

Variance Process Flow Diagram

[Note: These timeframes apply unless the applicant and Town mutually agree to an extension pursuant to A.R.S. § 9-835(1).]

Pre-Application Conference

One (1) Week Prior to Application Submittal

Application Submittal (Including Citizen Participation Plan)
 (1st Thursday after 1st Tuesday of each month)

10 Days

Administrative Completeness Review Finished

20 Days

If deficiencies are found, written or electronic notice is provided to the applicant and the administrative review timeframe (and the overall timeframe) is suspended from the date the notice is issued until the date the municipality receives the missing information from the applicant. If the missing information is not received by the Town within 15 days of the notice, the Town may consider the application withdrawn.

Substantive Review Finished and

30 Days Total Time Frame

The Town may make one comprehensive written or electronic request for corrections. If it does, the substantive review timeframe and the overall timeframes are suspended until the day the applicant provides the corrections.

Board of Adjustment Hearing

Permit & License Application Process

1

Customer receives application, Bill of Rights, Time Frames & Checklists online or at Town

2

Customer submits complete Application and Fees to Front Counter Representative

3

Staff reviews for initial completeness and accepts application within established time

4a

Town accepts application & provides Substantive Review within overall time frame.

4b

Town rejects incomplete application within Completeness Review time frame—notice of deficiencies issued to applicant

5a

Town approves application and issues electronic or written approval to applicant

5a

Town denies application OR mutually agree to subsequent re-submittal(s). All subsequent reviews occur within 25% of the overall time

6

Town issues a written or electronic notice granting or denying a license to applicant. If denied, written notice shall include justification for denial with specific references and an explanation of applicants right to appeal the denial including deadline to submit protest and contact information for questions on appeal process.

Town of Dewey-Humboldt Permit (License) Permitting Time Lines

Pursuant to ARS 9-835, the Town establishes overall permitting time frames during which the Town will either grant or deny each type of permit (license) that it issues. The time frame includes an administrative completeness review period to accept or reject the application, and a substantive review period to provide a technical review of the request. The Town shall approve or deny the request within the overall time frame listed below, however, should the Town extend the review period for additional submittal(s), said extension shall not exceed 25% of the overall time frame.

Please note: These are projected time frames only and may change due to workload and staffing considerations.

Application Type	Administrative Completeness Review	Substantive Review	Total Time Frame
Addressing Request	10 days	20 days	30 days
Administrative Review Application	10 days	20 days	30 days
Special Event Permit	10 days	20 days	30 days
Minor Land Division Application	10 days	20 days	30 days
Sign Permit Application	10 days	20 days	30 days
Temporary Sign Application	10 days	10 days	20 days
Variance Application	10 days	20 days	30 days
Use Permit Application	30 days	60 days	90 days
Zone Map Change Application	30 days	60 days	90 days
Zone Text Change Application	30 days	60 days	90 days
Major General Plan Amendment	30 days	60 days	90 days
Minor General Plan Amendment	30 days	60 days	90 days
Planned Area Development Application	30 days	60 days	90 days
Preliminary Plat Application	20 days	30 days	50 days
Sketch Plan Application	10 days	20 days	30 days
Final Plat Application	20 days	30 days	50 days
Final Plat Amendment/Abandonment Application	20 days	30 days	50 days

REGULATORY BILL OF RIGHTS

During the Fiftieth Legislature, First Regular Session, the Arizona Legislature passed Senate Bill 1598. This "Regulatory Bill of Rights" went into effect on July 20, 2011 (with full implementation on December 31, 2012). The rights afforded private regulated parties under the new law are provided below.

ARS 9-832. Regulatory bill of rights

TO ENSURE FAIR AND OPEN REGULATION BY MUNICIPALITIES, A PERSON:

- Is eligible for reimbursement of fees and other expenses if the person prevails by adjudication on the merits against the Town in a court proceeding regarding a Town decision as provided in section 12-348.
- Is entitled to receive information and notice regarding inspections as provided in section 9-833.
- Is entitled to have the Town not base a licensing decision in whole or in part on licensing conditions or requirements that are not specifically authorized as provided in section 9-834, subsection A.
- May have the Town approve or deny the person's license application within a predetermined period of time as provided in section 9-835.
- Is entitled to receive written or electronic notice from the Town on denial of a license application that:
 - Justifies the denial with references to the statute, ordinance, and code or authorized substantive policy statements on which the denial is based as provided in section 9-835.
 - Explains the applicant's right to appeal the denial as provided in section 9-835.
- Is entitled to receive information regarding the license application process at the time the person obtains an application for a license as provided in section 9-836.

