

TOWN *of* PARADISE VALLEY



STAFF REPORT

TO: Chair and Board of Adjustment

FROM: Chad Weaver, Community Development Director
Paul Michaud, Planning Manager
George Burton, Senior Planner
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DATE: May 7, 2025

DEPARTMENT: Community Development Department/Planning Division
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AGENDA TITLE:
Tamplen Variance – 5211 N Quail Run Place (APN 173-18-012)
Variance to exceed the maximum allowable floor area ratio (FAR) limit
Case No. BA-24-05

This application is a variance request to allow a new and detached pool ramada to exceed the 25% maximum floor area ratio (FAR) limit.

RECOMMENDATION

Motion For Denial

It is recommended that the Board of Adjustment [**deny**] BA-24-05, a request by Matthew Tamplen, property owner of 5211 N Quail Run Place (APN 173-18-012) for a variance from Article X, Height and Area Regulations, to allow for a pool ramada to exceed the maximum floor area ratio (FAR) limit of 25%.

Reasons For Denial

Staff finds that there are no property hardships that warrant the request for an increase in floor area ratio and staff believes that the request does not meet all three variance criteria.

BACKGROUND/DISCUSSION

Background

This item was continued from the April 2, 2025 meeting due to newspaper advertisement error. All proper noticing and posting requirements have been met for today's meeting.

Scope of Request

Section 1001 of the Zoning Ordinance allows a maximum floor area ratio (FAR) of 25% of the net lot size and the applicant is requesting a variance to allow the previously unpermitted pool ramada (permit currently on hold) for a proposed FAR of 25.7% (4,847 square feet of applicable floor area on an 18,890 square foot net size lot - 124.5 square feet over threshold). The main house and pool ramada structure are compliant with all other zoning requirements (meeting setback and height requirements). Below is a comparison of the Zoning Ordinance requirements and the proposed ramada:

Detached Accessory Structures (R-18A)	
Zoning Ordinance	Proposed
25% Maximum FAR	25.7% FAR
60' Front Setback	±71' Front Setback
10' Rear Setback	±61' Rear Setback
10' Side Setbacks	11'5" Side Setback (North) / ±95' Side Setback (South)
15' Height from Lowest Natural Grade (LNG)	11' from LNG

Site Data – Including Overhangs		
Existing	House	4,010 Sq Ft
	Garage	380 Sq Ft
	Covered Patio	288 Sq Ft
New	Pergola/Ramada	169 Sq Ft
Total		4,847 Sq Ft
Net Lot Size		18,890 Sq Ft
FAR (Existing)		24.76%
FAR (New/Proposed)		25.7%

Lot History

The subject property is Lot 2 of the Gross Pointe 2 subdivision. This lot was platted in 1958 under Maricopa County's jurisdiction and then annexed into the Town on May 25, 1961. According to Maricopa County aerial photos, the original home was built in the late 1950s. However, the existing home was remodeled in 2021. The following is a chronological recent history of the property:

1957	Home constructed under County jurisdiction
May 25, 1961	Subdivision Annexed into Town
July 2, 1963	Building permit for Patio
July 6, 1976	Building permit to Enclose Garage
July 21, 1993	Building permit for Fence Walls
April 8, 2008	Building permit for Fence Wall Revision
May 2018, 2010	Building permit for Additional Fence Walls
February 10, 2021	Building permit for New Single-Family Residence Remodel
February 6, 2024	Building permit for a Spa
August 27, 2024	Building permit for Ramada Structure (<i>In Process - On Hold</i>)

Also, a 2021 remodel/addition (performed by the previous homeowner) plan set displayed the floor area ratio at 24.9%. The home also had an existing non-conforming carport along the south side of the property that encroached into the side yard setback. That structure has since been removed and is not part of the scope of this request (Permit DM24-23776). Despite the removal of the non-conforming carport, the pool ramada still exceeds the 25% FAR limit.

