



## Variance Application

Revised 12/2013

(Please print or type) **NO PENCIL**

Property Owner: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Owner's Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Authorized Representative: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Rep's Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Property Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip: \_\_\_\_\_

Tax Code Number(s): \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ Zone: \_\_\_\_\_

Does the subject parcel have an active building or zoning code violation? \_\_\_\_\_

Owner or Applicant's Email Address: \_\_\_\_\_

I, the undersigned, swear that all the facts in this application are true to the best of my knowledge, that I will appear in person at public hearing to present the request, that I have read and understood the board of adjustment guidelines and procedure for granting a variance, and that I am able and intend to apply for all necessary county permits for construction and use of the property within nine months of receiving an approval of my variance request.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### **INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED**

\*\*\*\*\*FOR OFFICE USE ONLY\*\*\*\*\*

Case Title: \_\_\_\_\_ P \_\_\_\_\_  
OWNER'S NAME - STREET NAME (EX. JONES- E. SPEEDWAY BOULEVARD)

requests a variance(s) to Section(s) \_\_\_\_\_ of the Pima County Zoning Code which requires \_\_\_\_\_

REC'D AT DEVELOPMENT SERVICES - PLANNING DIVISION BY \_\_\_\_\_ DATE \_\_\_\_/\_\_\_\_/\_\_\_\_.

Pima County Development Services – Planning Division  
**Board of Adjustment**  
**Variance Procedure**  
Revised 12/2013

Applications are received at the Public Works Building, 201 N. Stone Avenue, Pima County Development Services Department - 2<sup>nd</sup> Floor Planning Division (520-740-6800).

Before an application is considered complete the following must be submitted:

- A request letter** which includes a detailed explanation and a justification for all of the variance(s) that you are requesting including information explaining why the variance is necessary. Within your letter, please address the following:
  - State the specific variance you are requesting. (e.g. To reduce the front yard setback to 15 feet for a proposed room addition.)
  - Is the variance being requested for an existing structure, or a proposed structure?
  - Is this variance being requested because of a building or zoning code violation?
  - Address the specific hardship. Why is this variance needed? Why can't the proposed variance be constructed in a different way, or a different location?

- Assessor's Property Inquiry (APIQ) printout** for the property on which the variance(s) is/are requested. The Assessor's Property Inquiry shows the current ownership of the subject property and can be printed from [http://www.asr.co.pima.az.us/links/frm\\_AdvancedSearch\\_v2.aspx](http://www.asr.co.pima.az.us/links/frm_AdvancedSearch_v2.aspx)

- If the applicant is not shown as the owner of the subject parcel, you will need a **letter of authorization** with an original signature that matches the printout from the Assessor Property Inquiry.

*Please note:* If ownership is held in a numbered trust, i.e., Chicago Title & Tr #700, an original signature from the Trust Officer is required along with a disclosure of the beneficiaries of the trust. If ownership is held in a LLC, LP, corporation or company, i.e., Smith Building LLC, an original signature from an officer of the entity with his/her title is required along with a disclosure of the officers of the entity.

- Variance fee.** [Fees are not refundable even if the variance is not approved] There may be an **additional fee** if property is in violation and property owner has been cited for the violation.

- Site plan** showing the lot(s) or sign(s) involved in the variance request. If the site plan is larger than 8½" x 11", please provide 10 copies folded to 8½" x 11". See the example of a site plan included in this packet.

## Pima County Development Services – Planning Division

**STAFF REVIEW:** Upon submittal of a complete application, the variance request will be scheduled for the next available meeting (30-45 days). A staff report will be prepared with a recommendation for a decision.

**NOTICE:** Staff will give state mandated public notice of the proposed variance no less than 15 days prior to the public hearing.

**PUBLIC HEARING:** The applicant or authorized agent shall present information to describe the requested variance. The board may require the applicant to provide additional information. Persons who wish to speak to the board regarding the variance request may do so only during the public hearing.

