



Board of Zoning Adjustment Meeting Agenda

Date: Monday, December 8, 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. BZA Meeting Minutes - October 13, 2025

IV. Unfinished Business

V. New Business

- A. **Public Hearing ZVR-2025-61938:** A variance request of the street buffering and perimeter landscaping requirements for a proposed VA Clinic near Forest Hills Blvd. & Rogers Road; Parcel 16-70311-001; Applicant Swope Consulting; Presented by Planner LaRue
- B. **Public Hearing ZVR-2025-62100:** A variance request on chicken coop placement requirements and fence height restrictions in the front yard within the residential estate zone at 8206 Spanker Ridge Drive; Parcel 16-43201-000; Applicant Mark & Christy Pierce; Presented by Planner Grady

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**
October 13, 2025
2483 Forest Hills Blvd

I. CALL TO ORDER

Vice-Chairman Farner 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: Daniel Ellis.

III. CONSIDERATION OF MINUTES

A. *Board of Zoning Adjustment Meeting Minutes – September 8, 2025*

On a motion by Mr. Sedberry and a second by Ms. Portillo, the September 8, 2025 minutes were approved by voice vote.

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.**

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

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

Motion denied with six no votes (0-6)

VI. OPEN DISCUSSION

A. None.

VII. ANNOUNCEMENTS

A summary of upcoming meetings was announced.

VIII. ADJOURNMENT

Vice-Chairman Farner adjourned the meeting at 4:46 pm.

SUBMITTED BY:

Sarah Costa, Office Manager
City of Bella Vista

APPROVED AND ACCEPTED THIS 10TH DAY OF NOVEMBER, 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
December 8th, 2025 at 4:30

Reviewer:

Conner LaRue,
Planner

Property Description

This property is located in the southwest area of Bella Vista City Limits and is located on Parcel #16-70311-001.

Regulation

Zoning Code Sec. 109-217&109-219 sets forth minimum street and perimeter landscaping requirements.

Request

The applicant is requesting a variance of the street and perimeter landscaping requirements.

Background

The applicant is proposing a new development known as a Veterans Affairs Medical Clinic. As a requirement of that development, landscaping is required. Overall, the applicant is requesting a variance of the total street and perimeter tree requirements from 90 to 52. 15 shade trees are required along Forest Hills in the 10' landscape buffer along with the provided ornamental trees and shrubs. The applicant is claiming to preserve the 16 trees within the ARDOT right of way but these cannot be guaranteed for preservation and is not suitable for preservation credits. The state or utilities can remove them at any time for maintaining the infrastructure. Only four shade trees are provided along Rogers Road. Five ornamental and five shade perimeter trees are required every 50' along the south side which has not been entirely depicted in their exhibit. Additionally, the exhibits do not match within this request or the large-scale. Seven shade trees have been grouped along the south side with ornamentals around the pond. *Note: the applicant will be preserving the east side trees in lieu of providing the east perimeter plantings – this shall comply with 109-222.* Staff finds not all three review criteria to be met and the applicant has not properly demonstrated the three approval requirements in their letter or provided information. The letter is lacking a response to the three review requirements. As such, Staff finds no hardship demonstrated not of the applicants doing. Additionally, a landscape architect has not provided this plan a required.

Public Comment

None at the time of this report.

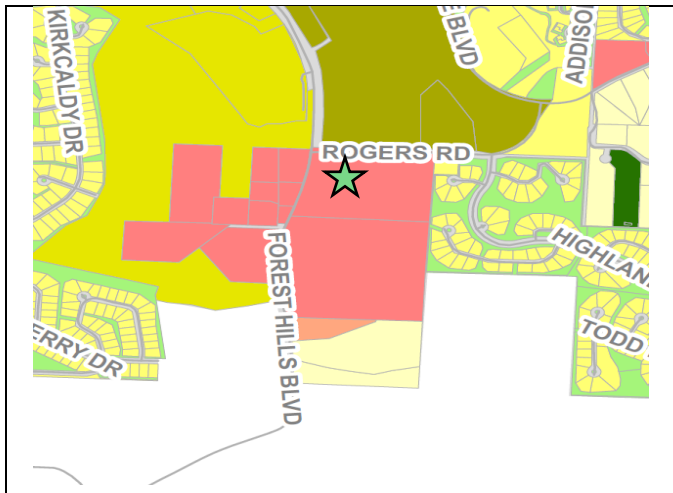
Legal Notifications

Staff published a legal ad notifying the public of this hearing in the *Weekly Vista* on Wednesday, November 19th, 2025 and posted the public hearing sign on the subject property on Wednesday, November 26th, 2025.

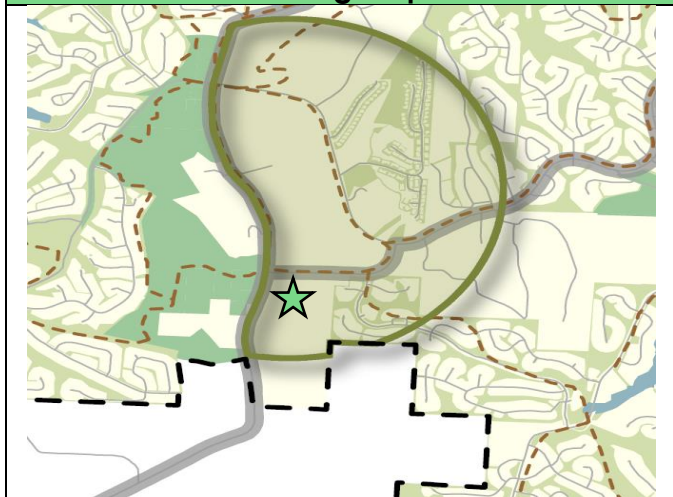
Recommendation

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

Project Number	ZVR-2025-61938
Applicant	Swope Consulting
Address/Location	Forest Hills Blvd. & Rogers Rd.
Current Zoning	C-2 Light Commercial
Site Area	3.73 acres
Nature of Request	Seeking a variance on Sec. 109-217 & 109-219



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.



October 27th, 2025

Bella Vista Planning and Development
101 NE Towncenter
Bella Vista, AR 72714

**RE: Bella Vista VA Clinic
Zoning Variance Request, street buffer trees and perimeter trees**

To whom it may concern,

Our site currently contains several mature, healthy trees that provide substantial canopy coverage and visual buffering consistent with the intent of the code. These trees are located within the areas designated for street buffers and perimeter landscaping and have been evaluated for preservation as part of our development plan.

