

## VARIANCE GUIDE AND APPLICATION

### **APPLICATION CHECKLIST:**

1. Completed **application form**.
2. **Only the owners of the property in question may request the variance.** If someone, other than the owner, will be handling the variance application we will also need a letter, from the owner of said property, giving them authority to do so.
3. A **map** of the subject property. The map should show dimensioned property lines, the location of buildings, neighboring land uses, and adjacent property owners.
4. \$50 fee. All costs to the city for advertising the to the public shall be reimbursed by the applicant.
5. A legible typed legal description of property to be considered for variance.

### **PROCEDURE:**

1. The Application should be filed at city hall. A completed application must be provided for the variance to be considered. See the application checklist above for a list of needed items to complete an application. No application will be accepted without payment-in-full of the \$50 variance application fee.
2. City staff will review the application and set a date for a public hearing within 30 days of review. The public hearing is conducted to allow neighboring property owners to comment on the proposed variance.
3. Notice of the public hearing must be posted in the newspaper at least one time not less than 7 days in advance of the public hearing. The applicant is responsible for covering the cost of the publication.
4. Within 30 days of the public hearing the Board of Adjustment (typically immediately following the public hearing) will make a finding to approve or deny the variance application. The finding will be based upon the following facts of the case. To approve the application the board must find the following:
  - Because of the particular physical surroundings, the strict letter of this Zoning Code would result in an undue hardship to the owner, as distinguished from a mere inconvenience.
  - The conditions causing the need for the variance are unique to the property
  - The alleged difficulty is caused by this Code and has not been created by any persons presently having an interest in the property or by any predecessor in the title
  - The granting of the variance will not harm the public welfare, other property, or improvements in the neighborhood in which the property is located
  - The proposed variance will not impair an adequate supply of light and air to the adjacent property, increase congestion on public streets, or endanger public safety in any way
  - The proposed variance complies with the intent of restrictions imposed by this Code
5. If denied by the Board of Adjustment, no application for a variance shall be resubmitted within a period of 1 year from date of said denial.
6. A variance granted shall lapse and become void if no building or construction has begun on the property in question after 6 months. If building or construction has begun, the variance shall lapse and become void if a building permit tied to the variance is not issued within 6 months or completed within 2 years.

City of Brookland  
613 Holman St.  
Brookland, AR 72417  
PHONE: 870-935-0538

## VARIANCE APPLICATION

Property Owner  
Name/Signature: \_\_\_\_\_

Spouse  
Name/Signature: \_\_\_\_\_

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

Reason for Variance: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Legal Description: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

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

The undersigned property owner designates the following agent or attorney to represent the applicant at all hearings:

Name	Address	City	State	Phone No.
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\_\_\_\_\_  
Property Owner Signature

\_\_\_\_\_  
Spouse Signature

\_\_\_\_\_  
Property Owner Mailing Address

City

State

Zip

Phone: \_\_\_\_\_