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

BOARD OF ADJUSTMENT MEETING AGENDA
SEPTEMBER 6, 2022
4:00 PM
DATE: SEPTEMBER 6, 2022
LOCATION: CITY HALL, 301 W. CHESTNUT STREET
REGULAR SESSION: 4:00 PM
ONLINE VIEWING: HTTPS://US02WEB.ZOOM.US/J/86172895437

AGENDA

CALL TO ORDER:

ROLL CALL:

NEW BUSINESS:

1. (VAR 22-27) A request by Brittany Tole to allow a reduction of the rear setback/utility easement at 23 W. Fiddlesticks Trail in the RMF-6A (Residential Multifamily, 6 units per acre) zoning district.

    - *STAFF: Christina Moore*
    - *REPRESENTED BY: Brittany Tole*

2. (VAR 22-28) A request by Ty and Serenity Hampton to allow a reduction of the interior side setback at 9 W. Wembly Drive in the R-SF (Residential Single Family) zoning district.

    - *STAFF: Zachery Birdsong*
    - *REPRESENTED BY: Ty and Serenity Hampton*

3. (VAR 22-29) A request by Jason Dye to allow an increase in height for an accessory structure at 21.6 feet in the R-SF (Residential Single Family) zoning district.

    - *STAFF: Karen Perez*
    - *REPRESENTED BY: Jason Dye*

4. (VAR 22- 31) A request by Robert Caster on behalf of Marcy Chavez to allow a variance from the minimum lot depth in the R-DP (Residential Duplex Patio) zoning district.
    - *STAFF: Nick Little*
    - *REPRESENTED BY: Robert Caster*

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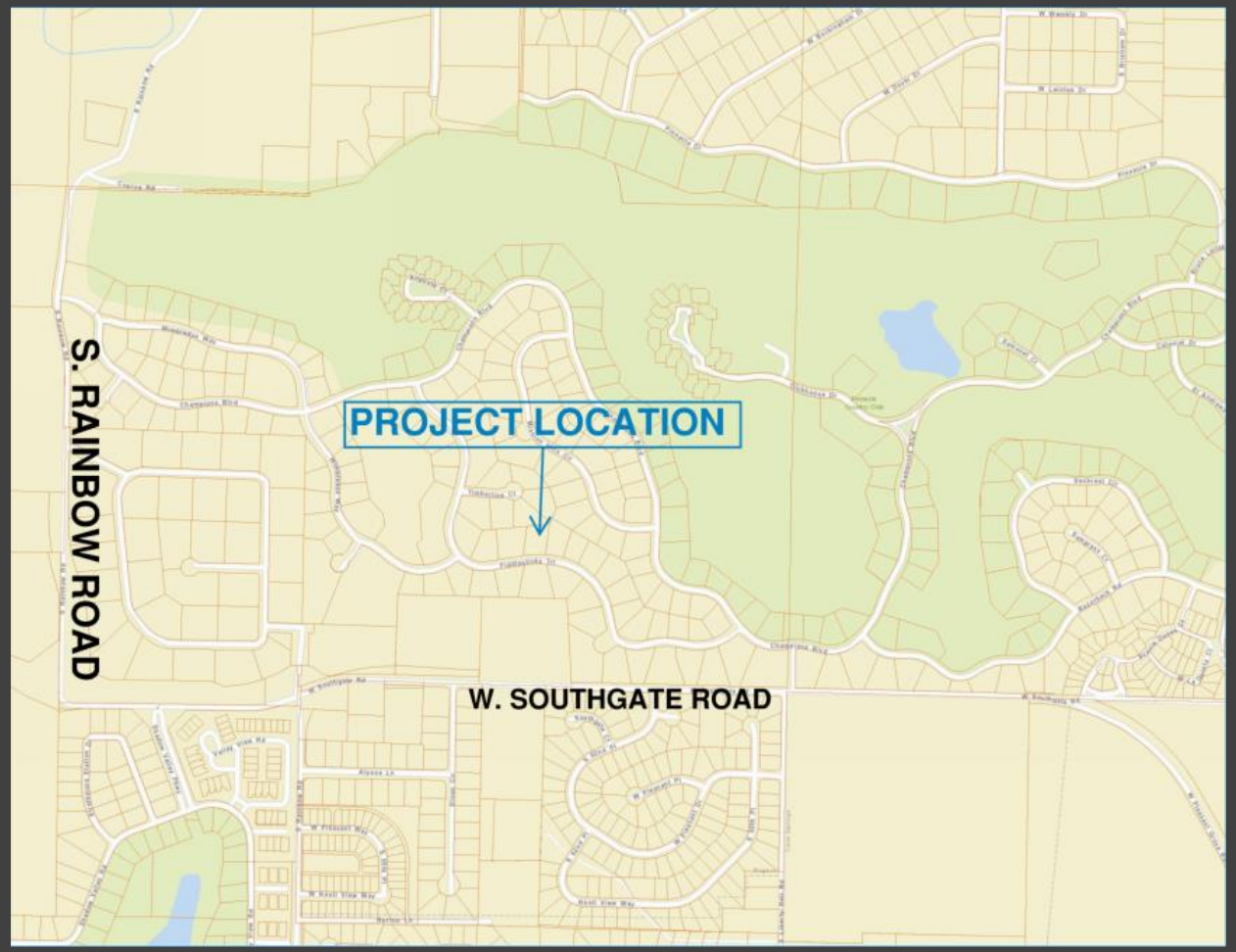
5. (VAR 22-32) A request by JC Construction, LLC to allow a reduction of the side and rear setback in the I-1 (Light Industrial) zoning district.

    - *STAFF: Zachery Birdsong*
    - *REPRESENTED BY: JC Construction, LLC*

ACTION ON MINUTES:

ADJOURN:

Variance: Tole



Vicinity Map

Summary

Representative

Brittany Tole

Location

23 S Fiddlesticks Trail

Parcel 02-10259-000

Nature of Request

Reduction of Rear Setback

Zoning

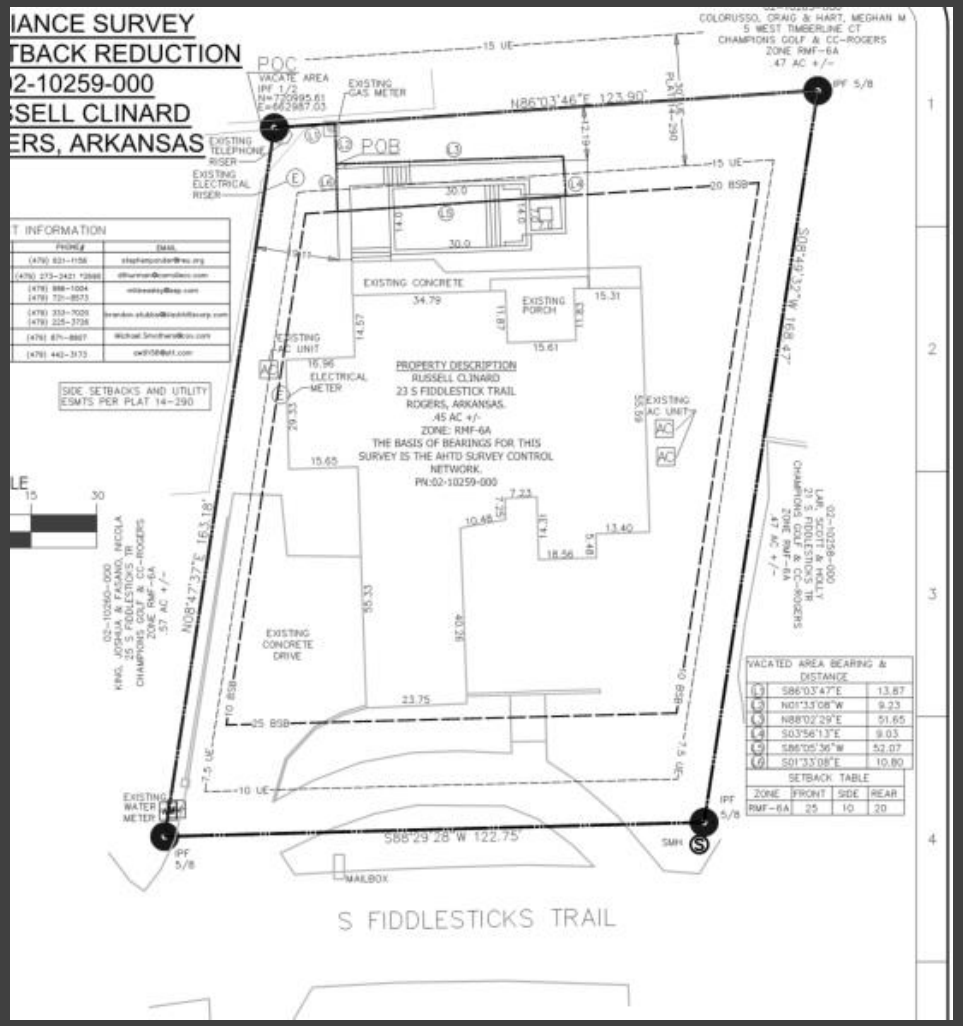
RMF-6A (Residential Multifamily District – 6 units per acre)

Current Use

Residential

Staff: Christina Moore, Planner I (cmoore@rogersar.gov)

Variance: Tole



Plans

Summary Continued:

- **Subject Request**
  - The applicant is requesting a variance to reduce the rear setback from 20 feet to 9.23 feet for the installation of a pool.
  - The property abutting to the north has a 15 foot utility easement.

Variance: Tole

Zoning Map

Summary Continued:

- **Subject Request**
  - Rear setbacks are set out in Rogers Sec. 14-703(f)(2)(d), at 30 feet for the R-MF zoning district.
  - The Final Plat of Pinnacle Golf and Country Club, rear yard setback at 20 feet and the rear utility easement at 15 feet for lots within the subdivision.

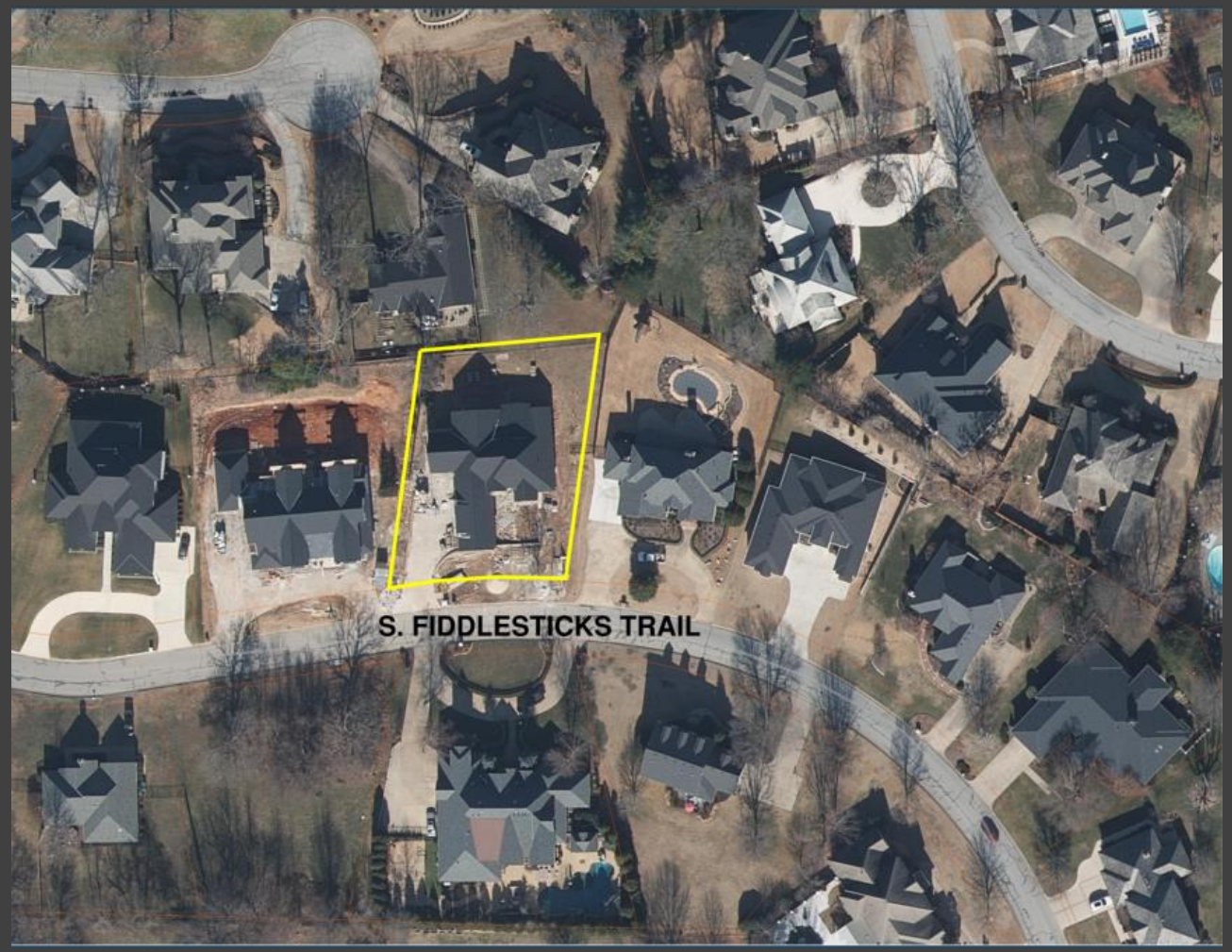
Variance: Tole

Summary Continued

- The dimensions of the proposed pool could be scaled differently to avoid a setback/easement reduction.
- If approved, a recorded setback reduction survey will be required prior to filing for a building permit. A reduction of the 15-foot utility easement would need approval from franchise utilities.
- Staff has not identified any circumstances unique to the individual property where strict enforcement of the zoning ordinance would cause undue hardship.

Comprehensive Growth Map

Variance: Tole



Aerial Image

STAFF RECOMMENDATION:

Consider the requested rear setback reduction for the proposed pool.

Variance: Tole

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 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.

Zoning:

a) R-MF (Residential Multifamily): The purpose and intent of this district is "attached and detached residential development. The zoning shall be designated as R-MF followed by the specific density per acre in increments of one-half units per acre. The letter "A" or "B" will follow unit density to designate rental or individual ownership with "A" being individual ownership and "B" being rental. The district is intended for areas that have access for vehicular traffic from collector or higher classification streets without traversing minor streets in adjoining residential neighborhoods. New single-family dwellings are not permitted to ensure that vacant land set aside for multifamily development is not preempted by less intense development. The zero-lot-line concept, which permits construction with no side yard setback on one side, may be used within such districts. Horizontal property regimes shall be permitted in this district. This zoning district replaces the former R-3 and all former RMF zoning districts." (Sec. 14-703(a)).

