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

PLANNING COMMISSION MEETING AGENDA
MARCH 3, 2026
5:30 PM
VIEW ONLINE
PLANNING COMMISSION: HTTPS://US02WEB.ZOOM.US/J/88647058788
BOARD OF ADJUSTMENT: HTTPS://US02WEB.ZOOM.US/J/88647058788

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 February 17, 2026 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:

Items listed under the Consent Agenda are considered standard review and may be approved by a **single motion**. If you wish to provide testimony on any item, please notify the Commission prior to vote so that the item may be moved to **New Business** for separate consideration.

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PUBLIC HEARINGS:

a. OLD BUSINESS - Items previously discussed and tabled.

i. No items.

b. NEW BUSINESS - Any items removed from Consent Agenda.

i. Urban Thread Rezone (RZ26-00019)

A request by Urban Thread 739 N. 4th Street from the T3.2 (Neighborhood Low-Intensity) zoning district to the T4.2 (Neighborhood High-Intensity) zoning district.
STAFF: Amber Long, Planner II
REPRESENTED BY: Megan Riggins

REPORTS :

a. COMMISSIONERS

b. STAFF

ADJOURN PLANNING COMMISSION:

CALL TO ORDER BOARD OF ADJUSTMENT:

ACTION ON MINUTES:

a. Approving February 17, 2026 meeting minutes.

OLD BUSINESS :

a. John Zito Variance (Case #: VAR25-0722)
Requesting a variance from the Unified Development Code at 808 W. Price Lane in the T4.1 (Neighborhood Medium-Intensity) zoning district. **(TABLED 2/17/26)**
STAFF: Amber Long, Planner II
REPRESENTED BY: Chuck Bell

NEW BUSINESS:

a. Chad & Jessica Hildebrandt (Case #: VAR26-0023)
Requesting a variance from the Unified Development Code at 1200 N Quail Ter in the T3.2 (Neighborhood Low-Intensity) zoning district.
STAFF: Christina Moore, Planner II
REPRESENTED BY: Riley Borgerding

b. First National Bank-Pinnacle (Case #: VAR26-0016)
Requesting a variance from the Unified Development Code at 3706 S. Pinnacle Hills Parkway in the

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T5.2 (City Medium-Intensity) zoning district.
STAFF: Zachery Birdsong, Planner II
REPRESENTED BY: Rosemarie Cooney

c. First National Bank-Dixieland Case #: VAR26-0017)
Requesting a variance from the Unified Development Code at 801 N. Dixieland Road in the T4.2 (Neighborhood High-Intensity) zoning district.
STAFF: Zachery Birdsong, Planner II
REPRESENTED BY: Rosemarie Cooney

REPORTS :

a. COMMISSIONERS

b. STAFF

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 February 17, 2026 at 5:31 P.M. The meeting was called to order by Chairwoman Samantha Best followed by the Pledge of Allegiance.

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

DECLARATION OF ABSTENTION
Chairwoman Best asked that any Commissioners needing to abstain on agenda items state so and not participate in discussion or vote on the item.

ACTION ON MINUTES
Motion by Cicioni, second by McClure to approve the February 3, 2026 Planning Commission meeting minutes as presented.
Voice Vote: Unanimous – Yes. *Motion carried.*
APPROVED.

PUBLIC FORUM

CONSENT AGENDA

PUBLIC HEARINGS
Old Business – None

New Business

a. CSP Pleasant Crossing Commons (Case #: SGN26-0029)

A request by Pleasant Crossing Commons for a Common Sign Plan on 27.57 acres at the southwest intersection of S. Dixieland Road & W. Pleasant Crossing Drive in the HC (Highway Commercial) zoning district.

Planner Zachery Birdsong noted that the Common Signage Plan is for six commonly owner properties near the northwest corner of S. Dixieland Road and S. Pleasant Crossing Boulevard. The plan uses 2-sf and 1.5-sf per linear foot calculations to set maximum sign sizes, though all proposed maximums fall under 10% of the building façade. The applicant proposes one monument sign be allowed per parcel and that the sizes meet code. There are three existing non-conforming directory pole signs along S. Pleasant Crossing that are allowed to remain per the CSP but requires that any replacements or additional freestanding signs meet code. Staff recommends the following modifications as conditions to the proposal:

- That for the northern buildings, the maximum is reduced from 300-sf to 250-sf. Except for the elevations facing W Pleasant Crossing Dr and S Dixieland Road to the north due to the proximity

to those streets. Signs there will be limited to 1.5 s.f. per linear foot of tenant width, allowing a maximum of only 80 s.f.

- In addition, these tenants will only be allowed one sign on a choice of two facades each.
    - For the southern buildings along S Pleasant Crossing, staff suggests the maximum be reduced from 150 s.f. to 80 s.f. due to their proximity to the street. All but two signs are already below this maximum.
    - And that tenants be allowed only one sign on a choice of two facades each.
    - Staff also proposes that all new freestanding signage meet code.

Keith Zetzer represented the request and had no further comments.

The Chair opened the public hearing for comments. There were none.
The public hearing was declared closed.

Commissioners discussed the request.

Motion by Jensen, second by Stevens to approve the Common Signage Plan with staff's stated modifications.
Voice Vote: Unanimous – Yes, *Motion carried.*
APPROVED.

REPORTS

ADJOURN
There being no further business, the Chair adjourned the meeting at 5:42 p.m.

ATTEST: **APPROVED:**

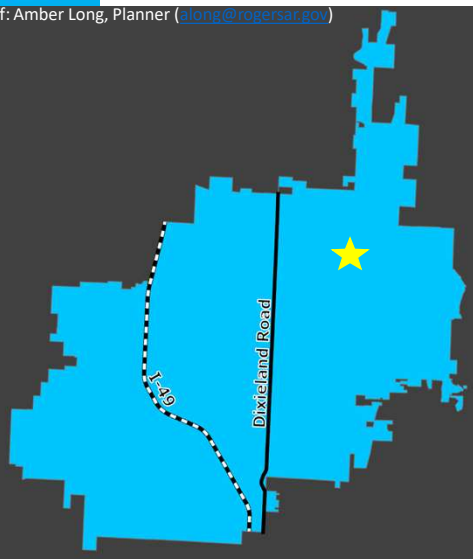
_____ _____
Ezequiel Tovar, Secretary Samantha Best, Chair

Rezone

PLANNING

Urban Threads

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



Vicinity Map

Location
739 N 4th Street

Place Type
Downtown Neighborhood

Zoning
T3.2

Proposed Zoning
T4.2

Representative
Megan Riggins

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.

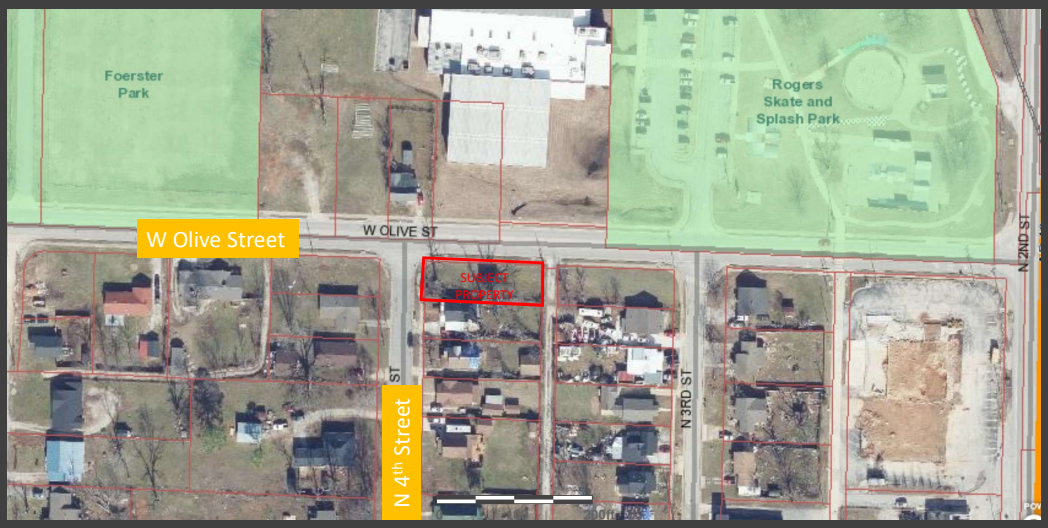
Request Details:

- Proposal: The applicant is proposing to rezone ±0.17 acres from T3.2 to T4.2 in the Downtown Neighborhood (DT-NH) placetype.
- Review Type: Enhanced

Rezone

PLANNING

Urban Threads

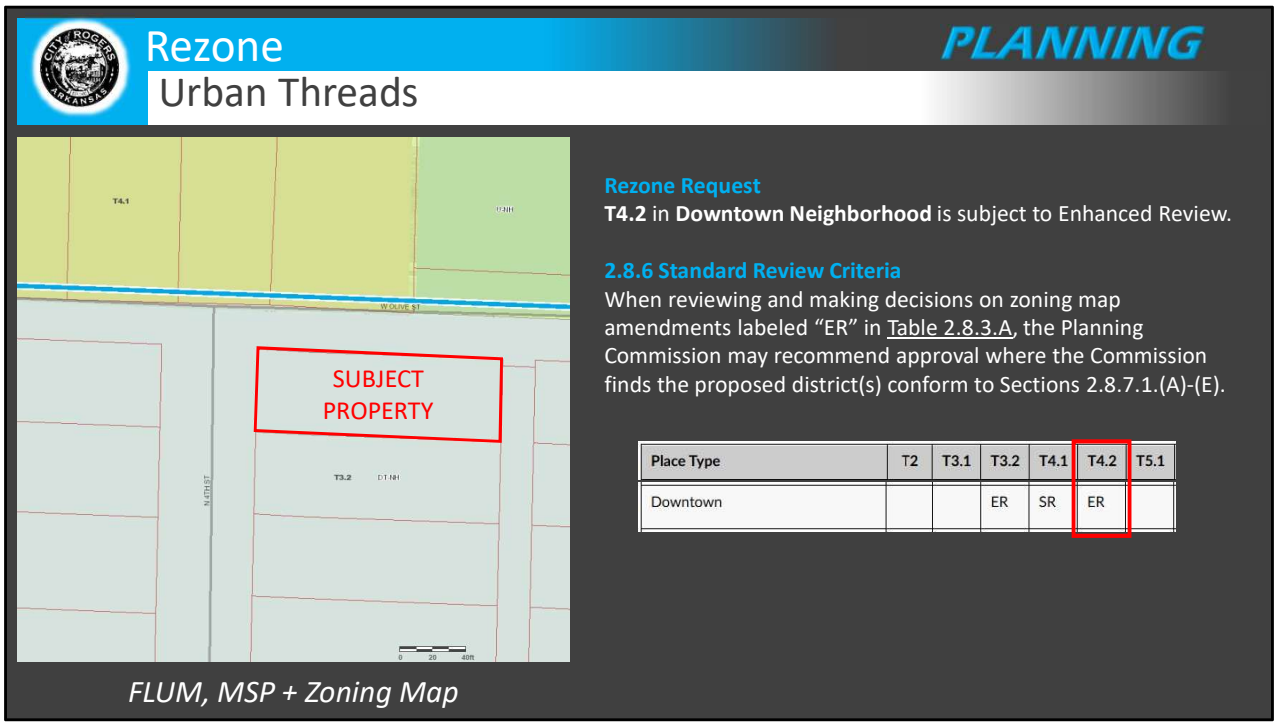


Aerial Vicinity Map

Location Description

The subject property is located at the southeast corner of N 4th St. and W Olive St. It is directly across the street from the Rogers Activity Center and the Rogers Skate and Splash Park.

Parcels: 02-07725-000



FLUM, MSP + Zoning Map

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:"

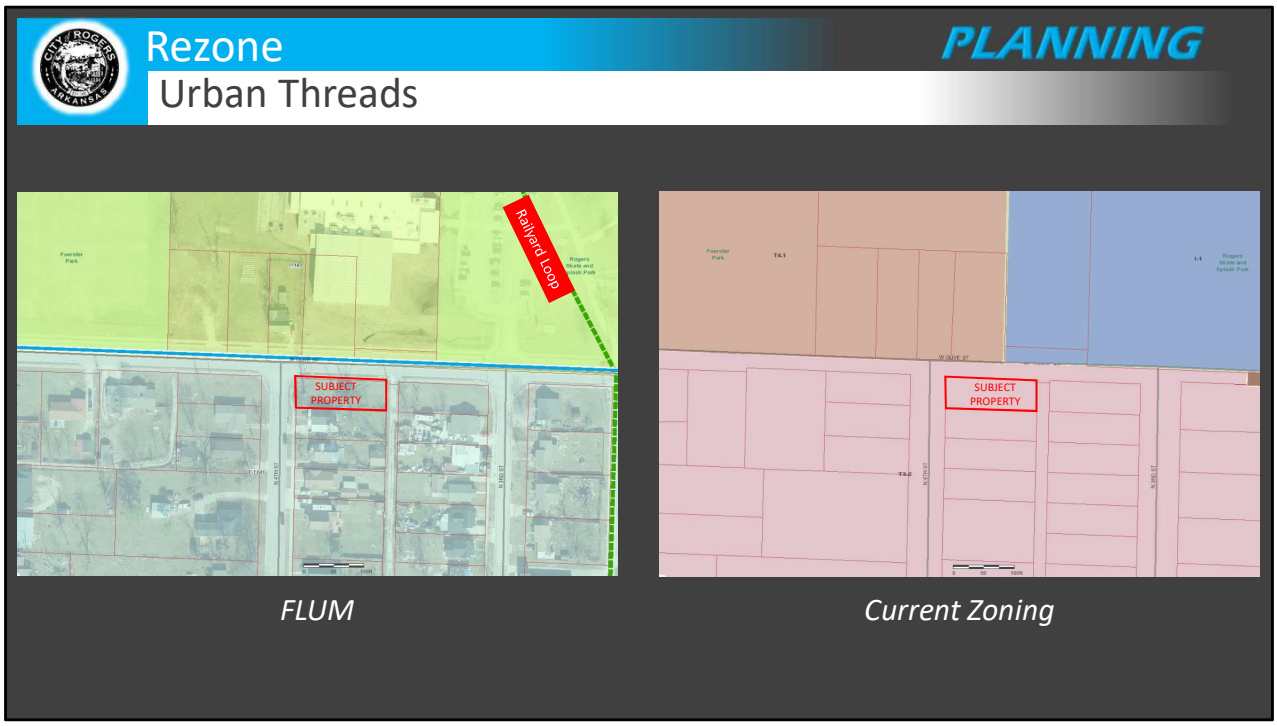
(A) Are likely to create the placetype envisioned by the Plan and thus conform to the Future Land Use Map. Such districts are subject to Standard Review.

(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 T3.2 (Neighborhood Low-Intensity) to T4.2 (Neighborhood High-Intensity) in Downtown Neighborhood is subject to Enhanced Review per Table 2.8.3.A.



Rezone Request

Rezone from T3.2 to T4.2 in Downtown Neighborhood (D-NH).

Placetype Description

Downtown Neighborhood (DT-NH): "Downtown Neighborhood includes neighborhoods adjacent to the Downtown City Center. These areas have an interconnected grid with a lot-and-block pattern, alleys, and a unique mix of architectural styles, periods, and scales. These neighborhoods also include small-scale retail, institutional uses, and services that blend seamlessly with the surrounding residential development and nearby mixed-use developments. New developments, redevelopment, and infill will respect the scale and disposition of existing homes while providing options for active transportation users of all ages and abilities," *Rogers Future Land Use Placetypes*, pg. 6.

Current Zone (T3.2)

"A low-intensity district intended primarily for suburban neighborhoods, neighborhood fabric, and downtown neighborhood placetypes where nonresidential uses are limited," (UDC Section 4.2).

Proposed Zone (T4.2)

"A high-intensity district intended primarily for urban neighborhood placetypes where compatible nonresidential uses within walking distance of homes are encouraged," (UDC Section 4.2)

Rezone

PLANNING

Urban Threads

Staff Analysis - 2.8.7 Enhanced Review Criteria

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

- May recommend approval where the commission finds:

The proposed district(s) are likely to implement the place type envisioned by the Future Land Use Map

Yes. The Downtown Neighborhood placetype encourages a mix of architectural styles, periods, and scales. It also supports small-scale, non-residential uses that are compatible with residential and mixed-use developments in the area.

- T4.2 permits a range of residential building types and low-impact retail, civic, and service uses.
- T4.2 is appropriate across the street from the higher-intensity U-NH placetype.



FLUM + MSP

Staff Analysis:

The subject property is located in the Downtown Neighborhood (DT-NH) placetype. This placetype encourages a mix of architectural styles, periods, and scales. It also supports small-scale, non-residential uses that are compatible with residential and mixed-use developments in the area. To implement the placetype as envisioned, intensive or mixed-use developments should be located at the edge of the placetype adjacent to higher-intensity neighborhoods, centers, or corridors; and single-use residential should be located in the core of the placetype.

The proposed district T4.2 implements the placetype envisioned by the Future Land Use Map (FLUM). T4.2 permits a range of residential building types and low-impact commercial uses that are compatible with nearby residential uses. Per UDC Table 2.8.3.A and the FLUM, T4.2 is most appropriate at the edge of the Downtown Neighborhood placetype, adjacent to or across from a higher-intensity placetype. The subject property is across the street from Urban Neighborhood. At this location, T4.2 serves as an appropriate transition from the core of the Downtown Neighborhood to the higher-intensity Urban Neighborhood.

Rezone

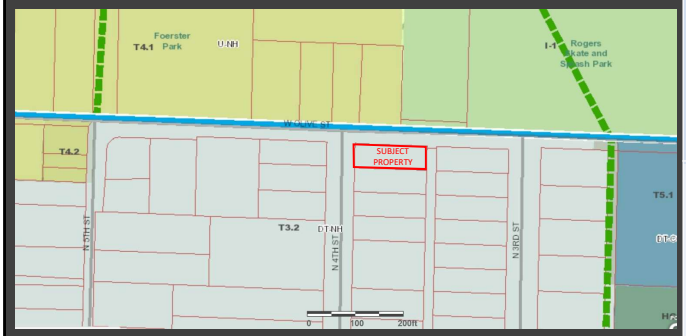
PLANNING

Urban Threads

Staff Analysis - 2.8.7 Enhanced Review Criteria

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

- May recommend approval where the commission finds:



FLUM, MSP, and Zoning

The proposed district contributes to establishing an orderly transition of intensity within the broader placetype by:
II) Where the subject property is within a neighborhood placetype, ensuring higher intensity zones are generally located at the edges of the placetype when the neighborhood lies adjacent to a center or corridor placetype to provide an orderly transition between the edge of the neighborhood and the adjacent placetype.

Consider.

- The subject property is located at the edge of the DT-NH between two higher-intensity placetypes, U-NH and DT-CC.
- T4.2 is generally permitted in U-NH and DT-CC.
- The requested zone is more intense than surrounding T3.2.

Staff Analysis:

The Planning Commission should consider whether the proposed zone supports an orderly transition of intensity within the broader placetype. Given the broader context along W Olive Street, T4.2 at this location would support an orderly transition within the Downtown Neighborhood placetype. The subject property is within one block of both the Downtown City Center (DT-CC) along N 2nd Street and the Urban Neighborhood (U-NH) beginning at the intersection of W Olive Street and N 5th Street. Per UDC Table 2.8.3.A, T4.2 is considered generally appropriate throughout these placetypes. The parcels in DT-CC and U-NH fronting Olive Street are currently zoned T4.1, T4.2, and T5.1. The proposed zone T4.2 contributes toward an orderly transition of intensity between these placetypes along Olive Street. While the proposed zone is an appropriate choice per the Future Land Use Map, the existing zoning in Downtown Neighborhood does not reflect an orderly transition. The subject property and adjacent parcels are zoned T3.2. Per Table 2.8.3.A, this is the least intense zone allowed in Downtown Neighborhood and is more appropriate in its interior. A rezoning to T4.2 would contribute to the goals of the FLUM, however, it does not create an orderly transition on the ground today.

