



BELLA VISTA FIRE & EMS
103 Town Center
Bella Vista, Arkansas 72714
Phone: (479) 855-4454

Board of Construction Appeals Regular Meeting

DATE: JANUARY 9, 2024 At 3:00pm
LOCATION: FIRE DEPARTMENT TRAINING ROOM, STATION 1
103 TOWN CENTER
BELLA VISTA, ARKANSAS 72714

AGENDA

I. CALL TO ORDER

II. ROLL CALL

Members: Gary Young, Chairman; Tim Hull, Vice-Chairman; John Nuttall, Secretary;
Wade Hagan; Ricky Head; Scott Martin; Wade Stewart

III. CONSIDERATION OF MINUTES

A. *Meeting Minutes – August 8, 2023*

IV. UNFINISHED BUSINESS

None.

V. NEW BUSINESS

- A. Updated By Laws.
- B. Memberships expiring.
- C. One member to renew and one will not.
- D. Need to appoint a new Chairperson.
- E. Will need to fill open position.

VI. OPEN DISCUSSION

A. General Business

VII. ANNOUNCEMENTS

A. Next Board of Construction Appeals meeting will be on Tuesday, February 13, 2024 at 3:00pm at the Fire Department Station 4 Conference Room.

VIII. ADJOURNMENT



BELLA VISTA FIRE & EMS
103 Town Center
Bella Vista, Arkansas 72714
Phone: (479) 855-4454

BOARD OF CONSTRUCTION APPEALS REGULAR MEETING

DATE: AUGUST 8, 2023
LOCATION: BELLA VISTA FIRE DEPARTMENT, STATION 1
FD TRAINING ROOM
103 TOWN CENTER
BELLA VISTA, ARKANSAS 72714

MINUTES

I. CALL TO ORDER

Secretary Nuttall called the meeting to order at 3:06 PM.

II. ROLL CALL

Members present: John Nuttall, Secretary; Wade Hagan; Scott Martin; and Wade Stewart.

Members absent: Gary Young, Chairman; Tim Hull, Vice-Chairman; and Ricky Head.

III. CONSIDERATION OF MINUTES

A. *Regular Meeting Minutes – July 12, 2022.*

On a motion by Mr. Hagan and second by Mr. Martin, the July 12, 2022 minutes were approved by voice vote.

IV. UNFINISHED BUSINESS

None.

V. NEW BUSINESS

- A. Introduction of Chief Sims – Fire Chief.
- B. Building Inspectors are now part of the Fire Department and are under Fire Chief Sims, but nothing else has changed, all processes are still the same.
- C. 2 New Board Members, Scott Martin and Wade Stewart.
- D. No New Applications to Discuss.

VI. ANNOUNCEMENTS

- A. Next Board of Construction Appeals meeting will be on Tuesday September 12, 2023 at 3:00pm at the Fire Department Station 1 Training Room.

VII. ADJOURNMENT

The meeting adjourned at 3:26 PM.

BOARD OF CONSTRUCTION APPEALS

REGULAR MEETING

SUBMITTED BY:

Amanda Esparza
Administrative Assistant
Bella Vista Fire & EMS

APPROVED AND ACCEPTED THIS 8TH DAY OF AUGUST 2023.

Gary Young, Chairman
Bella Vista Board of Construction Appeals

John Nuttall, Secretary
Bella Vista Board of Construction Appeals



Board of Construction Appeals Rules of Order and Procedure

Building Division | Bella Vista Fire & EMS
103 Town Center Bella Vista, Arkansas 72714 Phone: (479) 855-4454

As Adopted on January 9, 2024

BY LAWS

A. Membership and Organization

1. The Board of Construction Appeals shall consist of seven (7) members appointed by the Mayor and approved by the City Council. All members shall be qualified electors residing in the City and shall not hold any other municipal office or appointment. All members shall have experience and training to pass on matters pertaining to building construction and shall not be employed by the City.
2. Members shall serve staggered three-year positions which expire on January 1st of each year. There shall be no limit to the number of times a member may be reappointed to the Board.
3. The Board shall elect a Chairperson and Secretary annually at the first regular meeting in the month of January. All elected officers may succeed themselves.
4. Vacancies in the office of Chairperson or Secretary shall be filled by regular election procedures.
5. The Chairperson shall preside at all meetings and public hearings of the Board; shall decide all points of order or procedure; shall have the duties normally conferred by Procedural Rules for Municipal Officials, published by the Arkansas Municipal League; and, as necessary, administer oath and compel the attendance of witnesses.
6. The Secretary shall assume the duties of the Chairperson in his or her absence.
7. The Fire Chief and/or Chief Building Inspector, in the role of Building Official, shall serve as an ex-officio member of the Board and shall be responsible for notifying all members of the Board of regular and special meetings.