Public Input Received:

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

OFFICE USE ONLY

Permit Fee: $100.00 ($100)
Zoning: RMF-6A
App Number: 22-27
CityView Application: PL202200624
Date: 7/25/22

VARIANCE APPLICATION

APPLICANT: Brittany Tole

ADDRESS: Po Box 8 Cave Springs AR SUITE #: —

GENERAL LOCATION OF PROPERTY: 23 S Fiddle Sticks Trail

PHONE #: 972-822-1235 EMAIL: brittanytole@bellconsolutions.com

PROPERTY OWNER: Russell & Jodie Clinard PHONE #:

REQUEST to ALLOW: pool installation - the South wall will be out 3' attached to the outdoor kitchen

HARDSHIP JUSTIFICATION to VARY FROM CODE: Homeowner has obtained approval from POA

reduce by 10.77' BSB/HE

Applicant Signature Date 7/10/22

Attachment Checklist:

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

PLANNING STAFF PROVIDES:

DATE FILED: 7/25/22 PUBLIC HEARING DATE: 8/11/22

BOARD OF ADJUSTMENT DECISION:

SECRETARY, BOARD OF ADJUSTMENT DATE

VARIANCE SURVEY
FOR SETBACK REDUCTION
02-10259-000
RUSSELL CLINARD
ROGERS, ARKANSAS

CERTIFICATE OF DEDICATION.
WE, THE UNDERSIGNED OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HERIN, DO HEREBY ACKNOWLEDGE THAT WE HAVE THE LEGAL RIGHT AND AUTHORITY TO MAKE THE PROPERTY INTEREST GRANTS CANTAINED 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 SIAD RIGHTS-OF-WAY, EASEMENTS, STREETS, ALLEYS AND THE IMPROVEMENTS CONTAINED HEREIN. ANY TIGHT OR AUTHORITY GRANTED ABOVE SPECIFICALLY REGARDING MAINTENANCE, SERVICE OR IMPROVEMENT SHALL BE EXERCISED IN A MANNER CHOSEN AT THE DESCRETION OF THE CITY OF ROGERS. SAID RIGHTS-OF-WAY, EASEMENTS, STREETS AND ALLEYS SHALL BE FOR THE BENEFIT OF THE CITY OF TRGERS 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 ANDALLEYS. THE CITY OF ROGERS AND ALL OF ITS FRANCHISED UTILITY PROVIDERS SHALL ALSO HAVE THE RIGHT AND AUTHOURITY TO PROHIBIT THE ERECTION OF BUILDING, STRUCTURES OR FENCES WITHIN SAID RIGHTS-OF-WAY, EASEMENTS, STREETS AND ALLEYS.

DATE OF EXECUTION: _____

PROPERTY OWNER:
SIGNED: _____
NAME
_____
PRINT NAME ADDRESS

SOURCE OF TITLE: D.R. _____ PAGE _____

CITY OF ROGERS, ARKANSAS.
SECRETARY, BOARD OF ADJUSTMENT_____
DATE

COMMUNITY DEVELOPMENT DIRECTOR_____
DATE

SUBSCRIBED AND SWORN BEFORE ME THIS _____ DAY OF _____ 20____.
NOTARY PUBLIC MY COMMISSION EXPIRES

ROGERS WATER UTILITIES _____ DATE_____

ELECTRIC PROVIDER _____ DATE_____

GAS PROVIDER _____ DATE _____

CATV PROVIDER _____ DATE _____

PHONE / INTERNET PROVIDER _____ DATE _____

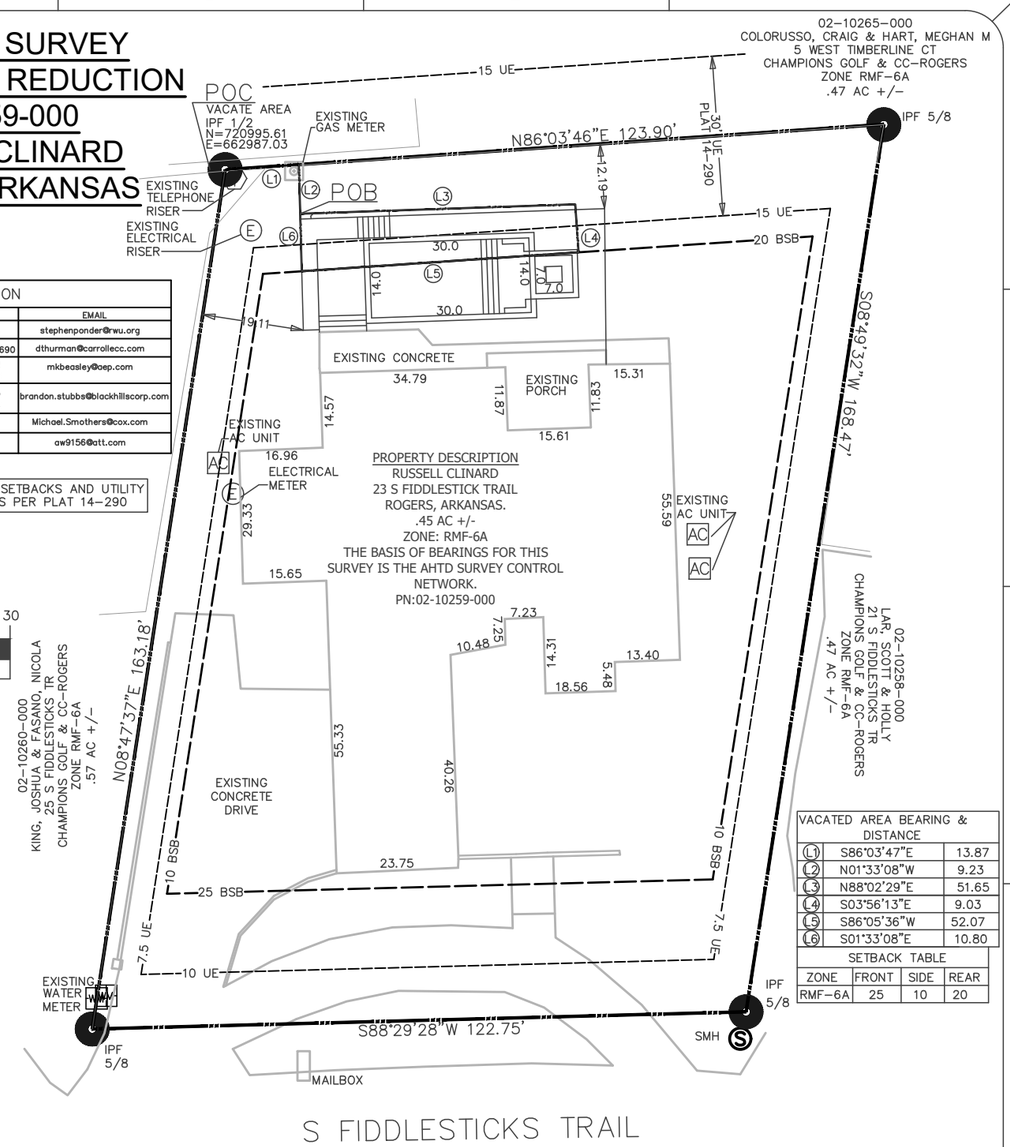
UTILITY CONTACT INFORMATION

PROVIDER	CONTACT	PHONE#	EMAIL
ROGERS WATER UTILITIES	MR. STEPHEN PONDER, PE	(479) 621-1156	stephenponder@rwu.org
CAROLL ELECTRIC	MR. DEREK THURMAN	(479) 273-2421 *2690	dthurman@carrollecc.com
AEP SWEPCO	MR. MARK BEASLEY	(479) 986-1004 (479) 721-8573	mkbeasley@aep.com
BLACK HILLS ENERGY	MR. BRANDON STUBBS	(479) 333-7020 (479) 225-3726	brandon.stubbs@blackhillscorp.com
CATV (COX)	MR. MICHAEL SMOTHERS	(479) 871-8807	Michael.Smothers@cox.com
PHONE (AT&T)	MR. ANTHONY WILLIAMS	(479) 442-3173	aw9156@att.com

SIDE SETBACKS AND UTILITY ESMTS PER PLAT 14-290

N

GRAPHIC SCALE
30 0 15 30
(IN FEET)
1"=30'



VACATED AREA BEARING & DISTANCE		
L1	S86°03'47"E	13.87
L2	N01°33'08"W	9.23
L3	N88°02'29"E	51.65
L4	S03°56'13"E	9.03
L5	S86°05'36"W	52.07
L6	S01°33'08"E	10.80

SETBACK TABLE			
ZONE	FRONT	SIDE	REAR
RMF-6A	25	10	20

NOTES:
1. 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.
2. BASIS OF BEARINGS: CHAMPIONS GOLF AND COUNTRY CLUB PLAT FILED AT BK-14, PG 290.
3. SURVEY REPRESENTS A BOUNDARY SURVEY OF PARCEL # 02-10259-000.
4. DECLARATION IS MADE TO ORIGINAL PURCHASER OF THE SURVEY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
5. THIS SURVEY IS VALID ONLY IF THE DRAWING INCLUDES THE SEAL AND SIGNATURE OF THE SURVEYOR.
6. THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION, ATLAS MAPS AS MAY BE AVAILABLE FROM MUNICIPALITIES OR UTILITY COMPANIES, AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES STATE THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.
7. EVERY DOCUMENT OF RECORD REVIEWED AND CONSIDERED AS A PART OF THIS SURVEY IS NOTED HEREON. ONLY THE DOCUMENTS NOTED HEREON WERE SUPPLIED THE SURVEYOR. NO ABSTRACT OF TITLE OR TITLE COMMITMENT WERE FURNISHED THE SURVEYOR. THERE MAY EXIST OTHER DOCUMENTS OF RECORD WHICH WOULD AFFECT THIS PARCEL.
8. THE LOCATION AND/OR EXISTENCE OF UTILITY SERVICE LINES TO THE PROPERTY SURVEYED ARE SHOWN HEREON OR UNKNOWN.
9. 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.
10. ALL BUILDING, SURFACE AND SUBSURFACE, IMPROVEMENTS ON AND ADJACENT TO THE SITE ARE NOT NECESSARILY SHOWN.
11. NO INVESTIGATION CONCERNING ENVIRONMENTAL AND SUBSURFACE CONDITIONS, OR THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES WHICH MAY AFFECT THE USE OF DEVELOPMENT OF THIS PROPERTY WAS MADE AS A PART OF THIS SURVEY.

THIS PROPERTY "DOES NOT" LIE WITHIN 100 YEAR FLOOD ZONE AS ESTABLISHED BY THE FLOOD INSURANCE RATE MAP FOR THE COMMINTY PANEL NUMBER 05007C0265K EFFECTIVE DATE: 06/05/2012.

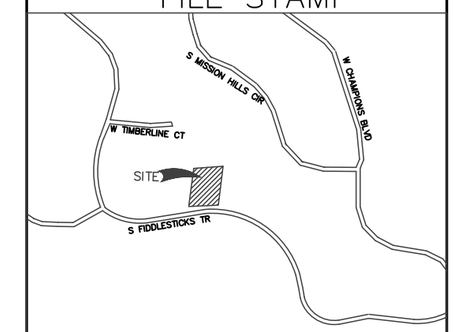
VACATED AREA DESCRIPTION:
A PART OF LOT 174 IN THE CHAMPIONS GOLF SUBDIVISION, CITY OF ROGERS, BENTON COUNTY, ARKANSAS, PLAT 14-290 BEING FURTHER DESCRIBED AS FOLLOWS: COMMENCING AT A FOUND IRON PIN LOCATED AT THE NORTH WEST CORNER OF SAID LOT 174, THENCE S86°03'47"E 13.87 FEET; THENCE N01°33'08"W 9.23 FEET TO THE POINT OF BEGINNING; THENCE N88°02'29"E 51.65 FEET; THENCE S03°56'13"E 9.03 FEET; THENCE S86°05'36"W 52.07 FEET; THENCE S01°33'08"E 10.80 FEET TO THE POINT OF BEGINNING, CONTAINING .011 ACRES OR 513.92 SQUARE FEET MORE OR LESS. SUBJECT TO ANY EASEMENTS, RIGHTS-OF-WAY, COVENANTS OR RESTRICTIONS OF RECORD OR FACT.

LAND SURVEYOR'S CERTIFICATION
I HEREBY CERTIFY THAT ON THE ____ DAY OF ____ , _____ THE HEREON PLATTED AND DESCRIBED SURVEY WAS COMPLETED UNDER MY SUPERVISION AND THE IRON PINS WERE FOUND OR SET, AS SHOWN ON THIS PLAT, ALL EASEMENTS AND ENCROACHMENTS REVEALED BY THE SURVEY ARE AS SHOWN ON THIS PLAT.

MICHAEL D. MILLION, P.L.S. #1519

FOR REVIEW

FILE STAMP



VICINITY MAP N.T.S.

#	REVISION	DATE

RUSSELL CLINARD
23 S FIDDLESTICKS TRL
ROGERS, AR.

LEGEND

- IPS SET IRON PIN
- IPF FOUND IRON PIN
- WM WATER METER
- BUILDING SETBACK
- PROPERTY LINE
- EASEMENT
- EDGE OF PAVEMENT
- ERC EROSION CONTROL
- OHE OVER HEAD POWER

