



Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Meeting Notice and Agenda Board of Adjustment

Wednesday, June 5, 2019

5:30 PM

Council Chambers

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.

5. PUBLIC HEARINGS

The Public Body may take action on this item.

- A. [19-254](#) **Case No. BA-19-06 (Norquist Variance). Request by owner of 8200 N.Charles Drive (APN: 168-70-014) for a variance from the Zoning Ordinance, Article X, Height and Area Regulations, to allow additions to an existing residence to encroach into the setbacks and Article XXIII, Nonconformance, to allow existing nonconforming portions of the house to remain.**

Staff Contact:

George Burton, 480-348-3525

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. [19-250](#) Approval of May 1, 2019 Board of Adjustment 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 #: 19-254

TO: Chair and Board of Adjustment

FROM: Jeremy Knapp, Community Development Director
Paul Michaud, Senior Planner
George Burton, Planner

DATE: June 5, 2019

CONTACT:

George Burton, 480-348-3525

AGENDA TITLE:

Norquist Variance - 8200 N. Charles Drive (APN: 168-70-014)
Case No. BA-19-06

A. MOTION FOR APPROVAL

I move for **[approval]** of Case No. BA-19-06, a request by Craig and Laura Norquist, property owners of 8200 N. Charles Drive; for a variance from the Zoning Ordinance, Article X, Height and Area Regulations, to allow additions to an existing residence to encroach into the setbacks and Article XXIII, Nonconformance, to allow existing nonconforming portions of the house to remain.

The variance shall be in compliance with the submitted plans and documents:

1. The Zoning Adjustment Case Narrative, prepared by Biegner-Murff Architects;
2. Boundary & Topographic Survey Map, Sheet 1 of 1, prepared by Land Development Group, and dated December 12, 2018;
3. Proposed Site Plan, Sheet 01, prepared by Biegner-Murff Architects, and dated March 15, 2019;
4. Proposed Design, Sheet 02, prepared by Biegner-Murff Architects, and dated March 15, 2019;
5. Elevations Plan, Sheet 03, prepared by Biegner-Murff Architects, and dated March 15, 2019;
6. Elevations Plan, Sheet 04, prepared by Biegner-Murff Architects, and dated March 15, 2019;
7. Grading & Drainage Plan, Sheet C-1, prepared by Land Development Group, and dated April 23, 2019; and
8. Grading & Drainage Plan, Sheet C-2, prepared by Land Development Group, and dated April 23, 2019.

Reasons for Approval:

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

criteria.

B. MOTION FOR DENIAL

I move for **[denial]** of Case No. BA-19-06, a request by Craig and Laura Norquist, property owners of 8200 N. Charles Drive; for a variance from the Zoning Ordinance, Article X, Height and Area Regulations, to allow additions to an existing residence to encroach into the setbacks and Article XXIII, Nonconformance, to allow existing nonconforming portions of the house to remain.

Reasons for Denial:

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

BACKGROUND

Request

The applicant requests two variances:

1. Replace an existing nonconforming garage (that encroaches into the setbacks) with a new garage that will also encroach into the setbacks.
2. Allow a nonconforming and existing stairwell and fireplace that are attached to the primary residence to remain at their current location and setback.

The first variance request is to replace the existing garage with a new garage that encroaches into the setbacks. Section 1001 of the Town Zoning Ordinance requires the house to be setback a minimum of 40' from the front property line and a minimum setback of 40' from the rear property line. The new garage will be setback 27'7" from the front property line and 32'6" from the rear property line. A total of 396 square feet of the new garage will encroach into the front and rear setbacks. Below is a summary and comparison of the existing and proposed garage encroachments:

Existing Garage	Proposed Garage
<ul style="list-style-type: none">▪ Front Yard Setback: ○ 32' to garage wall ○ 26'11" to overhang▪ Rear Yard Setback: ○ 34' to garage wall ○ 25'8" to overhang▪ Amount of Encroachment: ○ 442 sq ft (142 sq ft of garage and 300 sq ft of overhang)	<ul style="list-style-type: none">▪ Front Yard Setback: ○ 27'7" to garage wall ○ 24'1" to overhang▪ Rear Yard Setback: ○ 32'6" to garage wall ○ 28'10" to overhang▪ Amount of Encroachment: ○ 396 sq ft (248 sq ft of garage and 148 sq ft of overhang)

The second variance request is to keep an existing nonconforming enclosed stairway/stairwell and existing nonconforming fireplace that encroach into the front yard setback. The fireplace and enclosed stairwell are attached to the house and are setback 30'7" from the front property line. The fireplace and stairwell will not be modified and will remain. Per Section 2307 of the Town Zoning Ordinance, a remodel of more than 50% of the existing square footage of the house will require any nonconformities of the structure to meet current setback, height, and/or floor area requirements:

Section 2307. Structural alternations, refurbishing, or remodeling of existing Nonconforming Structures shall not result in an increase in any existing encroachment over current setbacks or result in an increase in the height of the reconstructed, refurbished, or remodeled structure over the actual height of the nonconforming portion of the existing structure or result in an

increase in any other nonconforming aspect. Permissible alterations or additions to Nonconforming Structures shall vary based upon whether the alteration or addition is for a structural demolition or a new addition, as provided for below:

A. Structural Demolitions: When permits are approved for structural remodels, alterations, or repairs (excluding such nonstructural cosmetic items as painting, flooring, cabinets, or appliances), covered by a single or multiple building permits issued within a thirty six (36) month period that together covers work which exceeds fifty (50) percent of the original square footage of an existing Nonconforming Structure, such Nonconforming Structure shall be made to conform to the requirements for new structures. For the purposes of this section, the term "Square Footage" means the aggregate of the area of all floors in a structure, whether at or above established grade, measured between the exterior faces of the exterior walls of the structure.

The applicant anticipates that the remodel will affect less than 50% of the house. However, during the remodel process, there may be unknown areas of the house that have to be brought up to current building codes, which may increase the amount of affected square footage of the existing home and push the project over the 50% limit outlined in Section 2307 of the Town Zoning Ordinance. As a result, the applicant requests a variance from this section of code to allow the existing/enclosed stairway and existing fireplace to remain (should the remodel exceed the 50% limit noted above).

Lot Conditions

The property is zoned R-43 Hillside and is approximately 46,690 square feet in size (1.07 acres). The property is a triangular shaped lot with Charles Drive adjoining the front and rear property lines. The existing house is also situated near the southwestern part of the lot (near the toe or corner of the lot).

Lot History

The subject property is Lot 34 of the Sunset Hills subdivision. The subdivision was platted in 1956 and annexed into the Town in 1963. The following is a chronological history of the property:

- April 18, 1972. Building permit issued for a single-family residence.
- May 30, 1972. Building permit issued for a pool.
- March 23, 1978. Building permit issued for master bedroom addition.
- May 9, 1978. Building permit issued for work shop addition.
- December 19, 1980. Building permit issued for a spa.

DISCUSSION/ FACTS:

Variance criteria:

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 hardship is the shape of the lot. The property is burdened with a triangular shape which results in a restrictive building envelope. The existing garage encroaches into the setback and is located at the narrowest part of the lot. The applicant is proposing to replace the existing garage with a new garage and reduce the amount of encroachment (from 442 square feet of existing encroachment to 396 square feet of proposed encroachment).

Under current platting standards, the Town Code requires lots to be orthodox in shape (e.g. a square or rectangular shape). Also, the Town Code requires a minimum lot width of 165’ wide. The shape and narrow width create an unusual and difficult building envelope. The subject property is triangular in shape and has a varying width of approximately 87’ wide to 137’ at the garage area.

The applicant is also trying to improve the house while utilizing existing conditions. The new garage, existing stairwell, and existing fireplace will not create additional disturbance to the hillside: 1) the new garage is located on the existing pad, and 2) the existing stairwell/fireplace will not be modified and will remain in their current locations.

Findings Opposed (FOPs):

The hardship is self-imposed as other alternatives exist. Although the new garage will reduce the amount of encroachment by 46 square feet, the new garage will encroach further into the front and rear yard setbacks (from a front yard setback of 32’ for the existing garage to a setback of 27’7” for the new garage and from a rear yard setback of 34’ for the existing garage to a setback of 32’6” for the new garage).

Also, the remodel of the home can be limited to 50% or less of the existing square footage of the house; which will enable the applicant to keep and maintain the non-conforming stairwell and fireplace to avoid the variance request.

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 shape of the lot is the result of how it was platted in 1956. The garage, stairwell, and fireplace encroachment are existing nonconforming encroachments that probably resulted of the original construction of the house in 1972.

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 hillside ordinance is to minimize the amount of disturbance to the hillside and to preserve the visual openness and the natural features of the mountain. The request meets the intent of the hillside ordinance since the proposed improvements will not create additional disturbance to the hillside. The new garage will be placed on the existing pad/disturbed area and the existing stairwell and fireplace will remain and will not be modified.

The new garage also meets the intent of the code by reducing the amount of encroachment (from 442 square feet of existing encroachment to 396 square feet of existing encroachment) and will not obstruct neighboring views due to its low height of 11' tall.

FOPs:

The intent of the Code is to encourage compliance and the request does not meet the intent of the Code since the new garage encroaches further into the setbacks (from a front yard setback of 32' for the existing garage to a setback of 27'7" for the new garage and from a rear yard setback of 34' for the existing garage to a setback of 32'6" for the new garage).

Although not ideal, the applicant can also keep and use the existing garage and limit the remodel below the 50% threshold to maintain existing stairwell and fireplace.

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).*

FIFs:

The request is not self-imposed. Due to the shape of the property, the applicant has a difficult lot to build on and is trying to improve the house while utilizing the existing conditions. The new garage and existing stairwell/fireplace will not create additional disturbance to the hillside. Also, the new garage will reduce the amount of encroachment (from 442 square feet of existing garage encroachment to 396 square feet of proposed garage encroachment).

FOPs:

The request is self-imposed since other options exist. The applicant can keep and use the existing garage and can limit the remodel to 50% of the existing square footage of the house to keep the nonconforming stairwell and fireplace.

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 hardship is the shape of the lot and the original development of the house located within the front and rear yard setbacks. The triangular shape of the property creates a narrow and odd shaped building envelope. The applicant is using the existing pad for the new garage addition and seeks to maintain the existing stairwell and fireplace.

Current Code requires lots to be orthodox in shape (e.g. a square or rectangular shape) and to maintain a minimum lot width of 165' wide. Much of the existing house is located at the narrowest part of the lot, which is substandard and varies in width approximately 87' wide to 137' at the garage area.

The neighboring view will not be altered or obstructed. The new garage will not obstruct views due to its low height of 11' tall. Also, keeping the existing stairwell and fireplace will maintain current view corridors.

FOPs:

The applicant can utilize the existing garage and limit the remodel to 50% or less of the existing footprint to avoid a variance.

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:

The new garage and existing stairwell/fireplace will have limited visual impact. The garage is low in height at 11' tall and will not obstruct neighboring views. The stairwell and fireplace will not be modified and will therefore not alter any existing views.

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, the applicant identified four neighboring homes that encroach into the setbacks).

Lastly, the request is in character with the Zoning Ordinance since the intent of the Code is preserve the hillside. The new garage and existing stairwell/fireplace will not increase the amount of disturbance. The new garage will be placed on the existing pad and the existing stairwell/fireplace will not be modified and will remain at their current locations. All improvements to the property will be reviewed by the Hillside Building Committee for Hillside Code compliance.

FOPs:

Arizona Revised Statutes and the Town Code do not require the most optimal or profitable use of a property. Also, all other properties in the area must meet maintain or improve their nonconforming structures in accordance with the Town Zoning Ordinance.

File #: 19-254

COMMENTS: Staff received no comments or inquiries regarding this request.

COMMUNITY IMPACT: None.

FISCAL IMPACT None.

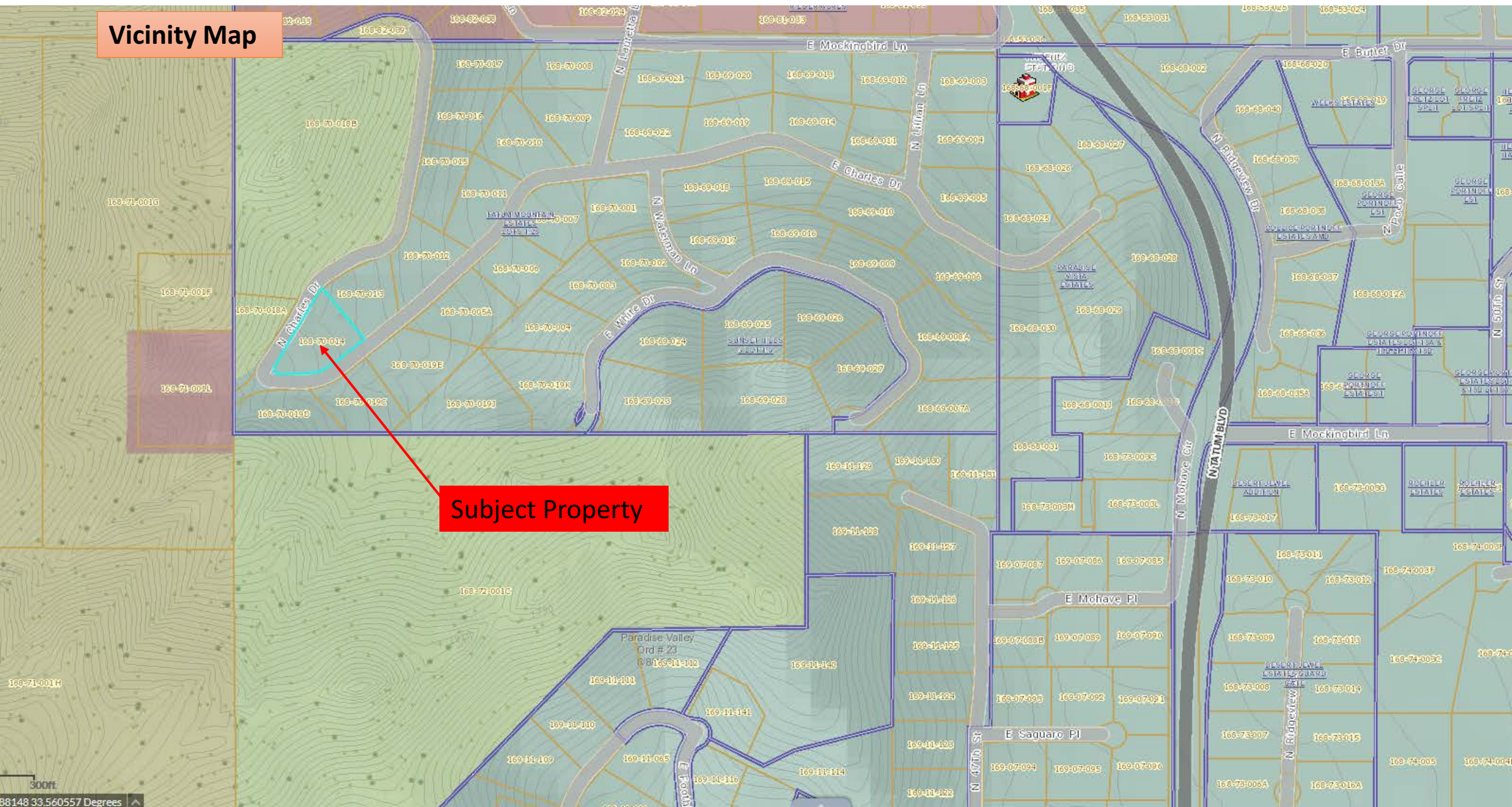
CODE VIOLATIONS: None.

ATTACHMENTS

Vicinity Map & Aerial Photo
Application
Narrative
Plans
Notification Materials

C: Susan Biegner (Applicant)
Case File BA-19-06

Vicinity Map



Subject Property

Aerial Photo



BA-19-06

APPLICATION TO BOARD OF ADJUSTMENT FOR VARIANCE

RECEIVED

FEB - 12 2019

DATE: 2/1/19

LOCATION OF PROPERTY: 8200 N. Charles Drive
ADDRESS

Paradise Valley, AZ 85253

LEGAL DESCRIPTION: Lot 34, Sunset Hills, According
to the Plat of Record in the office of the County Recorder
of Maricopa County, Arizona, Recorded in Book 168 of Maps,
Page 2

OWNER: Laura Norquist
PRINTED NAME SIGNATURE

5939 E. OUNTZ MOUNTAIN RD Paradise Valley, AZ (602) 617-9522
ADDRESS PHONE #

ENGINEER/OTHER: Susan Biegner
PRINTED NAME SIGNATURE

424 E. Colter St. Phoenix AZ 85012 602 380 7314
ADDRESS PHONE #
(LDA (civil) 602.889.1984)

APPLICANT/
REPRESENTATIVE: Susan Biegner
PRINTED NAME SIGNATURE

424 E. Colter St. PHX AZ 85012
ADDRESS

602 380 7314
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).

susan@biegnermurff.com

168-70-014

Zoning Adjustment Case Narrative

Address: 8200 North Charles Drive

Parcel: 168-70-014

Zoning: R-43 Hillside

Lot size: 51,964SF

Subdivision: Sunset Hills lot 34

Request:

8200 North Charles drive was recently purchased and the new owners wish to undertake a series of improvements to the property to address deferred maintenance issues, as well as, to modestly update the home to better accommodate their needs. They are committed to maintaining the architectural integrity of the existing structure in the process.

The owners are requesting two variances be granted.

Variance one is to allow an encroachment into the 40 foot street frontage setback order to undertake a remodel of the existing non-conforming garage which also extends into the setback.

Variance two is to allow the existing residence stair and fireplace to extend into the 40 foot street frontage setback. The owners will be undertaking a remodel of the residence that the Town may determine as impacting more than 50% of the residence, which triggers a requirement that the existing structure be brought into compliance with current code. Altering the homes design to bring the stair and fireplace into compliance is not feasible and the owners are seeking a variance to allow the stair and fireplace to remain in their original non-conforming locations.

Property Narrative:

The owner's purchased the property at 8200 North Charles Drive in large part because of the architectural character of the existing residence. The residence is a worthwhile example of 1970's desert contemporary architecture. The residence does have some issues related to deferred maintenance, as well as, some functional and design weaknesses that the owners would like to address through their proposed remodel. The owners are committed to maintaining the architectural integrity of the existing residence as they undertake their proposed remodel and repair of the property. The owner's interest in the home is that of long term residents rather than investors. They are not seeking to enlarge or dramatically redefine the architecture of the home. The work they propose is modest in outward impact, but will be a significant investment on their part to restore and secure the integrity of the property for the future. The variances they are seeking are the minimum possible to enable their proposed improvements to go forward.

Variance One Description:

Please see exhibit #15 Proposed Vs Existing Garage Setback Comparison and #16 Existing Garage Photograph

Variance one is to allow an encroachment into the 40 foot street frontage setback order to undertake a remodel of the existing non-conforming garage which also extends into the setback. The lot is a nonconforming triangular shape and the garage is located in the triangular (toe) corner of the parcel where North Charles Drives wraps around the property resulting in dual street frontages and setbacks.

The existing two car garage is undersized by contemporary standards and the owners are unable to effectively park their cars in its current configuration. They are seeking a variance that would allow them to remove the existing non-conforming two car garage/workroom and replace it with a three car garage. The roof height of the new garage will match the roof height of the existing garage.

The existing garage location which is also the location of the proposed garage is within this narrow triangular section the site. The proposed garage will extend beyond the setback in two areas one to the front and one to the rear. The front portion of the garage will extend 12'5" into the front setback. The rear portion of the proposed garage will extend 7'-6" into the rear setback. The existing garage is non-conforming and extends 8ft into the front setback and 6ft into the rear setback.

Existing Versus Proposed Garage Area Comparisons

Total interior area non-conforming:

Existing garage: 142sf

Proposed garage: 248sf total (106sf greater)
south portion (163sf) + northwest portion (85sf)

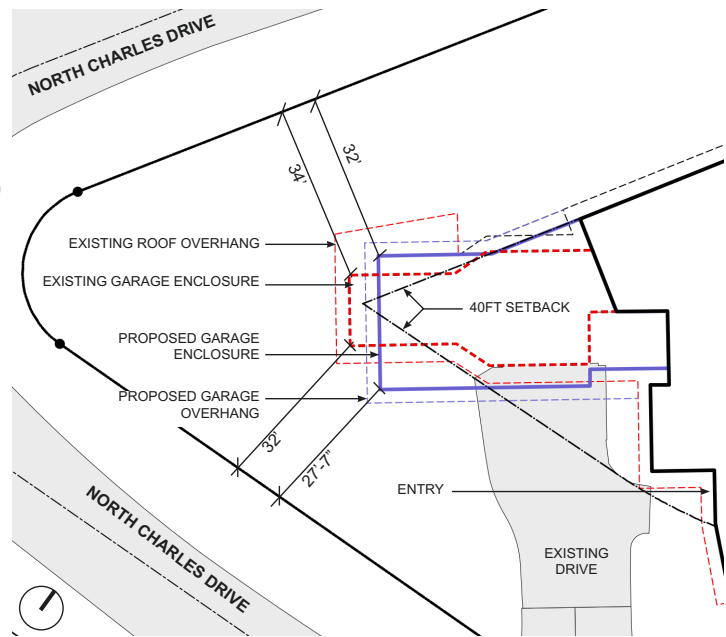
Total non-conforming area under roof:

Existing garage: 442sf

Proposed garage: 396sf (48sf less)

When taking roof overhangs into account the proposed garage provides an improvement over the existing condition.

Given the garage location, and the site circumstances elaborated in the variance application it is impossible to make the necessary functional improvements to the garage without the new garage also extending into the 40 foot street frontage setback. We feel the design proposed is the minimum variance necessary to effectively correct this hardship. The proposed design does not worsen the existing non-conformity and we suggest that the proposed design improves the existing non-conforming condition.



Variance Two Description:

Please see Exhibit # 17 Stair and Fireplace Setback Encroachment Diagram, as well as, exhibit #18 and #19 Existing Stair and Fireplace Photographs

Variance two is a request to allow the existing stair and fireplace to remain in their original and current configuration. They are non-conforming by current zoning regulations with the stair extending 9'-5" feet into the front setback and the fireplace extending 1'-7" into the front setback.

This variance request is included prospectively at the recommendation Town staff should the planning department determine that the proposed renovations to the 8200 North Charles Drive impact more than 50% of the existing structure. Impacting more than 50% of the existing structure triggers a requirement that the entire existing structure be brought into compliance with current code. This requirement would, in turn, require that the portions of the stair and fireplace that are within the front setback be removed.

The stair and fireplace are not being altered in the proposed remodel. These are elements of the home's original design which was reviewed and approved by the Town of Paradise Valley prior to its construction in 1974. The residence is a notable example of desert modern architecture and the two story stone clad stair and fireplace are defining features of the home's architecture. Altering the stair and/or fireplace in an effort to make it compliant with current zoning would irreparably undermine the architectural character of the existing residence.

The home has not undergone a meaningful remodel since its original construction in 1986. The remodel being proposed that would trigger the compliance requirement is relatively modest in scope, principally focused addressing areas of deferred maintenance, cosmetic and organizational changes to the interior, along with upgrades to the HVAC system.

In addition to replacing the wood siding, aspects of the remodel that will impact the exterior of the home are:

The garage remodel which is described in, and is part of, the Variance One request.
Removal of the existing non-compliant pool and rear patio area. This pool will be replaced with a new, fully compliant pool and rear patio.

In conclusion, there is no functionally viable design option to make the fireplace and stair compliant with the setback requirement without significantly degrading the quality of the home's design and function and incurring significant and unjustifiable additional costs in the process. Simply put, without the approval of this variance a remodel of the property is not possible.

Subdivision / Lot Background:

Please see Exhibit #01 Context Diagram

The Sunset Hills subdivision, platted in 1955, consists of 37 lots. The property in question (lot 34) is an irregular shaped lot located in the western area of the subdivision. It is zoned R-43 (Hillside) and has an area of 51,964 square feet. When Sunset Hills was originally subdivided, in 1956, it was recorded in Maricopa County and later annexed into the Town of Paradise Valley.

Property Slope

Please see Exhibit #02 Existing Site Plan

The property slopes from a high point of 1615ft at the western corner of the parcel where North Charles drive wraps around the property to a low point of 1576ft at the south east corner of the parcel. The overall property slope is 13%. The building pad slope is 13.3%. A minor wash passes through the site running along the northern edge of the residence with the outflow point midway along the eastern property line.

Property and Existing Residence

Lot Shape and Setbacks

Please see Exhibit #02 Existing Site Plan and #03 Setback Diagram

Lot 34 is a non-conforming triangular site. North Charles Drive wraps around the site creating a dual frontage onto North Charles Drive. The current setbacks are 40 feet on the two street sides (northwesterly and southern sides) and 20 feet on the east side. This triangular shape also results in the lot having a non-conforming depth of 27ft which is less than the currently required 165 feet.

Existing Residence

Please see Property Photo Exhibits #05 - #14

There is an existing residence, garage, patios, and pool on the lot. The two story residence was originally built in 1974. The residence is 4629sf of living space with an additional 871sf of garage/workroom.

The residence, and more specifically, the garage is located at the western most triangular corner of the site where the two frontages along North Charles Drive meet. The combination of the site shape, the garage location in this corner of the site and the 40ft street frontage creates a situation where the existing garage extends into the required setback and makes it impossible to reconfigure that garage in any way that does not also extend into the setback.

