

TOWN OF PARADISE VALLEY

Board of Adjustment Update


Eric Leibsohn
Board of Adjustment Chair
December 5, 2019



BOARD OF ADJUSTMENT ROLE

2

- Quasi-Judicial
- Hear and decide variances from Zoning Ordinance (most common):
 - Based upon 6 variance criteria
- Hear and decide appeals from decisions of Zoning Administrator

	COMMUNITY DEVELOPMENT DEPARTMENT VARIANCE CRITERIA
	Town of Paradise Valley • 6401 East Lincoln Drive • Paradise Valley, Arizona 85253 • Phone: (480) 348-3692
	THE FOLLOWING CODE REQUIREMENTS MUST BE MET FOR THE BOARD OF ADJUSTMENT TO GRANT A VARIANCE. PLEASE PROVIDE EVIDENCE TO SATISFY THE CONDITIONS BELOW.
	1. "Such variance...will serve not merely as a convenience to the applicant, but [is] necessary to alleviate some demonstrable hardship or difficulty so great as warrant a variance under the circumstances." (Town Code Section 2-5-3(C)2).
	2. The "special circumstances, hardship, or difficulty [do not] arise out of misunderstanding or mistake..." (Town Code Section 2-5-3(C)4(b)).
	3. "Such variance from ... the strict application of the terms of [the Zoning Ordinance] ... are in harmony with its general purposes and intents ..." (Town Code Section 2-5-3(C)2).
	4. "The special circumstances, hardship or difficulty applicable to the property are [not] self-imposed by the property owner, or predecessor..." (Town Code Section 2-5-3(C)4) (Arizona Revised Statutes 9-462.06(H)(2)).
	5. "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 such property of privileges enjoyed by other property of the same classification in the same zoning district." (Arizona Revised Statutes 9-462.06(G)(2)).
	6. The variance would not "constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located." (Arizona Revised Statutes 9-462.06(G)(2)).



BOARD OF ADJUSTMENT MEMBERS 3

- 7 volunteer members
- Appointed by Town Council
- Serve a staggered three-year term
- Elect Chair each April by majority vote of Board



Board Members	Term Expires
Eric Leibsohn, Chair	April 2021
Emily Kile	April 2021
Rick Chambliss	April 2021
Rohan Sahani	April 2021
Hope Ozer	April 2020
John Newman	April 2020
Quinn Williams	April 2020



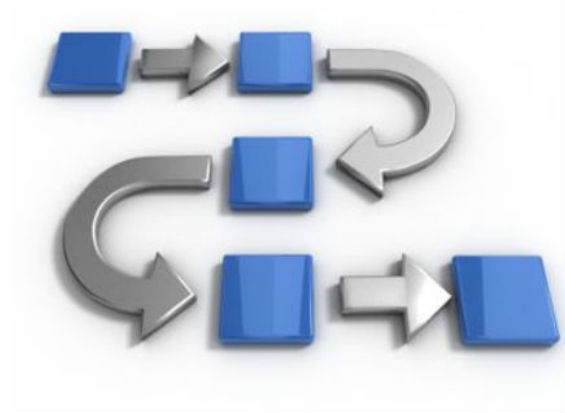
TYPICAL VARIANCES

- Height Encroachment
- Setback Encroachment
- Floor Area Encroachment
- Maintain Non-conforming Structures



TYPICAL PROCESS/STEPS

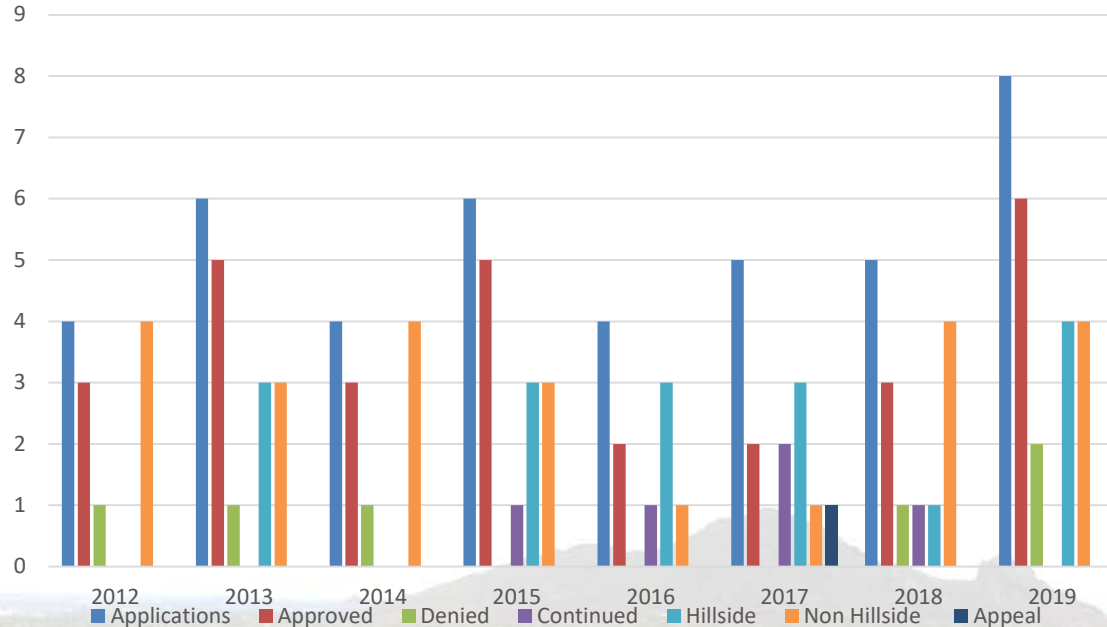
- 2 to 3 Month Process
- Pre-application Review by Staff
- Application Submittal
 - Staff review to deem complete
 - Noticing in newspaper
 - Posting on site
 - Noticing of property owners within 1,500' radius
- Public Hearing
 - Board may deny, approve as submitted, approve with conditions, or continue



APPLICATION SUMMARY

6

Year	Total Applications	Variances Approved	Variances Denied	Variances Continued	Hillside	Non Hillside	Appeal	Minutes Reviewed
2019	8	6	2	0	4	4	0	7



2019 Data - January to November

December 5, 2019



NEEDS, CONCERNS & COMMENTS

7

- Consideration of Town/Code Zoning Ordinance text changes:
 - Enable Hillside Committee to determine if/when screening of solar panels are needed
- Acknowledgement of Variance Process on Hillside Properties:
 - Hillside Committee code compliant body
 - Zoning (via a variance) must be in place before Hillside Committee action



Questions?

