VARIANCE and APPEAL
APPLICATION CHECK LIST

1) A FEES IN THE AMOUNT OF $530.00 FOR A VARIANCE AND $50.00 FOR EACH ADDITIONAL VARIANCE $1040.00 FOR AN APPEAL

2) APPLICATION FORMS TO BE COMPLETED AND SIGNED BY THE APPLICANT:

_______ HEARING APPLICATION (three pages)
Provide evidence that there are special circumstances or conditions applicable to the property of application, or to adjacent property, or to the neighborhood, that justify a variance from the requirements so that strict application thereof would work an unnecessary hardship, and that the granting of the request is necessary for the preservation and enjoyment of substantial property rights, and that granting of the request is necessary for the preservation and enjoyment of substantial property rights, and that granting will not materially affect the health or safety of the area residents nor the public welfare or be injurious to property or improvements.

_______ DIRECTIONS TO PROPERTY

_______ PERMISSION TO ENTER PROPERTY [MUST BE NOTARIZED]

_______ PLOT PLAN DRAWN TO SCALE

3) DOCUMENTS TO BE SUBMITTED BY THE APPLICANT:

_______ AGENT AUTHORIZATION (if applicable)

_______ RECORDED DEED AND LEGAL DESCRIPTION

_______ LETTERS OF SUPPORT (optional)

4) FORMS INCLUDED FOR APPLICANT’S REVIEW:

SECTION 207 E. – HEARINGS AND RULINGS
CHECKLIST FOR PLOT PLAN AND EXAMPLE PLOT PLAN FORMS

PLEASE NOTE: ALL VARIANCE APPLICATION REQUESTS ARE REVIEWED PRIOR TO ANY SCHEDULED PUBLIC HEARINGS. UNLESS OTHERWISE SPECIFIED BY THE LAND USE SPECIALIST THE OWNER MUST PHYSICALLY MARK THE PROPERTY LINES PERTINENT TO THE VARIANCE REQUEST AS WELL AS PHYSICALLY MARK THE AREA FOR THE PROPOSED DEVELOPMENT AT LEAST 10 DAYS PRIOR TO HEARING. ALL RELATED CONCERNS AND/OR QUESTIONS WOULD NEED TO BE ADDRESSED BETWEEN THE APPLICANT AND STAFF AND/OR THE REVIEWING AGENCY.

*******ALL FORMS IN BLACK INK ONLY, PLEASE*******
QUESTIONS OFTEN ASKED ABOUT THE BOARD OF ADJUSTMENTS

WHAT ARE THE POWERS AND DUTIES OF THE BOARD OF ADJUSTMENTS?

Board of Adjustments members are appointed by the District Supervisor and serve without pay. The Board hears:

Anyone who feels that an error has been made by the Land Use Specialist in enforcing the Code; and

Anyone who feels that special conditions of their property make it necessary to receive a variance to the terms of the Code; and

Questions and renders an advisory decision on any matter referred to it by the Land Use Unit Manager.

WHEN CAN THE BOARD OF ADJUSTMENT GRANT A VARIANCE?

A variance can be granted when it can be demonstrated that **ALL** of the following criteria can be met:

Special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other land, building or structures in the district; and

The literal interpretation of the Code would deprive the applicant of a right commonly enjoyed by other properties in the same district under the terms of the Code; and

The alleged hardships caused by interpretation of the Code include more than personal inconvenience and financial hardship and do not result from actions of the applicant; and

Granting the variance will not confer upon the applicant any special privilege that is denied by the Code to other lands, structures or buildings in the district; and

The granting of the variance requested will not interfere or injure the rights of other properties in the same district.

HOW DOES ONE APPLY TO THE BOARD OF ADJUSTMENTS?

1. Obtain an application provided by the Development Services Department.
2. Fully identify the premises in question.
3. Fully complete the application by clearly stating the request and reasons why the Board should approve the request.
4. Submit the application together with the filing fee.
5. **Attend the Public Hearing before the Board of Adjustments** and be prepared to present your request.
MAY A DECISION BY THE BOARD OF ADJUSTMENTS BE APPEALED?

Yes. An appeal requires that a petition be filed with the jurisdictional County Superior Court within thirty days of the decision made by the Board of Adjustments.

TIPS ON APPELLING TO THE BOARD OF ADJUSTMENTS:

- Read the application carefully and submit all requested information.
- Make the application as clear and concise as possible.
- Bring relevant supporting materials (graphics and maps are helpful) to the Public Hearing.
- Clarify to the Board if you are requesting a variance, an appeal, or an advisory opinion.

SECTION 207–ADJUSTMENT BOARD

E. HEARINGS AND RULINGS: The Board of Adjustments shall hold at least one (1) public hearing, within a reasonable time from the date of application after giving a minimum of seven (7) days notice thereof to parties of interest and the public, by posting at the property of application (if property is involved) and by publishing once in a newspaper of general circulation in the County. The Board of Adjustments shall render a decision within thirty (30) days after the initial hearing on same, unless an extension is agreed to by the Board and the applicant.

1. In approving an application (all or part) the Adjustment Board may designate such conditions in conjunction therewith that will, in its opinion, secure substantially the objectives of this Ordinance and may require guarantees in such 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 and the Land Use Specialist shall act accordingly.

2. In granting of permission to proceed on a specific development scheme or of a permit for a construction variance, the same shall be contingent upon permits being obtained and work commenced within SIX (6) MONTHS and being diligently pursued. Failure of such shall void the ruling unless a longer time had been granted or an extension in time is secured.

3. The concurring vote of three (3) members shall be necessary to render a ruling.
YAVAPAI COUNTY
Hearing Application for Variance

H.A.#____________________ Assessor’s Parcel#______________________________

Name____________________________________ Supervisor District_____________
(Print)

In accordance with A.R.S. 11-807 B2, a variance may be granted from the terms of the County Planning
and Zoning Ordinance if the following requirements are satisfied to the Board of Adjustments and Appeals
by the applicant.

Applicant, please answer the below requirements (See Note Below):

1. The peculiar conditions that make it necessary for you to request a Variance from the Ordinance
are:

2. The unnecessary hardship that would be created if you cannot obtain a Variance:

3. The general intent and purpose of the Zoning Ordinance (which is to conserve and promote the
public health, safety, convenience and general welfare by coordinated and harmonious growth and
development) will be preserved because:

*Note: Generally, the peculiar condition and unnecessary hardship are situations that run-with-the-land,
i.e., rocks, ditches, hills, washes, etc… that would prevent enjoyment of property rights if strict interpretation
of the Ordinance were enforced. Personal and/or self-imposed conditions or hardships may be given
consideration but may not be valid or substantial reasons for a Variance.

Applicant Sign and Date
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<td>□ Admin Review   □ Minor Admin Variance</td>
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**Project Name:**

_____________________________________

**Located in:**

Sec _________ Twp _________ Rng _______

**Assessor’s Tax Parcel Number:**

_____________________________________

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FOR OFFICE USE ONLY

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A=Approved, D=Denied, W=Withdrawn

**Property Owner:**

Applicant / Agent:

**Mailing Address:**

**Mailing Address:**

**City:**

**City:**

**State:**

**State:**

**Zip Code:**

**Zip Code:**

**Phone:**

**Phone:**

**Fax:**

**Fax:**

**E-mail:**

**E-mail:**

**Request:**

_________________________________________________________________________

_________________________________________________________________________

**Legal Description:**

□ See attached Legal Description

OR:

Lot: ________________ Block: ________________

Subdivision: ____________________________ Unit: ____________________________

I hereby certify that the information submitted on this application is complete and accurate to the best of my knowledge and that I am the applicant or agent of the same as stated in the attached documentation.

**Signature:**

_________________________________________________________________________

**Please Print Name:**

_________________________________________________________________________

**Date:**

_________________________________________________________________________
ASSESSOR'S PARCEL# __________________________________________

APPLICANT'S NAME __________________________________________

DIRECTIONS TO THE PROPERTY:
(please indicate if entrance to property is on a dirt road or blacktop)

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PERMISSION TO ENTER PROPERTY

APPLICATION #: ________________________________ PARCEL #: __________________________

LEGAL DESCRIPTION: ______________________________________________________________

NAME(S): _________________________________________________________________________

ADDRESS: ______________________________________ PHONE _________________________

I, the undersigned, hereby give permission to the Yavapai County Land Use Specialist (or any Deputy Specialist) in the discharge of his duties as stated herein, and for good and probable cause, to enter the above described property to inspect same in connection with the enumerated application made under the terms of the Yavapai County Planning and Zoning Ordinance: or for any investigation as to whether or not any portion of such property, building or other structure is being placed, erected, maintained, constructed or used in violation of the Yavapai County Planning and Zoning Ordinance; or for any investigation for conditions, compliance, and stipulations under the terms of the Yavapai County Planning and Zoning Ordinance and public hearings concerning this parcel. Such entry shall be within 60 days of the date of my signature (below) or within 60 days of the scheduled date of a public hearing for review, transfer, or renewal of the application. Such entry shall be limited between the hours of 7a.m. and 6p.m. MST. I understand that this permission to enter property is OPTIONAL and VOLUNTARILY GIVEN and may be withdrawn or revoked (either in writing or verbally) at any time.

APPLICANT’S SIGNATURE: ____________________________ DATE ____________

(Check one)

_________ OWNER

_________ AGENT FOR ___________________________________________________________

STATE OF ARIZONA  )

) ss

COUNTY OF YAVAPAI )

On this __________ day of ___________________ 20 ______ before me the undersigned Notary Public personally appeared ________________________________________, who executed the foregoing instrument for the purpose therein contained.

In witness whereof, I hereby set my hand and official seal,

_____________________________

NOTARY PUBLIC

_____________________________

DATE COMMISSION EXPIRES
AGENT AUTHORIZATION

APPLICATION #: ___________________________ PARCEL #: __________________________

LEGAL DESCRIPTION: __________________________________________________________

NAME(S): __________________________________________________________________

ADDRESS: ______________________________________ PHONE ______________________

I, the undersigned, hereby give permission to ____________________________________, as stated
herein, and for good cause, to act as agent for the above described property in connection with the
enumerated application and public hearings concerning this parcel under the terms of the Yavapai County
Planning and Zoning Ordinance. Such authorization shall be good until such time as the request has been
granted or denied. I understand that this authorization may be withdrawn or revoked (either in writing or
verbally) at any time.

PROPERTY OWNER’S SIGNATURE: ___________________________________ DATE ____________

PROPERTY OWNER’S PRINTED NAME: _______________________________________________

STATE OF ARIZONA )
 ) ss
COUNTY OF YAVAPAI )

On this ____________ day of _____________________ 20 ______ before me the undersigned

Notary Public personally appeared __________________________________________________,
who executed the foregoing instrument for the purpose therein contained.
In witness whereof, I hereby set my hand and official seal,

______________________________________
NOTARY PUBLIC

DATE COMMISSION EXPIRES
PLOT PLAN CHECKLIST

NOTE: PLOT PLAN MUST BE DRAWN TO SCALE IN BLACK INK ON THE FORM PROVIDED THAT INCLUDES ALL OF THE FOLLOWING INFORMATION AND UNLESS OTHERWISE SPECIFIED BY THE LAND USE SPECIALIST THE OWNER MUST PHYSICALLY MARK THE PROPERTY LINES PERTINENT TO THE VARIANCE REQUEST AS WELL AS PHYSICALLY MARK THE AREA FOR THE PROPOSED DEVELOPMENT AT LEAST 10 DAYS PRIOR TO HEARING.

( ) Property dimensions
( ) Indicate scale used (Engineer’s Scale – 1”=20’ 30’ 40’ 50’ 60’)
( ) Indicate North with directional arrow
( ) Proposed structures with all dimensions, including Pools
( ) Existing structures with all dimensions, including Pools
( ) Distances between structures
( ) Distance from all structures to the property lines
( ) Description of each structure’s use
( ) Adjacent streets/roads
( ) Driveway(s) and material used (i.e. gravel, concrete…)
( ) Location, Size, Dimensions of Septic System with Leach Area
  ___ Perc test holes
  ___ 100% Expansion area (minimum distance from septic and leach)
  ___ Length and slope of outlet lines (5 foot min.)
  ___ Distribution Box/Diversion Valve
  ___ Inspection Pipe(s)
  ___ Length and number of leach lines; distance between trenches
  ___ Degree of slope in leaching area
  ___ Length and slope of building sewer line (max 100 feet)
  ___ Cleanout pipe in building sewer lines
  ___ Setbacks from property lines, buildings, wells, dry washes, other sewage systems, water lines.

(NOTE: If individual wells provide water, maintain minimum septic setbacks of 50’ from property lines and 100’ from all wells including neighboring wells)

( ) Location of all utilities, poles, meters and lines
( ) All easements, regardless of purpose (i.e. roads, utilities)
( ) Slope information
  ___ Indicate High and Low points
  ___ Indicate by arrows direction of slope
  ___ Indicate difference in elevation between high and low points
( ) Distance from the closest structure to the top of bank of any watercourse (s)
  (i.e. washes, streams, creeks, arroyos, rivers, drainage ways and slews)
( ) Location where orange Pre-issue card will be posted
Yavapai County Coordinated Permit Process

Plot Plan Sketch and Affidavit

I certify that I am authorized by the property owner to make this application, that all information provided for this application is correct and that this plot plan, as part of the permit, indicates all structures (including fences, walls, and pads), correct property and building dimensions; setback distances; legal access and easements; road cuts; walls and/or any water course (including washes, drainage ditches etc.) on or within 50’ : 100’ and 200’ respectively of the property. We agree to conform to all applicable laws of this jurisdiction.

Signature ________________________ Date ________________________

Area Map for parcels exceeding 2 acres or with dimensions over 300’.

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LAND USE ________________________ DATE: ________________ TOTAL SHIELDED LUMENS: ________________________

APPROVAL BY: ____________________