



# 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, September 3, 2025

5:30 PM

Council Chambers

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#### 1. CALL TO ORDER

Chair Leibsohn called the meeting to order at 5:32 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 Hope Ozer  
Boardmember Bill Petsas  
Boardmember Quinn Williams

**Absent –** Boardmember James Kuykendall

#### 3. EXECUTIVE SESSION

#### 4. STUDY SESSION ITEMS

#### 5. PUBLIC HEARINGS

- A. 25-176 Discussion and Possible Action on a request to  
Continue 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 the allowable height limits**

Mr. Burton noted that the applicant was not present. He added that a continuance was being requested by the applicant, as the applicant is trying to modify the design and

eliminate the need for a variance. Mr. Burton stated that the next meeting would be October 8<sup>th</sup>.

Chair Leibsohn agreed to approve a continuance to the October 8<sup>th</sup> meeting date.

**A motion was made by Boardmember Ozer, seconded by Boardmember Barnes to continue item 25-176 to the October 8th, 2025 meeting date. The motion passed by the following vote:**

**Aye:**           **6** – Chair Leibsohn, Boardmember Barnes, Boardmember Contadino, Boardmember Ozer, Boardmember Petsas, Boardmember Williams

**Absent:**       **1** – Boardmember Kuykendall

**B. 25-170      Discussion and Possible Action on Case No. BA-25-06  
Westbrook Variance – 6341 N 34<sup>th</sup> Place (APN 164-05-023)  
Variance to exceed the maximum allowable retaining wall height**

Mr. McMahon presented the item. He showed a vicinity map then shared details about site conditions, history of the lot, and scope of the request. Mr. McMahon also displayed a site plan and site photos while addressing the wall sections. He noted that the property hardships warranted the request and staff were recommending approval. Public comment was mentioned.

Boardmember Ozer asked if there was anything the Board needed to do to give staff the ability to approve these types of items in the future.

Mr. Gaylord stated there was not anything that could be done tonight; however, staff could explore ways to accomplish these items being reviewed at the staff level.

Boardmember Barnes questioned the configuration of the current drainage easement. He asked if the newly proposed wall would fall within the easement or if the easement must be modified so the wall sat outside it.

Mr. McMahon showed a site plan and confirmed that the easement would be contoured to allow for the wall to reside outside of the easement.

Chair Leibsohn echoed staffs' belief that there were hardships. He wondered if the wall was measured from lowest natural grade or lowest point on the site, then called on the applicant.

Mr. McMahon advised that the wall height was measured from the exterior finished grade. Additionally, since the wall was over the allowable height limit, a variance was sought.

Gary Miller, with KBell Engineering, explained that there was bedrock on the site, so the area could not be filled in. He also explained that the new easement would run alongside the wall, but the wall would not be in the easement. He stated that there was a need for the new wall because soils around the house were very unstable.

Chair Leibsohn opened the public hearing at 5:50 PM. No comment was received, and the public hearing was closed.

**A motion was made by Boardmember Ozer, seconded by Boardmember Barnes to approve item 25-170 subject to the stipulations in the staff report. The motion passed by the following vote:**

**Aye:**           **6** – Chair Leibsohn, Boardmember Barnes, Boardmember Contadino, Boardmember Ozer, Boardmember Petsas, Boardmember Williams

**Absent:**       **1** – Boardmember Kuykendall

**C. 25-174      Discussion and Possible Action on Case No. BA-25-04  
Legacy Hill Acquisition LLC Variance – 7102 N 57<sup>th</sup> Place (APN  
169-55-033E)  
Variance to allow an addition to the house to encroach into the  
rear yard setback**

Mr. Burton presented the variance request for a hillside lot. He discussed the background, site conditions, lot history, including previous variances and permits, and scope of the request. Mr. Burton also displayed a site plan, vicinity map, aerial photo, and elevation plans. Staff believed that there are property hardships warranting the request, so approval was recommended.

Thomas Galvin, attorney with Law Rose Group, shared details of the unique property constraints. He explained how all 3 variance criteria have been met.

Boardmember Ozer asked for additional information about a recent issue with the current driveway.

The property owner explained that the family had recently experienced a scenario where they could not get the car out of the driveway because of the tandem garage layout.

Chair Leibsohn opened the public hearing at 6:05 PM.

Steven Schaffner, a resident who has lived in area for some time, stated that he had questions about the notice that was sent out and wanted to be knowledgeable of what was going on, but he was not in favor of or against the project. He asked what impact the project would have on nearby neighbors. He expressed concerns with long construction periods, jackhammering, noise, and water runoff.

Mr. Galvin affirmed that all applicable ordinances regarding noise would be followed. He added that the project met all necessary requirements.

Mark Candelaria, architect on the project, addressed concerns from Mr. Schaffner. He noted that the location of the proposed addition was mostly graded so there would not be a huge impact as far as jackhammering. He noted that water runoff would be addressed during the hillside process.

Chair Leibsohn closed the public hearing at 6:09 PM.

Boardmember Williams asked if the approval would be subject to a stipulation that the project receive formal approval from the Hillside Building Committee.

