



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

BOARD OF ADJUSTMENT MEETING AGENDA
JULY 22, 2021
4:00 PM

AGENDA

CALL TO ORDER:

ROLL CALL:

OLD BUSINESS:

1. (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. **WITHDRAWN BY APPLICANT**

NEW BUSINESS:

1. (VAR 21--27) A request by Crestwood Homes, LLC/Barry Cooksey to allow an exterior side setback reduction at 1308 W. Fir Street in the R-SF (Residential Single Family) zoning district.
 - *STAFF: Karen Perez*
 - *REPRESENTED BY: Barry Cooksey*

ACTION ON MINUTES:

1. Draft of July 8, 2021 meeting minutes

ADJOURN:



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

MEETING DATE
July 22, 2021

TO: BOARD OF ADJUSTMENT
RE: **STAFF SUMMARY REPORT**
VARIANCE – #21-27 CRESTWOOD HOMES, LLC for Cooksey
PL202100722

STAFF: Karen Perez, Zoning Technician

REQUEST DETAILS

ADDRESS/LOCATION:	1308 W. Fir Street
SUBDIVISION:	Clower Subdivision
CURRENT ZONING:	R-SF (Residential Single Family)
APPLICANT/REPRESENTATIVE:	Crestwood Homes, LLC for Cooksey
PROPERTY OWNER:	Nicholas & Katelyn Glanton
NATURE OF REQUEST:	Reduce exterior side setback
AUTHORITY:	Sec. 14-724, Rogers Code of Ordinances

SUMMARY

This request is to allow a reduction in the exterior side setback from 30' to 24'.

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 a 6' exterior side setback reduction for a new house with 3 car garage.

3. GENERAL FINDINGS:

- a) Side setbacks are set out in Rogers Sec. 14-699(f)(2)(c), at 30 feet for the RSF zoning district. The Final Plat of the Clower Subdivision, recorded 3-2-2007, also establishes the exterior side setback at 30 feet for applicable lots within the subdivision.
- b) The 30-foot exterior side setback also serves as a utility easement per the final plat for the Clower subdivision.
- c) The site plan provided proposes a reduction of the 30-foot exterior side setback to 24 feet for a new house with three-car garage.
- d) The applicant states that when the subdivision was designed the two corner lots on Fir Street were not made large enough to build a house with a three-car garage.
- e) Staff believes the dimensions of the lot were likely known prior to its purchase and construction plans were solidified.
- f) Staff would also note that this is one of four lots that border the subdivision's two entrances.
- g) Staff has not identified any circumstances unique to the individual property where strict enforcement of the zoning ordinance would cause undue hardship.
- h) 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:

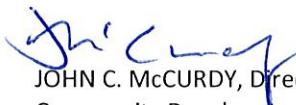
Staff has received one inquiry but they had no concerns.

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
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OFFICE USE ONLY

Permit Fee: \$ 100 OK# 1227 (\$100)
Zoning: R-SF
App Number: 21-27
CityView Application: PL202100722
Date: 6-30-2021

VARIANCE APPLICATION

APPLICANT: CRESTWOOD HOMES, LLC / COOKSEY
ADDRESS: 1308 W. FIR SUITE #: N/A
GENERAL LOCATION OF PROPERTY: CLOVER FARM SUBDIVISION
PHONE #: 479-640-0505 EMAIL: BARRYCOOKSEY@REMAX.NET
PROPERTY OWNER: NICHOLAS + KATELYN CLANTON PHONE #: 479-644-1063
REQUEST to ALLOW: 6' VARIANCE ON EAST SIDE OF A CORNER LOT

HARDSHIP JUSTIFICATION to VARY FROM CODE: WHEN SUBDIVISION WAS DESIGNED
TWO CORNER LOTS ON FIR WERE NOT MADE LARGE ENOUGH TO BUILD A
HOUSE WITH A 3 CAR GARAGE

Applicant Signature *Barry K. Cooksey*

Date 6/28/2021

Attachment Checklist:

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

PLANNING STAFF PROVIDES:

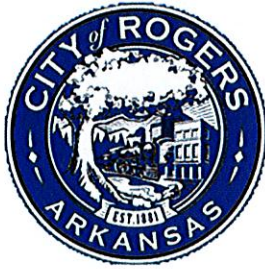
DATE FILED: 6-30-2021

PUBLIC HEARING DATE: 7-22-2021

BOARD OF ADJUSTMENT DECISION: _____

SECRETARY, BOARD OF ADJUSTMENT

DATE



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 22, 2021** at **4:00 p.m.** regarding an application by **Crestwood Homes, LLC for Cooksey** under the provisions of the City of Rogers Code of Ordinances, for a variance to **allow an exterior side setback reduction** in the R-SF (Residential Single Family) zoning district at **1308 West Fir Street** more particularly described as follows:

LEGAL DESCRIPTION:

LOT 36, CLOWER SUBDIVISION, ROGERS, ARKANSAS FILED FOR RECORD AT THE COUNTY RECORDER'S OFFICE ON MARCH 1, 2007 AND FOUND PLAT RECORD 2007 AT PAGE 226.

