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

**PLANNING COMMISSION MEETING AGENDA**
**NOVEMBER 4, 2025**
**5:30 PM**
**VIEW ONLINE**
**PLANNING COMMISSION: HTTPS://US02WEB.ZOOM.US/J/85939049237**
**BOARD OF ADJUSTMENT: HTTPS://US02WEB.ZOOM.US/J/85939049237**

**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**

## CALL TO ORDER PLANNING COMMISSION:

## ROLL CALL:

## ACTION ON MINUTES:

a. Approving October 21, 2025 meeting minutes.

## PUBLIC FORUM:

Public testimony on any issue not listed on the agenda may be provided at this time. **Public hearing** is offered at this time for **consent agenda** items noted below.

## CONSENT AGENDA:

The Planning Commission will offer anyone in attendance the opportunity to express interest in speaking on an item on consent. Please identify yourself, and the Commission will remove the item you're interested in from Consent Agenda to New Business. **Anything not removed from Consent Agenda will be approved with one motion and vote.**

**a. Moffett Rezone**

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

A rezone subject to standard review at 1618 S. Osage Rd. from the T-2(Rural) zoning district to the T3.2 (Neighborhood Low Intensity) zoning district.
STAFF: Nick Little, Planner II
REPRESENTED BY: Andrew Moffett

**b. Lanning Rezone**
A rezone subject to standard review at 2729 W. Olive Street from the T2 (Rural) zoning district to the T4.1 (Neighborhood Medium-Intensity) zoning district.
STAFF: Nick Little, Planner II
REPRESENTED BY: Skylar Lanning

**c. Mobius Rezone**
A rezone subject to standard review at 5537 S. Bellview Road from the T2 (Rural) zoning district to the T4.1 (Neighborhood Medium-Intensity) zoning district.
STAFF: Amber Long Planner II
REPRESENTED BY: Will and Courtney McCants

## PUBLIC HEARINGS:

**a. OLD BUSINESS - Items previously discussed and tabled.**

None.

**b. NEW BUSINESS - Any items removed from consent agenda.**

## REPORTS :

a. COMMISSIONERS

b. STAFF

## ADJOURN PLANNING COMMISSION:

## CALL TO ORDER BOARD OF ADJUSTMENT:

## ACTION ON MINUTES:

a. Approving October 21,2025 meeting minutes.

## OLD BUSINESS :

None.

## NEW BUSINESS:

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

**a. Randall Hurban Variance**
Requesting a variance from the Unified Development Code at 9 S. Queensborough Lane in the T3.1 (Neighborhood Very Low Intensity) zoning district.
STAFF: Nicholas Little, Planner II
REPRESENTED BY: Randall Hurban

**b. Rex Bair Variance**
Requesting a variance from the Unified Development Code at 4107 W. Mocking Lane in the T3.2 (Neighborhood Low Intensity) zoning district.
STAFF: Nicholas Little, Planner II
REPRESENTED BY: Rex Bair

## ADJOURN BOARD OF ADJUSTMENT:

COMMUNITY DEVELOPMENT
PLANNING DIVISION
301 W. CHESTNUT
planning@rogersar.gov
(479) 621-1186

**ROGERS PLANNING COMMISSION MINUTES**

The Rogers Planning Commission met for a public meeting at Rogers City Hall at 301 W. Chestnut Street on October 21, 2025 at 5:42 P.M. The meeting was called to order by Chairman Steve Lane followed by the Pledge of Allegiance.

**ROLL CALL**

Commissioners attending: Jorge Andrade, Samantha Best, Derek Burnett, Hannah Cicioni, Kevin Jensen, Steve Lane, Ed McClure, Isaac Stevens and Ezequiel Tovar.

**ACTION ON MINUTES**

Motion by McClure, second by Stevens to approve the September 16, 2025 Planning Commission meeting minutes as presented.
Voice Vote: Unanimous – Yes. *Motion carried.*
**APPROVED.**

**CONSENT AGENDA**

**a. Moffett Rezone**

A rezone subject to standard review at 1618 S. Osage Rd. from the T-2(Rural) zoning district to the T3.1 (Neighborhood Very Low Intensity) zoning district.

Staff mentioned Moffett would need to be tabled because the requested zone is not allowed in Neighborhood placetype. A public hearing will still be required since notices were sent out and the ad was published in the paper.

The Chairman opened the public hearing for comments.

- Gary Meeks – asked if only 1618 S. Osage was being rezoned or if other parcels were too. Commissioners and staff clarified that the subject property is the only parcel being rezoned.

The public hearing was declared closed.

Motion by McClure, second by Cicioni to remove Moffett rezone from consent agenda.
Voice Vote: Unanimous – Yes. *Motion carried.*
**APPROVED.**

**b. CCSM Ventures Rezone**

A rezone subject to standard review at 0.96 acres near the intersection at E. Walnut and E. Spring Street from the T4.1 (Neighborhood Medium- Intensity) zoning district to the T4.2 (Neighborhood High-Intensity) zoning district.

The Chairman opened the public hearing for comments.

- Sharon Clark-Will – asked what the use was going to be at the subject property. Commissioners clarified they are only reviewing the rezone not a specific building or business use.

The public hearing was declared closed.

Motion by McClure, second by Cicioni to remove CCSM Ventures rezone from consent agenda.
Voice Vote: Unanimous – Yes. *Motion carried.*
**APPROVED.**

**PUBLIC HEARINGS**
**Old Business – None**

**New Business**

**a. CCSM Ventures Rezone**

A rezone subject to standard review at 0.96 acres near the intersection at E. Walnut and E. Spring Street from the T4.1 (Neighborhood Medium- Intensity) zoning district to the T4.2 (Neighborhood High-Intensity) zoning district.

Planner Laural Scates noted the subject property is in the Urban Neighborhood placetype and the applicant is requesting to rezone to T4.2 which would fall under standard review. The requested zoning is between a more intense T5.2 zoning in the downtown city center placetype to the west and the lesser intense T4.1 Neighborhood placetype to the east. Staff recommends approval of the request.

The Chairman re-opened the public hearing for comments. There were no additional comments.
The public hearing was declared closed.

Motion by McClure, second by Stevens to recommend the request to City Council for approval as presented.
Voice Vote: Unanimous. *Motion carried.*
**APPROVED.**

**b. Moffett Rezone**

A rezone subject to standard review at 1618 S. Osage Rd. from the T-2(Rural) zoning district to the T3.1 (Neighborhood Very Low Intensity) zoning district.

Planning Deputy Director Joe Rexwinkle stated that the item must be tabled because T3.1 is not an allowed zone in the Neighborhood placetype. The applicant has sent new notices for the 11/4 Planning Commission meeting to request a rezone to T3.2 (Neighborhood Low Intensity).

The Chairman re-opened the public hearing for comments. There were no additional comments.
The public hearing was declared closed.

Motion by McClure, second by Cicioni to table the request till the 11/4 Planning Commission meeting.
Voice Vote: Unanimous. *Motion carried.*
**APPROVED.**

**REPORTS**

a. Pattern Zone Presentation

A presentation to discuss pre-approved building plans for residential buildings.

Planner Amber Long introduced the Pattern Zone Program which aims to streamline the review and permitting processes for a range of housing types and by providing insights into development factors.

Matthew Petty and Matthew Hoffman present the programs progress, including the development of a portfolio of building plans. The program aims to provide pre-approved plans that can be used city-wide, making it easier and faster to get building permits. The presentation includes examples of various building plans, such as cottage, single-family homes, and duplexes, highlighting their flexibility and potential for affordable housing.

Commissioners and staff discuss program benefits and support it's potential to improve housing in Rogers.

**ADJOURN**

There being no further business, the Chair adjourned the meeting at 6:36 p.m.

**ATTEST:** **APPROVED:**

_____ _____

Derek Burnett, Secretary Steve Lane, Chairman




*Nature of the Request:*

The following request is for an amendment to the City of Rogers Unified Development Code Zoning Map, in accordance with Section 2.8 of the Rogers Unified Development Code.

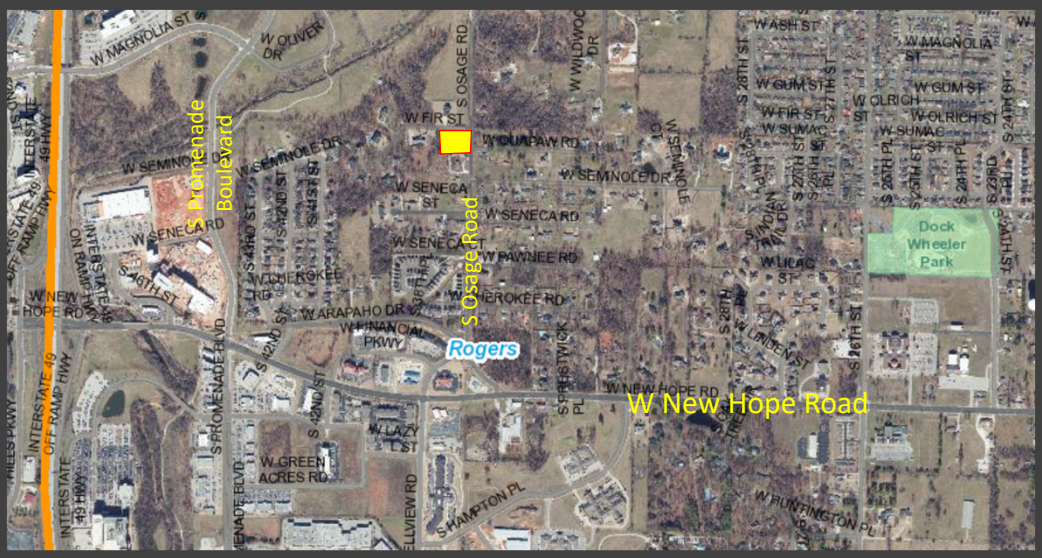
*Request Details:*

- Proposal: The applicant is proposing to rezone 1.58 acres to T3.2(Neighborhood Low Intensity) as presented in the Neighborhood Fabric placetype.
- Review Type: Standard

Rezone

Moffett

PLANNING




*Geolocation*

*Location Description*

West-central Rogers; 1.58 acres along S Osage Road

Parcel 02-01671-117

Rezone

Moffett

PLANNING

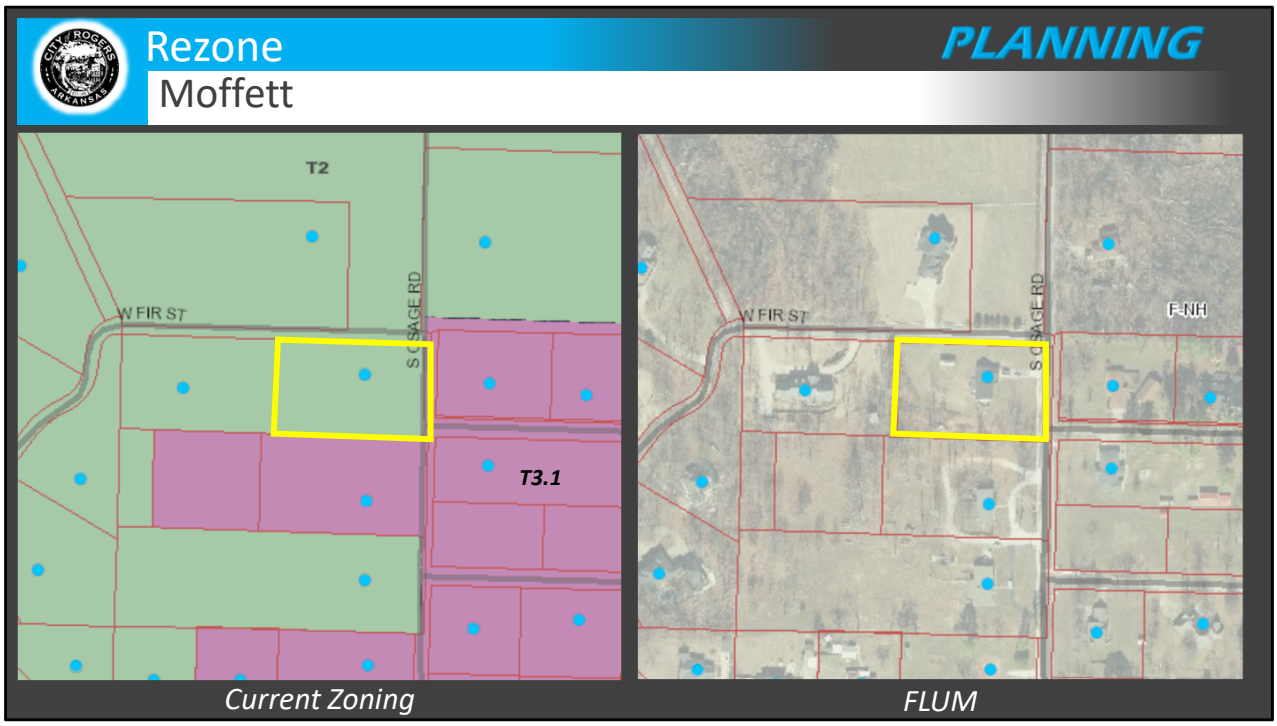


*Subject property looking SSW*

*Location Description*

West-central Rogers; 1.58 acres along S Osage Road

Parcel 02-01671-117




*Current Zoning*

T2 – Rural: A very low-intensity district intended for agricultural uses and as a temporary holding zone pending development.

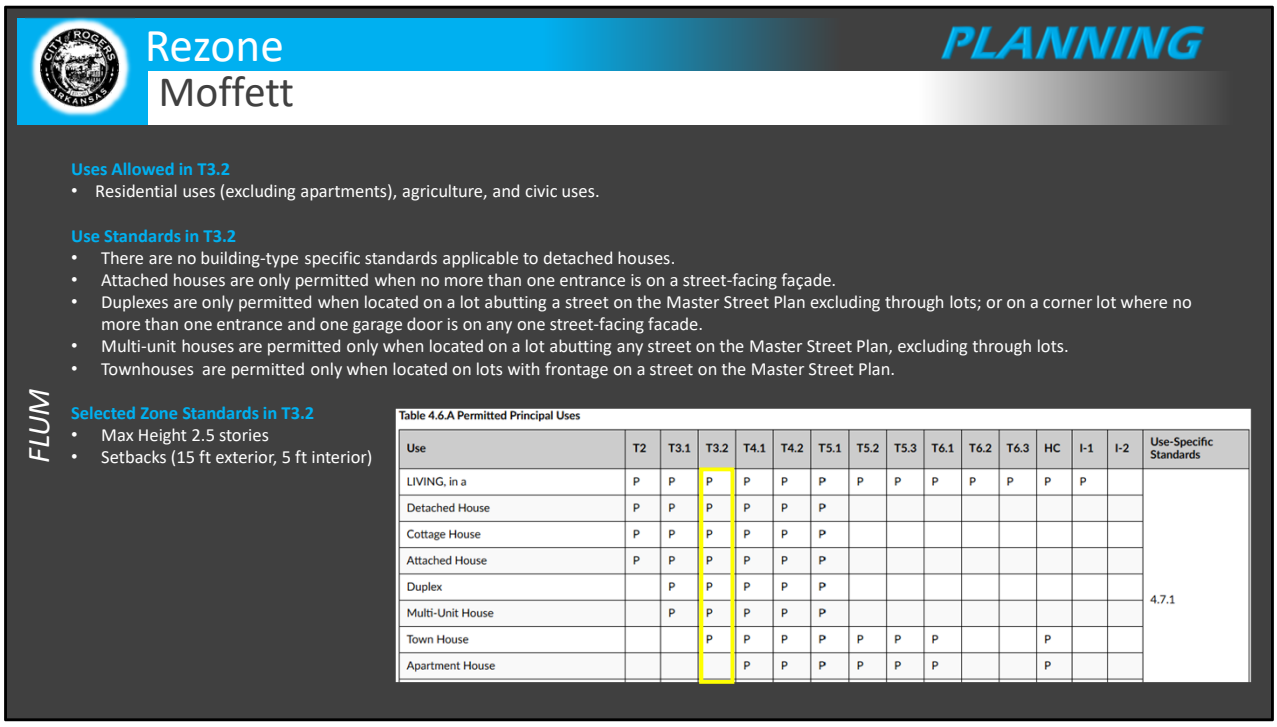
*Proposed Zoning*

T3.2 – Neighborhood Low-Intensity: A low-intensity district intended primarily for suburban neighborhoods, neighborhood fabric, and downtown neighborhood placetypes where nonresidential uses are limited.




Placetype
Neighborhood Fabric

Placetype Description
"Neighborhood Fabric areas offer a diverse mix of housing options, ranging from single-family homes to small-scale multi-unit housing, neighborhood-scale parks, schools, and low impact retail and service establishments. These areas are constructed in an interconnected pattern of accessible streets and blocks for active transportation users of all ages and abilities. Neighborhood character is created through the style and type of housing and greenspace. " *Rogers Future Land Use Placetypes*, pg. 6.




Placetype

Neighborhood Fabric

Placetype Description

"Neighborhood Fabric areas offer a diverse mix of housing options, ranging from single-family homes to small-scale multi-unit housing, neighborhood-scale parks, schools, and low impact retail and service establishments. These areas are constructed in an interconnected pattern of accessible streets and blocks for active transportation users of all ages and abilities. Neighborhood character is created through the style and type of housing and greenspace. " *Rogers Future Land Use Placetypes*, pg. 6.




***PUBLIC INPUT:***
Several neighbors have called and emailed with questions, and stating their opposition to the request.

***RECOMMENDATIONS:***
Staff recommends **approval** of this request.

***2.8.8 Planning Commission***
***2.8.8.2 Enhanced Review Districts***
The Director shall place applications for enhanced review districts on the regular agenda and the Commission shall hold a separate public hearing.

*Possible Planning Commission Motions for Standard Review:*
- Recommend approval or denial. Either motion is deemed to pass when a majority of the quorum present vote in favor; or
- Table the request to a date certain not to exceed 60 days for more information. Such a motion requires a majority of the quorum present to pass; or
- Dismiss the request and the applicant's request. Such a motion requires a majority of the quorum present to pass.

**PROPERTY OWNER AFFIDAVIT**

The petitioner, Andrew Donald Moffett and Emily Faith McDonald (also, Emily Faith Moffett) petitions the Planning Commission of the City of Rogers, Arkansas to rezone certain real property as set forth herein:

LEGAL DESCRIPTION: PART OF THE NORTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 16, TOWNSHIP 19 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT 33.00 FEET SOUTH 00° 00' 00" EAST OF THE NE CORNER OF SAID NORTHEAST ¼ OF THE SOUTHEAST ¼; THENCE SOUTH 00° 00' 00" EAST 209.00 FEET; THENCE NORTH 90° 00' 00" WEST 330.00 FEET; THENCE NORTH 00° 00' 00" EAST 209.00 FEET; THENCE NORTH 90° 00' 00" EAST 330.00 FEET TO THE POINT OF BEGINNING, HAVING AN AREA OF 1.58 ACRES, MORE OR LESS, BEING THE SAME PROPERTY AS TRACT 1 ON THE TRACT SPLIT FILED FOR RECORD MAY 20, 2009, IN PLAT BOOK 2009 AT PAGE 258, RECORDS OF BENTON COUNTY, ARKANSAS.

LAYMAN'S DESCRIPTION: 1618 S Osage Road, Rogers, Arkansas, 72758

PRESENT ZONING: T2

ZONING REQUEST: T3.1

Respectfully Submitted,

Emily Moffett

By: Andrew Moffett

(Property Owner Signature)

STATE OF ARKANSAS
COUNTY OF Benton

Subscribed and sworn before me this the 25th day of August, 2025.

