

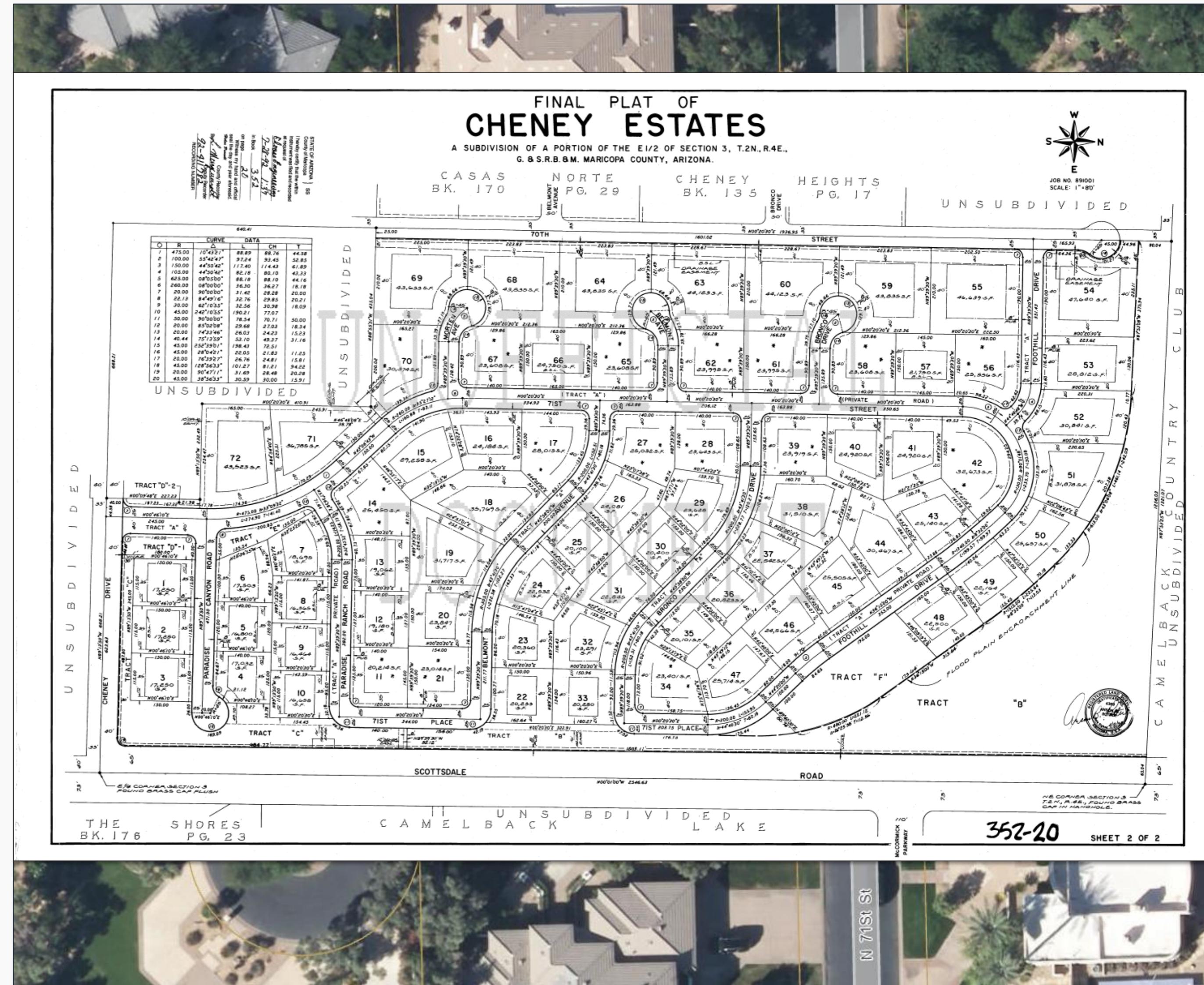
Pace Residence Backyard Trellis



7062 E. Belmont Avenue
BA-25-12

About the Site

- 7062 E. Belmont Avenue
- Cheney Estates neighborhood
- Site Area: 23,393 SF (0.537 ac)
- Zoned R-35 CP (Cluster Plan)
- Surrounding Land Uses:
 - North: Single-Family Residential (R-35 CP)
 - East: Single-Family Residential (R-35 CP)
 - South: Single-Family Residential (R-35 CP)
 - West: Single-Family Residential (R-43)
- Cluster Plan zoning (R-35 and R-18) for Cheney Estates approved in May 1992.
- Final Plat for Cheney Estates approved and recorded July 1992.
- 4,302 SF residence constructed on the subject site in 1994.

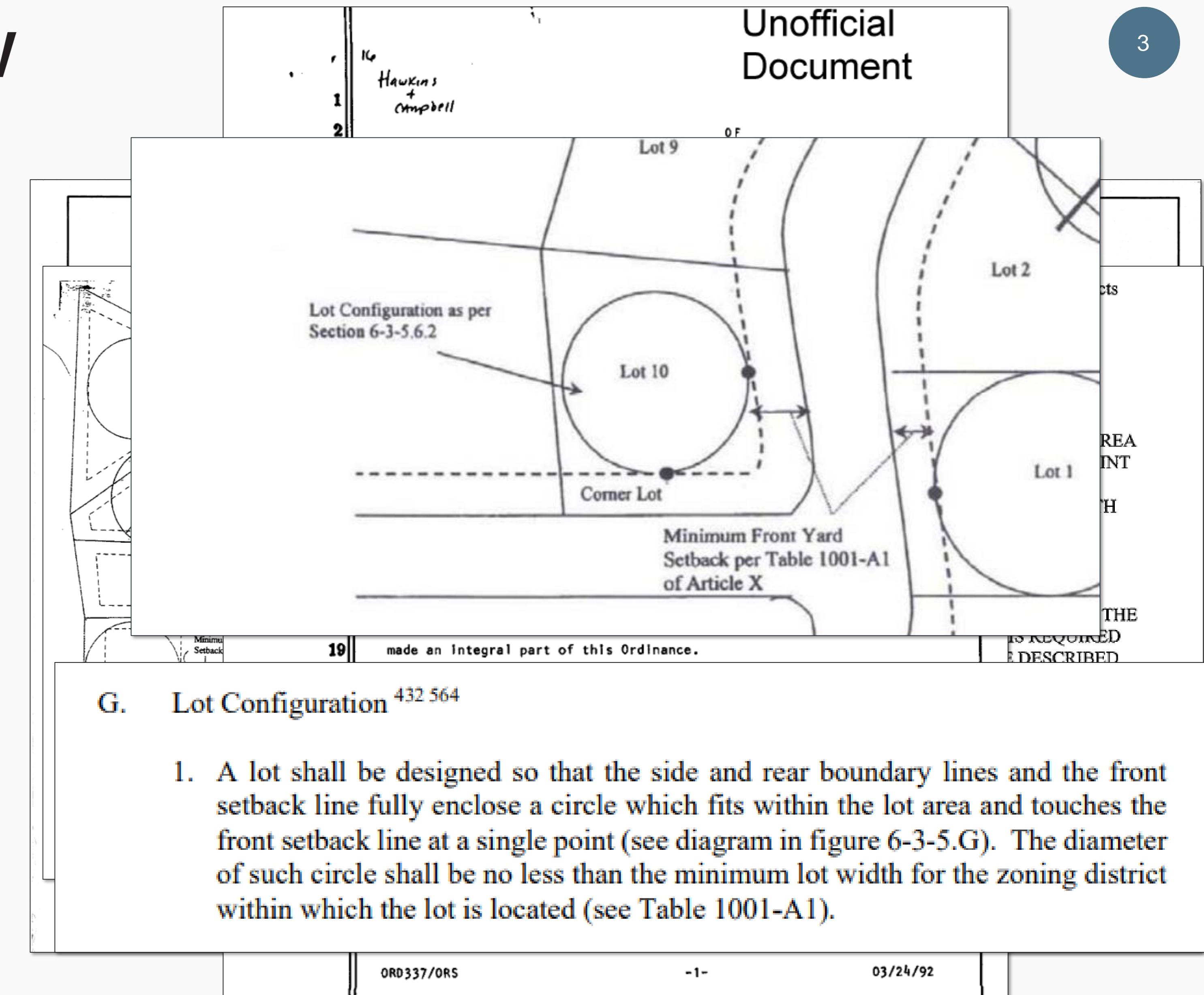


Site History/Overview

- Cheney Estates rezoned to R-35 Cluster Plan and R-18 Cluster Plan on May 28, 1992 via Ordinance 347.
- Final Plat for Cheney Estates recorded July 22, 1992.
- Paradise Valley Zoning Ordinance amended on December 19, 1996 via Ordinance No. 432 to adopt “circle rule” for lot configuration.
 - Minimum lot depth must be equal to minimum lot width plus minimum front yard setback.
- Paradise Valley Town Code amended November 3, 2005 via Ordinance No. 564 to relocate lot configuration provisions from Zoning Ordinance to Subdivision Code.
 - Established the subject site as a legal non-conforming shallow lot.

