



# Planning & Development Department

## VARIANCE

Can also be used for Appeal/Interpretations



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**\*Note: As of December 31, 2012, all Variance and Appeal/Interpretation applications are subject to ARS §1605.**

**- As of September 13, 2013 all Residential uses are excluded per ARS §11-1605 M.2**



## Planning & Development Department

### VARIANCE & APPEAL/INTERPRETATION APPLICATION INSTRUCTIONS



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A PRE-APPLICATION MEETING IS RECOMMENDED PRIOR TO SUBMITTING THE APPLICATION. PRE-APPLICATION MEETING PACKET CAN BE DOWNLOAD FROM <http://www.maricopa.gov/planning/>

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#### DOCUMENTATION REQUIRED FOR SUBMITTAL

**1. COMPLETED APPLICATION AND SUPPLEMENTAL QUESTIONNAIRE – SIX (6) COPIES:**

- a) The application must be TYPED or PRINTED LEGIBLY IN BLACK INK. Additional information may be attached to the supplemental questionnaire as needed.
- b) The application must be signed by the owner of the subject property.

**2. MOST CURRENT DEED (unofficial copy is acceptable) – ONE (1) COPY**

If the application is for a Variance for substandard lot area or width, a copy of the first recorded instrument creating the parcel, must be submitted as well. Copies of **patent or recorded easements** on the property must also be submitted, if applicable. Patent Easement information can be obtained through the Bureau of Land Management (B.L.M.) (602) 417-9200.

**3. SIX (6) COPIES (folded if 24" x 36", no plans drawn on a sheet size larger than 24" X 36" will be accepted) OF THE SITE PLAN of the property, indicating the following (this may not be applicable for Appeals/Interps):**

- a) The site plan must be drawn to a recognizable scale, i.e. 1" = 20'.
- b) North arrow and scale (written and graphic scale) shown on plan.
- c) All property lines must be clearly shown and dimensions indicated.
- d) Location and dimensions of all existing and proposed structures (including fences, signs and pools) from property lines and distance between structures.
- e) Location and width of dedicated streets, recorded easements, (provide recording number) and patent easements on or adjacent to property (include names of streets if applicable).
- f) All existing and proposed structures must be shown and dimensioned on the site/plot plan, even if the structure is not a part of the variance requested.

**4. SIX (6) COPIES (folded if 24"x36") OF FLOOR PLAN AND ELEVATIONS of all existing or proposed buildings or additions pertinent to the request (this may not be applicable for Appeals/Interps).**

Include elevations of any other structures pertinent to the Variance (e.g., signs, fences, etc.). If the Variance is for lot coverage, a roof plan with exterior dimensions is also required.

5. **A REDUCED COPY (8½"x11")** of any site plan, floor plan and/or elevation is REQUIRED if plans are submitted on a sheet of any other size. No plans drawn on a sheet size larger than 24"x36" will be accepted (this may not be applicable for Appeals/Interps).
6. **ELECTRONIC COPY OF APPLICATION MATERIALS – 1 CD.** Application form, narrative, supplemental questionnaire, and site plan.
7. **PICTURES OF THE PROPERTY (this may not be applicable for Appeals/Interps) including:**
  - a) Neighboring properties looking out from all sides of the property.
  - b) The subject property looking in from all sides of the property.
  - c) Provide any additional pictures that may assist the Board of Adjustment in making their decisions.

Pictures should be formatted as follows:

- Digital photographs are preferred and may be submitted in disk or printed format.
- Conventional photographs are to be mounted on 8½"x11" sheets.
- Each photograph shall be labeled indicating which direction the picture faces and from what location the picture was taken.
- A site-plan or key map may also be used in conjunction with the pictures; please include the proper notations.

#### 8. FEES:

Residential Variance fees are **\$250.00** for the first Variance request and **\$50.00** for each additional Variance request.

Non-residential Variance fees are **\$750.00** for the first Variance request and **\$100.00** for each additional Variance request.

**\$300.00** per Interpretation/Appeal

All applications are subject to a Drainage Plan Review fee of **\$100.00** and an Environmental Services Department fee of **\$25.00** in addition to the base Variance fee(s).

