

**TOWN OF PARADISE VALLEY
BOARD OF ADJUSTMENT
JUNE 6, 2007
MINUTES**

PRESENT: Rick Johnson, Chair
Phil Hagenah, Board Member
Emily Kile, Board Member
O'Dell Kiel, Board Member
Hope Ozer, Board Member
Jonathan Wainwright, Board Member

ABSENT: Catherine Kauffman, Board Member

STAFF: Molly Hood, Senior Planner
George Burton, Planner
Andrew Miller, Town Attorney

CALL TO ORDER

The regular meeting of the Town of Paradise Valley Board of Adjustment was called to order at 6:00 p.m.

Chair Johnson reviewed the meeting procedures.

REGULAR BUSINESS

PUBLIC HEARING: Consideration of a variance from the Zoning Ordinance, Article VIII, (R-10) Single Family Residential District, to allow for an encroachment into the setback for a swimming pool, located at 5434 E Lincoln Dr, Lot 60.

Mr. Burton presented this case as per the project coordination packet. Staff recommends a motion to approve the variance request for a 4 foot encroachment into the rear and north side yard setbacks, to allow for a swimming pool, located at 5434 E Lincoln Dr, Lot 60.

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 proposed variance.

Renee Tse, 5611 E. Mockingbird Lane, property owner, stated that Mr. Burton has provided all the facts of the case. She stated that the sewer line is active. She further stated that they looked at relocating the sewer line but was informed by the City of Phoenix that they would have to bear the cost.

Chair Johnson inquired if this is the applicant's primary residence. Ms. Tse replied in the negative. She stated that it is her mother-in-laws home.

Board Member Emily Kile commended the applicant on finding a place for her mother-in-law that is therapeutic and allows her to be independent.

Board Member Ozer moved to approve the variance for a 4 foot encroachment into the rear and north side yard setbacks, to allow for a swimming pool, located at 5334 E Lincoln Dr, Lot 60.

She stated there are special circumstances, applicable to only the subject lot, meeting the variance criteria.

Second by Board Member Hagenah.

Board Member Emily Kile stated that this the exact circumstance why the Board of Adjustment should grant a variance.

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

MINUTES APPROVAL

May 2, 2007 Work Session and Regular Meeting

Board Member Ozer moved to approve the Study Session and regular meeting minutes of May 2, 2007 as presented. Second by Board Member Emily Kile.

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

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 advise regarding the requests described under Regular Business as authorized by A.R.S. 38-431.03.A.3.

ADJOURNMENT

The meeting was adjourned at 6:10 p.m.



Eva Cutro, Secretary