CLAYTON ADAMS
Notary Public - Arkansas
Benton County
Commission # 00005389
My Commission Expires Apr 11, 2035

Notary Signature

Clayton Adams

Notary Name Printed

Apr. 11, 2035

Commission Expires

**PROPERTY OWNER AFFIDAVIT**

The petitioner, Andrew Donald Moffett and Emily Faith McDonald (also, Emily Faith Moffett) petitions the Planning Commission of the City of Rogers, Arkansas to rezone certain real property as set forth herein:

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LAYMAN'S DESCRIPTION: 1618 S Osage Road, Rogers, Arkansas, 72758

PRESENT ZONING: T2

ZONING REQUEST: T3.1

Respectfully Submitted,

Emily Moffett

By: Andrew Moffett

(Property Owner Signature)

STATE OF ARKANSAS
COUNTY OF Benton

Subscribed and sworn before me this the 25th day of August, 2025.

CLAYTON ADAMS
Notary Public - Arkansas
Benton County
Commission # 00005389
My Commission Expires Apr 11, 2035

Notary Signature

Clayton Adams

Notary Name Printed

Apr. 11, 2035

Commission Expires

# 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 7 day of October, 2025.

Emily Moffett
Signed

Emily Moffett
Name Printed

STATE OF ARKANSAS

COUNTY OF Benton

Subscribed and sworn before me this the 7th day of October, 2025.

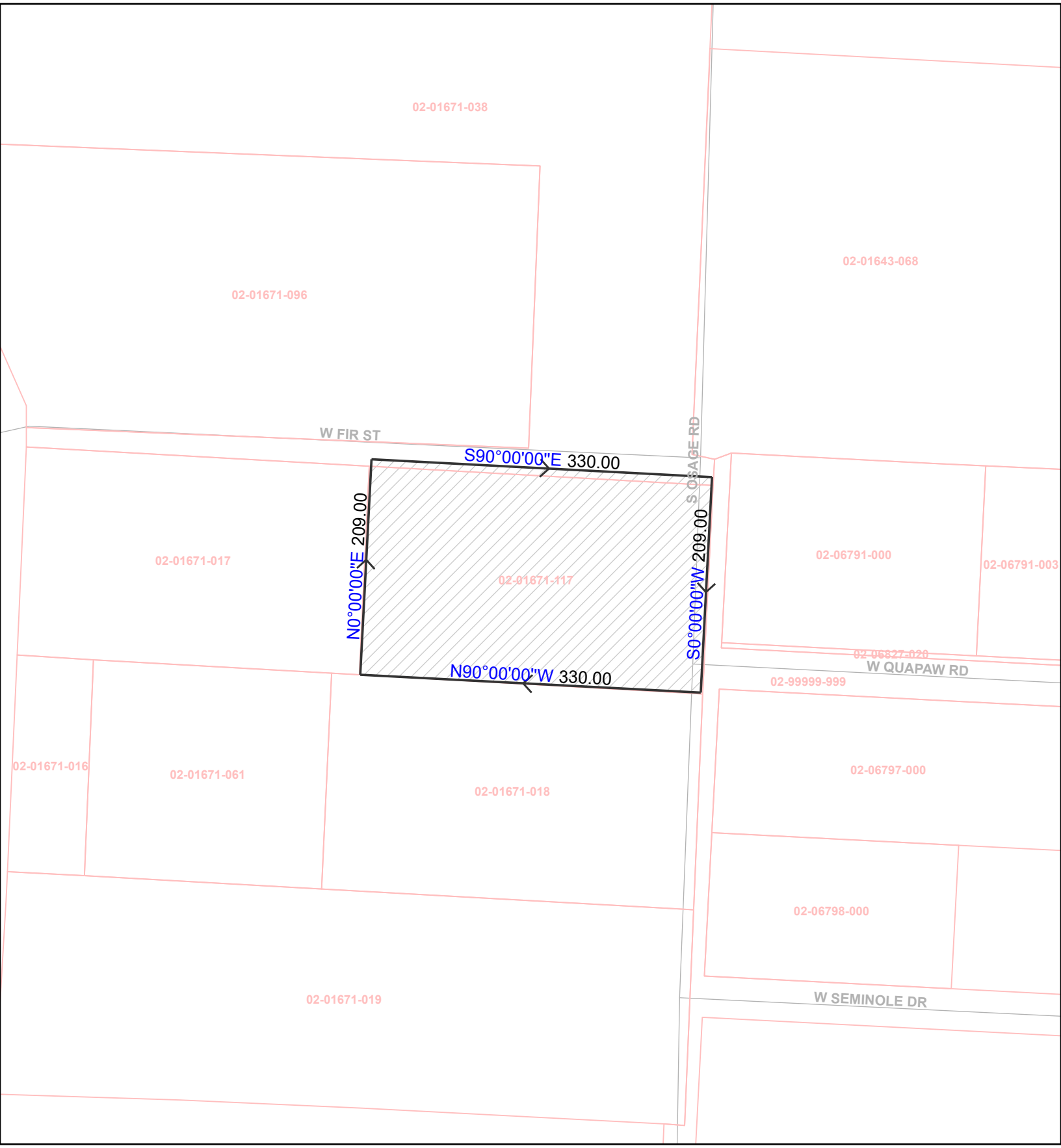
JOSE TRUJILLO
Notary Public - Arkansas
Benton County
Commission # 00000992
My Commission Expires Apr 6, 2034

Notary Signature

Jose Trujillo
Notary Name Printed

April 6, 2034
Commission Expires

# RZ 25-00488 Legal Description Confirmation



# NOTICE OF PUBLIC HEARING

## NOTICE OF PUBLIC HEARING

***REZONE***

| | |
|---|---|
| DESCRIPTION: | To rezone 1618 S. Osage Rd. from T2 (Rural) to the T3.1 (Neighborhood Very Low Intensity) zoning district. |
| APPLICANT & CASE #: | Andrew Moffett (Case #: RZ25-00488) |
| BOARD/COMMISSION: | Planning Commission |
| MEETING DATE/TIME: | October 21, 2025 at 5:30 PM |
| MEETING LOCATION: | Rogers City Council Chambers<br>301 W. Chestnut St. |
| PUBLIC COMMENTS: | planningcommission@rogersar.gov |

https://www.rogersar.gov/1181/Public-Hearing-Items

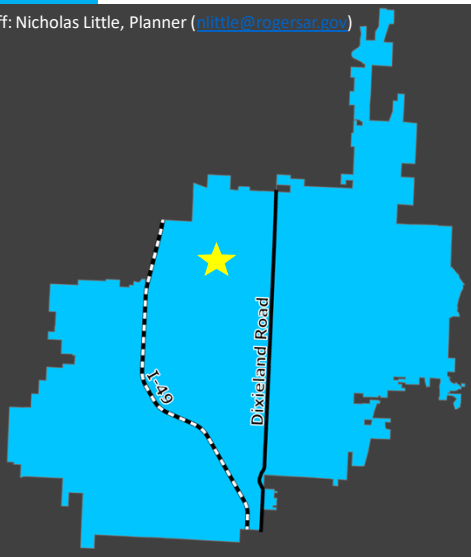
CITY of ROGERS ARKANSAS

**COMMUNITY DEVELOPMENT**
**PLANNING DIVISION**
**(479) 621.1186**
**planning@rogersar.gov**

# Rezone
## Lanning

PLANNING

Staff: Nicholas Little, Planner (nlittle@rogersar.gov)




*Vicinity Map*

**Location**
2729 W Olive Street

**Place Type**
Urban Neighborhood

**Zoning**
T2

**Proposed Zoning**
T4.1

**Representative**
Skyler Lanning

*Nature of the Request:*

The following request is for an amendment to the City of Rogers Unified Development Code Zoning Map, in accordance with Section 2.8 of the Rogers Unified Development Code.

*Request Details:*

- Proposal: The applicant is proposing to rezone 2.5 acres to T4.1(Neighborhood Medium Intensity) as presented in the Urban Neighborhood placetype.
- Review Type: Standard

Rezone

Lanning

PLANNING

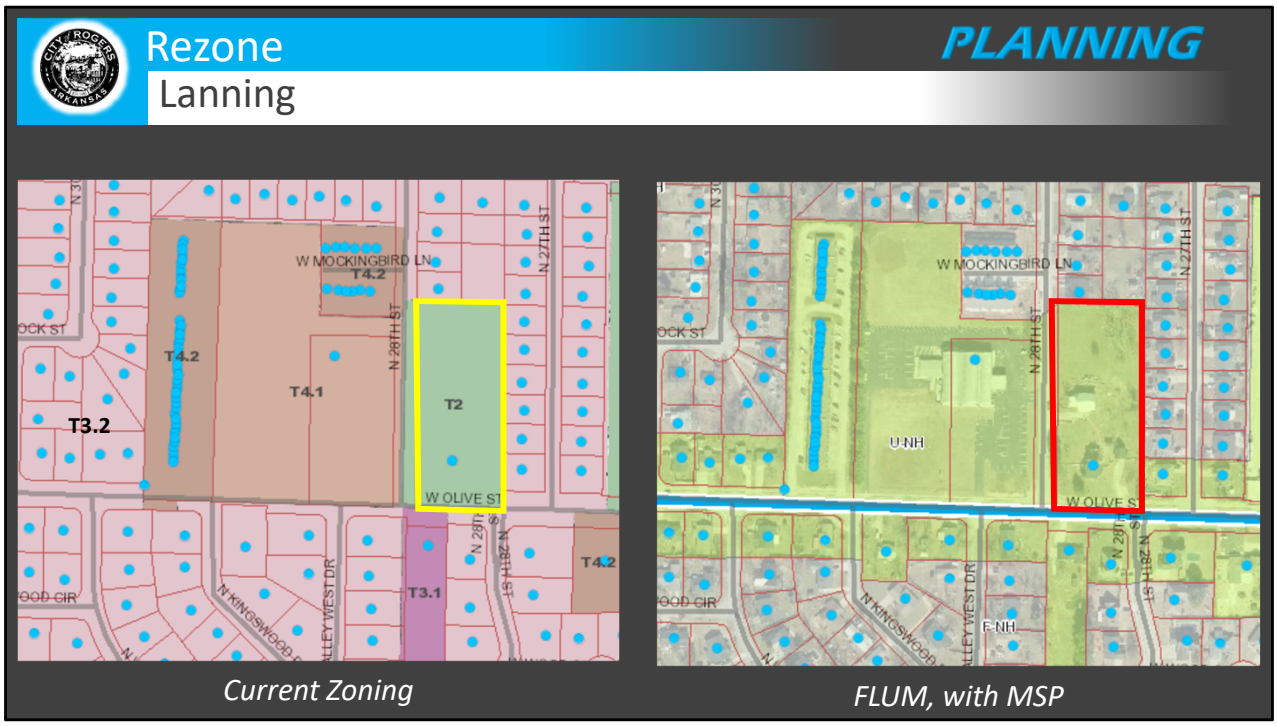



*Geolocation*

*Location Description*

Northwest Rogers; 2.5 acres at the NEC of W Olive Street and N 28th Street

Parcel




*Current Zoning*

T2 – Rural: A very low-intensity district intended for agricultural uses and as a temporary holding zone pending development.

*Proposed Zoning*

T4.1 – Neighborhood Medium Intensity: A medium-intensity district intended primarily for neighborhood fabric, downtown neighborhood, and urban neighborhood placetypes where compatible nonresidential uses within walking distance of homes are allowed..

Rezone
Lanning

PLANNING




*FLUM, with MSP*

**Rezone Request**

1. **T4.1** in **Urban Neighborhood** is subject to Standard Review

**2.8.6 Standard Review Criteria**

When reviewing and making decisions on zoning map amendments labeled "SR" in Table 2.8.3.A, the Planning Commission:

- Shall recommend approval of the proposed district(s) where they conform to the applicable requirements of this UDC.

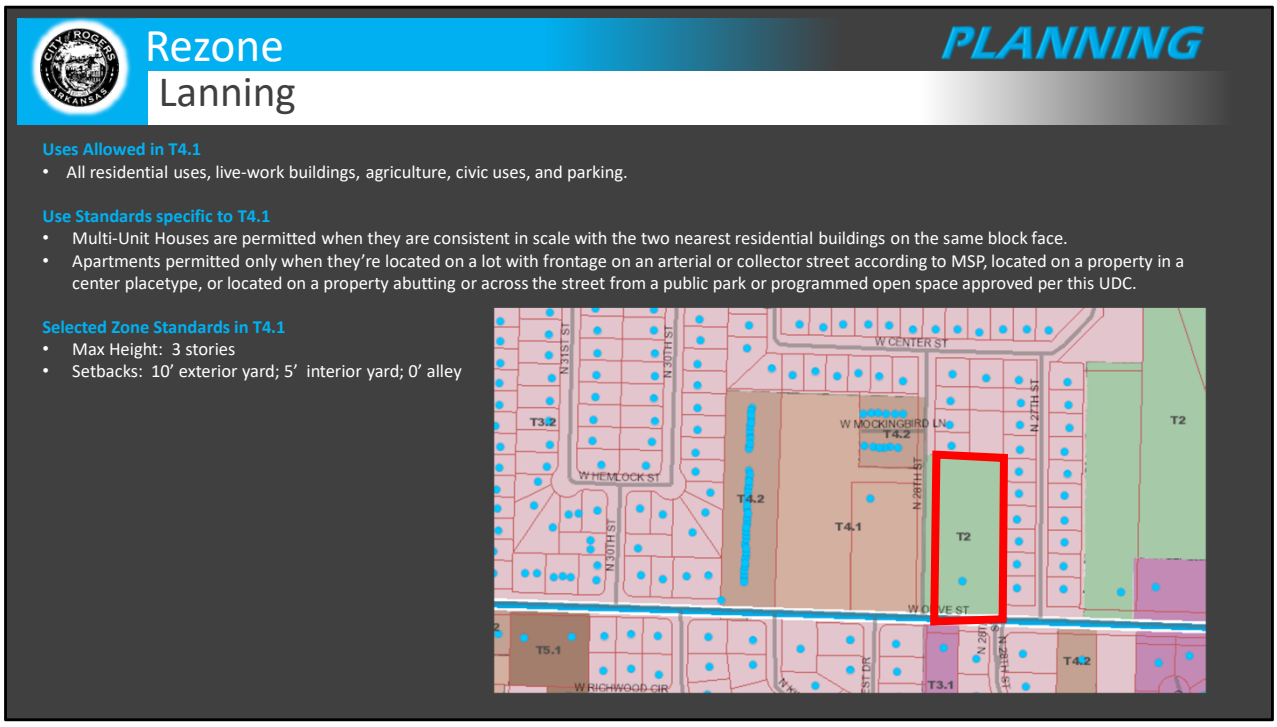
| Place Type | T2 | T3.1 | T3.2 | T4.1 | T4.2 | T5.1 | T5.2 |
|---|---|---|---|---|---|---|---|
| Neighborhood Center | | | | ER | ER | ER | |
| **Neighborhoods** | | | | | | | |
| Urban Neighborhood | | | ER | SR | SR | ER | |
| Fabric | | | SR | SR | ER | | |

Placetype

Urban Neighborhood

Placetype Description

"Urban Neighborhoods contribute a blend of housing and neighborhood-scale services between Centers and Corridors and other residential neighborhoods. These areas emphasize safety and accessibility for active transportation users of all ages and abilities while acting as a harmonious transition between the higher- intensity centers and lower-intensity neighborhoods. " *Rogers Future Land Use Placetypes*, pg. 6.




Placetype

Urban Neighborhood

Placetype Description

"Urban Neighborhoods contribute a blend of housing and neighborhood-scale services between Centers and Corridors and other residential neighborhoods. These areas emphasize safety and accessibility for active transportation users of all ages and abilities while acting as a harmonious transition between the higher- intensity centers and lower-intensity neighborhoods. " *Rogers Future Land Use Placetypes*, pg. 6.




***PUBLIC INPUT:***
No public input received.

***RECOMMENDATIONS:***
Staff recommends **approval** of this request.

***2.8.8 Planning Commission***
***2.8.8.2 Enhanced Review Districts***
The Director shall place applications for enhanced review districts on the regular agenda and the Commission shall hold a separate public hearing.

*Possible Planning Commission Motions for Standard Review:*
- Recommend approval or denial. Either motion is deemed to pass when a majority of the quorum present vote in favor; or
- Table the request to a date certain not to exceed 60 days for more information. Such a motion requires a majority of the quorum present to pass; or
- Dismiss the request and the applicant's request. Such a motion requires a majority of the quorum present to pass.

BEFORE THE PLANNING COMMISSION OF THE CITY OF ROGERS, ARKANSAS

NOTICE OF PUBLIC HEARING FOR A REZONE REQUEST

Notice is hereby given pursuant to Section 2.3.2.4. of the Unified Development Code that Skyler Lanning is applying to the Rogers Planning Commission to rezone certain real property at 2729 West Olive Street, Rogers, AR 72756. The property is more particularly described as follows:

LEGAL DESCRIPTION: PART OF THE WEST 1/2 OF THE WEST 1/2 OF THE SOUTHEAST QUARTER, OF SECTION 3, TOWNSHIP 19 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING DESCRIBED AS FOLLOWS: STARTING AT THE SOUTH QUARTER (S1/4) CORNER OF SAID SECTION, AND THEN PROCEEDING SOUTH 89*32'12" EAST 7.09 FEET FOR THE POINT OF BEGINNING, THENCE SOUTH 89*32'12" EAST, 215.60 FEET; THENCE NORTH 00 DEGREES 39'36" WEST 510 FEET, THENCE NORTH 89 DEGREES 32'12" WEST, 215.60 FEET; THENCE SOUTH 00*39'36" EAST, 510.00 FEET TO THE POINT OF BEGINNING, CONTAINING APPROXIMATELY 2.5 ACRES MORE OR LESS.

LAYMAN'S DESCRIPTION: 2729 West Olive Rogers, AR 72756

PRESENT ZONING: T2 - Rural
ZONING REQUEST: T4.1 - Neighborhood Medium Intensity

A public hearing by the Rogers Planning Commission will be held on November 4th, 2025 at 5:30 p.m. in the City Council Chambers of the City Hall Building located at 301 W. Chestnut Street, Rogers, Arkansas.

