

MODIFICATION OF SETBACK REQUIREMENTS PROCESS OR EXPANSION OF LOT COVERAGE FOR ACCESSORY STRUCTURES AND ACCESSORY BUILDINGS

I. WHAT IS THE APPLICATION PROCESS?

This process allows a reduction to **setbacks for side and rear yards, reduction to distances between structures, and expansion in lot coverage for accessory structures and accessory buildings**, as expressed in the Pima County Zoning Code, Chapter 18.07.070. Surrounding property owners are notified of the proposal. If there are no protests from the property owners, the Zoning Inspector may grant the modification without a public hearing. In the event of written protests, the Zoning Inspector may deny the modification, and the applicant may apply for a variance, with a public hearing before the Board of Adjustments. There is an additional non-refundable fee. (See staff for current fee schedule.)

II. HOW DO I APPLY?

- A. Meet with a planner to review your request before submitting an application;
- B. Complete the application.
- C. The applicant may either:
 1. Obtain signatures from all adjacent property owners to submit with this application;
 2. **OR**, after receiving the complete application, the staff will mail out a notification, with a description of the applicant's request and the submitted sketch plan to the adjacent property owners.

III. WHAT DO I HAVE TO SUBMIT AS PART OF THE APPLICATION?

- A. **Application form**;
- B. Include **Assessor's map** showing boundaries for the subject property;
- C. Include **Assessor's Parcel Inquiry (APIQ) printout** verifying ownership;
- D. If you are an agent or representative for the property owner, you will need a **signed letter of authorization with an original signature** from the property owner of record;
- E. Include a **sketch plan** on 8½" by 11" paper (see attached example).
- F. **Written consent**, with original signatures, from adjacent property owners if desired;
- G. **Fee** (This fee is not refundable if Modification is denied; see staff for current fee schedule).

***Note:** All signatures/documents must be originals, no faxes or copies will be accepted.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

IV. HOW WILL THE APPLICATION BE REVIEWED?

The Planning staff will review the application to ensure that the standards for approval can be met. The standards as outlined in the Pima County Zoning Code include:

- A. The reduced setback or increased lot coverage for accessory structures and accessory buildings will not substantially reduce the amount of privacy that would be enjoyed by nearby residences;
- B. Significant views of prominent landforms, unusual stands of vegetation, or parks from nearby properties will not be obstructed any more than would occur if the setback or lot coverage was not modified;
- C. Traffic visibility on adjoining streets will not be adversely affected;
- D. Drainage from proposed buildings and structures will not adversely affect adjoining properties and public right-of-ways;
- E. Proposed building and structures will not interfere with the optimum air temper/solar radiation orientation of buildings on adjoining properties;
- F. The location of proposed buildings and structures, and the activities to be conducted therein, will not impose objectionable noise levels or odors on adjacent properties.

If one or more of these standards cannot be met, the Zoning Inspector may **deny** the application. The applicant may appeal the Zoning Inspector's decision to the Board of Adjustment for consideration at a public hearing.

