

TOWN OF PARADISE VALLEY

Board of Adjustment Update

Richard Chambliss, Chair
April 28, 2016



Board of Adjustment

■ Creation

- Required by State Statute; to be established by ordinance; have at least 5 but no more than 7 members appointed by Council; Council can itself be the BOA (per ARS 9-462.06(A))
- Ordinance shall provide for public meetings of BOA, minutes, etc. (see generally Town Code Section 2-5-3)

■ Powers

- A board of adjustment shall hear and decide appeals from the decisions of the zoning administrator, shall exercise other powers as may be granted by the ordinance and adopt all rules and procedures necessary or convenient for the conduct of its business (ARS 9-462.06(C))
- Hear and decide appeals for variances from the terms of the zoning ordinance only if, because of special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, the strict application of the zoning ordinance will deprive the property of privileges enjoyed by other property of the same classification in the same zoning district (9-462.06(G))



Board of Adjustment

■ Mission

- The Board may authorize such variances from and exceptions to the strict application of the terms of [the Zoning Ordinance] as are in harmony with its general purposes and intents, if it shall find that the granting of such variances and exception will serve not merely as a convenience to the applicant but are necessary to alleviate some demonstrable hardship or difficulty so great as to warrant a variance under the circumstances (Section 2-5-3 of Town Code)



Board of Adjustment

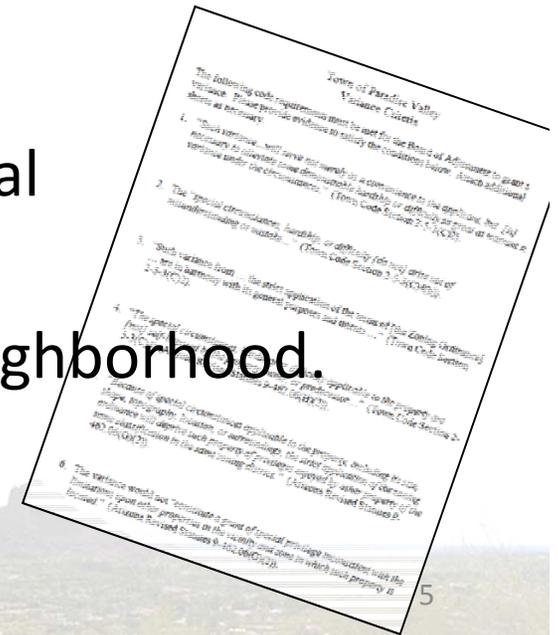
■ Standards for Variance Cases

- Zoning variances are limited exceptions to the Zoning Ordinance that may be granted by the Board of Adjustment.
- Variances may only be granted when a property owner has a hardship created by “special circumstances.”
- Any variance granted is subject to conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is located (ARS 9-462.06(G)(2)).
- The Board often seeks to limit any variance granted by asking if the variance requested is the minimum amount needed to cure the property hardship.
- The Board’s decision is final and cannot be appealed to the Town Council (ARS Section 9-462.06(J)), but aggrieved persons may request a review of the BOA decision by the superior court through filing a special action (ARS Section 9-462.06(K)).



Six Variance Criteria

1. Variance needed to alleviate special circumstance.
2. Special circumstance arise out of mistake.
3. Variance meets the intent of the Zoning Ordinance.
4. Circumstance is not self-imposed.
5. Property hardship(s) that create the special circumstance.
6. Variance request in character with the neighborhood.



Board of Adjustment Hearing Procedures

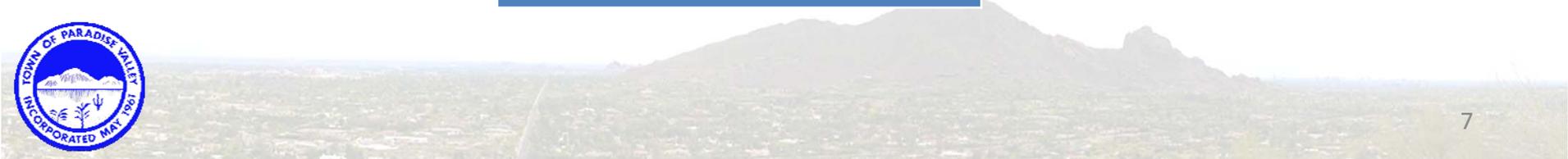
- Two to Three Month Process:
 - Pre-application review by staff.
 - Formal application review by staff.
 - Application for review presented to Board in Public Meeting.
- Neighborhood Notice and Property Posted 15 days before meeting:
 - Neighbors within a 600' radius notified via mail of request and hearing date.
- Public Hearing/Meeting:
 - Board may deny the request, approve the request as submitted, approve with added conditions and limitations, or continue.



Board of Adjustment Members

- Consists of seven Town resident as members.
- Members are appointed by the Mayor for 3 year terms, subject to confirmation by the Town Council. Council confirms Chair.

Board of Adjustment Members
Chair Richard Chambliss
Emily Kile
Hope Ozer
Robert Nagle
Eric Leibsohn
Catherine Kauffman
Jon Newman



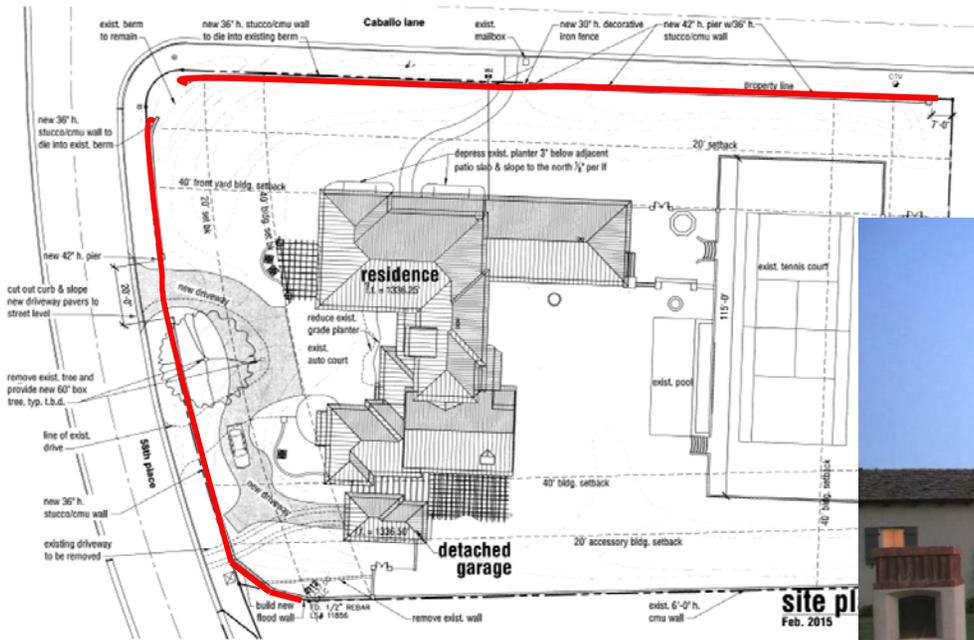
Board of Adjustment Reviews

Year	Total Applications	Variations Approved	Variations Denied	Variations Continued	Hillside	Non Hillside	Minutes Reviewed
2012	4	3	1	0	0	4	5
2013	6	5	1	0	3	3	4
2014	4	3	1	0	0	4	3
2015	6	5	0	1	3	3	7
2016	4	2	0	1 - continued 1 - withdrawn	3	1	3



2016 Data from January – April.

Example: Fence Wall Setback Variance



 Setback Encroachment

Caballo Lane proposed stucco perimeter site wall
Feb 2015

Questions?

