



# Town of Paradise Valley

6401 E Lincoln Dr  
Paradise Valley, AZ 85253

## Meeting Notice and Agenda 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, January 7, 2026

5:30 PM

Council Chambers

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### 1. CALL TO ORDER

### 2. ROLL CALL

*Notice is hereby given that members of the Board of Adjustment will attend either in person or by telephone conference call, pursuant to A.R.S. §38-431(4).*

### 3. EXECUTIVE SESSION

*The Board of Adjustment may convene into an executive session at one or more times during the meeting as needed to confer with the Town Attorney for legal advice regarding any of the items listed on the agenda as authorized by A.R.S. §38-431.03.A.3.*

### 4. STUDY SESSION ITEMS

*Work/Study is open to the public however the following items are scheduled for discussion only. The Board of Adjustment will be briefed by staff and other Town representatives. There will be no votes and no final action taken on discussion items. The Board of Adjustment may give direction to staff and request that items be scheduled for consideration and final action at a later date. The order of discussion items and the estimated time scheduled to hear each item is subject to change.*

### 5. PUBLIC HEARINGS

*The Board of Adjustment may take action on this item.*

**25-262**

**Discussion and Possible Action on Case No. BA-25-12  
Pace Variance - 7062 E Belmont Avenue (APN 174-40-063)  
Variance to allow a trellis to encroach into the side yard with  
frontage setback**

**Staff Contact:** Brandon McMahon, 480-348-3531

**Attachments:** [A. Staff Report](#)  
[B. Vicinity Map & Aerial Photo](#)  
[C. Application](#)  
[D. Narrative & Plans](#)  
[E. Letters of Support & Opposition](#)  
[F. Notification Materials](#)  
[G. Applicant Presentation](#)  
[H. Staff Presentation](#)

**6. ACTION ITEMS**

*The Board of Adjustment may take action on this item.*

**7. CONSENT AGENDA**

*All items on the Consent Agenda are considered by the Public Body to be routine and will be enacted by a single motion. There will be no separate discussion of these items. If a Commissioner or member of the public desires discussion on any item it will be removed from the Consent Agenda and considered separately.*

**25-286**

**Approval of December 3, 2025 Board of Adjustment Minutes.**

**Staff Contact:** Cherise Fullbright, 480-348-3539

**Attachments:** [2025-12-03 BOA Draft Minutes](#)

**8. STAFF REPORTS****9. PUBLIC BODY REPORTS****10. FUTURE AGENDA ITEMS**

## 11. ADJOURNMENT

### AGENDA IS SUBJECT TO CHANGE

*\*Notice is hereby given that pursuant to A.R.S. §1-602.A.9, subject to certain specified statutory exceptions, parents have a right to consent before the State or any of its political subdivisions make a video or audio recording of a minor child. Meetings of the Planning Commission are audio and/or video recorded, and, as a result, proceedings in which children are present may be subject to such recording. Parents in order to exercise their rights may either file written consent with the Town Clerk to such recording, or take personal action to ensure that their child or children are not present when a recording may be made. If a child is present at the time a recording is made, the Town will assume that the rights afforded parents pursuant to A.R.S. §1-602.A.9 have been waived.*

*The Town of Paradise Valley endeavors to make all public meetings accessible to persons with disabilities. With 72 hours advance notice, special assistance can also be provided for disabled persons at public meetings. Please call 480-948-7411 (voice) or 480-483-1811 (TDD) to request accommodation to participate in the Planning Commission meeting.*



## Action Report

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**File #:** 25-262

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**AGENDA TITLE:**

**Discussion and Possible Action on Case No. BA-25-12**

**Pace Variance - 7062 E Belmont Avenue (APN 174-40-063)**

**Variance to allow a trellis to encroach into the side yard with frontage setback**

**STAFF CONTACT:**

# 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  
Brandon McMahon, Planner II

**DATE:** January 7, 2026

**DEPARTMENT:** Community Development Department/Planning Division  
Brandon McMahon, 480-348-3531

**AGENDA TITLE:**

**Pace Variance – 7062 E Belmont Avenue (APN 174-40-063)**

**Variance to allow a trellis to encroach into the side yard with frontage setback  
Case No. BA-25-12**

This application is a variance request to allow an unpermitted trellis to remain and to encroach into the east/side yard with frontage setback. Staff recommends denial of this variance request.

**RECOMMENDATION**

Motion For Denial

It is recommended that the Board of Adjustment [**deny**] Case No. BA-25-12, a request by Benjamin Tate of Withey Morris Baugh, PLC, on behalf of the Pace Family Trust property owner of 7062 E Belmont Avenue; for a variance from the Zoning Ordinance, Article X, Height and Area Regulations, to allow a trellis to encroach into the side yard with frontage setback.

Reasons For Denial:

Staff finds that there are no property hardships that warrant the request for setback encroachment and staff believes that the request does not meet all three variance criteria.

**BACKGROUND/DISCUSSION**

Scope of Request

The applicant is requesting a variance for setback encroachment. Table 1001B of Article X of the Zoning Ordinance requires a minimum detached structure setback of 40 feet from the side with frontage property line. The applicant is requesting a variance to allow an unpermitted trellis structure to remain at a setback of 15-foot from the east/side with frontage property line (25-feet of encroachment).

The trellis structure is 163 square feet (15-feet 11-inches long by 10-feet 3-inches wide), all of which will be encroaching into the side with frontage setback. The trellis is 8-feet tall

measured from the lowest adjacent grade. Below is a comparison of the Zoning Ordinance requirements for detached structures and the existing trellis.

<b>Zoning Ordinance (R-35CP)</b>	<b>Trellis</b>
60' Front Yard Setback	94' (+/-)
10' Side Yard Setback (West)	50' 6" (+/-)
40' Side with Frontage Setback (East)	<b>15'</b>
10' Rear Yard Setback	15' 9" (+/-)
15' Maximum Height	8' (+/-) Tall

#### Lot History

The subject property is Lot 62 of the Cheney Estates subdivision. This lot was platted into the Town in 1992. According to permit records, the original home was built in 1993 and went through an interior remodel in 2020. The current homeowners also permitted a detached structure in the northwest corner of the rear yard in early 2025. The following is a chronological history of the property:

October 6, 1993	Building permit for new residence
May 13, 1994	Building permit for new pool
June 29, 1994	Building permit for new fence walls
July 21, 2020	Building permit for main residence interior remodel
February 10, 2025	Building permit for detached structure in rear yard
May 5, 2025	Code violation for unpermitted trellis structure ( <i>open</i> )

#### Lot Conditions

The property is zoned R-35 CP and is 23,393 square feet in size (0.53 acres) and is rectilinear in shape. The property is 150 feet wide along the southern frontage, as well as 150 feet wide along the rear. The lot is 164.28 feet deep. The R-35 zoning district requires a minimum width of 150 feet which results in an approximate minimum depth of 190 feet (if platting a new R-35 property). The lot also currently maintains a 24.9% floor area ratio, per the approved plan set for the detached structure in 2025 (5,929 square feet). The addition of this trellis structure (16.5 square feet) would put the lot at 24.99% (5,846 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 are staff's analysis with regard to 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 request is for a setback variance; however, the width of the lot is not substandard/narrow and meets the minimum R-35 requirements. The applicant's stated hardship is the shallow depth of the lot since that limits the amount and the area of improvement (with the property being 21% or 40 feet shorter in depth for its zoning category). Although the shallow depth reduces the amount of buildable area, the request does not appear to be the minimum amount needed to cure the property hardship. It

appears that the property can accommodate a code compliant trellis and the Town Code also does not guarantee the most optimal use of the property. Further, this subdivision was platted as a cluster with that shape and depth and this lot is not unusual within this district.

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 self-imposed since there are no property hardships that prevent setback compliance. The property lacks standard depth and is slightly undersized for its zoning classification but is of similar size to the neighboring properties, and was purposefully platted in a cluster plan. If the applicant obtained a building permit from the Town prior to constructing the trellis, any setback encroachment would have been identified during the plan review process.

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:

There are no property hardships that warrant the setback encroachment. Although some of the neighboring properties may have existing non-conforming structures and/or setback encroachment, all new additions in this neighborhood must meet or exceed the setback requirements. The property can accommodate a code compliant trellis.

## 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. Deny the variance request.
2. Approve the variance request, subject to the following stipulations:
  - a. The improvement shall be in compliance with the submitted plans and documents:
    - i. Narrative, prepared by Benjamin Tate of Withey Morris Baugh, PLC, provided November 25, 2025.
    - ii. Site Plan, prepared by CJS Lifestyle & Design, dated November 11, 2025.
    - iii. Elevation Detail, prepared by CJS Lifestyle & Design, dated November 11, 2025.
  - b. The applicant must obtain the required building permits and inspections from the Building Division.
  - c. Floor Area Ratio (FAR) certification will be required with any building permit approval to ensure compliance with FAR requirement.
3. Continue the application for further review.

## COMMENTS/NOTIFICATION

The applicant posted the site on December 8<sup>th</sup> and mailed notice (to lot owners within a 1500-foot radius of the subject site) on December 12<sup>th</sup>. The newspaper legal advertisement for this case was placed in the Scottsdale Republic on December 18<sup>th</sup>. All required affidavits are included in the case packet material (Attachment F). The applicant has provided twenty-three letters of support from property owners within the subdivision (Attachment E). The Cheney

Estates Board of Directors have also provided a letter of opposition (also within Attachment E).

**COMMUNITY IMPACT:** None.

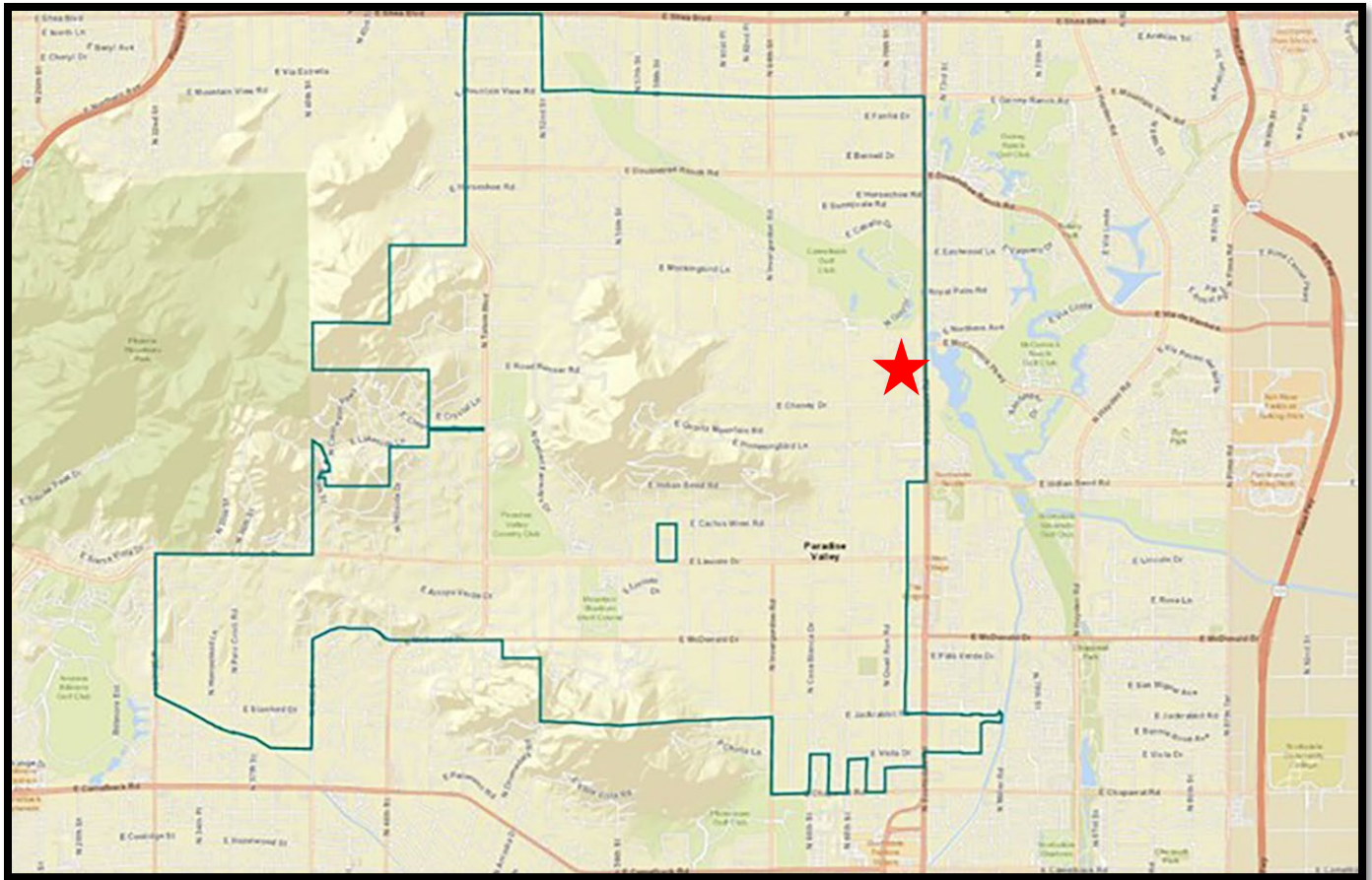
**CODE VIOLATION:** CV25-06635 is an open code violation for the un-permitted trellis structure. Should the Board approve the requested variance, then the violation will be removed. Should the Board deny the request, then the violation will remain until the structure is removed.

**ATTACHMENTS**

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



# VICINITY MAP



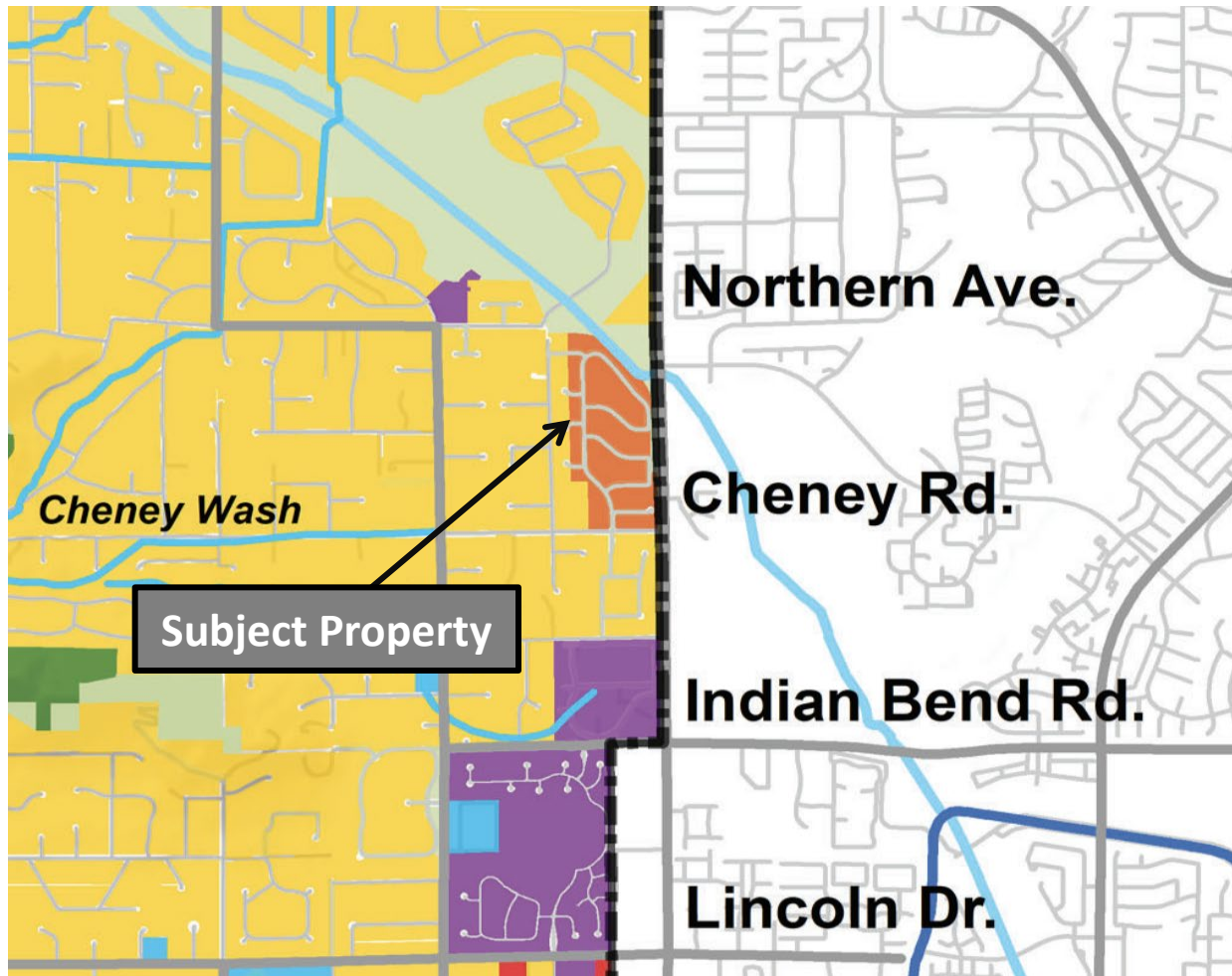
Cheney Estates Lot 62

7062 E Belmont Ave





# GENERAL PLAN



## Legend

- Planning Area
- Municipal Limits
- Roads
- Indian Bend Wash
- Arizona Canal
- Major Washes

## Land Use Classifications

- Very Low Density Residential
- Low Density Residential
- Medium Density Residential
- Private Open Space
- Public Open Space
- Medical Office
- Public/Quasi Public
- Resort/Country Club

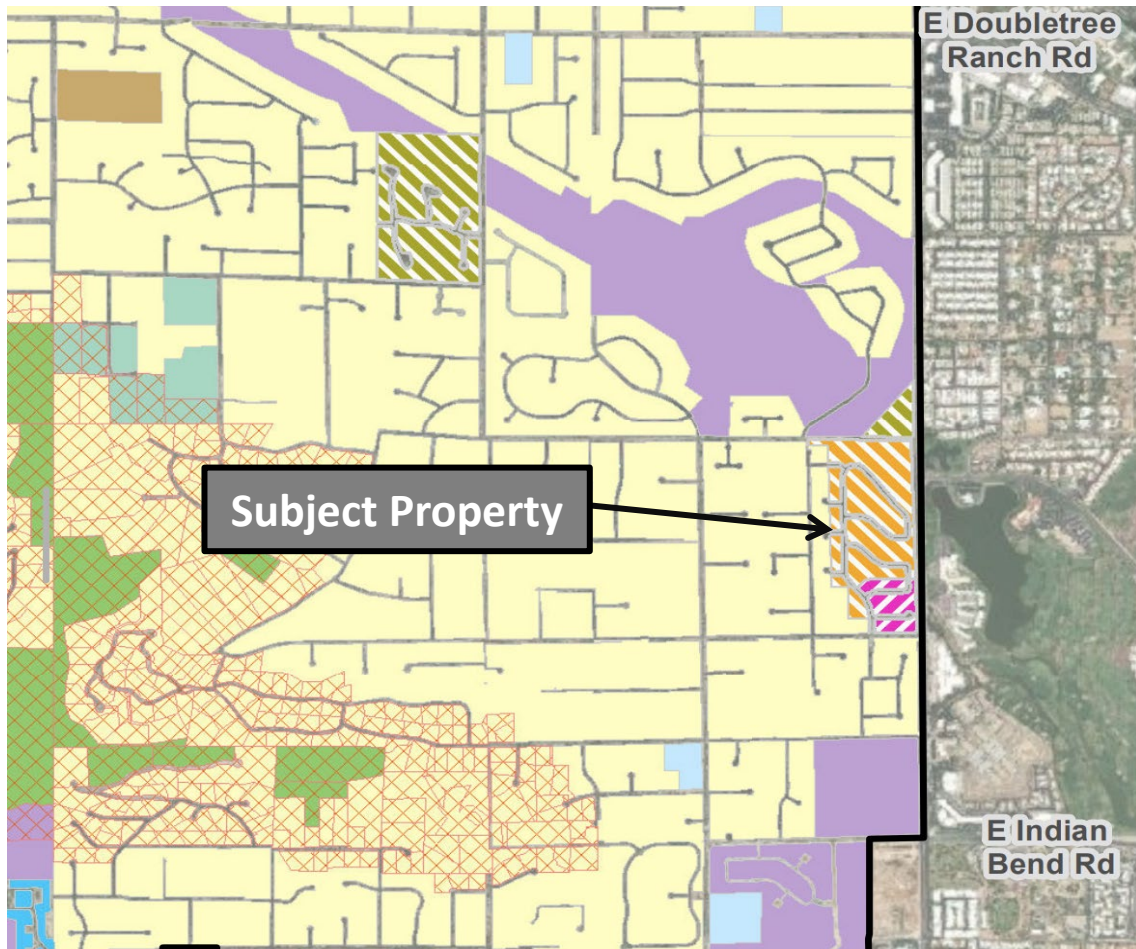
NOTE: All public right-of-ways shall be considered Public Open Space.

Cheney Estates Lot 62

7062 E Belmont Ave



# ZONING



Cheney Estates Lot 62

7062 E Belmont Ave



## COMMUNITY DEVELOPMENT DEPARTMENT VARIANCE APPLICATION GUIDE

Town of Paradise Valley • 6401 East Lincoln Drive • Paradise Valley, Arizona 85253 • Phone: (480) 348-3692

### APPLICANT & CONTACT INFORMATION

Project Name: Pace Residence Backyard Trellis  
Date: 10/28/25 Zoning: R-35 CP Acreage (Net Acres): 0.54  
Property Address: 7062 E. Belmont Avenue, Paradise Valley, AZ 85253  
Assessor's Parcel Number: 174-40-063  
Name of Subdivision & Lot Number: Cheney Estates Lot 62

Owner: Pace Family Trust  
Address: 7062 E. Belmont Avenue, Paradise Valley, AZ 85253  
Phone number: 602-920-9212  
E-mail address: zpace@pcaemail.com  
Signature: [Signature]  
(Or provide a separate letter of authorization)

Applicant/Representative: Benjamin Tate  
Company Name (if Applicable): Withey Morris Baugh, PLC  
Address: 2525 E. Arizona Biltmore Cir. Ste. A-212, Phoenix, AZ 85016  
Phone number: 602-346-4610  
E-mail address: ben@wmbattorneys.com  
Signature: [Signature]

THE ABOVE APPLICANT HEREBY APPLIES FOR A VARIANCE AS INDICATED IN THE SUBMITTED NARRATIVE,  
PLANS, AND DOCUMENTS IN ACCORDANCE WITH SECTION 2-5-3 OF THE TOWN CODE AND IN  
ACCORDANCE WITH THE TOWN ZONING ORDINANCE.

### FOR DEPARTMENTAL USE ONLY

Variance-App.#: \_\_\_\_\_ Submittal Date: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

RECORDING REQUESTED BY

Premier Title Agency

Escrow Number: A-149570

17  
so

**WHEN RECORDED MAIL TO**

Zachary D. Pace and Rebecca M. Pace, Trustees of  
The Pace Family Trust, dated March 27, 2008  
7062 East Belmont Avenue  
Paradise Valley, AZ 85253

A.P.N.: 174-40-063

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**WARRANTY DEED**

For the consideration of Ten Dollars, and other valuable considerations, I or we,

**David Megdal and Jessica Megdal, Trustees of The Mind Ya Own Bees Wax Trust, dated 2/16/2018**

Do/does hereby convey to

**Zachary D. Pace and Rebecca M. Pace, Trustees of The Pace Family Trust, dated March 27, 2008**

The following real property situated in Maricopa County, Arizona

Lot 62, of CHENEY ESTATES, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, recorded in Book 352 of Maps, page 20.

SUBJECT TO: Current taxes and other assessments, reservations in patents and all easements, rights of way, encumbrances, liens, covenants, conditions, restrictions, obligations and liabilities as may appear of record.


And I or we do warrant the title against all persons whomsoever, subject to the matters set forth above.

Dated: March 11, 2024

Please continue to page 2 for Signature and Notary

Warranty Deed  
Page 2

The Mind Ya Own Bees Wax Trust dated 2/16/2018

By:   
David Megdal, Trustee

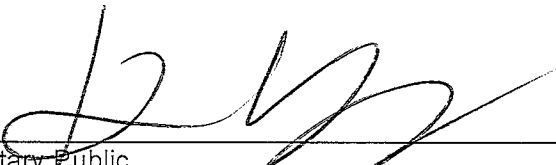
By:   
Jessica Megdal, Trustee

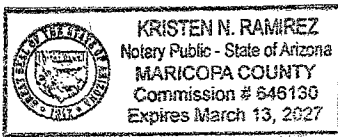
State of Arizona )

County of Maricopa )

On this 12 day of MARCH, 2024, before me personally appeared David Megdal and Jessica Megdal, Trustees of The Mind Ya Own Bees Wax Trust, dated 2/16/2018, whose identity was proven to me on the basis of satisfactory evidence to be the person who he or she claims to be, and acknowledged that he or she signed the above/attached document.

Unofficial Document

  
Notary Public



## Beneficiaries Disclosure (Pursuant to A.R.S. 33-404)

Name:

Address

Zachary D. Pace

8545 N. 84<sup>th</sup> Place, Scottsdale, AZ  
85258

Rebecca M. Pace

8545 N. 84<sup>th</sup> Place, Scottsdale, AZ  
85258

Unofficial Document

The above is a full list of the Beneficiaries under the Trust named Zachary D. Pace and Rebecca M. Pace,  
Trustees of The Pace Family Trust, dated March 27, 2008  
 and Dated 3/27/2008

Zachary D. Pace, Trustee  
 Zachary D. Pace

Rebecca M. Pace, Trustee  
 Rebecca M. Pace

## Beneficiaries Disclosure (Pursuant to A.R.S. 33-404)

Name:

Address

David Megdal

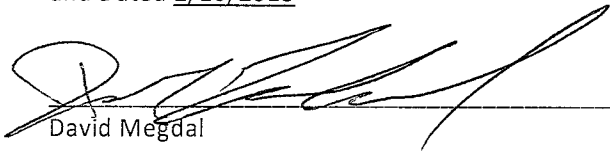
7062 E Belmont AVE  
Paradise Valley AZ 85253

Jessica Megdal

same ↑

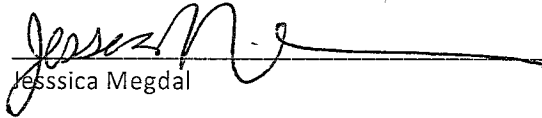
Unofficial Document

The above is a full list of the Beneficiaries under the Trust named David Megdal and Jessica Megdal, Trustees of The Mind Ya Own Bees Wax Trust, dated 2/16/2018  
and Dated 2/16/2018



David Megdal

, Trustee



Jessica Megdal

, Trustee



## COMMUNITY DEVELOPMENT DEPARTMENT VARIANCE APPLICATION GUIDE

Town of Paradise Valley • 6401 East Lincoln Drive • Paradise Valley, Arizona 85253 • Phone: (480) 348-3692

### SUBMITTAL REQUIREMENTS

- ☐ Application form with proof of ownership (warranty deed or current title report)
- ☐ Filing Fee:
  - ☐ Application for Variance \$1,765.00
  - ☐ Application for Variance for non-livable detached structures \$1,615.00  
Having less than 10% impact on setback or disturbed area
- ☐ Narrative describing the request and addressing all three variance criteria. Narrative Format – Identify the request at the beginning of the narrative and identify each variance criteria with the response below it explaining how that criteria has been met or addressed (1 paper copy upon staff request).
- ☐ Site plan and all other applicable plans/documents for staff to review for completeness (1 paper copy upon staff request).
- ☐ Electronic copy of the narrative, site plan, and all other applicable plans/documents (in PDF format) on a USB flash drive/memory stick for staff to review for completeness.

After the application is reviewed and deemed complete by staff:

- ☐ Electronic copy of the narrative, site plan, and all other applicable plans/documents (in PDF format) on a USB flash drive/memory stick for the hearing.
- ☐ Noticing Materials (An electronic copy in PDF format on a USB flash drive/memory stick):
  - a. List of all property owners with respective Maricopa County Tax Parcel Number for all properties within the notice area. Notice area is 1,500 feet from perimeter of subject property, or as specified by the Town.
  - b. Completed Neighborhood Notice Form (identifying scope of the request and the Sections of the Town Zoning Ordinance that you are requesting a variance from – see page 7 of this application).
  - c. The completed set of envelopes for each property owner within the notice area must include the following:
    - i. Town return address:  
Town of Paradise Valley  
Planning Division  
6401 E. Lincoln Drive  
Paradise Valley, AZ 85253

# Pace Residence Backyard Trellis

7062 E. Belmont Avenue  
Paradise Valley, AZ  
Variance Application



WITHEY  
MORRIS  
BAUGH

## Introduction

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This pre-application is being submitted on behalf of Zach and Rebecca Pace, trustees of the Pace Family Trust, which owns the property located at 7062 E. Belmont Avenue in Paradise Valley, Arizona (the “Property”) as illustrated in the Aerial Map at **Tab 1**. The Property is currently zoned R-35 Cluster Plan. See Zoning Map at **Tab 2**. Earlier this year, the applicants installed a minimalist steel trellis structure in northeast corner of the property and later discovered that it required a permit and was encroaching into the east 40-foot building setback. The applicants now seek a variance to bring the existing structure into conformance.

## Request

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Earlier this year, the applicants completed a significant renovation of the hardscape in their backyard, including new pool decking, pavers, a fire pit area, and an outdoor dining area. To contribute to the green, lush atmosphere the applicants sought to cultivate in their backyard, they installed a steel lattice skeleton structure over the dining area consisting of four minimalist steel columns connected by steel joists and rafters. See Lattice Structure Photos at **Tab 3**. The structure is 7’ tall at the top of the columns and 8’ at the peak of the rafters. At the base of each column, flowering vines have been planted with the goal of ultimately covering the entire lattice and creating a “living” structure. It is open to the sky and has no roof or walls of any kind.

The Property is a corner lot with frontage on both Belmont Avenue (south) and 71<sup>st</sup> Street (east) and is required to maintain 40-foot building setbacks on both frontages. The setbacks, combined with a lot depth 24 to 50 feet shallower than required by the Town of Paradise Valley’s subdivision code, collectively compress the building envelope into a small area relative to appropriately sized R-35 lots.

To allow the trellis to remain in its current location, the applicant is simply seeking a variance to reduce the east building setback to 15 feet to allow a minimalist garden structure to encroach into the setback.

### Variance Test

- 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.**

The Property is a legal non-conforming lot that does not meet the Town of Paradise Valley’s minimum lot standards related to lot depth. The final plat for Cheney Estates was approved by the Town on July 27, 1992 and recorded the following day. The plat was approved subject to the Cluster Plan development standards in the Town’s Zoning Ordinance and subdivision standards in the Town Code as they existed in 1992. In December 1996, the subdivision standards in the Town Code were amended to their current form, which require that the minimum depth of a single-family lot must be equal to its minimum width plus the minimum front yard setback.

Section 6-3-5-G.1 of the Town Code requires a minimum lot depth equal to the minimum lot width plus the minimum front yard setback. Per Table 1001-A1, the minimum lot width for R-35 is 150 feet and the minimum front yard setback adjacent to a street is 40 feet. Consequently, the minimum lot depth for an R-35 lot under the current subdivision standards is 190 feet.

The Cluster Plan district allows developments to vary below the minimum lot size requirements for the R-35 and R-43 districts, but does not explicitly allow departure from the minimum lot width – nor does it specify a minimum lot width below the 150-foot minimum otherwise required for R-35 lots. Additionally, the Property is still subject to the standard setback requirements– there is not a separate set of development standards for Cluster Plan lots. The R-35 setbacks in Table 1001-A1 contemplate a standard size lot with a minimum 35,000 square feet and a minimum depth of 190 feet. When applied to the Property, the standard 40-foot setbacks on the double-frontage lot significantly limit the buildable area. The Property’s lot depth is 140 feet at the shallowest point and 166 feet at the deepest point, with an overall area of 23,393 SF.

When combined with the legally non-conforming shallow lot depth – between 24 and 50 feet shallower than the subdivision standards currently require – the Property is subject to an unduly restrictive building envelope. The lot shape and depth, coupled with the application of setbacks intended for much larger standard R-35 lots, creates a hardship not appropriately contemplated by the Zoning Ordinance.

**2. The special circumstances, hardship or difficulty applicable to the property are [not] self-imposed by the property owner, or predecessor.**

The applicant played no role in creation of the Cheney Estates subdivision nor the demising of lots that created the Property’s legally non-conforming dimensions and shallow lot depth. The hardship is an unanticipated consequence of applying setbacks intended for a standard lot to a non-standard, undersized corner lot.

**3. The strict application of the zoning ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.**

Standard R-35 lots enjoy legally conforming lot depth and adequate yard area to locate a minimalist structure of this nature that is still capable of meeting the setback requirements. The Property suffers from inadequate dimensions relative to the requirements of the Paradise Valley Zoning Ordinance and Town Code, which deprives the applicant of property rights that owners of other R-35 zoned properties in the Town of Paradise Valley enjoy.

It is clear that the confluence of the Cluster Plan district’s allowance of reduced lot area, combined with setback requirements intended for standard R-35 lots and applied to a double-frontage corner lot, is a scenario that both a) creates a hardship and b) is not contemplated by the Paradise Valley Zoning Ordinance. The changes to the subdivision ordinance that occurred after the establishment of Cheney Estates further reflect the Town’s intent to provide property owners with adequate building envelopes – a minimum depth requirement that takes into account the minimum front yard setback and minimum lot width. The variance process exists to provide relief in these scenarios.

## Other Considerations

### **1. Minimalist Structure**

As the photos at **Tab 3** illustrate, the structure consists only of welded steel posts, joists, and rafters with no solid walls or roof. The purpose of the building setback requirements is to limit the visual impact of structures within a prescribed distance of a property line. Here, the nature of the structure itself practically eliminates its visual impact. It will not block views, cast imposing shadows, or create an unsightly condition from the adjacent roadway.

### **1. Green Cover and Green Screening**

As noted above, creeping vines have been planted at the base of each column, which over time will cover the entirety of the structure and allow it to blend into the surrounding landscaping. Combined with the ficus hedge planted along both the interior and exterior of the perimeter wall, the structure will completely disappear from view around the exterior of the Property within a year.

### **2. Effective Setback**

71<sup>st</sup> Street is an unmarked two-lane neighborhood street with a 50-foot right-of-way. The actual pavement section is only 30 feet, with a 10-foot landscape strip beyond the curbs. This creates an effective setback from the roadway of 25 feet that is 10 feet wider than the setback as measured from the property line, further reducing the visual impact of the structure.

### **3. Support**

The applicant has received letters of support from twenty (20) property owners within Cheney Estates, including the applicant's immediate neighbors to the north, south, and west, along with several other homeowners in the immediate vicinity. This support for the variance request further illustrates both the merit of the request and the absence of any negative impact the trellis will have on the surrounding property owners and the Cheney Estates community as a whole. See Support Letters at **Tab 4**.

## Summary

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The requested variance is the minimal relief necessary to contend with a non-conforming shallow lot subjected to the same double-frontage setbacks as a standard R-35 lot, leading to a significantly compressed building envelope for accessory structures in the backyard. These special circumstances create a hardship that was not of the applicant's creation, and place the applicant at a disadvantage relative to appropriately sized R-35 lots that conform with the current subdivision standards.

The intent of the setback requirements is met through several mitigation measures, including the minimalist nature of the structure, the green screening and green covering of the structure to hide it from view, and an increased effective setback due to the configuration of 71<sup>st</sup> Street. The request has

earned the support of many of the applicant's neighbors in the Cheney Estates neighborhood due to the minimal nature of both the structure itself and the relief requested. In light of the foregoing, the applicant respectfully request's the Board's approval of the proposed variance.

earned the support of many of the applicant's neighbors in the Cheney Estates neighborhood due to the minimal nature of both the structure itself and the relief requested. In light of the foregoing, the applicant respectfully request's the Board's approval of the proposed variance.

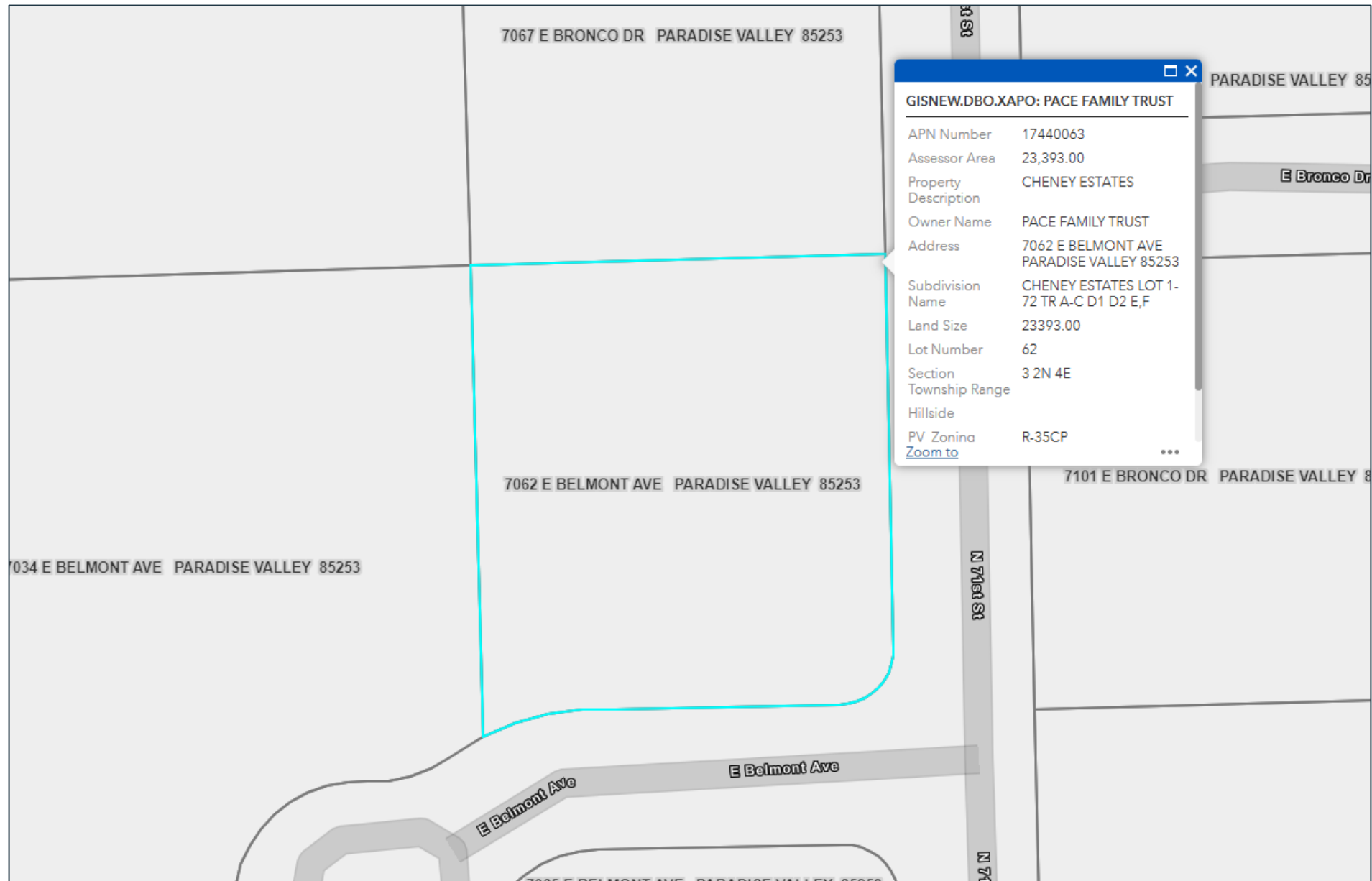
# TAB 1

# Aerial Map



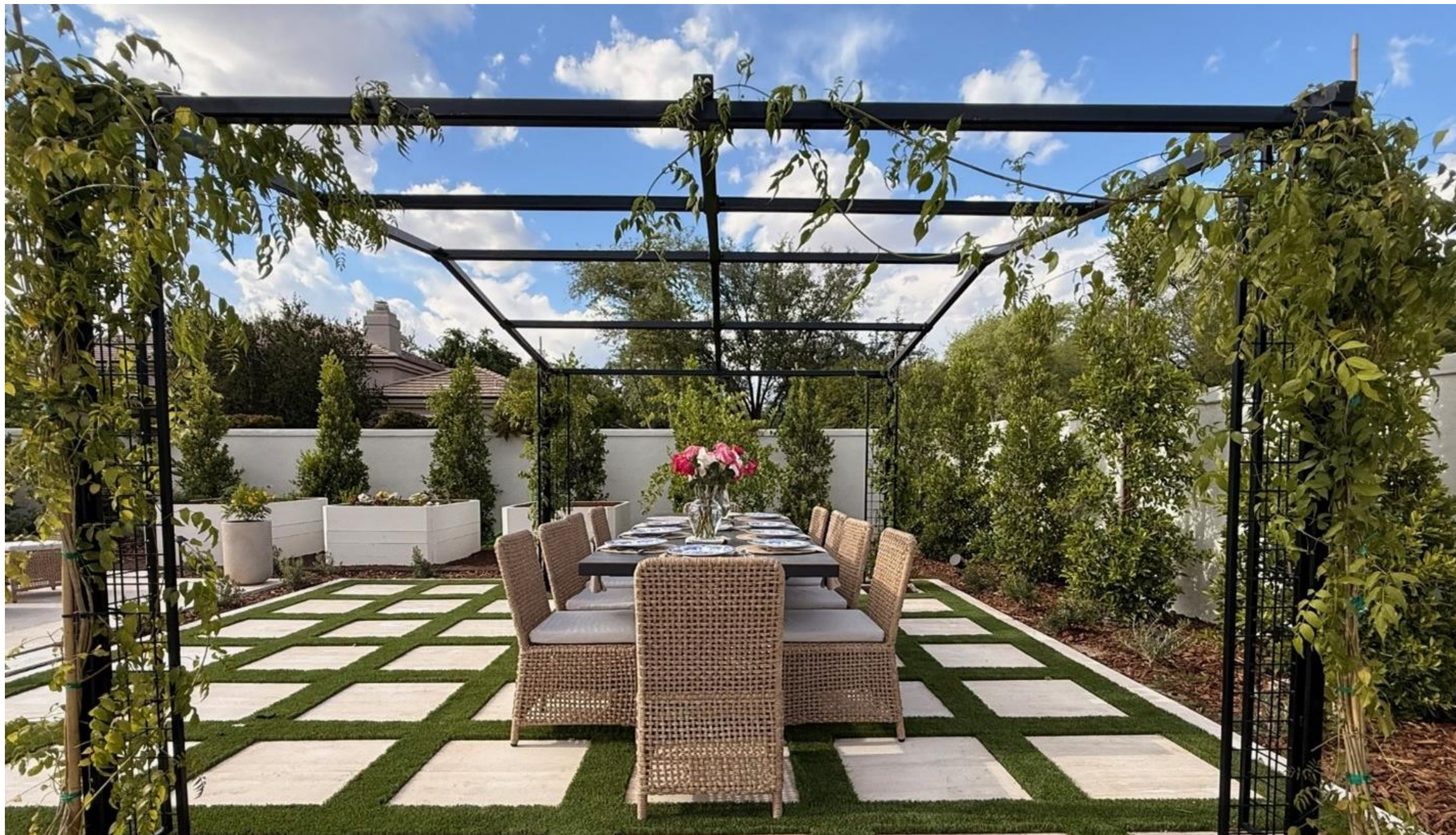
# TAB 2

# Zoning Map



# TAB 3

## Interior (Backyard) View



## Exterior (71<sup>st</sup> Street) View



# TAB 4

October 20, 2025

**Subject: Trellis – 7062 E. Belmont Ave**

Dear Neighbor,

We hope this note finds you well!

We're in the process of applying for a variance with the Town of Paradise Valley for an unobtrusive outdoor trellis/dining area.

As part of the application, we're reaching out to kindly ask for your support.

Enclosed, you'll find a few pictures of the proposed trellis. If you're comfortable with it, we would truly appreciate it if you could sign the letter and include your Lot Number. You can simply drop it off in our mailbox at your convenience.

If you'd like to see the trellis in person or have any questions, we'd be happy to show it to you—just let us know a time that works for you!

Thank you so much for considering this. We truly appreciate your support and are always grateful to have such wonderful neighbors.

Thank you,

Zach and Becca Pace  
7062 E. Belmont Avenue  
\*Zach 602-920-9212

*Best of Luck with  
your beautiful new backyard!  
Best Wishes,  
The Mahoneys*

October 1, 2025

Community Development  
Planning Division  
6401 E. Lincoln Drive  
Paradise Valley, AZ 85253

**Re: Pace Family Variance – 7062 E. Belmont Avenue, Paradise Valley, AZ**

To Whom it May Concern:

I am a resident of Cheney Estates and I am writing to express my support for the proposed variance to allow an existing garden trellis structure to encroach into the east building setback in the backyard of the Pace family residence at the above-referenced address.

I've spoken with Mr. Pace and viewed the trellis in the backyard. The shallow depth of the lot provides the special circumstance for the variance, and the minimalist nature of the structure combined with the thoughtful "green screening" of the trellis ensures that it will not have any visual impact on the surrounding property owners.

Sincerely,

*Jane L McCarty*  
*Lot #12*

October 1, 2025

Community Development  
Planning Division  
6401 E. Lincoln Drive  
Paradise Valley, AZ 85253

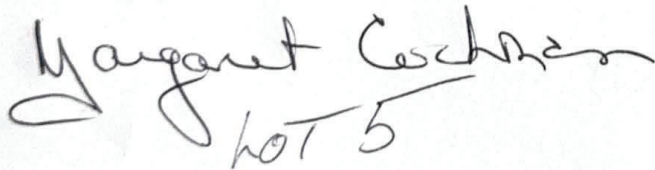
**Re: Pace Family Variance – 7062 E. Belmont Avenue, Paradise Valley,  
AZ**

To Whom it May Concern:

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Sincerely,

  
Margaret Cochran  
Lot 5

October 1, 2025

Community Development  
Planning Division  
6401 E. Lincoln Drive  
Paradise Valley, AZ 85253

**Re: Pace Family Variance – 7062 E. Belmont Avenue, Paradise Valley, AZ**

To Whom it May Concern:

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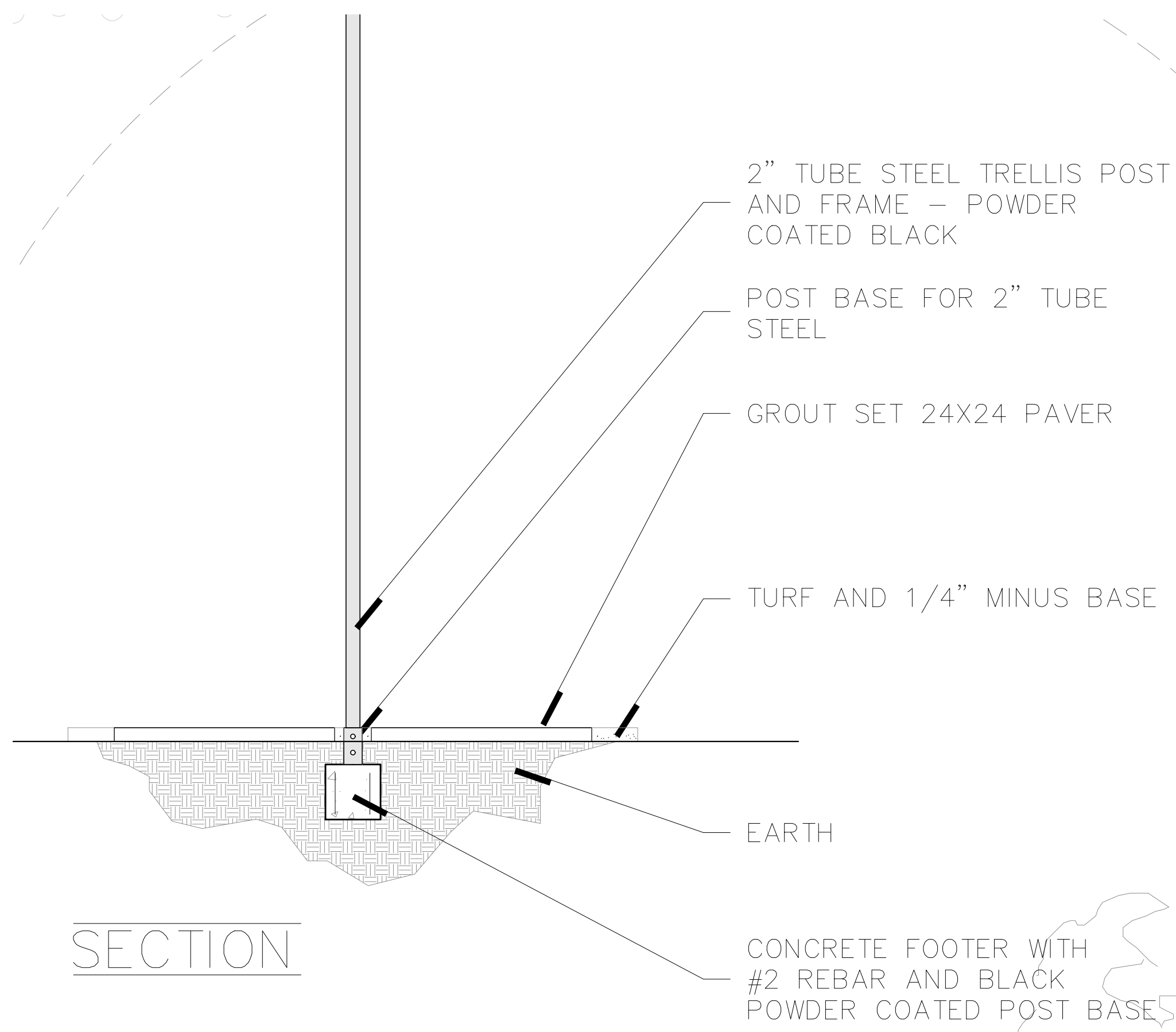
Sincerely,

*Kathleen McDowell*  
*Lot 7*

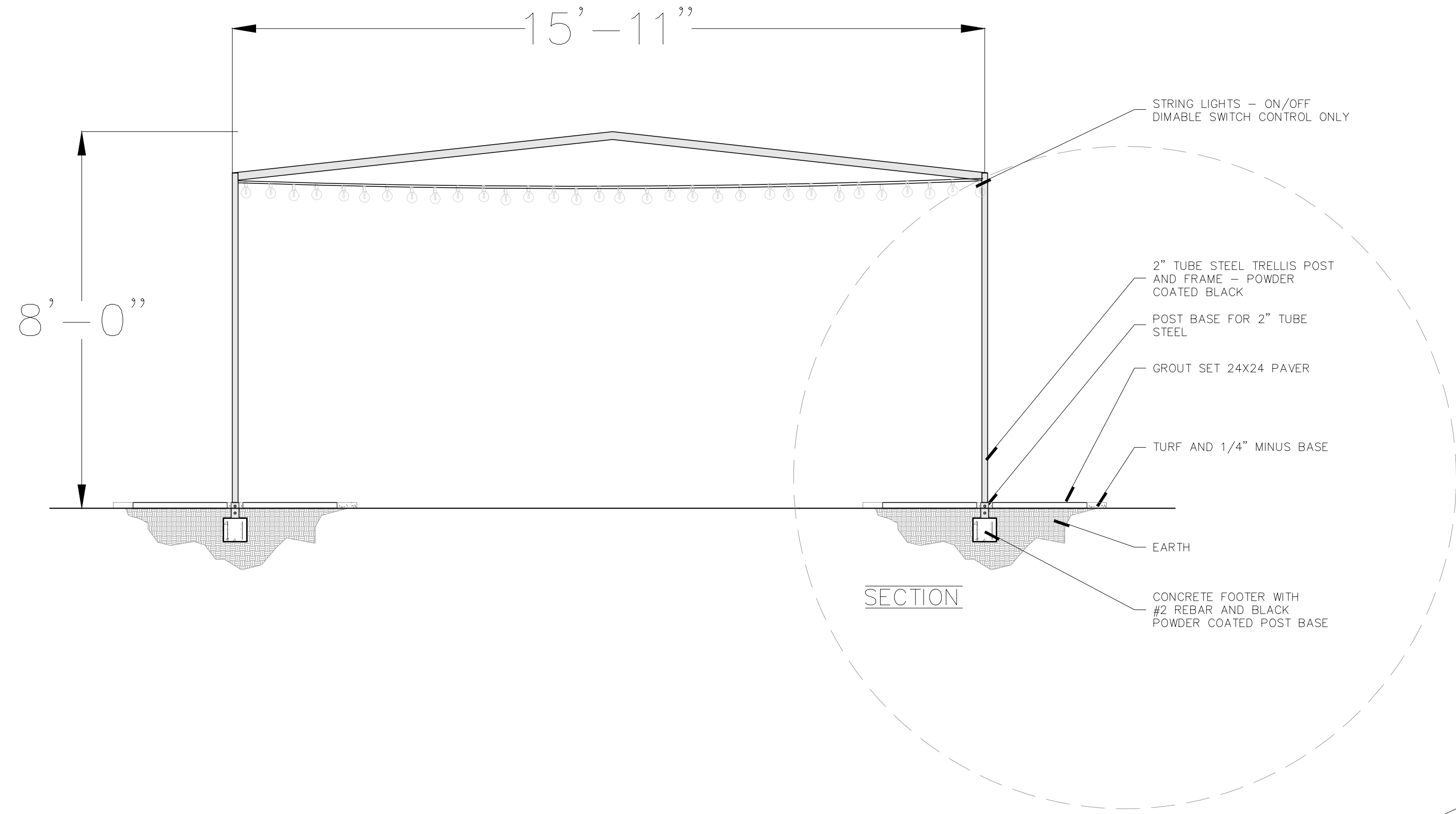
H	HOUSE SF
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**PACE RESIDENCE**  
7062 E BELMONT AVE  
PARADISE VALLEY ARIZONA;

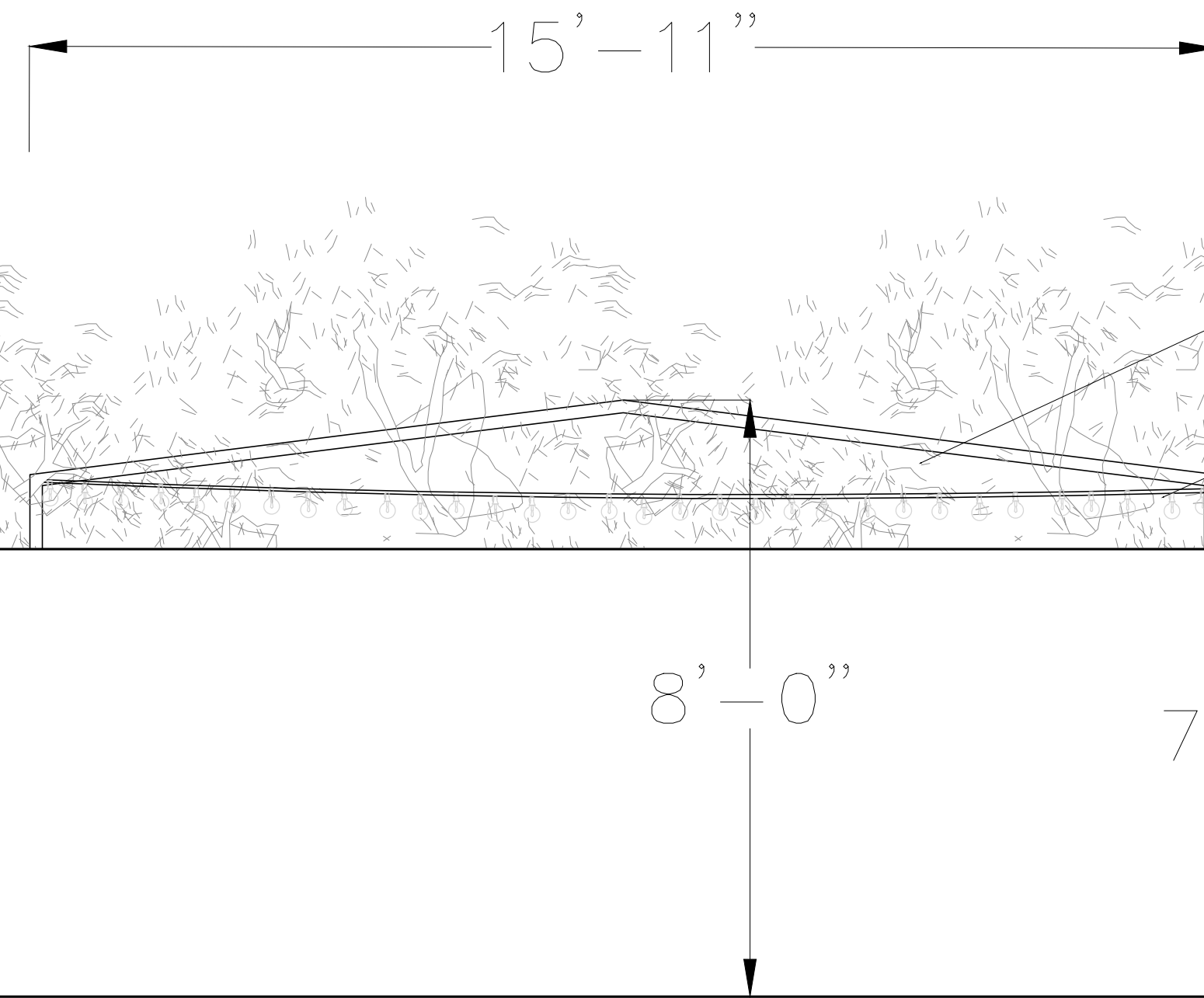
LI



SECTION



SECTION

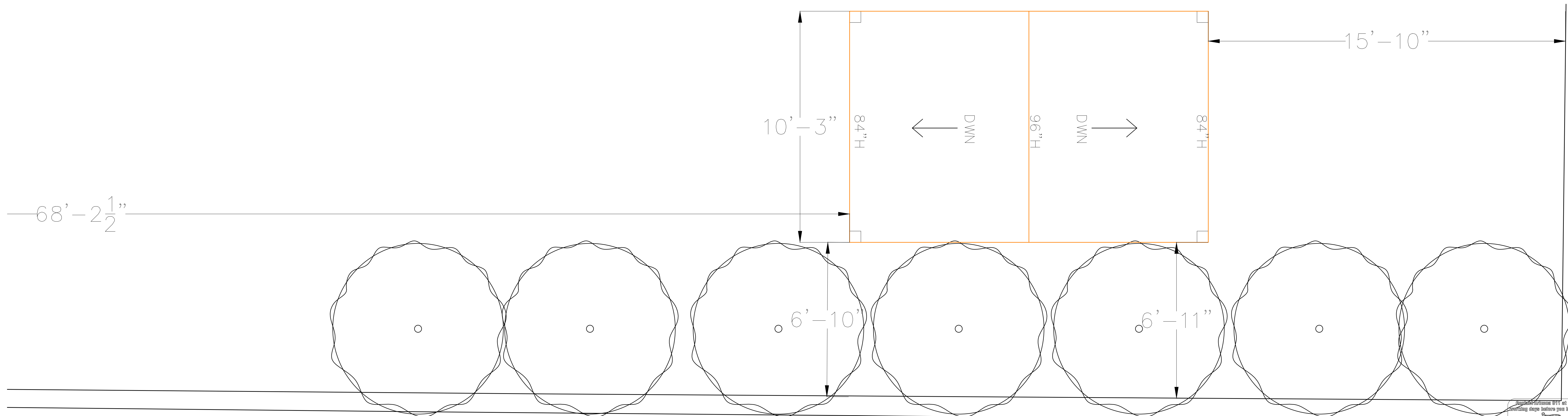


GARDEN TRELLIS

STRING LIGHTS ON SWITCH

MATURE HEDGE MATERIAL TO HIDE GARDEN TRELLIS

PROPERTY LINE WALL 6'H



Any unauthorized reproduction, reuse or publication of these plans by any method is prohibited without written consent from JMS Lifestyle & Design or the owner. Unauthorized reproduction may be subjected to criminal liability.

PACE RESIDENCE  
7062 E BELMONT AVE  
PARADISE VALLEY ARIZONA

CJS | LIFESTYLE & DESIGN

DATE: 10.21.25  
PLAN: DETAILS

L2

December 1, 2025

To Whom it May Concern:

The position of the Cheney Estates Board of Directors regarding the variance application for a pergola in the backyard of Lot 62, 7062 E. Belmont Ave. in Cheney Estates is, and always has been, that homeowners must abide by the rules set forth by the Town of Paradise Valley.

The Town of Paradise Valley advised the homeowner of Lot 62, 7062 E. Belmont Ave., that the pergola request does not meet any of the Town of Paradise Valley's three variance criteria and that the Town will recommend denial of the pergola's structure in its current location.

The Cheney Estates Board of Directors is vehemently concerned with setting a precedent in this case and the resulting consequences thereof. When one homeowner is allowed to erect a structure without approval from the Town or the Board (as in this case), it sets an irrevocable standard and an expectation for other homeowners to follow suit, especially if this structure is allowed to remain.

The Board of Directors has a fiduciary duty to every Cheney Estates resident to be consistent in all dealings with our homeowners. Deviance from the norm puts the Board in an untenable and precarious position in the future.

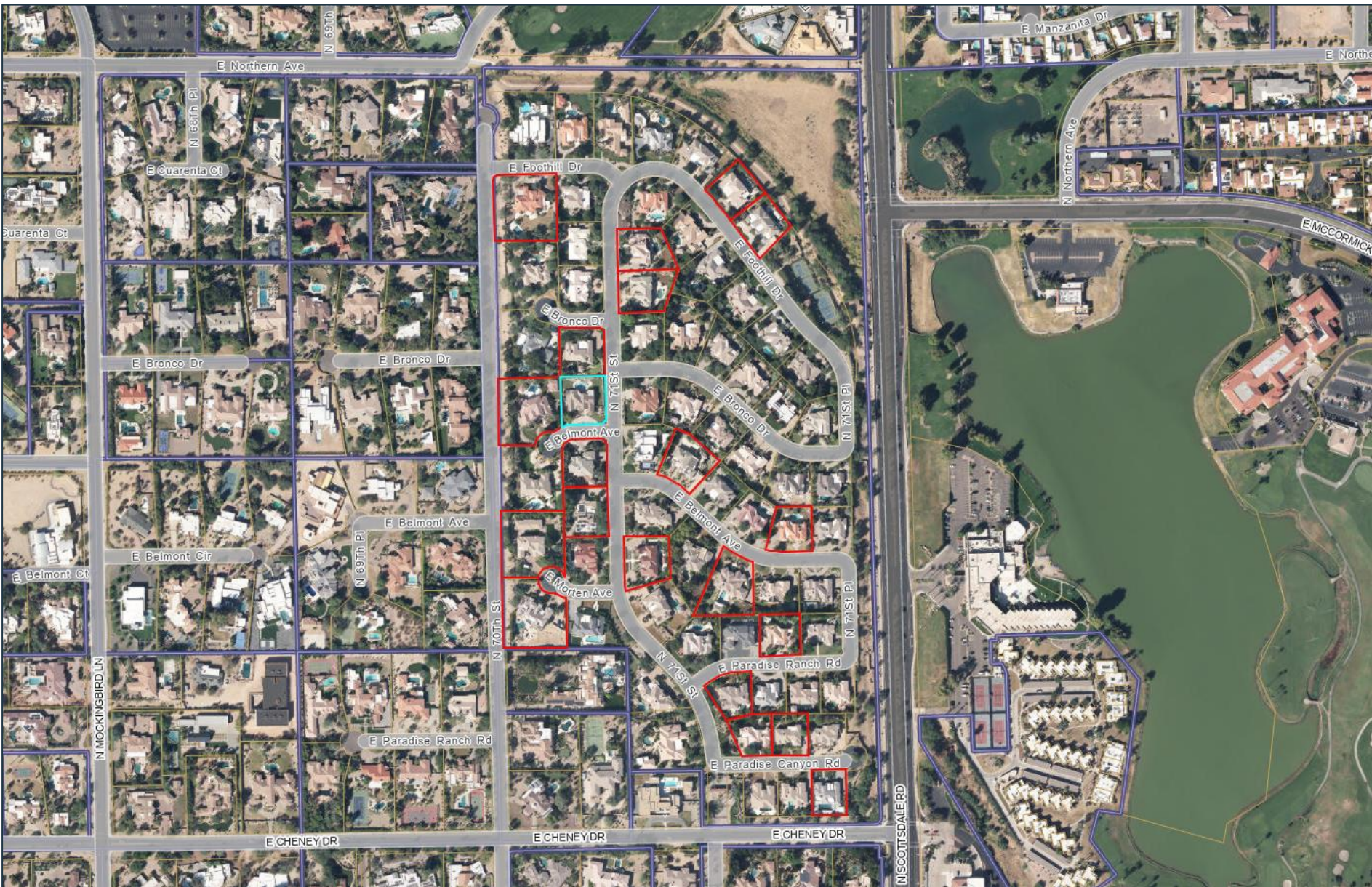
Lot 62 with its 23,995 square feet allows for placement of a pergola in another location that will not be in violation of the Town of Paradise Valley variances. The Board believes that the homeowner should move the pergola to an area in the backyard that complies with the Town of Paradise Valley guidelines.

The Board of Directors has a cordial and trouble-free relationship with the Town of Paradise Valley as we have worked together on a myriad of issues during the last few decades. The Board appreciates the opportunity to express its position in this case.

Respectfully,

The Cheney Estates Board of Directors

# Support Letter Map



WITHEY  
MORRIS  
BAUGH

7062 E. Belmont Avenue - Paradise Valley, AZ



October 1, 2025

Community Development  
Planning Division  
6401 E. Lincoln Drive  
Paradise Valley, AZ 85253

**Re: Pace Family Variance – 7062 E. Belmont Avenue, Paradise Valley, AZ**

To Whom it May Concern:

I am a resident of Cheney Estates and I am writing to express my support for the proposed variance to allow an existing garden trellis structure to encroach into the east building setback in the backyard of the Pace family residence at the above-referenced address.

I've spoken with Mr. Pace and viewed the trellis in the backyard. The shallow depth of the lot provides the special circumstance for the variance, and the minimalist nature of the structure combined with the thoughtful "green screening" of the trellis ensures that it will not have any visual impact on the surrounding property owners.

Sincerely,

A handwritten signature in dark ink, appearing to read "Phil", with a long, sweeping horizontal stroke extending to the right.

Lot 48

Looks great!

October 1, 2025

Community Development  
Planning Division  
6401 E. Lincoln Drive  
Paradise Valley, AZ 85253

**Re: Pace Family Variance – 7062 E. Belmont Avenue, Paradise Valley, AZ**

To Whom it May Concern:

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Sincerely,

  
Barry GABEL  
lot #6

October 1, 2025

Community Development  
Planning Division  
6401 E. Lincoln Drive  
Paradise Valley, AZ 85253

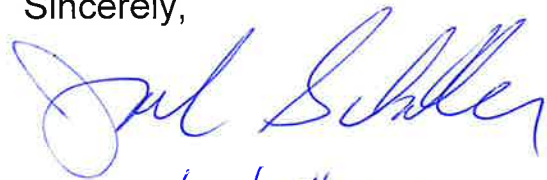
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Sincerely,



Lot # 3

October 1, 2025

Community Development  
Planning Division  
6401 E. Lincoln Drive  
Paradise Valley, AZ 85253

**Re: Pace Family Variance – 7062 E. Belmont Avenue, Paradise Valley, AZ**

To Whom it May Concern:

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Sincerely,

*Paul C. Hazelwood*  
*7032 E. Norton Ave*  
*Lot 68*

*Note: This structure is amazing! And will be  
even more beautiful when vines are mature!*

October 1, 2025

Community Development  
Planning Division  
6401 E. Lincoln Drive  
Paradise Valley, AZ 85253

**Re: Pace Family Variance – 7062 E. Belmont Avenue, Paradise Valley, AZ**

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Sincerely,

*Whitley Kraft*  
*Lot #19*

*Looks nice! Enjoy!*

October 1, 2025

Community Development  
Planning Division  
6401 E. Lincoln Drive  
Paradise Valley, AZ 85253

**Re: Pace Family Variance – 7062 E. Belmont Avenue, Paradise Valley, AZ**

To Whom it May Concern:

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Sincerely,



Lat 23

October 12, 2025

Dear Neighbor,

We hope this note finds you well!

We're in the process of applying for a variance with the Town of Paradise Valley for an unobtrusive outdoor trellis/dining area. As part of the application, we're reaching out to kindly ask for your support.

Enclosed, you'll find a few pictures of the proposed trellis. If you're comfortable with it, we would truly appreciate it if you could sign the letter and include your Lot Number. You can simply drop it off in our mailbox at your convenience.

If you'd like to see the trellis in person or have any questions, we'd be happy to show it to you—just let us know a time that works for you!

Thank you so much for considering this. We truly appreciate your support and are always grateful to have such wonderful neighbors.

Thank you,

Zach and Becca Pace  
7062 E. Belmont Avenue  
\*Zach 602-920-9212

PAUL SCHWITZER  
Becca Pace  
LOT 55

OF COURSE IT'S OKAY WITH  
45

October 1, 2025

Community Development  
Planning Division  
6401 E. Lincoln Drive  
Paradise Valley, AZ 85253

**Re: Pace Family Variance – 7062 E. Belmont Avenue, Paradise Valley, AZ**

To Whom it May Concern:

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Sincerely,

October 1, 2025

Community Development  
Planning Division  
6401 E. Lincoln Drive  
Paradise Valley, AZ 85253


**Re: Pace Family Variance – 7062 E. Belmont Avenue, Paradise Valley,  
AZ**

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Sincerely,



CINDY WOLFINGER  
LOT 49

October 1, 2025

Community Development  
Planning Division  
6401 E. Lincoln Drive  
Paradise Valley, AZ 85253

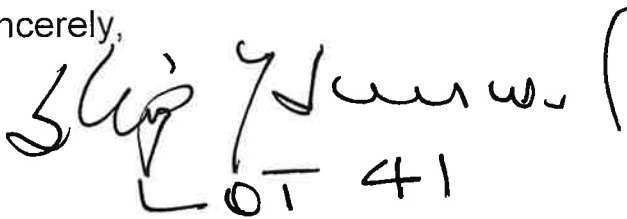
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Sincerely,

  
Skip Johnson  
LOT 41

October 1, 2025

Community Development  
Planning Division  
6401 E. Lincoln Drive  
Paradise Valley, AZ 85253

**Re: Pace Family Variance – 7062 E. Belmont Avenue, Paradise Valley,  
AZ**

To Whom it May Concern:

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Sincerely,

 Mark Brachfeld, Lot #26

James R. Bartlett

10/19

October 1, 2025

Community Development  
Planning Division  
6401 E. Lincoln Drive  
Paradise Valley, AZ 85251

We're fine with it.

Jim / Sue

**Re: Pace Family Variance  
AZ**

To Whom it May Concern:

I am a resident of Cheney Estates and I am writing to express my support for the proposed variance to allow an existing garden trellis structure to encroach into the east building setback in the backyard of the Pace family residence at the above-referenced address.

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Sincerely,



Jim &amp; Sue BARTLETT

LOT 66, CHENEY ESTATES

October 1, 2025

Community Development  
Planning Division  
6401 E. Lincoln Drive  
Paradise Valley, AZ 85253


**Re: Pace Family Variance – 7062 E. Belmont Avenue, Paradise Valley, AZ**

To Whom it May Concern:

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Sincerely,

  
Lot 16.

October 11, 2025

Dear Neighbor,

We hope this note finds you well!

We're in the process of applying for a variance with the Town of Paradise Valley for an unobtrusive outdoor trellis/dining area. As part of the application, we're reaching out to kindly ask for your support.

Enclosed, you'll find a few pictures of the proposed trellis. If you're comfortable with it, we would truly appreciate it if you could sign the letter and include your Lot Number. You can simply drop it off in our mailbox at your convenience.

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Thank you so much for considering this. We truly appreciate your support and are always grateful to have such wonderful neighbors.

Thank you,

Zach and Becca Pace  
7062 E. Belmont Avenue  
\*Zach 602-920-9212

☺ Sure -  
Not a problem  
~ enjoy ~

October 1, 2025

Community Development  
Planning Division  
6401 E. Lincoln Drive  
Paradise Valley, AZ 85253

**Re: Pace Family Variance – 7062 E. Belmont Avenue, Paradise Valley, AZ**

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Sincerely,

Leslie & Marla Fish  
7067 E. Bronco Dr.  
Paradise Valley, AZ  
85253

Cheney Estates - Lot # 61

October 1, 2025

Community Development  
Planning Division  
6401 E. Lincoln Drive  
Paradise Valley, AZ 85253

**Re: Pace Family Variance – 7062 E. Belmont Avenue, Paradise Valley,  
AZ**

To Whom it May Concern:

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Sincerely,

John Brennan  
7065 E. Belmont Ave  
Lot # 65

October 1, 2025

Community Development  
Planning Division  
6401 E. Lincoln Drive  
Paradise Valley, AZ 85253

**Re: Pace Family Variance – 7062 E. Belmont Avenue, Paradise Valley, AZ**

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Sincerely,

*Brett Peryglato*  
*lot # 63*

October 1, 2025

Community Development  
Planning Division  
6401 E. Lincoln Drive  
Paradise Valley, AZ 85253

**Re: Pace Family Variance – 7062 E. Belmont Avenue, Paradise Valley, AZ**

To Whom it May Concern:

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Sincerely,

Barbara & Doron Burger  
Lot #40  
7855 N. 71<sup>st</sup> St  
P.V. AZ 85253  
314-477-9588 cell  
10/25/25

October 1, 2025

Community Development  
Planning Division  
6401 E. Lincoln Drive  
Paradise Valley, AZ 85253

**Re: Pace Family Variance – 7062 E. Belmont Avenue, Paradise Valley, AZ**

To Whom it May Concern:

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Sincerely,

Anne & John Mahoney  
Lot 69

## **NOTICE OF PUBLIC HEARING TOWN OF PARADISE VALLEY**

Notice is hereby given that the Town of Paradise Valley Board of Adjustment will hold a **public hearing at 5:30 p.m. on Wednesday, January 7, 2026**, at Town Hall, 6401 East Lincoln Drive, Paradise Valley, Arizona, 85253 for:

**PUBLIC HEARING:** Discussion and Possible Action on a variance from the Zoning Ordinance, Article X, Height and Area Regulations, to allow a trellis to encroach into the side yard with frontage setback. The property is located at 7062 E Belmont Avenue (Assessor's Parcel Number 174-40-063).

If you have questions about this application, please call Planner II Brandon McMahon with the Planning Department at (480) 348-3531.

Notice is hereby given pursuant to A.R.S. §38-431.02. that members of the Board of Adjustment may attend by audio/video conference call.

The Town of Paradise Valley endeavors to make all public meetings accessible to persons with disabilities. With 72 hours advance notice, special assistance can be provided for disabled persons at public meetings. Please call 480-948-7411 (voice) or 483-1811 (TDD) to request accommodation.

For further information about any of these matters, please contact the Community Development Department, 6401 E. Lincoln Drive, Paradise Valley, Arizona, 480-348-3692.

All agendas are subject to change. You can view the agenda, find application material, and provide your input via eComment approximately 4-6 days prior to the meeting date at <https://paradisevalleyaz.legistar.com/Calendar.aspx>. You may also contact the staff liaison, Brandon McMahon on this application at [bmcMahon@paradisevalleyaz.gov](mailto:bmcMahon@paradisevalleyaz.gov) or 480-348-3531 at any time before the scheduled meeting date.



# COMMUNITY DEVELOPMENT DEPARTMENT

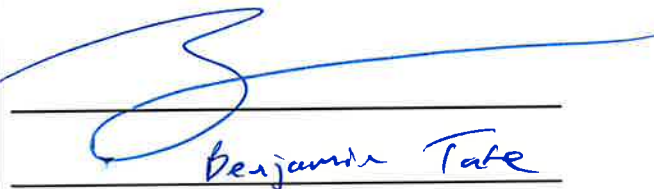
## AFFIDAVIT OF MAILING NOTIFICATION

Town of Paradise Valley • 6401 East Lincoln Drive • Paradise Valley, Arizona 85253 • Phone: (480) 348-3692

STATE OF ARIZONA       )  
  ) ss:  
County of Maricopa       )

In accordance with the requirements of the Town of Paradise Valley, the undersigned hereby certifies that all the property owners within 1,500 feet of the property, as obtained from the Maricopa County Assessor's Office on 11/12/25, for the proposed application BA-25-12 has been mailed on the following date December 12, 2025. (Case Number)

(This property list shall not be older than thirty (30) days at the time of filing of the application).

  
\_\_\_\_\_  
Benjamin Tate

The foregoing instrument was acknowledged by me this 12<sup>th</sup> day of December, 2025, by Benjamin Tate.  
Name

  
\_\_\_\_\_  
NOTARY PUBLIC

My commission expires:

February 22<sup>nd</sup>, 2026



## **NOTICE OF PUBLIC HEARING TOWN OF PARADISE VALLEY**

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2003 LOK FAMILY TRUST  
 7154 E IRONWOOD DR  
 PARADISE VALLEY, AZ 85253

6900 E BELMONT LLC  
 11110 N TATUM BLVD STE 100  
 PHOENIX, AZ 85028

7120 PARADISE RANCH LLC  
 7120 E PARADISE RANCH RD  
 PARADISE VALLEY, AZ 85253

7373 PIEDMONT LLC  
 1819 E SOUTHERN AVE STE B10  
 MESA, AZ 85204

AAI TRUST  
 7010 E AVENIDA EL ALBA  
 PARADISE VALLEY, AZ 85253

AB RENTAL BELMONT LLC  
 6929 HAYDEN RD STE C4-165  
 SCOTTSDALE, AZ 85250

AGATE TRUST  
 6855 E BRONCO DR  
 PARADISE VALLEY, AZ 85253

AKUMAL LLC  
 7543 N MOCKINGBIRD LN  
 PARADISE VALLEY, AZ 85253

ALI YOLANDA E TR  
 7127 E FOOTHILL DR  
 PARADISE VALLEY, AZ 85253

ANUGU-DHANJAL LIVING TRUST  
 6918 E BRONCO DR  
 PARADISE VALLEY, AZ 85253

BAGAI LIVING TRUST  
 6918 E BELMONT AVE  
 PARADISE VALLEY, AZ 85253

BARBARA F BERGER REVOCABLE TRUST  
 7855 N 71ST ST  
 PARADISE VALLEY, AZ 85253

BARBARA L COOPER TRUST  
 6805 E BRONCO DR  
 PARADISE VALLEY, AZ 85253

BARBEE FAMILY LIVING TRUST  
 6821 E BELMONT CIR  
 PARADISE VALLEY, AZ 85253

BARTLETT JAMES R/SUSAN B TR  
 7700 N 71ST ST  
 PARADISE VALLEY, AZ 85253

BELMONT ESTATE LLC  
 1309 COFFEEN AVE STE 1200  
 SHERIDAN, WY 82801

BENSON FAMILY IRREVOCABLE TRUST OF  
 2020/SHAWN BENSON IRREVOCABLE  
 TRUST OF 2020  
 7533 N 70TH ST  
 PARADISE VALLEY, AZ 85253

BORAD MITESH JIVRAJ  
 7031 E MORTEN AVE  
 PARADISE VALLEY, AZ 85253

**BORDER TRUST**  
**13500 156TH ST**  
**EDMOND, AB T5V 1L3, CANADA**

BOSCO MICHAEL F  
 6901 E BELMONT AVE  
 PARADISE VALLEY, AZ 85253

BRACHFELD MARK I/ANDREWS  
 CYNTHIA C TR  
 7102 E BELMONT AVE  
 PARADISE VALLEY, AZ 85253

BREWSTER GREGG A/TRACY M  
 7122 E BRONCO DR  
 PARADISE VALLEY, AZ 85253

BROOKS EDWARD H/BARBARA  
 6825 E IRONWOOD DR  
 PARADISE VALLEY, AZ 85253

CAMINO SERNA TRUST  
 6840 E CUARENTA CT  
 PARADISE VALLEY, AZ 85253

CASHMAN SUSAN E/VITO JAMES M  
 7437 N 71ST ST  
 PARADISE VALLEY, AZ 85253

CASTRO-MARTINEZ LIVING TRUST  
 6901 E NORTHERN AVE  
 PARADISE VALLEY, AZ 85253

CHAL ARTHUR H/KAREN K TR  
 6900 E BRONCO DR  
 PARADISE VALLEY, AZ 85253

CHENEY DR LLC  
 7505 N 70TH ST  
 PARADISE VALLEY, AZ 85253

CHENEY SKY LLC  
 7740 E GAINEY RANCH RD STE 28  
 SCOTTSDALE, AZ 85258

CHERNUS JACK H/JENNIFER S  
 7161 E PARADISE RANCH RD  
 PARADISE VALLEY, AZ 85253

CHORNEYKO FAMILY LIVING TRUST  
6911 E BELMONT AVE  
PARADISE VALLEY, AZ 85253

CHUN WOOKJIN/MOON MINSOO  
7004 E AVENIDA EL ALBA  
PARADISE VALLEY, AZ 85253

COOPER FAMILY TRUST  
6850 E CHENEY DR  
PARADISE VALLEY, AZ 85253

CRAFT HAROLD D  
76 ISLAND PSGE  
GALVESTON, TX 77554

CRAIG G BABCOCK LIVING TRUST/LDB  
DOWNERS GROVE TRUST  
8711 E PINNACLE PEAK RD  
SCOTTSDALE, AZ 85255

DEZELON FAMILY TRUST  
7601 N 69TH PL  
PARADISE VALLEY, AZ 85253

DIERS TRUST  
7160 E BELMONT AVE  
PARADISE VALLEY, AZ 85253

DOCKTOR DIANE G  
7033 E BELMONT AVE  
PARADISE VALLEY, AZ 85253

DONALD CRAIG BENNETT  
TRUST/CARLOS M CABRERA TRUST  
7170 E PARADISE CANYON RD  
PARADISE VALLEY, AZ 85253

DONSKY 2023 REVOCABLE TRUST  
2025 N THIRD ST  
PHOENIX, AZ 85004

E V HANCOCK II REVOCABLE TRUST  
7877 N 71ST ST  
PARADISE VALLEY, AZ 85253

EGAN FAMILY REVOCABLE LIVING TRUST  
6808 E BRONCO DR  
PARADISE VALLEY, AZ 85253

FENCHEL FAMILY TRUST  
6867 E CUARENTA CT  
PARADISE VALLEY, AZ 85253

FISH LESLIE R/MARLA S TR  
7067 E BRONCO DR  
PARADISE VALLEY, AZ 85253

FISHER GREG/NANCY TR  
7124 E FOOTHILL DR  
PARADISE VALLEY, AZ 85253

FOLKMAN PROPERTIES LLC  
2422 E PALO VERDE DR  
PHOENIX, AZ 85016

FRANKLIN MICHAEL E/PAMELA M  
18 CADOGAN SQUARE FLAT 3  
LONDON, GBR SW1X 0HX, UK

FRANSEN ROBERT L/RENEA CORRINE  
5990 LORING DR  
MOUND, MN 55364

GABEL BARRY H/BABBI L TR  
7130 E PARADISE CANYON RD  
PARADISE VALLEY, AZ 85253

GAIL C HAZELWOOD LIVING TRUST  
7032 E MORTEN AVE  
PARADISE VALLEY, AZ 85253

GEORGE H JOHNSON REVOCABLE  
TRUST-SURVIVORS TRUST  
7172 E PARADISE RANCH RD  
PARADISE VALLEY, AZ 85253

GIANNINI ROBERT  
1036 MONTEREY BLVD  
HERMOSA BEACH, CA 90254

GLOBAL PACIFIC FUNDING II LLC  
7104 E BRONCO DR  
PARADISE VALLEY, AZ 85253

GOLD MD LLC  
7107 E BRONCO DR  
PARADISE VALLEY, AZ 85253

GORDON COLE T  
7153 E IRONWOOD DR  
PARADISE VALLEY, AZ 85253

GREGG M CITRON AND  
LORI Y CITRON TRUST  
7130 E IRONWOOD DR  
PARADISE VALLEY, AZ 85253

HAMWAY GEOFFREY H/MARY E TR  
7112 E BRONCO DR  
PARADISE VALLEY, AZ 85253

HARRIS REVOCABLE TRUST  
6822 E BELMONT CIR  
PARADISE VALLEY, AZ 85253

HAWKMAN LLC  
7180 E BELMONT AVE  
PARADISE VALLEY, AZ 85253

HAYUTIN GREGG S/KAREN  
6795 E TENNESSE AVE 601  
DENVER, CO 80224

HEAVENLY PROPERTIES LLC  
9953 E TOMS THUMB  
SCOTTSDALE, AZ 85255

HELEN Y CHANG FAMILY TRUST  
6945 E CHENEY DR  
PARADISE VALLEY, AZ 85253

HENSHAW FAMILY TRUST  
6932 E BRONCO DR  
PARADISE VALLEY, AZ 85253

HORIUCHI-YVKOFF ANGELA  
8061 E VIA SIERRA  
SCOTTSDALE, AZ 85258

HOSPODOR PETER J  
6950 E PARADISE RANCH RD  
PARADISE VALLEY, AZ 85253

HUNTON STEVEN L/CAROLEE A TR  
7820 N 70TH ST  
PARADISE VALLEY, AZ 85253

IRONWOOD GOLF VILLAS LLC  
14746 N 78TH WAY  
SCOTTSDALE, AZ USA 85260

JA IRREVOCABLE TRUST  
7155 E PARADISE CANYON RD  
PARADISE VALLEY, AZ 85253

JACOBSEN JULIE/RICHARD  
6941 E BRONCO DR  
PARADISE VALLEY, AZ 85253

JAMES L AND LISA G HELT FAMILY TRUST  
7880 N 71ST ST  
PARADISE VALLEY, AZ 85253

JAN AND HOWARD HENDLER  
FAMILY TRUST  
7065 E FOOTHILL DR  
PARADISE VALLEY, AZ 85253

JARM LLC  
7144 E PARADISE RANCH RD  
PARADISE VALLEY, AZ 85253

JASON C MITCHELL LIVING TRUST  
7840 N 70TH ST  
PARADISE VALLEY, AZ 85253

JEFFREY GILBRAITH LINK REVOCABLE  
TRUST/KATHERINE MELISSA LINK  
REVOCABLE TRUST  
6835 E BRONCO DR  
PARADISE VALLEY, AZ 85253

JOEL L SCHALLER TRUST  
7171 E PARADISE CANYON RD  
PARADISE VALLEY, AZ 85253

JOEL TORNABENI AND JOLENE  
TORNABENI FAMILY TR  
7100 E PARADISE RANCH RD  
PARADISE VALLEY, AZ 85253

JOHN H FLITTIE REVOCABLE  
TRUST/TAULBEE-FLITTIE JO H (LIFE ESTATE)  
2101 VIA MONTECITO  
CAMARILLO, CA 93012

JOHNSON LIVING TRUST  
6805 E CUARENTA CT  
PARADISE VALLEY, AZ 85253

JTF FAMILY TRUST  
6917 E BRONCO DR  
PARADISE VALLEY, AZ 85253

JUDY L VAIL TRUST  
7141 E PARADISE RANCH RD  
PARADISE VALLEY, AZ 85253

KATHLEEN MCDOWELL TRUST  
7111 E PARADISE RANCH RD  
PARADISE VALLEY, AZ 85253

KELLY ROBERT/ANNMARIE  
6833 E BELMONT CIR  
PARADISE VALLEY, AZ 85253

KENNEDY ROBERT JAMES/GAIL MARIE  
7155 E FOOTHILL DR  
PARADISE VALLEY, AZ 85253

KERN LARRY M/ROBERTA A  
2325 E BOWKER ST  
PHOENIX, AZ 85040

KESIC MILAN/DANIELLE  
7545 N MOCKINGBIRD LN  
PARADISE VALLEY, AZ 85253

KEVIN AND TARA MACKENZIE  
LIVING TRUST  
6840 E BRONCO DR  
PARADISE VALLEY, AZ 85253

KIRK FAMILY REVOCABLE TRUST  
7030 E FOOTHILL DR  
PARADISE VALLEY, AZ 85253

KLIBANOFF LIVING TRUST  
6929 E CHENEY DR  
PARADISE VALLEY, AZ 85253

LEE-LANNOTTI FAMILY TRUST  
6959 E IRONWOOD DR  
PARADISE VALLEY, AZ 85253

LINDSEY DAVID CLEVELAND  
7131 E FOOTHILLS DR  
PARADISE VALLEY, AZ 85253

LOEBER GEORGE  
 1245 ABERDEEN RD  
 INVERNESS, IL 60067

M2V TRUST  
 7130 E BELMONT AVE  
 PARADISE VALLEY, AZ 85253

MAHONEY FAMILY REVOCABLE TRUST  
 7036 E BRONCO DR  
 PARADISE VALLEY, AZ 85253

MAHONEY JOHN/ANNE  
 7110 E BELMONT AVE  
 PARADISE VALLEY, AZ 85253

MANKANWAL AND JASGIT SACHDEV  
 LIVING TRUST  
 7602 N 69TH PL  
 PARADISE VALLEY, AZ 85253

MARELLA PUNNAIAH  
 CHOWDARY/SIRIPURAPU SHANTIPRIYA  
 7025 E CHENEY DR  
 PARADISE VALLEY, AZ 85253

MARGARET E COCHRAN TRUST  
 7150 E PARADISE CANYON RD  
 PARADISE VALLEY, AZ 85253

MARTHA SHARP CANTERBURY  
 500 GRANT ST STE 3713  
 PITTSBURGH, PA 15258

MARTORI STEPHEN A III/ERIKA  
 6901 E BRONCO DR  
 PARADISE VALLEY, AZ 85253

MASCI GREGORY J/CAMBRIA C  
 1701 REDROCK DR  
 GALLUP, NM 87340

MAUREEN D CASEY TRUST  
 1440 WISCONSIN AVE  
 WHITEFISH, MT 59937

MCCORMICK RANCH PROPERTY  
 OWNERS ASSOCIATION INC  
 9248 N 94TH ST  
 SCOTTSDALE, AZ 85258

MCTI LIVING TRUST  
 6860 E CUARENTA CT  
 PARADISE VALLEY, AZ 85253

MELKA DAVID P/ROSLYN J  
 6900 E CHENEY RD  
 PARADISE VALLEY, AZ 85253

MICHAEL T JENNINGS TRUST  
 6880 E BRONCO DR  
 PARADISE VALLEY, AZ 85253

MORRIS GLENN HOWELL JR/SUZANNE  
 WALKER  
 7816 N 70TH ST  
 PARADISE VALLEY, AZ 85253

MUELLER DENNIS L/SUSAN L TR  
 6974 E PARADISE RANCH RD  
 PARADISE VALLEY, AZ 85253

NABONG FAMILY REVOCABLE  
 LIVING TRUST  
 7812 N 70TH ST  
 PARADISE VALLEY, AZ 85253

NILSEN FAMILY TRUST  
 7140 E BRONCO DR  
 PARADISE VALLEY, AZ 85253

NOEL NOVARRO AND JILL E NOVARRO  
 FAMILY TRUST  
 6853 E CUARENTA CT  
 PARADISE VALLEY, AZ 85253

NORM AND JAN CORZINE  
 REVOCABLE TRUST  
 PO BOX 4040  
 SCOTTSDALE, AZ 85261

OAEC LLC  
 1850 N CENTRAL AVE STE 1800  
 PHOENIX, AZ 85004

OREFFICE PAUL F/JOANN  
 6850 E CUARENTA CT  
 PARADISE VALLEY, AZ 85253

ORNSTEIN FAMILY TRUST  
 6955 E PARADISE RANCH RD  
 PARADISE VALLEY, AZ 85253

PACE FAMILY TRUST  
 7062 E BELMONT AVE  
 PARADISE VALLEY, AZ 85253

PAYNE DOUGLAS/JACQUELYN  
 6991 E IRONWOOD DR  
 PARADISE VALLEY, AZ 85253

PETERS PROPERTIES LLC  
 5850 THE KNOLLS  
 LINCOLN, NE 68512

PEZZUTO BRETT J  
 7034 E BELMONT AVE  
 PARADISE VALLEY, AZ 85253

PHAM CLIFF/LE PHUC  
 7560 N 71ST ST  
 PARADISE VALLEY, AZ 85253

PORTERHOUSE PROPERTIES LLC  
 7345 E ACOMA DR 101  
 SCOTTSDALE, AZ 85260

QUALIFIED MARITAL  
TRUST/GALLAGHER ELLEN M  
3209 GALLERIA UNIT 1605  
EDINA, MN 55435

ROBERT F KULL LIVING TRUST  
8120 E WELDON AVE  
SCOTTSDALE, AZ 85251

ROBINSON ROBERT M  
7101 E BRONCO DR  
PARADISE VALLEY, AZ 85253

SANDERS JEFFREY BRENT/MELANIE  
MORGAN TR  
6858 E BRONCO DR  
PARADISE VALLEY, AZ 85253

SCHNITZER CARL STEWART/NADINE  
LOUISE TR  
7033 E FOOTHILLS DR  
SCOTTSDALE, AZ 85253

SHERRY L HURLBURT LIVING  
TRUST/LANE RONALD T  
7181 E BRONCO DR  
PARADISE VALLEY, AZ 85253

SILVERSTEIN LIVING TRUST  
7102 E FOOTHILL DR  
PARADISE VALLEY, AZ 85253

STANLEY V DICKERSON REVOCABLE  
TRUST  
7681 N 71ST ST  
PARADISE VALLEY, AZ 85253

THOMA CARL/MARILYNN J  
5810 PARK LN  
DALLAS, TX 75225

TOTTON REVOCABLE TRUST  
6988 E PARADISE RANCH RD  
PARADISE VALLEY, AZ 85253

RE FAMILY TRUST  
369 MOTTSVILLE LN  
GARDNERVILLE, NV 89460

ROBERT SPIES AND DIANE HAMILTON  
FAMILY TRUST  
7095 E FOOTHILL DR  
PARADISE VALLEY, AZ 85253

RONALD LEROY HAMMER AND DEVON  
DELONG LIVING TRUST  
6955 E NORTHERN AVE  
PARADISE VALLEY, AZ 85253

SANDLER LIVING TRUST  
16055 N DIAL BLVD STE 10  
SCOTTSDALE, AZ 85260

SCRIBNER FAMILY TRUST  
6969 E PARADISE RANCH RD  
PARADISE VALLEY, AZ 85253

SHG PV 6902 E BELMONT AVENUE LLC  
7377 E DOUBLETREE RANCH RD STE  
200 SCOTTSDALE, AZ 85258

SILVESTRI STEVEN J/DARA J TR  
6983 E NORTHERN AVE  
PARADISE VALLEY, AZ 85253

STUART J HELLER 2021 TRUST  
400 S STEELE ST UNIT 64  
DENVER, CO 80209

THOMAS M RETTLER REVOCABLE  
TRUST/COURTNAY A RETTLER REVOCABLE  
TRUST  
2328 E STIRLING PKWY  
APPLETON, WI 54913

TOWE FAMILY REVOCABLE TRUST  
7115 E FOOTHILL DR  
PARADISE VALLEY, AZ 85253

RHM RANCH LLC LEASE  
4222 E THOMAS RD 360  
PHOENIX, AZ 85018

ROBERTA M REIMAN  
SURVIVORS TRUST  
125 W WISCONSIN AVE STE 200  
PEWAUKEE, WI 53072

RYAN E ESNER TRUST  
7121 E FOOTHILL DR  
PARADISE VALLEY, AZ 85253

SANTO TOMAS SCOTTSDALE HOMES  
ASSOCIATION INC  
42 S HAMILTON PL STE 101  
GILBERT, AZ 85233

SHARON B SIEGEL REVOCABLE TRUST  
6983 E PARADISE RANCH RD  
PARADISE VALLEY, AZ 85253

SHIRLEY A KRAFT SURVIVORS TRUST  
7139 E BELMONT AVE  
PARADISE VALLEY, AZ 85253

SK/MK TRUST  
19500 MAYALL ST  
NORTHRIDGE, CA 91324

TAYLOR RICHARD P/GAIL P  
12907 CANSO PL SW  
CALGARY, AB T2W 3A8, CANADA

TIELEMANS ILSE  
7177 E PARADISE RANCH RD  
PARADISE VALLEY, AZ 85253

TRENT FAMILY TRUST  
6988 E IRONWOOD DR  
PARADISE VALLEY, AZ 85253

TRUST A OF THE CUMMINGS TRUST  
1625 CREEKSIDE DR STE 201  
FOLSOM, CA 95630

TRUST NUMBER 3  
7655 N 71ST ST  
PARADISE VALLEY, AZ 85253

VAN AND MARSHA WELCH  
REVOCABLE LIVING TRUST  
7058 E FOOTHILL DR  
PARADISE VALLEY, AZ 85253

VERDOORN DARYL R/CAROL J  
6845 E CUARENTA CT  
PARADISE VALLEY, AZ 85253

WEATHERLY JAMES/SHARON  
7611 N MOCKINGBIRD LN  
PARADISE VALLEY, AZ 85253

WILLIAM BRADFORD LITLE AND  
MONICA SEGO LITLE TRUST  
7030 E CHENEY DR  
PARADISE VALLEY, AZ 85253

WOLFERT RONNIE C/EVANS RENE N TR  
7100 E BRONCO DR  
PARADISE VALLEY, AZ 85253

WOLFINGER FAMILY TRUST  
7118 E FOOTHILL DR  
PARADISE VALLEY, AZ 85253

WUBS JETSKO H/CHRISTINA  
9130 163 A ST  
SURREY, BC V4N 5S5, CANADA

YDL AND GIL REVOCABLE TRUST  
7631 N MOCKINGBIRD LN  
PARADISE VALLEY, AZ 85253



# COMMUNITY DEVELOPMENT DEPARTMENT

## AFFIDAVIT OF POSTING

Town of Paradise Valley • 6401 East Lincoln Drive • Paradise Valley, Arizona 85253 • Phone: (480) 348-3692

STATE OF ARIZONA     )  
  ) ss:  
County of Maricopa     )

I, Benjamin Tate, depose and state that the attached notice,  
of proposed application BA-25-12 located at

   for the Planning Commission/Town Council meeting date of  
January 7, 20 26 is

a true and correct copy of a notice which I cause to be posted by the following day of the  
week Monday

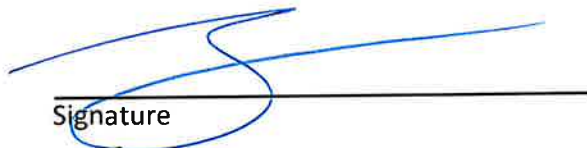
and on the following date December 8, 20 25 in the following location(s):

Southeast corner of property at intersection of 71st Street and Belmont Avenue.

All in the Town of Paradise Valley, Arizona and County and State aforesaid, the same being public  
places in said County and in the following locations:

All to the Town of Paradise Valley, Arizona and County and State aforesaid.

DATED this 15th day of December, 20 25.

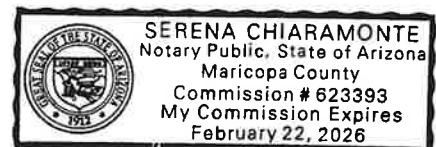
  
Signature

This affidavit was Subscribed and sworn to before me on this 15th day of  
December, 20 25.

  
NOTARY PUBLIC

My commission expires:

February 22nd, 2026





# NOTICE OF HEARING

**TOWN OF PARADISE VALLEY**

**Board of Adjustment and Appeals**

**6401 E. Lincoln Drive, Paradise Valley, AZ**

**5:30 O'CLOCK 7th DAY OF January, 2026**

Notice is hereby given that the Town of Paradise Valley Board of Adjustment will hold a public hearing at 5:30 p.m. on Wednesday, January 7th, 2026, at Town Hall, 6401 East Lincoln Drive, Paradise Valley, AZ, 85253 for:

**PUBLIC HEARING:**

Discussion and Possible Action on a variance from the Zoning Ordinance, Article X, Height and Area Regulations, to allow a trellis to encroach into the side yard with frontage setback. The property is located at 7062 E Belmont Avenue (Assessor's Parcel Number 174-40-063).

If you have questions about this application, please call Town Planner II Brandon McMahon with the Planning Department at (480) 348-3531.

**PENALTY FOR DEFACING POSTER PRIOR TO DATE OF HEARING**

CASE NO. BA-25-12

POSTING DATE 12/12/2025

**AFFIDAVIT OF PUBLICATION**


Duncan Miller  
Town Of Paradise Valley  
6401 E Lincoln DR  
Paradise Valley AZ 85253-4328


STATE OF WISCONSIN, COUNTY OF BROWN

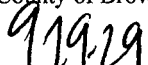
The Arizona Business Gazette, a newspaper published in the city of Phoenix and general circulation in the counties of Maricopa, Coconino and Pinal, State of Arizona, and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspapers in the issue:

PNI azcentral.com 12/18/2025  
PNI Business Gazette 12/18/2025

and that the fees charged are legal.  
Sworn to and subscribed before on 12/18/2025

  
\_\_\_\_\_  
Legal Clerk

  
\_\_\_\_\_  
Notary, State of WI, County of Brown

  
\_\_\_\_\_  
My commission expires

Publication Cost:	\$20.28	
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**THIS IS NOT AN INVOICE!**

*Please do not use this form for payment remittance.*

VICKY FELTY  
Notary Public  
State of Wisconsin

**NOTICE OF PUBLIC HEARING  
TOWN OF PARADISE VALLEY**

Notice is hereby given that the Town of Paradise Valley Board of Adjustment will hold a public hearing at 5:30 p.m. on Wednesday, January 7, 2026, at Town Hall, 6401 East Lincoln Drive, Paradise Valley, Arizona, 85253 for: Public Hearing: Discussion and Possible Action on a variance from the Zoning Ordinance, Article X, Height and Area Regulations, to allow a trellis to encroach into the side yard with frontage setback. The property is located at 7062 E Belmont Avenue (Assessor's Parcel Number 174-40-063). If you have questions about this application, please call Planner II Brandon McMahon with the Planning Department at (480) 348-3531. Notice is hereby given pursuant to A.R.S. §38-431.02. that members of the Board of Adjustment may attend by audio/video conference call. The Town of Paradise Valley endeavors to make all public meetings accessible to persons with disabilities. With 72 hours advance notice, special assistance can be provided for disabled persons at public meetings. Please call 480-948-7411 (voice) or 483-1811 (TDD) to request accommodation.

For further information about any of these matters, please contact the Community Development Department, 6401 E. Lincoln Drive, Paradise Valley, Arizona, 480-348-3692. All agendas are subject to change. You can view the agenda, find application material, and provide your input via eComment approximately 4-6 days prior to the meeting date at <https://paradisevalleyaz.legistar.com/Calendar.aspx>. You may also contact the staff liaison, Brandon McMahon on this application at [bmcMahon@paradisevalleyaz.gov](mailto:bmcMahon@paradisevalleyaz.gov) or 480-348-3531 at any time before the scheduled meeting date.

December 18 2025

LAZS0416804

# Pace Residence Backyard Trellis

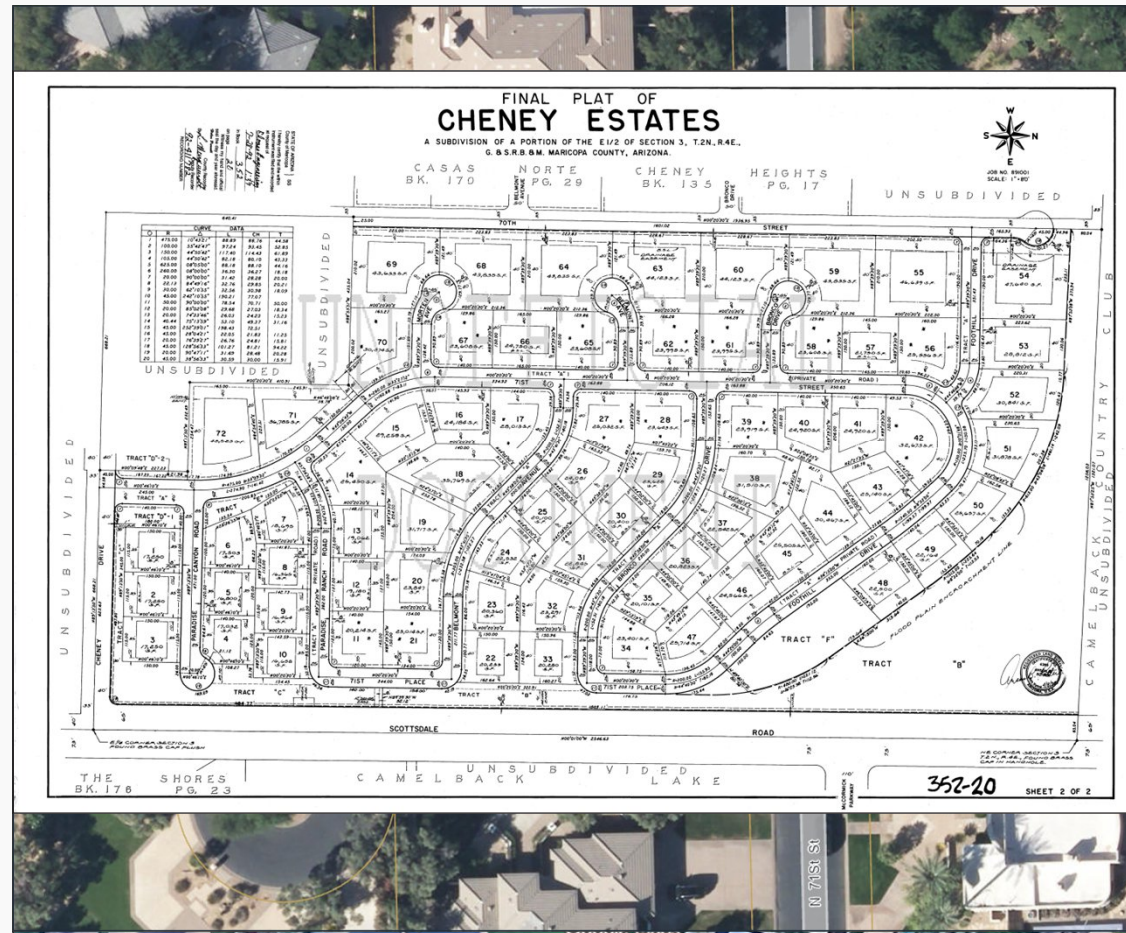
7062 E. Belmont Avenue  
BA-25-12



# About the Site

2

- 7062 E. Belmont Avenue
- Cheney Estates neighborhood
- Site Area: 23,393 SF (0.537 ac)
- Zoned R-35 CP (Cluster Plan)
- Surrounding Land Uses:
  - North: Single-Family Residential (R-35 CP)
  - East: Single-Family Residential (R-35 CP)
  - South: Single-Family Residential (R-35 CP)
  - West: Single-Family Residential (R-43)
- Cluster Plan zoning (R-35 and R-18) for Cheney Estates approved in May 1992.
- Final Plat for Cheney Estates approved and recorded July 1992.
- 4,302 SF residence constructed on the subject site in 1994.

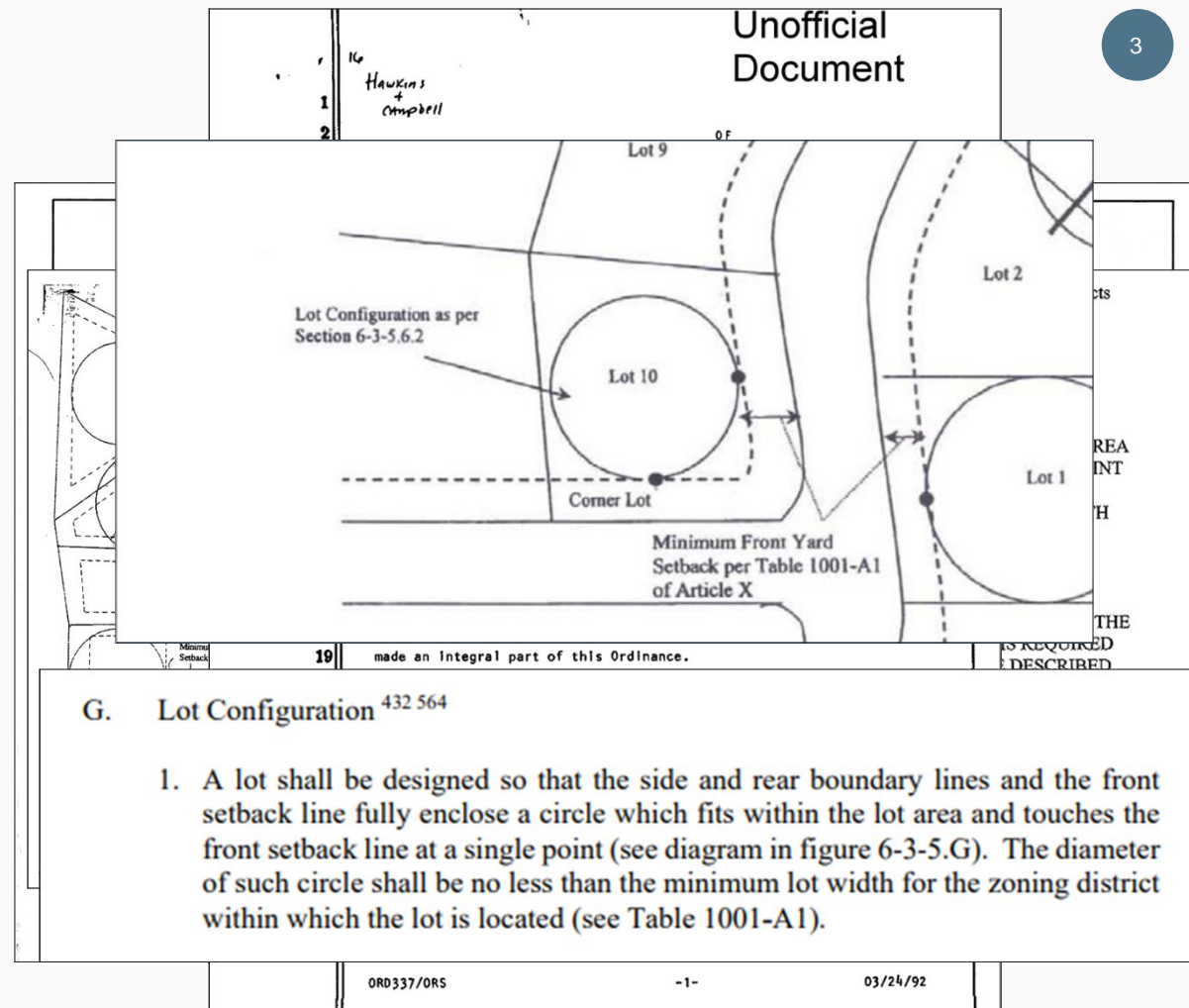


[www.wmbattorneys.com](http://www.wmbattorneys.com)

**WITHEY MORRIS BAUGH**

# Site History/Overview

- Cheney Estates rezoned to R-35 Cluster Plan and R-18 Cluster Plan on May 28, 1992 via Ordinance 347.
- Final Plat for Cheney Estates recorded July 22, 1992.
- Paradise Valley Zoning Ordinance amended on December 19, 1996 via Ordinance No. 432 to adopt "circle rule" for lot configuration.
  - Minimum lot depth must be equal to minimum lot width plus minimum front yard setback.
- Paradise Valley Town Code amended November 3, 2005 via Ordinance No. 564 to relocate lot configuration provisions from Zoning Ordinance to Subdivision Code.
  - Established the subject site as a legal non-conforming shallow lot.



# Variance Request

4

- Paradise Valley Zoning Ordinance requires minimum 40-foot setback in R-35 for any lot line with street frontage
- Request to reduce minimum setback to 15 feet on eastern boundary to accommodate garden trellis.
- Legally non-conforming lot depth and ordinance changes create special circumstances and a hardship meriting relief.
- Minimalist nature of structure and “green screening” allow trellis to disappear into surrounding landscape and eliminate any visual impact.
- 10-foot landscape strip between back of curb and wall on 71<sup>st</sup> Street enhances buffer to 25 feet.



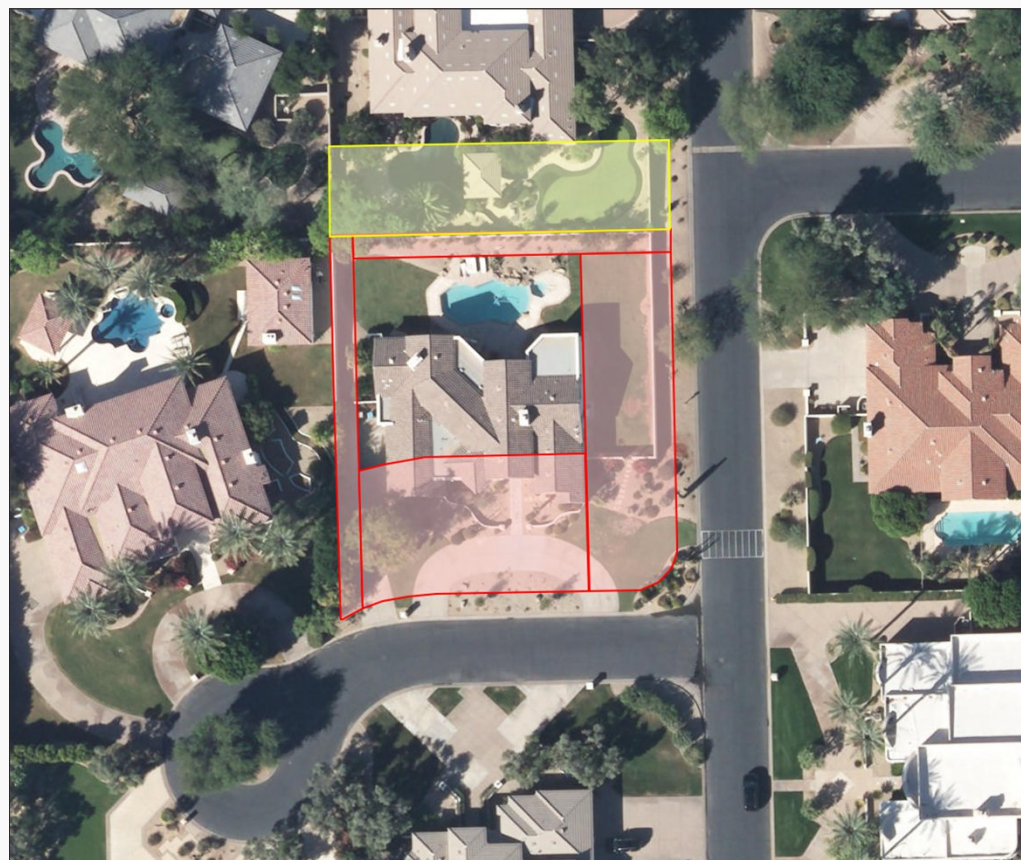
# Variance Test: Special Circumstances

- Cluster Plan zoning option allows for reduced individual lot sizes in exchange for robust common open space.
  - Does not explicitly allow for deviation from prescribed minimum lot width in Tables 1001-A1 and 1001-B.
  - R-35 minimum lot width: 150 feet.
- Cluster Plan lots are still subject to standard setbacks, despite undersized lot area.
  - 40-foot side setbacks along street frontage, primary and accessory structures.
  - Building setbacks assume a standard lot size, may not have been contemplated in Cluster Plan district ordinance.
- Cheney Estates Cluster Plan zoning adopted May 1992.
- Zoning Ordinance updated December 1996 to adopt "circle rule".
  - Subsequently relocated to Subdivision Ordinance in Town Code in November 2005.



# Variance Test: Special Circumstances

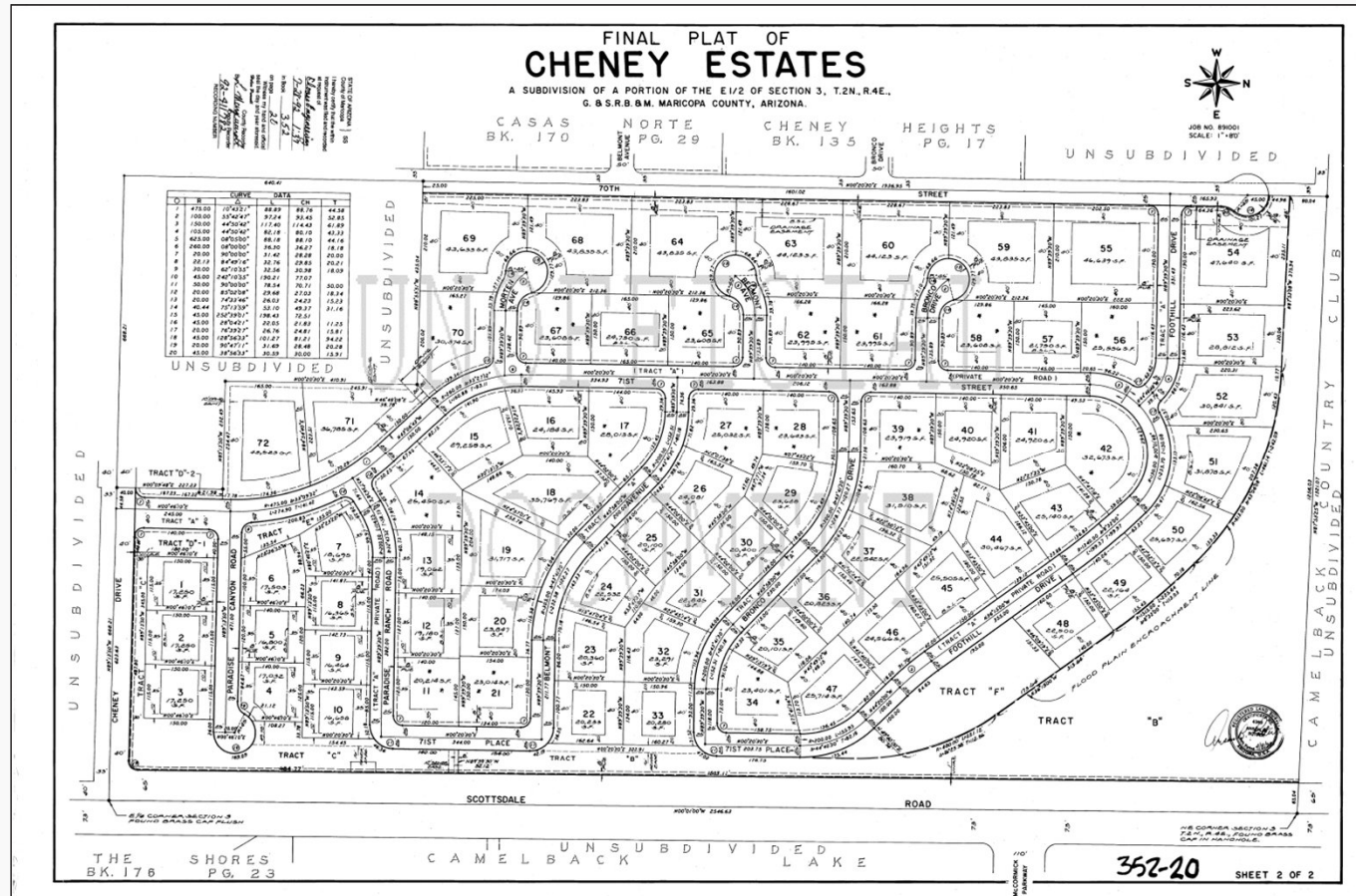
- Subsequent changes created a legally non-conforming shallow lot.
  - Minimum lot depth per current Town Code is 190 feet for an R-35 lot.
  - Property is 140 feet deep at shallowest point and 166 feet deep at deepest point.
  - 24 to 50 feet short of current lot depth requirements.
- Combination of legally non-conforming shallow lot and setbacks for standard R-35 lot creates unduly restrictive building envelope.
  - Minimum lot depths and widths intended to ensure adequate building envelope when taking setbacks into account.
  - Corner lot in historical R-35 Cluster Plan development represents an intersection of unintended consequences, significantly limiting developable area.



# Variance Test: Not Self-Imposed

7

- Applicant played no role in the zoning of Cheney Estates to Cluster Plan, nor the platting of its lots.
- Applicant had no part in the amendments to the Paradise Valley Town Code or Zoning Ordinance that established the "circle rule" and made the Property a legally non-conforming lot.
- The hardship is an unanticipated consequence of apply setbacks intended for a standard lot to a non-standard, undersized lot.



# Variance Test: Strict Application

- Standard R-35 lots enjoy legally conforming lot depth (190+ feet) and adequate yard area to locate a minimalist garden trellis within the allowable building envelope.
- Property suffers from inadequate dimensions relative to the requirements of the Zoning Ordinance, depriving the applicant of property rights enjoyed by owners of other R-35 properties in the Town.
- Confluence of the reduced lot area permitted by CP zoning with double-frontage setbacks intended for standard R-35 corner lots:
  - Creates a hardship
  - Is not contemplated by the PV Zoning Ordinance.
- Standard setbacks assume conformance with minimum lot depth and width requirements.



# Other Considerations

- **Minimalist Structure:** trellis consists only of welded steel tubing with no solid roof or walls.
  - Setbacks intended to limit visual impact of structures.
  - Structure itself has almost no visual impact. Will not block views, cast shadows on adjacent properties, or create any privacy concerns.
- **Green Screening:** flowering vines planted at four corners of trellis will eventually cover the entire structure, and perimeter hedge will shield it from view.
  - Trellis will disappear from view once vines and hedge reach maturity.
- **Effective Setback:** 10-foot landscape strip between back of curb and property line along west side of 71<sup>st</sup> Street increases the effective setback/buffer for trellis to 25 feet
- **Support:** Applicant has obtained 20 letters of support from neighbors in Cheney Estates.





# Summary

11

- Variance request meets all three elements of variance test:
  - Special circumstances: Legally non-conforming lot, ordinance changes.
  - Not self-imposed: No role in lot formation or changes to Town Code and Zoning Ordinance.
  - Strict application: Applicant does not enjoy same bundle of rights as other R-35 property owners with legally conforming lots.
- Requesting minimal relief to allow appropriate development of backyard pool.
- Addresses blind spot/deficiency in interaction between Zoning Ordinance and Subdivision Code.
- Significant support (20 letters) from Cheney Estates community.



# QUESTIONS



WITHEY MORRIS BAUGH



H	HOUSE SF
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GARDEN TRELLIS - 15'11"x10'3"x.66'H-.84'H	
2 GFCL ELECTRIC RUN	208 I'
STRING LIGHTS ON DIMMABLE ON/OFF SWITCH	1 EA
SLAT OPEN ROOF ALUMINUM GARDEN TRELLIS	

## HOUSE SF

LOT SIZE:	23,303 SF
MAIN LIVABLE:	18% 4,302 SF
EXISTING GARAGE	752 SF
EXISTING SOLID ROOF COVERED PATIO	486 SF
SALINA: .08%	204 SF
SLAT OPEN ROOF ALUMINUM GARDEN TRELLIS:	16.5 SF
<b>TOTAL ALLOWED 5,848 SF 25% TOTAL 5,848SF 24.9%</b>	

**PACE RESIDENCE**  
70652 E BELMONT AVE  
PARADISE VALLEY, ARIZONA

**CJS** LIFESTYLE  
& DESIGN

DATE: 11/12/2014  
PLAN: BASE





# TOWN OF PARADISE VALLEY

Case BA-25-12  
7062 E Belmont Avenue  
Trellis Setback Variance

**Board of Adjustment  
January 7, 2026**



## TODAY'S GOAL

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- Review and take action on variance request:
  - Allow an unpermitted detached trellis to remain and encroach into the side yard with frontage setback requirement found within Article X.



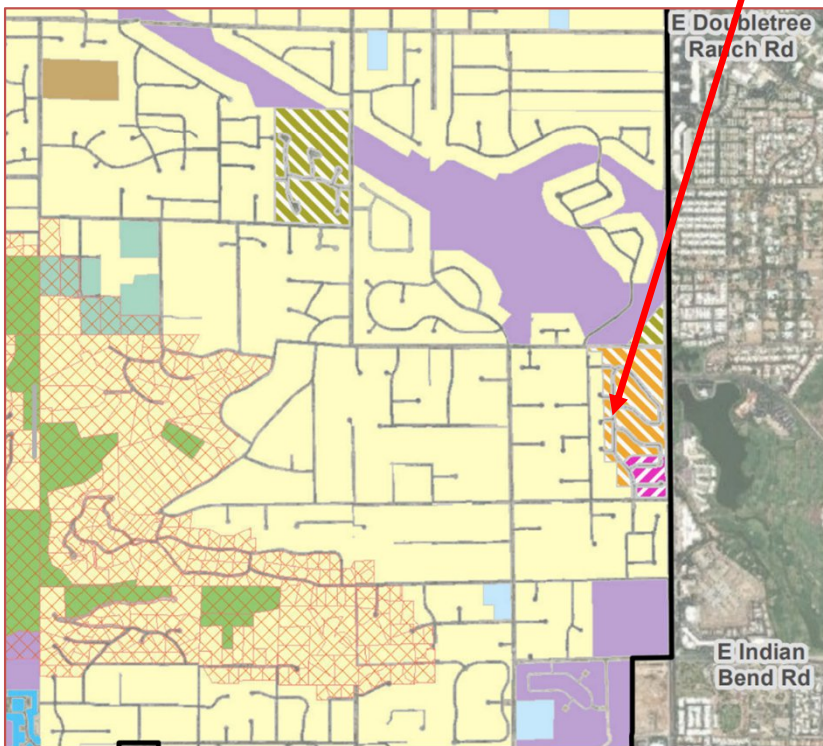
# AGENDA

- Background
- Scope of Request
- Analysis & Recommendation
- Action



# VICINITY MAP

**Subject Property**



# SITE CONDITIONS

- Zoned R-35CP
- Corner Lot
- Lot 62 of the Cheney Estates subdivision
- 23,393 SF ( $\pm 0.53$  acres)
- Lot rectangularly shaped
- 164' deep (190' min. depth for R-35 lot)
- 150' wide (150' min. width for R-35 lot)
- Home built in 1993
- Lot at 24.9% FAR without trellis



# HISTORY

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<b>October 6, 1993</b>	Building permit for new residence
<b>May 13, 1994</b>	Building permit for new pool
<b>June 29, 1994</b>	Building permit for new fence walls
<b>July 21, 2020</b>	Building permit for main residence interior remodel
<b>February 10, 2025</b>	Building permit for detached structure in rear yard
<b>May 5, 2025</b>	Code violation for unpermitted trellis structure ( <i>open</i> )



## SCOPE OF REQUEST

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- Un-permitted trellis to encroach into 40' side yard with frontage setback
- Setbacks:
  - Trellis:
    - 15' from East/Side with Frontage Property Line
    - 25' of setback Encroachment
    - 16.5 Sq Ft in size (Floor Area, non-open-air)
    - 163 Sq Ft Total Size (163 Sq Ft Encroachment)



## SCOPE OF REQUEST (CONT'D)

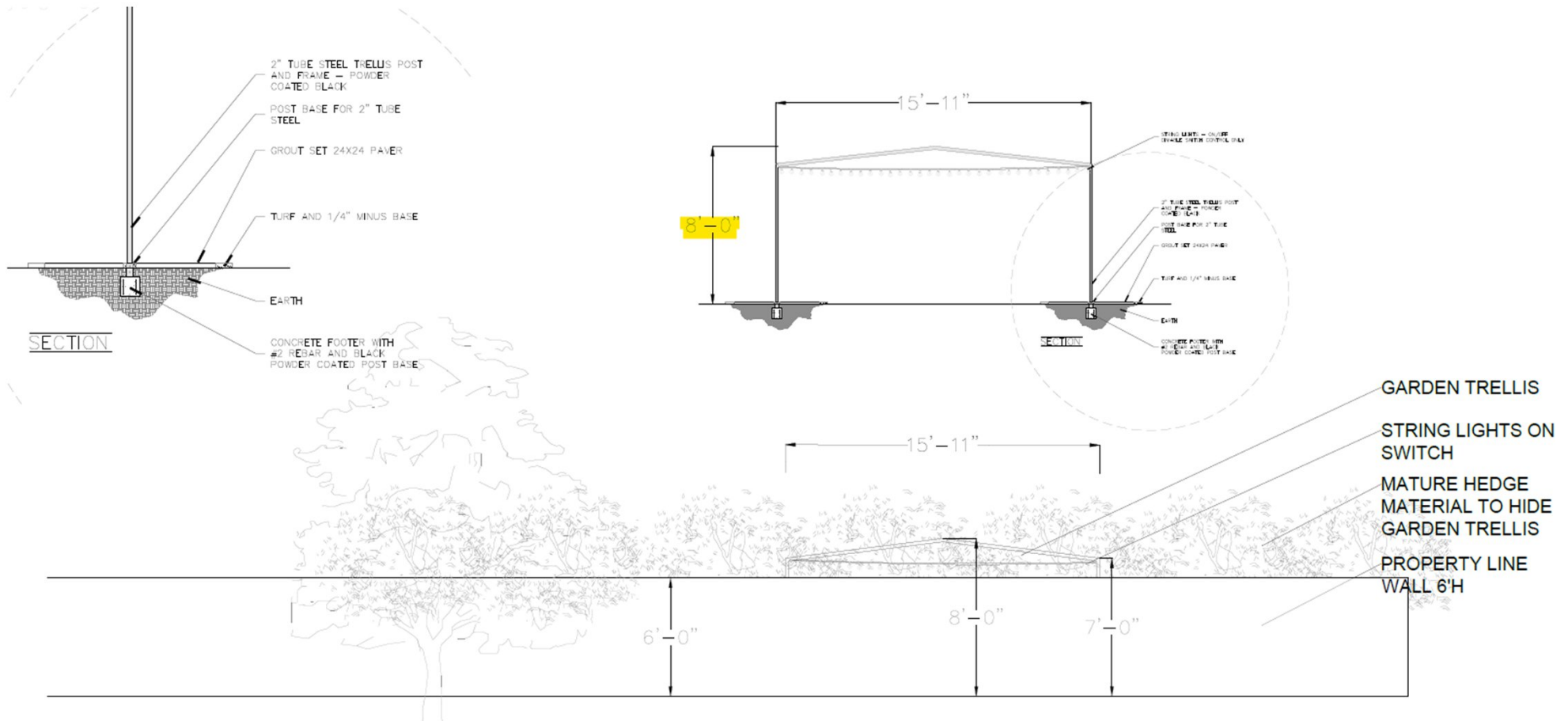
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<b><i>Zoning Ordinance</i></b>	<b><i>Trellis</i></b>
60' Front Yard Setback	94' (+/-)
10' Side Yard Setback (West)	50'6" (+/-)
40' Side Yard with Frontage Setback (East)	<b>15'</b>
10' Rear Yard Setback	15'9" (+/-)





# ELEVATIONS



# ANALYSIS

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- Property hardships that warrant variance:
  - Shallow depth reduces amount of buildable area; however, request does not appear to be minimum need to cure property hardship
  - Property depth was specifically planned as Cluster Plat
  - Property meets standard width of 150' it can accommodate a code compliant trellis
  - If applicant obtained building permit prior to construction, any setback encroachment would have been identified during plan review process
  - Code does not guarantee most optimal use of the property

# PUBLIC COMMENT/NOTIFICATION

- Notification mailed on December 12<sup>th</sup>
- Site posted on December 8<sup>th</sup>
- Newspaper legal advertisement December 18<sup>th</sup>
- Affidavits provided
- 23 letters of support provided
- Opposition letter from Board of Directors



## STAFF RECOMMENDATION

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### MOTION

It is recommended that Board of Adjustment **[deny]** Case No. BA-25-12, request by Benjamin Tate, on behalf of Pace Family Trust property owner of 7062 E Belmont Avenue; for variance from Zoning Ordinance, Article X, Height and Area Regulations, to allow trellis to encroach into side yard with frontage setback

### REASONS FOR DENIAL

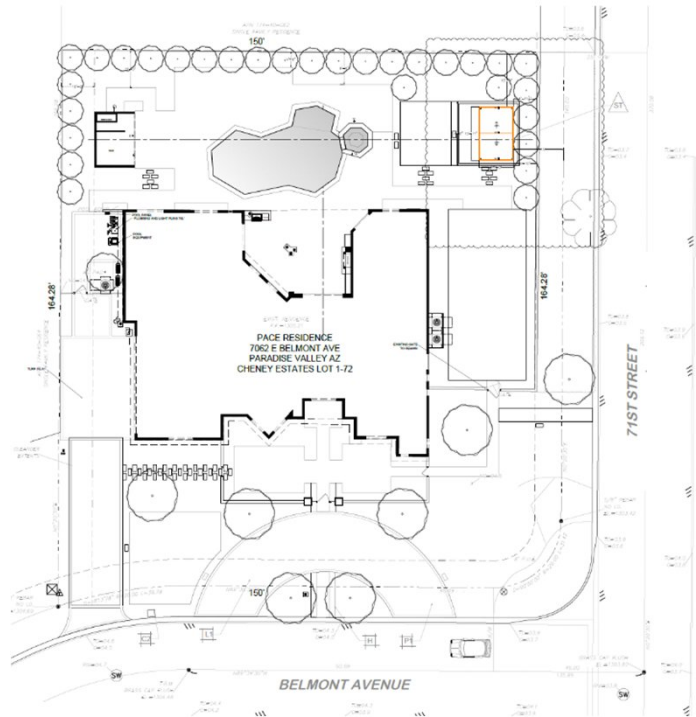
Staff finds that there are no property hardships that warrant the request for setback encroachment and staff believes that the request does not meet all three variance criteria

## POSSIBLE ACTIONS

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1. Deny
2. Approve with stipulations:
  - a. Improvements in compliance with submitted plans and documents
  - b. Must obtain required building permits and inspections from Building Division
  - c. Floor Area Ratio certification required with building permit approval.
3. Continue for further review

# QUESTIONS?





# Town of Paradise Valley

6401 E Lincoln Dr  
Paradise Valley, AZ 85253

## Action Report

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**File #:** 25-286

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**AGENDA TITLE:**  
Approval of December 3, 2025 Board of Adjustment Minutes.

**STAFF CONTACT:**



# 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, December 3, 2025

5:30 PM

Council Chambers

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#### 1. CALL TO ORDER

Chair Leibsohn called the meeting to order at 5:31 PM.

#### **STAFF MEMBERS PRESENT**

Town Attorney Deborah Robberson  
Community Development Director Chad Weaver  
Senior Planner George Burton  
Hillside Planner II Jose Mendez  
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. 25-264 5712 E Glen LLC Variance – 5712 E Glen Drive (APN 169-55-026A)**  
**Discussion and Possible Action on Variance to allow setback, height, and hillside encroachments for a new single-family residence. Case No. BA-25-09**

Mr. Burton presented the request for four variances. He detailed the background, scope of the request, staff's analysis and recommendation. Mr. Burton shared information on the site

conditions and history, noting that this was the third variance request at the property. He then described each of the four variance requests which included height, setback, and retaining wall encroachments as well as spill slope modifications. He noted staff was recommending approval of the request then welcomed questions.

Boardmember Barnes asked how stormwater management was being handled on site.

Mr. Burton stated that he was not sure since drainage is reviewed by the Hillside Committee and Town Engineer.

Boardmember Ozer mentioned the objection received by email and asked to see the referenced adjacent lot.

Mr. Burton pointed out the property on a vicinity map. He noted that if the two properties were combined, a variance would still be required.

Mr. Brent Kendle briefly spoke about the request and design.

Mr. Richard Van Horne addressed drainage, noting there were plans for underground retention tanks in addition to other things. He welcomed comments and questions from the Board.

Boardmember Ozer asked about ownership.

Mr. Kendle confirmed there was a new owner seeking the current variance request and it would be their primary residence.

Boardmember Barnes wondered if there was space for a turn-a-round area in the driveway.

Mr. Van Horne displayed an image from the presentation and confirmed there was space.

Boardmember Ozer addressed concerns about jackhammering and noise impacting others who live in the area. She wondered what disturbance was expected to be.

Mr. Van Horne showed site data while discussing the disturbance on site. He noted that restoration efforts would reduce the amount of disturbance. He shared details related to the cut for the building pad and noted that a geotechnical report had been completed.

Mr. Tim McCormac with Temac Development spoke about the building pad, which he did not believe would be too difficult to work on, only needing hard digging for running utilities and to complete the footings. He expected 30-60 days depending on equipment. Mr. McCormac explained that a ripper would be used to peel the rock away versus hammering.

Chair Leibsohn opened the public comment at 5:55 PM. No comment was received and the public comment was closed.

Boardmember Ozer commented on concerns with noise and the length of work if the item was granted; otherwise, she was inclined to see the property developed. She questioned if there was a way to build into the variance a limitation on construction time.

Mr. Burton stated that construction times were a building process versus zoning and code, so it would not be possible.

Chair Leibsohn mentioned he would likely be voting in favor of granting the variance.

Boardmember Contadino hoped the applicant would see the project through on this difficult site.

**A motion was made by Boardmember Ozer, seconded by Boardmember Contadino, to approve item 25-264 subject to stipulations. The motion passed by the following vote:**

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

**Aye:**           **1** – Boardmember Kuykendall

## **6. ACTION ITEMS**

## **7. CONSENT AGENDA**

### **A. 25-259    Approval of November 5, 2025 Board of Adjustment Minutes.**

Ms. Fullbright noted an error on page one of the November 5, 2025 meeting minutes.

**A motion was made by Boardmember Barnes, seconded by Boardmember Petsas, to approve the November 5, 2025 Board of Adjustment Minutes as amended. The motion carried with the following vote:**

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

**Aye:**           **1** – Boardmember Kuykendall

## **8. STAFF REPORTS**

## **9. PUBLIC BODY REPORTS**

Chair Leibsohn noted that he had been asked to make a presentation to Town Council and he was asked to extend gratitude to the Board for all their efforts. He noted there was plenty of positive feedback from Council.

## **10. FUTURE AGENDA ITEMS**

Mr. Burton stated that the next meeting scheduled for January 7, 2026 would include one item for a setback variance. He reminded the Board that the Holiday party was taking place Friday, December 5<sup>th</sup> at El Chorro.

## **11. ADJOURNMENT**

**A motion was made by Boardmember Williams, seconded by Boardmember Petsas, to adjourn the meeting at 6:06 PM. The motion carried with the following vote:**

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

**Aye:**       **1** – Boardmember Kuykendall

### **Paradise Valley Board of Adjustment**

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