



Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Minutes - Draft

Board of Adjustment

Wednesday, September 2, 2020

5:30 PM

Council Chambers

1. CALL TO ORDER

2. ROLL CALL

In Attendance:

Board Member Eric Leibsohn
Board Member Rick Chambliss
Board Member Emily Kile
Board Member Rohan Sahani
Board Member Quinn Williams
Board Member Jon Newman
Board Member Hope Ozer

Absent: None

3. EXECUTIVE SESSION

4. STUDY SESSION ITEMS

5. PUBLIC HEARINGS

A. [20-320](#)

Rauch Variance - 5230 E. Palo Verde Place (APN: 169-29-015)
Case No. BA-20-02

Loras Rauch, Special Projects Planner, presented an overview of the request. Loras Rauch has no relation with the property owner and presented this case. The applicant was requesting two variances. The first variance would allow a new addition to the primary residence to encroach on the setback and the second would allow existing nonconforming portions of the house to remain and be modified. The applicant proposed to raise the roof an additional two feet, which will modify and raise the height of the non-conforming portions of the house. The request is to maintain the existing 28'2" rear setback, maintain the existing 14.99' side setbacks, and raise the roof and additional two-feet. Ms. Rauch explained the scope of the variance request and presented findings in favor and findings opposed. There were 11 letters from neighbors in support of this application.

Jordan Rose, representing the applicant, gave a presentation. The applicants were trying to preserve their house, but just wanted to update it and make it more livable. They would not be building any closer to the setbacks than the house already was. The roof would still be lower than the maximum allowable height limit. The neighbors supported this plan. This application meets all six of the criteria.

Board Member Emily Kile asked for any of those who opposed this application to speak during the public comment.

Chair Quinn Williams opened up the public comment and there were no comments, and he closed the public comment.

Board Member Eric Leibsohn asked who the current owner was and if the applicant was the person purchasing the house.

Ms. Rauch replied the French's were selling the house and if this design were approved, the current buyers would improve the house in accordance with this variance request.

Board Member. Kile made a motion to approve request BA-20-02 based on the information presented in this meeting and subject to the stipulations in the packet.

The motion carried by the following vote:

Aye: 7 - Board Member Leibsohn, Board Member Chambliss, Board Member Kile,
Board Member Sahani, Chair Williams, Board Member Newman and
Board Member Ozer

Nay: 0

B. [20-323](#)

Kelley Variance - 5235 E. San Juan Ave. (APN 172-47-035).
Case No. BA-20-01

Senior Planner, George Burton stated the variance request is to allow a new single family residence to encroach into the front setback, allow a new pool and pool deck to encroach into the front setback, allow both the new and existing walls to exceed the eight-foot height limit, and allow the existing non-conforming retaining walls to remain and be modified. The applicant requested a minimum front setback of 22'10" for the house, a 20' front yard setbacks for the pool and pool deck, a new retaining wall at a maximum height of 12' tall, and allowing a portion of an existing nonconforming retaining wall to remain and exceed the 8' height limit. Mr. Burton presented finding in favor and findings opposed.

Board Member Kile asked if the staircase area on the property would be removed.

Mr. Burton replied that was correct.

Board member Ozer disclosed she was close friends with the applicant but would not allow that to affect her decision.

Daren Petrucci, representing the applicant, explained the variance. He stated the site had been on the market for years and the applicant wanted to touch the least amount of the mountain as possible. A number of houses in this area also do not meet the setback requirements.

Board Member. Kile asked about the water that flowed through the property.

Mr. Petrucci replied the existing retaining wall helped contain the water flow and there was a drainage area near the driveway. The design was a result of working through the issue of water flow.

Chair Williams asked when they would go to the Hillside Committee.

Mr. Burton replied they would continue with the Hillside Committee process if the variance is granted.

Chair Williams opened the public comment. There were no comments, and he closed the public hearing.

Board Member Sahani made a motion to approve the request subject to the stipulations in the staff packet.

Board Member Ozar seconded the motion.

