

Town of Sahuarita
Planning & Building Department
 375 W. Sahuarita Center Way
 Sahuarita, Arizona 85629
 Phone: 520 822-8855 Fax: 520 822-8876



MODIFICATION OF SETBACK APPLICATION

Modification of Setback Address:		<p style="text-align: center;">Check Attached Documents:</p> <p><input type="checkbox"/> Legal Description</p> <p><input type="checkbox"/> Letter of Authorization from owner for agent</p> <p><input type="checkbox"/> Site Plan</p> <p><input type="checkbox"/> Elevation Drawings</p> <p><input type="checkbox"/> Standards Evaluation Sheet</p> <p><input type="checkbox"/> Signature Page and Map</p> <p><input type="checkbox"/> Fee: \$125 (\$150 if mailed notice is required)</p>
Applicant Name:		
Mailing Address:		
City/Zip Code:		
Applicant Phone #:	Fax #:	
Applicant email address:		
Owner Name:		
Owner's Mailing Address:		
City/Zip Code:		
Owner Phone #:	Fax #:	
Reason for setback modification request:		
<p>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 of Setback Requirements and that failure to apply for building permits within that time renders the modification null and void. I have read and understood the Modification of Setback Requirements guidelines and standards.</p>		
Signature of Applicant/Authorized Representative		Date:

MODIFICATION OF SETBACK REQUIREMENTS – EVALUATION OF IMPACTS TO ADJACENT PROPERTIES

In the spaces provided below, describe how the proposed setback modification meets each of the five standards. The application cannot be processed without this information. **Address how the proposed modification of setback relates to the following potential impacts.** You may attach a separate sheet if necessary.

- 1. The reduced setback will not substantially reduce the amount of privacy that would be enjoyed by nearby residences.

- 2. 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 was not modified.

- 3. Does not create a situation where proposed development will block visibility within the required visibility triangle on adjoining streets for either vehicular or pedestrian traffic.

- 4. Drainage from proposed buildings and structures will not adversely affect adjoining properties and public rights-of-way.

- 5. Does not create a situation where the proposed development will cause trespass lighting or decrease solar access on adjoining properties.

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MODIFICATION OF SETBACK REVIEW PROCEDURE

Property owners who seek a modification of a front, side or rear yard setback requirement in the Town of Sahuarita may apply to the Planning and Building Director for a Modification of Setback per Town of Sahuarita Zoning Code 18.85.030. Affected property owners, as described in the town code, are notified of the application. If there is no objection, the Planning and Building Director may grant the modification without a public hearing.

STEP 1: APPLYING FOR A MODIFICATION OF SETBACK REQUIREMENTS

- A. **Pre-application meeting.** The applicant discusses the proposed application with Planning staff (the Planning and Building Department is located at 375 W. Sahuarita Center Way, Sahuarita, Arizona 85629) and receives the necessary forms.
- B. **Application and fees.** The applicant completes the forms and returns them to the Planning and Building Department, along with the application fee and other required materials, including:
 1. Site plan (see below for instructions).
 2. Letter of authorization for applicant to apply (if applicant is not the property owner).
 3. Standards Evaluation Form
 4. Elevation drawings if determined necessary by staff
 5. Fee (\$125.00, plus \$25 public notice fee the applicant is unable to obtain required signatures) – not refundable if the application is denied or is withdrawn by the applicant. If the application is referred to the Board of Adjustment, additional public notice fees in the amount of \$75.00 will be required.
 6. Signature sheet and County Assessor’s map (may be provided by Town staff) showing subject property and all affected properties as described in STC 18.85.030.C.

These features must be shown on the site plan:

- Entire lot with proportionate dimensions and lot lines labeled, an arrow showing the north direction, and an adjacent street or roadway.
- Access (i.e., driveway) and parking
- All existing and proposed structures
- Distances from buildings and structures to property lines and distance between buildings and structures
- Highlight the feature(s) which are the subject(s) of the variance request
- All measurements and dimensions should be scaled

INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED

C. **Processing by staff.** Planning staff checks the application to ensure that all standards for the Modification of Setback Requirements can be met. These standards, as outlined in the Town of Sahuarita Zoning Code, include:

1. The reduced setback will not substantially reduce the amount of privacy that would be enjoyed by nearby residences.
2. 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 was not modified.
3. Does not create a situation where proposed development will block visibility within the required visibility triangle on adjoining streets for either vehicular or pedestrian traffic.
4. Drainage from proposed buildings and structures will not adversely affect adjoining properties and public rights-of-way.
5. Does not create a situation where the proposed development will cause trespass lighting or decrease solar access on adjoining properties.

If one or more of these standards cannot be met, the Planning and Building Director may deny the application, or the application may be referred to the Board of Adjustment for a public hearing. If the Planning and Zoning Director denies the application, the applicant may appeal the Planning and Building Director's decision to the Board of Adjustment for consideration at a public hearing.

D. **Written consents.** If the applicant submits written consent from all affected property owners, the Planning Director may waive the notification process described in D Below. Planning staff may also confirm with adjacent property owners that the application and the site plan were reviewed.

E. **Notification and protests.** If the applicant does not submit written consent from all affected property owners, Planning staff sends notification of the Modification of Setback Request to all affected property owners. These property owners have 15 days from the date the notification is sent to file a written protest with the Planning and Building Director. If no protests are received within that period and the Planning and Building Director has determined that the application meets all the standards, Planning Staff notifies the applicant that the Modification of Setback Requirements has been approved, and that the applicant may apply for a building permit as allowed by the setback modification. If a written protest is received within 15 days, staff will schedule the application for the next available Board of Adjustment meeting for consideration at a public hearing.

STEP 2: BOARD OF ADJUSTMENT HEARING (If Necessary)

A. **Notification of the Board of Adjustment Hearing.** Staff notifies the applicant and all property owners within 300 feet of the date, time, and place of the Board of Adjustment hearing. A notice is posted on the property and an advertisement is placed in the public notice section of the newspaper.

B. **Board of Adjustment Hearing.** The board of adjustment considers the application at a public hearing, giving the applicant and members of the public an opportunity to speak.

The board may approve the application, deny it, or continue the hearing for not more than three months. If the board approves the application, Planning staff notifies the applicant that the Modification of Setback Requirements has been approved, and that the applicant may apply for a building permit for the proposed structure at the Town of Sahuarita Planning and Building Department.

- C. **Appeals of a Board of Adjustment Decision.** The applicant or a surrounding property owner may appeal an action of a Board of Adjustment to superior court within 30 days of the action.

The overall timeframe for a modification of setback application that requires a Board of Adjustment hearing is 2.25 months. Applications not requiring a public hearing are generally completed within a much shorter timeframe. This timeframe assumes a complete application at the time of submittal with no corrections necessary.

If you have any questions or require assistance throughout the application process, you may contact Orlanthia Henderson at (520) 822-8851 or ohenderson@sahuaritaaz.gov.

The Town of Sahuarita will provide you with clarification of its interpretation or application of statutes, ordinances, codes, or authorized substantive policy statements as requested.

