



Board of Zoning Adjustment Meeting Agenda

Date: Monday, July 14, 2025

Location: Bella Vista District Court

Time: 4:30 PM

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. BZA Regular Meeting Minutes - May 12, 2025

IV. Unfinished Business

V. New Business

A. **Public Hearing ZVR-2025-59851:** A variance request on the residential fencing requirements for an existing, unpermitted fence at 3 Cardenden Place; Parcel 16-06713-000; Applicant Diane Price; Presented by Planner LaRue.

VI. Open Discussion

VII. Announcements

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

VIII. Adjournment



Board of Zoning Adjustment Meeting Minutes

May 12, 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 – April 14, 2025*

On a motion by Mr. Farner and a second by Ms. Klesen, the April 14, 2025 minutes were approved by voice vote.

IV. UNFINISHED BUSINESS

None.

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.**

1. Planner LaRue presented the staff report in the packet.
2. Applicants Ryan and Ashley Marmet, 56 McKenzie Drive, was present to reiterate hardship and intent.
3. Discussion was held regarding the project.
4. Chairman Ellis opened the public hearing.
 - i. Jerry Jepsen, 6 Windsor Ln, spoke in support of the variance.
5. Chairman Ellis closed the public hearing.
6. A motion to approve the variance with conditions that the applicants receive ACC approval prior to issuance of a building permit and the room addition cannot be used as a bedroom was made by Mr. Farner and a second was made by Mr. Sedberry.

Doug Farner - N

JB Portillo – N

Jack Wagnon – N

Linda Lloyd – N

Gail Klesen – N
Clayton Sedberry - N
Daniel Ellis – N

Motion denied with seven no votes (0-7)

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 Ln; Parcel 16-16514-000; Applicant Peter Farmer; Presented by Director Robertson.

VII. ANNOUNCEMENTS

A summary of upcoming meetings was announced.

VIII. ADJOURNMENT

Chairman Ellis adjourned the meeting at 4:57 pm.

SUBMITTED BY:

Sarah Costa, Office Manager
City of Bella Vista

APPROVED AND ACCEPTED THIS 14TH DAY OF JULY, 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
 July 14, 2025 at 4:30 pm

Reviewer:

Conner LaRue,
 Planner

Property Description

This property is located in western Bella Vista City Limits and is located on Parcel #16-06713-000. Lot 2, Block 3. Cardenden Subdivision.

Regulation

Zoning Code Sec. 109-248(b)(2) requires fences within the front yard shall be limited in height to three (3) feet.

Request

The applicant is requesting to allow an existing 52" fence in order to screen an electric box & pedestal adjacent to the driveway.

Background

The applicant is requesting a variance of the fence height & placement requirements within the R-1 district (Sec. 109-248(b)(2)) at 3 Cardenden Place, to accommodate and unpermitted 52" (4.33') fence. Code allows fences to be located in the front yard, however are limited in height to three (3) feet on residential parcels less than four (4) acres. A notice of violation was sent to the property owner on May 20th, stating the reasons of the violation and the applicable code sections thereof. A variance request was subsequently filed. The stated purpose of the fence is to screen an electric box & pedestal, located just off the driveway, to help prevent any vehicle from colliding into them. Cardenden Place is a dead-end cul-de-sac labeled as a residential street per the Master Street Plan and is within a low-density residential area. Staff finds that the placement of the electric box is not of the applicant's actions, however strict enforcement of the ordinance would not cause undue hardship. The house would continue to exist as the R-1 district intends.

Public Comment

None at the time of this report.

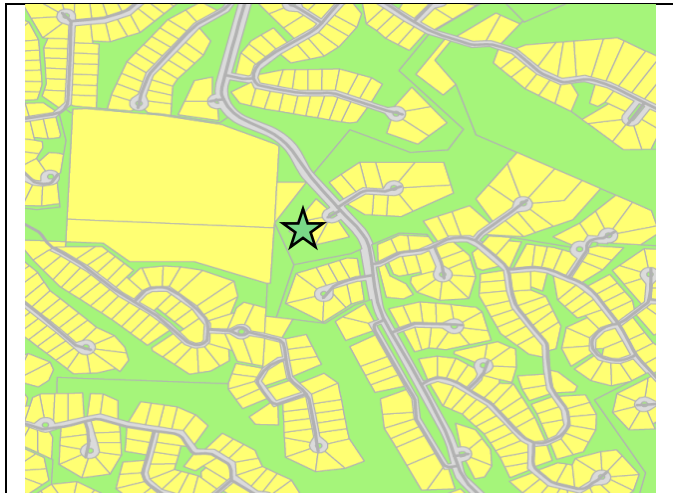
Legal Notifications

Staff published a legal ad notifying the public of this hearing in the *Weekly Vista* on Wednesday, June 25th, 2025 and posted a public hearing sign on the property on Thursday, July 3rd, 2025.

