



COMMUNITY DEVELOPMENT DEPARTMENT

VARIANCE APPLICATION GUIDE

Town of Paradise Valley • 6401 East Lincoln Drive • Paradise Valley, Arizona 85253 • Phone: (480) 348-3692

STAFF CONTACT INFORMATION

George Burton, Senior Planner 480-348-3525 gburton@paradisevalleyaz.gov

Paul Michaud, Planning Manager 480-348-3574 pmichaud@paradisevalleyaz.gov

Jose Mendez, Hillside Planner 480-348-3519 jmendez@paradisevalleyaz.gov

Brandon McMahon, Planner 480-348-3531 bmcmahon@paradisevalleyaz.gov

VARIANCE

The Board of Adjustment has been authorized, as per **Section 2-5-3** of the Town Code, to grant a variance from the terms of the Zoning Ordinance when strict enforcement of the Ordinance would result in an unnecessary hardship. The hardship must be a result of a special condition related to the property such as topography, shape, size, surroundings, or location. The hardship must not be self-imposed and must not constitute a grant of special privilege inconsistent with limitations on other similar properties.

Town Code and Arizona Revised Statutes set criteria an applicant must meet before a Board of Adjustment may grant a variance request. If the Board finds an applicant meets all the variance criteria, the Board may grant the variance. However, if the Board finds the applicant does not meet all the variance criteria, the Board may not grant the variance.

PRE-APPLICATION PROCEDURE

The applicant must complete a pre-application. Following the review, the applicant will be advised if the application has been accepted as submitted. If corrections are needed, the Town will provide a review letter and/or redlined plans identifying the corrections and/or additional information that is needed.

APPLICATION PROCEDURE

The variance application will be reviewed within approximately 15 working days from the date of submittal. Once the application is reviewed and deemed complete by Town staff, the applicant will be advised of the date that the Board of Adjustment can consider the application. The applicant will be asked to provide staff with the appropriate plans, documents, and public hearing materials for the meeting (please reference the submittal checklist on pages 3 and 4 of this application). The Town staff will then prepare a staff report identifying the findings-in-favor and findings-opposed for each variance criteria. You will be provided with a copy of this report prior to the hearing.

PUBLIC HEARING

The applicant or the applicant's representative must be present at the public hearing. The applicant will then have an opportunity to present their application and to respond to any comments made by other speakers.

BOARD OF ADJUSTMENT

The Board consists of seven (7) members appointed by the Town Council. A majority vote of the Board members in attendance at a hearing shall be necessary to authorize any variance from the terms and conditions of the Zoning Ordinance. Any person aggrieved by a decision of the Board of Adjustment by a decision of the Board, may appeal the Board's decision to the Superior Court at any time within thirty (30) days after the Board has rendered its decision.



COMMUNITY DEVELOPMENT DEPARTMENT VARIANCE APPLICATION GUIDE

Town of Paradise Valley • 6401 East Lincoln Drive • Paradise Valley, Arizona 85253 • Phone: (480) 348-3692

APPLICANT & CONTACT INFORMATION

Project Name: TAMPLIN PERGOLA
Date: 12/19/24 Zoning: CENTRAL Acreage (Net Acres): 0.43
Property Address: 5211 N QUAIL RUN PL
Assessor's Parcel Number: 173-18-012
Name of Subdivision & Lot Number: GROSSE POINTE TWO & LOT 11

Owner: MATTHEW TAMPLIN
Address: 5211 N QUAIL RUN PL
Phone number: 925-518-1085
E-mail address: MTAMPLIN@GMAIL.COM
Signature: _____
(Or provide a separate letter of authorization)

Applicant/Representative: TAYLOR RAB
Company Name (if Applicable): SUN STATE POOLS LLC
Address: 16099 N 82ND ST SCOTTSDALE, AZ 85260
Phone number: 480-619-2254
E-mail address: TAYLOR.SUNSTATEPOOLS
Signature: _____
Taylor Rab

THE ABOVE APPLICANT HEREBY APPLIES FOR A VARIANCE AS INDICATED IN THE SUBMITTED NARRATIVE,
PLANS, AND DOCUMENTS IN ACCORDANCE WITH SECTION 2-5-3 OF THE TOWN CODE AND IN
ACCORDANCE WITH THE TOWN ZONING ORDINANCE.

