

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: November 5, 2025

DEPARTMENT: Community Development Department/Planning Division
Brandon McMahon, 480-348-3531

AGENDA TITLE:
Rossi Variance – 7000 E Vermont Avenue (APN 173-18-031A)
Variance to allow a pool to encroach into the setback
Case No. BA-25-08

This application is a variance request to allow a new pool to encroach into the north/rear yard setback. Staff recommends approval of this variance request.

RECOMMENDATION

Motion For Approval

It is recommended that the Board of Adjustment **[approve]** Case No. BA-25-08, a request by David Dick, on behalf of Paul Rossi property owner of 7000 E Vermont Avenue; for a variance from the Zoning Ordinance, Article VII, (R-18 and R-18A) Single Family Residential Districts, to allow a pool to encroach into the north/rear yard setback.

Reasons For Approval:

Staff finds that there are special circumstances and property hardship that warrant the request for setback encroachment and staff believe that the request meets all three variance criteria.

BACKGROUND/DISCUSSION

Scope of Request

The applicant is requesting a variance for setback encroachment. Section 702.4 of the Zoning Ordinance requires a minimum pool and spa setback of 40 feet from the front property line and a 20-foot setback from the side and rear property lines. The applicant is requesting a variance to allow a new pool to be setback 14 feet from the north/rear property line (6 feet of encroachment).

The pool is 438 square feet (36 feet 6 inches long by 12 feet wide) with 219 square feet encroaching into the rear yard setback. The proposed new spa is compliant, as it adheres to

the required 20-foot rear yard setback. Below is a comparison of the Zoning Ordinance requirements and proposed pool/spa setbacks.

Zoning Ordinance	Proposed Pool
40' Front Yard Setback	94' (+/-)
20' Side Yard Setback (West)	50' 6" (+/-)
20' Side Yard Setback (East)	126' 3" (+/-)
20' Rear Yard Setback	14'

Lot History

The subject property is Lot 3 of the Quail Vista subdivision. This lot was platted into the Town in 1977. According to Maricopa County, the original home was built in 1980 and went through a substantial remodel in 2024 (maintaining the existing footprint and masonry structure). The original swimming pool was constructed in 1981 and was setback approximately 15 feet 8 inches from the rear property line. The existing pool is now deteriorating and located near the existing home's foundation. The following is a chronological history of the property:

September 27, 1979	Building permit for new single-family residence
April 29, 1980	Building permit for new fence walls
February 20, 1980	Building permit for new pool
March 25, 1981	Building permit for new fence walls
February 25, 1992	Plumbing permit for gas line to spa heater
May 21, 1998	Building permit to enclose courtyard and add garage
September 19, 2024	Building permit for remodel and addition
June 25, 2025	Building permit for new fence walls (<i>ready to issue</i>)
July 23, 2025	Building permit for outdoor fireplace and firepit

Lot Conditions

The property is zoned R-18A and is 22,209 square feet in size (0.51 acres) and is fairly rectilinear in shape. The property is 130.2 feet wide along the southern frontage and 213.25 feet wide along the rear. The lot is also 120 feet deep. The R-18A zoning district requires a minimum width of 120 feet which results in an approximate minimum depth of 155 feet (if platting a new R-18A property). The location of the existing garage and driveway prevent the pool from being located on the west side of the lot. The neighborhood is also not connected to the public sewer system and therefore a significant amount of lot square footage is for current and future secondary septic system leach areas. These leach field areas, the shallow depth of the property, and the required on-site rainwater retention areas have a significant impact on the design and placement of a future pool (while trying to maintain and remodel the existing home).

The subject property and many of the other properties in the subdivision have not met the minimum depth since being platted into the Town in 1977. Article VII, R-18 and R-18A Single-Family Residential Districts, (under Ordinance 180) was incorporated into the Town Zoning Ordinance in April 1981.

DISCUSSION ITEMS

Variance 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:

The special circumstance is that the property is shallow for its zoning classification (approximately 35 feet shallower than required by code, a reduction of 22.5% of building area). If the property met the 155-foot depth, there would be additional space to accommodate a code compliant pool. The applicant has a challenging lot. Rather than building a new home, he is trying to maintain and remodel the existing house and work around existing conditions and requirements such as accommodating on-site retention, leach field requirements associated with the septic system, and working around the footprint of the existing home.

Another peculiarity with the R-18A zoning district is that detached accessory structures are required to have a 10-foot side and rear yard setback with a 15-foot height limit, whereas pool and spas are required to have a 20-foot side and rear yard setback.

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 setback encroachment is not self-imposed since the dimensions and shallow depth of the property are how the lot was platted in 1977.

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:

Setback encroachment is not atypical for this neighborhood since several neighboring properties have existing non-conforming pools. In Exhibit A1, the applicant identified several existing pools that encroach into the rear or side yard setbacks, which show pools with varying setbacks of 12 feet to 16 feet.

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. 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 David Dick, provided September 17, 2025.
 - ii. Lot Requirements Diagram, prepared by David Dick, dated July 15, 2025.
 - iii. Site Plan, prepared by David Dick, dated July 15, 2025.
 - iv. Existing Site Plan, prepared by David Dick, dated July 15, 2025.
 - b. The applicant must obtain the required building permits and inspections from the Building Division.
2. Deny the variance request.
3. Continue the application for further review.

COMMENTS/NOTIFICATION

Staff has not received any comments or inquiries regarding this variance request. The applicant posted the site on October 2nd and mailed notice (to lot owners within a 1500' radius of the subject site) on October 9th. The newspaper legal advertisement for this case was placed in the Scottsdale Republic on October 18th. All required affidavits are included in the case packet material (Attachment E). The applicant has provided three letters of support from property owners within the subdivision.

COMMUNITY IMPACT: None.

CODE VIOLATION: None.

ATTACHMENTS

- A. Staff Report
- B. Vicinity Map & Aerial Photo
- C. Application
- D. Narrative & Plans
- E. Notification Materials
- F. Power Point Presentation