



Board of Zoning Adjustment Meeting Agenda

Date: Monday, January 13, 2025
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 - 12-09-2024

IV. Unfinished Business

V. New Business

A. **Public Hearing ZVR-2024-57054:** A variance request on the 7side building setback in the R-1 zoning district for a house currently under construction at 4 Middleton Lane; Parcel: 16-22842-000; Applicant: Steve McNutt; Presented by Planner Hyatt.

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

December 9, 2024
2483 Forest Hills Blvd

I. CALL TO ORDER

Chairman Ellis 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: none.

III. CONSIDERATION OF MINUTES

A. *Board of Zoning Adjustment Meeting Minutes – November 12, 2024*

On a motion by Mr. Farner and a second by Mr. Sedberry, the November 12, 2024 minutes were approved by voice vote.

IV. UNFINISHED BUSINESS

V. NEW BUSINESS

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

1. Planner LaRue presented the staff report in the packet.
2. Ms. Portillo questioned the private approval that was needed for the applicant to move forward.
3. Mr. LaRue answered an easement release was needed from the Architectural Control Committee (ACC).
4. Director Robertson clarified that a separate variance from the ACC's board would be needed since the ACC also has the requirement, accessory structures must be behind the house.
5. The applicant, Catherine Barnes with Bell Construction Solutions was present to answer questions.
6. Chairman Ellis opened the public hearing.
7. Chairman Ellis closed the public hearing.
8. A motion to approve the variance with staff recommendations was made by Mr. Farner and a second was made by Ms. Klesen.
Doug Farner - Y

Clayton Sedberry - Y
Gail Klesen - Y
Linda Lloyd - Y
Susan Duell - Y
JB Portillo - Y
Daniel Ellis - Y
Motion Passed 7 – 0

VI. OPEN DISCUSSION

VII. ANNOUNCEMENTS

A summary of upcoming meetings was announced.

VIII. ADJOURNMENT

Chairman Ellis adjourned the meeting at 4:34 pm.

SUBMITTED BY:

Sarah Costa, Office Manager
City of Bella Vista

APPROVED AND ACCEPTED THIS 13TH DAY OF JANUARY, 2025:

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
January 13, 2025 at 4:30 pm

Reviewer:

Christopher Hyatt
Senior Planner

Property Description

This property is located in the eastern area of Bella Vista City Limits and is located on Parcel #16-22842-000. Lot 18, Block 7. North Riding Subdivision.

Regulation

Zoning Code Sec. 109-75(b)(3)(c) requires a minimum side setback of 7.5 feet from the property line.

Request

The applicant is requesting a variance from the 7.5-foot side setback for the primary structure eave that encroaches up to 9 inches.

Background

The site in question was previously under development from an owner/contractor. Permits were submitted 2/9/21. A framing inspection was never passed with the latest attempt to schedule one on 7/23/23, however work continued to near completion. The permit expired and a stop work order was placed on the property 11/14/23. The prior owner listed the property for sale in May of 2024. The current applicant then acquired the property and began meetings with staff to clean up violations and start the permitting process from the beginning. Permits were submitted on 10/22/24. Staff instructed the applicant to obtain an as-built survey to verify the building placement and upon receiving the as-built, it was discovered that the previous owner had encroached on the side setback. There is a roughly 14-foot span of the roof eave that is encroaching by up to 9 inches, thus requiring a variance. Per the Master Street and Future Land Use Maps, this parcel is located along a non-classified street and is within a low-density land use area. Applicant is also in the process of review with the ACC and their regulations.

Public Comment

None at the time of this report.

