



Board of Zoning Adjustment Meeting Agenda

Date: Monday, March 10, 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; Jack Wagnon, and Linda Lloyd.

III. Consideration of Minutes

A. Meeting Minutes - February 10, 2025

IV. Unfinished Business

V. New Business

A. **Annual Election of Officers:** Chairperson, Vice-Chairperson, and Secretary; Presented by Director Robertson.

B. **Public Hearing ZVR-2025-57485:** A variance request on perimeter landscaping, parking surfacing, and parking striping requirements for proposed large-scale development known as the Oz Trails Bike Park located near 5 Oldham Drive; Parcels 16-79399-001, 16-79399-003, 16-79399-004, 16-79399-005, and 16-79399-007; Applicant Taylor Lindley, Crafton Tull; Presented by Trails Manager Workman

C. **Public Hearing ZVR-2025-57690:** A variance request on the side building setback for a proposed single-family home at 5 Swallow Lane; Parcel 16-30060-000; Applicant Chandler Bray; Presented by Planner LaRue

- D. **Public Hearing ZVR-2025-57691**: A variance request on the side building setbacks for a proposed single-family home at 10 Carn Forth Lane; Parcel 16-24926-000; Applicant Matt Sanders; Presented by Planner Hyatt.

- E. **Public Hearing ZVR-2025-57530**: A variance request on the landscape, screening, buffering, and bicycle parking requirements for a proposed new maintenance facility at 36 Bella Vista Way; Parcel 16-43396-000; Applicant: Civil & Environmental Consultants; Presented by Planner Hyatt.

VI. Open Discussion

VII. Announcements

- A. The Planning Commission Regular Meeting is to be held immediately upon the adjournment of this meeting.

VIII. Adjournment



**Board of Zoning Adjustment
Meeting Minutes**

February 10, 2025
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 – January 13, 2025*

On a motion by Mr. Farner and a second by Ms. Lloyd, the January 13, 2025 minutes were approved by voice vote.

IV. UNFINISHED BUSINESS

None.

V. NEW BUSINESS

A. ZVR-2025-56948: A variance request of the R-3 and P-1 building setbacks to allow reconstruction of a townhome at 7 Britten Circle; Parcel 16-34383-000; Applicant Burris Architecture; Presented by Planner LaRue.

1. Planner LaRue presented the staff report in the packet.
2. Applicant Tim Duffey, representing Burris Architecture, addressed the variance request in the packet.
3. Chairman Ellis opened the public hearing.
4. Chairman Ellis closed the public hearing.
5. Applicant Tim Duffey returned to the podium for a closing statement.
6. A motion to approve the variance was made by Ms. Portillo and a second was made by Mr. Farner.
JB Portillo - Y
Susan Duell - Y
Linda Lloyd - Y
Gail Klesen - Y
Clayton Sedberry - Y
Doug Farner - Y

VI. OPEN DISCUSSION

A. None.

VII. ANNOUNCEMENTS

A summary of upcoming meetings was announced.

VIII. ADJOURNMENT

Chairman Ellis adjourned the meeting at 4:36 pm.

SUBMITTED BY:

Sarah Costa, Office Manager
City of Bella Vista

APPROVED AND ACCEPTED THIS 10TH DAY OF MARCH, 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
 March 10, 2025 at 4:30 pm

Reviewer:

Megan Workman,
 Trails & Active
 Transportation Manager

Property Description

The project site, containing parcels 16-79399-001, 16-79399-003, 16-79399-004, 16-79399-005, and 16-79399-007, is centrally located within the Bella Vista city limits; situated west of the intersection of Oldham Drive and Bella Vista Way.

Regulation

Sec. 109-96(a) and (c) outline off-street parking surfacing and striping requirements. Sec. 109-219(b)(2) requires perimeter landscaping for new developments.

Request

The applicant proposes to redevelop the subject site, with reduced perimeter landscaping and an unstriped gravel parking lot; associated with LSD-2025-57483 known as OZ Trails Bike Park.

Background

The site is fronted by Cunningham Drive, an unclassified street, Oldham Drive, a Sub-Collector, and Bella Vista Way, a Major Arterial, as identified by the master street plan. Located adjacent to a Type 3 Community Destination node, the future land use plan recommends Park/Open Space and Neighborhood Use in this area. The applicant requests a variance on the number of perimeter trees to be installed on the south and west sides of the off-street parking area from 34 to 0; and a variance on off-street parking surfacing and striping requirements for the proposed 1.5-acre gravel parking area. The applicant proposed to construct a 1.5-acre gravel parking area with eight-inch perforated drains for sediment filtration, pollutant reduction, and the infiltration of clean water into existing drainage ways. The applicant has proposed a five-year sunset clause with this request. The public noticed variance request on Sec. 109-75(b)(4) is no longer necessary, as the applicant has increased the front, side, and rear setbacks, of the R-1 lot, at a ratio of one additional foot for the nine feet that the proposed bike tower exceeds the 40-foot R-1 District maximum structure height, as permitted by Sec. 109-68(a)(7)

Public Comment

Contained within.

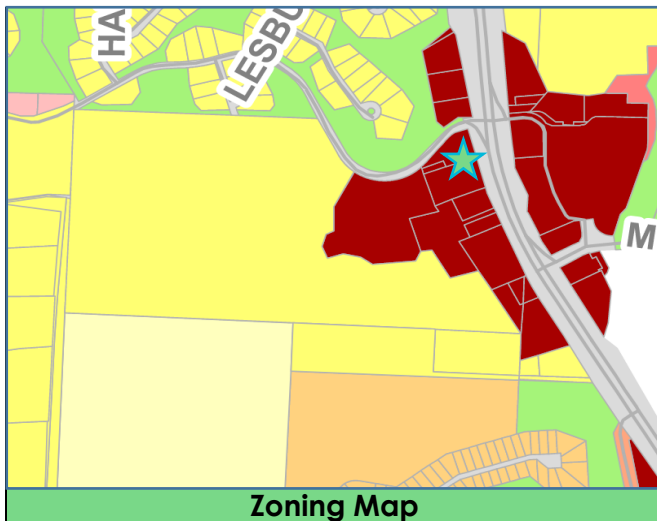
Legal Notifications

Staff published a legal ad notifying the public of this hearing in the *Weekly Vista* on Wednesday, February 19, 2025. Public hearing signs were placed on the subject property on Friday, February 28, 2025.

Recommendation

Staff recommends approval of the landscaping request so long as a plat is filed prior to building permit issuance. Should the PC approve the surfacing and striping variance request, we recommend to do so conditioned upon applicant executing a legally enforceable agreement with the City guaranteeing paving of the parking lot or redevelopment within 5 years of LSD approval.

Project Number	ZVR-2025-57485
Applicant	Taylor Lindley, Crafton Tull
Address/Location	Near 5 Oldham Drive
Current Zoning	C-4 and R-1
Site Area	190.47 acres
Nature of Request	Seeking multiple variances for a proposed large-scale development



Zoning Map



Future Land Use Plan

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

- a) **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:
 - 1. Strict enforcement of the zoning ordinance would cause undue hardship due to circumstances unique to the individual property under consideration;
 - 2. The unique circumstances of the subject property do not result from the applicant's actions; and
 - 3. The applicant demonstrates that the granting of the variance will be in keeping with the spirit and intent of the zoning ordinance
- b) **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.
- c) **Conditions.** In granting any variance, the board of zoning adjustment may prescribe additional appropriate conditions and safeguards that it deems necessary or desirable.
- d) **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.
- e) **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.



February 12, 2025

Bella Vista Board of Zoning Adjustments
2483 Forest Hills Blvd
Bella Vista, AR 72715

Re: Waiver Request for Temporary Gravel Parking Area
OZ Trails Bike Park
Bella Vista, AR
CTA No. 24112200
Sec. 107-314.(a) – Surfacing Requirement

Dear Members of the Board of Adjustments,

In accordance with Sec 109-36 (b)(2), I am writing to request a variance from the surface material requirements set forth in Sec. 109-96.(a) of the City of Bella Vista Code, and the striping and marking requirements set forth by Sec 109-96.(c). Sec 109-96.(a) mandates the use of asphalt, concrete, brick, or semi-permeable pavement for all regulated items. Specifically, I am requesting permission to use gravel as the surface material for a proposed temporary parking area on the property located at the parcel numbers listed on the waiver request application. Additionally, varying from Section 109-96.(c), I request an exemption from the use of pavement striping in this parking area.

The primary reason for this request is that the parking area is intended to serve as a temporary solution while future development plans for the property are being finalized. The gravel surface will be sufficient for short-term use, and we plan to upgrade the parking area to a permanent, compliant surface (such as asphalt or another approved material) once the full development of the property proceeds. We are proposing a 5-year sunset clause to accompany this variance.

The proposed use of the property involves low-impact activities that are better suited to gravel, as a paved parking lot would alter the character of the area in a way that would diminish the overall experience for visitors and residents alike. Granting this variance would preserve the property owner's right to develop the land in accordance with its intended purpose, and future development will remain subject to all applicable development regulations in place at that time.

Furthermore, we will ensure that the gravel parking area is properly graded and drained to handle surface water runoff in compliance with all applicable regulations. We propose the installation of 8-inch perforated drains to enhance the gravel area's function as a water quality feature. The result of these drains will be sediment filtration, pollutant reduction, and the infiltration of clean water into the existing drainageways. This design will also reduce the potential for erosion and act in compliance with BMPs. Gravel Parking lots with perforated drains are an excellent example of Low Impact Development (LID) strategies that can improve the quality of life for residents and visitors of Bella Vista.