Hardships Leading to Variance One Request

1. Non-conforming triangular lot shape.

The current minimum lot width, based on the Zoning Ordinance Table 1001-A1, is 165 feet. The property has an effective width of just 27 feet at the western corner which is the toe of the site's triangular shape.

2. Dual street frontage

North Charles lane wraps around the western corner of the site creating a dual frontage at the portion of the site that is significantly less than the 165 foot width required by current zoning. The combination of lot shape, constricted lot width and dual 40 foot street frontage setback has produced a non-conforming existing condition and creates a hardship to undertake any proposed work without the approval of a variance.

3. Location of the existing residence

The existing residence is located in the western corner of the site between the dual 40 foot street frontage setbacks. As mentioned previously, the garage, stair and fireplace extend beyond these setbacks.

Based on the site shape, 40ft setbacks and existing residence location it is impossible to correct the functional deficiencies of the existing garage without approval of a variance to exceed the 40ft setback. Likewise these same conditions make correcting the non-conformity of the stair and fireplace unfeasible. Correcting the stair in particular would require a drastic reconfiguration of the homes interior as there is no functionally viable location within the setbacks to relocate the stair.

While the proposed garage will extend into the required 40ft setback, when considering the enclosure and roof overhangs this proposed design represents an improvement to the non-conformity of the existing garage.

Hardships Leading to Variance Two Request

Please see Exhibits #17 Stair Setback Encroachment, #18 Stair Photograph, #19 Fireplace Photograph

1. Previously Approved Existing Non-Conformity

The stair and fireplace are not being altered as part of the proposed remodel. The variance is simple to allow them to remain in their existing non-conforming configurations. Their locations were part of the home's original design with was submitted, review and approved by the Town of Paradise Valley prior to the home's original construction. The requirement to make these portions of the home conform to current zoning requirements is triggered by the owners undertaking a series of improvements that impact more than 50% of the structure. The stair and fireplace are not part of the proposed remodel to the home and there is no plan to change these aspects of the residence.

2. Architectural Feasibility

Correcting this non-conformity would require drastic changes to the homes design with no real appreciable benefit to the Town or Paradise Valley or the neighboring properties. On the contrary, the changes required to bring the stair and fireplace into conformity would undermine the architectural character of the existing home which is a notable example of local desert modern architecture. In short, we find no functionally or aesthetically responsible way to bring the stair and/or fireplace into conformity.

Vicinity Setback Encroachments

please see: Exhibit #04 Vicinity Setback Encroachment Diagram

An analysis of 10 neighboring properties that front onto North Charles Drive shows that four of the homes, in addition to the subject property, have some encroachment into the 40 foot setback along North Charles Drive.

The adjacent property to the east, parcel number 168-70-13 encroaches 10 feet into the rear street frontage setback.

Parcel number 168-70-012 encroaches 25ft into the rear side street frontage setback.

Parcel number 168-70-015 encroaches 15 feet into its front setback along North Charles Drive.

Parcel 168-70-005A encroaches 18 feet into its front setback along North Charles Drive.

We feel the variance requested in this case is well within the precedent established in the

immediate area. Also, while there are residences with two car garages in the vicinity, the precedent of having three car or larger garage is well established in the vicinity.

Variance One: Existing Versus Proposed Garage Setback Encroachment

please see: Exhibit #15 Plan Diagram of Existing and Proposed Garages
Exhibit #16 Existing Garage Photograph

Area Comparisons

Total interior area in setback:

Existing garage:	142sf
Proposed garage:	163sf (19sf greater)

Total area under roof in setback:

Existing garage:	442sf
Proposed garage:	396sf (48sf less)

When taking roof overhangs into account the proposed garage provides an improvement over the existing condition. The proposed garage makes use of 30" roof overhangs to maintain the same architectural appearance and vocabulary as the existing.

The garage/workroom which the owners are seeking to remodel encroaches 8ft to the south setback, 3ft to the west setback and 6ft into the northwest setback. The roof overhangs substantially beyond the building wall on the northwest side and extends 14'-6" into the northwest setback.

The proposed garage extends 12'-5" into the south setback, 7'-6" into the north west setback and 0' into the west setback. When looking at the roof overhang the proposed garage maintains the same 30" overhang of the existing structure but in the case of the northwest side where the existing overhang extends 14'-6" into the setback the proposed garage roof extends 4'-6" less or 10'-0" into that setback.

The proposed garage remodel creates a 3 car garage by combining the existing workroom with the existing garage. This will create a 3 car garage that is typical of current design standards. This does require some adjustment of the building footprint to achieve, but the overall increase in square footage of the garage is minimal.

Variance One: Mitigating Characteristics

Please see: Exhibit #20 Site Section, Exhibit #21 Garage Transverse Section, Exhibit #22 Existing and Proposed Front Elevation

The proposed garage design has several characteristics that limit the impact of the changes proposed to the existing. These are:

1. Matching roof height: The proposed garage roof height matches the existing.
2. Minimized visibility: Please see Property Photograph Exhibits 6,9,10,11,12 and 16. Also see Exhibits 20, 21 and 22. These exhibits show that much of the proposed garage is below the

adjacent grade such that the visibility of the proposed changes to the existing garage are minimal when viewed from North Charles Drive or adjacent properties.

3. Limited exposure: Please see Exhibit # 01. The home is located near the end of North Charles Drive. There are only four residences that are accessed at or past the location of the subject property. These are: 168-70-019C (across street), 168-70-019D (across street and farther down N. Charles Dr.), 168-70-001L (farther down N. Charles Dr. Accessed from Paradise Valley but the property is in the City of Phoenix), 168-70-016(farther down N. Charles Dr.)

4. Landscape restoration and screening: The owners will be restoring areas of the site removing several invasive plant species that have taken root over time. They will also be strategically adding native plant species to further screen the visibility of the garage from outside the property.

5. Consistent architectural language: The garage remodel will match the material and character of the existing structure to maintain the existing architectural integrity of the residence and minimize any impact from the garage alteration.

Variance One - Variance Criteria One

1. *“such variancewill 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].*

This lot suffers from pre-existing conditions that create hardships under the current Zoning Ordinance. The lot was platted in 1956 and later incorporated into the Town of Paradise Valley. This has created and/or contributed to the following pre-existing hardships:

Lot Shape and Width

The triangular lot shape creates a non-conforming condition where the 27 foot lot width at the western edge of the property is significantly less than the 165 foot minimum lot width required by current zoning.

Multiple Street Frontage

North Charles Drive wraps around the western most triangular corner of the site creating dual frontages at the already narrow portion of the triangular site. The combination of lot shape and multiple 40 foot street frontage setbacks creates a significant hardship to undertaking any property improvements in that portion of the site.

Pre-existing Non-Conforming Design

The residence was built in 1974 under a different set of design requirements. It's location at the far west and most narrow corner of the site, when combined with the dual street frontage setbacks results in portions of the residence extending into the current required setbacks. Because of the lot shape, setbacks and residence location it is not possible for the owners to make any improvements to these non-compliant areas of the property without securing a variance.

Variance Request Two - Variance Criteria One

1. *“such variancewill 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].*

The stair and fireplace are not being altered as part of the proposed remodel. The variance is simple to allow them to remain in their existing non-conforming configurations. Their locations were part of the home's original design with was submitted, review and approved by the Town of Paradise Valley prior to the home's construction in 1974. The requirement to make these portions of the home conform to current zoning requirements is triggered by the owners undertaking a series of improvements that impact more than 50% of the structure.

Correcting this non-conformity would require drastic changes to the homes design with no tangible benefit to the Town or Paradise Valley or the neighboring properties. On the contrary, the changes required to bring the stair and fireplace into conformity would undermine both the architectural character of the existing home as well as, the functionality of its design.

There is, in our view as the architects representing the owner, no architecturally responsible or functionally viable way to bring the existing stair and/or fireplace into conformity.

Variance Request One - Variance Criteria Two

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. The lot was platted in 1956 and later incorporated into the Town of Paradise Valley. The hardships previously described related to lot shape and width, multiple street frontage and setbacks and the homes pre-existing non conforming design were are aspects of the property that were previously reviewed and approved by the Town of Paradise Valley. These conditions are not due to any mistake or misunderstanding on the part of the prior or current owners but are instead a reflection of the town's past design standards.

Variance Request Two - Variance Criteria Two

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

The non-conformity of the stair and fireplace were part of the home's original design which was submitted, review and approved by the Town of Paradise Valley prior to the home's construction in 1974. The stair and fireplace are not being altered as part of the proposed remodel. The variance is simply to allow them to remain unchanged in their existing non-conforming configurations.

This circumstance leading the the current owners variance request is not the result of any mistake or misunderstanding on their or the prior owner's part, but is a result of the homes having originally been subdivided and built under a different set of zoning and design guidelines.

Variance Request One - Variance Criteria Three

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 owners are seeking a variance to replace their existing non-conforming garage in order to correct a functional problem of the existing design. The proposed garage is largely within the footprint of the existing garage and the increase in size is the minimum needed to correct the problems that result from the garage being undersized for contemporary vehicles.

The remodeled garage will retain the same architectural language of the existing structure, as well as, maintaining same roof height as the existing. Much of the garage is below the surrounding natural grade such that the proposed modification will be largely screened from view. The garage remodel does not diminish or otherwise negatively impact views of surrounding properties. The proposed garage lessens the nonconformity of the existing garage in that the area under roof is 19sf less than the existing non-conforming garage.

The owners are making every effort to provide a design proposal that is in harmony with the general purpose and intent of the Town's design guidelines and zoning requirements while seeking to remedy the functional deficiency of the existing garage.

Variance Request Two - Variance Criteria Three

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 stair and fireplace that are the subject of the variance request are not being altered in the proposed remodel. These are elements of the homes original design which was reviewed and approved by the Town of Paradise Valley prior to its construction in 1974. The residence is a notable example of desert modern architecture and the two story stone clad stair, in particular, is a defining feature of the homes architectural character. Altering the stair and/or fireplace in an effort to make it compliant with current zoning would irreparably undermine the architectural character of the existing residence.

A strict interpretation of the zoning requirement and the design changes required to make the stair and fireplace fully compliant with current zoning would result in a far greater degree of disturbance to the property than the proposed remodel that triggered the requirement. In this case the strict interpretation of the zoning code would produce an outcome that would be less harmonious with the general purpose and intent of the ordinance.

This variance request is included prospectively at the recommendation Town staff should the planning department determine that the planned renovations to the property impact more than 50% of the existing structure. Impacting more than 50% of the existing structure triggers a requirement that the entire existing structure be brought into compliance with current code which would in turn require that the portions of the stair and fireplace that are within the front setback be removed.

While it is possible for the owners to “game the system” by staging their improvements to subvert the 50% impact regulation they prefer to present their case and intentions honestly. Their improvements which may be determined to exceed 50% of the home are none the less,

reasonable updates to a home that has not seen any meaningful improvements or modifications since is original construction.

Variance Request One - Variance Criteria Four

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]*

The pre-existing conditions presented previously that pertain to lot shape and width, multiple street frontages and the pre-existing and non-conforming design of the existing garage are not self-imposed by the current property owner or the predecessor. The conditions that compel the owners to seek a variance now were all previously approved by the Town of Paradise Valley. The issues are not in any way set imposed by any action on the part of the the current or previous owners.

Variance Request Two - Variance Criteria Four

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]*

The stair and fireplace that are the subject of the variance request are not being altered in the proposed remodel. Though non-compliant by current standards these, elements were an integral part of the homes original design which was reviewed and approved by the Town of Paradise Valley prior to its construction. This circumstance is not one that is any way the result of an action on the part of the current or prior owner.

Variance Request One - Variance Criteria Five

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 pre-existing conditions previously elaborated having to do with lot shape and width, multiple street frontages and the pre-existing and non-conforming design of the existing garage make it impossible to address the functional deficiency of the existing garage without the approval of a variance.

The new owners are simply seeking to make modest improvements to correct the functional problems resulting from the original garage being undersized for today's larger vehicle sizes. As shown in exhibit #4 "Vicinity Setback Encroachment Diagram" the Town of Paradise Valley has allowed other properties in the vicinity to encroach into the required setbacks. Preventing the current owner from making these improvements will impose a distinct hardship that undermines their investment in the property and more critically their ability to live in and enjoy their home and would be out of keeping with the precedent established within the vicinity.

Variance Request Two - Variance Criteria Five

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 we have stated previously the variance seeks permission to leave the stair and fireplace as they exist without alteration. The owners would like to undertake a remodel that will potentially impact more than 50% of the existing structure and trigger a requirement that the entire existing structure be brought into compliance with current code. As a result of this requirement, portions of the stair and fireplace that are within the front setback would need to be removed to be made compliant with the 40ft front setback requirement.

The changes required to bring the stair and fireplace into conformity would require drastic changes to the home's design and would dramatically increase the cost of the home's remodel to the point that the remodel would no longer be financially or architecturally viable. If this zoning requirement is strictly interpreted, the owners will not be able to undertake the proposed remodel of their home.

As shown in exhibit #4 "Vicinity Setback Encroachment Diagram" the Town of Paradise Valley has allowed other properties in the vicinity to encroach into the required setbacks. Preventing the current owner from making these improvements will impose a distinct hardship that undermines their investment in the property and more critically their ability to live in and enjoy their home and would be out of keeping with the precedent established within the vicinity.

Variance Request One and Two - Variance Criteria Six

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)].

Please see Exhibit #4 Vicinity Setback Analysis

As shown in Exhibit #4 and described in the previous Vicinity Setback Analysis section of this document, an analysis of 10 neighboring properties that front onto North Charles Drive shows that four homes, in addition to the subject property, have some encroachment into the 40 foot setback along North Charles Drive.

The variance, and resulting encroachment into the street frontage setback being requested in our case for variance one and variance two is well within the precedent for acceptable encroachment established in the immediate area. The variance request does not constitute a grant of special privilege, but allows this property to share the similar privileges of neighboring properties.

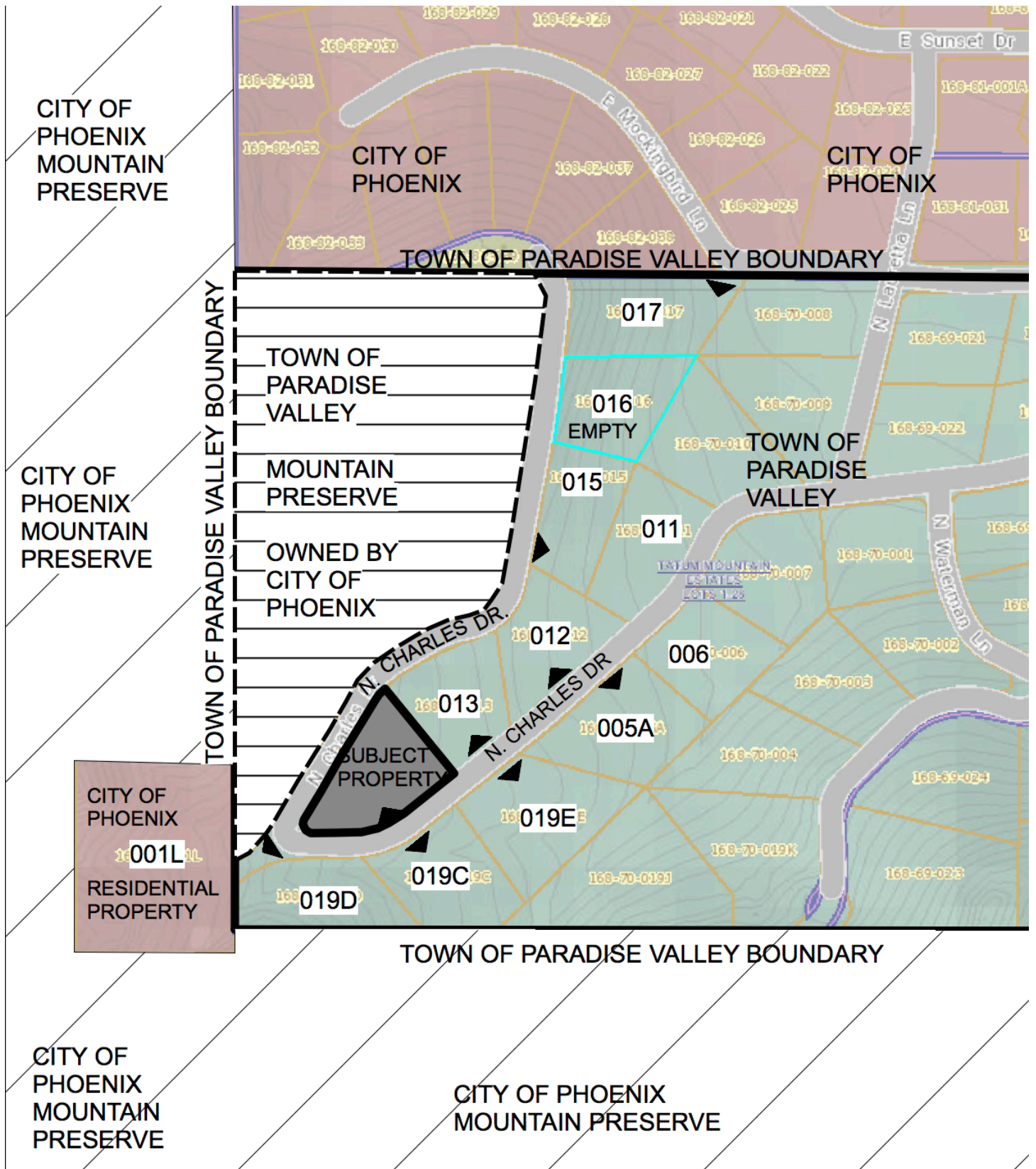


EXHIBIT #01

CONTEXT DIAGRAM

8200 NORTH CHARLES DRIVE
SUNSET HILL SUBDIVISION LOT 34
APN: 168-70-034

LEGEND

●	BRASS CAP FLUSH
●	FOUND REBAR OR AS NOTED
○	SET 1/2" REBAR & TAG OR AS NOTED
○	CALCULATED POINT
---	PROPERTY LINE
---	EASEMENT LINE
---	MONUMENT LINE
---	FIRE HYDRANT
---	WATER METER
---	CABLE TV RISER
---	ELECTRIC METER
---	GAS METER
---	A/C UNIT
---	COMMUNICATIONS LINE
---	CATV, PHONE
---	SEWER LINE
---	GAS LINE
---	WATER LINE
---	ELECTRIC LINE
---	EXISTING CONTOUR
---	EXIST. DRAINAGE FLOW
---	EXIST. SPOT ELEVATION
---	PALO VERDE

ABBREVIATIONS

BSL	BUILDING SETBACK LINE
EG	EXISTING GRADE
EL, ELEV	ELEVATION
EP	EDGE OF PAVEMENT
ESMT	EASEMENT
EX, EXIST.	EXISTING
G	GUTTER, GAS
INV	INVERT
(M)	MEASURED
MCR	MARICOPA COUNTY RECORDER
MH	MANHOLE
P, PWT	PAVEMENT
PUE	PUBLIC UTILITY EASEMENT
(R), REC.	RECORDED
R	RADIUS
R/W	RIGHT OF WAY
T	TANGENT, TELEPHONE
TC	TOP OF CURB
TG	TOP OF GRATE
TPV	TOWN OF PARADISE VALLEY
W	WEST, WATERLINE
WDO	WALL DRAINAGE OPENING
WM	WATER METER

BOUNDARY & TOPOGRAPHIC SURVEY 8200 N CHARLES DR., PARADISE VALLEY, AZ 85253

LOT 34 - SUNSET HILLS

A SUBDIVISION PLAT RECORDED IN BOOK 68 OF MAPS, PAGE 02, MCR.,
LOCATED IN A PORTION OF THE SW 1/4 OF THE NW 1/4 OF THE SE 1/4 OF SECTION 31, T.3N, R.4E
OF THE GILA & SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA

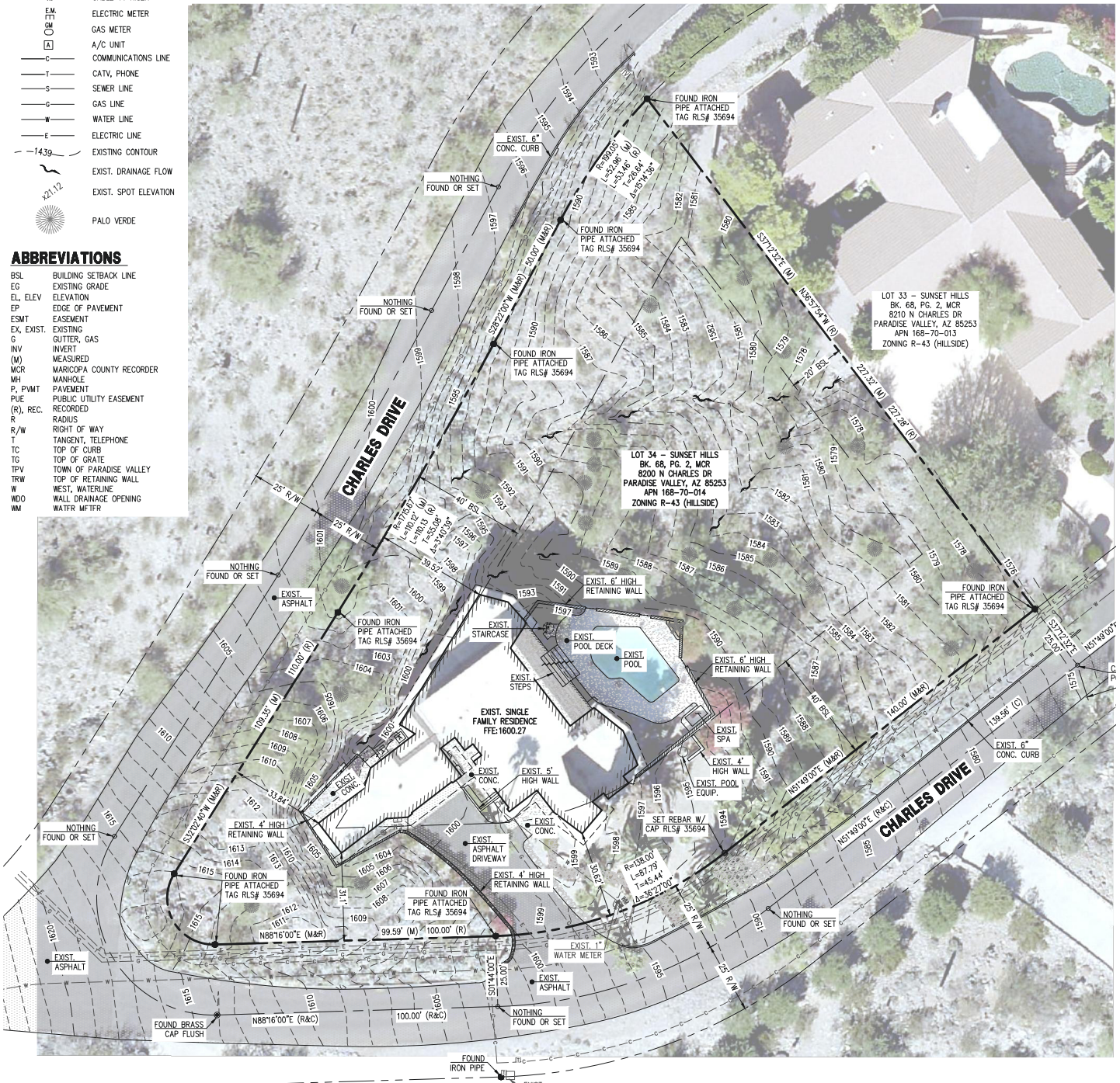


EXHIBIT #02

EXISTING SITE PLAN

8200 NORTH CHARLES DRIVE
SUNSET HILL SUBDIVISION LOT 34
APN: 168-70-034
LOT AREA: 51,964SF
ZONING: R-43 HILLSIDE

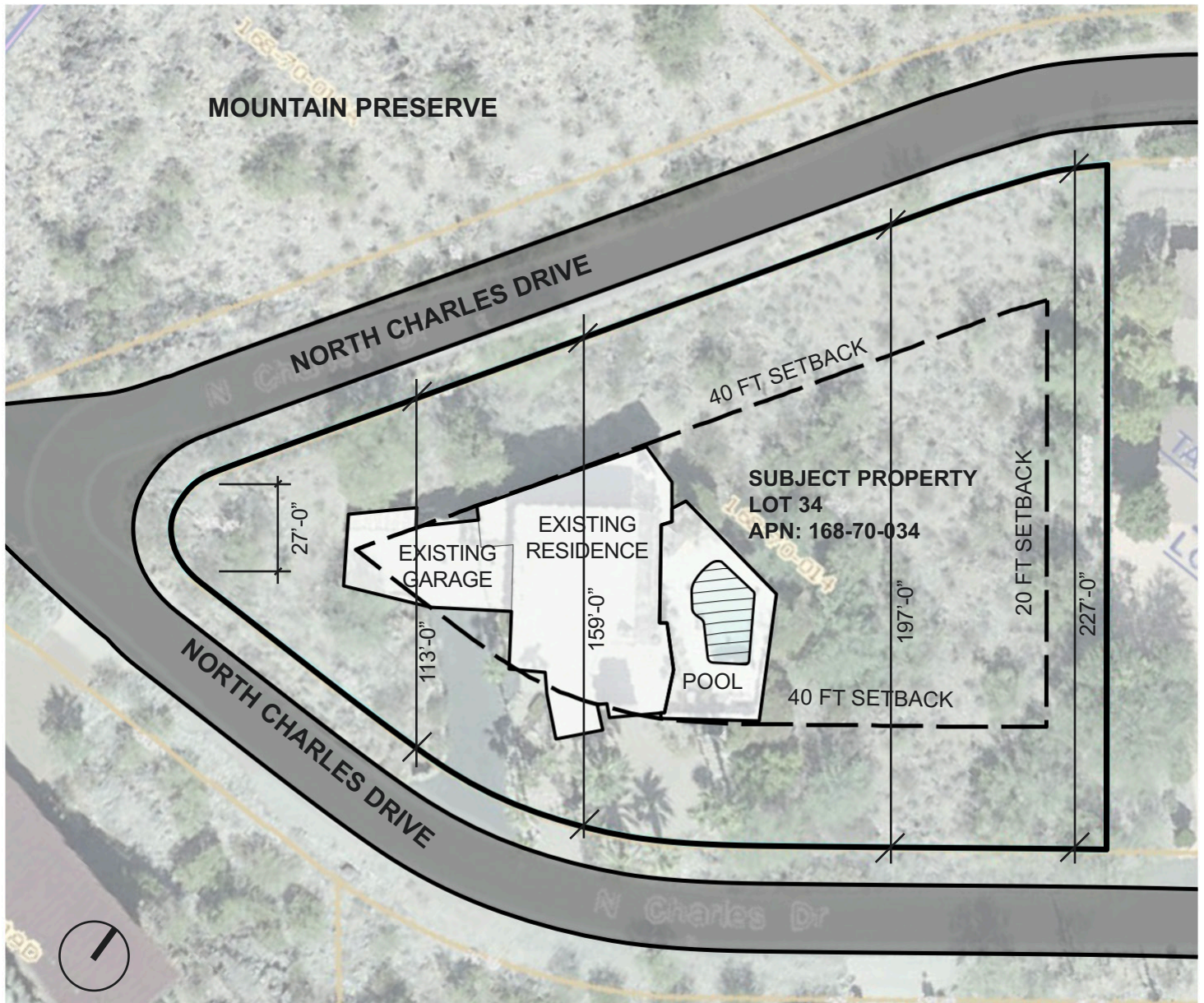


EXHIBIT #03

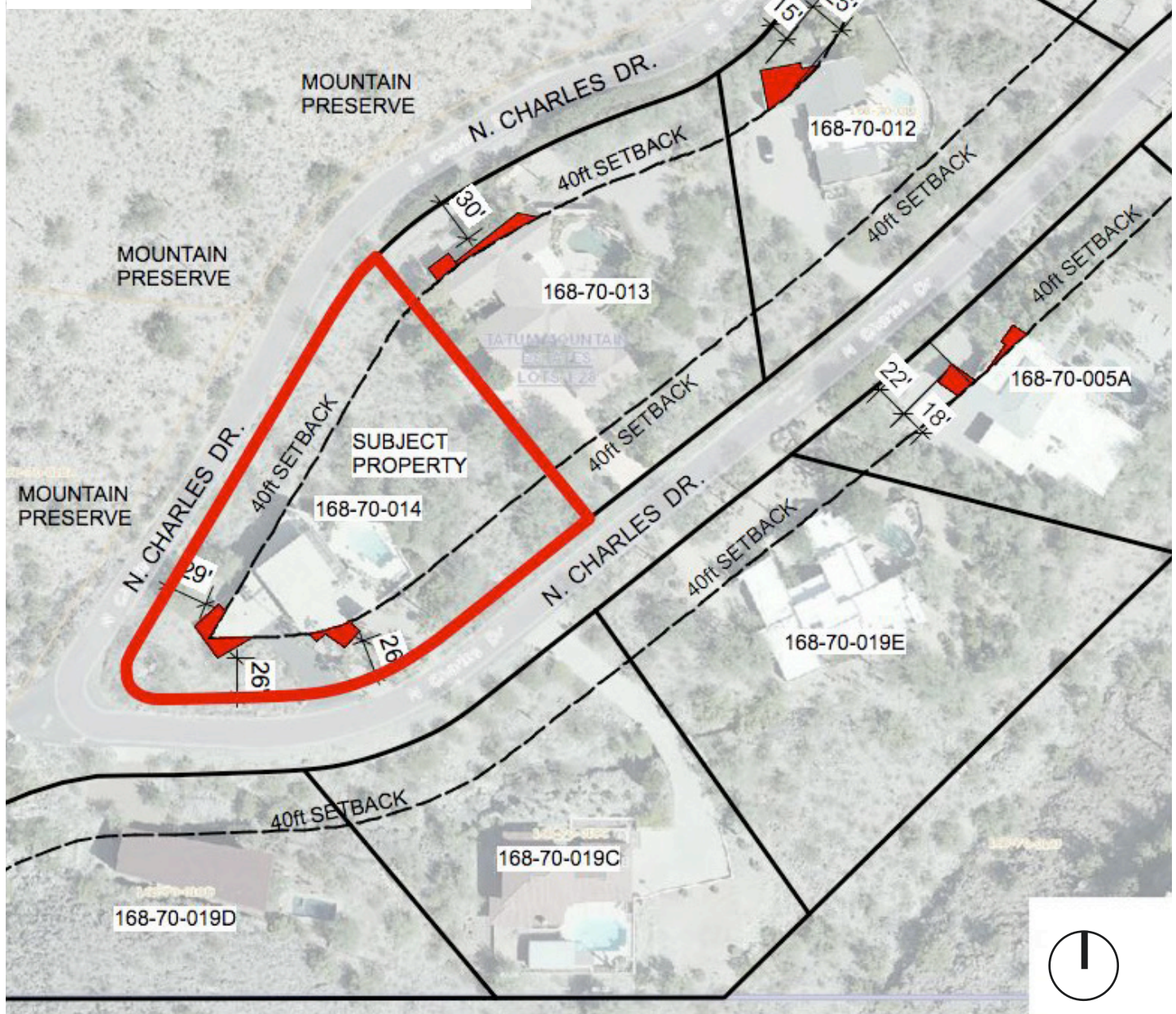
SITE AND SETBACK DIAGRAM

8200 NORTH CHARLES DRIVE
SUNSET HILL SUBDIVISION LOT 34
APN: 168-70-034
LOT AREA: 51,964SF
ZONING: R-43 HILLSIDE

EXHIBIT #04

VICINITY SETBACK ANALYSIS

An analysis of 10 neighboring properties that front onto North Charles Drive shows that four of the homes in addition to the subject property have some encroachment into the 40 foot setback along North Charles Drive. The adjacent property to the east, parcel number 168-70-13 also has dual frontages onto North Charles drive at the front and rear property line. That parcel encroaches 10 feet into the rear street frontage setback. The next parcel moving east is number 168-70-012 and it encroaches 25ft into the street frontage setback at the rear of the property. Parcel number 168-70-015 encroaches 15 feet into its front setback along North Charles Drive. Parcel 168-70-005A encroaches 18 feet into its front setback along North Charles Drive.



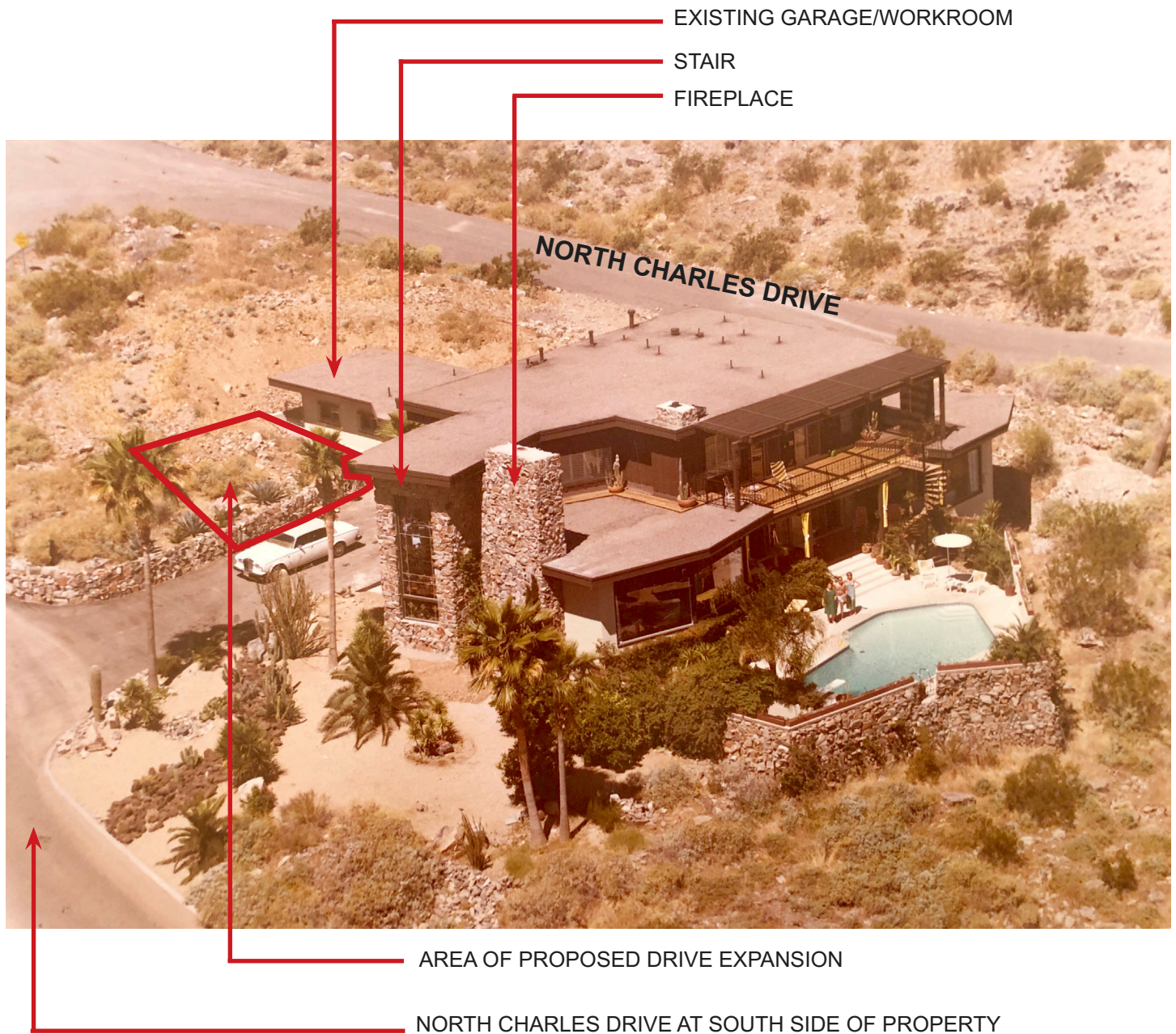


EXHIBIT #5
EXISTING RESIDENCE CIRCA 1986

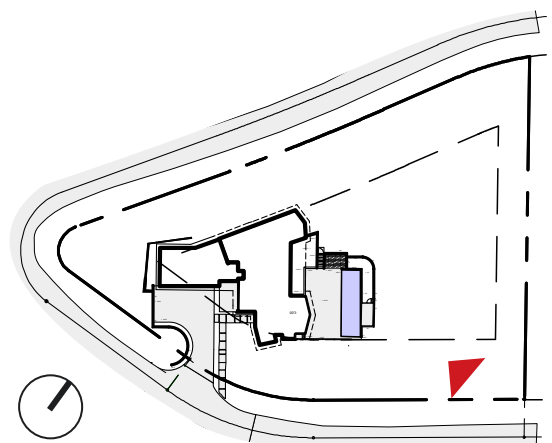
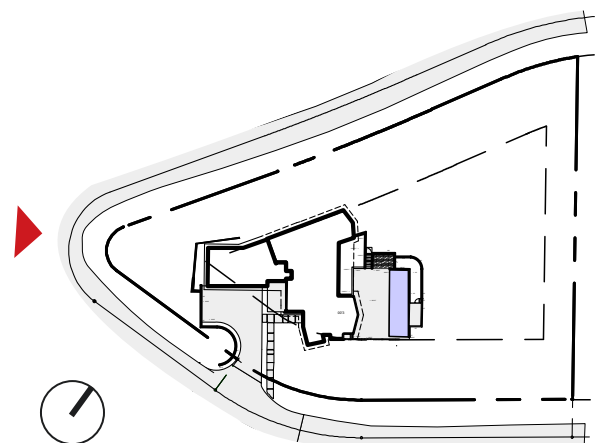




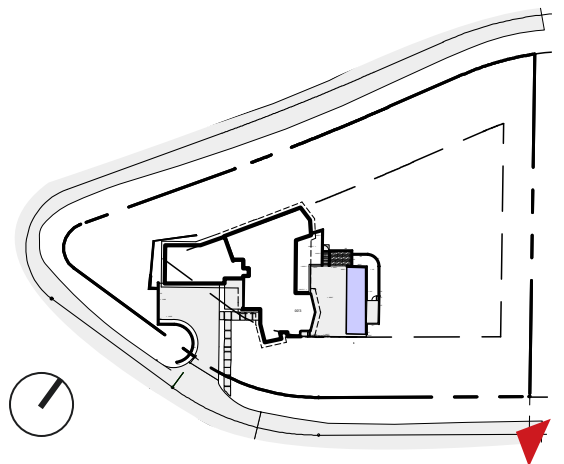
EXHIBIT #6
VIEW OF PROPERTY LOOKING EAST FROM TOP OF NORTH CHARLES DRIVE



RESIDENCE



EXHIBIT #7
VIEW OF RESIDENCE FROM SOUTHEAST CORNER OF PROPERTY



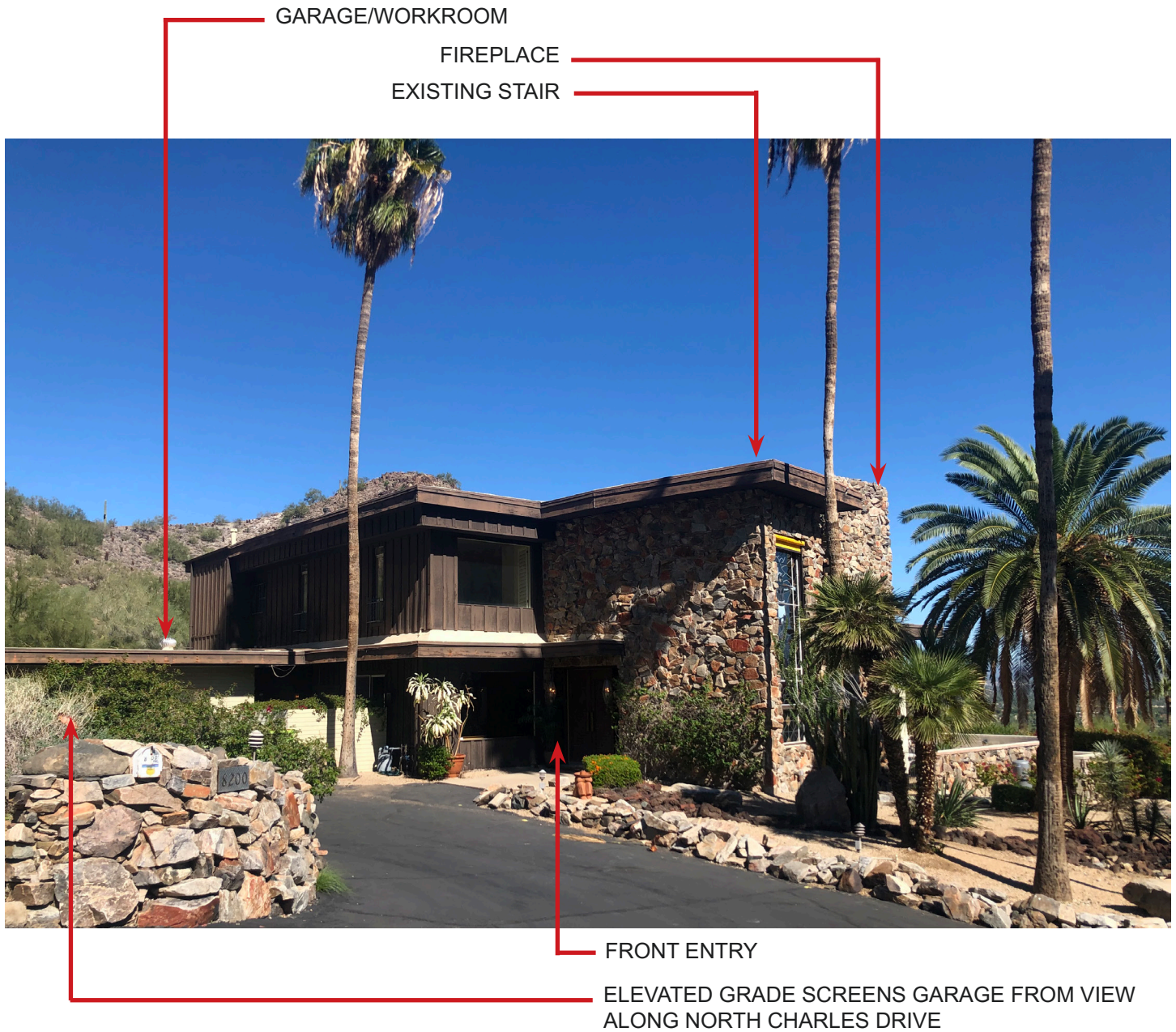
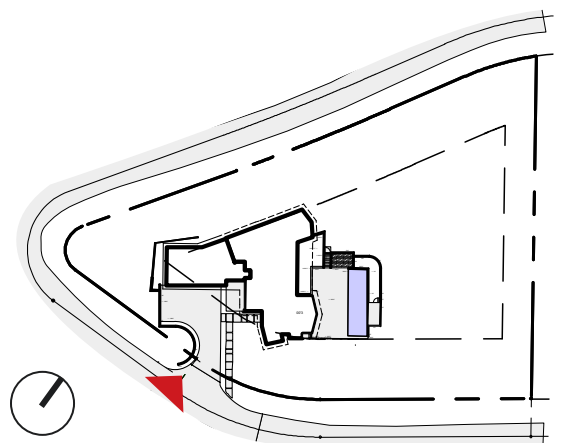


EXHIBIT #8
PHOTO GRAPH OF EXISTING RESIDENCE
LOOKING TOWARD FRONT ENTRY AS
SEEN FROM NORTH CHARLES DRIVE



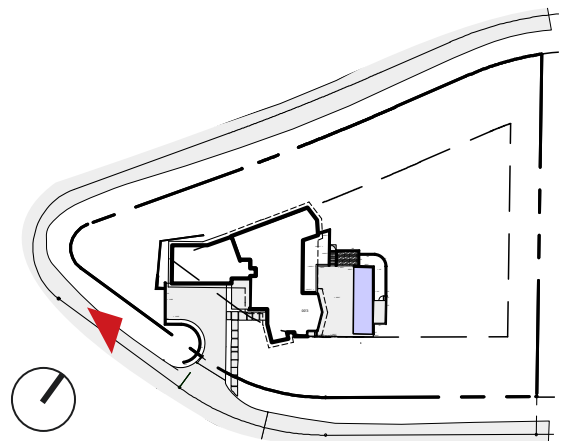
GARAGE/WORKROOM



EXHIBIT #9

PHOTOGRAPH OF WESTERN FACADE OF EXISTING RESIDENCE FROM NORTH CHARLES DRIVE

THE IMAGE DEMONSTRATES HOW THE EXISTING TERRAIN AT THE WESTERN SIDE OF THE PROPERTY SCREENS THE GARAGE WHEN VIEWED FROM NORTH CHARLES DRIVE AND SURROUNDING PROPERTIES.

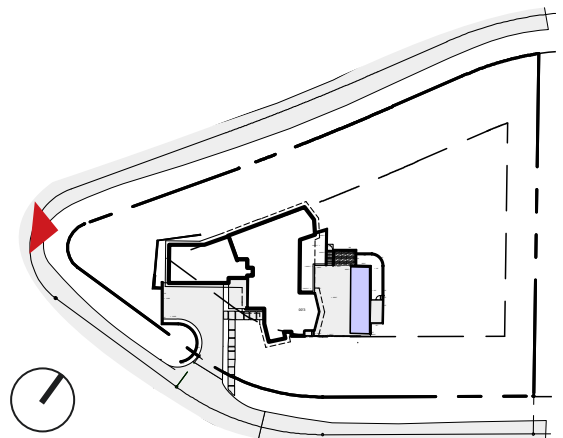


GARAGE/WORKROOM



EXHIBIT #10

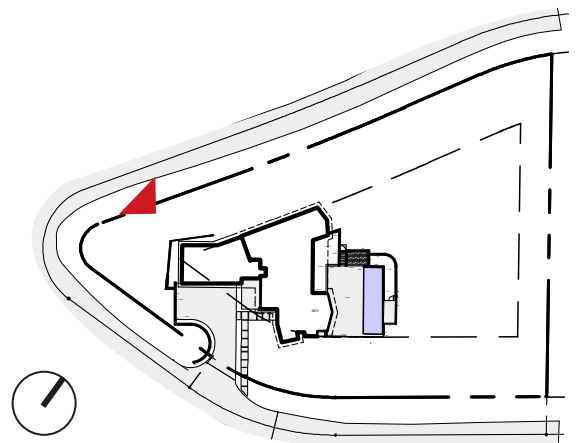
VIEW OF WEST CORNER OF RESIDENCE FROM THE NORTH SECTION OF NORTH CHARLES DRIVE



GARAGE/WORKROOM



EXHIBIT #11
VIEW OF THE NORTH WEST CORNER OF RESIDENCE FROM NORTH CHARLES DRIVE



GARAGE/WORKROOM



EXHIBIT #12
VIEW OF NORTH FACADE FROM NORTH CHARLES DRIVE

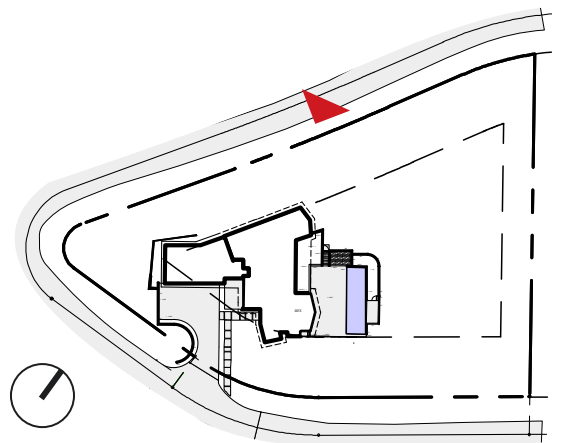




EXHIBIT #13
VIEW OF EAST / REAR OF RESIDENCE

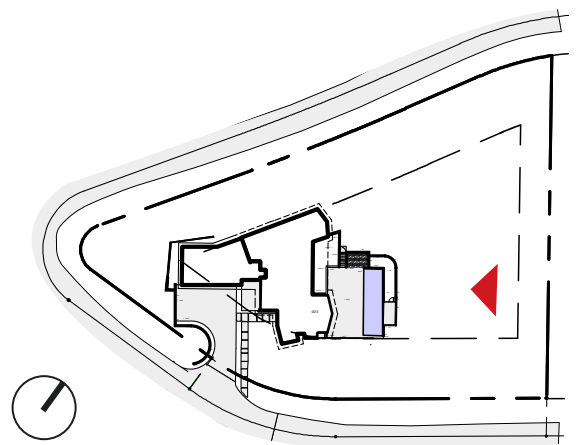
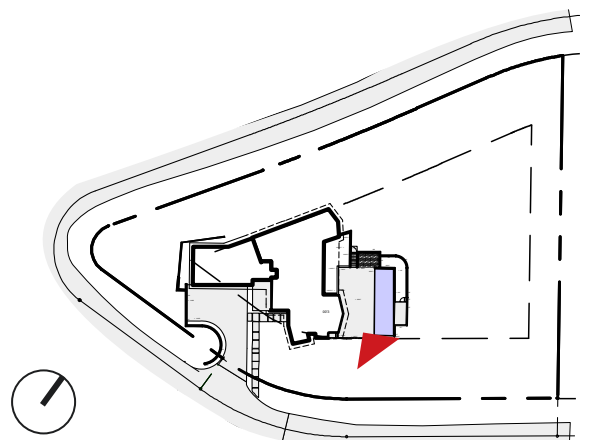




