



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

BOARD OF ADJUSTMENT MEETING AGENDA
JULY 8, 2021
4:00 PM

AGENDA

CALL TO ORDER:

ROLL CALL:

NEW BUSINESS:

1. (VAR 21--24) A request by Texas Roadhouse to allow two additional wall signs in the C-4 (Open-Display Commercial) zoning district and in the city's Interstate & Overlay District at 2922 S. 26th Street.
 - *STAFF: Karen Perez*
 - *REPRESENTED BY: Mike Jones*
2. (VAR 21--25) A request by Kris Page to allow a rear setback reduction at 2003 W. Magnolia Street in the R-SF (Residential Single Family) zoning district.
 - *STAFF: Gloria Garcia*
 - *REPRESENTED BY: Kris Page*
3. (VAR 21--26) A request by Burrell Health to allow a pole rather than a monument sign at 2005 W. Elm Street in the C-2 (Highway Commercial) zoning district and in the city's Overlay District.
 - *STAFF: Karen Perez*
 - *REPRESENTED BY: Lora Martin*

ACTION ON MINUTES:

1. Draft of June 10, 2021 meeting minutes

ADJOURN:



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

MEETING DATE
June 24, 2021

TO: BOARD OF ADJUSTMENT

RE: **STAFF SUMMARY REPORT**
VARIANCE – #21-24 TEXAS ROADHOUSE
PL202100640

STAFF: Karen Perez, Zoning Technician

REQUEST DETAILS

ADDRESS/LOCATION:	2922 S. 26 th St
SUBDIVISION:	N/A
CURRENT ZONING:	C-4 (Open Display Commercial)
CURRENT USE:	Restaurant
APPLICANT/REPRESENTATIVE:	Mike Jones, Best Signs
PROPERTY OWNER:	Texas Roadhouse, LLC
NATURE OF REQUEST:	Allow two additional wall signs
AUTHORITY:	Sec. 14-724, Rogers Code of Ordinances

SUMMARY

This request is to allow two additional wall signs.

Community Development recommends consideration of the request.

STAFF REVIEW

1. BOARD OF ADJUSTMENT DUTIES PER SEC. 14-724(e)(1):

- a) Hear appeals from the decision of the Department of Community Development in respect to the enforcement and application of the zoning ordinance and the sign permitting provisions contained in Chapter 44, and may affirm or reverse, in whole or in part, said decision of the Department of Community Development; and
- b) Hear requests for variance from the literal provisions of the zoning ordinance in instances where strict enforcement of the zoning ordinance would cause undue hardship due to circumstances unique to the individual property under consideration, and grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning ordinance.

2. SUBJECT REQUEST:

- a) The applicant request to allow two additional wall signs at 18.1 sf and 7.98 sf.

3. GENERAL FINDINGS:

- a) This site has two street frontages and is permitted two wall signs by right with a maximum of 390 sf of total sign area for the building, per Rogers Code Section 44-9.
- b) A sign permit was approved for two wall signs on June 10, 2021 totaling 327.8-sf.
- c) If the request is approved, the building's signage will total 353.88-sf, which is less than the 390-sf allowed.
- d) The applicant notes directional needs for traffic flow as a hardship for the additional signage.
- e) Staff has not identified any circumstances unique to the individual property where strict enforcement of the zoning ordinance would cause undue hardship.

4. ZONING:

a) C-4 (Open Display Commercial)

The purpose and intent of the C-4 zoning district, per Rogers Code Sec. 14-711, is to provide essential commercial services and support activities and may have higher environmental impacts in terms of noise, dust, glare, etc., which make them incompatible with the office or retail character of the other business districts.

5. PUBLIC INPUT RECEIVED:

Staff has not received any comments from the public regarding this request.

6. RECOMMENDATIONS:

- a) Consider the request.

DIRECTOR'S COMMENTS

1. Agree with recommendations.



JOHN C. MCCURDY, Director
Community Development

SUGGESTED MOTIONS

1. IF APPROVING AS PRESENTED:
Move to approve the request as presented.
2. IF APPROVING SUBJECT TO OTHER ACTIONS:
Move to approve the request subject to [conditions or contingencies].
3. IF DENYING:
Move to deny the request as presented.
4. IF TABLING:
Move to table the request as presented [indefinite or date certain].

TABS

1. Vicinity map (aerial)
2. Variance application with required supplements



DEPT. OF COMMUNITY DEVELOPMENT
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NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the **Board of Adjustment** at Rogers City Hall at 301 W Chestnut Street on **June 24, 2021** at **4:00 p.m.** regarding an application by **Texas Roadhouse** under the provisions of the City of Rogers Code of Ordinances, for a variance to **allow 2 additional wall signs** in the C-4 (Open-Display Commercial) zoning district and in the city's Interstate & Overlay District at **2922 S. 26th Street** more particularly described as follows:

LEGAL DESCRIPTION:

PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, SECTION 27, TOWNSHIP 19 NORTH, RANGE 30 WEST, BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE SOUTH 01°57'01" WEST, A DISTANCE OF 666.80 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 01°57'01" WEST, A DISTANCE OF 329.58 FEET; THENCE NORTH 87°09'05" WEST, A DISTANCE OF 374.78 FEET TO POINT ON THE EASTERLY RIGHT OF WAY OF INTERSTATE HIGHWAY NO. 49; THENCE NORTH 29°48'36" WEST, ALONG SAID RIGHT OF WAY, A DISTANCE OF 100.63 FEET; THENCE NORTH 26°12'06" WEST, ALONG SAID RIGHT OF WAY, A DISTANCE OF 278.93 FEET THENCE SOUTH 87°15'05" EAST, LEAVING SAID RIGHT OF WAY, A DISTANCE OF 559.36 FEET TO THE POINT OF BEGINNING, CONTAINING 154,620 SQUARE FEET OR 3.55 ACRES.

LAYMAN'S DESCRIPTION:

2922 S. 26th Street

Josh Allen, Secretary
Board of Adjustment

PUBLISH ONE TIME ONLY: **June 13, 2021**
BILL THE CITY OF ROGERS



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OFFICE USE ONLY

Permit Fee: \$100 (\$100)

Zoning: C-4

App Number: 21-24

CityView Application: PL202100640

Date: 6/9/21

VARIANCE APPLICATION

APPLICANT: Texas Roadhouse

ADDRESS: 2922 S. 26th Street SUITE #: _____

GENERAL LOCATION OF PROPERTY: On 26th St, just off I-49 (between Duluth & AG Knives)

PHONE #: 502.515.7328, ext. 328 EMAIL: smaeser@federalheath.com

PROPERTY OWNER: Texas Roadhouse LLC PHONE #: 502.426.9984

NATURE OF APPEAL:

- ☐ Appeal from decision of enforcement officer
☒ Variance from zoning ordinance

EXPLAIN REQUEST: (2) additional wall cabinet lit signs, used for directional purpose (1 for entrance door, and 2nd for To-Go pickup door). Needed to direct flow of customers/traffic.

Heath Crofut

6/2/2021

Applicant Signature

Date

Attachment Checklist:

- ☐ Letter explaining hardship or reason for request
☐ Legal description of property
☐ Relevant supporting documents
☐ Survey or sign proofs as needed

PLANNING STAFF PROVIDES:

DATE FILED: 6/9/21 PUBLIC HEARING DATE: 6/24/21

BOARD OF ADJUSTMENT DECISION: _____

SECRETARY, BOARD OF ADJUSTMENT

DATE

Sign Variance Justification

Subject Location:

Texas Roadhouse
2922 S. 26th Street
Rogers, AR 72756

Background:

Texas Roadhouse is opening a new store location in Rogers, at 2922 S. 26th St (on I-49). Opening this new location is evidence that Texas Roadhouse plans to contribute to the continuing growth and progress of the city of Rogers, but they find that they need to bolster their identity by modifying the signage entitlements dictated by the City's zoning ordinance. Therefore, as agents of Texas Roadhouse, we are applying for a variance requesting the addition of (2) wall signs, used primarily for directional purposes.

As this will be an entirely new building, built from the ground up, potential customers will have no familiarity with the layout of the restaurant, and the flow of traffic within the parking area. These (2) signs are necessary to direct customers to the entrance of the restaurant, and to the to-go pickup door, without causing undue traffic congestion, or creating a traffic safety hazard.

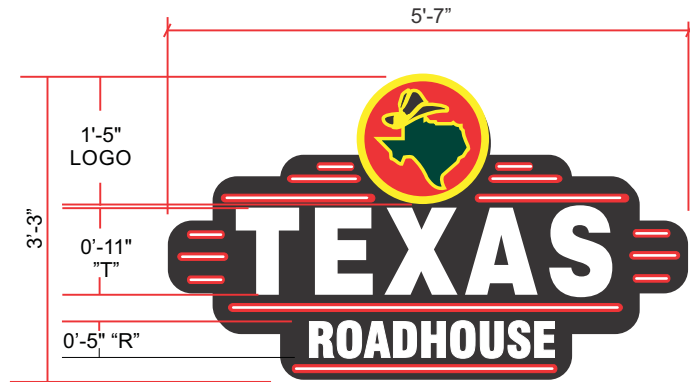
One (1) of these signs will be located at the only primary customer entrance to the restaurant. Without this sign, customers could create a potential safety hazard while searching the building for a viable entrance.

