



Town of Oro Valley
Community and Economic Development Department
Planning Division
520.229.4800 | orovalleyaz.gov
Residential Setback Modification

Setback Modification

A setback modification may be allowed for a house or detached accessory structure on a single-family residential property subject to the following standards:

<i>A. A front, rear or side yard building setback may be reduced by less than ten (10) percent to a maximum of five (5) feet from any property line.</i>
<i>B. Requests may not be materially detrimental to directly affected properties including safety, views, noise, health and general welfare as determined by the Planning and Zoning Administrator.</i>
<i>C. Request are subject to conditions as determined by the Planning and Zoning Administrator, to mitigate any potential negative impacts.</i>
<i>D. All requests must be unopposed by all directly affected properties as defined in this process guide.</i>

The setback reduction procedure shall not apply to any proposed setback reduction that results in:

- 1) Changes to a subdivision design. Setback reduction requests shall be considered individually on parcel-by-parcel basis. In no instance shall this code provision be applied as part of the rezoning, final design review or platting process.*
- 2) An increase in the permitted lot coverage for a detached accessory structure.*
- 3) A change to a development standard that was previously reduced through a separate modification or variance.*
- 4) A change to a development standard that was a condition of approval for a rezoning or conceptual site plan.*

- 5) *A modification of a requirement of an overlay zone, scenic corridor or the environmentally sensitive lands ordinance including but limited to setbacks (section 27.10.F.3.B) and flexible design options (section 27.10.F.2.C)*
- 6) An additional setback encroachment than what is permitted in section 23.5.C.2 of the Oro Valley Zoning Code.
- 7) A change to the setback requirements for multiple frontage lots as defined in section 23.5.C.1.B. of the Oro Valley Zoning Code.

Setback modifications are decided by the Planning and Zoning Administrator. A decision by the Planning and Zoning Administrator may be appealed to the Board of Adjustment per Section 22.12.

****The Town of Oro Valley acknowledges that private Covenants, Conditions, and Restrictions (CC&Rs) exist in many homeowner associations. Town decisions should not be interpreted to void any provisions of those documents****

Fees

- Individual/homeowner(s) modification - \$150.00 per item/lot
Please note: Fees are non-refundable, regardless of the final decision.

Submissions

All Setback Modification applications must include the following for acceptance:

- A completed **General Application**
- Payment of **Fees**
- A **Narrative** that provides explanatory and detailed information related to the standards A-D listed above. It is the applicant's responsibility to provide thorough details about the proposal, including any potential impacts to the neighborhood.
- A **Site Plan** of the entire lot, including:
 - The lot lines for the property
 - All streets identified and labeled
 - Location of the main house or building, including driveways
 - Location of any existing accessory structures
 - Highlight areas which are the subject of the setback modification and include the size, height, width, distance to property lines, as applicable.
- A **Letter of Authorization** from the property owner (if applicant is acting as agent)
- Any **Supporting Documentation**, such as maps, photographs, construction documents, etc.

Staff Review

After receiving a complete submittal, Town staff will review the information and send a letter to the applicant within ten (10) business days of the received date. The letter will include comments to be addressed and/or revisions needed. Once corrected and finalized, public notification will commence.

Public Notification

The Town will notify all directly affected property owners by mail, which may include:

- a) All property owners adjacent to the applicant's property for a front yard setback request.*
- b) All property owners abutting the applicant's property for a side or rear yard setback request.*
- c) Additional properties when it is apparent they will be materially affected by the request as determine by the Planning and Zoning Administrator.*

Determination and action if there is opposition to the request by directly affected property owners.

- a) Affected property owners have 15 calendar days after date of mailing to respond. If no response in opposition is received by Town staff, the application shall be considered unopposed.
- b) If a response in opposition to a setback reduction request is received within the 15 day comment period, the Planning and Zoning Administrator may schedule meetings with the opposing property owner and applicant to reach a consensus.
- c) If opposition remains, the application must be denied.*

Appeals

A decision by the Planning and Zoning Administrator may be appealed to the Board of Adjustment per Section 22.12.

Submission Checklist

- ___ Completed Application
- ___ Narrative
- ___ Site Plan
- ___ Letter of Owner Authorization, if applicable
- ___ Supporting Documentation
- ___ Fees

****Special Note:** Incomplete submittals will not be reviewed and will be returned to applicant for completeness.