Rezone

PLANNING

Urban Threads

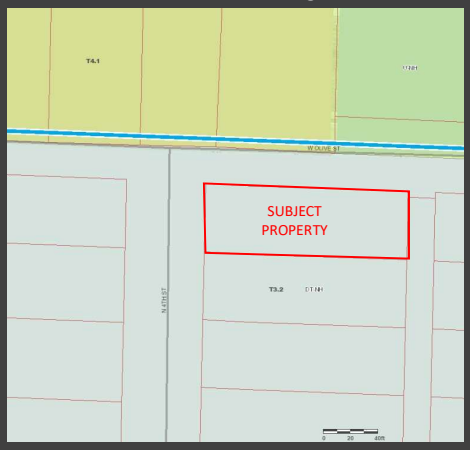
Staff Analysis - 2.8.7 Enhanced Review Criteria

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

- May recommend approval where the commission finds:

The proposed district(s) is within one full transect of the most intense zone allowed on adjacent properties.
Yes. • T4.2 is the most intense zone permitted in the DT-NH. • T5.1 is the most intense zoning district allowed in U-NH.

The proposed district(s) conform to the applicable requirements of this UDC.
Yes. • UDC Sec. 3.7.1(D) requires lots to have access to utilities. The subject property has adequate access to utilities for any of the permitted uses in T4.2. • UDC Sec. 3.7.2(C) requires lots narrower than T4 to abut both an alley and a street. The subject property meets these conditions.



MSP + Zoning Map

Staff Analysis:

The requested zone is within one full transect of the most intense zone allowed on all adjacent properties. The subject property is adjacent to properties in Downtown Neighborhood (DT-NH) and across the street from properties in Urban Neighborhood (U-NH). T4.2 is the most intense zone permitted in DT-NH, and T5.1 is the most intense zone permitted in U-NH.

The subject property and the proposed district conform to all applicable requirements in the UDC. For example, UDC Sec. 3.7.1(D) requires lots to have access to utilities. The subject property has adequate access to utilities for any of the permitted uses in T4.2. UDC Sec. 3.7.2(C) requires lots narrower than T4 to abut both an alley and a street. The subject property meets these conditions.

Rezone
Urban Threads

PLANNING

Table 4.5.A Selected Zone Standards

Standard	T3.2	T4.2	T5.1	T5.2	T5.3
Area Standards					
Max Building Coverage (% of lot)	50	70	90	100	100
Max. Impervious Surface (% of lot)	60	80	100	100	100
Principal Buildings					
Min. Exterior Yard (ft)	15	5	0	0	0
Max. Exterior Yard (ft)			30	10	0
Min. Building Occupancy			70	80	100
Min. Interior Yard (ft)	5	5	0	0	0
Min. Interior Yard, Alleyside	5	0	0	0	0
Max Building Height (stories)	2.5	4	4	6	6
Ground Floor Spaces					
Min. Floor to Ceiling Height (ft)		12	12	12	12
Min. Depth (ft)		12	12	12	12
Min Entry Frequency (ft)		60 residential; 100 nonresidential			
Min Glazing (% of facade)		50/25	50/25	50/25	70/25
Upper Floor Space Min Glazing (% of facade)		15	15	15	15

Contextual Standard for Downtown Neighborhood Placetype

- **EY:** In T4, the yard depth provided may not be less than 75% nor more than 125% of the average provided by the two nearest homes sharing the same blockface.
- **IY:** In T4, the yard depth provided may not exceed 125% of the average provided by the two nearest homes sharing the same block face.

Uses Allowed in T4.2

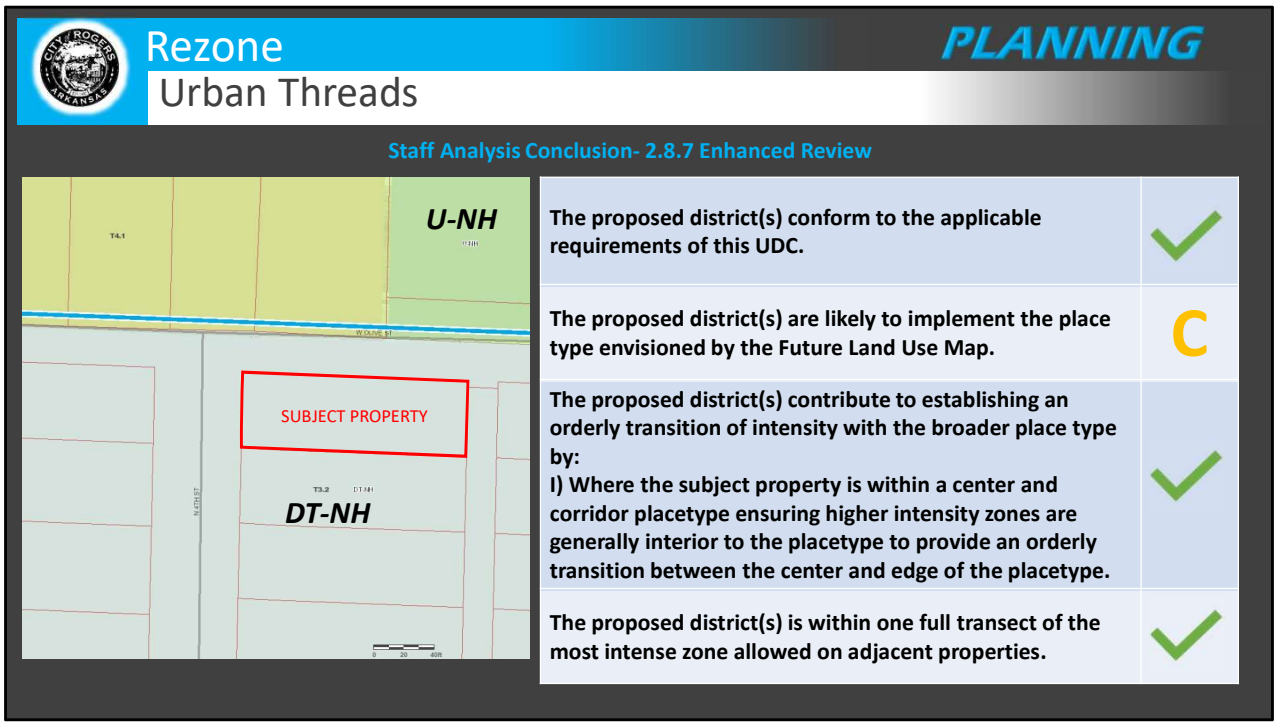
- All Living uses, agriculture, civic uses, community services, office, personal or professional services, eating and drinking, lodging, parking, and retail.

Applicable Use Standards in T4.2

- **Multi-unit houses** - permitted only when consistent in scale with the two nearest residential buildings on the same block face.
- **Apartment Houses** - permitted when located on lots with frontage on an arterial or collector street on the Master Street Plan, in a Center placetype, or when abutting or across the street from a public park.
- **Live-Work Buildings** – the nonresidential uses allowed are limited to those allowed in T4.2.
- **Mixed-Use Buildings** - nonresidential uses allowed are the same as those allowed in the zone of the subject property.
- **Community Services** - intensive services are prohibited in T4 in all cases.
- **Eating and Drinking** - allowed on the ground floor of a mixed-use building.
- **Retail** - allowed on the ground floor of a mixed-use building.

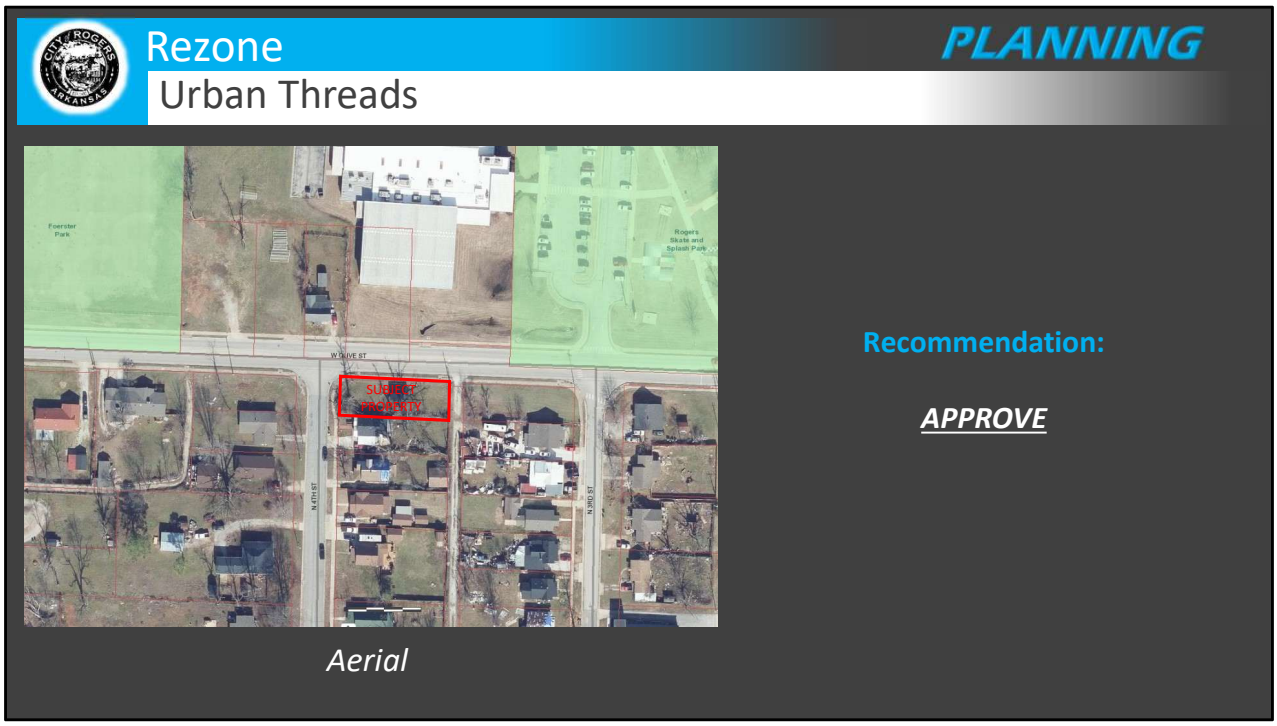
Zoning Standards – T4.2

The slide above includes select building disposition, contextual development, and use standards for T4.2.



Staff Analysis - Conclusion

Staff finds the request to rezone from T3.2 to T4.2 appropriate at this location. While the proposed zone does not reflect an orderly transition within the placetype today, rezoning the subject property to T4.2 would implement the placetype as envisioned. The proposed zone conforms to all applicable requirements of the UDC, and it is within one full transect of the most intense zone allowed on adjacent properties. Staff recommends approval of this request.



PUBLIC INPUT:
Staff received one phone call requesting general information about the rezone.

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

I, David W. Riggins, certify that I am the legal owner of the property located at
(Owner name, printed)

739 N 4th St, Rogers, AR which is the subject of this application. I hereby
(Address or Parcel ID)

authorize, Megan N. Riggins to act as my agent for this application only.
(agent name or list self)

I acknowledge that all information contained in this application has been prepared by me or my agent and are true and correct. I have read the application and consent to its filing, and I remain responsible for compliance with applicable regulations.

Dated this the 12 day of January, 2026.

David W. Riggins
Signed

David W. Riggins
Name Printed

STATE OF ARKANSAS

COUNTY OF BENTON

Subscribed and sworn before me this the 13th day of January, 2026.

Dustin D Ivey
Notary Signature

OFFICIAL SEAL
DUSTIN D IVEY
NOTARY PUBLIC ARKANSAS
BENTON COUNTY
COMMISSION# 12718615
COMMISSION EXP 02/02/2032

Dustin D Ivey
Notary Name Printed

2/2/32
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 public hearing request.

Dated this the 12 day of February, 2026.

Meegan Biggins
Signed

Megan Biggins
Name Printed

STATE OF ARKANSAS

COUNTY OF Benton

Subscribed and sworn before me this the 12th day of February, 2026.

Jose E. Valdez
Notary Signature

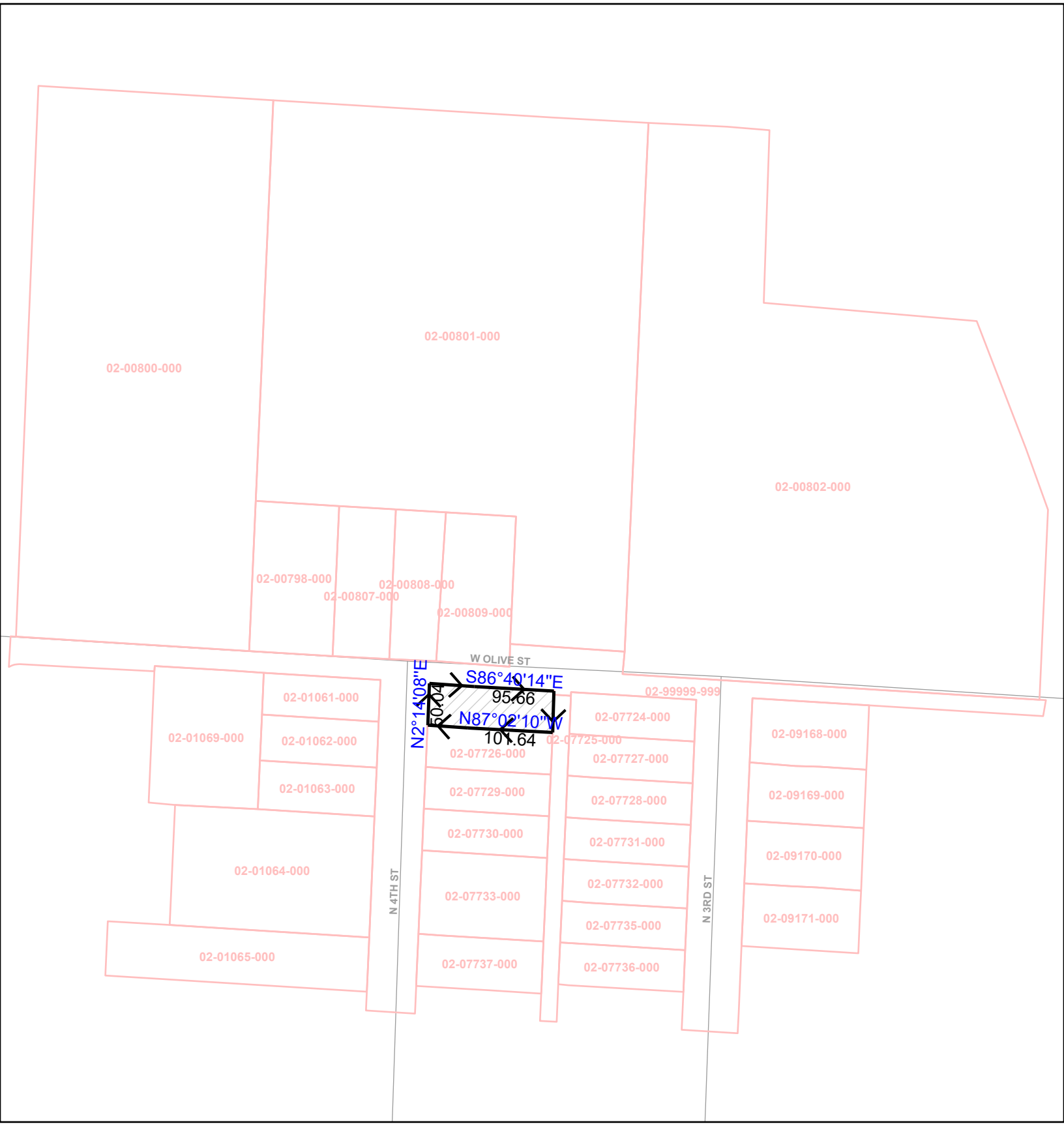
Jose E. Valdez
Notary Name Printed

05/10/2034
Commission Expire

OFFICIAL SEAL
JOSE E VALDEZ
NOTARY PUBLIC . ARKANSAS
WASHINGTON COUNTY
COMMISSION# 00001841
COMMISSION EXP 05/10/2034


NOTICE OF PUBLIC HEARING

RZ26-00019 Legal Description Confirmation



Legend

- Legal Description
- Roads
- Parcels < 300 ft.

N

0 75 150 300 Feet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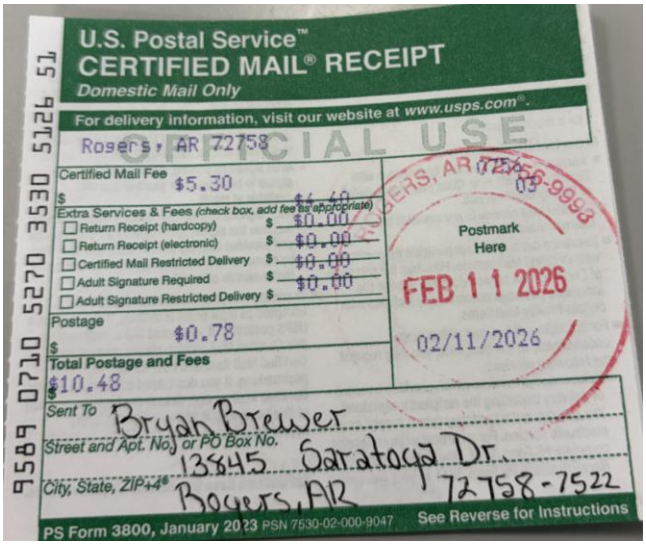
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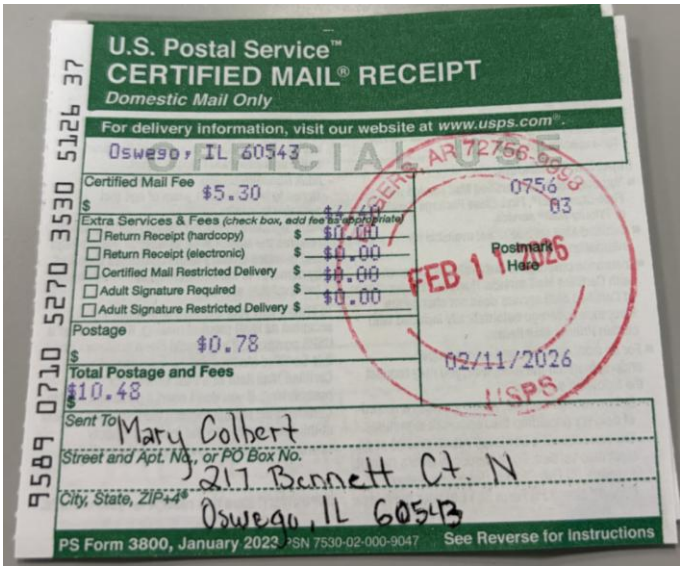
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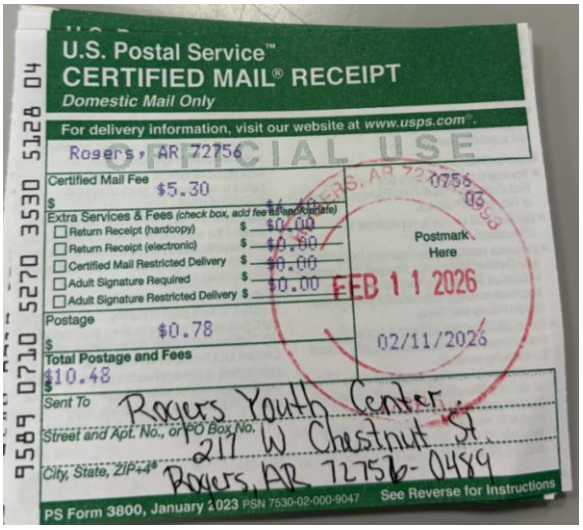
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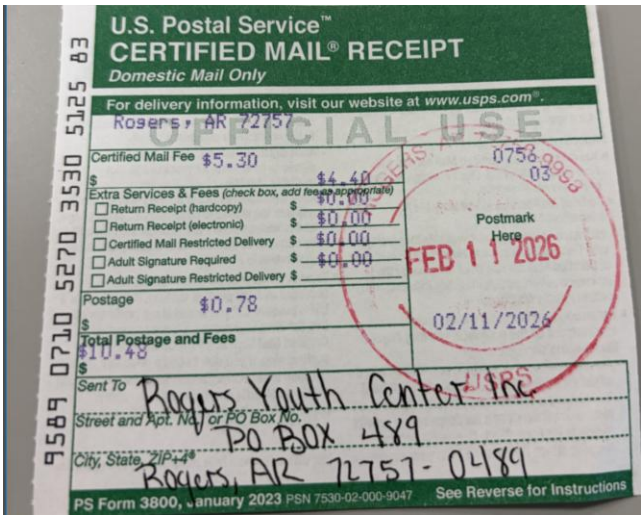
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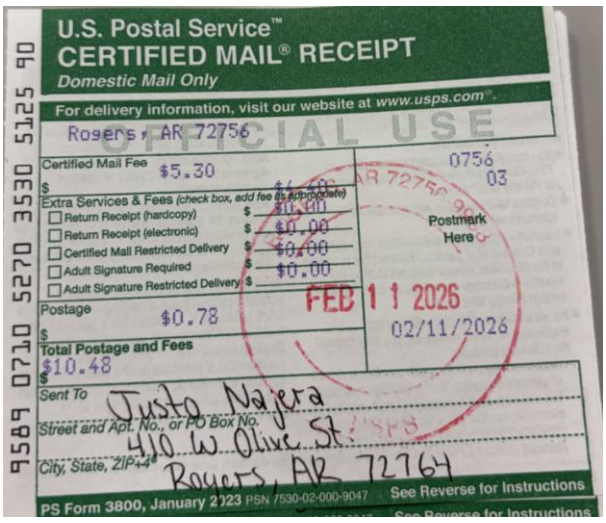
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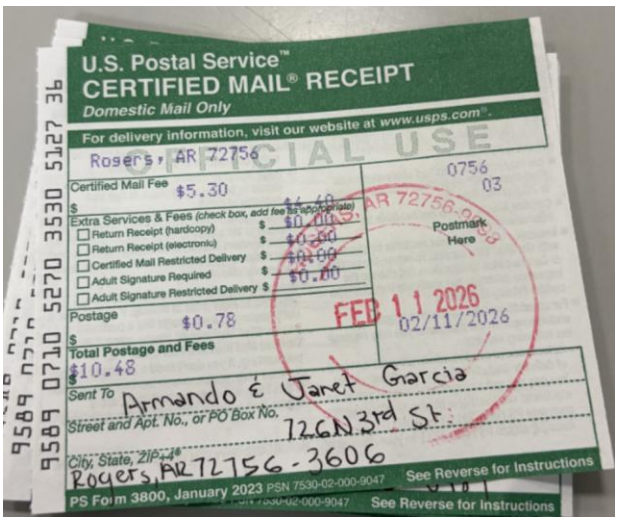
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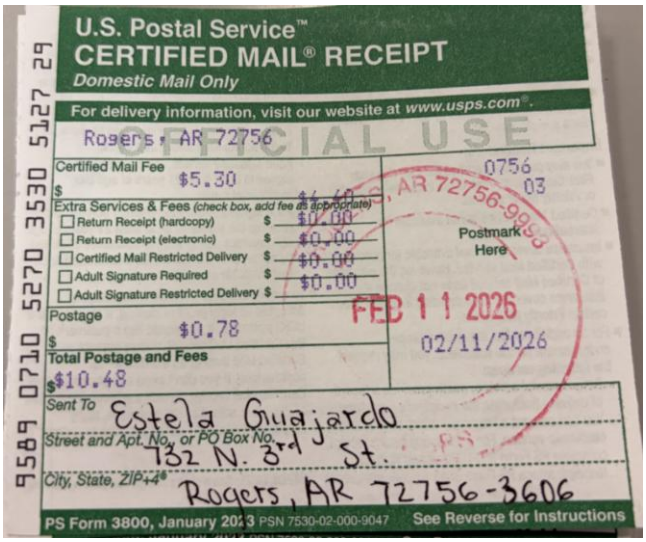
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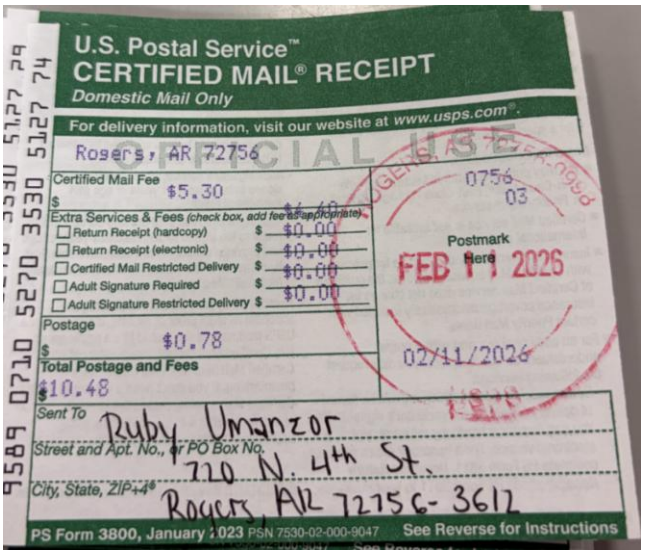
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DEPT. OF COMMUNITY DEVELOPMENT
PLANNING DIVISION
301 W. CHESTNUT
PHONE: (479) 621-1186
FAX: (479) 986-6896

