



Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Minutes - Draft

Board of Adjustment

Chair Quinn Williams
Boardmember Robert Brown
Boardmember Priti Kaur
Boardmember Leibsohn
Boardmember Jon Newman
Boardmember Hope Ozer
Boardmember Rohan Sahani

Wednesday, April 6, 2022

5:30 PM

Council Chambers

1. CALL TO ORDER

2. ROLL CALL

Present 7 - Boardmember Robert Brown
Boardmember Priti Kaur
Boardmember Eric. Leibsohn
Boardmember Jon Newman
Boardmember Hope Ozer
Boardmember Rohan Sahani
Chairperson Quinn Williams

3. EXECUTIVE SESSION

None.

4. STUDY SESSION ITEMS

None.

5. PUBLIC HEARINGS

- A. [22-139](#) Bluechip Investment Company (Kenneth Ricci/Pamela Ricci)
Hillside Variance - 7011 N Invergordon Road (APN 174-52-005C).
Case No. BA-22-03.

George Burton, Senior Planner, provided an overview of the request to maintain an existing non-conforming retaining wall as well as maintain and modify an existing non-conforming hillside cut. He noted that the applicant was doing an extensive remodel and addition of over 50% of the existing square footage of the home which would require nonconforming cuts and retaining walls to come into compliance per code. He pointed out that the applicant was in the process of combining this lot with the neighboring property to the southwest.

Mr. Burton explained that the Town Code allows for a maximum height of 8 feet on retaining walls and the applicant is requesting to maintain a portion of existing driveway retaining wall that is 10 feet 6 inches at its highest point in one

area. He stated staff recommended approval of the variance request due to property hardship and belief that the request to maintain the non-conforming portion of driveway retaining wall met the intent of the code.

Mr. Burton also shared that the applicant was requesting to maintain and modify the existing and nonconforming hillside cut (which has a maximum height of 44 feet even and the current Town Code only allows for a maximum cut height of 30 feet). He announced that staff recommended approval of this variance request due to property hardship as well as the special circumstance associated with this property.

Mr. Burton presented information regarding public comments received on the item. He indicated one neighbor inquired about the scope of the request and another neighbor asked how the improvements would affect his property.

Boardmember Eric Leibsohn asked what the retaining wall and cut height limits were when the property was originally developed in 1995.

Hugo Vasquez, Hillside Administrator, stated that the 1984 code would have been in affect at that time. He noted that code had an 8-foot height limit for retaining walls and a 30-foot cut height limit. He noted that the difference in height could be due to changes in interpretation to the code or from erosion.

Doug Jordan, Applicant Representative, remarked that he was representing Ken and Pamela Ricci who are the property owners. He pointed out that the Ricci's own two neighboring lots which they were in the process of combining into one lot. He commented that they received a letter from Nick Prodanov which indicated that removing the retaining wall could have negative drainage implications.

Chairperson Quinn Williams called for public comments on the application. No comments were offered, and the public comment period was closed.

Boardmember Hope Ozer remarked that the application met all six of the criteria for a variance and stated she had no issue with approving.

Boardmember Leibsohn agreed that there were existing hardships with the site that warranted approval.

Boardmember Rohan Sahani commented that he agreed and desired to grant approval of the request.

Boardmember Ozer motioned to approve the variance subject to the stipulations included in the staff report.

A motion was made by Board Member Ozer, seconded by Board Member Leibsohn to approve a variance from Article XXII, Hillside Development Regulations to maintain an existing nonconforming retaining wall and to maintain and modify an existing nonconforming hillside cut, subject to the following stipulations:

The improvements shall be in compliance with submitted plans & documents:
Architectural Site Plan Exhibits, Page 6, prepared by Swaback Architects & Planners and dated March 8, 2022.

Proposed Site Plan, Page 7, prepared by Swaback Architects & Planners and dated March 8, 2022.

Aerial View of Existing Retaining Wall, Page 10, prepared by Swaback Architects & Planners and dated March 8, 2022.

Satellite Image with Section Cuts, Page 17, prepared by Swaback Architects & Planners and dated March 8, 2022.

Cut Section A, Page 18, prepared by Swaback Architects & Planners and dated March 8, 2022.

Cut Section B, page 19, prepared by Swaback Architects & Planners and dated March 8, 2022.

The applicant must obtain Hillside Committee approval.

The applicant must obtain the required building permits and inspections from the Building Department.

