



## Board of Zoning Adjustment Meeting Agenda

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**Date:** Monday, June 8, 2026  
**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>.

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### I. Call to Order

### II. Roll Call

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

### III. Consideration of Minutes

A. Regular Meeting Minutes - May 11, 2026

### IV. Unfinished Business

A. **ZVR-2026-64402:** A variance request on tree preservation requirements for a single-family home served by sewer in the R-1 zoning district at 5 Powick Lane; Parcel 16-33383-000; Applicant Chad White; Planner Grady

### V. New Business

A.

**Public Hearing ZVR-2026-64902:** A variance request on tree preservation requirements for a lot served by sewer in the R-1 zone at 12 Pershore Lane; Parcel 16-33221-000; Applicant Patrick Kuhlman; Presented by Planner Hyatt

B. **Public Hearing ZVR-2026-64962:** A variance request on retaining wall requirements for an unpermitted wall at 3 McKeever Lane; Parcel 16-23432-000; Applicant David Callison; 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

May 11, 2026  
2483 Forest Hills Blvd

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### 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, and Linda Lloyd.

Member(s) Absent: None.

### III. CONSIDERATION OF MINUTES

A. *Board of Zoning Adjustment Meeting Minutes – April 13, 2026*

On a motion by Mr. Farner and a second by Mr. Sedberry, the April 13, 2026 minutes were approved by voice vote.

### IV. UNFINISHED BUSINESS

None.

### V. NEW BUSINESS

#### A. **Public Hearing: ZVR-2026-64566: A variance request to allow for an electric messaging sign in the C-1 zoning district at 1990 Forest Hills Blvd; Parcel 16-40720-000; Applicant Josh Jones; Presented by Planner LaRue.**

1. Planner LaRue presented the staff report in the packet.
2. Applicant Josh 'JJ' Jones representing Best Sign Group was present to reiterate the request and hardship.
3. Commissioner Ellis opened the public hearing.
4. Commissioner Ellis closed the public hearing.
5. A discussion was held regarding the request.
6. Mr. Farner motioned for the approval of the zoning variance, a second was made by Ms. Portillo.

JB Portillo - Y

Linda Lloyd - Y

Gail Klesen - Y

Clayton Sedberry – Y

Doug Farner - Y

Daniel Ellis - Y

Motion approved with six yes votes (6-0)

**B. Public Hearing: ZVR-2026-64402: A variance request on tree preservation requirements for a single-family home served by sewer in the R-1 zoning district at 5 Powick Lane; Parcel 16-33383-000; Applicant Chad White; Presented by Planner Grady.**

1. Planner Grady presented the staff report in the packet.
2. The applicant was not present.
3. A discussion was held regarding the request.
4. Commissioner Ellis opened the public hearing.
5. Larry Wilms, 109 Mayfair Dr. spoke in opposition, encouraging stiff penalties for these clearing mistakes.
6. Commissioner Ellis closed the public hearing.
7. Ms. Portillo motioned for the variance to be tabled to the June 8<sup>th</sup> meeting and a second was made by Mr. Farner.

Clayton Sedberry - Y

Doug Farner - Y

JB Portillo - Y

Linda Lloyd - Y

Gail Klesen - Y

Daniel Ellis - Y

Motion approved with six yes votes (6-0)

**VI. OPEN DISCUSSION**

A. None.

**VII. ANNOUNCEMENTS**

A summary of upcoming meetings was announced.

**VIII. ADJOURNMENT**

Chairman Ellis adjourned the meeting at 4:48 pm.

