



# Town of Paradise Valley

6401 E Lincoln Dr  
Paradise Valley, AZ 85253

## Meeting Notice and Agenda Board of Adjustment

---

Wednesday, May 3, 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.*

- A.     [17-153](#)     **Burks Variance - 5712 E. Glen Drive (APN: 169-55-026A)**  
                          **Case No. BA-16-6**

Staff Contact:     George Burton, 480-348-3525

### 5. PUBLIC HEARINGS

*The Public Body may take action on this item.*

A. [17-152](#) **Burks Variance - 5712 E. Glen Drive (APN: 169-55-026A)**  
**Case No. BA-16-6**

**Recommendation:** Staff recommends Motion "A", a motion to approve the variance request to allow a single family residence to encroach into the rear yard setback.

**A. MOTION FOR approval**

I move for **[approval]** of Case No. BA-16-6, a request Ron Burks (Trustee of the Rose Garland Revocable Trust), property owner of 5712 E Glen Drive; for a variance from the Zoning Ordinance, Article X, Height and Area Regulations, to allow a single family residence to encroach into the rear yard setback.

**Reasons for Approval:**

I find that there are special circumstances, applicable to only the subject lot, meeting the variance criteria.

**B. MOTION FOR DENIAL**

I move for **[denial]** of Case No. BA-16-6, a request Ron Burks (Trustee of the Rose Garland Revocable Trust), property owner of 5712 E Glen Drive; for a variance from the Zoning Ordinance, Article X, Height and Area Regulations, to allow a single family residence to encroach into the rear yard setback.

**Reasons for Denial:**

I find that the variance requested does not meet the variance criteria.

**Staff Contact:** George Burton, 480-348-3525

**6. ACTION ITEMS**

*The Public Body 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.*

A. [17-126](#) **Approval of November 2, 2016 Board of Adjustment Minutes**

B. [17-124](#) **Approval of the April 5, 2017 Board of Adjustment Meeting**

**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 #:** 17-153

---

**TO:** Chair and Board of Adjustment

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

**DATE:** May 3, 2017

**CONTACT:**  
George Burton, 480-348-3525

**AGENDA TITLE:**  
Burks Variance - 5712 E. Glen Drive (APN: 169-55-026A)  
Case No. BA-16-6

### **BACKGROUND**

Refer to the Board of Adjustment public hearing action report on Case No. BA-16-6 for the background information regarding the variance request from the Zoning Ordinance, Article X, Height and Area Regulations, to allow a new single family residence to encroach into the setback. The property is located at 5712 E Glen Drive (Assessor's Parcel Number 169-55-026A).





## Action Report

---

**File #:** 17-153

---

**TO:** Chair and Board of Adjustment

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

**DATE:** May 3, 2017

**CONTACT:**  
George Burton, 480-348-3525

**AGENDA TITLE:**  
Burks Variance - 5712 E. Glen Drive (APN: 169-55-026A)  
Case No. BA-16-6

### **BACKGROUND**

Refer to the Board of Adjustment public hearing action report on Case No. BA-16-6 for the background information regarding the variance request from the Zoning Ordinance, Article X, Height and Area Regulations, to allow a new single family residence to encroach into the setback. The property is located at 5712 E Glen Drive (Assessor's Parcel Number 169-55-026A).



## Action Report

---

**File #:** 17-152

---

**TO:** Chair and Board of Adjustment

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

**DATE:** May 3, 2017

**CONTACT:**

George Burton, 480-348-3525

**AGENDA TITLE:**

Burks Variance - 5712 E. Glen Drive (APN: 169-55-026A)  
Case No. BA-16-6

**RECOMMENDATION:**

Staff recommends Motion "A", a motion to approve the variance request to allow a single family residence to encroach into the rear yard setback.

**A. MOTION FOR APPROVAL**

I move for **[approval]** of Case No. BA-16-6, a request Ron Burks (Trustee of the Rose Garland Revocable Trust), property owner of 5712 E Glen Drive; for a variance from the Zoning Ordinance, Article X, Height and Area Regulations, to allow a single family residence to encroach into the rear yard setback.

**Reasons for Approval:**

I find that there are special circumstances, applicable to only the subject lot, meeting the variance criteria.

**B. MOTION FOR DENIAL**

I move for **[denial]** of Case No. BA-16-6, a request Ron Burks (Trustee of the Rose Garland Revocable Trust), property owner of 5712 E Glen Drive; for a variance from the Zoning Ordinance, Article X, Height and Area Regulations, to allow a single family residence to encroach into the rear yard setback.

**Reasons for Denial:**

I find that the variance requested does not meet the variance criteria.

**BACKGROUND**

### Lot History

The subject property is located in Tract A of the Club Estates 2 subdivision. The subdivision was platted in 1960 and annexed into the Town in 1961. The following is a chronological history of the property:

- July 17, 1973. Grading permit issued.
- October 29, 1973. Building permit issued for a single family residence.
- October 30, 1974. Building permit issued for a single family residence.

All three permits are labeled as “expired.” Via historical aerial photos, it appears that a house was never constructed. Also, a pad was created on the east side of the lot; however, it is difficult to discern from the historical aerial photos when that pad was created (possibly created in the late 1970’s or mid-1980’s).

### Request

The applicant is proposing to construct a single family residence on the existing pad. Section 1001 of the Zoning Ordinance requires a 40’ rear yard setback for the primary residence and three portions of the proposed home will encroach into the rear setback. One portion of the main level and two portions of the upper level of the house will encroach into the setback. 410 square feet of the main level of the house will encroach at a setback of 20’ from the rear property line. 245 square feet of the upper level of house will encroach at a setback of 27’ and 35’ from the rear property line. This results in a total encroachment of 655 square feet into the rear setback.

### Lot Conditions

The property is zoned R-43 Hillside and is 42,839 square feet in size (0.98 acres). The property is a corner lot, triangular in shape, and situated around an existing water tank. Staff believes the shape, topography, and dual frontage of the lot create a hardship and is supportive of the setback encroachment. If the variance is granted, the improvements will go thru the hillside review process.

### Board of Adjustment Discussion

During the April 5<sup>th</sup> Board meeting, the applicant requested a continuance due to a conflict of schedule. The Board of Adjustment continued this variance application to the May 3, 2017 meeting.

### **DISCUSSION/ FACTS:**

#### 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 findings with regard to such variance criteria.

1. *“Such variance... will serve not merely as a convenience to the applicant, but [is] necessary to alleviate some demonstrable hardship or difficulty so great as to warrant a variance under the circumstances.” (Town Code Section 2-5-3(C)2).*

**Findings in Favor (FIFs):**

The property is burdened with an odd shape and dual frontage which create a narrow and restrictive building envelope that limits the development to the east side of the property. Also, the improvements will not create additional disturbance to the hillside since the house is located within an existing disturbed area.

**Findings Opposed (FOPs):**

Arizona Revised Statutes and the Town Zoning Ordinance do not require the most optimal or profitable use of a property. Although not ideal, the size of the house may be scaled down or redesigned in order to comply with the setback requirements.

2. *The “special circumstances, hardship, or difficulty [do not] arise out of misunderstanding or mistake...” (Town Code Section 2-5-3(C)4(b)).*

**FIFs:**

The hardship is not out of mistake or misunderstanding. The triangular shape and dual frontage of the lot is the result of how the parcel was platted in Maricopa County.

**FOPs:**

The applicant should be aware of all special circumstances on the property and plan any designs accordingly.

3. *“Such variance from ... the strict application of the terms of [the Zoning Ordinance] ... are in harmony with its general purposes and intents...” (Town Code Section 2-5-3(C)2).*

**FIFs:**

The intent of the code is to minimize the amount of disturbance to the hillside, preserve the visual openness, and preserve the natural features of the mountain. The request meets the intent of the Zoning Ordinance since the new house will not increase the amount of disturbance and will have limited visual impact. The house will not create additional disturbance since it will be placed on an existing pad and it will have limited visual impact since the encroachments are limited to the rear of the lot (which will be partially screened by the hillside).

**FOPs:**

The request does not meet the intent of the code as other alternatives exist. The orientation of the house may be reconfigured or the size of the house may be reduced to comply with the setback requirements. However, a different design may result in additional disturbance to the hillside.

4. *“The special circumstances, hardship or difficulty applicable to the property are [not] self-imposed by the property owner, or predecessor...” (Town Code Section 2-5-3(C)4).*

**FIFs:**

The request is not self-imposed. The applicant has a difficult lot to build on and is trying to

design a house that utilizes the existing site conditions. The triangular shape and dual street frontage create a restrictive building envelope that limits development to the east side or east half of the lot. Also, the proposed house will not create additional disturbance to the hillside since the home will be placed on an existing pad.

**FOPs:**

The request is self-imposed since the applicant may redesign a house that meets setbacks. The applicant should be aware of all special circumstances on the property and plan any designs accordingly.

5. *Because of special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, 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.” (Arizona Revised Statutes 9-462.06(G)(2)).*

**FIFs:**

The property hardship arises from the odd shape and dual frontage of the lot. The triangular shape creates a narrow and unusual building envelope that limits the buildable area to the east side of the property. The applicant is trying to limit the amount of disturbance by utilizing and orientating the house on the existing pad.

**FOPs:**

Dual street frontage is not atypical. Also, Arizona Revised Statutes and the Town Zoning Ordinance do not require the most optimal or profitable use of a property.

6. *The variance would not “constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.” (Arizona Revised Statutes 9-462.06(G)(2)).*

**FIFs:**

The request is in character with the neighborhood and the Zoning Ordinance. The setback encroachment is not out character with the neighborhood since several of the neighboring homes encroach into the front yard setback (via the Maricopa County aerial photo, it appears that three of the neighboring homes encroach into the front yard setback). Conversely, the applicant is requesting an encroachment into the rear yard which is less visible from the street.

The request is also in character with the Zoning Ordinance since the intent of the code is preserve the hillside and preserve visual openness. The new house will not increase the amount of disturbance by utilizing the existing pad/disturbed area and will have limited visual impact since the setback encroachment is restricted to the rear of the lot and partially screened by the hillside.

**FOPs:**

All other properties in the area must meet the setback requirements outlined the Zoning Ordinance.

---

**File #: 17-152**

---

**COMMENTS:** Staff received three comments regarding this application. One comment was in favor of the variance request and the other two were opposed to the request. A copy of the public comment is enclosed.

**COMMUNITY IMPACT:** None.

**FISCAL IMPACT** None.

**CODE VIOLATIONS:** None.

**ATTACHMENTS**

Vicinity Map & Aerial Photo  
Application  
Narrative and Plan Set  
Public Comment  
Noticing Materials

C: Doug Jorden (Applicant)  
Case File BA-16-6



## Action Report

---

**File #:** 17-152

---

**TO:** Chair and Board of Adjustment

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

**DATE:** May 3, 2017

**CONTACT:**

George Burton, 480-348-3525

**AGENDA TITLE:**

Burks Variance - 5712 E. Glen Drive (APN: 169-55-026A)  
Case No. BA-16-6

**RECOMMENDATION:**

Staff recommends Motion "A", a motion to approve the variance request to allow a single family residence to encroach into the rear yard setback.

**A. MOTION FOR APPROVAL**

I move for **[approval]** of Case No. BA-16-6, a request Ron Burks (Trustee of the Rose Garland Revocable Trust), property owner of 5712 E Glen Drive; for a variance from the Zoning Ordinance, Article X, Height and Area Regulations, to allow a single family residence to encroach into the rear yard setback.

**Reasons for Approval:**

I find that there are special circumstances, applicable to only the subject lot, meeting the variance criteria.

**B. MOTION FOR DENIAL**

I move for **[denial]** of Case No. BA-16-6, a request Ron Burks (Trustee of the Rose Garland Revocable Trust), property owner of 5712 E Glen Drive; for a variance from the Zoning Ordinance, Article X, Height and Area Regulations, to allow a single family residence to encroach into the rear yard setback.

**Reasons for Denial:**

I find that the variance requested does not meet the variance criteria.

**BACKGROUND**

### Lot History

The subject property is located in Tract A of the Club Estates 2 subdivision. The subdivision was platted in 1960 and annexed into the Town in 1961. The following is a chronological history of the property:

- July 17, 1973. Grading permit issued.
- October 29, 1973. Building permit issued for a single family residence.
- October 30, 1974. Building permit issued for a single family residence.

All three permits are labeled as “expired.” Via historical aerial photos, it appears that a house was never constructed. Also, a pad was created on the east side of the lot; however, it is difficult to discern from the historical aerial photos when that pad was created (possibly created in the late 1970’s or mid-1980’s).

### Request

The applicant is proposing to construct a single family residence on the existing pad. Section 1001 of the Zoning Ordinance requires a 40’ rear yard setback for the primary residence and three portions of the proposed home will encroach into the rear setback. One portion of the main level and two portions of the upper level of the house will encroach into the setback. 410 square feet of the main level of the house will encroach at a setback of 20’ from the rear property line. 245 square feet of the upper level of house will encroach at a setback of 27’ and 35’ from the rear property line. This results in a total encroachment of 655 square feet into the rear setback.

### Lot Conditions

The property is zoned R-43 Hillside and is 42,839 square feet in size (0.98 acres). The property is a corner lot, triangular in shape, and situated around an existing water tank. Staff believes the shape, topography, and dual frontage of the lot create a hardship and is supportive of the setback encroachment. If the variance is granted, the improvements will go thru the hillside review process.

### Board of Adjustment Discussion

During the April 5<sup>th</sup> Board meeting, the applicant requested a continuance due to a conflict of schedule. The Board of Adjustment continued this variance application to the May 3, 2017 meeting.

### **DISCUSSION/ FACTS:**

#### 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 findings with regard to such variance criteria.

1. *“Such variance... will serve not merely as a convenience to the applicant, but [is] necessary to alleviate some demonstrable hardship or difficulty so great as to warrant a variance under the circumstances.” (Town Code Section 2-5-3(C)2).*



**Findings in Favor (FIFs):**

The property is burdened with an odd shape and dual frontage which create a narrow and restrictive building envelope that limits the development to the east side of the property. Also, the improvements will not create additional disturbance to the hillside since the house is located within an existing disturbed area.

**Findings Opposed (FOPs):**

Arizona Revised Statutes and the Town Zoning Ordinance do not require the most optimal or profitable use of a property. Although not ideal, the size of the house may be scaled down or redesigned in order to comply with the setback requirements.

2. *The “special circumstances, hardship, or difficulty [do not] arise out of misunderstanding or mistake...” (Town Code Section 2-5-3(C)4(b)).*

**FIFs:**

The hardship is not out of mistake or misunderstanding. The triangular shape and dual frontage of the lot is the result of how the parcel was platted in Maricopa County.

**FOPs:**

The applicant should be aware of all special circumstances on the property and plan any designs accordingly.

3. *“Such variance from ... the strict application of the terms of [the Zoning Ordinance] ... are in harmony with its general purposes and intents...” (Town Code Section 2-5-3(C)2).*

**FIFs:**

The intent of the code is to minimize the amount of disturbance to the hillside, preserve the visual openness, and preserve the natural features of the mountain. The request meets the intent of the Zoning Ordinance since the new house will not increase the amount of disturbance and will have limited visual impact. The house will not create additional disturbance since it will be placed on an existing pad and it will have limited visual impact since the encroachments are limited to the rear of the lot (which will be partially screened by the hillside).

**FOPs:**

The request does not meet the intent of the code as other alternatives exist. The orientation of the house may be reconfigured or the size of the house may be reduced to comply with the setback requirements. However, a different design may result in additional disturbance to the hillside.

4. *“The special circumstances, hardship or difficulty applicable to the property are [not] self-imposed by the property owner, or predecessor...” (Town Code Section 2-5-3(C)4).*

**FIFs:**

The request is not self-imposed. The applicant has a difficult lot to build on and is trying to

design a house that utilizes the existing site conditions. The triangular shape and dual street frontage create a restrictive building envelope that limits development to the east side or east half of the lot. Also, the proposed house will not create additional disturbance to the hillside since the home will be placed on an existing pad.

**FOPs:**

The request is self-imposed since the applicant may redesign a house that meets setbacks. The applicant should be aware of all special circumstances on the property and plan any designs accordingly.

5. *Because of special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, 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.” (Arizona Revised Statutes 9-462.06(G)(2)).*

**FIFs:**

The property hardship arises from the odd shape and dual frontage of the lot. The triangular shape creates a narrow and unusual building envelope that limits the buildable area to the east side of the property. The applicant is trying to limit the amount of disturbance by utilizing and orientating the house on the existing pad.

**FOPs:**

Dual street frontage is not atypical. Also, Arizona Revised Statutes and the Town Zoning Ordinance do not require the most optimal or profitable use of a property.

6. *The variance would not “constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.” (Arizona Revised Statutes 9-462.06(G)(2)).*

**FIFs:**

The request is in character with the neighborhood and the Zoning Ordinance. The setback encroachment is not out character with the neighborhood since several of the neighboring homes encroach into the front yard setback (via the Maricopa County aerial photo, it appears that three of the neighboring homes encroach into the front yard setback). Conversely, the applicant is requesting an encroachment into the rear yard which is less visible from the street.

The request is also in character with the Zoning Ordinance since the intent of the code is preserve the hillside and preserve visual openness. The new house will not increase the amount of disturbance by utilizing the existing pad/disturbed area and will have limited visual impact since the setback encroachment is restricted to the rear of the lot and partially screened by the hillside.

**FOPs:**

All other properties in the area must meet the setback requirements outlined the Zoning Ordinance.

---

**File #:** 17-152

---

**COMMENTS:** Staff received three comments regarding this application. One comment was in favor of the variance request and the other two were opposed to the request. A copy of the public comment is enclosed.

**COMMUNITY IMPACT:** None.

**FISCAL IMPACT** None.

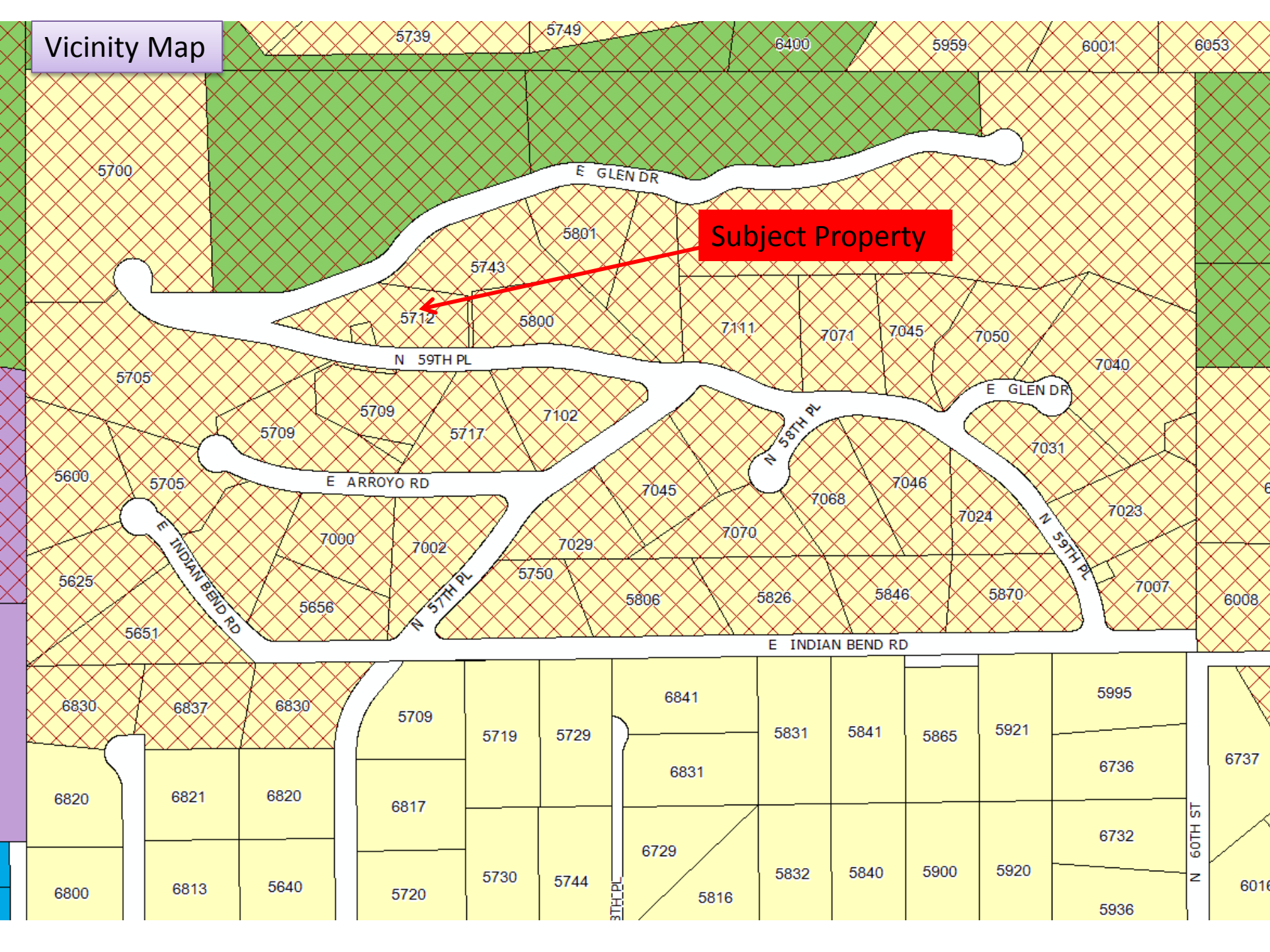
**CODE VIOLATIONS:** None.

**ATTACHMENTS**

Vicinity Map & Aerial Photo  
Application  
Narrative and Plan Set  
Public Comment  
Noticing Materials

C: Doug Jorden (Applicant)  
Case File BA-16-6

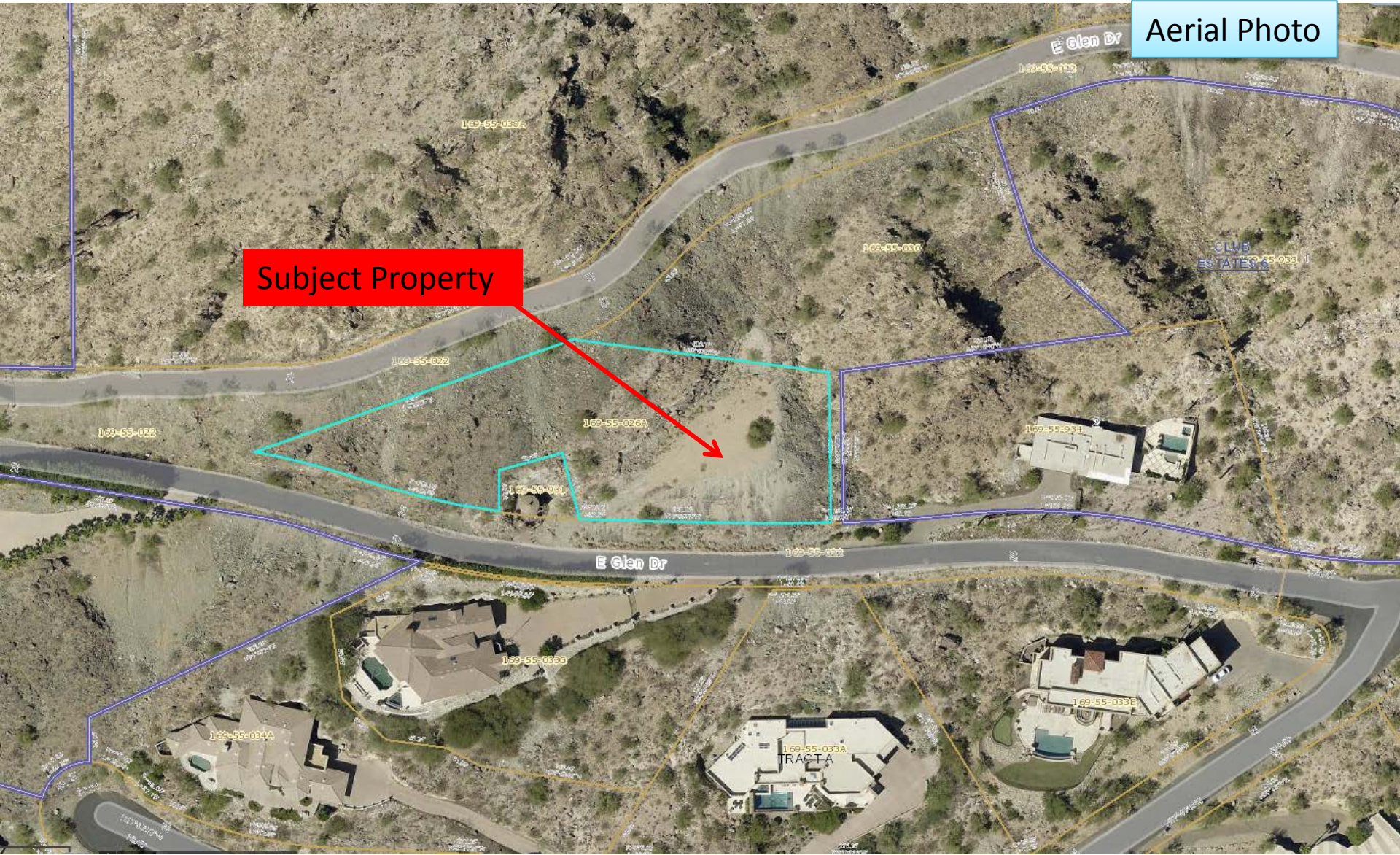
Vicinity Map





Aerial Photo

Subject Property





RECEIVED

**APPLICATION TO BOARD OF ADJUSTMENT FOR VARIANCE**

1001 - 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.



