



Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Minutes – Draft

Board of Adjustment

Chair Eric Leibsohn
Boardmember Ken Barnes
Boardmember Joseph Contadino
Boardmember James Kuykendall
Boardmember Hope Ozer
Boardmember Bill Petsas
Boardmember Quinn Williams

Wednesday, May 7, 2025

5:30 PM

Council Chambers

1. CALL TO ORDER

Chair Leibsohn called the meeting to order at 5:30 PM.

STAFF MEMBERS PRESENT

Town Attorney John Gaylord
Community Development Director Chad Weaver
Senior Planner George Burton
Town Planner II Jose Mendez
Lead Management Specialist Cherise Fullbright

2. ROLL CALL

Present – Chair Eric Leibsohn
Boardmember Ken Barnes
Boardmember Joseph Contadino
Boardmember James Kuykendall
Boardmember Hope Ozer
Boardmember Bill Petsas
Boardmember Quinn Williams

3. EXECUTIVE SESSION

4. STUDY SESSION ITEMS

5. PUBLIC HEARINGS

**A. 25-141 Discussion and Possible Action on Case No. BA-25-02
Amin Variance – 6521 N. 40th Place (APN 169-52-020)
Variance to allow a new single-family residence to encroach
beyond the allowable height limits**

Mr. Burton presented the item which was originally brought before the Board on May 7th and continued to allow the applicant time to modify and reduce the proposed height encroachments. He went over the background, scope of request, staff analysis and potential actions. He displayed an aerial view of the lot while addressing site conditions and

history of the lot. Mr. Burton discussed the town height requirements and the modifications. He displayed renderings to show the massing of the house in relation to the topography of the lot and an aerial view showing the proposed footprint of the home. He briefly noted that public comment had been received.

Victor Sidy, architect on the project, presented. He spoke about substantial changes, specifically reductions, from the original design seen by the Board in May. He addressed constraints of the site's elevation. Mr. Sidy noted that the immediately adjacent neighbors are in favor of the project.

Boardmember Contadino asked if the building pad could be reduced and moved closer to the street.

Mr. Sidy responded, stating that bringing the pad down would bring the project 2-3% closer to compliance, but there would still be an encroachment. He explained that moving the house closer to the street would make the encroachment worse and the position of the home setback from the street currently helps compliance.

Chair Leibsohn did not believe the encroachment had been reduced enough. He wondered what design influence determined the slope of the butterfly roof and questioned if it could be more subtle.

Mr. Sidy explained the design.

Boardmember Kuykendall asked about the ceiling heights in the living room right under the butterfly roof.

Mr. Sidy stated that the ceiling heights were between 11-13.5' tall. He and Chair Leibsohn discussed minor design changes and other options.

Boardmember Barnes believed the hardship was self-imposed based on a desire for the home to remain higher on the lot.

Member Williams shared his fear that the project may not be worthy of a variance.

Mr. Sidy discussed the restrictions and hardships of the lot warranting the variance request. He brought up other options and the possibility of continuing the item.

Chair Leibsohn opened the public hearing at 6:11 PM. No comment was received, and public hearing was closed.

A motion was made by Boardmember Williams, seconded by Boardmember Barnes to continue item 25-141 to the September 3rd, 2025 meeting date. The motion passed by the following vote:

Aye: 3 – Chair Leibsohn, Boardmember Barnes, Boardmember Kuykendall, Boardmember Ozer, Boardmember Petsas, Boardmember Williams

Nay: 4 – Boardmember Contadino

B. 25-143 Discussion and Possible Action on Case No. BA-25-05 Sandell Variance – 4474 E Valley Vista Lane (APN 169-20-122) Variance to exceed the maximum allowable LRV (Light Reflection Value) of thirty-eight (38) percent and not blend in with

surrounding environment and to allow for an illuminated game court

Chair Leibsohn pointed out a discrepancy with the case number and it was determined the case number was BA-25-05, not BA-25-03 as displayed on the agenda.

Mr. Mendez presented the item. He began by noting that the request for sport court lighting had been withdrawn so a variance was only being sought for color. He displayed an aerial view of the property which is currently under construction, then discussed zoning and site conditions. Mr. Mendez shared that materials were previously approved by the Hillside Building Committee on April 12, 2023, but during a site visit the materials were determined to be lighter than what had been presented. He stated that a material or color had not been provided for this request.

Boardmember Barnes asked if the proposal needed to be resubmitted since the sport court request had been withdrawn.

Mr. Mendez noted that the proposal was still a valid variance request, and each item was analyzed separately in the staff report.

Boardmember Williams questioned if approval would be for a Light Reflection Value (LRV) variance with no set limit since no materials had been submitted for approval.

Mr. Mendez advised that staff had added a stipulation that the applicant provide information as to what the LRV would be.

Mr. Gaylord explained that staff is recommending denial but also stating that if the Board chose to approve the request, the matter should be continued so that materials can be presented to staff.

