DEPT. OF COMMUNITY
DEVELOPMENT
PLANNING DIVISION
301 W. CHESTNUT
PHONE: (479) 621-1186
FAX: (479) 986-6896

BOARD OF ADJUSTMENT MEETING AGENDA
OCTOBER 7, 2025
5:30 PM

VIEW ONLINE
PLANNING COMMISSION: N/A
BOARD OF ADJUSTMENT: HTTPS://US02WEB.ZOOM.US/J/84528125618

DISCLAIMER:
THE CITY OF ROGERS MAKES NO CLAIMS, PROMISES, OR GUARANTEES REGARDING THE PARTICIPANTS ABILITY TO ATTEND ANY PUBLIC MEETING VIRTUALLY. TECHNOLOGY RESOURCES, VIRTUAL MEETING PLATFORMS, AND THE INTERNET MAY OCCASIONALLY BE INTERRUPTED OR MADE UNAVAILABLE BY CAUSES BEYOND THE CITY'S REASONABLE CONTROL. THE CITY CANNOT GUARANTEE THAT PARTICIPANTS WILL HAVE THE OPPORTUNITY TO PARTICIPATE VIRTUALLY AT ALL TIMES. PUBLIC FORUMS, PUBLIC HEARINGS, AND SCHEDULED ITEMS OF BUSINESS WILL NOT BE TABLED OR POSTPONED DUE TO TECHNOLOGICAL ISSUES. IF YOU ARE REPRESENTING A PUBLISHED ITEM OF BUSINESS OR WISH TO SPEAK AT A PUBLIC HEARING, IN PERSON ATTENDANCE IS REQUIRED.

AGENDA

PLANNING COMMISSION - NO MEETING:

CALL TO ORDER BOARD OF ADJUSTMENT:

ACTION ON MINUTES:

a. Approving September 2, 2025 meeting minutes.

OLD BUSINESS :

a. Thrasher Investments Variance
Requesting a variance from the Unified Development Code at 2010 W. Walnut Street in the T5.2 (City Medium-Intensity) zoning district.
STAFF: Zachery Birdsong, Planner II
REPRESENTED BY: Leah Thrasher

NEW BUSINESS:

a. Josh Duncan Variance
Requesting a variance from the Unified Development Code at 904 E. Lakeview Drive in the T3.1

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(Neighborhood Very Low-Intensity) zoning district.
STAFF: Amber Long, Planner II
REPRESENTED BY: Josh Duncan

ADJOURN BOARD OF ADJUSTMENT:

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BOARD OF ADJUSTMENT
MINUTES

The **Rogers Board of Adjustment** met for a public meeting at Rogers City Hall at 301 W. Chestnut Street on September 2, 2025 at 5:37 P.M. The meeting was called to order by Vice Chairman Burnett

ROLL CALL
Board members attending: Derek Burnett, Kevin Jensen, and Ed McClure.

ACTION ON MINUTES
Motion by McClure, second by Jensen, to approve 8/19/25 Board of Adjustment minutes as presented.
Voice vote: YES - Unanimous ***Motion carried***
APPROVED

OLD BUSINESS

a. Thrasher Investments Variance

Requesting a variance from the Unified Development Code at 2010 W. Walnut Street in the T5.2 (City Medium-Intensity) zoning district.

Planner Zachery Birdsong explained the applicant has request to table their request for a month to the October 7 meeting.

No representative was present for the request.

Vice Chairman Burnett opened the public hearing for comments. There were none.
The public hearing was declared closed.

Commissioners and staff discuss the request.

Motion by Jensen, second by McClure to approve the request.
Voice Vote: Unanimous – Yes. ***Motion carried.***
APPROVED

NEW BUSINESS

a. Sisti Studio Variance

Requesting a variance from the Unified Development Code at 4905 S. Inglewood Road in the T3.2 (Neighborhood Low-Intensity) zoning district.

Deputy Planning Director Joe Rexwinkle presented on behalf Planner Nick Little and stated that the applicant is requesting a variance from Sec. 4.5, to a 10-foot encroachment in the interior yard setback for the Shadow Valley Ph. IV plat. The variance request is not from the UDC, but from the final plat for

Shadow Valley Phase VI., which was platted 20 years prior to the adoption of the UDC. Strict application of the platted setbacks, that seem to hold no particular purpose other than separation, particularly the rear setback in this instance, could be seen as a site-specific hardship. The applicant believes the request aligns with the intent of the code by not encroaching any of the setbacks adjacent to neighboring existing residential units, protecting existing tree canopy, and aligning with the form and disposition standards of the underlying zoning. Staff recommends approval of the request.

Brody Boston, Evergreen Homes representative spoke on approval from the POA and surrounding property owners.

Vice Chairman Burnett opened the public hearing for comments. There were none.
The public hearing was declared closed.

Commissioners and staff discuss the request.

Motion by Jensen, second by McClure to approve the request.
Voice Vote: Unanimous – Yes. ***Motion carried.***
APPROVED

b. WNM Wing Drone Variance
Requesting a variance from the Unified Development Code at 5000 W. Pauline Whitaker Parkway in the T5.2 (City Medium-Intensity) zoning district.

Planner Christina Moore stated the variance request is from Table 4.5.A Selected Zone Standards stating that the maximum fence height in the exterior yard is 4ft in T5.2 zoning. The stated hardship by the applicant is that the drone company requires the 8ft fence to ensure safety and security of the operation. The applicant believes the request aligns with the intent of the code because the drone service is a modern approach to delivery that will potentially reduce the amount of vehicle traffic to the area. The need for the variance cannot be avoided because according to the applicant a shorter fence would compromise the safety of individuals and the drone system. There is also not a different zone with a higher fence height allowed in Uptown Regional Center. Staff recommends approval of the request.

Representative Clinton Muse, CEI engineering was present before the board.

Vice Chairman Burnett opened the public hearing for comments. Raymond Burns with the Rogers/Lowell Chamber was in support of this request. The public hearing was declared closed.

Commissioners, representatives, and staff discuss the request. Kendall with Wing company joined.

Motion by Jensen, second by McClure to approve the request.
Voice Vote: Unanimous – Yes. ***Motion carried.***
APPROVED

c. New Heights Church Variance

Requesting a variance from the Unified Development Code at 2125 W. New Hope Rd. in the T2 (Rural) zoning district.

Deputy Planning Director Joe Rexwinkle presented on behalf Planner Nick Little and stated the request is for a variance from Section 4.5.A Zone Standards to allow exceedance of the 30% maximum impervious coverage. Applicant's stated hardship speaks to the requirement of a rezone to achieve their impervious coverage area proposal. The applicant states their meeting of the spirit and intent of the varied code by speaking to tree preservation, additional plantings, thoughtful greenspaces and improved stormwater facilities with their proposal, as a means to "make up" for the added impervious area. T2 is intended for rural and agricultural development which is why its impervious coverage is limited to 30%. Although the use is permitted in T2, the extent of impervious coverage proposed is not rural in character and there are other means to achieve the applicant's goals - rezoning. The variance could be obviated by a rezone to a more appropriate zoning district, per the Future Land Use Map. The subject property is designated for Urban Neighborhood growth, which would allow zones T4.1 and T4.2 by standard review, and T3.2 and T5.1 by enhanced review. Staff recommends denial of the request.

Representative Ali Karr gave description of request and stated the hardships of the UDC not working in favor of the existing site.

Vice Chairman Burnett opened the public hearing for comments. Josh Koerner spoke against the request due to drainage.

The public hearing was declared closed.

Representative, commissioners, and staff discussed.

Motion by Jensen, second by McClure to approve the request.

Voice Vote: Burnett– No. ***Motion carried.***

APPROVED

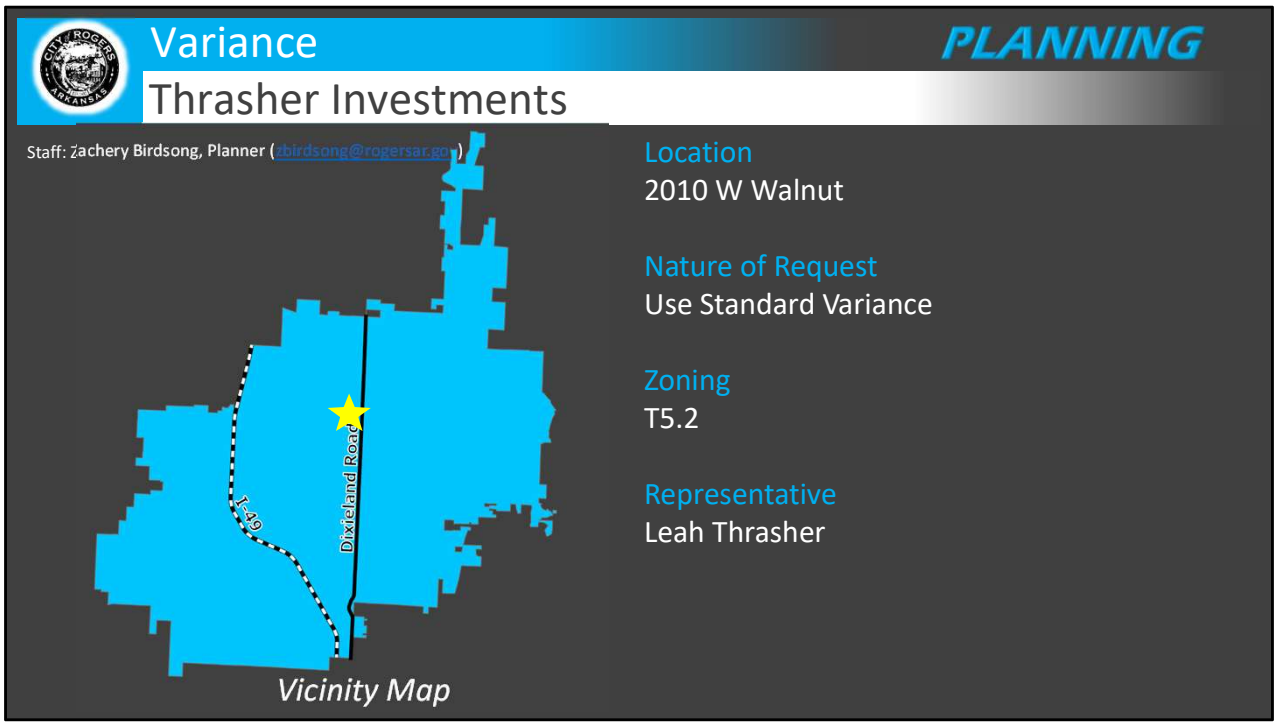
ADJOURN

There being no further business, the Commissioner Burnett adjourned the meeting at 6:18 p.m.

Approved by vote of the Board of Adjustment on:

_____

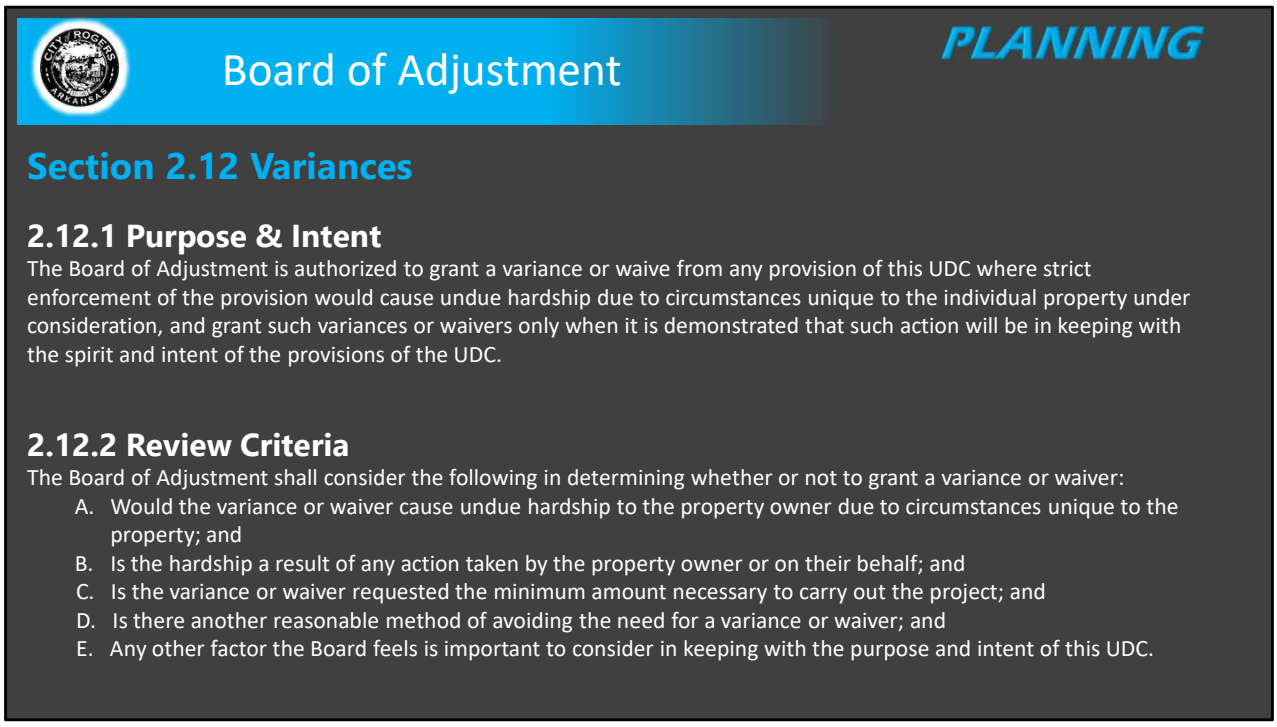
Kevin Jensen, BOA Secretary



Summary:

This request is for a variance from Section 4.7.14(B) stating that auto service uses are prohibited on corner lots except within Highway Commercial and Light Industrial zoning.

Parcel: 02-10990-000
Site Acreage: ±.61 acres



Section 2.12 Variances:

2.12.1 Purpose & Intent

The Board of Adjustment is authorized to grant a variance or waive from any provision of this UDC where strict enforcement of the provision would cause undue hardship due to circumstances unique to the individual property under consideration, and grant such variances or waivers only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the UDC.

