

**TOWN OF PARADISE VALLEY
BOARD OF ADJUSTMENT
OCTOBER 4, 2006**

MINUTES

PRESENT: Rick Johnson, Chair
Emily Kile, Board member
Catherine Kauffman, Board member
Jonathan Wainwright, Board Member

ABSENT: Phil Hagenah, Board Member
Ann Townsend, Board member
Hope Ozer, Board Member

STAFF: Eva Cutro, Planning Director
George Burton, Planner
Jim Davis, Town Attorney

CALL TO ORDER

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

Chair Johnson reviewed the meeting procedures.

REGULAR BUSINESS

PUBLIC HEARING: Consideration of a variance from the Zoning Ordinance, Article X, Height and Area Regulations, to allow for an encroachment into the setback and height limitation for an addition to a single-family residence, located at 6324 N 42nd Street.

Mr. Burton presented this case as per the project coordination packet. Staff recommends a motion to deny the variance request to allow for an encroachment of a proposed addition to an existing single family residence into the rear setback and height limitation. The variance request includes a 20 foot encroachment into the rear yard setback and a 7 foot and 10-1/4 inch encroachment into the height limitation to allow for a two story addition to an existing residence. The areas of encroachment include a four car garage and a second story guest bedroom, bathroom and living room. The property is at 6324 N 42nd Street.

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.

Doug Jorden, 7272 E. Indian School, Suite 205, Scottsdale, Arizona, explained that there are several unique features to this property that create the hardships and special circumstances that support this variance request. The lot is surrounded on three sides by public roads, a 15-foot drainage easement and retention basin on the lot, which limit the buildable area on the property. The lot has been graded such that the existing house (and proposed addition) will sit well below Lincoln Drive, thus eliminating any visual impact of the proposed addition. Other topographic feature that makes this property unique is the elevation of the house to the west. As shown in the attached pictures, the adjacent house is significantly higher than the Davis lot. This dramatic change in elevation also eliminates any negative impacts from the proposed addition. He discussed the proposed expansion. He also discussed the purpose of the open space ordinance.

Mr. Jorden discussed alternate locations for the expansion. He reported that after looking at all of the locations this seemed like the logical place for the expansion.

Mr. Jorden passed out a letter from the applicant's Homeowners Association.

Mr. Jorden responded to questions and comments from the commissioners' regarding the variance request.

Don Davis provided clarification regarding the garage doors. He explained that they provide ingress to the back yard.

In response to questions from commissioners', Mr. Jorden provided additional information regarding the drainage on the site.

A neighbor to the west of the Davis property stated that he had no objection to the proposed plan. He further stated that he would have an objection if the addition would block his views.

Mr. Davis responded to questions from the commissioners'.

The Project Manager provided additional information regarding the garage door design.

Board Member Wainwright moved for approval of Case No. BA-06-08, a request by Structural Investments & Planning V, LLC/Don Davis, property owner of 6324 N 42nd St., for a variance from the Zoning Ordinance, Article X, Height and Area Regulations, Section 1001. The variance will allow the applicant to construct a proposed addition at a 20 foot rear yard setback and encroach 7 feet and 10-1/4 inches beyond the allowable height limitation. The proposed addition will comply with all other applicable requirements. Second by Board Member Kauffman.

Board Member Kile stated that the applicant has done a nice job trying to fit his addition and having a minimum impact on the views and the neighbors. She further stated that

she was having trouble getting over the findings opposed and that this request is not just out of convenience. She remarked that she has not heard anything that makes her feel there is a hardship. She further remarked the variance requested does not meet the variance criteria.

Chair Johnson stated that as he looks at the plan, he appreciates what they are trying to do of taking an existing residence and trying to make it larger. He further stated that he felt the applicant has not demonstrated a hardship that he would not feel comfortable in approving the request. He added that he felt this request was out of convenience because it is not the only possible solution.

Board Member Wainwright stated the reason for his motion is because of the topography of the lot and given the fact that they have gone to such great lengths to accommodate their neighbors. He further stated that he felt this request meets the spirit of the open space ordinance. He remarked that he has not seen a better alternative presented with regard to the impact on the neighbors and the open feeling.

The motion failed by a vote of one (1) to three (3) with Chair Johnson, Board Member Kile, Board Member Kauffman dissenting.

Mr. Jorden requested the Board move to continue this request to allow the applicant to come up with an alternative.

Board Member Kile moved to continue Case No. BA-06-08 until the November 1, 2006 Board of Adjustment meeting. Second by Board Member Kauffman.

The motion passed unanimously by a vote of four (4) to (0).

MINUTES APPROVAL

June 7, 2006 Work Session and Regular Meeting June 7, 2006 Work Session and Regular Meeting

Chair Johnson requested a correction to the June &, 2006 work session meeting minutes, the header should be changed from June 5, 2006 to June 7, 2006.

Board Member Wainwright moved to approve the June 7, 2006 work study session meeting minutes as amended. Second by Board Member Kauffman.

The motion passed unanimously by a vote of four (4) to zero (0).

Board Member Kile moved to approve the June 7, 2006 regular meeting minutes as presented. Second by Board Member Wainwright.

The motion passed unanimously by a vote of four (4) to zero (0).

BOARD/STAFF REPORTS

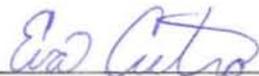
Mr. Burton reviewed the agenda for the next Board of Adjustment meeting. He noted the Board will elect officers at the next meeting.

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 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 7:10 p.m.



Eva Cutro, Secretary