



DEPT. OF COMMUNITY DEVELOPMENT  
PLANNING DIVISION  
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**BOARD OF ADJUSTMENT  
MINUTES  
March 5, 2024**

The **Rogers Board of Adjustment** met for a public meeting at Rogers City Hall at 301 W. Chestnut Street on March 5, 2024 at 7:04 P.M. The meeting was called to order by Chairman Mandel Samuels.

**ROLL CALL**

Board members attending: Kevin Burnett, Mandel Samuels, and Hannah Cicioni.

**ACTION ON MINUTES**

**Previous minutes:** February 20, 2024

Motion by Cicioni accept the prepared minutes for the February 20, 2024 meeting of the Board of Adjustment as presented. Second by Burnett.

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

**APPROVED**

**NEW BUSINESS**

- 1. (VAR 24-06) A request by Easy Street Flex for a variance to allow a reduction in building setbacks at 1209 W. Easy Street in the I-2 (Heavy Industrial) zoning district.**

Planner Zachery Birdsong stated site is located at the northwest junction of North 12<sup>th</sup> Street and West Easy Street. The purposed use is for warehouse office. The applicant is requesting to vary from the front and exterior side setbacks. I-2 zoning requires a front and exterior setback of 100 feet. The applicant is proposing a front setback of about 83.9 feet along West Easy Street and a 5-foot exterior side setback along the proposed North 12<sup>th</sup> Street. The stated hardship by the applicant regarding the front setback is that the building and drive aisles are placed to align with the existing drive aisles on adjacent properties. The stated spirit and intent are that the building is located 83.9' off the front property line, which is based on the additional right-of-way that was dedicated for the railroad. I-2 front setbacks are established to provide separation from dissimilar uses. While residential properties do reside across W Easy Street to the south, the railroad does provide an additional buffer of about 60' from the trail along W Easy Street. The proposed setback is also similar to adjacent structures to the east and west. The stated hardship for the exterior side setback reduction is that the extension of North 12<sup>th</sup> street was requested by the city. Almost the entirety of the extension is on the subject property. "The stated spirit and intent are

that they are providing 100' of separation from the building to the adjacent curb while also providing vehicular connectivity. I-2 external side setbacks are to ensure heavy industrial uses are adequately separated from dissimilar uses. The eastern property across from the proposed street extension is also zoned I-2. The requested setback is being measured from the right-of-way which includes a sidewalk and on-street parking between the building and road. The current draft of the unified development code also allows 5' setbacks when adjacent to other I-2 zones. This request is in line with that setback allowance. Staff is recommending approval of this request.

Applicant Libby Topping stated she had nothing to add but was happy to answer any questions.

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

Motion by Cicioni to APPROVED the variance. Second by Burnett  
Voice vote: APPROVED Motion carried  
**APPROVED**

- 2. (VAR 24-07) A request by The Pointe at Rogers for a variance to allow Rogers Planning Staff to extend the approval of the LSDP at ±67.17 acres Near the intersection of S. Champions Drive and W. Pleasant Grove Road in the C-3 (neighborhood commercial) zoning district.**

Senior Staff Attorney John Pesek stated that the staff report would be skipped and requested public hearing be opened.

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

Senior Staff Attorney John Pesek stated that there was an agreement between the applicant and the City. The request was improperly placed on the BOA schedule as an appeal. This is by agreement going to be placed on the April 2<sup>nd</sup> Planning Commission agenda, to be considered by that body.

- 3. (VAR 24-08) A request by Everett Infinity for a variance to allow a reduction of parking spaces at 3.73 acres near the SW corner of W. Poplar & 45<sup>th</sup> Street in the C-4 (Open Display) zoning district.**

Planner Zachery Birdsong stated this project is located in east Rogers, near the southwest corner of South 47<sup>th</sup> and West Poplar Street. The applicant is requesting to vary from the minimum parking requirements. Code requires that 112 parking spaces be provided. The applicant is proposing 62 parking spaces. The other parking spaces provided are for the display of for sale vehicles. The applicant's stated hardship is that the required parking is more than the actual demand of the client. The stated spirit and intent are that they are providing proper use of parking spaces. The minimum parking requirements are intended to ensure adequate parking is being provided for developments. The applicant asserts that the proposed amount of parking is

sufficient and staff generally supports requests that allow for reductions in impervious area. Staff is recommending approval.

Applicant Kazi Islam stated he had nothing to add but was happy to answer any questions.

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

Burnett asked if the parking would be customer or employee? Kazi replied it would be for both employee and customer.

Cicioni commented always in favor of reducing impervious area.

Motion by Cicioni to APPROVED the variance. Second by Burnett  
Voice vote: APPROVED Motion carried  
**APPROVED**

### **ADJOURNMENT**

**Meeting adjourned at 7:13 PM by Chairman Mandel Samuels.**

**As recorded by:**

Karen Perez  
Planning Technician  
Community Development Department  
City of Rogers

**Approved by vote of the Board of Adjustment on:**

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**Kevin Burnett, BOA Secretary**