2.12.2 Review Criteria

The Board of Adjustment shall consider the following in determining whether or not to grant a variance or waiver:

- Would the variance or waiver cause undue hardship to the property owner due to circumstances unique to the property; and
- Is the hardship a result of any action taken by the property owner or on their behalf; and
- Is the variance or waiver requested the minimum amount necessary to carry out the project; and
- Is there another reasonable method of avoiding the need for a variance or waiver; and
- Any other factor the Board feels is important to consider in keeping with the purpose and intent of this UDC.

Variance

PLANNING

Thrasher Investments

Aerial Image

Location:

This site is located in northcentral Rogers, at the southeast corner of Walnut and South 21st street.

Variance

PLANNING

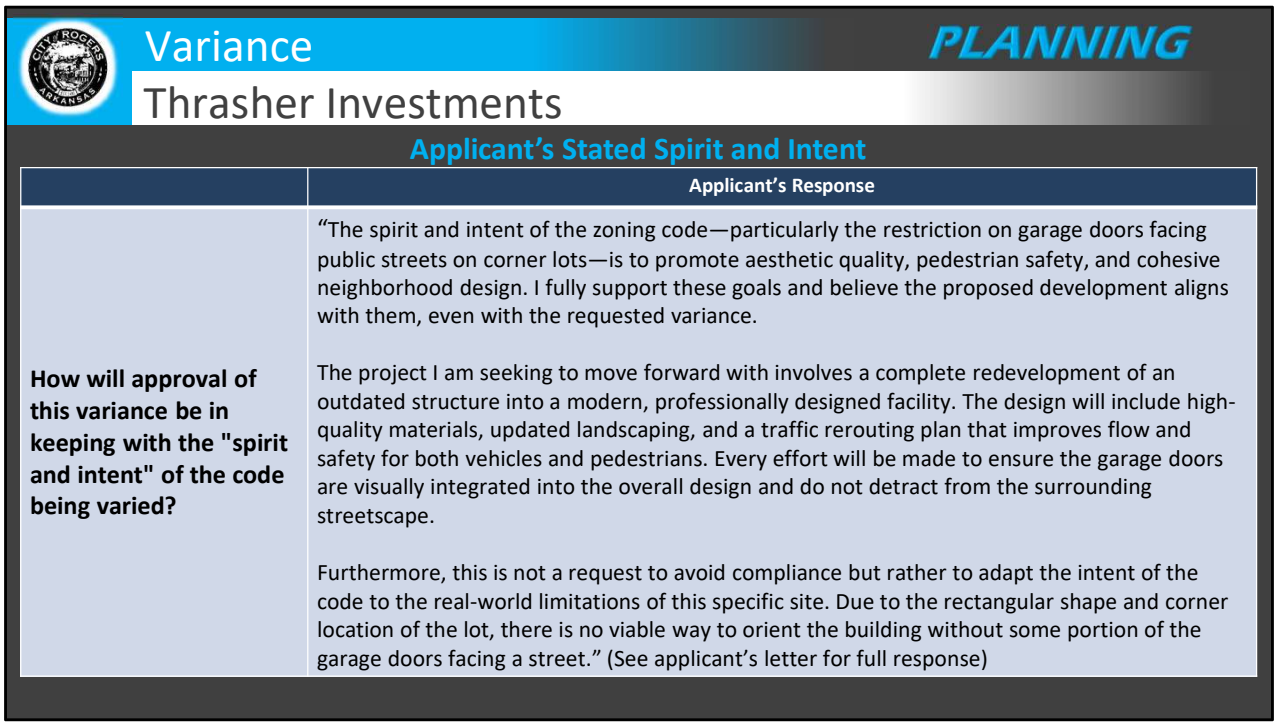
Thrasher Investments

Applicant's Stated Hardship

	Applicant's Response
Would strict application of the code cause an undue hardship due to circumstances that are unique to this property?	"Strict enforcement of the new zoning code - specifically the restriction of garage doors on corner lots - creates an undue hardship for my property due to its unique physical characteristics and the unintended consequences of the updated regulations. The parcel in question is a rectangular-shaped corner lot, which significantly limits flexibility in site planning and building orientation. Unlike square or interior parcels that offer greater design *options,* the layout of this rectangular lot requires thoughtful use of every linear foot to accommodate essential building functions, such as customer access, traffic circulation, and required setbacks. The nature of the business I am leasing to—an automotive service provider—requires the inclusion of garage doors for customer service bays, and those must face outward to function appropriately. Under the prior zoning, this property was well-positioned for redevelopment. I secured a 15-year lease agreement with a nationally recognized company (Take 5), contingent upon the ability to demolish the outdated structure and build a new, modern facility. The project would bring substantial community benefit, including job *creation,* increased property and sales tax revenue, and improved traffic flow through a proposed rerouting of ingress/egress from Walnut Street to 21st Street." (See applicant's letter for full response)

Applicant's Response:

The stated hardship by the applicant is that the lot's shape limits flexibility in site planning and building orientation. She also states that the nature of the business the land is being leased to requires the inclusion of garage doors for customer service bays which must face outward to function properly.



Applicant's Response:

The applicant believes the request aligns with the intent of the code because the site will be redeveloped with quality materials, updated landscaping, and a traffic rerouting plan that improves flow and safety for vehicles and pedestrians.

Variance

PLANNING

Thrasher Investments

Applicant's Response

	Applicant's Response
Is the variance or waiver requested the minimum amount necessary to carry out the project?	"Yes, the variance requested is the minimum necessary to make this project viable and to allow for reasonable use of the property. The sole request is for permission to place garage doors on a corner lot—an essential element of the *building* design *required by* the *national* tenant, whose business model depends on vehicle access to service bays. No other variances are being requested. The layout and design of the building have been carefully planned to fit within the existing zoning guidelines in every other respect, including setbacks, landscaping, and traffic flow. However, due to the rectangular shape and corner location of the property, there is no feasible orientation that would both meet the operational needs of the tenant and comply with the garage door restriction. This waiver does not seek to circumvent the intent of the zoning code but rather to provide just enough flexibility to address the unique physical constraints of the lot. Without this small but critical *adjustment,* the entire project—and the opportunity to lease to a national, job-creating business—cannot move forward. Therefore, this request is narrowly tailored to meet the minimum relief necessary to develop the site in a responsible, attractive, and economically productive way that benefits the surrounding community."

Applicant's Response:

The applicant states that the variance requested is the minimum necessary to make this project viable because due to the shape and corner location of the property there is no feasible orientation that would meet the operational needs of the tenant and comply with the garage door restriction.

Variance

PLANNING

Thrasher Investments

Applicant's Response

	Applicant's Response
Is there another reasonable method of avoiding the need for the variance or waiver requested?	"Unfortunately, there is no reasonable alternative method to avoid the need for the requested variance due to the physical constraints and unique characteristics of the property. The rectangular shape and corner location of the lot severely limit how a commercial building—particularly one requiring garage bay access----can be positioned. Because the business model of the prospective tenant (Take *5* requires multiple *garage* doors for *efficient* service flow, and because of setbacks, right-of-way requirements, and traffic routing considerations, there is no orientation of the building that would allow it to function properly without placing garage doors facing one of the adjacent streets. Attempts were made to explore alternate configurations, but each option resulted in either the loss of essential service bays (rendering the building unusable for the tenant) or conflicts with safety, access, and circulation requirements. Additionally, any design that tries to fully shield garage doors by internalizing them would create an inefficient layout that would likely result in increased traffic backups onto public streets—defeating one of the primary goals of the zoning update. Therefore, the requested variance is not only the least intrusive solution, but also the only practical path forward to allow this project to proceed in a way *that* is safe, *functional,* and beneficial to the surrounding area."

Applicant's Response:

The applicant states there is no other reasonable alternative to avoiding the need for the requested variance due to the physical constraints and unique characteristics of the property.

Variance

PLANNING

Thrasher Investments

Applicant's Response

	Applicant's Response
Is there any other important factor that should be considered by the board in keeping with the purpose and intent of the UDC?	"Yes, one important factor the Board should consider is the broader economic and community benefit this project will bring—benefits that are fully aligned with the purpose and intent of the Unified Development Code (UDC), which seeks to promote thoughtful development, economic vitality, public safety, and an enhanced quality of life for the community. Granting this variance would allow for a significant investment from a nationally recognized, reputable company that will bring long-term stability to the area. The proposed project will create new jobs, generate substantial sales and property tax revenue, and provide an upgraded, modern facility that enhances the appearance and functionality of the site. Additionally, the development plan includes rerouting traffic off of Walnut onto 21st Street, which will improve traffic flow and safety—further supporting the UDC's goals of responsible urban design and infrastructure management. High-quality landscaping and architectural improvements will also contribute to the visual integrity of the area Finally, this variance helps ensure that underutilized commercial property does not remain stagnant due to overly rigid constraints. Instead, it promotes revitalization, encourages reinvestment, and demonstrates a balanced application of the UDC that supports both community standards and economic opportunity."

Applicant's Response:

The applicant states the board should consider the broader economic and community benefit this project will bring and falls in line with the intent of the UDC which is to promote thoughtful development, economic vitality, public safety, and an enhanced quality of life for the community.

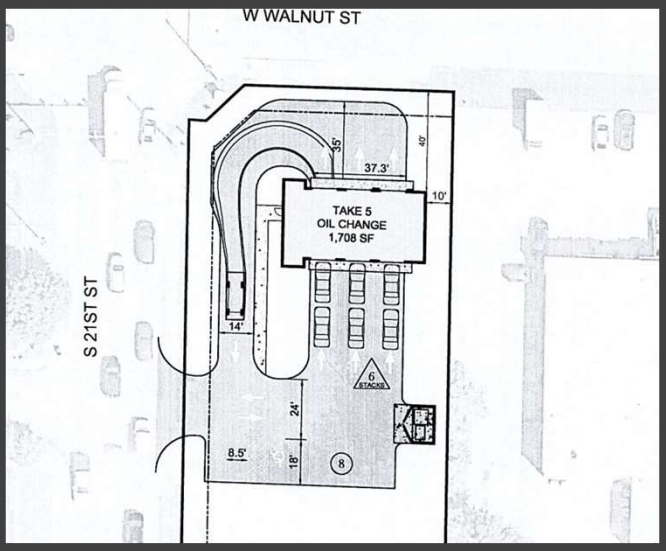
Variance

PLANNING

Thrasher Investments

Variance Request

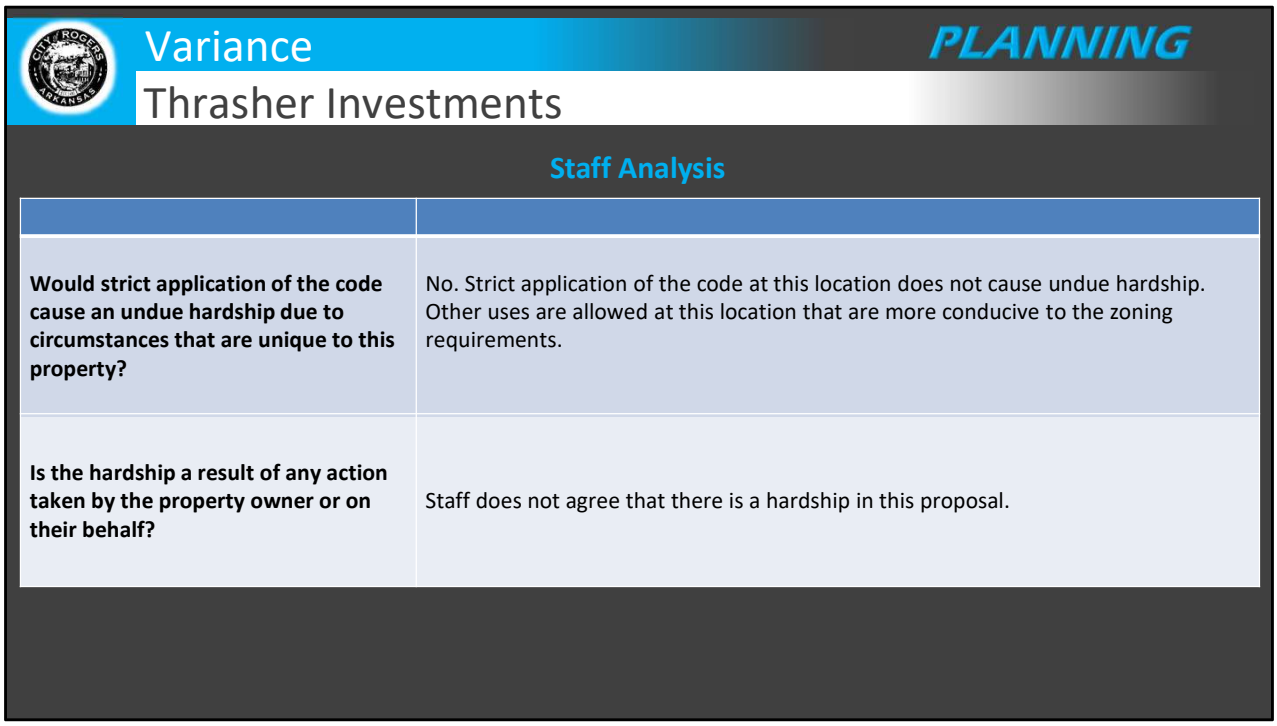
- To allow an auto service use on a corner lot in a zone that is not HC or I-1



Proposal

Variance Summary:

The variance request is to allow an auto service use on a corner lot in a zone that is not Highway Commercial zoning or Light Industrial. This site is zoned T5.2 and is located in the Midtown City Center Placetype. HC and I-1 zoning are not allowed within this Placetype.



Staff Analysis:

- Strict application of the code does not cause undue hardship. There are other uses available in this zoning that would better contribute to the intent of the Midtown City Center and underlying zoning requirements.
- Staff does not see a hardship with this request.

Variance

PLANNING

Thrasher Investments

Staff Analysis

	Staff's Response
Is the variance or waiver requested the minimum amount necessary to carry out the project?	The variance requested is not the minimum amount necessary at this location. The proposal of this use on a corner lot results in other variances that would need to be requested. In T5.2 zoning, there is a build-to of 0'-10'. There is also a minimum building occupancy of 80%. Neither of which are being met by the general proposed site layout for this use. There are also other variances that would likely be required such as the minimum glazing percentage along both streetscapes.
Is there another reasonable method of avoiding the need for a variance or waiver?	Yes. The need for the variance could be avoided by proposing an allowed use at this location that functions in tandem with the underlying zoning requirements and intent of the Midtown City Center Placetype.