Respectfully Submitted,

By: Skyler Lanning

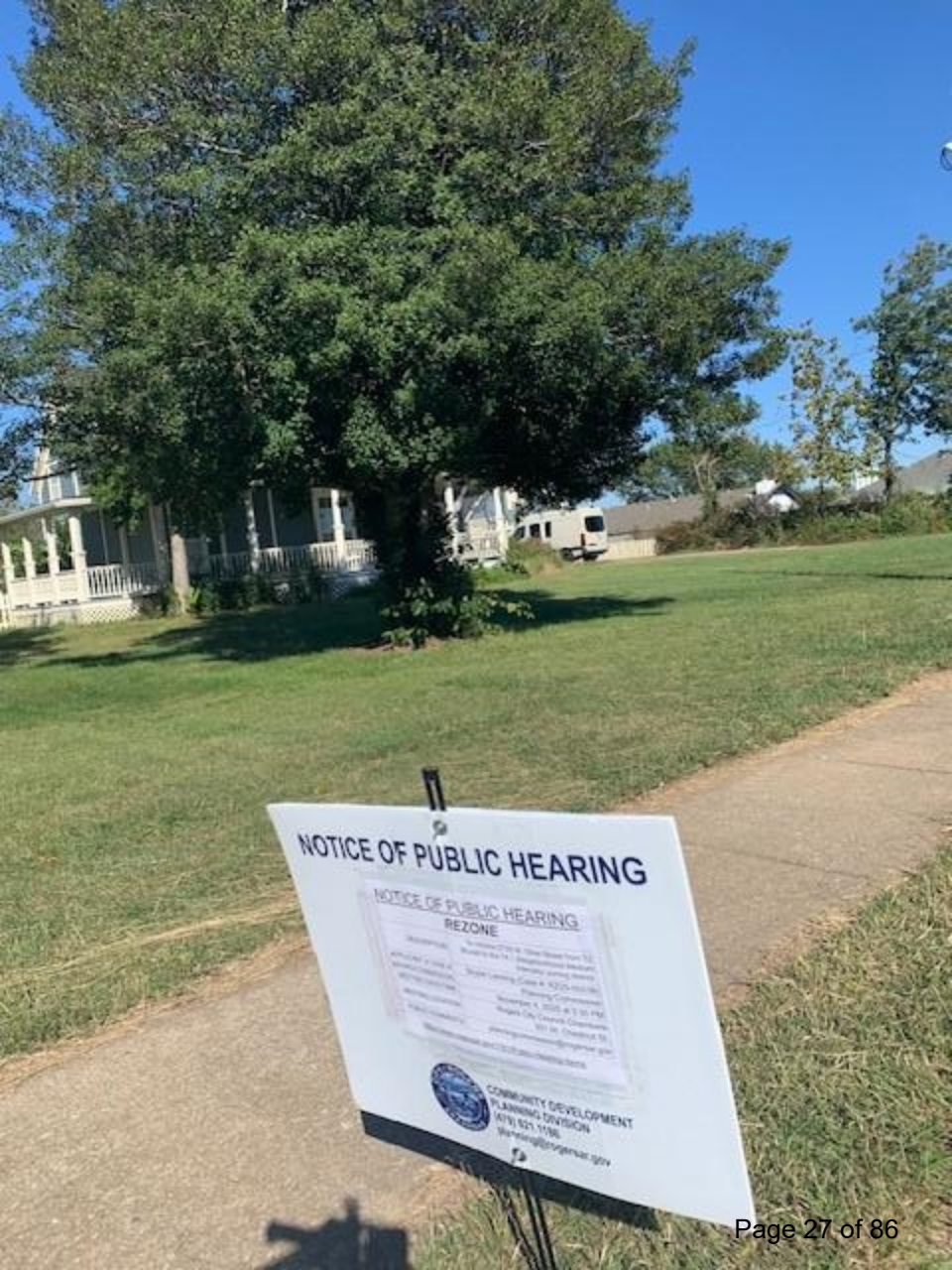
# RZ 25-00539 Legal Description Confirmation

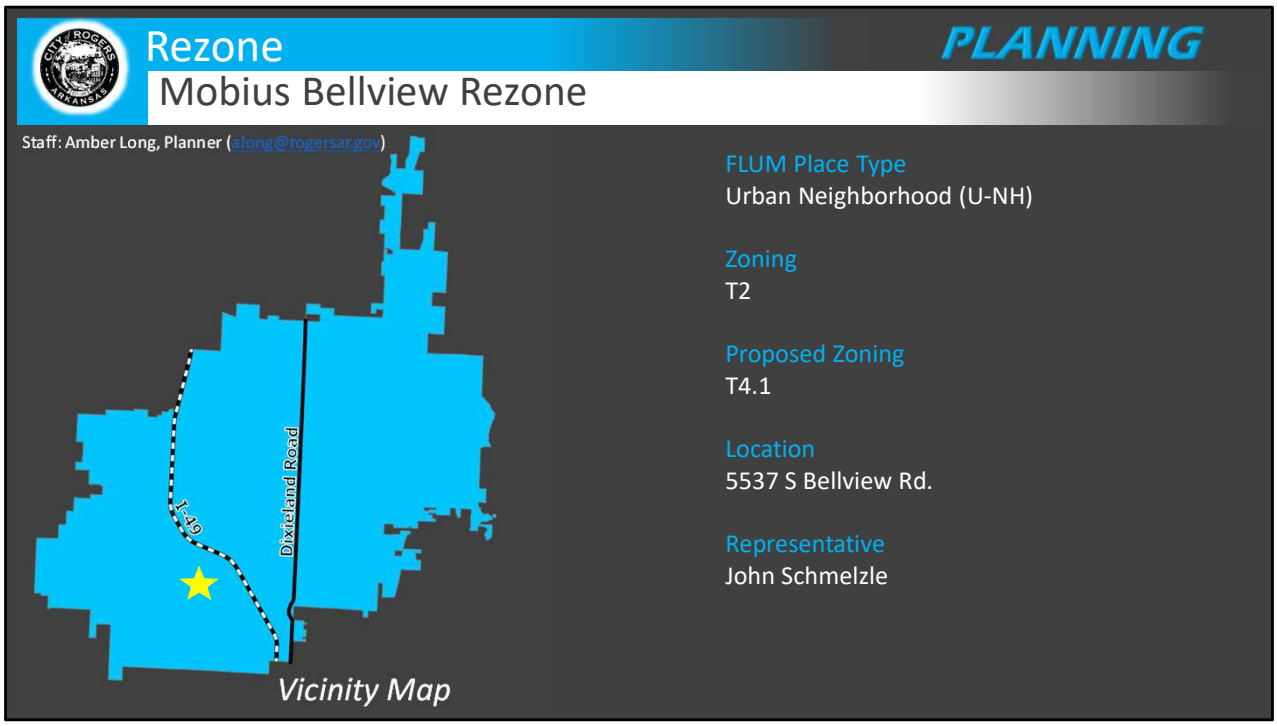



N
W E
S

0 75 150 300 Feet

Legal Description
Roads
Parcels < 300 ft.


NOTICE OF PUBLIC HEARING
NOTICE OF PUBLIC HEARING
REZONE
COMMUNITY DEVELOPMENT
PLANNING DIVISION




*Nature of the Request:*

The following request is for a rezone, in accordance with Section 2.8 of the Rogers Unified Development Code.

*Request Details:*

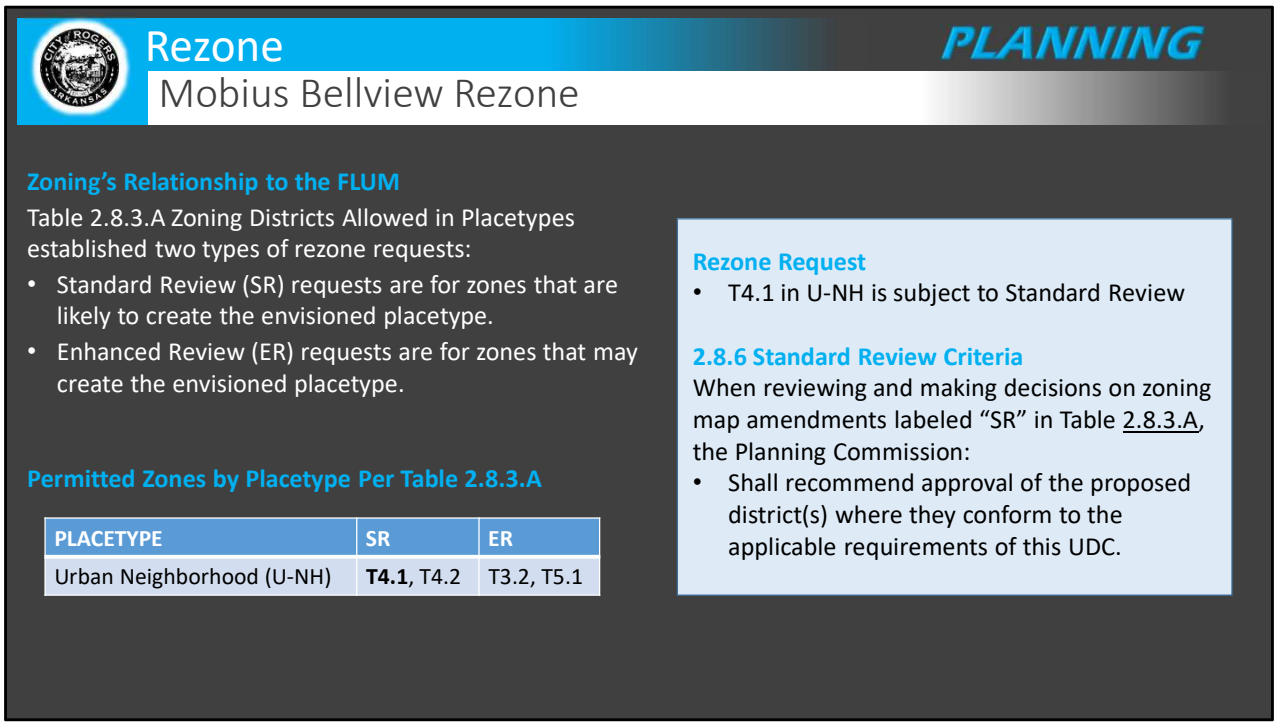
- Proposal: The applicant is proposing to rezone ±2.00 acres from T2 to T4.1 in the Urban Neighborhood (U-NH) placetypes.
- Review Type: Standard




*Location Description*

The subject area is located east of S Bellview Rd, adjacent to W Patt Lee Pkwy. It is southeast of Bellview Elementary School and southwest of Little Sunshine's Playhouse.

Parcels: 02-14353-000




*About the Future Land Use Map (FLUM)*

The Future Land Use Map is an element of the Comprehensive Plan identifying placetypes that the Planning Commission and City Council have carefully considered and determined to be appropriate for the future growth of the City.

*2.8.3 Relationship with Future Land Use Map*

"Table 2.8.3.A Zoning Districts Allowed in Placetypes sets forth zoning districts that:"

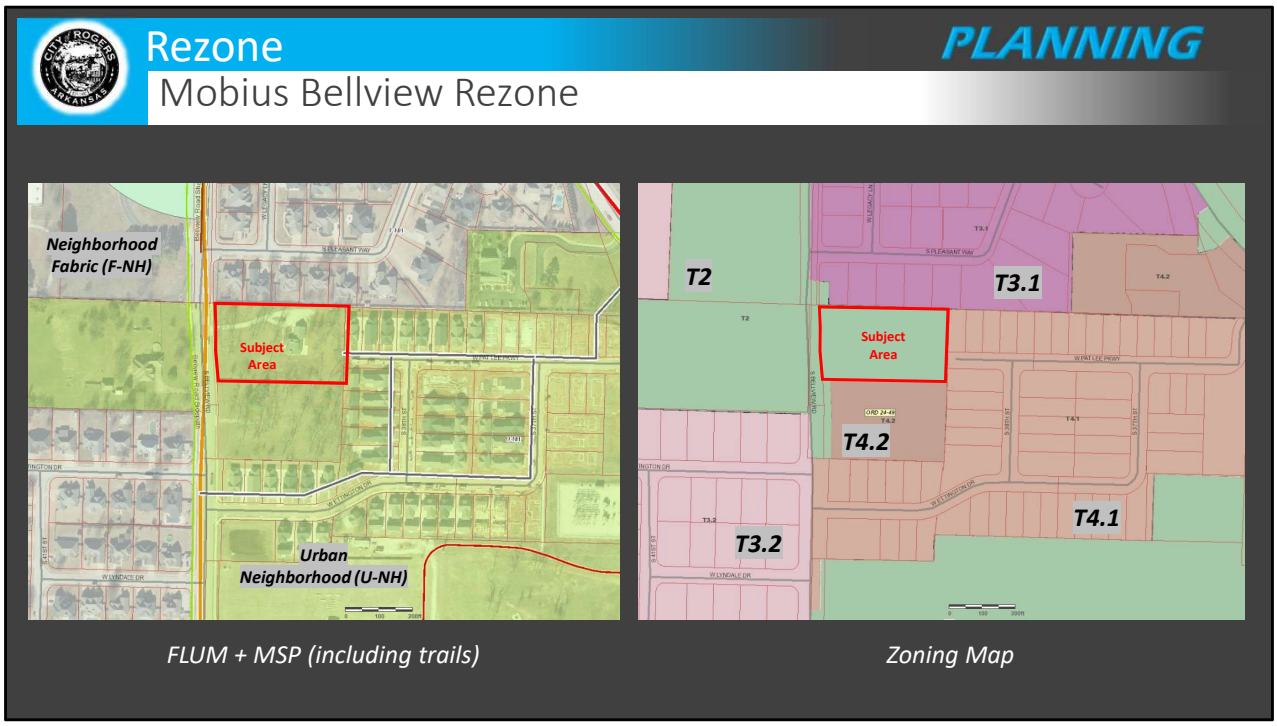
(A) Are likely to create the placetype envisioned by the Plan and thus conform to the Future Land Use Map. Such districts are subject to Standard Review.

(B) May create the placetype envisioned by the Plan and thus may conform to the Future Land Use Map. Such districts are subject to Standard Review and Enhanced Review.

(C) Will not create the placetype envisioned by the Plan and thus will not conform to the Future Land Use Map. Such districts will not be considered by the Planning Commission and City Council unless and until the Future Land Use Map and this UDC are amended accordingly," (UDC 2.8.3).

*Summary of Request:*

This request for a rezone from T2 to T4.1 in Urban Neighborhood (U-NH) is subject to Standard Review.




Rezone Request

Rezone from T2 to T4.1 in Urban Neighborhood (U-NH).

Placetype Description

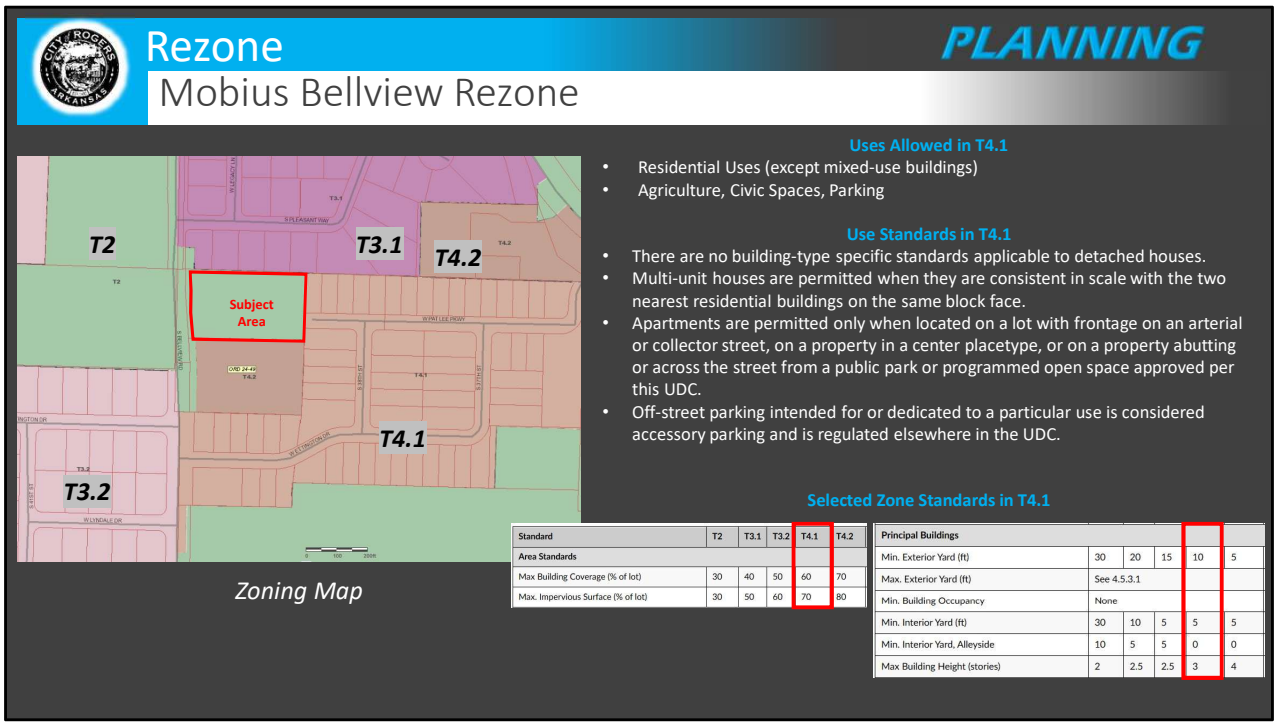
Urban Neighborhood (U-NH): "Urban Neighborhoods contribute a blend of housing and neighborhood-scale services between Centers and Corridors and other residential neighborhoods. These areas emphasize safety and accessibility for active transportation users of all ages and abilities while acting as a harmonious transition between the higher-intensity centers and lower-intensity neighborhoods," *Rogers Future Land Use Placetypes*, pg. 4.

*Current Zone (T2)*

"A very low-intensity district intended for agricultural uses and as a temporary holding zone pending development," (UDC Section 4.2).

*Proposed Zone (T4.1)*

"A medium-intensity district intended primarily for neighborhood fabric, downtown neighborhood, and urban neighborhood placetypes where compatible nonresidential uses within walking distance of homes are allowed," (UDC Section 4.2)

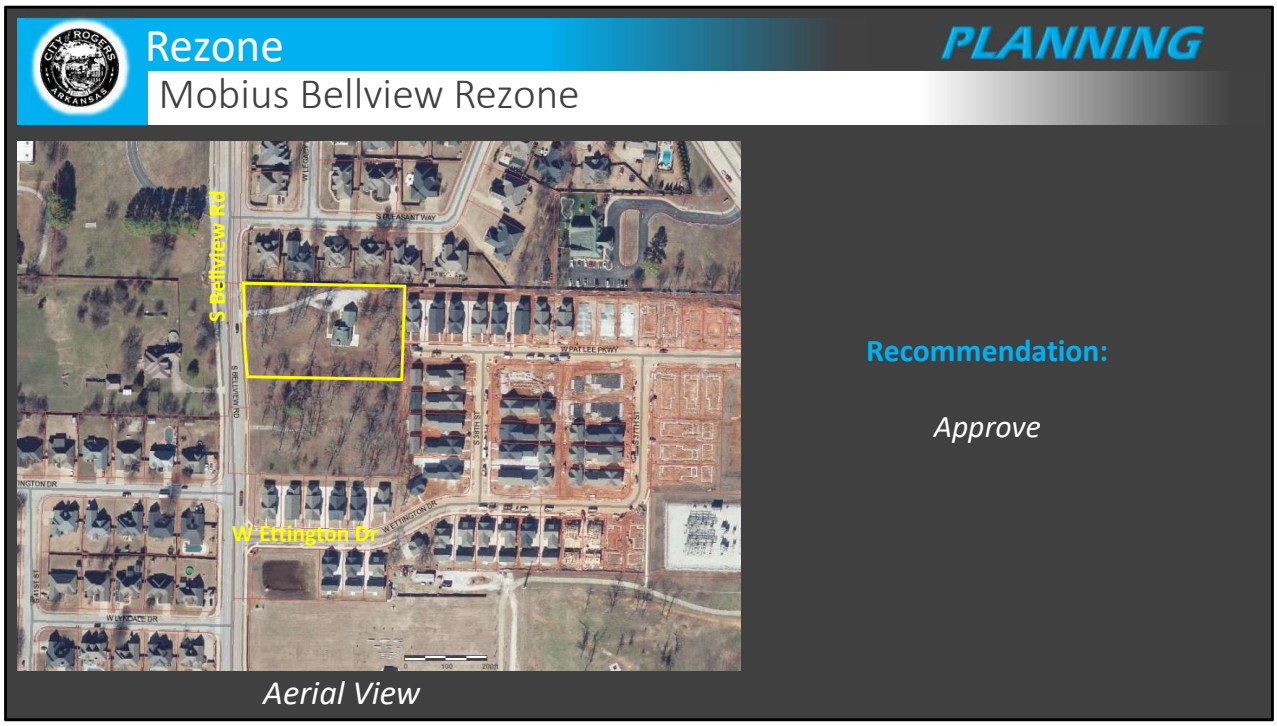



*Future Land Use Map Analysis:*

The subject area is located in the Urban Neighborhood (U-NH) placetype. It is bordered by U-NH to the west, south, and east, and by Neighborhood Fabric (F-NH) to the north.

