

TOWN OF COLLIERVILLE
Board of Zoning Appeals (BZA)
Variance Application Checklist

Planning Division
500 Poplar View Pkwy
Collierville, TN 38017

Telephone: (901) 457-2360
Fax: (901) 457-2354
Website: www.collierville.com



The following information shall be submitted along with the application form. **Please check as submitted.**

GENERAL INFORMATION:

(The below documents may be found on the Town website.)

- Completed Project Application Form
- Common Submittal Requirements: all information listed in the common submittal document must be submitted.
- Project Acknowledgement
- If applicant is a for-profit or not-for-profit entity, a completed Disclosure of Ownership form

VARIANCE REQUEST INFORMATION:

The following are required to constitute a sufficient variance application, unless expressly waived by the Town Planner or his/her designee:

- Site layout or survey of property drawn to scale that includes (if applicable):
 - Location of property lines
 - Front, rear, and side setback lines
 - Footprint of **existing** and **proposed** building(s)
 - Location of easements or rights-of-ways
- Elevation drawing(s) indicating building height and dimensions (if applicable).
- Provide a cover letter with your application that addresses each of the following:
 - Description of the requested Variance
 - Situation creating the hardship.
 - Conditions associated with this situation that make your property different from the conditions of the surrounding lots or property.
 - What effect that granting this variance would have on adjoining streets or public or private property?
 - What other alternatives could solve the problem caused by the situation?
 - Written response to each question of the Standards for Variances test below.

STANDARDS FOR VARIANCES:

In order to grant a variance, the Board must find that there are exceptional physical conditions with the property that make a strict application of the requirements of the Zoning Ordinance an undue hardship or practical difficulty that would deprive the owner reasonable use of the property. The Zoning Ordinance states that a variance may only be granted if it will not cause "substantial detriment" to the public good and it will not substantially impair "the intent of the Zoning Ordinance." The Ordinance requires the Board to review a specific set of criteria, Section 151.309(F)(1), in considering each request. The Board must find that the request meets the criteria based upon the evidence presented. If the request does not meet the criteria, it must be denied. The criteria from the Zoning Ordinance are paraphrased in the questions below, and the applicant is expected to answer each question in their cover letter. Answers should not be a simple "yes" or "no" only, but should elaborate on why

1. Do the particular physical surroundings, shape or topographic conditions of the specific property involved result in a particular hardship upon the owner as distinguished from a mere inconvenience, if the strict application of this ordinance were carried out?
2. Are your reasons for the variance applicable, generally, to other property within the same district?
3. Will the variance will not authorize activities in the applicable zoning district other than those permitted by the zoning ordinance (example: retail sales in a residential zoning district allowed by a variance that allowed the owner to build a detached garage)?
4. Are financial returns *only* considered as a basis for granting a variance? If no, explain the other reasons why a variance is justified?
5. Has the alleged difficulty or hardship has been created by any person having an interest in the property after the effective date of the zoning ordinance?
6. Is the variance the minimum variance that will make possible the reasonable use of the land, building, or structure?

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7. Will the granting of the variance be detrimental to the public welfare or injurious to other property or improvements in the area in which the property is located?
8. Will the proposed variance impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the area?
9. Will the variance interfere with or encroach upon a recorded public or private easement unless a written waiver has been executed by the owner of the public or private easement allowing the interference or encroachment?

Pre-Application Conference Needed/Project Planner Assigned:

Prior to filing any application for a variance, the prospective applicant is required to hold a Pre-application Conference with the Development Department. The primary purpose of the meeting is for Staff to explain the applicable submittal requirements, deadlines, meeting dates, applicable permits, public notice requirements, and applicable review fees prior to the applicant submitting a formal variance application. Pre-application Conferences are typically scheduled every Tuesday afternoon from 1:00 pm to 5:00 pm at the Development Department located at Town Hall. Each meeting is usually an hour long. A Pre-application Conference can be scheduled by contacting the Planning Division at (901) 457-2360. The planner you meet with during the Preapplication Conference will likely be your "Project Planner," who will be your liaison through the process.

When and Where? Complete applications (and properly folded plans) shall be submitted to the Planning Division located at 500 Poplar View Parkway by 12:00 noon the day of the deadline.

Sufficiency Reviews: The applicant should expect an acknowledgment from the Project Planner that the plan was received and considered complete per the published schedule (see table right).

Staff Reports are Posted Online: A staff report will be posted online typically by 5pm on the Friday before the scheduled meeting at: <http://www.collierville.com/departments-mainmenu-7/development/commissions>

Withdrawals/Deferrals: Applicants must notify the Project Planner in writing if they wish to defer or withdraw the item. After an item has been published in the newspaper and notices sent out, deferral fees will apply. There is no charge for deferring/withdrawing an item before it is advertised.

Public Meeting Times: BZA meetings and work sessions are typically held the fourth Thursday of each month (except in November and December the meeting date is moved to the third Thursday to avoid conflicts with holidays) at 5:00pm in the Board Chambers of Town Hall at 500 Poplar View Parkway, unless otherwise advertised. Meeting dates, times, and application deadlines are subject to change. For additional information, applications, review fees, or to confirm deadlines and meeting dates, call (901) 457-2360.

2012 BZA Application Deadlines, Submittal Requirements, and Meeting Schedule

Submittal Requirements

- Completed Application Form
- Cover Letter
- Review Fees: \$200
- 1 Full Size Set of Plans (folded)
- 8 Reduced Size (11x17) Sets of Plans (folded)
- Electronic Submittal (PDF Format- on disk) unless waived by project planner for a minor project/application type
- One set (1) of mailing labels (adhesive) including the names and mailing addresses of all property owners within three hundred (300) feet of the limits of the development application.

BZA Application Submittal Deadline	Sufficiency Review, Staff Comments, and any Revision Requests	BZA Meeting
5/29/12	6/12/12	6/28/12
6/26/12	7/10/12	7/26/12
7/24/12	8/7/12	8/23/12
8/28/12	9/11/12	9/27/12
9/25/12	10/9/12	10/25/12
10/16/12*	10/30/12*	11/15/12*
11/20/12*	12/4/12*	12/20/12*
12/26/12*	1/8/13	1/24/13

* NOTICE: This deadline or meeting date has been adjusted from its normal date to avoid conflicts with holidays.