



COMMUNITY DEVELOPMENT PLANNING DIVISION

301 W. CHESTNUT
planning@rogersar.gov
(479) 621-1186

ROGERS BOARD OF ADJUSTMENT AGENDA

Date:	August 12, 2021
Location:	Rogers City Hall
Virtual Option:	Zoom
Meeting Time:	4:00 PM

MEETING INSTRUCTIONS

- To attend via computer:
Go to <https://us02web.zoom.us/j/81758354570>
- To attend via phone:
Call [1-312-626-6799](tel:1-312-626-6799) and enter Webinar ID [817 5835 4570](tel:817-5835-4570) when prompted
- Members of the public wishing to provide input are strongly encouraged to do so in writing. Please email your statement, questions, or concerns to the Board of Adjustment at boardofadjustments@rogersar.gov before 4:00 PM Thursday.

VIRTUAL PARTICIPATION

- Board Members and Staff are the only visible attendees. All attendees are automatically muted and invisible to others upon entry. Staff will enable/disable talk for each speaker.
- If representing an agenda item or speaking in a public hearing:
 - Click **RAISE HAND** when prompted by the chairman. Staff will enable speaking for your presentation and disable speaking when done.
 - **Dial *9 to RAISE HAND** if attending meeting by phone.
 -
- If a speaker has any additional documents or exhibits they wish to show the commission, please email them to boardofadjustments@rogersar.gov before 4:00 PM Thursday.

AGENDA ITEMS

CALL TO ORDER

OLD BUSINESS

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*

2. (VAR 21-28) A request by application by Matt Lewis to allow a rear setback reduction at 6140 W. Knoll View Way in the RSF-5 (Residential Single Family, 5 units per acre) zoning district.
 - *STAFF: Gloria Garcia*
 - *REPRESENTED BY: Matt Lewis*

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
PHONE: (479) 621-1186
FAX: (479) 986-6896

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
CORNER
TWO 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:

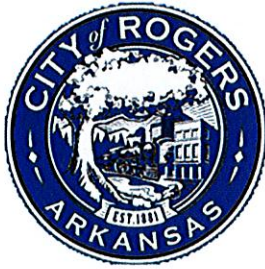
DATE FILED: 6-30-2021

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.

