



VARIANCE

PROCESS GUIDE & APPLICATION

City of Buckeye
Development Services Department
530 East Monroe Avenue
Buckeye, Arizona 85326

Phone: 623.349.6211

Fax: 623.349.6222

www.buckeyeaz.gov

APPLICATION PROCEDURES

VARIANCE

Important Information:

- **The City of Buckeye now accepts all submittals/resubmittals and payments electronically. Please follow process on the Planning and Zoning webpage. Resubmittals can be directed to the submittal contact found on the Planning & Zoning webpage.**
- In accordance with A.R.S. § 9-462.06, a variance may not be granted unless evidence is presented that satisfy the following conditions:
 - There are special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, whereby the strict application of the Development Code will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district;
 - Such special circumstances were not created by the property owner; and
 - The variance does 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.
- The Variance fee is listed on the User Fee Worksheet found on the Planning and Zoning Website at <https://www.buckeyeaz.gov/business/development-services/planning-zoning> under the "Updated Process Guides, Applications and Documents" drop-down under the "Fee Worksheet" section.

The following information is provided to assist in the preparation and submittal of an application for a variance for a property within the City of Buckeye or to obtain an interpretation of the City Development Code. The request will be considered and a final decision will be made by the City Council acting as the Board of Adjustment at a public hearing.

1. ***Application Filing*** – **Prior to filing an application for a Variance, it is highly recommended that the applicant complete the Planning Consultation.** For an application to be accepted, the applicant must provide all of the required information described on the submittal checklist at the time of formal submittal. It shall be the responsibility of the applicant to ensure the accuracy and completeness of the request. Applications received after 4:00 p.m. will be processed the next business day. Incomplete applications will NOT be accepted.

VARIANCE

Revised April 2021

2. *Staff Review* – Once a complete application is received and processed, the submitted information will be assigned to a Planner and routed to appropriate City staff and agencies for review/comment. After this review, the assigned Planner collects and consolidates the comments, which are then returned to the applicant. Any technical questions should be addressed with the assigned Planner who will facilitate any needed communications or meetings with the appropriate city departments.

The applicant is then responsible for addressing the comments and submitting revised plans. Upon resubmittal, the staff review process will begin again albeit at an expedited pace. In some cases, it is necessary to have several resubmittals before moving the request forward in the process.

3. *Public Notification* – Upon the scheduling of any public hearing and no later than fifteen (15) days prior to its occurrence, it is the responsibility of the applicant to notify all property owners within three hundred (300) feet of the subject property. Notification shall be in the form of a letter delivered via First Class U.S. Mail, a sign(s) posted adjacent to all public rights-of-way, and publication within a widely circulated newspaper throughout the City (i.e. The Arizona Republic). All notifications should contain, at minimum, the following information; description of the Site Plan request, owner/applicant contact information, and public hearing time/date/location. Upon completion of the above-mentioned notification requirements, an Affidavit of Mailing, an Affidavit of Posting, and Proof of Publication shall be submitted to the assigned Planner not less than ten (10) days prior to the public hearing. Failure to submit the requested information will result in the postponement of the public hearing item.

