



Development Services
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Administrative Relief From Development Standards

Application & Process Guide

**Town of Gilbert
Planning Services Division**

<http://www.gilbertaz.gov/departments/development-services/planning-development>

Application Procedures Administrative Relief From Development Standards

The following information is provided to assist in the preparation and submittal of an application for Administrative Relief from Development Standards for a minor deviation from the requirements of the Land Development Code (LDC), See Article 5.3.

The Planning Manager may grant administrative relief from development standards as authorized by the LDC where such deviations are necessary for the implementation of the LDC. Administrative relief may only be granted prior to construction. Such relief is not a variance.

The Planning Manager is authorized to grant administrative relief from dimensional requirements of the LDC not to exceed ten (10) percent of the requirement. Any relief granted will be the minimum required to implement the purposes of the LDC and improve the quality of development.

Any administrative relief authorized by the Planning Manager will be documented with findings to be filed with the appropriate Development Services Department case files. The following findings will establish the rationale for the granting of relief:

1. Relief is necessary due to the physical attributes and conditions of the property and the proposed use or structure including, but not limited to, topography, noise exposure, irregular property boundaries, or other unusual circumstance;
2. There are no alternatives to the requested modification that could provide similar benefits with less potential detriment;
3. Granting the relief does not threaten the health or safety of the public or the occupants of the property or would create a change in land use or density that would be inconsistent with the requirements of this Code;
4. Granting the relief does not impose an undue financial or administrative burden on the Town;
5. There are no compelling public interests that justify the denial of the requested relief or the imposition of conditions;
6. The applicant's demonstrated need substantially outweighs any detriment to public needs and interests; and
7. If relief is being requested pursuant to the requirements of State or Federal law, the relief is necessary to reasonably accommodate the needs of an applicant pursuant to the specific requirements of State or Federal law.

Dimensional Standards are those standards listed in the LDC calling out specific dimensions including, but not limited to setbacks, height, length, or width. If the requested Relief conflicts with specific Conditions of Approval attached to a project then the Conditions of Approval govern.

1. **Application Completeness**

For an application to be accepted, the Applicant must provide all of the required information described on the submittal checklist, as incomplete applications **will be** rejected. Ensuring the accuracy of the application is the responsibility of the Applicant.



2. **Forms/Review**

- a. Administrative Completeness Review (see Planning Division Project Review Timelines): Staff will review the application to make sure all required documents and information have been included. If required information is missing, Applicant will be notified that the application has been rejected until all required information is submitted. If the application is rejected, upon resubmittal, a new Administrative Completeness Review will be required.
- b. Substantive Review (see Planning Division Project Review Timelines): When complete, the application will be routed to Town staff and affected agencies for review and comment. After this review is completed, the comments are consolidated and returned to the Applicant. The Applicant is responsible for addressing staff comments, revising and amending the application as required, and submitting a complete set of revised plans for a second review to ensure all comments have been addressed to the satisfaction of the Town.
- c. If all comments and issues identified in the Substantive Review have not been addressed to the satisfaction of Staff in the resubmission, the application will be denied. In lieu of denial, the Applicant may, either in writing or electronically, agree to allow Gilbert to submit supplemental requests for additional information. If Gilbert issues a comprehensive written or electronic request or a supplemental request, the Substantive Review timeframes are suspended until the additional information is submitted by the Applicant.

3. **Notice of Decision**

The Planning Manager may approve, approve with modifications and/or conditions, or deny the application and will set forth the findings and decision on a Notice of Administrative Decision.

4. **Appeal Process**

Any decision to grant relief from the provisions of this Code may be appealed to the Planning Commission pursuant to Section 5.2011: Procedures for Appeals. The appeal must be filed within ten (10) days of signing the decision.

5. **Building Permits**

Only after the project has received all approvals through the Town processes can construction documents be submitted for review. All construction documents for a project must conform to the findings established by the Planning Manager. Permits may not be issued until the ten (10) day appeal period has expired

6. **Inactive Cases**

All applications need to be actively pursued to a decision. If no activity has occurred on an application for 180 days, the application will be determined to be inactive, deemed to be withdrawn and the file will be closed. The applicant may submit a written request that the application remain active, with an explanation for the inactivity. The Planning Manager may grant an extension for up to 180 days for good cause if there is a reasonable belief that the application will be actively pursued during the extension period.