EXHIBIT #14
VIEW OF EAST FACE AT REAR OF RESIDENCE



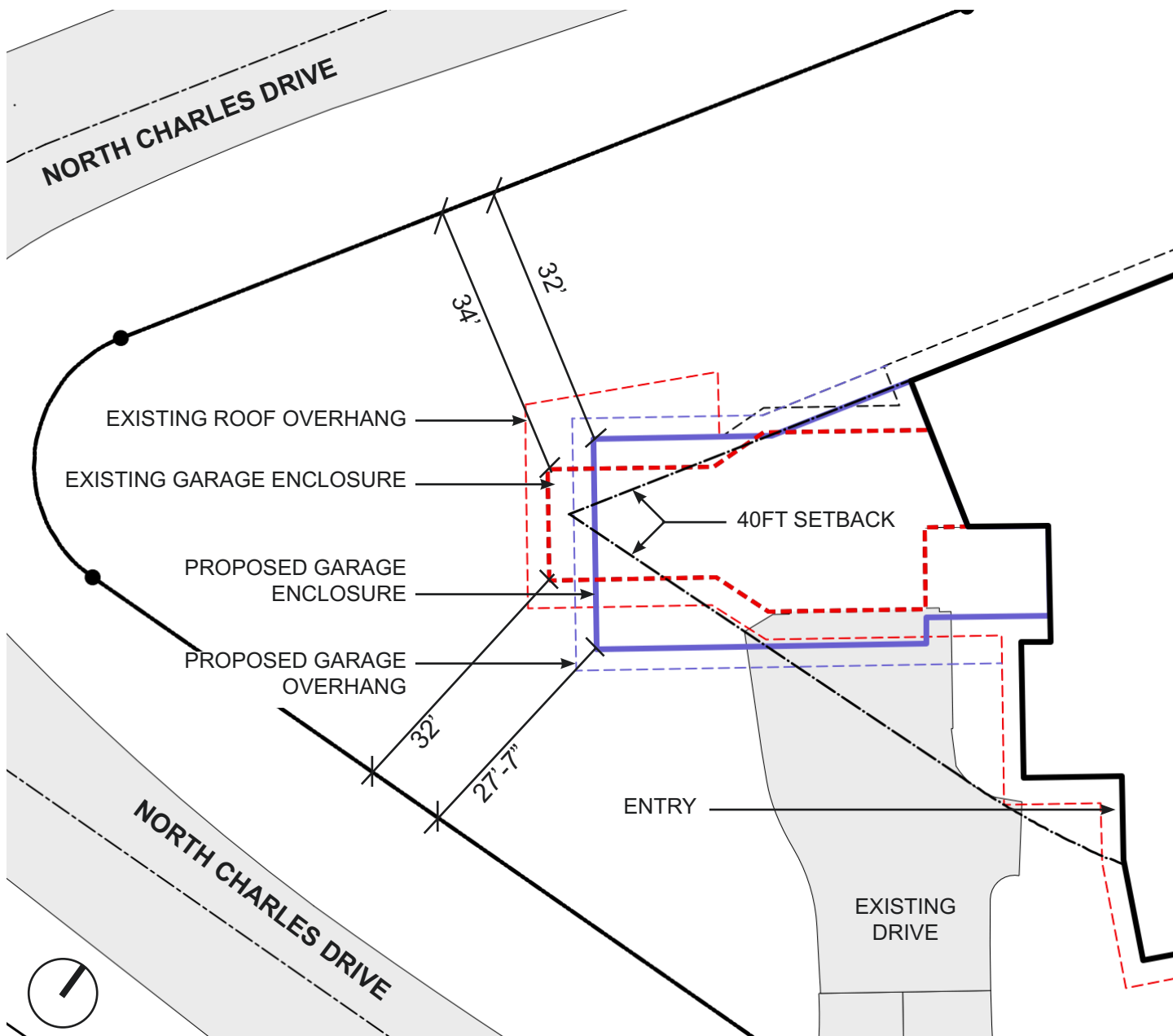


EXHIBIT #15 **DIAGRAM SHOWING EXISTING VERSUS PROPOSED SETBACK ENCROACHMENT** **AT GARAGE REMODEL**

Area Comparisons

Total interior area in setback:

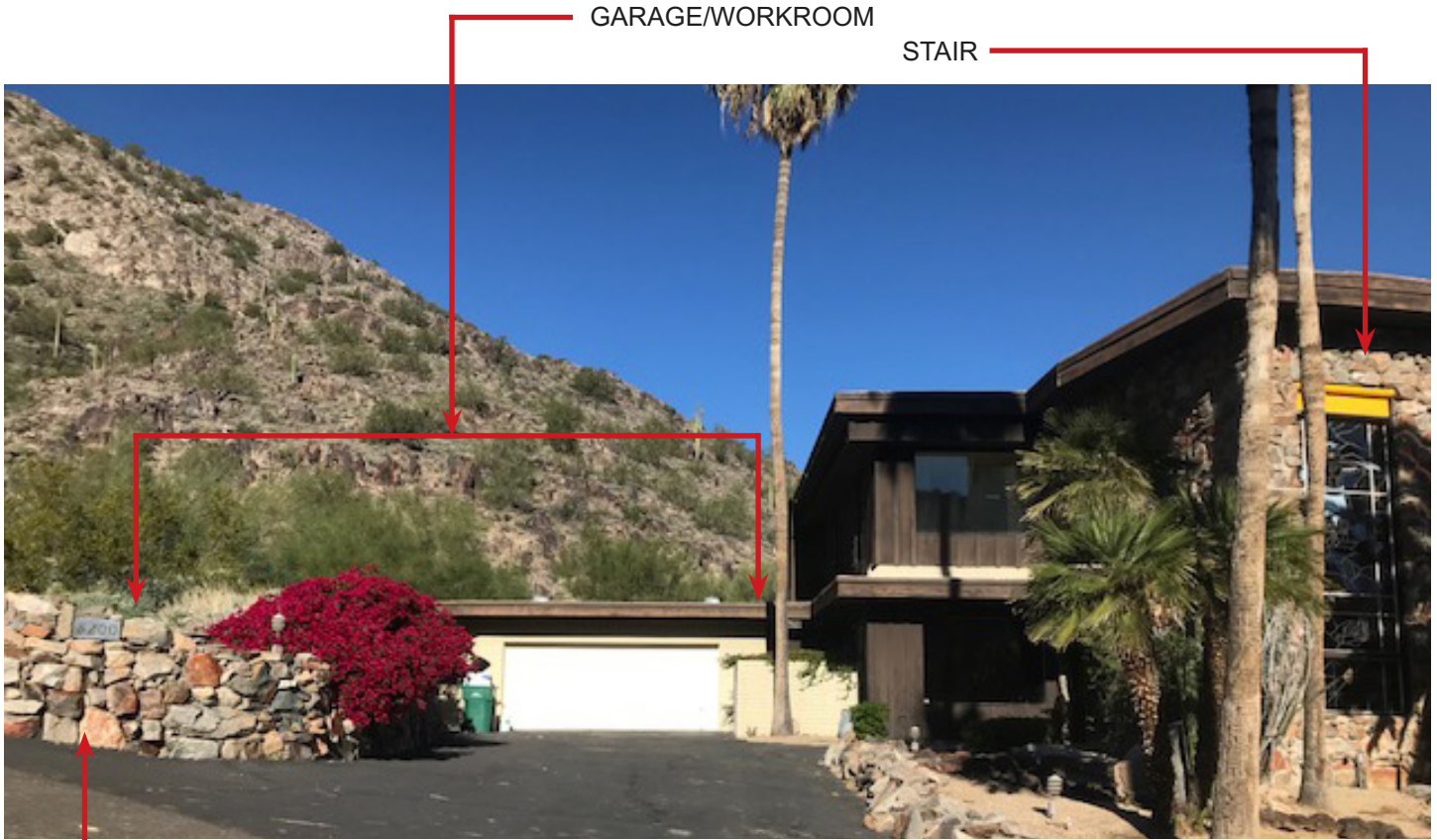
Existing garage:	142sf
Proposed garage:	163sf (19sf greater)

Total area under roof in setback:

Existing garage:	442sf
Proposed garage:	396sf (48sf less)

When taking roof overhangs into account the proposed garage provides an improvement over the existing condition. The proposed garage makes use of 30" roof overhangs to maintain the same architectural appearance and vocabulary as the existing.

Unlike the existing garage that has one large connected non-conforming area, the new garage has two smaller non-conforming areas which lessens the visibility and impact of the non-conformity.



GARAGE/WORKROOM

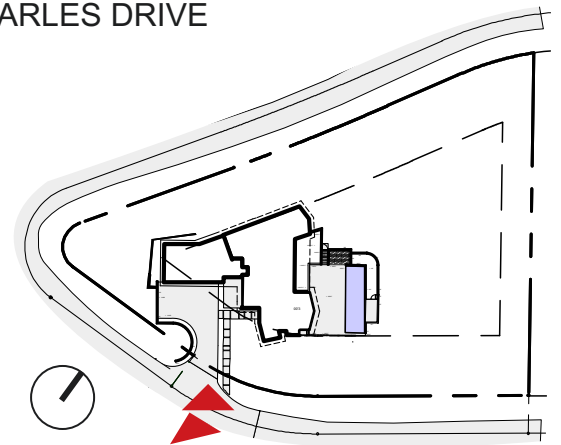
STAIR

ELEVATED GRADE ALONG NORTH CHARLES DRIVE SCREENS GARAGE FROM THE STREET AND NEIGHBORING PROPERTIES

EXHIBIT #16

PHOTOGRAPH SHOWING EXISTING GARAGE

VIEW UP DRIVE TO GARAGE AS SEEN FROM NORTH CHARLES DRIVE



VIEW FROM NORTH CHARLES DRIVE LOOKING TOWARD EXISTING AND PROPOSED GARAGE LOCATION. DEMONSTRATING HOW MUCH OF THE PROPOSED GARAGE WILL BE SCREEN FROM VIEW BY THE EXISTING TOPOGRAPHY

VIEW LOOKING TO GARAGE AS SEEN FROM NORTH CHARLES DRIVE

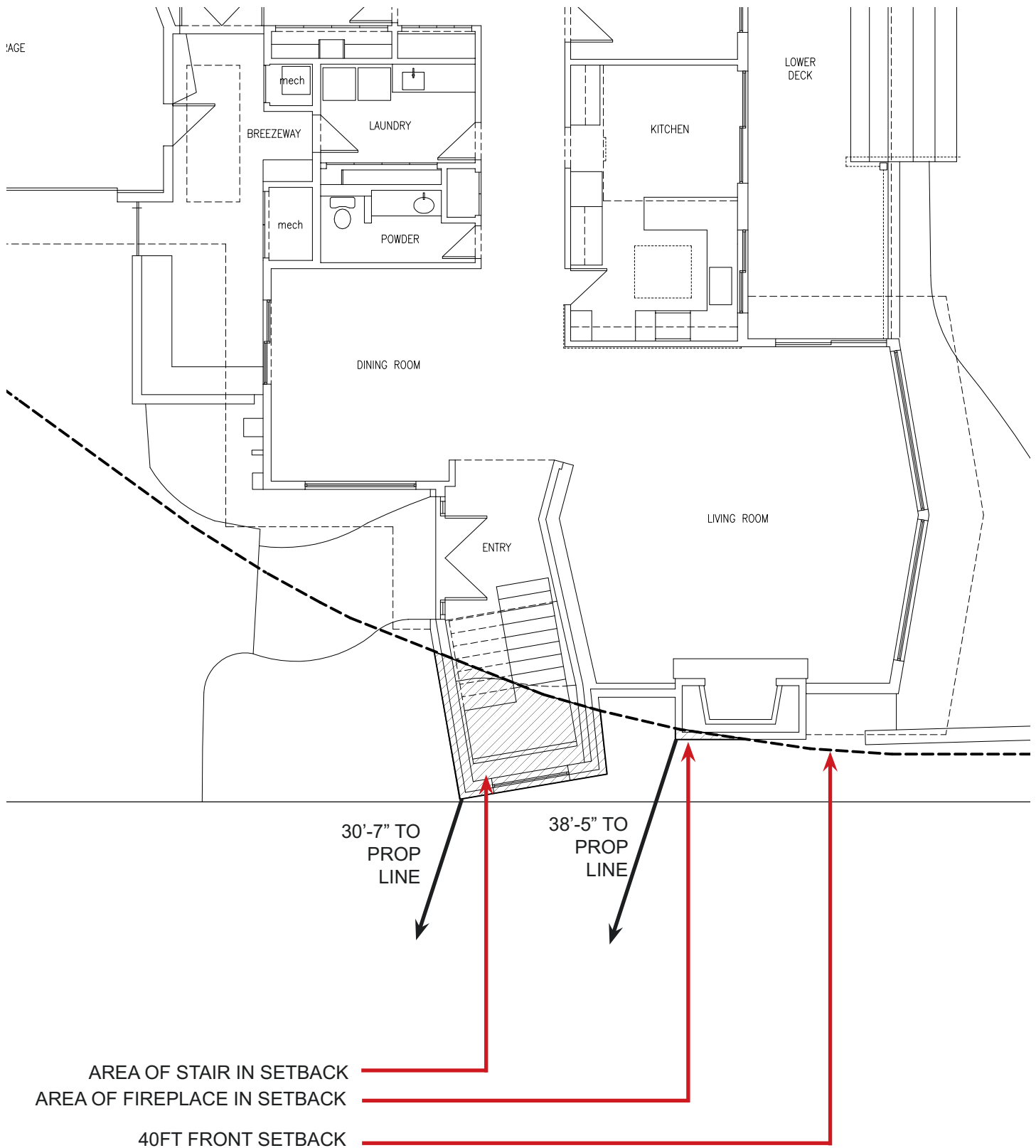
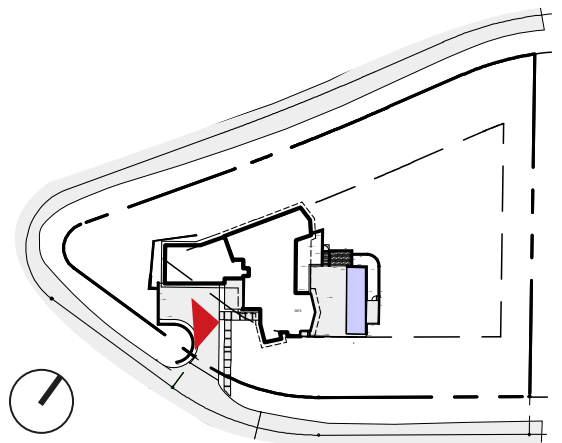


EXHIBIT #17
DIAGRAM SHOWNG STAIR AND FIREPLACE ENCROACHMENT INTO FRONT SETBACK



EXHIBIT #18
PHOTOGRAPH OF STAIR AND FRONT ENTRY
THE RED OUTLINE SHOWS THE PORTION OF
THE EXISTING STAIR THAT WOULD HAVE TO
BE REMOVED TO COMPLY WITH THE FRONT
SETBACK REQUIREMENT UNDER CURRENT
ZONING.



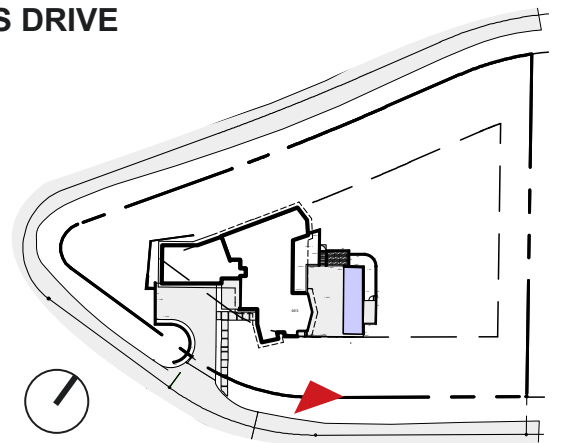
STAIR

FIREPLACE



EXHIBIT #19

VIEW OF STAIR AND FIREPLACE FROM NORTH CHARLES DRIVE



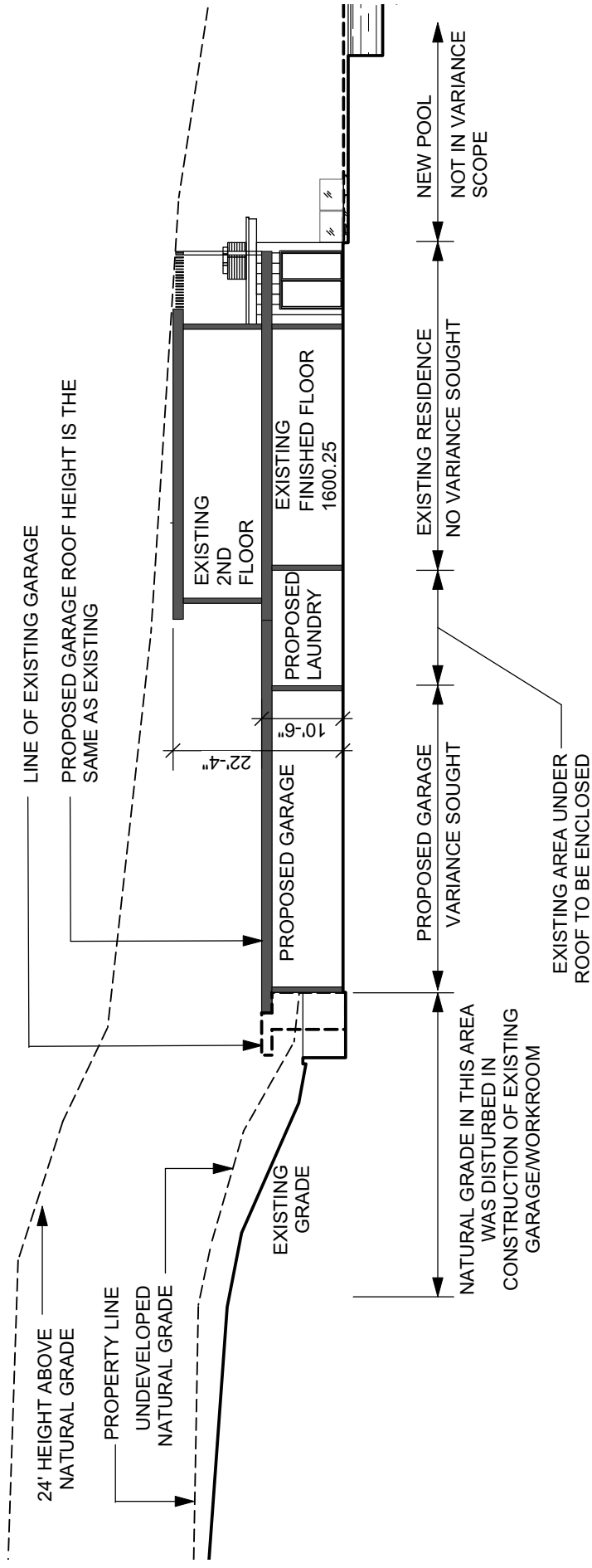
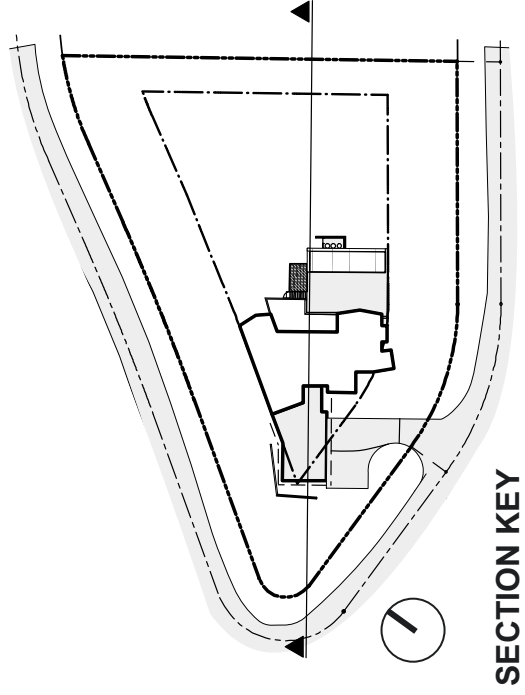


EXHIBIT #20
PARTIAL SITE SECTION AT PROPOSED GARAGE



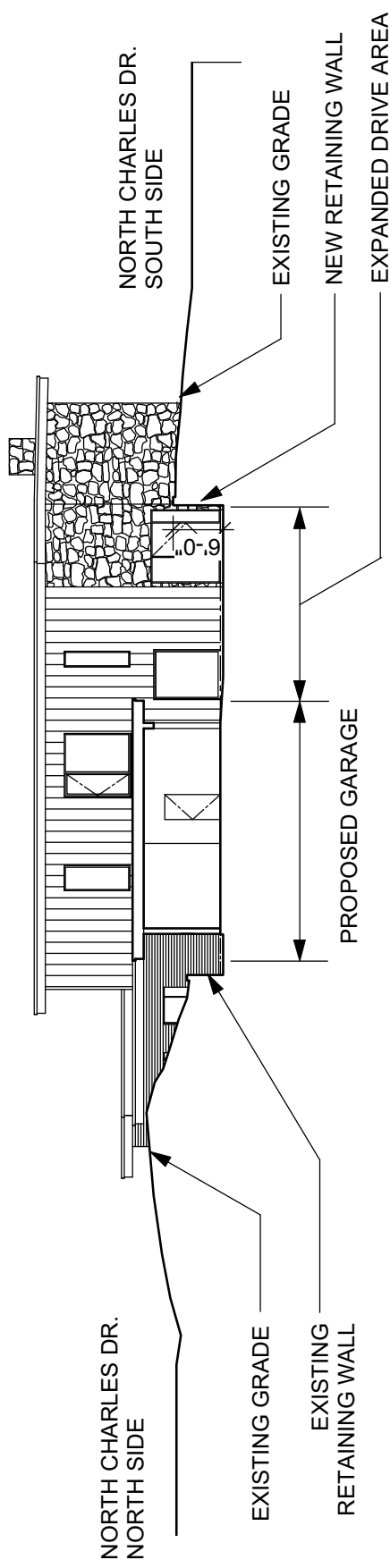
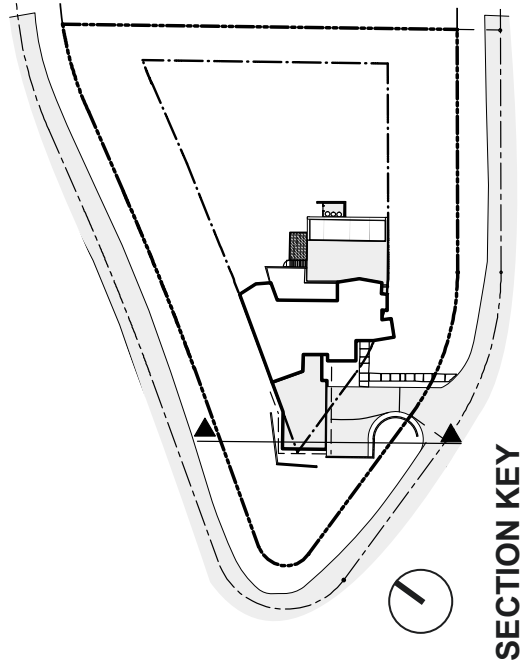
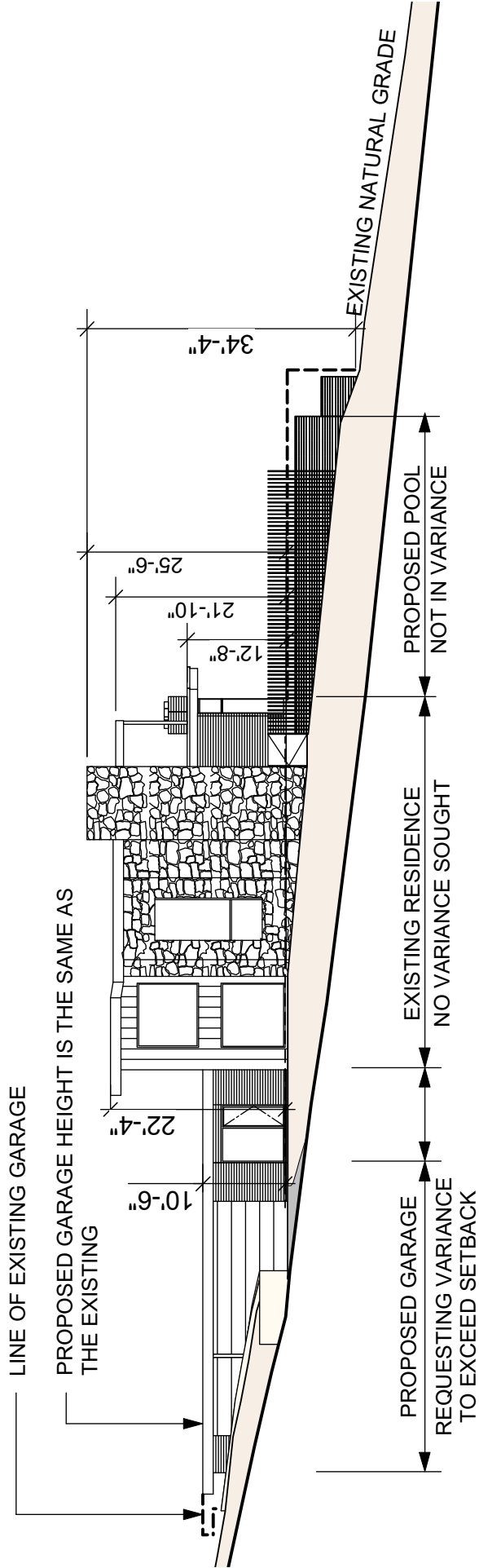


EXHIBIT #21

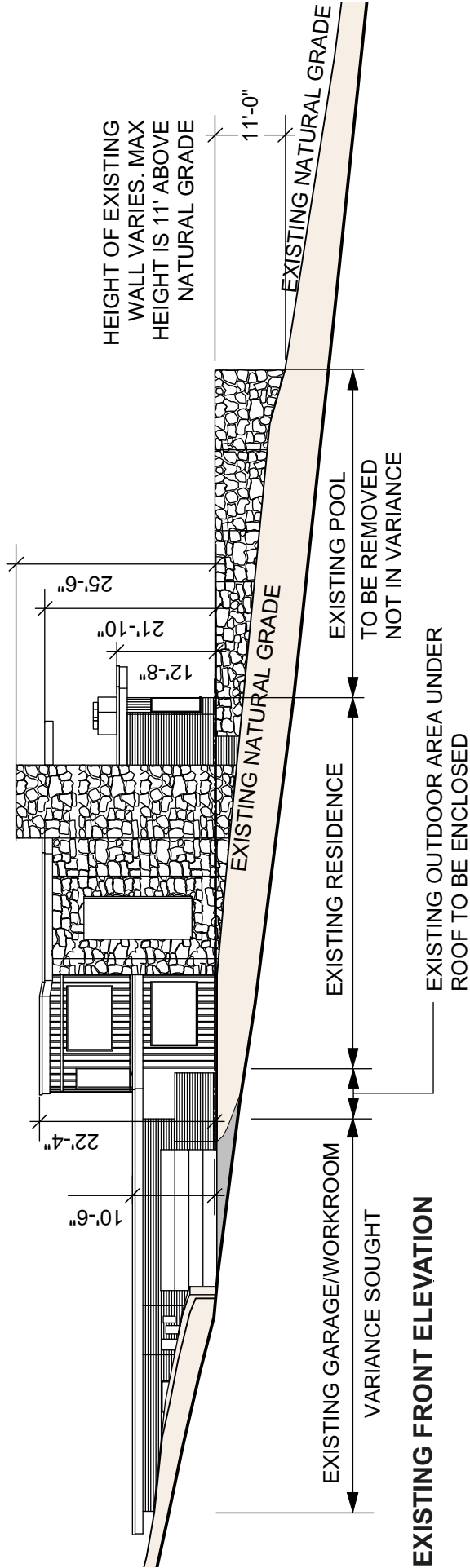
TRANSVERSE SECTION THROUGH PROPOSED GARAGE

SECTION SHOWS HOW THE VISIBILITY OF THE PROPOSED GARAGE IS MINIMIZED BY THE SURROUNDING NATURAL GRADE.



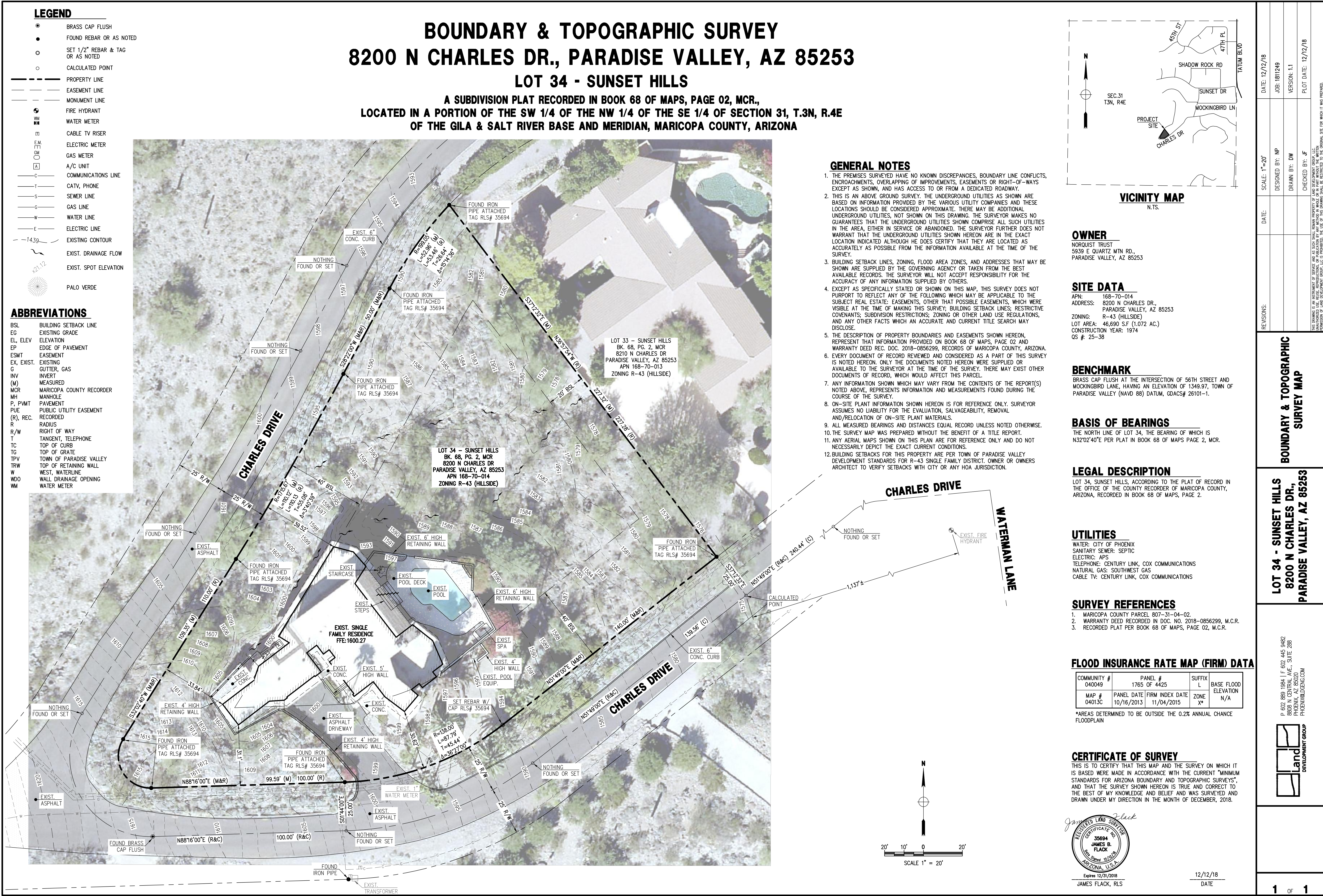


PROPOSED FRONT ELEVATION



EXISTING FRONT ELEVATION

EXHIBIT #22 EXISTING AND PROPOSED FRONT ELEVATION



NEW SITE PLAN NOTES

- EXISTING RESIDENCE TO REMAIN
- EXISTING 2 CAR GARAGE AND WORKROOM TO BE REMOVED.
- ROOF OVERHANG OF THE PROPOSED GARAGE.
- NEW ENTRY WALKWAY
- 3FT SCREEN WALL
- PROPOSED DRIVE EXPANSION TO ACCOMMODATE ACCESS TO PROPOSED 3 CAR GARAGE. THE ENTIRE DRIVE (EXISTING AND PROPOSED) WILL BE RESURFACED IN A CONCRETE PAVER RATHER THAN THE EXISTING ASPHALT SURFACE.
- EDGE OF EXISTING ASPHALT DRIVE.
- EXISTING OUTDOOR AREA UNDER ROOF TO BE ENCLOSED AS CONDITIONED SPACE
- EXISTING RETAINING WALL TO REMAIN
- NEW RETAINING WALL. DOES NOT REQUIRE AND IS NOT INCLUDED IN VARIANCE. WALLS ARE 6FT AT THEIR MAXIMUM HEIGHT.
- EXISTING TOPOGRAPHY SCREENS THE VIEW OF THE GARAGE FROM THE STREET (NORTH CHARLES DRIVE)
- ROOF OVERHANG OF EXISTING RESIDENCE TO REMAIN
-
- EXISTING POOL TO BE REMOVED
- OUTLINE OF EXISTING PATIO TO BE ALTERED/REMOVED. EXISTING RETAINING WALLS TO BE REMOVED
- NEW POOL TO BE ADDED ALONG WITH NEW RETAINING WALLS. NO RETAINING WALL EXCEEDS 8FT IN HEIGHT.
- NEW POOL GATE AND POOL ENCLOSURE FENCE. A FENCE MADE OF VERTICAL STEEL POST PICKETS IS ADDED TO PROVIDE THE 5FT REQUIRED POOL SECURITY FENCE HEIGHT WHERE REQUIRED.
- PLANTER 18" BELOW HEIGHT OF RECONFIGURED POOL. USE OF THE PLANTER NEGATES THE NEED FOR A SAFETY FENCING OR WALL.
- AREA OF EXISTING STRUCTURE(STAIR/FIREPLACE) THAT EXTENDS BEYOND THE 40FT STREET FRONTAGE SETBACK(SHOWN AS HATCHED)
- NEW RETAINING WALL WITH GLASS RAILING
- EXISTING RETAINING WALL WITH GLASS RAILING ADDED
- NEW STAIR TO ACCESS PROPERTY FROM PATIO
- 40FT SETBACK LINE
- NEW STEPS FROM EXISTING UPPER PATIO TO POOL AREA.
- EXISTING POOL EQUIPMENT AND SCREEN WALL TO BE REMOVED. EXISTING POOL EQUIPMENT SCREEN WALL IS NON-CONFORMING - IT IS WITHIN IN THE 40FT SETBACK AND IS 5FT TALL.
- NEW POOL EQUIPMENT AREA AND SCREEN WALL.

PROJECT NARRATIVE:

8200 NORTH CHARLES DRIVE WAS RECENTLY PURCHASED AND THE NEW OWNERS WISH TO UNDERTAKE IMPROVEMENTS TO THE PROPERTY TO ADDRESS DEFERRED MAINTENANCE, AS WELL AS, MAKE MODEST UPGRADES SO THE HOME CAN BETTER ACCOMODATE THEIR NEEDS. THEY ARE COMMITTED TO MAINTAINING THE ARCHITECTURAL INTEGRITY OF THE EXISTING STRUCTURE IN THE PROCESS.

THE OWNERS ARE REQUESTING TWO VARIANCES BE GRANTED.

VARIANCE ONE IS TO ALLOW AN ENCROACHMENT INTO THE 40 FOOT STREET FRONTAGE SETBACK IN ORDER TO RECONFIGURE THE EXISTING NON-CONFORMING GARAGE WHICH ALSO EXTENDS INTO THE SETBACK. THE EXISTING TWO CAR + WORKROOM GARAGE WILL BE RECONFIGURED TO A THREE CAR GARAGE.

VARIANCE TWO THE EXISTING STAIR AND FIRE PLACE EXTEND INTO THE FRONT SETBACK. VARIANCE TWO IS TO ALLOW THE STAIR AND FIREPLACE TO REMAIN IN THEIR CURRENT AND ORIGINAL NON-CONFORMING CONFIGURATION WITH NO CHANGE. THE OWNERS WILL BE UNDERTAKING A REMODEL OF THE RESIDENCE THAT THE TOWN MAY DETERMINE IMPACTS MORE THAN 50% OF THE RESIDENCE, WHICH TRIGGERS A REQUIREMENT THAT THE EXISTING STRUCTURE BE BROUGHT INTO COMPLIANCE WITH CURRENT CODE. ALTERING THE HOMES DESIGN TO BRING THE STAIR AND FIREPLACE INTO COMPLIANCE IS NOT FEASIBLE, AND THE OWNERS ARE SEEKING A VARIANCE TO ALLOW THE STAIR AND FIREPLACE TO REMAIN IN THEIR ORIGINAL NON-CONFORMING LOCATIONS.

VARIANCE ONE DESCRIPTION:

VARIANCE ONE IS TO ALLOW AN ENCROACHMENT INTO THE 40 FOOT STREET FRONTAGE SETBACK ORDER TO UNDERTAKE A REMODEL OF THE EXISTING NON-CONFORMING GARAGE WHICH ALSO EXTENDS INTO THE SETBACK. THE LOT IS A NON-CONFORMING TRIANGULAR SHAPE AND THE GARAGE IS LOCATED IN THE TRIANGULAR (TOE) CORNER OF THE PARCEL WHERE NORTH CHARLES DRIVES WRAPS AROUND THE PROPERTY RESULTING IN DUAL STREET FRONTAGES AND SETBACKS.

THE EXISTING TWO CAR GARAGE IS UNDERSIZED BY CONTEMPORARY STANDARDS AND THE OWNERS ARE UNABLE TO EFFECTIVELY PARK THEIR CARS IN ITS CURRENT CONFIGURATION. THEY ARE SEEKING A VARIANCE THAT WOULD ALLOW THEM TO REMOVE THE EXISTING NON-CONFORMING TWO CAR GARAGE/WORKROOM AND REPLACE IT WITH A THREE CAR GARAGE. THE ROOF HEIGHT OF THE NEW GARAGE WILL MATCH THE ROOF HEIGHT OF THE EXISTING GARAGE.

THE PROPOSED GARAGE IS IN THE SAME LOCATION AS THE EXISTING GARAGE WITHIN THE NARROW TRIANGULAR SECTION THE SITE. THE PROPOSED GARAGE WILL EXTEND BEYOND THE SETBACK IN TWO AREAS. THE FRONT PORTION OF THE GARAGE WILL EXTEND 12'5" INTO THE FRONT SETBACK. THE REAR PORTION OF THE PROPOSED GARAGE WILL EXTEND 7'-6" INTO THE REAR SETBACK. THE EXISTING GARAGE IS NON-CONFORMING AND EXTENDS 8FT INTO THE FRONT SETBACK AND 6FT INTO THE REAR SETBACK

AREA COMPARISONS
TOTAL INTERIOR AREA NON-CONFORMING:
EXISTING GARAGE: 142SF
PROPOSED GARAGE: 248SF TOTAL (106SF GREATER)
SOUTH PORTION (163SF) + NORTHWEST PORTION (85SF)

TOTAL NON-CONFORMING AREA UNDER ROOF:
EXISTING GARAGE: 442SF
PROPOSED GARAGE: 396SF (48SF LESS)

WHEN TAKING ROOF OVERHANGS INTO ACCOUNT THE PROPOSED GARAGE PROVIDES AN IMPROVEMENT OVER THE EXISTING CONDITION.

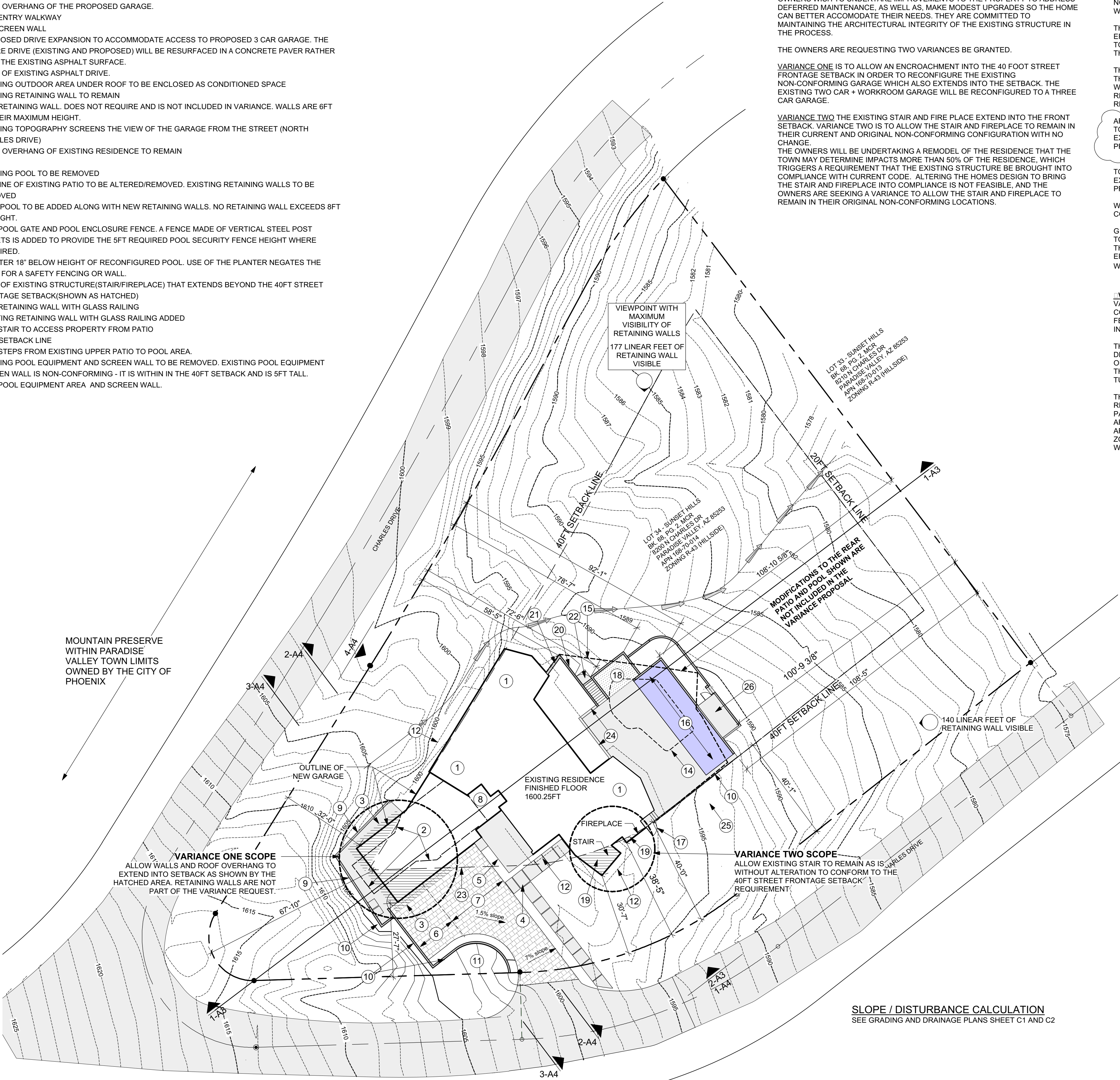
GIVEN THE GARAGE LOCATION, AND THE SITE CIRCUMSTANCES ELABORATED IN THE VARIANCE APPLICATION IT IS IMPOSSIBLE TO MAKE THE NECESSARY FUNCTIONAL IMPROVEMENTS TO THE GARAGE WITHOUT THE NEW GARAGE ALSO EXTENDING INTO THE 40 FOOT STREET FRONTAGE SETBACK. WE FEEL THE DESIGN PROPOSED IS THE MINIMUM VARIANCE NECESSARY TO EFFECTIVELY CORRECT THIS HARDSHIP. THE PROPOSED DESIGN DOES NOT WORSEN THE EXISTING NON-CONFORMITY AND WE SUGGEST THAT THE PROPOSED DESIGN IMPROVES THE EXISTING NON-CONFORMING CONDITION.

VARIANCE TWO DESCRIPTION:

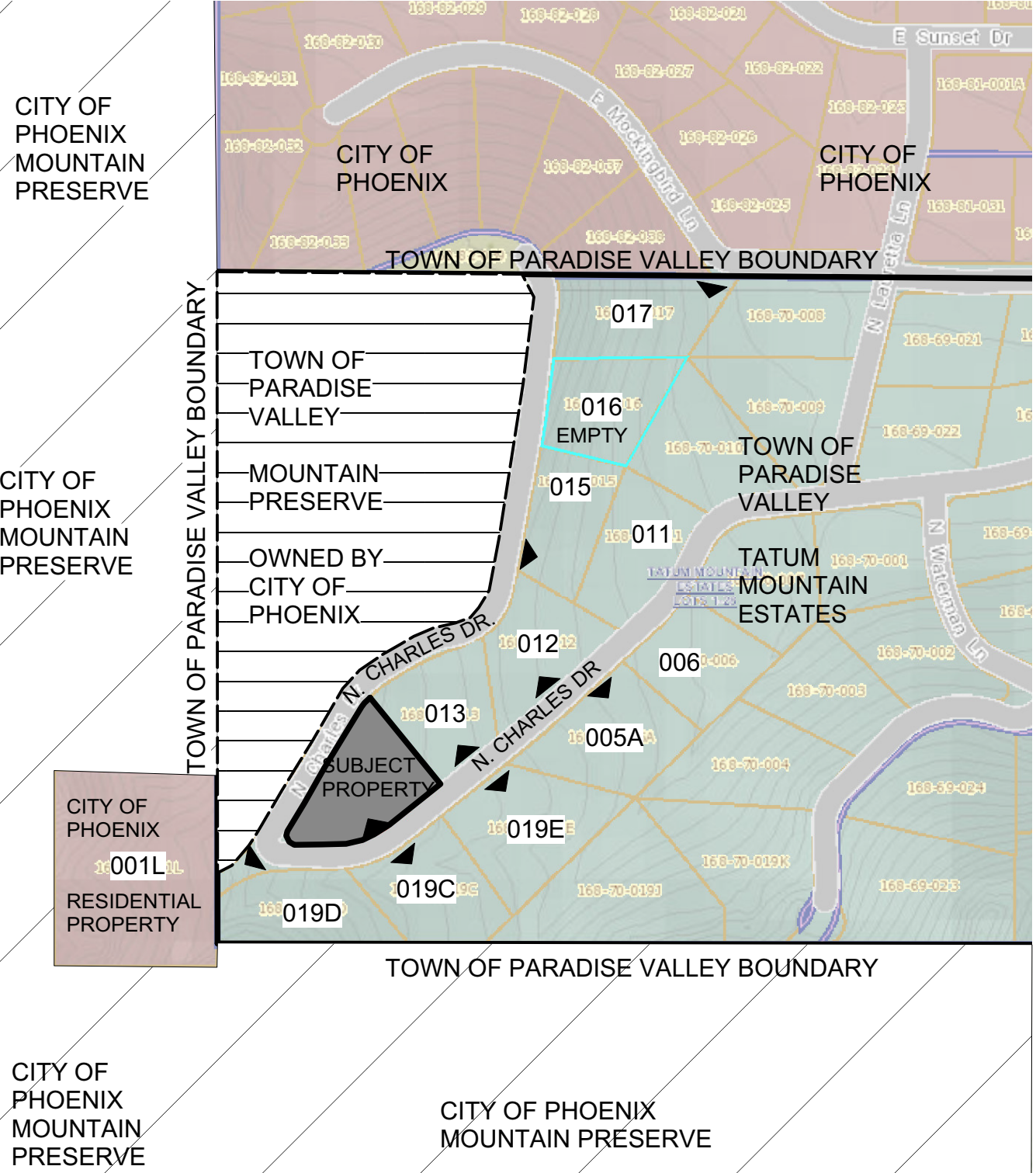
VARIANCE TWO IS A REQUEST TO ALLOW THE EXISTING STAIR AND FIREPLACE TO REMAIN IN ITS ORIGINAL AND CURRENT CONFIGURATION THAT IS NON-COMPLIANT WITH CURRENT ZONING. THE STAIR'S NON-CONFORMITY IS THAT IT EXTENDS 9'-5" FEET INTO THE CURRENT 40 FOOT STREET FRONTAGE SETBACK. THE FIREPLACE NON-CONFORMITY IS THAT IT EXTENDS 1'-8" INTO THE 40 FOOT STREET FRONTAGE SETBACK.

THIS VARIANCE REQUEST IS INCLUDED PROSPECTIVELY AT THE RECOMMENDATION TOWN STAFF SHOULD THE PLANNING DEPARTMENT DETERMINE THAT THE PROPOSED RENOVATIONS TO THE 8200 NORTH CHARLES DRIVE IMPACT MORE THAN 50% OF THE EXISTING STRUCTURE. IMPACTING MORE THAN 50% OF THE EXISTING STRUCTURE TRIGGERS A REQUIREMENT THAT THE ENTIRE EXISTING STRUCTURE BE BROUGHT INTO COMPLIANCE WITH CURRENT CODE. THIS REQUIREMENT WOULD, IN TURN, REQUIRE THAT THE PORTIONS OF THE STAIR AND FIREPLACE THAT ARE WITHIN THE FRONT SETBACK BE REMOVED.

THE STAIR AND FIREPLACE THAT ARE THE SUBJECT OF THE VARIANCE REQUEST ARE NOT BEING ALTERED IN THE PROPOSED REMODEL. THESE ARE ELEMENTS OF THE HOMES ORIGINAL DESIGN WHICH WAS REVIEWED AND APPROVED BY THE TOWN OF PARADISE VALLEY PRIOR TO ITS CONSTRUCTION IN 1986. THE RESIDENCE IS A NOTABLE EXAMPLE OF DESERT MODERN ARCHITECTURE AND THE TWO STORY STONE CLAD STAIR AND FIREPLACE ARE DEFINING FEATURES OF THE HOMES ARCHITECTURAL CHARACTER. ALTERING THE STAIR AND/OR FIREPLACE IN AN EFFORT TO MAKE IT COMPLIANT WITH CURRENT ZONING WOULD IRREPARABLY UNDERMINE THE ARCHITECTURAL CHARACTER AND FUNCTION OF THE EXISTING RESIDENCE WHILE ALSO PLACING A EXTREME BURDEN ON THE NEW OWNERS.



SLOPE / DISTURBANCE CALCULATION
SEE GRADING AND DRAINAGE PLANS SHEET C1 AND C2



PARCEL CONTEXT MAP - NTS
THE SUBJECT PARCEL IS LOCATED AT 8200 NORTH CHARLES DRIVE. NORTH CHARLES DRIVE DOUBLES BACK AT THE PROPERTY CREATING A TRIANGULAR SHAPED SITE HAVING DUAL FRONTAGE ON N. CHARLES DRIVE. THIS RESULTS IN A NONCONFORMING TRIANGULAR SITE WITH NARROW TRIANGULAR CORNER WHERE THE GARAGE REMODEL IS PROPOSED.

ACCESS TO THE PROPERTY IS FROM THE SOUTHERN PORTION OF CHARLES DRIVE. THERE ARE ONLY TWO RESIDENCES BEYOND THE SUBJECT PROPERTY ALONG N. CHARLES DRIVE. THE FIRST PRPERTY (001L) IS A RESIDENCE THAT IS WITHIN CITY OF PHOENIX. THE SECOND IS PROPERTY 015 WHICH FRONTS NORTH CHARLES DRIVE JUST BEFORE IT DEAD ENDS AT THE PARADISE VALLEY TOWN BOUNDARY. PARCEL 016 IS UNDEVELOPED. PARCEL 017 IS ACCESSED FROM E. MOCKINGBIRD LANE.

THE PARCELS NORTH WEST OF THE SUBJECT PROPERTY ON THE OTHER SIDE OF N. CHARLES LANE ARE WITHIN THE TOWN OF PARADISE VALLEY, BUT ARE OWNED BY THE CITY OF PHOENIX AND ARE DESIGNATED AS MOUNTAIN PRESERVE.

PROPERTY INFO

ADDRESS: 8200 NORTH CHARLES DRIVE
PARADISE VALLEY, AZ 85253
APN: 168-70-014
SUBDIVISION: SUNSET HILLS
LOT NUMBER: 34
ZONING: R-43 HILLSIDE
SITE AREA: 46,690SF

SITE SLOPE

OVERALL PROPERTY SLOPE: 13%
BUILDING PAD SITE SLOPE: 13%

SQUARE FOOTAGE TABLE

EXISTING STRUCTURE
INTERIOR LIVING 1ST FL: 3,104 SF
INTERIOR LIVING 2ND FL: 1,629 SF
INTERIOR TOTAL: 4,733 SF
GARAGE: 871 SF
TOTAL ENCLOSED: 5,604 SF

PROPOSAL

INTERIOR LIVING 1ST FL: 3,266 SF
INTERIOR LIVING 2ND FL: 1,629 SF
INTERIOR TOTAL: 4,895 SF
GARAGE: 1,101 SF
TOTAL ENCLOSED: 5,996 SF

LOT COVERAGE AREA UNDER ROOF
EXISTING: 5,587SF / 12%
PROPOSED : 5,712SF / 12.2%

REMODEL SCOPE

EXISTING BUILDING SF (INCLUDING GARAGE)
TOTAL ENCLOSED: 5,604 SF

SCOPE OF REMODEL

GARAGE: 1101SF
KITCHEN: 261SF
LAUNDRY/POWDER: 205SF
GUEST BATH: 303SF
MASTER BATH: 589SF

TOTAL AREA TO BE REMODELED: 2459SF
PERCENTAGE OF TOTAL SF: 43%

ROOF STRUCTURE AND EXTERIOR WALLS WILL REMAIN UNCHANGED EXCEPT FOR THE GARAGE REMODEL. INTERIOR ALTERATIONS WILL BE LIMITED WITH CHANGES BEING PRIMARILY TO FIXTURES, APPLIANCES AND FINISHES.

PARKING PLAN

PER TOWN OF PARADISE VALLEY ZONING 2 PARKING SPACES ARE REQUIRED
A VARIANCE IS BEING REQUESTED TO REMODEL THE EXISTING NON-CONFORMING 2 CAR GARAGE. THIS GARAGE IS UNDERSIZED BY CONTEMPORARY STANDARDS AND THE NEW OWNERS ARE NOT ABLE TO EFFECTIVELY PARK THEIR CARS IN THE GARAGE AS IT EXISTS. HOMES IN THE AREA TYPICALLY FEATURE A THREE CAR OR LARGER GARAGE.

ALL PARKING WILL BE WITHIN THE GARAGE. NO GUEST OR OTHER EXTERIOR PARKING IS PROPOSED.

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contents: VARIANCE SUBMITTAL
PROPOSED SITE PLAN, VICINITY MAP,
SETBACK ENCROACHMENTS

job #: NORQUIST - 2019

revised: 1 5.22.19

date: 3.15.19

sheet No:

01

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EXISTING NON-CONFORMING CONDITIONS

EXISTING NON-CONFORMING 2 CAR GARAGE/WORKROOM
THE EXISTING 2 CAR GARAGE/WORKROOM IS NON-CONFORMING - IT EXTENDS BEYOND THE 40FT SETBACK ON THREE SIDES AS SHOWN.

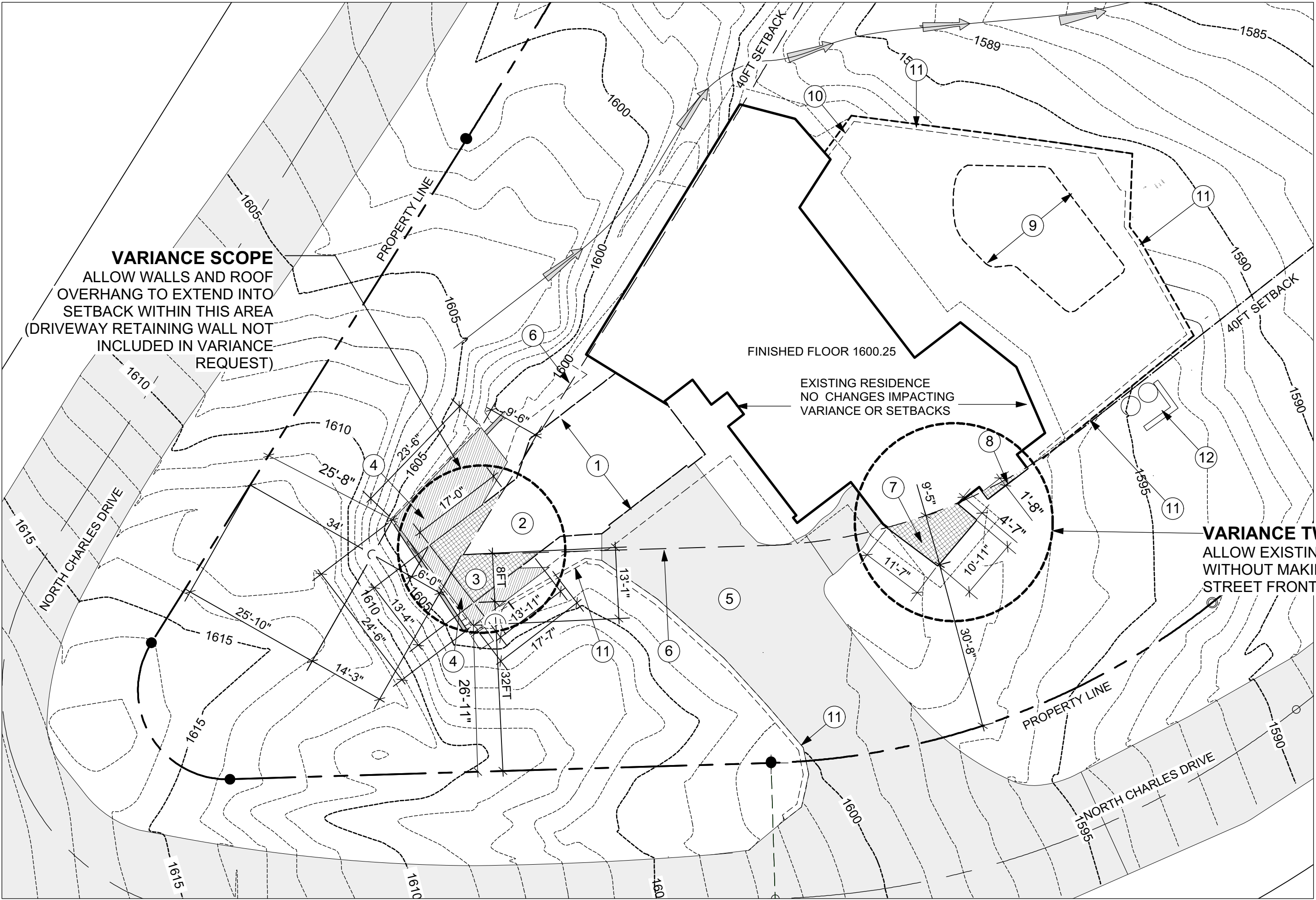
THE OWNERS ARE SEEKING TO RE-CONFIGURE THIS EXISTING GARAGE TO CREATE A NEW 3 CAR GARAGE. THE PROPOSED GARAGE IS SHOWN IIN DRAWING 2 BELOW.

EXISTING NON-CONFORMITY ANALYSIS
132SF OF THE EXISTING GARAGE EXTENDS BEYOND THE 40FT SETBACK.
WHEN INCLUDING THE AREA UNDER ROOF THE AREA EXTENDING BEYOND THE SETBACK IS 432SF.

EXISTING STAIR AND FIREPLACE
NO EXTERIOR WORK IS PROPOSED IN THIS AREA. NO WORK PROPOSED IMPACTS THE NON-CONFORMITY OR REQUIRES A VARIANCE.

EXISTING NON-CONFORMING POOL EQUIPMENT SCREEN WALL
THE EXISTING SITE WALL THAT SCREENS THE EXISTING POOL EQUIPMENT IF WITHIN THE 40FT SETBACK AND IS OVER THE ALLOWABLE WALL HEIGHT FOR THAT LOCATION, THE WALL IS NOT EFFECTIVE AT SCREENING THE POOL EQUIPMENT FROM VIEW. AS PART OF THE PROPOSED REMODEL THE POOL EQUIPMENT AND SCREEN WALL WILL BE RELOCATED TO A POINT WITHIN THE BUILDABLE AREA OF THE SITE - SEE NOTE 12 IN THE PROPOSED DESIGN DRAWING BELOW.

- EXISTING CONDITION KEY NOTES
- EXISTING GARAGE BOUNDARY
 - PORTION OF THE EXISTING GARAGE WITHIN SETBACK
 - PORTION OF THE EXISTNG GARAGE EXTENDING BEYOND THE SETBACK
 - GARAGE ROOF OVERHANG EXTENDING BEYOND THE SETBACK
 - EXISTING DRIVE
 - 40FT STREET FRONTAGE SETBACK LINE
 - EXISTING RESIDENCE STAIR THAT EXTENDS BEYOND SETBACK. NO CHANGES ARE PROPOSED.
 - EXISTING LIVING ROOM FIREPLACE THAT EXTENDS INTO SETBACK - NO CHANGES ARE PROPOSED.
 - EXISTING POOL AND POOL DECK TO BE REMOVED
 - EXISTING RETAINING WALL TO REMAIN (SAME LOCATION AND HEIGHT).
 - EXISTING RETAINING WALL TO BE REMOVED.
 - EXISTING POOL EQUIPMENT AND NON-CONFORMING SCREEN WALL TO BE REMOVED.



PROPOSAL SEEKING VARIANCE

GARAGE REMODEL AND VARIANCE
THE EXISTING NON-CONFORMING 2 CAR GARAGE/WORKROOM WILL BE REPLACED WITH A 3 CAR GARAGE. A VARIANCE IS BEING SOUGHT TO ALLOW THE PROPOSED GARAGE TO EXTEND BEYOND THE 40FT STREET FRONTAGE SETBACK.

VISUALLY SCREENED FROM VIEW
THE PORTION OF THE PROPOSED GARAGE THAT EXTENDS BEYOND THE SETBACK IS BELOW GRADE ON ITS THREE EXPOSED SIDES. THE TOP OF THE GARAGE ROOF IS 7.25FT BELOW POINT "A" ALONG NORTH CHARLES DRIVE; 3.5FT ABOVE THE NATURAL GRADE WHEN VIEWED FROM POINT "B" ALONG NORTH CHARLES DRIVE AND IS AT THE SAME HEIGHT AS POINT "C" ALONG NORTH CHARLES DRIVE. THIS GREATLY DIMINISHES THE VISIBILITY AND OVERALL IMPACT OF THE NON-CONFORMITY.

NON-CONFORMITY COMPARISON
UNLIKE THE EXISTING GARAGE THAT HAS ONE LARGE CONNECTED NON-CONFORMING AREA, THE NEW GARAGE HAS TWO SMALLER NON-CONFORMING AREAS WHICH LESSENS THE VISIBILITY AND IMPACT OF THE NON-CONFORMITY.

AREA COMPARISONS

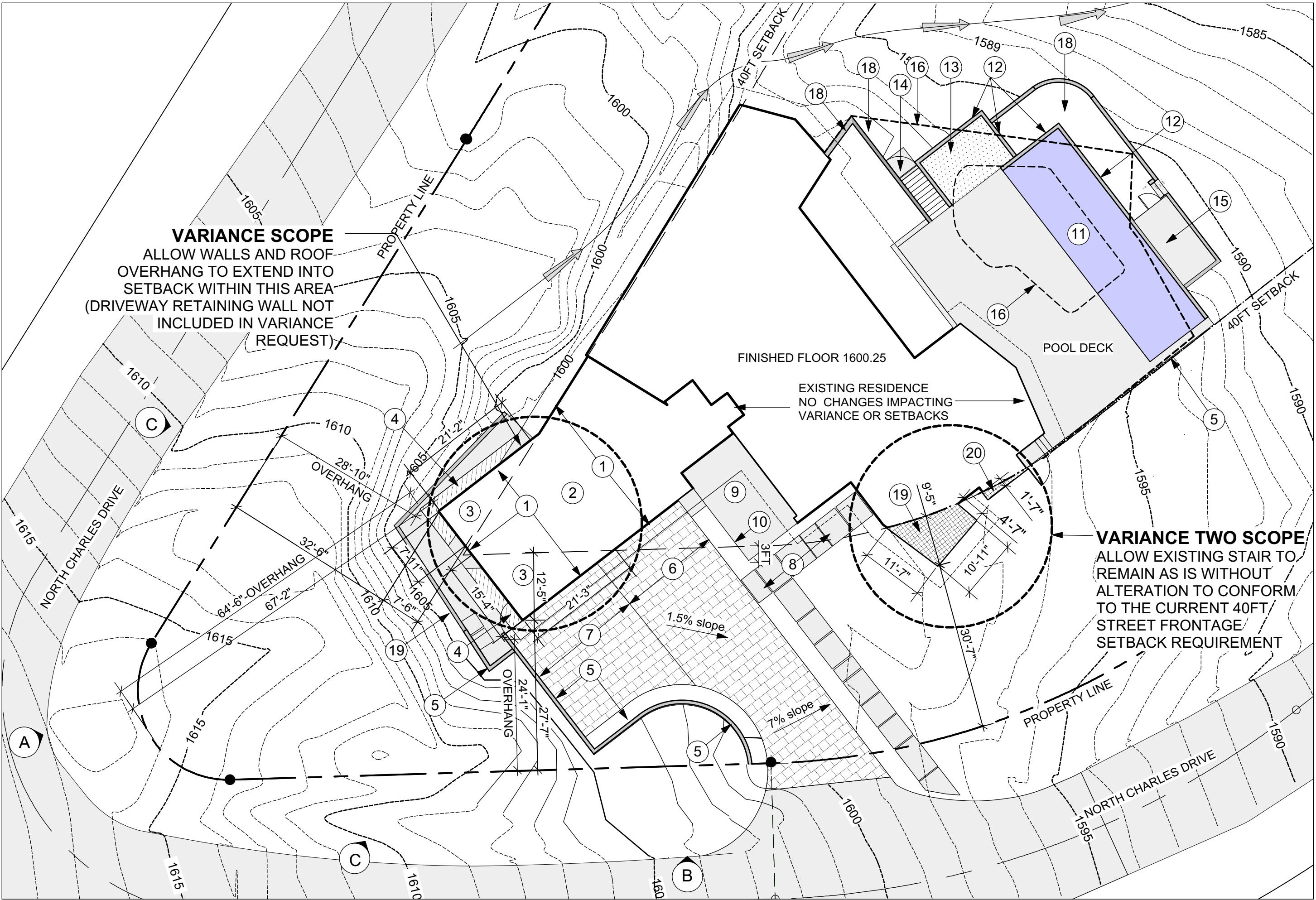
TOTAL INTERIOR AREA NON-CNFMING:	1
EXISTING GARAGE:	142SF
PROPOSED GARAGE:	248SF TOTAL (106SF GREATER)
	SOUTH PORTION (163SF) + NORTHWEST PORTION (85SF)

TOTAL NON-CONFORMING AREA UNDER ROOF:
EXISTING GARAGE: 442SF
PROPOSED GARAGE: 396SF (48SF LESS)

WHEN TAKING ROOF OVERHANGS INTO ACCOUNT THE PROPOSED GARAGE PROVIDES A IMPROVEMENT OVER THE EXISTING CONDITION.THE PROPOSED GARAGE MAKES USE OF 30" ROOF OVERHANGS TO MAINTAIN THE SAME ARCHITECTURAL APPEARANCE AND VOCABULARY AS THE EXISTING.

CONTEXT/VICINITY PRECIDENT
THE CONTEXT/VICINITY ANALYSIS PRESENTED IN DRAWING "3" ON THIS SHEET SHOWS THAT A NUMBER OF PROPERTIES IN THE VICINITY WITH FRONTAGE ALONG NORTH CHARLES DRIVE ALSO EXTEND INTO THE 40FT STREET FRONTAGE SETBACK. AS SUCH, WE FEEL THE NON-CONFORMITY BEING REQUESTED IN THIS CASE IS WELL WITHIN THE PRECIDENT ESTABLISHED IN THE IMMEDIATE AREA. ALSO, RESIDENCES IN THE VICINITY TYPICALLY HAVE 3 OR MORE CAR GARAGES. THE LIMITATION OF AN UNDERSIZED 2 CAR GARAGE CREATES A USE AND PROPERTY VALUATION HARDSHIP FOR THE OWNERS.

- PROPOSED GARAGE BOUNDARY
- PORTION OF PROPOSED GARAGE WITHIN SETBACK
- ENCLOSED PORTION OF THE PROPOSED GARAGE BEYOND SETBACK
- PROPOSED GARAGE ROOF OVERHANG EXTENDING BEYOND THE SETBACK
- NEW RETAINING WALLS
- EXISTING DRIVE
- PROPOSED DRIVE EXPANSION TO ACCOMMODATE ACCESS TO PROPOSED GARAGE
- ENTRY WALKWAY
- EXTERIOR PATIO
- 3FT TALL SITE WALL
- NEW POOL
- NEW RETAINING WALL FOR POOL AND POOL AREA
- PLANTER 18" BELOW POOL DECK
- STAIR TO ACCESS SITE FROM POOL AREA
- POOL EQUIPMENT WITH SCREEN WALL
- OUTLINE OF EXISTING POOL THAT WILL BE REMOVED
- SECONDARY LAYER OF RETAINING WALLS 8'-2" FROM POOL RETAINING WALL. INCLUSION OF THESE SECONDARY RETAINING WALL ALLOWS THE HEIGHT OF THE POOL RETAINING WALL TO BE KEPT BELOW 8FT.
- EXISTING RETAINING WALL
- EXISTING STAIR - NO CHANGE PROPOSED
- EXISTING FIREPLACE - NO CHANGE PROPOSED

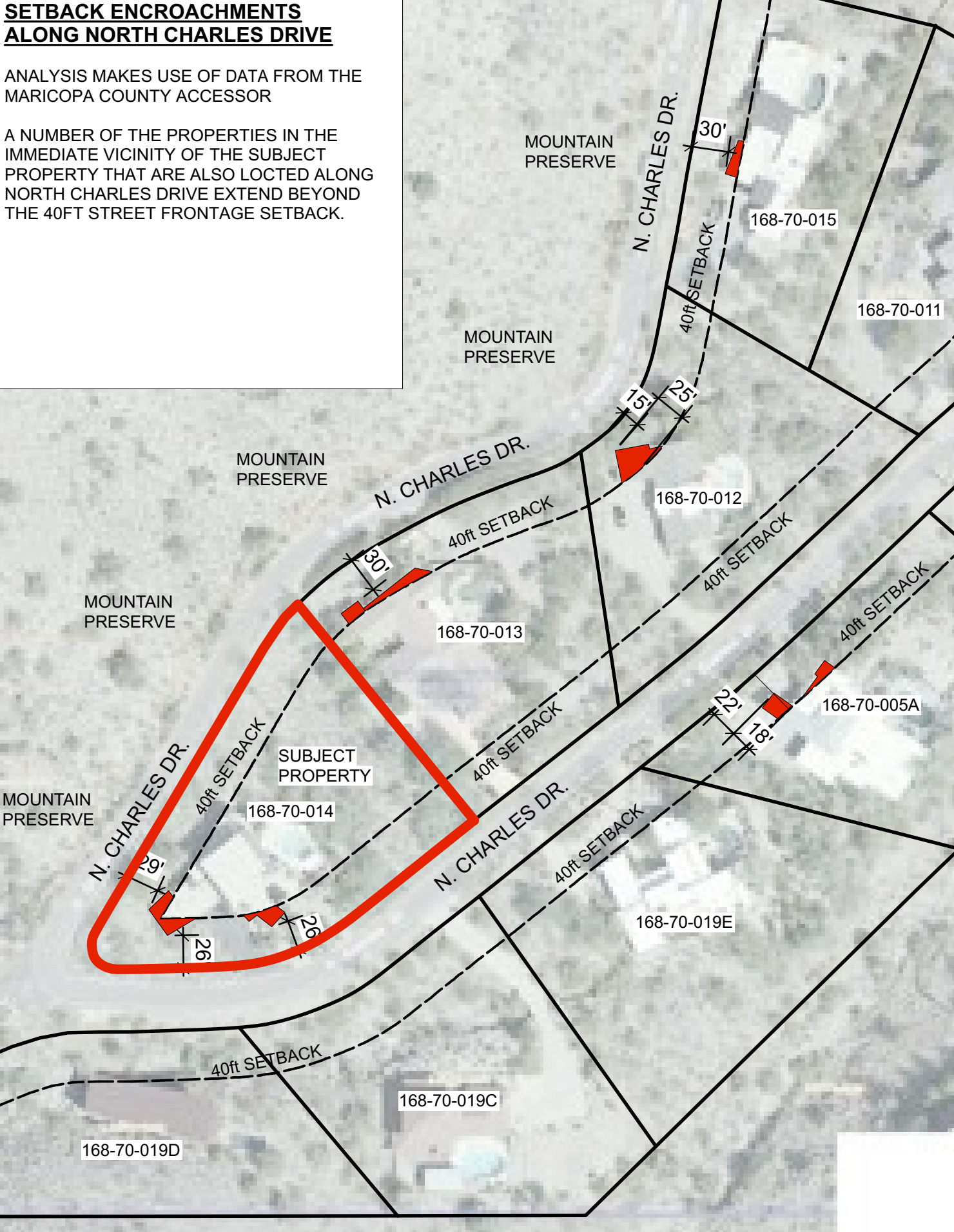


2 PROPOSED DESIGN
Scale: 1/16" = 1'-0"

SETBACK ENCROACHMENTS
ALONG NORTH CHARLES DRIVE

ANALYSIS MAKES USE OF DATA FROM THE MARICOPA COUNTY ACCESSOR

A NUMBER OF THE PROPERTIES IN THE IMMEDIATE VICINITY OF THE SUBJECT PROPERTY THAT ARE ALSO LOCTED ALONG NORTH CHARLES DRIVE EXTEND BEYOND THE 40FT STREET FRONTAGE SETBACK.



3 VICINITY SETBACK ENCROACHMENTS
NTS

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contents: VARIANCE SUBMITTAL
SETBACK AND SETBACK ENCROACHMENT
OF EXISTING AND PROPOSED

job #: NORQUIST - 2019

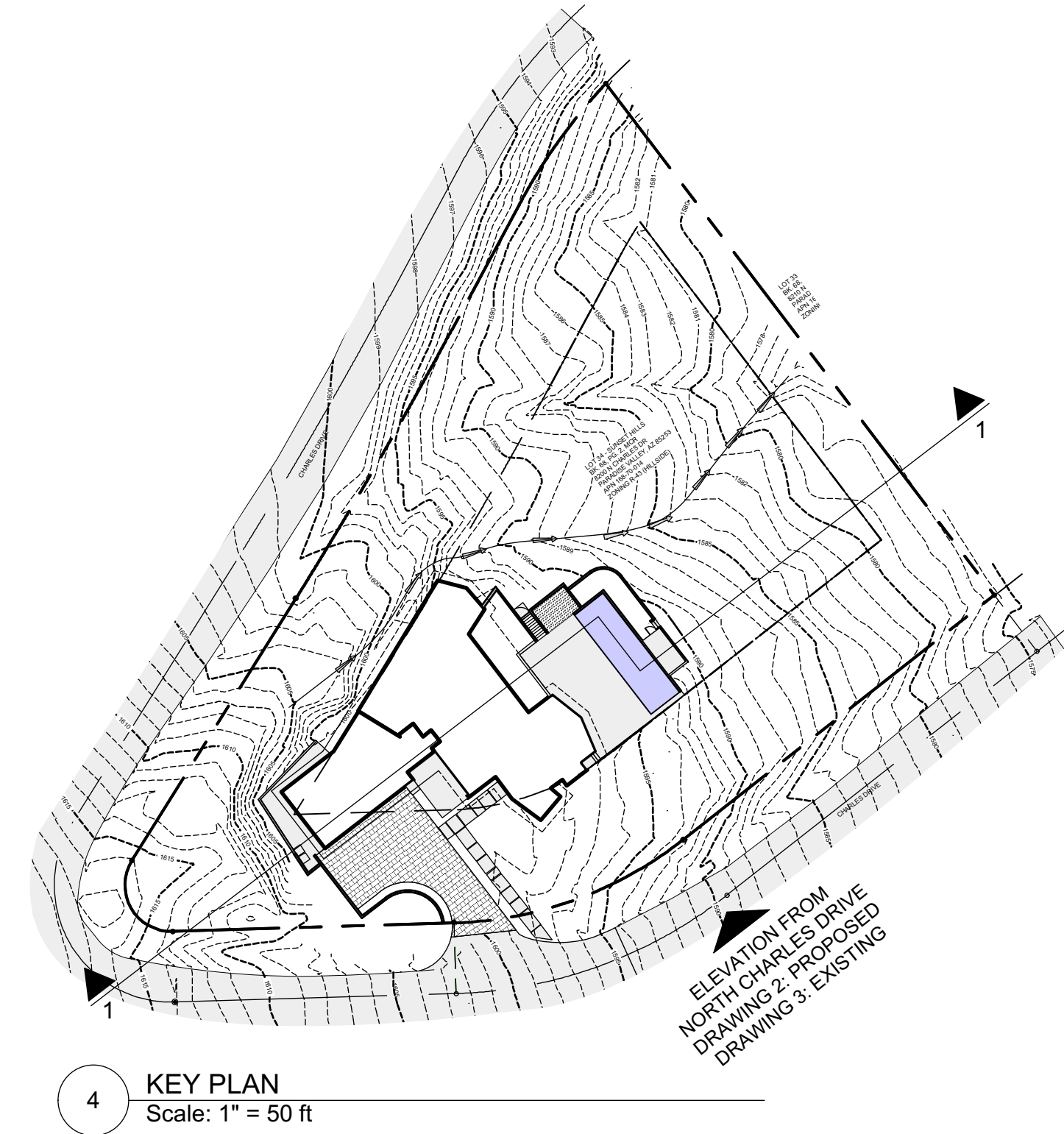
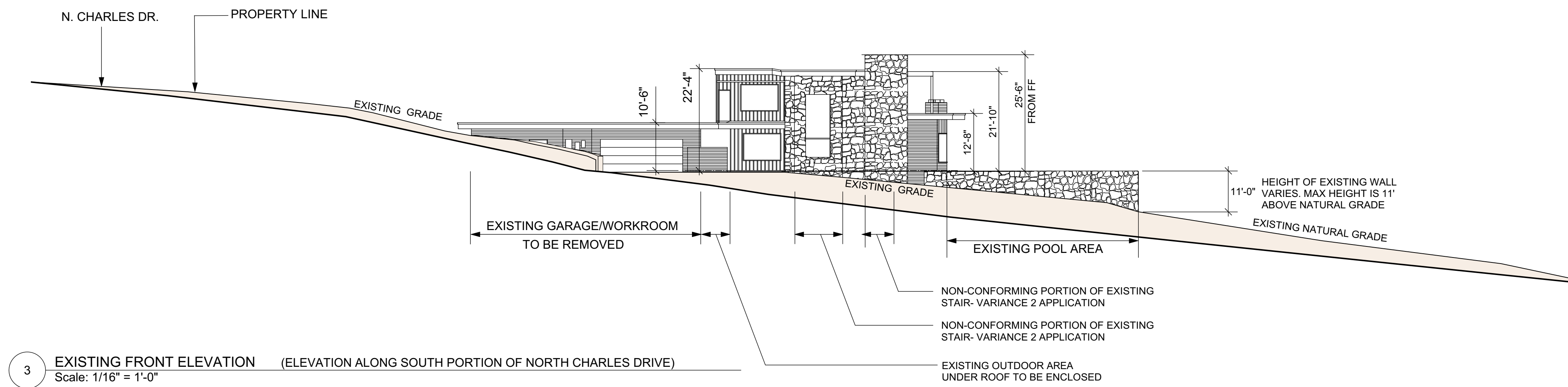
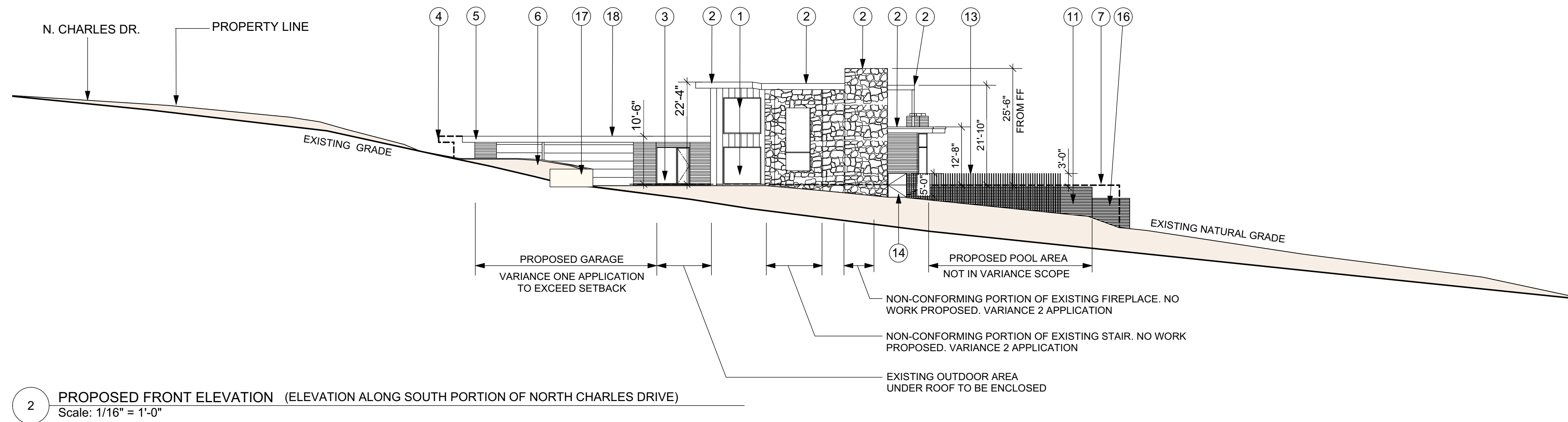
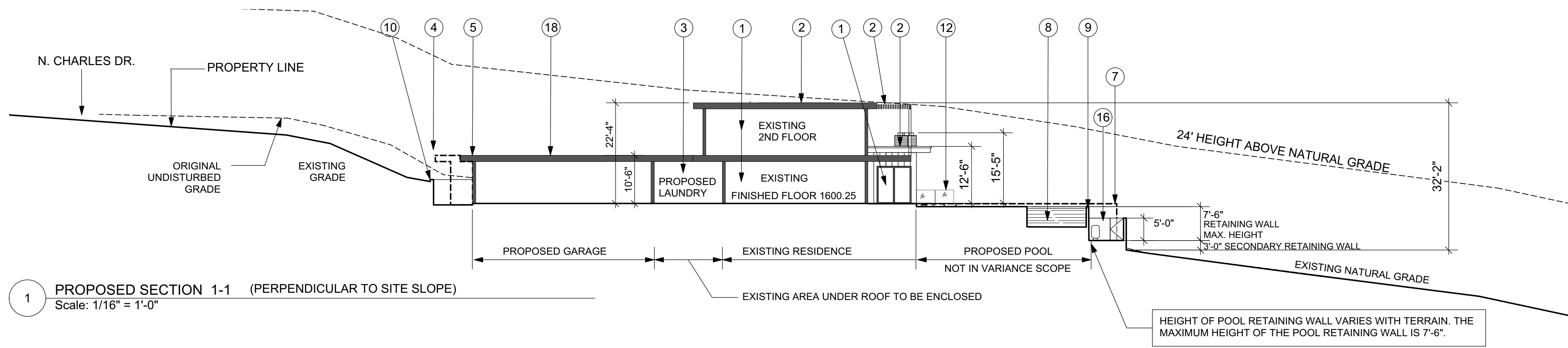
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SECTION / ELEVATION NOTES

- EXISTING HOUSE - WORK BEING DONE IS PRINCIPALLY INTERIOR REMODEL WITH SOME EXTERIOR MATERIAL, DOOR AND WINDOW UPGRADES. NO WORK IS BEING PROPOSED THAT REQUIRES A VARIANCE.
- EXISTING ROOF HEIGHT TO REMAIN UNCHANGED.
- EXISTING EXTERIOR AREA UNDER ROOF TO BE ENCLOSED
- EDGE OF EXISTING GARAGE. (PROPOSED GARAGE DOES NOT EXTEND AS FAR INTO SITE AS EXISTING) ROOF HEIGHT OF PROPOSED GARAGE TO MATCH ROOF HEIGHT OF EXISTING GARAGE.
- EDGE OF PROPOSED GARAGE (PROPOSED GARAGE DOES NOT EXTEND AS FAR INTO SITE AS EXISTING)
- EXISTING NATURAL TOPOGRAPHY BETWEEN GARAGE AND SOUTH PORTION OF NORTH CHARLES DRIVE PARTIALLY SCREENS GARAGE FROM STREET.
- LINE OF EXISTING POOL ENCLOSURE WALL TO BE REMOVED
- PROPOSED POOL.
- EDGE OF POOL + RETAINING WALL
- EXISTING RETAINING WALL TO REMAIN
- NEW RETAINING WALL AT PROPOSED POOL
- NEW GLASS RAILING
- POOL ENCLOSURE FENCE TO SATISFY 5FT HEIGHT REQUIREMENT FROM GRADE AT EXTERIOR OF POOL ENCLOSURE
- NEW 5FT TALL LOCKABLE POOL GATE
- SECONDARY RETAINING WALL WITH PLANTER
- NEW POOL EQUIPMENT AND SCREENING ENCLOSURE
- NEW RETAINING WALL AT DRIVE
- ROOF HEIGHT OF PROPOSED GARAGE TO MATCH ROOF HEIGHT OF EXISTING GARAGE.

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contents: VARIANCE SUBMITTAL
SECTIONS, ELEVATIONS

job #: NORQUIST - 2019

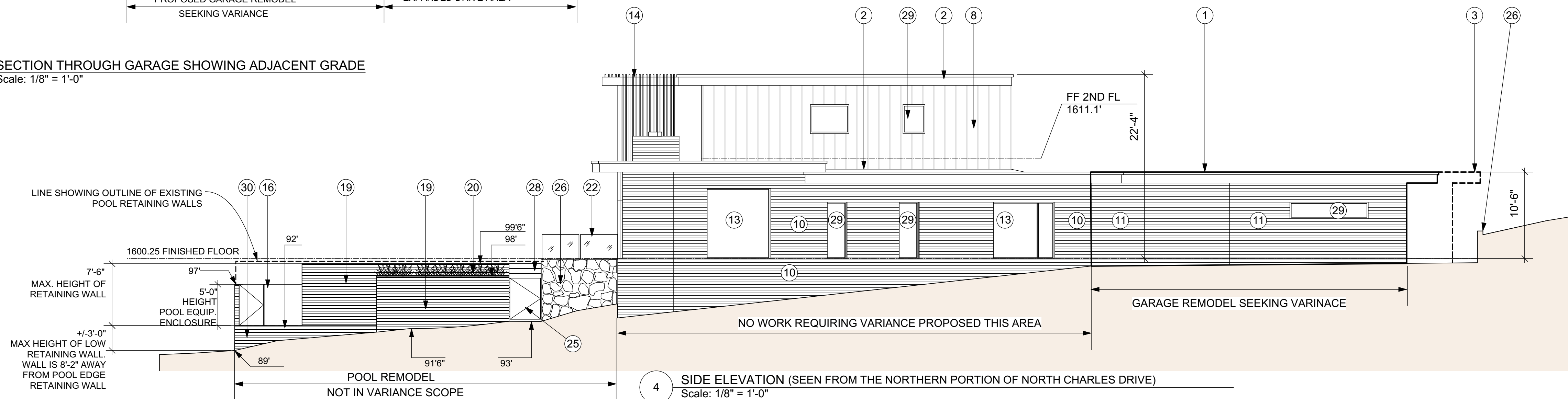
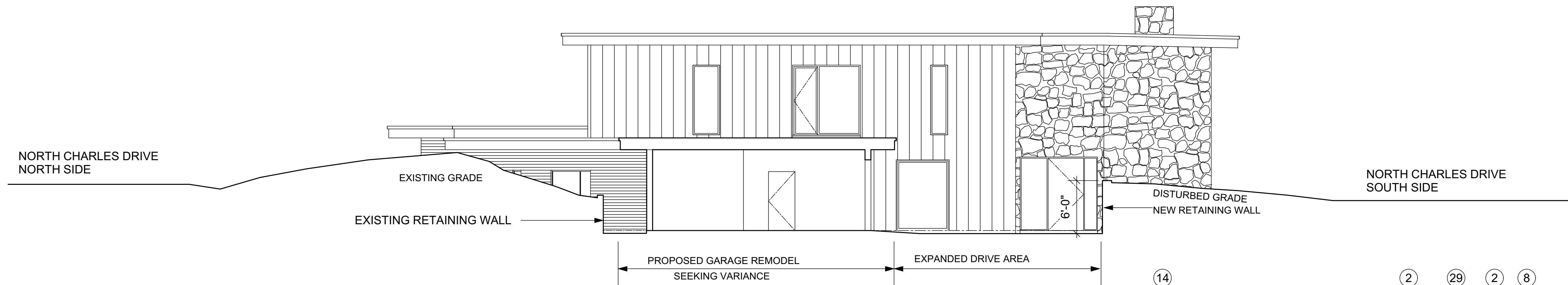
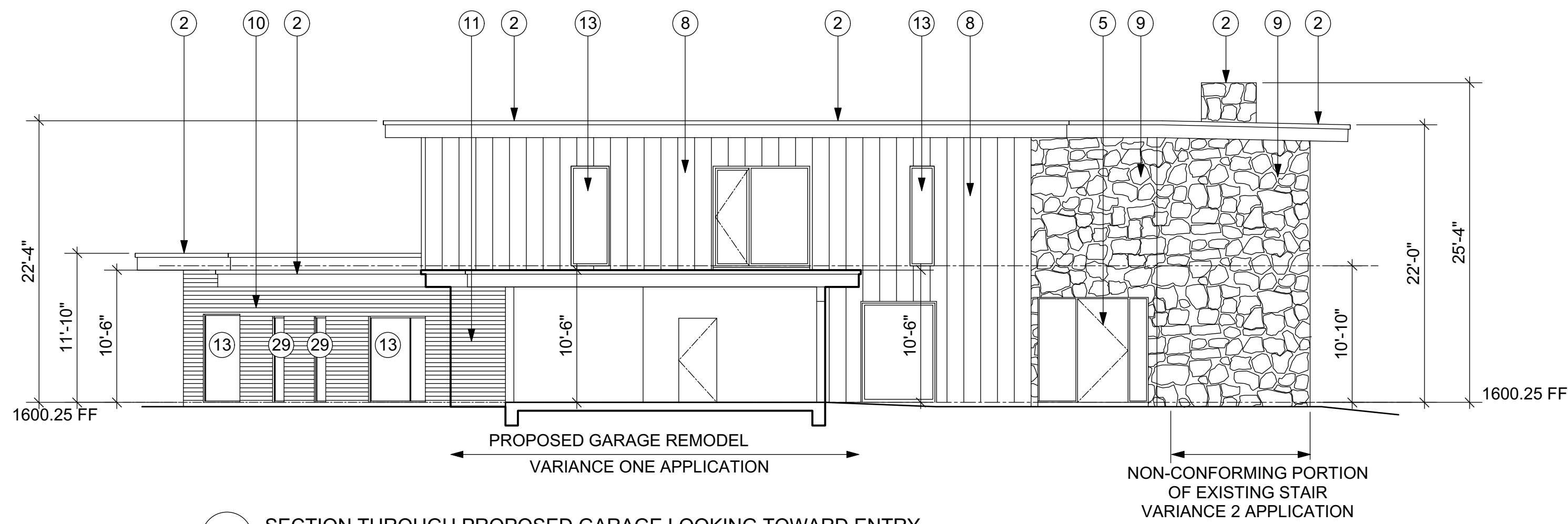
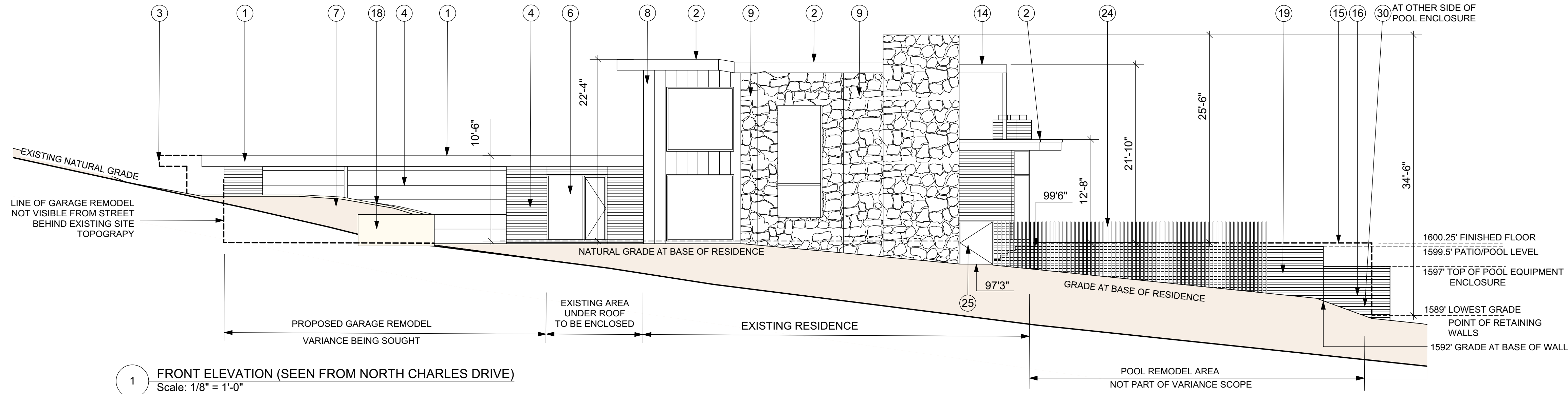
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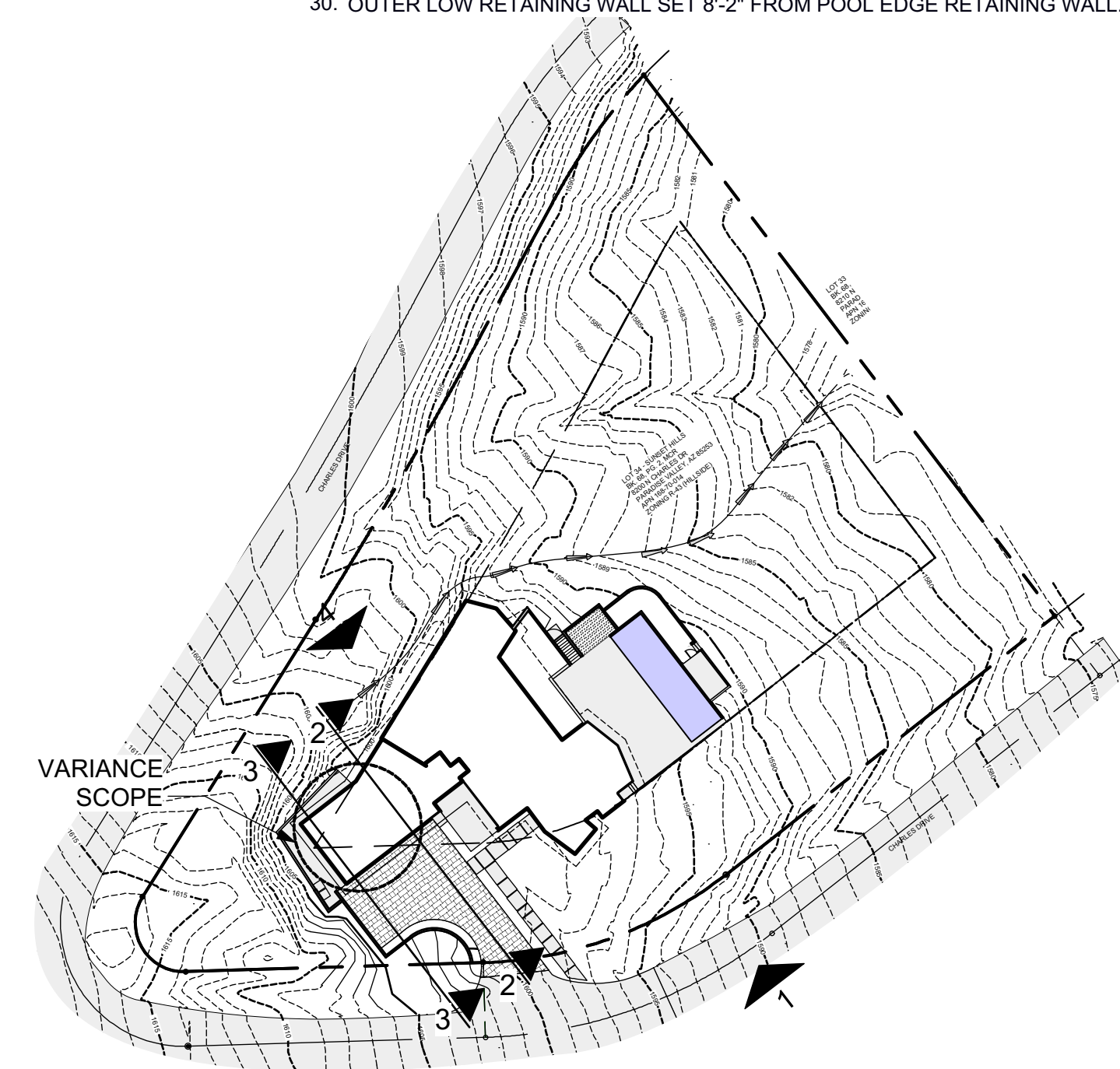
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NEW SECTION / ELEVATION NOTES

1. ROOF HEIGHT OF PROPOSED GARAGE TO BE THE SAME AS THE EXISTING GARAGE ROOF LINE
2. ROOF HEIGHT TO REMAIN UNCHANGED
3. EXISTING GARAGE OUTLINE. PROPOSED REMODEL DOES NOT EXTEND AS FAR AS EXISTING.
4. PROPOSED GARAGE DOORS TO BE DARK GRAY FINISHED ALUMINUM. GARAGE FACADE MATERIAL TO BE PAINTED CONCRETE BLOCK TO MATCH EXISTING RESIDENCE.
5. ENTRY
6. EXISTING OUTDOOR AREA UNDER ROOF TO BE ENCLOSED.
7. EXISTING NATURAL GRADE SCREENS GARAGE REMODEL FROM STREET VIEW. NEW PLANTING (NATIVE TREES AND SHRUBS) WILL BE ADDED IN THIS AREA TO FURTHER SCREEN GARAGE FROM THE VIEW.
8. EXISTING WOOD SIDING TO BE REPLACED WITH NEW WOOD SIDING
9. EXISTING STONE FACADE TO REMAIN
10. EXISTING FACADE MATERIAL TO REMAIN
11. FACADE MATERIAL OF PROPOSED GARAGE TO MATCH THE PAINTED 4" CONCRETE BLOCK OF THE ADJACENT EXISTING FACADE
12. NEW 3FT SCREEN WALL
13. EXISTING WINDOW LOCATION. EXISTING WINDOW TO BE LOWERED TO FINISHED FLOOR. NO CHANGE IN WIDTH.
14. EXISTING COVERED DECK AT SECOND FLOOR
15. LINE OF EXISTING NON CONFORMING POOL RETAINING WALL (OVER 8FT ALLOWED HEIGHT). PROPOSED POOL IS FULLY CONFORMING.
16. NEW POOL EQUIPMENT AREA AND SCREENING ENCLOSURE
17.
18. NEW RETAINING WALL AT DRIVE
19. NEW RETAINING WALL AT PROPOSED POOL
20. PLANTER 18" BELOW POOL DECK AREA (USE OF PLANTER SUBSTITUTES FOR
21. POOL FENCING)
22. NEW GLASS RAILING
23.
24. POOL ENCLOSURE FENCING TO BE ADDED TO ACHIEVE REQUIRED 5FT HIGH ENCLOSURE.
25. 5FT LOCKABLE POOL GATE FOR REQUIRED SECURITY ENCLOSURE
26. EXISTING RETAINING WALL
27.
28. STAIR TO BACK YARD
29. NEW WINDOW AT PROPOSED GARAGE
30. OUTER LOW RETAINING WALL SET 8'-2" FROM POOL EDGE RETAINING WALL.



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Paradise Valley, AZ 85253

contents: VARIANCE SUBMITTAL
SECTIONS, ELEVATIONS

job #: NORQUIST - 2019

revised:

date: 3.15.19

sheet No:

04

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GRADING & DRAINAGE PLAN

MILES DR., PARADISE VALL

A SUBDIVISION PLAT RECORDED IN BOOK 68 OF MAPS, PAGE 02, MCR. PORTION OF THE SW 1/4 OF THE NW 1/4 OF THE SE 1/4 OF SECT 10, T4N, R10E, S10E, E GILA & SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, .

LEGEND

- [illegible]

ABBREVIATIONS

- | | | |
|------|----------------------|--|
| 501. | BUILDING STRIP, LIME | |
| 502. | DOING GRADE | |
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DISTURBED AREA CALCULATIONS

[illegible]

TOWN OF PARADISE VALLEY

HILLSIDE NOTES

- [illegible]

CONSTRUCTION YEARS 1974
QS #: 25-38

- BENCHMARK**
BRASS CAP TULST AT THE INTERSECTION OF 56TH STREET AND
MOCKINGBIRD LANE, HAVING AN ELEVATION OF 1349.97, TOWN OF
PARADISE VALLEY (NAD 83) DATUM, GDA54 26101-1.