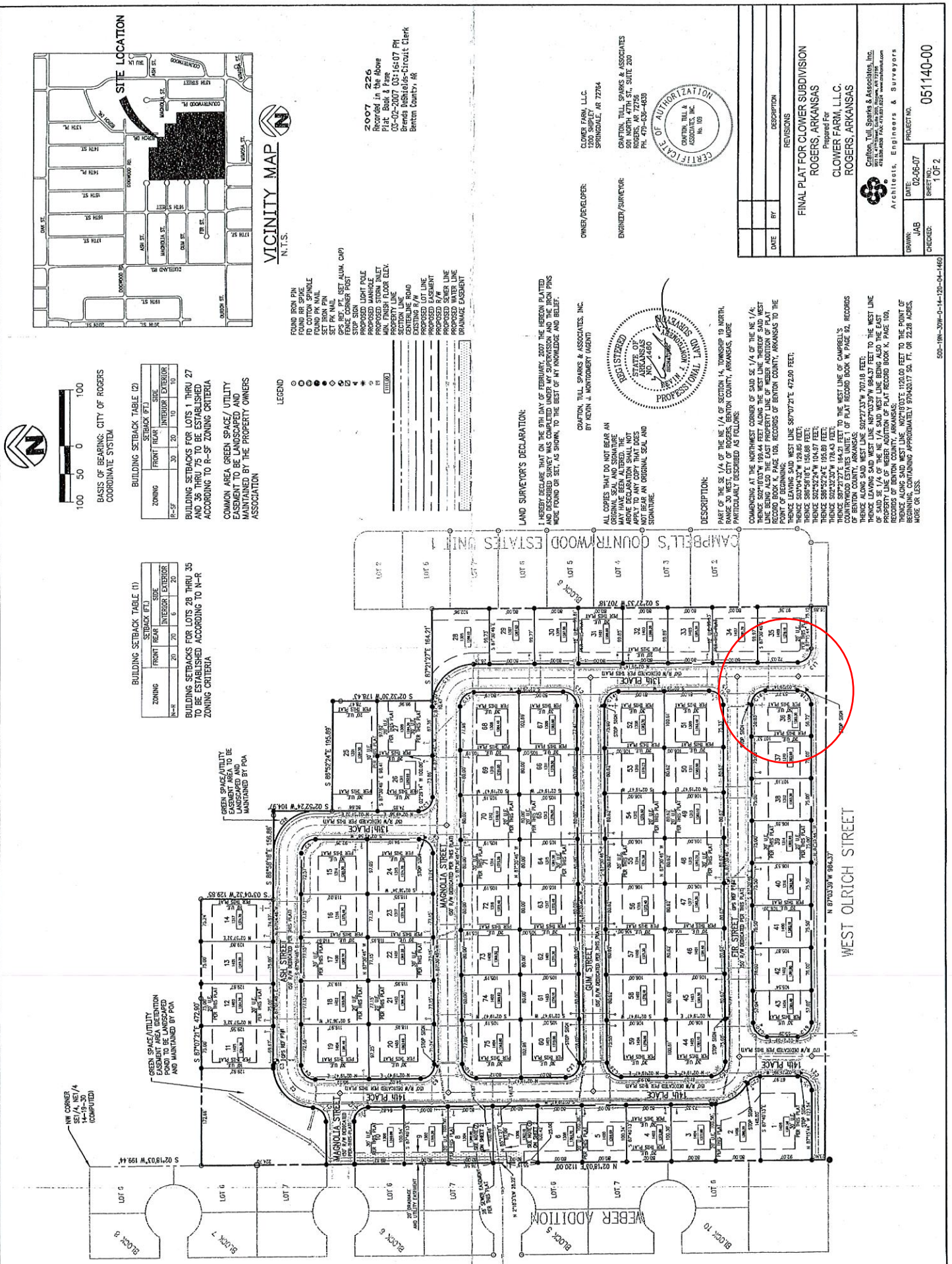
LAYMAN'S DESCRIPTION:

1308 West Fir Street

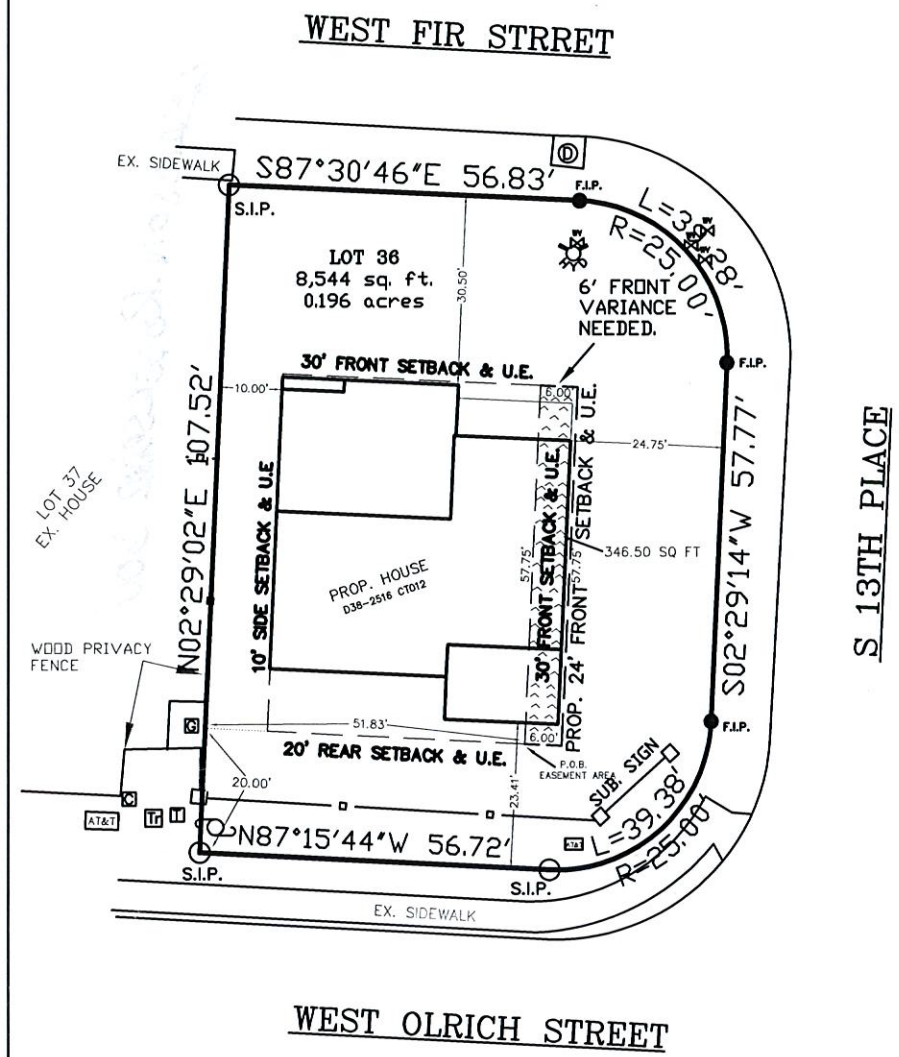
Josh Allen, Secretary
Board of Adjustment

