



Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Minutes - Draft

Board of Adjustment

Chair Hope Ozer
Boardmember Robert Brown
Boardmember Priti Kaur
Boardmember Eric Leibsohn
Boardmember Jon Newman
Boardmember Rohan Sahani
Boardmember Quinn Williams

Wednesday, October 19, 2022

5:30 PM

Council Chambers

Special Meeting

1. CALL TO ORDER

Chair Ozer called the meeting to order at 5:35 p.m.

2. ROLL CALL

Present 5 - Boardmember Robert Brown
Boardmember Eric Leibsohn
Chairperson Hope Ozer
Boardmember Rohan Sahani
Boardmember Quinn Williams

Absent 2 - Boardmember Priti Kaur
Boardmember Jon Newman

3. EXECUTIVE SESSION

None

4. STUDY SESSION ITEMS

5. PUBLIC HEARINGS

- A.** [22-309](#) UR Project Variance - 7941 N 55th Street (APN 169-06-076B).
Request for Multiple Variances.
Case No. BA-22-06.
- Hillside Planner Jose Mendez presented the request in accordance with the variance packet.
- Mr. Mendez explained the eight variance requests and identified that staff recommended denial of the application.
- The applicant's representative, Doug Jorden, spoke regarding the merits of the application.
- Mr. Jorden identified that if the lot was platted today, it would need to be 8.4

acres instead of its current size of 1.01 acres

He presented alternative designs that would have negative impact on the mountain and changes to the rear pool area and mechanical area to include them as building footprint.

Property owner Rob Lowry spoke and noted the difficulties associated with the property and his goal was to find the best mix of variances that work best to fit with the hillside.

Andy Byrnes with the Construction Zone is the architect for the project. He stated that the intent of hillside code is to preserve as much natural hillside as possible. He reviewed the impact of alternate designs.

Public Comment:

- Heather Dukes represented the property owners at 5455 E Desert Jewel Dr, who area opposed to the variance request. She said the request exceeds the allowable disturbance by three times and the variance is self-imposed since it is a design hardship.

Michael Hogan is a nearby resident and is opposed to the variance request. He feels this is a design hardship and not a property hardship. He would like to see a new home on the lot but recommended a home with smaller height.

The public comment was closed at 6:40 pm.

Board Member Williams asked the applicant if they would like to continue the request or receive a denial.

Mr. Jorden requested a continuance to a date certain.

Community Development Director Lisa Collins recommended continuing the application to a date certain so all interested parties are aware of the next time the request will be reviewed by the Board of Adjustment.

A motion was made by Boardmember Williams, seconded by Boardmember Leibsohn, to continue the UR Project Variance located at 7941 N 55th Street to the regular meeting of December 7, 2022. The motion carried by the following vote:

Aye: 5 - Boardmember Brown, Boardmember Leibsohn, Chairperson Ozer, Boardmember Sahani and Boardmember Williams

Absent: 2 - Boardmember Kaur and Boardmember Newman

B. [22-308](#) O'Neil Variance - 7017 N Invergordon Rd (APN 169-36-036)
Variance to exceed overall 40-foot height
Case No. BA-22-08

Hillside Planner Jose Mendez presented the request in accordance with the variance packet. Mr. Mendez identified that the variance request to exceed the

overall 40' height limit and to allow a retaining wall to exceed the 6" limit above the material it retains.

He explained the overall height measurement changed with text amendment several years ago and staff recommends approval of this request

Doug Jorden, the property owner's representative, agreed with staff's assessment and briefly summarized the scope of the request and how it met the three variance criteria.

The architect, Chris Powers, also provided detail regarding the variance request.

Public comment: No one spoke in favor and no one spoke against this variance request.

A motion was made by Boardmember Williams, seconded by Boardmember Brown, to approve the O'Neil variance located at 7017 N Invergordon Road to remodel more than 50 percent of the existing home maintaining existing nonconforming portions of the residence that will exceed the overall height limit of 40' 0" to 45' 3" and add a required retaining wall that extends beyond the allowable 6-inch maximum height above the material it is retaining. This approval is subject to the following stipulations:

- 1. Obtain approval from the Hillside Building Committee**
- 2. Obtain building permits and inspections from the Building Division; and**
- 3. The variance request to maintain the modified nonconforming portions of the house shall be in compliance with following submitted plans & documents:**
 - a. The Application and Narrative, prepared by Doug Jorden (Jorden Law Firm, P.C.) dated August 29, 2022.**
 - b. Site Plan / Exterior Elevations prepared by Powers Hancock August 29, 2022.**
 - c. Engineering documents provided by Desert Development Engineering, LLC, dated August 22, 2022.**

