

**TOWN OF PARADISE VALLEY
BOARD OF ADJUSTMENT
MARCH 2, 2005**

MINUTES

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

STAFF: Hamid Arshadi, Community Development Director
Paul Michaud, 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 Townsend at 6:00 p.m.

NEW BOARD MEMBER – OATH OF OFFICE

Judge Auran administered the oath office to Emily Kile.

REGULAR BUSINESS

PUBLIC HEARING: Consideration of a variance from the Zoning Ordinance, Table 1001A, to allow a proposed addition onto an existing single-family home, located at 6226 N. 51st Place, to encroach into the 40-foot rear yard setback. The variance will allow the addition to be constructed at a 32-foot rear yard setback.

Mr. Michaud presented this case as per the project coordination packet. Staff recommends a motion to approve the variance for a proposed closet and bathroom addition to the master bedroom at a 32-foot rear yard setback on the property located at 6226 N. 51st Place.

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 width, 2) the location of the home on the lot and that it adjoins a commercial property, 3) the floor plan of the home, and 4) the nature of the rear platted alley, together, warrant the proposed variance.

Mr. Michaud reported during the work study session the Board discussed the applicants' original plan. He further reported that it is within the Board's purview to go with the original plan. He

explained if the Board wishes to go with the original plan they would refer to Exhibit 5 in the report.

Chair Townsend explained the order in which meetings are conducted.

Paul Flori, 6626 N. 51st Place, thanked the Board for listening to their request. He stated as the current owners, we would like to restore and update this unique Al Beadle home in a manner reflective of its original design. He thanked staff for giving them great recommendations. He provided a brief overview of their request.

Board member Kile commended the Flori's for deciding to do a remodel rather than to tear the house down and construct a larger home.

Board member Wainwright inquired if the variance was granted and house is torn down or goes through a major remodel, then will the variance disappear. Mr. Michaud replied if more than 50 percent of the structure were changed, then the entire structure would have to come into compliance.

Board member Ozer inquired about the total square footage for the original proposal. Mr. Flori replied 441 square feet.

Board member Ozer moved approval of Case No. BA-05-01, a request by Paul and Tracy Flori, property owners of 6226 N. 51st Place, for a variance from the Zoning Ordinance, Table 100A to allow an approximate 441 square foot addition onto an existing single-family home at a 32 foot rear yard setback. All encroachments shall comply with the submitted site plan of Exhibit 5 and elevations in the applicant's narrative booklet, dated March 2, 2005.

She stated the subject lot meets all six of the variance criteria and with the alley located in the rear yard, it is logical this would be something appropriate to warrant a variance. This motion was seconded by Board member Wainwright.

Board member Wainwright stated that so often the Board looks at requests for special privileges. He stated that since this request is within the spirit of the 40-foot setback, approval of the original site plan, Exhibit 5, is appropriate.

Board member Johnson stated so often the Board looks at cases that lack practical merit. He further stated this case has merit. Technically, you could look at the fact that it is a 32 foot setback, but functionally it is 40 feet and has been for 50 years. He reported this case meets all six variance criteria. He commended the applicants' for working with the Town and trying to make this project work.

Board member Hagenah stated that he would like to echo Board member Johnson's comments regarding how well everybody worked together on this variance request.

Chair Townsend called for the vote: The vote passed unanimously seven (7) to zero (0).

ELECTION OF CHAIRMAN

Chair Townsend stated that she has the opportunity to be Chair for one more term, but has other obligations this summer that will take her away all summer. She stated it would not be fair to the Board for her to serve another term in case we get busy.

Chair Townsend nominated Rick Johnson as Chair of the Board of Adjustment. This nomination was seconded by Board member Wainwright and passed unanimously.

APPOINTMENT OF SERGEANT AT ARMS

Board member Wainwright nominated Phil Hagenah to serve as Sergeant at Arms. This nomination was seconded by Board member Ozer and passed unanimously.

MINUTES APPROVAL

Study Session September 9, 2004
Regular Meeting September, 2004

Board Member Ozer moved to approve the Study Session and Regular Meeting minutes. This motion was seconded by Board Member Hagenah.

The motion passed by a vote of six (6) to zero (0), with Board member Kile abstaining.

FUTURE AGENDA ITEMS

Mr. Michaud reviewed the future agenda items as listed below:
Font de Mora Appeal – 5311 N. 74th Street
Workum Variance – 5728 N. Harding Drive (pre-application)
Spangler Variance – 6419 N. 52nd Street (pre-application)
Natomas Creek Variance – 9593 N. 55th Street (pre-application)
Kennedy Variance – 3255 E. Valley Vista Drive (pre-application)

ADJOURNMENT

With no further business to discuss, Board member Ozer made a motion to adjourn the meeting. Board member Johnson seconded the motion and all were in favor. The meeting was adjourned at 6:25 p.m.



Hamid Arshadi, Secretary