



Minutes - Draft

Board of Adjustment

Chair Quinn Williams
Boardmember Robert Brown
Boardmember Priti Kaur
Boardmember Emily Kile
Boardmember Jon Newman
Boardmember Hope Ozer
Boardmember Rohan Sahani

Wednesday, June 2, 2021

5:30 PM

Council Chambers

1. CALL TO ORDER

2. ROLL CALL

Present 5 - Boardmember Robert Brown
Boardmember Priti Kaur
Boardmember Jon Newman
Boardmember Rohan Sahani
Chairperson Quinn Williams

Absent 2 - Boardmember Emily Kile
Boardmember Hope Ozer

3. EXECUTIVE SESSION

4. STUDY SESSION ITEMS

5. PUBLIC HEARINGS

- A. [21-189](#) Baiamonte Variance - 5740 E Via Los Ranchos (APN 168-57-013)
Request for Continuance. Case No. BA-21-06

A variance request from the Zoning Ordinance: 1) Article X, Height and Area Regulations, to allow: i. an attached garage addition and ii. a bedroom/hallway addition to house to encroach into the setbacks; and 2) Article V, (R-43) Single-Family Residential District and Article X, Height and Area Regulations, to allow a pickleball court and court light fixture to encroach into the setbacks.

Due to unexpected travel, the applicant requested a continuance to the September 1st Board of Adjustment meeting. A motion was made by Board Member Brown, seconded by Board Member Newman, to continue case BA-21-06, located at 5740 E Via Los Ranchos, to September 1, 2021. The motion carried by the following vote:

Aye: 5 - Boardmember Brown, Boardmember Kaur, Boardmember Newman, Boardmember Sahani and Chairperson Williams

Absent: 2 - Boardmember Kile and Boardmember Ozer

B. [21-200](#) Sbiliris Variance - 8317 N. Charles Drive (APN 168-70-016)
Case No. BA-21-05

Loras Rauch, Special Projects Planner, provided an overview of the item including the scope of the request to allow for a new single-family residence and the development of the property to exceed the allowable disturbed area permitted under the hillside development regulations. She provided background on the property and reviewed lot conditions. She noted most of the property had a 45% slope which made it challenging to build on and provided information on the pre-existing disturbance area of 3,725 square feet on the property. She remarked that over 4,000 square feet of the proposed disturbed area was for the fire truck accessible driveway and turn around. She reviewed the other proposed disturbance areas which included stormwater drainage structures and the outdoor pool, patio, and entry area. She clarified that the variance request was for an additional 7, 827 square feet of disturbance area for a total of 13,466 square feet. She presented renderings for the proposed structure and elevations and reviewed information on comparable neighboring lots.

Board Member Brown inquired how they calculated that the five-foot drainage and if six-foot riffraff would handle runoff in the area.

Ms. Rauch reported that the applicant submitted a grading and drainage plans done by a registered civil engineer. She noted that the plans had not gone through conceptual hillside review which was why staff had only discussed the disturbance calculations.

Jeff Page, Applicant Architect, noted that the drainage plans accounted for the 100-year flow and was a robust drainage system with onsite retention under the driveway. He indicated that he found the proposed stipulations acceptable.

Chairperson Quinn Williams called for public comment on the item.

Scott Jarson inquired if the revised dimension of the plan would be static, specifically the 40-foot setback off Charles Drive, if the variance was approved. He indicated he would like to see it stay that way so more of the disturbance is taking place further down slope.

Chairperson Williams indicated that their approval or denial would be based on the plans.

Sandra Stamlan commented that she owned the neighboring property to the northeast and was alarmed that her property had not been considered. She expressed concern with possible additional run off flowing onto her property which was at a lower elevation. She noted that she was unsure if they were aware of the gas line in the area as well.

Mr. Page replied that ordinances prohibited them from disturbing the outflow of water that enters the site. He noted that they have created a method to mitigate the storm flow with the riffraff which would slow the water down and allow some to percolate into the ground and be able to retain more water on site with their onsite storm water retention tank. He stated that they were aware of all the utilities and have flag markers to identify the location of all underground utilities.

Lisa Collins, Community Development Director, commented that the code required that all water that occurs on the site due to construction must be

retained and any water that flows through needs to flow through the same as it did prior to construction. She noted that they could go over the drainage plans in further detail if she would like.

A motion was made by Board Member Sahani, seconded by Chairperson Williams, to approve the variance request from the Zoning Ordinance, Article XXII, Hillside Development Regulations, Section 2207 III Land Disturbance Standards (F) to allow a new single-family residence and the development of the property to exceed the allowable disturbed area, subject to the following stipulations:

1. The improvement shall be in compliance with the submitted plans and documents:
 - a. The Narrative, pages 1 - 10, prepared by SpaceLineDesign Architects LLC. and dated Rev 17 May 21;
 - b. Sheet 22 & 23, Key Plan of Drainage & Disturbance Area + Site Plan, prepared by SpaceLineDesign Architects LLC. and dated Rev 17 May 21; and
 - c. Sheet 31, Preliminary Grading & Drainage Plan, prepared by Land Development Group, LLC and dated April 29, 2021;
2. As part of the Native Plant Preservation Plan a separate Revegetation Plan shall be required to be submitted which shall provide plant location, species, size and quantity information for all areas where revegetation is required. The pre-existing disturbed area identified as (3,175 SF) adjacent to and containing the drainage swale that runs along the eastern property line shall be revegetated in addition to the 3,903 SF area consisting of the septic area and the construction zone area (as shown on page 23). These plans shall be prepared by an AZ Registered Landscape Architect, an AZ Certified Nurseryman, or other qualified professional and are subject to Town review and approval. The motion carried by the following vote:

Aye: 5 - Boardmember Brown, Boardmember Kaur, Boardmember Newman, Boardmember Sahani and Chairperson Williams

Absent: 2 - Boardmember Kile and Boardmember Ozer

C. [21-187](#) Savage Variance - 6122 N 51st Place (APN 169-25-013)
Case No. BA-21-05

Mr. Burton provided an overview of the variance request for a pool and spa to encroach into the side yard setback. He presented a brief history and background of the lot. He noted that the pool/spa was approximately 504 square feet in size and encroached approximately 130 square feet of the side-yard setback. He clarified that city requirements were for a 20-foot setback from the property line and the proposed variance was for a 15-foot setback from the south property line. He reviewed the findings in favor including that it met the intent of the code, did not obstruct any view corridors, and setback encroachments were not atypical for the area. He pointed out that the property had a hardship due to the small lot size, narrow width, and location of a wash located on the property. He shared the findings opposed including alternative locations for the pool. He remarked that staff had not received any comments regarding the property to date.

Board Member Brown inquired where the pool equipment would be placed.

Rob Paulus, Project Architect, indicated she believed it would be place by the existing fountain and irrigation equipment.

Board Member Newman remarked that moving the pool was not in line with the code since it would be disturbing additional land.

Mr. Burton noted that they were trying to use the existing conditions to build the pool and pointed out that the west side of the lot was well vegetated.

Larry Lazarus, Applicant Representative, presented an overview of the property and request. He explained that the proposed location for the pool was the most logical due to the location of the wash and septic tank. He noted that no existing vegetation would be lost with the proposed location of the pool. He stated that not granting the variance would not allow the homeowner to have a pool.

Chairperson Williams asked what the existing setback of the grass area was.

Mr. Burton replied that he believed it was currently setback 13 feet from the south property line. He noted that the retaining wall for the grass area had different setback requirements.

Chairperson Williams opened the public comment period for the item. No comments were offered.

A motion was made by Board Member Brown, seconded by Board Member Sahani, to approve the variance from the Zoning Ordinance, Article V, (R-43) Single-Family Residential District, to allow a swimming pool and spa to encroach into the setback, subject to the following stipulations:

1. The improvement shall be in compliance with the submitted plans and documents:
 - a. The Narrative, pages 1 - 6, prepared by Lazarus & Silvyn P.C. and dated April 29, 2021;
 - b. Sheet A0.0, General Info + Site Plan, prepared by Rob Paul Architects LTD. and dated April 29, 2021; and
 - c. Sheet A1.0, Pool Plan, prepared by Rob Paul Architects LTD. and dated March 23, 2021;
2. The applicant must identify and verify the boundary of the wash/drainage easement prior to issuance of the building permit and no structures shall be placed in the wash/drainage easement.
3. The vegetation/landscaping adjoining the south property line (as generally illustrated on the aerial view in the project narrative) shall be maintained at a similar density to help screen the pool and spa. The motion carried by the following vote:

Aye: 5 - Boardmember Brown, Boardmember Kaur, Boardmember Newman, Boardmember Sahani and Chairperson Williams

Absent: 2 - Boardmember Kile and Boardmember Ozer

6. ACTION ITEMS

7. CONSENT AGENDA

A motion was made by Board Member Sahani, seconded by Board Member Newman, to approve the January 6, 2021 and April 7, 2021 Board of Adjustment meeting minutes. The motion carried by the following vote:

Aye: 5 - Boardmember Brown, Boardmember Kaur, Boardmember Newman, Boardmember Sahani and Chairperson Williams

Absent: 2 - Boardmember Kile and Boardmember Ozer

A. [21-195](#) Approval of the January 6, 2021 Board of Adjustment Meeting Minutes

B. [21-188](#) Approval of the April 7, 2021 Board of Adjustment Meeting Minutes

8. STAFF REPORTS

Mr. Burton announced that per town policy the Board of Adjustment will go on hiatus for July and August. He noted that the Board would next meet on September 1, 2021.

9. PUBLIC BODY REPORTS

Chairperson Williams welcomed and thanked the new Board Members.

10. FUTURE AGENDA ITEMS

Mr. Burton stated the next meeting was September 1, 2021. He indicated the September agenda will include 5740 E. Via Los Ranchos and may include two new applications that are currently under review.

11. ADJOURNMENT

A motion was made by Chairperson Williams, seconded by Board Member Brown, to adjourn the meeting at 7:10 pm. The motion carried by the following vote:

Aye: 5 - Boardmember Brown, Boardmember Kaur, Boardmember Newman, Boardmember Sahani and Chairperson Williams

Absent: 2 - Boardmember Kile and Boardmember Ozer