



# Town of Paradise Valley

6401 E Lincoln Dr  
Paradise Valley, AZ 85253

## Minutes - Final

### Board of Adjustment

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Wednesday, May 1, 2019

5:30 PM

Council Chambers

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#### 1. CALL TO ORDER

Chairman Leibsohn called the meeting to order at 5:30 p.m.

#### STAFF MEMBERS PRESENT

Town Attorney Andrew M. Miller  
Community Development Director Jeremy Knapp  
Senior Planner Paul Michaud

#### 2. ROLL CALL

**Board Member Sahani arrived at 5:36 p.m.**

**Present** 5 - Boardmember Eric Leibsohn  
Boardmember Emily Kile  
Boardmember Jon Newman  
Boardmember Rohan Sahani  
Boardmember Quinn Williams  
**Absent** 2 - Boardmember Rick Chambliss  
Boardmember Hope Ozer

#### 3. EXECUTIVE SESSION

None

#### 4. STUDY SESSION ITEMS

The Board of Adjustment discussed the May 1, 2019 agenda item prior to opening the public hearing.

#### 5. PUBLIC HEARINGS

- A.**     [19-182](#)     Case No. BA-19-05 (Jellies Variance) Request by owner of 7016 East Vista Drive (APN 173-18-028) for a variance from the Zoning Ordinance, Article X, Height and Area Regulations, and Article XXIII, Nonconformance for additions to an existing home
- Mr. Michaud introduced the variance request BA-19-05 at 7016 E Vista Drive. The goal is to review the variance and take action on a variance request to allow for enclosing the existing carport as a garage maintaining similar existing setback/height encroachment and maintaining the

setback/height encroachment of the existing home along 70th Place

A property vicinity map was shown. The property is within the Grosse Point Two plat that was approved in 1958. The existing home on the property occurred in 1960, and the Town annexed the site in 1961 as R-18. There was an addition approved in 1973, and R-18 setbacks were changed between 1991-1995. The site is rectangular in shape and approximately 0.5 acres. The home is at an angle on the lot. The proposed renovations include adding 1,408 square feet total for a floor area ratio of 5,065 total square feet (25% floor area ratio), keeping the slab and certain walls/roof portions and reducing the existing encroachment by 40% from 633 square feet to 281 square feet.

Mr. Michaud noted that the proposed increase in height on the home is from 13'2" to 19'6". The height complies with the Zoning Ordinance.

Mr. Michaud described the setback and roof overhang differences between the existing and proposed request for the garage and encroachment along 70th Place.

Mr. Michaud reviewed findings that oppose the variance. These findings included the following points:

- Size, shape, and topography of the site does not prevent a smaller home or doing a complete demolition to meet R-18A setbacks,
- The request is self-imposed as options exist to redesign the home to meet setbacks,
- The owner should be aware of all special circumstances on the property and plan accordingly, and
- State Statute and the Town Code do not require the most optimal and profitable use of a property.

Mr. Michaud reviewed findings that are in favor of the variance. These findings included the following points:

- The variance will alleviate hardships with double-frontage lots being the same size as the single-frontage lots in this neighborhood,
- The position of the home is at an angle on the lot, which creates a hardship since not all the existing home will be demolished,
- Most homes in the area were a major remodel versus complete demolition,
- The right-of-way width along Vista Drive is 60 feet compared to 50 feet,
- The subdivision and home were built prior to annexation, and
- The proposed home is in character with the neighborhood via keeping with a ranch style design, reducing height in the area of the encroachment by 1 foot, maintaining similar home length to other

homes, reducing the total encroachment from 623 square feet to 281 square feet, providing more than the average street setback in the neighborhood, increasing building setback and increasing roof overhang setback.

Chairman Leibsohn asked if the two variances can be separated.

Mr. Miller replied yes.

Chairman Leibsohn opened a discussion for the Board Members.

Board Members did not have any questions for Mr. Michaud.

Chairman Leibsohn motioned to adjourn the work study session and move into the public hearing session.

Board Member Kile seconded the motion.

Chairman Leibsohn open the meeting for public comment.

Mr. Rick Jellies, applicant, stated that he met with the immediate neighborhood and discussed the proposed reconstruction of the property. He wanted to accommodate the neighbors requirement to keep the property consistent with the character of the neighborhood. The neighbors have been incredibly welcoming. He explained the improvements that have been made in the neighborhood that have increased visibility and safety.

Board Member Kile asked Mr. Jellies if he could build a house that is within the area requirements outlined in the ordinance.

Mr. Jellies replied that he could do it, but it would be a completely different home that would not be consistent with the character of the neighborhood.

Board Member Kile suggested that the current proposal implies a total demolition.

Mr. Jellies stated that the current building will not be totally demolished, but remodeled. He wants to live in this home, and he is not trying to fix-and-flip it.

Chairman Leibsohn voiced his concern regarding the demolition of the north and northeast portions of the building.

Mr. Jellies replied that the east part of the building will not be changed. However, new windows will be installed.

Board Member Williams read the facts from the presentation, with an intent to confirm them with Mr. Jellies.

Mr. Jellies confirmed the facts from the presentation.

Mr. Patrick Ford, resident of Paradise Valley, stated that he is in favor of the variance. His mountain view was blocked for 28 years by the house Mr. Jellies purchased.

Kathleen Clifford, resident of Paradise Valley, stated that she is not in favor of the variance, because she does not believe that hardship exists in this case. She read several points in the record of why this variance did not meet all six variance criteria.

Kent Baker, resident of Paradise Valley, stated that he had three concerns regarding the variance, safety, value of his home and other neighbor's opinion. He believes that there are no safety concerns and that the variance will improve the value of his house. He is in favor of the variance.

Joe Mangone, resident of Paradise Valley, stated that Mr. Jellies has put new pipes for irrigation, which construction companies failed to do. He supports the variance.

John Clifford, resident of Paradise Valley, stated that the issue with the variance is very clear. The Town Code controls the variance, and it is fair to enforce it. Everyone should be treated equally. When he renovated his home in the past, he followed the code, even though he did not get everything he wanted. He echoed Mrs. Clifford's statement that this case does not present a hardship. He is not in favor of the variance.

James Babos, the architect working with Mr. Jellies, stated that the intent is to physically leave roof structure and cut it back to where the new is being built. The north side of the home is an addition that was built in 1973, and the Town has previously approved it, even though it's presently an encroachment.

Chairman Leibsohn closed the public comment. He then stated that the Board will now discuss the application.

Board Member Kile stated that the application for the variance does not meet all six criteria as outlined by the Town Code. The house can be built without a need for a variance.

Board Member Williams stated that the Board has considered other corner

lots with homes that have been angled and given variances. He is in favor of the variance because the amount of encroachment will be reduced.

Chairman Leibsohn stated that he believes that points raised by Mr. and Mrs. Clifford, and Board Member Kile are valid. In his opinion, the reason for the variance is not a hardship.

**A motion was made by Boardmember Kile, seconded by Sahani, to deny the variances from the Zoning Ordinance, Article X, Height and Area Regulations, and Article XXIII, Nonconformance, related to the property owner's proposed additions to this home. The two variances were for 1) allowance of the property owner to enclose the existing carport as a garage that will maintain a similar existing setback/height encroachment from Vista Drive and 2) allowance of the setback/height encroachment of the existing home along 70th Place to remain since the proposed improvements exceed 50% of the original square footage of an existing nonconforming structure for all permits issued within a 36-month period. The motion carried by the following vote:**

**Aye:** 4 - Boardmember Leibsohn, Boardmember Kile, Boardmember Newman and Boardmember Sahani

**Nay:** 1 - Boardmember Williams

**Absent:** 2 - Boardmember Chambliss and Boardmember Ozer

## 6. ACTION ITEMS

None

## 7. CONSENT AGENDA

### A. [19-191](#) Approval of April 3, 2019 Board of Adjustment Minutes

#### **Approval of April 3, 2019 Board of Adjustment Minutes**

**A motion was made by Boardmember Kile, seconded by Boardmember Newman, to approve the April 3, 2019 minutes with correction on the spelling of Leibsohn on the last page. The motion carried by the following vote:**

**Aye:** 5 - Boardmember Leibsohn, Boardmember Kile, Boardmember Newman, Boardmember Sahani and Boardmember Williams

**Absent:** 2 - Boardmember Chambliss and Boardmember Ozer

## 8. STAFF REPORTS

None

## 9. PUBLIC BODY REPORTS

None

## 10. FUTURE AGENDA ITEMS

Mr. Michaud reviewed the upcoming item for June 5, 2019.

## 11. ADJOURNMENT

A motion was made by Sahani at 6:35 p.m., seconded by Boardmember Kile, to adjourn the meeting. The motion carried by the following vote:

**Aye:** 5 - Boardmember Leibsohn, Boardmember Kile, Boardmember Newman, Boardmember Sahani and Boardmember Williams

**Absent:** 2 - Boardmember Chambliss and Boardmember Ozer

**Paradise Valley Board of Adjustment**

By:   
Jeremy Knapp, Secretary