

# **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

**DATE:** September 3, 2025

**DEPARTMENT:** Community Development Department/Planning Division  
George Burton, 480-348-3525

**AGENDA TITLE:**

**Vanden Eykel Variance – 6528 N Hillside Drive (APN 169-46-034)  
Discussion and Possible Action on a Variance to allow an existing  
nonconforming carport that encroaches into the setback to be converted into a  
garage. Case No. BA-25-07**

This application is a variance request to allow an existing nonconforming carport (which encroaches into the side yard setback) to be enclosed and converted into a garage. Staff recommends approval of the garage conversion due to the site's special circumstances and associated property hardships.

**RECOMMENDATION**

Motion For Approval:

It is recommended that the Board of Adjustment **[approve]** Case No. BA-25-07, a request by Maurice Vanden Eykel, property owner of 6528 N. Hillside Drive; for a variance from Article X, Height and Area Regulations, and Article XXIII, Nonconformance, to allow an existing carport which encroaches into the setback to be enclosed and converted into a garage.

Reasons For Approval:

Staff find that the size and location of the wash and the size and shape of the lot create property hardships that warrant the variance request.

**BACKGROUND/DISCUSSION**

Scope of Request

The property is zoned R-43 and Section 1001 of the Town Zoning Ordinance requires a minimum side yard setback of 20 feet for the primary residence. Section 2307 of the Town Zoning Ordinance also identifies that the alternations to a nonconforming structure must not result in an increase in the nonconformity or nonconforming aspect.

A nonconforming aspect of a structure includes the presence, mass, volume, height and/or square footage of a structure. A variance is required since enclosing/placing walls on the carport increases the mass or presence of the structure and therefore increases the nonconforming aspect.

The setbacks of the existing carport vary from 11 feet 11 inches to 17 feet 8 inches measured from the north/side property line. The applicant is requesting a variance to enclose the existing carport and convert it into a garage. The converted garage will maintain the existing setbacks, height, and area (of approximately 10 feet 2 inches tall measured from lowest natural grade under the footprint of the home). The garage will accommodate two vehicles and approximately 114 square feet of the garage will encroach into the north/side yard setback. The proposed improvements for the garage conversion will comply with all other zoning requirements.

Below is a comparison of the Zoning Ordinance requirements and proposed garage/office addition.

	<b>Zoning Ordinance</b>	<b>Carport/Garage Conversion</b>
North/Side Yard Setback	20'0"	11'11"
South/Side Yard Setback	20'0"	140' (+/-)
West/Rear Yard Setback	40'0"	160' (+/-)
East/Front Yard Setback	40'0"	65' (+/-)
Maximum Height	24'	10'2' (+/-)
Floor Area Ratio Limit	25.0%	15.0%

#### Lot History

The subject property is Lot 34 of the Paradise Highlands subdivision. The property was platted in Maricopa County and annexed into the Town in 1979. The home was constructed under Maricopa County's jurisdiction and the following is a chronological history on the development of the property under the Town's jurisdiction:

January 14, 1980	Building permit for an addition to the residence
July 27, 1981	Building permit for a storage shed

#### Lot Conditions

The property is zoned R-43 and is 38,036 square feet in size (0.87 acres). The property is:

- Obtuse shaped, with the front property line 202 feet wide and the rear property line 122 feet wide,
- Has a "U" shaped wash that encompasses approximately a third of the lot which is located at the southern, western, and eastern parts of the property, and
- The lot is undersized for its zoning classification at 38,036 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 is the staff's analysis regarding 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 nonconforming setback is a result of the house being constructed under Maricopa County's jurisdiction. The applicant has a difficult lot to build on and is trying to remodel the existing home (instead of replacing it with a new home).

The property has an obtuse shape which narrows at the rear of the property, the lot is 13 percent smaller than a standard R-43 zoned lot, and the property is burdened with a large "U" shaped wash which encompasses approximately a third of the lot. These factors create a restrictive building envelope and limit the area of development and redevelopment.

Enclosing and converting the existing carport into a garage maintains the existing amount of setback encroachment and should have little impact on the neighboring properties due to the low height of the garage (10 feet 2 inches tall). All other improvements to the house will comply with the Town's zoning requirements.

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 to maintain the setback encroachment is not self-imposed. The existing nonconforming setback, the size and shape of the lot, and the size and location of the wash on the property area result of how the parcel was platted and developed in Maricopa County.

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:

The request to maintain and utilize the existing setback encroachment to convert the carport into a garage is not a grant of special privilege. The lot shape, smaller lot size, and the location and size of the wash on the property create a restrictive building envelope which limits the amount of buildable area. The applicant is trying to remodel the existing home, and a garage is a typical feature/amenity for a home.

## **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. Approval is subject to the following stipulations:
  - a. The improvement shall comply with the submitted plans and documents:
    - i. Site Plan, Sheet No. A1, prepared by Lone Mountain Development and dated July 23, 2025.
    - ii. Existing Floor Plan, Sheet No. A2, prepared by Lone Mountain Development and dated July 12, 2025.
    - iii. Proposed Floor Plan, Sheet No. A3, prepared by Lone Mountain Development and dated July 12, 2025.
    - iv. Exterior Building Elevations Plan, Sheet No. A4, prepared by Lone Mountain Development and dated July 23, 2025.
    - v. Exterior Building Elevations Plan, Sheet No. A5, prepared by Lone Mountain Development and dated July 23, 2025.
    - vi. 3D Exterior Views Plan, Sheet No. R1, prepared by Lone Mountain Development and dated July 12, 2025.
  - b. The applicant must obtain all required building permits and inspections from the Town's Building Division.
2. Deny the variance request(s).
3. Continue the application for further review.

## **COMMENTS**

Neighborhood notification was completed in accordance with the Town requirements. However, staff received no inquiries or comments regarding this variance request.

**COMMUNITY IMPACT:** None.

**CODE VIOLATION:** None.

## **ATTACHMENTS**

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