



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

**BOARD OF ADJUSTMENT
MINUTES
February 13, 2020**

MEMBERS PRESENT:

Aaron Smith, Chair
Mandel Samuels
Hannah Cicioni
Andrew Curry

OTHERS ATTENDING:

Ethan Hunter, City Planner
Chris Robinson, Planner I
Gloria Garcia, Planning Technician

Chair Aaron Smith called the meeting to order at 4:00 pm.

NEW BUSINESS

19-59: A request by Riverwood Homes for a variance to allow an exterior side setback reduction from 20' to 17' and a front setback reduction from 25' to 19' on Lot 84, Chelsea Point Ph. 2 in the city's R-SF (Residential Single-Family) zoning district.

Mark Marquess represented the request. Staff stated that the applicant is requesting a setback reduction on the south from 20' to 17' and a setback reduction on the east from 25' to 19'. Staff stated that in the hardship letter the applicant stated there is a 42' utility easement on the north side that condenses the buildable area compared to other lots in the subdivision as well as having two exterior side setbacks. The applicant submitted two site plans, the first showing the proposed home meeting the 20' setback on the south but not the 25' setback on the east. The second site plan shows the proposed home tilted meeting the reduced setbacks of 20' to 17' on the south and 25' to 19' on the east.

Marquess stated the lot has a sewer line in the 42' utility easement that they though was going to get moved but the Rogers Water Utilities decided they needed to keep that utility easement. Marquess said there is also an electric pole with a wire going down and have spoken with Carrol Electric about possibly relocating the pole but there's not a better position for them to relocate the pole at a cost feasible for anybody to entertain. The requested front setback reduction of 25' to 20' is to accommodate keeping away from the tension pole.

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

Marquess stated that the site plans submitted showed the proposed house encroaching into the setbacks and the second site plan showed the proposed house meeting the requested setback reductions.

Curry stated the relatively small reduction on setbacks do not offend him given the multiple exterior setbacks and large utility easement.

Smith clarified that the exterior side setback would be reducing from 20' to 19'10 1/16" and the front would be reducing from 25' to 20'. This setback reduction is shown on the original site plan submitted but the request before us was shown on the second site plan.

Curry stated that the request as it's been presented and written is different than the request that has been discussed and presented in the site plan by the numbers. Curry stated that the applicant can present an amended request that says what the reductions actually are. Marquess stated that he would like to amend the request and is asking for a 2" reduction on the south and a 5' reduction on the east.

Motion by Cicioni to approve the request as amended of an exterior side setback from 20' to 19'10 1/16" and approve as amended a front setback reduction of 25' to 20'. Second by Curry. Voice vote: (unanimous). Motion carried. **APPROVED.**

20-02: A request by Culver's for a variance to allow an additional wall sign at 4204 W. New Hope Rd. in the city's C-2 (Highway Commercial) zoning district.

Chris Hampton represented the request. Staff stated that the applicant is allowed two wall signs and is requesting a third wall sign at 29.12 square feet that will not exceed the allowed square footage. Staff did not find the stated hardships of wayfinding difficulty and changing elevation to justify the request.

Hampton stated that that the brand standard for Culver's is to have 3-4 wall signs on the building and especially over the main entrance. The main entrance for this location is on the south and has a carwash directly across from it which would make the sign barely visible from the south. Hampton stated that there are surrounding businesses that have more than allowable signs and believes that the signs for Culver's are modest in size.

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

Hampton stated one of the reasons they felt it was in harmony with the code was because it would only be visual to patrons. Curry stated that the fact it would only be visual by people who are already walking in defeats the argument of wayfinding difficulty. Cicioni agreed with Curry.

Hampton stated that in their original submittal they had a strip on the west that went down to Promenade that would have been their third frontage but once it was replatted that strip no longer came down to Promenade. Hampton said there are businesses to the

south of them that have more than the number of wall signs allowed and by precedent are hoping they are also allowed.

Cicioni asked the applicant if they were going to have a monument sign, the applicant said yes. Cicioni said that those traveling on the west side of the property from south to north will see the monument sign.

Curry addressed the argument of there being a precedent they have to follow for the businesses that have previously been permitted more than the allowed number of wall signs and said that the extra signs requested normally had visibility from some sort of traffic flow or did in fact show someone something with the sign.

Motion by Curry to deny the request as presented. Second by Cicioni. Voice vote: (unanimous). Motion carried. **DENIED.**

20-03: A request by Life Church for a variance to allow an additional wall sign at 5350 S. 28th St. in the city's C-4 (Open Display Commercial) zoning district.

Troy Schweinberg represented the request. Staff stated they recently approved two wall signs for Life Church on the east elevation totaling 308 square feet and the applicant is requesting a third wall sign on the south elevation. The proposed wall sign will be 78.2 square feet and will not exceed the allowed square footage. Staff stated there was not a site specific hardship to justify the request therefore is recommending denial.

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

Curry stated that he has the same comments for this request as he did on the one before where once he's in a position to see the south elevation he already knows he's going to the auditorium. Schweinberg stated he wanted to clarify that these experiences are crowded times and from a pedestrian/vehicular standpoint knowing where each entrance is at is important.

Samuels said this is more of a "would like to have" hardship versus a "need to have" hardship.

The applicant requested if he could amend his request to "LC" rather than "LC Life Church" to show the importance is in the number of signs they have and not the size of the sign. Cicioni stated if his main reason of an additional wall sign is for wayfinding purposes there are other ways to accomplish that such as signs window signage on the doors.

Motion by Cicioni to deny the request as presented. Second by Curry. Voice vote: (unanimous). Motion carried. **DENIED.**

20-04: A request by 7 Brew for a variance to allow an additional wall sign at 2503 NE Hudson Rd. in the city's C-2 (Highway Commercial) zoning district.

Matt Reese and Ron Hudnall represented the request. Staff stated that the applicant is allowed two wall signs and 88 square feet of total sign area. They are requesting one additional wall sign on the left elevation and 23 square feet of additional sign area. The proposed wall sign will have visibility from vehicles going south on N. 2nd Street. Staff recommends the board to consider the request for an additional wall sign and additional sign area.

Hudnall stated that the building is oriented the same way the previous building was in which the front of the building faces the intersection and the two sides face a street. Hudnall said the double drive coffee shop will have a sign above each drive being the primary indicator of service for each side. Hudnall stated that they will not have a monument sign.

Curry stated that the angle of the building could be a hardship but it might be a self-imposed hardship and not a site specific hardship. Hudnall stated that the signs do not tell people where to go but where to pick up. Samuels said everyone has been to a drive through so he's not sure how the sign lets customers know to pick up there.

Hudnall stated that 66% of the time you'll only be able to see one sign, maybe two signs if you're going west on Hudson Road. Samuels stated he's more open to the idea that most of the time only one sign will be seen. Cicioni asked if they will be using the existing curb cuts, Hudnall said yes.

Staff stated that the applicant will need to request 15 square feet of additional sign area instead of 23 square feet.

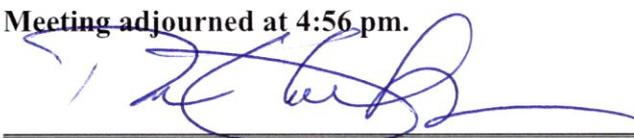
Motion by Cicioni to approve the request for one additional wall sign and 15 square feet of additional sign area. Second by Samuels. Voice vote: (unanimous). Motion carried.

APPROVED.

Previous minutes: January 9, 2020

Samuels motioned to approve the minutes from January 9th, 2020. Second by Cicioni. Voice vote: (unanimous). Motion carried. **APPROVED.**

Meeting adjourned at 4:56 pm.



Roger Clark, Board of Adjustment Secretary