The granting of this variance will not adversely affect the public health, safety, or welfare of surrounding properties.

If you have any questions or concerns, please do not hesitate to contact us at your earliest convenience. Thank you for your thoughtful consideration of this request.

Sincerely,

Taylor Lindley, P.E.



February 12, 2025

Bella Vista Board of Zoning Adjustments
2483 Forest Hills Blvd
Bella Vista, AR 72715

Re: Variance Request for Landscaped Perimeter
OZ Trails Bike Park
Bella Vista, AR
CTA No. 24112200
Sec. 109-219 (b)(2)- Landscaped Perimeter

Dear Members of the Board of Adjustments,

In accordance with Sec 109-36 (b)(2), I am writing to request a variance from the minimum number of trees required along a landscaped perimeter set forth in Section 109-219 (b)(2) of the Bella Vista Zoning Ordinance. Specifically, we seek approval to forgo planting perimeter trees along the west side of the existing property line of the proposed OZ Trails Bike Park, located on the parcels specified in the attached zoning application.

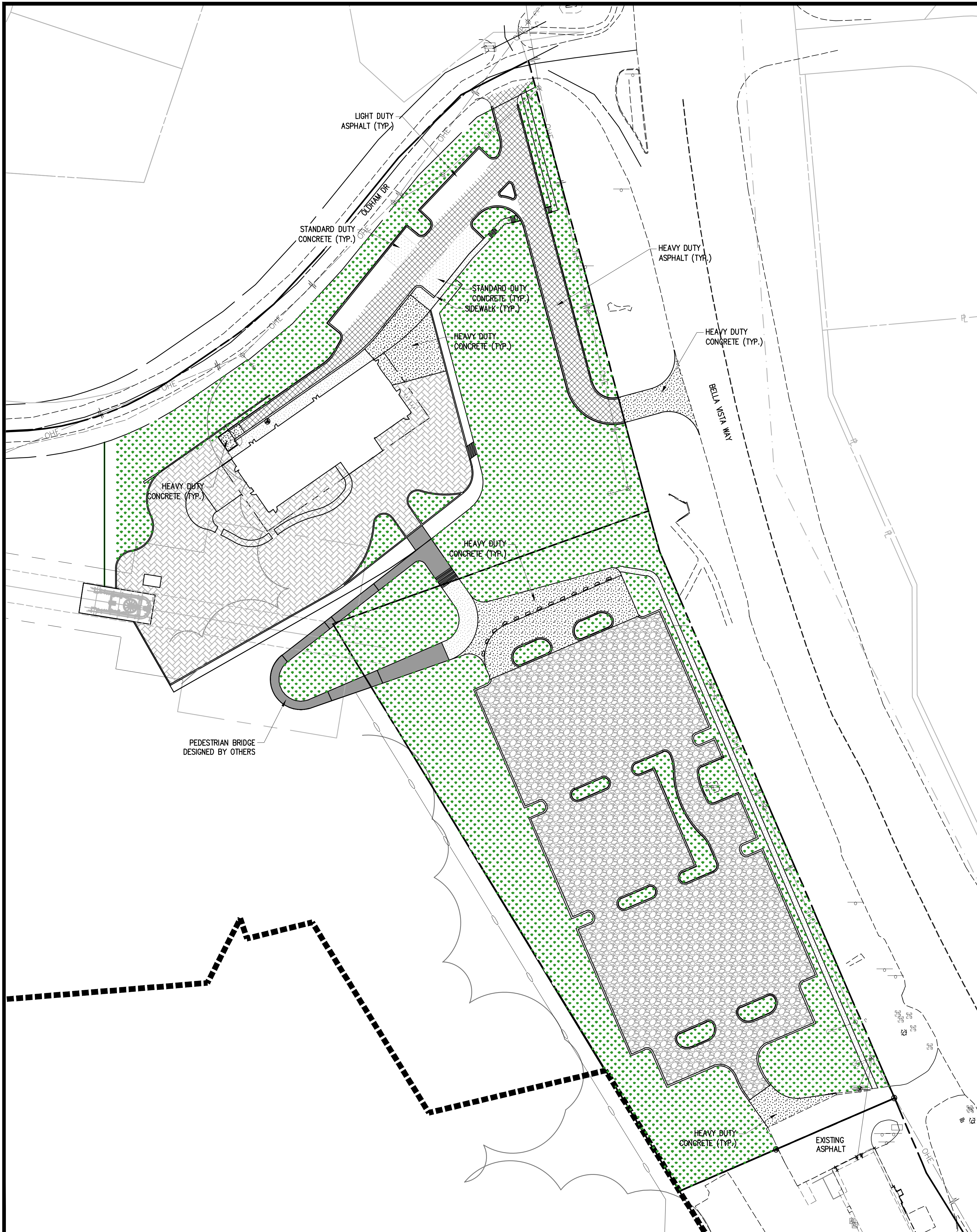
The west side of this property is currently bordered by a mature, native species wooded area, which provides numerous environmental benefits, including habitat for local wildlife, natural erosion control, and enhanced aesthetic value. Moreover, this wooded area serves as a natural screen, effectively shielding the property and neighboring properties from unwanted visibility and noise. The dense foliage of the trees creates an additional layer of privacy, eliminating the need for further landscaping to achieve the intended purpose of the perimeter buffer.

With this, we propose that the requirement for additional perimeter landscaping be waived in favor of preserving and maintaining the existing native wooded area on the western boundaries of the development. Such preservation aligns with the community's interest in environmental stewardship and sustainability, as it conserves valuable local flora and fauna and supports the ecological health of Bella Vista.

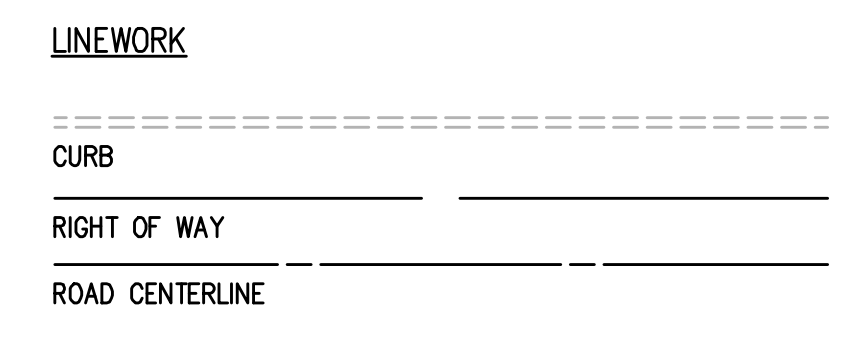
Please feel free to reach out with any further questions or comments related to this request.