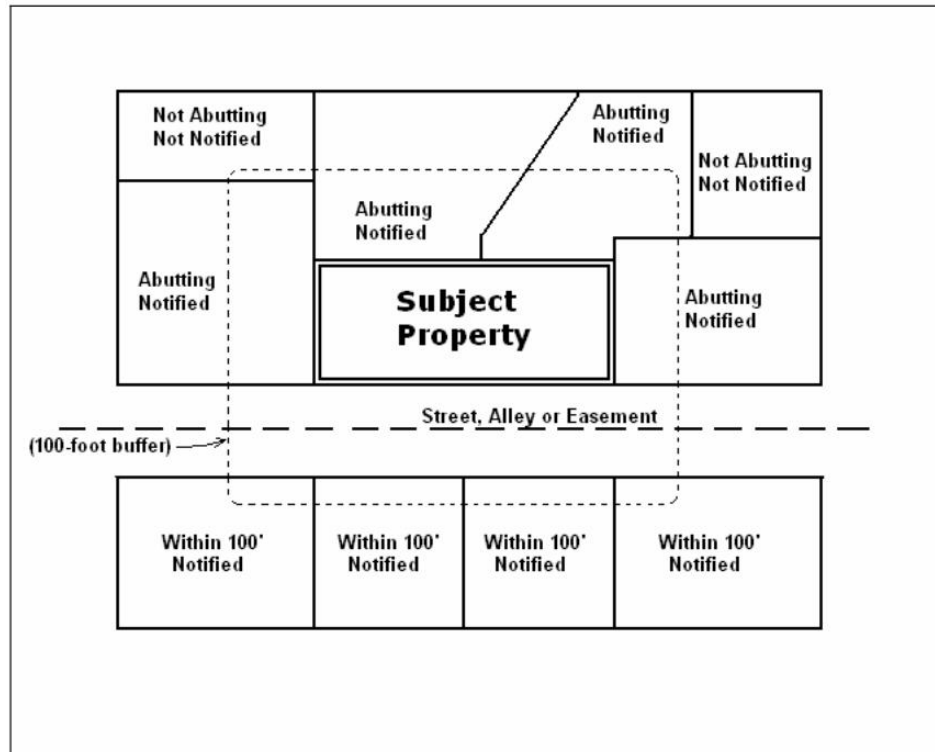
V. WHAT IF MY NEIGHBORS HAVE NO OBJECTIONS TO MY REQUEST?

If the applicant submits written consents from **all** property owners of record adjacent to the subject property as well as those properties within 100 feet if separated by a road or common area, the Zoning Inspector may waive the notification process described below.

LOTS NOTIFIED:

(Pima County Zoning Code Chapter 18.07.070.C.1)

- a. Property owners adjacent to the applicant's property,
- b. Property owners within 100 feet of the applicant's property line but separated by public or private road or private common area, and
- c. Property owners determined by the zoning inspector to be affected by the request.



VI WHAT IF I OBTAIN SIGNATURES?

AM UNABLE TO

The Zoning Inspector sends mailed notification to all adjacent property owners and owners within 100 feet when separated by a road or common area. These property owners have 15 calendar days, from the date the notifications are sent, to file a written protest with the Zoning Inspector.

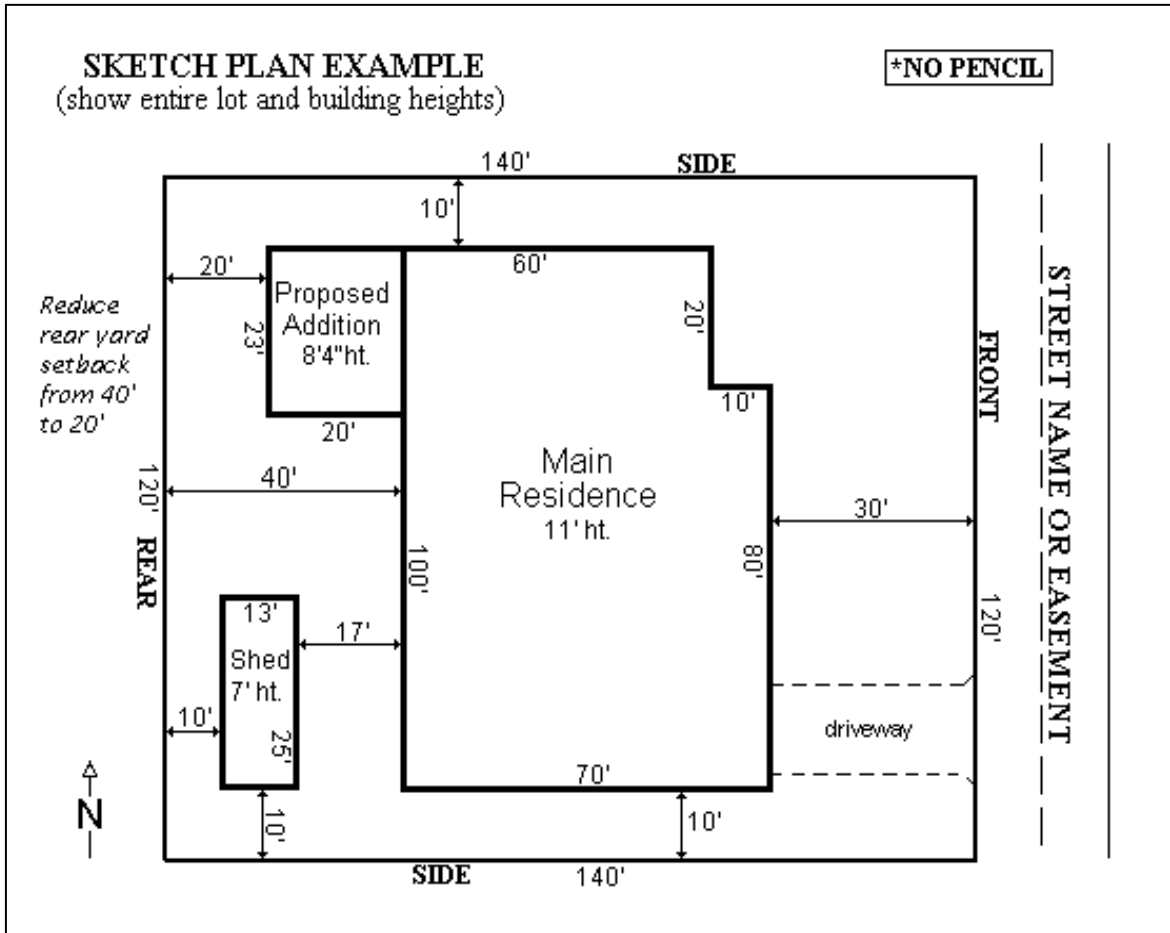
If no protests are received within 15-day review period and the Zoning Inspector has determined that the application meets all of the standards, the applicant is notified that the request has been **approved**, and may apply for a building permit as allowed by the modification.

VII. WHAT IF A WRITTEN PROTEST IS FILED OR ADDITIONAL VARIANCES ARE NEEDED?

If a written protest is received within the 15 days, or the Zoning Inspector determines that other or additional variances are required, the request is **denied**.

However, the applicant may submit the request as an appeal before the next available Board of Adjustment meeting for consideration at a public hearing as a variance request. The applicant would need to submit a completed **Variance Application and Fee** before the next deadline for the Board of Adjustment.

VII. SKETCH PLAN



These features **MUST** be shown on the sketch plan (8½" x 11" preferred*):

- Entire lot with proportionate dimensions;
- North direction arrow;
- Labeled streets and easements (access, utility, etc.);
- Access (i.e. driveway) and parking (if applicable);
- All existing and proposed structures with accurate dimensions;
- Distances from structures to property lines;
- Distances between structures;
- Labeled property lines including "front" property line.

*Use of graph paper is highly recommended to ensure accuracy.

**APPLICATION FOR MODIFICATION OF SETBACK REQUIREMENTS OR EXPANSION OF LOT
COVERAGE BY ACCESSORY STRUCTURES AND ACCESSORY BUILDINGS**

Please print (no pencil) or type

Property Owner: _____ Phone: _____
Owner's Mailing Address: _____ City: _____ Zip: _____
Authorized Representative: _____ Phone: _____
Rep's Mailing Address: _____ City: _____ Zip: _____
Property Address: _____ City: _____ Zip: _____
Tax Code: _____ Zone: _____

Specify the setback modification request or requested increase in lot coverage for an accessory structure, or building. (Example: "Reduce the rear yard setback to 13 feet for a proposed main residence")

I, the undersigned, represent that all the facts in this application are true to the best of my knowledge. I am aware that application for building permits must be made within nine months of approval of the modification and that failure to apply for building permits within that time renders the modification approval null and void. I have read and understood the Pima County Zoning Code guidelines and standards.

Signature of Owner or Representative _____ Date _____

The following documents are attached: **NO PENCIL**

- Sketch plan** [size 8½" x 11" preferred, maximum 11" x 17"];
- County Assessor's map** showing the boundaries of the subject property;
- APIQ print out** (County Assessor's print out showing current owner of property);
- Letter of authorization** for Representative to apply (**original signature of owner is required**);
- Appropriate **fee**;
- Standards Evaluation Form**;
- Original signature** of owner or representative.