B. Meetings

1. Regular meetings of the Board of Construction Appeals shall be held on the second (2nd) Tuesday of each month, unless no cases are pending, in which instance no meeting shall be held. All regularly scheduled meetings shall be held at 3:00 PM at a location announced. In the event of conflict with holidays or other events, the time and date of said meeting may be changed.
2. Each session of the Board of Construction Appeals shall be governed by procedures set forth in Procedural Rules for Municipal Officials, published by the Arkansas Municipal League.
3. Special meetings may be called by the Chair or by a majority of the membership.
4. Each session of the Board of Construction Appeals shall be a public meeting.
5. A quorum consists of three (3) members of the Board. The concurring vote of the majority of the quorum shall be necessary to decide on any matter upon which it is required to pass or to revise any order or decision of the Building Official. 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. 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.
7. No change shall be made to the By Laws of the Board of Construction Appeals except by affirmative vote of a majority of the authorized membership of the Board.
8. The order of business at all regular meetings shall be as follows: (a) Call to Order; (b) Roll Call; (c) Consideration of Minutes; (d) Unfinished Business; (e) New Business; (f) Open discussion; (g) Announcements; and (h) Adjournment.



Board of Construction Appeals Rules of Order and Procedure

Building Division | Bella Vista Fire & EMS

103 Town Center Bella Vista, Arkansas 72714 Phone: (479) 855-4454

C. Employees

1. The Fire Chief and/or Chief Building Inspector, in the role of Building Official, or his or her designee, shall serve as staff for the Board.

D. Functions

1. The Board of Construction Appeals shall have the following functions:
 - a. Hear appeals from the decision of the Fire Chief and/or Chief Building Inspector, in the role of Building Official, with respect to the disapproval of a building permit; and may affirm or reverse, in whole or in part, any decision of the Fire Chief and/or Chief Building Inspector; and
 - b. Hear requests for variances from the provisions of the Building Code when an applicant wishes to deviate from standard construction methods outlined in the Building Code or local amendments thereto.
2. Decisions of the Board of Construction Appeals in respect to the above shall be subject to appeal only to the Circuit Court of Benton County.

E. Procedures for Appeals and Variances

1. Any contractor, owner, developer, or builder may appeal any decision of the Fire Chief or the Building Inspector in accordance with these procedures.
2. The person considering an appeal must first determine if the issue they seek to appeal is one that is appealable under the applicable Code. Reference should be made to the applicable Code in the section designated "Construction Board of Appeals" for an explanation of what is an applicable issue. The person must verify with the Fire Chief and/or Chief Building Inspector that the issue is appealable.
3. The person seeking to appeal shall notify the Fire Chief and/or Chief Building Inspector that an appeal of the decision will be made. Further, the person shall request that a written decision be issued. The decision shall include specific provisions of the Code that may be applicable.
4. Each application to be considered by the Board shall be filed on the proper form and be accompanied by the currently adopted fee for such applications. All applications shall meet the submittal requirements provided on the application form, and any supplemental information deemed necessary by the Fire Chief and/or Chief Building Inspector or his or her designee.
5. The Fire Chief and/or Chief Building Inspector, or his or her designee, shall receive all such applications in accordance with the Bella Vista Development Calendar.
6. All applications shall be placed on the agenda and heard by the Board in the order in which they are received, except that an item may be advanced on the agenda by consent of the Board upon good cause shown.
7. Within one (1) week of the regularly scheduled Board of Construction Appeals meeting, the Fire Chief and/or Chief Building Inspector, or his or her designee, shall distribute copies of the application form and his or her written decision to the Board members.
8. 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.
9. The order of the hearing, and allowed speaking times, shall be as follows:
 - a. Applicant's side of the case, with fifteen (15) minutes to speak;
 - b. Fire Chief and/or Chief Building Inspector's side of the case, with ten (10) minutes to speak; and
 - c. Applicant's rebuttal, with ten (10) minutes to speak.
10. An applicant may withdraw his or her application or appeal at any time prior to the decision of the Board.



