



Planning & Development Department

VARIANCE

Can also be used for Interpretations



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***Note: As of December 31, 2012, all Variance and Interpretation applications are subject to ARS §11-1605.**

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



Planning & Development Department

VARIANCE & INTERPRETATION APPLICATION INSTRUCTIONS



A PRE-APPLICATION MEETING IS RECOMMENDED PRIOR TO SUBMITTING THE APPLICATION.
PRE-APPLICATION MEETING PACKET CAN BE DOWNLOAD FROM
<http://www.maricopa.gov/2206/Pre-Application-Meeting>

DOCUMENTATION REQUIRED FOR SUBMITTAL

1. COMPLETED APPLICATION – TWO (2) COPIES:

- a) The application must be TYPED or PRINTED LEGIBLY IN BLACK INK.
- b) The application must be signed by the owner of the subject property.

2. SUPPLEMENTAL QUESTIONNAIRE – TWO (2) COPIES:

- a) Additional information may be attached to the supplemental questionnaire as needed.

3. 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 (BLM) (602) 417-9200.

4. SITE PLAN – TWO (2) COPIES (folded if 24" x 36", no plans drawn on a sheet size larger than 24" X 36" will be accepted) of the property, indicating the following (this may not be applicable for Interpretation):

- 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.

g) **If the Variance application is related the Maricopa County Zoning Ordinance (MCZO) Hillside Regulations in Chapter 12, SEE ITEM #9 FOR ADDITIONAL INSTRUCTIONS.**

5. **FLOOR PLAN AND ELEVATIONS – TWO (2) COPIES (folded if 24"x36"**Show ALL existing or proposed buildings or additions pertinent to the request (this may not be applicable for Interpretations).

a) 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. **SITE PLAN – 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 Interpretation).

7. **ELECTRONIC COPY OF APPLICATION MATERIALS – 1 CD or jump drive.** Example a Narrative Report should be saved as NARR-RPTS-1.pdf

	Electronic Copies of Application Materials	Required Naming Convention for the Adobe PDF documents.
_____ A.	Completed Application from	APPL-FORM-1
_____ B.	Completed Supplemental Questionnaire	QUES-DETL-1
_____ C.	Official recorded deed or unofficial deed	DEED-DETL-1
_____ D.	Site Plan	SITE-PLAN-1
_____ E.	Floor Plan	FLOR-PLAN-1
_____ F.	Photographs of Property	PHOT-DETL-1

8. **PICTURES OF THE PROPERTY** (this may not be applicable for Interpretation) 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.

Hillside Table	Sq. Ft.	Percentage of Gross Area of the lot
Gross area of lot (sq. ft.)		-
Area of hillside (sq. ft.)		% hillside / Gross area of lot
Previous hillside disturbance (sq. ft.)		% previous hillside disturbance / gross area of lot
Proposed hillside disturbance (sq. ft.)		% proposed hillside disturbance / gross area of lot
Total hillside disturbance (sq. ft.)		% of Previous + % of Proposed / gross area of lot
Total Hillside disturbance (sq. ft.) outside building envelope		

- a. Provide elevation details of proposed buildings, structures, retaining walls on lots with 15% or greater **shall not exceed 30 feet from natural grade** through any building cross section measured vertically from any point. Show all structures at **25' intervals** perpendicular to slope, give the maximum building and structure height in each cross section.
- b. Provide fencing and retaining walls elevation details showing dimensions from lowest finished grade to the top of the wall.
- c. Provide Slope Stabilization and Restoration Plan – Identify on the plan slope stabilization and restoration. Identify the type of vegetation to be reestablished on all exposed fill slopes, cut slopes, graded areas, or other areas disturbed. Reference the type of restoration (example: mixture of indigenous grasses, shrubs, trees or cacti.)
 - In lieu of indigenous vegetation, all cut slopes shall be rippedraped with stone or chemically stain treated materials.

[See MCZO Hillside Regulations - 1201.6.2](#)

10. 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

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 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/arstitle/>

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 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 Citizens Access Portal on the Planning and Developments website:

<https://accela.maricopa.gov/citizenaccessmcoss/>

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.