*Zoning Analysis:*

The proposed rezone is consistent with the Future Land Use Map (FLUM) and appropriate in this development context. Per Table 2.8.3.A, the requested zone T4.1 is considered generally appropriate throughout the U-NH placetype. T4.1 is appropriate along arterial streets such as S Bellview Road (minor arterial). The development form permitted through the requested zone is similar in bulk and intensity to the forms permitted in adjacent zones. T4.1 permits a range of housing types and select non-residential uses, which are compatible with existing uses in the area and expected uses within the Urban Neighborhood placetype.




***PUBLIC INPUT:***
No public input received.

***RECOMMENDATIONS:***
Staff recommends **approval** of this request.

***2.8.8 Planning Commission***
***2.8.8.1 Standard Review Districts***
Where the Director recommends approval of the application they shall cause the Commission to be presented with the request as part of its consent agenda. Interested persons must be provided an opportunity to speak in a public hearing before consideration of the consent agenda.

*Possible Planning Commission Motions for Standard Review:*
- Accept the findings and recommendations of the Director and recommend approval of the rezoning by a majority vote of the quorum present as part of the consent agenda; or
- Remove the application from the consent agenda for commissioner discussion on the application after which the Commission may accept the findings and recommendations of the Director and recommend approval of the rezoning by a majority vote of the quorum present or issue its findings and recommend approval or denial by majority vote of the quorum present.

**DEPT. OF PLANNING**
**CITY OF ROGERS, ARKANSAS**
**301 W. CHESTNUT**
**PHONE: (479) 621-1186**
**FAX: (479) 986-6896**

OFFICE USE ONLY

**Permit Fee:** _____ ($200)

Zoning: _____ to _____

Permit Number: _____

CityView Application: _____

Date: _____

# REZONE APPLICATION

APPLICANT: Will and Cortney McCants (Represented by John Schmelzle)

ADDRESS: 5537 S Bellview Road Rogers, Arkansas 72758 SUITE #: _____

GENERAL LOCATION OF PROPERTY: 1.95 acres adjacent West of Hawthorne Grove Cottages

PHONE #: 248-259-8828 EMAIL: John@schmelzleassociates.com

PROPERTY OWNER: Nicholas and Shea Frakes PHONE #: _____

PRESENT USE: Single Family Residential ZONING: T-2

PROPOSED USE: ~~T-4.2 Commercial Building~~ T-4.1 Civic Space ZONING: ~~T-4.2~~ T-4.1

Applicant Signature 9/15/2025 Date

**Attachment Checklist:**

- ☐ Legal description of property
- ☐ Applicant Certification
- ☐ Property Owner Affidavit
- ☐ Site plan as needed

PLANNING STAFF PROVIDES:

DATE FILED: _____ PUBLIC HEARING DATE: _____ CERTIFIED MAIL DATE: _____

PLANNING COMMISSION ACTION: _____ DATE: _____

CITY COUNCIL ACTION: _____ DATE: _____

ORDINANCE NUMBER: _____ COMMENTS: _____

# PROPERTY OWNER AFFIDAVIT

The petitioner, Will and Cortney McCants, petitions the Planning Commission of the City of Rogers, Arkansas to rezone certain real property as set forth herein:

LEGAL DESCRIPTION: See Attached Exhibit A

LAYMAN'S DESCRIPTION: 1.95+/- Acres along S Bellview Road. Just West of Hawthorne Grove in Rogers

PRESENT ZONING: T-2

ZONING REQUEST: ~~T-2~~ T-4.1

Respectfully Submitted,

By: _____
(Property Owner Signature)

STATE OF ARKANSAS
COUNTY OF Benton

Subscribed and sworn before me this the 15 day of September, 2025.

CARISSA CUMMINGS
MY COMMISSION # 12711479
EXPIRES: July 9, 2030
Benton County

_____
Notary Signature

Carissa Cummings
Notary Name Printed

7.9.2030
Commission Expires

Full Legal Description- 5537 S Bellview Road Rogers, AR 72758

A PART OF THE NW¼ OF THE NW1/4 OF SECTION 34, TOWNSHIP 19 NORTH, RANGE 30 WEST OF THE FIFTH PRINCIPAL MERIDIAN, BENTON COUNTY, ARKANSAS, AND BEING DESCRIBED AS FOLLOWS: COMMENCING AT AN IRON PIN FONND FOR THE NW CORNER OF THE NW¼ OF THE NW¼ OF SECTION 34, TOWNSHIP 19 NORTH, RANGE 30 WEST, SAID IRON PIN ALSO BEING THE POINT OF BEGINNING, AND SAID POINT BEING IN THE ROADWAY OF BELLVIEW ROAD; THENCE LEAVING THE ROADWAY OF BELLVIEW ROAD, N89°21'46"E 362.88 FEET TO A FOUND IRON PIN; THENCE S00°17'49"E 300.00 FEET TO A FOUND IRON PIN; THENCE S89°28'46"W 362.88 FEET TO A POINT IN THE ROADWAY OF BELIVIEW ROAD; THENCE ALONG THE ROADWAY OF BELLVIEW ROAD, N00°17'47"W 299.27 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 2.496 ACRES AND BEING SUBJECT TO THE RIGHT-OF-WAY OF BELLVIEW ROAD ALONG THE WEST SIDE THEREOF: AND TO ALL OTHER EASEMENTS AND RIGHT-OF-WAYS OF RECORD, IF ANY. AND TRACT 2 ON THAT CERTAIN SURVEY PREPARED BY CRAFTON, TULL & ASSOCIATES, INC., AND RECORDED FEBRUARY 23, 2001, IN PLAT RECORD P3 AT PAGE 637 OF THE BENTON COUNTY REAL ESTATE RECORDS AND CONSISTING OF 0.34 ACRES, MORE OR LESS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: PART OF THE NW1/4 OF THE NW¼ OF SECTION 34, TOWNSHIP 19 NORTH, RANGE 30 WEST IN BENTON COUNTY, ARKANSAS MORE FULLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SW CORNER OF THE NW¼ OF THE NW¼ OF SECTION 34; THENCE N00°24'02"W 560.92 FEET; THENCE N89°34'10"E 362.75 FEET TO A FOUND IRON PIN; THENCE N00°23'57"W 460.00 FEET TO THE POINT OF BEGINNING; THENCE N00°23'57"W 299.61 FEET; THENCE N89°28'59"E 50.00 FEET; THENCE S00°23'57"E 299.69 FEET; THENCE S89°34'10"W 50.00 FEET TO THE POINT OF BEGINNING, CONTAINING 0.34 ACRES MORE OR LESS. SUBJECT TO ANY EASEMENTS OF RECORD. LESS & EXCEPT: A PART OF THE NORTHWEST QUARTER (NW ¼) OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 19 NORTH, RANGE 30 WEST DESCRIBED AS FOLLOWS: BEGINNING AT THE FOUND REBAR PIN AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER (NW ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SAID SECTION 34 AND RUN THENCE SOUTH 87°26'16" EAST ALONG THE NORTH LINE OF SAID 40 ACRE TRACT A DISTANCE OF 25.00 FEET TO THE PRESCRIPTIVE RIGHT OF WAY LINE OF BELLVIEW ROAD; THENCE LEAVING SAID NORTH LINE SOUTH 2*42'42" WEST ALONG SAID PRESCRIPTIVE RIGHT OF WAY LINE A DISTANCE OF 299.21 FEET TO THE SOUTH LINE OF GRANTOR'S PROPERTY; THENCE LEAVING SAID PRESCRIPTIVE RIGHT OF WAY LINE NORTH 87°32 19' WEST ALONG SAID GRANTOR'S SOUTH PROPERTY LINE A DISTANCE OF 24.85 FEET TO THE WEST LINE OF SAID 40 ACRE TRACT; THENCE LEAVING SAID SOUTH PROPERTY LINE NORTH 2°40'57" EAST ALONG SAID WEST LINE OF 40 ACRE TRACT A DISTANCE OF 299.25 FEET TO THE POINT OF BEGINNING, CONTAINING 7,459 SQUARE FEET, MORE OR LESS. AND ALSO A PART OF THE NORTHWEST QUARTER (NW1/4) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION 34, TOWNSHIP 19 NORTH, RANGE 30 WEST DESCRIBED AS FOLLOWS: COMMENCE AT THE FOUND REBAR PIN AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER (NW ¼) OF THE NORTHWEST QUARTER (NW 1/4) OF SAID SECTION 34 AND RUN THENCE SOUTH 87°26 16 EAST ALONG THE NORTH LINE OF SAID 40 ACRE TRACT A DISTANCE OF 25.00 FEET TO THE PRESCRIPTIVE RIGHT OF WAY LINE; THENCE LEAVING SAID NORTH LINE SOUTH 2°42'42'"WEST ALONG THE PRESCRIPTIVE RIGHT OF WAY LINE A DISTANCE OF 70.31 FEET TO THE PROPOSED RIGHT OF WAY LINE FOR BELLVIEW ROAD AND FOR THE "TRUE POINT OF BEGINNING" OF THIS DESCRIPTION; THENCE LEAVING SAID PRESCRIPTIVE RIGHT OF WAY LINE SOUTH 2°38'48" EAST ALONG SAID PROPOSED RIGHT OF WAY LINE A DISTANCE OF 193.15 FEET TO A CURVE TO THE RIGHT; THENCE ALONG SAID PROPOSED RIGHT OF WAY LINE AND CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 837.00 FEET. A CHORD BEARING OF SOUTH 1*23'39" EAST, A CHORD LENGTH OF 36.59 FEET, THENCE ALONG THE ARC OF THE CURVE A DISTANCE OF 36.60 FEET TO THE SOUTH LINE OF GRANTOR'S PROPERTY; THENCE LEAVING SAID CURVE AND PROPOSED RIGHT OF WAY LINE NORTH 87°32' 19" WEST ALONG THE SOUTH LINE OF SAID GRANTOR'S

PROPERTY A DISTANCE OF 20.66 FEET TO THE PRESCRIPTIVE RIGHT OF WAY LINE; THENCE LEAVING SAID SOUTH LINE NORTH 24242" EAST ALONG SAID PRESCRIPTIVE RIGHT OF WAY LINE A DISTANCE OF 228.90 FEET TO THE POINT OF BEGINNING, CONTAINING 2,442 SQUARE FEET, MORE OR LESS. ALSO LESS AND EXCEPT: A PART OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 19 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: COMMENCING FROM THE NORTHWEST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE S87°26'02"E 24.78' TO THE EAST RIGHT-OF-WAY OF SOUTH BELLVIEW ROAD, THENCE ALONG SAID RIGHT-OF-WAY S02°41'52"W 70.12', THENCE S02°39'42"E 152.75', THENCE LEAVING SAID RIGHT-OF-WAY S87°29'37"E 373.39' TO THE WEST LINE OF HAWTHORNE GROVE SUBDIVISION PHASE I FILED IN BOOK L2024 AT PAGE 33140, THENCE ALONG SAID WEST LINE S02°40'46"W 237.80' TO AN EXISTING REBAR ON THE NORTH LINE OF HAWTHORNE GROVE SUBDIVISION PHASE I FILED IN BOOK L2024 AT PAGE 33140, THENCE LEAVING SAID WEST LINE OF HAWTHORNE GROVE SUBDIVISION PHASE I AND ALONG SAID NORTH SUBDIVISION LINE THE FOLLOWING; N89°04'55"W 3.45', N87°09'41"W 46.33', N87°29'24"W 315.23' TO THE EAST RIGHT-OF-WAY OF SOUTH BELL VIEW ROAD, THENCE LEAVING THE NORTH LINE OF HAWTHORNE GROVE SUBDIVISION PHASE IAND ALONG SAID EAST RIGHT-OF-WAY THE FOLLOWING; N02°13'02"E 126.20', ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 837.00' FOR A CHORD BEARING AND DISTANCE OF N00°13'19"W 71.25', N02°39'42"W 40.40' TO THE POINT OF BEGINNING, CONTAINING 2.00 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD. SURVEYS: 5/13/2025 L202526176

# 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 public hearing request.

Dated this the 14 day of October, 2025.

Signed

Cortney L. McCants

Name Printed

STATE OF ARKANSAS

COUNTY OF Benton

Subscribed and sworn before me this the 14th day of October, 2025.

STATE OF ARKANSAS NOTARY PUBLIC
SAMANTHA ABIGAIL CORLETTO
MY COMMISSION # 00004645
EXPIRES: January 24, 2035
Benton County

Samantha Abigail Corletto

Notary Signature

Samantha Abigail Corletto

Notary Name Printed

Jan. 24, 2035

Commission Expires

BEFORE THE PLANNING COMMISSION OF THE CITY OF ROGERS, ARKANSAS

**NOTICE OF PUBLIC HEARING FOR A REZONE REQUEST**

Notice is hereby given pursuant to Section 2.8 of the Rogers Unified Development Code that **Will and Cortney McCants** is applying to the Rogers Planning Commission to rezone certain real property at **5537 S Bellview Rd Rogers, AR 72758** The property is more particularly described as follows:

LEGAL DESCRIPTION: **See attached Exhibit A**

LAYMAN'S DESCRIPTION: **5537 S Bellview Rd Rogers, Arkansas 72758**

PRESENT ZONING: **T2**

ZONING REQUEST: **T4.1**

A public hearing by the Rogers Planning Commission will be held on November **4**, 2025 at 5:30 p.m. in the City Council Chambers of the City Hall Building located at
301 W. Chestnut Street, Rogers, Arkansas.

Respectfully Submitted,

By: _____
**(Applicant's Signature)**

**EXHIBIT "A"**

**Part of the NW¼ of the NW¼ of Section 34, Township 19 North, Range 30 West, Benton County, Arkansas, more particularly described as follows: From the NW Corner of said Section 34, said NW Corner lying in the center line of an existing County Road; thence S00°17'49"E 327 feet along said center line to the Point of Beginning; thence N89°30'50"E 363 feet; thence S00°17'49"E 133 feet; thence S89°30'50"W 363 feet to the center line of said County Road; thence N00°17'49"W 133 feet along said center line to the point of beginning, as designated on Plat Record "X" at Page 77, subject to the Right-of-Way of said County Road.**

**AND**

**Part of the NW¼ of the NW¼ of Section 34, Township 19 North, Range 30 West, Benton County, Arkansas, more particularly described as follows: Commencing at the Southwest corner of said NW¼ of the NW¼ of said Section 34; thence N00°24'02"W 560.92 feet; thence N89°34'10"E 362.75 feet; thence N00°23'57"W 300.00 feet to the Point of Beginning; thence N00°23'57"W 160.00 feet: thence N89°34'10"E 50.00 feet; thence S00°23'57"E 160.00 feet; thence S89°34'10"W 50.00 feet to the Point of Beginning; containing 0.18 acres and subject to any easements of record.**

**AND**

**Part of the NW¼ of the NW¼ of Section 34, Township 19 North, Range 30 West, Benton County, Arkansas, more particularly described as follows: Commencing at the Southwest corner of said NW¼ of the NW¼ of said Section 34; thence N00°24'02"W 560.92 feet; thence N89°34'10"E 362.75 feet to a found iron pin; thence N00°23'57"W 433.00 feet to the Point of Beginning; thence S89°34'10"W 332.76 feet; thence N00°24'02"W 27.00 feet; thence N89°34'10"E 332.76 feet to a found iron pin; thence S00°23'57"E 27.00 feet to the Point of Beginning; containing 0.21 acres, more or less. Subject to Bellview Road along the West and to any easements of record.**

**AND**

**A part of the NW¼ of the NW¼ of Section 34, Township 19 North, Range 30 West of the Fifth Principal Meridian, Benton County, Arkansas, and being described as follows: Commencing at an iron pin found for the NW Corner of the NW¼ of the NW¼ of Section 34, Township 19 North, Range 30 West, said iron pin also being the TRUE POINT OF BEGINNING, and said point being in the roadway of Bellview Road; thence leaving the roadway of Bellview Road, N89°21'46"E 362.88 feet to a found iron pin; thence S00°17'49"E 300.00 feet to a found iron pin; thence S89°28'46"W 362.88 feet to a point in the roadway of Bellview Road; thence along the roadway of Bellview Road, N00°17'47"W 299.27 feet to the TRUE POINT OF BEGINNING, containing 2.496 acres and being subject to the right-of-way of Bellview Road along the West side thereof: and to all other easements and right-of-ways of record, if any.**

**AND**

**Tract 2 on that certain survey prepared by Crafton, Tull & Associates, Inc., and recorded February 23, 2001, in Plat Record P3 at Page 637 of the Benton County Real Estate Records and consisting of 0.34 acres, more or less, and being more particularly described as follows: Part of the NW¼ of the NW¼ of Section 34, Township 19 North, Range 30 West in Benton County, Arkansas more fully described as follows: Commencing at the SW corner of the NW¼ of the NW¼ of Section 34; thence N00°24'02"W 560.92 feet; thence N89°34'10"E 362.75 feet to a found iron pin; thence N00°23'57"W 460.00 feet to the point of beginning; thence N00°23'57"W 299.61 feet; thence N89°28'59"E 50.00 feet; thence S00°23'57"E 299.69 feet; thence S89°34'10"W 50.00 feet to the point of beginning, containing 0.34 acres more or less. Subject to any easements of record.**

**LESS AND EXCEPT:**
**A part of the NW¼ of the NW¼ of Section 34, Township 19 North, Range 30 West, described as follows: Beginning at the found rebar pin at the Northwest corner of said NW¼ of the NW¼ of said Section 34 and run thence S87°26'16"E along the North line of said 40 acre tract a distance of 25.00 feet to the prescriptive right of way line of Bellview Road; thence leaving said North line S2°42'42"W along said prescriptive right of way line of a distance of 299.21 feet to the South line of Grantor's property; thence leaving said prescriptive right of way line N87°32'19"W along said Grantor's South property line a distance of 24.85 feet to the West line of said 40 acre tract; thence leaving said South property line N2°40'57"E along said West line of 40 acre tract a distance of 299.25 feet to the Point of Beginning, containing 7,459 square feet, more or less.**

**ALSO LESS AND EXCEPT:**
**A part of the NW¼ of the NW¼ of Section 34, Township 19 North, Range 30 West, described as follows: Commence at the found rebar pin at the Northwest corner of said NW¼ of the NW¼ of said Section 34 and run thence S87°26'16"E along the North line of said 40 acre tract a distance of 25.00 feet to the prescriptive right of way line; thence leaving said North line S2°42'42"W along the prescriptive right of way line a distance of 70.31 feet to the proposed right of way line for Bellview Road and for the "TRUE POINT OF BEGINNING" of this description; thence leaving said prescriptive right of way line S2°38'48"E along said proposed right of way line a distance of 193.15 feet to a curve to the right; thence along said proposed right of way line and curve to the right, said curve having a radius of 837.00 feet, a chord bearing of S1°23'39"E, a chord length of 36.59 feet, thence along the arc of the curve a distance of 36.60 feet to the South line of Grantor's property; thence leaving said curve and proposed right of way line N87°32'19"W along the South line of said Grantor's property a distance of 20.66 feet to the prescriptive right of way line; thence leaving said South line N2°42'42"E along said prescriptive right of way a distance of 228.90 feet to the point of beginning, containing 2,442 square feet, more or less.**