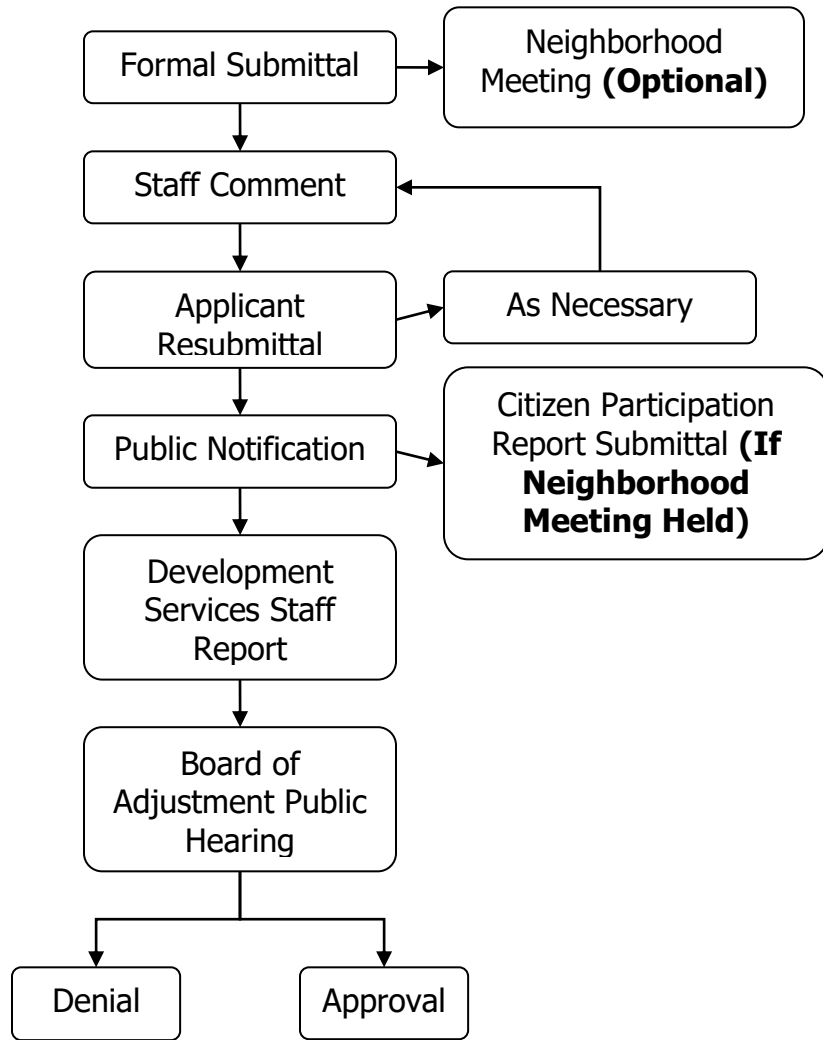
The Director may expand the notification area set forth in this section if it is determined that the potential impact of the project extends beyond the required notification boundary.

4. *Staff Reports* – Once all staff comments have been addressed and a hearing has been scheduled, the assigned Planner will prepare a report describing and evaluating the proposed project and making a recommendation for action to the City Council acting as Board of Adjustment. Copies of the staff report will be made available to the public and sent to the applicant prior to each hearing.
5. *City Council Public Hearing* – Regular City Council hearings occur on the first (1st) and third (3rd) Tuesday of each month at 6:00 p.m. Regular meetings are held at the City Council Chambers, located at 530 E Monroe Avenue. The applicant, owner, or appointed representative must be present at the hearing. The City Council, taking into consideration staff presentation, owner/applicant/project representative presentation, and public testimony, will approve, approve with modifications and/or stipulations, continue, or deny the request. The public also

has the option to complete a public comment form for comment by email or phone on the City Council Meetings, Agenda & Minutes webpage or can remotely view meetings that are streamed on the City's YouTube channel.

6. *Inactive Cases* – All applications need to be actively pursued to a decision. If the City has completed any and all appropriate reviews and no activity has occurred for the continued processing of the application on behalf of the applicant for at least for one hundred eighty (180) days, the application will be considered inactive, deemed to be withdrawn, and the file will be closed. Thirty (30) days prior to the inactive date, staff will notify the applicant in writing of the impending action. The applicant may submit a written request for the application to remain active along with an explanation for the inactivity. The Director may grant an extension for up to one hundred eighty (180) days for good cause if there is reasonable belief that the application will be actively pursued during the extension period.

Variance Process



SUBMITTAL CONTENT REQUIREMENTS (PDF FORMAT)

1. **Application** (8.5" x 11" PDF, completed and signed) – Completed and signed by applicant and property owner
2. **Fee Worksheet** (8.5" x 11" PDF, completed and signed)
3. **Project Narrative** (8.5" x 11" PDF) – Describe the current conditions of the site and the conditions that have prompted the request for a variance. Include rationale and justification for the variance in accordance with Arizona State Statutory requirements. Please include exhibits where necessary and appropriate.
4. **Conceptual Layout Plan** (PDF Format) – Submit a conceptual illustration (to-scale and with dimensions indicated) illustrating the condition of the site as it currently exists. In as much detail as possible, diagram the changes being requested for the site.
5. **Additional Material** (PDF Format) – The Development Services Department may request additional submittal items.

Variance 1st Submittal Checklist (PDF Format)
(Please provide original list with formal submittal)

<u>REQUIRED MATERIALS (IN PDF Format)</u>	Applicant Checklist	Staff Verification
Application (8.5" x 11" PDF, completed and signed)	<input type="checkbox"/>	<input type="checkbox"/>
Fee Worksheet (8.5" x 11" PDF, completed and signed)	<input type="checkbox"/>	<input type="checkbox"/>
Project Narrative (8.5" x 11" PDF)	<input type="checkbox"/>	<input type="checkbox"/>
Conceptual Layout Plan (PDF Format)	<input type="checkbox"/>	<input type="checkbox"/>
Additional Materials (PDF Format) (if applicable)	<input type="checkbox"/>	<input type="checkbox"/>



City of Buckeye
Planning and Zoning
Project Application

DO NOT WRITE IN THIS AREA-OFFICIAL USE ONLY

Date: _____ Planner: _____ Case No: _____

PROPERTY INFORMATION:

Project Name: _____ Associated Cases: _____
Project Address/Location: _____
Current Zoning District: _____ Parcel Number(s): _____ Quarter Section: _____
Request: _____

CASE TYPE:

Variance Other: _____

**IMPORTANT
NOTE ABOUT
CONTACT(S):**

The property owner may designate an agent as the coordinator for the project. This person (the applicant) will receive any technical comments and decision letters and will communicate all case information to other parties as required. **All contact for this project will be made through the applicant listed below.**

APPLICANT/OWNER AUTHORIZED AGENT INFORMATION:

Name: _____
Company: _____
E-mail: _____
Business Phone: _____ Home Phone: _____
Mobile Phone: _____ Other Phone: _____
Fax: _____
Address: _____ City: _____
State: _____ Zip: _____ Address Type: Physical Mailing
Contact Preference: Email Business Phone Home Phone
 Mobile Phone Other Phone Address

SECONDARY APPLICANT CONTACT INFORMATION:

Name: _____
Company: _____
E-mail: _____
Business Phone: _____ Home Phone: _____
Mobile Phone: _____ Other Phone: _____
Fax: _____
Address: _____ City: _____
State: _____ Zip: _____ Address Type: Physical Mailing
Contact Preference: Email Business Phone Home Phone
 Mobile Phone Other Phone Address

OWNER INFORMATION:

Name/Company: _____ **E-mail:** _____ **Business Phone:** _____
Home Phone: _____ **Mobile Phone:** _____ **Other Phone:** _____ **Fax:** _____
Address: _____ **City:** _____ **State:** _____ **Zip:** _____
Address Type: Physical Mailing **Preferred Contact Method:** Email Business Ph. Home Ph. Mobile Ph. Other Ph. Address

PROPERTY OWNER AUTHORIZATION

I (property owner) _____ authorize (owner's Agent) _____
To file this application on matters related to this request with the City of Buckeye. By signing this form as the property owner, I hereby agree to abide by any and all stipulations that may be assigned by the City of Buckeye as part of any approval of this request.

Owner Signature Date

PROPOSITION 207 WAIVER

The property owner acknowledges that the approval being sought by this application may cause a reduction in the existing rights to use, divide, sell or possess the private property that is the subject of this application. The property owner further acknowledges that it is the property owner who has requested the action sought by the filing of this application. Therefore, pursuant to A.R.S. §12-1132 through 1138, the property owner does hereby waive any and all claims for diminution in value of the property with regard to any action taken by City of Buckeye as result of the filing of this application.

Owner Signature Date

Development Services Department

530 East Monroe Ave, Buckeye AZ 85326 Phone 623.349.6211 Fax 623.349.6222



City of Buckeye
Planning and Zoning
Project Application

DO NOT WRITE IN THIS AREA-OFFICIAL USE ONLY

Date: _____ Planner: _____ Case No: _____

Project Location: _____

Proposed Property Details:

Single-Family Residential Multi-Family Residential Commercial Industrial

Other: _____

Current Zoning: _____

Proposed Zoning: _____

Number of Buildings: _____

Parcel Size: _____

Gross Floor Area/Total Units: _____

Floor Area Ratio/Density: _____

Parking Required: _____

Parking Provided: _____

Setbacks:

Front _____

Rear _____

Side _____

Side _____

Historical Site: Yes No

Lot Coverage (%) _____

Landscaping (%) _____

Open Space (%) _____

Existing Condition: _____

General Plan Designation: _____

Description of Request:

Development Services Department

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City of Buckeye
Planning and Zoning
Project Application

DO NOT WRITE IN THIS AREA-OFFICIAL USE ONLY

Date: _____ Planner: _____ Case No: _____

Project Address/Location: _____ Date: _____
 Proposed Use: _____ Zoning District: _____

TO BE COMPLETED BY APPLICANT		CALCULATIONS	TO BE COMPLETED BY CITY
COMMERCIAL	RESIDENTIAL		
		Net Lot Area	
		Gross Lot Area	
		Gross Floor Area Allowed	
		Gross Floor Area Provided	
		Building Volume Allowed	
		Building Volume Provided	
		Number of Units or Lots	
		Density Allowed	
		Density Provided	
		Minimum Lot Size Allowed	
		Minimum Lot Size Provided	
		Building Height Allowed	
		Building Height Provided	
		Net Floor Area	
		Parking Spaces Required	
		Parking Provided On-Site	
		Parking Provided Off-Site	
		Total Parking Provided	
		Open Space Required	
		Open Space Provided	
		Front Open Space Required	
		Front Open Space Provided	
		Parking Lot Landscaping Required	
		Parking Lot Landscaping Provided	

SET BACKS AND PARKING REQUIREMENTS:					
REQUIRED	PROVIDED	CALCULATIONS	N, S, E, W	REQUIRED	PROVIDED
		Front			
		Rear			
		Left Side			
		Right Side			
		Parking			

Development Services Department
 530 East Monroe Ave, Buckeye AZ 85326 Phone 623.349.6211 Fax 623.349.6222

PUBLIC HEARING NOTIFICATION REQUIREMENTS

The City of Buckeye Development Code requires that a public hearing notice be posted, published, and mailed to adjacent property owners prior to a public hearing.

Prior to the public hearing the applicant shall be responsible for completing a minimum 15 day notification of the public hearing including:

1. A public hearing notice to be published in a newspaper of general circulation within the City of Buckeye;
2. A public hearing notice to be sent to all property owners within 300 feet of all property lines of the subject property; and
3. A public hearing notice to be posted on the property.

- The applicant shall secure a public hearing date from the Development Services Department and shall complete the notice of public hearing by filling in the blanks of a standard Development Services Department form and delivering the public hearing notice to the newspaper within their time frame so that the public hearing notice is published at least 15 days prior to the public hearing date.
- Proof of publication shall be supplied by the applicant to the Development Services Department prior to the public hearing date.
- The applicant shall secure the names and addresses of all property owners within 300 feet of all property lines of the subject application property either through a title company or the Maricopa County Assessor's web site and shall send the public hearing notice to each said owner no less than 15 days prior to the public hearing date.
- The applicant shall provide a notarized Affidavit of the mailing list and said mailing to the Development Services Department prior to the public hearing date.
- The applicant shall post the property per the City of Buckeye Development Services Site Posting Requirements.
- The applicant shall submit a notarized Affidavit of Posting and photographs of the posting (see next page) to the Development Services Department prior to or on the fifteenth day prior to the public hearing date. Failure to provide such documentation in a timely manner will result in continuance of the case to the next available public hearing date.
- The signs must be maintained and updated with amended information until after the final public hearing.
- The signs must be removed and disposed of within 10 days after the final public hearing.
- You may use a sign vendor of your choice

Public Hearing Notice Sign Specifications

- The sign shall be a minimum of 3 ft. x 3 ft. in size.
- The sign shall be constructed of laminated coroplast, laminated plywood, or other suitable construction material.
- The sign shall have a white background with black lettering. The least expensive process is laminated direct printing.
- The minimum lettering size shall be 1/2 inch for lowercase and 1 inch for upper case.
- The words "Public Hearing" shall be a minimum of 2 inches in size. (Sign lettering should be formatted to match the example below).
- The content of the sign shall match the example below and include specific case details.
- The sign shall be securely fastened to wooden or metal stakes.
- The applicant is responsible for maintaining the integrity and accuracy of the sign.
- The height of the sign shall be at least 4 ft from finished grade to top of sign and shall not be obstructed from view.

<p style="text-align: center;">City of Buckeye</p> <p style="text-align: center;">PUBLIC HEARING</p> <p style="text-align: center;">Board of Adjustment: [Date and Time]</p> <p style="text-align: center;">LOCATION OF HEARINGS:</p> <p style="text-align: center;">REQUEST:</p> <p style="text-align: center;">PROPOSAL:</p> <p style="text-align: center;">GENERAL LOCATION:</p> <p style="text-align: center;">SIZE:</p> <p style="text-align: center;">CASE #:</p> <p style="text-align: center;">APPLICANT/CONTACT:</p> <p style="text-align: center;">PHONE #:</p> <p style="text-align: center;">Development Services Department: 623-349-6211</p> <p style="text-align: center;">Posting Date:</p>

Format for Publication

City of Buckeye

NOTICE IS HEREBY GIVEN that the City of Buckeye Board of Adjustment will hold a public hearing on (day of week), (month) (date), 20__ to be held at the City Council Chambers, located at 530 E Monroe Avenue at 6:00 p.m., for the purpose of hearing all persons for or against the following request:

Case No. _____ (insert case number): Request by (name of applicant) for the approval of a (name of application type and general description) located at (general location of subject property by street location and brief township/rage/section legal description).

For additional information, please contact the Development Services Department at (623) 349-6211

Affidavit of Sign Posting

Case Number: _____

Project Name: _____

**Applicant
Name:** _____

Location: _____

In order to assist in providing adequate notice to interested parties and to meet Arizona State Statute, the **applicant** for public hearings in the City of Buckeye shall post signs as prescribed by the "City of Buckeye Site Posting Requirements." **It shall be the responsibility of the applicant to erect and to maintain the sign on the subject property and to update the hearing information on the sign until the final disposition of the case. It shall also be the responsibility of the applicant to remove the sign within ten (10) days after the final disposition of the case.**

I confirm that the site has been posted as detailed by the City of Buckeye Site Posting Requirements for the case above and the site was posted at least fifteen (15) days prior to the public hearing.

See attached date stamped photo exhibit of posted signs.

Applicant's / Representative's signature: _____

SUBSCRIBED AND SWORN before me this _____ day of _____, 20____, by:

Notary Public

My Commission Expires:

Affidavit of Mailing Notice

Case Number: _____

Project Name: _____

**Applicant
Name:** _____

Location: _____

In order to assist in providing adequate notice to interested parties and to meet Arizona State Statute, the applicant for public hearings in the City of Buckeye shall secure the names and addresses of all property owners within _____ feet of all property lines of the subject application property either through a title company or the Maricopa County Assessor's web site and shall send the public hearing notice to each said owner no less than fifteen (15) days prior to the public hearing date.

I confirm that I secured the names and addresses of all property owners within _____ feet of all property lines of the subject application property either through a title company or the Maricopa County Assessor's web site and did send the public hearing notice to each said owner no less than fifteen (15) days prior to the public hearing.

See attached copies of all sent letters and address lists.

Applicant's / Representative's signature: _____

SUBSCRIBED AND SWORN before me this _____ day of _____, 20____, by:

Notary Public

My Commission Expires:
