



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

The **Rogers Board of Adjustment** met for a public meeting at Rogers City Hall at 301 W. Chestnut Street on November 5, 2024 at 5:52 P.M. The meeting was called to order by Vice Chairwoman Hannah Cicioni.

**ROLL CALL**

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

**ACTION ON MINUTES**

Motion by Cicioni, second by Burnett, to approve the 10/1/24 Board of Adjustment minutes as presented.

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

**APPROVED**

**NEW BUSINESS**

**1. VAR: 22<sup>nd</sup> Street Business Park**

To allow a reduction in the setback requirements and a reduction in the rear Overlay District Buffer yard depth at the northwest corner of W. Hudson and N. 22<sup>nd</sup> Street in the T5.2 zoning district (formerly C-2 zoning and Overlay district).

Planner Zachery Birdsong stated the site located in north central Rogers and provided the history of the project. The variance is requested from Chapter 14 due to this large scale being submitted before the adoption of the UDC. This large-scale proposal was originally approved by planning commission in July of 2022 the project expired and the applicant resubmitted. The three variances currently being requested are the same as those that were submitted and approved with the original submission. On the site footprint and wetlands do exist that limits the buildable area. The applicant is requesting three separate variances. The first is to allow a reduction in the exterior side setback for the building off of the Northern east, west access easement from 45 feet to 25 feet. The second is to allow the dumpster location to be within the setback as proposed. And the third is to allow a reduction in the rear buffer yard from 10 feet to 4.5 feet. The applicant stated hardship is that there is existing wetlands and floodplain on site. Their stated spirit and intent is that the building cannot be moved further south away from the proposed access easement in order to meet the setback requirement or the rear buffer yard requirement. Strict enforcement of the code will cost some undue hardship. The existing wetlands and floodplain cover a portion of the southern and eastern parts of the site. Staff has also requested, that the northern and east, west drive be contained in an access easement for site circulation and cross access, which is driving the exterior side chart setback, the applicant could propose a smaller

building footprint form that could possibly bring the proposal into compliance. However, this can be difficult when further restrict the buildable area on site. Staff is recommending approval of all three requests.

Representative Chaz Russo had nothing to add.

The Chairman Samuels opened the public hearing for comments.  
The public hearing was declared closed.

Commissioner Burnett questioned if there was anything that had changed since the first approval back in 2022. Zachery responded nothing had changed that he was aware of.

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

## **2. VAR: Cottages at Bellview, LLC**

Requesting a variance from section 4.7.1.7.C., stating garages shall be rear or side-loaded and Section 5.2.3D: Driveways, where permitted in exterior yards, shall be separated by a minimum of 60' on 20.34 acres in the northwest of the intersection of W. Garrett Road and S. Bellview Road in the T4.1 zoning district.

Planner Nick Little this project is located in South Rogers, just northwest the intersection of South Bellview road and West Garrett road. Subject property is currently zoned T4.1. The variance request includes two separate variances that deal with the same general design proposal. The first variance is from section 4.7.1.7.c requesting a variance from the requirement that all town homes must be rear or side loaded. Second variances from section 5.2.3.d which sets the minimum driveway separation distance and exterior yards at 60 feet. The applicant states they are meeting the spirit and intent of the sections varied from by ensuring safe and functional access to the units while respecting the existing environment. While staff recognizes the legitimate hardship factors on the site that make the by the book development more difficult, like the flood plain and the easement area that can't be developed. The location of property boundaries isn't seen as a site-specific hardship to development.

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

## **ADJOURN**

There being no further business, the Chairman adjourned the meeting at 6:12 p.m.

### **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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**Derek Burnett, BOA Secretary**