



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

ROGERS BOARD OF ADJUSTMENT MEETING AGENDA

Date:	November 18, 2021
Location:	Rogers City Hall
	Community Room
Meeting Time:	4:00 PM

CALL TO ORDER

OLD BUSINESS

NEW BUSINESS

1. (VAR 21-35) A request by Jason Cartee to reduce the 15-foot minimum for a city easement at 2808 W. Cobbler Place, in the R-SF (Residential Single Family) zoning district
 - *STAFF: Lori Ericson*
 - *REPRESENTED BY: Jason Cartee*

ACTION ON MINUTES

1. Draft of October 28, 2021 meeting minutes

ADJOURN



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

MEETING DATE
November 18, 2021

TO: BOARD OF ADJUSTMENT
RE: **STAFF SUMMARY REPORT**
VARIANCE – #21-35 Jason Cartee
PL202101278

STAFF: Lori Ericson, Planning Administrator

REQUEST DETAILS

ADDRESS/LOCATION:	2808 W. Cobbler Place
SUBDIVISION:	Silo Falls
CURRENT ZONING:	RSF-5 (Residential Single Family, 5 units per acre)
REPRESENTATIVE/APPLICANT:	Jason Cartee
PROPERTY OWNER:	Jason Cartee
NATURE OF REQUEST:	Reduction of easement
AUTHORITY:	Sec. 14-724, Rogers Code of Ordinances

SUMMARY

This request is to allow a reduction in the minimum 15-foot easement.

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 minimum 15-foot easement to 8 feet.

3. GENERAL FINDINGS:

- a) Easements are required to be a minimum of 15 feet per Rogers Sec. 14-604(b).
- b) The survey provided shows the reduction to 10 feet around the pool, but the written application states 8 feet.
- c) The Final Plat of Silo Falls, Phase 2, recorded 2/3/2006 establishes a rear setback and utility easement at 20 feet for Lot 148.
- d) The setback doesn't have to be reduced because the applicant proposes a pool with no vertical structures.
- e) The exception for pools in a setback does not apply to utility or drainage easements.
- f) Easement reduction/vacation surveys are typically approved by city staff, with final approval by each utility company as they sign off on the approved survey. In this case, the variance is to allow an easement of less than 15 feet as required by city code. Utility companies will also have to sign off on the survey approving this variance.
- g) Engineering staff had no comment on the reduction of the easement.
- h) If approved, staff recommends the approval be for 10 feet as shown as on the survey provided.
- i) If approved, a recorded setback/easement reduction survey will be required prior to filing for a building permit.
- j) 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

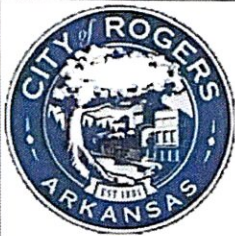
Community Development

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 PD (\$100)
Zoning: RSE
App Number: 21-35
CityView Application: R202101278
Date: 10-26-21

VARIANCE APPLICATION

APPLICANT: Jason Cartee

ADDRESS: 2808 West Cobbler Place, Rogers, AR 72758 SUITE #: NA

GENERAL LOCATION OF PROPERTY: Silo Falls Neighborhood

PHONE #: 205-910-7385 EMAIL: Jason.Cartee@walmart.com

PROPERTY OWNER: Jason Cartee PHONE #: 205-910-7385

REQUEST to ALLOW: Building setback and utility easement reduction to allow for building a pool in backyard.

HARDSHIP JUSTIFICATION to VARY FROM CODE: We would like to reduce the current easement around just the pool area to 8'. The property south is the original land owner and the property is not part of the neighborhood; thus there is no easement and we aren't able to meet the required 15' total easement.

