



**Office of the City Clerk**  
**BOARDS, COMMITTEES & COMMISSIONS**

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**BOARD OF ADJUSTMENT**  
**(BAJ)**

**CREATED BY:**

Ordinance 4399, Tucson Code, § 23-505 et. seq.;

Ordinance No. 8509, adopted by Mayor and Council on May 22, 1995, repealed the Zoning Code and adopted the **Land Use Code (LUC)** as Chapter 23, which became effective July 1, 1995. **See LUC Article V, Division 1, Section 5.1.7 Board of Adjustment (B/A).**

Ordinance 11392, adopted by Mayor and Council on August 9, 2016 (effective September 9, 2106)

Ordinance 11599, Adopted December 4, 2018

**MEMBERSHIP / QUALIFICATIONS:**

The Board shall consist of seven members who shall serve without compensation. Each member of the City Council appoints one member who must be a resident of the appointing Council Member's ward. The Mayor appoints one member who must be a resident of the city. No member of the Board shall hold any city, county or state elective office.

**FUNCTIONS:**

The Board of Adjustment (BAJ) was established to hear and decide requests for variances from *Land Use Code (LUC)* regulations, appeals of Zoning Administrator's interpretations, appeals by the applicant from Administrative Design Review decisions, appeals from Limited Notice Procedure decisions and other land use issues as provided by the *LUC*. The BAJ serves in the capacity of a board of adjustment as provided by the Arizona Revised Statutes (ARS).

The Board shall hear and decide applications for variances from the provisions of the Tucson Sign Code and hear and decide appeals where it is alleged that there is error or abuse of discretion in any order, requirement, decision, interpretation or other determination made by the sign code administrator in the enforcement of the Tucson Sign Code.

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### **QUORUM:**

A quorum shall consist of four (4) members of the Board.

### **TERMS OF OFFICE:**

The terms of members of the Board of Adjustment are coterminous with the term of the Mayor or Council Member who appointed them, or until their successor on the body is appointed. Members are eligible for reappointment but in no event shall serve more than eight continuous years. Once a member has served eight years, they may not be reappointed until they have had a break in service of at least one continuous year. An appointment to fill an unexpired term shall be for the unexpired portion of the term.

### **APPLICABILITY OF TUCSON CODE CHAPTER 10A, ARTICLE XIII:**

All provisions of TCC Chapter 10A, Article XIII are applicable. T.C. § 10A-134(c) Appointees, except for advisory members and members of the technical code committees named herein, may not serve on more than two (2) bodies at a time.

### **OPEN PUBLIC MEETING LAW REQUIREMENTS:**

This public body is defined as an advisory committee and must comply with all of the provisions of the Open Public Meeting Law.

### **SUPPORTING DEPARTMENT:**

Planning and Development Services Department      837-4920

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#### *Historical Notes:*

*The Board of Adjustment (BAJ) was originally part of Tucson Code, Chapter 23, Zoning.*

*On May 22, 1995 Mayor and Council adopted **Ordinance 8509**, which repealed the Zoning Code and established the Land Use Code (LUC) as Chapter 23 in the Tucson Code. The Board of Adjustment can be found in the LUC under Article 5, Division 1, Section 5.1.7.*

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On December 16, 1996 Mayor and Council adopted **Ordinance 8785**, which allows the Board of Adjustment to grant a variance to any administrative requirement of the LUC or to any requirement which is not a specific development regulation or performance criteria required of a land use.

On December 14, 1998 Mayor and Council adopted **Ordinance 9179**, which added the duties of: hearing and deciding Appeals of LUC Interpretations; Appeals of Lot Development Option (LDO) Decisions; Appeals of Project Design Option (PDO) Decisions; that the BAJ does not have the power to make any changes in the uses permitted in any zoning classification; and Other Duties, as required by the LUC.

On May 22, 2000, Mayor and Council adopted **Ordinance 9374**, which stipulates that terms of Board members shall be in accordance with Tucson Code, Chapter 10A, Article XIII; that the BAJ may grant a variance from LUC provisions if it finds that, because of special circumstances applicable to the property, it cannot reasonably be developed in conformity with provisions of Chapter 23; and that the BAJ does not have the power to grant a variance to the performance criteria required of Educational Uses as provided in LUC Sec. 3.5.3.7.

On July 1, 2004, Mayor and Council adopted **Ordinance 9967**, which added to the administrative functions of the Development Services Department (DSD) to keep public records of the BAJ hearings, findings and decisions, and for the adoption of rules of procedure necessary to carry out its functions to be on file with DSD. It also added to the duties of the BAJ to hear and decide Appeals of Land Use Code (LUC) Interpretations, Variances from LUC Provisions, Appeals of City Zoning Map Interpretations, Appeals of Design Development Option (DDO) Decisions, Appeals of Administrative Design Review Decisions, and Other Responsibilities as may be required by the LUC.

On August 9, 2016, Mayor and Council adopted **Ordinance 11392**, which terminated the Sign Code Advisory and Appeals Board (SCAAB) and transferred their powers and duties to the Board of Adjustment.

\*December 4, 2018 – Ordinance **11599**, amended the Tucson Code, Chapter 10A-134(c) allowing members to serve on up to two (2) BCC's Simultaneously.