



Zoning Adjustment Case Narrative

Address: 7941 north 55th street, paradise valley, Arizona 85253
Parcel: 169-06-076B
Zoning: R-43 [Hillside]

Variance Requests:

1. Allow a gross disturbed area of 20,950 sf with a final net disturbance of 18,388 sf [41.6%]
Section 2207.III.F: The total Disturbed Area shall not exceed the allowed percentage of the Lot area as shown in TABLE 1 below.
2. Allow a max cut height of 38'-0"
Section 2207.III.C: The maximum height of any Cut used to establish a Building Site shall not exceed 30 feet.

Site Analysis:

The property is zoned R-43 [hillside] and is 44,180 sf [1.014 acres]. The property is semi-rectangular shape approximately $\pm 169'$ wide and $\pm 264'$ deep and is oriented in an east – west direction. The lot is boarded by the Mummy Mountain Preserve to the north and east and residential properties to the south and west.

Lot conditions / hardships:

- The property is Lot 25 of the “El Dorado Estates” subdivision which was created in 1974 in Maricopa County and annexed into Paradise Valley in 1982. The lot was created before Paradise Valley implemented the Hillside Ordinance in 1984, with further restrictions increasing in 2018. The property cannot be created today under the current Hillside Ordinance. The average lot slope of over 43% would require the lot to be a minimum of 365,900 sf [8.4 acres] vs the current lot size of only 44,180 sf [1.014 acres]

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- The slope of the lot on average is over 43% and most of the lot is steeper.
- The lot has approximately 2,200 sf of existing disturbance from the creation of 55th street in the mid 1970's. The street cut created an unnatural slope that ranges from 45%-75% grade from the street level resulting in a steep and difficult access on the frontage of the lot.

The existing lot conditions are special circumstances applicable to the property that are not self-imposed and do warrant the requested variance. Without the variances the strict application of the Zoning ordinance will deprive the property of privileges enjoyed by other property of the same classification in the same zoning district.

Request # 1 (Disturbance):

Allow a gross disturbed area of 20,950 sf with a final net disturbance of 18,388 sf [41.6%]

Section 2207.III.F: The total Disturbed Area shall not exceed the allowed percentage of the Lot area as shown in TABLE 1 below.

Hillside calculations:

building pad slope	44.4% [54'-0" vert. / 121'-6" horiz.]
allowable disturbed area	4,241 sf [44,180 sf x 9.6%]
driveway/ auto court reduction	0 sf [3,730 sf x 0%]
	exceeds 18" from natural grade
building footprint	3,675 sf
existing disturbed area	2,200 sf [from construction of 55 th street]

proposed disturbed area:

gross area	20,950 sf
existing disturbed area	+ 2,200 sf [existing not included in gross area]
building footprint	- 3,762 sf
driveway reduction	- 0 sf
restoration	- 1,000 sf
net disturbance	18,388 sf [41.6%]

Variance criteria:

- ***"that there are special circumstances applicable to the property, which may include circumstances related to the property's size, shape, topography, location, or surroundings; and"* [town code section 2-5-3(C)4].**

The property was platted in 1974 in Maricopa County and annexed into Paradise Valley before Hillside regulations were adopted as a result the lot is undersized and cannot be created under the current hillside ordinance. If the lot was the correct size of 365,900 sf [8.4 acres] the proposed net disturbance of 18,388 sf would be well under the allowed disturbance of 35,126 sf.

Lot has an average lot slope of over 43% which limits the amount of disturbance permitted under the current hillside ordinance.

There is an existing 2,200 sf of disturbance from the road cut when 55th street was built in the mid 1970's

- **"That the special circumstances applicable to the property were not self-imposed or created by the property owner; and" [town code section 2-5-3(C)4].**

The lot size and site conditions are not self-imposed nor created by the property owner. The steepness of the lot, size and the existing disturbance are the result of how the property was originally platted and the existing road cut.

- ***"That the strict application of the Zoning ordinance will deprive the property of privileges enjoyed by other property of the same classification in the same zoning district"* [town code section 2-5-3(C)4].**

The property is unbuildable without variance under the current zoning ordinance. The lot slope, size and existing disturbance creates a hardship that with the strict application of the zoning ordinance will deprive the property of privileges enjoyed by other similar properties.

Request # 2 (Overall cut):

Allow a max cut height of 38'-0"

Section 2207.III.C: The maximum height of any Cut used to establish a Building Site shall not exceed 30 feet.

Variance criteria:

- ***"that there are special circumstances applicable to the property, which may include circumstances related to the property's size, shape, topography, location, or surroundings; and"* [town code section 2-5-3(C)4].**

Lot has an average lot slope of over 43% which limits the cut height. The proposed residence is designed to balance the height of the driveway retaining wall height and the overall cut height without burring the entire building below natural grade.

- **"That the special circumstances applicable to the property were not self-imposed or created by the property owner; and" [town code section 2-5-3(C)4].**

The slope of the lot is the natural site condition and is not self-imposed nor created by the property owner.

- ***"That the strict application of the Zoning ordinance will deprive the property of privileges enjoyed by other property of the same classification in the same zoning district"* [town code section 2-5-3(C)4].**

The property is unbuildable without variance under the current zoning ordinance. The lot slope, size and existing disturbance creates a hardship that with the strict application of the zoning ordinance will deprive the property of privileges enjoyed by other similar properties.

Design Narrative:

The property owners hired The Construction Zone to design their home on this lot due to our extensive experience designing and building on hillside lots throughout the valley. We understand that each hillside lot is unique, and that the hillside ordinance cannot be applied to every lot equally.

This lot, due to the combination of all the site hardships, is the most challenging hillside lot to date.

The Construction Zone's design philosophy is to always work within the intent of the hillside ordinance.

- Preserving and protecting the hillside environment
- Reducing the scarring effects of roads and drives
- Minimizing the impact of the development from viewpoints on the valley floor and adjacent slopes
- Preventing unnecessary grading or stripping of vegetation
- Preserving visual open space

Design Challenge: Vehicle access & driveway:

The primary challenge with this site is vehicle access. The existing cut along 55th street in conjunction with the steep lot slope creates a significant hardship. The most logical place to access the site is towards the south where 55th street is higher in elevation and the cut is less steep.

After extensive studies we determined that there are only two options for getting vehicles onto this site and both options require multiple variances.

Option 1: [required too many variances]

Driving directly off 55th street into a garage that is buried into the mountain side. This option had the proposed residence located on the front setback, allowing the house to sit at a lower elevation on the lot. This reduces the visibility of the house off site and allowed for a smaller disturbance limit. This option, however, resulted in a "three story" residence that required over eight variances.

This was the first design that was presented. Even though we strongly believed that this design meets the "intent" of the hillside ordinance the sheer number of variance required prevented us from moving forward.

Option 2: [proposed design]

The only other way of getting a vehicle onto this lot is by having a driveway that starts towards the south that cuts to the north across the site to have the

distance to gain the elevation necessary to gain access to a garage at the lower level of the residence.

This proposed driveway requires retaining walls and large footings that will need to be located at safe distance from the existing road cut. This pushes the driveway and proposed residence towards the east, further up the hill which will require a larger proposed disturbance. This option however only requires two variances.

Building Design:

The proposed residence is a two-story linear house that will meet all the height requirements. This allows the building to touch the ground with as minimal footprint as possible, creating less visible roof area and physical disturbance. Stacking the floor levels allows for an efficient use of space and makes the entire house accessible with the use of an elevator. Accessibility is one of the primary requirements for this house.

The Hillside Ordinance is written to discourage two story homes. The Ordinance only allows for the "footprint" of the building to be subtracted from the gross disturbance area and does not allow for the second story to be deducted. Even though the second story is required to be included in the Floor Area Ratio, it can not be used to reduce the Net Disturbance. This, in our opinion, goes against the intent of the ordinance. A larger house that touches and disturbs more desert, creating physically more disturbance would result in a smaller net disturbance on paper only.

As stated, our goal has always been to touch the natural desert floor as little as possible. Even though, on multiple occasions, Paradise Valley staff provided suggestions to stagger the building to minimize / eliminate variances we were able to find other solutions that allowed us to eliminate the variances that were in question and still maintain a building that is completely accessible. Staggering the building would require stairs or increased area for ramps that is not feasible for this site.

The building placement on the site is dictated by vehicle access. The house is set as close to the front property line as possible while maintain the minimum required distance for a car to back out of the garage.

The proposed driveway and residence is located as close to the property line, downhill, as possible to reduce the driveway slope and visual appearance of the house off site, while maintaining a safe distance from the unusually steep existing road cut.

Even though a significant retaining wall would be required to allow for the only viable vehicle access onto the site, the proposed design will meet the retaining wall requirements through extensive natural boulder work on the west side of the driveway. Even though the retaining wall is in conformance landscaping will be used to help screen the wall.

The house will be oriented parallel with the topography vs the property line to utilize the natural conures to minimize the overall cut and disturbance.

The finish floor of the house is set as low into the grade as possible to reduce the building height / visual appearance, while still allowing for egress out of the lower level bedrooms.

The main roof will be sloped downhill, with the grade to keep the house under the 24 feet from finish grade and well below the 24 feet from natural grade. The building height, at the garage is set to meet the 24 feet from finish grade. Any shifting forward / staggering the building will push the building over the maximum height limit requiring an additional variance.

Due to the orientation & steep site slope, the main outdoor living area is located to the east side of the house. During the summer, a west facing outdoor space is nearly unusable due to the harsh sun conditions. The main living area would be required to be located at the lower level of the home bring it closer to the driveway, and in full view of the surrounding properties. It would most likely also result in additional variance for over height retaining walls and overall height. Locating the outdoor space to the east allows for the building to protect the space from the late afternoon sun and also screen the public spaces from view from neighboring properties. It also allows for the main living space to be located on the upper level maximizing the views.

Locating the outdoor space to the east also allows us to classify the space as a "courtyard" This allows us to eliminate several variance requests that are necessary for the site retaining walls that are protecting the house from stormwater and debris from the mountain. All equipment, such as HVAC units and pool equipment will be located in this space, out of view from neighboring properties.

Surface retention on a hillside lot, especially one that has a lot slope of over 43%, is impossible without creating a series of retaining walls to create a "flat area" for the retention basin. Due to our extremely limited allowed disturbance having any surface retention will only increase the variance request for additional disturbance. We are proposing to capture the required stormwater and pipe it to an underground detention system under the driveway. This eliminates visible retaining walls and places the system in an area that is already disturbed.

A rock cut / swale located behind the house, east side, is required to allow for proper drainage around the house and to protect it from any debris that can roll down from up the mountain. The cut height will vary, but is a result of the cut required to build the retaining walls that will protect the house. A minimum 4 foot zone is required behind the wall to build and waterproof the wall. Per the Geotech report a 1:2.5 cut is allowed. During construction we will have ACS [Geotech engineer] inspect the actual conditions to see if we can create a more vertical cut to reduce the disturbance.

Variance process:

During the design & variance process the Construction Zone and the owners have worked in tandem with the town staff to design a residence that meets the owner's requirements while reducing / eliminating variance requests to gain staff support.

After many meetings and design iterations our proposed design for this challenging lot only has two variances.

1. Increased disturbance: which is unavoidable since the lot is significantly undersized.
2. Increased overall cut: which is a typical request for a lot that has a slope of over 43%

We hope that the board members understand how difficult this site is and the effort the design team, owners and town staff has made to refine the design to only require the two variances.