

## **NARRATIVE**

**Variance Request for 5745 E. Via Los Ranchos, Paradise Valley, AZ 85253**  
**Applicant / Contact: AMC Construction & Design, Inc. / Lisa M. V. Allan, VP**

### **BACKGROUND**

On June 29, 2018, Sean & Yuli Marcela McCarihan purchased the home located at 5745 E. Via Los Ranchos in the Town of Paradise Valley, AZ. One of the motivating factors in the McCarihans' decision to buy this home was the unobstructed views of Mummy Mountain from the south side of the home. Another key factor was that this 1975 home had been completely updated inside and out in 2007 to 2008 by Contractor/Applicant, AMC Construction & Design, Inc., who transformed this older home into a beautiful Mediterranean Tuscan villa for previous owners, John & Mary Fought. The renovations included several additions taking the original 2,674 square feet under roof home up to 4,498 square feet of livable space or 5,800 square feet under roof. One of the additions is a second-story office over the master suite that was specifically designed to take advantage of the multi-million-dollar views of Mummy Mountain.

This property has changed hands at least nine times since the home was originally constructed in 1975. After it was sold in June 2011, the home became a rental property where it appears to have sat vacant for a period of time. The McCarihans fell in love with this home, the views, and the community in the spring of 2018 and bought this home where they plan on starting their family. Since purchasing the home, the McCarihans have done some updating to their home including significant exterior improvements that include (1) professionally installed landscape lighting throughout the entire property in 2018; (2) professionally replaced an old irrigation system with a new superior system using only PVC in 2019; (3) together with adjacent neighbor in 2019, completely re-dredged the cul-de-sac's principal drainage swale by hand, laid down nonwoven geotextile fabric to prevent erosion, and refilled the drainage swale with river rock; and (4) professionally painted the entire exterior of the house in 2020. Sean & Marcela are very meticulous and take great care of their property. They want to make their home as well as their neighborhood an enjoyable and tranquil place to live and entertain family and friends.

The McCarihans were impressed with the quality of the home and hired the same contractor (aka Contractor/Applicant) who built the home in 2008 to design and build a pool house that would serve multiple purposes and minimize the need for additional accessory structures in the future. The architectural design of the pool house will complement that of the primary residence and the surrounding area while providing the owners with a multi-functional livable space to include the following:

1. Entertainment Space – Pool / Game Room
2. Gym
3. Climate-Controlled Storage
4. Marcela's Office
5. Guest House w/ Full Bathroom

The size of the pool house would be large enough for entertaining yet small enough to allow the south side of the property to remain open space for children to play. The pool house will include a full bathroom and have an attached climate-controlled storage area that would not detract from the architectural design and feel of the existing home. Staying within the confines of the existing pool patio area and providing ample distance between the primary residence, the building will be centered on the pool from the east side rear of the property. This will allow for continued use of the existing travertine pool deck providing an eight-foot distance between the pool and the new pool house covered patio area. Since the pool entry stairs are at the east side of the pool, this is the most logical location for the pool house. The pool house has been designed to allow the McCarihans to retain the two mature palm trees located at the southeast corner of the travertine pool deck. Most importantly, by granting the variance to reduce the 20' setback to a 15' setback, this will allow the McCarihans to continue to enjoy the beautiful views of Mummy Mountain from their master suite as well as the 2<sup>nd</sup>-story office over that sits above the master suite.

This request is for a minimum of 363 SQ FT (includes overhang) into the rear 20' setback which will allow the McCarihans to enjoy a detached livable accessory structure that is comparable to other detached accessory structures in the area. The variance will also allow for adequate distances between the pool house and the existing primary residence, the existing pool and pool deck, and existing palm trees and Sissoo trees.

The location of the pool house should be constructed at the east side of the pool since this is where the pool entry stairs are. Another important design factor is that the building must not obstruct or diminish the views of Mummy Mountain. Constructing the building to the south of the pool would not be logical nor feasible due to the location of the pool stairs being on the east side of the pool. The structure would also cause an obstruction of the views to the south. Lastly, the plumbing run from the existing location would not provide enough fall to allow for the guest bathroom and kitchenette. Even if we had the fall to run the plumbing to the south side of the pool, it would be virtually impossible to do without a burdensome expense due to the existing pool equipment, pool and irrigation infrastructure, pool deck and block wall & footings.

The variance would not have any impact on nearby homes as the location of the pool house would have limited to no view from the street due to the narrow property frontage, the home's location on the cul-de-sac as well as the mature vegetation at the front and perimeters of the property. The pool house location would also be obscured by the 6' masonry wall and several mature Sissoo trees that run along that perimeter wall at the east property line in the rear yard. Views of this building from any surrounding residences will be very limited to none as homes in this area are largely screened by mature landscaping. With the proposed addition of a pool house, the home would be comparable to many homes in Via Los Ranchos and elsewhere within the Town's R-43 zoning district.

## **VARIANCE CRITERIA**

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

The existing property is zoned R-43 where conforming lot size is a minimum of 43,560 square feet, at least 165' wide and rectilinear in shape. However, this lot is just under 1-acre at 41,705 square feet, triangular in shape, and has a very narrow 49.66-foot frontage at the top of the cul-de-sac on Via de los Ranchos Rd. There is also a wash that bisects the northeast corner of the property as well as a drainage swale with an average width of about 10' wide that runs the entire length of the lot's northside property line with the majority of it on the applicant's property.

Due to the lot's triangular-shape, two acute corners were created at the rear yard while a very reduced width of 49.66-feet was created at the lot's frontage. This coupled with the property sitting at the top of the cul-de-sac's arch forced the construction of primary residence to be constructed at the center of the lot pushing the back of the home just a few feet from the 40' rear property line.

The 5' reduction in the 20' accessory building rear yard setback for a portion of the property (363 SQ FT) is necessary to alleviate the hardship and difficulties presented by the property's irregular shape, its topography, and the location of both the existing primary residence and pool.

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

The hardship is not out of mistake or misunderstanding. The irregular shape, reduced frontage width, cul-de-sac arch, and washes are all a result of how the lot was created in The Town of Paradise Valley in 1972.

The original home was approximately 3,289 square feet under roof when constructed back in 1975. The property had sold at least 5 times prior to previous owners, John & Mary Fought, purchasing the property in 2001. In 2007, the Foughts hired Contractor/Applicant, AMC Construction & Design, Inc, to do a complete renovation of the original home that included several additions that added approximately 3,126 square feet under roof for a new livable square footage of 4,498 square feet (5,800 square feet under roof). The master suite addition includes a second-story office; both designed and constructed to take advantage of unobstructed breath-taking views of Mummy Mountain. The proposed Pool House has been designed by previous builder, AMC Construction & Design, Inc. (aka Contractor/Applicant) to match the existing architectural design of the primary residence.

3. **“Such variance from ... the strict application of the terms of [the Zoning Ordinance] ... are in harmony with its general purposes and intents ...” (Town Code Section 2-5-3(C)2).**

The proposed pool house would be constructed to complement the existing primary residence. Except for the requested variance for the reduced rear setback, the existing primary residence will remain in compliance with the Town's requirements. The variance, which is necessary due to the property's triangular shape, its topography, the existing primary residence and pool will allow development of the property to be in harmony with the general purposes and intents of the Zoning Ordinance.

