



BOARD OF ADJUSTMENT MEETING AGENDA

FEBRUARY 25, 2021

4:00 PM

VIRTUALLY VIA ZOOM

WEBINAR ID 858 7454 6888

LINK

AGENDA

CALL TO ORDER:

ROLL CALL:

NEW BUSINESS:

1. Variance request by Extreme Sport Boats to allow additional wall signage at 2601 W. Hudson Road in the I-1 (Light Industrial) zoning district. - STAFF: Gloria Garcia - REPRESENTED BY: Jason Dement
2. Variance request by Greenwood Gearhart to allow additional wall signage at 4100 S. Grand Ave., Ste. B121 in the RMF-29B (Residential Multifamily, 29 units per acre, rentals) zoning district. - STAFF: Gloria Garcia - REPRESENTED BY: Brock Gearhart
3. Variance request by Barry Subbert to allow an accessory building taller than the 16- foot limit at 1254 W. Subbert Way in the N-R (Neighborhood Residential) zoning district. - STAFF: Lori Ericson - REPRESENTED BY: Barry Subbert
4. Variance request by Phillip and Carrie Johnson to reduce the rear setback for a home expansion at 5300 S. 62nd Place in the RSF-5 (Residential Single Family, 5 units per acre) zoning district. - STAFF: Lori Ericson - REPRESENTED BY: Phillip Johnson
5. Variance request by Shine Solar to allow a 76.8 square foot sign atop a canopy at 5214 W. Village Pkwy., Suite 100 in the C2-CU (Highway Commercial, Condominium Use) zoning district. - STAFF: Gloria Garcia - REPRESENTED BY: Chris Trudo

ACTION ON MINUTES:

1. February 11, 2021 Minutes

ADJOURN:



COMMUNITY DEVELOPMENT
PLANNING DIVISION
301 W. CHESTNUT
planning@rogersar.gov
(479) 621-1186

MEETING DATE
February 25, 2021

TO: BOARD OF ADJUSTMENT

RE: **STAFF SUMMARY REPORT**
VARIANCE – #21-05 EXTREME SPORT BOATS
PL202100109

STAFF: Gloria Garcia, Zoning Technician

REQUEST DETAILS

ADDRESS/LOCATION:	2601 W. Hudson Road
SUBDIVISION:	N/A
CURRENT ZONING:	I-1 (Light Industrial), Overlay District
CURRENT USE:	Retail Sales
APPLICANT/REPRESENTATIVE:	Jason DeMent with NLG Printing
PROPERTY OWNER:	Greg Johnston
NATURE OF REQUEST:	Additional wall signage
AUTHORITY:	Sec. 14-724, Rogers Code of Ordinances

SUMMARY

This request is to allow seven additional wall signs (10-sf each) to advertise the different brands of products carried by the applicant.

Community Development recommends consideration of the request.

STAFF REVIEW

1. 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.

2. SUBJECT REQUEST:

- a) The applicant request to allow seven additional wall signs below an existing wall sign to advertise the different brands they carry.

3. GENERAL FINDINGS:

- a) This request is to allow seven additional wall signs (10-sf each) to advertise the different brands of products carried by the applicant.
- b) This site has two street frontages, allowing two wall signs by right.
- c) They are allowed up to 400-sf of total wall sign area for the building. If approved, the additional wall signs will be under the allowed square footage.
- d) Staff finds this to be a reasonable request due to the site being allowed two wall signs and the total sign area will be under the allowed square footage.
- e) Applicant does not cite a hardship reason to justify the variance, but points to similar businesses with additional signage in the area advertising vendors.
- f) Business promotion is noted as a need for the signage.
- g) Staff has not identified any circumstances unique to the individual property where strict enforcement of the zoning ordinance would cause undue hardship.

4. ZONING:

- a) I-1 (Light Industrial)
The purpose and intent of the I-1 zoning district, per Rogers Code Sec. 14-713, is to allow industrial operations and activities that do not create appreciable nuisances or hazards.
- b) Overlay District
The purpose of the Rogers Overlay District, per Rogers Code Sec. 44-13, is to protect and enhance the scenic quality of the highway corridors, create design standards for developments, provide effective land use planning and facilitate traffic flow. The Overlay District restricts the use of freestanding pole signs-

5. PUBLIC INPUT RECEIVED:

Staff has not received any comments from the public regarding this request.

6. RECOMMENDATIONS:

- a) Consider the request.

DIRECTOR'S COMMENTS

1. Agree with recommendations.



JOHN C. MCCURDY, Director
Community Development

SUGGESTED MOTIONS

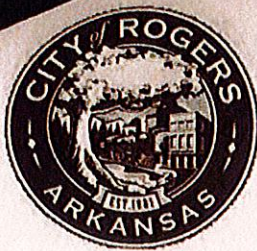
1. IF APPROVING AS PRESENTED:
Move to approve the request as presented.
2. IF APPROVING SUBJECT TO OTHER ACTIONS:
Move to approve the request subject to [conditions or contingencies].
3. IF DENYING:
Move to deny the request as presented.
4. IF TABLING:
Move to table the request as presented [indefinite or date certain].

TABS

1. Vicinity map (aerial)
2. Variance application with required supplements







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

OFFICE USE ONLY

Permit Fee: \$100 CR (\$100)
Zoning: I-1
App Number: 21-05
CityView Application: PL202100109
Date: 2/2/2021

VARIANCE APPLICATION

APPLICANT: Extreme Sport Boats

ADDRESS: 2601 W. Hudson Rd. Rogers, AR SUITE #: _____

GENERAL LOCATION OF PROPERTY: _____

PHONE #: 479-636-3200 EMAIL: gljkc@aol.com

PROPERTY OWNER: Greg Johnston PHONE #: 479-903-0869

NATURE OF APPEAL:

- ☐ Appeal from decision of enforcement officer
☒ Variance from zoning ordinance

EXPLAIN REQUEST: request to add signs to wall facing HWY 102
want to have brands of products being sold displayed on front

of building to bring awareness to what we carry
Applicant Signature _____ Date 1/25/2021

Attachment Checklist:

- ☒ Letter explaining hardship or reason for request
☒ Legal description of property
☐ Relevant supporting documents
☒ Survey or sign proofs as needed

Project #
PL202100109

PLANNING STAFF PROVIDES:

DATE FILED: 2/2/2021 PUBLIC HEARING DATE: 2/25/2021

BOARD OF ADJUSTMENT DECISION: _____

SECRETARY, BOARD OF ADJUSTMENT

DATE

Variance Request: Extreme Sport Boats

Address: 2601 W. Hudson Rd. Rogers AR

Hi we are requesting a variance for addition wall signs. With you approving this we will still be under our total sqft of signage allowed. We are wanting to have 7 individual signs placed on the lower front side of building above the windows. This will allow us to advertise the different manufacturers brands we carry and it is strongly encouraged by our manufacturers to advertise their brands. This is very important to the success of our company. This is very similar to Pig Trail Harley Davidson, Clearcreek Golf Carts and Adventure Motorsports that are all on the same road. Thank you for your consideration.

Thanks,




Blue arrows are pointing to the signs for the variance application



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 **Board of Adjustment** in an online meeting on Zoom (instructions to be posted under the BOA at www.rogersar.gov) on **February 25, 2020 at 4:00 p.m.** regarding an application by **Extreme Sport Boats** under the provisions of the City of Rogers Code of Ordinances, for a variance to allow **additional wall signs** at **2601 W. Hudson Road** in the City's **I-1 (Light Industrial) zoning district** more particularly described as follows:

LEGAL DESCRIPTION:

A part of the SW ¼ of the SE ¼ of Section 34, Township 20 North, Range 30 West, City of Rogers, Benton County, Arkansas, and being more particularly described as: Commencing at the SE corner of the SW ¼ of the SE ¼ of said Section 34, said point being center of Highway 102, thence along the center of said Highway 102 North 89°55'25" West 186.95 feet to the point of beginning; thence continuing along the center of said Highway 102 North 89°55'25" West 255.00 feet; thence North 00°32'19" West 758.65 feet; thence North 89°37'11" East 255.00 feet to the center of North 26th Street; thence along the center of said North 26th street South 00°32'19" East 760.60 feet to the point of beginning, containing 193,726.32 sq. ft. or 4.447 acres, more or less, and subject to all rights-of-way, easements, and restrictive covenants or record or fact. Parcel numbers 02-02101-001, 02-02098-000 and 23-00278-075.

LESS AND EXCEPT: A strip of land 25 feet in width squarely off the East side of the above described real property as Instrument No. 91-18227, records of Benton County, Arkansas.

LAYMAN'S DESCRIPTION:

2601 W. Hudson Road

Roger Clark, Secretary
Board of Adjustment

PUBLISH ONE TIME ONLY: **February 14, 2021**
BILL THE CITY OF ROGERS



COMMUNITY DEVELOPMENT
PLANNING DIVISION
301 W. CHESTNUT
planning@rogersar.gov
(479) 621-1186

MEETING DATE
February 25, 2021

TO: BOARD OF ADJUSTMENT

RE: **STAFF SUMMARY REPORT**
VARIANCE – #21-06 GREENWOOD GEARHART
PL202100150

STAFF: Gloria Garcia, Zoning Technician

REQUEST DETAILS

ADDRESS/LOCATION:	4100 S. Grand Ave., Suite B121
SUBDIVISION:	Pinnacle Heights
CURRENT ZONING:	R-MF (Residential Multifamily)
CURRENT USE:	Mixed-use Commercial
APPLICANT/REPRESENTATIVE:	Brock Gearhart
PROPERTY OWNER:	Sage Partners
NATURE OF REQUEST:	Additional wall signage
AUTHORITY:	Sec. 14-724, Rogers Code of Ordinances

SUMMARY

This request is to allow an additional wall sign on the south elevation of the multitenant building.

Community Development recommends consideration of the request.

STAFF REVIEW

1. 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.

2. SUBJECT REQUEST:

- a) The applicant requests an additional wall sign on the south elevation of the multitenant building.

3. GENERAL FINDINGS:

- a) The business has one street frontage and is allowed one wall sign at 80 sf.
- b) The applicant does not cite any hardship to justify the variance.
- c) Business promotion is noted as a need for the additional signage for the new business to Rogers.
- d) Staff would note that Pinnacle Heights is a unique mixed-use development opening in Uptown Rogers and notes that signage for commercial enterprises within the development will be important identifiers considering the mixed use.
- e) The applicant has sought and obtained approval from the building management for the additional sign.
- f) Staff has not identified any circumstances unique to the individual property where strict enforcement of the zoning ordinance would cause undue hardship.

4. ZONING:

- a) RMF-29B (Residential Multifamily, 29 units per acre, rentals)

The RMF zoning district, per Rogers Code Sec. 14-703, is intended to provide suitable areas within the City for attached and detached residential development, and allows for mixed-use commercial.

- b) Overlay District

The purpose of the Rogers Overlay District, per Rogers Code Sec. 44-13, is to protect and enhance the scenic quality of the highway corridors, create design standards for developments, provide effective land use planning and facilitate traffic flow. The Overlay District restricts the use of freestanding pole signs-

5. PUBLIC INPUT RECEIVED:

Staff has not received any comments from the public regarding this request.

6. RECOMMENDATIONS:

- a) Consider the request.

DIRECTOR'S COMMENTS

1. Agree with recommendations.
2. Although a strict reading of the sign ordinance only justifies a "consider" recommendation, I urge the BOA to take into account the unique nature of this particular development in its consideration. There is very little variety present in the streetscape design along Grand Avenue. The addition of interesting graphic elements should enhance the aesthetic appeal.



JOHN C. MCCURDY, Director
Community Development

SUGGESTED MOTIONS

1. IF APPROVING AS PRESENTED:

Move to approve the request as presented.

2. IF APPROVING SUBJECT TO OTHER ACTIONS:

Move to approve the request subject to [conditions or contingencies].