BOARD OF ADJUSTMENT
MINUTES

The **Rogers Board of Adjustment** met for a public meeting at Rogers City Hall at 301 W. Chestnut Street on February 17, 2026 at 5:44 P.M. The meeting was called to order by Chairman Derek Burnett.

ROLL CALL
Board members attending: Derek Burnett, Kevin Jensen, and Isaac Stevens.

ACTION ON MINUTES
Motion by Jensen, second by Stevens to approve the February 3, 2026 Board of Adjustment minutes.
Voice vote: YES - Unanimous ***Motion carried***
APPROVED

NEW BUSINESS

a. John Zito Variance (Case #: VAR25-0722)

Requesting a variance from the Unified Development Code at 808 W. Price Lane in the T4.1 (Neighborhood Medium-Intensity) zoning district.

Planner Amber Long stated that the request is for variances from the definition of accessory building as described in Section 8.5.1A and from the maximum building height for accessory structures. The proposed structure is 3,957-sf larger than the principal building and 5' taller than the maximum height allowed. Staff recommends denial of both variances.

Chuck Bell represented the request and stated that the proposed height is necessary for proper storage of an RV.

The Chair opened the public hearing for comments. There were none.
The public hearing was declared closed.

Commissioners discuss the request and have concerns about the size and granting approval then it potentially being used for commercial purposes.

Commissioner Jensen recognized John Zito, the property owner, to speak. Zito stated he would like for the request to be tabled so that he can present additional information to staff.

Motion by Jensen, second by Stevens to table the request till the 3/3/26 Board of Adjustment meeting.
Voice Vote: – Unanimous. ***Motion carried.***
APPROVED

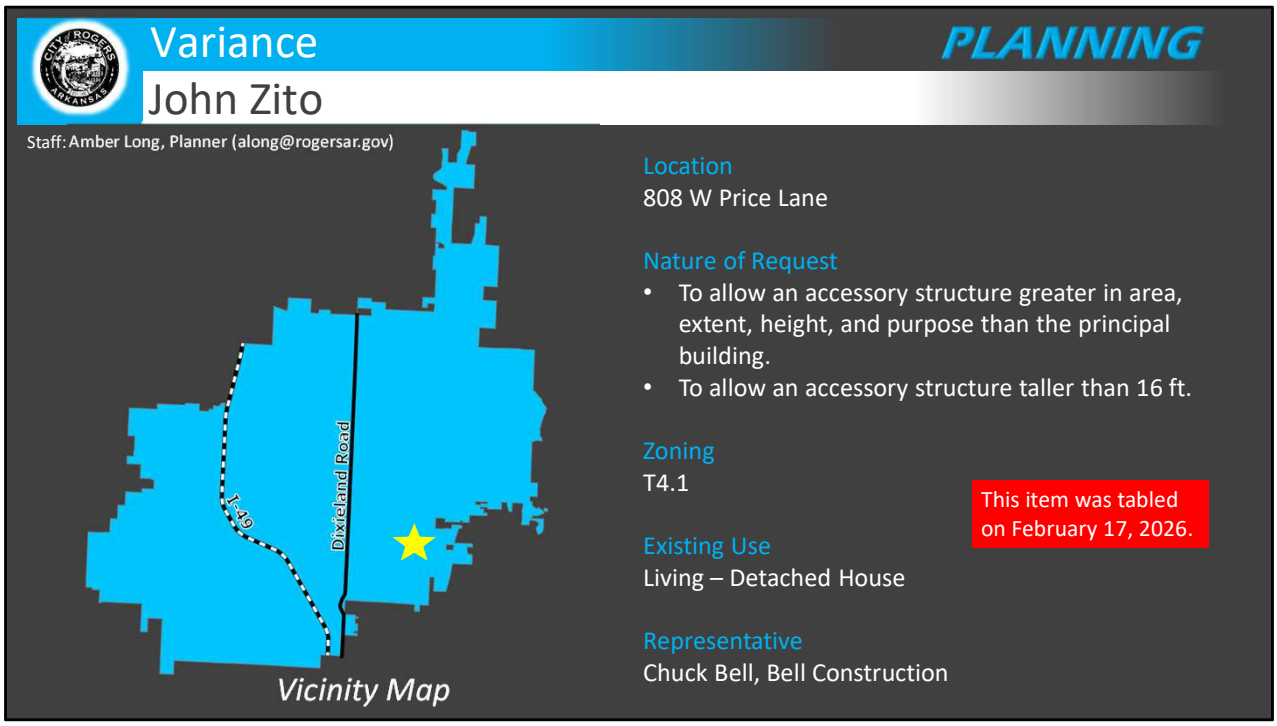
ADJOURN

There being no further business, the Chair adjourned the meeting at 6:04 p.m.

ATTEST: **APPROVED:**

_____ _____

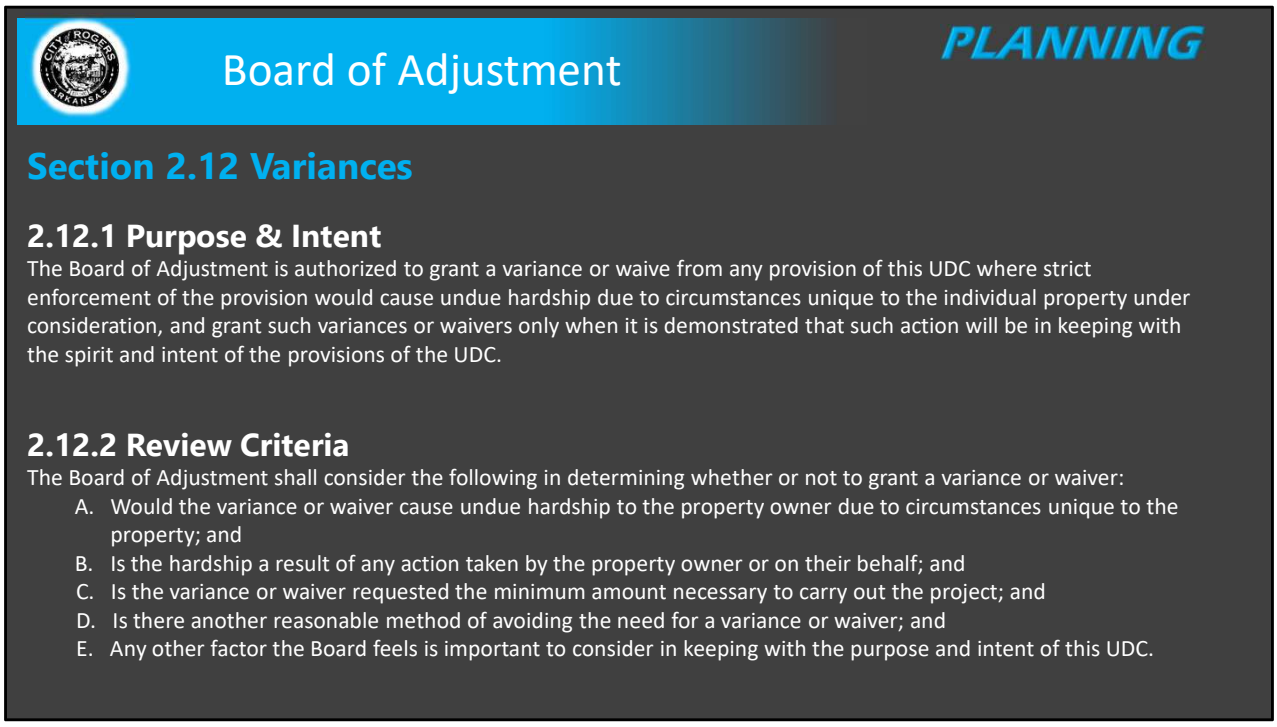
Isaac Stevens, Vice Chair Derek Burnett, Chair



Summary:

This request is for a variance from the definition of "accessory building" in Section 8.5.1 A Terms and from the maximum building height for accessory buildings in Table 4.5.A Selected Zone Standards. The applicant proposes an accessory structure that does not conform to these two standards.

Site Acreage: ±2.43



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.



Site Area:

The subject property is located east of the intersection of W Price Lane and S Rill St. It is across the street from Gospel Light Baptist Church; and it is about 530 ft. west of Kinty Jones Heating & Cooling, which fronts S 8th Street.



Existing Conditions:

The slide above shows two views of the subject property: the image on the left is a 2025 aerial view; and the image on the right is a street view of the property, taken by the staff planner on February 6, 2026.



Existing Conditions:

Location

The subject property is located along W Price Lane. It is in the Urban Neighborhood placetype, immediately east of the Neighborhood Fabric placetype and about 180 feet west of the Highway Corridor placetype.

Existing Development

The subject property is developed with a single-story, detached house, which serves as the principal building. According to Benton County Assessor's data, the home is 1,643 SF. Aerial imagery shows a larger non-residential accessory structure behind the house. According to the applicant, the structure is 2,520 SF, which is 877 SF larger than the principal building. Aerial imagery also shows several storage containers onsite, but it is unclear whether they are on the property today.

Variance
John Zito

PLANNING

Exhibit A. Proposed Roof

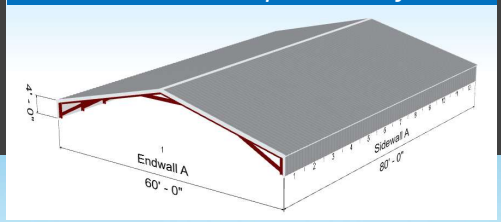




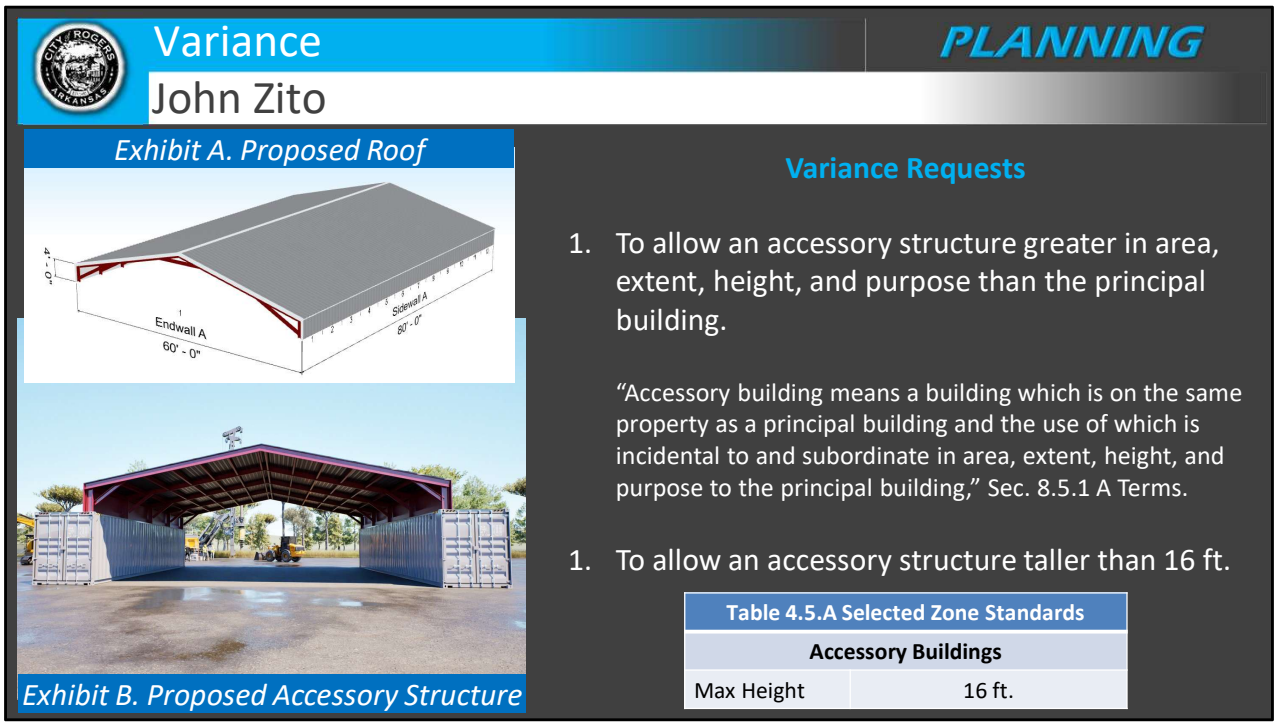
Exhibit B. Proposed Accessory Structure

Proposed Structure

Dimensions of Proposed Structure	
Proposed Height	**21 ft**. to the tallest point
Proposed Area under Roof	70 ft. x 80 ft. = **5,600 SF**
Area of Proposed Storage Containers	9 ft. 6 in. x 40 ft.

Summary of Applicant's Proposal

The applicant proposes a new accessory structure. It comprises two storage containers covered by a roof. The total area under the roof is 5,600 SF, and the proposed height is 21 ft.



Variance Request Summary

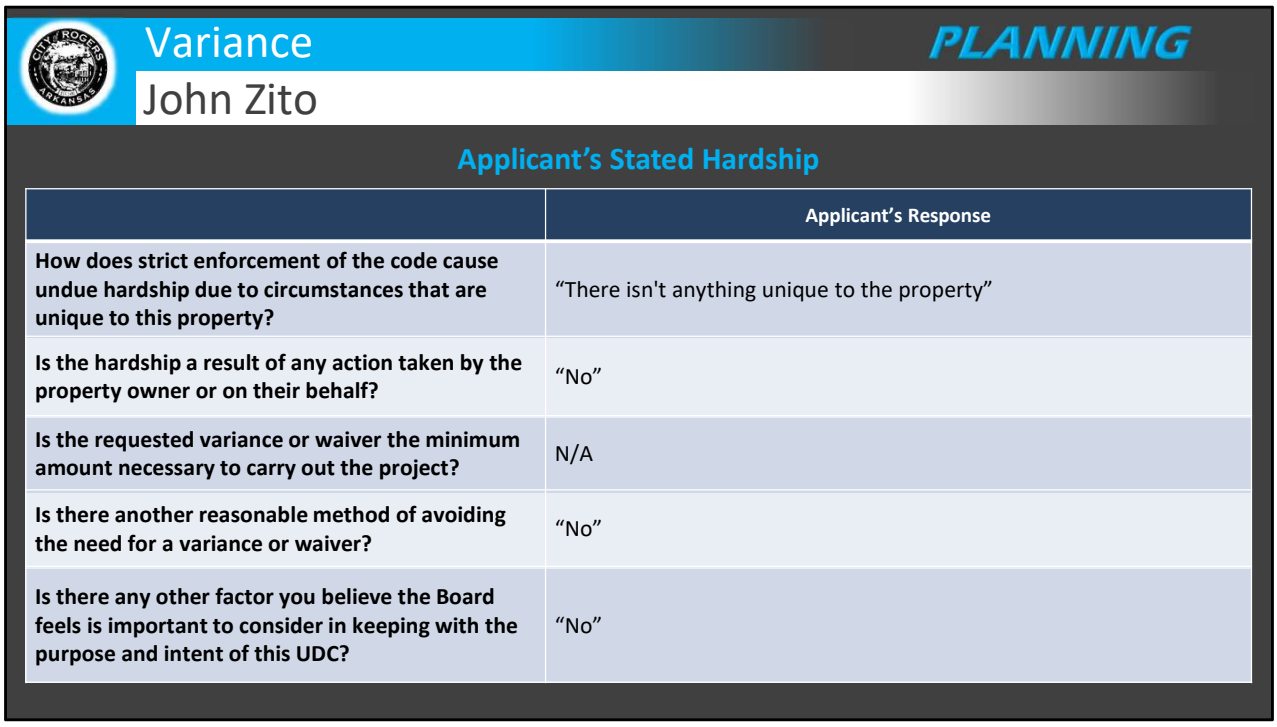
To be constructed as presented, the proposed structure would need the following variances.

Variance Request #1:

A variance from the definition of accessory structures as stated in Section 8.5.1 A Terms. An accessory structure is defined as "a building which is on the same property as a principal building and the use of which is incidental to and subordinate in area, extent, height, and purpose to the principal building." The proposed structure is 3,957 SF larger than the principal building. It is unclear how tall the existing house is, however the proposed structure is taller than 16 ft, which is the maximum height for a story in the Unified Development Code (Sec. 4.5.5.1).

Variance Request #2:

A variance from the maximum height allowance for accessory structures, which is 16 ft per Table 4.5.A Selected Zone Standards. The proposed structure is 5 ft. taller than the maximum.



