



Variance Instructions

Submit the following to the Community Development Department:

- ☐ Completed Variance/Interpretation Application
- ☐ Completed site plan
- ☐ Vicinity map drawn to scale showing all parcels within 300 feet of the exterior boundaries of the subject parcel
- ☐ One set of mailing labels for properties located within 300 feet of the boundaries of the subject parcel
- ☐ Fee: As approved in City Code

APPLICATION FEES ARE DUE AT THE TIME OF SUBMITTAL.

ADDITIONAL FEES MAY BE ASSESSED FOLLOWING FINAL APPLICATION REVIEW. ALL OUTSTANDING BALANCES MUST BE PAID PRIOR TO FINAL APPROVAL, PERMIT ISSUANCE, OR PLACEMENT ON A PUBLIC MEETING AGENDA.

ATTENTION: SCAM ALERT - SEVERAL CUSTOMERS HAVE RECEIVED INVOICES THAT WERE NOT FROM THE CITY OF BENSON, MANY ASKING FOR PAYMENT TO BE MADE BY A WIRE TRANSFER. THE CITY OF BENSON WILL **NOT ASK FOR A WIRE TRANSFER FOR ANY PAYMENT.**

IF YOU RECEIVE AN INVOICE AFTER YOUR REQUEST IS COMPLETED, PLEASE CONTACT STAFF TO VERIFY THE VALIDITY OF THE INVOICE.

After the application has been approved, it is your responsibility to coordinate with the Community Development staff to schedule, hold and report on the Citizen Review Session. Staff will notify you of the date of the Public Hearing before the Planning and Zoning Commission once the Citizen Review Session has been held.

Please plan to allow over 100 business days to complete the review process for a Variance, including application review, citizen review session and public hearing.

If you have any questions, or to make an appointment to submit you application, please call Planning staff at 520-720-6328.



Application for Variance/Interpretation

Tax Parcel ID Number: _____

Property Address: _____

Property Owner Name: _____

Owner Address: _____

Owner Telephone & Email: _____

Agent Name: _____

(If applicant is other than the property owner, a letter of agent appointment must accompany application.)

Agent Address: _____

Agent Telephone & Email: _____

Size of parcel (to the nearest tenth of an acre): _____

Zoning District: _____

Request to the Board of Adjustment for a:

Variance _____ Interpretation/Appeal from Zoning Administrator Decision _____

Please attach the following information to this application:

Appropriate fees

Site Plan (see Site Plan Requirements)

I (we), the undersigned, hereby petition the City of Benson Board of Adjustment, to grant a variance from the terms of the City of Benson Zoning Regulations as follows:

State the specific section(s) and term(s) of the City of Benson Zoning Regulations from which a variance is sought or interpretation is requested. If relief is being sought from more than one section of the Regulations, list each specific section and terms.

I request the following variance (describe action requested):

Demonstrate that special conditions and circumstances exist which are particular to the parcel of land or to existing structures or buildings involved and that these special conditions and circumstances are not applicable to other similarly zoned parcels of land or to structures or buildings on them.

Demonstrate that literal interpretation of the section(s) of the Zoning Regulations noted above would deprive the applicant of rights commonly enjoyed by owners of other properties in the same zoning district.

Demonstrate how the alleged hardships caused by literal interpretation of the provisions of these Regulations do not result from the actions of the applicant (self-imposed hardship).

Demonstrate that granting of the variance requested would not confer upon the applicant any special privilege that is denied by these Regulations to other lands, structures, or buildings in the same district.

Demonstrate that granting the variance requested will not interfere or injure the rights of other properties in the same district.

The undersigned hereby certifies and declares that to the best of his knowledge and belief, the information submitted on and attached to this application for a variance from the terms of the City of Benson Zoning Regulations are true and correct.

Signature of Petitioner (1)

Date

Signature of Petitioner (2)

Date

State of Arizona)

County of Cochise)

The foregoing application was acknowledged and sworn to before me this _____ day of _____, 20_____.

Notary Public Commission Expires

Notary Public

To the applicant, please understand that Board of Adjustment actions are limited by A.R.S 9-462.06.

G. A board of adjustment shall:

- 1. 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 a zoning ordinance adopted pursuant to this article.*
- 2. 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 vicinity and zone in which such property is located.*
- 3. 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.*

H. A board of adjustment may not:

- 1. 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 restriction in this paragraph shall not affect the authority to grant variances pursuant to this article.*
- 2. Grant a variance if the special circumstances applicable to the property are self-imposed by the property owner.*



Site Plan Requirements

- ☐ Location map
- ☐ Property drawn to scale (1"=20, 30, or 40')
- ☐ Dimensions of property (entire parcel)
- ☐ Area of property in square feet
- ☐ Location, size and type of all easements
- ☐ Topography (2' contour interval)
- ☐ All drainage features and washes (larger than 2' wide or 2' deep) within 300 feet of property
- ☐ Drainage features and drainage structures (ex: culverts, dip crossings, bridges) existing and proposed within 300 feet of property
- ☐ Existing and proposed detention/retention basins
- ☐ Direction of existing and proposed rain runoff
- ☐ Delineate 100 year floodplain area as shown on the FEMA Flood Insurance Rate Maps
- ☐ Landscaping (existing and proposed)
- ☐ Existing and proposed buildings and uses – include dimensions and height
- ☐ Fences (existing and proposed) – location, type and height
- ☐ Setbacks from property lines to existing and proposed buildings
- ☐ Distance between buildings
- ☐ Outdoor Lighting – existing and proposed. Note type, shielding and lumens
- ☐ Driveways (existing and proposed) – show location, width and surface type (ex: concrete, double chip seal, 2" gravel over AB)
- ☐ Adjoining roads, rights of ways – show location, width, surface and name
- ☐ Ingress and egress location, width and pavement type
- ☐ Any off-site improvements proposed
- ☐ Parking details per City of Benson Zoning Regulations
- ☐ Handicap parking spaces
- ☐ Handicap accessible route
- ☐ Utility line locations (existing and proposed)
- ☐ Fire hydrant locations (existing and proposed)
- ☐ Fire department all-weather access
- ☐ If water mains are to be extended, a separate water plan is required
- ☐ A separate grading and drainage plan
- ☐ A hydrology report prepared by an Arizona Registered Civil Engineer may be required