



**SUBDIVISION DESIGN AND IMPROVEMENT STANDARDS
VARIANCE APPLICATION**

- I. The filing deadline will be Friday, _____, 20____, before 5:00 p.m. Please submit this application to the City of Fort Smith Planning Department, 623 Garrison Avenue, Room 331.

- II. There will be a study meeting of the Planning Commission, Tuesday, _____, 20____, at 11:30 a.m. at the Creekmore Park Community Center. The Planning Commission may need information that is not included on the application. Therefore, the Planning Commission urges all applicants attend the meeting to represent their application.

- III. The Planning Commission meeting will be Tuesday, _____, 20____, at 5:30 p.m. in the Rose Room of the Creekmore Park Community Center. The Planning Commission may need information that is not included on the application. Therefore, the Planning Commission urges all applicants attend the meeting to represent their application.

- IV. A processing fee of \$250.00 shall accompany this application to cover the administrative costs of advertising the public notice and notifying neighboring property owners. **This fee is Non-Refundable.**

IN SOME INSTANCES, THE PLANNING DEPARTMENT STAFF WILL POST A SIGN, LIKE THE ONE SHOWN BELOW, AT THE VARIANCE SITE. IF THE SIGN IS POSTED IT MUST BE LEFT IN PLACE UNTIL REMOVED BY THE PLANNING DEPARTMENT STAFF. THE SIGN WILL BE REMOVED BY THE PLANNING DEPARTMENT STAFF THE DAY FOLLOWING THE BOARD OF ZONING ADJUSTMENT MEETING OR SOON THEREAFTER.



CHECKLIST FOR SUBDIVISION VARIANCE APPLICATION

Applications must be verified for completeness with the applicant before they are accepted.

- Pre-Application Conference (Pursuant to Section 27-302)**
- Complete Application**
- Legal Description of Subject Property**
- Street Address of Subject Property**
- Existing or Proposed Zoning Classification**
- Certified Site Plan Drawn to Scale**
- Copy of Proposed or Approved Development Plan
(if applicable)**
- List the Specific Variance (s) Requested & Undue Hardship**
- Answer Lot Information Questions**
- Complete List of all Property Owners within 300 feet
(or all adjacent & contiguous property owners if neighborhood
meeting is not required)**
- Indicate Whether Restrictive Covenants Apply**
- Owner or Agent Names & Signatures**
- Authorization of Agent (if using an agent)**
- Vicinity, Zoning & Land Use Maps of Subject Property
(Staff will assist applicant in preparing these maps)**
- Application Processing Fee of \$250.00**
- Neighborhood Meeting (Pursuant to Section 27-304 & 27-337-5 (B.))**

SECTION 27-337-8—SUBDIVISION APPEALS AND VARIANCES

(A.) In order to insure due process relative to the review of all subdivision and development applications, any person aggrieved by an act of failure to act of the City, as a result of the administration and enforcement of the provisions of any part of these regulations, shall have the right of an appeal to the City Planning Commission. Such right shall be exercised by the applicant filing written notice of the appeal with the Planning Department during normal business hours at least twenty (20) days prior to the next City Planning Commission meeting. Said notice shall clearly indicate the specific section of the regulations that is being appealed. The applicant shall pay an application fee of \$50.00 at the time the written notice (application) is submitted to the City. The applicants shall also supply a list of the names and addresses of all property owners within 300 feet of the subject property as reflected in the county tax assessor's record. The City will notify the list in writing of the appeal request. The Planning Commission shall hold a public hearing on the appeal subsequent to the publication of a notice of the public hearing being made in a newspaper of general circulation. Said notice shall be published at least one time, fifteen (15) days prior to the hearing.

(B.) In considering such appeals, the Planning Commission may, where the literal enforcement of these regulations would result in unnecessary hardship, consider deviations from the strict application of any part of these regulations, wherein its judgment of the public convenience and welfare will be substantially served, the neighboring property will not be substantially injured, and a reasonable development and improvement or property will be permitted. In approving appeals or variances, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of these regulations.

VARIANCE INFORMATION FORM

The following paragraph (Section 27-337-8 Subsection B) of the Fort Smith Unified Development Ordinance defines the criteria for granting a subdivision variance.

In considering such appeals, the Planning Commission may, where the literal enforcement of these regulations would result in unnecessary hardship, consider deviation from the strict application of any part of these regulations, where in its judgment the public convenience and welfare will be substantially served, the neighboring property will not be substantially injured, and a reasonable development and improvement of property will be permitted. In approving appeals or variances, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of these regulations. (Ord. No. 101-88, art. 3.5, 1-21-89; Ord. N. 6-91, subsection 1, 2-6-91)

1. Describe how the strict enforcement of the Development Regulations causes an undue hardship for your project:

2. List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area:

LIST OF OWNERS OF ALL PROPERTY WITHIN 300 FEET

(Please Type or Print)

The Planning Department is required to give notice (in writing) of this application to all surrounding property owners. List the name and address of the owner of every piece of property within 300 feet of any part of the property. This information may be obtained at the County Assessor's Office located in the Sebastian County Courthouse - Room 107. Please call the Tax Assessor's Office at 783-8948 to setup an appointment. (The Planning Department will mail the notices for you.)

1.	_____	_____
2.	_____	_____
3.	_____	_____
4.	_____	_____
5.	_____	_____
6.	_____	_____
7.	_____	_____
8.	_____	_____
9.	_____	_____
10.	_____	_____
11.	_____	_____
12.	_____	_____
13.	_____	_____
14.	_____	_____
15.	_____	_____
16.	_____	_____
17.	_____	_____

AUTHORIZATION OF AGENT

If an agent (i.e., contractor) is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

We the undersigned, being owners of real property, and requesting a subdivision variance by application do hereby authorize _____ to act as our agent in the matter.
(Print name of Agent)

(Type or clearly print)

NAMES OF ALL OWNERS.

SIGNATURE OF ALL OWNERS.

1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____
11. _____	_____

This form necessary only when the person representing this request does not own all the property.

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

List the names, addresses & telephone numbers of all residents/property owners who attended the meeting.

Meeting Location _____

Meeting Time & Date _____

Meeting Purpose _____

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____
6.	_____	_____	_____
7.	_____	_____	_____
8.	_____	_____	_____
9.	_____	_____	_____
10.	_____	_____	_____
11.	_____	_____	_____
12.	_____	_____	_____
13.	_____	_____	_____
14.	_____	_____	_____
15.	_____	_____	_____