**ALSO LESS AND EXCEPT:**
**A part of the NW¼ of the NW¼ of Section 34, Township 19 North, Range 30 West, as described as follows: Commence at the found rebar pin at the Northwest corner of said NW¼ of the NW¼ of said Section 34 and run thence S2°40'57"W along the West line of said 40 acre tract a distance of 299.25 feet to the Northwest corner of Grantor's property and the "TRUE POINT OF BEGINNING" of this description; thence leaving said West line S89°32'19"E along Grantor's North property line a distance of 24.85 feet to the prescriptive right of way of Bellview Road and a found iron rebar; thence leaving said North property line S2°46'23"W along said prescriptive right of way line a distance of 26.93 feet to a found rebar pin; thence S1°02'58"W along said prescriptive right of way line a distance of 133.87 feet to Grantor's South property line; thence leaving said prescriptive right of way line N87°30'24"W along said South property line a distance of 28.62 feet to Grantor's West property line, the same being the West line of said 40 acre tract; thence leaving Grantor's South property line N2°40'38"E along said West line of said 40 acre tract a distance of 129.98 feet to a found railroad spike; thence N2°42'17"E along said West line of said 40 acre tract a distance of 30.77 feet to the point of beginning, containing 4,244 square feet, more or less.**

**ALSO LESS AND EXCEPT:**
**A part of the NW¼ of the NW¼ of Section 34, Township 19 North, Range 30 West, as described as follows: Commence at the found rebar pin at the Northwest corner of said NW¼ of the NW¼ of said Section 34 and run**

**thence S2°40'57"W along the West line of said 40 acre tract a distance of 299.25 feet; thence leaving said West line S89°32'19"E a distance of 24.85 feet to a found rebar pin on Grantors North property line, the prescriptive right of way of Bellview Road and the "TRUE POINT OF BEGINNING" of this description; thence S87°32'19"E along said North property line a distance of 20.66 feet to the proposed right of way line and to a point on a curve to the right; thence leaving said North property line along said proposed right of way line and curve to the right, said curve having a radius of 837.00 feet, a chord bearing S1°02'43"W, a chord distance of 34.68 feet, thence along the arc of the curve a distance of 34.68 feet; thence leaving said curve S2°13'56"W along said proposed right of way line a distance of 126.11 feet to Grantor's South property line; thence leaving said proposed right of way line N87°30'24"W along said South property line a distance of 18.87 feet to the prescriptive right of way line; thence leaving said South property line N1°02'58"E along said prescriptive right of way a distance of 133.87 feet to a found rebar pin; thence N2°46'23"E along said prescriptive right of way line a distance of 26.93 feet to the point of beginning, containing 3,277 square feet, more or less.**

**Subject to easements, right-of-ways, and protective covenants of record, if any.**
**Subject to all prior mineral reservations and oil and gas leases, if any.**

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City, State, ZIP+4® Rogers AR 72758

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City, State, ZIP+4® Rogers AR 72758-8420

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| ☐ Adult Signature Restricted Delivery $ | |
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Sent To Thomas & Therese M Rohr
Street and Apt. No., or PO Box No. 5413 S Pleasant Way
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Street and Apt. No., or PO Box No.: 5412 S Pleasant Way
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Street and Apt. No., or PO Box No.: 100 N Dixieland Rd Ste D2-155
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City, State, ZIP+4®: Fayetteville, AR 72703

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Sent To: HH Rogers Development LLC
Street and Apt. No., or PO Box No.: 325 NW A St
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Sent To: John and Alicia Smith
Street and Apt. No., or PO Box No.: 4003 W Ettington Drive
City, State, ZIP+4®: Rogers AR 72758-4094

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Sent To: Deisha Smith
Street and Apt. No., or PO Box No.: 5419 S Pleasant Way
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DEPT. OF COMMUNITY DEVELOPMENT
PLANNING DIVISION
301 W. CHESTNUT
PHONE: (479) 621-1186
FAX: (479) 986-6896

**BOARD OF ADJUSTMENT**
**MINUTES**

The **Rogers Board of Adjustment** met for a public meeting at Rogers City Hall at 301 W. Chestnut Street on October 21, 2025 at 5:30 P.M. The meeting was called to order by Chairwoman Cicioni.

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

**ACTION ON MINUTES**
Motion by Jensen, second by McClure, to approve 10/7/25 Board of Adjustment minutes as amended.
Voice vote: YES - Unanimous ***Motion carried***
**APPROVED**

**NEW BUSINESS**

**a. Andrew Curry for Stephan Barnes Variance**

Requesting a variance from the Unified Development Code at 2613 W. Green Acres (Neighborhood Very Low-Intensity) zoning district.

Planner Zachery Birdsong explained the request for a variance from Table 4.5.A Max fence or wall height, to allow a fence that exceeds 4' in height within the exterior yard. The subject property contains a street on both the north and south sides of the property, creating a through lot. Due to this, both north of the residence (the backyard) and the south of this residence (the front yard) of the residence is deemed the exterior yard. This limits the height of a fence to 4' within the backyard of the property. The applicant states that the nature of the property being a through lot creates an undue hardship because it results in the backyard being deemed an exterior yard. He also states that strict enforcement of the code would result in the property having no real private outdoor space. The applicant states that because this is the backyard, there are no lines of sight concerns for traffic. The spirit and intent are therefore still being met. Staff did receive a few phone calls from adjacent property owners inquiring about the nature of the request. There was no opposition of the request expressed. Staff recommends the Board consider the variance to allow a maximum fence height of 7' in the exterior yard. Staff would recommend approval of a max height of 6'.

Applicant Andrew Curry added that this is not a regular situation where the property abuts another residential property. This property abuts the road and includes a swimming pool that is at an elevation, because the slope of the yard that creates a lack of privacy.

Chairwoman Cicioni opened the public hearing for comments.

2611 W. Green Acres Neighbor Mike Brady spoke in favor of the request.

The public hearing was declared closed.

Commissioners, applicant, and staff discuss the request. Commissioner Jensen spoke in favor if the request at six foot around and to treat it like an interior yard.

Motion by Jensen, second by Cicioni to approve the request at six foot around and treat as interior yard. Voice Vote: – Unanimous. ***Motion carried.***
**APPROVED**

**ADJOURN**
There being no further business, the Chairwoman Cicioni adjourned the meeting at 5:40 p.m.

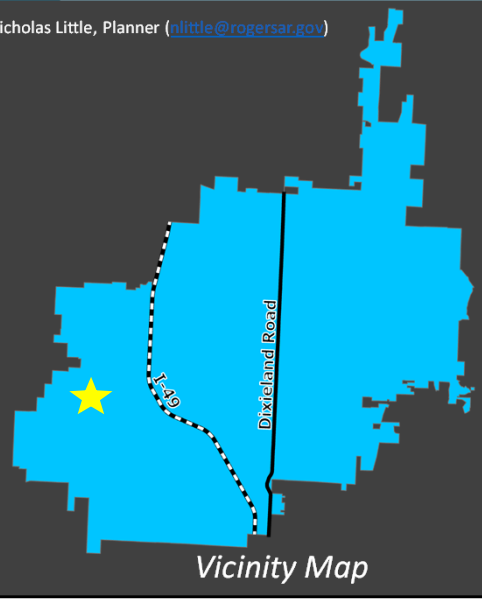
**Approved by vote of the Board of Adjustment on:**

**_____**
**Kevin Jensen, BOA Secretary**

# Variance
## Bray Addition

PLANNING

Staff: Nicholas Little, Planner (nlittle@rogersar.gov)



*Vicinity Map*

**Location**
9 S. Queensborough Lane
Pinnacle Subdivision Ph. 4

**Nature of Request**
Setback Encroachment

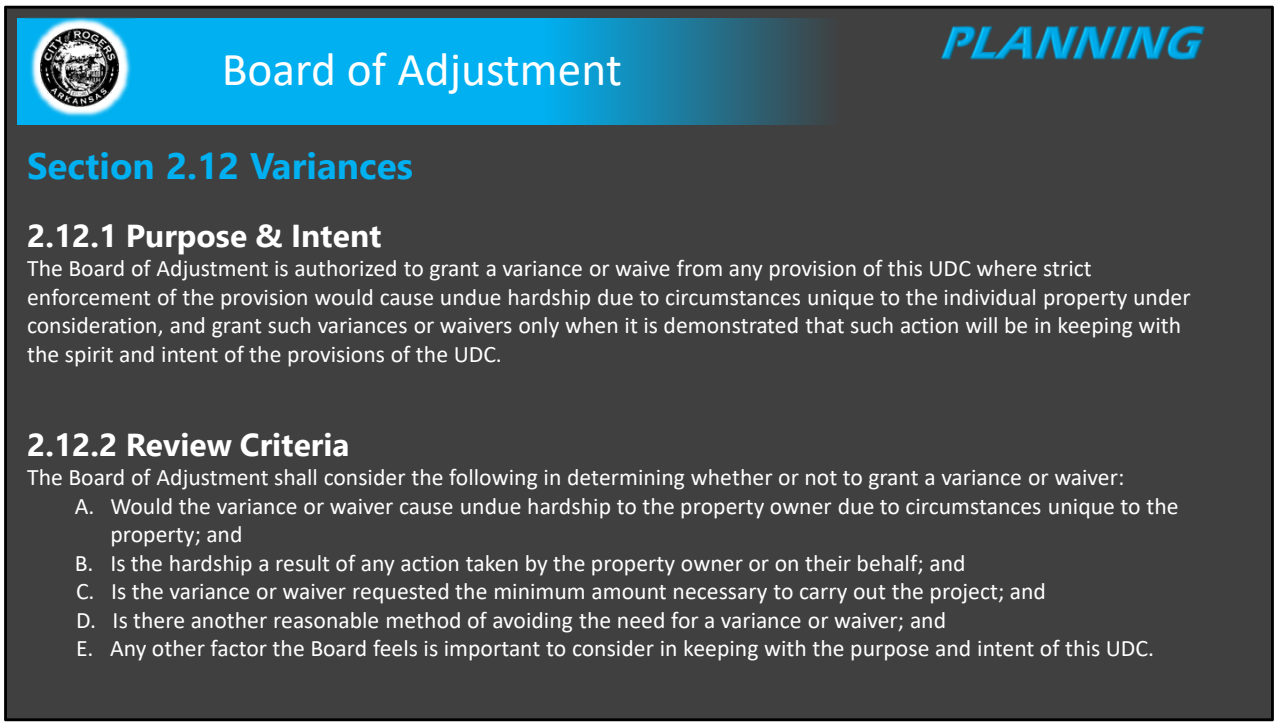
**Zoning**
T3.1 – Neighborhood Very Low-Intensity

**Existing Use**
Residential

**Representative**
Randall Hurban

***Summary:***
This request is for a variance from Section 4.5 Zone Standards to allow a 6' encroachment into the exterior yard setback for the Pinnacle Subdivision Ph. VI plat.

Parcel: 02-16681-000
Site Acreage: ±0.88 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

## Bray Addition



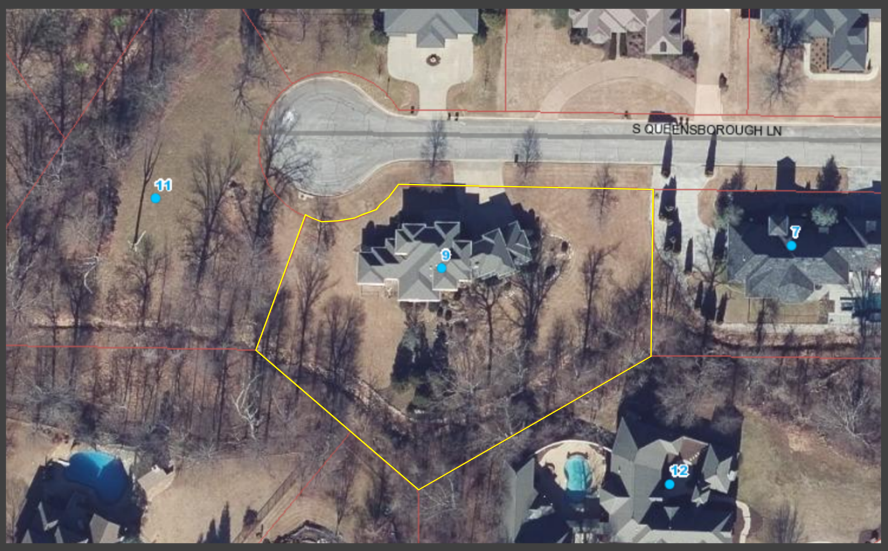

*Aerial Vicinity Image*

This site is located in southwest Rogers, within Pinnacle Subdivision.

Variance

PLANNING

Bray Addition




*Aerial Site Image*

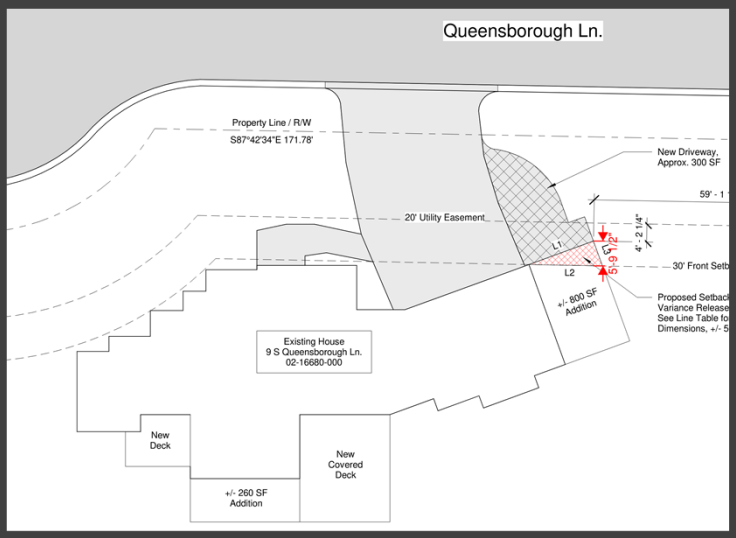
Subject Property

# Variance
## Bray Addition

PLANNING

### Variance Request

Variance request from **Pinnacle Subdivision Phase 4 Final Plat** to allow a **6' encroachment** into a 30' front setback line.




*Proposal Exhibit*

***Variance Summary:***

The variance request is not from the UDC, but from the final plat for Pinnacle Subdivision Phase 4 final plat. The applicant is requesting a 6' encroachment into a platted 30' setback. Final plat for Pinnacle Subdivision Phase 4 was filed with Benton County Circuit Clerk on 7-9-2004.

## Variance

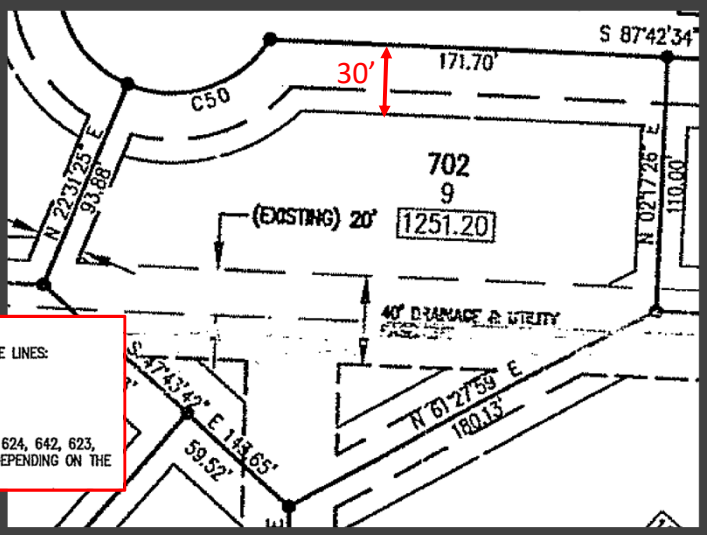
## PLANNING

## Bray Addition

Plat imposes 30 ft exterior yard setback and UDC 20 ft. Since plat is more restrictive, it applies.

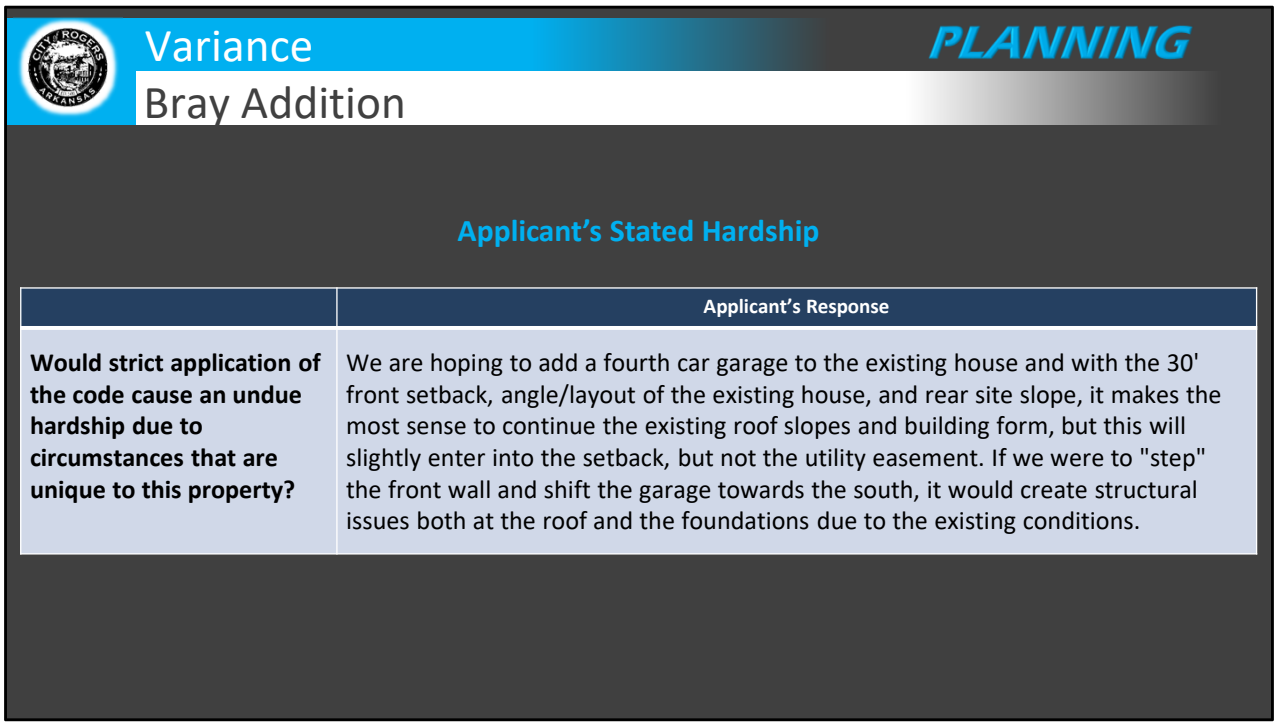
SETBACK NOTE
STRUCTURES ARE REQUIRED TO ADHERE TO THE FOLLOWING BUILDING SETBACK GUIDE LINES:
- 30' FRONT SETBACK
- 20' REAR SETBACK
- 25' SIDE SETBACK WHEN ADJACENT TO STREET R/W
- 10' SIDE SETBACK WHEN ADJACENT TO ANOTHER LOT

BUILDING SETBACKS FOR LOTS 649, 666, 706, 698, 695, 688, 678, 669, 646, 643, 624, 642, 623, 590, 589, 563, 632, AND 641 SHOWN ON THIS PLAT, WILL NEED TO BE ADJUSTED DEPENDING ON THE FRONTAGE ON THE MAIN RESIDENCE.




*Subject Property on Pinnacle Ph. 4 Final Plat*

The variance request is not from the UDC, but from the final plat for Pinnacle Subdivision Phase 4 final plat. The applicant is requesting a 6' encroachment into a platted 30' setback. Final plat for Pinnacle Subdivision Phase 4 was filed with Benton County Circuit Clerk on 7-9-2004.




