

**BOARD OF ADJUSTMENT  
FOR THE TOWN OF DEWEY-HUMBOLDT  
REGULAR MEETING NOTICE - AMENDED  
TUESDAY, DECEMBER 22, 2020 9:00 A.M.**

**DEWEY-HUMBOLDT TOWN HALL  
COUNCIL CHAMBERS  
2735 S. HWY 69, SUITE 10  
HUMBOLDT, ARIZONA 86329**

**NOTICE OF MEETING OF THE DEWEY-HUMBOLDT  
BOARD OF ADJUSTMENT**

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Dewey-Humboldt Board of Adjustment and to the general public that the Board of Adjustment will hold a public meeting (see notes about public participation below) on **Tuesday, December 22, 2020, at 9:00 a.m., at the Dewey-Humboldt Town Hall Council Chambers, 2735 S. Highway 69, Suite 10, Humboldt, Arizona 86329.** Members of the Board of Adjustment will attend by audio/video conference call.

***THIS MEETING WILL BE HELD BY REMOTE PARTICIPATION ONLY***

Due to the federal government's declaration of a COVID-19 pandemic and the resulting Executive Orders from Arizona Governor Ducey to limit events of people in personal contact and Mayor Nolan's declaration of an emergency based on the COVID-19 pandemic, the following accommodations are provided for public participation at the Council Meeting:

- Viewing live streaming audio only on the Town's website, at:  
<http://az-deweyhumboldt.civicplus.com/2164/Town-Meeting-Documents-and-Videos>
- Viewing and potentially participating in the meeting via Join Zoom Meeting:
  - Computer: <https://zoom.us/j/83790754812>
  - Telephone: (301) 715-8592
  - Meeting ID: 837 9075 4812
- Submitting comments via email to the Interim Town Clerk at [BethEvans@dhaz.gov](mailto:BethEvans@dhaz.gov). Comments should be submitted no later than 3:30 p.m. on the day of the meeting. Please identify the agenda item and your first and last name.

**DEWEY-HUMBOLDT BOARD OF ADJUSTMENT 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. Agenda items may be taken out of order. 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 quorum of Council may be present. One or more members of the Board may attend either in person or by telephone, video or internet conferencing. **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. Roll Call** Board Members Gary Ford, Linda Horvath, Nancy Wright, Vice-Chair Ulys Brooks, Chair Cheryl Taylor

**3. Pledge of Allegiance**

#### 4. Consent Agenda

All matters listed under the Consent Agenda are considered to be routine by the Board and will be enacted by one motion. Any item may be removed from the Consent Agenda for separate consideration at a Board Member's request. If a citizen desires separate consideration of an item, he or she should approach a Board Member prior to the meeting and ask that the Board Member request that the item be removed.

Page 3 **A. Approval of Minutes of February 19, 2020, Board of Adjustment Meeting**

#### 5. Public Hearing Agenda Discussion and Possible Legal Action may be taken.

7 **A. ITEM #: V-20-002:**

**Request: Approve a variance of the side yard setbacks to allow 16- and 18-foot side yard setback, where 20-foot side setbacks are required. The property is located at 13280 E. Wells Street in the Town of Dewey-Humboldt, being Yavapai County Assessor's parcel number 402-0-040A.**

1. Staff Report
2. Open Public Hearing and Receive Public Comments
3. Close Public Hearing
4. Board Discussion

#### 6. Adjourn

Persons with a disability may request reasonable accommodations by contacting the Town Hall at 632-7362 at least 24 hours in advance of the meeting.

#### **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 \_\_\_\_\_, 2020, at \_\_\_\_\_ a.m./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.

Persons with a disability may request reasonable accommodations by contacting the Town Hall at 632-7362 at least 24 hours in advance of the meeting.

#### **For Your Information:**

Next Town Council Meeting: Tuesday, January 5, 2021 at 6:30 p.m.

Next Town Council Work Session: Tuesday January 12, 2021 at 6:30 p.m.

