

**TOWN OF PARADISE VALLEY  
BOARD OF ADJUSTMENT  
NOVEMBER 7, 2007  
MINUTES**

**PRESENT:** Rick Johnson, Chair  
Phil Hagenah, Board Member  
Catherine Kauffman, Board Member  
Emily Kile, Board Member  
O'Dell Kiel, Board Member  
Jonathan Wainwright, Board Member

**ABSENT:** Hope Ozer, 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 Johnson at 5:30 p.m.

**REGULAR BUSINESS**

**Consideration of a variance from the Zoning Ordinance, Article X, Height and Area Regulations, and Article IX. Cluster Plans, to allow for an increase beyond the maximum allowable floor area ratio requirement for an addition to a single family residence, located at 8300 N Sendero Tres M.**

Mr. Burton provided an overview of the case. He reported this is a request by William and Bethany Hicks, property owners of 8300 N Sendero Tres M, for a variance from Article X, Section 1001, of the Town Zoning Ordinance. This variance will allow an increase in the floor area ratio to 28.71% for additions to the single family residence. The proposed additions will comply with all other applicable requirements. Staff does not think the variance request meets the variance criteria and is recommending a denial.

Mr. Burton responded to questions and comments from the Board members.

In response to a question from Board Member Wainwright, Mr. Burton explained that the golf course is not used as part of the FAR because it is a separate parcel.

In response to a question from Chair Johnson, Mr. Burton provided information on the existing homes in the subdivision that exceed the FAR limitations.

Board Member Hagenah moved to adjourn the work study session. Second by Board Member O'Dell Keil.

The motion passed unanimously by a vote of six (6) to zero (0).

The regular meeting of the Town of Paradise Valley Board of Adjustment was called to order at 5:45 p.m.

Chair Johnson reviewed the meeting procedures.

Mr. Burton presented this case as per the project coordination packet. Staff recommends a motion to deny the variance request to increase the floor area ratio to 28.71 percent for additions to the single family residence, located at 8300 N Sendero Tres M.

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

Mr. Burton reported staff received a letter of approval from the Architectural Review Committee of the Merrill Cantatierra Homeowners Association. Staff has no other comments from neighbors notified during the hearing process.

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

Beth Hicks, applicant, provided information on their history with the town. She stated she and her husband are deeply committed to the Town. She further stated that they are looking at this house as their retirement home. She provided information on the square footage of the home. She reported the personal hardship is that she is the only child of elderly parents in upstate New York who have decided they need to come out here to live with them. She further reported they have hired an architect to design living quarters for her parents. She noted in her opinion the only way to build a facility for her elderly parents and keep it as small as possible is what is being proposed. She added the area fits visually and is sensitive to the house. She further added with another bedroom and bathroom on the first floor it will help with the resale.

David Thompson, 4545 N 36th Street, Suite 209, Phoenix, AZ, architect on this project, provided information on the square footage on this property. He also provided information on the non-livable and livable space. He described the proposed new living area.

In response to a question from Board Member Kauffman, Ms. Hicks provided information on the upstairs rooms.

In response to a question from Chair Johnson, Mr. Thompson provided information on the other lots in this subdivision that have exceeded the allowable FAR. Chair Johnson noted that prior findings of the Board have no precedence on this request.

Board Member Wainwright acknowledged that other cases approved by the Board of Adjustment do not set precedence. However, when this subdivision was originally platted and built, they could not possibly have been able to envision the rules that would come afterwards and that this size home would be considered small with regard to livable square footage for the Town of Paradise Valley. He noted that how the Town calculates FAR is unique compared to other towns. He further noted that this is a tough situation given the size of the house and the shape of the lot. He added one point that with the Indian Bend Wash adds open space and allows for smaller lots so this lot fits with the spirit of the open space even though it slightly exceeds today's regulations. He further added that he did not feel any special privileges are being granted because other people in this subdivision already enjoy a greater FAR.

Chair Johnson stated that it does not appear that by adding the additional square footage it would be a detriment to the neighbors and particularly the lot next door. He further stated that the applicant did a good job documenting the other houses in the subdivision that exceed the FAR. He added that by his assessment this seems to be a reasonable request.

Board Member Wainwright moves for approval of Case No. BA-07-05, a request by William and Bethany Hicks, property owners of 8300 N Sendero Tres M, for a variance from Article IX and Article X, Section 1001, of the Town Zoning Ordinance. This variance will allow an increase in the floor area ratio to 28.71 percent for additions to the single family residence. The proposed additions will comply with all other applicable requirements. Second by Board Member Emily Kile.

The motion passed by a vote of five (5) to one (1) with Board Member Kauffman dissenting.

## **MINUTES APPROVAL**

### **June 6, 2007 Work Session and Regular Meeting**

Board Member Wainwright moved to approve the Study Session and regular meeting minutes of June 6, 2007 as presented. Second by Board Member O'Dell Kiel.

The motion passed unanimously by a vote of six (6) to zero (0).

## **BOARD/STAFF REPORTS**

### **Election of New Chair-Designate**

Chair Johnson nominated Emily Kile to serve as the Chair of the Board of Adjustment. Second by Board Member Kauffman.

The motion passed unanimously by a vote of six (6) to zero (0).

Ms. Cutro stated that newly elected Chair must be approved by the Town Council.

Mr. Miller stated that he would advise the Board to eliminate the Sergeant of Arms position.

Board Member Hagenah moved that the Board eliminate the Sergeant of Arms position. Second by O'Dell Kiel.

The motion passed unanimously by a vote of six (6) to zero (0).

Mr. Burton reported there is one variance requested scheduled to be heard at the December 5th meeting.

#### **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 Emily Kile moved to adjourn the meeting at 6:30 p.m. Second by Board Chair Johnson. The motion passed unanimously.

  
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Eva Cutro, Secretary