Yuma County, Arizona
DEPARTMENT OF DEVELOPMENT SERVICES
2351 West 26th Street, Yuma, Arizona 85364
Phone: (928) 817-5000
Fax: (928) 817-5020

# PROCEDURE FOR A VARIANCE

1. **Definition**
A relaxation or waiver of the terms of these regulations where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of these regulations would result in unnecessary and undue hardship. (From Section 201.00 of the Yuma County Zoning Ordinance)

2. **Purpose**
By example, a variance is intended to grant an increase in the maximum height allowed for a structure or a reduction in the required yard setbacks. Variances are granted due to conditions peculiar to the property and cannot be self-imposed or supported because of the cost to remedy the condition.

3. **How to Apply**
The property owner or his designated agent must come to the Department of Development Services Permitting & Customer Service Building at 2351 W. 26th Street. Planning staff will provide the appropriate forms and help identify the information that is required. A time to meet with the assigned Planner will be set at the time of the application.

4. Information that is **required** to begin the application process includes the following:
   - ❑ Name, address and phone number of owner and agent
   - ❑ Signature of the person making application, including the selection of the appropriate box showing representation
   - ❑ Assessor's Parcel Number (APN) & legal description (obtained from deed or tax records)
   - ❑ Section of Zoning Ordinance from which the variance is being requested
   - ❑ Reasoning for requesting the variance, stating specifically what is being requested and why it is needed
   - ❑ Scaled site plan (see #5 below)

5. Additional **optional** information for application:
   - ❑ Any development plans, drawings or evidence to support or explain your case
   - ❑ Letters of support from neighboring property owners

6. **Fees**
A **non-refundable** fee is required at the time the application and support information is submitted. Fees are based on the underlying zoning of the property and per Section of Zoning Ordinance from which the variance is requested. Fees are:
   - Residential: $360.00 + $30.00 per acre or portion thereof (for area requesting variance).
   - Commercial/Industrial: $720.00 + $30.00 per acre or portion thereof (for area requesting variance).

**7. Scaled Site Plan (In English with black pen ONLY)**

The site plan must be submitted with the application. The site plan must be drawn to scale. Scales of 1 inch = 10 feet or 1 inch = 20 feet are preferred. The site plan must be submitted on white paper only, no larger than 11- by 17 -inch; 8 ½ - by 11-inch paper is preferred. The following items must be shown on the site plan:

- ❑ Lot dimensions
- ❑ Scale
- ❑ North arrow
- ❑ All street frontage(s)
- ❑ Improvements; buildings, structures, pool, utilities (water, septic/sewer with leach fields, power, CATV) fences, walls, drainage/retention basin
- ❑ Proposed structure(s)
- ❑ Distance from property lines to all existing and proposed structure(s)
- ❑ Distance between all existing and proposed structure(s)
- ❑ Identify specific conditions or features that create the need for the variance

**8. Scheduling your Hearing**

Once the application, support information and fee are complete and submitted, the variance request is placed into a pending case file in the order it is received. Each case is scheduled for the next available Board of Adjustment public hearing. These meetings are generally held on the third Tuesday of each month. The applicant will be notified to meet and review the draft staff report and the hearing report to the Board of Adjustment. The applicant will be notified in writing of the meeting time and date. Staff report and recommendation is made available to the owner/agent prior to the hearing.

**9. Board of Adjustment**

The Board of Adjustment consists of five members appointed by the Board of Supervisors, one from each Supervisory district. Time-sensitive notices that are prescribed by law are done by staff prior to the Board of Adjustment hearing. Staff report and recommendation is made available to the owner/agent prior to the Board of Adjustment hearing. At the hearing, the Board of Adjustment considers the reports and recommendations of staff and listens to any public input from any concerned parties. The owner or his agent must be present at the meeting to hear the proceedings and to answer any questions concerning the proposal. The Board of Adjustment then votes to either deny, approve or continue the variance request or approve the request with conditions.