The applicant's stated hardship is that if the garage addition were to be placed within the existing setbacks, the slope of the land would make construction particularly difficult and would potentially create structural issues for the home.

Variance

Bray Addition

PLANNING

## 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?** | Ultimately, this variance request is minimal in nature and with it being on a quiet cul-de-sac, the added 6' of house towards the street should not be noticed. Setbacks, in nature, keep a uniform line for houses or buildings to align to or keep back from the street, but with the existing neighbors and architecture of this neighborhood, the consistent setback is not noticeable and thus entering into it, will not negatively impact the general design. |

The applicant believes the request aligns with the intent of the code by being small enough to not really be noticeable, and being consistent architecturally with the rest of the homes on this street.

Variance

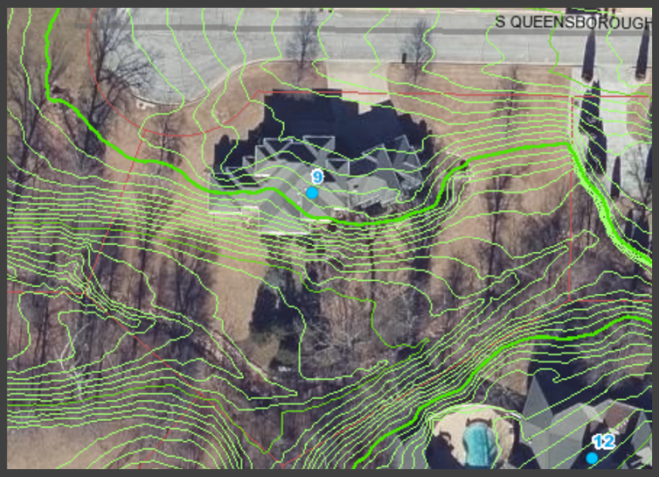
PLANNING

Bray Addition

**Staff Analysis**

**Would strict application of the code cause an undue hardship due to circumstances that are unique to this property?**

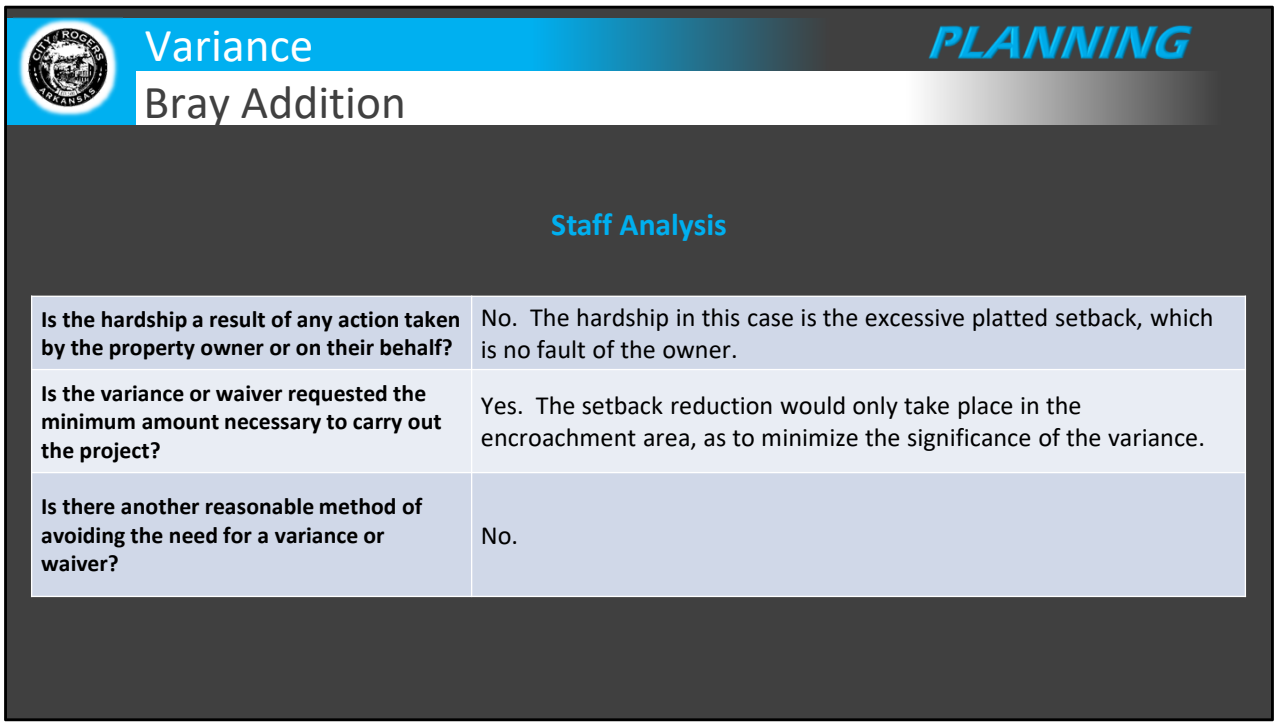
This setback requirement isn't coming from the UDC, but from the recorded final plat for Pinnacle Phase 4, which was platted 20 years prior to the adoption of the UDC. The applicant's stated hardship of the slope on site is also valid, as the site slopes down significantly towards the south.




Site aerial with contours

**Would strict application of the code cause an undue hardship due to circumstances that are unique to this property?**

The platted setback is being varied from per this request. The platted setback is 10' greater than the underlying zone's setback, so staff doesn't feel the additional 10' of setback is necessary. The site also slopes significantly to the south, making any addition to either side of the home, other than the front, feasibly difficult.



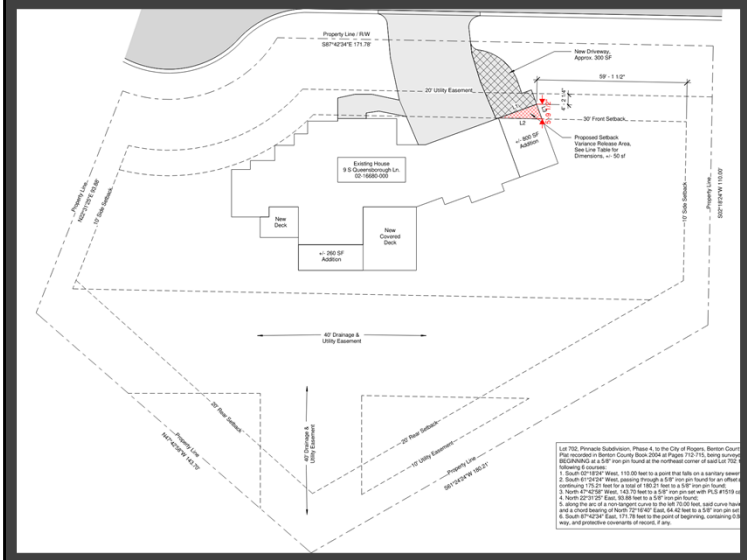

**Is the hardship a result of any action taken by the property owner or on their behalf?**
No. The hardship in this case is the excessive platted setback, which is no fault of the owner.

**Is the variance or waiver requested the minimum amount necessary to carry out the project?**
Yes. The setback reduction would only take place in the encroachment area, as to minimize the significance of the variance.

**Is there another reasonable method of avoiding the need for a variance or waiver?**
No

# Variance
## Bray Addition

PLANNING




### Recommendation

- **APPROVE** the variance from **Pinnacle Subdivision Phase 4 final plat** to allow a **6' encroachment** into the 30' front yard setback.

**Public Input:**

No public input has been received at the time of this report.

**Recommendation:**

- **APPROVE** the variance from **Pinnacle Subdivision Phase 4 final plat** to allow a **6' encroachment** into the 30' front yard setback.

P·I·N·N·A·C·L·E
Homeowner's Association

September 8, 2025

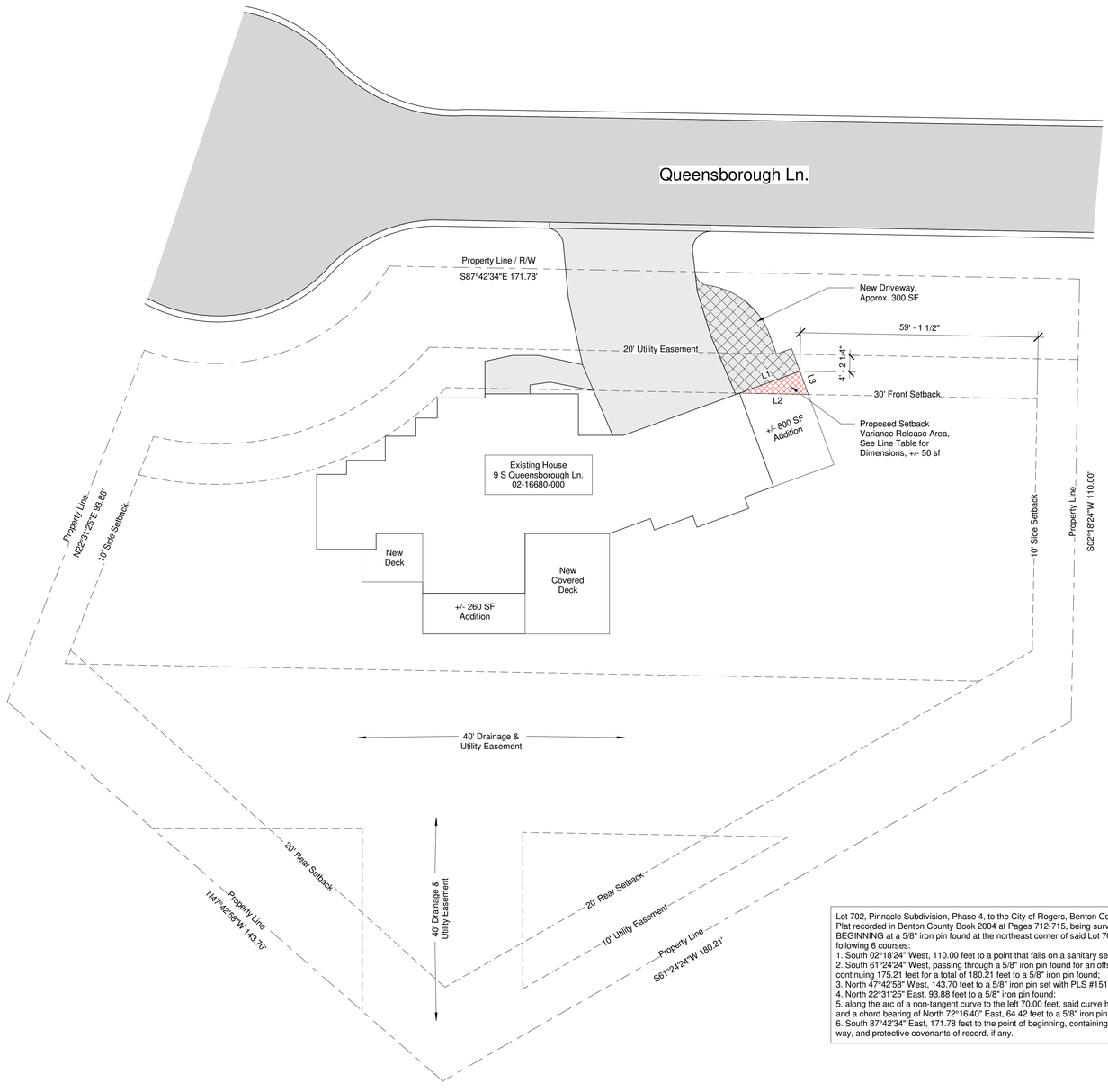
John Robert Bray & Cynthia Jane Bray
9 S. Queensborough Lane
Rogers, AR 72758
Pinnacle Phase 4 Lot 702

Dear John & Cynthia,

We understand you are in the process of obtaining a Variance by the City of Rogers to reduce the front building setback of 30' to accommodate the proposed 800 sf home addition per the site plan provided to the Pinnacle Architectural Committee, page A0.2 dated 07.22.2025. The Pinnacle POA and Architectural Control Committee is in favor of this request and would support the City of Rogers in approving this request.

Sincerely,

Kristen Boozman,
Board Member
Pinnacle POA Board and Pinnacle ACC Board




| LINE TABLE | |
|---|---|
| LINE | LENGTH |
| L1 | 16'-0" |
| L2 | 6'-2" |
| L3 | 17'-2" |

Recorded Setbacks:
Front 30'
Side 10'
Rear 20'

Lot 702, Pinnacle Subdivision, Phase 4, to the City of Rogers, Benton County, Arkansas, as shown by Corrected Final Plat recorded in Benton County Book 2004 at Pages 712-715, being surveyed and described as follows: BEGINNING at a 5/8" iron pin found at the northeast corner of said Lot 702; thence along the lines of said Lot 702, the following 6 courses:
1. South 02°18'24" West, 110.00 feet to a point that falls on a sanitary sewer manhole;
2. South 61°24'24" West, passing through a 5/8" iron pin found for an offset at 5.00 feet and continuing 175.21 feet for a total of 180.21 feet to a 5/8" iron pin found;
3. North 47°42'58" West, 143.70 feet to a 5/8" iron pin set with PLS #1519 cap;
4. North 22°31'25" East, 93.88 feet to a 5/8" iron pin found;
5. along the arc of a non-tangent curve to the left 70.00 feet, said curve having a radius of 50.00 feet, and a chord bearing of North 72°16'40" East, 64.42 feet to a 5/8" iron pin set with PLS #1519 cap;
6. South 87°42'34" East, 171.78 feet to the point of beginning, containing 0.87 acres. Subject to easements, rights-of-way, and protective covenants of record, if any.

1 Site Plan
1/16" = 1'-0"

Architectural designs
5413 Fireplace Dr.
Rogers, AR 72758
479.841.5541

# Bray House Remodel

9 S Queensborough Ln., Rogers, AR

# 2025.19

07.22.2025

Revisions

Site Plan

A0.2

copyright 2025

**As-Provided Description (Inst. L201941078)**

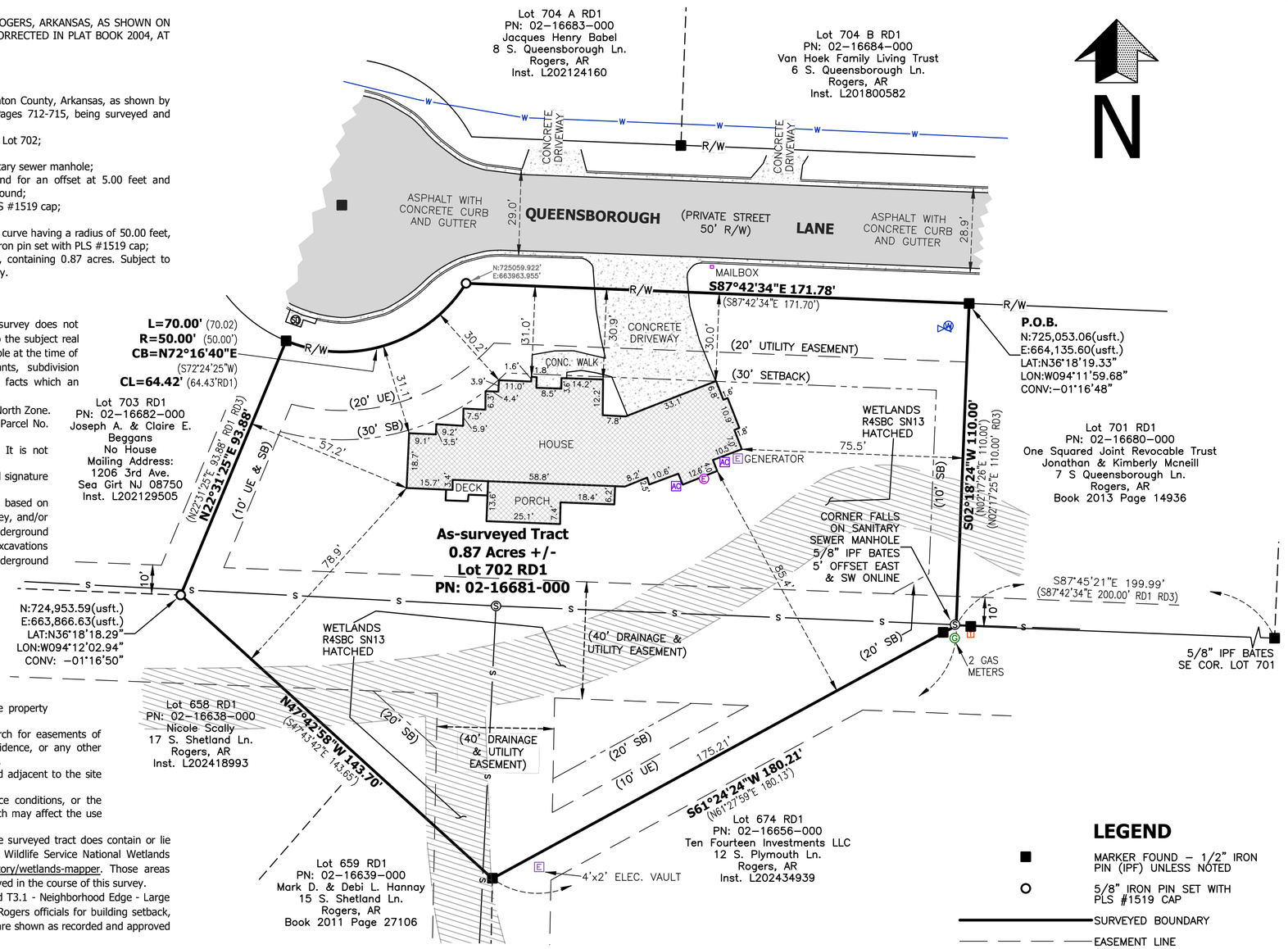
LOT 702, PINNACLE SUBDIVISION, PHASE 4, TO THE CITY OF ROGERS, ARKANSAS, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 2004, AT PAGE 645-648 AND CORRECTED IN PLAT BOOK 2004, AT PAGE 712-715, PLAT RECORDS OF BENTON COUNTY, ARKANSAS.

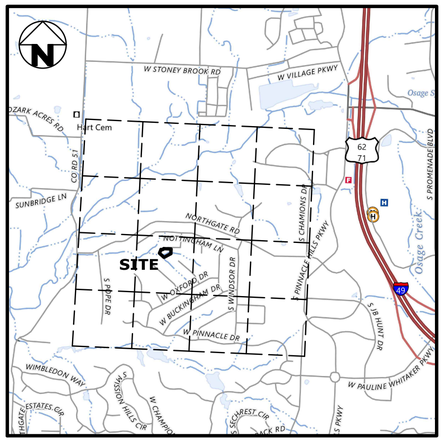
**As-Surveyed Description**

Lot 702, Pinnacle Subdivision, Phase 4, to the City of Rogers, Benton County, Arkansas, as shown by Corrected Final Plat recorded in Benton County Book 2004 at Pages 712-715, being surveyed and described as follows:
BEGINNING at a 5/8" iron pin found at the northeast corner of said Lot 702;
thence along the lines of said Lot 702, the following 6 courses:
1. South 02°18'24" West, 110.00 feet to a point that falls on a sanitary sewer manhole;
2. South 61°24'24" West, passing through a 5/8" iron pin found for an offset at 5.00 feet and continuing 175.21 feet for a total of 180.21 feet to a 5/8" iron pin found;
3. North 47°42'58" West, 143.70 feet to a 5/8" iron pin set with PLS #1519 cap;
4. North 22°31'25" East, 93.88 feet to a 5/8" iron pin found;
5. along the arc of a non-tangent curve to the left 70.00 feet, said curve having a radius of 50.00 feet, and a chord bearing of North 72°16'40" East, 64.42 feet to a 5/8" iron pin set with PLS #1519 cap;
6. South 87°42'34" East, 171.78 feet to the point of beginning, containing 0.87 acres. Subject to easements, rights-of-way, and protective covenants of record, if any.