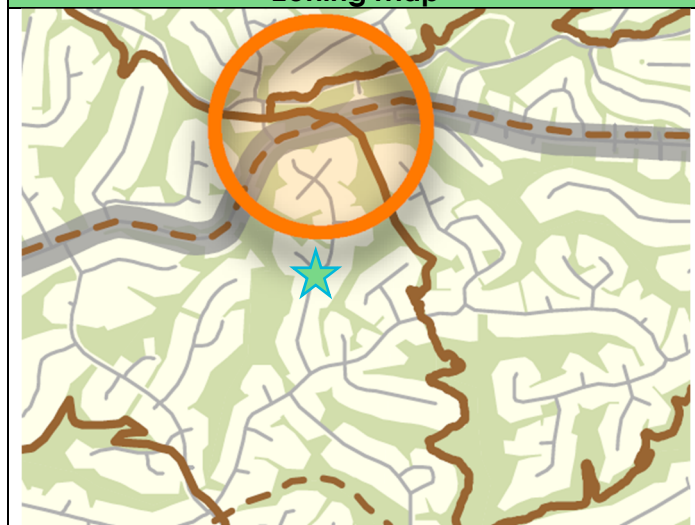
Legal Notifications

Staff published a legal ad notifying the public of this hearing in the *Weekly Vista* on Wednesday, December 22nd, 2024 and posted a public hearing sign on the subject property on Thursday, January 3rd, 2025.

Recommendation

Staff does not recommend approval of the request.

Project Number	ZVR-2024-57054
Applicant	Steve McNutt
Address/Location	4 Middleton Lane
Current Zoning	R-1 Single-Family Residential
Site Area	.30 acres
Nature of Request	Seeking a variance on Sec. 109-75(b)(3)(c)

**Zoning Map****Future Land Use Plan**

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.

Bella Vista Board of Zoning Adjustment

Steven McNutt
1363 Persimmon St
Centerton AR, 72719

My name is Steven McNutt, I am the current owner of 4 Middleton Ln in Bella Vista

The home was previously constructed by another builder, who has since abandoned it.

I purchased this home in August and Closed on September 18 2024.

Prior to making an offer I went onto BV website and looked up the history of the home, which included the original building permit, past inspections, and all pertinent notes regarding the house. The seller's Real estate agent provided me with the original plot plans, both residential and GEC, septic tank information, and all other relevant documents.

I then confidently made an offer on the house and purchased it.

I filled out an owner builder affidavit had it notarized and submitted this along with the plot plans to the permitting office where I was told that the existing plot plans were no longer usable because they needed some additions that were not necessary when originally submitted.

At this time, I contacted Dylan Shaddox and asked for a meeting to discuss what I needed to do to move forward. We met the following week with Christopher Hyatt, Dylan Shaddox, and I believe Taylor Robertson was the third to attend. I laid out everything I had including the plot plans. During the meeting I asked every question I could to obtain the information I would need to move forward. They explained the changes that needed to be made to existing plot plans and a few other items that I would need to properly submit for new builders permits.

Unfortunately the original engineer that had created the original plans had passed away so I had to hire a new group (PLS) to create new plot plans, I was asked by Wesley Luker from PLS why I needed the GEC plan redone because the house was already built? I told him what I was told by BV planning commission that was what was necessary. So, I hired them and had new plots planned created, Survey, redone etc.

I then submitted those to BV permit office and my packet was accepted. I received an email a couple weeks later saying that I would receive my builders permit in 10 – 15 days and my GEC permit in 3 – 5 weeks. Two weeks later I received my GEC permit but nothing about builders' permit. A couple weeks later I got the email from Dylan and Christopher about the Variance

issue. I sought an As Built Survey which showed that this home is slightly over the side setback. Hence the need for the variance request.

They explained what was the matter, that a very small 10 inch by 14-foot corner of the house was encroaching on setback. I understand the issue but feel after doing all of the prior due diligence including the meeting with building commission principles to thoroughly cover by bases. And this design was approved and a builder's permit was issued from original plot plans and there was no issue then.

Chistopher did explain that cutting that little 11 inch by 14-foot triangle off the front corner of the house was the option that seemed excessive. (the exterior of the house is completed)

This situation is very unique as I have been told, and I have from the beginning of this process done everything that was asked of me at great time and expense. And I would like to reiterate that I was not the original builder.

