



VARIANCE APPLICATION

APPLICANT

Name _____
 Mailing Address _____

 Contact Person _____
 Phone _____ Fax _____

PROPERTY INFORMATION

Assessor's Parcel # _____
 Township _____ Range _____ Section _____
 Subdivision _____
 Unit # _____ Lot # _____
 Address/Location _____

 Existing Land Use _____
 Lot Size _____

VARIANCE REQUEST

The reasons for this variance application are that concerning peculiar conditions, a strict interpretation and/or compliance would work an unnecessary hardship, and that in granting the requested variance the general intent and purposes of the zoning ordinance will be preserved. Listed below are the special conditions and circumstances which exist & which are peculiar to the above described land, building, or structure located with the A-G zoning district.

Provide a brief description of the request.

SUBMITTAL CHECKLIST

- Pre-application meeting with a staff planner in the Planning and Zoning Division.
- Application, photographs, diagrams, site plans with the setbacks noted, and any other required information. Please be precise and detailed. *(See the attached guidelines)*
- A list of names and addresses of all the property owners within 300 feet of subject property.
- Twelve copies of all plans and drawings.
- Map to property.
- A non-refundable filing fee \$300.00.
- All required items need to be submitted to Planning and Zoning at least 30 days prior to the next scheduled meeting.

CERTIFICATION & SIGNATURE

Submittal of this application constitutes consent of the applicant in granting the Community Development Department access to the subject property during the course of project review. No further consent or notice shall be required.

I hereby certify that the information in this application is correct and agree to abide by the regulations of this jurisdiction.

Signature of Applicant

_____ Date _____

Signature of Property Owner (if not the applicant)

_____ Date _____

OFFICE USE ONLY

Received By _____ Date _____
 Receipt # _____ Fee _____
 Case # _____
 Related Cases _____

BOAA ACTION

Approved with Conditions (*see attachments*) Denied
 Resolution # _____ Date _____
08/08/2005



Guidelines for Requesting a Variance Permit

Important Information When Submitting an Application:

1. Please include photographs and an 8 1/2" X 11" diagram illustrating the structure. Also please indicate the distance from the structure to your property line on each side of the structure. If this is for a business, please present a **professionally** drawn map. If this is for a subdivision, we will need a digital copy in AutoCAD format. **Please include septic and water information for the Environmental Health Division.**
2. Information will need to be submitted to **Planning and Zoning at least 21 days prior to the next scheduled meeting** to avoid the application being delayed into the following month. Application should be typed.
3. Materials submitted have to be circulated to the Planning and Zoning Division, the Environmental Health Division, the Building Inspections Division, and the Engineering Department for their review and approval.
4. If there are items that need to be addressed, the applicant will be notified after the submitted material has been reviewed.
5. Please remember to keep information **precise** and **detailed**. The applicant should attend the meeting when the request is reviewed and discussed by the Planning and Zoning Division.
6. A total of twelve (12) copies of all pertinent paperwork (e.g., applications, maps) must be submitted, along with the originals, for all variances that go through the Board of Adjustment and Appeals.

**Please call Planning and Zoning 24 hours
in advance of the meeting date
to ensure the meeting is still on schedule.
The phone number is (928) 337-7527.
Thank you for your cooperation.**



Guidelines for Requesting a Variance Permit

**THIS INFORMATION HAS BEEN SELECTED
FROM THE APACHE COUNTY ZONING ORDINANCE.**



ARTICLE 12

VARIANCE PERMIT

ARTICLE 12

BOARD OF ADJUSTMENT AND APPEALS

Section 1201. Structure and Procedure

This Article addresses the duties and responsibilities of the Board of Adjustment and Appeals, referred to in this Article as “the BoAA.” The BoAA members, officers, and staff shall serve as follows:

1. Establishment of the BoAA. The establishment of the BoAA shall be in accordance with the procedures and policies set forth in A.R.S. § 11-807. The BoAA shall consist of not less than three nor more than five members appointed in the jurisdiction of each supervisory district in which the Zoning Ordinance applies.
2. Terms for members. The terms of office for the members of the BoAA shall be staggered terms of four years each.
3. Chairperson election and rules adoption. The BoAA shall elect from its membership a chairperson at the first meeting of the new year. The BoAA shall also establish and adopt rules for its organization and the transaction of business and shall keep a public record of its proceedings.
4. BoAA secretary. A secretary to assist the BoAA shall be appointed by the Director. The secretary shall keep minutes of the BoAA meetings for public record and conduct all correspondence, including the notification of decisions. The secretary shall prepare the minutes of the BoAA meetings and submit them to the chairperson and the BoAA.

Section 1202. Powers and Duties

The authority of the BoAA shall be as follows:

1. Errors. The BoAA shall have the power to hear and decide on appeals where it is alleged that there is an error in any order, requirement, decision, determination, or interpretation by the code enforcement officer.
2. Variances. The BoAA shall have the authority to hear and decide on appeals wherein a variance to the terms of this ordinance is proposed. Limitations as to the BoAA's authorization shall be as set forth in this Ordinance.
3. Variance review criteria. The BoAA shall approve, approve with conditions, or deny a request for a variance. Each approval or grant of a variance shall be consistent with the following criteria:
 - a. Limitations on the use of the property exist due to physical, topographical, and geologic features.
 - b. The grant of the variance will not grant any special privilege to the property owner.
 - c. The grant of the variance is not based solely on economic reasons.
 - d. The necessity for the variance was not created by the property owner.
 - e. The grant of the variance will not be injurious to the public health, safety, or welfare.
 - f. The property subject to the variance request possesses one or more unique characteristics generally not applicable to similarly situated properties.
4. Use variance. The BoAA shall not grant a variance to allow the establishment of a use in a zone when such use is prohibited by the provisions of this Ordinance.

Section 1203. Hearing Applications

- A. All action by the BoAA shall be at public hearings, legally advertised as provided for by this Article. Where practical difficulties, unnecessary hardships, and results inconsistent with the general purpose of the Ordinance may result from the strict application of certain provisions thereof, a variance may be requested as provided for in this Section. Applications shall be filed with the Director on forms provided therefrom, together with any statements, plans, records, and other relevant evidence showing that there are special or extraordinary circumstances or conditions applying to the land, building, or use referred to in the application.
- B. A fee shall be charged, as established from time to time by the Board of Supervisors, none of which is refundable, and all other legal and administrative requirements of this Article shall be complied with before the BoAA can take any action on an application request. The BoAA shall either make a determination "for" or "against" the appellant or continue the matter to a specific date, with the approval of the appellant. Under no circumstances shall a matter ever be tabled.

Section 1204. Hearing and Ruling

- A. At least one public hearing shall be held by the BoAA within a reasonable time after filing of an application, after first causing notice to be given therefore to parties of interest and the public, by posting the property of application, if a property is involved, and publishing once in a newspaper of general circulation in the county seat at least 15 days prior to the hearing. It shall not be the responsibility of the BoAA, or its agents, to maintain the posting once erected.
- B. Rulings being decided by the BOAA shall not become effective for 30 days and, in the event an appeal is filed, said decision by the BoAA shall not become effective until a final decision is made by the Superior Court.
- C. In approving an application, in all or in part, the BoAA may designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of the Ordinance

regulations, and may require guarantees in such a form as it deems proper under the circumstances to ensure that such conditions be complied with. Where any such conditions are violated or not complied with, the approval shall cease to exist, and the code enforcement officer shall act accordingly. The BoAA may recommend that the applicant file for rezoning.

- D.** The granting by the BoAA of permission to proceed on a specific development scheme, or of a permit for a construction variance, shall be contingent upon permits being obtained and work commencing within six months, and being diligently pursued. Failure of such shall void the ruling unless said BoAA has granted a longer time.

Section 1205. Appeals

- A.** Appeals to the BoAA may be taken by any person who feels that there is error or doubt in the interpretation of the Ordinance, or that due to unusual circumstances attached to the person's property an unnecessary hardship is being inflicted on the person, or when the location of the zoning district boundary is in doubt. The appeal shall state whether it is a plea for an interpretation of the regulations or a variance, and the grounds for the appeals.
- B.** Any person who can demonstrate special damages by an action of the BoAA may, within 30 days, appeal to the Superior Court, and the matter shall be heard *de novo* as appeals from courts of justice of the peace.