Jason Cartee 10-26-21
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:

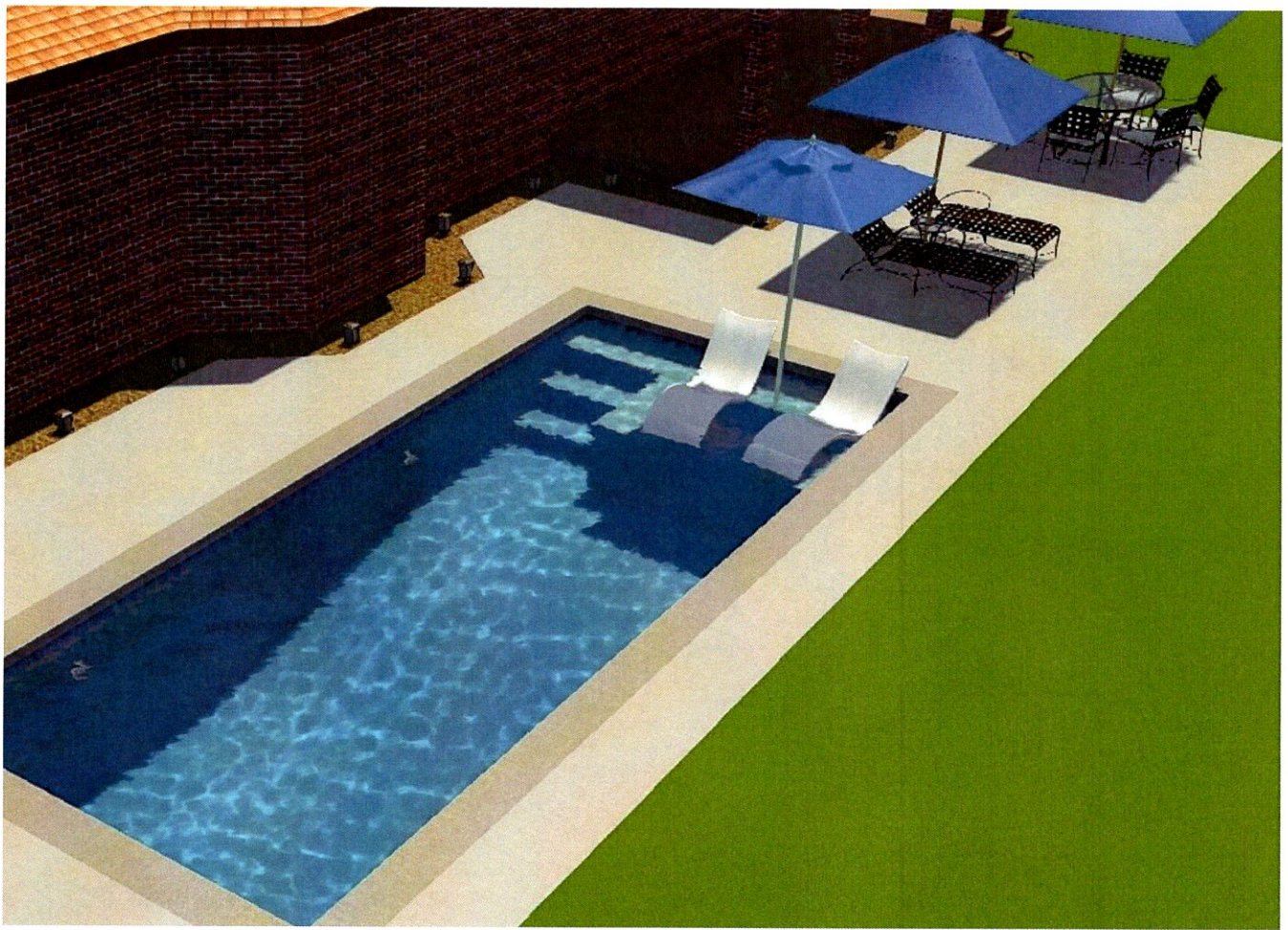
DATE FILED: 10-26-2021

PUBLIC HEARING DATE: 11-18-2021

BOARD OF ADJUSTMENT DECISION: _____

SECRETARY, BOARD OF ADJUSTMENT

DATE



Please include
CityView Project
PL202101278

BUILDING SETBACK & UTILITY EASEMENT REDUCTION SURVEY

LAST SITE VISIT:
MARCH 27, 2020

BASIS OF BEARING:
FINAL PLAT OF SILO FALLS ADDITION, PHASE 2,
FILED IN BOOK 2006 AT PAGE 130

REFERENCE DOCUMENTS:
1) FINAL PLAT OF SILO FALLS ADDITION, PHASE 2,
FILED IN BOOK 2006 AT PAGE 130

2) WARRANTY DEED FILED IN
BOOK L2019 AT PAGE 45335

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	TANGENT
C1	60.00'	63.15'	60.28'	S 81°24'31" E	60°18'17"	34.85'
C2	60.00'	51.97'	50.36'	S 26°40'48" E	49°37'54"	27.74'

