



## **Bella Vista Board of Construction Appeals Regular Meeting Agenda**

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**Date/Time:** February 11, 2025  
3:00 PM

**Location:** Fire Department Conference  
Room, Station 4  
1639 Forrest Hills Blvd.  
Bella Vista, AR 72715

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### **I. Call to Order**

### **II. Roll Call**

Members: John Nuttall, Chairperson; Rick Head, Vice-Chairperson; Scott Martin, Secretary; Wade Hagan; Tim Hull; James Schlankey; Wade Stewart

### **III. Consideration of Minutes**

A. Meeting Minutes - January 9, 2024

### **IV. Unfinished Business**

### **V. New Business**

- A. New Board Member, James Schlankey.
- B. Election or reelection of Officers.
- C. Updated By Laws - Section B. Subsection 5.
- D. Date change for November meeting due to holiday.

### **VI. Open Discussion**

- A. General Business

## **VII. Announcements**

- A. Next Board of Construction Appeals meeting will be held on Tuesday, March 11, 2025 at 3:00pm at the Fire Department Station 4 Conference Room.

## **VIII. Adjournment**



**BELLA VISTA FIRE & EMS**  
 103 Town Center  
 Bella Vista, Arkansas 72714  
 Phone: (479) 855-4454

**BOARD OF CONSTRUCTION APPEALS  
 REGULAR MEETING**

DATE: JANUARY 9, 2024  
 LOCATION: BELLA VISTA FIRE DEPARTMENT, STATION 1  
 FD TRAINING ROOM  
 103 TOWN CENTER  
 BELLA VISTA, ARKANSAS 72714

# MINUTES

## I. CALL TO ORDER

Secretary Nuttall called the meeting to order at 3:00 PM.

## II. ROLL CALL

*Members present:* John Nuttall, Secretary; Wade Hagan; Ricky Head; Scott Martin; and Wade Stewart.

*Members absent:* Gary Young, Chairman and Tim Hull, Vice-Chairman.

## III. CONSIDERATION OF MINUTES

A. *Regular Meeting Minutes – August 8, 2023.*

On a motion by Mr. Martin and second by Mr. Stewart, the August 8, 2023 minutes were approved by voice vote.

## IV. UNFINISHED BUSINESS

*None.*

## V. NEW BUSINESS

### A. *BCA By Laws*

1. The BCA By Laws had not been updated since 2010. By Laws have been updated to reflect changes that have happened over the years and a copy was given to each member to review. Mr. Stewart motioned to approve the updated By Laws and a second was made by Mr. Martin.
2. Mr. Nuttall asked for a voice vote.

Head – Yes  
 Martin – Yes  
 Stewart – Yes  
 Nuttall – Yes  
 Hagan – Yes

**Motion passes 5-0**

### B. *Memberships expiring.*

1. Gary Young and Tim Hull’s memberships expired January 1, 2024.
2. Tim Hull wishes to renew his membership, but Gary Young wishes not to.
3. Chief Steve Sims stated that per City Attorney Jason Kelley, Gary Young will remain on the board until a new member is appointed and approved by City Council to fill his spot.

### C. *Election of Officers.*

1. Mr. Nuttall volunteered to be the new Chairman, Ricky Head volunteered to be the new Vice-Chairman, and Scott Martin volunteered to be the new Secretary.

JANUARY 9, 2024  
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# BOARD OF CONSTRUCTION APPEALS

## REGULAR MEETING

2. Mr. Nuttall made a motion to treat all 3 positions a block and vote on all 3 positions as one, a second was made by Mr. Head, and motion was approved by a voice vote.
3. Mr. Stewart moved to elect the slate of officers and a second was made by Mr. Head
4. Mr. Nuttall asked for a voice vote.

Head - Yes  
Martin - Yes  
Stewart - Yes  
Nuttall - Yes  
Hagan - Yes

**Motion passes 5-0**

**D. Open Position.**

1. The position for the open spot has been posted and we are now accepting applications.

**E. No New Applications to Discuss.**

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**VI. ANNOUNCEMENTS**

- A. Next Board of Construction Appeals meeting will be on Tuesday February 13, 2024 at 3:00pm at the Fire Department Station 4 Conference Room.

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**VII. ADJOURNMENT**

The meeting adjourned at 3:28 PM.

SUBMITTED BY:

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Amanda Esparza  
Administrative Assistant  
Bella Vista Fire & EMS

APPROVED AND ACCEPTED THIS 11<sup>TH</sup> DAY OF FEBRUARY 2025.