FOR DEPARTMENTAL USE ONLY

Variance-App.#: _____ Submittal Date: _____ Expiration Date: _____



COMMUNITY DEVELOPMENT DEPARTMENT VARIANCE APPLICATION GUIDE

Town of Paradise Valley • 6401 East Lincoln Drive • Paradise Valley, Arizona 85253 • Phone: (480) 348-3692

SUBMITTAL REQUIREMENTS

- ☐ Application form with proof of ownership (warranty deed or current title report)
- ☐ Filing Fee:
 - ☐ Application for Variance \$1,775.00
 - ☐ Application for Variance for non-livable detached structures \$1,700.00
Having less than 10% impact on setback or disturbed area
- ☐ Narrative describing the request and addressing all three variance criteria. Narrative Format – Identify the request at the beginning of the narrative and identify each variance criteria with the response below it explaining how that criteria has been met or addressed (1 paper copy upon staff request).
- ☐ Site plan and all other applicable plans/documents for staff to review for completeness (1 paper copy upon staff request).
- ☐ Electronic copy of the narrative, site plan, and all other applicable plans/documents (in PDF format) on a USB flash drive/memory stick for staff to review for completeness.

After the application is reviewed and deemed complete by staff:

- ☐ Electronic copy of the narrative, site plan, and all other applicable plans/documents (in PDF format) on a USB flash drive/memory stick for the hearing.
- ☐ Noticing Materials (An electronic copy in PDF format on a USB flash drive/memory stick):
 - a. List of all property owners with respective Maricopa County Tax Parcel Number for all properties within the notice area. Notice area is 1,500 feet from perimeter of subject property, or as specified by the Town.
 - b. Completed Neighborhood Notice Form (identifying scope of the request and the Sections of the Town Zoning Ordinance that you are requesting a variance from – see page 7 of this application).
 - c. The completed set of envelopes for each property owner within the notice area must include the following:
 - i. Town return address:
Town of Paradise Valley
Planning Division
6401 E. Lincoln Drive
Paradise Valley, AZ 85253

- ii. Property address shall include 'or current resident'
Example: Mr. & Mrs. Doe or Current Resident
4500 N Main Street
Paradise Valley, AZ 85253
- iii. Appropriate postage paid on each envelope.
- iv. Notice material inserted in each envelope. The Town will provide the Applicant the due date for the noticing material.
- v. All envelopes sealed.
- d. Original Signed Affidavit of Mailing which identifies that the above list is the most current and accurate list from the Maricopa County Tax Assessor's office and the date the notices were mailed out.
- e. Property Posting. Provide a signed Affidavit of Posting and photograph of the posting at the property. The Town will provide the Applicant with the property posting prior to the posting due date.

Town Code/Zoning Ordinance Sections that may apply to your request:

Zoning Ordinance
<u>Article X, Height and Area Regulations</u>
<u>Article XXII, Hillside Development Regulations</u>
<u>Article XXIII, Nonconformance</u>
<u>Article XXIV, Walls and Fences</u>



COMMUNITY DEVELOPMENT DEPARTMENT VARIANCE APPLICATION GUIDE

Town of Paradise Valley • 6401 East Lincoln Drive • Paradise Valley, Arizona 85253 • Phone: (480) 348-3692

NOTICING REQUIREMENTS

During the Variance application process, neighborhood notification is required in accordance with Arizona Revised Statutes, Town Code, and/or by Town policy. Notification includes, but is not limited to, posting and/or mailing notification to nearby property owners about the application request and applicable meeting date(s). An applicant is always encouraged to meet with the neighbors any number of times above and beyond the minimum noticing requirements.

The minimum noticing requirements required by the applicant are outlined below. The notice of the application request will include the meeting date/time on when the Board of Adjustment will review and take action on the application request. Hearings continued to a date certain do **not** require additional noticing.

Posting of Property

It shall be the responsibility of the applicant to properly post and document the site/property. The basic steps include: (1) obtaining an official posting notice(s) from the Community Development Department at least 21 calendar days prior to the scheduled meeting date; (2) posting the official notice on the subject site/property in a visible location no earlier than 21 calendar days and no later than 15 calendar days prior to the scheduled meeting date; and (3) signing, notarizing, and submitting an affidavit of posting along with a color photo of the posted sign to the Community Development Department no later than 15 calendar days prior to the scheduled meeting date.

Mailing Notification

It shall be the responsibility of the applicant to properly mail the notice by the required deadline dates and document such mailing to the Town. The basic steps include: (1) Providing a list of all property owners with respective Maricopa County Tax Parcel Number for all properties within the notice area. Notice area is 1,500 feet from perimeter of subject property, or as specified by the Town; (2) Providing a sample Notice of Public Hearing (on page 6 below) for staff review and approval. Verify with staff if language must be added to the Notice of Public Hearing regarding remote participation requirements; (3) Mailing the Notice of Public Hearing no earlier than 21 calendar days and no later than 15 calendar days prior to the scheduled meeting date; (4) Verifying with the staff member processing your application that there are no additional persons of interest that will require notification; (5) Making sure each envelope has the Town return address of, "Town of Paradise Valley Planning Division, 6401 East Lincoln Drive, Paradise Valley AZ 85253-4399", and (6) Signing, notarizing, and submitting the affidavit of mailing along with a copy of the notice and mailing address list to the Community Development Department no later than 15 calendar days prior to the scheduled meeting date.

