



Board of Zoning Adjustment Meeting Agenda

Date: Monday, October 13, 2025
Time: 4:30 PM

Location: Bella Vista District Court
2483 Forest Hills Blvd

Board of Zoning Adjustment regular meetings are live streamed and archived for your convenience. View the meeting at its scheduled time or after at: <https://bit.ly/bvmeetingslive>.

I. Call to Order

II. Roll Call

Members: Daniel Ellis, PE, Chairman; Doug Farner, Vice-Chairman; Gail Klesen, Secretary; Clayton Sedberry, JB Portillo; Jack Wagnon, and Linda Lloyd.

III. Consideration of Minutes

A. Regular Meeting Minutes - September 8, 2025

IV. Unfinished Business

V. New Business

A. **Public Hearing ZVR-2025-61122:** A variance request on the maximum nonresidential accessory structure size for proposed rebuild currently under construction located at 28 Tudor Lane; Parcel 16-31057-000; Applicant Mark Heiner; Presented by Planner LaRue

VI. Open Discussion

VII. Announcements

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

VIII. Adjournment



**Board of Zoning Adjustment
Meeting Minutes
September 8, 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(s) Absent: None.

III. CONSIDERATION OF MINUTES

A. *Board of Zoning Adjustment Meeting Minutes – August 11, 2025*

On a motion by Mr. Farner and a second by Mr. Sedberry, the August 11, 2025 minutes were approved by voice vote.

IV. UNFINISHED BUSINESS

V. NEW BUSINESS

A. **Public Hearing: ZVR-2025-60729: A variance request on the R-1 building setbacks for an existing structure under construction at 26 Bradford Drive; Parcel 16-25469-000; Applicant Kenneth Hagerty; Presented by Senior Planner Hyatt.**

1. Senior Planner Hyatt presented the staff report in the packet.
2. Discussion was held regarding the request.
3. John Lightsey was present to reiterate hardship and answer questions.
4. Chairman Ellis opened the public hearing.
5. Chairman Ellis closed the public hearing.
6. A motion to approve the variance was made by Mr. Wagnon and a second was made by Mr. Farner.

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

Motion denied with seven no votes (0-7)

B. Public Hearing: ZVR-2025-60757: A variance request on the R-1 building setbacks for a proposed structure at 13 Coalburn Circle; Parcel 16-05343-000; Applicant Jarrett McClelland; Presented by Planner LaRue.

1. Planner LaRue presented the staff report in the packet.
2. The applicant Jarrett McLelland was present to reiterate hardship and answer questions.
3. Vice-Chairman Farner opened the public hearing.
4. Vice-Chairman Farner closed the public hearing.
5. Discussion was held regarding the request.
7. A motion to approve the variance was made by Mr. Wagnon and a second was made by Ms. Klesen.

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

Motion denied with seven no votes (0-7)

VI. OPEN DISCUSSION

A. None.

VII. ANNOUNCEMENTS

A summary of upcoming meetings was announced.

VIII. ADJOURNMENT

Chairman Ellis adjourned the meeting at 5:03 pm.

SUBMITTED BY:

Sarah Costa, Office Manager
City of Bella Vista

APPROVED AND ACCEPTED THIS 13TH DAY OF OCTOBER, 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
 October 13th, 2025 at 4:30 pm

Reviewer:

Conner LaRue
 Planner

Property Description

This property is located in the south-central area of Bella Vista City limits, and is located on Parcel #16-31057-000. Lot 8, Block 2 of the Tudor Subdivision.

Regulation

Zoning Code Sec. 109-166(c)(4) requires that nonresidential accessory buildings on the same lot of the primary residence shall not exceed 720 sqft.

Request

The applicant is requesting a variance to allow for a 768 sq. ft. garage in lieu of 720 sqft.

Background

The applicant is requesting a variance of the accessory structure size within the R-1 district to allow for a 768 sqft nonresidential structure. The current site contains a concrete pad that is 48 sq. ft. greater than the established maximum. City records show the previous house and garage built circa 2007 were both destroyed by fire in December of 2021 and subsequently demolished early the next year. Code allows nonconforming rebuilds within 12 months of the fire. After that time frame, the rebuild must be brought into zoning compliance. This site did not pull a building permit until July of 2023—over 19 months after the fire. A second warning letter was issued in March of 2024, informing the applicant that their permit was set to expire as this project has experienced multiple delays. This project has yet to pass framing as of September 2025. The site is currently permitted to **rebuild the house only** after it was found through review and inspections that the garage did not comply with current code. Tudor Lane is a dead-end residential street per the Master Street Plan and is within a low-density residential area. Staff recognizes that it is possible to reduce the size by 48 sqft and that the intent of the request is not residential in nature as the R-1 zone intends. Staff also recognizes this size of structure would be allowed on their adjacent lot (Lot 9, Block 2). Thus, finding a lack of hardship in this request.

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, September 24, 2025 and posted the public hearing sign on the subject property on Friday, October 3, 2025.

Recommendation

Due to the analysis above, Staff does not recommend approval.

Project Number	ZVR-2025-61122
Applicant	Mark Heiner
Address/Location	28 Tudor Ln.
Current Zoning	R-1 Single Family Residential
Site Area	.61 acres
Nature of Request	Seeking a variance of Sec. 109-166(c)(4)



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.

Dear Planning Commission,

This letter seeks your approval / permission to waive the garage size requirements for a residential home. The existing requirements for a detached garage are 720 sqft, but we want to use an existing slab that is 768 sqft.

The property is 28 Tudor Lane. This house burned down in 2020. Before the house burned down, the home had a secondary building that was built on a slab next to the main house that was used as a mechanical shop. We propose using the existing slab that was once used for a shop, going forward being used as a detached garage.

Since the damage to the property from the fire happened over 365 days ago, the detached garage will have to conform to current requirements. Therefore, the new garage would need to be 720 square feet. The existing slab is 768 square feet, making the proposed garage slightly too large (an overage of 48sqft).

I'm requesting a waiver on the size requirements for this detached garage for the following reasons:

1. We are using an existing slab that was previously used
2. The difference in size is very small, approximately 48 sqft is the variance request
3. We are taking abandoned / distressed property and bringing it into living condition, improving the value of all homes in the area
4. We have removed the separate electric meter that was specific to the previous mechanical shop, ensuring that the new detached garage can only be used as a garage
5. If the existing slab is not utilized, it creates a dangerous hazard as it is a concrete slab that is elevated off the ground and creates a "falling" risk factor. By building a garage on the existing slab it protects the dangerous edges from being approached

Thank you,



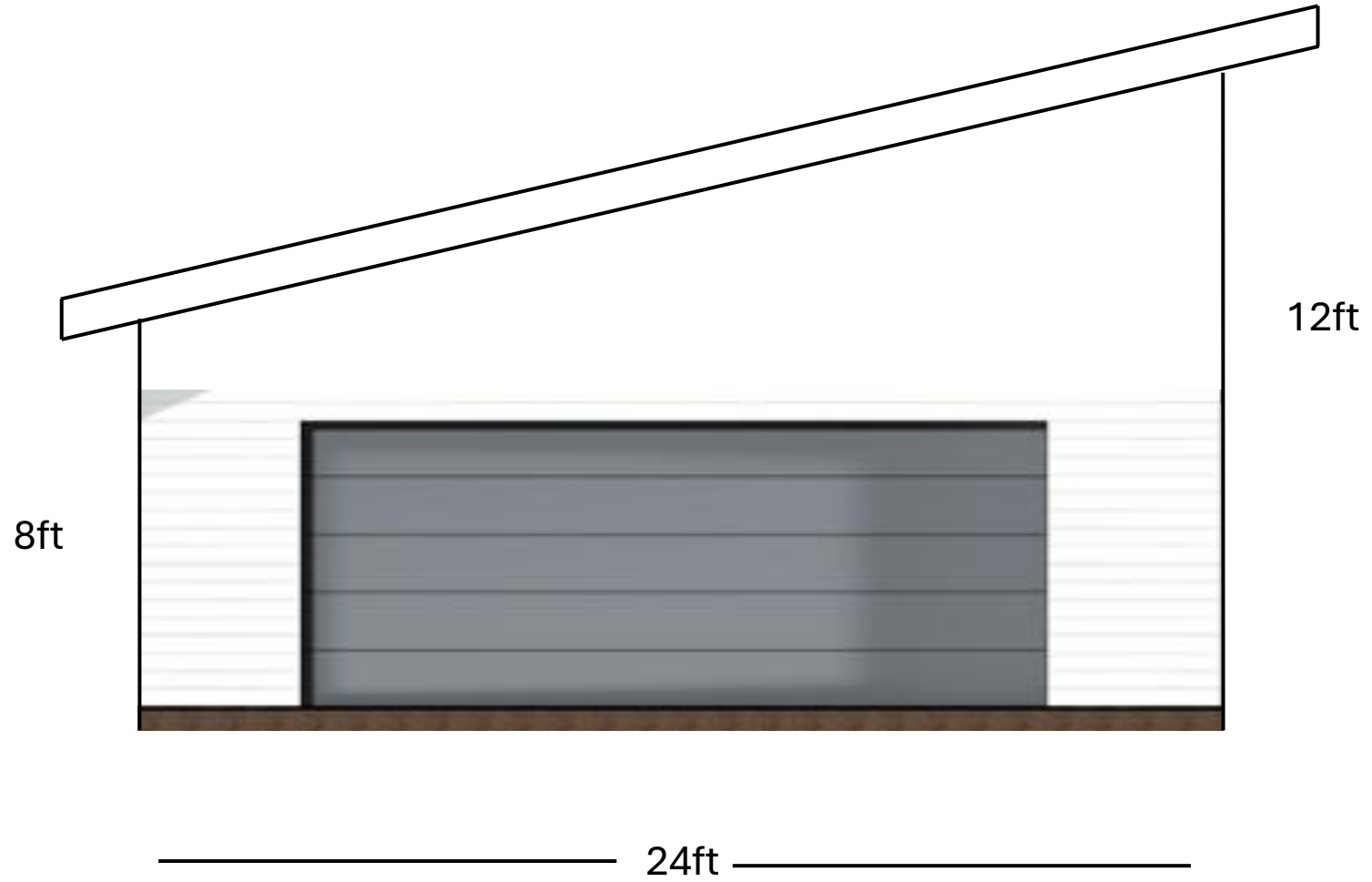
Mark Heimer

08-28-2025

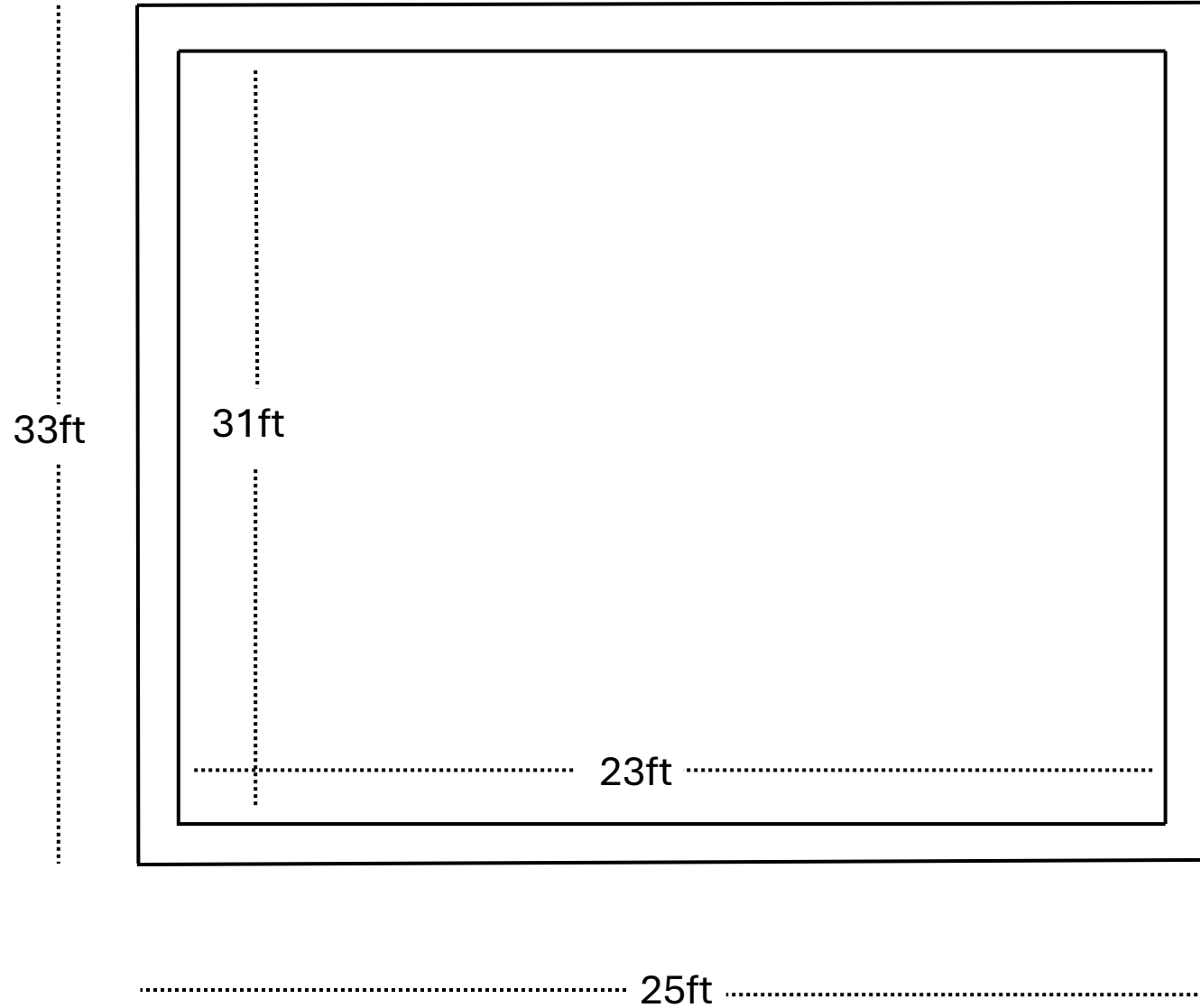
KEY POINTS

- Utilizing an existing slab
- The difference in size requirements is minimum – 48 square feet
- We are improving a distressed property
- We have removed the single electric meter for the former shop, making it compliant with residential single-family housing
- By building a garage on the existing slab, we are providing safety from potential accidents by having a bare slab

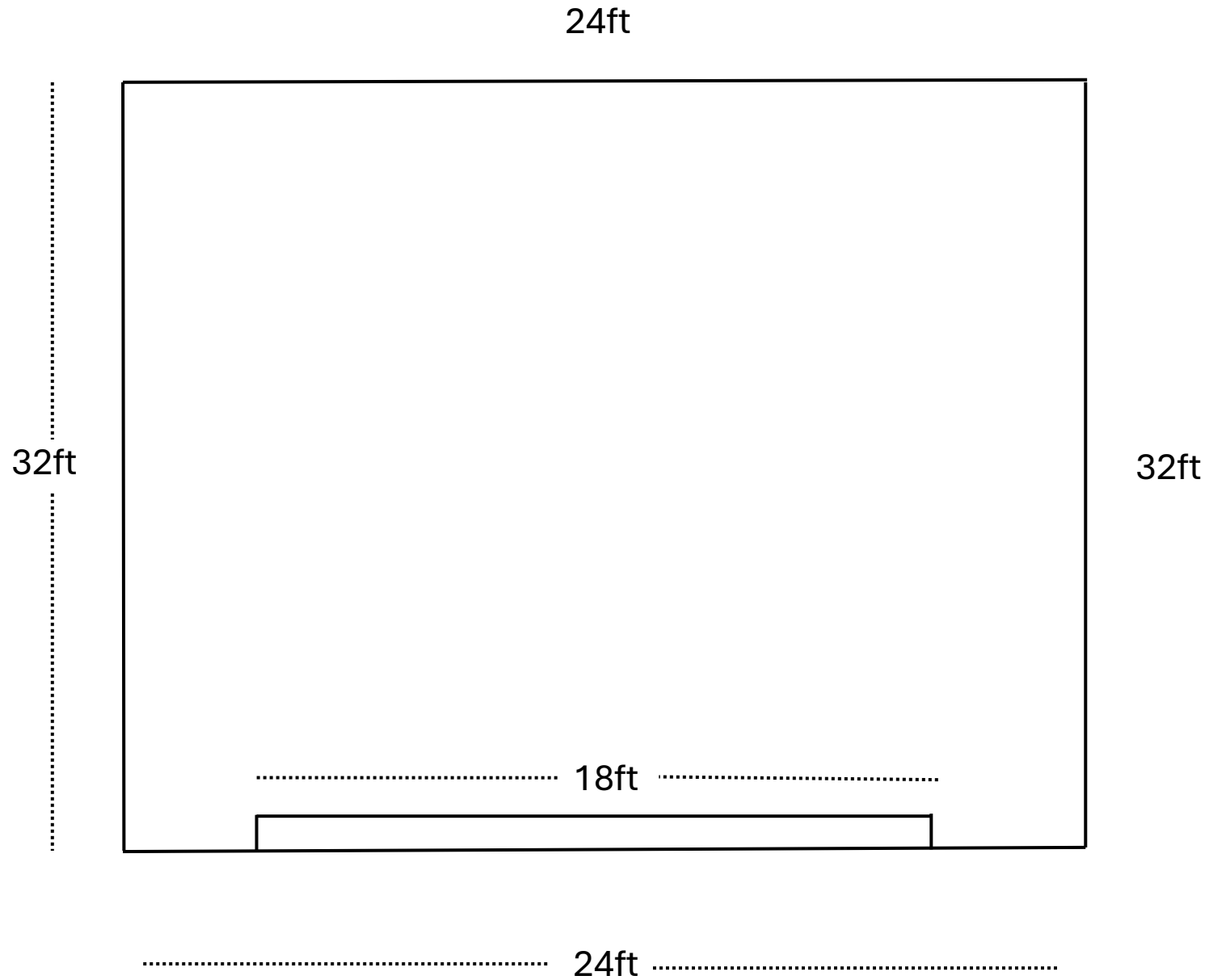
Garage Front View



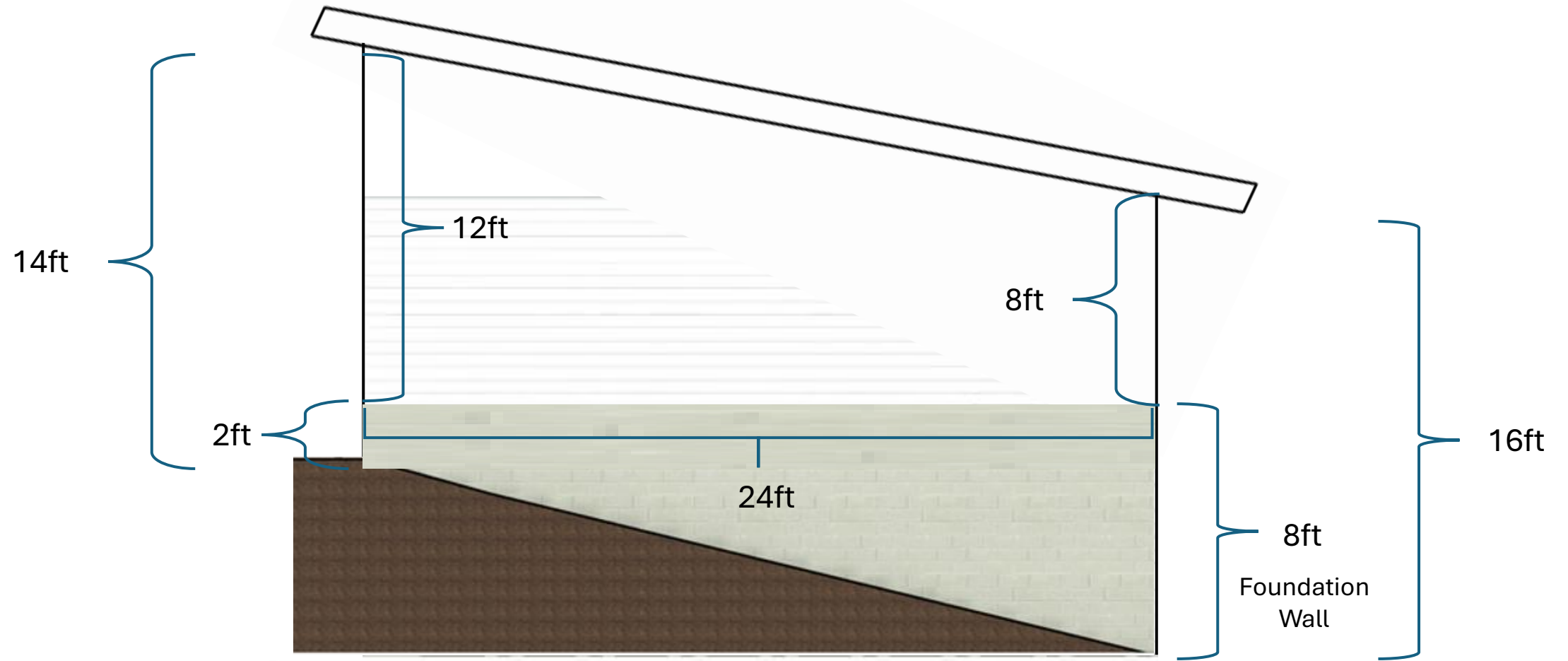
Garage Foundation and Footings View



Garage Arial Wall View

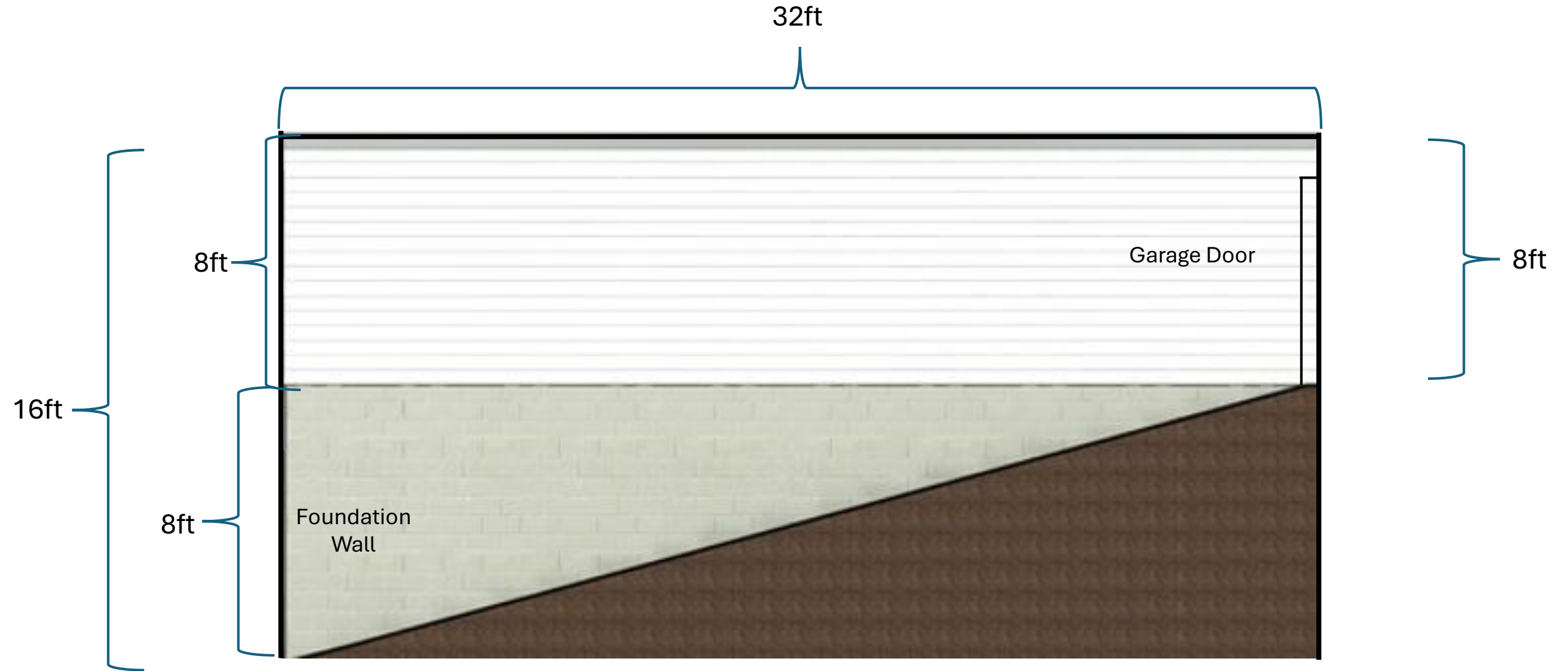


Garage Back View



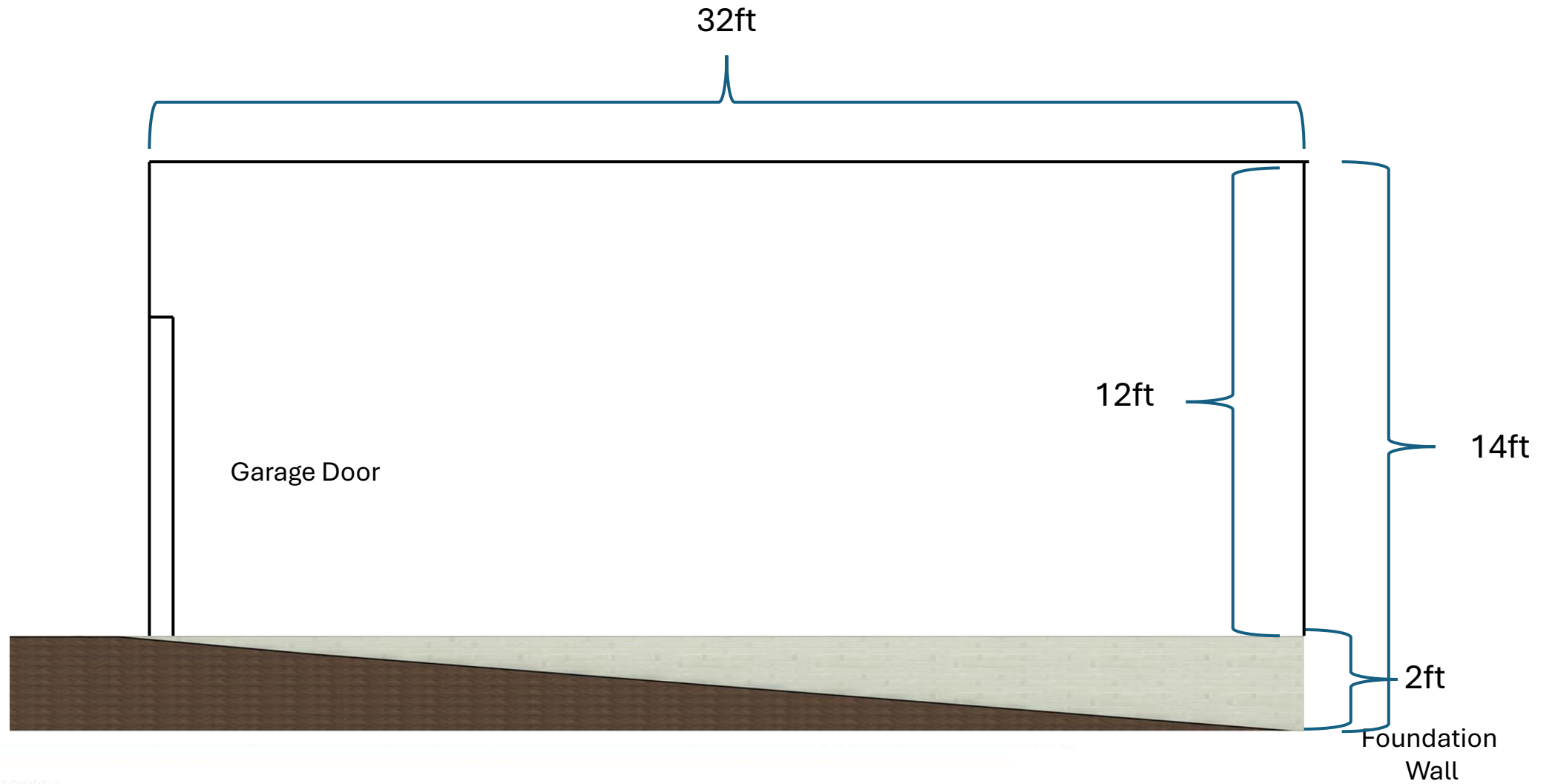
① BACK ELEVATION
1/4" = 1'-0"

Garage Left Elevation View



② LEFT ELEVATION
1/4" = 1'-0"

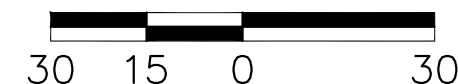
Garage Right Elevation View



2 RIGHT ELEVATION
1/4" = 1'-0"

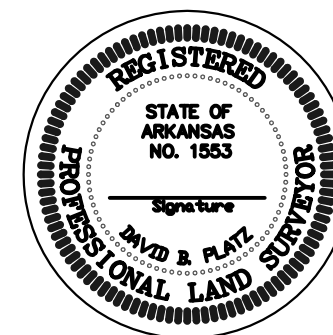


SCALE: 1"=30'

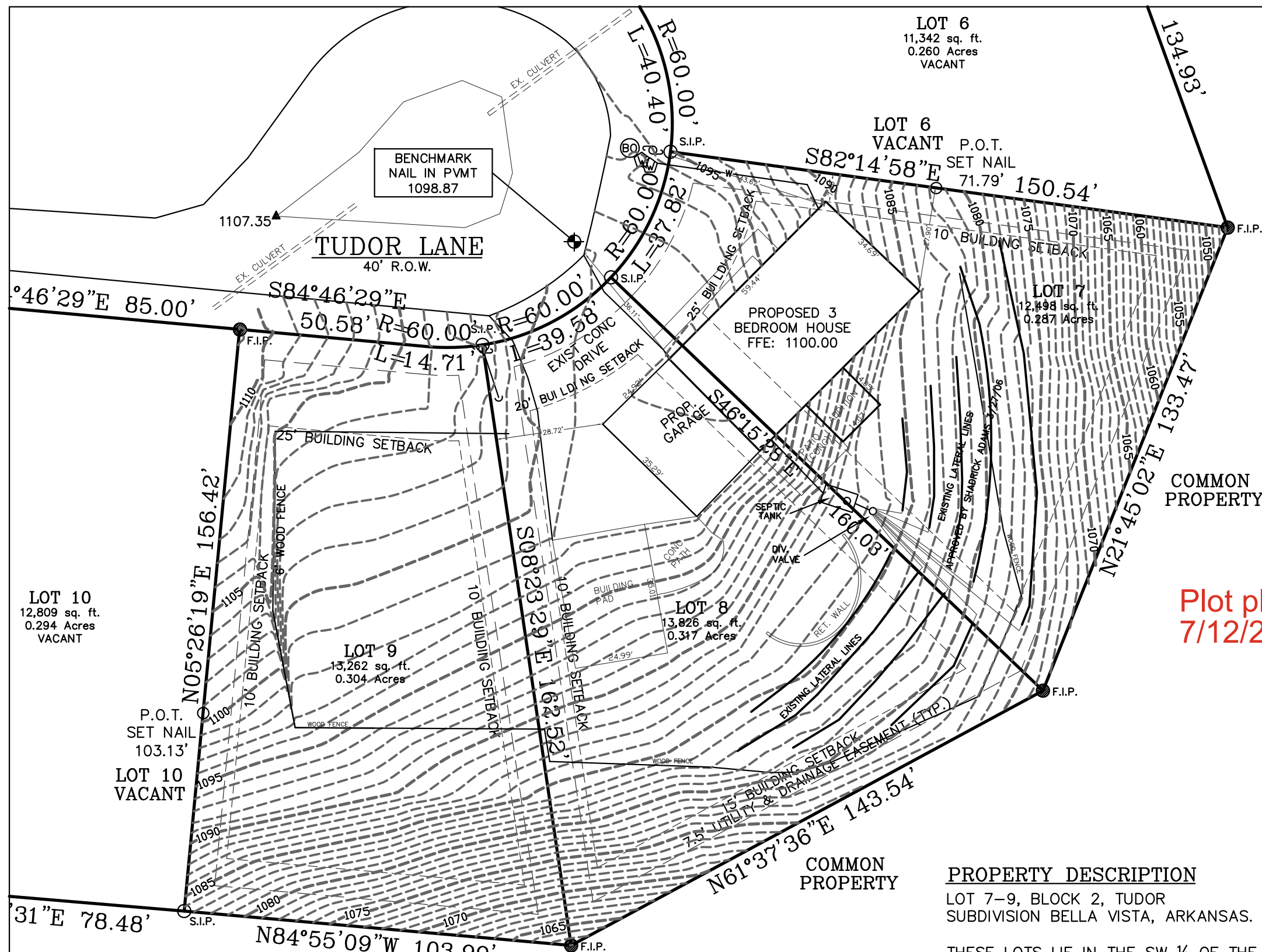


LEGEND

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



Plot plan submitted
7/12/2023



WATER SOURCE CONFIRMATION

THERE IS AN EXISTING WATER METER ON THE LEFT LOT LINE OF LOT 7 THAT WAS USED TO SERVICE THE PREVIOUS HOUSE AND WILL BE USED TO SERVICE THE PROPOSED HOUSE.

LAND SURVEYOR'S CERTIFICATION

I HEREBY CERTIFY THAT ON THE 9TH DAY OF FEBRUARY, 2022 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.

DAVID B. PLATZ, R.L.S. #1553

PROPERTY DESCRIPTION

LOT 7-9, BLOCK 2, TUDOR SUBDIVISION BELLA VISTA, ARKANSAS.

THESE LOTS LIE IN THE SW ¼ OF THE SE ¼ OF SECTION 3, T-20-N, R-31-W.

LOT 7 AREA: 0.287 ACRES
LOT 8 AREA: 0.317 ACRES
LOT 9 AREA: 0.304 ACRES

THE TAX PARCEL #: 16-31056-000, 16-31257-000, 16-31058-000

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

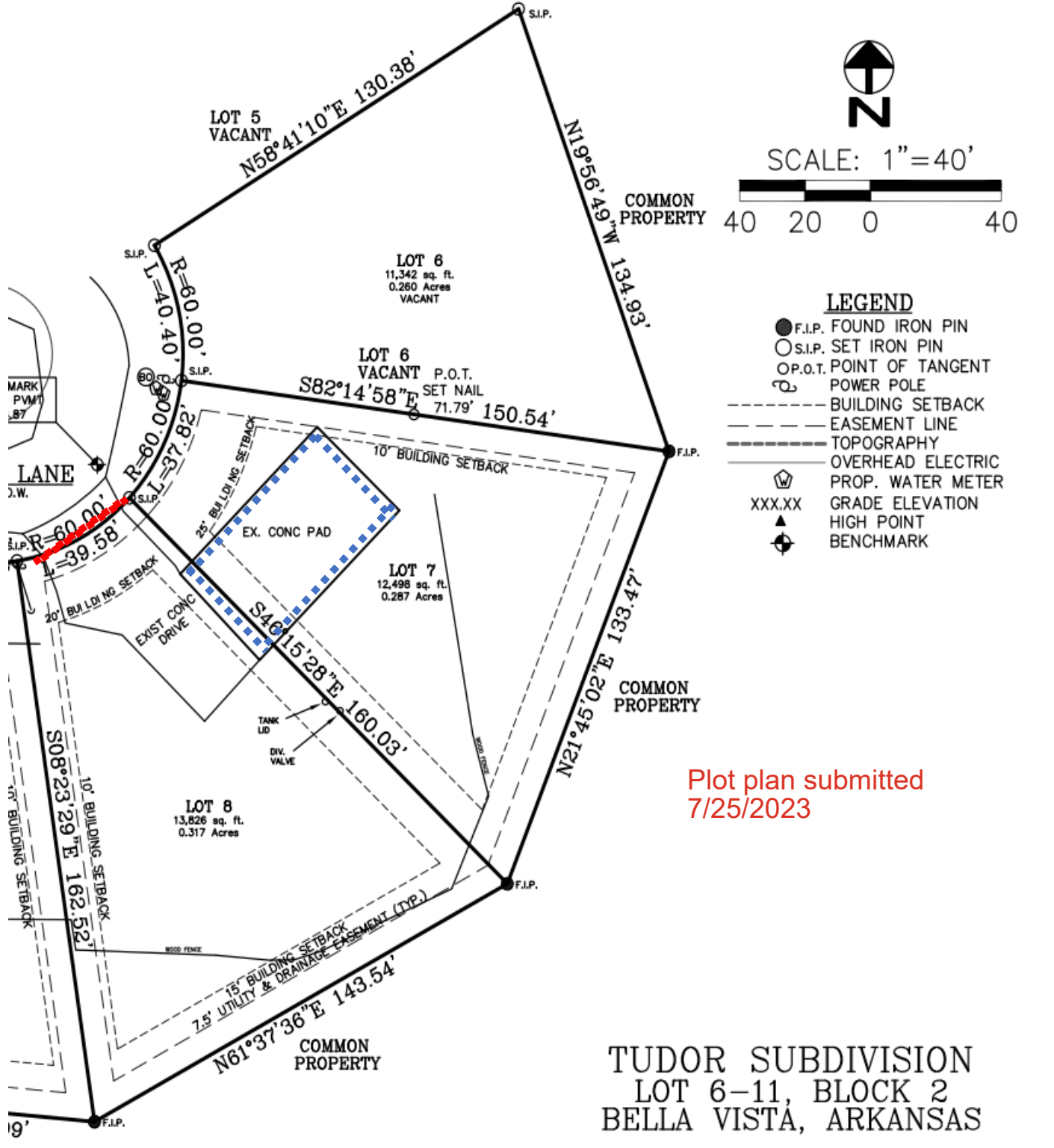
**TUDOR SUBDIVISION
LOT 7-9, BLOCK 2
BELLA VISTA, ARKANSAS**

SEPTIC PLAN		REVISIONS		
		No.:	BY:	DATE:
OWNER:		#1	C.S.	3/14/22
CUYLER L SCATES 28 TUDOR LANE BELLA VISTA, AR 72715-6722				
DRAWN BY:		DP/ZS		DATE: 2/18/22
CHECKED BY:				JOB No.: 2022020
SCALE: 1"=30'				SHEET: 1



EVES

18" ASPHALT RAMP



SCALE: 1" = 40'



LEGEND

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

Plot plan submitted 7/25/2023

**TUDOR SUBDIVISION
LOT 6-11, BLOCK 2
BELLA VISTA, ARKANSAS**



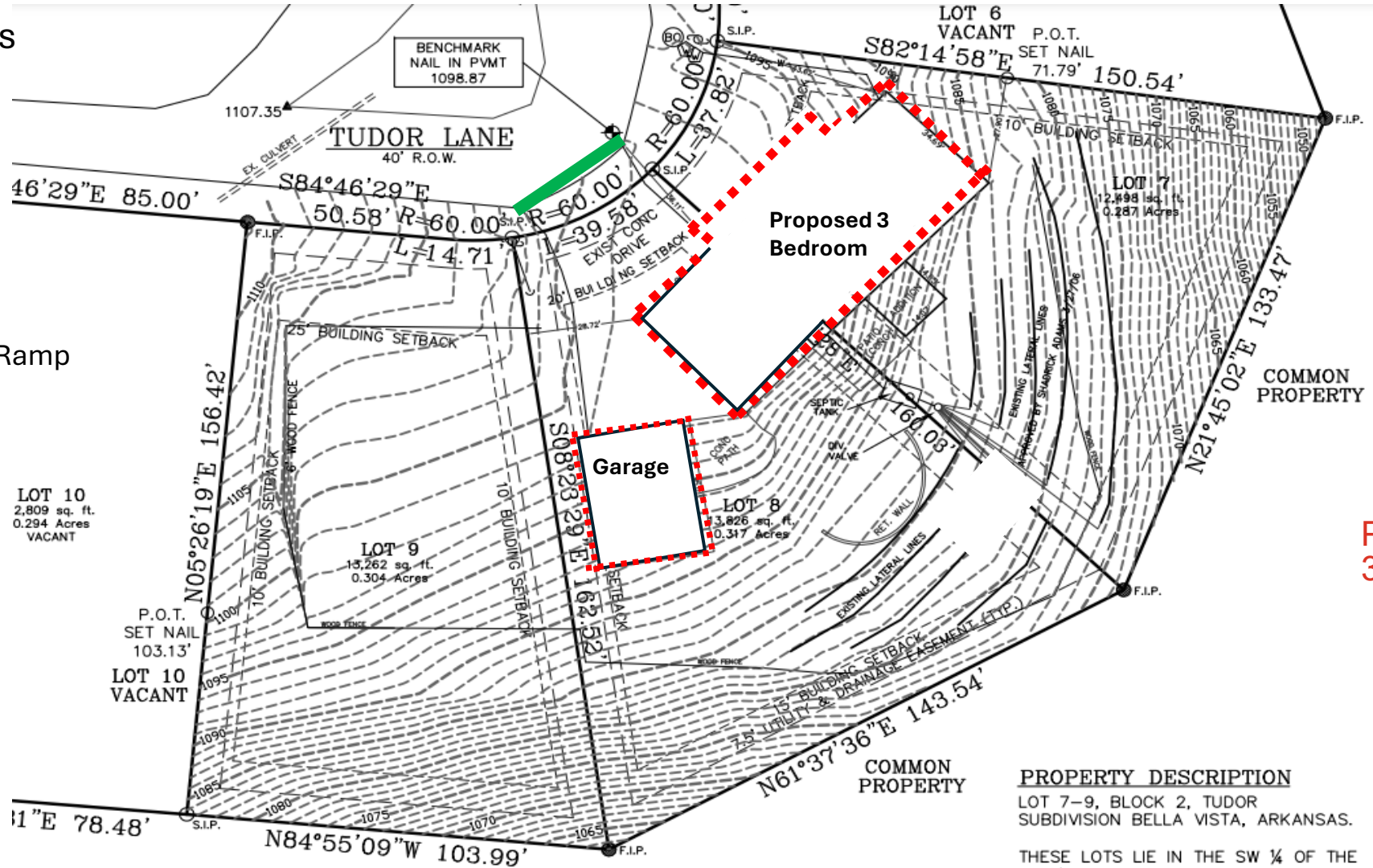
THIS PLAT.

<h1>LOT SURVEY</h1>	REVISIONS		
	No.:	BY:	DATE:
OWNER: CUYLER L SCATES 28 TUDOR LANE BELLA VISTA, AR 72715-6722			
 CONSULTING INC. P.O. BOX 223 BENTONVILLE, AR 72712	DRAWN BY: DP/ZS	DATE: 2/18/22	
	CHECKED BY:	JOB No.: 2022020	
	SCALE: 1" = 40'	SHEET: 1	

Garage on the plot plan with Eves

..... 18" Eves

———— 18" Asphalt Ramp



Plot plan submitted 3/04/2025

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COMMON PROPERTY

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March 2014



April 2024