

TOWN OF PARADISE VALLEY

Case BA-23-04

5204 N 70th Place

Pool/Spa Setback Variance

Board of Adjustment

May 7, 2025



TODAY'S GOAL

- Review and take action on variance request:
 - Pool & Spa to Encroach into Rear Yard Setback



AGENDA

- Background
- Scope of Request
- Analysis & Recommendation
- Action



May 7, 2025



VICINITY MAP

Subject Property



May 7, 2025

SITE CONDITIONS

- Zoned R-18A
- 20,262 sq ft (0.47 acres)
- Corner Lot
- Rectangular shaped lot
- 127' Deep (155' minimum depth for R-18A)
- 16' Wide Alley Behind Lot
- Flat lot

LOT HISTORY

- Lot 2 Gross Pointe Subdivision
- Platted in Maricopa County 1958
- Annexed 1961
- Original House built late 1960s
- New house built in 2022

VARIANCE HISTORY

- 2 Previous Variance Requests
- May 1, 2019 – Maintain nonconforming setback & height on house remodel
- October 4, 2023 – Rear setback encroach for new pool/spa
- Both variances denied

	Proposed Pool	Previous Pool	Proposed Spa	Previous Spa
Rear Setback	12'	12'	14.5'	12'
Size (Sq Ft)	469	432	50	100
Encroachment (Sq Ft)	190	216	37	80
Shape	Kidney Bean	Rectangular	Round	Square

SCOPE OF REQUEST

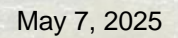
- Pool/Spa to Encroach in 20' rear yard setback
- Setbacks:
 - Pool:
 - 12' from West/Rear Property Line
 - 469 Sq Ft
 - 190 Sq Ft Encroachment
 - Spa:
 - 14.5' from West/Rear Property Line
 - 50 Sq Ft
 - 37 Sq Ft Encroachment



SCOPE OF REQUEST (CONT.)

Zoning Ordinance	Proposed Pool & Spa
40' Front Yard Setback	94' (+/-)
20' Side Yard Setback with Street	95' (+/-)
20' Side Yard Setback with Neighbor	33' (+/-)
20' Rear Yard Setback	12' Pool & 14.5' Spa





AERIAL PHOTO



SITE PHOTOS



SITE PHOTOS (CONT.)



ANALYSIS

- Shallow depth and adjoining alley are special circumstances
- Depth:
 - Lot 127' deep
 - Code requires 155' (if platted today)
 - Additional depth would enable code compliant pool/spa
- 16' Wide Alley:
 - Setbacks to help mitigate noise of use
 - Effective setback of 28' from western neighbor due to alley



ANALYSIS (CONT.)

- Depth and location of property result of how lot was platted in 1958
- Using “kidney bean” shaped pool to help lessen amount of setback encroachment
- Setback encroachment not atypical since several neighboring properties have existing non-conforming pools

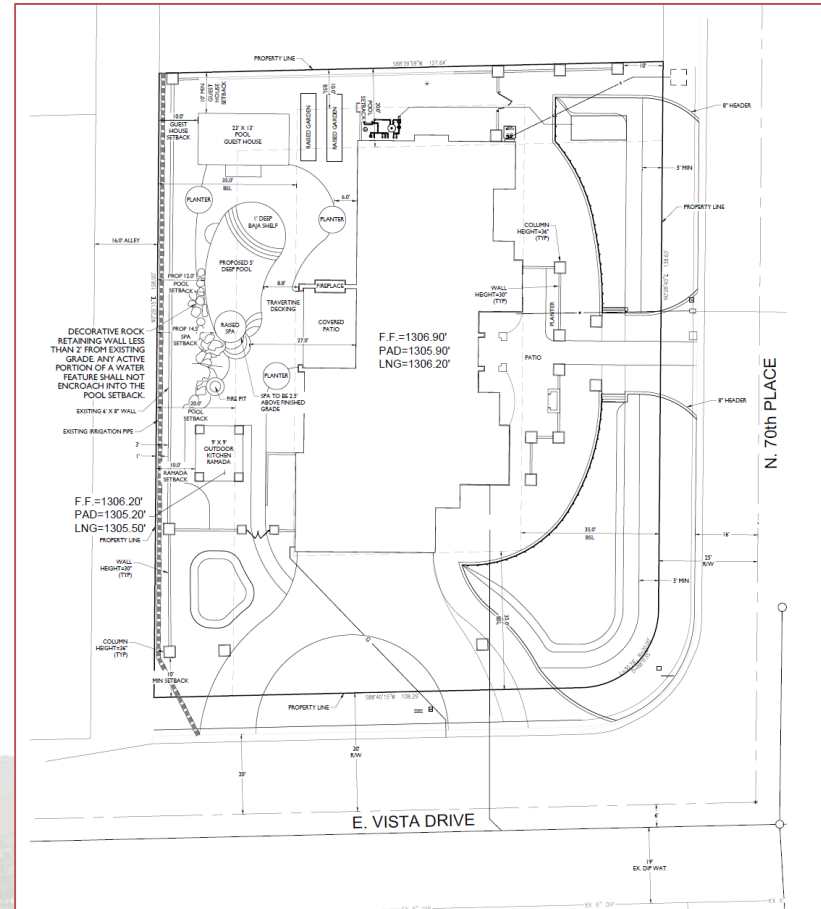


SHALLOW DEPTH & ALLEY BUFFER

- Lot 28' shallower than required by code
- 16' wide alley creates addition buffer



- Neighborhood notification completed in accordance with Town requirements
- One comment in opposition of request – stated no burden to warrant variance



STAFF RECOMMENDATION

MOTION

Approval of Case No. BA-25-03, for a variance from the Zoning Ordinance, Article VII, (R-18 and R-18A) Single Family Residential Districts, to allow a pool and spa to encroach into the west/rear yard setback

REASONS FOR APPROVAL

- Shallow lot
- Alley provides buffer and “effective” setback of 28’
- Pool setback encroachment not atypical for this neighborhood

POSSIBLE ACTIONS

1. Approve with stipulations:
 - a. Improvements in compliance with submitted plans and documents
 - b. Must obtain required building permits and inspections from Building Division
2. Deny
3. Continue for further review