SUBMITTED BY:

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Sarah Costa, Office Manager  
City of Bella Vista

APPROVED AND ACCEPTED THIS 8<sup>TH</sup> DAY OF JUNE, 2026:

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Daniel Ellis, P.E., Chairman  
Bella Vista Board of Zoning Adjustment

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Gail Klesen, Secretary  
Bella Vista Board of Zoning Adjustment



**Meeting Information:**

2483 Forest Hills Blvd  
June 8, 2026 at 4:30 pm

**Reviewer:**

Jessica Grady,  
Planner

Project Number	ZVR-2026-64402
Applicant	Chad White
Address/Location	5 Powick Lane
Current Zoning	R-1 Low Density Residential
Site Area	.31 acres
Nature of Request	Seeking a variance on Sec. 109-114



**Zoning Map**



**Future Land Use Plan**

**Property Description**

This property is located in the north east area of Bella Vista City Limits, near the Arkansas Missouri state line, located on Parcel #16-33383-000. Lot 37, Block 8 Worcester Subdivision.

**Regulation**

Zoning code section 109-114(E)(7), for development sites served by sanitary water, existing natural vegetation and tree canopy must preserve a minimum of 25% of the lot.

**Request**

The applicant is requesting a variance on the tree preservation requirements for a single-family home.

**Background**

Ordinance 2023-46 went into effect in November of 2023, in an effort to reduce tree canopy and natural vegetation loss, where possible by requiring a percentage of that lot be protected during development based on the zoning designation at the recommendation of the Planning Commission. The ordinance does allow for an administrative modification for up to 5% if an undue hardship is found. This property is surrounded by single-family residential properties to the north, south, east, and west. The Future Land Use Plan designates this area for future neighborhoods, and the Master Street Plan classifies Powick Lane as a non-classified street. The request was previously tabled during the May 11, 2026 Board of Adjustment meeting. This property is a sewer served lot that remains under construction. Please note, construction has currently ceased, due to the over-clearing beyond the approved limits during the initial phase of site preparation. The applicant obtained a grading and erosion control permit on January 9, 2026, and a building permit was subsequently issued on January 13, 2026. Upon discovering the over-clearing, the applicant notified the Planning Department on April 2, 2026. Staff finds not all three review criteria to be met. The applicant has not adequately demonstrated the three approval requirements in their submitted letter. Staff also finds that no hardship has been demonstrated that was not self-imposed by the applicant. However, the applicant has demonstrated a willingness to accept responsibility for the over-clearing and to work with the City to take the necessary steps to address the issue. Staff has received an as-built survey from the applicant.

**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, April 22, 2026, and posted the public hearing sign on the subject property on Friday, May 1, 2026.

**Recommendation**

Staff could not find all three criteria to be met. However, should the BZA find them to be met, to be aligned with the code audit, staff recommends the following conditions: a stamped landscape architect plan is provided showing native tree species, of both shade and ornamental varieties, and the contractor shall establish ground cover with hydro seed or sod within the previously approved 25% preservation area. To align with our landscaped perimeter requirements in 109-063(c), Staff requests 3 shade of minimum 2.5 dbh and 3 ornamentals of minimum 1.5 dbh be placed across the preservation area. The plan and plantings must be done prior to Certificate of Occupation.

**Sec. 109-144(f) 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.

## 109-114(e)(7) Preservation Requirements

Dear Members of the Board,

We are writing to formally request a variance regarding the tree preservation requirements for our property located at **Lot 37, 5 Powick Ln.**

During the initial phase of our construction, a mistake occurred in which trees were over-cleared within the designated **25% preservation area**. This was our **first offense**, and the over-clearing was **unintentional**. The error resulted from a misunderstanding by our contractor, who believed the lot was designated for septic installation and cleared the area accordingly. Unfortunately, this misunderstanding was not identified until after the clearing had taken place.

We take full responsibility as the property owners and sincerely regret this mistake. At no time was there an intention to disregard Bella Vista's preservation requirements or community standards. We value the natural environment of Bella Vista and understand the importance of protecting it.

Given the circumstances, we respectfully request the following:

1. **Approval to continue construction** on the property without further penalty related to this incident, and
2. **Consideration of an approved remedy**, such as replanting, mitigation, or any corrective action the Board deems appropriate to offset the impact of the over-clearing.

We are fully willing to cooperate with the Board and comply with any reasonable conditions or remediation measures required. Our goal is to resolve this matter responsibly and in a way that aligns with Bella Vista's environmental standards and community expectations.

Thank you for your time and consideration of this request. We appreciate the Board's service to the community and respectfully ask for your understanding given that this was an honest mistake and our first violation. Please let us know if any additional documentation or information is needed.

Sincerely,

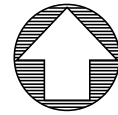
Chad White – White Mountain Construction



GRAPHIC SCALE



1 inch = 30 feet



DEED INFORMATION

THE PROPERTY HEREON DESCRIBED IS THE SAME PERTINENT PROPERTY AS DESCRIBED IN WARRANTY DEED BOOK 2003, PAGE 34009 WITH A RECORDING DATE OF 11/13/2003 AT 10:55 A.M.

DEED DESCRIPTION

LOT 37, BLOCK 8, WORCESTER SUB-DIVISION, BELLA VISTA, BENTON COUNTY, ARKANSAS, SUBJECT TO THE COVENANTS AND RESTRICTIONS, RESERVATIONS, EASEMENTS CHARGES AND LIENS REFLECTED UPON THE PLAT AFORESAID IN THE RECORDED PROTECTIVE COVENANTS AND DECLARATIONS IN CONNECTION THEREWITH.

SURVEYOR'S CERTIFICATION

1. IN PROVIDING THIS SURVEY, NO ATTEMPT HAS BEEN MADE TO SHOW DATA CONCERNING SIZE, DEPTH, CONDITION, OR CAPACITY OF UNDERGROUND UTILITIES EXISTING ON SITE. ONLY VISIBLE UTILITIES AND LINES MARKED BY THE APPROPRIATE UTILITY PROVIDER HAVE BEEN LOCATED ON THIS SURVEY.
2. NO ABSTRACT OF TITLE NOR TITLE COMMITMENT, OR RESULTS OF A TITLE SEARCH WERE FURNISHED TO THE SURVEYOR. ALL DOCUMENTS OF RECORD REVIEWED WERE PROVIDED BY BENTON COUNTY RECORDS. THERE MAY EXIST OTHER DOCUMENTS OF RECORD THAT MAY AFFECT THIS SURVEYED PARCEL.
3. NO ADDITIONAL INVESTIGATION OR INDEPENDENT SEARCH BY SWOPE ENGINEERING HAS BEEN MADE FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
4. THIS SURVEY IS VALID ONLY IF THE DRAWING INCLUDES THE SEAL AND SIGNATURE OF THE SURVEYOR.
5. DECLARATION IS MADE TO ORIGINAL PURCHASER OF THE SURVEY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
6. THE DISTANCES SHOWN HEREON ARE UNITS OF GROUND MEASUREMENT.
7. NAMES AND ADDRESSES OF ADJOINING PROPERTY OWNERS WERE TAKEN FROM BENTON COUNTY GIS.
8. DIMENSIONS ON THIS PLAT ARE EXPRESSED IN US SURVEY FEET AND DECIMAL PARTS THEREOF UNLESS OTHERWISE NOTED.
9. FIELD WORK WAS COMPLETED 11/12/2025.
10. THE NEAREST INTERSECTING STREETS IS THE INTERSECTION OF POWICK LANE AND WORCESTER DRIVE WHICH IS APPROXIMATELY 252' FROM THE NORTHEAST CORNER OF THE SUBJECT PROPERTY.

