TOWN OF PARADISE VALLEY

Case BA-23-06

6919 N Highlands Drive

Board of Adjustment

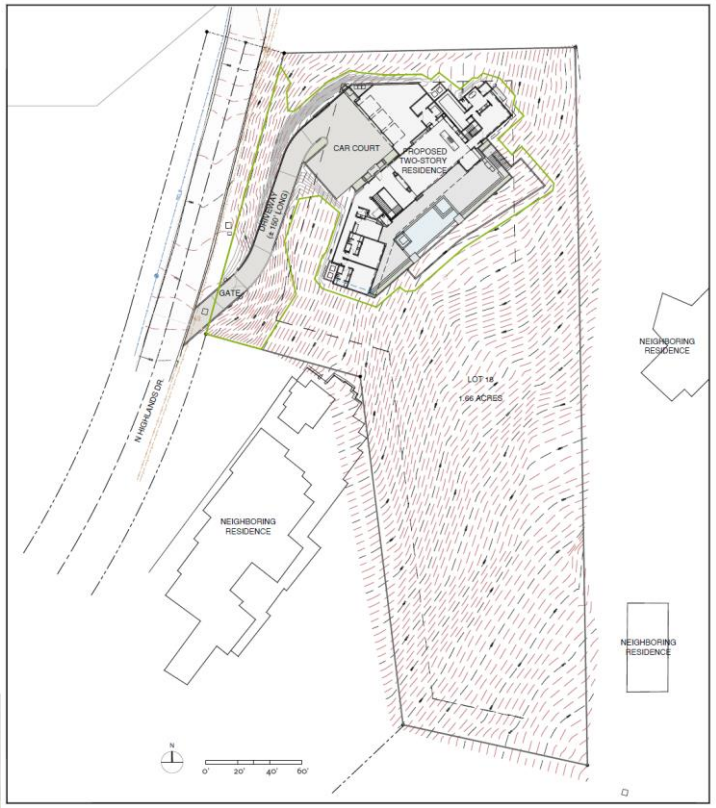
December 6th, 2023

TODAY'S GOAL

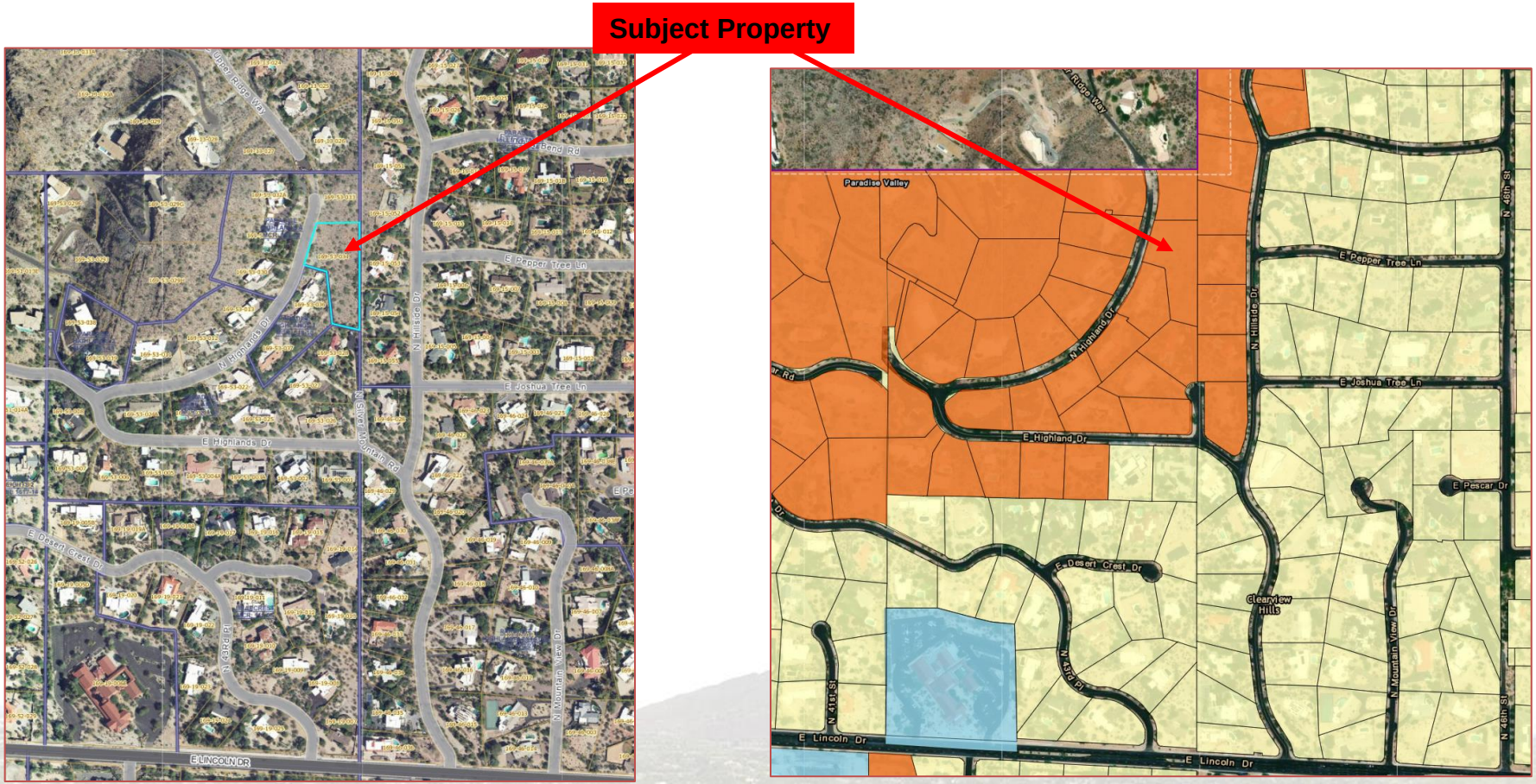
- Review and take action on variance request:
  - Approve or Deny a variance to allow construction of new single-family residence to:
  1. Exceed allowable disturbed area, and
  2. Exceed maximum allowed retaining wall height