Next Board of Adjustment Meeting, if needed: Tuesday, January 26, 2021 at 9:00 a.m.

If you would like to receive Town Council agendas via email, please sign up at [AgendaList@dhaz.gov](mailto:AgendaList@dhaz.gov) and type Subscribe in the subject line, or call 928-632-7362 and speak with Beth Evans, Interim Town Clerk.

**BOARD OF ADJUSTMENT  
FOR THE TOWN OF DEWEY-HUMBOLDT  
REGULAR MEETING MINUTES**

**FEBRUARY 19, 2020**

**A REGULAR MEETING OF THE DEWEY-HUMBOLDT BOARD OF ADJUSTMENT WAS HELD ON TUESDAY, FEBRUARY 19, 2020 AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA. CHAIR CHERYL TAYLOR PRESIDED.**

1. **Call To Order** Chair Cheryl Taylor called the meeting to order at 9:00 a.m.
2. **Roll Call** Board Members Gary Ford, Linda Horvath, Nancy Wright, Vice-Chair Ulys Brooks, Chair Cheryl Taylor were present.
3. **Pledge of Allegiance** Led by Karen Brooks.

**4. Consent Agenda**

**A. Approval of Minutes of May 28, 2019, Board of Adjustment Meeting**

BM Ford made a motion to approve the Minutes of May 28, 2019, Board of Adjustment Meeting, seconded by Vice-Chair Brooks. Chair Taylor called for the vote on the motion: BM Horvath – aye; BM Wright – aye; Vice-Chair Brooks – aye; Chair Taylor – aye; BM Ford – absent. The motion passed unanimously.

**5. Old Business**

None

**6. New Business**

None

**7. Public Hearing Agenda** Discussion and Possible Legal Action may be taken.

**A. ITEM #: V-20-001:**

**Request:** Approve a variance of the side yard setbacks to allow 40-foot front yard setback, where a 50-foot front setback is required. The property is located at 13905E. Quarterhorse Ln. in the Town of Dewey-Humboldt, being Yavapai County Assessor's parcel number 402-24-123.

Planning Consultant (PC), Steven Brown, noted a typo in the request. He said it is a front yard setback not a side yard setback.

**1. Staff Report**

PC Brown said that the applicant, Ryan Pilgrim, is seeking as variance to allow a 40-foot front yard setback, where a 50-foot setback is required by Town code and is zone R1-70 which requires a minimum 70,000 sq. ft. He said Town code requires a 50-foot front setback and a 25-foot side setback. Mr. Brown stated staff has received a letter of support from the property owner to the west of Mr. Pilgrim's property (Robert and Marilyn Wilson), attached to the packet.

Mr. Brown stated the applicant provided a drainage study to support their request for why the property is limited as to where it can be built because of the flood plain situation and why they needed to make this request.

Mr. Brown stated there is an aerial photo of the property on page 46 of the packet.

Chair Taylor stated in one place in the packet it states the Town created this issue due to a culvert that was installed and asked if this was correct. PC Brown stated that may be a claim of the applicant, but it is not in the Staff Report.

Chair Taylor asked if the applicant would like to make a presentation. Mr. Pilgrim spoke that this lot was owned by his wife's grandmother in the early 80s and she now lives with them. He said the property has been sold two or three times as a vacant lot in the past. He said when blueprints have been presented in the past; the Town has wanted an engineering report, mainly due to the culvert that was put in under Foothill Drive years ago for deer to cross underneath it. He said because of the size of the culvert, the potential water flow that could flow through that culvert is what has caused this request for needing more information. Mr. Pilgrim stated the property is not in a Federal Emergency

Management Area (FEMA) recognized flood zone. Mr. Pilgrim stated he had an engineered report done by Marc DuBroy with DuBroy Engineering, LLC, which is quite extensive, and he also had a soils test done and a perimeter survey of the property. Mr. DuBroy recommends that we stay inside the box that he notes on the report on page 44. Mr. Pilgrim stated the variance is for a porch accessory on the front of the house, not the actual structure of the house. He stated he has already downsized the house quite a bit, and he hoped he had done his due diligence for this request.

Chair Taylor stated there appears to be a discrepancy on the well location as to what is noted on pages 26 and 44. She said page 26 shows the well is down off of the erosion area, and page 44 shows the well up from the erosion area. She said the one on page 26 would allow moving the house further to the west, but the one on page 44 shows the well would be blocking the house from moving it to the west. PC Brown stated it may be the orientation of the map. Mr. Pilgrim stated the east to west direction is okay, it's the north to south direction where the problem is and said he has no problem moving it east or west. He said the one with the actual structure on it is more accurate and he was going to keep the well out of the erosion area. There was further discussion with Board, PC Brown and Mr. Pilgrim on the well location.

BM Wright asked if it is just the porch that goes into the 50-foot setback. Mr. Pilgrim said yes, the porch is intruding the variance. BM Wright asked if the measurement was 40 feet. Mr. Pilgrim stated the front variance is 50 feet per code and the engineer is asking for a 10' variance, but it is probably going to be a 6- or 7-foot variance which gives us a little bit of room.

Chair Taylor stated the front wall of the garage is right on the line. Mr. Pilgrim said yes, he has tried to condense it to the point so that the structure of the house is the 50-foot variance on the front, and that the accessory porch is what is intruding into the setback. PC Brown stated on page 45 there are elevations that show the porch.

BM Horvath asked if it was just the roof part of the porch and asked if there was going to be a concrete slab for the porch. Mr. Pilgrim stated the porch will be an enclosed porch with steps going up to the porch.

Vice-Chair Brooks asked if he was going to use the existing septic and how far is it from the leach field. Mr. Pilgrim stated he believed it was 60 feet. PC Brown stated it is required to be 50 feet. Mr. Pilgrim stated there was a house on the property before, so the utilities are already there. PC Brown stated County Health will need to be contacted when Mr. Pilgrim applies for the building permit.

Vice-Chair Brooks asked how the deep was. Mr. Pilgrim stated he'd have to look at the well report, but thought it was less than 300 feet.

## **2. Open Public Hearing and Receive Public Comments**

None

## **3. Close Public Hearing**

Closed Public Hearing at 9:23 a.m.

## **4. Board Discussion**

PC Brown stated if you are going to move to approve the variance, there are certain findings that need to be made in order to approve it.

Chair Taylor read the findings:

1. The property is associated with "special circumstances" that make building on this historically narrow lot challenging in the extreme.
2. The variance is necessary to assure that this property owner enjoys the same rights and privileges as other property owner in the same locale.
3. The special circumstances are not self-imposed, as the property was subdivided back in 1918 in the current configuration.
4. The granting of the variance will not be detrimental to persons working or living in the vicinity. It is safe to say that owners of property throughout this vicinity will be faced with the same development challenges in future, when they build.

Chair Taylor stated she had concerns both ways. She stated she would like to know exactly where the well was. She also stated that by the Town placing the larger culvert, it possibly made the water flow more extensive, making it a special circumstance which has failed other applicants in getting a house built on the property over recent years.

BM Ford made a motion to approve the variance as recommended by staff, seconded by BM Horvath. Chair Taylor called for the vote: BM Ford – aye; BM Horvath – aye; BM Wright – aye; Vice-Chair Brooks – aye; Chair Taylor - aye. The motion passed unanimously.

**8. Adjourn**

Vice-Chair Brooks made a motion to adjourn, seconded by BM Wright. Chair Taylor called for the vote: BM Ford – aye; BM Horvath – aye; BM Wright – aye; Vice-Chair Brooks – aye; Chair Taylor - aye. The motion passed unanimously. The meeting was adjourned at 9:27 a.m.

