

**MINUTES**  
**ORO VALLEY BOARD OF ADJUSTMENT**  
**REGULAR SESSION**  
**September 28, 2010**  
**ORO VALLEY COUNCIL CHAMBERS**  
**11000 N. LA CAÑADA DRIVE**

**CALL TO ORDER:** At or after 3:00 p.m.

Chair Hoy-Johnson called the meeting to order at 3:02 p.m.

**ROLL CALL**

**PRESENT:** Sandra Hoy-Johnson, Chairman  
Paul Parisi, Vice Chair  
Jimmy Fields, Member  
Jeremy Christopher, Member

**EXCUSED:** John Hickey, Member

**MINUTES:** Approval of the Minutes of July 27, 2010 and August 24, 2010.

**MOTION:** A motion was made by Vice Chair Parisi and seconded by Member Christopher to approve the minutes of July 27, 2010 and August 24, 2010.

**MOTION** carried, 4-0.

**AT THE CALL OF THE CHAIR, THE AGENDA ITEMS MAY BE TAKEN IN ANY ORDER, AS DEEMED APPROPRIATE.**

**PUBLIC HEARINGS:**

1. OV1010-08, Stephen Aykroyd and Jennifer Klose, Trustees, on behalf of the Aykroyd Family Trust, request a variance from the Oro Valley Zoning Code Revised Section 23.4, Table of Dimensional Requirements, R1-43 Single Family Residential District required twenty foot side yard setback and Oro Valley Zoning Code Revised Section 25.2.D, Swimming Pools. Subject: Parcel # 224-32-0390 located at 585 W. Atua Place, Oro Valley, AZ 85737. For questions and additional information, please contact Karen Berchtold, Senior Planner, at (520) 229-4814 or [kberchtold@orovalleyaz.gov](mailto:kberchtold@orovalleyaz.gov)

Chair Hoy-Johnson swore in the applicants, Jeff Aykroyd and Jennifer Klose.

Mr. Aykroyd and Ms. Klose presented the board a handout of their PowerPoint presentation and reviewed it as follows:

- Property Overview
- 585 W Atua Place Aerial Map
- 585 W Atua Place Topographical Map
- Home Site Plan
- Enlarged Site Plan
- Advantages of Approving Variance Request
- Proposed Safe & Neighborhood Desirable Pool Location Built Into Side Yard Setback
- Variance Request Criteria #1
- Variance Request Criteria #2
- Variance Request Criteria #3
- Variance Request Criteria #4
- Variance Request Criteria #5
- Proposed Pool Location Relative to Neighbor to the East
- Summary

Member Fields said building closer to the 15 foot drop did not seem to be safer than maintaining the 20 foot setback. Ms. Klose said there is not a drop off on the east side, and reviewed the proposed location.

Vice Chair Parisi requested the dimensions of the swimming pool. Mr. Aykroyd said the swimming pool would be roughly 40 ft. in length and 20 ft. wide. Vice Chair Parisi asked if the house could have been designed narrower and longer to accommodate the square footage. Ms. Klose said it is currently pushed out to the maximum of every setback line that is on that building pad.

Member Christopher requested the proposed square footage of the home. Mr. Aykroyd said approximately 5,600 sq. ft. Ms. Klose mentioned that 1,500 sq. ft. would be the guest house for her two brothers who require special needs.

Chair Hoy-Johnson asked if the entire 1.3 acres was buildable acreage. Ms. Klose said prior to buying the lot they inquired about increasing the building pad, but were informed that an adjustment could not be made because a house existed there previously.

Karen Berchtold, OV Senior Planner, presented the staff report and reviewed the following:

- Location Map
- Zoning Map
- Aerial Map
- Variance Request
- Site Photos

- Topography
- BOA Findings

Member Christopher inquired about the cut and fill permitting requirements based on this proposal. Ms. Berchtold said a retaining wall up to 6 ft. could be created, or up to 8 ft. if the slopes are terraced.

Chair Hoy-Johnson opened the public hearing at 3:34 p.m.

Oro Valley residents, Jim and Karen Scott, said they were interested in where the wall would be located as opposed to the pool, because their driveway is below the proposed area. Prior to the house being demolished, they saw no runoff and now after every monsoon they are digging their driveway out because the house is not there and they are not seeing any diversion of the water.

Ms. Berchtold said she observed an area of erosion on the northeast corner and the applicants would be required to stabilize that with the home development.

Member Christopher asked Mr. and Mrs. Scott if they preferred the wall not be there at all. Mr. Scott said they are not concerned about the wall, just the runoff.

Chair Hoy-Johnson closed the public hearing at 3:38 p.m.

Ms. Klose and Mr. Aykroyd said they, too, were concerned about the runoff. Ms. Klose said the architect met with the contractor regarding the grading and all these concerns have been addressed and are incorporated into the house's site plan.

**MOTION:** A motion was made by Member Christopher and seconded by Vice Chair Parisi to approve OV1010-08, a variance request to encroach 14 ft. into the 20 ft. side yard setback to allow a swimming pool.

Member Christopher said he wanted to elaborate as to why he made the motion. He said there are topographical concerns that are not the applicant's fault, so they meet variance criterion one. He pointed out that the previous home was significantly smaller than other homes in that neighborhood. Member Christopher said the applicants have gone above and beyond to make sure that there are no adverse affects to the neighborhood.

Vice Chair Parisi said the variance is not going to affect the runoff, but the grading and building permit will address it.

Member Fields said it is a buildable lot as is and is not sure the criteria have been met; they want to build a larger house than they bought a lot for.

Chair Hoy-Johnson thought there might be leeway to maneuver, but it seems the

applicants are utilizing all their space. She asked if the applicants were able to build up, since there was a two-story on the property before.

Mr. Aykroyd said one of the limitations they had to address was the maximum height of 18 feet. He said the stairs for a two-story home would not be practical for the elderly parents that would be living with them.

Joe Andrews, OV Chief Civil Deputy Town Attorney, pointed out that the previous home was a legal nonconforming use in that it was built into the setback and the Town later adopted zoning that made that house not fit within the building envelope.

**MOTION** carried, 4-0.

## 2. [Staff Report Update.](#)

Ms. Berchtold said there are no pending cases for BOA next month and gave the following updates:

- Development plan consideration for Panda Express Restaurant at the Town Council meeting on October 6, 2010.
- Upcoming Planning & Zoning Commission topics for October and November.

David Williams, OV Planning Division Manager, announced that there are funds available for board members to obtain training. The annual Arizona Planning & Zoning Boards and Commission seminar will be held on November 3, 2010, in Phoenix. Mr. Williams requested that members contact staff as soon as possible if they were interested in attending.

## ADJOURNMENT

**MOTION:** A motion was made by Member Christopher and seconded by Member Fields to adjourn the BOA meeting at 3:40 p.m.

**MOTION** carried, 4-0.

Prepared by,

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Suzanne Molinar  
Recording Secretary