 214B
TO LOTS 214C & 214D
CHAMPIONS GOLF & COUNTRY CLUB

9 S. MISSION HILLS CIRCLE
CITY OF ROGERS
BENTON COUNTY, ARKANSAS

JOB #	DRAWN BY:	CHKD BY:	PAGE
21-042	ASG/ASD	RJC	1 OF 1

VICINITY MAP
(N.T.S.)



9 S. Mission Hills Circle



9 S. Mission Hills Circle



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

**BOARD OF ADJUSTMENT
MINUTES
September 23, 2021**

MEMBERS PRESENT:

Hunter Fry
Josh Allen
Hannah Cicioni
Aaron Smith
John Schmelzle

STAFF ATTENDING:

John McCurdy, Community Development Director
Lori Ericson, Zoning Administrator

Chairman Hunter Fry called the meeting to order at 4:00 pm. via Zoom.

NEW BUSINESS

- 1. (VAR 21-31) A request by 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.**

Zoning Administrator Lori Ericson presented the staff report, recommending consideration of the request:

- Accessory building height is limited at 16 feet in the R-SF zoning district.
- The garden tower is planned with 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.
- 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.
- 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.

Homeowner David Sadler explained that he'd like the garden tower to be high enough that he can enjoy the skyline above his house. He noted that he spoke with neighbors about the plan and none had any objections.

Board members discussed the height of Sadler's house, and the possibility of reducing the planned height of the tower. Sadler said it could be built shorter but he might not be able to get the full impact he'd hoped for viewing the skyline.

Hannah Cicioni questioned what the Board should consider a hardship.

Schmelzle said he also struggled to see Lori Ericson noted that it's a subjective question that isn't as clear in the case as it is with some setback issues, etc. She said the fact that he can't enjoy the tower the way he hopes could be considered a hardship for Mr. Sadler.

After questioning Sadler about the height of his house, Cicioni agreed that the peak of the house would interfere with the hoped for view, and stated she could get behind approval of the variance with consideration of the house height as hardship,

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

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

APPROVED

ACTION ON MINUTES

Previous minutes: August 12, 2021

Motion by Schmelzle to accept the prepared minutes for the August 12, 2021 meeting of the Board of Adjustment as presented. Second by Smith.

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

APPROVED

OTHER BUSINESS

ADJOURNMENT

Meeting adjourned at 4:17 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: