



ORO VALLEY VARIANCE OR APPEAL PROCESS GUIDE





ORO VALLEY BOARD OF ADJUSTMENT VARIANCE OR APPEAL PROCESS GUIDE

This process guide contains the process narrative, submittal checklist, and plan content for a Variance or Appeal application submittal. This application will be reviewed and decided by the Board of Adjustment (B of A).

1.0 Variance Submittal Package

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1.0 VARIANCE OR APPEAL SUBMITTAL PACKAGE

1.1 PROCESS NARRATIVE

Introduction:

The Development and Infrastructure Services (DIS) Department is here to assist you through the Town's Variance or Appeal process. Throughout the process, you will be working closely with the Town staff to ensure the efficient processing of your application.

The DIS Department is the primary point of contact that will help coordinate all facets of your development. For information on a specific topic relating to your development, please refer to the attached resource list or visit the DIS Department's website at <http://orovalleyaz.gov/dis>.

Refer to the table below to better understand the approval process for the Town's Variance or Appeal applications.

Table of Authority

Submittal Type	Staff Authority	Board of Adjustment
Variance or Appeal Application	Review	Final Decision

Process Overview:

A Variance or Appeal submittal is reviewed by staff and forwarded to the Board of Adjustment for final decision.

The formal application submittal requirements are outlined in Sections 1.3 and 1.4. It is the burden of the applicant to describe the details about the proposal and the potential impacts to the neighborhood.

Variance – Process Description

A variance is a modification of the literal provisions of the zoning code granted by the Board of Adjustment upon a finding that strict enforcement of the provisions would cause undue hardship owing to circumstances unique to the individual property for which the variance is granted and not caused by the applicant for said variance. The variance application is forwarded to the Board of Adjustment for final decision.

Appeal – Process Description

Appeals of an Administrative Decision may be taken to the Board of Adjustment by persons aggrieved by a Planning and Zoning Administrator interpretation within thirty (30) days from the date of the decision.

Appeals from a Planning and Zoning Administrators Interpretation may be taken to the Board of Adjustment by persons aggrieved by the interpretation within twenty (20) days from the date the interpretation is published on the Town's website.

Any person aggrieved by a decision of the Board after hearing on application made by any taxpayer or municipal officer may petition for a writ of certiorari to review the Board's decision pursuant to A.R.S. Section 9-465 (1956) as amended.

Step 1 – Formal Submittal

A formal submittal must include a site plan with the details listed in the Plan Content section of this process guide, along with site specific information relevant to the variance or appeal.

To ensure timely review, applicants should review the applicable provisions of the Zoning Code and address those items in the submittal.

Step 2 – Staff Review

After receiving a complete application, staff will review the Board of Adjustment submittal in accordance with the applicable provisions of the Zoning Code, engineering standards or other areas of review authority. A review letter will be sent to the applicant within 10 working days of the submission. The plans may need to be revised and re-submitted for additional reviews to address comments on the application. When all review comments have been addressed, the application will be forwarded to the Board of Adjustment for final decision.

Step 3 – Board of Adjustment

The Board of Adjustment shall hear and decide requests for variances and appeals of decisions and interpretations of the Zoning Code in accordance with A.R.S. Section 9-462.06.



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1.2 GENERAL APPLICATION FORM

Office Use Only
OV Case #: _____

Application Type:

- | | |
|---|--|
| <input type="checkbox"/> Major General Plan Amendment | <input type="checkbox"/> Final Plat |
| <input type="checkbox"/> Rezoning/PAD Amendment | <input type="checkbox"/> Pre-Application |
| <input type="checkbox"/> Planned Area Development | <input type="checkbox"/> Zoning Verification |
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Sign Criteria |
| <input type="checkbox"/> Zoning Code Amendment | <input type="checkbox"/> Sign - PAD Exemption |
| <input type="checkbox"/> Conceptual Site Plan | <input type="checkbox"/> Master Sign Program |
| <input type="checkbox"/> Conceptual Public Art | <input type="checkbox"/> Communication Facility – Tier 1 and 2 Minor |
| <input type="checkbox"/> Conceptual Architecture | <input type="checkbox"/> Communication Facility – Major |
| <input type="checkbox"/> Final Site Plan | <input type="checkbox"/> Revised Development Plan |
| <input type="checkbox"/> Landscape Plan | <input type="checkbox"/> Other _____ |

Subject Property Information:

Address: _____ Parcel/Tax Code: _____
 Subdivision / Commercial Center Name: _____
 Book / Page or Sequence Number: _____ Lot Number(s) _____
 Legal Description: _____
 Section/Township/Range: _____ Area of Property: _____
 Existing Land Use: _____ Proposed Land Use: _____

Applicant Information:

* If more than one, attach list

Applicant *:

Name: _____
 Firm: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____ Fax: _____
 Email: _____

Property Owner(s) if different from Applicant *:

Name: _____
 Firm: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Telephone: _____ Fax: _____
 Email: _____

Consultant*: _____ (Discipline)

Name: _____
 Firm: _____
 Address: _____

Consultant (Cont.):

City: _____ State: _____ Zip: _____
 Telephone: _____ Fax: _____
 Email: _____

Project Description/Narrative:

I hereby certify that I have read and examined this application and know the same to be true and correct. I am the owner of the property or the Owner's authorized representative, and if not the owner, I have obtained the owner's permission to perform stated work. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The approval of this application does not presume to give authority to violate or cancel the provisions of any other federal, state or local law for which this project may be subject to.

