



# Town of Paradise Valley

6401 E Lincoln Dr  
Paradise Valley, AZ 85253

## Meeting Notice and Agenda Board of Adjustment

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Wednesday, May 6, 2020

5:30 PM

Council Chambers

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### 1. CALL TO ORDER

*HIS MEETING WILL BE HELD BY REMOTE PARTICIPATION ONLY  
PUBLIC PARTICIPATION IN THE MEETING*

*Members of the public are encouraged to participate in the meeting via the following options:*

*1. View the live stream at <https://paradisevalleyaz.legistar.com/Calendar.aspx>*

*(a) Click on Calendar Tab*

*(b) Look for Board of Adjustment meeting (you may have to select it from the dropdown list) and find the meeting date*

*(c) Click the "In Progress" link in the column titled Video*

*2. Zoom Conference*

*(a) Computer: <https://zoom.us/j/6678902153>*

*(b) Telephone: 1 669 900 6833 Meeting ID 667 890 2153*

*3. Submitting questions and comments:*

*(a) Visit <https://paradisevalleyaz.legistar.com/Calendar.aspx>, search for the meeting date, and click "eComment". Locate the agenda item you are interested in and click "Comment" (Please submit comments at least 1 hr prior to meeting)*

*(b) Email [jknapp@paradisevalleyaz.gov](mailto:jknapp@paradisevalleyaz.gov) (Please submit comments at least 1 hr prior to meeting)*

*4. Speaking during Call to the Public / Public Hearings*

*(a) Visit <https://paradisevalleyaz.legistar.com/Calendar.aspx>, search for the meeting date, and click "eComment". Locate the agenda item and click "Register to Speak".*

*Join the meeting by dialing 1 669 900 6833 Meeting ID 667 890 2153*

*(b) If attending by Zoom Video Conference, click the chat button and enter your name and the agenda item you would like to address*

*(These meeting participation guidelines are pursuant to Town Council Resolution 2020-08 adopted March 17, 2020.)*

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

### 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.*

**6. ACTION ITEMS**

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

**A. [20-181](#) Election of Chair per Section 2-5-3 of the Town Code**

**Staff Contact:** George Burton, Senior Planner, 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. [20-182](#) Approval of the January 8, 2020 Board of Adjustment Meeting Minutes**

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

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

## 11. ADJOURNMENT

### *AGENDA IS SUBJECT TO CHANGE*

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

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



## Action Report

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**File #:** 20-181

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**TO:** Chair and Board of Adjustment

**FROM:** Jeremy Knapp, Community Development Director  
Paul Michaud, Planning Manager  
George Burton, Senior Planner

**DATE:** May 6, 2020

**DEPARTMENT:** Community Development

**AGENDA TITLE:**

**Election of Chair per Section 2-5-3 of the Town Code**

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 Eric Leibsohn completed a second consecutive term as Chair:

1. Elected Chair on May 2, 2018 and
2. Re-elected as Chair on April 3, 2019.

Since the Board did not convene in April, a Chair must be elected at the May 6<sup>th</sup> meeting.



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## Action Report

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**File #:** 20-182

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**TO:** Chair and Board of Adjustment

**FROM:** Jeremy Knapp, Community Development Director  
Paul Michaud, Planning Manager  
George Burton, Senior Planner

**DATE:** May 6, 2020

**DEPARTMENT:** Community Development

**AGENDA TITLE:**

**Approval of the January 8, 2020 Board of Adjustment Meeting Minutes**

**ATTACHMENT(S):**

01-08-20 Minutes Draft



# Town of Paradise Valley

6401 E Lincoln Dr  
Paradise Valley, AZ 85253

## Minutes

### Board of Adjustment

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Wednesday, January 8, 2020

5:30 PM

Council Chambers

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#### 1. CALL TO ORDER

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

#### STAFF MEMBERS PRESENT

Town Attorney Andrew M. Miller  
Community Development Director Jeremy Knapp  
Senior Planner George Burton

#### 2. ROLL CALL

**Present** 6 - Boardmember Eric Leibsohn  
Boardmember Rick Chambliss  
Boardmember Jon Newman  
Boardmember Hope Ozer  
Boardmember Rohan Sahani  
Boardmember Quinn Williams

**Absent** 1 - Boardmember Emily Kile

#### 3. EXECUTIVE SESSION

None

#### 4. STUDY SESSION ITEMS

None

#### 5. PUBLIC HEARINGS

- A. [20-015](#) Byrnes Variance - 5339 E. San Miguel Ave (APN 172-47-039).  
Case No. BA-19-08 (Byrnes Variance) Request by the owners of 5339 E. San Miguel Ave (APN 172-47-039) for a variance from Article XXII of the Town of Paradise Valley Zoning Ordinance to allow retaining walls to exceed the height limits
- George Burton, Senior Planner, presented an overview of the request. He reviewed a history of the site plan, home and other things.

Board Member Ozer asked if the current walls were built before the home. Mr. Burton explained that they were built in conjunction with the house, but were not built according to plan and extends further than the approved 12 inches above the retained material.

Mr. Burton continued his presentation and reviewed the findings in favor and findings opposed. He reiterated that a variance was given for the construction of the wall in 2015 but was not followed during the construction phase. He also added that a certificate of occupancy has not been granted yet.

Board Member Chambliss indicated that he believed their decision should not be swayed since the application was taking place after a mistake had been made rather than prior to the construction process.

A motion was made by Board Member Sahani, seconded by Board Member Chambliss, to adjourn the Study Session.

The motion passed unanimously.

Chairman Leibsohn opened the public hearing portion of the meeting and noted that all those present for the study session were still present for the public hearing.

Andy Burns, applicant, explained that his understanding was that the wall could be 14 feet tall. He noted that the wall was necessary for boulder protection, drainage, and erosion. He added that the mechanical wall they built at the approved eight feet maximum, but he lowered the ground on the back side as low as he could so the pool equipment disappeared behind that same wall rather than leaving the ground at its original height and building an additional six-foot wall to hide the pool equipment. He added that he felt they made the best decisions in respect to keeping the street view and mountain preservation.

Chairman Leibsohn stated he felt that there were special circumstances with this topography and did not feel any significant view corridors were being blocked.

Board Member Ozer noted that it would have been easier to approve if this was all done beforehand but that she was inclined to approve the variance as well.

Board Member Newman asked if the retaining wall has created any safety issues that would affect the subject property.

Mr. Burton responded to his knowledge it has not.

Board Member Newman asked the petitioner if they had a certificate of occupancy.

Mr. Burns replied that he was not aware that they did not have it. He added that they are currently living in the home.  
Discussion was made on what the next steps would be and how long the process might be.

Board Member Ozer asked what the legal situation is for the applicant since they are not living in the house legally.

Mr. Burton explained the process and noted that they would be given 30 days to vacate the property.

Mr. Burns indicated the applicant has done their part to submit an encroachment permit for the stairs up to the house that encroached on the right of way and indicated they were simply waiting to get the permit.

Board Member Newman expressed that he felt the applicant should be commended for lowering the wall when it could have been 14 feet high. He clarified that he was in favor of approving the variance.

Chairman Leibsohn closed the public hearing on this Item.

**A motion was made by Boardmember Sahani, seconded by Boardmember Newman, to approve Case No. BA-19-08, a request by Andrew Byrnes and Shawna Glazier, property owners of 5339 E. San Miguel Avenue; for a variance from the Zoning Ordinance, Article XXII, Hillside Development Regulations, to allow retaining walls to exceed the height limits.**

**The variance shall be in compliance with the submitted plans and documents:**

- 1. The Zoning Adjustment Case Narrative, prepared by The Construction Zone and dated December 13, 2019;**
- 2. Site Plan & Project Info, Sheet A100, prepared by The Construction Zone and dated November 1, 2019; and**
- 3. Sections & Site Photos, Sheet A400, prepared by The Construction Zone and dated November 1, 2019.**

**The motion carried by the following vote:**

**Aye:** 6 - Boardmember Leibsohn, Boardmember Chambliss, Boardmember Newman, Boardmember Ozer, Boardmember Sahani and Boardmember Williams

**Absent:** 1 - Boardmember Kile



**6. ACTION ITEMS**

None

**7. CONSENT AGENDA****A. [20-016](#) Approval of the October 2, 2019 Board of Adjustment Meeting Minutes**

**A motion was made by Boardmember Chambliss, seconded by Boardmember Sahani, to The motion carried by the following vote: Approve the October 2, 2019 Meeting Minutes.**

**Aye:** 6 - Boardmember Leibsohn, Boardmember Chambliss, Boardmember Newman, Boardmember Ozer, Boardmember Sahani and Boardmember Williams

**Absent:** 1 - Boardmember Kile

**8. STAFF REPORTS**

None

**9. PUBLIC BODY REPORTS**

None

**10. FUTURE AGENDA ITEMS**

Mr. Knapp indicated there were no agenda items for the next regularly scheduled meeting in February. He added that if they had any agenda items they could be put on the March 4, 2020 meeting agenda.

**11. ADJOURNMENT**

**A motion was made by Boardmember Ozer at 6:11p.m. seconded by Boardmember Chambliss, to adjourn the meeting. The motion carried by the following vote:**

**Aye:** 6 - Boardmember Leibsohn, Boardmember Chambliss, Boardmember Newman, Boardmember Ozer, Boardmember Sahani and Boardmember Williams

**Absent:** 1 - Boardmember Kile

**Town of Paradise Valley Board of Adjustment**

By: \_\_\_\_\_  
Jeremy Knapp, Secretary