



City of Apache Junction
Development Services Department
300 E. Superstition Blvd.
Apache Junction, AZ 85119
(480) 474-5083
www.apachejunctionaz.gov



Variance Application

FOR REFERENCE ONLY

City of Apache Junction
Development Services Department
<http://www.apachejunctionaz.gov/81/Development-Services>

VARIANCE PROCEDURES AND REQUIREMENTS

These instructions are intended to provide the applicant with an overview of the application process and requirements. For more detailed or specific information, please refer to the *City of Apache Junction Zoning Ordinance*. Please read all instructions thoroughly before beginning the application process; answers to many of the most frequently asked questions are contained in this overview.

A *variance* is a form of relief given from the specific requirements of the Zoning Ordinance. It is intended for special situations where the uniform zoning restrictions make one parcel harder to build on than other parcels. The two types of variances are: Bulk variances which grant relief from height and/or setback regulations; and Use variances, which allow a land use or building type not allowed on the subject project as zoned. Use variances, such as allowing a beauty parlor in a residential zone, an additional mobile home on the same lot for a relative, or a mobile home in a zone restricted to conventional housing, are not allowed. The situations described must be addressed by either rezoning the property or obtaining a Conditional Use Permit.

Four criteria must be satisfied before a variance case may be recommended for approval:

1. the characteristics of the property make it eligible for a variance;
2. the variance has no adverse affect on the public;
3. the variance has no adverse affect on the neighborhood; and
4. practical difficulties or unnecessary hardship would result by having to comply strictly with the Zoning Ordinance.

Characteristics of the property considered in a variance case have to do with size, shape or topography of the parcel. For instance, if a reasonably-sized building could not be built on a small or unusually shaped, or topographically limited lot, then sufficient justification may exist for a variance from the setback requirements. However, a variance cannot be granted that would be detrimental to the public welfare or the neighborhood. Please note that the fact that neighbors may have illegally done something similar to the proposed variance is not sufficient justification for a variance. Finally, it must be shown that practical difficulties or unnecessary hardship would result if the applicant were made to comply with the Zoning Ordinance. Generally, this means demonstration that reasonable use cannot be made of the property if complying with the Ordinance, but the hardship must relate to the property and not to a person (i.e., asking for setback reductions for a garage because a house was unwisely placed on a parcel).

Be sure the application form is filled out completely and that all persons having fee title ownership interest in the property, or legal authorization to execute such document, must sign the application.

Once the completed application is received, a Public Hearing before the Board of Adjustment will be held (generally 30 to 75 days after receipt of the variance application package). **Applicants are requested to be present at the Hearing.** Applicants must also post a 4 ft. x 4 ft. sign on the subject property at least 15 days prior to the public hearing (see posting affidavit and example of sign with required information).

At the Hearing, members from the audience will be invited to speak on the case, City Planning staff may make recommendations regarding the variance, and the Board may impose conditions on the variance before approving the project.

If the variance is approved, the applicant will be given from six to twelve months to begin substantial construction on the project; if the variance is denied, the project must be built as required by the Zoning Ordinance. Please note that there is no appeal process to the City Council for variance requests; relief may be gained only by filing a lawsuit with the Pinal County Courts to have the decision overturned.

VARIANCE APPLICATION

SUBJECT INFORMATION	
PROPERTY ADDRESS:	ASSESSOR'S PARCEL NO.
GROSS ACREAGE:	CURRENT ZONING DISTRICT:
APPLICATION TYPE:	
☐ RESIDENTIAL ☐ COMMERCIAL	
PROPERTY OWNER	
NAME:	
MAILING ADDRESS:	
EMAIL:	TELEPHONE:
APPLICANT	
NAME:	
MAILING ADDRESS:	
EMAIL:	TELEPHONE:
OWNER AUTHORIZATION	
I hereby certify that the above information is correct, and that I am authorized to file an application on said property, being either the owner or authorized agent to file on behalf of the owner. Anyone applying without authorization from the property owner(s) shall be subject to penalty under all applicable laws.	
Property Owner Signature	Date
Applicant Signature	Date
REVIEW TIMEFRAME	
ADMINISTRATIVE COMPLETENESS REVIEW: 5 DAYS	REVIEW OF SUBMITTAL: 30 DAYS

VARIANCE SUBMITTAL CHECKLIST

PLEASE RETURN THIS APPLICATION WITH YOUR SUBMITTAL. SUBMITTALS WITHOUT THE INFORMATION BELOW WILL BE CONSIDERED INCOMPLETE AND WILL BE REJECTED. ALL SUBMITTAL MATERIALS MUST BE DELIVERED IN PDF FORMAT.