Sincerely,

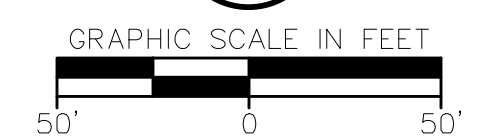
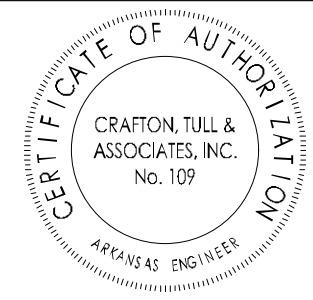
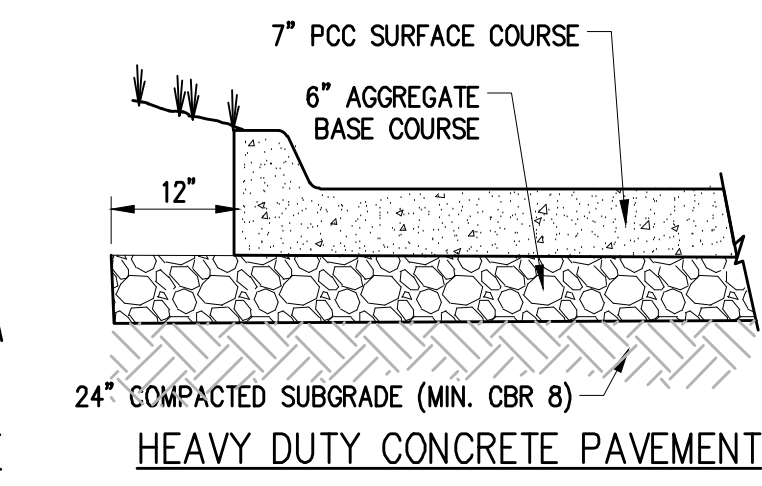
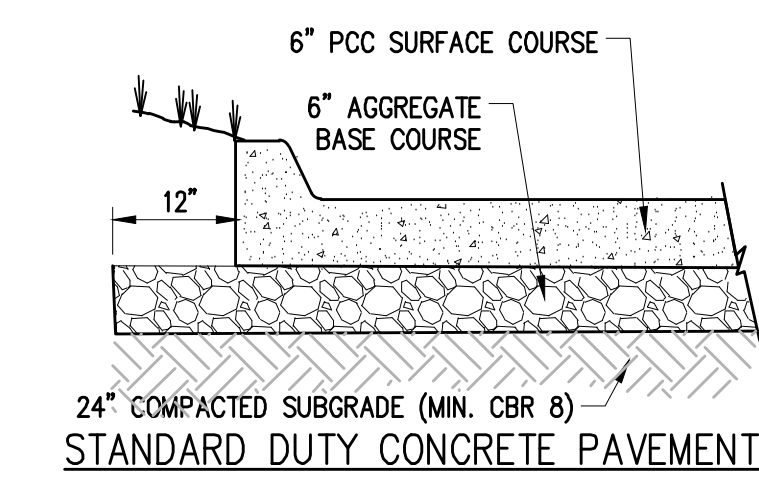
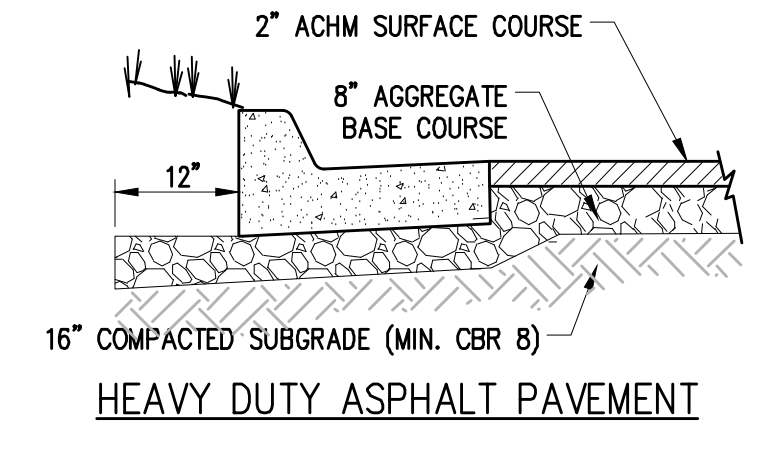
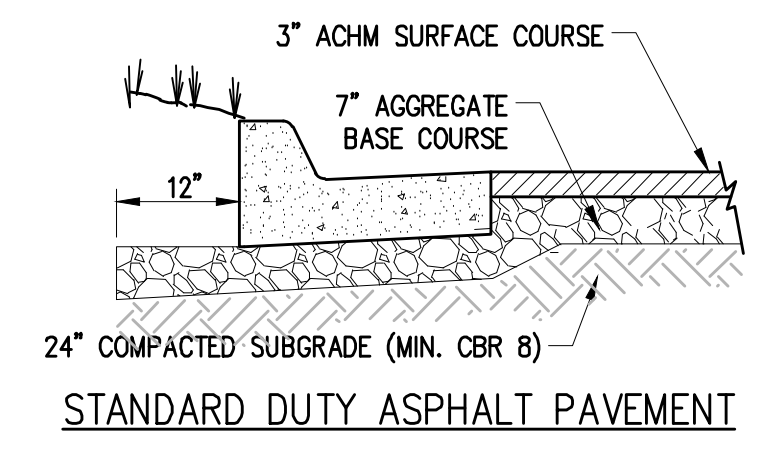
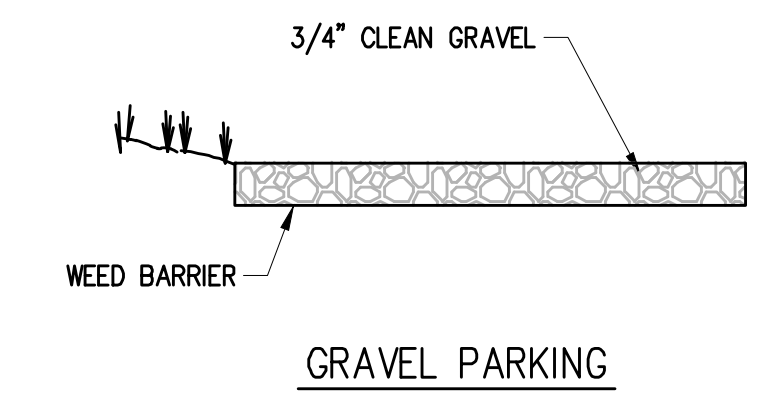
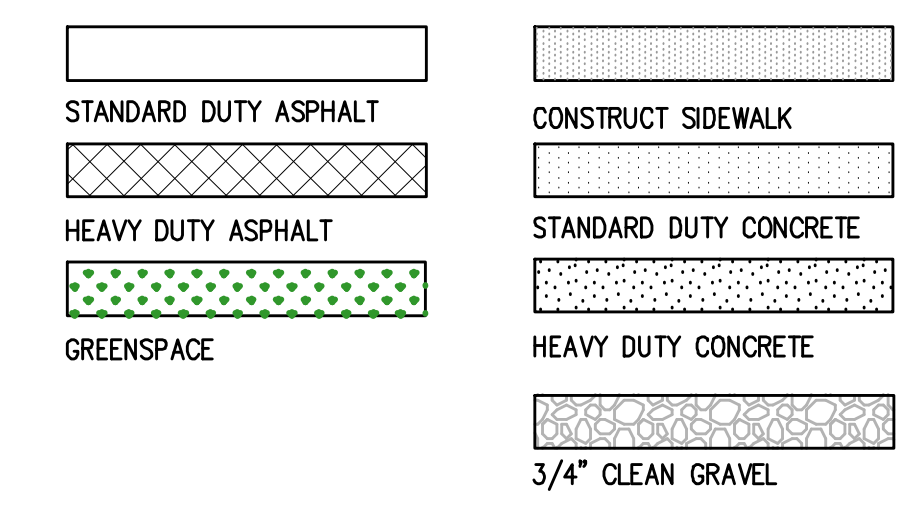
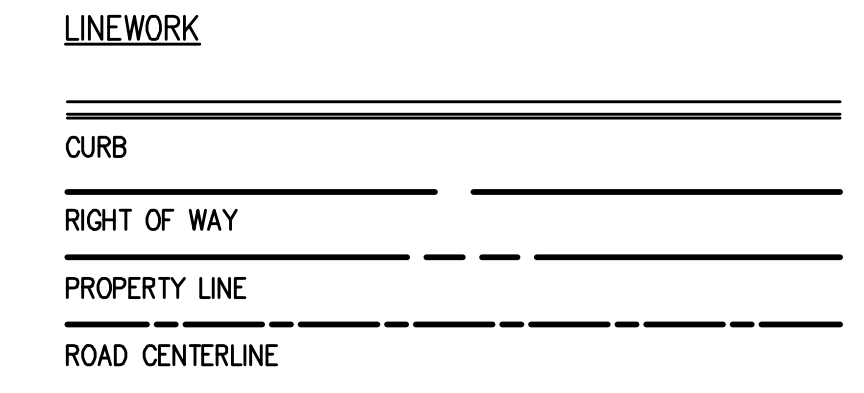
Taylor Lindley, P.E.



LEGEND (EXISTING SYMBOLS)



LEGEND (CONSTRUCT)



OZ TRAILS BIKE PARK
BELLA VISTA, AR

Key Plan

No.	Description	Date

This document, and the ideas and designs incorporated herein, as an instrument of professional service, is the property of Crafton, Tull & Associates, Inc., and is not to be used, in whole or in part, for any other project, without the written authorization of Crafton, Tull & Associates, Inc.

PROJECT NO: 24112200
ISSUE DATE: 12/27/24
CONTACT: T. LINDLEY
DATE: 12/27/24
DATE: 12/27/24

FOR CONSTRUCTION
FOR CONSTRUCTION
FOR CONSTRUCTION

THIS DOCUMENT IS PRELIMINARY IN NATURE AND IS NOT A FINAL, SIGNED AND SEALED DOCUMENT

PRELIMINARY PLANS

© 2025 Crafton, Tull & Associates, Inc.

PAVING PLAN (C)

C-114



Meeting Information:
 2483 Forest Hills Blvd
 March 10, 2025 at 4:30 pm
Reviewer:
 Conner LaRue,
 Planner

Property Description

This property is located in eastern Bella Vista, near the Metfield Clubhouse, on Parcel #16-30060-000. Lot 9, Block 3 of the Sunderland Subdivision.

Regulation

Zoning Code Sec. 109-75(3)(c) requires a minimum side setback of 7.5 feet established parallel to side property lines, unless otherwise platted.

Request

The applicant is requesting a variance of the side setbacks to build a single-family home on an existing foundation.

Background

Constructed prior to 2007, the previous three-bedroom home at this site was destroyed by fire in October of 2022. Demolition began in March the following year, leaving only the foundation. Per Code Section 109-132, the owner had one year to rebuild in order to maintain non-conforming status. That status has since been lost.

The new proposal includes a new three-bedroom home that would reuse the foundation. However, this would locate the eaves at the front corners of the house over the side setback.

Swallow Ln is a dead-end cul-de-sac labeled as a residential street per the Master Street Plan and is within a neighborhood area.

Staff finds the fire disaster is not of the applicant's actions and provides a hardship for development. Reconstruction of a single-family home, keeping the same foundation footprint, aligns with the spirit and intent of the R-1 District.

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, February 19, 2025 and posted the public hearing sign on the subject property on Friday, February 28, 2025.

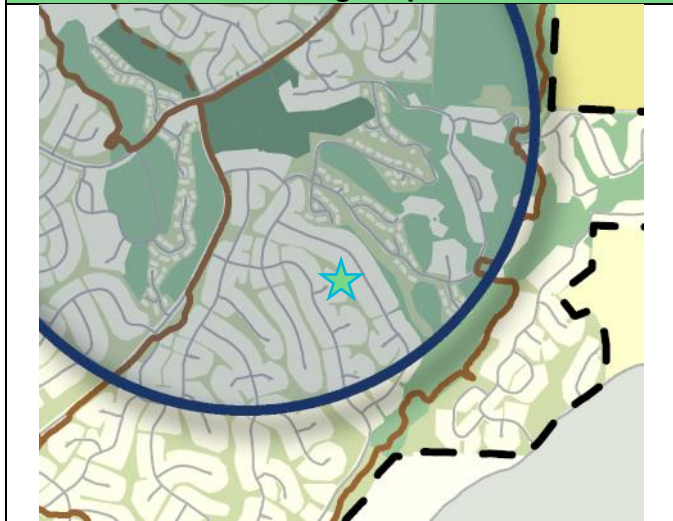
Recommendation

Staff is recommending approval based on the analysis above.