Summary of Applicant's Hardship:

The applicant has no stated hardship. See the slide above for more information.

Variance

PLANNING

John Zito

Staff Analysis

Would the variance or waiver cause undue hardship to the property owner due to circumstances unique to the property?	No. There are no site-specific hardships warranting a variance for the proposed project.
Is the hardship a result of any action taken by the property owner or on their behalf?	There is no site-specific hardship.
Is the requested variance or waiver the minimum amount necessary to carry out the project?	No. The variance request is not based on a site-specific hardship.
Is there another reasonable method of avoiding the need for a variance or waiver?	Yes. The applicant could propose an accessory structure that is less than 16 ft. tall and that is smaller than the existing primary residence.
Any other factor the Board feels is important to consider in keeping with the purpose and intent of this UDC.	Aerial imagery from 2025 and 2026 show an accessory building that is larger than the primary structure. If approved, the cumulative area of non-residential space onsite would be at least 8,120 SF.

Staff's Response:

See the slide above to view staff's analysis of the request using the criteria in UDC Sec. 2.12.2.

Variance

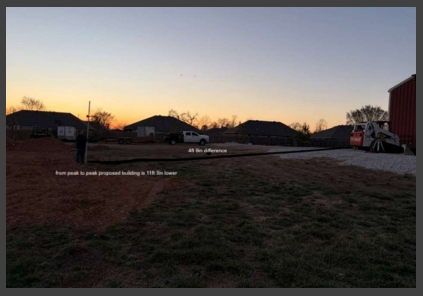
PLANNING

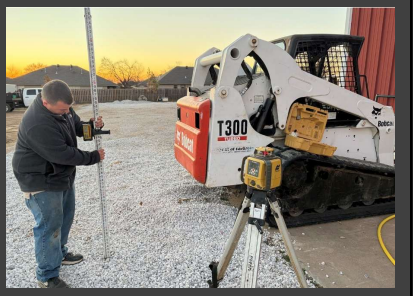
John Zito

Staff Analysis – Additional Information



Aerial View Showing Floodplain and Contours





Images from east property line, where the accessory structure is proposed.

Staff's Response:

Any other factor the Board feels is important to consider in keeping with the purpose and intent of this UDC.

The applicant submitted several images of the site and met with staff to discuss existing conditions and proposed improvements to the property to mitigate the impact of the proposed structure on neighboring properties:

- The applicant owns the adjacent parcel to the east.
- The applicant proposes a privacy fence and green giant trees along the west property line to mitigate the visual impact of the accessory structure.
- The rear of the subject property is in the floodway. New structures in the rear of the property will need a floodplain development permit.
- The applicant submitted pictures showing the grade change between the area under the existing accessory structure and the area designated for the new accessory structure. The grade declines by 4 ft. 9 inches. The applicant states that, if permitted, the peak of the proposed accessory structure will be 11 ft. 3 in. lower than the peak of the existing accessory structure.
- The applicant notes that the proposed structure will not be on a permanent foundation.

Variance

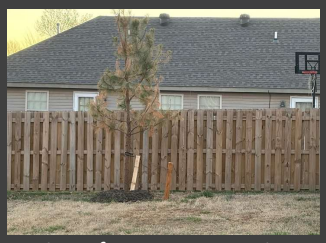
PLANNING

John Zito

Staff Analysis – Additional Information

If the variances are approved, the applicant proposes the following:

- To use the structure for storage:
  - "Atv's (4 of them) with trailer, car hauler for my Rebuilding car hobby, mobile home and several other things can be stored in building if needed."
- Turf under the proposed structure.
- Green giants along the west property line to screen the view of his property and light pollution from 8th St.
- Additional fencing along the west property line.



View of West Property Line

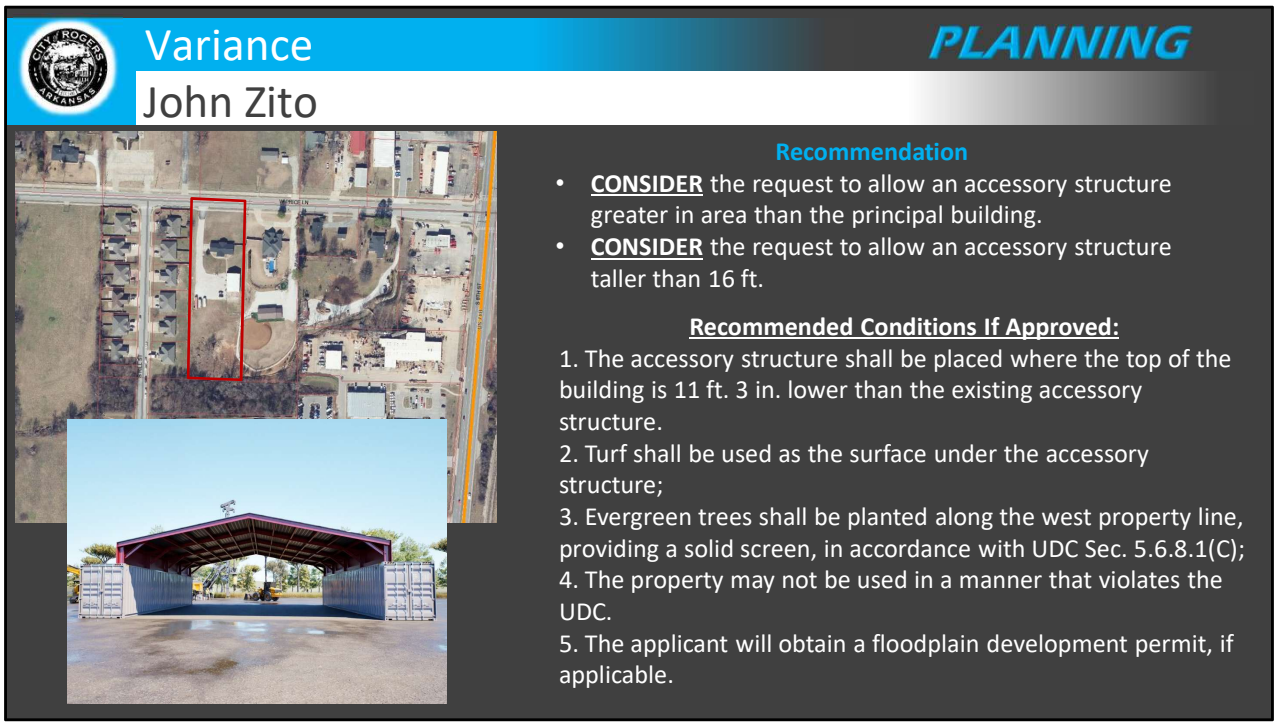




View from subject property looking east

Staff's Response:

See the slide above.



Public Input:
Staff did not receive calls or emails regarding this project.

Recommendation: Staff recommends **CONSIDERATION** of the variance request from Section 8.5.1.A to allow an accessory structure greater in area, extent, height, and purpose than the principal building. Variances are typically granted to address the unique characteristics of a property that prevent otherwise appropriate development. There is no site-specific hardships warranting the requested variance. Granting this variance may set a precedent for allowing accessory structures greater than the principal use. Staff recommends **CONSIDERATION** of the variance from Section 4.5.A to allow an accessory structure taller than the maximum allowed height. Based on the grade change onsite, the height of the proposed structure will have minimal visual impact from the street. The applicant proposes to install additional fencing and evergreen trees to screen the view of the building from the properties to the west.

If approved, the variances shall have the following conditions:
1. The accessory structure shall be placed where the top of the building is 11 ft. 3 in. lower than the existing accessory structure.
2. Turf shall be used as the surface under the accessory structure;
3. Evergreen trees shall be planted along the west property line south of the existing drive, providing a solid screen, in accordance with UDC Sec. 5.6.8;
4. The property may not be used in a manner that violates the UDC.
5. The applicant will obtain a floodplain development permit, if applicable.

PROPERTY OWNER AFFIDAVIT

I, John Zito, certify that I am the legal owner of the property located at
(Owner name, printed)

808 west price Lane which is the subject of this application. I hereby
(Address or Parcel ID)

authorize, _____ to act as my agent for this application only.
(agent name or list self)

I acknowledge that all information contained in this application has been prepared by me or my agent and are true and correct. I have read the application and consent to its filing, and I remain responsible for compliance with applicable regulations.

Dated this the 26 day of December, 20____.

_____
Signed

John Zito
Name Printed

STATE OF Arkansas

COUNTY OF Benton

Subscribed and sworn before me this the 26th day of December, 2025.

Michell Templeton
Notary Signature

Michelle Tompleton
Notary Name Printed

09/21/2027
Commission Expires

MICHELLE TEMPLETON
NOTARY PUBLIC, ARKANSAS
Benton County
COMMISSION # 12702439
COMMISSION EXP. 09/21/2027

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 30th day of JANUARY, 2026.

C a Bell —

Signed

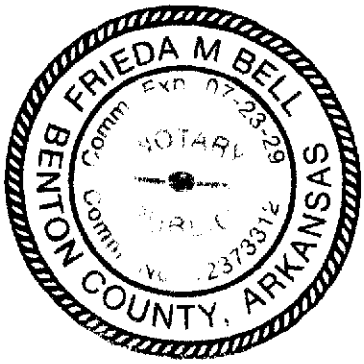
Chuck Bell

Name Printed

STATE OF ARKANSAS

COUNTY OF Benton

Subscribed and sworn before me this the 30th day of January, 2026.



Frieda M Bell

Notary Signature

Frieda M Bell

Notary Name Printed

7/23/2029

Commission Expires

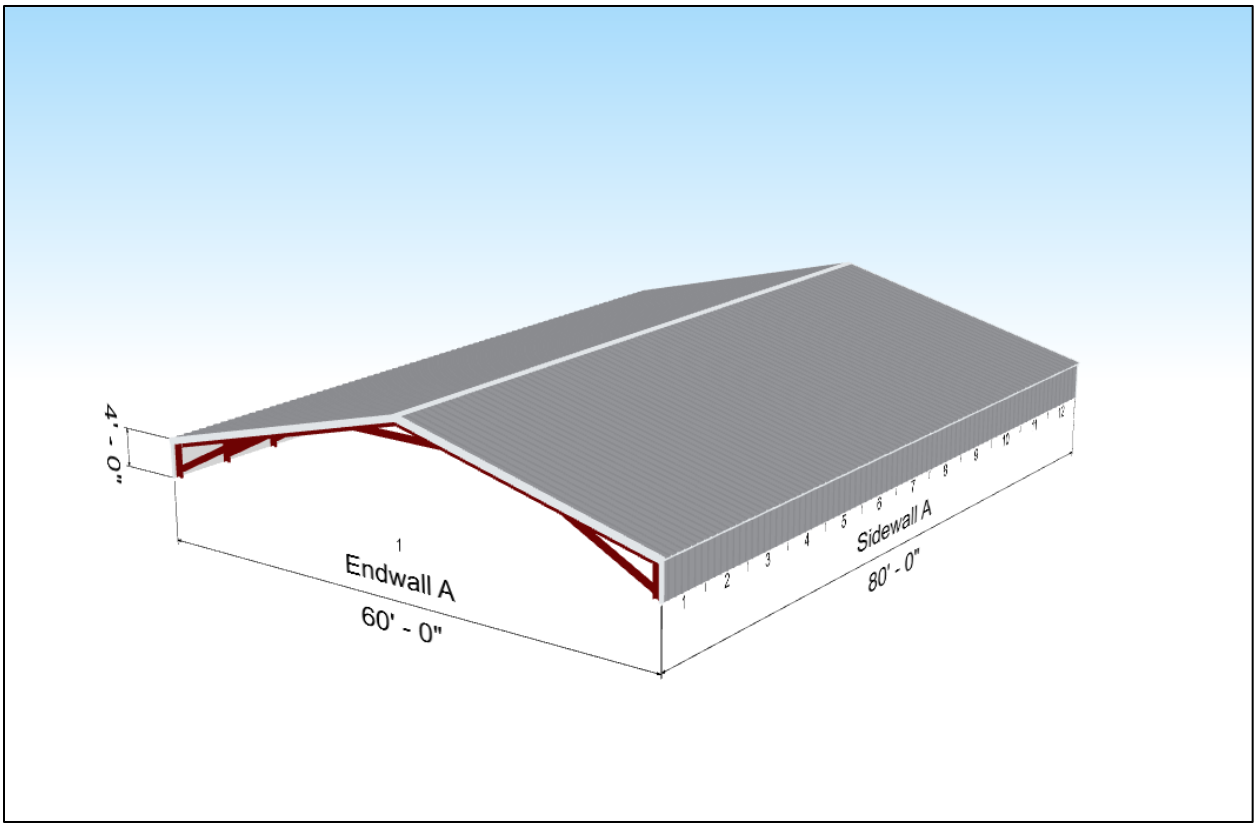


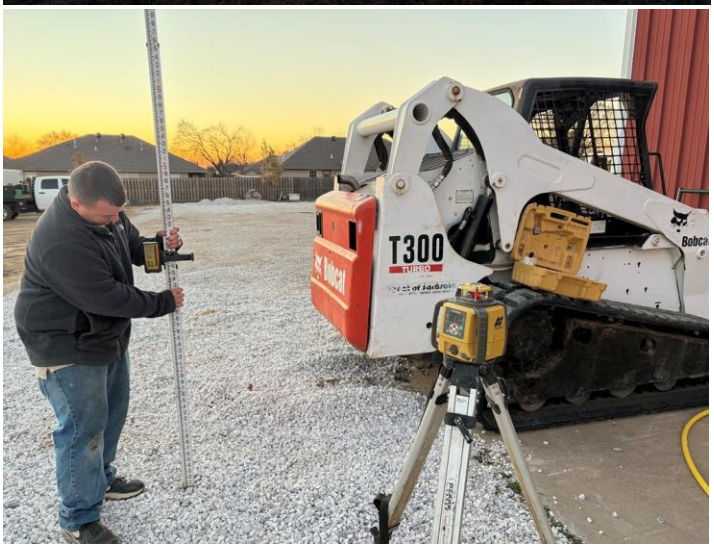
Exhibit A. Proposed Roof



Exhibit B. Proposed Accessory Structure






T300
Bobcat








NOTICE OF PUBLIC HEARING

Realty Title & Closing Services LLC

3866 W. Sunset
Springdale, AR 72762
479-582-9383
www.realtytitleinc.com

File No.: 25-92511W

Property Owners- 300 feet

Subject Property:
Current Owner: John Zito and Rebecca Zito
Parcel Number: 02-02049-001
Property Address: 808 W Price Ln, Rogers, AR
Mailing Address: 806 W Price Ln, Rogers, AR 72758

Adjoining Property Owners:
Current Owner: Red Point LLC
Parcel Number: 02-21103-000
Property Address: N/A
Mailing Address: PO Box 6245, Springdale, AR 72766

Current Owner: Red Point LLC
Parcel Number: 02-21102-000
Property Address: N/A
Mailing Address: PO Box 6245, Springdale, AR 72766

Current Owner: Red Point LLC
Parcel Number: 02-21088-000
Property Address: 2437 & 2439 S Rill St, Rogers, AR
Mailing Address: PO Box 6245, Springdale, AR 72766

Current Owner: Red Point LLC
Parcel Number: 02-21087-000
Property Address: 916 & 918 W Laura St, Rogers, AR
Mailing Address: PO Box 6245, Springdale, AR 72766

Current Owner: Red Point LLC
Parcel Number: 02-21086-000
Property Address: 912 & 914 W Laura St, Rogers, AR
Mailing Address: PO Box 6245, Springdale, AR 72766

Current Owner: Red Point LLC
Parcel Number: 02-21085-000
Property Address: 908 & 910 W Laura St, Rogers, AR
Mailing Address: PO Box 6245, Springdale, AR 72766

Current Owner: Red Point LLC
Parcel Number: 02-21083-000

Property Address: 900 & 902 W Laura St, Rogers, AR
Mailing Address: PO Box 6245, Springdale, AR 72766

Current Owner: Red Point LLC
Parcel Number: 02-21082-000
Property Address: 901 & 903 W Laura St, Rogers, AR
Mailing Address: PO Box 6245, Springdale, AR 72766

Current Owner: Red Point LLC
Parcel Number: 02-21081-000
Property Address: 905 & 907 W Laura St, Rogers, AR
Mailing Address: PO Box 6245, Springdale, AR 72766

Current Owner: Red Point LLC
Parcel Number: 02-21080-000
Property Address: 909 & 911 W Laura St, Rogers, AR
Mailing Address: PO Box 6245, Springdale, AR 72766

Current Owner: Red Point LLC
Parcel Number: 02-21079-000
Property Address: 913 & 915 W Laura St, Rogers, AR
Mailing Address: PO Box 6245, Springdale, AR 72766

Current Owner: Red Point LLC
Parcel Number: 02-21078-000
Property Address: 917 & 919 W Laura St, Rogers, AR
Mailing Address: PO Box 6245, Springdale, AR 72766

Current Owner: Red Point LLC
Parcel Number: 02-21077-000
Property Address: 2429 & 2431 S Rill St, Rogers, AR
Mailing Address: PO Box 6245, Springdale, AR 72766

Current Owner: Red Point LLC
Parcel Number: 02-21072-000
Property Address: 2428 & 2430 S Rill St, Rogers, AR
Mailing Address: PO Box 6245, Springdale, AR 72766

Current Owner: Wildflower Residential, LLC
Parcel Number: 02-17138-000
Property Address: S Rill St, Rogers, AR
Mailing Address: 2468 N 56th St, Springdale, AR 72762

Current Owner: Lynette S. Kirmer, Trustee of the Kirmer Family Trust dated October 24, 2002
Parcel Number: 02-17137-000
Property Address: 2401 & 2403 S Rill St, Rogers, AR
Mailing Address: 8280 Titleist Cir, Rogers, AR 72756

Current Owner: Murphy Alexander Still
Parcel Number: 02-17136-000

Property Address: 2405 & 2407 S Rill St, Rogers, AR
Mailing Address: 2405 S Rill St, Rogers, AR 72758

Current Owner: Adrienne Lynn Ackley
Parcel Number: 02-17135-000
Property Address: 2409 & 2411 S Rill St, Rogers, AR
Mailing Address: 2411 S Rill St, Rogers, AR 72758

Current Owner: Kerry Middleton and Melissa Middleton
Parcel Number: 02-17134-000
Property Address: 2413 & 2415 S Rill St, Rogers, AR
Mailing Address: 13240 Dickson Rd, Hiwasse, AR 72739

Current Owner: Jose H. Jorge and Cynthia Jorge
Parcel Number: 02-17133-000
Property Address: 2417 & 2419 S Rill St, Rogers, AR
Mailing Address: 2203 W New Hope Rd, Rogers AR 72758

Current Owner: Jorge Favela Salazar and Diana Mariela Hernandez Sula
Parcel Number: 02-17132-000
Property Address: 2421 & 2423 S Rill St, Rogers, AR
Mailing Address: 2421 S Rill St, Rogers, AR 72758

Current Owner: MBM Investments, LLC, a California limited liability company
Parcel Number: 02-17131-000
Property Address: 2420 & 2422 S Rill St, Rogers, AR
Mailing Address: 1535 Farmers Ln #256, Santa Rosa, CA 95405

Current Owner: Susana Hurtado and Gerardo Hernandez Santos
Parcel Number: 02-17130-000
Property Address: 2416 & 2418 S Rill St, Rogers, AR
Mailing Address: 1530 Bristol Ln, Centerton, AR 72719

Current Owner: Engel M. Flores Lara
Parcel Number: 02-17129-000
Property Address: 2412 & 2414 S Rill St, Rogers, AR
Mailing Address: 2414 S Rill St, Rogers, AR 72758

Current Owner: Ryan M. Wegerer and Olivia B. Wegerer, Trustees, of their successors in interest, of the Ryan and Olivia Wegerer Living Trust dated May 24, 2023
Parcel Number: 02-17128-000
Property Address: 2408 & 2410 S Rill St, Rogers, AR
Mailing Address: 7753 Phoenix Ave, Springdale, AR 72762

Current Owner: Adan Perez
Parcel Number: 02-17127-000
Property Address: 2404 & 2406 S Rill St, Rogers, AR
Mailing Address: 2404 S Rill St, Rogers, AR 27258

Current Owner: Mabarin Pacheco and Liliana Pacheco
Parcel Number: 02-17126-000

Property Address: 2400 & 2402 S Rill St, Rogers, AR
Mailing Address: 2400 S Rill St, Rogers, AR 72758

Current Owner: Auto Appearance Group, LLC
Parcel Number: 02-02055-000
Property Address: W Post Rd, Rogers, AR
Mailing Address: 2779 S Honeysuckle Ln, Rogers, AR 72758

Current Owner: 3 Calhoun C's "Limited Liability Company"
Parcel Number: 02-02053-001
Property Address: 2414 & 2416 8th St, Rogers, AR
Mailing Address: 1 S Block Ave, Fayetteville, AR 72701

Current Owner: Honey Creek Land & Cattle, LLC
Parcel Number: 02-02053-000
Property Address: 2410 S 8th St, Rogers, AR
Mailing Address: 4355 Spring Valley Dr, Bentonville, AR 72712

Current Owner: John Joseph Zito and Rebecca Zito
Parcel Number: 02-02050-000
Property Address: 806 W Price Ln, Rogers, AR
Mailing Address: 806 W Price Ln, Rogers, AR 72756

Current Owner: Kevin Wayne Hesse, Personal Representative of the Estate of Joyce May Refshauge
Parcel Number: 02-02048-000
Property Address: 804 W Price Ln, Rogers, AR
Mailing Address: 804 W Price Ln, Rogers, AR 72758

Current Owner: Juan Antonio Sierra Garcia and Evelyn Yesenia Sierra
Parcel Number: 02-02047-000
Property Address: 802 W Price Ln, Rogers, AR
Mailing Address: 802 W Price Ln, Rogers, AR 72758

Current Owner: David W. White and Barbara White
Parcel Number: 02-02007-000
Property Address: 807 W Price Ln, Rogers, AR
Mailing Address: 807 W Price Ln, Rogers, AR 72758

Current Owner: Gospel Light Baptist Church of Rogers
Parcel Number: 02-02005-000
Property Address: 1001 W Price Ln, Rogers, AR
Mailing Address: 1001 W Price Ln, Rogers, AR 72758

Current Owner: Gospel Light Baptist Church of Rogers
Parcel Number: 02-02004-000
Property Address: 809 W Price Ln, Rogers, AR
Mailing Address: 1001 W Price Ln, Rogers, AR 72758

This list is compiled mainly from the Benton County Assessor's Office and is further certified through December 31, 2025.

