



DEPT. OF COMMUNITY DEVELOPMENT
PLANNING DIVISION
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**BOARD OF ADJUSTMENT
MINUTES
September 6, 2022**

MEMBERS PRESENT:

Hannah Cicioni
Josh Allen
Hunter Fry
Mandel G. Samuels

STAFF ATTENDING:

Lori Ericson, City Planner
Nick Little, Planner II
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.

Roll call was taken – members attending as noted above.

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.**

Planner, Kyle Belt, stated the applicant is requesting a variance to allow a reduction of the 20-foot rear yard setback to 9.23', varying from Sec. 14-703(f)(2)(b). The final plat of the Pinnacle Golf and Country Club, calls out the rear setback at 20-feet and a rear utility easement at 15 feet for the lots within the subdivision.

Chuck Bell, surveyor, stated that the reduction would be needed for a pool. He stated the pool would not be in the easement and the rear yard was too tight to reconfigure the pool's location.

Samuels, PC representative, questioned if the reduction would encroach in the utility easement.

Bell, stated, only the pool stairs would be encroaching in the utility easement. The pool itself would only be encroaching by 5-feet.

City Planner, Lori Ericson, asked for confirmation that the request was now for a reduction of 5-feet in the rear setback instead of the 10.77-feet that was originally submitted.

Bell confirmed.

Fry opened the public hearing
The public hearing was closed.

Cicioni stated the shape of the lot is odd and leaving the utility easement enact goes with what has been approved by the board in the past.

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

Voice vote: YES– Unanimous *Motion carried*

APPROVED

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.

Planner, Zachery Birdsong, stated the applicant is requesting to allow an 80.76 square feet reduction of the interior yard setback to construct a two-story garage. The garage at the most will encroach in the setback by 4.7-feet. The applicant states their hardship is that they plan to develop their backyard in the future and this is the only place their garage can be placed. Staff does not recognize this as a hardship justification. The size of the garage could be reduced to fit within the setback.

John Mack, representative, stated the placement of the two-story addition was to maintain the egress and have some natural light coming into the two bedrooms on the second floor, and they would need a minimum breezeway of 6-feet off that wall.

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

Birdsong, pointed out the drawing provided showed the side setback at 7.5-feet the correct side setback is supposed to be at 10-feet.

Cicioni, questioned, if the 6-foot breezeway was a fire code or personal preference?

Mack confirmed it was not a fire code but personal preference to maintain some natural light, but to be also used as an egress path.

Samuels said the applicant really had no hardship and the request came off more as a personal preference. There was also nothing that said this couldn't be reconfigured to be out of the setback.

Mack, stated the hardship was that there was no way to reconfigure the structure and it still function the way the client wants with egress onto the second floor that has a six foot space.

Allen, mentions the 6-foot breezeway can be reduced to get them out of the corner.

Cicioni questions if the width of the structure is also to accommodate the client?

Mack states it is 20-feet wide so somewhat of a minimum, two car garage.

Samuels states a personal hardship is not hardship.

Mack asks his request be tabled.

Motion by Samuels to TABLE the variance. Second by Cicioni.

Voice vote: YES– Unanimous *Motion carried*

TABLED

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.

Planning Technician, Karen Perez, stated the applicant was requesting a variance to allow the construction of a residential shop with 14-foot-tall sidewalls and a 4/12 roof pitch that would bring the peak elevation to 21.6 feet. The applicant does not have a site specific hardship for varying from city code, but states the increase is needed in order to store an RV. A minimum height of 14-foot sidewalls is needed in order to allow enough opening room for (2)-12-foot x12-foot high-roll overhead doors. The parcel is 1.87 acres and staff finds the 52.7-foot interior setback from the property line and adjacent neighboring lot for this structure makes the added nearly 6-feet of structure height acceptable, resulting in little to no impact for neighboring property owners.

Jason Dye, applicant, stated the height is needed for 12-foot x12-foot doors and roof pitch is also to match the house. They just updated their home and would like a black metal roof on the accessory structure to match

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

Samuels questioned how close it the accessory structure would be to the neighbor.

Perez stated the lot was 1.87 acres and the accessory structure would be 52.7-feet away from the closest neighboring lot which is also vacant.

Dye states he is also the property owner of that vacant lot.
Motion by Cicioni to APPROVE the variance. Second by Samuels.
Voice vote: YES– Unanimous **Motion carried**
APPROVED

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.

Planner, Nick Little, stated the project is located at 1001 South 1st Street in the R-DP zoning district and located within the neighborhood growth designation. The applicant is requesting a variance to allow a lot depth in R-DP that is less than what is required. R-DP zoning calls for a 100' minimum lot depth. The proposal shows the lot depth for Lot 1A as 89.87'.

The 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 the R-DP design standards. Due to the acreage of both the proposed lots, only single family residences will be permitted.

Rob Caster, surveyor, stated the request spoke for itself. He also stated the variance was recommendation of RWU Engineer Stephen Ponder.

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

Cicioni commented that this is one of the original plotted subdivisions within the City. These are the smaller lots and you are having to work with what you have. She also questioned if there was an alley access? She also notes the two street frontages.

Caster, confirmed there was alley access.

Cicioni, explained how she understood it is difficult to work with small lots and found this to be a great use and a reasonable request.

Motion by Samuels to APPROVE the variance. Second by Cicioni.
Voice vote: YES– Unanimous **Motion carried**
APPROVED

5. (VAR 22-32) A request by JC Construction, LLC to allow a reduction of the side and rear setback in the I-2 (Heavy Industrial) zoning district.

Planner, Zachery Birdsong, stated the applicant is requesting a variance to reduce the rear setback from 50-feet to 12-feet and the north interior building setback from 50-feet to 10-feet for a canopy to protect machinery from the weather. The proposed setbacks reductions

abut property that is also zoned I-2. The hardship voice 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. The north interior lot line contain a fence as well. In addition to the stated hardship, the 50-foot setback are intended for heavy industrial use. This request is for a canopy that will not be a safety concern or be a nuisance.

John Carney, stated, his request was very straightforward. Asked if anyone had any questions for him.

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

Cicioni, commented, with the amount of vegetation that is back there and has been back there for a long time this would cause no intrusion into the neighboring lots.

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

Voice vote: YES– Unanimous *Motion carried*
APPROVED

ACTION ON MINUTES

Previous minutes: July 14, 2022

Motion by Allen to accept the prepared minutes for the July 14, 2022 meeting of the Board of Adjustment as presented. Second by Cicioni.

Voice vote: YES - Unanimous *Motion carried*
APPROVED

ADJOURNMENT

Meeting adjourned at 5:38 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