Staff Analysis:

- The variance request is not the minimum necessary because other variances would be required given the general site layout provided.
- The need for the variance could be avoided by proposing an allowed use at this location that functions in tandem with the underlying zoning requirements and intent of the Midtown City Center Placetype.

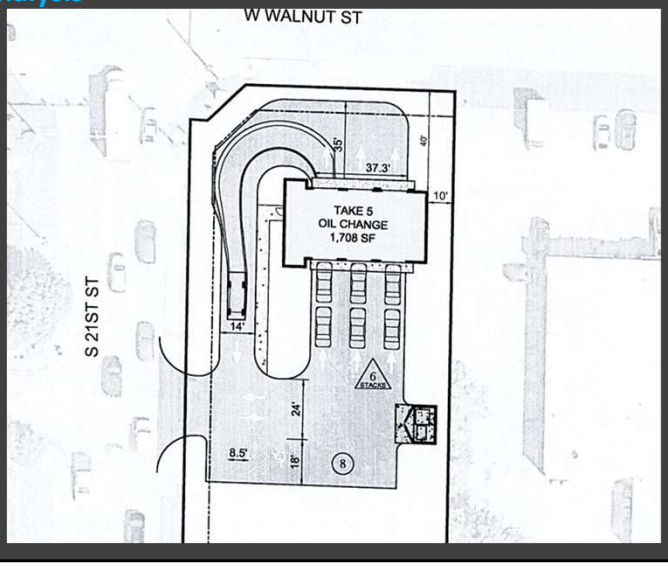
Variance

PLANNING

Thrasher Investments

Staff Analysis

Staff's Response
Any other factor the Board feels is important to consider in keeping with the purpose and intent of this UDC.
The proposed use at a corner lot in this zone results in other needed variances. There are setback variances that would be required along both Walnut and S 21st Street. The building occupancy percentage is also not being met. Glazing requirements would also be applicable that may not be met. Other types of variances may be required but could be unknown due to not having a full plan submission.



Staff Analysis:

- The proposed use here at a corner lot results in the need for other variances. It does not align with the intent of the midtown city center which is for it to be "an active destination for goods and services, recreation, employment and housing. New developments will add a tight network of streets with ample active transportation facilities, and buildings and civic spaces that address the street in a manner comparable to Downtown Rogers." Rogers Future Land Use Placetypes pg. 4

Variance

PLANNING

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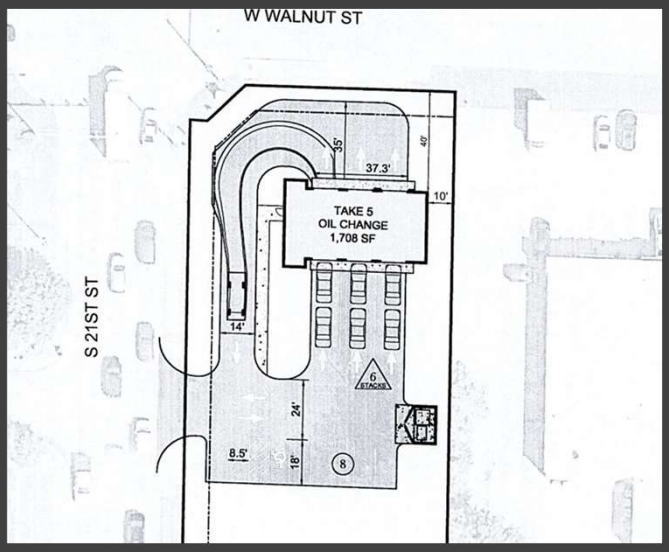

Recommendation

DENY the request to propose a use not allowed on a corner lot in T5.2 zoning.

Public Input:

No input from the public has been provided.

Recommendation:

Deny the variance request to allow a use in T5.2 that is prohibited on a corner lot.

DEPT. OF COMMUNITY DEVELOPMENT
PLANNING DIVISION
301 W. CHESTNUT
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OFFICE USE ONLY

Permit Fee: _____ ($500) Zoning: _____

App. Number _____

CityWorks Application: _____

Date: _____

VARIANCE APPLICATION

APPLICANT: Thrasher Investments, LLC

ADDRESS: 4602 S Fieldcrest Terrace Rogers AR 72758 SUITE #: _____

GENERAL LOCATION OF PROPERTY: 2010 W Walnut Rogers

PHONE #: 903-824-7203 EMAIL: Leahthrasher1@gmail.com

PROPERTY OWNER: Leah Thrasher PHONE #: 903 824-7203

REQUEST to ALLOW(Cite Variation[s] from Applicable Section[s] of Code and Proposal): _____

Sec. 2.12.2 requires variance applicants to respond to these criteria for variance consideration:

Would the variance or waiver cause undue hardship to the property owner due to circumstances unique to the property; and

See attached letter

Is the hardship a result of any action taken by the property owner or on their behalf; and

See attached letter

Is the variance or waiver requested the minimum amount necessary to carry out the project; and

See attached letter

Is there another reasonable method of avoiding the need for a variance or waiver; and

See attached letter

Is there any other important factor that should be considered by the Board in keeping with the purpose and intent of the UDC?

See attached letter

Leah Thrasher 7-7-25

Applicant Signature Date

Attachment Checklist:

- □ Owner Signature on Letter or Application
- □ If needed, additional sheet for above required responses
- □ Survey, elevations, sign proofs and/or other documents as needed to illustrate request
- □ Director's Minimum Submittal Requirements(required at time of application)

PLANNING STAFF PROVIDES:

BOARD OF ADJUSTMENT DECISION: _____

SECRETARY, BOARD OF ADJUSTMENT DATE of PUBLIC HEARING

Question: How does strict enforcement of the code cause undue hardship due to circumstances that are unique to this property?

Strict enforcement of the new zoning code—specifically the restriction of garage doors on corner lots—creates an undue hardship for my property due to its unique physical characteristics and the unintended consequences of the updated regulations.

The parcel in question is a rectangular-shaped corner lot, which significantly limits flexibility in site planning and building orientation. Unlike square or interior parcels that offer greater design options, the layout of this rectangular lot requires thoughtful use of every linear foot to accommodate essential building functions, such as customer access, traffic circulation, and required setbacks. The nature of the business I am leasing to—an automotive service provider—requires the inclusion of garage doors for customer service bays, and those must face outward to function appropriately.

Under the prior zoning, this property was well-positioned for redevelopment. I secured a 15-year lease agreement with a nationally recognized company (Take 5), contingent upon the ability to demolish the outdated structure and build a new, modern facility. The project would bring substantial community benefit, including job creation, increased property and sales tax revenue, and improved traffic flow through a proposed rerouting of ingress/egress from Walnut Street to 21st Street.

However, the zoning code changes adopted in 2024 now prohibit the very garage door placements necessary for this business to operate—effectively rendering the lease void and obstructing the highest and best use of the property. This not only threatens a major commercial investment but also creates a chilling effect for future redevelopment. Other potential tenants with similar space or function needs will also be deterred by this inflexible regulation, further limiting economic opportunities for the property and surrounding area.

In essence, the strict application of this regulation imposes a hardship that is unique to this lot's shape and location. It prevents me, as the property owner, from reasonably and responsibly developing my land in a way that contributes positively to the neighborhood and aligns with the broader goals of economic development and revitalization.

For these reasons, I respectfully request a variance to allow garage doors on this corner lot. This adjustment would not only allow the planned project to move forward but would also demonstrate the city's willingness to support responsible growth and practical flexibility for property owners contributing to the community's success.

Sincerely,

Leah Thrasher

Thrasher Investments, LLC

Question: How will approval of this variance be in keeping with the "spirit and intent" of the code being varied?

The spirit and intent of the zoning code—particularly the restriction on garage doors facing public streets on corner lots—is to promote aesthetic quality, pedestrian safety, and cohesive neighborhood design. I fully support these goals and believe the proposed development aligns with them, even with the requested variance.

The project I am seeking to move forward with involves a complete redevelopment of an outdated structure into a modern, professionally designed facility. The design will include high-quality materials, updated landscaping, and a traffic rerouting plan that improves flow and safety for both vehicles and pedestrians. Every effort will be made to ensure the garage doors are visually integrated into the overall design and do not detract from the surrounding streetscape.

Furthermore, this is not a request to avoid compliance but rather to adapt the intent of the code to the real-world limitations of this specific site. Due to the rectangular shape and corner location of the lot, there is no viable way to orient the building without some portion of the garage doors facing a street. However, thoughtful design elements—such as enhanced architectural features, screening, and landscaping—can maintain the visual character intended by the code while still meeting the operational needs of the business.

Granting this variance allows for the productive, attractive, and responsible use of a commercially zoned property while still upholding the broader goals of the zoning code. It ensures that the property can contribute to economic growth, job creation, and neighborhood vitality—outcomes that are very much in harmony with the code's purpose.

In short, approval of this variance honors both the letter and the spirit of the zoning code by balancing thoughtful development with practical application in a unique site context.

Sincerely,

Leah Thrasher

Thrasher Investments, LLC

Question: Is the variance or waiver requested the minimum amount necessary to carry out the project?

Yes, the variance requested is the minimum necessary to make this project viable and to allow for reasonable use of the property.

The sole request is for permission to place garage doors on a corner lot—an essential element of the building design required by the national tenant, whose business model depends on vehicle access to service bays. No other variances are being requested. The layout and design of the building have been carefully planned to fit within the existing zoning guidelines in every other respect, including setbacks, landscaping, and traffic flow. However, due to the rectangular shape and corner location of the property, there is no feasible orientation that would both meet the operational needs of the tenant and comply with the garage door restriction.

This waiver does not seek to circumvent the intent of the zoning code but rather to provide just enough flexibility to address the unique physical constraints of the lot. Without this small but critical adjustment, the entire project—and the opportunity to lease to a national, job-creating business—cannot move forward.

Therefore, this request is narrowly tailored to meet the minimum relief necessary to develop the site in a responsible, attractive, and economically productive way that benefits the surrounding community.

Sincerely,

Leah Thrasher

Thrasher Investments, LLC

Question: Is there another reasonable method of avoiding the need for the variance or waiver requested?

Unfortunately, there is no reasonable alternative method to avoid the need for the requested variance due to the physical constraints and unique characteristics of the property.

The rectangular shape and corner location of the lot severely limit how a commercial building—particularly one requiring garage bay access—can be positioned. Because the business model of the prospective tenant (Take 5) requires multiple garage doors for efficient service flow, and because of setbacks, right-of-way requirements, and traffic routing considerations, there is no orientation of the building that would allow it to function properly without placing garage doors facing one of the adjacent streets.

Attempts were made to explore alternate configurations, but each option resulted in either the loss of essential service bays (rendering the building unusable for the tenant) or conflicts with safety, access, and circulation requirements. Additionally, any design that tries to fully shield garage doors by internalizing them would create an inefficient layout that would likely result in increased traffic backups onto public streets—defeating one of the primary goals of the zoning update.

Therefore, the requested variance is not only the least intrusive solution, but also the only practical path forward to allow this project to proceed in a way that is safe, functional, and beneficial to the surrounding area.

Sincerely,

Leah Thrasher

Thrasher Investments, LLC

Question: Is there any other important factor that should be considered by the board in keeping with the purpose and intent of the UDC?

Yes, one important factor the Board should consider is the broader economic and community benefit this project will bring—benefits that are fully aligned with the purpose and intent of the Unified Development Code (UDC), which seeks to promote thoughtful development, economic vitality, public safety, and an enhanced quality of life for the community.

Granting this variance would allow for a significant investment from a nationally recognized, reputable company that will bring long-term stability to the area. The proposed project will create new jobs, generate substantial sales and property tax revenue, and provide an upgraded, modern facility that enhances the appearance and functionality of the site.

Additionally, the development plan includes rerouting traffic off of Walnut onto 21st Street, which will improve traffic flow and safety—further supporting the UDC's goals of responsible urban design and infrastructure management. High-quality landscaping and architectural improvements will also contribute to the visual integrity of the area.

Finally, this variance helps ensure that underutilized commercial property does not remain stagnant due to overly rigid constraints. Instead, it promotes revitalization, encourages reinvestment, and demonstrates a balanced application of the UDC that supports both community standards and economic opportunity.

This project is not just about one business—it represents a broader commitment to growth, responsible land use, and the ongoing development of a thriving city.

Sincerely,

Leah Thrasher

Thrasher Investments, LLC

Leah Thrasher

Thrasher Investments, LLC

2010 W Walnut

Rogers, AR 72758

Leahthrasher1@gmail.com

903-824-7203

7-03-2025

City Planning Board

301 W Chestnut

Rogers, AR

Re: Request for Variance Due to Hardship Caused by 2024 Zoning Change

Dear Members of the Planning Board,

I am writing to formally request a variance regarding the restriction of garage doors on a corner lot as defined in the zoning changes enacted in 2024. This new regulation has created a significant and unforeseen hardship for my business and property, and I appreciate your consideration of the following information in support of this request.

I am the owner of the property located at 2010 W Walnut, held under Thrasher Investments, LLC. In 2025, I entered into a long-term, 15-year lease agreement with Take 5, a nationally recognized, publicly traded company. This lease was contingent on our ability to demolish the existing structure and construct a new, modern facility that meets both city standards and corporate specifications. The proposed development includes improved landscaping, enhanced infrastructure, and a traffic rerouting plan that would direct ingress and egress from Walnut to 21st Street—alleviating congestion and improving safety in the area.

This project would not only increase the property's value but would also generate new jobs, provide substantial sales and property tax revenue, and contribute meaningfully to the city's economic development goals. The investment and partnership were secured with the full expectation that the zoning in place at that time would allow for reasonable use of the property—including the placement of garage doors necessary for the operational requirements of Take 5.

Unfortunately, the updated zoning code enacted in 2024 includes a restriction on garage doors on corner lots. This has effectively blocked the development and jeopardized the lease, as the

site's rectangular shape leaves no feasible alternative for building orientation or functionality. This restriction imposes an undue burden that prevents the productive and beneficial use of the property in a manner that is compatible with the surrounding commercial landscape.