CITYVIEW #: XXXXXXXXXXXXXX

MICHAEL D. MILLION
LAND SURVEYOR
12 NEFFWOOD LANE
BELLA VISTA, AR 72715
PHONE: (479) 571-0654

CHUCK BELL: (479) 366-0640

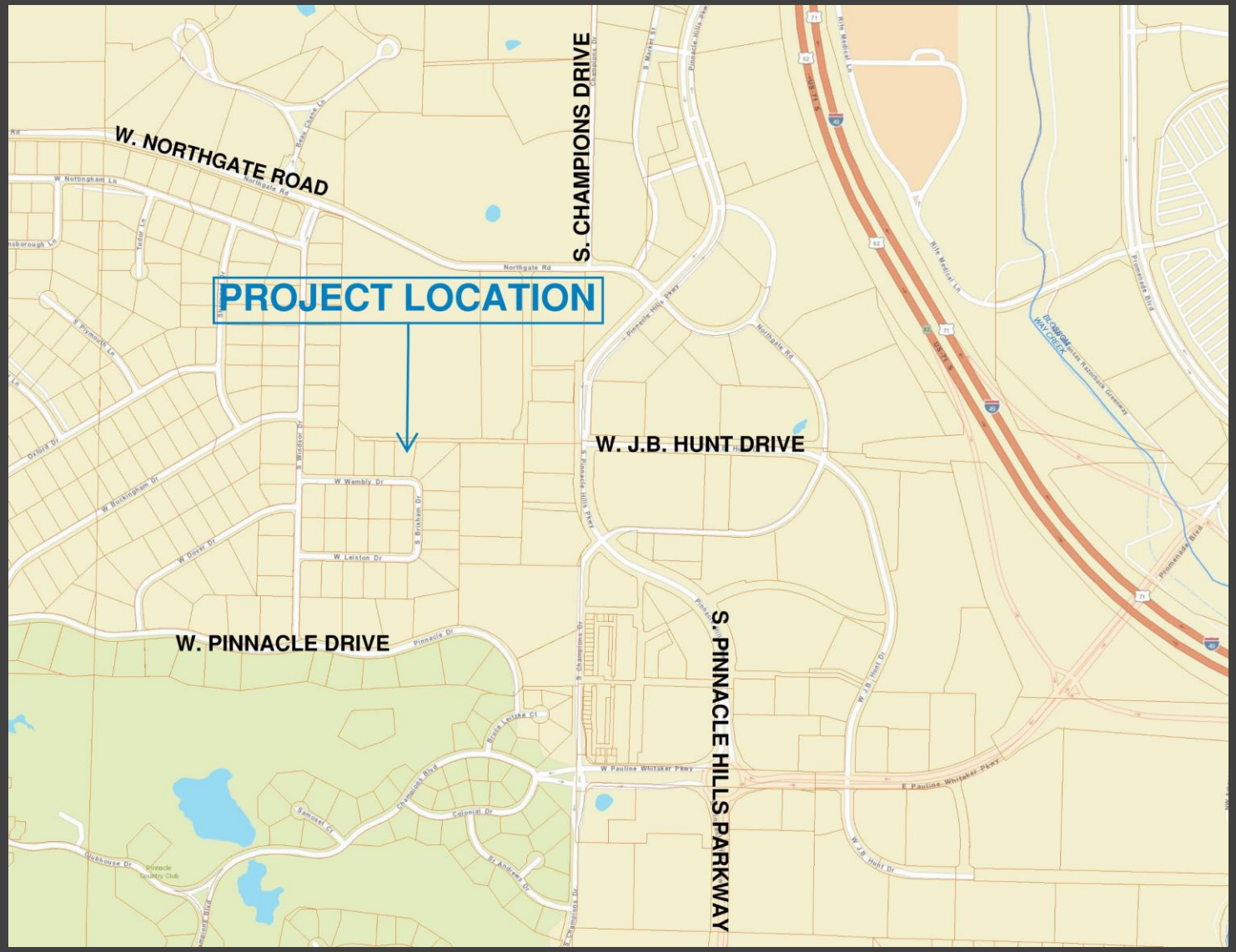
DRAWN BY: WAB	SCALE: 30
FIELD CREW: SDM	DATE: 7/1/2022
CHECKED BY: CEB	DWG: 2266.05

1 OF 1

11 X 17

TICE OF PUBLIC HEARING
NOTICE OF PUBLIC HEARING
VARIANCE
DESCRIPTION: To allow a reduction of the rear building setback/utility easement
APPLICANT: 23 S. Fiddlesticks Trail
BOARD/COMMISSION: Brittany Tolle
MEETING DATE/TIME: Board of Adjustment
MEETING LOCATION: August 11, 2022 at 5:00 PM
PUBLIC COMMENTS: Rogers City Hall
301 W. Chestnut Street
boardofadjustments@rogersar.gov
www.rogersar.gov/1181/Public-Hearing-Signs
CITY OF ROGERS ARKANSAS
COMMUNITY DEVELOPMENT
PLANNING DIVISION
(479) 621.1186
planning@rogersar.gov

Variance: Ty & Serenity Hampton



Vicinity Map

Summary

Representative

Ty Hampton

Location

9 W. Wembly Drive

Parcel 02-12771-000

Nature of Request

Interior Side Yard Setback Reduction

Zoning

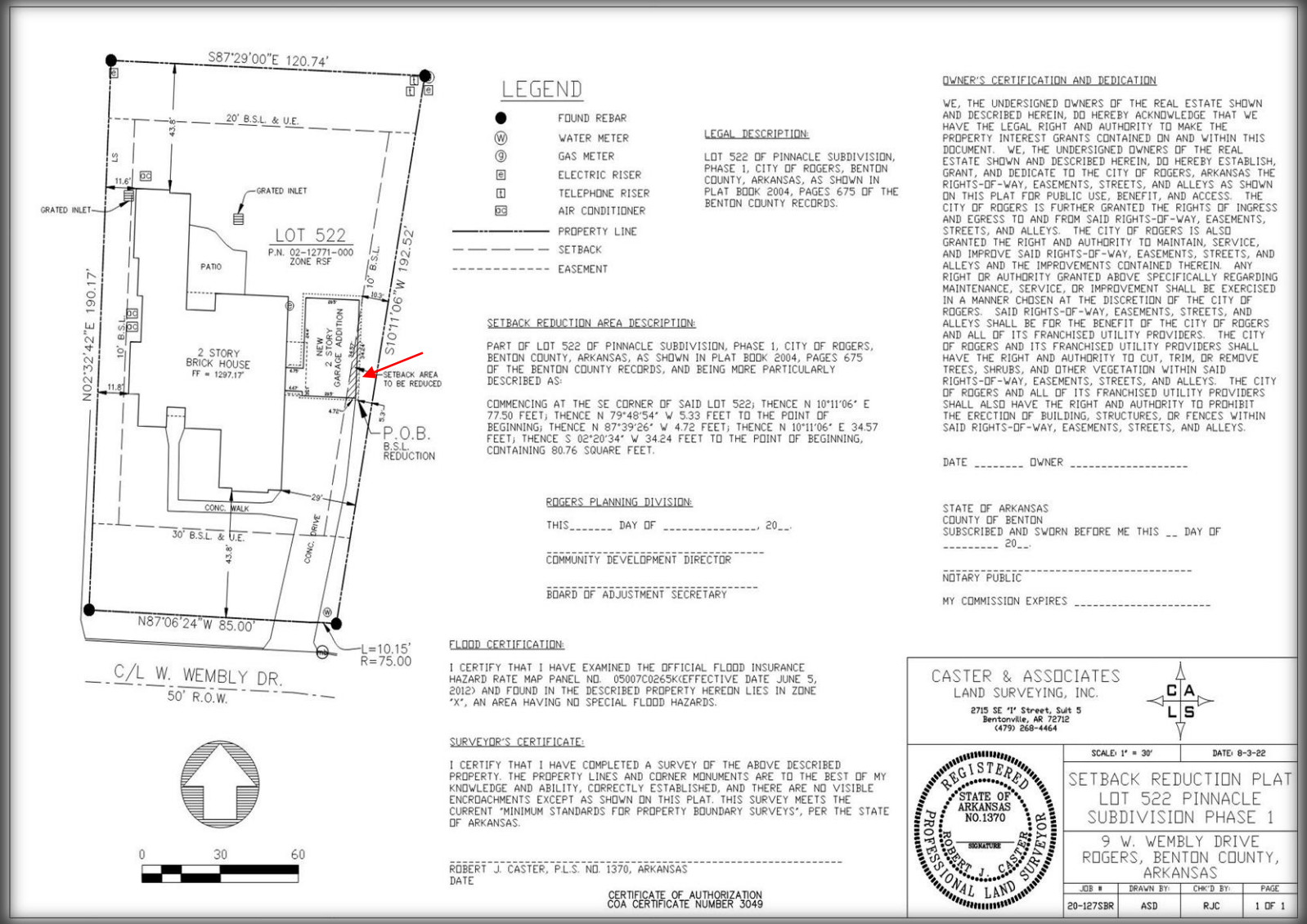
R-SF (Residential Single Family)

Current Use

Residential

Staff: Zachery Birdsong, Planner (zbirdsong@rogersar.gov)

Variance: Ty & Serenity Hampton

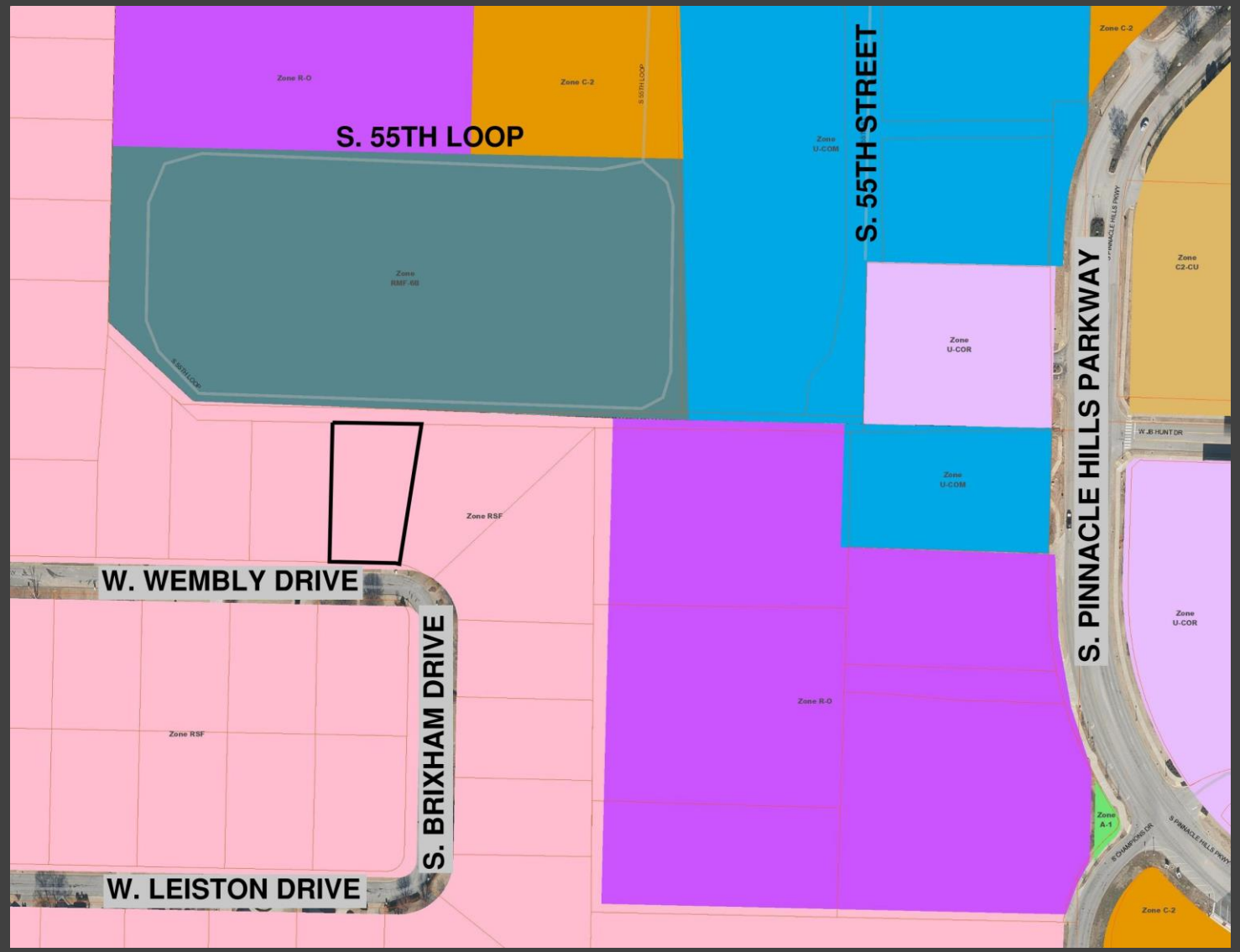


Site Plan

Summary Continued:

- **Subject Request**
  - The applicant is requesting a variance to allow an 80.76 square foot reduction of the interior yard setback to construct a two-story garage. The garage at most will encroach the setback by 4.7'.

Variance: Ty & Serenity Hampton



Zoning Map

Summary Continued

- Interior yard setbacks 10’ for the R-SF zoning district when density is less than 5 units/acre.
- The Final Plat of The Pinnacle Subdivision Phase I does not provide a side yard setback.
- The applicant states their hardship is that they plan to develop their backyard and this is the only area their garage can be placed.
- Staff does not recognize placement of future development as a site-specific hardship.
- If approved, a recorded setback reduction survey will be required prior to filing for a building permit.
- Staff has not identified any circumstances unique to the individual property where strict enforcement of the zoning ordinance would cause undue hardship.

Variance: Ty & Serenity Hampton

Aerial Image

Staff Recommendation:

Consider the request.

Variance: Ty & Serenity Hampton

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 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.

Zoning:

R-SF (Residential Single Family): The purpose and intent of the R-SF zoning district is for "single-family detached dwellings at low residential densities. Certain other structures and uses necessary to serve governmental, educational, religious, recreational, and other needs of neighborhood areas are allowed as permitted or conditional uses subject to restrictions intended to preserve and protect the single-family residential character of the district. Internal stability, harmony, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and by consideration of proper functional relationship and arrangement of the different uses permitted in this district." Sec. 14-706(a).

Public Input Received:

a) No input has been received from the public.

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

OFFICE USE ONLY

Permit Fee: $100.00 ($100)
Zoning: RSF
App Number: 22-28
CityView Application: PL2022001660
Date: 7/26/22

VARIANCE APPLICATION

APPLICANT: Ty & Serenity Hampton

ADDRESS: 9 W. Wembly Drive Rogers, AR SUITE #:

GENERAL LOCATION OF PROPERTY: Lot 522 Pinnacle Subdivision, Ph. 1

PHONE #: 479.381.2727 EMAIL: THampton@FWBank.com

PROPERTY OWNER: Ty & Serenity Hampton PHONE #: 479.381.2727

REQUEST to ALLOW: Approx. ~~33.25~~ 80.76 SF of Building & Roof Overhang in the ~~7.5~~ 10 Foot Building Setback.

