



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

**BOARD OF ADJUSTMENT
MINUTES
November 1, 2022**

MEMBERS PRESENT:

Hannah Cicioni
Matthew Loos
Hunter Fry

STAFF ATTENDING:

Shawn Grindstaff, Dep. Director of Community Development
Lance Jobe, Dep. Director of Engineering Services
Kris Paxton, Dev. Compliance Manager
John Pesek, Senior Staff Attorney
Nick Little, Planner II
Kyle Belt, 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.

NEW BUSINESS

- 1. (VAR 22-43) A request by Robert Caster for Palmer Property to allow a reduction of the front, interior, and exterior side setbacks at 115 W. Kelley Drive in the I-1 (Light Industrial) zoning district.**

Planner Kyle Belt said the subject property was located just south of the Rogers Airport at the corner of Kelly and NE Hudson. Applicant is requesting setback reductions on three sides of an existing structure. The primary issue is the structure crosses the property line by two inches on the interior side. The adjacent parcel is under the same ownership and owner plans to sell but needs to correct the encroachment first. The requested reductions include: front from 50 feet to as little as 36.5 feet; exterior side setback from 50 feet to 39.4 feet; and, interior setback from 25 feet to 2 feet at its closet point. There is no site-specific hardship and staff recommends denial.

Brande Weidler, representative, stated she's concerned about the vacant lot on the west side. If they move the interior lot line to the required 25 feet it will reduce the lot size by about 25 percent, leaving only 25 feet to improve on. Brande adds that the property is under contract.

Fry opened the public hearing. There were no comments.
The public hearing was closed.

Cicioni recused herself.

Fry states without Cicioni there is no quorum.

Motion by Fry to TABLE the variance. Second by Loos.

Voice vote: 2 YES/1 ABSTAIN(Cicioni) **Motion carried**
TABLED

2. (VAR 22-44) A request by Geoff Bates for Willow Creek Apartments to allow a variance from the C-3 zoning Residential Transition Standards masonry wall requirement at in ±9.27 acres at the NW intersection of S. 8th Street & W. New Hope Road the C-3 (Neighborhood Commercial) zoning district.

Planner Nick Little stated the request was for a variance from requiring an 8-foot-tall masonry or block wall and a 6-foot-wide landscape buffer, with 8-foot-tall evergreen trees, when adjacent to any existing single-family area. Applicant is proposing to leave the existing mature tree canopy completely undeveloped and to fill in the gaps with evergreen plantings, specifically, holly bushes. Bates stated hardship was building the required wall would necessitate substantial clearing of the existing tree buffer. After review of an updated landscape and tree preservation plan submitted by the applicant, the proposed use of mature trees and new evergreen planting is enough to create a substantial visual and physical buffer between the existing and purposed development. It was also mentioned that surrounding property owners did not wish to have a large opaque masonry wall along their collective properties. Staff recommends approval.

Geoff Bates, representative, stated they wanted to keep the vegetative buffer instead of the wall. Developers met with adjacent property owners and all but one wanted to keep the vegetative screening. He reiterated that evergreen planting will be planted to fill in the gaps. Little added that a sign is put out on the location to notify adjacent property owners and has not received public input.

Fry opened the public hearing. There were no comments.
The public hearing was closed.

Cicioni said she appreciates when developers go out of their way to speak to adjacent property owners. The vegetative screening is more palatable than a masonry wall.

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

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

APPROVED

ACTION ON MINUTES

Previous minutes: October 18, 2022

Motion by Loos to accept the prepared minutes for the October 18th, 2022 meeting of the Board of Adjustment as presented. Second by Cicioni.

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