

2103 JURISDICTION AND POWERS

Each Board of Adjustment shall have jurisdiction only within the supervisorial district from which its members are appointed and shall have the following powers and may exercise any other powers specifically conferred by any provision of these Zoning Regulations:

2103.01 INTERPRETATIONS AND APPEALS OF INTERPRETATIONS

The Board of Adjustment shall have the power to interpret any word, phrase, or section of these Zoning Regulations, when there is dispute between the Appellant and the County Zoning Inspector or when the location of any Zoning District boundary is in doubt.

An appeal concerning interpretation or administration of these Zoning Regulations may be taken to the Board of Adjustment by any person aggrieved or affected by any decision of the County Zoning Inspector. Such appeal shall be taken within 30-calendar days by filing with the County Zoning Inspector a notice of appeal specifying the grounds therefore on forms provided by the Inspector. The County Zoning Inspector shall transmit to the Board of Adjustment all papers constituting the record of the action being appealed. Such appeal shall stay all proceedings in the matter being appealed, unless the County Zoning Inspector certifies to the Board of Adjustment that, by reason of the facts stated in the certificate, the stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed except by a restraining order granted by the Board of Adjustment or by a court of record. The Board of Adjustment shall fix a time for hearing the appeal and give notice thereof to the parties in interest and the public as set forth herein.

Appeals of decisions made by the County Zoning Inspector which fall within the scope of Arizona Revised Statutes shall follow those procedures established by ordinance by the Board of Supervisors for the processing of such appeals.

2103.02 VARIANCES

The Board of Adjustment may grant a Variance from the terms of these Zoning Regulations when, owing to peculiar conditions, a strict interpretation would work an unnecessary hardship, if in granting such Variance the general intent and purposes of the Zoning Regulations will be preserved. It shall be the responsibility of the Applicant to submit any studies and/or data necessary to demonstrate the effectiveness of the alternative conditions.

These Zoning Regulations are generally intended to yield results that are in compliance with all other applicable laws. A request for a "reasonable accommodation" in these regulations, pursuant to any Federal or State housing law or other similar legislation, as may be necessary to afford an equal opportunity to housing under any such law, shall be considered to be an appropriate condition for a Variance from the strict application of these Zoning Regulations. The Board of Adjustment is authorized to grant any such Variance, to the extent that any such accommodation is required pursuant to any applicable State or Federal law.

Any decision of the Board of Adjustment allowing a Variance shall be considered for revocation by the Board of Adjustment if substantial construction, in accordance with the plans for which such Variance was granted, has not been initiated within 12-months of the date of approval, building permit issuance, or if judicial proceeding to review the Board of Adjustment's decision has been instituted, 12-months from the date of entry of the final order in such proceedings, including appeals. Additionally, if any of the conditions of the Variance approval are not complied with within 12-months or within the time period set by the Board, it shall be revoked after 30-calendar days' notice to the owner and Applicant, unless a request for a review hearing before the Board of Adjustment is made by the Applicant within this 30-

calendar day appeal period. The Board of Adjustment may grant reasonable extensions to the time limits upon a hearing pursuant to a timely written request by the Applicant.

2104 APPLICATION FOR VARIANCE

Application for any Variance from these Zoning Regulations shall be made to the Board of Adjustment after the formal applicable permit application has been submitted and reviewed. Such applications shall be made on forms prescribed by the Board of Adjustment, shall be filed with the Planning Director, and shall be accompanied by: Reasons for requesting the Variance, which shall include a notation of the specific provisions of the Zoning Regulations under which the Variance is requested. Any documents necessary to demonstrate compliance with the cited provision shall be attached.

2105 FEES

Applications to the Boards of Adjustment shall be accompanied by the appropriate fee as set forth in the adopted Planning and Zoning Fee Schedule.

2106 HEARINGS

Upon receipt of notice of appeal, application for a Variance or any other application properly invoking its jurisdiction, the Board of Adjustment shall schedule a public hearing to take place within a reasonable time frame established by the County Zoning Inspector. Public notice of every hearing shall be given not less than 15-calendar days prior to the hearing by publication of the notice at least once in a newspaper of general circulation in the County seat.

In the case of a Variance, the property shall also be posted in no less than two places not less than 10-calendar days in advance of the hearing. Notice shall also be mailed, via first class, to each real property owner, as shown on the last assessment of the property, within 300-feet of the proposed Variance.

2107 DECISIONS

Decisions of the Board of Adjustment shall be made within a reasonable time. Every decision of the Board of Adjustment shall be based upon findings of fact, and every finding of fact shall be supported in the record of its proceedings.

2108 CONDITIONS

In approving any Variance, the Board of Adjustment may prescribe appropriate conditions in harmony with the general purpose of these Zoning Regulations which will maintain the integrity and character of the Zoning District within which the use is situated.

Where necessary, the Board of Adjustment may require that securities be deposited with the Cochise County Treasurer, in such form and amount as it may deem proper under the circumstances, to insure compliance with the conditions designated in connection therewith. If any regulation, restriction, condition, or stipulation is violated, the said securities shall be forfeited to Cochise County and the decision allowing the Variance or granting the use or building permit shall become null and void.

Failure to fulfill any condition shall be deemed a violation of these Zoning Regulations.

2109 APPEAL OF A DECISION MADE BY THE BOARD OF ADJUSTMENT

Any person aggrieved by a decision of the Board of Adjustment may at any time within 30-calendar days of such decision appeal to the Superior Court, and the matter shall be heard in like manner as appeals from courts of justices of the peace.