PUBLISH ONE TIME ONLY: **July 11, 2021**
BILL THE CITY OF ROGERS





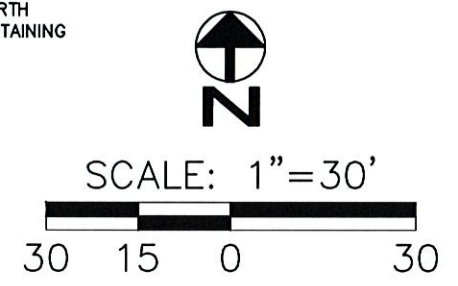
PL202100722



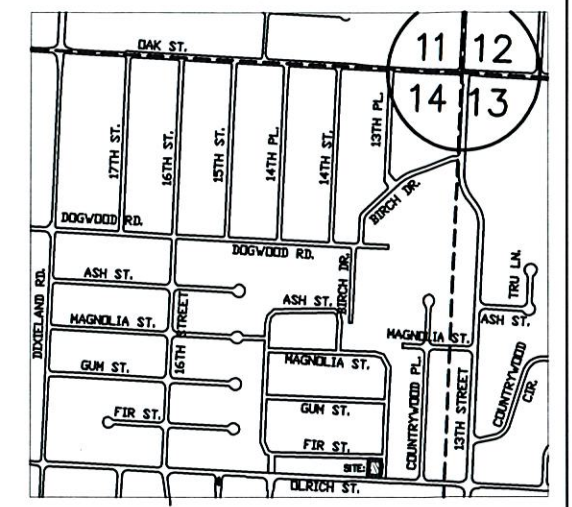
EASEMENT ABANDON AREA DESCRIPTION
COMMENCING AT THE SOUTHWEST CORNER OF LOT 36, CLOWER SUBDIVISION TO THE CITY OF ROGERS, BENTON COUNTY, ARKANSAS; THENCE NORTH 02°29'02" EAST 20.00 FEET; THENCE SOUTH 87°15'44" EAST 51.83 FEET TO THE POINT OF BEGINNING OF THE EASEMENT AREA TO BE ABANDONED; THENCE NORTH 02°29'14" EAST 57.75 FEET; THENCE SOUTH 87°30'46" EAST 6.00 FEET; THENCE SOUTH 02°29'14" WEST 57.75 FEET; THENCE NORTH 87°15'44" WEST 6.00 FEET BACK TO THE POINT OF BEGINNING, CONTAINING 346.50 SQUARE FEET.

LEGEND

- S.I.P. SET IRON PIN
- F.I.P. FOUND IRON PIN
- AT&T VAULT
- TRANSFORMER
- CABLE BOX
- GAS METER
- FIRE HYDRANT
- WATER VALVE
- BUILDING SETBACK & UTILITY ESMT
- 30' FRONT
- 10' SIDE
- 20' REAR



CITY VIEW PROJECT NUMBER
PL2021 ?????



NOTES

1. PROPERTY IS ZONED R-SF.
2. PARENT DEED FILED IN DEED RECORD L2021-14310.
3. PROPERTY IS COUNTY TAX PARCEL #02-21920-000.

BASIS OF BEARING

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE SUBDIVISIONAL FINAL PLAT DONE BY CRAFTON & TULL & FILED ON MARCH 1, 2007 AND FOUND IN PLAT RECORD 2007 AT PAGES 226-227.

PROPERTY DESCRIPTION

LOT 36, CLOWER SUBDIVISION, ROGERS, ARKANSAS FILED FOR RECORD AT THE COUNTY RECORDER'S OFFICE ON MARCH 1, 2007 AND FOUND IN PLAT RECORD 2007 AT PAGE 226.

FLOOD CERTIFICATION

NO PART OF THIS PROPERTY LIES IN A ZONE "A" OR "AE" FLOOD ZONE AS SHOWN ON THE FIRM/FEMA FLOOD PANEL NO 05007C0260 K, EFFECTIVE DATE JUNE 5, 2012.

OWNERS DEDICATION

WE, THE UNDERSIGNED, DO HEREBY SWEAR THAT WE ARE THE SOLE OWNERS OF THE HEREON PLATTED PROPERTY AND DO HEREBY DEDICATE EASEMENTS FOR USE BY THE GENERAL PUBLIC AND FOR THE INSTALLATION OF UTILITIES.

[Signature]
SUBSCRIBED AND SWORN BEFORE ME THIS 20th DAY OF June, 2021.

DIANNA TOWERY
BENTON COUNTY
NOTARY PUBLIC -- ARKANSAS
My Commission Expires Jan. 10, 2029
Commission No. 12706364

UTILITY EASEMENT REDUCTION

THIS REDUCTION OF EASEMENTS ARE HEREBY ACCEPTED THIS _____ DAY OF _____, 2021 BY THE CITY OF ROGERS, ARKANSAS.

COMMUNITY DEVELOPMENT DIRECTOR

UTILITY EASEMENT SIGNOFF

THE FOLLOWING UTILITY COMPANIES ARE GOOD WITH THE REDUCTION OF THEIR PERSPECTIVE EASEMENT AS SHOWN ON THE HEREIN DRAWING.

BLACK HILLS ENERGY GAS

CABLE TV (COX)

ROGERS WATER UTILITIES

TELEPHONE/INTERNET

~~CARROLL~~ ELECTRIC COMPANY
SWPECO

LOT 36
CLOWER SUBDIVISION
1308 W FIR ST
ROGERS, ARKANSAS

CERTIFICATE OF SURVEY ACCURACY

I, **DAVID B. PLATZ** HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A BOUNDARY SURVEY MADE BY ME AND ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST AND ARE SHOWN CORRECTLY.

