

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

Variance is available as Electronic Document Review (EDR) - digital application submittal & review. The EDR Overview webpage includes information on how to get started with EDR submittal and processing.

<https://www.maricopa.gov/4687/Electronic-Document-Review-EDR-Overview>

Download the EDR User Guide – Variance and the Variance application packet at the following website:

<https://www.maricopa.gov/4688/EDR-Guides-Tutorials-and-Applications#packets>

Any questions with EDR, please contact us at 602-506-8573 or use the On-line chat feature within the On-line Permit Manager click on **Let's Talk!**



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 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:

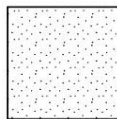
- Digital photographs are preferred and may be submitted in disk or printed format.
- Conventional photographs are to be mounted on 8½"x11" sheets.
- Each photograph shall be labeled indicating which direction the picture faces and from what location the picture was taken.
- A site-plan or key map may also be used in conjunction with the pictures; please include the proper notations.



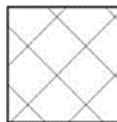
9. HILLSIDE REGULATIONS:

If the Variance application is related the MCZO Hillside Regulations in Chapter 12, the following information is required with submittal of the variance application:

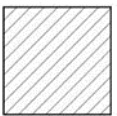
- a) Site Plan must be signed/sealed by an Arizona Registered Civil Engineer or Registered Land Surveyor with topographic plans/exhibits.
- Contour interval not exceeding five foot intervals. Graphically depict all portions of properties having a natural slope of 15% or greater.
 - Scale shall not be less than 1" = 20'-0".
 - Graphically depict all disturbed areas and proposed method of final treatment (restoration).



Hillside



Previous Hillside Disturbance



Proposed Hillside Disturbance



Restoration Area

- Show location of all proposed utility lines and septic tank or sewage disposal areas.
- Legal description and property dimensions.
- Hillside calculation table with existing, previous and proposed disturbance and percentages. Identify area of hillside disturbance outside of the building envelope.
- Identification of all structures/buildings existing or proposed dimensioned from all property lines.



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 riprapped 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

See Maricopa County Zoning Ordinance, Chapter 16 – (www.maricopa.gov/planning) – Please be aware that an additional investigation fee equal to the planning fee will be charged when a request is related to an active zoning violation case. This investigation fee will be assessed upon implementation of a signed compliance agreement, or upon a Hearing Officer’s determination that the respondent(s) is/are responsible for the applicable code violation(s).

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.

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.



4. Once staff is satisfied that technical requirements have been met, staff will schedule the request for hearing at the first available Board of Adjustment meeting. At this time, the substantive timeframe clock will stop. The Owner or owner's authorized agent will be given the staff's written recommendation to the Board approximately 5 days prior to the hearing. The Board of Adjustment meets at 10:00 a.m. in the Board of Supervisors' Auditorium at 205 West Jefferson Avenue, unless otherwise noted.
5. 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.
6. 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.

INTERPRETATIONS

Any person who feels that there is an error or doubt in the interpretation of the Ordinance, or that due to unusual circumstances attaching to the person's property an unnecessary hardship is being subjected on the person. The application shall state whether it is a plea for an interpretation or a Variance and the grounds for the interpretation or Variance.





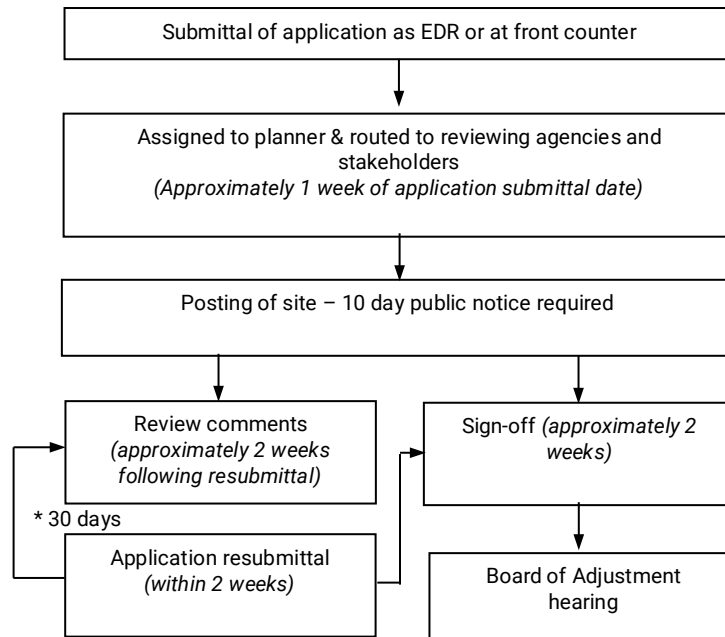
VARIANCE / INTERPRETATION APPLICATION

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 Zoning District and Use of Property: _____			
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(s): _____			
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 - Signature required			
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 - Signature required			
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 FLOWCHART AND PROJECTED TIMEFRAME



* Approximate timeframe to Board of Adjustment hearing is 2 months



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 Maricopa County Zoning Ordinance creates because of a peculiar condition/the peculiar conditions on site. Please discuss and explain that the peculiar condition of 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.

*Additional sheets may be attached.

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



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.



2023 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

If you receive Sign-Off from all County agencies by this deadline	You will be placed on this BOA Hearing Date (Thursdays)
December 27, 2022	January 19, 2023
January 23, 2023	February 16, 2023
February 21, 2023	March 16, 2023
March 20, 2023	April 13, 2023
April 24, 2023	May 18, 2023
May 22, 2023	June 15, 2023
June 26, 2023	July 20, 2023
July 17, 2023	August 10, 2023
August 28, 2023	September 21, 2023
September 18, 2023	October 12, 2023
October 16, 2023	November 9, 2023
November 20, 2023	December 14, 2023

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.



TYPICAL RESIDENTIAL SITE PLAN (Variance)

SAMPLE ONLY (DRAWING SHOWN IS NOT TO SCALE)

ADDITIONAL DETAILED PLANS MAY BE REQUIRED.