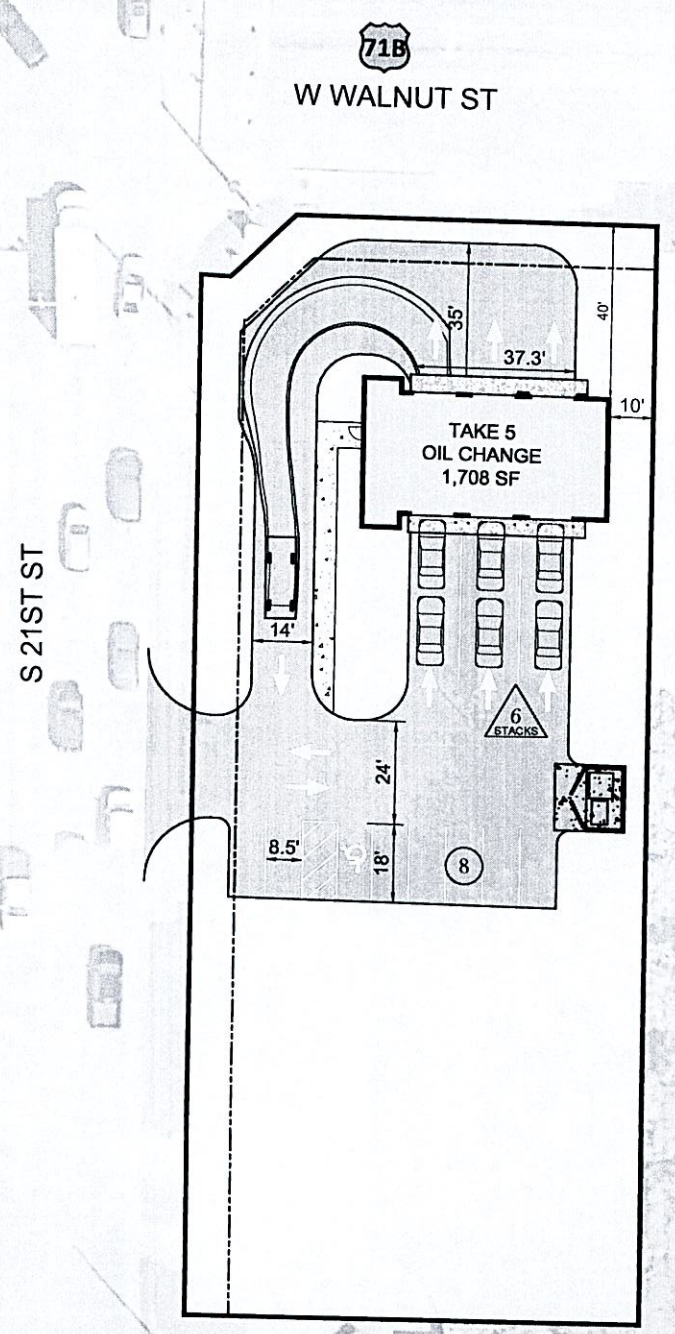
Given these constraints, I respectfully request that the Planning Board grant a variance to allow garage doors on this corner lot. This relief is essential to the continuation of the proposed development and to honoring a significant commercial lease that was signed in good faith under prior zoning guidance.

Thank you for your time and consideration. I would welcome the opportunity to further discuss this matter and provide any additional information that may assist in your review. Please feel free to contact me directly at 903-824-7203.

Sincerely,

Leah Thrasher

Owner, Thrasher Investments, LLC



QUICK CO

VISIT O
WWW.QUICKC
SEND YOUR C
REQUESTS@QUIC

PROJECT NAM
TAKE 5 OIL CH
IN ROGERS, AF

ADDRESS: 201
ROGERS, AR 7

JURISDICTION:
CITY OF ROGE

PARCEL ID #:
02-10990-000

PARCEL AREA:
±0.61 AC

ZONE: T5.2
CITY MEDIUM -

EXISTING USE:
RETAIL

PROPOSED US
AUTO SERVICE
(PERMITTED U

PARKING CALC
NO PARKING R

PROVIDED PAR
1 ADA STALLS
7 STALLS (8.5'
8 TOTAL STALL

DRIVE AISLE:
24' TWO-WAY (

SETBACKS
FRONT: 0' (
SIDE: 0'
REAR: 0'
BUFFERS: TBI

FLOOD ZONE:
FEMA MAP: 05
DATED: 06/05/2

SITE SPECIFIC
* THE MAXIMU
THE BUILDING
FRONT PROPE
MAY BE REQUI

THE USE COND
THE BUILDING
ON A CORNER
DOORS SHOUL
A VARIANCE M

DRAWING DAT
DATE: 2/21/202

LEGEND

BOUNDARY LINE

BUILDING SETBACK

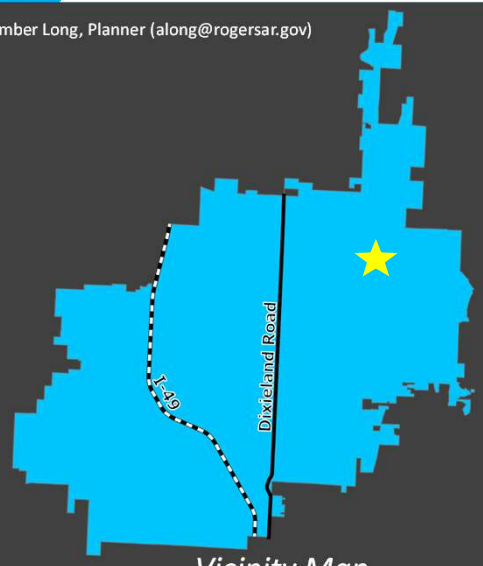
NOTICE OF PUBLIC HEARING

Variance

PLANNING

Josh Duncan Driveway

Staff: Amber Long, Planner (along@rogersar.gov)



Vicinity Map

Location
904 E Lakeview Dr.

Nature of Request
Driveway Area in the Front Exterior Yard

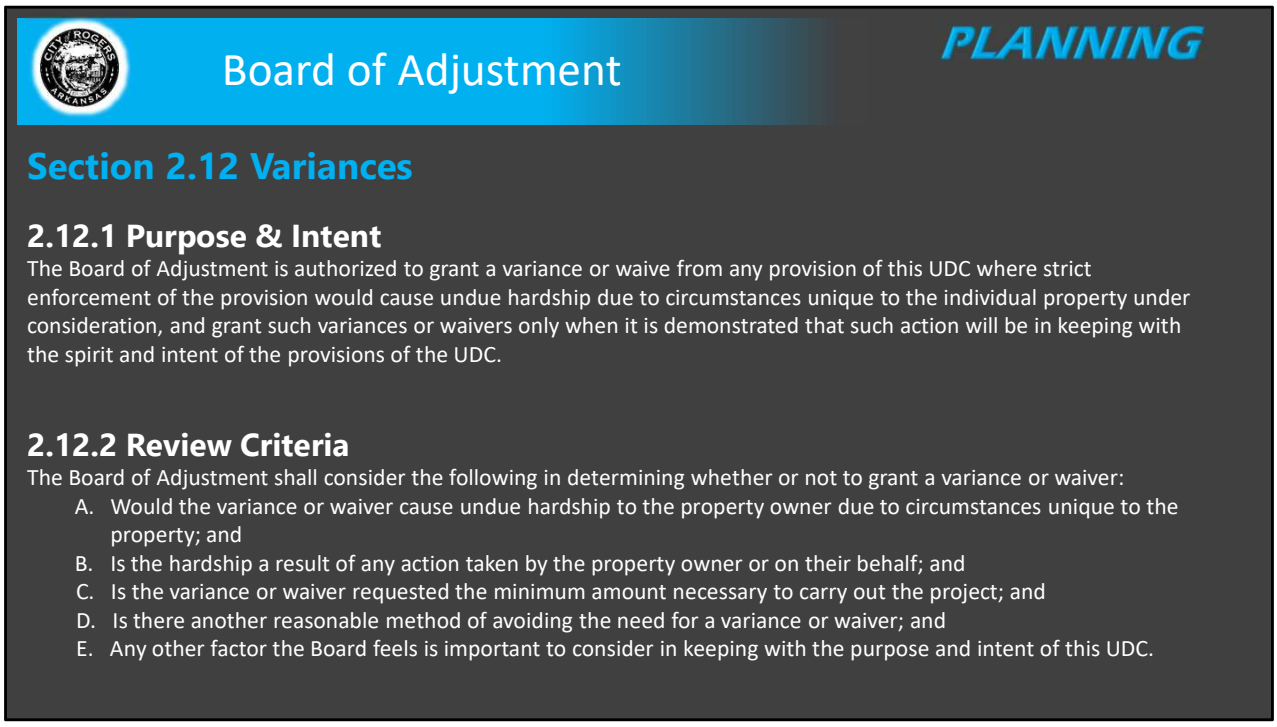
Zoning
T3.1 – Neighborhood Very Low-Intensity

Existing Use
Residential

Representative
Joshua Duncan, Property Owner

Summary:

This request is for a variance from Section 4.5.9.2(A) to allow a driveway area exceeding 33% of the front exterior yard.
Parcel: 02-05505-000
Site Acreage: ±0.38 acres



Section 2.12 Variances:

2.12.1 Purpose & Intent

The Board of Adjustment is authorized to grant a variance or waive from any provision of this UDC where strict enforcement of the provision would cause undue hardship due to circumstances unique to the individual property under consideration, and grant such variances or waivers only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the UDC.

2.12.2 Review Criteria

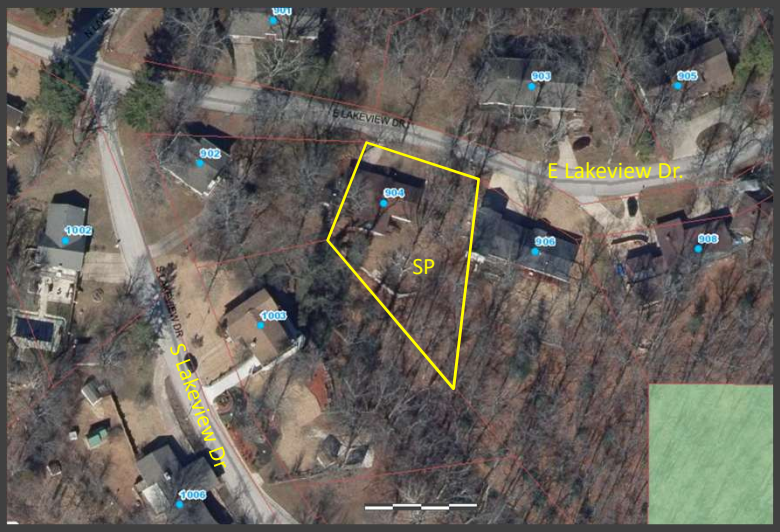
The Board of Adjustment shall consider the following in determining whether or not to grant a variance or waiver:

- Would the variance or waiver cause undue hardship to the property owner due to circumstances unique to the property; and
- Is the hardship a result of any action taken by the property owner or on their behalf; and
- Is the variance or waiver requested the minimum amount necessary to carry out the project; and
- Is there another reasonable method of avoiding the need for a variance or waiver; and
- Any other factor the Board feels is important to consider in keeping with the purpose and intent of this UDC.

Variance

PLANNING

Josh Duncan Driveway



Vicinity Aerial View

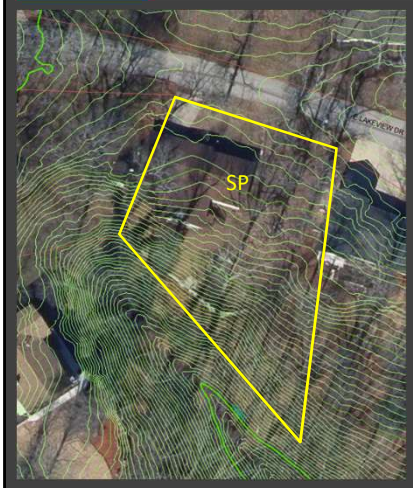
Site Area:

This site is located in west of Lake Atalanta Park, within Lakeview Addition subdivision.

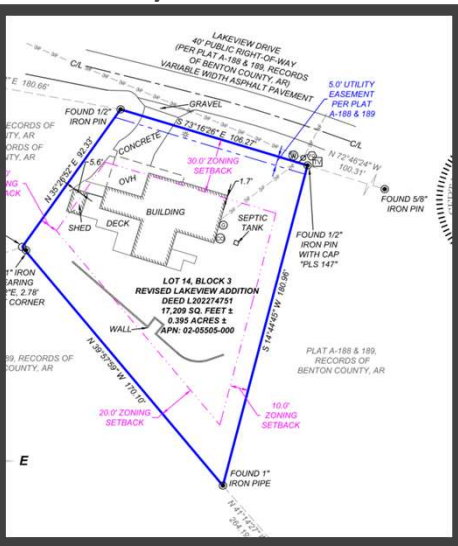
Variance

Josh Duncan Driveway

PLANNING



Aerial Image with Contours



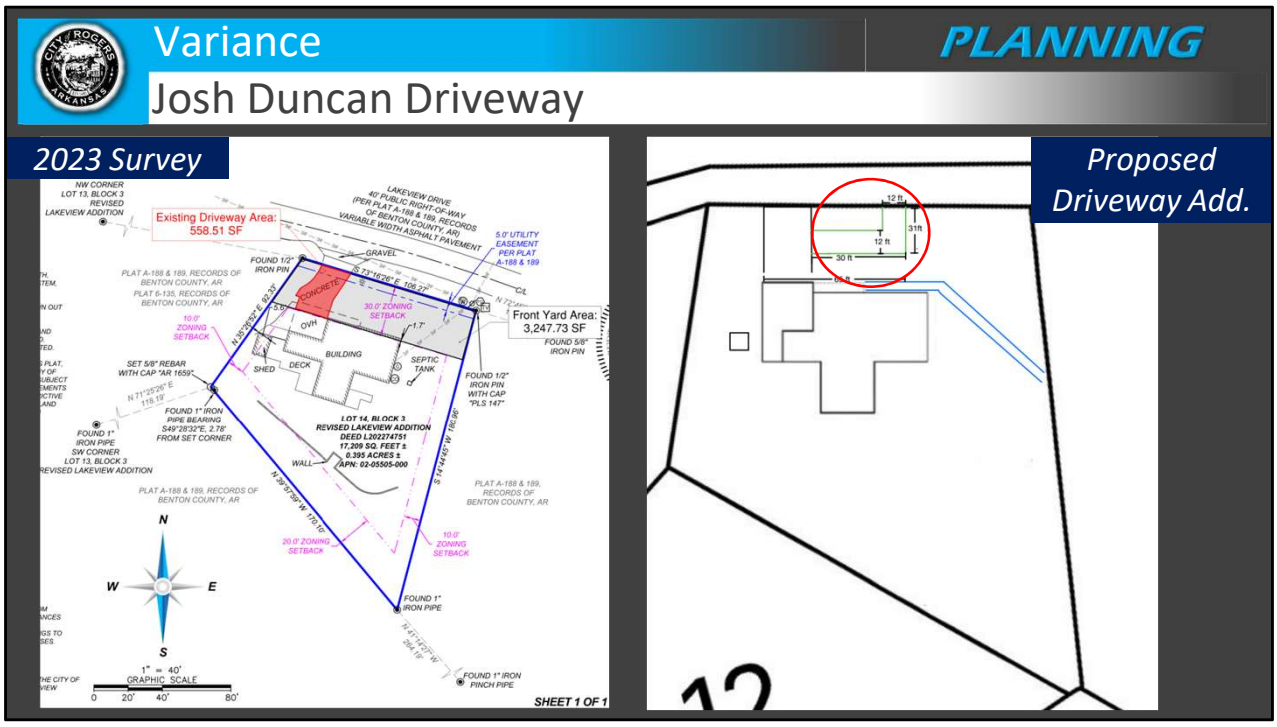
2023 Survey

Existing Conditions

- Existing house with driveway, deck, shed, and wall.
- E Lakeview Drive slopes toward the subject property.
- Slope causes flooding onsite, according to the applicant.

