



Board of Zoning Adjustment Meeting Agenda

Date: Monday, July 13, 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>.

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 - June 8, 2026

IV. Unfinished Business

A. **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3 McKeever Lane; Parcel 16-23432-000; Applicant David Callison; Presented by Planner Larue *This tabled item has been withdrawn by the applicant. No action required.*

V. New Business

- A. **Public Hearing ZVR-2026-65369:** A variance request on the distance requirements between access drives for a proposed water tower's access drive; Located near Highlands Boulevard & Glasgow Road; Near Parcel 16-72513-000; Applicant Charlie Holt; Presented by Planner LaRue
- B. **Public Hearing ZVR-2026-65626:** A variance request on Nature Preservation setback requirements for a proposed carport; Located at 41 Walter Drive; Parcel 16-35231-000; Applicant Thomas Thomas Presented by Planner Hyatt

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

June 8, 2026
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, Nathan Forst and Linda Lloyd.

Member(s) Absent: None.

III. CONSIDERATION OF MINUTES

A. *Board of Zoning Adjustment Meeting Minutes – May 11, 2026*

On a motion by Mr. Farner and a second by Ms. Klesen, the May 11, 2026 minutes were approved by voice vote.

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; Presented by Planner Grady.

1. Planner Grady presented the staff report in the packet.
2. Mark Taylor, 14650 Marianna Rd, was present to answer questions.
3. A discussion was held regarding the request.
4. Staff recommendations; a stamped landscape architect plan is provided showing native tree species, of both shade and ornamental varieties, and the contractor shall establish ground cover (grass) such as hydro seed or sod within the previously approved 25% preservation area. As well as, 3 shade trees of minimum 2.5 dbh and 3 ornamental trees of minimum 1.5 dbh, to be placed across the preservation area. The plan must be provided, ground cover must be established, and plantings must be done prior to the Certificate of Occupation.
5. Ms. Portillo motioned for the approval of the zoning variance with staff recommendations, and a second was made by Ms. Lloyd.

JB Portillo - Y

Linda Lloyd - Y

Gail Klesen - Y

Clayton Sedberry – Y

Doug Farner – Y

Nathan Forst - Y
Daniel Ellis - Y
Motion approved with seven yes votes (7-0)

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.

1. Planner Hyatt presented the staff report in the packet.
2. Jill Ehret, 1054 N Main Street, was present to address the hardship and take questions.
3. Commissioner Ellis opened the public hearing.
4. Larry Wilms, 109 Mayfair Dr., spoke to encourage 3-year planting bonds.
5. Brett Wilson, 5 Pershore Ln., spoke to encourage strict seeding and re-planting guidelines.
6. Commissioner Ellis closed the public hearing.
7. Amber Quinn, 1501 Burton Ln., spoke to confirm the BMPs are being maintained.
8. A discussion was held regarding the request.
9. Staff recommendations; a stamped landscape architect plan showing shade and ornamental tree varieties, 3 shade and 3 ornamental trees to be planted across the preservation area, and ground cover shall be established prior to certificate of occupation.
10. Mr. Farner motioned for the approval of the zoning variance with staff recommendations and a second was made by Ms. Lloyd.

Linda Lloyd - Y
Gail Klesen - Y
Clayton Sedberry - Y
Doug Farner - Y
Nathan Forst - Y
JB Portillo - Y
Daniel Ellis - Y
Motion approved with seven yes votes (7-0)

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.

1. Planner LaRue presented the staff report in the packet.
2. A discussion was held regarding the request.
3. The owner, Robert Schmidt was present to answer questions.
4. Further discussion was held regarding the request.
5. Commissioner Ellis opened the public hearing.
6. Larry Wilms, 109 Mayfair Dr. spoke about different options for the driveway.
7. Commissioner Ellis closed the public hearing.
8. Robert Schmidt requested to table the variance to next meeting.
9. Ms. Klesen motioned for the variance to be tabled to the July 13th meeting and a second was made by Mr. Farner.

Gail Klesen - Y
Clayton Sedberry - Y

Doug Farner – Y
Nathan Forst - Y
JB Portillo - Y
Linda Lloyd - Y
Daniel Ellis - Y
Motion approved with seven yes votes (7-0)

VI. OPEN DISCUSSION

A. None.

VII. ANNOUNCEMENTS

A summary of upcoming meetings was announced.

VIII. ADJOURNMENT

Chairman Ellis adjourned the meeting at 5:11 pm.

SUBMITTED BY:

Sarah Costa, Office Manager
City of Bella Vista

APPROVED AND ACCEPTED THIS 13TH DAY OF JULY, 2026:

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

Gail Klesen, Secretary
Bella Vista Board of Zoning Adjustment

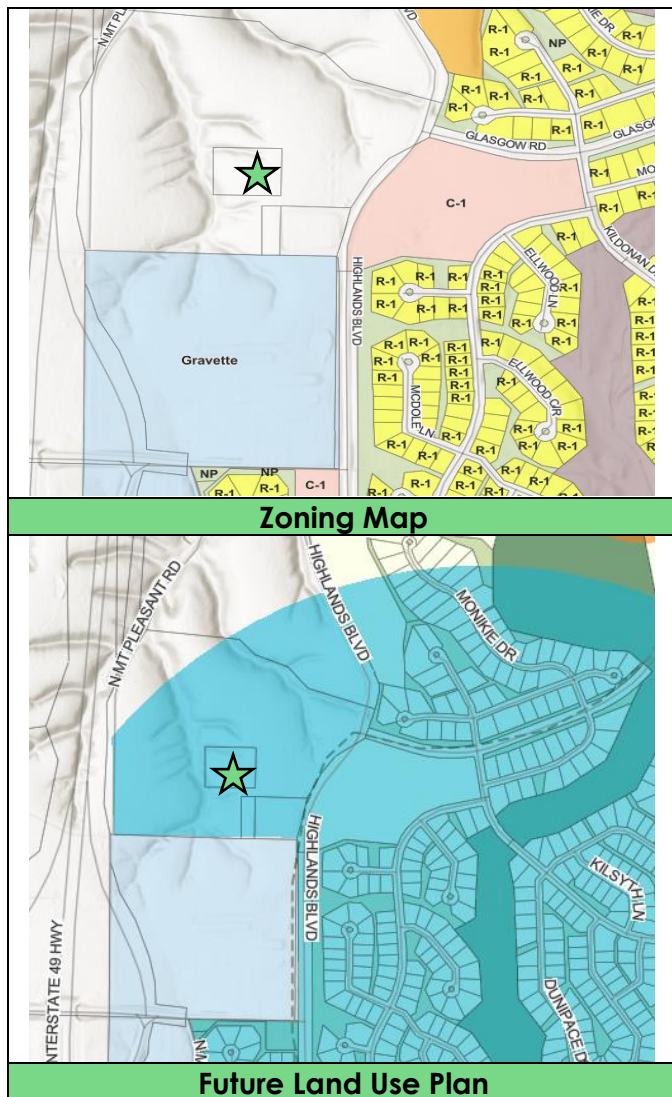
**Meeting Information:**

2483 Forest Hills Blvd
July 13th, 2026 at 4:30 pm

Reviewer:

Conner LaRue,
Planner

Project Number	ZVR-2026-65369
Applicant	Charlie Holt
Address/Location	937 Highlands Blvd.
Current Zoning	Right of Way
Site Area	2.5 acres
Nature of Request	Seeking a variance on Sec. 109-057

**Property Description**

This water tower site is located on Parcel #18-12513-009, outside of city limits. However, its access drive will cross into city limits and connect to the right of way within parcel #16-72513-000.

Regulation

Zoning Code Sec. 109-057 establishes minimum separation requirements between access drives.

Request

The applicant is requesting a variance of the above code section to allow a proposed driveway within the minimum distance requirement of 200'.

Background

The applicant is seeking a variance of the above code section to provide access to a future 500,000-gallon POA water tank. While the water tank site falls within Benton County, a review is still required to access the site from City right-of-way. The same request was previously made and approved under a waiver in the old Chapter 107. However, the applicant did not achieve the required permit nor start work under the previous code before it was repealed and the new code was adopted. The applicant applied on 5/27/26 which triggered the new code requirements that were effective 12/1/25. Thus, a new request under Chapter 109 is required. Code requires a minimum of 200-foot separation for access drives along roadways with a posted speed limit of 40-mph. The site's limited frontage and topographical restraints do not allow the access to meet this requirement, and may be considered cause for undue hardship. Also, a preexisting private access easement from 2023 was recorded prior to the current development design, and represents the only feasible point of vehicular access. Relocating the easement would require significant site reconfiguration and acquisition of additional property. Staff will also note the portion of the driveway inside City right-of-way shall be concrete, and will meet all other access drive requirements. The proposed access will utilize the pre-existing private easement, and will not hinder public health or safety, and will otherwise meet the spirit and intent of the zoning ordinance.

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. June 24th, 2026, and posted the public hearing sign on the subject property on Thur. July 2nd, 2026.

Recommendation

Staff recommends approval due to the analysis above.

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.



Water Utility and Billing Department
51 Huntley Lane
Bella Vista, Arkansas 72715
Phone: (479) 855-8000

May 29, 2026

Bella Vista Planning Commission
101 Town Center
P.O. Box 5655
Bella Vista, AR 72714

RE: Variance Request – Sec. 109-057. Access Management, Connectivity, and Parking Facility Design

Dear Members of the Bella Vista Planning Commission,

I am writing to formally request a variance from the requirements of **Sec. 109-057 - Access Management, Connectivity, and Parking Facility Design** of the Bella Vista Municipal Code, specifically the provisions regarding **minimum separation distances between access drives** on major arterial roadways.

Reason for Variance Request

The waiver is necessary because the subject property's only feasible vehicular access is via an existing access easement to a previously acquired property. This easement has already been purchased and recorded. Additionally, the property line adjacent to Highlands Boulevard measures less than 200 feet in total length, making it physically impossible to meet the 200-foot minimum separation requirement between the proposed driveway location and existing driveways, as stipulated for a roadway with a posted speed limit of 40 mph.

Special Conditions Affecting the Property

The special conditions are:

1. **Physical Constraints** – The limited frontage along Highlands Boulevard restricts driveway placement options and precludes full compliance with the required separation distances.
2. **Preexisting Access Arrangement** – The access easement was negotiated, purchased, and finalized prior to the current development design, and relocating access would require substantial reconfiguration and additional property acquisition, which is not feasible.
3. **Topography and Adjacent Uses** – Site grading and the location of adjacent improvements constrain alternative access points that would meet the code requirements.

Justification – No Injury to Adjacent Properties

Granting this waiver will not be injurious to neighboring properties. The proposed access point will utilize the existing easement and be designed to meet all applicable sight distance, traffic safety, and turning movement standards. Traffic impacts will be minimal, as the development is expected to generate volumes well below the thresholds requiring a full traffic impact analysis under Sec. 109-057

Justification – No Prevention of Orderly Subdivision

This waiver will not hinder the orderly subdivision or development of surrounding land. The access arrangement is contained entirely within existing property boundaries and recorded easements, and will not require or prevent any changes to adjoining parcels' access rights. Any future subdivision of nearby land can proceed in accordance with the City's access management requirements without being impacted by this waiver.

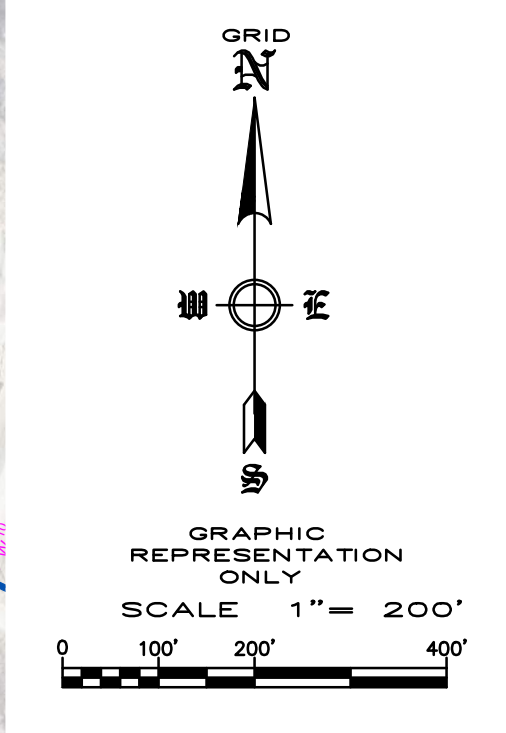
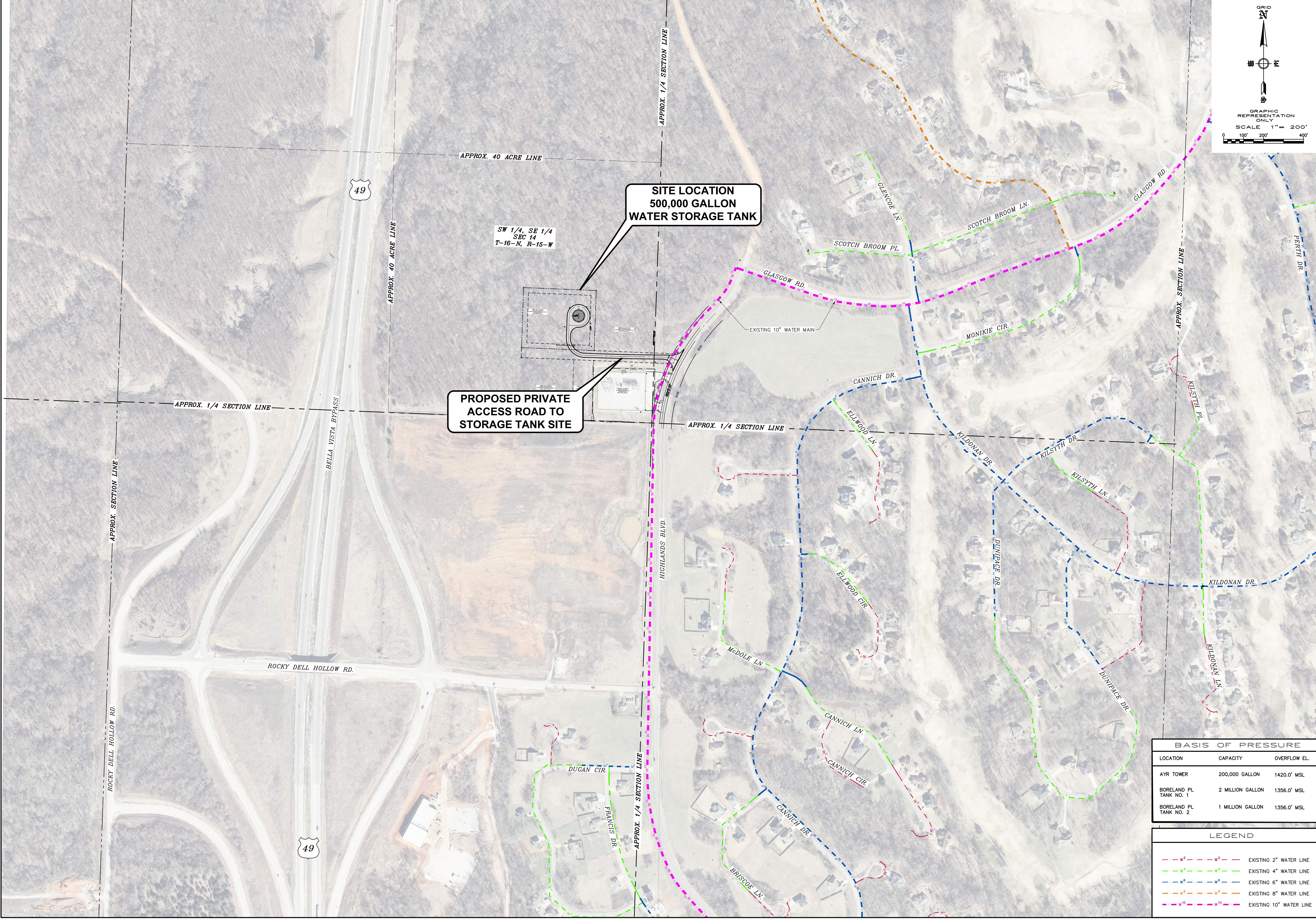
In conclusion, the physical constraints of the property and the preexisting access easement create a unique hardship that makes strict compliance with Sec. 109-057 impractical. The proposed access location is safe, reasonable, and consistent with sound traffic engineering principles, while avoiding any adverse effects on neighboring properties or the broader roadway network.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in cursive script, appearing to read "Charlie Holt".

Charlie Holt, P.E.
Director of Water
Bella Vista POA

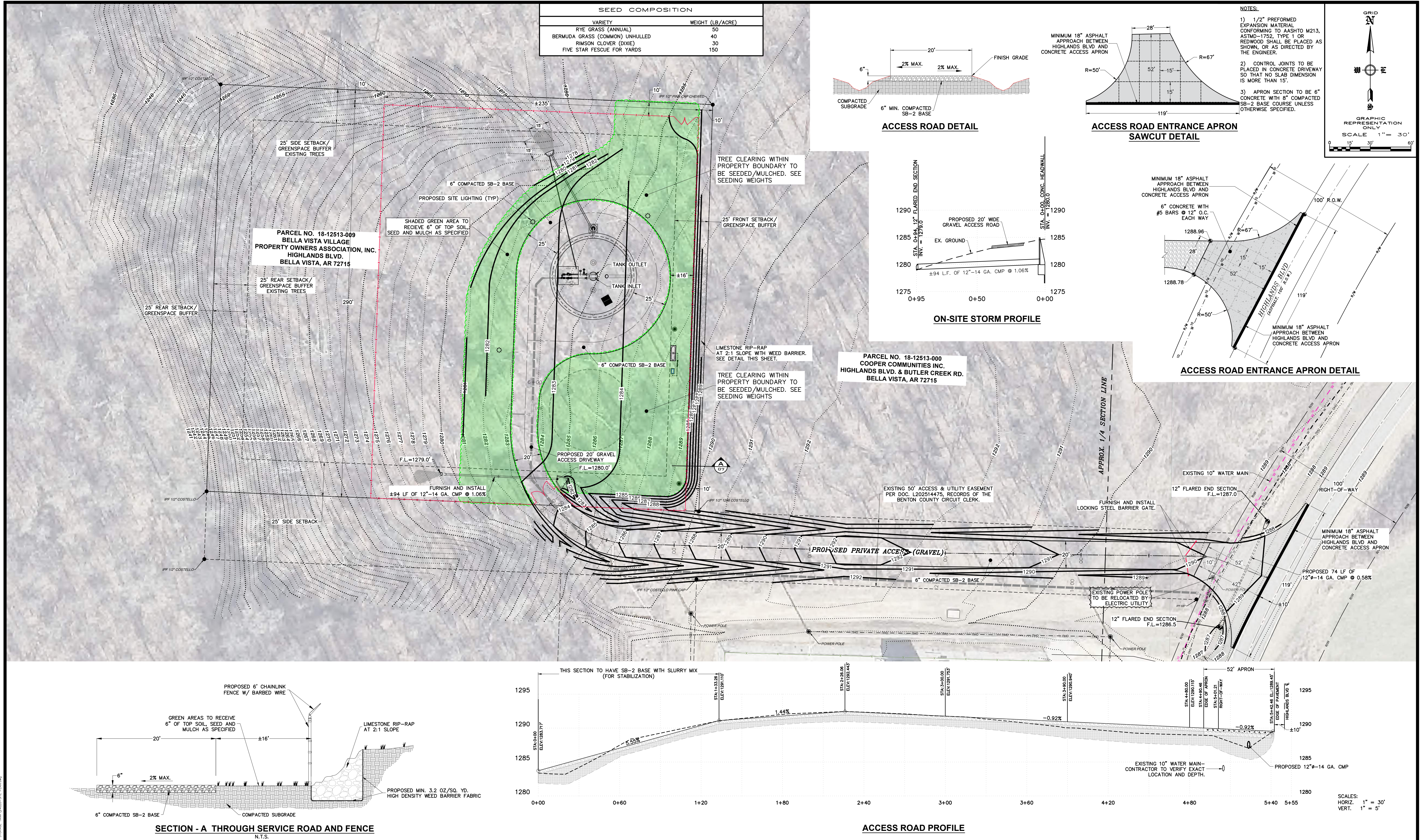


GENERAL LAYOUT
WEST SIDE WATER STORAGE TANK
(500,000 GALLON MULTI-COLUMN)
BELLA VISTA, BENTON COUNTY, ARKANSAS

BASIS OF PRESSURE		
LOCATION	CAPACITY	OVERFLOW EL.
AYR TOWER	200,000 GALLON	1420.0' MSL
BORELAND PL TANK NO. 1	2 MILLION GALLON	1356.0' MSL
BORELAND PL TANK NO. 2	1 MILLION GALLON	1356.0' MSL

LEGEND		
---	W ²	EXISTING 2" WATER LINE
---	W ⁴	EXISTING 4" WATER LINE
---	W ⁶	EXISTING 6" WATER LINE
---	W ⁸	EXISTING 8" WATER LINE
---	W ¹⁰	EXISTING 10" WATER LINE

REVISION	DATE	DESCRIPTION
SCALE: 1"=200'		
DATE: Feb 24, 2026		
ENGINEER: TM		
DRAWN BY: JAL		
W.O. #: 24828		
04		



GENERAL NOTES:

- All water mains to have a minimum cover of 36 inches over the top of the pipe.
- The owner will provide easements where transmission mains cross private property.
- The contractor shall locate all existing utilities before proceeding with construction. Existing utilities typically are not shown on these plans.

LEGEND

SERVICE LINE: SINGLE METER SETTING

SERVICE LINE: DOUBLE METER SETTING

SERVICE LINE: SINGLE METER SETTING

SERVICE LINE: 1" METER SETTING

PROPOSED SITE LIGHTING

PROPOSED PRESSURE REDUCING VALVE

PROPOSED GATE VALVE

PROPOSED BLOW-OFF

PROPOSED 3-WAY FIRE HYDRANT

PROPOSED 2-WAY FIRE HYDRANT

PROPOSED LEAK DETECTION METER

REVISION	DATE	DESCRIPTION

SCALE: 1"=30'

DATE: Feb 24, 2026

ENGINEER: T.M.

DRAWN BY: J.M.

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TANK SITE GRADING PLAN

WEST SIDE WATER STORAGE TANK

(500,000 GALLON MULTI-COLUMN)

BELLA VISTA, BENTON COUNTY, ARKANSAS

ESI

ENGINEERING SERVICES INC.

1207 SOUTH OLD MISSOURI RD.
SPRINGDALE, ARKANSAS 72764
PHONE: 479-751-8733

W.O. No. 24828

SHEET No. 07

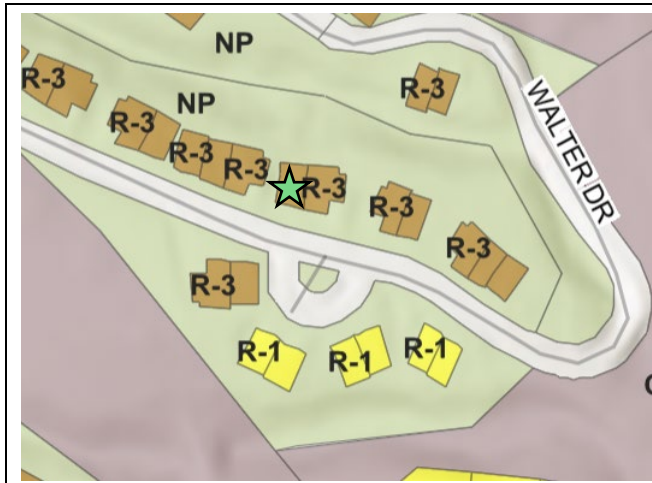
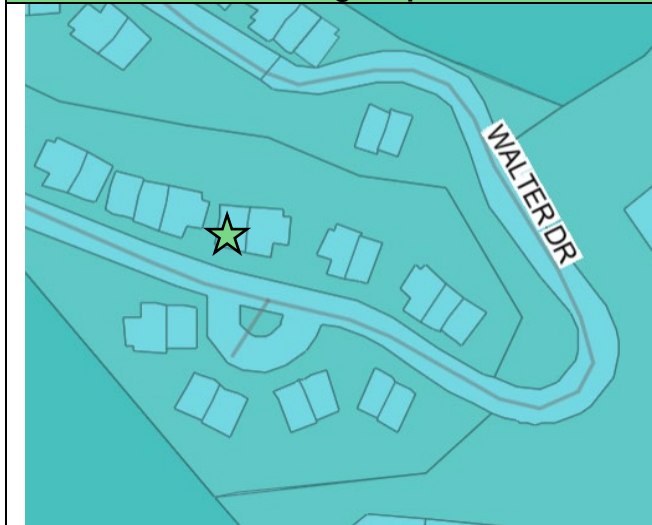
**Meeting Information:**

2483 Forest Hills Blvd
July 13, 2026 at 4:30 pm

Reviewer:

Christopher Hyatt
Senior Planner

Project Number	ZVR-2026-65626
Applicant	Thomas Thomas
Address/Location	41 Walter Drive
Current Zoning	R-3 Mixed Residential
Site Area	.05 acres
Nature of Request	Seeking a variance on Sec. 109-011(c)

**Zoning Map****Future Land Use Plan****Property Description**

This property is located in the southeastern area of Bella Vista City Limits, on Parcel #16-35231-000. Lot 13, Block 7 Metfield Courts Subdivision.

Regulation

Zoning Code Sec. 109-011(c) establishes minimum setback requirements in the Nature Preservation zoning district.

Request

The applicant is requesting a zero-foot front setback in lieu of the required 50 foot in order to construct a detached carport structure for the townhome located at 41 Walter Drive.

Background

The subject site is within a multi-family neighborhood area. These townhome property boundaries consist of the footprint of the structure, plus, 5 feet of area surrounding the structure. Due to these circumstances, any addition made will therefore leave the property boundary and sit on the adjacent parcel. In this request, the surrounding parcel is zoned as Nature Preservation, which requires a 50-foot setback from the property line. The proposed design would cover the existing parking pad with an 18'x20' carport sitting entirely on the Nature Preservation zoned parcel that separates the townhome from Walter Drive. In order to meet fire separation and not encroach into the right of way, the applicant was left with the length of 18 feet to work with. Additionally, the applicant has obtained approval from the Townhouse Authority for this subdivision. Walter Drive is a non-classified residential street per the Master Street Plan, and is within a Type 1 Neighborhood Center per the Future Land Use Plan. Staff finds no hazardous parking conditions would be created if approved and also finds that the circumstances created from the platting of the townhome subdivision is not of the applicant's actions, and strict enforcement would cause undue hardship. Granting of the variance would not conflict with the intent of the district.

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 24, 2026, and posted the public hearing sign on the subject property on Friday, July 2, 2026.

Recommendation

Due to the analysis above, in order to confirm the structure will not be in the ROW and the variance process is applicable, staff recommends tabling this request to provide time for the applicant to acquire a survey and scaled plot plan.

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

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To: Bella Vista Board of Zoning Adjustment

From: Tom Thomas The Handy Craftsman

Regarding: Variance for proposed carport at 41Walter Dr.

As agent for the homeowner of the property at 41 Walter Dr. Bella Vista, I bring this application before the members of the Bella Vista Board of Zoning Adjustment.

This property is a town home in a neighborhood where many of the other homes have carports like the one being proposed here.

No other structure is available to protect the vehicles from damaging effects of the weather, sun and falling debris. We submit that such a shortcoming is a "hardship".

Protection offered by this improvement would be critical to the well-being of such a vehicle.

The townhome association, both neighboring property owners, the ACC, and Bella Vista Community Development have all approved the plans for this improvement.

Please see the accompanying documents defining the proposed improvement.

Thank you for your consideration: Tom Thomas



Bella Vista Townhouse Association

Neighbor(s) Notice of Improvements

Your neighbor(s) at 41 WALTER DR, who owns the townhouse adjacent to your townhouse, is proposing the following improvements: You as a neighbor and townhouse owner have the right to approve or deny the request. The Townhouse Board of Directors has the authority to approve any application when the owners on either side do not reply to the letter of consent within ten (10) days, or if the objections appear to be unreasonable after all consideration. This will be presented to the Board of Directors at their meeting on _____.

Name: BRANDY WRIGHT

Address: 39 WALTER DR

Comments: _____

Signature: [Signature] Date: 5-2-26



Bella Vista Townhouse Association

Neighbor(s) Notice of Improvements

Your neighbor(s) at SETH 41 WALTER DR, who owns the townhouse adjacent to your townhouse, is proposing the following improvements: You as a neighbor and townhouse owner have the right to approve or deny the request. The Townhouse Board of Directors has the authority to approve any application when the owners on either side do not reply to the letter of consent within ten (10) days, or if the objections appear to be unreasonable after all consideration. This will be presented to the Board of Directors at their meeting on _____.

Name: SCOTT NEALD

Address: 43 WALTER DR

Comments: _____

Signature: [Signature] Date: 5/4/26



Bella Vista Townhouse Association License Agreement

WHEREAS, MARK McCLURE, whether one or more, (hereinafter referred to as the "Licensee") of 41 WALTER DR. (mailing address) has made an application and is seeking approval for constructing improvement or maintenance upon Limited Common Property; and WHEREAS, the Licensee is the owner of a Lot or Living Unit in Bella Vista, Arkansas which is described as Lot 13, Block 7, Metfield Oaks Subdivision; and WHEREAS, The Bella Vista Townhouse Association, Inc. (hereinafter referred to as the ("Townhouse Association")) by virtue of its authority under the Declaration and Protective Covenants of Bella Vista Village, Arkansas is the owner of the Limited Common Property as designated upon the plats of the various townhouse complexes located within Bella Vista Village for the purposes specified in said Declaration; and WHEREAS, the Townhouse Association agrees to grant a license for the use of Limited Common Property to the Licensee for the limited purposes set forth in this License Agreement, NOW, THEREFORE, MARK McCLURE, **the Licensee**, is granted a license to use a portion of Limited Common Property as described herein and for the purposes set forth herein subject to the terms and conditions of this License, specifically:

- 1) Licensee shall have a license to: CONSTRUCT A 24' X 24' CARPORT AS DESCRIBED IN SUBMITTED DOCUMENTS
- 2) Licensee understands and agrees that the grant of this license is an accommodation to the Licensee by the Townhouse Association and that the use or occupation of any Limited Common Property or the construction of improvements or any modifications to the Limited Common Property shall not ripen into a claim against the Limited Common Property by the Licensee.
- 3) All improvements and structure to be located on any Limited Common Property must be approved by the Bella Vista Townhouse Association and the Architectural Control Committee of Bella Vista Village, Inc. and the City of Bella Vista.
- 4) Licensee shall remove any improvements or structures located on Limited Common Property subject to this license upon demand by the Bella Vista Townhouse Association.
- 5) This license is not assignable or transferrable without written approval of the Townhouse Association.

Dated this 4th day of MAY, 2026.

[Signature]
Licensee

[Signature]
Licensee

Subscribed and sworn to before me, a Notary Public, this 4th day of May 2026.

Joseph T Hooper
NOTARY PUBLIC

My Commission Expires:

JOSEPH T HOOPER
Notary Public - Arkansas
Benton County
Commission # 12724787
My Commission Expires Sep 14, 2033



Bella Vista Townhouse Association Variance

A Variance is requested from the Bella Vista Townhouse Association for an encroachment over a portion of the underground utilities adjacent to and pertinent to LOT 13, BLOCK 7, 16-35231-ccc a townhouse subdivision in Bella Vista, AR for the placement of a structure as per drawings. Upon approval of request for construction, over the portion of underground utilities, the owner is reminded that if this area is ever needed at a later date for the purpose of installation, repair or replacement of utilities or any other maintenance of the surface area, that the owner will be responsible for the removal of any obstruction granted by said approval for construction, if necessary, for the performance of installation, repairs, or maintenance, at the owner's expense.


Owner's Signature

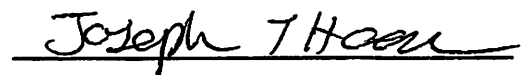
JOHN MARK MCCLURE
Print Name

State of: ARKANSAS

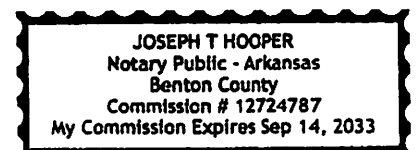
County of: Benton

on this 13 day of MAY, 2026

John Mark McClure, personally, appeared before me, to be the signer of the above document, and he/she acknowledged that he/she signed it.



Notary Public Commission Expires:





BELLA VISTA
ARCHITECTURAL
CONTROL COMMITTEE

PERMIT

PERMIT #	261080	
CONTACT	Thomas Thomas	
PHONE #	479-544-3529	
ADDRESS	41 Walter Dr	
ACC #:	TH-0838	
DESCRIPTION	23x23 carport	
EXPIRES:	11/23/2026	
DATED	05/21/2026	Selina Leigh
		Issued by

Note: A final inspection is required at the completion of your project. Please call 479-855-8080 or email acc@bvacc.com to schedule the inspection.

Permit Boards are to be posted so they can be seen from the road.

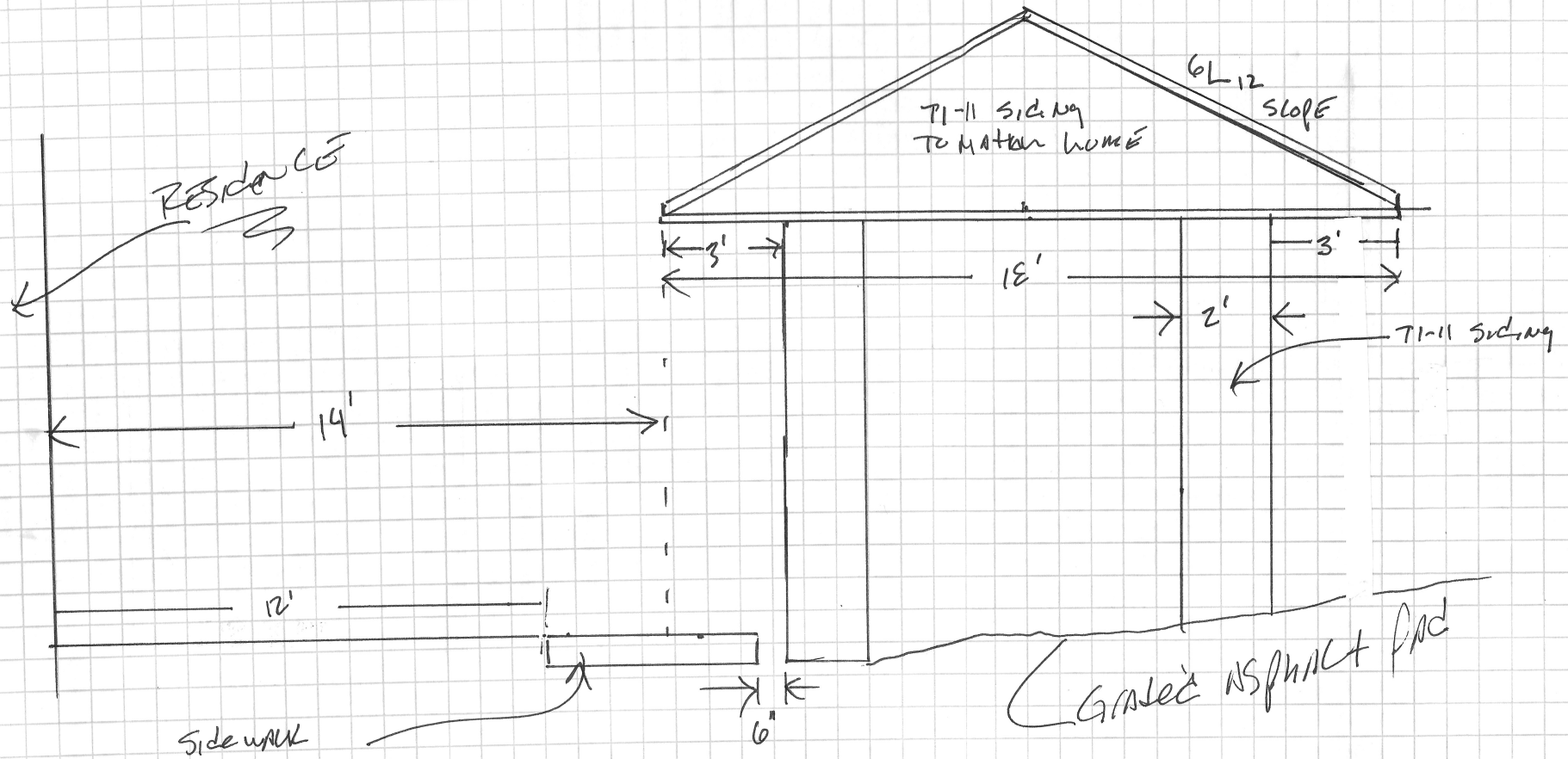
Call for a final inspection when you have completed the project. 479-855-8080 or acc@bvacc.com