All applications are subject to an Addressing fee which will consist of either **\$10.00** to confirm an existing address or **\$50.00** to issue a new address.

Variance fees are doubled if the variance is the result of a code violation case.

All fees are separate, but can be combined with the planning fee. All fees are non-refundable.

All fees must be paid in full by the owner or owner's authorized agent at time of application.

All outstanding fees and fines against a property owed to the department shall be current and paid in full before any application will be scheduled for hearing.

**Note:** If an applicant has not made a resubmittal of application materials in either administrative or substantive review periods after three (3) months, the application will be closed due to inactivity.

### **BOARD OF ADJUSTMENT PROCESS**

1. After it has been determined that the initial submittal is complete, the filing fee per Zoning Ordinance requirement is to be paid by the owner or owner's authorized agent (checks should be made payable to "Maricopa County Planning and Development"). A receipt will then be issued and a case number assigned.
2. As of September 13, 2013, the Variance and Appeal/Interpretation process shall be subject ARS § 1605, a State statute that mandates establishment of timeframes to either approve or deny a "license" as defined by the statute. The full statute may be viewed at:

<http://www.azleg.gov/ArizonaRevisedStatutes.asp>

The statute sets up two types of review timeframes: Administrative and Substantive. The Board of Supervisors (BOS) through the P-30 Licensing Timeframes Ordinance has adopted a 25 day administrative timeframe and a 75 substantive timeframe for Variances and Appeals/Interpretations. **Notwithstanding these maximum legislative timeframes, the Department has established a maximum 75 day timeframe for scheduling a Board of Adjustment case for a hearing from time of application.** An application related to a residential use is not subject to the statute. An application that is part of design build project may establish negotiated time process during the pre-application meeting.

#### **Administrative Review Period**

The statutes allow for multiple reviews during the administrative review period.

#### **Substantive Review Period**

Only one review is allowed for the substantive review period. The County can amend the substantive review comments to address legal requirements not identified on the original substantive review comments.

The applicant can authorize a 50% time increase. This authorization can be given at time of application or at any time during the process.

After receipt of an application, the administrative review period begins and Planning will review for administrative completeness. The applicant will receive a formal response from their assigned planner for all reviewing agencies and may be required to submit additional information. Once administrative comments have been given to the applicant, the timeframe clock will stop and will resume upon resubmittal of the application materials. Once the application is deemed administratively complete, the planner will formally notify the applicant that the project has entered the substantive review period and technical comments will be given to the applicant within a reasonable timeframe. The substantive timeframe clock stops from receipt of comments until the applicant makes a formal resubmittal.

At any time during the process, an applicant can check the status of their application by viewing the Online Permit Manager on the Planning and Developments website:

<http://www.maricopa.gov/planning/OnlineServices/OnlinePermitManager.aspx>

The applicant's assigned planner can also be utilized as a resource for checking application status. If at any time comments are given to the applicant, a notation will be made as to the administrative or substantive timeframe remaining which will not resume until a resubmittal is made. **Note:** It is very important to return the planner's comment memo upon resubmittal so that the appropriate statutory timeframe can resume.

3. Depending on the comments received, the application materials may need revisions. The owner or authorized agent must submit revised materials to the OSS. The applicant's resubmittal must meet the County's technical requirement or it will be denied. Additionally, an administrative decision of denial can be made if the Director finds that it is not possible to grant the application within the timeframe or the applicant has not provided additional or supplemental information within 90 days (not working days) of a written or electronic request for said information.
4. Once staff is satisfied that technical requirements have been met, staff will schedule the request for hearing at the first available Board of Adjustment meeting. At this time, the substantive timeframe clock will stop. The Owner or owner's authorized agent will be given the staff's written recommendation to the Board approximately 5 days prior to the hearing. The Board of Adjustment meets at 10:00 a.m. in the Board of Supervisors' Auditorium at 205 West Jefferson Avenue, unless otherwise noted.
5. It is the owner's or owner's authorized agent's responsibility to provide supporting information and/or evidence to the Board of Adjustment explaining why a request should be granted. This information/evidence should be submitted as a part of the application. Additional information may also be presented at the Board's hearing on the matter.





