



Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Minutes – FINAL

Board of Adjustment

Chair Hope Ozer
Boardmember Ken Barnes
Boardmember Robert Brown
Boardmember Priti Kaur
Boardmember James Kuykendall
Boardmember Eric Leibsohn
Boardmember Quinn Williams

Wednesday, December 6, 2023

5:30 PM

Council Chambers

1. CALL TO ORDER

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

STAFF MEMBERS PRESENT

Community Development Director Chad Weaver
Town Attorney John Gaylord
Senior Planner George Burton
Planning Manager Paul Michaud
Hillside Planner Jose Mendez
Administrative Assistant Cherise Fullbright

2. ROLL CALL

Present – Chair Hope Ozer
Boardmember Ken Barnes
Boardmember James Kuykendall
Boardmember Eric Leibsohn
Boardmember Priti Kaur
Boardmember Quinn Williams

Absent – Boardmember Joseph Contadino

Chair Ozer introduced the Community Development Director, Chad Weaver.

3. EXECUTIVE SESSION

4. STUDY SESSION ITEMS

Without objection, item 9 was heard before the public hearing scheduled under item 5.

9. PUBLIC BODY REPORTS

Kathy Duley, Paradise Valley Arts Boardmember, was introduced by Chair Ozer. She provided updates concerning the artwork currently on display at Town Hall, plans for art in the future, and an upcoming school program in February. Ms. Duley thanked the Board and Town for their support.

5. PUBLIC HEARINGS

A. 23-329 6919 N Highlands Drive Hillside Variance (APN 169-53-034). Case No. BA-22-06

Hillside Planner Jose Mendez presented the item, a variance request to exceed the allowable amount of disturbed area and exceed the maximum retaining wall height. He discussed the existing disturbance on the property, a spill slope created by the development of Hillside Drive and surrounding properties. Mr. Mendez also presented a rendering to display that the retaining walls would not be visible from the street. He noted that no public comment had been received, and staff was recommending approval.

Victor Sidy, architect on the project, introduced himself and the property owner, Dr. Patel. Mr. Sidy shared that much of the request to exceed the disturbance allowance was going toward landscaping the existing spill into something that better matched the standards of the Town and community. He briefly mentioned conversations with neighbors who suggested repositioning the home. He acknowledged their suggestions; however, due to the setback limitations the current proposal would result in the least amount of disturbance.

Boardmember Kuykendall questioned if there were any specifications the applicant would have to follow when restoring the disturbed area.

Mr. Mendez stated that the area would remain disturbed but be revegetated in order to blend and naturalize the spill. Additionally, eonite or a similar treatment would be used to stabilize the spill. He also noted that all materials would have to meet Hillside code requirements.

Chair Ozer opened the public meeting at 5:53 PM.

The following Paradise Valley residents provided public comment: Wolfgang Monthofer, Debbie LaPrade, and Alex Marr.

Chair Ozer clarified that any decision made by the Board would not set a precedent.

Mr. Sidy responded to questions concerning drilling, excavating, and disturbance raised during public comment.

Mr. Mendez provided additional information and data related to the disturbance. He clarified that the overall disturbance included the existing spill slope.

Chair Ozer closed the public meeting at 6:07 PM.

Boardmember Leibsohn applauded the architect who had been sensitive to the topography. He noted he would be in favor of the variance request.

**A motion was made by Boardmember Leibsohn seconded by
Boardmember Kuykendall to approve the variance.**

Boardmember Barnes had compliance questions and asked what mechanisms or assurances are provided by the Town to guarantee what was built is what was approved. He questioned how the amount of disturbance had been determined.

Mr. Mendez explained that the item would need to go through the Hillside process and abide by all Hillside regulations such as height, materials, lighting, and landscaping. Once approval was received, there would be additional requirements for a Safety Improvement Plan, Stormwater Pollution Prevention Plan before and after construction, Grading & Drainage Plan stamped by a Registered Engineer, as well as a survey which would certify the existing calculations for disturbance.

Chair Ozer agreed that the lot is extremely challenging, and although construction may be a pain, it would provide an appealing view when completed. She expressed hope that neighbors could remain supportive.

The motion carried with the following vote:

Aye: **6** – Chair Ozer, Boardmember Leibsohn, Boardmember Kuykendall, Boardmember Barnes, Boardmember Williams, Boardmember Kaur.

Absent: **1** – Boardmember Contadino

The motion passed unanimously.

6. ACTION ITEMS

7. CONSENT AGENDA

A. 23-283 Approval of October 4, 2023 Board of Adjustment Minutes.

A motion was made by Boardmember Kuykendall, seconded by Boardmember Barnes, to approve the October 4, 2023 Board of Adjustment Minutes The motion carried with the following vote:

Aye: **6** – Chair Ozer, Boardmember Leibsohn, Boardmember Kuykendall, Boardmember Barnes, Boardmember Williams, Boardmember Kaur.

Absent: **1** – Boardmember Contadino

8. STAFF REPORTS

Mr. Burton reminded Boardmembers that the Town's Holiday party was happening this Friday, December 8, 2023.

9. PUBLIC BODY REPORTS

Item 9 was heard before the public hearing scheduled under item 5.

10. FUTURE AGENDA ITEMS

Mr. Burton noted there are no items scheduled for January 3, 2024 so the meeting will be canceled.

Chair Ozer confirmed the cancellation.

11. ADJOURNMENT

A motion was made by Boardmember Kuykendall seconded by Boardmember Barnes, to adjourn the meeting at 6:15 PM. The motion carried with the following vote:

Aye: **6** – Chair Ozer, Boardmember Leibsohn, Boardmember Kuykendall, Boardmember Barnes, Boardmember Williams, Boardmember Kaur.

Paradise Valley Board of Adjustment

By: 

Cherise Fullbright, Secretary