3. IF DENYING:

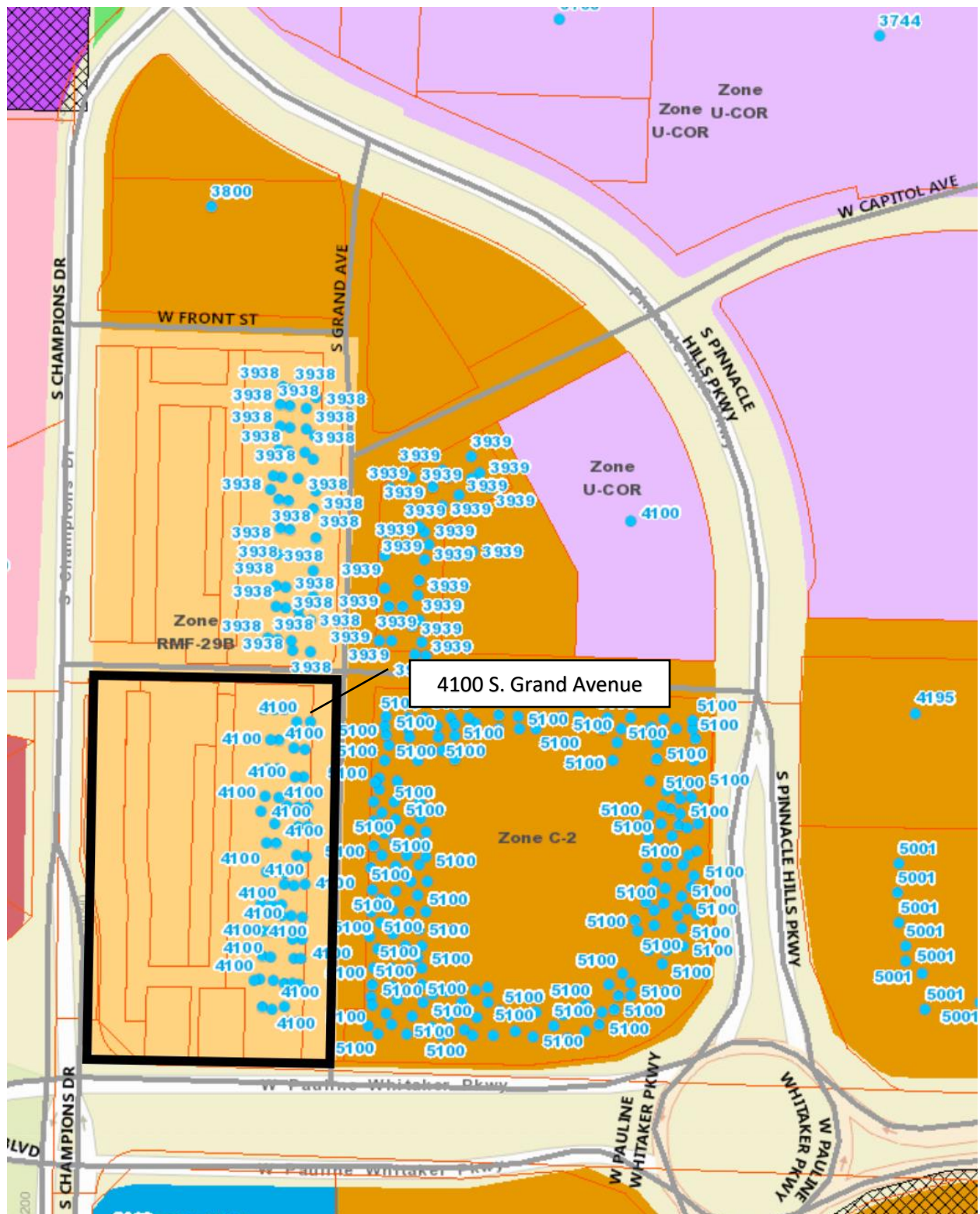
Move to deny the request as presented.

4. IF TABLING:

Move to table the request as presented [indefinite or date certain].

TABS

1. Vicinity map (aerial)
2. Variance application with required supplements





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

paid online

OFFICE USE ONLY

Permit Fee: \$100 (\$100)
Zoning: R-MF
App Number: 21-04
CityView Application: PL202100150
Date: 2/5/2021

VARIANCE APPLICATION

APPLICANT: Greenwood Gearhart Inc / Brock Gearhart, CEO

ADDRESS: 4100 S. Grand Avenue B121, Rogers, AR 72758 SUITE #: _____

GENERAL LOCATION OF PROPERTY: Pinnacle Heights off Pauline Whitaker

PHONE #: 479-521-5353 EMAIL: bgearhart@greenwoodgearhart.com

PROPERTY OWNER: Tom Allen / Sage Partners PHONE #: 479-845-3000

NATURE OF APPEAL:

- ☐ Appeal from decision of enforcement officer
☒ Variance from zoning ordinance

EXPLAIN REQUEST: Greenwood Gearhart, a Fayetteville based company since 1982, is opening a second location in Rogers. We would like additional signage on the side of the building to help with visibility for visiting clients.

January 25, 2021

Applicant Signature

Date

Attachment Checklist:

- ☒ Letter explaining hardship or reason for request
☐ Legal description of property - **Have requested from landlord but not yet received**
☒ Relevant supporting documents
☐ Survey or sign proofs as needed

PLANNING STAFF PROVIDES:

DATE FILED: 2/5/2021 PUBLIC HEARING DATE: 2/25/2021

BOARD OF ADJUSTMENT DECISION: _____

SECRETARY, BOARD OF ADJUSTMENT

DATE

GREENWOOD GEARHART

January 25, 2021

City of Rogers
Dept. of Community Development
301 W Chestnut St, Rogers, AR 72756

RE: Signage Variance

To Whom It May Concern,

Our firm has leased space in Pinnacle Heights to house our Rogers office location. We have been a Fayetteville-based business for nearly forty years and are excited to move to Rogers as our business grows with more and more Benton County residents.

Because of our Fayetteville-centric footprint, we feel there is a need for ample signage to direct our clients to our new office. As such we are requesting signage both along Grand Avenue (already approved per the attached email) and along the South Elevation (Pauline Whitaker).

We humbly request approval of this variance and are available to discuss the need in further detail at 479-521-5353. Additionally, Tom Allen with Sage Partners has approved this signage request as landlord and is available to discuss as needed as well.

Cordially,



G. Brock Gearhart, CFA
President & CEO
GREENWOOD GEARHART



December 16, 2020

Ms. Jamie Koontz
Sign Artists, Inc.
721 Laurel Circle
Rogers, AR 72758

RE: Greenwood Gearhart, Inc.
4100 S. Grand Avenue, Suite B120, Rogers, AR 72758

Dear Jamie:

The purpose of this letter is to approve exterior signage proposed December 2, 2020. Sage Partners Real Estate Solutions, on behalf of the Landlord, approves the design and location of the Greenwood Gearhart sign on the exterior of the building located at 4100 S. Grand Avenue, Suite B120 in Rogers.

If you have any questions or require additional information, please do not hesitate to contact me at (479)845-3000 or tallen@sagepartners.com.

Sincerely,

DocuSigned by:

1788D99F034B440...

Tom Allen, CCIM
Executive Vice President, Principal

tm

Brock Gearhart

From: Garcia, Gloria <ggarcia@rogersar.gov>
Sent: Friday, January 22, 2021 3:00 PM
To: Brock Gearhart
Subject: Greenwood Gearhart Sign Permit
Attachments: Variance Application.pdf; Planning_App_Guide.pdf

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good afternoon,

The sign permit for Greenwood Gearhart has been reviewed. Staff has approved the 30-sf wall sign on the east elevation (facing S. Grand Avenue). Since the tenant space only fronts S. Grand Avenue they are only allowed one wall sign. A variance would be required for the additional wall sign you are requesting on the south elevation. I have attached a copy of the variance application if you choose to go forward with the request. I have also attached a copy of a planning guide to help you upload through the portal. If you have any questions feel free to contact our office.

To proceed with the wall sign that was approved by Staff, please submit the \$10 fee to finalize the permit.

Thank you.



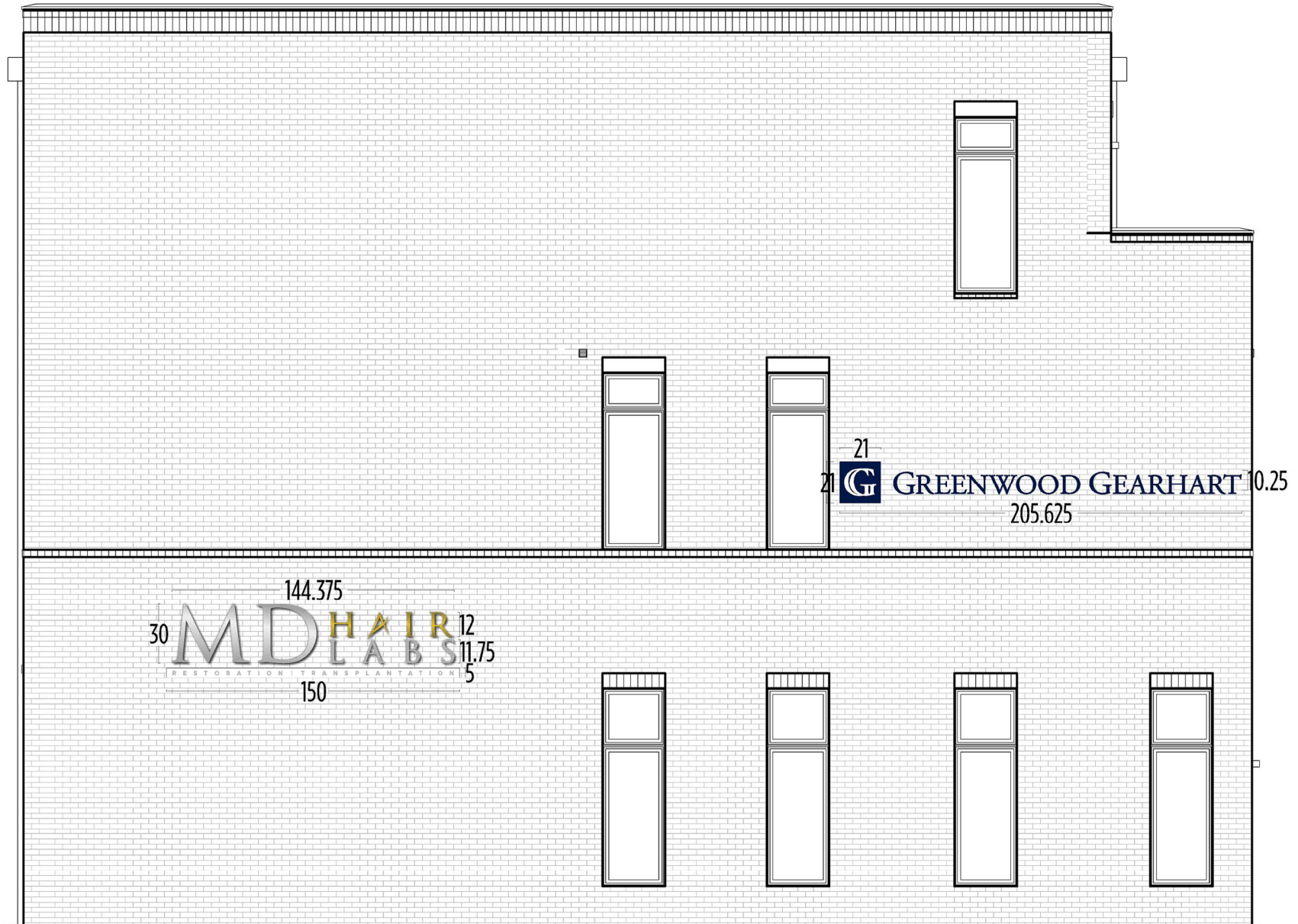
Gloria Garcia | Zoning Technician
Dept. of Community Development
City of Rogers | www.rogersar.gov
301 W Chestnut St, Rogers, AR 72756
(479) 621-1186



Greenwood Gearhart

Rogers, AR

12/1/2020



SOUTH ELEVATION - OPTION 1



1.888.809.1810 | 479.756.1810 | www.kenssigns.com | 2100 S. Powell St. Springdale, AR 72764 | Designer: Oscar O.