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Chair Cheryl Taylor

ATTEST:

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Beth Evans, Administrative Assistant II

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TOWN OF DEWEY-HUMBOLDT

2735 S HWY 69

HUMBOLDT AZ 86329

928-632-7362

ZONING PERMIT

Z-20-200309



Date Issued: 11/13/2020

Location: 13280 WELLS ST E 86329

Permit issued to: OWNER

Subdivision:

Zoned As: R135

Parcel ID: 402-07-040A

Legal:

Owner: MILES, JONES AND MARGARET

Address: 13280 E WELLS ST

City ST ZIP: HUMBOLDT, AZ

86329

PH: 909-553-3751

Contractor:

Address:

City ST ZIP:

PH:

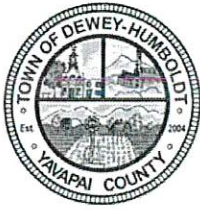
Improvement Desc: VARIANCE OF SIDE YARD SETBACKS  
V-20-002

Remarks:

VARIANCE OF SIDE YARD SETBACKS  
V-20-002

Fee Paid

250.00



**TOWN OF DEWEY-HUMBOLDT**  
**"Arizona's Country Town"**

V-20-002  
**Development Permit**  
**Application**  
 Community Development  
 P.O. Box 69  
 Humboldt, AZ 86329

www.dhaz.gov

Phone: 928-632-7362, Fax: 928-632-7365

DATE: 11/13/2020 PARCEL #: 402-07-040A PERMIT #: 2-20-200305

PROJECT DESCRIPTION: Side yard setback variances

- General Plan Amendment - Major
- General Plan Amendment - Minor
- Pre-Application
- Community Master Plan
- Major Use / Site Plan
- Preliminary Plat
- Commercial Design Review
- Annexation
- Zoning Clearance
- Conditional Use Permit
- Abandonment
- Rezone
- Land Split
- Lot Combine
- Variance
- Area Plan / Amendment
- Final Plat / Amendment
- Lot Line Adjustment
- Reasonable Accommodation: (Complete and attach Reasonable Accommodation Request Form.)
- Subdivision Sketch Plan

**LEGAL DESCRIPTION:**

Property Address: 13280 E Wells St Number of Lots / Units Proposed: 1  
 Assessor's Parcel Number: 402-07-040A Parcel Size (Acres): .3  
 Existing Land Use District: \_\_\_\_\_ Proposed Land Use District: \_\_\_\_\_  
 Plat Name: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_ Tract: \_\_\_\_\_

**DESCRIBE UTILITIES AVAILABLE TO PROPERTY:**

- Water \_\_\_\_\_
- Gas \_\_\_\_\_
- Sewer \_\_\_\_\_
- Phone \_\_\_\_\_
- Electric \_\_\_\_\_
- Cable \_\_\_\_\_

**GRADING:**

- Yes Approx. CU \_\_\_\_\_
- N/A

Describe Public Access to Property: \_\_\_\_\_

APPLICANT INFORMATION:		OWNER INFORMATION:	
Name:	<u>Jones R. Miles</u>	Name:	<u>Jones R. Miles</u>
Address:	<u>13280 E Wells St</u>	Address:	<u>13280 E Wells St</u>
Phone:	<u>909 553 3751</u>	Phone:	<u>909 553 3751</u>
Email:	<u>margaretmiles111@outlook.com</u>	Email:	<u>margaretmiles111@outlook.com</u>

**\*NOTE:** If application is being submitted by someone other than the owner of the property under consideration, a letter of authorization or other corresponding information must be provided.

[Signature]  
 Signature of owner or representative

11/13/2020  
 Date

**OFFICE USE ONLY**

APPROVALS	INITIALS	DATE	PERMIT FEE	ISSUE DATE:
PLANNING & ZONING	<u>[Initials]</u>	<u>11/13/20</u>	\$ <u>250.00</u>	<u>11/13/2020</u>
PUBLIC WORKS			\$ _____	
YC FLOOD			\$ _____	
OTHER			\$ _____	
			TOTAL	RECEIPT # <u>R222937</u>

