

FLEXIBLE USE AND/OR VARIANCE APPLICATION



City of Tupelo
Department of Development Services
P O Box 1485, Tupelo, MS 38802-1485
(662) 841-6510
permits@tupeloms.gov

MUNIS _____
Received By: _____
Date Received: _____
(for office use only)

**A Pre-Application conference is required with a member of the Planning Division prior to application.
All materials required 4 weeks prior to scheduled Planning Committee Review.**

A Major Site Plan is required for all Flexible Use reviews.
Fee must be paid upon application, see current fee schedule.

A Certificate of Occupancy, Subdivision, Accessory Use, Rezoning, Major Site Plan, Land Development, Commercial Construction, Residential Construction, or Demolition application is required with this application.

Applicant Name: _____ **Phone:** _____

Email: _____ **Address:** _____

Property Owner: Name: _____ **Phone:** _____

Email: _____ **Address:** _____

Project Location/Address: _____

Parcel number(s) of location: _____

Current Zoning: _____ **Parcel Acreage:** _____

Current Land Use: _____ **Proposed Land Use:** _____

Flexible Use to allow: _____

Is a Flexible Variance also requested (for required dimensions only) Yes ___ (Additional fee) No ___

If yes, Request by Flexible Variance to allow _____

Rather than the required _____

Required Attachments (please initial or indicate Not Required "NR" below):

- 1. Major Site Plan _____
- 2. Subdivision, Accessory Use, Rezoning, Commercial or Residential Construction application _____
- 3. Approval Criteria, See Development Code Section 12.12.2(7), see reverse _____

Planning Committee Mtg Scheduled for _____, _____ **at** _____.
(for office use only) (day) (date) (time)

I hereby certify the above information is true and correct and completed in accordance with the Tupelo Development Code and that I have received, or retained, a copy of this application. I understand that as the applicant, I must be present for Planning Committee review held in Council Chambers on the 2nd floor of Tupelo City Hall at 71 E Troy St.

Applicant Signature _____ **Date:** _____

Applications for compatible or flexible use permits shall be approved only if the approving authority finds that the use as proposed or the use as proposed with conditions:

- (a) Is in harmony with the area and is not substantially injurious to the value of properties in the general vicinity;
- (b) Conforms with all special requirements applicable to the use; and
- (c) Will not adversely affect the health or safety of the public.

Flexible Variance Criteria:

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.

- 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;
- A variance of fifteen to thirty percent (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
- 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 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, siting 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.