



Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Meeting Notice and Agenda Board of Adjustment

Wednesday, April 5, 2017

5:30 PM

Council Chambers

1. CALL TO ORDER

2. ROLL CALL

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

3. EXECUTIVE SESSION

The Public Body 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 Public Body will be briefed by staff and other Town representatives. There will be no votes and no final action taken on discussion items. The Public Body 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 Public Body may take action on this item.

A. [17-106](#) **Burks Variance - Request for Continuance for 5712 E Glen Drive (Assessor's Parcel Number 169-55-026A). Case No. BA-16-6**

Recommendation: **Subject**

A variance request from the Zoning Ordinance, Article X, Height and Area Regulations, to allow a new single family residence to encroach into the rear setback.

Recommendation

Due to a conflict in schedule, the applicant is requesting that the application be continued to May 3, 2017. The applicant identified that all parties located within the 1,500 notification area will be informed of the request for continuance. It is recommended that the Board of Adjustment continue the application to the May 3rd meeting.

Attachments

Vicinity Map & Aerial Photo

Application

March 28, 2017 Request for Continuance Letter

C: Doug Jorden (Applicant)
Case File BA-16-3

Staff Contact: George Burton, 480-348-3525

6. ACTION ITEMS

The Public Body may take action on this item.

A. [17-105](#) **Election of Chair**

Staff Contact: George Burton, 480-348-3525

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.

A. [17-104](#) **Approval of the September 7, 2016 Board of Adjustment Meeting 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

File #: 17-106

TO: Chair and Board of Adjustment

FROM: Eva Cutro, Community Development Director
Paul Michaud, Senior Planner
George Burton, Planner

DATE: April 5, 2017

CONTACT:

George Burton, 480-348-3525

AGENDA TITLE:

Burks Variance - Request for Continuance for 5712 E Glen Drive (Assessor's Parcel Number 169-55-026A). Case No. BA-16-6

RECOMMENDATION:

SUBJECT

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March 28, 2017 Request for Continuance Letter

C: Doug Jorden (Applicant)
Case File BA-16-3

LAW OFFICES
JORDEN HISER

& JOY, P.L.C.

5080 NORTH 40TH STREET, SUITE 245
PHOENIX, ARIZONA 85018
TELEPHONE: 480-505-3900
FACSIMILE: 480-505-3901

DOUGLAS A. JORDEN

DIRECT LINE: 480-505-3909
E-MAIL: djorden@JHJLawyers.com
www.JHJLawyers.com

March 28, 2017

VIA E-MAIL (gburton@paradisevalleyaz.gov)

Town of Paradise Valley Board of Adjustment
c/o George Burton
6401 East Lincoln Drive
Paradise Valley, AZ 85253

Re: Request for Continuance – 5712 East Glen Drive

Dear Board Members:

On behalf of our client, Ron Burks/Rose Garland Revocable Trust dated February 9, 1990, we request a continuance in the matter noted above which is currently scheduled for the April 5, 2017 Board of Adjustment meeting. Mr. Burks has just learned that he will be out of the country on that date and that such travel is unavoidable. As Mr. Burks very much desires to be present when the matter is heard, we respectfully request that the April 5 meeting date be continued to May 3, 2017. A copy of this letter has been provided to all parties within the 1,500-foot notification area.

Sincerely,



Douglas A. Jorden

DAJ/smc

cc: Ron Burks
Erik Peterson
Fred Fleet

RECEIVED

BA16-6
APPLICATION TO BOARD OF ADJUSTMENT FOR VARIANCE

NOV - 1 2016

DATE: November 1, 2016

LOCATION OF PROPERTY: 5712 East Glen Drive, Paradise Valley, AZ 85253
ADDRESS

LEGAL DESCRIPTION: See attached deed.

OWNER: Rose Garland Revocable Trust
dated February 9, 1990
c/o Ronald H. Burks, Successor Trustee

PRINTED NAME

5712 East Glen Drive, Paradise Valley, AZ 85253

ADDRESS

X

Ronald H. Burks
SIGNATURE

PHONE #

ENGINEER/OTHER: Fred Fleet

PRINTED NAME

4550 North 12th Street, Phoenix, AZ 85014

ADDRESS

X

Fred E. Fleet
SIGNATURE

(602) 285-4768

PHONE #

**APPLICANT/
REPRESENTATIVE:** Doug Jorden

PRINTED NAME

5080 North 40th Street, Suite 245, Phoenix, AZ 85018

ADDRESS

X

Doug Jorden
SIGNATURE

(480) 505-3909

PHONE #

(480) 505-3901

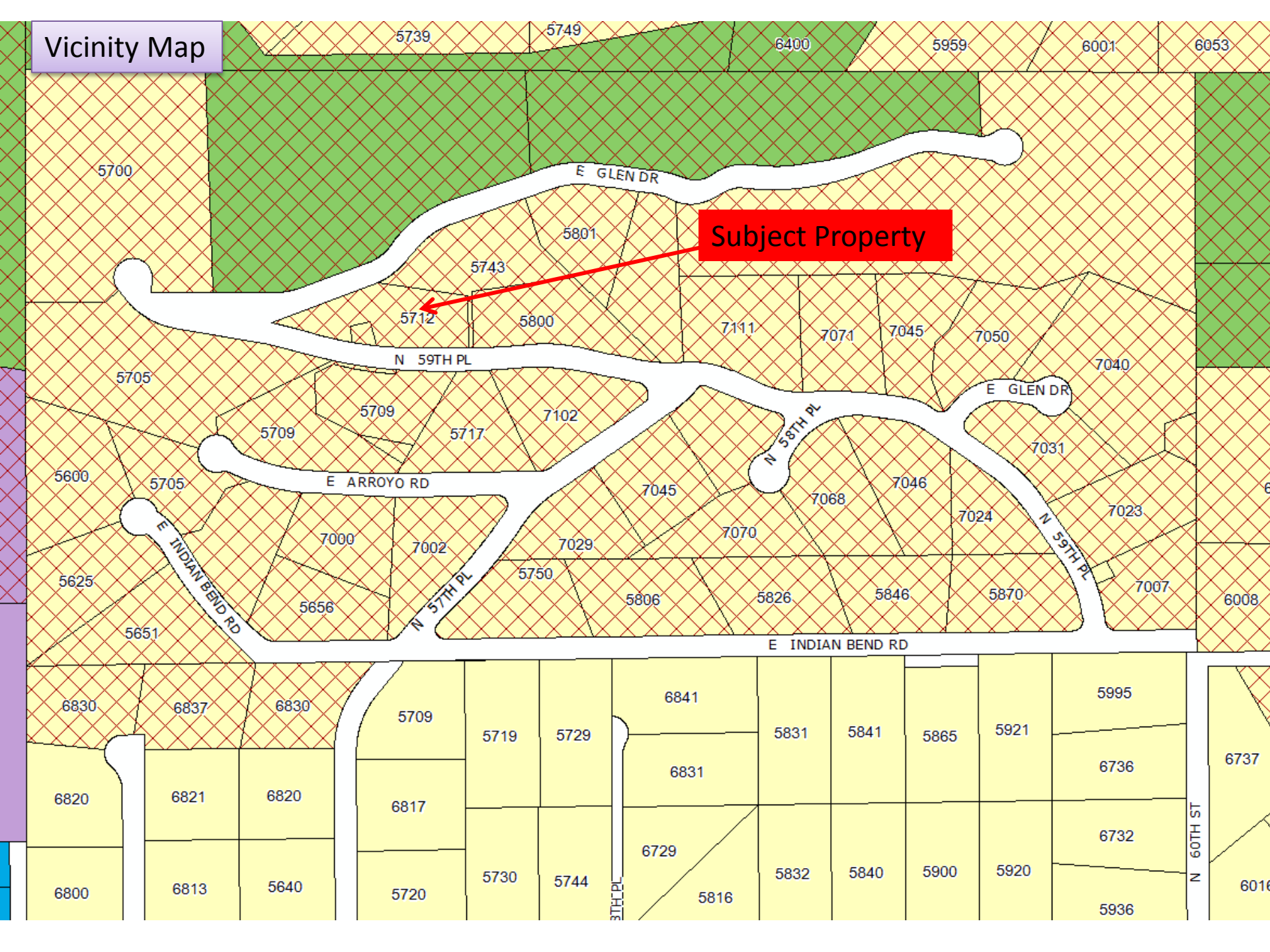
FAX #

THE ABOVE APPLICANT HEREBY APPLIES FOR A VARIANCE AS INDICATED
BELOW IN ACCORDANCE WITH THE ZONING ORDINANCE AND SECTION 2-5-3 OF
THE CODE OF ORDINANCES OF THE TOWN OF PARADISE VALLEY.

STATE HARDSHIP INVOLVED OR GROUNDS FOR APPEAL TO THE BOARD OF
ADJUSTMENT. (Please attach additional sheets as necessary).

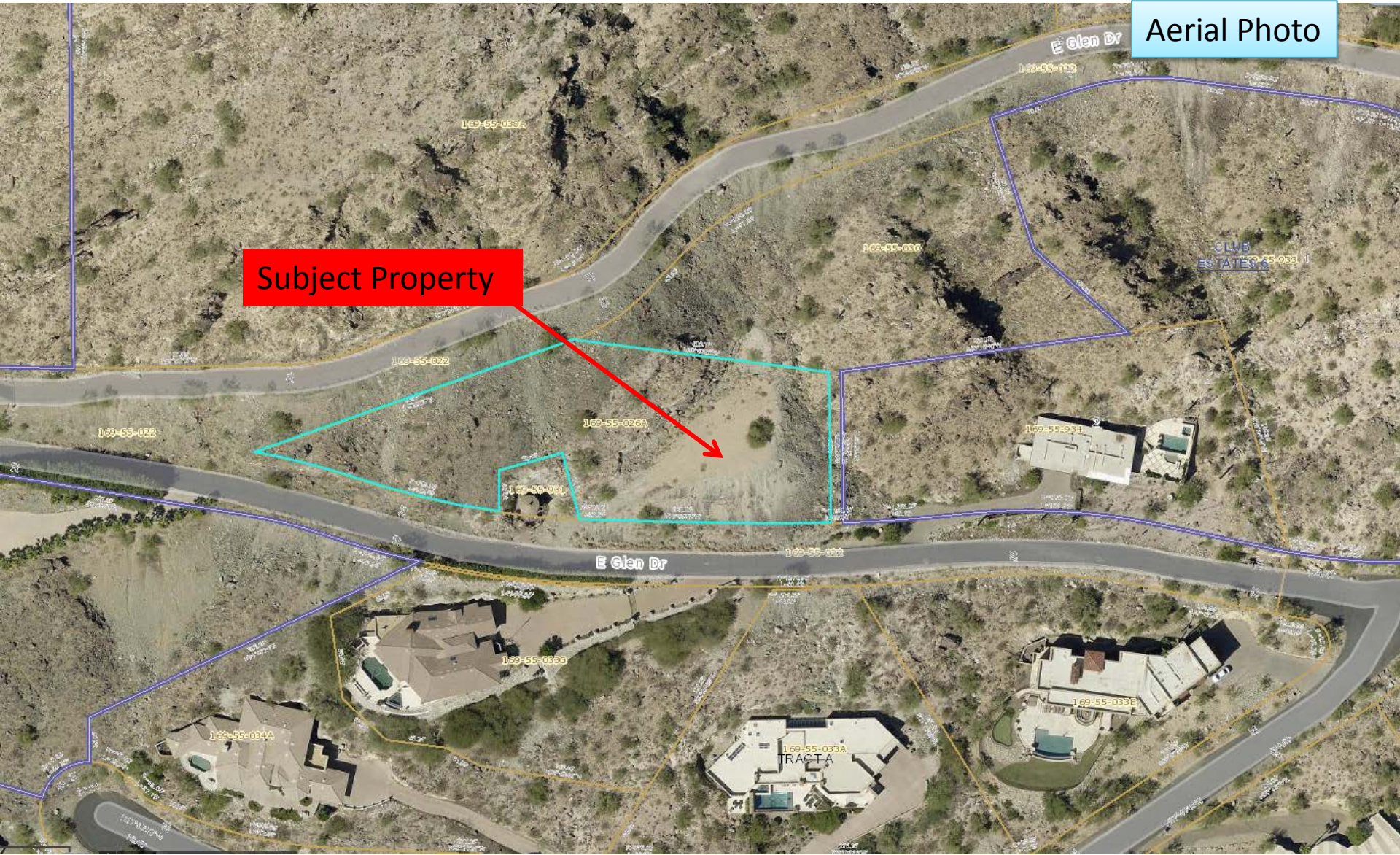
See attached narrative.

Vicinity Map



Aerial Photo

Subject Property





Action Report

File #: 17-105

TO: Chair and Board of Adjustment

FROM: Eva Cutro, Community Development Director
Paul Michaud, Senior Planner
George Burton, Planner

DATE: April 5, 2017

CONTACT:
George Burton, 480-348-3525

AGENDA TITLE:
Election of Chair

BACKGROUND:
Dear Chair and Board Members,

Section 2-5-3.A of the Town Code states, "The Board of Adjustment shall, at its first meeting in April of each year, elect one of its members to serve as its Chairman-designate. The member designated to be Chairman shall be approved or disapproved for the Chairmanship by the Town Council within thirty (30) days of the election by the Board of Adjustment.....No member shall serve as Chairman of the Board for a period of time in excess of two (2) consecutive years."

Board Member Rick Chambliss completed two (2) terms as Chair (he was elected Chair on October 1, 2014 and October 7, 2015). Therefore, the Board of Adjustment must elect a Chair-designate at the April 5, 2017 meeting.



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Paul Michaud, Senior Planner
George Burton, Planner

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Town of Paradise Valley

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Action Report

File #: 17-104



Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Minutes - Draft

Board of Adjustment

Wednesday, September 7, 2016

5:30 PM

Council Chambers

1. CALL TO ORDER

Chairman Chambliss called meeting to order at 5:30 pm.

STAFF MEMBERS PRESENT

Kevin Burke, Town Manager
Town Attorney Andrew M. Miller
Community Development Director Eva Cutro
Senior Planner Paul Michaud
Planner George Burton

2. ROLL CALL

Present 6 - Chairperson Rick Chambliss
Boardmember Catherine Kauffman
Boardmember Emily Kile
Boardmember Eric Leibsohn
Boardmember Jon Newman
Boardmember Hope Ozer
Absent 1 - Boardmember Robert Nagle

3. EXECUTIVE SESSION

None

4. STUDY SESSION ITEMS

A. [16-259](#) Presentation on Expenditure Limitation Adjustment

Kevin Burke gave a presentation on expenditure limitation which will be on the November ballot. He explained what it is and the history behind it. He explained there was increases in 2000 and 2006, hoping the Town will not have to do another one for another 10 years. He explained the police pension and sewer fund were driving the current increase.

Mr. Burke gave a disclaimer that he is not advocating for or against the Expenditure Limitation Adjustment.

No Reportable Action

5. PUBLIC HEARINGS

A. [16-260](#)

Patel Variance - 7195 E. Caballo Circle (APN: 174-36-174A)
Case No. BA-16-4

George Burton gave a presentation regarding this variance request. Staff did not support the variance based on size and topography of lot.

Chairman Chambliss asked for verification of the existing casita/guest house on the property.

Hope Ozer requested total square footage of main residence which is 4,500 sq ft.

Emily Kile asked if other options were discussed with the homeowner, applicant replied yes.

Catherine Kauffman requested clarification around the property easement and setback of the wall along the property line.

Chairman Chambliss concluded the study session at 6:04 p.m. and opened the public portion of the meeting.

Mr. Patel explained he has been a resident for 3 years and why he wanted to add on to his house rather than use the existing casita/guest house on the property. No questions were asked of Mr. Patel.

Joseph Harrington, Mr. Patel's architect, explained all the different options they explored and why they decided to request the variance.

Hope Ozer asked about the setback and if it prevented them from building south on the property versus east. Mr. Harrington explained that due to the water tanks located south on the property is a hardship compared to their neighbors.

Jon Newman expressed his concern with the media and study rooms adding unnecessary square footage.

Catherine Kauffman asked about the possibility of building up. Mr. Patel explained they felt building up would not look consistent with the existing residence or the neighbors.

Mr. Harrington explained they also looked at a basement option but because of the existing setbacks it would be too small. He also explained he has a letter of consent from the neighbor to the north.

Ms Ozer stated it would have no effect on the neighbors to the west and Scottsdale Road to the east.

Mr. Chambliss explained that if they limited the addition to 1,000 square feet it would work within the current setback and could be built to the south as well. Mr. Harrington pointed out that the water tank setback was only 12 feet from the house.

Eric Leibsohn explained he would be abstaining from the discussion and vote due to a conflict of interest.

Mr. Chambliss requested the staff basis for not recommending this variance. George Burton explained the options the applicant has to reduce the size of the addition and/or build to the south or north of existing structure.

Ms. Ozer stated there are other options for the redesign that would not require the variance. Mr. Harrington replied they felt the other options would take away from the views and original design of the lot as well as cause egress issues. He also stated the water tanks make it very difficult to build on the property.

Ms. Kaufman requested the setback of the current casita/guest house. Eva Cutro explained the setback at the time it was built was 10 feet.

Jon Newman asked what would happen with current casita/guest house and Mr. Patel explained he was turning it into a home office. Mr. Newman expressed concern that the study could be removed from the remodeling plan to reduce the square footage and that he feels a study and den are not hardships.

Chairman Chambliss referred to the letter from the neighbor to the north in favor of the applicant.

Chairman Chambliss closed discussion at 6:33 p.m. and open it to public hearing. No comments were made.

Chairman Chambliss stated the 40 feet setback from Scottsdale Road does cause property hardship to the applicant and voted in favor of the variance.

A motion was made by Boardmember Kile, seconded by Boardmember Kauffman, to approve the varaince request located at 7195 E Caballo Circle from the Zoning Ordinance, Article X, Height and Area Regulations, to allow an addition to encroach into the street side yard setback along Scottsdale Road. Board Member Leibsohn stated a conflict of interest on this request.

The motion carried by the following vote:

Aye: 4 - Chairperson Chambliss, Boardmember Kauffman, Boardmember Kile and Boardmember Newman

Nay: 1 - Boardmember Ozer

Absent: 1 - Boardmember Nagle

Abstain: 1 - Boardmember Leibsohn

6. ACTION ITEMS

7. CONSENT AGENDA

A. [16-261](#) May 4, 2016 Board of Adjustment Draft Meeting Minutes

A motion was made by Boardmember Kile, seconded by Boardmember Ozer, to approve the May 4, 2016 Minutes. The motion carried by the following vote:

Aye: 6 - Chairperson Chambliss, Boardmember Kauffman, Boardmember Kile, Boardmember Leibsohn, Boardmember Newman and Boardmember Ozer

Absent: 1 - Boardmember Nagle

8. STAFF REPORTS

Eva Cutro noted the Town Council has directed to make an ordinance change regarding the starting month on appointments, with a change from October to April.

9. PUBLIC BODY REPORTS

10. FUTURE AGENDA ITEMS

Mr. Burton reviewed upcoming items.

11. ADJOURNMENT

A motion was made by Boardmember Kile at 6:40 p.m., seconded by Boardmember Ozer, to adjourn the meeting. The motion carried by the following vote:

Aye: 6 - Chairperson Chambliss, Boardmember Kauffman, Boardmember Kile, Boardmember Leibsohn, Boardmember Newman and Boardmember Ozer

Absent: 1 - Boardmember Nagle

Paradise Valley Planning Commission

By: _____
Eva Cutro, Secretary