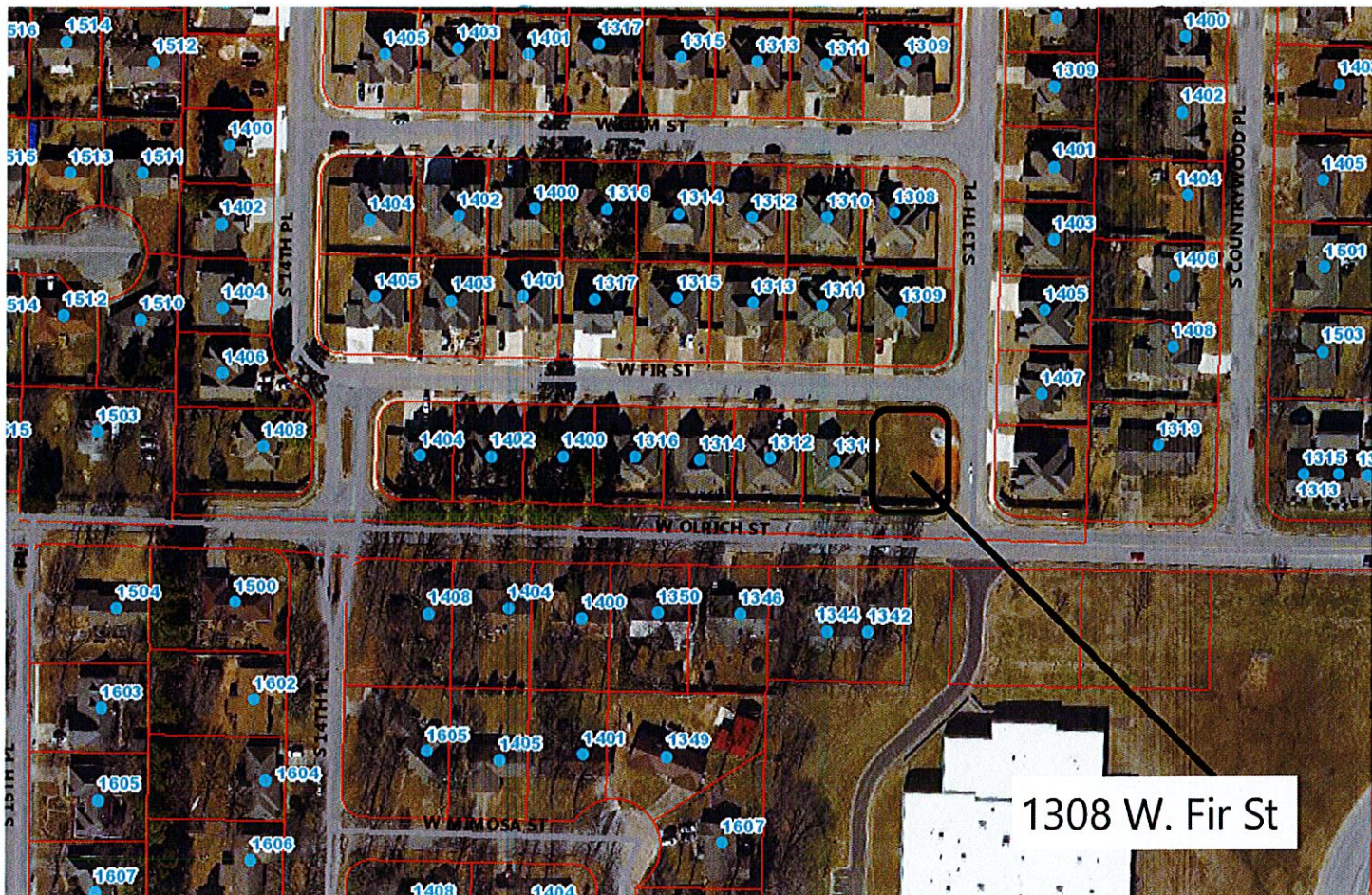
LAYMAN'S DESCRIPTION:

1308 West Fir Street

Josh Allen, Secretary
Board of Adjustment

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







BUILDING SETBACK TABLE (1)					
ZONING	SETBACK (FT.)				
	FRONT	REAR	SIDE		
			INTERIOR	EXTERIOR	
M-R	20	70	6	20	

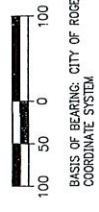
TO BE ESTABLISHED SETBACKS FOR LOTS 28 THRU 35
TO BE ESTABLISHED ACCORDING TO N-R
ZONING CRITERIA

**BUILDING SETBACKS FOR LOTS 28 THRU 35
TO BE ESTABLISHED ACCORDING TO N-R
ZONING CRITERIA**

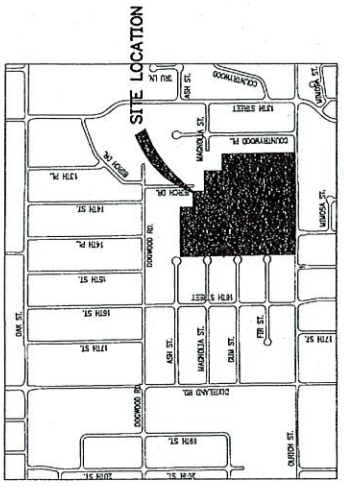
BUILDING SETBACK TABLE (2)		SETBACK (FT.)			
ZONING	FRONT	REAR		SIDE	
		INTERIOR	EXTERIOR	INTERIOR	EXTERIOR
R-SF	30	20	10	10	10

BUILDING SETBACKS FOR LOTS 1 THRU 27
 AND 36 THRU 75 TO BE ESTABLISHED
 ACCORDING TO R-SF ZONING CRITERIA

BUILDING SETBACKS FOR LOTS 1 THRU 27
AND 36 THRU 75 TO BE ESTABLISHED
ACCORDING TO R-SF ZONING CRITERIA



**BASIS OF BEARING: CITY OF ROGERS
COORDINATE SYSTEM**



 VICINITY MAP
N.T.S.