ADJACENT LAND OWNERS

1) MCLEOD, REX EASLEY JR L/E MCLEOD,
CODY C
2805 W MCLEOD MDWS
ROGERS AR 72758
PARCEL #02-14364-000
ZONED: RSF

2) BROTHERS, WILLIAM J & RUTH ANN
CO-TRUSTEES
2810 W COBBLER PL
ROGERS AR 72758
PARCEL #02-19343-000
ZONED: RSF

3) MOORE, RACHELLE A & DEMARCO
2811 W COBBLER PL
ROGERS AR 72758
PARCEL #000-00000-000
ZONED: RSF

4) LOCKRIDGE, GUY D JR & KRISTEN N
2809 W COBBLER PL
ROGERS AR 72758
PARCEL #02-19345-000
ZONED: RSF

5) FOSSETT, RYAN & JENNIFER
2807 W COBBLER PL
ROGERS AR 72758-4569
PARCEL #02-19346-000
ZONED: RSF

6) PARASCO, JASON ALEXANDER &
STEPHANIE LYNN
2806 W COBBLER PL
ROGERS AR 72758-4569
PARCEL #000-00000-000
ZONED: RSF

ACCEPTANCE:
APPROVED AND RECOMMENDED FOR ACCEPTANCE BY THE COMMUNITY DEVELOPMENT
DEPARTMENT OF ROGERS, ARKANSAS, THIS ____ DAY OF ____, 2021.

DIRECTOR OF COMMUNITY DEVELOPMENT

BOARD OF ADJUSTMENT SIGNATURE:

BOARD OF ADJUSTMENT SECRETARY DATE

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 03°09'44" E	8.00'
L2	N 87°00'43" W	154.95'
L3	N 43°33'08" E	15.80'
L4	S 87°00'43" E	58.99'
L5	S 03°18'44" W	9.92'
L6	S 87°56'29" E	29.76'
L7	N 03°18'10" E	9.44'
L8	S 87°00'43" E	29.75'
L9	S 87°00'43" E	55.97'
L10	S 03°09'44" W	12.00'

PROPOSED GAS LINE
PROPOSED CARROLL
ELECTRIC LINE

5/8" FIP IS UNDER THE
EXISTING FENCE

EXIST. 20' B.S.B.
& U.E. (2006-130)

PROPOSED AT&T & COX
COMMUNICATIONS LINES

TOTAL AREA OF
B.S.B. & U.E.
288.03 SQ. FT.
REDUCTION
(STRIPED HATCH)

EXISTING WARRANTY DEED DESCRIPTION (B. L2019, P. 45335):

LOT 148, SILO FALLS ADDITION, PHASE 2, ROGERS, BENTON COUNTY, ARKANSAS, AS
SHOWN ON PLAT BOOK 2006 AT PAGES 130, 131, AND 132. SUBJECT TO ALL EASEMENTS,
RIGHTS-OF-WAY AND PROTECTIVE COVENANTS OF RECORD, IF ANY.

AREA OF PROPOSED BUILDING SETBACK & UTILITY EASEMENT REDUCTION (STRIPED HATCH):

A PART OF LOT 148, SILO FALLS ADDITION, PHASE 2, ROGERS, BENTON COUNTY,
ARKANSAS, AS SHOWN ON PLAT BOOK 2006 AT PAGES 130, 131, AND 132, BEING MORE
PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS
N03°09'44"E 20.00' AND N87°00'43"W 55.97' FROM THE SOUTHEAST CORNER OF SAID LOT 148
AND RUNNING THENCE S03°18'10"W 9.44', THENCE N87°56'29"W 29.76', THENCE N03°18'44"E
9.92', THENCE S87°00'43"E 29.75' TO THE POINT OF BEGINNING, CONTAINING 288.03 SQUARE
FEET.

