



Board of Zoning Adjustment Meeting Agenda

Date: Monday, December 9, 2024
Time: 4:30 PM

Location: Bella Vista District Court
2483 Forest Hills Blvd

Board of Zoning Adjustment regular meetings are live streamed and archived for your convenience. View the meeting at its scheduled time or after at: <https://bit.ly/bvmeetingslive>.

I. Call to Order

II. Roll Call

Members: Daniel Ellis, PE, Chairman; Doug Farner, Vice-Chairman; Gail Klesen, Secretary; Clayton Sedberry, JB Portillo; Susan Duell, and Linda Lloyd.

III. Consideration of Minutes

A. Regular Meeting Minutes - November 12, 2024

IV. Unfinished Business

V. New Business

A. **PUBLIC HEARING ZVR-2024-56672:** A variance request on the accessory structure setback for a proposed shop at 17 Pease Drive; Parcel: 16-02902-000; Applicant: Catherine Barnes; Presented by Planner LaRue.

VI. Open Discussion

VII. Announcements

A. The Planning Commission Regular Meeting will start immediately after this meeting.

VIII. Adjournment



Board of Zoning Adjustment Meeting Minutes

November 12, 2024
2483 Forest Hills Blvd

I. CALL TO ORDER

Vice-Chairman Farner called the meeting to order at 4:30 PM.

II. ROLL CALL

Members: Daniel Ellis, PE, Chairman; Doug Farner, Vice-Chairman; Gail Klesen, Secretary; Clayton Sedberry; JB Portillo; Susan Duell, and Linda Lloyd.

Member Absent: Daniel Ellis

III. CONSIDERATION OF MINUTES

A. Board of Zoning Adjustment Meeting Minutes – October 14, 2024

On a motion by Ms. Klesen and a second by Ms. Portillo, the October 14, 2024 minutes were approved by voice vote.

IV. UNFINISHED BUSINESS

V. NEW BUSINESS

A. ZVR-2024-56293: A variance request on the 3' maximum fence height requirement within front yards in the R-1 Zoning District located at 33 Melanie Circle; Parcel 16-20900-000; Applicants Agnes Gallo and James Miller; Presented by Planner Hyatt.

1. Mr. Hyatt presented the staff report in the packet.
2. The applicant James Miller was present to reiterate intent and hardship.
3. Vice-Chairman Farner opened the public hearing.
4. Vice-Chairman Farner closed the public hearing.
5. A motion to approve the variance was made by Mr. Sedberry and a second was made by Ms. Duell.
Clayton Sedberry - N
Gail Klesen - N
Linda Lloyd - N
Susan Duell - N
JB Portillo - N
Doug Farner - N
Daniel Ellis -
Motion Failed 0 – 6

VI. OPEN DISCUSSION

1. Director Robertson addressed the public hearing that was publicized for variance request 56314 at 4 Norwood Dr. The applicant withdrew after the public was notified.

VII. ANNOUNCEMENTS

A summary of upcoming meetings was announced.

VIII. ADJOURNMENT

Vice-Chairman Farner adjourned the meeting at 4:38 pm.

SUBMITTED BY:

Sarah Costa, Office Manager
City of Bella Vista

APPROVED AND ACCEPTED THIS 9TH DAY OF DECEMBER, 2024:

Daniel Ellis, P.E., Chairman
Bella Vista Board of Zoning Adjustment

Gail Klesen, Secretary
Bella Vista Board of Zoning Adjustment

**Meeting Information:**

2483 Forest Hills Blvd
December 9, 2024 at 4:30 pm

Reviewer:

Conner LaRue,
Planner

Project Number	ZVR-2024-56672
Applicant	Catherine Barnes
Address/Location	17 Pease Dr.
Current Zoning	R-1 Single Family Residential
Site Area	.32 acres
Nature of Request	Seeking a variance on Sec. 109-166(c)(4)(b)(2)

**Zoning Map****Future Land Use Plan****Property Description**

This property is centrally located in Bella Vista City Limits near Lake Avalon and is located on Parcel #16-02902-000. Lot 10, Block 2. Avondale Subdivision.

Regulation

Zoning Code Sec. 109-166 requires that accessory buildings of a nonresidential nature on the adjacent lot be behind the front plane of the primary structure.

Request

The applicant is requesting a variance of the accessory structure setback (Sec. 109-166(c)(4)(b)(2)).

Background

The applicant is proposing to build a nonresidential accessory structure on the adjacent lot of the primary structure. The zoning code allows nonresidential accessory structures within the R-1 zone to achieve a GFA of 1200 sqft on adjacent lots so long as they are behind the primary structure's front plane, otherwise known as the accessory structure setback. Pease Drive is a dead-end cul-de-sac labeled as a non-classified, residential street per the Master Street Plan and is within a low-density residential area. Staff finds that the subdivision, unique shape, and steep topography of this lot is not of the applicant's actions and provides a hardship for development. The proposed placement accounts for over 10' worth of grade change. Since the nonresidential accessory structure is under 1200 sqft, staff finds that the overall intent of the accessory structure allowance ordinance is met. Additionally, the existing location of the house near the rear property line accommodates septic lines in the front yard and away from Lake Avalon. **However, staff will note for the record that this request may need private approval before it can move forward.**

Public Comment

None at the time of this report.

Legal Notifications

Staff published a legal ad notifying the public of this hearing in the *Weekly Vista* on Wednesday, November 27, 2024 and posted a public hearing sign on the subject property by or before Monday, December 2, 2024.

Recommendation

Staff is recommending approval due to the analysis above with the reminder the applicant is responsible for achieving private approval on their own.

Sec. 109-42(d) Variances: Standards for Approval

1. **Findings.** A variance from the terms of this zoning ordinance shall not be granted by the Board of Zoning Adjustment unless and until the applicant demonstrates that:
 - a. Strict enforcement of the zoning ordinance would cause undue hardship due to circumstances unique to the individual property under consideration;
 - b. The unique circumstances of the subject property do not result from the applicant's actions; and
 - c. The applicant demonstrates that the granting of the variance will be in keeping with the spirit and intent of the zoning ordinance
2. **Grounds.** Non-conforming use of neighboring lands, structures, or buildings in the same district, nor permitted or non-conforming uses in other districts shall be considered grounds for the issuance of a variance.
3. **Conditions.** In granting any variance, the board of zoning adjustment may prescribe additional appropriate conditions and safeguards that it deems necessary or desirable.
4. **Violations.** Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this zoning ordinance.
5. **Uses.** Under no circumstances shall the board of zoning adjustment grant a variance to allow a use that is not permissible under the terms of this section in the district involved, or any use expressly or by implication prohibited by the terms of this zoning ordinance in said district.

AS-PROVIDED DESCRIPTION (INST. L202053110):
LOTS 9 & 10, BLOCK 2, AVONDALE SECOND SUBDIVISION, BELLA VISTA VILLAGE, BENTON COUNTY, ARKANSAS, AS SHOWN ON REPLAT RECORD "H" AT PAGE 115. SUBJECT TO COVENANTS, EASEMENTS, RIGHTS-OF-WAY, AND OTHER RESTRICTIONS OF RECORD, IF ANY. SUBJECT TO ALL PRIOR MINERAL RESERVATIONS AND OIL AND GAS LEASES.

NOTES:

- 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 THIS SURVEY, BUILDING SETBACK LINE, RESTRICTIVE COVENANTS, SUBDIVISION RESTRICTIONS, ZONING OR OTHER LAND-USE REGULATIONS, OR ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
- BASIS OF BEARINGS: ARKANSAS STATE PLANE COORDINATE SYSTEM, NORTH ZONE. VERTICAL DATUM: NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
- SURVEY REPRESENTS A BOUNDARY AND TOPOGRAPHIC SURVEY PARCEL NOS. 16-02901-000 & 16-02902-000.
- DECLARATION IS MADE TO ORIGINAL PURCHASER OF THE SURVEY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
- THIS SURVEY IS VALID ONLY IF THE DRAWING INCLUDES THE SEAL AND SIGNATURE OF THE SURVEYOR.
- THE LOCATIONS OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON SUCH ABOVE GROUND STRUCTURES AS WERE VISIBLE AT THE TIME OF SURVEY, AND/OR FROM RECORD DRAWINGS PROVIDED TO THE SURVEYOR. THE LOCATION OF UNDERGROUND UTILITIES/STRUCTURES MAY VARY FROM LOCATIONS SHOWN HEREON. NO EXCAVATIONS WERE MADE DURING THE PROGRESS OF THIS SURVEY TO LOCATE UNDERGROUND UTILITIES/STRUCTURES.
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- BY GRAPHIC SCALING ONLY, SUBJECT PROPERTY LIES PARTIALLY WITHIN "SPECIAL FLOOD HAZARD AREAS, WITHOUT BASE FLOOD ELEVATION (BFE), ZONE A", AS ESTABLISHED BY THE FLOOD INSURANCE RATE MAP NUMBER 05007C0060J, EFFECTIVE DATE OF SEPTEMBER 28, 2007.
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- FOUNDATION IS BLOCK AND FILL.

RECORD DOCUMENTS USED IN THIS SURVEY:

- RD1.** WARRANTY DEED RECORDED IN BENTON COUNTY INST. L202053110, 08/27/2020, GRANTEE: PAMELA JO WHITELEY, TRUSTEE OF THE PAMELA JO WHITELEY LIVING TRUST.
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- RD8.** CODE OF ORDINANCES CITY OF BELLA VISTA, ARKANSAS, VERSION: AUG 31, 2023.
- RD9.** BELLA VISTA VILLAGE, UNIT ONE COVENANTS AND RESTRICTIONS DATED MAY 18, 1965, RECORDED IN BENTON COUNTY DEED BOOK 373, PAGE 08.

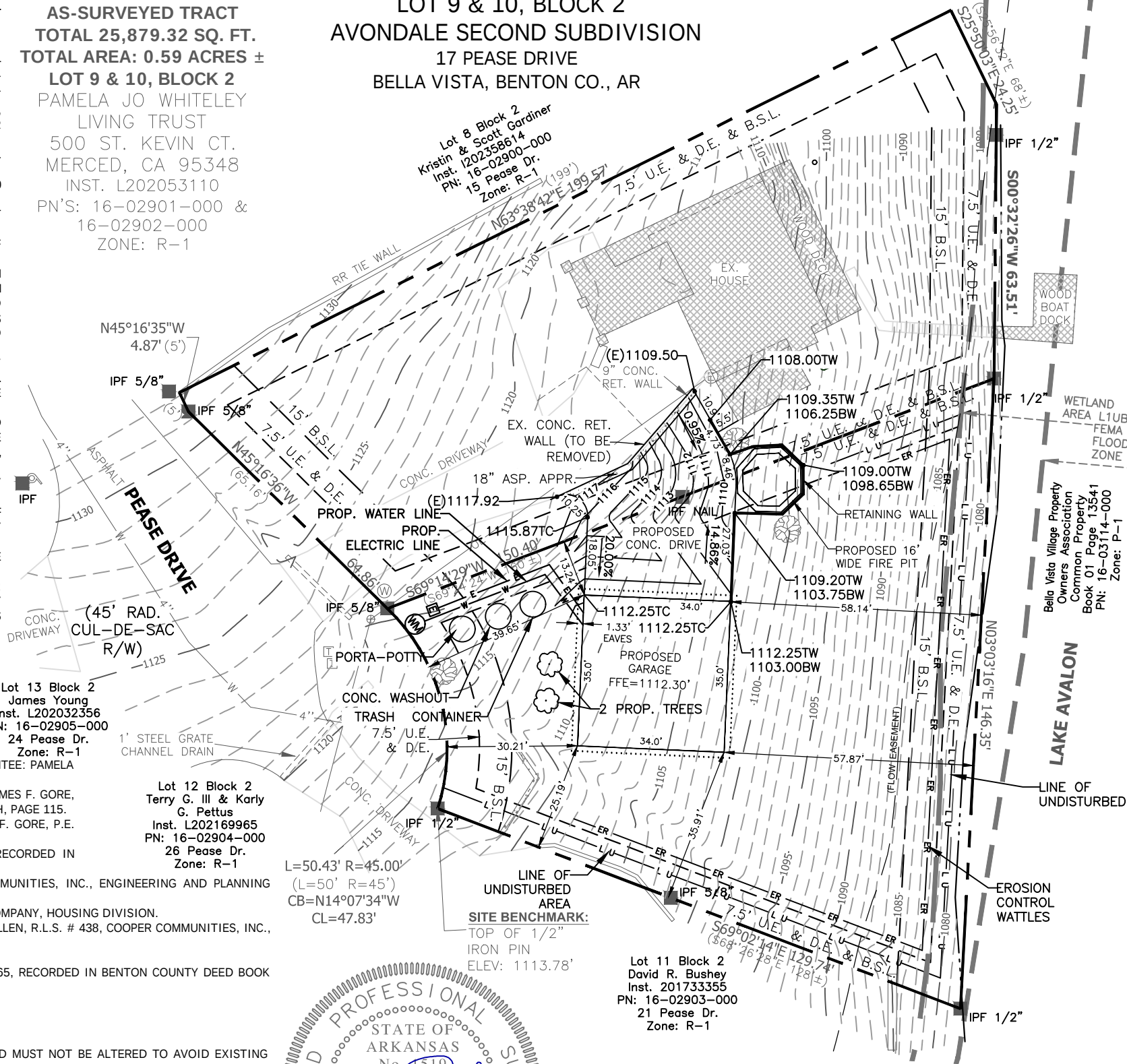
SEWAGE DISPOSAL SYSTEM NOTES:

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TOTAL 25,879.32 SQ. FT.
TOTAL AREA: 0.59 ACRES ±
LOT 9 & 10, BLOCK 2
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500 ST. KEVIN CT.
MERCED, CA 95348
INST. L202053110
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GEC PLOT PLAN

LOT 9 & 10, BLOCK 2
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17 PEASE DRIVE
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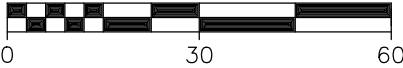


SURVEYOR'S CERTIFICATE:

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.

Michael D. Million
MICHAEL D. MILLION, P.L.S. NO.1519, ARKANSAS

8/26/24
DATE



SCALE: 1" = 30'

#	REVISION	DATE

LOT 9 & 10, BLOCK 2,
AVONDALE SECOND SUBDIVISION
CITY OF BELLA VISTA,
BENTON COUNTY, ARKANSAS

LEGEND

	FOUND REBAR
	SET 1/2" REBAR W/CAP
	UTILITY POLE
	WATER METER
	TELEPHONE RISER
_____	PROPERTY LINE
_____	RIGHT-OF-WAY
=====	CENTERLINE
_____	SETBACK
_____	EASEMENT
=====	OVERHEAD LINE
=====	CONTOUR LINE

BELL CONSTRUCTION SOLUTIONS, LLC.

P.O. BOX 8
CAVE SPRINGS, AR 72718
CHUCK BELL
479.366.0640
chuck.bell@bellconsolutions.com

MICHAEL D. MILLION
LAND SURVEYOR
12 NEFFWOOD LANE
BELLA VISTA, AR 72715
PHONE: (479) 571-0654

DRAWN BY: CEB	SCALE: 30
FIELD CREW: CEB, SDM	DWG: 24159.01
CHECKED BY: CEB/MDM	DATE: 8/26/24

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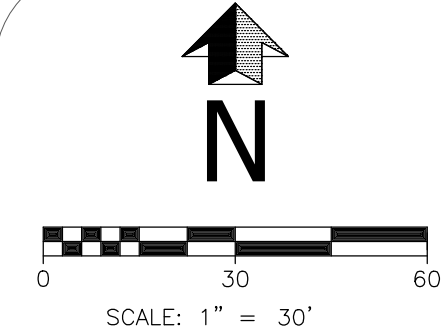
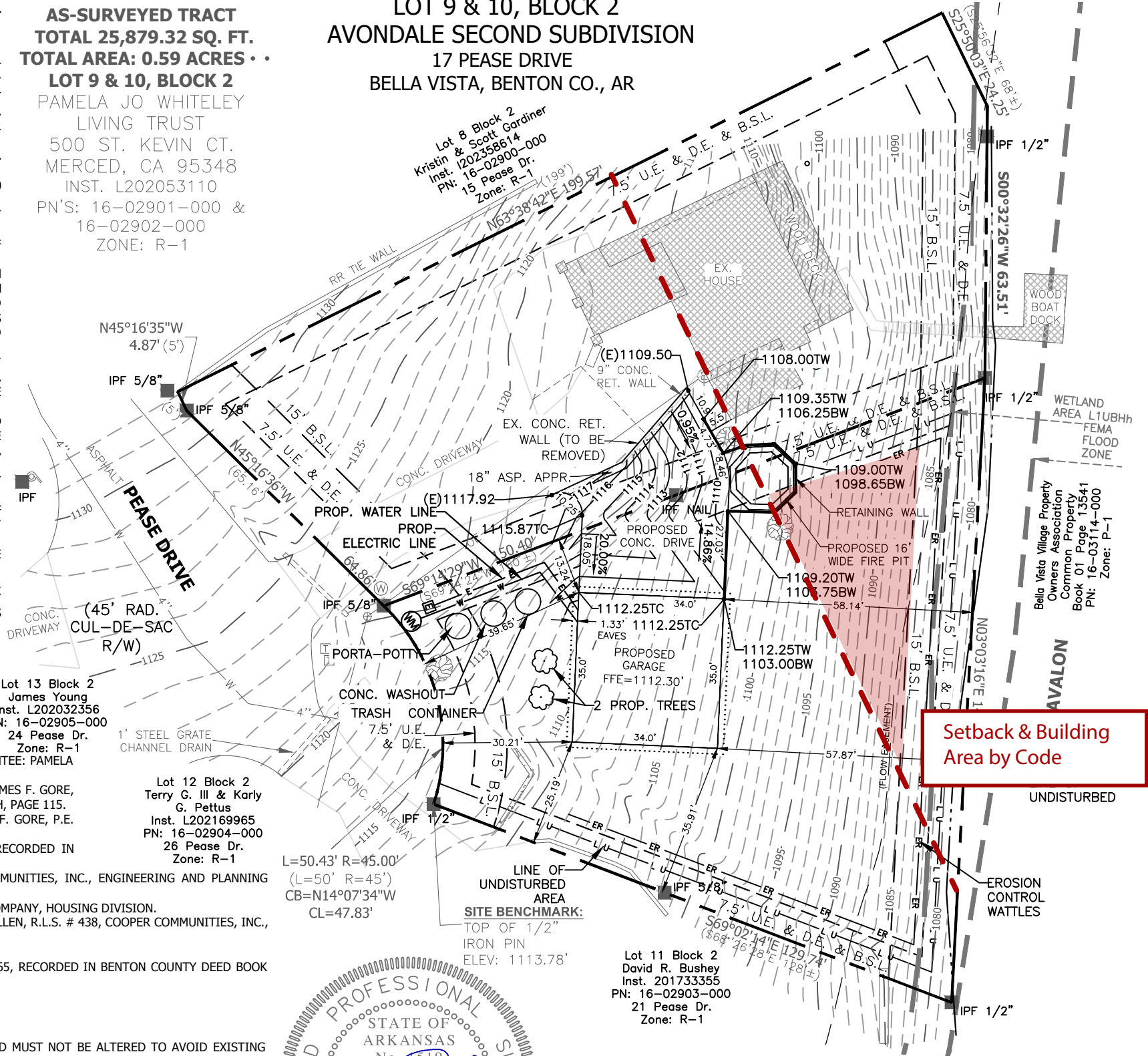
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	WATER METER
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	PROPERTY LINE
	RIGHT-OF-WAY
	CENTERLINE
	SETBACK
	EASEMENT
	OVERHEAD LINE
	CONTOUR LINE

