

PLANNING COMMISSION
(BOARD OF ADJUSTMENT)
VARIANCES

CHECKLIST

10 DAYS OR MORE PRIOR TO MEETING

- ___ Publish Notice of Public Hearing once in a newspaper of general circulation in the City. Notice must be signed by a City Inspector. (Notice attached)
- ___ Draft letter with explanation of variance requested and date and time of meeting.
- ___ Draw map of subject property and surrounding land owners. Include measurements pertaining to variance.
- ___ Mail letter and map notifying surrounding land owners by certified mail - return receipt.
- ___ File letter containing explanation of request and map with the City Clerk.
- ___ Letters must be given to all Commissioners and City inspector. ***See Planning Commission List*** (These do not have to be by certified mail, but must reach commissioners and city inspector personnel 10 days prior to the meeting.)

FRIDAY BEFORE MEETING ON THURSDAY

- ___ Make copies of returned certified mail receipts and proof of publication. File originals with City Clerk.

**NOTICE OF PUBLIC HEARING
ON APPLICATION FOR VARIANCE**

NOTICE IS HEREBY GIVEN THAT an application by _____
_____ for a variance has been filed with the Board of Adjustment of
Paragould wherein the request is made for a variance at the property located at
_____ and described as:

A PUBLIC HEARING on said application will be held by the Paragould Board
of Adjustment at _____AM/PM on _____, 20__ at City Hall in the
Council Room.

ALL PARTIES IN INTEREST MAY BE HEARD at the same time and place or
may notify the Board of Adjustment by letter of their views on this matter.

THIS PROPOSED AMENDMENT is on file for public inspection at the City
Clerk's Office in City Hall.

Dated this ____ day of _____, 20__

City Inspector

17.4 Quorum

The presence of a majority of the members shall be necessary to constitute a quorum. The concurring vote of five members present shall be necessary to reverse any order, requirement, decision, or determination of an administrative officer, or to decide in favor of the applicant on any matter upon which it is required to pass under the Zoning Ordinance, or to authorize a variance from such regulation.

17.5 Seven Days Notice Required for Meetings

The Secretary of the Board shall notify each member of the Board of a scheduled or called meeting seven (7) days before the date of the meeting, by mail or in person.

17.6 Members removed for non-participation

Any member of the Board who fails to be in attendance at two (2) consecutive scheduled meetings and provides no written excuse satisfactory to the other members shall have his/her position declared vacated and a new member shall be selected as provided in 17.2. Removal from the Board shall also constitute removal from the Planning Commission.

18.0 APPEALS

The Board shall hear appeals (from an administrative decision of the enforcement officer who shall be designated by the City Council) concerning interpretation of the zoning regulations and shall decide whether such interpretation was in error or not.

19.0 VARIANCES

When a property owner can show that a strict application of these regulations relating to construction or alteration of buildings or structures will impose upon him practical difficulties or particular hardship, the Board may grant variances from the regulations if the variance will not be materially detrimental to the public welfare or injurious to the property or improvement in the district in which the property is located. Variances may be granted in the following instance only:

19.1 Variances Granted

Where, by reason of exceptional narrowness, shallowness, depth, or shape of a specific piece of property of record on the date of the passage of these regulations; or where, by reason of exceptional topographic or physiographic conditions, or other extraordinary or exceptional situation or condition of a specific piece of property, the strict application of any provisions of these regulations would result in peculiar and exceptional practical difficulties and particular hardship upon the owner of such property so as to constitute virtual confiscation of such property as granted without a substantial detriment to the public good and without substantially impairing the general purpose and intent of the comprehensive plan as established by restrictions and provisions contained in these regulations.

19.1.1 Carport Variances in R-2 Zone

A variance may be granted to build a carport to within 8 feet of a front property line in an R-2 Residential Zone. Said variance may be granted for a carport only. Under no circumstances shall the carport be enclosed or used for any purpose other than that of a carport in which to park vehicles. In addition, said variance may be granted only if the general purpose and intent of the comprehensive land use plan, as established by restrictions and provisions contained in this Ordinance, are not significantly impaired.

19.2

When applying for a variance or conditional use permit, the owner/applicant must provide notice to adjacent property owners and owners of property located across any streets from the subject property. Notification is to be carried out by certified mail at least 10 days prior to the public hearing. Applicants must show proof of certified mail, receipt or refusal.

20.0 APPEAL FROM DECISION OF THE BOARD

Appeal from the decision of the Board of Adjustment shall be to the City Council within thirty (30) days from the decision of the Board.

21.0 NOTICE AND FEE REQUIREMENTS FOR PERMITS, APPEALS VARIANCES

21.1 The fees for the various permits required by this ordinance are as follows:

- (1) Certificate of Occupancy and Compliance = N/C
- (2) Application for Rezoning = \$35.00
- (3) Conditional Use Permit = N/C
- (4) Appeals and Variances = N/C

These fees do not include applicant borne costs for legal advertisements, certified mail, legal representation, drafting, surveying, engineering, planning and other expenses that may be incurred. Any actions initiated by the Planning Commission, the City Council or the Mayor for a public purpose are not subject to the payment of filing fees.

21.1.1 Penalty for failure to obtain Certificate of Occupancy and Compliance

Prior to the occupancy of any residence or other structure, a final inspection and a Certificate of Occupancy must be obtained from the City Inspector's Office. The duty to obtain said Certificate of Occupancy shall be with the owner of the

property at the time the building permit was obtained. Any individual or legally recognized business entity violating this section shall be assessed a penalty of \$25.00 for said violation. It shall be the duty of the City Building Inspector to issue a citation for violations of this nature.

21.2 Variance Applicants and Appellants for Public Notices

Whenever an appeal or application for a variance is made to the Board, the Board shall cause to have published at the expense of the appellant or applicant a notice of the time and place of the public hearing upon such appeal or application, which notice shall be published at least once not less than ten (10) days preceding the date of such hearing in an official paper or a paper of general circulation in Paragould, said notice to designate the particular location with which the appeal or application is concerned, and a brief statement summarizing the appeal or application. The Board shall also give or cause to be given additional notice of scheduled hearings to such interested persons and organizations as it shall deem feasible and practicable.