



City of Flagstaff

Community Development Division

211 W. Aspen Ave
Flagstaff, AZ 86001

P: (928) 213-2613
F: (928) 213-2609

www.flagstaff.az.gov

Date Received	Application for a Variance		File Number
Note: A pre-application meeting with a staff person is required prior to the submittal of a variance request.			
Property Owner(s) ASLD, c/o Van Robinson, Sales and Commercial Leasing	Title	Phone 602-542-3127	Email vrobinson@azland.gov
Mailing Address 1616 W. Adams Street Phoenix, AZ 85007		City, State, Zip	
Applicant Restoration Soils, c/o David Hayward, Manager	Title	Phone 510-331-3380	Email david@squarepegaz.com
Mailing Address 3325 N Antler Xing, Flagstaff, AZ 86001		City, State, Zip	
Property Interest of Applicant(s) (Owner, contractual interest, or agent) Lessee			
Site Address None, Flagstaff, AZ		City, State, Zip	
Parcel Number(s) None, Flagstaff, AZ		Zoning District HC - rezone to HI	
Present Use Vacant Land			
Date of previous application (if any): NA			

Type of Variance: <input type="checkbox"/> Residential <input checked="" type="checkbox"/> Non-Residential <input type="checkbox"/> Nonprofit			
Fees: Applicant shall submit the required variance fee as established in Appendix 2 (Planning Fee Schedule) of the Zoning Code. Fees are non-refundable unless determined by the City to have been collected in error.			
Note: Applications which are incomplete or not accompanied by the required information will not be accepted.			
Property Owner Signature *: See attached ASLD Authorization Letter	Date:	Applicant Signature* :	Date: 1-11-2022

* *The application shall be signed by the applicant and the current property owner of record. If the property owner is unavailable to sign the application, or the property owner is a corporation or partnership, a Letter of Authorization signed by the property owner or authorized managing agent allowing the applicant to submit the application and act on their behalf must be submitted with the application.*

For City Use			
Date Filed: _____	File #: _____		
Hearing Date: _____	Publication and Posting Date: _____		
Fee Receipt #: _____	Amount: _____	Date: _____	
Action by Board:		Cross Reference Numbers:	
Hearing Date:		IDS: _____	
<input type="checkbox"/> Approved _____	P&Z: _____		
<input type="checkbox"/> Approved with Conditions _____			
<input type="checkbox"/> Denied _____			
<input type="checkbox"/> Continued _____			

See reverse side for additional information

Notice to Applicants

Notice to Applicants:

A variance is an adjustment to zoning district requirements where an individual property is uniquely burdened by the strict application of the property’s zoning district requirements; and, the owner is prohibited from using the property in a manner that is enjoyed by other property owners of property with the same zoning district regulations. It is the property owner’s responsibility to prove that the subject property is affected by special circumstances or unusual conditions that typically do not affect other properties with the same zoning district requirements. The Board of Adjustment ability to approve a variance is limited to the minimum change necessary to overcome the special circumstances applicable to the property. The Board of Adjustment ability to approve variance does not include personal preferences or self-imposed hardships.

A variance to the district’s allowed uses is prohibited by the Arizona Revised Statutes (A.R.S.) § 9-462.06 and the City of Flagstaff’s zoning code. For additional information, please refer to the City’s zoning code, Division 10-20.70 (Variances).

Pre-Application Meeting:

A pre-application meeting with the Zoning Code Manager is required prior to the submittal of a variance application.

Board of Adjustment – Variance Application Review Process:

1. A flow chart with a general description of the review process, inclusive of applicable review time frames is included as, Attachment 1.

Board of Adjustment Hearing:

Hearings of the Board of Adjustment are held at 8:30 a.m. on the first and third Wednesday of the month, as needed, and are open to the public. The hearings are held at Flagstaff City Hall, 211 West Aspen Avenue, Flagstaff, AZ 86001.

Submittal Requirements Board of Adjustment – Variance

Part I – General Requirements

Staff Use Only		Description of Documents Required for a Complete Application. No application shall be accepted without all items marked below.
Req'd	Sub'd	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	1. Variance Development Application Checklist (this list)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	2. Application Fee \$ <input style="width: 150px; height: 20px;" type="text"/> (Subject to change each July)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	3. Completed Application for a Variance <input checked="" type="checkbox"/> 8 ½" x 11" – 1 copy <input checked="" type="checkbox"/> Electronic Submittal – 1 copy (.pdf format) * <i>The application shall be <u>signed by the applicant and the current property owner of record</u>. If the property owner is unavailable to sign the application, or the property owner is a corporation or partnership, a <u>Letter of Authorization signed by the property owner or authorized managing agent allowing the applicant to submit the application and act on their behalf must be submitted with the application.</u></i>

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Board of Adjustment – Variance Application Checklist

Part II – Required Narrative, Plans & Related Data

Staff Use Only

Description of Documents Required for a Complete Application. No application shall be accepted without all items marked below.

Req'd	Sub'd
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<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>4. Project Narrative Completed Application for Variance</p> <p><input checked="" type="checkbox"/> 8 ½" x 11" – 4 copies</p> <p><input checked="" type="checkbox"/> Electronic Submittal – 1 copy (.pdf format)</p> <p><u>The narrative shall include the following:</u></p> <ul style="list-style-type: none"> • Project title and date • Property address • Property zoning designation • The specific Zoning Code Section number(s) from which the variance is requested. (If the Zoning Code Section number(s) is not known, please ask for assistance.) • A project description and purpose for the variance. • Address each of the four variances criteria (A, B, C, and D below) with a response to the individual criterion directly below in the following format: <p style="margin-left: 40px;">A. That, because of special circumstances applicable to the property, including its size, shape, topography, location or surroundings, the strict application of these regulations will deprive such property of privileges enjoyed by other property of the same classification in the same zone.</p> <p style="margin-left: 40px;">Response: <i>Applicant to response the above criterion specific to the request.</i></p> <p style="margin-left: 40px;">B. That a grant of a variance will be subject to conditions to ensure that the adjustment authorized is the minimum variation needed and that it will 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.</p> <p style="margin-left: 40px;">Response: <i>Applicant to response the above criterion specific to the request.</i></p> <p style="margin-left: 40px;">C. The special circumstances applicable to the property are not self-imposed by any person having an interest in the property.</p> <p style="margin-left: 40px;">Response: <i>Applicant to response the above criterion specific to the request.</i></p> <p style="margin-left: 40px;">D. The variance will not allow the establishment of a use which: (1) is not otherwise permitted in the zone, (2) would result in the extension of a nonconforming use or structure, or (3) would change the terms of the zone of any or all of the subject property.</p> <p style="margin-left: 40px;">Response: <i>Applicant to response the above criterion specific to the request.</i></p> <p style="margin-left: 40px;">(In accordance with Section 10-20.70.050 of the Zoning Code and § 9-462.06. of the A.R.S., a variance shall only be granted if all of the above criteria are met.)</p>
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<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>5. Draft copy of the Board of Adjustment hearing notification letter (See Attachment 2 for instructions)</p> <p><input checked="" type="checkbox"/> 8 ½" x 11" – 2 copies</p> <p><input checked="" type="checkbox"/> Electronic Submittal – 1 copy (.docx format)</p> <p>(This letter is not to be sent until the draft has been approved by the Zoning Code Manager.)</p>
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Board of Adjustment – Variance Application Checklist

<input type="checkbox"/>	<input type="checkbox"/>	<p>6. Draft sign posting proof for the Board of Adjustment hearing sign (Delayed Submittal) (See Attachment 3 for instructions)</p> <p><input checked="" type="checkbox"/> 8 ½" x 11" – 2 copies</p> <p><input checked="" type="checkbox"/> Electronic Submittal – 1 copy (.docx format)</p> <p>(This sign is not to be posted until the sign proof has been approved by the Zoning Code Manager.)</p>
<input type="checkbox"/>	<input type="checkbox"/>	<p>7. Property Context Photographs Prints</p> <p><input checked="" type="checkbox"/> 8 ½" x 11" – 1 copy (two pictures per page)</p> <p><input checked="" type="checkbox"/> Electronic Submittal – 1 copy (.pdf format)</p>
<input type="checkbox"/>	<input type="checkbox"/>	<p>8. Site Plan</p> <p><input checked="" type="checkbox"/> 8 ½" x 11" – 1 copy</p> <p><input checked="" type="checkbox"/> 11"x17" minimum – 4 copies (all plan sheets shall be folded to be no larger than 9"X12")</p> <p><input checked="" type="checkbox"/> Electronic Submittal – 1 copy (.pdf format)</p> <p><u>The Site Plan shall:</u></p> <ul style="list-style-type: none"> • Be drawn to a standard engineering scale (e.g. 1:10, 1:20, but no larger than 1:60). • Be dimensioned • Include the following Project Information: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Development Name <input checked="" type="checkbox"/> Site Address <input checked="" type="checkbox"/> Assessor's Parcel Number (APN) <input checked="" type="checkbox"/> Parcel size (acreage, net and gross) <input checked="" type="checkbox"/> Zoning District <input checked="" type="checkbox"/> Owner's name, address, and phone number <input checked="" type="checkbox"/> Preparer's name, address, and phone number <input checked="" type="checkbox"/> Vicinity Map <input checked="" type="checkbox"/> North arrow <input checked="" type="checkbox"/> Scale (written and graphical) • Include the following building(s) Information: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Lot area in acres and square feet <input type="checkbox"/> Total Gross floor area (proposed and allowed (if applicable), and show calculations) <input type="checkbox"/> Number of floors <input type="checkbox"/> Proposed and allowed maximum building height <input type="checkbox"/> Number of units (allowed and provided – show calculations) <input type="checkbox"/> Building square footage (if multiple structures, list uses and associated square footage) <input type="checkbox"/> Proposed number of off-street parking spaces/required number of off-street parking spaces (show calculations) <input type="checkbox"/> Proposed and required number of off-street ADA compliant parking spaces(if required by the zoning code). (show calculations) <input type="checkbox"/> Other information required: <hr style="border: 0; border-top: 1px solid black; margin-top: 10px;"/> <hr style="border: 0; border-top: 1px solid black; margin-top: 5px;"/> <hr style="border: 0; border-top: 1px solid black; margin-top: 5px;"/>
<input type="checkbox"/>	<input type="checkbox"/>	<p>9. Building Floor Plans</p> <p><input checked="" type="checkbox"/> 8 ½" x 11" – 1 copy</p> <p><input checked="" type="checkbox"/> 11"x17" minimum – 4 copies of (all plans shall be folded to be no larger than 9"X12")</p> <p><input checked="" type="checkbox"/> Electronic Submittal – 1 copy (.pdf format)</p> <p><u>The building floor plan shall:</u></p> <ul style="list-style-type: none"> • Be drawn to a standard architectural scale (1/4"=1'-0" is preferred) • Be dimensioned • Include the following information: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> General function or use of each room <input checked="" type="checkbox"/> Door and window openings

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Board of Adjustment – Variance Application Checklist

<input type="checkbox"/>	<input type="checkbox"/>	<p>10. Building Elevations</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> 8 ½” x 11” – 1 copy <input checked="" type="checkbox"/> 11”x17” minimum – 4 copies of (all plans shall be folded to be no larger than 9”X12”) <input checked="" type="checkbox"/> Electronic Submittal – 1 copy (.pdf format) <p>The building elevation plan shall:</p> <ul style="list-style-type: none"> • Be drawn to a standard architectural scale (1/4”=1’-0” is preferred, and include the scale on the drawing) • Include all sides of the all buildings and structures as they will appear upon completion, including finished grade • Included building height dimensions, which shall be provided in accordance with section 10-50.30.030 of the Zoning Code.
		<p>11. Affidavit of Notifications to Affected Property (Delayed Submittal) The completed and notarized form (Attachment 4) shall be provided to the Zoning Code Manager at least 15 days before the Board of Adjustment hearing date. Failure to provide the completed and notarized form in the specified timeframe may require your application to moved subsequent Board of Adjustment hearing date.</p>
		<p>12. Affidavit of Sign Posting and Photo of Sign (Delayed Submittal) The completed and notarized form (Attachment 5) shall be provided to the Zoning Code Manager at least 15 days before the Board of Adjustment hearing date. Failure to provide the completed and notarized form in the specified timeframe may require your application to moved subsequent Board of Adjustment hearing date.</p>
Part III – Other Submittal Requirements		
Staff Use Only	Description of Documents Required for a Complete Application. No application shall be accepted without all items marked below.	
Req'd	Sub'd	
		<p>13. Optional: Any information which the applicant feels would be helpful and/or pertinent to the request.</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> 8 ½” x 11” – 4 copy of any documents and/or reports <input checked="" type="checkbox"/> 11”x17” minimum – 4 copies of any plans (plans shall be folded to be no larger than 9”X12”) <input checked="" type="checkbox"/> Electronic Submittal – 1 copy (.pdf format)
<input type="checkbox"/>	<input type="checkbox"/>	<p>14. Other Requirements Please provide the following:</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>

PART IV – Zoning Code Manager

* No application will be accepted without the Zoning Code Manager's signature below.

15. Zoning Code Manager Contact Information

If you have any questions regarding this application checklist, please contact your Zoning Code Manager's (ZCM). If you did not receive a completed copy of this Development Application Checklist as part of your Concept Plan Review Comments, please contact the PDM assigned to your Concept Plan application.

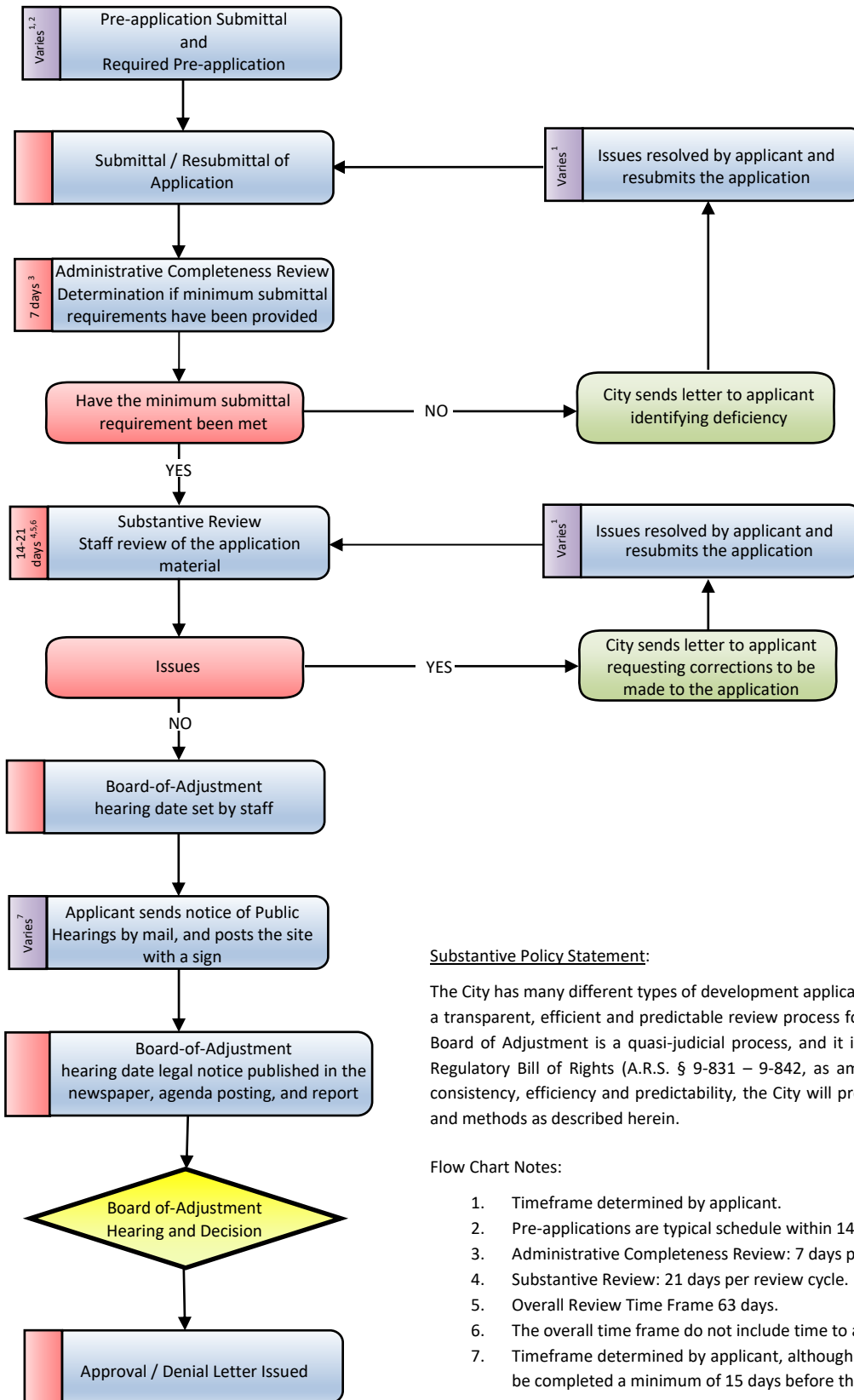
ZCM Name (print): _____ **Phone:** 928-213-_____

ZCM E-mail: _____@flagstaffaz.gov **Date:** _____

ZCM Signature: _____

Attachments:

1. Board of Adjustment – Variance Application Review Process
2. Board of Adjustment Hearing Notification Letter Instructions
3. Board of Adjustment Hearing Sign Instructions
4. Affidavit of Notifications to Affected Property
5. Affidavit of Sign Posting



Substantive Policy Statement:

The City has many different types of development applications, and the City is committed to providing a transparent, efficient and predictable review process for each of its development applications. The Board of Adjustment is a quasi-judicial process, and it is not subject to the provisions of Arizona’s Regulatory Bill of Rights (A.R.S. § 9-831 – 9-842, as amended). However, in an effort to provide consistency, efficiency and predictability, the City will process applications using similar time frames and methods as described herein.

Flow Chart Notes:

1. Timeframe determined by applicant.
2. Pre-applications are typical schedule within 14 days of the submittal of the application.
3. Administrative Completeness Review: 7 days per review cycle.
4. Substantive Review: 21 days per review cycle.
5. Overall Review Time Frame 63 days.
6. The overall time frame do not include time to accommodate public hearings.
7. Timeframe determined by applicant, although the required mailings and site postings shall be completed a minimum of 15 days before the Board of Adjustment hearing.

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Application for a Variance
Attachment 1



Req'd

Mailing Notification Instructions



A. Every mailed notice of a Board of Adjustment public hearing shall include:

1. The date, time, location and purpose of the hearing;
 - The Zoning Code Manager or designee will provide the date and time when the hearing is scheduled. The time of the hearing is 8:30 a.m. This location of the hearing is:
Flagstaff City Hall, 211 West Aspen Avenue, Flagstaff, Arizona
2. The name of the body conducting the hearing and a telephone number to receive additional information:
 - Board of Adjustment
Planning & Development Services Department
928-213-2600
3. The location and times at which the complete application and development file may be viewed by the public;
 - The case file for this application is available for public viewing on City business days, Monday through Friday, between 8:00 a.m. and 5:00 p.m. at:
Planning & Development Services Department
Flagstaff City Hall, 211 West Aspen Avenue, Flagstaff, Arizona
4. The address or location of the subject property;
5. A general description of the proposed development or action and the property included in the application;
6. A statement that any interested person or authorized agent may appear and be heard;
7. A statement describing how and when to submit written comments;
 - Please include the following in the notification letter:
 - Written comments may be submitted to the Zoning Code Manager up to the end of business (5:00 p.m.) the business day before a Board of Adjustment hearing; or, written comments may be provided at the Board of Adjustment public hearing. All written comments shall be address to the Board of Adjustment. Written comments may be emailed or mailed. Emailed comments shall be sent to:

daniel.symer@flagstaffaz.gov

Mailed comments to shall be sent to the following address:

Planning & Development Services Department
Board of Adjustment
Flagstaff City Hall, 211 West Aspen Avenue
Flagstaff, Arizona 86001

Please include the above referenced case number of the application in all communication. All written comments received by the City on an application are public records and may be made available for public viewing or included in the staff report to the Board of Adjustment.

City of Flagstaff Community Development Division

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Application for a Variance, Attachment 2



Board of Adjustment

Hearing Notification Letter Instructions

8. The existing zone classification;
9. The words "Board-of-Adjustment" as applicable; and
10. Applicant name and phone contact number.

