

Residential Setback Modification

Process and Submittal Requirements

Town of Oro Valley

Community and Economic Development Department - Planning Division

Questions: 520.229.4800 | orovalleyaz.gov



APPLICABILITY

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

- 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.*
- 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.*
- C. *Requests are subject to conditions as determined by the Planning and Zoning Administrator, to mitigate any potential negative impacts.*
- D. *All requests must be unopposed by all directly affected properties as defined in this process guide.*

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

- A. *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.*
- B. *An increase in the permitted lot coverage for a detached accessory structure.*
- C. *A change to a development standard that was previously reduced through a separate modification or variance.*
- D. *A change to a development standard that was a condition of approval for a rezoning or conceptual site plan.*
- E. *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)*
- F. *An additional setback encroachment than what is permitted in section 23.5.C.2 of the Oro Valley Zoning Code.*
- G. *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.

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FEES

As specified in the OVZCR, all fees must be paid in full prior to acceptance of an application. Please note: Fees are non-refundable, regardless of the final decision.

- Individual/homeowner(s) modification - \$150.00 per item/lot

SUBMISSIONS

To avoid delays in review, please be aware of the following:

- All applications must be submitted online.
- Project resubmittals are to be uploaded through the portal using the same project number the first application was provided. Please do not e-mail documents directly to staff as this may delay the submittal review process.
- All items must be submitted in PDF format.
- Please name PDF files in a self-explanatory manner such as "*Document Type – Date.*"
- All fees must be paid upon submitting. Reviews will not begin until all fees are paid. Fees may be paid online.

SUBMITTAL CHECKLIST

- Narrative
- Site plan, if applicable
- Supporting documents
- Letter of authorization

PROCESS

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

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C. Determination and action - if there are 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.*

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

SUBMITTAL ITEMS AND REQUIREMENTS

All items must be submitted in PDF format. Please name PDF files in a self-explanatory manner such as "Document Type – Date."

- A. A Narrative that provides explanatory and detailed information related to the standards listed on page 1. It is the applicant's responsibility to provide thorough details about the proposal, including any potential impacts to the neighborhood.
- B. Site Plan of the entire lot, including:
 - i. The lot lines for the property
 - ii. All streets identified and labeled
 - iii. Location of the main house or building, including driveways and/or parking lot
 - iv. Location of any existing accessory structures
 - v. Highlight areas which are the subject of the variance request and include the size, height, width, distance to property lines, as applicable.
- C. A Letter of Authorization from the property owner (if applicant is acting as agent).
- D. Supporting Documentation, such as maps, photographs, construction documents, etc.