



Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Minutes - Draft

Board of Adjustment

Wednesday, October 7, 2020

5:30 PM

Council Chambers

1. CALL TO ORDER

2. ROLL CALL

Present 6 - Boardmember Rick Chambliss
Boardmember Emily Kile
Boardmember Rohan Sahani
Boardmember Quinn Williams
Boardmember Jon Newman
Boardmember Hope Ozer

3. EXECUTIVE SESSION

4. STUDY SESSION ITEMS

5. PUBLIC HEARINGS

- A. [20-384](#) Carson Variance - 4502 E. Moonlight Way
(APN: 169-11-003E and 169-11-003D)
Case No. BA-20-04

Loras Rauch, Special Projects Planner presented the application and indicated the applicant is requesting three variances:

- To allow the construction of a new residence to encroach into the front setback,
- To allow construction of a new residence to encroach into the Mountain Top Ridge Line limits, and
- To allow retaining walls, site and screen walls to encroach into setback.

She presented a vicinity map of the property. The property owners on three lots, two in Paradise Valley and one in Maricopa County (with the southern parcel located in Maricopa County). There is a covenant on the properties in which affected lots must be developed as one site. . Staff will require when they come in for a building permit and through the Hillside Committee that the third parcel be added to parcel two through a lot combination permit. This would mean the covenant would apply to the entire site.

Ms. Rauch provided a history of the property and explained that in 1980 the original home was permitted by the town. The building permit listed a 40-foot front and rear setback and a setback of 20 feet on the sides. At the time, the entire development site was considered as one lot. A certificate of occupancy was issued for the home in 1984. The town adopted the Hillside Ordinance in 1984. She listed each of the building permits approved for the property.

She explained that the town requires 40 feet of setback on the front property line. Since there are three lots that span two separate jurisdictions, it has been deemed the 40-foot setback is taken from the southern property line of the lot located in the Town of Paradise Valley. She identified which portions of the property lay within Maricopa County. She indicated that the existing home was built over the jurisdictional boundary and they are requesting a reduced setback of five feet. She mentioned that the mountain top was removed in 1980. The existing home is noncompliant with the ridgeline protection ordinance. The owner would like to remove the existing home and rebuild a new house which would be setback further. This means the new home would be lower than the existing home in terms of the mountain top limits. Some of the existing retaining walls on the site straddle the lot line.

Ms. Rauch stated that the southern portion and northern half of the site have a steep spill slopes which make it difficult for construction. She explained that the applicant would retain the existing building pad and retain the same limits of disturbance.

Board Member Kile asked if the house met the 40-foot setback to the street.

Ms. Rauch responded that the original building permit measured the setback from the street (instead of the jurisdictional property line).

Board Member Kile asked if Paradise Valley could annex the whole property into the town so they don't have to go through a confusing process each time they remodel in the future.

Andrew Miller, Town Attorney, the annexation process can take a long time. Staff researched this issue and can only deal with the portion of the property in the Town.

Board Member Kile asked if the southern lot (which is located in Maricopa County) was in Paradise Valley, would the property meet the setback and retraining wall requirements.

Ms. Rauch responded that the house would be compliant with setback requirements. However, the west side walls encroach into the 20-foot side yard setback since they constitute a raised outdoor living area.

Board Member Kile asked if the property lines end at the side of the mountain or do they include the ridge lines on the east and west.

Ms. Rauch stated they include a portion of the top of the east side and illustrated this on the aerial map. The property does not extend much further west.

Chair Williams asked to see where on the site the home would encroach into the 20-foot setback.

Ms. Rauch noted which retaining wall is located in the 20-foot setback.

She continued and highlighted the proposed disturbance area and mentioned that it will be less than the existing disturbance area. She presented several photos of the existing site conditions. She presented the existing and proposed site plans and noted the existing home foot print was overlaid with the proposed footprint showing a reduction in disturbance area. She then pointed out the proposed five-foot front setback being requested by the applicant.

Ms. Rauch then overviewed the second variance request for the natural ridge line which was removed in 1980. She identified where the ridge line was located on the lot and identified that a portion of the house that is compliant with the ridge line. The proposed home would be 17.5% more compliant than the current house.

She then discussed the third variance request for a retaining and screen wall to be located in the setback.. Most of the walls are three to four feet in height.