The second sign will be located at the to-go pickup door, and will be necessary to ensure proper traffic flow without creating a traffic hazard or unsafe conditions.

As the parking area wraps around the entirety of the new building, these (2) additional wall signs are necessary to create a safe environment, particularly in the parking area. They will help ensure an adequate, safe flow of traffic, both vehicular and for those on foot.

We appreciate the opportunity to present our reasoning behind our request for limited relief from the City of Rogers sign regulations. We feel that due to the circumstances it is reasonable to ask for this request.

Mike Jones
Best Sign Group



SIGN TYPE **C**

Single Face Illuminated Wall Sign | **18.1 Sq.Ft.**

SCOPE OF WORK:

Manufacture and install S/F Internally illuminated wall sign.

Scale: 3/4" = 1'-0"

MATERIAL FINISH COLORS

AKZO
Satin Black
Cabinet and
Face Bkgd

#7328
White Acrylic
Copy, Logo and Stripes
Bkgd

2150-43
Light Tomato
Red Vinyl
Logo Circle and
Stripe Bkgd.

2500-76
Holly Green
Vinyl
Logo: "State"

2500-15
Yellow Vinyl
Logo: Circle, Hat
and State Border.

2500-22
Black Vinyl elements
Applied to Yellow Bkgd.
Logo: "Hat"

CUSTOMER TO PROVIDE:

(For New / Remodel Construction) ADEQUATE BEHIND THE WALL BACKING AND ACCESS AS REQUIRED TO INSTALL SIGNAGE. CUSTOMER TO FORWARD COPY OF FINAL APPROVED SIGNAGE DRAWINGS TO BUILDING SITE CONTACT SO THAT THESE PROVISIONS CAN BE MADE DURING CONSTRUCTION AND PRIOR TO SIGN INSTALLATION.

ALL BRANCH (PRIMARY ELECTRICAL SERVICE) CIRCUITS & FINAL CONNECTION TO EACH SIGN (WITHIN 5 FT.) TO BE BY CERTIFIED ELECTRICIAN.
A. All branch circuits for signs must be totally dedicated to signs (including dedicated ground and dedicated neutral per circuit).
B. Sign circuits must not be shared with other loads such as lighting, air conditioning, and other equipment.
C. Properly sized ground wire that can be traced back to the breaker panel must be provided.
D. Number and size of circuits for each sign to meet Federal Health Signage requirement.

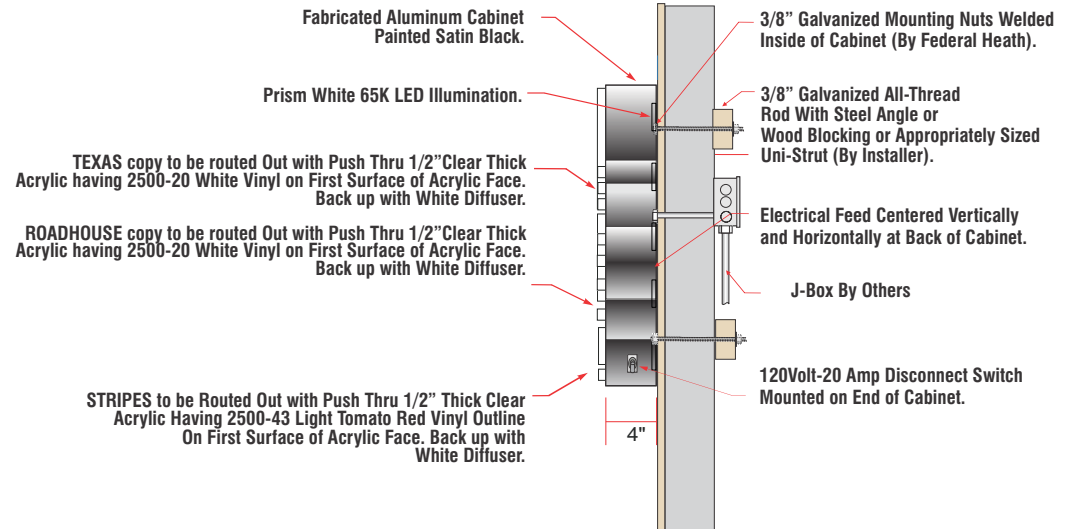
Any deviation from the above recommendations may result in:

1. Damage to or improper operation of the sign(s).
2. Delays and additional costs.

Notes:
- Certain electrical components of signs will fail prematurely if signs are not shut-off for a period of time, once, each day. For best performance, we recommend signs to be connected to an automatic controlling device such as an Energy Management System, Time Clock or Photo Cell that will automatically shut-off the sign for a period of time, each day. Failure to do so will cause damage to the electrical components of the sign and will void the warranty.
- Some dimming devices will also adversely affect sign electrical components, causing failure. Any dimming of the sign without consultation with Federal Health Sign Co. will void the warranty.

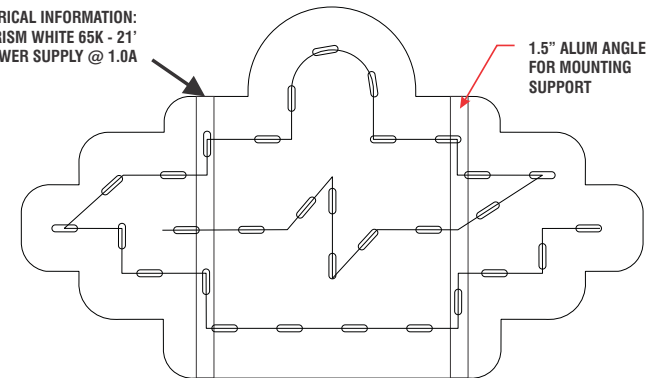
ELECTRICAL INFORMATION:

(31) SLOAN PRISM WHITE 65K - 21'
(1) 60w POWER SUPPLY @ 1.0A
TOTAL AMP LOAD = 1.0
(1) 120v / 20a CIRCUIT REQUIRED



Typical Cabinet End View

ELECTRICAL INFORMATION:
(31) SLOAN PRISM WHITE 65K - 21'
(1) 60w POWER SUPPLY @ 1.0A



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Building Quality Signage Since 1901

Revisions:

Colors Depicted in This Rendering May Not Match Actual Finished Materials. Refer To Product Samples For Exact Color Match

Client Approval/Date:

Landlord Approval/Date:

Account Rep: **Randy Cearlock**

Project Manager: **S. Maeser**

Drawn By: **S. Maeser**

Underwriters Laboratories Inc. **nfc** ELECTRICAL TO USE U.S.-48 LISTED COMPONENTS AND SHALL MEET ALL N.E.C. REQUIREMENTS

Project / Location:

TEXAS
road house
2922 S. 26th STREET
ROGERS, AR

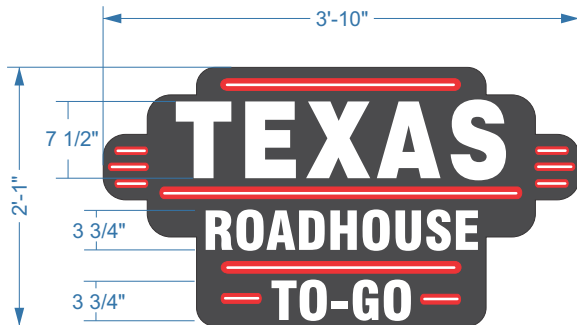
Job Number: **23-58714-10**

Date: **OCTOBER 16, 2020**

Sheet Number: **6** Of **9**

Design Number: **23-58714-10**

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SIGN TYPE **D**

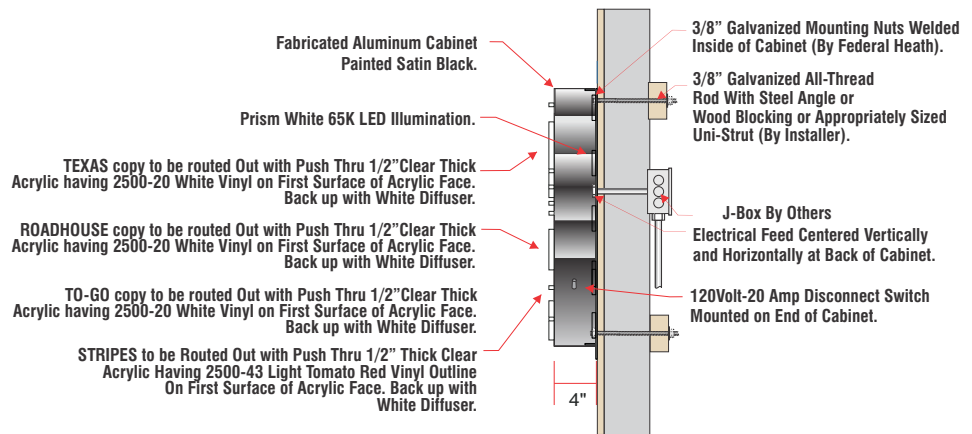
Single Face Illuminated Wall Sign

7.98 SQ.FT.

SCOPE OF WORK:

Manufacture and install S/F Internally illuminated wall signs.

