



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

**BOARD OF ADJUSTMENT
MINUTES
April 8, 2021**

MEMBERS PRESENT:

Hunter Fry
Roger Clark
Andrew Curry
Hannah Cicioni

Planning Commission Representative John Schmelzle was not in attendance.

OTHERS ATTENDING:

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

Hunter Fry called the meeting to order at 4:08 pm. following a technical issue.

NEW BUSINESS

- 1. 21-11: A request by Kenneth Benham to allow a reduction in the rear setback at 5409 S. Bent Tree Drive in the RSF-5 (Residential Single-Family, 5 units per acre) zoning district.**

Staff presented the request noting the application states the applicant wants the setback reduced to 7-foot, 6-inches, but the site plan shows a 12-foot space between the structure and the rear property line. The applicant had stated they suggested the 7.5-foot rear setback to match the existing side setbacks. Staff suggested if the reduction was approved, that it be approved at 10 feet.

Kenneth Benham stated that he wasn't sure on the exact location of how the home addition would sit. He said it would be connected to the house by a six-foot breezeway to help with access into the house from the pool.

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

Board members discussed request and whether to allow more than the 12 feet shown on the drawing provided. The breezeway was questioned and whether the addition could move closer to the home.

Motion by Clark to approve the variance allowing a rear setback reduction of 10 feet. Cicioni asked that the setback reduction be limited to the structure only. Clark agreed to the amended motion. Second by Cicioni.

Voice vote: YES – Unanimous *Motion carried*

APPROVED

2. 21-12: A request by Signature Builders to reduce the exterior side setback at 308 E. Osage Trace in the RSF-5 (Residential Single-Family, 5 units per acre) zoning district.

Staff presented the request noting it mirrors another recent variance in the same subdivision, and noted the limited width of about 86 feet on the north end and just 50 on the south end.

Devon Ross, developer, stated that he thought the exterior side setback would be 20 feet, not 30. He said he's tried to figure out how to get a house on the lot, but it's not possible to make it happen and look appropriate in the neighborhood. He said the utilities are all within the first 20 feet and shouldn't be an issue for the reduction.

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

Andrew Curry said the explanation presented provided enough information to show the variance is justified. Aaron Smith said he agreed.

Motion by Smith to approve the variance. Second by Curry.

Voice vote: YES – Unanimous *Motion carried*

APPROVED

3. 21-13: A request by Jayson Gilligan to reduce the exterior side setback at 6601 S. Silverthorne Lane in the City's R-SF (Residential Single-Family) zoning district.

Staff presented the request noting it includes reductions for the rear and exterior side setbacks for a planned pool construction. The exterior side reduction will have minimal impact due to the street-side location, and the rear setback reduction is minimalized because the lot backs up to POA common property rather than another residential lot, staff noted.

Mr. Gilligan explained the pool is actually planned for the southwest rather than the northwest corner of the property, so the exterior side reduction isn't needed. He said the submittal was prepared by a representative of the pool company who wasn't in attendance to explain the discrepancy.

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

Board members discussed the discrepancy between the application and Mr. Gilligan's statements, agreeing with staff that a variance may not be needed. The rear UE may still need to be reduced, but Mr. Gilligan said the pool's intrusion in the setback will be less than the 14 feet

allowed by right, likely just a few feet. Staff said a variance would not be needed for reduction of the UE, but can be handled by a staff-approved UE Reduction survey.

Mr. Gilligan requested the variance be tabled until a final site plan is prepared and it's determined if a setback reduction variance is needed.

Motion by Clark to approve the variance allowing an exterior side setback 20.6 feet as requested. Second by Smith.

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

Previous minutes: March 11, 2021

Clark motioned to approve the minutes from the March 11, 2021 meeting of the Board of Adjustment. Second by Smith.

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

Meeting adjourned at 4:40 pm.

As recorded by:

Gloria Garcia
Zoning Tech
Community Development Department
City of Rogers

Approved by vote of the Board of Adjustment on: April 22, 2021