Issued Through the Office of
Realty Title & Closing Services, LLC
Arkansas Title Agency License No.: 100102353
3866 W. Sunset
Springdale, AR 72762
479-582-9383 fax 479-582-2925



By: _____
Authorized Signatory

Brittney Pullen

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- Adult Signature Required $0.00
- Adult Signature Restricted Delivery $

Postage $0.78
Total Postage and Fees $10.48

0718 05
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Sent To: Red Point LLC
Street and Apt. No., or PO Box No.: P.O. Box 6245
City, State, ZIP+4®: Springdale, AR 727666

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9589 0710 5270 3814 3150 60

Total Postage and Fees $10.48

Sent To: John Zito + Rebecca Zito
Street and Apt. No., or PO Box No.: 806 W. Price Ln
City, State, ZIP+4®: Rogers, AR 72758

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9589 0710 5270 3814 3150 07

$10.48

Sent To: Ryan M. Wegerer + Olive B. Wegerer
Street and Apt. No., or PO Box No.: 7753 Phoenix Ave
City, State, ZIP+4®: Springdale, AR 72762

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

9589 0710 5270 3814 3150 71

Total Postage and Fees $10.48

Sent To: Auto Appearance Grp Inc
Street and Apt. No., or PO Box No.: 2795 Honeysuckle Ln
City, State, ZIP+4®: Rogers, AR 72758

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01/30/2026

9589 0710 5270 3814 3150 71

Total Postage and Fees $10.48

Sent To: Gospel Light Baptist Church Rogers
Street and Apt. No., or PO Box No.: 1001 W. Price Ln
City, State, ZIP+4®: Rogers, AR 72758

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

9589 0710 5270 3814 3150 52

Sent To: Jose H. Jorge + Cynthia Jorge
Street and Apt. No., or PO Box No.: 3203 W. New Hope Rd
City, State, ZIP+4®: Rogers, AR 72758

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Adult Signature Restricted Delivery $
Postage $0.78
Total Postage and Fees $10.48

01/30/2026

9589 0710 5270 3814 3150 88

Sent To: Lynette S. Kirmer, Trustee of the Kirmer
Street and Apt. No., or PO Box No.: 8250 Titleist Cir
City, State, ZIP+4®: Rogers, AR 72756

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

Total Postage and Fees $10.48

01/30/2026

9589 0710 5270 3814 3150 95

Sent To: MBM Investments LLC
Street and Apt. No., or PO Box No.: 1535 Farmers Ln #256
City, State, ZIP+4®: Santa Rosa, CA 95405

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

Adult Signature Restricted Delivery $
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- Adult Signature Required $0.00
- Adult Signature Restricted Delivery $

Postage $0.78
Total Postage and Fees $10.48

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01/30/2026

Sent To: Susana Hurtado + Gerardo Hernandez
Street and Apt. No., or PO Box No.: 1530 Bristol Ln
City, State, ZIP+4®: Centerton, AR 72719

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

9589 0710 5270 3814 3150 64

Total Postage and Fees $10.48

Sent To: Adan Perez
Street and Apt. No., or PO Box No.: 2404 S. Rill St
City, State, ZIP+4®: Rogers, AR 7258

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

9589 0710 5270 3814 3150 71

Total Postage and Fees $10.48

Sent To: Juan Antonio Sierra Garcia + Evelyn
Street and Apt. No., or PO Box No.: 800 W Price Ln
City, State, ZIP+4®: Rogers, AR 72758

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9589 0710 5270 3814 3150 71

Total Postage and Fees $10.48

Sent To: Engel M. Flores Lara
Street and Apt. No., or PO Box No.: 2414 S Rill St
City, State, ZIP+4®: Rogers, AR 72758

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

9589 0710 5270 3814 3150 07

$10.48

Sent To: David W + Barbara White
Street and Apt. No., or PO Box No.: 807 Price Ln
City, State, ZIP+4®: Rogers, AR 72758

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9589 0710 5270 3814 3150 0

$10.48

Sent To: Honey Creek Land + Cattle Co
Street and Apt. No., or PO Box No.: 4355 Spring Valley Dr
City, State, ZIP+4®: Bentonville, AR 72712

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

01/30/2026

9589 0710 5270 3814 3150 83

$10.48

Sent To: Mabarin + Liliana Pacheco
Street and Apt. No., or PO Box No.: 2400 S. Rill St
City, State, ZIP+4®: Rogers, AR 72758

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Adult Signature Restricted Delivery $
Postage $0.78
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01/30/2026

9589 0710 5270 3814 3150 52

Sent To: Jorge Fayed Salazar + Diana Maricela
Street and Apt. No., or PO Box No.: 2421 S Rill St
City, State, ZIP+4®: Rogers, AR 72758

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Adult Signature Restricted Delivery $
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Total Postage and Fees

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☐ Adult Signature Restricted Delivery $	
Postage $0.78	Postmark Here
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Sent To: Kevin Wayne Hesse
Street and Apt. No., or PO Box No.: 804 W. Anna Ln
City, State, ZIP+4®: Rogers, AR 72758

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☐ Adult Signature Restricted Delivery $	
Postage $0.78	Postmark Here
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Total Postage and Fees $10.48	01/30/2026
$	

Sent To: Wildflower Residential LLC
Street and Apt. No., or PO Box No.: 2468 N 56th St
City, State, ZIP+4®: Springdale, AR 72762

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☐ Certified Mail Restricted Delivery $ $0.00	
☐ Adult Signature Required $ $0.00	
☐ Adult Signature Restricted Delivery $	
Postage $0.78	Postmark Here
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Total Postage and Fees $10.48	01/30/2026
$	

Sent To: Kerry Middleton + Melissa Middleton
Street and Apt. No., or PO Box No.: 13240 Dickson Rd
City, State, ZIP+4®: Hiwasse, AR 72739

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Sent To: 3 Calhoun C's LLC
Street and Apt. No., or PO Box No.: 1 S. Block Ave
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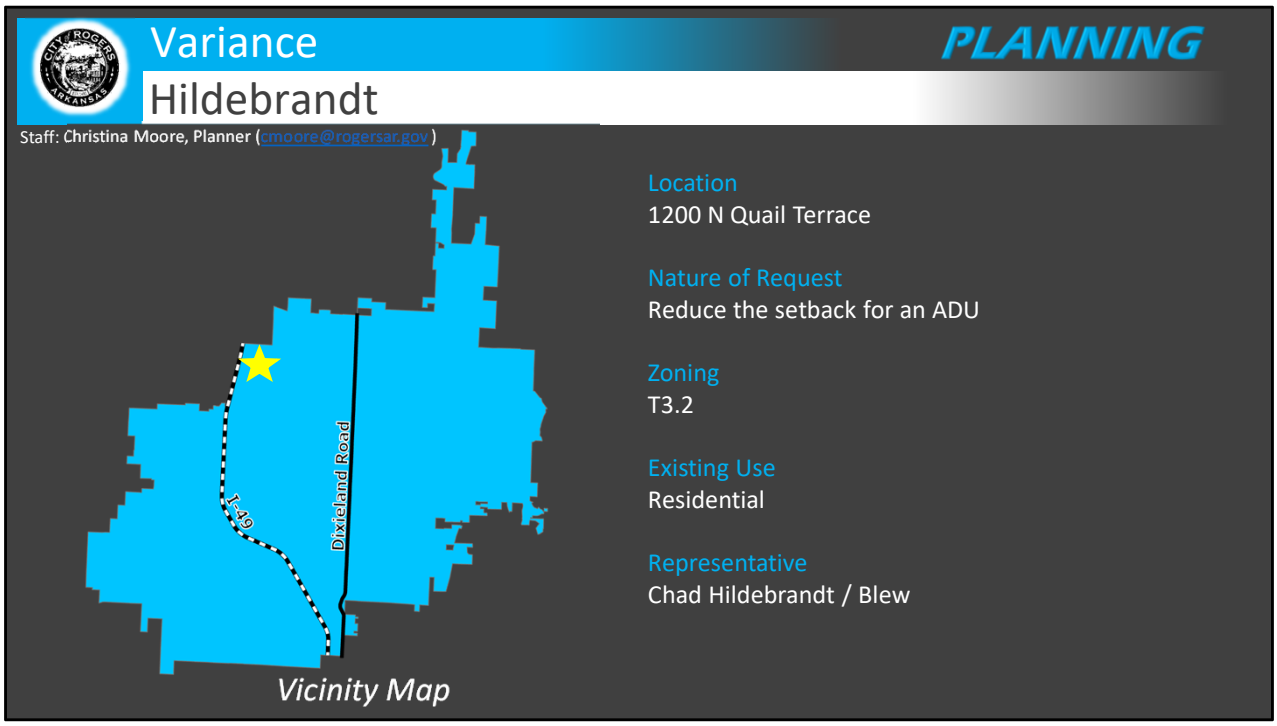
☐ Adult Signature Required $ $0.00	
☐ Adult Signature Restricted Delivery $	
Postage $0.78	Postmark Here
$	
Total Postage and Fees $10.48	01/30/2026
$	

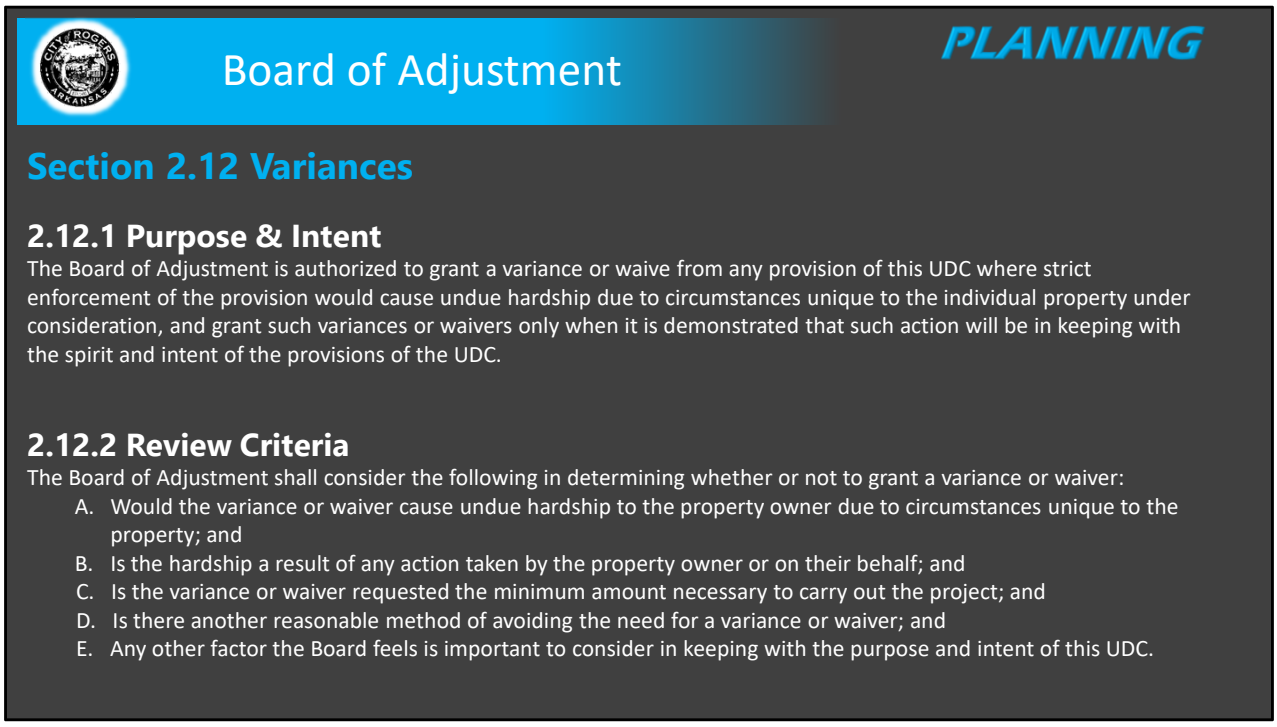
Sent To: Murphy Alexander Still
Street and Apt. No., or PO Box No.: 2405 S. Rill St
City, State, ZIP+4®: Rogers, AR 72758

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions



Summary:

This request is for a variance from setbacks in the Whispering Timbers Phase 9 Final Plat., allowing an Accessory Dwelling Unit in the Neighborhood Fabric Placetype. Site Acreage: ±0.35



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

Hildebrandt



Vicinity Aerial View

Site Area:

This site is located at 1200 N Quail Terrace, near Cambridge Park, northeast of W Olive Street and I-49.

Variance
Hildebrandt

PLANNING



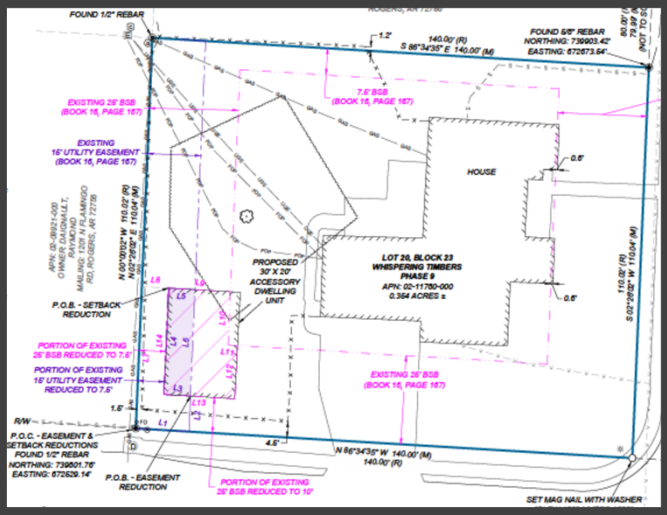
Existing Conditions

- The subject property is on a corner lot in a residential subdivision
- There is a large tree and small shed in the backyard

The subject property is on a corner lot with a large tree and small shed in the backyard.

Variance
Hildebrandt

PLANNING



Proposal exhibit

Variance Request

- The Whispering Timbers Phase 9 subdivision final plat designates the **exterior setback and rear setbacks as 25ft**.
- Applicant is proposing a decrease in in the **exterior side setback to 10ft** and the **rear setback to 7.5ft**.

Variance Request:

Variance

PLANNING

Hildebrandt

Applicant's Response

	Applicant's Response
How does strict enforcement of the code cause undue hardship due to circumstances that are unique to this property?	"Strict enforcement of the setback requirements creates undue hardship because the physical conditions of this property leave no compliant location where a structure can be placed. Four existing utility lines—gas, electric, and two communications lines—run across the northern half of the property's backyard, and the large, mature oak tree occupies most of the space that would otherwise meet the required setback of a corner lot with two 25' setbacks in the backyard. These fixed physical constraints prevent a modest, functional, 600 sq. ft. ADA compliant home from being built without encroachment into setbacks. The site plan proposed is the best because it's the only buildable area without utilities and that can preserve the significant tree."

Summary of Applicant's Hardship:

The applicants stated hardship is because utility lines and a large mature oak tree leave no compliant buildable area on the lot. The proposed site plan is the only feasible option that avoids utilities, preserves the tree, and allows for construction of a modest 600 square foot ADA-compliant home.

Variance

PLANNING

Hildebrandt

Applicant's Response

	Applicant's Response
Is the hardship a result of any action taken by the property owner or on their behalf?	"All the conditions creating the hardship were not caused by any action or decision of the current property owners. The 25-foot setbacks to the west and south were established by the original plat. The four utility lines that span across the areas that meet setback were installed by the utility companies. The significant tree whose canopy and root system span most of the area that meets setbacks was planted long before the current owners resided at the property. None of the conditions requiring a variance were created or modified by the owner, nor were they the result of any action taken on the owner's behalf. The need for ADA compliant design does not create hardship; ensuring safety and accessibility simply limits the owner's ability to work around these preexisting constraints which already prevent practical building. The project has been designed around essential needs, not personal preference."

Summary of Applicant's Hardship:

The applicant states the hardship was not created by the current owners, as the setbacks, utility lines, and mature tree predate their ownership and were established or installed by others. The need to ADA-compliant design does not create the hardship but limits flexibility around these preexisting constraints, and the project is based on essential needs rather than personal preference.

Variance

PLANNING

Hildebrandt

Applicant's Response

	Applicant's Response
Is the requested variance or waiver the minimum amount necessary to carry out the project?	"Yes. The requested variance is the minimum amount necessary due to the fixed physical constraints of the lot. The owners consulted with licensed general contractors throughout the design process to evaluate alternative layouts, structural adjustments, and placement options. Four utility lines run through the buildable area, and a large, mature oak tree occupies the only portion of the lot that otherwise meets the setback. The 30' × 20' footprint has been reduced and reconfigured multiple times to prioritize minimizing any setback impact while still meeting ADA requirements. The home is being built to ADA and wheelchair accessibility standards for a family member with limited mobility, which requires specific clearances, turning radii, and accessibility from the driveway. It also enables multiple points of access. This location also ensures that construction equipment, maintenance machinery, and emergency services can safely access the backyard and ADU from the driveway, the only feasible access route given the site constraints. The structure has been pushed as far from the setback line as feasible while still avoiding the utilities in the northern half of the backyard, preserving the oak tree, maintaining driveway adjacent placement, and ensuring unobstructed access for emergency personnel and equipment. The requested variance reflects only the minimum relief necessary to construct a safe, functional home within the property."

Summary of Applicant's Hardship:

The applicants states the requested variance is the minimum necessary due to fixed site constraints, including four utility lines and a mature oak tree that limit compliant building areas. The home's footprint has been reduced and carefully positioned to meet ADA accessibility needs, preserve the tee, avoid utilities, and maintain safe driveway and emergency access, resulting in only the minimal setback encroachment required for a functional home.

Variance

PLANNING

Hildebrandt

Applicant's Response

	Applicant's Response
Is there another reasonable method of avoiding the need for a variance or waiver?	"No. Many reasonable alternatives have been evaluated with licensed general contractors, including shifting the structure north, south, east, or west; rotating the footprint; reducing the width; and altering the orientation and dimensions. Each alternative was ruled out because of any combination of physical/setback constraints such as: 1. Placing the structure over existing gas, electric, or communications lines 2. Intruding further into the mature oak tree's critical root zone 3. Blocking practical access for equipment, machinery, vehicles, and potential emergency services to access the existing gate through the driveway 4. Eliminating essential ADA turning radii, door frame widths, and accessible room layouts (in particular the bathroom) 5. Eliminating accessibility to the home from the driveway No other configuration allows the home to be constructed safely, responsibly, and in compliance with both ADA needs and the physical constraints of the lot."