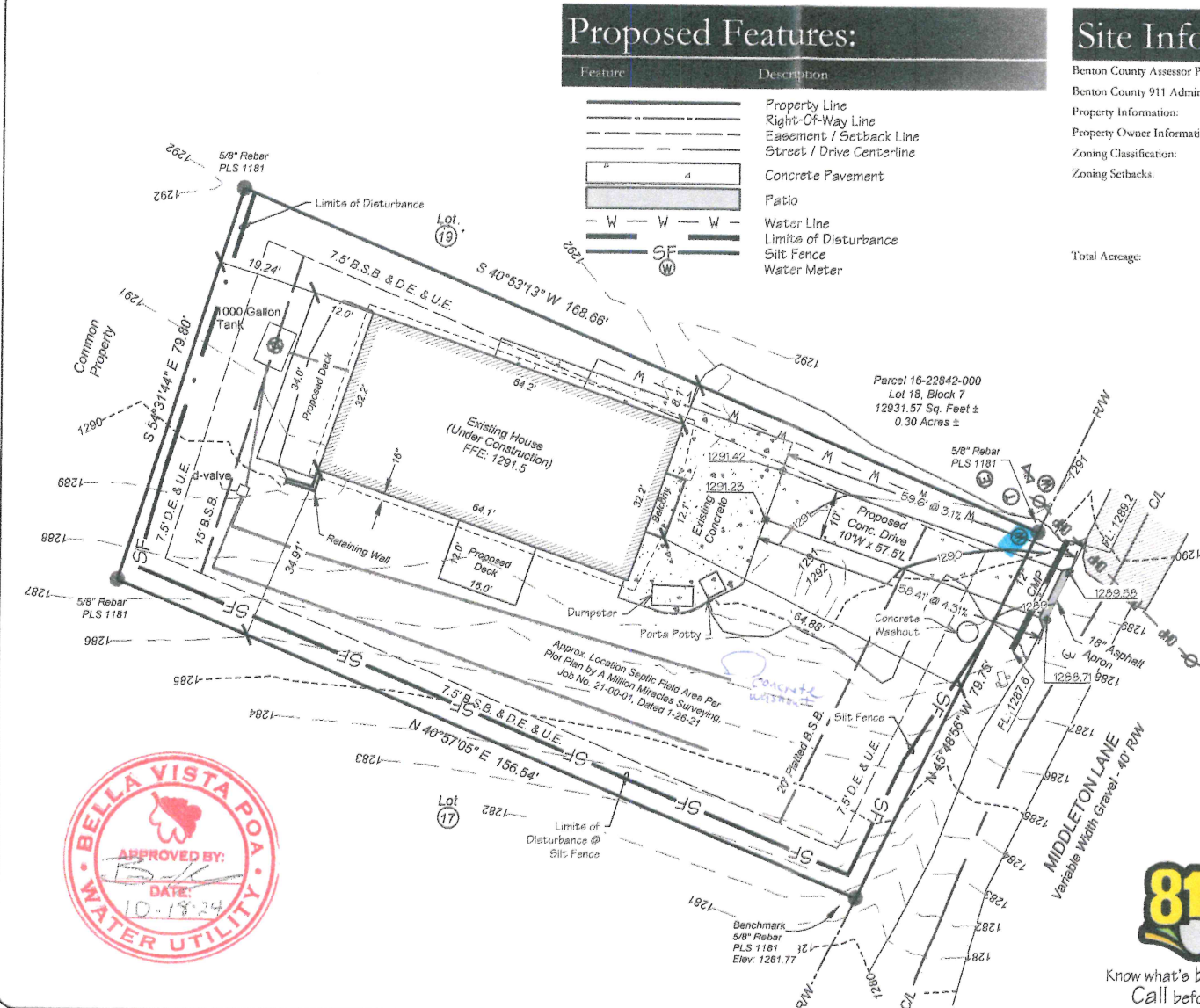
I hope the Board will understand what a true hardship this would be on me. I would really love to turn this home into something beautiful in the community.

I appreciate your consideration in resolving this matter favorably in my behalf

Sincerely

A handwritten signature in dark ink, appearing to read 'Steven McNutt', with a long horizontal line extending to the right.