Unofficial Document

3



Variance Request

- Paradise Valley Zoning Ordinance requires minimum 40-foot setback in R-35 for any lot line with street frontage
- Request to reduce minimum setback to 15 feet on eastern boundary to accommodate garden trellis.
- Legally non-conforming lot depth and ordinance changes create special circumstances and a hardship meriting relief.
- Minimalist nature of structure and “green screening” allow trellis to disappear into surrounding landscape and eliminate any visual impact.
- 10-foot landscape strip between back of curb and wall on 71st Street enhances buffer to 25 feet.



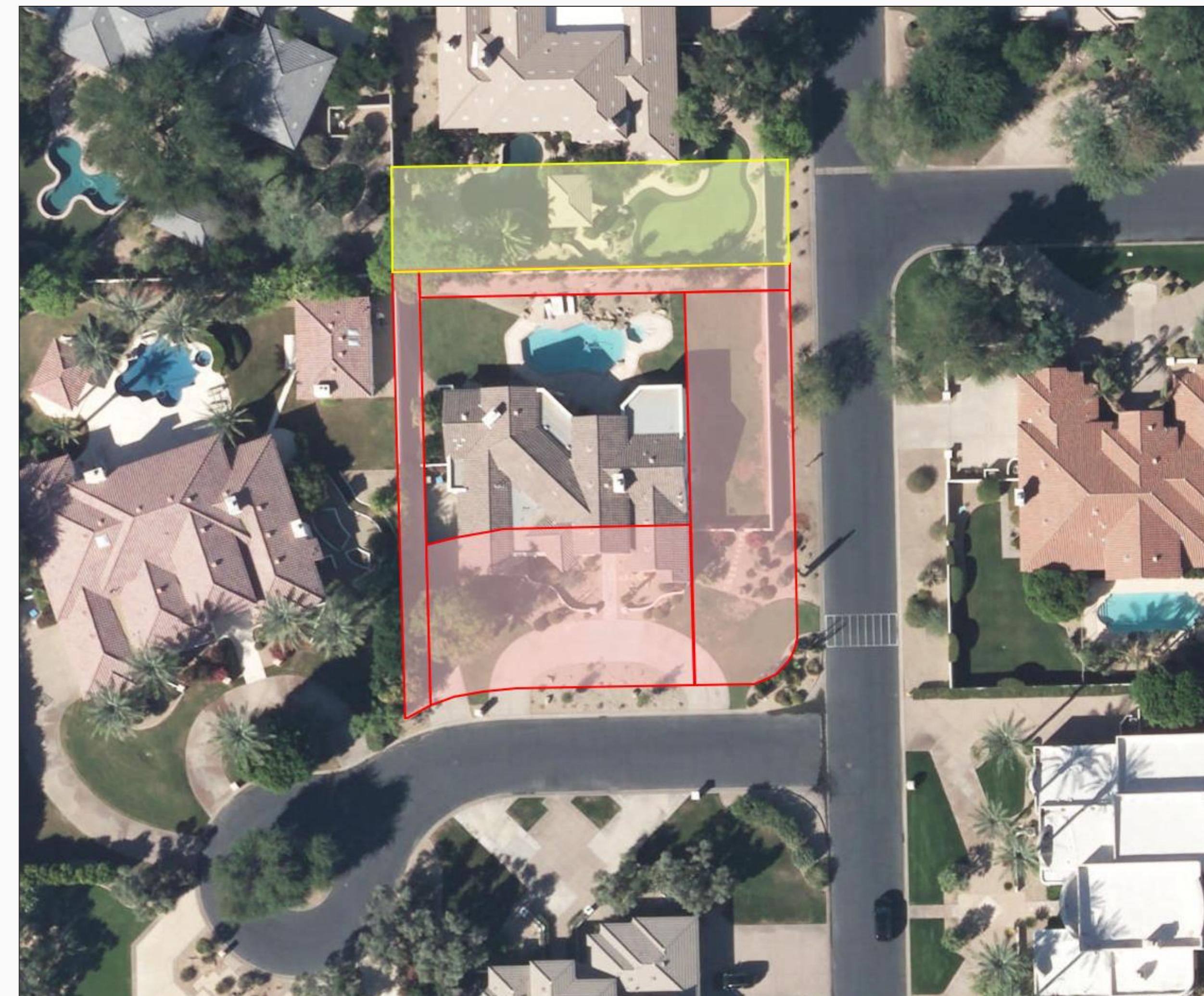
Variance Test: Special Circumstances

- Cluster Plan zoning option allows for reduced individual lot sizes in exchange for robust common open space.
 - Does not explicitly allow for deviation from prescribed minimum lot width in Tables 1001-A1 and 1001-B.
 - R-35 minimum lot width: 150 feet.
- Cluster Plan lots are still subject to standard setbacks, despite undersized lot area.
 - 40-foot side setbacks along street frontage, primary and accessory structures.
 - Building setbacks assume a standard lot size, may not have been contemplated in Cluster Plan district ordinance.
- Cheney Estates Cluster Plan zoning adopted May 1992.
- Zoning Ordinance updated December 1996 to adopt “circle rule”.
 - Subsequently relocated to Subdivision Ordinance in Town Code in November 2005.



