



## ADMINISTRATIVE 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 Department.
- 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.
- Map to property.
- A non-refundable filing fee \$300.00. (*See Section 1206*)

### CERTIFICATION & SIGNATURE

Submittal of this application constitutes consent of the applicant in granting the Planning and Zoning 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 \_\_\_\_\_

### ADMINISTRATIVE ACTION

Approved with Conditions (*see attachments*)       Denied

Resolution # \_\_\_\_\_ Date \_\_\_\_\_

Director \_\_\_\_\_ Date \_\_\_\_\_

11/21/2005



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## **Guidelines for Requesting an Administrative Variance Permit**

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### **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 auto cad format. **Please include septic and water information for the Health Department.**
2. Materials submitted have to be circulated to the Planning and Zoning Department, the Health Department, the Engineering Department, and the Building Inspections Department for their review and approval.
3. If there are items that need to be addressed, the applicant will be notified after the submitted material has been reviewed.
4. Please remember to keep information **precise** and **detailed**. The applicant should attend the meeting when the request is reviewed and discussed by the Planning & Zoning Department.



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## **Guidelines for Requesting an Administrative Variance Permit**

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



# **ARTICLE 9**

## **Administration**

### **Article 9 – ADMINISTRATIVE VARIANCES**

#### **Section 904. Administrative Variances**

**A. Purpose.** The purpose of the administrative variance is as follows:

1. To allow flexibility in how some of the site development standards are applied to individual lots;
2. To minimize procedural delays and ensure due process in the review of unique and exceptional development situations;
3. To provide administrative relief from zoning requirements that do not affect adjacent properties and the nearby area; and
4. To encourage originality, flexibility, and innovation in site planning and architectural design.

**B. Eligible development standards:**

1. The following site development standards may be eligible for a reduction of up to 25 percent: minimum setbacks, maximum site coverage, maximum building/structure height, and minimum parking spaces.
2. The minimum site area may be reduced as follows:
  - a. For any lots in a zoning district with a minimum site area of 1 acre or smaller, the minimum site area may be reduced up to 15 percent.
  - b. For any lots in a zoning district with a minimum site area of more than 1 acre, the site area may be reduced up to 25 percent.

**C. Application:**

1. All applications shall be made on forms supplied by the Director and shall include an accurate site plan.
2. The Director shall review the application for compliance and completeness. If there are deficiencies, the applicant shall be notified.

**D. Notice to affected property owners.** The Director shall mail a notice to the surrounding property owners within 300 feet of the subject parcel. A copy of the application shall be included with the

notice, which shall state that all comments concerning the proposed request must be forwarded to the Community Development Department in writing within 15 days from the date the notice was mailed.

**E. Action on application:**

1. Based on staff comments and those from affected property owners, the Director shall review the proposed development, request modification(s) of the standard(s), and approve, approve subject to conditions, or deny the application within seven working days from the end of the 15-day comment period.
2. The Director shall use the following criteria to evaluate the proposal:
  - a. The proposed modification will not violate any provisions of the Apache County Comprehensive Plan, area plans, duly adopted master plans, or other provisions of the applicable ordinances and regulations;
  - b. The proposed modification will not substantially reduce the amount of privacy currently enjoyed by nearby property owners if the development is located as specified by these regulations;
  - c. The proposed modification will not substantially and adversely affect traffic or traffic circulation, drainage, sewage treatment systems, or other such systems; and
  - d. The modification does not create a situation where the proposed use of the property will create a hazard or nuisance.
3. The Director shall, via certified mail, provide the applicant with a notice of disposition and written statement of the decision and reasons therefore, and any conditions of approval. Notice shall also be sent to the surrounding property owners within 300 feet of the site and shall include information on how to appeal the decision made by the Director and the appeal deadline.

**F. Appeals.** The decision of the Director may be appealed to the Board of Adjustment and Appeals as follows:

1. An appeal concerning interpretation or administration of these ordinances may be taken to the Board of Adjustment and Appeals by any person aggrieved or affected by the decision of the Director. Such appeal shall be taken within 30 days by filing with the Director a notice of appeal specifying the grounds therefore on forms provided by the Community Development Department. The Director shall transmit to the Board of Adjustment and Appeals all papers constituting the record of the action being appealed. Such appeal shall stay all proceedings in the matter being appealed unless the Director certifies to the Board of Adjustment and Appeals that, by reason of the facts stated in the appeal, the stay would in the Director's opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed except by a restraining order granted by the Board of Adjustment and Appeals or by a court of record. The Board of Adjustment and Appeals shall fix a time for hearing the appeal and give notice thereof to the parties in interest and the public as set forth in Article 12.
2. Appeals of decisions made by the Director that fall within the scope of A.R.S. § 11-810 shall follow those procedures established by ordinance by the Board of Supervisors for the processing of such appeals.