



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. ONE COPY 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. NOTIFICATION REQUIREMENTS TO SURROUNDING PROPERTY OWNERS.**

The applicant must submit the names of the property owners within 300 feet of the boundary of the subject property. Properties located in platted subdivisions may provide names of the property owners directly surrounding the subject property. The names of the surrounding property owners must be submitted on mailing labels (8½"x11" label sheets preferred). A blank, stamped envelope for each surrounding

property owner shall also be included. Also required is an Affidavit of Notification (provided by the County) which must be signed by the applicant and notarized.

The names of the surrounding property owners can be obtained from the Maricopa County Assessor's Office, located at 301 West Jefferson, first floor, or on their website at: <http://www.maricopa.gov/Assessor/GIS/map.html>

Maricopa County will prepare a letter notifying the surrounding property owners of the type of request, the location, date and time of the hearing. The notification letter will be sent to the surrounding property owners using the labels/envelopes provided by the applicant.

## 9. 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 non-refundable.

All fees must be paid in full by the applicant at time of application.

## 10. 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.

**11. 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 (Chapter 3, Article 303.4 and 303.5):

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 applicant (checks should be made payable to "**Maricopa County Planning and Development**"). A receipt will then be issued, a case number assigned, and a tentative hearing date before the Board of Adjustment established. Note: Requests will not be scheduled for hearing until the application is deemed complete and all reviewing County agencies have signed off on the proposal.
3. Applicants 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 applicant'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.



# 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: \_\_\_\_\_

### 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.

### FEES

Residential \$250 + \$50/additional request  
Non-Residential \$750 + \$100/additional request  
Blanket \$750 + \$100/additional request  
Continuance \$250 per continuance  
Drainage Fee \$100 – Mandatory for all requests  
Environmental Fee: \$25 – Mandatory for all requests  
Addressing Fee: \$10 / \$50 – Mandatory for all requests



Planning & Development  
Department



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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, including any fees incurred if this application is withdrawn, and the property for which the application made, 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



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.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- 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.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- 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.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

- 5. List all attached information.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\*Additional sheets may be attached.



**Planning & Development  
Department**

**2010 FILING DEADLINES AND HEARING DATES**



<b>BOARD OF ADJUSTMENT DRAINAGE REVIEW BOARD</b>	
Variance, Interpretation, and Appeal of Staff Decision	
Appeals of Temporary Use Permits	
Hearing dates are tentative.	
Held in the Board of Supervisors Auditorium, 205 West Jefferson, Phoenix, AZ 85003	
<b>Application Deadline</b>	<b>Board Hearing Date**</b>
December 14, 2009	January 20, 2010
January 11, 2010	February 17, 2010
February 16, 2010	March 24, 2010
March 15, 2010	April 21, 2010
April 12, 2010	May 19, 2010
May 10, 2010	June 16, 2010
June 7, 2010	July 14, 2010
July 6, 2010	August 11, 2010
August 2, 2010	September 8, 2010
September 7, 2010	October 13, 2010
October 4, 2010	November 10, 2010
November 1, 2010	December 8, 2010
December 6, 2010	January 12, 2011*

\* Tentative date.

\*\* Request will not be scheduled for a hearing until the application is deemed complete and all reviewing County agencies have signed off on the proposal.

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.



Planning & Development  
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**AFFIDAVIT OF NOTIFICATION**

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

I, \_\_\_\_\_, being the owner or authorized applicant for the Maricopa County planning case referenced below, do hereby affirm that the attached listing of names and addresses accurately reflects the ownership of property within 300 feet of the subject planning case/project, according to current Maricopa County Assessor Records.

Applicant's/Owner's Signature: \_\_\_\_\_

SUBSCRIBED AND SWORN before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_

Notary Public

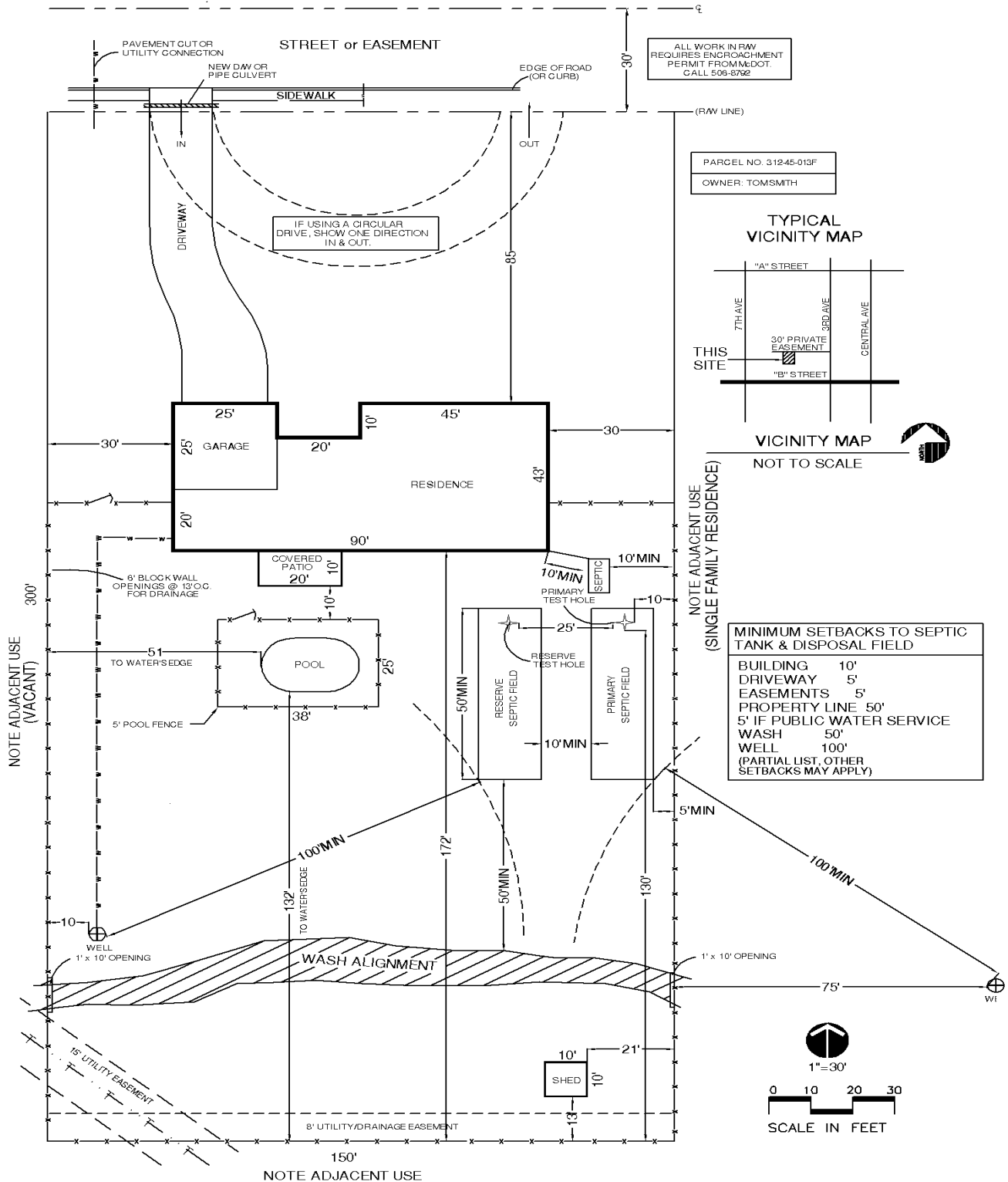
My Commission Expires: \_\_\_\_\_



# Planning & Development Department



## TYPICAL RESIDENTIAL SITE PLAN



SAMPLE ONLY (DRAWING SHOWN IS NOT TO SCALE)

ADDITIONAL DETAILED PLANS MAY BE REQUIRED.



Planning & Development Department  
PLANNING ACTIVITY CHECKLIST

PLEASE RETURN THIS FORM WITH ALL REQUESTED DOCUMENTS



VARIANCE

YES NO N/A

- 1. [ ] [ ] [ ] Variance Application (including completed questionnaire)
Comments: \_\_\_\_\_
2. [ ] [ ] [ ] Ten (10) Site Plans - FOLDED
Comments: \_\_\_\_\_
3. [ ] [ ] [ ] One (1) Site Plan (8 1/2" X 11")
Comments: \_\_\_\_\_
4. [ ] [ ] [ ] Two (2) Floor Plans with Elevations (optional - may be requested at later date)
Comments: \_\_\_\_\_
5. [ ] [ ] [ ] One (1) Floor Plan with elevations (8 1/2" X 11") (optional-may be requested at later date)
Comments: \_\_\_\_\_
6. [ ] [ ] [ ] Two (2) Recorded Deeds (Proof of Ownership)
Comments: \_\_\_\_\_
7. [ ] [ ] [ ] Photographs (mounted on 8 1/2" X 11" sheets with directional description)
Comments: \_\_\_\_\_
8. [ ] [ ] [ ] Affidavit of Notification (signed with notary seal)
Comments: \_\_\_\_\_
9. [ ] [ ] [ ] Mailing labels
Comments: \_\_\_\_\_
10. [ ] [ ] [ ] Envelopes (Stamped)
Comments: \_\_\_\_\_
11. [ ] [ ] [ ] Variance Fees (Planning, Drainage, Environmental, Violation, Addressing)
Comments : \_\_\_\_\_
12. [ ] [ ] [ ] Pre-application Meeting Form
Comments: \_\_\_\_\_
13. [ ] [ ] [ ] Other
Comments: \_\_\_\_\_
14. [ ] [ ] [ ] Financial Responsibility - 1 copy

RECEIVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_