



Planning & Development  
Department

VARIANCE



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# Maricopa County Planning & Development Department



## VARIANCE APPLICATION INSTRUCTIONS

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- A PRE-APPLICATION MEETING IS REQUIRED PRIOR TO SUBMITTING THE APPLICATION. Please call **602-506-4181** to set up an appointment.
  - INCOMPLETE SUBMITTALS WILL NOT BE ACCEPTED. APPLICATION(S) DETERMINED TO BE INCOMPLETE SHALL NOT BE PROCESSED BY STAFF.
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### DOCUMENTATION REQUIRED FOR SUBMITTAL

#### 1. **TEN COPIES OF THE COMPLETED APPLICATION AND SUPPLEMENTAL QUESTIONNAIRE:**

- 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. **TWO OFFICIAL RECORDED COPIES of the most CURRENT deed.**

If the application is for a Variance for substandard lot area or width, a copy of the first OFFICIAL 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. **FINANCIAL RESPONSIBILITY – 1 copy**

#### 4. **TEN COPIES (folded if 24" x 36", no plans drawn on a sheet size larger than 24" X 36" will be accepted) OF THE SITE/PLOT PLAN of the property, indicating the following:**

- 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.

#### 5. **TWO COPIES (folded if 24"x36") OF FLOOR PLAN AND ELEVATIONS of all existing or proposed buildings or additions pertinent to the request.**

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.

**6. 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.

**7. PICTURES OF THE PROPERTY 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.

**VARIANCE FEES ARE DOUBLED IF THE VARIANCE IS THE RESULT OF A CODE VIOLATION CASE.**

**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.**

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.

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.

**9. PRE-APPLICATION MEETING FORM.**

A copy of the pre-application meeting form must be submitted as evidence that a pre-application meeting was held with staff prior to submission of the Variance application.

**10. All information required must be complete and in order. INCOMPLETE SUBMITTALS WILL NOT BE ACCEPTED AND WILL BE RETURNED.**

**BOARD OF ADJUSTMENT PROCESS**

Procedure for making application to the Board of Adjustment as provided in the Maricopa County Zoning Ordinance.

1. Submit the completed documentation to the Maricopa County Planning and Development Department, located at:

**501 North 44<sup>th</sup> St., Suite 200  
Phoenix, AZ 85008**

2. 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. The assigned planner will review the submittal and provide the owner or owner's authorized agent with any comments. Note: Requests will not be scheduled for hearing until the application is deemed complete all reviewing County agencies have signed off on the proposal, and all applicable fees are paid, and all outstanding technical comments have been addressed.
3. Owner or owner's authorized agent will be provided written notice of the time, date and place of hearing approximately five working days prior to the date of the hearing. The Board of Adjustment meets at **9:30 a.m.** in the Board of Supervisors' Auditorium at **205 West Jefferson Avenue**, unless otherwise noted.
4. 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.

5. Unless continued, a letter indicating the Board's action on the request will be sent to all applicants within one week after the Board's hearing on the matter.

### **BOARD OF ADJUSTMENT CRITERIA FOR GRANTING A VARIANCE**

To obtain a variance, it is necessary for the applicant to prove each of the following:

1. That there is a peculiar condition of the property. This condition must be related to the property and cannot be things like other properties in the area or the personal situation of the homeowner. Peculiar conditions are things like hills in areas that are otherwise totally flat, a lot that is smaller than other lots in the area for reasons that do not relate to the owner or anyone in the chain of title, lots of unusual shape, etc.
2. That applying the specific regulation of the ordinance to the peculiar condition of the lot results in an undue hardship that can only be fixed by varying the requirement of the ordinance. If something other than the ordinance causes the "hardship," such as easements, or CC&Rs, or the fact that the neighbor has his or her building too close to a lot line, etc., a variance is not appropriate.
3. That the owner did not create the condition of the lot or the hardship. However, it is not just the immediate owner; it is anyone in the chain of title. For example, if a lot were split in the 1980s and the result is an undersized lot, the owner of the lot today, in the eyes of the law, created the condition. A self created hardship will not permit the granting of a variance. This is also true if you have a side yard issue where the building is too close to the property line. The fact that an owner prior to the applicant placed the building there does not justify a variance.
4. Even if the applicant can prove the three elements outlined above, no variance can be granted unless the applicant can also prove that granting the variance will not harm the general intent and purposes of the zoning ordinance. That general intent and purpose must be preserved. Therefore, the applicant will have to explain the intent and purpose of the regulation from which the variance is sought and why granting the variance to the particular property will not impair that intent and purpose.



# Planning & Development Department

## VARIANCE APPLICATION

APPLICATION MUST BE COMPLETED IN FULL

ALL FEES ARE DUE AT TIME OF APPLICATION AND ARE NON-REFUNDABLE



Is this subject property within an area of 15% or greater hillside slopes? Yes  No

### REQUEST

Description of Request: \_\_\_\_\_  
Existing Use of Property: \_\_\_\_\_  
Existing Zoning District: \_\_\_\_\_  
Related Case Number(s): \_\_\_\_\_

### PROPERTY INFORMATION

Address (if known): \_\_\_\_\_  
General Location (include nearest city/town): \_\_\_\_\_  
Size in Acres: \_\_\_\_\_ Square Feet: \_\_\_\_\_  
Legal Description: \_\_\_\_\_ Section: \_\_\_\_\_ Township: \_\_\_\_\_ Range: \_\_\_\_\_  
Assessor's Parcel Number: \_\_\_\_\_  
Subdivision Name (if applicable): \_\_\_\_\_

### APPLICANT INFORMATION

Name: \_\_\_\_\_ Contact: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

### PROPERTY OWNER INFORMATION

Name: \_\_\_\_\_ Contact: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone #: \_\_\_\_\_ Fax #: \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

### PROPERTY OWNER AND APPLICANT AUTHORIZATION

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 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 stipulations, development agreements, and/or any other requirement that may encumber or otherwise affect the use of my property.

### PROPOSITION 207 WAIVER

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, with full knowledge of all rights granted to the property owner 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: \_\_\_\_\_

### VERIFICATION OF APPLICATION INFORMATION

I certify that the above statements are true. If any of the above statements is willfully false, I understand that I am subject to punishment and that any approvals or permits granted by Maricopa County in reliance upon the truthfulness of the above statements may be revoked or rescinded.

Property Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### CASE INACTIVITY

Cases which are not active within six (6) months will be considered inactive and closed by staff. A letter addressing the inactivity will be sent to the applicant or property owner with notification of the case to be closed within thirty (30) days. To pursue entitlement after the closing of the case, a new application and associated fees will need to be filed.



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**ADDENDUM: PERSONAL GUARANTEE OF FINANCIAL RESPONSIBILITY**

I, \_\_\_\_\_, hereby absolutely, unconditionally and irrevocably  
(print name)

guarantee to Maricopa County the prompt payment of any and all fees and charges in connection with this application and the property for which the application made, including any fees incurred if this application is withdrawn, without the necessity of Maricopa County first seeking payment from the named applicant.

All outstanding fees and fines against a property owed to the Department must be current and paid in full before any application will be scheduled for hearing or administrative approval as applicable.

Signature of Guarantor: \_\_\_\_\_

Date: \_\_\_\_\_



Planning & Development Department



LIMITED LIABILITY COMPANY RESOLUTION

Be it resolved that the transaction herein referred to, being herewith approved, \_\_\_\_\_ member of \_\_\_\_\_, L.L.C. be and (s)he is hereby directed, authorized and empowered to execute, acknowledge and deliver such documents, instruments and papers and perform such acts as may be legally, properly and reasonably required or necessary for the purpose of filing necessary applications with the Maricopa County Planning and Development Department to obtain \_\_\_\_\_ for parcel number(s) \_\_\_\_\_.

I, \_\_\_\_\_ (attesting witness); member of \_\_\_\_\_ L.L.C., a Limited Liability Company of the State of \_\_\_\_\_, CERTIFY that the foregoing Resolution is duly authorized by the Certificate of Formation and the Operating Agreement of the company; that it has not been modified, amended or rescinded, and is in full force and effect as of the date hereof.

Dated: \_\_\_\_\_

\_\_\_\_\_



Planning & Development  
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BOARD OF ADJUSTMENT  
VARIANCE SUPPLEMENTAL QUESTIONNAIRE

**ARS §11-807.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.*

- 1. Explain why you wish to use the property without meeting the present requirements.

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- 2. Identify and explain all peculiar conditions on your property in regard to the following areas: slope, narrowness, shallowness, irregular shape, location, washes, vegetation, and easements, etc.

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- 3. Explain how the granting of a variance would not result in an adverse impact to the general intent and purposes of the zoning ordinance.

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- 4. Attach any additional comments regarding your request that you would like to provide.

- 5. List all attached information.

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\*Additional sheets may be attached.



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2012 FILING DEADLINES AND HEARING DATES

BOARD OF ADJUSTMENT (BOA)  
DRAINAGE REVIEW BOARD (DRB)

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

BOA/DRB Hearing Deadline *	BOA/DRB Hearing Date (Thursdays)
November 23, 2011	December 19, 2011
December 16, 2011	January 12, 2012
January 13, 2012	February 9, 2012
February 17, 2012	March 8, 2012
March 16, 2012	April 12, 2012
April 13, 2012	May 10, 2012
May 18, 2012	June 14, 2012
June 15, 2012	July 12, 2012
July 13, 2012	August 9, 2012
August 17, 2012	September 13, 2012
September 14, 2012	October 11, 2012
October 12, 2012	November 8, 2012
November 16, 2012	December 13, 2012

\* Applications should be submitted at least two (2) weeks in advance of the hearing deadline. 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.

