



# Variance

A Variance is an amendment to the Zoning Code that deals with special circumstances applicable to the property, including size, shape, topography, location or surroundings in cases where strict application of the Code deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. A variance shall not grant special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated. In order for a parcel of land to obtain a Variance, or to amend any other provisions of the Zoning Code, the following procedures must be followed:

## **SUBMISSION OF APPLICATION**

Applications shall be made to the City of Williams Planning Department on forms provided by the City, and must be accompanied by Proposed Development Plans and the required supplementary information, as outlined in the Williams City Code, Title 10 (Development Procedures), Chapter 10-2 (Procedures), Article 10-2-03 (Appeal, Variance). Applications will not be accepted until all required information is provided in full, and the Filing Fees have been paid. Applications must be signed by the property owner(s) of the subject property as well as the applicant if the applicant is other than the property owner(s).

Accepted applications filed by the submittal deadline will be scheduled for the next available Board of Adjustment Meeting.

## **FILING FEE**

Payment of a \$250.00 is due upon submittal of the application for a variance.

## **REVIEW AND APPROVAL PROCESS**

Applications for variance will be reviewed by the City Planner in accordance with the following procedure.

1. If the application concerns property located within the Historic Preservation Zoning District, a copy of the application shall be forwarded to the Historic Preservation Commission for their review and recommendation.
2. If the request is complex The City Planner will forward the application information to the Department Heads for review, and will review the proposed variance for conformance with the City of Williams General Plan, other adopted City regulations, policies and procedures, including the Board of Adjustment provisions contained within the zoning code. The City Planner will call a Department Review Team (DRT) Meeting within 30 days of the submittal date. The applicant is requested to attend. Findings of the Department Heads and City Planner will be shared with the applicant. Applicant has opportunity to respond and adjust the application before the Board of Adjustment Public Hearing.
3. The City Planner will prepare a staff report on the proposal for the Board of Adjustment including a recommendation for approval or denial, conditions if acceptable, and reasons for recommendation or denial.
4. The Board of Adjustment will review the variance request at its next available meeting. The Board of Adjustment will hold a Public Hearing on the variance and a Public Hearing Notice will be published in the Williams Newspaper at least 15 days in advance. The Board of Adjustments may make a decision on the variance at that meeting, or may hold the matter over to a future meeting. The decision may be: 1) The variance be approved as requested; or 2) The variance be approved subject to certain conditions or 3) The variance be denied.

## **GENERAL REGULATIONS**

Every variance shall conform to City of Williams Code, Title 10 (Development Procedures), Chapter 10-2 (Procedures), Article 10-2.03 (Appeal, Variance). Variances deal only with dimensional and area regulations; such as fences, walls, hedges, screening, and landscaping; site area, width, and depth; front rear and side yards; lot coverage, height of structures; distance between structures; usable open space; signs, off-street parking facilities; or frontage on a public street. They do not deal with use regulations, variation in use may be met through Special or Conditional Use Permits.

## **APPEALS**

Any person aggrieved by a decision of the Board of Adjustment may file an appeal with the Coconino County Superior Court. Such an appeal must be filed within 30 days of the Board of Adjustment decision.

## **REVOCAATION**

A variance granted by the Board of Adjustment subject to conditions shall be revoked if all conditions have not been met.

### **City of Williams VARIANCE PROCESS**

**PLAN PREPARATION  
AND APPLICATION**

**STAFF REVIEW  
and FINDING**

**DEPARTMENTAL REVIEW  
TEAM MEETING and  
DECISION**

**PUBLIC NOTICE and  
ADVERTISEMENT**

**BOARD OF ADJUSTMENT  
DECISION**

**APPEAL  
COCONINO COUNTY  
SUPERIOR COURT**

Submittal schedule can be viewed at [www.williamsarizona.gov](http://www.williamsarizona.gov).

**City of Williams**

**VARIANCE APPLICATION CHECKLIST**

**PROPOSED DEVELOPMENT PLANS**

Proposed Development Plans and certain supplementary information must be submitted with variance applications, in accordance with the requirements of the Williams City Code, Title 10 (Development Procedures), Chapter 10-2 (Procedures), Article 10-2-03, which are outlined below.

This Checklist **must** accompany all applications, with the boxes **checked** for those items which are being provided. Exceptions to these requirements should be **requested in writing**; the boxes should be **left blank**, and will be initialed by the appropriate City Official upon determination that the proposed plans can be adequately reviewed without those items being provided by the applicant.

**INFORMATION REQUIRED AT TIME OF APPLICATION** (one copy of each, except as noted)

- 1. Completed application and fees
- 2. Proof of ownership (title policy) and owner's written consent.
- 3. Construction schedule
- 4. A description of the variance request and a statement explaining how it meets the findings of hardship and burden
- 5. Stamped, addressed envelopes for all property owners within 300 feet of proposed variance

**PROPOSED DEVELOPMENT PLANS – FORMAT** (10 copies)

Proposed Development Plans shall be clearly and legibly drawn, and shall be sized and scaled as follows:

- 1. The size of the sheet shall be no less than 8 ½ " x 11", and no more than 30" x 36".
- 2. The scale of the plans shall be 1" = 200' or larger.

**PROPOSED DEVELOPMENT PLANS – CONTENTS** (10 copies)

Proposed Development Plans must be drawn to scale and must show the following:

- 1. North arrow, date of plan, date of revision, engineer's scale and legend
- 2. Name of project
- 3. Vicinity map showing ½ mile radius
- 4. Address of project
- 5. Legal description complete
- 6. Name, address and phone number of owner
- 7. Zoning on and adjacent to site
- 8. Name, address and phone number of person responsible for plan
- 9. Lot size
- 10. Names and dimensions of adjacent streets
- 11. Existing/proposed rights-of-way in and adjacent
- 12. Existing/proposed easements in and adjacent
- 13. Existing/proposed utility lines (including fire hydrants) and sizes in and adjacent
- 14. Existing/proposed curb cuts, paved areas, parking areas and sidewalks in and adjacent
- 15. Existing/proposed waterways and ditches in and adjacent
- 16. Topography acceptable to the City Planner
- 17. Existing/proposed flood plain lines in and adjacent
- 18. A statement: all, part, or none of the property is in the flood plain
- 19. Existing/proposed structures and their uses, with dimensions and distances from platted property lines
- 20. Number of employees for non-residential uses

## **FINDINGS FOR VARIANCE REQUESTS**

- [ ] 1. Strict enforcement of the zoning code results in practical difficulty or unnecessary physical hardship inconsistent with the objective of the code.
- [ ] 2. Circumstances or conditions of the property that do not apply generally to other parcels in the same zoning district.
- [ ] 3. Strict enforcement of the zoning code deprives the applicant of privileges enjoyed by the owners of other properties in the same zone.
- [ ] 4. Granting the variance does not constitute special privilege inconsistent with other properties in the same zone.
- [ ] 5. Granting the variance is not detrimental to the public health, safety, or welfare and is not materially injurious to properties in the vicinity.
- [ ] 6. In regard to signs – the granting of the variance will not detract from the attractiveness or orderliness of the surrounding neighborhood.
- [ ] 7. In regard to parking – present nor future traffic generated by uses of sites in the vicinity will not interfere with the free flow of traffic on the streets.