AGENDA

- Background
- Scope of Request
- Analysis & Recommendation
- Action



VICINITY MAP



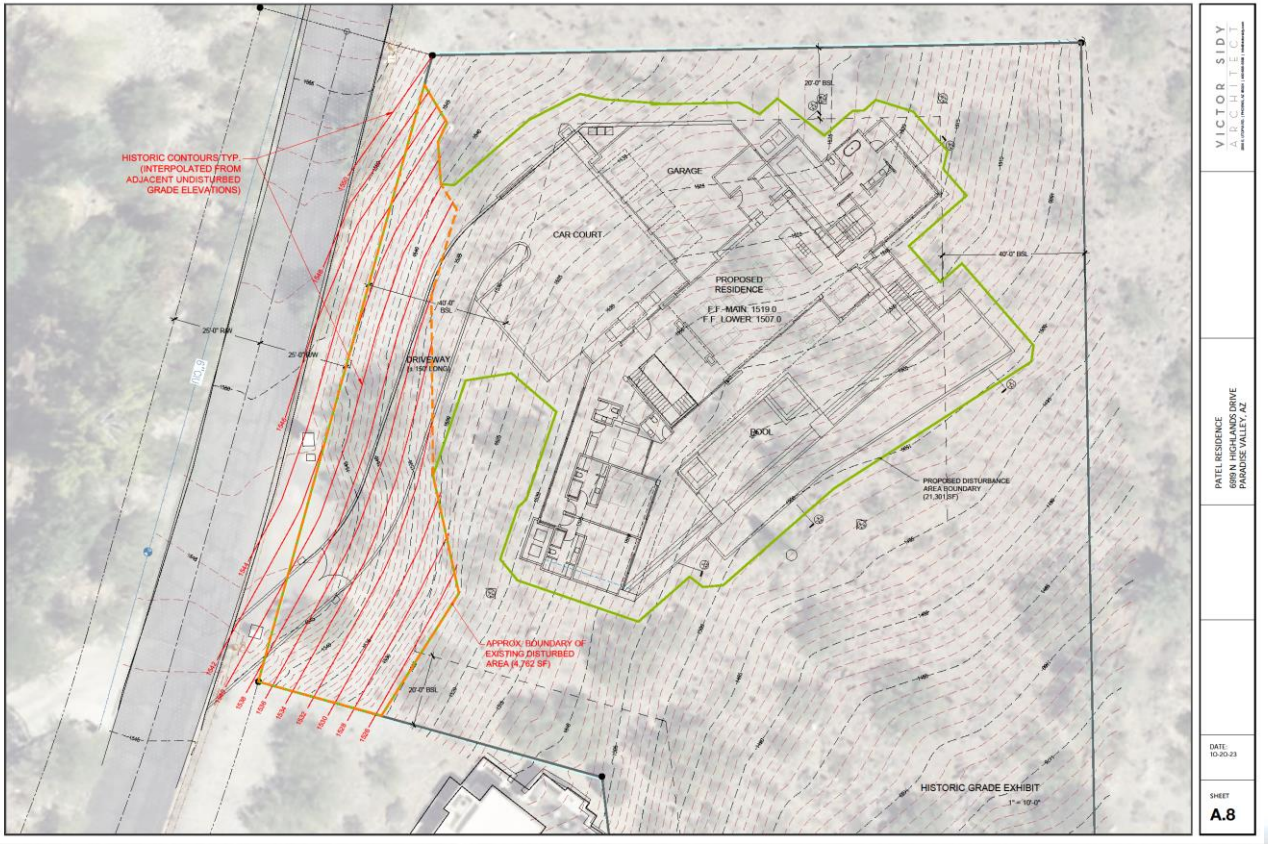
BACKGROUND

- Lot Conditions:
  - Zoned R-43; Irregular shaped lot
  - 71,043 square feet (SF) or 1.63 acres
  - Existing Disturbances due to roadway construction

BACKGROUND

- Proposed Development:
  - Steep slope and odd shaped lot with difficult access due to existing spill slope.
  - Building pad slope 28% allows for 11.28% of total 142,335 sq. disturbed area of ***8,014 S.F***
  - Proposed project disturbance ***12,721 S.F.***
    - Existing Disturbances on-site 4,737 S.F. included within this request.