Summary of Applicant's Hardship:

The applicants states numerous reasonable alternatives were evaluated, including shifting, rotating, and resizing the structure, but each was ruled out due to utility lines, the oak tree's critical root zone, access limitations, or loss of essential ADA accessibility features. No other configuration allows the home to be built safely and responsibly while meeting both ADA requirements and the lot's physical constraints.

Variance

PLANNING

Hildebrandt

Applicant's Response

	Applicant's Response
Is there any other factor you believe the Board feels is important to consider in keeping with the purpose and intent of this UDC?	"1. The proposed 600 sq. ft. home is modest, residential in character, and consistent with the Whispering Timbers neighborhood. 2. Placement is further restricted by building codes preventing additional buildings within 10ft. 3. There is other similarly placed ADUs/additional structures in the neighborhood, demonstrating that this type of relief aligns with established neighborhood patterns. 4. Granting the variance protects public interests by ensuring construction does not occur over existing utilities and by preserving the significant mature oak tree. 5. The project will maintain compliance with all other zoning standards, including height, use, and lot coverage. 6. The variance enables safe, accessible housing for elderly, disabled family member, which aligns with the UDC's purpose of supporting reasonable use of property while protecting health, safety, and welfare. 7. Utility companies have shown support for building the project as it is away from existing utility lines—such as Black Hills Energy, Carroll Electric, and RWU."

Summary of Applicant's Hardship:

The applicants states the proposed 600 square foot home is modest and consistent with the Whispering Timbers neighborhood, complies with all other zoning standards, and reflects established neighborhood patterns of similar structures. Granting the variance protects public interests by avoiding construction over utilities, preserving the mature oak tree, maintaining required building separations, and enabling safe, accessible housing for an elderly, disabled family member in alignment with the UDC's intent to support reasonable property use while protecting health, safety, and welfare.

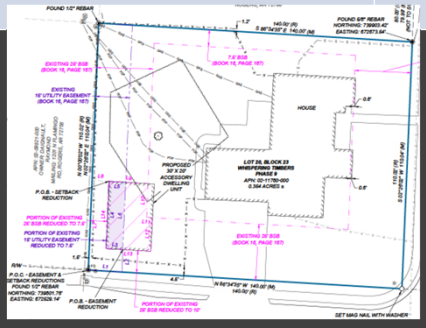
Variance

PLANNING

Hildebrandt

Staff Analysis

Would strict application of the code cause an undue hardship due to circumstances that are unique to this property?	Yes. The UDC states the setbacks for T3.2 zones are 15ft exterior yard and 5ft for interior yards; however this property is in a subdivision with a recorded plat indicating the setbacks are 25ft in the rear and street sides of the property. The proposed ADU is 10ft away from the exterior yard and 7.5ft away from the rear yard. Furthermore, the underground utilities are located in the northern half of the backyard, making it unfeasible to place a structure outside of the final plat's setbacks.



Reduction Survey



Whispering Timbers Phase 9 Final Plat

Staff's Response:

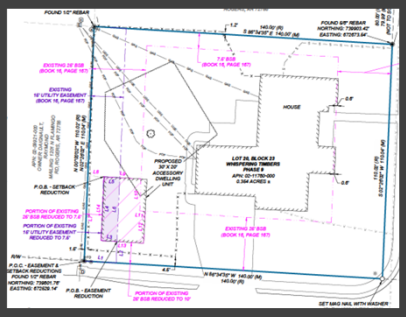
Although the UDC allows 15ft exterior and 5ft interior setbacks in T3.2 zones, this subdivision's recorded plat requires 25ft setback at the rear and street sides. The proposed ADU, set 10ft from the exterior yard and 7.5ft from the rear yard, is necessary because underground utilities in the northern half of the backyard make compliance with the plat's setbacks infeasible.

Variance
Hildebrandt

PLANNING

Staff Analysis

Is the hardship a result of any action taken by the property owner or on their behalf?	No. The setbacks on the final plat indicate that no structures can be built within 25ft of the rear and side exterior yard. The only location in the back yard that would allow a structure outside of the setbacks is in the northern half of the backyard; however, this is the location of the underground utilities. If we follow the T3.2 zoning setbacks, the proposed structure is 7.5 feet from the rear property line, which complies with the 5ft setbacks per the UDC. T3.2 zoning requires structures to be 15ft from the exterior yard, the proposed structure would need to be shifted 5ft north to comply with the exterior yard setback. Shifting the ADU closer to the tree, would damage the critical root zone of the tree that the property owner wishes to keep.



Reduction Survey

Staff's Response:

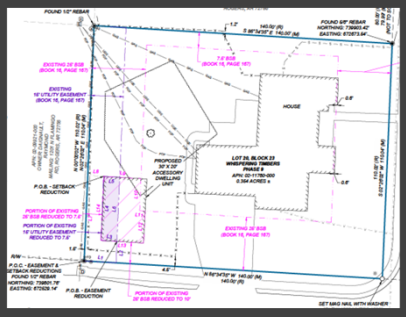
Under the final plat, no structures may be built within 25ft of the rear or side exterior yards, and the only area outside those setbacks – the northern half of the backyard – is constrained by underground utilities. However, if the T3.2 UDC setbacks applied instead, the structure could shift 5ft north to meet the 15ft exterior yard setback, and its current 7.5ft rear setback would comply with the 5ft interior yard requirement. Shifting the house further north however, would result in the ADU being over the critical root zone of the tree the property owner wishes to keep.

Variance
Hildebrandt

PLANNING

Staff Analysis

Is the variance or waiver requested the minimum amount necessary to carry out the project?	Yes. The proposed ADU could be shifted a little to reduce the setback encroachment; however, according to the applicant the proposed location and size is best for ADA accessibility and keeping the ADU off of the critical root zone of the tree.
Is there another reasonable method of avoiding the need for a variance or waiver?	No. There is not a feasible location to place the ADU that is outside of the setbacks. The applicant would risk killing the backyard tree if he moved it further north, and he cannot reduce the size of the ADU or it would not be ADU accessible.



Reduction Survey

Staff's Response:

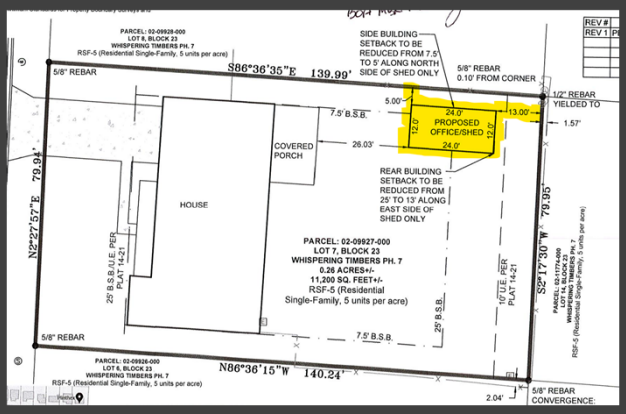
- The ADU could potentially be shifted slightly to reduce the degree of setback encroachment , but the applicant states the proposed location is required to save the backyard tree and the ADU cannot be reduced in size due to the need for ADA accessibility. There is no feasible location on the lot that would allow the ADU to be built outside of the required setbacks.

Variance
Hildebrandt

PLANNING

Similar Variances Granted Nearby

- In 2022 the Rogers BOA approved a setback variance at nearby 1301 N Flamingo Road
- The variance reduced the side setback to 5ft and the rear setback to 13ft.
- This property is in the middle of the block. The subject property you are reviewing today is on a corner lot. Requesting to reduce the setback 7.5ft in the rear and 10ft on the exterior side.

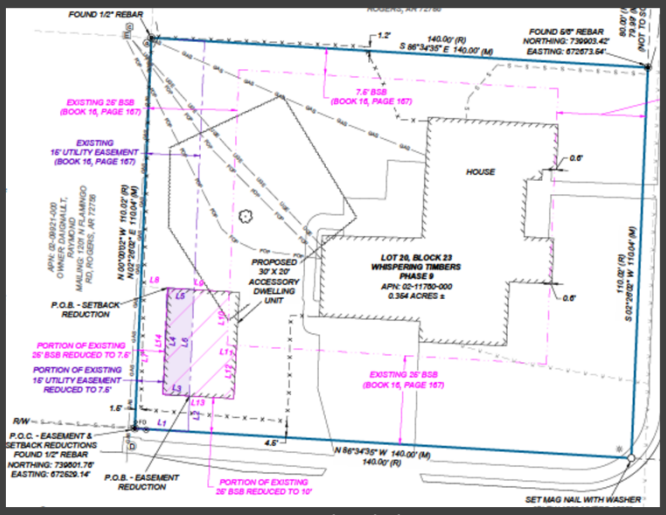


Approved Setback Reduction

Staff Analysis

Variance
Hildebrandt

PLANNING



Proposal exhibit

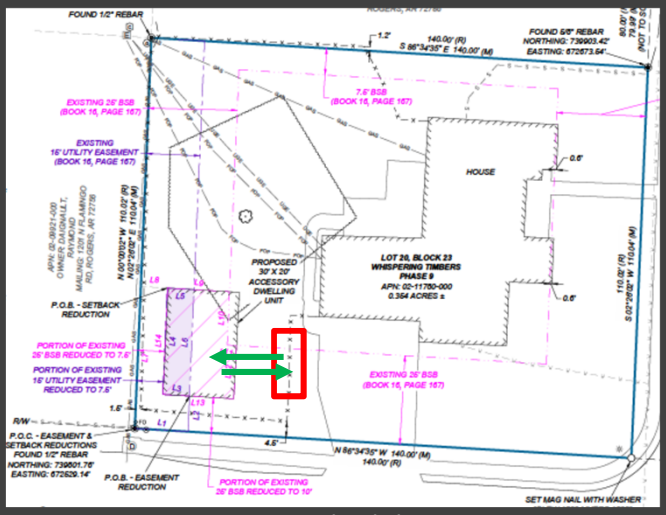
Staff Summary

- This is a setback reduction variance for setbacks determined by the Whispering Timbers Phase 9 final plat
- The proposed location of the Accessory Dwelling Unit will require the setbacks to be reduced from 25ft to 7.5ft in the rear and 10ft on the exterior side yard.
- If we were to follow the underlying T3.2 zoning the setbacks would be 5ft interior yard and 15ft exterior yard setback.

Staff Analysis

Variance
Hildebrandt

PLANNING



Proposal exhibit

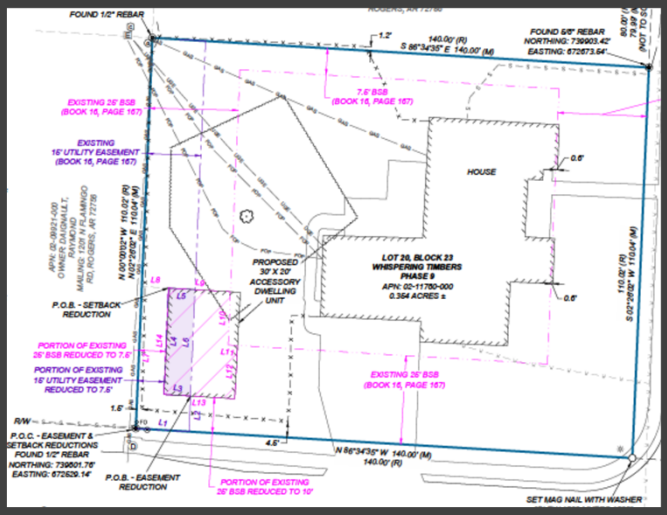
Staff Summary

- The red box shows where the existing gate is located.
- The green arrows show the best ADA accessible route to access the driveway.
- The area between the ADU and the gate will have room for an ADA ramp.

Staff Analysis

Variance
Hildebrant

PLANNING



Recommendation

- **APPROVAL** of the variance from Whispering Timbers Phase 9 Subdivision Final Plat reducing the rear and side setbacks from 25ft to 7.5ft in the rear and 10ft on the side exterior yard.

Public Input:

Staff received a phone call from neighbor wanting more information about the variance.

Recommendation

SETBACK & EASEMENT REDUCTION PLAT

LOCATED IN: SECTION 4, TOWNSHIP 19 NORTH, RANGE 30 WEST
1200 NORTH QUAIL TERRACE, BENTON COUNTY, ROGERS, ARKANSAS 72756

VICINITY MAP

NOT TO SCALE

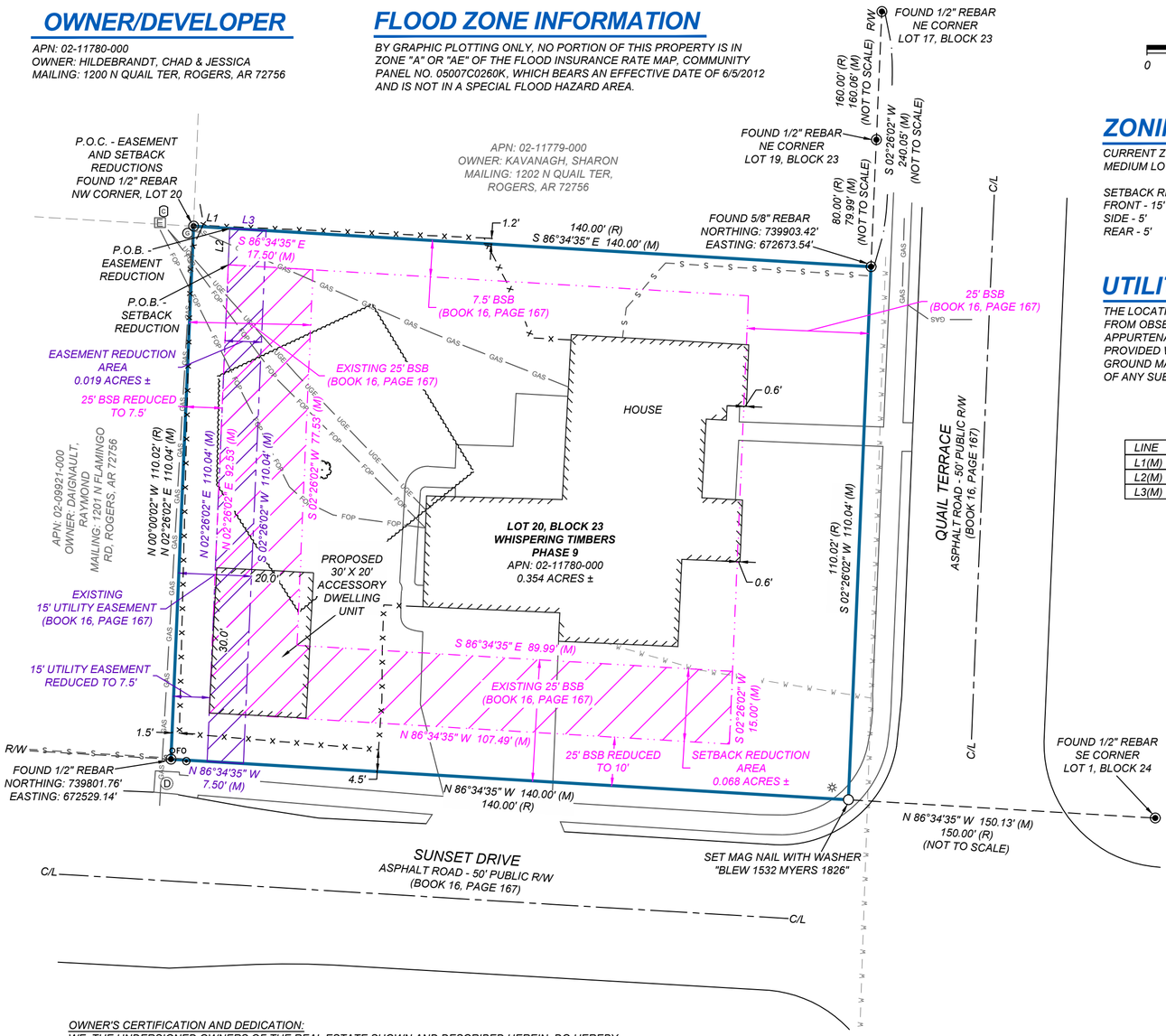


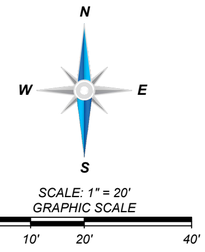
OWNER/DEVELOPER

APN: 02-11780-000
OWNER: HILDEBRANDT, CHAD & JESSICA
MAILING: 1200 N QUAIL TER, ROGERS, AR 72756

FLOOD ZONE INFORMATION

BY GRAPHIC PLOTTING ONLY, NO PORTION OF THIS PROPERTY IS IN ZONE "A" OR "AE" OF THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 05007C0260K, WHICH BEARS AN EFFECTIVE DATE OF 6/5/2012 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA.





ZONING INFORMATION

CURRENT ZONING: T3.2, NEIGHBORHOOD EDGE - MEDIUM LOT

SETBACK REQUIREMENTS:
FRONT - 15'
SIDE - 5'
REAR - 5'

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.

LINE	BEARING	DISTANCE
L1(M)	S 86°34'35" E	7.50'
L2(M)	S 02°26'02" W	7.50'
L3(M)	S 86°34'35" E	7.50'

LEGEND & SYMBOLS

- FOUND MONUMENT (AS NOTED)
- SET MONUMENT (AS NOTED)
- LIGHT
- GAS METER
- ELECTRIC BOX
- STORM MANHOLE
- CABLE PEDESTAL
- OFO FIBER OPTIC MARKER
- LOCATION OF TREE
- CLEAN OUT
- (M) MEASURED/CALCULATED DIMENSION
- (R) RECORD DIMENSION
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- BOUNDARY LINE
- EASEMENT LINE
- RIGHT-OF-WAY LINE (R/W)
- CENTERLINE (C/L)
- FENCE LINE
- SETBACK LINE (BSB)
- W WATER LINE
- S SANITARY SEWER LINE
- FOP FIBER OPTIC LINE
- GAS GAS LINE
- UGE UNDERGROUND ELECTRIC LINE
- TREE CANOPY LINE
- SETBACK REDUCTION AREA
- EASEMENT REDUCTION AREA

LAND AREA

0.354 ± ACRES

PROPERTY DESCRIPTION

WARRANTY DEED L202459589:
LOT 20, BLOCK 23, WHISPERING TIMBERS, PHASE 9, ROGERS, BENTON COUNTY, ARKANSAS, AS SHOWN ON PLAT RECORD "16" AT PAGE 167.

REDUCTION DESCRIPTIONS

SETBACK REDUCTION AREA:
BEING A PORTION OF LOT 20, BLOCK 23, WHISPERING TIMBERS, PHASE 9, ROGERS, BENTON COUNTY, ARKANSAS, AS SHOWN ON PLAT RECORD "16" AT PAGE 167, BEING DESCRIBED AS FOLLOWS:
COMMENCING AT A FOUND 1/2" REBAR MARKING THE NORTHWEST CORNER OF SAID LOT 20; THENCE ALONG THE NORTH LINE THEREOF SOUTH 86°34'35" EAST 7.50 FEET; THENCE LEAVING SAID NORTH LINE SOUTH 02°26'02" WEST 7.50 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 86°34'35" EAST 17.50 FEET; THENCE SOUTH 02°26'02" WEST 77.53 FEET; THENCE SOUTH 86°34'35" EAST 89.99 FEET; THENCE SOUTH 02°26'02" WEST 15.00 FEET; THENCE NORTH 86°34'35" WEST 107.49 FEET; THENCE NORTH 02°26'02" EAST 92.53 FEET TO THE POINT OF BEGINNING. CONTAINING 0.068 ACRES, MORE OR LESS.

EASEMENT REDUCTION AREA:
BEING A PORTION OF LOT 20, BLOCK 23, WHISPERING TIMBERS, PHASE 9, ROGERS, BENTON COUNTY, ARKANSAS, AS SHOWN ON PLAT RECORD "16" AT PAGE 167, BEING DESCRIBED AS FOLLOWS:
COMMENCING AT A FOUND 1/2" REBAR MARKING THE NORTHWEST CORNER OF SAID LOT 20; THENCE ALONG THE NORTH LINE THEREOF SOUTH 86°34'35" EAST 7.50 FEET THE THE TRUE POINT OF BEGINNING; THENCE SOUTH 86°34'35" EAST 7.50 FEET; THENCE LEAVING SAID NORTH LINE SOUTH 02°26'02" WEST 110.04 FEET TO THE NORTH RIGHT-OF-WAY LINE OF SUNSET DRIVE; THENCE ALONG THE NORTH RIGHT-OF-WAY LINE THEREOF, NORTH 86°34'35" WEST 7.50 FEET; THENCE LEAVING SAID NORTH RIGHT-OF-WAY LINE NORTH 02°26'02" EAST 110.04 FEET TO THE POINT OF BEGINNING. CONTAINING 0.019 ACRES, MORE OR LESS.

