

**LINCOLN, ARKANSAS**

**WAIVER REQUEST SUBMITTAL CHECKLIST**

The following must be turned in to the City Clerk's Office by the *submittal date (see schedule chart in this packet)* for your Waiver Request to be reviewed by the Planning Commission. Incomplete applications will not be included on the agenda. Please refer to UDC Section 6.1.10 – Waiver of Conditions– for details on the review process.

**Incomplete applications will not be included on the agenda.**

1. Pay review fee: Waiver 50.00
2. Submit **ten (10) Packets of information**, to include: **One (1) Packet will contain original signed documents.**  
\*Submitted materials should be 8 ½ x 11 except the scaled drawing or Plat/Plans. All items must be legible.  
\* The applicant is responsible for all documents required for the packets. Missing documents will cause the application to be incomplete.
  - The completed " **Waiver Request Application Form**" (attached).
  - A **Notarized Statement** that states the applicant is the owner or authorized agent of the owner of the property for which the rezoning application is proposed.
  - **Documentation** if the owner is identified as a business. Articles of incorporation, article of organization, by law or other paperwork stating who can act on the entity's behalf. Along with any minutes that state who the person is in that position at time of application.
  - The **Legal description** of the property, and a copy of the **Warranty Deed** from Washington County. A copy is acceptable.
  - A **written statement with a description of the nature of the requested waiver**. Reference the code section requested to be waived and the nature of the hardship.
  - A full-sized copy of the legible Scaled Drawing or the Plat of Survey/Plan either a minimum of **(11x17 or larger)** delineating:
    - The dimensions of the property.
    - The approximate location/s of any building/s with dimensions.
    - Land uses of the adjacent properties.
    - A vicinity map of sufficient clarity to show the location of the property with the proposed waiver.
    - **Must be signed by surveyor**
3. Submit **one (1) 8 ½ by 11, hard copy** of the Scaled Drawing/Plat of Survey/Plan (not included in packets).
4. Submit **one (1) PDF copy** of ALL the required materials by email to [cityhall@lincolnarkansas.com](mailto:cityhall@lincolnarkansas.com) Please state the project name in the subject line of the email. Plat must be to scale and submitted separately

2.6.3 Applicability Further Charges Authorized.

*In the event that review beyond the initial City planning or Engineering review fees exceed the original fee submittal amount, the owners and/or Developers shall reimburse the City of Lincoln for all additional expenses incurred throughout the review process. All fee reimbursement to the City by the owner/applicant must be received by the City prior to final approval by the City.*

All required paperwork must be received within sixty days of original submission date or application will be closed and submitted paperwork minus review fee can be collected at the front desk for 1 week.

## LINCOLN, ARKANSAS

### WAIVER INFORMATION

#### **6.1.10 Waiver of Conditions**

Where the Planning Commission finds the extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances, exceptions and waiver of conditions to these regulations so that substantial justice may be done and the public interest secured, provided that the variance, exception, or waiver conditions shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the Planning Commission shall not approve variances, exceptions, and waiver of conditions unless it shall make findings based upon the evidence presented to it in each specific case that:

- A. The granting of the variance, exception, or waiver of conditions will not be detrimental to the public safety, health, or welfare or injurious to other property;
- B. The conditions upon which the requests are based are unique to the property for which the relief is sought and are not applicable generally to other property;
- C. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out;
- D. The relief sought will not in any manner vary the provisions of the Zoning Code, or General Plan, except that those documents may be amended in the manner prescribed by law.
- E. That in addition to the conditions listed above, there would be no public benefit served by a strict application of the pertinent regulations.

#### **6.1.11 Conditions of Waiver**

In approving variances, exceptions, or waivers of conditions, the Planning Commission may require such conditions as will, in its judgment, secure substantially the purposes described in Section 6.1.3.

#### **6.1.12 Procedures for Waivers**

A petition for a variance, exception, or waiver of conditions shall be submitted in writing by the applicant at the time when the preliminary plat or large-scale development is filed for the consideration of the Planning Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner. Fees shall be paid according to the fee schedule in Section 2.6

#### **6.1.13 Waivers-Findings**

Such findings of the Planning Commission, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the Planning Commission meeting at which such waiver is granted. Waivers may be granted only when in harmony with the general purpose and intent of this Section so that the public health, safety or welfare may be secured, and substantial justice done. Pecuniary or monetary hardship to the Developer, standing alone, shall not be deemed to constitute undue hardship.

