



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

**BOARD OF ADJUSTMENT
MINUTES
May 19, 2022**

MEMBERS PRESENT:

Hannah Cicioni
Josh Allen
Hunter Fry
Matt Loos
Aaron Smith
Eriks Zvers

STAFF ATTENDING:

Lori Ericson, City Planner
Kyle Belt, Planner I
Christina Moore, Planner I
Zachery Birdsong, Planner I
Karen Perez, Planning Technician

Board member Hunter Fry called the meeting to order at 5:00 pm in the Community Room at Rogers City Hall.

Roll call was taken – members attending as noted above. Board Member Elizabeth Cisneros was not present.

NEW BUSINESS

- 1. (VAR 22-16) A request by Mandy Leesch to allow a reduction of the rear and side setbacks at 1301 N. Flamingo Rd., in the RSF-5 (Residential Single Family, 5 units per acre) zoning district.**

Planner Christina Moore provided the staff report with findings, noting that there was changes in the structure size.

Mandy Leesch, applicant, spoke and stated while they did not have a site specific hardship for request. The reduction was needed for a home office due to them quickly outgrowing their home with the welcoming of a new baby and with the current housing market and rising interest rates a

new home is simply not feasible. She also mentioned the neighbor directly behind her was granted a greater reduction for a two story Accessory Dwelling Unit at a max height of 20'.

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

Board members discussed

Cicioni stated the request was reasonable.

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

Voice vote: YES – Unanimous *Motion carried*

APPROVED

2. (VAR 22-17) A request by Peder & Laura Berg to allow a reduction of the rear and side setback at 623 W. Olive St., in the R-DP (Residential Duplex Patio) zoning district.

Planner Kyle Belt provided the full findings, mentioning the request was to allow a pool house/garage on an existing slab. If approved the applicant will be required to dedicate prescriptive right-of-way. The applicant also had five letters of support from neighbors.

Peder Berg, applicant, stated the current structure on the slab was built back in 1959, he believes. No updates have been made, and it is completely rotted but the foundation is in great shape. His plan is to take down the rotted structure and use the existing slab for usable space and to build equity.

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

Board members discussed.

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

Voice vote: YES– Unanimous *Motion carried*

APPROVED

3. (VAR 22-18) A request by Founder Classical Academy of Rogers to allow a LED sign at 800 S. Dodson Rd in the A-1 (Agricultural) zoning district.

Board Members Zvers and Loos recused themselves.

Planning Technician Karen Perez explained that it was longstanding policy, sign restrictions for the City's Overlay District to be applied to schools and churches in all zoning districts excluding LED allowances. She stated staff also found the LED sign area to be of minimal impact to the surrounding residential neighborhoods. Approval is recommended subject to meeting all illumination requirements.

Colby Leding, representing the applicant, said that illumination would be suppressed during certain times throughout the day if that would be an issue.

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

Board members discussed.

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

Voice vote: YES– Unanimous *Motion carried*

APPROVED

4. (VAR 22-19) A request by Cathy Carter to allow a reduction of the rear setback and easement at 5611 W. Murfield Dr., in the R-SF (Residential Single Family) zoning district.

Zachery Birdsong stated the request was to allow the addition of a sunroom to her existing patio. Part of the house is already two feet within the rear building setback, the applicant is requesting a reduction of 6 additional feet. Staff found the true hardship to be the curvature of the road making this lot smaller in relation to neighboring lots. Birdsong mentions the applicant having the Ivey's POA full support.

Nathan Bradley, representing applicant, and is also part of the Ivey's POA board. He confirmed full support from the POA board.

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

Allen questioned if the setback also served as a utility easement. Birdsong confirmed that the setback also served as a utility easement. Zvers commented that the curvature of the road and the full support of the POA board, he saw no reason to deny the request.

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

Voice vote: YES– Unanimous *Motion carried*

APPROVED

5. (VAR 22-20) A request by Carolyn Campbell to allow an increase in height for an ADU at 104 Betsy Ln., in the R-SF (Residential Single Family) zoning district.

Belt stated the request was to allow an increase of the maximum structure height for accessory dwelling unit at 24' 6 1/4". Sec 14-738, regarding accessory dwelling units, allows a height of 20'. He states the applicant is requesting the variance on a metal building that has already nearly finished construction. Kyle also noted the applicant acknowledges the error and that compliance with zoning construction standards is her responsibility.

Will Kellstrom, representative, spoke on behalf of the applicant and stated he had nothing to add and mentioned he would be happy to answer any questions.

Fry opened the public hearing

James Holtby, abutting neighbor, spoke with concerns on the purpose of the building noting that there was multiply uses for the dwelling unit. He also mentions the additional height is adding over a 1000 cubic feet of additional space that he will be looking at from his rear window.

Will Kellstrom commented that the height restrictions were never told to Ms. Campbell.

Lori Ericson, City Planner, confirmed that the height is included on the approval form that the applicant signs off on.

The public hearing was closed.

Cicioni questioned the hardship.

Kellstrom said there was no site specific hardship. He added the true hardship was they applied for a permit and it was approved. The building is more than halfway complete and there has been money spent.

Ericson confirmed once again a building permit would not have been issued without the height restriction on the planning approval form.

Board members discussed.

Kellstrom requested the item be tabled so they can gather more information.

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

Voice vote: TABLE– Unanimous **Motion carried**

TABLED

ACTION ON MINUTES

Previous minutes: April 14, 2022

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

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

APPROVED

ADJOURNMENT

Meeting adjourned at 5:33 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