**Planning & Development Department**  
**VARIANCE / APPEAL/ INTEPRETATION APPLICATION**  
 ALL FEES ARE DUE AT TIME OF APPLICATION AND ARE NON-REFUNDABLE

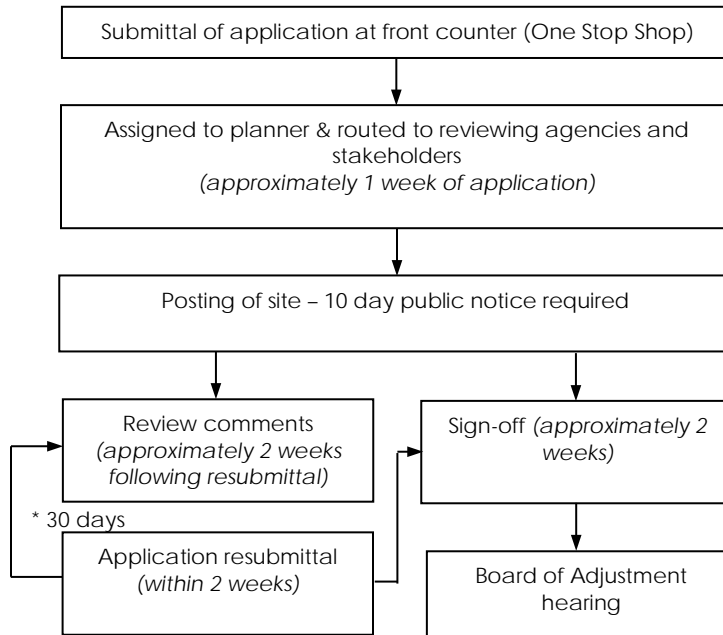


Is this Design Build?		Yes	No	Is this Residential?		Yes	No
<i>Please select the type of Board of Adjustment application from the checkboxes below.</i>							
Residential variance		Non-residential variance		Appeal		Interpretation	
BA Blanket Variance							
Is this subject property within an area of 15% or greater hillside slopes?				Yes	No		
<b>REQUEST</b>							
Description of Request:							
Use of Property:							
Existing Zoning District:							
Related Case Number/s:							
<b>PROPERTY INFORMATION</b>							
Address (if known):							
General location (include nearest city/town):							
Size in Acres:		Square Feet:		Assessor's Parcel Number:			
Legal Description Section:			Township:		Range:		
Subdivision Name (if applicable):							
<b>APPLICANT INFORMATION</b>							
Name:				Contact:			
Address:							
City:				State:		Zip:	
Phone #:				Fax#:			
E-mail Address:							
<b>PROPERTY OWNER INFORMATION</b>							
Name:				Contact:			
Address:							
City:				State:		Zip:	
Phone #:				Fax#:			
E-mail Address:							
<b>PROPERTY OWNER AND APPLICANT AUTHORIZATION</b>							
I (property owner) _____ authorize (applicant's name) _____ to file this application on all matters relating to this request with Maricopa County. By signing this form as the property owner I hereby agree to abide by any and all conditions that may be assigned by the Maricopa County Board of Adjustment to file this application on all matters relating to this request with Maricopa County. By signing this form as the property owner I hereby agree to abide by any and all conditions that may be assigned by the Maricopa County Board of Supervisors, Maricopa County Planning and Zoning Commission, or Maricopa County Planning and Development Department staff as applicable, as part of any approval of this request, including conditions, development agreements, and/or any other requirement that may encumber or otherwise affect the use of my property.							
<b>PROPOSITION 207 WAIVER</b>							
The property owner acknowledges that the approval being sought by this application may cause a reduction in the existing rights to use, divide, sell or possess the private property that is the subject of this application. The property owner further acknowledges that it is the property owner who has requested the action sought by the filing of this application. Therefore, pursuant to A.R.S. §12-1132 through 1138, the property owner does hereby waive any and all claims for diminution in value of the property with regard to any action taken by Maricopa County as result of the filing of this application.							
Property Owner Signature: _____				Date: _____			
<b>INSPECTIONS</b>							
By submitting this application, I am inviting County staff to conduct all site inspections they deem necessary.							
<b>VERIFICATION OF APPLICATION INFORMATION</b>							
I certify that the statements in this application and support material are true. Any approvals or permits granted by Maricopa County in reliance upon the truthfulness of these statements may be revoked or rescinded.							
Property Owner Signature: _____				Date: _____			
<b>ARS § 1605 TIMEFRAME EXTENSION</b>							
I authorize a <b>50% timeframe extension</b> for the review of my application as adopted by the Board of Supervisors per ARS § 1605 and as amended.							
Property Owner Signature: _____				Date: _____			



VARIANCE PROCESS & TIMEFRAME

PROCESS FLOW CHART & PROJECTED TIMEFRAME



\* Approximate timeframe to Board of Adjustment hearing 2 months





Planning & Development  
Department



BOARD OF ADJUSTMENT  
VARIANCE SUPPLEMENTAL QUESTIONNAIRE

ARS §11-816.B.2

*The Board of Adjustment may allow a variance from the terms of the ordinance when, owing to **peculiar conditions**, a strict interpretation would work an **unnecessary hardship**, if in granting such variance the **general intent and purposes of the zoning ordinance will be preserved**.*

- Single answer responses will not be accepted as the application will be deemed incomplete. Provide full written justification on how the variance application meets the statutory legal test. The following are not justification for a variance: self-created hardship, financial hardship or aesthetic considerations.
- 1. Explain and discuss the **peculiar condition(s)** on the property and include reference to the Maricopa County Zoning Ordinance Regulation(s) or Development Standard(s) to be varied. Explain the proposed use of the property with the variance request. Explain how enforcement of the Zoning Regulation(s) or Development Standard(s) would impose a hardship on the property owner.

*Peculiar conditions include slope, narrowness, shallowness, irregular shape, location, washes, vegetation, easements, and unusual topographic features of the property.*

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- 2. Explain the **unnecessary hardship** that the peculiar condition(s) on the site create with respect to the existing Regulation(s) and Standard(s) of the Maricopa County Zoning Ordinance.

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3. Explain and discuss how this variance would not cause a negative impact on the **general intent and purpose of the Zoning Ordinance.**

Purpose of the MCZO – “Promote the public health, peace, safety, comfort, convenience and general welfare of the citizens of Maricopa County..”

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4. Evidence of the ability and intention of the applicant to proceed with construction work within 120 days after variance decision by the Board of Adjustment. Provide evidence of the ability and intention to proceed with construction work within 120 days (4 months) after Board of Adjustment decision. Discuss if there are building permit(s) or as-built permit(s) currently filed with the Planning and Development Department and the current review status. Specify the permit number(s). If no permits have been filed, please provide a timeline for building permit(s) submittal and projected timeframe for construction.

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\*Additional sheets may be attached.

\*\* DO NOT USE THIS FORM IF YOU ARE SUBMITTING AN APPEAL/INTERPRETATION



**Planning & Development  
Department  
BOARD OF ADJUSTMENT  
APPEAL OF ADMINISTRATIVE  
DETERMINATION / INTERPRETATION  
SUPPLEMENTAL QUESTIONNAIRE**



Section 303.2.1. Interpret upon appeal the terms of this Ordinance when the meaning of any word, phrase, or regulation is in doubt, when there is dispute between the appellant and the Zoning Inspector or when the location of a zoning district boundary is in doubt.

1. Explain in detail your appeal or request for interpretation.
2. Provide justification for your appeal or request for interpretation.
3. Identify the applicable Ordinance sections under which you feel that your interpretation/appeal would be justified.
4. Attach any additional comments regarding your request that you would like to provide.

DO NOT USE THIS FORM IF YOU ARE SUBMITTING A VARIANCE.