**Surveyor's Notes :**

**SN1.** Except as specifically stated or shown on this plat, this survey does not purport to reflect any of the following which may be applicable to the subject real estate: easements, other than possible easements which were visible at the time of making this survey, building setback line, restrictive covenants, subdivision restrictions, zoning or other land-use regulations, or any other facts which an accurate and current title search may disclose.
**SN2.** Basis of bearings: Arkansas State Plane Coordinate System, North Zone.
**SN3.** This plat represents a topographic and boundary survey of Parcel No. 02-16681-000.
**SN4.** Declaration is made to original purchaser of the survey. It is not transferable to additional institutions or subsequent owners.
**SN5.** This survey is valid only if the drawing includes the seal and signature of the surveyor.
**SN6.** The locations of underground utilities as shown hereon are based on such above ground structures as were visible at the time of survey, and/or from record drawings provided to the surveyor. The location of underground utilities/structures may vary from locations shown hereon. No excavations were made during the progress of this survey to locate underground utilities/structures.
**SN7.** Every document of record reviewed and considered as a part of this survey is noted hereon. Only the documents noted hereon were supplied the surveyor. No abstract of title or title commitment were furnished the surveyor. There may exist other documents which may affect this parcel.
**SN8.** By graphic scaling only, the surveyed tract lies completely within "Zone X", areas determined to be outside the 0.2% annual chance floodplain, shown by The Flood Insurance Rate Map Number 05007C0265K, Map Revised June 5, 2012.
**SN9.** The location and/or existence of utility service lines to the property surveyed are shown hereon or unknown.
**SN10.** Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership, title evidence, or any other facts which an accurate and current title commitment may disclose.
**SN11.** All building, surface and subsurface, improvements on and adjacent to the site are not necessarily shown.
**SN12.** No investigation concerning environmental and subsurface conditions, or the existence of underground or overhead containers or facilities which may affect the use of development of this property was made as a part of this survey.
**SN13.** As of the date of this survey, by graphic scaling only, the surveyed tract does contain or lie within delineated wetlands as shown by United States Fish and Wildlife Service National Wetlands Inventory, https://www.fws.gov/program/national-wetlands-inventory/wetlands-mapper. Those areas are shown as "Wetlands R4SBC". No wetlands markers were observed in the course of this survey.
**SN14.** The surveyed tract and adjoining tracts are currently zoned T3.1 - Neighborhood Edge - Large Lot by the City of Rogers, Arkansas. Please consult with City of Rogers officials for building setback, zoning standards, and other land use requirements. Setback lines are shown as recorded and approved by the City of Rogers from document RD1.




**LOCATION MAP**
**Sec. 20, T19N, R30W, 5th P.M.**
**City of Rogers, Benton County, Arkansas**

LICENSED PROFESSIONAL SURVEYOR
MICHAEL D. MILLION
STATE OF ARKANSAS
No. 1519
SIGNATURE
05/08/2025

**Record Documents used in this survey:**

**RD1.** Corrected Final Plat, Pinnacle Subdivision Phase 4 by Richard Wright, R.L.S. No. 1086, dated July 8, 2004, recorded in Benton County Book 2004 at Pages 712-715, 07-09-2004.
**RD2.** Warranty Deed recorded in Benton County Instrument L201941078, 08/09/2019, Grantee: John Robert Bray and Cynthia Jane Bray, Trustees of AMJ Joint Revocable Trust.
**RD3.** Variance Plat by Donald R. Philips, R.P.L.S. No. 992, dated April 18, 2013, recorded I Benton County Plat Book 2013 Page 246, 05/06/2013.
**RD4.** Setback Reduction Survey by Matthew D. James, R.P.L.S. No. 1845, dated 4-13-23, recorded in Benton County Instrument L202321846, 5/4/2023.

**Surveyor's Certificate:**

I certify that I have completed a survey of the above-described property. The property lines and corner monuments are to the best of my knowledge and ability, correctly established, and there are no visible encroachments except as shown on this plat. This survey meets the current "Minimum Standards for Property Boundary Surveys", per the state of Arkansas.

Michael D. Million, P.L.S. No.1519, Arkansas — 05/08/2025 Date

Know what's below. Call before you dig.

**LEGEND**

- MARKER FOUND – 1/2" IRON PIN (IPF) UNLESS NOTED
- 5/8" IRON PIN SET WITH PLS #1519 CAP
- SURVEYED BOUNDARY
- EASEMENT LINE
- SETBACK LINE (SB)
- ( ) RECORD INFORMATION SOURCE NOTED
- AC AIR CONDITIONING UNIT
- E ELECTRIC EQUIPMENT
- E ELECTRIC METER
- T TELECOM PEDESTAL
- W WATER LINE (8" MAIN)
- W WATER METER
- WATER VALVE
- G GAS METER
- S SANITARY SEWER (8" MAIN)
- S SANITARY SEWER MANHOLE
- SD STORM DRAIN MANHOLE
- DISTANCE NOT TO SCALE
- CONCRETE CURB
- ASPHALT
- CONCRETE
- R/W RIGHT-OF-WAY
- SB SETBACK
- UE UTILITY EASEMENT

PLAT CODE: 500-19N-30W-0-20-310-04-1519

FILE STAMP

| Rev | Comments | Date |
|---|---|---|
| 1 | | |
| 2 | | |
| 3 | | |
| 4 | | |
| 5 | | |

**BOUNDARY SURVEY**
WORK PERFORMED: APPROX. MAY 2025
**As-surveyed Tract 0.87 Acres +/-**
**Lot 702, Pinnacle Subdivision, Phase 4,**
**Parcel: 02-16681-000**

**John Robert Bray and Cynthia Jane Bray, Trustees of AMJ Joint Revocable Trust Dated February 7, 2013**

**9 S. Queensborough Lane Rogers, AR**
**Inst. L201941078 Zone: T3.1**
**in the NE1/4 SW1/4 Sec. 20, T19N, R30W, 5th P.M.**
**City of Rogers, Benton County Arkansas**


MICHAEL D. MILLION
LAND SURVEYOR
12 NEFFWOOD LANE
BELLA VISTA, AR 72715
PHONE: (479) 571-0654

BELL CONSTRUCTION SOLUTIONS, LLC.
CHUCK BELL: (479) 366-0640
chuck.bell@bellconsolutions.com
P.O. BOX 8
CAVE SPRINGS, AR 72718
PHONE: (479) 366-0640


| | |
|---|---|
| DRAWN BY: MCW | SCALE: 1"=30' |
| FIELD CREW: STEVE | DWG: 2534.02 |
| CHECKED BY: MDM/CEB | DATE: 05/08/2025 |

SHEET 1 OF 1

# 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 public hearing request.

Dated this the 20th day of October, 2025.

Signed

Randall Hurban

Name Printed

STATE OF ARKANSAS

COUNTY OF Benton

Subscribed and sworn before me this the 20th day of October, 2025.

CHRIS WOODARD
MY COMMISSION # 12390101
EXPIRES: October 1, 2032
Benton County

Notary Signature

Chris Woodard

Notary Name Printed

10/1/2032

Commission Expires

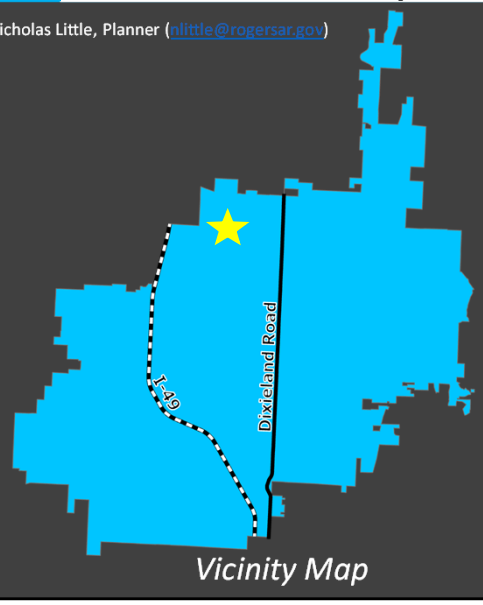

NOTICE OF PUBLIC HEARING

# Variance

## Rex Bair Driveway

PLANNING

Staff: Nicholas Little, Planner (nlittle@rogersar.gov)




*Vicinity Map*

**Location**
4107 W Mockingbird Lane

**Nature of Request**
Driveway width proposal exceeds 20’ max; Area of driveway exceeds 33% coverage of exterior yard

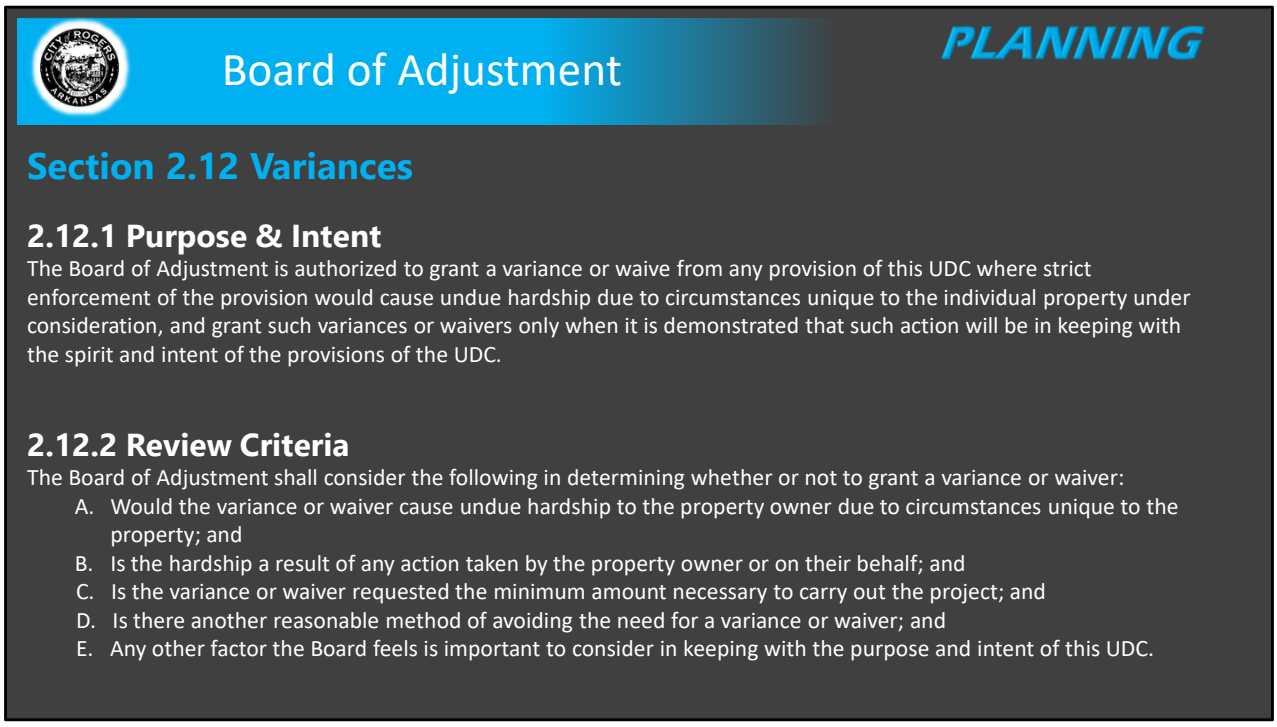
**Zoning**
T3.2 – Neighborhood Low-Intensity

**Existing Use**
Residential

**Representative**
Rex Bair

***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, and a variance from Section 4.5.9.2(B) for exceeding the maximum driveway width of 20’ for single family residential driveways.
Parcel: 02-09081-000
Site Acreage: ±0.32 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

Rex Bair Driveway




*Vicinity Aerial View*

***Site Area:***

This site is located in Northwest Rogers, just east of the Olive Street overpass.

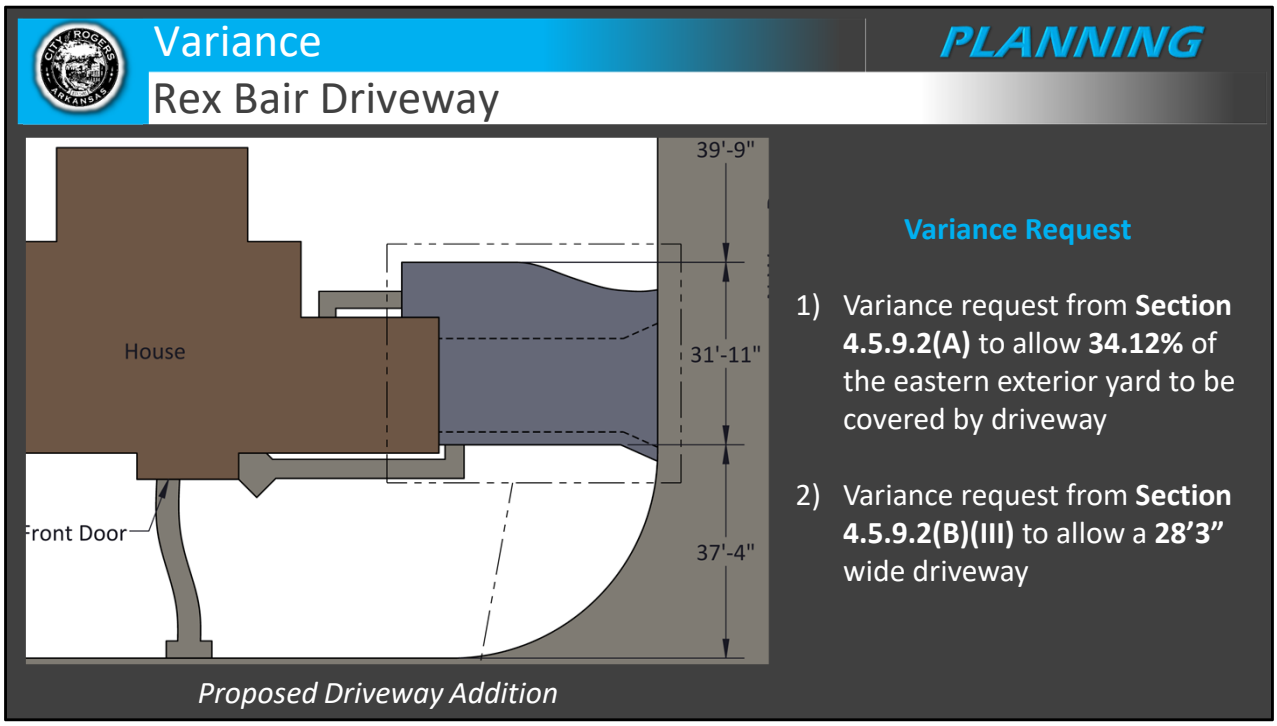



***Street View***




***Existing Conditions:***

Residential home at the corner of W Mockingbird Lane and N Wren Drive. The width of the driveway at the street is roughly 20.5' including the apron, while the driveway is roughly 16.5' wide internal to the site.




***Variance Summary:***

1) Variance request from **Section 4.5.9.2(A)** to allow **34.12%** of the eastern exterior yard to be covered by driveway. Section 4.5.9.2.A requires that driveways in exterior yards do not exceed 33% of the area of the exterior yard. This is a measure to minimize the presence of large driveway and vehicular use areas along street frontages.

2) Variance request from **Section 4.5.9.2(B)(III)** to allow a **28'3"** wide driveway. Section 4.5.9.2.B restricts driveway widths, specifically where driveways meet sidewalks, as a means to minimize the time/distance that a pedestrian is inside a vehicular ingress. When no sidewalk is present, the property line is used to measure this width.

# Variance

PLANNING

## Rex Bair Driveway

### 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?** | Section 4.5.9.2(B) of the Rogers Unified Development Code limits driveways in residential neighborhoods to a maximum width of 20 feet. The driveway at our house is relatively short at just over 38 feet from the curb to the garage door, and relatively narrow at 16.3 feet for the main slab. These dimensions make parking multiple vehicles end-to-end difficult. Therefore we desire to expand the width of the driveway to gain parking space for an additional vehicle to the side, as illustrated by the attached sketch. Our neighborhood is older, and the street is a few feet narrower than nearby newer developments. For this reason it is preferable that we avoid parking vehicles in the street, and the wider driveway will help with this. Many nearby houses have wider driveways similar to what we are proposing, including the neighboring driveway to the north. If approved, our expanded driveway would not stand out as irregular or unusual in the neighborhood. |

The applicant's hardship refers to the lack of existing depth and narrow streets that serve their neighborhood as being an inhibitor to the desired parking situation. They also state, and included images, of nearby homes with driveways that exceed the standard for width.

Variance

PLANNING

Rex Bair 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 expansion includes a tapered design to minimize the width at the curb and in the area where a theoretical future sidewalk would cross. As may be seen on the attached sketch, the proposed driveway width at the location of a theoretical future sidewalk is only 27.5 feet. The maximum width of the proposed driveway near the house (31.9 feet) is approximately 29% of the lot width, below the 33% limit set by Section 4.5.9.2(B). The area of the proposed driveway is approximately 30% of the exterior yard area, below the 33% limit set by Section Section 4.5.9.2(A). The proposed driveway is separated from adjacent lot lines by more than 37 feet, and almost 100 feet to the adjacent neighboring driveway. Our house sits on a corner lot with substantial curb length – approximately 250 feet. The proposed driveway width leaves ample unpaved lawn on both sides, avoiding an unsightly driveway-centric appearance. |

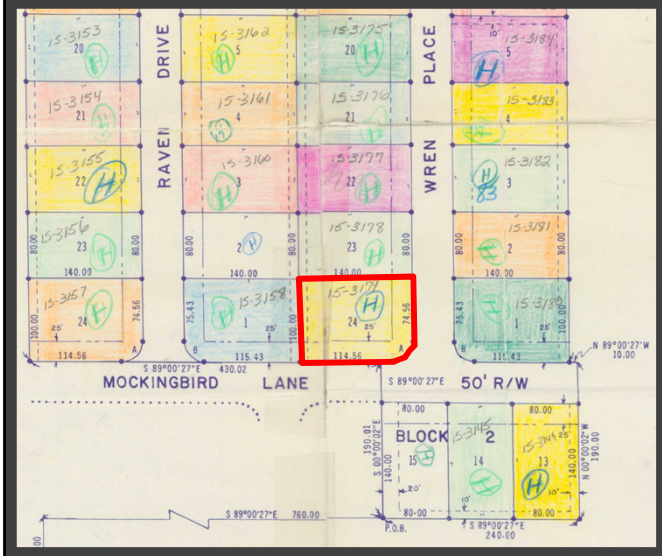
***Summary of Applicant's response***

See slide.

# Variance

## Rex Bair Driveway

PLANNING




*Whispering Timbers Final Plat*

**Whispering Timbers**

The subject property is located in Whispering Timbers Subdivision, which was filed with Benton County in January 1980. Wren Place, the street that serves this home, has a 50' wide right-of-way.

***Whispering Timbers***

Platted in 1980, this subdivision shows a standard 50' ROW. Being that this is an older a lot of details are not included on the final plat, like the bounds of the actual paved streets. Because of this, calculations of the exact lot lines and exterior yard area were done manually and approximately, using the dimensions from the applicant's proposal.

