



BOARD OF ADJUSTMENT APPLICATION
PACKET FOR
VARIANCES

TABLE OF CONTENTS

Application Process Summary.....3

Variance Submittal Checklist.....4

Board of Adjustment Application Form.....5

Board of Adjustment Application Form Attachment (“Findings”).....6

Board of Adjustment Process Deadlines and Meeting Dates.....7

Design Review Board (DRB) Application Form.....8

Design Review Board (DRB) Submittal Checklist.....9

Design Review Board (DRB) Filing Deadlines and Meeting Dates.....10

Fee Schedule for Board of Adjustment and Design Review Board.....11

Explanation of Items.....12

Folding Instructions.....16

Request for Mailing Labels and Address Verification Form.....17

APPLICATION PROCESS SUMMARY

Who Approves The Variances?

The Board of Adjustment is a semi-judicial body comprised of lay people appointed by Mayor and Council to hear and decide on applications requesting variances to certain design criteria of the *Land Use Code (LUC)*. Decisions by the Board of Adjustment (B/A) can be appealed to the Pima County Superior Court. Given the legal nature of this zoning process it is important that each applicant read and follow the submittal steps exactly as provided in this packet.

How Long Does This Process Take?

The typical Board of Adjustment application process takes from 1-1/2 to 2 months to complete from beginning to end. The B/A application processing time does not include the time DSD Zoning Review Staff needs to review a project plan and then generate the final *Land Use Code (LUC)* compliance review comments required for your application submittal. Please contact DSD Zoning Review Staff at 791-5608 to obtain this information.

What Are The Steps?

1. Obtain final* not preliminary* *Land Use Code (LUC)* compliance review comments for your project from the City of Tucson Development Services Department (DSD), 1st Floor City/County Public Works Building, 201 North Stone Avenue (791-5608). This application process assumes you already have these formal comments.
2. Related *LUC* application processes (e.g. Special Exception, Scenic Corridor Zone, Historic Preservation Zone, etc.) must be completed prior to submittal to the Board of Adjustment.
3. Obtain official Board of Adjustment mailing labels from DSD Zoning Administration Staff, 2nd Floor Offices Public Works Building, 201 North Stone Avenue (791-4541).
4. Using these official mailing labels, per requirements, mail to all affected parties a notice letter, which includes a description of your project and variance request(s), an offer to meet onsite, and information about the Board of Adjustment hearing. Don't forget to get "proof of mailing" when you mail the letters.
6. Hold your onsite meeting with those affected parties interested in the application. Provide a sign-in sheet and prepare a summary of what was discussed.
7. Referring to the "Submittal Checklist" assemble the required items for application submittal.
8. Contact DSD Zoning Administration Staff to schedule an appointment for submittal of the application. **Applications may not be dropped off.** You must be present to answer staff questions. Please allow up to 30 minutes for staff to review the application for completeness and acceptance.
9. Attend the DRB meeting and/or Board of Adjustment hearing.

NOTES:

*Refer to "Explanation of Items"

Poorly prepared or incomplete submittals will not be processed and will be returned to the applicants.

VARIANCE SUBMITTAL CHECKLIST - FOR STAFF USE ON FILING DAY
(Refer to "Application Packet - Explanation of Items" for explanation of each item)

Date Filed: _____ **Case Number: C10-0** ___ - _____

Reviewed by: _____ **BA public hearing date:** _____

Project Name: _____

Project Address: _____ **Zone:** _____

- FINAL LUC (zoning) COMPLIANCE REVIEW COMMENTS.**
(Final LUC compliance review comments made on Permit card, CDRC Comments or by Memo)
- APPLICANT'S VARIANCE LIST TO THE BOARD.**
(Numbered list indicating LUC regulation - What this regulation requires - What is actually provided)
- PROOF OF APPLICANT'S MAIL NOTICE AND MEETING.**
(Proof of mailing - Copy of letter to neighbors - Summary of onsite meeting with sign-in sheet)
- BOARD OF ADJUSTMENT APPLICATION FORM.**
(Signed by the Property Owner or Authorized Agent - include letter of authorization)
- PROJECT INFORMATION ATTACHMENT.**
(Narrative description of project by the applicant)
- BOARD OF ADJUSTMENT APPLICATION FORM ATTACHMENT.**
(All Findings "a" through "g" must be answered in full)
- RELATED LUC PROCESS DECISION OR RECOMMENDATION LETTERS**
(ParkWise TEAM, Historic Plans Review Subcommittee, Special Exception, SCZ, Rezoning, etc.)
- 15 FOLDED COPIES OF PROJECT SITE PLAN.**
(Detailed plan that was submitted to DSD for final LUC compliance review comments)
- 15 FOLDED COPIES OF PROJECT BUILDING ELEVATION AND/OR FLOOR PLANS.**
(If applicable to the project's variance request - Ask Zoning Admin staff at DSD if unsure)
- 15 FOLDED COPIES OF PROJECT LANDSCAPE PLAN.**
(If applicable to the project's variance request - Ask Zoning Admin staff at DSD if unsure)
- PIMA COUNTY ASSESSOR'S PROPERTY PRINTOUT(S).**
- PIMA COUNTY ASSESSOR'S LOT AND BLOCK MAP.**
- OTHER:** _____
- BOARD OF ADJUSTMENT FILING FEES.**

Applications to the B/A that include **LANDSCAPE, SCREEN or SCENIC ROUTE** variances or **APPEALS** must also submit an application for DRB review. Include the following:

DRB SUBMITTAL ITEMS (**DRB-0** ___ - _____ **for:** _____).
Case Number Meeting Date

- DRB FILING FEES**
- DRB APPLICATION FORM**
- FINAL LUC COMPLIANCE REVIEW COMMENTS**
- APPLICANT'S VARIANCE/LDO LIST TO THE DRB**
- PROJECT INFORMATION ATTACHMENT**
- 8 SETS OF PROPERTY PHOTOS**
- 8 SETS OF PROJECT SITE AND/OR BUILDING ELEVATION PLANS**
- 8 SETS OF PROJECT LANDSCAPE PLANS**
- PIMA COUNTY ASSESSOR'S PROPERTY PRINTOUT(S).**
- PIMA COUNTY ASSESSOR'S LOT AND BLOCK MAP.**
- OTHER:** _____

SUBMITTAL COMMENTS BY STAFF: _____

BOARD OF ADJUSTMENT APPLICATION

Submittals must be filed in person by appointment and will be accepted ONLY by the Zoning Administration Staff at DSD, 2nd Floor north, Public Works Building, 201 North Stone Avenue. The submittal MUST INCLUDE all the items listed on the Board of Adjustment Submittal Checklist.

(The application must be filled out completely, and be signed by the property owner or authorized agent.)

PROPERTY INFORMATION:

PROJECT NAME: _____

(For example: Al's Bar & Grill, Freimen residence carport addition, or Palo Verde Shopping Center, etc.)

PROJECT ADDRESS: _____

(Note: If the site is vacant ask Pima Co. Addressing, 201 N. Stone, for an Administrative Address)

ZONING OF PROPERTY: _____ (For example: R-1, C-2, I-1 or R-1/C-1 Authorized, etc.)

PROJECT TYPE (check all that apply):

- New building on vacant land
- New addition to existing building
- Existing building needs permits
- New building on developed land
- Change of Use to existing building
- Other (Explain)

APPLICANT INFORMATION:

AGENT (The person processing the application and who staff will send mailings to):

NAME: _____

ADDRESS: _____

_____ **ZIP:** _____

PHONE: () _____ - _____ **FAX:** () _____ - _____

[PROPERTY OWNER/S (If ownership in escrow, please note)]:

NAME: _____

ADDRESS: _____

_____ **ZIP:** _____

PHONE: () _____ - _____ **FAX:** () _____ - _____

[SIGNATURE OF PROPERTY OWNER]:

_____ **(NOTE: REQUIRED BY BOARD'S RULES)**

BOARD OF ADJUSTMENT - REQUIRED FINDINGS

Arizona State Statutes and LUC Section 5.1.7.3.B.1 state that the Board may grant a variance only if the variance request complies with each and every one of these "Findings" in full. It is up to the applicant to explain to the Board how the request complies with each Finding. **Important Note:** Do not leave any "Finding" unanswered or marked "Not Applicable" or "N/A".

