

## PROCEDURE FOR VARIANCES

### BOARD OF ADJUSTMENT

#### A. Boards of Adjustment and Appeals:

1. **CREATION AND APPOINTMENT:** There is hereby created, as provided by ARS 11-807, a Board of Adjustment in each of the supervisorial districts of Mohave County. Each Board of Adjustment shall be composed of three (3) members, each of whom shall be resident and taxpayer of the unincorporated area of the supervisorial district from which he/she is appointed. The members of each such Board shall be appointed for staggered terms of four (4) years each, except the first members shall be appointed for terms of 2, 3, and 4 years.
2. **PROCEDURE:** Each Board of Adjustment shall meet regularly at least once a month and more often, if necessary, for the transaction of business, it shall elect its own officer, establish its own rules, keep a record of its actions and render a monthly report to the Supervisors and the Planning and Zoning Commission. Any finding, ruling, or decision of said Board relating to the administration of the Zoning Ordinance shall be an order of business as either a regular or special meeting of said Board, and shall be fully reported in the minutes of the Board.
3. **POWERS:** The jurisdiction of each Board of Adjustment shall be limited to the supervisorial district from which the members thereof are appointed. The authority of said Board, in each instance, shall extend only to the interpretation of the Zoning Ordinance, to the granting of variances and to the adjustment of regulations to overcome practical difficulties and prevent unnecessary hardship in the application of regulations so contained herein.

Each Board of Adjustment shall have power to:

- a. Interpret the Zoning Ordinance when the meaning of any word or phrase of a section is in doubt, when there is dispute as to such meaning between the appellant and the enforcing officer, or when the location of a zone boundary is in doubt; such interpretation may be made after consultation with other Boards in said County for purposes of uniformity.
- b. Allow a variance from the terms of the Ordinance when, owing to peculiar conditions, a strict interpretation would work an unnecessary hardship, if in granted such variance the general intent and purpose of the zoning ordinance will be preserved.
- c. Hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, grant or refusal made by the Zoning Inspector in the enforcement of the provisions of this Ordinance.
- d. Allow a reduction of building site area and yard requirements where, in its judgement, the shape of the building site, topography, the location of existing buildings or other conditions make a strict compliance with said

## BOARD OF ADJUSTMENT (continued)

regulations impossible without practical difficulty or hardship; but, in no case, except as herein after provided, shall these regulations be reduced in such manner as to violate the intent and purpose of this Ordinance.

### B. Procedure for Variances:

#### 1. Application

Application for any permissible variance of regulations, as provided herein, shall be made by the owner or his representative to the Board of Adjustment in the supervisorial district in which said variance is desired, in the form of a written application four (4) copies of which are to be sent to the Planning and Zoning Director, and be accompanied by:

- a. Four (4) copies of accurate plot plans and descriptions of the property involved and the proposed use with preliminary outline plans of all proposed buildings.
- b. Evidence of the ability and intention of the applicant to proceed with actual construction work in accordance with said plans after issuance of permit.
- c. A list showing the names and addresses of all persons, firms, or corporations appearing on public record as owning property within the area proposed to be affected and within 300 feet of any part of the property for which a variance is requested. The list must include the names of all persons purchasing land under recorded contracts of sale, and must be certified as to completeness by the applicant or some person otherwise qualified by knowledge of the public records. The Planning Director shall determine the completeness of the list before accepting it for filing.
- d. Processing fee: **\$540.00** (updated by BOS Resolution 2007-440 P&Z Ordinance 2007-06 effective 10/16/07)

#### 2. Public Hearing

Upon receipt, in proper form, of the application, the Board of Adjustment shall proceed to hold a public hearing upon the application not more than thirty (30) days after the filing at which all persons whose property is directly affected and the general public shall be given an opportunity to be heard. Notice of the application and hearing shall be given not less than fifteen (15) days prior to the hearing by publication of the notice in the same manner as is required for zoning notices.

#### 3. Evidence Required for Variance

At the public hearing on a variance application, the applicant shall present a statement and adequate evidence in such form as the Board of Adjustment may require for the purpose of showing:

BOARD OF ADJUSTMENT (continued)

- a. That there are special circumstances or conditions applicable to the property referred to in the application which do not prevail on other property in that zone.
- b. That the strict application of the regulations would work an unnecessary hardship and that the granting of the application is necessary for the preservation and enjoyment of substantial existing property rights.
- c. That the granting of such application will not materially affect the health or safety of persons residing or working in the neighborhood and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

C. Board of Adjustment Action:

In the event the Board of Adjustment finds that substantial conformity to standards previously established in the zone may be secured and that detriment of injury to the neighborhood will not result from the granting of a variance as applied for, it may approve or conditionally approve the issuance of said permit and transmit notice of its action to the Zoning Inspector. A report of its findings, recommendations, and any conditions imposed or required shall also be submitted promptly to the Planning and Zoning Commission and to the Board of Supervisors.

D. Disapproved Application:

In the event the Board of Adjustment disapproved an application for a variance, no permit shall be issued pending further action thereon by an appeal to the Superior Court within thirty (30) days from the date said disapproval is officially entered on the minutes of the Board, if said Court shall overrule the action of the Board, then the Zoning Inspector shall issue the requested permit without further action by the Board, unless the Court orders the Board to hold a further hearing to permit the board to fix conditions or require guarantees.

E. Conditional Approval:

In approving any variance, the Board of Adjustments may designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of the regulation or provisions to which such variance is granted, to provide adequately for the maintenance of the integrity and character of the zone in which such permit is granted, and shall provide the Zoning Inspector with a copy of the same.

F. Guarantees:

Where necessary, the Board of Adjustment may require guarantees, in which form as it may deem proper under the circumstances, to insure that the conditions designated in connection therewith, are being, or will be, complied with. Where any condition under which a variance has been granted is violated, the variance shall cease to exist, and the permit shall become null and void.

Mohave County Planning and Zoning Commission  
P.O. Box 7000  
Kingman, Arizona 86402-7000  
(928)757-0903 Fax (928)757-3577

**APPLICATION FOR A VARIANCE**

Dear Sirs:

I (We) \_\_\_\_\_ hereby request the  
Following: \_\_\_\_\_

\_\_\_\_\_

The legal description of subject property is:

\_\_\_\_\_

and request that the Board of Adjustment hold a public hearing.

PRESENT USE OF PROPERTY: \_\_\_\_\_ ZONING: \_\_\_\_\_

OWNER: (proof required \*) \_\_\_\_\_

OWNER'S ADDRESS: \_\_\_\_\_

PROPERTY OWNER CONCURS: \_\_\_\_\_

Owner's signature

(TO BE FILLED IN IF OWNER AND APPLICANT ARE NOT THE SAME):

**SUBMIT FOUR (4) COPIES OF ACCURATE PLOT PLANS AND DESCRIPTIONS OF THE  
PROPERTY INVOLVED AND THE PROPOSED USE WITH PRELIMINARY OUTLINE  
PLANS OF ALL PROPOSED BUILDINGS WITH FOUR (4) COPIES OF THIS FORM.**

Applicant's interest in the property: \_\_\_\_\_

Applicant's Signature: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

\*PROOF OF OWNERSHIP: Recorded Warranty or Joint Tenancy Deed

Date submitted: \_\_\_\_\_ Received by: \_\_\_\_\_

Fee (\$500.00) \_\_\_\_\_ Receipt No.: \_\_\_\_\_

FOUR (4) COPIES RECEIVED:

Application: \_\_\_\_\_

Plans: \_\_\_\_\_

Other: \_\_\_\_\_

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