- ☐ **Project Narrative, which shall include the following information:**
 - Describe existing and proposed use of the subject property and building(s)
 - Describe the requested variance
 - Describe any special circumstances or conditions that exist which would cause strict application of the zoning regulations to be an unnecessary hardship
 - Describe any other reasons for the variance request
- ☐ **Site Plan**
- ☐ **Legal Description**
- ☐ **One (1) copy of ownership deed**
- ☐ **Mailing Label Certification**
- ☐ **Mailing Labels (with Pinal and/or Maricopa County parcel maps)**
- ☐ **Signed and Notarized Proposition 207 Waiver (original document must be mailed in to the Development Services Office)**
- ☐ **Application Fees**

Note: The Development Services Department may request additional submittal items

Fees for Variances

Residential Variances*	\$500
Non-Residential Variances*	\$750
Legal Advertisement Cost	\$100

*Add 4% technology fee to the application fee plus a \$25 GIS fee.

Information for Mailing Labels

- Labels should be Avery Address Labels #5160 or comparable, approximately 1" x 2-5/8" each, 30 labels to a sheet.

- Labels shall include all property owners within a 300 feet radius of subject property:

- Label Sample:

Line 1:	100-01-001A	<i>[Assessor Parcel No.]</i>
Line 2:	John Doe	<i>[Name]</i>
Line 3:	123 Elm St.	<i>[Address/PO Box]</i>
Line 4:	Apache Junction, AZ 85119	<i>[City/State/Zip]</i>

- Please print or type all information on the labels.

NOTE: Property owner information must be obtained from the Pinal County Assessor's records.

Mailing Label Certification

I/We, _____,
hereby certify that this is a complete list of property owners within 300 feet of the property proposed for
rezoning or other permit approval as obtained from the Pinal County Assessor's Office on: (date obtained)
_____.

I/We further certify that this list is not older than thirty (30) days at the time of filing of said application.

PLEASE PRINT

Property Owner Name

Signature

Street Address

City, State, Zip

Telephone

Property Owner Name

Signature

Street Address

City, State, Zip

Telephone

Agent Name

Signature

Street Address

City, State, Zip

Telephone

Proposition 207 Waiver

If multiple owners need to sign the waiver,
make additional copies.

State law dictates that only the original document of the signed
and notarized Proposition 207 Claim Waiver can be recorded.
Copies or electronic files will not be accepted.

Please mail the original document to the City of Apache Junction
Development Services Department at 300 E. Superstition
Boulevard, Apache Junction, AZ 85119.

When Recorded Return to:
City of Apache Junction
Development Services Department
300 E Superstition Blvd.
Apache Junction, AZ 85119

DIMINUTION IN VALUE AND JUST COMPENSATION CLAIM WAIVER/INDEMNIFICATION/ACKNOWLEDGEMENT

I/We, _____, as owners of property identified as Pinal County Assessor Parcel No. _____, which is the subject of Apache Junction City Council, Planning & Zoning/Board of Adjustment or other Case No. _____, hereby waive any and all potential diminution in value and just compensation claims or lawsuits that could be pursued against the City of Apache Junction ("City"), its elected officials, appointees and employees as a result of the Planning and Zoning Commission/Board of Adjustment/Council's action in the above-referenced matter. This waiver is authorized pursuant to A.R.S. § 12-1134(I). I/We also hereby warrant and represent I/We am/are owner(s) of the above-referenced property and that no other person has any ownership in such property.

Printed Name of Owner

Printed Name of Owner

Signature of Owner

Signature of Owner

Date

Date

State of Arizona)
) ss
County of _____)

SUBSCRIBED AND SWORN TO before me this _____ day of _____, 20__ by _____
_____.

My Commission Expires:

Notary Public

Affidavit for Posting Notice

Case Number: _____

Project Name: _____

Project Address: _____

Sign Company Name: _____

I confirm that the site has been posted by me or my agent for the case listed above as required by the City of Apache Junction and a photo and/or map of the sign posting location on the property is attached.

Applicant Name: _____

Applicant Signature: _____

Date of Sign Posting: _____

STATE OF ARIZONA)
) ss.
COUNTY OF PINAL)

Acknowledged and sworn to before me this _____ day of _____
20____.

