



Board of Zoning Adjustment Meeting Agenda

Date: Monday, October 14, 2024
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; Susan Duell, and Linda Lloyd.

III. Consideration of Minutes

A. BZA Meeting Minutes - August 12, 2024

IV. Unfinished Business

V. New Business

- A. **Public Hearing ZVR-2024-55966:** A variance request regarding R-1 lot side setbacks along with septic separation setback requirements for a non-residential accessory structure located at 89 Cranfield Drive; Parcel 16-03567-000; Applicant Richard Redford; Presented by Senior Planner Hyatt.
- B. **Public Hearing ZVR-2024-55731:** A variance request to install a permanent freestanding, off-site sign in the R-1 zone; Parcel 16-40236-000; Applicant Tom Judson BVPOA; Presented by Planner LaRue.
- C. Bylaws Update; Presented by Director Robertson

VI. Open Discussion

VII. Announcements

A. The October Planning Commission Regular Meeting will start immediately upon the adjournment of this meeting.

VIII. Adjournment



Board of Zoning Adjustment Meeting Minutes

August 12, 2024
2483 Forest Hills Blvd

I. CALL TO ORDER

Chairman Ellis called the meeting to order at 4:30 PM.

II. ROLL CALL

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

Member Absent: none.

III. CONSIDERATION OF MINUTES

A. *Board of Zoning Adjustment Meeting Minutes – July 8, 2024*

On a motion by Mr. Farner, and a second by Ms. Klesen, the July 8, 2024 minutes were approved by voice vote.

IV. UNFINISHED BUSINESS

A. **ZVR-2024-54671: A zoning variance request on interior parking lot landscaping and outdoor lighting modifications for a proposed large-scale development at 504 Memorial Drive; Parcel 16-40224-000; Presented by Planner Workman.**

1. Ms. Workman presented the staff report in the packet.
2. The applicant, Chuck Bell was present to reiterate hardship and intent.
3. Attorney Kelley provided for the record that this is an unfinished business item and a public hearing has already been held.
4. A discussion was held regarding the request and conditions.
5. A motion to approve the interior parking lot landscaping variance with the condition that a licensed landscape architect sign off on the plan provided in the variance application (page 9 of the meeting packet) was made by Mr. Sedberry and a second was made by Ms. Duell.

Linda Lloyd – Y

Doug Farner - Y

JB Portillo - Y

Susan Duell - Y

Clayton Sedberry - Y

Gail Klesen - Y

Daniel Ellis - Y

Motion Passed 7 – 0

6. A motion to approve a variance on the entire lighting article was made by Mr. Farner and a second was made by Ms. Lloyd.
Linda Lloyd – Y
Doug Farner - Y
JB Portillo - Y
Susan Duell - Y
Clayton Sedberry - Y
Gail Klesen - Y
Daniel Ellis - Y
Motion Passed 7 – 0

V. NEW BUSINESS

A. ZVR-2024-55150: A zoning variance request on the R-E, Residential Estate District minimum rear setback for a proposed non-residential accessory structure located at 8801 Bethnal Road; Parcel 16-77809-003; Presented by Planner Workman.

1. Ms. Workman presented the staff report in the packet.
2. The applicant Chad Smith and Tim Marta was present for questions.
3. Mr. Ellis opened the public hearing.
4. Mr. Ellis closed the public hearing.
5. A motion to approve the variance was made by Mr. Farner and a second was made by Ms. Portillo.
Doug Farner – Y
JB Portillo - Y
Susan Duell - Y
Clayton Sedberry - Y
Gail Klesen - Y
Linda Lloyd - Y
Daniel Ellis - Y
Motion Passed 7 – 0

VI. OPEN DISCUSSION

None.

VII. ANNOUNCEMENTS

A summary of upcoming meetings was announced.

VIII. ADJOURNMENT

Chairman Ellis adjourned the meeting at 4:42 pm.

SUBMITTED BY:

Sarah Costa, Planning Technician
City of Bella Vista

APPROVED AND ACCEPTED THIS 9TH DAY OF SEPTEMBER, 2024:

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

Gail Klesen, Secretary
Bella Vista Board of Zoning Adjustment

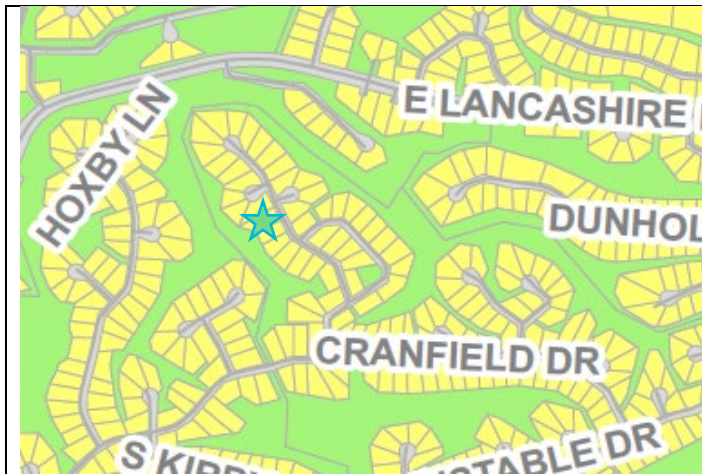
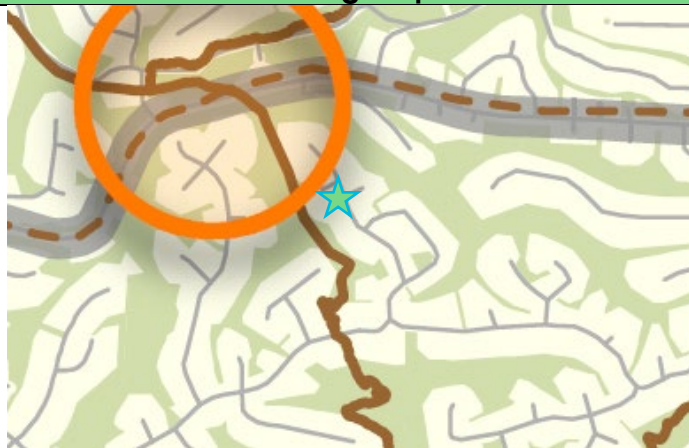
**Meeting Information:**

2483 Forest Hills Blvd
October 14, 2024 at 4:30 pm

Reviewer:

Christopher Hyatt
Senior Planner

Project Number	ZVR-2024-55966
Applicant	Richard Redford
Address/Location	89 Cranfield Drive
Current Zoning	R-1 Single Family Residential
Site Area	.34 acres
Nature of Request	Seeking a variance on property and septic setbacks.

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

This property is located in the northeast area of Bella Vista City Limits and is located on Parcel #16-03567-000. Lot 37, Block 3, Bedford Subdivision.

Regulation

Code Sec. 109-75 (3)(c) requires a minimum side setback of seven and one-half feet parallel to side property lines. Sec. 109-166(4)(a)(2) requires that accessory buildings of a non-residential nature on the same lot as the primary residence conform to the setbacks for the district in which it is located. Sec. 109-186(1)(c)(1) requires ten feet of separation between all accessory building with permanent foundations and existing or proposed septic systems and leach fields.

Request

The applicant is requesting a variance from the side setback requirements of an R-1 lot, as well as, the separation requirements between an accessory structure and a septic leach field, for an existing non-residential accessory structure.

Background

The applicant had begun building the accessory structure without a permit and was notified on August 5th of a stop work order when the City discovered the work was going on. The applicant then reached out to the City for permitting. Once receiving the plans, it was discovered that the structure was located at the side property line, within the easement, as well as, right next to the last leach line of the septic field. The non-residential accessory structure is intended to be used as a workshop and gym and is 27.5' x 15', sitting on a 30' x 30' concrete slab. Cranfield Drive is a dead-end cul-de-sac labeled as a residential street per the Master Street Plan and is within a low-density residential area. Per the Future Land Use Map, the area is Low Density Residential located near a trailside stop. Staff reached out to ADH, as well as a septic professional for further guidance. Their responses are included in your packet. Due to the background of this request, staff finds that the current circumstances of the subject property are a direct result of the applicant's actions. Thus, a required variance finding is not met.

Public Comment

None at the time of this report.

Legal Notifications

Staff published a legal ad notifying the public of this hearing in the *Weekly Vista* on Wednesday, September 25, 2024 and posted a public hearing sign on the property on Thursday, November 3, 2024.

Recommendation

Due to additional review items with the private developer, Staff is requesting to table the request and have the applicant reach out to the Architectural Control Committee to sort out before returning to the Board of Zoning Adjustments.

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.

Bella Vista Board of Zoning Adjustment
616 W. Lancashire Boulevard
Bella Vista, Arkansas 72715
P: 479-268-4980
W: www.bellavistaar.gov

Richard Redford
89 Cranfield Drive
Bella Vista, Arkansas 72714
P: 479-925-0074
E: redfordblessings@yahoo.com

DATE: September 12, 2024
Building Permit: 55484
RE: Variance Request for PN: 16-03567-000 (Lot/Block: 37/3; Bedford Subdivision)

To Whom It May Concern (Ladies and Gentlemen);

I am writing this hardship letter to give the Planning Commission reasons to consider a variance release for my specific workshop design and placement.

The placement and size of this workshop was predetermined by factors that took place a decade ago. In 2014 I began making a flat spot to put an above ground pool in our back yard. In doing so, I created a secondary flat spot next to it for a playground. In 2018 I built a cinderblock wall behind the playground in order to give the area more safe space to play on with a future workshop in mind. Since my kids no longer use the playground, it was time to remove it and transform the space into a workshop/exercise room. I began by building another cinderblock wall/fence and a 30' x 30' slab in 2023. In July of 2024 I began building my 27.5' x 15' workshop/exercise room on the slab and part of the wall/fence. On August 5th I received a Legal Notice from the Bella Vista Building Division to Stop Work. I called Fred Huddleston and was informed that I needed to apply for a permit in order to build my workshop. I stopped all construction and immediately applied for a permit that day.

Since applying for a permit, I have learned that the Bella Vista Code of Ordinances would like my workshop to be built 10' away from all lateral lines and 7.5' away from the edge of my property line. My new workshop is located right at the end of the 45° elbow of the 7th and last lateral line of my septic system. It has proven not to be an issue since I brought fill in a decade ago, nor with the addition of a slab with footers on the location just a year ago.

The length of the workshop is predetermined by the distance I have from the edge of the pool deck to the edge of my property line. And the width is the distance I have from the bottom tip of the lateral line to the wall I built in 2018, making a flat spot for the playground and now workshop.

If I were to push the workshop back 10 feet; I would need to build another 3 walls (back wall and 2 side walls) that were taller, fill it in and pour another slab. It would also not be 15' away from the back of property line. As for the length, I cannot move it over 7.5' because my pool deck is already located there. If I made the workshop/exercise room 7.5' shorter in length; it would not be a usable work space for a woodworking shop nor exercise equipment room. It takes a certain amount of space to cut a 4' x 8' piece of plywood on a table saw and the standard length of an Olympic barbell is over 7' just for starters.

Other factors to consider:

The slope behind my house is so steep that you can't see the structure from the road in front of my house. The only road you can see it from is at the end of the Cranfield Lane cul-de-sac on the other side of the house north of me.

My next door neighbor has made no verbal complaints about the structure to me. You can't even see it from his back deck because there are trees that block his view of it. My other neighbor at the end of the Cranfield Lane cul-de-sac says it looks nice and has no problem with it either.

7.5' Utility & Drainage Easement mostly has to do with keeping two structures from being built next to each other. Since my neighbor couldn't even build anything back there without being 15' from the rear setback, there should be no way of ever having two structures built too close to each other. As far as the drainage is concerned; I have a French drain positioned at the front base of the slab to allow for any excess surface water to exit behind my workshop; thus improving the drainage. I don't believe there would be any need for public utilities to go this far down my property line for any reason.

I don't believe allowing this structure to be finished would negatively impact the current or future value of my neighbor's property at all.

Good fences make for good neighbors. The cinderblock wall/fence and workshop gives me privacy from my neighbors and them privacy from me.

There is no way to deliver a prebuilt shop of any size into my backyard. It has to be custom built.

Removing what has been done so long ago could risk creating a new septic problem that does not currently exist. Don't want to disturb the soil around the lateral lines after 10 years of working just fine. Our septic system has never had a problem in the 18.5 years that I have lived here.

I don't have any problems with the Bella Vista Code of Ordinances. They give general guidelines to the property owners of Bella Vista that help ensure the city maintains a desired look and feel that current and future residents can enjoy. With that being said, I have also learned throughout my lifetime that there are always exceptions to the general guidelines because it is impossible to foresee all current and future situations. This is a specific and unique situation where I don't believe the codes necessarily apply and giving me a variance will not diminish the look and feel of Bella Vista in any way. That is why I am asking the Planning Commission to strongly consider giving me a variance release and allow me to finish constructing the workshop the way it has been currently designed and located.

Respectfully Submitted,

Richard Redford

SEWAGE DISPOSAL NOTES

- 1. MAXIMUM SOIL ABSORPTION TRENCH DEPTH = 18"
- 2. EACH SOIL ABSORPTION TRENCH MUST BE INSTALLED ON CONTOUR AS DESIGNED AND MUST NOT BE ALTERED TO AVOID EXISTING TREES OR PROPOSED LANDSCAPING.
- 3. MINIMUM SOIL COVER OVER TRENCH GRAVEL = 6"
- 4. RECOMMEND TOPSOIL COVER AND GRASS SEEDING
- 5. EXCAVATE EACH TRENCH BY BACKHOE TO PREVENT COMPACTION OF TRENCH BOTTOM.
- 6. FINAL GRADING OVER THE ABSORPTION AREA SHALL BE SUCH TO DRAIN ALL SURFACE WATER OFF OF AND AWAY FROM THE SYSTEM.
- 7. THE ON-SITE SEWAGE DISPOSAL SYSTEM SHOWN IS FOR A 3-BEDROOM HOUSE.
- 8. GARBAGE DISPOSALS ARE NOT RECOMMENDED FOR SEPTIC SYSTEMS.
- 9. IF A DIVERSION VALVE IS SHOWN, IT IS DESIGNED TO BE TURNED EVERY 6 MONTHS, BY THE OWNER.

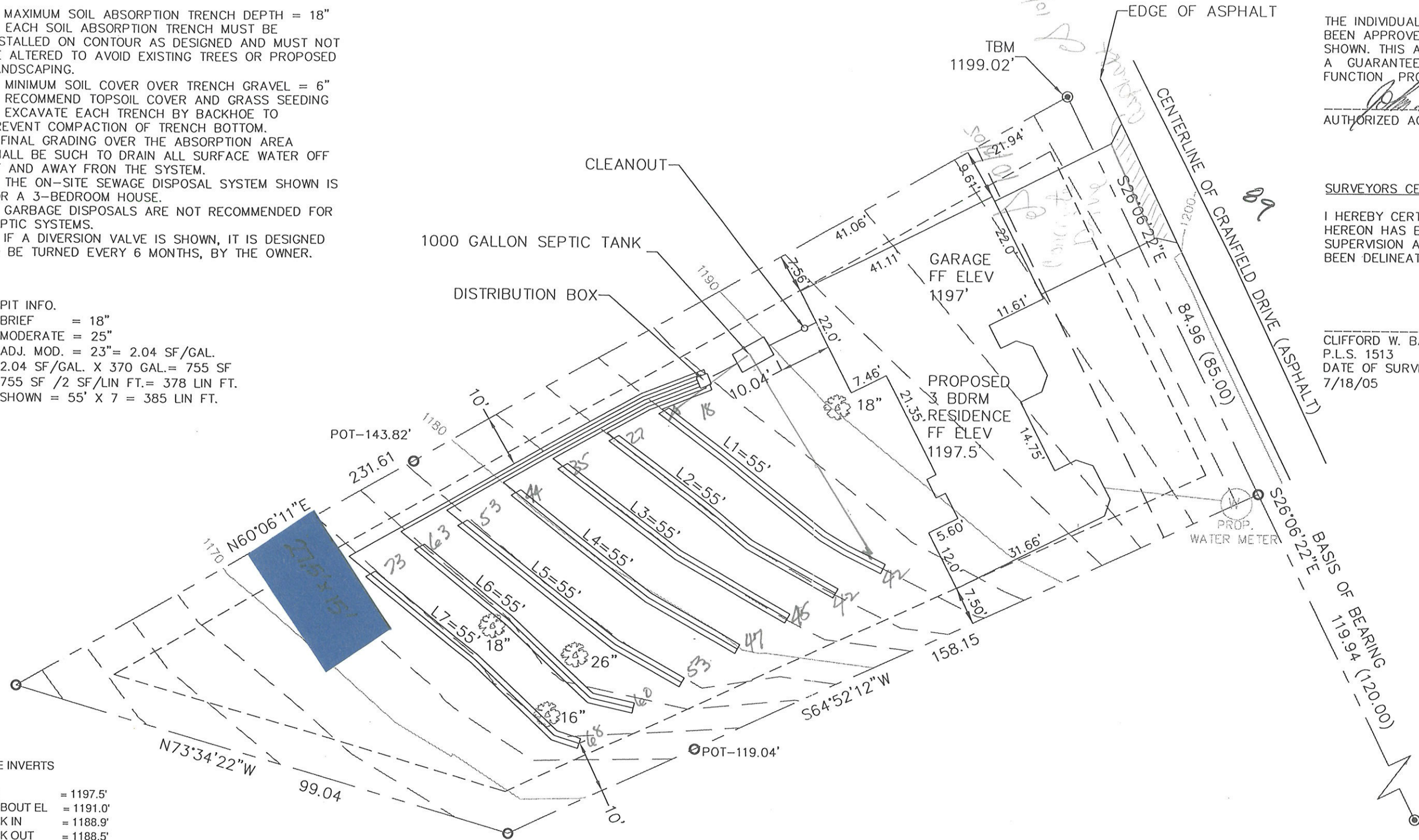
PIT INFO.
BRIEF = 18"
MODERATE = 25"
ADJ. MOD. = 23"= 2.04 SF/GAL.
2.04 SF/GAL. X 370 GAL.= 755 SF
755 SF /2 SF/LIN FT.= 378 LIN FT.
SHOWN = 55' X 7 = 385 LIN FT.

PIPE INVERTS

- FFE = 1197.5'
- STUBOUT EL = 1191.0'
- TANK IN = 1188.9'
- TANK OUT = 1188.5'
- DIST BOX IN. = 1186.2'
- DIST BOX OUT = 1186.0'
- L1 INVERT = 1185.0'
- L2 INVERT = 1183.0'
- L3 INVERT = 1181.0'
- L4 INVERT = 1179.0'
- L5 INVERT = 1177.0'
- L6 INVERT = 1175.0'
- L7 INVERT = 1173.0'

NOTE: THIS IS A PLAN AND DOES NOT NECESSARILY REFLECT THE ACTUAL SIZE OF ANY IMPROVEMENTS WHICH MAY BE CONSTRUCTED.

0.34 ACRES +/-



LEGEND

- TREE
- PERC TEST HOLE
- FOUND IRON PIN
- SET IRON PIN
- 20' BUILDING SETBACK
- 7.5' UTILITY & DRAINAGE EASEMENT
- BOUNDARY
- RECORD DISTANCE WHEN MEASURED DIFFERS

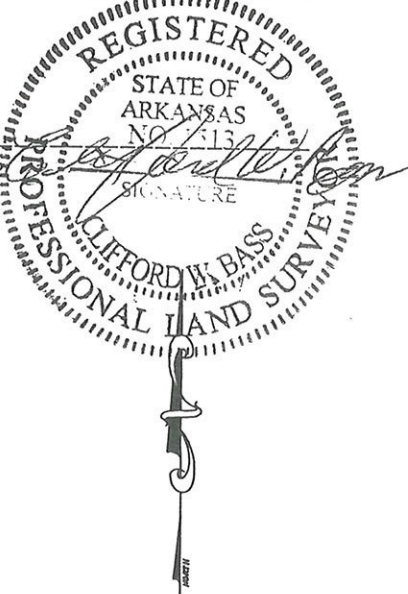
THE INDIVIDUAL SEWAGE DISPOSAL SYSTEM HAS BEEN APPROVED FOR CONSTRUCTION AS SHOWN. THIS APPROVAL DOES NOT CONSTITUTE A GUARANTEE THAT THE SYSTEM WILL FUNCTION PROPERLY.

Johnathan 7/16/05
AUTHORIZED AGENT (HEALTH DEPT.) DATE

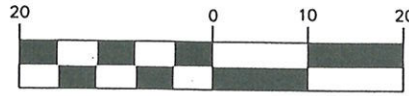
SURVEYORS CERTIFICATION

I HEREBY CERTIFY THAT THE LOT SHOWN HEREON HAS BEEN SURVEYED UNDER MY SUPERVISION AND THE SIDE LOT LINES HAVE BEEN DELINEATED.

CLIFFORD W. BASS
P.L.S. 1513
DATE OF SURVEY 7/18/05



GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.

SITE PLAN		DRAWN BY: CWB
FOR: ERNESTO SANTOS LOT 37 BLOCK 3 BEDFORD SUBDIVISION BELLA VISTA VILLAGE, AR		CHECKED BY: CMB
ABLE SURVEYING 6 MCKISSIC CREEK CENTER BENTONVILLE, AR 72712 (479)273-0222		SCALE: 1"=20'
		DATE: 07/18/05

From: [Kevin Power](#)
To: [Christopher Hyatt](#)
Subject: RE: 89 Cranfield Dr
Date: Thursday, September 12, 2024 10:43:47 AM
Attachments: [image002.png](#)
[image003.png](#)
[image001.png](#)
[image005.png](#)

[WARNING: External Email] Do not click links or open attachments unless you trust the sender.

Hello,

Yes, I was looking at the best aerial and the diagram. It looks like the lines, or at least some, have been covered. State ADH regs stipulate that everything must be 10 ft away from all parts of the septic to prevent malfunctions. This lateral field location has been compromised. However, ADH has no jurisdiction after the permit part three has been signed unless lines are exposed, or a malfunction occurs. Benton County and City ordinances go above and beyond that with the building permits.

After discussing this site with colleagues and given the damage already done, it would be advisable for the homeowner to purchase the adjoining lot for a new septic if and when a malfunction occurs as there is absolutely no room on this lot for another system.

And yes, it may not malfunction, but a three bedroom can legally have 6 occupants- a family with four children or teens would generally use much more water per day than a two or three occupants. A short-term rental would easily have many more people than that.

The septic tank, distribution box, tight lines and lateral lines are visible in the photo below, the bottom three lines are under structures currently and very probably nonfunctional...

Please contact me if you have any questions or concerns,

Have a great day,

Kevin



From: Christopher Hyatt <chyatt@bellavistaar.gov>

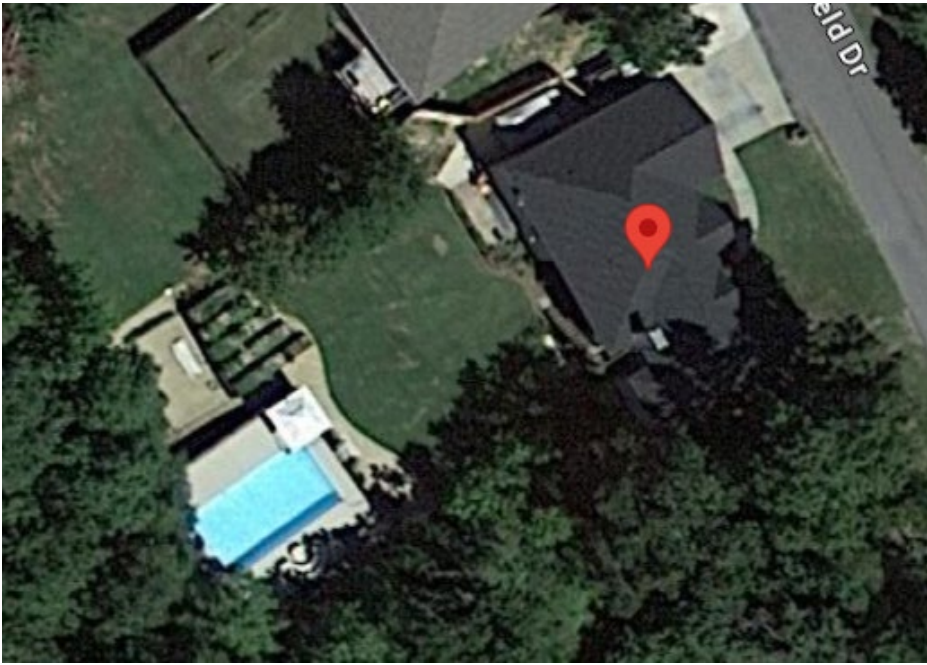
Sent: Thursday, September 12, 2024 9:02 AM

To: Kevin Power <Kevin.Power@arkansas.gov>

Subject: 89 Cranfield Dr

Good Morning Kevin,

We had a project come through from a resident that appears to have filled up their back yard with quite a few items over time, including currently constructing a new shop building, that have created some concerns from us due to them sitting on top of and/or very close to the home's lateral lines. Can you take a look and see if you have any immediate concerns/comments? It looks like an above ground pool has been sitting on possibly two of the lateral lines for over a decade and the new shop building's foundation is very close to the last lateral line. Possibly only a foot or two away. Additionally, there are some large planting beds situated across the drain field. Pictures and site plan attached.



Thank you!

Christopher Hyatt

Planner

City of Bella Vista

616 W. Lancashire Blvd.

Bella Vista, AR 72715

📞 (479) 268-4980 ext. 610

✉ chyatt@bellavistaar.gov

[Website](#) | [Map](#) | [Facebook](#) | [Instagram](#) | [LinkedIn](#)

From: [Kevin Power](#)
To: [Christopher Hyatt](#)
Subject: RE: 89 Cranfield Dr
Date: Tuesday, September 17, 2024 9:38:53 AM
Attachments: [image001.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image002.png](#)

[WARNING: External Email] Do not click links or open attachments unless you trust the sender.

Hello,

Just a thought, the homeowner may seriously investigate acquiring the adjacent lot but leave it uncleared. The septic could be relocated there if and when the time comes unless sewer is available....

Kevin

Kevin Power

Environmental Health Specialist
Benton County Health Unit | Courier 04R
479-986-1300 ext. 1365
479-986-1374 Fax
Kevin.power@arkansas.gov



From: Christopher Hyatt <chyatt@bellavistaar.gov>
Sent: Monday, September 16, 2024 11:55 AM
To: Kevin Power <Kevin.Power@arkansas.gov>
Subject: RE: 89 Cranfield Dr

Hi Kevin,

I appreciate your insights into this one. We have explained all the potential risks/issues with the site, but currently it sounds like there have been no septic issues to date. We are feeling a bit stuck on next steps with the shop that is being constructed. Since it is mostly complete, we have concerns on the potential damage it being there will cause, as well as, any potential damage that would happen to the drain field if the owner were to be forced to tear it all out. I have advised the applicant that our Board of Zoning Adjustment likely wouldn't approve of it remaining in place, but he has the

opportunity to seek their vote of approval and has chose to do so. I can keep you updated on all that as we move along. Any decision would be made on October 14th.

Thank you!

Christopher Hyatt

Planner



From: Kevin Power <Kevin.Power@arkansas.gov>

Sent: Monday, September 16, 2024 11:09 AM

To: Christopher Hyatt <chyatt@bellavistaar.gov>

Subject: RE: 89 Cranfield Dr

[WARNING: External Email] Do not click links or open attachments unless you trust the sender.

Hi Chris,

Any developments on this one? 89 Cranfield dr. BV

Kevin

Kevin Power

Environmental Health Specialist

Benton County Health Unit | Courier 04R

479-986-1300 ext. 1365

479-986-1374 Fax

Kevin.power@arkansas.gov



From: Christopher Hyatt <chyatt@bellavistaar.gov>

Sent: Thursday, September 12, 2024 9:02 AM

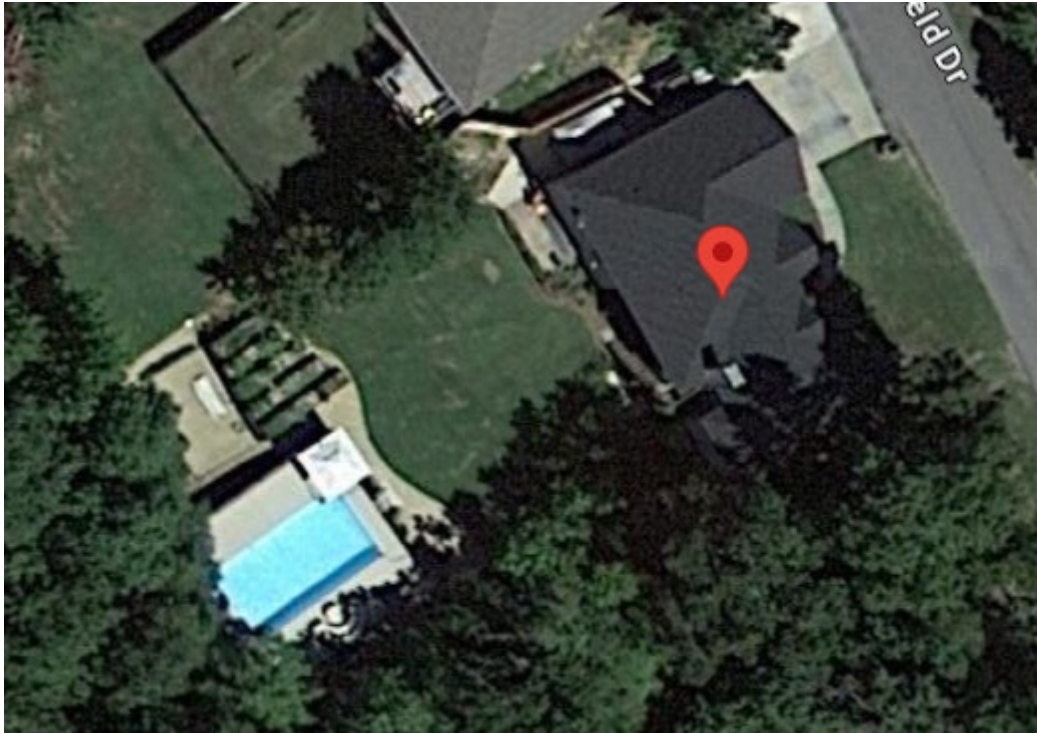
To: Kevin Power <Kevin.Power@arkansas.gov>

Subject: 89 Cranfield Dr

Good Morning Kevin,

We had a project come through from a resident that appears to have filled up their back yard with

quite a few items over time, including currently constructing a new shop building, that have created some concerns from us due to them sitting on top of and/or very close to the home's lateral lines. Can you take a look and see if you have any immediate concerns/comments? It looks like an above ground pool has been sitting on possibly two of the lateral lines for over a decade and the new shop building's foundation is very close to the last lateral line. Possibly only a foot or two away. Additionally, there are some large planting beds situated across the drain field. Pictures and site plan attached.



Thank you!

Christopher Hyatt

Planner

City of Bella Vista

616 W. Lancashire Blvd.

Bella Vista, AR 72715

☎ (479) 268-4980 ext. 610

✉ chyatt@bellavistaar.gov

[Website](#) | [Map](#) | [Facebook](#) | [Instagram](#) | [LinkedIn](#)

From: [Piper Satterfield](#)
To: [Christopher Hyatt](#)
Cc: [Taylor Robertson](#)
Subject: Re: 89 Cranfield Drive
Date: Friday, September 13, 2024 1:07:02 PM
Attachments: [image002.png](#)
[image004.png](#)
[2024 Septic Do's and Don'ts septicmart week flyer 082415 508-v2.pdf](#)

[WARNING: External Email] Do not click links or open attachments unless you trust the sender.

Hi Christopher,

I'm sure we can all agree that this isn't the ideal situation for the septic system, but if they aren't currently having issues then there's not much to be done. If they are a low water use household compared to what the system was designed for, then they may have enough "grace" built-in to keep them from having issues. Of course, should the house be sold to a family that has more occupants and/or significantly more water usage or different habits, then it could be another story. There just isn't any way to forecast that future.

I would focus my message to the owner about how the lateral field works, the importance of performing regular maintenance, and to treat the system they have kindly.

- **Lateral field:** The absorption field is installed less than 24" deep into the soil. The reason for this is that all the oxygen, nutrients and "good" microorganisms that do the wastewater treatment live in this area of the soil. It also allows grass, trees, etc to use the water generated by the household as well as water evaporation to the air. All these things work together to clean up and filter the wastewater before it reaches the groundwater. By building over the top of this absorption area, you could compact the soil, remove the "good soil" the system needs, and in general interrupt the functioning of the absorption field (aka laterals, field lines). We design these systems to use the natural properties of soil (that takes many, many years/decades/millenia to form) to do our wastewater cleanup. Messing with those natural properties can mess with your wastewater treatment.
- **Septic system maintenance:** Besides protecting the lateral field, the best thing that can be done to keep the septic system running smoothly is to regularly pump out the septic tank. Average recommendation is every 5 years, but it really depends on household size, the health and habits of the occupants, etc. I lived alone in my house on Olmstead Circle for 10 years before I had it pumped out and it didn't really need it then (of course you can imagine how well I treated my system though). My parents' on the other hand were both diabetics and not afraid of the garbage disposal, so theirs needed to be pumped more often. I generally tell people: if your house isn't brand new and you don't remember the last time the tank was pumped out, then it is time to get it cleaned out. Also, if it isn't poop, pee or TP, then it doesn't get flushed down the toilet.

- **Good Management Practices:** I've attached the EPA's SepticSmart Do's and Don'ts list. It is a good general guide. SepticSmart week is next week and they have some great educational materials, social media blurbs and mailers: <https://www.epa.gov/septic/septicsmart>. This website is has some great information for year round public outreach and education.

This may be more than what you were looking for, but I hope it helps. If you guys ever need/want some specific information/presentation/education on septic systems, we can come to your office and give a tutorial/presentation (not a sales presentation, we are just passionate about education). If you also check out our website, you tube and facebook pages, one of our owners has been working on posting more educational videos.

I hope this helps. Let me know if we can be of further assistance!
Piper

Piper Satterfield
Septic Design Specialist
piper@bbbseptic.com
(479) 271-0058 ext 107
(479) 269-1120 (direct text/call)
BBBseptic.com

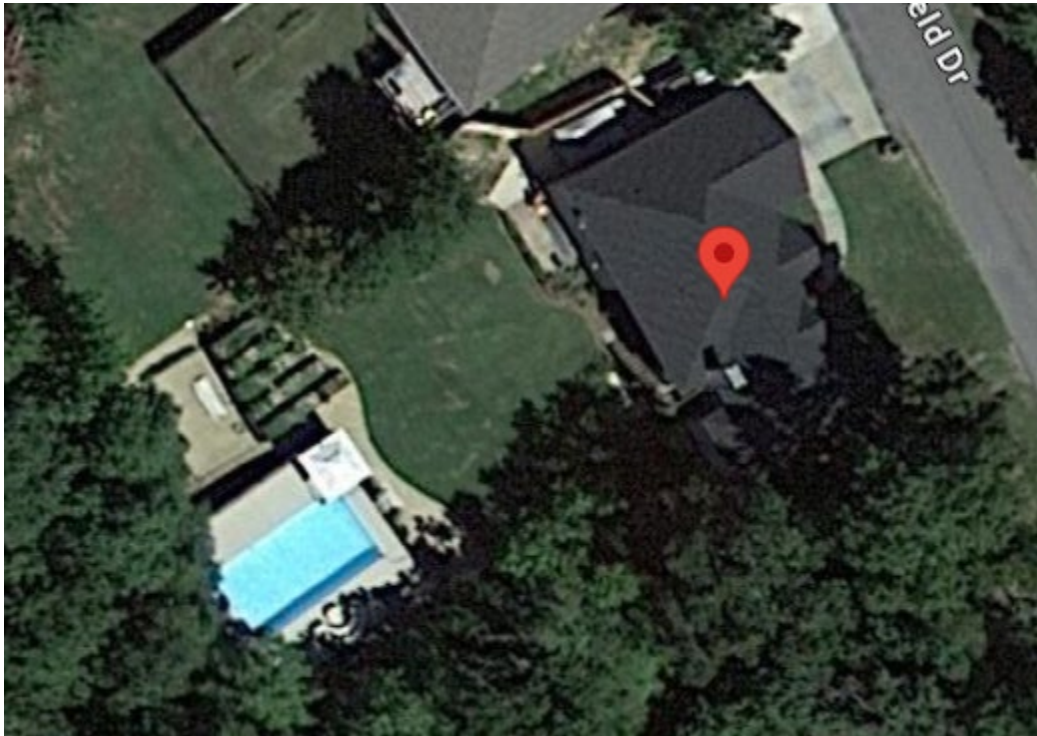
Septic System Installation, Repair, Tank Pumping, Advanced Systems, Design, & Portable Toilets.

From: Christopher Hyatt <chyatt@bellavistaar.gov>
Date: Friday, September 13, 2024 at 8:18 AM
To: Piper Satterfield <piper@bbbseptic.com>
Cc: Taylor Robertson <trobertson@bellavistaar.gov>
Subject: 89 Cranfield Drive

Good Afternoon Piper,

We had a project come through from a resident that appears to have filled up their back yard with quite a few items over time, including currently constructing a new shop building, that have created some concerns from us due to them sitting on top of and/or very close to the home's lateral lines. Being that none of city staff are certified in the septic realm, we wanted to reach out to you and get your impressions/concerns. It looks like an above ground pool has been sitting on possibly two of the lateral lines for over a decade and the new shop building's foundation is very close to the last lateral line. Possibly only a foot or two away. Additionally, there are some large planting beds situated across the drain field. Pictures and site plan attached. I also reached out to ADH, but their perspective is they can really only provide comments when there is a failure. Obviously this is

probably more of a question of when it fails and not if, but would you have any additional comments we could provide the homeowner to be prepared for. Currently he says he's had zero septic issues for the last decade.



Thank you!

Christopher Hyatt

Planner

City of Bella Vista

616 W. Lancashire Blvd.

Bella Vista, AR 72715

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STUD
5/8" x 12"
1/2" x 12"











**Meeting Information:**

2483 Forest Hills Blvd
Oct. 14th, 2024 at 4:30 pm

Reviewer:

Conner LaRue,
Planner

Property Description

This property is located northeast of the Lambeth and Blowing Spring Roads intersection. It is located within Parcel #16-40236-000.

Regulation

Zoning Code Sec. 109-287(d) prohibits off site signage. Sec. 109-287(k) prohibits all other signs not expressly allowed in the R-1 Zone.

Request

The applicant is requesting a variance on the above code sections in hopes to erect a new freestanding, off site sign for the POA's Blowing Springs Park.

Background

The applicant is requesting to erect a new wayfinding sign. A new sign would assist motorists in locating Blowing Springs Park and specify locations of attractions such as the Gear Garden, but also public attractions like the Back 40 Trail system. A existing sign at this location is serving a similar function, however deteriorated, and predates the formation of the City. Per the most recently adopted Zoning Map, this parcel is zoned as R-1 Single Family. Immediately adjoining the parcel includes the commercial use types: pet services (commercial), parks and hospital (civic). The Master Street Plan shows Lambeth Rd. as a sub-collector street and Blowing Springs Rd. as a non-classified street. The most recently adopted Comprehensive Plan's Future Land Use map shows the immediate area as park/open space and as a type 3: community destination center. The Comprehensive Plan also specifies incorporating wayfinding signage geared toward various patrons, as well as reinforcing the identity of Bella Vista through components of the public realm. A new wayfinding sign at this location would be consistent with this plan as well align with POA's obligation to outdoor recreation.

Public Comment

None at the time of this report.

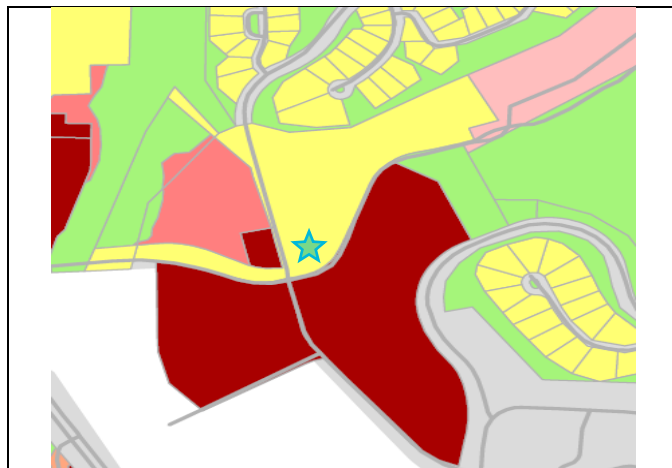
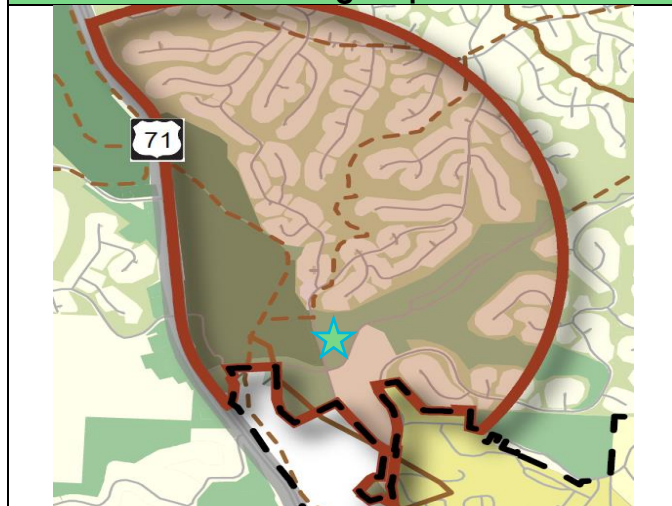
Legal Notifications

Staff posted a public hearing notice in the Weekly Vista on 9/25/24. Staff posted a public hearing sign on site by 10/4/24.

Recommendation

Staff recommends approval so long as they adhere to the sight triangle and provide the required landscaping for permanent monument and freestanding signs.

Project Number	ZVR-2024-55731
Applicant	Tom Judson POA
Address/Location	Near Lambeth & Blowing Spring Roads
Current Zoning	R-1 Single Family
Site Area	38.38 acres
Nature of Request	Requesting a variance of Sec. 109-287(d) & Sec. 109-287(k)

**Zoning Map****Future Land Use**

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 Planning Commission 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.



September 13, 2024

RE: 16-40236-000 Lambeth and Blowing Springs

Bella Vista Planning Commission and City Council

The Property Owners Association is seeking a variance for the replacement of an existing sign located at the intersection of Lambeth and Blowing Springs. The current sign has been in place for decades and is in poor condition. Since the replacement sign would be located on property owned by a subsidiary of Blue Crane, we have received permission from them to place a sign on their property.

We would like to install a modern sign which will assist motorists in locating Blowing Springs Park. We have found that too many individuals trying to get to the trails or the campground are getting lost. This new sign would help eliminate this hardship.

Thank you for your attention to this issue.

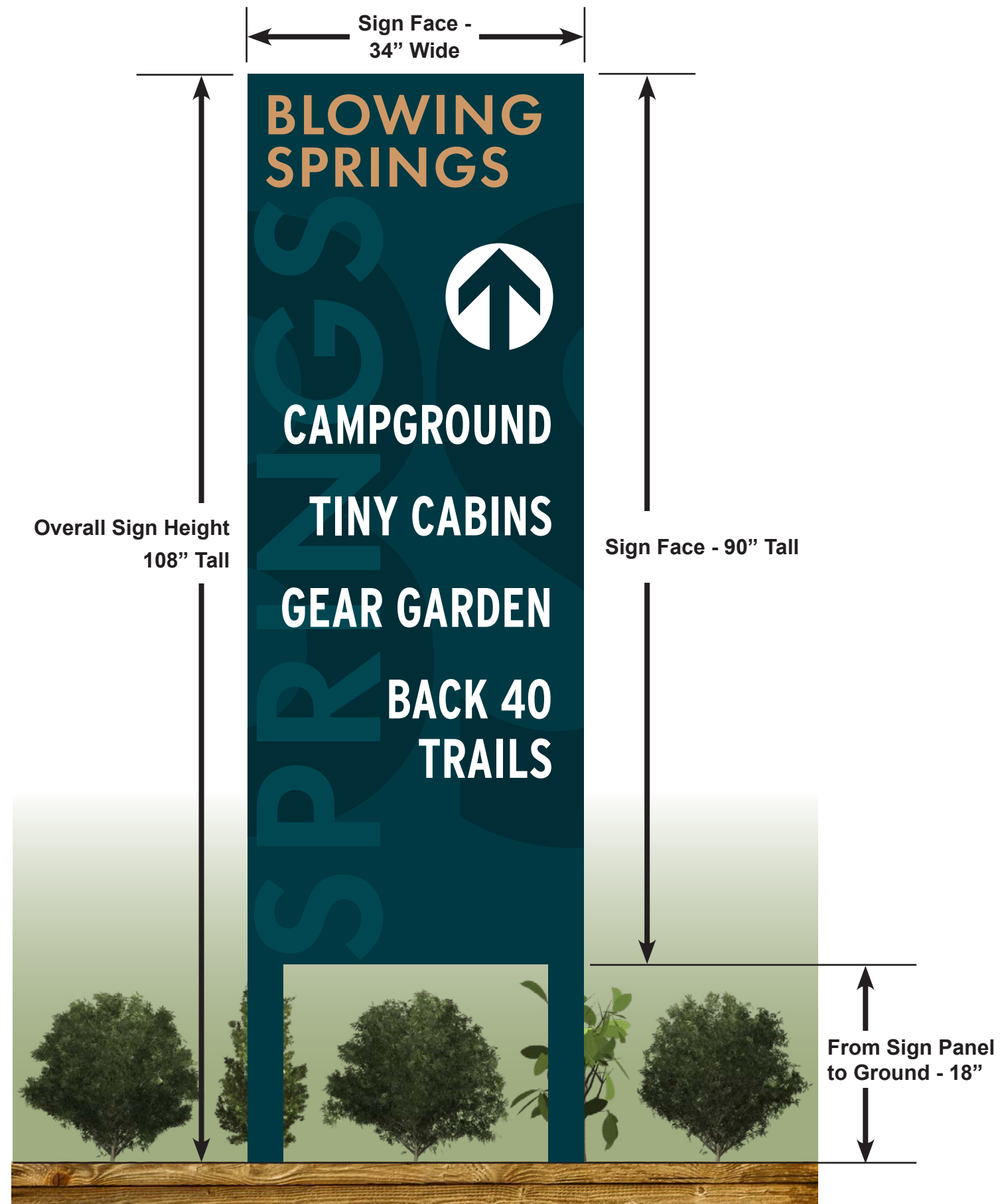
Signed,

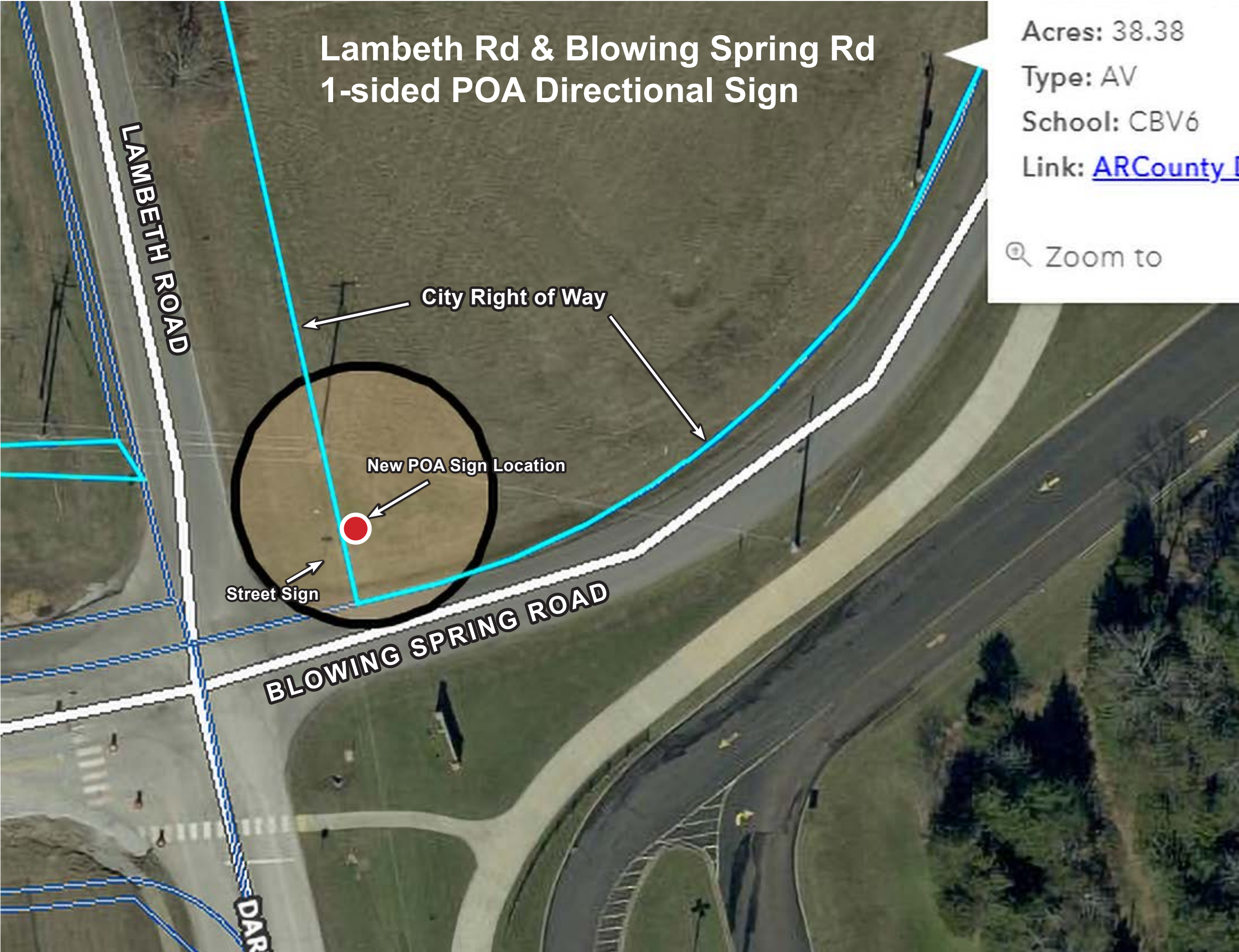
A handwritten signature in black ink, appearing to read "Tom Judson".