HARDSHIP JUSTIFICATION to VARY FROM CODE:

Ty Hampton
Applicant Signature Date

Attachment Checklist:

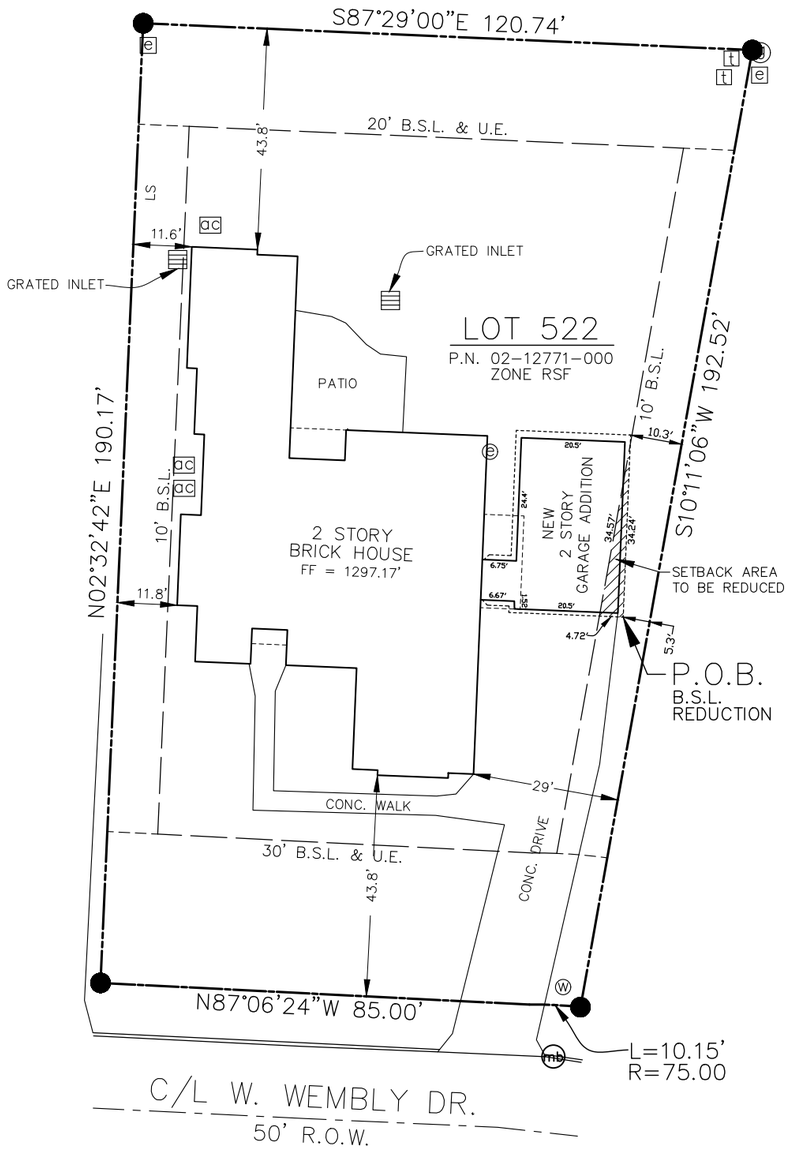
- ☐ Legal description of property
- ☐ Survey, elevations, sign proofs and/or other documents as needed to illustrate request

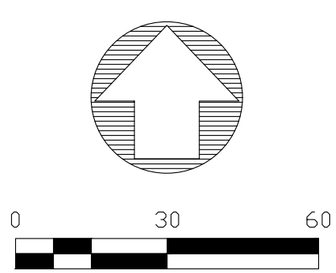
PLANNING STAFF PROVIDES:

DATE FILED: 7/25/22 PUBLIC HEARING DATE: 8/11/22

BOARD OF ADJUSTMENT DECISION:

SECRETARY, BOARD OF ADJUSTMENT DATE





LEGEND

- FOUND REBAR
- WATER METER
- GAS METER
- ELECTRIC RISER
- TELEPHONE RISER
- AIR CONDITIONER
- PROPERTY LINE
- SETBACK
- EASEMENT

LEGAL DESCRIPTION:

LOT 522 OF PINNACLE SUBDIVISION, PHASE 1, CITY OF ROGERS, BENTON COUNTY, ARKANSAS, AS SHOWN IN PLAT BOOK 2004, PAGES 675 OF THE BENTON COUNTY RECORDS.

SETBACK REDUCTION AREA DESCRIPTION:

PART OF LOT 522 OF PINNACLE SUBDIVISION, PHASE 1, CITY OF ROGERS, BENTON COUNTY, ARKANSAS, AS SHOWN IN PLAT BOOK 2004, PAGES 675 OF THE BENTON COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SE CORNER OF SAID LOT 522; THENCE N 10°11'06" E 77.50 FEET; THENCE N 79°48'54" W 5.33 FEET TO THE POINT OF BEGINNING; THENCE N 87°39'26" W 4.72 FEET; THENCE N 10°11'06" E 34.57 FEET; THENCE S 02°20'34" W 34.24 FEET TO THE POINT OF BEGINNING, CONTAINING 80.76 SQUARE FEET.

ROGERS PLANNING DIVISION:

THIS_____ DAY OF _____, 20__.

_____
COMMUNITY DEVELOPMENT DIRECTOR

_____
BOARD OF ADJUSTMENT SECRETARY

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.

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

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 _____

CASTER & ASSOCIATES
LAND SURVEYING, INC.
2715 SE "I" Street, Suit 5
Bentonville, AR 72712
(479) 268-4464

REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF ARKANSAS
NO.1370
SIGNATURE
ROBERT J. CASTER

SCALE: 1" = 30'	DATE: 8-3-22

SETBACK REDUCTION PLAT
LOT 522 PINNACLE SUBDIVISION PHASE 1

9 W. WEMBLY DRIVE
ROGERS, BENTON COUNTY, ARKANSAS

JOB #	DRAWN BY:	CHK'D BY:	PAGE
20-127SBR	ASD	RJC	1 OF 1

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 **August 11, 2022** at **5:00 p.m.** at Rogers City Hall regarding an application by **Ty and Serenity Hampton** under the provisions of the City of Rogers Code of Ordinances, for a variance **to allow reduction of the interior side setback** at **9 W. Wembly Drive**, in the R-SF (Residential Single Family) zoning district more particularly described as follows:

PARCEL NUMBER:
02-12771-000

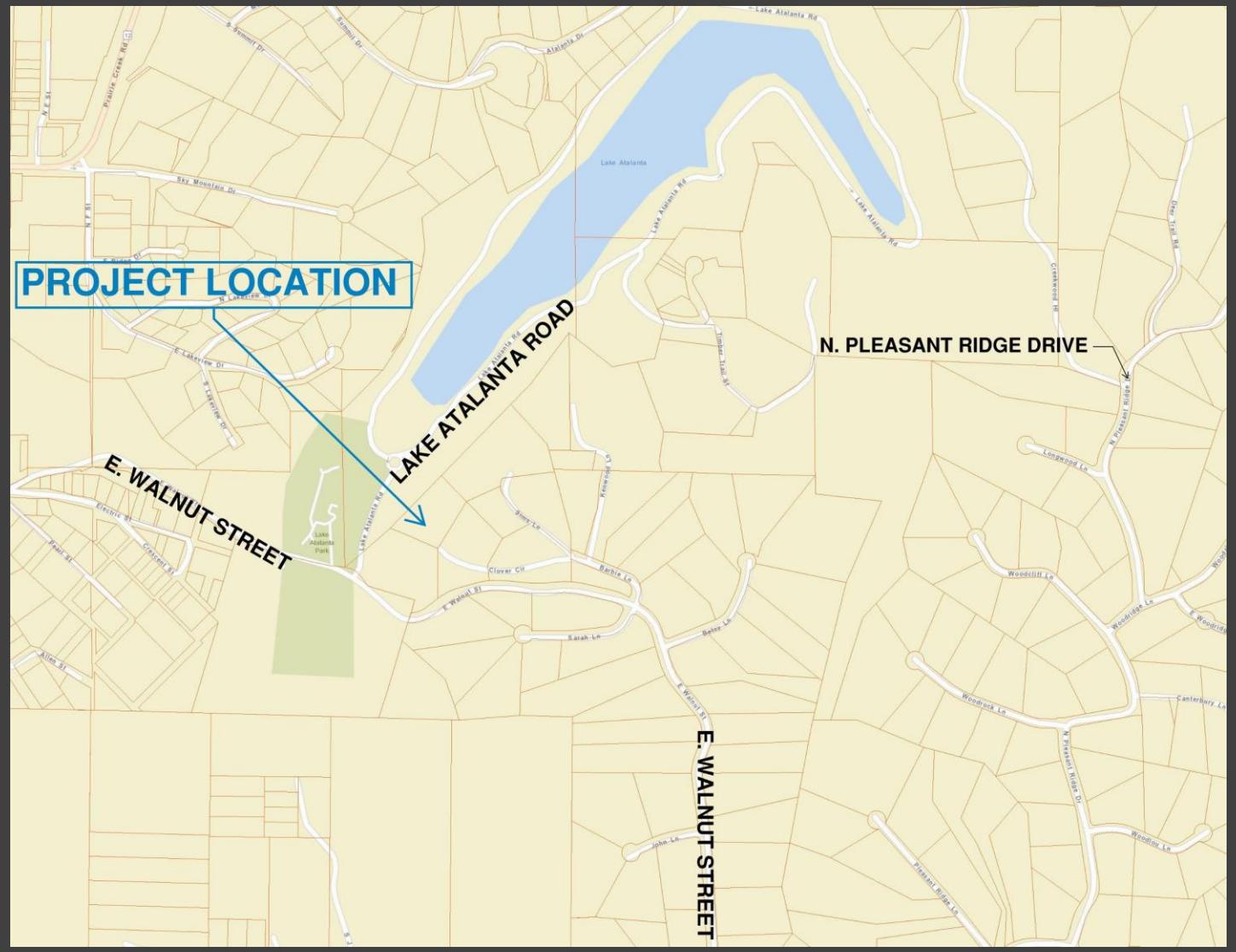
LOCATION:
9 W. Wembly Drive

Matt Loos, Secretary
Board of Adjustment

PUBLISH ONE TIME ONLY: **Sunday July 31, 2022**
BILL THE CITY OF ROGERS

PUBLIC HEARING SIGN

Variance: Jason Dye



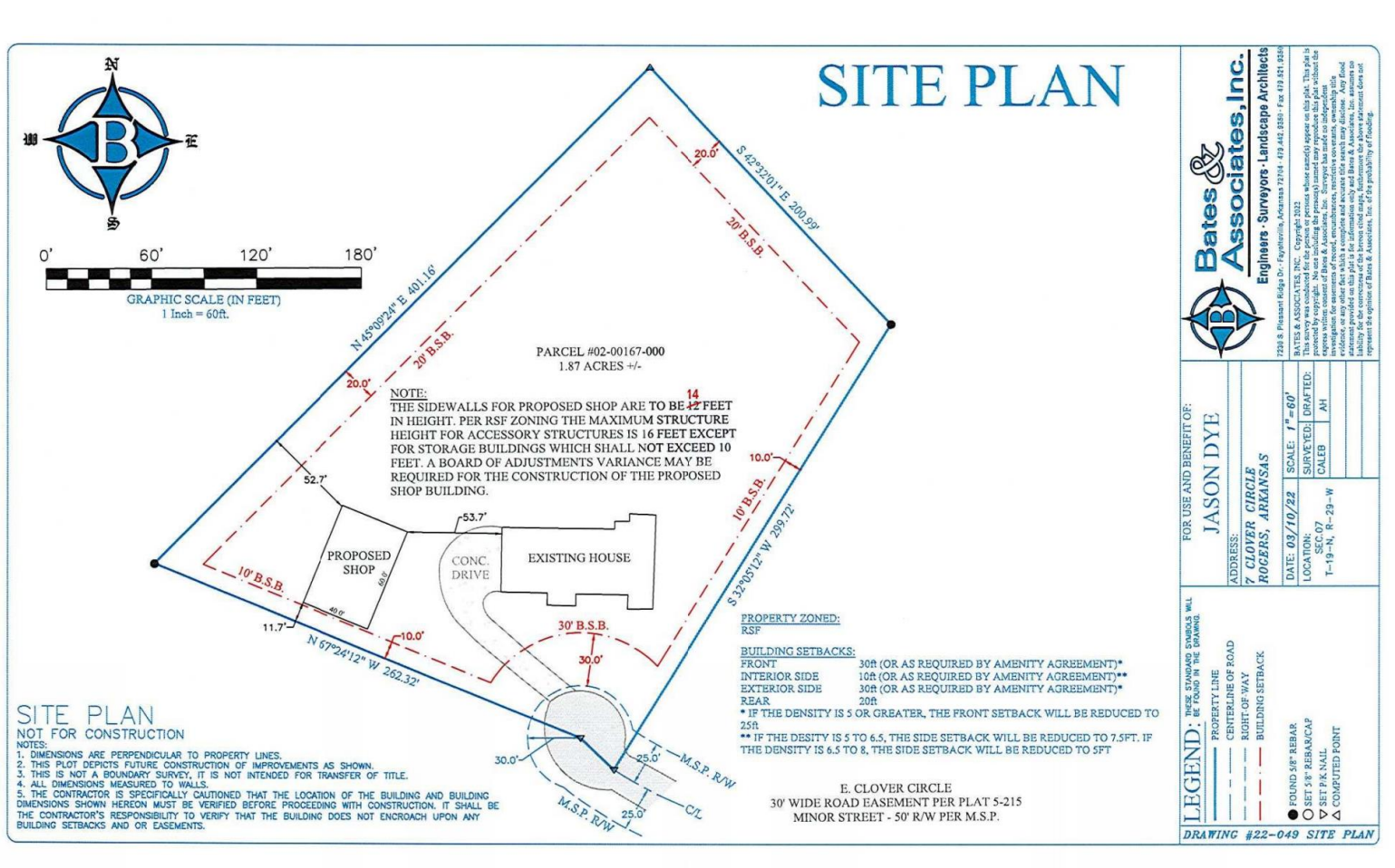
Vicinity Map

Summary

- Representative: Jason Dye
- Location: 7 E. Clover Circle
- Nature of Request: Allow an increase in height for accessory structure.
- Zoning: R-SF (Residential Single Family)
- Current Use: Residential

Staff: Karen Perez, Planning Technician
(kperez@rogersar.gov)

Variance: Jason Dye

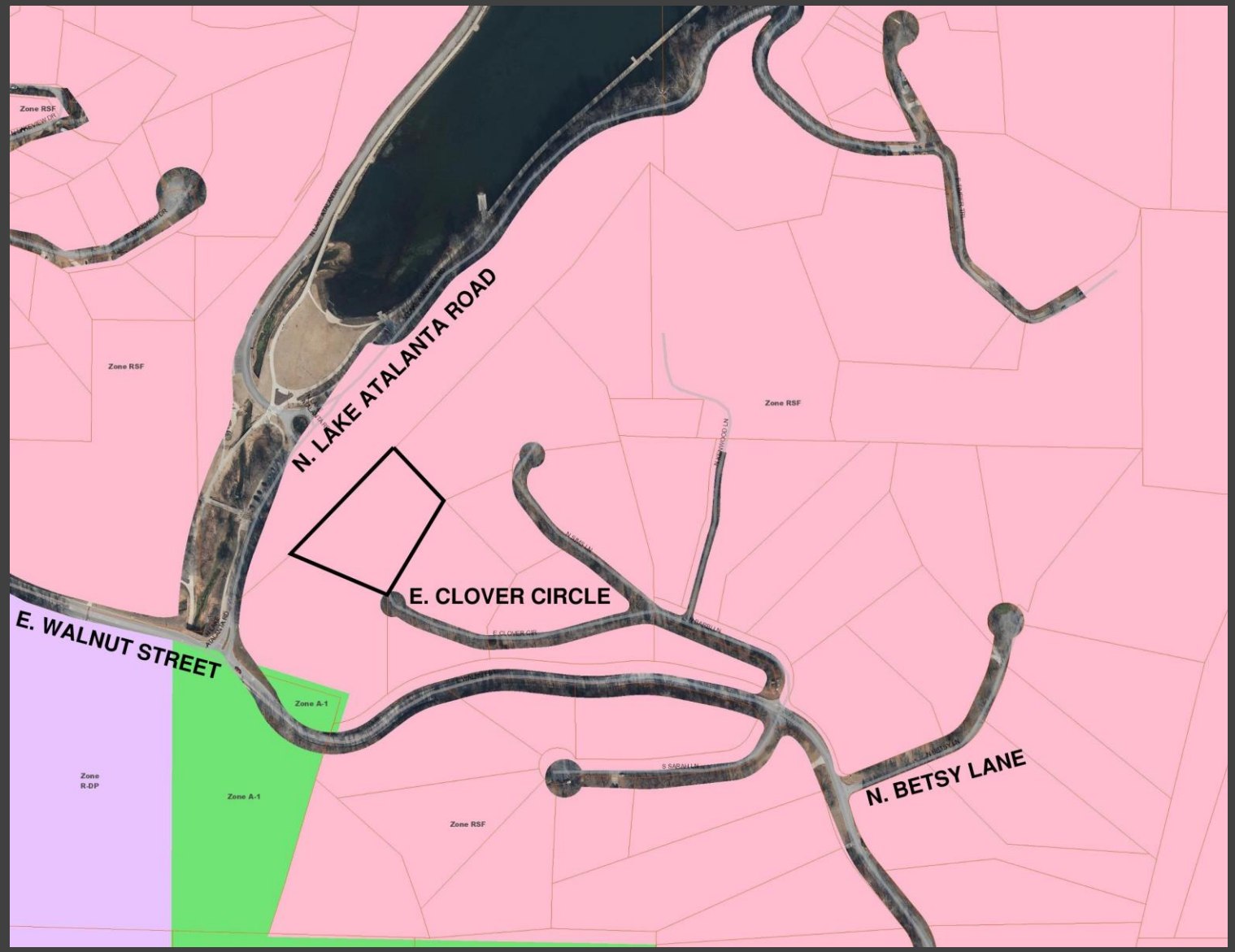


Site Plan

Summary Continued:

- **Subject Request**
- The applicant is requesting a variance to allow the construction of residential shop with 14’ tall sidewalls and a 4/12 pitch that would bring the roof peak elevation to 21’6”.