BELL CONSTRUCTION SOLUTIONS, LLC.

P.O. BOX 8
CAVE SPRINGS, AR 72718
CHUCK BELL
479.366.0640
chuck.bell@bellconsolutions.com

MICHAEL D. MILLION
LAND SURVEYOR

12 NEFFWOOD LANE
BELLA VISTA, AR 72715
PHONE: (479) 571-0654

DRAWN BY: CEB	SCALE: 30
FIELD CREW: CEB, SDM	DWG: 24159.01
CHECKED BY: CEB/MDM	DATE: 8/26/24

SHEET 1 OF 1

11 x 17

David Long
17 Pease Dr
Bella Vista AR 72715
davehlong@outlook.com
209-988-6887
11/6/2024

Bella Vista Planning Commission
615 W Lancashire Blvd
Bella Vista, AR 72715

Subject: Request for Variance for Garage Placement Beyond Front Plane of House

Dear Bella Vista Planning Commission Members,

I am writing to request a variance for the placement of my proposed garage at my property located at 17 Pease Dr. According to my understanding of current zoning ordinances, garages are typically required to be set back or aligned with the front plane of the primary residence. However, I am seeking approval for a variance that would allow the garage to extend in front of this plane.

Interpretation Claimed:

As I interpret the zoning ordinance, the current regulation restricts the construction of detached garages beyond the front line of the main residential structure to ensure visual harmony and reduce the prominence of garage structures in residential neighborhoods. My proposal aims to align with the spirit of this ordinance while meeting specific needs that justify this deviation.

Use for Which the Permit is Sought:

The permit is being sought to construct a garage that would be positioned slightly in front of the main building plane. This design accommodates essential space requirements, facilitates easier vehicle access, and maintains a cohesive visual aesthetic that complements the overall property layout.

Details of the Variance:

The requested variance is specifically for the placement of an detached garage that extends beyond the front plane of the residence. The proposed design ensures that the garage remains architecturally harmonious with the rest of the home, employing similar materials, colors, and architectural features.

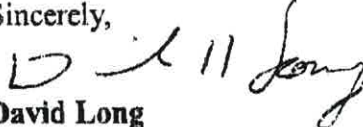
Grounds for Granting the Variance:

I respectfully request that the Commission considers the following grounds for approval:

1. **Improved Safety and Access:** The proposed placement facilitates safer, more accessible entry and exit for vehicles, particularly in relation to the slope and layout of the property.
2. **Neighborhood Character Compatibility:** The variance will not disrupt the character of the neighborhood; the garage's design will complement surrounding properties and maintain the community's aesthetic appeal.
3. **Personal Hardship Without Granting Variance:** Due to the unique topography of my property, adhering to the current restriction of detached garage would not be able to be constructed..

Thank you for considering this request. I am available to discuss this in further detail and can provide additional documentation or meet with Commission members to address any concerns. I appreciate your attention to this matter and respectfully request your approval of this variance.

Sincerely,


David Long





