



Benton County

Variance / Waiver Checklist

Planning Department
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(479) 464-6166

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bentoncountyar.gov/county-planning/

IMPORTANT NOTES

- This is **NOT** an application. This is an informational and optional checklist for submitting an application. This checklist does not need to be submitted to the online portal nor to the Benton County Planning Department Staff. Whether or not this checklist is used, Staff will still require an application which can be found on our website at bentoncountyar.gov/county-planning/applications/.
 - When an application is ready to be submitted, please send it to planning@bentoncountyar.gov or on our online portal at bentoncounty.portal.iworq.net/portalhome/bentoncounty.

PROPERTY REFERENCE INFORMATION

Property Owner(s) Name: _____

Physical Address of Property: Street: _____

City: _____ Zip: _____

Parcel #(s): _____

IMPORTANT NOTES & DEFINITIONS

In accordance with Chapter 2, Section 2.9 of the Planning and Development Regulations of Benton County,

- **Variances** are relief to a dimensional provision (i.e. building setbacks) of this ordinance by an affirmative vote of two-thirds (2/3) of the vote of the total membership of the Benton County Planning Board.
 - The criteria to grant variances shall be without exception and singularly strict because compliance with any provision of the ordinance would cause exception or undue hardship to the applicant.
 - Additionally, extra expense, economic hardship, or additional outlay of capital funds or money shall never constitute grounds for exceptional or undue hardship.
 - Hardship shall be defined as the following:
 1. There exist exceptional, extraordinary, or unique physical circumstances of the subject property such as irregularity, narrowness, shallowness, or slope.
 2. Because of the exceptional physical circumstances, the strict application of the ordinance would create an exceptional or undue hardship to the property owner.
 3. The hardship is not self-imposed. While self-imposition may be a complicated assessment, generally it refers to foreknowledge of the limitation or reasonable expectation of foreknowledge upon assuming ownership or control of the property.
 4. The variance, if granted, will not adversely affect the use and/or enjoyment of adjacent property as permitted under the ordinance.
 5. The variance, if granted, will not change the character of the area in which the property is located, and is in keeping with the intent of the ordinance.

6. The variance, if granted, does not adversely affect the health, safety, and welfare of the citizens of Benton County.

- **Waivers or modifications** are applicable to non-dimensional provisions (i.e. buffering/screening) of this ordinance which, by the scrutiny of the Benton County Planning Board and which may be informed by supporting evidence by Benton County Planning Staff or other experts, can be prudently and judiciously modified or waived to the extent reasonable and necessary to provide relief to the applicant as part of their development request.
 - As a distinction, a waiver would be the elimination of a provision while a modification would generally be a reduction in scope of a provision.

VARIANCE OR WAIVER CHECKLIST

- Complete the Variance/Waiver application
 - Notarized signature of current property owner
 - Cover letter describing the waiver or variance
 - Must demonstrate that a provision of the ordinance would cause an exceptional or undue hardship to the applicant
- Scaled site plan detailing the improvement(s) or a survey plat detailing requested setbacks
 - Shall comply with §3.4 – Site Plan Definition
 - Shall comply with §4.6 – General Requirements of Division and Development of Land
- Health Department approval (if applicable)
- Payment of \$75 application fee

All items shall be submitted at the time of application, or the application will be rendered incomplete

PUBLIC HEARING NOTIFICATION REQUIREMENTS

Public hearing notifications are to be provided after the application submittal. Once the Site Plan Review application and information above is submitted, Benton County Planning Staff will give more information about what the requirements are for public hearing notifications. Simplified, our notification requirements are as follows:

- USPS certified mailers that shall be sent to all property owners within 500-feet of the property
- Post a 2-ft. by 4-ft. sign on the site