

CITY OF FAYETTEVILLE, ARKANSAS

# BOARD OF ADJUSTMENT VARIANCE

<b>FOR STAFF USE ONLY</b>	<b>FEE: \$25.00/\$100.00</b>
Date Application Submitted:	<b>SIGN FEE: \$5.00</b>
Date Accepted as Complete:	S-T-R:
Project Number:	PP#:
Public Hearing Date:	Zone:

Please fill out this form completely, supplying all necessary information and documentation to support your request. **Your application will not be placed on the Board of Adjustment agenda until this information is furnished.**  
**PLEASE NOTE: THE APPLICANT OR A REPRESENTATIVE MUST BE PRESENT AT THE BOARD OF ADJUSTMENT MEETING.**

**Application:**

Indicate one contact person for this request: \_\_\_\_\_ Applicant \_\_\_\_\_ Representative

**Applicant (person making request):**

**Representative (engineer, surveyor, realtor, etc.):**

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

E-mail: \_\_\_\_\_

E-mail: \_\_\_\_\_

Phone: (     ) \_\_\_\_\_

Phone: (     ) \_\_\_\_\_

(     ) \_\_\_\_\_

(     ) \_\_\_\_\_

Fax: (     ) \_\_\_\_\_

Fax: (     ) \_\_\_\_\_

Site Address / Location: \_\_\_\_\_

Current Zoning District: \_\_\_\_\_

Assessor's Parcel Number(s) for subject property: \_\_\_\_\_

**FINANCIAL INTERESTS**

The following entities and / or people have financial interest in this project:

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**APPLICANT / REPRESENTATIVE:** 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 of approval.

Name (printed): \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_

**PROPERTY OWNER(S) / AUTHORIZED AGENT:** 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 and that I/we have read this application and consent to its filing. *(If signed by the authorized agent, a letter from each property owner must be provided indicating that the agent is authorized to act on his/her behalf.)*

**Owners (attach additional info if necessary):**

Name (printed): \_\_\_\_\_ Address: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_ Phone: (     ) \_\_\_\_\_

Name (printed): \_\_\_\_\_ Address: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_ Phone: (     ) \_\_\_\_\_

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**Checklist:**

**Attach the following items to this application:**

- 1. Payment in full of applicable fees for processing the application.
  - \$25.00 before a violation has occurred
  - \$100.00 after violation has occurred
  - \$5.00 sign fee
  
- 2. Legal description of property (may be found on deed or current survey of property). A survey (**one copy**) may be required if the deed cannot be platted accurately.
  
- 3. *Complete* written description of this request addressed to the chair of the Board of Adjustment (what is proposed by the applicant) to include:
  - Building size in square feet; existing and proposed.
  - Number of off-street parking spaces to be provided / number required.
  - Variances being requested i.e., lot width, building setback, lot area, etc.

- Fayetteville ordinance requires four criteria to be met in order to grant a variance. Describe how the proposed variance meets each of the following four criteria:
  - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands structures, or buildings in the same district.
  - b. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
  - c. That the special conditions and circumstances do not result from the actions of the applicant.
  - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

- 4. A copy of the county parcel map from the Washington County Assessor's office website ([www.co.washington.ar.us](http://www.co.washington.ar.us)) or the Fayetteville Address Point File ([website instructions](#)). The subject property and all parcels within 200 feet should be identified on this parcel map. The owner's name, official mailing address, and the parcel number for every property and resident addresses shall be shown on this map.
- 5. **One (1) copy** of a site plan drawn to scale, (scaled to fit on a 8 ½ x 11 sheet of paper, or as determined by staff to ensure legibility) based on the deed or survey (*survey is required for variance of an existing violation*), showing all proposed structures dimensioned from the overhang to each property line, required setbacks, and requested variance(s).
- 6. The applicant is responsible for meeting the public notification requirements for a variance listed on the Notification Requirements pages in this application.
- 7. A CD or USB Flashdrive containing all information in PDF format including the application, legal description, letter, and survey/site plan.