R1-35 40' FRONT & REAR ; 20' SIDES

**NOTE: DEVELOPMENT PERMITS REQUIRE A NON-REFUNDABLE PAYMENT IN FULL UPON SUBMITTAL OF APPLICATION.**



**TOWN OF DEWEY-HUMBOLDT**  
**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 \_\_\_\_\_

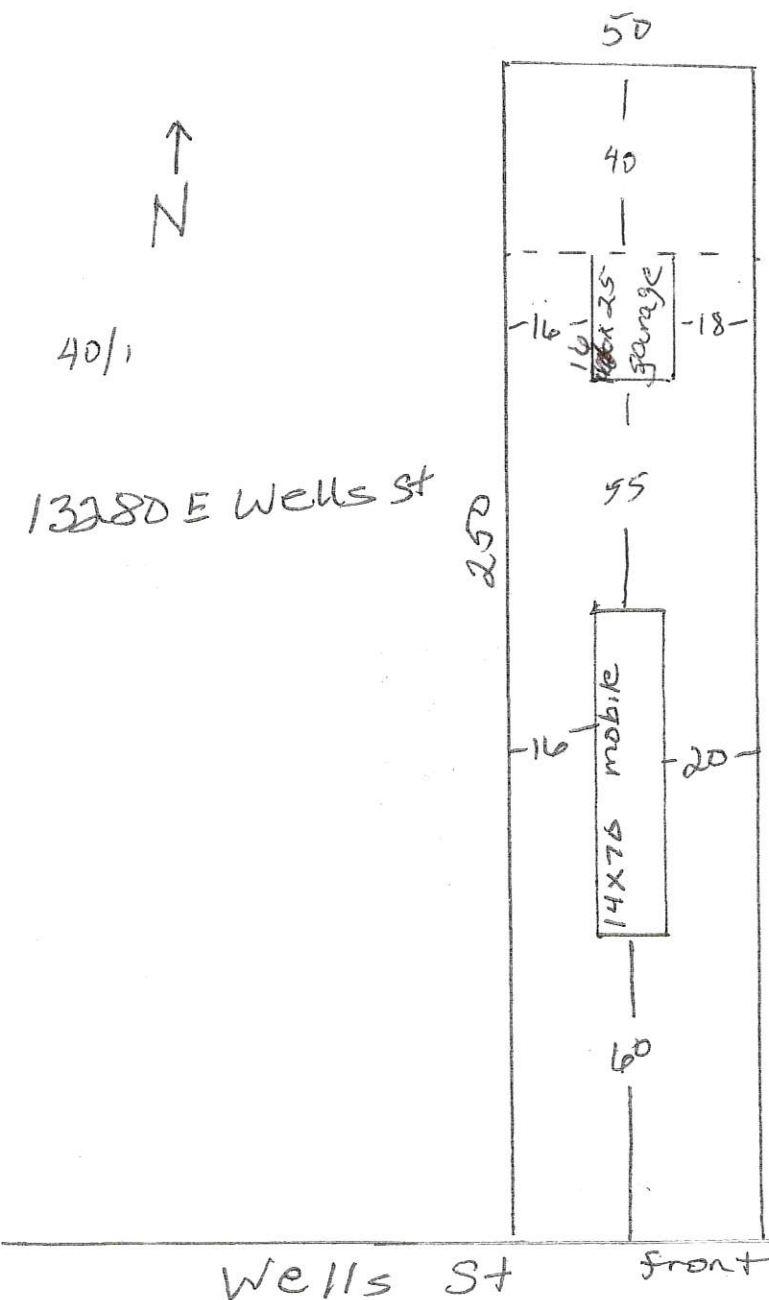
Orientation of Plot Plan

Dimension & Lettering				
Dimension & Lettering				

Document #  
 Sec 14  
 Twn 13  
 Rng 1E  
 A P N 402-07-0404

Zoning: \_\_\_\_\_  
 Stories: \_\_\_\_\_  
 Height: \_\_\_\_\_  
 Slope: \_\_\_\_\_ %  
 FY: \_\_\_\_\_  
 RY: \_\_\_\_\_  
 EY: \_\_\_\_\_  
 IY: \_\_\_\_\_  
 LC: \_\_\_\_\_  
 Lot Area \_\_\_\_\_  
 Lot % \_\_\_\_\_  
 Density Used: \_\_\_\_\_  
 Scale: \_\_\_\_\_

North Arrow



MUST BE DRAWN TO SCALE PER CHECKLIST. An additional 8 1/2" x 11" sheet may be used to provide an area map for a parcel which exceeds 2 acres or dimensions of 300 feet.

