

Variance Checklist

- Application
- Neighbor Notification sent by certified mail
- Certified mail receipt(s)
- Site plan or aerial view
- Narrative letter stating need for variance

Fees

- Residential Appeal - Compatible Non-Conforming Use - \$200
- Commercial Appeal - Compatible Non-Conforming Use - \$400

RES-17:091

- (a) *Administrative Review.* To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the administrative official in the enforcement of this ordinance. The board may affirm or reverse, in whole or in part, said decision of the administrative official.
- (b) *Variances.* To authorize upon appeal in specific cases such variance from the terms of the zoning chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship that would deprive the owner of any reasonable use of the land or building involved.
- (c) *Special exceptions.* In addition to the powers and duties specified above, the board shall also have the following powers and duties to hold public hearings and decide on special exceptions...



Zoning Appeals Process

Chapter 14.40

Board of Zoning Adjustment

Sections:

14.40.01 Creation and Appointment

14.40.02 Organization

14.40.03 Powers and Duties

14.40.04 Procedure for Applications and Appeals

14.40.01 Creation and Appointment. There is hereby created a board of zoning adjustment consisting of five (5) members to be appointed for three-year terms, with at least one member being a planning commissioner. All members shall be qualified electors and residents of the City of Jonesboro. The members of the board of zoning adjustment that was legally in existence immediately prior to the effective date of this chapter shall be constituted as members and continue serving their present term as member of the board of zoning adjustment hereby created; provided the member with the least time remaining on his term shall be replaced by a member of the planning commission.

14.40.02 Organization. The board of zoning adjustment shall adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this ordinance. Meetings shall be held on a regular schedule and at such other times as the board may determine. All meetings shall be open to the public. The board of zoning adjustment shall keep minutes of its vote, indicating such fact; it shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the city planner. A quorum of the board shall consist of three (3) members. The concurring vote of a majority of the total board members shall be necessary to revise any order or decision of the enforcement officer or to decide on any matter upon which it is required to pass under this ordinance. The city planner or his representative shall attend each meeting of the board and shall bring with him all plans, specifications, plats, and papers relating to any case before the board for determination.

14.40.03 Powers and Duties. The board of zoning adjustment shall have all the powers and duties prescribed by law and by this ordinance, which are more particularly described as follows:

(a) Administrative review. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the administrative official in the enforcement of this ordinance. The board may affirm or reverse, in whole or in part, said decision of the administrative official.

(b) Variances. To authorize upon appeal in specific cases such variance from the terms of this zoning chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship that would deprive the owner of any reasonable use of the land or building involved. A variance from the terms of this zoning ordinance shall not be granted by the board of zoning adjustment unless and until:

(1) The applicant demonstrates that special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structure or buildings in the same district; 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; that special conditions and circumstances do not result from the actions of the applicant; and that granting the variance requested will not confer on the applicant any special privilege that is denied by the zoning ordinance to other lands, structures, or buildings in the same district.



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(2) No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

(3) The board of adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of land, building, or structure.

(4) The board of adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this zoning ordinance, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(5) In granting any variance, the board of zoning adjustment may prescribe appropriate conditions and safeguards that it deems necessary or desirable. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this ordinance.

(6) Under no circumstances shall the board of zoning adjustment grant a variance to allow a use not permissible under the terms of this zoning ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district.

(c) Special exceptions. In addition to the powers and duties specified above, the board shall also have the following powers and duties to hold public hearings and decide the following special exceptions:

(1) Interpret zoning district boundaries where uncertainty exists as to the boundaries of the zoning districts or when the street or property lines existing on the ground are at variance with those shown on the zoning district map.

(2) Determine the amount of parking required for a use not listed herein.

(3) Vary the parking regulations by not more than twenty-five percent (25%) where it is conclusively shown that the specific use of a building would make unnecessary the parking spaces otherwise required by this ordinance.

(4) Permit an addition to a nonconforming structure provided that said addition conforms to all building code requirements, and further provided that the current use of the structure conforms to the zoning district in which it is located.

