

# TOWN *Of* PARADISE VALLEY



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## STAFF REPORT

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**TO:** Chair and Board of Adjustment

**FROM:** Chad Weaver, Community Development Director  
Paul Michaud, Planning Manager  
George Burton, Senior Planner  
Brandon McMahon, Planner II

**DATE:** January 7, 2026

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

**AGENDA TITLE:**

**Pace Variance – 7062 E Belmont Avenue (APN 174-40-063)**

**Variance to allow a trellis to encroach into the side yard with frontage setback  
Case No. BA-25-12**

This application is a variance request to allow an unpermitted trellis to remain and to encroach into the east/side yard with frontage setback. Staff recommends denial of this variance request.

**RECOMMENDATION**

Motion For Denial

It is recommended that the Board of Adjustment [**deny**] Case No. BA-25-12, a request by Benjamin Tate of Withey Morris Baugh, PLC, on behalf of the Pace Family Trust property owner of 7062 E Belmont Avenue; for a variance from the Zoning Ordinance, Article X, Height and Area Regulations, to allow a trellis to encroach into the side yard with frontage setback.

Reasons For Denial:

Staff finds that there are no property hardships that warrant the request for setback encroachment and staff believes that the request does not meet all three variance criteria.

**BACKGROUND/DISCUSSION**

Scope of Request

The applicant is requesting a variance for setback encroachment. Table 1001B of Article X of the Zoning Ordinance requires a minimum detached structure setback of 40 feet from the side with frontage property line. The applicant is requesting a variance to allow an unpermitted trellis structure to remain at a setback of 15-foot from the east/side with frontage property line (25-feet of encroachment).

The trellis structure is 163 square feet (15-feet 11-inches long by 10-feet 3-inches wide), all of which will be encroaching into the side with frontage setback. The trellis is 8-feet tall

measured from the lowest adjacent grade. Below is a comparison of the Zoning Ordinance requirements for detached structures and the existing trellis.

<b>Zoning Ordinance (R-35CP)</b>	<b>Trellis</b>
60' Front Yard Setback	94' (+/-)
10' Side Yard Setback (West)	50' 6" (+/-)
40' Side with Frontage Setback (East)	<b>15'</b>
10' Rear Yard Setback	15' 9" (+/-)
15' Maximum Height	8' (+/-) Tall

#### Lot History

The subject property is Lot 62 of the Cheney Estates subdivision. This lot was platted into the Town in 1992. According to permit records, the original home was built in 1993 and went through an interior remodel in 2020. The current homeowners also permitted a detached structure in the northwest corner of the rear yard in early 2025. The following is a chronological history of the property:

October 6, 1993	Building permit for new residence
May 13, 1994	Building permit for new pool
June 29, 1994	Building permit for new fence walls
July 21, 2020	Building permit for main residence interior remodel
February 10, 2025	Building permit for detached structure in rear yard
May 5, 2025	Code violation for unpermitted trellis structure ( <i>open</i> )

#### Lot Conditions

The property is zoned R-35 CP and is 23,393 square feet in size (0.53 acres) and is rectilinear in shape. The property is 150 feet wide along the southern frontage, as well as 150 feet wide along the rear. The lot is 164.28 feet deep. The R-35 zoning district requires a minimum width of 150 feet which results in an approximate minimum depth of 190 feet (if platting a new R-35 property). The lot also currently maintains a 24.9% floor area ratio, per the approved plan set for the detached structure in 2025 (5,929 square feet). The addition of this trellis structure (16.5 square feet) would put the lot at 24.99% (5,846 square feet).

### **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 request is for a setback variance; however, the width of the lot is not substandard/narrow and meets the minimum R-35 requirements. The applicant's stated hardship is the shallow depth of the lot since that limits the amount and the area of improvement (with the property being 21% or 40 feet shorter in depth for its zoning category). Although the shallow depth reduces the amount of buildable area, the request does not appear to be the minimum amount needed to cure the property hardship. It

appears that the property can accommodate a code compliant trellis and the Town Code also does not guarantee the most optimal use of the property. Further, this subdivision was platted as a cluster with that shape and depth and this lot is not unusual within this district.

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 self-imposed since there are no property hardships that prevent setback compliance. The property lacks standard depth and is slightly undersized for its zoning classification but is of similar size to the neighboring properties, and was purposefully platted in a cluster plan. If the applicant obtained a building permit from the Town prior to constructing the trellis, any setback encroachment would have been identified during the plan review process.

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 setback encroachment. Although some of the neighboring properties may have existing non-conforming structures and/or setback encroachment, all new additions in this neighborhood must meet or exceed the setback requirements. The property can accommodate a code compliant trellis.

## 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 Benjamin Tate of Withey Morris Baugh, PLC, provided November 25, 2025.
    - ii. Site Plan, prepared by CJS Lifestyle & Design, dated November 11, 2025.
    - iii. Elevation Detail, prepared by CJS Lifestyle & Design, dated November 11, 2025.
  - b. The applicant must obtain the required building permits and inspections from the Building Division.
  - c. Floor Area Ratio (FAR) certification will be required with any building permit approval to ensure compliance with FAR requirement.
3. Continue the application for further review.

## COMMENTS/NOTIFICATION

The applicant posted the site on December 8<sup>th</sup> and mailed notice (to lot owners within a 1500-foot radius of the subject site) on December 12<sup>th</sup>. The newspaper legal advertisement for this case was placed in the Scottsdale Republic on December 18<sup>th</sup>. All required affidavits are included in the case packet material (Attachment F). The applicant has provided twenty-three letters of support from property owners within the subdivision (Attachment E). The Cheney

Estates Board of Directors have also provided a letter of opposition (also within Attachment E).

**COMMUNITY IMPACT:** None.

**CODE VIOLATION:** CV25-06635 is an open code violation for the un-permitted trellis structure. Should the Board approve the requested variance, then the violation will be removed. Should the Board deny the request, then the violation will remain until the structure is removed.

**ATTACHMENTS**

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