



**Town of Oro Valley**  
Community and Economic Development Department

**Date**            October 10, 2018

**Subject**            Interpretation – Grading requirements for driveway related improvements (OV1802521)

**Request**

A zoning interpretation request was submitted by the homeowner of 510 W. Atua Place. The applicant asked if the 11' of fill dirt added to the lot is considered "maintenance" of a driveway and therefore exempt from cut and fill limitations of the zoning code.

The applicant describes the site conditions that require the extended driveway as follows:

- Steep and narrow existing driveway
- The only exit from the lot is on the curve of the street up the steep driveway

**Applicable Zoning References**

**OVZC 27.9. Grading**

**A. Purpose**

*The purpose of this ordinance is to provide for the public health, safety, and general welfare and to protect and preserve the aesthetics of the natural environment through regulation of all types of excavation and earthwork on private and/or public land.*

**4. Exemptions to this Ordinance**

*The following activities are exempted from this ordinance:*

- k. Grading for the maintenance of an existing private access, road, or driveway, provided that it either existed prior to adoption of, or was established in conformance with, this ordinance.*

**E. General Grading Requirements and Notes**

**1. Cut and Fill Limitations**

*Cut and fill slopes shall meet the following requirements:*

- a. The maximum depth of a cut or fill shall not exceed six (6) feet measured vertically from the existing grade to the finished elevation. The depth of a cut or fill slope may be increased to eight (8) feet when terracing is utilized in conformance with Illustration 27.9*

**Chapter 31: Driveway**

*The principal access route from a roadway to the lot's primary off-street parking area.*

*Oro Valley, it's in our nature.*

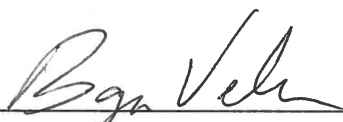
11000 N. La Cañada Drive, Oro Valley, Arizona 85737

This exemption only applies to the current driveway configuration and extent of grading. The driveway has been made more functional; however, any additional expansion would go beyond the intent of the grading ordinance "maintenance" exemption. No further expansion may occur without a formal Grading Waiver.

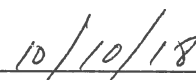
Although exempt from the grading standards, the added driveway area is subject to Town Code Article 15-24-14 (Stormwater) requirements for proper drainage and erosion control. A permit must be submitted with plans to address existing drainage and erosion issues. Once a permit is issued and corresponding work is completed by the property owner, inspections will follow to ensure compliance.

**Appeals**

Persons aggrieved by a Zoning Interpretation may file an appeal to the Board of Adjustment within twenty (20) days from the date it is published on the Town's website, in accordance with Section 21.6.G of the Town of Oro Valley Zoning Code.



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Bayer Vella, LEED-AP, AICP  
Planning and Zoning Administrator



\_\_\_\_\_  
Date

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