# Meeting Notice and Agenda <br> Board of Adjustment 

## 1. CALL TO ORDER

2. ROLL CALL

Notice is hereby given that members of the Public Body will attend either in person or by telephone conference call, pursuant to A.R.S. §38-431(4).

## 3. EXECUTIVE SESSION

The Public Body may convene into an executive session at one or more times during the meeting as needed to confer with the Town Attorney for legal advice regarding any of the items listed on the agenda as authorized by A.R.S. §38-431.03.A.3.

## 4. STUDY SESSION ITEMS

Work/Study is open to the public however the following items are scheduled for discussion only. The Public Body will be briefed by staff and other Town representatives. There will be no votes and no final action taken on discussion items. The Public Body may give direction to staff and request that items be scheduled for consideration and final action at a later date. The order of discussion items and the estimated time scheduled to hear each item is subject to change.
A. $\quad$ 18-239 Cuculic Variance - 5204 E San Juan Ave (APN: 172-47-032)

Case No. BA-18-02
Staff Contact: George Burton, 480-348-3525
5. PUBLIC HEARINGS

The Public Body may take action on this item.

| A. | $\underline{18-240}$ | Cuculic Variance - 5204 E San Juan Ave (APN: 172-47-032) |
| :---: | :--- | :--- |
|  | Case No. BA-18-02 |  |

## 6. ACTION ITEMS

The Public Body may take action on this item.

## 7. CONSENT AGENDA

All items on the Consent Agenda are considered by the Public Body to be routine and will be enacted by a single motion. There will be no separate discussion of these items. If a Commissioner or member of the public desires discussion on any item it will be removed from the Consent Agenda and considered separately.
A. 18-241 May 2, 2018 Board of Adjustment Meeting Minutes

## 8. STAFF REPORTS

## 9. PUBLIC BODY REPORTS

## 10. FUTURE AGENDA ITEMS

## 11. ADJOURNMENT

AGENDA IS SUBJECT TO CHANGE
*Notice is hereby given that pursuant to A.R.S. §1-602.A.9, subject to certain specified statutory exceptions, parents have a right to consent before the State or any of its political subdivisions make a video or audio recording of a minor child. Meetings of the Planning Commission are audio and/or video recorded, and, as a result, proceedings in which children are present may be subject to such recording. Parents in order to exercise their rights may either file written consent with the Town Clerk to such recording, or take personal action to ensure that their child or children are not present when a recording may be made. If a child is present at the time a recording is made, the Town will assume that the rights afforded parents pursuant to A.R.S. §1-602.A.9 have been waived.

The Town of Paradise Valley endeavors to make all public meetings accessible to persons with disabilities. With 72 hours advance notice, special assistance can also be provided for disabled persons at public meetings. Please call 480-948-7411 (voice) or 480-483-1811 (TDD) to request accommodation to participate in the Planning Commission meeting.

## Action Report

File \#: 18-239

## TO: Chair and Board of Adjustment

## FROM: Dawn Marie Buckland, Deputy Town Manager <br> Paul Michaud, Interim Community Development Director <br> George Burton, Planner

DATE: June 6, 2018

## CONTACT:

George Burton, 480-348-3525

## AGENDA TITLE:

Cuculic Variance - 5204 E San Juan Ave (APN: 172-47-032)
Case No. BA-18-02

## BACKGROUND

Refer to the Board of Adjustment public hearing action report on Case No. BA-18-02 for the background information regarding the variance request from the Zoning Ordinance, Article X, Height and Area Regulations, to allow a new single-family residence to encroach into the setback. The property is located at 5204 E San Juan Ave (APN: 172-47-032).

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DATE: June 6, 2018
CONTACT:
George Burton, 480-348-3525

## AGENDA TITLE:

Cuculic Variance - 5204 E San Juan Ave (APN: 172-47-032)
Case No. BA-18-02

## A. MOTION FOR APPROVAL

I move for [approval] of Case No. BA-18-02, a request by Lawrence and Mary Jo Cuculic, property owners of 5204 E San Juan Ave; for a variance from the Zoning Ordinance, Article X, Height and Area Regulations, to allow a single-family residence to encroach into the setback. The variance shall be in compliance with the submitted plans and documents:

1. The Narrative;
2. Preliminary Grading \& Drainage Plan, Sheets C-1 and C-2, prepared by Land Development Group and dated May 14, 2018;
3. Site Plan, Sheet 1, prepared by Birchfield Design and Furcini Construction Corporation and dated May 15, 2018;
4. Floor Plan, Sheet 2, prepared by Birchfield Design and Furcini Construction Corporation and dated May 15, 2018;
5. Exterior Elevations Plan, Sheet 3, prepared by Birchfield Design and Furcini Construction Corporation and dated April 18, 2018;
6. Exterior Elevations Plan, Sheet 4, prepared by Birchfield Design and Furcini Construction Corporation and dated May 15, 2018;
7. Cross Sections Plan, Sheet 5, prepared by Birchfield Design and Furcini Construction Corporation and dated April 18, 2018;
8. Roof Plan, Sheet 6, prepared by Birchfield Design and Furcini Construction Corporation and dated May 15, 2018;

## Reasons for Approval:

I find that there are special circumstances, applicable to only the subject lot, meeting the variance criteria.

File \#: 18-240

## B. MOTION FOR DENIAL

I move for [denial] of Case No. BA-18-02, a request by Lawrence and Mary Jo Cuculic, property owners of 5204 E San Juan Ave; for a variance from the Zoning Ordinance, Article X, Height and Area Regulations, to allow a single-family residence to encroach into the setback.

## Reasons for Denial:

I find that the variance requested does not meet the variance criteria.

## BACKGROUND

## Lot Conditions

The property is zoned R-43 Hillside and is 47,205 square feet in size ( 1.08 acres). The property is an hour-glass shaped lot and is surrounded by streets on three sides. If the variance is granted, the improvements will go thru the Hillside Building Committee review process.

## Request

The applicant is proposing to demolish the existing home and construct a single-family residence on the existing pad. Section 1001 of the Zoning Ordinance requires a 40' rear yard setback for the primary residence and the proposed home will encroach into the rear setback. Due to the design of the house with multiple vertical planes, the rear setback of the proposed home varies from 20 ' to 39' (measured from the north/rear property line). The house has 2' deep overhangs that are setback 18' to 37 ' from the north/rear property line.

The new home is a 5,158 square foot single-story residence that varies in height from 17 ' 6 tall to 21 ' 6 " tall. 1,736 square feet of the house will encroach into the rear yard setback (with 1,261 square feet of livable encroachment, 243 square feet of covered patio encroachment, and 232 square feet of overhang encroachment). The existing house is also a single-story home that encroaches into the rear yard setback. Approximately 638 square feet of the existing home encroaches into the rear yard at a setback of 28 ' from the north/rear property line.

## Lot History

The subject property is Lot 32 of the Stone Canyon subdivision. The subdivision was platted in 1955 and annexed into the Town in 1961. The following is a chronological history of the property:

- Per the Maricopa County website, the existing house was constructed in 1956.
- March 10, 1989. Building permit issued for a remodel to the house.
- February 22, 1994. Building permit issued for a trellis.
- February 22, 1994. Building permit issued for a fence.
- February 22, 1994. Building permit issued for a spa.
- August 19, 2004. Building permit issued for a retaining wall.


## DISCUSSION/ FACTS:

Variance criteria:

File \#: 18-240

Town Code and Arizona Revised Statutes set criteria an applicant must meet before a Board of Adjustment may grant a variance request. If the Board finds an applicant meets all of these criteria, the Board may grant the variance. However, if the Board finds the applicant does not meet all of the criteria, the Board may not grant the variance. The following are staff's findings with regard to such 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 to warrant a variance under the circumstances." (Town Code Section 2-5-3(C)2).

## Findings in Favor (FIFs):

The property is burdened with an odd shape and triple street frontage which creates a narrow and restrictive building envelope. Also, the improvements will not create additional disturbance to the hillside since the new house will be located on the existing pad.

## Findings Opposed (FOPs):

Arizona Revised Statues and the Town Zoning Ordinance do not require the most optimal or profitable use of a property. Although not ideal, the size of the house may be scaled down or the house may be redesigned in order to reduce the amount of encroachment or comply with the setback requirements.
2. The "special circumstances, hardship, or difficulty [do not] arise out of misunderstanding or mistake..." (Town Code Section 2-5-3(C)4(b)).

## FIFs:

The hardship is not out of mistake or misunderstanding. The hour-glass shape and multiple frontages of the lot are the result of how the parcel was platted in Maricopa County.

## FOPs:

The applicant should be aware of all special circumstances on the property and plan any designs accordingly.
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).

## FIFs:

The intent of the code is to minimize the amount of disturbance to the hillside, preserve the visual openness, and preserve the natural features of the mountain. The request meets the intent of the Zoning Ordinance since the new house will not increase the amount of disturbance, will preserve the rock feature to the west, and will have limited visual impact. The house will not create additional disturbance since it will be placed on an existing pad and it will have limited visual impact since the house is a single-story home that is below the 24 ' height limit (with a varying height between 17 ' 6 " tall and $21^{\prime} 6$ " tall).

## FOPs:

The request does not meet the intent of the code since the proposed home increases the

File \#: 18-240
amount of encroachment and since other alternatives exist. The existing home is setback 28 ' from the rear/north property line with 638 square feet of encroachment. The new home is setback 20 ' from the rear/north property line with 1,736 square feet of encroachment. Also, the orientation of the house may be reconfigured or redesigned to reduce the amount of setback encroachment.
4. "The special circumstances, hardship or difficulty applicable to the property are [not] selfimposed by the property owner, or predecessor..." (Town Code Section 2-5-3(C)4).

## FIFs:

The request is not self-imposed. The applicant has a difficult lot to build on and is trying to design a house that utilizes the existing site conditions. The hour-glass shape and triple street frontage create a restrictive building envelope.

## FOPs:

The request is self-imposed since the applicant may redesign a house to reduce the amount of encroachment or comply with the setback requirement. The applicant should be aware of all special circumstances on the property and plan any designs accordingly.
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)).

## FIFs:

The property hardship arises from the odd shape and triple frontage of the lot. The hour-glass shape creates a narrow and unusual building envelope. The property is 47' (or $28 \%$ ) narrower and has a building envelope $44 \%$ smaller than a standard R-43 zoned lot. If the property were platted under current code, the lot would be required to have a minimum width of 165'. However, the subject property is 118' wide at its narrowest point. If the property met the minimum lot width of 165', a variance would not be needed. Also, the applicant is trying to limit the amount of disturbance and preserve the rock outcropping on the western part of the property by utilizing and orientating the house on the existing pad.

## FOPs:

Arizona Revised Statues and the Town Zoning Ordinance do not require the most optimal or profitable use of a property. It appears that other alternatives exist and that the amount of setback encroachment can be reduced by redesigning and/or re-orientating the house (e.g. moving the house closer to the front/south setback line and/or modifying the size or shape of the rooms to reduce the amount of encroachment).
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)).

## FIFs:

## File \#: 18-240

The request is in character with the neighborhood and the Zoning Ordinance. The setback encroachment is not out of character with the neighborhood since several of the neighboring homes encroach into the setbacks (via the Maricopa County aerial photo, it appears that six of the neighboring homes encroach into the setbacks).

The request is also in character with the Zoning Ordinance since the intent of the code is to preserve the hillside. The new house will not increase the amount of disturbance by utilizing the existing pad. The size of the proposed home is in character with the neighborhood. The proposed house has a livable square footage of 3,300 square feet. Via data from Maricopa County, the homes in the neighborhood have an average livable square footage of 4,800 square feet.

FOPs:
All other properties in the area must meet the setback requirements outlined the Zoning Ordinance. Also, the proposed home increases the amount of encroachment. The existing home is setback 28' from the rear/north property line with 638 square feet of encroachment. The new home is setback 20 ' from the rear/north property line with 1,736 square feet of encroachment.

COMMENTS: Staff received no comments regarding this application.
COMMUNITY IMPACT: None.
FISCAL IMPACT None.
CODE VIOLATIONS: None.
ATTACHMENTS
Vicinity Map \& Aerial Photo
Application
Narrative and Plan Set
Noticing Materials
C: Jim Furcini (Applicant)
Case File BA-16-6

## Action Report

File \#: 18-240

## TO: Chair and Board of Adjustment

## FROM: Paul Michaud, Interim Community Development Director George Burton, Planner

DATE: June 6, 2018
CONTACT:
George Burton, 480-348-3525

## AGENDA TITLE:

Cuculic Variance - 5204 E San Juan Ave (APN: 172-47-032)
Case No. BA-18-02

## A. MOTION FOR APPROVAL

I move for [approval] of Case No. BA-18-02, a request by Lawrence and Mary Jo Cuculic, property owners of 5204 E San Juan Ave; for a variance from the Zoning Ordinance, Article X, Height and Area Regulations, to allow a single-family residence to encroach into the setback. The variance shall be in compliance with the submitted plans and documents:

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I find that there are special circumstances, applicable to only the subject lot, meeting the variance criteria.

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## File \#: 18-240

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COMMENTS: Staff received no comments regarding this application.
COMMUNITY IMPACT: None.
FISCAL IMPACT None.
CODE VIOLATIONS: None.
ATTACHMENTS
Vicinity Map \& Aerial Photo
Application
Narrative and Plan Set
Noticing Materials
C: Jim Furcini (Applicant)
Case File BA-16-6


$$
B A-18-02
$$

APPLICATION TO BOARD OF ADJUSTMENT FOR VARIANCE
DATE: $\qquad$ 7 MAY 2018
$\qquad$
$\qquad$

LEGAL DESCRIPTION: $\qquad$

OWNER: $\frac{\text { LARRY LUCULIC }}{\text { PRINTED NAME }}$
SIGNATURE

| 5204 E. SAN JUAN AVENUE, PARADISE VANE, AZ $623.451-8137$ |
| ---: |
| ADDRESS |
| $85253 \quad$ PHONE \# |

GAND DEVELOPMENT GROUP



APPLICANT/
REPRESENTATIVE: $\frac{\text { JIMFURUNI }}{\text { PRINTED NAME }}$
$\qquad$
602-279-0200

$$
602-955-4465
$$

PHONE \#

> FAX \#

THE ABOVE APPLICANT HEREBY APPLIES FOR A VARIANCE AS INDICATED BELOW IN ACCORDANCE WITH THE ZONING ORDINANCE AND SECTION 2-5-3 OF THE CODE OF ORDINANCES OF THE TOWN OF PARADISE VALLEY.

STATE HARDSHIP INVOLVED OR GROUNDS FOR APPEAL TO THE BOARD OF ADJUSTMENT. (Please attach additional sheets as necessary).

ALLOW PORTIONS OF PROPOSED RESIDENCE TO ENCROACH
OVER THE NORTH SETBACK LINE

## Zoning Adjustment Case Narrative

| Address: | 5204 E. San Juan Avenue, Paradise Valley, Arizona 85253 |
| :--- | :--- |
| Parcel: | $172-47-032$ |
| Zoning; $\quad$ R-43 |  |
| Lot size: $\quad 47,020$ square feet |  |
| Subdivision: Stone Canyon, Lot 32 |  |

Request: Building setback encroachment:

Allow portions of proposed residence to encroach over the north setback line.

## Property Narrative:

Mary Jo and Larry Cuculic have lived in Stone Canyon, Paradise Valley, Arizona, for over 5 years. As petitioners, they are respectfully requesting reasonable variances to build a new home at 5204 E. San Juan Avenue.

By way of background, originally, having graduated from the United States Military Academy, West Point, Larry served in the U.S. Army for 20 years. After retiring from the military, Mary Jo and Larry moved back to Indiana, both having grown up in Indiana and Larry having graduated from Notre Dame Law School.

Upon Larry being offered a General Counsel position in Phoenix, Mary Jo and Larry moved to the area - eventually settling in their home in Paradise Valley.

As a result military service, they have moved fourteen times. Although each place holds exceptional memories, Paradise Valley is where they wish to stay.

The home on the building site was built in the 1950's. Although they love the house, it has its physical and mechanical challenges. The home they wish to build would improve not just this home site, but also the neighborhood and the surrounding homes.

Again, they respectfully request reasonable variances to build a home that they will love and enjoy for years to come. (ref. diagram \#1)

## Subdivision / lot background:

The Stone Canyon subdivision, platted in 1955, consists of 43 lots. Lot 32 is an irregular shaped lot located in the western area of the subdivision. (ref. diagram \#2) It is zoned R-43 (Hillside), has an area of 47,020 square feet and there is an existing residence, carport, patios and driveway on the lot. (ref. diagram \#3)

When Stone Canyon was originally subdivided, in 1955, it was recorded in Maricopa County. The setbacks at that time were less than the current requirements. Also, there was no Hillside Ordinance in effect at that time. On May $24^{\text {th }}, 1961$ the subdivision was annexed into the Town of Paradise Valley. There have been numerous Hillside Ordinances in effect since that time.

## Site Analysis:

The natural topography of Lot 32 flows in two washes. One from the east $52^{\text {nd }}$ Place (high point) to the north $52^{\text {nd }}$ Place (low point) and the other from the west San Juan Avenue (high point) to $52^{\text {nd }}$ Place (low point). There is an existing building pad and driveway that was created when the existing residence was built in 1956. (ref. diagram \#3) See Grading and Drainage plans and Drainage Narrative for further site drainage information.

The primary views are in a panoramic perspective from northeast to the west. Also, views from the south east to the southwest capture spectacular Camelback Mountain. (ref. diagram \#4)

Numerous natural beautiful rock croppings occur throughout the lot that will be preserved. (ref. diagram \#5)

Lot 32 is unusual since there are 3 streets around the periphery of the property. The narrow "hour glass" configuration of the lot creates great challenges for a feasible building footprint. The current setbacks are 40 feet on the three street sides and 20 feet on the west side. (ref. diagram \#6)

The site section (ref. diagram \#7) shows the location of the typical site cross section at the midpoint of the building area. The one story structure is substantially under the maximum height allow by the Hillside ordinance. (ref. diagram \# 7a)

## Building Design Philosophy:

The overall design philosophy is to create a residence that maximizes the views and minimizes the disturbance of the site.

The existing residence, which is 2,174 s.f. livable, the 624 s.f. carport, adjoining storage structures, site walls, septic system and landscaped areas will be completely removed from the site. The existing building pad will remain.

The new proposed residence, adjoining patios, garage, driveway, landscaped areas, septic system and drywell will occur on the existing building pad. The proposed residence is 3,300 s.f. livable, 660 s.f. garage and storage. The proposed one story structure is under the allowable maximum height allowed. (ref. Diagram \#7a)

In order to attempt restoration of the site to natural state, the existing walkway on the south side of the side of the property and the existing patio area to the west will be restored to natural state. The area where the septic system and drywell is proposed will be restored to natural state. (ref. diagram \#8) The existing driveway configuration will remain and pavers are proposed.

The site drainage is a combination of a guttered roof drain system tying into a site catch basin system that flows into a drywell. The septic system is a duel tank tying into a drip leach system. The area of the drip leach system will be restored to natural state. (see Preliminary Grading and Drainage Plan for information on the drainage and septic system)

## Reason for the Variance:

There are three primary hardships that Lot 32 imposes:

1. The lot has "three streets sides". Each street side requires a 40 foot setback. A typical R-43 lot on todays standard would have 40 foot front and rear setbacks and 20 foot side yard setbacks. At the minimum width of the space between north and south setbacks, there is only 27 feet of building envelope available. This is a difference of 58 feet of existing lot building envelope width deficiency compared to the typical R-43 width. ( 85 feet-27 feet) (ref. diagram \#9)
2. Due to the narrow "hour glass" configuration of the lot and the required 40 foot setbacks, it is nearly impossible to build a residence within the north and south setbacks. The minimum lot dimension from the north property to the south property line is 118 feet. The current minimum lot width, based on the Zoning Ordinance Table 1001-A1, is 165 feet. This is a difference of 47 feet of existing lot width deficiency. (ref. diagram \#9)

The existing residence footprint does not conform with the current setbacks and encroaches 12 feet in to the north setback and 1 foot into the south setback. The proposed residence encroaches 21 feet into the north setback at the greatest dimension and does not encroach into the south, east or west setbacks. The proposed residence footprint is completely within the existing building pad and does not encroach into any undisturbed area. The closet part of the proposed residence 20 feet from the north property line. (ref. diagram \#9a)

The square footage of encroachment over the north setback of the existing residence is 638 s.f. The square footage of the encroachment proposed for the new residence is 1,261 s.f. (ref. diagram \#9a)
3. Because of the "three street sides" and the "hour glass" lot configuration, the "buildable area" is substantially less than the current R-43 standards. The current standards would allow 23,000 square feet of "buildable area". (ref. diagram \#6) Lot 32 has only 12,050 square feet of "building area". This results in substantially less potential "building area". (ref. diagram \#9a)

Variance request is the minimum amount needed to cure property hardship because:
a. As per staff recommendation, the northernmost corner of the proposed residence has been modified to be 20 feet from the north property line. This is an attempt to conform with a normal 20 foot side yard setback. (ref. diagram \# 9a)
b. In attempt to reduce the proposed setback encroachment into the north setback, the proposed residence would have to extend into the northwest setback area and push the septic system further to the northwest. This concept would lengthen the linear design and create a "railroad car" design that certainly would be difficult to create a feasible floor plan. This extension to the northwest would cause the patio area to span the west wash and cause the septic system to encroach into the northwest undisturbed area, potentially into the rock cropping area.
c. A normal R-43 lot has a "buildable area" of 23,000 square feet. Lot 32 "buildable area" is 12,721 square feet. This is a deficiency of 10,279 square feet of "buildable area". (ref. diagram 6)

## Variance Process:

During the variance process we have been working with the Town of Paradise Valley staff to create an appropriate design and a reasonable variance request.