\_\_\_\_\_  
John Nuttall, Chairman  
Bella Vista Board of Construction Appeals

\_\_\_\_\_  
Scott Martin, Secretary  
Bella Vista Board of Construction Appeals



# Board of Construction Appeals Rules of Order and Procedure

Building Division | Bella Vista Fire & EMS  
103 Town Center Bella Vista, Arkansas 72714 Phone: (479) 855-4454

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As Adopted on February 11, 2025

## BY LAWS

### A. Membership and Organization

1. The Board of Construction Appeals shall consist of seven (7) members appointed by the Mayor and approved by the City Council. All members shall be qualified electors residing in the City and shall not hold any other municipal office or appointment. All members shall have experience and training to pass on matters pertaining to building construction and shall not be employed by the City.
2. Members shall serve staggered three-year positions which expire on January 1<sup>st</sup> of each year. There shall be no limit to the number of times a member may be reappointed to the Board.
3. The Board shall elect a Chairperson and Secretary annually at the first regular meeting in the month of January. All elected officers may succeed themselves.
4. Vacancies in the office of Chairperson or Secretary shall be filled by regular election procedures.
5. The Chairperson shall preside at all meetings and public hearings of the Board; shall decide all points of order or procedure; shall have the duties normally conferred by Procedural Rules for Municipal Officials, published by the Arkansas Municipal League; and, as necessary, administer oath and compel the attendance of witnesses.
6. The Secretary shall assume the duties of the Chairperson in his or her absence.
7. The Fire Chief and/or Chief Building Inspector, in the role of Building Official, shall serve as an ex-officio member of the Board and shall be responsible for notifying all members of the Board of regular and special meetings.

### B. Meetings

1. Regular meetings of the Board of Construction Appeals shall be held on the second (2<sup>nd</sup>) Tuesday of each month, unless no cases are pending, in which instance no meeting shall be held. All regularly scheduled meetings shall be held at 3:00 PM at a location announced. In the event of conflict with holidays or other events, the time and date of said meeting may be changed.
2. Each session of the Board of Construction Appeals shall be governed by procedures set forth in Procedural Rules for Municipal Officials, published by the Arkansas Municipal League.
3. Special meetings may be called by the Chair or by a majority of the membership.
4. Each session of the Board of Construction Appeals shall be a public meeting.
5. A quorum consists of four (4) members of the Board. The concurring vote of the majority of the quorum shall be necessary to decide on any matter upon which it is required to pass or to revise any order or decision of the Building Official. The Chairperson shall have full voting status. No meeting shall be held for the transaction of any business if a quorum is not present.
6. Should a member have a conflict of interest with regard to any agenda item, he/she shall leave the room prior to presentation, discussion, and deliberation, and shall not return until after voting on the measure has taken place.
7. No change shall be made to the By Laws of the Board of Construction Appeals except by affirmative vote of a majority of the authorized membership of the Board.
8. The order of business at all regular meetings shall be as follows: (a) Call to Order; (b) Roll Call; (c) Consideration of Minutes; (d) Unfinished Business; (e) New Business; (f) Open discussion; (g) Announcements; and (h) Adjournment.



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## C. Employees

1. The Fire Chief and/or Chief Building Inspector, in the role of Building Official, or his or her designee, shall serve as staff for the Board.

## D. Functions

1. The Board of Construction Appeals shall have the following functions:
  - a. Hear appeals from the decision of the Fire Chief and/or Chief Building Inspector, in the role of Building Official, with respect to the disapproval of a building permit; and may affirm or reverse, in whole or in part, any decision of the Fire Chief and/or Chief Building Inspector; and
  - b. Hear requests for variances from the provisions of the Building Code when an applicant wishes to deviate from standard construction methods outlined in the Building Code or local amendments thereto.
2. Decisions of the Board of Construction Appeals in respect to the above shall be subject to appeal only to the Circuit Court of Benton County.

