

**MINUTES**  
**ORO VALLEY BOARD OF ADJUSTMENT**  
**REGULAR SESSION**  
**July 27, 2010**  
**ORO VALLEY COUNCIL CHAMBERS**  
**11000 N. LA CAÑADA DRIVE**

**CALL TO ORDER:** At 3:04 p.m.

**ROLL CALL**

**PRESENT:** Jimmy Fields, Chair  
John Hickey, Vice Chair  
Jeremy Christopher, Member  
Paul Parisi, Member

**ABSENT:** Sandra Hoy-Johnson, Member

**PUBLIC HEARINGS:**

1. [OV10-10-06, Eric Gonzales representing Jason and Jill Rivera requests a variance from the required 25' rear yard set back to 12' for an attached house addition. Subject: Parcel #224-08-1670 located at 11651 N. Verch Way, 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 Fields swore in the applicant, designer Eric Gonzalez, on behalf of Jason and Jill Rivera. Mr. Gonzalez stated that the Rivera's' have a growing family that needed to either expand their home or move to a new location. He noted that the lot was pie shaped and that the front yard was comprised of landscaping and a driveway area. He further noted that the back yard had extensive landscaping, a pool and patio area.

Mr. Gonzalez explained that to add two bedrooms and a bathroom would encroach on the setback. He stated that the lot was an irregular size and that the front landscaping would hide the addition.

Vice Chair Hickey requested a brief outline of what had been considered that would not require a variance. Mr. Gonzalez stated that placing the bedrooms in the back of the home would be cumbersome due to the current configuration of the kitchen.

Senior Planner, Karen Berchtold, presented the staff report and reviewed the

following:

- Depiction of the applicant site plan with addition
- The home was R-4 Town House zoned
- Rear setback was 25 feet
- Proposed encroachment was 13 feet
- The addition would be located 12 feet from the property line
- Lot is pie shaped; like many others in the area
- Subdivision is Naranja Ranch I
- Public notice was posted on the property, in the newspaper, and online

It was noted that a similar request in a different neighborhood had been denied.

Chair Fields opened the public hearing.

Oro Valley resident Bill Adler stated that the Board's job was to protect the Zoning Code. He noted that it was inappropriate for staff to make a recommendation. He explained that the hardship was created by the lack of foresight by the builder and/or the homebuyer. He stated that consideration for a variance should not be based on sympathy, as it was not part of the criteria.

Chair Fields closed the public hearing.

Mr. Gonzalez concurred that it was not the responsibility of the Board to make special accommodations; however, he was concerned as to how it would negatively impact the neighbors. He stated that if the addition were relocated, it would lose financial viability for the homeowner and reduce the prospect of increasing home values in the area. He noted that with regard to zoning, he would be more concerned with the curbside appeal, which would not be affected.

**MOTION:** A motion was made by Vice Chair Hickey and seconded by Member Parisi to deny OV10-10-06 variance, request to allow a proposed 13 foot encroachment into the 25 foot rear setback.

Vice Chair Hickey stated that three of the five criteria had not been met. He specifically noted that special circumstances were not created by the land, but by others.

Member Christopher stated that the lot was an irregular shape and that he did not believe that the circumstance was created by the owner. He noted that the variance requested nearby was denied for a similarly shaped lot and use. He stated that neighbors in lots 163 and 166 would suffer a reduction in property values or the enjoyment of their property. He noted that the lot would be very cramped.

Member Parisi stated that the setbacks were in place to ensure that there was a proper buffer between houses.

**MOTION** carried, 4-0.

## **ADJOURNMENT**

**MOTION:** A motion was made by Vice Chair Hickey and seconded by Member Christopher to adjourn the meeting at 3:30 p.m.

**MOTION** carried, 4-0.