The Pool House would have minimal impact on the surrounding area. Adjacent property owners would have limited to no views due to the location in the rear and south side yards due to existing vegetation along the perimeter of the home.

A 6-foot block wall runs the entire length of the rear property line. Mature Sissoo trees are planted approximately 8 feet west of the wall and approximately 11 feet apart which completely obscures any views of the two east adjacent properties located at 8558 & 8560 N. 58<sup>th</sup> PL. Viewing the property from the street there is a 6' block wall and several mature trees on the south side which will obscure views of the building.

4. **“The special circumstances, hardship or difficulty applicable to the property are [not] self-imposed by the property owner, or predecessor...” (Town Code Section 2-5-3(C)4) (Arizona Revised Statutes 9-462.06(H)(2)).**

The applicant has a difficult lot to build on due to the irregular shape, narrow frontage, on arched top of cul-de-sac, two washes running along the entire north property line and bisects the northeast corner, and arch of the cul-de-sac that forces the primary to sit back further into the center of the property. The narrow width and triangular shape of the lot is the result of platting in The Town of Paradise Valley which creates an unusual and restrictive building envelope. None of these hardships are self-imposed by property owner or any previous property owner.

Current code requires lots to be a minimum size of 43,560 square feet, rectilinear in shape, and have a minimum of 165-foot width. The subject lot is 41,705 square feet in size, has a reduced frontage width of 49.66 feet, is triangular in shape, and has a wash that bisects the northeast corner and a street run-off wash that runs the entire north property line.

5. **“Because of special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, the strict application of the zoning ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.” (Arizona Revised Statutes 9-462.06(G)(2)).**

The 49.66-foot arched lot frontage, the triangular shape, and two washes create a burden. The triangular shape creates an unusual building envelope that limits development to the center of the lot. A standard R-43 zoned property is rectilinear in shape with a minimum of a 165-foot width that broadens the building envelope allowing

construction of a primary residence closer to the 60-foot front setback while providing a larger rear yard.

**6. The variance would not “constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.” (Arizona Revised Statutes 9-462.06(G)(2)).**

The request is in character with the Zoning Ordinance and the surrounding neighborhood. The triangular shape of the property creates an unusual and restrictive building envelope. The Pool House will have limited visual impact due to its proposed location within both rear and side yards just east of the pool and south of the residence all while maintaining unobstructed views of Mummy Mountain from the master suite and 2<sup>nd</sup> story office as was intended when Contractor built this addition in 2007-08.

There are several lots within close proximity that have setback encroachments:

1. 8560 N 58TH PL: APN 168-58-018
  - a. Ramada w/ fireplace at rear yard  
Roof Cover approx. 22' x 31', southwest corner of this structure sits approximately 3.8' from the subject property's east (rear) property line.
  - b. Garage addition at side yard: 15' from property at NW corner
2. 5746 E CABALLO DR: APN 168-57-022
  - a. Addition: 13' from east property line
  - b. Patio Cover: 10' from east property line
3. 5728 E VIA LOS RANCHOS: APN 168-57-012
  - a. Detached Garage 1,110 sf (37' x 30'): 13' from west property line
4. 5624 E VIA BUENA VISTA: APN 168-57-035
  - a. Primary Residence: 17' from west property line
  - b. Detached 1,017.5 sf livable + 492.8 sf covered patio: 12' from west property line
  - c. Detached 629.4 sf livable + 320 sf covered patio: 12' from west property line
5. 5602 E VIA BUENA VISTA: APN 168-57-034
  - a. Detached 967 sf livable: 17' from east property line
6. 8700 N 58<sup>th</sup> PL: APN 168-42-024
  - a. Detached 1,064 sf livable: 15.5' from rear property line
  - b. Detached 336 sf livable + 338 sf covered patio: 15' from rear property line

Please see corresponding Exhibits on the following pages.

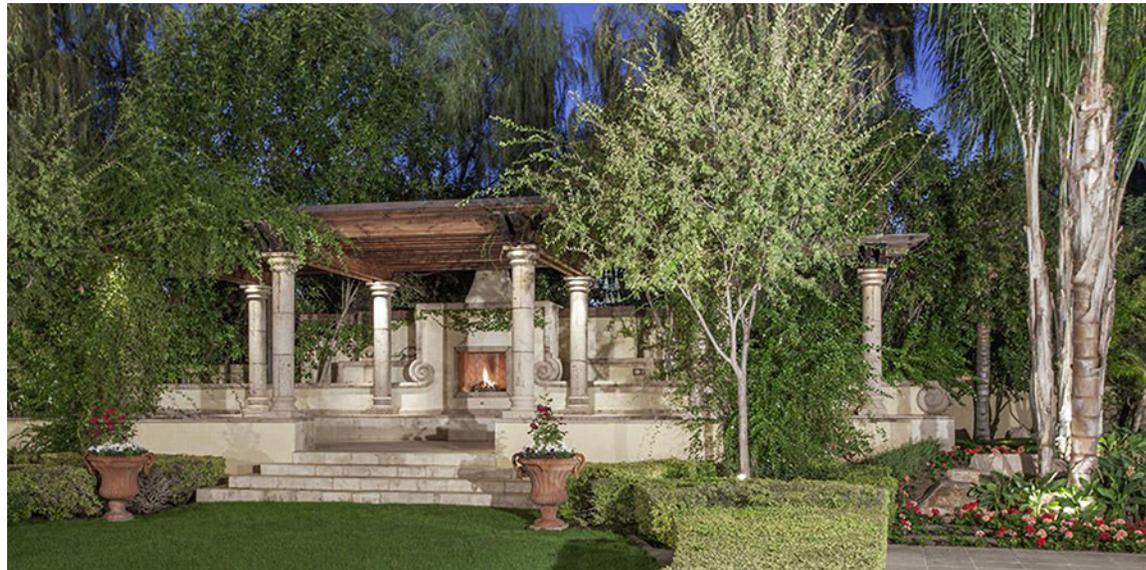
The variance request does not constitute a grant of special privilege but allows this property to share the similar privileges with adjacent properties.

