



Board of Zoning Adjustment Meeting Agenda

Date: Monday, August 10, 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 - July 13, 2026

IV. Unfinished Business

A. **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at 41 Walter Drive; Parcel 16-35231-000; Applicant Thomas Thomas Presented by Planner Hyatt *This request has been withdrawn. No action required.*

V. New Business

- A. **Public Hearing ZVR-2026-66104:** A variance request on the retaining wall placement requirements; Located at 40 Kintyre Drive; Parcel 16-38005-000; Applicant Shawn Singleterry; Presented by Planner LaRue
- B. **Public Hearing ZVR-2026-66150:** A variance request on the side building setback for a proposed single-family home; Located at 22 Allison Drive; Parcel 16-17149-000; Applicant Kevin Nembhard; 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

July 13, 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 – June 8, 2026*

On a motion by Mr. Farner and a second by Ms. Klesen, the June 8, 2026 minutes were approved by voice vote.

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 This tabled item has been withdrawn by the applicant.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 Blvd & Glasgow Rd; Near Parcel 16-72513-000; Applicant Charlie Holt; Presented by Planner LaRue.

1. Planner LaRue presented the staff report in the packet.
2. Staff recommends the portion of the driveway inside city right-of-way shall be concrete and will meet all other access drive requirements.
3. Tim Mays, Engineering Services Inc. representing Bella Vista Village POA Water Department and Charlie Holt was present to address the intent and take questions.
4. A discussion was held regarding the request.
5. Commissioner Ellis opened the public hearing.

6. Commissioner Ellis closed the public hearing.
7. Ms. Lloyd motioned for the approval of the zoning variance with staff recommendations 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)

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.

1. Planner Hyatt presented the staff report in the packet.
2. Staff recommends tabling the request so the applicant can obtain a survey to show they are not building in the right-of-way.
3. A discussion was held regarding the request.
4. The owner, John Mark McClure and contractor Tom Thomas were present to answer questions.
5. Further discussion was held regarding the request.
6. Commissioner Ellis opened the public hearing.
7. Commissioner Ellis closed the public hearing.
8. The applicant requested to table the variance to next meeting and waive all time constraints.
9. Mr. Farner motioned for the variance to be tabled to the next meeting and a second was made by Ms. Klesen.

Clayton Sedberry - Y
Doug Farner – Y
Nathan Forst - Y
JB Portillo - Y
Linda Lloyd – Y
Gail Klesen - 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 4:43 pm.

SUBMITTED BY:

Sarah Costa, Office Manager
City of Bella Vista

APPROVED AND ACCEPTED THIS 10TH DAY OF AUGUST, 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
August 10th, 2026 at 4:30 pm

Reviewer:

Conner LaRue,
Planner

Property Description

This property is located in west Bella Vista city limits, located on Parcel #16-38005-000. Lot 4, Block 11 Dornoch 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 a proposed terraced retaining wall within the setback and easement.

Background

The applicant is seeking a variance of the retaining wall requirements in association with an adjacent seawall and dock construction permitted by both the POA/City in December 2025. Upon review the applicant was informed that the other walls shown on plan would require additional permitting and variances. The dock and seawall have since been constructed and received final approval, and no other retaining walls have been built. The scope of work includes two walls running a length of 71', each measuring 3'-6" at their highest point, and totaling 7'-2" in combined height. The walls are separated by a 4' path and meets all terraced wall separation requirements as a single wall. However, code requires retaining walls to be 1.5 times the height of the wall away from any property line, and would require a minimum of 10'-8" of separation. At the farthest point, the wall measures 9'-10" of separation and thus requires a variance. Staff finds the lot's steep topography is not of the applicant's actions and a retaining wall would help provided reasonable access. Otherwise strict enforcement of the wall placement would require greater excavation into the slope. The wall otherwise meets other terracing and drainage requirements and keeps to the spirit and intent of the zoning ordinance. If approved, the applicant shall pursue an easement release with the ACC as well as a retaining wall permit.

Public Comment

None at the time of this report.

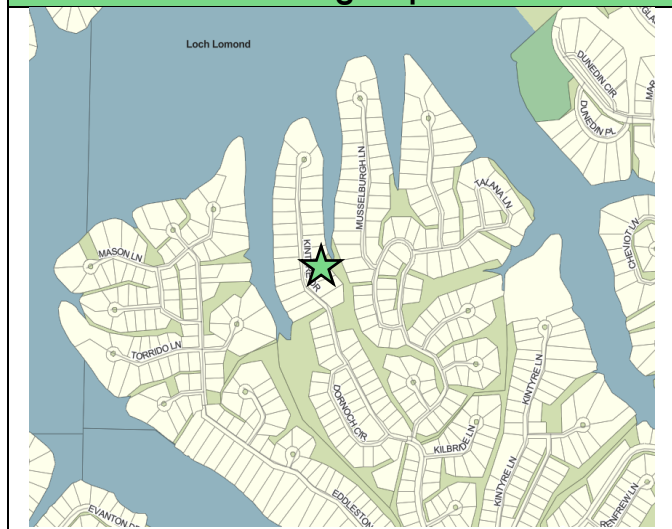
Legal Notifications

Staff published a legal ad notifying the public of this hearing in the Democrat Gazette on Sun. July 26th, 2026, and posted the public hearing sign on the subject property on Fri. July 31st, 2026.

Recommendation

Staff recommends approval due to the analysis above.

Project Number	ZVR-2026-66104
Applicant	Shawn Singleterry
Address/Location	40 Kintyre Drive
Current Zoning	R-1 Low Density Residential
Site Area	0.81 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

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.