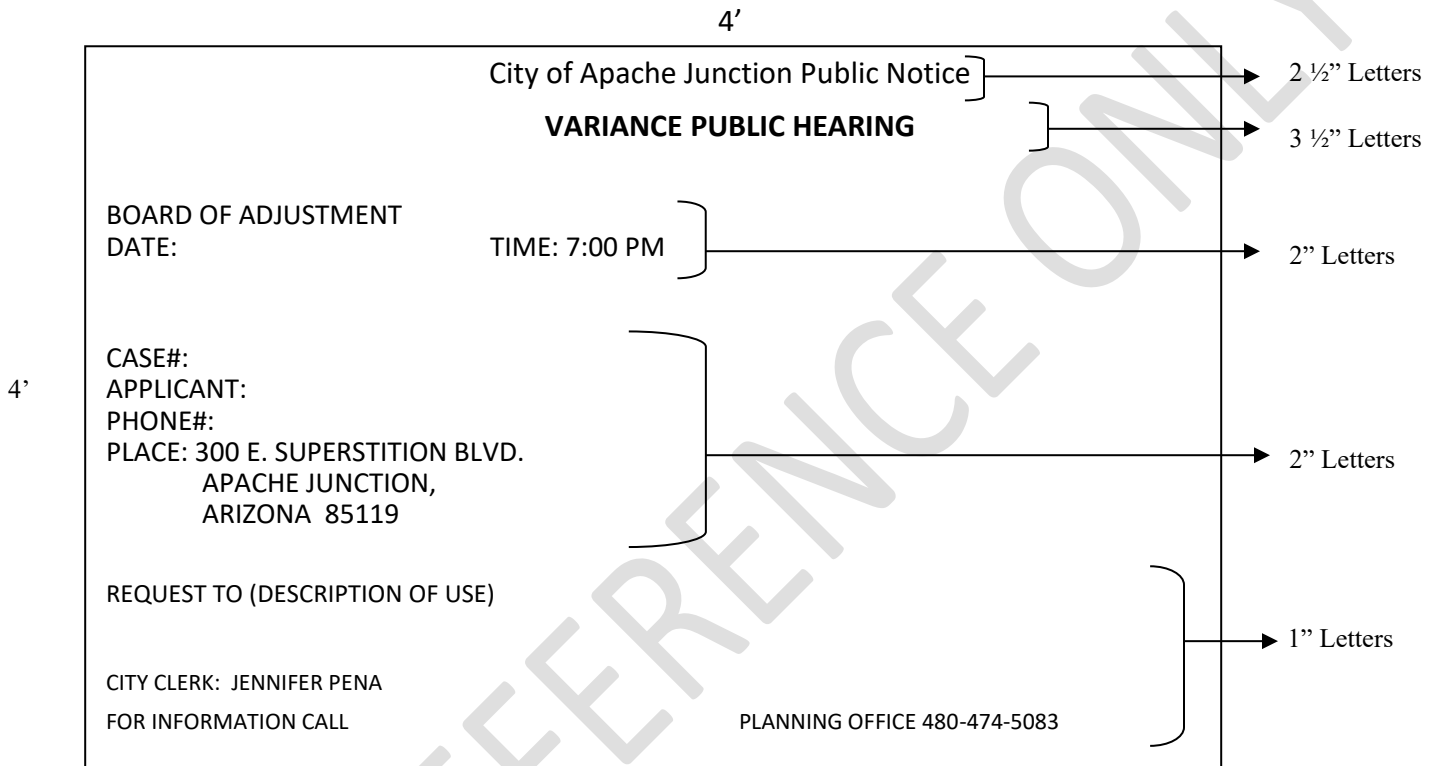
(NOTARY PUBLIC)

My Commission Expires: _____

Sign Posting

The applicant is responsible for posting and maintaining a 4' x 4' Plywood or Aluminum sign. Provide a notarized affidavit of sign posting with photo of sign and date of posting at least 15 days prior to the Public Hearing.

Criteria for Posting Sign:



- Applicant must remove sign within 10 working days after the city council Public Hearing.
- Height of sign must be 6 feet from finished grade to the top of the sign (Wooden Stakes to be used)
- **FONT SHOULD BE LEGIBLE AND LETTERS BOLDED AND CAPITALIZED.**
- **COLORS: Body must be white and lettering to be flat black**