

What is the purpose of a Variance?

Variances from the regulations of the Zoning Ordinance may be granted only when **unusual circumstances affecting a property** deprive that property of privileges enjoyed by other properties in the vicinity and within the same zone. Unusual circumstances may include lot size, shape, topography, location, or surroundings.

Any approved Variance comes with conditions that assure that the adjustment doesn't grant special privileges inconsistent with the limitations upon other properties in the vicinity and within that zone. The Board of Adjustment hears Variance cases and must make the Findings of Fact (listed within this brochure) in order to approve a Variance. More information about Variances is found in Section 5.8 of the Zoning Ordinance.

The power to grant Variances does not extend to land uses. Variances are for specific dimensional or area regulations, such as:

- Fences, Walls, Screening
- Landscaping and Hedges
- Minimum Site Area, Width, Depth
- Front, Side, and Rear Yards
- Lot Coverage and Usable Open Space
- Distances Between Structures
 - Height of Structures
 - Signs
- Off-Street Parking Facilities
- Frontage on a Public Street

ADDITIONAL FINDINGS FOR SIGNS

1. That the granting of the Variance will not detract from the attractiveness or orderliness of the surrounding neighborhood or infringe on the similar rights of others.
2. That the granting of the Variance will not create a hazard to public safety.

ADDITIONAL FINDINGS FOR PARKING

1. That neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specified regulation.
2. That the granting of the Variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic on the streets.
3. That the granting of the Variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance.

WHAT IS THE FEE FOR A VARIANCE?

Please contact the Coconino County Community Development Department for the current adopted fee schedule, or find it on our website.

Coconino County Community Development

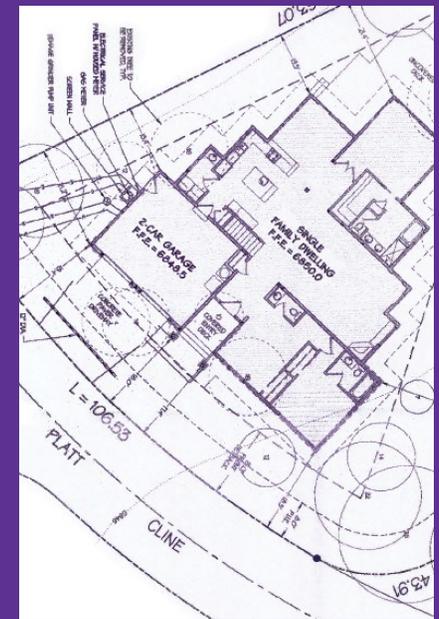
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Flagstaff, AZ 86001

Phone: 928.679.8850 or 1.800.559.9289
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www.coconino.az.gov/communitydevelopment



Requesting a VARIANCE



Coconino County
Community
Development

The VARIANCE Process

THE VARIANCE PROCESS

1. Pre-Application Meeting
2. Application
3. Legal Notice
4. Staff Report
5. Public Hearing

1. PRE-APPLICATION MEETING

Prior to the submission of an application for a Variance, the applicant must schedule a free pre-application meeting to obtain information and guidance before entering into binding commitments or incurring substantial expense in the preparation of plans, surveys, and other data.

2. APPLICATION

After the pre-application meeting, a formal application for a Variance may be submitted. There are other submittal requirements including a site plan, survey, and project narrative. Complete applications will then be scheduled for a Board of Adjustment public hearing. A planner will be assigned the Variance case, and may contact the applicant for additional information.

3. LEGAL NOTICE

A minimum of 15 days prior to the public hearing, the case is advertised in the Legal Notice section of the local newspaper, a sign containing a description of the proposal is posted on the property, and all property owners within an identified radius of the project are notified by mail. When the property is being posted, staff will make a site investigation, looking at adjacent land uses and analyzing the potential impacts of the Variance.

4. STAFF REPORT

About 2 weeks prior to the public hearing, staff prepares a report evaluating the application, which is provided to the applicant during the week prior to the hearing. The report generally includes a recommendation for approval or denial, as well as conditions which must be met in order to approve the Variance. Applicants should review the recommended conditions and be prepared to discuss them at the hearing.

5. PUBLIC HEARING

Applicants should arrive at the start of the public hearing. Cases are called in the order on the agenda.

Staff Presentation. When the case comes up, staff presents the report and recommendation. After the staff presentation, the applicant or applicant's representative will have an opportunity to speak. Following questions to the applicant, the Board Chairperson opens the hearing for public comment. Anyone with comments pertinent to the case will be heard.

Board of Adjustment Analysis. In reaching a recommendation, the Board considers the staff report, input from the applicant and the public, as well as their own knowledge of the area and their ability to make the Variance *Findings of Fact*, as listed in this brochure. The Board will then vote to approve or deny the request. If more information is needed, the Board of Adjustment may continue the case.

Appeals and Revocation. If the applicant or an affected party wishes to appeal within 30 days of the decision, the case is heard by the Superior Court. If the applicant does not comply with the conditions of approval, the Variance may be revoked.

Findings of Fact for a Variance

To grant a Variance, the Board of Adjustment must make **one** of the following Findings of Fact:

A. That the Variance is necessary for the preservation of substantial property rights and that strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this Ordinance.

B. That there are preexisting exceptional or extraordinary circumstances or conditions applicable to the land or buildings that were not created or self-imposed by the applicant, and that do not apply generally to other properties in the same zone.

C. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the same zone.

AND

The Board of Adjustment must make **both** of the following Findings of Fact:

D. That the granting of the Variance as conditioned is the minimum that will accomplish this purpose and will not constitute the granting of a special privilege inconsistent with the limitations on other properties in the same zone.

E. That the granting of the Variance will not be detrimental to the public health, safety, or welfare, or materially injurious to the public or properties or improvements in the vicinity.