



Maricopa County

Environmental Services Department

Quality and Compliance Division
Variance/HACCP Program Coordinator
1001 N. Central Ave., Suite 401
Phoenix, Arizona 85004-1937
Phone: (602) 506-6972
Fax: (602) 506-5141

Request for Variance

Establishment Name: _____

Address: _____

Permit Number: _____

Contact Name: _____

Daytime Phone Number: _____ **Alternate Number:** _____

Email Address: _____

Maricopa County Environmental Services Department (“Department”) Variance Requirements:

1. Facility owners/operators shall not initiate a variance required food process pursuant to the Maricopa County Environmental Health Code (MCEHC) Chapter VIII, Section 2., Regulation 1., § 3-502.11 and § 3-502.12, or any other affected MCEHC section prior to acquiring Department variance approval.
The MCEHC is available online at <http://www.maricopa.gov/EnvSvc/AboutUs/HealthCode.aspx>.
2. The facility owner/operator shall prove the MCEHC variance modification will not cause a public nuisance, health hazard, or safety risk.
3. The facility owner/operator may inform the Department of any perceived hardship pertaining to an item found by the Department to be out of compliance, when an alternative method or work offered conforms to the general intent of the MCEHC, and the literal code interpretation for that item creates an unusual or unreasonable burden.
4. The facility owner/operator must submit a separate request for each variance issue and the facility owner/operator must pay the variance processing fee pursuant to the MCEHC fee schedule.
5. Per MCEHC Chapter 1 Section 5, Maricopa County collects a fee for each variance application review. The fee is non-refundable and must be submitted prior to variance application review. Failure to provide the fee will result in the denial of the application.

Note: Please review your Regulatory Bill of Rights on the final page of this document.

VARIANCE APPLICATION PROCESS

1. Steps required to obtain a variance are as follows:
 - a.) Submit a complete variance application along with applicable application fee(s).
 - b.) Provide documentation that supports the applicants claim that a hazard or nuisance will not be created by granting the variance.
 - c.) Obtain Official Department Approval prior to conducting the process.

2. The applicable licensing time frames stem from Arizona Administrative Code Title 9, R9-8-104.

Application	Administrative Completeness Review	Notice of Deficiencies	Substantive Review	Total Time
Complete	30 days	None	60 days	90 days
Incomplete	30 days	180 days from request	60 days	270 days

The overall time frame for review is 90 days with 30 days for administrative review and 60 days for the substantive review for complete applications. For incomplete applications a Notice of Deficiency is required and will extend the overall time frame to up to 270 days. The substantive review may be extended to an overall review time frame to up to 360 days by applicant’s written approval.

3. If there are questions about the application process or assistance is needed please contact the HACCP/Variance Coordinator at 602-506-6972.

4. The Department’s website is located at <http://www.maricopa.gov/EnvSvc> You can also reach the Variance Program Coordinator at the following email account ecarlson@mail.maricopa.gov or by fax at 602-506-5141.

5. You may receive a clarification from the Department of its interpretation or application of a statute, ordinance, regulation, delegation agreement or authorized substantive policy statement as provided in A.R.S. §11-1609.

Note: A Notice of Deficiencies is a request from the Department to provide more information about the variance request. This application will be considered withdrawn if this additional information is not received by the Department within 180 calendar days from the date of the request. Sign below to verify you have read this section and understand the time frames involved:

Signature Date

A.R.S. §11-1602: REGULATORY BILL OF RIGHTS

- A. TO ENSURE FAIR AND OPEN REGULATION BY COUNTIES, A PERSON:
1. IS ELIGIBLE FOR REIMBURSEMENT OF FEES AND OTHER EXPENSES IF THE PERSON PREVAILS BY ADJUDICATION ON THE MERITS AGAINST A COUNTY IN A COURT PROCEEDING REGARDING A COUNTY DECISION AS PROVIDED IN A.R.S. §12-348.
 2. IS ENTITLED TO RECEIVE INFORMATION AND NOTICE REGARDING INSPECTIONS AS PROVIDED IN A.R.S. §11-1603 (EFFECTIVE JUNE 30, 2012).
 3. IS ENTITLED TO HAVE A COUNTY NOT BASE A LICENSING DECISION IN WHOLE OR IN PART ON LICENSING CONDITIONS OR REQUIREMENTS THAT ARE NOT SPECIFICALLY AUTHORIZED AS PROVIDED IN A.R.S. §11-1604.
 4. MAY HAVE A COUNTY APPROVE OR DENY THE PERSON'S LICENSE APPLICATION WITHIN A PREDETERMINED PERIOD OF TIME AS PROVIDED IN A.R.S. §11-1605 (EFFECTIVE DECEMBER 31, 2012).
 5. IS ENTITLED TO RECEIVE INFORMATION REGARDING THE LICENSE APPLICATION PROCESS AT THE TIME THE PERSON OBTAINS AN APPLICATION FOR A LICENSE AS PROVIDED IN A.R.S. §11-1606.
 6. IS ENTITLED TO RECEIVE WRITTEN OR ELECTRONIC NOTICE FROM A COUNTY ON DENIAL OF A LICENSE APPLICATION (EFFECTIVE DECEMBER 31, 2012):
 - (A) THAT JUSTIFIES THE DENIAL WITH REFERENCES TO THE STATUTE, ORDINANCE, REGULATION, DELEGATION AGREEMENT OR AUTHORIZED SUBSTANTIVE POLICY STATEMENTS ON WHICH THE DENIAL IS BASED AS PROVIDED IN A.R.S. §11-1605.
 - (B) THAT EXPLAINS THE APPLICANT'S RIGHT TO APPEAL THE DENIAL AS PROVIDED IN A.R.S. §11-1605.
 7. MAY INSPECT ALL ORDINANCES, REGULATIONS AND SUBSTANTIVE POLICY STATEMENTS OF A COUNTY, INCLUDING A DIRECTORY OF DOCUMENTS, AT THE OFFICE OF THE COUNTY OR ON THE COUNTY'S WEBSITE AS PROVIDED IN A.R.S. §11-1607.
 8. UNLESS SPECIFICALLY AUTHORIZED, MAY EXPECT COUNTIES TO AVOID DUPLICATION OF OTHER LAWS THAT DO NOT ENHANCE REGULATORY CLARITY AND TO AVOID DUAL PERMITTING TO THE MAXIMUM EXTENT PRACTICABLE AS PROVIDED IN A.R.S. §11-1604.
 9. MAY FILE A COMPLAINT WITH THE BOARD OF SUPERVISORS CONCERNING AN ORDINANCE, REGULATION OR SUBSTANTIVE POLICY STATEMENT THAT FAILS TO COMPLY WITH A.R.S. §11-1602.