



DEPT. OF COMMUNITY DEVELOPMENT
PLANNING DIVISION
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**BOARD OF ADJUSTMENT
MINUTES
March 23, 2017**

MEMBERS PRESENT:

Derek Eckelhoff
Hannah Cicioni
Andrew Curry
Juli Zimmerman
Roger Clark
Mandel Samuels

OTHERS ATTENDING:

Lori Ericson, District Planner

Chairperson Andrew Curry called the meeting to order at 4:00 pm.

NEW BUSINESS

17-19: A request by Scott and Jessica Bolle for a variance to allow a 10-foot rear setback and utility easement reduction at 6714 W Shadow Valley Road in the city's RSF-5 (Residential Single Family) zoning district.

Scott Duncan, Caster and Associates explained that the proposed setback reduction is for a pool and he has advised the homeowner that it can't be for more than half the setback and utility easement.

Board Member Hanna Cicioni asked what is between the house and proposed pool location that would prevent it from being located closer to the home. Duncan said he doesn't know. The Board reviewed an aerial photo that showed a different shape to the house that appears to extend further into the backyard.

Chairman Curry stated the fact that the survey appears to be inaccurate works in their favor, but it's something that can be rectified and brought back to the Board with a more accurate plan.

Cicioni made a motion to table the issue. Dereck Eckelhoff seconded. Voice vote: YES (unanimous). Motion approved. **TABLED.**

17-20: A request by Donna Kash for a variance to allow a 7.5-foot rear setback and utility easement reduction at 6516 W Tumbler Ridge in the city's RSF-5 (Residential Single Family) zoning district.

Scott Duncan said he was also representing this request for a rear setback and utility easement reduction to allow for a pool in the Hearthstone Subdivision. He said a telephone utility line prevents the pool from being moved further toward the rear property line.

Chairman Curry noted that there appeared to be no public present to comment on the request.

Cicioni motioned to approve request as presented. Eckelhoff seconded. Voice vote: YES (unanimous). Motion carried. **APPROVED.**

17-21: A request by William Anderson for a variance to allow a rear and exterior side setback reduction at 101 W Union Street in the city's I-1 (Light Industrial) zoning district.

William "Brian" Anderson said that his family has owned the property for about 30 years and he's updating the old warehouse that was built possibly 50 years ago. He said he's remodeling the structure extensively and adding a small office of about 220 sf on the front. He was given a stop-work order after starting the project because he didn't realize he needed a permit. He said the violation of the setback for the existing structure was discovered when he applied for the permit. He noted that the improvements will improve the look of the structure with brick on the outside, and a paved drive with a small parking area will be added.

The Board discussed the fact that the existing structure is noncomplying and fine as is, but adding to the footprint generated a need for the setback reduction. The rear setback will end up being about 16 feet and a side setback of about 20 feet, according to the drawing presented.

Cicioni said she'd gone by the property and noticed the RV parked there. She asked if someone is living on the property. Anderson said, yes, he has a homeless man who is former construction worker with a back injury, who worked for him years before. He said the camper appeared on property next to his business out Hwy. 12 and he inquired about it, discovered the facts about the man, and had him move the RV to this location to serve as a guard for the property temporarily. He stated he'd like to keep him there until the construction project is complete. He plans to move him across the street then.

Curry noted that there didn't appear to be any public present to make comment and asked for a motion, noting that he would need to recuse himself on the vote.

Curry motioned to approve the request. Member Roger Clark seconded. Voice vote: 4-YES (Eckelhoff, Cicioni, Zimmerman and Clark), 1-NO (Samuels) and Curry disqualified himself. Motion carried. **APPROVED.**

17-22: A request by Jenny Harmon for a variance to allow a rear setback reduction of 6.5 feet and side setback reduction of 6 inches at 510 W Pine Street in the city's N-R (Neighborhood Residential) zoning district.

Architect John Mack stated that the home is being remodeled and an addition added. When the survey was done for the setback reduction needed at the rear of the house for the addition, it was discovered that the house actually sits a few inches into the side setback. The Board discussed plans with Mack for the alley to be cleaned out and improvements made to some utility lines within the alley.

Curry asked if there were any members of the public present who wished to speak on the application. Jenny Harmon, the applicant, stated that she had discussed the issue with neighbors and everyone was in support.

Eckelhoff motioned to approve the setback reduction request. Zimmerman seconded. Voice vote: YES (unanimous). Motion carried. **APPROVED.**

17-23: A request by David Meadows for a variance to allow reduced setbacks and lot size requirements at 2101 S 7th Street in the city's I-2 (Neighborhood Residential) zoning district.

Surveyor Gene Buescher said the property owner wants to sell only the acreage needed for the cell tower and no more, because the buyer will only pay for what they need. He said a full 5 acres as required in I-2 isn't needed. Curry asked how much property is involved. Buescher said it's the 0.68 acres listed, which includes the footprint area of the tower and the 50-foot-wide access area. Cicioni asked if the tower included a fence. Buescher said it did and the lot being split includes a little more.

Staff informed the Board that the lot split will need approval from the Rogers Planning Commission.

Curry motioned to approve the request. Eckelhoff seconded. Voice vote: 4-YES (Eckelhoff, Zimmerman, Clark and Samuels). 1-NO (Cicioni) and Curry disqualified himself. Motion carried. **APPROVED.**

Previous minutes: Minutes were not available for approval.

Meeting adjourned at 4:32 pm.

Lori Ericson, District Planner