

# Zoning Variance Application Package



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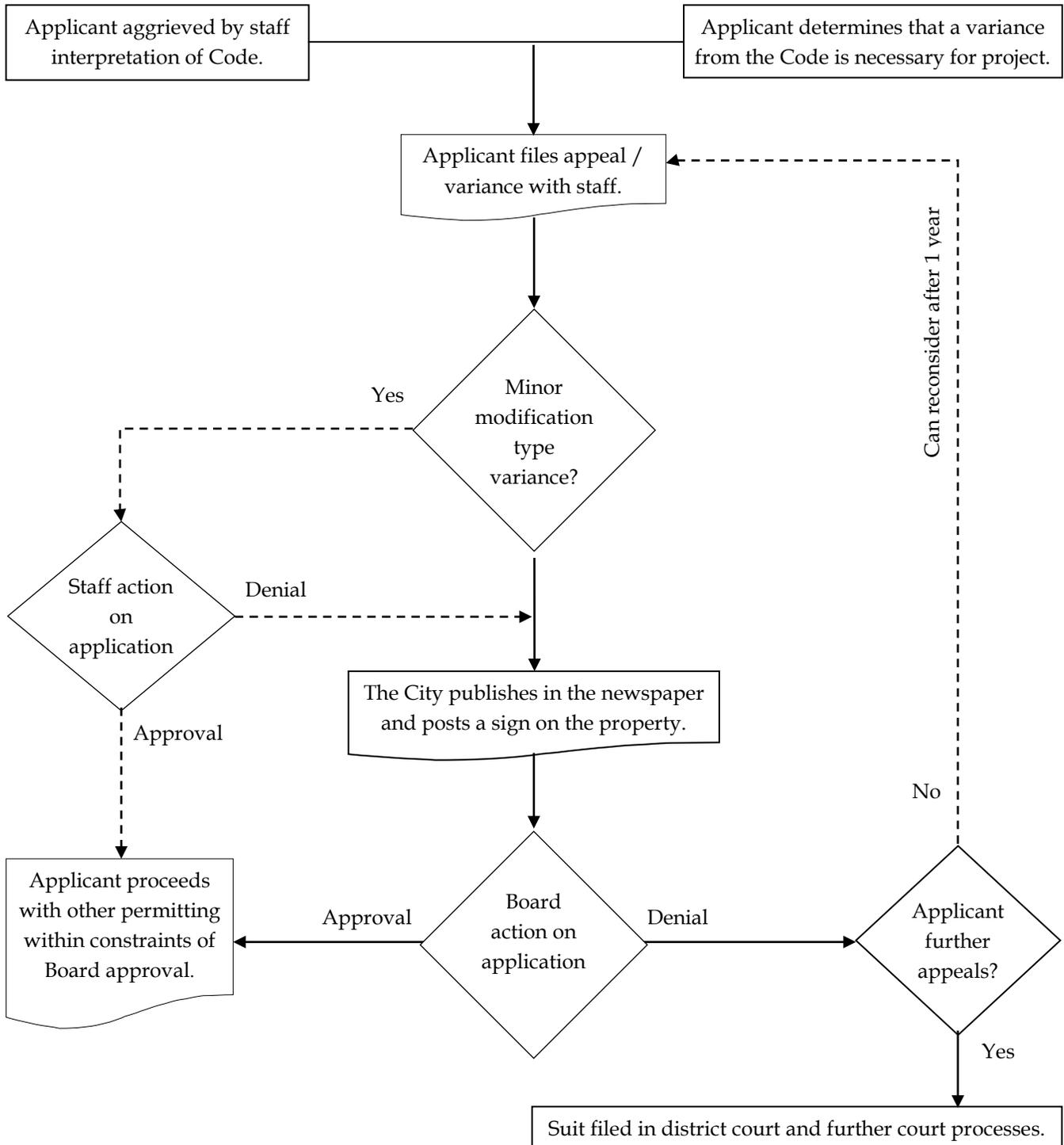
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Please fill out the Application completely, supplying the necessary information and documentation to support your request. Your application will not be processed until the application is completed and the required legible documentation is provided.

# Zoning Variance Appeals Process



# Zoning Variance Application



Please fill out this form completely, supplying the necessary information and documentation to support your request. Your application will not be processed until the application is completed and the required documentation is provided. All application fees are non-refundable.

**Fee: \$100.00 per request**

**PRIMARY CONTACT** (select one):  Applicant / Agent  Owner

PROPERTY INFORMATION			
Property Address:		Parcel #:	
Lot:	Block:	Subdivision:	Current Zoning:

OWNER INFORMATION			
<b>OWNER CERTIFICATION:</b> By my/our signature below, I/we certify under penalty of perjury that I am/we are the owner(s) of the property that is the subject of this application. I/we have read this application and consent to its filing. Further, I/we authorize the agent listed below to represent me/us in proceedings with the City of Bella Vista regarding this application. <i>(See reverse for additional acknowledgements)</i>			
Name:		Owner Signature:	
Mailing Address:		City:	State:    Zip:
Phone:	Phone:	Email:	
Name:		Owner Signature:	
Mailing Address:		City:	State:    Zip:
Phone:	Phone:	Email:	

APPLICANT / AGENT INFORMATION			
<b>APPLICANT / AGENT ACKNOWLEDGEMENT:</b> By my signature below, I certify under penalty of perjury that the foregoing statements and answers herein made all data, information, and evidence herewith submitted are in all respects, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of application completeness, determination, or approval. I understand that the City might not approve what I am applying for, or might set conditions on approval. <i>(See reverse for additional acknowledgements)</i>			
Name:		Applicant/ Agent Signature:	
Mailing Address:		City:	State:    Zip:
Phone:	Phone:	Email:	

