



# 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, May 7, 2025

5:30 PM

Council Chambers

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#### 1. CALL TO ORDER

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

#### **STAFF MEMBERS PRESENT**

Town Attorney John Gaylord  
Community Development Director Chad Weaver  
Senior Planner George Burton  
Town Planner II Brandon McMahon  
Lead Management Specialist Cherise Fullbright

#### 2. ROLL CALL

**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. 25-039 Discussion and Possible Action on Case No. BA-25-05  
Tamplen Variance – 5211 N Quail Run PI (APN 173-18-012)  
Variance to exceed the maximum allowable floor area ratio (FAR)  
limit**

Mr. McMahon presented the item, which was continued from the April 2<sup>nd</sup> meeting date due to a posting error. He displayed a vicinity map showing the location of the property, then discussed current site conditions, history, and the scope of the request. Mr. McMahon

shared details of the request including a site plan, a survey of the lot, exterior building elevations, and public comment. He stated that staff's analysis found no size, shape, or topographical hardships that prohibit compliance and staff is therefore recommending denial.

Boardmember Ozer asked if the request was to replace the existing ramada or approve what has already been built. She confirmed that the other awnings on the property were included in the overall Floor Area Ratio (FAR) calculation.

Mr. McMahon advised that the request was to approve the current pool ramada which was built without permits, so that it may remain in place.

Matthew Tamplen, the property owner, introduced himself and his contractor Taylor Rab. Mr. Tamplen spoke about the design of the home, size of the lot, FAR calculations completed by a surveyor, and his interpretation.

Mr. Rab talked about changes within his company and the permitting process in Paradise Valley. He requested grace so he and Mr. Tamplen could move forward to correct the unpermitted structure.

Boardmember Petsas asked if the easement impacted FAR and was informed by staff it did not.

Boardmember Barnes asked if the pool was a new construction. He wondered if the unpermitted ramada was built in conjunction with other permitted improvements on the site, and if the ramada was on the permitted plans.

Mr. Rab clarified that a new unattached spa was built, and he believed the ramada was included on those plan drawings but an application was not filed.

Mr. Tamplen talked about previous communications with staff related to FAR data and a carport.

Boardmember Barnes asked if the carport, which was removed, was built without permits, and it was confirmed the carport was built without permits.

Boardmember Ozer responded to Mr. Tamplen's comments about staff. Her response was echoed by Chair Leibsohn.

Boardmember Williams asked how much smaller the ramada would need to be to fix the issue. He was curious if the ramada needed to be removed or could be reduced in size.

Mr. McMahon confirmed there was 40 sq ft to work with.

Boardmember Petsas wondered if other coverage options were explored.

Chair Leibsohn opened the public comment at 6:10 PM.

Kathleen Clifford, a neighbor, spoke against the variance request. She spoke briefly about the history of the lot, as she has been a resident in the neighborhood for some time.

Amy Isaacs, a resident in the area, spoke in opposition to the variance request. She mentioned a previous remodel done to the property.

Chair Leibsohn closed the public comment at 6:15 PM.

Boardmember Ozer asked about FAR discrepancies.

Mr. McMahon confirmed the FAR discrepancy was between the Town measurements and the applicant measurements.

Boardmember Petsas asked what would happen if the variance was denied.

Mr. Burton advised that if the variance request was denied, the structure or a portion of the structure would need to be removed.

Boardmember Barnes talked about the removal of overhangs from the house as a solution to balance the structure.

Mr. McMahon confirmed that the existing structure could be modified to remove overhangs to make FAR work.

Boardmember Ozer shared her intent to deny the motion.

Chair Leibsohn asked about the authority of Board.

John Gaylord advised that the Board does not have authority to make a decision based on a permit or lack of permit. He reminded the Board that their decision should be focused on physical characteristics of the property, regardless if a permit was obtained or not. He reiterated that the Board's vote should be based on the variance criteria.