The ACC is to be notified of any changes to a project. If the ACC is not notified and we find out at the time of inspection, a fee of \$500 will be applied.

611 WALTER DR

North Elevation Detail

$\frac{1}{4}'' = 1'$

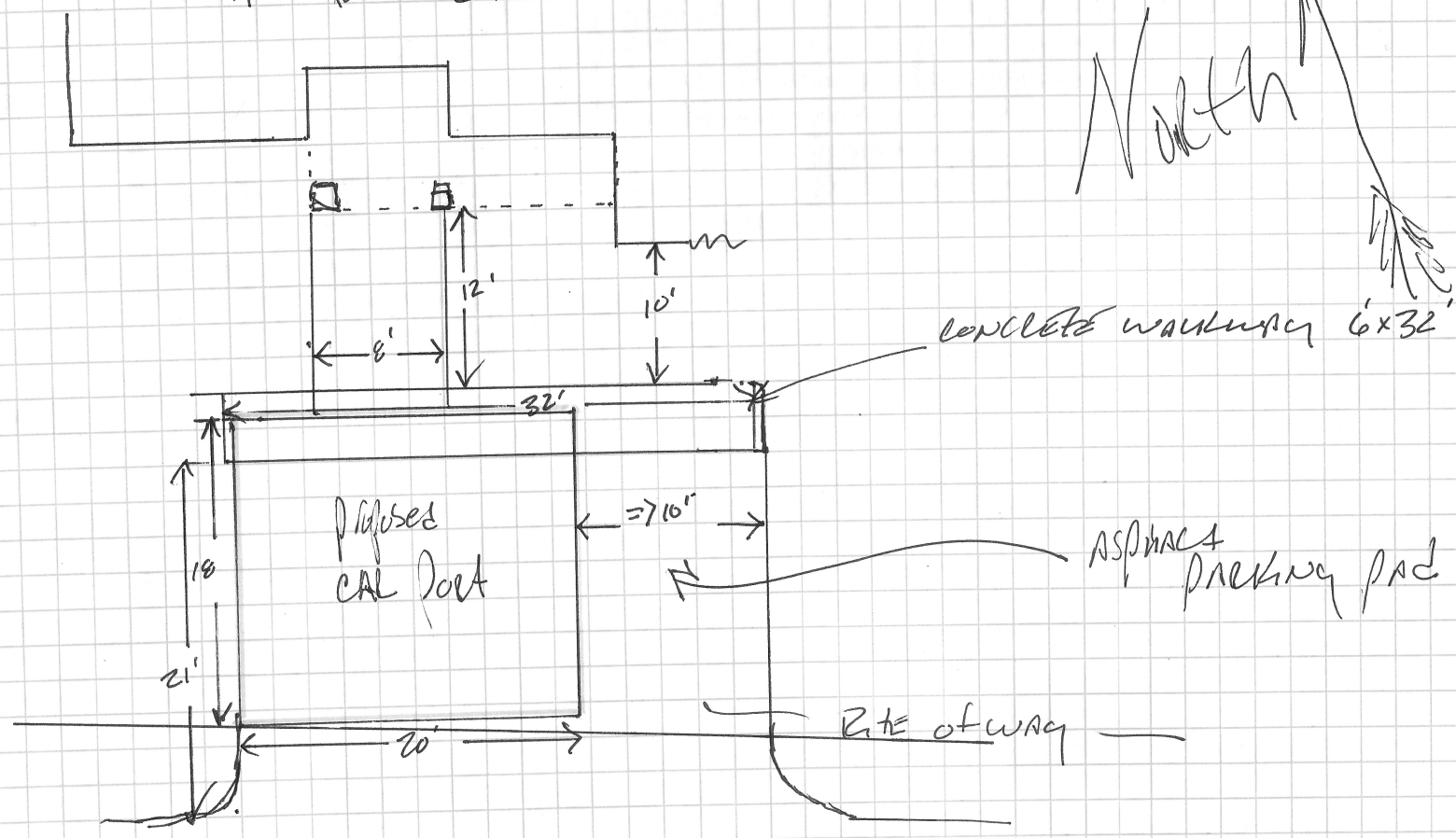


411 WALTER DR SITE PLAN

3/32" = 1'

Rowshorn
RESIDENCE

North



WALTER DR

N.