The motion carried by the following vote:

Aye: 7 - Boardmember Brown, Boardmember Kaur, Boardmember Leibsohn, Boardmember Newman, Boardmember Ozer, Boardmember Sahani and Chairperson Williams

B. [22-142](#)

Ford Variance - 8624 N 64th Street (APN 174-32-050)
Case No. BA-22-02

Jose Mendez, Hillside Development Planner, provided an overview of the variance request to allow a golf course netting structure to encroach into the setback and height limit (with a height of 18 feet tall and a west side setback of 10 foot 6 inches). He noted the property was bisected by a golf course and drainage easement and the tee box and hole 17 of the golf course were located directly behind the property. He shared that the Town of Paradise Valley and the Golf Club did work in January 2021 to reduce the amount of golf balls going onto the subject property.

Mr. Mendez reviewed the findings in favor, including property hardships such as the proximity to the golf course and tee boxes for hole 17. He noted that the request met the intent of the code. He reported that staff received one public comment indicating support for the project. He pointed out that the setback and height encroachments are needed to properly protect the property. He further explained that the net would have been within the maximum sixteen feet height limit but the change in grade between the backyard and the golf course necessitated an extra two feet of height.

Chairperson Williams remarked that he had seen other netting like this along the course and believed there may be a precedence for allowing the variance.

Boardmember Ozer inquired why the applicant was responsible to remedy the situation rather than Camel Back Golf Course.

Deborah Robberson, Assistant Town Attorney, expressed that it was her understanding that golf courses typically functioned in a way that make the individual players responsible for where their golf balls were hit and not the golf course itself.

Jeremy Ford, Applicant, stated that even after the work the golf course was completed and his own work planting bushes to keep balls out of his yard, he was still having them land on his property at which point he started working on the variance request.

Boardmember Newman asked what damage had been done to the property from golf balls.

Mr. Ford stated that in addition to balls in their yard and pool they have gotten holes in the stucco and broken roof tiles. He noted that he has also been hit by a golf ball before.

Chairperson Williams opened the meeting up for public comments on the application. No comments were made, and the public comment period was closed.

Member Ozer remarked that she felt the variance should be approved.

A motion was made by Board Member Brown, seconded by Chairperson Williams, to approve a variance to allow a golf net structure to encroach into the side yard setback and exceed the maximum height for accessory structures, subject to the following stipulations:

The improvements shall be in compliance with submitted plans & documents: Sheet A1, Architectural Site Plan, prepared by John Anthony Drafting & Design and dated September 28, 2021.

The applicant must obtain the required building permits and inspections from the Building Department.

The motion carried by the following vote:

Aye: 7 - Boardmember Brown, Boardmember Kaur, Boardmember Leibsohn, Boardmember Newman, Boardmember Ozer, Boardmember Sahani and Chairperson Williams

6. ACTION ITEMS

A. [22-138](#) Election of Chair per Section 2-5-3.A of the Town Code

Boardmember Leibsohn nominated Hope Ozer for Chairperson.

Boardmember Sahani indicated that he was in full support of the nomination of Hope Ozer for Chairperson.

Chairperson Williams closed the nomination process.

A motion was made by Board Member Leibsohn, seconded by Board Member Sahani, to nominate Board Member Ozer as Board of Adjustment Chairperson. Town Council will confirm the nomination at a future Council meeting. The motion carried by the following vote:

Aye: 7 - Boardmember Brown, Boardmember Kaur, Boardmember Leibsohn, Boardmember Newman, Boardmember Ozer, Boardmember Sahani and Chairperson Williams

7. CONSENT AGENDA

A. [22-136](#) Approval of the March 2, 2022 Board of Adjustment Minutes

A motion was made by Board Member Ozer, seconded by Chair Williams, to approve the March 2, 2022 Board of Adjustment minutes. The motion carried by the following vote:

Aye: 7 - Boardmember Brown, Boardmember Kaur, Boardmember Leibsohn, Boardmember Newman, Boardmember Ozer, Boardmember Sahani and Chairperson Williams

8. STAFF REPORTS

Lisa Collins, Community Development Director, noted that staff was still working to update the Board's criteria for approving variances and the bylaws and processes for the Board of Adjustment. She shared that when they have all the information ready to send to Council for a workshop that all the members of the Board of Adjustment would additionally be sent that information.

9. PUBLIC BODY REPORTS

None.

10. FUTURE AGENDA ITEMS

Mr. Burton announced that he did not anticipate a meeting in May but would send out a notice. He indicated there would be a meeting in June before they take a recess for the months of July and August.

11. ADJOURNMENT

A motion was made at 6:15 pm by Chair Williams and seconded by Board Member Ozer to adjourn the meeting. The motion carried by the following vote:

Aye: 7 - Boardmember Brown, Boardmember Kaur, Boardmember Leibsohn, Boardmember Newman, Boardmember Ozer, Boardmember Sahani and Chairperson Williams

Town of Paradise Valley Board of Adjustment

By: _____
James Zuganelis, Secretary