



# Town of Paradise Valley

6401 E Lincoln Dr  
Paradise Valley, AZ 85253

## Minutes - Draft

### Board of Adjustment

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

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Wednesday, November 2, 2022

5:30 PM

Council Chambers

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#### 1. CALL TO ORDER

Chairwoman Ozer called the meeting to order at 5:30 p.m.

#### STAFF MEMBERS PRESENT

Community Development Director Lisa Collins  
Town Attorney Andrew McGuire  
Planning Manager Paul Michaud  
Senior Planner George Burton

#### 2. ROLL CALL

Present 7 - Boardmember Robert Brown  
Boardmember Priti Kaur (via Zoom)  
Boardmember Eric Leibsohn  
Boardmember Jon Newman  
Chairperson Hope Ozer Boardmember  
Rohan Sahani (via Zoom)  
Boardmember Quinn Williams

#### 3. EXECUTIVE SESSION

None

#### 4. STUDY SESSION ITEMS

None

#### 5. PUBLIC HEARINGS

**A.** [22-323](#)

Casa Blanca Subdivision Wall Variance  
Variance to Exceed 6' Fence Wall Height Limit - Case No. BA-22-09  
5219 N. Casa Blanca Dr (APN 173-64-039)

Mr. Burton provided an overview of the agenda item, covering the background, scope of the request, analysis, and recommendation. He noted that the goal was to review and take action on this request. He noted that the subdivision wall was built in the 1960s, with an original height of about four feet six inches to five feet. The applicant was proposing to replace the entire subdivision wall with a new slump block wall at a height of seven feet instead of the allowable six feet. Mr. Burton continued that staff believed that the request was self-imposed and that there was no property hardship that warranted the variance request. Staff recommended a denial of the request.

Boardmember Williams asked if the applicant had a current seven-foot tall wall.

Mr. Burton replied that the wall varied in height from four feet six inches to eight 8 feet, depending on the location. Staff identified eight homes that have raised walls without approval. The action in this case would determine code compliance.

John Graham, the applicant, stated that he had been a resident of Casa Blanca Estates for about twenty years. He provided the background regarding the request. He noted that the existing wall is over sixty years old and that it was constructed without any footing or mortar. The request for building a new wall was filed over a year ago, and the Town Council decided that this should be a variance case presented to the Board of Adjustment. He talked to his neighbors, and upon their request had an acoustic study conducted to determine whether the noise of cars would bounce at a higher level if the wall were higher. The study found that the change would be negligible. He addressed issues with each of the three criteria related to the variance. He believed that there were some unusual things related to the property, such as being surrounded by three collector streets, special circumstances applicable to the property that were not self-imposed because the plat predated all current homeowners and the homeowners had nothing to do with the circumstances that they inherited, and the request is in line with privileges enjoyed by properties of the same classification since a large portion of the subdivision adjoins the City of Scottsdale, an area that allows walls at seven feet tall.

Finally, he noted that they wanted this variance rather than living with a current sixty-year-old wall.

Boardmember Brown noted that the Town would approve a six-foot wall and asked if that would be an option.

Mr. Graham replied that two-thirds of the people in the homeowner association voted that they didn't want an assessment for a six-foot tall wall except on Casa Blanca Drive, and they would agree to all other kinds of remediation efforts to make it look lower.

Chairperson Ozer stated that the wall looks like it doesn't reflect the quality of homes within Casa Blanca Estates.

Boardmember Leibsohn asked if Mr. Graham was proposing a seven-foot tall wall, including the cap block.

Mr. Graham concurred.

Boardmember Williams noted if he stated that the homeowners feel that they are deprived of the privilege of constructing a wall to replace the old wall.

Mr. Graham replied yes.

Chairperson Ozer opened the public hearing.

Andy Freitas, a resident of Paradise Valley, stated that his wife Lynn and he have been living in the Town for twenty-eight years. He stated that Ms. Freitas would read the talking points that they prepared.

Lynn Freitas, a resident of Paradise Valley, read the summary of their detailed comments provided in the agenda packet. She stated that the seven-foot tall wall is excessive compared to the original wall height, the request does not meet all three variance criteria, the request is a grant of special privilege, the proposed wall would change the character of the corridor and look like a fortress even with berms, and the request does not address the volume of traffic. She concluded that they request the Board of Adjustment deny the variance.

Andy Freitas added that the Town needs to address reducing the speed limit on Monte Vista Drive, to prohibit heavy trucks, and add traffic calming.

