

**TUNICA COUNTY
VARIANCE APPLICATION**

TO THE TUNICA COUNTY PLANNING COMMISSION:

As owner, agent or attorney (indicate which), it is requested that the property located in Tunica County, Mississippi described as follows:

Address: _____

Legal

Description: _____

Zoned _____ be considered for a Variance as set forth in the Tunica County Zoning Regulations for the following reasons:

<u>OWNER</u>	<u>APPLICANT</u>
Name:	Name:
Address:	Address:
Phone:	Phone:

Signature of Applicant

Date

EACH APPLICATION SHALL BE ACCOMPANIED BY THE FOLLOWING:

1. The property address and the name and mailing address of the owner of each lot within 500 feet of the subject property and a map with parcels keyed to the ownership and address data.
2. Site plans, preliminary building elevation, preliminary improvement plans, or other maps or drawings, sufficiently dimensioned as required to illustrate the following , to the extent related to the variance application:
 - a) Existing and proposed location and arrangement of uses on the site, and on abutting sites within 50 feet.
 - b) Existing and proposed site improvements, buildings, and other structures on the site, and any off-site improvements related to or necessitated by the proposed use. Building elevations shall be sufficient to indicate the general height, bulk, scale, and architectural character.
 - c) Existing and proposed topography, grading, landscaping, and screening, irrigation facilities, and erosion control measures.
 - d) Existing and proposed parking, loading, and traffic and pedestrian circulation features, both on the site and any off-site facilities or improvement related to or necessitated by the proposed use.
3. Eight (8) collated copies of the application with plats and description shall be filed with the Office of Planning and Development. One original copy must be notarized.
4. The law requires 15 days notice be given in the newspaper prior to holding a Public Hearing on a Conditional Use Application and Tunica County requires the applicant to notify the surrounding property owners by mail. Tunica County and the applicant will share in meeting those requirements in the following manner:
 - a. The County will place the legal notice(s) in the newspaper as prescribed by law.
 - b. The applicant will supply a list of the names and mailing addresses of the property owners shown on the vicinity map required in 1 to the Tunica County Office of Planning and Development. The list should be on self-adhesive mailing labels, as well as a paper copy.

NOTE:

The burden of furnishing accurate information lies with the applicant. Non-delivery of addresses shall be grounds for deferment of action or rejection by the Planning Commission and/or Board of Supervisors, but shall not invalidate any actions taken on the application by the Planning Commission and/or Board of Supervisors. The recommendation of the Planning Commission will then be forwarded to the Board of Supervisors for final dispensation of this application.

NOTE:

This procedure is intended to provide relief from the terms of the Zoning Regulations when, because of special circumstances applicable to the property, the strict application of the Zoning Regulations deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification, and to ensure that any adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the district in which such property is situated.

FINDINGS:

Basic Criteria: The Planning Commission may recommend that a variance be granted if it makes affirmative findings of fact on each of the following criteria:

1. The Zoning Regulations applicable to the property do not allow for a reasonable use.
2. The hardship for which the variance is requested is unique to the property and not general to the area in which the property is located.
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purposes or regulations to the Zoning District in which the property is located.

Parking – Additional Criteria: The Planning Commission may recommend a variance to a regulation prescribed by this ordinance with respect to the number off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Those neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specified regulations.
2. That the granting of the variance will not result in the parking or loading of vehicles on public streets or roads in such manner as to interfere with the free flow of traffic on these streets or roads.
3. That the granting of the variance will not create a safety hazard or any other condition inconsistent with the objectives of this ordinance.
4. That the variance shall run with the use or uses to which it pertains, and shall not run with the site.

LAPSE OF VARIANCE

1. Unless a longer time period shall be specifically established as a condition of approval, a variance shall lapse and become void one year following the date on which the variance became effective, unless prior to expiration of one year a building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the variance application, or a certificate of occupancy is issued for the use, or the site is occupied if no building permit or certificate of occupancy is required.
2. The Board of Supervisors may renew a variance subject to lapse for an additional period of one year, provided that prior to the expiration date, a written request for renewal is filed with the Planning Commission.
3. The Board of Supervisors may grant or deny an application for renewal.

SUSPENSION AND REVOCATION

1. Upon violation of any applicable provision of these regulations, or, if granted subject to conditions, upon failure to comply with conditions, a variance shall be suspended upon notification to the owner of a use or property subject to a variance.
2. The Planning Commission shall not hold a public hearing within 30 days of each notification, in accord with Section 1082, and if not satisfied that the regulation, general provision, or condition is being complied with, may recommend that the variance be revoked or action taken as may be necessary to ensure compliance with the regulation, general provision, or condition. Their recommendation shall be considered by the Board of Supervisors at its next regularly scheduled meeting.
3. The decision of the Board of Supervisors to revoke a variance shall be effective immediately.

NEW APPLICATIONS

Following the denial or revocation of a variance application no application for the same or substantially the same variance use on the same or substantially the same site shall be filed within one year from the date of denial or revocation.

VARIANCE TO RUN WITH LAND OR STRUCTURE

Unless pertaining to off-street parking and loading regulations, or otherwise specified at the time a variance is granted, a variance shall run with the land and shall continue to be valid upon a change ownership of the site or structure to which it appears.

THIS APPLICATION MUST BE COMPLETED AND ALL INFORMATION PROVIDED WHEN FILED IN ORDER TO BE ACCEPTED FOR PRESENTATION TO THE COMMISSION.

COUNTY APPROVALS

This application was approved by the Tunica County Planning Commission on this, the _____ day of _____, 20_____

Planning Commission

This application was approved by the Tunica County Board of Supervisors on this, the _____ day of _____, 20_____

President, Board of Supervisors

Chancery Clerk

AFFIDAVIT OF OWNERSHIP

WITNESS THE SIGNATURES of the owners of the subject property, on this, the _____ day of _____
A.D., _____

Property Owner(s)

Property Owner(s)

STATE OF MISSISSIPPI

COUNTY OF DESOTO

Personally came and appeared before me, the within named:

they signed and delivered the above and foregoing instrument as and for their free act and deed on the day and year therein mentioned, and who acknowledged to me that they are the owners of the property described in Paragraph One (1) of the foregoing Petition to Change Zoning.

GIVEN UNDER MY HAND AND OFFICIAL SEAL OF OFFICE, this, the _____ day of _____, A.D.,

Notary Public

MY COMMISSION EXPIRES