We respectfully request that the existing trees be allowed to satisfy the requirements for:

- Street buffer trees, as outlined in code section 109-217(c)(1)(b)
- Perimeter trees, as outlined in code section 109-219(b)(2)

The existing trees are of appropriate species and size to meet or exceed the intended screening and aesthetic functions. Preservation of these trees supports sustainability goals and reduces unnecessary removal and replanting.

We appreciate your consideration of this request.

Sincerely,

A handwritten signature in black ink that reads "Phil Swope".

Phil Swope, PE
Project Engineer





Meeting Information:

2483 Forest Hills Blvd
December 8, 2025 at 4:30

Reviewer:

Jessica Grady, CNU-A
Planner

Property Description

This property is located in the southeast area of Bella Vista City Limits and is located on Parcel # 16-43201-000. Lot 2, Block 1. Spanker Creek Estates Subdivision.

Regulation

Section 109-248(b)(2), for residentially zoned lots less than four (4) acres in area, fences shall be limited to three (3) feet in height in the front yard. Section 109-167(c)(5), hobby chickens, it shall be lawful for any person to keep, permit, or allow hobby chickens within the corporate limits within permitted districts under the following terms and conditions: Enclosure placement and area, hen enclosures shall be kept in side or rear yard area. Enclosures are prohibited in the front yard area.

Request

Zoning variance request is to place a chicken coop and 5' tall fence within the front yard of their RE, residential estate zoned property.

Background

Circa September 22, 2025 Development Compliance found that this site had a chicken coop in the front yard and sent a notice of violation. Compliance with the notice was confirmed on October 17th when staff found it was removed from the front yard. However, while out confirming the coop was moved, compliance staff found that a new fence taller than 3' had been built without a permit. A fence application was then submitted to staff on October 22nd but it did not meet the zoning ordinance as they built a 5' tall fence forward of the home, which is prohibited. They are now seeking the subject variances in attempt to leave the illegal, unpermitted fence and move the coop back to the front. Staff finds that the lot contains roughly 10% slopes on the rear property making the far rear portion unsuitable for a coop. However, there is a relatively flat portion contained within a privacy fence to the east and unfenced to the west of the house behind the front plane that is similar to the front yard which could contain the coop and meet current code. Staff also finds the mention of animal husbandry, the science of breeding and caring for farm animals concerning as breeding is prohibited in the R-E zone and the Board of Zoning Adjustment is strictly prohibited from giving variances on uses. Staff cannot define a hardship not of the applicants actions as they put the fence and coop there without prior permitting or approval and agricultural accessory uses are not aligned with the spirit and intent of the Residential Estate District (single-family homes with large, park-like yards).

Public Comment

None at the time of this report.

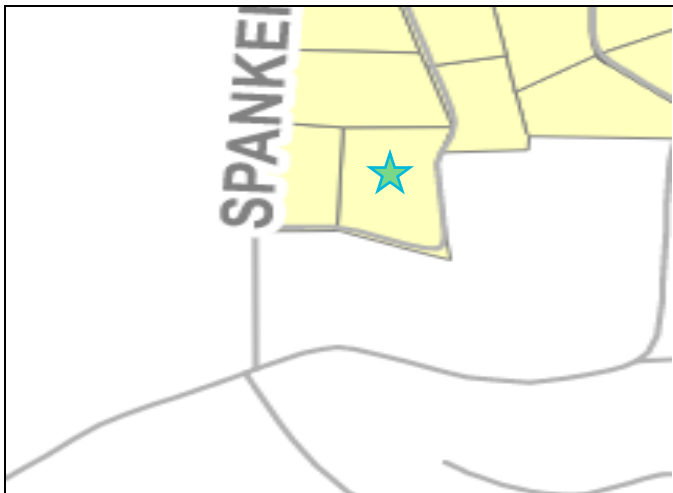
Legal Notifications

Staff published a legal ad notifying the public of this hearing in the *Weekly Vista* on Wednesday, November 19, 2025 and will post the public hearing sign on the subject property on Wednesday, November 26, 2025.

Recommendation

Due to the analysis above, staff does not recommend approval of this variance request. A rezone request may be more applicable for the provided intent of the applicant.

Project Number	ZVR-2025-62100
Applicant	Mark & Christy Pierce
Address/Location	8206 Spanker Ridge Dr.
Current Zoning	R-E, Residential Estate
Site Area	3.4 acres
Nature of Request	Seeking a variance on Sec. 109-248(b)(2) & Sec. 109-167(c)(5)(b)



Zoning Map



Future Land Use Plan

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

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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.

Mark and Christy Pierce
8206 Spanker Ridge Dr.
Bella Vista, AR 72712
11/7/2025

City of Bella Vista Planning Commission
101 Town Center
Bella Vista, AR 72714

Subject: Request for Fence Height and Chicken Coop Location Variance – Hardship Justification

Dear Planning Commission Members,

We are writing to formally request two variances, 1) for the chicken coop location and 2) for the proposed fence height on my property at 8206 Spanker Ridge Dr. We are seeking this variance due to unique circumstances that create hardship and make strict compliance with the current fence regulations impractical.

Variance Request 1 – Chicken Coop Location

Due to the unique topography of our land, the only level portion of the property is in the front, making it the only feasible location for our chicken coop. Requiring to move the coop from this area would create an undue hardship. We propose to place the coop in the southeast corner of our property, where it can be discreetly situated. Furthermore, the property adjacent to our front yard is undeveloped and outside of the city limits, ensuring no neighbors will be impacted. We believe this placement will keep with the intent and spirit of the ordinance, which is to prevent any nuisance to neighbors.

We practice a pasture-raising method for our chickens, which offers benefits to the surrounding environment and the health of the chickens themselves. This method naturally helps to control pests, reduces odor and improves soil fertility.

By regularly moving the coop and allowing the chickens to forage, we can maintain a clean and sanitary environment, which is a core principle of responsible animal husbandry and is in line with the city's goal of maintaining a clean and pleasant community.

Given the topographical limitations of our property and our commitment to a clean and responsible method of raising our chickens, we believe that granting this variance would be a reasonable accommodation. We are confident that our chicken coop will not be a detriment to the neighborhood and will, in fact, be a model of responsible urban agriculture. We respectfully ask for your approval of our request.

Variance Request 2 – Front Yard Fence Height

Code Interpretation:

We understand the purpose of the ordinances is to provide a safe environment and aesthetically appealing neighborhoods for the city. In the case of a fence in the front yard, it is understood that the reason for a 3 ft restriction is to not obstruct public view or interfere with line of sight at road intersections or driveways. While we understand the purpose of limiting the fence height in the front yard of properties, this code restriction creates a hardship if strict compliance is required for our property.

The following reasons are provided below explaining the hardships the restrictions create as well as justification as to why our property should be allowed a taller fence in front of the house.

1. Property Layout and Topography:

Approximately half of our property consists of front yard area, and all our usable, flat ground is located in the front portion of the lot. The remaining portions of the property are heavily sloped and not suitable for child/family recreational activities.

Our home is set in the middle of the property (approximately 150 ft from the road), with approximately 1 acre being our front yard. Where most homes in Bella Vista are much closer to the road (~60 ft) and sit on average, 1/3 acre total.

Additionally, our home sits well above the road grade with our yard immediately adjacent to the road, varying from 2-6 ft below the road grade. In other words, a taller fence will not limit visibility from the street and further supports the need for fencing in the front yard for safety and practicality. This is further illustrated in the attached pictures.

2. Safety and Containment Needs:

The fence provides a safe boundary for our children and dogs. Our property is located near two busy roads with significant traffic (Spanker Road and McNelly). We routinely have people turning around in our driveway, neighboring driveways or sitting on our road while our children are playing in the front yard. A taller fence would allow a safer barrier between traffic and strangers. We also often have unleashed dogs in the neighborhood. Having a taller would prevent unwanted animals in yard, protecting our kids and dogs from harm. Without this fence, it would be unsafe and impractical to allow children or animals access to the most usable recreational portions of our property due to proximity to traffic.

3. Neighborhood Compatibility and Sight Lines:

The fence design was chosen to match the character and aesthetics of the surrounding neighborhood. The fence design and placement will minimize impact on the view of drivers or create any sight-line hazards from the roadway. Our intent was to maintain a cohesive look consistent with nearby properties while also meeting our family's safety and functional needs. A 3 ft tall fence, around the front acre of our property would look inconsistent with the look of our property and neighborhood.

4. Fence meets intent/spirit of the ordinance

As stated in the city building ordinance for 4 acre lots, a 4 ft or taller fence is allowed in the front yard so long as it does not provide seclusion or privacy from public view. The style of fence we have chosen (wood post and rail) does not obstruct view or seclude the front yard. The yard and home will be easily visible from the road and will not create sight-line hazards. Our property is 3.4 acres, only 15% smaller than the minimum required by the ordinance.

Given the unique layout and elevation of our property, size of our property, RE zoning designation, and the essential safety and containment purposes of the fence, we respectfully request that the City grant this variance. The fence supports the intended use of the property without negatively impacting neighboring properties, traffic visibility, or the neighborhood appearance.

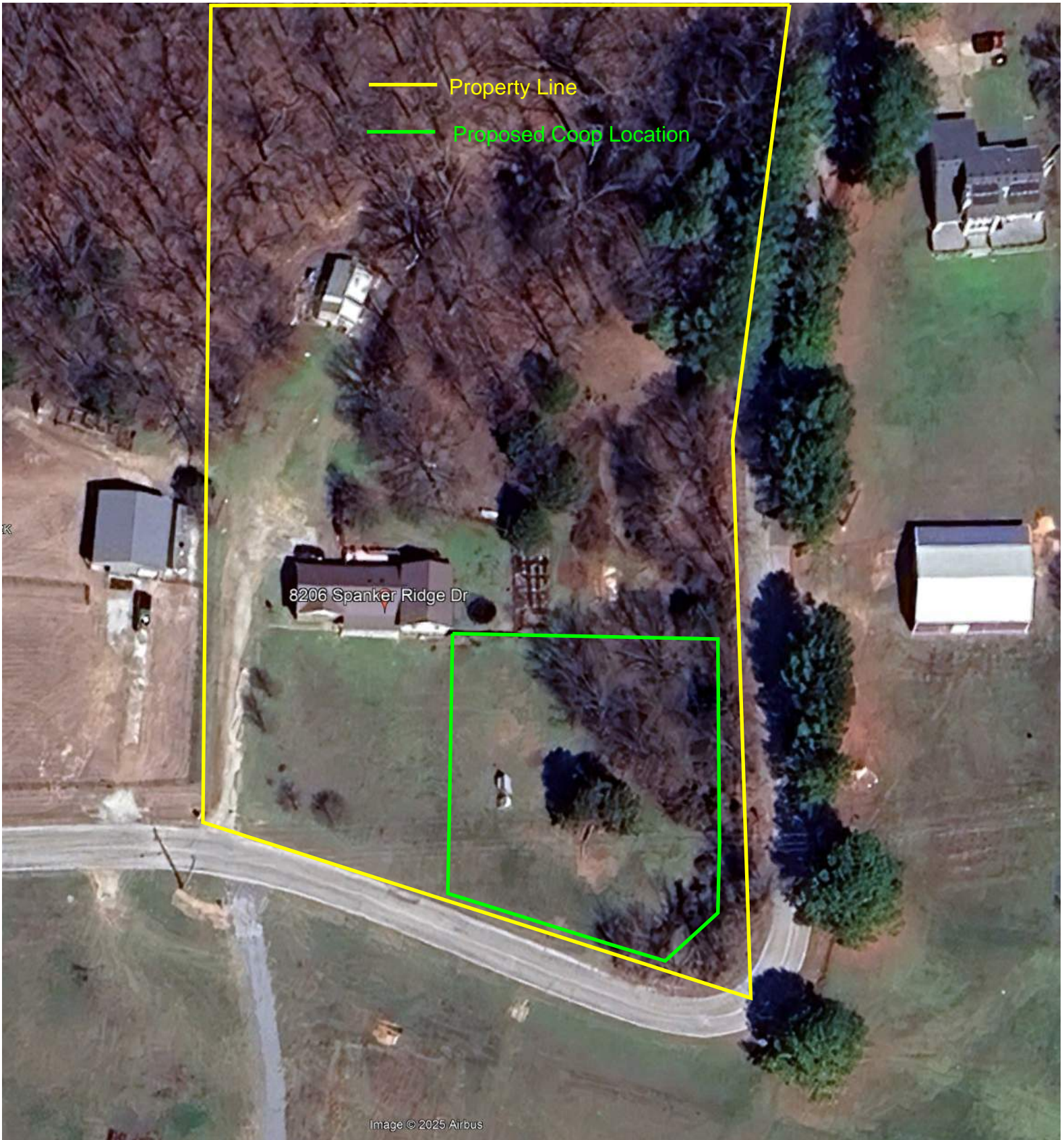
Thank you for your time and consideration.

Attached you will find photographs, topographic details, and additional documentation further illustrating the need for a taller fence and proposed location of the chicken coop.

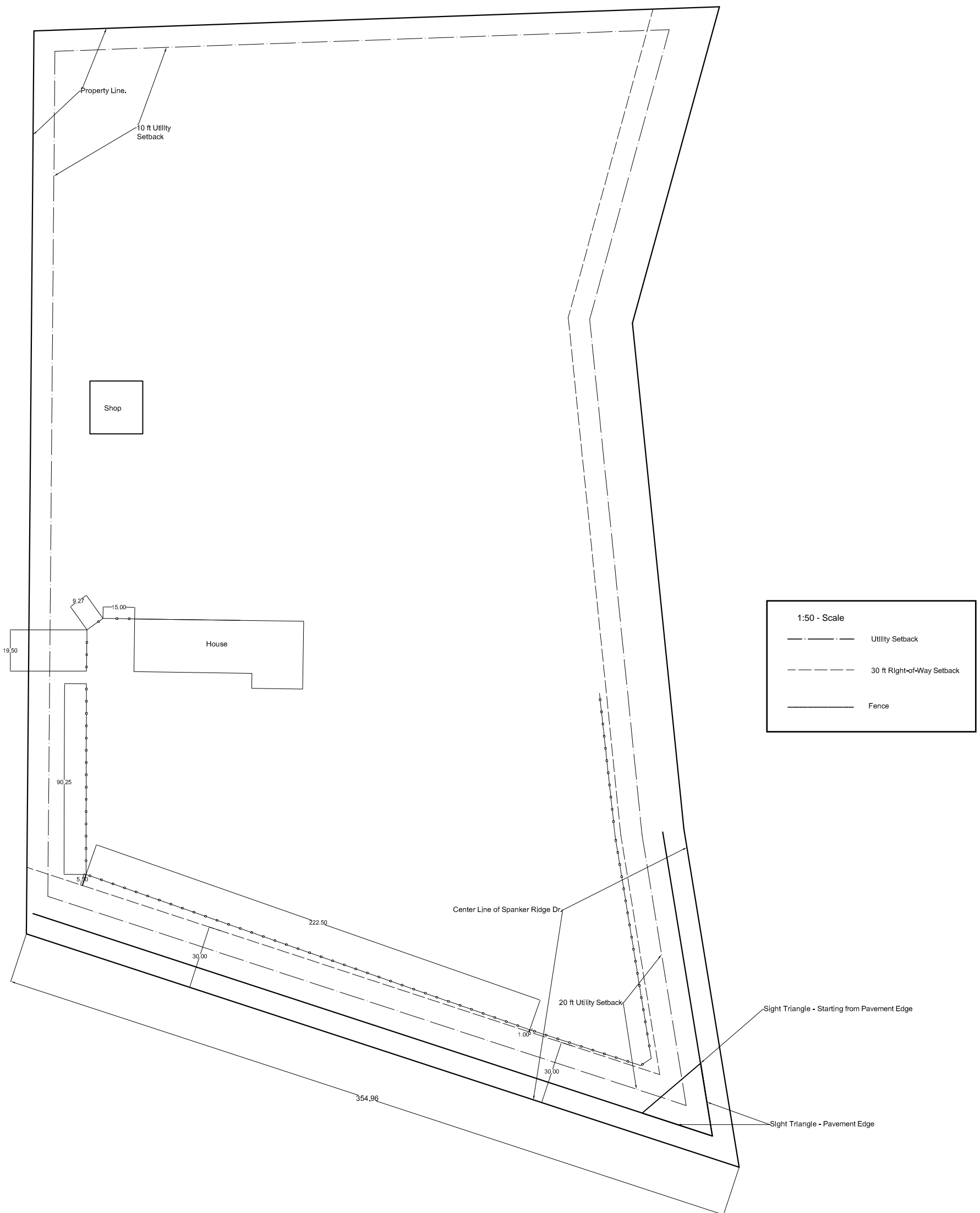
Sincerely,

Mark & Christy Pierce

8206 Spanker Ridge Dr Proposed Chicken Coop Location



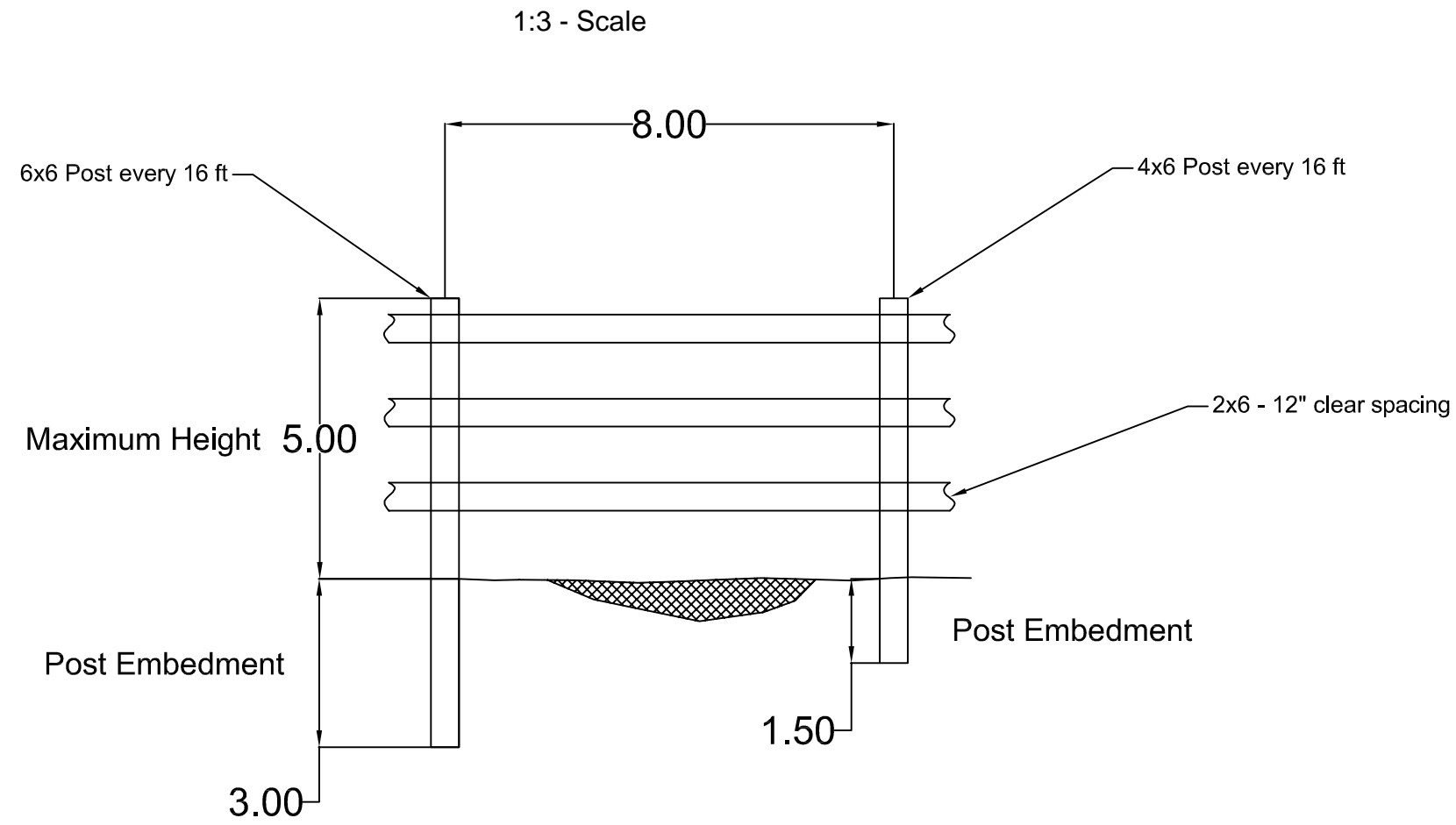
Proposed Fence Plot and Plan



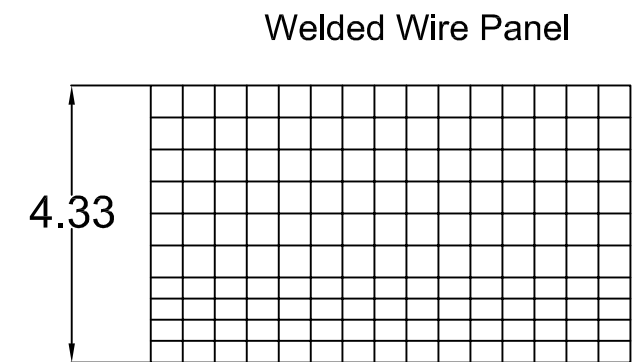
1:50 - Scale

- Utility Setback
- 30 ft Right-of-Way Setback
- Fence

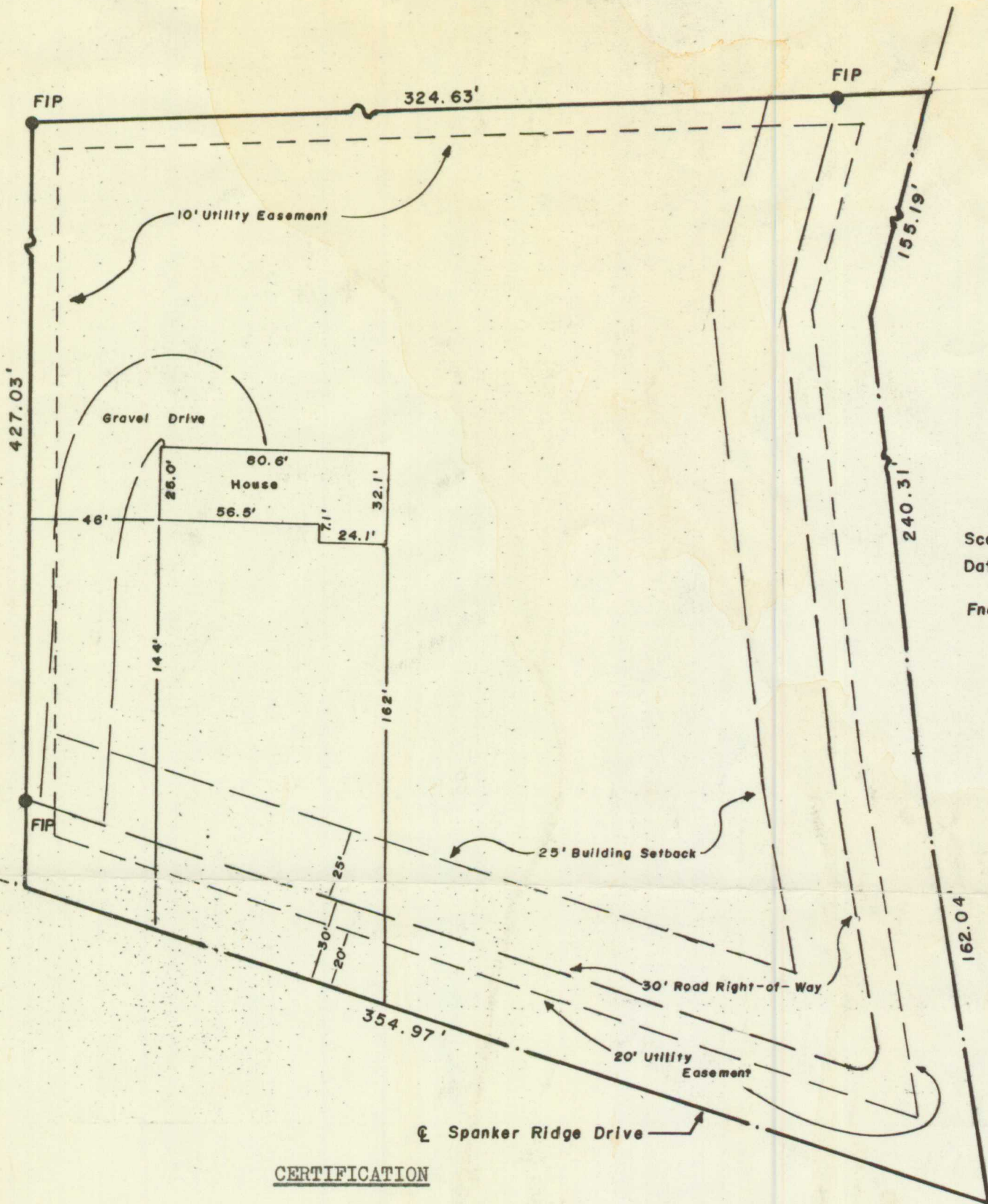
Proposed Fence Detail



Posts will be inside the fence and 2x6 boards will be outside the fence.