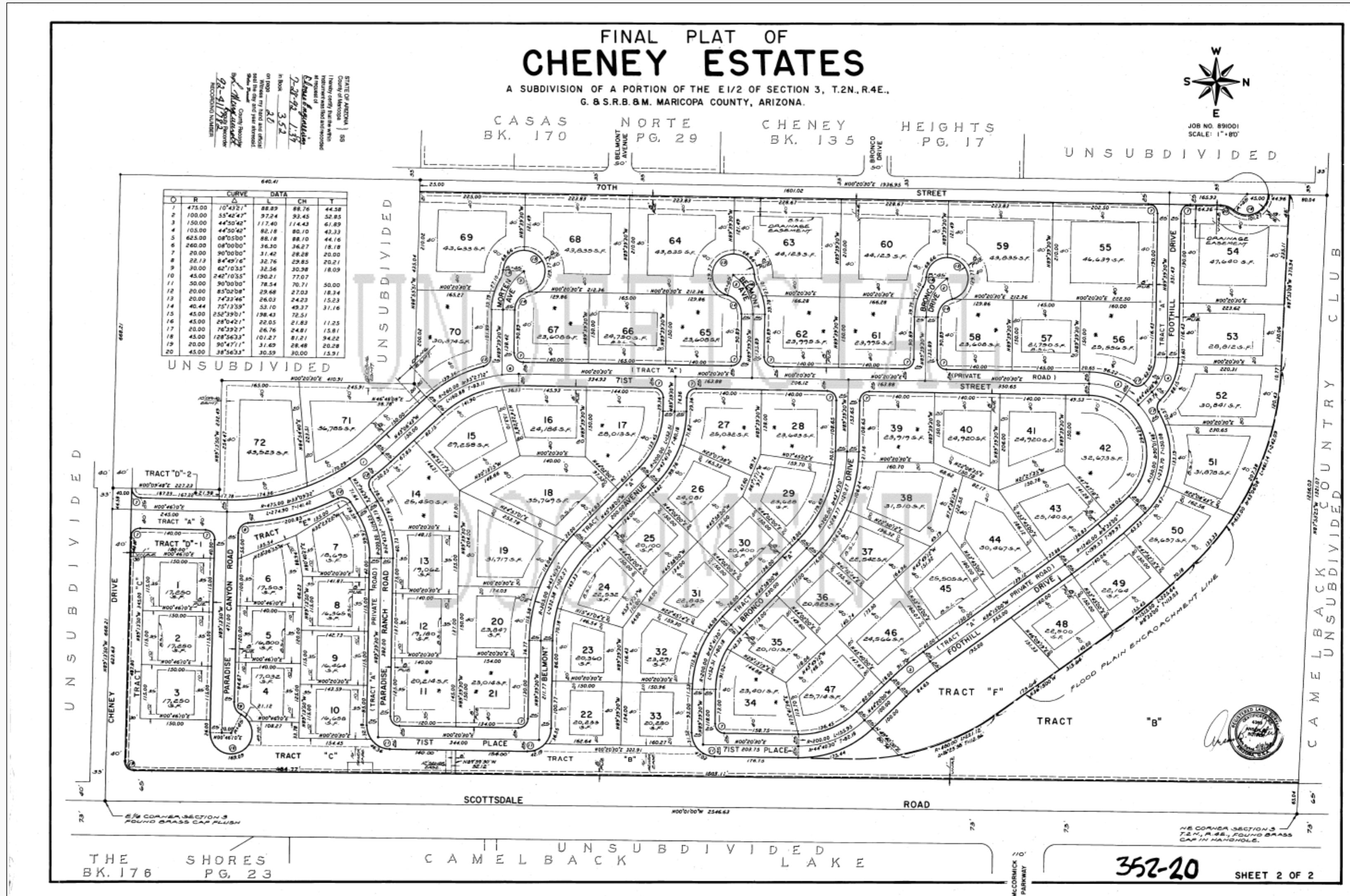
Variance Test: Special Circumstances

- Subsequent changes created a legally non-conforming shallow lot.
 - Minimum lot depth per current Town Code is 190 feet for an R-35 lot.
 - Property is 140 feet deep at shallowest point and 166 feet deep at deepest point.
 - 24 to 50 feet short of current lot depth requirements.
- Combination of legally non-conforming shallow lot and setbacks for standard R-35 lot creates unduly restrictive building envelope.
 - Minimum lot depths and widths intended to ensure adequate building envelope when taking setbacks into account.
 - Corner lot in historical R-35 Cluster Plan development represents an intersection of unintended consequences, significantly limiting developable area.



Variance Test: Not Self-Imposed

- Applicant played no role in the zoning of Cheney Estates to Cluster Plan, nor the platting of its lots.
- Applicant had no part in the amendments to the Paradise Valley Town Code or Zoning Ordinance that established the “circle rule” and made the Property a legally non-conforming lot.
- The hardship is an unanticipated consequence of applying setbacks intended for a standard lot to a non-standard, undersized lot.



Variance Test: Strict Application

- Standard R-35 lots enjoy legally conforming lot depth (190+ feet) and adequate yard area to locate a minimalist garden trellis within the allowable building envelope.
- Property suffers from inadequate dimensions relative to the requirements of the Zoning Ordinance, depriving the applicant of property rights enjoyed by owners of other R-35 properties in the Town.
- Confluence of the reduced lot area permitted by CP zoning with double-frontage setbacks intended for standard R-35 corner lots:
 - Creates a hardship
 - Is not contemplated by the PV Zoning Ordinance.
- Standard setbacks assume conformance with minimum lot depth and width requirements.