Planning & Development  
Department



2016 FILING DEADLINES AND HEARING DATES

BOARD OF ADJUSTMENT (BOA)

Held in the Board of Supervisors Auditorium, 205 West Jefferson,  
Phoenix, AZ 85003

Application Submittal Deadlines	County Agency sign off deadlines	BOA/DRB Hearing Date (Thursdays)
December 14, 2015	December 21, 2015	January 14, 2016**
January 11, 2016	January 19, 2016	February 11, 2016
February 16, 2016	February 22, 2016	March 17, 2016
March 14, 2016	March 21, 2016	April 14, 2016
April 11, 2016	April 18, 2016	May 12, 2016
May 16, 2016	May 23, 2016	June 16, 2016
June 13, 2016	June 20, 2016	July 14, 2016
July 11, 2016	July 18, 2016	August 11, 2016
August 15, 2016	August 22, 2016	September 15, 2016
September 12, 2016	September 19, 2016	October 13, 2016
October 10, 2016	October 17, 2016	November 10, 2016
November 14, 2016	November 21, 2016	December 15, 2016

Requests will not be scheduled for a hearing until the application is deemed complete, all reviewing County agencies have signed off on the proposal, all applicable fees are paid, and all outstanding technical comments are addressed.

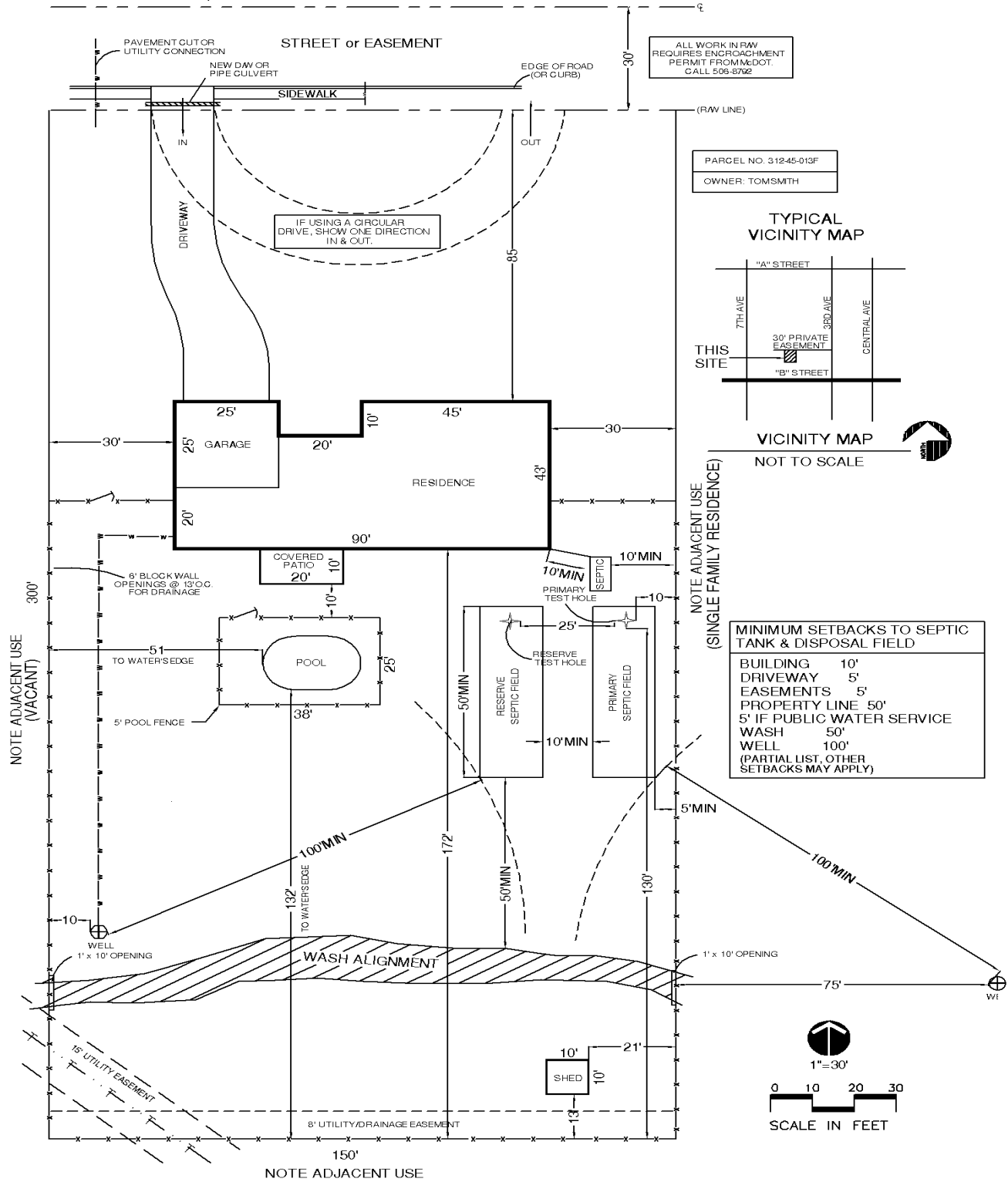
\*\* BOA/DRB hearing to be held at 501 N. 44<sup>th</sup> Street in the Gold/Platinum Conference Rooms



# Planning & Development Department



## TYPICAL RESIDENTIAL SITE PLAN



SAMPLE ONLY (DRAWING SHOWN IS NOT TO SCALE)  
ADDITIONAL DETAILED PLANS MAY BE REQUIRED.



# One Stop Shop - Planning Application Submittal – What to Expect at the One Stop Shop



- Purpose:** Provide customers with information about what to expect when submitting a variance application. This information sheet includes the application material checklist, fee schedule, and a three step process for application submittal.
- Location:** Maricopa County Planning & Development Department  
501 N. 44<sup>th</sup> Street, Suite 200 Phoenix, AZ 85008
- Business Hours:** 8:00 a.m. – 5:00 p.m. Monday through Friday, except holidays (to ensure adequate time for application submittal, projects should be submitted no later than 4:30 p.m.)
- STEP 1 - Reception:** Proceed to the One Stop Shop Reception desk to obtain a call ticket for the application submittal. Provide the receptionist your name and specify the type of planning application.

**STEP 2 - Intake Counter:** One Stop Shop customer service will call your ticket number and evaluate the application materials for completeness. Once the application materials are accepted a tracking number will be provided and staff will advise you to proceed to the cashier to process application payment. The following is a list of required application materials: **(Please note, if any documentation is missing your application may not be accepted during the intake process, please be sure to follow this checklist).**

Variance Application Submittal Documents	
	<b>6 copies</b> – Application & Supplemental Questionnaire
	<b>1 copy</b> – Recorded deed or unofficial deed
	<b>6 copies</b> – Site Plan 24" x 36" FOLDED <i>(not applicable with Appeal/Interpretation)</i>
	<b>6 copies</b> – Floor Plan & Elevations 24" x 36" FOLDED <i>(not applicable with Appeal/Interpretation)</i>
	<b>1 copy</b> – Reduced copy of site plan 8 1/2" x 11" <i>(not applicable with Appeal/Interpretation)</i>
	<b>1 CD</b> – Electronic copy of application materials
	<b>1 copy</b> – Photographs of property

**STEP 3 - Cashier - Processing Payment:** The cashier will call your ticket number, request your application tracking number, advise you of the total application fees and request your method of payment. Maricopa County accepts cash, check, or credit card. Please make checks payable to: **MARICOPA COUNTY**. We currently accept Visa and MasterCard for credit card payment. In August 2013, the County will also accept Discover and American Express. **Please note that proper payment in full, based upon the following fee schedule, is required at the time of application:**

Variance Application Fee Schedule	
✓ Residential	<b>\$250</b> for first Variance request and <b>\$50</b> for <u>each additional</u> Variance request
✓ Non-Residential	<b>\$750</b> for first Variance request and <b>\$100</b> for <u>each additional</u> Variance request
Interpretation/Appeal	<b>\$300</b> per request
Drainage Plan Review	<b>\$100</b>
Environmental Services	<b>\$25</b>
Addressing	<b>\$10</b> to verify address or <b>\$50</b> to assign address

✓ Variance Planning application fees will be **DOUBLED** if variance request is the result of a Code Violation case.