



REASONABLE ACCOMMODATION WAIVER PROCESS AND INFORMATION

General Information:

Under the Zoning Code of the City of Chandler [Chapter 35 of the City Code], an applicant for a residential care home use located in a single family zoning district must register with and apply for a zoning clearance and must comply with standards set out in Section 35-2211(3). An applicant who cannot comply with some or all of the standards may apply for a reasonable accommodation waiver from the Planning division. This is a separate application process from the zoning clearance application. Review of the zoning clearance application will be suspended while the reasonable accommodation waiver application is pending.

A reasonable accommodation waiver is appropriate when an applicant establishes that such accommodation is necessary to afford a disabled person equal opportunity to use and enjoy a dwelling. The applicant must establish that (i) the residents of the facility are subject to a physical or mental impairment that substantially limits one or more major life activities; (ii) the requested accommodation is necessary to afford the residents an equal opportunity to use and enjoy the facility; and (iii) the requested accommodation will be successful in producing its desired result and also is proportional to the cost to implement it, that is, it will not impose an undue financial or administrative burden on the City or require a fundamental alteration in the nature of the City's policies or programs. In that regard, Code Section 35-2211(4) specifically requires a determination that the request (i) will be in compliance with all applicable building and fire codes and (ii) will not create a substantial detriment injurious to neighboring properties by creating traffic impacts, parking impacts, impacts on water or sewer system, or other similar adverse impacts. The profitability or financial hardship of the owner/service provider of a facility will not be considered in determining whether or not to issue a reasonable accommodation waiver.

Applicable definitions and standards are set out in the Zoning Code, which can be found online at <http://www.chandleraz.gov/zoningcodeamendments>

Application and Waiver Process:

1. Submit a completed Application for Reasonable Accommodation Waiver form, together with all required submittals to the Planning Division office located at 215 E. Buffalo Street.
2. The application will be reviewed for completeness within 20 business days of the submittal date. The applicant will be issued in writing either (i) a notice of completion or (ii) a notice of deficiency listing specific deficiencies that must be cured before the application is deemed

complete. The 20 day review period shall be suspended until the missing information needed to cure the deficiencies has been received.

3. At the end of the completeness review period, the Zoning Administrator will undertake a substantive review of the application for period of 30 business days, during which the Zoning Administrator may meet with and interview the applicant, make a written request for corrections and/or additional information needed to conclude evaluation. The time period will be suspended until the requested corrections or additional information is received. The time frames also may be suspended, extended or otherwise adjusted as allowed under A.R.S. §9-835.
4. As part of the substantial review process, the Zoning Administrator will consult with a staff committee including representatives from the Neighborhood Resources Division and the City Attorney's Office.
5. At the completion of its substantive review, the Zoning Administrator shall issue a written notice granting the waiver or denying the waiver. A written notice of denial also shall include at least the following: (i) the reason for the denial with references to the statutes, ordinances, codes or substantive policy statements on which the denial or withdrawal is based; (ii) an explanation of the applicant's right to appeal the denial or withdrawal; and (iii) an explanation of any right to resubmit the application, the total amount of fees that will be assessed if the applicant resubmits the application and the method in which those fees were calculated.
6. If a waiver is granted, the applicant needs to complete the zoning clearance process.



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REASONABLE ACCOMMODATION WAIVER APPLICATION FORM

Applicant's Name	Facility Name
Applicant's Address	City, State, Zip Code
Applicant's Phone Number	Applicant's Email Address
Property Address	Current Use of Property
Property Owner's Name	Property Owner's Phone Number
Property Owner's Address	City, State, Zip Code
Describe the residents' disability on which your request for accommodation waiver is based:	
State the specific City standard for which you request a waiver:	
State the specific type of accommodation that you request:	
State the reasons why you claim the accommodation is reasonable and necessary for the needs of the disabled persons who are residents:	
Summarize any potential means and alternatives considered in evaluating the need for the specific accommodation you request:	
Date:	Applicant's signature:

Reasonable Accommodation Waiver Application Submittal Requirements:

1. This Reasonable Accommodation Waiver application form completed with the information requested and signed.
2. The site plan required as a submittal with the Zoning Clearance Application.
3. The floor plan required as a submittal with the Zoning Clearance Application.
4. A current form of property owner verification.
5. Written authorization from the property owner if anyone other than the owner of the property is acting as the applicant.
6. Verification of compliance with all applicable building and fire codes.
7. Copy of licenses issued by any state agency regulating the applicant's operation.
8. Copy of all current written policies, rules, regulations, and other documents, however denominated (e.g., "House Rules"), that establish and/or describe the method and manner by which the residential care home facility is operated and maintained.
9. Copy of the form of lease, contract or agreement entered into by and between the property owner/facility operator/service provider and the disabled persons residing at the facility.
10. Any other brochures or written documents that describe the nature of the residential care home facility for which a reasonable accommodation waiver is sought.
9. Copies of memoranda, correspondence, pictures, plans or background information reasonably necessary to reach a decision regarding the need for the accommodation; and
10. Other supportive information deemed necessary by the Planning division to facilitate proper consideration of the request.

Required Notice

Pursuant to A.R.S. §9-836, notice is hereby given that an applicant/agent may request a clarification from the City regarding an interpretation or application of a statute, ordinance, code or authorized substantive policy statement. Requests to clarify an interpretation or application of a statute, ordinance, code or authorized substantive policy statement administered by the Planning Division, including a request for an interpretation of a Zoning Code provision, shall be submitted in writing to the Planning Division, to the attention of the Zoning Administrator. All such requests must be submitted in accordance with requirements of A.R.S. §9-839(A) and the City's administrative policies available from the Planning Division, or from the City's website at: <http://www.chandleraz.gov/content/TDRequestforClarification.pdf>.