Project Number	ZVR-2025-57690
Applicant	Chandler Bray
Address/Location	5 Swallow Ln
Current Zoning	R-1 Single Family Residential
Site Area	.33 acres
Nature of Request	Seeking a variance on Sec. 109-75(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.

February 4, 2025

City of Bella Vista
Planning Commission
101 Town Center
P.O. Box 5655
Bella Vista, Arkansas 72714

Re: Variance Request for 5 Swallow Lane, Bella Vista, AR

Dear Planning Commission:

On behalf of our client, Palisades Construction, we submit this letter in support of its application for a variance related to the property located at 5 Swallow Lane, Bella Vista, Arkansas. Specifically, the variance request is related to two alleged issues:

1. The location of the eave overhang on the proposed home, which encroaches 0.95 feet into the required 7.5-foot setback; and
2. The location of the existing driveway, which is also within the setback.

We would like to provide the Commission with the relevant background to clarify the circumstances leading to this request. Our client purchased the property on January 12, 2023, following a fire on October 18, 2022, that caused significant damage to the home. Our client obtained a demolition permit on March 31, 2023, and the remains of the fire-damaged home were removed within the following ten days.

The property was originally built on a foundation that remains structurally sound and suitable for reconstruction. *See enclosed Foundation Inspection.* As such, on or around July 22, 2024, our client applied for an improvements permit to rebuild on this foundation. However, the permit was denied, citing Section 109-132 of the Bella Vista Code of Ordinances. As you know, this section allows for the reconstruction of a nonconforming structure if the work is commenced within six months and completed within one year of the date that the damage occurred. Unfortunately, our client was unable to meet this deadline due to unforeseen circumstances.

After the fire, our client faced significant delay in obtaining the original building plans from the Architectural Control Committee (ACC). Upon receipt of the building plans, it was discovered that the plans were incomplete and could not be utilized, which necessitated the need for hiring an architectural firm to create new plans that aligned with the foundation. These delays prevented timely compliance with Section 109-132. As a result, the City has classified this project as a new build and has identified two setback issues: the eave overhang and the driveway.

Eave Overhang

As mentioned, the eave overhang encroaches 0.95 feet into the required 7.5-foot setback. In accordance with Section 109-42(d)(1), Palisades Construction is able to demonstrate the following, warranting the granting of this variance request:

(A) Strict enforcement of the zoning ordinance would cause undue hardship due to circumstances unique to the property.

The undue hardship arises from the property's unique combination of factors, including the preexisting foundation constraints. The foundation was originally constructed in compliance with the applicable codes at that time. Following the fire, an engineering evaluation confirmed that the foundation remained structurally sound and was fit for rebuilding.

The encroachment results from the dimensions of the original foundation, which remains unchanged. Modifying the design to meet the setback would require significant structural adjustments and potentially compromise the utility of the home. Palisades Construction exercised reasonable diligence in attempting to comply with the timing requirements set forth in Section 109-132; however, despite these efforts, unavoidable delays in obtaining and reconstructing the necessary building plans made strict compliance an impossible task. Given these good-faith efforts, our client should not be barred from utilizing the provisions of the Code that would deem this project a reconstruction project merely due to circumstances beyond its control that prevented adherence to the very tight prescribed timeline.

(B) The unique circumstances do not result from the applicant's actions.

The foundation was lawfully established when the home was originally constructed in 2004. Our client is rebuilding in reliance on this preexisting structure, which dictates the placement of the eave overhang.

(C) Granting the variance is in keeping with the spirit and intent of the zoning ordinance.

The encroachment is minimal (less than a foot) and does not adversely affect neighboring properties or the community in any way. Granting this variance ensures continuity with the property's historical layout while adhering to modern building standards.

Driveway

The driveway predates the fire and was not affected by the fire. It is located within an easement owned by Cooper Communities, which has already advised that it has no objection to the driveway's current location. Our position is that no variance is necessary with regard to the driveway because the driveway qualifies as a preexisting legal nonconforming use under the following provisions:

MILLER | SCHNEIDER PAWLIK ROZZELL BUTLER

Andrew R. Miller*
Stephen W. Butler*
Mary M. White Schneider
Kristin L. Pawlik
George M. Rozzell
John E. Baureis
Victoria Hargis Bruton
Jenna Fogleman Saifi**

Maggie Geren Hurt
Alicia Canfield Lewis**
Chandler N. Bray
Kate Rideout Hill
David W. Lee
Ryan R. Jackson

*Also Licensed in MO
**Also Licensed in OK

- Section 109-126(a), which permits the continuation of any lawfully established nonconforming use or structure.
- Section 109-129, which allows subsequent purchasers to continue a preexisting legal nonconforming use.

Under these two provisions, the location and use of the driveway, being legally established and remaining unchanged, make it a grandfathered nonconforming use.

However, should the Planning Commission find that a variance is required, we submit the following, in accordance with Section 109-42(d)(1):

(A) Strict enforcement would cause undue hardship due to unique circumstances.

The driveway is essential for access to the property. Relocating the driveway would be prohibitively expensive and logistically challenging. Again, Palisades Construction exercised reasonable diligence and put forth good faith efforts to comply with all Code provisions, and was only prevented from such compliance due to circumstances beyond its control.

(B) The unique circumstances do not result from the applicant's actions.

The driveway's location has remained unchanged since the property's original development.

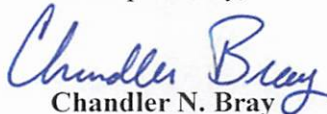
(C) Granting the variance aligns with the spirit and intent of the ordinance.

The driveway does not interfere with neighboring properties or pose any safety concerns whatsoever. Its location within the easement, with the easement owner's consent, further supports the reasonableness of allowing it to remain.

We respectfully request that the City approve this variance to allow our client to proceed with rebuilding the home. The request is in keeping with the City's zoning ordinances' spirit and intent and are supported by unique circumstances beyond Palisades Construction's control.

Thank you for your time and consideration. Please do not hesitate to contact us should you need any additional information.

Respectfully,


Chandler N. Bray
Attorney at Law
MILLER | BUTLER

224 S. 2nd St.
Rogers, AR 72756
479-621-0006

www.arkattorneys.com

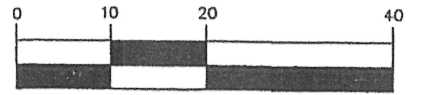
323 W. Spring St.
Fayetteville, AR 72701
479-935-4995

TYPE, OR LOCATION OF ANY IMPROVEMENTS WHICH MAY BE CONSTRUCTED.

0.32 ACRES ±

LEGEND

- FIP FOUND IRON PIN
- SIP SET IRON PIN
- ⊙ PT PERC TEST HOLE
- △ TEMPORARY BENCHMARK ASSUMED ELEV.= 110.00 (TOP OF IRON PIN)
- ⊙ W PROPOSED WATER SOURCE
- POL POINT ON LINE
- BOUNDARY LINE
- - - BUILDING SETBACK LINE
- - - 7.5' UTILITY & DRAINAGE EASEMENT
- (xxx.xx') RECORD DISTANCE WHEN MEASURED DIFFERS
- TP TEST PIT
- - - FLOW LINE



GRAPHIC SCALE (IN FEET)
1 inch = 20 ft.



SURVEYOR'S DECLARATION:

I HEREBY DECLARE THAT I HAVE COMPLETED A SURVEY ON THE HEREON DESCRIBED PROPERTY. CORNER MONUMENTS WERE FOUND OR SET AS SHOWN TO THE BEST OF MY KNOWLEDGE AND ABILITY.

9/29/03
DATE

9253

BOUNDARY SURVEY & PLOT PLAN
for BUCHANAN SERVICES, INC.
LOT 9, BLOCK 3
SUNDERLAND SUBDIVISION (150)
BELLA VISTA, ARKANSAS

Costello Land Surveying
R.R. 1 BOX 1142
PINEVILLE, MO. 64856
(417) 226-4524

JOB NO. 3120 DATE: 09-29-03
SHEET 1 OF 1 DRAWING: SUN



LOT 8
(NO HOUSE)