Existing Conditions:

The residential site includes a house with a concrete driveway onto E Lakeview Drive; and deck, shed, and wall in the rear interior yard. As shown in the Aerial Image with Contours, the grade slopes downward toward the backyard. This grade change has led to several instances of stormwater pooling in the front yard—as recent as June 6, 2025—according to the applicant. See "Appeal Letter to the City of Rogers" in the supplemental documents for more information.



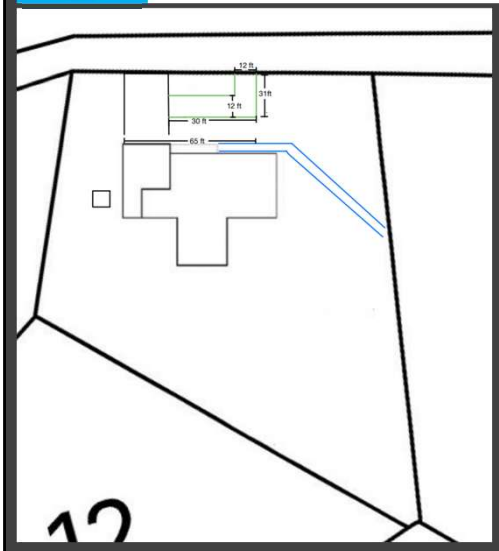
Applicant's Proposal:

The front yard is measured between the north property line and the building setback line, which is 30 ft. The front yard area (in red) is about 3,247.73 SF , and the existing driveway area (in gray) in the exterior yard is about 557.51 SF.

The applicant proposes additional pavement to create a circular driveway (in green) to improve ingress/egress, especially during rain events, as well as the installation of a pipe (in blue) to improve drainage.

Variance
Josh Duncan Driveway

PLANNING



Proposed Driveway Addition

Variance Request

- Driveways in exterior yards shall not exceed 33% of the area of the exterior yard (UDC Sec. 4.5.9.2(A)).

	Staff
Area of Existing Driveway	558.51 SF
Area of Proposed Driveway	588 SF**
Total Proposed Driveway Area	1,146.51 SF
Area of Front Yard	3,247.73 SF*
Percent of FY Area	**35.3%**

Source:
- *2023 Blew Survey, provided by Applicant. Measurements calculated by Staff.
- **Driveway Sketch, provided by Applicant.
- ***Email Summary from Applicant.

Variance Summary:

The applicant requests a variance from UDC Sec. 4.5.9.2(A) to allow a driveway area exceeding 33% of the front exterior yard area. Per the applicant's "Appeal Letter to the City of Rogers," the proposed driveway plan includes key features such as:

- two access points along E. Lakeview Drive to provide safe ingress and egress by eliminating reversing movements onto a sloped public street;
- a curved driveway path (shown in green) to preserve greenspace along the road while providing "continuous traffic flow"; and
- mild grading and redirection of flow (shown in blue) away from the home to address stormwater pooling and erosion.

- The applicant also speaks to the designs consistency with local character, long-term ADA accessibility, and preservation of utility zones. See pg. 4 of the appeal letter for more information.

Variance

PLANNING

Josh Duncan Driveway

Applicant's Stated Hardship

	Applicant's Response (Summary) - See "Appeal Letter to the City of Rogers" for more information.
1. Public Safety and Visibility	"Our property is located at a low point in the road's grade, causing limited visibility for reversing vehicles. A circular driveway will reduce reversing maneuvers into a sloped blind spot; allow for safer movement by a teenage driver; improve access for emergency vehicles…" pg. 1.
2. Flooding, Drainage, and Soil Loss	"We frequently observe standing water lasting 4 days after winter and spring rains. This issue damages vegetation and contributes to foundation erosion. A circular driveway would rechannel runoff more effectively; protect the adjacent public ROW from overflow; and comply with Engineering Manual §3.03(f) and the Stormwater Code's intent" pgs. 2-3.
3. Neighborhood Compatibility & Policy Consistency	"We have documented at least 10 properties within proximity that feature either circular drives or oversized access aprons, contradicting the uniform application of the 75-foot rule…These existing non-conforming configurations reflect a pattern of established exception…"pg. 2.
4. Practical Hardship	"Our existing driveway forces vehicles to park in the street or on the lawn, resulting in vegetation loss and soil erosion; decreased water infiltration and runoff containment; functional limitations as we age, requiring long-term accessible design. This hardship is not self-imposed and the proposed layout is a reasonable accommodation," pg. 3.

Summary of Applicant's Hardship:

The applicant provides the following justification for their proposed driveway:

1. Public Safety and Visibility

"Our property is located at a low point in the road's grade, causing limited visibility for reversing vehicles. A circular driveway will:

- Reduce reversing maneuvers into a sloped blind spot,
- Allow for safer movement by a teenage driver,
- Improve access for emergency vehicles…" pg. 1.

2. Flooding, Drainage, and Soil Loss

"We frequently observe standing water lasting 4 days after winter and spring rains. This issue damages vegetation and contributes to foundation erosion. A circular driveway would:

- Rechannel runoff more effectively,
- Protect the adjacent public ROW from overflow,
- Comply with Engineering Manual §3.03(f) and the Stormwater Code's intent," pgs. 2-3.

3. Neighborhood Compatibility & Policy Consistency

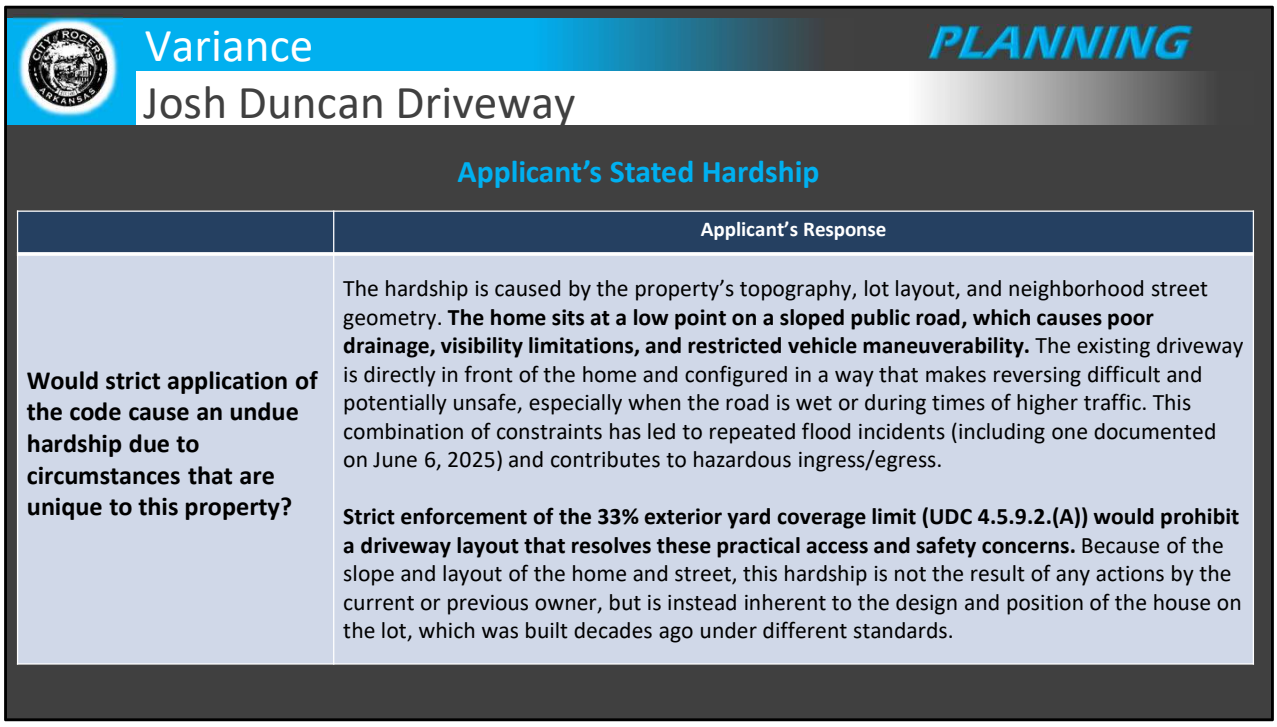
"We have documented at least 10 properties within proximity that feature either circular drives or oversized access aprons, contradicting the uniform application of the 75-foot rule…These existing non-conforming configurations reflect a pattern of established exception…"pg. 2. See letter for list of properties.

4. Practical Hardship

“Our existing driveway forces vehicles to park in the street or on the lawn, resulting in:

- Vegetation loss and soil erosion,
- Decreased water infiltration and runoff containment,
- Functional limitations as we age, requiring long-term accessible design.

This hardship is not self-imposed and the proposed layout is a reasonable accommodation,” pg. 3.



Summary of Applicant's Hardship:

See slide.

Variance

PLANNING

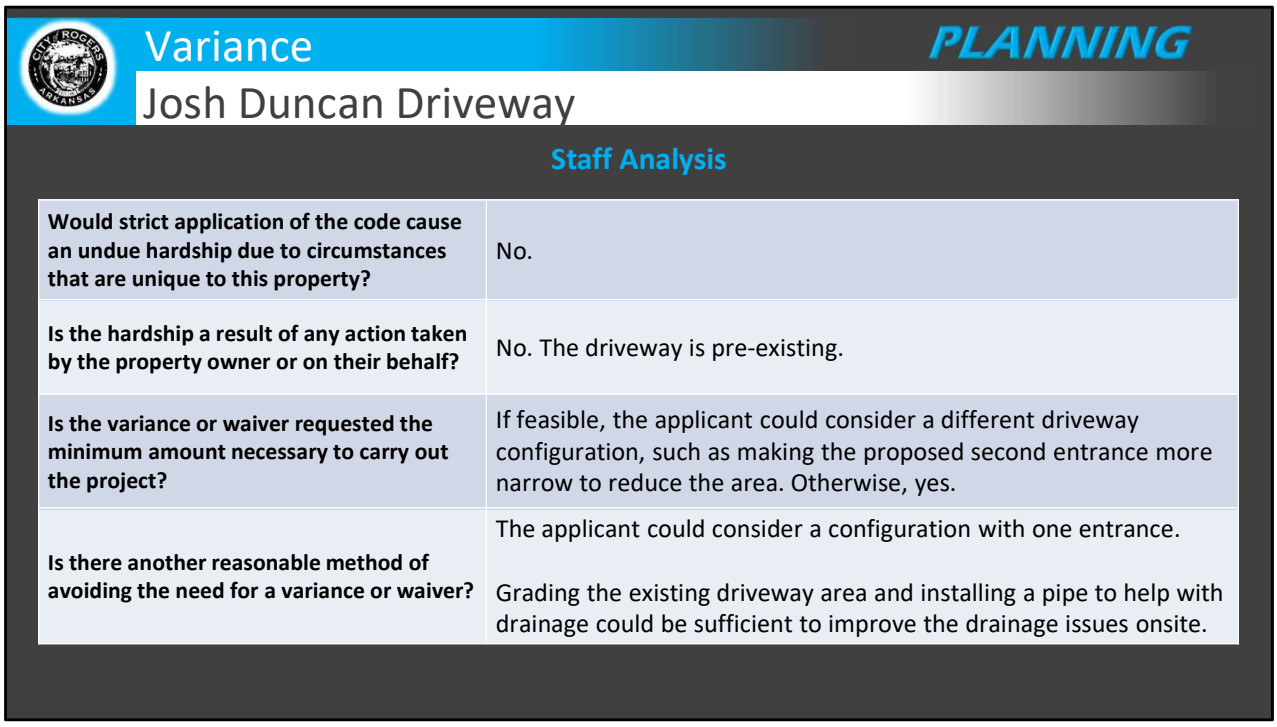
Josh Duncan Driveway

Applicant's Stated Spirit and Intent

	Applicant's Response
How will approval of this variance be in keeping with the "spirit and intent" of the code being varied?	**The proposed driveway is designed to minimize impervious surface while maximizing safety, functionality, and compliance.** The 12-foot curb cut and additional driveway segment are the minimum needed to create a safe looped access, avoiding the need to reverse onto a sloped public street. The design: • Stays within existing easements and setbacks • Preserves green space and drainage patterns • Does not interfere with utility infrastructure • Reduces risk of traffic and pedestrian conflict • Brings the property into functional alignment with several others in the neighborhood, many of which also have circular or dual-access driveways. The variance supports the City of Rogers' goals of safe access, context-sensitive development, and aging-in-place. This layout enhances usability for current and future occupants while maintaining neighborhood character.