Board of Construction Appeals Rules of Order and Procedure

Building Division | Bella Vista Fire & EMS

103 Town Center Bella Vista, Arkansas 72714 Phone: (479) 855-4454

11. 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.
12. After the hearing, the Board shall deliberate the case and reach a final decision.
13. If an application is approved by the Board, all necessary permits for the initiation of work shall be obtained within the time frames outlined in the respective Ordinances, unless a time extension is granted by the Board. Otherwise, the Board approval of the application will be considered void at the end of time allowed under the respective Ordinances.
14. The final decision on any appeal to the Board of Construction Appeals shall be in the form of a resolution approved by a quorum of the Board and shall contain findings of fact or conclusions of law.

F. Required Signatures

1. The Chairperson and Secretary of the Board of Construction Appeals shall affix his or her signature to all minutes, resolutions, and other legal documents approved by the Board.
2. The date of approval shall be placed on all minutes, resolutions, and other legal documents approved by the Board of Construction Appeals.

G. Records

1. The Board of Construction Appeals 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 examinations and other official actions.
2. All records of the Board of Construction Appeals shall be public records and shall be immediately filed at the City administrative offices.

APPROVED AND ACCEPTED THIS 9TH DAY OF JANUARY, 2024.

Chairperson
Board of Construction Appeals

Secretary
Board of Construction Appeals



Board of Construction Appeals

P. O. Box 5655
BELLA VISTA, ARKANSAS 72714
OFFICE: (479) 876-1255
FAX: (479) 876-1734

BY LAWS

A. MEMBERSHIP AND ORGANIZATION

1. The Board of Construction Appeals shall consist of five (5) members appointed by the Mayor and approved by the City Council. All members shall be qualified electors residing in the City and shall not hold any other municipal office or appointment. All members shall have experience and training to pass on matters pertaining to building construction and shall not be employed by the City.
2. Members shall, in the initial appointment, serve terms as follows: one (1) member for a term of one (1) year; two (2) members for a term of two (2) years; and two (2) members for a term of three (3) years. Thereafter, members shall serve term for three (3) years, expiring on January 1 of each year. There shall be not limit to the number of times a member may be reappointed to the Board.
3. The Board shall elect a Chairman and Secretary annually at the first regular meeting in the month of January. All elected officers may succeed themselves.
4. Vacancies in the office of Chairman or Secretary shall be filled by regular election procedures.
5. The Chairman shall preside at all meetings and public hearings of the Board; shall decide all points of order or procedure; shall have the duties normally conferred by Procedural Rules for Municipal Officials, published by the Arkansas Municipal League; and, as necessary, administer oath and compel the attendance of witnesses.
6. The Secretary shall assume the duties of the Chairman in his or her absence.
7. The Director of Planning and Code Enforcement, in the role of Building Official, shall serve as an ex-officio member of the Board and shall be responsible for notifying all members of the Board of regular and special meetings.

B. MEETINGS

1. Regular meetings of the Board of Construction Appeals shall be held on the fourth (4th) Wednesday of each month, unless no cases are pending, in which instance no meeting shall be held. All regularly scheduled meetings shall be held at 4:30 PM at a location announced. In the event of conflict with holidays or other events, the time and date of said meeting may be changed.
2. Each session of the Board of Construction Appeals shall be governed by procedures set forth in Procedural Rules for Municipal Officials, published by the Arkansas Municipal League.
3. Special meetings may be called by the Chair or by a majority of the membership.
4. Each session of the Board of Construction Appeals shall be a public meeting.

Board of Construction Appeals

By Laws

5. A quorum consists of three (3) members of the Board. The concurring vote of the majority of the quorum shall be necessary to decide on any matter upon which it is required to pass or to revise any order or decision of the Building Official. The Chairman shall have full voting status. No meeting shall be held for the transaction of any business if a quorum is not present.
6. 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.
7. No change shall be made to the By Laws of the Board of Construction Appeals except by affirmative vote of a majority of the authorized membership of the Board.
8. The order of business at all regular meeting shall be as follows: (a) Call to Order; (b) Consideration of Minutes; (c) Unfinished Business; (d) New Business; (e) Announcements; and (f) Adjournment.