EXISTING DISTURBANCE



SITE PHOTOS

① VIEW OF SITE FROM NORTH NEAR PROPERTY LINE

② VIEW FROM NORTHWEST CORNER LOOKING SOUTHWEST

③ VIEW FROM STREET AT SOUTHWEST CORNER TO SITE/NORTHEAST

REFERENCE KEY MAP

④ VIEW FROM SOUTH LOOKING NORTHEAST

⑦ VIEW FROM BELOW SITE LOOKING SOUTHWEST

⑥ VIEW FROM SITE TOWARDS SOUTH

⑤ VIEW FROM SITE TOWARDS WEST

SITE PHOTOS

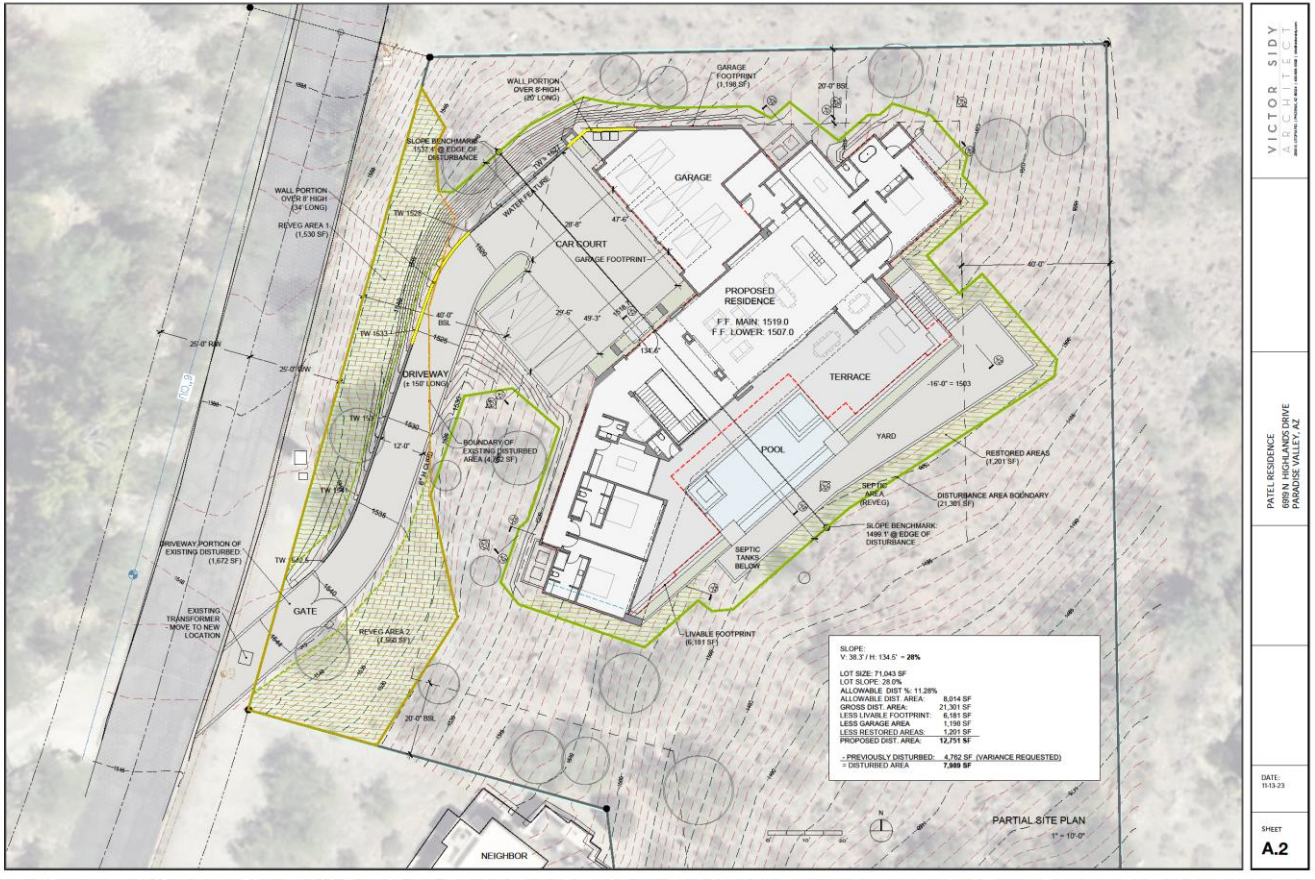
VICTOR SIDY

PATEL RESIDENCE
6888 E HIGHLAND DRIVE
PARADISE VALLEY, AZ

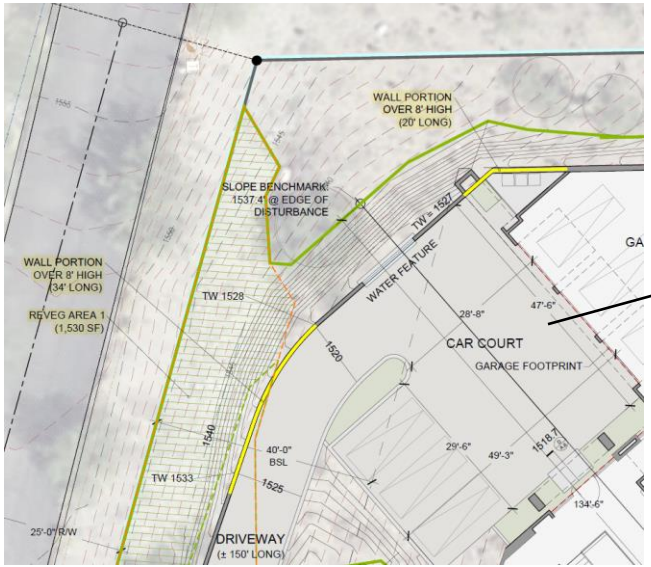
DATE:
10-31-23

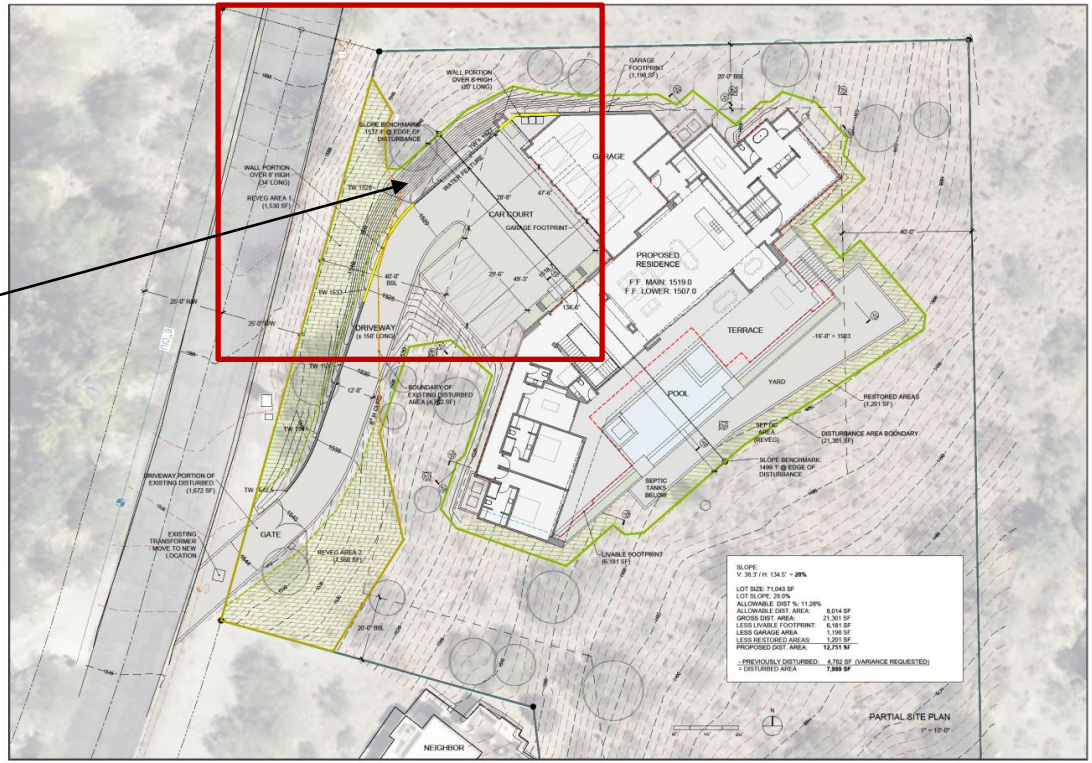
SHEET
A.11

PROPOSED DISTURBANCE & WALLS



PROPOSED DISTURBANCE & WALLS





3D VIEWS

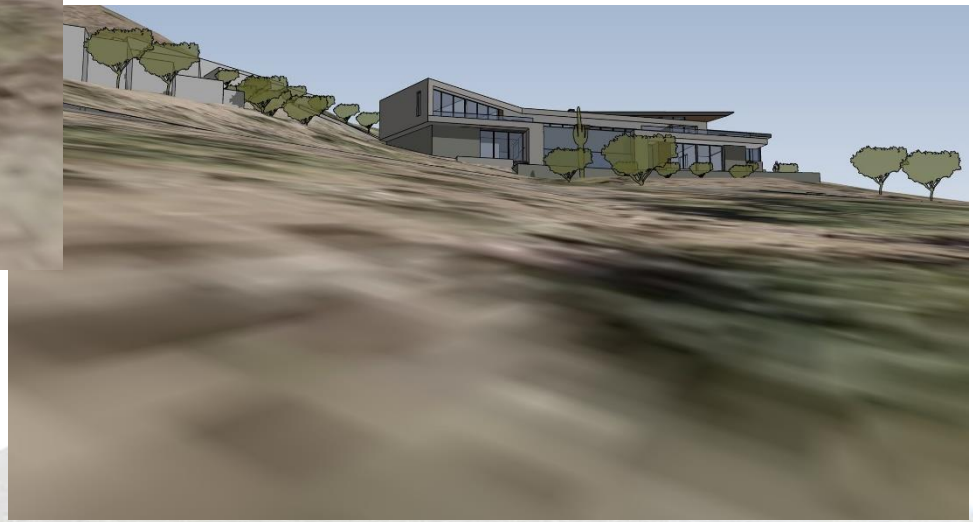
View from SW corner of property at street