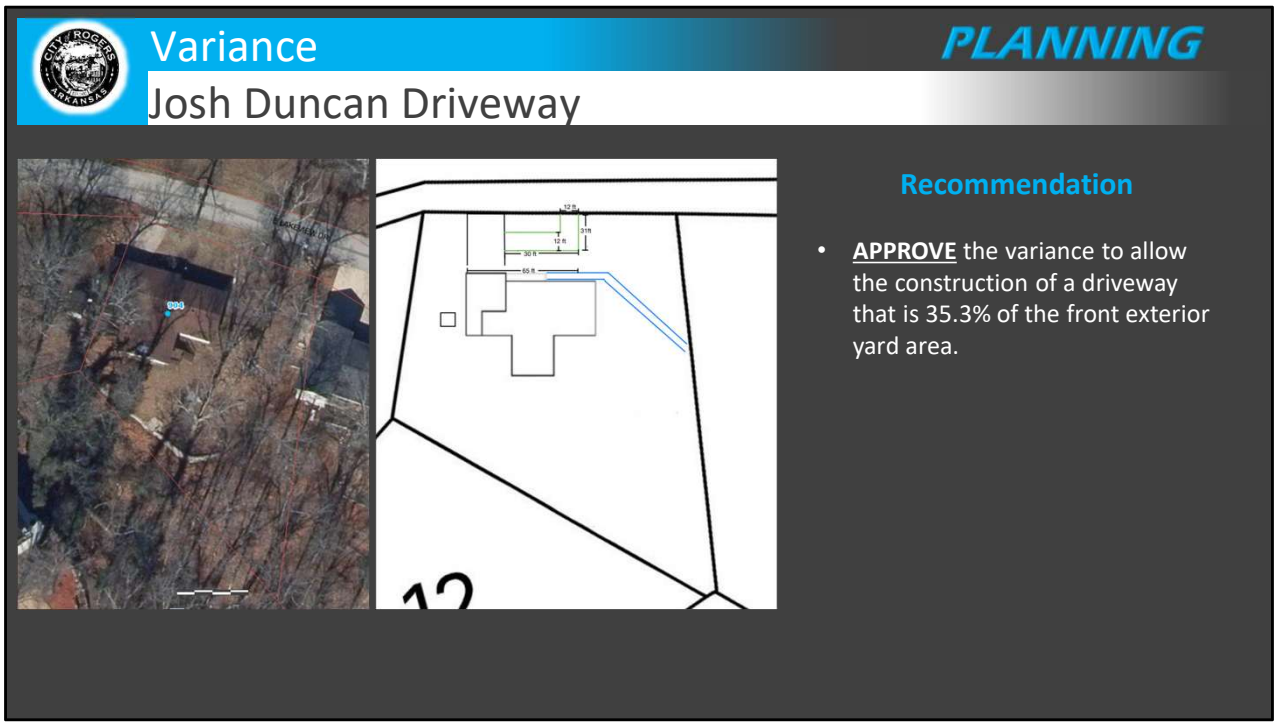
Summary of Applicant's Hardship:

See slide.



Staff's Response:

- See slide for responses to the variance criteria.
- The proposed driveway exceeds the maximum by about 2.3%. It is unclear whether the addition of impervious area would improve the drainage; however, the grading and installation of the pipe would likely alleviate the hardship. Staff is not opposed to the construction of the driveway as proposed. It is compatible with the existing development context and presents no known hardships



Public Input:

Staff received one phone call from a neighbor inquiring about the nature of the variance.

Recommendation:

Staff recommends **APPROVAL** of the variance from UDC Sec. 4.5.9.2(A) to allow a driveway area of 35.3% in the exterior yard, exceeding the maximum 33% allowed.

LOT SURVEY

904 LAKEVIEW DRIVE, ROGERS, ARKANSAS, 72756
LOCATED IN: SECTION 7, TOWNSHIP 19 NORTH, RANGE 29 WEST
BENTON COUNTY

LEGEND & SYMBOLS

- FOUND MONUMENT (AS NOTED)
- SET MONUMENT (AS NOTED)
- CLEANOUT
- GAS METER
- WATER METER
- LIGHT POLE
- FIBER OPTIC PEDESTAL
- TELEVISION CABINET
- POWER POLE
- BOUNDARY LINE
- EASEMENT LINE
- RIGHT-OF-WAY LINE (R/W)
- CENTERLINE (C/L)
- FENCE LINE
- OVERHEAD POWER LINE
- SETBACK LINE

MISCELLANEOUS NOTES

COMPLETED FIELD WORK:
MARCH 22, 2023

REFERENCE DOCUMENTS:
1. WARRANTY DEED L202274751
2. PLAT A-188 & 189
3. PLAT 6-135

BASIS OF BEARING:
THE BASIS OF BEARING OF THIS SURVEY IS GRID NORTH, BASED ON ARKANSAS STATE PLANE COORDINATE SYSTEM, NORTH ZONE NAD83.

SOME FEATURES SHOWN ON THIS PLAT MAY BE SHOWN OUT OF SCALE FOR CLARITY.

DIMENSIONS ON THIS PLAT ARE EXPRESSED IN FEET AND DECIMAL PARTS THEREOF UNLESS OTHERWISE NOTED. MONUMENTS WERE FOUND AT POINTS WHERE INDICATED.

EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT OF ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT PROPERTY: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS WHICH WERE VISIBLE AT THE TIME OF SURVEY; RESTRICTIVE COVENANTS; SUBDIVISION RESTRICTIONS OR OTHER LAND USE REGULATIONS; AND ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH MAY DISCLOSE.

ZONING INFORMATION

CURRENT ZONING: "R-SF" RESIDENTIAL SINGLE-FAMILY DISTRICT

SETBACK REQUIREMENTS:
FRONT - 30'
SIDE - 10'
REAR - 20'

LAND AREA

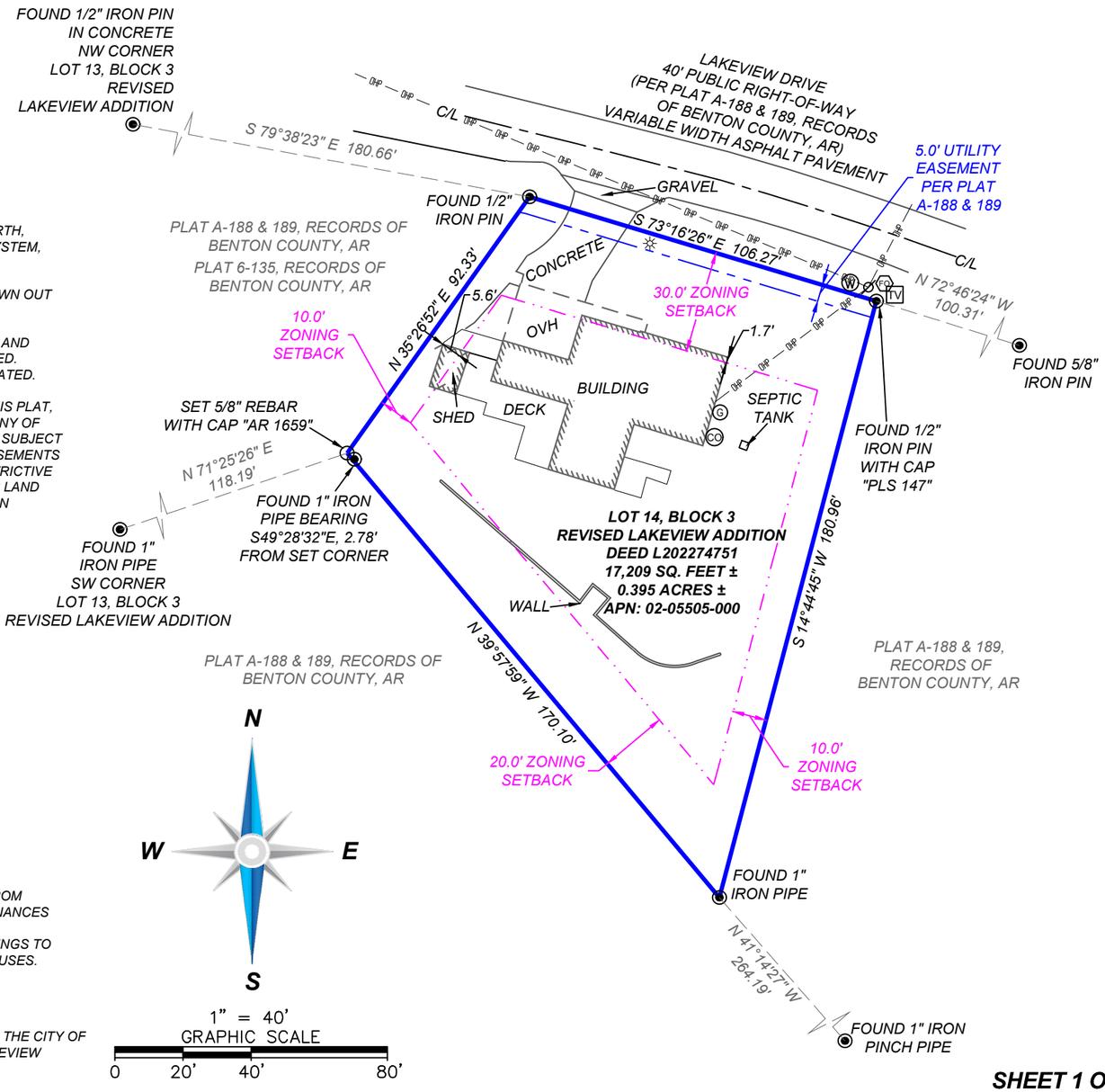
17,209 ± SQUARE FEET
0.395 ± ACRES

UTILITY INFORMATION

THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES ONLY. THE SURVEYOR WAS NOT PROVIDED WITH UNDERGROUND PLANS OR SURFACE GROUND MARKINGS TO DETERMINE THE LOCATION OF ANY SUBTERRANEAN USES.

SURVEY DESCRIPTION

LOT 14 IN BLOCK 3, REVISED LAKEVIEW ADDITION TO THE CITY OF RODGERS (ALSO REFERRED TO AS A REPLAT OF LAKEVIEW ADDITION TO THE CITY OF RODGERS)



I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF ON THIS THE 29TH DAY OF MARCH, 2023.

CERTIFICATE OF AUTHORIZATION
BLEW & ASSOCIATES, PA
No. 1534
ARKANSAS

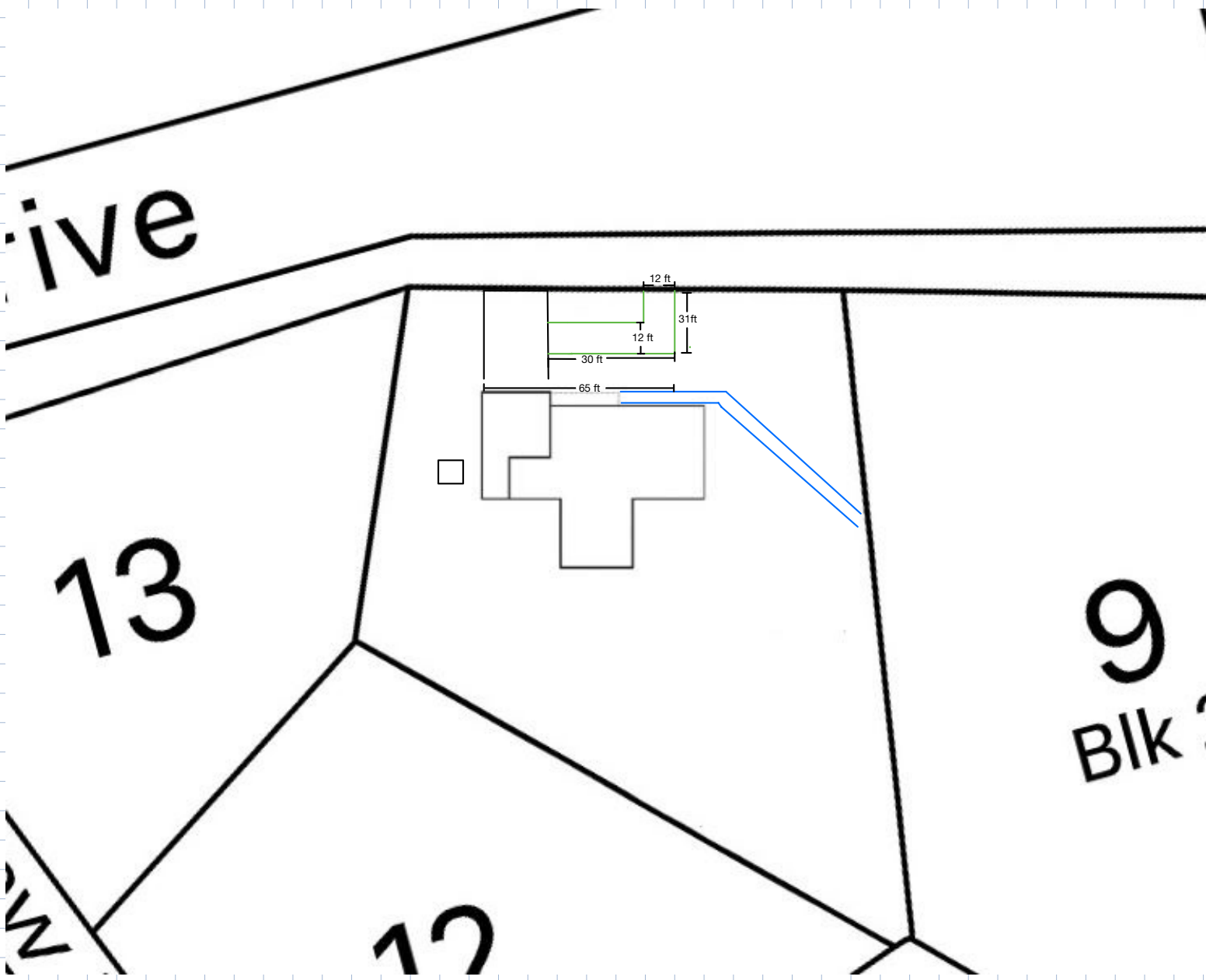
REGISTERED
STATE OF ARKANSAS
NO.1659
SIGNATURE
W. GAGNER
PROFESSIONAL LAND SURVEYOR

IF THE SIGNATURE ON THIS SEAL IS NOT AN ORIGINAL AND NOT BLUE IN COLOR THEN IT SHOULD BE ASSUMED THAT THIS PLAT MAY HAVE BEEN ALTERED. THE ABOVE CERTIFICATION SHALL NOT APPLY TO ANY COPY THAT DOES NOT BEAR AN ORIGINAL SEAL AND SIGNATURE.