Administrative Relief Content Requirements

1. Site Plan

- Vicinity Map;
- Scale, north arrow, and dimensions;
- Lot Area/Net acres;
- Required building setbacks;
- Existing zoning on site and adjacent properties within 50 feet;
- Property lines, easements, alleys, private streets, and adjacent rights-of-way and easements showing existing and future improvements, access points, signals, etc.;
- Location of required building setbacks and spaces between buildings with dimensions;
- Location and size of any existing/proposed building(s), structure(s), or land uses; and
- Adjacent lot lines and/or structures within 50 feet;

2. Elevations (if applicable)

- All elevations of each building proposed for the project;
- Exterior dimensions;
- Materials proposed; and
- Location and type of lighting fixtures proposed.

3. Signs (if applicable)

- Location and dimensions of existing signs; and
- Location and dimensions of proposed signs.





Administrative Relief
From
Development Standards

Project Name: _____

Address or Location _____

Request: _____

Zoning Classification: _____

Tax Parcel Number(s): _____

General Plan Character Area: (if applicable) [] Santan [] Gateway [] Heritage District [] Morrison Ranch

Overlay Zoning District: [] Santan Freeway Corridor [] Vertical [] Phx/Mesa Gateway Airport

Property Owner: (Please print - all information must be provided)

Name (print): _____ E-mail: _____
Address: _____
City, Zip: _____
Phone: _____ Fax: _____

Signature*: _____ Date: _____

* A letter of authorization from the property owner is required if the application is not signed by the owner.

Applicant/Contact: (Please print - all information must be provided)

Company: _____
Contact Name: (print) _____ E-mail: _____
Address: _____
City, Zip: _____
Phone: _____ Fax: _____
Signature: _____ Date: _____

Table with 2 columns and 3 rows for staff use only. Columns: Submittal Date, Fee Paid, Receipt Number; Case Number, EDEN Permit Number, EDEN Permit Type. Value: PPAR



A.R.S. § 9-843. Prohibited acts by municipalities and employees; enforcement; notice

A. A municipality shall not base a licensing decision in whole or in part on a licensing requirement or condition that is not specifically authorized by statute, rule, ordinance or code. A general grant of authority does not constitute a basis for imposing a licensing requirement or condition unless the authority specifically authorizes the requirement or condition.

B. Unless specifically authorized, a municipality shall avoid duplication of other laws that do not enhance regulatory clarity and shall avoid dual permitting to the maximum extent practicable.

C. This section does not prohibit municipal flexibility to issue licenses or adopt ordinances or codes.

D. A municipality shall not request or initiate discussions with a person about waiving that person's rights.

E. This section may be enforced in a private civil action and relief may be awarded against a municipality. The court may award reasonable attorney fees, damages and all fees associated with the license application to a party that prevails in an action against a municipality for a violation of this section.

F. A municipal employee may not intentionally or knowingly violate this section. A violation of this section is cause for disciplinary action or dismissal pursuant to the municipality's adopted personnel policy.

G. This section does not abrogate the immunity provided by section 12-820.01 or 12-820.02.

Administrative Relief Checklist

Required Materials

Applicant
Checklist Staff
Verification

PDF copy on disk of ALL required items on checklist with images formatted no larger than **11" x 17"**, saved in a **single layer with no write protection**

Submit hard copy of ALL required items below:

Application.....

Fee (see Planning fee schedule).....

Narrative (address required findings)

Optional Information (i.e. letters from adjoining property owners, photos, sketches or letters of approval from Owner's Association).....

Site Plan (Single Family Residential):

- 1 copy - (11" x 17") laser print copy to scale.....

Site Plan (Multi-Family and Non-Residential):

- 1 copy - (11" x 17") laser print copy to scale

Elevations (if applicable):

- 1 copy - (11" x 17") laser print copy to scale.....