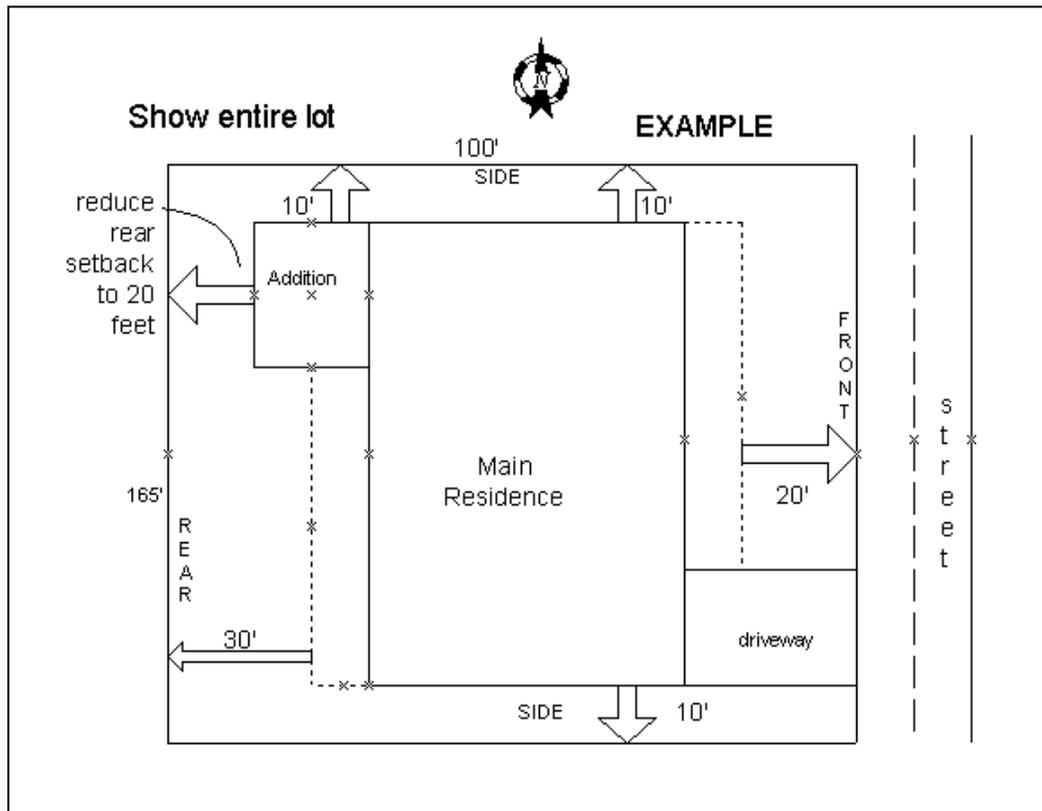
Based on the **standards** outlined in Section 18.93.030.B, of the Pima County Zoning Code, the board of adjustment may approve the variance with or without conditions, deny the variance, or continue the variance hearing up to three months (see the attached standards).

\*Meeting dates, deadlines and agendas can be found at <http://webcms.pima.gov/cms/One.aspx?portalId=169&pageId=66514>

These features must be shown on the **site plan**:

- All existing & proposed structures
- Arrow showing the north direction
- All easements on property
- Distances from structures to property lines
- Dimensions of all structures
- Entire lot with dimensions
- An adjacent street or roadway
- Access (i.e. driveway) & parking
- Distance between structures
- Label property lines

### EXAMPLE



Pima County Development Services – Planning Division

**\*\*\*\*\*NO SITE PLANS IN PENCIL WILL BE ACCEPTED\*\*\*\*\***

**VARIANCE STANDARDS:** Section 18.93.030.B of the Pima County Zoning Code defines the standards by which the Board of Adjustment will consider the variance request. Use the standards below to justify the variance requested.

Standards: The board shall consider the following guidelines when approving or denying a variance request:

1. The strict application of the provision would work an unnecessary hardship;
2. The unnecessary hardship arises from a physical condition that is unusual or peculiar to the property and is not generally caused to other properties in the zone;
3. The unnecessary hardship does not arise from a condition created by an action of the owner of the property;
4. The variance is the minimum necessary to afford relief;
5. The variance does not allow a use which is not permitted in the zone by the code;
6. The variance is not granted solely to increase economic return from the property;
7. The variance will not cause injury to or adversely affect the rights of surrounding property owners and residents;
8. The variance is in harmony with the general intent and purposes of the code and the provision from which the variance is requested;
9. The variance does not violate state law or other provisions of Pima County ordinances;
10. The hardship must relate to some characteristic of the land for which the variance is requested, and must not be solely based on the needs of the owner;
11. If the variance is from a sign or advertising structure area limitation, no reasonable use of the property can be made unless the variance is granted;
12. If the variance is from a height limitation, no reasonable use of the property can be made unless the variance is granted.

**SAMPLE LETTER:**

Board of Adjustment District \_\_\_ Board Members,

I request a variance to reduce the front yard setback from 40 feet to 25 feet for a proposed addition to my home.

I need the variance because I have a designated floodplain in the rear of my property which has forced the construction of my existing home at 40 feet from the front property line. Pima County Flood Control has stated that no additional construction will be allowed in the rear of my property (please see the attached letter from Flood Control). The existing house is already built to both 10 feet side yard setbacks. It would not be possible to construct the additional 600 sq.ft. addition on either the west or east side even if the side yard setback was reduced to 0 feet. The front of my property is well vegetated and would screen the proposed addition. I have enclosed letters of support from all of my adjacent neighbors and the Home Owners Association (Architectural Committee).

Thank you for your time and consideration.

Jane Doe  
1120 Anywhere Street  
Pima County, Arizona