Req'd

B. Notices of required public hearings shall be sent by first class mail to the following persons:

1. Each real property owner (if different from the applicant) as shown on the last assessment of the property, of any land within the areas subject to the application for which the public hearing is required. Each real property owner (if different from the applicant) as shown on the last assessment of the property of any land which is located within 300 feet of the property subject to the application for which the public hearing is required. The Director may expand the notification area based on the location and context of the subject property if it is determined that the potential impact of the development extends beyond the required notification boundary.
2. The situs or actual address of all tenants and residents living on the subject property.
3. All local government agencies which have reviewed and commented on the proposed development or Zoning Map amendment or which abut the subject property.

Req'd

C. Additional noticing requirements:

1. In proceedings involving one or more of the following proposed changes or related series of changes in the standards governing land uses, notice shall be provided as described in subsections (2) and (3) below:
 - A 10 percent or more increase or decrease in the number of square feet or units that may be developed.
 - A 10 percent or more increase or reduction in the allowable height of buildings.
 - An increase or reduction in the allowable number of stories of buildings.
 - A 10 percent or more increase or decrease in setback or open space requirements.
 - An increase or reduction in permitted uses.
2. Notice shall be sent to all persons or groups whose names are on the registry of persons and groups described in subsection (B) of this section who are interested in receiving such notice.
3. Notice shall be provided to real property owners in compliance with at least one of the following notification procedures:
 - Notice shall be sent by first class mail to each real property owner, as shown on the last assessment, whose real property would be directly governed by the changes.
 - Notice shall be included with water bills or other City mass mailings.
 - Notice shall be published in a newspaper of general circulation published or circulated in the City in the form of a "display ad" covering not less than one-eighth of a full page.

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Application for a Variance, Attachment 2



Public Hearing Notice Sign Specification

- The sign shall be a minimum of 3 feet x 3 feet 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 feet from finished grade to top of sign and shall not be obstructed from view.

City of Flagstaff

PUBLIC HEARING

BOARD OF ADJUSTMENT: (Date and Time)

**LOCATION OF HEARING(S): Flagstaff City Hall, 211 West
Aspen Avenue, Flagstaff, AZ**

REQUEST:

PROPOSAL:

GENERAL LOCATION:

SIZE OF SITE:

CASE#

APPLICANT/CONTACT:

PHONE #:

Planning & Development Services Department: 928-213-2600

Posting Date:

City of Flagstaff Community Development Division

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Application for a Variance

Attachment 3



Affidavit of Notifications to Affected Property Owners

Affidavit of Notifications to Affected Property Owners

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 Flagstaff shall notify affected property owners as prescribed by Section 10-20.30.080 of the City of Flagstaff Zoning Code. It shall be the responsibility of the applicant to establish a list of the names and addresses of persons who require notification of a public hearing as established in sections 10-20.30.60.(A).3, 10-20.30.60.(B), and 10-20.30.60.(C) of the Zoning Code, and mail a notice of required public hearing via first class mail to each of the persons on the list referenced above no later than 15 days prior to the public hearing date. It shall also be the responsibility of the applicant to submit a notarized copy of the mailing list to the Director prior to the fifteenth day before the public hearing date.

I confirm that the public hearing notifications were mailed as detailed in Section 10-20.30.080 of the City of Flagstaff Zoning Code at least fifteen (15) days prior to the public hearing.

Applicant's/Representative's Signature: _____

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

Notary Public

My Commission Expires:

City of Flagstaff Community Development Division

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Application for a Variance

Attachment 4



City of Flagstaff
Affidavit of Sign Posting

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 Flagstaff shall post signs as prescribed by Section 10-20.30.080 of the City of Flagstaff Zoning Code. **It shall be the responsibility of the applicant to erect and to maintain the sign on the subject property 15 days prior to the hearing and to update the hearing information on the sign until final disposition of the case. It shall also be the responsibility of the applicant to remove the sign within seven (7) days after the final disposition of the case.**

I confirm that the site has been posted as detailed in Section 10-20.30.080 of the Zoning Code as well as the Public Hearing Notice Sign Specifications included in this application 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:

City of Flagstaff Community Development Division

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Application for a Variance

Attachment 5