

CITY OF CABOT, ARKANSAS BOARD OF ADJUSTMENTS

POWERS AND DUTIES

1. ADMINISTRATIVE REVIEW

To hear and decide appeals where it is alleged there is an error in any decision made by the administrative official in the enforcement of the Zoning Ordinance

2. VARIANCES

To authorize variances that will not be contrary to the public interest where, due to special conditions, a literal enforcement of the Zoning Ordinance would result in unnecessary hardship that would deprive the owner of any reasonable use of the land or building involved. A variance shall not be granted unless and until:

A. The applicant can show that special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district

- The applicant can show that literal interpretation of the provisions of the Zoning Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Zoning Code.
- The applicant can show that special conditions and circumstances do not result from the actions of the applicant.
- The applicant can show that granting the variance requested will not confer on the applicant any special privilege that is denied by the Zoning Code to other lands, structures or buildings in the same district.
- No nonconforming or permitted use of lands, structures or buildings in the same or other districts shall be considered grounds for the issuance of a variance.
- The reasons set forth in the application justify the granting of the variance.
- The variance is the minimum variance that will make possible the reasonable use of land, building or structure.
- The granting of the variance will be in harmony with the general purpose and intent of the Zoning Code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

B. In granting a variance, the Board of Adjustment may prescribe appropriate conditions and safeguards that it deems necessary or desirable. Violations of such conditions and safeguards are a violation of the Zoning Code.

Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible in the zoning district involved.

3. **SPECIAL EXCEPTIONS**

- A. The Board of Adjustment may permit the extension of a zoning district boundary where the boundary divides a lot held in a single ownership at the time of adoption of this ordinance.
- B. The Board of Adjustment may interpret zoning district boundaries where uncertainty exists as to the boundaries of the zoning districts or when the street or property lines existing on the ground are at variance with those shown on the Zoning District Map.

PROCEDURES

- 1. All appeals and applications made to the Board of Adjustments shall be made in writing on the appropriate forms within **TEN (10)** days after a decision has been rendered by an administrative official.
- 2. Every appeal or application shall refer to the specific provision of the Zoning code involved and shall exactly set forth (a) the interpretation that is claimed, (b) the use for which the permit is sought or (c) the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted.
- 3. Each application for a variance must include a scale drawing showing the requested variance along with all relevant information, including the exceptional condition or situation of the property that causes the exceptional practical difficulty or undue hardship for which relief is being sought.
- 4. All appeals and applications shall be submitted **NO LESS THAN 15 DAYS PRIOR TO THE PUBLIC HEARING** before the Board of Adjustments.
- 5. The Board of Adjustments normally meets on the first Tuesday **of each month** (if the meeting is required) at 7:00 pm at Council Chambers in the City Annex. Each applicant is responsible for determining the exact date and time of the meeting by contacting the Public Works Department.
- 6. A public notice to be published once **not less than seven (7) days prior to the date of the public hearing**. The notice must be in newspaper of general circulation.
- 7. The applicant must post a public hearing sign on the property **no less than 7 days prior to the public hearing**. The sign shall be in plain view of and easily readable from the public street.

TIME LIMIT ON PERMITS

No order permitting the use of a building or premises, or the alteration or erection of a building shall be valid for a period longer than sixty (60) days unless such use is established or the erection or alteration is started within such period and proceeds to completion in accordance with the terms of a building permit.

FEES

The fee for any appeal or application to the Board of Zoning Adjustment shall be one hundred dollars (\$100), no part of which shall be refundable.

APPEALS FROM BOARD OF ADJUSTMENT

Any person or persons, board, taxpayer, department, board or bureau of the City of Cabot aggrieved by any decision of the Board of Adjustment may seek review by a court of record of such decision, in the manner provided by the laws of the State of Arkansas.

NOTE

It should be noted that this is not an exhaustive guideline regarding the Board of Adjustment. Additional information is available in the Cabot Zoning Ordinance.

Checklist of Items for Board of Zoning Adjustment

- ❑ *Application for Variance - **Filed no less than 15 days prior to the public hearing.***
- ❑ **Scale drawing showing the requested variance along with all relevant information –**
- ❑ *Filing Fee of \$100 - **Paid no later than 10 days prior to the public hearing.***
- ❑ **Public Sign** – A sign is obtained at the Public Works Department. The sign must be posted no later than 7 days prior to the public hearing. The sign must be returned to the Public Works Department no later than 7 days after the public hearing.
- ❑ ***Proof of Publications- The notice of public hearing must appear once 10 days prior to the hearing.***

CITY OF CABOT
BOARD OF ADJUSTMENTS
POWER RELATIVE TO VARIATIONS
CHECKLIST

At least one checkmark should appear under each of the items 1, 2, and 3 below in order for the Board of Adjustments to have the power to grant a variation. The board may not grant a variance in use.

1. Exceptional Condition of a Specific Piece of Property

_____ Narrowness

_____ Shallowness

_____ Shape

_____ Topographical Conditions

_____ Other Extraordinary or Exceptional Situation or Condition

2. Frequency of Occurrence of Exceptional Condition

_____ Not Generally Prevalent in the Area

3. Result of a Strict Application of the Zoning Ordinance

_____ Peculiar and Exceptional Practical Difficulty to the Owner of the Property

_____ Exceptional and Undue Hardship on the Owner of the Property