Steven McNutt



Zoning & Setbacks

CURRENT ZONING:
R-1, RESIDENTIAL SINGLE FAMILY

R-1 ZONING BUILDING SETBACKS:
FRONT: 20' ***
SIDE: 7.5' ***
STREET SIDE: 15'
REAR: 15' ***

*** - UNLESS OTHERWISE STATED ON THE
SUBDIVISION PLAT

CONTACT:
CITY OF BELLA VISTA
COMMUNITY DEVELOPMENT
616 W. LANCASHIRE BLVD. | PO BOX 5655
BELLA VISTA, AR 72715
479-268-4980

Owner/Developer

MCNUTT, STEVEN CARLTON
4 MIDDLETON LN
BELLA VISTA AR 72714

RESIDENTIAL PLOT PLAN

Lot 18, Block 7, North Riding Subdivision

Record Description

LOT 18, BLOCK 7, NORTH RIDING SUBDIVISION,
TO THE CITY OF BELLA VISTA, FORMERLY BELLA
VISTA VILLAGE, BENTON COUNTY, ARKANSAS,
AS SHOWN ON PLAT RECORD "I" AT PAGE 118.

Utility Notes

THE LOCATION OF UTILITIES SHOWN
HEREON ARE FROM OBSERVED EVIDENCE
OF ABOVE GROUND APPURTENANCES
ONLY. THE SURVEYOR WAS NOT PROVIDED
WITH UNDERGROUND PLANS OR SURFACE
GROUND MARKINGS TO DETERMINE THE
LOCATION OF ANY SUBTERRANEAN USES.

BEFORE DIGGING IN THIS AREA,
CALL "ONE CALL" 811 FOR FIELD
LOCATIONS (REQUEST FOR
GROUND MARKINGS) OF
UNDERGROUND UTILITY LINES.



Miscellaneous Notes

COMPLETED FIELD WORK:
OCTOBER 8, 2024

REFERENCE DOCUMENTS:

1. WARRANTY DEED FILED AS INSTRUMENT NO. L202449851.
2. SURVEY PLAT FILED IN PLAT BOOK I AT PAGE 118.

SOME FEATURES SHOWN ON THIS PLAT MAY BE SHOWN
OUT OF SCALE FOR CLARITY.

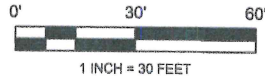
DIMENSIONS ON THIS PLAT ARE EXPRESSED IN FEET AND
DECIMAL PARTS THEREOF UNLESS OTHERWISE NOTED.
MONUMENTS WERE FOUND AT POINTS WHERE INDICATED.

BY GRAPHIC PLOTTING ONLY, NO PORTION OF THIS
PROPERTY IS IN ZONE "A" OR "AE" OF THE FLOOD
INSURANCE RATE MAP, COMMUNITY PANEL NO.
05007C0080J, WHICH BEARS AN EFFECTIVE DATE OF
09/28/2007 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA.

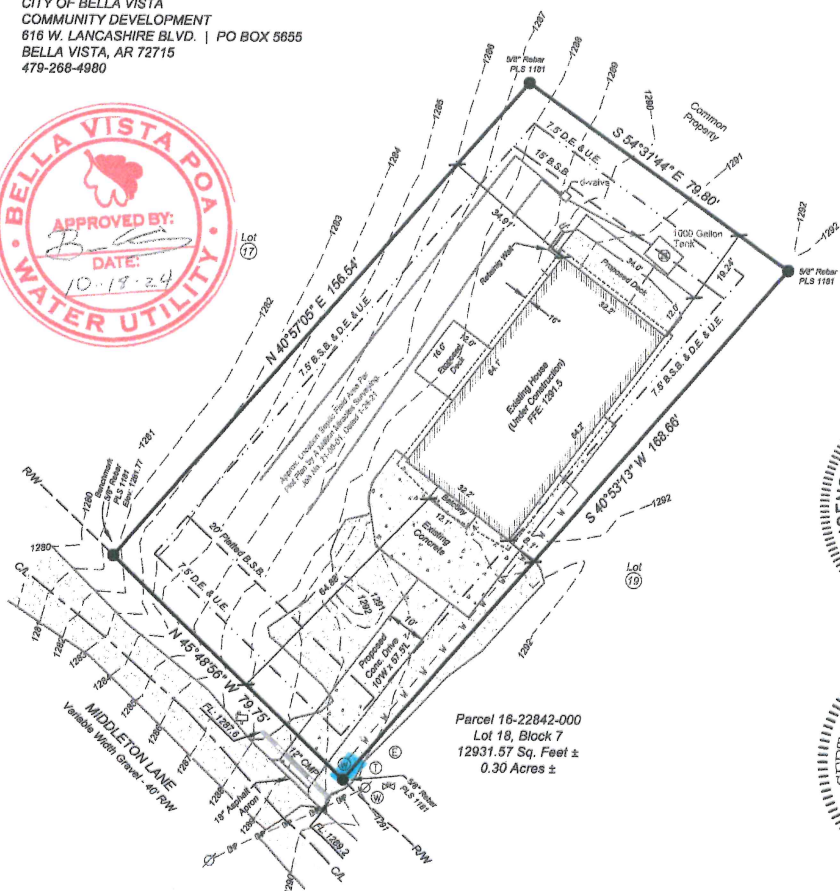
EXCEPT AS SPECIFICALLY STATED OR SHOWN ON THIS
PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT OF
ANY OF THE FOLLOWING WHICH MAY BE APPLICABLE TO
THE SUBJECT PROPERTY: EASEMENTS, OTHER THAN
POSSIBLE EASEMENTS WHICH WERE VISIBLE AT THE TIME
OF SURVEY; RESTRICTIVE COVENANTS; SUBDIVISION
RESTRICTIONS OR OTHER LAND USE REGULATIONS; AND
ANY OTHER FACTS WHICH AN ACCURATE TITLE SEARCH
MAY DISCLOSE.

