

**Date:** February 10, 2025

**Attn:** Community Development  
Town of Paradise Valley

**Project:** 6521 N 40th Place  
Paradise Valley, AZ 85253  
APN:169-52-020

## PROJECT NARRATIVE FOR VARIANCE

6521 N 40th Street is an R-43-zoned, 0.87-acre (37,897 sq ft) property just north of Lincoln Drive, situated on a rise that drops off towards the west and south. As of this writing, a 1960's house exists on the property; notwithstanding certain architecturally interesting characteristics, it has become something of an eyesore for the neighborhood. Our clients, Dr. and Mrs. Yogesh Amin, intend to replace the existing structure with a new 5,760 square-foot family home.

Though the slope of the property does not place it in a Hillside category (the approximate overall site slope is 7.25%), the abrupt slope of the lot at the west and south portions of the lot significantly affects the ability of any home design to comply with the Town's Open Space requirements regarding roof heights. This is specifically due to the required use of the 20' setback lines as the benchmarks from which to calculate roof heights, which is especially challenging due to the uneven terrain at these setbacks. Additional hardships caused by the lot include a shallow dimensional depth: whereas the Town Code requires R-43 lots to be a minimum of 205' deep, this property has a depth that varies from 177' to 210' (with an average depth of approximately 190').

With this in mind, the property owner and design team herewith request variances for roof heights in excess of the Open Space Criteria and in excess of the 24' height limit as exhibited in the Roof Plan and Elevations. As indicated, the proposed area of roof in excess of the Criteria would pertain to approximately 16.2% of the proposed roof area, with a maximum of 5.9' above the Criteria (in one location just west of the middle of the site). The proposed roof area in excess of the 24' height limit pertains to

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approximately 20.0% of the proposed roof area, with a maximum of 4.5' above the 24' limit (at the ridge just south of the middle of the site). Note that were this a Hillside property, the roof heights would be in compliance, at less than 24' above natural grade in all portions of the proposed structure.

Several notes illustrating the rationale behind the proposed layout of the residence on the site:

- The proposed residence is located largely on the footprint of the existing building, which is pushed back from the front property line approximately 60' on average;
- The proposed finished floor elevation is at roughly the same elevation of the existing structure.
- The roof masses are generally low slung; no more than 13' higher than finished floor, with the exception of the central roof mass, which rises 18.1' above the finished floor elevation.
- The existing building encroaches on the rear setback; the proposed building corrects this issue.

In all, the owner and design team have taken steps to create a home that is tailored to the unique characteristics and limitations of the site and is respectful to its neighbors. Even though a number of steps have been taken to reduce the impact of the height of the building, the above-mentioned hardships still remain, therefore precipitating this variance request.

Please feel free to contact me directly with questions regarding this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Victor E. Sidy', with a stylized flourish at the end.

Victor E. Sidy, AIA LEED AP  
Victor Sidy Architect

**SITE PHOTOS:**

*View from N 40th Place from northwest corner of property, showing steep slope on west side of lot:*



*View from N 40th Place from southwest corner of property, showing steep slope on west and south sides of lot:*



*View at southwest side of existing house towards the east, showing a gradual easing of slope towards the east:*





View from west side of existing house towards the northwest, indicating the steep drop towards the street:



View from south side of existing house towards the west, indicating slope of property on south side:



View from east side of existing house towards the north, indicating the otherwise relatively flat slope of the property:





## EVIDENCE SATISFYING VARIANCE CRITERIA

**1. *“That there are special circumstances applicable to the property, which may include circumstances related to the property’s size, shape, topography, location, or surroundings” (Town Code Section 2-5-3(C)4).***

The primary exceptional circumstance related to this project is the dropping topography on the west and south sides of the property. As maximum roof heights are determined by elevations at the 20’ setback lines, this results in undue hardship for the property owner.

A secondary exceptional circumstance is the shallow dimension of the property (less than zoning minimums). On its own, this would be a negligible factor; however, coupled with the steep slopes on the west and south, there is little room on the property to shift the building further back on the lot.

A related constraint produced by the property’s slope conditions is the limit to where the entry drive can be routed in order to avoid excessive grading. This is not germane to this variance request, but was a constraint limiting the layout of the property.

**2. *“That the special circumstances applicable to the property were not self-imposed or created by the property owner” (Town Code Section 2-5-3(C)4).***

The proposed approximately 5,760 sf residence, plus 1,220 sf garage, are not unduly large by Paradise Valley standards. The project team took pains to comply with the Open Space Standards by, for example, pushing the proposed residence further away from street than the 40’ front setback requires and keeping the roof profile of the south wing of the house relatively low-slung, at 11’-0” above finished floor.

The option of terracing the building down towards the south was also explored by the design team; however, the Owners requested a design on one level to support their aging in place as time goes on. This could be seen as a self-imposed circumstance; however, the design team felt this requirement justified in terms of design and ADA best practices.

**3. *“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).***

Should this variance not be granted, the Owner would be forced to reduce the size of their proposed residence, lower the finish floor elevations of the south wing of the house, and/or reduce their ceiling/roof heights. The design team suggests that taking any of these measures would deprive the Owner of privileges enjoyed by other similar properties in Paradise Valley.

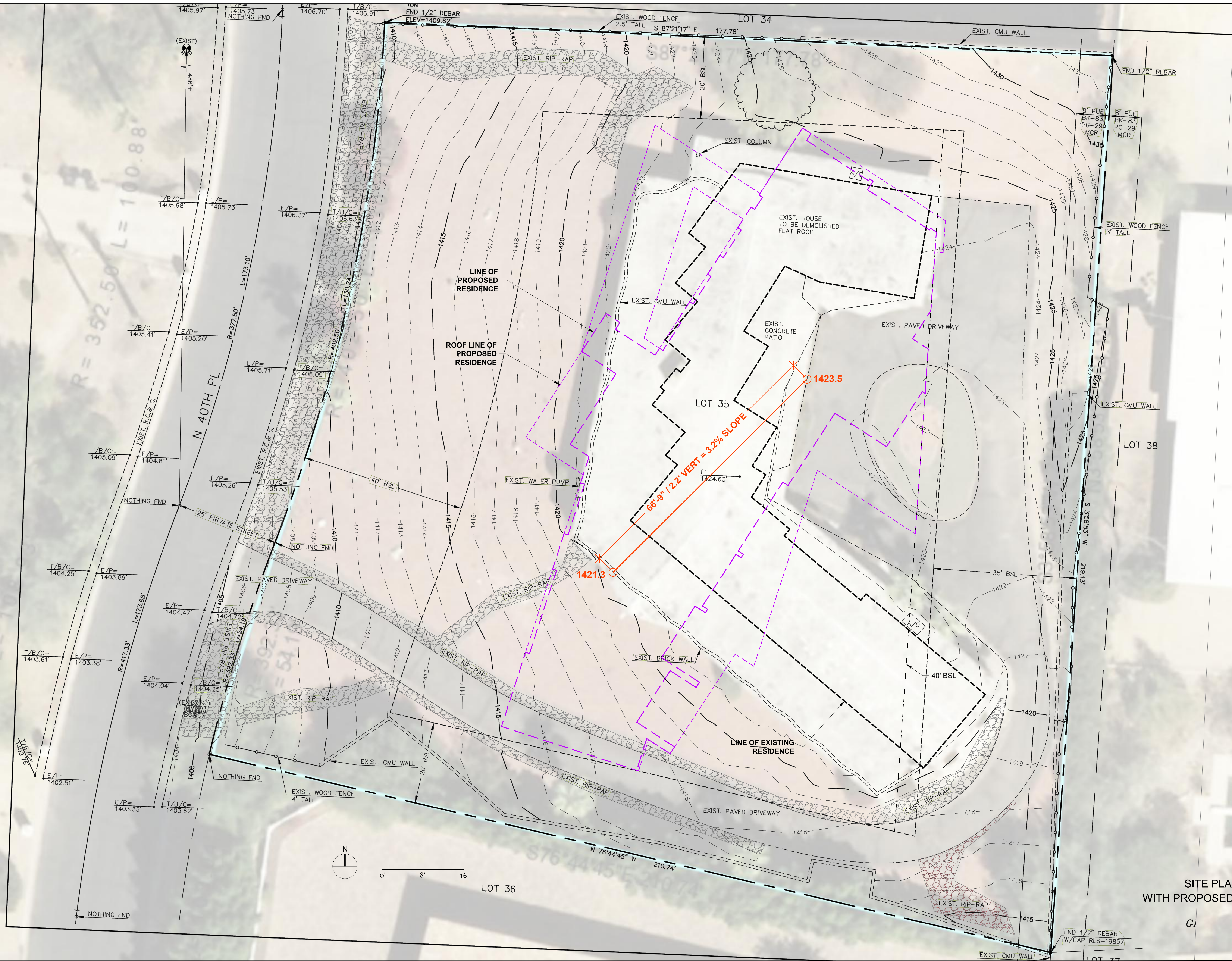
As noted previously, the proposed size of the residence is not unduly large compared to other homes built in the area. With the exception of the sloped portion of roof which rises above the rest of roofs, the proposed residence roof is fairly low-slung; the roof edge of the south Wing of the home is proposed at 11'-0" above finish floor, providing a 9'-6" interior ceiling height.

In submitting this variance request, the Owner believes that there would be no negative impact on neighboring properties as a result of such approval; and moreover, that it would allow them to transform a derelict property into a family home that contributes to elegance and vitality of the neighborhood.



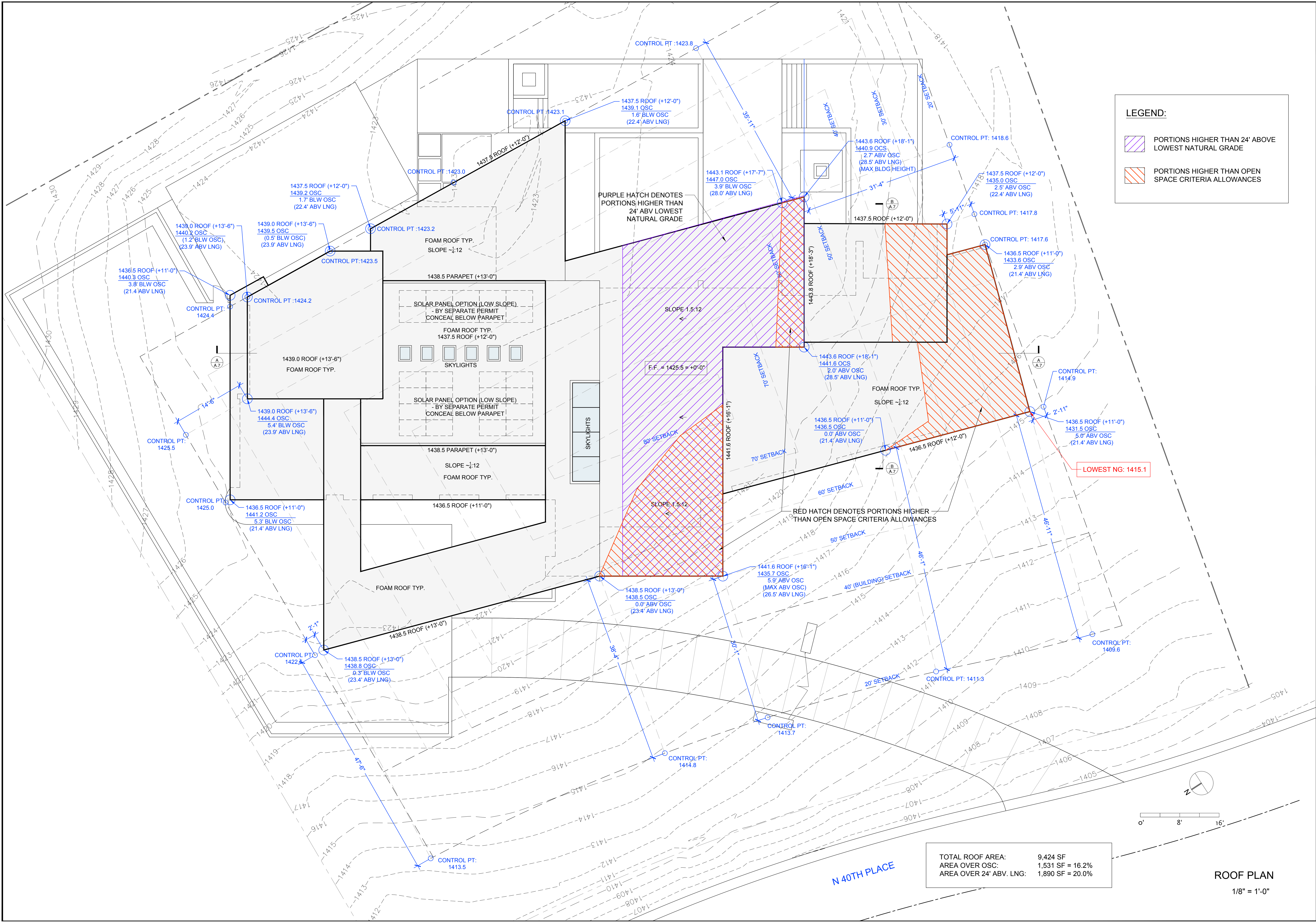






SITE PLAN - EXISTING  
WITH PROPOSED FOOTPRINT  
1" = 10'-0"









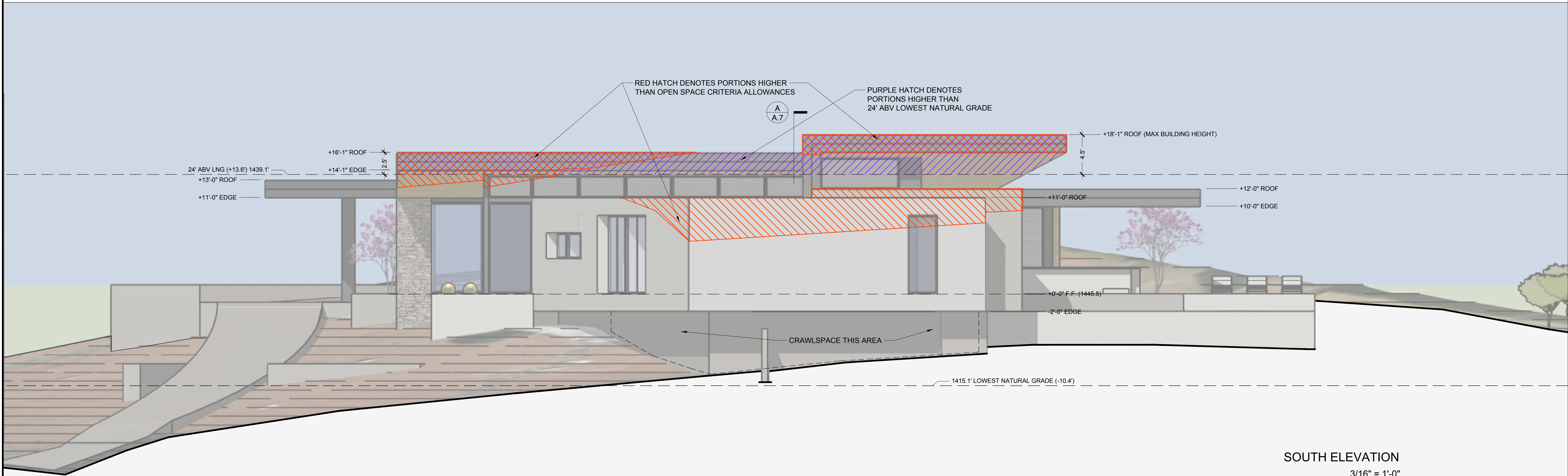
BUILDING AREAS:  
RESIDENCE: 5,760 SF  
GARAGE: 1,220 SF

FLOOR PLAN  
3/16" = 1'-0"



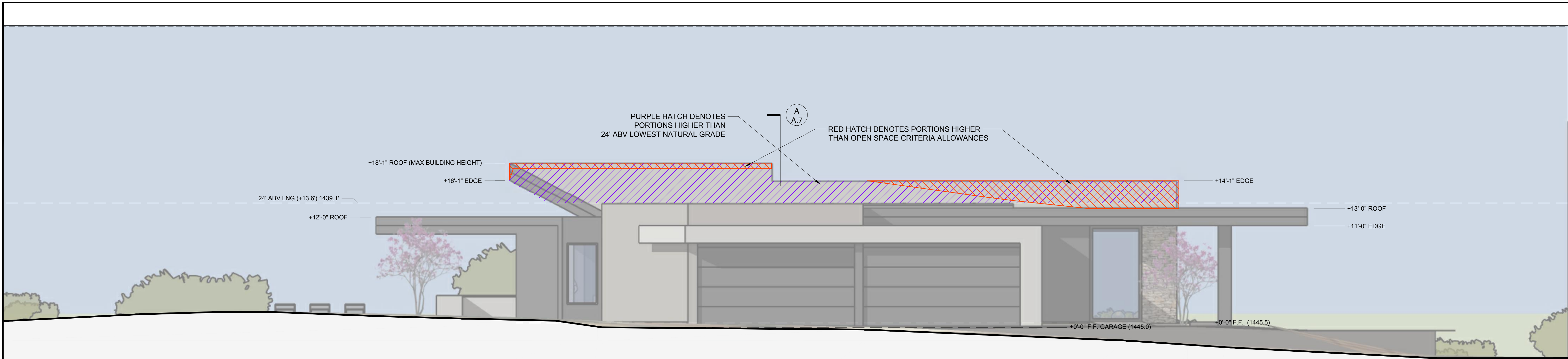


WEST ELEVATION  
3/16" = 1'-0"

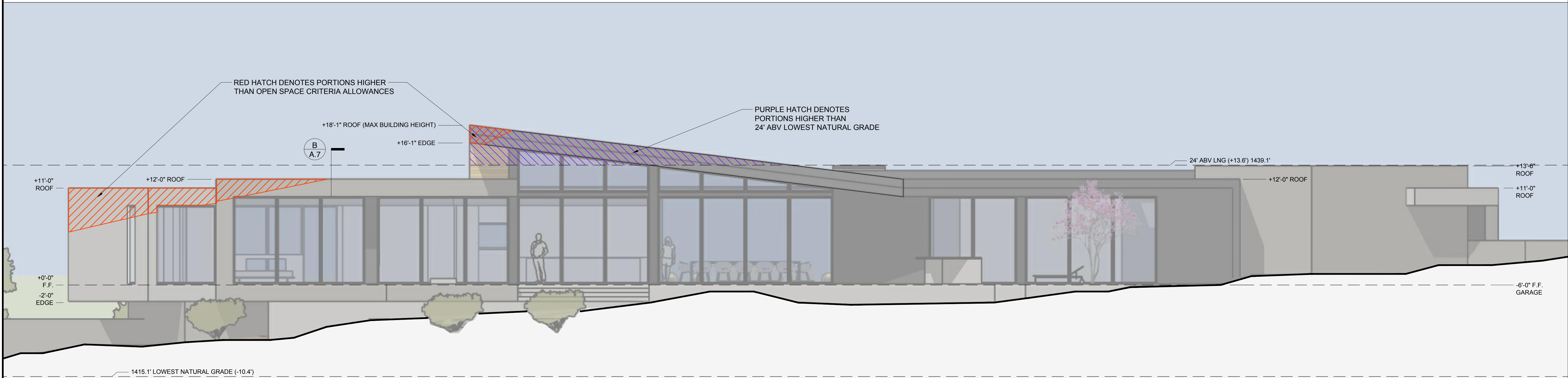


SOUTH ELEVATION  
3/16" = 1'-0"



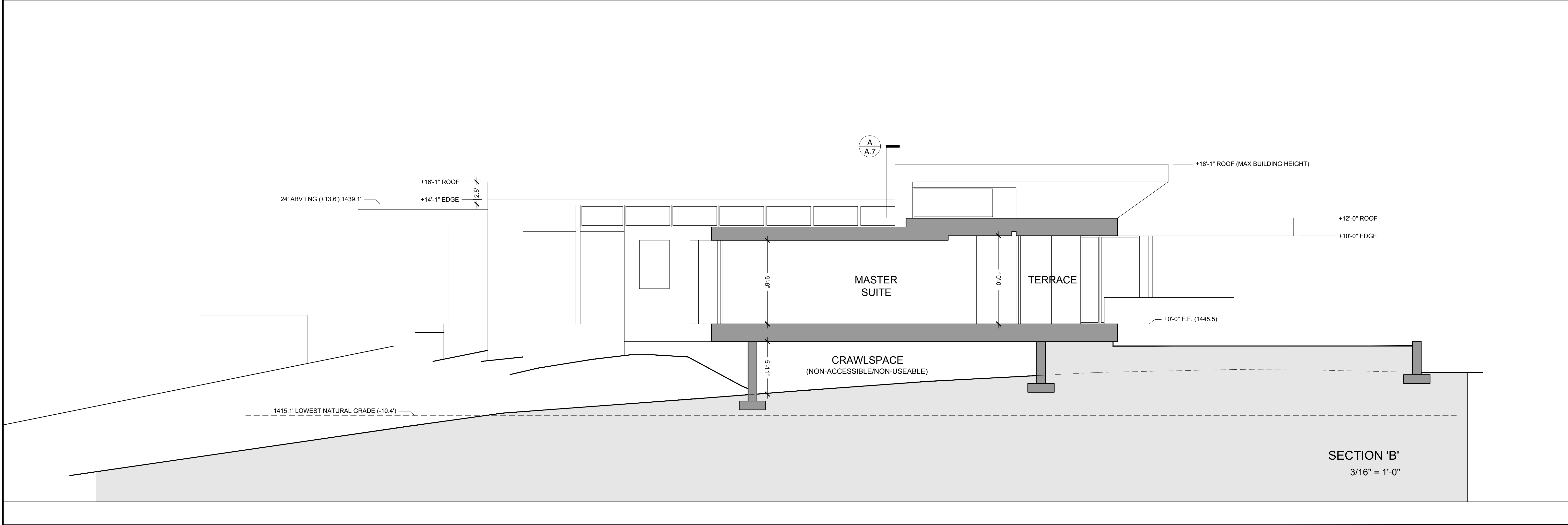
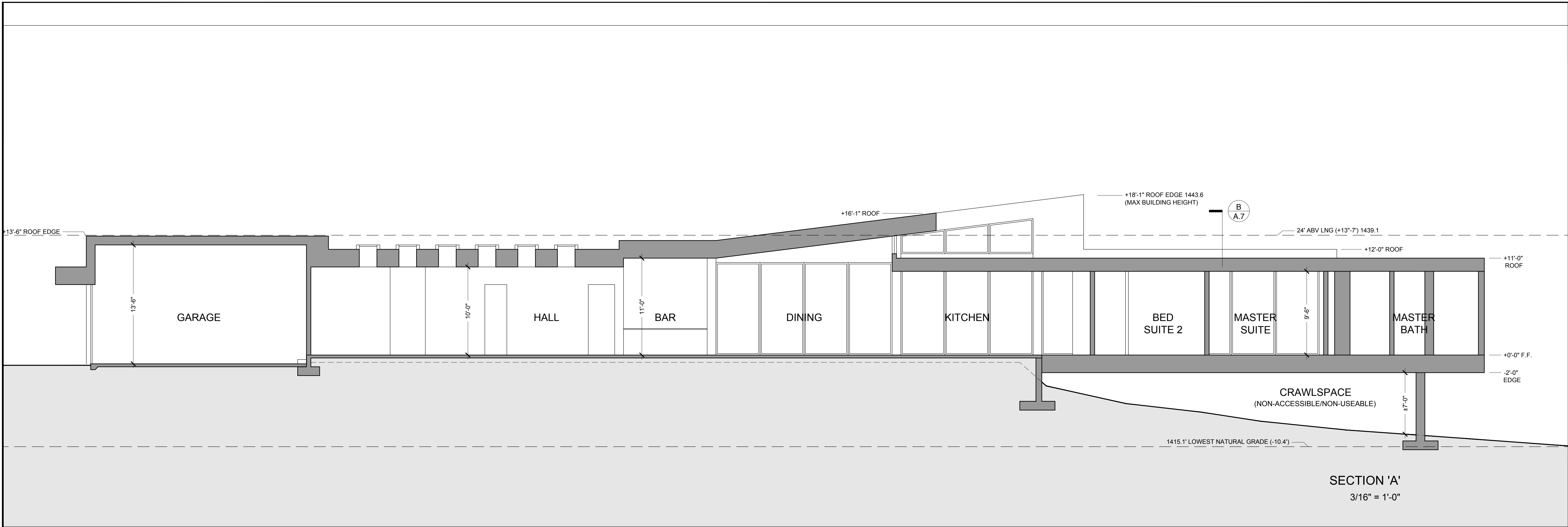


NORTH ELEVATION  
3/16" = 1'-0"

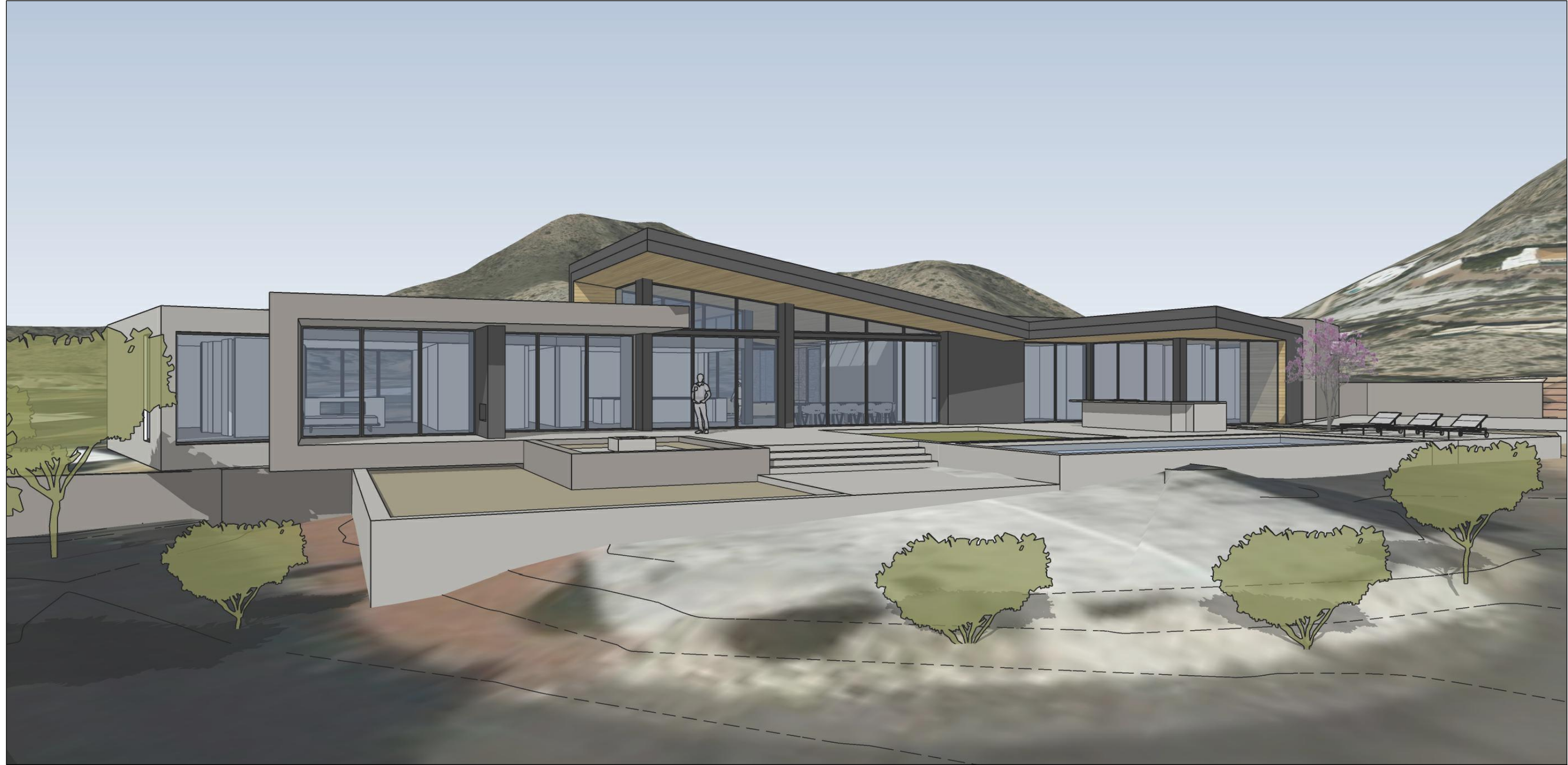


EAST ELEVATION  
3/16" = 1'-0"

