

**CITY OF FAYETTEVILLE, ARKANSAS**

# **BOARD OF ADJUSTMENT VARIANCE**

Please fill out the fields in our online submittal portal, Energov, completely, supplying all necessary information and documentation to support your request. [https://egov.fayetteville-ar.gov/EnerGov\\_Prod/SelfService#/home](https://egov.fayetteville-ar.gov/EnerGov_Prod/SelfService#/home)

*Your application will not be placed on the Board of Adjustment agenda until this information is furnished*

**Prior to submittal please clear all Viewports that were exported from the original CADD file as a part of the PDF. These may prevent staff consideration and delay review or approval of your project.**

***PLEASE NOTE: THE APPLICANT OR A REPRESENTATIVE MUST BE PRESENT AT THE BOARD OF ADJUSTMENT MEETING.***

- 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

***Attach the following items in PDF format to this application in the Energov Forms page:***

- 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.
  - Describe how the proposed variance meets each of the following criteria:
    - a. Strict enforcement of the zoning ordinance would cause undue hardship due to circumstances unique to the individual property under consideration.
    - b. The applicant demonstrates that the granting of the variance will be in keeping with the spirit and intent of the zoning ordinance.
    - c. The variance requested is the minimum variance necessary to make possible the reasonable use of the applicant's land, building or structure.
- 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.
- 5. **One (1) copy** of a site plan drawn to scale 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). Prior to submittal please clear all Viewports that were exported from the original CADD file as a part of the PDF. These may prevent staff consideration and delay review and approval of your project.
- 6. The applicant is responsible for meeting the public notification requirements for a variance listed on the Notification Requirements pages in this application. This is required after initial online submittal. City Staff will contact the applicant.

\* 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**

**This is required later after initial submittal online. A member of Development Services staff will contact you directly before this is required.**

### **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:* \_\_\_\_\_

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

## **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:**

As of issuance of this letter you can attend City meetings in person or online by going to the following City webpage and selecting the meeting(s) listed below. Although the meeting(s) and date(s) below are accurate, participation instructions are forthcoming or can be found the week of a meeting at:

<https://www.fayetteville-ar.gov/1503/Meeting-Agendas-and-Video>

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: \_\_\_\_\_