



Town of Arlington

BOARD OF ZONING APPEALS Variance Application

Application must be submitted 21 days prior to the scheduled meeting. The Board of Zoning Appeals meets on an as-needed basis. Please consult with Staff before submitting an application so that a meeting may be scheduled.

Street Address: _____
Owner of Record: _____
Owner Address: _____
Daytime Phone: _____ Fax Number: _____
E-mail Address: _____

Agent or representative authorized to prepare this application and to provide further information as requested by the staff: _____
Daytime Phone: _____ E-mail Address: _____

Engineer/Designer Contact (if applicable): _____
Company Name: _____
Mailing Address: _____
Daytime Phone: _____ Fax Number: _____
E-mail Address: _____

INSTRUCTIONS FOR SUBMITTING APPLICATION

- Fee Schedule: \$300
(make check payable to the Town of Arlington)
- See Town of Arlington Zoning Ordinance, Chapter 10, Section 10.5, Arlington Board of Zoning Appeals.
- A consultation with Staff before completion of this application form and prior submittal deadline date is suggested. Staff meets the first and third Monday of each month. Call the Planning Department to schedule.
- Included is a checklist of required items. *All items must be addressed or the application may be deemed incomplete and returned to the applicant.*

OFFICE USE ONLY

Date Received: _____
Amount: _____
Fee Receipt #: _____

5854 Airline Road • P.O. Box 507 • Arlington, TN 38002-0507
Telephone (901) 867-3449 • Fax (901) 867-2638

**BOARD OF ZONING APPEALS
VARIANCE**

CHECKLIST

This checklist is compiled to aid in the preparation of the Variance; however, it is not meant to take the place of the Town of Arlington Zoning Ordinance and Subdivision Regulations. Check all items with either a “√” or “X” in the box. “Not Applicable” items, use N/A.

- Present Zoning: _____
- Requested Use: _____
- Purposes: (attach statement)

PRELIMINARY SUBMITTAL FOR REVIEW BY STAFF:

- Submit three (3) sets of the following:
 - Cover letter describing the request. The cover letter should also address the standards for a variance as attached ordinance.
 - Completed application form and checklist.
 - Property survey or plot plan of current conditions, showing all easements, setbacks, structures, etc., on the site.
 - Site plan showing all proposed setbacks, structures, parking, open space, buffers, etc.
- Vicinity map of all surrounding property owners.
- Three (3) sets of self-adhesive mailing labels and one (1) bond copy of mailing labels for all surrounding property owners.
- All items must be collated and compiled into individual packages. All drawings over 8-1/2” x 11” in size must be folded.

REVISED SUBMITTAL FOR PRESENTATION TO BOARD:

Once all revisions have been completed, the following is to be submitted for staff’s final review and submission to the Board for their consideration. The final staff report and meeting agenda will be e-mailed to the address provided for the applicant and property owner the Wednesday prior to the meeting date.

- Submit eight (8) sets of the following:
 - Cover letter describing the request. The cover letter should also address the standards for a variance as attached ordinance.
 - Completed application form and checklist.
 - Property survey or plot plan of current conditions, showing all easements, setbacks, structures, etc., on the site.
 - Site plan showing all proposed setbacks, structures, parking, open space, buffers, etc.
 - Any additional information requested by staff.
- All drawings must be drawn to scale.
- All items must be collated and compiled into individual packages. All drawings over 8-1/2” x 11” in size must be folded.
- One digital copy on a CD of all drawings submitted in JPEG format. Other formats are not acceptable.

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ACKNOWLEDGEMENTS

It is understood that:

1. The applicant and owner bear the responsibility to submit a complete application package by the submittal deadline.
2. If all required materials/documents are not submitted to and received by the Planning Department by the deadline, the application will NOT be accepted or posted on the Board of Zoning Appeals Agenda.
3. In cases where the applicant is not the property owner, it is also hereby acknowledged by the property owner that he or she is in full agreement with the content of this application.
4. By signing this document, the applicant and owner accept the above conditions.

Copy and use additional pages if necessary

APPLICANT:	OWNER* (If different from applicant. If same, note "same"): <i>*Owner information is required</i>
If an Entity:	If an Entity:
Name of Entity:	Name of Entity:
By (Signature):	By (Signature):
Print Name:	Print Name:
Title:	Title:
If an Individual(s):	If an Individual(s):
Print Name:	Print Name:
Signature:	Signature:
Print Name:	Print Name:
Signature:	Signature:
Print Name:	Print Name:
Signature:	Signature:

BOARD OF ZONING APPEALS
VARIANCE – ATTACHMENT

Standards for Variances – Taken from Town of Arlington Zoning Ordinance, Chapter 10, Section 10.5.4, 3), c).

The BZA may hear and decide a request for a variance, but only where by reason of exceptional narrowness, shallowness or shape of specific piece of property which at the time of adoption of this Ordinance was a lot of record; of where, by reason of exceptional topographic conditions or other extraordinary or exceptional situation or conditions of a piece of property the strict application of the provisions of the Ordinance would result in exceptional difficulties or the exceptional and undue hardship upon the owner of such property, provided that such relief may be granted without the substantial detriment to the public and without substantially impairing the intent and purpose of this Ordinance. No variance from Chapter 4, Section 4.8, Uses Permitted in Zoning Districts, may be considered or granted by the BZA. Financial disadvantage to the property owner is no proof of hardship within the purpose of zoning and as further explained below:

1. The particular physical surroundings, shape, or topographic conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this Ordinance were carried out.
2. The conditions upon which the petition for variance is based would not be applicable, generally, to other property within the same district.
3. The variance will not authorize activities in a zoning district other than those permitted by this Ordinance.
4. Financial returns alone shall not be considered basis for granting a variance.
5. The alleged difficulty or hardship has not been created by any person having an interest in the property after the effective date of this Ordinance.
6. That granting the variance requested will not confer on this applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
7. The variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
8. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the area in which property is located.
9. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values with the area.
10. The variance is not based on the fact of nonconforming use of neighboring lands, structures or buildings in the same district.
11. Under no circumstances shall the BZA grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of the Ordinance in said district.