

VARIANCE APPLICATION
Town of Clarkdale
P O Box 308, Clarkdale, AZ 86324
Phone: 928-649-3538 Fax: 928-649-3543

The Board of Adjustment, a quasi-judicial body of the Town of Clarkdale, is given the authority to hear and decide on requests for variances from the strict application of the Zoning Code. Arizona State Statutes and the Town Code of the Town of Clarkdale have specific criteria, which must be met for the granting of a variance.

Variances are exceptions from the standards of the Zoning Code. They provide flexibility to assure that a property owner will not be unfairly deprived of the use of their property. Variances are meant to relieve a particular land owner from unique hardship applicable to their property where the strict application of the code would deprive such property of privileges enjoyed by other property of the same classification in the same zoning district. Any variance granted is with the limitations upon other properties in the same vicinity and zone. THE APPLICANT'S NEEDS, DESIRES, ECONOMIC HARDSHIP OR ATTRACTIVENESS OR SOCIAL DESIRABILITY OF THE PROJECT ARE IRRELEVANT.

Before the granting of a variance, every other option available for compliance should first be sought. When variances are granted, the variance will be for no more the minimum adjustment required to resolve the problem. For example, if an applicant is asking for a setback variance (which meets all the criteria required by law) of 10 feet, and the problem could be corrected by a 5 foot variance, only a 5 foot variance will be granted.

CRITERIA:

Special Circumstances: There are special circumstances attributable to the property, which are not applicable to other properties in the area or within the same zone district. The special circumstances must be related to the physical characteristics of the property including it's shape, size, topography, location or surroundings and may not be related to the personal circumstances of the property owner or applicant.

Undue Hardship: If special circumstances attributable to the property exist, they must be of such a nature that the strict application of the development standards will result in an undue hardship. An undue hardship exists when the strict application of the Zoning Code is so unreasonable that it renders the property unusable without the granting of a variance. Hardship relates to the physical characteristics of the property, NOT the personal circumstances of the property owner or applicant.

Public Health, Safety and Welfare: A variance may be granted only if it can be done without substantial detriment to public health, safety or welfare and without substantial departure from the intent of the standard from which relief is requested.

Adequate Financial Return: The applicant's need for an adequate financial return on investment shall NOT be considered justification for the granting of a variance.

Self-Imposed Special Circumstances: A variance shall not be granted when the special circumstances, from which relief is requested, have been self-imposed by a current or former property owner or applicant.

Use Variance: A use variance may not be granted. (A use variance is one, which would allow, as an example, a retail commercial establishment in a single family residential zone district.)

Criteria and Supporting Material – This application shall be accompanied by the following:

- 1. **Payment of the application fee in the amount determined by resolution of the Common Council. The applicant is also responsible for the cost of publication, engineering, and legal advise directly related to this request.**
- 2. **A plot plan on white 8 ½” X 11” paper drawn to scale showing property dimensions, all buildings, structures, signs, and other pertinent information.**
- 3. **Any other information deemed pertinent by the Planning Department (i.e. construction plans, map showing adjacent properties, etc.)**
- 4. **A statement explaining how the variance request meets each of the criteria listed.**

Please complete the following:

Property Address: _____ **Zoning:** _____

Legal Description: _____ **Assessor’s Parcel # :** _____

Applicant Name: _____ **Phone #:** _____

Mailing Address: _____

Applicant’s relationship to property owner: _____

Owner Certification:

I certify that I am an owner and the information and exhibits herewith are true and correct to the best of my knowledge in filling this application. I am acting with the knowledge and consent of all persons in interest and understand that without the consent of all persons in interest the requested action cannot lawfully be accomplished. I give my permission for authorized officials of the Town of Clarkdale to enter the premises described in this application. I understand that applications will be reviewed by the Board of Adjustment at their first regular meeting following proper legal notice of this request.

Signature: _____ **Date:** _____

Name (Print): _____ **Phone #:** _____

Mailing Address: _____

Contact Person:

Identify the person to serve as the contact person. This will be the only person notified by the Town of meeting schedules. It will be his or her responsibility to notify the other parties who may be involved.

Name: _____

Mailing Address: _____

Phone number: _____