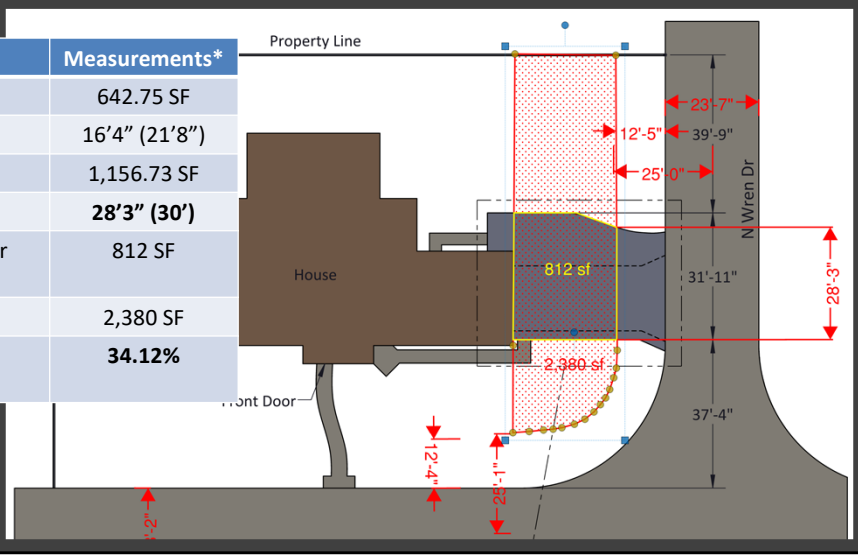
# Variance

PLANNING

## Rex Bair Driveway

### Staff Analysis

| | Measurements* |
|---|---|
| Area of Existing Driveway | 642.75 SF |
| Width of Existing Driveway (curb) | 16’4” (21’8”) |
| Total Proposed Driveway Area | 1,156.73 SF |
| **Width of Proposed Driveway (curb)** | **28’3” (30’)** |
| Area of proposed driveway in exterior yard | 812 SF |
| Approx. Exterior Yard Area | 2,380 SF |
| **Percentage of Ext. Yard occupied by driveway** | **34.12%** |



# Variance

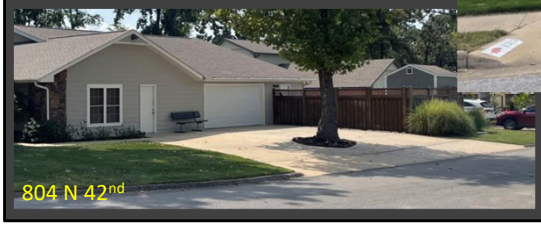
PLANNING

## Rex Bair Driveway

### Neighborhood Context


1209 N Wren


1303 N Wren


804 N 42nd

Several homes in the vicinity have driveways that exceed the max driveway width per the UDC, and likely exceed the 33% driveway coverage in exterior yards.

# Variance

PLANNING

## Rex Bair Driveway

### Staff Analysis

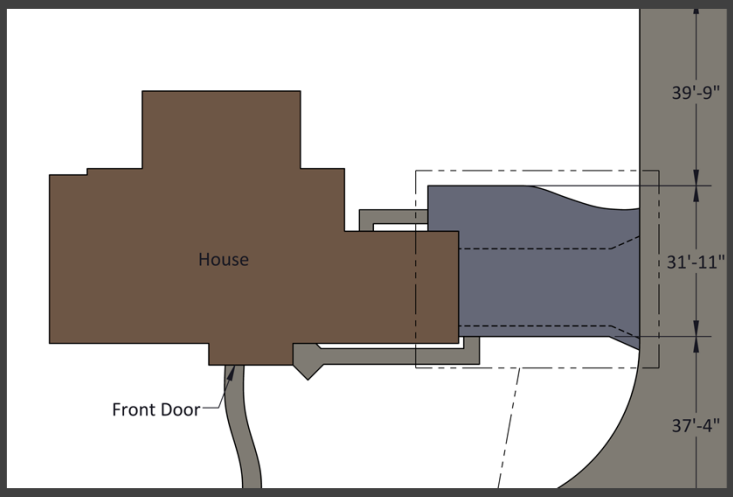
| | |
|---|---|
| **Would strict application of the code cause an undue hardship due to circumstances that are unique to this property?** | Not really. While the driveway is located on the short side of the property, and permissible expansion of the driveway is difficult to make compliant, these standards apply to all single-family residential properties in Rogers. |
| **Is the hardship a result of any action taken by the property owner or on their behalf?** | No. The driveway and garage were built on the short side of the lot, which is leading to this circumstance. |
| **Is the variance or waiver requested the minimum amount necessary to carry out the project?** | No. The driveway could be proposed to be more narrow at the location of the property line, or the potential location of a future sidewalk. |
| **Is there another reasonable method of avoiding the need for a variance or waiver?** | Other than only widening the driveway about 3.5', no real useful expansion of the driveway would be feasible without exceeding either the allowable area for driveways in exterior yards or allowed driveway width. |

# Variance

PLANNING

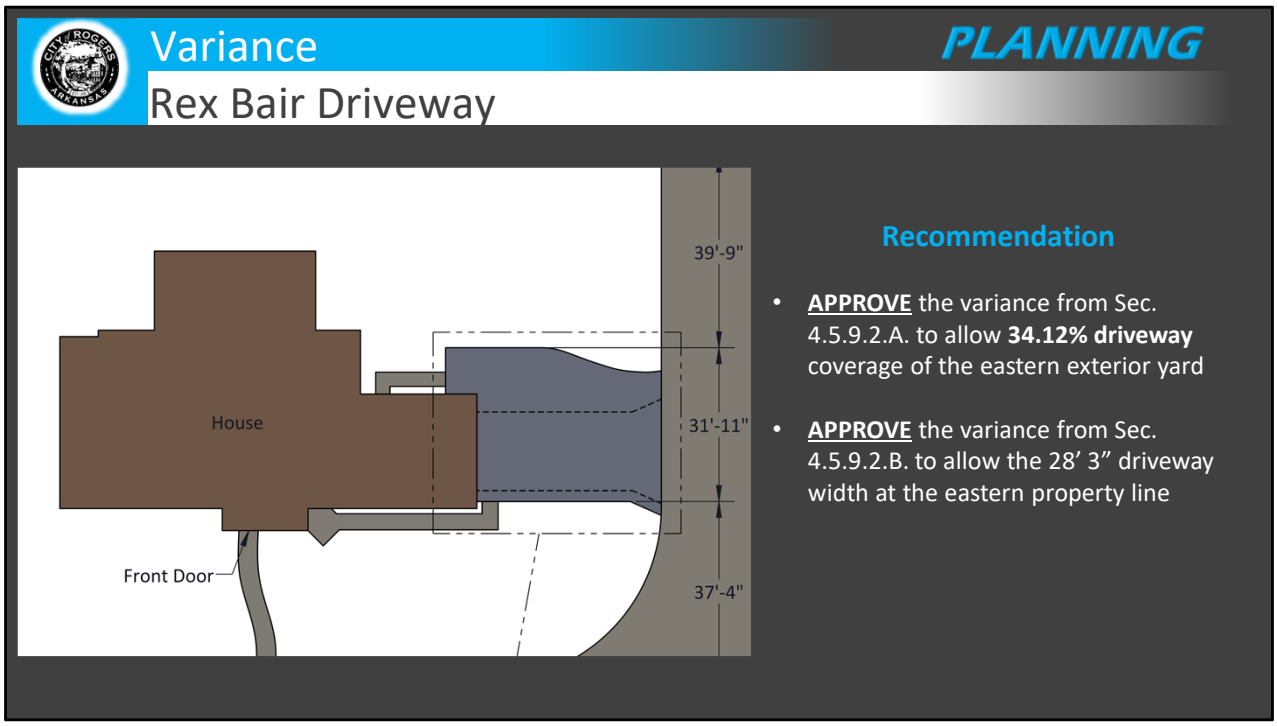
## Rex Bair Driveway

### Staff Analysis




While this proposal doesn't present a real site-specific hardship, Staff sees this as a reasonable request. The 20' width requirement is rooted in pedestrian safety, where sidewalks cross the driveway. There is no sidewalk present here.

The 33% driveway-exterior yard coverage is more of an aesthetic standard and a best practice to minimize the excessive presence of cars in between the street and a home's façade. This request is narrowly exceeding that coverage percentage.




***Public Input:***

No public input has been received regarding this request.

***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.

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

OFFICE USE ONLY

**Permit Fee:** _____ ($500) Zoning: _____

App. Number _____

CityWorks Application: _____

Date: _____

# VARIANCE APPLICATION

APPLICANT: Rex Bair

ADDRESS: 4107 W Mockingbird Ln SUITE #: _____

GENERAL LOCATION OF PROPERTY: 4107 W Mockingbird Ln, Whispering Timbers subdivision

PHONE #: 918-864-6294 EMAIL: rexbair@gmail.com

PROPERTY OWNER: Rex Bair PHONE #: 918-864-6294

REQUEST to ALLOW(Cite Variation[s] from Applicable Section[s] of Code and Proposal):
Driveway width exceeding 20 ft limit of Section 4.5.9.2(B). Please see attached sketch for dimensions of proposed driveway.

**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
Yes, the driveway length is relatively short and makes parking multiple vehicles difficult. The proposed driveway would create an additional parking space to the side. Please see attached letter for more details.

Is the hardship a result of any action taken by the property owner or on their behalf; and
No.

Is the variance or waiver requested the minimum amount necessary to carry out the project; and
Yes, the proposed driveway is tapered to minimize the width at the curb. Please see attached letter and sketch for more details.

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

The code allows a driveway which is 20 ft wide through the right of way and expands wider near the house. However, the right of way extends 13 ft from the curb, and with the short length of the driveway this would render the new parking space inacessible without driving over grass.

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

Many nearby houses in the neighborhood have expanded driveways similar to that being proposed. The proposed driveway would not stand out as unusual in the area.

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Rex Bai — 9/14/25

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

September 14, 2025

Rex and Destiny Bair
4107 W Mockingbird Ln
Rogers, AR 72756

City of Rogers
Community Development
301 W Chestnut St
Rogers, AR 72756

City Staff and Board of Adjustment Members,

We are the proud owners of what we hope to be our family's home for many years in the Whispering Timbers neighborhood of northwest Rogers. Quiet streets, widely varying house designs, and plentiful mature trees all give the neighborhood its unique charm.

We are writing to request a variance from the driveway width limit set forth in Section 4.5.9.2(B) of the Rogers Unified Development Code, which limits residential driveways to 20 feet wide. The hardship unique to our property is the driveway's length. At just over 38 feet from the curb to the garage door, it is difficult to park multiple vehicles end-to-end in the driveway. We would like to expand the driveway's width to gain parking space for another vehicle to the side. Our older neighborhood's streets are a few feet narrower than newer developments nearby, so it is preferable for all that we avoid parking on the street when possible. With four young children at home we know that our parking needs will only increase in the years to come.

Driveways similar to our proposed design are very common throughout our neighborhood. When we initially applied for a permit and were denied over the width we were quite surprised given how accustomed we were to seeing similar things at our neighbors' houses. In fact, the neighboring driveway to the north and the driveway across the street have both been expanded in width in years prior. Our proposed driveway would not stand out as irregular in the area.

We understand and agree with the code's intent – limiting driveway width to avoid neighborhoods full of overly-paved, driveway-centric front yards. We have designed our new driveway with a tapered outline to minimize its width at the curb, as may be seen on the sketch attached to our application. The proposed size remains well below the UDC's limits of 33% of lot width and 33% of exterior yard area. Our house sits on a corner lot with substantial curb length – approximately 250 feet. The proposed driveway leaves ample unpaved lawn on both sides and is nestled between mature trees which will remain. The proposed driveway is separated from adjacent lot lines by more than 37 feet, and almost 100 feet to the adjacent neighboring driveway.

We believe that our driveway expansion will not negatively affect neighborhood appearance, feel, or function, and kindly ask for your consideration and approval of our variance request.

Sincerely,
Rex and Destiny Bair

# PROPERTY OWNER AFFIDAVIT

I, Rex Bair, certify that I am the current owner of the property which is the subject of this application. I hereby authorize, Rex Bair to act as my agent for this application only. All statements contained in this application have been prepared by me or my agents and are true and correct to the best of my knowledge. The application is being submitted with my knowledge and consent.

Dated this the 15th day of September, 2025.

Rex Bair
Signed

Rex Bair
Name Printed

STATE OF Arkansas

COUNTY OF Benton

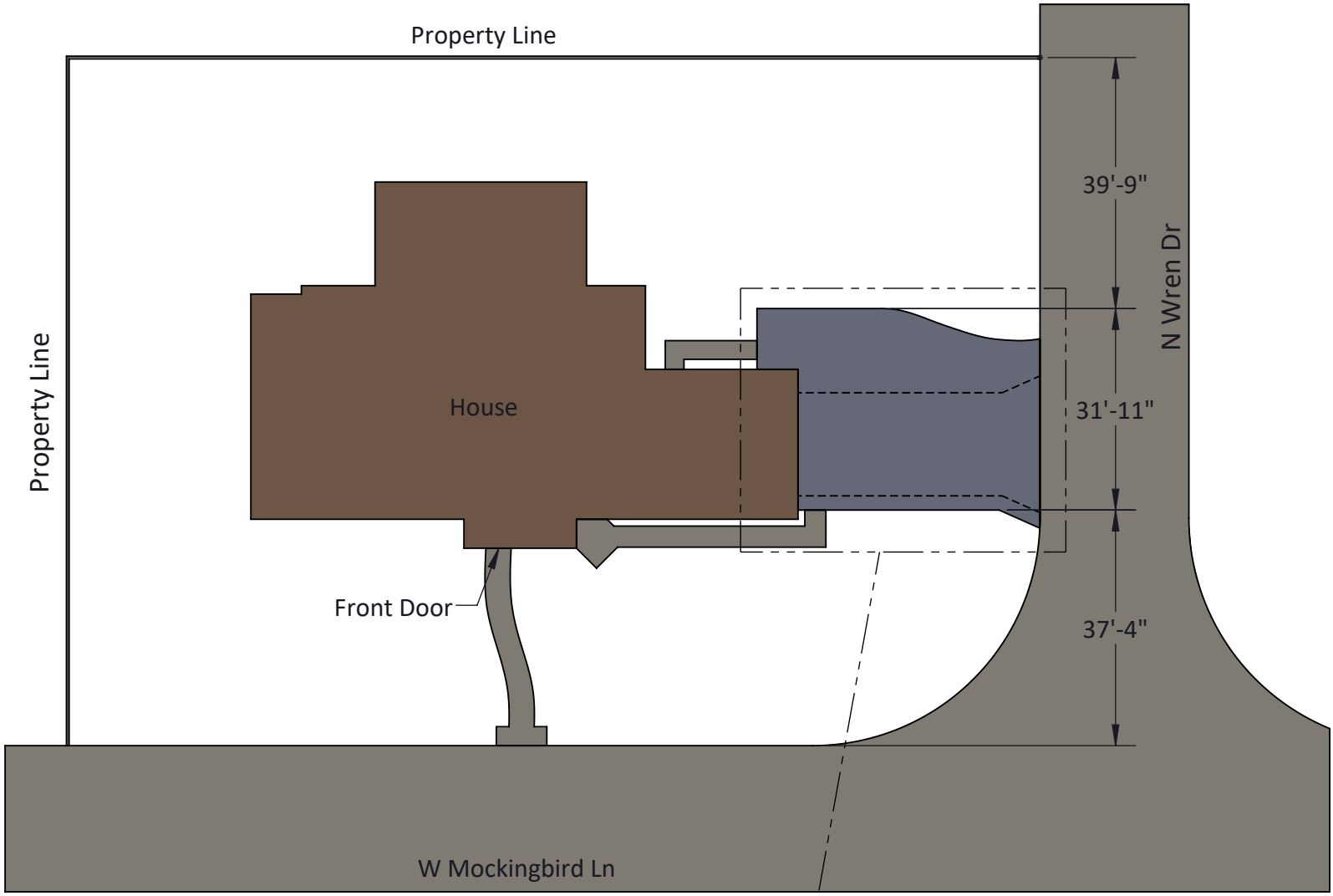
Subscribed and sworn before me this the 15 day of September, 2025.

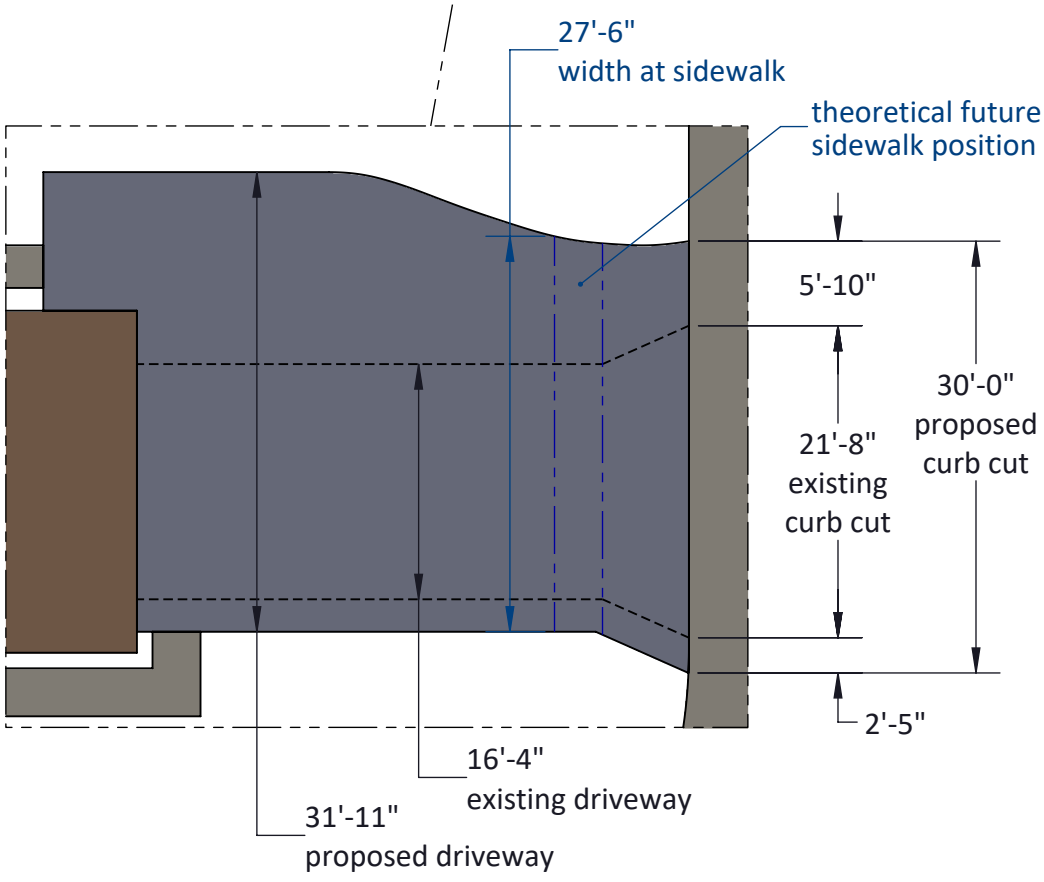
Mario Coleman
Notary Signature

MARIO COLEMAN
Notary Public - Arkansas
Benton County
Commission # 12723336
My Commission Expires May 21, 2033

Mario Coleman
Notary Name Printed

5-21-2033
Commission Expires




Driveway Expansion Proposal
9/9/2025

Rex Bair
4107 W Mockingbird Ln
Rogers, AR 72756
(918) 864-6294

Please note: dimensions to property lines are measured approximates - not based on an official survey.

## Photo of current driveway with proposed expansion outlined in red



## Examples of nearby houses with driveways exceeding 20 feet wide

804 N Raven Rd



4005 W Easy St



1303 N Wren Dr



1209 N Wren Dr



902 N Quail Terrace

