

**TOWN OF PARADISE VALLEY  
BOARD OF ADJUSTMENT  
MAY 4, 2005**

**MINUTES**

**PRESENT:** Rick Johnson, Chair  
Ann Townsend, Board member  
Phil Hagenah, Board member  
Catherine Kauffman, Board member  
Emily Kile, Board member  
Hope Ozer, Board member

**ABSENT:** Jonathan Wainwright, Board member

**STAFF:** Hamid Arshadi, Community Development Director  
Paul Michaud, Senior Planner  
Jim Davis, Assistant 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.

**REGULAR BUSINESS**

**PUBLIC HEARING: Consideration of a variance from the Zoning Ordinance, Table 100A and Table 2404A, for a 10-foot street side yard setback from the Lincoln Drive right-of-way for a new single-family home and perimeter wall located at 6419 N. 52<sup>nd</sup> Place. The subject property is vacant, has a lot size of 24,420 square feet, and is zoned R-43.**

Chair Johnson explained the order in which meetings are conducted.

Mr. Michaud presented this case as per the project coordination packet. Staff recommends a motion to approve the variance for a proposed single-family home and perimeter wall at 10-foot street side yard setback on the property located at 6419 N. 52<sup>nd</sup> Place. The home will encroach into the 40-foot street yard setback approximately 1,375 square feet. The perimeter wall will encroach into this street yard setback approximately 55 lineal feet.

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

Mr. Michaud stated staff is recommending approval. The subject lot meets all six variance criteria. Special circumstances; including, 1) the lot size, 2) the location of the

home on the corner lot adjoining the Major Arterial of Lincoln Drive, and 3) an additional 32 feet of right-of-way along Lincoln Drive, as required by the Town's General Plan, together, limit the building area on the lot, and warrant the proposed variance.

Carol Johnson, Stantec, 8211 S. 48<sup>th</sup> Street, Phoenix, Arizona, representing the Applicant, Karl Spangler. She presented pictures of the site and the proposed house. She reviewed the elevations and proposed color palette. She stated we concur with the staff finding and would be able to comply with all of the Town requirements if not for the additional 32 foot easement being requested and that is why we are here today.

Board member Ozer stated that she finds this request pretty cut and dry.

Board member Kile inquired if there were any drawings or proposal for the home without the variance. Ms. Johnson explained the applicant did try to build the home without the variance but it would force him to go up two stories to get all the room for the uses he would like to have. She further explained that the applicant is getting older and wanted to keep everything on one level avoiding stairs.

Chair Johnson noted the graphic states these are the proposed colors and the final selection will be done in May. He inquired because this house will be so close to Lincoln Drive is there any expectation on behalf of the applicant to alter these to something that would be more garish or not fitting in. Ms. Johnson replied in the negative. She explained this is a representation of the applicant's intent.

Board member Kile stated she would like to clarify this is a custom home for Mr. Spangler and not a spec home. Ms. Johnson replied in the affirmative.

Board member Kauffman stated with the house being the wall, she inquired if anybody has thought how the sidewalk will look next to the side of the house and if it would be uniform. Mr. Michaud replied that the sidewalk would be meandering with landscaping. He explained that the proposed house and wall would be approximately 35 feet from the sidewalk. The Town would not install any walls with the sidewalk.

Chair Johnson opened public testimony.

Rhet Butler, 6400 52<sup>nd</sup> Place, stated that he would like to make comments rather than speak for or against this request. He requested that the landscaping along the streetscape be consistent.

Mr. Arshadi stated the applicant would be required to landscape the area between the wall and the sidewalk or the curb. The applicant must submit a plan to the Town Engineer who will review the plant materials to ensure they are on the approved plant list.

Mr. Butler inquired if there would be a certain level of screening so the streetscape is consistent along Lincoln Drive. Mr. Arshadi replied extra screening should be part of the approval by the Board of Adjustment for this project. For example there could be a stipulation that is added to specifically breakdown the scale of the façade of the building or any other issues that need to be addressed those could be part of the stipulations.

Mr. Butler asked about the plans for the sidewalk. Mr. Michaud advised Mr. Butler that he could speak to the Town Engineer and he could answer his questions regarding the plans for the sidewalk. Mr. Butler requested Mr. Michaud have the Town Engineer call him. Mr. Michaud replied he would give his number to the Town Engineer.

Chair Johnson closed public testimony.

Ms. Johnson stated that the applicant would be happy to provide additional landscaping to break down the scale of the two elevations.

Board member Kile stated the property to the east has a wall almost on Lincoln Drive and she would presume if that property turns over and they do a major work on that property the wall and the house would have to go to the new setback requirement. Mr. Michaud replied in the affirmative.

Board member Kile expressed her concern that if this variance is granted and they put the house and the wall closer to Lincoln Drive, then a variance may be required on other lots along Lincoln Drive. Board member Townsend stated that Board of Adjustment decisions do not set precedence. Board member Kile stated that she understood that, but her point is if the next house does not get a variance that house would sit further back from Lincoln Drive. Board member Kauffman noted that the neighboring lot is bigger and may not require a variance.

Board member Hagenah moved approval of Case No. BA-05-02, a request by Karl Spangler, property owner, for a variance from the Zoning Ordinance, Table 1001A and Tale 2404 A, for a 10-foot street side yard setback from the Lincoln Drive right-of-way easement on a new single-family home and perimeter wall located at 6419 N. 52<sup>nd</sup> Place. All encroachments shall comply with the submitted site plans and elevations, prepared by Stantec Consulting Inc. and D-R- Horton, Sheets 1 through 4, dated March 23, 2005. With the added stipulation:

The landscaping breaks down the scale of the façade of the building visible on Lincoln Drive and is the plan submitted to the Town Engineer for approval.

Board member Ozer seconded the motion.

Board member Hagenah stated the subject lot meets all six variance criteria. Special circumstances; including, 1) the lot size, 2) the location of the home on the corner lot adjoining the Major Arterial of Lincoln Drive, and 3) an additional 32 feet of right-of-

way along Lincoln Drive, as required by the Town's General Plan, together, limit the building area on the lot, and warrant the proposed variance.

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

## **MINUTES APPROVAL**

### **Study Session March 2, 2005 Regular Meeting March 2, 2005**

Board Member Ozer moved to approve the Study Session meeting minutes. Second by Board Member Kauffman.

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

Board Member Ozer moved to approve the regular meeting minutes. Second by Board Member Townsend.

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

## **FUTURE AGENDA ITEMS**

Mr. Michaud reviewed the future agenda items as listed below:

Font de Mora Appeal – 5311 N. 74<sup>th</sup> Street

Workum Variance – 5728 N. Harding Drive (pre-application)

Shiloh Variance – 6404 N. 52<sup>nd</sup> Place (pre-application)

## **BOARD/STAFF REPORTS**

Board member Hagenah stated that he read in the newspaper about the reorganization in the Community Development Department. He further stated that he could speak on behalf of the entire Board on what a great job Mr. Michaud has done and the great help he has been to us and how much we appreciate his service to the community especially the Board.

Chair Johnson thanked Mr. Michaud for all of his hard work. He stated the Board appreciates all of the effort not only from Mr. Michaud but from Mr. Arshadi and Mr. Davis have put into making these hearings go smoothly and keeping us on track.

## **ADJOURNMENT**

The meeting was adjourned at 6:35 p.m.

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Hamid Arshadi, Secretary