DATE OF EXECUTION: **JUNE 18, 2021**

REGISTERED LAND SURVEYOR

STATE OF ARKANSAS REGISTRATION NO: **1553**



SETBACK AND UTILITY EASEMENT REDUCTION		REVISIONS	
		No.:	DATE:
OWNER:			
BARRY COOKSEY/CRESTWOOD HOMES			
P.O. BOX 2549			
BENTONVILLE, AR 72712			
DRAWN BY:		DATE:	
DP/ZS		6/21/21	
CHECKED BY:		JOB No.:	
		2021341	
SCALE:		SHEET:	
1"=30'		1	



DEPT. OF COMMUNITY DEVELOPMENT
PLANNING DIVISION
301 W. CHESTNUT
PHONE: (479) 621-1186
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**BOARD OF ADJUSTMENT
MINUTES
July 8, 2021**

MEMBERS PRESENT:

Aaron Smith
John Schmelzle
Elizabeth Cisneros
Josh Allen
Hannah Cicioni

STAFF ATTENDING:

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

Board Member Aaron Smith agreed to serve as chairman for the meeting, in absence of Hunter Fry. Smith called the meeting to order at 4:11 pm.

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.**

Zoning Tech Gloria Garcia presented the staff report, recommending consideration of the request:

- 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.
- A sign permit was approved for two wall signs on June 10, 2021 totaling 327.8-sf.
- If the request is approved, the building's signage will total 353.88-sf, which is less than the 390-sf allowed.
- The applicant notes directional needs for traffic flow as a hardship for the additional signage.
- Staff has not identified any circumstances unique to the individual property where strict enforcement of the zoning ordinance would cause undue hardship.

Mike Jones, Best Sign Group, said the additional signs are mainly directional for pedestrian and driver safety around the restaurant now under development. The signs will identify the front of the steakhouse and the “To Go” area. He noted the building will actually face the south and not its street frontages of Interstate 49, nor S. 26th or S. 27th streets.

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

Board members discussed the positioning of the building and the fact that the square footage of the total signage will be below what’s allowed even with the two additional signs.

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

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

APPROVED

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.

Zoning Tech Gloria Garcia presented the staff report, recommending denial of the request:

- Rear setbacks are set out in Rogers Sec. 14-699(f)(2)(d), at 20 feet for the RSF zoning district.
- The site plan provided proposes a reduction of the 20-foot rear setback to 12 feet for a new 20’x30’ workshop.
- 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.
- Avoiding the utility easement pushes the structure’s location farther back infringing on the rear setback.
- 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.
- If approved, a recorded setback/easement reduction survey will be required prior to filing for a building permit.

Kris Page, property owner, said he’d updated his plans for the storage building to include repositioning but also a covered porch in the front. The change in plans came after discussing the plans for a plain workshop building. The repositioning and the aesthetic addition of the patio in front will make the structure look better and fit into the neighborhood better, Page said. He provided a drawing of the planned workshop and noted the repositioning does not change the requested rear setback reduction of 8 feet.

Fry opened the public hearing.

- John Jennings, adjacent neighbor to the north, introduced himself and his wife Shirley. Jennings said they favored the setback reduction so the building could be located in the planned corner. It would, he said, look better from his home.

Fry closed the public hearing.

Board members discussed the sewer line, its 20-foot-wide utility easement that runs diagonally across the property, and whether Page had room to reposition the building closer to the setbacks. Jennings and Page discussed their measurements and weren't sure how close the structure would need to be to the property line. Page agreed that it might be best to table his request until he can more precisely locate the planned building's footprint and its distance from the property lines.

Page requested to be tabled.

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

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

TABLED

- 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.**

Smith confirmed with staff that the applicant had withdrawn the variance for consideration.

WITHDRAWN

ACTION ON MINUTES

Previous minutes: June 10, 2021

Motion by Cicioni to accept the prepared second draft of the minutes for the June 10, 2021 meeting of the Board of Adjustment as presented. Second by Allen.

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

APPROVED

OTHER BUSINESS

ADJOURNMENT

Meeting adjourned at 4:47 pm. by Smith.

As recorded by:

Lori Ericson

Zoning Administrator

Community Development Department

City of Rogers

Approved by vote of the Board of Adjustment on: