

PIMA COUNTY BOARDS OF ADJUSTMENT
AMENDED UNIFORM RULES OF PROCEDURE

ARTICLE I. PREAMBLE

1. The power of each Board of Adjustment is that established in A.R.S. § 11-807 and in P.C.C. Chapter 18.93. Each Board of Adjustment hears and decides applications for variances and temporary use permits as well as appeals of interpretations of the code. Any person aggrieved in any manner by a decision of a Board of Adjustment may appeal to the Superior Court pursuant to A.R.S. § 11-807(D) and P.C.C. § 18.93.070.

ARTICLE II. MEETINGS

1. Regular meetings of the Board of Adjustment shall be held each month, as follows:
 - Dist. No. 1: first Monday at 1:00p.m.
 - Dist. No. 2: second Tuesday at 10:00a.m.
 - Dist. No. 3: third Monday at 9:00 a.m.
 - Dist. No. 4: second Tuesday at 1:30 p.m.
 - Dist. No. 5: second Thursday at 1:30 p.m.

However, an individual Board of Adjustment may at any time change the date and time of its regular meeting.

2. Special meetings shall be held at the call of the Chairperson and at such other times as any three members of the Board may determine.
3. All meetings shall be open to the public, except for executive sessions, pursuant to the Arizona Open Meetings Law, A.R.S. § 38-431 *et seq.*
4. A quorum of the Board of Adjustment shall consist of three members.
5. The Board shall prepare an audio recording or keep minutes of its proceedings recording the vote of each member or indicating the reason for failure to vote on each case and other official actions.

ARTICLE III. OFFICERS

1. A Chairperson and Vice-Chairperson shall be elected at the first meeting in each calendar year, and at the first meeting following a resignation, or termination from the Board for any other reason, of any such officer. Prior to the call for nominations, each Board member shall be polled regarding his or her interest in serving as Chairperson or Vice-Chairperson.
2. The Chairperson shall preside at meetings. The Vice-Chairperson, during the absence or disability of the Chairperson, shall act as chairperson and shall preside at meetings.

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3. The Chairperson, subject to these rules, shall decide all points of order or procedure, unless otherwise directed by a majority of the Board in session at the time.
4. The Executive Secretary, who shall not be a member of the Board, shall be appointed by the Board. He or she shall be the technical advisor for the Board and the custodian of all its records. He or she shall handle all official correspondence and generally supervise the clerical and technical work of the Board.

ARTICLE IV. THE CALENDAR

1. Each case filed in the proper form with the required data shall be numbered serially and shall be placed on the Secretary's calendar. The calendar numbers shall begin anew on January first of each year and shall be hyphenated with the number of the year.

ARTICLE V. DISPOSITION OF CASES

1. No appeal will be considered by the Board unless the appellant or appellant's representative shall appear in person at the hearing thereof.
2. The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Inspector, or to decide in favor of an applicant's request for a variance or temporary use permit. A tie vote on any motion to deny a variance or temporary use permit or to uphold any order, requirement, decision or determination of the Zoning Inspector shall not constitute any action having been taken by the Board. A subsequent motion will be required for the Board to take action. However, a tie vote on any motion to grant a variance or temporary use permit or to reverse any order, requirement, decision or determination of the Zoning Inspector shall constitute a denial of the variance or temporary use permit or a denial of the appeal of the Zoning Inspector's action.
3. No application or appeal dismissed or denied can be reconsidered except: (a) on a motion to reconsider the vote, made in the same meeting or the next meeting, by a board member who voted with the majority on the original action, based upon new information or a changed situation; or (b) on a request for a rehearing by the applicant. No request to grant a rehearing can be entertained unless new evidence is submitted that could not have been presented at the previous hearing.
4. The Board may, on the motion of any member, review any decision it has made and may reverse or modify such decision, but no such review shall prejudice the rights of any person who has in good faith acted thereon before it is reversed or modified.