**A motion was made by Boardmember Kuykendall, seconded by Boardmember Contadino, to deny item 25-039. The motion failed by the following vote:**

**Aye:** 3 –Boardmember Barnes, Boardmember Contadino, Boardmember Kuykendall,

**Nay:** 4 – Chair Leibsohn, Boardmember Ozer, Boardmember Petsas, Boardmember Williams

Chair Leibsohn suggested another motion be made.

**A motion was made by Boardmember Ozer, seconded by Boardmember Williams, to approve item 25-039 subject to stipulations. The motion carried by the following vote:**

**Aye:** 5 – Chair Leibsohn, Boardmember Contadino, Boardmember Ozer, Boardmember Petsas, Boardmember Williams

**Nay:** 2 –Boardmember Barnes, Boardmember Kuykendall

Boardmember Ozer briefly addressed Mr. Tamplen.

**B. 25-098 Discussion and Possible Action on Case No. BA-25-01  
Fishman Variance – 6650 E Meadowlark Lane (APN 174-51-021)  
Variance to allow a detached garage to encroach into the side  
yard setback**

Mr. Burton presented the item. He showed a vicinity map and aerial view of the property, then spoke about site conditions, history of the lot, and details of the request. He also showed site plans and elevations to display the location of the garage. Mr. Burton shared that staff's analysis found no property hardships, so denial is recommended. He briefly addressed public comments.

Boardmember Williams questioned if there was a height issue with the original application, and Mr. Burton stated there was no height issue.

The applicant, Matthew Fishman, was introduced by his representative Kaylee Smith. Ms. Smith presented the item.

Boardmember Kuykendall asked what kind of vehicle would be going in the garage.

Ms. Smith stated the garage would house a large sprinter van and truck.

Chair Leibsohn addressed the visual impact mentioned by Ms. Smith. He asked her thoughts on there being a lack of greenery for shielding in the proposed area.

Ms. Smith shared an intention for additional hedges and greenery in the area.

Boardmember Kuykendall pointed out the walkway between the garage and guest house. He asked if the garage could be moved closer to the guest house.

Ms. Smith stated that code required 10 feet between an accessory unit and existing primary structure.

Boardmember Contadino commented that the structure would visually impact the houses at the end of the cul-de-sac. He expressed additional concern with the structure being more than a garage based on the size.

Ms. Smith stated that originally, they had wanted to add a bathroom and use the space as a gym, but those plans have been removed. She spoke about the garage, currently designed to house two vehicles.

Boardmember Barnes pointed out the setbacks necessary for the attached casita, and its height. He also addressed an earlier statement about hiding the sprinter van and asked if a motorhome could be parked on the street.

Mr. Burton confirmed that although the roof lines appeared to be connected to the primary home, the guest house was a detached accessory structure. He briefly noted setbacks for a detached accessory structure. He informed the Board that a motorhome would need to be parked and screened in the side or rear yard, it could not be parked on the street.

Chair Leibsohn opened and closed the public comment at 6:53 PM.

**A motion was made by Boardmember Ozer, seconded by Boardmember Kuykendall, to deny item 25-098. The motion carried by the following vote:**

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

**C. 25-075 Discussion and Possible Action on Case No. BA-25-02  
Amin Variance – 6521 N. 40<sup>th</sup> Place (APN 169-52-020)**

## **Variance to allow a new single-family residence to encroach beyond allowable height limits**

Mr. Burton presented the item. He started by displaying an aerial photo of the R-43 lot, then discussed the background, scope of the request, history, site conditions, and public comments. Mr. Burton shared details related to the height encroachments, showed elevations, renderings and cross sections to display the slope of the lot. He addressed the staff analysis, noting that approval was being recommended.

Victor Sidy, the project architect, presented the item. He discussed Lowest Natural Grade (LNG) on the property, height encroachments, and the butterfly design.

Boardmember Contadino pointed out the raised building pad of the property and asked about visual impact on the neighborhood.