Chairperson Ozer clarified that the things that Mr. Freitas shared were not within the Board's purview. The Board is empowered to rule based on the three variance criteria.

Paul Mariani, a resident of Paradise Valley, stated that he and his family have lived in the Town for twenty-one years. He noted that currently, there was no seven-foot tall wall. He measured the wall, and it was not seven feet high. However, there were eight homes that raised their walls illegally. The wall was originally five feet high and was a part of the Town's character. Allowing seven-foot walls would harm the Town's open space character. The acoustic study that the applicant did showed that the level of sound would not be affected in any significant way. The seven-foot tall wall would look like a fortress.

Chairperson Ozer noted that the Board of Adjustment has received Mr. Mariani's information and that everyone has reviewed it.

Richard Driml, a resident of Paradise Valley, stated that he lives in one of the houses along Jackrabbit Road, and when he goes down 68th Street every morning, he sees a giant wall constructed along Jackrabbit Road. The wall looks like a fortress. A seven-foot tall wall would look very imposing. He believed

that a six-foot tall wall was appropriate in this case.

Chairperson Ozer stated that Karen Oden is opposed to the variance and did not wish to speak.

Boardmember Williams asked about the height of the current wall.

Mr. Burton replied that the block had been added to the original wall and that the height presently varies from four feet six inches to eight feet.

Boardmember Brown asked if the Town would file complaints to take down the wall if the variance doesn't pass.

Mr. Burton replied that the Town will pursue compliance for the affected properties.

Chairperson Ozer closed the public comment for this item.

Boardmember Williams stated that he was in favor of granting a variance to the extent that the variance is replacing an existing wall of the same height.

Chairperson Ozer stated that she was not in favor of granting the variance. She believed that the solution would be to bring the wall down to six feet in height and paint it to match the interior of the community. That way, it would look nice and not so shabby.

Boardmember Newman stated that he would not be inclined to vote for the variance. He didn't see that the criteria for the variance had been met.

**A motion was made by Boardmember Leibsohn, seconded by Boardmember Newman, to deny the requested variance in that not all three variance criteria have been met. The motion carried by the following vote:**

**Aye:** 6 - Boardmember Brown, Boardmember Kaur, Boardmember Leibsohn, Boardmember Newman, Chairperson Ozer and Boardmember Sahani

**Nay:** 1 - Boardmember Williams

- B. [22-332](#) UR Project Variance - 7941 N 55th Street (APN 169-06-076B).  
Request for Continuance.  
Case No. BA-22-06.

Mr. Burton provided an overview of the agenda item. He explained that the applicant identified that they would not be able to make the December 7th or January 4th meetings, and request a continuance to a special meeting on January 11th. Mr. Burton stated that the Board of Adjustment could move the January 4th meeting to January 11th, hold two meetings in January, or continue the case to next regularly scheduled February 1st meeting.

Chairperson Ozer suggested that the Board of Adjustment address this item at the February 1st meeting.

Boardmember Williams asked if there will be a large docket for that meeting.

Mr. Burton replied that the agenda for the February 1st meeting was not large.

Several Boardmembers stated that they would not be in attendance at the January 4th meeting.

Chairperson Ozer stated that the January 4th meeting would be in person only.

**A motion was made by Boardmember Williams, seconded by Boardmember Brown, to continue this variance request which was continued to December 7, 2022 to February 1, 2023 at the request of the applicant. The motion carried by the following vote:**

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

## 6. ACTION ITEMS

None

## 7. CONSENT AGENDA

None

## 8. STAFF REPORTS

None

**9. PUBLIC BODY REPORTS**

There was discussion on what Boardmembers will be present for the January 4, 2023 meeting. It was noted that there will be at least a quorum.

It was noted that the December 7th meeting will be canceled.

Chairperson Ozer asked Boardmembers to let staff know if they would or would not be attending the meeting within two days of receiving the agenda packet. Starting in 2023, all Boardmembers are required to be physically present at the meetings out of respect for the community.

**10. FUTURE AGENDA ITEMS**

Mr. Burton stated that there is one variance for a wall in January and a continuance in February.

**11. ADJOURNMENT**

**A motion was made by Boardmember Williams at 6:30 p.m., seconded by Boardmember Newman, to adjourn the meeting. The motion carried by the following vote:**

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

**Town of Paradise Valley Board of Adjustment**

By: \_\_\_\_\_  
George Burton, Secretary