



# Town of Paradise Valley

6401 E Lincoln Dr  
Paradise Valley, AZ 85253

## Minutes - Final

### Board of Adjustment

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Wednesday, February 6, 2019

5:30 PM

Council Chambers

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#### 1. CALL TO ORDER

Chairman Leibsohn called the meeting to order.

#### 2. ROLL CALL

Board Members in Attendance:

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

Staff in Attendance:

George Burton, Planner  
Jeremy Knapp, Community Development Director  
Andrew Miller, Town Attorney

#### 3. EXECUTIVE SESSION

#### 4. STUDY SESSION ITEMS

Tashman Variance - 6010 E. Hummingbird Lane (APN: 169-49-060) Case No.  
BA-19-01

Mr. Burton introduced the item to modify the front entry of the home. He gave the history, scope of the project, and identified findings in favor and findings against the request.

Board Member Kile clarified that the only variance they are asking for is on the entryway, even though the house will look completely different.

Mr. Burton confirmed and responded that the other improvements are compliant with code.

Board Member Williams asked if the original design of the house is a recognized hardship.

Mr. Burton responded that it is not in the traditional sense, but a hardship since they are trying to work within an existing conditions.

Nute Variance - 4517 E. Foothill Drive (APN: 169-11-069) Case No.  
BA-19-02

Mr. Burton introduced the the variance request to allow unscreened roof mounted solar panels. He then gave the background, the scope of the request, and findings in favor and finding against the request.

Board Member Williams asked if there are alternative locations where the panels could be placed and be partially screened, such as ground mounted solar panels.

Mr. Burton responded not that he is aware of. He also added that the applicant indicated that solar tiles are not as efficient as panels.

Board Member Kile asked if this variance would also apply to new homes built on the property if the existing one was knocked down.

Mr. Burton clarified that if the variance is approved, it applies to the existing home.

Chair Leibsohn pointed out the panels are on the west and not the south end of the home.

Board Member Kile motioned to adjourn the work study session.

Board Member Newman seconded the motion.

The motion passed.

## 5. PUBLIC HEARINGS

A.     [19-038](#)     Tashman Variance - 6010 E. Hummingbird Lane (APN: 169-49-060)  
Case No. BA-19-01

Deborah Weisberg, from Design Link Architecture, shared some of the history of the home including that it was built in 1965. She pointed out that the current plans do not encroach further than the original setbacks and that these additions will make it easier

to identify the front door without a large extension of the main house.

Chair Leibsohn expressed that he is leaning towards allowing the design to proceed.

Board Member Chambliss asked if there were any neighbors that were opposed to this application.

Mr. Burton replied that he did not receive inquiries but no stated opposition.

Chair Leibsohn asked for any public comment.

No public comment was given.

Board Member Kile motioned to approve case number BA-19-01 finding it meets the requirements for the special circumstances applicable only to the subject lot and that it meets the variance criteria subject to the plans, documents, and stipulations set forth in the action report.

Board Member Ozer seconded the motion.

Chairman Eric Leibsohn: yea; Board Member Emily Kile: yea; Board Member Rick Chambliss: yea; Board Member Jon Newman: yea; Board Member Quinn Williams: yea; Board Member Hope Ozer: yea

The motion passed unanimously.

**B.**     [19-040](#)

Nute Variance - 4517 E. Foothill Drive (APN: 169-11-069)  
Case No. BA-19-02

Howard Nute, applicant, shared details about the site. He clarified that the roof is the only place where the solar panels would be effective. He feels that getting solar panels is the right thing to do and the only person that may be affected is the neighbor above to the west who will see the solar panels on his metal roof. He then asked if he would have to go through the Hillside Building Committee if the Board approves it.

Mr. Burton responded he would.

Chair Leibsohn asked if he had spoken with his neighbors about this.

Mr. Nute replied that he has spoken with most of his neighbors who are all fine with it. He made several attempts to talk with the western neighbor without success.

Board Member Ozer asked if his roof is visible to homes further up the mountain.

Mr. Nute stated he does not know for sure, although there is a significant elevation drop and lots of coverage from vegetation.

Board Member Ozer asked if the solar panels are the same color as the roof.

Mr. Nute replied that his roof is green, and the solar panels are black.

Chair Leibsohn asked if the solar panels reflectivity would affect adjacent properties.

Board Member Newman stated most solar panels are not reflective since they are trying to absorb the light. He also noted that the metal roof would probably be more reflective than the solar panels.

Board Member Ozer asked if the panels would be together or not.

Mr. Nute stated there are five groupings of panels.

Mr. Burton noted that with hillside code only requires the solar panels to be screened from the same elevation or lower.

Board Member Kile motioned to approve case number BA-19-02 pursuant to the submitted plans document, the stipulations set forth in the action report, and the variance criteria.

Board Member Ozer seconded the motion.

Board Member Chambliss stated he is not sure he is okay with this since the ordinance requires it to be screened.

Mr. Nute shared that this is the best option they could come up with. He added that for them to do ground panels they would have to be along the road which would also not be complaint.

Chair Leibsohn asked if they have considered methods of screening on the sloped roof.

Mr. Nute stated screening would decrease the efficiency of the panels and may be more obtrusive than the panels themselves. He also pointed out that they would not help screen anything from the neighbors above.

Board Member Kile commented that she feels that this meets the hardship criteria, and the variance should be allowed.

Chair Leibsohn, Member Newman, and Member Williams indicated they agree with Member Kile.

Board Member Williams urged staff to provide some clarification in the code so all solar panel cases like this do not have to come in for a variance.

Mr. Burton clarified that the Hillside code recommends solar tiles as a way to try and mitigate these issue. He added that less variance requests like this as solar tiles become more efficient.

Chairman Eric Leibsohn: yea; Board Member Emily Kile: yea; Board Member Rick Chambliss: yea; Board Member Jon Newman: yea; Board Member Quinn Williams: yea; Board Member Hope Ozer: yea

The motion passed unanimously.

**6. ACTION ITEMS**

**7. CONSENT AGENDA**

- A. [19-042](#) Approval of the January 2, 2019 Board of Adjustment Minutes.  
Board Member Ozer motioned to approve the January 2, 2019 meeting minutes.  
Board Member Newman seconded the motion.  
The motion passed unanimously.

**8. STAFF REPORTS**

None.

**9. PUBLIC BODY REPORTS**

None.

**10. FUTURE AGENDA ITEMS**

Staff identified the variance applications that are currently in review.


**11. ADJOURNMENT**

Board Member Kile motioned to adjourn the meeting at 6:25 p.m.

Board Member Newman seconded the motion.

The motion passed unanimously.

**Paradise Valley Planning Commission**

By:   
Jeremy Knapp, Secretary