We have proposed a linear configured, one story structure residence that conforms to the existing building pad, creates no new site disturbance and maximizes views. (ref. diagram \#10 and 10a)

It is always our intent to work with current ordinance, however, this site has proven hardships. The irregular shaped lot, with the 40 foot setbacks on three street sides and limited building area are hardships that grants the need for the requested variance.

## 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 to warrant a variance under the circumstance." [Town Code section 2-5-3(c)2].

Variance request:

This lot suffers from pre-existing conditions that create hardships under the current Zoning Ordinance.
A. Three street sides:

Lot 32 was platted with "three street sides". The greater north and south setbacks result in a smaller buildable area width.
B. Irregular lot shape:

The "hour glass" shape of the lot substantially reduces the buildable area.
C. Smaller buildable area:

Because of the three street sides and the irregular lot shape, the allowable buildable area is reduced. The reduced amount of buildable area is 10,279 square feet. (ref. diagram 6)

The lot suffers from existing conditions that make it nearly impossible to build a house that meets the current required setbacks. We are proposing a new structure that is completely on the existing building pad. There are no new disturbed areas and there are existing disturbed areas that are being return to natural state. There are no encroachments into the maximum height requirement of the Hillside Code.

## 2. The "special circumstances, hardship, or difficult (do not) arise out of misunderstanding or mistake..." [Town Code section 2-5-3(c)4(b)].

This lot suffers from pre-existing conditions that create hardships under the current Zoning Ordinance. As a result of the property platted in 1955, the size, shape and topography has created the three property hardships:
A. Three street sides:

Lot 32 was platted with "three street sides". The greater north and south setbacks result in a smaller buildable area.
B. Irregular lot shape:

The "hour glass" shape of the lot substantially reduces the buildable area.
C. Smaller buildable area:

Because of the three street sides and the irregular lot shape, the allowable buildable area is reduced.

These conditions are pre-existing and do not arise out of a misunderstanding or mistake.

## 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].

This lot suffers from pre-existing conditions that create hardships under the current Zoning Ordinance.
A. Three street sides:

Lot 32 was platted with "three street sides". The greater north and south setbacks result in a smaller buildable area.
B. Irregular lot shape:

The "hour glass" shape of the lot substantially reduces the buildable area.
C. Smaller buildable area:

Because of the three street sides and the irregular lot shape, the allowable buildable area is reduced.

In attempt to reduce the proposed setback encroachment into the north setback, the proposed residence would have to extend into the northwest setback area and push the septic system further to the northwest. This concept would lengthen the linear design and create a "railroad car" design that certainly would be difficult to create a feasible floor plan. This extension to the northwest would cause the patio area to span the west wash and cause the septic system to encroach into the northwest undisturbed area, potentially into the rock cropping area. Also, the option of a two story home is undesirable to the owners and would difficult due to the maximum allowable height. This explains the logic of the proposed encroachment into the north setback. The proposed encroachment occurs on the existing building pad and creates no new disturbance of the site.

Because of the substantially reduced "building area" and the lot configuration, the allowable size of the residence is reduced. The proposed residence livable square footage is 3,300 s.f. which is much less than the normal 8,000 s.f. livable residence in Paradise Valley. Also, the "building area" allows only a two car garage.

## 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]

This lot suffers from pre-existing conditions that create hardships under the current Zoning Ordinance. As a result of the property platted in 1955, the size, shape and topography has created the three property hardships:
A. Three street sides:

Lot 32 was platted with "three street sides". The greater north and south setbacks result in a smaller buildable area.
B. Irregular lot shape:

The "hour glass" shape of the lot substantially reduces the buildable area.
C. Smaller buildable area:

Because of the three street sides and the irregular lot shape, the allowable buildable area is reduced.

These conditions are pre-existing and are not self-imposed by the current property owner or the predecessor.

## 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)].

As a result of the property platted in 1955, the size, shape and topography has created the three property hardships:
A. Three street sides:

Lot 32 was plated with "three street sides". The greater north and south setbacks results in a smaller buildable area.
B. Irregular lot shape:

The "hour glass" shape of the lot substantially reduces the buildable area.
C. Smaller buildable area:

Because of the three street sides and the irregular lot shape, the allowable buildable area is reduced.

The lot suffers from existing conditions that make it nearly impossible to build a house that meets the current required setbacks. We are proposing a new structure that is completely on the existing building pad. There are no new disturbed areas and there are existing disturbed areas that are being return to natural state. There are no encroachments into the maximum height requirement of the Hillside Code.
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 lot suffers from pre-existing conditions that make it nearly impossible to build a house that shares the same privileges enjoyed by adjacent neighboring properties of the same zoning classification. There are 6 neighboring lots with different encroachments occurring. 5 have front yard encroachments, 2 with side yard encroachments and 2 with carport encroachments. (ref. diagram \#11-111) The residence on lot \# 40 is 5.4 feet from the north property line. (ref. diagram \# 11I)

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

(1) DIAGRAM 2

NORTH STONE CANYON SUBDIVISION





DIAGRAM 6
R-43 LOT ANALYSIS PER
ZONING ORDINANCE







DIAGRAM 10

PROPOSED FLOOR PLAN
E. MCDONALD DR.

(1) DIAGRAM 11

NORTH NEIGHBORING PROPERTIES WITH SETBACK ENCROACHMENTS







DIAGRAM 11f



DIAGRAM 11h
FRONT YARD ENCROACHMENT SIDE YARD ENCROACHMENT












## DRAINAGE MAP CUCULIC RESIDENCE

5204 E SAN JUAN AVE., PARADISE VALLEY, AZ 85253 LOT 32 - STONE CANYON
A SUBDIVISION PLAT RECORDED IN BOOK 62 OF MAPS, PAGE 41, MCR
LOCATED IN A PORTION OF THE SW $1 / 4$ OF THE NW $1 / 4$ OF THE NE $1 / 4$ OF SECTION 17 , T.2N, R.4E OF THE GILA \& SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA



SITE DATA


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## LEGAL DESCRIPTION




BENCHMARK


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FLOOD INSURANCE RATE MAP (FIRM) DATA

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## PRELIMINARY GRADING \＆DRAINAGE PLAN

## CUCULIC RESIDENCE

5204 E SAN JUAN AVE．，PARADISE VALLEY，AZ 85253 LOT 32 －STONE CANYON

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LOCATED IN A PORTION OF THE SW $1 / 4$ OF THE NW $1 / 4$ OF THE NE $1 / 4$ OF SECTION 17 ，T． 2 N, R． 4 E

## ENGINEERS NOTE

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## ABBREVIATIONS

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## CRADING SPECIFICATIONS




DRAINAGE STATEMENT




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## FLOOD INSURANCE RATE MAP（FIRM）DATA

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## UTILITIES

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## UTILITIES NOTES

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## SHEET INDEX



APPROVAL
 DAIE


May 17, 2018

To: Mr. Paul Mood, PE<br>Town Engineer<br>Town of Paradise Valley<br>6401 E Lincoln Drive<br>Paradise Valley, AZ 85253

Re: Cuculic Residence
5204 E San Juan Ave
Paradise Valley, AZ 85253
LDG Project \#1711162

## DRAINAGE MEMORANDUM

Dear Mr. Mood:

In accordance with the Town of Paradise Valley Hillside Ordinance, we have prepared this drainage memorandum and preliminary grading and drainage plans, related to the construction of Cuculic Residence. The goal of this memorandum is to describe the existing and proposed drainage conditions and to identify the potential improvements to mitigate the drainage impact to the subject and the neighboring properties downstream.

The site is located at 5204 E San Juan Ave, Paradise Valley, AZ 85253 and it is also being Lot 32 of Stone Canyon, a subdivision, recorded in Book 62, Page 41, MCR). The lot is situated within a residential subdivision, at the northerly hills of Camelback Mountain and it is zoned R-43 Hillside. The 1.08-acre property is currently developed and it has a single-family residence ( 2,367 s.f.), constructed in 1956.

Site is located in FEMA Flood Zone "X" according to Flood Insurance Rate Map (FIRM) \#: 04013C, Panel 1765 of 4425, Suffix L, dated October 16th, 2013, as published by FEMA. The FIRM Panel defines Zone " $X$ " as follows: "Areas determined to be outside the $0.2 \%$ annual chance floodplain".

The proposed architectural plans call for a new single-family residence ( 4,498 s.f.) to be constructed within the currently disturbed building envelope. There are two washes, east and west of the residence, which run in northerly direction and leave the property at $52^{\text {nd }}$ Place's right-of way. There is an existing $18^{\prime \prime}$ CMP culvert constructed under $52^{\text {nd }}$ Place, just north of the driveway entry. There is also an 18 " pipe at the ultimate outfall of the site that conveys flows under $52^{\text {nd }}$ Place to the north. Based on the estimated peak discharges, overtopping of both pipes most likely will occur during a major storm event.