- May inspect all ordinances, codes and substantive policy statements of the Town, including a directory of documents, at the office of the Town or on the Town's website as provided in section 9-837.
- Unless specifically authorized, may expect the Town to avoid duplication of other laws that do not enhance regulatory clarity and to avoid dual permitting to the maximum extent practicable as provided in section 9-834.
- May file a complaint with the Town concerning an ordinance, code or substantive policy statement that fails to comply with this section.
- As provided in section 9-834, is entitled to have the Town not request or initiate discussions about waiving any of the rights prescribed in this section.

TOWN OF DEWEY-HUMBOLDT

DEVELOPMENT APPLICATION

PROJECT DESCRIPTION:

<input type="checkbox"/> General Plan Amendment - Major	<input type="checkbox"/> General Plan Amendment – Minor	<input type="checkbox"/> Pre-Application
<input type="checkbox"/> Community Master Plan	<input type="checkbox"/> Major Use / Site Plan	<input type="checkbox"/> Preliminary plat
<input type="checkbox"/> Commercial Design Review	<input type="checkbox"/> Annexation	<input type="checkbox"/> Zoning Clearance
<input type="checkbox"/> Conditional Use Permit	<input type="checkbox"/> Abandonment	<input type="checkbox"/> Rezone
<input type="checkbox"/> Land split (3 parcels max)	<input type="checkbox"/> Lot Combine	<input type="checkbox"/> Variance
<input type="checkbox"/> Area Plan / Amendment	<input type="checkbox"/> Final Plat / Amendment	<input type="checkbox"/> Land Use District
<input type="checkbox"/> Other _____		

LEGAL DESCRIPTION:

Property Address: _____

Number of Lots / Units Proposed: _____

Assessor's Parcel Number: _____ Parcel Size (Acres): _____

Existing Land Use District: _____ Proposed Land Use District: _____

Plat Name: _____ Block: _____ Lot: _____ Tract: _____

DESCRIBE UTILITIES AVAILABLE TO PROPERTY:

<input type="checkbox"/> Water _____	<input type="checkbox"/> Gas _____	<input type="checkbox"/> Sewer _____
<input type="checkbox"/> Phone _____	<input type="checkbox"/> Electric _____	<input type="checkbox"/> Cable _____

Describe Public Access to Property:

FEES

Base Fees: _____ Other Fees: _____ Other Fees: _____ Subtotal: _____ Total: _____

*APPLICANT / CONTACT INFORMATION:	OWNER INFORMATION:
Name: _____	Name: _____
Address: _____	Address: _____
Phone: _____	Phone: _____
Email: _____	Email: _____

Signature of owner or representative

*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.

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 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

TOWN OF DEWEY-HUMBOLDT
Development Services Property Directions

Instructions:

An actual detailed line map is needed, not written instructions, adding any significant buildings, land marks, main highway, street names, and north arrows.

IF THE MAP IS NOT ADEQUATE IT COULD CAUSE A DELAY IN ISSUING YOUR PERMIT.

Assessor's Parcel Number _____ Address _____

instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Notary Public

My Commission Expires:



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

Variance Hearing Checklist
Community Development
P.O. Box 69
Humboldt, AZ 86329

www.dhaz.gov

Phone: 928-632-8645, Fax: 928-632-7365

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.

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

LETTERS OF SUPPORT (optional)

4. FORMS INCLUDED FOR APPLICANT'S REVIEW:

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*****

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
 - ___ Perc 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

DEWEY-HUMBOLDT
BOARD OF ADJUSTMENT PROCEDURE

- I. CONVENE Board of Adjustment
- II. INTRODUCTION OF ITEM:
- III. Staff Report –
- IV. Applicant Presentation –, which may include argument and witnesses
- V. OPEN PUBLIC HEARING
- VI. Public Testimony (Chair may establish time limits)
- VII. Applicant Response
- VIII. Staff Response
- IX. CLOSE PUBLIC HEARING
- X. Deliberation by Board and Action (Decision) to:
 - A. Grant the variance request if all of the following findings can be made:
 - 1. Due to special circumstances or conditions applicable to the property, including its size, shape, topography, location or surroundings, of the Zoning Ordinance would deprive the property owner of privileges enjoyed by other property owners of the same classification in the same zoning district; and
 - 2. The variance will not constitute a grant of special privileges inconsistent with limitations upon other properties in the vicinity and district in which the property is located; and
 - 3. Special circumstances applicable to the property were or are not self-imposed by the property owner; and
 - 4. Granting the variance substantially meets the intent and purpose of the zoning district in which the property is located, and will not detrimentally affect the health or safety of the neighborhood residents or the public welfare or be injurious to property or improvements.
 - B. Deny the variance request because not all of the above findings can be made; or

- C. Approve the variance with conditions necessary to:
1. Achieve the general purposes of the Zoning Code or the specific purposes of the zoning district in which the site is located, or to make it consistent with the general plan;
 2. Protect the public health, safety, and general welfare;
 3. Insure operation and maintenance of the use in a manner compatible with existing and potential uses on adjoining properties or in the surrounding area.