Notice: It is the applicant/owner's responsibility to ensure all private rules and regulations (such as Covenants, Conditions & Restrictions (CC&R's)) of the subdivision and/or commercial center are adhered to. Contact your Home Owners Association or property management to determine applicable requirements.

It is also the applicant's responsibility to coordinate with all outside agencies to secure their acceptance or clearance. Failure to do so may delay issuance of permits. See attached list of agencies.

Applicant's Signature

Print Name

Date

Important Note: All submittals received after 4:00 p.m. will be processed the next day

Submittals will be rejected if:

- Not folded using Pima County fold & collated;
- There are missing items on the checklist unless otherwise approved by Planning Division Manager or Town Engineer.
- Re-submittals cannot be accepted without a transmittal and a written narrative summary describing the purpose of submittal.

1.3 VARIANCE- SUBMITTAL CHECKLIST

All applications for a Variance must include the following materials to be accepted for processing:

- Fees
- A completed General Application Form
- A Site Plan - 8.5" x 11" or 11" x 17", **(6 copies)**
- Narrative **(6 copies)**
- All items in Section 2.0 of this Process Guide. **(6 copies)**
- Letter of authorization from property owner, if applicant is acting as an agent.
- Supporting documents specific to the Variance and relevant code sections as defined in Plan Content. **(6 copies)**

ROUTING NOTES

Office Use Only

1.4 APPEAL – SUBMITTAL CHECKLIST

- Fees
- A completed General Application Form
- Narrative (**6 copies**)
- Supporting documents specific to the Appeal (**6 copies**)

ROUTING NOTES

Office Use Only

1.5 VARIANCE OR APPEAL APPLICATION PROCESS FLOW CHART

Formal Submittal	Staff Review	Board of Adjustment (B of A)
<ul style="list-style-type: none"> Once a formal submittal is received, a completeness review will be conducted to ensure the submittal is complete. 	<ul style="list-style-type: none"> The formal submittal includes the review of the application by DIS Staff and other relevant agencies. Once a submittal has been deemed complete, a review letter will be sent to the applicant within 10 days of the submission. The letter will inform the applicant if the submittal is ready for review by the Board of Adjustment or if corrections are needed. Complete submittals deemed ready for review by the B of A, will be scheduled for the next available B of A hearing date. 	<ul style="list-style-type: none"> The Board of Adjustment shall hear and decide requests for variances and appeals of decisions or interpretations of the Zoning Code in accordance with A.R.S. Section 9-462.06. Staff will prepare a report and recommendation on the application to the Board of Adjustment
5 working days	10 working days	Meeting will be set no more than 30 days from full submissions

1.6 FEE SCHEDULE (REVISED MAY 18, 2011)

As specified in the OVZCR, all fees must be paid in full prior to acceptance of an application. Fees identified after submittal are due as determined by the Planning and Zoning Administrator (Public Works Director for rights-of-way fees). All fees must be paid prior to the issuance of permits and/or release of assurances. Bond release inspections may be deducted from the appropriate bond if this is part of the language of the bond.

Charges for partial review of any project will be based on the stage of review and staff time already dedicated to the project. The Planning and Zoning Administrator may refund up to 80% of the fee. The Planning and Zoning Administrator may waive fees if an undue hardship has been created by the Town. All other fee waiver requests must be approved by the Town Council. Fees will not be applied to applications or events initiated or sponsored by the Planning and Zoning Commission or Town Council.

GIS fees are charged per development project. For example, GIS fees charged for a Variance would be credited toward the GIS fees specified for a related development plan and/or plat.

Whenever independent consultant review is provided for in the OVZCR (Golf Course Overlay, Communications facilities, Riparian analysis etc.), the applicant must reimburse the Town for all consultant fees incurred.

Fees related to:

Variations or Appeals

Variance or Appeal of Decision (1 item / 1 lot) Corporate	\$600.00
Variance or Appeal of Decision (1 item / 1 lot) Individual	\$150.00
Fees for each additional, simultaneous Variance or Appeal	\$100.00

See the Development Services fee schedule for a complete list of fees.



2.0 SUBMITTAL CONTENT

2.1 PLAN CONTENT

1. Provide a site plan of the entire property. The site plan shall include:
 - i. All lot lines
 - ii. Identify and label the street(s)
 - iii. Location of the main house
 - iv. Location of accessory structures
 - v. Label areas associated with the Variance or Appeal
 - vi. Show the driveway

2. Provide a narrative describing nature of the request. Include specific details about the property or case that caused the request. Ensure the request is clear and concise.

3. Variance requests must provide information for the following **5 findings**. In order to authorize the Variance request, the Board will be searching for sufficient evidence in accordance with the follow findings:
 - i. 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.
 - ii. That special circumstances were not created by the owner or applicant.
 - iii. That the authorizing of the variance is necessary for the preservation and enjoyment of substantial property rights.
 - iv. 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?
 - v. That the authorizing of the variance be materially detrimental to persons residing in the vicinity, to adjacent property, to the neighborhood or the public welfare in general.

In your submittal, provide the **list of questions above with specific responses** to each question.

4. The Town of Oro Valley acknowledges that private covenants, conditions, and restrictions (CC&R's) agreements exist between property owners in many homeowners associations. Nothing in Section 25.2.C. of the Town of Oro Valley Zoning Code shall be interpreted to void the provisions of those agreements.