NEIGHBORING ENCROACHMENTS - EXHIBIT 1: 8560 N 58TH PL

EXHIBIT 1:  
8560 N 58TH PL

a) Detached Ramada in rear yard.  
SW corner is approx 3.8' from rear  
property line

b) Garage Addition: NW corner is approx  
15' from north property line



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## NEIGHBORING ENCROACHMENTS

### EXHIBIT 2: 5746 E CABALLO

- a) Addition: approx 13' from east property line
- b) Patio Cover: approx 10' from east property line



### EXHIBIT 3: 5728 E VIA LOS RANCHOS

- Detached Garage: approx 13' from west property line



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## NEIGHBORING ENCROACHMENTS

EXHIBIT 4:  
5602 E VIA BUENA VISTA

Detached 967 sf livable bldg approx  
17' from east property line

EXHIBIT 5:  
5624 E VIA BUENA VISTA

- a) Primary Residence: approx 17' from west property line
- b) Detached 1,017.5 sf livable + 492.8 sf covered patio: 12' from west property line
- c) Detached 629.4 sf livable + 320 sf covered patio: 12' from west property line



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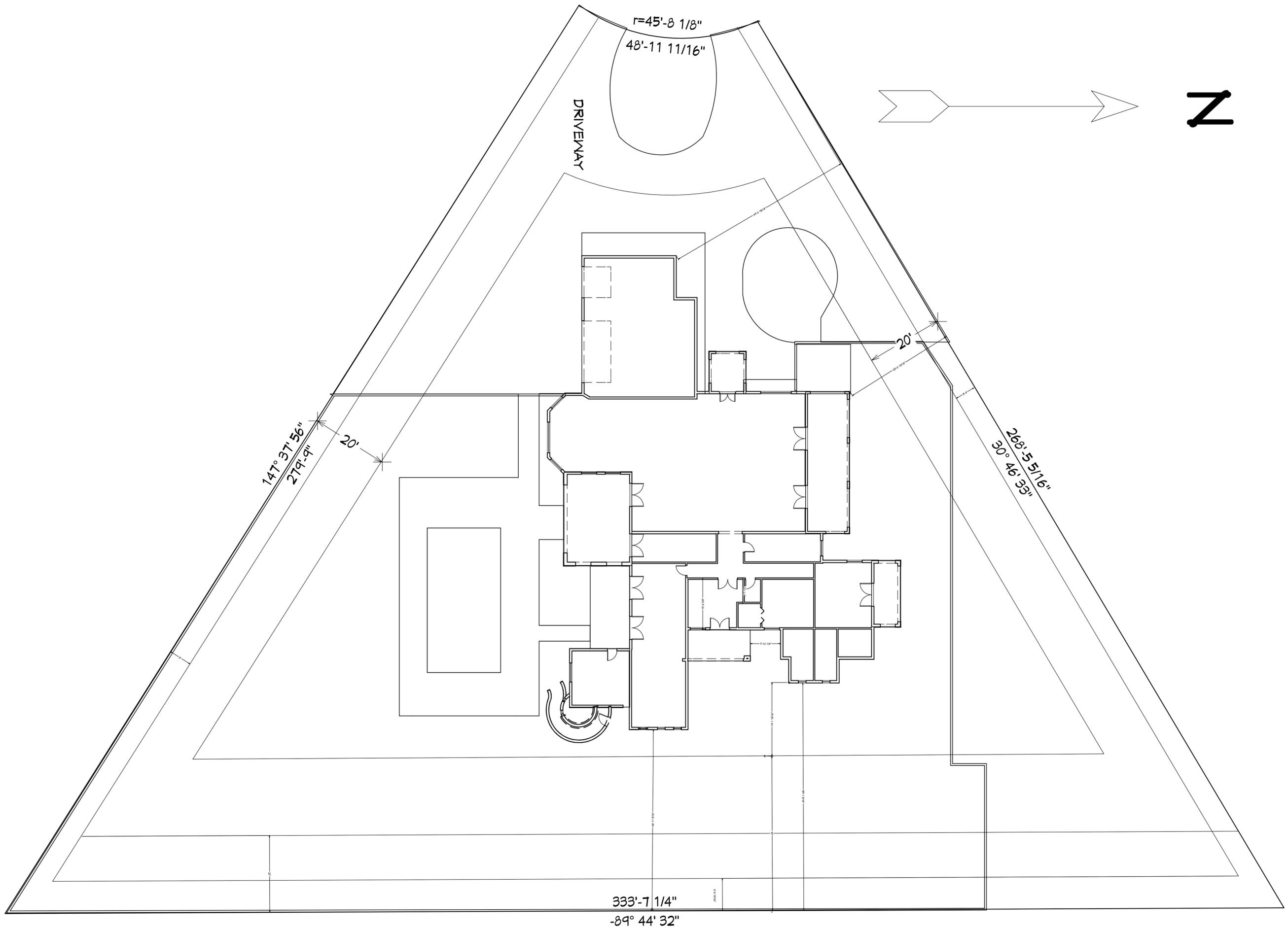
## NEIGHBORING ENCROACHMENTS

EXHIBIT 6:  
8700 N 58TH PL

- a) Detached 1,064 sf livable: 15.5' from rear property line
- b) Detached 336 sf livable + 338 sf covered patio: 15' from rear property line



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**N**

Plot Plan View

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NO.	DESCRIPTION	BY	DATE

MCCARIHAN POOL HOUSE  
 5745 E. VIA LOS RANCHOS  
 APN 166-5T-014

POOL HOUSE

AMC Construction  
 and Design, Inc.

DATE:

11/11/2020

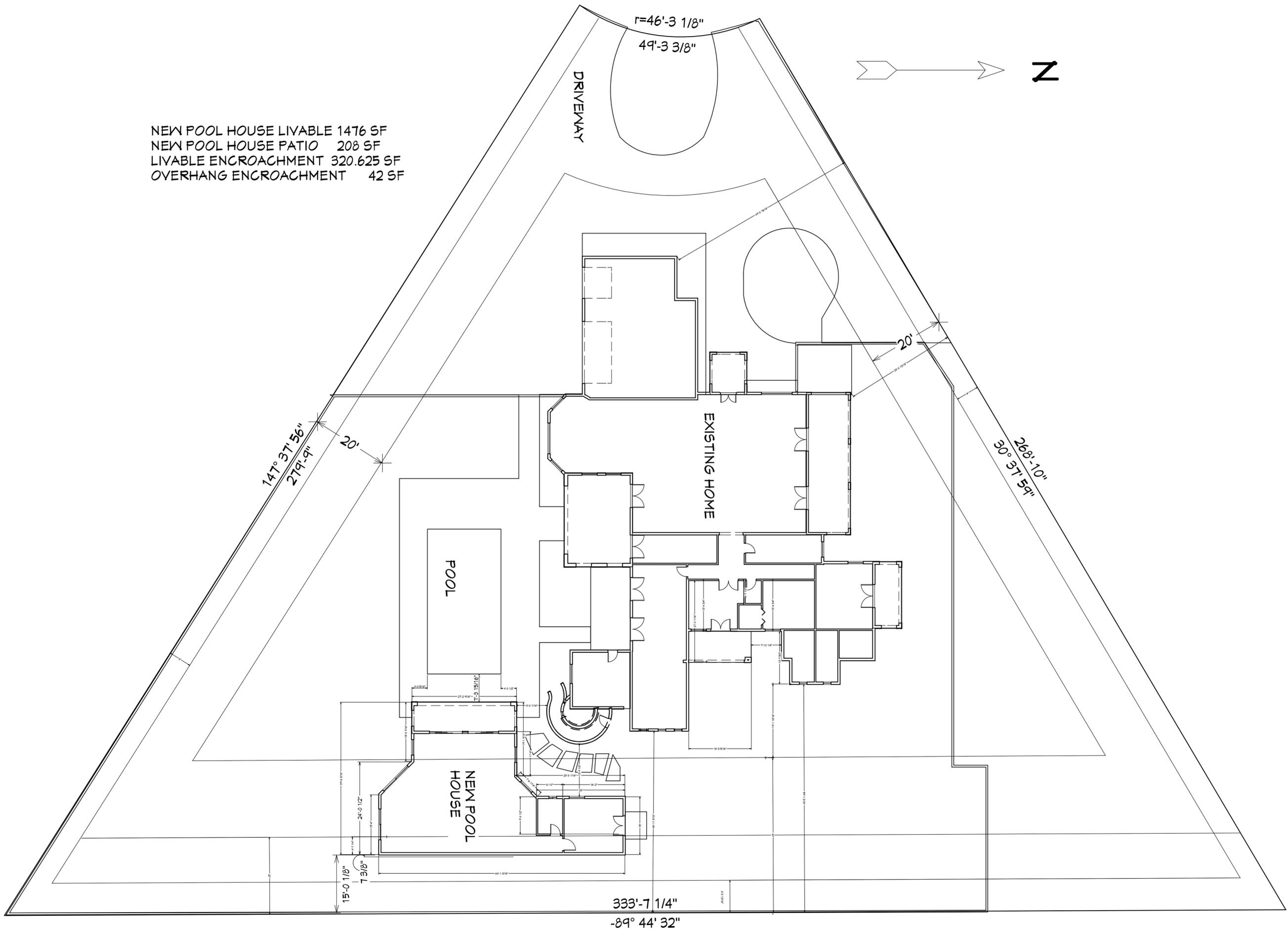
SCALE:

1/16"=1'

SHEET:

**A-0**

NEW POOL HOUSE LIVABLE 1476 SF  
 NEW POOL HOUSE PATIO 208 SF  
 LIVABLE ENCROACHMENT 320.625 SF  
 OVERHANG ENCROACHMENT 42 SF



333°-7 1/4"  
 -89° 44' 32"

Plot Plan View

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NO.	DESCRIPTION	BY	DATE

MCCARIHAN POOL HOUSE  
 5745 E. VIA LOS RANCHOS  
 APN 166-5T-014

POOL HOUSE  
 SITE PLAN

AMC Construction  
 and Design, Inc.

DATE:

11/11/2020

SCALE:

1/16"=1'

SHEET:

**B-0**

PROPOSED ZONING ADJUSTMENT FOR  
**5745 EAST VIA LOS RANCHOS**  
PARADISE VALLEY, ARIZONA

DATE: 12-18-2020



**PROJECT TEAM**

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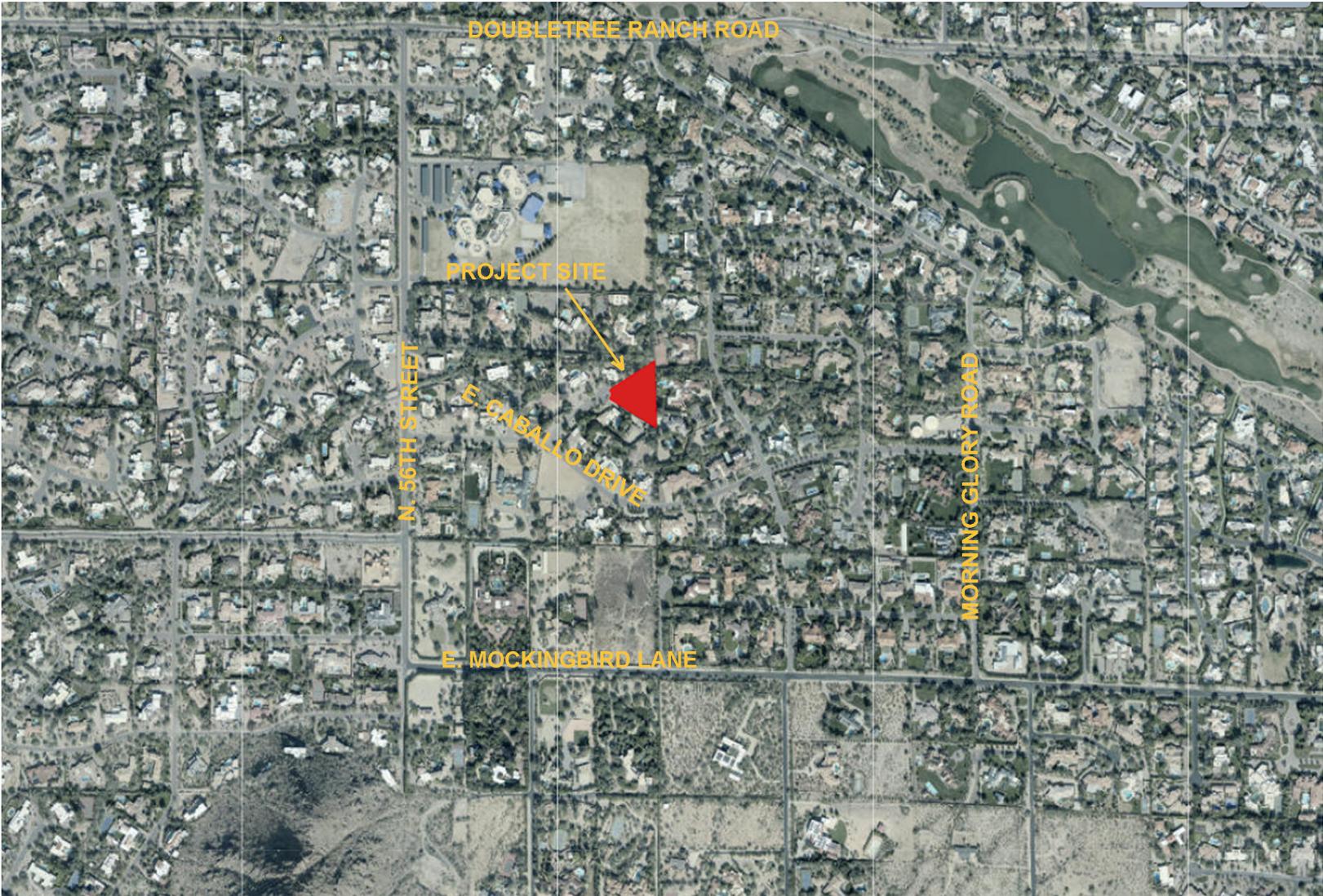
OWNER:  
DESIGNER / DRAFTSMAN:  
CONTRACTOR:

SEAN & YULI MARCELA MCCARIHAN  
AMC DRAFTING & DESIGN SERVICES, LLC  
AMC CONSTRUCTION & DESIGN, INC.



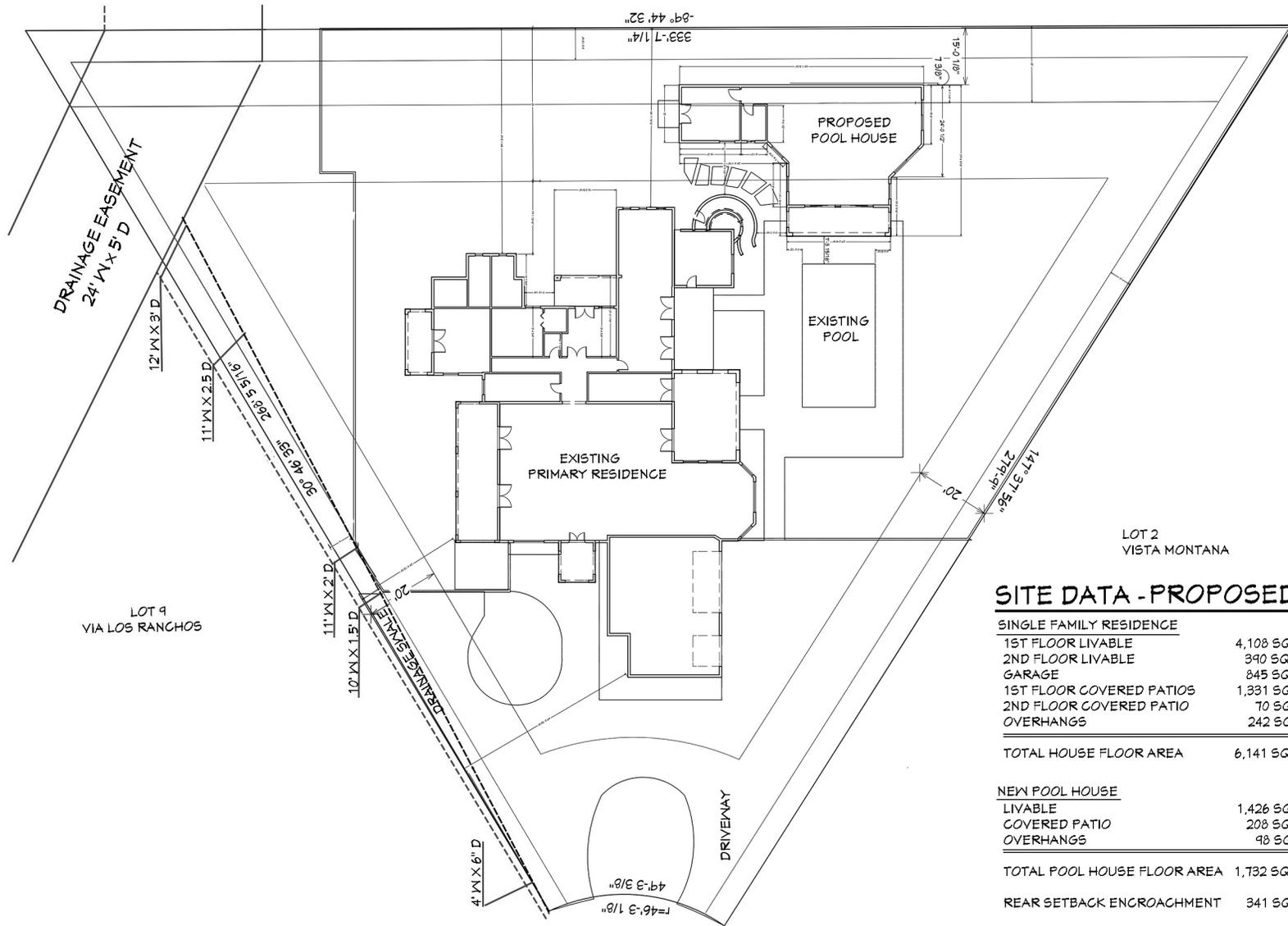
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VICINITY MAP



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# PROPOSED ARCHITECTURAL SITE PLAN



LOT 2  
VISTA MONTANA

LOT 9  
VIA LOS RANCHOS

## SITE DATA - PROPOSED

SINGLE FAMILY RESIDENCE	
1ST FLOOR LIVABLE	4,108 SQ. FT.
2ND FLOOR LIVABLE	390 SQ. FT.
GARAGE	845 SQ. FT.
1ST FLOOR COVERED PATIOS	1,331 SQ. FT.
2ND FLOOR COVERED PATIO	70 SQ. FT.
OVERHANGS	242 SQ. FT.

TOTAL HOUSE FLOOR AREA 6,141 SQ. FT.

NEW POOL HOUSE	
LIVABLE	1,426 SQ. FT.
COVERED PATIO	208 SQ. FT.
OVERHANGS	98 SQ. FT.

TOTAL POOL HOUSE FLOOR AREA 1,732 SQ. FT.

REAR SETBACK ENCROACHMENT 341 SQ. FT.

TOTAL FLOOR AREA 7,873 SQ. FT.

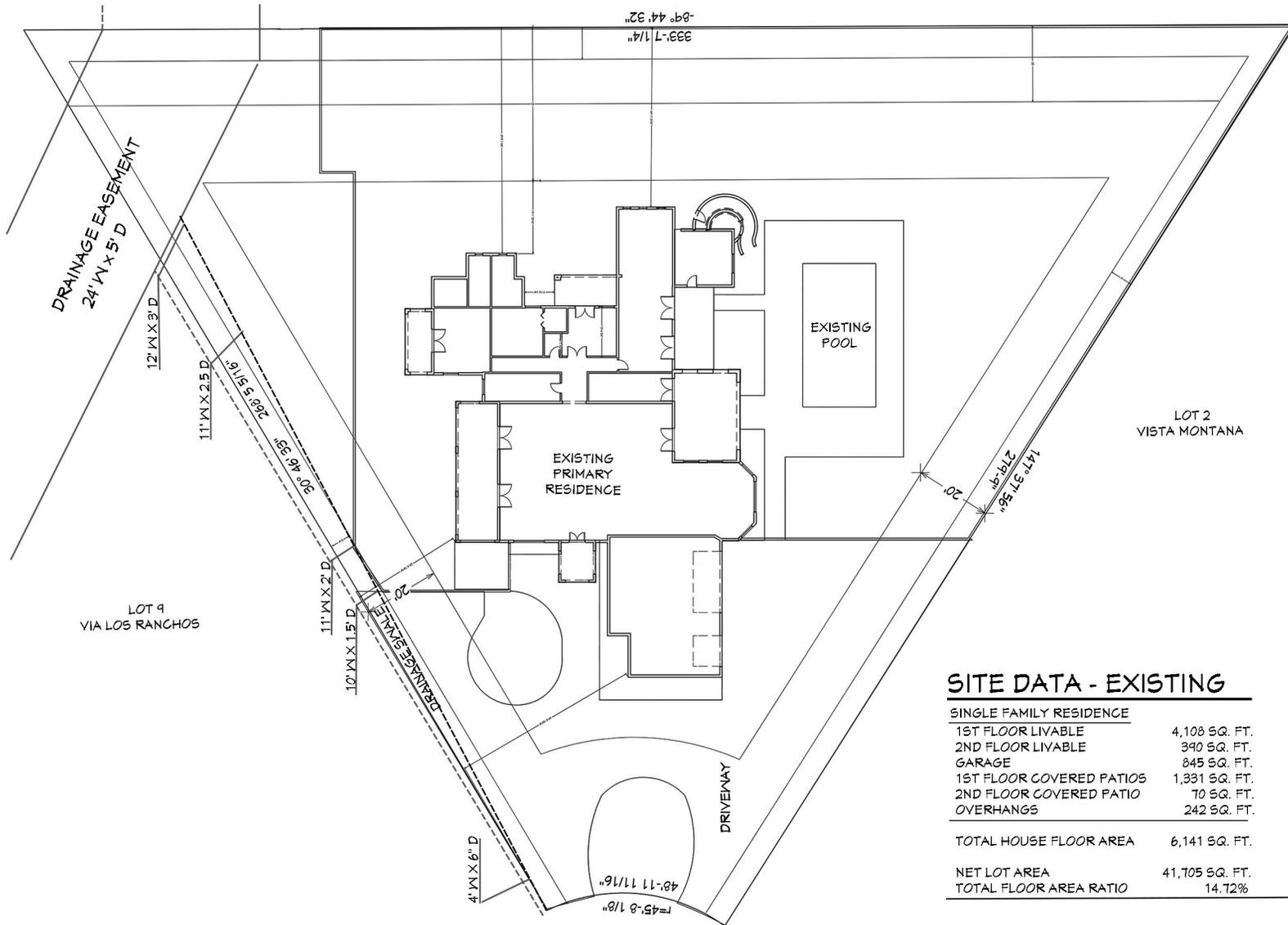
NET LOT AREA 41,705 SQ. FT.