**10. Hearing and Closure**

Once the Board of Adjustment meets and makes a decision, the applicant will be contacted to meet and review the final conditions and performance requirements of the approved variance. A written closure letter to the applicant will include the list of any conditions and a customer service survey (your response is greatly appreciated).

**11. Appeals**

Actions by the Board of Adjustment may be appealed to Yuma County Superior Court. It is suggested those wishing to appeal an action of the Board of Adjustment contact an attorney regarding their appeal.

# YUMA COUNTY

## PLANNING AND ZONING APPLICATION FORM

**ONLY FOR** UNINCORPORATED AREA OF YUMA COUNTY, ARIZONA

**OFFICE USE ONLY**

**CASE NO.** _____

PROPERTY OWNER(S):

NAME: _____ PHONE # (___) _____-_____

MAILING ADDRESS: _____

FAX# (_____) ____-_____ E-MAIL: _____

AGENT (IF ANY)

NAME (please print): _____ _____
Last Name First Name

PHONE # (_____) _____-_____ MAILING ADDRESS: _____

FAX# (_____) _____-_____ E-MAIL: _____

Assessor's Parcel Number(s): _____

_____

LEGAL DESCRIPTION: SEC_____ TWP_____RNG_____

_____

_____

Acreage: _____ (☐gross ☐net)

CURRENT ZONING _____ PROPOSED ZONING: _____

CURRENT LAND USE DESIGNATION: _____

PROPOSED LAND USE DESIGNATION: _____

PLANNING AREA: _____

INTENDED USE: _____

_____

**TYPE OF APPLICATION:**

- ☐ Rezoning
- ☐ Special Use Permit
- ☐ Minor Amendment
- ☐ Major Amendment
- ☐ Variance
- ☐ Lot Tie
- ☐ Interpretation
- ☐ Land Division Permit
- ☐ Temporary Use Permit*
- ☐ Temporary Use Permit*-**4-H/FFA**
- ☐ Temporary Special Use Permit*
- ☐ Commission Initiative

ZONING ORDINANCE SECTION # FOR INTERPRETATION: _____

***ATTACH EXPLANATION OF REQUESTED INTERPRETATION***

**OFFICE USE ONLY**

Date Received: _____

Accepted by: _____

Fee Paid: $ _____

**The applicant agrees to cooperate with planning staff in completing necessary site visits for preparation of reports, information and to post zoning notices all in accordance with Arizona Revised Statutes.**

Signed this _____ day of _____20____

_____

_____

**Signature(s) of Property Owner(s) or ☐ Legal Agent**

**Approval of this application/permit does not void deed restrictions. Please review the deed restrictions before paying the application fee.*

***If this request is approved, the action becomes effective 30 days after the date of the public hearing.*

Revised 9/23/2021

# Department of Development Services
# Planning and Zoning Division

## A.R.S. §12-1134 WAIVER

As provided for by A.R.S. §12-1134(I), the undersigned Owner, or Owner's Agent, of property affected by zoning action _____ does hereby waive any A.R.S. §12-1134 claim for diminution in value related to said zoning action.

If the undersigned is the Owner's Agent, it is further warranted and represented that this Agent has the legal power to bind the Owner to this waiver.

| _____ | _____ | _____ |
|---|---|---|
| *Printed Name* | *Signature* | *Date* |
| _____ | _____ | _____ |
| *Printed Name* | *Signature* | *Date* |

State of Arizona )
) ss
County of Yuma )

Subscribed and sworn before me this _____ day of _____, 20_____.

_____
Notary Public

(notary seal)

Revised 08/2009

**MINIMUM SITE PLAN REQUIREMENTS**

- Applicant name
- Physical location; address and Assessor's Parcel Number
- Lot dimensions
- North Arrow
- Scale (Standard engineering scale preferred (i.e., 1"=20', 1" =50', etc.)
- Existing and proposed improvements; buildings, structures, pools, water well, septic with leach lines) fences, walls, drainage/retention basins
- Physical limitation; drainage basins, canals, irrigation laterals, steep slopes (___%), washes
- Access; current and proposed
- Parking
- Distances from existing and proposed structures to property lines.
- _____

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