The motion carried by the following vote:

Aye: 5 - Boardmember Brown, Boardmember Leibsohn, Chairperson Ozer, Boardmember Sahani and Boardmember Williams

Absent: 2 - Boardmember Kaur and Boardmember Newman

C. [22-306](#)

Powers Variance - 6223 N 51st Place (APN 169-25-034)
Variance to exceed the maximum allowable floor area ratio (FAR) limit
Case No. BA-22-07

Senior Planner George Burton presented the request in accordance with the variance packet. The applicant is proposing to construct a new home and is requesting a variance to exceed the 25% floor area ratio (FAR) limit. The new home will have a FAR of 33.3%.

Mr. Burton identified that staff supports variance since to small lot size, the narrow lot width, and the wash are property hardships that warrant the variance request.

Mr. Burton identified that staff received public comment regarding this variance: three inquiries, ten letters or comments of support, and five letters or comments opposition.

The owner's architect, Daren Petrucci, spoke about the design of the house and how he tried to limit the amount of FAR encroachment. He noted the increased side yard setbacks to try to maintain neighboring views and sinking the garage to reduce the amount of encroachment.

Chair Hope Ozer noted that the livable square footage of most the adjoining/neighboring homes is smaller than the proposed livable square footage of this house. She also expressed concern about the finished floor of the house being 6' above grade.

Public Comment:

- Cathy Mock, Paradise Valley resident, is opposed to the request. She stated that the applicant should build a house that meets code.
- Heidi Hayden was opposed to the variance request and noted that it is a very large home that eliminates privacy in the adjacent yards.
- Two others were opposed to the request but did not wish to speak.
- Sean Perini is a resident that lives adjacent to subject property an is opposed to the request. He noted that the request does not meet all three variance criteria and that most of the lots in the subdivision are smaller than an acre. The house is too large and will block his views. Also, the Town should uphold its zoning requirements.
- Richard Hertzberg is a nearby resident is opposed to the variance. He said the neighbors will lose the views of head of the camel on Camelback Mountain. The garage is too large and the house is lifted 6' taller than everyone else house. It should be lowered 6' or 7'.

The property owner, Jeff Powers, said he's not a developer and this will be his second home. The house meets the Town's height limitations and houses today are larger than they were 50 years ago.

Public comment was closed at 8:00 pm.

Board Member Brown recapped the variance request and Chair Ozer stated she cannot support to variance since it does not meet all the variance criteria.

A motion was made by Chairperson Ozer, seconded by Boardmember Brown, to deny the Powers variance located at 6223 N 51st Place variance from Article X, Height and Area Regulations, of the Zoning Ordinance to allow a new single-family residence to exceed the maximum floor area ratio limit of 25

percent finding that all three variance criteria are not met.

The motion carried by the following vote:

Aye: 5 - Boardmember Brown, Boardmember Leibsohn, Chairperson Ozer, Boardmember Sahani and Boardmember Williams

Absent: 2 - Boardmember Kaur and Boardmember Newman

6. ACTION ITEMS

None

7. CONSENT AGENDA

A. [22-288](#) Approval of the September 7, 2022 Board of Adjustment Meeting Minutes

A motion was made by Boardmember Williams, seconded by Boardmember Leibsohn, to approve the September 7, 2022 Board minutes. The motion carried by the following vote:

Aye: 5 - Boardmember Brown, Boardmember Leibsohn, Chairperson Ozer, Boardmember Sahani and Boardmember Williams

Absent: 2 - Boardmember Kaur and Boardmember Newman

8. STAFF REPORTS

None

9. PUBLIC BODY REPORTS

None

10. FUTURE AGENDA ITEMS

Mr. Burton stated the next meeting will be on November 2, 2022 for one variance request.

11. ADJOURNMENT

A motion was made at 8:02 p.m. by Boardmember Williams, seconded by Boardmember Brown, to adjourn the meeting. The motion carried by the following vote:

Aye: 5 - Boardmember Brown, Boardmember Leibsohn, Chairperson Ozer, Boardmember Sahani and Boardmember Williams

Absent: 2 - Boardmember Kaur and Boardmember Newman

Town of Paradise Valley Board of Adjustment

By: _____
George Burton, Secretary