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 **Board of Adjustment** in an online meeting on Zoom (instructions to be posted under the BOA at www.rogersar.gov) on **February 25, 2020 at 4:00 p.m.** regarding an application by **Greenwood Gearhart** under the provisions of the City of Rogers Code of Ordinances, for a variance to allow an **additional wall sign at 4100 S. Grand Ave., Ste. B121** in the City's **RMF-29B (Residential Multifamily, 29 units per acre, rentals)** more particularly described as follows:

LEGAL DESCRIPTION:

LOT 4, PINNACLE HEIGHTS SUBDIVISION, BEING A PART OF THE SOUTHWEST 1/4, OF THE SOUTHWEST 1/4, SECTION 21, TOWNSHIP 19 NORTH, RANGE 30 WEST, AS RECORDED ON PLAT BOOK 2012, PAGE 514, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT, SOUTH 02°32'53" WEST 705.19 FEET, AND SOUTH 87°27'07" EAST 30.54 FEET FROM THE NORTHWEST CORNER OF SAID FORTY ACRE TRACT, SAID POINT BEING A FOUND 5/8" REBAR BEING THE POINT OF BEGINNING AND RUNNING: THENCE ALONG A CURVE TO THE RIGHT, WITH A RADIUS OF 164.13 FEET, AN ARC LENGTH OF 130.87 FEET, FOR A CHORD BEARING AND DISTANCE OF NORTH 26°45'08" EAST 127.43 FEET TO A FOUND 5/8" REBAR, THENCE WITH A CURVE TO THE RIGHT, WITH A RADIUS OF 164.13 FEET, AN ARC LENGTH OF 2.12 FEET, FOR A CHORD BEARING AND DISTANCE OF NORTH 49°57'49" EAST 2.12 FEET TO A SET 1/2" REBAR, THENCE WITH A CURVE TO THE RIGHT, WITH A RADIUS OF 15.00 FEET, AN ARC LENGTH OF 23.16 FEET, FOR A CHORD BEARING AND DISTANCE OF SOUTH 85°25'09" EAST 20.93 FEET TO A FOUND 5/8" REBAR, THENCE WITH A CURVE TO THE LEFT, WITH A RADIUS OF 560.00 FEET, AN ARC LENGTH OF 238.23 FEET, FOR A CHORD BEARING AND DISTANCE OF SOUTH 53°21'29" EAST 236.44 FEET TO A SET 1/2" REBAR, THENCE SOUTH 65°32'43" EAST 171.95 FEET TO A SET 1/2" REBAR, THENCE ALONG A CURVE TO THE RIGHT, WITH A RADIUS OF 460.00 FEET, AN ARC LENGTH OF 544.94 FEET, FOR A CHORD BEARING AND DISTANCE OF SOUTH 31°36'26" EAST 513.63 FEET TO A FOUND 5/8" REBAR, THENCE SOUTH 02°19'51" WEST 122.67 FEET TO A SET 1/2" REBAR, THENCE NORTH 86°53'15" WEST 1.01 FEET TO A SET 1/2" REBAR, THENCE SOUTH 03°06'52" WEST 149.45 FEET TO A FOUND 5/8" REBAR, THENCE SOUTH 01°58'59" EAST 48.08 FEET TO A FOUND 5/8" REBAR, THENCE SOUTH 04°02'36" EAST 42.73 FEET TO A FOUND 5/8" REBAR, THENCE SOUTH 06°35'45" WEST 62.54 FEET TO A FOUND 5/8" REBAR, THENCE SOUTH 36°29'41" WEST 68.14 FEET TO A FOUND 5/8" REBAR, THENCE SOUTH 67°11'36" WEST 75.45 FEET TO A FOUND 5/8" REBAR, THENCE SOUTH 84°57'26" WEST 98.23 FEET TO A FOUND 5/8" REBAR, THENCE NORTH 87°39'56" WEST 455.13 FEET TO A SET 1/2" REBAR, THENCE NORTH 42°43'17" WEST 58.85 FEET TO A FOUND 5/8" REBAR, THENCE NORTH 02°13'42" EAST 83.83 FEET TO A SET 1/2" REBAR, THENCE ALONG A CURVE TO THE LEFT, WITH A RADIUS OF 113.00 FEET, AN ARC LENGTH OF 30.76 FEET, FOR A CHORD BEARING AND DISTANCE OF NORTH 05°34'09" WEST 30.67 FEET, THENCE NORTH 13°22'03" WEST 71.33 FEET TO A SET 1/2" REBAR, THENCE NORTH 02°28'02" EAST 188.62 FEET TO A SET 1/2" REBAR, THENCE SOUTH 86°53'15" EAST 4.47 FEET TO A SET 1/2" REBAR, THENCE NORTH 02°32'53" EAST 620.40 FEET TO THE POINT OF BEGINNING. CONTAINING 15.69 ACRES MORE OR LESS. SUBJECT TO EASEMENTS AND RIGHT-OF-WAY OF RECORD

LAYMAN'S DESCRIPTION:

4100 S. Grand Ave., Ste. B121

Roger Clark, Secretary
Board of Adjustment

PUBLISH ONE TIME ONLY: **February 14, 2021**
BILL THE CITY OF ROGERS



COMMUNITY DEVELOPMENT
PLANNING DIVISION
301 W. CHESTNUT
planning@rogersar.gov
(479) 621-1186

MEETING DATE
February 18, 2021

TO: BOARD OF ADJUSTMENT
RE: **STAFF SUMMARY REPORT**
Subbert
VARIANCE – #21-07
PL202100156

STAFF: Lori Ericson, Zoning Administrator

REQUEST DETAILS

ADDRESS/LOCATION:	1254 W. Subbert Way
SUBDIVISION:	none
CURRENT ZONING:	N-R (Neighborhood Residential)
APPLICANT/REPRESENTATIVE:	Barry Subbert
PROPERTY OWNER:	Barry and Kay Subbert
NATURE OF REQUEST:	Allow accessory building taller than 16 feet
AUTHORITY:	Sec. 14-724, Rogers Code of Ordinances

SUMMARY

This request is to allow an accessory building at a maximum of 19 feet, 3 inches.

Community Development recommends approval of the request.

STAFF REVIEW

1. 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, Chapter 14, 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.

2. SUBJECT REQUEST:

- a) Allow an accessory building at a maximum of 19 feet, 3 inches.

3. GENERAL FINDINGS:

- a) Accessory building height is limited at 16 feet in the N-R zoning district per Rogers Sec. 14-702(c)(2)c.
- b) The applicant doesn't cite a hardship basis for varying from city code. However, they note the structure will replace an existing carport that houses a recreational vehicle. The new accessory building will have 14-foot-tall doors with 16-foot walls, resulting in a total maximum height of 19 feet, 3 inches.
- c) Staff would note the applicant's lot is 2.54 acres with the planned building to be built 30 feet from the side property line and nearly 80 feet from the street, resulting in little to no impact for neighboring property owners.

4. ZONING:

a) N-R (Neighborhood Residential):

The N-R district, per Rogers Code Section 14-699, is intended to encourage the continuation and revitalization of low- to medium-density housing.

5. PUBLIC INPUT RECEIVED:

Staff has not received any comments from the public regarding this request.

6. RECOMMENDATIONS:

- a) Approve the request.

DIRECTOR'S COMMENTS

- 1. Agree with recommendation.



JOHN C. MCCURDY, Director
Community Development

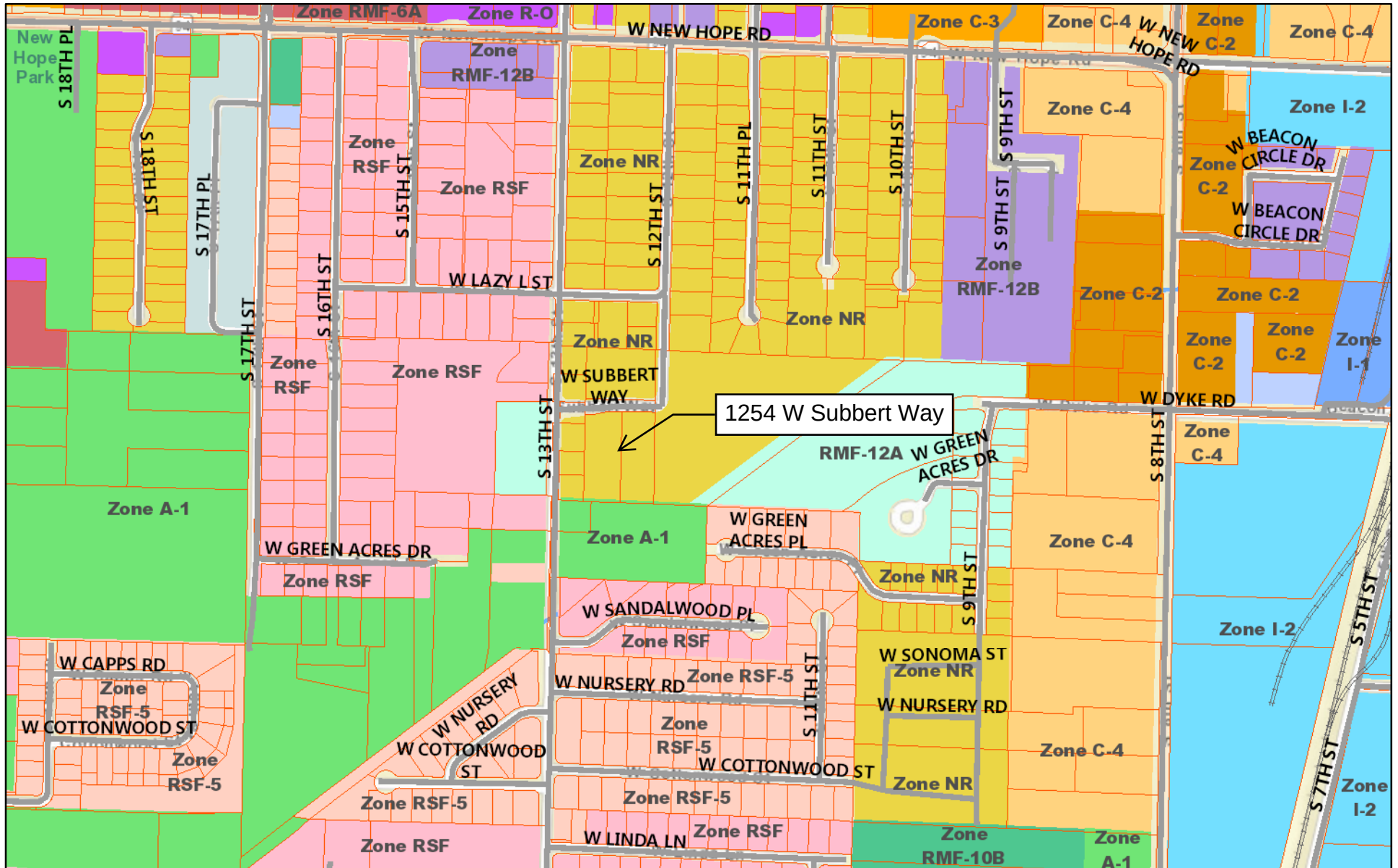
SUGGESTED MOTIONS

1. *IF APPROVING AS PRESENTED:*
Move to approve the request as presented.
2. *IF APPROVING SUBJECT TO OTHER ACTIONS:*
Move to approve the request subject to (conditions or contingencies).
3. *IF DENYING:*
Move to deny the request as presented.
4. *IF TABLING:*
Move to table the request (indefinite or date certain).