FLOOD CERTIFICATION:

NO PORTION OF THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE "A" OR "AE" AS
DETERMINED BY THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD
INSURANCE RATE MAP FOR BENTON COUNTY, ARKANSAS.
(FIRM PANEL #05007C0270K. DATED 06/05/2012)

NOTES:

- 1) THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF
ABOVE GROUND APPURTENANCES. ALL UTILITY LINES APPEARING ON THIS PLAT, AS
WELL AS THOSE THAT MAY EXIST UNDERGROUND, NEED TO BE VERIFIED PRIOR TO DOING
ANY TYPE OF EXCAVATION OR DESIGN. SOME UTILITY LINES MAY ALSO EXIST THAT
WERE NOT SHOWN ON THIS PLAT.
- 2) ANY DAMAGE OR RELOCATION OF ANY EXISTING UTILITY FACILITIES DUE TO THIS
EASEMENT REDUCTION WILL BE AT APPLICANTS EXPENSE.
- 3) PROPOSED IMPROVEMENTS ARE NOT A PART OF THE APPROVAL FOR THIS BUILDING
SETBACK AND EASEMENT REDUCTION.

PROPERTY ZONED:
RSF

BUILDING SETBACKS:

PER FINAL PLAT:
FRONT 30ft
SIDE NONE SHOWN
REAR 20ft

PER ZONING (SHOWN):

FRONT 30ft OR AS REQUIRED BY AMENITY AGREEMENT*
SIDE 10ft OR AS REQUIRED BY AMENITY AGREEMENT**
SIDE (EXTERIOR) 30ft OR AS REQUIRED BY AMENITY AGREEMENT*
REAR 20ft OR AS REQUIRED BY AMENITY AGREEMENT*

*IF THE DENSITY IS FIVE OR GREATER, THE FRONT SETBACK
WILL BE REDUCED TO 25ft.

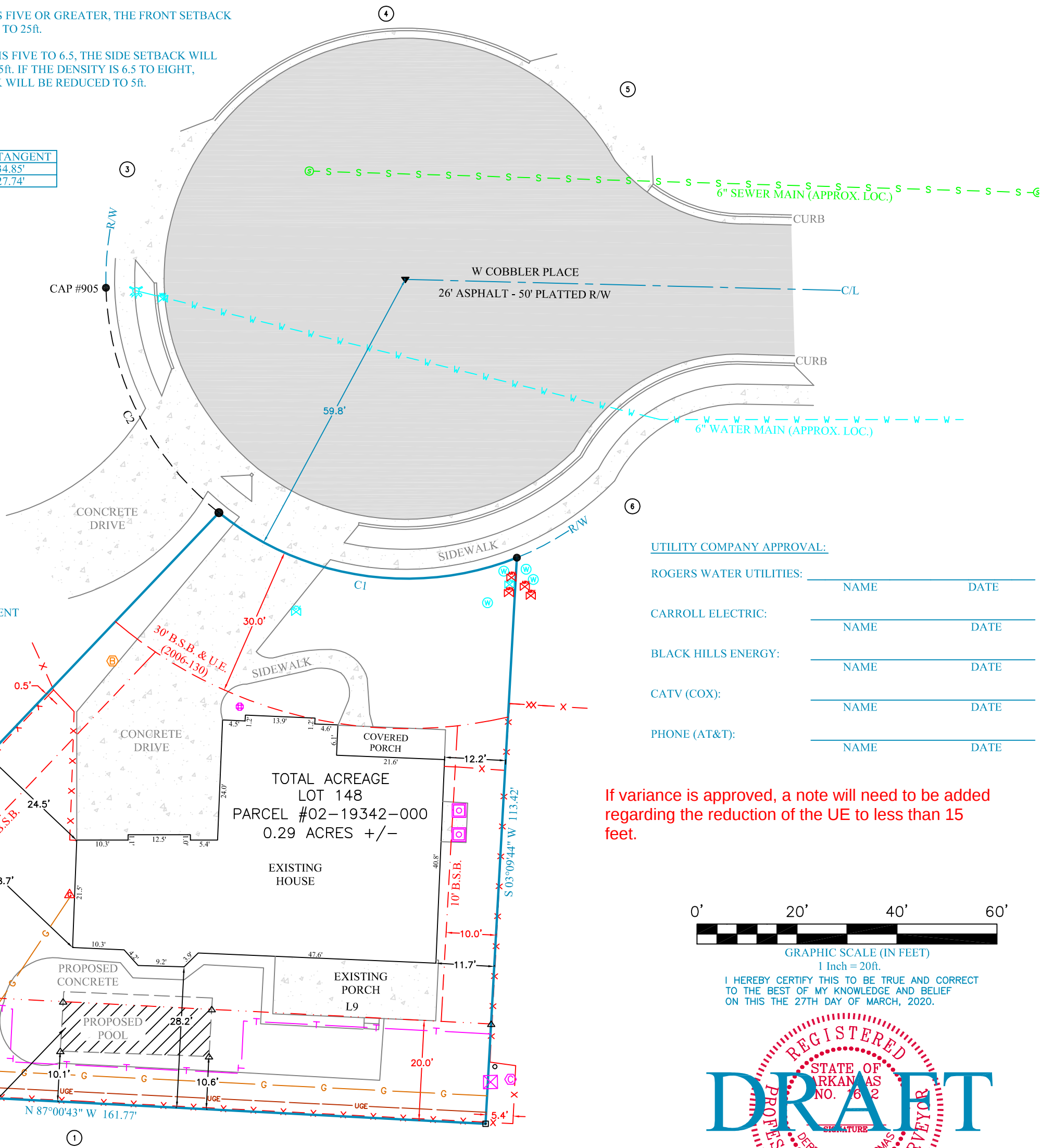
**IF THE DENSITY IS FIVE TO 6.5, THE SIDE SETBACK WILL
BE REDUCED TO 7.5ft. IF THE DENSITY IS 6.5 TO EIGHT,
THE SIDE SETBACK WILL BE REDUCED TO 5ft.

