



Variance Request

\$50.00

Application Requirements and Checklist

Please fill out this form completely, supplying all necessary information and documentation to support your request. Your request will not be placed on the Planning Commission agenda until the application is completed and required information provided by the submission deadline dates before the scheduled Planning Commission meeting.

P.O. Box 10 • 975 Weston Street • Pea Ridge, AR 72751 • P: 479.451.1122 • F: 479.358.9126 • kstanton@cityofpearidgear.gov

Property Info.	Address:	Project Info.	Project Name:
	Parcel #		Variance from Code Section:
	Acreage:		

Owner	Name:	Phone:(Please select if this is the primary contact)
	Address:	Fax:
	City, State, Zip:	Email:

Applicant/ Representative	Name:	Phone:(Please select if this is the primary contact)
	Address:	Fax:
	City, State, Zip:	Email:

Engineers/ Surveyor	Name:	Phone:(Please select if this is the primary contact)
	Address:	Fax:
	City, State, Zip:	Email:

Developer	Name:	Phone:(Please select if this is the primary contact)
	Address:	Fax:
	City, State, Zip:	Email:

Applicant/Representative: I certify 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.

Print: _____ Sign: _____ Date: _____

Property Owner/ Authorized Agent: I certify that I am the owner of the property this is the subject of this application and that I have read this application and consent to its filing. (If signed by the authorized agent, a letter from the property owner must be provided indicating that the agent is authorized to act on his/her behalf.

Print: _____ Sign: _____ Date: _____

Please fill out this form completely, supplying all necessary information and documentation to support your request. Your request will not be placed on the Planning Commission agenda until the application is completed and required information provided at least 15 calendar days before the next scheduled Planning Commission meeting.

Official Use Only:

Date Application was submitted:	Date Accepted as Complete:
Board of Adjustments Meeting Date:	Zoned:

Rev. Sep. 2024

Variance/Appeal of Staff Interpretation Checklist:

(Refer to Code 15.04.02 Section F)

- Application. *Completed application required at time of application submittal.*
- Fee. *Payment of the application fee.*
- Letter. *A description the proposed scope of work, request to allow, & hardship justification to vary from code.*
- Deed. *Copy of warranty deed if applicable.*
- Required Documents. *If further documentation has been requested.*
- Legal Description. *An accurate legal description of the property must be submitted as a word document.*
- Area Map. *(if applicable)*
- Survey. *Survey of the property signed and sealed by a registered land surveyor with the State of Arkansas showing the following information:*
 - *Lot configuration including bearings, distances, and size of each existing lot.*
 - *Lot configuration including bearings, distances, and size of each proposed lot.*
 - *Legal description.*
 - *Dimensions of right-of-way from centerline.*
 - *All easements – present and proposed.*
 - *Legend (sidewalks, hydrants, building setbacks, etc.)*
 - *Zoning of property.*
 - *Floodplain notes.*
 - *Vicinity map (1 mile radius indicating several North/South streets and East/West streets), as well as North arrow.*
- Notice of Public Hearing Ad. *The Planning Department will publish the public hearing on your behalf at least seven (7) days prior to the public hearing. (Please see the attached example)*

Please note: The Public Hearing will be held during the regularly scheduled Planning Commission meeting. The Planning Commission meets on the first Tuesday of each month. A representative is required to attend the public hearing to answer questions from the Commissioners.
- Notice of Public Hearing Letter.

The applicant must notify anyone who owns or leases property, within three hundred (300) feet of the property lines of the public hearing by certified mail. Please provide a list of all property owners within 300ft of the property line to the Planning Department along with this submission.

The Planning Department will provide the Notice of Public Hearing Letter to you. Once the Notice of Public Hearing letter has been provided, you will need to make copies of the letter to send out as certified mail.

Step 1

Contact the Pea Ridge Planning Director to discuss the Variance request.

Step 2

Have a survey prepared by a licensed surveyor.

Step 3

Submit the completed application, checklist items, and fees to the Pea Ridge Planning Department.

Step 4

After completing step 3, the application will go through the review process with the Board of Adjustments.

Step 5

If approved, get all required surveys signed and recorded with Benton County.

Step 6

Provide two recorded copies to the Pea Ridge Planning Department within two weeks after the Board of Adjustments decision.

Appeal Process: Written complaint must be received within ten (10) business days after the decision has been made. The appeal will be heard by the court of record. If appeal is denied, the applicant can be reconsidered after one (1) year.

Please bring the receipt cards and any returned mail to the Planning Department at least seven (7) days prior to the required public hearing. (Refer to code 14.04.11)

- *Public Hearing Sign. The Planning Department is required to place a sign on the property announcing a public hearing seven (7) days prior to the hearing date. The Planning Department will remove the sign after the public hearing. (Refer to code 14.04.11)*

Please note:

- No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
- Depending on the nature of the variance request, additional information may be requested by the Planning Department &/or the Board of Adjustments.
- The Board of Adjustments cannot grant a variance request that would cause detriment to the public health, safety, and welfare, or be injurious to other property in the area.
- If there is no representation at the Board of Adjustments meeting, the board members reserve the right to table or deny this item per their discretion.
- Once reviewed, surveys need to be submitted for signatures. Survey size should be 18"x24". If a survey requires City and Utility signatures, utility signatures should be gathered first.
- Surveys must be recorded with the Benton County Circuit Clerk and two (2) recorded copies need to be provided to the Pea Ridge Planning Department within two weeks after the approval.
- If you have any questions, please contact the Pea Ridge Planning Director at 479-451-1122 ex. 107. or by emailing kstanton@cityofpearidgear.gov
- 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 is owned by a corporation, LLC or other, provide documentation of individual signers' authority and their authorization to sign document(s) on business' behalf.

