

NOTICE OF APPEAL / VARIANCE REQUEST
BEFORE THE CITY OF LITTLE ROCK PLANNING COMMISSION

To all owners of lands adjacent to the boundary of, or across the street, or alley, from subject property described as:

LOCATION: _____

DESCRIPTION: _____

APPLICANT: _____ **Phone#:** _____

ADDRESS: _____

AUTHORIZED AGENT: _____ **Phone #:** _____

In accordance with Section 29-172 of the Little Rock Code of Ordinances, notice is hereby given that the Planning Commission will hear the appeal of /variance to:

(check applicable appealable issue)

(check applicable variance requested)

- ____ a) Notice of Violation #: _____
- ____ b) Grading and Drainage Plan Decision
- ____ c) Restoration Plan Requirement

- ____ a) Clear and grade a multi-lot or multi-phase development where construction is not imminent on all phases of the development
- ____ b) Harvest Timber
- ____ c) Exceed the cut, fill, and slope requirements of Sec. 29-190
- ____ d) Restoration requirements of Sec. 29-196

as they relate to the City of Little Rock's Land Alteration Regulations in the *Board of Directors Chambers, Second (2nd) Floor, City Hall, at 500 West Markham* on: **Date:** _____, **at 4:00 PM.**

Parties may appear and be heard at said time and place above, or, may notify the Planning Commission of views on this matter by letter. All persons interested in this appeal/variance may call; visit; e-mail; or submit a letter to the City of Little Rock Public Works, 701 West Markham, Little Rock, AR 72201. The Public Works contact is Vince Floriani at (501) 371-4817 or vfloriani@littlerock.org.

APPLICANT (Owner or Authorized Agent): _____ (Signature) _____ (Date)

AFFIDAVIT

I hereby certify that I have properly notified all owners of record as directed in Little Rock Rev. Code (1988) Section 29-172/29-187 for filing a petition for a hearing of an appealable/a variance issue before the Planning Commission. Further, that proof of such notice has been provided to the Director of Public Works at least three (3) business days prior to the hearing in compliance. I understand that failure to provide the required notice will cause the appeal to the Planning Commission to be dismissed, although minor irregularities in the giving notice may be waived by the commission.

APPLICANT (Owner or Authorized Agent): _____ (signature)

_____ (print name)
_____ (date)

Sec. 29-172. Hearing before Planning Commission.

Appeals of a notice of violation as provided for in section 29-170(e), a grading and drainage plan decision, or a restoration plan requirement as provided in section 29-196 shall be heard by the planning commission provided an appeal is filed by the applicant within ten (10) calendar days after the date of the notice of violation, fee(s) are paid, and proper public notice is given. Any hearing before the planning commission regarding such appeal will be conducted in the following manner:

- a) The appellant shall submit an application and fee as provided in section 29-193 to the director of public works within the time limits provided for in section 29-170(e). The appellant shall provide (1) a cover letter that clearly sets forth the provisions of the ordinance that are being appealed and (2) a copy of all pertinent graphic materials or correspondence. Appealable issues are as follows:
 - (1) for a notice of violation, appealable issues are the determination that a violation has occurred, the time frame for correcting the violation, and the corrective action to be required;
 - (2) for a grading and drainage plan decision, appealable issues are the denial of a grading permit and the terms of a grading permit.
 - (3) For a restoration plan, appealable issues are any requirements of section 29-196.
- b) Certified mail notice of all appeals shall be given by the applicant to adjacent property owners, including those across a street or alley from the subject property, at least ten (10) days prior to the planning commission meeting at which the appeal is to be considered. At least three (3) business days prior to the hearing, the appellant shall provide proof of notice to the director of public works. Failure to provide the required notice will cause the appeal to the planning commission to be dismissed, although minor irregularities in the giving of notice may be waived by the commission.
- c) At the conclusion of questioning and statements, the chairman will call the appeal to a vote as follows:
 - (1) For an appeal of the finding of a violation, either to affirm or overturn the finding of violation; upon affirmation of a finding of violation, a citation may be issued to the appellant;
 - (2) For an appeal of the time to correct the violation, either to affirm the time or determine a new time;
 - (3) For an appeal of the corrective action, either to affirm, determine a new corrective action, or decide that a corrective action is not feasible. A finding that a corrective action is not feasible or appellant's refusal to comply with the commission's decision may result in a citation being issued to the appellant.
 - (4) For an appeal of a grading and drainage plan decision, either affirm or overturn the decision to deny a grading permit, either affirm the permit term or establish a new permit term.
 - (5) For an appeal of a restoration plan or plan provision, either to affirm, determine a new provision or provisions, or decide that restoration is not feasible. A citation may be issued after finding that restoration is not feasible or upon appellant's refusal to fully comply with the restoration measures required by the planning commission.
- d) Decisions by the Commission shall be final and are not appealable to the City Board of Directors.

Sec. 29-187. Exemptions and variances.

- a) A grading permit shall not be required for:
 - (1) Construction on properties in the City of Little Rock (i) zoned agriculture and forestry (AF); (ii) properties abutting on a collector street of two (2) acres or less zoned single or two family districts R1, R2, R3, R4 or R7A, and residentially zoned property five (5) acres or less fronting on a residential street.
 - (2) Emergency work or repairs to protect health, safety and welfare of the public. Removal of damaged or diseased trees will be permitted by staff upon certification by the city forester of the condition of the trees sought to be removed; and
 - (3) Mining and mining operations because these activities are covered by the Arkansas Open Cut Land Reclamation Act [A.C.A. Section 15-57-301 as amended], which is regulated by the state Department of Environmental Quality.
- b) The planning commission may grant variances from the standards set forth in this article provided that a variance request is filed by the applicant, fee(s) are paid, and proper public notice is given. The applicant shall submit a variance request application and fee as provided in section 29-193 to the director of public works. As part of the application, the applicant shall provide (1) a cover letter that clearly sets forth the provisions of the code from which a variance is requested and (2) a copy of all pertinent graphic materials or correspondence.
- c) Certified mail notice of all variance requests shall be given by the applicant to adjacent property owners, including those across a street or alley from the subject property, at least ten (10) days prior to the planning commission meeting at which the variance is to be considered. At least three (3) business days prior to the hearing, the applicant shall provide proof of proper notice to the director of public works. Failure to provide the required notice will cause the variance request to the planning commission to be dismissed, although minor irregularities in the giving of notice may be waived by the commission.
- d) Appeals from the variance decision of the planning commission shall be filed with the appropriate court of jurisdiction within thirty (30) calendar days of the decision of the planning commission.
- e) Variances may be granted, to the extent that the change will not be contrary to the purposes set forth in section 29-168:
 - (1) To clear and grade a multi-lot or multi-phase development where construction is not imminent on all phases of the development;
 - (2) To harvest timber on land not otherwise allowed under this section in accordance with a reasonable staff approved forestry management plan which is determined to be reasonable and prepared by a registered forester or certified arborist using best management practice guidelines for silviculture in urban areas, that complies with the purposes and requirements of this article; however, clear cutting or total harvests shall not be allowed;
 - (3) To exceed the cut, fill, and slope requirements of Sec. 29-190;
 - (4) From the restoration requirements of Sec. 29-196.

The planning commission may impose conditions on the approval of variances. Where variances are granted, applicants shall otherwise comply with all other provisions of the ordinance including, but not limited to, obtaining a grading permit prior to construction or tree removal, meeting the standards for grading, drainage, tree removal, maintaining buffer zones, erosion controls, and establishing of vegetative cover following grading activities.

Sec. 29-193. Fees.

A fee for each appeal and variance shall be paid to the city as follows:

Flat Fee: \$50 plus \$5 per acre of the total project area up to ten (10) acres, not to exceed \$100.