7/7/2026

City of Bella Vista Planning Commission

Board of Zoning Adjustment

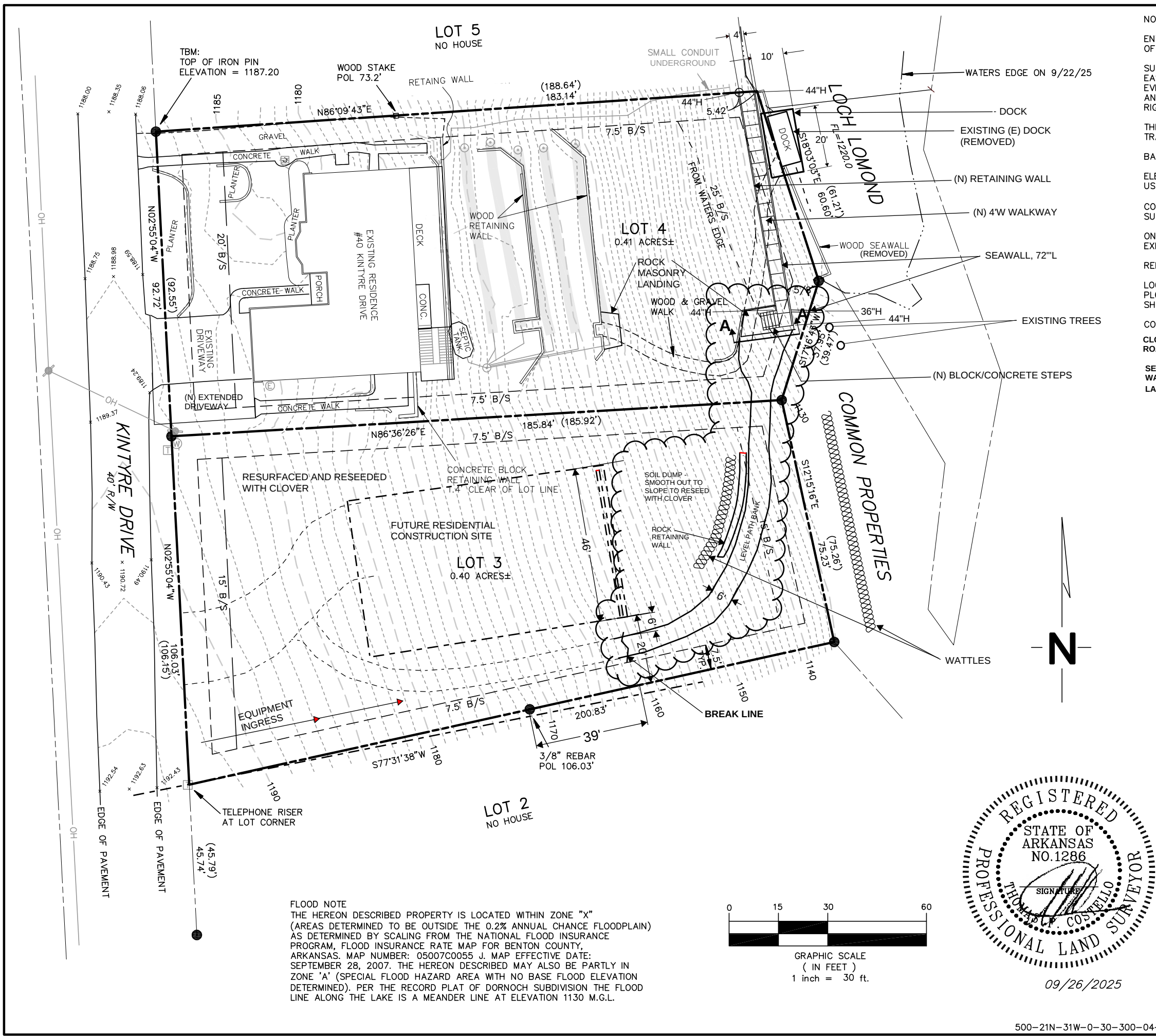
I am writing regarding Permit #65555, recently submitted to Bella Vista Planning Department, for the construction of a walkway and retaining wall with steps behind my new seawall and dock, to request a *variance* to extend both to the north edge of my property and to join the end of the existing seawall. The attached drawing, 40 Kintyre Dr - Boundary Survey – Cove Construction_R7, provides the plan view of retaining wall and walkway extended to the north property line and drawing number SC1001 – Cove Elevation_R8, showing sectional views of the hillside elevation captured by the existing seawall and the new retaining wall and walkway to be constructed.

Under the Bella Vista Zoning and Development Ordinance, Section 109-059, subsection 5(b), the new seawall was extended to the north property line. From the excavation, there is an approximately three-foot setback into the hillside, shown in the photos below, which allowed the seawall to meet the height requirement in Section 109-059, subsection (f)(1)—24 inches above normal pool elevation—while providing safe dock access and maintaining its required height limits from the waterline.

The construction of the new retaining wall with steps and walkway is intended to join the existing path from the back of the house and allow safe passage to the dock.

The variance criteria included with the application and supporting explanations for extending construction of the retaining wall and walkway to the edge of the property line are provided below:

1. The strict enforcement of the zoning ordinance 7.5 feet from the property line would cause undue hardship due to the existing condition remaining from the excavation for the seawall which would result in unnecessary erosion from inclement weather causing eventual damage to the cove.
2. The existing hillside's approximately 25%–30% slope is uniquely characteristic of the property and requires a retaining wall with steps to contain it properly and include a walkway to provide safe access to the dock.
3. Extending the new retaining wall and walkway to the north edge of the property line will contain the entire excavated hillside and redirect stormwater through designated drainage locations of the retaining wall.



NOTES:

ENVIRONMENTAL AND SUBSURFACE CONDITIONS WERE NOT EXAMINED AS A PART OF THIS SURVEY.

SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, TITLE EVIDENCE, ZONING RESTRICTIONS, OR ANY OTHER FACTS WHICH AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE. THERE MAY EXIST EASEMENTS, RIGHTS-OF-WAY OR COVENANTS NOT SHOWN OR NOTED HEREON.

THIS SURVEY IS MADE TO THE ORIGINAL PURCHASER OF THE SURVEY AND IS NOT TRANSFERABLE.

BASIS OF BEARINGS: ARKANSAS COORDINATE SYSTEM 1983 NORTH ZONE.

ELEVATIONS SHOWN HEREON ARE BASED OFF AN ASSUMED ELEVATION 1120.0 USING THE WATER ELEVATION OF THE LAKE AT THE TIME OF THE SURVEY.

COUNTY JUDGMENT/COURT RECORDS WERE NOT EXAMINED AS A PART OF THIS SURVEY.

ONLY ABOVE GROUND OBSERVED UTILITIES WERE LOCATED. OTHER UTILITIES MAY EXIST NOT SHOWN HEREON.

REFER TO THE RECORDED PLAT OF DORNOCH SUBDIVISION FOR RECORD BEARINGS.

LOCATION OF SEPTIC SHOWN IS BASED ON ABOVE GROUND IMPROVEMENTS AND PLOT PLAN OF SITE DATED 12-03-1999. LOCATION MAY VARY FROM WHERE SHOWN HEREON.

CONTOURS ARE AT ONE FOOT INTERVALS.

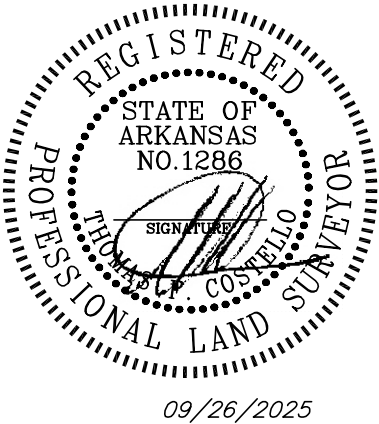
CLOUDED AREA SHOWS LOCATION OF REWORKED GRADING TO CONSTRUCT A 6' WIDE ROAD FOR UTC USE

SEE ATTACHED ELEVATION DRAWING, SC1002 (SECTION A-A), FOR NEW (N) RETAINING WALL AND STEPS CONSTRUCTION DETAILS ADJACENT TO UTC ROAD, ALONG WITH LANDING, SEAWALL AND DOCK.

LEGEND

- FOUND 1/2" REBAR OR AS NOTED
- SET 1/2" REBAR W/CAP OR AS NOTED
- PROPERTY LINE
- - - BUILDING SETBACK LINE (PLATTED)
- - - 7.5' UTILITY & DRAINAGE EASEMENT
- - - BUILDING SETBACK LINE (CITY IMPOSED)
- (XXX.XX') RECORD DIMENSION WHEN MEASURES DIFFERS
- OH — EXISTING UTILITY POLE W/GUY ANCHOR
- OH — EXISTING OVERHEAD UTILITY LINE
- T — EXISTING TELEPHONE RISER
- W — EXISTING WATER METER
- POL XX.XX' POINT ON LINE (DIST. FROM FRONT LOT CORNER)
- B/S BUILDING SETBACK
- EXISTING PVC RISER
- ⊙ EXISTING ELECTRIC METER
- APPROX. LOC. SEPTIC LATERAL LINE

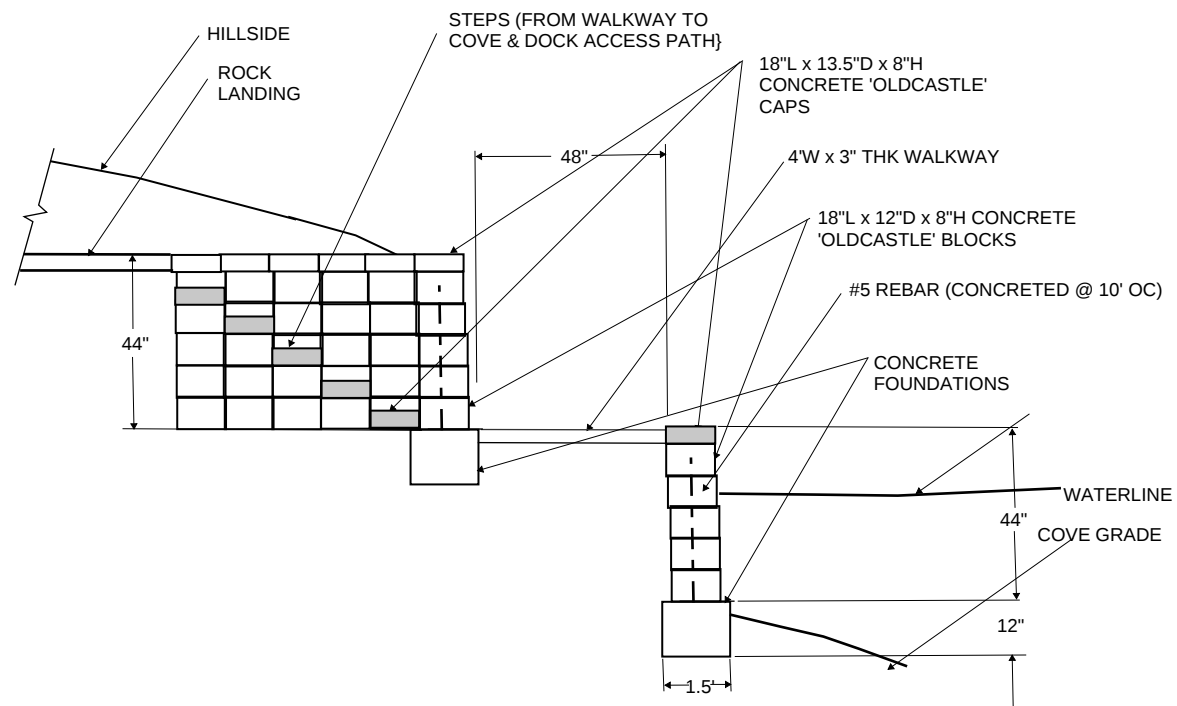
FLOOD NOTE
THE HEREON DESCRIBED PROPERTY IS LOCATED WITHIN ZONE "X"
(AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN)
AS DETERMINED BY SCALING FROM THE NATIONAL FLOOD INSURANCE
PROGRAM, FLOOD INSURANCE RATE MAP FOR BENTON COUNTY,
ARKANSAS. MAP NUMBER: 05007C0055 J. MAP EFFECTIVE DATE:
SEPTEMBER 28, 2007. THE HEREON DESCRIBED MAY ALSO BE PARTLY IN
ZONE 'A' (SPECIAL FLOOD HAZARD AREA WITH NO BASE FLOOD ELEVATION
DETERMINED). PER THE RECORD PLAT OF DORNOCH SUBDIVISION THE FLOOD
LINE ALONG THE LAKE IS A MEANDER LINE AT ELEVATION 1130 M.G.L.



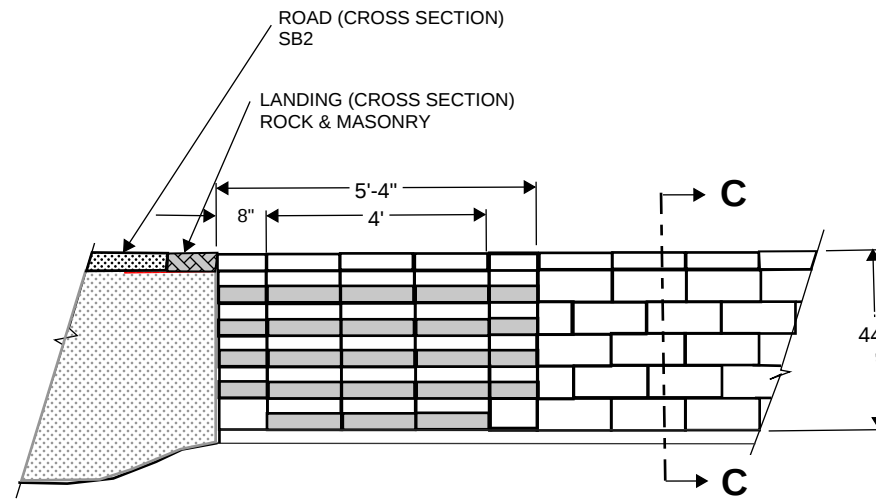
ZONED R-1	40 KINTYRE DRIVE	REV	DATE
LOT 3 PARCEL #16-38004-000		08B	7/31/26
LOT 4 PARCEL #16-38005-000			

BOUNDARY SURVEY
for SHAWN & BARBARA SINGLETERRY
LOTS 3 & 4, BLOCK 11
DORNOCH SUBDIVISION
BELLA VISTA, BENTON COUNTY, ARKANSAS

Costello Land Surveying
4342 E. STATE HIGHWAY 90
PINEVILLE, MO. 64856
(417) 226-4524

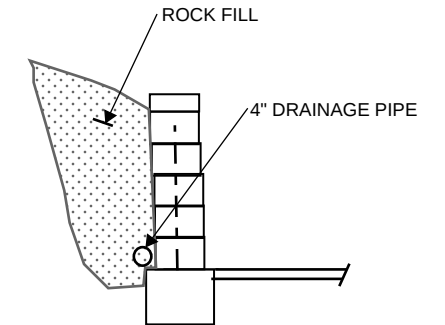


VIEW 'A'
SEAWALL , WALKWAY, STEPS
&/RETAINING WALL CROSS SECTION
(2X SCALE)

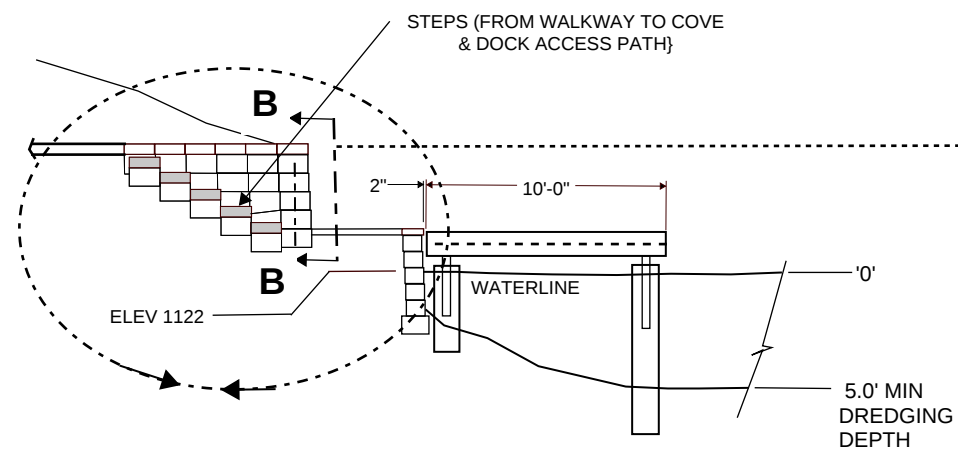


SECTION B-B
RETAINING WALL END WITH STEPS,
ADJACENT LANDING & ROAD
(2X SCALE)

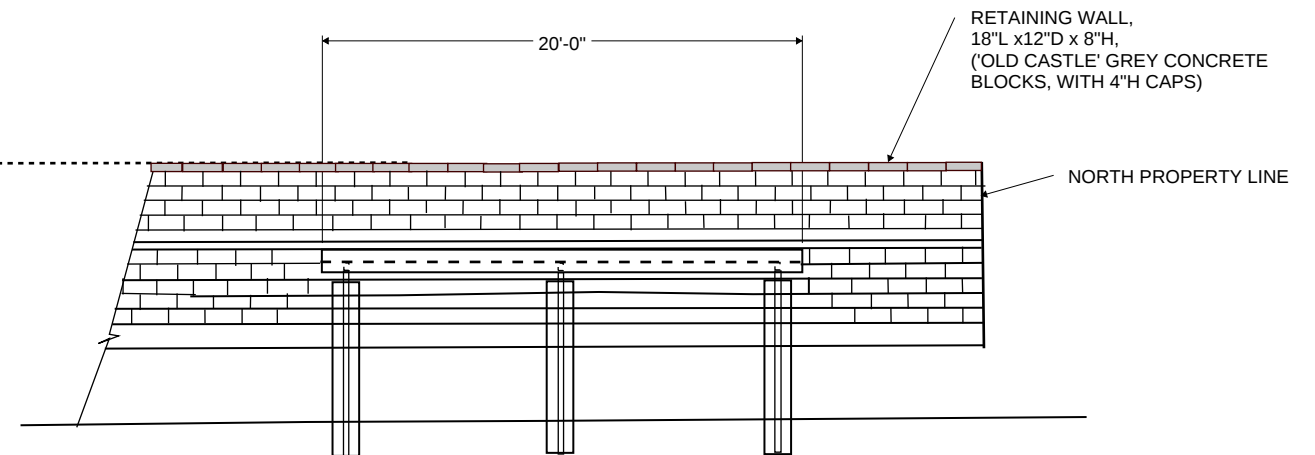
- NOTES:
- DOCK & SEAWALL DETAILS. (REFER TO SECTION A-A ON BOUNDARY SURVEY FOR LOCATION).
 - INSERT REBAR & MORTAR INSIDE BLOCKS AT 5' OC.
 - WALKWAY TO BE CONSTRUCTED WITH #2 REBAR MESH AND 3500PSI CONCRETE.



SECTION C-C
CROSS SECTION OF RETAINING WALL
WITH ROCK FILL AND DRAINAGE PIPE
(2X SCALE)



SECTION A-A
(FROM BOUNDARY SURVEY)



**ROTATED 90° VIEW OF SECTION A-A OF
SEAWALL WITH DOCK AND (N)
RETAINING WALL BEHIND**

REV	DATE
0	7/31/26

COVE ELEVATION VIEWS		
40 KINTYRE DRIVE		
DWG# SC1001	SCALE: 1/8"=1.0'	
DRAWN BY S. SINGLETERRY	SHT 1	REV 8



Excavation Plan for Lots 3 & 4 (38 & 40 Kintyre Drive)

Road Excavation Strategy

Introduction

The attached Boundary Survey_R8B shows both subject properties and outlines the grading plan for installing a 6-foot-wide access road on the 0.4-acre Lot 3 property at 38 Kintyre Drive. The road will provide drivable access for a side-by-side ATV from the designated 'Break Line' to the new landing surrounding the stairs at the south end of the retaining wall on Lot 4 at 40 Kintyre Drive. It will switch back from the south side of Lot 3, following the existing contours on Lot 3 to bank the road and maintain a gentle slope towards the landing. The attached Cove Elevation drawing shall provide the landing elevation from the seawall.

All soil removed from the site within the road limits shown on the boundary survey drawing shall be moved to the designated location on lot 3 and some behind the existing cut tree trunk barrier used as a silt catch on the common properties. A few of the younger trees shall be removed along with any excess debris and hauled away. The access road in Lot 3 shall be initially constructed with sb2 crushed rock (later to be concrete) and install a rock retaining wall above the road to avoid erosion in the area. The project aims to allow access for the construction of one (1) 72' retaining wall with steps at the south end and a 3' walkway behind the seawall. The plan is intended for use by property owners and contractors, involved in site development with a total ground disturbance within 0.15 acres for the entire site. The soil dump area shall be leveled and reseeded with varying strains of clover, wildflowers and rye grass to complete the project.

Site Description

The subject properties consist of (2), 0.4-acre lots with a 25% downgrade. 40 Kintyre Drive has a shoreline on Loch Lomond Lake and is situated adjacent to 38 Kintyre Drive, which is similarly sized. Construction activities will disturb no more than 0.15 acres of ground to include an area for the soil repository, minimizing the impact on the surrounding environment. The steep slope presents unique challenges for access and construction activities, particularly for heavy equipment required for the road grading. The lot's proximity to the south end of the seawall necessitates careful planning to avoid any existing wall integrity, reduce environmental impact and maintain site stability.

Grading Plan

The proposed construction road shall begin at the designated 'Break Line' using the natural contours of the lot minimizing as much as possible the extent of additional cut and fill operations. Slope management will involve incorporating a switchback using the contours to bank the road while crossing Lot 3 to reduce grade severity while gradually sloping to level an area for accessing the new landing at the south end of the new retaining wall. Erosion control measures, such as wattles will be placed below the soil repository and below the laid trees in the common area to avoid sediment runoff into the lake during construction. All grading and construction activities and disturbances will be confined to the designated areas within the combined 0.15-acre site.

Access Strategy

Heavy duty mats shall be placed upon the entrance of the construction access road if necessary for staging and entrance of heavy equipment. The access road from the 'Break Line' to the south edge of the retaining wall landing shall be constructed with SB2 gravel surface once refined grading is complete. Equipment staging areas

GUARDIANVEST

40 Kintyre Drive, Bella Vista, AR 72715
Cell: 479.579.7294



will be designated at the
to facilitate efficient movement of personnel and machinery

edge of Kintyre Drive

while minimizing risk of any issues on the steep slope. The construction access road and staging will be planned to ensure the disturbed ground does not exceed 0.15 acres.

Retaining wall with Steps, Walkway and Landing Construction

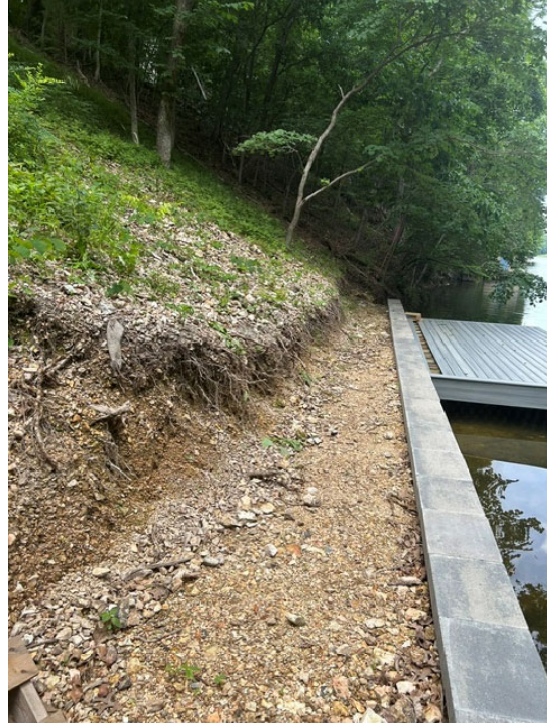
The 72'L retaining wall with steps will be constructed using precast concrete, 'Oldcastle' 18"L x 8"H x 12"D, blocks and 4"H caps, selected for durability and compatibility with the lakeside seawall. The 4' walkway will be constructed with a #2 or #3 rebar mesh and 3500psi concrete. Construction will begin with preparation of a stable 12" x 18" foundation with rebar adjacent to the walkway behind the seawall, followed by sequential placement of the wall blocks and caps. The landing will be constructed of flat rock and mortar to surround the steps and intercept the existing access path with steps from the house.

Environmental Impact Mitigation

Minimizing the environmental footprint is a key priority throughout every stage of this project. To prevent sedimentation runoff into the lake, wattles will be installed before ground disturbance begins. Native vegetation along the lakeshore will be preserved wherever possible, and disturbed areas will be promptly reseeded with clover, wildflowers and rye grass. Construction activities will be scheduled to avoid sensitive wildlife breeding periods, and all fueling and equipment maintenance will occur away from water bodies to reduce risk of contamination. Regular site inspections will ensure compliance with environmental guidelines, and adaptive management strategies will be implemented in response to changing site conditions or unexpected impacts. The restriction of ground disturbance within the combined 0.15 acre will further help protect the natural lakeside environment.

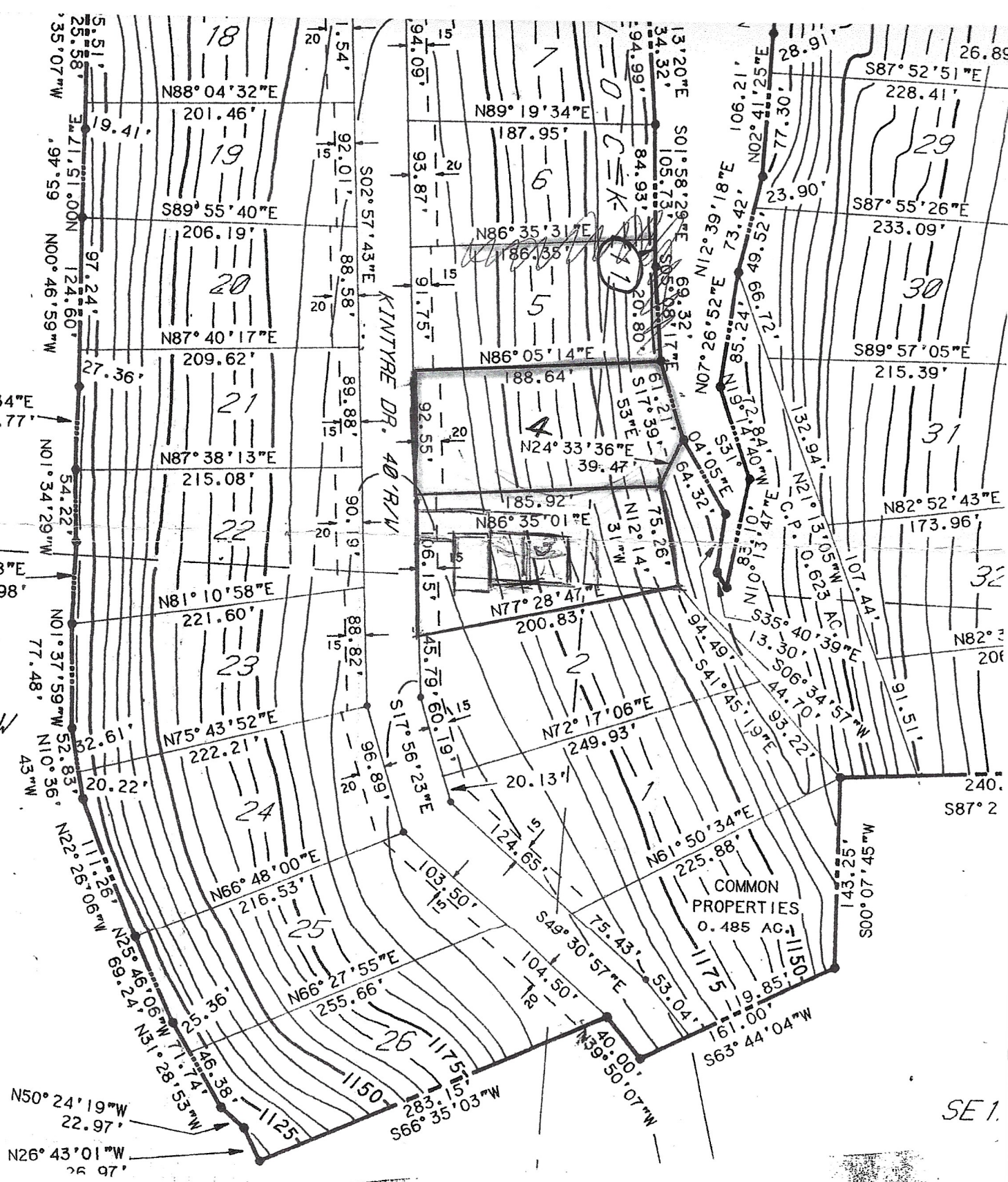
Conclusion

This grading and construction approach provides a comprehensive strategy for safe access, effective slope management, environmentally responsible site development, and the protection of the natural lakeside ecosystem at 38 & 40 Kintyre Drive. By limiting ground disturbance to only 0.15 acres and following this plan, property owners and contractors can efficiently complete the necessary grading, road construction and property improvements while preserving the integrity of the lot and its natural surroundings.



ORDINARY HIGH WATER

SW 1/4
30
7-31-W



SE 1.



Meeting Information:

2483 Forest Hills Blvd
August 10, 2026 at 4:30 pm

Reviewer:

Christopher Hyatt
Senior Planner

Property Description

This property is located in the northern area of Bella Vista City Limits, on Parcel #16-17149-000, Lot 27, Block 3 Kilmuir Subdivision.

Regulation

Zoning Code Sec. 109-014(c) establishes minimum setback requirements in the R-1 Low Density Residential district.

Request

The applicant is requesting a seven and one half foot side setback in lieu of the platted 15 foot along Liddel Lane in order to construct a single-family home located at the corner of Allison Drive and Liddel Lane

Background

The subject parcel is currently undisturbed and a double frontage lot with platted setbacks of 15 feet along both Allison Drive and Liddel Lane and a 10-foot setback along the neighboring residential lot. The lot is an elongated shape with both streets curving around the parcel. The proposed septic design places the tank and leach field along the North and West property lines, leaving the southeast corner available for the structure. The applicant has proposed turning the home to front Allison Drive to utilize the longest side. This leaves the project with a 15-foot side setback, which is double the 7.5-foot zoning code requirement. Staff finds strict enforcement of the platted setbacks would cause undue hardship due to the circumstances of the individual property and its non-standard shape. The additional platted setback distances for the lot is not a result of the applicant's actions and granting of the variance would not conflict with the intent of the district.

The subject parcel is in a low-density residential area per the Future Land Use Map and Allison Drive and Liddel Lane are both unclassified residential streets per the Master Street Plan that experience low to minimal traffic.

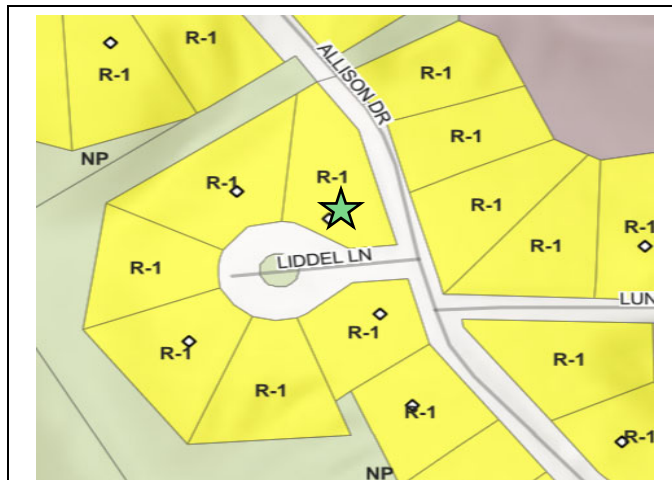
Public Comment

None at the time of this report.

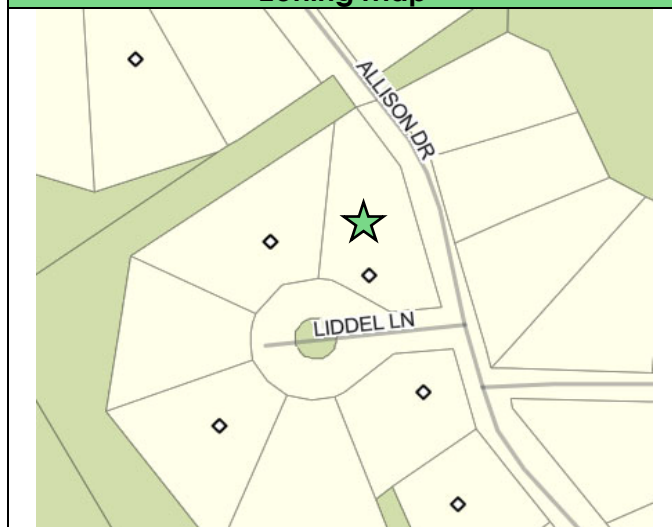
Legal Notifications

Staff published a legal ad notifying the public of this hearing in the Democrat Gazette on Wednesday, July 26, 2026, and posted the public hearing sign on the subject property on Friday, July 31, 2026.