14.40.04. Procedure for Applications and Appeals.

(a) Application. Appeals to the board may be taken by any person aggrieved or by any officer, department, or board of the city affected by any decision of the administrative official. All appeals and applications made to the board shall be made in writing on forms prescribed by the board within fifteen (15) days after the decision has been rendered by the administrative official. Every appeal or application shall refer to the specific provision of the code involved and shall exactly set forth:

(1) The interpretation that is claimed;

(2) The use for which the permit is sought; or

(3) The details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be.



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The appeal or application shall be filed with the officer from whom appeal is taken and with the board. The officer from whom appeal is taken shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken.

(b) Public Hearing and Notice. The board shall fix a reasonable time for the public hearing of an application or appeal, give public notice of the time and place thereof, as well as due notice to the parties in interest, and decide same within a reasonable time. Said public notice shall be published at least once not less than seven (7) days preceding the date of such hearing in a newspaper of general circulation in Jonesboro. The public notice shall give the particular location of the property on which the application or appeal is requested, as well as a brief statement of what the application or appeal consists. Evidence of notification of all adjoining property owners shall accompany all applications for variances. Such notification shall include the above described public notice information, as well as the time and place where the public hearing will be conducted. Public hearings may be adjourned from time to time, and, if the time and place of the adjourned meeting be publicly announced when the adjournment is made, no further notice of such adjourned meeting need be published. At a public hearing any party may appear in person, by agent, or by attorney.

(c) Effect of Appeal. An appeal shall stay all proceedings of the action appealed from, unless the person affected by such appeal certifies to the board, that, by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise 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.

(d) Time Limit on Permits. 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 sixty (60) days unless such use is established or the erection or alteration is started within such period and proceeds to completion in accordance with the terms of a building permit.

(e) Appeals from Board of Zoning Adjustment. 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.



Application Requesting Variance & Nonconforming Use Change Requests

Owner: _____ Applicant: _____

Address: _____ Address: _____

Phone: _____ Phone: _____

Email: _____ Email: _____

Signature: _____ Signature: _____

Description of Requested Variance:

Circumstances Necessitating Variance Request:

General Submittal Information:

- Submit a narrative letter explaining your request along with seven (7) copies of an accurate site plan drawn at a scale that clearly illustrates the requested use, the subject property, and the surrounding properties, streets and easements, etc.
- Provide confirmation receipts to our office that adjoining owners of all properties have been notified.

Office Use Only

Case Number: _____ Date Submitted: _____

BZA Deadline: _____ BZA Meeting Date: _____



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BZA ADJOINING PROPERTY OWNER NOTIFICATION

The Board of Zoning Adjustment, City of Jonesboro, Arkansas, will hold a public hearing at the City of Jonesboro Municipal Center, 300 S. Church St., Council Chambers, 1st Floor, Jonesboro, Arkansas, on:

TUESDAY, _____, 20__ AT 1:30 P.M.

One item on the agenda for this meeting is a request to the Board to approve a variance to the zoning ordinance concerning property that is adjacent to your property. You have the opportunity to attend this meeting to voice your approval or disapproval if you wish. If you have information that you feel should be taken into consideration before a decision is rendered, you are encouraged to submit such information to the Board. If the Board renders a decision you feel is unfair or unjust, you may appeal the decision to Circuit Court.

VARIANCE REQUESTED BY: _____

DATE: _____

SUBJECT PROPERTY ADDRESS: _____

DESCRIPTION OF VARIANCE REQUESTED:

In affixing my signature below, I am acknowledging my understanding of this request for an appeal or variance. I further understand that my signature only indicates my receipt of notification of the request for an appeal or variance and does not imply an approval by me or the proposed variance or appeal, unless so written by me to the Board.

Printed Name of Property Adjacent Owner

(Signature) Date

Address

Phone

If you would like to obtain additional information, or voice an opinion regarding this request, you may do so by contacting the Planning Department, at 300 S. Church St., or by calling 870-932-0406, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.



BZA Variance Process

