

RESOLUTION NO. R-02-26

A RESOLUTION APPROVING ADMINISTRATIVE PROCEDURES FOR APPLICATIONS FOR PARKING LOT AND OVERLAY DISTRICT VARIANCES

WHEREAS, the Conway Municipal Code requires that public hearings be held on any parking lot and overlay district variances that are requested, but the code does not outline specific procedures for the advertisement and scheduling of such hearings, such procedures are not in place; and

WHEREAS, specific procedures are in place for obtaining a sign ordinance; and

WHEREAS, it would be more efficient and less confusing for public and city employees alike if the procedures for obtaining variances were consistent across the board;

NOW, THEREFORE, BE IT RESOLVED BY THE CONWAY CITY COUNCIL THAT:

The procedures for obtaining variances shall be as follows:

1. The applicant shall notify the Planning Department by written application no fewer than eleven (11) days prior to the City Council meeting on which agenda the request is to be placed. The Planning Department may require additional written information, drawings, plats and/or maps as necessary for the particular type of variance requested.
2. The applicant must prove that the hardship caused the property owner under the literal interpretation of the code is due to conditions unique to that property and does not apply generally to the City.
3. The petitioner must prove the granting of the variance would not be contrary to the general objections of the code and the land use plan.
4. The petitioner must place a notice of public hearing in the Log Cabin Democrat appearing, no fewer than seven (7) days prior to the date of the City Council meeting. That notice must include the type of variances being sought, the location of the property (including an address or description of the property easily understood by the lay person) and the time, day, date and location of the public hearing.
5. The petitioner must post on the property a public hearing sign that is plainly visible and readable from an abutting public road no fewer than seven (7) days prior to the City Council meeting. The disposable public hearing sign shall be obtained from the Conway Planning Department. The cost for the sign is \$7.50.
6. The petitioner for variance must notify by certified mail, return receipt requested or by petition, no fewer than seven (7) days prior to the City Council meeting, all

abutting property owners, of the variance being sought, the day, time, date, and location of the property (including an address and/or description of the property easily understood by the lay person). Evidence of this notification, along with a sketch of all surrounding properties, *must be presented* to the Planning Department no fewer than seven (7) days prior to the public hearing.

7. At the date and time of the City Council meeting, all parties in favor and in opposition of the variance request will be given an opportunity to provide input for the City Council's consideration
8. Following the formal public hearing, the City Council will consider the variance request and take whatever action(s) it deems appropriate. In granting a variance, the City Council may attach additional requirements necessary to carry out the spirit and purpose of this Ordinance in the public interest.

Passed this 23rd day of April, 2002.

APPROVED:



Mayor Tab Townsell

ATTEST:



City Clerk Michael O. Garrett