



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

**BOARD OF ADJUSTMENT
MINUTES
October 4, 2022**

MEMBERS PRESENT:

Hannah Cicioni
Josh Allen
Hunter Fry
Kevin Jensen
Matthew Loos
Aaron Smith

STAFF ATTENDING:

John McCurdy, Community Development Director
Kyle Belt, Planner I
Zachery Birdsong, Planner I
Christina Moore, 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.

Roll call was taken – members attending as noted above.

NEW BUSINESS

- 1. (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.**

Planner, Zachery Birdsong, stated the subject property was located in southwest Rogers in the phase one Pinnacle Subdivision. This request had been tabled from the September 6th BOA meeting in order for the applicant to provide an updated proposal. The original request was for a reduction from 10 feet to 5 feet 5 inches. The new updated request was for a reduction from 10 feet to 7 feet 1 inch for a two-story garage. Applicant's stated hardship was that the garage entrance must be in line with the house entrance. Staff does not recognize this as a site-specific hardship and recommends consideration.

John Mack, representative, stated his client's reduced the size and width of garage as well as moved the garage a foot closer to reduce the breezeway. That took the request from an 81-square-foot encroachment to 33 square feet, an approximate 58% reduction. He stated the placement of the garage is still the same to maintain the egress into the two bedrooms on the second floor. This placement would also allow for a future development of the client's backyard.

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

Cicioni acknowledged the effort made to minimize the encroachment but stated that the applicant still cites no site specific hardship.

Mack explained how the garage itself has site requirements. It is a two car garage he cannot reduce the width anymore, and the garage cannot be pushed up against the house because of the windows that need to have egress in order to meet building code.

Loos questioned the side setback being 7.5 feet or 10 feet?

John confirmed the side setback is 10 feet.

Jensen questioned how close he is to the neighboring home?

John stated there should be a good 18 feet between the new garage and the neighboring house.

Cicioni reiterated that there is no site-specific hardship and just because someone wants to build something bigger it does not grant approval since there are other ways the garage can be designed.

Allen mentioned he is hesitant because the neighbor is not aware due to it being a rental.

Jensen and Fry both spoke on the how there are some architectural elements that are site-specific such as the alignment of the upstairs. They both don't see this as causing problems down the road in a neighborhood that has existed for a long time.

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

Voice vote: 4 YES & 2 NO (Loos/ Cicioni) **Motion carried**

APPROVED

- 2. (VAR 22-35) A request by Freeman Family Rentals to allow a variance from the parking space requirement at 2318 S. 8th Street in the C-4 (Open Display Commercial) zoning district.**

Planner, Christina Moore, stated the applicant was requesting to reduce their off-street parking from 100 spaces to 80 spaces. The applicant listed a new street required for connectivity to the western half of the property as the hardship.

David Gilbert, representative, added that the necessity of putting a three-lane street through a lot that is 327 feet wide creates some complications.

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

Jensen abstained.

Cicioni stated she found the request reasonable and appreciated the uniform parking instead of current parking layout.

Smith agreed with Cicioni.

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

Voice vote: 5 YES/1 ABSTAINED *Motion carried*

APPROVED

3. (VAR 22-35) A request by Freeman Family Rentals to allow a reduction of the front and side setbacks at 2318 S. 8th Street in the C-4 (Open Display Commercial) zoning district.

Jensen Abstained.

Planner, Christina Moore, stated this request was for the same project but different request to reduce the front and side yard setbacks of two buildings in the eastern half of the property. The front setback for the north building is being reduced from 75 feet to 66 feet in the overlay district and the exterior side setback from 45 feet to 7 feet. The exterior side setback for the south building from 45 feet to 12 feet and the interior yard setback from 15 feet to 9 feet. The hardship being the same as before the width of the new road addition.

David Gilbert, representative, stated Moore had explained the request well. He reiterated that the reduction is needed in order to add a city street to maintain connectivity and street grid in between two existing buildings. He added that it is the developers hope that sometime in the not too distant future the entire development is complete including the front. But for today, the north building is already in the setback for the overlay zone. Placing the street in between two buildings, there is just not enough room to put a street and meet the setbacks, he said.

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

Allen asked for clarification that the request is only for the existing buildings?

Gilbert confirmed that the request is only for the existing building that is already encroaching in the setbacks.

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

Voice vote: 5 YES/1 ABSTAINED *Motion carried*

APPROVED

4. (VAR 22-35) A request by MK Properties to allow an existing building setback at 70 feet at 2013 S. 8th Street, in the I-1 (Light Industrial) zoning district.

Planner, Kyle Belt, stated the setback in the I-1 zoning district is 50 feet and the site is also in the overlay district. Kyle also added that the applicant requesting the reduction in conjunction with a large scale development. The reduction would allow them to dedicate right-a-way.

Candice Anderson, representative, added that it is an existing building located on 8th street and with the additional right-a-way that will be dedicated its will reduce the setback.

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

Cicioni said she found the request reasonable.

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

Voice vote: YES- UNANIMOUS Motion *carried*

APPROVED

5. (VAR 22-35) A request by Michael Clotefelter for Kum & Go, 2422 to allow an increase in canopy height at the SW Corner of W. Walnut Street & S. 28th Street, in the C-2 (Highway Commercial) zoning district.

Kyle belt, stated that this was a request in conjunction with a large scale development. The project is located at the intersection of S. 28th Street and W. Walnut Street on the southeast corner. They are requesting to raise the canopy height from 16 feet to 21 feet. The stated hardship is possible in safety issues. Staff recommended approval based on the safety issue and past approvals for other Kum & Go developments.

Michael Clotefelter, representative, said he had nothing further to add and was open for questions.

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

Kyle commented that the other Kum & Go canopy height increase had originally been approved at Planning Commission along in the large scale approval.

Allen commented this is a reasonable request.

Motion by Allen to APPROVE the variance. Second by Smith.
Voice vote: YES- UNANIMOUS Motion *carried*
APPROVED

ACTION ON MINUTES

Previous minutes: September 6th, 2022

Motion by Allen to accept the prepared minutes for the September 6th, 2022 meeting of the Board of Adjustment as presented. Second by Cicioni.
Voice vote: YES - Unanimous *Motion carried*
APPROVED

ADJOURNMENT

Meeting adjourned at 5:29 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