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 Zoning Administrator 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.

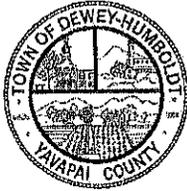
TIPS ON APPEALING TO THE BOARD OF ADJUSTMENT:

- 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 153.021- 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 a seven (7) day 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.



PUBLIC PARTICIPATION PLANS AND REPORTING GUIDELINES

Introduction:

The purpose of the Citizen Participation Plan is to ensure early and effective citizen participation in the land use entitlement process and to afford potentially affected citizens an adequate opportunity to learn about such applications. Citizen Participation Plans and Citizen Participation Reports are required for applications for the following:

- Use Permits
- Variance
- Rezoning and PAD Overlay
- General Plan Amendments

Citizen Participation Plans are due at the time the formal application is submitted and describe what are going to do to contact citizens and tell them about your project. At least one neighborhood meeting is required to be held prior to the public hearing.

Citizen Participation Reports document the results following the implementation of the plan.

Citizen Participation Plan

Because the level of citizen interest and area of involvement may vary depending upon the nature of the application, location, and size, the applicant shall consult with the Zoning Administrator to determine the target area for notification. At a minimum, the Citizen Participation Plan shall include at least the following:

1. A notification target area including at least:
 - A. Property owners within the public hearing notice area;
 - B. The head of any homeowners association or community or neighborhood within at least 1000 foot radius of the project site, unless a greater distance is required by the Zoning Ordinance;
 - C. Other interested parties who have requested to be placed on the interested parties notification list maintained by the Zoning Administrator; and
 - D. Those residents, property owners, interested parties, political jurisdictions and public agencies that may be affected by the application; and
 - E. Any other parties that may be determined by the Zoning Administrator.
2. The Plan shall include the following information:
 - A. How interested and potentially affected persons will be notified of the application;
 - B. How interested and potentially affected persons will be informed of the substance of the changes, development, or amendment proposed;

- C. How interested and potentially affected persons will be provided an opportunity to discuss the proposal with the applicant and express any concerns, issues, or problems they may have with the proposal in advance of the public hearing (such as neighborhood meetings, phone contacts, or door-to-door visits);
- D. The applicant's schedule for implementation of the Citizen Participation Plan;
- E. How the applicant will keep the Zoning Administrator informed on the status of implementation of the plan.

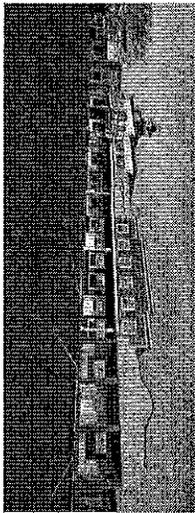
Citizen Participation Report

- 1. The Citizen Participation Report shall be provided to the Zoning Administrator prior to the notice of public hearing being mailed, published and posted. The Zoning Administrator will provide the report to the Planning and Zoning Commission and the Town Council prior to any public hearing or action on the proposal.
- 2. The Citizen Participation Report shall include the following information:
 - A. Details of techniques the applicant used to involve the public, including:
 - i. Dates and locations of all meetings where citizens were invited to discuss the applicant's proposal;
 - ii. Content, dates mailed, and numbers of mailings, including letters, meeting notices, newsletters and other publications;
 - iii. Where residents, property owners, and interested parties receiving notices, newsletters or other written materials are located;
 - iv. The number of people who participated in the process;
 - v. A summary of citizen concerns, issues and problems expressed during the process including the substance of the concerns and how the applicant addressed or intends to address them; and
 - vi. Citizen concerns that the applicant is unwilling or unable to address and the reasons why.
 - B. Copies of comment letters, petitions, and other pertinent information received from the residents and other interested parties.

Failure to comply with the Citizen Participation Plan and Report provisions herein may result in postponement, rescheduling or denial of an application.