2007 226
Recorded in the Above
Plat Book & Page
03-02-2007 03:16:07 PM
Brenda DeShields-Circuit Clerk
Benton County, AR

FOUND IRON PIN
FOUND RR SPIKE
FOUND COTTON SPINDLE
FOUND COTTON NAIL
SET IRON NAIL
SET IRON PIN
G'S REF. PT. (SET ALUM. CAP)
ELEV. CORNER STOP
STOP SIGN
PROPOSED LIGHT POLE
PROPOSED MANHOLE
PROPOSED STORM INLET
PROPOSED FLOOR ELEV.
PROPERTY LINE
SECTION LINE
CENTERLINE ROAD
EXISTING R/W
PROPOSED LOT LINE
PROPOSED EASEMENT
PROPOSED R/W
PROPOSED R/W
PROPOSED WATER LINE
PROPOSED SEWER LINE
DRAINAGE EASEMENT

LEGEND

LAND SURVEYOR'S DECLARATION:

I HEREBY DECLARE THAT ON THE 9TH DAY OF FEBRUARY, 2007 THE HEREON PLATTED AND DESCRIBED SURVEY WAS COMPLETED UNDER MY SUPERVISION AND THE IRON PINS WERE FOUND OR SET AS SHOWN TO THE BEST OF MY KNOWLEDGE AND BELIEF.

CRAFTON, TULL, SPARKS & ASSOCIATES, INC.
BY KEVIN J. MONTGOMERY (AGENT)

ALL COPIES THAT DO NOT BEAR AN ORIGINAL SEAL AND SIGNATURE MAY HAVE BEEN ALTERED. THE ABOVE DECLARATION SHALL NOT APPLY TO ANY COPY THAT DOES NOT BEAR AN ORIGINAL SEAL AND SIGNATURE.



DESCRIPTION:

PART OF THE SE 1/4 OF THE NE 1/4 OF SECTION 14, TOWNSHIP 19 NORTH, RANGE 30 WEST, CITY OF ROGERS, BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

[illegible]