Lot Conditions

The property is zoned R-18A and is 18,890 square feet in size (0.43 acres). The property is rectangular in shape and is 126-foot wide and 150-foot deep. The R-18A zoning district requires a minimum width of 120 feet which results in a minimum depth of 155 feet (if platting a new R-18A property). Existing roofed structure square footages are as follows: Main home with two car garage 4,390 square feet, covered patio is 288 square feet, and the ramada/accessory structure is 169 square feet. There is also an 8-foot public utility easement in the rear of the lot (eastern portion), and a 9.35-foot private pool equipment easement with the property to the north (Lot 12). The neighboring property to the north has driveway, fence wall, and pool equipment that encroaches onto the subject lot and is located within this private easement. As a result, the usable width of the subject property is approximately 116.5-foot width. No other drainage easements or the like exist.

DISCUSSION ITEMSVariance criteria:

Town Code and Arizona Revised Statutes set criteria an applicant must meet before a Board of Adjustment may grant a variance request. If the Board finds an applicant meets all of these criteria, the Board may grant the variance. However, if the Board finds the applicant does not meet all of the criteria, the Board may not grant the variance. The following are staff's analysis with regard to the variance criteria:

1. *"That there are special circumstances applicable to the property, which may include circumstances related to the property's size, shape, topography, location, or surroundings; and"* (Town Code Section 2-5-3(C)4).

Staff Analysis:

There are no property hardships that warrant the request for FAR encroachment. While the property is slightly shorter in depth than ideal for its zoning category, it is typical size for the area and there are no property hardships that prohibit FAR compliance. This is a design hardship since the house uses the allowable FAR and the Town Code does not guarantee the most optimal use of the property.

2. *"That the special circumstances applicable to the property were not self-imposed or created by the property owner; and"* (Town Code Section 2-5-3(C)4).

Staff Analysis:

The request for FAR encroachment is self-imposed since there are no property hardships that prevent area compliance. The property lacks standard depth but is not undersized for its zoning classification and is of similar size to the neighboring properties. If the applicant obtained a building permit from the Town prior to constructing the ramada, any overage in floor area ratio encroachment would be identified during plan review.

3. *"That the strict application of the Zoning Ordinance will deprive the property of privileges enjoyed by other property of the same classification in the same zoning district"* (Town Code Section 2-5-3(C)4).

Staff Analysis:

There are no property hardships that warrant the floor area ratio increase. Although some of the neighboring properties may have existing non-conforming structures and/or an FAR over the current 25 percent limit, all new additions in this neighborhood must meet or be below the maximum area requirements. Also, a review of the Maricopa County aerial photos identifies that most of the neighboring properties in this area do not have detached accessory buildings.

REQUIRED ACTION

The Board of Adjustment must consider the facts and determine if the variance request meets all three variance criteria. The Board of Adjustment may take the following action:

1. Deny the variance request.
2. Approve the variance request, subject to the following stipulations:
 - a. The improvement shall be in compliance with the submitted plans and documents:
 - i. Narrative, prepared by Sun State Pools dated February 10, 2025
 - ii. Site Plan, prepared by Sun State Pools dated February 13, 2025.
 - iii. Elevations, prepared by Sun State Pools dated February 13, 2025.
 - iv. Construction Plan, prepared by Sun State Pools dated February 13, 2025
 - v. Engineering Plan, prepared by AMMTec Consultants, PLLC dated September 23, 2024
 - vi. Survey, prepared by Keeley Land Surveying dated December 7, 2023
 - b. The applicant must obtain the required building permits and inspections from the Building Department.
3. Continue the application for further review.

COMMENTS

Staff received a comment from one of the neighbors against this request; citing that all improvements should follow the Town's rules and requirements. Also, the application packet includes a letter of support for the variance from the adjoining property owner to the south.

COMMUNITY IMPACT: None.

CODE VIOLATION: None.

ATTACHMENTS

- A. Staff Report
- B. Vicinity Map & Aerial Photo
- C. Application
- D. Narrative & Plans
- E. Emails/Letters of Support
- F. Notification Materials
- G. Presentation