Tom Judson

Chief Executive Officer

Lambeth Rd & Blowing Spring Rd - 1-sided Sign





Original Sign - 7ft height - Right Arrows



New Sign - 9ft height - Straight Arrow





Bella Vista Board of Zoning Adjustment Rules of Order and Procedure

City of Bella Vista Planning and Development Department

As Adopted on October 14, 2024

BY LAWS

A. Membership and Organization

1. As provided by Sec. 109-36(a) and pursuant to the authority provided in A.C.A. § 14-56-416, the Planning Commission as a whole shall sit as the Board of Zoning Adjustment. The term "Board" or "Board of Zoning Adjustment" within this document shall refer to the Planning Commission for the purposes of these by-laws.
2. The Board shall elect a Chairperson, Vice-Chairperson, and Secretary annually at the first regular meeting in the month of March after initial election. All elected officers may succeed themselves.
3. Vacancies in offices of Chairperson, Vice-Chairperson, or Secretary shall be filled immediately by regular election procedures.
4. The Chairperson shall preside at all meetings and public hearings of the Board; shall decide all points of order or procedures; and shall have the duties normally conferred by Procedural Rules for Municipal Officials, published by the Arkansas Municipal League.
5. The Vice-Chairperson, or Secretary, in that order, shall assume the duties of the Chairperson in his/her absence.
6. The Planning and Development Director, or his or her designee, shall be responsible for notifying all members of the Commission of regular and special meetings.

B. Meetings

1. The regular meetings of the Board of Zoning Adjustment shall be held on the second Monday of each month, unless no business is pending. All regularly scheduled meetings shall be held at 4:30 PM at a location announced by the Planning and Development Director. In the event of conflict with holidays or other events, the time and date of said meeting may be changed. Consistent with the requirements of the Arkansas Freedom of Information Act, any meeting of the Planning Commission sitting as the Board of Zoning Adjustment may be conducted via video conferencing technology (Zoom, Go To Meeting, etc.). Such video conferencing technology shall permit audience viewing and participation to the fullest extent permitted at in-person meetings. The decision to conduct any meeting of the Board of Zoning Adjustment via video conferencing technology may be made by the Chairperson, in consultation with the Mayor, when usage of video conferencing technology is necessary to preserve the public peace, health, or safety.
2. Each session of the Board shall be governed by procedures set forth in Procedural Rules for Municipal Officers, published by the Arkansas Municipal League.
3. Each session of the Board of Zoning Adjustment shall be a public meeting.
4. Public notice of each session with business to be carried on shall be published in the newspaper of a general circulation in the city, at least one (1) time seven (7) days prior to the public hearing unless otherwise required by the local ordinance.
5. A quorum consists of four (4) members. Four (4) affirmative votes of the Board's authorized membership shall be necessary for passage of any item. The Chairperson shall have full voting status. No meeting shall be held for the transaction of any business if a quorum is not present.
6. Members should advise planning staff before the meeting date if they expect to be absent or late.
7. Should a member have a conflict of interest with regard to any agenda item, he/she shall leave the room prior to presentation, discussion, and deliberation, and shall not return until after voting on the measure has taken place.
8. No change shall be made to the Rules of Order and Procedure of the Board of Zoning Adjustment except by affirmative vote of a majority of the authorized membership of the Board.
9. The order of business at all regular meeting shall be as follows:
 - i. Call to Order;
 - ii. Roll Call;
 - iii. Consideration of Minutes;
 - iv. Unfinished Business;
 - v. New Business;
 - vi. Open Discussion;
 - vii. Announcements, and
 - viii. Adjournment.

C. Employees

1. The Planning and Development Director, or his or her designee, shall serve as staff for the Board.



Bella Vista Board of Zoning Adjustment Rules of Order and Procedure

City of Bella Vista Planning and Development Department

D. Functions

1. The Board of Zoning Adjustment shall have the following functions:
 - i. Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the community development services department, who has enforcement powers in the enforcement of this chapter. The board of adjustment, may affirm or reverse, in whole or in part, said decision of the administrative official;
 - ii. Hear and decide requests for variances from the literal provisions of this chapter in instances where strict enforcement of this chapter would cause undue hardship due to circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of this chapter;
 - iii. Hold public hearings and to interpret zoning district boundaries where uncertainty exists as to the boundaries of the zoning districts or when the street or property lines existing on the ground are at variance with those shown on the zoning district map;
2. The Board shall not permit, as a variance, any use in a zone that is not permitted under the zoning ordinance.
3. The Board may impose conditions in granting a variance to ensure compliance to protect adjacent property.
4. Decisions of the Board of Zoning Adjustment in respect to the above shall be subject to appeal only to a court of record having jurisdiction.

E. Public Hearing Procedures

1. Each application to be considered by the Board will be filed on the proper form and be accompanied by the currently adopted fee for such applications. All applications shall meet the respective submittal requirements of the Zoning Code and any supplemental information required by the Planning and Development Director, or his or her designee.
2. The Planning and Development Director, or his or her designee, shall receive all such applications in accordance with the Bella Vista Development Calendar.
3. Applicants shall appear in his or her own behalf or be represented by agent or attorney at the hearing. In the absence of any appearance by the applicant, agent, or attorney, the Board will proceed to dispose of the matter on the record before it. In such cases as the Board feels necessary, an application may be deferred until the next regular meeting if not represented.
4. The order of the hearing, and allowed speaking times, shall be as follows:
 - i. The Planning and Development Director, or his or her designee's side of the case, with ten (10) minutes to speak;
 - ii. Applicant's side of the case, with fifteen (15) minutes to speak;
 - iii. Interested property owners' opinions, with five (5) minutes to speak each; and
 - iv. Applicant's rebuttal, with ten (10) minutes to speak.
5. An applicant may withdraw his or her application or appeal at any time prior to the decision of the Board.
6. After the hearing but prior to deliberations on each case, the Board reserves the right to defer action on the case until the next regularly scheduled meeting, if necessary.
7. After the hearing, the Board shall deliberate the case and reach a final decision.
8. If a variance request is approved by the Board, applicants must start or establish the uses of lands, structures, or buildings within 365 days from the date of approval or the variance will become null and void.
9. If a variance request is denied by the Board, the Board shall not reconsider the variance for a time period of one (1) year from the date of denial.

F. Required Signatures

1. The Chairperson and Secretary of the Board shall affix their signatures to all minutes or other legal documents approved by the Board.
2. The date of approval shall be placed on all minutes or other legal documents approved by the Board.

G. Records



Bella Vista Board of Zoning Adjustment Rules of Order and Procedure

City of Bella Vista Planning and Development Department

1. The staff for the Board of Zoning Adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicate such fact; it shall keep records of its proceedings and other official actions.
2. All records of the Board of Zoning Adjustment shall be public records.

APPROVED AND ACCEPTED THIS 14TH DAY OF OCTOBER, 2024.

Daniel Ellis, PE Chairperson
Board of Zoning Adjustment

Gail Klesen, Secretary
Board of Zoning Adjustment