



BOARD OF ADJUSTMENT MEETING AGENDA

FEBRUARY 21, 2023

5:30 PM

DATE: FEBRUARY 21, 2023

LOCATION: CITY HALL, 301 W. CHESTNUT STREET

REGULAR SESSION: 5:30 PM

ONLINE VIEWING: [HTTPS://US02WEB.ZOOM.US/J/89691447426](https://us02web.zoom.us/j/89691447426)

AGENDA

CALL TO ORDER:

ROLL CALL:

NEW BUSINESS:

1. (VAR 23-11) A request by Mercy for an additional wall sign at 4667 S. Dixieland Road in the C2-CU, RO-CU, and RMF-12A (Highway Commercial, Residential Office, Residential Multifamily 12 units per acre) zoning district.
 - *STAFF: Karen Perez*
 - *REPRESENTED BY: Caleb Murry, Sign Studio*
2. (VAR 23-13) A request by Saddlebrooke Lane for a variance to reduce the density, lot size, and setback requirements at 2720 S. Dixieland Road in the N-R (Neighborhood Residential) zoning district.
 - *STAFF: Kyle Belt*
 - *REPRESENTED BY: Aaron Wade, Bespoke Homes*
3. (VAR 23-14) A request by Patrick & Carmen Brown to allow an accessory building at 22 feet in height at 5287 S. Morning Star Road in the R-SF (Residential Single Family) zoning district.
 - *STAFF: Kyle Belt*
 - *REPRESENTED BY: Patrick & Carmen Brown*

ACTION ON MINUTES:

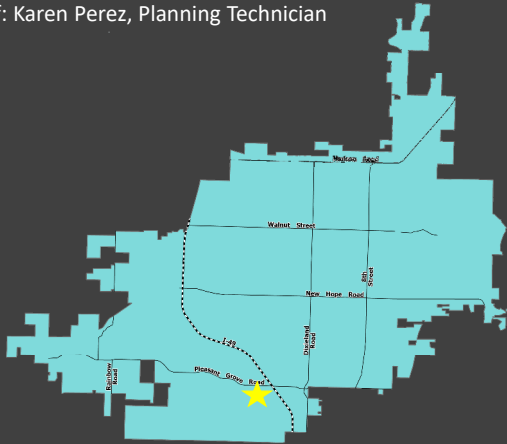
ADJOURN:



Variance Mercy

PLANNING

Staff: Karen Perez, Planning Technician



Vicinity Map

Summary

Location

4667 S. Dixieland Road, Suite 102

Nature of Request

To allow an additional 128-sf sign

Zoning

C2-CU, RO-CU, & RMF-12A

Current Use

Medical, Dental, and Health
Practitioner Office

Representative

Caleb Murry, Sign Studio

Location:

4667 S. Dixieland Road, Suite 102- located over by the Fast Lane and Sky Zone

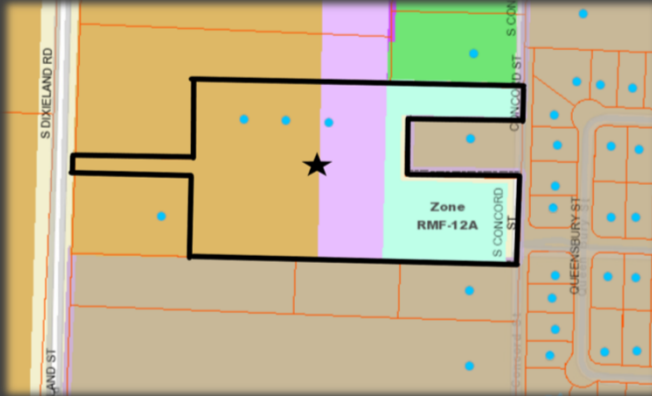
Board of Adjustment Duties Per Sec. 14-724(e)(1):

- a) Hear appeals from the decision of the Department of Community Development in respect to the enforcement and application of the zoning ordinance and the sign permitting provisions contained in Chapter 44, and may affirm or reverse, in whole or in part, said decision of the Department of Community Development; and
- b) Hear requests for variance from the literal provisions of the zoning ordinance in instances where strict enforcement of the zoning ordinance would cause undue hardship due to circumstances unique to the individual property under consideration, and grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning ordinance.



Variance Mercy

PLANNING



Zoning Map

Findings

- The property is zoned C2-CU & RO-CU.
- C-2 sign allowance:
 - a) One wall sign allowed per business/street frontage at 2-sf of sign area for every one linear ft. of frontage not to exceed 400-sf.
- This multi-tenant building has two street frontages (South Dixieland/South Concord) and each tenant would be allowed one wall sign by right not to exceed 400-sf for the entire building.

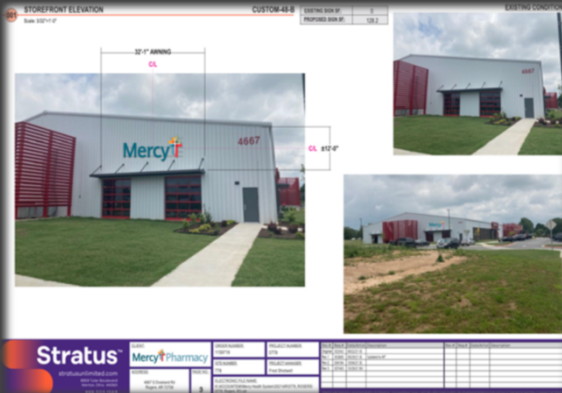
Zoning:

- a) *C-2 (Highway Commercial):* The purpose and intent of the highway commercial district is commercial uses, which depend upon high visibility, generate high traffic volumes or cater to the traveling public. These characteristics dictate that this district be located along or at the intersections of arterial classification streets or along frontage roads adjacent to the interstate or other limited-access streets.



Variance Mercy

PLANNING



Sign Rendering

Request:

- Requesting an additional wall sign at 128-sf

Stated Hardship

- Applicant does not state a site specific hardship but is required by CMS (Centers for Medicare and Medicaid Services) to make sure that patients are able to easily locate the facility. Through patient surveys and other modes of communication patients reported issues finding the facility. Due to the complaints Mercy is requesting the additional sign in order to stay compliant with CMS regulations.

The variance from Sec. 44-9(1) includes:

- One wall sign allowed per business/street frontage at 2-sf of sign area for every one linear ft. of frontage not to exceed 400-sf. This site has 2 street frontages and is permitted 2 wall signs by right.
- Applicant is requesting two additional wall signs on the east elevation and two additional wall signs on the north elevation.



Variance

Mercy

PLANNING



Sign Rendering

Findings

- This is a multi tenant building with three tenants with a total sign area of 272-sf. And a monument at each entrance.
- If approved the additional wall sign would take them to the maximum 400-sf sign area.
- Mercy's tenant space is in the center of the multi tenant building with no exterior wall signage.

Analysis

- We recommend considering this request since they will be under the allowed sign area.

Findings:

- **Permitted Signs-**

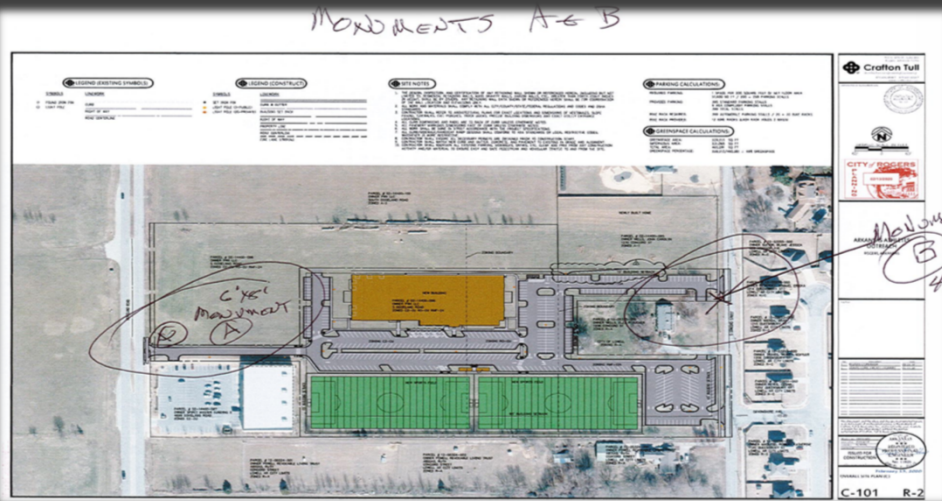
- a) Mercy: 18-sf
- b) D1 Training- 52-sf & 76-sf
- c) AAO- 80-sf & 47-sf
- d) Multi-tenant monument at 6 feet tall

- The intent of Chapter 44 is to use private land and the sight line created by public rights-of-way to inform and persuade the general public by publishing a message. This section provides standards for the erection and maintenance of signs. All signs shall be erected and maintained in accordance with Chapter 44 so as to promote, preserve, and protect the health, safety, general welfare, convenience, and enjoyment of the public, to preserve and protect the aesthetic quality of Rogers.



Variance Mercy

PLANNING



Site Plan

Findings:

- **Permitted Signs-**

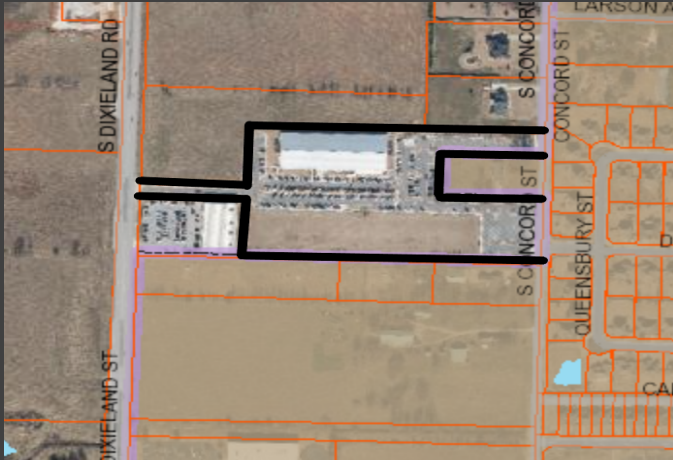
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Variance Mercy

PLANNING



Aerial Map

Staff Recommended Motion:
CONSIDER

Public Input Received:

- a) No input has been received from the public.