***This application is not valid unless signatures on both the front and back of this form have been provided.***

FOR OFFICE / REVIEW USE ONLY			
Application Date:	How Paid: <input type="checkbox"/> Cash <input type="checkbox"/> Check <input type="checkbox"/> Plastic	Notification Deadline:	
Reviewer:	File #:	Zoning:	Board Date:
Permit #:	Permit Fees:	Receipt #	Board Action:

### APPLICATION CHECKLIST

<input type="checkbox"/>	1. A completed application with appropriate fee. Applications will not be processed unless all of the required information is provided, including the items below.
<input type="checkbox"/>	2. Applications must include that interpretation claimed, the use for which the permit is sought, and the details of the variance and the grounds on which it is claimed that the variance should be granted.
<input type="checkbox"/>	3. Scaled drawing showing the requested variance along with all relevant information, including the exceptional condition or the situation of the property which causes the exceptional practical difficulty or undue hardship for which relief is being sought.
<input type="checkbox"/>	4. Any additional information that conveys the exceptional hardship on the property including photos, maps, etc.
<input type="checkbox"/>	5. Section 109-42(c) of the Municipal Code requires that the City publish a notice in a newspaper of general circulation not less than fifteen (15) days prior to the public hearing and post a sign on the property no less than seven (7) days prior to the hearing. There are no requirements of the applicant.

### ACKNOWLEDGEMENTS

1. <i>Fees:</i> The fee for any appeal or application to the Board of Zoning Adjustment is non-refundable.	
2. <i>Effect of Appeals:</i> An appeal shall stay all proceedings of the action appealed from, unless the person affected by such appeal certifies to the Board of Zoning Adjustment that, by reasons of facts stated in the certification, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board or a court of record on application, and notice to the person from whom the appeal was taken.	
3. <i>Time Limits on Permits:</i> No order permitting the use of a building or premises, or the alteration or erection of a building, shall be valid for a period longer than 120 days. Such use must be started or established or the erection or alteration is started within such period and proceeds to completion in accordance with the terms of a building permit.	
4. <i>Reconsideration:</i> If a variance request is disapproved, it shall not be reconsidered by the Board of Zoning Adjustment within one year from the date of denial of the variance request. The resubmission must meet all requirements for a variance request and shall be a different variance request.	
5. <i>Appeals from Board of Adjustment:</i> Any person or persons, or any board, taxpayer, department, board or bureau of the City aggrieved by any decision of the Board of Zoning Adjustment may seek review by a court of record of such decision, in the manner provided by the laws of the State of Arkansas.	
6. I hereby acknowledge the legal notification requirements and Board of Zoning Adjustment hearing procedures. I also agree to follow those procedures and requirements.	
Owner / Agent Signature:	Date:

***This application is not valid unless signatures on both the front and back of this form have been provided.***

**The application continues on the next page.**

## VARIANCE REQUEST INFORMATION

Variance requested and why you are requesting the variance (include the code section you wish to vary):

Section 109-42(d) of the Municipal Code requires that each variance request meet each of the following criteria in order to be granted. Please attach additional sheets of paper to this application for continuations of variance request justifications.

Variance Review Criteria	Applicant's Justification for Request
1. Does the literal interpretation of the provisions of the Municipal Code deprive the applicant of rights commonly enjoyed by other properties in the same zoning district?	
2. Do special conditions and circumstances exist which are peculiar to only this land, structure or building and not to others in the same zoning district?	
3. Are special conditions and circumstances in the item above the result of any action by the applicant? If yes, do new special conditions or circumstances exist? If yes, what are they?	
4. Does granting the variance confer any special privilege that is otherwise denied by the Municipal Code in the same zoning district?	
5. Does granting the variance keep the spirit, general purpose, and intent of the provisions of the Municipal Code?	
6. Is the request the minimum variance that will make possible the reasonable use of land, building or structure?	
7. Is the variance injurious to the neighborhood or otherwise detrimental to the public, health, safety, and welfare?	
8. Will the granting of the variance support the obligations to comply with all other applicable statutes, ordinances, laws, or regulations?	

# Public Hearing Procedures



The following are procedural rules for applications considered by the Planning Commission. These are intended to provide the applicant an idea of what to expect during the public hearing.

1. Each application to be considered by the Board of Zoning Adjustment 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 Municipal Code, and any supplemental information required by the Director of Community Development Services, or his or her designee.
2. The Director of Community Development Services, or his or her designee, shall receive all such applications in accordance with the Bella Vista Development Calendar.
3. All applications shall be placed on the agenda and be heard by the Board of Zoning Adjustment.
4. 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 - and in such cases as the Board feels necessary - an application may be deferred until the next regular meeting if the application is not represented.
5. The order of the hearing, and allowed speaking times, shall be as follows:
  - a. Director of Community Development Services' (and/or staff designee's) side of the case, with ten (10) minutes to speak;
  - b. Applicant's side of the case, with fifteen (15) minutes to speak;
  - c. Interested property owners' opinions, with a maximum three (3) minutes to speak for each person present; and
  - d. Staff and/or Applicant's rebuttal, with ten (10) minutes to speak by each.Board of Zoning Adjustment members may interject questions after each phase, or may hold them until the end of the public hearing.
6. After the public hearing but prior to deliberations on each case, the Board of Zoning Adjustment reserves the right to defer action on the case until the next regularly scheduled meeting, if necessary.
7. An applicant may withdraw his or her application or appeal at any time prior to the decision of the Board of Zoning Adjustment.
8. After the public hearing, the Board of Zoning Adjustment shall deliberate the case and reach a final decision on whether the request is granted.
9. 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 Codes, 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 Codes.
10. 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.