Mr. Burton confirmed that the approval would be subject to a stipulation for Hillside approval.

Chair Leibsohn welcomed a motion.

**A motion was made by Boardmember Ozer, seconded by Boardmember Contadino to approve item 25-174 subject to the stipulations in the staff report. The motion passed by the following vote:**

**Aye:** 6 – Chair Leibsohn, Boardmember Barnes, Boardmember Contadino, Boardmember Ozer, Boardmember Petsas, Boardmember Williams  
**Absent:** 1 – Boardmember Kuykendall

**D. 25-175 Discussion and Possible Action on Case No. BA-25-07  
Vanden Eykel Variance – 6528 N Hillside Drive (APN 169-46-034)  
Variance to allow an existing nonconforming carport that  
encroaches into the setback to be converted into a garage**

Mr. Burton presented the item. He started by showing a vicinity map then shared details related to the current site conditions, history and scope of the request. He also displayed a site plan to show the wash and septic locations which created a restrictive building envelope. An elevation plan, renderings, and site photos were also presented. Mr. Burton noted that public comment had not been received, and staff were recommending approval.

Boardmember Barnes asked if the project would change the footprint.

Mr. Burton noted that the existing footprint would remain.

Boardmember Contadino wondered if the home was originally constructed within the County's setback requirements.

Mr. Burton was unable to answer as he was not aware of the setback requirements at the time the home was built.

Chair Leibsohn invited the applicant to present.

Maury Vanden Eykel, the applicant and property owner, presented a proposal for the home originally built in 1962. He explained that his goal was to bring the house up to current standards and keep it intact versus bulldozing it. He briefly touched on the hardships of the lot. He noted that there was no change to the existing roof overhang, which is currently present for the carport, no change to the existing 8' encroachment, and no change to the height of the garage. Some square footage would be added to the home by enclosing the existing atrium.

Boardmember Barnes commended the applicant for maintaining and restoring the existing structure which is part of the fabric of the town. He noted there have been many teardowns.

Mr. Vanden Eykel stated that the paint color would be the biggest change on the house. It was time for the red, green, and purple to go.

Boardmember Contadino questioned if the modifications would impact exterior elevations.

Mr. Vanden Eykel explained that the garage area would remain intact so the only modification to the roof would be in the southeast corner where 12' beams were present. He expressed a desire to have a uniform ceiling.

Chair Leibsohn opened the public hearing at 6:26 PM.

Nick Rev, a representative of AJ Gieringer, voiced support for the project. He noted that Mr. Gieringer, a neighbor to the north, was out of town but he was in favor of the plans and wrote a letter of support.

Chair Leibsohn closed the public hearing at 6:26 PM. He welcomed a motion.

**A motion was made by Boardmember Contadino, seconded by Boardmember Barnes, to approve item 25-143 subject to the stipulations in the staff report. The motion carried by the following vote:**

**Aye:**           6 – Chair Leibsohn, Boardmember Barnes, Boardmember Contadino,  
Boardmember Ozer, Boardmember Petsas, Boardmember Williams

**Absent:**       1 – Boardmember Kuykendall

## **6. ACTION ITEMS**

## **7. CONSENT AGENDA**

### **A. 25-177   Approval of June 4, 2025 Board of Adjustment Minutes.**

Boardmember Ozer noted there was a minor clerical edit to the minutes.

**A motion was made by Boardmember Contadino, seconded by Boardmember Petsas, to approve the June 4, 2025 Board of Adjustment Minutes as presented. The motion carried with the following vote:**

**Aye:**           6 – Chair Leibsohn, Boardmember Barnes, Boardmember Contadino,  
Boardmember Ozer, Boardmember Petsas, Boardmember Williams

**Absent:**       1 – Boardmember Kuykendall

## **8. STAFF REPORTS**

## **9. PUBLIC BODY REPORTS**

## **10. FUTURE AGENDA ITEMS**

Mr. Burton stated that the only item expected for the October meeting would be the item continued today's date. He stated that if the item did not end up moving forward with a variance, the meeting would be cancelled, and notice would be sent to the Board.

Boardmember Ozer asked if Zoom would be an option if only the continued item was on the agenda.

Chair Leibsohn suggested continuing the item until November.

Scheduling was discussed among the Board and Staff. It was agreed that Zoom appearance would be allowable at the October meeting if there was another continuation on the agenda.

Chair Leibsohn noted he would be absent for the November meeting and asked that Boardmember Ozer of Williams serve as Chair in his absence.

## **11. ADJOURNMENT**

**A motion was made by Boardmember Ozer, seconded by Chair Leibsohn, to adjourn the meeting at 6:35 PM. The motion carried with the following vote:**

**Aye:**           **6** – Chair Leibsohn, Boardmember Barnes, Boardmember Contadino, Boardmember Ozer, Boardmember Petsas, Boardmember Williams

**Absent:**       **1** – Boardmember Kuykendall

## **Paradise Valley Board of Adjustment**

By: \_\_\_\_\_  
Cherise Fullbright, Secretary