

§ 1-16-4 BOARD OF ADJUSTMENT AND APPEALS.

(A) *Establishment.* A Board of Adjustment and Appeals ("Board") is hereby established pursuant to A.R.S. § 9-462.06 and Apache Junction City Code, Vol. I, § 2-21-1.

(B) *Meetings.* The Board shall meet regularly as needed. All meetings shall be open to the public. It shall elect its own officers, establish its own rules, keep a record of its action, and render an annual report to the Council and Commission. The Chairperson, or in his or her absence, the Acting Chairperson, may administer oaths and compel the attendance of witnesses in accordance with the laws of the State of Arizona. Any finding, ruling, or decision of the Board relating to the administration of the Zoning Ordinance shall be an order at either a regular or special meeting of the Board, and shall be fully reported in the minutes of the Board.

(C) *Powers and duties.* The Board shall have the following powers and duties:

(1) *Appeals of Zoning Administrator's decisions.* Hear and decide appeals in which it is alleged there is an error in an order, requirement, interpretation or decision made by the Zoning Administrator in the enforcement of the Zoning Code.

(2) *Appeals for variances.*

(a) Hear and decide requests 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 result in unnecessary property hardships, result in serious impairment of substantial property rights and deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.

(b) Any variance granted is subject to such conditions as will assure that the adjustment authorized shall not be contrary to the public interest, 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 and shall cause the minimum possible interference with the general purposes and intent of this Chapter.

(D) *Powers and duties not authorized.* The Board shall not have the following powers and duties:

(1) Make any changes or allow modifications to the uses permitted in any zoning district classification (i.e., no use variances allowed).

(2) Grant a variance if the special circumstances applicable to the property are self-imposed by the property owner.

(E) *Ex parte communications.* The Board shall act in a quasi-judicial manner and shall not entertain, accept or participate in any ex parte communications.

(Ord. 1402, passed 5-6-2014)