# 5712 E. GLEN DRIVE PARADISE VALLEY, AZ ZONING ADJUSTMENT PROPOSAL



Project Team:  
Owner: Ron Burks  
Attorney: Doug Jorden  
Architect: PHX Architecture  
Civil Engineer: Coe & Van Loo



## VARIANCE REQUEST OVERVIEW

The variance is for an approximately 1-acre parcel located at 5712 East Glen. The property is impacted by its topography, irregular configuration, and a 4,595 square foot water tank site owned by a private water company.



A single variance is being requested to reduce a portion of the rear yard setback requirement from 40 feet to 20 feet. Due to the irregular configuration of the property and to utilize the existing disturbed area (a pad was graded years ago) on the lot, a setback variance is requested to allow some elements of the home to go into the 40-foot setback. The requested variance will only relate to 655 square feet of the proposed home. Other than this single variance, the house will comply with Town Codes.





EXHIBIT A - EXISTING SITE CONDITIONS



LOT AREA = 42,839 SQ. FT  
 25% MAX. FLOOR AREA = 10,710 SQ.FT  
 ACTUAL BUILDABLE AREA = 8173+173+119=8,465 SQ. FT  
 (WITHIN THE BLUE SETBACKS SHOWN BELOW)

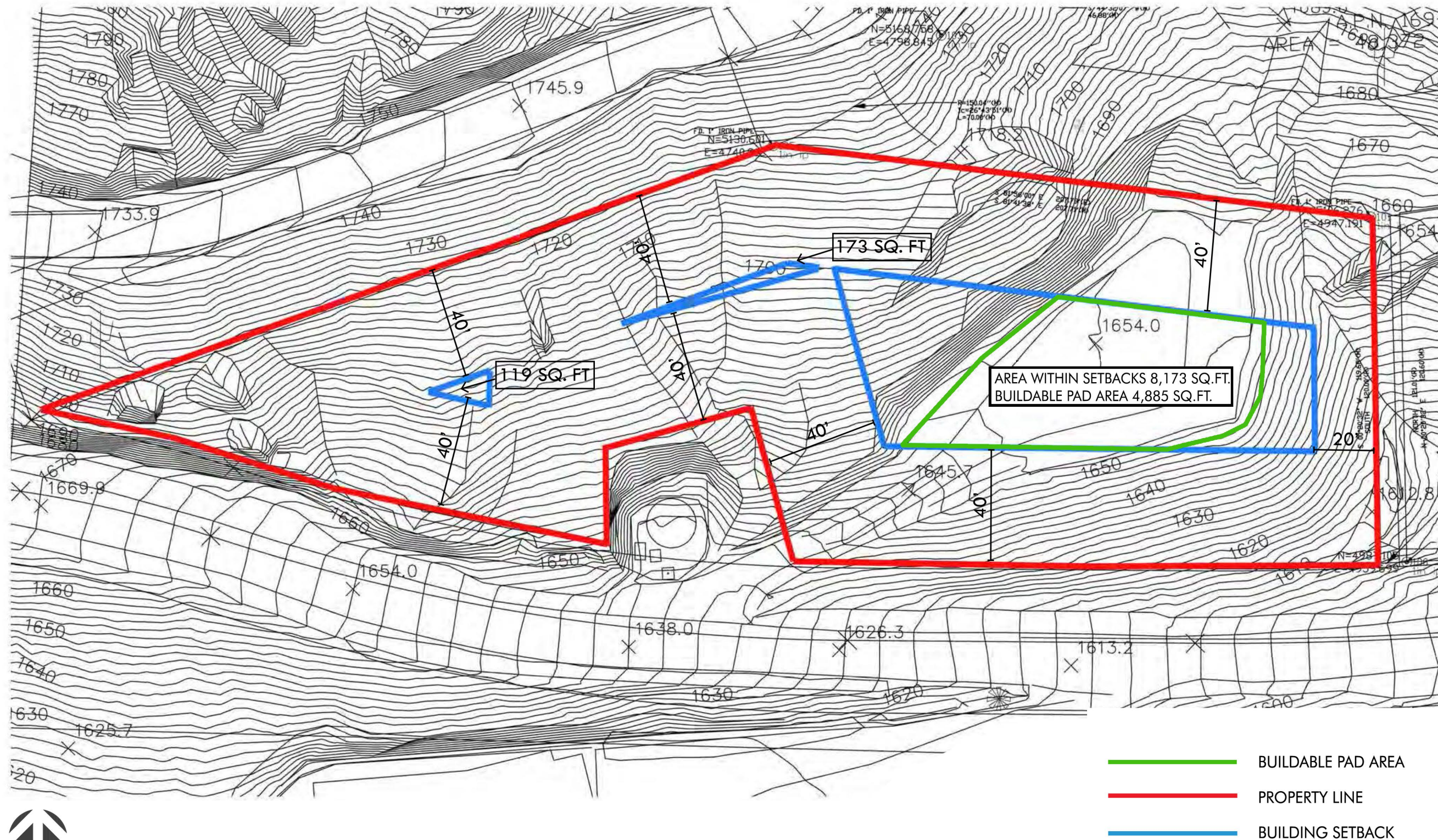


EXHIBIT B - BUILDING SETBACKS



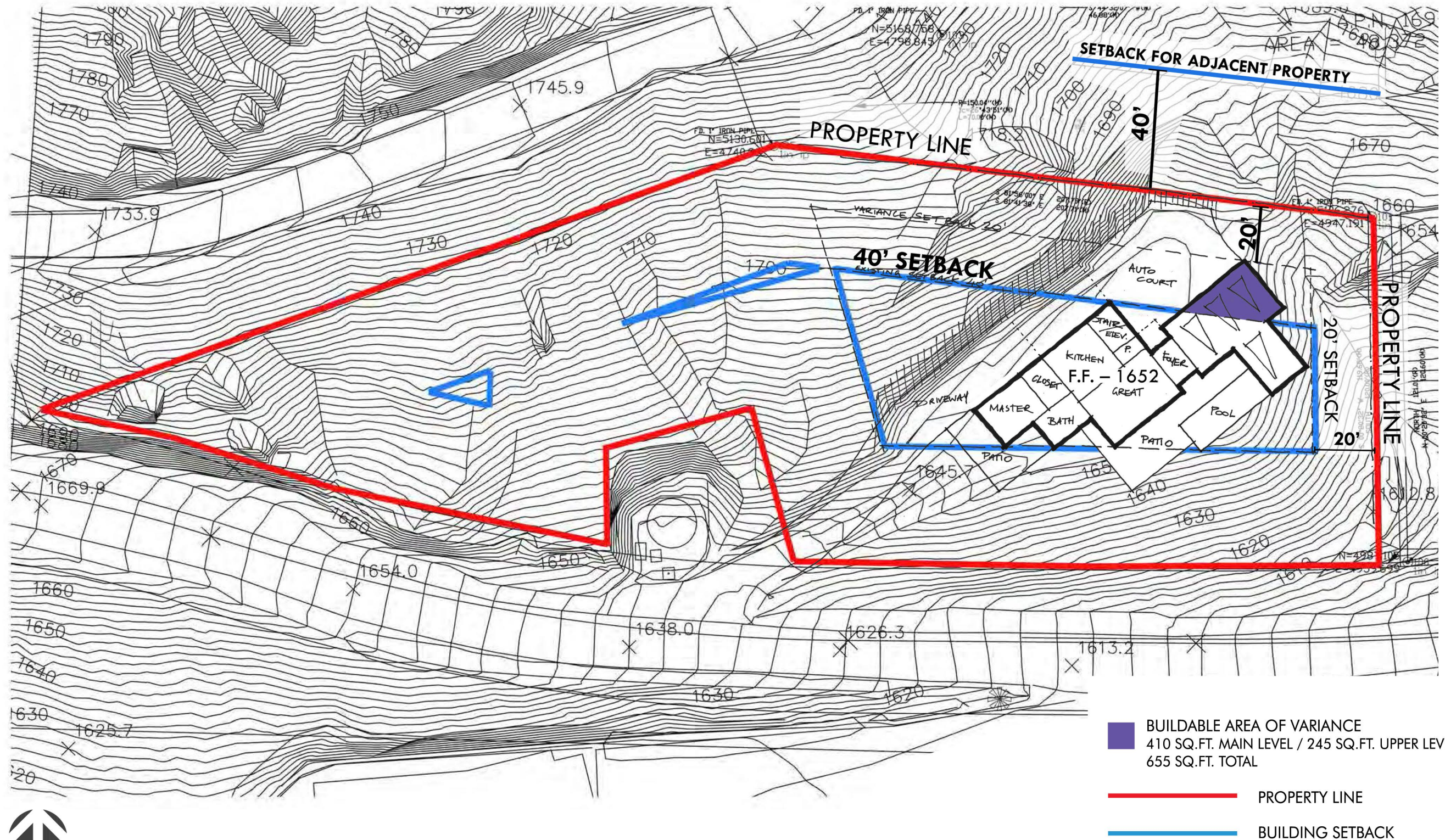
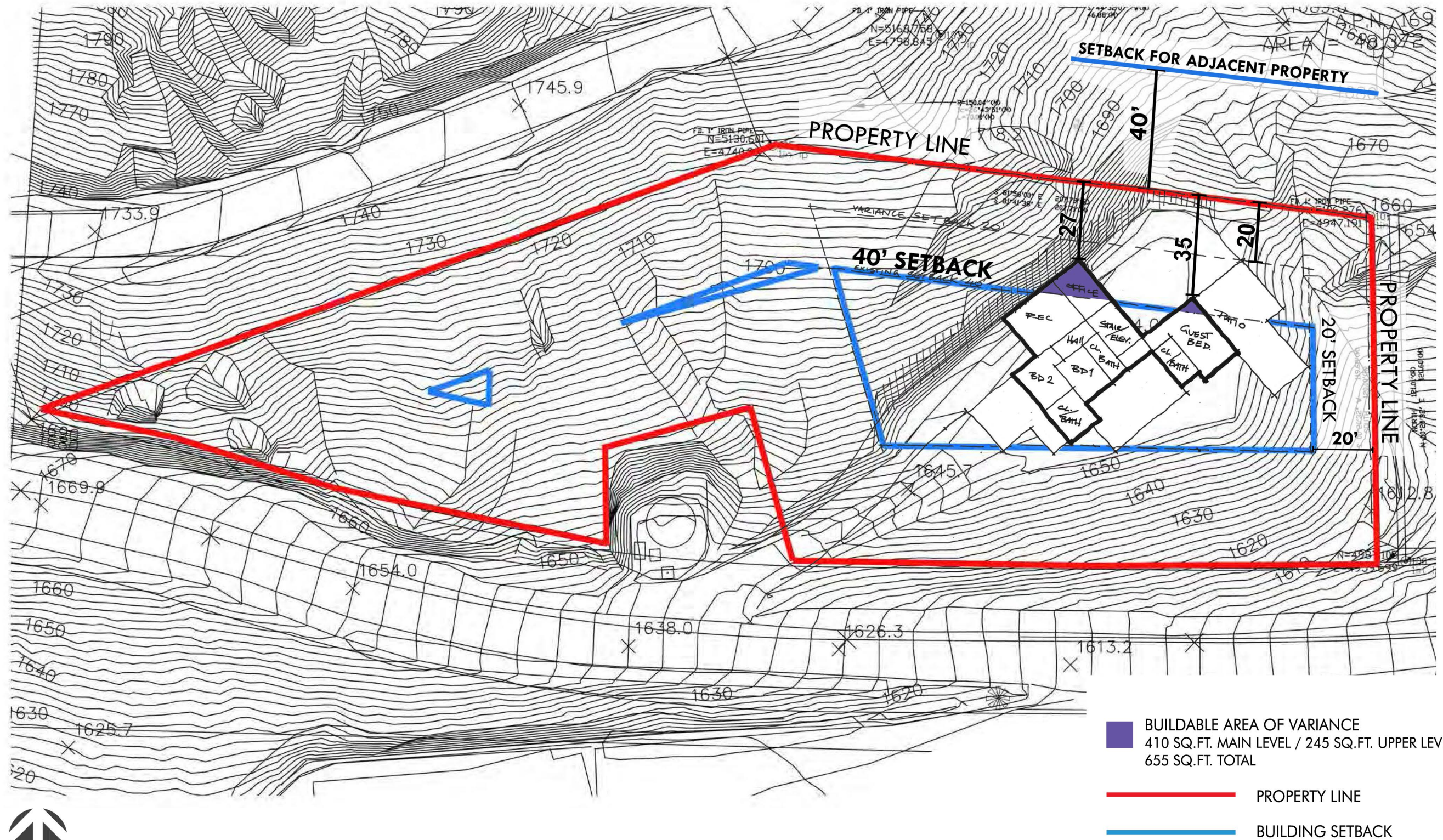


EXHIBIT C - MAIN LEVEL FLOOR PLAN







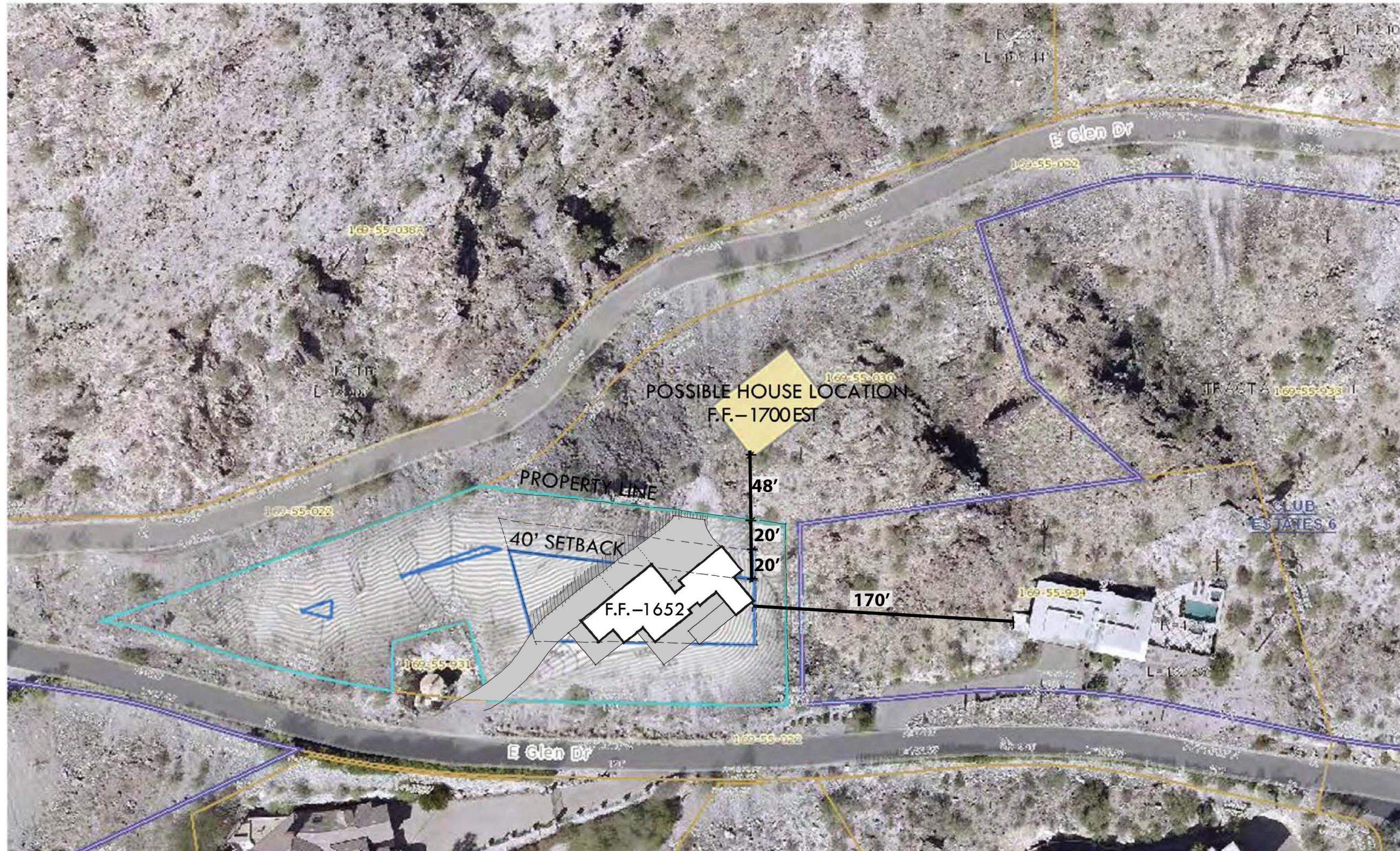
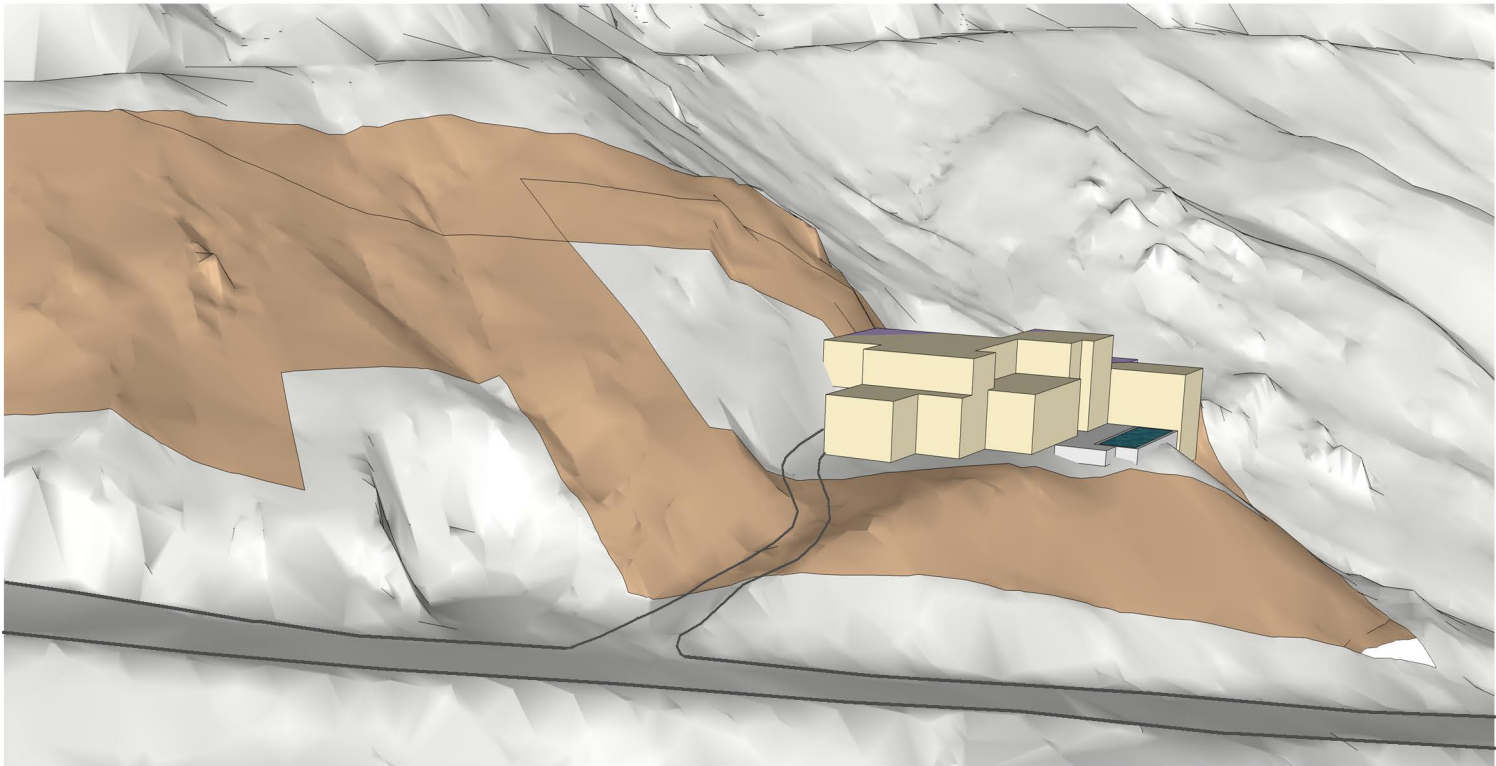
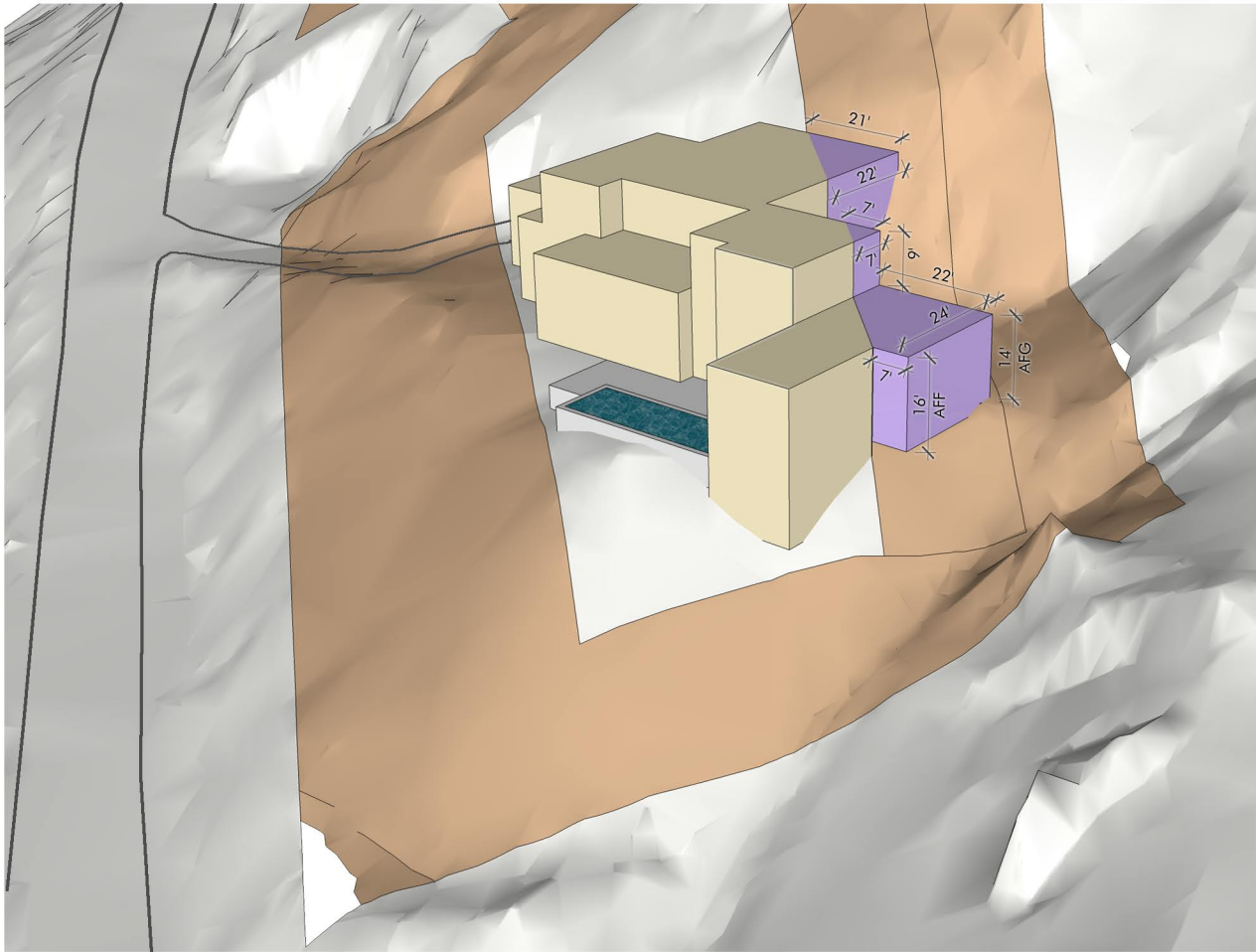


EXHIBIT E - SITE CONTEXT FOOTPRINT





SOUTHWESTERN 3D AXONOMETRIC VIEW



EASTERN 3D AXONOMETRIC VIEW - VARIANCE ENCROACHMENT MASSING



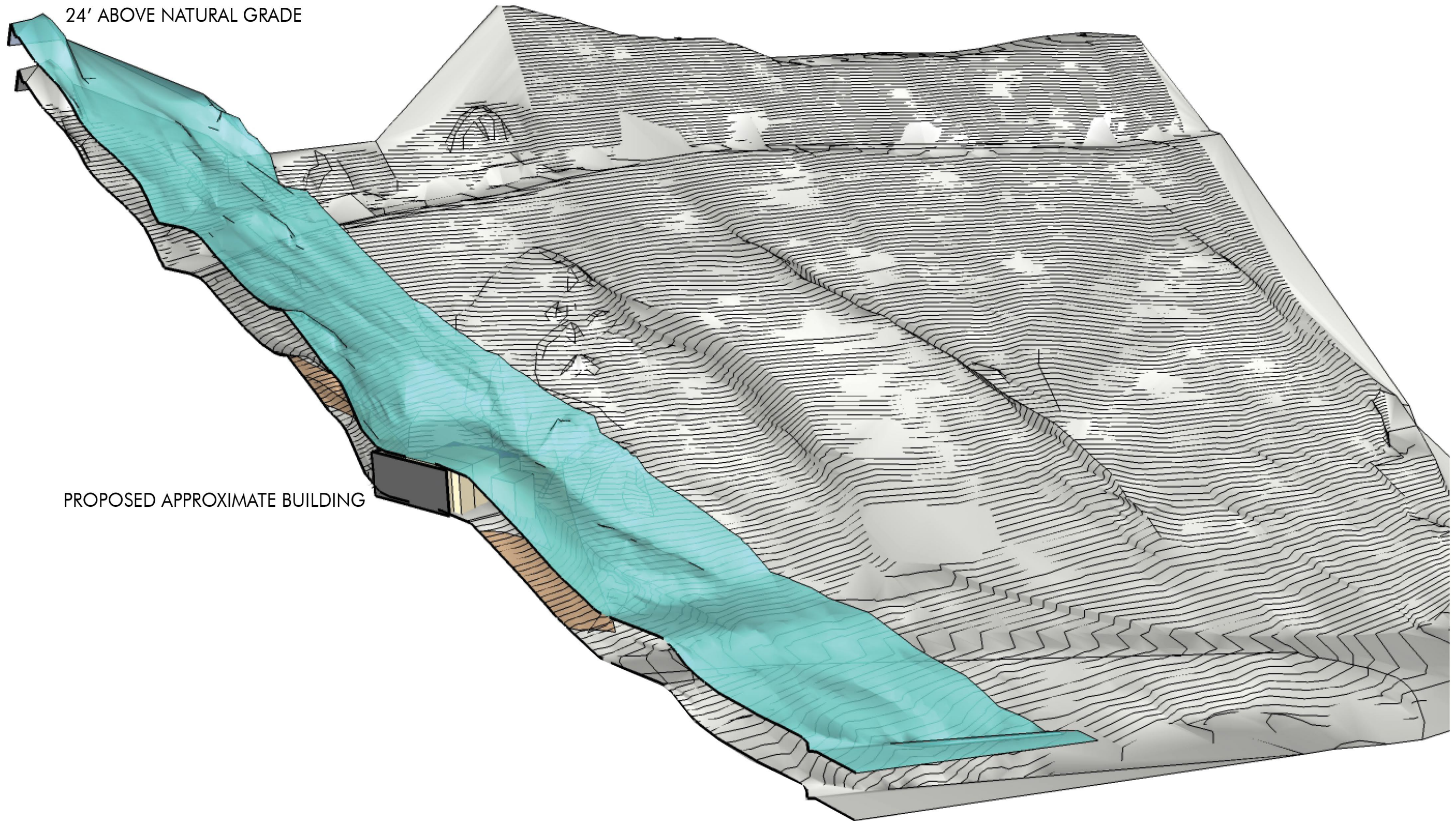


EXHIBIT G - PROPOSED 3D SECTION WITH 24' HEIGHT LIMIT



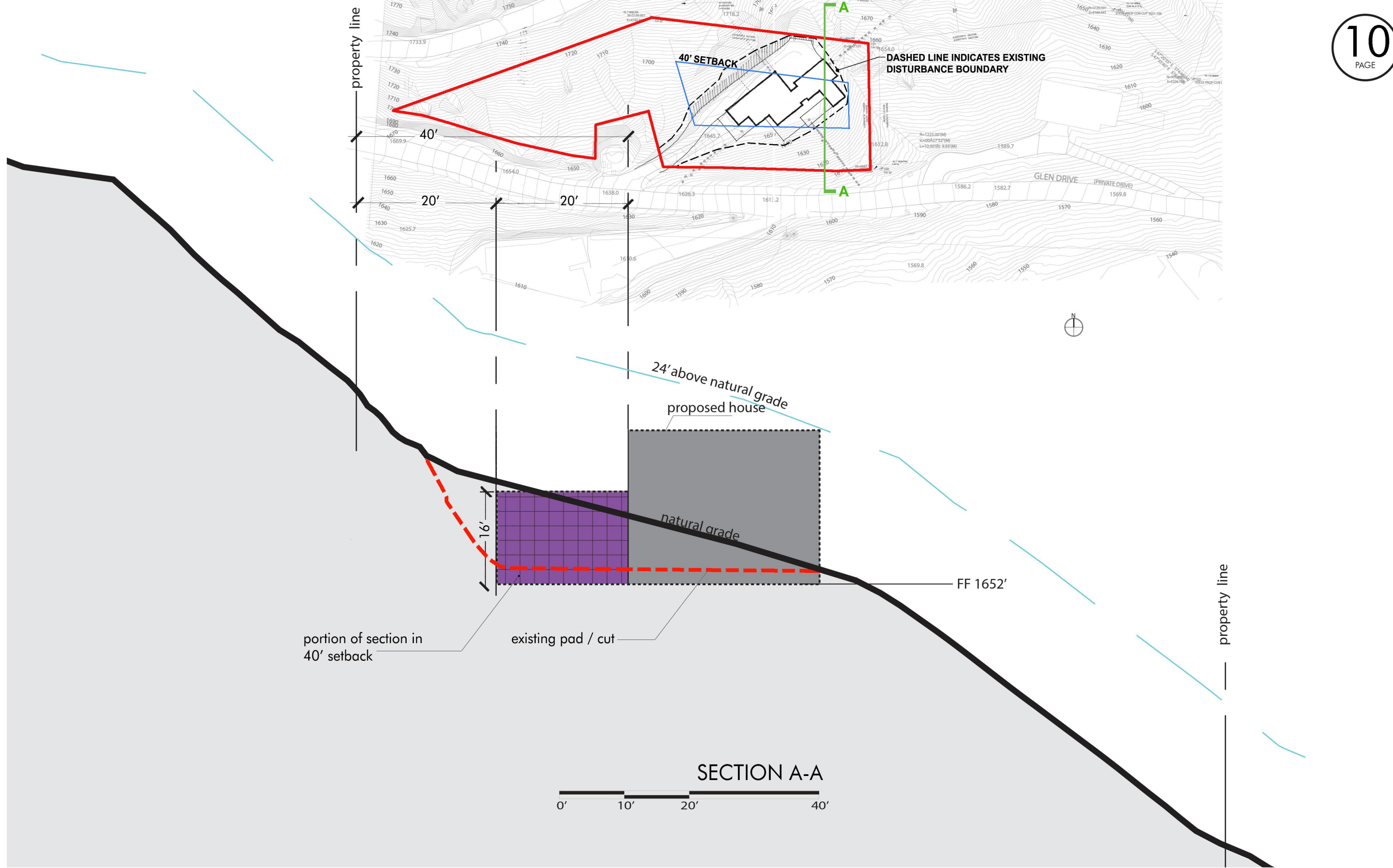


EXHIBIT H - PROPOSED SECTION WITH 24' HEIGHT LIMIT





EXHIBIT I - PHOTOMONTAGE WITH MASSING





EXHIBIT J - PHOTOMONTAGE WITH MASSING





EXHIBIT K - PHOTOMONTAGE WITH MASSING





LOOKING SOUTH FROM UPPER GLEN DRIVE



LOOKING EAST DOWN GLEN DRIVE



LOOKING WEST UP GLEN DRIVE



**BACKGROUND**

The Rose Garland Revocable Trust owns property located at 5712 East Glen Drive within the Town of Paradise Valley. The property is impacted by its topography, irregular configuration, and a 4,595 square foot water tank site owned by a private water company. A building pad was graded on the eastern half of the property many years ago (prior to the Town's adoption of the Hillside Development Regulations in 1984), but a home was never built on the property.

**GENERAL OVERVIEW OF THE REQUESTED VARIANCE**

Given the irregular configuration of the property, and to utilize the disturbed area of the existing building pad, a setback variance is requested to allow some elements of the home to go into the 40-foot rear yard setback. The requested variance would allow the proposed home to be built on the property and would only apply to the portion of the lot where the home will be located (as shown on the plans) and not to other portions of the rear yard. The proposed home is approximately 5,500 livable square feet, which is comparable to the houses located across Glen Drive to the south and is not large when compared to other houses within the Town. The reduction of the rear yard setback will not have an impact on the upslope property (APN 169-55-030) because of the difference in elevation between the properties and the upslope property's location to the east of the subject property.

**VARIANCE CRITERIA**

The Town has established six criteria to be used in evaluating variance requests. Following is a discussion of these criteria with respect to the requested variance.

1. “[S]uch variance....will serve not merely as a convenience to the applicant, but [is] necessary to alleviate some demonstrable hardship or difficulty so great as to warrant a variance under the circumstances.” Town Code § 2-5-3(C)(2)(a).

The reduction in the rear yard setback for a portion of the property is necessary to alleviate the hardship and difficulties presented by the property's irregular shape, its topography, and the location of the building pad. Absent the grant of a variance from the 40-foot setback requirement, a reasonably sized home could not be built on the property. Alternatively, because of the location of the water tank site, moving the residence to another location on the property would require additional variances and would require grading a new building site.

2. The “special circumstances, hardship or difficulty [do not] arise out of misunderstanding or mistake....” Town Code § 2-5-3(C)(4)(b).

The existing topography of the property is the historical topography of the property and the property's irregular shape and existing building pad predate the Town's Hillside Development Regulations. The private water company obtained the water tank site in 1964. These special circumstances do not arise out of misunderstanding or mistake.

3. “[S]uch variance from...the strict application of the terms of [the Zoning Ordinance]...are in harmony with its general purposes and intents....” Town Code § 2-5-3(C)(2)(a).

The proposed home, except for the requested variance for the rear setback, will comply with the Town's requirements. The variance, which is necessary due to the property's irregular shape and its topography, the existing building pad, and the location of the water tank site, will allow development of the property in harmony with the general purposes and intents of the Zoning Ordinance.

4. The “special circumstances, hardship or difficulty applicable to the property are [not] self-imposed by the property owner, or predecessor...” Town Code § 2-5-3(C)(4)(b).

The special circumstances, hardships, and difficulties with the property arise from the topography and the water tank site. These factors make building a home in another location on the property impractical, if not impossible, and the proposed location will require only a single variance with minimal impact on the adjacent, upslope property owner. Without at least one variance, a residence of reasonable size (similar to the homes across Glen Drive to the south) would not be possible.

5. “[B]ecause of special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, 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.” A.R.S. § 9-462.06(G)(2).

The property is within the R-43 zoning district. Because of the special circumstances relating to the property's topography and shape, the existing building pad, and the water tank site, the strict application of the Town's Zoning Ordinance would not allow a home comparable to neighboring houses to be constructed on the property. Granting the single requested variance will allow the construction of a home on the property similar to homes allowed on other properties within the same R-43 residential zoning district.

6. The variance would not “constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is located.” A.R.S. § 9-462.06(G)(2).

Other properties in the vicinity are used for single family residences; except for challenges relating to topography and shape, the existing building pad, and the water tank site, this property is also suited for residential use. The grant of a variance to allow the proposed home does not constitute a grant of special privilege. A variance is necessary due to the special circumstances of the property and would allow a home consistent with homes on other properties in the R-43 zoning district and in the neighborhood.

## George Burton

---

**From:** Doug Jorden <djorden@jhjlawyers.com>  
**Sent:** Tuesday, March 21, 2017 1:43 PM  
**To:** George Burton  
**Cc:** 'Fred Fleet'; Ron Burks; Erik Peterson  
**Subject:** 5712 E. Glen Drive Variance Request.

George, email below is from a neighbor to the east, Lewis Patrick (Assessor Parcel # 169-55-933). Please include Mr. Patrick's email in the materials provided to the Board.

Thank you.

Doug Jorden  
Jorden Hiser & Joy, PLC  
5080 N 40<sup>th</sup> Street, Suite 245  
Phoenix, AZ 85018  
480-505-3909  
480-505-3901 fax  
[djorden@JHJLawyers.com](mailto:djorden@JHJLawyers.com)  
[www.JHJLawyers.com](http://www.JHJLawyers.com)

This e-mail and attachments may be privileged and confidential. If you are not the intended recipient, any use, dissemination, distribution or copying of this e-mail or attachments is prohibited. If you have received this e-mail in error, please (i) notify us by replying to this e-mail and (ii) permanently delete this e-mail. In accordance with U.S. Treasury regulations, if this message contains advice concerning one or more Federal tax issues, it is not a formal legal opinion and may not be used by any person for the avoidance of Federal tax penalties.

**From:** Lewis Patrick [<mailto:lew@patrickproperty.com>]  
**Sent:** Tuesday, March 21, 2017 9:48 AM  
**To:** Fred Fleet <[fef\\_@cvlci.com](mailto:fef_@cvlci.com)>  
**Cc:** Doug Jorden <[djorden@jhjlawyers.com](mailto:djorden@jhjlawyers.com)>  
**Subject:** Re: Burks booklet

Fred as a neighbor I do not have any problem with what you are trying to accomplish on the lot located at 5712 E. Glen Drive. If you have any questions for me, please do not hesitate to call.

Thanks

Lewis Patrick  
Broker Owner  
Patrick Properties  
P O Box 14136  
Scottsdale, AZ 85267  
602 663 2600 cell  
480 905 9190 Arizona Office  
208 627 8060 Idaho Office

The content of this message, together with any attachments, is intended only for the use of the individual or entity to which they are addressed and may contain proprietary, privileged, or confidential information; trade secrets; information protected by constitutional privacy rights; and/or information otherwise exempt from disclosure. If you

are not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this message, or any attachment, is strictly prohibited by law. If you have received this message in error, please notify the original sender or the Patrick Property office by telephone at (480) 905-9190, or by return e-mail to [Lew@patrickproperty.com](mailto:Lew@patrickproperty.com) and delete this message along with any attachments from your computer and email server. Thank you.





March 23, 2017

Board of Adjustment  
Town of Paradise Valley  
6401 E Lincoln Drive  
Paradise Valley, AZ 85253

**Subject: 5712 E Glen Dr.**

As an area homeowner at 5700 E Glen Drive my wife and myself wish to register a protest to granting a variance of any kind including set back variance.

We would like to see a new home built on the lot but with steep slopes we would disagree with anything that would increase density either on the lot or in the area.

A better solution would be to merge two adjacent lots to allow more flexibility.

Several years ago, we were told that a previous owner illegally graded the lot. This illegal action, if any, should not be allowed to get around mountain building regulations.

Thank you for your consideration of the best interest of all the citizens of Paradise Valley.

A handwritten signature in blue ink that reads "James Wirth".

James and Gail Wirth  
5700 E Glen Drive  
602.944.1500

**InnSuites Hospitality Trust**

Reservations 800-842-4242 or 1-888-INNSUITES • Fax 602.678.0281 • Phone 602-944-1500  
InnSuites® Hotels Center • 1625 East Northern Avenue Suite 105 • Phoenix, Arizona 85020-3921 • USA  
www.innsuitestrust.com • NYSE: MKT: IHT



## George Burton

---

**From:** Richards, Phil <Phil.Richards@northstarfinancial.com>  
**Sent:** Tuesday, March 28, 2017 11:50 AM  
**To:** George Burton  
**Cc:** Max Biegert  
**Subject:** Not in favor

Hi George

Please know that my wife and I are not in favor of upcoming April 5th vote on variances next to water tower across from our 5709 E Glen Drive Thank You

Sent from my iPhone

LAW OFFICES  
**JORDEN HISER**  

---

**& JOY, P.L.C.**

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

**SANDRA M. CORN**

DIRECT LINE: 480-505-3907  
E-MAIL: [scorn@JHJLawyers.com](mailto:scorn@JHJLawyers.com)  
[www.JHJLawyers.com](http://www.JHJLawyers.com)

April 17, 2017

**VIA E-MAIL ([gburton@paradisevalleyaz.gov](mailto:gburton@paradisevalleyaz.gov))  
AND REGULAR MAIL**

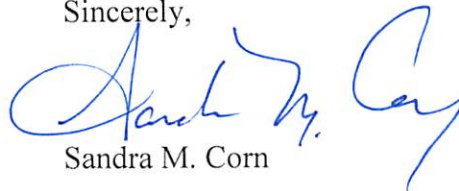
George Burton, Planner  
Town of Paradise Valley  
6401 East Lincoln Drive  
Paradise Valley, AZ 85253

Re: Notice of Board of Adjustment Public Hearing, May 3, 2017  
Variance Application – 5712 East Glen Drive

Dear George:

Enclosed is the affidavit of posting for the above-referenced property. Please call if you have any questions.

Sincerely,



Sandra M. Corn

Enclosures

cc (via e-mail w/encl.): Ron Burks  
Erik Peterson  
Doug Jorden

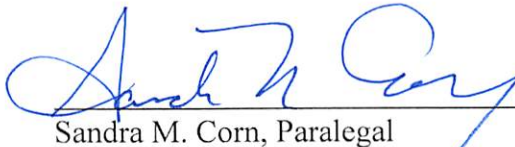
## AFFIDAVIT OF POSTING

STATE OF ARIZONA       )  
                                      ) ss.  
County of Maricopa       )

I, Sandra M. Corn, being duly sworn, depose and state that the attached notice of proposed application for setback variance located at 5712 East Glen Drive for the Board of Adjustment meeting date of May 3, 2017, is a true and correct copy of a notice which I caused to be posted on Monday, April 17, 2017 in the following location(s):

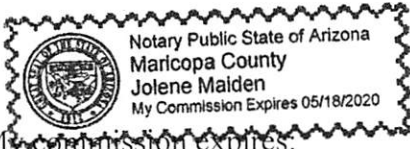
5712 East Glen Drive

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

  
Sandra M. Corn, Paralegal

April 17, 2017  
Date

The foregoing instrument was acknowledged by me this 17th day of April, 2017, by Sandra M. Corn.

  
My commission expires:

  
NOTARY PUBLIC

5/18/2020



# NOTICE OF HEARING

TOWN OF PARADISE VALLEY  
Board of Adjustment and Appeals

6401 E. Lincoln Drive, Paradise Valley, Arizona

5:30 O'CLOCK 3<sup>rd</sup> DAY OF May, 2017

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, May 3, 2017, at Town Hall, 6401 East Lincoln Drive, Paradise Valley, Arizona, 85253 for:

**PUBLIC HEARING:** Consideration of a variance from the Zoning Ordinance, that includes but is not limited to, Article X, Height and Area Regulations, to allow a new single family residence to encroach into the setback. The property is located at 5712 E Glen Drive (Assessor's Parcel Number 169-55-026A).

If you have questions about this application, please call the Planning Department at (480) 348-3692.

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

CASE NO. \_\_\_\_\_

POSTING DATE \_\_\_\_\_

4/17/17



LAW OFFICES  
**JORDEN HISER**  

---

**& JOY, P.L.C.**

5080 NORTH 40<sup>TH</sup> 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](mailto:djorden@JHJLawyers.com)  
[www.JHJLawyers.com](http://www.JHJLawyers.com)

March 28, 2017

**VIA E-MAIL ([gburton@paradisevalleyaz.gov](mailto: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

LAW OFFICES  
**JORDEN HISER**  

---

**& JOY, P.L.C.**

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

**SANDRA M. CORN**

DIRECT LINE: 480-505-3907  
E-MAIL: [scorn@JHJLawyers.com](mailto:scorn@JHJLawyers.com)  
[www.JHJLawyers.com](http://www.JHJLawyers.com)

March 17, 2017

**VIA E-MAIL ([gburton@paradisevalleyaz.gov](mailto:gburton@paradisevalleyaz.gov))  
AND REGULAR MAIL**

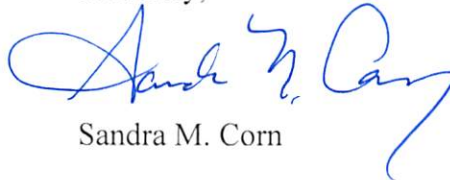
George Burton, Planner  
Town of Paradise Valley  
6401 East Lincoln Drive  
Paradise Valley, AZ 85253

Re: Notice of Board of Adjustment Public Hearing, April 5, 2017  
Variance Application – 5712 East Glen Drive

Dear George:

Enclosed is the affidavit of mailing, a copy of the meeting notice, and a copy of the affidavit of posting for the above-referenced property. Please call if you have any questions.

Sincerely,



Sandra M. Corn

Enclosures

cc (via e-mail w/encl.): Ron Burks  
Erik Peterson  
Doug Jorden

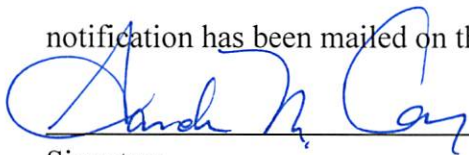
**AFFIDAVIT OF MAILING NOTIFICATION**

STATE OF ARIZONA     )

) ss:

County of Maricopa     )

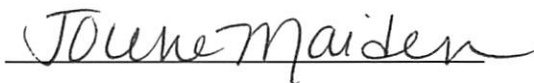
In accordance with the requirements of the Town of Paradise Valley, the undersigned hereby certifies that the mailing list for the proposed project is a complete list of property owners within 1,500 feet of the subject property, as obtained from the Maricopa County Assessor's Office on the following date February 23, 2017, and such notification has been mailed on the following date March 17, 2017.



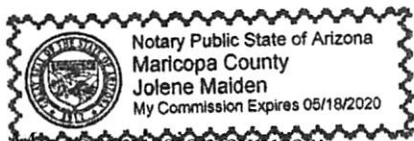
Signature

The foregoing instrument was acknowledged by me this 17th day of March, 20 17, by Sandra M. Corn.

