



# Town of Paradise Valley

6401 E Lincoln Dr  
Paradise Valley, AZ 85253

## Minutes - Draft

### Board of Adjustment

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Wednesday, November 7, 2018

5:30 PM

Council Chambers

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#### Special Meeting/Joint Meeting with Planning Commission & Hillside Building Committee

#### 1. CALL TO ORDER

Planning Commission Chairman Wastchak called the joint Board of Adjustment/Planning Commission meeting to order.

#### 2. ROLL CALL

Board of Adjustment In Attendance:

Chair Eric Leibsohn  
Board Member Anna Thomasson  
Board Member Emily Kile  
Board Member Hope Ozer  
Board Member Jon Newman  
Board Member Quinn Williams  
Board Member Rick Chambliss

Planning Commission In Attendance:

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Chair Daran Wastchak  
Commissioner James Anton  
Commissioner Orme Lewis  
Commissioner Jonathan Wainwright  
Commissioner Pamela Georgelos  
Commissioner Charles Covington  
Commissioner Thomas G. Campbell

Absent:

None

Staff in Attendance:

Jeremy Knapp, Community Development Director

George Burton, Planner  
Paul Mood, Town Engineer  
Andrew Miller, Town Attorney

### 3. EXECUTIVE SESSION

None.

### 4. STUDY SESSION ITEMS

- A. [18-432](#) Discussion and Recommendation to the Town Council re Amendments to the Board of Adjustment Rules & Regulations.
- Andre Miller, Town Attorney indicated that this is a kick-off discussion for the rules and amendments to the Board of Adjustment and Planning Commission. Background was provided in the reports. He commented that about a year and half ago the Council requested that they make changes to ensure there is more predictability. The Planning Commission last considered their rules in 2008 and the Board of Adjustment considered theirs in 1998. The rules need to consider allowances for reconsideration. Staff was asked to work on the rules with the Town Manager. One of the goals is to ensure there is a more thorough staff review and materials are not submitted at the last moment. He indicated that he will email a draft of the new rules. Materials need to be submitted well in the advance of the meeting. There is a desire to have consistency between the Board, Hillside Committee, and Planning Commission rules. The Hillside Building Committee did not have any rules and this will be a process to allow them to look at the rules and provide feedback. This same process will also start with the Town Council. Once they have provided comments, he will bring a draft to the Council for their consideration.
- He mentioned that guidelines for neighborhood groups that wish to speak on a case need to be consistent between the different public bodies.
- Chair Daran Wastchak recommended that they not create four sets of rules but one uniform set of rules that every public body can refer to. The same rules apply to all of them. There may be some distinctions between the committees, but they need one set of rules on how to handle meetings. Where there are different nuisances, they can put these in the appendices. This will reduce redundancy.
- Mr. Miller indicated that there is no reason they could not do this. The Town Council does do things quite differently than the Planning Commission. Blending Planning Commission rules with the Town Council rules will be difficult.

Chair Wastchak commented that the rules for running the meeting can be uniform.

Mr. Miller commented that it might be worth looking at each of the other body's rules and see if other procedures could be applicable.

A Board Member stated that there seems to be a disconnect between the packet materials and materials handed out tonight.

Mr. Miller commented that the materials he handed out this evening have the redlines for the Board Members to review. He mentioned that all materials, including the presentation, must be turned in 15 days prior to the Board of Adjustment public hearing. Staff should have at least five days to review the resubmitted materials. If the materials are submitted by the cut-off date, the application will be forwarded to the Board or the public hearing will be continued and the applicant will have to cover these costs.

Board Member Rick Chambliss indicated that there are times when opposing groups submit materials right before the meeting and did not provide the applicant time to respond to it. He feels things are slanted against the applicant. Anyone in opposition can submit material 24-hours in advance of the meeting. Submittals are often intentionally submitted late.

Mr. Miller commented that submittals from working group can be taken into consideration. The Board could start the hearing but then provide the applicant ample opportunity to respond.

Board Member Chambliss commented that there should be a deadline for the opposition as well as the applicant and to provide the Chair discretion to allow late submittals to be accepted by the Board. If it is substantive, the applicant should have the opportunity to respond.

Jerry Bien-Willner, Vice Mayor, commented that their goal is to have consistency between the public bodies. The Chair will still have discretion within these more complicated situations. They want predictability on how materials are submitted. Everyone will benefit from this. The applicant has the burden of meeting the criteria. The Board could consider or disregard supplemental information received by the public. The public always has the right to speak.

Mr. Miller continued that applicant handouts will not be permitted unless it is a copy of something already submitted. Most applicants now have gone away from handouts and material is included in the PowerPoint. Electronic material needs to be submitted in the packet. Written statements by

residents or the general public should be submitted at least 24-hours prior to the posted public meeting in order for staff to be able to assemble and distribute them to the Board. If the public is going to hand something out, then they need to provide ten (10) copies of the material for the Board. He mentioned the PowerPoint presentations by the general public would not be permitted because they have not been scanned for viruses and it is hard to hold them to the three-minute limit. They can provide a printed handout of the PowerPoint.

He mentioned that the working group felt a consistent amount of time should be provided to spokespersons for resident groups and suggested 15 minutes. The group needs to be in attendance so they can be identified. The working group felt that individuals could still speak if they are not reiterating the same material as the spokesperson. He indicated that motions to reconsider are handled under Robert's Rules of Order. These say that a motion to reconsider can be handled at that meeting or the next business meeting. The working group suggested that if a Board wants to have a motion to reconsider, then they need to let staff know at least 24-hours in advance of the meeting. This will allow it to be placed on the agenda. It was suggested that the Board have at least 15 days' notice for reconsideration and 48 hours for the Planning Commission.

He suggested that they look at their existing rules and the rules for the other bodies to see what is in their rules that they might want to include in their rules. He indicated that he will send everyone these rules in a word document.

Chairman Daran Wastchak asked if this will be on the agenda in two weeks.

Jeremy Knapp, Community Development Director stated that they are planning on it.

Mr. Miller indicated that they have scheduled this for a study session with the Council on December 6, 2018.

A Board Member asked what the format would be for the Board to get together and discuss the rules.

Mr. Miller commented that he will take all of their individual comments and then send those out. He will summarize these for the Council and he will format all sets of rules for consistency.

Commissioner Pamela Georgelos asked if they should send comments to Mr. Miller.

Mr. Miller confirmed that they should.

Commissioner Orme Lewis mentioned that ten years ago he sat on the State Regulatory Review Commission. Before any rule making is created by the State, this commission will review it and decide if it is clear and understandable. The language of rules can be very comprehensive. He suggested they consider doing something similar to this.

Mr. Miller indicated that he can break out some of the rules and provide headers for each section.

Chairman Wastchak asked if there is any opposition from the Board to combining rules where they can.

Vice Mayor Bien-Willner stated that the rules should be consistent where possible. However, he see issues with the Board of Adjustment because they have specific rules they need to follow. Staff can handle different sets of rules. Applicants have to migrate back and forth between the different bodies and submittal requirements need to be consistent.

Chairman Wastchak stated that a December 6, 2018 deadline to the Town Council seems inadequate for providing feedback.

Mr. Miller stated that he just wants feedback on other areas the Commission and Board want considered by this date.

Vice Mayor Bien-Willner responded that the Town Council does not want to rush getting the new rules in place.

## **5. PUBLIC HEARINGS**

## **6. ACTION ITEMS**

None.

## **7. CONSENT AGENDA**

None.

### **A. [18-426](#) Approval of the September 5, 2018 Board of Adjustment Meeting Minutes**

Chair Eric Leibsohn asked if there were any corrections to the September 5, 2018 minutes.

Board Member Ozer corrected a typo on the last page. The person speaking during that meeting was Mr. Ford.

Board Member Thomasson corrected more typos. She then asked for clarification on a comment regarding the square footage of the structure compared to the permit.

Chair Leibsohn clarified that there was a discrepancy between the printed plans they received at the meeting and the permitted plans. He stated that the application they reviewed misrepresented the as-built condition. He commented that they should modify the minutes to accurately reflect this.

Board Member Ozer motioned to approve the minutes as amended.

Board Member Newman seconded the motion

The motion passed unanimously.

## **8. STAFF REPORTS**

None.

## **9. PUBLIC BODY REPORTS**

None.

## **10. FUTURE AGENDA ITEMS**

Jeremy Knapp, Community Development Director stated that they may have one item on the December 5, 2018 meeting but the applicant may not have materials ready by the deadline.

## **11. ADJOURNMENT**

Board Member Emily Kile motioned to adjourn the meeting at 6:30 pm.

Board Member Newman seconded the motion.

The motion passed unanimously.