



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

September 19, 2018

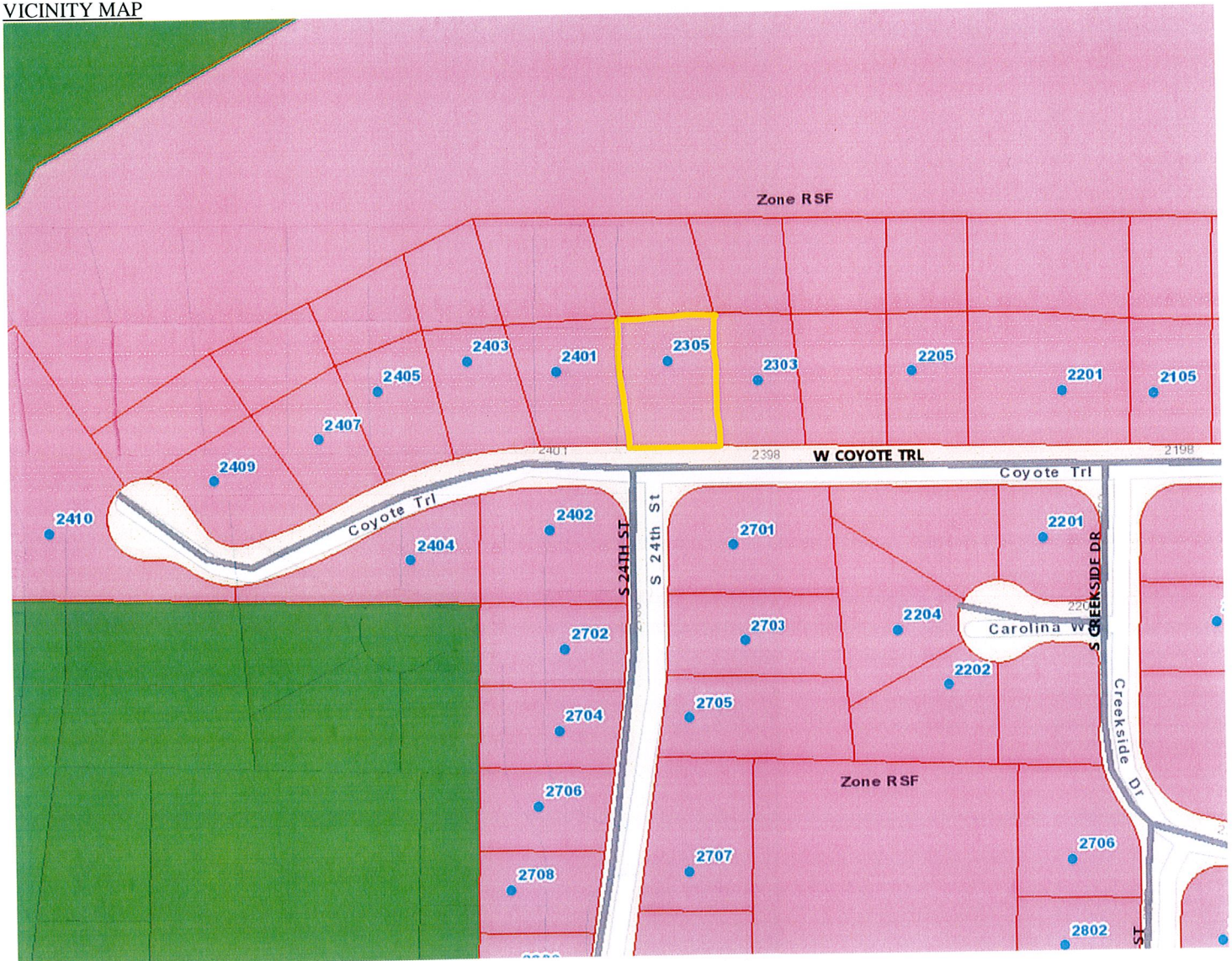
# **STAFF SUMMARY REPORT**

TO: BOARD OF ADJUSTMENT

SUBJECT: VARIANCE #18-55 – DAVID S BAKER

ADDRESS:	2305 Coyote Trail
LAND OWNER:	David S Baker
APPLICANT/REP:	David S Baker
ZONING DISTRICT:	R-SF (Residential Single-Family)
REQUEST:	Side Yard Setback and Utility Easement Reduction
AUTHORITY:	Sec. 14-724, Rogers Code of Ordinances

## VICINITY MAP





## BACKGROUND

- Per Sec. 14-699(f) the subject lot shall have a 10' side yard setback. The applicant requests to reduce the side yard setback from 10' to 0'.

## STAFF REVIEW

### ENGINEERING REVIEW:

- 1) Finish Floor Elevation: Per Sec. 14-581(1)(b)12 – 'Minimum finish floor elevation for each lot, at or above curb level except as waived by the Planning Commission.' Lot 56A of the Creekside Subdivision final plat indicates a finished floor elevation (FFE) of 1302.25 and appears to have been built to this elevation.



DYLAN COBB, Planning Engineer  
City of Rogers Engineering Division

### PLANNING REVIEW:

- 1) Land Use: N/A
- 2) Disposition of Structures: Portions of the retaining wall encroach upon the setback and utility easement.
- 3) Site-Specific Hardship: The applicant has a steep elevation change from the front of their property to the back.
- 4) General Findings: The applicant requests an interior side yard setback and utility easement reduction in order to bring an existing 14' tall retaining wall into compliance. The retaining wall is located next to the property line and is used to hold up a driveway to their garage. Staff has received a complaint from the neighbors about having such a large structure so close to their property line. Staff recommends consideration of the request based on the comments received during the variance hearing related to the zoning ordinance causing "*undue hardship to circumstances unique to the individual property*", per Sec. 14-724(e)(1). The Board should grant this variance "*only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning ordinance.*"
- 5) Views of Others: Staff has received a complaint from a neighbor about the structure.
- 6) RECOMMENDATIONS:
  - a) Consider based on hardship. If approved, the applicant must provide the City with a recorded setback reduction survey.



ELIZABETH JOHNSON, Planner II  
City of Rogers Planning Division

### ADMINISTRATOR'S SUGGESTED MOTION:

- 1) Motion to **approve/deny/table** the variance request for a side yard setback and utility easement reduction from 10' to 0' as presented.

### DIRECTOR'S COMMENTS:

- 1) Agree with recommendations and suggested motion.



JOHN C. MCCURDY, Director  
City of Rogers Department of Community Development

### Tabs:

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

*Note: staff recommendations are based on technical review of city code and may not reflect all information made available to officials during discussion and public input.*





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OFFICE USE ONLY

Permit Fee: \$100 CH 2045 (\$100)  
Zoning: R-SF  
App Number: 18-55  
CityView Application: PL201800593  
Date: 9-12-18

VARIANCE APPLICATION

APPLICANT: David S Baker

ADDRESS: #7 Firestone Bentonville 72712 SUITE #: \_\_\_\_\_

GENERAL LOCATION OF PROPERTY: 2305 Coyote trail Rogers 72758

PHONE #: 870-930-6058 EMAIL: drbaker@ozart.com

PROPERTY OWNER: David S Baker PHONE #: 870-930-6058

NATURE OF APPEAL:

- ☐ Appeal from decision of enforcement officer  
☒ Variance from zoning ordinance

EXPLAIN REQUEST: Side setback and utility easement reduction  
(from 10' to 0')

[Signature]  
Applicant Signature

9/12/18  
Date

Attachment Checklist:

- ☒ Letter explaining hardship or reason for request  
☒ Legal description of property  
☐ Relevant supporting documents  
☐ Survey or sign proofs as needed

PLANNING STAFF PROVIDES:

DATE FILED: 9-12-18 PUBLIC HEARING DATE: 9-27-18

BOARD OF ADJUSTMENT DECISION: \_\_\_\_\_

SECRETARY, BOARD OF ADJUSTMENT

DATE

August 11, 2018

*Legal Description: Lot 56A Creekside Subdivision Rogers, AR*

*Explanation: West side 14 foot tapering to 0 feet retaining wall was erected in March of 2018 in accordance with plans submitted to city planner and the inspection office and a permit was issued. Now the city is requesting a variance for the wall that was previously approved. This wall is necessary for egress into the side-entry garage. Please don't hesitate to contact me if you require further information. contact information on attached variance application. Please grant this necessary variance.*

A handwritten signature in blue ink, consisting of a stylized 'W' followed by a horizontal line and a small upward flick.









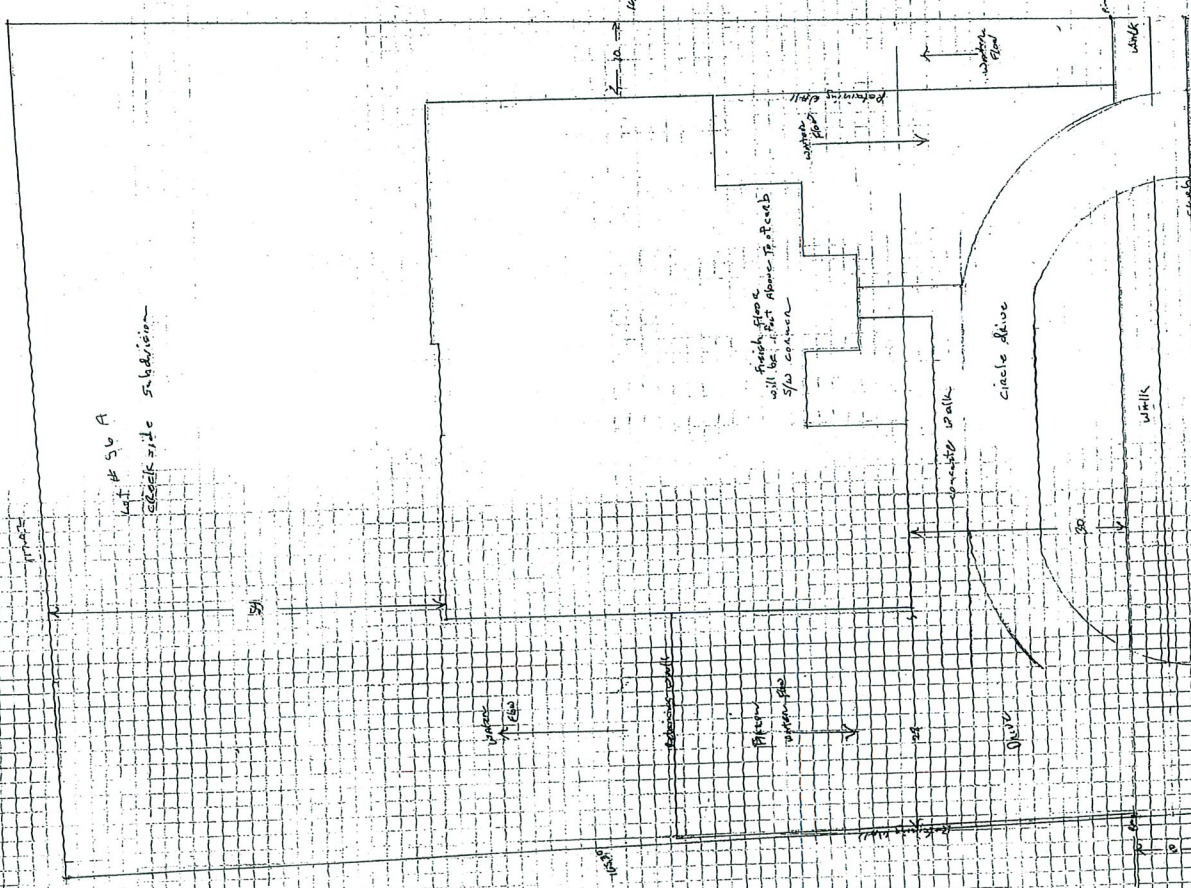












Lot # 56 A  
 creek side subdivision

fresh floor  
 will be 4' above ground  
 5/10 concrete

circular drive

10' concrete  
 1/2 concrete

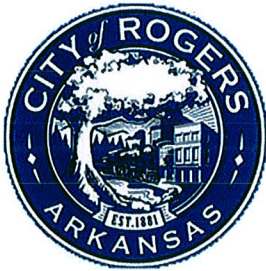
2305 coyote trail

Plan to Build  
 Plans approved by  
 Creekside POA  
 AKC  
 10/19/17

David's Design Backed Resolutions

Basement	724 sq ft	724 sq ft
1st Floor	724 sq ft	724 sq ft
2nd Floor	724 sq ft	724 sq ft
3rd Floor	724 sq ft	724 sq ft
4th Floor	724 sq ft	724 sq ft
5th Floor	724 sq ft	724 sq ft
6th Floor	724 sq ft	724 sq ft
7th Floor	724 sq ft	724 sq ft
8th Floor	724 sq ft	724 sq ft
9th Floor	724 sq ft	724 sq ft
10th Floor	724 sq ft	724 sq ft
11th Floor	724 sq ft	724 sq ft
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18th Floor	724 sq ft	724 sq ft
19th Floor	724 sq ft	724 sq ft
20th Floor	724 sq ft	724 sq ft
21st Floor	724 sq ft	724 sq ft
22nd Floor	724 sq ft	724 sq ft
23rd Floor	724 sq ft	724 sq ft
24th Floor	724 sq ft	724 sq ft
25th Floor	724 sq ft	724 sq ft
26th Floor	724 sq ft	724 sq ft
27th Floor	724 sq ft	724 sq ft
28th Floor	724 sq ft	724 sq ft
29th Floor	724 sq ft	724 sq ft
30th Floor	724 sq ft	724 sq ft
31st Floor	724 sq ft	724 sq ft
32nd Floor	724 sq ft	724 sq ft
33rd Floor	724 sq ft	724 sq ft
34th Floor	724 sq ft	724 sq ft
35th Floor	724 sq ft	724 sq ft
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39th Floor	724 sq ft	724 sq ft
40th Floor	724 sq ft	724 sq ft
41st Floor	724 sq ft	724 sq ft
42nd Floor	724 sq ft	724 sq ft
43rd Floor	724 sq ft	724 sq ft
44th Floor	724 sq ft	724 sq ft
45th Floor	724 sq ft	724 sq ft
46th Floor	724 sq ft	724 sq ft
47th Floor	724 sq ft	724 sq ft
48th Floor	724 sq ft	724 sq ft
49th Floor	724 sq ft	724 sq ft
50th Floor	724 sq ft	724 sq ft
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60th Floor	724 sq ft	724 sq ft
61st Floor	724 sq ft	724 sq ft
62nd Floor	724 sq ft	724 sq ft
63rd Floor	724 sq ft	724 sq ft
64th Floor	724 sq ft	724 sq ft
65th Floor	724 sq ft	724 sq ft
66th Floor	724 sq ft	724 sq ft
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70th Floor	724 sq ft	724 sq ft
71st Floor	724 sq ft	724 sq ft
72nd Floor	724 sq ft	724 sq ft
73rd Floor	724 sq ft	724 sq ft
74th Floor	724 sq ft	724 sq ft
75th Floor	724 sq ft	724 sq ft
76th Floor	724 sq ft	724 sq ft
77th Floor	724 sq ft	724 sq ft
78th Floor	724 sq ft	724 sq ft
79th Floor	724 sq ft	724 sq ft
80th Floor	724 sq ft	724 sq ft
81st Floor	724 sq ft	724 sq ft
82nd Floor	724 sq ft	724 sq ft
83rd Floor	724 sq ft	724 sq ft
84th Floor	724 sq ft	724 sq ft
85th Floor	724 sq ft	724 sq ft
86th Floor	724 sq ft	724 sq ft
87th Floor	724 sq ft	724 sq ft
88th Floor	724 sq ft	724 sq ft
89th Floor	724 sq ft	724 sq ft
90th Floor	724 sq ft	724 sq ft
91st Floor	724 sq ft	724 sq ft
92nd Floor	724 sq ft	724 sq ft
93rd Floor	724 sq ft	724 sq ft
94th Floor	724 sq ft	724 sq ft
95th Floor	724 sq ft	724 sq ft
96th Floor	724 sq ft	724 sq ft
97th Floor	724 sq ft	724 sq ft
98th Floor	724 sq ft	724 sq ft
99th Floor	724 sq ft	724 sq ft
100th Floor	724 sq ft	724 sq ft





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## NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the **Board of Adjustment** in the **Community Room** at City Hall at 301 W Chestnut Street on **September 27, 2018 at 4:00 p.m.** on the application by **David S. Baker** under the provisions of the City of Rogers Code of Ordinances, for a **variance to reduce the side setback and utility easement (from 10' to 0')** at **2305 W Coyote Trail** in the city's **R-SF** (Residential Single Family) zoning district and the City's Overlay District, more particularly described as follows:

### LEGAL DESCRIPTION:

Lot 56A, Creekside Subdivision to the City of Rogers, Benton County, Arkansas, as shown on Plat Book 2004 at pages 1255, 1256 and 1257. Subject to easements and covenants of record or fact.

### LAYMAN'S DESCRIPTION:

2000 S 42<sup>nd</sup> Street

Roger Clark, Secretary  
Board of Adjustment

**PUBLISH ONE TIME ONLY:**    **September 17, 2018**  
**BILL THE CITY OF ROGERS**