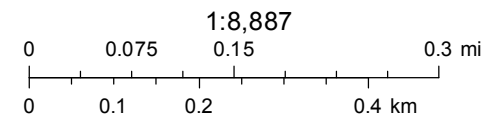
TABS

1. Vicinity map (aerial)
2. Public Notice
3. Variance application with supplements

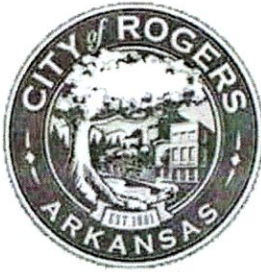
Viewer Map



February 19, 2021



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand),



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

paid online

OFFICE USE ONLY

Permit Fee: \$100 (\$100)

Zoning: NR

App Number: 21-07

CityView Application: PL202100156

Date: 2/5/2021

VARIANCE APPLICATION

APPLICANT: Barry Subbert

ADDRESS: 1254 W Subbert Way, Rogers, AR 72758 SUITE #: N/A

GENERAL LOCATION OF PROPERTY: West Side

PHONE #: 479-636-9536 EMAIL: barletocool@cox.net

PROPERTY OWNER: Barry Subbert PHONE #: 479-636-9536

NATURE OF APPEAL:

- ☐ Appeal from decision of enforcement officer
☒ Variance from zoning ordinance

EXPLAIN REQUEST: Shop building will have 16' side walls
and the roof pitch will exceed 16' Ft. Roof pitch

to be 2/12 1/15/2021
Applicant Signature Date

Attachment Checklist:

- ☒ Letter explaining hardship or reason for request
☒ Legal description of property
☒ Relevant supporting documents
☒ Survey or sign proofs as needed

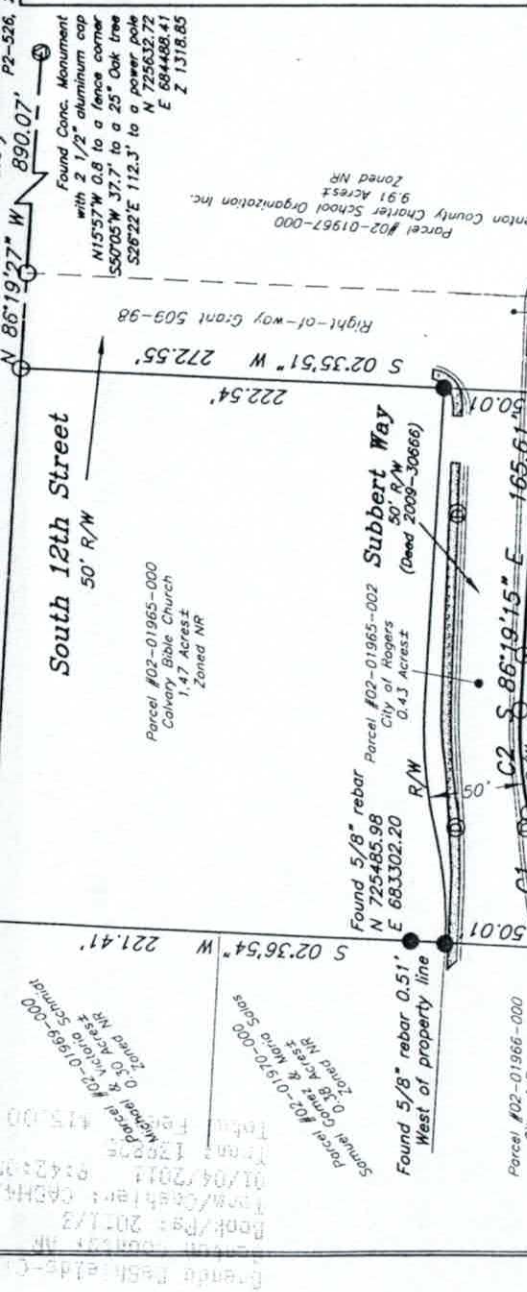
PLANNING STAFF PROVIDES:

DATE FILED: 2/5/2021 PUBLIC HEARING DATE: 2/25/2021

BOARD OF ADJUSTMENT DECISION: _____

SECRETARY, BOARD OF ADJUSTMENT

DATE



Survey Description of Tract #1

Located in a part of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec 30 West in Rogers, Benton County, Arkansas, more or less, at a found concrete monument with a 2 $\frac{1}{2}$ " aluminum nail in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 24; thence North 86 degrees 19 minutes 27 seconds West 120 feet to the intersection of the line of the said Section 24 and the true POINT OF BEGINNING; thence South 02 degrees 35 minutes 51 seconds West 120 feet to the intersection of the line of the said Section 24 and the true POINT OF BEGINNING; thence South 02 degrees 35 minutes 51 seconds West 120 feet to the intersection of the line of the said Section 24 and the true POINT OF BEGINNING; thence North 86 degrees 19 minutes 27 seconds East 120 feet to the intersection of the line of the said Section 24 and the true POINT OF BEGINNING; thence South 86 degrees 19 minutes 15 seconds East 120 feet to the intersection of the line of the said Section 24 and the true POINT OF BEGINNING containing 1.223 acres, more or less, to the right-of-way of Subbert Way, Right-of-Way C-98 and any other easements of record.

Located in a part of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 30 West in Rogers, Benton County, Arkansas, more or less, at a found concrete monument with a 2 $\frac{1}{2}$ " aluminum nail in the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 24; thence North 86 degrees 19 minutes 27 seconds We thence South 02 degrees 35 minutes 51 seconds We and the true POINT OF BEGINNING; thence South 02 degrees 35 minutes 51 seconds We thence North 86 degrees 19 minutes 27 seconds We thence North 02 degrees 35 minutes 51 seconds Ea; thence South 86 degrees 19 minutes 15 seconds Ea; and the true POINT OF BEGINNING containing 1,223 $\pm$ to the right-of-way of Subbert Way, Right-of-Way C 98 and any other easements of record.

Located in a part of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Sec. 30 West in Rogers, Benton County, Arkansas, more or less at a found concrete monument with a 2 $\frac{1}{8}$ " aluminum the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 24; thence North 86 degrees 19 minutes 27 seconds West; thence South 02 degrees 35 minutes 51 seconds West; thence North 86 degrees 19 minutes 15 seconds West and the true POINT OF BEGINNING; thence South 02 degrees 35 minutes 51 seconds West; thence North 86 degrees 19 minutes 28 seconds West; thence North 02 degrees 36 minutes 54 seconds East; thence along a non-tangent curve to the left, with a length of 70.19 feet, and a chord of North 85 degrees 69.96 feet to a set 5/8" bar; thence along a reverse curve to the right having a radius of 54.05 feet, and a chord of North 85 degrees 31 feet to a set 5/8" bar.

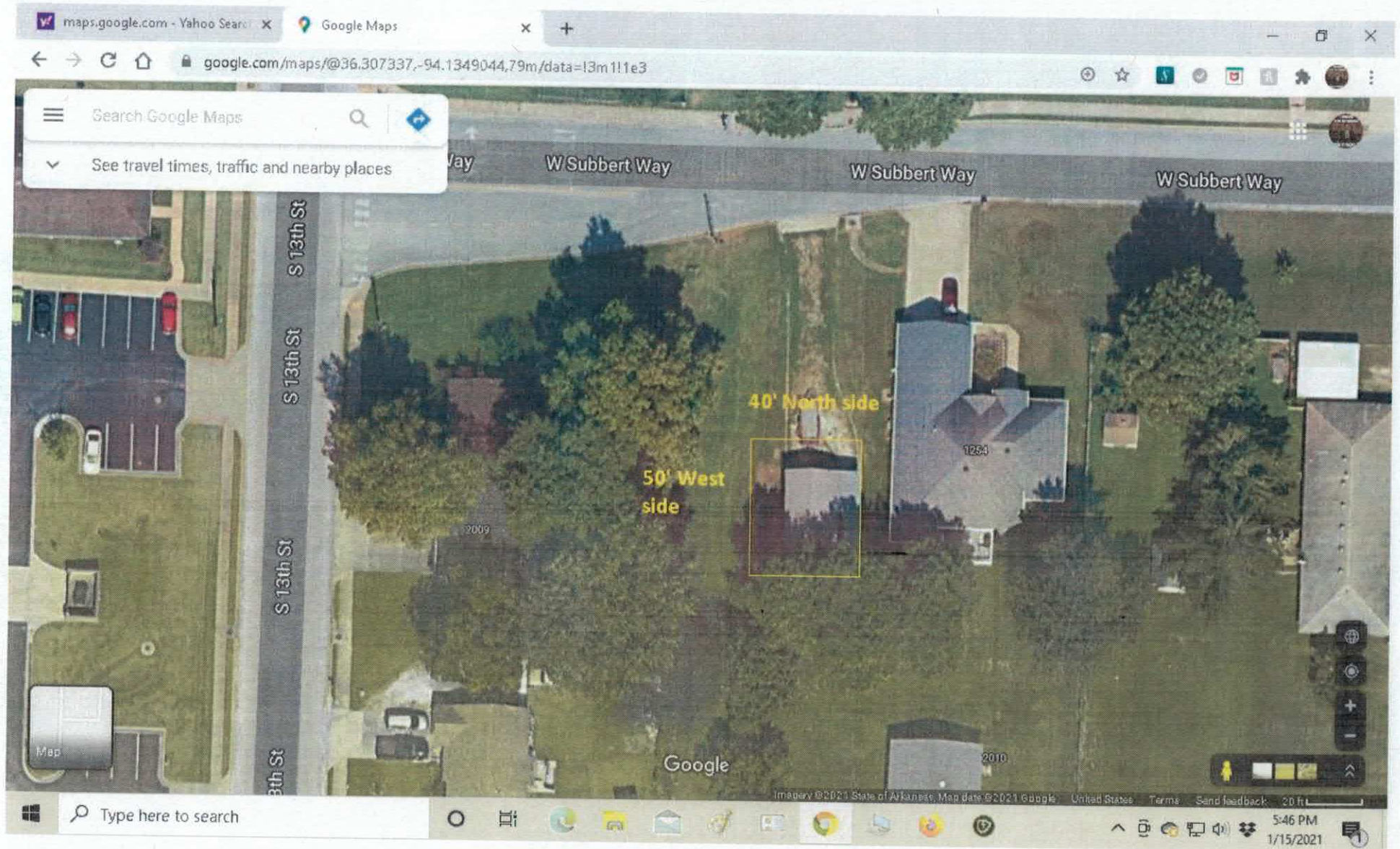
1. In providing this survey, no attempt has been made to show date, condition or capacity of underground utilities existing on site. Only this survey.
2. No abstract of title, nor title commitment, or results of a title search, or documents of record reviewed are noted hereon. There is no record that affect this surveyed parcel.
3. Ramsey Surveying, Inc. has made no additional investigation or it may find encumbrances, restrictive covenants, ownership title evidence accurate and current title search may disclose.
4. Basis of bearings is Grid North according to the Arkansas Coordinate System based on GPS rapid static method. Record bearings in parentheses are from GPS rapid static method. Record #02-01968--000 (Deed F 107-01968)
5. This plat represents a survey of Parcel #02-01968--000 (Deed F 107-01968) and its interest.
6. The purpose of this survey is to split the parent tract into 2 parcels. Horizontal coordinates shown on this survey were established by GPS on NAD 83 datum, CORS 96, Epoch 2002. Elevations shown are based on NAVD 88 datum, GEOID03
7. This survey yielded a scale factor of 0.999957 with a convergence angle of -1.24158605 degrees.
8. This survey yielded to a "best fit" line established from previous surveys along the line and used a "best fit" line between the found corners along the line and used a "best fit" line between the found property line.
9. This surveyed parcel is subject to the following easements of record:
 - a. electric transmission line as recorded in Deed Record 196 page 117;
 - b. line as recorded in Deed Record 334 page 543; a right-of-way gr. Street as recorded in Deed Record 509 page 98; a right-of-way gr. 12th Street as recorded in Deed Record 678 page 281.
10. This surveyed parcel may be subject to the following easement:
 - a. recorded in Deed Record 362 page 85, the metes and bounds desc legible.

We, the undersigned owners of the real estate shown and described herein, do hereby dedicate to the public all detention ponds & structures, streets, alleys, parks and other public lands shown upon this plat and do hereby establish the easements shown upon this plat. Said easements shall be for the benefit of the City of Rogers and all utility companies, including cable television companies, and said easements shall be for the purpose of constructing, maintaining, repairing and replacing utility lines, cable television lines and drainage structures. The City of Rogers, and all utility companies, and all cable television companies shall have the right of ingress and egress to said easements and shall have the right to remove or trim trees within said easements and the right to prohibit the erection of buildings, structures, or fences within said easements.

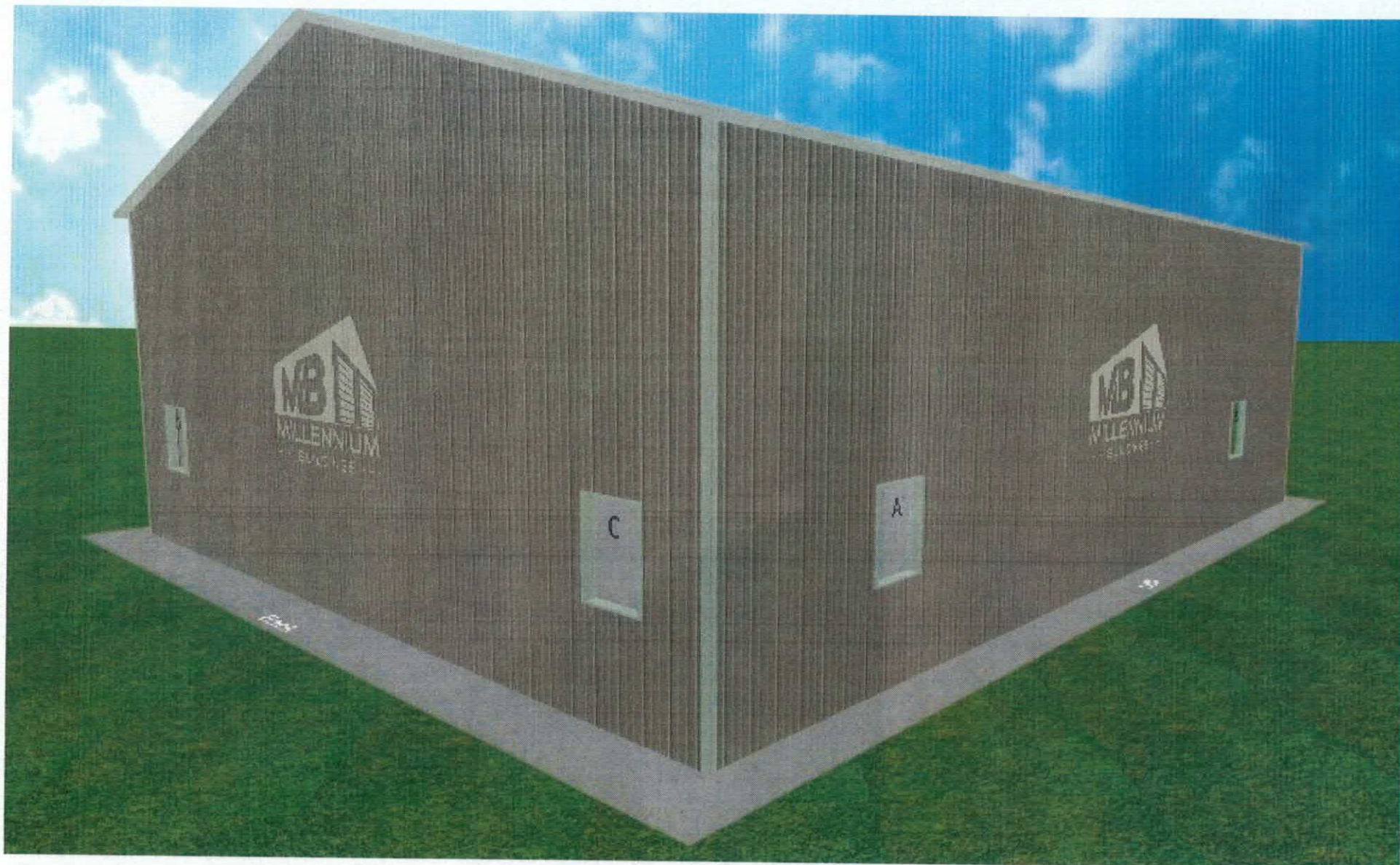
State of Arkansas
County of Benton
Subscribed and sworn before me this 22
June 2013
Notary Public
My commission expires 6/23/2013

OFFICIAL SEAL
 JENNIFER SLINGSBY
 NOTARY PUBLIC, ARKANSAS
 BENTON COUNTY
 COMMISSION EXP-06/23/2013

Approved and accepted by the City of Rogers Planning Division this 3RD day of May 2011.







1254 - South & East Proposed



1254 FRONT- PROPOSED



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 **Board of Adjustment** in an online meeting on Zoom (instructions to be posted under the BOA at www.rogersar.gov) on **February 25, 2020 at 4:00 p.m.** regarding an application by **Barry Subbert** under the provisions of the City of Rogers Code of Ordinances, for a variance to allow an accessory building taller than the 16-foot limit at **1254 W. Subbert Way** in the City's **N-R (Neighborhood Residential) zoning district** more particularly described as follows:

LEGAL DESCRIPTION:

PT SW NW 890'W 302.50' S NE/C POB THENCE S358.74' W 288'N358.74'E288' PT SW NW 890'W222 S NE/C S80' W 288 N 80' E 288' POB LESS & EXCEPT PT SW NW BEG NE/C N86*W890.07' S02*W222.54' POB S02*W50.01' N89*W165.61' LEFT CURVE RADIUS 190' AR LENGTH 54.05' CHORD S85*W53.87' RIGHT CURVE RADIUS 250' ARC LENGTH 70.19' CHORD S85*W69.96' N02*E67.70' S86*E288.49' POB LESS AND EXCEPT A PART OF THE SW/4 OF THE NW/4 OF SECTION 24, TOWNSHIP 19 NORTH, RANGE 30 WEST, ROGERS, BENTON COUNTY, ARKANSAS, MORE PRECISELY DESCRIBED AS FOLLOWS: STARTING AT A FOUND CONCRETE MONUMENT WITH A 2 1/2" ALUMINUM CAP AT THE NORTHEAST CORNER OF THE SW/4 OF THE NW/4 OF SECTION 24; THENCE NORTH 86 DEGREES 19 MINUTES 27 SECONDS WEST, 890.07 FEET; THENCE SOUTH 02 DEGREES 35 MINUTES 51 SECONDS WEST, 272.55 FEET TO A SET 5/8" REBAR AND THE TRUE POINT OF BEGINNING; THENCE SOUTH 02 DEGREES 35 MINUTES 51 SECONDS WEST 388.77 FEET TO A FOUND 1/2" REBAR; THENCE NORTH 86 DEGREES 19 MINUTES 27 SECONDS WEST, 137.00 FEET TO A SET 5/8" REBAR; THENCE NORTH 02 DEGREES 35 MINUTES 51 SECONDS EAST, 388.78 FEET TO A SET 5/8" REBAR; THENCE SOUTH 86 DEGREES 19 MINUTES 15 SECONDS EAST, 137.00 FEET TO A SET 5/8" REBAR AND THE TRUE POINT OF BEGINNING, CONTAINING 1.223 ACRES, MORE OR LESS, AND BEING SUBJECT TO THE RIGHT-OF-WAY OF SUBBERT WAY, RIGHT-OF-WAY GRANT IN BOOK 678 AT PAGE 281 AND BOOK 509 AT PAGE 98, AND ANY OTHER EASEMENTS OF RECORD, ALL AS SHOWN ON A TRACT SPLIT SURVEY BY JIM F. RAMSEY, RLS #1227, FILED FOR RECORD ON JANUARY 4, 2011 IN PLAT BOOK 2001 AT PAGE 3, PLAT RECORDS OF BENTON COUNTY, ARKANSAS. SURVEY 1/04/11 2011-3 SURVEY 2011-94 03/08/2011

LAYMAN'S DESCRIPTION:

1254 W. Subbert Way

Roger Clark, Secretary
Board of Adjustment

PUBLISH ONE TIME ONLY: **February 14, 2021**
BILL THE CITY OF ROGERS

Barry & Kay Subbert

1254 West Subbert Way

Rogers, AR 72758

Cell – Barry— 479-636-9536 Cell – Kay-- 479-621-3402

Feb. 4, 2021

City of Rogers

Dept of Community Development

Planning Division

301 W. Chestnut

Rogers, AR 72756

We are requesting a variance to put up enclosed storage to replace the existing carport for keeping out Camper and other equipment inside.

Thank you

Barry and Kay Subbert



COMMUNITY DEVELOPMENT
PLANNING DIVISION
301 W. CHESTNUT
planning@rogersar.gov
(479) 621-1186

MEETING DATE
February 18, 2021

TO: BOARD OF ADJUSTMENT
RE: **STAFF SUMMARY REPORT**
Johnson
VARIANCE – #21-08
PL202100159

STAFF: Lori Ericson, Zoning Administrator

REQUEST DETAILS

ADDRESS/LOCATION:	5300 S. 62 nd Place
SUBDIVISION:	Liberty Bell North
CURRENT ZONING:	RSF-5 (Residential Single Family, 5 units per acre)
APPLICANT/REPRESENTATIVE:	Phillip and Carrie Johnson
PROPERTY OWNER:	Phillip and Carrie Johnson
NATURE OF REQUEST:	Reduce rear setback, drainage easement
AUTHORITY:	Sec. 14-724, Rogers Code of Ordinances

SUMMARY

This request is to allow a three-foot reduction in the building setback for expansion of the house.

Community Development recommends approval of the request.

STAFF REVIEW

1. 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, Chapter 14, 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.

2. SUBJECT REQUEST:

- a) Allow reduced rear setback for a house expansion.

3. GENERAL FINDINGS:

- a) Rear setbacks are set out in Rogers Sec. 14-699(f)(2)(d), at 20 feet for the RSF zoning district.
- b) The Final Plat of Liberty Bell North, recorded 4-20-2005, also establishes the rear setback at 20 feet for lots within the subdivision, and names all setbacks as utility and drainage easements as well.
- c) Although the applicant doesn't specifically cite a hardship, staff would note the property includes a pool limiting house expansion area to the south end of the structure. The applicant does note the expansion will address the need for better access to the bathroom for swimmers so they won't have to traverse the house.
- d) The lot backs up to the subdivision retention pond. Consequently, as noted by the applicant, the close proximity of the structure to the rear property line will result in little to no negative impact on the neighboring property.
- e) The applicant sought and received approval from the subdivision POA for the rear yard reduction.
- f) If a setback reduction is approved, franchise utilities will need to sign off on the reduction of the utility easement, and city engineering will need to accept the drainage easement reduction before it can be finalized.
- g) Staff would note the pool appears to be within the utility easement, per the provided survey, and will require that reduction to be clarified for utility sign-off as well.
- h) Prior to filing for a building permit for the house expansion, an approved and recorded setback/easement reduction survey will be required.

