



**COMMUNITY DEVELOPMENT
SERVICES DEPARTMENT**
616 W. Lancashire Blvd.
Bella Vista, Arkansas 72715
Phone: (479) 268-4980

Board of Construction Appeals Regular Meeting

DATE: JANUARY 14, 2020 At 3:00pm
LOCATION: COMMUNITY DEVELOPMENT SERVICES CONFERENCE ROOM
616 W. LANCASHIRE BLVD.
BELLA VISTA, ARKANSAS 72715

AGENDA

I. CALL TO ORDER

II. ROLL CALL

Members: Gary Young, Chairman; Tim Hull, Vice-Chairman; John Nuttall, Secretary; Stanley Moore; and Wade Hagan.

III. CONSIDERATION OF MINUTES

A. Meeting Minutes – September 10, 2019.

IV. UNFINISHED BUSINESS

None.

V. NEW BUSINESS

A. Election of Officers.

VI. OPEN DISCUSSION

VII. ANNOUNCEMENTS

A. Next Board of Construction Appeals meeting will be on Tuesday, February 11, 2020 at 3:00pm in the Community Development Services Conference Room.

VIII. ADJOURNMENT



BELLA VISTA

A place to call home

COMMUNITY DEVELOPMENT

SERVICES DEPARTMENT

616 W. Lancashire Blvd.

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Phone: (479) 268-4980

**BOARD OF CONSTRUCTION APPEALS
REGULAR MEETING**

DATE: SEPTEMBER 10, 2019

LOCATION: COMMUNITY DEVELOPMENT SERVICES

CONFERENCE ROOM

616 W. LANCASHIRE BLVD.

BELLA VISTA, ARKANSAS 72715

MINUTES

I. CALL TO ORDER

Chairman Young called the meeting to order at 3:00 PM.

II. ROLL CALL

Members present: Gary Young, Chairman; Tim Hull; Stan Moore; and Wade Hagan.

Members absent: John Nuttall, Secretary.

III. CONSIDERATION OF MINUTES

A. *Regular Meeting Minutes – June 11, 2019.*

On a motion by Mr. Hull and a second by Mr. Moore, the June 11, 2019 minutes were approved by voice vote.

IV. UNFINISHED BUSINESS

None.

V. NEW BUSINESS

A. **CVR-2019-31894:** *Construction variance request for a swimming pool without a fence barrier at 57 Kensington Drive; Parcel #16-16533-000; Applicant Jon & Courtney Fitzgerald; Presented by Mr. Enochs.*

1. Chairman Young explained the hearing process in detail. Decisions of this Board may be appealed through the Judicial Court. In the past 10 years, we've only heard 6-8 appeals, which have gone very well. We will hear from the applicant.
2. Mr. Oliver Kiesel of O.A.K. Homes explained the backside of the pool is up against such a steep angle that it is being considered as a barrier for that portion of the pool. There is an aerial video on our website that I can show you of what is going on at the property if you want a better visual.
3. The Board viewed the video.
4. Mr. Kiesel explained the back of the house has a fence that you must go through to get to the pool. Further explanation was given on the topography of the property in relation to the pool. It would be difficult to come up the hill to get into the pool. A lake right here will never be fenced off, same as a pool.
5. Director Tapp said you don't have liability for the lake though.
6. Ms. Fitzgerald said our insurance is not requiring that we put a fence around the pool area.
7. Mr. Kiesel said we build all over Northwest Arkansas, and many insurance companies don't even require it. This is a City ordinance or code in Bella Vista.
8. A discussion continued on the existing fencing, locking gates, topography of the property, whether or not a child could access the pool, pool regulations, and the definition of the word "enclosure."
9. Mr. Hull motioned to approve CVR-2019-31894, and a second was made by Mr. Moore.
10. Chairman Young asked for a roll call vote.

Moore – No; Hull – Yes; Hagan – No; Young – No. **Variance denied 3-1.**

BOARD OF CONSTRUCTION APPEALS

REGULAR MEETING

VI. ANNOUNCEMENTS

A. *A Summary of upcoming meetings was announced.*

VII. ADJOURNMENT

The meeting adjourned at 4:00 PM.

SUBMITTED BY:

Brenda Jorgensen
Administrative Assistant III
Community Development Services Department

APPROVED AND ACCEPTED THIS 14TH DAY OF FEBRUARY, 2020.

Gary Young, Chairman
Bella Vista Board of Construction Appeals

John Nuttall, Secretary
Bella Vista Board of Construction Appeals