Scale: 1" = 1'-0"



Typical Cabinet End View

CUSTOMER TO PROVIDE:

(For New / Remodel Construction) ADEQUATE BEHIND THE WALL BACKING AND ACCESS AS REQUIRED TO INSTALL SIGNAGE. CUSTOMER TO FORWARD COPY OF FINAL APPROVED SIGNAGE DRAWINGS TO BUILDING SITE CONTACT SO THAT THESE PROVISIONS CAN BE MADE DURING CONSTRUCTION AND PRIOR TO SIGN INSTALLATION.

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- Sign circuits must not be shared with other loads such as lighting, air conditioning, and other equipment.
- Properly sized ground wire that can be traced back to the breaker panel must be provided.
- Number and size of circuits for each sign to meet Federal Health Signs requirement.

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- Damage to or improper operation of the sign(s).
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Notes:
 ○ Certain electrical components of signs will fail prematurely if signs are not shut-off for a period of time, once, each day. For best performance, we recommend signs to be connected to an automatic controlling device such as an Energy Management System, Time Clock or Photo Cell that will automatically shut-off the sign for a period of time, each day. Failure to do so will cause damage to the electrical components of the sign and will void the warranty.
 ○ Some dimming devices will also adversely affect sign electrical components, causing failure. Any dimming of the sign without consultation with Federal Health Sign Co. will void the warranty.

INSTALLER IS RESPONSIBLE FOR:

PROVIDING AND INSTALLING ALL COMPONENTS REQUIRED TO RUN SECONDARY WIRING (CONNECTORS, GTO CONDUIT, ETC.) TO BE DETERMINED BY LOCAL CODE AND SITE CONDITIONS.

PROVIDING ALL NEEDED INSTALLATION HARDWARE AS DETERMINED BY LOCAL CODE AND SITE CONDITIONS.

SEALING BUILDING PENETRATIONS WITH SILICONE TO PREVENT MOISTURE PENETRATION @ EXTERIOR LOCATIONS..

ELECTRICAL REQUIREMENTS

Total: 1.2 Amps

(1) 120V 20A Circuit Required.

ALL BRANCH CIRCUITS SHALL BE DEDICATED TO SIGNS (INCLUDING GROUND AND NEUTRAL) AND SHALL

MATERIAL FINISH COLORS

AKZO
Satin Black
Cabinet and Face Bkgd

#7328
White Acrylic
Copy, Logo and Stripes Bkgd

2150-43
Light Tomato Red Vinyl
Stripe Bkgd.



SIGN COMPANY
www.FederalHeath.com

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Revisions:

Colors Depicted In This Rendering May Not Match Actual Finished Materials. Refer To Product Samples For Exact Color Match

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Account Rep: **Randy Cearlock**

Project Manager: **S. Maeser**

Drawn By: **S. Maeser**

Underwriters Laboratories Inc. **nfc** ELECTRICAL TO USE U.S.-48 LISTED COMPONENTS AND SHALL MEET ALL N.E.C. STANDARDS

Project / Location:

TEXAS
road house
2922 S. 26th STREET
ROGERS, AR

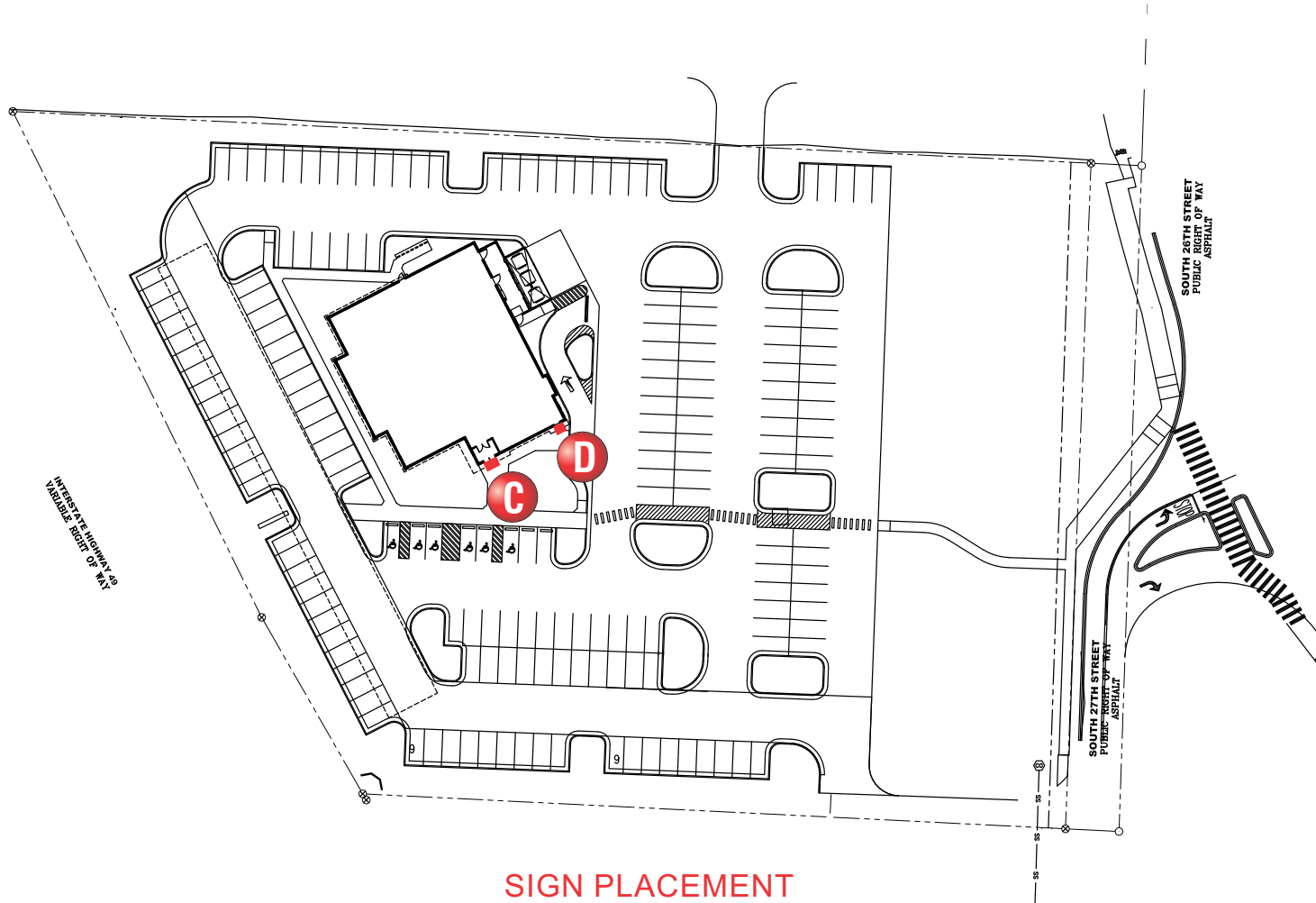
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SIGN PLACEMENT



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Account Rep: Randy Cearlock

Project Manager: S. Maeser

Drawn By: S. Maeser

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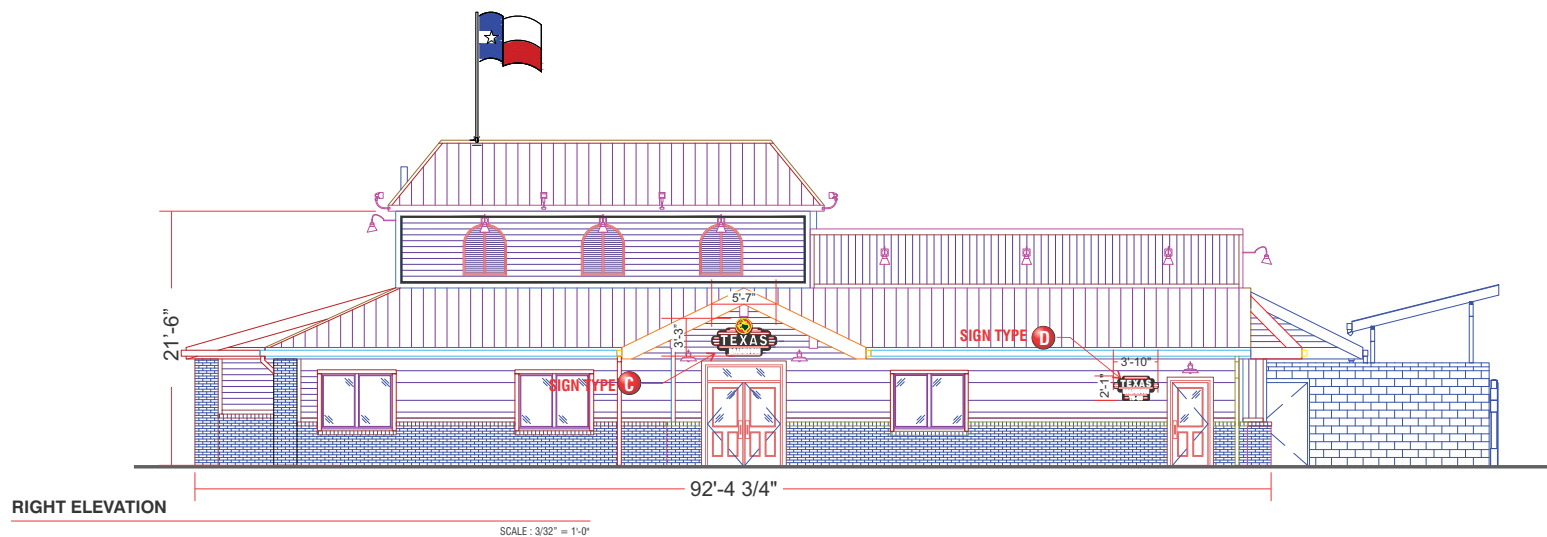
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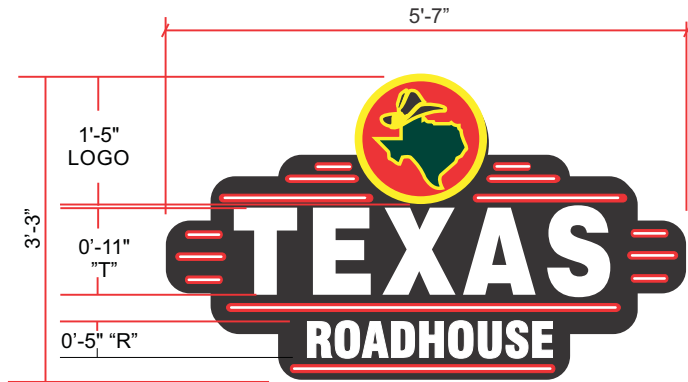
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SIGN TYPE **C**

