

PROPOSED ZONING ADJUSTMENT FOR
5137 NORTH TAMANAR WAY
PARADISE VALLEY . ARIZONA

DATE: 08.18.17



PROJECT TEAM

PROPOSED OWNER:

JOHN + JACKIE HAYDEN

ATTORNEY:

DOUG JORDEN

ARCHITECTURE:

J. A. RAINWATER STUDIO, INC.

CIVIL SITE SURVEY:

SURVEY INNOVATION GROUP, INC.

VICINITY MAP



PROJECT SITE AERIAL



a . rainwater

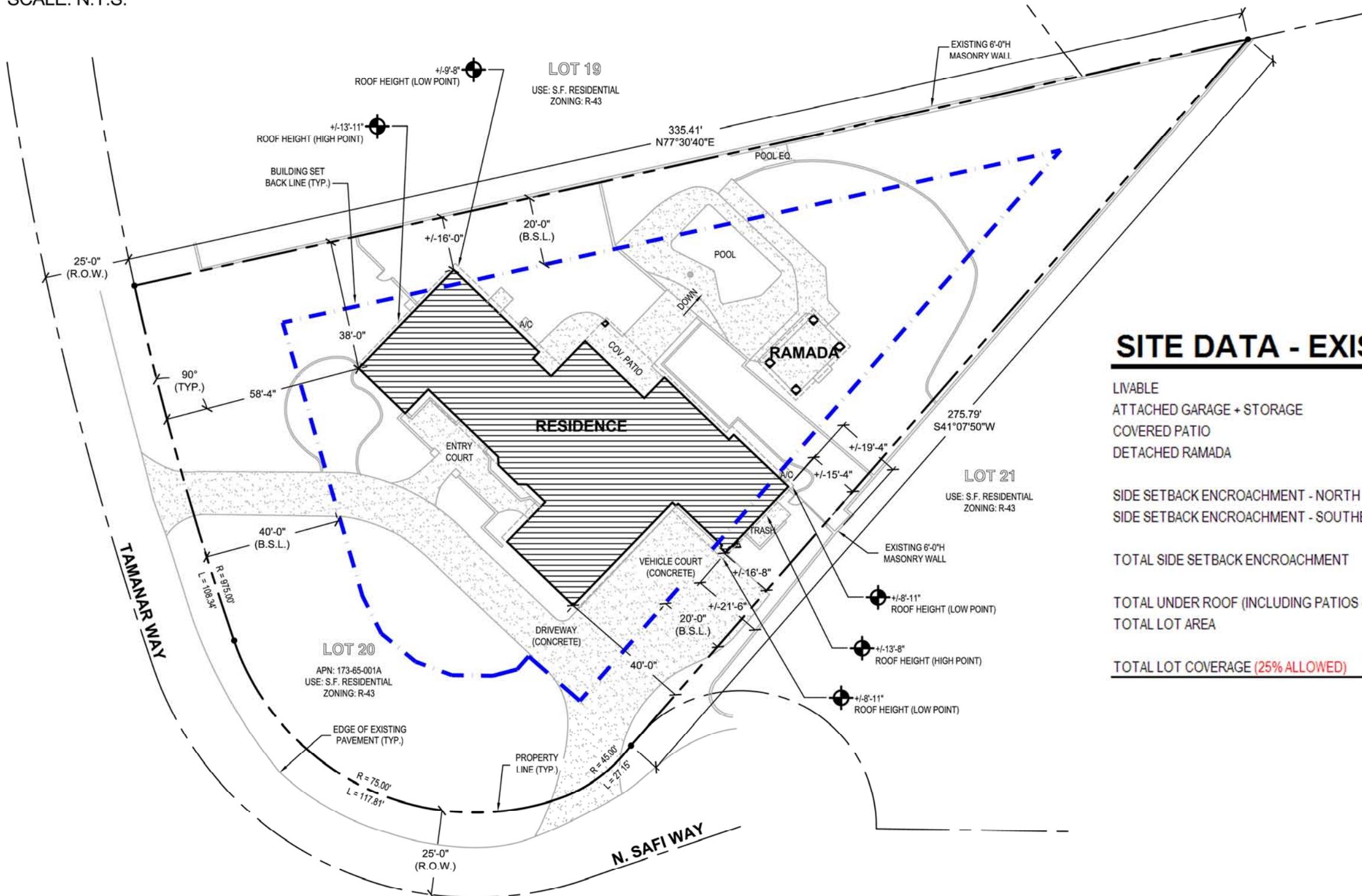
p.o. box 2317
phoenix, az 85002
ph: 480.518.3949

studio
interiors . architecture

www.jrainwaterstudio.com

EXISTING ARCHITECTURAL SITE PLAN

SCALE: N.T.S.

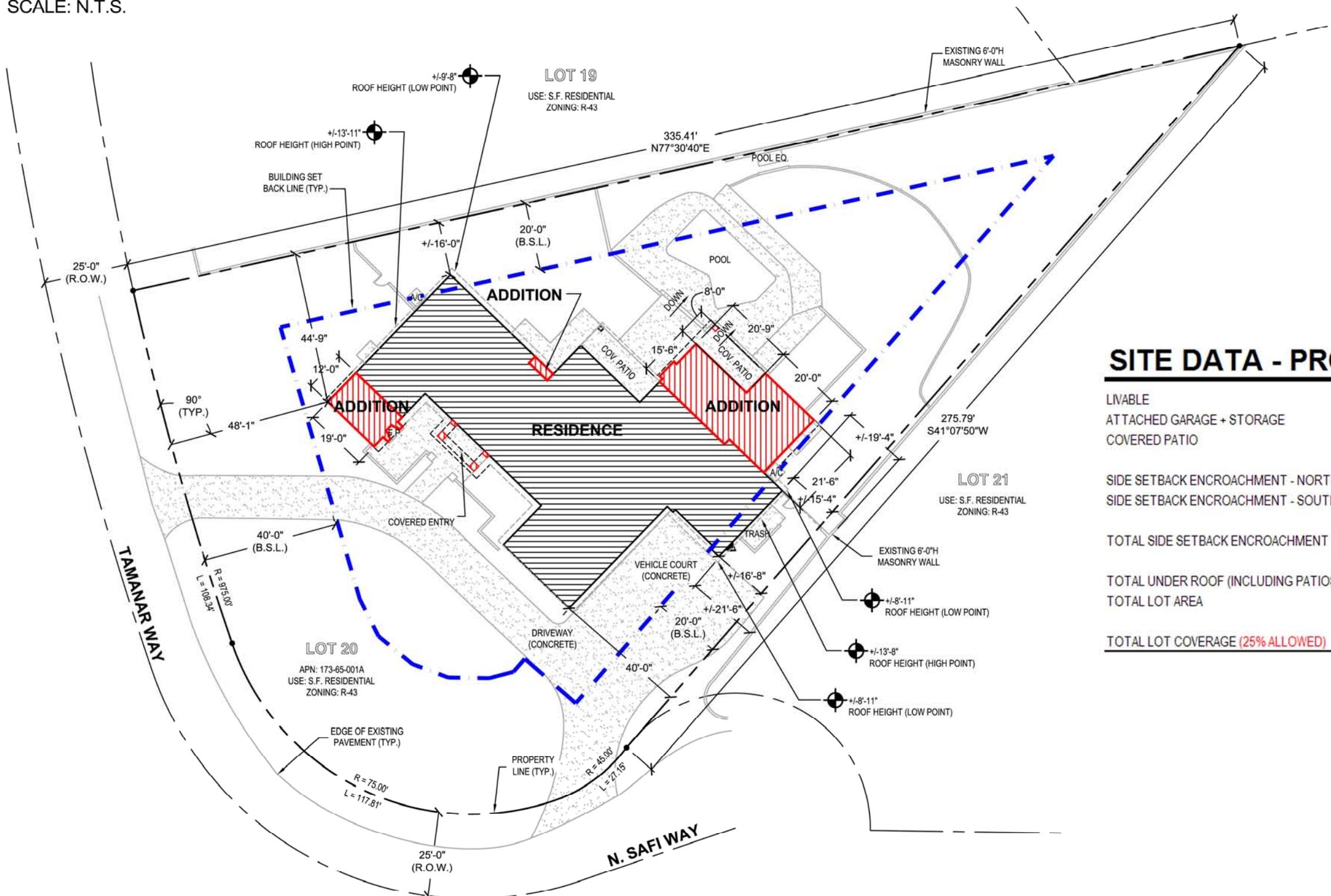


SITE DATA - EXISTING

LIVABLE	4,299	SQ. FT. (GROSS)
ATTACHED GARAGE + STORAGE	574	SQ. FT. (GROSS)
COVERED PATIO	228	SQ. FT. (GROSS)
DETACHED RAMADA	351	SQ. FT. (GROSS)
SIDE SETBACK ENCROACHMENT - NORTH	20	SQ. FT. (GROSS)
SIDE SETBACK ENCROACHMENT - SOUTHEAST	112	SQ. FT. (GROSS)
TOTAL SIDE SETBACK ENCROACHMENT	132	SQ. FT. (GROSS)
TOTAL UNDER ROOF (INCLUDING PATIOS + OVERHANGS)	5,908	SQ. FT. (GROSS)
TOTAL LOT AREA	36,073	SQ. FT. (GROSS)
TOTAL LOT COVERAGE (25% ALLOWED)	16%	COVERED

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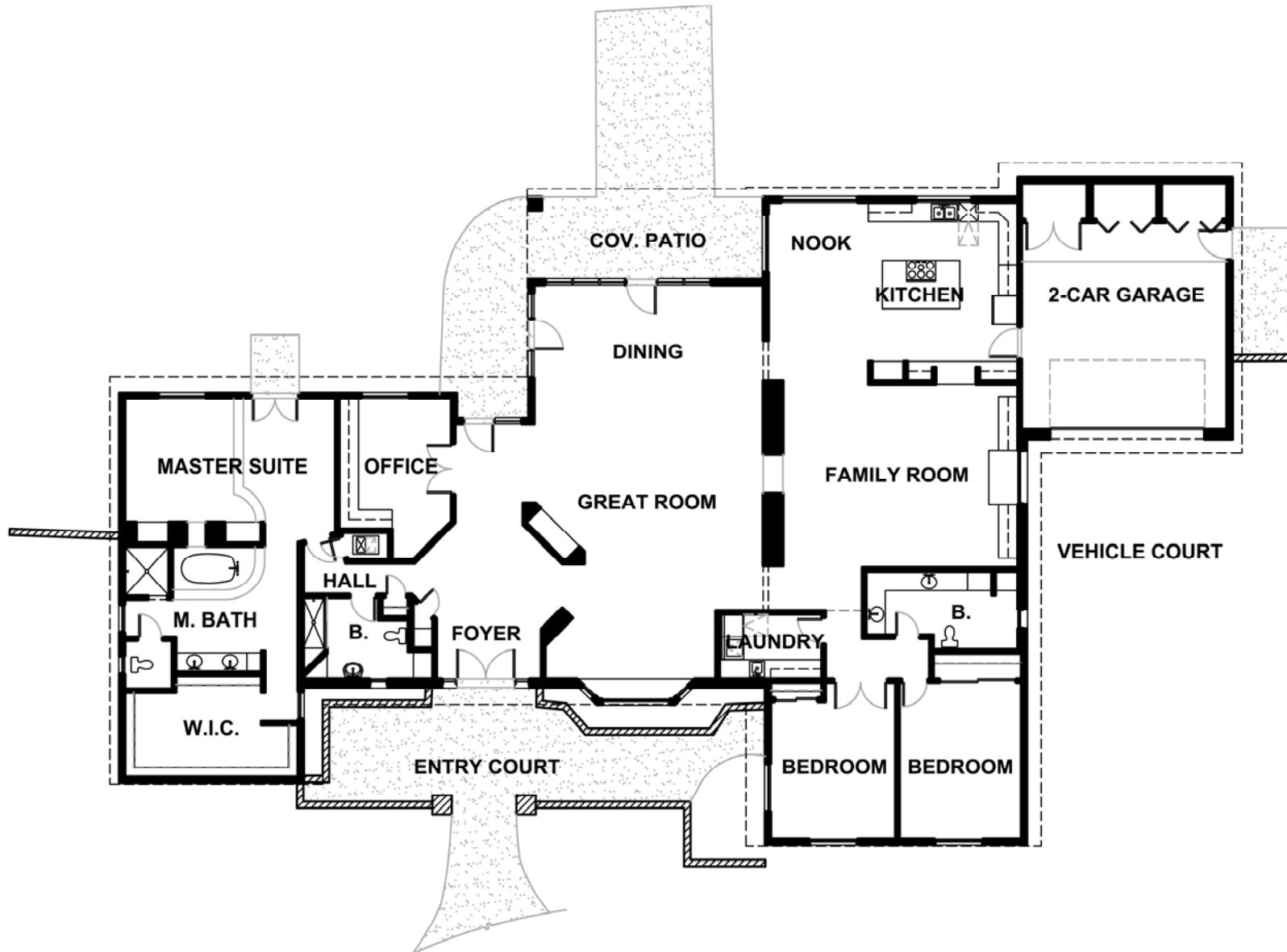
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EXISTING FLOOR PLAN

SCALE: 1/16" = 1'-0"



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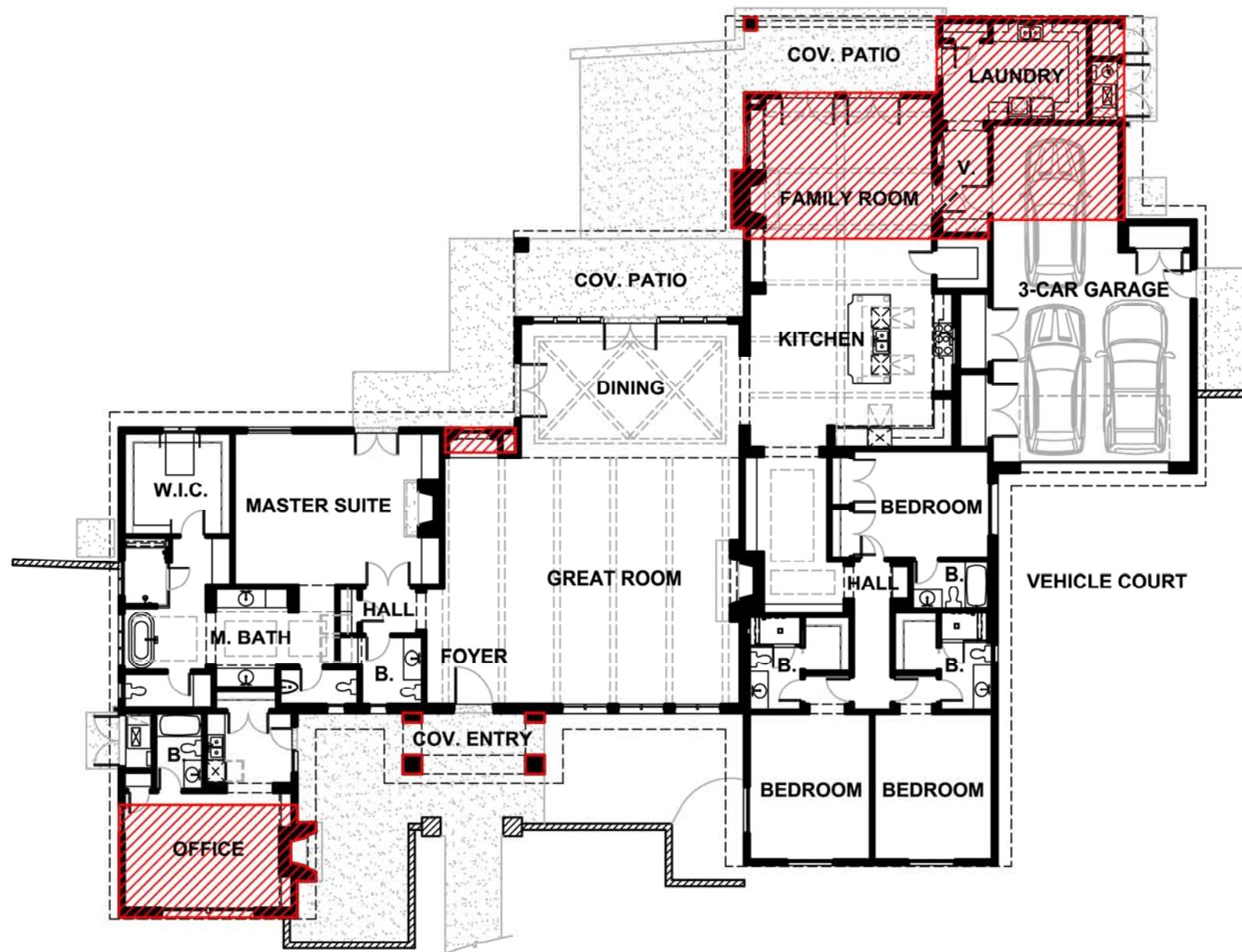
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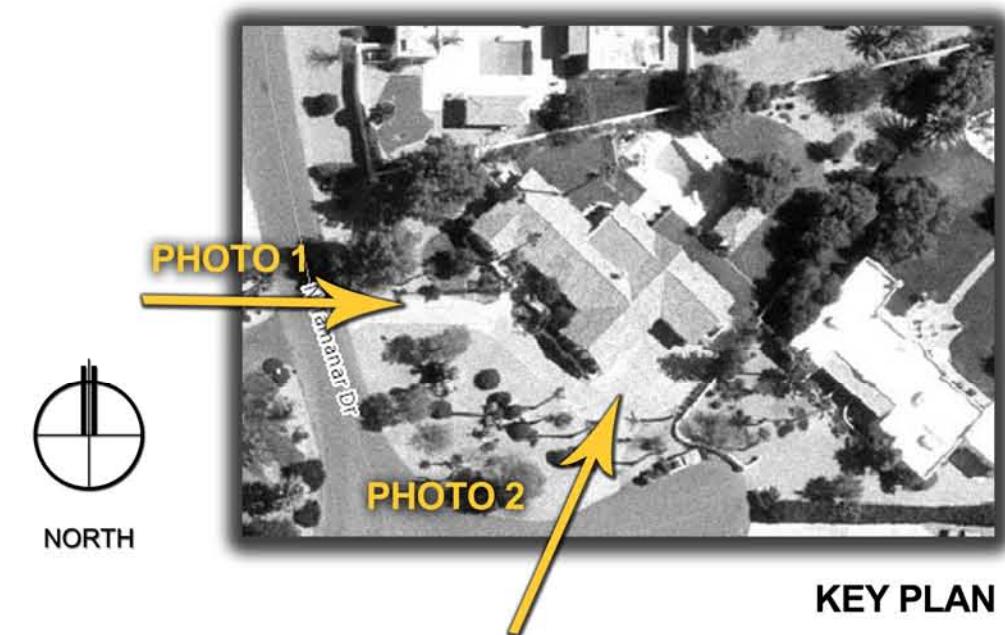
EXISTING EXTERIOR



PHOTO NO. 1
FRONT ELEVATION - LOOKING EAST



PHOTO NO. 2
FRONT ELEVATION - LOOKING NORTHEAST



KEY PLAN

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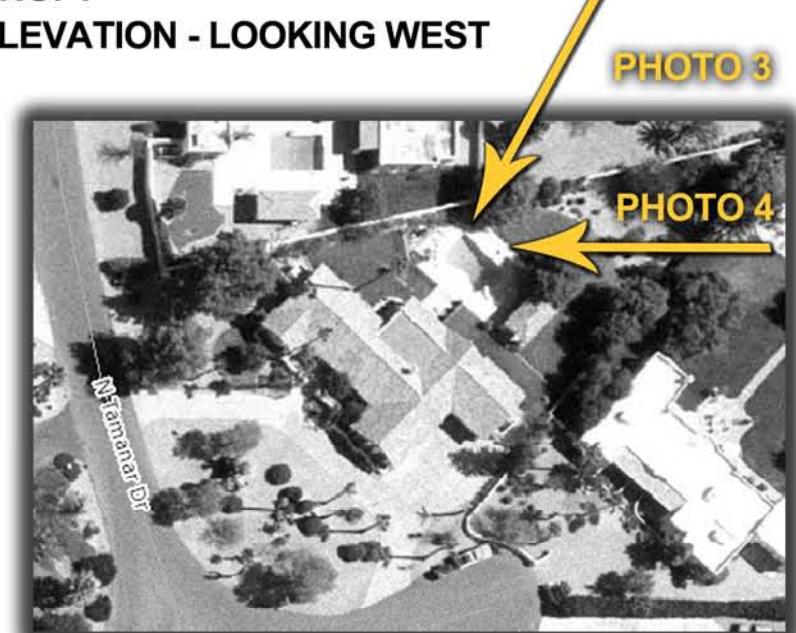
EXISTING EXTERIOR



PHOTO NO. 3
REAR ELEVATION - LOOKING SOUTHWEST



PHOTO NO. 4
REAR ELEVATION - LOOKING WEST



NORTH

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BACKGROUND

Town residents John and Jackie Hayden are under contract to purchase a house located at 5137 North Tamanar Way, which will become the Hayden's primary residence. The house was built in 1964 on an irregularly-shaped lot within the Casa Blanca Estates subdivision. The Casa Blanca Estates subdivision received plat approval from Maricopa County in 1959 and was annexed into the Town in 1974. After the purchase, the Haydens plan to make a significant investment in updating and remodeling their new home.

GENERAL OVERVIEW OF THE REQUESTED VARIANCE

The existing house, which was built in 1964 prior to its annexation into the Town in 1974, is triangular in shape, with a front yard and two side yards. There are two minor encroachments into the required side yard setbacks – approximately four feet on the north side (master bedroom area) and four and a half feet on the southeast side (two car garage). These encroachments are recognized by the Town as long-standing legal nonconformities. Due to the scope of the remodeling of the existing house, Section 2307 of the Town's Zoning Ordinance would require the existing legal nonconformities to be removed. Given the footprint of the existing home and the lot's irregular shape, a variance is requested to allow the home to be updated and remodeled without requiring the removal of the two existing encroachments. If forced to remove these two minor encroachments, the existing two-car garage would be reduced to a one-car garage.

Although the proposed remodeling would include small additions to the front and rear of the home, it would not increase any existing nonconformities and no new encroachments into the setbacks are proposed. The livable area of the house would increase approximately 801 square feet (for a total of 5,100 square feet). The variance would not have an impact on nearby homes because the side yard encroachments are existing and are largely screened by landscaping. With the proposed updates, the home would be comparable to other homes located within Casa Blanca Estates and elsewhere within the Town's R-43 zoning district.

VARIANCE CRITERIA

The Town has established six criteria to be used in evaluating variance requests. Following is a discussion of these criteria with respect to the requested variance.

1. “[S]uch variances...will serve not merely as a convenience to the applicant but [is] necessary to alleviate some demonstrable hardship or difficulty so great as to warrant a variance under the circumstances.” Town Code § 2-5-3(C)(2)(a).

The lot is an odd shape, having a front yard and two side yards. The minor setback encroachments have been recognized by the Town as long-standing legal conformities. These hardships were not self-created and warrant a variance to allow existing conditions to remain in place after the proposed remodeling. Without a variance, the existing two-car garage would have to be reduced in size to a one-car garage due to the lot's irregular configuration.

2. The “special circumstances, hardship or difficulty [do not]... arise out of misunderstanding or mistake....” Town Code § 2-5-3(C)(4)(b).

The lot's irregular shape predates the lot's annexation into the Town in 1974. The Town recognizes the existing minor encroachments into the side yards as long-standing legal nonconformities. These special circumstances do not arise out of misunderstanding or mistake, but instead arise out of the odd shape of the lot and existing conditions.

3. “[S]uch variances from...the strict application of the terms of [the Zoning Ordinance]... are in harmony with its general purposes and intents....” Town Code § 2-5-3(C)(2)(a).

The proposed updates and additions to the home will comply with the Town's requirements; existing encroachments will remain, but will not increase. The variance, which is necessary due to the lot's irregular shape and existing encroachments, will allow the home to be remodeled and updated in harmony with the general purposes and intents of the Zoning Ordinance.

4. The “special circumstances, hardship or difficulty applicable to the property are [not] self-imposed by the property owner, or predecessor...” Town Code § 2-5-3(C)(4)(b).

The special circumstances, hardships, and difficulties with the lot are not self-imposed but are long-standing and arise from the lot's irregular shape and existing encroachments. The proposed variance will have a minimal impact on nearby property owners, given the minimal size of the additions and side yard landscaping.

5. “[B]ecause of special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, 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.” A.R.S. § 9-462.06(G)(2).

The lot is within the Town's R-43 residential zoning district. Because of the special circumstances relating to the lot's odd, triangular shape and existing encroachments, the strict application of the Town's Zoning Ordinance would not allow the home to be modernized and remodeled consistent with other homes in Casa Blanca Estates and elsewhere within the R-43 zoning district.

6. The variance would not “constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is located.” A.R.S. § 9-462.06(G)(2).

Other lots in the vicinity are used for single family residences of similar or greater size and have been updated and remodeled from time to time. The grant of a variance to allow the proposed remodeling does not constitute a grant of special privilege. A variance is necessary due to the special circumstances arising from the lot's triangular shape and existing encroachments in order to allow the home to be updated so that it is consistent with homes on other lots in the R-43 zoning district and in Casa Blanca Estates.