

Sec. 15-1-5. Board of adjustment.

(A) *Establishment.* There is hereby established a board of adjustment which shall consist of five (5) members to serve without compensation, each to be appointed by and to serve at the pleasure of the mayor and council, for a term of four (4) years. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. To the extent practicable the board should be comprised of persons familiar with land use, the building code or the technical trades. The members of the board shall elect a chair and a vice chair who shall serve for two years and until their successors are elected. The chair shall preside at all meetings and exercise all the usual rights, duties and prerogatives of the head of any similar body. Meetings of the board shall be held at the call of the chair, and at such other times as the board may determine. The board shall adopt rules governing its proceedings. Such chair, or in the absence of the chair, the vice chair, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the city clerk and shall be public records.

(B) *Powers and duties.*

(1) It shall be the duty of the board to:

(a) Hear and decide appeals in which it is alleged there is an error in an order, requirement or decision made by the zoning administrator in the enforcement of the zoning ordinance, and to reverse or affirm, wholly or partly, or modify the order, requirement, or decision of the zoning administrator appealed from, and make such order, requirement, decision or determination as necessary.

(b) 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 such property of privileges enjoyed by other property of the same classification in the same zoning district. Any variance granted is subject to such 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 same zoning district in which such property is located.

- (c) Hear and decide requests for reasonable accommodation for an individual with a disability, or disability of an individual(s) who will reside at the property, under this Chapter pursuant to state or federal law. Such requests may be approved, conditionally approved, or denied in accordance with applicable law and may be appealed in the manner provided by Arizona Revised Statutes § 9-462.06(K).
- (2) The board of adjustment may not:
- (a) Make any changes in the uses permitted in any zoning classification or zoning district, or make any changes in the terms of the zoning ordinance, provided the restrictions in this paragraph shall not affect the authority to grant variances pursuant to this ordinance.
 - (b) Grant a variance if the special circumstances applicable to the property are self-imposed by the property owner.

(Ord. No. 387, § 3, 6-6-95; Ord. No. 2004-08, § 1, 6-1-04, Eff. 9-1-04; Ord. No. 2006-28, § 1, 12-19-06)