

HAND DELIVERED TO THE TOWN OF PARADISE VALLEY BUILDING ON NOVEMBER 24TH, MONDAY.

November 23rd 2025

LETTER OF CONCERN

ATTENTION: Mr. Jose Mendez, Mr. Juan Gonzalez.
Hillside Building Committee
Town of Paradise Valley,
6401 E Lincoln Drive
Paradise Valley, Arizona 85253

RE: Scheduled Combined Plan Review meeting on December 10th, 2025, at 8 am, at PV Town Hall

Subject/Issue: Kurt Barry
5411 E. Roadrunner Rd
Paradise Valley, AZ 85253

He is proposing a new construction of a free-standing, detached two-garage near the top of his existing driveway, adjacent to the original garage of his home.
We only found out about Mr. Barry's plans 4 days ago, and about a possible decision being made on Dec 10th, which is only 2 1/2 weeks away.

As a result, I felt it was necessary to place a letter of concern on file with the Town of Paradise Valley Hillside Committee ASAP.
To our knowledge, the Las Brisas HOA has only been informed of Mr. Barry's intent through email.

ATTENTION:
MEMBERS OF THE HILLSIDE BUILDING COMMITTEE:

INTRODUCTION:

We are adjacent neighbors of Kurt Barry and share a property line and a low existing 4-foot wall built in 1990 by the developer and builder of our home (DAVE HANSEN CONSTRUCTION). The tops of our driveways are as close to each other as those of two adjacent property owners, Lot 13 (Kay Ord) and Lot 11 (Becky and Jim Abbott).

A. Copy of the location of lots on Las Brisas is attached for review.

The proposed garage will be located near an already crowded space.

We were just informed by a letter from the Town of Paradise Valley indicating the intent of our neighbor and the pending upcoming meeting on December 10th.
This makes it an issue of time being of the essence, as that meeting is merely 16 days away.
Hence, the need for our hand-delivered letter to the Town of Paradise Valley Hillside Committee.

We had no prior discussion or notification of this proposed construction from our neighbor on Lot 12.

The Las Brisas H.O.A. executives had no knowledge of this proposal until 4 days ago.

We have concerns with this proposed construction.

LETTER OF CONCERN/OBJECTION

Our concerns are: 1. "Legal" based on our Las Brisas C.C. and R's stipulation.

2. Aesthetic concerns.

1. **"Legal" concerns.** See attachment pages 4 and 5, section E under IMPROVEMENTS AND ALTERATIONS of Las Brisas C.C. and R's.

Refer to:

- A. Single Family Residential Use (copy attached) which explicitly states that "No structures whatsoever (including detached free-standing garages) can be erected after the main house has been completed". The C.C. and R's stipulate that any structure must be at least 20 feet from our property line measured from side to side.

2. Aesthetic Concerns.

Any proposal must align with the aesthetics of the surroundings and harmony of the landscape —specifically, the appearance of the 2-car garage when viewed from nearby properties. See page 5 (attached) of the Las Brisas C.C. and R's. Marked with an asterisk.

It is our opinion that the structure would definitely not fit the open, distinctive, unique hillside beauty of Las Brisas and of Paradise Valley achieved over the years by diligent enforcement of land use policies.

This junction of their properties is already overcrowded, and the addition of a garage would only add to the crowded appearance.

These same aesthetic concerns might affect the view from Lot 13.

I suspect a garage built might affect drainage on Lot 10 and Lot 13.

We haven't had time to discuss this with our neighbor on Lot 13 since notice was not received until 4 days ago.

The other major concern is the continuing issue of water runoff and flooding, which might possibly be exacerbated by the construction of the building in that particular area. This has been a major topic for residents at Las Brisas recently.

Lastly, regarding the AESTHETICS concerns, we worry that such a structure could negatively impact our surrounding landscape and the beauty of the hillside. The structure would negatively impact our creation of a calm, peaceful, and beautiful landscape in our backyard, and would place us right up NEAR a 2-car free-standing garage structure just over our low garden wall.

The proposed construction complies neither with the C.C. and R's of Las Brisas stipulations nor with the Las Brisas and Paradise Valley unique sense of natural openness and hillside mountain preservation.

We wish Mr. and Mrs. Barry well in their endeavors, and we plan to continue working closely, in a positive way, with the Las Brisas community to address future issues that may arise.