Project Number	ZVR-2026-66150
Applicant	Kevin Nembhard
Address/Location	22 Allison Dr
Current Zoning	R-1 Low Density Residential
Site Area	+/- 0.33 acres
Nature of Request	Seeking a variance on Sec. 109-014(c)



Zoning Map



Future Land Use Plan

Recommendation

Due to the analysis above, staff recommends approval of the variance request.

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.

Board of Zoning Adjustment

City of Bella Vista

July 9, 2026

Dear Members of the Board,

I respectfully request approval of a zoning variance to allow construction of a new **1,923-square-foot single-family residence on Lot 27, Block 3, Kilmuir Subdivision (Parcel No. 16-17149-000), located on Allison Rd in Bella Vista, Arkansas.**

The property is uniquely constrained by its size, shape, topography, and the location of the **Liddell Road frontage**, which substantially limits the available building envelope. Strict application of the required **15-foot front setback** along Liddell Road would create a practical hardship by significantly restricting the placement of the home facing Allison Rd and preventing reasonable development of the lot in a manner consistent with neighboring residential properties.

Variance Requested:

- **Side setback (Liddell Road):** 7.5 feet in lieu of the 15 feet as this side would become the right side of the house facing Allison Dr.
- The requested variance is the minimum necessary to allow the 3 Bedroom septic system to work. Approval will not alter the essential character of the neighborhood, adversely affect adjoining properties, create a public safety concern, or conflict with the intent of the City's zoning ordinance. The proposed residence will comply with all other applicable zoning, building, and development requirements.

The hardship is created by the physical characteristics of the property and its orientation to **Liddell Road**, rather than by any action of the owner. Granting the requested 7.5 ft reduction to the side setback will be used to meet the number of septic lines needed for a 3 Bedroom house. See the drafted plot plan showing the 3 bedroom house and the 3 bedroom septic system.

For these reasons, I respectfully request that the Board approve this variance.

Respectfully,

Kevin R. Nembhard

Manager

**Nembhard's Real Estate, LLC d/b/a Nemreal Development &
Remodeling**

As-provided Description (Inst. L202625785): Lot 27, Block 3, Kilmuir Subdivision, to the City of Bella Vista, Benton County, Arkansas, as shown on Plat Record Z, at Page 180. SUBJECT to all easements, rights-of-way, protective covenants and mineral reservations of record, if any.

Surveyor's Notes :

SN1. Except as specifically stated or shown on this plat, this survey does not purport to reflect any of the following which may be applicable to the subject real estate: easements, other than possible easements which were visible at the time of making this survey, building setback line, restrictive covenants, subdivision restrictions, zoning or other land-use regulations, or any other facts which an accurate and current title search may disclose.

SN2. Basis of bearings: Arkansas State Plane Coordinate System, North Zone. Vertical Datum: North American Vertical Datum of 1988 (NAVD88).

SN3. This plat represents a boundary and topographic survey of Parcel No. 16-17149-000.

SN4. Declaration is made to original purchaser of the survey. It is not transferable to additional institutions or subsequent owners.

SN5. This survey is valid only if the drawing includes the seal and signature of the surveyor.

SN6. The locations of underground utilities as shown hereon are based on such above ground structures as were visible at the time of survey, and/or from record drawings provided to the surveyor. The location of underground utilities/structures may vary from locations shown hereon. No excavations were made during the progress of this survey to locate underground utilities/structures.

SN7. Every document of record reviewed and considered as a part of this survey is noted hereon. Only the documents noted hereon were supplied the surveyor. No abstract of title or title commitment were furnished the surveyor. There may exist other documents which may affect this parcel.

SN8. By graphic scaling only, the surveyed tract lies entirely within Zone "X", areas determined to be outside the 0.2% annual chance floodplain, as established by the Flood Insurance Rate Map Number 05007C00603, effective date September 28, 2007.

SN9. The location and/or existence of utility service lines to the property surveyed are shown hereon or unknown.

SN10. Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership, title evidence, or any other facts which an accurate and current title commitment may disclose.

SN11. All building, surface and subsurface, improvements on and adjacent to the site are not necessarily shown.

SN12. No investigation concerning environmental and subsurface conditions, or the existence of underground or overhead containers or facilities which may affect the use of development of this property was made as a part of this survey.

Record Documents used in this survey:

RD1. Record Replat of Kilmuir Subdivision, Blocks 1-7 Inclusive, dated April 20, 1981 by James F. Gore, R.L.S. No. 93, recorded in Benton County Plat Record Z at Page 180, June 4, 1981.

RD2. Warranty Deed recorded in Benton County Inst. L202625785, 05/06/2026, Grantee: Nembhard Real Estate, LLC.

RD3. Code of Ordinances City of Bella Vista, Arkansas, Version: August 27, 2025.

RD4. Bella Vista Village, Unit One Covenants and Restrictions dated May 18, 1965, recorded in Benton County Deed Book 373, Page 08.

RD5. Record Plat of Kelaen Subdivision, Blocks 1 - 7, dated November 14, 1983, by James F. Gore, R.L.S. No. 93, recorded in Benton County Plat Record Z 5-55, Dec. 19, 1983.

RD6. Record Replat of Sidlaw Hills Subdivision, Blocks 1-12 Inclusive, dated April 20, 1981 by James F. Gore, R.L.S. No. 93, recorded in Benton County Plat Record Z, Page 181, June 4, 1981.

Parcel is Zoned R-1 by City of Bella Vista, AR (RD3)

Sec. 109-75, (b) (3)

Setback requirements:

- Minimum front setback from all property lines shall be 20 feet, unless otherwise stated on the subdivision plat.
- A minimum side setback of 15 feet shall be established parallel to all street right-of-way lines.
- A minimum side setback of seven and one-half feet shall be established parallel to side property lines, unless otherwise stated on the subdivision plat.
- A minimum rear setback of 15 feet shall be established parallel to rear property lines, unless otherwise stated on the subdivision plat.

