

**MINUTES
ORO VALLEY BOARD OF ADJUSTMENT
REGULAR SESSION
MAY 24, 2011
HOPI ROOM
11000 N. LA CAÑADA DRIVE**

[CALL TO ORDER AT OR AFTER 3:00 PM](#)

Chairman Christopher called the meeting to order at 3:00 p.m.

[ROLL CALL](#)

PRESENT: Jeremy Christopher, Chairman
Jimmy Fields, Vice-Chair
Paul Parisi, Member
Mike Zinkin, Member

ABSENT: Sandra Hoy-Johnson, Member

[MINUTES: Approval of the April 26, 2011, minutes](#)

MOTION: A motion was made by Member Parisi and seconded by Member Zinkin to approve the April 26, 2011, BOA minutes.

MOTION carried, 4-0.

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

PUBLIC HEARING:

1. [Request for variance for property in Catalina Ridge subdivision from Zoning Code Section 23.6.A.3.b., to allow an accessory structure to be closer to the front lot line than main building, by Thomas Atkinson, Jr. Property located at 11027 Joy Faith Drive, Oro Valley, AZ 85737. Zoning is CR-2 Cluster, District Melcor Planned Area Development, Parcel #224-29-0540. OV1011-03. For questions and additional information, please contact Karen Berchtold, Senior Planner, at \(520\) 229-4814 or \[kberchtold@orovalleyaz.gov\]\(mailto:kberchtold@orovalleyaz.gov\).](#)

Tom O'Connor of Sombra Homes, non OV resident and project manager for the Atkinson's project, was sworn in by Chairman Christopher.

Mr. O'Connor explained to the Board the need for the variance on behalf of the Atkinsons, who were not in attendance.

A brief question and answer period followed.

Karen Berchtold, OV Senior Planner, presented the following:

- Location Map
- Zoning Map
- Aerial Map
- Topography
- Variance Request
- Summary
- Site Photos
- Staff Analysis
- BOA Findings

Member Zinkin commented that if the structure was attached to the home, a variance request would not be needed. Member Fields asked what determines an attachment. Chad Daines, OV Principal Planner, responded that the most direct way would be to attach the roof lines.

Member Parisi asked if there were other homes in the area that have situated their houses like this one. Chairman Christopher said the one to the north appeared to have the same orientation.

Chairman Christopher opened the public hearing.

Steve Schmidt, OV resident, owner of the home on Catalina Ridge Lot 9, said one of the primary reasons he purchased his lot was due to the unobstructed views of the Catalina Mountains. Mr. Schmidt mentioned that the Atkinson's verbally agreed to limit the structure to 11 ft. 6 in. and he would have no objection to the location, as long as that condition is met.

Chairman Christopher closed the public hearing.

MOTION: A motion was made by Member Zinkin and seconded by Vice-Chair Fields to deny OV1011-003, variance request to allow an accessory structure to be located closer to the front lot line of the main building.

Member Zinkin said an overhang connected to the house would avoid a variance request. Member Parisi agreed. Chairman Christopher said there are ways the applicant can make it fit within the scope of the code.

MOTION carried, 4-0.

2. [Request for variances for property in Shadow Mountain Estates East from Zoning Code Section 23.6.A.3.b., to allow accessory building closer to the front lot line than main building and Section 23.4, Table 23-2A Dimensional Requirements; which limits height of buildings in R1-36 Zoning District to 18](#)

feet, and Section 23.6.A.3.b., which requires that accessory buildings shall not exceed height of main building, requested by Brad Fairweather. Property is located at 9100 N. Marne Place, Oro Valley, AZ 85737. Zoning is R1-36. Parcel #225-12-0600. OV1011-04. For questions and additional information, please contact Karen Berchtold, Senior Planner, at (520) 229-4814 or kberchtold@orovalleyaz.gov.

After a brief discussion, it was agreed that there should be two separate votes for this agenda item as follows: Variance 1; Height and Variance 2; Location.

Chairman Christopher swore in Brad and Noelle Fairweather, OV residents and property owners of 9100 N. Marne Place. Their concerns were as follows:

- Reviewed approximately 30 different scenarios with architect
- Lot is non-conforming and house is on the eastern edge of the property
- Severe slope on the property
- Neighbors shown the plans and there are no objections
- Unable to build east, south or north of property
- Best option is to disturb the land as little as possible

Member Parisi asked if the garage could be placed closer to the house. Mr. Fairweather said it would be difficult to maneuver his vehicle and it would eliminate his yard.

Brian Rumsey, architect from Rumsey Architecture LLC, and a non-OV resident, was sworn in by Chairman Christopher. Mr. Rumsey said they should have made it clear earlier that the owner has plans to build a pool in the future and reviewed the following illustrations.

- Figure 1, illustration of single story structure at existing paved area
- Figure 2, illustration of single story structure at existing paved area per staff report
- Figure 3, illustration of single story structure at existing paved area

A brief question and answer period followed.

Ms. Berchtold presented the following:

- Location Map
- Zoning Map
- Aerial Map
- Topography
- Variance Request
- Variance Requests.
- Site Photos
- Staff Analysis: Location & Height Review
- BOA Findings

Chairman Christopher opened the public hearing.

Scott Quick, OV resident, stated he resides southwest of Mr. Fairweather and was never contacted by him. Mr. Quick purchased his property because of the beautiful views and Oro Valley's stringent rules and ordinances. He is displeased that this project would obstruct his view.

Charles Glickman, OV resident, stated that Mr. Quick lives on the north side of his home and knows that Mr. Quick enjoys his backyard and view. The accessory building will be right next to Mr. Quick's residence and will be detrimental to his property.

Julian Herrera, OV resident, said 5 yrs ago he tried to get a permit to build a guest house with a kitchen and it was not allowed. He stated he did not have any objections to the construction, but was concerned that the guest house would be used as a rental which would increase traffic and noise level.

Chairman Christopher closed the public hearing.

Mrs. Fairweather said prior to their residence there, there was of a huge, ugly recreational vehicle, and now neighbors will see gardens. There should not be concerns regarding extra traffic because it will not be a rental. Mr. Fairweather said the Town of Oro Valley has approved variances on 6-8 homes within a half mile of their home. There is a lack of consistency and uniformity on how the code is applied and enforced.

Chairman Christopher suggested that the Board start with item #2, variance on the location.

MOTION: A motion was made by Member Zinkin and seconded by Vice-Chair Fields to approve OV1011-004, variance from the Zoning Code section regarding the location only.

Vice Chair Fields said the lot is unique and different from the other lots in the area and meets all the criteria. Chairman Christopher said the topography is very unique to the lot and it was not created by the applicant. There are no special privileges and it is inconsistent with other properties. The variance specifically related to the placement of the structure from the front property line and that specifically is not detrimental to others residing in the vicinity.

MOTION carried, 4-0.

MOTION: A motion was made by Member Zinkin and seconded by Member Parisi to deny OV1011-004, the variance regarding the height of the proposed guest house.

Member Zinkin said a guest house is not a required condition that everyone enjoys, but the garage is. They can have the garage, pool and the extra square

footage, but does not feel 3 ft. are required to improve any kind of room.

Member Parisi said there are other places on the property where the existing house can be expanded for more living area. Changing the height would be unique and special.

MOTION carried, 4-0.

3. [Planning Division Manager Update](#)

Chad Daines, OV Principal Planner, gave the following update:

- Upcoming Neighborhood Meetings: Taco Bell & Big Horn Commerce
- CDRB and Town Code amendments - June 1, 2011, Town Council meeting
- Design Standards - July 6, 2011, Town Council meeting
- Zoning code amendments: Major General Plan amendments file date to be extended and request to allow outdoor displays in commercial districts.

[ADJOURNMENT](#)

MOTION: A motion was made by Member Zinkin and seconded by Vice-Chair Fields to adjourn the BOA meeting at 4:24 p.m.

MOTION carried, 4-0.

Prepared by:

Suzanne Molinar
Recording Secretary

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular session of the Town of Oro Valley Board of Adjustment of Oro Valley, Arizona held on the 24th day of May, 2011. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 2011.