



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

Wednesday, January 7, 2026

5:30 PM

Council Chambers

1. CALL TO ORDER

Chair Leibsohn called the meeting to order at 5:32 PM.

STAFF MEMBERS PRESENT

Town Attorney John Austin Gaylord
Community Development Director Chad Weaver
Senior Planner George Burton
Management Analyst Cherise Fullbright

2. ROLL CAL

Present – Chair Eric Leibsohn
Boardmember Ken Barnes
Boardmember Joseph Contadino
Boardmember James Kuykendall
Boardmember Hope Ozer
Boardmember Bill Petsas
Boardmember Quinn Williams

3. EXECUTIVE SESSION

4. STUDY SESSION ITEMS

5. PUBLIC HEARINGS

A. 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

Mr. Burton presented the variance request for the unpermitted, detached trellis to remain within the setbacks. He started by displaying a map to show the location of the lot within Town, then addressed the site conditions and history. Mr. Burton detailed the scope of the request for encroachment into the setback, noting that code required a 40' setback but a 15' setback was being proposed. He noted that the string lights shown in the site plan have been removed from the structure. Site photos were shown and 23 letters of support were

received as part of public notice. Mr. Burton shared the analysis, noting that staff was recommending denial of the setback encroachment.

Mr. Ben Tate, attorney for the applicant, presented on behalf of the applicant. He spoke about the site history and provided an overview as to why the encroachment was warranted including the applicant having no role in formation of the lot, its special circumstances, and the strict application of the ordinance.

Boardmember Ozer wondered why a permit was not requested for the project.

Mr. Tate stated that the applicant was under the belief that the structure would not require a permit.

Boardmember Barnes asked how the trellis was brought to the attention of the Town.

Mr. Tate responded that the applicant/owner had received a letter from the Town about the unpermitted structure.

Mr. Burton confirmed that a complaint was received by staff and a notice of violation letter was issued.

Chair Leibsohn noted there were alternative places for the trellis on the property and sought additional explanation as to how Mr. Tate believed the trellis encroachment was not a self-imposed hardship.

Mr. Tate responded, stating that the applicant/owner played no role in the zoning or platting of Cheney Estates, and amendments which ultimately led to the circle rule which created the legal non-confirming depth of the property. He added that a standard R-35 lot would be able to accommodate the structure.

Boardmember Kuykendall wondered who constructed the structure, as they should have known to check with Town for permitting requirements.

Mr. Tate stated that the trellis was built by Gable Iron Works.

Chair Leibsohn asked how the depths of the lot would contribute to the setback on the east.

Mr. Tate spoke about the building envelope. He explained that if an additional 30-40' was added to the back of the lot, there would be room for the structure there, but since that was not the case, the space available was to the east.

Chair Leibsohn opened the public hearing at 6:07 PM.

The following people spoke in opposition to the application: Bernard Kirk, Marsha Welch, & Robert Robinson.

Chair Leibsohn closed the public hearing at 6:14 PM.

Boardmember Williams noted he was not in favor of the request. He commented that the same zoning code applied to all residents, so the zoning code was not a valid hardship.

Mr. Tate confirmed that the zoning itself was not the hardship, but the depth of the lot created by the zoning code was since it created a lot which does not meet Town standards. He noted that all the letters of approval have been received from adjacent neighbors to the lot under

On behalf of the HOA, Mr. Kirk returned to the podium to answer questions from Boardmember Ozer. She specifically asked if it would be in violation of HOA rules if the trellis was removed and instead, non-permanent umbrellas were used to provide shade.

Mr. Kirk stated that umbrellas would not be in violation, but they would request colors that match existing tones be used and they not be visible by neighbors.

Chair Leibsohn added to the discussion between Ozer and Kirk, noting that HOA rules were typically stricter than the zoning ordinance. Representatives from the HOA confirmed.

Boardmember Contadino commented that the hardship was based on lot size, and although each variance request is reviewed individually and must agree with the decision made by the Board, it can be overall harmful from the HOA standpoint because when one owner is allowed to violate the rules, others want to violate which can create legal issues.

A motion was made by Boardmember Petsas, seconded by Boardmember Kuykendall, to deny item 25-262.

Boardmember Barnes questioned if the Board could require that the structure be removed within a specific length of time if the motion to deny passed.

Mr. Gaylor stated they could not make that requirement since the decision before the Board is just to approve the variance or not.

Chair Leibsohn wondered if there was anything to prevent the applicant from adding a cover of some sorts to the structure in the event the motion failed. He asked if there was a way to stipulate that no further roof coverings or square feet more than the 25% Floor Area Ration (FAR) allowance.

Mr. Gaylor explained there was nothing within the purview of the Board beyond ruling on the variance. He added that staff handles the rest.

Boardmember Ozer said she was conflicted but ultimately could not support the variance request.

The motion to deny passed by the following vote:

Aye: 7 – Chair Leibsohn, Boardmember Barnes, Boardmember Contadino, Boardmember Kuykendall, Boardmember Ozer, Boardmember Petsas, Boardmember Williams

6. ACTION ITEMS

7. CONSENT AGENDA

A. 25-286 Approval of December 3, 2025 Board of Adjustment Minutes.

Ms. Fullbright noted three errors pointed out by Boardmember Petsas.

A motion was made by Boardmember Ozer, seconded by Boardmember Barnes, to approve the December 3, 2025 Board of Adjustment Minutes as amended. The motion carried with the following vote:

Aye: 7 – Chair Leibsohn, Boardmember Barnes, Boardmember Contadino, Boardmember Kuykendall, Boardmember Ozer, Boardmember Petsas, Boardmember Williams

8. STAFF REPORTS

9. PUBLIC BODY REPORTS

10. FUTURE AGENDA ITEMS

Mr. Burton stated that the February 4th meeting was cancelled for a lack of agenda items, so the next scheduled meeting would be March 4th, 2026.

11. ADJOURNMENT

A motion was made by Boardmember Ozer, seconded by Boardmember Kuykendall, to adjourn the meeting at 6:30 PM. The motion carried with the following vote:

Aye: 7 – Chair Leibsohn, Boardmember Barnes, Boardmember Contadino, Boardmember Kuykendall, Boardmember Ozer, Boardmember Petsas, Boardmember Williams

Paradise Valley Board of Adjustment

By: _____
Cherise Fullbright, Secretary