Recommendation:

Consider



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

OFFICE USE ONLY

Permit Fee: \$100⁰⁰ (\$100)
Zoning: C2-U, R0-U, RMF
App Number: 22-11 -12A
CityView Application: PL202300093
Date: 2/2/23

VARIANCE APPLICATION

APPLICANT: Mercy Therapy Services

ADDRESS: 4667 S. Dixieland Road SUITE #: 102

GENERAL LOCATION OF PROPERTY: Mercy occupies a tenant space in the center of the building

PHONE #: 727.542.1246 EMAIL: Tanya.Scott@StratusUnlimited.com (National sign vendor
for Mercy) and Caleb@yoursignstudio.com (local installer)

PROPERTY OWNER: Arkansas Athletes Outreach PHONE #: 479.409.8429

REQUEST to ALLOW: 48" tall Illuminated channel letters for Mercy on the West side of the building to be visible
from Dixieland Road

HARDSHIP JUSTIFICATION to VARY FROM CODE: _____

Mercy Therapy Services is having major issues with patients finding the facility, especially when they are approaching from the west (off of Dixieland). Many of the patients end up having to call us to get help finding the facility. This has become a Medicare/Medicaid compliance issue.

Mercy Therapy Services is required by CMS (Centers for Medicare and Medicaid Services) to make sure that patients are able to easily find our facility and through patient surveys and other modes of communication our patients are reporting issues finding our facility. Because of these complaints we are needing to add more signage to stay compliant with CMS regulations.

Attachment Checklist:

- ☐ Legal description of property
- ☐ Survey, elevations, sign proofs and/or other documents as needed to illustrate request

DATE FILED: 2/2/23 PLANNING STAFF PROVIDES: _____ PUBLIC HEARING DATE: 2/21/23

BOARD OF ADJUSTMENT DECISION: _____

SECRETARY, BOARD OF ADJUSTMENT _____ DATE _____

Stratus™

stratusunlimited.com
888.503.1569

LOCATION NUMBER:

778

SITE ADDRESS:

4667 S Dixieland Rd
Rogers, AR
72758



SITE PLAN

NTS - Not to Scale



Stratus™

stratusunlimited.com

8959 Tyler Boulevard
Mentor, Ohio 44060

888.503.1569

CLIENT:

MercyPharmacy

ADDRESS:
4667 S Dixieland Rd
Rogers, AR 72758

PAGE NO.:
2

ORDER NUMBER:
1159719

SITE NUMBER:
778

ELECTRONIC FILE NAME:
K:\ACCOUNTS\MM\Mercy Health System\2021\AR\0778_ROGERS\0778_Rogers_R3.cdr

PROJECT NUMBER:
0778

PROJECT MANAGER:
Fred Shotwell

Rev #	Req #	Date/Artist	Description	Rev #	Req #	Date/Artist	Description
Original	352542	09/22/21 IS					
Rev 1	353680	09/29/21 IS					
Rev 2	354184	10/04/21 IS					
Rev 3	357493	10/29/21 BV					

PRINTS ARE THE EXCLUSIVE PROPERTY OF STRATUS. THIS MATERIAL SHALL NOT BE USED, DUPLICATED, OR OTHERWISE REPRODUCED WITHOUT THE PRIOR WRITTEN CONSENT OF STRATUS.

EXISTING SIGN SF:	0
PROPOSED SIGN SF:	128.2



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stratusunlimited.com

8959 Tyler Boulevard
Mentor, Ohio 44060

888.503.1569

CLIENT:

Mercy⁺Pharmacy

ADDRESS:

4667 S Dixieland Rd
Rogers, AR 72758

PAGE NO.:

3

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Rev #	Req #	Date/Artist	Description	Rev #	Req #	Date/Artist	Description
Original	352542	09/22/21 IS					
Rev 1	353680	09/29/21 IS	Updated to 48"				
Rev 2	354184	10/04/21 IS					
Rev 3	357493	10/29/21 BV					

PRINTS ARE THE EXCLUSIVE PROPERTY OF STRATUS. THIS MATERIAL SHALL NOT BE USED, DUPLICATED, OR OTHERWISE REPRODUCED WITHOUT THE PRIOR WRITTEN CONSENT OF STRATUS.

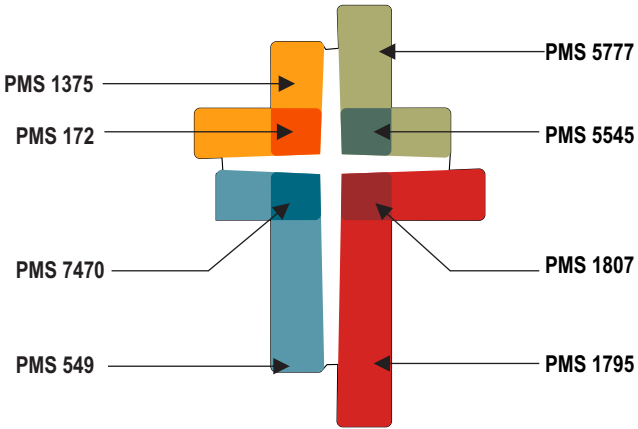
Scale: 1/4"=1'-0"

128.2 square feet

refer to
PRODUCTION SHOP DRAWING
MHS0330A
for manufacturing details



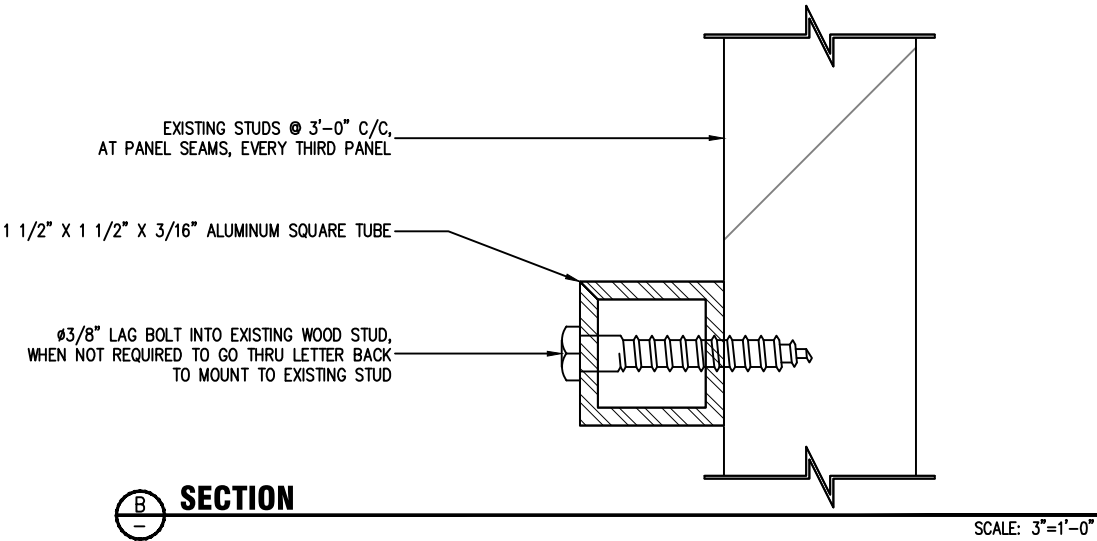
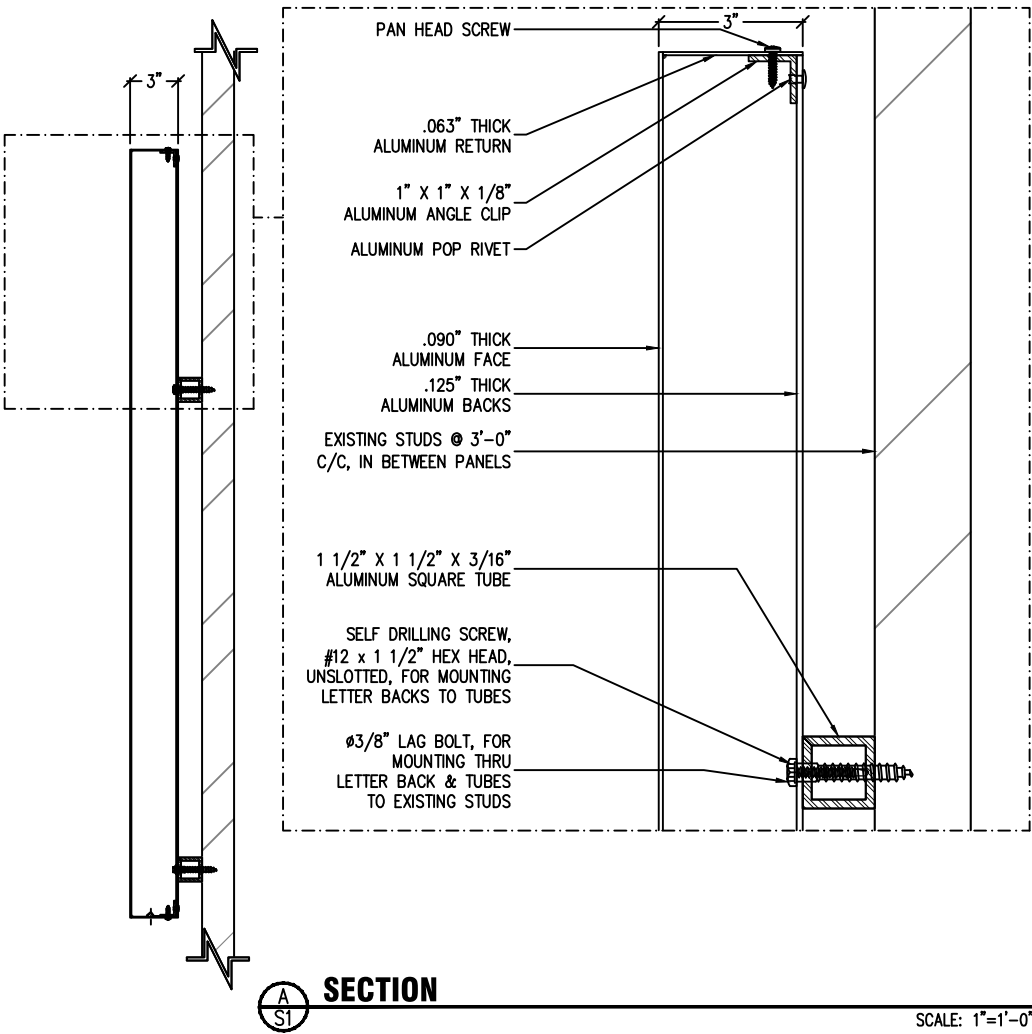
CROSS COLOR SPECS:



COLOR PALETTE



- FACES:** .090 alum. faces painted colors shown
- RETURNS:** .063 alum. returns 3" deep; welded to faces. All welds sanded smooth painted PMS 8400 Metallic.
- WALL MATERIAL:** Per engineering details
- INSTALL:** Letters mounted to aluminum square tubes painted to match Pantone 427 C, mounted to surface per engineering details



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CLIENT:

Mercy+Pharmacy

ADDRESS:

4667 S Dixieland Rd
Rogers. AR 72758

PAGE NO.:

4

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1159719

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K:\ACCOUNTS\MM\Mercy Health System\2021\AR\0778_ROGERS\0778_Rogers_R3.cdr

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Rev #	Req #	Date/Artist	Description	Rev #	Req #	Date/Artist	Description
Original	352542	09/22/21 IS					
Rev 1	353680	09/29/21 IS	Updated to 48"				
Rev 2	354184	10/04/21 IS	Updated to dimensional letters				
Rev 3	357493	10/29/21 BV	Changed sign # from A to 001 and updated per Engineering				







NOTICE OF PUBLIC HEARING

**NOTICE OF PUBLIC HEARING
VARIANCE**

PROPOSED: The owner of the property at 4667 D! Drive, Raleigh, NC 27612, is requesting a variance from the Zoning Ordinance to allow for the use of the property as a [illegible] use.

APPLICANT: [illegible]

BOARD COMMISSION: [illegible]

MEETING LOCATION: [illegible]

PUBLIC COMMENT PERIOD: [illegible]

FOR MORE INFORMATION, CONTACT: [illegible]

Seal of the City of Raleigh

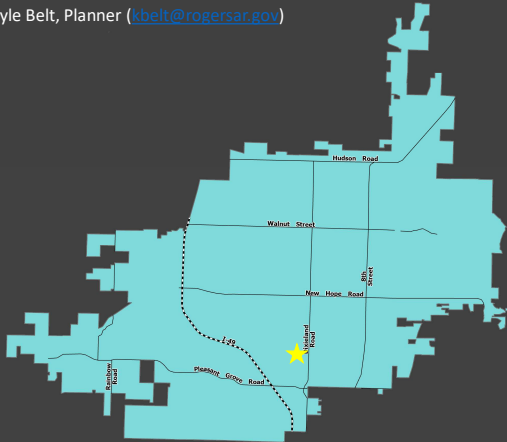


Variance

Saddlebrooke Lane

PLANNING

Staff: Kyle Belt, Planner (kbelt@rogersar.gov)



Vicinity Map

Location

NW corner of S. Dixieland Rd. and Saddlebrooke Lane in the Villas at Cobble Creek Subdivision

Nature of Request

Reduction of lot size, lot width, and rear setback reduction to allow for lot split.

Zoning

N-R (Neighborhood Residential)

Proposed Use

Creation of Additional Lot in Subdivision

Representative

Aaron Wade, Bespoke Homes

Summary:

NW corner of S. Dixieland Rd. and Saddlebrooke Lane in the Villas at Cobble Creek Subdivision

Request:

- 1) Reduce rear setback of existing dwelling from 20-feet. to 6.78-feet.
- 2) Reduce Minimum lot area from 6,000 to 4,500 sf.
- 3) Reduce minimum lot width to 40-feet.

Parcel: 02-02087-215

Board of Adjustment Duties Per Sec. 14-724(e)(1):

- a) Hear appeals from the decision of the Department of Community Development in respect to the enforcement and application of the zoning ordinance and the sign permitting provisions contained in Chapter 44, and may affirm or reverse, in whole or in part, said decision of the Department of Community Development; and
- b) Hear requests for variance from the literal provisions of the zoning ordinance in instances where strict enforcement of the zoning ordinance would cause undue hardship due to circumstances unique to the individual property under consideration, and grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning ordinance.

Zoning:

N-R (Neighborhood Residential): The purpose and intent of the neighborhood residential district is to encourage the continuation and revitalization of low- to medium-density housing throughout the City. Goals of the N-R district can be: Make more efficient use of existing infrastructure such as streets, and water and sewer lines, provide affordable housing opportunities within the City, minimize traffic congestion by reducing commuting distances, and relieve some of the pressure from suburban sprawl by promoting new development in more established areas. Sec. 14-702(a).

Growth Designation:

Neighborhood

Growth Designation Purpose:

To protect and maintain existing residential areas in between other Growth Designation nodes while encouraging low-density infill. (CGM PAGE 1)

Growth Designation Character:

Single-use residential areas connected by collector and local streets that may feature community-oriented non-residential uses such as schools, resource centers, and places of worship. Goals include preserving locations for low-density residential while limiting its proliferation in areas proposed for higher-intensity development. (CGM PAGE 1)

Allowed Zoning Districts:

R-SF, N-R, R-DP, R-MF



Board of Adjustment

PLANNING

(e) Appeals; powers and duties. Sec. 14-724(e)(1)(a)(b)

(1) The Board of Adjustment shall hear the following appeals as provided by state law:

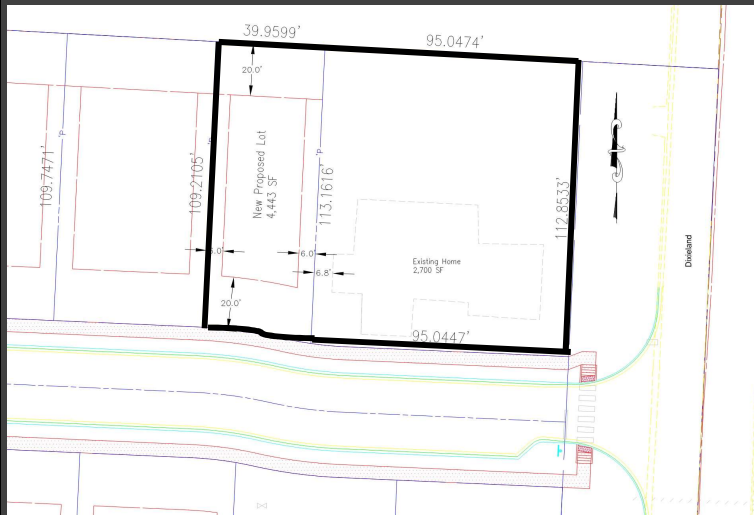
- a. Hear appeals from the decision of the Department of Community Development in respect to the enforcement and application of the zoning ordinance and the sign permitting provisions contained in Chapter 44, and may affirm or reverse, in whole or in part, said decision of the Department of Community Development; and
- b. Hear requests for variance from the literal provisions of the zoning ordinance in instances where strict enforcement of the zoning ordinance would cause undue hardship due to circumstances unique to the individual property under consideration, and grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning ordinance.



Variance

Saddlebrooke Lane

PLANNING



Request -

A Lot Split Requiring these Variances:

- 1) Reduce rear setback of existing dwelling from 20-feet. to 6.78-feet.
- 2) Reduce Minimum new lot area from 6,000 to 4,500 sf.
- 3) Reduce minimum lot width from 50-feet to 40-feet.

Request:

- Per Sec. 14-702(c)(2)(d) - Reduce rear setback of existing dwelling from 20-feet. to 6.78-feet.
- Per Sec. 14-702(d)(1) - Reduce Minimum lot area from 6,000 to 4,500 sf.
- Per Sec. 14-702(d)(2) - Reduce minimum lot width from 50 to 40-feet.

Stated Hardship:

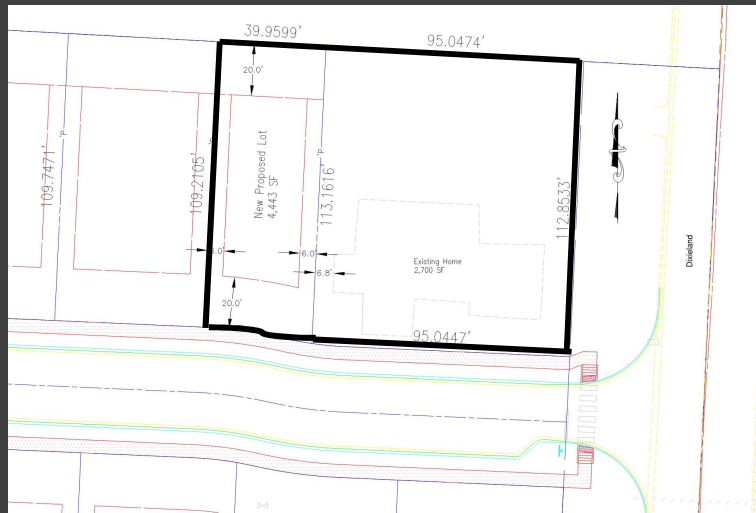
The existing dwelling on this lot is oriented toward the SE corner and there is a large portion of unused open space to the West that the applicant cannot develop under the current zoning district regulations.