4. ZONING:

a) R-SF (Residential Single Family):

The R-SF district, per Rogers Code Section 14-699, is intended primarily for the development of single-family detached dwellings at low residential densities.

5. PUBLIC INPUT RECEIVED:

Staff has not received any comments from the public regarding this request.

6. RECOMMENDATIONS:

- a) Approve the request.

DIRECTOR'S COMMENTS

1. Agree with recommendation.



JOHN C. McCURDY, Director
Community Development

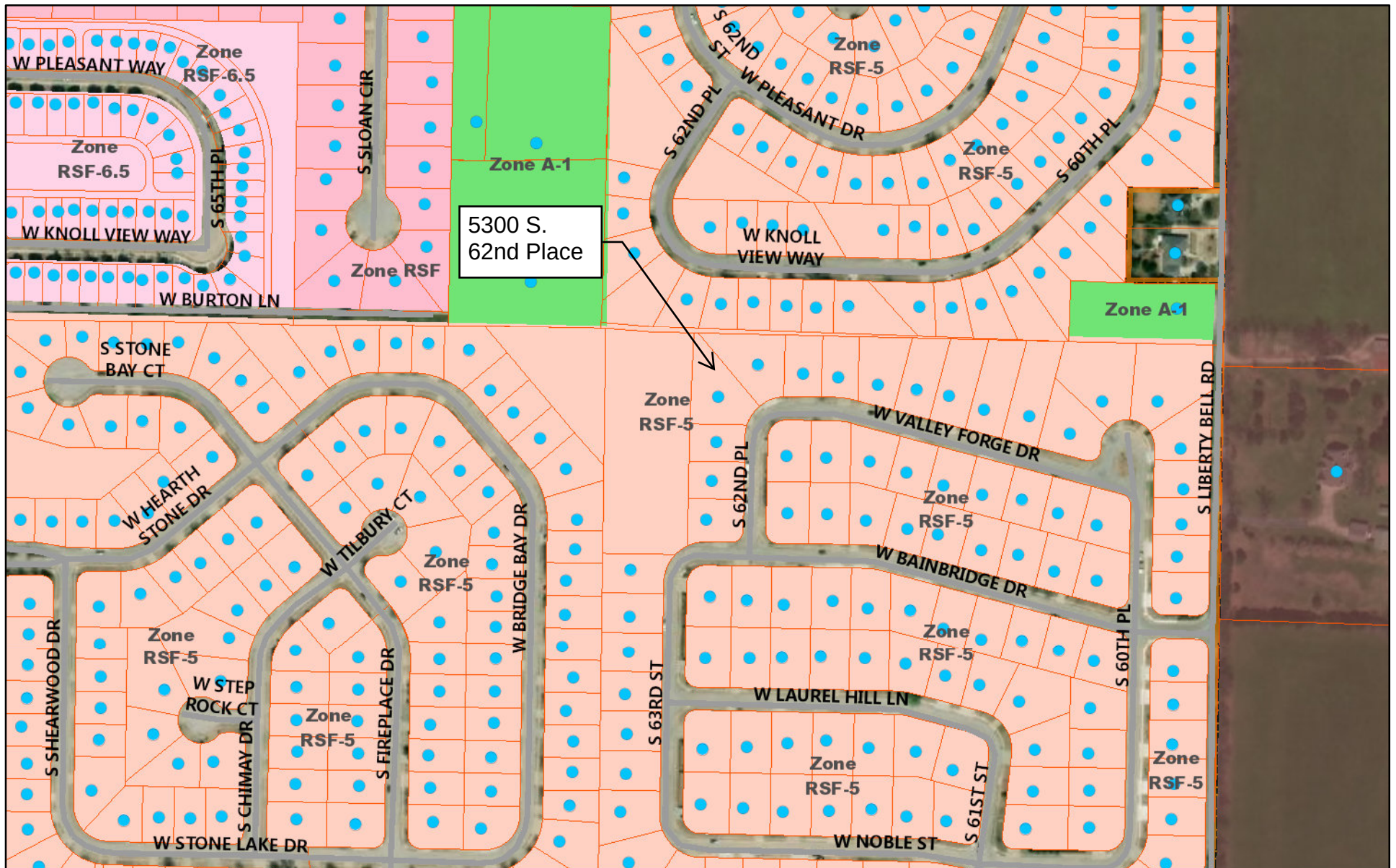
SUGGESTED MOTIONS

1. IF APPROVING AS PRESENTED:
Move to approve the request as presented.
2. IF APPROVING SUBJECT TO OTHER ACTIONS:
Move to approve the request subject to (conditions or contingencies).
3. IF DENYING:
Move to deny the request as presented.
4. IF TABLING:
Move to table the request (indefinite or date certain).

TABS

1. Vicinity map (aerial)
2. Public Notice
3. Variance application with supplements

Viewer Map



February 18, 2021

1:4,443

0	0.0375	0.075	0.15 mi
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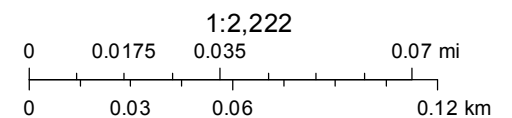
0 0.05 0.1 0.2 km

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Viewer Map



February 18, 2021



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



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

CH 5981

OFFICE USE ONLY

Permit Fee: \$100 (\$100)
Zoning: RSF-5
App Number: 21-08
CityView Application: PL202100159
Date: 2/5/2021

VARIANCE APPLICATION

APPLICANT: Phillip & Carrie Johnson

ADDRESS: 5300 S. 62nd Place SUITE #: _____

GENERAL LOCATION OF PROPERTY: _____

PHONE #: 479-531-8976 EMAIL: carriejohnson30@gmail.com

PROPERTY OWNER: Phillip & Carrie Johnson PHONE #: 479-531-8976

NATURE OF APPEAL:

- ☐ Appeal from decision of enforcement officer
☒ Variance from zoning ordinance

EXPLAIN REQUEST: To reduce variance & setback from 20' to 17'. The property backs up to a retention pond, so we would not be infringing on another neighbor's property. This request has been approved by the architectural committee of our HOA. This request is to add an addition of 17.3' x 5.8' to the back of the existing home. The addition will include a full bath. 45.67 sq ft of the addition would be over the current variance.

Carrie Johnson
Applicant Signature

2/4/21
Date

Attachment Checklist:

- ☒ Letter explaining hardship or reason for request
☒ Legal description of property
☒ Relevant supporting documents
☒ Survey or sign proofs as needed

PLANNING STAFF PROVIDES:

DATE FILED: 2/5/2021 PUBLIC HEARING DATE: 2/25/2021

BOARD OF ADJUSTMENT DECISION: _____

SECRETARY, BOARD OF ADJUSTMENT

DATE

Letter Explaining Hardship & Reason for Request

Phillip & Carrie Johnson
5300 S. 62nd Place
Rogers, AR 72758

The intent of this letter is in support of our request for a variance to the back yard setback requirement from 20' to 17'. The property backs up to a large retention pond, so we would not be infringing on another neighbor's property. This request has been approved by the architectural committee of our POA.

This request is to add an addition of 17.3' x 5.8' to the back of the existing home. The addition will include a full bath with an exterior door. This will allow pool guests entry to a bathroom without having to walk through the house. The full bath will also be connected to the 4th bedroom of the house, increasing the property value. 45.67 sq ft of the addition would be over the current variance.

What is perhaps the most relevant here, and what we would ask the board to consider is (1) the fact that our property backs up to a large retention pond; (2) this addition would not infringe on anyone else's property or privacy; (3) this addition will increase the overall property value and value per square foot; (4) this has been approved by the architectural committee of Liberty Bell's POA.

Thank you for your consideration.

Respectfully submitted,



Phillip & Carrie Johnson

From: Carrie Johnson Carrie.Johnson@jbhunt.com

To: Carrie Johnson Carrie.Johnson@jbhunt.com

Date: Monday, February 1, 9:30 AM



FW: Liberty Bell - 5300 S. 62nd Place - Architectural Request

From: Carrie Johnson Carrie.Johnson@jbhunt.com
To: Carrie Johnson Carrie.Johnson@jbhunt.com
Date: Monday, February 1, 9:50 AM

POA Approval

From: "Hernandez, Valerie" <valerie@realclearneighborhoods.com>
Date: Monday, February 1, 2021 at 9:09 AM
To: Carrie Johnson <Carrie.Johnson@jbhunt.com>
Subject: Fwd: Liberty Bell - 5300 S. 62nd Place - Architectural Request

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

----- Forwarded message -----

From: tiadudley <tiadudley@kw.com>
Date: Sun, Sep 27, 2020 at 7:39 PM
Subject: Re: Liberty Bell - 5300 S. 62nd Place - Architectural Request
To: Hernandez, Valerie <valerie@realclearneighborhoods.com>, Brad Angell <brad63ned@outlook.com>, Ryan King <ryankingnwa@gmail.com>, Tia Dudley <Tia.Dudley@yahoo.com>

Sorry for the delay in response to this request. My opinion is that if the city is ok with the setback, I'm ok with it, since they back up to the retention pond (covenants state a 20' ft setback, subject to changes made by Architectural change committee for individual lot). They plan to use the same color exterior brick color, so I think it should look fine.

Thanks!

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: "Hernandez, Valerie" <valerie@realclearneighborhoods.com>

Date: 9/25/20 2:55 PM (GMT-06:00)

To: Brad Angell <brad63ned@outlook.com>, Ryan King <ryankingnwa@gmail.com>, Tia Dudley
<Tia.Dudley@yahoo.com>, Tia Dudley <tiadudley@kw.com>

Subject: Re: Liberty Bell - 5300 S. 62nd Place - Architectural Request

Board,

We have received the below information.

Dimensions: 5.8' x 17.3'

Setback: There's a 20' rear setback, and our request would be 3' into that setback. We're going to the city about this. We don't foresee an issue, since we backup to a retaining pond, and it won't impact any neighbors.

Material list: Brick

Color scheme: Exact bricks as current exterior.

BUILDING SETBACK, DRAINAGE EASEMENT, & UTILITY EASEMENT REDUCTION SURVEY

BOARD OF ADJUSTMENT SIGNATURE:

BOARD OF ADJUSTMENT SECRETARY DATE

UTILITY COMPANY APPROVAL:

ROGERS WATER UTILITIES: NAME DATE

CARROLL ELECTRIC: NAME DATE

BLACK HILLS ENERGY: NAME DATE

CATV (COX): NAME DATE

PHONE (AT&T): NAME DATE

ACCEPTANCE:
THIS PLAT IS HEREBY ACCEPTED BY THE ROGERS CITY COUNCIL THIS DAY OF 2020.

MAYOR

CITY CLERK

CERTIFICATE OF DEDICATION:
WE, THE UNDERSIGNED, DO HEREBY CERTIFY THAT WE ARE THE SOLE OWNERS OF THE HEREON PLATTED PROPERTY AND HAVE CAUSED SAID PROPERTY TO BE SURVEYED AND PLATTED AND DO HEREBY DEDICATE ALL UTILITY EASEMENTS TO THE PUBLIC FOR THE INSTALLATION OF UTILITIES.

OWNER DATE

STATE OF ARKANSAS
COUNTY OF
SUBSCRIBED AND SWORN BEFORE ME
THIS DAY OF 2020.

NOTARY PUBLIC

MY COMMISSION EXPIRES:

CITY OF ROGERS ACCEPTANCE:
APPROVED FOR RECORDING BY THE CITY OF ROGERS, ARKANSAS,
THIS DAY OF 2020.

