

**TOWN OF PARADISE VALLEY
BOARD OF ADJUSTMENT
APRIL 3, 2013
MINUTES**

PRESENT: Emily Kile, Chair
Rick Chambliss, Board Member
Catherine Kauffman, Board Member
Eric Leibsohn, Board Member
Robert Nagle, Board Member
Hope Ozer, Board Member
Jonathan Wainwright, Board Member

STAFF: Eva Cutro, Planning Director
George Burton, Planner
Andrew Miller, Town Attorney

CALL TO ORDER

The work study session meeting of the Town of Paradise Valley Board of Adjustment was called to order by Chair Kile at 5:30 p.m.

WORK/STUDY DISCUSSION ITEMS

Discussion of a variance from the Zoning Ordinance, Article XXII, Hillside Development Regulations, to allow for a non-view fence on a hillside property. The property is located at 5816 N. Dragoon Lane (Assessor's Parcel Number 172-02-006).

Chair Kile reviewed the meeting procedures.

Mr. Burton presented this case as per the project coordination packet. The applicant requests a variance from Article XXII, Section 2207.VI, to allow for the construction of 207 lineal feet of non-view fence on a hillside property. Section 2207.VI prohibits fence walls on hillside lots with the exception of retaining walls, pool barrier view fences, view guard rails, mechanical screening and sport court fencing.

Mr. Burton reviewed the findings in favor and the findings opposed for this request. Mr. Burton advised that staff received a letter of support from one of the neighboring property owners.

Mr. Burton advised staff recommends a motion to approve the variance request to allow a non-view fence on a hillside property.

Mr. Burton responded to questions from the Board members regarding the variance request.

PUBLIC HEARING

Consideration of a variance from the Zoning Ordinance, Article XXII, Hillside Development Regulations, to allow for a non-view fence on a hillside property. The property is located at 5816 N. Dragoon Lane (Assessor's Parcel Number 172-02-006).

Jordan Rose, Rose Law Group, representing the applicants, Eric & Laurie Termansen, stated the unique circumstances of this property, which is designated a Hillside land despite the native terrain having an overall slope of 10 percent, and really is a transitional hillside property as it is bounded by non-Hillside development lots, make the variance necessary to avoid hardships on the applicant, which hardships are not self-imposed. She further stated the property is designated as a Hillside lot, is located adjacent to other non-Hillside properties, and acts as a transition between high slope terrain, and nearly flat areas on the valley floor. The northern portion of the property itself is relatively flat and does not exceed 10 percent slope. The fact that the location of the currently approved view fence and proposed woven metal fence will not in any way obstruct views of the mountains further supports the case for the proposed variance. The Hillside Development regulations would prohibit any fence or wall other than a view fence at this location, raising concerns about the privacy, safety and security of applicant's family due to the exposed yard, which is flat and faces McDonald Road. She added that this variance meets the legal tests and they are not seeking special privilege.

Ms. Rose responded to questions and comments from the Board members regarding this variance.

Chair Kile opened public comment and closed public comment as there were no residents wishing to speak.

Board Member Ozer moved approval of Case No. BA-13-1, a request by Eric & Laurie Termansen, property owners of 5816 North Dragoon Lane; for a variance from the Zoning Ordinance, Article XXII, Hillside Development Regulations, to allow a non-view fence on a hillside property. Seconded by Board Member Wainwright.

Chair Kile stated this requests meets all of the variance criteria.

Board Member Chambliss stated that there are special circumstances, applicable to only the subject lot, meeting the variance criteria.

The motion passed unanimously by a vote of seven to zero.

CONSENT AGENDA

Minutes of the February 6, 2013 Board of Adjustment Meeting

Board Member Leibsohn moved to approve the consent agenda as presented. Second by Board Member Chambliss.

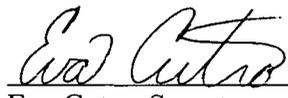
The motion passed unanimously by a vote of seven to zero.

BOARD REPORTS/STAFF COMMENTS

Ms. Cutro provided an update on the new technology in Town Hall as it relates to recording of the meetings.

ADJOURNMENT

Board Member Ozer moved to adjourn at 6:00 p.m. Seconded by Board Member Wainwright and passed unanimously.



Eva Cutro, Secretary