

**MINUTES**  
**ORO VALLEY BOARD OF ADJUSTMENT**  
**\*AMENDED (7/12/2013 5:00 P.M.)**  
**REGULAR SESSION**  
**July 23, 2013**  
**ORO VALLEY COUNCIL CHAMBERS**  
**11000 N. LA CAÑADA DRIVE**

**REGULAR SESSION CALL TO ORDER AT OR AFTER 3:00 PM**

Chairman Adler called the Board of Adjustment regular session to order at 3:00 P.M.

**ORDER OF BUSINESS**

Chairman Adler introduced the process by which a citizen may speak, and general housekeeping information for the members of the audience.

**PLEDGE OF ALLEGIANCE**

Chairman Adler led the Pledge of Allegiance.

**ROLL CALL**

**PRESENT:** Bill Adler, Chairman  
Helen Dankwerth, Vice Chairman  
John Bohl, Member  
Michael Schoeppach, Member

**EXCUSED:** Stephen Roach, Member

**ALSO PRESENT:**

Mike Zinkin, Council Liaison  
Joe Andrews, Chief Civil Deputy Town Attorney  
Paul Keesler, Director/Town Engineer

**REGULAR AGENDA**

**1. APPROVAL OF THE JUNE 25, 2013 STUDY/REGULAR SESSION MINUTES.**

**MOTION:** A motion was made by Chair Adler and seconded by Vice Chair Dankwerth to Approve the June 25, 2013 Study/Regular Session Minutes.

**MOTION** carried, 4-0.

**2. REQUEST FOR A VARIANCE FOR THE BRAMBLE RESIDENCE AT 10709 NORTH HEWITT PLACE TO REDUCE THE REQUIRED REAR YARD SETBACK FROM 10'-0' FOR A PATIO COVER AND FROM 5' TO 0' FOR A SPA, OV1013-06.**

Patty Hayes, Senior Planning Technician, presented a Staff Report detailing the following:

- Approvals to date
- Location Map
- Vicinity Map
- Applicant's Proposal
- Rivers Edge II Lot 18 image
- Site Photo from Common Area to rear of property
- Site Photos from inside the yard
- Public Notice
- Variance Criteria Five Findings
- Summary

Jennifer Bramble, Oro Valley Resident and Applicant, explained why she felt their request fit the five variance criteria. Mrs. Bramble stated she and her husband were unprepared for the extreme sun and heat on the back of their house. She felt they have limited options to explore for their back yard.

Alex Pestes, Oro Valley Resident, stated he is opposed to the requested setback variance as it may set a precedence for neighboring properties.

Thomas Kamoske, Oro Valley Resident, stated he is opposed to the setback request as the proximity of the spa to the wall could be a potential drowning hazard for children.

**MOTION:** A motion was made by Chairman Adler and seconded by Member Bohl to Approve the Bramble request for a variance, OV1013-10

**MOTION** carried, 3-1 with Member Schoeppach opposed.

**3. REQUEST FOR A VARIANCE BY MERITAGE HOMES AT 13060 NORTH ARTIFACT CANYON LANE TO ALLOW GRADING INTO 4,100 SQUARE FEET OF PROTECTED HILLSIDE AREA FOR CONSTRUCTION OF A HOUSE, OV1013-10.**

Patty Hayes, Senior Planning Technician, presented a Staff Report detailing the following:

- Vicinity Map
- Request Details
- Aerial Photo
- Applicant's Proposal
- Details
- Rancho Vistoso PAD
- Site Photo
- Public Notice
- Variance Criteria
- Summary

Meritage Representatives, Jeff Grobstein - Oro Valley Resident, and Jeff Garrett, Tucson Resident, presented the builder's case for the variance.

Heather Nenadovich, Oro Valley Resident, expressed her opposition to the proposed variance, as it may set a precedence for other developers.

Don Bristow, Oro Valley Resident, is also opposed to the proposed variance. Mr. Bristow believes the builder knew the limitations of this particular lot, and the builder has not met the required variance criteria in their request.

John Musolf, Oro Valley Resident, feels the approval of this request would be a display of preferential treatment as he believes there are other properties in Rancho Vistoso which have similar land situations, however they do not have a variance.

**MOTION:** A motion was made by Chair Adler and seconded by Member Schoeppach to Approve the variance for 13060 North Artifact Canyon Lane, for Meritage Homes, OV1013-10

**MOTION** carried, 4-0.

**4. REQUEST FOR A VARIANCE FOR THE YING PROPERTY AT 10645 NORTH PISTACHIO AVE. TO INCREASE THE BUILDING HEIGHT FROM 18'-21', OV1013-11.**

Patty Hayes, Senior Planning Technician, presented a Staff Report detailing the following:

- Approvals to Date
- Location Map
- Vicinity Map
- Request Details'
- Applicant's proposal
- Applicant's proposal, image two
- Aerial photo
- Public Notice
- Public input
- Variance Criteria
- Summary

Ron Price, Tucson resident and builder, presented a two-by-four wooden structure to visually demonstrate the requested three foot height increase for the Board and audience.

David Major, Tucson resident and applicant on behalf of the builder, believes the three foot variance would be of minimal impact to neighboring views. Mr. Major explained the three foot variance is more for aesthetic reasons, rather than necessity. The proposed observatory would look better with the three foot peak, rather than a flat or angled roof design.

Terril Herst, Oro Valley Resident, expressed his opposition to the Ying family variance request. Mr. Herst then distributed a packet of statements and photographs he had gathered from his neighbors.

Dorothy Ramirez, Oro Valley Resident, is also opposed to the Ying variance. Mrs. Ramirez fears she could lose her view of the mountains.

John Christos, Oro Valley Resident, expressed his opposition to the Ying family variance request. Mr. Christos feels the proposed variance will negatively impact the property value of the homes in Canada Hills Estates.

Mr. Frank Roth, Oro Valley Resident and President of the Canada Hills Estates HOA, believes the homeowner could build the observation deck and room without the requested three foot variance.

Lisa Stern, Oro Valley Resident, expressed concern that the proposed height variance could block her current view of the mountains.

**MOTION:** A motion was made by Member Schoepach deny the Ying request for a variance, OV1013-11

**MOTION** carried, 4-0.

### **PLANNING UPDATE (INFORMATIONAL ONLY)**

Chad Daines, Principal Planner, informed the Board and audience of an upcoming neighborhood meeting, Wednesday, July 24th at 6 PM in the Palo Verde Room at the Casa Church, located at 10801 N. La Canada to discuss a possible rezoning of 43 acres from R1-144 to R1-7, the area is located at the southwest corner of Naranja Drive and La Cholla Boulevard.

At the July 3rd Town Council meeting, Council approved the Planning Work Plan for the next two years. The work plan included a number of important studies and initiatives which will assist to implement community goals including the Tangerine Road Area Plan, Arts & Culture District, Housekeeping Amendments to the Zoning Code and the Naranja Park Planning.

Planning staff is currently developing several amendments to the Zoning Code including the ESL Applicability to General Plan Amendments and Public Artwork provisions.

### **ADJOURNMENT**

**MOTION:** A motion was made by Chairman Adler and seconded by Member Schoepach to Adjourn at 4:49 PM.

**MOTION** carried, 4-0.