Name



NOTARY PUBLIC



My commission expires:

5-18-2020

5712 East Glen Drive  
1,500' Mailing List

Owner	Owner 2	Address	City	State	Zip Code
SCOTT FAMILY TRUST	or Current Resident	11930 100th Avenue, NW, No. 200	Edmonton	AB	T5K 0K5
BUSCH ARLENE R TR	or Current Resident	650 South 79th Street	Chandler	AZ	85226
COLONIA MIRAMONTE OWNERS ASSN INC	or Current Resident	7255 East Hampton Avenue, Suite 101	Mesa	AZ	85209
PENNY SUE GALARNEAU REVOCABLE TRUST	or Current Resident	5225 East Desert Vista Road	Paradise Valley	AZ	85253
KHO ROSANNE M	or Current Resident	5342 North 37th Place	Paradise Valley	AZ	85253
MILLS FAMILY TRUST	or Current Resident	5434 East Lincoln Drive, Unit 72	Paradise Valley	AZ	85253
LEE JACK C/I LOUISE	or Current Resident	5434 East Lincoln Drive, Unit 78	Paradise Valley	AZ	85253
GIERINGER AJ/PAMELA	or Current Resident	5434 East Lincoln Drive, Unit 79	Paradise Valley	AZ	85253
ELIZABETH BALIS GOODYEAR LIVING TRUST	or Current Resident	5434 East Lincoln Drive, Unit 80	Paradise Valley	AZ	85253
SALAHEDDINE TOMEH MD PC PROFIT SHARING PLAN	or Current Resident	5600 East Doubletree Ranch Road	Paradise Valley	AZ	85253
PLUMMER NELSON W/SHARON H	or Current Resident	5600 East Indian Bend Road	Paradise Valley	AZ	85253
SMITH KEVIN E/DANA TR	or Current Resident	5607 East Joshua Tree Lane	Paradise Valley	AZ	85253
ADKINS JAMES T	or Current Resident	5625 East Indian Bend Road	Paradise Valley	AZ	85253
MULVERN PROPERTIES LLC	or Current Resident	5639 East Joshua Tree Lane	Paradise Valley	AZ	85253
TERRY L PHILLIPS FAM TR/LISA E FITZNER FAM TR	or Current Resident	5640 East Indian Bend Road	Paradise Valley	AZ	85253
BRODKIN TERRY B	or Current Resident	5650 East Cheney Drive	Paradise Valley	AZ	85253
5651 LLC	or Current Resident	5651 East Indian Bend Road	Paradise Valley	AZ	85253
MATTOX GARY E/BARBARA A	or Current Resident	5689 East Quartz Mountain Road	Paradise Valley	AZ	85253
WIRTH JAMES F/GAIL J TR	or Current Resident	5700 East Glen Drive	Paradise Valley	AZ	85253
SHORT DAVE	or Current Resident	5705 East Arroyo Road	Paradise Valley	AZ	85253
BIEGERT MAX L/THELMA L TR	or Current Resident	5705 East Glen Drive	Paradise Valley	AZ	85253
BEHSHAD FAMILY TRUST	or Current Resident	5709 East Arroyo Road	Paradise Valley	AZ	85253
RICHARDS PHILLIP C/STEPHANIE J TR/PHILLIP C	or Current Resident	5709 East Indian Bend Road	Paradise Valley	AZ	85253
ROESKE JEROME D/KATHRYN A TR	or Current Resident	5709 East Joshua Tree Lane	Paradise Valley	AZ	85255
SHOT IN THE HAND FAMILY TRUST	or Current Resident	5715 East Cheney Drive	Paradise Valley	AZ	85253
DEDARIO JOSEPH N/NANCY L TR	or Current Resident	5719 East Indian Bend Road	Paradise Valley	AZ	85253
SURRANO CHARLES J	or Current Resident	5720 East Joshua Tree Lane	Paradise Valley	AZ	85253
T ANN SINER FAMILY TRUST	or Current Resident	5730 East Joshua Tree Lane	Paradise Valley	AZ	85253
PORTILLO MELEK A	or Current Resident	5739 East Joshua Tree Lane	Paradise Valley	AZ	85253
MORSE JOHN DAVID/CAROL KAY TR	or Current Resident	5744 East Joshua Tree Lane	Paradise Valley	AZ	85253
ESTRADA MARTHA C	or Current Resident	5750 East Quartz Mountain Road	Paradise Valley	AZ	85253
RICHARD W HENES AND ELIZABETH A HENES TRUST	or Current Resident	5784 East Quartz Mountain Road	Paradise Valley	AZ	85253
ZANG KERRY/VIRGINIA TR	or Current Resident	5789 East Quartz Mountain Road	Paradise Valley	AZ	85253
JAS RENTAL LLC	or Current Resident	5800 North Yucca Road	Paradise Valley	AZ	85253
BRUNGS HEINZ/ELIZABETH K TR	or Current Resident	5806 East Indian Bend Road	Paradise Valley	AZ	85253
PURCELL STEPHEN KEITH	or Current Resident	5815 East Joshua Tree Lane	Paradise Valley	AZ	85253
RUGGIERO FABRIZIO/FANNY AZOULAY	or Current Resident	5816 East Joshua Tree Lane	Paradise Valley	AZ	85253



TARLOW STEFAN/SHELLEY R	or Current Resident	5826 East Indian Bend Road	Paradise Valley	AZ	85253
HEBETS JAMES B/CAROL M TR	or Current Resident	5831 East Indian Bend Road	Paradise Valley	AZ	85253
CAMELOT LLC	or Current Resident	5832 East Joshua Tree Lane	Paradise Valley	AZ	85253
SHERMAN AARON/PAULA G	or Current Resident	5840 East Joshua Tree Lane	Paradise Valley	AZ	85253
ROVINSKY ELLIOTT B	or Current Resident	5841 East Hummingbird Lane	Paradise Valley	AZ	85253
P DUGEL FAMILY LTD PARTNERSHIP	or Current Resident	5841 East Quartz Mountain Road	Paradise Valley	AZ	85253
SHAW JERRY H J/CHARLOTTE G TR	or Current Resident	5870 East Indian Bend Road	Paradise Valley	AZ	85253
WESSELS-COVINGTON FAMILY TRUST	or Current Resident	5900 East Joshua Tree Lane	Paradise Valley	AZ	85253
PETERSON JOHN R/DIANE O TR	or Current Resident	5901 East Hummingbird Lane	Paradise Valley	AZ	85253
RECTOR RICHARD A/DEPENDAHL ROBYN L TR	or Current Resident	5921 East Indian Bend Road	Paradise Valley	AZ	85253
LONGO JOSEPH A III/MAUREEN C	or Current Resident	5995 East Indian Bend Road	Paradise Valley	AZ	85253
PLENGE ROBERT W/DORRANCE BENNETT ETAL TR	or Current Resident	6401 East Lincoln Drive	Paradise Valley	AZ	85253
MUMMY MOUNTAIN PRESERVE TRUST	or Current Resident	6401 East Lincoln Drive	Paradise Valley	AZ	85253
TOWN OF PARADISE VALLEY	or Current Resident	6401 East Lincoln Drive	Paradise Valley	AZ	85253
GERARD ARNOLD J/BRENDA A TR	or Current Resident	6621 North White Wing Road	Paradise Valley	AZ	85253
TYLOR OYA	or Current Resident	6815 North 58th Place	Paradise Valley	AZ	85253
GEAR BARBARA F TR	or Current Resident	6817 North 57th Place	Paradise Valley	AZ	85253
HOLLENBECK RICK/PAM TR	or Current Resident	6820 North Lost Dutchman Drive	Paradise Valley	AZ	85253
LINCOLN DAVID C/JOAN R TR	or Current Resident	6821 Lost Dutchman Drive	Paradise Valley	AZ	85253
JOHNSON PAUL G/JOAN T	or Current Resident	6830 Lost Dutchman Drive	Paradise Valley	AZ	85253
SHAWL JON C/LINDA L TR	or Current Resident	6837 North Lost Dutchman Drive	Paradise Valley	AZ	85253
ROBINSON ROBERT P/KAREN L	or Current Resident	6841 North 58th Place	Paradise Valley	AZ	85253
LAHR LANNY B/MARLENE	or Current Resident	7000 North Mummy Mountain Road	Paradise Valley	AZ	85253
WDI FAMILY TRUST	or Current Resident	7002 North 57th Place	Paradise Valley	AZ	85253
WHEELER ROSS L REVOCABLE TRUST	or Current Resident	7023 North 59th Place	Paradise Valley	AZ	85253
KRUMWIEDE CRAIG/LEWIS ALISON	or Current Resident	7036 East Bronco Drive	Paradise Valley	AZ	85253
PAVIO ANTHONY M/JEANNES S	or Current Resident	7040 North 59th Place	Paradise Valley	AZ	85253
HUBBLE WILLIAM F/CHARLENE DAVIS	or Current Resident	7046 North 59th Place	Paradise Valley	AZ	85253
HANNAH DONALD C	or Current Resident	7050 North 59th Place	Paradise Valley	AZ	85253
IANUZZI MARY ROSE	or Current Resident	7070 North 59th Place	Paradise Valley	AZ	85253
MOORE M KENT	or Current Resident	7071 North 59th Place	Paradise Valley	AZ	85253
STONEBLU REVOCABLE TRUST	or Current Resident	7102 North 57th Place	Paradise Valley	AZ	85253
DENICOLE TINA S	or Current Resident	7111 North 59th Place	Paradise Valley	AZ	85253
NAPOLI MICHAEL	or Current Resident	7201 North Clearwater Parkway	Paradise Valley	AZ	85253
DANIEL AND ELAINE GRUBER TRUST	or Current Resident	7420 North 58th Place	Paradise Valley	AZ	85253
SCAP 5 LLC	or Current Resident	7433 North 62nd Street	Paradise Valley	AZ	85253
FLORY RICK L TR	or Current Resident	7447 North 58th Place	Paradise Valley	AZ	85253
LINCOLN KATHRYN JO TR	or Current Resident	11010 North Tatum Boulevard, Suite D101	Phoenix	AZ	85028

WEINBRENNER ERIC	or Current Resident	2200 East Camelback Road, Suite 216	Phoenix	AZ	85016
PARADISE VALLEY WATER CO	or Current Resident	2355 West Pinnacle Peak Road, Suite 300	Phoenix	AZ	85027
LA PLACE DU SOMMET HOMEOWNERS ASSOC	or Current Resident	2432 West Peoria Avenue, Suite 1302	Phoenix	AZ	85029
GARLAND SHERMAN ROSE TR	or Current Resident	30 East Glendale Avenue	Phoenix	AZ	85020
NEUERMAN DONALD	or Current Resident	3104 East Camelback Road, Suite 713	Phoenix	AZ	85016
BHOOLA SNEHALKUMAR	or Current Resident	4312 East Marion Way	Phoenix	AZ	85018
LYNCH BROS DEVELOPMENT COMPANY LTD	or Current Resident	4615 East La Miranda Way	Phoenix	AZ	85044
GARY K AND JEANNE L HERBERGER TRUST	or Current Resident	10881 North Scottsdale Road, Suite 200	Scottsdale	AZ	85254
SCHAFFNER STEVEN J/MYRA	or Current Resident	5750 East Indian Bend Road	Scottsdale	AZ	85253
RICHARDS SUSAN B QUALIFIED PERSONAL RES TRUST	or Current Resident	6333 North Scottsdale Road	Scottsdale	AZ	85250
BESKIND JAY/DIANA	or Current Resident	6513 East Paradise Lane	Scottsdale	AZ	85254
LEWIS THOMAS E/SUZANNE TR	or Current Resident	6820 North 57th Place	Scottsdale	AZ	85251
HOVEY DAVID JR	or Current Resident	7157 East Rancho Vista Drive, Suite 109	Scottsdale	AZ	85251
TONY S COREY REVOCABLE TRUST	or Current Resident	7175 East Camelback Road, Unit 906	Scottsdale	AZ	85251
DEWANJEE SUMIT	or Current Resident	7301 East 3rd Avenue, Unit 413	Scottsdale	AZ	85251
KRAMER REVOCABLE TRUST	or Current Resident	8141 East Clinton Street	Scottsdale	AZ	85260
MUMEL LLC/PAUL J ADDESSI JR TR/C A ADDESSI TR	or Current Resident	8390 East Via De Ventura, Suite F-110	Scottsdale	AZ	85258
MM INVESTMENTS 2 LLC/LFT5 LLC/WAINWRIGHT J M	or Current Resident	8755 East Bell Road	Scottsdale	AZ	85260
QUIMBY JUDITH C TR	or Current Resident	9027 North 107th Place	Scottsdale	AZ	85258
ROTH SANFORD H/MARCIA A TR	or Current Resident	9200 East Pima Center Parkway, Suite 260	Scottsdale	AZ	85258
PATRICK LEWIS E	or Current Resident	P.O. Box 14136	Scottsdale	AZ	85267
ZIEGLER BRYAN TR/VICKI TR	or Current Resident	P.O. Box 6589	Scottsdale	AZ	85261
GILBURNE MORRIS	or Current Resident	P.O. Box 96	Tempe	AZ	85280
ELWELL DENNIS L/CANDY	or Current Resident	P.O. Box 187	Ankeny	IA	50021
ELAINE E JOHNSON TRUST	or Current Resident	12035 University Avenue	Clive	IA	50325
MELAMED BETTY TR	or Current Resident	30 South Wacker Drive, Suite 1908	Chicago	IL	60606
MITCHELL I DOLINS REVOCABLE TRUST/ETAL	or Current Resident	427 Briar Hill Road	Deerfield	IL	60015
WE'RE BACK LLC	or Current Resident	1622 Willow Road, Suite 201	Northfield	IL	60093
ORCHARDHILL TRUST AGREEMENT	or Current Resident	8025 West P Q Avenue	Kalamazoo	MI	49009
MUELLER MARK CHARLES/KIM ELIZABETH	or Current Resident	1278 Maxine Circle East	Shakopee	MN	55379
AUGUSTA INVESTMENTS LLC	or Current Resident	370 East Windmill Lane	Las Vegas	NV	89123
ROBERT SIMYAR TRUST	or Current Resident	7582 Las Vegas Boulevard South, Suite 134	Las Vegas	NV	89123
SCHLUTER ROBERT J	or Current Resident	69 Chancellor Lane	Warwick	NY	10990
1897 BERRY LLC	or Current Resident	2026 Wayne Street	Orrville	OH	44667
CAMELBACK PROPERTIES INN INC	or Current Resident	P.O. Box 579	Louisville	TN	37777
SULLIVAN LIVING TRUST	or Current Resident	3305 Langley Drive	Plano	TX	75025

