

## CHAPTER 2 MAYOR AND COUNCIL

Section 2-5-3 Board of Adjustment 8 188 583 623 646 654 685

E Administrative Relief. <sup>583 654</sup>

1. The Community Development Director may authorize administrative relief to a property owner in the Town of Paradise Valley of up to ten (10) percent of any development standard contained in Article X, ~~and for solar device installations only,~~ and Article XXII of the Town Zoning Code, unless specifically restricted elsewhere in this ordinance. For gates on hillside properties, administrative relief may be authorized as described in subsection (i) below. Administrative relief shall be subject to the following requirements and limitations:
  - a. An application shall be submitted (and the fee set forth in the Town of Paradise Valley Fee Schedule, as such may be amended from time to time, shall be paid) by the property owner requesting administrative relief, on a form prescribed by the Community Development Director for such, identifying the proposed improvement to the property that is subject to the request;
  - b. Notice shall be made by first class mail, postmarked at least five (5) days prior to the proposed date of determination by the Community Development Director, to adjacent property owners determined by the Community Development Director as potentially affected by the request for administrative relief;
  - c. The proposed improvement requiring relief will not be detrimental to the property requesting relief, any adjacent property, or the Town, as determined by the Community Development Director;
  - d. The relief granted is the minimum required to meet the needs of the proposed improvement, as determined by the Community Development Director;
  - e. The relief shall not be contrary to the purpose and intent of this ordinance; and
  - f. Administrative relief related to a particular property may only be requested once during an eighteen (18) consecutive month period and only twice during the period of ownership by a recorded owner of the property, the term "owner" to be interpreted for purposes of this section to include any person, firm, corporation, partnership, joint venture, trust, or any related persons, parties, firms, corporations, partnerships, joint ventures or trusts, including any successor trusts where the beneficiaries included are the same as any of the persons included as an owner above or as a beneficiary of any preceding trusts.

- g. The relief requested is limited to livable primary and accessory structures and walls, gates, and fences. It is not applicable to:
    - i. New home construction, except to request relief related to an inadvertent error,
    - ii. Properties that are subject to special use permits,
    - iii. Floor area ratio limitations,
    - iv. Tennis or other types of sport courts,
    - v. Gazebos or other similar structures;
    - vi. Disturbed Area
  - h. The Community Development Director may impose reasonable conditions upon any administrative relief granted to ensure that the public health, safety, and general welfare are protected and substantial justice is done.
  - i. Relief for gates on hillside properties may be allowed. Such relief shall only be granted for the location to allow the gates to be as close as necessary to the property line when the topography of the lot precludes them from meeting the setback. Consideration shall be given to proper stacking of vehicles for public safety. No increase in height or size or other deviations of the code shall be granted.
2. Any relief authorized by the Community Development Director shall be documented with findings consistent with the standards above and filed with the building permit records, subdivision case file, or other department files, as appropriate.

F. Appeals.<sup>583</sup>

All decisions and interpretations by the Community Development Director performed in accordance with Section 2-5-3.E may be appealed to the Board of Adjustment in accordance with the procedures prescribed in Section 2-5-3.C.