**LINCOLN, ARKANSAS**  
**WAIVER REQUEST APPLICATION**

Notice: In order for Variance / Waiver Applications to be placed on the Board of Adjustment meeting agenda, applications must be turned in to the City Clerk by the submittal date (shown on the attached schedule.)

**Name of Development:** \_\_\_\_\_

**Applicant:** \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
Preferred?   
Email: \_\_\_\_\_ Preferred?

*The following statements and answers herein made and all data, information, and evidence herewith submitted are, to the best of my knowledge and belief, true and correct. I understand that submittal of incorrect or false information is grounds for invalidation of this application.*

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

**Property Owner:** \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
Preferred?   
Email: \_\_\_\_\_ Preferred?

*I certify under penalty of perjury that I am the owner of the property that is the subject of this application or I am the owner's authorized agent and consent to its filing. (If signed by the authorized agent, a letter from the property owner must be provided indicating that the agent is authorized to act on his/her behalf.)*

Signature of Property Owner or Agent: \_\_\_\_\_ Date: \_\_\_\_\_

**Additional Contacts:** \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
Preferred?   
Email: \_\_\_\_\_ Preferred?

Name: \_\_\_\_\_  
Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
Preferred?   
Email: \_\_\_\_\_ Preferred?

Please submit a separate sheet of paper if you need more space to include everyone who needs to be contacted for this project.

**[APPLICATION CONTINUES ON BACK]**

*2.6.3 Applicability Further Charges Authorized.*

*In the event that review beyond the initial City planning or Engineering review fees exceed the original fee submittal amount, the owners and/or Developers shall reimburse the City of Lincoln for all additional expenses incurred throughout the review process. All fee reimbursement to the City by the owner/applicant must be received by the City prior to final approval by the City.*

All required paperwork must be received within sixty days of original submission date or application will be closed and submitted paperwork minus review fee can be collected at the front desk for 1 week.

**WAIVER REQUEST APPLICATION**

**Property Information:**

Address, Proposed Land Use, and Brief Description of the Project:

---

---

---

---

UDC Section(s) Subject to Waiver Request

---

---

Explanation of Hardship

---

---

---

**Utility Information:**

*(Check box if utility has existing lines on or fronting the property and write the name of the company.)*

Water company name: \_\_\_\_\_  Electric Company name: \_\_\_\_\_  
 Gas company name: \_\_\_\_\_  Telephone company name: \_\_\_\_\_  
 Cable company name: \_\_\_\_\_  Sewer System / Septic: \_\_\_\_\_

**Parcel Information:**

Tax Parcel Number(s): \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_  
Total Parcel Acreage: \_\_\_\_\_ Current Zoning: \_\_\_\_\_  
Floodplain:  yes  no FIRM / Map #: \_\_\_\_\_ Floodplain type (A, AE, etc.): \_\_\_\_\_

**Road Information:**

U.S., State, or City Street(s) giving access to property: \_\_\_\_\_  
Road surface (asphalt, gravel, unimproved, etc.): \_\_\_\_\_ Right of way width: \_\_\_\_\_

**ALL SIGNATURE LINES MUST BE SIGNED FOR THE APPLICATION TO BE PROCESSED.**

.....

**OFFICE USE ONLY:**

Board of Zoning Adjustments Approval: \_\_\_\_\_ City Council Approval: \_\_\_\_\_

Tabled Dates: \_\_\_\_\_

Date of Denial: \_\_\_\_\_ Appeal Filed \_\_\_\_\_

Notes: \_\_\_\_\_

---

---

2.6.3 Applicability Further Charges Authorized.

*In the event that review beyond the initial City planning or Engineering review fees exceed the original fee submittal amount, the owners and/or Developers shall reimburse the City of Lincoln for all additional expenses incurred throughout the review process. All fee reimbursement to the City by the owner/applicant must be received by the City prior to final approval by the City.*

All required paperwork must be received within sixty days of original submission date or application will be closed and submitted paperwork minus review fee can be collected at the front desk for 1 week.