



DEPT. OF COMMUNITY DEVELOPMENT
PLANNING DIVISION
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**BOARD OF ADJUSTMENT
MINUTES
September 24, 2020**

MEMBERS PRESENT:

Aaron Smith
Roger Clark
Andrew Curry
Mandel Samuels
Hannah Cicioni
Hunter Fry

OTHERS ATTENDING:

Ethan Hunter, City Planner
Kyle Belt, Planner I
Lance Jobe, City Engineer
Kris Paxton, Development Compliance Manager
Gloria Garcia, Planning Tech.

Aaron Smith called the meeting to order at 4:05 pm.

NEW BUSINESS

20-19: A request by David Wutzke for a variance from Sec. 22-106(1)(a) of the City of Rogers Flood Damage Prevention Code to allow an addition to an already non-conforming structure located in an AE Risk Zone Special Flood Hazard Area with a determined base flood, to be constructed at an elevation 2.7 feet lower than the elevation as required by code, and 0.7 feet below the existing Base Flood Elevation.

Kris Paxton, City Development Compliance Manager, stated that the applicant proposes to construct an addition onto an existing non-conforming structure located in an AE risk zone Special Flood Hazard Area with a determined base flood, to be built at an elevation 2.7 feet lower than the elevation as required by code, and 0.7 feet below the existing Base Flood Elevation. The proposed addition elevation would match the elevation of the existing structure. For an addition to an existing residential structure that is less than a substantial improvement, only the improved area but not the entire structure becomes subject to the requirements of a new residential structure. Issuance of variances that go against the Flood Damage Prevention Codes purpose are self-imposed supplemental findings during a community assistance visit which is an audit of our program by state and federal officials. Lance Jobe, City Engineer, stated that there are serious repercussions to the citizens if variances from this ordinance are approved.

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

David Wutzke represented the request and stated that he is aware that the home is 0.75-feet below the base flood elevation and was made aware of that when the home was purchased. Wutzke stated that the hardship for the request is trying to maintain a standard level.

Curry stated that the presented hardship is primarily an architectural and economic nature which is not a site specific hardship and the weight of any such hardship jeopardizing the National Flood Insurance Program falls on the City of Rogers not the applicant. Samuels stated that if this variance were approved and the city were to lose their participation in the National Flood Insurance Program, it may hurt the entire community on not being able to sell their homes. Samuels also stated that in the past the Board has never voted to make a legal non-conforming structure more non-conforming.

Motion by Cicioni to deny the request as presented. Second by Clark
Voice vote: Unanimous *Motion carried*
DENIED.

Previous minutes: August 13, 2020

Clark motioned to approve the minutes from August 13, 2020. Second by Samuels. Voice vote: (unanimous). Motion carried. **APPROVED.**

Meeting adjourned at 4:22 pm.

Roger Clark, Board of Adjustment Secretary