SHEET 1 OF 1

BLEW & ASSOCIATES, P.A.
Surveying
Engineering
Mapping
3825 N. SHILOH DRIVE - FAYETTEVILLE, AR 72703
EMAIL:SURVEY@BLEWINC.COM
OFFICE: 479.443.4506 ·FAX: 479.582.1883
EMAIL: SURVEY@BLEWINC.COM·WWW.BLEWINC.COM

SURVEYOR JOB NUMBER: 23-1775	**SURVEY DRAWN BY:** DLS - 03/29/2023
SURVEY REVIEWED BY: TPN	**SCALE:** 1" = 40'
FOR THE USE AND BENEFIT OF: JOSHUA DUNCAN	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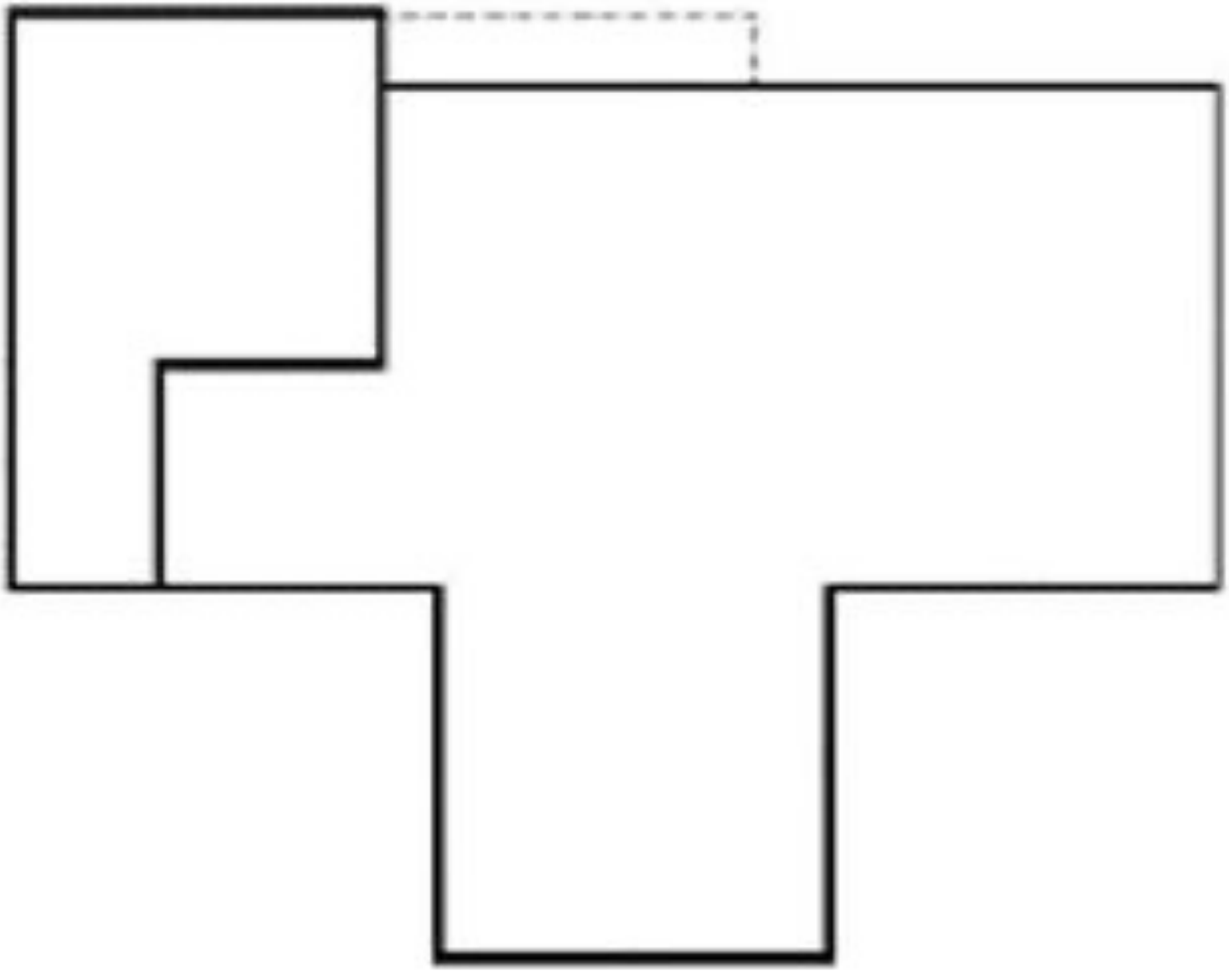

Joshua & Hope Duncan
904 East Lakeview Drive
Rogers, AR 72756
joshaduncan@gmail.com | (479) 372-2567
June 11, 2025

To:
Frieda Bell
Department of Community Development
City of Rogers
301 W. Chestnut Street
Rogers, AR 72756

CC:
Engineering Division, City of Rogers

Subject: Formal Appeal & Request for Administrative Relief — Denial of ROW Use Permit (Circular Driveway)

Dear Ms. Bell,

We respectfully submit this formal appeal of the City's denial of our Driveway/Access Permit for a circular driveway at **904 East Lakeview Drive**. While we understand our application does not meet the **75-foot curb cut separation standard** under **UDC Article VI** and **Engineering Manual §6.02**, we request reconsideration or a variance under **UDC Article XII** based on hardship and demonstrated neighborhood compatibility.

Grounds for Administrative Relief

1. Public Safety and Visibility

Our property is located at a **low point in the road's grade**, causing limited visibility for reversing vehicles. A circular driveway will:

- Reduce reversing maneuvers into a sloped blind spot,
- Allow for safer movement by a teenage driver,
- Improve access for emergency vehicles, in line with UDC §14-720(b).

2. Flooding, Drainage, and Soil Loss

We frequently observe **standing water lasting 4 days** after winter and spring rains. This issue damages vegetation and contributes to foundation erosion. A circular driveway would:

- Rechannel runoff more effectively,
- Protect the adjacent public ROW from overflow,
- Comply with **Engineering Manual §3.03(f)** and the Stormwater Code's intent.

3. Neighborhood Compatibility & Policy Consistency

We have documented **at least 10 properties** within proximity that feature **either circular drives or oversized access aprons**, contradicting the uniform application of the 75-foot rule. These include:

Address	Driveway Type	Note
908 Lakeview Dr	Circular	Dual curb cut
905 Lakeview Dr	Double Entry	Wide flared approach
723 Lakeview Dr	Circular	Modern layout
606 Sky Mountain	Circular	Corner-like layout
419 Lakeview Dr	Dual width apron	Substantial flared ends
602 Sky Mountain Dr	Extended width apron	Tree-buffered configuration
802 N Lakeview Dr	Double apron w/ carport	No separation between drives
910 Lakeview Dr	Oversized apron	Split apron for multiple vehicles
1002 Lakeview Dr	Split access	Slope mitigation via wide drive

These existing non-conforming configurations reflect a **pattern of established exception**, validating our request under **UDC §14-715** (compatibility) and **§14-711** (contextual infill).

4. Practical Hardship

Our existing driveway forces vehicles to park in the street or on the lawn, resulting in:

- Vegetation loss and soil erosion,
- Decreased water infiltration and runoff containment,
- Functional limitations as we age, requiring long-term accessible design.

This hardship is **not self-imposed** and the proposed layout is a reasonable accommodation.

Requested Relief

We respectfully request:

1. **Reconsideration of Denial** – in light of compelling safety, stormwater, and precedent-based arguments.

2. **Initiation of a Variance Process** – if needed, via **UDC §14-752** and referral to the Board of Adjustment.

3. **Clarification of Any Additional Remedies or Procedural Rights** – including how and when to file further appeals.

Attachments

- Site plan of proposed drive
- Photographic documentation of stormwater issues
- Street-view images of local driveways (addresses listed above)
- Survey indicating full lot frontage and unobstructed second access

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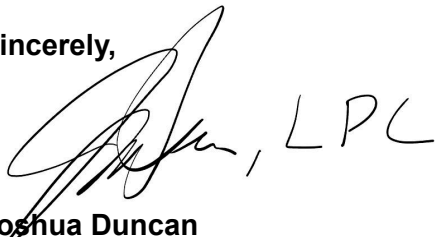
We thank you for your time and commitment to balanced, context-aware development. We welcome further discussion or site review at your convenience.

Sincerely,



Joshua Duncan

Hope Duncan

joshaduncan@gmail.com | (479) 372-2567

Proposed Circular Driveway Layout — 904 E. Lakeview Drive (Exhibit A)

The attached site diagram illustrates the proposed circular driveway configuration at 904 E. Lakeview Drive, designed with public safety, environmental drainage, and neighborhood character in mind. The plan incorporates the following key features:

- **Dual Concrete Curb Cuts**:
  Two distinct access points along East Lakeview Drive provide safe ingress and egress. The west entrance is proposed at 25 feet wide with a tapered flare, while the east exit is 12 feet wide to accommodate single-vehicle egress. This configuration eliminates reversing movements onto a sloped public street and increases visibility at a low-point location.

- **Circular Interior Drive Path**:
  A curved concrete drive (green outline) connects the curb cuts in a smooth “U” shape that loops in front of the existing residence. The layout enables continuous traffic flow while preserving central green space to soften the visual impact and maintain stormwater permeability.

- **Integrated Drainage Improvements**:
  Blue lines represent water management contours. The plan introduces mild grading and redirection of flow away from the carport and structure. This mitigates ongoing issues with pooling and erosion caused by stormwater convergence at the southeast portion of the home.

- **Preservation of Utility Zones**:
  No driveway pavement crosses utility easements or obstructs access to meters, hydrants, or municipal infrastructure. The plan leaves room for setbacks and maintains compliance with Engineering Manual Part I, Article VI, Section 6.02 regarding utility access.

- **Frontage Consistency with Local Character**:
  The visual style, proportions, and curb interface align with multiple existing driveways on Lakeview Drive. This includes neighboring circular drives, double-width aprons, and shared curb cuts—offering clear precedent and aesthetic compatibility under UDC §§14-711 and 14-715.

- **Long-Term Accessibility and Functional Design**:
  The design supports ADA-friendly turning movements, accommodates multiple vehicles without encroaching on the public ROW, and reduces lawn degradation and reverse visibility hazards.

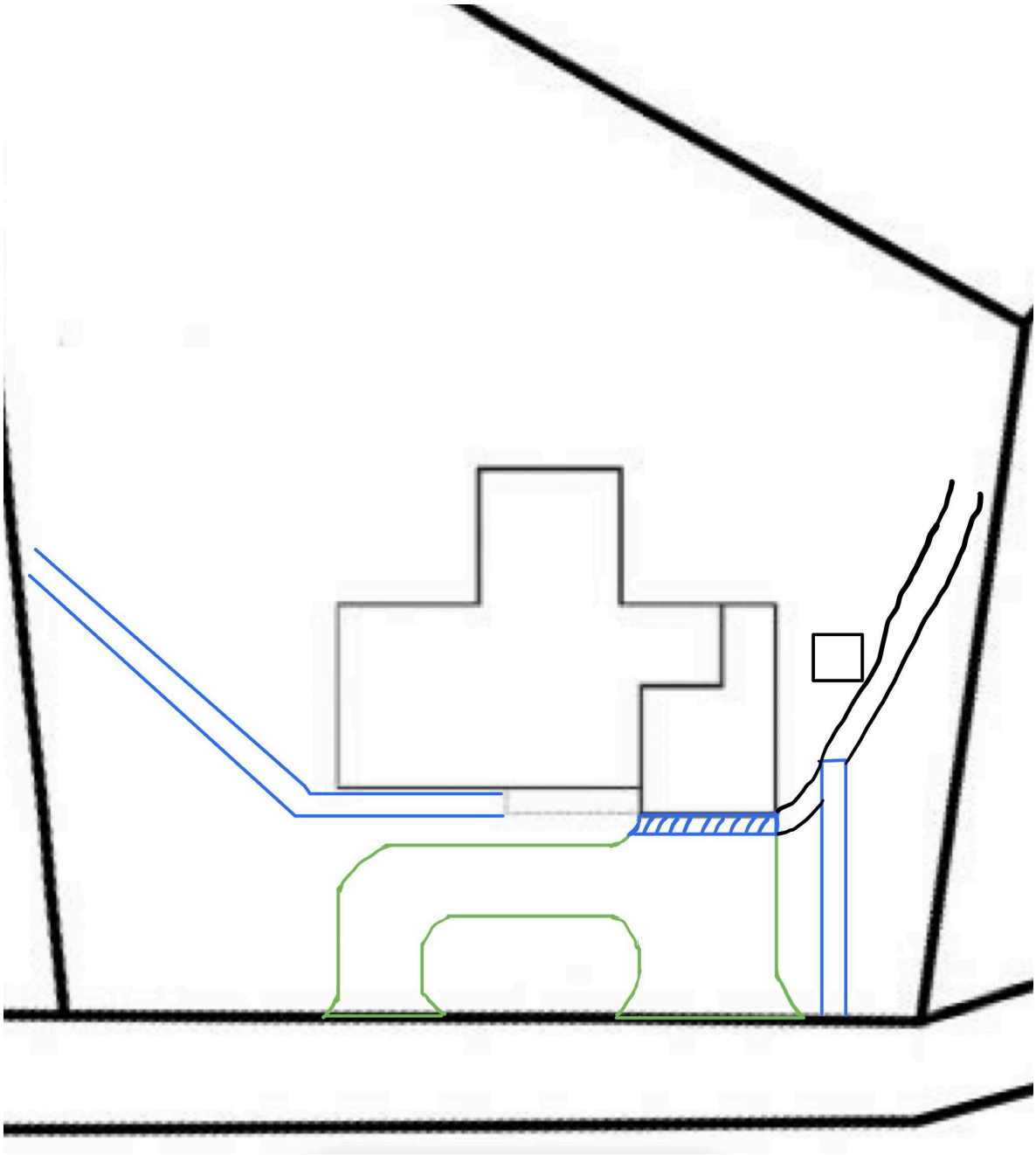
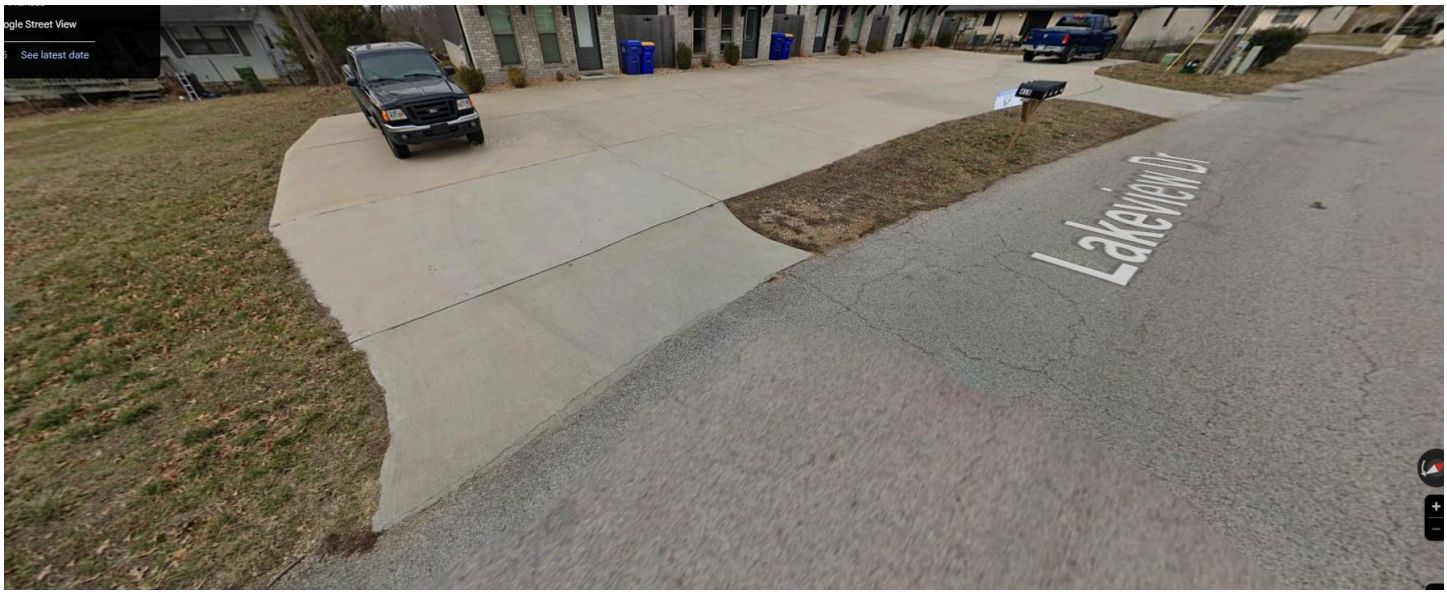