Legend of Symbols & Abbreviations

- BOUNDARY LINE
- CENTERLINE OF ROAD (CL)
- RIGHT-OF-WAY (RW)
- UTILITY EASEMENT (U.E.)
- BUILDING SET BACK (B.S.B.)
- OVERHEAD POWER LINE
- POWER POLE
- TELEPHONE PEDESTAL
- ELECTRIC METER
- WATER METER
- SEPTIC LID
- EXISTING MONUMENT AS NOTED
- MAIL BOX
- DRAINAGE EASEMENT



BASIS OF BEARINGS:
ARKANSAS STATE PLANE, NORTH ZONE, NAD 83
CONVERGENCE ANGLE = -171698.01289"
CONVERSION FROM PLAT ARE GROUND
CONTAINED SCALE FACTOR (GROUND TO GRID) = 1.000000000
LATITUDE: 36°22'33.30725"
LONGITUDE: -94°12'18.85514"



FIRM:		
BLEW & ASSOCIATES, PA		
CIVIL ENGINEERS & LAND SURVEYORS		
3825 N. SHILOH DRIVE		
FAYETTEVILLE, ARKANSAS 72703		
OFFICE: 479.443.4506		
FAX: 479.582.1883		
www.BLEWINC.com		
Certificate of Authorization № 1534		
DRAWN BY & DATE:	REVIEWED BY:	SURVEYED BY:
J.C. - 10/09/2024	W.L.	R.S.
COUNTY & STATE:	JOB NUMBER:	
BENTON COUNTY, ARKANSAS	24-7376	
LOCATION:		
4 MIDDLETON LANE, BELLA VISTA, AR 72714		
FOR THE USE AND BENEFIT OF:		
STEVEN MCNUTT		

Zoning & Setbacks

CURRENT ZONING:
R-1, RESIDENTIAL SINGLE FAMILY

R-1 ZONING BUILDING SETBACKS:

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Know what's below.
Call before you dig.