Considerations for preparing Citizen Participation Plans and Reports:

- 1. Start to develop the Citizen Participation Plan prior to the Pre Application Meeting.
- 2. Note that the Citizen Participation and Property Owner Notification are two separate requirements. Do not limit citizen contacts to property owners within 300 feet of the boundary of the proposed change: Consider also the neighborhoods' residents who may be directly or indirectly impacted.
- 3. If the application is for family-oriented housing, include the appropriate school district on the contact list.
- 4. Hold at least one neighborhood meeting. Give the contacts at least a full week notice prior to holding the meeting. Hold the meeting within a half-mile of the site if possible. Have sign-in sheets and have someone take notes. Always invite Town of Dewey-Humboldt staff to the neighborhood meetings.



How Does One Apply to the Board of Adjustments?

- Obtain an application provided by the Development Services Department.
- Fully identify the premises in question.
- Fully complete the application by clearly stating the request and reasons by the Board should approve the request.
- Submit the application together with the filing fee.
- Attend the Public Hearing before the Board of Adjustment and be prepared to present your request.

Zoning Administrator Authority to Grant Administrative Variances.

The Zoning Administrator has the authority to grant minor adjustments to certain requirements of the Zoning Ordinance, when such requests constitute a reasonable use of property not permissible under a strict interpretation of the code.

[Recipient Name]
 [Address]
 [City, ST ZIP Code]

Town of Dewey-Humboldt
 P.O. 69
 Humboldt, AZ 86329

Can I Obtain a Variance to Allow me to Build? (A Guide)

Anyone who feels that special conditions of their property make it necessary to receive a variance to the terms of the Town Code, can petition the Board of Adjustment or to the Zoning Administrator for an Administrative Variance.



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:

1. 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
2. The literal interpretation of the Code would deprive the applicant of a right commonly enjoyed by other properties in the same district under the terms of the Code; and
3. 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
4. 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
5. The granting of the variance requested will not interfere or injure the rights of other properties in the same district.

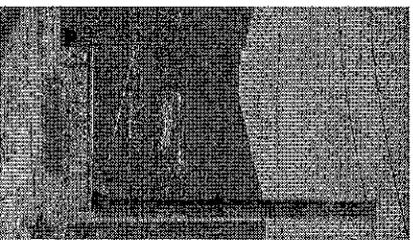
May a Decision by the Board of Adjustment be Appealed?

Yes, An appeal requires that a petition be filed with the jurisdictional County Superior Court within thirty (30) days of the decision made by the Board of Adjustment.

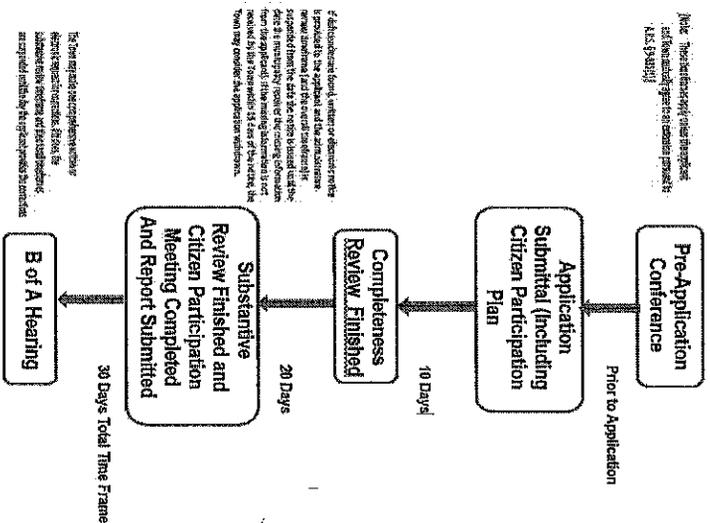
6. applicable to other land, building or structures in the district; and

Issues Considered: When the Board of Adjustment considers your request, the following items may be considered:

1. Does your request conform to, or conflict with, the Town of Dewey-Humboldt General Plan and the specific Community Plan for the area (if a Community Plan has been adopted for the subject area);
2. Does the surrounding neighborhood support or oppose your request;
3. Have all health and safety issues been addressed;
4. Is the use compatible with, and adequately buffered from, surrounding land uses (if necessary);
5. There could be other issues that are specific to your application that the Commission may consider as well.



Variance Process Flow Diagram



Contact Us

Town of Dewey-Humboldt
 P.O. Box 69
 Humboldt, AZ 86329

(928) 632-7362
 [Email]

Visit us on the Web:
www.dhaz.gov