Single Face Illuminated Wall Sign | **18.1 Sq.Ft.**

SCOPE OF WORK:

Manufacture and install S/F Internally illuminated wall sign.

Scale: 3/4" = 1'-0"

MATERIAL FINISH COLORS

AKZO
Satin Black
Cabinet and
Face Bkgd

#7328
White Acrylic
Copy, Logo and Stripes
Bkgd

2150-43
Light Tomato
Red Vinyl
Logo Circle and
Stripe Bkgd.

2500-76
Holly Green
Vinyl
Logo: "State"

2500-15
Yellow Vinyl
Logo: Circle, Hat
and State Border.

2500-22
Black Vinyl elements
Applied to Yellow Bkgd.
Logo: "Hat"

CUSTOMER TO PROVIDE:

(For New / Remodel Construction) ADEQUATE BEHIND THE WALL BACKING AND ACCESS AS REQUIRED TO INSTALL SIGNAGE. CUSTOMER TO FORWARD COPY OF FINAL APPROVED SIGNAGE DRAWINGS TO BUILDING SITE CONTACT SO THAT THESE PROVISIONS CAN BE MADE DURING CONSTRUCTION AND PRIOR TO SIGN INSTALLATION.

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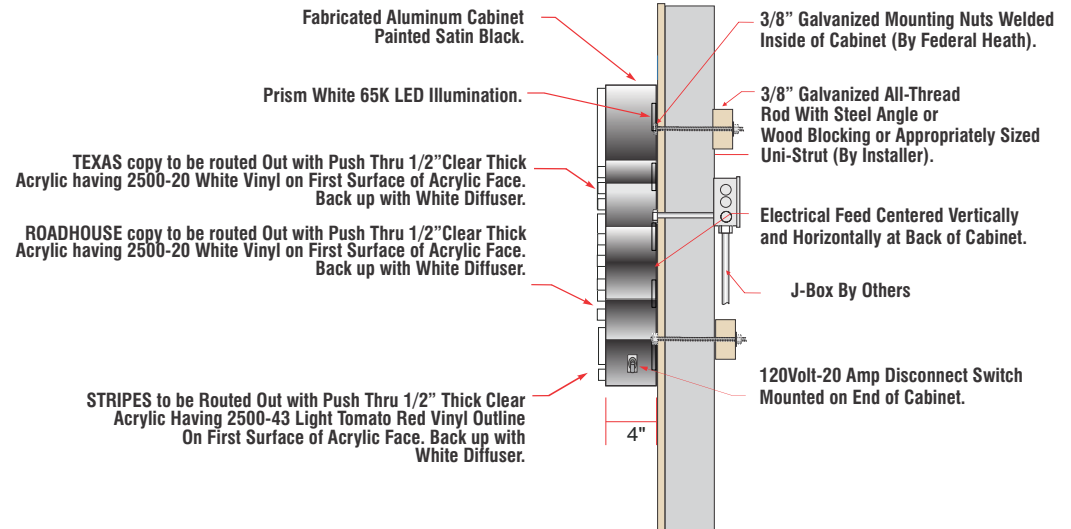
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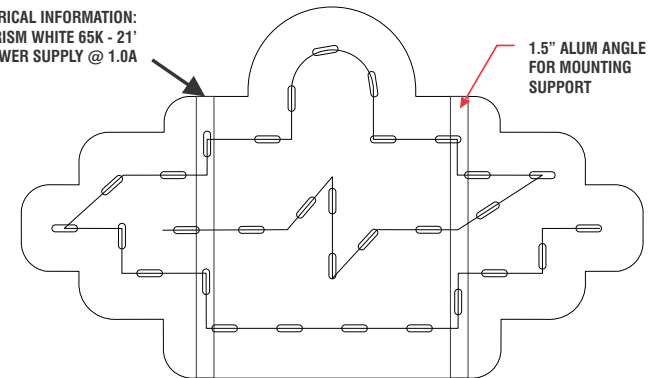
ELECTRICAL INFORMATION:

(31) SLOAN PRISM WHITE 65K - 21'
(1) 60w POWER SUPPLY @ 1.0A
TOTAL AMP LOAD = 1.0
(1) 120v / 20a CIRCUIT REQUIRED



Typical Cabinet End View

ELECTRICAL INFORMATION:
(31) SLOAN PRISM WHITE 65K - 21'
(1) 60w POWER SUPPLY @ 1.0A



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Project Manager: **S. Maeser**

Drawn By: **S. Maeser**

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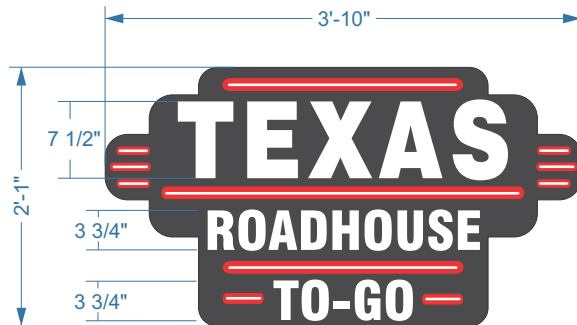
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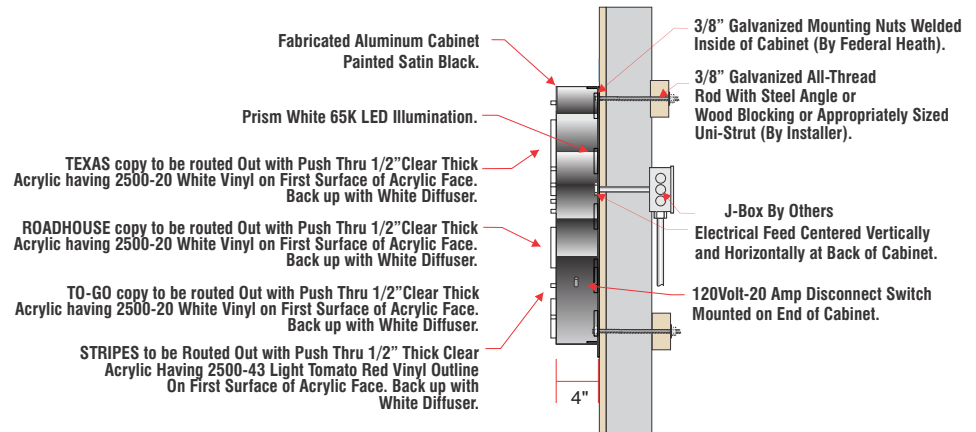
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Design Number: **23-58714-10**

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SIGN TYPE D Single Face Illuminated Wall Sign **7.98 SQ.FT.**
Scale: 1" = 1'-0"



Typical Cabinet End View

CUSTOMER TO PROVIDE:

(For New / Remodel Construction) ADEQUATE BEHIND THE WALL BACKING AND ACCESS AS REQUIRED TO INSTALL SIGNAGE. CUSTOMER TO FORWARD COPY OF FINAL APPROVED SIGNAGE DRAWINGS TO BUILDING SITE CONTACT SO THAT THESE PROVISIONS CAN BE MADE DURING CONSTRUCTION AND PRIOR TO SIGN INSTALLATION.

ALL BRANCH (PRIMARY ELECTRICAL SERVICE) CIRCUITS & FINAL CONNECTION TO EACH SIGN (WITHIN 5 FT.) TO BE BY CERTIFIED ELECTRICIAN:

- All branch circuits for signs must be totally dedicated to signs (including dedicated ground and dedicated neutral per circuit).
- Sign circuits must not be shared with other loads such as lighting, air conditioning, and other equipment.
- Properly sized ground wire that can be traced back to the breaker panel must be provided.
- Number and size of circuits for each sign to meet Federal Health Signs requirement.

