

**Town of Sahuarita
Planning & Building Department**

375 W. Sahuarita Center Way
Sahuarita, Arizona 85629
Phone: 520-822-8855 Fax: 520-822-8876
<http://www.sahuaritaaz.gov>



VARIANCE APPLICATION

Property Address:		<p align="center">Check Attached Documents:</p> <p><input type="checkbox"/> Legal Description</p> <p><input type="checkbox"/> List of ownership</p> <p><input type="checkbox"/> Letter of Authorization from owner</p> <p><input type="checkbox"/> Site Plan</p> <p><input type="checkbox"/> Floor Plan, if required</p> <p><input type="checkbox"/> Written Statements</p> <p><input type="checkbox"/> Fees</p>
Parcel No.:	Zoning:	
Applicant:		
Address:		
City, State, Zip Code:		
Phone #:		
Email address:		
Property Owner:		
Owner's Mailing Address:		
City, State, Zip Code:		
Phone #:		
Email:		
<p>Type of Variance Requested (Check One):</p> <p>Area Requirement: <input type="checkbox"/></p> <p>Sign Requirement: <input type="checkbox"/></p> <p>Landscaping Requirement: <input type="checkbox"/></p> <p>Setback Requirement: <input type="checkbox"/></p> <p>Parking Requirement: <input type="checkbox"/></p> <p>Other: _____</p>		
<p>I, the undersigned, represent that all the facts in this application are true to the best of my knowledge. I am aware that application for building permits must be made within nine months of approval of the request for variance and that failure to apply for building permits within that time renders the variance null and void. I have read and understood the variance guidelines and standards.</p>		
Signature of Applicant/Authorized Representative		Date:

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VARIANCE REVIEW PROCEDURE

This guide will provide you with general procedures and standards for review of variances, as designated in the Town Code. Variances provide zoning flexibility, but require certain standards to be met per state law.

Below are the steps you are required to take for review of your variance application. Note that steps taken by staff, such as routing of your application to other departments or publishing of public notice, are not shown here.

- Submit a complete application and fees
- Provide revised documents as required by staff
- A public hearing before the Board of Adjustment will be required

VARIANCE APPLICATION REQUIREMENTS:

A complete application includes the following:

1. A completed Variance Application form
2. Legal description of the property;
3. A list of all ownership interests in the property, by name and title. (If the ownership indicates ownership in a numbered trust, an original signature from the Trust Officer is required along with a disclosure of the beneficiaries of the trust. If the printout indicates ownership to be in an LLC, LP, Corporation or Company, an original signature from an officer with his/her title is required along with a disclosure of the officers of the entity);
4. A letter of authorization for any agent of the property owner;
5. Hearing fees, in accordance with the adopted fee schedule (NOTE: Fees are not refundable even if the variance is not approved);
6. A site plan containing the following elements:
 - Scale, bar, scale, and north arrow;
 - Parcel boundaries and dimensions;
 - Approximate location and size of all structures;
 - Points of ingress and egress;
 - Adjacent public rights-of-way;
 - Building setbacks; and
 - Parking areas.

Highlight the features which are the subject of the variance request.

7. A floor plan detail, when the request pertains to interior access or use;
8. A written statement from the property owner of the present ability and intent to apply for all necessary town permits for construction or use of the property within nine months after granting of the variance; and
9. A written statement describing how the proposed variance meets all seven standards as listed in STC 18.93.030.B. The board may grant a variance only if it finds:
 - That, because of special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, the strict application of the zoning ordinance will deprive such property privileges enjoyed by other property of the same classification in the same zoning district such that the property cannot be reasonably developed in conformity with the zoning provision; and
 - That such special circumstances were not self-imposed or created by the owner or person in possession of the property; and
 - 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; and
 - The variance is the minimum necessary to afford relief; and
 - The variance granted is subject to such conditions as will assure that the adjustment authorized will not be detrimental to the general welfare or injurious to other properties in the vicinity and 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
 - The variance does not allow a use which is not permitted in the zone by the code; and
 - The variance may not be from a condition of approval by the town council.

PROCESS:

Staff review: Upon submittal of a complete application, the variance request will be scheduled for a Board of Adjustment public hearing. A staff report will be prepared with a recommendation for a decision.

Notice: Staff will give public notice of the proposed variance no less than 15 days prior to the public hearing by publication in a newspaper and posting the property. Staff will also mail notices to all property owners within 300 feet of the subject property.

Public hearing: The applicant or authorized agent shall present information to describe the requested variance and to demonstrate that the variance meets the standards listed below. The Board may require that additional information be provided by the applicant. Persons who wish to speak to the board regarding the variance request may do so during the public hearing.

The Board of Adjustment may approve the variance with or without conditions, deny the variance, or continue the variance hearing to a definite time, not to exceed three months.

Decision letter: The applicant will receive a letter specifying the Board of Adjustment's decision on the variance request.

Permits: If the variance is approved, an application for the necessary permits for use and construction of the property must be made within nine months of the granting of the variance. Failure to apply for necessary permits within the time limit shall render the variance null and void. The Board of Adjustment may grant a different time limit on variances approved for lots or parcels that are substandard in size because of circumstances beyond the control of the property owner.

Appeals: Any person aggrieved by a decision of the Board may make an appeal to superior court within 30 days of the date of the action of the board.

Revocation: When any condition of a variance is violated, the variance and all Town permits issued pursuant to the variance shall be null and void.

The published timeframe for a variance is 3.25 months. This timeframe assumes a complete application at the time of submittal. Note that time used by the applicant to make corrections after the comments are send out is not counted in these timeframes. The timeframe ends on the date of the first public hearing.

The Town of Sahuarita will provide you with clarification of its interpretation or application of statutes, ordinances, codes, or authorized substantive policy statements as requested.

If you have any questions or require assistance throughout the application process, you may contact Orlanthia Henderson at (520)822-8851 or ohenderson@sahuaritaaz.gov.