Table 1

Application Type	Reviewing/Approval Body	Posting of Property	Mailing Notification
Variance	Board of Adjustment	Yes, 21 to 15 days prior to meeting	Yes, 1,500' radius 15 days prior to meeting



COMMUNITY DEVELOPMENT DEPARTMENT VARIANCE APPLICATION GUIDE

Town of Paradise Valley • 6401 East Lincoln Drive • Paradise Valley, Arizona 85253 • Phone: (480) 348-3692

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT THE TOWN OF PARADISE VALLEY BOARD OF ADJUSTMENT WILL HOLD A HEARING ON THE FOLLOWING PROPOSED PROJECT. IF YOU HAVE QUESTIONS ABOUT THIS APPLICATION, PLEASE CALL THE PLANNING DIVISION AT (480) 348-3692.

Applicant/Representative: _____

Applicant's Company Name: _____

Phone Number: _____

E-mail Address: _____

Project/Property Address: _____

Zoning: _____ Acreage: _____

Project Narrative:

MEETING DATE/ TIME/PLACE

Meeting Date: _____ Meeting Time: _____

Meeting Place: Town of Paradise Valley Town Hall Building. 6401 E. Lincoln Drive. Paradise Valley, AZ 85253
Planning Division: 480-348-3692



COMMUNITY DEVELOPMENT DEPARTMENT AFFIDAVIT OF MAILING NOTIFICATION

Town of Paradise Valley • 6401 East Lincoln Drive • Paradise Valley, Arizona 85253 • Phone: (480) 348-3692

STATE OF ARIZONA)
) ss:
County of Maricopa)

In accordance with the requirements of the Town of Paradise Valley, the undersigned hereby certifies that all the property owners within 1,500 feet of the property, as obtained from the Maricopa County Assessor's Office on _____, for the proposed variance has been mailed on the following date _____, 20 ____.

(This property list shall not be older than thirty (30) days at the time of filing of the application).

The foregoing instrument was acknowledged by me this _____ day of _____,
20 _____, by _____.
Name

NOTARY PUBLIC

My commission expires:



COMMUNITY DEVELOPMENT DEPARTMENT AFFIDAVIT OF POSTING

Town of Paradise Valley • 6401 East Lincoln Drive • Paradise Valley, Arizona 85253 • Phone: (480) 348-3692

STATE OF ARIZONA)
) ss:
County of Maricopa)

I, _____, depose and state that the attached notice,
of proposed application _____ located at
_____ for the Board of Adjustment meeting date of
_____, 20 ____ is
a true and correct copy of a notice which I cause to be posted by the following day of the
week _____,
and on the following date _____, 20 ____ in the following location(s):

All in the Town of Paradise Valley, Arizona and County and State aforesaid, the same being public
places in said County and in the following locations:

All to the Town of Paradise Valley, Arizona and County and State aforesaid.

DATED this _____ day of _____, 20 ____.

Signature

This affidavit was Subscribed and sworn to before me on this _____ day of
_____, 20 ____.

NOTARY PUBLIC

My commission expires:



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 (BASED UPON STATE STATUTE AND TOWN CODE). PLEASE PROVIDE EVIDENCE TO SATISFY THE CONDITIONS BELOW.

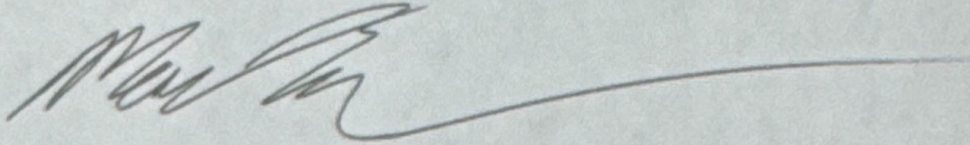
1. *"That there are special circumstances applicable to the property, which may include circumstances related to the property's size, shape, topography, location, or surroundings; and"* (Town Code Section 2-5-3(C)4).
2. *"That the special circumstances applicable to the property were not self-imposed or created by the property owner; and"* (Town Code Section 2-5-3(C)4).
3. *"That 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"* (Town Code Section 2-5-3(C)4).

Please note that the Board of Adjustment cannot grant variances that will make any changes in the uses permitted in any zoning classification or zoning district or that will constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zoning district in which such property is located (Town Code Section 2-5-3(C)4).

To whom it may concern,

I authorize Taylor Rab and Sunstate pools to fill out and submit FAR variance application.

Best,
Matthew Tamplen

A handwritten signature in dark ink, appearing to read 'Matthew Tamplen', followed by a long horizontal line extending to the right.