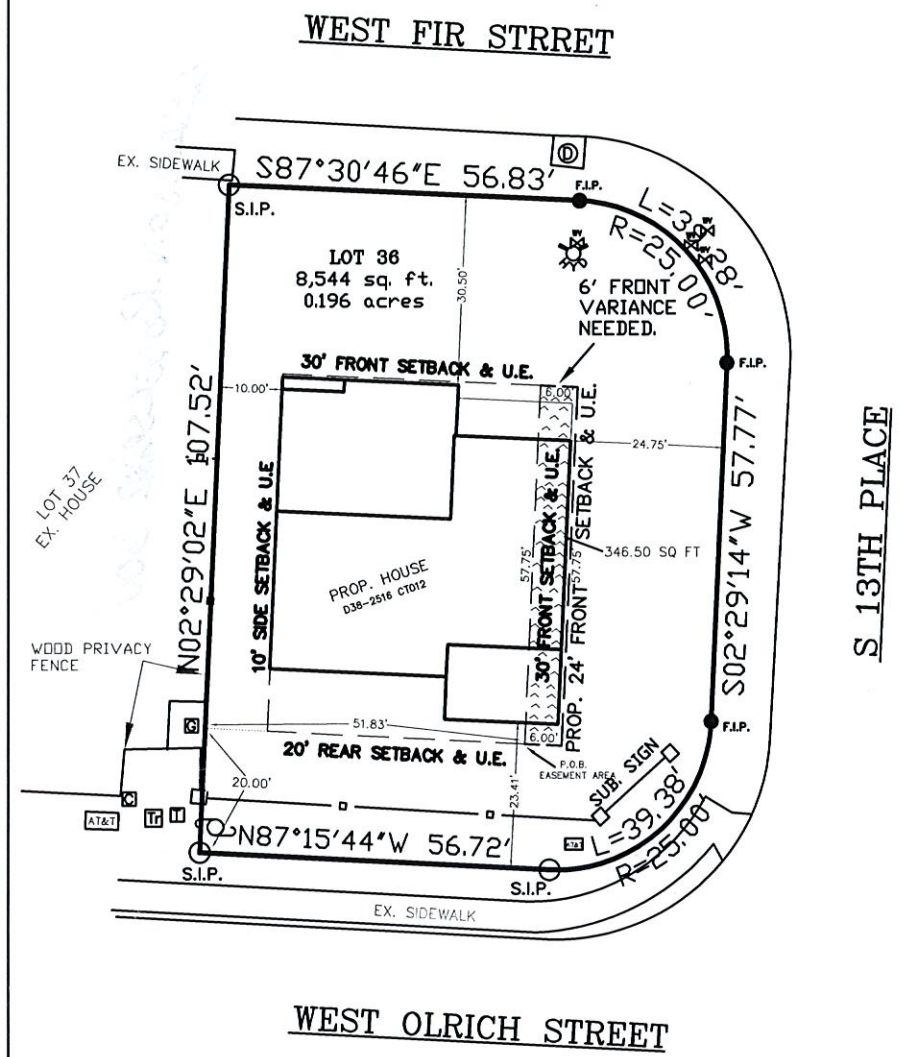
OWNER/DEVELOPER:	CLOVER FARM, LLC 1200 SUPPLY SPRINGDALE, AR 72764
ENGINEER/SURVEYOR:	CRAFTON, TULL, SPARKS & ASSOCIATES 501 NORTH 47TH ST., SUITE 200 ROGERS, AR 72756



DATE	BY	DESCRIPTION
		REVISIONS
		FINAL ORDER FOR CLOVER SUBDIVISION
		ROGERS, ARKANSAS
		Prepared by:
		CLOVER FARM, L.L.C.
		ROGERS, ARKANSAS
		 Carillon, Toll Services & Associates, Inc. 801 N. 4th Street, Suite 200, Newport, AR 72450 479.259.8453 FAX: 479.251.6574 www.carillon.com
		Architects, Engineers & Surveyors
DRAWING	DATE	PROJECT NO.
JAB	02-06-07	051140-00
CHECKED:	SHEET NO.	1 OF 2

500-19N-30W-0-14-120-04-1460

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.

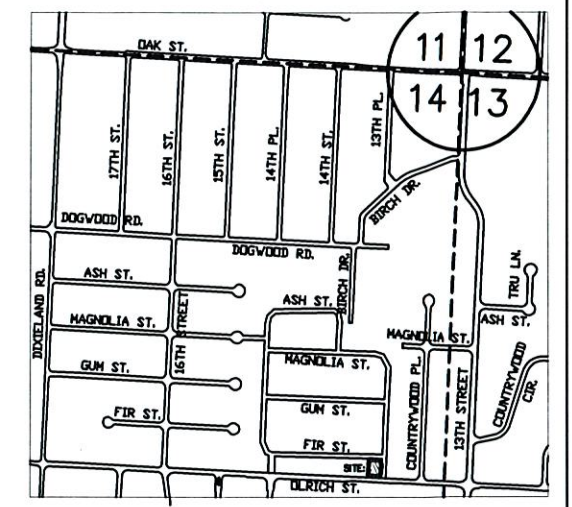
LEGEND

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



SCALE: 1"=30'
30 15 0 30

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
SWEPSCO

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	



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

MEETING DATE
August 12, 2021

TO: BOARD OF ADJUSTMENT
RE: **STAFF SUMMARY REPORT**
VARIANCE – #21-29 MATT LEWIS
PL202100835

STAFF: Gloria Garcia, Zoning Technician

REQUEST DETAILS

ADDRESS/LOCATION:	6140 W. Knoll View Way
SUBDIVISION:	Champion Estates
CURRENT ZONING:	RSF-5 (Residential Single Family, 5 units per acre)
APPLICANT/REPRESENTATIVE:	Matt Lewis
PROPERTY OWNER:	Matt Lewis
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 17'4"