Hardship Claim

- Per Sec. 14-702(c)(2)(d) - Reduce rear setback of existing dwelling from 20-feet. to 6.78-feet.
- Per Sec. 14-702(d)(1) - Reduce Minimum lot area from 6,000 to 4,500 sf.
- Per Sec. 14-702(d)(2) - Reduce minimum lot width from 50 to 40-feet.

The applicant has stated that a strict adherence to the applicable standards of the N-R zoning code prevents them from utilizing available unused land within their subdivision.



Staff Findings

Request:

- 1) Reduce rear setback of existing dwelling from 20-feet. to 6.78-feet (displayed as 6.80 on graphic).

This proposal meets the purpose and intent of the zoning district by providing for “low-to medium-density housing throughout the City.” Sec. 14-702(a).

Findings:

Request:

- 1) Reduce rear setback of existing dwelling from 20-feet. to 6.78-feet (displayed as 6.80 on graphic).

This proposal meets the purpose and intent of the zoning district by providing for “low-to medium-density housing throughout the City.” Sec. 14-702(a).

Zoning:

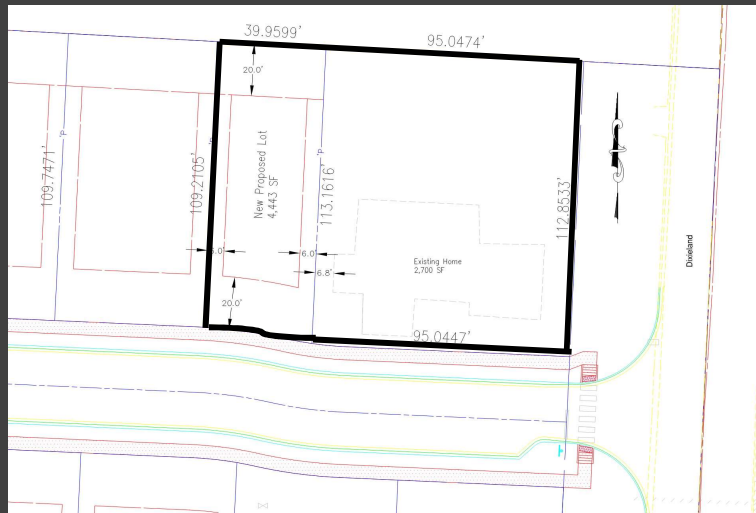
N-R (Neighborhood Residential): The purpose and intent of the neighborhood residential district is to encourage the continuation and revitalization of low- to medium-density housing throughout the City. Goals of the N-R district can be: Make more efficient use of existing infrastructure such as streets, and water and sewer lines, provide affordable housing opportunities within the City, minimize traffic congestion by reducing commuting distances, and relieve some of the pressure from suburban sprawl by promoting new development in more established areas. Sec. 14-702(a).



Variance

Saddlebrooke Lane

PLANNING



Staff Findings Cont.

Additional Requests:

2) Reduce Minimum new lot area from 6,000 to 4,500 sf.

3) Reduce minimum lot width from 50-feet to 40-feet.

This proposal prevents suburban sprawl and allows for more infill while still maintaining appropriate density within the subdivision, which is stated as part of the purpose and intent of the N-R code per Sec. 14-702(a).

Findings:

Additional Requests:

2) Reduce Minimum new lot area from 6,000 to 4,500 sf.

3) Reduce minimum lot width from 50-feet to 40-feet.

- This proposal prevents suburban sprawl and allows for more infill while still maintaining appropriate density within the subdivision, which is stated as part of the purpose and intent of the N-R code per Sec. 14-702(a).

Zoning:

N-R (Neighborhood Residential): The purpose and intent of the neighborhood residential district is to encourage the continuation and revitalization of low- to medium-density housing throughout the City. Goals of the N-R district can be: Make more efficient use of existing infrastructure such as streets, and water and sewer lines, provide affordable housing opportunities within the City, minimize traffic congestion by reducing commuting distances, and relieve some of the pressure from suburban sprawl by promoting new development in more established areas. Sec. 14-702(a).



Variance

Saddlebrooke Lane

PLANNING



Aerial Map

Recommendation:

CONSIDER

- 1) Reduce rear setback of existing dwelling from 20-feet. to 6.78-feet.
- 2) Reduce minimum lot area from 6,000 to 4,500 sf.
- 3) Reduce minimum lot width to 40-feet.

Findings:

Additional Requests:

- 2) Reduce Minimum new lot area from 6,000 to 4,500 sf.
- 3) Reduce minimum lot width from 50-feet to 40-feet.

This proposal prevents suburban sprawl and allows for more infill while still maintaining appropriate density within the subdivision, which is stated as part of the purpose and intent of the N-R code per Sec. 14-702(a).

Staff Recommended Motion:

CONSIDER



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

OFFICE USE ONLY

Permit Fee: \$ 100⁰⁰ (\$100)
Zoning: N-R
App Number: 22-13
CityView Application: PL202300102
Date: 2/2/23

VARIANCE APPLICATION

APPLICANT: Bespoke Homes (Saddlebrook Lane)

ADDRESS: 2090 W. Pleasant Grove Rd., Rogers, AR SUITE #: _____

GENERAL LOCATION OF PROPERTY: 2720 S. Dixieland Rogers, AR 72758

PHONE #: 662-808-8522 EMAIL: aaron@bespokeNWA.com

PROPERTY OWNER: _____ PHONE #: _____

REQUEST to ALLOW: variance from N-R Neighborhood min. 6,000 SF lot and min. 50 LF width, asking for 4,500 SF lot and 40 LF width

HARDSHIP JUSTIFICATION to VARY FROM CODE: _____

see attached letter

[Signature] 2-1-23
Applicant Signature Date

Attachment Checklist:

- ☒ Legal description of property
- ☒ Survey, elevations, sign proofs and/or other documents as needed to illustrate request

PLANNING STAFF PROVIDES:

DATE FILED: 2/2/23 PUBLIC HEARING DATE: 2/21/23

BOARD OF ADJUSTMENT DECISION: _____

SECRETARY, BOARD OF ADJUSTMENT DATE

Thank you for taking the time to review this request for a variance. The current lot is 15,193 SF with a large section of unused, open space on the West side of the property. We propose using this space to provide a 4,500 SF lot (40'x113'). The specific codes we are requesting a variance from are listed below.

1. Section 14-702 (c),2,d – requires a 20' rear setback. The West side of the existing house will be 6.78' from the new, proposed property line.
2. Section 14-702 (d),1 – requires a minimum lot size of 6,000 SF. We are requesting a lot size of approximately 4,500 SF.
3. Section 14-702 (d),2 – requires a minimum lot width of 50 LF. We are requesting a lot width of 40 LF.

The hardship in this case is due to the orientation of the existing home, which is in the SE corner of the property. This orientation provides open space to the North and West. This home currently has large windows, patio doors, a large concrete patio, and a pool on the North side. It is designed with the backyard and entertainment area on the North side, not the West side. Our proposal would allow the property on the West side to be utilized, while leaving a great greenspace and entertainment area for the existing home.

Allowing this variance would provide a smaller, more affordable house in a highly desirable area of Rogers. The Comprehensive Growth Map (CGM) specifically states that a range of housing types should exist or be permitted in Neighborhoods to promote affordable and equitable communities. We believe that allowing this new lot falls directly in line with the intent of the Neighborhood designation of the CGM. This lot would allow for a smaller home, approximately 1,300 SF, that would sell for roughly \$320,000. Other homes in the immediate vicinity are currently selling for \$475,000 to \$700,000. This property would also have access to the sidewalks and designated bike lanes in Cobble Creek and the Villas of Cobble Creek.

The purpose and intent of the N-R neighborhood residential district is to encourage the continuation and revitalization of low to medium density housing throughout the City. The goal of the N-R district is to make more efficient use of existing infrastructure such as streets, and water and sewer lines, provide affordable housing opportunities within the City, minimize traffic congestion by reducing commuting distances, and relieve some of the pressure from suburban sprawl by promoting new development in more established areas.

