

TOWN *Of* **PARADISE VALLEY**



STAFF REPORT

TO: Mayor Bien-Willner and Town Council Members

FROM: Andrew McGuire, Town Attorney
Jill B. Keimach, Town Manager

DATE: June 9, 2022

DEPARTMENT: Legal Department
Andrew McGuire, 602.257.7664

AGENDA TITLE:

Ordinance 2022-05, adopting the June 2022 Town Code Amendments Related to the Board of Adjustment, and Resolution 2022-12, adopting amended Rules of Procedure for the Board of Adjustment.

RECOMMENDATION:

Consider approval of the proposed June 2022 Town Code Amendments Related to the Board of Adjustment, through Ordinance 2022-05, and of amended Rules of Procedure for the Board of Adjustment, through Resolution 2022-12; and waive Council Rule requiring a study session at least one meeting in advance of adoption.

SUMMARY STATEMENT:

At the February 10, 2022, Council study session, staff provided categories of potential topics for code amendments. Boards, Commission and Committees was included as one of the topics that would be brought back to council. The proposed amendment to the Board of Adjustment resolution and ordinance is intended to provide consistency with state law and clarity for applicants while preserving the level of service that is expected in Paradise Valley.

KEY POINTS OF THE PROPOSED AMENDMENT:

Fine-tune variance criteria to align with state statutes, by requiring the following findings for all variances:

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

2. That the special circumstances applicable to the property were not self-imposed or created by the property owner; and
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.

BUDGETARY IMPACT:

Not applicable

ATTACHMENT(S):

- A. Staff Report
- B. PowerPoint Presentation
- C. Ordinance 2022-05
- D. June 2022 Town Code Amendments Related to the Board of Adjustment
- E. Resolution 2022-12
- F. Redline of changes to section 2-5-3
- G. Board of Adjustment Chair memo/code of conduct/script