



Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Case: TA2019002 – Variance Timeframe

Hearing Date: September 10, 2020

Supervisor District: All

Applicant: Commission-initiated

Request: Text Amendment to amend Chapter 3, Administration; Board of Adjustment; Section 303, Article 303.5; of the Maricopa County Zoning Ordinance (MCZO)

EROP: This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). This matter was discussed at the February 27, 2020 Stakeholder meeting.

Municipal Comments: No comments received from EROP Notification process.

Support/Opposition: No letters of opposition/suggested changes to the proposed text. (No new public comment since the February 27, 2020 Stakeholder meeting.)

Recommendation: **Approval**

Discussion:

This text amendment will amend the Maricopa County Zoning Ordinance (MCZO), Chapter 3 Administration, Board of Adjustment, Section 303, Article 303.5. In accordance with the adopted Moratorium on Increased Regulatory Burden, the Planning and Development Department is seeking your approval to proceed with TA20190002 – to delete MCZO language that requires construction to occur within 120 days after Board of Adjustment approval of a variance.

Staff notes there are various circumstances that may prevent property owners from not being able to commence construction within 120 days of Board of Adjustment approval of a variance. Currently, if the 120 day deadline isn't met a property owner is required to apply for and seek approval of a new variance application for the same hardship. However, the Board of Adjustment is mandated to determine whether peculiar conditions exist on a subject property in order to grant a variance from the zoning ordinance standards. Theoretically, the peculiar condition for which the variance was granted will exist in perpetuity, thus eliminating need for construction within a certain timeframe in most instances. There will be no prohibition against the Board of Adjustment approving a variance subject to a temporal condition, but the ordinance should not mandate one for all variance approvals. This change will lessen regulatory burden.

Proposed changes are shown in legislative edit format. There is no new language to be added. Language to be deleted is struck through in red font.

SECTION 303. BOARD OF ADJUSTMENT

ARTICLE 303.5. APPLICATION FOR VARIANCE:^{*1, *3, *8, *13, *25} *Application for any Variance from the regulations of this Zoning Ordinance shall be made to the Board of Adjustment. Such applications shall be made on forms prescribed by the Board of Adjustment, shall be filed with the Director, and shall be accompanied by:*

303.5.1. Accurate site plans to scale and a description of the property involved, description of the request or requests, preliminary floor plans and elevations of all proposed buildings. The zoning inspector may authorize omission of any or all of the plans and drawings required by this section if they are not necessary.

~~*303.5.2. Evidence, satisfactory to the Board of Adjustment, of the ability and intention of the applicant to proceed with actual construction work in accordance with said plans within **120 days** after allowing any Variance.*^{*8}~~

303.5.3. Reasons for requesting the Variance including a detailed description of a statutorily based hardship and evidence that granting of said Variance will not in any way adversely impact the intent and purpose of the Zoning Ordinance.

Next Steps:

A projected timeline for completion includes a tentative Board of Supervisors hearing date of October 7, 2020 with adopted language to become effective 30 days later, November 6, 2020.

Recommendation:

Staff recommends the Commission motion for **Approval** of TA2019002.

Prepared by: Rachel Applegate, Senior Planner
Reviewed by: Darren V. Gerard, AICP, Planning Manager

Attachment: 8/6/2020 ZIPPOR Packet (3 pages)



Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Case: TA2019002 – Variance Timeframe

Meeting Date: August 6, 2020 (ZIPPOR)

Supervisor District: All

Applicant: Commission-initiated

Request: Text Amendment to amend Chapter 3, Administration; Board of Adjustment; Section 303, Article 303.5; of the Maricopa County Zoning Ordinance (MCZO)

EROP: This item is being processed through the County's Enhanced Regulatory Outreach Program (EROP). This matter was discussed at the February 27, 2020 Stakeholder meeting.

Municipal Comments: No comments received from EROP Notification process.

Support/Opposition: No letters of opposition/suggested changes to the proposed text. (No new public comment since the February 27, 2020 Stakeholder meeting.)

Recommendation: **Initiate**

Discussion:

This text amendment will amend the Maricopa County Zoning Ordinance (MCZO), Chapter 3 Administration, Board of Adjustment, Section 303, Article 303.5.

In accordance with the adopted Moratorium on Increased Regulatory Burden, the Planning and Development Department is seeking your approval to proceed with TA20190002 – to delete MCZO language that requires construction to occur within 120 days after Board of Adjustment approval of a variance.

Staff notes there are various circumstances that may prevent property owners from not being able to commence construction within 120 days of Board of Adjustment approval of a variance. Currently, if the 120 day deadline isn't met a property owner is required to apply for and seek approval of a new variance application for the same hardship. However, the Board of Adjustment is mandated to determine whether peculiar conditions exist on a subject property in order to grant a variance from the zoning ordinance standards. Theoretically, the peculiar condition for which the variance was granted will exist in perpetuity, thus eliminating need for construction within a certain timeframe in most instances. This change will lessen regulatory burden.

Proposed changes are shown in legislative edit format.

SECTION 303. BOARD OF ADJUSTMENT

ARTICLE 303.5. APPLICATION FOR VARIANCE:^{*1, *3, *8, *13, *25} Application for any Variance from the regulations of this Zoning Ordinance shall be made to the Board of Adjustment. Such applications shall be made on forms prescribed by the Board of Adjustment, shall be filed with the Director, and shall be accompanied by:

303.5.1. Accurate site plans to scale and a description of the property involved, description of the request or requests, preliminary floor plans and elevations of all proposed buildings. The zoning inspector may authorize omission of any or all of the plans and drawings required by this section if they are not necessary.

~~303.5.2. Evidence, satisfactory to the Board of Adjustment, of the ability and intention of the applicant to proceed with actual construction work in accordance with said plans within **120 days** after allowing any Variance.^{*8}~~

303.5.3. Reasons for requesting the Variance including a detailed description of a statutorily based hardship and evidence that granting of said Variance will not in any way adversely impact the intent and purpose of the Zoning Ordinance.

Recommendation:

Staff recommends the Commission **initiate** TA2019002.

Next Steps:

If the Commission takes action to initiate the proposed text amendment, the amendment would be scheduled for the September 10, 2020 Planning and Zoning Commission. A projected timeline for completion includes a tentative Board of Supervisors hearing date of October 7, 2020 with adopted language 30 days after Board hearing for completion by November 6, 2020.

Prepared by: Rachel Applegate, Senior Planner
Reviewed by: Darren V. Gerard, AICP, Planning Manager

Attachment: 2/27/20 EROP Stakeholder Meeting sign in sheet (1 page)

