PLANNING DIVISION

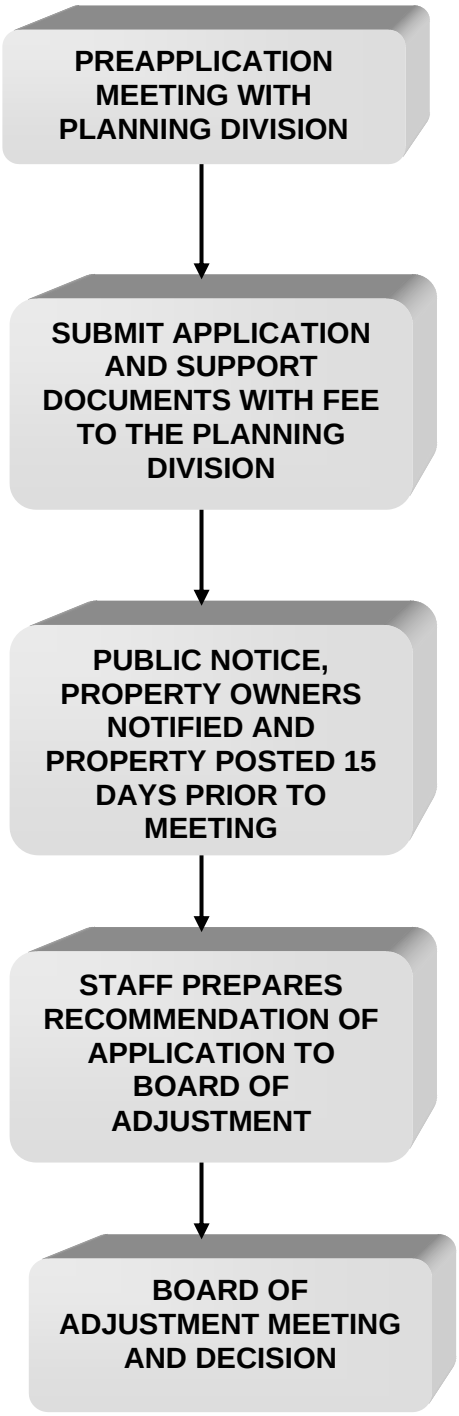
Community Development Department

VARIANCE PROCESS GUIDE

- **VARIANCES**
  (Board of Adjustment)

JANUARY 2009

VARIANCE PROCESS



VARIANCE PROCESS GUIDE

The Board of Adjustment has been granted the power to authorize variances from the terms of the Zoning Ordinance where due to special conditions a literal enforcement of the terms of the Zoning Ordinance would result in unnecessary hardship. The special conditions must relate to the land or structure in question and generally involve topography, shape, size, location or surroundings.

No variances may be granted that will result in giving the applicant special privileges that are denied to others owning land or structures in the same zoning district, or that may substantially injure other properties. Additionally, the Board may not grant variances for reasons of personal inconvenience, financial hardship, or for self-imposed hardships which are the result of the applicant's own actions. Further, the Board is not authorized to grant "use" variances that would permit uses other than those allowed in the particular zoning district.

The City of Peoria Board of Adjustment is comprised of five citizen volunteers appointed by the Mayor and City Council. The Board meets the second Tuesday of each month at 5:30 P.M. in the City Council Chambers. The applicant or his/her representative must appear at the meeting. The deadline for applying for a variance is approximately four weeks prior to the date of the meeting. Notice of the Board of Adjustment agenda is placed in the local newspaper, the properties requesting variances are posted and first class letters are sent to property owners within 150 ft. of the perimeter of the applicants' properties.

At the hearing, the Chair of the Board of Adjustment announces each agenda item. The Chair then requests that City staff present background information and comments on the variance application. Following the Board's questions to staff, the applicant and/or his/her representative identifies reasons and justification for the variance request to establish that a hardship exists. Then persons or letters in favor and opposition to the variance request are presented. Finally, the applicant is given an opportunity for rebuttal. Following any additional discussion by the Board, the application is decided by roll call vote and findings of fact are made which support the decision to grant or deny the request, indicating specific criteria which have or have not been met.