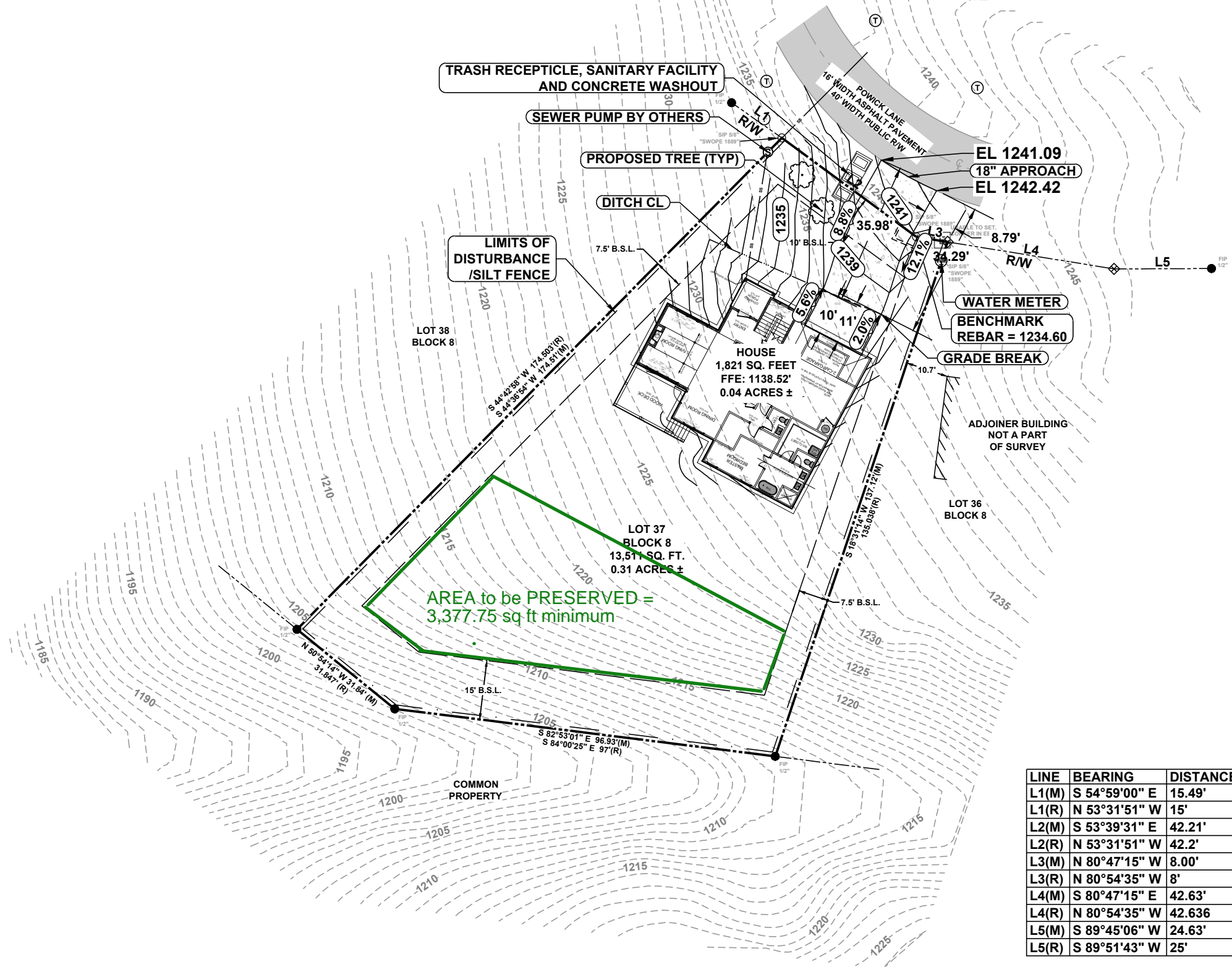
BASIS OF BEARING:

THE BASIS OF BEARING OF THIS SURVEY IS GRID NORTH PER GPS COORDINATE OBSERVATIONS ARKANSAS STATE PLANE, NORTH ZONE NAD83.

LEGEND

- FOUND MONUMENT AS-NOTED
- SET MONUMENT AS-NOTED
- ◆ CALCULATED CORNER
- ⊠ ELECTRIC BOX
- ⊞ WATER METER
- ⊕ TELEPHONE PEDESTAL
- (M) FIELD MEASUREMENT
- (R) RECORDED MEASUREMENT
- N/F NOW OR FORMERLY
- EB ELECTRIC BOX
- B.S.L. BUILDING SETBACK LINE
- P.S.L. PLATTED SETBACK LINE
- BOUNDARY LINE
- CENTERLINE OF ROAD
- RIGHT-OF-WAY (R/W)
- BUILDING SETBACK LINE
- ASHPALT

LINE	BEARING	DISTANCE
L1(M)	S 54°59'00" E	15.49'
L1(R)	N 53°31'51" W	15'
L2(M)	S 53°39'31" E	42.21'
L2(R)	N 53°31'51" W	42.2'
L3(M)	N 80°47'15" W	8.00'
L3(R)	N 80°54'35" W	8'
L4(M)	S 80°47'15" E	42.63'
L4(R)	N 80°54'35" W	42.636'
L5(M)	S 89°45'06" W	24.63'
L5(R)	S 89°51'43" W	25'



AREA to be PRESERVED = 3,377.75 sq ft minimum

**FLOOD INFORMATION**  
This property lies in Zone 'X' (Special Flood Hazard Areas Inundated by 100-year Flood) as determined from the F.I.R.M. maps of Benton County, Arkansas, and Incorporated Areas, Map Number 05007C0080J, effective 09/28/2025.

Zone R-1 Building Setbacks	
Front	10'
Side	7.5'
Rear	15'

**CERTIFICATE OF SURVEYING ACCURACY**  
I, PHILLIP R. SWOPE, HEREBY CERTIFY THAT THIS PLAT CORRECTLY REPRESENTS A BOUNDARY SURVEY MADE UNDER MY SUPERVISION AND BOUNDARY MARKERS AND LOT CORNERS SHOWN HEREON ACTUALLY EXIST AND THEIR LOCATION, TYPE AND MATERIAL ARE CORRECTLY SHOWN AND ALL MINIMUM REQUIREMENTS OF THE ARKANSAS MINIMUM STANDARDS FOR LAND SURVEYORS HAVE BEEN MET.  
DATE OF EXECUTION: 11-14-2025  
SIGNED: *Phillip R. Swope*  
REGISTERED LAND SURVEYOR NO.1889, STATE OF ARKANSAS

**SURVEY FOR**  
WHITE MOUNTAIN CONST.  
TBD POWICK LANE  
BELLA VISTA, AR 72715  
N/F: HOLZ, CHAD DAVID  
& ZOE ELIZABETH  
APN: 16-33383-000



DRAWN BY:	DRAWING NAME:
<b>S.F.</b>	<b>25-328</b>
SUBMITTAL DATE:	City Number:
11/14/2025	
JOB NUMBER:	SHEET NUMBER:
<b>25-328</b>	<b>1 of 1</b>

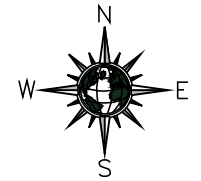


**SITE INFORMATION:**

THIS SITE PREVIOUSLY HAD 100% CANOPY COVER.

**PRESERVED CANOPY**  
22 SQ. FEET ±



POWICK LANE



**TOTAL ACREAGE**  
13,511 SQ. FEET ±  
0.31 ACRES ±

**CANOPY REMOVED FROM SITE**  
11,606 SQ. FEET ±  
0.27 ACRES ±

**LEGEND**

- BOUNDARY LINE
- - - - - PRESERVATION AREA EXTENTS
-  CANOPY PRESERVED
-  CANOPY REMOVED

**MINIMUM PRESERVATION AREA:**

1,351 SQ. FEET

**SITE PRESERVATION TOTAL:**

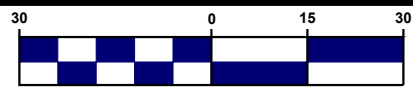
1,906 SQ. FEET ±

**BASIS OF BEARING:**  
ARKANSAS STATE PLANE,  
COORDINATE SYSTEM,  
(NAD-83) NORTH ZONE.

**PRESERVED CANOPY**  
7 SQ. FEET ±

**PRESERVED CANOPY**  
1,877 SQ. FEET ±

**5 Powick Lane Tree Preservation Area**



(in feet) 1 inch = 100 ft.

**Project Number:**  
25-328

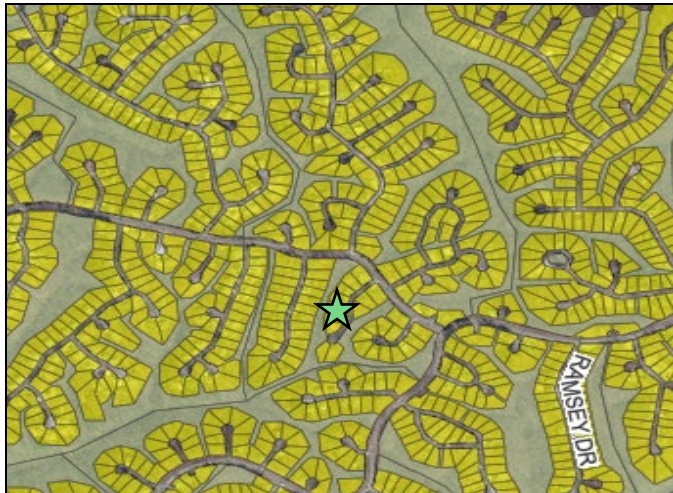
**Certificate of Authorization № 2831**

**Date: 06/01/2026**

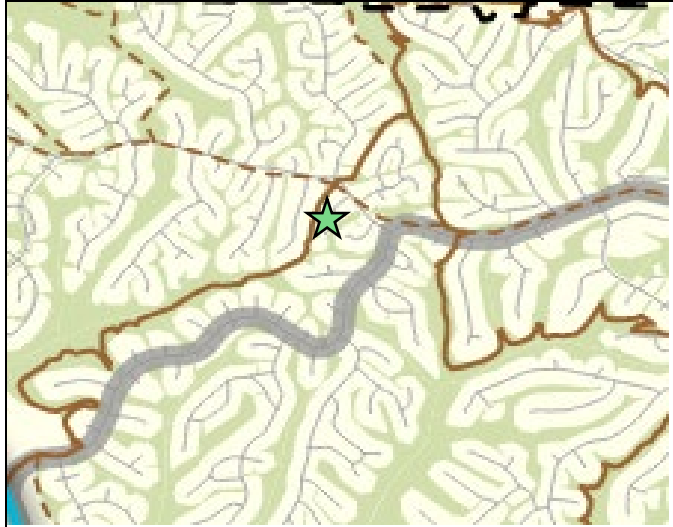


**Meeting Information:**  
 2483 Forest Hills Blvd  
 June 8, 2026 at 4:30 pm  
**Reviewer:**  
 Christopher Hyatt  
 Senior Planner

Project Number	ZVR-2026-64902
Applicant	Patrick Kuhlman
Address/Location	12 Pershore Lane
Current Zoning	R-1 Low Density Residential
Site Area	.32 acres
Nature of Request	Seeking a variance on Sec. 109-114(E)(7)



**Zoning Map**



**Future Land Use Plan**

**Property Description**

This property is located in the north east area of Bella Vista City Limits, located on Parcel #16-33221-000. Lot 6, Block 12 Worcester Subdivision.

**Regulation**

Zoning Code Sec. 109-114(E)(7) requires single-family residential lots serviced by sanitary sewer to preserve a minimum of 25% of the existing natural vegetation and tree canopy.

**Request**

The applicant is requesting a variance from the minimum 25% preservation requirement for a single-family residential lot serviced by sewer.

**Background**

Ordinance 2023-46 went into effect in November of 2023 in an effort to reduce tree canopy and natural vegetation loss where possible by requiring a percentage of the lot be protected during development based on the zoning designation at the recommendation of the Planning Commission. The ordinance does allow for an administrative modification for up to 5% if an undue hardship is found.

Per the applicant's letter a new crew was brought in and miscommunications led to the 25% preservation area being completely cleared the week of April 27<sup>th</sup>. A GEC inspection that week notified the contractor of the over clearing on the new construction lot and advised to reach out to the Planning Department. The contractor promptly reached out to inquire of the steps needed to correct the actions of the clearing contractor. The property is surrounded by single-family residential properties to the North, South, East, with Common Property to the West. The Future Land Use Plan designates this area for future neighborhoods, and the Master Street Plan classifies Pershore Lane as a non-classified, residential, street.

Upon review Staff finds that no hardship has been demonstrated that was not of the applicant's doing. Currently the lot is sitting cleared and un-stabilized and the applicant has demonstrated a willingness to accept responsibility for the over-clearing and to work with the City to take the necessary steps to address the issue.

**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, May 20, 2026, and posted the public hearing sign on the subject property on Friday, May 29, 2026.

**Recommendation**

Staff could not find all three criteria to be met. However, should the BZA find them to be met, to be aligned with the code audit Staff recommends the following conditions: a stamped landscape architect plan is provided showing native tree species, of both shade and ornamental varieties and contractor shall establish groundcover with hydroseed or sod within the previously approved 25% preservation area. To align with our landscaped perimeter requirements in 109-063(c), staff requests 3 shade of minimum 2.5 dbh and 3 ornamentals of minimum 1.5 dbh be placed across the preservation area. The plan and plantings must be done prior to Certificate of Occupancy.

**Sec. 109-144(f) 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.

April 23, 2026

**City of Bella Vista**

Community Development Services – Planning & Development  
616 W. Lancashire Blvd  
Bella Vista, AR 72715

**Re: Variance Request – Section 109-114(e)(7) Tree Preservation Requirements | Property: 12 Pershore Lane | Parcel: 16-33221-000**

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Dear Planning & Development Staff,

We are formally requesting a variance under Section 109-114(e)(7) regarding the tree preservation requirements applicable to our property at 12 Pershore Lane, Parcel 16-33221-000. We submit this request in good faith and with full transparency about what occurred, accepting complete responsibility for the error.

**What Happened**

During the early stages of site preparation, our subcontractor brought in an additional crew to help catch up on work without properly communicating the scope or site-specific requirements in the process. As a result, trees were over-cleared within the designated 25% preservation area. The mistake was not identified until after the work had been completed. This is our first and only violation of Bella Vista's preservation standards, and at no point was there any intent to circumvent the city's requirements.

**Our Position**

We value Bella Vista's commitment to preserving the natural character of the community and take that standard seriously. We recognize that tree preservation rules exist for good reason, and we deeply regret that this occurred on our project. We are not here to minimize the impact – we are here to make it right. In direct response to this incident, we have revised our internal processes to ensure that all subcontractors and any crews they engage are formally briefed on site-specific preservation requirements before work begins. Our subs are now required to communicate scope limitations and regulatory boundaries to anyone they bring on, and they are made fully aware of the consequences and significance of non-compliance. We are committed to ensuring this does not happen again.

**What We Are Requesting**

We respectfully request the following from the City:

1. Authorization to continue construction on the property without further penalty or stop-work action related to this incident; and
2. Approval of an appropriate remediation plan — such as tree replacement, replanting, or mitigation — as determined by the City to adequately offset the impact of the over-clearing.

We are committed to full cooperation with the City and will comply with any reasonable conditions or corrective measures required. Our goal is to resolve this matter responsibly and in a manner consistent with Bella Vista's municipal ordinances and the expectations of the community. Please do not hesitate to reach out if additional documentation, a site visit, or any further information would be helpful in your review.

Thank you sincerely for your time and consideration. We appreciate your review and ask for your understanding given the unintentional nature of this violation.