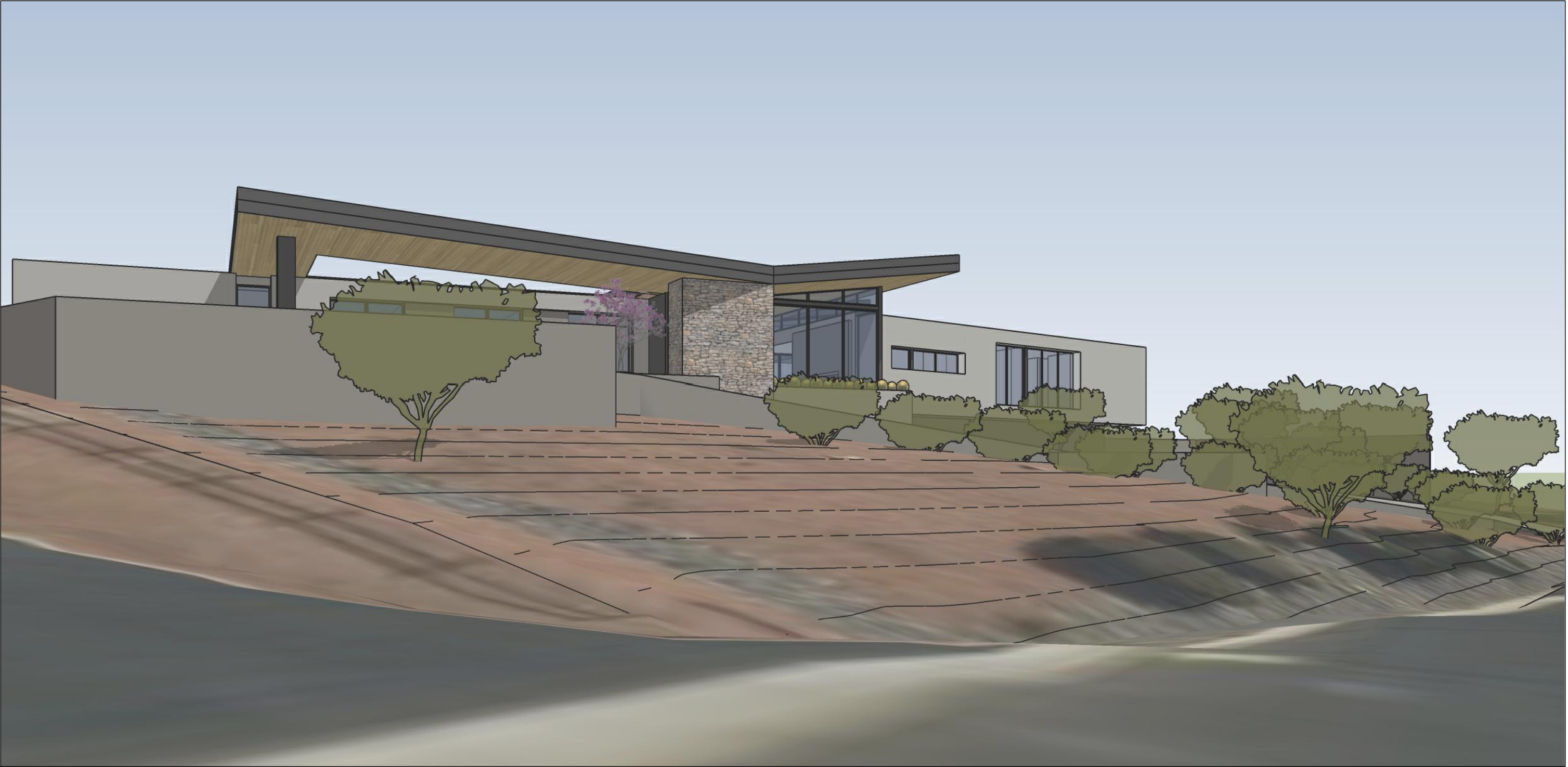








VIEW FROM SOUTHEAST



VIEW FROM NORTHWEST



VIEW FROM ABOVE



VIEW FROM SOUTHWEST