Frequently asked questions: (Refer to code 15.04.02)

Q: What is a variance?

A variance is an exception from the strict application of the provisions of this ordinance. (Ord. No. 372, Sec. 3.)

Q: Why would a variance be needed?

When the strict enforcement of the regulations causes an undue hardship on the subdivider, the Board of Adjustments may consider a variance. The Board of Adjustments may impose conditions to the variance to ensure compliance and to protect adjacent property. (Refer to Code 15.04.02 Section F)

*Please note: Under no circumstances shall a variance be granted because of a personal or financial hardship.

Q: What else should I know about variance requests?

- No variance will be granted except upon written petition by the subdivider when the preliminary plat is filed. (Refer to Code 15.04.02 Section F (2))

*Please note: Under exceptional circumstances the Board of Adjustments may grant variances at the time of the final plat approval.

- A variance must demonstrate to following: (Refer to Code 15.04.02 Section F (1))

Special Conditions – Special conditions that specific to the applied for property.

Deprivation of Rights – The interpretation of the regulations would deprive the applicant of rights commonly enjoyed by surrounding properties in that area.

Resulting Actions – Special conditions and circumstances do not result from the actions of the applicant.

Special Privileges – Granting variances will not confer on the applicant any special privilege(s) that is denied by these regulations.

Non- Conforming Uses – No non-conforming use of neighboring lands in the same or within another district shall be considered grounds for the issuance of a variance.

Reduction Survey Standards

Surveys must feature the following:

- Information required per Arkansas Standards of Practice No. 1.
- Graphic depiction (with bearings and distances) of the area to be reduced.
- Textual depiction of the linear distance to be reduced.
- If a reduction only involves specific encroachments, the reduction area must include the specific encroachments.

Required signatures:

Setback and Easement reduction:

- Property owner (with notarization)
- Secretary, Board of Adjustments
- Community Development
- Pea Ridge Water Utilities
- Electric Provider
- Gas Provider
- Phone/Internet Provider

Setback Reduction Only:

- Property owner (with notarization)
- Secretary, Board of Adjustment
- Community Development

***Easement Reduction Only:**

- Property owner (with notarization)
- Community Development
- Pea Ridge Water Utilities
- Electric Provider
- Gas Provider
- Phone/Internet Provider

*Easement reductions require a variance request. They will also need to be reviewed by Community Development and Pea Ridge Water Utilities, as well as required approval from all appropriate utilities. Submittal for easement reductions follow the standards and details above.

Utility Contact Information:

Provider	Contact	Email
Pea Ridge Water Utilities	Jake Wagner	jwagner@cityofpearidgear.gov
Carroll Electric	Derek Thurman	dthurman@carrollecc.com
AEP SWEPCO	Chris Andreolli	clandreolli@aep.com
Black Hills Energy	Joshua Knight	Joshua.knight@blackhillsenergy.com
Cox	Chad Hodge	Chad.hodge@cox.com
CenturyLink	Sativa Evans	Sativa.evans@lumen.com

Notice of Public Hearing (Example Only)

Notice is hereby given pursuant to Section of the City of Pea Ridge Code that, (Applicant Name) is applying to the Pea Ridge Planning Commission/Board of Adjustments for a variance to certain real property at (Location). A public hearing will be had before the Pea Ridge Planning Commission/Board of Adjustments on the ____ day of _____, 20 __, at 6:00 p.m., at the Pea Ridge City Hall, 975 Weston St. on the application of (Applicant's Name) for a variance to the following described property.

Parcel ID:

Legal Description: (metes and bounds or lot and block)

{Attach legal description as exhibit "A" if necessary.}

Layman's Description: (Address of the property.)

Thank you,

Planning Director
City of Pea Ridge
975 Weston Street
Pea Ridge, Ar. 72751
479-451-1122 ex. 107

Certification:

I hereby state that to the best of my knowledge all property owners within 300 feet of my property have been notified by Certified mail at least 7 days prior to the upcoming public hearing for my variance request.

Dated this the ____ day of _____, 20 ____.

Signed

Applicant's Name (Print)

STATE OF ARKANSAS

COUNTY OF _____

Subscribed and sworn before me this the ____ day of _____, 20 ____.

Notary Signature

Notary Name (Print)

Commission Expires

Authorization of Proxy

To:

The Pea Ridge Planning Commission:

I, _____ (Owner/Trustee/etc.) hereby
authorize _____ (Authorized Representative) to
represent me and to make decisions on my behalf for
_____ which is to be presented
to the Pea Ridge 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 is owned by a corporation, LLC or other, provide documentation of individual signers' authority and their authorization to sign document(s) on business' behalf.

For Office use only:

- ☐ Proof of Ownership Provided
- ☐ Individual Authorization for Company Provided (if applicable)
- ☐ If Multiple Owners, All Signatures Provided (if applicable)

City of Pea Ridge
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 _____, Pea Ridge, Ar. 72751;
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:

_____.

Please return form to:
Keegan Stanton, Planning Director
City of Pea Ridge
P.O. Box 10
Pea Ridge, Ar. 72751
T: 479-451-1122 ex. 107
F: 479-358-9126
kstanton@cityofpearidgear.gov
By Date: _____

Signature of Utility Company Representative

Printed Name and Title