\* Note: No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

## **NOTIFICATION REQUIREMENTS – BOARD OF ADJUSTMENT**

### **Written Notification Process:**

- (1) The applicant shall mail a written notice of the action by first-class mail to the address of all landowners and residents with separate addresses within 200 feet of the boundary line of the property on which the use is proposed
- (2) At least seven (7) days prior to the public hearing, the applicant shall provide the following to the Planning Division (**contact staff planner for submittal deadline**):
  - alphabetical list of the landowners and residents with separate addresses receiving notification (City's Address Point File)
  - map showing the landowners' relationship to the site (City's Address Point File)
  - copy of the notice sent to the landowners and residents (**example attached**)
  - certificate of mailing (**example attached**)
  - [Click here to learn how to create the list of those being notified.](#)

### **Sign Posting Process:**

- (1) Signs shall be made available to the applicant by the Planning Division. A \$5 fee per sign shall be remitted by the applicant (**contact staff planner for date to pick up sign**).
  - a. The applicant shall post notice on the land for which the use is requested in a visibly prominent location no more than ten (10) feet from the street, and shall not impede the vision of drivers or pedestrians.
  - b. The staff planner may require an alternate location where the property is not adjacent to a street.
  - c. Additional signs may be required by the staff planner.
- (2) At least seven (7) days prior to the hearing, the applicant shall post the sign and submit a certificate of sign posting to the Planning Division. The sign(s) shall be photographed by the applicant and attached to the certificate (**example attached**).
- (3) The Planning Division will be responsible for retrieval of signs after the hearing; if a hearing is postponed, the applicant will be notified when a new sign has been created. The applicant shall then be responsible for posting the new date of the hearing in accordance with the criteria herein.

**THIS IS AN EXAMPLE ONLY – DO NOT USE THIS SHEET**

**CERTIFICATE OF MAILING**

*I hereby certify that a true and correct copy of the attached written notice was placed in the U.S. mail, first-class, postage prepaid this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and addressed as follows:*

*Name:* \_\_\_\_\_  
*Street Address:* \_\_\_\_\_  
*City, State, Zip:* \_\_\_\_\_

*Name:* \_\_\_\_\_  
*Street Address:* \_\_\_\_\_  
*City, State, Zip:* \_\_\_\_\_

*Name:* \_\_\_\_\_  
*Street Address:* \_\_\_\_\_  
*City, State, Zip:* \_\_\_\_\_

*Name:* \_\_\_\_\_  
*Street Address:* \_\_\_\_\_  
*City, State, Zip:* \_\_\_\_\_

\_\_\_\_\_  
*(name of person completing the mailing)*

\_\_\_\_\_  
*(signature of person completing the mailing)*

*City File No./Name:* \_\_\_\_\_

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**WRITTEN NOTIFICATION FORM**

**Project Description:**

The applicant Name proposes a Type of Development at Project Address.

**Building/land Use:** \_\_\_\_\_

**Zoning:** \_\_\_\_\_

**Size of Property:** \_\_\_\_\_

**Density/Intensity:** \_\_\_\_\_

Public Hearings:

Board of Adjustment; 3:45 PM; Month/Date/Year; 113 West Mountain Street (City Administration Building Room 219) Fayetteville, AR 72701

**Property Owner:**

Name: \_\_\_\_\_ Phone #: \_\_\_\_\_

**Developer:**

Name: \_\_\_\_\_ Phone #: \_\_\_\_\_

Review Location:

The project information is available for public review at the City of Fayetteville Planning Division, 125 West Mountain Street, Fayetteville, AR 72701 Monday-Friday 8AM-5PM; 479.575.8267.

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**CERTIFICATE OF SIGN POSTING**



I, \_\_\_\_\_ (print the name of the  
applicant/representative/person posting sign), attest that the above sign was posted on  
\_\_\_\_\_ (month/day/year) adjacent to  
\_\_\_\_\_ (name of street).

\_\_\_\_\_  
(signature of person completing the sign posting)

City File No./Name: \_\_\_\_\_