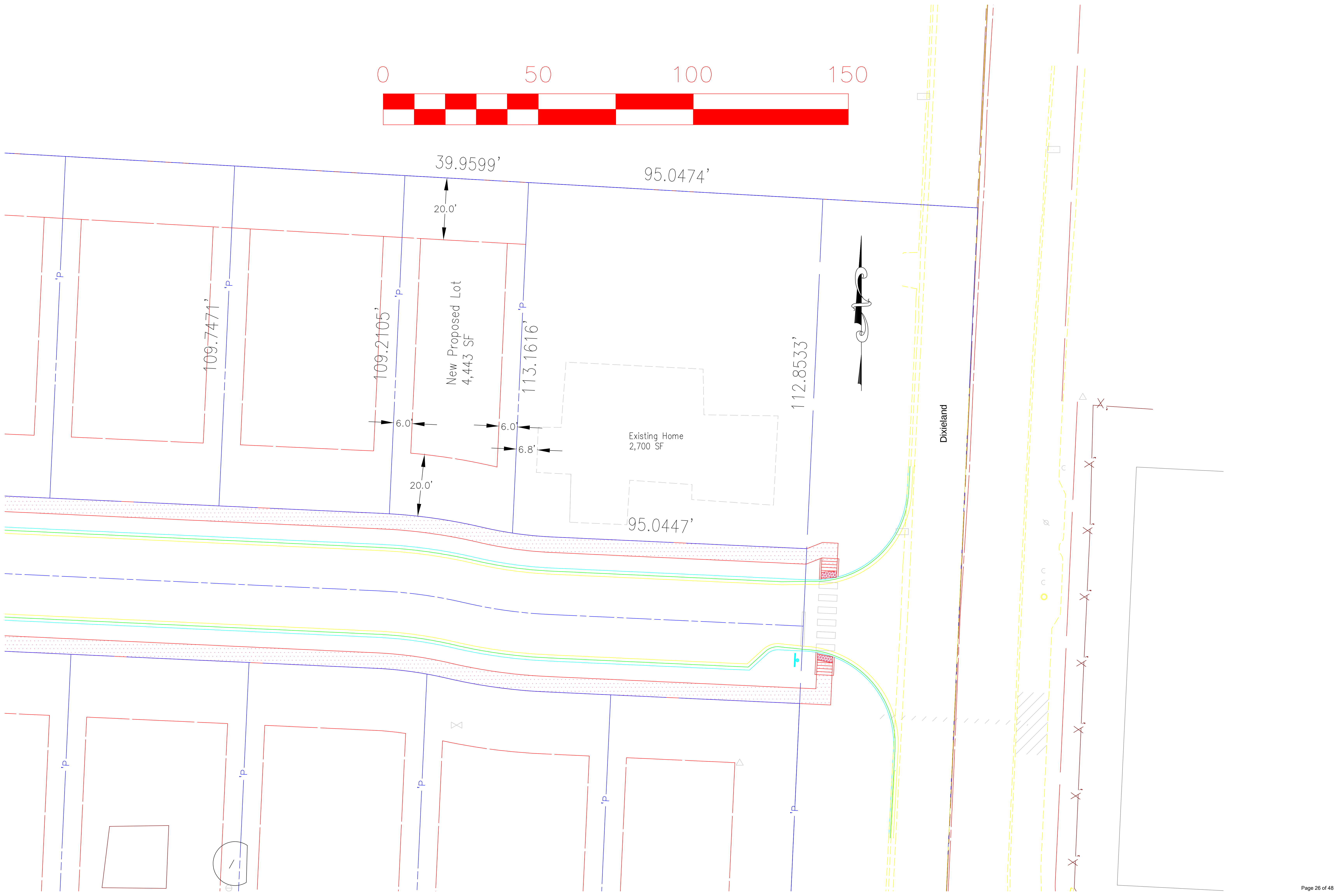
Our proposal meets the purpose and intent of the Neighborhood designation of the CGM and the N-R neighborhood residential zone. Our proposal will provide a more affordable option in a highly desirable area of Rogers, while utilizing the existing water and sewer lines. Approving this variance provides another home in the heart of Rogers, at no cost to the city, and without any negative impact to the surrounding properties.

In the last few months, I have heard multiple city officials speak at length on the importance of higher density and infill development in Rogers. At Bespoke Homes, we have taken these suggestions seriously and are actively looking for ways to improve our developments in an efficient and responsible manner. This is a perfect example of how we can use space responsibly to provide another home in Rogers, while meeting the purpose and intent of N-R Neighborhood Zoning and the CGM.

Thank you for your time and consideration,



Aaron Wade, P.E.
Director of Land Development
Bespoke Homes, LLC
awade@bespokeNWA.com
662-808-8522





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

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the **Rogers Board of Adjustment** on **February 21st, 2023** at **5:30 p.m.** at Rogers City Hall regarding an application by **Saddlebrook Lane** under the provisions of the City of Rogers Code of Ordinances, for a variance **to reduce the density, lot size, and setback requirements** at **2720 S. Dixieland Road** in the N-R (Neighborhood Residential) zoning district more particularly described as follows:

PARCEL NUMBER:

02-02087-215

LOCATION:

2720 S. Dixieland Road

Ed McClure, Secretary
Board of Adjustment

PUBLISH ONE TIME ONLY: **Sunday February 5, 2023**
BILL THE CITY OF ROGERS

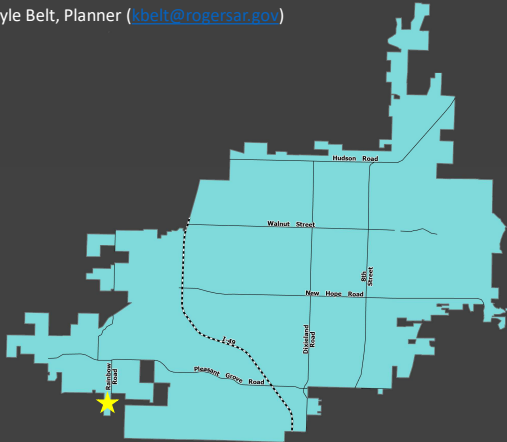




Variance Brown

PLANNING

Staff: Kyle Belt, Planner (kbelt@rogersar.gov)



Vicinity Map

Location

5287 S. Morning Star Road, SE of intersection of S. Morning Star and Haxton Roads

Nature of Request

Accessory structure height increase

Zoning

R-SF (Residential Single Family)

Current Use

Residential

Representative

Tyler Brown

Summary:

This project is located 5287 S. Morning Star Road, SE of intersection of S. Morning Star and Haxton Roads. Increase the allowable accessory dwelling unit height from 16 to 22 feet for an Accessory Structure for their RV and lawn equipment.

02-02137-476

Board of Adjustment Duties Per Sec. 14-724(e)(1):

- a) Hear appeals from the decision of the Department of Community Development in respect to the enforcement and application of the zoning ordinance and the sign permitting provisions contained in Chapter 44, and may affirm or reverse, in whole or in part, said decision of the Department of Community Development; and
- b) Hear requests for variance from the literal provisions of the zoning ordinance in instances where strict enforcement of the zoning ordinance would cause undue hardship due to circumstances unique to the individual property under consideration, and grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning ordinance.

Zoning:

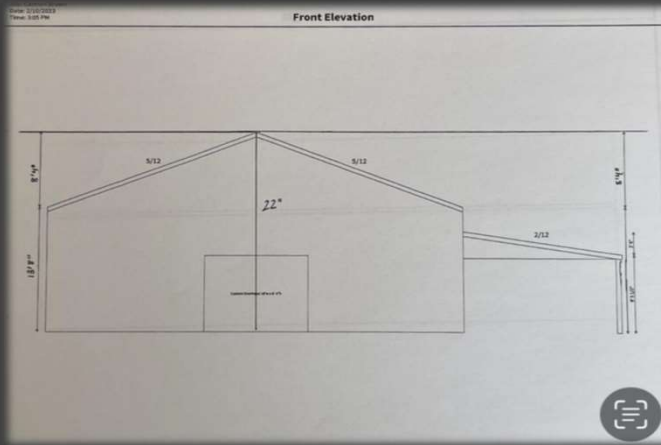
R-SF (Residential Single Family): The purpose and intent of the R-SF zoning district is for "single-family detached dwellings at low residential densities. Certain other structures and uses necessary to serve governmental, educational, religious, recreational, and other needs of neighborhood areas are

allowed as permitted or conditional uses subject to restrictions intended to preserve and protect the single-family residential character of the district. Internal stability, harmony, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and by consideration of proper functional relationship and arrangement of the different uses permitted in this district.” Sec. 14-706(a).



Variance Brown

PLANNING



Front Elevation

Request

Increase allowed accessory structure height from 16 to 22-feet. The accessory structure is planned at 40x60 sf to store an RV.

Hardship Claim

Neighborhood covenants require "all recreational or camping vehicles be stored out of sight."

Request:

Increase allowed accessory structure height from 16 to 22-feet. The accessory structure is planned at 40x60 sf to store an RV.

Hardship Claim:

Applicant possesses an RV and seeks to protect it from the elements and the door height requires a roof peak greater than what is allowed.



Variance Brown

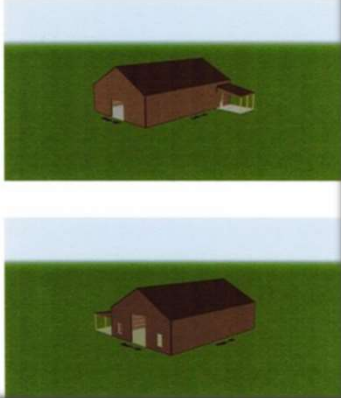
PLANNING

Summary Sheet

Summary	
Width	40'
Length	100'
Building Height	10'
Lot Area	4,000 sq. ft.
Setback	0'
Front Footage	40'

Job Information	
Project Name	Carmen Brown
Customer Name	Carmen Brown
Phone	
Address	
City	
State	
Zip	
County	

Updated to 5/12 per applicant



Hardship Claim Cont.

Applicant states "this Variance does not deviate from the stated purpose and intent of 14-699. – R-SF single-family district as increasing the height of accessory building does not interfere with the 'preservation of the family residential character' nor detract from the 'harmony or attractiveness' of the district as large and tall accessory buildings are common with similar 'ranchettes' in the area."

Site Plan

Hardship Claim Cont.:

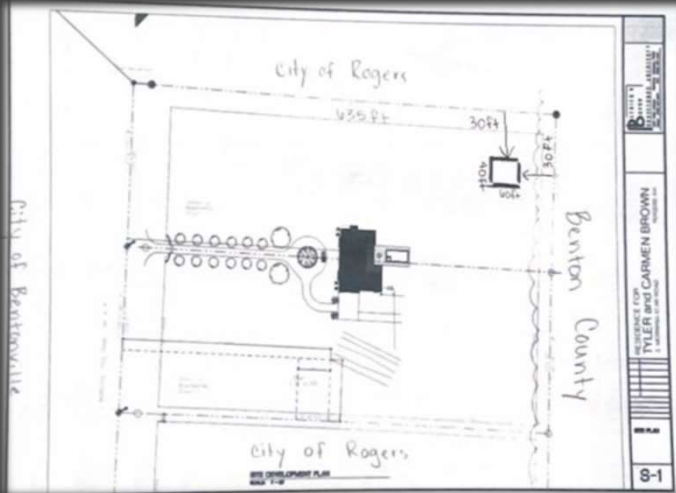
Applicant states "this Variance does not deviate from the stated purpose and intent of 14-699. – R-SF single-family district as increasing the height of accessory building does not interfere with the 'preservation of the family residential character' nor detract from the 'harmony or attractiveness' of the district as large and tall accessory buildings are common with similar 'ranchettes' in the area."



