



# Town of Paradise Valley

6401 E Lincoln Dr  
Paradise Valley, AZ 85253

## Minutes - Draft

### Board of Adjustment

*Chair Quinn Williams*  
*Boardmember Rick Chambliss*  
*Boardmember Emily Kile*  
*Boardmember Jon Newman*  
*Boardmember Hope Ozer*  
*Boardmember Rohan Sahani*

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Wednesday, February 3, 2021

5:30 PM

Council Chambers

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#### 1. CALL TO ORDER

#### 2. ROLL CALL

Board Member Newman was present but unable to vote due to technology issues.

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

#### 3. EXECUTIVE SESSION

None.

#### 4. STUDY SESSION ITEMS

None.

#### 5. PUBLIC HEARINGS

- A. [21-035](#) McCarihan Variance - 5745 E Via Los Ranchos (APN 168-57-014)  
Case No. BA-21-01

George Burton introduced the application. The applicant is requesting a variance from the rear setback to accommodate a future pool house. He presented a vicinity map and aerial of the property. The lot is located near Doubletree Ranch Road and east of 56th Street. He provided a history of the property and mentioned it is Lot 10 of the Via Los Ranchos Subdivision. The home was constructed on September 5, 1972 and the most recent remodel application was done in 2008. The property is zoned R-43 and slightly undersized at 41,705 square feet. It is pie shaped and there is a drainage swale along the North side of the property. A drainage easement also exists at the northeast corner of the property.

He compared the Town Code requirements with that of the applicant's request. The Town requires a 20-foot rear yard setback for accessory structures whereas the applicant is proposing a 15-foot setback. Code requires a setback of 18 feet to the roof overhand and 14 feet is being proposed. The structure will meet the height requirement of 16 feet tall. 341 square feet of the pool house will encroach in the rear setback. Mr. Burton showed an aerial photo denoting the area of encroachment and then showed the site plan, elevations and renderings of the pool house. He also presented photos of the site.

Mr. Burton mentioned the findings of favor in alleviating a property hardship include:

- Applicant trying to utilize existing conditions to maintain mountain views and work with existing layout of house and pool;
- Property is undersized for its zoning classification at 41,705 square feet instead of the minimum lot size required of 43,560 square feet;
- Triangular shape of lot creates unusual building envelope;
- The intent of the code is to encourage visual openness. The proposal meets this since it does not block any views;
- Only 341 square feet of the pool house will encroach into the setback;
- Pool house is screened from view by existing vegetation;
- Setback encroachments are not atypical for the neighborhood; and
- The applicant has identified six properties which have setback encroachments.

The findings opposed include:

- There is no property hardship that warrants the variance since the request appears to be a design hardship instead of a property hardship;
- The pool house is located at the widest part of the lot (Approximately 300 feet wide versus a minimum lot width of 165 feet wide);
- Other options for the pool house exist as it may be redesigned, reconfigured, and /or relocated to meet setbacks;
- The State Code Statutes and Town Code do not require most optimal or profitable use of property; and
- The applicant should be aware of all special circumstances and plan design accordingly

Mr. Burton presented a site plan showing other locations on the property that could accommodate the pool house. He mentioned that no comments or inquiries were received regarding the application. The Board may approve the request with stipulations, deny it, or continue it for further review. He listed both motions for the board's consideration.

Board Member Ozer mentioned the property backing up to the east facing wall would be the most impacted. She asked if they had heard from this property owner.

Mr. Burton replied that he has not.

Board Member Kile asked George to point out the location of the washes.

Mr. Burton explained that you cannot see them because there is a drainage swale on the north property line and a formal drainage easement in the northeast corner of the property.

Board Member Kile asked if the other encroachments in the neighborhood have been approved by the Board or built without a permit.

Mr. Burton replied that he did not have this information.

Board Member Kile stated she does not recall any variances provided in this area and most likely they were constructed prior to the code being amended. She asked if the fact there are other encroachments is this a factor to take into consideration.