MISCELLANEOUS NOTES

STATE RECORDING NUMBER:
500-19N-30W-0-04-210-04-1532

COMPLETED FIELD WORK:
DECEMBER 15, 2025

REFERENCE DOCUMENTS:
1. WARRANTY DEED FILED IN DEED L202459589.
2. SURVEY PLAT FILED IN PLAT BOOK 16 AT PAGE 167.

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.

THE TERM "CERTIFY" OR "CERTIFICATION" AND "CORRECT" AS NOTED HEREON AND AS IT PERTAINS TO LAND SURVEYING SERVICES AS SHOWN ON THIS DOCUMENT SHALL MEAN, "A STATEMENT SIGNED BY THE PROFESSIONAL LAND SURVEYOR AT THE TIME OF THE SURVEY AND IS NOT A GUARANTEE OR WARRANTY, EITHER IMPLIED OR EXPRESSED."

ROGERS PLANNING ACCEPTANCE:
APPROVED AND RECOMMENDED FOR ACCEPTANCE BY THE COMMUNITY DEVELOPMENT OF ROGERS, ARKANSAS, THIS_____DAY OF 2026.

_____
COMMUNITY DEVELOPMENT DIRECTOR

NOTE:
ACCEPTANCE OF THIS PLAT DOES NOT GUARANTEE SEPTIC SYSTEM APPROVAL.

OWNER'S CERTIFICATION AND DEDICATION:
WE, THE UNDERSIGNED OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY ACKNOWLEDGE THAT WE HAVE THE LEGAL RIGHT AND AUTHORITY TO MAKE THE PROPERTY INTEREST GRANTS CONTAINED ON AND WITHIN THIS DOCUMENT. WE, THE UNDERSIGNED OWNERS OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY ESTABLISH, GRANT, AND DEDICATE TO THE CITY OF ROGERS, ARKANSAS THE EASEMENTS AS SHOWN ON THIS PLAT FOR PUBLIC USE AND BENEFIT. THE CITY OF ROGERS IS GRANTED THE RIGHTS OF INGRESS AND EGRESS TO AND FROM SAID EASEMENTS. THE CITY OF ROGERS IS GRANTED UNRESTRICTED ACCESS TO THE PLATTED PRIVATE STREETS FOR PURPOSES OF ACCESS FOR EMERGENCY SERVICE PERSONNEL. THE CITY OF ROGERS IS GRANTED THE RIGHT AND AUTHORITY TO MAINTAIN, SERVICE, AND IMPROVE SAID EASEMENTS AND THE IMPROVEMENTS CONTAINED THEREIN. ANY RIGHT OR AUTHORITY GRANTED ABOVE SPECIFICALLY REGARDING MAINTENANCE, SERVICE, OR IMPROVEMENT SHALL BE EXERCISED IN A MANNER CHOSEN AT THE DISCRETION OF THE CITY OF ROGERS AND ALL OF ITS FRANCHISED UTILITY PROVIDERS. THE CITY OF ROGERS AND ITS FRANCHISED UTILITY PROVIDERS SHALL HAVE THE RIGHT AND AUTHORITY TO CUT, TRIM, OR REMOVE TREES, SHRUBS, AND OTHER VEGETATION WITHIN SAID EASEMENTS. THE CITY OF ROGERS AND ALL OF ITS FRANCHISED UTILITY PROVIDERS SHALL ALSO HAVE THE RIGHT AND AUTHORITY TO PROHIBIT THE ERECTION OF BUILDING, STRUCTURES, OR FENCES WITHIN SAID EASEMENTS.

_____ _____
DEVELOPER DATE

_____ _____
DEVELOPER DATE

STATE OF ARKANSAS
COUNTY OF _____
SUBSCRIBED AND SWORN BEFORE ME THIS _____DAY OF _____, 2026.

NOTARY PUBLIC _____

MY COMMISSION EXPIRES: _____

CERTIFICATE OF APPROVAL OF UTILITY EASEMENTS:
WE HEREBY CERTIFY THAT WE HAVE REVIEWED THE REQUEST FOR AN EASEMENT RELEASE FOR THE PROPERTY AS SHOWN ON THIS PLAT, AND HEREBY APPROVE THE RELEASE FOR THAT PORTION OF THE PROPERTY AS INDICATED ON THIS PLAT.

DATE	ROGERS WATER
DATE	SWEPCO
DATE	AT&T
DATE	COX COMMUNICATIONS
DATE	BLACK HILLS ENERGY

CERTIFICATE OF SURVEY AND ACCURACY:
I HEREBY CERTIFY THAT THE PLAN SHOWN AND DESCRIBED HEREON IS A TRUE AND CORRECT SURVEY AND THAT THE MONUMENTS HAVE BEEN PLACED AS STATED HEREON AS REQUIRED BY THE SUBDIVISION REGULATIONS OF THE CITY OF ROGERS, ARKANSAS.

_____ _____
DATE REGISTERED LAND SURVEYOR/ PROFESSIONAL LAND SURVEYOR

I HEREBY CERTIFY THIS TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF ON THIS THE 9TH DAY OF JANUARY, 2026.

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

REGISTERED
STATE OF ARKANSAS
NO. 1532
SIGNATURE
BUCKLEY D. BLEW
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.

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

SURVEYOR JOB NUMBER: 25-11866.02	**SURVEY DRAWN BY:** ANC - 1/9/2026
SURVEY REVIEWED BY: TPN	**SCALE:** 1" = 20'
FOR THE USE AND BENEFIT OF: CHAD HILDEBRANDT	

SHEET 1 OF 1

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

Strict enforcement of the setback requirements creates undue hardship because the physical conditions of this property leave no compliant location where a structure can be placed. Four existing utility lines—gas, electric, and two communications lines—run across the northern half of the property's backyard, and the large, mature oak tree occupies most of the space that would otherwise meet the required setback of a corner lot with two 25' setbacks in the backyard. These fixed physical constraints prevent a modest, functional, 600 sq. ft. ADA compliant home from being built without encroachment into setbacks. The site plan proposed is the best because it's the only buildable area without utilities and that can preserve the significant tree.

2. Is the hardship a result of any action taken by the property owner or on their behalf?

All the conditions creating the hardship were not caused by any action or decision of the current property owners. The 25-foot setbacks to the west and south were established by the original plat. The four utility lines that span across the areas that meet setback were installed by the utility companies. The significant tree whose canopy and root system span most of the area that meets setbacks was planted long before the current owners resided at the property. None of the conditions requiring a variance were created or modified by the owner, nor were they the result of any action taken on the owner's behalf. The need for ADA compliant design does not create hardship; ensuring safety and accessibility simply limits the owner's ability to work around these preexisting constraints which already prevent practical building. The project has been designed around essential needs, not personal preference.

3. Is the requested variance or waiver the minimum amount necessary to carry out the project?

Yes. The requested variance is the minimum amount necessary due to the fixed physical constraints of the lot. The owners consulted with licensed general contractors throughout the design process to evaluate alternative layouts, structural adjustments, and placement options.

Four utility lines run through the buildable area, and a large, mature oak tree occupies the only portion of the lot that otherwise meets the setback. The 30' × 20' footprint has been reduced and reconfigured multiple times to prioritize minimizing any setback impact while still meeting ADA requirements.

The home is being built to ADA and wheelchair accessibility standards for a family member with limited mobility, which requires specific clearances, turning radii, and accessibility from the

driveway. It also enables multiple points of access. This location also ensures that construction equipment, maintenance machinery, and emergency services can safely access the backyard and ADU from the driveway, the only feasible access route given the site constraints. The structure has been pushed as far from the setback line as feasible while still avoiding the utilities in the northern half of the backyard, preserving the oak tree, maintaining driveway adjacent placement, and ensuring unobstructed access for emergency personnel and equipment. The requested variance reflects only the minimum relief necessary to construct a safe, functional home within the property.

4. Is there another reasonable method of avoiding the need for a variance or waiver?

No. Many reasonable alternatives have been evaluated with licensed general contractors, including shifting the structure north, south, east, or west; rotating the footprint; reducing the width; and altering the orientation and dimensions. Each alternative was ruled out because of any combination of physical/setback constraints such as:

1. Placing the structure over existing gas, electric, or communications lines

2. Intruding further into the mature oak tree's critical root zone

3. Blocking practical access for equipment, machinery, vehicles, and potential emergency services to access the existing gate through the driveway

4. Eliminating essential ADA turning radii, door frame widths, and accessible room layouts (in particular the bathroom)

5. Eliminating accessibility to the home from the driveway

No other configuration allows the home to be constructed safely, responsibly, and in compliance with both ADA needs and the physical constraints of the lot.

5. Is there any other factor you believe the Board feels is important to consider in keeping with the purpose and intent of this UDC?

1. The proposed 600 sq. ft. home is modest, residential in character, and consistent with the Whispering Timbers neighborhood.

2. There is other similarly placed ADUs/additional structures in the neighborhood, demonstrating that this type of relief aligns with established neighborhood patterns.

3. Granting the variance protects public interests by ensuring construction does not occur over existing utilities and by preserving the significant mature oak tree.

4. The project will maintain compliance with all other zoning standards, including height, use, and lot coverage.

5. The variance enables safe, accessible housing for elderly, disabled family member, which aligns with the UDC's purpose of supporting reasonable use of property while protecting health, safety, and welfare.

6. Utility companies have shown support for building the project as it is away from existing utility lines—such as Black Hills Energy, Carroll Electric, and RWU.

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 4 day of February, 2026.

Signed

Riley Borgerding
Name Printed

STATE OF ARKANSAS

COUNTY OF Washington

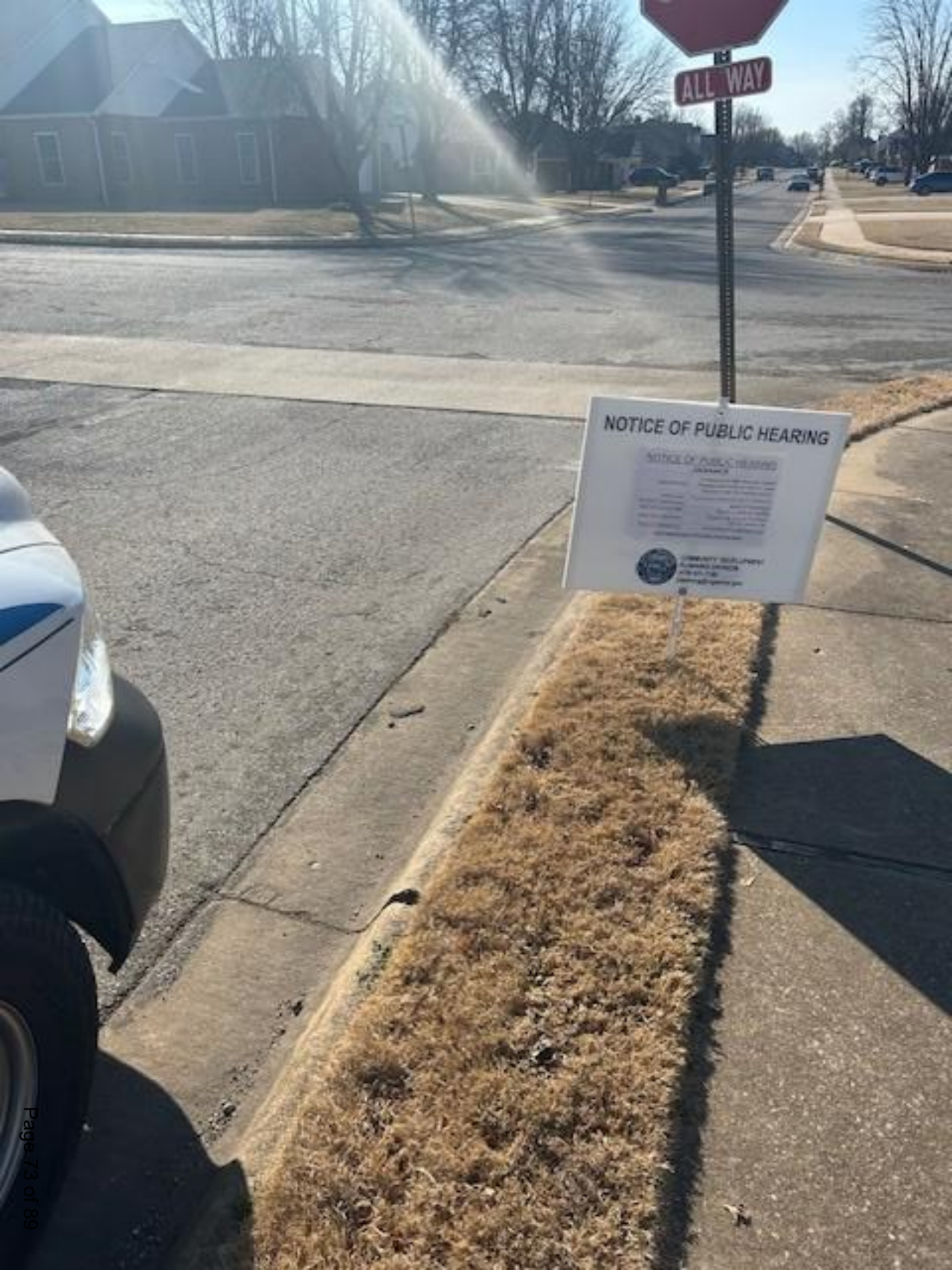
Subscribed and sworn before me this the 4 day of February, 2026.

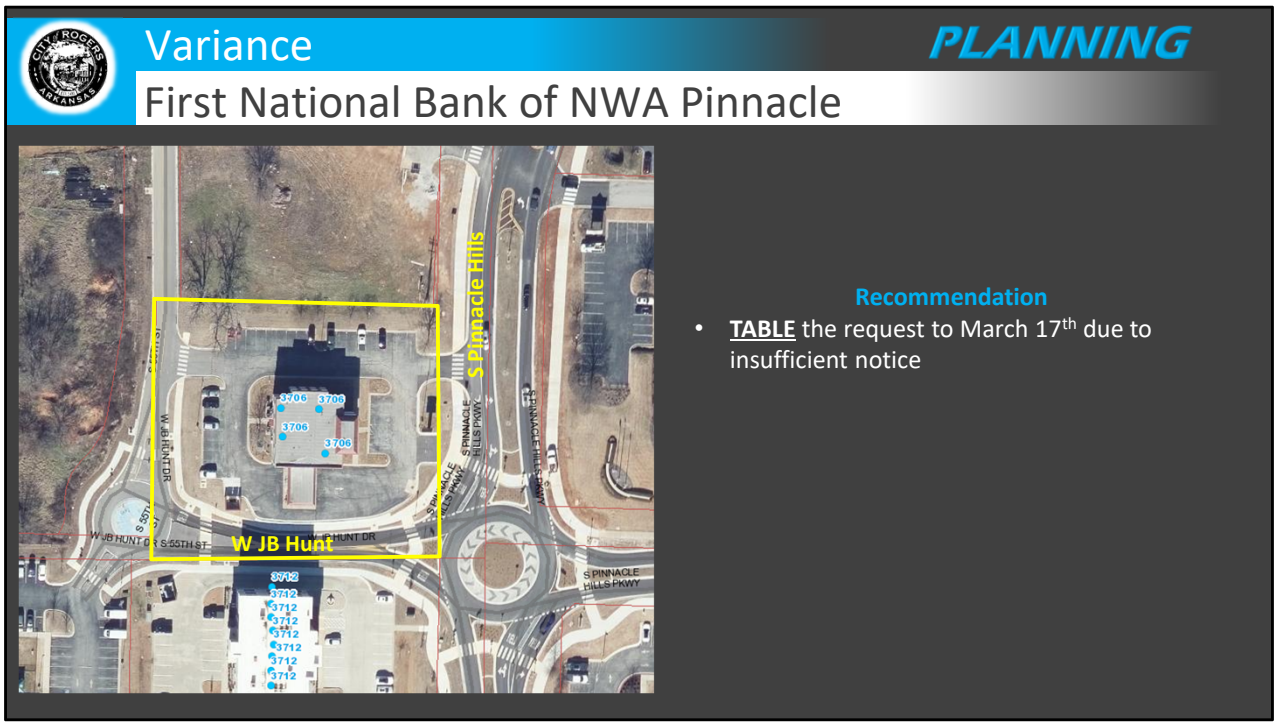
KASEY MCCARTY
Notary Public-Arkansas
Washington County
My Commission Expires 01-30-2034
Commission # 00000183

Notary Signature

Kasey McCarty
Notary Name Printed

01-30-2034
Commission Expire


ALL WAY
NOTICE OF PUBLIC HEARING



Public Input:
Members of the public did request information about the request. No opposition was expressed.

Recommendation: Staff recommends to **TABLE** the request to March 17th due to insufficient notice

FNB - Pinnacle - Southside



DESIGNER: Natalie

Job #: 3703622
Sales Rep: Roe
PROOF DATE: 1/7/2026

PLEASE CONFIRM ALL PROOF SPECS ARE ACCURATE. IT IS YOUR RESPONSIBILITY TO CHECK FOR ANY AND ALL ERRORS.
WE ARE NOT RESPONSIBLE FOR ERRORS AFTER APPROVAL. ANY ADDITIONS OR CORRECTIONS AFTER PROOF APPROVAL WILL BE AT CUSTOMER'S EXPENSE.

Rogers & Cave Springs : 479-250-4844 | www.yoursignstudio.com

Proposed Sign
Southside - Non-lit PVC Letters
Sq Ft: 21 ft^2
Overall Height: 381"
Installation Height: 345"



Folder Name: Z:\Client Files\Clients\First National Bank\Rogers - 3706 S Pinnacle Hills Pkwy\3703622 - Southside Channel Letters\Artwork - Internally Created

File Name: FNB - Pinnacle - Southside - PVC Letters - v1.fs

APPROVED: _____ **DATE:** _____

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FNB - Pinnacle - Southside

DESIGNER: Natalie

Job #: 3703622
Sales Rep: Roe
PROOF DATE: 9/30/2025

PLEASE CONFIRM ALL PROOF SPECS ARE ACCURATE. IT IS YOUR RESPONSIBILITY TO CHECK FOR ANY AND ALL ERRORS.
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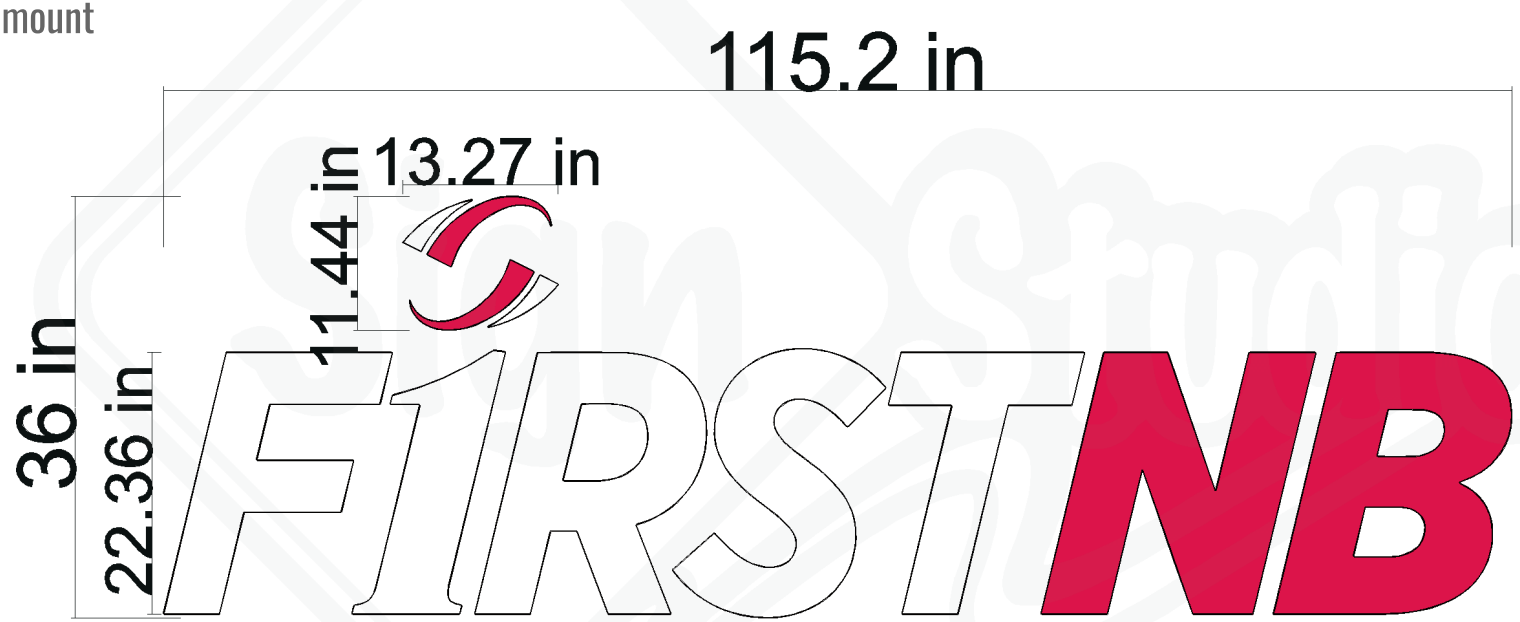
Rogers & Cave Springs : 479-250-4844 | www.yoursignstudio.com