TOTAL FLOOR AREA RATIO:  
7,873 SQ. FT. / 41,705 SQ. FT = 18.88%



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# EXISTING ARCHITECTURAL SITE PLAN

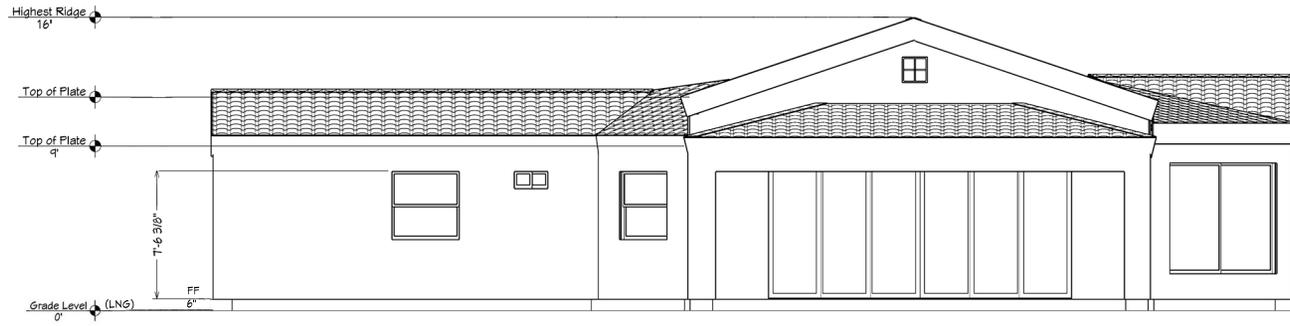


## SITE DATA - EXISTING

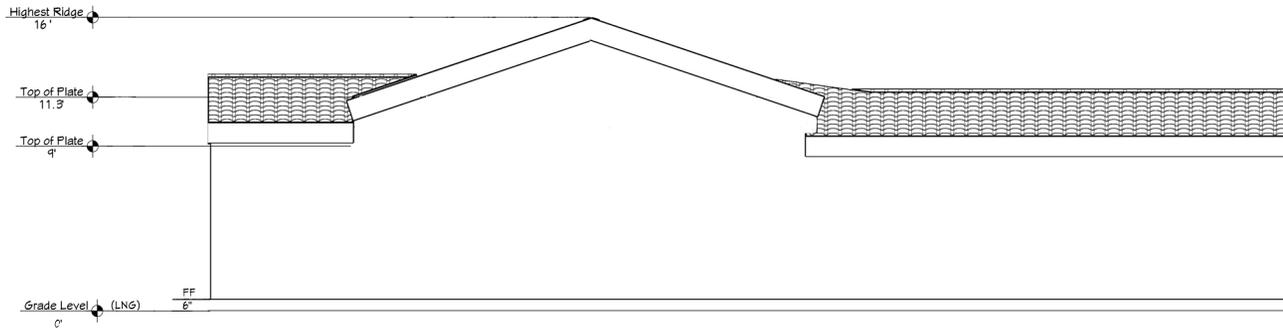
SINGLE FAMILY RESIDENCE	
1ST FLOOR LIVABLE	4,108 SQ. FT.
2ND FLOOR LIVABLE	390 SQ. FT.
GARAGE	845 SQ. FT.
1ST FLOOR COVERED PATIOS	1,331 SQ. FT.
2ND FLOOR COVERED PATIO	70 SQ. FT.
OVERHANGS	242 SQ. FT.
<b>TOTAL HOUSE FLOOR AREA</b>	<b>6,141 SQ. FT.</b>
<b>NET LOT AREA</b>	<b>41,705 SQ. FT.</b>
<b>TOTAL FLOOR AREA RATIO</b>	<b>14.72%</b>



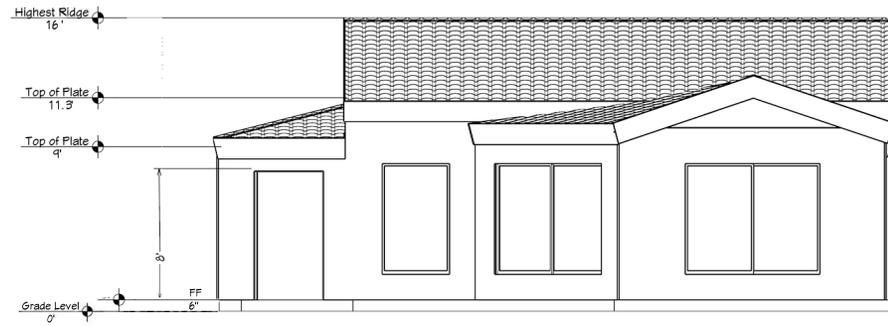
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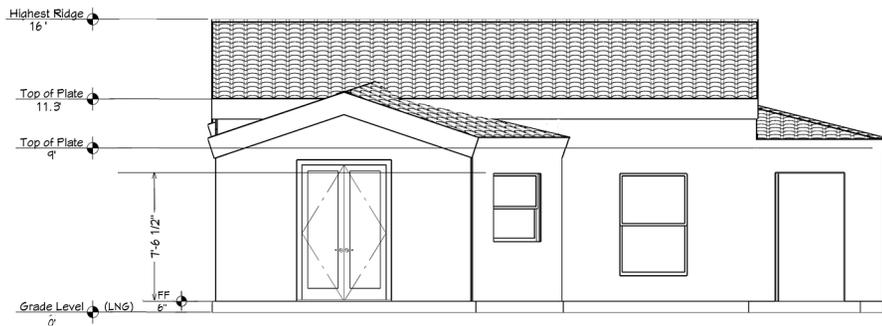
West / Front