The mountainous terrain slopes southerly with an average slope of $23 \%$. The lot is covered with large boulders, rock outcroppings and native desert vegetation. Field surveys and site inspections were conducted in 2017 to collect important information regarding the existing topographic characteristics, existing drainage conditions, to verify and confirm the extent of the tributary areas, local disturbances to the historic flows, and location and condition of the existing storm drainage structures. A topographic map was developed with a one-foot contour interval for the site and the adjacent street. Invert elevations of the existing culverts were picked up to facilitate the hydraulic calculations. The

| Cuculic Residence | Land Development Group, LLC | Page 1 of 2 |
| :--- | :---: | ---: |
| 5204 E San Juan Ave | 8808 N Central Ave., Suite $288 \bullet$ Phoenix, AZ 85020 | LDG Project \#1711162 |
|  | P: 602 $8891984 \bullet F: 6024459482$ |  |

elevation contours and survey spot elevations were tied to the GDACS monuments and are based on the Town of Paradise Valley vertical datum (NAVD 88).

Aerial and topographic maps were collected from the Maricopa County GIS and USGS web sites to facilitate further and clearly delineate the limits of each drainage tributary area contributing runoff to the subject project and to define the conveyance corridors. Maricopa County, FCDMC, City of Phoenix and USGS maps, aerial photography and surveyed topographic map for the sites were reviewed and used to establish the tributary areas within the watershed basin.

Computations were performed to estimate the 100-year design peak discharges from the sub-basins that contribute offsite flows to the project. Computer program DDMS provided by the Flood Control District of Maricopa County was utilized to generate the hydrology model and to estimate the 100-year peak discharges. Since the total drainage area of the watershed is less than 160 acres, the Rational Method has been used in accordance with the Flood Control District of Maricopa County (FCDMC) Drainage Design Manual Volume I - Hydrology. FCDMC Drainage Design Management System software was utilized for calculating the Rational Method parameters and the peak discharges of each contributing area. Precipitation data was derived from the NOAA Atlas 14, Volume 1, Version 4.

Three sub-basins were delineated for the watershed contributing runoff to the subject property. The overall area of the watershed is 10.79 ac. The peak discharges from each basin were depicted on the drainage map. Proposed grading and drainage plan is based on the architectural site plan. The finish floor elevation of the residence was set at 1553.50, which is $2^{\prime}$ higher than the elevation of the existing house. This would help with the slope of the new driveway and with the construction of swales behind the new retaining wall on the south side of the home. The intent of the swales is to capture any sheet flows coming from south and to redirect them to the west and east washes. Check dams and rock outlet structures were proposed to dissipate the water energy and mitigate the erosion. Culverts under the driveway are proposed to convey the flows to the north following the historic drainage path. New on-site drainage system and a dry well are designed to capture the on-site generated runoff. The proposed on-site storm water retention will reduce the impact to downstream properties. Existing rock berm along the north edge of San Juan Ave. as well as on-site walking paths were called out for removal.

Please refer to the enclosed exhibits for more details in support of this drainage narrative.

A Drainage Easement and Maintenance Agreement for Drainage Easement Area will be required for this project. Required maintenance of the proposed drainage structures within the pipes, swales, check dams, inlets, scuppers will be owner's responsibility.

In conclusion, the proposed preliminary design has the potential to collect, convey and discharge off-site and on-site generated runoff safely and effectively. The proposed improvements reduce the drainage impact to the neighboring lots downstream and will not result in alteration and increase of the existing and historic drainage patterns or magnitudes.

Respectfully Submitted,

Nick Prodanov, PE, PMP
Principal
Land Development Group, LLC


## Enclosures

- Drainage Map
- Hydrology Calculations
- Preliminary Grading and Drainage Plan


## DRAINAGE MAP CUCULIC RESIDENCE

5204 E SAN JUAN AVE., PARADISE VALLEY, AZ 85253 LOT 32 - STONE CANYON
A SUBDIVISION PLAT RECORDED IN BOOK 62 OF MAPS, PAGE 41, MCR
LOCATED IN A PORTION OF THE SW $1 / 4$ OF THE NW $1 / 4$ OF THE NE $1 / 4$ OF SECTION 17 , T.2N, R.4E OF THE GILA \& SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA



SITE DATA


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## LEGAL DESCRIPTION




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FLOOD INSURANCE RATE MAP (FIRM) DATA

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Town of Paradise Valley
Drainage Design Management System
MAJOR BASINS
Page 1 Project Reference: 1711162

| Major <br> Basin | Area <br> (acres) | Description |
| :--- | :--- | :--- |
| 01 | 10.79 | Major Basin 01 |

Town of Paradise Valley
Drainage Design Management System RAINFALL DATA
Project Reference: 1711162

| Page 1 |  |  |  |  |  |  |  |  | 5/17/2018 |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| ID | Method | Duration | 2 Yr | 5 Yr | 10 Yr | 25 Yr | 50 Yr | 100 Yr |  |
| DEFAULT | NOAA14 | 5 MIN | 0.244 | 0.332 | 0.399 | 0.490 | 0.559 | 0.630 |  |
|  | NOAA14 | 10 MIN | 0.372 | 0.505 | 0.607 | 0.745 | 0.851 | 0.958 |  |
|  | NOAA14 | 15 MIN | 0.461 | 0.626 | 0.753 | 0.924 | 1.055 | 1.188 |  |
|  | NOAA14 | 30 MIN | 0.621 | 0.844 | 1.014 | 1.243 | 1.420 | 1.600 |  |
|  | NOAA14 | 1 HOUR | 0.768 | 1.044 | 1.255 | 1.539 | 1.758 | 1.980 |  |
|  | NOAA14 | 2 HOUR | 0.879 | 1.178 | 1.404 | 1.714 | 1.951 | 2.196 |  |
|  | NOAA14 | 3 HOUR | 0.950 | 1.249 | 1.485 | 1.815 | 2.078 | 2.353 |  |
|  | NOAA14 | 6 HOUR | 1.131 | 1.451 | 1.703 | 2.050 | 2.322 | 2.605 |  |
|  | NOAA14 | 12 HOUR | 1.270 | 1.610 | 1.876 | 2.236 | 2.512 | 2.796 |  |
|  | NOAA14 | 24 HOUR | 1.533 | 1.989 | 2.348 | 2.848 | 3.243 | 3.655 |  |

Town of Paradise Valley
Drainage Design Management System
Project Reference: 1711162

| Sub <br> Basin | Land Use Code | Area (acres) | Area (\%) | Kb | Runoff Coefficient $C$ |  |  |  |  |  | Description |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
|  |  |  |  |  | 2 Year | 5 Year | 10 Year | 25 Year | 50 Year | 100 Year |  |
| Major Basin ID: 01 |  |  |  |  |  |  |  |  |  |  |  |
| 11 | MOUNT | 1.38 | 100.0 | 0.196 | 0.70 | 0.70 | 0.70 | 0.77 | 0.84 | 0.90* | Mountain Terrain (Slopes > 10\%) |
|  |  | 1.380 | 100.0 |  |  |  |  |  |  |  |  |
| 12 | MOUNT | 6.77 | 100.0 | 0.175 | 0.70 | 0.70 | 0.70 | 0.77 | 0.84 | 0.90* | Mountain Terrain (Slopes > 10\%) |
|  |  | 6.770 | 100.0 |  |  |  |  |  |  |  |  |
| 13 | MOUNT | 2.64 | 100.0 | 0.187 | 0.70 | 0.70 | 0.70 | 0.77 | 0.84 | 0.90* | Mountain Terrain (Slopes > 10\%) |
|  |  | 2.640 | 100.0 |  |  |  |  |  |  |  |  |

Town of Paradise Valley
Drainage Design Management System SUB BASINS
Page $1 \quad$ Project Reference: 1711162
5/17/2018

| ID | Sub Basin Data |  |  |  |  |  |  | Sub Basin Hydrology Summary |  |  |  |  |  |
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|  | Area (acres) | Length <br> (ft) | USGE | DSGE | Slope (ft/mi) | Kb |  | 2 Year | 5 Year | 10 Year | 25 Year | 50 Year | 100 Year |
| Major Basin ID: 01 |  |  |  |  |  |  |  |  |  |  |  |  |  |
| 11 | 1.4 | 585 | 1,655.00 | 1,528.00 | 1,146.3 | 0.196 | Q (cfs) | 2.5 | 3.5 | 4.4 | 6.0 | 7.7 | 9.4 |
|  |  |  |  |  |  |  | C | 0.70 | 0.70 | 0.70 | 0.77 | 0.84 | 0.90 |
|  |  |  |  |  |  |  | CA (ac) | 0.97 | 0.97 | 0.97 | 1.06 | 1.16 | 1.24 |
|  |  |  |  |  |  |  | Volume (ac-ft) | 0.0349 | 0.0425 | 0.0494 | 0.0618 | 0.0750 | 0.0864 |
|  |  |  |  |  |  |  | Tc (min) | $8$ | $7$ | $6$ | $6$ | $5$ | 5 |
|  |  |  |  |  |  |  | i (in/hr) | 2.54 | 3.65 | 4.51 | 5.69 | 6.60 | 7.56 |
| 12 | 6.8 | 1,248 | 2,275.00 | 1,528.00 | 3,160.4 | 0.175 | Q (cfs) | 12.0 | 17.2 | 21.4 | 29.6 | 37.6 | 46.0 |
|  |  |  |  |  |  |  | C | 0.70 | 0.70 | 0.70 | 0.77 | 0.84 | 0.90 |
|  |  |  |  |  |  |  | CA (ac) | 4.74 | 4.74 | 4.74 | 5.21 | 5.69 | 6.09 |
|  |  |  |  |  |  |  | Volume (ac-ft) | 0.1699 | 0.2119 | 0.2400 | 0.3048 | 0.3664 | 0.4229 |
|  |  |  |  |  |  |  | Tc (min) | 8 | 7 | 6 | 6 | 5 | 5 |
|  |  |  |  |  |  |  | i (in/hr) | 2.53 | 3.63 | 4.51 | 5.69 | 6.60 | 7.56 |
| 13 | 2.6 | 631 | 2,070.00 | 1,525.00 | 4,560.4 | 0.187 | Q (cfs) | 5.4 | 7.4 | 8.9 | 11.9 | 14.9 | 18.0 |
|  |  |  |  |  |  |  | C | 0.70 | 0.70 | 0.70 | 0.77 | 0.84 | 0.90 |
|  |  |  |  |  |  |  | CA (ac) | 1.85 | 1.85 | 1.85 | 2.03 | 2.22 | 2.38 |
|  |  |  |  |  |  |  | Volume (ac-ft) | 0.0496 | 0.0680 | 0.0818 | 0.1094 | 0.1370 | 0.1655 |
|  |  |  |  |  |  |  | Tc (min) | 5 | 5 | 5 | 5 | 5 | 5 |
|  |  |  |  |  |  |  | i (in/hr) | 2.93 | 3.98 | 4.79 | 5.88 | 6.71 | 7.56 |


| Page 1 | Town of Paradise Valley Drainage Design Management System RATIONAL METHOD NETWORK Project Reference: 1711162 |  |  |  | 5/17/2018 |
| :---: | :---: | :---: | :---: | :---: | :---: |
|  | Type | Model ID | Sort | Comments |  |
| Major Basin: 01 | Sub Basin Sub Basin Combine | $\begin{aligned} & 11 \\ & 12 \\ & 12 \end{aligned}$ | 2 4 6 |  |  |

Town of Paradise Valley
Drainage Design Management System RATIONAL METHOD FLOW SUMMARY - ALL


| Major Basin ID: 01 |  |  |  |  |  |  |  |  |  |  |  |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| Sub Basin | - | - | - | - | Q (cfs) | - | - | - | - | - | 9.4 |
| 11 |  |  |  |  | CA (ac) | 0.97 | 0.97 | 0.97 | 1.06 | 1.16 | 1.24 |
|  |  |  |  |  | Tc (min) | 7.6 | 6.6 | 6.1 | 5.6 | 5.3 | 5.0 |
|  |  |  |  |  | i (in/hr) | 2.54 | 3.65 | 4.51 | 5.69 | 6.60 | 7.56 |
| Sub Basin | - | - | - | - | Q (cfs) | - | - | - | - | - | 46.0 |
| 12 |  |  |  |  | CA (ac) | 4.74 | 4.74 | 4.74 | 5.21 | 5.69 | 6.09 |
|  |  |  |  |  | Tc (min) | 7.7 | 6.7 | 6.1 | 5.6 | 5.3 | 5.0 |
|  |  |  |  |  | i (in/hr) | 2.53 | 3.63 | 4.51 | 5.69 | 6.60 | 7.56 |
| Combine | - | - | - | 2 | Q (cfs) | - | - | - | - | - | 55.4 |
| 12 |  |  |  |  | CA (ac) | - | - | - | - | - | 7.33 |
|  |  |  |  |  | Tc (min) | - | - | - | - | - | - |
|  |  |  |  |  | i ( $\mathrm{n} / \mathrm{hr}$ ) | - | - | - | - | - | - |



## PRELIMINARY GRADING \＆DRAINAGE PLAN

## CUCULIC RESIDENCE

5204 E SAN JUAN AVE．，PARADISE VALLEY，AZ 85253 LOT 32 －STONE CANYON

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\overbrace{\text { Rebo Rock op }}^{\text {Pec. }}
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LOCATED IN A PORTION OF THE SW $1 / 4$ OF THE NW $1 / 4$ OF THE NE $1 / 4$ OF SECTION 17 ，T． 2 N, R． 4 E

## ENGINEERS NOTE

LEGEND

















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| LEGEND |  | DISTURBED AREA CALCULATIONS |  | TOWN OF PARADISE VALLEY HILLSIDE NOTES |
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## CRADING SPECIFICATIONS




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## OWNER



## SITE DATA



LEGAL DESCRIPTION



## bASIS OF BEARINGS


BENCHMARK


## FLOOD INSURANCE RATE MAP（FIRM）DATA

## 

## UTILITIES

UTILIIIES


## UTILITIES NOTES

## 

## SHEET INDEX



APPROVAL
 DAIE


## NOTICE

Notice is hereby given that the Town of Paradise Valley Board of Adjustment will hold a hearing on the following proposed project. If you have questions about this application, please call the Planning Department at (480) 348-3692.

Applicant Name / Contact: James Furcini
Applicant's Company Name: 4300 N. $54^{\text {th }}$ Street, Phoenix, AZ 85018
Phone Number: 602-885-8810
Fax Number: 602-955-4465
Project Name: The Cuculic Residence
Project Location: 5204 E. San Juan Avenue, PV, AZ 85253
Acreage: 1.084 AC .
Existing Zoning: R-43 Hillside
Brief Narrative of Project Proposal:
In Consideration of a variance from the zoning Ordinance, Article X, Height and Area Regulations, to allow a new single-family residence to encroach into the setback.

The following shall apply: This lot suffers from pre-existing hardships under the current Zoning.
I. Three street Sides: the property is bordered on three sides by streets creating greater setback requirements.
II. The irregular "hour-glass "shape of the lot creates a greatly reduced buildable area.
III. A much smaller than average Buildable area is a result of both the three street sides and the Irregular "hour-glass" shape.

## Meeting Date/ Time/Place

Meeting Date: Wednesday, June 6, 2018
Meeting Time: $5: 30 \mathrm{pm}$
Meeting Place (include address and room number, as applicable): Town of Paradise Valley Town Hall. 6401 E. Lincoln Drive, Paradise Valley, AZ 85253

Town of Paradise Valley, Arizona
Planning Department

## AFFIDAVIT

## STATE OF ARIZONA ) <br> ) ss: <br> County of Maricopa )

In accordance with the requirements of the Town of Paradise Valley, the undersigned hereby certifies that that the mailing list for the proposed project is a complete list of property owners within 1500 feet of the subject property, as obtained from the Maricopa County Assessor's Office
$\qquad$ , and such notification has been mailed on $5-16-18$.
(The mailing list shall not be older than thirty (30) days at the time of filing of the application).


The foregoing instrument was acknowledged by me this 9 th day of May 2014 , by Junes Furan;


NOTARY PUBLIC
My commission expires:


## AFFIDAVIT OF POSTING

STATE OF ARIZONA )
) ss:
County of Maricopa )
I, DAMES FURCIN, , depose and state that the attached notice, of proposed application SET BACK VARIANCE located at 5204 F, SAN JUAN AVE for the (Planning Commission/Town Council/Board of Adjustment/Hillside Committee) meeting date of $\qquad$ , 2018 is a true and correct copy of a notice which I cause to be posted by the following day of the week
 , and on the following date $\qquad$ 2018 in the following locations):

All in the Town of Paradise Valley, Arizona and County and State aforesaid, the same being public places in said County and in the following locations:

All to the Town of Paradise Valley, Arizona and County and State aforesaid.
DATED this $\qquad$ day of $\qquad$ , 2018


Signature
This affidavit was SUBSCRIBED AND SWORN to before me this gath day of
$\qquad$ , 20ㄴ.


NOTARY PUBLIC
My commission expires:


 CONNORS CRAIG RAYMOND
BOHNETT MARSHA ANN M-G TRUST
clancy charles george/Joan kane tr SOUTHERN STAR HOLDINGS LLC
 takhar gurvinder/RAIINDER TR SELBY JACK R TR JOZOFF MALCOLM TR/JOZOFF ELLEN JANE TR PATEL MAITRAY/GUPTA INDU
PERL CRAIG B/LINDA S PETER R PHILLIPS FAMILY TRUST IRVIN AND SYLVIA COHEN TRUST STEPHENS KEITH O/ELIZABETH TR
BURY RANDALL HARRY C SLEIGHEL LIVING TRUST CHERYL A LONDEN SURVIVORS TRUST DAVID AND DAWN LENHARDT FAMILY TR PALOMBI FRANCO TR
NICK AND OLIVIA SMI CATALO FAMILY REVOCABLE TRUST AHIR FAMILY TRUST HUGHES GREGORY J RIGBY JOHN DANIEL JR/ANN MCCOOLE ROSETTE ROBERT A/SHARON
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 Shalaco llc
C H BOWLING FAMILY TRUST