## **NOTICE**

***Notice is hereby given that the Town of Paradise Valley Board of Adjustment will hold a hearing on the following proposed project. If you have questions about this application, please call the Planning Department at (480) 348-3692.***

Applicant Name / Contact: Doug Jorden / Erik Peterson

Applicant's Company Name: Jorden Hiser & Joy, P.L.C. / PHX Architecture

Phone Number: (480) 505-3909 Fax Number: (480) 505-3901

Project Name: Burks Residence

Project Location: 5712 East Glen Drive, Paradise Valley, AZ 85253

Acreage: +/- 1.0 acre

Existing Zoning: R-43

Brief Narrative of Project Proposal: A single variance is being requested to reduce a portion of the rear yard setback requirement from 40 feet to 20 feet. Due to the irregular configuration of the property and to utilize the existing disturbed area (a pad was graded years ago) on the lot, a setback variance is requested to allow some elements of the home to go into the 40-foot setback. The requested variance will only relate to 655 square feet of the proposed home. Other than this single variance, the house will comply with Town Codes.

### **Meeting Date/ Time/Place**

Meeting Date: Wednesday, April 5, 2017

Meeting Time: 5:30 p.m.

Meeting Place: Town Hall, 6401 East Lincoln Drive

Paradise Valley, AZ 85253

Town of Paradise Valley, Arizona  
Planning Department: 480-348-3692



**AFFIDAVIT OF POSTING**

STATE OF ARIZONA )

) ss:

County of Maricopa )

I, Sandra M. Corn, depose and state that the attached notice, of proposed application for setback variance located at 5712 East Glen Drive for the (~~Planning Commission/Town Council~~/Board of Adjustment/~~Hillside Committee~~) meeting date of April 5, 2017 is a true and correct copy of a notice which I cause to be posted by the following day of the week Friday, and on the following date March 17, 2017 in the following location(s):

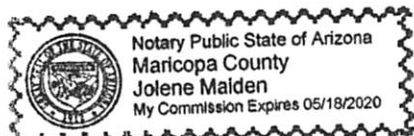
All in the Town of Paradise Valley, Arizona and County and State aforesaid, the same being public places in said County and in the following locations:

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

DATED this 17 day of March, 2017.

  
Signature

This affidavit was SUBSCRIBED AND SWORN to before me this 17 day of March, 2017



My commission expires:

5/18/2020



NOTARY PUBLIC





# NOTICE OF HEARING

TOWN OF PARADISE VALLEY  
Board of Adjustment and Appeals

6401 E. Lincoln Drive, Paradise Valley, Arizona

5:30 p.m. O'CLOCK 5<sup>th</sup> DAY OF April, 2017

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, April 5, 2017, at Town Hall, 6401 East Lincoln Drive, Paradise Valley, Arizona, 85253 for:

**PUBLIC HEARING:** Consideration of a variance from the Zoning Ordinance, that includes but is not limited to, Article X, Height and Area Regulations, to allow a new single family residence to encroach into the setback. The property is located at 5712 E Glen Drive (Assessor's Parcel Number 169-55-026A).

If you have questions about this application, please call the Planning Department at (480) 348-3692.

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

CASE NO.

POSTING DATE

By 3/21/17





# Town of Paradise Valley

6401 E Lincoln Dr  
Paradise Valley, AZ 85253

## Action Report

---

**File #:** 17-126

---

**AGENDA TITLE:**

Approval of November 2, 2016 Board of Adjustment Minutes





# Town of Paradise Valley

6401 E Lincoln Dr  
Paradise Valley, AZ 85253

## Minutes - Draft

### Board of Adjustment

---

Wednesday, November 2, 2016

5:30 PM

Council Chambers

---

#### 1. CALL TO ORDER

#### 2. ROLL CALL

**Present** 7 - Chairperson Rick Chambliss  
Boardmember Catherine Kauffman  
Boardmember Emily Kile  
Boardmember Eric Leibsohn  
Boardmember Jon Newman  
Boardmember Robert Nagle  
Boardmember Hope Ozer

#### **STAFF MEMBERS PRESENT**

Town Attorney Andrew M. Miller  
Community Development Director Eva Cutro  
Planner George Burton

#### 3. EXECUTIVE SESSION

None

#### 4. STUDY SESSION ITEMS

#### 5. PUBLIC HEARINGS

A.     [16-378](#)     **Savi Variance - 6113 N 42nd Street (APN: 169-22-019) Case No. BA-16-5**

George Burton gave a presentation on Case No. BA-16-5, a request by Christine and Mark Savi, property owner of 6113 N 42nd Street; for a variance from the Zoning Ordinance, Article X, Height and Area Regulations, to allow an addition to the main residence to encroach into the setback, and Article XXIII, Nonconformance, to allow nonconforming portions of the house to remain and to be modified.

Staff recommends approval of all variances except enclosure of the patio.

Boardmember Kile requested clarification around the height adjustment, addition to link the garage to the main house and the patio enclosure.

The Board discussed the current and original setbacks for the property and concerns about emergency vehicle access. George Burton and Eva Cutro provided the information and informed them it would be the Hillside Committee's responsibility to review emergency vehicle access.

Chairman Chambliss moved to close the study session and this was seconded by Boardmember Newman.

Chairman Chambliss opened the meeting to the public.

Mark and Christine Savi gave a presentation regarding their variance request reiterating the changes, background behind changes and their desire to preserve the existing house but add onto it.

Boardmember Kile questioned if moving the entrance to the front of the house has any effect on the Town Code. George Burton stated it did not.

Boardmember Ozer requested clarification as the request sometimes referred to one set of parents and at other times the narrative stated both sets of parents. The applicants clarified it would full time residence for one set of parents and part-time residence for the other set of parents.

Boardmember Kile questioned the impact if they were not able to enclose the patio. Mrs. Savi stated if they are not able to enclose the patio to make a home office it would greatly affect both of their employment as they both work from home at least part of the time.

Boardmember Leibsohn questioned what other options were looked at for the home office. The Savi's explained the other areas considered and the reason these would not work based on setback issues and the layout of the property.

Chairman Chambliss asked if there were any other inquiries from the residents regarding the variance request. George Burton informed him there was not.

Boardmember Kile stated for the record that her decision is not based on the applicant's personal needs but what is best for the property and the Town. Boardmember Ozer agreed with Boardmember Kile's statement.

**A motion was made by Boardmember Kauffman, seconded by Chairperson Ozer, for a variance from the Zoning Ordinance, Article X, Height and Area Regulations, to allow an addition to the main residence to encroach into the setback, and Article XXIII, Nonconformance, to allow nonconforming portions of the house to remain and to be modified. The motion carried by the following vote:**

**Aye:** 7 - Chairperson Chambliss, Boardmember Kauffman, Boardmember Kile, Boardmember Leibsohn, Boardmember Nagle, Boardmember Newman and Boardmember Ozer

## **6. ACTION ITEMS**

## **7. CONSENT AGENDA**

### **A. [16-379](#) September 7, 2016 Board of Adjustment Minutes**

**A motion was made by Boardmember Kile, seconded by Chairperson Ozer, to approve the September 7, 2016 minutes. The motion carried by the following vote:**

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

**Abstain:** 1 - Boardmember Nagle

## **8. STAFF REPORTS**

None

## **9. PUBLIC BODY REPORTS**

None

## **10. FUTURE AGENDA ITEMS**

None

## **11. ADJOURNMENT**

**A motion was made at 6:14 p.m. by Chairperson Chambliss, seconded by Boardmember Kile, to adjourn the meeting. The motion carried by the following vote:**

**Aye:** 7 - Chairperson Chambliss, Boardmember Kauffman, Boardmember Kile, Boardmember Leibsohn, Boardmember Nagle, Boardmember Newman and Boardmember Ozer



**Paradise Valley Board of Adjustment**

By: \_\_\_\_\_  
Eva Cutro, Secretary



# Town of Paradise Valley

6401 E Lincoln Dr  
Paradise Valley, AZ 85253

## Action Report

---

**File #:** 17-124

---





# Town of Paradise Valley

6401 E Lincoln Dr  
Paradise Valley, AZ 85253

## Minutes - Draft

### Board of Adjustment

---

Wednesday, April 5, 2017

5:30 PM

Council Chambers

---

#### 1. CALL TO ORDER

Chairman Chambliss called the meeting to order at 5:30 p.m.

##### STAFF MEMBERS PRESENT

Town Attorney Andrew M. Miller  
Community Development Director Eva Cutro  
Planner George Burton

#### 2. ROLL CALL

Present 7 - Chairperson Rick Chambliss  
Boardmember Jon Newman  
Boardmember Catherine Kauffman  
Boardmember Eric Leibsohn  
Boardmember Quinn Williams  
Boardmember Emily Kile  
Boardmember Hope Ozer

#### 3. EXECUTIVE SESSION

None

#### 4. STUDY SESSION ITEMS

The applicant requested a continuance to the May 3rd meeting.

#### 5. PUBLIC HEARINGS

- 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

Doug Jorden, attorney for the applicant, explained that his client had to unexpectedly travel outside the country. The owner wishes to continue this item until the May 3rd meeting.

**A motion was made by Boardmember Ozer, seconded by Boardmember Kaufman, to continue the variance request to the meeting of May 3, 2017. The motion carried by the following vote:**

**Aye:** 7 - Chairperson Chambliss, Boardmember Kile, Boardmember Kauffman, Boardmember Leibsohn, Boardmember Ozer, Boardmember Newman and Boardmember Williams

## **6. ACTION ITEMS**

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

Chairman Chambliss announced that his term is up and he cannot be re-elected as he has served two consecutive terms. Chairman Chambliss asked if anyone would like to serve as Chair. Boardmember Leibsohn has an interest but has other commitments at this time. Boardmember Newman also has other commitments.

**A motion was made by Boardmember Ozer, seconded by Boardmember Kauffman, to nominate Boardmember Kile as chairperson. The motion carried by the following vote:**

**Aye:** 7 - Chairperson Chambliss, Boardmember Kile, Boardmember Kauffman, Boardmember Leibsohn, Boardmember Ozer, Boardmember Newman and Boardmember Williams

## **7. CONSENT AGENDA**

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

Boardmember Ozer requested that the minutes be sent to the members in a more timely matter.

**A motion was made by Boardmember Ozer, seconded by Chairperson Kile, to approve the September 7, 2016 minutes. The motion carried by the following vote:**

**Aye:** 7 - Chairperson Chambliss, Boardmember Kile, Boardmember Kauffman, Boardmember Leibsohn, Boardmember Ozer, Boardmember Newman and Boardmember Williams

## **8. STAFF REPORTS**

It was noted there will be a Special Meeting scheduled to hear an Appeal to the Board on April 12, 2017.



## **9. PUBLIC BODY REPORTS**

Boardmember Kile wanted the minutes to reflect that Robert Nagle's service to the Board was greatly appreciated.

## **10. FUTURE AGENDA ITEMS**

## **11. ADJOURNMENT**

A motion was made at 5:48 p.m. by Boardmember Kile, seconded by Boardmember Williams, to adjourn the meeting. The motion carried by the following vote:

Aye: 7 - Chairperson Chambliss, Boardmember Kile, Boardmember Kauffman, Boardmember Leibsohn, Boardmember Ozer, Boardmember Newman and Boardmember Williams

## **Paradise Valley Board of Adjustment**

By: \_\_\_\_\_  
Eva Cutro, Secretary