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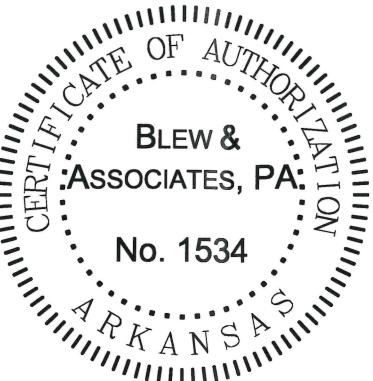
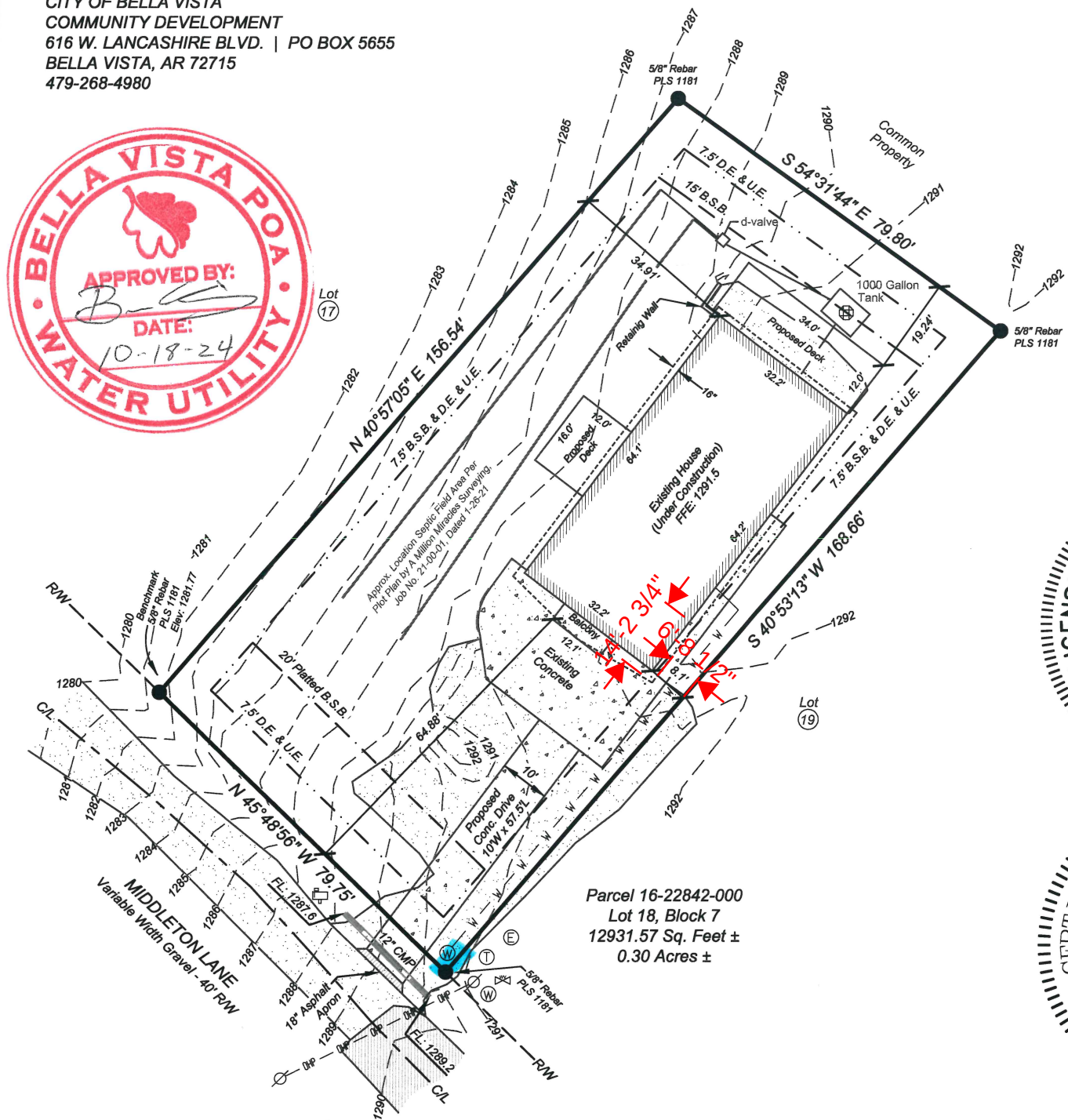
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Certificate of Authorization No 1534

DRAWN BY & DATE: J.C. - 10/09/2024	REVIEWED BY: W.L.	SURVEYED BY: R.S.
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COUNTY & STATE: BENTON COUNTY, ARKANSAS	JOB NUMBER: 24-7376
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LOCATION:
4 MIDDLETON LANE, BELLA VISTA, AR 72714

FOR THE USE AND BENEFIT OF:
STEVEN MCNUTT