----- OFFICE USE ONLY -----

Co28 (____) 1_ - _____
(Last name - Direction, Street Name)

Date Received: _____ Received by: _____ (planner's initials)

Affected section of code(s): _____

STANDARDS EVALUATION FORM FOR MODIFICATION OF SETBACK REQUIREMENTS OR EXPANSION OF LOT COVERAGE FOR ACCESSORY STRUCTURES AND ACCESSORY BUILDINGS

In the spaces provided below, please explain how the proposed setback modification meets each of the six standards listed in Chapter 18.07.070D of the Pima County Zoning Code. The application cannot be processed without this information. **Answer each question using full sentences.** You may attach a separate sheet if necessary.

1. Describe how the proposed modification of setback requirements or an increase in lot coverage for an accessory structure and accessory building affects the amount of privacy that would be enjoyed by nearby residences:

2. Explain how significant views from nearby properties of prominent landforms, unusual stands of vegetation, or parks would not be affected by this request:

3. Explain how traffic visibility on adjoining streets will not be affected by this request:

4. Describe how drainage from proposed buildings and structures affects adjoining properties and public rights-of-way:

5. Explain how proposed buildings and structures would not interfere with the optimum air temperature/solar radiation orientation of buildings on adjoining properties:

6. Explain how the location of proposed buildings and structures, and the activities to be conducted therein, will not impose objectionable noise levels or odors on adjacent properties:

**CONSENT FORM FOR MODIFICATION OF SETBACK REQUIREMENTS OR EXPANSION OF LOT
COVERAGE FOR ACCESSORY STRUCTURES AND ACCESSORY BUILDINGS**

Applicant: If you wish to obtain signatures, you may request the Planning staff to list all affected properties.
("All abutting lots and lots within 100' when separated by a road or common area")

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The standards for a Modification of Setback Requirements are as follows:

1. The reduced setbacks or expansion of lot coverage for accessory structures and accessory buildings will not substantially reduce the amount of privacy that would be enjoyed by nearby residences;
2. Significant views of prominent land forms, unusual stands of vegetation, or parks from nearby properties will not be obstructed any more than would occur if the setback was not modified;
3. Traffic visibility on adjoining streets will not be adversely affected;
4. Drainage from proposed buildings and structures will not adversely affect adjoining properties and public rights of way;
5. The location of proposed buildings and structures will not interfere with the optimum air temperature/solar radiation orientation of buildings on adjoining properties;
6. The location of proposed buildings and structures, and the activities to be conducted therein, will not impose objectionable noise levels or odors on adjoining properties.

I, the undersigned, have reviewed the attached sketch plan for the proposed modification of setback requirements or expansion of lot coverage and **do not have any objections.**

Tax Code	Lot	Name of Owner (please print)	Signature*
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
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_____	_____	_____	_____
_____	_____	_____	_____

* **Signer must be the current owner of record as shown on the property's Assessor's APIQ printout, or documentation authorizing the signer must be provided (e.g. Trusts, Companies, LLCs, etc.)**
Only original signatures will be accepted.

AUTHORIZATION GUIDELINES

- Letters must have **original signatures**. Original signatures must match the Assessor's current listing (APIQ).
- Faxes and e-mails are not acceptable.
- For joint tenancy and community property with right of survivorship, one signature is sufficient.
- For numbered trusts (e.g. Fidelity National Trust #1234), an original signature of the Trust Officer and a list of the beneficiaries of the trust is required.
- For named trusts (e.g. The Mary Brown Trust), an original signature of Mary Brown is required.
- For companies, an original signature with his/her title, accompanied by a list of company officers is required.
- For corporations, an original signature with his/her title, and a copy from the Corporation Commission listing the corporate officers is required.
- For LLCs/LLPs, an original signature of a member, or of a manager and a list of all members of the LLC/LLP is required.
- For properties represented by a consultant or individual other than the property owner, a letter from the property owner, with an original signature, authorizing representation is required.
- For properties represented by attorneys, the attorney's letter must state that they have the authority of the property owner to represent them, and include the property owner's name or parcel tax code number. Complete disclosure is still required.