



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

BOARD OF ADJUSTMENT MEETING AGENDA

MARCH 21, 2023

5:30 PM

DATE: MARCH 21, 2023

LOCATION: CITY HALL, 301 W. CHESTNUT STREET

REGULAR SESSION: 5:30 PM

ONLINE VIEWING: [HTTPS://US02WEB.ZOOM.US/J/86899051250](https://us02web.zoom.us/j/86899051250)

AGENDA

CALL TO ORDER:

ROLL CALL:

NEW BUSINESS:

1. (VAR 23-17) A request by Crescent View Ph. 3 for a variance to reduce the side yard setback at ±38.4 acres off of W. Shores Ave., in the R-SF (Residential Single Family) zoning district.
 - *STAFF: Christina Moore*
 - *REPRESENTED BY: Chase Allison, HALFF*
2. (VAR 23-19) A request by The Derailleur for a variance for a reduction in parking spaces from the zoning parking requirement at 114 W. Pine Street in the NBT (Neighborhood Transition).
 - *STAFF: Christina Moore*
 - *REPRESENTED BY: Brahm Driver, Ecological Design Group*

ACTION ON MINUTES:

ADJOURN:

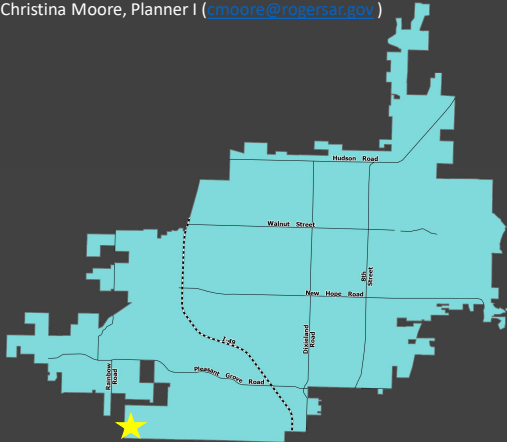


Variance

PLANNING

Crescent View Ph 3

Staff: Christina Moore, Planner I (cmoore@rogersar.gov)



Vicinity Map

Location

SW Rogers near W Garrett Road and S Mt Hebron Rd

Nature of Request

To allow a reduction in the side yard setbacks from 10 feet to 7.5 feet

Zoning

RSF (Residential Single-Family)

Proposed Use

Residential Single-Family Subdivision

Representative

Chase Allison, Halff

Location:

Located in SW Rogers. Borders both Cave Springs and Lowell

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

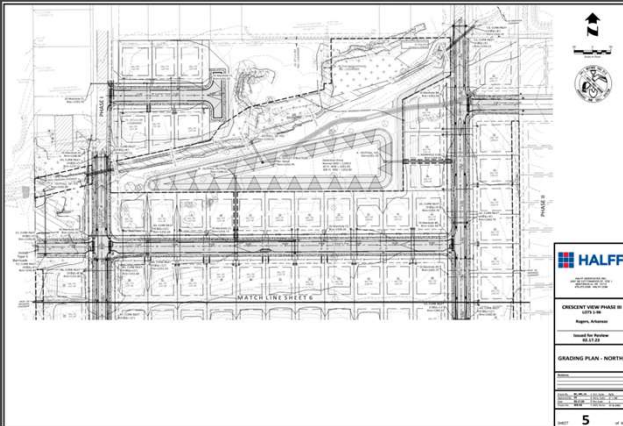
- a) Hear appeals from the decision of the Department of Community Development in respect to the enforcement and application of the zoning ordinance and the sign permitting provisions contained in Chapter 44, and may affirm or reverse, in whole or in part, said decision of the Department of Community 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

Crescent View Ph 3

PLANNING



Site Plan Page 1

Request:

- Reduction of the side yard setbacks of all lots from 10 feet to 7.5 feet.

Overview:

- They are hoping to develop a low density, 3-units-per-acre residential subdivision where all lots have smaller side setbacks to have more area to build.

Stated Hardship

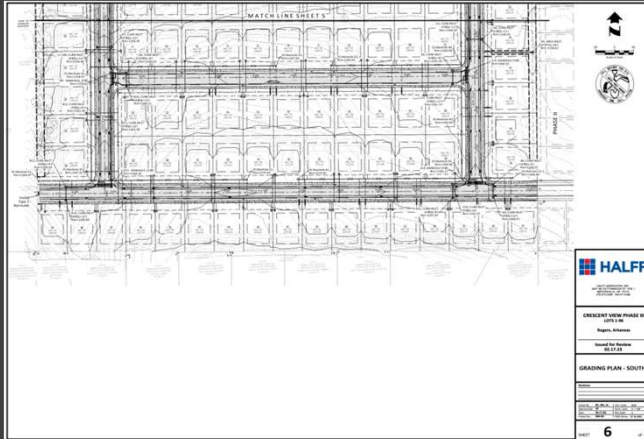
- Applicant states the existing channel creates design constraints limiting density.
- 7.5' side setbacks are allowed at base density, which establishes the city's separation intent.
- Since the applicant could achieve the desired setback by a rezone to the neighborhood base density, this request meets the variance requirement.



Variance

Crescent View Ph 3

PLANNING



Site Plan Page 2

Findings

- The CGM allows a base density of 6 units/acre in the Neighborhood Growth Designation.
- Per code Sec. 14-699(f)(2)(b)**
 - "If the density is five to 6.5, the side setback will be reduced to 7 ½ feet."
- A rezone to RSF-6 would allow the side yard setbacks to be reduced to 7.5 feet.

Zoning:

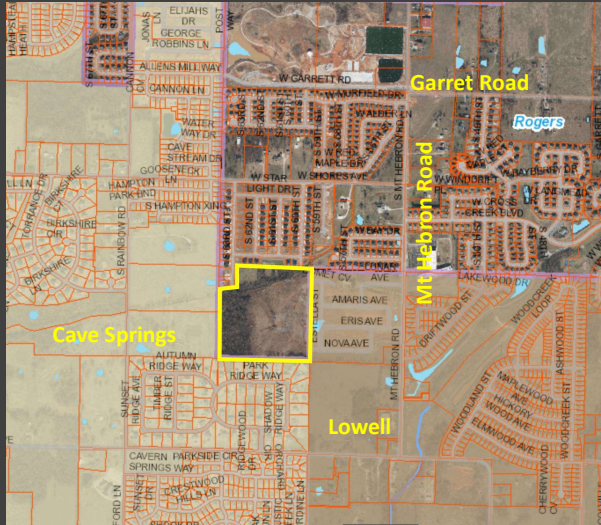
- a) *R-SF (Residential Single-Family):* The purpose and intent for R-SF zoning is primarily for single-family detached dwellings at low residential densities. Certain other structures and uses necessary to serve governmental, educational, religious, recreational, and other needs of neighborhood areas 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 encourage 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. 14-699 (a).



Variance

PLANNING

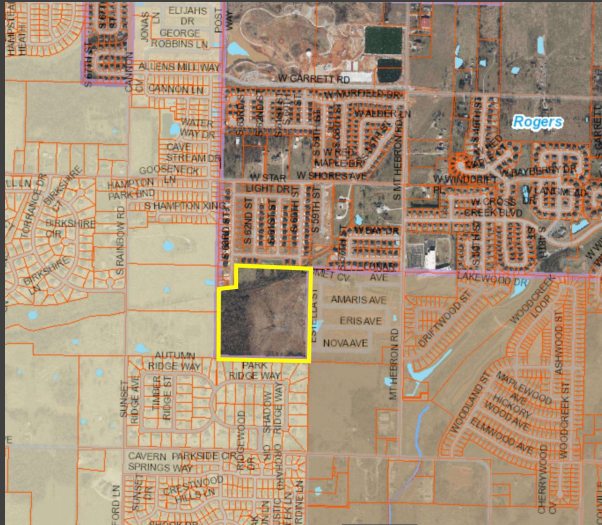
Crescent View Ph 3



Aerial Map

Analysis

- City's declared adequacy of the 7.5 foot side setback for the residential development.
- Developer is cooperating with city engineering to preserve the floodplain.
- Requiring a rezone does not make sense for a low density residential development.
- We recommend approval of the request to reduce the side yard setback for all lots of the subdivision.



Aerial Map

Staff Recommended Motion:
APPROVE

Public Input Received:

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

Recommendation:



DEPT. OF COMMUNITY DEVELOPMENT
PLANNING DIVISION
301 W. CHESTNUT
PHONE: (479) 621-1186
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OFFICE USE ONLY

Permit Fee: \$100 (\$100)
Zoning: R-SF
App Number: 23-17
CityView Application: PL2023001966
Date: 2/28/23

VARIANCE APPLICATION

APPLICANT: HALFF

ADDRESS: 2407 SE Cottonwood St SUITE #: _____

GENERAL LOCATION OF PROPERTY: W Shores Ave, Rogers, AR

PHONE #: (479) 273-2209 EMAIL: callison@halff.com

PROPERTY OWNER: Sewell Family Development, LLC PHONE #: _____

REQUEST to ALLOW: 7.5 ft side yard setbacks for entire Phase 3 of Crescent View Subdivision

HARDSHIP JUSTIFICATION to VARY FROM CODE: See attached

Chase Allison

Applicant Signature

3/7/2023

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: 2/27/23

PUBLIC HEARING DATE: 3/21/23

BOARD OF ADJUSTMENT DECISION: _____

SECRETARY, BOARD OF ADJUSTMENT

DATE



February 24, 2023

AVO: 051400

City of Rogers
Department of Community Development
Planning Division
301 W Chestnut Street
Rogers, AR 72756

**RE: Variance Request
 Side Yard Setback Reduction
 Crescent View Phase 3**

To whom it may concern,

Halff Associates, Inc., on behalf of the Sewell Family Development, Inc., is submitting this variance request for the side yard setbacks for the entire Phase 3 of the Crescent View Subdivision.

Ch. 14, Article VI, Division 2, Section 14-699 – R-SF Residential Single-Family District:

(f)(2) Minimum yard requirements:

*B. Side yard: 10 feet or as required by amenity agreement. ***

*** if the density is five to 6.5, the side setback will be reduced to 7.5 feet. If the density is 6.5 to eight, the side setback will be reduced to five feet.*

The current density is 3.0 units/acre when calculated using the buildable lots depicted on the grading plan provided. Due to the topography and the Corps of Engineers regulated channel located on the northern end of property, a higher density for setback reduction is unattainable. Because the setback reduction that we are requesting is still within the range of possible setbacks set forth in the R-SF zone, we feel as though we are still meeting the intent of the code for a single-family development. This variance negates the need for us to pursue a zoning with a higher allowable density and allows the zoning to remain contiguous with surrounding properties. Furthermore, the side yard setbacks for Phase 2 of this development that lies to the east of this property are 5ft, so this reduction would still be congruent with adjacent properties.

If there are any questions or concerns, please don't hesitate to reach out to our office at (479) 273-2209.

Sincerely,

HALFF

A handwritten signature in black ink that reads "Chase Allison".

Chase Allison, E.I.
Graduate Engineer



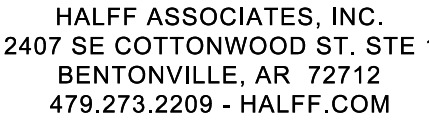
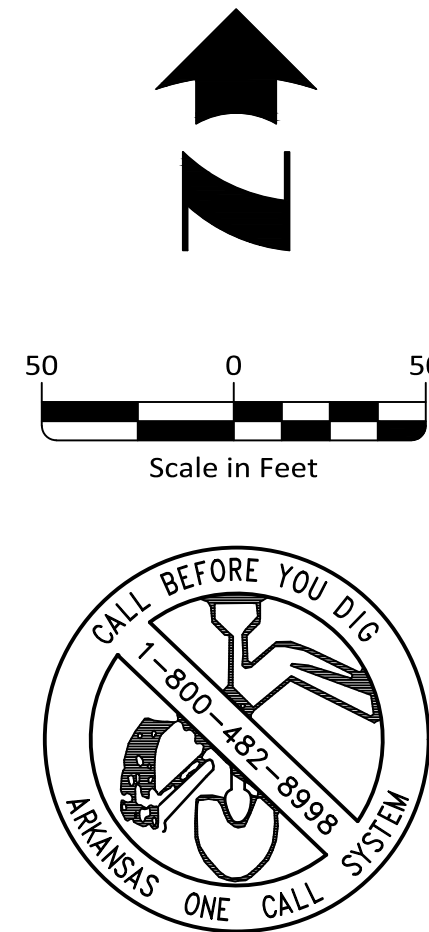
HALFF ASSOCIATES, INC.
2407 SE COTTONWOOD ST. STE 1
BENTONVILLE, AR 72712
479.273.2209 - HALFF.COM

Rogers, Arkansas

**Issued for Review
02.17.23**

Revisions

Drawn By: BC, MC, AL	Vert. Scale: N/A
Approved By: PF	Horiz. Scale: 1" = 50'
Date: 02.17.23	Plot Scale: 1
Project No.: SFD-02	DWG Name: ST & DRG



Rogers, Arkansas

GRADING PLAN - SOUTH

6





Variance The Derailleur

PLANNING

Staff: Christina Moore, Planner I (cmoore@rogersar.gov)

Administratively Approved:

Sec. 14-715(2.2)(c):

“Allowable Adjustments: The Director of the Department of Community Development or his or her designee may approve allowable adjustments within the limits and per the criteria listed in Table 2-2 (Allowable Adjustments Table). All allowable adjustments shall be considered “meeting the requirements of the DRDC” in accordance with City and State legislative requirements.”

Table 2-2: Allowable Adjustments Table		
DRDC Standard	Extent of Allowable Adjustment Permitted	Criteria for Adjustment
Required Parking Spaces	Reduction in the number of required parking spaces.	Reduction in the number of parking spaces shall be based on one or more of the following: 1. A shared parking plan for parking within 1,000 feet of the subject property; or 2. A parking study for the uses proposed on the site; or 3. A combination of the above.

Location:

Located in east Rogers. South of the Mona Lisa mural and on the west side of the railroad tracks.

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

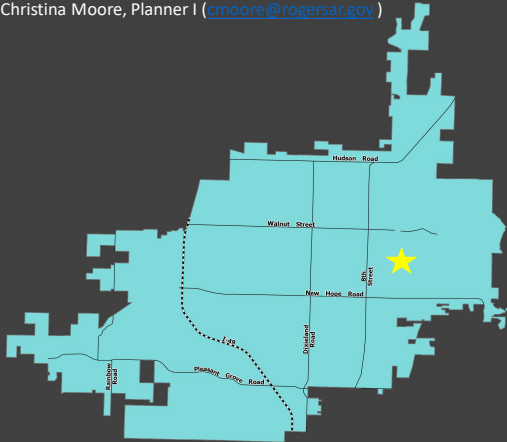
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Variance The Derailleur

PLANNING

Staff: Christina Moore, Planner I (cmoore@rogersar.gov)



Vicinity Map

Location

114 W Pine Street

Nature of Request

To allow a reduction in the number of parking spaces for developments in NBT zoning.

Zoning

NBT (Neighborhood Transition Unit)

Proposed Use

Multi-use multi-family and commercial development under LSDP Review

Representative

Brahm Driver, Ecological Design Group

Location:

Located in east Rogers. South of the Mona Lisa mural and on the west side of the railroad tracks.

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

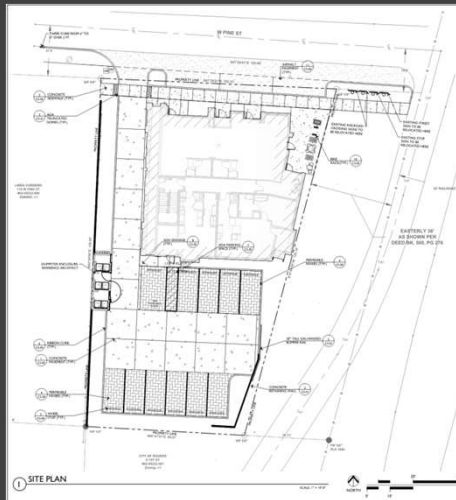
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Variance

PLANNING

The Derailleur



Site Plan

Request:

- Reduction from 20 required parking spaces to 14 parking spaces.

The Overview:

- They are hoping to develop multi-family housing in a constricted space downtown that is surrounded by trails, railroad, residences, and city lots.

Stated Hardship

- Applicant stated hardship is that the parking requirements are designed for a generic site. This site is close to a large public parking lot, transit stop, and the Railyard Loop greenway. Furthermore, the purpose and intent of the DRDC is to have a more walkable, vibrant, mixed use neighborhood. The reduction in unnecessary parking is important to creating walkable neighborhoods in downtown.



Proximity Map

Findings

- The parcel is adjacent to the Rogers trail system.
- There is parking and transit stop to the north.
- This development is meeting the purpose and intent of the DRDC by creating a mixed-use walkable development.

Zoning:

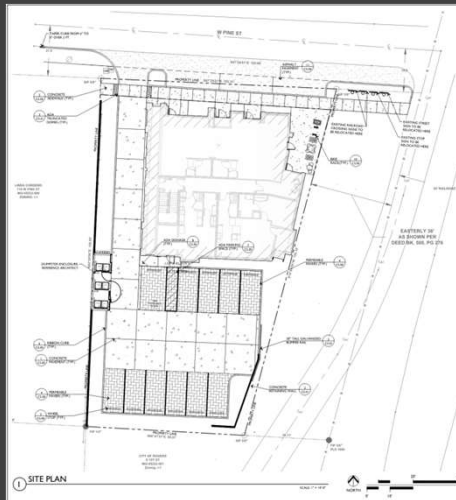
- a) *NBT (Neighborhood Transition Unit):* The purpose and intent for areas designated as Neighborhood Centers on the city's Comprehensive Growth Map. The ideal application of this district is the development of a compact, mixed-use, neighborhood-oriented environment that transitions into lower density residential near Neighborhood Center boundaries. This district allows uses that provide essential goods and services to surrounding neighborhoods in a way that promotes placemaking and pedestrian accessibility. It is also intended to encourage medium-density residential development such as townhomes, bungalow courts, and other multi-unit or attached single-family housing types. Because the permitted non-residential uses are intended to be integral to the functions of a neighborhood, emphasis is placed on design and neighborhood compatibility. Sec. 14-710 (a).



Variance

PLANNING

The Derailleur



Plans

Analysis

- We recommend approval of the request to reduce the minimum parking requirement for this site.



Variance

The Derailleur

PLANNING

Staff Recommended Motion:
APPROVE

Aerial Map

Public Input Received:

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

Recommendation: