



**CITY OF CENTERTON**  
**Board of Zoning Adjustment**  
**VARIANCE REQUEST**  
APPLICATION & CHECKLIST

Revised 08/13/2022

**STAFF USE ONLY:**

Date Application Submitted \_\_\_\_\_  
Date Accepted as Complete \_\_\_\_\_  
Public Hearing Date \_\_\_\_\_  
Approval Granted: YES \_\_\_ NO \_\_\_  
Approval Date: \_\_\_\_\_  
Contingencies: \_\_\_\_\_

**PROJECT NO:** \_\_\_\_\_  
Application Fee: **\$150.00**  
Date Paid \_\_\_\_\_ R# \_\_\_\_\_  
Publication Cost: \_\_\_\_\_  
Date Pd \_\_\_\_\_ R# \_\_\_\_\_

**VARIANCE APPLICATION:**

Project Name: \_\_\_\_\_ Zoning District: \_\_\_\_\_  
Site Address: \_\_\_\_\_ PID#(s) \_\_\_\_\_

Check each of the following Variance type(s) being requested:

- A. Building Setback
- B. Lot Width/Depth
- C. Nonconforming Use
- D. Lot/Tract Size
- E. Structure in Utility Easement
- F. Sign Code
- G. Parking-Space Requirements
- H. Other - List \_\_\_\_\_

List the Code Section(s) for which the Variance is being requested: \_\_\_\_\_

Fill out the applicable sections of this form. Supply all necessary information and documentation to support your request. *Your application will not be placed on the Board of Zoning Adjustments agenda until all required information is furnished. Note that the Applicant or a Representative must be present at the Board of Adjustment Meeting when scheduled.*

**GENERAL INFORMATION:**

Applicant: \_\_\_\_\_  
Address: \_\_\_\_\_

Day Phone: \_\_\_\_\_  
Fax #: \_\_\_\_\_  
e-mail: \_\_\_\_\_

Representative: \_\_\_\_\_  
Address: \_\_\_\_\_

Day Phone: \_\_\_\_\_  
Fax #: \_\_\_\_\_  
e-mail: \_\_\_\_\_

Property Owner(s): \_\_\_\_\_  
Address: \_\_\_\_\_

Day Phone: \_\_\_\_\_  
Fax #: \_\_\_\_\_  
e-mail: \_\_\_\_\_

**Which of the above assumes responsibility for expenses incurred outside the initial application fee?**  
\_\_\_\_ Applicant \_\_\_\_ Owner \_\_\_\_ Developer \_\_\_\_ Engineer/Surveyor \_\_\_\_ Other: \_\_\_\_\_

**FINANCIAL INTERESTS:**

The following entities and / or persons have financial interest in this project / property upon which a Variance is being requested:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*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 the application completeness, determination, or approval. I understand that the City might not approve what I / We are applying for or may set conditions of approval.

Name(s) - printed \_\_\_\_\_ Date: \_\_\_\_\_

Signatures: \_\_\_\_\_

*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 signed by the authorized agent, a letter from each property owner must be provided indicating that the agent is authorized to act on his/her/their behalf.)*

Name(s) - printed \_\_\_\_\_ Date: \_\_\_\_\_

Signatures: \_\_\_\_\_

**➔ Address Each of Following and all CHECKLIST ITEMS, As Applicable:**

**Nonconforming Use:**

Type of Structure: \_\_\_\_\_ Building size (SF): \_\_\_\_\_  
Current Use \_\_\_\_\_ Proposed Use \_\_\_\_\_  
Hours of operation: \_\_\_\_\_ Days of operation: S-M-Tu-W-Th-F-S  
Number of employees: \_\_\_\_\_

**Building Encroachment in Setback/Easement:**

Existing Required Setback: side yard \_\_\_\_\_ (ft) / rear yard \_\_\_\_\_ (ft)  
Existing Drainage/Utility Easements: side yard \_\_\_\_\_ (ft) / rear yard \_\_\_\_\_ (ft)  
Requested Reduction \_\_\_\_\_ ft. setback \_\_\_\_\_ ft. easement

**Lot Width or Area:**

Existing: Lot Width \_\_\_\_\_ (ft) Lot Area \_\_\_\_\_ (ft)  
Required: Lot Width \_\_\_\_\_ (ft) Lot Area \_\_\_\_\_ (ft)  
Variance Requested: \_\_\_\_\_ (ft) \_\_\_\_\_ (ft)

**Signage:** Provide drawings of proposed signs with dimensions and site plan. Include narrative of the variance being requested.

**Parking:** Total No. of Required parking spaces: \_\_\_\_\_ No. of H/C spaces: \_\_\_\_\_  
Total No. of Proposed parking spaces: \_\_\_\_\_ No. of H/C spaces: \_\_\_\_\_  
Variance Requested: \_\_\_\_\_

## Checklist Information:

**Applicant shall address each item, as deemed applicable. Applicant shall submit a written explanation or narrative describing why the item does not apply and should not be required to process the Application. (Please check selection and return with Application)**

YES NO N/A

- |                          |                          |                          |  |
|--------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 1. Completed <b>application form</b> .   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 2. <b>Legal Description of property</b> (may be found on deed or current survey of property). A survey may be required if the deed cannot be platted accurately.   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 3. A copy of the <b>deed for</b> the property showing current ownership.   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 4. <b>Site plan</b> (drawn to reasonable scale to fit on single page) based on the deed or survey, showing all existing and proposed structures, with dimensions from the structure to the property line(s) and with required setbacks, easements, and location of all affected utilities shown.   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | 5. A <b>detailed explanation of the appeal</b> as listed on the Application form. The explanation should include what is being requested or proposed and demonstrate how and why approval will NOT BE CONTRARY to each of the following criteria: (use narrative style format in explanation) <ul style="list-style-type: none"><li>A. <b>Preservation of Intent:</b> That the variance, if granted, is consistent with the purpose and intent of the regulations for the district in which development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted use, accessory use, or conditional use of that particular district.</li><li>B. <b>Exceptional Circumstances:</b> That exceptional, extraordinary or unusual conditions or circumstances applying to the lot, parcel, structure or intended use exist that do not apply to other properties or uses in the same district which are unique to the individual property under consideration.</li><li>C. <b>Hardship Not Grounds for Variance:</b> That the special conditions and/or circumstances do not result from the intended or proposed actions of the applicant. No variance may be granted solely on the basis of economic gain or loss. For hardship to exist, the deprivation resulting from application of the ordinance must be so great as to effectively prevent the owner from making any reasonable use of the land.</li><li>D. <b>Preservation of Property Rights:</b> That literal interpretation of the provisions of this ordinance would deprive the applicant of substantial rights commonly enjoyed by other properties in the same district under the terms of this ordinance.</li><li>E. <b>Absence of Detriment:</b> That granting the variance requested will not create substantial detriment to adjacent property or that will materially impair or be contrary to the purpose and spirit of this chapter or the public interest.</li></ul> |

- o o o 6. If possible, submit photographs demonstrating where and why the variance is requested.

- o o o 7. **Public Hearing Notice:**

- A. Publication of Notice of Hearing - The City will request publication of the Notice of Public Hearing, via the local paper, at the applicant's expense. The notice will be published 15 days prior to the public hearing date and an invoice sent to the applicant/owner for the cost. The Invoice must be paid no later than one day prior to the public hearing date.

- B. Mailed Notices to Adjacent Properties – The Board shall also give or cause to be given such additional notice of such hearing to interested persons and organizations as it shall deem feasible and practicable. [Adjacent Property Owners or those within 300 ft.]

- C. Signs Posted - The Applicant will be responsible to post one or more signs, provided by the City, on the property subject to the Variance, on or by the Monday that falls 2 weeks prior to the BZA Public Hearing date. Applicant will also be responsible for the removal/disposal of the sign, within one day following the hearing date. The sign must be viewable to the public and may be displayed on a fence with zip ties, or in the ground in front of the property where the Variance applies, with visibility of both sides of the sign.

- D. Posted Notice of Hearing - The City will also post notices for the hearing in 5 locations per Chapter 1.36 of the Centerton Municipal Code. City Hall and the Post Office are posting locations.



Planning Department

## AFFIDAVIT FOR NOTIFICATION Public Hearing

I, \_\_\_\_\_, acting as agent/owner, hereby certify that I have provided notice to affected parties in accordance with the requirements set forth in the instruction given with the City of Centerton regarding Conditional Use Approval Application and that the notice information provided is to the best of my knowledge true and factual. The following supporting documents have been or will be provided to the City of Centerton:

- List of persons to be notified within 300-ft of parcel boundary;
- Copy of Notice and any attachments;
- All certified mailing receipts;
- All returned post cards or USPS tracking results; and
- Any mailed notices that were undeliverable

It is understood that the I/we shall be responsible to reimburse the city for the public hearing publication within the newspaper and that delaying payment may lead to delays in final project completion.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature: Property Owner/Authorized Agent

\_\_\_\_\_  
Date

### **FOR OFFICE USE ONLY**

PROXY RECEIVED  Y  N  NA

ADJACENT PROPERTY OWNER LIST  Y  N

UNDELIVERABLE NOTICES  Y  N

RETURNED POST CARDS OR

USPS TRACKING LIST  Y  N

CERTIFIED MAILING LIST RECEIVED  Y  N

PUBLICATION REIMBURSEMENT RECEIVED  Y  N



**FOR OFFICE USE ONLY**

Proof of Ownership Provided	<input type="checkbox"/> Y	<input type="checkbox"/> N	
Individual Authorization for Company Provided	<input type="checkbox"/> Y	<input type="checkbox"/> N	<input type="checkbox"/> NA
If Multiple Owners, All Signatures Provided	<input type="checkbox"/> Y	<input type="checkbox"/> N	<input type="checkbox"/> NA

**AUTHORIZATION OF PROXY**

TO: THE CENTERTON PLANNING COMMISSION:

I, \_\_\_\_\_ hereby authorize  
(owner/trustee/managing partner/etc. \*\*)

\_\_\_\_\_ to represent me and to  
(Authorized representative)

make decisions on my behalf for \_\_\_\_\_  
(List all affiliated projects)

which is to be presented to the Centerton Planning Commission / City Council for review and approval.

\_\_\_\_\_  
Company/Partnership/Trust Name

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Date

*State of Arkansas*  
*County of \_\_\_\_\_*

*Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.*

*Notary Public \_\_\_\_\_*

*My Commission Expires \_\_\_\_\_*

\*\* If property is owned by multiple individuals, all owners must sign proxy form. If all owners sign simultaneously, one notary block may be provided. If owners sign at separate times, a notary block must be provided for each signature.

If property if owned by a corporation, LLC or other, provide documentation of individual signer's authority and their authorization to sign document(s) on business' behalf.

City of Centerton  
**UTILITY APPROVAL & COMMENT**

**DATE:** \_\_\_\_\_

**UTILITY COMPANY:** \_\_\_\_\_

This notice is to request the approval &/or comments from the utility companies in regards to the encroachment into the utility easement at the property owned by \_\_\_\_\_ located at the address of \_\_\_\_\_, **City of Centerton, AR;**  
**Lot** \_\_\_\_\_ **Block** \_\_\_\_\_ **Subdivision** \_\_\_\_\_.

The request is for:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please find attached a copy of the subdivision platted lot and a drawing showing the proposed request.

**UTILITY COMPANY COMMENTS:**

- ( ) Object to the request - no approval given.
- ( ) No objections or comments to the request as submitted – approval given.
- ( ) Approval granted only if the following comments or contingencies are addressed.

\_\_\_\_\_  
\_\_\_\_\_

Additional Comments:

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Utility Company Representative

\_\_\_\_\_  
Printed Name and Title

**Please return form to:**  
Lorene Burns, Planning Director  
City of Centerton  
P.O. Box 208  
Centerton, AR 72719  
(479) 795-2750 Office  
(479) 795-2545 Fax  
[planning@centertonar.us](mailto:planning@centertonar.us)

**By Date:** \_\_\_\_\_