

CITY OF CONWAY, ARKANSAS
BOARD OF ZONING ADJUSTMENT
POWER AND DUTIES, PROCEDURES, TIME LIMITS, FEES AND APPEALS
EFFECTIVE ON AND AFTER NOVEMBER 26, 1994

This handout is available as a Word and PDF document at the Conway Planning & Development Department's website: www.conwayplanning.org

POWERS AND DUTIES

1. ADMINISTRATIVE REVIEW

To hear and decide appeals where it is alleged there is error in any decision made by the administrative official in the enforcement of the Zoning Ordinance.

2. VARIANCES

To authorize variances that will not be contrary to the public interest where, due to special conditions, a literal enforcement of the Zoning Ordinance would result in unnecessary hardship that would deprive the owner of any reasonable use of the land or building involved. A variance shall not be granted unless and until:

- A. The applicant can show 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 zoning district.
- B. The applicant can show that literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Zoning Ordinance.
- C. The applicant can show that special conditions and circumstances do not result from the actions of the applicant.
- D. The applicant can show 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.
- E. No nonconforming or permitted use of lands, structures or buildings in the same or other districts shall be considered grounds for the issuance of a variance.
- F. The reasons set forth in the application justify the granting of the variance.
- G. The variance is the minimum variance that will make possible the reasonable use of land, building or structure.
- H. The granting of the variance will be in harmony with the general purpose and intent of the Zoning Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

In granting a variance, the Board of Adjustment may prescribe appropriate conditions and safeguards that it deems necessary or desirable. Violations of such conditions and safeguards are a violation of the Zoning Ordinance.

Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible in the zoning district involved.

3. SPECIAL EXCEPTIONS

- A. The Board of Adjustment may permit the extension of a zoning district boundary where the boundary divides a lot held in a single ownership at the time of adoption of this ordinance.
- B. The Board of Adjustment may 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.

PROCEDURES

1. All appeals and applications made to the Board of Zoning Adjustment shall be made in writing on appropriate forms within **TEN (10)** days after a decision has been rendered by an administrative official.
2. Every appeal or application shall refer to the specific provision of the Zoning ordinance involved and shall exactly set forth (a) the interpretation that is claimed, (b) the use for which the permit is sought or (c) the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted.
3. Each application for a variance must include a scale drawing showing the requested variance along with all relevant information, including the exceptional condition or situation of the property that causes the exceptional practical difficulty or undue hardship for which relief is being sought.
4. All appeals and applications shall be submitted **NO LESS THAN TEN DAYS PRIOR TO THE PUBLIC HEARING** before the Board of Zoning Adjustment.
5. The Board of Zoning Adjustment normally meets on the **fourth Wednesday of each month** (if the meeting is required) at 5:45 pm at 1201 Oak Street. Each applicant is responsible for determining the exact time of the meeting by contacting the Planning & Development Department.
6. Each applicant must cause a public notice to be published at the applicant's expense at least once **not less than seven (7) days prior to the date of the public hearing**. The notice must be in the Log Cabin Democrat. The notice shall give the following information:
 - A. The location of the variance sought including the legal description and an address. If an address is not available, a description that is clear to the average layperson will suffice.
 - B. A brief statement of the request.
 - C. The date, time and location of the public hearing.
7. The applicant must post a public hearing sign on the property **no less than 7 days prior to the public hearing**. The sign shall be in plain view of and easily readable from the public street. The disposable sign must be obtained from the Planning & Development Department. The costs of the sign is \$7.50.
8. The applicant must notify by certified letter and / or petition, **no less than 7 days prior to the public hearing**, all property owners within 200 feet of the petitioner's property, of the intention to seek a variance. The applicant must state the date and time of the public hearing in the certified letter and / or petition. The postmarked certified receipts and / or return receipts and / or petition must be submitted to the Planning Department staff **no later than 7 days prior to the public hearing**. A **map** showing the location of the property and a **letter** from the petitioner certifying that the map shows a complete list of those property owners should also be submitted at that time. This map is used to verify that all property owners have been notified.

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.

FEES

The fee for any appeal or application to the Board of Zoning Adjustment shall be three hundred twenty-five dollars (\$325.00), no part of which shall be refundable.

APPEALS FROM BOARD OF ADJUSTMENT

Any person or persons, or any board, taxpayer, department, board or bureau of the City aggrieved by any decision of the Board of Adjustment may seek review by a court of record of such decision, in the manner provided by the laws of the State of Arkansas.