LOT 10

COMMON PROPERTIES

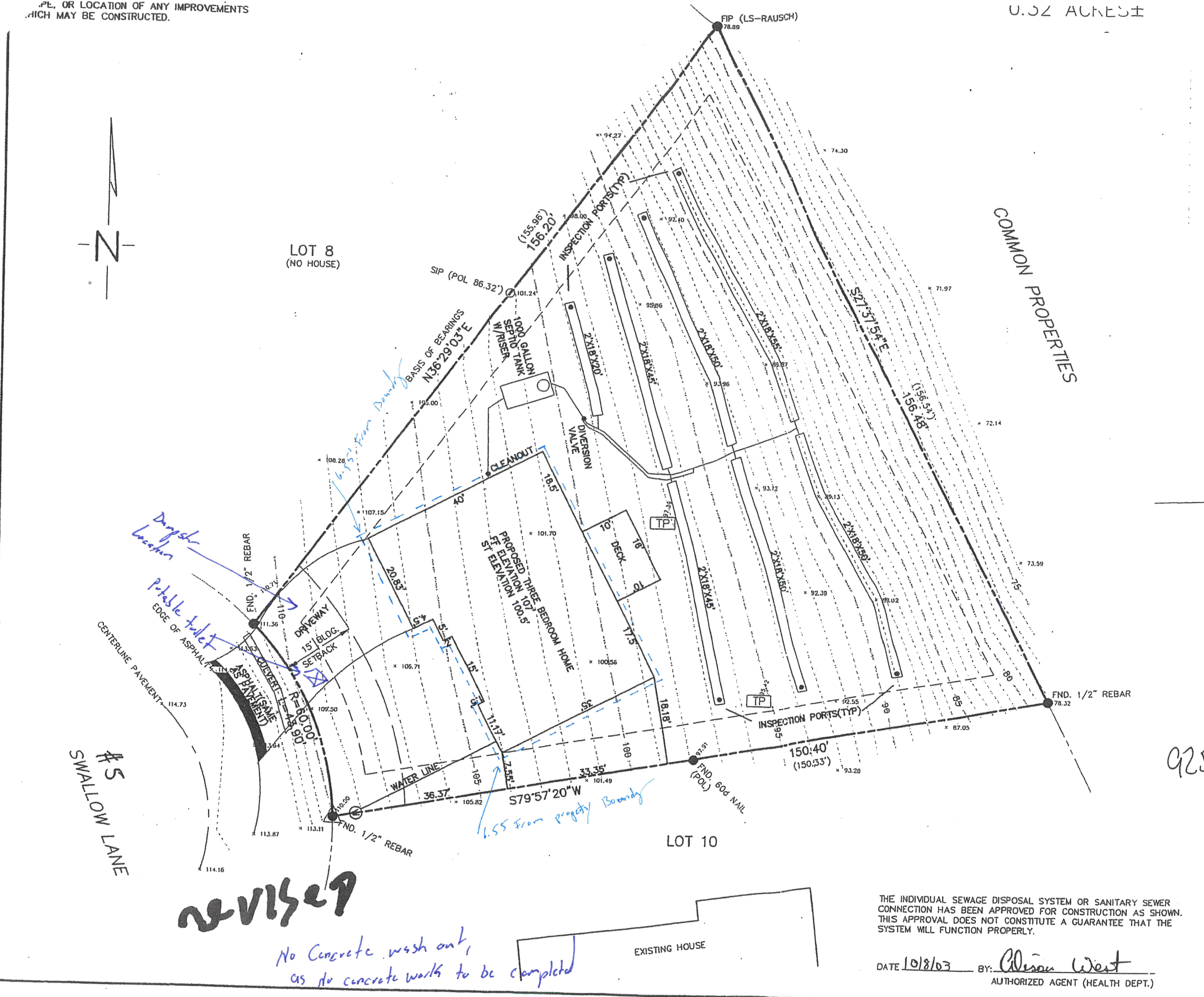
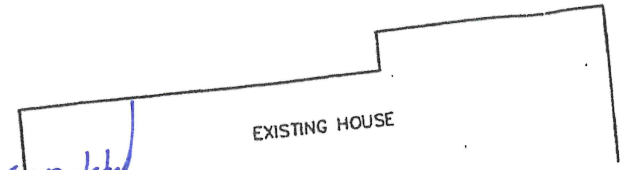
#5
SMALLOW LANE

REVISED

No concrete wash out,
as no concrete work to be completed

THE INDIVIDUAL SEWAGE DISPOSAL SYSTEM OR SANITARY SEWER CONNECTION HAS BEEN APPROVED FOR CONSTRUCTION AS SHOWN. THIS APPROVAL DOES NOT CONSTITUTE A GUARANTEE THAT THE SYSTEM WILL FUNCTION PROPERLY.

DATE 10/8/03 BY: Alison West
AUTHORIZED AGENT (HEALTH DEPT.)



Gregory L. Bone, PE

Civil & Structural Engineering

January 21, 2024

Eric Waggoner
Palisades Construction, LLC
3818 Palisades Circle
Bentonville, Arkansas 72712

Re: Foundation Inspection
5 Swallow Lane
Bella Vista, Arkansas

Eric,

A site inspection of the subject property was performed on January 19th, 2024. The purpose of the inspection was to determine the condition and suitability of the existing foundations for new construction. Please refer to the attached photographs for more detail.

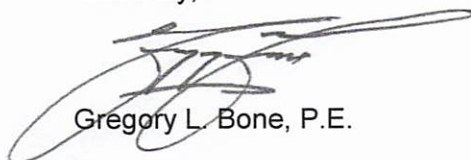
- Foundation Condition and Recommendations: The existing foundations appear in fair structural condition and have not suffered adversely from the fire that destroyed the original home. The concrete masonry unit (CMU) foundation walls remain plumb, square and intact. Review of the proposed building plans indicates the footprint and bearing lines of new construction are to remain essentially unchanged from the original. The existing foundations are therefore considered acceptable based on their condition and historic performance.

Surface defects consisting of stains and fine cracks do appear that are the result of age and exposure rather than to heat of the house fire. Old sill plates and anchor bolts that remain connected to existing foundations and slabs should be removed and replaced with new materials. Surface stains can be cleaned with mild detergent and minor fractures can be repaired with a two-part epoxy adhesive such as PC-Concrete, Sika AnchorFix or Quikrete FastSet.

As the degree and condition of existing exterior waterproofing is unknown, interior surface waterproofing of basement walls and or a membrane and collection system are recommended for protection of living spaces.

Feel free to contact me with any questions you may have about the condition of the foundation walls or their suitability for the new construction.

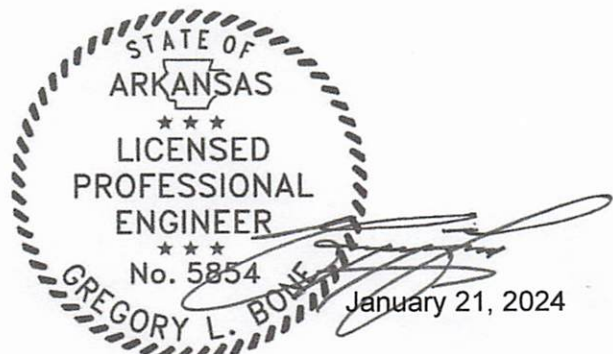
Sincerely,



Gregory L. Bone, P.E.

GLB/gb

Enclosures: Photographs



11022 Timarron Drive

(479) 903-2686

Bentonville, Arkansas 72712



(Above / Below) CMU foundation (8'-0" Ht) walls remain plumb, straight and intact and were not adversely damaged by fire. The foundations are suitable for support of the proposed new residence plan. Old wood plates and anchor bolts should be fully removed and replaced with new materials.





(Above / Below) Lower level CMU foundation (6'-0" Ht.) walls supporting backfilled slabs exhibit minor stains and drying shrinkage cracks that result from age and normal drying shrinkage. Walls can be cleaned with mild detergent and fractures repaired with epoxy adhesive.





Meeting Information:
 2483 Forest Hills Blvd
 March 10, 2025 at 4:30 pm
Reviewer:
 Christopher Hyatt
 Senior Planner

Property Description

The subject parcel 16-24926-000 is Lot 7, Block 1 of the Quantock Hills Subdivision (+/- 0.37 acres).

Regulation

Zoning Code Sec. 109-75 (3)(c) requires a side setback of seven and one-half feet along side property lines, unless otherwise stated on the subdivision plat.

Request

The applicant is requesting a variance on the subject zoning code for a proposed single-family custom home, reducing the platted setback from 20 feet down to 10 feet.

Background

The subject lot is located in a residential neighborhood surrounded by R-1 lots and Common Property. Carn Forth Lane is a non-classified street per our Master Street Plan. Per the Plat, it appears Cooper Communities set aside a strip of land to the west of the lot that may have been intended for a future street. A 20-foot setback was platted along the west side of the applicant's property, likely in relation to a planned street that was never built. The City of Bella Vista does not recognize this strip within its Master Street Plan and the 20-foot setback far exceeds our minimum 7.5-foot side setback requirement. Even if it was a street, the zoning code would only require a 15' side right of way setback—not 20'. A 10-foot setback would provide additional room to accommodate a septic system. Staff finds that the unique, historical platting of the adjacent lot is not of the applicant's doing nor is the extreme narrowness of the lot and the 20' interior side setback is providing an unusual hardship for development within this zoning district. The use proposed is aligned with the zoning district and the request for a 10' side setback is aligned with the R-1 setbacks. The applicant has proposed a custom design to meet the unique shape and narrowness of this lot.

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, February 19, 2025 and posted the public hearing sign on the subject property on Friday, February 28, 2025.

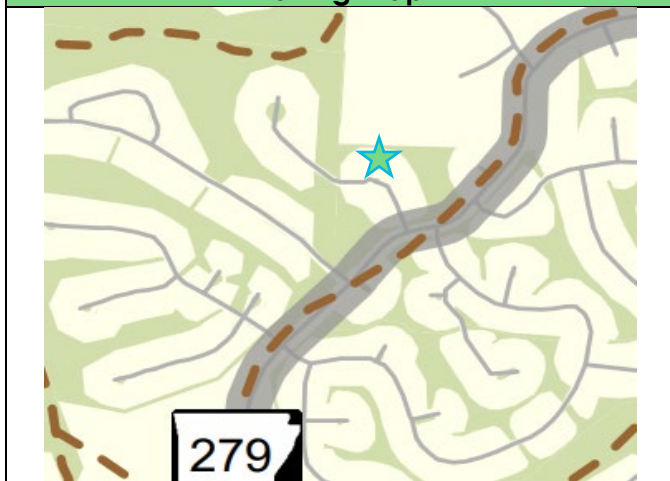
Recommendation

Due to the analysis above, Staff recommends approval of this request.

Project Number	ZVR-2025-57691
Applicant	Matt Sanders
Address/Location	10 Carn Forth Lane
Current Zoning	R-1 Single-Family Residential
Site Area	+/- 0.37 acres
Nature of Request	Variance from Section 109-75 side setback requirements.



