

Staff Use:

DATE SUBMITTED _____
DATE OF NEXT MEETING _____
AD MUST RUN NO LATER THAN _____

APPLICATION AND PROCEDURAL REQUIREMENTS FOR VARIANCE APPLICATION

1. Submit application to Director of Community Development/Community Service Supervisor.
2. Pay \$20 application fee
3. Place a notice of public hearing in newspaper of general circulation in the City of Benton, Arkansas, at least one (1) time seven (7) days prior to the meeting date. Public notice shall give a description of the property concerned along with an explanation of why you are requesting the variance.
4. Provide Community Development with "proof of publication" prior to the meeting. This is a document you will receive from the newspaper.
5. Provide 6 copies of a site plan per the attached requirements.

An approved site plan shall be binding on the applicants and their successors and assignees. No building permit shall be issued for any building or structure not in conformance with the site plan. The construction, location, use or operation of all land and structures withing the site shall be in accordance with all conditions and limitations set forth in the site plan.

6. Application and site plan will be reviewed by Community Development staff and other Benton Department Heads for compliance with City regulations. Staff will make recommendation to approve or disapprove.
7. Board of Adjustment reviews the application and makes decision to approve or disapprove.
8. If the variance is approved, the owner must file a copy of the variance at the Courthouse and a copy must be returned to Community Development.

NOTICE: ALL THE ABOVE INFORMATION MUST BE RETURNED TO COMMUNITY DEVELOPMENT NO LATER THAN THE LAST BUSINESS DAY OF THE MONTH FOR THE NEXT MONTHS MEETING. APPLICATIONS SUBMITTED AFTER THE FIRST DAY OF THE MONTH WILL NOT BE HEARD ON THAT MONTH'S AGENDA.

APPLICATION FOR VARIANCE TO THE BENTON BOARD OF ADJUSTMENT

Applicant's Name _____

Address of the subject property _____

Legal description of the subject property _____

Assessor's parcel number of subject property _____

Zoning classification of subject property _____

Variances of the regulations prescribed by Ordinance No. 22-92 extend only to the fences and walls, site area, width, frontage, depth, coverage, front yard, rear yard, side yards, distance between structures, off-street parking facilities and off-street loading facilities.

A variance does not extend to use regulations.

Statement of precise nature of variance requested _____

Relate how the strict or literal interpretation and enforcement of the specific regulations would deprive you of privileges enjoyed by the owners of other properties classified in the same zoning district.

All applications for variances of building setback lines, i.e. side or rear setback variance requests are required to have the adjoining property owners notified by certified mail or sign this application verifying that they have been notified of the variance request and the date and time of the Board of Adjustment meeting.

Adjoining Property Owner/Owners _____

I hereby certify that I am the owner of the property identified in this application or that I am the authorized agent of _____, who is the owner of said property; or, that which is a public utility company of other agency with the powers of eminent domain, and that I am authorized to act in their behalf, and that his application, to the best of my knowledge and belief, is true and correct.

Signed _____

Address _____

City _____

Phone Number _____

Subscribed and certified to me this _____ day of _____, 20_____

Receipt Number

Planning Department Representative

NOTE: This application need not be filed in person at the Office of the Board of Adjustment., however, when filing is by mail or second party, the signature must be notarized.

SITE PLAN SPECIFICATIONS

The submission requirements for the review of a "site plan" shall include a site plan, a site plan drawn on paper of film no larger than twenty-four (24) inches by thirty-six (36) inches, and no smaller than twelve (12) inches by twenty-four (24) inches, and includes:

- (1) Graphic scale and north arrow
- (2) Existing & proposed lot lines
- (3) Existing and proposed vehicular and pedestrian circulation systems including streets, alleys, walkways, service areas and loading areas, the location and arrangement of off-street parking areas and all points of vehicular ingress and egress.
- (4) Proposed perimeter treatment of the property, indicating screening materials to be used including earth berms, fences, walls and plant materials together with a description of uses, setbacks, and their relationship to surrounding areas.
- (5) Schematic landscape plan showing proposed treatment of the areas designated as either buffers or private common open space.
- (6) Location and dimension of all existing and proposed utility and street easements and all existing public improvements within the site.
- (7) Proposed location of structures and structural dimensions, dimension distances between buildings, and distances from structures to property lines.
- (8) A topographical cross section map of the site showing all drainage facilities. (If requested)

Quantitative data including the following information:

- (1) Statement of use of building and grounds.
- (2) Proposed percent of building coverage of principal and accessory buildings relative to parcel size.
- (3) Parcel size.
- (4) Proposed floor area ratio of principal and accessory buildings relative to parcel size.
- (5) Proposed number of parking spaces.
- (6) A registered land survey showing the exact property of boundary lines, all easements and a legal description of the total site(s) proposed for development, including a statement of present and proposed ownership.

BE EXPLICIT AND ADDRESS EACH OF THE ABOVE, OR IF THEY DO NOT APPLY, WRITE "Does not apply" BY EACH REQUIREMENT THAT DOES NOT APPLY, IF YOU DO NOT RESPOND TO EACH QUESTION, THE APPLICATION WILL BE RETURNED TO YOU FOR FURTHER INPUT. IF YOU HAVE ANY QUESTIONS PLEASE DO NOT HESITATE TO CONTACT THE COMMUNITY DEVELOPMENT STAFF, (501) 776-5938.

VARIANCE

All applications for variances of buildings are required to have the adjoining property owners notified by certified mail or sign this form below to verify that they have been notified of the variance request and the date and time of the Board of Adjustments meeting.

Board of Adjustments meets at _____ p.m. on _____, 20____.

What is the variance for? _____

Adjoining Property Owners Signature

Date

If more signatures are needed please add their names to another sheet of paper.

STATE OF ARKANSAS }
County of Saline } ss

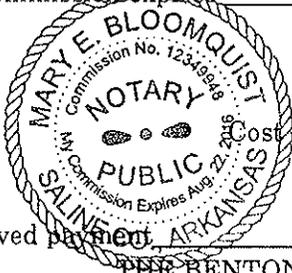
I, Shanna S Bell do solemnly swear that I am Legal Advertising Clerk of The Benton Courier, a daily newspaper printed in said county and that I was such at the date of publication hereinafter stated, and that said newspaper had a bona fide circulation in such county at said dates, and has been regularly published in said county for a period of 133 years next before the date of the first publications of the advertisement hereto annexed, and that said advertisement was published in said newspaper 1 times for 1 issues, the first insertion therein having been made on 2.25.09, and the last insertion on 2.25.09.

Shanna S Bell
Legal Advertising Clerk

Sworn to and subscribed before me on 3/1/09

Mary E. Blomquist
Notary Public

My commission expires 8/2/16



FEE FOR PRINTING
\$ 30.00
Cost of Proof \$ 2.50
Total \$ 32.50

Received payment _____
THE BENTON COURIER

By _____

710 Legal Notices

NOTICE IS hereby given that a hearing will be held at the Board of Adjustments of the City of Benton, Arkansas on Tuesday, March 10, 2009 at 5:30 P.M. at the Benton Municipal Complex, 114 South East St. for a variance for Watermark Construction, LLC applied for swimming pool location on Lot 23 of Hurricane Lake Estates, Phase 5. For information contact Spears, Jones & Butler, PLLC at 501-315-5297.

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