NOTE

It should be noted that this is not an exhaustive guideline regarding the Board of Adjustment. Additional information is available in the Conway Zoning Ordinance.

Checklist of Items for Board of Zoning Adjustment

- ❑ **Application for Variance** – Filed with the Planning & Development Department no less than **10 days** prior to the public hearing. (Typically, this will fall on a Friday)
- ❑ **Scale drawing showing the requested variance along with all relevant information** – Filed with the Planning & Development Department no later than 10 days prior to the public hearing.
- ❑ **Filing Fee of \$325** – Paid at the Planning & Development Department no later than 10 days prior to the public hearing.
- ❑ **Sign** – A disposable sign is obtained at the Planning & Development Department. The cost for the sign is \$7.50. The sign must be posted no later than 7 days prior to the public hearing.
- ❑ **Proof of Publication** – Obtained from the Log Cabin Democrat after the placement of the public notice. The ad must appear at least once no later than 7 days prior to the public hearing. Filed with the Planning & Development Department.
- ❑ **Certified Letters and / or Petitions to All Owners within 200 Feet** – After notification, the postmarked certified receipts and / or return receipts and / or petition are filed with the Planning & Development Department. Notification must be made no later than 7 days prior to the public hearing.
- ❑ **Map showing Property Owners within 200 Feet** – A map including the names of property owners. Filed at the Planning & Development Department along with the certified receipts-returns and / or petitions no later than 10 days prior to the public hearing.

CITY OF CONWAY
BOARD OF ZONING ADJUSTMENT
POWER RELATIVE TO VARIATIONS
CHECKLIST

At least one checkmark should appear under each of the items 1, 2, and 3 below in order for the Board of Zoning Adjustment to have the power to grant a variation. The board may not grant a variance in use.

1. Exceptional Condition of a Specific Piece of Property

_____ Narrowness

_____ Shallowness

_____ Shape

_____ Topographical Conditions

_____ Other Extraordinary or Exceptional Situation or Condition

2. Frequency of Occurrence of Exceptional Condition

_____ Not Generally Prevalent in the Area

3. Result of a Strict Application of the Zoning Ordinance

_____ Peculiar and Exceptional Practical Difficulty to the Owner of the Property

_____ Exceptional and Undue Hardship on the Owner of the Property

NOTICE OF PUBLIC HEARING

Notice is hereby given that _____ (*Name of Applicant*)

Has filed an application with the City Board of Zoning Adjustment requesting

that they be allowed _____ (*Variance Requested*)

at the site _____ (*Address and Legal Description*)

A public hearing will be held on said application at 5:45 p.m., Wednesday

_____ (*Date*) at the 1st Floor Conference Room in City Hall at 1201 Oak Street.

All interested persons are hereby called upon to show cause for or against the granting of said variance.

Chairman
Board of Zoning Adjustment
City of Conway

NOTE: Please remember to replace the signature block in your certified letters with your own name and information. The letters are from you the applicant. The Legal Notice to the paper requires the Board of Zoning chair info.

**This notice is to be run in the legal notices section of the Log Cabin Democrat
no less than 7 days prior to the public hearing.**

Deadline for Legal Notices

The deadline for the legal notices is 2 pm two business days before publication. Legals that are longer than two typewritten pages of 8 1/2" x 14" double-spaced material will require an extra day for preparation. Legals may be e-mailed to legals@thecabin.net or faxed to 501-327-6787 or dropped off at the office at 1058 Front Street. Questions concerning the Log Cabin Democrat's procedures should be directed to:

Legals
Log Cabin Democrat
1058 Front Street
PO Box 969
Conway, AR 72032
501-505-1219

Log Cabin Democrat Deadlines

Edition Deadline
Sunday 2 p.m. Thursday
Monday 2 p.m. Thursday
Tuesday 2 p.m. Friday
Wednesday 2 p.m. Monday
Thursday 2 p.m. Tuesday
Friday 2 p.m. Wednesday
Saturday 2 p.m. Thursday

City of Conway, Arkansas

**BOARD OF ZONING ADJUSTMENT
APPLICATION FOR VARIANCE**

DATE: _____

PROJECT LOCATION

ADDRESS: _____

SUBDIVISION: _____

BLOCK: _____ LOT: _____

DESCRIPTION OF VARIANCE BEING SOUGHT (attach any necessary drawings):

PROPOSED USE: _____

APPLICANT'S NAME: _____ PHONE NUMBER: _____

APPLICANT'S ADDRESS: _____

APPLICANT'S SIGNATURE: _____