



COMMUNITY DEVELOPMENT  
PLANNING DIVISION  
301 W. CHESTNUT  
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(479) 621-1186

OCTOBER 10, 2019

TO: BOARD OF ADJUSTMENT

RE: **STAFF SUMMARY REPORT**  
**VARIANCE – JAMES L. TUCKER**

STAFF: ASHON ROBINSON, PLANNER I

**REQUEST INFORMATION:**

ADDRESS/LOCATION:	613 S. 1 <sup>st</sup> St
SUBDIVISION:	N/A
CURRENT ZONING:	R-AH (Residential Affordable Housing)
CURRENT USE:	Single-Family Residential

**APPLICANT INFORMATION:**

APPLICANT/REPRESENTATIVE:	James L. Tucker
PROPERTY OWNER:	Payne Construction
REQUEST:	Front Yard Setback Reduction

**CITY INFORMATION:**

CGM GROWTH DESIGNATION:	Regional Center (Downtown)
GROWTH DESIGNATION CHARACTER:	Mixed-use urban cores that function as regional activity hubs for commerce, arts and entertainment, living, recreation, and retail. Intensity supported by well-connected, high-capacity, pedestrian-oriented street network. Goals include high-quality design and efficient use of land.
ZONING DISTRICT INTENT:	Per Sec. 14-700(a), "This district is established to provide for locations of affordable housing on smaller lots that allow for both traditional stick built homes and manufactured homes at low residential densities. The zoning is designed to provide a desirable residential environment and provide protection from potentially adverse neighboring influence. It should be located for principal access for vehicular traffic to collector or higher classification streets. This zoning district replaces the R-1B district."
AUTHORITY:	Sec. 14-724, Rogers Code of Ordinances

**VICINITY MAP:**



**BACKGROUND:**

- The R-AH zoning district sets the front yard setback at 25'. The applicant requests to reduce the front yard setback to 8'.

**PLANNING REVIEW:**

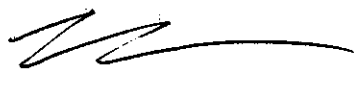

1. LAND USE: N/A
2. DISPOSITION OF STRUCTURES: A portion of the proposed garage would encroach upon the front setbacks.
3. SITE-SPECIFIC HARDSHIP: Staff has not identified any circumstances unique to the individual property where strict enforcement of the zoning ordinance would cause undue hardship.
4. GENERAL FINDINGS: The applicant requests a front yard setback reduction from 25' to 8'. In the applicant's hardship letter, he mentions his intent is to give the property the appearance of continuity by having the garage line up with the house, which currently sits within the front setbacks as a legal non-conformity. Additionally, the applicant cited a slight elevation change sloping toward the back of the property as a site-specific hardship; the applicant stated compliance with the zoning standards would require a greater use of fill to set the garage pod than would be necessary with reduced front setbacks.

In the staff's opinion, trying to "give the appearance of continuity" is an aesthetic consideration not backed by a hardship. The slight elevation change is a feature common to adjacent lots, therefore not site specific, and does not prevent the applicant from building the garage in a different location inside the current setbacks. Given the findings, staff recommends denial of the request.

5. REPORTS FROM OTHERS: No supporting or opposing comments have been received by the Planning Division to date.
6. RECOMMENDATIONS:
  - a) Deny the request.

**ENGINEERING REVIEW: N/A**

**STAFF SIGNATURES:**



ASHON ROBINSON, Planner I  
City of Rogers Planning Division



**SUGGESTED MOTIONS:**

1. FOR APPROVE: "Move to approve the variance request to allow a front yard setback reduction from 25' to 8'."
2. FOR DENY: "Move to deny the request as presented."
3. FOR TABLE: "Move to table the request [indefinite or date certain]."

**DIRECTOR'S COMMENTS:**

1. Agree with recommendations.



JOHN C. McCURDY, Director  
City of Rogers Community Development

**TABS:**

1. Variance application and required supplements
2. Map and/or photos