

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

DATE: September 3, 2025

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

AGENDA TITLE:

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

This application is a variance request to allow an attached garage and office addition to the main house to encroach into the rear/south setback. Staff recommends approval of the house addition 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-25-04, a request by Jameson and Irina VanHouten (of Legacy Hill Acquisition LLC), property owners of 7102 N 57th Place; for a variance from Article X, Height and Area Regulations, to allow two story garage and office addition to the main house to encroach into the rear/south setback.

Reasons For Approval:

Staff find that the triangular shape of the lot, location of the wash, and slope of the property create property hardships that warrant the variance request (for the rear yard setback encroachment).

BACKGROUND/DISCUSSION

Scope of Request

The property is zoned R-43 Hillside and Section 1001 of the Town Zoning Ordinance requires a minimum rear yard setback of 40 feet for the primary residence. The applicant is requesting a variance to allow an addition to encroach into the rear yard setback. The addition is two stories and consists of a one car garage bay on the

ground floor and an office addition on the second floor. The proposed addition will be setback 30 feet from the south property line (instead of the required 40-foot setback), has a total of 550 square feet of floor area (with approximately 433 square feet of floor area encroaching into the setback), and is approximately 24 feet tall measured from the natural grade. Also, the cornice on the parapet will project approximately 2 feet beyond the vertical plane of the addition (e.g. it will be setback approximately 28 feet from the rear/south property line). The proposed improvements will comply with all other zoning requirements.

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

	Zoning Ordinance	Garage/Office Addition
Front/North Yard Setback	40'0"	44'7"
Rear/South Yard Setback	40'0"	30'0"
Side/West Yard Setback	20'0"	200' (+/-)
Maximum Height	24'	24'
Floor Area Ratio Limit	25.0%	17.7%

Lot History

The subject property is in the Club Estates 2 subdivision. The property was platted in Maricopa County and annexed into the Town in 1961. The following is a chronological history on the development of the property:

May 14, 1974	Building permit for single-family residence
June 7, 1974	Building permit for pool
March 1, 1979	Building permit for addition over garage
February 13, 1986	Building permit for spa
December 1, 1988	Building permit for kitchen remodel
February 6, 2013	Approved Variance (BA-12-4) for House Addition and Maintain Nonconforming portions of home
May 14, 2013	Demo permit for partial interior/exterior walls, septic, pool and driveway
October 24, 2013	Building permit for fence and retaining walls
October 24, 2013	Building permit for remodel/addition
October 24, 2013	Building permit for BBQ and firepit
August 14, 2014	Building permit for new pool

Lot Conditions

The property is zoned R-43 Hillside and is 49,596 square feet in size (1.14 acres). The property is:

- Triangular shaped,
- Abuts two rights-of-way (57th Place to the south and Glen Drive to the north),
- Has a steep topography with a slope of approximately 23.5%,
- Has a wash on the western part of the property, and
- The lot varies in width from approximately 33 feet wide at the east part of the property to approximately 250 feet wide at the west part of the property.

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 property is burdened with an odd/triangular shape, dual frontage, a wash, and a steep topography which creates a narrow and restrictive building envelope. Due to the triangular shape of the lot, the width of the property varies from approximately 33 feet on the east side to 250 feet on the west side. Also, the western part of the property is encompassed by a wash. This creates a triangular shaped building envelope which limits development towards the east and narrowest part of the property.

Also, the applicant has a difficult lot to build on and is trying to utilize the existing building pad by placing the addition at the southeastern part of the house. The addition is compliant with the height and area requirements will not create additional hillside disturbance.

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. The topography of the property is the result of its location on the hillside, and the triangular shape and dual frontage of the lot are the result of how the parcel was platted 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 for setback encroachment is not a grant of special privilege due to the triangular shape of the property, the location of the wash, dual frontage, and the slope of the lot since they create a narrow and restrictive building envelope. The applicant is trying to maintain the surrounding hillside by placing the garage/office addition on the existing building pad and locating it next to the existing driveway. The applicant also identified that this improvement is in character with neighborhood. The addition will increase the

home from a three-car garage to four-car garage and the applicant noted that the surrounding homes in the area have four and five car garages.

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. A1.0, prepared by Candelaria Design Associates and dated April 25, 2025.
 - ii. Exterior Elevations Plan, Sheet No. A6.1, prepared by Candelaria Design Associates and dated April 25, 2025.
 - iii. Exterior Elevations Plan, Sheet No. A6.2, prepared by Candelaria Design Associates and dated April 25, 2025.
 - iv. Building Sections Plan, Sheet No. 5.2, prepared by Candelaria Design Associates and dated April 25, 2025.
 - b. The applicant must obtain the required Hillside Building Committee approval and 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. Staff received an inquiry from a neighbor, but the neighbor did not identify support or opposition to the 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