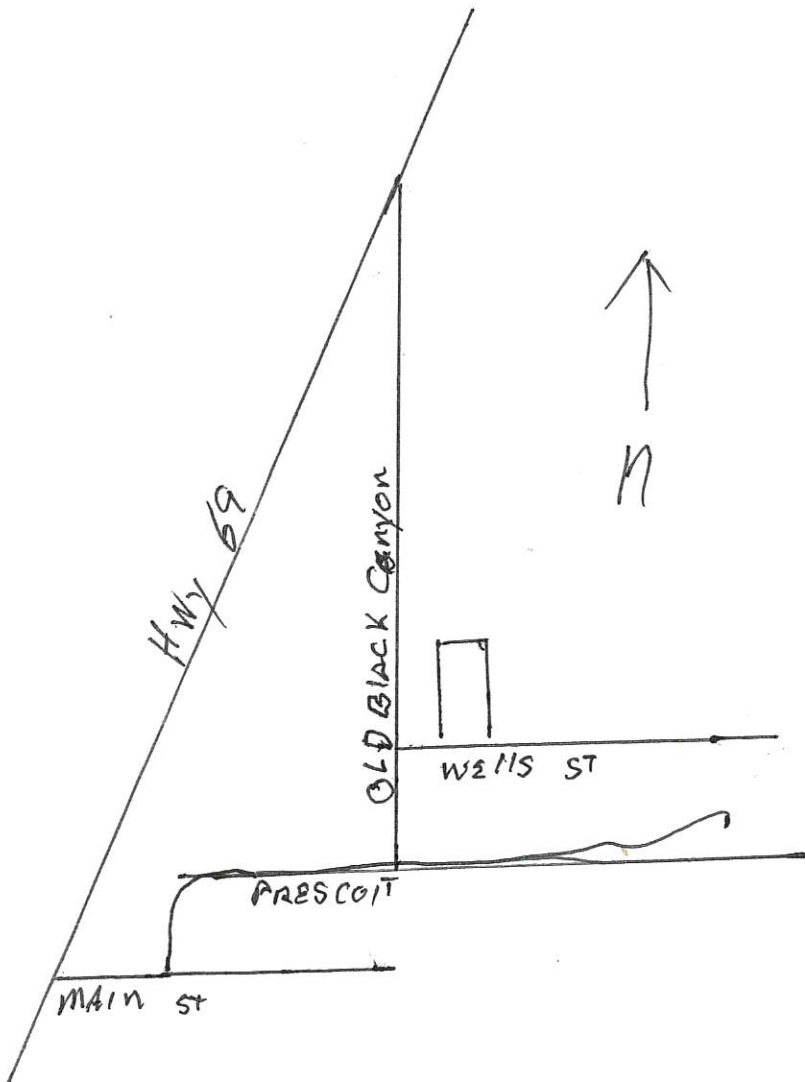


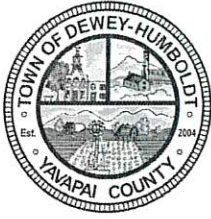
# Town of Dewey-Humboldt

## Directions to Site

- An actual detailed line map is needed, not written instructions.
- Use starting point of Highway 69 (a North to South Rd)
- Make sure street names and north arrows ARE readable.
- If the map is not adequate it could cause a delay in issuing your permit.

