



VARIANCE APPLICATION PROCEDURES

The zoning variance is a device to grant a property owner an exception to certain provisions in the zoning regulations when, because of peculiar surroundings, size, shape or topographic conditions of the property, a strict application of the zoning regulations would result in an unnecessary hardship upon the owner, as distinguished from a mere inconvenience to the owner.

Title 9.462.06 of Arizona Revised Statutes and Section 2.48.040 of the city code require that, following a public hearing, the Board may grant a variance only when it can be demonstrated that all of the following criteria have been met:

- ✓ Special conditions and circumstances exist which are peculiar to the property, including its size, shape, topography, location, or surroundings which do not apply to other properties in the district; and
- ✓ The strict interpretation of the zoning regulations would deprive the applicant of a substantial property right commonly enjoyed by other properties in the same district under the terms of the ordinance; and
- ✓ The alleged hardships caused by interpretation of the ordinance include more than a personal inconvenience and financial hardship and do result from the actions of the owner or applicant; and
- ✓ Granting the variance will not confer upon the applicant a special privilege that is denied by the zoning regulations to other lands, structures or buildings in the district; and
- ✓ The granting of a variance will not be detrimental to the health, safety, and general welfare of the surrounding properties or the general public.

Therefore, if you do not meet all of these criteria, staff cannot make a favorable recommendation to the Board, and further, the Board should not grant the variance.

PRE-APPLICATION CONFERENCE

A pre-application meeting with a planner is recommended to familiarize yourself with Board of Adjustment procedures and the criteria necessary for a favorable recommendation.

MATERIALS REQUIRED FOR A VARIANCE

- APPLICATION** - print or type the information requested. The burden of proof is on you. Also attach a written explanation of the situation that substantiates the validity of your request.
- SITE PLAN** – two 24" X 36" folded copies. Additional copies will be requested once the Plan

has been approved by staff. The site plan must provide a view of your property drawn to scale which includes the following:

- Boundaries and dimensions of the property in question.
 - All adjacent streets and alleys.
 - All existing and proposed structures.
 - Required off-street parking.
 - Building setback lines.
 - All other information necessary to explain the variance request.
- LEGAL DESCRIPTION - include a metes and bounds description or reference to a recorded subdivision.
- FILING FEE – Please refer to the Planning and Zoning Department Fee Schedule. Fees are non-refundable and must be paid when the application is submitted.

PUBLIC HEARING

You will be notified by mail of the time and place of the public hearing. A copy of the staff recommendations will be available at the Development Services Department on Monday, 8 days prior to the hearing.

At the public hearing, the staff will give a brief explanation, with their recommendations, of your request to the Board of Adjustment. ***After the staff report, you or your representative will have the opportunity to present your request and explain how it meets the conditions listed on the preceding page. Attendance is mandatory. The request may be postponed or denied if someone is not present.***

During the public hearing, anyone wishing to speak for or against your request will be given the opportunity to be heard. A request denied by the Board cannot be reconsidered for one year after the date of denial.

APPEALS

Appeals of any decision of the Board of Adjustment may be made directly to Mohave County Superior Court within thirty days. Variance rulings not appealed within thirty days are final.

The size of the plan is negotiable. Please discuss with the Planning and Zoning Division.