

**TOWN OF PARADISE VALLEY, ARIZONA
BOARD OF ADJUSTMENT - ANNUAL REPORT – 2018**

PRESENTED BY ERIC LEIBSOHN, CHAIRMAN

FEBRUARY 14, 2019

The Board of Adjustment (BOA) consists of seven (7) volunteer members of the community appointed by the Town Council and Mayor. The members are appointed for a three year term on a staggered rotating basis to assure continuity of the board. A chairperson is elected by a majority vote of the board and serves a one year term beginning in April of each year.

The members of the board at the end of 2018 are as follows:

Eric Leibsohn, Chairman

Richard Chambliss, Esq.

Emily Kile, Esq.

Hope Ozer

Anna Thomasson*

Quinn Williams, Esq.

Jon Newman

- The seat occupied by Ms. Thomasson is currently vacant due to her election to the Town Council beginning in 2019

The Board is supported by the Planning and Community Development Division staff.

This consists of the Community Development Director – Jeremy Knapp and staff Planner – George Burton

Legal support is provided by the Town Attorney – Andrew Miller

The Paradise Valley Zoning Ordinance is the governing code establishing development standards of the various zoning classifications within the town.

The predominant zoning classification throughout the Town is R-43 defined as single family residential with minimum lot size of one acre. With a few exceptions, most of the variance cases are in R-43.

The board serves as a quasi-judicial body to hear variance requests related to appeals of the zoning ordinance and interpretations made by the zoning administrator. The board does not act in a legislative capacity.

Board meetings are held at Town Hall and scheduled on the first Wednesday of the month or otherwise as required. In 2018 there were six regularly scheduled meetings and one joint meeting with the Planning Commission and Hillside committee. Prior to the regular public hearing the board meets in a work study session to discuss upcoming agenda items. These meetings are open to the public.

At any time the Board may decide to meet in Executive Session to confer with the Town Attorney for legal advise pertaining to any of the agenda items. This is in private session.

Typical types of variance applications are as follows:

- Additional height requested for primary or accessory structures.
- Deviations on required setbacks for all structures including perimeter fence walls.
- Additional floor area to exceed allowable percentage of lot coverage.

Variance procedure is as follows:

- Applicant schedules a pre-application meeting with a representative of the Community Development staff.
- Applicant prepares the application package with all supporting documents.
- The application is reviewed by staff and a visual presentation is prepared including findings in favor (FIF) and findings opposed (FOP).

Legal notice is posted in the town newspaper and official sign posting on site is placed a minimum of 15 days prior to the public hearing.

Property owners within a 1,500' radius of the subject property are mailed notice regarding the case prior to the public hearing.

In 2018 the majority of the cases were seeking relief for setback requirements. This applies for primary and accessory structures as well as perimeter walls and gates.

A quorum is required at all meetings. A motion must carry a majority of the votes to pass. Once granted by the board – a variance shall run with the land in perpetuity with few exceptions.

There are six (6) variance criteria required to be demonstrated by the applicant. The burden of proof is on the applicant to present their case to satisfy all of these items as follows:

1. *Such variance will serve not merely as a convenience to the applicant but is necessary to alleviate some demonstratable hardship or difficulty so great as to warrant a variance under the circumstances.*
2. *The special circumstances, hardship, or difficult do not arise out of misunderstanding or mistake.*
3. *Such variance from....the strict application of the terms of the Zoning Ordinance... are in harmony with its general purposes and intents....*

4. *The special circumstances are not self- imposed by the property owner or predecessor.*
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.*
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.”*

If a variance request is denied the appeal process is through Maricopa County Superior Court.

During the calendar year 2018 a total of 5 variance applications were acted upon. There were 3 approvals, 1 denial and 1 withdrawal.

This concludes the
2018 Annual Report for Board of Adjustment.

Any comments or questions ?????



Thank you.