

LINCOLN, ARKANSAS

VARIANCE 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 Variance Request to be reviewed by the Board of Adjustment. Incomplete applications will not be included on the agenda. Please refer to **UDC Section 4.13.5 – Procedures for Variance Applications** – for details on the review process.

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1. Pay **review fee**: Variance Request **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.

(If you need extra copies for yourself please include this number for yourself.)

- The completed " **Variance 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 explaining the nature of the variance request. This statement must include the zoning code section that is requested to be varied, and the nature of the hardship.**
 - A full-sized copy of the legible Scaled Drawing or the Plat of Survey/Plan either must be 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 variance.
 - **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 the ALL required materials by email to cityhall@lincolnkansas.com Please state the project name in the subject line of the email. Plat must be to scale and submitted separately.
 5. **Notice of such hearing shall be published at least one time at least fifteen (15) calendar days prior to the date of the public hearing in a newspaper of general circulation in the City of Lincoln.**
 - The applicant shall be responsible for this publication, bear the cost of such advertising, and provide an Affidavit of Publication as proof of the notice.
 - At least seven (7) calendar days prior to the public hearing, the applicant must provide proof of publication that the required public notice has appeared in a newspaper of general circulation at least fifteen (15) calendar days prior to the public hearing.
 6. **Notice of such hearing shall be given by conspicuously posting a sign on the subject property, involved by the applicant, at least fifteen (15) calendar days prior to the hearing.**
 - Posting of the sign by the prescribed time shall be the responsibility of the applicant.
 - The applicant shall use the signs provided by the City of Lincoln and shall pay a refundable deposit.
 - After the hearing, the sign shall be returned, and a refund of the deposit will be issued for signs in good condition.

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
VARIANCE INFORMATION

A. “Finding of Fact

For the Board of Adjustment to approve an application for any proposed Variance, a majority of the entire Board must find that each of the following facts exist with respect to the application:

- (1) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, the strict letter of this Zoning Code would result in an undue hardship to the owner, as distinguished from a mere inconvenience.
- (2) The conditions causing the need for a Variance or Waiver are unique to the property and are not applicable, generally, to other property within the same zoning classification.
- (3) The alleged difficulty or hardship 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 title.
- (4) The alleged difficulty or hardship is not one of a financial matter.
- (5) The granting of the Variance or Waiver will not harm the public welfare, other property, or improvements in the neighborhood in which the property is located.
- (6) The proposed Variance or Waiver will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair the property values within the neighborhood;
- (7) The proposed Variance complies with the spirit and intent of restrictions imposed by this Code.

B. Conditions of Variances

The Board of Adjustment may require such conditions or restrictions upon the construction, location, and operation of a Variance, as deemed necessary to secure the general objectives of this Code. Such conditions or restrictions may include, but shall not be limited to, provisions for the protection of adjacent property, the expiration of said Variance after a specified period of time, and off-street parking and loading requirements.

C. Effect of Denial of a Variance

Absent a material change in circumstances or conditions, no application for a Variance that has been wholly or partly denied by the Board of Adjustment shall be resubmitted within a period of one (1) year from date of said denial.

D. Lapse of Variance

A Variance granted hereunder shall lapse and become void:

- (1) Where buildings or construction is involved, if a building permit for the construction tied to the Variance is not issued within six (6) months or completed within two (2) years, the approvals shall expire. The applicant may request one (1) three-month extension from the Planning Commission Chairperson. One (1) additional three-month extension may be requested from the Board of Zoning Adjustments.
- (2) Where no building or construction is involved, approvals shall expire within six (6) months if the activity subject to the variance has not commenced.”

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LINCOLN, ARKANSAS
VARIANCE REQUEST APPLICATION

Notice: In order for Variance 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?

APPLICANT/REPRESENTATIVE: *I certify under penalty of perjury that the foregoing statements and answers herein made all data, information, and evidence herewith submitted are in all respects, 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 application completeness, determination, or approval. I understand that the city might not approve what I am applying for or might set conditions on approval.*

Signature of Applicant: _____ Date: _____

Property Owner: _____

Address: _____ Phone: _____
 Preferred?
 Email: _____ Preferred?

PROPERTY OWNER(S)/AUTHORIZED AGENT: *I/we certify under penalty of perjury that I am/we are the owner(s) of the property that is the subject of this application and that I/we have read this application and consent to its filing. **(If the applicant is an authorized agent, a notarized letter from each 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]

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VARIANCE REQUEST APPLICATION

Property Information:

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

UDC Section(s) Subject to Variance 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.

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OFFICE USE ONLY:

Board of Zoning Adjustments Approval: _____ City Council Approval: _____

Tabled Dates: _____

Date of Denial: _____ Appeal Filed _____

Notes: _____

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