Variance

Brown

PLANNING



Front Elevation

Hardship Claim Cont.

Applicant further states, due to the lot size of 7.1 acres there will be no material impact on the light, air, or open space for dwellings in the area.

Hardship Claim Cont.:

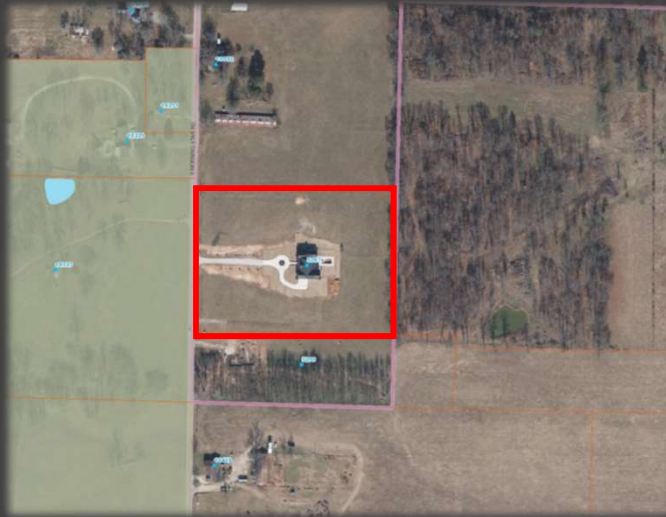
Applicant further states, due to the lot size of 7.1 acres there will be no material impact on the light, air, or open space for dwellings in the area.



Variance

Brown

PLANNING



Aerial

Staff Findings

The proposed accessory structure meets all requirements for the R-SF zoning district other than the maximum accessory structure height of 16-feet.

The subject property is adjacent to Bentonville and Benton County and is surrounded by other large R-SF lots or Agriculturally Zoned lots.

Findings:

- The proposed accessory structure meets all requirements for the R-SF zoning district other than the maximum accessory structure height of 16-feet.
- The subject property is adjacent to Bentonville and Benton County and is surrounded by other large R-SF lots or Agriculturally Zoned lots.

Zoning:

R-SF (Residential Single Family): The purpose and intent of this district is “for single-family detached dwellings at low residential densities. Certain other structures and uses necessary to serve governmental, educational, religious, recreational, and other needs of neighborhood areas are allowed as permitted or conditional uses subject to restrictions intended to preserve and protect the single-family residential character of the district..” Sec. 14-699(a).



Variance

Brown

PLANNING



Aerial

Staff Findings Cont.

Staff finds that due to the large-acreage of the property that the increased height would be acceptable but only if the structure is placed further from the property lines. They are proposing the structure be placed 30 feet from each property line in the corner of their property when it could be placed further from both property boundaries.

Height limitations in the zoning code are intended to protect neighboring property owners from encumbrance from large structures located too close to their respective properties.

Findings:

- Staff finds that due to the large-acreage of the property that the increased height would be acceptable but only if the structure is placed further from the property lines. They are proposing the structure be placed 30 feet from each property line in the corner of their property when it could be placed further from both property boundaries.
- Height limitations in the zoning code are intended to protect neighboring property owners from encumbrance from large structures located too close to their respective properties. Sec. 14-699(a).

Zoning:

R-SF (Residential Single Family): The purpose and intent of this district is “for single-family detached dwellings at low residential densities. Certain other structures and uses necessary to serve governmental, educational, religious, recreational, and other needs of neighborhood areas are allowed as permitted or conditional uses subject to restrictions intended to preserve and protect the single-family residential character of the district.” Sec. 14-699(a).



Variance

Brown

PLANNING



Aerial Map

Recommendation:
DENY

Public Input Received:

None

Recommendation:

DENY

COMPREHENSIVE GROWTH MAP:

Growth Designation:

Neighborhood

Growth Designation Purpose:

To protect and maintain existing residential areas in between other Growth Designations nodes while encouraging low-density infill. (CGM PAGE 1)

Growth Designation Character:

Single-use residential areas connected by collector and local streets that may feature community-oriented non-residential uses such as schools, resource centers, and places of worship. Goals include preserving locations for low-density residential while limiting its proliferation in areas proposed for higher-intensity development. (CGM PAGE 1)

Allowed Zoning Districts:

R-SF, N-R, R-DP, R-MF



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

C#183

OFFICE USE ONLY

Permit Fee: \$100⁰⁰ (\$100)
Zoning: R-SF
App Number: 23-14
CityView Application: PL2023 00126
Date: 2/3/23

VARIANCE APPLICATION

APPLICANT: Patrick & Carmen Brown

ADDRESS: 5287 S MorningStar Rd. SUITE #: _____

GENERAL LOCATION OF PROPERTY: _____

PHONE #: 479-466-2129 EMAIL: hebrowfamily3@mac.com

PROPERTY OWNER: Same PHONE #: 479-466-2129

REQUEST to ALLOW: 40x60 Metal Building with a peak height of 22ft.

HARDSHIP JUSTIFICATION to VARY FROM CODE: Building needs to be tall enough to store our RV, and lawn equipment to maintain our 7 acres.

[Signature]
Applicant Signature

1/18/23
Date

Attachment Checklist:

- ☐ Legal description of property
- ☐ Survey, elevations, sign proofs and/or other documents as needed to illustrate request

PLANNING STAFF PROVIDES:

DATE FILED: 2/3/23

PUBLIC HEARING DATE: 2/21/23

BOARD OF ADJUSTMENT DECISION: _____

SECRETARY, BOARD OF ADJUSTMENT

DATE

Belt, Kyle

From: Tyler Brown <Tyler.Brown@RaymondJames.com>
Sent: Friday, February 10, 2023 4:16 PM
To: Belt, Kyle
Cc: 'Carmen Brown (thebrownfamily3@mac.com)'
Subject: 5287 S Morning Star Rd Variance Request
Attachments: Declaration of Protective Covenants and Restrictions.pdf

CAUTION: This email originated from outside of the City of Rogers and attachments were detected. Do not open attachments unless you recognize the sender and know the content is safe.

[Updated for 22-feet] – Carmen is sending an updated site plan with planned set-backs...

Mr. Belt,

We (Brown, 5287 S. Morning Star Rd) are seeking a variance for code (**Sec. 14-699. - R-SF residential single-family district**) to raise the acceptable height of an accessory building to 22-feet from the 16-foot code. The variance we seek will allow for the header-height of the accessory building to accommodate a 12-foot garage door capable of allowing for a recreational vehicle (RV). Outside of protecting the asset from the elements, our hardship relates to filed covenants (Haden Acres North & Haden Acres South, See below) that requires all recreational or camping vehicles be stored out of sight. While the property was zoned R-SF, we would stress to the commission that 5287 S. Morning Star Rd. is the *western-most* lot in the city of Rogers (abutted by Benton Co., Bentonville, Rogers jurisdictions), sits on 7.1 acres, and large & tall accessory buildings is consistent with the area. Further, as shown on the site plan, the accessory building is expected to be placed roughly 500-feet off the road (S. Morning Star Rd.) and is expected to adhere to all City of Rogers stated setbacks. In our view this variance does not deviate from the stated *purpose & intent* of **Sec. 14-699. - R-SF residential single-family district** as increasing the height of the accessory building does not interfere with the “preservation of the family residential character” nor detract from the “harmony or attractiveness” of the district as large & tall accessory building are common with similar “ranchettes” in the area. Further, given the lot size and placement in relation to the variance (height, not footprint) we believe it will have no material impact on the light, air, or open space for dwellings in the area. Lastly, the variance is not expected impact any other sub-parts of the code including (yard requirements, maximum building coverage, minimum open space, or maximum impervious area).

Article III, Section 2, part H from Covenants (full covenants attached)