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.

City of Bella Vista, Arkansas

Planning commission of Board of Zoning Adjustment

101 Town Center

PO Box 5655

Bella Vista, AR, 72714

Dear Members,

We would respectfully request Consideration of a setback variance on the west property line of our property on Lot 7, block 1, Carn Forth Lane. Parcel #16-24926-000.

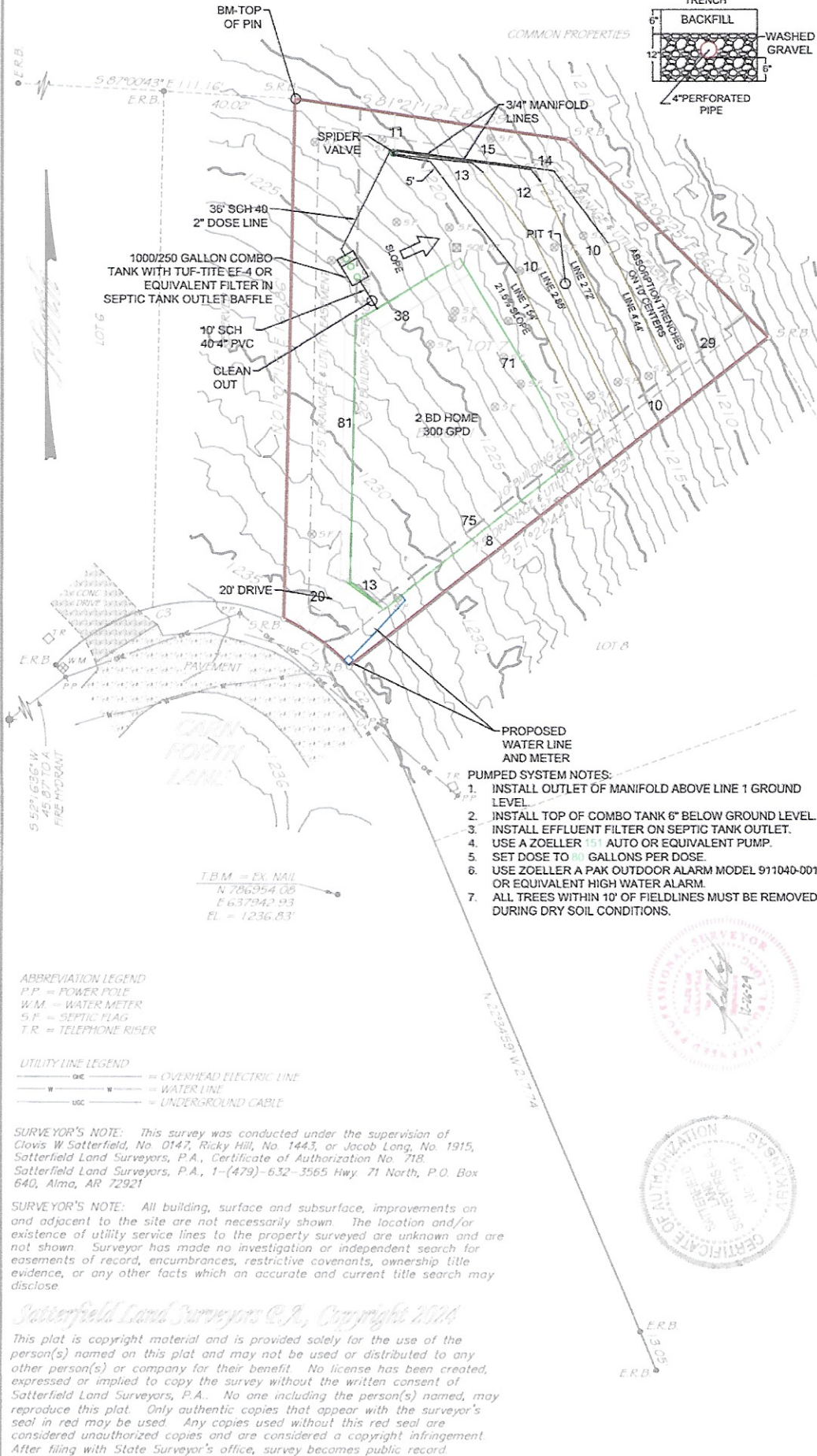
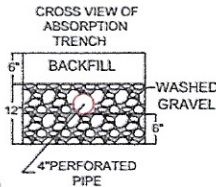
We have been in communication with Christopher Hyatt, Senior Planner, and he informed us that on the original development by Cooper Communities, there was a planned street which called for the existing 20' setback. But currently, the Master Street Plan does not recognize that strip as a future street. After meeting with our architect, we are having a hardship of a time designing the house we prefer due to the 20' setback and the sharpness and narrowness of the cul de sac curvature. Our architect has created a rendering of a design with a 10' setback, which is more universal, and I have included for reference. The 10' setback also gives more flexibility for our septic design as well. The 10' setback allows for a more attractive and spacious footprint to build upon. The setback would also give us more design flexibility and access to our new home while posing no issues to the original intent for the lot, the neighborhood or the community.

With this information presented, we respectfully request a setback variance from 20' down to 10' on the north side of our lot. With the shape of our lot, we would love to have all the space possible to build a home we can all be proud of. We welcome your feedback and thank you for your service.

Matthew and Leah Sanders

Owners

CURVE TABLE						
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	TANGENT
C1	60.00'	25.00'	24.84'	N 53°37'43" W	23°53'38"	12.70'
C2	60.00'	20.00'	19.91'	N 32°07'57" W	19°05'55"	10.09'
C3	60.00'	25.87'	20.92'	N 78°11'55" E	22°27'05"	43.95'



- PUMPED SYSTEM NOTES:**
1. INSTALL OUTLET OF MANIFOLD ABOVE LINE 1 GROUND LEVEL.
 2. INSTALL TOP OF COMBO TANK 6" BELOW GROUND LEVEL.
 3. INSTALL EFFLUENT FILTER ON SEPTIC TANK OUTLET.
 4. USE A ZOELLER 151 AUTO OR EQUIVALENT PUMP.
 5. SET DOSE TO 80 GALLONS PER DOSE.
 6. USE ZOELLER A PAK OUTDOOR ALARM MODEL 911040-001 OR EQUIVALENT HIGH WATER ALARM.
 7. ALL TREES WITHIN 10' OF FIELD LINES MUST BE REMOVED DURING DRY SOIL CONDITIONS.

ABBREVIATION LEGEND
 P.P. = POWER POLE
 W.M. = WATER METER
 S.F. = SEPTIC FLAG
 T.R. = TELEPHONE RISER

UTILITY LINE LEGEND
 — OE — = OVERHEAD ELECTRIC LINE
 — W — = WATER LINE
 — UC — = UNDERGROUND CABLE

SURVEYOR'S NOTE: This survey was conducted under the supervision of Clovis W Satterfield, No. 0147, Ricky Hill, No. 1443, or Jacob Long, No. 1915, Satterfield Land Surveyors, P.A., Certificate of Authorization No. 718, Satterfield Land Surveyors, P.A., 1-(479)-632-3565 Hwy 71 North, P.O. Box 640, Alma, AR 72921

SURVEYOR'S NOTE: All building, surface and subsurface, improvements on and adjacent to the site are not necessarily shown. The location and/or existence of utility service lines to the property surveyed are unknown and are not shown. 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 search may disclose.

Satterfield Land Surveyors P.A., Copyright 2014
 This plat is copyright material and is provided solely for the use of the person(s) named on this plat and may not be used or distributed to any other person(s) or company for their benefit. No license has been created, expressed or implied to copy the survey without the written consent of Satterfield Land Surveyors, P.A. No one including the person(s) named, may reproduce this plat. Only authentic copies that appear with the surveyor's seal in red may be used. Any copies used without this red seal are considered unauthorized copies and are considered a copyright infringement. After filing with State Surveyor's office, survey becomes public record.