Respectfully,



**Patrick Kuhlman (PK)**

New Horizon Homes LLC

1401 SW 14th St Ste 1, Bentonville, AR 72712

479.888.2210 | [team@newhorizonhomesnwa.com](mailto:team@newhorizonhomesnwa.com)





**Meeting Information:**  
 2483 Forest Hills Blvd  
 June 8<sup>th</sup>, 2026 at 4:30 pm  
**Reviewer:**  
 Conner LaRue,  
 Planner

**Property Description**

This property is located in the northwest area of Bella Vista City Limits, located on Parcel #16-23432-000. Lot 11, Block 9 Oniell Subdivision.

**Regulation**

Zoning Code Sec. 109-059 establishes retaining wall placement requirements.

**Request**

The applicant is requesting a variance of the above code section to allow an unpermitted retaining wall.

**Background**

The applicant is seeking the subject variance for an existing wall built without a permit. Code requires a minimum of 7.5', or 1.5 times the height of the wall be maintained from any property line. The existing wall measures 4.33' at its highest point, and runs directly adjacent to the property line and is well outside the minimum requirement. The wall was put in to accommodate new construction after the house was graded 5' below the approved GEC permit. Inspections in November 2025 noted the driveway exceeded the allowable grade, and correction action would be required. By February 2026, final GEC inspections noted an altered driveway and retaining wall had been constructed. No certificate of occupancy has been issued. The applicant has expressed the need to change the driveway in order to not exceed the allowable grade at this site. McKeever Lane is labeled as a residential street per the Master Street Plan, and is within a low-density residential area. Staff finds that altering the grade below approved elevations and subsequent retaining wall is a result of the applicant's actions, and does not meet all three findings required for the granting of a zoning variance. However, should the Board approve this, Staff will note the wall must be reviewed by a professional engineer as part of the retaining wall permitting requirements.

**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 Wed. May 20<sup>th</sup>, 2026, and posted the public hearing sign on the subject property on Fri. May 29<sup>th</sup>, 2026.

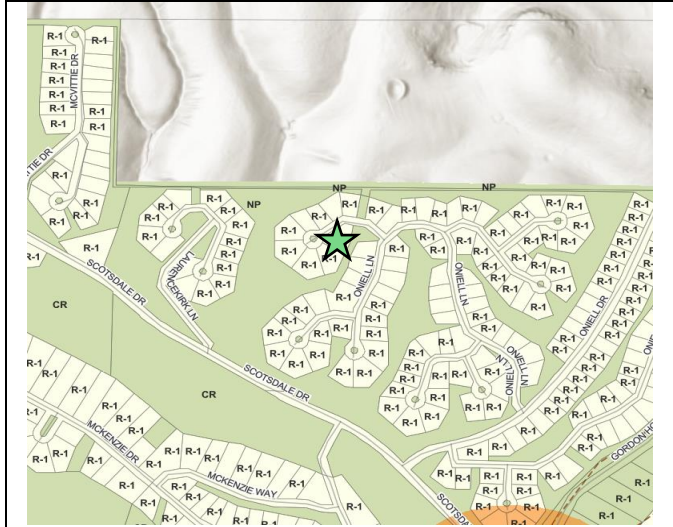
**Recommendation**

Staff recommends denial as not all review criteria has been met.

Project Number	ZVR-2026-64962
Applicant	David Callison
Address/Location	3 McKeever Lane
Current Zoning	R-1 Low Density Residential
Site Area	.47 acres
Nature of Request	Seeking a variance on Sec. 109-059



**Zoning Map**



**Future Land Use Plan**

**Sec. 109-144(f) Variances: Standards for Approval**

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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.

VARIANCE REQUEST FOR 3 MCKEEVER LN

Dear Board of Zoning Adjustment,

I am requesting a variance for the location of a retaining wall at 3 McKeever Ln.

After foundation was poured and the house was framed the Bella Vista GEC inspector noted on his inspection report that the driveway slope was too steep.

We had a surveyor shoot the elevation of the foundation and discovered that the foundation contractor had built the foundation 5' too low, therefore that would make the driveway slope too high to pass the final inspection.

The only space we have to build a retaining wall was at the property line or there would not be enough room to pull in the garage.

Thank you,

Trey Bonds