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& \text { KRK RE LLC } \\
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& \text { CAMELBACK RETREAT LLC } \\
& \text { BME V LLC } \\
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& \text { RDP ONE MANAGEMENT GROUP LLC } \\
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| しt－て9 000＇056＇S | \＃\＃\＃\＃\＃\＃\＃\＃ | \＃\＃\＃\＃\＃\＃\＃\＃ | OZ | $80+\exists \tau \varepsilon$ ¢ | 996. ILI | 9IZs＇દと | દऽZS8 |
|  | \＃\＃\＃\＃\＃\＃\＃\＃ | \＃\＃\＃\＃\＃\＃\＃\＃ | OZ | 80＋3¢ $\ddagger$ | L96．tIT－ | ¢9tzs•દ | \＆ऽZS8 |
| しゃ－て9 |  | \＃\＃\＃\＃\＃\＃\＃\＃ | OZ | 80＋ ¢ $^{\text {c }}$ | $896{ }^{\text {² }}$ IL－ | L9IZS＇とを | દऽZS8 |
| しゃ－て9 |  | \＃\＃\＃\＃\＃\＃\＃\＃ | OZ | L¢tS $\angle 509$ | 896．LIL－ | โくıZs＇\＆と | દऽzs8 |
| しゃ－て9 |  | \＃\＃\＃\＃\＃\＃\＃\＃ | OZ | S69てt00と | 696 ${ }^{\text {TIL }}$ | ๕9IZs＇દと | દऽZS8 |
|  | \＃\＃\＃\＃\＃\＃\＃\＃ | \＃\＃\＃\＃\＃\＃\＃\＃ | 61 | 80＋3t＜ 6 | 696 ${ }^{\text {ILI }}$ | カヤてZऽ＇とを | દऽてડ8 |
| しt－て9 000＇09く | \＃\＃\＃\＃\＃\＃\＃\＃ | \＃\＃\＃\＃\＃\＃\＃\＃ | OZ | 80＋ヨでし | 896．tIT－ | てzて乙ऽ•¢ | \＆ऽzs8 |
| しt－て9 |  | \＃\＃\＃\＃\＃\＃\＃\＃ | OZ | 80＋ $8^{\text {¢ }}$ โ | L96 ${ }^{\text {TIL }}$ | ててZs＇\＆¢ | દऽZS8 |
| しt－て9 |  | \＃\＃\＃\＃\＃\＃\＃\＃ | OZ | 80＋39＇L | L96．tIt | SLZて¢•¢દ | દऽて¢8 |
| しゃ－て9 00s＇z9て＇し | \＃\＃\＃\＃\＃\＃\＃\＃ | \＃\＃\＃\＃\＃\＃\＃\＃ | OZ | 80＋ $3 L^{\prime}$ L | 996．LIL－ | SLZZऽ＇とદ | દ¢Zऽ8 |
| しゃ－て9 |  | \＃\＃\＃\＃\＃\＃\＃\＃ | OZ | L9tてt606 | S96．LIL－ | てててZऽ＇દと | દऽZS8 |
| しt－て9 |  | \＃\＃\＃\＃\＃\＃\＃\＃ | OZ | 80＋319 ${ }^{\text {¢ }}$ | S96．LIL－ | 86てZ¢＇をย | દऽzs8 |
| しゃ－て9 00s＇てT6＇亡 | \＃\＃\＃\＃\＃\＃\＃\＃ | \＃\＃\＃\＃\＃\＃\＃\＃ | OZ |  | 996．LIL－ |  | દऽzs8 |
| しゃ－て9000＇009＇て | \＃\＃\＃\＃\＃\＃\＃\＃ | \＃\＃\＃\＃\＃\＃\＃\＃ | OZ | と6Lてt006 | 996．LIL－ | 6LてZS＇とを | દऽてS8 |
| して－て9 |  | \＃\＃\＃\＃\＃\＃\＃\＃\＃ | OZ | 80＋3でが | L96＇IIL－ | £8てZऽ＇とを | દऽてS8 |
| して－て9 |  | \＃\＃\＃\＃\＃\＃\＃\＃ | OZ | 80LZ6ST9 | 896＇ILI－ | S8てZऽ＇દと | \＆ऽZS8 |
| して－て9 |  | \＃\＃\＃\＃\＃\＃\＃\＃ | OZ | 80＋ $3 L^{\prime}$ I | 696＇ILI－ | と0દてડ＇દと | દऽZS8 |
| しゃ－て9 |  | \＃\＃\＃\＃\＃\＃\＃\＃ | OZ | $80+3$ ¢9 ${ }^{\text {L }}$ | 696 ${ }^{\text {ILI－}}$ | L७¢ ${ }^{\text {c }}$＇દと | દऽてS8 |
| てt－て9000「00て＇て | \＃\＃\＃\＃\＃\＃\＃\＃ | \＃\＃\＃\＃\＃\＃\＃\＃ | OZ | $80+39^{\prime} \tau$ | 896＇III－ | 6દદてડ＇દと | દऽZऽ8 |
| しt－て9 |  | \＃\＃\＃\＃\＃\＃\＃\＃\＃ | OZ | 80＋ 38.1 | L96＇ILI－ | 6દદてऽ＇દと | દऽてS8 |
| して－て9 |  | \＃\＃\＃\＃\＃\＃\＃\＃ | 6 L | 80＋ヨて＇6 | L96＇III－ | 6とદてऽ＇દ๕ | દऽZऽ8 |
| で－て9 |  | \＃\＃\＃\＃\＃\＃\＃\＃ | OZ | 80＋ヨでし | 996 ${ }^{\text {ItI }}$ |  | દऽ乙ร8 |
| しち－て9 00s＇てZ8 | \＃\＃\＃\＃\＃\＃\＃\＃ | \＃\＃\＃\＃\＃\＃\＃\＃ | OZ | 80＋ヨレナ＇し | S96＇ItI－ | し७¢てऽ＇દと | દऽટS8 |
| 0ヵ－9bT |  | \＃\＃\＃\＃\＃\＃\＃\＃ | 6I | LLO－tS $\angle E \tau$ | LL6＇III－ | てع8ts＇દ๕ | 8L058 |
| SI－L9 |  | \＃\＃\＃\＃\＃\＃\＃\＃ | 6 L | 80＋3L＇6 | EL6＇tIt | てOદてS＇દ๕ | とऽZS8 |
| SI－L9 |  | \＃\＃\＃\＃\＃\＃\＃\＃ | OZ | 80＋3して＇し | ZL6＇III | L6ZてS＇\＆と | とSZS8 |
| ST－L9 000＇0¢8＇乙 | \＃\＃\＃\＃\＃\＃\＃\＃ | \＃\＃\＃\＃\＃\＃\＃\＃\＃ | OZ | 9299とItt | TL6＇IIT | 86てZ5｀とを | £ऽZS8 |
| SI－L9 |  | \＃\＃\＃\＃\＃\＃\＃\＃ | OZ | 80＋ヨI＇โ | L6＇ILI－ | 6†¢てら＇とを | £ऽZS8 |
| ST－L9 00s＇L9て＇土 | \＃\＃\＃\＃\＃\＃\＃\＃ | \＃\＃\＃\＃\＃\＃\＃\＃ | OZ | $80+3 T \ll$ | TL6＇LIT－ | ऽぃ¢ ¢ ${ }^{\circ}$ ¢ | ६ऽZS8 |

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| 80＋ヨโ9＊ | L96．LIL－ | โ602s＇દย | ESZS8 |
| :---: | :---: | :---: | :---: |
| 926LとてLて | 996＇ILI－ | 6ャ0てS＇とを | ESZS8 |
| 80＋ヨャ゙โ | S96＇IIL | LZOZS＇とદ | ESZS8 |
| $80+\exists \tau S^{\prime} \tau$ | S96＇IIL－ | ヤ80てS＇とを | ESZS8 |
| $80+\exists$ しで | ع96＇ILI－ | LS8TS＇とย | ESZS8 |
| カカ0－と8080 | ع96＇IIT－ | ع0LTS＇E\＆ |  |
| カヤO | ャ96＇しIT－ | 9ャLTS＇とE |  |
| 98LヵT806 | ع96＇ITL－ | ع6IS $\varepsilon$ ¢ | ESZS8 |
| 80＋ヨโ0 | 896＊ILI－ | T06TS＇عย | ESZS8 |
| $80+\exists 5^{\circ}$ T | ャ96＇IIL－ | LT6IS＊E | ESZS8 |
| 80＋ヨโL＇โ | ع96 ${ }^{\text {ILI－}}$ | 6L6TS＇\＆E | ESZS8 |
| 80＋ヨローし | カ96 5 LL－ | S86TS＇E\＆ | \＆SZS8 |
| $80+\exists \tau 5^{\prime}$ L | 七96．しIL－ | S0ZS＇とદ | ESZS8 |
| $80+\exists \tau \angle \cdot \tau$ | 896＊IT－ | SZOZS＇Eと | ESZS8 |
| $80+31.6$ | 296 1 IL－ | عโ0乙s＇とを | عSてS8 |
| $80+38 \cdot 6$ | ع96 ${ }^{\text {LIT－}}$ | LLOZS＇とを | ESZS8 |
| 80＋ヨルでし | ャ96＇LIL－ | 86LてS＊とを | عSZS8 |
| 80＋${ }^{\text {c }}$＇6 | ع96＇tIL－ | SLLZS＊とを | ESZS8 |
| LSOSLETE | ع96＇LIL－ | としててら＇とદ | ESZS8 |
| 80＋ヨนを＇โ | ャ96＊II－ | LLてZS＇と์ | દSZS8 |
| $80+36.6$ | ヤ96＇III－ | 6とદZS＇とદ | ESZS8 |
| 9T0－ヤを6L0 | 896 ${ }^{\circ}$ IT－ | 9SLTS＇とย |  |
| 80＋$\exists \angle \backslash$ | 二96 1 IT－ | 8て8IS＇Eと | ESZS8 |
| ヤL800808 | S96 5 IT－ | 七0ZS＇と์ | ESZS8 |
| T9866TI6 | S96「IT－ | 956Is｀とદ | દSZS8 |
| $80+\exists \tau て ゙ \tau$ | 996 ${ }^{\text {ITI }}$ | 8ヤ6โร＇と์ | £SZS8 |
| 80＋${ }^{\text {c }}$ ， | 996．LIT－ | 696T5 $ع$ ¢ | ESZS8 |
| $80+\exists \tau 9.6$ | L96．LIT－ | 七002s＇とદ | ESZS8 |
| $80+\exists \downarrow^{\prime}$ T | L96．1TL | 98TS＇Eย | ESZS8 |
| カ七0－ع8080 | 596．LIL－ | 6LLTS＇Eย |  |
| ャレ0－E6ヤく0 | 696．IIT－ | LS8TS＇Eย |  |
| 80＋ヨガโ | 696 ${ }^{\text {ITL－}}$ | 8ヤ6TS $ع$ ¢ | ESZS8 |
| てZO－てIIII | 696 ${ }^{\circ}$ LIL－ |  | ESZS8 |
| 00I－0LOLI | 696 ${ }^{\circ}$ LIL | 6ع0ZS＇とદ | ESZS8 |


| TE－TLE $000 \times 00 \chi^{\prime}$ ¢ | \＃\＃\＃\＃\＃\＃\＃\＃ | \＃\＃\＃\＃\＃\＃\＃\＃OZ |
| :---: | :---: | :---: |
| Tع－T＜E |  | \＃\＃\＃\＃\＃\＃\＃\＃OZ |
| Tع－TLE 000＇0Sカ＇乙 | \＃\＃\＃\＃\＃\＃\＃\＃ | \＃\＃\＃\＃\＃\＃\＃\＃OZ |
| Lع－TLE 000＇008＇乙 | \＃\＃\＃\＃\＃\＃\＃\＃ | \＃\＃\＃\＃\＃\＃\＃\＃OZ |
| $98-8 \tau$ |  | \＃\＃\＃\＃\＃\＃\＃\＃OZ |
| $98-81$ |  | \＃\＃\＃\＃\＃\＃\＃\＃6L |
| $98-8 \tau$ |  | \＃\＃\＃\＃\＃\＃\＃\＃6T |
| 七を－T8 000＇00t＇乙 | \＃\＃\＃\＃\＃\＃\＃\＃ | \＃\＃\＃\＃\＃\＃\＃\＃OZ |
| 七を－โ8 0ャ9＇Lてて＇น | \＃\＃\＃\＃\＃\＃\＃\＃ | \＃\＃\＃\＃\＃\＃\＃\＃OZ |
| 七¢－L8 000＇0ヶ9＇と | \＃\＃\＃\＃\＃\＃\＃\＃ | \＃\＃\＃\＃\＃\＃\＃\＃OZ |
| 七¢－L8 00S＇てIL＇น | \＃\＃\＃\＃\＃\＃\＃\＃ | \＃\＃\＃\＃\＃\＃\＃\＃O乙 |
| 七ع－L8 |  | \＃\＃\＃\＃\＃\＃\＃\＃OZ |
| 七¢－L8 000＇00¢＇L | \＃\＃\＃\＃\＃\＃\＃\＃ | \＃\＃\＃\＃\＃\＃\＃\＃OZ |
| ャ¢－โ8 |  | \＃\＃\＃\＃\＃\＃\＃\＃OZ |
| 七¢－โ8 |  | \＃\＃\＃\＃\＃\＃\＃\＃6I |
| ャ¢－L8 000＇008＇乙 | \＃\＃\＃\＃\＃\＃\＃\＃ | \＃\＃\＃\＃\＃\＃\＃\＃6I |
| ャ¢－L8 |  | \＃\＃\＃\＃\＃\＃\＃\＃OZ |
| ャع－L8 |  | \＃\＃\＃\＃\＃\＃\＃\＃6L |
| ヤ¢－L8 |  | \＃\＃\＃\＃\＃\＃\＃\＃OZ |
| ャ¢－โ8 |  | \＃\＃\＃\＃\＃\＃\＃\＃OZ |
| 七¢－โ8 000＇S ${ }^{\text {¢ }}$ | \＃\＃\＃\＃\＃\＃\＃\＃ | \＃\＃\＃\＃\＃\＃\＃\＃6I |
| で－29 |  | \＃\＃\＃\＃\＃\＃\＃\＃6I |
| โヵ－29 |  | \＃\＃\＃\＃\＃\＃\＃\＃OZ |
| で－て9 |  | \＃\＃\＃\＃\＃\＃\＃\＃OZ |
| しゃ－て9 | \＃\＃\＃\＃\＃\＃\＃\＃ | \＃\＃\＃\＃\＃\＃\＃\＃OZ |
| で－29 |  | \＃\＃\＃\＃\＃\＃\＃\＃OZ |
| しゃ－29 000‘088 | \＃\＃\＃\＃\＃\＃\＃\＃ | \＃\＃\＃\＃\＃\＃\＃\＃OZ |
| で－て9 000＊0LE | \＃\＃\＃\＃\＃\＃\＃\＃ | \＃\＃\＃\＃\＃\＃\＃\＃6T |
| で－29 |  | \＃\＃\＃\＃\＃\＃\＃\＃OZ |
| じ－て9 |  | \＃\＃\＃\＃\＃\＃\＃\＃6T |
| で－て9 |  | \＃\＃\＃\＃\＃\＃\＃\＃6L |
| で－て9 |  | \＃\＃\＃\＃\＃\＃\＃\＃OZ |
| で－て9 |  | \＃\＃\＃\＃\＃\＃\＃\＃6L |
| じ－て9 |  | \＃\＃\＃\＃\＃\＃\＃\＃6T |



| 8102 | カカカ＇t90＇工 | $009 \times$ ¢6て＇ז | 6102 |  | 0 | ع00z | $\exists ャ N Z<L 8$ | 0 | yoovyiw st | $\angle 9$ |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| 8102 | てع6＇008 | 009 ${ }^{\prime} 85$ z＇$^{\prime}$ | 6102 |  | 0 | โ96I | $\exists ャ N Z<T<$ | 0 | yoavyiw si | $\angle 9$ |
| 8102 | 8t $\varepsilon^{\prime} \tau<8$ | $00 \chi^{\prime} \downarrow 6$ I＇ז $^{\prime}$ | 6102 |  | 0 | 086I | $\exists ャ N Z<T S$ | 0 | yoavyiw si | $\angle 9$ |
| 8102 | โ6t＇sc9｀ป | 008＇t00＇z | 6102 |  | 0 | L66I | $\exists ャ N Z<\tau \downarrow$ | 0 | yoavyiw si | $\angle 9$ |
| 8102 |  | 00L＇96と＇乙 | 6102 | fow NVH＞ 0 | 0 | 8661 | $\exists ャ N Z<\tau \varepsilon$ | 0 | yoovyiw SI | $\angle 9$ |
| 8102 | LEt＇L06 | $00{ }^{\prime} \downarrow ⿰ 七$ て＇ป | 6102 |  | 0 | L96I | $\exists ャ N Z<\tau て$ | 0 | yoovyiw si | $\angle 9$ |
| 8102 | ヤ6I＇60と‘し | 008＇9S6＇L | 6102 | 719 3 3 \％ 0 | 0 | ย10z | $\exists ャ N Z<\tau T$ | 0 | yoavyiw SI | $\angle 9$ |
| 8 LOZ | \＃\＃\＃\＃\＃\＃\＃\＃ | \＃\＃\＃\＃\＃\＃\＃\＃ | 6102 |  |  |  | ヨ NZ ＜I | 0 |  |  |
| 8102 | LSI＇ع¢8 | 00T＇S90＇L | 6102 |  | 0 | 096I | $\exists \begin{gathered}\text { NZ } 8\end{gathered}$ | 0 |  |  |
| 8102 | ャS0＇て68＇て | 008＇091＇$\varepsilon$ | 6102 |  | 0 | 9002 | $\exists$ NZ 8 | 0 |  |  |
| 8102 | ZSI＇88て＇工 | 002＇0t9＇亡 | 6LOZ |  | 0 | 6S6T | $\exists \mathrm{NZ} 8$ カT | 0 |  | 69 |
| 8 toz | S6Z＇T6L | 000＇8E0＇L | 6102 |  | 0 | 896I | ヨャNZ 8 とI | 0 | 1H917\％ | 69 |
| 8102 | 885＇968 | 009＇tSI＇亡 | 6102 |  | 0 | L96I | ヨ゙NZ 8 てI | 0 | 1H917\％＊IS 9\％ | 69 |
| 8102 | દL9＇6¢9 | 008＇ع 28 | 6102 |  | 0 | 6S6I | $\exists \begin{aligned} & \text { NZ } 8 \text { II }\end{aligned}$ | 0 |  | 69 |
| 8102 | て0Z＇દ¢9 |  | 6102 |  | 0 | 096I | ヨt NZ 80 OL | 0 | $14917 \% 159$ | 69 |
| 8102 | 9tく＇s¢9 | 008＇L08 | 6102 |  | 0 | 856I | Эt NZ 86 | 0 |  | 69 |
| 8102 | てZS＇6てL | 001＇てヤ6 | 6102 |  | 0 | £96I | $\exists \downarrow$ NZ 88 | 0 | $1 H 917 \forall \forall 1596$ | 69 |
| 8102 | $685^{\prime} 6 \angle S^{\prime}$ T | 009＇0SL＇L | 6102 | ISMOg＊y 0 | 0 | LOOZ | $\exists \downarrow$ NZ 8 L | 0 |  | 69 |
| 8102 | $905^{\prime} \angle L \varepsilon^{\prime}$ L | $00 z^{\prime} \angle \varepsilon S^{\prime} \mathrm{L}$ | 6102 | จy39 Wİx 0 | 0 | てtoz | ヨt NZ 8 L | 0 |  | 69 |
| 8 LOZ | LLE＇0ヤL | 00ع＇t06 | 6 TOZ |  | 0 | TL6I | ヨt NZ 89 | 0 |  | 69 |
| 8102 | 888＇950＇t | 000＇દ ${ }^{\text {c }}$＇L | 6102 |  | 0 | LS6I | ヨt NZ 8 S | 0 | 1 1H917＊＊1S 9\％ | 69 |
| 8102 | 6 tt ＇89 | 002＇002＇L | 6102 |  | 0 | โ96I | $\exists$ NZ 8 SZ | 0 | ว＊8าヨW＊ว ¢ | SS |
| 8102 | 006‘8E8 | 009＇8てع＇亡 | 6102 | 1 N 703 NIT 0 |  | 8L6I | $\exists \downarrow$ NZ 8 カて | 0 | ว＊ยาコW＊ว ¢ | Ss |
| 8102 | てヤで8を9 | 00て＇296 | 6102 | $\forall \Gamma \Perp \forall$ ¢ 0 |  | 956I | ヨt NZ 8 とZ | 0 | วV¢าヨW＊ว ャ | SS |
| 8102 | T9L＇T08 | 00s‘6عて＇L | 6102 | $1 \forall H$ WWV1 0 |  | 856โ | $\exists$NZ 8 てZ | 0 | วVяาヨW＊ว ャ | Ss |
| 8t02 | てヤS＇660＇t | $00{ }^{\text {＇ع ¢9＇t }}$ | 6102 |  | 0 | 866I | 3 NZ 8 IZ | 0 | כ＊9าヨWV5 | Ss |
| 8102 | $6 \angle$＇$^{\prime} \angle \angle 9$＇$\tau$ | 00I＇6Is＇z | 6IOZ |  | 0 | 9002 | ЭtNZ 80 O | 0 | JVgาコWV5 t | Ss |
| 8 LOZ | L06＇690＇โ | 009＇099＇ז | 6 LOZ |  | 0 | 8L6I | ヨ゙NZ 8 6T | 0 | วv¢าコW＊เ | ¢s |
| 8 LOZ | 885＇968 | 009＇Zとદ＇น | 6IOZ |  | 0 | 296I | $3 \mathrm{JV}^{\text {N } 885}$ | 0 |  | SS |
| 8 LOZ | てLと＇016 | 00S＇く切＇T | 6LOZ |  | 0 | 296I | $\exists \begin{gathered}\text { NZ } 8<I\end{gathered}$ | 0 | ว＊ยาコW＊ว เ | SS |
| 8102 | LOZ＇IZL | 00S＇ع96 | 6LOZ |  | 0 | ¢96I | ヨt NZ 891 | 0 | $\forall$ ONヨIJVH LE | $6 L$ |
| 8 LOZ | 6ャ8＇t9L | 004＇06I＇L | 6102 |  | 0 | 856I | $\exists \begin{aligned} & \text { NZ } 8 \text { ST }\end{aligned}$ | 0 | $\forall 0 N \exists 1 \partial \forall H / \varepsilon$ | $6 L$ |
| 8LOZ | $9 ヵ て ゙ く 19$ | 009＇9z8 | 6102 |  | 0 | 656I | ヨ NZ 8 カ | 0 | $\forall$ ONJIOVH LE | $6 L$ |
|  |  |  |  |  |  | $13 \lambda^{-1}$ | yıs W | $3 Z$ | ЭWVN日กS |  |



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## Town of Paradise Valley

## Action Report

File \#: 18-241

## Minutes

Board of Adjustment

## 1. CALL TO ORDER

## 2. ROLL CALL

> Present 6 - Chairperson Emily Kile, Board Member Jon Newman, Board Member Eric Leibsohn, Board Member Quinn Williams, Board Member Hope Ozer, Board Member Anna Thomasson, and Board Member Rick Chambliss

## Absent 0

## 3. EXECUTIVE SESSION

## 4. STUDY SESSION ITEMS

A. 18-182 | Emerson Variance Reconsideration - 5739 N. Casa Blanca Drive (APN: 173-08-004A) |
| :--- |
| Case No. BA-17-04 |

| The Board discussed the application during the work session. George Burton, Planner, |
| :--- |
| presented the Emerson Variance to allow two non-conforming walls to remain on site. This |
| iten was before the Board in both January and March. It is before the Board this evening |
| for reconsideration. |
| Mr. Burton explained how roadway dedication is obtained and how it |
| effects the lot size. |
| Staff is recommending denial of this request due to other wall options that |
| exist; including, view fence and meandering wall. |

B. 18-187
Verma Variance - 6823 E. Lincoln Drive (APN: 174-63-008A)
Case No. BA-18-01

The Board discussed the application during the work session. Eva Cutro, Special Projects Manager, presented the application in accordance with the packet. Board Member Williams asked about the size of the lot and Chair Kile asked a question regarding one of the emails stating that the house is 27 ' tall. Ms. Cutro clarified that the house is below the 24 ' overall height limit and that the 27 ' height is for the chimneys, which meets code.

Chair Kile asked if the pool meets setbacks. Ms. Cutro noted that the pool is not part of the request and will meet setbacks.

Board Member Chambliss asked about the height requirements and Ms. Cutro explained the height limitation per code.

Board Member Thomasson asked how much the neighboring lot encroaches into the setback.

## 5. PUBLICHEARINGS

## A. 18-178 <br> Emerson Variance Reconsideration - 5739 N Casa Blanca Drive (APN: 173-08-004A) Case No. BA-17-04

Jordan Rose, the applicant repetitive, presented additional information on this variance request.

Ms. Rose stated that this lot is unique because it is the only lot that originally had road frontage on only one side and now has frontage on three sides. Over the years, roads were built to the north and the south requiring roadway dedication. This lot now has road frontage on three sides and has dedicated over one-half acre of land for roadway. Today, when subdividing a lot, new roads are bordered by "tracts" so as not to impact existing lots (requiring them to dedicate roadway and/or have increased setbacks).

The Board has questions regarding the one-half acre of land for roads. It was noted that 14,000 square foot was for roadway, the remainder would be usable yard that would be lost if the walls must be re-located.

It was noted that since the homeowner is proposing to remodel their home by more than $50 \%$ that is why the walls must be relocated. The remodel does not require a variance.

There was discussion of the letter from Mr. Carter, the previous owner. It was noted that the previous Community Development Director, Hamid Arshadi, interpreted that going forward all new construction would have to comply with the Town Code.

Board Member Chambliss stated he originally made the motion for denial but after hearing the additional information he is inclined to approve the variance.

At $6: 30 \mathrm{pm}$, the meeting was opened to the public. Two residents stated they are in favor of this variance.

Board Member Leibsohn made a motion to approve this variance with the findings in favor noted in the application packet. Board Member Ozer seconded.

Board Member Quinn believes moving the wall would greatly disturb the existing landscape and create a negative condition for the neighbors.

The motion carried by the following vote:
Aye: 5 - Board Member Williams, Board Member Leibsohn, Board Member Newman, Board Member Thomasson, and Board Member Ozer.

Nay: 2 - Chair Kile and Board Member Chambliss

## B. 18-186 Verma Variance - 6823 E. Lincoln Drive (APN: 174-63-008A)

 Case No. BA-18-01Mark Candelaria, architect for the applicant, presented their case. Mark explained that the height in the area of encroachment is approximately 16 ' tall. Mark provided an illustration showing an option for a 2-story home that meets the 40' rear setback.

Board Member Leibsohn asked if he exhausted all possible design options to relocate the house further to the north to meet setbacks?

Mr. Candelaria replied "yes" and note that if they pushed the house north they would not be able to make turn-around in driveway.

Board Member Leibsohn noted that he don't think the applicant exhausted all the design alternatives and can reduce or eliminate encroachment and that being close to Lincoln is the driving force.

Board Member Ozer noted that if Mr. Verma wants a house that size, then they should purchase a lot that can accommodate that house. The applicant is trying to fit an elephant in a thimble. The issue is self-imposed and not appropriate for this site.

Chair Kile asked how far back is the house from Lincoln.
Board Member Leibsohn responded that the house is setback 61'.
Chair Kile asked if the space between wall and house can accommodate emergency vehicles?

Chair Kile also noted that the way the lot is shaped, it essentially has a front with two side yards.

Board Member Leibsohn corrected his previous comment and clarified that the house is setback 53' from Lincoln.

Public Comment:
Beth McCullum - Opposed.
Adam Terrell - Opposed to this request. His company sold the property to the neighboring lot to the west. The house was already non-conforming and the western property's bedroom view is to the east, where the new house will go. He stated that he didn't understand why they have to go so far back into the setback.

Cathy Siendradras - Opposed to this variance request. Need to take responsibility for their actions and the applicant should not try to put a round peg in a square hole. The whole thing is wrong and the rules are there to protect our rights.

Chair Kile asked about the pool setback requirements.
Ms. Cutro identified that the pool has a 20 ' setback from rear property line to water's edge.
Robert Mitchel - Opposed to the size of this house.
A resident named John - He noted that he lives 3 houses down from this property. There is a lack of concern for the neighbors and the house seems to be worked on for repairs. The value of the neighbor's houses will decrease because of this home.

Chair Kile read the 6 variance criteria.

Oriana Lieman-Wood. A concerned neighbor. Why would one neighbor wish be more of a concern than others. Maybe this is not the right house to building on this lot. Maybe give a variance on the fence wall setback to move the house forward.

Ron Geguzys - Lives next door to this lot. His bedroom looks right at the property. He went over the six criteria. This is at the owners convince. The house would sit in his back yard and Mr. Geguzys would not be able to sell his house. There no mis-understanding and this is favoring one resident over another. These are self-imposed hardships. The house can move north to meet the setbacks. He tried to buy the property, but don't encroach on my house. Mr. Geguzys said he doesn't care about two story since it will be further away from his house.

Andrew Gordon. Located just east of this lot. Lived there 27 years. Not supportive of the Variance since the house is out of context and this is a very narrow request.

## William McCarthy - Opposed.

Kelly Parker - Opposed. This property has been left in disrepair. Feels the pile of rubble was left there purposely to get a welcoming response.
The applicant is preserving their own views but not the neighbor's views. This is predatory towards the neighbors.

Shelly Dougherty - She is concerned that staff supported this project. Implied there is a back-door deal. We are not here on the Board to pick favorites. They have a hardship with Lincoln and should focus on traffic mitigation.

Board Member Chambliss stated that he has found staff to be very competent and considerate. There is no back-door deal. Staff has looked at the request and made their recommendation. Want to dispel that previous comment.

Board Member Ozer also stated that staff makes a recommendation in a black and white way, which is their job. Staff is very ethical and we are fortunate to have them.

Avitar Verma - Owner of the subject lot. Thanked the Board, staff, and the neighbors. He wants to build a nice house and the concerned of the residences are important. We are not debating that. We request approval and want to beatify the area on a triangular lot. H worked for almost 2 years with architect on this design.

Mark Candelaria stated that the main thing is the shape of the lot and that it adjoins Lincoln Drive next to the resort. He spoke about the merits of the design and the hardship of the access off Lincoln and the shape of the lot. The house will add value of the neighborhood. If they don't receive the variance, they will build a two-story home.

Mrs. Geguzys spoke again. He was concerned about the house blocking their view. He stated that the water feature will be right up against the wall and asked if the house be scaled down to fit the lot.

Board Member Ozer asked Mr. Geguzys if they were to comply with the setbacks, is that preferable?

Mrs. Geguzys stated - she will get noise from the back yard and a two-story home is not
as bad as being close.
Board Member Ozer motioned for denial of this case in accordance with the findings opposed in the packet.

Second by Board Member Leibsohn.
Board Member Ozer stated that the house is too big for a triangular lot. This lot is buildable without a variance and with an appropriate design. The hardship is a self-imposed.

Board Member Leibsohn echoed Board Member Ozer's comments. It's a great design but too big for this lot. This is a self-imposed hardship and the variance criteria have not been met.

Board Member Chambliss stated that it does not meet all six criteria. This is a self-imposed hardship. It's a beautify house on the wrong lot.

Board Member Williams thanked the applicant for contacting the neighbors and stated that the request does not meet the variance criteria.

Chair Kile agreee with Board Members comments that the variance criteria have not been met. The motion carried by the following vote:

Aye: 7 - Chair Kile, Board Member Leibsohn, Board Member Newman, Board Member Thomasson, Board Member Ozer, Board Member Williams, and Board Member Chambliss.

Nay: 0

## 6. ACTION ITEMS

## 18-181 Election of Chair

A motion was made by Board Member Ozer to nominate Board Member Leibsohn as Chair and seconded by Board Member Chambliss. The motion carried by the following vote:

Aye: 7 - Chair Kile, Board Member Leibsohn, Board Member Newman, Board Member Thomasson, Board Member Ozer, Board Member Williams, and Board Member Chambliss.

Nay: 0

## 7. CONSENTAGENDA

A. 18-013 Approval of the March 7, 2018 Board of Adjustment Meeting Minutes

A motion was made by Board Member Ozer and seconded by Board Member Leibsohn, to approve the March 7, 2018 minutes. The motion carried by the following vote:

Aye: 6 - Chair Kile, Board Member Leibsohn, Board Member Newman, Board Member Ozer, Board Member Williams, and Board Member Chambliss.

## Abstain: 1 - Board Member Thomasson

## 8. STAFF REPORT

Staff thanked Catherine Kauffman for her years of service on the Board of Adjustment.

## 9. PUBLIC BODY REPORTS

Chair Kile and the Board thanked Catherine Kauffman for her years of service to the Town.

## 10. FUTURE AGENDA ITEMS

Mr. Burton apprised the Board of the upcoming variance requests.

## 11. ADJOURNMENT

A motion was made at 7:48 p.m. by Board Member Williams and seconded by Board Member Chambliss, to adjourn the meeting. The motion carried by the following vote:

Aye: 7 - Chair Kile, Board Member Newman, Board Member Leibsohn, Board Member Williams, Board Member Ozer, Board Member Thomasson, and Board Member Chambliss.

Nay: 0

