



Variance Application Submittal Requirements

Prior to an application being filed, the applicant shall meet with City staff for a pre-application meeting to discuss the issue, application, and variance procedures.

Notice to Applicant

The power to grant variances does not extend to Use Regulations ([LDC Section 8.8.A\(1\)](#)). Variances granted shall apply only to the plans and drawings submitted as part of the application.

Required at time of submittal:

- Application Form**
- Letter of Intent**
 - a. A written letter by the applicant describing the precise nature of the variance requested and the practical difficulty or physical hardship that exists or would be created, that are inconsistent with the objectives of the zoning regulations. The applicant should review [Land Development Code Section 8.8.A\(4\) \(Variance Findings\)](#), and consider the criteria that will be used by the Board of Adjustment during the hearing.
- Project Plans, Including the following:**
 - a. Site Plan, which shall be an accurate scaled drawing that is a representation of the property and the improvements and structures that exist on the property, and what is being proposed. Property lines, locations of streets, rights-of-way, and easements must be shown. Any other improvements such as pedestrian pathways and landscaping that are affected must be shown. Any adjacent properties that might be affected should also be shown.
 - b. Sketches, photographs or other depictions of the site and any proposed structures should be provided.
 - c. Floor plans, if deemed necessary by staff.
 - d. Sign plans, if deemed necessary by staff.
 - e. Any other plans deemed necessary by staff.
- Legal description of the property.**
- Letter of Authorization from the current property owner to allow the applicant to file on behalf of the property owner, if applicable.**
- Title Report or A.L.T.A. Survey showing all easements on the subject property, if deemed necessary by staff.**
- Filing fee**
 - a. Single Family Residential: \$850
 - b. All other land uses: \$2,500

Note: The Director of Community Development may require additional information or plans, if necessary, to enable a determination as to whether the circumstances prescribed for the granting of a variance exist. The Director may authorize omission of any of the plans or items required above if they are deemed not necessary.

Variance Application Instructions

[LDC Section 8.8.A\(3\) Application Submittal and Review Procedure](#)

1. Application for a variance is made through the Community Development Department of the City of Sedona. After an initial inquiry in which Staff will explain the variance process, a pre-application consultation with the Director or designated staff member shall be held. The request will be reviewed and additional information may be required, if necessary. Applications will not be accepted until complete.
2. A public notice will be posted on the property and it is the responsibility of the applicant to maintain the signs.
3. You must be present at the hearing or, your representative, unless there are extenuating circumstances. Persons for or against will be given the opportunity to be heard.
4. A report prepared by the Community Development Department will be submitted to the Hearing Officer; you will be given the opportunity to review the staff report.
5. The Hearing Officer may approve, modify, or deny the request. The Hearing Officer has 21 days from the date of the Hearing to act on the application.
6. A decision of the Hearing Officer may be appealed to the Board of Adjustment within 15 days of the decision ([LDC Section 8.8.E \(Appeal\)](#), [LDC Section 8.9.E \(Board of Adjustment\)](#)). If appealed, a hearing with the Board of Adjustment will be scheduled in compliance with legal requirements.
7. A decision of the Board of Adjustment may be appealed within 30 days to the Superior Court by the applicant or by another aggrieved person, as prescribed in A.R.S. 9-462.06.

[LDC Section 8.8.A\(4\) Variance Findings](#)

The Board of Adjustment may approve a variance upon making all of the following findings:

- a. The variance requested does not constitute a special privilege inconsistent with limitations on other properties classified in the same zoning district.
- b. The strict application of the Code standards for which a variance is sought would produce undue hardship not related to purposes of convenience or financial burden.
- c. The applicant did not create the hardship by their own actions.
- d. The variance requested does not harm the public and does not impair the intent or purposes of this Code, goals, and policies, including the specific regulation for which the variance is sought.
- e. The variance request will not violate building or fire code requirements or create a safety hazard.
- f. The requested variance is the minimum relief necessary from the subject standards of the Code.
- g. The variance is warranted for one or more of the following reasons:
 1. The strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the same zoning district.
 2. The variance furthers the goals of the Sedona Community Plan and/or other adopted plans.
 3. The subject property has an exceptional shape, topography, building configuration or other exceptional site condition that is not a general condition throughout the zoning district.
 4. The variance is of a technical nature and is required to protect a sensitive resource, natural feature, or community asset.

A. Variance

(1) Purpose

The variance procedure is intended to provide limited relief from the requirements of this Code where strict application of the Code would result in exceptional practical difficulty or undue hardship preventing the use of the land as otherwise allowed by the Code. The variance procedure is not intended to allow a use in a zoning district where it is not currently permitted, or to alleviate inconveniences or financial burdens imposed on landowners.

(2) Applicability

- a. Any property owner seeking relief from this Code may request a variance when the strict application of the Code would result in an undue hardship.
- b. Variances may be granted from the regulations of all articles of this Code, with the exception of Section [5.3](#), *Grading and Drainage*, and Article [7](#): *Subdivision*.

(3) Application Submittal and Review Procedure

Figure 8-16 identifies the applicable steps from Section [8.3](#), *Common Review Procedures*, that apply to the review of variances. Additions or modifications to the common review procedures are noted below.

