



# Memorandum

September 3, 2020

George Burton  
Planner  
Town of Paradise Valley  
6401 E. Lincoln Drive  
Paradise Valley, AZ 85253

Darren Petrucci  
A-I-R, Inc.  
6821 E Thomas Rd  
Scottsdale, AZ 85251

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

Dear Darren:

The Board of Adjustment heard the above case on September 2, 2020. The Board of Adjustment, by a vote of 7 to 0, **approved** your variance from the Zoning Ordinance: 1) Article X, Height and Area Regulations, to allow a new single family residence to encroach into the setbacks, 2) Article V, (R-43) Single-Family Residential District, to allow a pool and pool deck to encroach into the setbacks, 3) Article XXII, Hillside Development Regulations, to allow new and existing retaining walls to exceed the allowable height limit, and 4) Article XXIV, Walls & Fences, to allow existing nonconforming retaining walls to remain and to be modified. The request was approved with the following stipulations:

1. The improvement shall be in compliance with the submitted plans and documents:
  - a. The Property Narrative, pages 1 – 10, prepared by AIR Architecture Infrastructure Research Inc;
  - b. Site Plan, Sheet A-02, prepared by AIR Architecture Infrastructure Research Inc and dated June 8, 2020;
  - c. Enlarged Site Plan – Mail Level, Sheet A-03, prepared by AIR Architecture Infrastructure Research Inc and dated June 8, 2020;
  - d. Enlarged Site Plan – Plan Lower Level, Sheet A-04, prepared by AIR Architecture Infrastructure Research Inc and dated June 8, 2020;
  - e. Previous vs. Proposed, Sheet A-05, prepared by AIR Architecture Infrastructure Research Inc and dated June 8, 2020;
  - f. Zoning Analysis, Sheet A-06, prepared by AIR Architecture Infrastructure Research Inc and dated June 8, 2020;
  - g. Existing vs. Typical, Sheet A-07, prepared by AIR Architecture Infrastructure Research Inc and dated June 8, 2020;
  - h. Elevations, Sheet A-09, prepared by AIR Architecture Infrastructure Research Inc and dated June 8, 2020;

- i. Elevations, Sheet A-10, prepared by AIR Architecture Infrastructure Research Inc and dated June 8, 2020;
  - j. Cross Sections, Sheet A-11, prepared by AIR Architecture Infrastructure Research Inc and dated June 8, 2020;
  - k. Retaining Wall, Sheet A-12, prepared by AIR Architecture Infrastructure Research Inc and dated June 8, 2020;
  - l. Preliminary Grading & Drainage Plan Cover Sheet, Sheet C-1, prepared by Land Development Group and dated July 27, 2020
  - m. Preliminary Grading & Drainage Improvement Plan Cross Sections Details, Sheet C-2, prepared by Land Development Group and dated July 27, 2020
  - n. Preliminary Grading & Drainage Plan Aerial Exhibit, Sheet C-3, prepared by Land Development Group and dated July 27, 2020
  - o. Topographic Survey, Sheet A-01, prepared by Global Land Surveying LLC and dated August 15, 2018.
2. If the existing retaining wall is not structurally sound and needs to be reconstructed, it shall be rebuilt in the same location and at the same heights as the existing retaining wall (in accordance with the approved plans).

The improvements must also be reviewed and approved by the Town of Paradise Valley's Hillside Committee, Building Department, and Planning Department to verify compliance with the approved variance and Town codes. Any person aggrieved by a decision of the Board of Adjustment may bring a special action, within 30 days of the Board's decision (the 30<sup>th</sup> day being Friday, October 2, 2020), in Superior Court of Maricopa County for the purpose of reviewing the Board's decision, pursuant to the "Rules of Procedure for Special Actions." Although a special action is rare, the Hillside Building Committee cannot take action and the Town cannot issue a building permit until after the 30-day appeal period for the variance.

I appreciate all your time and assistance in processing your case. The Board and staff valued your professional and pleasant attitude throughout the process. If you have any other questions, please contact me at 480-348-3525.

Sincerely,

*George Burton*

George Burton

Senior Planner

C: Case File, BA-20-01