Sincerely,
Evan and Bee Bauer
5423 E. Roadrunner Rd, AZ 85253.
480-991-5825

Attachment:

1. Las Brisas C.C. and R's pages 4 and 5.
2. Las Brisas Amended diagram of Lots and location.

C.C. KURT BARRY
DR. CHRIS
CATHY COOVER
KAY ORD
BECKY and JIM ABBOTT

The permitted uses, easements and restrictions for all property covered by this Declaration, except for the ~~Common Area~~, shall be as follows:

A. SINGLE FAMILY RESIDENTIAL USE. All property shall be used, improved and devoted exclusively to Single Family Residential Use. No gainful occupation, profession, trade or other nonresidential use shall be conducted on any such property. Nothing herein shall be deemed to prevent the leasing of all such property to a single family from time to time by the Owner thereof, subject to all of the provisions of the Declaration. ~~No structure whatever, other than one private, Single Family Residence, a guest house, and servants' quarters shall be erected, placed or permitted to remain on any of the lots. Other accessory buildings will be considered by the Architectural Committee, however, any decision made by this Committee regarding accessory buildings shall be final. A private garage, customary outbuildings, or guest suite shall not be erected until the private residence has been previously erected provided, however, that such additional buildings may be constructed simultaneously with the main residence.~~

B. ANIMALS. No animals, birds, fowl, poultry, or livestock, other than a reasonable number of generally recognized house or yard pets, shall be maintained by any property within the Properties and then only if they are kept, bred or raised thereon solely as domestic pets and not for commercial purposes. No animal, bird, fowl, poultry or livestock shall be allowed to make an unreasonable amount of noise, or to become a nuisance. No structure for the care, housing or confinement of any animal, bird, fowl, poultry, or livestock shall be maintained so as to be visible from neighboring property. Upon written request of any Owner, the Board shall conclusively determine, in its sole and absolute discretion, whether for the purpose of this Paragraph, a particular animal, bird, fowl, poultry, or livestock is a generally recognized house or yard pet, or a nuisance, or whether the number of animals or birds on any such property is reasonable. Any decision rendered by the Board shall be enforceable as any other restriction contained herein.

C. ANTENNAS. No antenna or other device for the transmission or reception of television or radio signals or any other form of electromagnetic radiation shall be erected, used or maintained outdoors on any building within the Properties, whether attached to a building or structure or otherwise, in such a manner as to be visible from neighboring property. Ham radio towers must be of the electrically or automatically raised type when in use, and lowered from view when not in use. It must be expressly understood that all radio towers, or antennas, of any type must be approved with written approval of the Architectural Committee for LAS BRISAS, as provided herein. In addition, a special Use Permit must be first obtained from Maricopa County.

D. UTILITY SERVICE. No lines, wires or other devices for the communication or transmission of electric current or power, including telephone, television and radio signals, shall be erected, placed or maintained anywhere in or upon any property within the Properties unless the same shall be contained in: conduits or cables installed and maintained underground or concealed in or on buildings or other structures approved by the Architectural Committee. No provisions hereof shall be deemed to forbid the erection of temporary power or telephone structures incident to the construction of buildings or structures approved by the Architectural Committee.

E. IMPROVEMENTS AND ALTERATIONS. No improvements, alterations, repairs, excavation or other work which in any way alters the exterior appearance of any property within the Prop-

erties or the improvements located thereon from its natural or improved state existing on the date such property was first conveyed in fee by Declarant to a Public Purchaser, shall be made or done without the prior approval of the Architectural Committee, except as otherwise expressly provided in this Declaration. No building, fence, wall, residence or other structure shall be commenced, erected, maintained, improved, altered, made or done without the prior written approval of the Architectural Committee or any committee established by the Architectural Committee or any committee established by the Architectural Committee for said purpose, or by the Declarant. Pursuant to its rulemaking power, the Architectural Committee shall establish a procedure for the preparation, submission and determination of applications for any such alteration or improvement. The Architectural Committee shall have the right to refuse to approve any plans or specifications or grading plan, which are not suitable or desirable, in its opinion, for aesthetic or other reasons, and in so passing upon such plans, specifications and grading plans, and without any limitation of the foregoing, it shall have the right to take into consideration the suitability of the proposed building or other structure, and of the materials of which it is to be built, the site upon which it is proposed to erect the same, the harmony thereof with the surroundings and the effect of the building or other structure as planned, on the outlook from the adjacent or neighboring property. All subsequent additions to or changes or alterations in any building, fence, wall or other structure, including exterior color scheme, shall be subject to the prior approval of the Architectural Committee. No changes or deviations in or from such plans and specifications once approved shall be made without the prior written approval of the Architectural Committee or the Declarant. All decisions of the Architectural Committee shall be final and no lot owner or other parties shall have recourse against the Architectural Committee for its refusal to approve any such plans and specifications or plot plan, including lawn area and landscaping. No basketball standards or fixed sports apparatus shall be attached to any Unit or garage or be erected on any Lot without the prior approval of the Architectural Committee.

F. TEMPORARY OCCUPANCY. No trailer, tent, shack, garage or barn, and no temporary buildings or structures of any kind shall be used at any time for a residence on any property within the Properties either temporary or permanent. Temporary buildings or structures used during the construction of a dwelling on any such property shall be removed immediately after the completion of construction, which shall be prosecuted with reasonable diligence to completion.