Mr. Burton commented that sixth criteria is regarding the character of the neighborhood and examines if the request is atypical for the neighborhood.

Board Member Kile mentioned that typically past variances do not set precedent for the neighborhood.

Board Member Chambliss commented the property to the east appears to have a structure 10 feet or less from the subject property's yard but could have met the 10-foot setback allowed in a previous code.

Shawn McCarihan stated that he and his wife have been residents at this property since 2018. He thanked Board Members for visiting their property. He mentioned they purchased the home due to its views of Mummy Mountain. He indicated they would like to build a pool house for entertainment and pool house. They sought out AMC Construction because they remodeled the home in 2008. They have designed a pool house that is multifunctional and preserves the views of Mummy Mountain.

Lisa Allen with AMC Construction provided an overview of their background and professional experience. She indicated the structure on the east side was built in 2006 and is only three feet from the rear wall. She mentioned it is well screened by the surrounding brush. She indicated that its proposed location is conducive to the use of the pool.

Mark Allen commented that they originally ran a new sewer line from the street to the back of the house where the tap is now. They are limited in the location of the house due to the fall of the site. Any further will require a pump system.

Lisa Allen stated that it will not be visible from outside of the property or street.

Board Member Ozer noted that the pool house is approximately 1700 sf, whereas without the variance it would bring it down to 1400 sf. She indicated there might be a way to reconfigure the structure to meet the setbacks. She believes there is a way to maintain the square foot under a different configuration.

Mark Allen stated they pushed the building as far as they could to the south and cannot go any further. The building is the size it is because of the proposed uses it will accommodate.

Lisa Allen stated the area marked as storage could be used as a guest house. For now, it will be used as storage. If they go further south then they will cut off a potential play area in the backyard.

Board Member Ozer indicated it appeared the views of Mummy Mountain from the east side of the mountain are obscured due to the shrubs in the areas. She does not understand how the orientation of the pool house preserves views of Mummy Mountain.

Shawn McCarihan commented that a branch for a Eucalyptus Tree will soon come down. This is the only thing blocking the view of Mummy Mountain.

Chairman Williams opened public comment. No one spoke. He closed public comment.

Board Member Ozer indicated that the variance must meet all six criteria and she does not see how this is anything other than the owner wanting to have the structure at the proposed size. This appears to be the desire of the applicant and no hardship is apparent. She mentioned staff showed locations on the property that could satisfy the project. She recommended a motion for denial.

Board Member Ozer motioned to deny BA-21-01 as she does not believe it meets the variance criteria.

Board Member Kile seconded the motion.

Board Member Chambliss commented that the owner that would have the most impact has not voiced objection to the application. The configuration and size of the pool house appears to be a convenience and not a property hardship.

Board Member Kile agreed with Member Chambliss and Ozer. She believes they can do a slight redesign and still have a pool house and office.

Chairman Williams stated that there does not appear to be enough to justify the variance.

A motion was made by Board Member Kile, second by Board Member Ozer, to deny the variance request.

Board Member Newman was present but unable to vote due to technology issues.

**Denied**

**Aye:** 5 - Chairperson Williams, Boardmember Chambliss, Boardmember Kile, Boardmember Ozer and Boardmember Sahani

**Excused:** 1 - Boardmember Newman

**6. ACTION ITEMS**

None.

**7. CONSENT AGENDA**

None.

**8. STAFF REPORTS**

Mr. Burton introduced Lisa Collins the new Community Development Director.

Ms. Collins introduced herself and thanked the board for their service.

**9. PUBLIC BODY REPORTS**

None.

**10. FUTURE AGENDA ITEMS**

Mr. Burton stated there is nothing schedule for the March 3, 2021 meeting and it will be canceled. There may be an April meeting and which time they will vote for a new chair.

**11. ADJOURNMENT**

A motion was made by Board Member Chambliss, seconded by Board Member Ozer, to adjourn the meeting at 6:14 pm.

**A motion was made by Board Member Chambliss, seconded by Board Member Ozer, to adjourn the meeting at 6:14 pm. The motion carried by the following vote:**

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