



DEPT. OF COMMUNITY DEVELOPMENT
PLANNING DIVISION
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**BOARD OF ADJUSTMENT
MINUTES
April 2, 2024**

The **Rogers Board of Adjustment** met for a public meeting at Rogers City Hall at 301 W. Chestnut Street on April 2, 2024 at 5:49 P.M. The meeting was called to order by Chairman Mandel Samuels.

ROLL CALL

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

ACTION ON MINUTES

Previous minutes: March 19, 2024

Motion by Cicioni accept the prepared minutes for the March 19, 2024 meeting of the Board of Adjustment as presented. Second by Burnett.

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

APPROVED

NEW BUSINESS

- 1. (VAR-Fields at Pinnacle) A request by James Dibble for Fields at Pinnacle requesting to a variance from Section 14-732, U-COM/U-NBT Residential Transition Standards requiring an 8' masonry screen wall along the property line at 5501 W. Madison Avenue in the U-COM (Uptown-Core Mixed Use) and the U-NBT (Uptown Neighborhood Transition) zoning district.**

Planner Nick Little stated the project is located in west Rogers just west of the intersection of South champions drive in West North Gate road. The nature of their request is to waive the requirement for an eight-foot masonry wall along all existing single-family residential adjacencies. The applicant stated hardship is that the construction of the wall would require them to remove at least 17 more significant trees have which already helped create natural screening between the proposed development and the existing neighborhood to the west. Applicant states they're meeting the spirit and intent of the code varied from by preserving a significant number of mature trees and vegetation along the property line. Strict enforcement of this code does not particularly cause undue hardship on the applicants because of unique circumstances. Cutting down trees in order to meet a code requirement is not viewed as a site-specific hardship that only this site has to deal with. The spirit and intent of the code are being met by the applicants and

that they're proposing to preserve a large amount of mature growth canopy trees and undergrowth in the areas between the existing neighborhood and the proposed Hotel, which will act as a better visual buffer arguably than the required wall. The terrain of the subject property would also create pockets when viewed from the west looking east, where an eight-foot wall wouldn't obstruct any view of the proposed development at all. The difficulty, can't really be obviated by any by another method. Because the code requirement is the difficulty in this instance. Staff has received some written opposition from the neighbors to the west. However, given the amount and size of the existing vegetation between the proposed hotel and the neighborhood to the west, that feels comfortable recommending approval of this request, with the condition that the applicants dedicated conservation easement or some other legal instrument to preserve at least a 25-foot-deep buffer yard along the property lines adjacent to bushing that contains existing or new canopy trees at a rate of two per 50 linear feet.

Applicant James Dibble had nothing to add.

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

Samuels noted receiving emails from concerned citizens. Burnett commented that there was a lot of community involvement, a lot of input from neighbors and a proposal from the property owner at the time for a conservation easement to not have to knock down the trees. The majority of the homeowners are not in favor of the request and are wanting the original agreement that was voted on by the panel be upheld. Cicioni asked that the applicant express a little more about the site-specific hardship or if it was just the fact that they did not want to review the 17 specific identified trees?

Dibble spoke it is kind of twofold nature part of it is we do not want to remove additional existing canopy that is already currently screening Bo Shane, subdivision from this development and have to mitigate those trees that we're removing just to put additional screening wall or screening trees in its place that would not be of the same size or screening density as what is already there. The other point that staff brought up is that the elevational difference at the lowest point an eight-foot wall is probably 10 to 15 foot below even the first floor of this hotel and would be not useful in any screening circumstances.

Samuels agreed with Commissioner Burnett and that the neighborhood came out and spoke when this first was brought before us then the agreement was for this wall. Samuels has spoken to a few of them prior to this meeting and they still want the wall. Samuels questioned if there was anything that could save the trees and add the wall?

Dibble answered no sir not particularly per code we would have to put that by the property line within a certain distance and it wouldn't change anything.

Motion by Cicioni to Deny the variance. Second by Burnett
Voice vote: DENIED Motion carried
DENIED

ADJOURNMENT

Meeting adjourned at 6:02 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:

Kevin Burnett, BOA Secretary