



**VARIANCE**  
**PROCESS GUIDE & APPLICATION**

**Town of Star Valley**  
**3675 E. Highway 260**  
**Star Valley, AZ 85541**

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# VARIANCE PROCESS



# VARIANCE PROCESS GUIDE

The following information is provided to assist in the preparation and submittal of an application for a variance for a property within the Town of Star Valley. The request will be considered and a final decision will be made by the Board of Adjustment at a public hearing. The Town of Star Valley Board of Adjustment is comprised of five citizen volunteers appointed by the Mayor and Town Council. The applicant, owner, or appointed representative must be present at the meeting.

The Board of Adjustment has been granted the power to authorize variances from the terms of the Zoning Ordinance where due to special conditions a literal enforcement of the terms of the Zoning Ordinance would result in unnecessary hardship. The special conditions must relate to the land or structure in question and generally involve size, shape, topography, location or surroundings.

No variances may be granted that will result in giving the applicant special privileges that are denied to others owning land or structures in the same zoning district, or that may substantially injure other properties. Additionally, the Board may not grant variances for reasons of personal inconvenience, financial hardship, or for self-imposed hardships which are the result of the applicant's own actions. Further, the Board is not authorized to grant "use" variances that would permit uses other than those allowed in the particular zoning district.

**Prior to filing an application for a variance, the applicant must complete the Justification of Variance Request Questionnaire.**

*Application Filing* – For an application to be accepted, the applicant must provide all of the required information 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.

*Staff Review* – Once a complete application is received and processed, the submitted information will be routed to appropriate Town staff for review/comment.

*Public Notification* – Upon the scheduling of any public hearing and no later than fifteen (15) days prior to its occurrence, the Town of Star Valley shall 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 and publication within a widely circulated

newspaper throughout the Town. Applicants must post a sign on the property for which they are requesting a variance and submit an Affidavit of Posting not less than ten (10) days prior to the public hearing. Applicant may use a sign vendor of their choice. Failure to submit the requested information will result in the postponement of the public hearing item.

The Town of Star Valley 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.

*Staff Reports* – Once all staff comments have been addressed and a hearing has been scheduled, the assigned staff member will prepare a report describing and evaluating the proposed project and making a recommendation for action to the Board of Adjustment. Copies of the staff report will be made available to the public and sent to the applicant prior to each hearing.

*Board of Adjustment Hearing* – Board of Adjustment hearings are held at Star Valley Town Hall, located at 3675 E. Highway 260. At the hearing, the Chair of the Board of Adjustment announces each agenda item. The Chair then requests that Town staff present background information and comments on the variance application. Following the Board's questions to staff, the applicant, owner, or appointed representative identifies reasons and justification for the variance request to establish that a hardship exists. Then persons or letters in favor and opposition to the variance request are presented. Finally, the applicant is given an opportunity for rebuttal. Following any additional discussion by the Board, the application is decided by roll call vote and findings of fact are made which support the decision to grant or deny the request, indicating specific criteria which have or have not been met.

*Inactive Cases* – All applications need to be actively pursued to a decision. If the Town 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 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. An extension may be granted 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.

## JUSTIFICATION OF VARIANCE REQUEST QUESTIONNAIRE

**DIRECTIONS:** The following variance questionnaire must be answered prior to the acceptance of the application. Please type or print your responses in black ink and attach additional sheets, as necessary. A variance cannot be granted by the Board of Adjustment unless evidence is presented that satisfies the conditions below.

1. Describe the unique conditions and circumstances (including size, shape, topography, locations or surroundings) which are peculiar to the land, structure or building which are not applicable to other lands, structures, or buildings in the same zoning district in other locations.
2. Describe how the provisions of the zoning ordinance deprive you of development rights commonly enjoyed by other properties in the same zoning district.
3. Describe how the alleged hardships caused by the literal interpretation of the provisions of the zoning ordinance include more than personal inconvenience and financial hardship and that the alleged hardships were not created or self-imposed by the property owner.
4. Describe why granting the requested variance will not result in any special privileges that are denied by the zoning ordinance to others owning lands, structures or buildings in the same zoning district.
5. Indicate why granting the variance will not interfere with or injure the rights of other properties in the same zoning district.



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**Case File Number:** \_\_\_\_\_

**VARIANCE APPLICATION**

Applicant Name: \_\_\_\_\_ Phone No.: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Signature: \_\_\_\_\_

Owner's Name: \_\_\_\_\_ Phone No.: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Signature: \_\_\_\_\_

**(If the applicant is not the owner of the subject property, the owner must sign the application authorizing the applicant to apply.)**

Property Address: \_\_\_\_\_

Property Parcel No.: \_\_\_\_\_ Zoning of Property: \_\_\_\_\_

Legal Description: \_\_\_\_\_

Applicant's Description of Variance Request: \_\_\_\_\_

Applicant's Justification for a Variance: \_\_\_\_\_

**Attach a reproducible 8½" x 11" plot plan showing: scale; north arrow; all lot dimensions; adjacent streets and names; all existing and proposed buildings and structures, driveways, alleys, easements, water and utility services, septic tanks and leach fields, fences, and drainage ditches; significant trees and vegetation; and, extreme topographical conditions. Show all dimensions of existing and proposed buildings and structures, and distances between buildings. Label property lines (i.e. front, rear, side) and show the dimensions of the setbacks. Show the proposed feature which is the subject of the variance request.**

**FOR OFFICE USE ONLY**

Date Submitted: \_\_\_\_\_ Fee Paid: \$ \_\_\_\_\_ Date Notices Mailed to Applicant & Adjacent Property Owners: \_\_\_\_\_

Approved: \_\_\_\_\_ Denied: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## 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 lower case and 1 inch for upper case. (Sign lettering should be formatted to match the example below).
- The words “Public Hearing” shall be a minimum of 2 inches in size.
- 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;"><b>Town of Star Valley</b></p> <p style="text-align: center;"><b>PUBLIC HEARING</b></p> <p style="text-align: center;"><b>Board of Adjustment: (Date and Time)</b></p> <p style="text-align: center;"><b>LOCATION OF HEARING:</b></p> <p style="text-align: center;"><b>REQUEST:</b></p> <p style="text-align: center;"><b>PROPOSAL:</b></p> <p style="text-align: center;"><b>GENERAL LOCATION:</b></p> <p style="text-align: center;"><b>SIZE:</b></p> <p style="text-align: center;"><b>CASE #:</b></p> <p style="text-align: center;"><b>APPLICANT/CONTACT:</b></p> <p style="text-align: center;"><b>PHONE #:</b></p> <p style="text-align: center;"><b>Planning and Zoning Department: 928-472-7752</b></p> <p style="text-align: center;"><b>Posting Date:</b></p>
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