Figure 8-16: Variance



a. Pre-Application Meeting

A pre-application meeting shall be held in accordance with Section [8.3.B](#), *Pre-Application Meeting*.

b. Application Submittal and Handling

The variance application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section [8.3.C](#), *Application Submittal and Handling*. A single application may include requests for variances from more than one regulation applicable to the same site, or for similar variances on two or more adjacent sites with similar characteristics.

c. *Staff Review and Action*

The Director shall review the application and prepare a staff report and recommendation in accordance with Section [8.3.E](#), *Staff Review and Action*.

d. *Scheduling and Notice of Public Hearings*

The variance application shall be scheduled for a public hearing before the Board of Adjustment and noticed in accordance with Section [8.3.F](#), *Scheduling and Notice of Public Hearings*.

e. *Review and Decision (Board of Adjustment)*

1. The Board shall hold a public hearing on an application for a variance. At a public hearing, the Board shall review the application, statements and drawings submitted and shall receive public comments and pertinent evidence concerning the variance, particularly with respect to the findings in Section [8.8.A\(4\)](#).
2. Within 21 days following the close of the public hearing on a variance application, the Board shall act on the application.
 - i. The Board may grant a variance as the variance was applied for or in a modified form or the application may be denied.
 - ii. A variance may be revocable, may be granted for a limited time period, or may be granted subject to conditions the Board may prescribe.
 - iii. Upon failure to act within the prescribed 21-day period, the Board shall lose jurisdiction and the request shall be deemed denied. An appeal may be taken to the Superior Court, as prescribed by state law.
 - iv. Any proposed revisions or changes to an approved variance application shall be submitted in the same manner and subject to the same approval process as the original review.
3. The Board's decision shall be based only on the record of the public hearing and shall be reduced to writing; include findings of fact based on competent, material, and substantial evidence presented at the hearing; reflect the determination of contested facts; and state how the findings support compliance with applicable review standards.

f. *Post-Decision Actions and Limitations*

All common procedures in Section [8.3.H](#), *Post-Decision Actions and Limitations*, shall apply, with the following modification:

1. Expiration and Revocation of Variance Approval

A variance permit shall expire and may be considered for revocation following one year of inactivity, as defined in Section [8.3.H\(3\)](#), *Expiration and Revocation of Approval*.

(4) Variance Findings

The Board of Adjustment may approve a variance upon making all of the following findings:

- a. The variance requested does not constitute a special privilege inconsistent with limitations on other properties classified in the same zoning district.
- b. The strict application of the Code standards for which a variance is sought would produce undue hardship not related to purposes of convenience or financial burden.
- c. The applicant did not create the hardship by their own actions.
- d. The variance requested does not harm the public and does not impair the intent or purposes of this Code, goals, and policies, including the specific regulation for which the variance is sought.
- e. The variance request will not violate building or fire code requirements or create a safety hazard.
- f. The requested variance is the minimum relief necessary from the subject standards of the Code.
- g. The variance is warranted for one or more of the following reasons:
 1. The strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the same zoning district.
 2. The variance furthers the goals of the Sedona Community Plan and/or other adopted plans.
 3. The subject property has an exceptional shape, topography, building configuration or other exceptional site condition that is not a general condition throughout the zoning district.
 4. The variance is of a technical nature and is required to protect a sensitive resource, natural feature, or community asset. [Ord. 2020-04 § 1, 9-8-20 ([Res. 2020-16](#))].

The Sedona Land Development Code is current through Ordinance 2023-09, passed October 24, 2023.

Disclaimer: The City Clerk's Office has the official version of the Sedona Land Development Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.SedonaAZ.gov](http://www.SedonaAZ.gov)

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Project Application

fillable PDF available online at:
www.sedonaaz.gov/projects



City Of Sedona

Community Development Department

102 Roadrunner Drive Sedona, AZ 86336
 (928) 282-1154 • www.sedonaaz.gov/cd

Application for (check all that apply):

- | | | | |
|---|---|--------------------------------------|---|
| <input type="checkbox"/> Conceptual Review | <input type="checkbox"/> Comprehensive Review | <input type="checkbox"/> Appeal | <input type="checkbox"/> Time Extension |
| <input type="checkbox"/> Community Plan Amendment | <input type="checkbox"/> Development Review | <input type="checkbox"/> Subdivision | <input type="checkbox"/> Minor Modification |
| <input type="checkbox"/> Zone Change | <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Variance | |

Project Information	Project Name			
	Project Address		Parcel No. (APN)	
	Primary Contact		Primary Phone	
	Email		Alt. Phone	
	Address		City/State/ZIP	
Office Use Only	<i>Application No</i>		<i>Date Received</i>	
	<i>Received by</i>		<i>Fee Paid</i>	

Project Description	
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Additional Contact Information: Please complete the following for all companies/people authorized to discuss the project with the City. Please attach additional sheets if necessary.

Contact #1	Company		Contact Name	
	Project Role		Primary Phone	
	Email		Alt. Phone	
	Address		City/State/ZIP	
Contact #2	Company		Contact Name	
	Project Role		Primary Phone	
	Email		Alt. Phone	
	Address		City/State/ZIP	
Contact #3	Company		Contact Name	
	Project Role		Primary Phone	
	Email		Alt. Phone	
	Address		City/State/ZIP	