Any deviation from the above recommendations may result in:

- Damage to or improper operation of the sign(s).
- Delays and additional costs.

Notes:
 1. Certain electrical components of signs will fail prematurely if signs are not shut-off for a period of time, once, each day. For best performance, we recommend signs to be connected to an automatic controlling device such as an Energy Management System, Time Clock or Photo Cell that will automatically shut-off the sign for a period of time, each day. Failure to do so will cause damage to the electrical components of the sign and will void the warranty.
 2. Some dimming devices will also adversely affect sign electrical components, causing failure. Any dimming of the sign without consultation with Federal Health Sign Co. will void the warranty.

INSTALLER IS RESPONSIBLE FOR:

PROVIDING AND INSTALLING ALL COMPONENTS REQUIRED TO RUN SECONDARY WIRING (CONNECTORS, GTO CONDUIT, ETC.) TO BE DETERMINED BY LOCAL CODE AND SITE CONDITIONS.

PROVIDING ALL NEEDED INSTALLATION HARDWARE AS DETERMINED BY LOCAL CODE AND SITE CONDITIONS.

SEALING BUILDING PENETRATIONS WITH SILICONE TO PREVENT MOISTURE PENETRATION @ EXTERIOR LOCATIONS..

ELECTRICAL REQUIREMENTS

Total: 1.2 Amps

(1) 120V 20A Circuit Required.

ALL BRANCH CIRCUITS SHALL BE DEDICATED TO SIGNS (INCLUDING GROUND AND NEUTRAL) AND SHALL

MATERIAL FINISH COLORS

AKZO
Satin Black
Cabinet and
Face Bkgd

#7328
White Acrylic
Copy, Logo and Stripes
Bkgd

2150-43
Light Tomato
Red Vinyl
Stripe Bkgd.



SIGN COMPANY
www.FederalHeath.com
160 W. Carmel Drive, Suite 236 Carmel, IN 46032
(317) 581-7790 Fax (317) 581-7783

Manufacturing Facilities:
Oceanside - Euless - Jacksonville - Columbus
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Oceanside - Las Vegas - Laughlin - Idaho Falls
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Willowbrook - Louisville - Indianapolis - Columbus
Cincinnati - Westerville - Knoxville - Tunica
Atlanta - Tampa - Daytona Beach - Winter Park
Building Quality Signage Since 1901

Revisions:

Colors Depicted In This Rendering May Not Match Actual Finished Materials. Refer To Product Samples For Exact Color Match

Client Approval/Date:

Landlord Approval/Date:

Account Rep: Randy Cearlock

Project Manager: S. Maeser

Drawn By: S. Maeser

Underwriters Laboratories Inc. **nfc** **ELECTRICAL TO USE U.S.-48 LISTED COMPONENTS AND SHALL MEET ALL N.E.C. STANDARDS**

Project / Location:

TEXAS
road house
2922 S. 26th STREET
ROGERS, AR

Job Number: 23-58714-10

Date: OCTOBER 16, 2020

Sheet Number: 7 of 9

Design Number: 23-58714-10

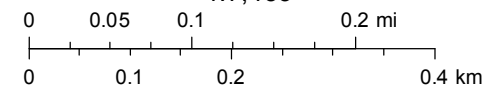
This original drawing is provided as part of a planned project and is not to be exhibited, copied or reproduced without the written permission of Federal Health Sign Company, LLC or its authorized agent. © 2008

Viewer Map



June 16, 2021

1:7,453



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



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

MEETING DATE
July 8, 2021

TO: BOARD OF ADJUSTMENT
RE: **STAFF SUMMARY REPORT**
VARIANCE – #21-25 KRIS PAGE
PL202100706

STAFF: Gloria Garcia, Zoning Technician

REQUEST DETAILS

ADDRESS/LOCATION:	2003 W. Magnolia Street
SUBDIVISION:	Rosewood Addition
CURRENT ZONING:	R-SF (Residential Single Family)
APPLICANT/REPRESENTATIVE:	Kris Page
PROPERTY OWNER:	Kris & Kristin Page
NATURE OF REQUEST:	Reduce rear setback
AUTHORITY:	Sec. 14-724, Rogers Code of Ordinances

SUMMARY

This request is to allow a reduction in the rear setback from 20' to 12'.

Community Development recommends denial.

STAFF REVIEW

1. BOARD OF ADJUSTMENT DUTIES PER SEC. 14-724(e)(1):

- a) Hear appeals from the decision of the Department of Community Development in respect to the enforcement and application of the zoning ordinance, Chapter 14, and the sign permitting provisions contained in Chapter 44, and may affirm or reverse, in whole or in part, said decision of the Department of Community Development; and
- b) Hear requests for variance from the literal provisions of the zoning ordinance in instances where strict enforcement of the zoning ordinance would cause undue hardship due to circumstances unique to the individual property under consideration, and grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning ordinance.

2. SUBJECT REQUEST:

- a) Allow an 8' rear setback reduction for a new workshop.

3. GENERAL FINDINGS:

- a) Rear setbacks are set out in Rogers Sec. 14-699(f)(2)(d), at 20 feet for the RSF zoning district.
- b) The site plan provided proposes a reduction of the 20-foot rear setback to 12 feet for a new 20'x30' workshop.
- c) The applicant doesn't state a hardship. However, the final plat confirms a 20-foot utility easement running diagonally across the rear of the property. GIS (see final page of this report) shows a 15-inch public sewer line located within that easement.
- d) Avoiding the utility easement pushes the structure's location farther back infringing on the rear setback.
- e) The site plan shows the proposed workshop 6 feet from the utility easement. Staff believes the structure can be turned or repositioned to avoid encroaching into the rear setback.
- f) If approved, a recorded setback/easement reduction survey will be required prior to filing for a building permit.

4. ZONING:

a) R-SF (Residential Single Family):

The R-SF district, per Rogers Code Section 14-699, is suitable areas within the city for attached and detached residential development.

5. PUBLIC INPUT RECEIVED:

A neighbor called and voiced her concern about the variance request, specifically the size of the proposed workshop.

6. RECOMMENDATIONS:

Deny the request.

DIRECTOR'S COMMENTS

1. Agree with recommendation.



JOHN C. MCCURDY, Director
Community Development

SUGGESTED MOTIONS

1. IF APPROVING AS PRESENTED:

Move to approve the request as presented.

2. IF APPROVING SUBJECT TO OTHER ACTIONS:

Move to approve the request subject to (conditions or contingencies).

3. IF DENYING:

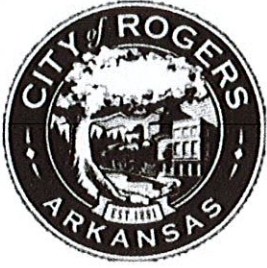
Move to deny the request as presented.

4. IF TABLING:

Move to table the request (indefinite or date certain).

TABS

1. Variance application with supplements
2. Public Notice
3. Vicinity maps (aerial)



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

att 8590

OFFICE USE ONLY

Permit Fee: \$100 (\$100)
Zoning: R-SF
App Number: 21-25
CityView Application: PL202100704
Date: 6/21/21

VARIANCE APPLICATION

APPLICANT: Kris Page

ADDRESS: 2003 W. Magnolia St. Rogers SUITE #: _____

GENERAL LOCATION OF PROPERTY: Corner of 21st & Magnolia St.

PHONE #: 479-640-0306 EMAIL: kpage102@gmail.com

PROPERTY OWNER: Kris & Kristin Page PHONE #: 479-640-0306

REQUEST to ALLOW: North property line setback to reduce from 20' to 12'.

HARDSHIP JUSTIFICATION to VARY FROM CODE: Seeking approval to build a 20' x 30' workshop on my property.

