



# Town of Paradise Valley

6401 E Lincoln Dr  
Paradise Valley, AZ 85253

## Meeting Notice and Agenda Board of Adjustment

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

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Wednesday, April 15, 2026

4:30 PM

Council Chambers

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### 1. CALL TO ORDER

### 2. ROLL CALL

*Notice is hereby given that members of the Board of Adjustment will attend either in person or by telephone conference call, pursuant to A.R.S. §38-431(4).*

### 3. EXECUTIVE SESSION

*The Board of Adjustment may convene into an executive session at one or more times during the meeting as needed to confer with the Town Attorney for legal advice regarding any of the items listed on the agenda as authorized by A.R.S. §38-431.03.A.3.*

### 4. STUDY SESSION ITEMS

*Work/Study is open to the public however the following items are scheduled for discussion only. The Board of Adjustment will be briefed by staff and other Town representatives. There will be no votes and no final action taken on discussion items. The Board of Adjustment may give direction to staff and request that items be scheduled for consideration and final action at a later date. The order of discussion items and the estimated time scheduled to hear each item is subject to change.*

### 5. PUBLIC HEARINGS

*The Board of Adjustment may take action on this item.*

### 6. ACTION ITEMS

*The Board of Adjustment may take action on this item.*

A. [26-052](#) Election of Chair per Section 2-5-3.A of the Town Code

Attachments: [Staff Report](#)

## 7. CONSENT AGENDA

*All items on the Consent Agenda are considered by the Public Body to be routine and will be enacted by a single motion. There will be no separate discussion of these items. If a Commissioner or member of the public desires discussion on any item it will be removed from the Consent Agenda and considered separately.*

### A. [26-015](#) Approval of January 7, 2026 Board of Adjustment Minutes.

**Attachments:** [2026-01-07 BOA Draft Minutes](#)

## 8. STAFF REPORTS

## 9. PUBLIC BODY REPORTS

## 10. FUTURE AGENDA ITEMS

## 11. ADJOURNMENT

AGENDA IS SUBJECT TO CHANGE

*\*Notice is hereby given that pursuant to A.R.S. §1-602.A.9, subject to certain specified statutory exceptions, parents have a right to consent before the State or any of its political subdivisions make a video or audio recording of a minor child. Meetings of the Planning Commission are audio and/or video recorded, and, as a result, proceedings in which children are present may be subject to such recording. Parents in order to exercise their rights may either file written consent with the Town Clerk to such recording, or take personal action to ensure that their child or children are not present when a recording may be made. If a child is present at the time a recording is made, the Town will assume that the rights afforded parents pursuant to A.R.S. §1-602.A.9 have been waived.*

*The Town of Paradise Valley endeavors to make all public meetings accessible to persons with disabilities. With 72 hours advance notice, special assistance can also be provided for disabled persons at public meetings. Please call 480-948-7411 (voice) or 480-483-1811 (TDD) to request accommodation to participate in the Planning Commission meeting.*



# Town of Paradise Valley

6401 E Lincoln Dr  
Paradise Valley, AZ 85253

## Action Report

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**File #:** 26-052

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**AGENDA TITLE:**  
Election of Chair per Section 2-5-3.A of the Town Code

**STAFF CONTACT:**

**TOWN**  
*Of*  
**PARADISE VALLEY**



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**STAFF REPORT**

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**TO:** Chair and Board of Adjustment

**FROM:** Chad Weaver, Community Development Director  
Paul Michaud, Planning Manager  
George Burton, Senior Planner

**DATE:** April 15, 2026

**DEPARTMENT:** Community Development  
George Burton, 480-348-3525

**AGENDA TITLE:**  
Election of Chair per Section 2-5-3.A of the Town Code

**RECOMMENDATION:**  
I recommend [*state name*] to serve as the Board of Adjustment Chairman-designate.

**SUMMARY STATEMENT:**  
Section 2-5-3.A of the Town Code states, "The Board of Adjustment shall, at its first meeting in April of each year, elect one of its members to serve as its Chairman-designate. The member designated to be Chairman shall be approved or disapproved for the Chairmanship by the Town Council within thirty (30) days of the election by the Board of Adjustment.....No member shall serve as Chairman of the Board for a period of time in excess of two (2) consecutive years."

Board Member Leibsohn was re-elected as Chair on April 2, 2025 and completed his second term as Chair. Therefore, the Board of Adjustment must elect a new Chair-designate at the April 15<sup>th</sup> meeting.

**ATTACHMENT(S):**  
A. Staff Report



# Town of Paradise Valley

6401 E Lincoln Dr  
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## Action Report

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**File #:** 26-015

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**AGENDA TITLE:**  
Approval of January 7, 2026 Board of Adjustment Minutes.

**STAFF CONTACT:**



# 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*

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Wednesday, January 7, 2026

5:30 PM

Council Chambers

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#### 1. CALL TO ORDER

Chair Leibsohn called the meeting to order at 5:32 PM.

#### **STAFF MEMBERS PRESENT**

Town Attorney John Austin Gaylord  
Community Development Director Chad Weaver  
Senior Planner George Burton  
Management Analyst Cherise Fullbright

#### 2. ROLL CAL

**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. 25-262 Discussion and Possible Action on Case No. BA-25-12**  
**Pace Variance – 7062 E Belmont Avenue (APN 174-40-063)**  
**Variance to allow a trellis to encroach into the side yard with**  
**frontage setback**

Mr. Burton presented the variance request for the unpermitted, detached trellis to remain within the setbacks. He started by displaying a map to show the location of the lot within Town, then addressed the site conditions and history. Mr. Burton detailed the scope of the request for encroachment into the setback, noting that code required a 40' setback but a 15' setback was being proposed. He noted that the string lights shown in the site plan have been removed from the structure. Site photos were shown and 23 letters of support were

received as part of public notice. Mr. Burton shared the analysis, noting that staff was recommending denial of the setback encroachment.

Mr. Ben Tate, attorney for the applicant, presented on behalf of the applicant. He spoke about the site history and provided an overview as to why the encroachment was warranted including the applicant having no role in formation of the lot, its special circumstances, and the strict application of the ordinance.

Boardmember Ozer wondered why a permit was not requested for the project.

Mr. Tate stated that the applicant was under the belief that the structure would not require a permit.

Boardmember Barnes asked how the trellis was brought to the attention of the Town.

Mr. Tate responded that the applicant/owner had received a letter from the Town about the unpermitted structure.

Mr. Burton confirmed that a complaint was received by staff and a notice of violation letter was issued.

Chair Leibsohn noted there were alternative places for the trellis on the property and sought additional explanation as to how Mr. Tate believed the trellis encroachment was not a self-imposed hardship.

Mr. Tate responded, stating that the applicant/owner played no role in the zoning or platting of Cheney Estates, and amendments which ultimately led to the circle rule which created the legal non-confirming depth of the property. He added that a standard R-35 lot would be able to accommodate the structure.

Boardmember Kuykendall wondered who constructed the structure, as they should have known to check with Town for permitting requirements.

Mr. Tate stated that the trellis was built by Gable Iron Works.

Chair Leibsohn asked how the depths of the lot would contribute to the setback on the east.

Mr. Tate spoke about the building envelope. He explained that if an additional 30-40' was added to the back of the lot, there would be room for the structure there, but since that was not the case, the space available was to the east.

Chair Leibsohn opened the public hearing at 6:07 PM.

The following people spoke in opposition to the application: Bernard Kirk, Marsha Welch, & Robert Robinson.

Chair Leibsohn closed the public hearing at 6:14 PM.

Boardmember Williams noted he was not in favor of the request. He commented that the same zoning code applied to all residents, so the zoning code was not a valid hardship.

Mr. Tate confirmed that the zoning itself was not the hardship, but the depth of the lot created by the zoning code was since it created a lot which does not meet Town standards. He noted that all the letters of approval have been received from adjacent neighbors to the lot under

On behalf of the HOA, Mr. Kirk returned to the podium to answer questions from Boardmember Ozer. She specifically asked if it would be in violation of HOA rules if the trellis was removed and instead, non-permanent umbrellas were used to provide shade.

Mr. Kirk stated that umbrellas would not be in violation, but they would request colors that match existing tones be used and they not be visible by neighbors.

Chair Leibsohn added to the discussion between Ozer and Kirk, noting that HOA rules were typically stricter than the zoning ordinance. Representatives from the HOA confirmed.

Boardmember Contadino commented that the hardship was based on lot size, and although each variance request is reviewed individually and must agree with the decision made by the Board, it can be overall harmful from the HOA standpoint because when one owner is allowed to violate the rules, others want to violate which can create legal issues.

**A motion was made by Boardmember Petsas, seconded by Boardmember Kuykendall, to deny item 25-262.**

Boardmember Barnes questioned if the Board could require that the structure be removed within a specific length of time if the motion to deny passed.

Mr. Gaylor stated they could not make that requirement since the decision before the Board is just to approve the variance or not.

Chair Leibsohn wondered if there was anything to prevent the applicant from adding a cover of some sorts to the structure in the event the motion failed. He asked if there was a way to stipulate that no further roof coverings or square feet more than the 25% Floor Area Ration (FAR) allowance.

Mr. Gaylor explained there was nothing within the purview of the Board beyond ruling on the variance. He added that staff handles the rest.

Boardmember Ozer said she was conflicted but ultimately could not support the variance request.

**The motion to deny passed by the following vote:**

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

**6. ACTION ITEMS**

**7. CONSENT AGENDA**

**A. 25-286 Approval of December 3, 2025 Board of Adjustment Minutes.**

Ms. Fullbright noted three errors pointed out by Boardmember Petsas.

**A motion was made by Boardmember Ozer, seconded by Boardmember Barnes, to approve the December 3, 2025 Board of Adjustment Minutes as amended. 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 February 4<sup>th</sup> meeting was cancelled for a lack of agenda items, so the next scheduled meeting would be March 4<sup>th</sup>, 2026.

**11. ADJOURNMENT**

**A motion was made by Boardmember Ozer, seconded by Boardmember Kuykendall, to adjourn the meeting at 6:30 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