

Chapter 80 Variances

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11-80-1: Purpose and Applicability

Variances are authorized as set forth in Arizona Revised Statutes ARS § 9-462.06 and as set forth in this Ordinance.

11-80-2: Procedures

Applications for variances shall be submitted, reviewed, and heard in accordance with the procedures described in [Chapter 67](#).

11-80-3: Required Findings

A variance shall not be granted unless the Zoning Administrator, when acting as a Hearing Officer, or Board of Adjustment shall find upon sufficient evidence make a determination:

- A. There are special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, and
- B. That such special circumstances are pre-existing, and not created by the property owner or appellant; and
- C. The strict application of the zoning Ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district; and
- D. Any variance granted 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 such property is located.

11-80-4: Use Variances Prohibited

No variance shall be granted to permit a use not otherwise permitted in the applicable zoning district.

11-80-5: Conditions of Approval

In approving a variance, the Zoning Administrator, acting as a Hearing Officer, or Board of Adjustment may impose reasonable conditions necessary to insure that the variance shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and the zoning district in which the subject property is located, including but not limited to the following:

- A. Ensure that the project conforms in all significant respects with the General Plan and with any other applicable plans or policies adopted by the City;
- B. Achieve the general purposes of this Ordinance and the specific purposes of the zoning district in which the site is located;
- C. Protect the public health, safety, and general welfare; or
- D. Ensure operation and maintenance of the use in a manner compatible with existing and potential uses in the surrounding area.

11-80-6: Appeals; Expiration and Extensions; Modifications

- A. Variances are subject to the appeal provisions of [Chapter 77](#), Appeals.
- B. Variances are subject to the expiration and extension provisions of [Section 11-67-9](#), Expiration and Extensions.
- C. A minor modification of a variance granted pursuant to this Chapter may be approved under [Section 11-67-10](#). Changed plans, including changes in conditions of approval of a variance shall be treated as a new application; see [Section 11-67-10\(B\)](#).

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Chapters 81 through 85 (Reserved for future use.)

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