Kris Page 6/17/2021
Applicant Signature Date

Attachment Checklist:

- ☒ Legal description of property
- ☒ Survey, elevations, sign proofs and/or other documents as needed to illustrate request

PLANNING STAFF PROVIDES:

DATE FILED: 6/18/21 PUBLIC HEARING DATE: 7/18/21

BOARD OF ADJUSTMENT DECISION: _____

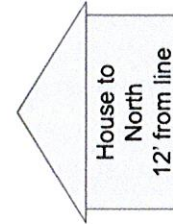
SECRETARY, BOARD OF ADJUSTMENT

DATE

Magnolia Site Plan v4

Owner: Kris Page
Address:
2003 W. Magnolia St.
Rogers, AR 72758
Phone:
479-640-0306

Planned Workshop
20' x 30'
10' Walls, 15' peak
6" Concrete w/footing
Electricity
No Plumbing



NEW
Carroll
200A meter

20' UE
Easement

16'

Planned
Workshop

6'

20'
Setback
on North
Side

85'

Sewer Line

210'

10' Setback on East Side

Carroll
100A meter

House to East
12' from line

Magnolia Street

140'

21st Street



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 **Board of Adjustment** at Rogers City Hall at 301 W Chestnut Street on **July 8, 2021** at **4:00 p.m.** regarding an application by **Kris Page** under the provisions of the City of Rogers Code of Ordinances, for a variance to **allow a rear setback reduction** in the R-SF (Residential Single Family) zoning district at **2003 W. Magnolia Street** more particularly described as follows:

LEGAL DESCRIPTION:

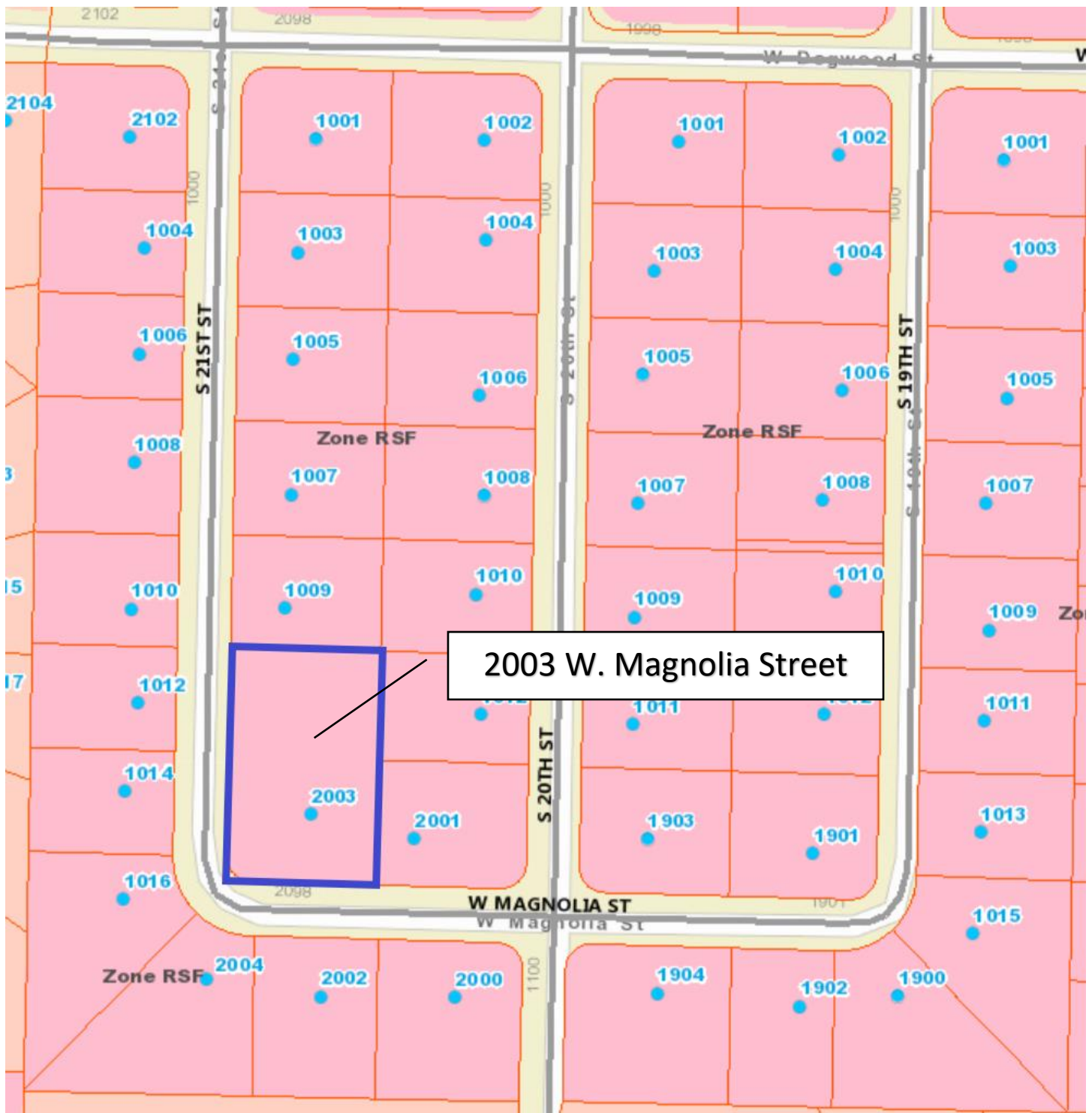
Lot 12, BLOCK 7, Rosewood Addition to the City of Rogers, Arkansas, as shown on Plat Record "D" at page 105; SUBJECT TO RESTRICTIONS, COVENANTS, ASSESSMENTS AND EASEMENTS OF RECORD, if any.

LAYMAN'S DESCRIPTION:

2003 W. Magnolia Street

Josh Allen, Secretary
Board of Adjustment

PUBLISH ONE TIME ONLY: **June 27, 2021**
BILL THE CITY OF ROGERS

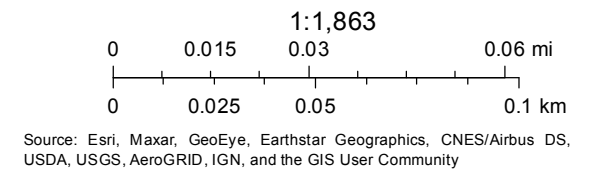




Viewer Map



July 1, 2021





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

MEETING DATE
July 8, 2021

TO: BOARD OF ADJUSTMENT

RE: **STAFF SUMMARY REPORT**
VARIANCE – #21-26 Burrell Health
PL202100713

STAFF: Karen Perez, Zoning Technician

REQUEST DETAILS

ADDRESS/LOCATION:	2005 W. Elm St
SUBDIVISION:	Greenway Plaza
CURRENT ZONING:	C-2 (Highway Commercial) and Overlay District
CURRENT USE:	Medical Office
APPLICANT/REPRESENTATIVE:	Lora Martinson with Springfield Sign
PROPERTY OWNER:	Youth Bridge Properties, Inc
NATURE OF REQUEST:	Allow use of existing freestanding sign
AUTHORITY:	Sec. 14-724, Rogers Code of Ordinances

SUMMARY

This request is to allow the use of a freestanding sign.

Community Development recommends denial of the request.

STAFF REVIEW

1. BOARD OF ADJUSTMENT DUTIES PER SEC. 14-724(e)(1):

- a) Hear appeals from the decision of the Department of Community Development in respect to the enforcement and application of the zoning ordinance and the sign permitting provisions contained in Chapter 44, and may affirm or reverse, in whole or in part, said decision of the Department of Community Development; and
- b) Hear requests for variance from the literal provisions of the zoning ordinance in instances where strict enforcement of the zoning ordinance would cause undue hardship due to circumstances unique to the individual property under consideration, and grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning ordinance.

2. SUBJECT REQUEST:

- a) The applicant request to allow the use of a freestanding sign.

3. GENERAL FINDINGS:

- a) This request is to allow the use of a freestanding sign in the C-2 (Highway Commercial) and Overlay zoning district.
- b) The applicant cites the fact that they are simply refacing the existing monument sign with a fresh new look, not to exceed the 33 sf as the hardship justification.
- c) Graphics provided show the sign change from a monument to a sign on poles.
- d) A monument sign is permitted by right at 6 feet in height and 72 square feet in total sign area. A monument sign shall have no space between the ground and the sign, per Sec.44-9(4)f.
- e) Staff has not identified any circumstances unique to the individual property where strict enforcement of the zoning ordinance would cause undue hardship.

4. ZONING:

a) C-2 (Highway Commercial)

The purpose and intent of the C-2 zoning district, per Rogers Code Sec. 14-709, is to allow for commercial uses, which depend upon high visibility, generate high traffic volumes or cater to the traveling public.

b) Overlay District

The purpose of the Rogers Overlay District, per Rogers Code Sec. 44-13, is to protect and enhance the scenic quality of the highway corridors, create design standards for developments, provide effective land use planning and facilitate traffic flow. The Overlay District restricts the use of freestanding pole signs:

5. PUBLIC INPUT RECEIVED:

Staff has not received any comments from the public regarding this request.

6. RECOMMENDATIONS:

- a) Deny the request.

DIRECTOR'S COMMENTS

1. Agree with recommendations.



JOHN C. MCCURDY, Director
Community Development

SUGGESTED MOTIONS

1. IF APPROVING AS PRESENTED:

Move to approve the request as presented.

2. IF APPROVING SUBJECT TO OTHER ACTIONS:

Move to approve the request subject to [conditions or contingencies].

3. IF DENYING:

Move to deny the request as presented.

4. IF TABLING:

Move to table the request as presented [indefinite or date certain].

TABS

1. Variance application with required supplements
2. Vicinity map (aerial)



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

CH 77747

OFFICE USE ONLY

Permit Fee: \$100⁰⁰ (\$100)
Zoning: C-2, overlay
App Number: 21-26
CityView Application: PL202100713
Date: 6/23/21

VARIANCE APPLICATION

APPLICANT: Springfield Sign - Lora Martinson Burrell Health

ADDRESS: 4825 E Kearney St. Springfield, MO 65803 SUITE #: _____

GENERAL LOCATION OF PROPERTY: 2005 W Elm St. Rogers, AR 72758

PHONE #: 417.862.2454 EMAIL: loram@springfieldsign.com

PROPERTY OWNER: Youth Bridge Properties PHONE #: _____

REQUEST to ALLOW: Request to allow a re-face of an existing freestanding pole sign.

