



DEPT. OF COMMUNITY DEVELOPMENT
PLANNING DIVISION
301 W. CHESTNUT
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**BOARD OF ADJUSTMENT
MINUTES
November 18, 2021**

MEMBERS PRESENT:

Hunter Fry
Hannah Cicioni
Aaron Smith
Elizabeth Cisneros

STAFF ATTENDING:

John McCurdy, Community Development Director
Lori Ericson, Zoning Administrator

Chairman Hunter Fry called the meeting to order at 4:10 pm in the Community Room at Rogers City Hall.

Roll call was taken – members attending as noted above.

NEW BUSINESS

- 1. (VAR 21-35) A request by Jason Cartee to reduce the 15-foot minimum for a city easement at 2808 W. Cobbler Place, in the R-SF (Residential Single Family) zoning district.**

Zoning Administrator Lori Ericson presented the staff report as follows:

- Easements are required to be a minimum of 15 feet per Rogers Sec. 14-604(b).
- The survey provided shows the reduction to 10 feet around the pool, but the written application states 8 feet.
- The Final Plat of Silo Falls, Phase 2, recorded 2/3/2006 establishes a rear setback and utility easement at 20 feet for Lot 148.
- The setback doesn't have to be reduced because the applicant proposes a pool with no vertical structures.
- The exception for pools in a setback does not apply to utility or drainage easements.
- Easement reduction/vacation surveys are typically approved by city staff, with final approval by each utility company as they sign off on the approved survey. In this case, the variance is to allow an easement of less than 15 feet as required by city code. Utility companies will also have to sign off on the survey approving this variance.

- Engineering staff had no comment on the reduction of the easement.
- If approved, staff recommends the approval be for 10 feet as shown as on the survey provided.
- If approved, a recorded setback/easement reduction survey will be required prior to filing for a building permit.
- Staff has not identified any circumstances unique to the individual property where strict enforcement of the zoning ordinance would cause undue hardship, and recommended consideration of the request.

Mr. Cartee explained that the gas and electric lines have already been moved to accommodate the easement reduction to 8 feet. Cartee said the plan is for a basic pool with no vertical structures.

Ericson noted the original discrepancy between the 8 and 10 feet. She said Cartee upsized the pool after conferring with the utilities that they could get by with the 8 feet only. She noted that the utilities will be required to sign off on the official easement reduction plat to formally approve the reduction.

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

Cicioni questioned if there had been any comment from the neighbors. Staff stated there had been no comment. Cartee said he'd received no comment and noted that a number of neighbors also have pools, including neighbors on each side.

Cicioni said she found the request reasonable and didn't see any area on the lot for the pool to be relocated.

Motion by Cicioni to APPROVE the variance. Second by Smith.
Voice vote: YES – Unanimous **Motion carried**
APPROVED

ACTION ON MINUTES

Previous minutes: October 28, 2021

Motion by Cisneros to accept the prepared minutes for the October 28, 2021 meeting of the Board of Adjustment as presented. Second by Smith.
Voice vote: YES - Unanimous **Motion carried**
APPROVED

OTHER BUSINESS

ADJOURNMENT

Meeting adjourned at 4:16 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: *12-9-21 le*