

# Board of Adjustment

## Resolution and Code amendment

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- TOWN COUNCIL JUNE 9, 2022

# Goals for Today

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Consider approval of a proposed amendment to the resolution and code for the Board of Adjustment

# Intent of the proposed amendment

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Consistency with state law



Clarity for applicants and residents



# Consistency with State Law

- Arizona Revised Statute 9-462.06

Hear and decide appeals for variances from the terms of the zoning ordinance only if, because of special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, the strict application of the zoning ordinance will deprive the property of privileges enjoyed by other property of the same classification in the same zoning district. Any variance granted is subject to conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is located.

# Clarity for Applicants

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Clear and concise code language on process and procedures

Variance criteria fine-tuned to align with state statues

# Clear & Concise Code language

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Revise Board of Adjustment code text for clarity

# Clear & Concise Code language

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A. Creation and Membership. The Board of Adjustment as previously established is hereby continued in full force and effect, and there is established herewith a Board of Adjustment which shall consist of seven members, each of whom shall be appointed for a term of three years. The word "Board" when used in this article shall mean the Board of Adjustment. Members of said Board shall be appointed by the Mayor subject to confirmation by majority vote of the Town Council. All persons seeking to be appointed or re-appointed to a term on the Board of Adjustment shall file a written application for such appointment or re-appointment with the Mayor on or before the date set by the Town of the year that the term subject to appointment would become vacant. However, this written application requirement does not apply to an appointment to serve the balance of a term which has become vacant prior to the expiration of the term. Vacancies shall be filled for the unexpired term of the member whose place has become vacant. The Board of Adjustment shall, at its first meeting in April of each year, elect one of its members to serve as its Chairman-designate. The member designated to be Chairman shall be approved or disapproved for the Chairmanship by the Town Council within thirty (30) days of the election of the Board of Adjustment. If the Chairman-designate is approved for the Chairmanship by the Town Council, he shall become the Chairman immediately upon such approval, and he shall serve as Chairman of the Board (1) until a successor as Chairman is elected and approved in the following year, or (2) until the Chairmanship shall, for any reason, become vacant. If the Chairman-designate is disapproved for the Chairmanship by the Town Council, the Board of Adjustment shall, at its next meeting after such Council disapproval, elect another one of its members to serve as its Chairman designate, and the member so designated shall be approved and become the Chairman or be disapproved pursuant to the procedures described herein. If, for any reason, the position of Chairman becomes vacant, then the Board at its next meeting after such position becomes vacant, shall elect a Chairman-designate for the remainder of the term, and the member so designated shall be approved and become the Chairman or be disapproved pursuant to the procedures described herein. No member shall serve as Chairman of the Board for a period of time in excess of two (2) consecutive years.

VS.

A. Board of Adjustment.

1. The Board shall consist of seven (7) members, each of whom shall be appointed for a term of three (3) years. Members of the Board shall be appointed by the Mayor subject to confirmation by majority vote of the Town Council.
  - i. All persons seeking to be appointed or re-appointed to a term on the Board shall file a written application for such appointment or re-appointment with the Mayor on or before the date set by the Town. However, this written application requirement does not apply to an appointment to serve the balance of a term that has become vacant.
  - ii. At its first meeting in April of each year, the Board shall elect one of its members to serve as its Chair, subject to approval by the Town Council. If the Chair is disapproved by the Town Council, the Board shall, at its next meeting after such Council disapproval, elect another member to serve as its Chair, subject to approval by the Town Council. If, for any reason, the position of Chair becomes vacant, then the Board at its next meeting after such position becomes vacant, shall elect a Chair for the remainder of the term, subject to approval of the Town Council. Each Chair shall be elected for a period of one (1) year, and no member shall serve as Chair for more than two (2) consecutive years.

# Fine-tune to align with state statutes

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A variance may be granted only upon finding by sufficient evidence:

1. That there are special circumstances applicable to the property, which may include circumstances related to the property's size, shape, topography, location, or surroundings; and
2. That the special circumstances applicable to the property were not self-imposed or created by the property owner; and
3. That the strict application of the Zoning Ordinance will deprive the property of privileges enjoyed by other property of the same classification in the same zoning district.



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# Questions