Planning & Development Department VARIANCE / INTERPRETATION APPLICATION



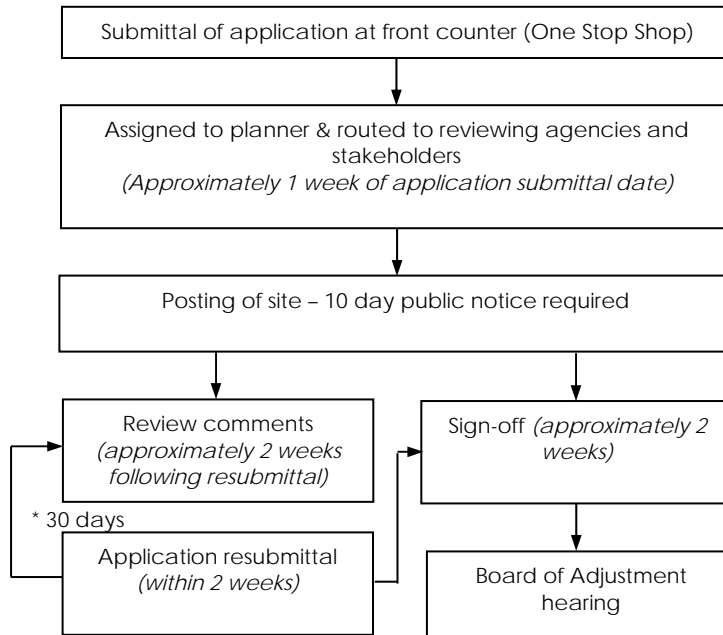
ALL FEES ARE DUE AT TIME OF APPLICATION AND ARE NON-REFUNDABLE

Is this Design Build? <input type="checkbox"/> Yes <input type="checkbox"/> No		Is this Residential? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Please select the type of Board of Adjustment application from the checkboxes below.			
<input type="checkbox"/> Residential Variance	<input type="checkbox"/> Non-residential Variance	<input type="checkbox"/> Interpretation	<input type="checkbox"/> BA Blanket Variance
Is this subject property within an area of 15% or greater hillside slopes? Yes <input type="checkbox"/> No <input type="checkbox"/>			
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 conditions, 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: _____	
INSPECTIONS			
By submitting this application, I am inviting County staff to conduct all site inspections they deem necessary.			
VERIFICATION OF APPLICATION INFORMATION			
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.			
Owner or Authorized Agent Signature: _____		Date: _____	
ARS § 1605 TIMEFRAME EXTENSION			
I authorize a 50% timeframe extension 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 is 2 months



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.

1. Please discuss and explain what is/are the peculiar condition(s) facing 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. 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. Explain how enforcement of the Zoning Regulation(s) or Development Standard(s) would impose a hardship on the property.

2. Please explain the unnecessary hardship the peculiar condition(s) on the site create with respect to existing Regulation(s) and Standard(s) of the Maricopa County Zoning Ordinance. Please discuss and explain that the unnecessary hardship facing the property is not self-created in the line of title.

3. Please discuss and explain how the granting of the requested variance would not cause a negative impact on the general intent and purpose of the Zoning Ordinance.

4. 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 Planning and Development Department and the current review status. Specify the permit number(s). If no permit(s) have been filed, please provide a timeline for building permit(s) submittal and projected timeframe for construction. Conversely, indicate if the variance request(s) is/are not related to a specific development proposal.

*Additional sheets may be attached.

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



Planning & Development
Department
BOARD OF ADJUSTMENT
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 request for interpretation.

2. Provide justification for your request for interpretation.

3. Identify the applicable Ordinance sections under which you feel that your interpretation 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



2021 FILING DEADLINES AND HEARING DATES FOR THE
BOARD OF ADJUSTMENTS

Hearings are held in the Board of Supervisors Auditorium,
205 West Jefferson St., Phoenix, AZ 85003

Application Submittal Deadlines	County Agency Sign-Off	BOA Hearing Dates (Thursdays)
December 21, 2020	December 28, 2020	January 21, 2021
January 19, 2021	January 25, 2021	February 18, 2021
February 16, 2021	February 22, 2021	March 18, 2021
March 15, 2021	March 22, 2021	April 15, 2021
April 19, 2021	April 26, 2021	May 20, 2021
May 24, 2021	June 1, 2021	June 24, 2021
June 14, 2021	June 21, 2021	July 15, 2021
July 12, 2021	July 19, 2021	August 12, 2021
August 16, 2021	August 23, 2021	September 16, 2021
September 13, 2021	September 20, 2021	October 14, 2021
October 18, 2021	October 25, 2021	November 18, 2021
November 15, 2021	November 22, 2021	December 16, 2021

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.



Planning & Development Department



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. 44th Street, Suite 200 Phoenix, AZ 85008

Business Hours: 8:00 a.m. – 5:00 p.m. Monday through Friday, except holidays (new application submittals must 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 & Interpretation Application Submittal Documents	
	2 copies – Application
	2 copies – Supplemental Questionnaire
	1 copy – Recorded deed or unofficial deed
	2 copies – Site Plan 24" x 36" FOLDED (<i>not applicable with Interpretation</i>)
	2 copies – Floor Plan & Elevations 24" x 36" FOLDED (<i>not applicable with Interpretation</i>)
	1 copy – Reduced copy of site plan 8 1/2" x 11" (<i>not applicable with Interpretation</i>)
	1 CD or jump drive – Electronic copy of application materials
	1 copy – 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, MasterCard, Discover, and American Express for credit card payment. **Please note that proper payment in full, based upon the following fee schedule, is required at the time of application:**

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

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