Ms. Rauch listed the property hardships connected with the variance request, including:

- The site is split between two jurisdictions and has multiple front yards,
- A comparable home is not buildable on any of the three individual parcels,
- The spill slopes are not buildable and limit developable area,
- The historic ridgeline has already been removed and cannot be replaced making it impossible to meet the current code requirements,
- The existing retaining and screen walls cross the three parcel property lines, and
- Utilizing the existing pad does not create additional disturbance.

She mentioned that 6,600 sq ft of the existing home is in the setback and the proposed home will have 4,400 sq ft located in the setback. She reiterated each of the findings in favor of the proposed variance requests. She then mentioned findings in opposition include:

- The applicant could renovate up to 50% of the home without a variance and improve site conditions of the property,
- The applicant could consider building a much smaller home, still requiring one ridge line variance, and
- The applicant could consider allowing the home to age in place.

She commented that the Board may approve the variance requests with stipulation; deny the requests, or continue the request for further review. She presented language to be used in a motion for approval or denial.

Board Member Kile asked for the total acreage and how many stories the existing home contains.

Ms. Rauch replied the site is over two acres and the home contains two stores on the west side. The proposed home would have two stories on the east side.

Board Member Kile asked if there was any input from the HOA.

Ms. Rauch replied that the Town did not receive any comments.

Board Member Kile asked if there were any letters in favor or opposed.

Ms. Rauch indicated there were none.

Scott Carson, Architect with Cosan Design presented and explained the hardship of trying to remodel a house which is situated in two different jurisdictions. He discussed the possibility and difficulty of annexing the southern property, which is lot 5 in Maricopa County, into the Town. His goal was to create a home that works for his clients and meets town codes except for the proposed variances. He indicated that he was not sure how the current home ever got approved. He described issues with remodeling the home because the kitchen is located within both jurisdictions. He believes the proposed plan is better since the new home would entirely be located within Paradise Valley. He mentioned the HOA is in favor of the project provided they can get the variance approved. By moving the house back, they get closer to where the ridge line was originally. It also makes the home less visible from neighboring properties. He explained that they are aware of the required drainage and grading work.

Chair Williams asked what the white cylinder on top of the garage was.

Mr. Carson commented he believes it might be a rain catchment for water storage.

Chair Williams opened public comment. There were no comments. He then closed public comment.

Board Member Ozer motioned for approval of the variance, subject to the submitted plans and documents and subject to the stipulations noted in the staff report due to the special circumstances applicable only to the subject lot.

Chair Williams modified the motion stating the approval is also pursuant to the slides presented by Cosan Design Studio.

Board Member Ozer said yes and mentioned it includes everything provided in the action report.

Board Member Chambliss seconded the motion.

Board Member Kile stated that she mentioned the home cannot move anywhere else due to the slopes and the ridge line cannot be replaced. She believes the property requires a variance and is in favor of the request.

George Burton, City Planner stated that the motion is for approval subject to the stipulations in the packet.

A motion was made by Board Member Ozer, seconded by Board Member Chambliss, to approve the variance request subject to the stipulations, plans, and documents in the packet. The motion carried by the following vote:

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

6. ACTION ITEMS

7. CONSENT AGENDA

A. [20-381](#) Approval of the September 2, 2020 Board of Adjustment Meeting Minutes

A motion was made by Board Member Chambliss, seconded by Board Member Newman, to approve the September 2, 2020 Board of Adjustment Meeting minutes. The motion carried by the following vote:

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

8. STAFF REPORTS

Mr. Burton stated that staff has been distributing the new i-Pads to Board Members and indicated there will be an i-Pad training session. He asked if Wednesday, October 14 at 10:30 am or 11:00 am works for everyone's schedule. He mentioned that several Board Members still need to come to Town Hall to pick up the i-Pads.

Board Member Kile stated that it will be helpful to know in the report if the property is vacant or occupied.

Mr. Burton stated that staff will identify this and will identify if there are pets in the backyard.

9. PUBLIC BODY REPORTS

Andrew Miller, Town Attorney stated that in the next meeting he will present the new rules and procedures for the Board of Adjustment. He mentioned they are looking at doing a full training with Board and indicated that they added a rule to allow for a motion to reconsider. He noted that there may be times when a board feels they wish they could have done something a little different.

Board Member Ozer asked if they can receive the rules prior to the training.

Mr. Miller stated that he will make sure they get this

10. FUTURE AGENDA ITEMS

Mr. Burton stated there are two cases scheduled for the November meeting in addition to the training.

11. ADJOURNMENT

A motion was made by Board Member Kile, seconded by Board Member Chambliss, to adjourn the meeting at 6:37 pm. The motion carried by the following vote:

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