

**TOWN OF PARADISE VALLEY
BOARD OF ADJUSTMENT
OCTOBER 1, 2008
MINUTES**

PRESENT: Rick Johnson, Board Member
Catherine Kauffman, Board Member
O'Dell Kiel, Board Member
Hope Ozer, Board Member
Jonathan Wainwright, Board Member

ABSENT: Emily Kile, Chair
Phil Hagenah, Board Member

STAFF: Eva Cutro, Planning Director
George Burton, Planner
Steven Zraick, Assistant Town Attorney
Bill Mead, Town Engineer

CALL TO ORDER

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

REGULAR BUSINESS

Consideration of a variance from the Zoning Ordinance, Article X, Height and Area Regulations, and Article XXIII, Nonconformance, to allow a roof addition to encroach into the side yard setback. The property is located at 5251 East Arroyo Road.

Mr. Burton presented this case as per the project coordination packet. Staff recommends a motion to deny the variance request.

Mr. Burton reviewed the findings in favor and the findings opposed for this request.

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

Board Member Ozer moved to adjourn the work study session. Second by Board Member Wainwright. The motion passed unanimously.

The regular meeting of the Town of Paradise Valley Board of Adjustment was called to order at approximately 5:35 p.m.

Chair Johnson reviewed the meeting procedures.

Doug Jorden, applicant's representative, passed out a proposed stipulation for the Board's review and comment. He reported that no one is in opposition of this variance request. He further reported that this variance request arises from the Jury's desire to remove an existing observation deck and add a roof eave overhang to a small portion of the existing home. This proposed roof eave overhang will encroach into the side yard setback. He remarked the variance is not for the purpose of adding additional square footage to the home. The variance only relates to a proposed roof overhang.

Mr. Jorden provided information on the history of the property. He showed photo simulations of what currently exists and what is being proposed. He reported the renovations are to improve the energy performance of the home and update the look and appearance of the property.

Mr. Jorden reviewed the hardships and special circumstances that exist on this lot. He stated this is a common sense solution that all the neighbors they have contacted support.

Mr. Jorden reported the owners are willing to add a stipulation that states they will not change the southeast wall of the house closest to the southeast property line. A brief discussion ensued regarding the proposed stipulation.

In response to a question from Chair Johnson, Mr. Burton explained that the property line is established from the recorded plat. Mr. Mead explained that the old survey was used in 1999-2000 for those improvements. The new survey shows a portion of the improvements would be within the side yard setback.

Chair Johnson opened public comment.

Phil Schneider, 5245 E Arroyo, spoke in favor of this request. He stated that he and his wife live just west of this home and have seen this house evolve through several remodels. He further stated that the proposed request will only enhance the way the house looks and will not be a detriment to the neighbors.

Chair Johnson closed public comment.

Board Member Ozer moved for approval of Case BA-08-02, a request by Bill and Marilyn Jury, property owners of 5251 W Arroyo, for a variance request from the Article X, Height and Area Regulations, Section 1001, and Section 1008, and Article XXIII, Nonconformance, Section 2307, to allow a roof addition to encroach into the side yard setback. Second by Board Member Wainwright.

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

Board Member Wainwright stated that he felt Mr. Jorden did a good job discussing the totality of the problem. He further stated that this is a situation where the owners found survey errors and have acted in good faith and reported the errors. He commented that there

are a number of things that have happened over the history of this property to add to the totality of the special circumstances and hardships. He further commented that he felt this request is an improvement and has the neighbors support.

The motion passed unanimously by a vote of five (5) to zero (0).

MINUTES APPROVAL

June 4, 2008 meeting minutes

Board Member Wainwright moved to approve the meeting minutes of June 4, 2008 as presented. Second by Board Member Ozer.

The motion passed unanimously by a vote of five (5) to zero (0).

BOARD/STAFF REPORTS

Board Member Ozer stated at the last meeting, she requested that staff require applicants to sign and provide identification when they are dropping off or picking up permits. She also requested that when changes are made in procedures that staff provide the applicants with the information in writing. She inquired if staff has done anything to implement this type of policy. Mr. Burton replied that staff has discussed sign out procedures but nothing has been formalized. A discussion ensued that if this procedure would have been followed it would have made the variance hearing in June a lot easier. It was noted that on these types of variances it would be helpful for the board to have a timeline included in their packet.

Mr. Burton provided a brief overview of the next variance request. The next meeting will be held on December 3, 2008.

EXECUTIVE SESSION

The Board of Adjustment may convene in executive session at one or more times during the meeting as needed to confer with the Town Attorney for legal advice regarding the requests described under Regular Business as authorized by AIR'S. 38-431.03.A.3.

ADJOURNMENT

Board Member Ozer moved to adjourn the meeting at 6:25 p.m. Second by Board Member Wainwright. The motion passed unanimously.



Eva Cutro, Secretary