C. EMPLOYEES

1. The Director of Planning and Code Enforcement, as the Building Official, or his or her designee, shall serve as staff for the Board.

D. FUNCTIONS

1. The Board of Construction Appeals shall have the following functions:
 - a. Hear appeals from the decision of the Director of Planning and Code Enforcement, in the role of Building Official, with respect to the disapproval of a building permit; and may affirm or reverse, in whole or in part, any decision of the Director of Planning and Code Enforcement; and
 - b. Hear requests for variances from the provisions of the Building Code when an applicant wishes to deviate from standard construction methods outlined in the Building Code or local amendments thereto.
2. Decisions of the Board of Construction Appeals in respect to the above shall be subject to appeal only to the Circuit Court of Benton County.

Board of Construction Appeals

By Laws

E. PROCEDURES FOR APPEALS AND VARIANCES

1. Any contractor, owner, developer, or builder may appeal any decision of the Director of Planning and Code Enforcement or the Building Inspector in accordance with these procedures.
2. The person considering an appeal must first determine if the issue they seek to appeal is one that is appealable under the applicable Code. Reference should be made to the applicable Code in the section designated "Construction Board of Appeals" for an explanation of what is an applicable issue. The person must verify with the Director of Planning and Code Enforcement that the issue is appealable.
3. The person seeking to appeal shall notify the Director of Planning and Code Enforcement that an appeal of the decision will be made. Further, the person shall request that a written decision be issued. The decision shall include specific provisions of the Code that may be applicable.
4. Each application to be considered by the Board shall be filed on the proper form and be accompanied by the currently adopted fee for such applications. All applications shall meet the submittal requirements provided on the application form, and any supplemental information deemed necessary by the Director of Planning and Code Enforcement or his or her designee.
5. The Director of Planning and Code Enforcement, or his or her designee, shall receive all such applications in accordance with the Bella Vista Development Calendar.
6. All applications shall be placed on the agenda and heard by the Board in the order in which they are received, except that an item may be advanced on the agenda by consent of the Board upon good cause shown.
7. Within one (1) week of the regularly scheduled Board of Construction Appeals meeting, the Director of Planning and Code Enforcement, or his or her designee, shall distribute copies of the application form and his or her written decision to the Board members.
8. 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.
9. The order of the hearing, and allowed speaking times, shall be as follows:
 - a. Applicant's side of the case, with fifteen (15) minutes to speak;
 - b. Director of Planning and Code Enforcement's side of the case, with ten (10) minutes to speak; and
 - c. Applicant's rebuttal, with ten (10) minutes to speak.
10. An applicant may withdraw his or her application or appeal at any time prior to the decision of the Board.

Board of Construction Appeals

By Laws

11. 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.
12. After the hearing, the Board shall deliberate the case and reach a final decision.
13. If an application is approved by the Board, all necessary permits for the initiation of work shall be obtained within the time frames outlined in the respective Ordinances, unless a time extension is granted by the Board. Otherwise, the Board approval of the application will be considered void at the end of time allowed under the respective Ordinances.
14. The final decision on any appeal to the Board of Construction Appeals shall be in the form of a resolution approved by a quorum of the Board and shall contain findings of fact or conclusions of law.

F. REQUIRED SIGNATURES

1. The Chairman and Secretary of the Board of Construction Appeals shall affix his or her signature to all minutes, resolutions, and other legal documents approved by the Board.
2. The date of approval shall be placed on all minutes, resolutions, and other legal documents approved by the Board of Construction Appeals.

G. RECORDS

1. The Board of Construction Appeals 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 examinations and other official actions.
2. All records of the Board of Construction Appeals shall be public records and shall be immediately filed at the City administrative offices.

APPROVED AND ACCEPTED THIS 27TH DAY OF JUNE, 2012.

Gary Young, Chairman
Board of Construction Appeals

Theresa Neal, Secretary
Board of Construction Appeals