

CITY OF TUPELO DEPARTMENT OF DEVELOPMENT SERVICES

APPLICATION FOR A **COMPATIBLE VARIANCE** FROM THE REQUIREMENTS OF THE DEVELOPMENT CODE

<http://www.tupeloms.gov/developmentservices>

<mailto:Marilyn.Vail@tupeloms.gov>

An application is now made for a variance from the requirements of Section _____, of the Tupelo Development Code under the discretionary authority vested in the Board by Chapter 12, Section 16.1 to allow _____ rather than the required _____.

Address of property for which a Variance is sought:

Zoning District: _____

Attached and made a part of this application are the following:

1. A plat or survey of the property, drawn to scale on 8 1/2 x 11 inch paper showing dimensions and the location of existing and/or proposed structures.
2. Application fee of \$75.00.

I certify that all the above information is true and correct and that I have received or retained a copy of the application. I understand that if I or my representative does not attend the meeting, the application could be tabled or denied. I further understand that if I am not the property owner, written, notarized permission from the property owner must be submitted to the Planning Committee or the application could be tabled or denied.

Date: _____

Day Phone: _____

Name: _____

Signature: _____

Applicant's Mailing Address: _____

Email Address: _____

Notes:

1. A public hearing for your application will be scheduled within three weeks of submitting application. Staff may determine that the application needs to be presented directly to the Planning Committee. Their meetings are held once a month on the first Monday of the month that does not fall on a holiday. The application will be placed on the agenda of the next month's meeting.
2. Applicant must adequately address the criteria for granting a Variance. Please use the form on the reverse side. You may attach any additional document necessary.
3. Applicant should be present to present the case at the meeting. Development Service Public Hearings are held on the 3rd floor of City Hall in the Department of Development Services. Planning Committee meetings are held at 6:00 P.M. in the City Hall Council Chambers on the second floor of 71 East Troy Street.

The following are the standards by which variances must be judged. Please review and make comment in support of your application in regard to these criteria.

The Director of Development Services may grant variances to certain requirements of this Code, in harmony with the general purpose of these regulations, as follows:

A variance of fifteen to thirty percent (15% to 30%) of any regulated dimension may be allowed if the request is found to be compatible with similar structures in the immediate vicinity, as determined by a finding that the requested dimension or feature is within the range of the affected dimension on other properties within the context, as provided in the **Compatibility Checklist**, Section 12.4.2 or;

A variance of fifteen to thirty (15% to 30%) of any regulated dimension may be allowed where special conditions applicable to the property in question would make the strict enforcement of the regulations impractical or result in a hardship in making reasonable use of the property, or

Where other characteristics of the proposed use of property are found to support and advance the goals of the Comprehensive Plan, as incorporated in the Development Review Checklist, to a degree that exceeds the impact of the requested variance. A score of fifty percent (50%) of the applicable points on the Development Review Checklist is required for this finding.

Compatibility variances may be considered as part of the site plan review process, but must be separately approved.

In granting any variance, the Development Services staff or the Planning Committee shall make the following findings:

That special or unique circumstances or conditions or practical difficulties exist which apply to the land, buildings or uses involved which are not generally applicable to other land, buildings, structures, or uses in the same zoning districts;

That the special conditions or circumstances or practical difficulties do not result from the actions of the property owner or applicant, their agent, employee, or contractor. Errors made by such persons in the development, construction, sign or marketing process shall not be grounds for a variance except in cases where a foundation survey submitted to the City Engineer, or designee, before a contractor proceeds beyond the foundation stage has not revealed an error which is discovered later;

That the strict enforcement of this Code would deprive the owner or applicant of reasonable use of the property that is substantially consistent with the intent of this Code;

That the granting of a variance will not result in advantages or special privileges to the applicant or property owner that this Code denies to other land, structures, or uses in the same district, and it is the minimum variance necessary to provide relief;

That the variance shall not be materially detrimental to the health, safety or welfare of persons residing or working in the neighborhood. Consideration of the effects of the variance shall include but not be limited to, increases in activity, noise, or traffic resulting from any expansion of uses allowed by the variance;

That the proposed use and the appearance of any proposed addition or alteration will be compatible with, and not negatively impact, nearby properties; and

That the variance will not result in the expansion of a nonconforming use.