

BOA Hearing Date



ZA Case #

City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Appeal to the Board of Adjustment

This and other information can be found online at: <http://www.phoenix.gov/planning/>

Appeal Filing Instructions

1. Complete both sides of this appeal form and submit to the 2nd Floor Zoning Counter in City Hall (200 West Washington Street) within **15 calendar days** of the Zoning Adjustment Hearing Officer's decision. The fee is equal to the original application fee and is due at time of submittal.
2. Submit any materials to be included in the packet for consideration by the Board to the 2nd floor Zoning Counter. **11 copies** of each document must be submitted. The submittal deadline is **5:00 p.m. 10 calendar days** prior to the hearing date.

As provided in the City of Phoenix Zoning Ordinance, I appeal the action of the Zoning Adjustment Hearing Officer or Zoning Administrator. In making this appeal, I understand that the mere filing of this appeal and payment of fees does not entitle me to the relief requested. I have read and understand the appeal filing instructions above.

Appellant's Signature

Date

Fee

Receipt #

☐ Applicant
☐ Opposition

Printed Name, Address, Zip Code

Phone Number

E-mail Address

****Special Note to Neighborhood and Homeowners Associations:**

In order to file on behalf of a Neighborhood or Homeowners Association, please refer to the Criteria for Reduced Filing Fee handout.

Board of Adjustment Action

☐ Reversed ☐ Upheld ☐ Stipulations ☐ Modified ☐ Withdrawn ☐ Other: _____

Stipulations _____

Note to Applicant: Variances and/or Use Permits granted by the Board shall be void if use is not commenced or if a building permit is not obtained within 60 days of such granting or within the time stipulated by the Board (appeals may be taken to the Superior Court within thirty days of the Board of Adjustment's decision).

Secretary to the Board

Date: _____

ZA Hearing Date:

Taken By:

Date Filed:

Location Address: _____

Please list the grounds of your appeal for Variance and/or Use Permit. **All applicable items must be completely answered.** (Separate attached sheet(s) are acceptable.)

VARIANCES

A variance shall not be authorized unless it shall be found upon sufficient evidence:

1. That the special circumstances or conditions apply to the land, building, or use applied for and (do/do not) apply to other properties in the district **because** _____

_____; and
2. That such special circumstances (were/were not) created by the current or previous owner or applicant **because** _____

_____; and
3. That the authorizing of the variance (is/is not) necessary for the preservation and enjoyment of substantial property rights **because** _____
_____; and
4. That the authorizing of the application (will/will not) be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general **because** _____
_____.

USE PERMITS

1. The use (will/will not) cause an adverse impact on adjacent property or properties in the area.
 - a. (Will/will not) cause significant increase in vehicular or pedestrian traffic **because** _____
_____; and
 - b. (Will/will not) emit:

<input type="checkbox"/> Odor	<input type="checkbox"/> Gas	<input type="checkbox"/> Vibration	<input type="checkbox"/> Heat
<input type="checkbox"/> Dust	<input type="checkbox"/> Glare	<input type="checkbox"/> Smoke	<input type="checkbox"/> Noise

exceeding ambient conditions **because** _____
_____, and
 - c. (Will/will not) contribute in a measurable way to the deterioration of the neighborhood or area **because** _____, and
 - d. (Will/will not) contribute to downgrading of property values **because** _____
_____.
2. The use (will/will not) be in compliance with all provisions of the Zoning Ordinance and other City of Phoenix laws. If not, state why. _____
_____.

Board of Adjustment General Information

- Meeting Date:** 1st Thursday of the month
- Meeting Time:** 12:00 p.m.
- Meeting Location:** City Council Chambers, 200 West Jefferson Street (subject to change)
- Purpose:** The Board hears requests for Variances, Use Permits, or Determinations that were appealed from the Zoning Adjustment Hearing Officer (ZAHO) or the Zoning Administrator (ZA).
- Process:** Agendas are advertised 20 days prior to the hearing date. A notice is sent to the Applicant, Owner, Representative, Appellant, and anyone who filled out a speaker card at the ZA hearing. The site is also posted 15 days in advance. Any materials to be included in the packet for consideration by the Board are due to the Planning and Development Department (Zoning Counter) by 5:00 p.m. 10 calendar days prior to the hearing date. 11 copies of all materials are required. **(The City of Phoenix does not copy items submitted for previous hearings. Those items must be resubmitted in 11 copies.)**
- Hearing:** The Zoning Administrator or his representative shall present the city position in the case of referred matters.
- Appeal by Applicant**
In cases in which the applicant has appealed to the Board, the Chairman shall first call upon the applicant to present his case and all evidence supporting his request.
- The Chairman shall next call on those opposed to the granting of the application to present their arguments. The applicant shall then have the right of rebuttal to arguments presented by the opposition.
- Appeal by Others**
In cases in which the appellant is someone other than the applicant, the Chairman shall first call upon the appellant to present his case and arguments and evidence supporting the appeal.
- The Chairman shall next call on those favoring the granting of the application to present their arguments. The appellant shall then have the right of rebuttal to arguments presented by those in favor of the application.
- Arguments and Questions**
Each side shall proceed without interruption by the other and all arguments and pleadings shall be addressed to the Board. No argument between individuals will be permitted, but each side may, upon approval of the Chair, ask witnesses for the opposing side questions relevant to the issues involved in the appeal.
- During the hearing, Board members and members of the staff will be given an opportunity to ask questions and to make any appropriate comments pertinent to the application under consideration.
- Appeals:** Any appeal of actions taken by the Board of Adjustment must be filed with the Superior Court within 30 days of the Board of Adjustment's decision. The Planning and Development Department offers no assistance in this process.

Minutes are available after Board approval. Voice recordings of the hearings are available from the Planning and Development Department upon payment of a fee.