East / Rear

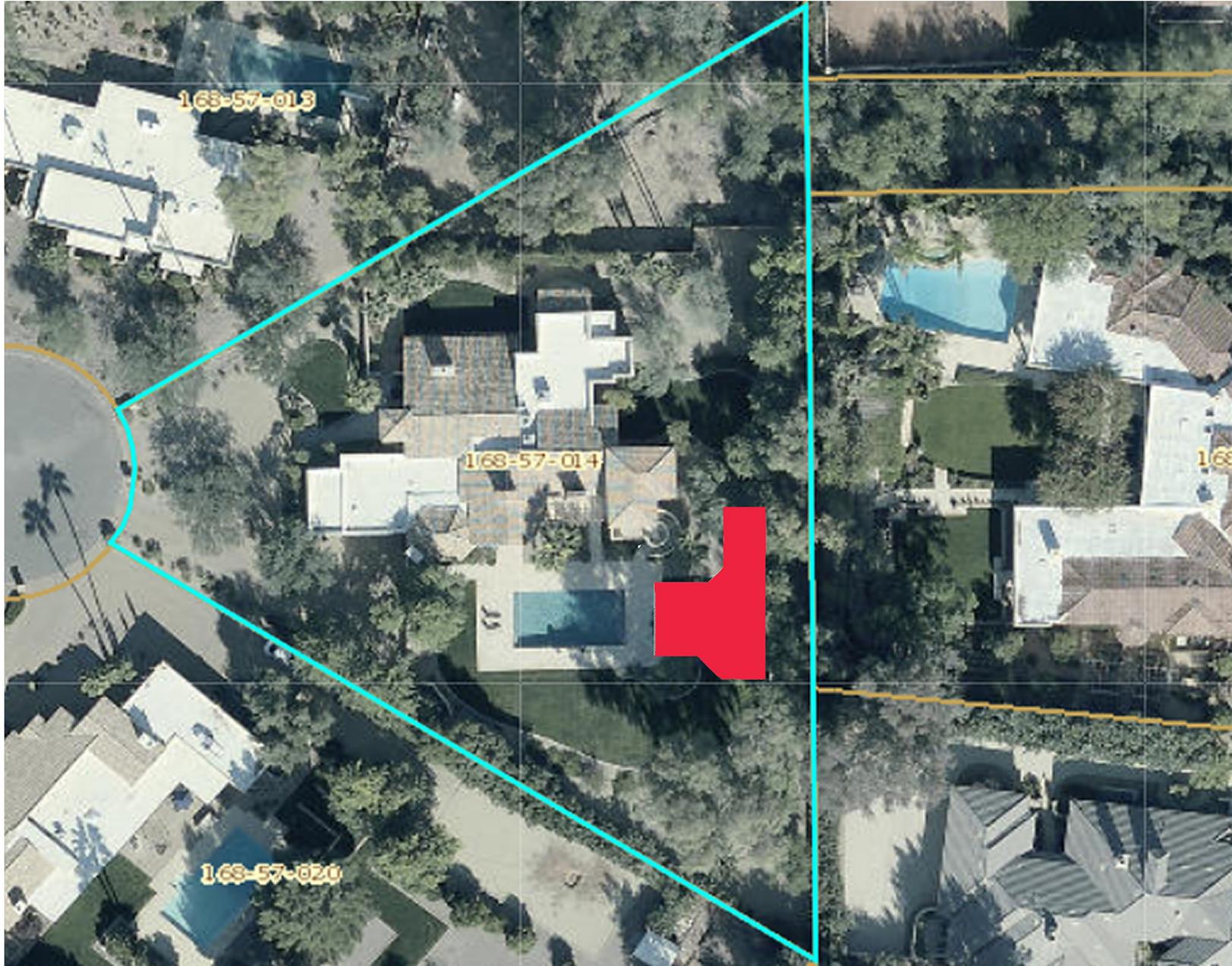


South / Side



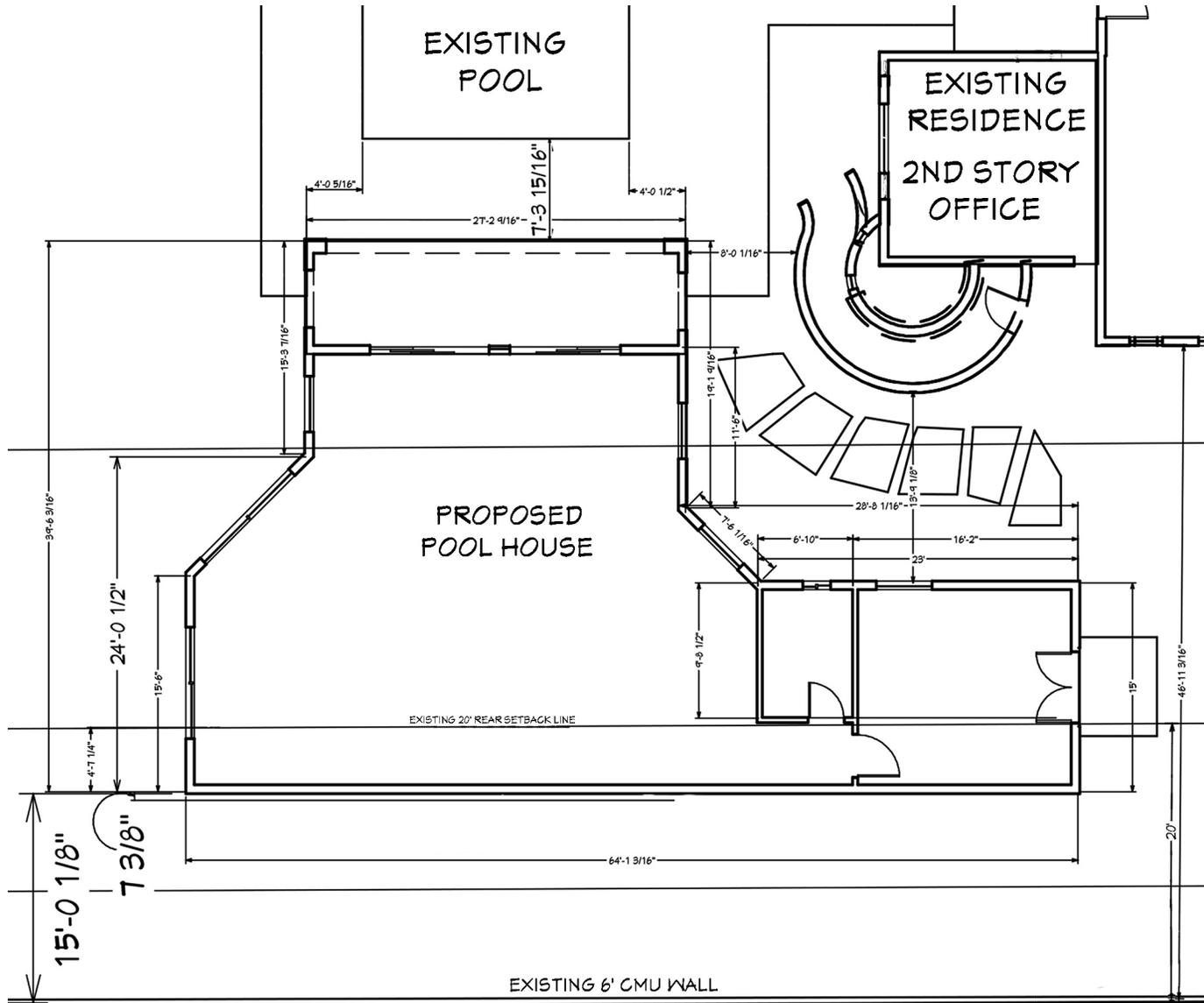
North / Side

PROPOSED SITE AERIAL



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PROPOSED FLOOR PLAN



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**EXISTING EXTERIOR VIEWS**



**SOUTHFACING EXISTING PRIMARY: 2ND STORY OFFICE OVER MASTER SUITE**



**SOUTHFACING EXISTING VIEW FROM 2ND STORY OFFICE**



**SOUTHFACING EXISTING VIEW FROM OUTSIDE OF MASTER SUITE**



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PROPOSED EXTERIOR VIEWS



PROPOSED POOL HOUSE: WEST-FACING VIEW



PROPOSED POOL HOUSE: NORTHWEST FACING VIEW  
SOUTH OF MASTER SUITE



PROPOSED POOL HOUSE: SOUTH-FACING VIEW  
FROM 2ND STORY OFFICE PATIO



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**EXISTING EXTERIOR VIEWS**



**STREET VIEW: WEST-FACING FRONT ELEVATION**



**SOUTH YARD: EXISTING WEST-FACING VIEW**



**SOUTH YARD: EXISTING EAST-FACING VIEW**



**REAR YARD: EXISTING SOUTH-FACING VIEW**



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# PROPOSED POOL HOUSE RENDERINGS



VIEWING NORTHEAST



VIEWING NORTHEAST



VIEWING SOUTHEAST



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EXISTING DRAINAGE SWALE - PHOTOS TAKEN ON DECEMBER 4, 2020 - PG 1

Drainage Swale commences @ SW corner of subject property and runs approximately 225' along the property line spilling into a 24'W x 5'D Wash at the NW corner of the property.



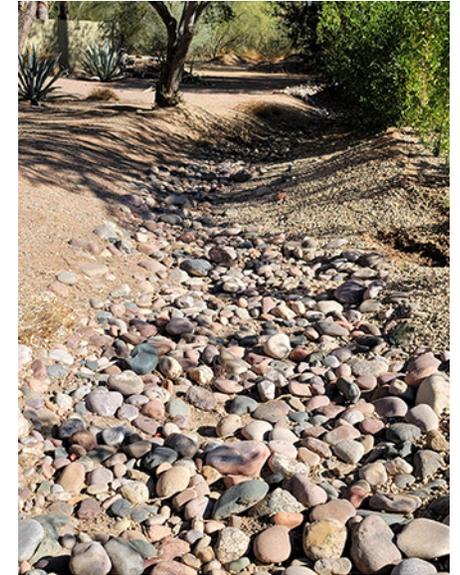
Drainage Swale Entry



4' Width x 6" Depth



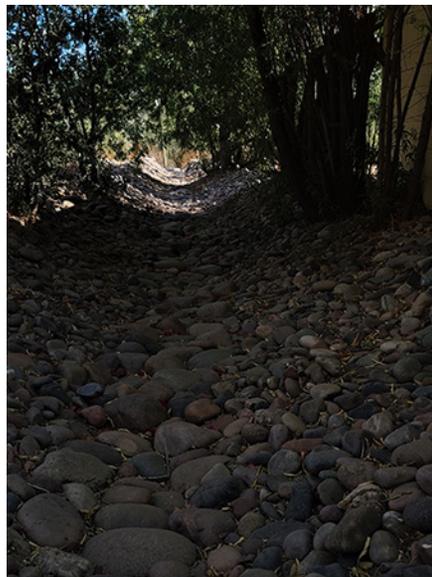
11' Width - 1' Depth



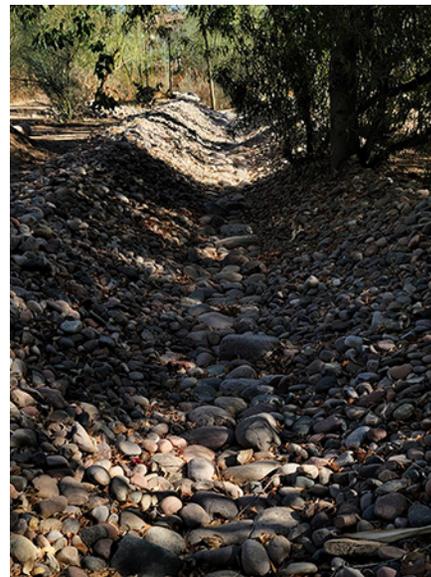
9' Width x 1.5' Depth



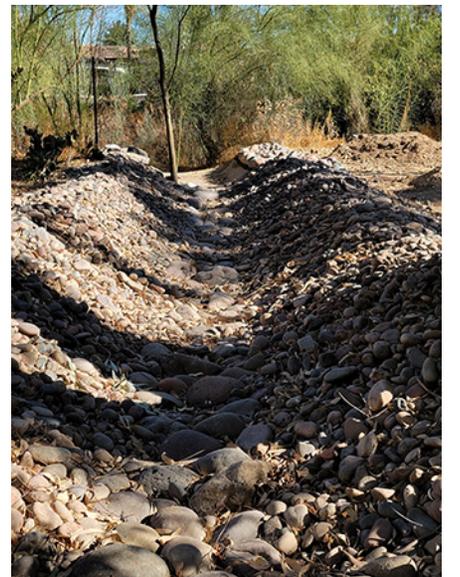
10' Width x 1.5' Depth



11' Width x 2' Depth



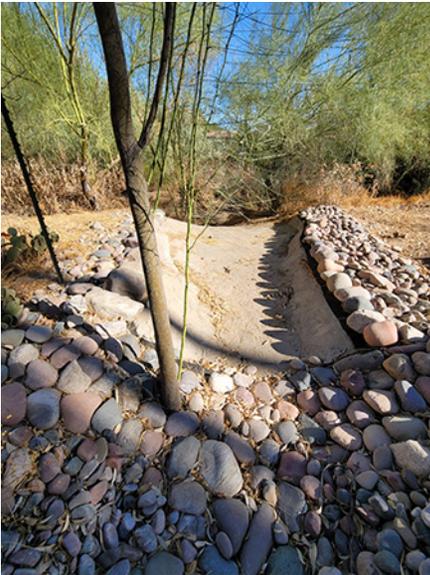
11' Width x 2' Depth



11' Width x 2.5' Depth

EXISTING DRAINAGE SWALE - PHOTOS TAKEN ON DECEMBER 4, 2020 - PG 2

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End of Drainage Swale @ Wash  
12' Width x 3' Depth @ edge of spillway



SE Facing View of Drainage Swale from inside of Wash  
Approx 5' drop to Wash floor from top of Drainage Swale



SW Facing View of 24' W x 5' D Wash



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