Variance: Jason Dye

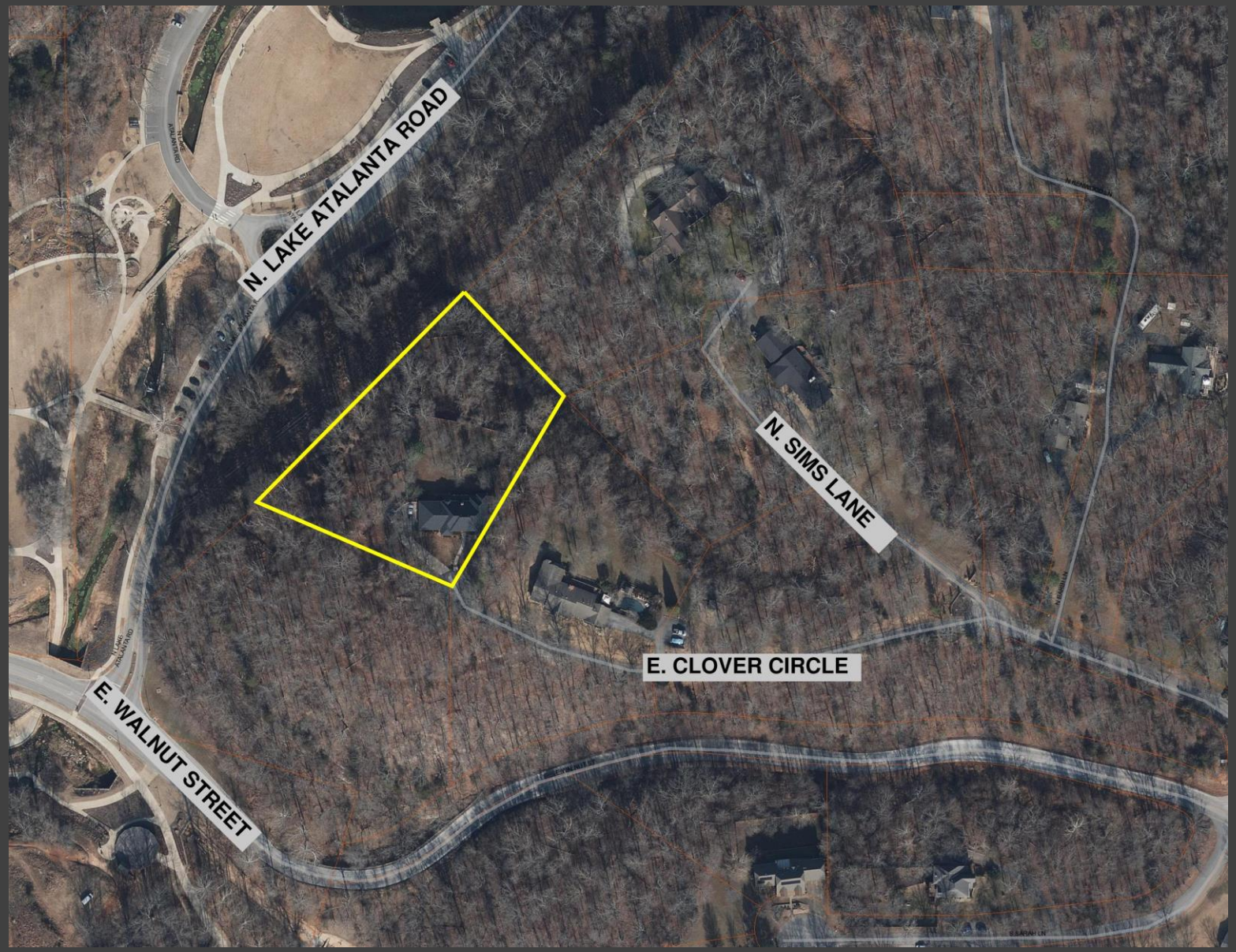


Zoning Map

Summary Continued

- Accessory structure are allowed to be a maximum height of 16-feet in the R-SF zoning district, except for storage buildings which shall not exceed ten feet.
- The applicant does not cite a site specific hardship basis for varying from City code, but states the increase is needed in order to store a recreational vehicle. A minimum height of 14-foot sidewalls is needed in order to allow enough opening room for (2)-12’x12’ high-roll overhead doors.
- The parcel is 1.87 acres and staff finds the 52.7’ interior setback from the property line and adjacent neighboring lot for this structure makes the added nearly 6’ of structure height acceptable. Resulting in little to no impact for neighboring property owners.

Variance: Jason Dye



Aerial Image

STAFF RECOMMENDATION:

Consideration of the requested variance for height increase.

Variance: Jason Dye

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 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.

Zoning:

R-SF(Residential Single Family): The purpose and intent of the R-SF zoning district is to "primarily for single-family detached dwellings at low residential densities. Certain other structures and uses necessary to serve governmental, educational, religious, recreational, and other needs of neighborhood areas are allowed as permitted or conditional uses subject to restrictions intended to preserve and protect the single-family residential character of the district. Internal stability, harmony, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and by consideration of proper functional relationship and arrangement of the different uses permitted in this district.," (Sec. 14-699(a).

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

OFFICE USE ONLY

Permit Fee: $ 100.00 ($100)

Zoning: RSF

App Number: 22-29

CityView Application: PL202200716

Date: 7/26/22

VARIANCE APPLICATION

APPLICANT: Jason Dye

ADDRESS: 7 E. Clover Circle SUITE #:

GENERAL LOCATION OF PROPERTY: Parcel #02-00167-000 1.87 acres +/-

PHONE #: 479-936-0590 EMAIL: Jasondye3@icloud.com

PROPERTY OWNER: Susan Walker PHONE #: 479-640-8027

REQUEST to ALLOW: Construction of a 40' x 60' residential use shop building, with 14' tall sidewalls and 4/12 pitch makes the roof peak 21'. Request to allow up to 21' 6" for roof peak elevation.

HARDSHIP JUSTIFICATION to VARY FROM CODE: In order to pull an RV inside the building I need a minimum sidewall height of 14', to allow enough opening room for (2) - 12' x 12' high roll overhead doors. Variance requested for roof peak elevation of 21' 6".

Applicant Signature 07 / 25 / 2022 Date

Attachment Checklist:

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

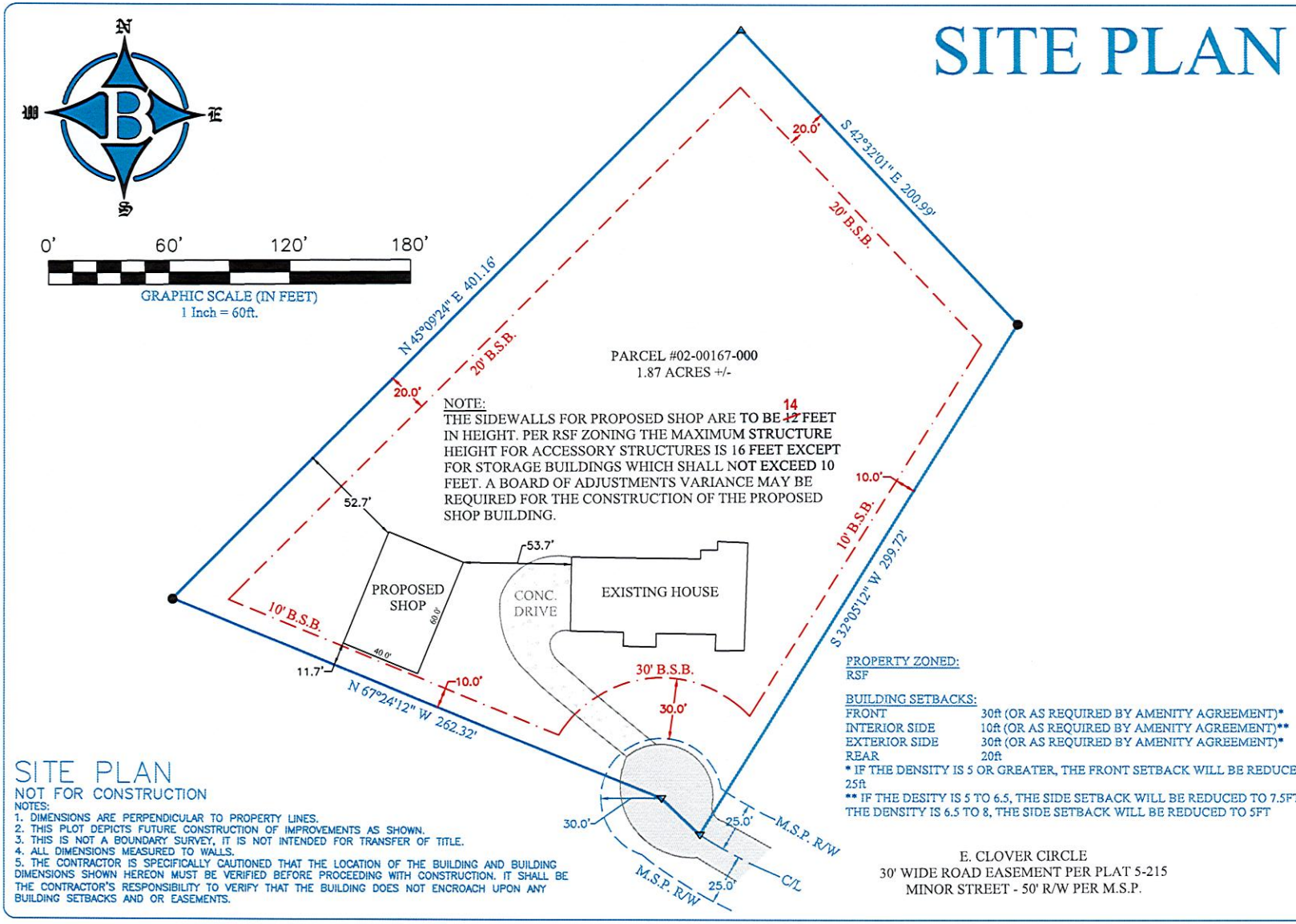
PLANNING STAFF PROVIDES:

DATE FILED: 7/25/22 PUBLIC HEARING DATE: 8/11/22

BOARD OF ADJUSTMENT DECISION:

SECRETARY, BOARD OF ADJUSTMENT DATE

SITE PLAN



NOTE:
THE SIDEWALLS FOR PROPOSED SHOP ARE TO BE ~~12~~ 14 FEET IN HEIGHT. PER RSF ZONING THE MAXIMUM STRUCTURE HEIGHT FOR ACCESSORY STRUCTURES IS 16 FEET EXCEPT FOR STORAGE BUILDINGS WHICH SHALL NOT EXCEED 10 FEET. A BOARD OF ADJUSTMENTS VARIANCE MAY BE REQUIRED FOR THE CONSTRUCTION OF THE PROPOSED SHOP BUILDING.

PROPERTY ZONED:
RSF

BUILDING SETBACKS:

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

* IF THE DENSITY IS 5 OR GREATER, THE FRONT SETBACK WILL BE REDUCED TO 25ft
** IF THE DESITY IS 5 TO 6.5, THE SIDE SETBACK WILL BE REDUCED TO 7.5FT. IF THE DENSITY IS 6.5 TO 8, THE SIDE SETBACK WILL BE REDUCED TO 5FT

E. CLOVER CIRCLE
30' WIDE ROAD EASEMENT PER PLAT 5-215
MINOR STREET - 50' R/W PER M.S.P.

SITE PLAN
NOT FOR CONSTRUCTION

NOTES:
1. DIMENSIONS ARE PERPENDICULAR TO PROPERTY LINES.
2. THIS PLOT DEPICTS FUTURE CONSTRUCTION OF IMPROVEMENTS AS SHOWN.
3. THIS IS NOT A BOUNDARY SURVEY, IT IS NOT INTENDED FOR TRANSFER OF TITLE.
4. ALL DIMENSIONS MEASURED TO WALLS.
5. THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION OF THE BUILDING AND BUILDING DIMENSIONS SHOWN HEREON MUST BE VERIFIED BEFORE PROCEEDING WITH CONSTRUCTION. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THAT THE BUILDING DOES NOT ENCROACH UPON ANY BUILDING SETBACKS AND OR EASEMENTS.