SIGNATURE DATE
COMMUNITY DEVELOPMENT DIRECTOR

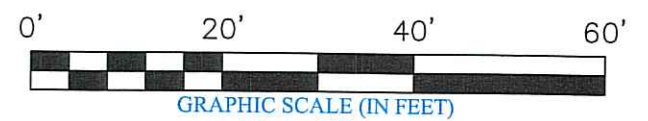
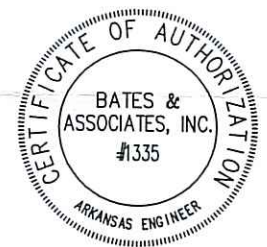
CERTIFICATE OF SURVEY AND ACCURACY:
I CERTIFY THAT THE PLAN SHOWN AND DESCRIBED HEREON IS A TRUE AND CORRECT SURVEY AND THAT THE MONUMENTS HAVE BEEN PLACED AS SHOWN HEREON AS REQUIRED BY "REGULATIONS, STANDARDS AND SPECIFICATIONS FOR THE DIVISION, DEVELOPMENT AND IMPROVEMENT OF UNINCORPORATED LAND IN WASHINGTON COUNTY".

DATE:

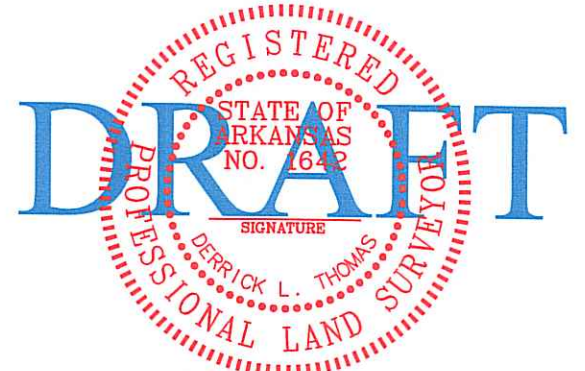
SURVEYOR:

NOTE:
1) THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES. ALL UTILITY LINES APPEARING ON THIS PLAT, AS WELL AS THOSE THAT MAY EXIST UNDERGROUND NEED TO BE VERIFIED PRIOR TO DOING ANY TYPE OF EXCAVATION OR DESIGN. SOME UTILITY LINES MAY ALSO EXIST THAT WERE NOT SHOWN ON THIS PLAT.

FLOOD CERTIFICATION:
NO PORTION OF THIS PROPERTY IS LOCATED WITHIN FLOOD ZONE "A" OR "AE" AS DETERMINED BY THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP FOR BENTON COUNTY, ARKANSAS. (FIRM PANEL #05007C0265K. DATED 06/05/2012)

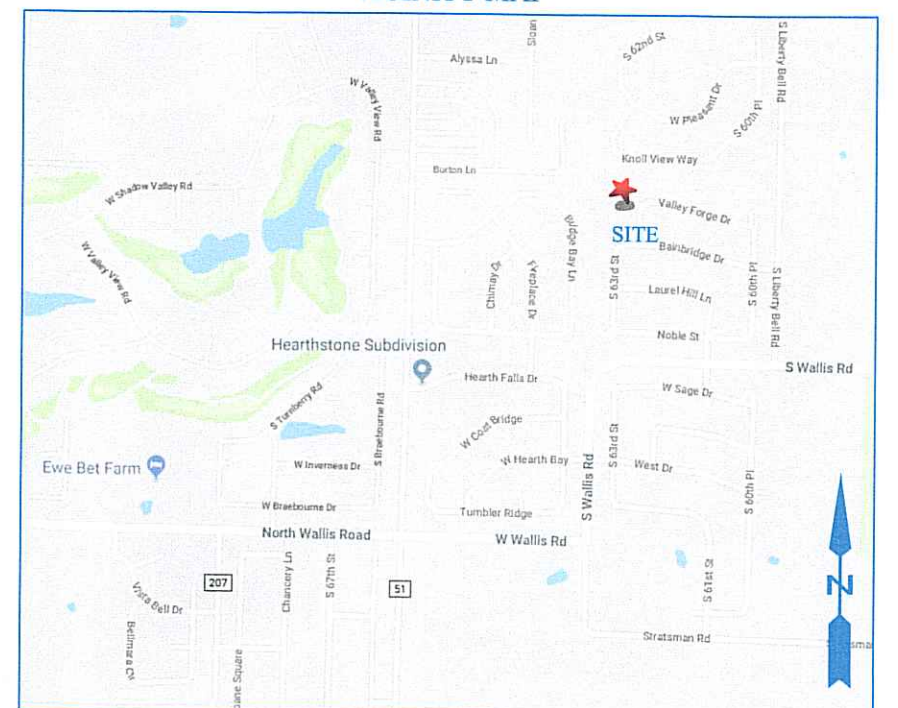


I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF ON THIS THE 30TH DAY OF OCTOBER, 2020.



IF THE SIGNATURE ON THIS SEAL IS NOT AN ORIGINAL AND NOT BLUE IN COLOR THEN IT SHOULD BE ASSUMED THAT THIS PLAT MAY HAVE BEEN ALTERED. THE ABOVE CERTIFICATION SHALL NOT APPLY TO ANY COPY THAT DOES NOT BEAR AN ORIGINAL SEAL AND SIGNATURE.

VICINITY MAP



VICINITY MAP NOT TO SCALE

FIELD WORK:
OCTOBER 30, 2020

BASIS OF BEARING:
FINAL PLAT OF LIBERTY BELL NORTH
SUBDIVISION FILED IN BOOK 2005 AT PAGE 511

REFERENCE DOCUMENTS:
1) FINAL PLAT OF LIBERTY BELL NORTH
SUBDIVISION FILED IN BOOK 2005 AT PAGE 511
2) WARRANTY DEED FILED IN BOOK 2016 AT PAGE 68337
3) SURVEY PLAT FILED IN L201826869

EXISTING DEED DESCRIPTION (B. 2016, P. 68337):
LOT 27, LIBERTY BELL NORTH, ROGERS, BENTON COUNTY, ARKANSAS, AS SHOWN ON PLAT RECORD 2005 AT PAGES 510 AND 511. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

PROPERTY ZONED:
RSF-5

BUILDING SETBACKS (PER FINAL PLAT - SHOWN):
FRONT 25ft
SIDE 7.5ft (INTERIOR)
SIDE 20ft (STREET SIDE)
REAR 20ft
* ALL SETBACKS SHALL SERVE AS UTILITY AND DRAINAGE EASEMENTS AS WELL.

BUILDING SETBACKS (PER ZONING):

FRONT 30ft*
SIDE 10ft (INTERIOR)**
SIDE 30ft (STREET SIDE)*
REAR 20ft
* IF DENSITY IS 5 OR GREATER, THE FRONT AND EXTERIOR SIDE WILL BE REDUCED TO 25ft.
** IF THE DENSITY IS 5 TO 6.5, THE SIDE SETBACK WILL BE REDUCED TO 7.5ft.
IF THE DENSITY IS 6.5 TO 8, THE SIDE SETBACK WILL BE REDUCED TO 5ft.

PROPERTY OWNERS:
JOHNSON JOINT REVOCABLE TRUST
JOHNSON, PHILLIP & CARRIE TRUSTEES
5300 SOUTH 62ND STREET
ROGERS, AR 72758-1478

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	TANGENT
C1	90.00'	48.82'	48.22'	S 36°25'37" W	31°04'47"	25.03'
C2	10.71'	10.20'	9.82'	N 06°15'03" W	54°35'18"	5.53'
C3	11.67'	8.13'	7.97'	N 05°45'21" W	39°54'11"	4.24'
C4	7.34'	6.98'	6.72'	N 19°20'30" E	54°30'15"	3.78'

LINE	BEARING	DISTANCE
L1	N 86°14'54" W	13.29'
L2	N 19°00'42" E	2.77'
L3	S 76°01'15" E	0.85'
L4	S 02°42'42" W	17.63'
L5	N 75°30'55" W	4.44'
L6	N 14°29'05" E	17.25'

AREA OF PROPOSED B.S.B., U.E., & D.E. REDUCTION:
A PART OF LOT 27, LIBERTY BELL NORTH, ROGERS, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT A POINT WHICH IS S87°10'04" E 20.00' AND N02°42'42" E 18.88' FROM AN EXISTING REBAR MARKING THE SOUTHWEST CORNER OF SAID LOT 27 AND RUNNING THENCE N75°30'55" W 4.44', THENCE N14°29'05" E 17.25', THENCE S76°01'15" E 0.85', THENCE S02°42'42" W 17.63' TO THE POINT OF BEGINNING, CONTAINING 45.67 SQUARE FEET.

FOR USE AND BENEFIT OF:
PHILLIP & CARRIE JOHNSON

ADDRESS:
5300 SOUTH 62ND PLACE
ROGERS, ARKANSAS 72758

DATE: 11/10/2020 SCALE: 1"=20'

LOCATION: SURVEYED: DRAFTED:

LOT 27 JRIC JRIOS

LIBERTY BELL NORTH REVIEWED: DT



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LEGEND:

THESE STANDARD SYMBOLS WILL BE FOUND IN THE DRAWING.

FOUND 1/2" REBAR

FOUND NAIL

COMPUTED POINT

GAS METER

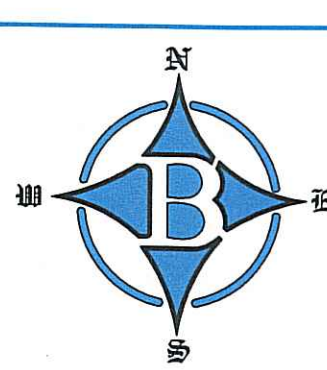
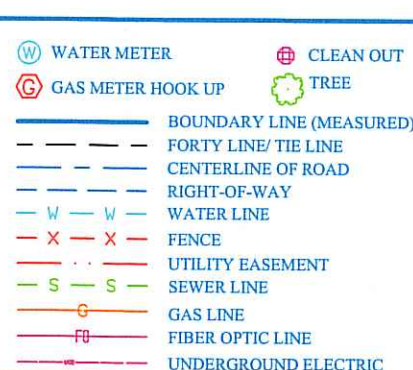
ELECTRICAL BOX

CABLE PEDESTAL

TELEPHONE PEDESTAL

SANITARY SEWER MH

STORM SEWER MH



RECORDING NUMBER/DATE



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 **Board of Adjustment** in an online meeting on Zoom (instructions to be posted under the BOA at www.rogersar.gov) on **February 25, 2020 at 4:00 p.m.** regarding an application by **Phillip and Carrie Johnson** under the provisions of the City of Rogers Code of Ordinances, for a variance to reduce the rear setback for a home expansion at **5300 S. 62nd Place** in the City's **RSF-5 (Residential Single Family, 5 units per acre) zoning district** more particularly described as follows:

LEGAL DESCRIPTION:

Lot 27, Liberty Bell North, Rogers, as recorded on plat record 2005, pages 510-511, Benton County, Arkansas

LAYMAN'S DESCRIPTION:

5300 S. 62nd Place

Roger Clark, Secretary
Board of Adjustment

PUBLISH ONE TIME ONLY: **February 14, 2021**
BILL THE CITY OF ROGERS



COMMUNITY DEVELOPMENT
PLANNING DIVISION
301 W. CHESTNUT
planning@rogersar.gov
(479) 621-1186

MEETING DATE
February 25, 2021

TO: BOARD OF ADJUSTMENT

RE: **STAFF SUMMARY REPORT**
VARIANCE – #21-09 SHINE SOLAR
PL202100181

STAFF: Gloria Garcia, Zoning Technician

REQUEST DETAILS

ADDRESS/LOCATION:	5214 W. Village Pkwy.
SUBDIVISION:	Village on the Creeks
ZONING:	C-2 (Highway Commercial)
CURRENT USE:	Business Office
APPLICANT/REPRESENTATIVE:	Chris Trudo with Shine Solar
PROPERTY OWNER:	Dusty Graham
NATURE OF REQUEST:	Approval of Variance to allow for signage on the roof of a canopy
AUTHORITY:	Sec. 14-724, Rogers Code of Ordinances

SUMMARY

The request is to allow a 76.8-sf sign on the roof of a canopy structure that, if approved, the proposed sign would be under the allowed square footage for the structure. Staff has found that a previous tenant was granted a variance for a similar request in 2017.