BOUNDARY & TOPOGRAPHIC SURVEY

Work Performed: May 2026

As-surveyed Tract 0.332 Acres +/-

Lot 27 Block 3 Kilmuir Subdivision

PN: 16-17149-000

Nembhard Real Estate LLC

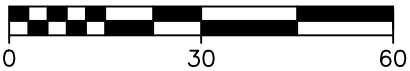
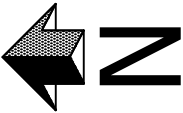
No Buildings Observed

2 Liddell Ln. Bella Vista, AR 72715

Mailing Address:

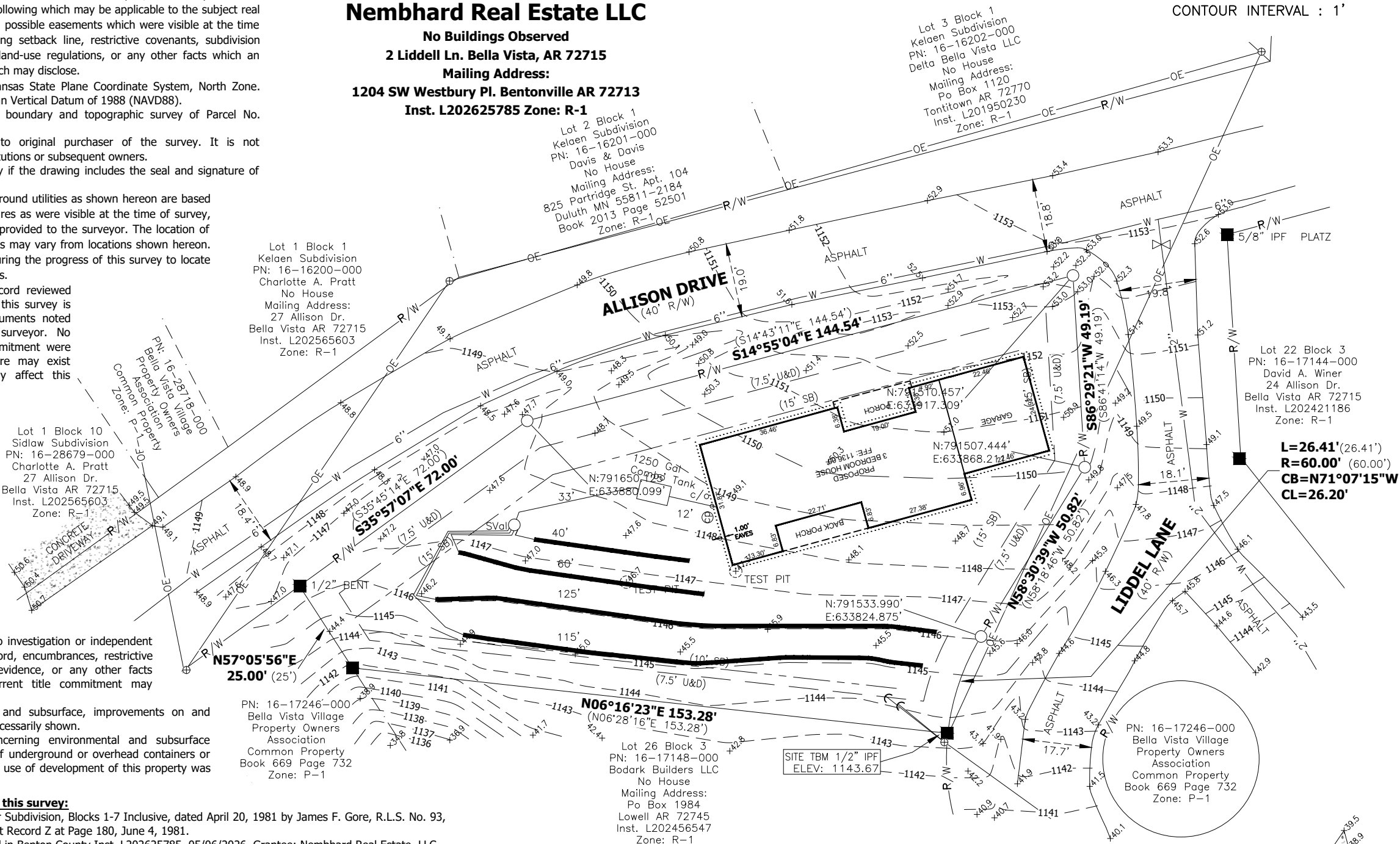
1204 SW Westbury Pl. Bentonville AR 72713

Inst. L202625785 Zone: R-1



SCALE: 1" = 30'

CONTOUR INTERVAL : 1'



Surveyor's Certificate:

I certify that I have completed a survey of the above-described property. The property lines and corner monuments are to the best of my knowledge and ability, correctly established, and there are no visible encroachments except as shown on this plat. This survey meets the current "Minimum Standards for Property Boundary Surveys", per the state of Arkansas.

Michael D. Million

Michael D. Million, P.L.S. No.1519, Arkansas

06/21/2026

Date

PLAT CODE: 500-21N-31W-0-19-110-04-1519

#	REVISION	DATE

**Lot 27 Block 3
Kilmuir Subdivision
City of Bella Vista,
Benton County, Arkansas**

LEGEND

■	IRON PIN FOUND - IPF
○	1/2" IPF UNLESS NOTED
—	5/8" IRON PIN SET WITH PLS #1519 CAP
—	SURVEYED BOUNDARY
- - -	UTILITY & DRAINAGE (U&D) EASEMENT LINE
- · - · -	SETBACK LINE (SB)
()	RECORD INFORMATION RD1 UNLESS NOTED
—OE—	OVERHEAD ELECTRIC LINE
⊕	UTILITY POLE
←	GUY-WIRE
⊗	WATER VALVE
—W—	WATER LINE (SIZE NOTED)
▬	ASPHALT
▬	CONCRETE
R/W	RIGHT-OF-WAY
TBM	TEMPORARY BENCHMARK
▲	SPOT ELEVATION

**MICHAEL D. MILLION
LAND SURVEYOR**

12 NEFFWOOD LANE, BELLA VISTA, AR 72715
PHONE: (479) 571-0654

BELL CONSTRUCTION SOLUTIONS, LLC.
CHUCK BELL: (479) 366-0640
chuck.bell@bellconsolutions.com

**P.O. BOX 8
CAVE SPRINGS, AR 72718
PHONE: (479) 366-0640**

DRAWN BY: MCW	SCALE: 1"=30'
FIELD CREW: STEVE	DWG: 2662.02
CHECKED BY: MDM/CEB	DATE: 06/21/2026

SHEET 1 OF 1