A variance requiring construction or development must be utilized within a period of eighteen (18) months of the date from which such variance is granted. This means that a building permit to cover the work for which the variance is granted must be secured within eighteen (18) months, and that the work is proceeding toward completion in accordance with the terms specified by the Board.

Appeals Procedure

An appeal of the Board of Adjustment's decision may be filed with the Superior Court. Further information on the appeal procedure can be found in Article 14-39 of the Peoria Zoning Ordinance.

VARIANCE APPLICATION CHECKLIST

_____Application (Include assessor parcel number)

_____Ownership Verification Form

_____Application Contact Form

_____Filing Fee (see Planning Fee Schedule)

_____2 Copies of Plot Plan to Scale (8 ½" x 11" or folded to 8 ½" x 11")
(Note: Must have at least one 8 ½" x 11" reproduction.)

_____Elevations drawn to scale (if necessary)
(Note: Include height of any structures requiring variance)

_____Affidavit of notification
(Must be notarized)

_____Justification of Variance

JUSTIFICATION OF VARIANCE REQUEST QUESTIONNAIRE

DIRECTIONS: The following variance questionnaire must be answered prior to the acceptance of the application. Please type or print your responses in black ink and attach additional sheets as necessary. A variance cannot be granted by the Board of Adjustment unless evidence is presented that satisfies the conditions below.

1. Describe the unique conditions and circumstances (including size, shape, topography, locations or surroundings) which are peculiar to the land, structure or building which are not applicable to other lands, structures, or buildings in the same zoning district in other locations.

2. Describe how the provisions of the zoning ordinance deprive you of development rights commonly enjoyed by other properties in the same zoning district.

3. Describe how the alleged hardships caused by the literal interpretation of the provisions of the zoning ordinance include more than personal inconvenience and financial hardship and that the alleged hardships were not created or self-imposed by the property owner.

4. Describe why granting the requested variance will not result in any special privileges that are denied by the zoning ordinance to others owning lands, structures or buildings in the same zoning district.

5. Indicate why granting the variance will not interfere with or injure the rights of other properties in the same zoning district.

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VARIANCE

Application# _____ Submittal Date _____ Fees _____

Applicant:
Address:
Telephone Number:
E-Mail Address:
General Location or Address of Subject Property:
Assessor Parcel Number:
Zoning District:
Type of Variance(s) (include sections(s) of Zoning Ordinance) or Temporary Use Permit:
Reason for Request:
Owner's Signature:
Code Enforcement Case Information (Office Use)

OWNERSHIP VERIFICATION

It is requested that an application for a VARIANCE be accepted by the Planning Division for property generally located at :

_____

Said property is owned by:

And

_____ _____

_____ _____

_____ _____

Telephone number_____ Telephone number_____

The subject property is legally described as _____

_____

_____ (or see attached)

The subject property contains _____gross acres (includes right of way to the centerline of adjacent street or alley) and _____net acres (excludes adjacent perimeter right of way).

Tax Parcel Number (APN): _____-_____-_____

Attached is a map/survey, which accurately portrays the parcel configuration and property dimensions, as reflected in the legal description.

I hereby certify that the above information and information submitted as part of the requested application is correct, and that I am authorized to file an application on said property, being either the owner of record or authorized to file on behalf of the owner. (If not owner of record, attach written authorization from owner.)

_____ _____

Applicant's Signature Date

AFFIDAVIT OF NOTIFICATION

Date _____Type of Application _____VARIANCE_____

Address / Legal Description of Property

_____

_____

I, _____certify that I am the authorized applicant to the City of Peoria for the above application, and do hereby affirm the attached listing of names and addresses accurately reflects the ownership of property within one hundred fifty (150) feet of the above property, according to the current Maricopa County Assessor records.

Applicant/Representative Signature_____

STATE OF ARIZONA)
) ss
County of Maricopa)

The foregoing instrument was acknowledged before me this _____day of _____ 20__ __.

_____
Notary Public

My commission expires:

_____

Planning Use Only

Case Number_____ Project Name_____