Photo taken June 6, 2025, during a rain event shows stormwater backing up into the carport area, pooling against the foundation with no drainage relief. This flooding occurs regularly and contributes to erosion, standing water, and moisture damage.

606 Sky Mountain Dr

This driveway loops around a landscaped island, forming a **full circular configuration**. The setup demonstrates direct precedent for dual curb cuts in a single frontage in a neighborhood with similar lot dimensions and layout.

418–424 Lakeview Dr (Multi-home drive apron)
This shared or multi-unit lot presents a series of **wide, adjacent driveways** with minimal separation and significant curb exposure. The configuration visually and functionally mirrors circular or dual-drive designs.



723 Lakeview Dr (Pt 1 & Pt 2)

These images show a wide **split-access driveway** that flares into the yard at both entry points, creating a soft “U-shape.” The width and symmetry offer turning clearance and reduce dependency on street parking.

905 Lakeview Dr

This property has a **dual-entry concrete driveway** with a wide apron and symmetrical flares. The design supports multiple vehicles and resembles the turning radius and access functionality of a circular layout.

908 Lakeview Dr

This home features a traditional **circular driveway** with dual curb cuts and a landscaped center island. The configuration allows vehicles to enter and exit without reversing into traffic, improving safety and maintaining aesthetic cohesion with the front lawn design.

419 Lakeview Dr

A wide apron flanked by two mailboxes and gentle flare on either end, this configuration creates a **dual-access effect** on what appears to be a wide single-lot frontage. The design supports multi-vehicle use and turning without full street maneuvering.

602 Sky Mountain Dr

This driveway blends asphalt and paved surfaces with a large, **asymmetrical apron** and vehicle turnaround space in front of the garage. The approach mimics a circular drive in function, providing room to loop or angle without reversing into traffic.

802 N Lakeview Dr

This driveway includes **two contiguous aprons** with a carport and auxiliary pad, with no vegetative separation between curb cuts. Functionally, it operates as a circular system despite appearing as a widened double drive.

910 Lakeview Dr

This example features a **dually split concrete drive** — one portion leads directly to the garage, while the other wraps into an auxiliary parking or turnaround area. The curb interface clearly exceeds standard width and utilizes nearly the full lot line.

1002 Lakeview Dr

This driveway spans nearly the entire frontage with a substantial **flared apron**, allowing multiple vehicles to park or turn within the ROW without encroaching on the street. Its width and shape exceed typical residential curb cuts, demonstrating practical precedent for broader access allowances.

Certified Lot Survey Summary — 904 Lakeview Drive (Exhibit B)

Supporting Direct Curb-Connected Circular Driveway Design

This certified survey of 904 Lakeview Drive, dated March 29, 2023, by **Blew & Associates, P.A.**, confirms that the subject property possesses both the legal and physical characteristics necessary to support a **direct street-connected circular driveway** with dual curb cuts.

1. Sufficient Street Frontage for Dual Access

- The parcel offers approximately **100.4 feet of continuous public street frontage** along East Lakeview Drive (per Plat A-188 & 189), providing more than adequate space for two curb cuts.

- The driveway will connect **directly to the public street surface**, consistent with Standard Detail ST-24 and Engineering Manual §6.02, which allow curb-connected driveways within ROW when properly permitted.

2. No Setback Requirement for Driveway Pavement

- The survey clearly identifies **30-foot front building setback lines**, but **driveways are not subject to this restriction** under current zoning and development standards for RSF districts.

- The proposed drive remains fully within buildable area and **can legally begin at the right-of-way line**, with no required buffer or offset.

3. ROW & Easement Compliance Maintained

- No portion of the proposed drive interferes with the **5’ utility easement** to the east or any overhead utility lines, water meters, or septic infrastructure.

- All construction will occur within the bounds of the property and **the public right-of-way**, as allowed under the City's ROW Use Permit process, and no work is proposed in side setbacks or utility corridors.

4. Site-Specific Functionality

- The proposed dual-access design connects directly from the street to a circular loop in front of the home, optimizing flow, sight distance, and vehicle maneuvering.

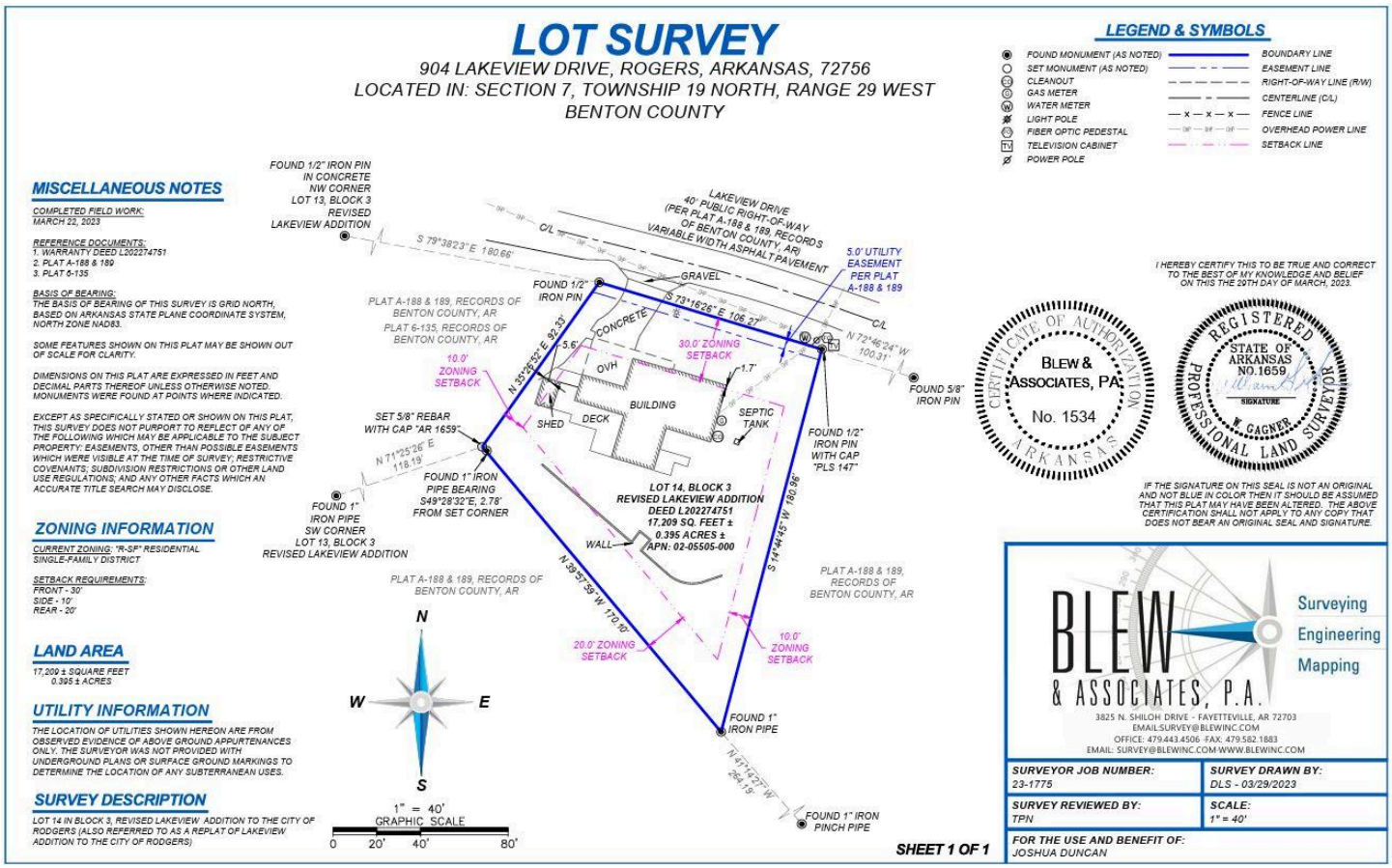
- Given the slope of the site and runoff pattern toward the southeast, the driveway placement supports controlled sheet flow across pavement rather than onto the lawn or foundation, thereby enhancing both safety and drainage.

5. Compliance with Intended Code Objectives

- The driveway supports the goals of **UDC §§14-711 and 14-715** by aligning with existing neighborhood form, encouraging architectural cohesion, and improving the functional use of the parcel.

- Dual access at the curb also reflects multiple established precedents in the surrounding area — where curb-connected concrete and flared drives have been permitted along similar lot widths.

Conclusion:
This survey demonstrates that a **circular driveway directly connecting to the street with two curb cuts** is both legally permissible and physically appropriate. No structural encroachment, setback violation, or easement impact will result. The design supports the **minimum necessary footprint for safe and effective use** while complying with the City's ROW regulations and RSF zoning requirements.



Owner Affidavit

Property Address: 904 E Lakeview Dr, Rogers, AR 72756

Parcel Number (APN): 02-05505-000

Name of Owner: Joshua Duncan

Phone: (479) 372-2567

Email: joshaduncan@gmail.com

Affidavit Statement:

I, Josh Duncan, being duly sworn, depose and say that I am the owner of the property located at 904 E Lakeview Dr, Rogers, AR 72756, and that I am requesting a variance for the purpose of constructing an additional driveway (circular drive) on my property.

I affirm that:

- I am the lawful owner of the property described above.
- The information submitted in support of this variance request is accurate to the best of my knowledge.
- I understand that this request must comply with all applicable zoning and development codes unless otherwise approved through a formal variance process.
- I authorize the City of Rogers and its staff to enter the property for inspection related to this application.
- I will comply with all decisions made by the Planning Commission and/or Board of Adjustment concerning this application.

Signature: _____, LPC

Date: August 13, 2025

CERTIFICATION

I hereby state that to the best of my knowledge all property owners within 300 feet of my property have been notified by Certified mail at least 15 days prior to the upcoming public hearing for my rezone request.

Dated this the 22nd day of September, 2025.

Hope Duncan
Signed

Hope Duncan
Name Printed

STATE OF ARKANSAS

COUNTY OF Benton

Subscribed and sworn before me this the 22 day of September, 2025.

JONATHAN MITCHELL
COMM. #12714551
Notary Public - Arkansas
Benton County
My Comm. Expires May 17, 2031

Jonathan Mitchell
Notary Signature

Jonathan Mitchell
Notary Name Printed

May 17, 2031
Commission Expires

City of Rogers – Board of Adjustment
Notice to Surrounding Landowners
Date: **September 19, 2025**
Applicant: **Joshua Duncan**
Address of Subject Property: **904 East Lakeview Drive, Rogers, AR 72756**

Zoning District: **T3.1 (Neighborhood Very Low Intensity)**

Dear Property Owner,

This letter is to inform you that a request for a **variance** has been submitted to the **Rogers Board of Adjustment** concerning the above property.

A **public hearing** will be held on October 7, 2025 at 5:30 p.m. in the City Council Chambers of the City Hall Building located at 301 W. Chestnut Street, Rogers, Arkansas.You are receiving this notice because you own property within **300 feet** of the subject address, and your input is welcome.

If you have any questions or would like more information, you may contact:

Amber Long, Planner II
Dept. of Community Development
City of Rogers
301 W. Chestnut St., Rogers, AR 72756
(479) 621-1186
www.rogersar.gov

Sincerely,
Joshua Duncan
Email: josh@nwapsychotherapy.com
Phone: (479) 372-2567

NOTICE OF PUBLIC HEARING
NOTICE OF PUBLIC HEARING
VARIANCE
COMMUNITY DEVELOPMENT
PLANNING DIVISION
BCR 82W

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