CERTIFICATE OF SURVEYING ACCURACY:

I, DERRICK THOMAS, HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A BOUNDARY SURVEY MADE
BY ME AND BOUNDARY MARKERS AND LOT CORNERS SHOWN HEREON ACTUALLY EXIST AND THEIR LOCATION,
TYPE AND MATERIAL ARE CORRECTLY SHOWN AND ALL MINIMUM REQUIREMENTS OF THE ARKANSAS
MINIMUM STANDARDS FOR LAND SURVEYORS HAVE BEEN MET.

DATE OF EXECUTION: _____

SIGNED: _____
REGISTERED LAND SURVEYOR NO. 1642 - STATE OF ARKANSAS



UTILITY COMPANY APPROVAL:

ROGERS WATER UTILITIES: _____ NAME _____ DATE _____
CARROLL ELECTRIC: _____ NAME _____ DATE _____
BLACK HILLS ENERGY: _____ NAME _____ DATE _____
CATV (COX): _____ NAME _____ DATE _____
PHONE (AT&T): _____ NAME _____ DATE _____

If variance is approved, a note will need to be added
regarding the reduction of the UE to less than 15
feet.

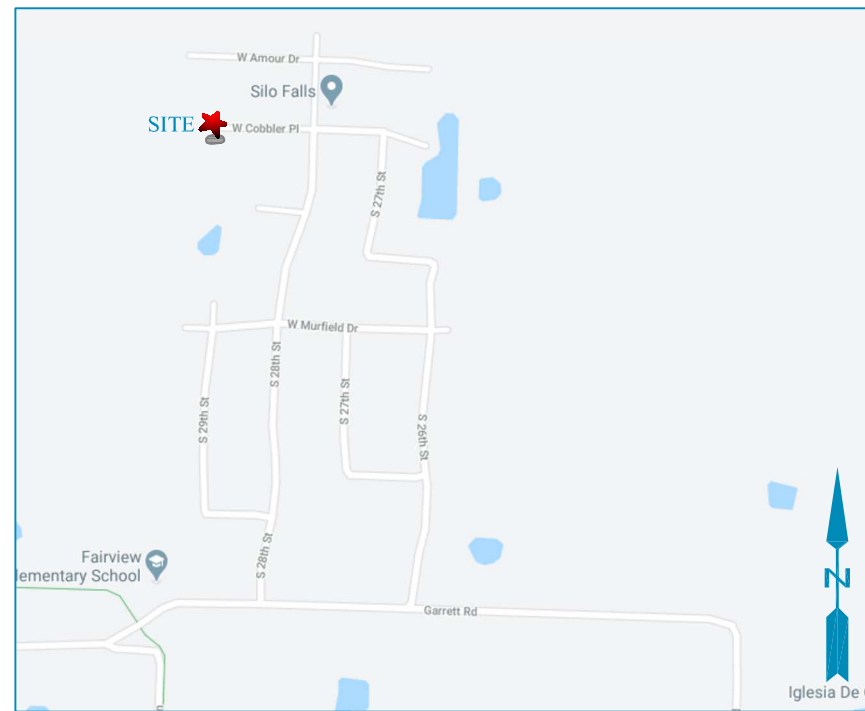


I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT
TO THE BEST OF MY KNOWLEDGE AND BELIEF
ON THIS THE 27TH DAY OF MARCH, 2020.

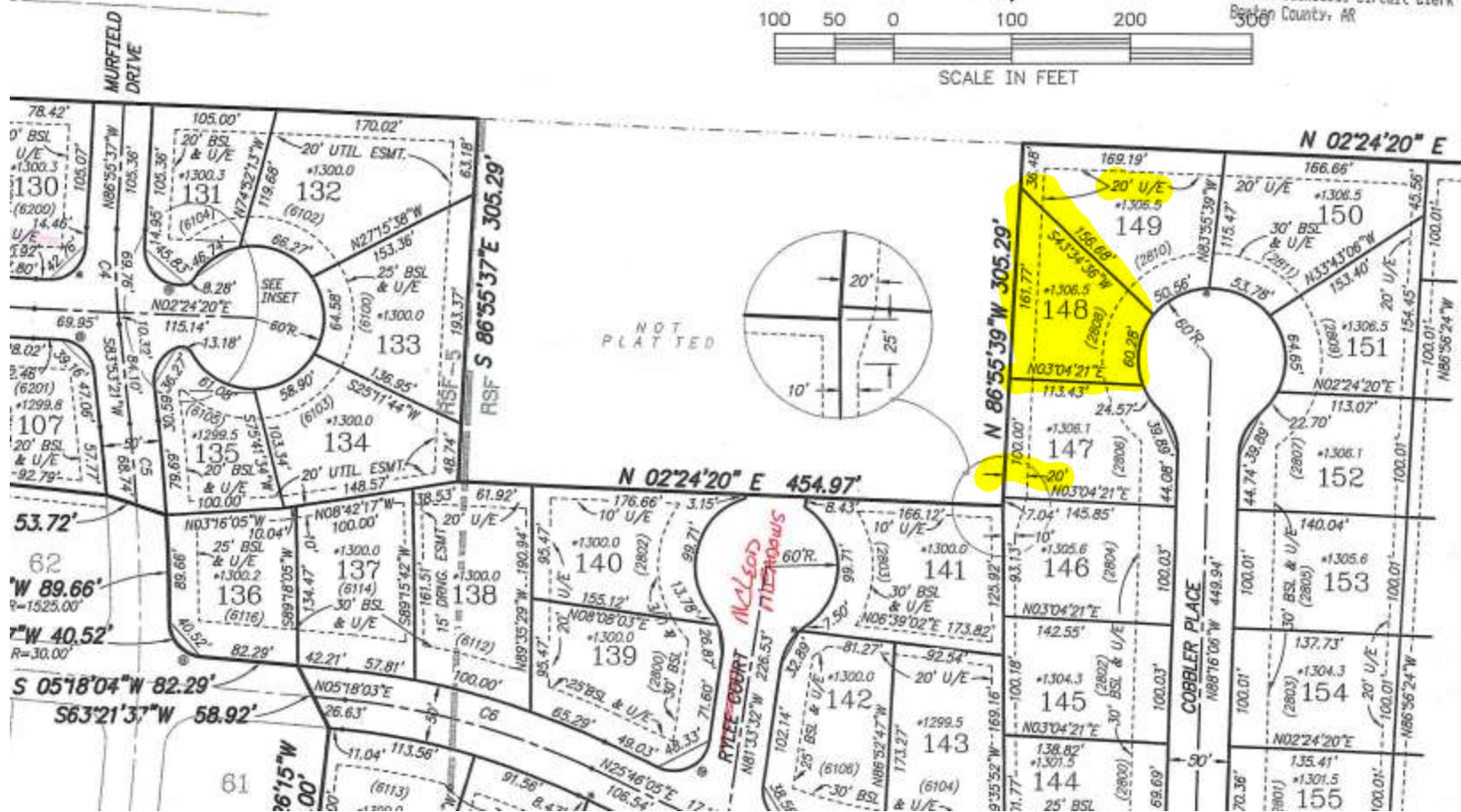
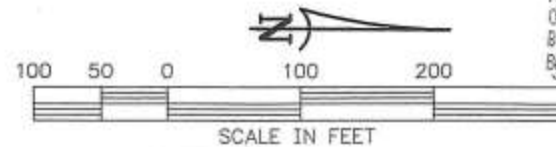