Chair Leibsohn asked if everything in the palette of materials and colors presented for approval by the Hillside Building Committee was being modified to exceed the allowable LRV. He expressed concerns with the Board not having a proposal from the applicant on what the new materials would be.

Boardmember Kuykendall agreed that the request could not be an open-ended approval.

Cameron Carter, attorney with Rose Law Group, introduced himself. He spoke about the variance request and reaffirmed that the request for sport court lighting had been removed. He advised that the variance request for color pertained to the exterior paint color, and all other materials approved by the Hillside Building Committee would remain. He spoke about the paint color and unique circumstances related to the property, including slope.

Boardmember Ozer wondered why the Hillside Building Committee was involved and why a variance was needed if the building pad was not on hillside.

Mr. Burton explained that code stated that properties are designated hillside when listed on the map, regardless of having a building pad slope of 10% or greater. He further explained

that the applicant has the option to demonstrate the pad is lower than 10% to have the property removed from Hillside designation, but this would require the property to come into compliance with all flatland requirements.

Declassification was discussed and Mr. Carter stated that the home was under construction and close to completion. He believed that a variance was the best remedy to allow the owner to exceed the LRV allowance, while removing the home from Hillside designation would be burdensome due to the construction status.

Boardmember Williams asked how long construction had been ongoing. He wondered what caused the request to change from the previous approval.

Boardmember Ozer suggested that the applicant request a continuance to figure things out.

Boardmember Kuykendall clarified that the applicant did not want to be considered non-hillside but wanted a variance from Hillside.

Mr. Carter talked about paint color, which was proposed as “historical white” with a LRV of 79. He was unsure if the color would be stucco or paint. He presented hardships and the legal precedent. Mr. Carter explained that there were setbacks from the wash that would be difficult to design around if the property were non-hillside.

Boardmember Petsas asked if there was knowledge as to the intent of the ordinance in terms of only being for homes located up high.

Mr. Mendez stated that the code was, in general, for homes designated as hillside, with no regard as to location. Additionally, the code specifies that any homes where the building pad has a slope of 10% or more, even if not currently designated as hillside, should be classified as such and must abide by the hillside regulations. He also stated there was no differentiation for LRV requirement. Mr. Mendez spoke about the location of the home being based on the amount of allowable disturbance.

Boardmember Ozer asked why it took so long for the changes to come forward since the colors were approved by Hillside two years ago.

Mr. Carter stated that construction is a long process and paint colors have become important at this point.

Mr. Gaylord mentioned the Archilles Case concerning white paint on a Hillside lot. Case law was briefly discussed.

Chair Leibsohn opened the public hearing at 7:13 PM

Sabra Wagoner, a neighbor to the north, stated that the applicant has visited her requesting approval of the color, but she preferred the color blend into the natural surroundings given the home is so large. She shared her surprise seeing the white stone on the home after the original submittal blended into the desert.

Lee Gross, a neighbor behind the subject property, did not mind a white color so long as there was no lighting.

Stephanie Sandell, property owner, spoke as to the history of the home and reasoning for the request. She talked about the white stone, which was previously approved by the Hillside Building Committee, but determined to be too light during installation.

Chair Leibsohn closed the public hearing at 7:19 PM

Discussion took place between the Board and Mr. Carter.

Mr. Carter expressed interest in a continuation.

A motion was made by Boardmember Contadino, seconded by Boardmember Kuykendall, to deny item 25-143. The motion carried by the following vote:

Aye: 7 – Chair Leibsohn, Boardmember Barnes, Boardmember Contadino, Boardmember Kuykendall, Boardmember Ozer, Boardmember Petsas, Boardmember William

6. ACTION ITEMS

7. CONSENT AGENDA

A. 25-120 Approval of May 7, 2025 Board of Adjustment Minutes.

A motion was made by Boardmember Petsas, seconded by Boardmember Ozer, to approve the May 7, 2025 Board of Adjustment Minutes as presented. The motion carried with the following vote:

Aye: 7 – Chair Leibsohn, Boardmember Barnes, Boardmember Contadino, Boardmember Kuykendall, Boardmember Ozer, Boardmember Petsas, Boardmember Williams

8. STAFF REPORTS

9. PUBLIC BODY REPORTS

10. FUTURE AGENDA ITEMS

Mr. Burton stated that the Board would take recess in July and August, reconvening in September. He noted the agenda would include the item continued tonight and possibly a second item for an addition to encroach into the setback on a Hillside lot.

Miss Fullbright noted that a joint training session with the Planning Commission was scheduled for July 15th at 6:00 PM

11. ADJOURNMENT

A motion was made by Boardmember Williams, seconded by Boardmember Ozer, to adjourn the meeting at 7:31 PM. The motion carried with the following vote:

Aye: 7 – Chair Leibsohn, Boardmember Barnes, Boardmember Contadino,

Boardmember Kuykendall, Boardmember Ozer, Boardmember Petsas,
Boardmember Williams

Paradise Valley Board of Adjustment

By: _____
Cherise Fullbright, Secretary