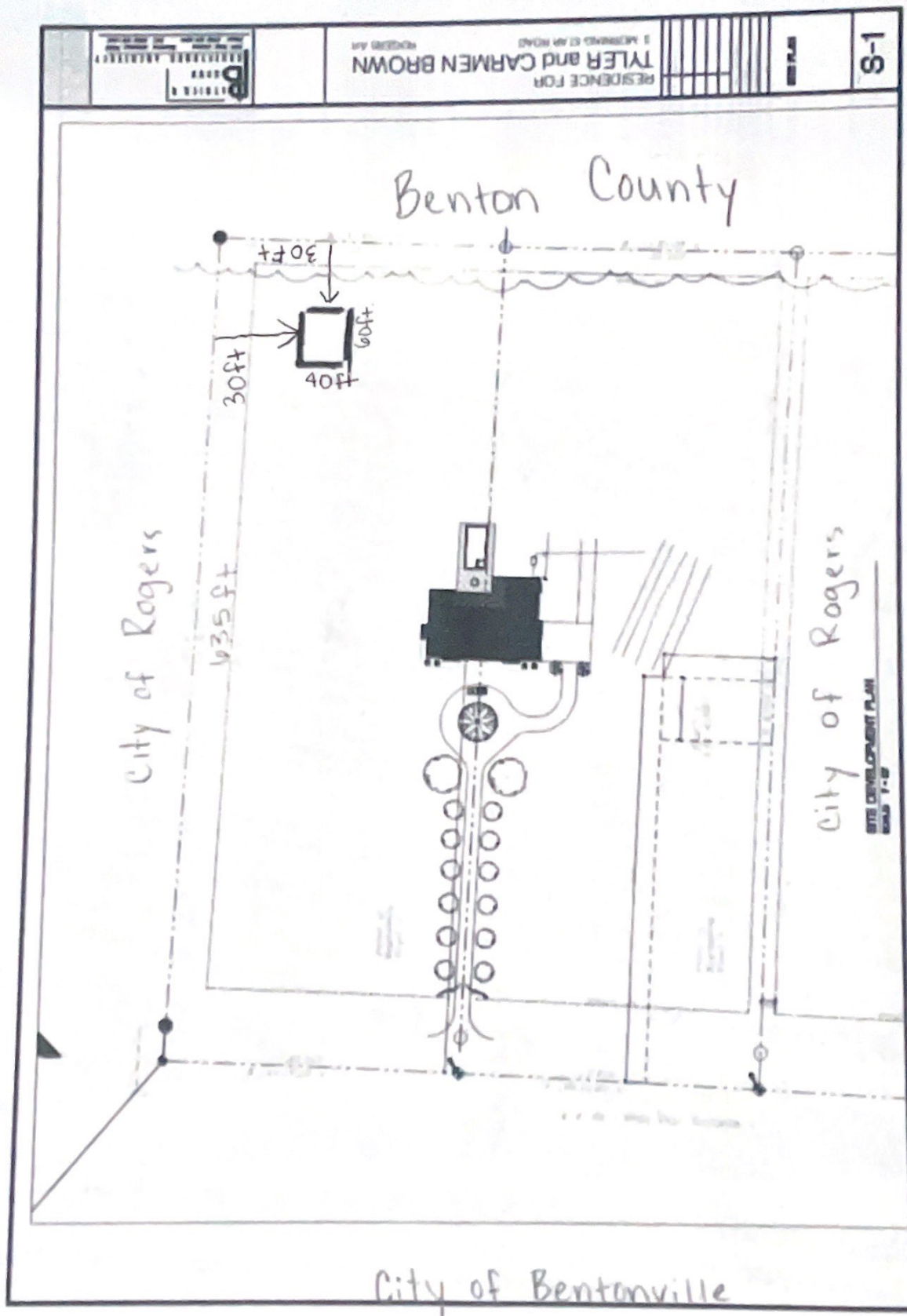
H. Recreational or camping vehicles and boats may be stored on the property of the owners provided said storage space is behind the dwelling or garage and so as not to be readily visible from the street or adjacent lots.

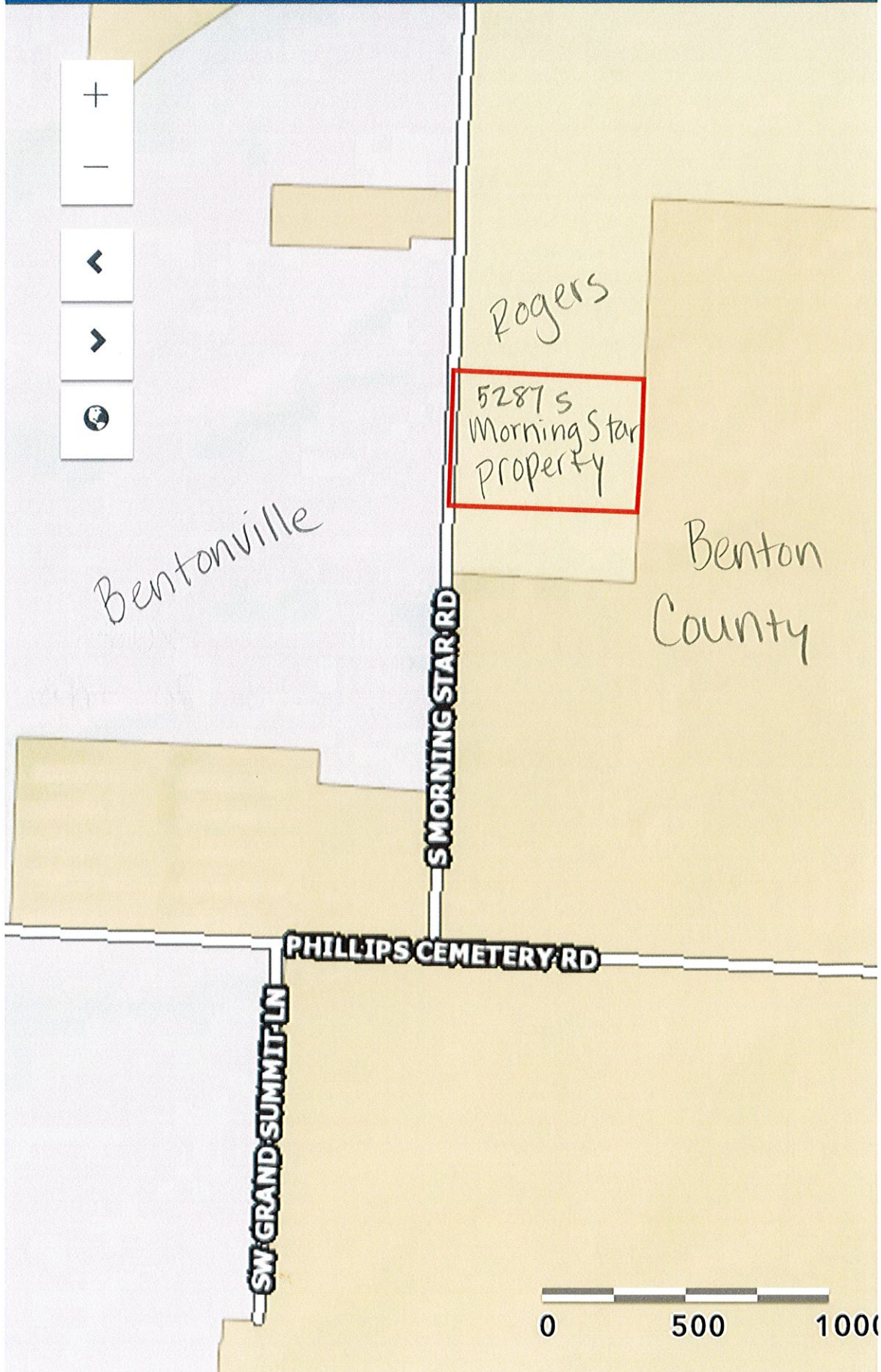
Attachments:

Full covenants

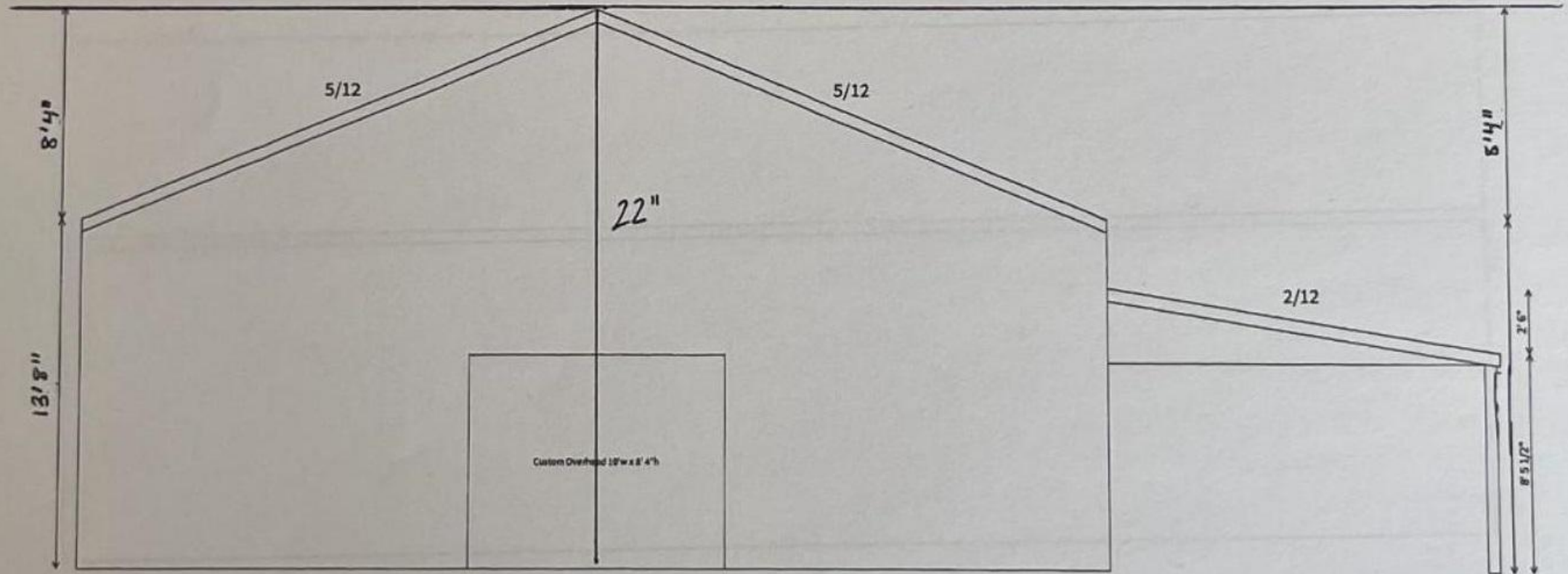
Proposed Site Plan

Tyler Brown, CFA
Raymond James & Associates
Managing Director
Equity Research – Transportation / Waste / Heavy Construction Materials
404-442-5803 o
479-422-5637 c
tyler.brown@raymondjames.com





