



VARIANCE PROCEDURAL GUIDE

General

The purpose of this procedural guide is to assist with the variance process to the Town of Marana Board of Adjustment. This procedural guide is intended to be used in conjunction with Arizona Revised Statutes 9-462.06, as well as with Chapter 2.03 of the Land Development Code.

A variance is intended to grant a property owner a permanent exception to a particular regulation or standard within the zoning ordinance. Such an exception may be granted if due to special circumstances applicable to the property, including its size, shape, location, topography, or surroundings, the strict application of the zoning ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district. The special circumstances and hardships justifying a variance must apply to the property and not to the applicant. A variance cannot be granted if the special circumstances applicable to the property are self-imposed by the property owner.

Pre-Application Conference

The Variance submittal will be discussed at a pre-application conference, which is required for any development submittal in order to assist the owner or applicant with the project and review procedures. Submittal fees will be in accordance with the applicable fee schedule. Please call [\(520\) 382-2600](tel:5203822600) to schedule the pre-application conference.

Approval Process

- A. A complete application for a variance must be received a minimum of eight (8) weeks prior to a scheduled hearing before the Board of Adjustment. Upon receipt of a complete application, planning staff will conduct a review and distribute the submittal to other departments and agencies for review, as necessary.
- B. The applicant shall be responsible for submitting revised plans and/or additional documents to the planning staff upon request.
- C. The planning staff will schedule the variance application for a public hearing before the Board of Adjustment and will notify the applicant of the date and time of the hearing.
- D. At the public hearing, the Board of Adjustment will request a brief presentation from the planning staff of the application. The applicant will have an opportunity to provide a brief presentation and address any questions presented by the Board. The public will have the opportunity to address the Board regarding the application.
- E. The Board of Adjustment will determine whether or not the findings of fact support a decision to grant or deny the request.



VARIANCE PROCEDURAL GUIDE

1. Special circumstances are inherent to the property pertaining to its size, shape, topography, location, or surroundings that deprive the property of privileges enjoyed by other properties of the same classification in the same zoning district.
 2. Approval of the variance is necessary to ensure the preservation of privileges and rights enjoyed by other property of the same classification in the same zoning district without constituting a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone.
 3. The special circumstances applicable to the property may not be self-imposed or created by the owner.
 4. The granting of a variance shall not be materially detrimental to persons residing or working in the vicinity, adjacent property, or to the public welfare in general.
- F. The findings of the Board of Adjustment will be documented by Planning staff and provided to the applicant within two (2) weeks of the Board of Adjustment action.
- G. Appeals of any decision of the Board of Adjustment may be made directly to the Pima County Superior Court within 30 days after the Board has rendered its decision. Variance rulings not appealed within 30 days are final.

Instructions and Requirements

- A. A completed Development Services application form
- B. A completed Variance Request Supplemental Data Sheet
- C. A narrative providing a complete description of the application
- D. A scaled site plan including:
 1. The area and dimensions of the:
 - a. Subject lot or parcel
 - b. Adjacent streets
 - c. Existing and proposed buildings and structures
 2. Building setbacks
 3. Parking and loading areas
 4. Driveways, walls and fences
 5. It may be necessary to include certain details of adjacent properties in order to document the relationship between the subject property and the surrounding area
- E. Any other documents determined by the planning staff to be necessary in the evaluation of the application.



VARIANCE PROCEDURAL GUIDE

VARIANCE REQUEST QUESTIONNAIRE

DIRECTIONS: The following questions must be answered prior to the acceptance of the application. Please print your response and attach additional sheets if necessary.

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 literal interpretations of 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 interpretations 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.



VARIANCE PROCEDURAL GUIDE

4. Indicate why granting the requested variance will not result in your receiving 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.



VARIANCE PROCEDURAL GUIDE

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