



## Board of Zoning Adjustment Meeting Agenda

---

**Date:** Monday, May 12, 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. Regular Meeting Minutes - April 14, 2025

### IV. Unfinished Business

### V. New Business

A. **Public Hearing ZVR-2025-58765:** A variance request on the rear setback for a proposed room and deck addition at 56 McKenzie Drive; Parcel 16-16265-000; Applicant James Miller; Presented by Planner LaRue

### VI. Open Discussion

A. **ZVR-2025-58748:** The advertised public hearing for this variance request is no longer needed. Site has conformed with zoning setbacks and a variance is no longer applicable at 1 Winstone Lane; Parcel 16-16514-000; Applicant Peter Farmer; Presented by Director Robertson.

### VII. Announcements

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

## VIII. Adjournment



## Board of Zoning Adjustment Meeting Minutes

April 14, 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, Jack Wagnon, and Linda Lloyd.

Member Absent: None.

### III. CONSIDERATION OF MINUTES

A. *Board of Zoning Adjustment Meeting Minutes – March 10, 2025*

On a motion by Mr. Farner and a second by Ms. Klesen, the March 10, 2025 minutes were approved by voice vote.

### IV. UNFINISHED BUSINESS

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

1. Planner LaRue presented the staff report in the packet.
2. Alisha Lewis was present on behalf of Palisades Construction to answer questions and reiterate hardship.
3. A motion to approve the variance was made by Ms. Portillo and a second was made by Mr. Farner.

Doug Farner - Y  
JB Portillo - Y  
Jack Wagnon - Y  
Linda Lloyd - Y  
Gail Klesen - Y  
Clayton Sedberry - Y  
Daniel Ellis - Y

**Motion approved with seven yes votes (7-0)**

### V. NEW BUSINESS

**A. Public Hearing: ZVR-2025-58179: A variance request on the front building setback for a proposed single-family home at 5 Walney Drive; Parcel 16-25036-000; Applicant Cameron Hagen; Presented by Planner Grady**

1. Planner Grady presented the staff report in the packet.
2. Applicant Cameron Hagen was present to reiterate intent.
3. Chairman Ellis opened the public hearing.
4. Chairman Ellis closed the public hearing.
5. A motion to approve the variance was made by Mr. Farner and a second was made by Ms. Lloyd.

JB Portillo – Y

Jack Wagnon - Y

Linda Lloyd - Y

Gail Klesen - Y

Clayton Sedberry - N

Doug Farner - Y

Daniel Ellis – Y

**Motion approved with six yes votes, one no vote (6-1)**

**VI. OPEN DISCUSSION**

A. None.

**VII. ANNOUNCEMENTS**

A summary of upcoming meetings was announced.

**VIII. ADJOURNMENT**

Chairman Ellis adjourned the meeting at 4:37 pm.

SUBMITTED BY:

---

Sarah Costa, Office Manager  
City of Bella Vista

APPROVED AND ACCEPTED THIS 12<sup>TH</sup> DAY OF MAY, 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  
 May 12th, 2025 at 4:30 pm

**Reviewer:**

Conner LaRue,  
 Planner

Project Number	ZVR-2025-58765
Applicant	James Miller
Address/Location	56 McKenzie Dr.
Current Zoning	R-1 Single Family Residential
Site Area	.43 acres
Nature of Request	Seeking a variance on Sec. 109-75(3)(d)



Zoning Map



Future Land Use Plan

**Property Description**

This property is located in the northwest area of Bella Vista City Limits near Loch Lomond, and is located on Parcel #16-16265-000. Lot 1, Block 5. Kelaen Subdivision.

**Regulation**

Zoning Code Sec. 109-75(3)(d) requires a minimum rear setback of 15' from the rear property line, unless otherwise platted.

**Request**

The applicant is requesting a variance to accommodate a proposed rear deck.

**Background**

The applicant is requesting a variance of the rear R-1 building setback to accommodate a proposed deck and additional room for the existing home. The existing structure has three bedrooms and a large deck with a 2-bedroom septic system per the ADH permit on file with the county. ADH has provided that they have no comment since the fourth room is noted as an office. *Staff note: should this office be converted to a sleeping room in the future, this home would have **half the septic needed**.* This proposed fourth room addition will be replacing the current deck and will locate a 4' portion of the new deck inside the setback. There is no encroachment of any drainage/utility easements which are privately overseen. McKenzie Drive is labeled as a residential unclassified street per the Master Street Plan and is designated as a neighborhood area per the Future Land Use Plan.

Staff finds that the land is already being adequately used as a single-family dwelling as the R-1 zone intends with a 3-bedroom home. The 10'x 24' deck only encroaches a portion of the rear setback by 4' at the greatest point and could potentially be reduced to provide a deck without a variance. Due to this, Staff does not find a hardship of the land limiting the single-family use of this lot.

**Public Comment**

Public comment received are attached to report.

**Legal Notifications**

Staff published a legal ad notifying the public of this hearing in the *Weekly Vista* on Wednesday, April 23<sup>rd</sup>, 2025 and posted the public hearing sign on the subject property on Friday, April 25<sup>th</sup>, 2025.

**Recommendation**

Staff recommends denial of this request due to the analysis above.

**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.



Valiant Home Additions  
2401 S. Maestri Road  
Tontitown, AR 72762  
office@valiantnwa.com

Dear Members of the Bella Vista Planning Commission,

I'm reaching out on behalf of my clients to request a variance for a small addition and new deck at their home located at 56 McKenzie Drive.

The project includes turning the existing deck into a small home office and building a new deck next to it. Because the rear property line angles inward, a corner of the planned deck will extend into the utility and drainage easement at the back of the lot. This easement runs along a steep drop-off — roughly 75 feet down to the adjacent golf course — and doesn't appear to contain any utilities in the area where the encroachment would happen. There are also no backyard neighbors on that side, so the proposed design won't affect any nearby homes.

The new office space is important for the homeowners, as they both work remotely full-time and need a quiet place to work from home. Converting the existing deck into an office makes the most sense with how the house is laid out — it's really the only spot that flows well with the current design. To make sure they still have some outdoor space to enjoy, they're planning to build a new deck right next to the addition, in roughly the same footprint.

We're requesting the variance because the unique shape and slope of the lot create a real challenge when it comes to making use of the backyard. The angled property line and steep cliff face leave very few options for adding onto the home. This situation isn't unusual for the area — it appears that several of the neighboring homes have also extended decks or structures into the easement for the same reasons. What we're proposing is in line with that pattern and doesn't take away from the neighborhood or impact drainage or utility access.

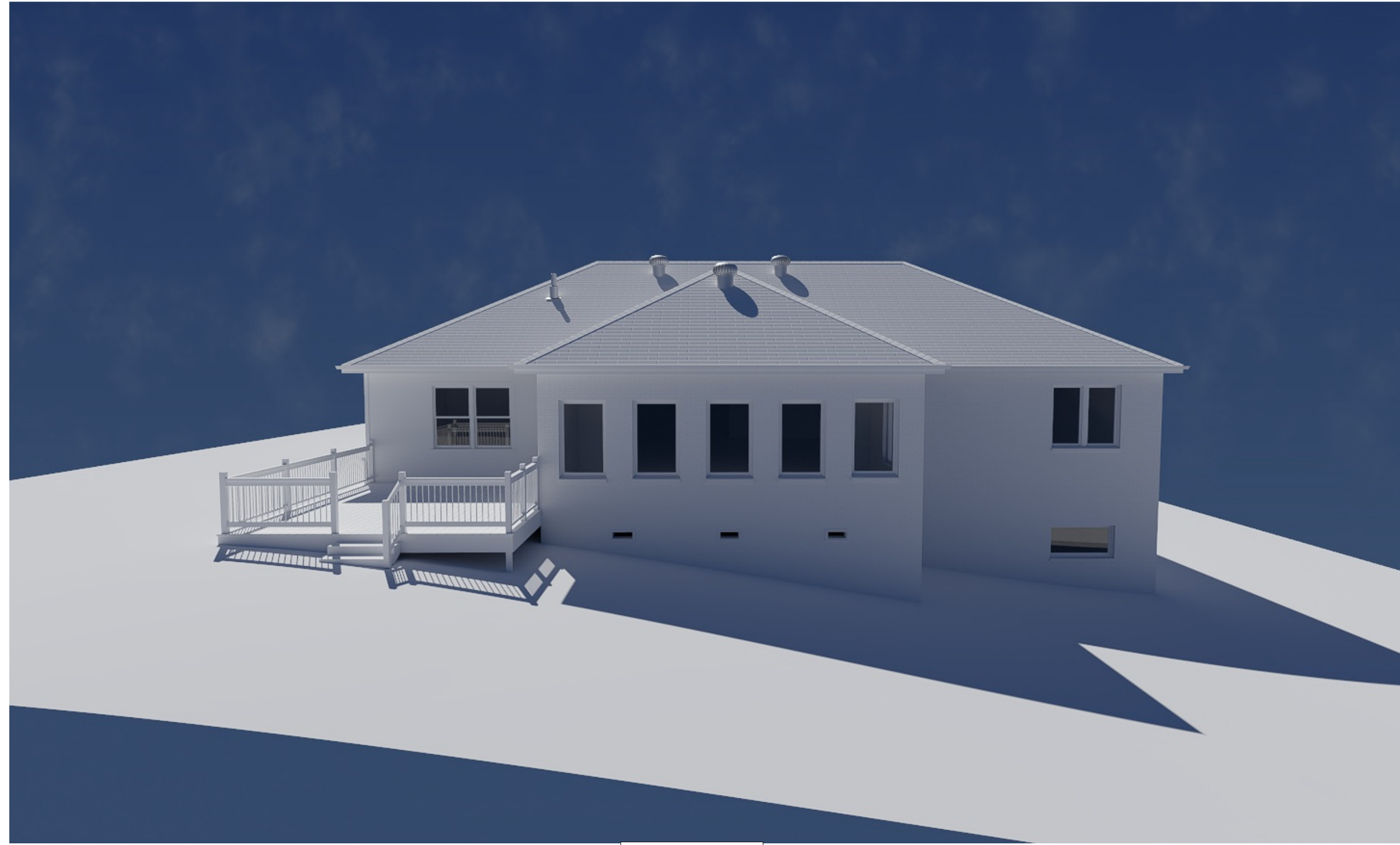
We've been careful with the design to make sure it fits in with the home and neighborhood, and we're confident it won't create any issues for nearby properties. The goal is simply to make the best use of the space my clients have, given the lot's limitations.

Thanks very much for your time and consideration. We're looking forward to meeting with you at the upcoming planning commission meeting to talk through the project and answer any questions.

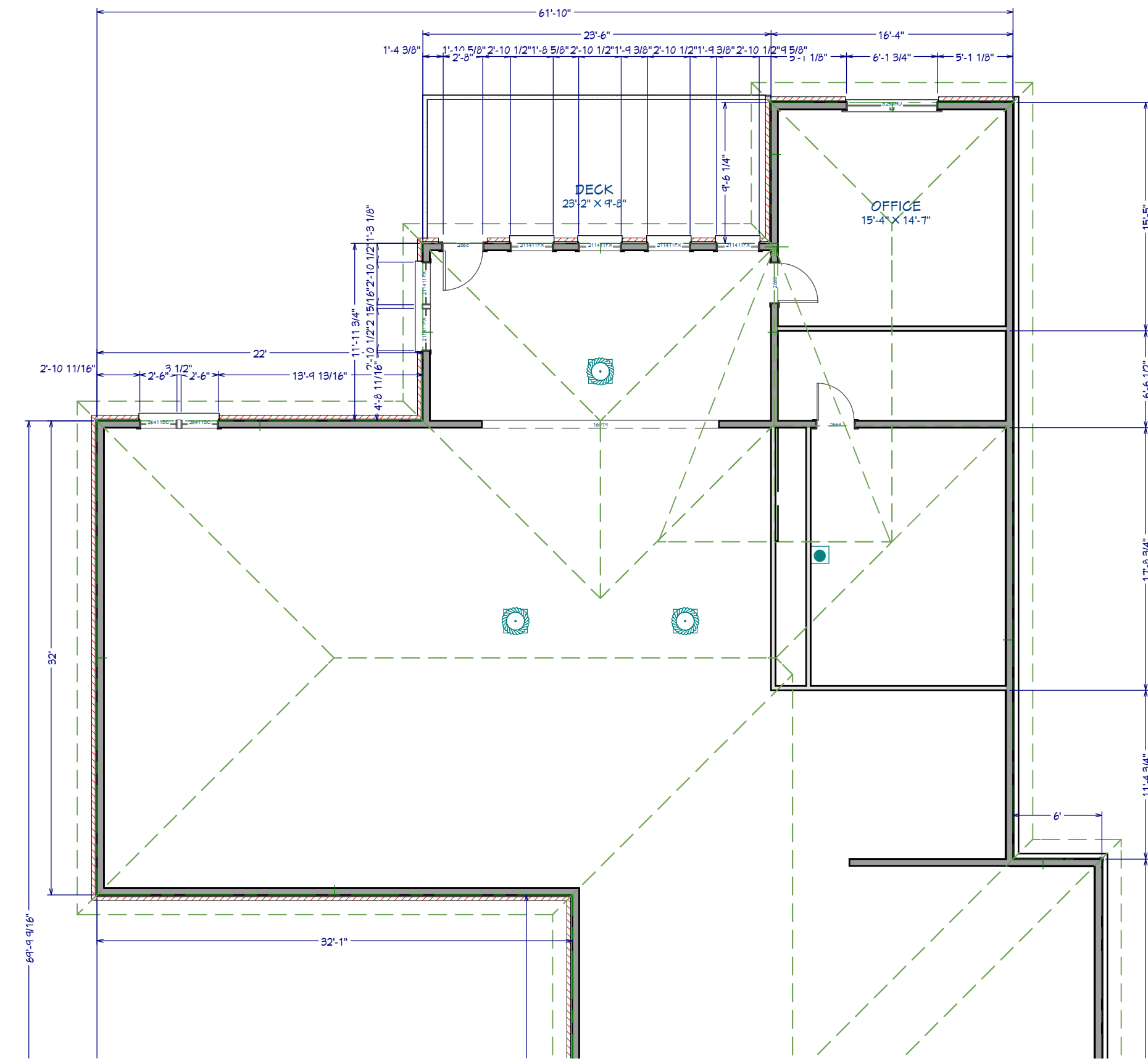
Sincerely,

James Miller

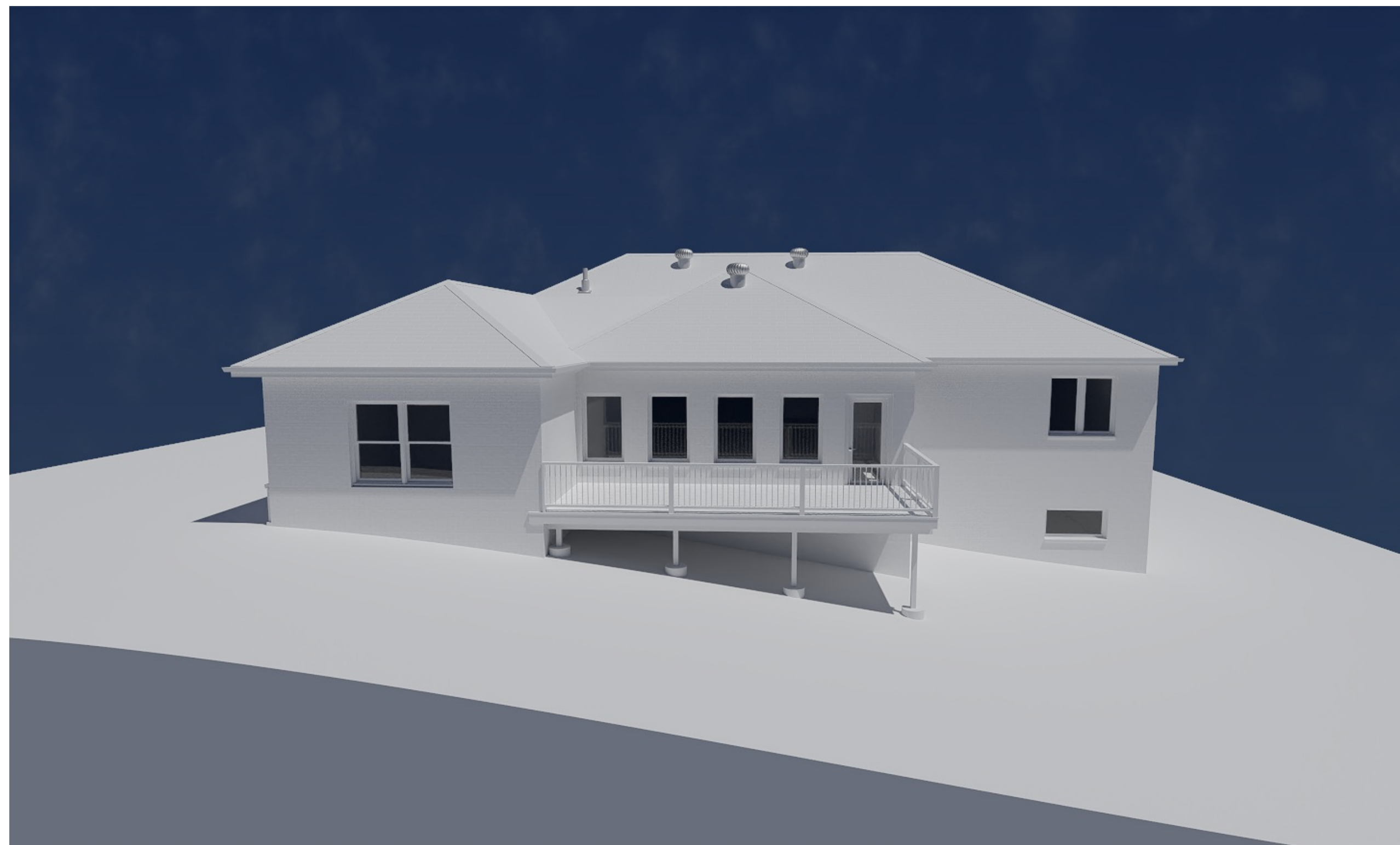
CEO of Valiant Home Additions  
On behalf of Ryan and Ashley Marmet



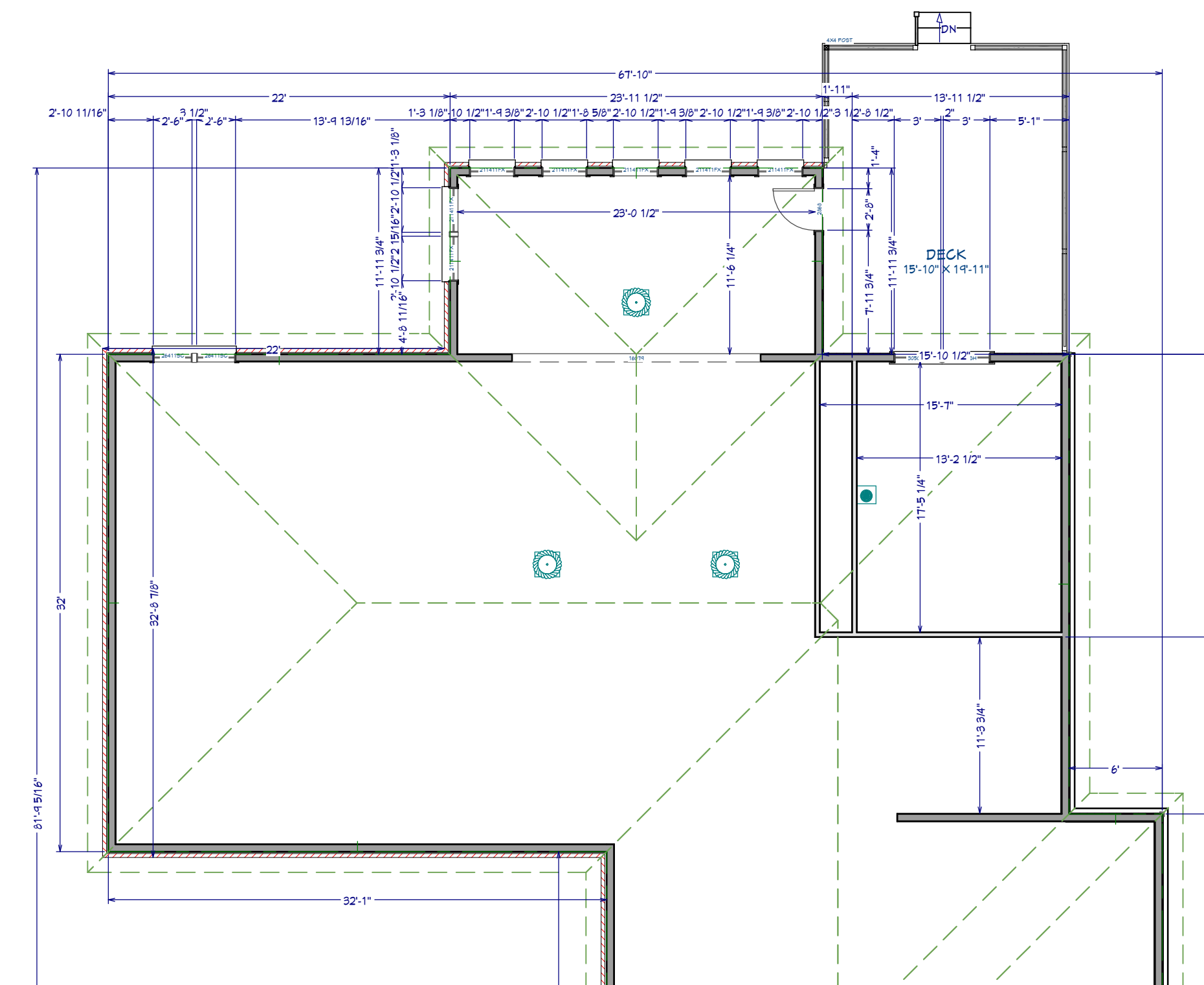
EXISTING



EXISTING

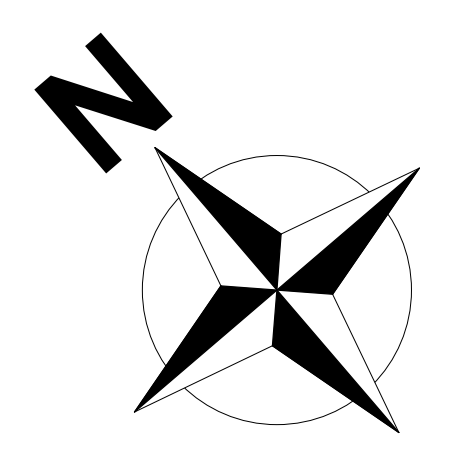
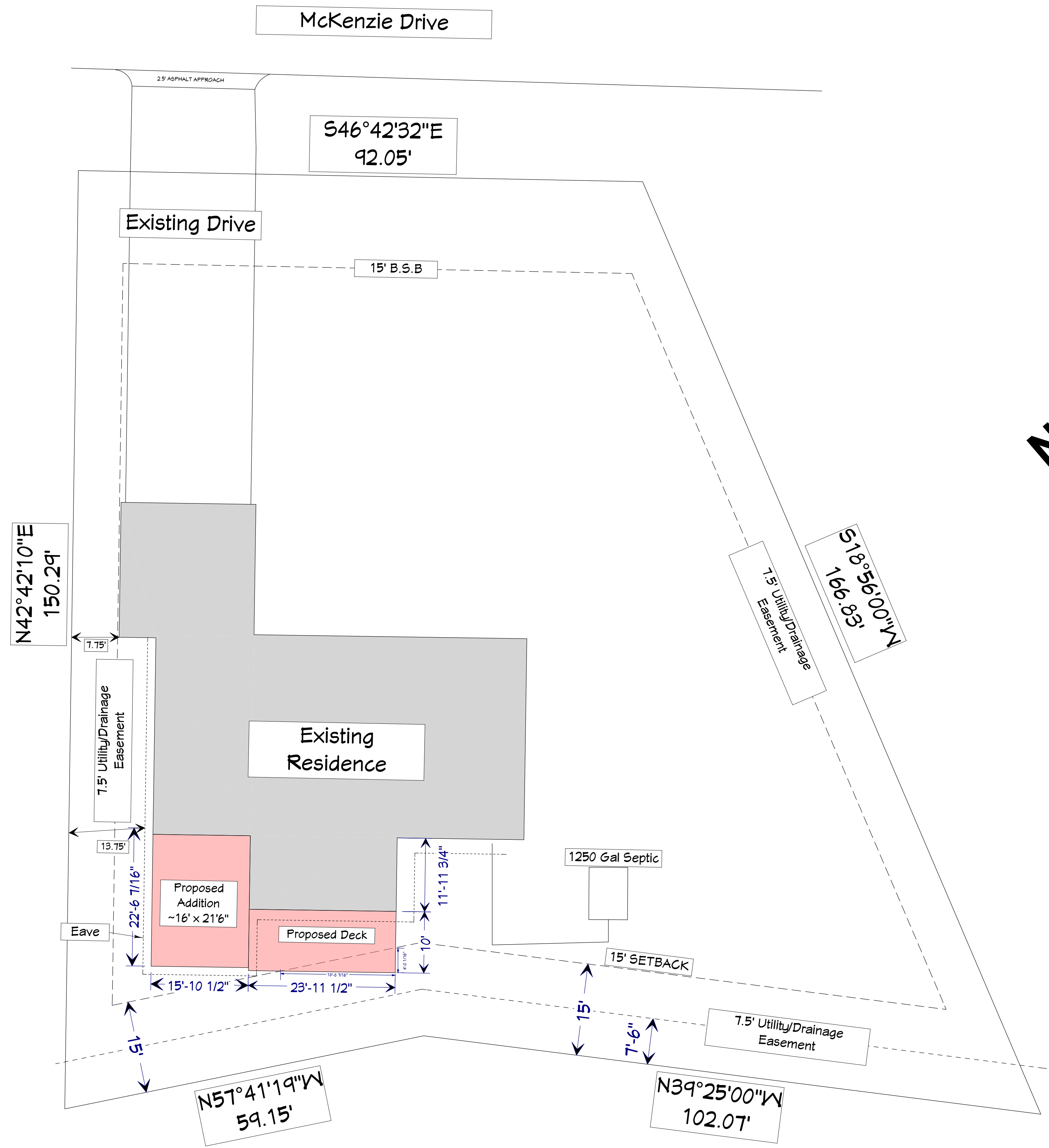


PROPOSED



PROPOSED

Layout Page Table	
Label	Title
1	Project Summary
2	Site Plan

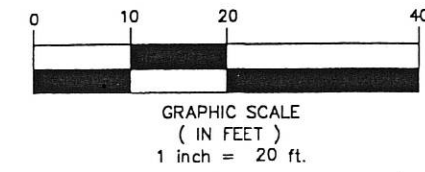


Layout Page Table	
Label	Title
1	Project Summary
2	Site Plan

Terrain Plan View

LEGEND

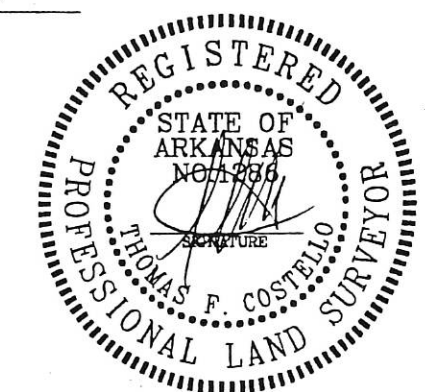
- FIP FOUND IRON PIN
- SIP SET IRON PIN
- PT PERC TEST HOLE
- △ TEMPORARY BENCHMARK ASSUMED ELEV.= 101.39 (TOP OF IRON PIN)
- ⊙ W PROPOSED WATER SOURCE
- POL POINT ON LINE
- BOUNDARY LINE
- - - BUILDING SETBACK LINE
- · - · - 7.5' UTILITY & DRAINAGE EASEMENT
- FLOW LINE
- - - OH OVERHEAD CABLES
- (123.45') RECORD DIMENSION WHEN MEASURED DIFFERS



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.

DATE 3/2/00



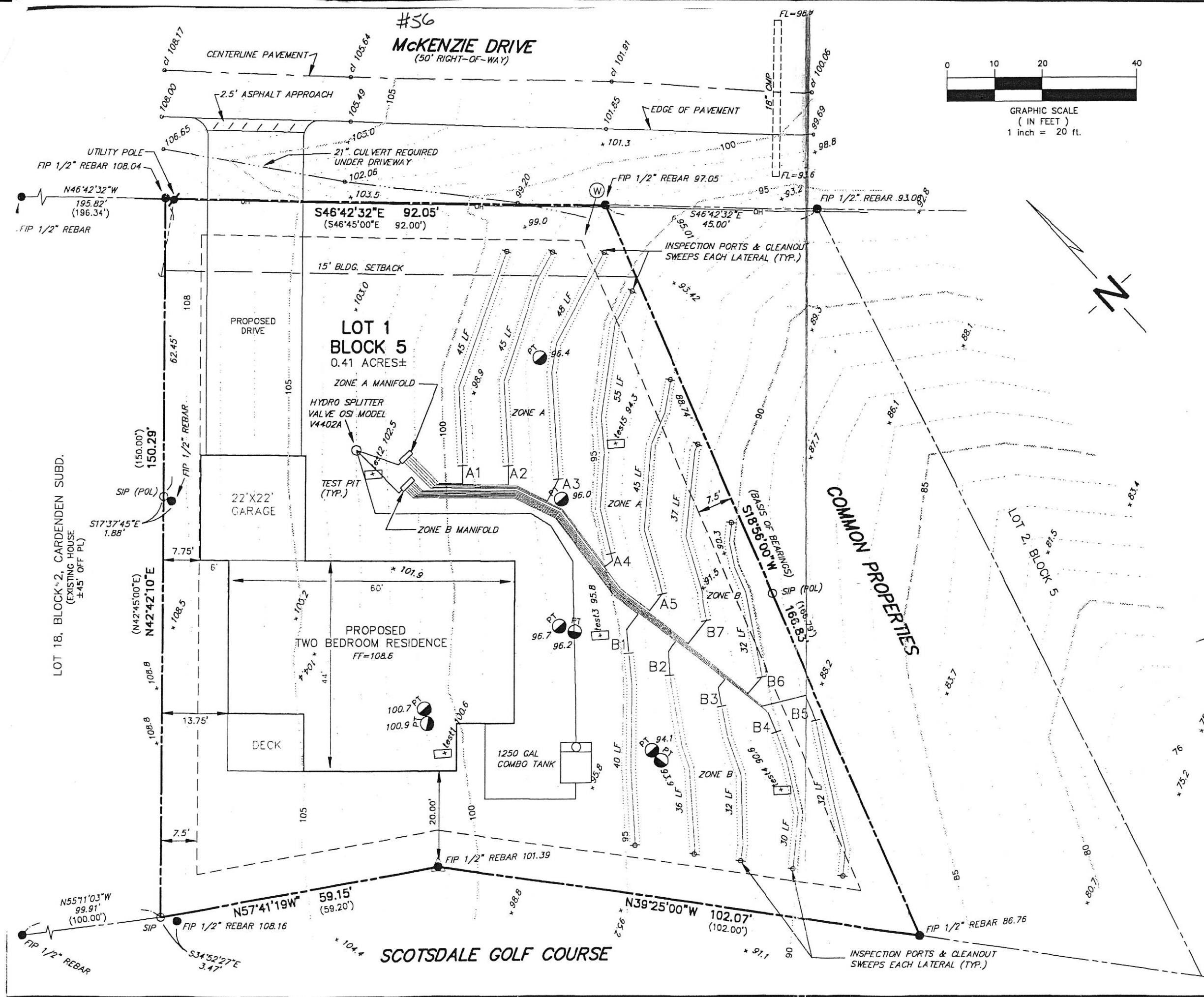
7717

**TOPOGRAPHIC/BOUNDARY SURVEY & PLOT PLAN**  
 - for Ed Thomas -  
 LOT 1, BLOCK 5  
 KELEAN SUBDIVISION  
 BELLA VISTA VILLAGE, ARKANSAS

**Costello Land Surveying**

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

JOB NO. 01200	DATE: 03-02-00
SHEET 1 OF 1	DRAWING: 0120TOPO





---

**Case ZVR58765**

---

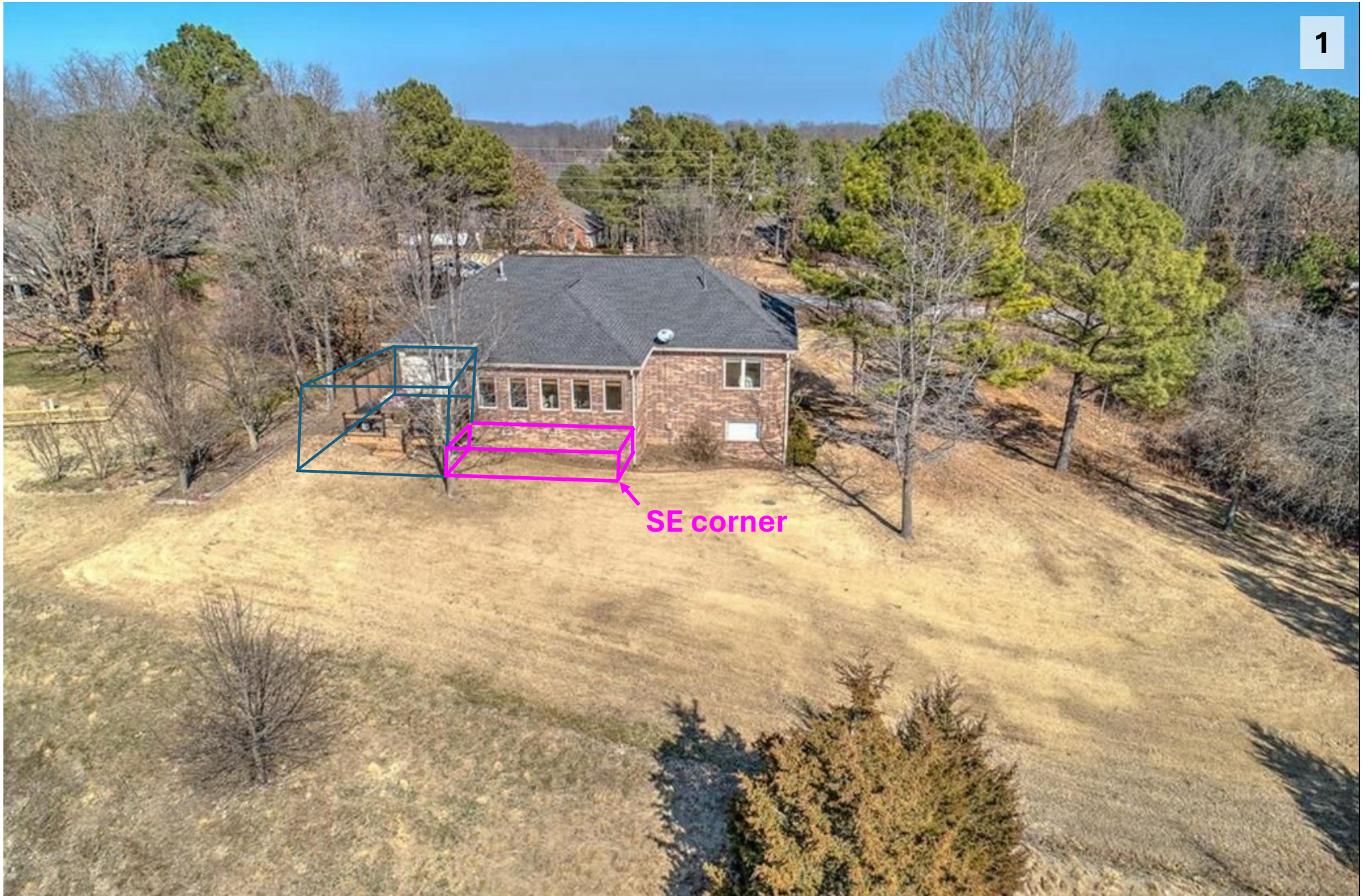
**From** jr campos@cox.net <jrcampos@cox.net>  
**Date** Sun 5/4/2025 3:10 PM  
**To** Bella Vista Planning <planning@bellavistaar.gov>

**[WARNING: External Email]** Do not click links or open attachments unless you trust the sender.

Dear Board of Zoning,

My husband Leonard Campos and I live at 54 McKenzie Dr. We would like to say that we have **no problem** with the requested zone variance for the project at 56 McKenzie Dr. We have direct knowledge of the proposed project, and as stated we have no issue with the project moving forward.  
Thank you for your time.

*Julie Campos  
54 McKenzie Dr.  
Bella Vista, AR 72715  
jrcampos@cox.net  
619 726-4395*



1. Basic “3D footprint” for the proposed deck, which would encroach into the offset, is very approximately drawn in **fuchsia** just above. Please note, the fairway for hole 13 (which is not close enough to even be in this shot) is a *long* way from the encroaching SE corner of the proposed deck (edge of fairway is far beyond the southern boundary of the lot, past the trees, down the hill that is overgrown with weeds, across the cart path, etc.)



**2. Here is where the SE corner of the deck would be. The tape measure lying on the ground is extended out to 10 feet.**

3



3. Standing near the SW corner of our lot, looking toward our house (gives a basic idea of what our yard and lot looks like)

4. Still standing near the SW corner of our lot, but looking E along the southern boundary of our lot. Even though technically the lot line “jigs” north out into our yard, for all practical purposes, the back edge of our lot is basically a straight line along the crest of the steep hill in back. I routinely maintain (i.e. mow) everything up to the crest of the steep hill.



4



**5. Looking S, our house is behind where I'm standing and the direction I'm facing here. This emphasizes what the back of our lot looks like in reality, just from another perspective, and how it is cared for. You can see where I mow up to. I have NEVER seen a course maintenance person come up beyond the top of this hill, into the flat area, to make use of the offset area.**

6

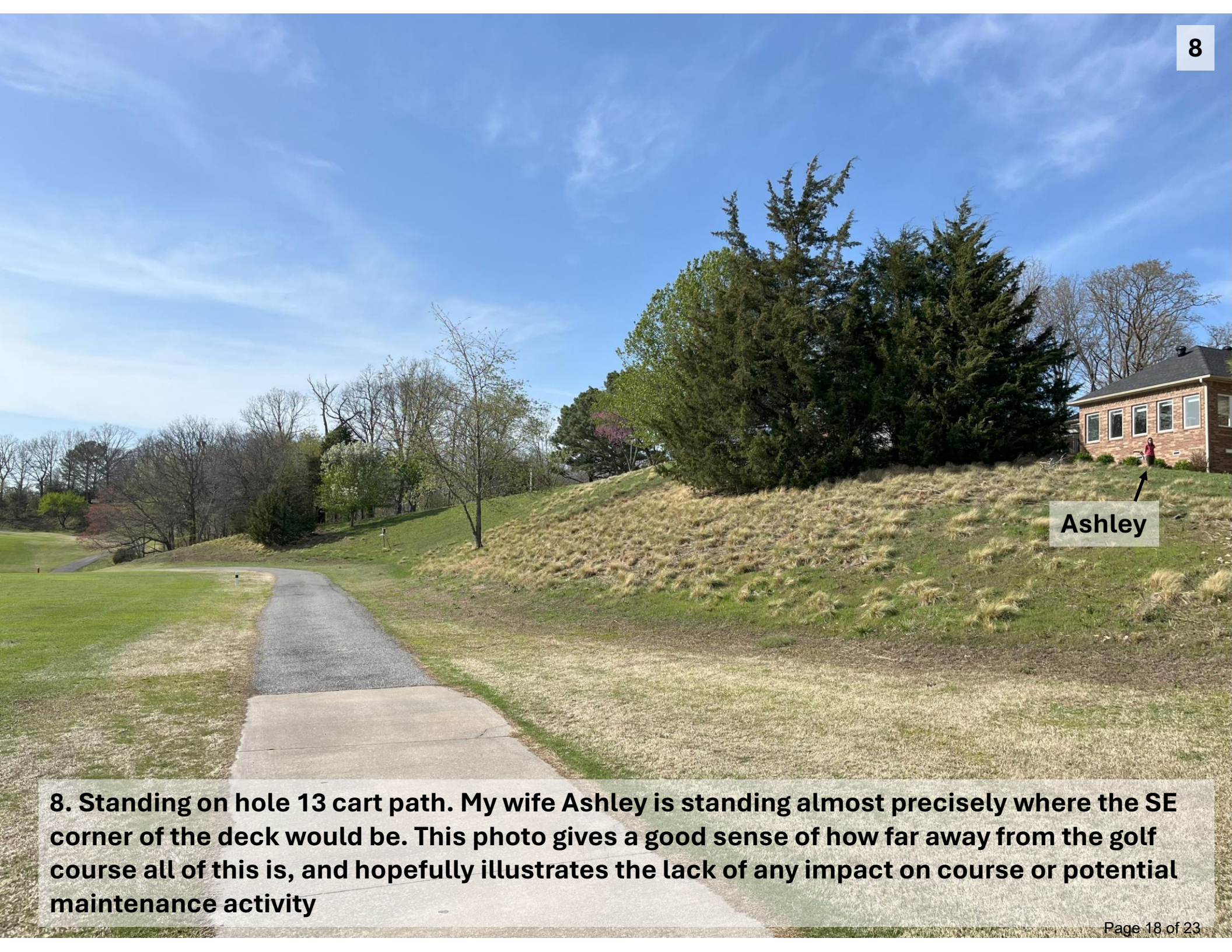


6. Looking south down the steep hill toward the golf course. This overgrown hill is considered golf course property. Course maintenance people barely do anything on this hill (other than mow it once a year). They definitely do NOT do anything beyond the ridge at the top of the hill, in the “offset” area

7. Looking north up the steep hill toward our house from the edge of hole 13 fairway (standing about 115 feet from the SE corner of the proposed deck). Can just see our roof. This hopefully illustrates how little impact a deck would have (almost no impact *visually* even)



7



Ashley

**8. Standing on hole 13 cart path. My wife Ashley is standing almost precisely where the SE corner of the deck would be. This photo gives a good sense of how far away from the golf course all of this is, and hopefully illustrates the lack of any impact on course or potential maintenance activity**



**9. Standing at approx. the SE corner of the proposed deck, looking SE toward the golf course (toward where I was standing in picture 8). Shows how much yard there is before you even get to the overgrown hill.**



10. Standing at approx. the SE corner of the proposed deck, but looking SW this time

**This is our house, up on the hill and behind the trees**



**11. View toward our house from hole 13 gold tee box. This shows how high up on the hill our house is and how the hill and trees would almost completely obscure view of a deck**

12



**12.** For comparison, hole 12 green, looking toward homes just behind the green. There is no natural barrier here (like a steep overgrown hill) between the course and where homes/structures are

**13.** Hole 14 cart path, fairway on the left with blue 200 yard marker, people's back yards just off to the right. Similar comments to those above. These homes are much closer to useable course property due to "the lay of the land"



13

14



**14 & 15.** Again for comparison, this home and deck are very close to hole 14 green. On the Benton County GIS basemap, this deck is about 60 feet from playing area surrounding the green, while our proposed deck is about 115 feet from the fairway.

15



16



**16.** Standing behind the hole 14 green, looking down the fairway on the left with house on the right. Note the course is designed for golfers to hit very near the house on the right