



Town of Oro Valley
Community and Economic Development Department
Planning Division
520.229.4800 | orovalleyaz.gov
Variance Process Guide

Variance

A variance is a modification from the literal application of the zoning ordinance when a proven hardship (referred to as the Five Findings) exists as specified in State statutes and the Town's Zoning Code. Such examples may include (but, not limited to), a deviation of required setbacks or additional height to a structure.

Variance applications are heard by the Board of Adjustment (BOA), which is comprised of five (5) Oro Valley residents appointed by Town Council. Unlike other Town boards and commissions, the BOA is a quasi-judicial board with the authority to grant/deny requests and their decisions are final (not passed on to Town Council).

All variance decisions are based on the following criteria, known as the
"Five Findings"

1. That there are special circumstances or conditions applying to the property referred to in the application including its size, shape, topography, location or surroundings which do not apply to other properties in the district; and
2. That special circumstances were not created by the owner or applicant; and
3. That the authorizing of the variance is necessary for the preservation and enjoyment of substantial property rights; and
4. That any variance granted imposes such conditions as will assure that the authorizing of the adjustment shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located; and
5. That the authorizing of the variance will not be materially detrimental to persons residing in the vicinity, to adjacent property, to the neighborhood or the public welfare in general.

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

Fees

- Individual/homeowner(s) variance - \$150.00 per item/lot
- Developer/commercial variance - \$600.00 per item/lot

- Any additional items/lots submitted with application - \$100.00 per item/lot
Please note: Fees are non-refundable, regardless of the Board's decision.

Submissions

All variance submissions must include the following for acceptance:

- A completed **General Application**
- Payment of **Fees**
- A **Narrative** that provides explanatory and detailed answers to each of the Five Findings, as well as specifics between the current and proposed scenarios. 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 and/or parking lot
 - Location of any existing accessory structures
 - Highlight areas which are the subject of the variance request 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, the case will be scheduled for a hearing date by the Board for decision.

Public Notification

All variance applications that have been scheduled for a BOA hearing require public notification (to be completed by Town staff), which includes:

- Notice sent to all property owners within a minimum 300 foot radius of the subject property, as well as any affected homeowner associations
- Notice published in a local newspaper
- Notice posted on the Town's website and on the Town Hall campus
- Notice sign posted on the subject property

Any member of the public has the right to speak on the application during the public hearing portion of the BOA meeting.

Special Note: Since it is the burden of the applicant to make their case for the requested variance, the applicant should be prepared to make a presentation before the Board on the scheduled hearing date.

Appeals

A formal letter of the Board's decision will be sent to the applicant within two (2) business days. Any person affected/aggrieved by the Board's decision can file a complaint/appeal with the Pima County Superior Court within thirty (30) days of Board's decision date.

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.