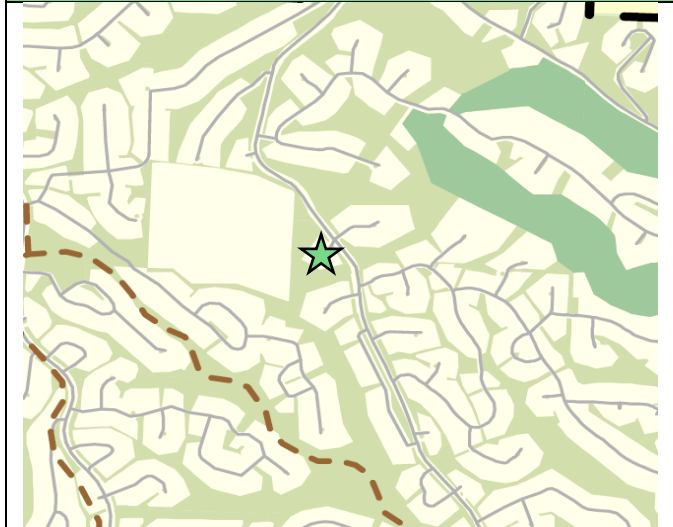
Recommendation

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

Project Number	ZVR-2025-59851
Applicant	Diane Price
Address/Location	3 Cardenden Place
Current Zoning	R-1 Single Family Residential
Site Area	.70 acres
Nature of Request	Seeking a variance on Sec. 109-248(b)(2)



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.

June 11, 2025

Bella Vista Planning Commission

2483 Forest Hills Blvd

Bella Vista, AR 72758

Re: Zoning Variation Application (Chapter 109)
Notice of Violation Section 109-246 and 109-248
3 Cardenden Place – Bella Vista, AR 72715

Dear Members of the Bella Vista Planning Commission,

I am writing to request a variance on 109-248 ordinance for my property located at 3 Cardenden Place, Bella Vista, AR 72715. This residence was built in late 2022 – early 2023 and is located on a circular street. I own the other lots on the circle as well. When the electric company placed the electrical boxes on this property, they placed them just parallel to the concrete driveway area. It included the regular 31"x32"x24" green box plus a tall 53 inch **high voltage tower** which included the meter. (See photos attached.)

The builder expressed a safety concern about it being at the point so close to where a propane truck and others would be backing onto the driveway as well as vehicles backing out of the garage. As a result, we decided to place a 52 inch tall safety screen between the drive and the electrical boxes to minimize potential damage or disaster if contact with the electric boxes. We are asking your consideration for a variance of 109-248 for the 16 inches above 3 feet for this safety panel.

Fences imply a closure typically to keep something in or out so there was no discussion of it being a fence since it was only one panel parallel to the boxes and did not cross the front of the property. It was an interpretation of what constitutes fencing and was not to circumvent any codes. For that reason no permit was filed for the panel and it was placed at a height to provide safety. I am willing to pay the permit fee but ask for a variance of Section 109-246 to forego all the required paperwork involved for everyone since construction has passed.

Section 109-225 Screening, indicates a purpose of shielding and adds a bit of confusion versus fencing. While it indicates residential is covered only under certain regulations of this section, it does list Single Family homes under the Table of Screening Requirements and indicates none for type of screen requirements for SF; i.e., Opaque, Semi-opaque, or Broken Screen with Opaque screen at least 6 feet.

I ask that the Planning Commission consider the following during the review:

The circumstances unique to the individual property under consideration which were a result of electric company placements and not the request of homeowner

The safety of the general area and populace related to the above mentioned location of electrical items

Granting the variance will be in keeping with the spirit and intent of the City codes which strive to maintain both beauty and safety in a responsible and sustainable way.

In conclusion, I respectfully request that the Planning Commission consider my application for a favorable variance. Granting this variance will contribute to the City's stated goal of continued safety of the Bella Vista citizens.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Diane M. Price". The signature is written in a cursive style with a large initial "D".

Diane M. Price

3 Cardenden Place

Bella Vista, AR 72715

Attachments: Application for Variance
Required Fee
Letter of Explanation
Photos of subject
Plat



SCALE 1"=40'



LEGEND

- F.I.P. FOUND IRON PIN
- S.I.P. SET IRON PIN
- P.O.T. POINT OF TANGENT
- - - BUILDING SETBACK
- - - EASEMENT LINE
- - - TOPOGRAPHY
- - - OH/ELECTRIC LINE
- - - PROP. WATER METER
- ⊕ POWER POLE
- XXX.XX GRADE ELEVATION
- ▲ HIGH POINT
- ⊕ BENCHMARK
- CABLE
- MAIL BOX

NOTE

VERIFY ALL HOUSE DIMENSIONS PRIOR TO BEGINNING CONSTRUCTION ON THE HOUSE.

PROPERTY DESCRIPTION

LOTS 1, 2, & 3, BLOCK 3, CARDENDEN SUBDIVISION BELLA VISTA, ARKANSAS.

THESE LOTS LIE IN THE SW ¼ OF THE SE ¼ OF SECTION 18, T-21-N, R-31-W & IN THE NW ¼ OF THE NE ¼ OF SECTION 19, T-21-N, R-31-W.

LOT 1 AREA: 0.372 ACRES
LOT 2 AREA: 0.703 ACRES
LOT 3 AREA: 0.496 ACRES

THE TAX PARCEL ID LOT 1: 16-06712-000
THE TAX PARCEL ID LOT 2: 16-06713-000
THE TAX PARCEL ID LOT 3: 16-05714-000

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE SUBDIVISION PLAT.

WATER SOURCE CONFIRMATION

ON MAY 24TH, 2021 THE BELLA VISTA WATER DEPARTMENT WAS CONTACTED AND STATED THE WATER SHOULD BE SOURCED FROM THE LEFT SIDE OF THE LOT.

SEWAGE DISPOSAL SYSTEM NOTES

1. MAXIMUM SOIL ABSORPTION TRENCH DEPTH SHALL BE 18".
2. EACH SOIL ABSORPTION TRENCH MUST BE INSTALLED ON CONTOURS AS DESIGNED AND MUST NOT BE ALTERED TO AVOID EXISTING TREES, PROPOSED LANDSCAPING, STORAGE BUILDINGS, OR OTHER OBSTRUCTIONS WITHOUT CONTACTING THE BELLA VISTA A.C.C. OFFICE AT (479) 855-8080.
3. MINIMUM 6" OF SOIL COVER OVER TRENCH GRAVEL.
4. TOPSOIL AND SEEDING WITH GRASS RECOMMENDED.
5. EACH TRENCH MUST BE EXCAVATED BY BACKHOE TO PREVENT COMPACTION OF TRENCH BOTTOM.
6. FINAL GRADE OVER THE SOIL ABSORPTION AREA SHALL BE SUCH THAT ALL SURFACE WATER WILL DRAIN OFF AND AWAY FROM THE SYSTEM. IMPROPER GRADING MAY CAUSE THE SYSTEM TO NOT FUNCTION PROPERLY.
7. ALL TIGHTLINES ARE TO BE SCHEDULE 40 AND ALL PERFORATED PIPE SHALL BE ASTM 2729 OR F-810.

NOTICE: THIS IS ONLY A PLAN AND DOES NOT NECESSARY REFLECT THE ACTUAL SIZE, SHAPE OF LOCATION OF ANY IMPROVEMENTS ON THE LOT.

THIS SEPTIC PLAN HAS BEEN DESIGNED IN COMPLIANCE WITH THE RULES AND REGULATIONS PERTAINING TO SEWAGE DISPOSAL SYSTEMS AS PROVIDED IN ACT 402 OF 1977. THIS IN NO WAY GUARANTEES THAT THIS SYSTEM WILL FUNCTION PROPERLY.

DATED: 1/29/21 BY: Rebecca Cahill
DESIGNATED REPRESENTATIVE

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

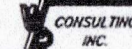
DATED: 1/29/21 BY: Paul Lane EHS #12
AUTHORIZED AGENT (HEALTH DEPT.)

24775224

**CARDENDEN SUBDIVISION
LOT 1, 2, & 3, BLOCK 3
BELLA VISTA, ARKANSAS**

SEPTIC PLAN		REVISIONS		
		No.:	BY:	DATE:
OWNER: OZ HOMES, LLC P.O. BOX 2627 BENTONVILLE, AR 72712		#1	B.G.	10/14/21
DRAWN BY: DP/ZS		DATE: 6/3/21		
CHECKED BY:		JOB No.:		
DATE: 6/3/21		2021267		

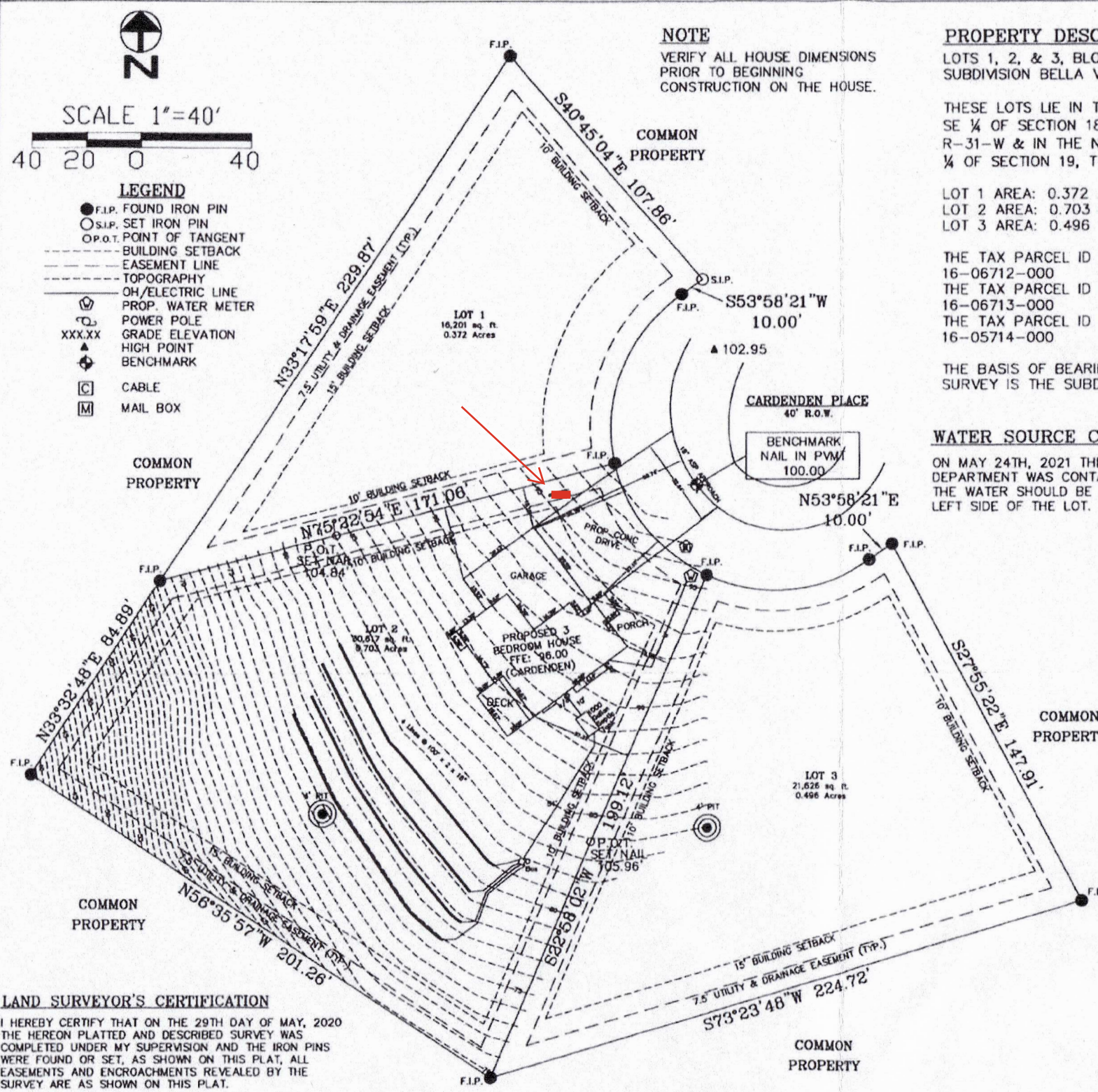
213-7989
DW
368-7989



P.O. BOX 223
BENTONVILLE, AR 72712

LAND SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT ON THE 29TH DAY OF MAY, 2020 THE HEREON PLATTED AND DESCRIBED SURVEY WAS COMPLETED UNDER MY SUPERVISION AND THE IRON PINS WERE FOUND OR SET, AS SHOWN ON THIS PLAT, ALL EASEMENTS AND ENCROACHMENTS REVEALED BY THE SURVEY ARE AS SHOWN ON THIS PLAT.





3 Cardenden Place with high voltage tower placed

3 Cardenden Place



Tower with Safety Panel Screen

3 Cardenden Place



Safety panel view from street

3 Cardenden Place



Safety panel Screen