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, 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 2'8" rear setback reduction for a new deck.
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 Final Plat of Champion Estates, recorded 11/15/96 also establishes the rear setback at 20 feet for lots within the subdivision.
 - c) The site plan provided proposes a reduction of the 20' rear setback to 17'4" for a new deck.
 - d) The applicant doesn't specifically list a hardship on the application, but states the reduction is needed to build the new deck using the same footprint as the original deck.
 - e) The setback reduction request is minimal and there have been no complaints from neighbors about the location of the previous deck, therefore staff recommends consideration of the request.
 - 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:

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

Consider 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

OFFICE USE ONLY

Permit Fee: \$100 (S100)

Zoning: RSF-5

App Number: 21-29

CityView Application: PL202100835

Date: 7/23/2021

VARIANCE APPLICATION

APPLICANT: Matt Lewis

ADDRESS: 6140 Knoll View Way Rogers, AR 72758 SUITE #:

GENERAL LOCATION OF PROPERTY: Champions Estates

PHONE #: 479-366-0433 EMAIL: MatthewL628@yahoo.com

PROPERTY OWNER: Matt Lewis PHONE #: 479-366-0433

REQUEST to ALLOW: Deck setback from 20 ft to 17 feet

HARDSHIP JUSTIFICATION to VARY FROM CODE: I have a small backyard at 17 feet is the max distance from my previous deck to edge of property. We are replacing former deck with a new one and already poured the slab (about 2 years ago).

Matt Lewis
Applicant Signature

7/23/2021
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: 7/23/2021

PUBLIC HEARING DATE: 8/12/2021

BOARD OF ADJUSTMENT DECISION:

SECRETARY, BOARD OF ADJUSTMENT

DATE

Owner: Matthew Lewis

Address: 6140 Knoll View Way, Rogers, AR 72758

Justification for Variance Process: Our home was bought 7 years ago and had a deck attached to the house when originally built. Since we're on a hill, the deck is high and can be walked underneath, so we put in a concrete slab in 2019. About 18 months ago, a tornado came through and knocked a tree on the side of our house and ripped off the deck. As we've gone through repairs, we're now at the stage to rebuild our deck using the same footprint as the original.

Below is an arial view from the Rogers AR GOV website with the red dotted line representing my backyard. I'm also attaching a drawing with the setbacks and pictures of my backyard (current state) and my backyard with the original deck.

What I'm asking for is consideration and approval to build a new deck using the same footprint as the original since we've already heavily invested in a concrete slab and design plans on the new deck. Our current setback is 17 feet 4 inches from the edge of the slab to the closet edge of the property line. I have been informed by the Planning Department that the minimum setback is 20 feet and I would need to apply for a variance in order to keep the same footprint as the original deck.

Thank you for your consideration in this request.

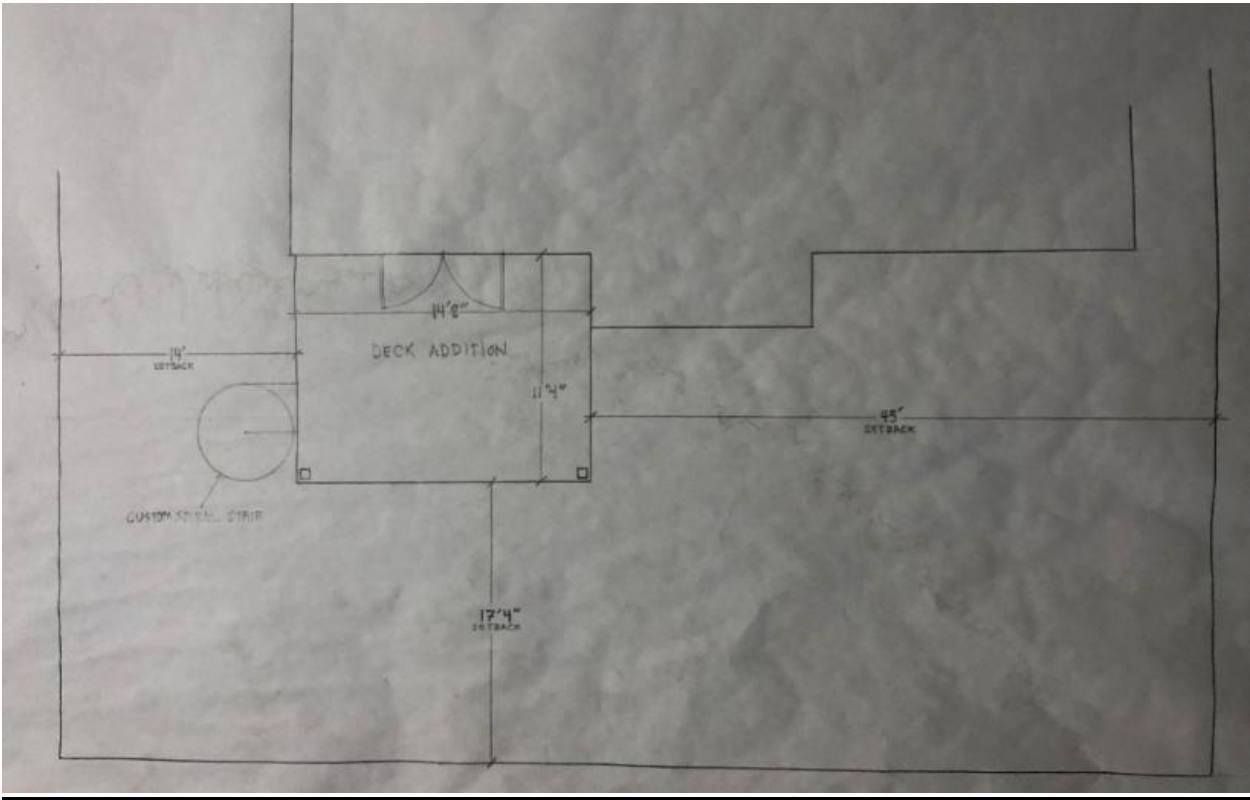
Sincerely,

Matthew Lewis

Current property line from rogersar.gov/GIS website.



Drawing of deck with setbacks



Backyard of 6140 Knoll View Way (current state, no deck or fence)



Backyard of 6140 Knoll View Way (with deck and fence before Tornado)





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 **August 12, 2021 at 4:00 p.m.** regarding an application by **Matt Lewis** under the provisions of the City of Rogers Code of Ordinances, for a variance to **allow a rear setback reduction** in the RSF-5 (Residential Single Family, 5 units per acre) zoning district at **6140 W. Knoll View Way** more particularly described as follows:

LEGAL DESCRIPTION:

Lot 21, Champion Estates, Rogers, Benton County, Arkansas, as shown in Plat Record Book "22L" at Page 109.

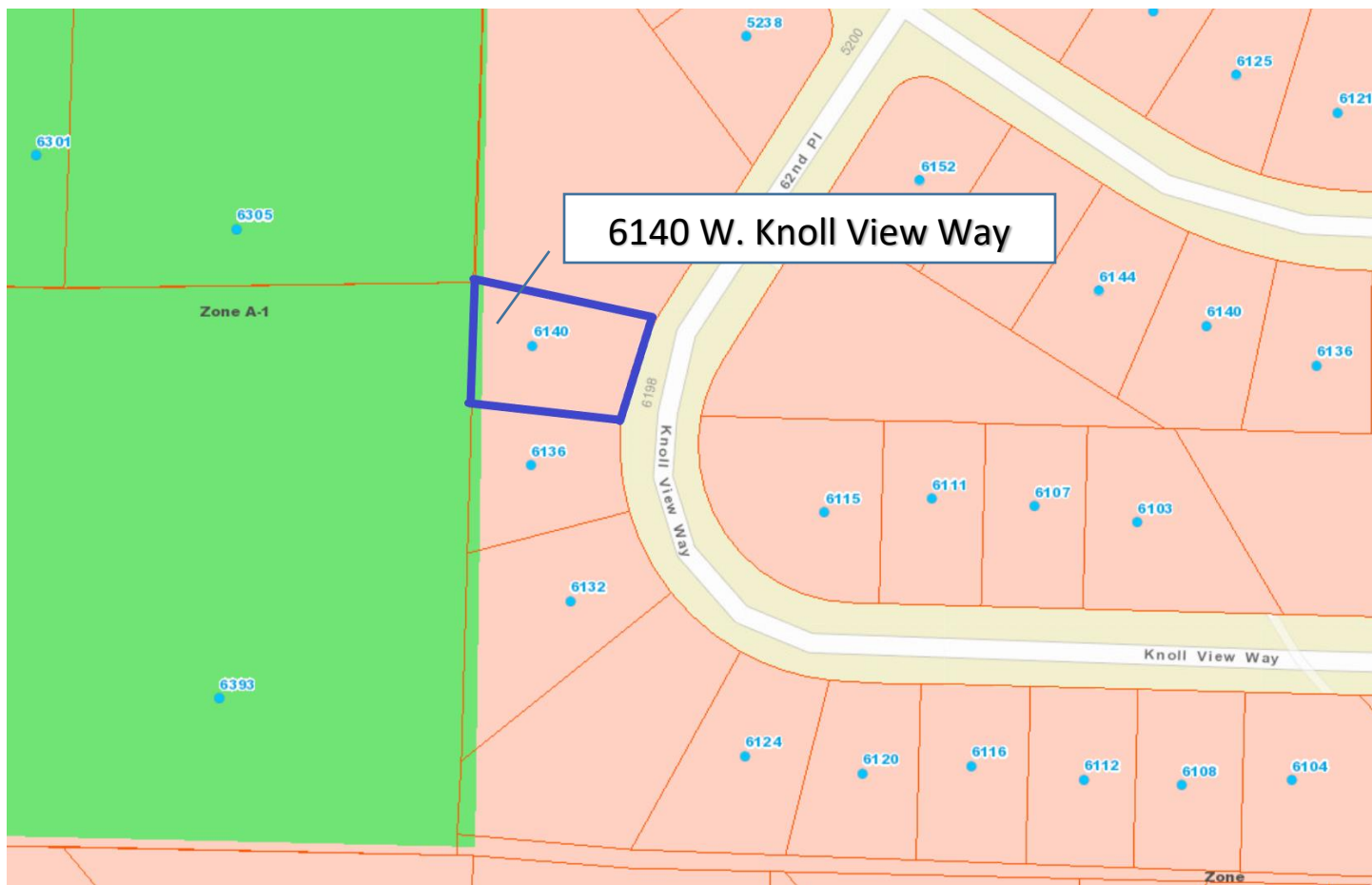
Subject to easements, rights-of-way, and protective covenants of record, if any. Subject to all prior mineral reservations and oil and gas leases, if any.

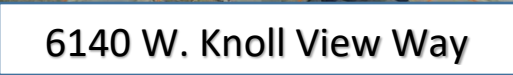
LAYMAN'S DESCRIPTION:

6140 W. Knoll View Way

Josh Allen, Secretary
Board of Adjustment

PUBLISH ONE TIME ONLY: **August 1, 2021**
BILL THE CITY OF ROGERS







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

**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: