



COMMUNITY DEVELOPMENT  
PLANNING DIVISION  
301 W. CHESTNUT  
planning@rogersar.gov  
(479) 621-1186

**AUGUST 12, 2019**

TO: BOARD OF ADJUSTMENT

RE: **STAFF SUMMARY REPORT  
VARIANCE – PAYNE CONSTRUCTION**

STAFF: ELIZABETH JOHNSON, PLANNER III

**REQUEST INFORMATION:**

ADDRESS/LOCATION:	8708 W Flycatcher Place
SUBDIVISION:	Scissortail
CURRENT ZONING:	R-SF (Residential Single-Family)
CURRENT USE:	Single-Family Residential

**APPLICANT INFORMATION:**

APPLICANT/REPRESENTATIVE:	Rob Caster
PROPERTY OWNER:	Payne Construction
REQUEST:	Exterior Side Yard Setback Reduction

**CITY INFORMATION:**

CGM GROWTH DESIGNATION:	Neighborhood
GROWTH DESIGNATION CHARACTER:	Single-use residential areas connected by collector and local streets that may feature community-oriented non-residential uses such as schools, resource centers, and places of worship. Goals include preserving locations for low-density residential while limiting its proliferation in areas proposed for higher-intensity development.
ZONING DISTRICT INTENT:	Per Sec. 14-699(a), "This district is intended primarily for single-family detached dwellings at low residential densities. Certain other structures and uses necessary to serve governmental, educational, religious, recreational, and other needs of neighborhood areas are allowed as permitted or conditional uses subject to restrictions intended to preserve and protect the single-family residential character of the district. Internal stability, harmony, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and by consideration of proper functional relationship and arrangement of the different uses permitted in this district."
AUTHORITY:	Sec. 14-724, Rogers Code of Ordinances

**VICINITY MAP:**



**BACKGROUND:**

- The Scissortail Subdivision Plat shows the exterior side yard setback for lot 82 to be 25' and the utility easement 30'. The applicant requests to reduce both the exterior side yard setback and utility easement to 20'.

**PLANNING REVIEW:**

1. LAND USE: N/A
2. DISPOSITION OF STRUCTURES: N/A
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 request to reduce the exterior side yard setback from 25' to 20'. In the applicants hardship letter, he mentions a gas line relocation as justification. However, that would only impact the reduction of the utility easement, which is a staff level approval. Staff is not in favor of the reduction to 20' since it is 5' less than what the other lots in the subdivision have for their exterior side yard setback. Additionally, the applicant has not provided any site specific hardship to reduce the setback. Therefore, 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.

**ENGINEERING REVIEW: N/A**

**STAFF SIGNATURES:**



ELIZABETH JOHNSON, Planner III  
City of Rogers Planning Division

**SUGGESTED MOTIONS:**

1. FOR APPROVE: "Move to approve the variance request to allow an exterior side yard setback reduction from 25' to 20'."
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



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

OFFICE USE ONLY

Permit Fee: \$100 CH 2074 (\$100)  
Zoning: RSF  
App Number: 19-44  
CityView Application: PL201900532  
Date: 8-8-19

VARIANCE APPLICATION

APPLICANT: ROB CASTER Payne Construction

ADDRESS: 2715 SEIST, BENTONVILLE SUITE #: 5

GENERAL LOCATION OF PROPERTY: 8708 W. FLYCATCHER PLACE

PHONE #: 479-268-4444 EMAIL: RCASTER@GMAIL.COM

PROPERTY OWNER: PAYNE CONSTRUCTION PHONE #: 479-640-3981

NATURE OF APPEAL:

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

EXPLAIN REQUEST: REDUCTION FROM 30' TO 20' DUE TO  
GAS MAIN LINE RELOCATION

[Signature]

Applicant Signature

8-8-19

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: 8-8-19 PUBLIC HEARING DATE: 8-22-19

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

SECRETARY, BOARD OF ADJUSTMENT

DATE



DEPT. OF COMMUNITY DEVELOPMENT  
PLANNING DIVISION  
301 W. CHESTNUT  
PHONE: (479) 621-1186  
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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 **August 22, 2019** at **4:00 p.m.** on the application by **Rob Caster for Payne Construction** under the provisions of the City of Rogers Code of Ordinances, for a variance **to allow an exterior side setback and utility easement reduction from 30' to 20' feet** at **8708 W. Flycatcher Pl.** in the city's **R-SF** (Residential Single Family) zoning district more particularly described as follows:

### LEGAL DESCRIPTION:

LOT 82 OF SCISSORTAIL SUBDIVISION, PHASE 1, AS SHOWN ON PLAT BOOK 2017, PAGES 350-359 OF THE BENTON COUNTY RECORDS.

### LAYMAN'S DESCRIPTION:

8708 W. Flycatcher Pl.

Roger Clark, Secretary  
Board of Adjustment

**PUBLISH ONE TIME ONLY:**    **August 12, 2019**  
**BILL THE CITY OF ROGERS**



CASTER & ASSOCIATES LAND SURVEYING, INC.  
2715 SE 'I' STREET SUITE 5, BENTONVILLE, ARKANSAS 72712  
PH.(479) 268-4464

August 8, 2019

Board Of Adjustments  
301 W. Chestnut  
Rogers, AR 72756

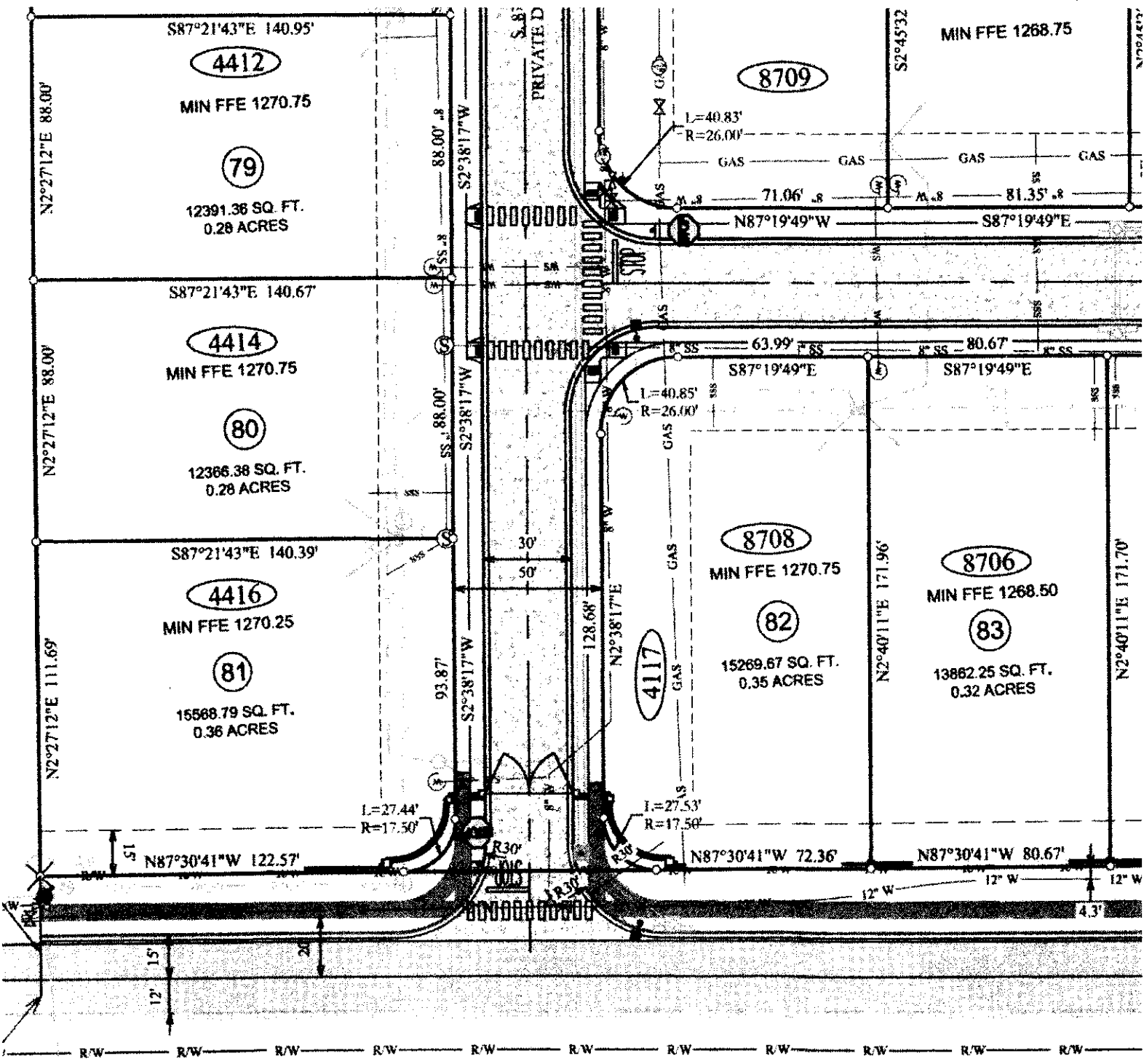
RE: Utility Easement and Setback Reduction  
Lot 82, Scissortail Subdivision  
8708 W. Flycatcher Place  
Rogers, AR

This is a request to reduce the utility easement and building setback line from 30 feet to 20 feet along the west side of Lot 82 (S. 87<sup>th</sup> Place). The 30 foot utility easement and building setback line was designed to allow for a gas main line. However, during construction of the subdivision, the gas main was re-routed and is not located along the west side of Lot 82 and would not be in conflict with this reduction.

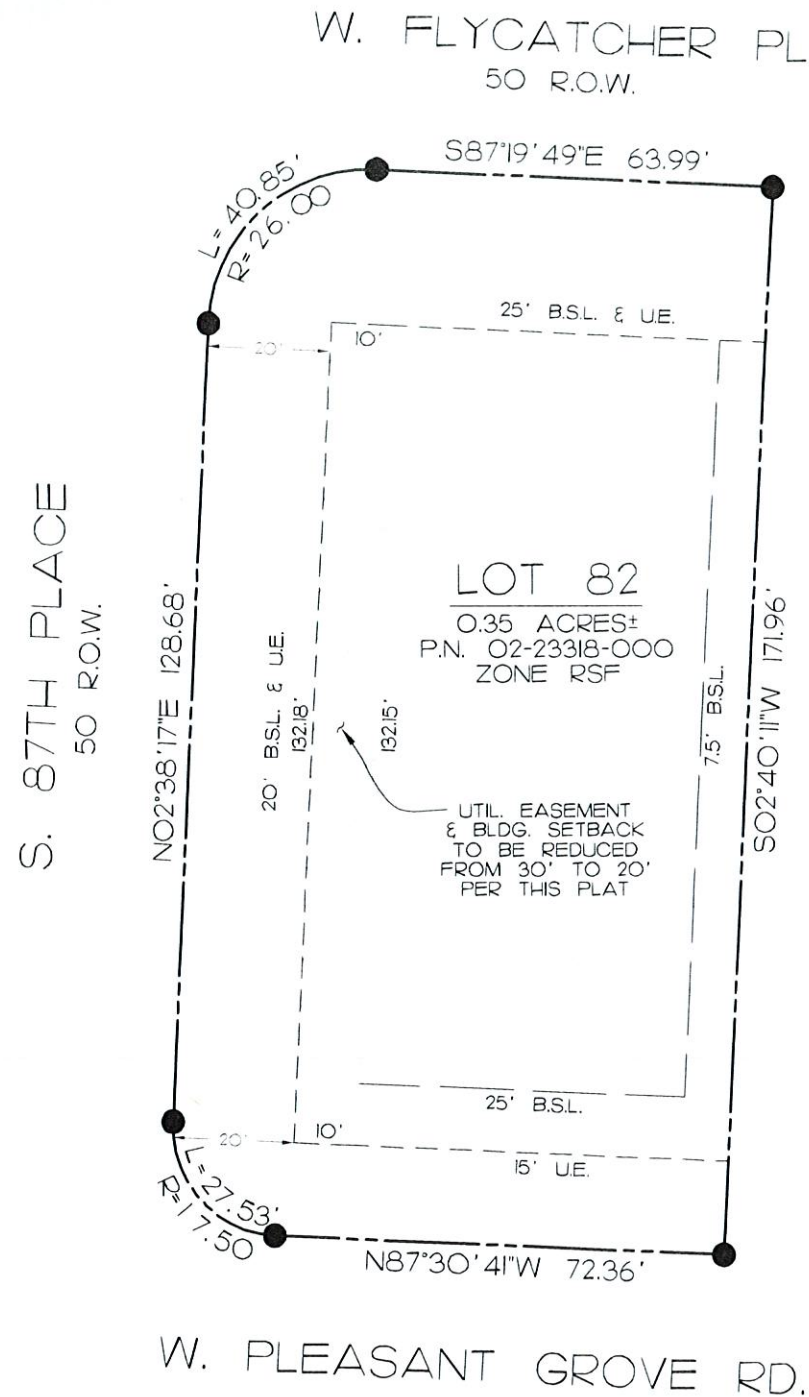
Respectfully,



Robert J. Caster, PLS







NOTES:

1. EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO THE SUBJECT REAL ESTATE: EASEMENTS, OTHER THAN POSSIBLE EASEMENTS WHICH WERE VISIBLE AT THE TIME OF MAKING OF THIS SURVEY, BUILDING SETBACK LINES, RESTRICTIVE COVENANTS, SUBDIVISION RESTRICTIONS, ZONING OR OTHER LAND-USE REGULATIONS, AND ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE COMMITMENT MAY DISCLOSE.
2. DECLARATION IS MADE TO ORIGINAL PURCHASER OF THE SURVEY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
3. THIS SURVEY IS VALID ONLY IF THE DRAWING INCLUDES THE SEAL AND SIGNATURE OF THE SURVEYOR.
4. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP, TITLE EVIDENCE, OR ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE COMMITMENT MAY DISCLOSE.
5. BASIS OF BEARINGS: STATE PLANE NAD 83.

EASEMENT RELEASE

AS THE UNDERSIGNED UTILITY COMPANY NAMED, BY OUR SIGNATURE, WE RELEASE THE UTILITY EASEMENT SHOWN AND DESCRIBED ON THIS PLAT OF SURVEY.

CARROLL ELECTRIC,	DATE
BLACK HILLS ENERGY ACCEPTANCE	DATE
COX COMMUNICATIONS,	DATE
AT&T/SBC	DATE
ROGERS WATER UTILITIES	DATE

ROGERS PLANNING DIVISION:

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

COMMUNITY DEVELOPMENT DIRECTOR

BOARD OF ADJUSTMENT SECRETARY

CITY ROGERS, MAYOR

CITY ROGERS, CITY CLERK

SURVEYOR'S CERTIFICATE:

I CERTIFY THAT I HAVE COMPLETED A SURVEY OF THE ABOVE DESCRIBED PROPERTY. THE PROPERTY LINES AND CORNER MONUMENTS ARE TO THE BEST OF MY KNOWLEDGE AND ABILITY, CORRECTLY ESTABLISHED, AND THERE ARE NO VISIBLE ENCROACHMENTS EXCEPT AS SHOWN ON THIS PLAT. THIS SURVEY MEETS THE CURRENT 'MINIMUM STANDARDS FOR PROPERTY BOUNDARY SURVEYS', PER THE STATE OF ARKANSAS.

ROBERT J. CASTER, P.L.S. NO.1370, ARKANSAS

DATE

CERTIFICATE OF AUTHORIZATION  
COA CERTIFICATE NUMBER: 3049

OWNER'S CERTIFICATION AND DEDICATION

WE, THE UNDERSIGNED OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY ACKNOWLEDGE THAT WE HAVE THE LEGAL RIGHT AND AUTHORITY TO MAKE THE PROPERTY INTEREST GRANTS CONTAINED ON AND WITHIN THIS DOCUMENT. WE, THE UNDERSIGNED OWNERS OF THE REAL ESTATE SHOWN AND DESCRIBED HEREIN, DO HEREBY ESTABLISH, GRANT, AND DEDICATE TO THE CITY OF ROGERS, ARKANSAS THE RIGHTS-OF-WAY, EASEMENTS, STREETS, AND ALLEYS AS SHOWN ON THIS PLAT FOR PUBLIC USE, BENEFIT, AND ACCESS. THE CITY OF ROGERS IS FURTHER GRANTED THE RIGHTS OF INGRESS AND EGRESS TO AND FROM SAID RIGHTS-OF-WAY, EASEMENTS, STREETS, AND ALLEYS. THE CITY OF ROGERS IS ALSO GRANTED THE RIGHT AND AUTHORITY TO MAINTAIN, SERVICE, AND IMPROVE SAID RIGHTS-OF-WAY, EASEMENTS, STREETS, AND ALLEYS AND THE IMPROVEMENTS CONTAINED THEREIN. ANY RIGHT OR AUTHORITY GRANTED ABOVE SPECIFICALLY REGARDING MAINTENANCE, SERVICE, OR IMPROVEMENT SHALL BE EXERCISED IN A MANNER CHOSEN AT THE DISCRETION OF THE CITY OF ROGERS. SAID RIGHTS-OF-WAY, EASEMENTS, STREETS, AND ALLEYS SHALL BE FOR THE BENEFIT OF THE CITY OF ROGERS AND ALL OF ITS FRANCHISED UTILITY PROVIDERS. THE CITY OF ROGERS AND ITS FRANCHISED UTILITY PROVIDERS SHALL HAVE THE RIGHT AND AUTHORITY TO CUT, TRIM, OR REMOVE TREES, SHRUBS, AND OTHER VEGETATION WITHIN SAID RIGHTS-OF-WAY, EASEMENTS, STREETS, AND ALLEYS. THE CITY OF ROGERS AND ALL OF ITS FRANCHISED UTILITY PROVIDERS SHALL ALSO HAVE THE RIGHT AND AUTHORITY TO PROHIBIT THE ERECTION OF BUILDING, STRUCTURES, OR FENCES WITHIN SAID RIGHTS-OF-WAY, EASEMENTS, STREETS, AND ALLEYS.

DATE \_\_\_\_\_ OWNER \_\_\_\_\_

STATE OF ARKANSAS  
COUNTY OF BENTON  
SUBSCRIBED AND SWORN BEFORE ME THIS \_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

NOTARY PUBLIC

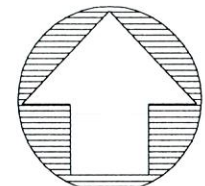
MY COMMISSION EXPIRES \_\_\_\_\_

FLOOD CERTIFICATION:

I CERTIFY THAT I HAVE EXAMINED THE F.I.A. OFFICIAL FLOOD INSURANCE HAZARD RATE MAP PANEL NO. 05007C0265K (EFFECTIVE DATE JUNE 5, 2012) AND FOUND THE DESCRIBED PROPERTY HEREON LIES IN ZONE 'X', AN AREA WITH NO SPECIAL FLOOD HAZARDS.

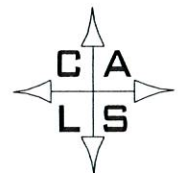
LEGEND

- FOUND REBAR
- PROPERTY LINE
- RIGHT-OF-WAY LINE
- SETBACK LINE
- EASEMENT LINE



SCALE 1" = 30 FEET

CASTER & ASSOCIATES  
LAND SURVEYING, INC.  
2715 SE 1<sup>st</sup> Street, Suite 5  
Bentonville, AR 72712  
Telephone 479-268-4464



SCALE: 1" = 30' DATE: 8-8-19

LOT 82  
SCISSORTAIL, PHASE I  
BUILDING SETBACK AND  
EASEMENT RECUTION PLAT

8708 W. FLYCATCHER PLACE  
ROGERS, BENTON COUNTY,  
ARKANSAS

JOB #	DRAWN BY:	CHK'D BY:	PAGE
19-183	ASD	RJC	1 OF 1

UTILITY EASEMENT & SETBACK REDUCTION DESCRIPTION:

PART OF LOT 82 OF SCISSORTAIL SUBDIVISION, PHASE I, CITY OF ROGERS, BENTON COUNTY, ARKANSAS, AS SHOWN ON PLAT BOOK 2017, PAGES 350-359 OF THE BENTON COUNTY RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE NE CORNER OF SAID LOT 82, THENCE S02°40'11"W 25.00 FEET, THENCE N87°19'49"W 59.99 FEET TO THE POINT OF BEGINNING, THENCE S02°38'17"W 132.15 FEET, THENCE N87°30'41"W 10.00 FEET, THENCE N02°38'17"E 132.18 FEET, THENCE S87°19'49"E 10.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1,321.65 SQUARE FEET.

LEGAL DESCRIPTION:

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