G. TRAILERS AND MOTOR VEHICLES. No mobile home, boat, recreational vehicle, trailer of any kind, truck camper, or permanent tent or similar structure shall be kept, placed, or maintained, or constructed, reconstructed or repaired, nor shall any motor vehicle be constructed, reconstructed or repaired, upon any property or street (public or private) within the Properties, in such a manner as will be visible from neighboring property; provided, however, that the provisions of this Paragraph shall not apply to emergency vehicle repairs or temporary construction shelters or facilities maintained during, and used exclusively in connection with, the construction of any improvement approved by the Architectural Committee.

H. BUILDING SITE AND LANDSCAPING. Consideration shall be given to the design of homes and the development of building sites, to avoid unnecessary destruction to the natural growth and terrain of these building sites, therefore, raw spill banks will not be permitted. Spill banks that occur from the development of dry waste, patio areas, or building sites must be reduced to a gentle slope and totally landscaped or completely covered with a

ADDENDUM TO MAIN LETTER OF OBJECTION WITH REGARD TO PROPOSED
BUILDING OF A NEW 2 CAR DETACHED GARAGE ON HILLSIDE LOT #12 LAS
BRISAS , P.V. NORTH SIDE OF MUMMY MOUNTAIN.

This is an addendum to our hand delivered ((NOV. 23RD) Letter Of Objection already on file with you to be used at the meeting of Dec. 10th .

It is to help clarify our objections to building a detached structure based on the very real ,never ending flooding, erosion, and runoff on the north side of Mummy Mountain. This has continued to be an unresolved issue and continues to be a big problem.

Please refer to the attached Las Brisas Amended map of the 12 homesites in our enclave.

The runoff has been intense , to say the least during summer and winter storms and monsoons.

Our home (Lot #10) is located at the collection point it seems where all runoff above us from the north side of Mummy Mountain is funneled down to be carried thru our drainage system. Since our home was built in 1988 by the well recognized P.V. hillside developer , DAVE HANSEN , the volume and intensity of the runoff water being collected and carried by this 4 foot diameter conduit pipe ("funnel" if you will) starting under the north side of our back yard wall seems to increase dramatically with each addition of a new home construction,both above and beside our property.

To clarify things, this very visible pipe continues under our back yard , under our garage ,emerging out on to a 15-20 foot wash before entering a similar 4 foot conduit built under our driveway and emerging on to our neighbor's land (#Lot 13 , Kay Ord) . The heavy run off continues to pass underground on Lot #14 (Bunny Gordon) to ,hopefully emerge on the Roadrunner Rd and 54th Street intersection.

This very heavy , fast moving torrent carries rocks, sand and mud from all regions above us including all Lots above us on the north side of Mummy Mountain.

A collector culvert /ditch on Lot #11 about 2 feet wide from top to bottom (our backyard property wall) was built by Dave Hansen in 1990 after problems began soon after moving in. Mud and rocks backed up all around our backyard wall as this runoff was diverted from the intended 4 foot conduit pipe. The mud and rocks flowed down our driveway. as well. Every new construction created or exacerbated new problems due to increased drainage challenges. At one point , the increased demands on our conduits-pipes caused a collapse of our driveway. The increased demands on our pipes under our driveway caused diversion and erosion which finally collapsed our driveway.

In essence , the proposed addition of a very closeby 24 foot X 24 foot structure 's foundation will, without a doubt, funnel storm runoff water over to our nearby conduit pipe entry point under our back yard and

This increased flow would overwhelm an already "maxed out" drainage system and would most certainly cause very significant damages to our property .

In the recent past, rocks, debris and mud have ended up trapped on the floor of our wash necessitating ,as it turns out, continued clean outs by a gardener. In summary ,these drainage issues, taken on their own , should be reason enough for denial of this proposed structure at the time e of the Dec. 10th meeting.

As carefully outlined in our main Letter of Objection hand delivered on Monday/ Nov. 23rd , the violations of our LAS BRISAS LEGALITIES as stipulated in our C.C. and R's prohibiting such a structure as well as the failure to comply with AESTHETICS principles of both P.V. and Las Brisas should add even more reasons to deny this proposal at the time of the upcoming TPV HILLSIDE COMMITTEE scheduled for 8 AM DEC. 10TH at the Town Hall.

Unfortunately, as things are turning out, we likely will be unable to attend as we have very important procedures and consultations scheduled that same AM at the Mayo Clinic made over one year ago.

We have been unable to change the dates. I'm unsure whether this issue could be rescheduled in to January?

Thank you for your understanding in this matter.

Sincerely,
Evan and Bee Bauer

Attachment :
Las Brisas Subdivision Map of our 12 homesites