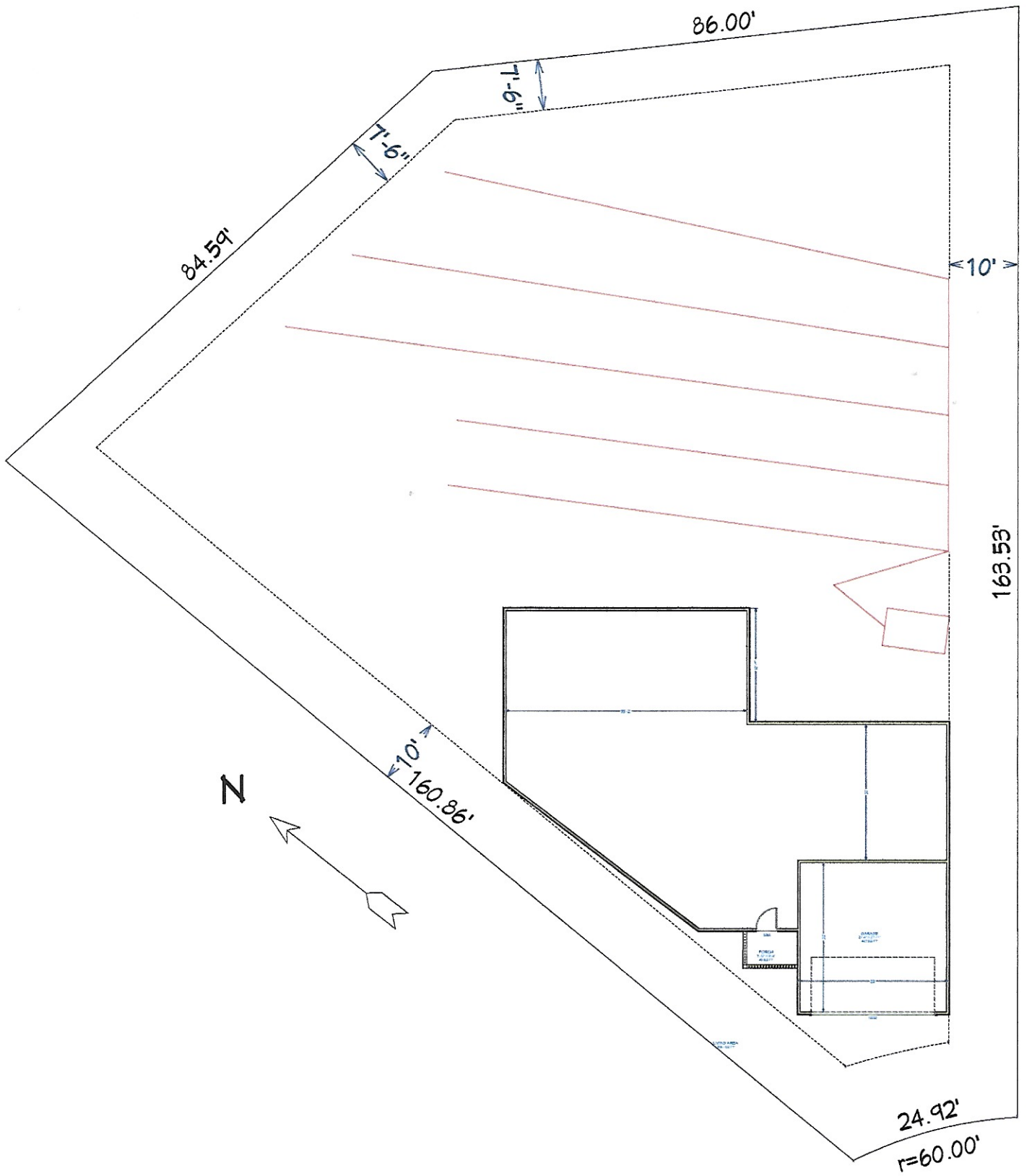
BRITTON COUNTY, ARKANSAS
 SURVEY OF
LOT 7, BLOCK 1, QUANTOCK HILLS SUBDIVISION
 TO THE TOWN OF BELLA VISTA, AR.
 FOR USE BY: MATT SANDERS
Satterfield Land Surveyors P.A.
 REG. ARK. & OKLA.
 1928 HWY. 71 NORTH, ALMA, ARK. - PHONE NO. (479) 632-3565
 FAX (479) 632-5002 - WEBSITE: <http://www.satterfieldpa.com>

SURVEYORS DISCLAIMER AND STATEMENT OF USE
 This survey was conducted by the written or verbal authorization of the person named as the buyer and/or Use by as shown on this plat. No one has the authority to use the data or legal description from this survey except those named or their agents and the survey is only certified to the date shown on this plat. This plat is protected by copyright and any person other than those named using or relying upon this plat will be held responsible. Satterfield Land Surveyors, P.A. will not be responsible or have any liability to any other person or company who uses this plat without written authorization. After filing with State Surveyor's office, survey becomes public record.

- LEGEND:**
- S.R.B. = SET 1/2" REBAR W/ CAP
 - E.P.A.M. = SET P.A.K. M.A.L.
 - S.F.A.K.S. = SET P.A.K. S.P.I.E.
 - S.F.A.K.S. = SET P.A.K. S.P.I.E.
 - E.P.A. = EXISTING REBAR
 - E.P.A. = EXISTING IRON PIPE
 - E.P.A.M. = EXISTING P.A.K. M.A.L.
 - E.P.A.M. = EXISTING P.A.K. M.A.L.
 - E.P.A.M. = EXISTING M.A.L.
 - E.P.A.M. = EXISTING M.A.L.
 - E.P.A.M. = EXISTING GOVERNMENT ADJOURNMENT
 - E.P.A.M. = EXISTING STATE ADJOURNMENT
 - E.P.A.M. = EXISTING P.W. MANNER
 - E.P.A.M. = EXISTING P.W. MANNER
 - C.C. = COMBUST POINT
 - P.C. = FENCE CORNER



REFERENCE GRID
 SURVEY REFERENCES
 BASIS OF BEARING
 ARKANSAS STATE PLANE COORDINATES GRID NORTH 1983.
 GRAPHIC SCALE 30'
 0 30' 60'





Meeting Information:
 2483 Forest Hills Blvd
 March 10, 2025 at 4:30 pm
Reviewer:
 Christopher Hyatt
 Senior Planner

Project Number	ZVR-2025-57530
Applicant	Civil & Environmental Consultants, Inc./Allied Services, LLC.
Address/Location	36 Bella Vista Way
Current Zoning	I-1 Light Industrial District
Site Area	+/- 9.66 acres
Nature of Request	Variances from Article VII: Landscaping, Screening, and Buffering and 109-105 Bicycle Parking Requirements

Property Description

The subject parcels, Lot 1, Block 1 of the Allied Subdivision, (+/- 5.00 acres) and a portion of Lot 3, Block 1 of the State Line Subdivision (+/-4.66), located along Bella Vista Way.

Regulation

Article VII: Landscaping, Screening, and Buffering ensures a minimum open space and area is established as an integral part of new development. Zoning Code Sec. 109-105 requires that bicycle parking be placed onsite in new development.

Request

The applicant is requesting variances from the subject ordinances for their proposed maintenance facility structure at the Republic Services property.

Background

Previously this site requested a similar variance from the Board of Zoning Adjustment with a different development proposal. The proposal has changed and thus the request has changed. They are returning now to seek variances for their current development plan.

The proposed 9.66-acre lot is zoned as I-1, Light Industrial and is surrounded by heavily wooded area. The future and use plan shows this property as a future park. Staff does not find this applicable. Previously, this site was served by an access easement which has been dedicated as public right of way via a recent plat. Bella Vista Way is a major arterial per the Master Street Plan. Staff finds it difficult to find the request meeting any development hardships or restraints as no attempt was made to meet the landscape, screening, or buffering ordinances and they are requesting a blanket variance of the entire article. Zero trees or shrubs are being proposed. Similar to this, staff is unsure of what the land or development constraint would be to provide a bike rack.

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, February 19, 2025 and posted the public hearing sign on the subject property on Friday, February 28, 2025.

Recommendation

Staff is recommending denial as the analysis did not find all three requirements to be met.



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;
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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.



January 17, 2025

Planning Commission
City of Bella Vista
612 W. Lancashire Blvd.
Bella Vista, AR 72714

Subject: Zoning Variance Request
Section 109, Article IV and VII
36 Bella Vista Way, Lot 4 Addition
Bella Vista, AR 72714
CEC Project 336-472

Dear Planning Commission:

The purpose of this letter is to request two (2) variances associated with the building expansion at the existing Solid Waste Transfer Station at 36 Bella Vista Way. The two (2) requests involve the following city codes in Chapter 109 – Zoning in the Code of Ordinances City of Bella Vista, Arkansas.

- 1) Article IV. - ‘Off-Street Parking and Loading’, Sec. 109-105. “Bicycle parking requirements”.
- 2) Article VII. – ‘Landscaping, Screening, and Buffering’. Sec. 109-211 thru 225.

Surrounding Area and History

The site is accessed off of Bella Vista Way, a side street off Interstate 71 at the very northern boundary of Benton County and sits ~530’ off the interstate. Although in 2022 of Bella Vista Way became public right-of-way the gravel roadway has remained unchanged.

The site shares access off Interstate 71 by way of Bella Vista Way with (1) the not-for-profit “Bella Vista Animal Shelter Inc” (staffed mostly by volunteers) and (2) a propane filling station “Anderson’s Propane”. The animal shelter has been operating for more than 25 years at this location and Anderson’s has been serving northern Arkansas for the past 30 years and as records indicate approx. twenty years in Bella Vista.

Contention

Sec. 109-105. Bicycle parking requirements. (a) When bicycle parking racks are required.

Republic Services operates a solid waste transfer station at this property and proposes to add a maintenance building to assist in servicing its fleet of vehicles. Although Republic is expanding their facilities with the addition of property for their new Maintenance Facility while providing adequate parking and loading, there is no public access to their facility and all neighboring residentially zoned districts are distant from and accessed off of Interstate 71. There is no access from the nearby residential properties through to this access road.

Sec. 109-211 thru 225 Landscape, Screening, and Buffering.

Between the interstate and this parcel there are over 4-acres of woodlands, and the site sits lower in elevation than the interstate by almost ten feet. The proposed maintenance building will sit approximately 810 feet from Interstate 71. Given the history, seclusion, and business longevity of this area it would place an undue hardship on not only the waste facility, but its neighbors should a landscape requirement be placed upon them both in upfront financial cost but the maintenance and care of these plants. It should also be noted that the business itself, be it an animal shelter or waste facility, is not conducive to maintain plants due to the nature of their business and the one-year guarantee on the health of the vegetative material would be cost prohibitive and impossible to sustain.

Conclusion

The general purpose of the city's Zoning ordinance is to develop and protect the various elements of the comprehensive plan which includes the land use plan, the subdivision regulations, the master street plan and other current and future elements of the regulations of the city. In doing so, the ordinance from which this chapter is derived promotes, in accordance with present and future needs, the safety, health, and general welfare of the citizens.