View from NW corner of property at street

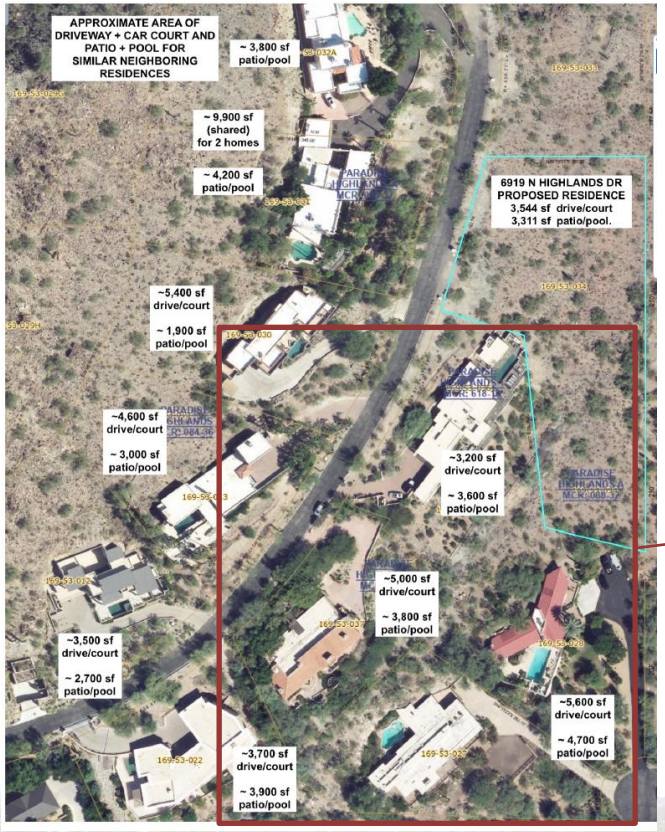
3D VIEWS

View from NE near property line

View from SE near property line



ADJACENT LOTS



SCOPE OF REQUEST

- Variance from the Zoning Ordinance, Article XXII, Hillside Development Regulations, to exceed allowable amount of disturbed area and to exceed maximum retaining wall height. If approved:
  - Development of property would exceed allowable disturbed area by 4,737 S.F. for a total of 12,721 S.F. from allowed disturbance 8,014 S.F.
  - Exceed maximum retaining wall height from the allowed 8 feet to a maximum of 12 feet for the sections specified in the plans.

ANALYSIS

- Variance is result of property hardship:
  - There is an existing spill slope created when Highlands Drive was built, the irregular shaped lot, the rugged terrain, and steep slope of the lot limits the amount of disturbance permitted.
  - SFR is proposed in the most buildable/ shallow portion of lot. Hence, reducing the request for more disturbance, but requires the need for taller driveway retaining walls.
  - Pre-existing disturbance on property limits allowed disturbance and greatly contributes to hardship

ANALYSIS (CONT.)

- Circumstances applicable to the property were not self-imposed or created by the property owner:
  - The spill slope along the right-of-way was created by the construction of the Hillside Drive.
  - The site conditions on this lot and irregular shape make it a difficult lot to build on.
  - The proposed development is similar in scale to properties in the vicinity.