Mr. Sidy showed the contours of the site and discussed potentially reducing the pad height.

Commissioner Kuykendall commented on the height limits which are not only there for views but also to prevent imposing structures.

Mr. Sidy noted that height was measured from the LNG on the site. He explained that the spirit of the Hillside ordinance was used to dictate what he felt was an appropriate massing for this project. He further explained that the house was set back an additional 20 feet further than what was required, due in part to avoid some of the extreme contours on the site and to diminish the impact of a high roof.

Modifications to the design were discussed amongst the Board and Mr. Sidy.

Chair Leibsohn opened the public comment at 7:29 PM

Christopher May, a resident, spoke in favor of the variance request.

Paramuir Tuli, a resident, spoke in favor of the variance request.

Chair Leibsohn closed the public comment at 7:33 PM

After being asked by Boardmember Ozer, Mr. Sidy expressed his preference to continue the item.

**A motion was made by Boardmember Ozer, seconded by Chair Leibsohn, to continue item 25-075 to the June 4, 2025 meeting date. The motion carried by the following vote:**

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

Boardmember Ozer asked questions about the procedure for a continuance.

**Recess 7:37 PM**

**Reconvened 7:52 PM**

**D. 25-083      Discussion and Possible Action on Case No. BA-25-03  
Jellies Variance – 5204 N 70<sup>th</sup> Place (APN 173-18-028)  
Variance to allow a pool and spa to encroach into the setback**

Mr. Burton presented the item. He showed a vicinity map and aerial photo, then discussed conditions and details of the R-18A parcel as well as the variance history. Mr. Burton addressed the scope of the request, the shallow depth of the lot, and alleyway. He noted public comment had been received and staff is recommending approval.

Chair Leibsohn asked if there were plans to abandon the alleyway or it would remain forever.

Boardmember Contadino pointed out that the alleyway did not appear to be evenly split between properties.

Mr. Burton was unaware of future plans for the alleyway. He shared alleyway details and explained it was separately dedicated. The alleyway setback was discussed amongst the Board and staff.

Ben Tate, the attorney for Property Owner Rick Jellies, presented the item. He shared the site history and an overview, as well as special circumstances, relevant to the variance request.

Chair Leibsohn asked about the dimension between the existing covered patio and the proposed pool. He wondered if this dimension was considered the minimum distance needed to make the area feasible.

Property Owner Rick Jellies spoke about the 6.5-foot walkway, and his need to remove some trees to make enough space between the home and pool.

Chair Leibsohn opened the public comment at 8:17 PM

Kathleen Clifford, a resident, spoke in favor of the variance request.

Fred Ayub, a neighbor, spoke in favor of the variance request.

Chair Leibsohn closed the public comment 8:21 PM

Chair Leibsohn asked if the other structures displayed on the plans were included in this request. He was informed that the other structures were on the plans for reference only.

**A motion was made by Boardmember Kuykendall, seconded by Boardmember Petsas, to approve item 25-083 subject to stipulations. The motion carried by the following vote:**

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

## **6. ACTION ITEMS**

## **7. CONSENT AGENDA**

### **A. 25-089 Approval of April 2, 2025 Board of Adjustment Minutes.**

**A motion was made by Boardmember Ozer, seconded by Chair Leibsohn, to approve the April 2, 2025 Board of Adjustment Minutes as presented. 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 shared that two items were expected for the June 4<sup>th</sup> meeting date, potentially four.

Boardmember Ozer stated she would be out of Town and suggested she appear electronically.

Chair Leibsohn was in favor of an exception, allowing Boardmember Ozer to appear electronically for the June meeting.

Miss Fullbright noted that a joint training session with the Planning Commission was tentatively scheduled for the evening of July 15<sup>th</sup>.

## **11. ADJOURNMENT**

**A motion was made by Chair Leibsohn, seconded by Boardmember Ozer, to adjourn the meeting at 8:30 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