As such, the city "Encourage(s) the use of energy efficient, alternative modes of transportation". Alternative modes of transportation in the manner of requiring bicycle racks and bicycle transport is promoting an unsafe environment both into and within this facility. The bicycle accommodation

requirement for this solid waste transfer and maintenance facility for the city of Bella Vista at this location should be waived.

The city has also ventured to “ensure a minimum of open space and green area as an integral part of new development and to protect the health and welfare of its citizens” and “enhance the environmental and visual character of the community”. These entities serve the city and its residents and have chosen a remote area to do their work and support the community without undue hinderance. The landscape requirements for this waste transfer and maintenance facility for the city of Bella Vista at this location should be waived.

References: Exhibit A “Zoning Variance Request“
Exhibit B entitled “Landscape Variance Request: Photo Journal”

Very truly yours,

CIVIL & ENVIRONMENTAL CONSULTANTS, INC.



Dan Koziatek, PE
Principal



Cynthia A. Nagel
Project Manager



NORTH



Civil & Environmental Consultants, Inc.
3000 Little Hills Expressway · Suite 102 · St. Charles, MO 63301
Ph: 314.656.4566 · 866.250.3679 · Fax: 314.656.4595
www.cecinc.com

REPUBLIC SERVICES, INC.
TRANSFER STATION/MAINTENANCE FACILITY
36 BELLA VISTA WAY
BELLA VISTA, AR 72714

DRAWN BY: CAN CHECKED BY: DRK APPROVED BY: DRK
DATE: NOV. 2024 DWG SCALE: AS NOTED PROJECT NO: 336-472

ZONING VARIANCE REQUEST
* BICYCLE PARKING REQUIREMENTS
* LANDSCAPING, SCREENING, AND BUFFERING

EXHIBIT: **A**
SHEET 1 OF 1

NOTE: REFER TO EXHIBIT B: PHOTO JOURNAL FOR PHOTOS 1-4

4

3

1

2

ANDERSON'S PROPANE
CIRCA 2004

~7 ACRES WOODLAND

976

974

S 47°22'19" E
41.16'
N 28°59'19" E 233.53'
S 28°59'19" W 238.70'

~530'

~810'

982

988

988

980

978

976

972

974

970

OWNER/TEAM INFORMATION
CIVIL ENGINEER / SURVEYOR
CIVIL & ENVIRONMENTAL CONSULTANTS, INC.
3000 LITTLE HILLS EXPRESSWAY, SUITE 102
ST. CHARLES, MO 63301
PHONE: (314)-656-4566
OWNER
ALLIED SERVICES, LLC.
1220 S BROOKSIDE DR
INDEPENDENCE, MO 64052
CONTACT: DAVID SESTEK
PHONE: (620) 808-3403
OWNER UNDER CONTRACT
ALLIED SERVICES, LLC.
1220 S BROOKSIDE DR
INDEPENDENCE, MO 64052
CONTACT: DAVID SESTEK
PHONE: (620) 808-3403

REFERENCE
1. AERIAL IMAGERY AND PARCEL LINES FROM BENTON COUNTY GIS
@ <https://gis.bentoncountymissouri.gov/parcels/index.html>
DATED 2023
2. USGS CONTOURS OBTAINED FROM BENTON COUNTY GIS @
<https://gis.bentoncountymissouri.gov/downloads/index.html>
DATED 2017

BELLA VISTA ANIMAL SHELTER
CIRCA ~ 2001/2006

END OF ROADWAY/R.O.W.

N 62°20'57" E 179.42'
S 61°35'24" E 51.92'

LOT 1, BLOCK 1 OF ALLIED SUBDIVISION
PLAT 0088419
MP: ALLIED SERVICES LLC
BELLA VISTA, ARKANSAS 72714
APRIL 16-2008
TOTAL AREA 217,887 SQ. FEET ±
1.504 ACRES ±
ZONED H1 (LIGHT INDUSTRIAL DISTRICT)

REPUBLIC SERVICES
WASTE TRANSFER STATION
CIRCA ~ 2001

LOT 1, BLOCK 1
PLAT 0088419
MP: ALLIED SERVICES LLC
BELLA VISTA, ARKANSAS 72714
APRIL 16-2008

PROPOSED LOT TO BE
CONSOLIDATED
420,864 SQ. FT.
9.58 ACRES
(UNLESS SEPARATE
DOCUMENT, BY OTHERS)

PROPOSED MAINTENANCE
BUILDING
8,000 SQ. FT. (100' X 80')
NET OF GROUND FOOT ± 22' TO 14'
FF = 974.50

PROPOSED PARCEL
A PORTION OF LOT 1
PLAT AND LOTS 2-5
A PORTION OF THE 180,000 SQ. FT.
TOTAL AREA
203,877 ± SQUARE FEET OR 4.68 ± ACRES
VACANT LAND

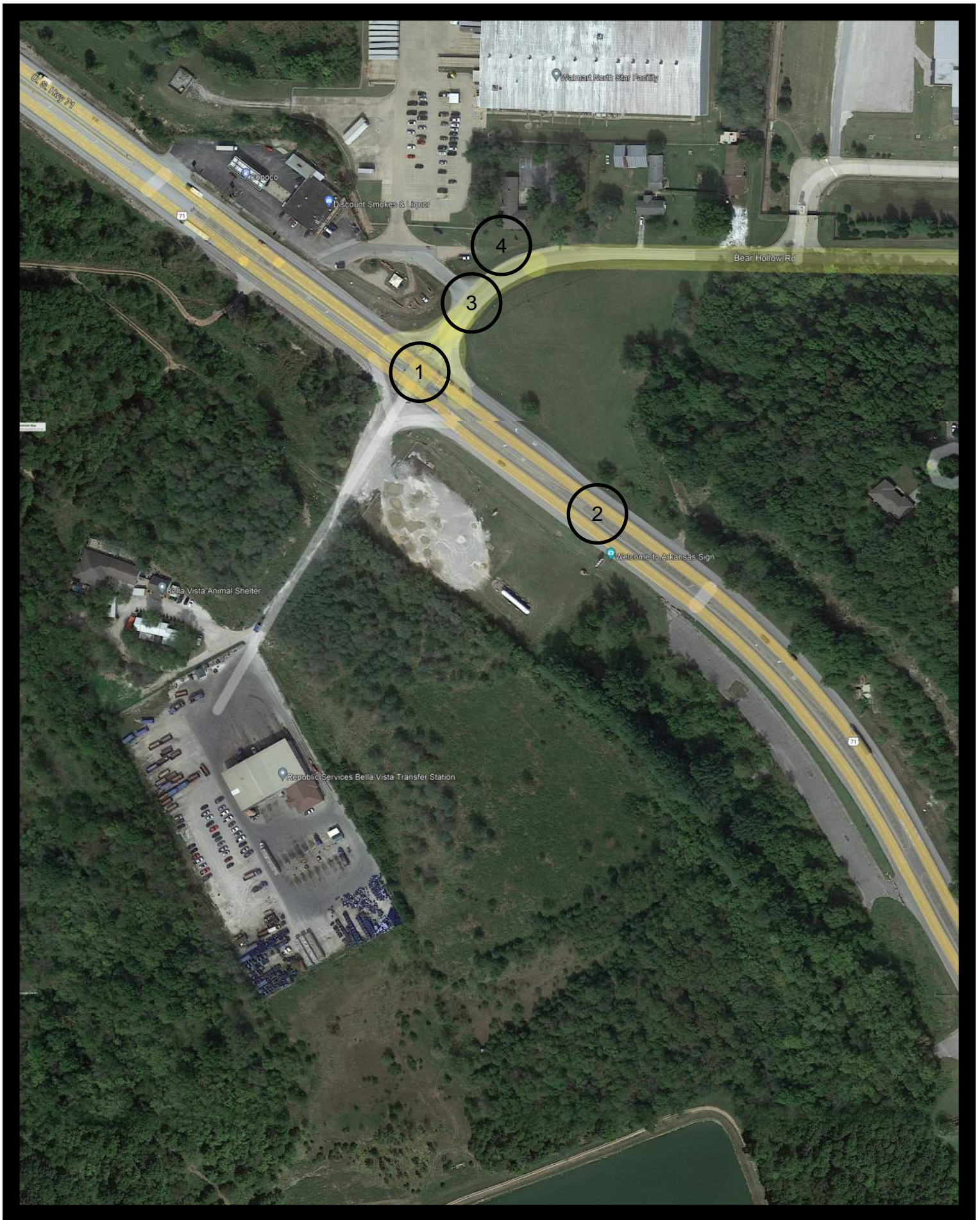
TRACT #1
PLAT #102-2008-0071
MP: CITY OF BELLA VISTA
7 CHARLES DR.
BELLA VISTA, AR 72714
APRIL 16-2007

A PORTION OF LOT 1
PLAT AND LOTS 2-5
MP: COOPER COMPANY
367 BELLA VISTA HWY
BELLA VISTA, AR 72714
APRIL 16-2008-0002

BASE OF MEASUREMENT
16.2234842 ± 800 SURVS. S
37.24556 ± 2000 SURVS. S

SCALE IN FEET
0 50 100

A:\L30-200-L36-472-000\DWG\L36-472-000.dwg - Nov Property L36472-000-000.dwg - 11/19/2024 2:27 PM



**LANSCAPE VARIANCE
REQUEST: PHOTO JOURNAL**

EXHIBIT B



I-71 intersection with Bella Vista Way, looking southwest towards site (behind the treeline)



I-71 just southeast of intersection with Bella Vista Way, looking southwest towards site (behind the treeline). Anderson's Propane in foreground.



Southbound on Bear Hollow Rd, looking at intersection with Interstate 71



On Bear Hollow Rd, looking at northwest towards Walmart facility just north of Interstate 71