HARDSHIP JUSTIFICATION to VARY FROM CODE: The existing freestanding sign is a pole sign at 33 sq. ft. We would like to
simply reface the existing pole sign with a fresh new look not to exceed 33 sq. ft. Per code this site is an Overlay district and the use of the pole sign is
not permitted. Instead a monument sign shall be allowed at max of 6' in height and 72 sq. ft. of sign area.

Lora Martinson 6/15/2021
Applicant Signature Date

Attachment Checklist:

- ☐ Legal description of property
- ☐ Survey, elevations, sign proofs and/or other documents as needed to illustrate request

DATE FILED: 6/23/21 PLANNING STAFF PROVIDES: _____ PUBLIC HEARING DATE: 7/8/21

BOARD OF ADJUSTMENT DECISION: _____

SECRETARY, BOARD OF ADJUSTMENT DATE



ADDRESS
4825 E Kearney St
Springfield, MO 65803

CONTACT US
800.845.9927
springfieldsign.com

City of Rogers, AR
301 W Chestnut
Rogers, AR 72756

Board of Adjustment

RE: Variance Request - Burrell Behavioral Health

Burrell Behavioral Health located at 2005 W Elm St. Rogers AR 72758 would like to request a variance regarding their existing freestanding sign. They would like to update their existing freestanding sign by painting the poles and re-facing the existing sign panel. There will not be any structural changes to the existing free-standing sign. They would just like to simply update their current sign with a fresh new look to match their current brand standard. The requested variance is minimum and reasonable and will not affect the public health, safety or general welfare.

We respectfully are asking that you review our request, see our need, and grant our variance request.

Thank you,

Lora Martinson

Lora Martinson
Springfield Sign
loram@springfieldsign.com
417.862.2454



ADDRESS
4825 E Kearney St
Springfield, MO 65803

CONTACT US
800.845.9927
springfieldsign.com

City of Rogers, AR
301 W Chestnut
Rogers, AR 72756

Board of Adjustment

RE: Variance Request - Burrell Behavioral Health

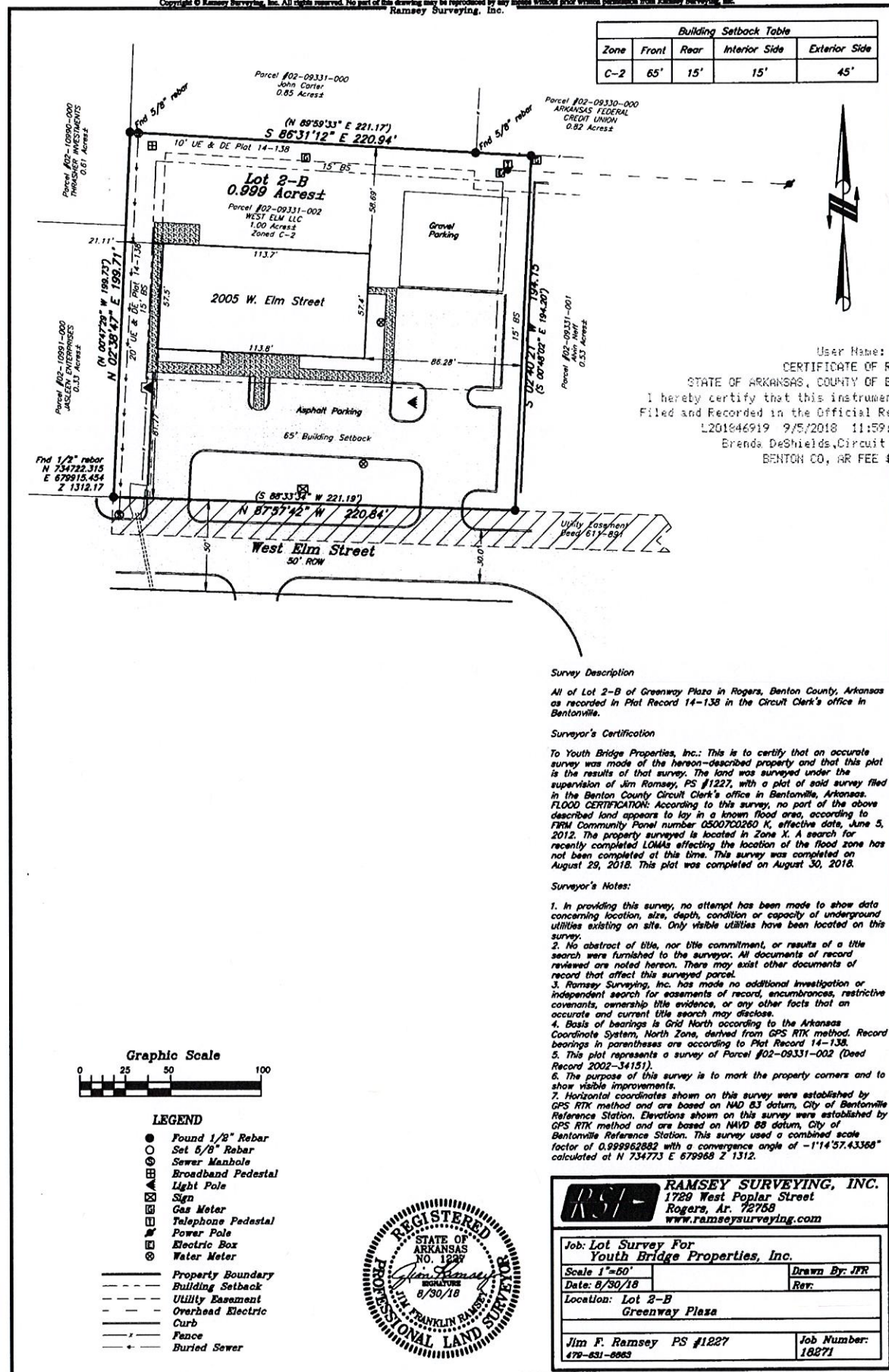
Burrell Behavioral Health located at 2005 W Elm St. Rogers AR 72758 would like to request a variance regarding their existing freestanding sign. They would like to update their existing freestanding sign by painting the poles and re-facing the existing sign panel. There will not be any structural changes to the existing free-standing sign. They would just like to simply update their current sign with a fresh new look to match their current brand standard. The requested variance is minimum and reasonable and will not affect the public health, safety or general welfare.

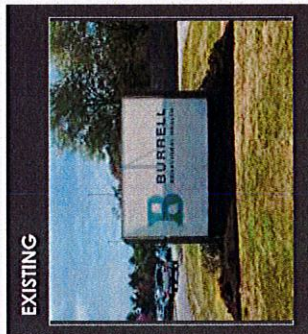
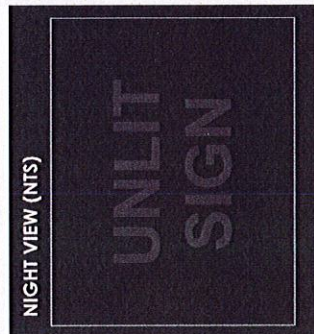
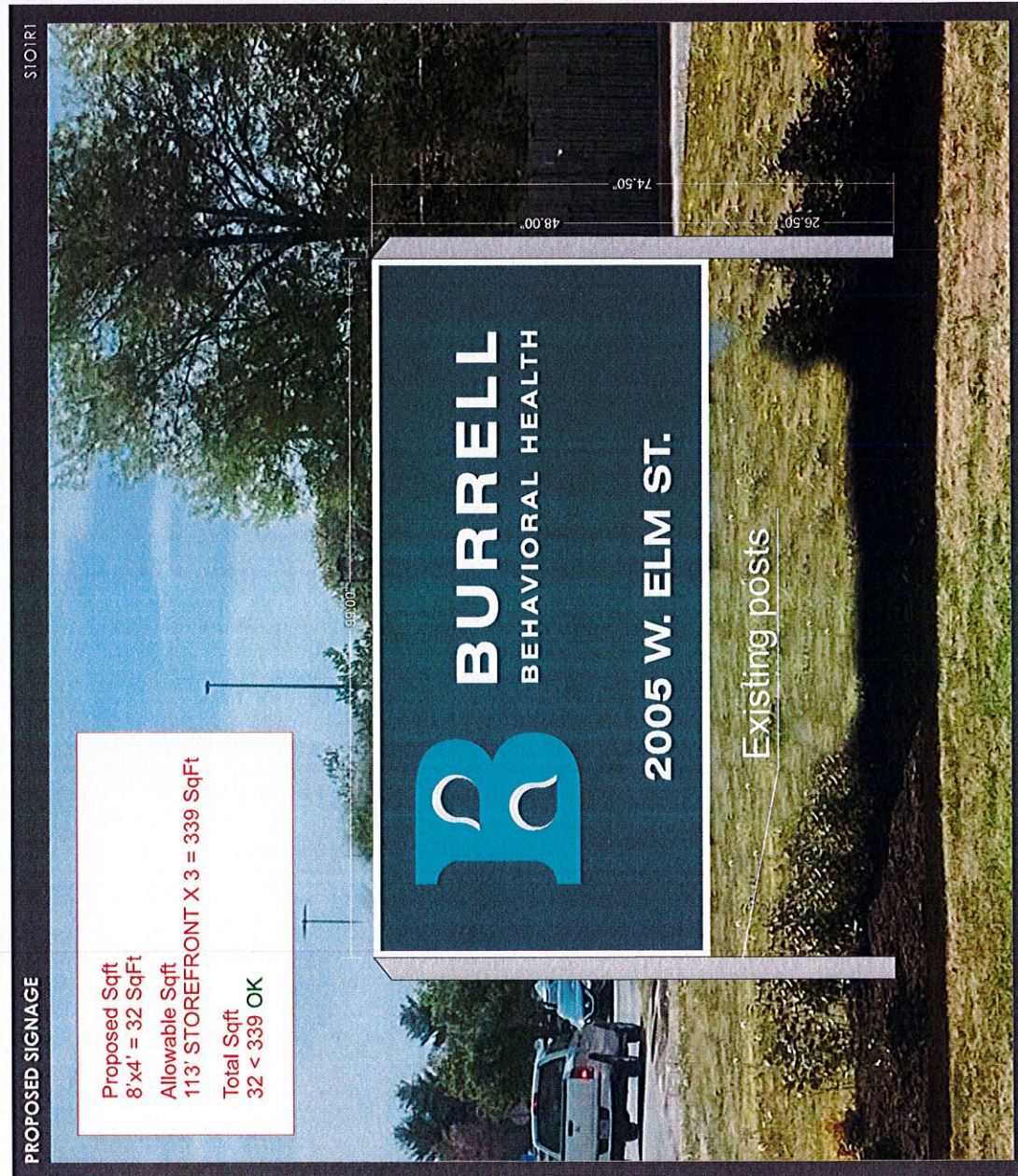
We respectfully are asking that you review our request, see our need, and grant our variance request.