Front Elevation

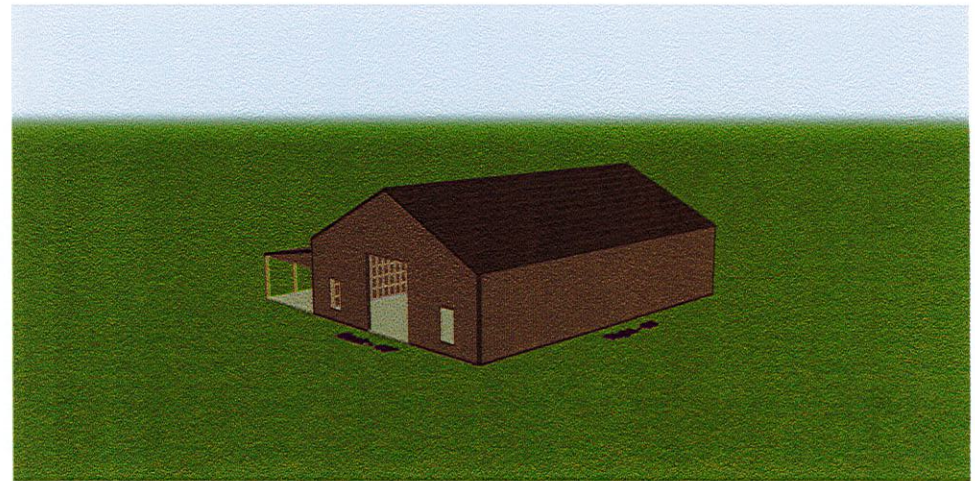
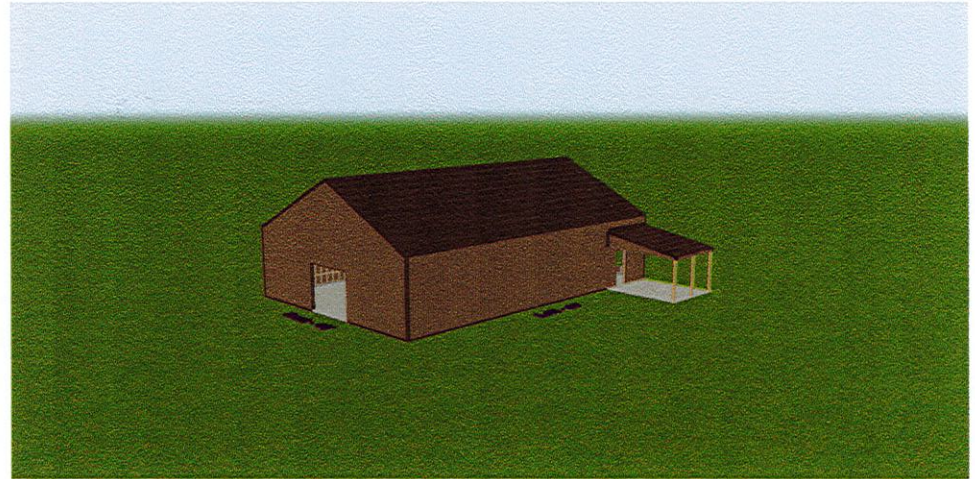


Summary Sheet

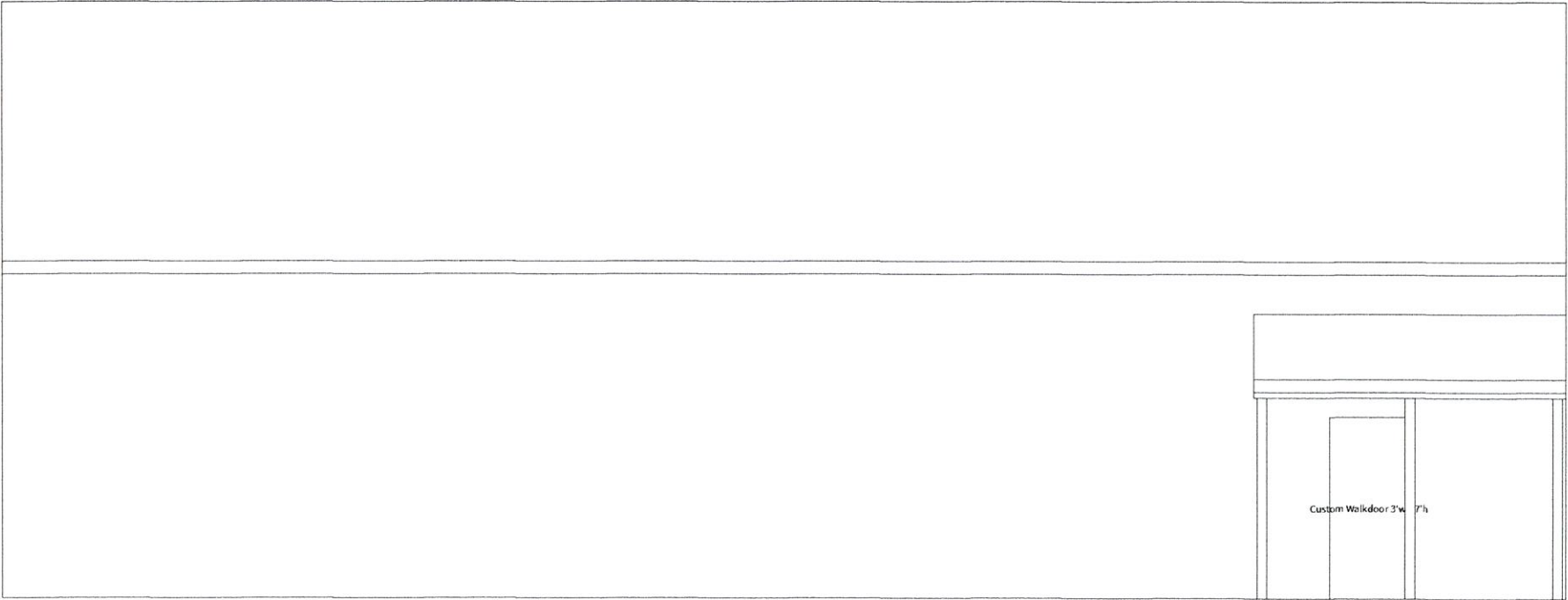
Summary	
Width	40'
Length	60'
Ceiling Height	12'
Slab Depth	0.3333333333333333
Overhangs	0
Roof Pitch	6/12

Job Information	
Project Name	Carmen Brown
Customer Name	Carmen Brown
Phone	
Delivery Address	
ZIP code	
Email	
Comments	

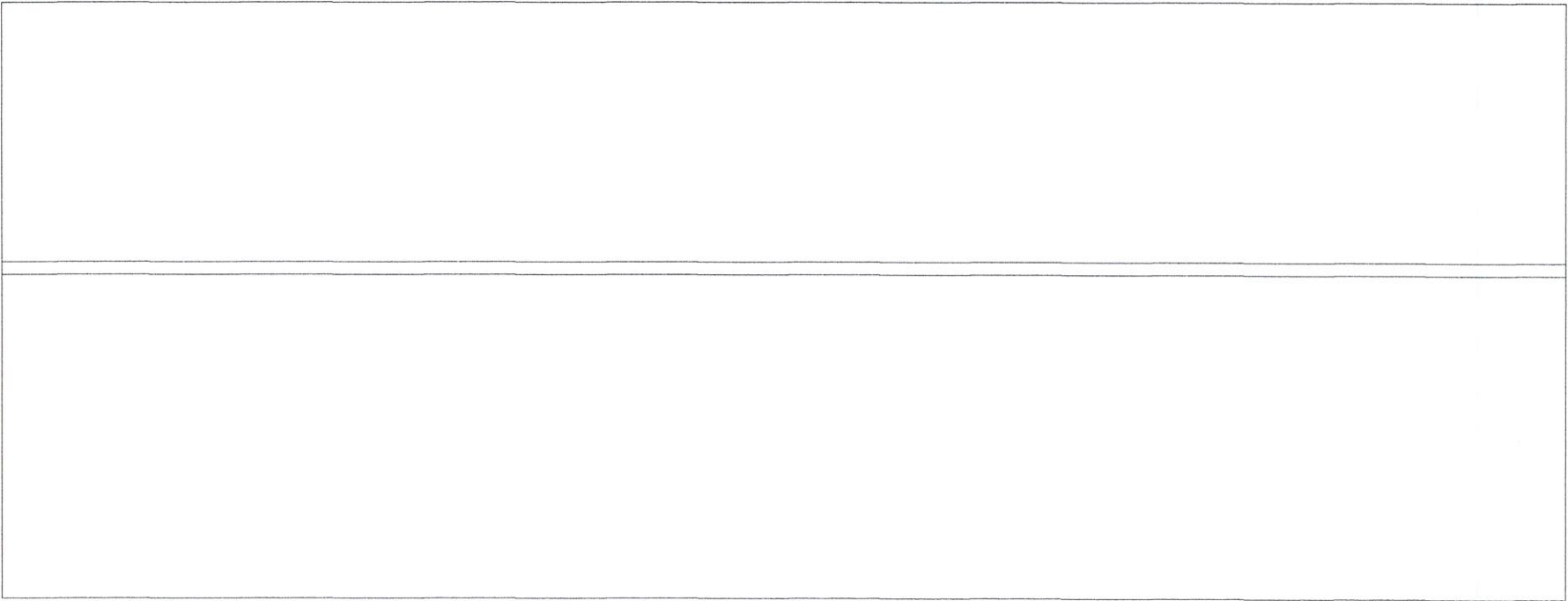
Updated to 5/12 per applicant.



Left Elevation



Right Elevation





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

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the **Rogers Board of Adjustment** on **February 21st, 2023** at **5:30 p.m.** at Rogers City Hall regarding an application by **Patrick & Carmen Brown** under the provisions of the City of Rogers Code of Ordinances, for a variance **to allow an accessory building at 22 feet in height** at **5287 S. Morning Star Road** in the R-SF (Residential Single Family) zoning district more particularly described as follows:

PARCEL NUMBER:

02-02137-476

LOCATION:

5287 S. Morning Star Road

Ed McClure, Secretary
Board of Adjustment

PUBLISH ONE TIME ONLY: **Sunday February 5, 2023**
BILL THE CITY OF ROGERS