IF THE SIGNATURE ON THIS SEAL IS NOT AN
ORIGINAL AND NOT BLUE IN COLOR
THEN IT SHOULD BE ASSUMED THAT THIS PLAT MAY
HAVE BEEN ALTERED. THE ABOVE CERTIFICATION
SHALL NOT APPLY TO ANY COPY THAT DOES NOT
BEAR AN ORIGINAL SEAL AND SIGNATURE.

VICINITY MAP



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





DEPT. OF COMMUNITY DEVELOPMENT
PLANNING DIVISION
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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 **November 18, 2021 at 4:00 p.m.** at Rogers City Hall regarding an application by **Jason Cartee** under the provisions of the City of Rogers Code of Ordinances, for a variance to allow a **reduction in the 15-foot minimum for a city easement** at **2808 W. Cobbler Place**, in the R-SF (Residential Single Family) zoning district more particularly described as follows:

PARCEL NUMBER:

02-19342-000

LOCATION:

2808 W. Cobbler Place, Silo Falls, Phase II

Josh Allen, Secretary
Board of Adjustment

PUBLISH ONE TIME ONLY: **November 7, 2021**
BILL THE CITY OF ROGERS



2808 W. Cobbler Place





DEPT. OF COMMUNITY DEVELOPMENT
PLANNING DIVISION
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**BOARD OF ADJUSTMENT
MINUTES
October 28, 2021**

MEMBERS PRESENT:

Hunter Fry
Josh Allen
Hannah Cicioni
Aaron Smith
John Schmelzle
Elizabeth Cisneros

STAFF ATTENDING:

John McCurdy, Community Development Director
Lori Ericson, Zoning Administrator

Chairman Hunter Fry called the meeting to order at 4:00 pm in the Community Room at Rogers City Hall.

Roll call was taken – members attending as noted above.

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.

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

- 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.
- 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.
- 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.
- 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.
- Staff would also note the existing signage has been on the building without complaint for

a number of years.

Attorney Bill Watkins represented the request. He said the hardship is that that side of the building looks like it should be street frontage and has been treated as street frontage in regard to previous signage.

Cicioni noted she agreed and favored the variance.

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

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

APPROVED

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.

Zoning Administrator Lori Ericson presented the staff report, recommending consideration 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 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.
- The applicant doesn't specifically list a hardship on the application, but states the reduction is needed to build the 20' x 12' structure.
- The structure is planned at 12 feet from the home, per the site plan provided.
- 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.

Benjamin Crawford, property owner, explained the need to reduce the setback to allow for the pool house and responded to questions from the Board. He explained the site plan and noted that he has presented the plans to the POA with no concern over the placement in the yard. The location of the pool equipment also limits the pool house site.

Motion by Cisneros to APPROVE the variance. Second by Allen.

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

APPROVED

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.

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

- 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.
- The applicant doesn't specifically cite a hardship on the application, but states the reduction is needed to add on to the pool house.
- 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.
- 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.
- City engineering staff had no comment on the possible reduction of the drainage easement by 5 feet.

Surveyor Rob Caster said he had no explanation for why the pool house couldn't be expanded on another side that would not infringe on the setback other than property owner preference.

Motion by Allen to DENY the variance. Second by Cicioni.

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

DENIED

ACTION ON MINUTES

Previous minutes: September 23, 2021

Motion by Smith to accept the prepared minutes for the September 23, 2021 meeting of the Board of Adjustment as presented. Second by Cisneros.

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

APPROVED

OTHER BUSINESS

ADJOURNMENT

Meeting adjourned at 4:15 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: