



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

**BOARD OF ADJUSTMENT
MINUTES
December 6, 2022**

MEMBERS PRESENT:

Hannah Cicioni
Aaron Smith
Kevin Jensen
Josh Allen

STAFF ATTENDING:

John McCurdy, Director of Community Development
Kris Paxton, Dev. Compliance Manager
Ever Villalobos, Project Engineer
John Pesek, Senior Staff Attorney
Kyle Belt, Planner I
Zachery Birdsong, Planner I
Karen Perez, Planning Technician

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

Board members attending as noted above.

OLD BUSINESS

- 1. (VAR 22-47) A request by Gateway Starbucks to allow a reduction of the front building setback from 75 feet to 30 feet on ±3.25 acres at the intersection of 8th and Hudson Rd., the C-2 (Highway Commercial) zoning district.**

Planner Kyle Belt stated the applicant requested to withdrawal the item. The item was tabled at the last meeting and would need action to remove the it from the table.

No representative was present.

Belt added that the applicant had an email from the applicant requesting to be withdrawn.

Fry opened the public hearing. There were no comments.

The public hearing was closed.

Motion by Cicioni n to Denied/Withdrawn. Second by Allen.

Voice vote: 4 YES-Unanimous **Motion carried**

DENIED/WITHDRAWN

- 2. (VAR 22-47) A request by Claire and Joseph Beggans to allow a reduction in the front setback from 30 feet to 25 feet at Lot 703 on S. Queensborough Lane in the Pinnacle Sub. Ph. 4, the R-SF (Residential Single Family) zoning district.**

Planner Zachery Birdsong said the property was located in the Pinnacle subdivision west of the interstate and south of West Northgate Road. The applicant is requesting a reduction of the front setback from 30 feet to 25 feet for a proposed residential development. The stated hardship was that the lot configuration was atypical, and there was a steep elevation of approximately 24 feet from the front property line. The HOA has also provided a letter of approval for the request. The front setback is also along the end of a private road within a subdivision. Planning Commission approved the same request at this location back in 2012 by a pervious owner planning to develop a single-family residence but a survey was never recorded.

Terry Parker, representative, explained the front porch and a corner of the garage would be the only portion of the house that would be encroaching in the 30-foot setback. He added if they could they could get those extra 5-feet it would help out tremendously with the grading and the configuration of the lot.

Fry opened the public hearing. There were no comments.

The public hearing was closed.

Smith asked for clarification of this exact variance being approved in the past. Birdsong confirmed it was approved but a survey was never recorded.

Jensen said he had no issues with what they were purposing. The site is unique and it was approved previously.

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

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

APPROVED

- 3. (VAR 22-47) A request by Saltea Sloth to allow a variance to build the primary building façade line outside of C-3 build-to-zone due to an existing detention pond at 1607 W. New Hope Rd., in the C-3 (Neighborhood Commercial) zoning district.**

Planner Christina Moore stated the property was located at the northeast corner of New Hope and Dixieland road next to the Kum & Go gas station. The property is zoned C-3 and is in the neighborhood center growth designation. The key characteristics of this area are neighborhood-oriented environment that promotes placemaking and pedestrian accessibility. The applicant is

requesting a reduction of the requirement that 60% of the primary building façade be outside of the build-to-zone due to an existing detention pond. She added that staff was recommending consideration of the request based on the existing auto oriented development and the intent for this neighborhood center to become walkable destination for nearby residents.

Jason Eckhart, representative, stated that the detention pond that Kum & Go built is serving all the lots surrounding that it is kind of a masterplan's regional detention pond.

Fry opened the public hearing.

Verlee and Dennis Scheel, neighboring property owners at 1605 W. New Hope Rd, questioned the where the entrance to the new development would be. Jason Eckhart answered that there is an existing curb cut on the Kum & Go that would be used as a shared entrance. All the traffic will enter and circle around. There are easements and residential on the other side.

The public hearing was closed.

Cicioni spoke that the already existing detention pond was a very site specific and found the request reasonable. Fry agreed that if the detention pond already there it limits the lot. Smith concurred as well.

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

Voice vote: YES- Unanimous *Motion carried*
APPROVED

ACTION ON MINUTES

Previous minutes: November 15th, 2022

Cicioni corrected on the Palmer request there was two approved motions and one denied.

Motion by Cicioni to accept the prepared minutes for the November 15th, 2022 meeting of the Board of Adjustment as presented. Second by Smith.

Voice vote: YES - Unanimous *Motion carried*
APPROVED

ADJOURNMENT

Meeting adjourned at 5:10 pm. by Board Member Hunter Fry.

As recorded by:

Karen Perez
Planning Technician
Community Development Department
City of Rogers

Approved by vote of the Board of Adjustment on:

Matthew Loos, BOA Secretary