Thank you,

Lora Martinson

Lora Martinson
Springfield Sign
loram@springfieldsign.com
417.862.2454

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Ramsey Surveying, Inc.



SIGN SPECIFICATIONS

B/F Post and Panel sign with Aluminum faces
 Panels painted with vinyl graphics applied
 Use existing posts
 Posts painted AzkoNobel Brushed Aluminum

CLIENT		Burrell Behavioral Health - Rogers AR 2005 W. Elm St Rogers, AR 72758
SALES	R Hicks	800.845.9927
SCALE	3/4" = 1'	
AO#	30890	
ARTIST	R Hicks	
REVISION HISTORY		
04.16.21	NEW	
04.19.21	Color layout & spec change	
04.30.21	Copy Change	
04.30.21	Permitting	
06.02.21	P2 - Sign option added	
T:\Cyrus\Doc\Orders\30890\30890 - Burrell Behavioral Health (0621) V4\Working Files		
This drawing is Copyrighted material. It remains the property of Springfield Sign unless otherwise agreed upon in writing. It is unlawful to use this drawing for bidding purposes, nor can it be reproduced, copied or used in the production of a sign without the written permission from Springfield Sign, Inc. This is an artistic rendition and final colors/sizes may vary from that depicted herein.		
APPROVED BY		
DATE		

YOUTH BRIDGE PROPERTIES INC

2005 W ELM ST
ROGERS, AR

[Basic](#)[Land](#)[Sales](#)[Valuation](#)[Improvements](#)[Parcel Boundary](#) 9

Basic Info

Parcel Number:	02-09331-002
County Name:	Benton County
Property Address:	YOUTH BRIDGE PROPERTIES INC 2005 W ELM ST ROGERS, AR Map This Address
Mailing Address:	YOUTH BRIDGE PROPERTIES INC 2153 E JOYCE BLVD STE 201 FAYETTEVILLE AR 72703
Collector's Mailing Address ⓘ:	YOUTH BRIDGE PROPERTIES INC 2153 E JOYCE BLVD STE 201 FAYETTEVILLE, AR 72703
Total Acres:	1.00
Timber Acres:	0.00
Sec-Twp-Rng:	11-19-30
Lot/Block:	2B/
Subdivision:	GREENWAY PLAZA-ROGERS
Legal Description:	LOT 2B FF 221/RR 221/DA 182 SURVEYS: 9/5/2018 L201846919
School District:	C30 Rogers City
Homestead Parcel?:	No
Tax Status:	CHARITY
Over 65?:	No







SCALE 1" = 30'



Project Number: 30690
Drawn By: CLH
Reviewed By: MM
Date: 4-30-21

1 OF 1
BURRELL BEHAVIORAL HEALTH
NEW-SIGNAGE
2005 W. ELM STREET
ROGERS, AR. 72758
SIGN PLACEMENT PLAN

151512.S

LOCATION:
ROGERS, AR.

SPRINGFIELD SIGN
4825 E. Kearney St.
Springfield, MO 65803
(417) 862-2454



S. 20TH ST.

W. ELM STREET



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

**BOARD OF ADJUSTMENT
MINUTES
June 10, 2021**

MEMBERS PRESENT:

Hunter Fry
Aaron Smith
John Schmelzle
Elizabeth Cisneros
Josh Allen

STAFF ATTENDING:

John McCurdy, Community Development Director
Lori Ericson, Zoning Administrator
Gloria Garcia, Zoning Technician
Karen Perez, Zoning Technician

Chairman Hunter Fry called the meeting to order at 4:00 pm.

New Board Members Elizabeth Cisneros and Josh Allen were welcomed with appointment by the Rogers City Council on June 8, 2021.

NEW BUSINESS

1. Civic Clerk training

Rogers Records Administrator Jennifer Moore presented information on the city's new Civic Clerk portal for boards and commissions.

2. VAR 21-22: A request by Southgate Shopping Center to allow a common signage plan allowing roof signs at 1606-1714 S. 8th Street in the C-2 (Highway Commercial) zoning district and in the city's Overlay District.

Zoning Tech Gloria Garcia presented the staff report:

- The request is similar to a variance approved recently for the Quarter Shopping Center on Walnut Street.
- Common signage plan allowing roof signs
- Signs for maximum of 102 sf for building A, 112 sf for building C and 623 sf for

building B.

- Smallest tenant space would be allowed 18 sf., with largest tenant space allowed 161 sf.
- Applicant cites the age of the development, with windows covering much of each tenant's frontage and roof signs since 1967.
- Proposal would allow tenants to obtain permits without individual variances if the sign meets the common signage plan proposal.
- Staff recommends approval.

Applicant John Sporleder, owner of both the Quarter Shopping Center and the Southgate Shopping Center, said that since the BOA approved the common signage plan variance for the Quarter Shopping Center, he's had several tenants be able to obtain sign permits without any issues. He said the center's distance from S. 8th Street make the roof signs the only option.

Fry opened the public hearing. There were no public comments and the hearing was closed.

Cicioni noted the proposal was a comprehensive plan that makes sense. She said the success of the previous common signage plan makes it a seamless procedure for the tenants and the city staff.

Motion by Cicioni to APPROVE the variance. Second by Schmelzle.

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

APPROVED

3. VAR 21-23: A request by Robert Caster for Payne Construction to allow a reduced side setback in the R-SF (Residential Single Family) zoning district at 8703 W. Hackberry Road in the Scissortail Subdivision.

Zoning Tech Karen Perez presented the staff report:

- Side setbacks for Scissortail phase 1 establishes the side setback at 7.5 feet for the single-family lots.
- The site plan provided proposes a reduction of the 7.5-foot side setback to 7 feet for an existing home.
- In September 2020 a building permit was issued for the home to be built 7.5 feet from the eastern side. It was built one-half foot encroaching into the side setback.
- Since this is an existing structure, staff recommends approval.
- If approved, a recorded setback/easement reduction survey will be required.

Fry asked for comment from the applicant. Surveyor Rob Caster said the staff report "said it all."

Fry opened the public hearing. There were no public comments and the hearing was closed.

Josh Allen clarified the difference in zoning regulations and the subdivision final plat, with staff explaining that setbacks are sometimes reduced for developments with more greenspace or other amenities.

Motion by Schmelzle to APPROVE the variance request as amended. Second by Cicioni.
Voice vote: YES – Unanimous **Motion carried**
APPROVED

ACTION ON MINUTES

Previous minutes: May 13, 2021

Motion by Schmelzle to accept the minutes for the May 13, 2021 meeting of the Board of Adjustment as presented. Second by Smith.
Voice vote: YES - Unanimous **Motion carried**
APPROVED

OTHER BUSINESS

Zoning Administrator Lori Ericson requested the Board appoint a new secretary. Former Secretary Roger Clark's position was expired and a new BOA member was appointed. Ericson suggested that new Board Member Josh Allen might consider appointment since he lives within a block of the Rogers City Hall.

Board members discussed the appointment with Allen questioning the duties and appearing to agree to the position. Staff vowed to support him in the duties.

Motion by Ciconi to nominate Josh Allen as the BOA secretary for the remainder of 2021.
Second by Schmelzle.
Voice vote: YES - Unanimous **Motion carried**
APPROVED

ADJOURNMENT

Meeting adjourned at 4:32 pm.

As recorded by:

Lori Ericson
Zoning Administrator
Community Development Department
City of Rogers

Approved by vote of the Board of Adjustment on: