

**BOARD OF ADJUSTMENT OF
THE TOWN OF DEWEY-HUMBOLDT
REGULAR PUBLIC MEETING NOTICE
Tuesday February 21, 2012, 2:00 P.M.**

**BOA REGULAR PUBLIC MEETING
2735 S. HWY 69**

**COUNCIL CHAMBERS, TOWN HALL
DEWEY-HUMBOLDT, ARIZONA**

AGENDA

The issues that come before the Board of Adjustment are often challenging and potentially divisive. In order to make sure we benefit from the diverse views to be presented, the Board believes that the meeting be a safe place for people to speak. With this in mind, the Board asks that everyone refrain from clapping, heckling and any other expressions of approval or disapproval. Please turn off all cell phones. The Board meeting may be broadcast via live streaming video on the internet in both audio and visual formats. A majority/quorum of the Dewey-Humboldt Town Council may be in attendance at this meeting, but no Council deliberation will occur. During recess of a BOA Hearing, a BOA Member shall not communicate with any BOA Member or applicant, witness or the Planning Administrator. **NOTICE TO PARENTS:** Parents and legal guardians have the right to consent before the Town of Dewey-Humboldt makes a video or voice recording of a minor child. A.R.S. § 1-602.A.9. Dewey-Humboldt Council Meetings are recorded and may be viewed on the Dewey-Humboldt website. If you permit your child to participate in the Council Meeting, a recording will be made. You may exercise your right not to consent by not permitting your child to participate or by submitting your request to the Town Clerk that your child not be recorded.

1. Call To Order.

2. Pledge of Allegiance.

3. Roll Call. Board Members Judy Davidson, and Frank Davidson; Vice Chair Jack Hamilton; and Chair Lydia Chapman.

4. Consent Agenda.

4.1. Minutes. Minutes from the November 21, 2011, and January 20, 2012 Board of Adjustment meetings.

5. Discussion Agenda – Unfinished Business. Discussion and Possible Action on matters previously presented to the Board.

5.1 Discuss Planner's, and Board of Adjustment Processes

5.2 Review of new application, packet forms and sample Planner's Hearing Report.

5.3 How Board of Adjustment and Planner can best work collaboratively, and establish guidelines.

5.4 Review time-lines for packet distributions; Planner's Pre-Application Review and Interview; Guidelines for Board of Adjustment site visits.

6. Discussion Agenda-New Business- Discussion and Possible Action on matters not previously presented to the Board.

6.1. Arizona Revised Statute 32-2161, False Statements or publications concerning land, subdivision or membership camping contract for sale or lease

6.2. Board of Adjustment Sample Notes-Samples from Mock Hearing (handout)

6.3. Sample Hearing Protocol-Discussion (handout)

7. Planners Report – Discussion and Possible Action.

THIS CONCLUDES THE LEGAL ACTION PORTION OF THE AGENDA.

8. Comments from Public

9. Comments from Board-no discussion.

10. Adjourn.

For Your Information:

Next Town Council Meeting: Tuesday, February 21, 2012 at 6:30 p.m.

Next Town Council Work Session: Tuesday, March 13, 2012 at 3:00 p.m.

Next Planning & Zoning Commission Meeting: Thursday, March 8, 2012 at 6:00 p.m.

If you would like to receive Town Council agendas via email, please sign up at AgendaList@dhaz.gov and type Subscribe in the subject line, or call 928-632-7362 and speak with Judy Morgan, Town Clerk.

Certification of Posting

The undersigned hereby certifies that a copy of the attached notice was duly posted at the following locations: Dewey-Humboldt Town Hall, 2735 South Highway 69, Humboldt, Arizona, Chevron Station, 2735 South Highway 69, Humboldt, Arizona, Blue Ridge Market, Highway 69 and Kachina Drive, Dewey, Arizona, on the _____ day of _____, 2012, at _____ p.m. in accordance with the statement filed by the Town of Dewey-Humboldt with the Town Clerk, Town of Dewey-Humboldt.

By: _____, Town Clerk's Office.

**TOWN OF DEWEY-HUMBOLDT
BOARD OF ADJUSTMENT
MEETING MINUTES
January 20, 2012, 2:00 P.M.**

A MEETING OF THE DEWEY-HUMBOLDT BOARD OF ADJUSTMENT WAS HELD ON FRIDAY, JANUARY 20, 2012, AT TOWN HALL, 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA. CHAIRPERSON, LYDIA CHAPMAN PRESIDED.

1. **Call to Order.** The meeting was called to order at 2:02 p.m.
2. **Pledge of Allegiance.** Made.
3. **Roll Call.** Board of Adjustment Members Judy Davidson, Vice Chair Jack Hamilton, and Chair Lydia Chapman were present. Member Frank Davidson arrived at 2:20.

4. Consent Agenda.

4.1 Approval of minutes from the October 21, 2011 meeting

Judy Davidson made a motion to approve the minutes with a correction of the month to read December instead of November. Jack Hamilton seconded the motion. The vote was unanimously yes.

5. **Discussion Agenda – Unfinished Business.** Discussion and Possible Action on matters not previously presented to the board.

5.1. Resolve “Board of Adjustment Case Studies” Frank Cassidy et al; pages 37 & 38 Mueller’s case.

Reviewed the case of Muller and the Board came to an agreement on what the intent of the case was.

6. Discussion Agenda – New Business

6.1. Review “Meeting Procedures” “Typical Hearing Process”

Board reviewed the document and agreed to follow as guide.

6.2 “Mock Hearing” Mock Hearing case of #07-V-02.

The Board conducted a mock hearing case with Staff and Nancy Wright as the applicant to run through the process of an actual hearing. Everybody learned from the experience.

6.3 “Evaluate Planners Process and Board of Adjustment

No action taken.

7. Planners Report

7.1 Hearing Application –brief report.

Moved to next month meeting.

7.2 Review of new application, packet form and sample Planner's hearing report

Moved to next month meeting.

7.3 How Board of Adjustment and planner can best work collaboratively and establish guidelines

Moved to next month meeting.

7.4 Review time-lines for packet distribution: Planners Pre-Application review and Interview; Guidelines for Board of Adjustment site visits

Discussed briefly, item will be addressed in detailed at next Board meeting.

8. Times of Meetings

8.1 Reschedule regular meeting times to reflect new operating hours for Town Hall

Board voted to move regulated scheduled meetings to the third Monday of each month at 2:00pm.

8.2 Hearing Dates: (a) which fall 30 days of application (b) time convenient for applicant (c) regular time if (a) b fulfilled

Board decided that there was no need to discuss this item at this time.

8.3 Projected 2012 Board of Adjustment hearing dates

The date for the projected case was not likely to happen before march or April.

9. Comments from Public

No comments from Public

10. Comments from Board-no discussion

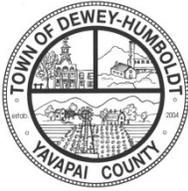
No comments from Board

11. Adjourned. The meeting was adjourned at 4:40 p.m.

Lydia Chapman, Chairperson

ATTEST:

Jack Hamilton, Vice Chairman



DEWEY-HUMBOLDT BOARD OF ADJUSTMENT HEARING APPLICATION

Date of Application _____; Case # _____; Parcel Number/s _____

Name of Appellant (applicant) _____

Is appellant owner? _____ Other (explain) _____

Current Zoning District _____ Year of Purchase _____ Year of Construction _____

Is the appellant requesting a Variance? _____; an interpretation of a zoning ordinance? _____

Or an appeal from an Administrative Decision? _____

(See Pages Three and Four of this application for specific information)

~~If a Variance is being sought for~~ Describe relief required if a variance is being sought, setbacks give current setbacks and requested setbacks if applicable. _____

Did the reason for this application exist before the current purchase of this property? Explain

Describe existing uses of the parcel: size and location of existing structures and buildings on
It. Reference maps, diagrams, drawings, photos submitted.

BOARD OF ADJUSTMENT AND APPEALS APPLICATION

For the Town of Dewey/Humboldt

If other than a setback, briefly describe what is being appealed: (Interpretation of an Ordinance; an Administrative error; decision; order; or enforcement). Give Dates.

If this is an appeal from the decision of the Zoning Administrator, please attach a copy of the Zoning Administrator's Final Determination.

Phone #'s: Home _____ Cell _____ Fax _____

Email _____ Other _____

Convenient Time/s Property May be Visited _____

Signature of Applicant or Representative _____

APPLICATION INFORMATION

Purpose of the Board of Adjustment

The purpose of the Board of Adjustment is to provide a quasi-Judicial body to the residents, so that they can ask for relief from the sometimes harsh effects of a zoning law. In cases where the strict and literal application would impose an unfair burden on a particular individual group, the Board may be able to alleviate this.

The Board of Adjustment must hold a public hearing on all appeals, and usually it is thirty days after the appeal is filed. The Board may decide to grant, modify or deny any appeal, and may also defer any action on any appeal when it decides that additional evidence is needed or that alternative solutions need further study

The legal authority of the Board is granted through A.R.S. 9-462.06:

***To Hear and decide appeals in which it is alleged there is an error in an order, requirement or decision made by the zoning administrator in the enforcement of an adopted zoning ordinance. The following are reasons for seeking an appeal:**

-An abuse of the official's discretion if it violates the intent and the policy of the statute that granted the decision-making authority. If an appellant can demonstrate that the decision was unreasonable, arbitrary, unfair, capricious, or discriminatory, then the decision should be reversed.

-Exceeding the official's power or authority outside the limits imposed on it by the statute or the ordinance that granted the authority.

-An error of law if it was based on an erroneous interpretation of statutes, ordinances, or regulations, or if any of these were wrong statutes, wrong ordinances, or wrong regulations.

-Fraud or bad faith or malice can invalidate an official decision, if they have influenced a decision or the manner in which it was made.

-Lack of evidence or any reasonable basis in fact invalidates a decision. Arbitrary judgment can reverse a decision

***To Hear and decide appeals for variances from the terms of the zoning ordinance.**

Four Key Criteria Standards to Apply:

- (1) A variance may be warranted if the property in question is associated with "special circumstances" that are inherent in the property – such as its size shape, topography or location, (surroundings) – that deprive the property of privileges enjoyed by other property of the same classification in the same zoning district.

APPLICATION INFORMATION-CONT.

2) A variance may be granted if its authorization is necessary to ensure the preservation of privileges and rights enjoyed by other property of the same classification in the same zoning district, without constituting a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located.

3) The special circumstances applicable to the property may not be self-imposed or created by the owner or applicant in order to receive a variance. **It is important to note that circumstances created by the previous property owner are applicable to the current owner.**

4) The granting of a variance should not be materially detrimental to persons residing or working in the vicinity, to adjacent property to the neighborhood, or to the public welfare in general.

Hearings and Rulings: Public Notice to parties of interest and to the public will be given within a minimum of seven (7) to fifteen (15) days after application by posting at the property of application, (if property is involved) and by publishing once in a newspaper of general circulation in the Town. The Board of Adjustment shall hold an initial public hearing within thirty (30) days after receiving the application, and shall render a decision either at the initial public hearing, or a subsequent hearing/s on a date agreed upon by the Applicant and the Board.

In approving an application (all or part) the Adjustment Board may designate such conditions that will maintain the integrity of the Ordinance and will ensure that such conditions are complied with. Once approved, variances stay with the land and do not expire unless stipulated otherwise. (Conditions applied to the Variance at Hearing Date of the Board of Adjustment) **Conditions applied to the variance at Hearing Board by the Board of Adjustment, applicant must request an additional extension if unable to meet stipulated conditions.**

A vote of three (3) members of the Board shall be necessary to render a ruling.

Appeal to the Courts Within 30 days after the board has made a decision and has filed this decision, a person aggrieved by the decision of a municipal officer may file a complaint for special action in the Superior Court for review of the Board’s decision. Filing the complaint does not stay proceedings on the decision appealed. The Court may, however, grant a stay upon application and on final hearing, may affirm or reverse, in whole or in part, or modify the decision reviewed.

STAFF REPORT

Staff Report: Staff should create his own format for reporting at the Public Hearing. This would be a part of the public record and of a Court Record. This report should include these items, and if there is an item of importance, in your judgment, please include in the appropriate place.

-Brief Identifying Data

-History of the property (zoning, land splits, use now, past use, non-conforming-why? Etc.)

-What are applicant's plans for further use of the property?

-Your observations of the property (use photos, maps, drawings, etc.)

-Four Criteria Standards that apply to the property, (see pp. 3 and 4) Be descriptive in your discussion of "special circumstances", - describe rather than label, to avoid difficulty in case the Board does not concur with your assessment, and the applicant therefore reacts.

-Be thorough in writing up Criteria Standards, 2, 3, 4, since this may be information that the Board does not have a familiarity with.

-Give any reasons that are restrictive if there were no variance granted.

-Give a staff position on why a variance should or should not be granted.

-How is variance consistent with the Community Plan?

-Will integrity of the zoning district be maintained?

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**VARIANCE HEARING
APPLICATION CHECK LIST**

1. A FEE IN THE AMOUNT OF \$_____.

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.

***To Hear and decide appeals for variances from the terms of the zoning ordinance.**

Four Key Criteria Standards to Apply:

(1) A variance may be warranted if the property in question is associated with “special circumstances” that are inherent in the property – such as its size shape, topography or location, (surroundings) – that deprive the property of privileges enjoyed by other property of the same classification in the same zoning district.

2) A variance may be granted if its authorization is necessary to ensure the preservation of privileges and rights enjoyed by other property of the same classification in the same zoning district, without constituting a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located.

3) The special circumstances applicable to the property may not be self-imposed or created by the owner or applicant in order to receive a variance. **It is important to note that circumstances created by the previous property owner are applicable to the current owner.**

4) The granting of a variance should not be materially detrimental to persons residing or working in the vicinity, to adjacent property to the neighborhood, or to the public welfare in general

DIRECTIONS TO PROPERTY

PERMISSION TO ENTER PROPERTY (~~MUST BE NOTARIZED~~)

PLOT PLAN DRAWN TO ~~ENGINEER'S~~ SCALE (no smaller than 1" = 60')

3. DOCUMENTS TO BE SUBMITTED BY THE APPLICANT:

- AGENT AUTHORIZATION (if applicable)
- RECORDED DEED AND LEGAL DESCRIPTION
- ~~PHYSICIAN'S LETTER OF RECOMMENDATION FOR SUPERVISORY CARE
(if applicable—Secondary Medical Dwellings)~~
- 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. ALL RELATED CONCERNS AND/OR QUESTIONS 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 ADJUSTMENT

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

Board of Adjustment members are appointed by the Town Council 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 render and 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 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 Adjustment and be prepared to present your request.

MAY A DECISION BY THE BOARD OF ADJUSTMENT 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 Adjustment.

TIPS ON APPEALING TO THE BOARD OF ADJUSTMENT:

- 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) to the Public Hearing.
- Clarify to the Council 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 Town. The Board of Adjustment 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 condition 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.~~

TOWN OF DEWEY-HUMBOLDT
Hearing Application for Variance

Case.# _____ Assessor's Parcel# _____

Name _____ Supervisor District _____
(Print)

~~In accordance with A.R.S. 9-462.06, a variance may be granted from the terms of the Town Planning and Zoning Ordinance if the following requirements are satisfied to the Board of Adjustments and Appeals by the applicant.~~

~~PLEASE ANSWER THE BELOW REQUIREMENTS.~~

~~— 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, special circumstances 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

PERMISSION TO ENTER PROPERTY

APPLICATION #: _____ PARCEL #: _____

LEGAL DESCRIPTION: _____

NAME(S): _____

ADDRESS: _____ PHONE: _____

~~I, undersigned, hereby give permission to the Town of Dewey Humboldt 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 Town of Dewey Humoldt 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 Town of Dewey Humboldt Panning and Zoning Ordinance; or for any investigation for conditions, compliance, and stipulations under the terms of the Town of Dewey Humboldt Planning and Zoning Ordinance and public hearings concerning this pareel. 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

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.~~

- ~~(-) 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 structures use~~
- ~~(-) Adjacent streets/roads~~
- ~~(-) Driveway(s) and material used (i.e. gravel, concrete...)~~
- ~~(-) Location, Size, Dimensions of Septic System with Leach Area~~
 - ~~== Pere 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~~



**BOARD OF ADJUSTMENT
STAFF REPORT**

Agenda #

TO: BOARD OF ADJUSTMENT

**THROUGH: GREGORY ARRINGTON, CODE ENFORCEMENT/COMMUNITY OUTREACH
COORDINATOR**

MEETING DATE: JANUARY 20, 2012

SUBJECT; VARIANCE REQUEST FOR

REQUEST

(Brief identifying data)

Sample

APPLICANT/OWNER

HISTORY

(Zoning, land splits, current use, past use, non-conforming-why, etc.)

CURRENT ZONING REQUIREMENTS

REQUESTED VARINANCE

PUBLIC PARTICIPATION

STAFF RECOMMENDATION

Conditions

Is variance consistent with community plan?

Will integrity of the zoning district be maintained?

EXHIBITS

Photos

Maps

Documents

County Parcel Information

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Arizona State Legislature

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[32-2161. False statements or publications concerning land, subdivision or membership camping contract for sale or lease; classification; definition](#)

A. Every person who knowingly authorizes or directs any publication or any false statement or representation concerning any land, subdivision or membership camping contract offered for sale or lease, and every person who, with knowledge that any advertisement, pamphlet, prospectus, or letter concerning the land, subdivision or membership camping contract contains any written statement that is false or fraudulent, issues, circulates, publishes or distributes it or causes it to be issued, circulated, published or distributed, or who in any respect knowingly violates or fails to comply with any order, permit, decision, demand or requirement of the commissioner under the provisions of this chapter, is guilty of a class 6 felony and, if a licensee, shall be tried before the commissioner for suspension or revocation of his license.

B. For purposes of this section, "knowingly" or "with knowledge" includes, but is not limited to, engaging in any conduct prohibited in subsection A if such person knew or should have known of the falsity of any statement or representation.