Type: Southside - Non-lit PVC Letters
Size: 36" x 115.2"
Material: Direct print 6mm PVC
Color: White & Red
Sides: Single
Quantity: 1
Mounting: Flush-mount
Notes:



Folder Name: Z:\Client Files\Clients\First National Bank\Rogers - 3706 S Pinnacle Hills Pkwy\3703622 - Northside Channel Letters\Artwork - Internally Created

File Name: FNB Pinnacle - Northside - Channel Letters - v1.fs

APPROVED: _____ **DATE:** _____

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FNB - Pinnacle - Northside

DESIGNER: Natalie

Job #: 3703622
Sales Rep: Roe
PROOF DATE: 1/7/2026

PLEASE CONFIRM ALL PROOF SPECS ARE ACCURATE. IT IS YOUR RESPONSIBILITY TO CHECK FOR ANY AND ALL ERRORS.
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Rogers & Cave Springs : 479-250-4844 | www.yoursignstudio.com

Proposed Sign
Northside - Non-lit PVC Letters
Sq Ft: 21 ft^2
Overall Height: 388"
Installation Height: 352'



Folder Name: Z:\Client Files\Clients\First National Bank\Rogers - 3706 S Pinnacle Hills Pkwy\3703622 - Northside Channel Letters\Artwork - Internally Created

File Name: FNB Pinnacle - Northside - PVC Letters - v1.fs

APPROVED: _____ DATE: _____

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FNB - Pinnacle - Northside



DESIGNER: Natalie

Job #: 3703622
Sales Rep: Roe
PROOF DATE: 9/30/2025

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Rogers & Cave Springs : 479-250-4844 | www.yoursignstudio.com

Type: Northside - Non-lit PVC Letters
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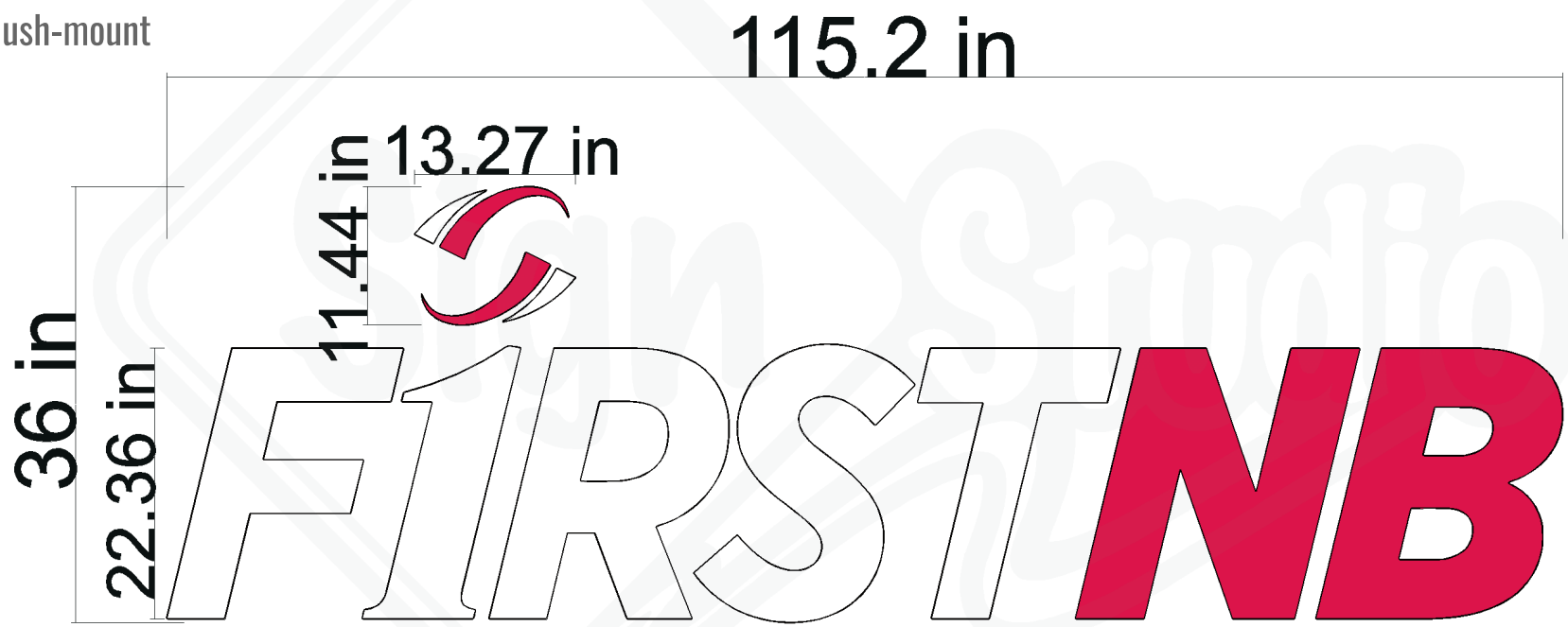

www.yoursignstudio.com

Folder Name: Z:\Client Files\Clients\First National Bank\Rogers - 3706 S Pinnacle Hills Pkwy\3703622 - Northside Channel Letters\Artwork - Internally Created

File Name: FNB Pinnacle - Northside - Channel Letters - v1.fs

APPROVED: _____ **DATE:** _____

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PROPERTY OWNER AFFIDAVIT

First National Bank of Fort Smith

I, Robert Hussey, certify that I am the legal owner of the property located at
(Owner name, printed)

3706 Pinnacle Hills Pkwy, Rogers which is the subject of this application. I hereby
(Address or Parcel ID)

authorize, Sign Studio to act as my agent for this application only.
(agent name or list self)

I acknowledge that all information contained in this application has been prepared by me or my agent and are true and correct. I have read the application and consent to its filing, and I remain responsible for compliance with applicable regulations.

Dated this the 13 day of January, 2026.

, Regional President
Signed

Robert Hussey
Name Printed

STATE OF Arkansas

COUNTY OF Benton

Subscribed and sworn before me this the 13 day of January, 2026.

GINA MCCAFFERTY
Notary Public - Arkansas
Benton County
Commission # 12369903
My Commission Expires Feb 20, 2029

Gina McCafferty
Notary Signature

Gina McCafferty
Notary Name Printed

2-20-2029
Commission Expires

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

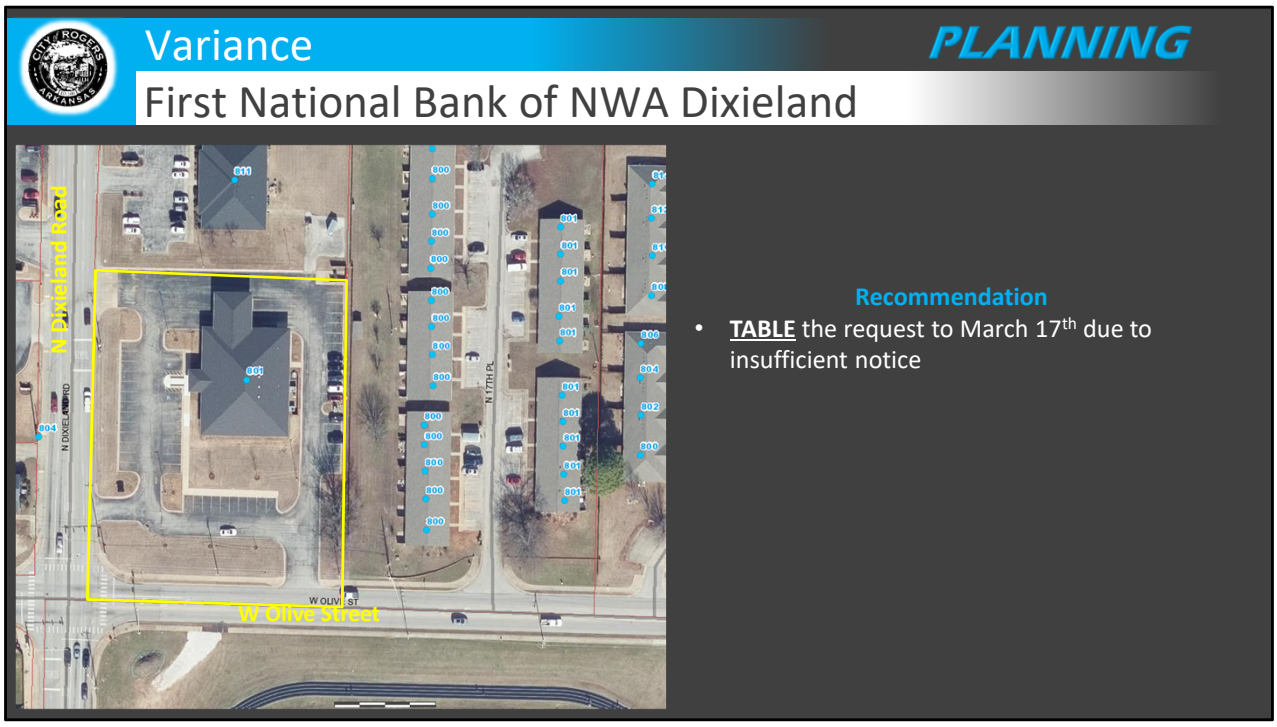
NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the **Rogers Board of Adjustment** on **March 3, 2026** at **5:30 p.m.** at Rogers City Hall under the provisions of the City of Rogers Code of Ordinances, regarding an application by **First National Bank of NWA (Case #: VAR26-0016)** for a variance to differ from the **Unified Development Code** at **3706 S. Pinnacle Hills Parkway** in the T5.2 (City Medium-Intensity) zoning district more particularly described as follows:

PARCEL NUMBER:
3706 S. Pinnacle Hills Parkway
Parcel Number: 02-01671-091

PUBLISH ONE TIME ONLY: **Sunday February 15, 2026**
BILL THE CITY OF ROGERS


FIRSTNB
NOTICE OF PUBLIC HEARING



Public Input:
Members of the public did request information about the request. No opposition was expressed.

Recommendation: Staff recommends to **TABLE** the request to March 17th due to insufficient notice

FNB - Acrylic Logo - Building Elevation

DESIGNER: Morgan

Job #: 3703623
Sales Rep: Roe
PROOF DATE: 1/9/2026

PLEASE CONFIRM ALL PROOF SPECS ARE ACCURATE. IT IS YOUR RESPONSIBILITY TO CHECK FOR ANY AND ALL ERRORS.
WE ARE NOT RESPONSIBLE FOR ERRORS AFTER APPROVAL. ANY ADDITIONS OR CORRECTIONS AFTER PROOF APPROVAL WILL BE AT CUSTOMER' S EXPENSE.

Bentonville, Cave Springs, and Lowell : 479-250-4844 | www.yoursignstudio.com

Type: Main Entrance Acrylic Logo
Building Width: 96 ft
Building Height: 20 ft
Overall Height: 10 ft
Installation Height: 7.5 ft



Folder Name: Z:\First National Bank\Rogers - 801 N Dixieland Rd\3703623 - Main Entrance Channel Letters\Artwork - Internally Created

File Name: FNB - Dixieland - Main Entrance - Acrylic Logo - v3.fs

APPROVED:_____ DATE:_____

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FNB - Acrylic Logo - Sign Detail



DESIGNER: Natalie

Job #: 3703623
Sales Rep: Roe
PROOF DATE: 1/9/2026

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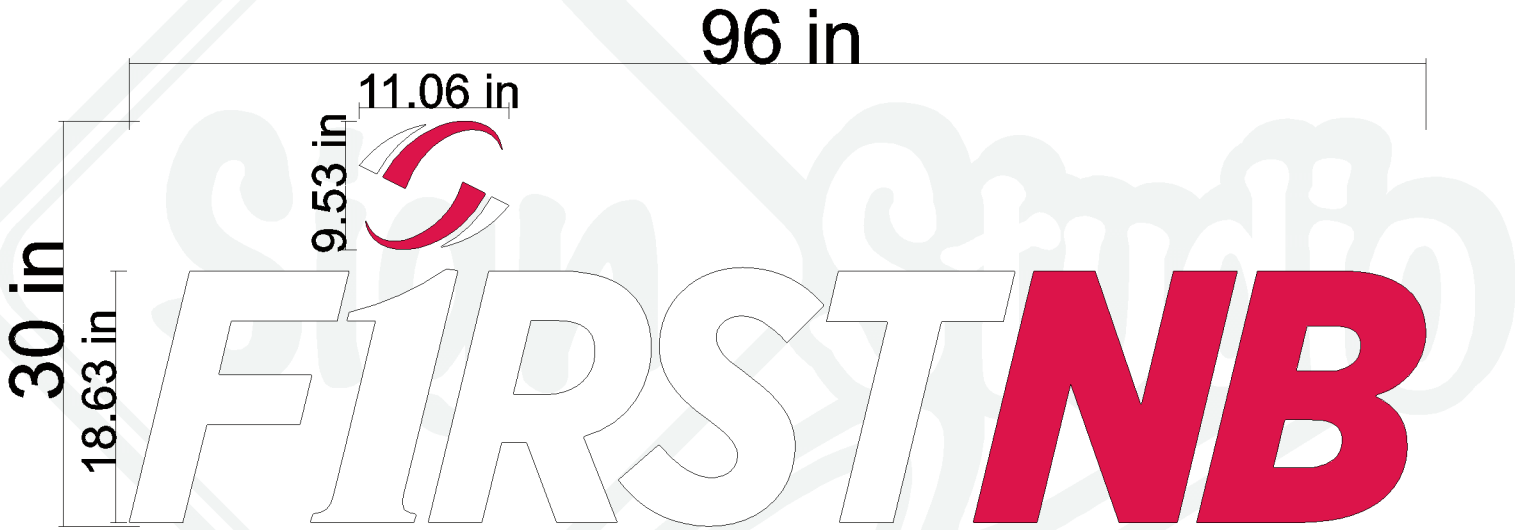
Rogers & Cave Springs : 479-250-4844 | www.yoursignstudio.com

Type: Main Entrance Acrylic Logo
Size: 30" x 96"
Material: Routed 1/2" clear acrylic, Painted
Face Color: White, PMS 187c (red)
Mounting: Standoffs, 3/4" gap from wall
Quantity: 1
Notes:



www.yoursignstudio.com

APPROVED:_____ DATE:_____

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FNB - Acrylic Logo - Building Elevation



DESIGNER: Natalie

Job #: 3703623
Sales Rep: Roe
PROOF DATE: 1/9/2026

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Rogers & Cave Springs : 479-250-4844 | www.yoursignstudio.com

Type: South Side Acrylic Logo
Building Width: 96 ft
Building Height: 20 ft
Overall Height: 8 ft
Installation Height: 5 ft



www.yoursignstudio.com

Folder Name: Z:\Client Files\Clients\First National Bank\Rogers - 801 N Dixieland Rd\3703623\3703623 - Southside Channel Letters\Proofs\v7

File Name: PROOF - FNB - Dixieland - South Side - Acrylic Logo - v7.fs

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FNB - Acrylic Logo - Sign Detail

DESIGNER: Natalie

Job #: 3703623
Sales Rep: Roe
PROOF DATE: 1/9/2026

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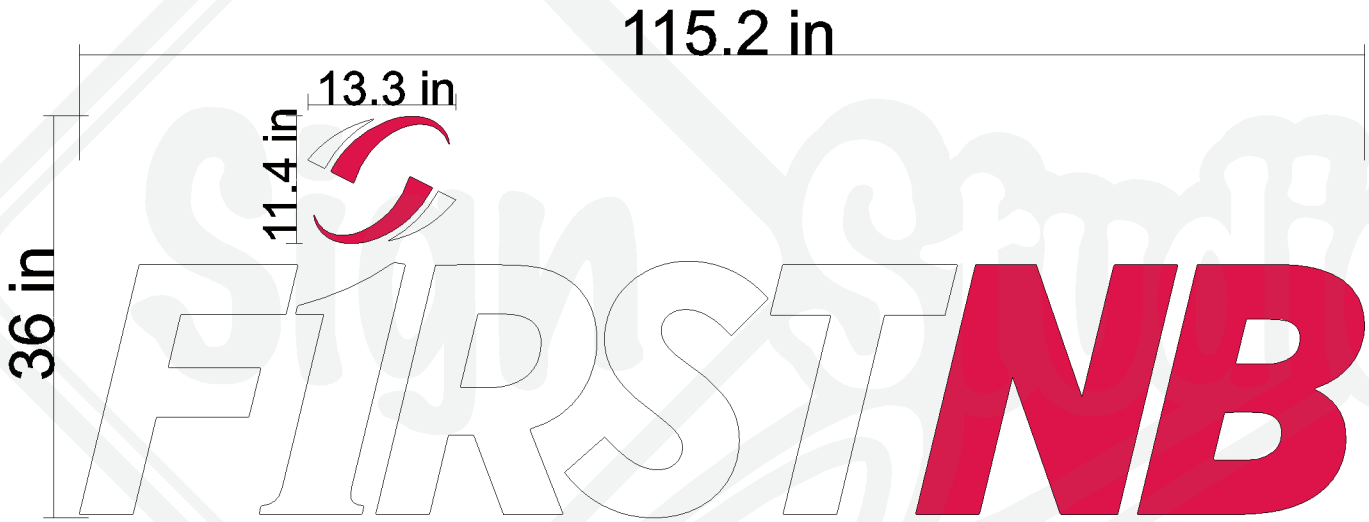
Rogers & Cave Springs : 479-250-4844 | www.yoursignstudio.com

Type: South Side Acrylic Logo
Size: 36" x 115.2"
Material: Routed 1/2" clear acrylic, Painted
Face Color: White, PMS 187c (red)
Mounting: Standoffs, 3/4" gap from wall
Quantity: 1
Notes:



www.yoursignstudio.com

Folder Name: Z:\Client Files\Clients\First National Bank\Rogers - 801 N Dixieland Rd\3703623\3703623 - Southside Channel Letters\Artwork - Internally Created

File Name: FNB - Dixieland - Southside - Acrylic Logo - v4.fs

APPROVED: _____ **DATE:** _____

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PROPERTY OWNER AFFIDAVIT

First National Bank of Fort Smith

I, Robert Hussey, certify that I am the legal owner of the property located at
(Owner name, printed)

801 N Dixieland, Rogers which is the subject of this application. I hereby
(Address or Parcel ID)

authorize, Sign Studio to act as my agent for this application only.
(agent name or list self)

I acknowledge that all information contained in this application has been prepared by me or my agent and are true and correct. I have read the application and consent to its filing, and I remain responsible for compliance with applicable regulations.

Dated this the 13 day of January, 2026.

Signed, Agent for Res. Ltd

Robert Hussey
Name Printed

STATE OF Arkansas

COUNTY OF Benton

Subscribed and sworn before me this the 13 day of January, 2026.

GINA MCCAFFERTY
Notary Public - Arkansas
Benton County
Commission # 12369903
My Commission Expires Feb 20, 2029

Gina McCafferty
Notary Signature

Gina McCafferty
Notary Name Printed

2-20-2029
Commission Expires


FNB
First National Bank
NOTICE OF PUBLIC HEARING

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

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the **Rogers Board of Adjustment** on **March 3, 2026** at **5:30 p.m.** at Rogers City Hall under the provisions of the City of Rogers Code of Ordinances, regarding an application by **First National Bank of NWA (Case #: VAR26-0017)** for a variance to differ from the **Unified Development Code** at **801 N. Dixieland Road** in the T4.2 (Neighborhood High-Intensity) zoning district more particularly described as follows:

PARCEL NUMBER:
801 N. Dixieland Road
Parcel Number: 02-00814-002

PUBLISH ONE TIME ONLY: **Sunday February 15, 2026**
BILL THE CITY OF ROGERS