The motion carried by the following vote:

Aye: 7 - Board Member Leibsohn, Board Member Chambliss, Board Member Kile, Board Member Sahani, Chair Williams, Board Member Newman and Board Member Ozer

Nay: 0

C. [20-324](#)

Hogan Variance - 5434 E. Lincoln Drive No. 49 (APN 169-28-060).
Case No. BA-20-03

Mr. Burton presented this item. He explained the applicant was proposing to demolish the existing home and build a new home that would encroach into the rear yard setback. The rear had a required setback of 18', but the owner was requesting to have an 8' setback. The new house would be placed approximately halfway through the existing pool. This proposed house was approved by the HOA and a letter had been provided showing this. Mr. Burton presented finding in favor and findings opposed.

Chair Williams inquired about HOA standards.

Mr. Burton replied then Town does not enforce HOA standards.

Board Member Leibsohn did not think this property met the standards for approval as there were no property hardships and therefore, he opposed the application.

The applicant stated there were a lot of utility setbacks around the lots nearby. They could move the house forward on the lot, but it would take away some pedestrian access. He thought by being denied this application, they would be harming the community by being forced to build the house closer to the front. He also noted the proposed house is in alignment with the neighboring properties.

Board Member Kile thought the driveway access was tight.

The applicant replied they would be moving all access to the rear of the house.

Board Member Ozer was impressed with the plans.

Board Member Chambliss was confused why the HOA denied the town code requirement of a 6' setback from the front of the property.

The applicant replied the HOA was trying to preserve the view for the neighbors.

Board Member Ozer mentioned the HOA was in favor of this application.

Chair Williams opened the public comment.

Marty Rodman stated she signed the letter in favor of this application. She had worked with the Hogan's on the variance. The 6' setback in the front would be too small and their car would stick out of the property. She hoped the Board would approve this application so the Hogan's could move forward with the house.

Chair Williams closed the public comment.

Board Member Liebsohn did not think the car would protrude with the 6' front setback.

Ms. Rodman replied even a 10' setback was too small. The driveway was just a sore spot for all the neighbors if it only had a 6' setback.

Board Member Liebsohn stated the new house would be about 1400 square foot bigger than the current house and the new owners purchased the property knowing the setbacks.

The applicant stated that was incorrect and the new house would actually be slightly smaller.

Board Member Chambliss commented he was torn. The applicant had worked hard on the plan and worked closely with the HOA and the neighbors, but this was also not a property hardship.

Chair Williams replied the HOA would not approve this without the new setbacks they were requesting. The HOA was putting the homeowner in a difficult position.

Board Member Kile asked how much of the house would encroach into the setbacks.

Mr. Burton replied 750 square feet of the house will encroach into the current setback.

Board Member Ozer moved to approve the application.

Board Member Kile seconded the motion.

Motion failed by a vote of 4 Nays and 3 Ayes.

Board Member Leibsohn moved to deny the application.

Board Member Chambliss seconded the motion.

After discussion, Board Member Chambliss withdrew his second.

Board Member Sahani seconded the motion.

The motion failed by a vote of 4 Nays and 3 Ayes.

Board Member Ozer moved to approve the application subject to the stipulations in the packet.

Board Member Kile seconded the motion.

The motion carried by the following vote:

Aye: 5 - Board Member Chambliss, Board Member Kile, Chair Williams, Board Member Newman and Board Member Ozer

Nay: 2 - Board Member Leibsohn and Board Member Sahani

6. ACTION ITEMS

7. CONSENT AGENDA

A. [20-325](#) Approval of the May 6, 2020 Board of Adjustment Meeting Minutes

A motion was made by Chair William, seconded by Board Member Ozer, to approve the May 6, 2020 Meeting Minutes.

The motion carried by the following vote:

Aye: 7 - Board Member Ozer, Board Member Kile, and Chair Williams, Board Member Leibsohn, Board Member Chambliss, Board Member Newman, Board Member Sahani

Nay: 0

8. STAFF REPORTS

None

9. PUBLIC BODY REPORTS

None

10. FUTURE AGENDA ITEMS

Mr. Burton noted there is one item currently scheduled for the October 7th meeting.

11. ADJOURNMENT

A motion was made by Board member Chambliss, seconded by Chair Williams, to adjourn the meeting at 6:50 p.m.

The motion carried by the following vote:

Aye: 7 - Board Member Ozer, Board Member Kile, and Chair Williams, Board Member Leibsohn, Board Member Chambliss, Board Member Newman, Board Member Sahani

Nay: 0