Welded Wire Panel will be set in between each post on the inside of the fence.



Scale: 1" = 50'
 Date: 09 Mar 1987
 End Iron Pin — ●

CERTIFICATION

I hereby certify that this survey of Lot 2, Block 1, Spanker Creek Estates, Benton County, Arkansas, was completed under my supervision on the 9th day of March, 1987 in accordance with a Plat filed in Plat Book 6, Page 53 in the office of Ex-officio Recorder and Circuit Clerk of Benton County, Arkansas.

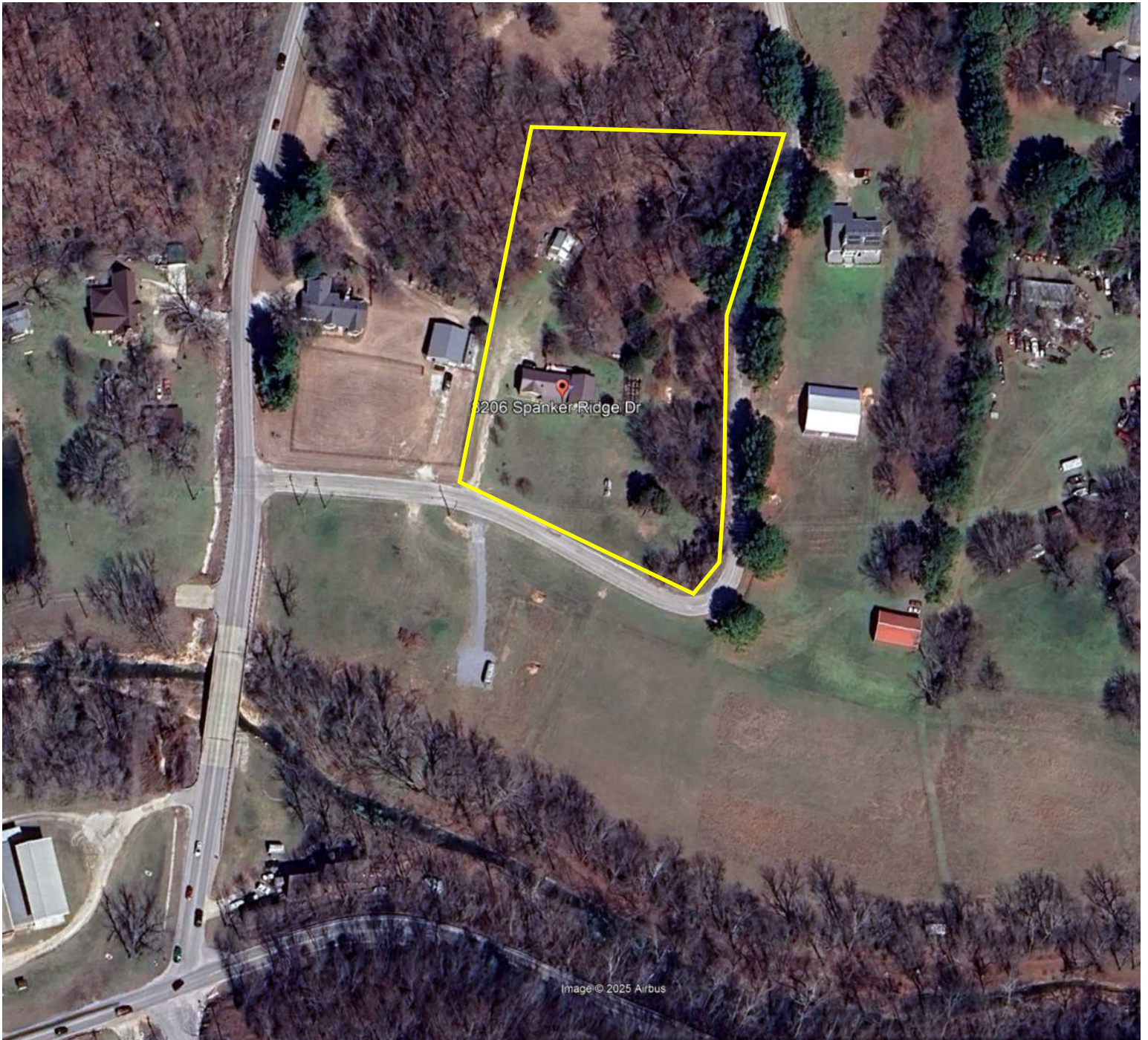
This survey and map is a true and accurate representation of the size and location of the property, its exterior boundaries, the location and dimension of visible structures thereon, boundary fences, apparent easements, roadways, and visible encroachments, if any at the time of this survey.

This survey and map is made for the exclusive use of the present owners of the property and also those who purchase, mortgage, or guarantee the title thereto within one year from the date hereof, and as to them I warrant the accuracy of said survey and map.

LOAN SURVEY FOR:
 Paul E. Carter

Lot 2, Block 1, Spanker
 Creek Estates

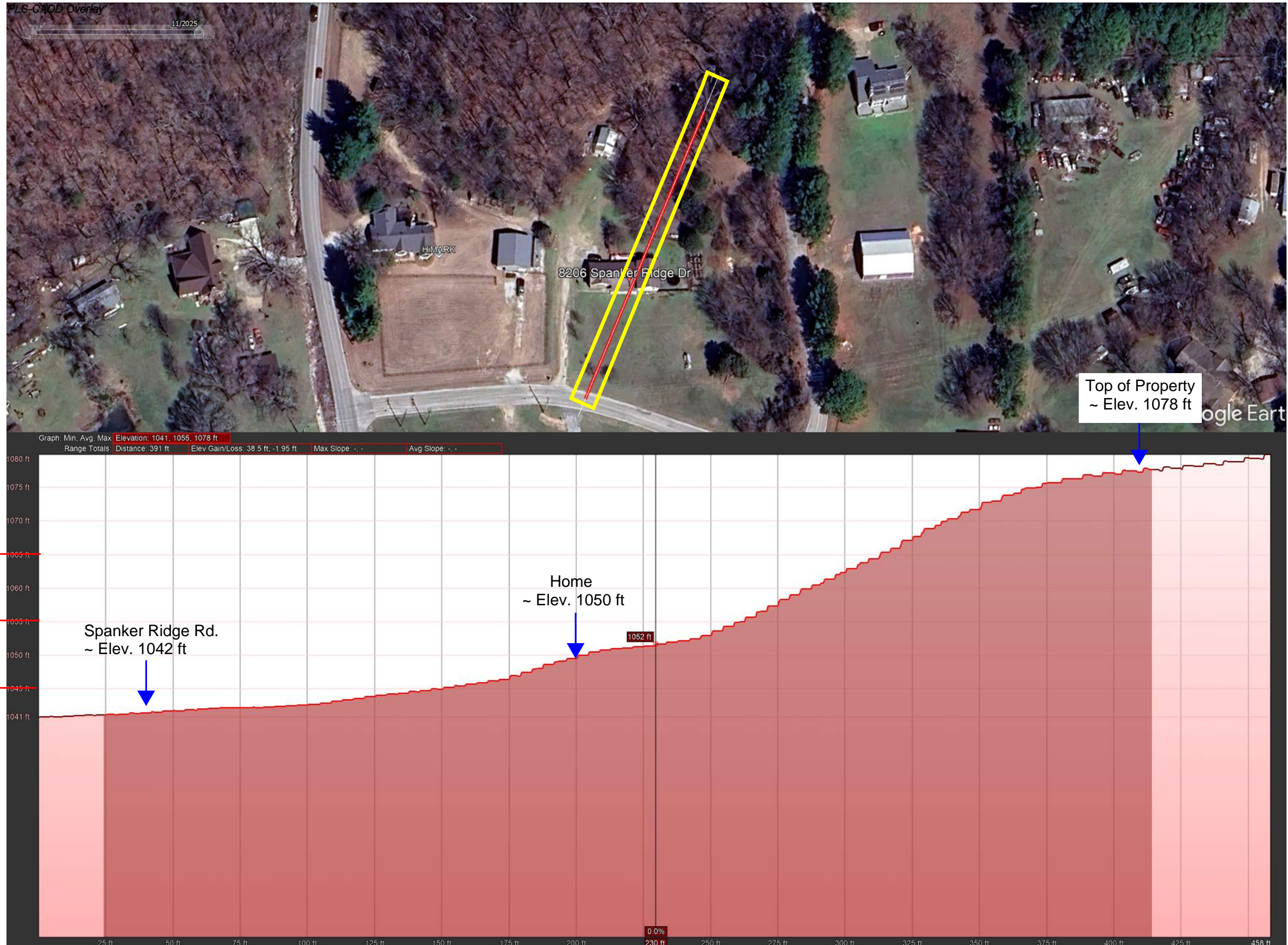
8206 Spanker Ridge Dr



**MAJORITY OF FLAT PORTION OF OUR
PROPERTY - FENCE WILL NOT OBSTRUCT
PUBLIC VIEW**

Home sits at a higher elevation than front 1 acre of property and Spanker Ridge Drive. Therefore, not obstructing view of the home. Images presented demonstrate the elevation difference from the road to the home.

8206 Spanker Ridge Dr Elevation Cross section of Property



Looking North from Spanker Ridge Drive



Spanker Ridge Dr sits about 2-3 ft higher than front property - fence does not obstruct view.



Spanker Ridge Dr elevation about 5-6 ft higher than east side of property - fence does not obstruct view.



SAFETY

Our kids play in the front yard.
Live near a very busy road.
Lots of people turn around in the driveways outlined in red below.

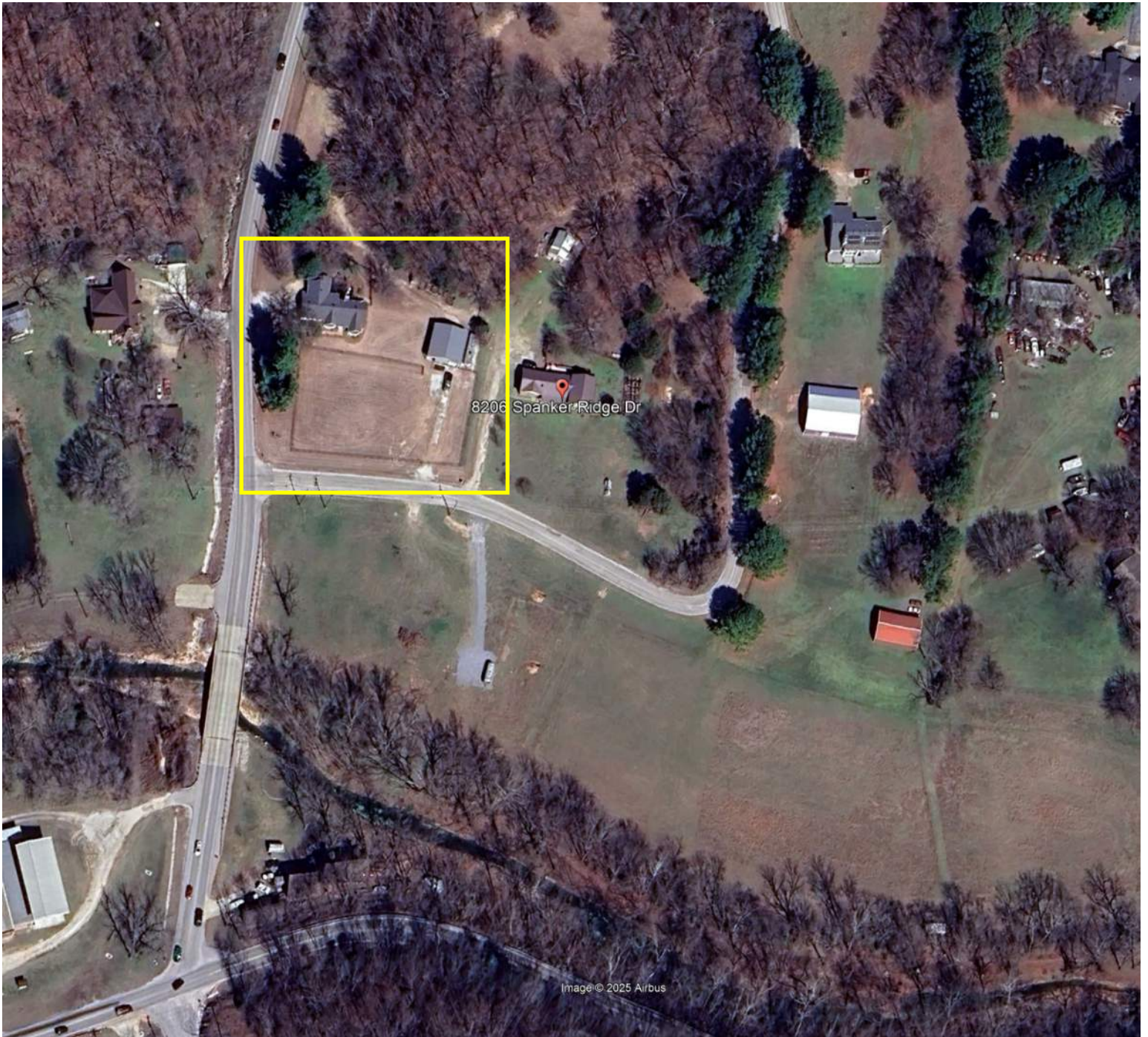
Need separation between strangers and kids.



MATCHES NEIGHBORHOOD AESTHETICS

Neighboring homes in Spanker Creek Estates- Fence will match the existing aesthetic of the neighborhood

8280 Spanker Ridge Dr. - Neighbor west of property



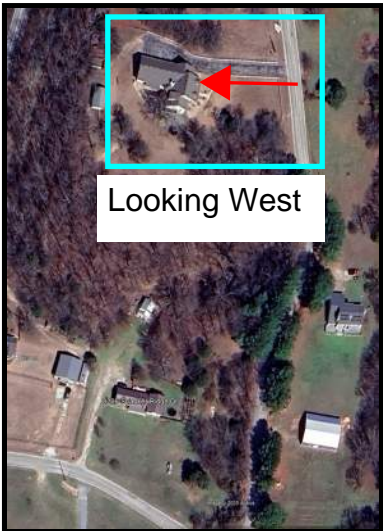
West Neighbor - Looking North from Spanker Ridge Drive



8170 Spanker Ridge Dr. - Neighbor north of property



Looking west - Front of house



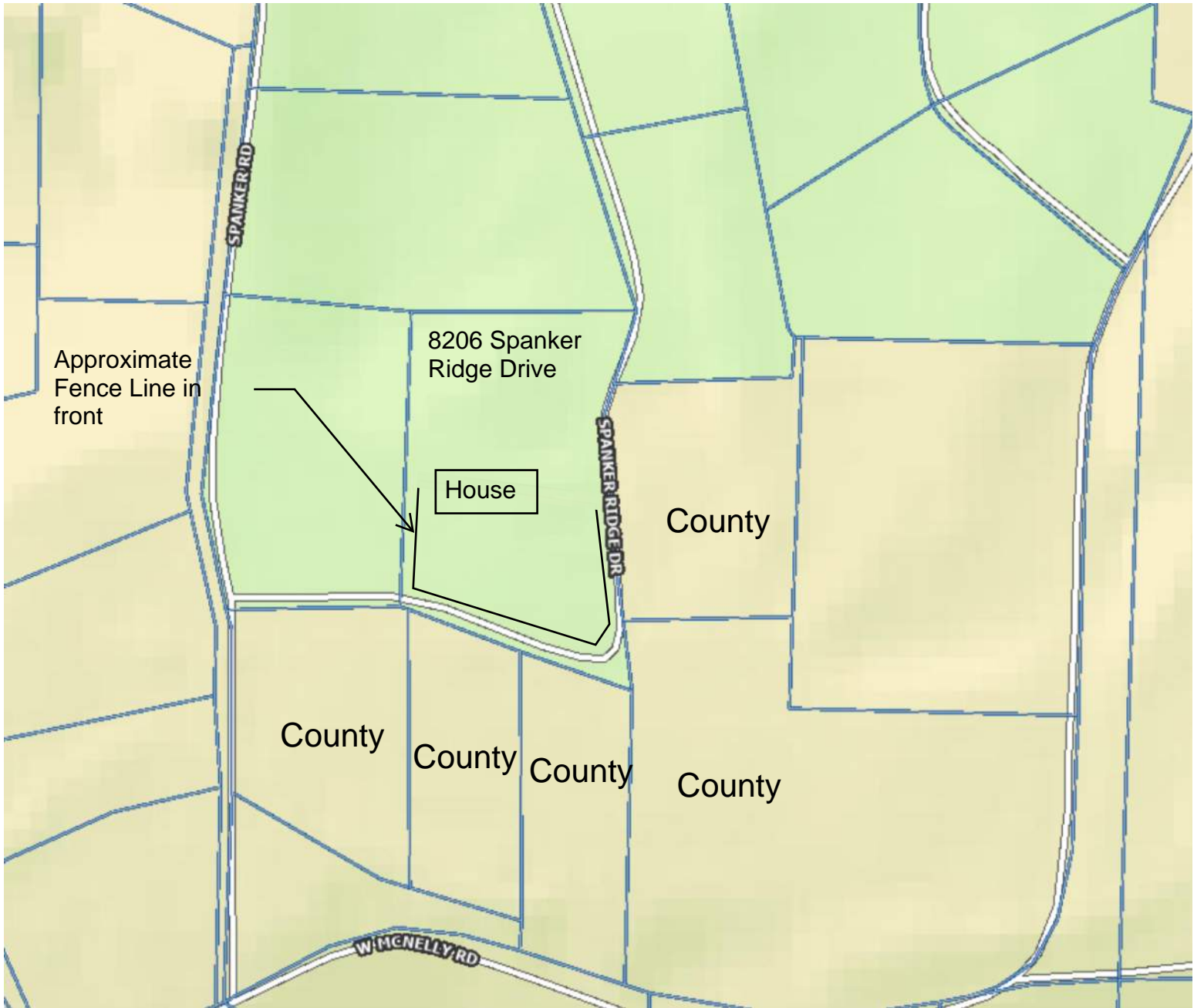
Properties in front of home and east of home are out side of city limits



8206 Spanker Ridge Dr

Outside of City Limits

ARC GIS County Map



Looking south from Spanker Ridge Drive .



Looking east from Spanker Ridge Drive .