Other Considerations

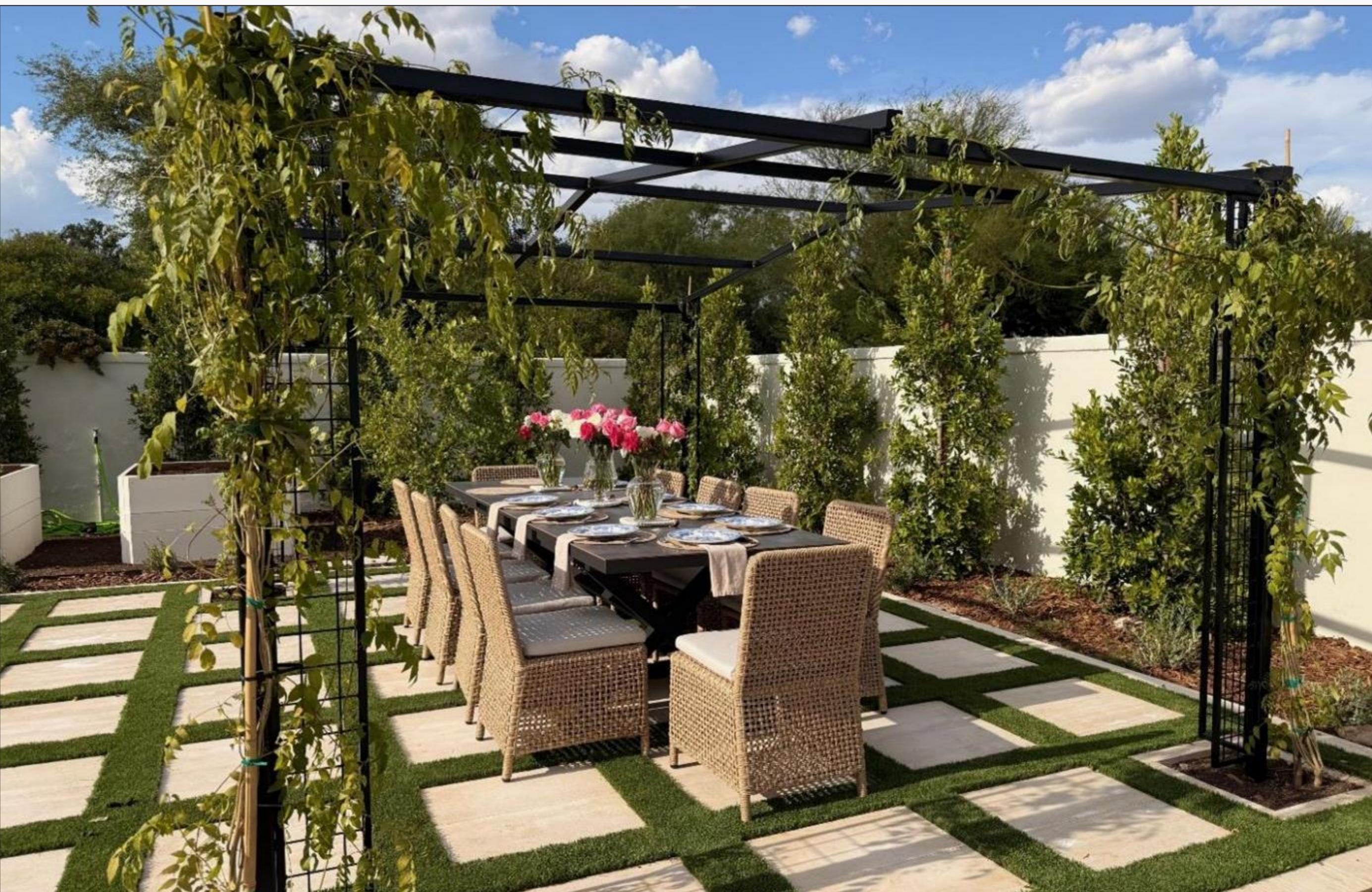
- **Minimalist Structure:** trellis consists only of welded steel tubing with no solid roof or walls.
 - Setbacks intended to limit visual impact of structures.
 - Structure itself has almost no visual impact. Will not block views, cast shadows on adjacent properties, or create any privacy concerns.
- **Green Screening:** flowering vines planted at four corners of trellis will eventually cover the entire structure, and perimeter hedge will shield it from view.
 - Trellis will disappear from view once vines and hedge reach maturity.
- **Effective Setback:** 10-foot landscape strip between back of curb and property line along west side of 71st Street increases the effective setback/buffer for trellis to 25 feet
- **Support:** Applicant has obtained 20 letters of support from neighbors in Cheney Estates.





Summary

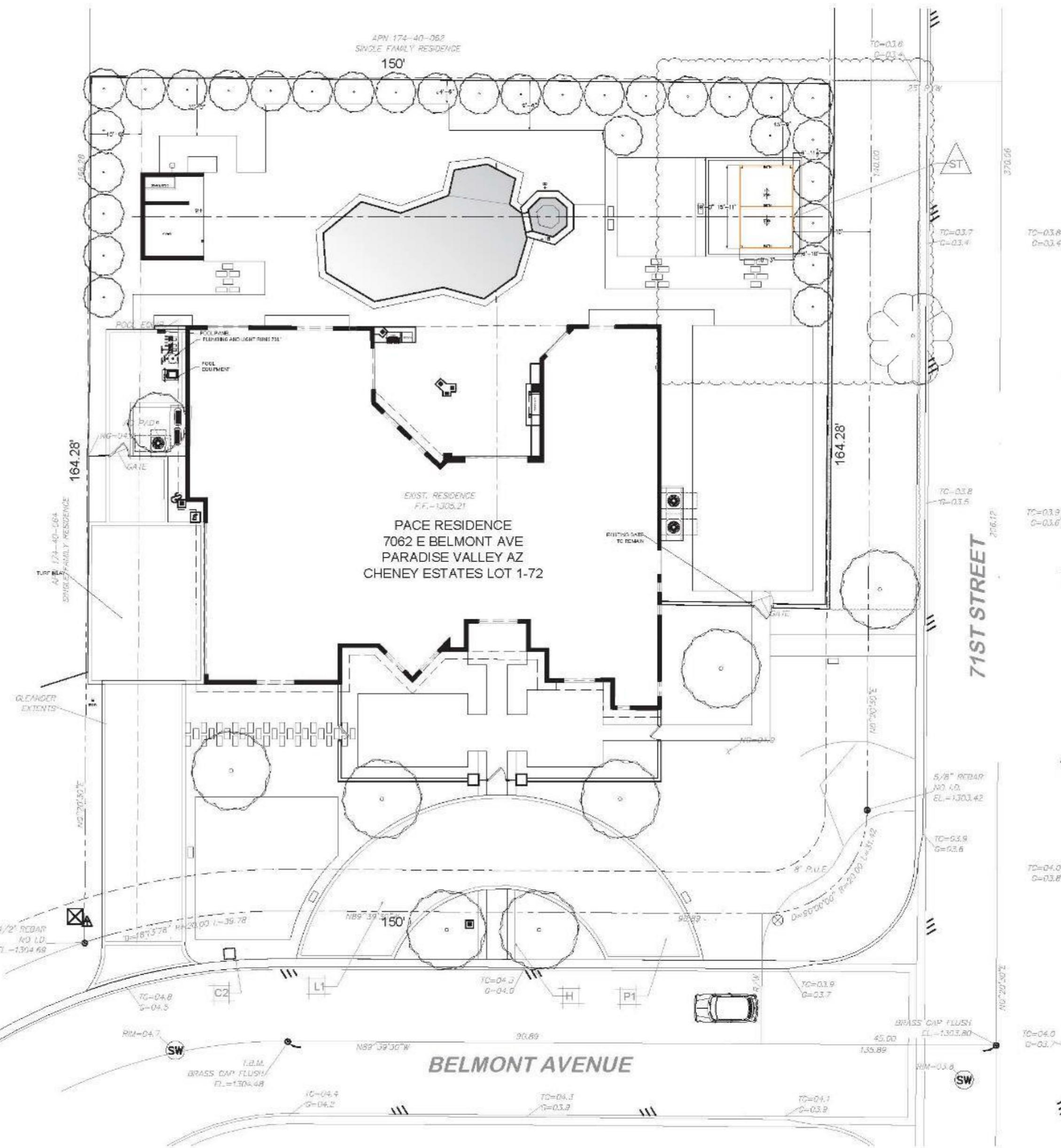
- Variance request meets all three elements of variance test:
 - Special circumstances: Legally non-conforming lot, ordinance changes.
 - Not self-imposed: No role in lot formation or changes to Town Code and Zoning Ordinance.
 - Strict application: Applicant does not enjoy same bundle of rights as other R-35 property owners with legally conforming lots.
- Requesting minimal relief to allow appropriate development of backyard pool.
- Addresses blind spot/deficiency in interaction between Zoning Ordinance and Subdivision Code.
- Significant support (20 letters) from Cheney Estates community.



QUESTIONS



WITHEY MORRIS BAUGH



ST\STRUCTURE

GARDEN TRELLIS - 15'11"x10'3"x96"H-84"H	
2 GFCI, ELECTRIC RUN	208 L'
STRING LIGHTS ON DIMMABLE ON/OFF SWITCH	1 EA
SLAT OPEN ROOF ALUMINUM GARDEN TRELLIS	

H HOUSE SF

LOT SIZE:	23,393 SF
MAIN LIVABLE:	18% 4302 SF
EXISTING GARAGE	752 SF
EXISTING SOLID ROOF COVERED PATIO	486 SF
SAUNA: .08%	204 SF
SLAT OPEN ROOF ALUMINUM GARDEN TRELLIS:	16.5 SF
TOTAL ALLOWED 5,848 SF	25% TOTAL 5,846SF 24.9%