Community Development recommends approval of the request.

STAFF REVIEW

1. 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.

2. SUBJECT REQUEST:

- a) The applicant requests a 76.8-sf sign on the roof of a canopy structure.

3. GENERAL FINDINGS:

- a) The request is to allow a 76.8-sf sign on the roof of a canopy structure using the building façade as a backdrop.
- b) This building has 85-ft of frontage and is allowed 170-sf of total sign area.
- c) The previous tenant was granted a variance for a similar request in 2017.
- d) The applicant cites its location within the multitenant structure.
- e) Staff sides with the applicant and notes the architecture of the structure leaves the canopy the best location for the signage.
- f) Researching the request, staff discovered a similar variance request for the same structure approved in 2017.

4. ZONING:

a) C-2 (Highway Commercial)

Per Rogers Code Sec. 14-709, this district is intended for 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.

5. PUBLIC INPUT RECEIVED:

Staff has not received any comments from the public regarding this request.

6. RECOMMENDATIONS:

Approve the request to allow a 76.8-sf sign on the roof of a canopy structure.

DIRECTOR'S COMMENTS

1. Agree with recommendations.



JOHN C. MCCURDY, Director
Community Development

SUGGESTED MOTIONS

1. IF APPROVING AS PRESENTED:

Move to approve the request as presented.

2. IF APPROVING SUBJECT TO OTHER ACTIONS:

Move to approve the request subject to [conditions or contingencies].

3. IF DENYING:

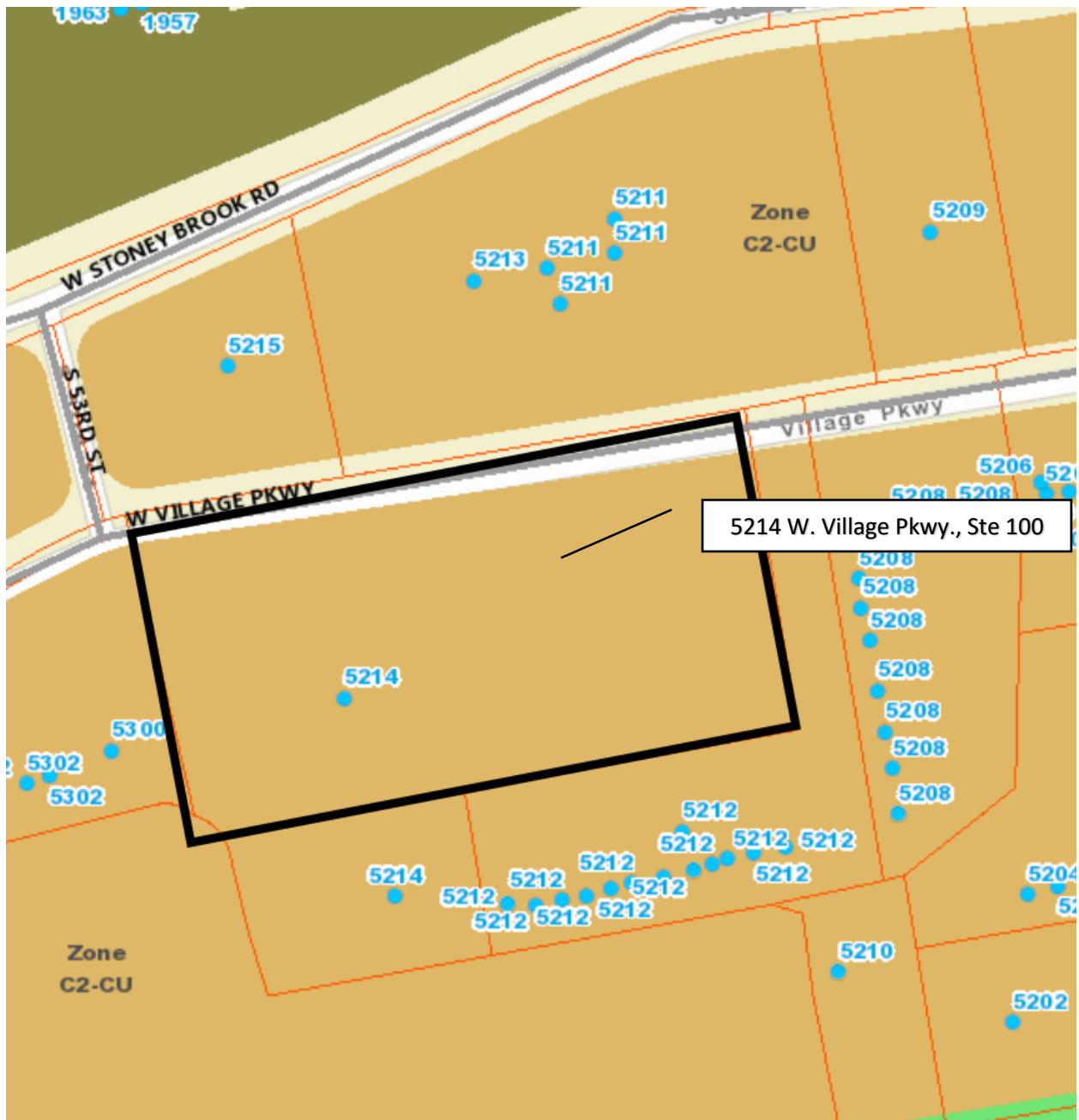
Move to deny the request as presented.

4. IF TABLING:

Move to table the request as presented [indefinite or date certain].

TABS

1. Vicinity map (aerial)
2. Variance application with required supplements





5214 W. Village Pkwy., Ste 100



DEPT. OF COMMUNITY DEVELOPMENT
PLANNING DIVISION
301 W. CHESTNUT
PHONE: (479) 621-1186
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CH 11219

OFFICE USE ONLY

Permit Fee: \$100 (\$100)
Zoning: C2-CU
App Number: 21-09
CityView Application: PL202100181
Date: 2/8/2021

VARIANCE APPLICATION

APPLICANT: Shine Solar
ADDRESS: 5214 W. Village Parkway SUITE #: 100
GENERAL LOCATION OF PROPERTY: Village on the Creeks
PHONE #: 479-619-9038 EMAIL: ctrudo@shinesolar.com
PROPERTY OWNER: Dusty Graham PHONE #: 479-530-5529

NATURE OF APPEAL:

- ☐ Appeal from decision of enforcement officer
☒ Variance from zoning ordinance

EXPLAIN REQUEST: Requesting Variance for a canopy sign,
there are no options for signage over the entry to
our space

Christopher A. Trudo
Applicant Signature

1-27-2021
Date

Attachment Checklist:

- ☒ Letter explaining hardship or reason for request
☒ Legal description of property
☒ Relevant supporting documents
☒ Survey or sign proofs as needed

PLANNING STAFF PROVIDES:

DATE FILED: 2/8/2021 PUBLIC HEARING DATE: 2/25/2021

BOARD OF ADJUSTMENT DECISION: _____

SECRETARY, BOARD OF ADJUSTMENT

DATE

Chris Trudo

From: Chris Trudo
Sent: Sunday, February 7, 2021 6:17 PM
To: Chris Trudo
Subject: Fwd: Request for a Sign Variance 5214 W Village Parkway Suite 100 Rogers Arkansas

Thanks and have a great day!
Christopher Trudo

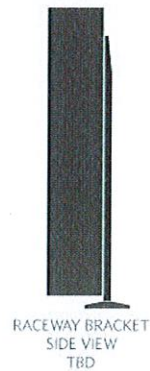
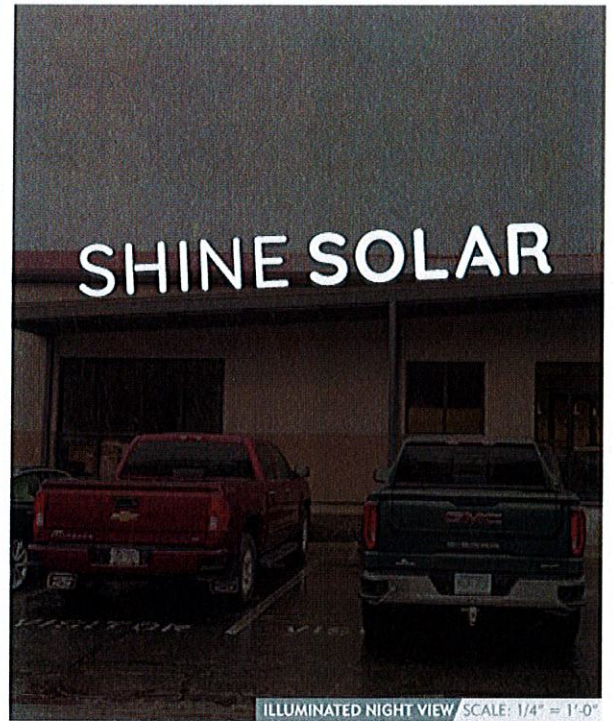
Begin forwarded message:

From: Chris Trudo <ctrudo@shinesolar.com>
Date: February 7, 2021 at 3:56:19 PM CST
To: Chris Trudo <ctrudo@shinesolar.com>
Subject: Request for a Sign Variance 5214 W Village Parkway Suite 100 Rogers Arkansas

To whom it may concern:

I am respectfully requesting a variance for our company sign. Shine Solar employs over 200 people in the Rogers/Bentonville area of NWA. Due to a repeated 35% growth year after year we recently relocated our office from 3505 W Hudson Road to 5214 W Village Parkway Suite 100 in the Village on the Creeks business Center. We are 1 of 3 tenants in the building and our entrance is on the north side of the building, our entrance allows us two options for installing a sign on our building, option 1 on the roof, or option 2 on the separate entrance canopy to our building. We received prior approval to move forward from a phone call to the sign permitting department with the city. Upon building the sign and completing the permit application we were denied a permit, we are respectfully requesting a variance due to the hardship put upon us by the cost of the sign and the inability to add signage to our building. If unable to install a sign advertising our space to our customers and the public we will be forced to eat the cost of the sign and look for a new location in the Bentonville area to house our business. Please accept this correspondence as an official notice of the hardship this has caused and our request for a variance. I have included pictures of the sign, canopy location and how it will look installed, as well as dimensions and pictures of like signs.

Thank you for your consideration
Christopher Trudo
President
Shine Home/Air
a division of Shine Solar



DIMENSIONS SCALE: 1/4" = 1'-0"



PINNACLE SIGN GROUP

CUSTOMER SHINE SOLAR

DRAWING NUMBER 0107-21-EWAL-1

DATE REVISED 01-07-21

PROJECT MANAGER MATT WEAVER

DESIGNER TROY KUKES

LOCATION BENTONVILLE, AR

ELEVATION UNKNOWN

- A** Acrylic faced channel letters
- mounts to awning structure top
 - bottom raceway mount - UNIQUE
 - Returns - Bronze
 - Trim - Bronze
 - Acrylic - White

Unique raceway mounts to be utilized to hide behind lettering - see example









UFA LGO

PINNACLE CINEMA











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LEGAL DESCRIPTION:

Lot C-10B of the Lot Split of Lot C-10 of the Village on the Creeks to Lots C-10A and C-10B of the Village on the Creeks Subdivision to the City of Rogers, Benton County, Arkansas, as shown on Plat Record 22L at Page 116.

Subject to easements, rights-of-way, and protective covenants or record, if any. Subject to all prior mineral reservations and oil and gas leases, if any.

LAYMAN'S DESCRIPTION:

5214 W. Village Pkwy., Ste. 100

Roger Clark, Secretary
Board of Adjustment

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