LEGEND: THESE STANDARD SYMBOLS WILL BE FOUND IN THE DRAWING.
- PROPERTY LINE
- CENTERLINE OF ROAD
- RIGHT-OF-WAY
- BUILDING SETBACK
- ● FOUND 5/8" REBAR
- ○ SET 5/8" REBAR/CAP
- ▽ SET P/K NAIL
- △ COMPUTED POINT

Bates & Associates, Inc.
Engineers · Surveyors · Landscape Architects
7230 S. Pleasant Ridge Dr. · Fayetteville, Arkansas 72704 · 479.442.9350 · Fax 479.521.9356

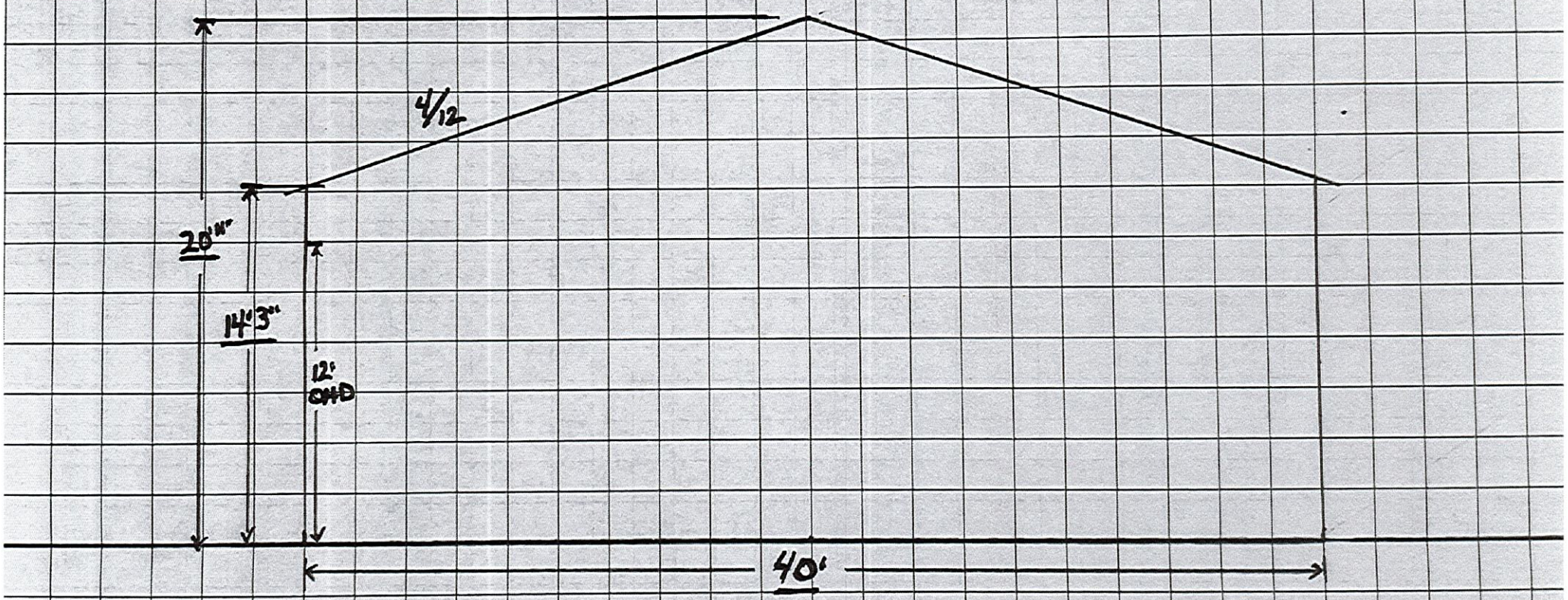
BATES & ASSOCIATES, INC. Copyright 2022
This survey was conducted for the person or persons whose name(s) appear on this plat. This plat is protected by copyright. No use including the person(s) named may reproduce this plat without the express written consent of Bates & Associates, Inc. Surveyor has made no independent investigation for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other fact which a complete and accurate title search may disclose. Any flood statement provided on this plat is for information only and Bates & Associates, Inc. assumes no liability for the correctness of the hereon cited maps, furthermore the above statement does not represent the opinion of Bates & Associates, Inc. of the probability of flooding.

FOR USE AND BENEFIT OF:
JASON DYE

ADDRESS:
7 CLOVER CIRCLE
ROGERS, ARKANSAS

DATE: 03/10/22
SCALE: 1"=60'
SURVEYED: CALEB
DRAFTED: AH
LOCATION: SEC.07 T-19-N, R-29-W

DRAWING #22-049 SITE PLAN

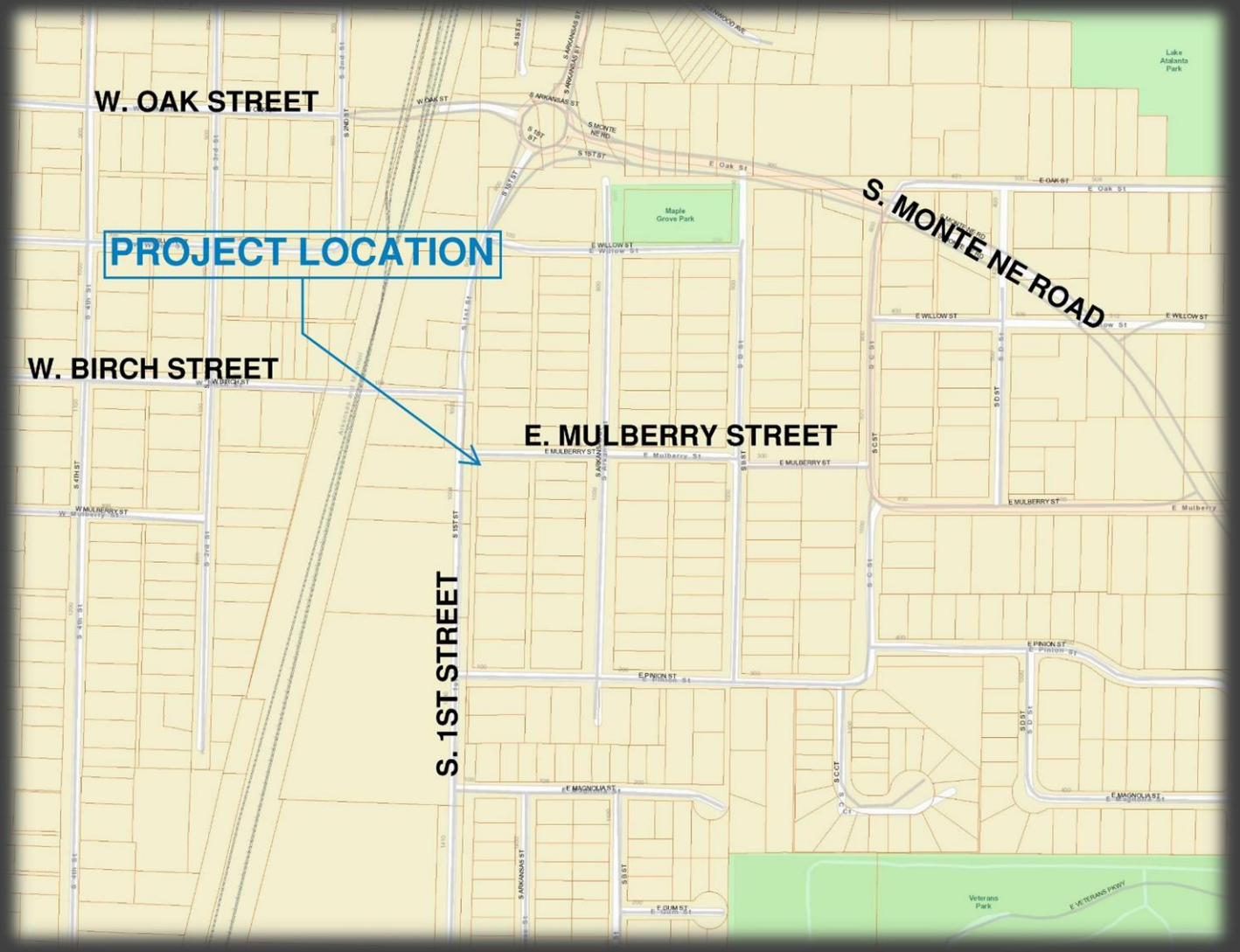


JASON DYE 7 E. CLOVER CIR., ROGERS, AR. 72756

40 x 60 x 14'3 shop building / 20'11 to ridge

NOTICE OF PUBLIC HEARING
NOTICE OF PUBLIC HEARING
VARIANCE
DESCRIPTION
To allow an increase in height for accessory structure at 21.6 feet.
7 E. Clover Circle
APPLICANT
Jason Dye
BOARD/COMMISSION
Board of Adjustment
MEETING DATE/TIME
August 11, 2022 at 5:00 PM
MEETING LOCATION
Rogers City Hall
301 W. Chestnut St.
PUBLIC COMMENTS
boardofadjustments@rogersar.gov
www.rogersar.gov/1181/Public-Hearing-Signs
CITY OF ROGERS ARKANSAS
COMMUNITY DEVELOPMENT
PLANNING DIVISION
(479) 621.1186
planning@rogersar.gov
CRAIN

Variance: Marcy Chavez



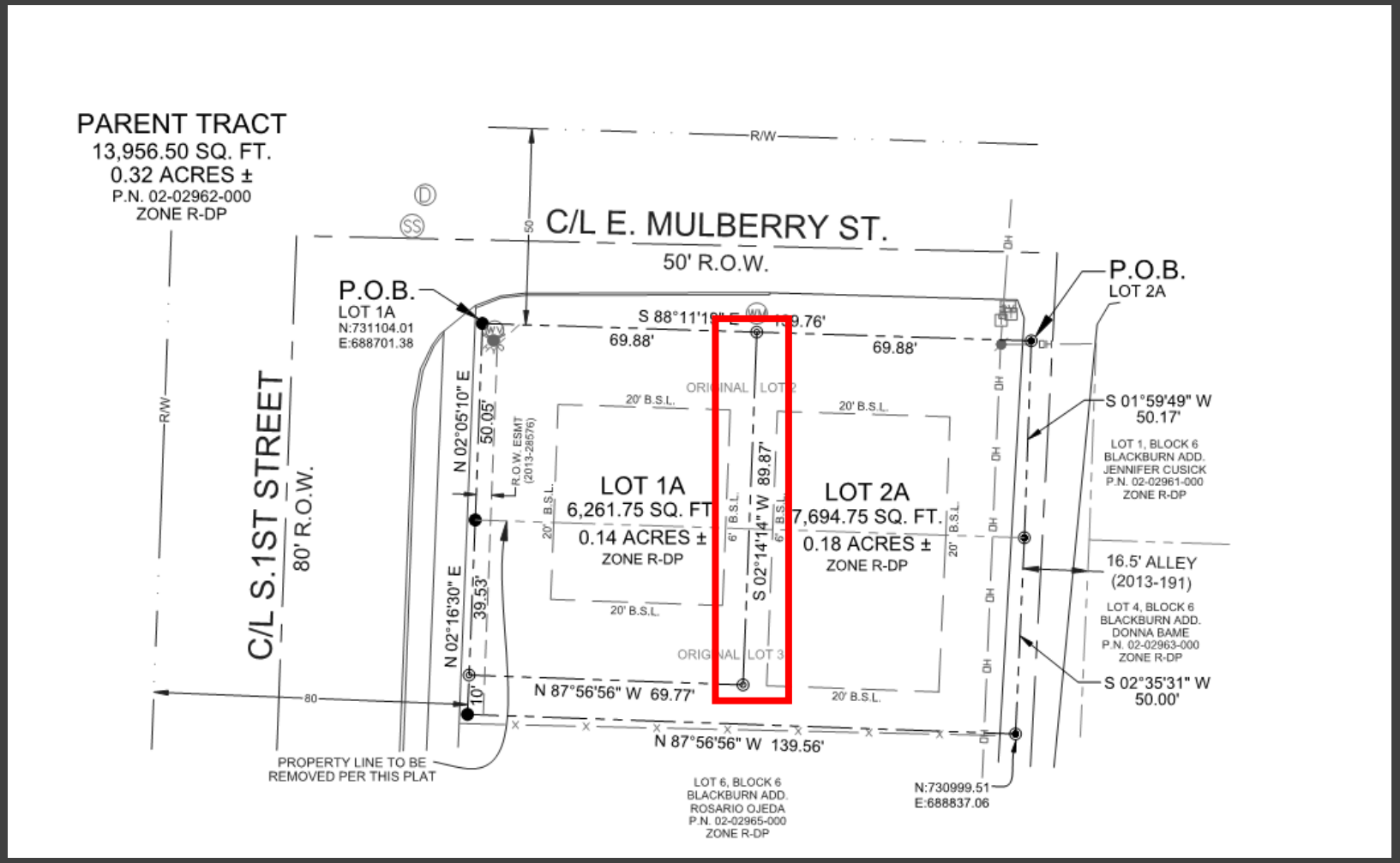
Vicinity Map

Summary

- Representative: Robert Caster
- Location: 1001 S. 1st St.
- Nature of Request: Proposed lot depth is smaller than R-DP requirement.
- Zoning: R-DP (Residential Duplex and Patio Home)
- Current Use: Vacant/Residential

Staff: Nicholas Little, Planner II (nlittle@rogersar.gov)

Variance: Marcy Chavez

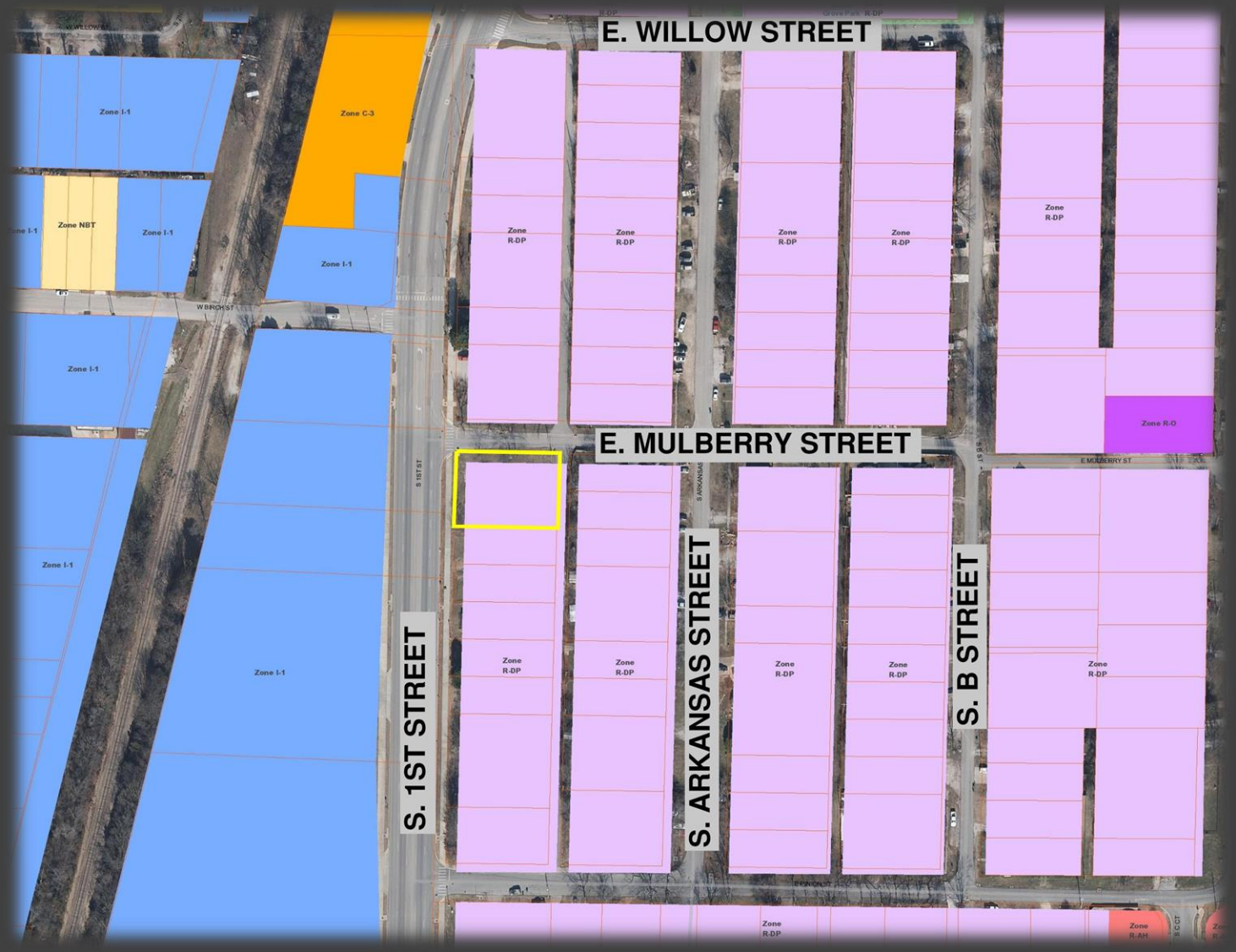


Site Plan

Summary Continued:

- **Subject Request**
  - The applicant is requesting a variance to allow a lot depth in R-DP that is less than the requirement. R-DP zoning calls for a 100’ minimum lot depth. The proposal shows the lot depth for Lot 1A as 89.87’

Variance: Marcy Chavez



Zoning Map

Summary Continued

- This variance was triggered by a lot split that was submitted to staff on July 5th, 2022.
- The lot split proposes the splitting of a 0.32-acre lot into two separate lots: Lot 1A at 0.14-acres and Lot 2A at 0.18-acres.
- Lot 2A, the eastern lot from this split, has a 10’ wide “flagpole” that stretches to S. 1st St. for purpose of connecting to public water and sewer.
- Because of this design feature, Lot 1A isn’t as deep as Lot 2A and does not meet R-DP design standards.
- Due to the acreage of both of the proposed lots, only single-family residences will be permitted.

Variance: Marcy Chavez

Aerial Image

STAFF RECOMMENDATION:

Approve the requested variance for lot depth.

Variance: Marcy Chavez

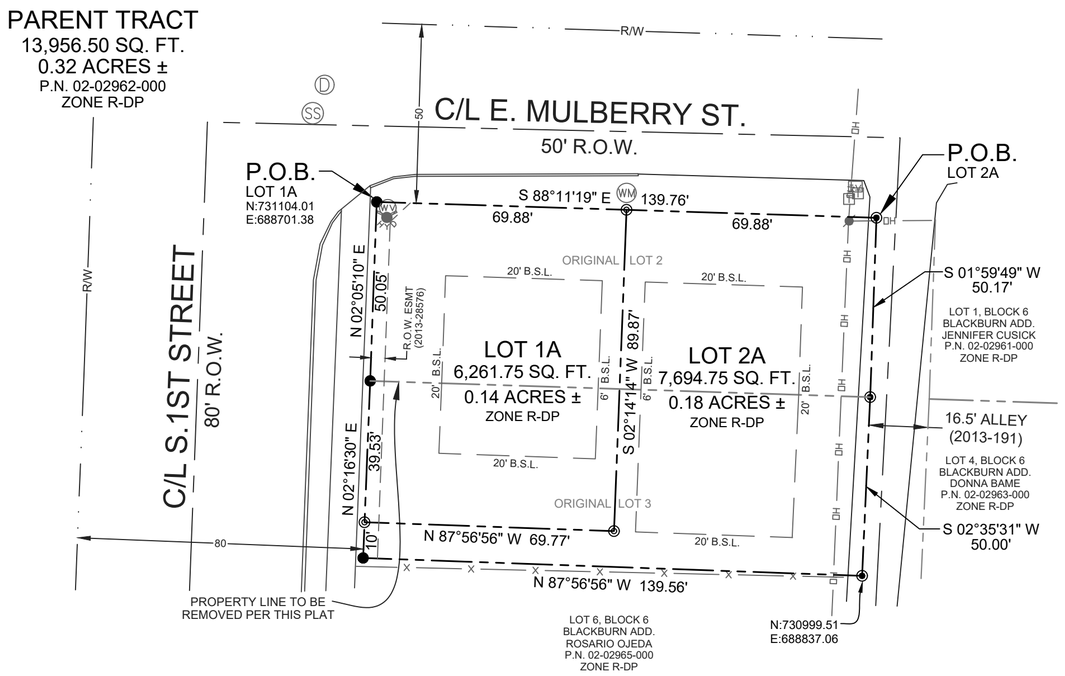
Board of Adjustment Duties Per Sec. 14-724(e)(1):

a) Hear appeals from the decision of the Department of Community Development in respect to the enforcement and application of the zoning ordinance 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.

Zoning:

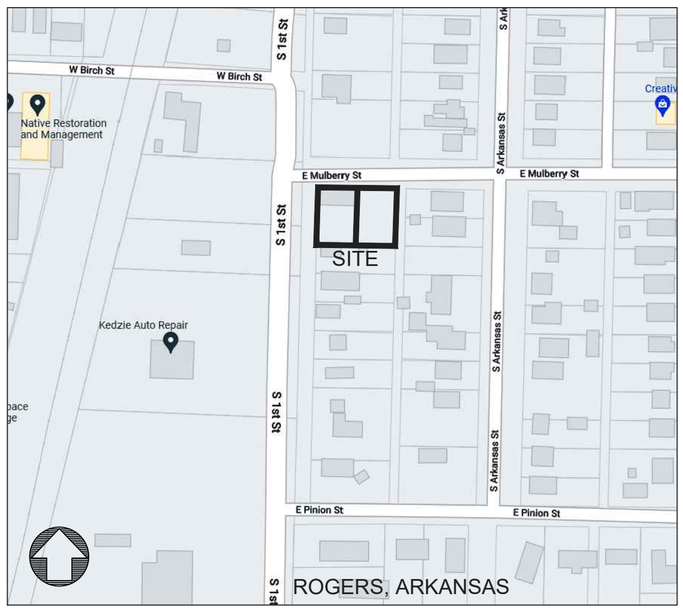
a) *R-DP(Residential Duplex and Patio Home):*
The purpose and intent of this district is "is intended to provide areas for the development of one- or two-family residential structures. The district may be located in developed areas or undeveloped areas of the City where an environment compatible with moderate density residential development can also be established." Sec. 14-701(a)



OWNERSHIP INFORMATION
MARCY CHAVEZ
1001 S. 1ST STREET
ROGERS, ARKANSAS 72756

FLOOD CERTIFICATION:

I CERTIFY THAT I HAVE EXAMINED THE OFFICIAL FLOOD INSURANCE HAZARD RATE MAP PANEL NO. 05007C0280 (EFFECTIVE DATE JUNE 5, 2012) AND FOUND IN THE DESCRIBED PROPERTY HEREON LIES IN ZONE "X", AN AREA HAVING NO SPECIAL FLOOD HAZARDS.



VICINITY MAP
(N.T.S.)

0 30 60

LEGEND

- FOUND REBAR
- FOUND MAGNETIC NAIL
- SET 1/2" REBAR W/CAP (#1370)
- WATER METER
- WATER VALVE
- SANITARY SEWER MANHOLE
- STORM SEWER MANHOLE
- FIRE HYDRANT
- TELEPHONE RISER
- CATV RISER
- UTILITY POLE
- PROPERTY LINE
- CENTERLINE
- SETBACK
- OVERHEAD LINE
- FENCE

PARENT TRACT:

LOTS 2 AND 3, BLOCK 6 OF BLACKBURN ADDITION, CITY OF ROGERS, BENTON COUNTY, ARKANSAS, AS RECORDED IN WARRANTY DEED L202129847 OF THE BENTON COUNTY, ARKANSAS RECORDS.

LOT 1A DESCRIPTION:

PART OF LOTS 2 AND 3, BLOCK 6 OF BLACKBURN ADDITION, CITY OF ROGERS, BENTON COUNTY, ARKANSAS, AS RECORDED IN WARRANTY DEED L202129847 OF THE BENTON COUNTY, ARKANSAS RECORDS:

BEGINNING AT THE NW CORNER OF SAID LOT 2; THENCE ALONG THE SOUTH RIGHT-OF-WAY LINE OF E. MULBERRY STREET S 88°11'19" E A DISTANCE OF 69.88 FEET; THENCE LEAVING SAID SOUTH RIGHT-OF-LINE S 02°14'14" W A DISTANCE OF 89.87 FEET; THENCE N 87°56'56" W A DISTANCE OF 69.77 FEET TO THE EAST RIGHT-OF-WAY LINE OF S. 1ST STREET; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE N 02°16'30" E A DISTANCE OF 39.53 FEET; THENCE CONTINUING ALONG SAID EAST RIGHT-OF-WAY LINE N 02°05'10" E A DISTANCE OF 50.05 FEET TO THE POINT OF BEGINNING, WITH AN AREA OF 6,261.75 SQUARE FEET, OR 0.14 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT.

LOT 2A DESCRIPTION:

PART OF LOTS 2 AND 3, BLOCK 6 OF BLACKBURN ADDITION, CITY OF ROGERS, BENTON COUNTY, ARKANSAS, AS RECORDED IN WARRANTY DEED L202129847 OF THE BENTON COUNTY, ARKANSAS RECORDS:

BEGINNING AT THE NE CORNER OF SAID LOT 2; THENCE S 01°59'49" W A DISTANCE OF 50.17 FEET; THENCE S 02°35'31" W A DISTANCE OF 50.00 FEET; THENCE N 87°56'56" W A DISTANCE OF 139.56 FEET TO THE EAST RIGHT-OF-WAY LINE OF S. 1ST STREET; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE N 02°16'30" E A DISTANCE OF 10.00 FEET; THENCE LEAVING SAID EAST RIGHT-OF-WAY LINE S 87°56'56" E A DISTANCE OF 69.77 FEET; THENCE N 02°14'14" E A DISTANCE OF 89.87 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF E. MULBERRY STREET; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE S 88°11'19" E A DISTANCE OF 69.88 FEET; TO THE POINT OF BEGINNING, WITH AN AREA OF 7,694.75 SQUARE FEET, OR 0.18 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT.

NOTES:

1. 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.

2. BASIS OF BEARINGS: ARKANSAS STATE PLANE COORDINATE SYSTEM, NORTH ZONE.

3. THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION, ATLAS MAPS AS MAY BE AVAILABLE FROM MUNICIPALITIES OR UTILITY COMPANIES, AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES STATE THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

4. 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.

5. THE PROPERTY SHOWN HEREON IS ZONED R-DP (RESIDENTIAL DUPLEX & PATIO) AND IS WITHIN THE CITY LIMITS OF ROGERS, ARKANSAS. THE FRONT, SIDE AND REAR YARD REGULATIONS ARE AS FOLLOWS:

FRONT YARD: 20 FEET
SIDE YARD: 6 FEET (INTERIOR); 20 FEET (EXTERIOR)
REAR YARD: 20 FEET

6. TOTAL SITE ACREAGE: 0.32 ACRES±
NUMBER OF ORIGINAL LOTS: 2
NUMBER OF RESULTANT LOTS: 2

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

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 _____

COMMUNITY DEVELOPMENT DEPARTMENT

APPROVED AND RECOMMENDED FOR ACCEPTANCE BY THE ROGERS PLANNING DEPARTMENT.

THIS __ DAY OF _____ 20__.

_____
DIRECTOR

CITY VIEW PROJECT #PL202200625

CASTER & ASSOCIATES
LAND SURVEYING, INC.
2715 SE "I" Street, Suit 5
Bentonville, AR 72712
(479) 268-4464

REVISION	DATE
1	8-3-22

REGISTERED PROFESSIONAL LAND SURVEYOR
STATE OF ARKANSAS
NO.1370
SIGNATURE
ROBERT J. CASTER

SCALE: 1" = 30' DATE: 6-28-22

PROPERTY LINE ADJUSTMENT
LOTS 2 & 3, BLOCK 6
BLACKBURN ADDITION

1001 S. 1ST STREET
ROGERS, BENTON COUNTY, ARKANSAS

JOB #	DRAWN BY:	CHK'D BY:	PAGE
21-207	ASM/ASD	RJC	1 OF 1

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

OFFICE USE ONLY

Permit Fee: _____ ($100)

Zoning: _____

App Number: _____

CityView Application: _____

Date: _____

VARIANCE APPLICATION

APPLICANT: ROBERT CASTER

ADDRESS: 1001 S. 1ST ST., ROGERS SUITE #: _____

GENERAL LOCATION OF PROPERTY: 1001 S. 1ST ST.

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

PROPERTY OWNER: MARCY CHAVEZ PHONE #: 479-340-7144

REQUEST to ALLOW: THE DEPTH OF LOT 1A TO BE REDUCED TO 89.58'.

HARDSHIP JUSTIFICATION to VARY FROM CODE: TO ALLOW LOT 2A TO CONNECT TO SEWER ON S. 1ST ST.

Applicant Signature 8-16-22 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: _____ PUBLIC HEARING DATE: _____

BOARD OF ADJUSTMENT DECISION: _____

SECRETARY, BOARD OF ADJUSTMENT DATE

NOTICE OF PUBLIC HEARING
NOTICE OF PUBLIC HEARING
VARIANCE
Marcy Chavez
Board of Adjustment
September 5, 2022 at 4:00 PM
Rogers City Hall
301 N. Chestnut Street
COMMUNITY DEVELOPMENT
PLANNING DIVISION
(479) 621-1186
planning@rogersar.gov

Variance: JC Construction

Vicinity Map

Summary

Representative

John Carney

Location

1702 S. 1st Street

Parcel 02-01501-000

Nature of Request

Building Setback Reduction

Zoning

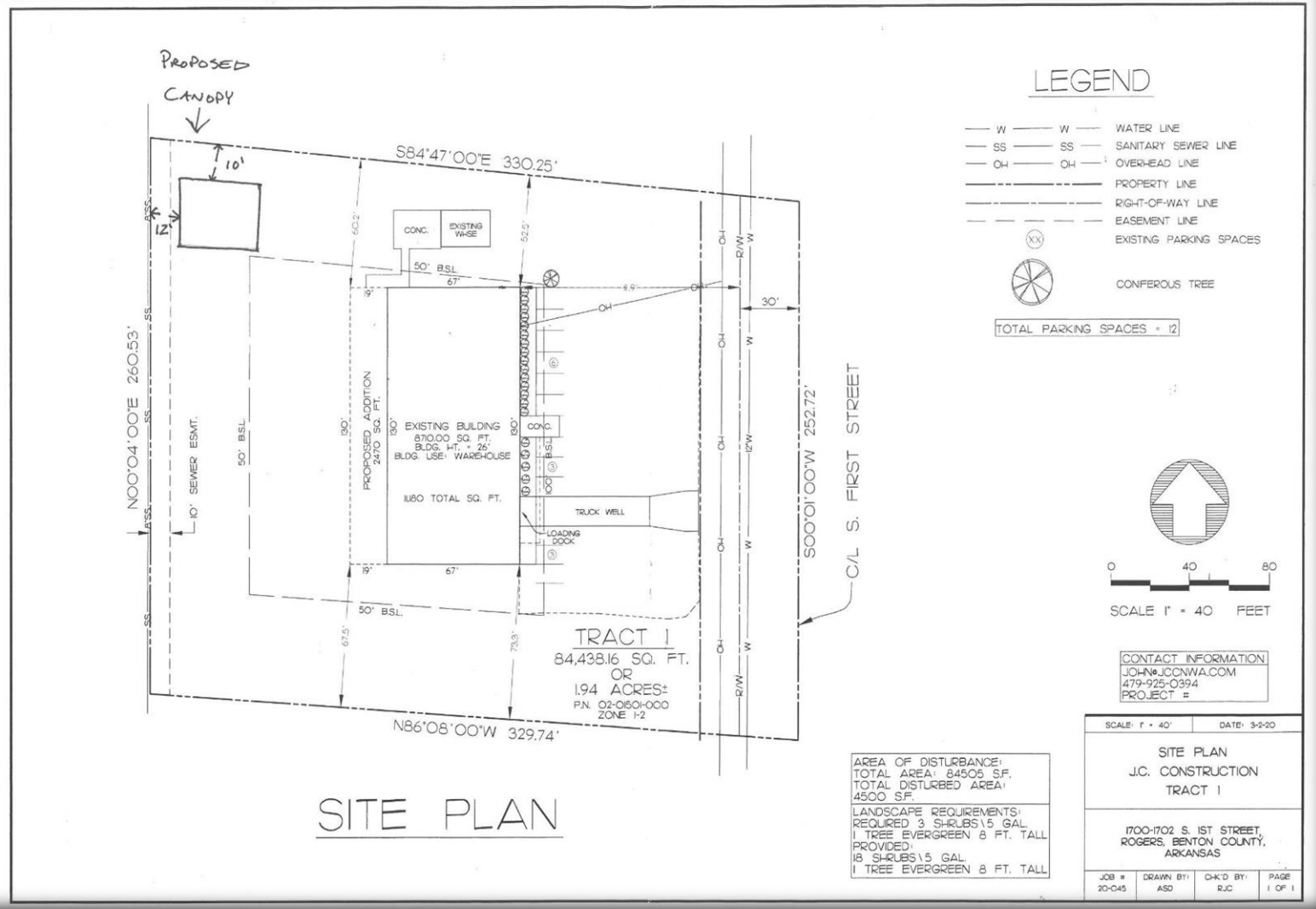
I-2 (Heavy Industrial)

Current Use

Commercial

Staff: Zachery Birdsong, Planner (zbirdsong@rogersar.gov)

Variance: JC Construction

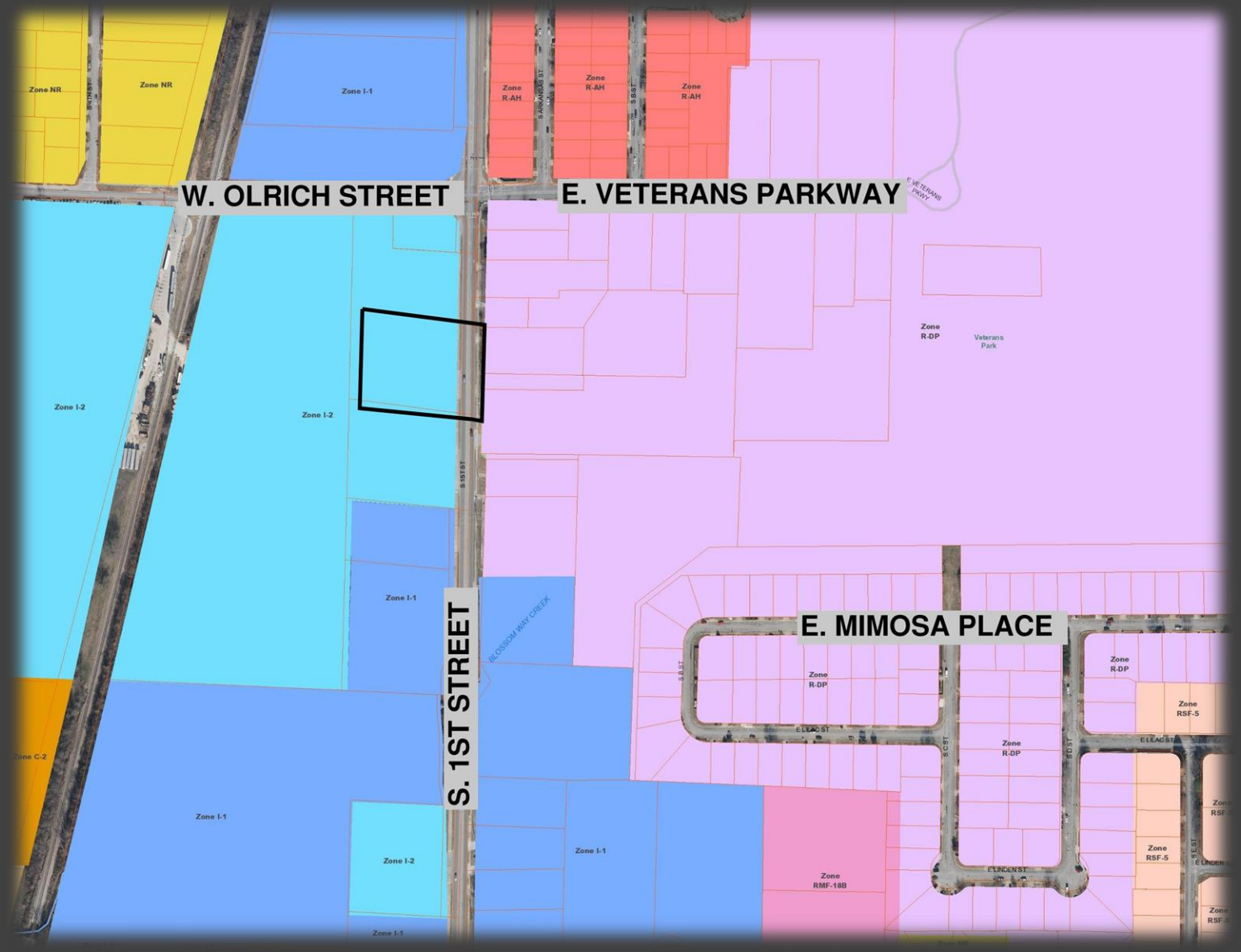


Site Plan

Summary Continued:

- **Subject Request**
  - The applicant is requesting a variance to reduce the rear setback from 50’ to 12’ and the north interior building setback from 50’ to 10’ for a canopy to protect machinery from the weather.

Variance: JC Construction



Zoning Map

Summary Continued

- The proposed setbacks reductions abut property that is also zoned I-2
- The hardship voiced by the applicant is that the canopy must be placed within the stated setbacks as to not disrupt the functionality of the back overhead doors and rack material storage system in place.
- The rear property line contains dense vegetation, inhibiting visibility and abuts heavy-haul trucking. The interior lot line contains a fence and abuts a warehouse.
- I-2 setbacks are intended for industrial structures. The canopy won't create a safety concern or be a nuisance.
- If approved, a recorded setback reduction survey will be required prior to filing for a building permit.

Variance: JC Construction

Aerial Image

Staff Recommended Motion:

"I move to approve the requested rear and north interior lot line setback reductions for the proposed canopy."

Variance: JC Construction

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 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.

Zoning:

a) *I-2 (Heavy Industrial):* The purpose and intent of this district is "for heavy industrial uses and other uses not otherwise provided for in the other industrial districts. The intensity of uses permitted in this district makes it necessary to separate it from all residential districts wherever possible with good accessibility provided to major rail, air facilities and highways, areas zoned I-2 are intended to be at least five acres in size." Sec. 14-714(a)

Public Input Received:

a) No input has been received from the public.

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

OFFICE USE ONLY

Permit Fee: $100.00 ($100)
Zoning: I-2
App Number: 22-32
CityView Application: PL20220075
Date: 8/18/22

VARIANCE APPLICATION

APPLICANT: JOHN CARNEY CONSTRUCTION LLC

ADDRESS: 1702 S. 1ST ST. SUITE #:

GENERAL LOCATION OF PROPERTY:

PHONE #: 479-925-0394 EMAIL: travis@jccnwa.com

PROPERTY OWNER: JOHN CARNEY PHONE #: 479-925-0394

REQUEST to ALLOW: SETBACK REDUCTION

HARDSHIP JUSTIFICATION to VARY FROM CODE: BACK AREA OF OUR BUILDING HAS LARGE OVERHEAD DOORS AND MATERIAL RACKS W/ FORKLIFT ACCESSIBILITY. CANT MOVE THESE AWAY FROM BACK OF BUILDING

Applicant Signature Date

Attachment Checklist:

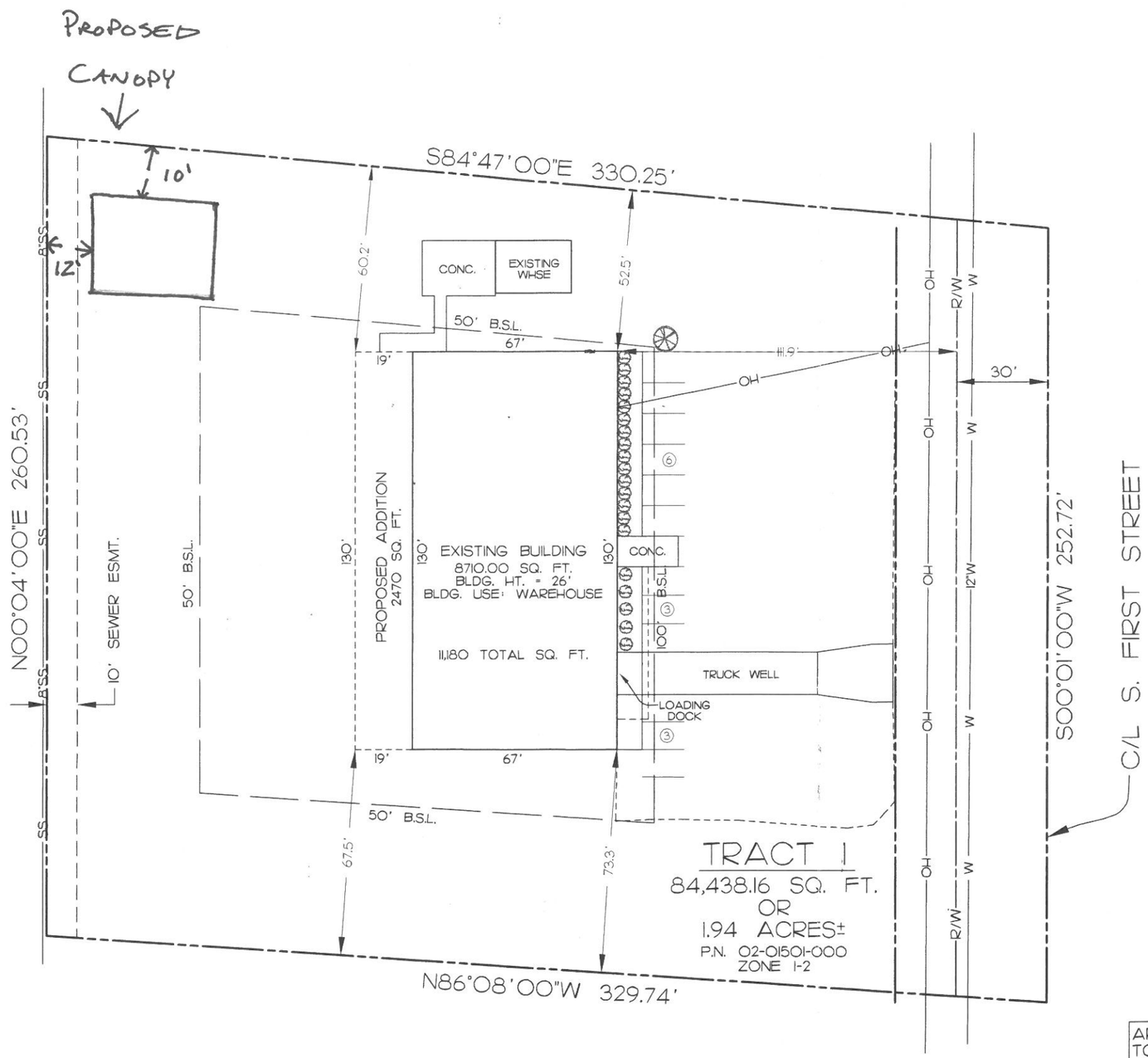
- ☑ Legal description of property
- ☑ Survey, elevations, sign proofs and/or other documents as needed to illustrate request

PLANNING STAFF PROVIDES:

DATE FILED: 8/18/22 PUBLIC HEARING DATE: 9/6/22

BOARD OF ADJUSTMENT DECISION:

SECRETARY, BOARD OF ADJUSTMENT DATE



SITE PLAN

LEGEND

— W — W —	WATER LINE
— SS — SS —	SANITARY SEWER LINE
— OH — OH —	OVERHEAD LINE
	PROPERTY LINE
	RIGHT-OF-WAY LINE
	EASEMENT LINE
(XX)	EXISTING PARKING SPACES
	CONIFEROUS TREE

TOTAL PARKING SPACES = 12

0 40 80

SCALE 1" = 40 FEET

CONTACT INFORMATION
JOHN@JCCNWA.COM
479-925-0394
PROJECT #

AREA OF DISTURBANCE:
TOTAL AREA: 84505 S.F.
TOTAL DISTURBED AREA:
4500 S.F.

LANDSCAPE REQUIREMENTS:
REQUIRED 3 SHRUBS\5 GAL.
1 TREE EVERGREEN 8 FT. TALL
PROVIDED:
18 SHRUBS\5 GAL.
1 TREE EVERGREEN 8 FT. TALL

SCALE: 1" = 40'	DATE: 3-2-20		
SITE PLAN J.C. CONSTRUCTION TRACT 1			
1700-1702 S. 1ST STREET, ROGERS, BENTON COUNTY, ARKANSAS			
JOB # 20-045	DRAWN BY: ASD	CHK'D BY: RJC	PAGE 1 OF 1

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 **September 6, 2022** at **4:00 p.m.** at Rogers City Hall regarding an application by **John Carney Construction, LLC** under the provisions of the City of Rogers Code of Ordinances, for a variance **to allow a reduction of the side and rear setback** at **1702 S. 1st St** in the I-2 (Heavy Industrial District) zoning district more particularly described as follows:

PARCEL NUMBER:
02-01501-000

LOCATION:
1702 S. 1st Street

Matt Loos, Secretary
Board of Adjustment

PUBLISH ONE TIME ONLY: **Sunday August 21, 2022**
BILL THE CITY OF ROGERS

JC CONSTRUCTION
1702
NOTICE OF PUBLIC HEA
NOTICE OF PUBLIC HEARING
VARIANCE
DESCRIPTION: To allow a reduction of the rear and side building setbacks at 1702 S. 1st St. in the
APPLICANT: I-2 (Heavy Industrial District)
BOARD/COMMISSION: John Carney Construction, LLC
MEETING DATE/TIME: Board of Adjustment
MEETING LOCATION: September 6, 2022 at 4:00 PM
PUBLIC COMMENTS: Rogers City Hall
www.rogersar.gov/1181/Public-Hearing-Signs
boardofadjustments@rogersar.gov
COMMUNITY DEVELOPMENT
PLANNING DIVISION
(479) 621-1186
planning@rogersar.gov