



DEPT. OF COMMUNITY DEVELOPMENT
PLANNING DIVISION
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**BOARD OF ADJUSTMENT
MINUTES
October 28, 2021**

MEMBERS PRESENT:

Hunter Fry
Josh Allen
Hannah Cicioni
Aaron Smith
John Schmelzle
Elizabeth Cisneros

STAFF ATTENDING:

John McCurdy, Community Development Director
Lori Ericson, Zoning Administrator

Chairman Hunter Fry called the meeting to order at 4:00 pm in the Community Room at Rogers City Hall.

Roll call was taken – members attending as noted above.

NEW BUSINESS

1. (VAR 21-32) A request by Lee & Lee Investments, LLC to allow an additional wall sign in the C-2 (Highway Commercial) zoning district at 1001 S. 52nd Street.

Zoning Administrator Lori Ericson presented the staff report, recommending approval of the request:

- Businesses located within the structure are allowed one wall sign on the building's front facing S. 52nd St. per Rogers Code Section 44-9.
- Although, signage is located on both the west and east elevations of the existing structure, there appear to be no sign permits issued for any of the signs on the existing signage. And no variances for the signage in opposition to code.
- The applicant doesn't cite a hardship basis for varying from city code but notes that there is no development on the 1.56-acre tract between the building and I-49. The application also notes the vacant tract is a detention basin for the Metro Park South Subdivision.
- Staff agrees there is no true hardship, but supports the idea that the detention pond should not void the visibility the business might enjoy along I-49.
- Staff would also note the existing signage has been on the building without complaint for

a number of years.

Attorney Bill Watkins represented the request. He said the hardship is that that side of the building looks like it should be street frontage and has been treated as street frontage in regard to previous signage.

Cicioni noted she agreed and favored the variance.

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

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

APPROVED

2. (VAR 21-33) A request by Benjamin Crawford to allow a reduction in the rear setback in the RSF-5 (Residential Single Family, 5 units per acre) zoning district at 6211 S. 29th Street.

Zoning Administrator Lori Ericson presented the staff report, recommending consideration of the request:

- Rear setbacks are set out in Rogers Sec. 14-699(f)(2)(d), at 20 feet for the RSF zoning district.
- The Final Plat of Silo Falls, Phase 2, recorded 2/3/2006 also establishes the rear setback at 20 feet for lots within the subdivision. The lot in question, Lot 112, also shows a 10-foot utility easement unaffected by the proposed reduction.
- The applicant doesn't specifically list a hardship on the application, but states the reduction is needed to build the 20' x 12' structure.
- The structure is planned at 12 feet from the home, per the site plan provided.
- Staff would note, that the setback reduction request would not be needed for the pool itself, only the vertical structures. Pools with no vertical structures are allowed at 6 feet from the rear property line in single-family residential areas.

Benjamin Crawford, property owner, explained the need to reduce the setback to allow for the pool house and responded to questions from the Board. He explained the site plan and noted that he has presented the plans to the POA with no concern over the placement in the yard. The location of the pool equipment also limits the pool house site.

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

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

APPROVED

3. (VAR 21-34) A request by Rob Caster on behalf of Vicki Proffer to allow a reduction in the rear setback in the RMF-6A (Residential Multifamily, 6 units per acre) zoning district at 9 Mission Hills Circle.

Zoning Administrator Lori Ericson presented the staff report, recommending denial of the request:

- Rear setbacks in the typical RMF (Residential Multifamily) zoning district are set out in Rogers Sec. 14-703(f)(2)(d), at 30 feet. However, the Champions Golf & Country Club, approved by Rogers City Council Ordinance in 1989, establishes the rear setback at 20 feet, and a drainage and utility easement at 15 feet, for all lots within the subdivision.
- The applicant doesn't specifically cite a hardship on the application, but states the reduction is needed to add on to the pool house.
- The survey provided does not show the house in relation to the pool house. However, the house is built on a separate adjacent 0.68-acre lot created by a lot split approved earlier this year by Rogers Planning staff.
- The lot with the pool house 0.3 acres and has no other development, appearing to have plenty of room for expansion of the pool house on two other sides without encroaching into setbacks or easements. The applicant has presented no hardship for not being able to expand the pool house in a way that meets city code.
- City engineering staff had no comment on the possible reduction of the drainage easement by 5 feet.

Surveyor Rob Caster said he had no explanation for why the pool house couldn't be expanded on another side that would not infringe on the setback other than property owner preference.

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

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

DENIED

ACTION ON MINUTES

Previous minutes: September 23, 2021

Motion by Smith to accept the prepared minutes for the September 23, 2021 meeting of the Board of Adjustment as presented. Second by Cisneros.

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

APPROVED

OTHER BUSINESS

ADJOURNMENT

Meeting adjourned at 4:15 pm. by Chairman Fry.

As recorded by:

Lori Ericson

Zoning Administrator

Community Development Department

City of Rogers

Approved by vote of the Board of Adjustment on: 11-18-2021 le