ANALYSIS

- 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 :
  - This is a difficult lot to develop.
  - This lot is irregular shaped with the steep and narrow portion towards the right-of-way and difficult setback boundaries towards the rear bottom and difficult topography.
  - Access to the lot is difficult due to the existing spill slope disturbance and steep slope requires a driveway retaining wall that stabilizes and secures access to the property.

PUBLIC COMMENT

- No public comment was provided.

STAFF RECOMMENDATION

MOTION

- **Approval** of Case No.BA-23-06, a request by Victor Sidy, Architect and applicant/ representative for 6919 N Highlands Drive; for a variance from the Zoning Ordinance, Article XXII, Hillside Development Regulations, to: 1) allow a new single-family residence and the development of the property to exceed the allowable disturbed area by no more than 4,737 square feet; and 2) exceed the maximum allowed retaining wall height limit of 8 feet along the uphill (west) side of the driveway for a total length of approximately 54 lineal feet (varies from 9 feet up to 12 feet tall).

REASONS FOR APPROVAL

- Hardship is result of existing spill slope on site, steep slope, and irregular shape which limits the access and the amount of disturbance
- Request not self-imposed. Difficult lot to build on. Utilizing existing site conditions by placing SFR in most buildable location.
- 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

POSSIBLE ACTION

- Approve with Stipulations
- Deny
- Continue for further review

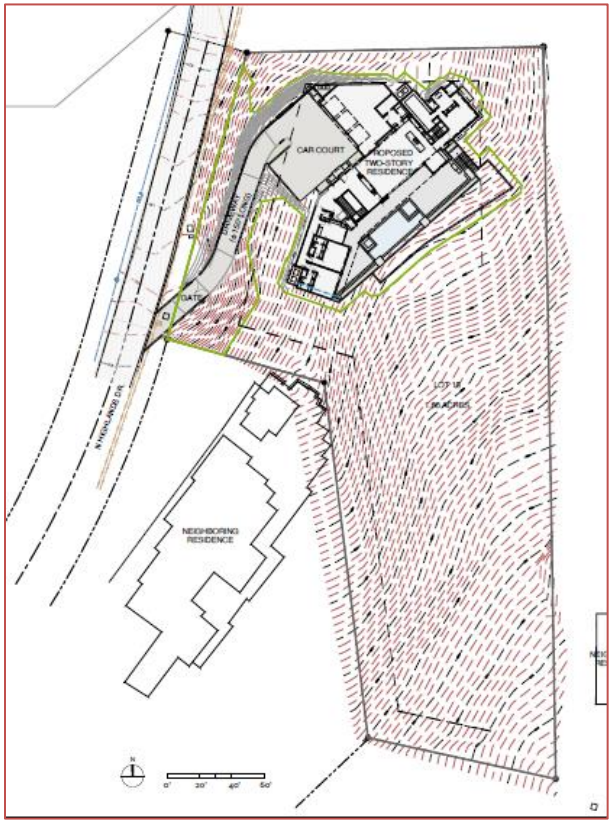
A. MOTION FOR APPROVAL of BA-23-06

Variance shall be in compliance with submitted plans and documents as outlined in the action report and Board finds there are special circumstances, applicable to only subject lot, meeting the variance criteria

B. MOTION FOR DENIAL of BA-23-06

Board finds that variance requested does not meet the variance criteria

QUESTIONS?



End

APPEAL

3. Appeal From Board.

A person aggrieved by a decision of the Board, including a Town officer, may, at any time within thirty (30) days after the decision of the Board or, if reviewed by the Town Council, within 30 days of the Town Council decision, bring a special action in the Superior Court of Maricopa County for the purpose of reviewing the Board's decision, pursuant to the "Rules of Procedure for Special Actions." Commencement of the special action shall not stay proceedings upon the decision appealed from unless the court shall otherwise order.

3D VIEW

VIEW FROM SOUTHEAST

VIEW FROM ABOVE FROM NORTHEAST

3D VIEW

VIEW FROM SOUTH

VIEW FROM BELOW FROM NORTHEAST

3D VIEW

VIEW FROM ENTRY DRIVE

VIEW FROM CAR COURT

PHOTOS

PHOTOS

PHOTOS

PHOTOS