

8136 NORTH MOHAVE CIRCLE NARRATIVE

BACKGROUND

The property located at 8136 North Mohave Circle is a 1.192-acre lot. The existing house (4,146 sf) was built in 1958 prior to the Town's incorporation in 1961. The Glasser family bought the house in 1968 and still lives in the house. The Town's Hillside Development Regulations were adopted in 1984. Even though the slope of the property is below 10%, the property is included in the Hillside Development Area. The graphic below is a portion of Figure 1 of the Hillside Development Regulations; the Glasser property is on the outer edge of the Hillside Development Area and is outlined in red.



As might be expected since the house was built 20+ years prior to the 1984 adoption of the Hillside Development Regulations, many aspects of the property are out of compliance with the current Hillside Regulations. Removal of the Hillside designation will eliminate all of the existing nonconformities resulting from the Hillside designation – this is discussed in more detail below. This request to remove the Hillside designation for the Glasser property is based on the less-than-10% slope of the property.

HILLSIDE DEVELOPMENT REGULATIONS

The Hillside Development Regulations apply to:

The provision of this article shall apply to all land in the Hillside Development Area as denoted on **FIGURE 1 – HILLSIDE DEVELOPMENT AREA** and to all lands where the natural terrain under the Building Pad has a slope of ten percent (10%) or greater (see example below in Figure 2), whether shown in Figure 1 or not.

Zoning Ordinance Article XXIL, Section 2202

The Hillside Regulations also include a process that allows property with a slope of less than 10% to request removal from the Hillside Development Area. Section 2210 of the Hillside

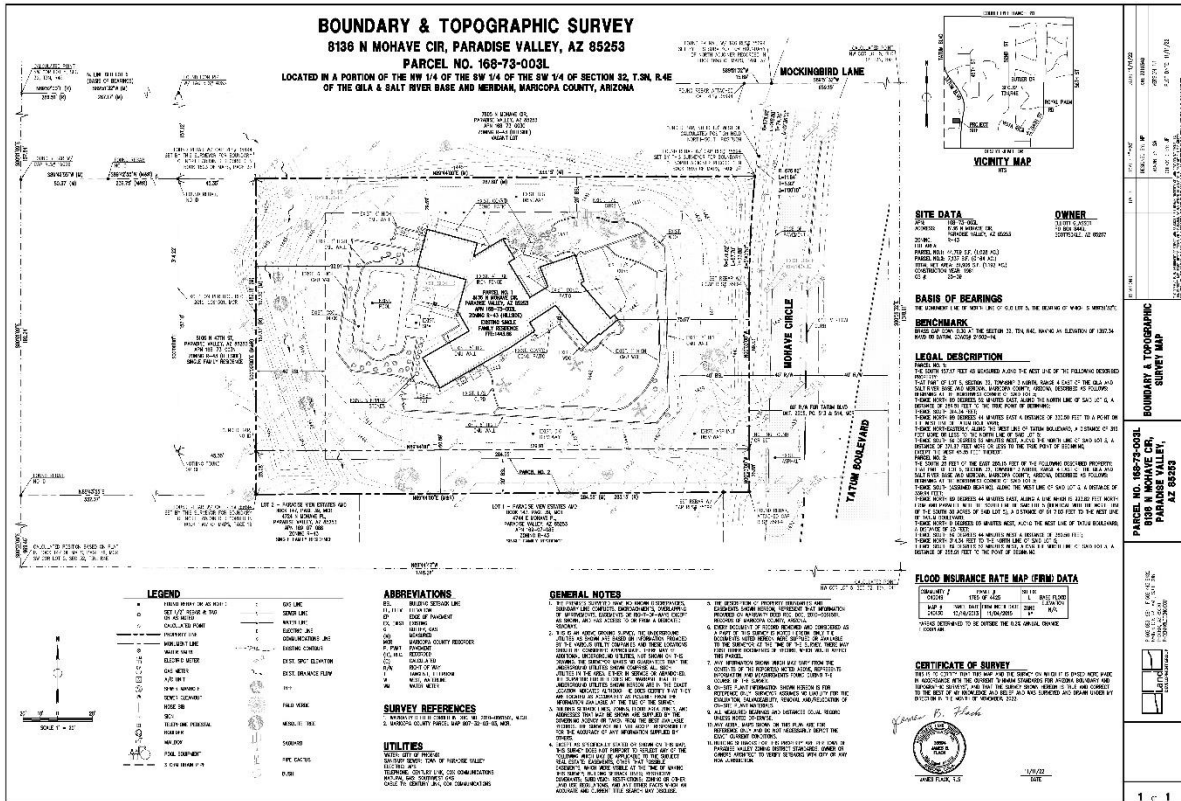
As the house on the property was first built in 1958—before the Town existed—there are several nonconformities that will be eliminated by the removal of the Hillside designation and will be in compliance with flatland regulations.

1. The existing disturbed area is greater than what is allowed in Hillside.
2. The color of the house and roof do not meet the Hillside LRV requirements.
3. The existing free-standing solid wall that surrounds most of the house is not allowed in Hillside.
4. Existing palm trees which are generally not allowed in Hillside.

All of the existing nonconformities above will be eliminated by the removal of the Hillside designation and will be in compliance with flatland regulations. As to the height of the existing structures (less than 24 feet) and setbacks, they will be in compliance with applicable zoning regulations if the Hillside designation is removed. Likewise, the existing structures will comply with the Open Space criteria set forth in Zoning Ordinance Section 1001/Figure 1001-2 (applicable only to non-Hillside lots).

Drainage is an important consideration. The 1969 aerial (below) shows an existing wash that crosses the southwest edge of the property. As shown on the Boundary and Topographic Survey (below), water is still able to pass through the property in the same general location. The existing drainage is considered a legal nonconforming use. But, if the current owner or a subsequent owner were to make changes to the structures on the property, compliance with then-existing Town drainage regulations would be required. For example, if the existing house were to be removed and replaced by a new house, having the Hillside designation removed would result in more stringent drainage regulations; a non-Hillside lot would require 100% on-site retention while keeping the Hillside designation would only require that first flush retention requirements be met.





CONCLUSION

The slope of the Glasser property is well below 10%--both in pre-development and after-development conditions. The house on the Glasser property was built in 1958, before the Town existed and long before the adoption of the Hillside Development Regulations. The Glasser property is at the edge of the Hillside Development Area. Indeed, the Glasser property is precisely the type of property that can be removed from the Hillside Development Area as contemplated by Section 2210.