## E. Procedures for Appeals and Variances

1. Any contractor, owner, developer, or builder may appeal any decision of the Fire Chief or the Building Inspector in accordance with these procedures.
2. The person considering an appeal must first determine if the issue they seek to appeal is one that is appealable under the applicable Code. Reference should be made to the applicable Code in the section designated "Construction Board of Appeals" for an explanation of what is an applicable issue. The person must verify with the Fire Chief and/or Chief Building Inspector that the issue is appealable.
3. The person seeking to appeal shall notify the Fire Chief and/or Chief Building Inspector that an appeal of the decision will be made. Further, the person shall request that a written decision be issued. The decision shall include specific provisions of the Code that may be applicable.
4. Each application to be considered by the Board shall be filed on the proper form and be accompanied by the currently adopted fee for such applications. All applications shall meet the submittal requirements provided on the application form, and any supplemental information deemed necessary by the Fire Chief and/or Chief Building Inspector or his or her designee.
5. The Fire Chief and/or Chief Building Inspector, or his or her designee, shall receive all such applications in accordance with the Bella Vista Development Calendar.
6. All applications shall be placed on the agenda and heard by the Board in the order in which they are received, except that an item may be advanced on the agenda by consent of the Board upon good cause shown.
7. Within one (1) week of the regularly scheduled Board of Construction Appeals meeting, the Fire Chief and/or Chief Building Inspector, or his or her designee, shall distribute copies of the application form and his or her written decision to the Board members.
8. Applicants shall appear in his or her own behalf or be represented by agent or attorney at the hearing. In the absence of any appearance by the applicant, agent, or attorney, the Board will proceed to dispose of the matter on the record before it. In such cases as the Board feels necessary, an application may be deferred until the next regular meeting if not represented.
9. The order of the hearing, and allowed speaking times, shall be as follows:
  - a. Applicant's side of the case, with fifteen (15) minutes to speak;
  - b. Fire Chief and/or Chief Building Inspector's side of the case, with ten (10) minutes to speak; and
  - c. Applicant's rebuttal, with ten (10) minutes to speak.
10. An applicant may withdraw his or her application or appeal at any time prior to the decision of the Board.



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11. After the hearing but prior to deliberations on each case, the Board reserves the right to defer action on the case until the next regularly scheduled meeting, if necessary.
12. After the hearing, the Board shall deliberate the case and reach a final decision.
13. If an application is approved by the Board, all necessary permits for the initiation of work shall be obtained within the time frames outlined in the respective Ordinances, unless a time extension is granted by the Board. Otherwise, the Board approval of the application will be considered void at the end of time allowed under the respective Ordinances.
14. The final decision on any appeal to the Board of Construction Appeals shall be in the form of a resolution approved by a quorum of the Board and shall contain findings of fact or conclusions of law.

## F. Required Signatures

1. The Chairperson and Secretary of the Board of Construction Appeals shall affix his or her signature to all minutes, resolutions, and other legal documents approved by the Board.
2. The date of approval shall be placed on all minutes, resolutions, and other legal documents approved by the Board of Construction Appeals.

## G. Records

1. The Board of Construction Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicate such fact; it shall keep records of its examinations and other official actions.
2. All records of the Board of Construction Appeals shall be public records and shall be immediately filed at the City administrative offices.

APPROVED AND ACCEPTED THIS 11<sup>TH</sup> DAY OF FEBRUARY, 2025.

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Chairperson  
Board of Construction Appeals

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Secretary  
Board of Construction Appeals