Parcel ID: 402-07-040A Address: 13280 Wells St





**DEWEY-HUMBOLDT BOARD OF ADJUSTMENT  
HEARING APPLICATION**

Date of Application 11/13/2020 Case # V-20-002 Parcel Number(s) 402-07-040A

Name of Applicant (appellant) Jones + Margaret Miles

Applicant owner       Other (explain) \_\_\_\_\_

Current Zoning District R1-35 Year of Purchase 2020 Year of Construction \_\_\_\_\_

Is the applicant requesting a:

Variance       Interpretation of a zoning ordinance       Appeal from an administrative decision

**(See pages three and four of this application for specific information)**

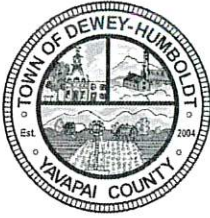
Describe relief required if a variance is being sought. Give current setbacks or requested setbacks if applicable. Variance of side yard setbacks  
of 16 s 18 feet where 20 feet setbacks  
are required.

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

yes

Describe existing uses of the parcel: size and location of existing structures and buildings on it. Submit relevant reference maps, diagrams, drawings, photos, graphs.

single-wide mobil home



**TOWN OF DEWEY-HUMBOLDT**  
P.O. Box 69, Humboldt, AZ 86329  
Phone 928-632-7362 • Fax 928-632-7365

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

*N/A*

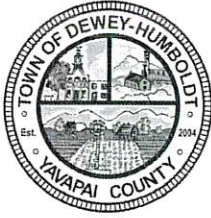
If this is an appeal from the decision of the Zoning Administrator, please attach a copy of the Zoning Administrator's Final Determination, and supporting records and documentation.

Phone #'s: Home: *N/A* Cell: \_\_\_\_\_ Fax: \_\_\_\_\_

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

Convenient time(s) property may be visited \_\_\_\_\_

Directions to the property: Draw or write in or provide a map.



**TOWN OF DEWEY-HUMBOLDT**  
P.O. Box 69, Humboldt, AZ 86329  
Phone 928-632-7362 ▪ Fax 928-632-7365

## HEARING APPLICATION

### Purpose of the Board of Adjustment

The purpose of the Board of Adjustment is to provide a quasi-Judicial body so residents 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 of Adjustment 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:

### **Section A**

**\*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 (if this is an appeal under this section, please describe and submit supporting documents and final status):**

-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

### **Section B**

**\*To Hear and decide appeals for variances from the terms of the zoning ordinance.** (Provide evidence that there are special circumstances or conditions applicable to the property of application that justify a variance from the requirements so that strict application of the zoning would work an unnecessary hardship; that the granting of the request is necessary for the preservation and enjoyment of substantial property rights, and that the granting will not materially affect the health and safety of the area/residents.)



**TOWN OF DEWEY-HUMBOLDT**  
P.O. Box 69, Humboldt, AZ 86329  
Phone 928-632-7362 • Fax 928-632-7365

**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 properties of the same classification in the same zoning district.

*the lot is and has been substandard  
for the R1-35 zoning since 1984*

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.

*without the variance it would be nearly  
impossible to build on the lot*

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.**

*the property was created in this  
configuration long before current  
owner's purchase*

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.

*the property has been occupied for  
years and no complaints*

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



**TOWN OF DEWEY-HUMBOLDT**  
P.O. Box 69, Humboldt, AZ 86329  
Phone 928-632-7362 • Fax 928-632-7365

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 compliance of conditions. Once approved, variances stay with the land and do not expire unless stipulated otherwise. Conditions applied to the Variance at the Hearing Date of the Board of Adjustment such as an inability to fulfill these conditions at a prescribed time, warrant approval by Planner for an extension or other.

**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 the Board of Adjustment 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.

#### CHECKLIST

##### Application for Variance/Appeal

- Application form: (page 1 through 5)
- Appeal: Written Narrative and documentation
- Permission to enter
- Direction to property
- Aerial of site plan
- Recorded deed and legal descriptions
- Letter of support (optional)
- Evidence: (photos, maps, drawings, diagrams)

**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.

