

## 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 process we will also need a letter, from the owner of said property, giving them authority to do so.
3. A list of the names and address of owners of all adjacent properties.
4. A map of the subject property. The map should show dimensioned property lines, approximate locations of buildings with appropriate dimensions, and current land uses of adjacent properties.
5. \$50 fee.
6. A legible typed address and legal description of property to be considered for the variance.

### **PROCEDURE:**

1. The Application should be filed at city hall with the Administrative Official. 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. The Board of Adjustment will review the application and hold a public hearing on the proposed variance within 30 days. The public hearing is conducted to allow neighboring property to comment on the proposed variance.
3. Notice of the public hearing must be posted in the newspaper 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 existence of the following facts with respect to the application:
  - The property in question has unique features such as topography shape or surroundings which would create a hardship if the zoning code was strictly enforced
  - The conditions causing the need for a variance are unique to the property in question and are not generally applicable.
  - The alleged hardship is caused by the current zoning code and has not been created by the current or past property owner
  - No harm to the public welfare, other property, or improvements in the neighborhood will be caused by the granting of the variance.
  - The proposed variance will not impair an adequate supply of light and air to adjacent properties, increase congestion of public streets, endanger public safety, or diminish the property values in the neighborhood
  - The proposed variance complies with the spirit and intent of restrictions imposed by the zoning code
5. If denied by the Board of Adjustment, no application for a variance shall be resubmitted within a year from the date of denial
6. A variance granted shall become void under 2 specific circumstances:
  - Approval for the use of the property for which the variance is issued shall expire within 6 months if not yet begun in situations where no building or construction is involved.
  - A building permit for the construction tied to the variance is not issued within 6 months or completed within 2 years in situations where building or construction is involved.

City of Hoxie  
400 SW Hartigan St.  
Hoxie, AR 72433  
PHONE: (870) 886 - 2742

## 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.
------	---------	------	-------	-----------

\_\_\_\_\_  
Property Owner Signature

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

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

City

State

Zip

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