**Planning Commission**

# Development Calendar 2025

Planning and Development Department

101 Town Center; Bella Vista, AR 72714 (P): 479-268-4980

Cycle	Tech Review		PC Work Session				PC Regular Meeting			Review Days	City Council		
	Submission Deadline	Distribute Comments	Publication Deadline <sup>1</sup>	Work Session Resubmittal	Distribute packet	Work Session Meeting	PC Resubmittal	Distribute packet	Regular Meeting		CC Resubmittal	City Council Work Session	City Council
	Due by 3:30 PM	Due by end of day	15 days before PC	Due by 12:00 PM	Due by end of day	At 4:30 PM	Due by 12:00 PM	Due by end of day	at 4:30 PM or after BZA		day after PC	As Shown on CC Calendar	As Shown on CC Calendar
1	Dec 02	Dec 13	Dec 29	Dec 20	Dec 30	Jan 02	Jan 07	Jan 10	Jan 13	42	Jan 14	Jan 21	Jan 27
2	Dec 30	Jan 10	Jan 26	Jan 24	Jan 27	Jan 30	Feb 04	Feb 07	Feb 10	42	Feb 11	Feb 18	Feb 24
3	Jan 27	Feb 07	Feb 23	Feb 21	Feb 24	Feb 27	Mar 04	Mar 07	Mar 10	42	Mar 11	Mar 17	Mar 24
4	Mar 03	Mar 14	Mar 30	Mar 20	Mar 31	Apr 03	Apr 08	Apr 11	Apr 14	42	Apr 15	Apr 21	Apr 28
5	Mar 31	Apr 11	Apr 27	Apr 24	Apr 28	May 01	May 06	May 09	May 12	42	May 13	May 19	May 27
6	Apr 28	May 09	May 25	May 22	May 26	May 29	Jun 03	Jun 06	Jun 09	42	Jun 10	Jun 16	Jun 23
7	Jun 02	Jun 13	Jun 29	Jun 19	Jun 30	Jul 03	Jul 08	Jul 11	Jul 14	42	Jul 15	Jul 21	Jul 28
8	Jun 30	Jul 11	Jul 27	Jul 24	Jul 28	Jul 31	Aug 05	Aug 08	Aug 11	42	Aug 12	Aug 18	Aug 25
9	Jul 28	Aug 08	Aug 24	Aug 21	Aug 25	Aug 28	Sep 02	Sep 05	Sep 08	42	Sep 09	Sep 15	Sep 22
10	Sep 01	Sep 12	Sep 28	Sep 25	Sep 29	Oct 02	Oct 07	Oct 10	Oct 13	42	Oct 14	Oct 20	Oct 27
11	Sep 29	Oct 10	Oct 26	Oct 23	Oct 27	Oct 30	Nov 04	Nov 07	Nov 10	42	Nov 11	Nov 17	Nov 24
12	Oct 27	Nov 07	Nov 23	Nov 20	Nov 24	<i>Canceled</i>	Dec 02	Dec 05	Dec 08	42	TBD	Dec 08	Dec 15
1	Dec 01	Dec 12	Dec 28	Dec 25	Dec 29	<i>Canceled</i>	Jan 06	Jan 09	Jan 12	42	Jan 13	Jan 20	Jan 26
2	Dec 29	Jan 09	Jan 25	Jan 22	Jan 26	Jan 29	Feb 03	Feb 06	Feb 09	42	Feb 10	Feb 17	Feb 23

## Board of Construction Appeals

Cycle	Submission Deadline	Distribute packet	BCA Meeting
	15 days before	One Week Prior	At 3:00 PM
1	Dec 30	Jan 07	Jan 14
2	Jan 27	Feb 04	Feb 11
3	Feb 24	Mar 04	Mar 11
4	Mar 24	Apr 01	Apr 08
5	Apr 28	May 06	May 13
6	May 26	Jun 03	Jun 10
7	Jun 23	Jul 01	Jul 08
8	Jul 28	Aug 05	Aug 12
9	Aug 25	Sep 05	Sep 09
10	Sep 29	Oct 07	Oct 14
11	Oct 28	Nov 05	Nov 12
12	Nov 24	Dec 02	Dec 09
1	Dec 29	Jan 06	Jan 13

## Location/Time

All Board of Zoning Adjustment and Planning Commission Meetings will be held at 2483 Forest Hills Blvd in the District Court as otherwise shown on the agenda. PC Regular Meeting will be held directly after the BZA. All Board of Construction Appeals will be held at 1639 Forest Hills Blvd in the Fire Station 4 Conference Room.

## Notes

1. *Italicized dates* are adjusted for holidays, etc.
2. TBD: to be determined by a City Planner.
3. Legal notifications apply to Conditional Use Permits, Zoning Amendments, Variances, and Annexations. Failure to comply with requirements will result in delay of application.
4. Waiver applications may be accepted during tech review.
5. City Council will only consider appeals from Planning Commission, Final Plats, Zoning Amendments, and Annexations. Appeals from the Board of Zoning Adjustment shall be considered only by the applicable Circuit Court.

## Board of Zoning Adjustment

Cycle	Submission Deadline	Distribute packet	BZA Meeting
	Due by 3:30 PM	Due by end of day	At 4:30 PM
1	Dec 13	Jan 10	Jan 13
2	Jan 10	Feb 07	Feb 10
3	Feb 07	Mar 07	Mar 10
4	Mar 14	Apr 11	Apr 14
5	Apr 11	May 09	May 12
6	May 09	Jun 06	Jun 09
7	Jun 13	Jul 11	Jul 14
8	Jul 11	Aug 08	Aug 11
9	Aug 08	Sep 05	Sep 08
10	Sep 12	Oct 10	Oct 13
11	Oct 10	Nov 07	Nov 10
12	Nov 07	Dec 05	Dec 08
1	Dec 12	Jan 09	Jan 12