- a. That, because there are special circumstances applicable to the property, strict enforcement of the zoning ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district; and
-
-

- b. That such special circumstances were not self-imposed or created by the owner or one in possession of the property; and
-
-

- c. That the variance granted is subject to such conditions as will assure that the adjustment authorized 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
-
-

- d. That, because of special circumstances applicable to the property, including its size, shape, topography, location, and surroundings, the property cannot reasonably be developed in conformity with the provisions of this Chapter; and (Ord. No. 9374, §1, 4/10/00)
-
-

- e. That the granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located; and
-
-

- f. That the proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase congestion, or substantially diminish or impair property values within the neighborhood; and
-
-

- g. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the LUC provisions which are in question.
-
-

2005 BA PROCESS DEADLINES AND MEETING DATES

Month	Mail Notice Deadline	FILING DEADLINE	PUBLIC HEARING DATE
January 2005	Offer to meet with affected parties must be mailed at least 10 days prior to meeting date. Meeting to occur no sooner than 15 days and no greater than 60 days prior to submittal of the application.	12/27/2004	1/26/2005
February		1/24	2/23
March		2/21	3/30
April		3/28	4/27
May		4/25	5/25
June		5/23	6/29
July		6/27	7/27
August		7/25	8/24
September		8/23	9/28
October		9/26	10/26
November		10/24	(*) 11/16
December		11/14	(*) 12/14
January 2006		(*) 12/27/2005	1/25/2006

(*) Modifications made to processing dates due to Holidays, Thanksgiving and Christmas.

(**) Deadline for applicant's to mail out their notices to all affected parties.

Case Number Issued: RND/DRB-_____ - _____

Related Case No. _____ - _____ - _____

Development Review Board (DRB) APPLICATION

Submittals are filed **ONLY** at the ZONING ADMINISTRATION Offices, 2ND Floor North, Public Works Building, 201 North Stone Avenue, the submittal **MUST INCLUDE** all the items listed on the DRB Submittal Checklist. Call 791-4541 if additional information is needed.

(The application must be filled out completely, and be signed by the property owner)

PROPERTY INFORMATION:

PROJECT NAME: _____

(For example: Al's Bar & Grill, Freimen residence carport addition, or Palo Verde Shopping Center, etc.)

PROJECT ADDRESS: _____

(NOTE: If the site is vacant ask Pima Co. Addressing, 201 N. Stone, for an Administrative Address)

ZONING OF PROPERTY: _____ (For example: R-1, C-2, I-1 or R-1/C1 Authorized, etc.)

PROJECT TYPE (check all that apply):

- | | |
|--|--|
| <input type="checkbox"/> New building on vacant land | <input type="checkbox"/> New building on developed land |
| <input type="checkbox"/> New addition to existing building | <input type="checkbox"/> Change of Use to existing building |
| <input type="checkbox"/> Existing building needs permits | <input type="checkbox"/> Modification to façade of existing building |

Other (Explain) _____

APPLICANT INFORMATION:

AGENT (The person processing the application and who staff will send mailings to):

NAME: _____

ADDRESS: _____

_____ **ZIP:** _____

PHONE: () _____ - _____ **FAX:** () _____ - _____

[PROPERTY OWNER/S (If ownership in escrow, please note):

NAME: _____

ADDRESS: _____

_____ **ZIP:** _____

PHONE: () _____ - _____ **FAX:** () _____ - _____

[SIGNATURE OF PROPERTY OWNER]:

**DEVELOPMENT REVIEW BOARD
SUBMITTAL CHECKLIST, FILING DEADLINES AND MEETING DATES**

FOR VARIANCE REQUESTS OR APPEALS AND FOR RIO NUEVO PROJECTS

- Fee required for all applications (except PDO's). Refer to fee schedule.
- 1 completed DRB application
- 1 Final *LUC* compliance review comments
- 1 completed project information attachment (Explaining nature of project.)
- 1 Variance/LDO list (For variance requests and LDO appeals, list what the *LUC* requires and what the project provides) OR if the project is an RND project
- 1 completed list of design criteria applicable to this Rio Nuevo Development project per DS 2.8.10.5.A-K and 9.05.4.0-9.05.4 (See Attachments) with explanations to the DRB on how the project complies of these design criteria. (The RND project's compliance with these criteria is what the DRB is to recommend on)
- 8 sets of photographs of the project site and surrounding area (views to the north, south, east, and west) - color copies required. Please label.
- 8 copies of the site plan and/or elevation plan folded (11" x 17") *
- 8 copies of the landscape plan folded (11" x 17") *
- 1 copy of the Pima County Assessor's property information (current printout)
- 1 copy of the Pima County Assessor's map for the property

***Note all plans submitted larger than 11" x 17" must be folded to the City's 8 1/2" x 11" format.**

**DEVELOPMENT REVIEW BOARD
FILING DEADLINES AND MEETING DATES**

DEADLINE DATE (4:00 PM)	MEETING DATE (7:30 AM)
December 30, 2004	January 7, 2005
January 13	January 21
January 27	February 4
February 10	February 18
February 24	March 4
March 10	March 18
March 24	April 1
April 7	April 15
April 28	May 6
May 12	May 20
May 26	June 3
June 9	June 17
June 23	July 1
July 7	July 15
July 28	August 5
August 11	August 19
August 25	September 2
September 8	September 16
September 29	October 7
October 13	October 21
October 27	November 4
November 10	November 18
November 23 (**)	December 2
December 8	December 16 (**)
December 29	January 6, 2005 (**)

(**) Denotes Holiday Schedule

The DRB meets in the Mayor and Council chambers, 1st Floor City Hall, 255 W. Alameda St. Confirm location with staff. The meeting begins at 7:30 A.M - SHARP.

THE APPLICANT OR AGENT MUST ATTEND THE MEETING.

If you have any questions concerning the meetings, please call staff at 791-4541 extension 1134 or 1116.

**FEE SCHEDULE FOR
BOARD OF ADJUSTMENT AND DESIGN REVIEW BOARD APPLICATIONS**

D) Variances Involving Construction Or Building Permit

A) Residential Projects: Single family, duplex

1. Staff Review.....	\$200.00
2. Legal Advertisement.....	\$71.00
3. Notification of Property Owners within 300' of Project Site	\$200.00
4. Microfiche Fee	<u>\$15.00</u>
Total Fees	\$486.00

B) Non-residential projects: 3-4 Family and above, Commercial, Industrial

1. Staff Review.....	\$600.00
2. Legal Advertisement	\$71.00
3. Notification of Property Owners within 300' of Project Site	\$200.00
4. Microfiche Fee	<u>\$15.00</u>
Total Fees	\$886.00

II) Variances NOT Involving Construction, And For Appeals of Zoning Administrator Determinations

1. Staff Review.....	\$300.00
2. Legal Advertisement.....	\$71.00
3. Notification of Property Owners within 300' of Project Site (optional).....	\$200.00
4. Microfiche Fee	<u>\$15.00</u>
Total Fees	\$586.00

Note: The \$200 fee paid to obtain mailing labels can be deducted from the total Board of Adjustment fees due when the application is filed.

III) Design Review Board (DRB) Fees

A) DRB Review.....	Total Fees	\$160.00
--------------------	-------------------	-----------------

Note: Fees can be paid by check, made payable to the City of Tucson, or cash or credit card. Board of Adjustment and DRB fees must be paid by separate checks or separate credit card charges.

EXPLANATION OF ITEMS

INTRODUCTION

The following explanations will provide the information needed to complete the Board of Adjustment submittal requirements in a manner that staff will deem acceptable for processing. Please read the explanations thoroughly and follow them exactly as provided. If you vary from any of these explanations you run the risk of having your application submittal rejected by staff. If you have any questions regarding this application process, call Development Services Department (DSD) Zoning Administration Division staff at 791-4541 extension 1134 or extension 1116 and ask for help.

EXPLANATIONS (Listed Alphabetically)

APPLICANT'S APPEAL ATTACHMENT: This attachment contains the applicant/appellant's written arguments to Board explaining why, in the appellant's opinion, the Zoning Administrator's determination is in error. The written arguments should be accompanied by documents, which support the appellant's arguments.

APPLICANT'S VARIANCE/LDO LIST TO THE BOARD: List each variance or LDO request separately using the following format: *LUC* Section to be waived or modified by the Board, what is required to be provided by the project and what the project plan indicates as provided.

Note: It is the applicant and not staff that determines the variance list to the Board. When you receive your final LUC compliance review comments listing the remaining LUC regulations applicable to your project you basically have two choices: revise the plan to meet the regulations or apply for Board of Adjustment variance approval to waive or modify the regulations.

APPLICATION FORM ATTACHMENT: Both State Statutes and City of Tucson Code regulations require the Board of Adjustment to "Find" each variance request in compliance with the statements listed in Findings "a" through "g" before they grant that variance request. The Board expects each applicant to tell the Board how the variance request and project complies with each and every one of these "Findings". The "Findings" represent the only legal reasons for the Board to grant your variance.

The "Findings" basically state that there must be some physical hardship (special circumstance) to the property that prevents the project from being designed to meet the zoning regulation in full.

Reasons that should not be used to justify the variance.

"This is what the client wants", "Its my property and I want a four car garage", "A screen wall costs too much its cheaper to put in a fence or a hedge", "The required number of parking spaces is more than I need", "I can't afford to put in all the landscaping and screening the Code requires", "The bank won't finance my project unless I have a certain number of units onsite", etc.

APPLICATION FORM: The Board of Adjustment or Design Review application form must be completed in its entirety and signed by property owner or authorized agent. If signed by an agent please include a letter from the property owner authorizing the agent to act on their behalf. If you have any questions on completing this form just call staff.

BOARD OF ADJUSTMENT FILING FEE: The balance due on the Board of Adjustment application fee (total fee minus mailing label fee already paid) is required at time of submittal. Refer to the current fee schedule to determine application fees. Fees may be paid by check made payable to the City of Tucson; cash; or credit card. Failure to pay the balance due at submittal will result in Staff rejecting the application.

DESIGN REVIEW BOARD (DRB): The DRB is comprised of (7) members of the community appointed by Mayor and Council. The DRB members include registered Architects, Landscape Architects and a General Contractor. At the meeting there may be as few as three or as many as seven members attending. A DRB quorum is three members. The DRB meetings are held in the Mayor and Council Chambers, 1st floor City Hall, 255 West Alameda Street except as noted. The meetings begin at 7:30 A.M. (sharp) See the DRB Schedule of Meeting Dates. Applicants must be present at the meeting to present their case to the members. Remember the DRB is comprised of Architects and Contractors so expect detailed questions regarding the plans and project.

DRB SUBMITTAL ITEMS: Refer to the DRB checklist for submittal requirements.

DRB APPLICATION FEES: Refer to current fee schedule. This fee check is separate from the Board of Adjustment application fee check.

FINAL LUC COMPLIANCE REVIEW COMMENTS: Submit a detailed site plan for *Land Use Code (LUC)* compliance review to Development Services Department (DSD), 1st floor City/County Public Works Building, 201 N. Stone Avenue. Zoning Review staff will identify all (*LUC*) regulations applicable to the project. After you have made all the revisions possible to your plans, based on Zoning Review staff's prior review comments, staff will prepare the final *LUC* Compliance Review comments in a written format (e.g. Permit card, CDRC Comments, Memo, etc.) for submittal with your application.

Note: Final comments may list both *Land Use Code (LUC)* and *Development Standard (DS)* Sections. Sections listed "DS" (e.g. DS Sec. 2-15.3.1) refer to Development Standard regulations which cannot be waived or modified by the Board of Adjustment.

LANDSCAPE, SCREENING, SCENIC ROUTE VARIANCES AND LDO APPEALS: These requests to the Board must be submitted to the Design Review Board (DRB) for review and recommendation to the Board of Adjustment.

MAILING LABELS: To obtain mailing labels submit in person to DSD Zoning Administration staff the following: 1) Complete the top portion of the "Request for Mailing Labels and Address Verification" form (be sure the site address is the official address issued by Pima County Addressing; 2) Attach the Assessor's Property Printouts applicable to the project site and the Lot and Block Map applicable to the project site; and, 3) Attach the fee check made payable to the City of Tucson.. Refer to fee schedule to determine fees for Notification of Property Owners. Fees are non-refundable.

NOTICE TO AFFECTED PARTIES: Prior to submittal a notice must* be sent to the affected parties and an onsite meeting must be held. The affected parties include all owners of real property within 300' of the project site; all Neighborhood Associations registered with the City and within 1 mile of the project site; and, the Council Office whose Ward the project site is within and others as determined by the Land Use Code. *Note: This notice is optional only for Appeals of a Zoning Administrator's Determination. However, this notice is the appellant's opportunity to win popular support for his/her argument before the Board. If the appellant chooses to send notice, it must be per these notice requirements and must be to all affected parties.

This notice and meeting is an opportunity to explain the project to the affected parties. The notice must contain the following information: the nature of the project; where the project is located; the variance(s) being requested from the Board of Adjustment; why the variance is needed; agent or property owner's name and phone number; and, the time and place of the onsite meeting. Also indicate the time and place of the Board of Adjustment hearing and include a statement that City Staff will mail out an official notice of the Board of Adjustment hearing, two weeks prior to the hearing date.

PIMA COUNTY ASSESSOR'S PROPERTY PRINTOUT AND LOT/BLOCK MAP: The application submittal must include a copy of the project site Property Printout(s) and Lot and Block Map. Both are available at the Pima County Assessor's Office for a small fee. The Assessor's Office is located at 115 North Church and is east of City Hall. Or you may download the information from the Assessor's Office website: www.asr.pima.co.az.us

- If your site includes more than one parcel, the printout for each parcel must be included.
- The printouts and map must match what is shown on the site plan.
- You must also include the Property Printouts for any property adjacent to and under the same ownership as the site.
- The Property Printout verifies for staff the current ownership of the property.
- The Lot and Block Map verifies for staff the current configuration of the property.

Important Note: Substitute documents obtained from sources other than the Assessor's Office will not be accepted by DSD Zoning Administration staff. Property Printouts and Lot and Block Maps more than six months old will not be accepted.

PRE-APPLICATION REVIEW: Potential Rio Nuevo and Downtown Zone (RND) applicants are strongly encouraged to present the project, in its conceptual stage, to the DRB for a pre-application review. This is a non-deliberative discussion with the DRB about the project and the RND process. This review allows the applicant an opportunity to receive DRB's input on the project's compliance with RND criteria, prior to actual submittal of the application.

PRELIMINARY LUC COMPLIANCE REVIEW COMMENTS: When you first submit your plans for *LUC* compliance review, staff will generate comments requesting additional information (e.g. dimensions, calculations, notes, etc.). This additional information is necessary for staff to correctly identify all zoning regulations applicable to the project. **Note:**

Preliminary written comments or informal notes made on the plans are not acceptable in the Board of Adjustment process.

PRE-SUBMITTAL MEETING: Potential Rio Nuevo and Downtown Zone (RND) applicants **MUST** attend a pre-submittal meeting with DSD staff to determine if the project requires a minor, full, or major review. Contact the Rio Nuevo Coordinator (Randy Schuler) at 791-5550. Zoning Administration staff will not process RND applications, which have not followed this process. When in doubt, call Zoning Administration Staff at 791-4541.

PROJECT INFORMATION ATTACHMENT: This is one or two page narrative explaining the nature project and why you need the variances. The purpose of the project information attachment is to explain to the Board of Adjustment and the DRB in simple terms the project and justifications for the variances. (For DRB submittals address only those variances being reviewed by the DRB.)

PROJECT SITE/PARKING PLAN, BUILDING ELEVATION, FLOOR PLAN, LANDSCAPE PLAN AND PLATS:

Site/parking plans: The site/parking plan must be the same detailed plans reviewed by DSD for the LUC compliance review process. Zoning Administration staff must be notified if the site plan submitted with the application is different than the site plan submitted to generate the final LUC compliance review comments.

Landscape plans: If the variance request is for landscaping and screening a landscape plan showing what can be provided is required.

Building elevation plans: For variances to the setback, building height, color regulations, include elevation plans.

Floor plans: Submittals that include parking variances for residential projects with more than five (5) bedrooms must include floor plans.

Tentative plat: For appeals Tentative Plat approvals, include applicable number of copies of the subject plat.

PROOF OF APPLICANT'S MAIL NOTICE AND MEETING: Include with your submittal, a copy of the letter sent to the affected parties; a meeting summary explaining what happened at the onsite meeting, who showed up and what was discussed, a copy of the sign-in sheet for the onsite meeting and proof that the notices were mailed to all affected parties in accordance with the required notification procedures. Acceptable proof includes the following documentation:

- A copy of the mailing label lists stamped as received by a postal service e.g. Post Office, Mail Boxes Etc., Postal Connection, etc. **and**
- Any official form or receipt of mailing from the postal service, **or**
- Certification of Mailing, **or**
- Certified Mail.

Note: Proof of applicant's mail notice and meeting is optional for an Appeal of a Zoning Administrator's Determination.

PROPERTY PHOTOS OF THE SITE: The DRB members do not make field trips to the case site. Therefore, the photos of the site are needed for their reference. Of specific concern will be those areas of the site subject to the variances (e.g. the street frontage for side street landscape variances, etc.). Staff needs 8 sets of the photos (labeled).

RELATED LUC PROCESSES: Projects that require approval through a related *LUC* process (e.g. Special Exception, Scenic Corridor Zone, Historic Preservation Zone, Rezoning etc.) must complete that review and approval prior to application to the Board of Adjustment. Also note that if the project is the site of a prior rezoning case, then review and approval from DSD Rezoning Section is required to ensure there is no conflict between the variance application and the prior rezoning conditions.

RIO NUEVO AND DOWNTOWN OVERLAY ZONE: The Design Review Board (DRB) reviews all projects located within the Rio Nuevo and Downtown (RND) Overlay for compliance with the design criteria established in DS 2.8.10.5.A-K and 9.05.4.0-9.05.4. If your project is located within the Rio Nuevo and Downtown (RND) Overlay Zone, you must contact Randy Schuler (Rio Nuevo coordinator) at 791-5550, prior to submittal to the DRB.

ZONING ADMINISTRATOR'S FORMAL DETERMINATION: Land Use Code (LUC) Section 1.2.1 states "Where questions occur concerning the content or application of the LUC, the Zoning Administrator shall render a final decision and interpretation on the matter. In making a determination, the Zoning Administrator shall rely on the purpose of the LUC Section in question". The appeals are to the Board of Adjustment. The first step to appeal to the Board is to file

your letter of intent to appeal the Zoning Administrator's determination within 30 days of the date the determination was made in writing and signed by the Zoning Administrator. The letter of intent to appeal must be filed with Zoning Administration Division Staff, Development Services Department (DSD), 2nd Floor, 201 North Stone Avenue. The second step is to submit to the Zoning Administration staff the complete Board of Adjustment application submittal by the very next available Board of Adjustment filing deadline.

When in doubt, call **DSD Zoning Administration** at 791-4541.

REMEMBER ALL BA/DRB SUBMITTALS ARE FILED BY APPOINTMENT ONLY WITH THE ZONING ADMINISTRATION STAFF, 2ND FLOOR- NORTH, 201 N. STONE AVENUE

ARTICLE II. REVIEW PROCEDURES*

DIVISION 3. SPECIAL ZONING REVIEW--FULL NOTICE PROCEDURE

Special zoning reviews which require the full notice procedure involve DSD director decisions on development applications in resource overlay zones, applications for variances before the board of adjustment and certain special exception uses that are decided by the zoning examiner, the "zoning examiner special exceptions". This procedure provides broad notice to parties who may be affected by the development. It is the responsibility of the applicant to provide full and complete information on the project in a timely manner and the responsibility of the affected parties to provide comments to the applicant and/or the city in a timely manner. This procedure applies to applications as specified in the LUC and include the following.

Sec. 23A-50. Application, notice, public comment and review.

An application for and review of a special zoning request that requires full notice procedure shall comply with the following.

(1) *Pre-application conference*. A pre-application conference with city staff to review requirements for the proposal under this chapter, the LUC, development standards and other applicable policies and regulations is required on all full notice procedure applications.

(2) *Neighborhood meeting*. The applicant shall offer to meet at a specified time and place to discuss the proposed project with the persons and entities entitled to notice of the application. The offer shall be made at least ten (10) days prior to the date of the meeting. The meeting shall occur at least fifteen (15) and not more than (60) days prior to the submittal of the application. The neighborhood meeting shall be held at a location near the property that is the subject of the application. Notice of the meeting shall also be provided by the applicant to the office of the council ward in which the subject site is located. Documentation of the offer to meet and a summary of the meeting shall be submitted with the application.

(3) *Application*. Applications shall conform to the requirements set forth in the LUC, this chapter and appropriate development standards. An application is accepted or rejected within seven (7) days of the date of receipt unless the applicant consents to additional time. An application may, in the discretion of the director, be conditionally accepted.

(4) *Public notice of the application*. Applications for full notice procedure shall be provide public notice as follows.

a. *Mailed notice*.

1. Shall be sent to the applicant, public service agencies affected by the application, all property owners within the subject site and within three hundred (300) feet of the subject site, the neighborhood association(s) which includes or are within one (1) mile of the subject site, any person or organization that has filed a request and paid a fee to receive notification of public meetings and hearings on a particular process and any other person the director determines has an interest in the matter.

2. Property owners shall be determined from the records of the Pima County Assessor that are available to the public no more than forty-five (45) days prior to the application or public hearing.

3. Shall be provided to all parties of record on a previous hearing on the same application and to other affected property owners as required by each process.

4. Shall be sent whether or not the properties are within the corporate limits of the city.

5. Adjoining land under the same ownership as the subject site and public right of way abutting the site shall be included as part of the subject site in determining the boundaries from which the notice area is measured.

6. For sites within the Airport Environs Zone (AEZ), notice shall be provided to the Tucson International Airport or to the Davis Monthan Airforce Base, whichever is applicable.

b. *Posted notice*. Notice shall be posted in such locations on the subject property as to be visible to the public. The posted notice shall identify the request, the date, time and location of any public comment period or public hearings and a telephone number for the city and the applicant where further information may be obtained.

(5) *Public comment period*. There shall be a period of twenty (20) days following the date on which notice is mailed for submission of comments on the proposal to the development services department.

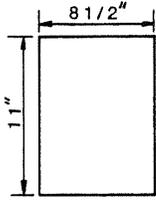
(6) *Review process*. Review is conducted by the development services department staff and other agencies, committees or advisory boards as specified in this chapter, the LUC and as may be deemed appropriate by the director.

(7) *Denial of plan compliance appeal*. If an application is rejected because it is not consistent with the general plan or any applicable specific plan, the rejection of the application may be appealed by the applicant to the mayor and council in accordance with [section] 23A-62.

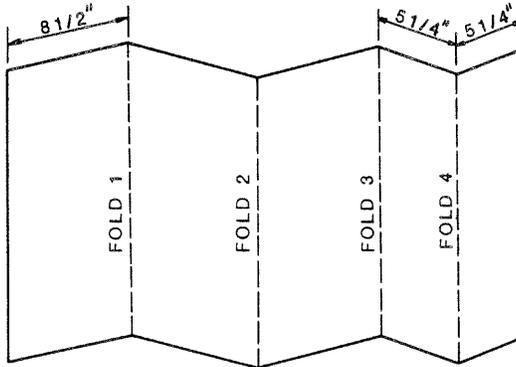
(Ord. No. 9967, § 9, 5-17-04)

STEP 1

Using an 8 1/2" X 11" size sheet of paper as a guide, make folds 1, 2, and 3.



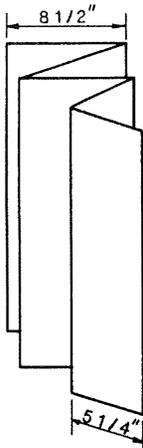
This instruction sheet is 8 1/2" X 11" size.



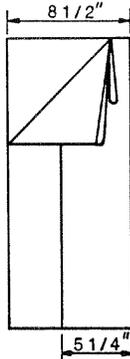
STEP 2

Fold the remaining 10 1/2" in half; this completes fold number 4.

STEP 3

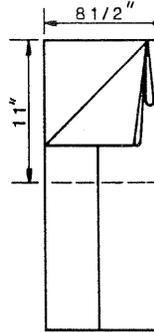


With the 5 1/4" fold to the right

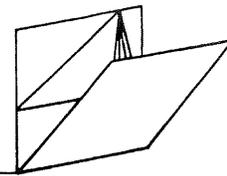


Fold down the corner, all but the last panel.

STEP 4

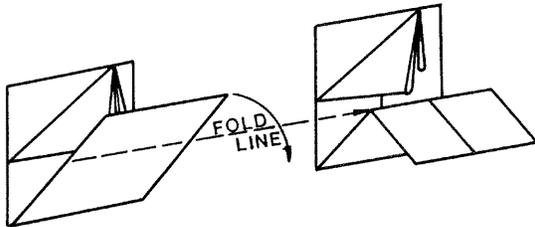


FOLD LINE



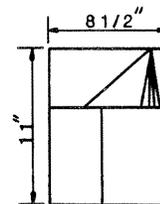
Fold the lower portion up.

STEP 5



Fold the front part in half.

STEP 6



The folded print should be 8 1/2" X 11".

REQUEST FOR MAILING LABELS & ADDRESS VERIFICATION

Project Address _____

Applicant/Agent Name _____

Mailing Address _____

Phone _____

Applicant/Agent Signature _____

Date _____

Please attach the following. Printouts and maps must be generated from the Pima County Assessor's Database. Department of Transportation information **will not** be accepted.

Assessor's Property Inquiry Printout (APIQ)
(one printout for each lot included in the project)

Assessor's Block & Lot Map

THE FOLLOWING SECTIONS TO BE COMPLETED BY STAFF

LABELS ARE REQUESTED FOR THE FOLLOWING PROCESS:

Environment Resource Zone

WASH Ordinance

Hillside Development Zone

Scenic Corridor Zone

Design Development Option

Board of Adjustment

Design Development Option (**Full Notice**)

Other: _____

Rezoning/SE

PROCESSING FEE

\$200.00

Check Number: _____

Cash

Charge Account: _____

Date Received: _____ Date Due: _____

Requested By: _____ Due To: _____

Request to: HS _____ GDS _____ SM _____ Other _____

Comments: _____

Address Verification Signature _____

Date _____