PLANNING DIVISION

Community Development Department

ADMINISTRATIVE RELIEF PROCESS GUIDE

May 2009

ADMINISTRATIVE RELIEF PROCESS GUIDE

Administrative Relief pertains to minor deviations from property development standards as described in Article 14-5, “Single-Family Residential Districts,” Section 14-5-5, “Property Development Standards for Permitted Residential Uses,” and all amendments thereof.

Requests for Administrative Relief shall fall into one of the following categories:

1. Subdivision Plat. A modification from the front, rear, or side yard setbacks, as shown in a recorded subdivision plat, that are more restrictive than the corresponding setbacks required in the City’s Zoning Ordinance. A modification shall not result in front, rear, or side yard setbacks that are less than those required in the City’s Zoning Ordinance.

2. Other than Subdivision Plat. A modification from the front, rear, or side yard setbacks or from the maximum percentage of lot coverage, for an amount that is no greater than five percent (5%) of the setback or lot coverage required in the City’s Zoning Ordinance.

3. All other modifications shall be considered Variances and shall be forwarded to the Board of Adjustment for a hearing in accordance with procedures outlined in Section 14-39-12, “Appeals to Board of Adjustment,” Sub-section G, “Variance.”

Requests for Administrative Relief shall be acted upon by the Planning Manager and shall adhere to the procedures found within the Zoning Ordinance.

Conditions for Approval

The Planning Manager may authorize Administrative Relief when a literal enforcement of any provision(s) of Article 14-5, Section 14-5-5, and all amendments thereof, pertaining to property development standards for permitted principal uses would result in unnecessary property hardship and when evidence is presented demonstrating to the satisfaction of the Planning Manager that all of the following conditions are fulfilled:

1. The request is not part of multiple applications from an individual homebuilder for a specific subdivision or planned community;

2. The requested modification will not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general;

3. The granted Administrative relief is the minimum development standard modification that will make possible the reasonable use of the land and/or structure; and

4. Appropriate and specific conditions as may be deemed necessary in order to fully carry out the intent of the Administrative Relief section of the Zoning Ordinance have been stipulated by the Planning Manager.

Application for Administrative Relief
A request for Administrative Relief may be filed by any property owner, or any department, agency, or division of the City of Peoria, of Maricopa or Yavapai County, of the State of Arizona, or of the federal government. A checklist of required materials for submission of a request for Administrative Relief is included within this packet.

Notice
The Department shall mail notice of the application to all owners of real property within three hundred (300) feet of the subject property within three (3) business days of submittal of the application.

Protest
If no protest is received by the Department from any notified property owner within (10) days of the mailing date of notice, the Planning Manager shall act on the request. If protest is received by the Department from any notified property owner within (10) days of the mailing date of notice, the matter shall be reclassified as a Variance and submitted to the Board of Adjustment. In these cases, no additional filing fees will be charged.

Appeal
If the decision of the Planning Manager is not satisfactory to the applicant, the applicant may appeal the decision to the Board of Adjustment in accordance with procedures set forth in Section 14-39-12, “Appeals to Board of Adjustment.”

Null and Void
A violation of any condition stipulated by the Planning Manager shall be a violation and shall render the granted Administrative Relief null and void. An approval shall also be null and void if the use has not commenced or if a building permit has not been obtained within sixty (60) days of authorizing the variance or within any greater or lesser time stipulated by the Planning Manager, not to exceed one (1) year.

ADMINISTRATIVE RELIEF APPLICATION CHECKLIST

_____Application (Include assessor parcel number)

_____Ownership Verification Form

_____Application Contact Form

_____Filing Fee (see Planning Fee Schedule)

_____2 Copies of Plot Plan to Scale (8 ½" x 11" or folded to 8 ½" x 11")

Where applicable, plot plans should show (in detail) those features being presented for consideration. Large size plot plans should be folded to approximately 8 ½" x 11" in size. If large plot plans are utilized, 8 ½" x 11" photographic reductions should be made of each plot plan. An 8 ½" X 11: plot will be accepted in lieu of a larger scale drawing, if the plot plan can present sufficient detail and is easily readable. (Note: Must have at least one 8 ½" X 11" reproduction)

_____Elevations drawn to scale (if necessary)

(Note: Include height of any structures requiring relief)

_____Justification of relief

JUSTIFICATION OF ADMINISTRATIVE RELIEF REQUEST QUESTIONNAIRE

Directions: The following questionnaire must be answered prior to the acceptance of the application. Please type or print your responses in black ink and attach additional sheets as necessary. The City cannot approve a request for Administrative Relief unless evidence is presented that satisfies the conditions below.

1. Describe the circumstances regarding the requested relief.

2. Indicate why granting the requested modification will not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general.

3. Provide explanation why the granted Administrative Relief is the minimum development standard modification that will make possible the reasonable use of the land and/or structure.

4. Provide any additional relevant information in order to aid staff in determining justification.

PLANNING DIVISION
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ADMINISTRATIVE RELIEF

Application #_____Submittal Date_____Fees_____

Applicant:	
Address:	
Telephone Number:	
Email Address:	
General Location or Address of Subject Property:	
Assessor Parcel Number:	
Zoning District:	
Type of Administrative Relief(s) (include section(s) of Zoning Ordinance):	
Reason for Request:	
Owner's Signature:	Date:
Code Enforcement Case Information (Office Use)	

OWNERSHIP VERIFICATION

It is requested that an application for ADMINISTRATIVE RELIEF be accepted by the for property generally located at: _____

_____.

Said property is owned by:

And

_____ _____

_____ _____

_____ _____

Telephone number_____ Telephone number_____

The subject property is legally described as

_____

_____

_____ (or see attached)

The subject property contains _____gross acres (includes right of way to the centerline of adjacent street or alley) and _____net acres (excludes adjacent perimeter right of way).

Tax Parcel Number (APN) _____-_____-_____

Attached is a map/survey, which accurately portrays the parcel configuration and property dimensions, as reflected in the legal description.

I hereby certify that the above information and information submitted as part of the requested application is correct, and that I am authorized to file an application on said property, being either the owner of record or authorized to file on behalf of the owner. (If not owner of record, attach written authorization from owner.)

_____ _____

Applicant's Signature Date

APPLICATION CONTACT

I hereby request that all verbal and written communication regarding the attached application be provided to:

_____

_____

_____

TELEPHONE _____

FAX NUMBER _____

E-MAIL _____

Additionally, I understand that it is the above listed person's responsibility to communicate any verbal or written communications on said application to other members of the development team, including, but not limited to application comments, staff reports, action letters, meeting times, etc.

_____ _____

Applicant's Signature Date