RAIN
SH

- ## GRADING & DRAINAGE COVER

FLOOD INSURANCE RATE MAP (FIRM) DATA

- | | | | |
|-------------|--------------|-----------------|--------------------------------|
| COMMUNITY # | PANEL # | SUFFIX | BASE FLOOD
ELEVATION
N/A |
| 040049 | 1765 OF 4425 | L | |
| MAP # | PANEL DATE | FROM INDEX DATE | ZONE |
| 04013C | 10/16/2013 | 11/04/2015 | X ^Y |
- AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE
FLOODPLAIN

UTILITIES

- WATER: CITY OF PEORIA
SEWER: SANITARY SEWER: SPTC
ELECTRIC: APS
TELEPHONE: CENTURY LINK, COX COMMUNICATIONS
NATURAL GAS: SOUTHWEST GAS
CABLE TV: CENTURY LINK, COX COMMUNICATIONS

ON THE PLAN ARE APPROX
CONTRACTOR PRIOR TO STA

- STAKE ● (602) 263-1100.
- SHEET INDEX**
- SHEET C-1 - COVER SHEET
SHEET C-2 - GRADING & DRAINAGE PLAN, DETAILS

FIRE SPRINKLER SYSTEM

- APPROVAL**

APPROVAL

- TOWN ENGINEER
TOWN OF PARADISE, WALEY
- DATE _____

GRADING & DRAINAGE IMPROVEMENT PLAN DETAILS

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: Susan Biegner

Applicant's Company Name: Biegner-Murff Architects

Phone Number: 602-380-7314 Fax Number:

Project Name: Norquist Residence

Project Location: 8200 North Charles Drive, Paradise Valley, AZ 85253

Acreage: 1.193 acres

Existing Zoning: R-43 HILLSIDE

Brief Narrative of Project Proposal:

Our application Board of Adjustment asks that consideration be given to allow the following variances from the Zoning Ordinance:

§ Article X, Height and Area Regulations, to allow additions to an existing residence to encroach into the setbacks. The height and area variance we are requesting would allow a new three car garage to be built that extends into the setback. This proposed garage will replace the residence's current two car garage and workroom which will be removed as part of the proposed project.

§ Article XXIII, Nonconformance, to allow existing nonconforming portions of the house to remain. The nonconformance variance we are requesting is to allow original portions of the house that extend into the current setback to remain without modification.

The property is located at 8200 North Charles Drive (Assessors Parcel Number is 168-70-014).

Meeting Date/ Time/Place

Meeting Date: June 5th, 2019

Meeting Time: 5:30 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 OF MAILING NOTIFICATION

STATE OF ARIZONA)

) ss:

County of Maricopa)

In accordance with the requirements of the Town of Paradise Valley, the undersigned hereby certifies 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 on the following date 10th, 2019, and such notification has been mailed on the following date 10th, 2019.

Signature [Signature]

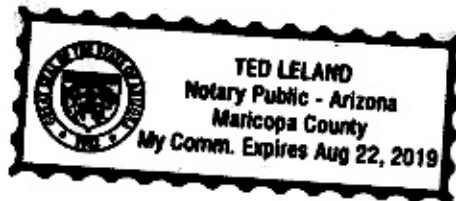
The foregoing instrument was acknowledged by me this 10th day of May, 2019, by Ted Leland.

Name

NOTARY PUBLIC

My commission expires:

8-22-19



AFFIDAVIT OF POSTING

STATE OF ARIZONA)

) ss:

County of Maricopa)

I, Susan Bigler, depose and state that the attached notice, of proposed application Norquist Variance located at 8200 N. Charles Street for the (Planning Commission/Town Council/Board of Adjustment/Hillside Committee) meeting date of June 5th, 2019 is a true and correct copy of a notice which I cause to be posted by the following day of the week May 10th, and on the following date May 10th, 2019 in the following location(s):

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 10th day of May, 2019.

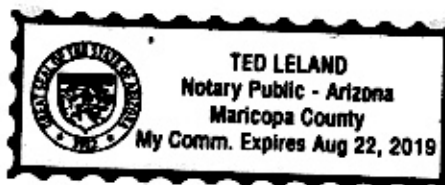
Signature

This affidavit was SUBSCRIBED AND SWORN to before me this 10th day of May, 2019.

NOTARY PUBLIC

My commission expires:

8-22-19



168-52-001
Owner: PHOENIX CITY OF
Property Address:
Mailing Address: 200 W WASHINGTON STE 1300 PHOENIX AZ 85003

168-69-017
Owner: RODE PETER/ELISABETH
Property Address: 8201 N WATERMAN LN PARADISE VALLEY 85253
Mailing Address: 34 W 22ND ST FLOOR 4 NEW YORK NY 10010-7083

168-69-018
Owner: FULTON FAMILY TRUST
Property Address: 4619 E CHARLES DR PARADISE VALLEY 85253
Mailing Address: 4619 E CHARLES DR PARADISE VALLEY AZ 85253

168-69-019
Owner: LUSSON JOHN J/BARBARA J TR
Property Address: 4630 E CHARLES DR PARADISE VALLEY 85253
Mailing Address: 4630 E CHARLES DR PARADISE VALLEY AZ 85253

168-69-021
Owner: DAVID MOCKINGBIRD LLC
Property Address: 4601 E MOCKINGBIRD LN PARADISE VALLEY 85253
Mailing Address: 1882 W KINGBIRD DR CHANDLER AZ 85286

168-69-022
Owner: ABF INVESTMENTS LLC
Property Address: 4606 E CHARLES DR PARADISE VALLEY 85253
Mailing Address: 16202 S 31ST WAY PHOENIX AZ 85048

168-69-023
Owner: FISCHER ROY K
Property Address: 4601 E WHITE DR PARADISE VALLEY 85253
Mailing Address: 4601 E WHITE DR PARADISE VALLEY AZ 85253

168-69-024
Owner: REPULSE BAY ROAD LIVING TRUST/CHAN JEAN M TR
Property Address: 4615 E WHITE DR PARADISE VALLEY 85253
Mailing Address: 19123 VIA TESORO CT SARATOGA CA 95070

168-69-025
Owner: LUIS-ELENA LLC
Property Address: 4701 E WHITE DR PARADISE VALLEY 85253
Mailing Address: PO BOX 26939 PHOENIX AZ 85068

168-69-028
Owner: MAG PIE LIMITED PARTNERSHIP
Property Address: 4751 E WHITE DR PARADISE VALLEY 85253
Mailing Address: 3650W BETHANY HOME PHOENIX AZ 85019

168-70-001
Owner: THOMAS MARTHA T
Property Address: 4521 E CHARLES DR PARADISE VALLEY 85253
Mailing Address: 4521 E CHARLES DR PARADISE VALLEY AZ 85253

168-70-002

Owner: RJH RESIDENTIAL HOLDINGS LLC
Property Address: 4616 E WHITE DR PARADISE VALLEY 85253
Mailing Address: 2999 N 44TH ST STE 400 PHOENIX AZ 85018

168-70-003
Owner: JOSEPHS JAY/NATALEE
Property Address: 4608 E WHITE DR PARADISE VALLEY 85253
Mailing Address: 4430 E SUNSET DR PHOENIX AZ 85028

168-70-004
Owner: GILEWICZ GERALD
Property Address: 4600 E WHITE DR PARADISE VALLEY 85253
Mailing Address: 328 SIENNA PARK DRIVE SW CALGARY AB CANADA T3H3L6

168-70-005A
Owner: KERN FAMILY REVOCABLE TRUST
Property Address: 8219 N CHARLES DR PARADISE VALLEY 85253
Mailing Address: 8219 N CHARLES DR PARADISE VALLEY AZ 85253

168-70-006
Owner: KOST JACOB ALEX/ALONA TR
Property Address: 8301 N CHARLES DR PARADISE VALLEY 85253
Mailing Address: 8301 N CHARLES DR PARADISE VALLEY AZ 85253

168-70-007
Owner: BICKLEY ROBERT H/EILEEN W
Property Address: 8315 N CHARLES DR PARADISE VALLEY 85253
Mailing Address: 8315 N CHARLES DR PARADISE VALLEY AZ 85253

168-70-008
Owner: FARMER BERT A/SCANLAN SANDRA L
Property Address: 4537 E MOCKINGBIRD LN PARADISE VALLEY 85253
Mailing Address: 4537 E MOCKINGBIRD LN SCOTTSDALE AZ 85253

168-70-009
Owner: IVY HANKINS TRUST/HANKINS JOHN C/SHAWNA A
Property Address: 8402 N LAURETTA LN PARADISE VALLEY 85253
Mailing Address: 8402 N LAURETTA LN PARADISE VALLEY AZ 85253

168-70-010
Owner: LEWIS S WINTER JR & BEULAH JEAN TRUST
Property Address: 8316 N CHARLES DR PARADISE VALLEY 85253
Mailing Address: 8316 N CHARLES DR PARADISE VALLEY AZ 85253

168-70-011
Owner: RANDY AND PAMELA SHANNON TRUST
Property Address: 8310 N CHARLES DR PARADISE VALLEY 85253
Mailing Address: 8310 N CHARLES DRIVE PARADISE VALLEY AZ 85253

168-70-012
Owner: SUNSET VINEYARDS LLC
Property Address: 8220 N CHARLES DR PARADISE VALLEY 85253
Mailing Address: 6315 E CACTUS WREN RD PARADISE VALLEY AZ 85253

168-70-013
Owner: SAGE WEBSTER L JR/SHIRLEY B TR
Property Address: 8210 N CHARLES DR PARADISE VALLEY 85253
Mailing Address: 8210 N CHARLES DR PARADISE VALLEY AZ 85253

168-70-014

Owner: NORQUIST TRUST

Property Address: 8200 N CHARLES DR PARADISE VALLEY 85253

Mailing Address: 5939 E QUARTZ MTN RD PARADISE VALLEY AZ 85253

168-70-015

Owner: GRAVBROT MARK/ROBIN

Property Address: 8249 N CHARLES DR PARADISE VALLEY 85253

Mailing Address: 10831 SUMMITVIEW RD YAKIMA WA 98908

168-70-016

Owner: SBILIRIS BILL

Property Address: 8317 N CHARLES DR PARADISE VALLEY 85253

Mailing Address: 3050 N 86TH ST SCOTTSDALE AZ 85251-5001

168-70-017

Owner: ARYA ADRIAN

Property Address: 4511 E MOCKINGBIRD LN PARADISE VALLEY 85253

Mailing Address: 4511 E MOCKINGBIRD LN PARADISE VALLEY AZ 85253

168-70-018A

Owner: PHOENIX CITY OF

Property Address: 8131 N CHARLES DR PARADISE VALLEY 85253

Mailing Address: 200 W WASHINGTON STE 1300 PHOENIX AZ 85003

168-70-018B

Owner: PHOENIX CITY OF

Property Address:

Mailing Address: 200 W WASHINGTON STE 1300 PHOENIX AZ 85003

168-70-019C

Owner: BACH THUOC SCHLECHT TRUST

Property Address: 8151 N CHARLES DR PARADISE VALLEY 85253

Mailing Address: 8151 N CHARLES DR PARADISE VALLEY AZ 85253

168-70-019D

Owner: JARSON SCOTT A/DEBORAH S

Property Address: 8131 N CHARLES DR PARADISE VALLEY 85253

Mailing Address: 3707 N MARSHALL WAY UNIT 5 SCOTTSDALE AZ 85251

168-70-019E

Owner: REILLY PETER/GONZALES NANCY

Property Address: 8201 N CHARLES DR PARADISE VALLEY 85253

Mailing Address: 8201 N CHARLES DR PARADISE VALLEY AZ 85253

168-70-019J

Owner: WEIGEL MICHAEL R TR

Property Address: 4564 E WHITE DR PARADISE VALLEY 85253

Mailing Address: 4564 E WHITE DR PARADISE VALLEY AZ 85253-2431

168-70-019K

Owner: SCHON LIVING TRUST

Property Address: 4582 E WHITE DR PARADISE VALLEY 85253

Mailing Address: 4582 E WHITE DR PARADISE VALLEY AZ 85253

168-71-001D

Owner: PHOENIX CITY OF
Property Address:
Mailing Address: 200 W WASHINGTON STE 1300 PHOENIX AZ 85003

168-71-001F
Owner: PHOENIX CITY OF
Property Address:
Mailing Address: 200 W WASHINGTON STE 1300 PHOENIX AZ 85003

168-71-001G
Owner: PHOENIX CITY OF
Property Address:
Mailing Address: 200 W WASHINGTON STE 1300 PHOENIX AZ 85003

168-71-001H
Owner: PHOENIX CITY OF
Property Address:
Mailing Address: 200 W WASHINGTON STE 1300 PHOENIX AZ 85003

168-71-001L
Owner: BRENNER ARNOLD S/ANITA K TR
Property Address: 8202 N CHARLES DR PHOENIX 85028
Mailing Address: 8202 N CHARLES DR PHOENIX AZ 85253-2405

168-72-001C
Owner: PHOENIX CITY OF
Property Address:
Mailing Address: 200 W WASHINGTON STE 1300 PHOENIX AZ 85003

168-82-024
Owner: WARREN HAROLD G/ALVA J TR
Property Address: 4488 E MOCKINGBIRD LN PARADISE VALLEY 85253
Mailing Address: 4488 E MOCKINGBIRD LN SCOTTSDALE AZ 85253

168-82-025
Owner: FRANKEL REVOCABLE TRUST
Property Address: 4482 E MOCKINGBIRD LN PARADISE VALLEY 85253
Mailing Address: 4482 E MOCKINGBIRD LN PARADISE VALLEY AZ 85253

168-82-026
Owner: GOLDSTEIN CHARLES/LAURA ANN
Property Address: 4478 E MOCKINGBIRD LN PARADISE VALLEY 85253
Mailing Address: 4478 E MOCKINGBIRD LN PHOENIX AZ 85253

168-82-027
Owner: MOCKINGBIRD VIEWS L L C
Property Address: 4462 E MOCKINGBIRD LN PARADISE VALLEY 85253
Mailing Address: 4602 N ROYAL VIEW DR PHOENIX AZ 85018

168-82-029
Owner: BKK SPOUSAL GIFT TRUST
Property Address: 4432 E MOCKINGBIRD LN PARADISE VALLEY 85253
Mailing Address: 10005 N 60TH PL PARADISE VALLEY AZ 85253

168-82-030
Owner: ANDREW M AND MELODY LAI MEI CHANG KAPLAN TR
Property Address: 4416 E MOCKINGBIRD LN PARADISE VALLEY 85253
Mailing Address: 4416 E MOCKINGBIRD LN PARADISE VALLEY AZ 85253

168-82-031

Owner: HENNELLY JOSEPH M JR/SUSAN B

Property Address: 4402 E MOCKINGBIRD LN PARADISE VALLEY 85253

Mailing Address: 4402 E MOCKINGBIRD LN PARADISE VALLEY AZ 85253

168-82-032

Owner: BHATT RAJAN D/KIM NANCY H TR

Property Address: 4401 E MOCKINGBIRD LN PARADISE VALLEY 85253

Mailing Address: 4401 E MOCKINGBIRD LN PARADISE VALLEY AZ 85253

168-82-033

Owner: MCGINNIS MONICA/ROMINE KEITH

Property Address: 4413 E MOCKINGBIRD LN PARADISE VALLEY 85253

Mailing Address: 4413 E MOCKINGBIRD LN PARADISE VALLEY AZ 85253

168-82-034

Owner: LEE HENRY K/LISA P

Property Address: 4423 E MOCKINGBIRD LN PARADISE VALLEY 85253

Mailing Address: 8523 N 48TH PL PARADISE VALLEY AZ 85253

168-82-035

Owner: VUCICHEVICH IVAN J TR/SUSAN J TR

Property Address: 4431 E MOCKINGBIRD LN PARADISE VALLEY 85253

Mailing Address: 4431 E MOCKINGBIRD LN SCOTTSDALE AZ 85253

168-82-036

Owner: RAD L VUCICHEVICH LIVING TRUST

Property Address: 4441 E MOCKINGBIRD LN PARADISE VALLEY 85253

Mailing Address: 4441 E MOCKINGBIRD LN PARADISE VALLEY AZ 85253

168-82-037

Owner: WEISS RICHARD B/JANET L

Property Address: 4453 E MOCKINGBIRD LN PARADISE VALLEY 85253

Mailing Address: 4453 E MOCKINGBIRD LN PARADISE VALLEY AZ 85253

168-82-038

Owner: LAMM DONALD L/WANDA K TR

Property Address: 4473 E MOCKINGBIRD LN PARADISE VALLEY 85253

Mailing Address: 4473 E MOCKINGBIRD LN PARADISE VALLEY AZ 85253

168-82-039

Owner: PHOENIX CITY OF

Property Address:

Mailing Address: 200 W WASHINGTON STE 1300 PHOENIX AZ 85003

169-11-109

Owner: CADWELL FAMILY TRUST/CADWELL ALICE JOANN

Property Address: 4550 E FOOTHILL DR PARADISE VALLEY 85253

Mailing Address: 4550 E FOOTHILLS DR PARADISE VALLEY AZ 85253

169-11-110

Owner: R L JOHNSON FAMILY TRUST

Property Address: 4560 E FOOTHILL DR PARADISE VALLEY 85253

Mailing Address: 4560 E FOOTHILL DR PARADISE VALLEY AZ 85253

169-11-111

Owner: PJ CONTRIS REVOCABLE FAMILY TRUST

Property Address: 4602 E FOOTHILL DR PARADISE VALLEY 85253
Mailing Address: 4602 E FOOTHILL DR PARADISE VALLEY AZ 85253

169-11-112

Owner: ALJANABI ASEM SAAD

Property Address: 4612 E FOOTHILL DR PARADISE VALLEY 85253
Mailing Address: 4612 E FOOTHILL DR PARADISE VALLEY AZ 85253

From: [Susan Biegner](#)
To: [George Burton](#)
Cc: [Susan Biegner](#); [scott](#); [Laura Norquist](#)
Subject: 8200 North Charles Drive
Date: Friday, May 10, 2019 12:20:33 PM

Hi George,

Please see the following items that you requested. Thank you and have a good weekend!

Susan Biegner





Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Action Report

File #: 19-250

Approval of May 1, 2019 Board of Adjustment Minutes



Town of Paradise Valley

6401 E Lincoln Dr
Paradise Valley, AZ 85253

Minutes - Draft

Board of Adjustment

Wednesday, May 1, 2019

5:30 PM

Council Chambers

1. CALL TO ORDER

Chairman Leibsohn called the meeting to order at 5:30 p.m.

STAFF MEMBERS PRESENT

Town Attorney Andrew M. Miller
Community Development Director Jeremy Knapp
Senior Planner Paul Michaud

2. ROLL CALL

Board Member Sahani arrived at 5:36 p.m.

Present 5 - Boardmember Eric Leibsohn
Boardmember Emily Kile
Boardmember Jon Newman
Boardmember Rohan Sahani
Boardmember Quinn Williams
Absent 2 - Boardmember Rick Chambliss
Boardmember Hope Ozer

3. EXECUTIVE SESSION

None

4. STUDY SESSION ITEMS

The Board of Adjustment discussed the May 1, 2019 agenda item prior to opening the public hearing.

5. PUBLIC HEARINGS

- A.** [19-182](#) Case No. BA-19-05 (Jellies Variance) Request by owner of 7016 East Vista Drive (APN 173-18-028) for a variance from the Zoning Ordinance, Article X, Height and Area Regulations, and Article XXIII, Nonconformance for additions to an existing home
- Mr. Michaud introduced the variance request BA-19-05 at 7016 E Vista Drive. The goal is to review the variance and take action on a variance request to allow for enclosing the existing carport as a garage maintaining similar existing setback/height encroachment and maintaining the

setback/height encroachment of the existing home along 70th Place

A property vicinity map was shown. The property is within the Grosse Point Two plat that was approved in 1958. The existing home on the property occurred in 1960, and the Town annexed the site in 1961 as R-18. There was an addition approved in 1973, and R-18 setbacks were changed between 1991-1995. The site is rectangular in shape and approximately 0.5 acres. The home is at an angle on the lot. The proposed renovations include adding 1,408 square feet total for a floor area ratio of 5,065 total square feet (25% floor area ratio), keeping the slab and certain walls/roof portions and reducing the existing encroachment by 40% from 633 square feet to 281 square feet.

Mr. Michaud noted that the proposed increase in height on the home is from 13'2" to 19'6". The height complies with the Zoning Ordinance.

Mr. Michaud described the setback and roof overhang differences between the existing and proposed request for the garage and encroachment along 70th Place.

Mr. Michaud reviewed findings that oppose the variance. These findings included the following points:

- Size, shape, and topography of the site does not prevent a smaller home or doing a complete demolition to meet R-18A setbacks,
- The request is self-imposed as options exist to redesign the home to meet setbacks,
- The owner should be aware of all special circumstances on the property and plan accordingly, and
- State Statute and the Town Code do not require the most optimal and profitable use of a property.

Mr. Michaud reviewed findings that are in favor of the variance. These findings included the following points:

- The variance will alleviate hardships with double-frontage lots being the same size as the single-frontage lots in this neighborhood,
- The position of the home is at an angle on the lot, which creates a hardship since not all the existing home will be demolished,
- Most homes in the area were a major remodel versus complete demolition,
- The right-of-way width along Vista Drive is 60 feet compared to 50 feet,
- The subdivision and home were built prior to annexation, and
- The proposed home is in character with the neighborhood via keeping with a ranch style design, reducing height in the area of the encroachment by 1 foot, maintaining similar home length to other

homes, reducing the total encroachment from 623 square feet to 281 square feet, providing more than the average street setback in the neighborhood, increasing building setback and increasing roof overhang setback.

Chairman Leibsohn asked if the two variances can be separated.

Mr. Miller replied yes.

Chairman Leibsohn opened a discussion for the Board Members.

Board Members did not have any questions for Mr. Michaud.

Chairman Leibsohn motioned to adjourn the work study session and move into the public hearing session.

Board Member Kile seconded the motion.

Chairman Leibsohn open the meeting for public comment.

Mr. Rick Jellies, applicant, stated that he met with the immediate neighborhood and discussed the proposed reconstruction of the property. He wanted to accommodate the neighbors requirement to keep the property consistent with the character of the neighborhood. The neighbors have been incredibly welcoming. He explained the improvements that have been made in the neighborhood that have increased visibility and safety.

Board Member Kile asked Mr. Jellies if he could build a house that is within the area requirements outlined in the ordinance.

Mr. Jellies replied that he could do it, but it would be a completely different home that would not be consistent with the character of the neighborhood.

Board Member Kile suggested that the current proposal implies a total demolition.

Mr. Jellies stated that the current building will not be totally demolished, but remodeled. He wants to live in this home, and he is not trying to fix-and-flip it.

Chairman Leibsohn voiced his concern regarding the demolition of the north and northeast portions of the building.

Mr. Jellies replied that the east part of the building will not be changed. However, new windows will be installed.

Board Member Williams read the facts from the presentation, with an intent to confirm them with Mr. Jellies.

Mr. Jellies confirmed the facts from the presentation.

Mr. Patrick Ford, resident of Paradise Valley, stated that he is in favor of the variance. His mountain view was blocked for 28 years by the house Mr. Jellies purchased.

Kathleen Clifford, resident of Paradise Valley, stated that she is not in favor of the variance, because she does not believe that hardship exists in this case. She read several points in the record of why this variance did not meet all six variance criteria.

Kent Baker, resident of Paradise Valley, stated that he had three concerns regarding the variance, safety, value of his home and other neighbor's opinion. He believes that there are no safety concerns and that the variance will improve the value of his house. He is in favor of the variance.

Joe Mangone, resident of Paradise Valley, stated that Mr. Jellies has put new pipes for irrigation, which construction companies failed to do. He supports the variance.

John Clifford, resident of Paradise Valley, stated that the issue with the variance is very clear. The Town Code controls the variance, and it is fair to enforce it. Everyone should be treated equally. When he renovated his home in the past, he followed the code, even though he did not get everything he wanted. He echoed Mrs. Clifford's statement that this case does not present a hardship. He is not in favor of the variance.

James Babos, the architect working with Mr. Jellies, stated that the intent is to physically leave roof structure and cut it back to where the new is being built. The north side of the home is an addition that was built in 1973, and the Town has previously approved it, even though it's presently an encroachment.

Chairman Leibsohn closed the public comment. He then stated that the Board will now discuss the application.

Board Member Kile stated that the application for the variance does not meet all six criteria as outlined by the Town Code. The house can be built without a need for a variance.

Board Member Williams stated that the Board has considered other corner

lots with homes that have been angled and given variances. He is in favor of the variance because the amount of encroachment will be reduced.

Chairman Leibsohn stated that he believes that points raised by Mr. and Mrs. Clifford, and Board Member Kile are valid. In his opinion, the reason for the variance is not a hardship.

A motion was made by Boardmember Kile, seconded by Sahani, to deny the variances from the Zoning Ordinance, Article X, Height and Area Regulations, and Article XXIII, Nonconformance, related to the property owner's proposed additions to this home. The two variances were for 1) allowance of the property owner to enclose the existing carport as a garage that will maintain a similar existing setback/height encroachment from Vista Drive and 2) allowance of the setback/height encroachment of the existing home along 70th Place to remain since the proposed improvements exceed 50% of the original square footage of an existing nonconforming structure for all permits issued within a 36-month period. The motion carried by the following vote:

Aye: 4 - Boardmember Leibsohn, Boardmember Kile, Boardmember Newman and Sahani

Nay: 1 - Boardmember Williams

Absent: 2 - Boardmember Chambliss and Boardmember Ozer

6. ACTION ITEMS

None

7. CONSENT AGENDA

A. [19-191](#) Approval of April 3, 2019 Board of Adjustment Minutes

A motion was made by Boardmember Kile, seconded by Boardmember Newman, to approve the April 3, 2019 minutes with correction on the spelling of Leibsohn on the last page. The motion carried by the following vote:

Aye: 5 - Boardmember Leibsohn, Boardmember Kile, Boardmember Newman, Sahani and Boardmember Williams

Absent: 2 - Boardmember Chambliss and Boardmember Ozer

8. STAFF REPORTS

None

9. PUBLIC BODY REPORTS

None

10. FUTURE AGENDA ITEMS

Mr. Michaud reviewed the upcoming item for June 5, 2019.

11. ADJOURNMENT

A motion was made by Sahani at 6:35 p.m., seconded by Boardmember Kile, to adjourn the meeting. The motion carried by the following vote:

Aye: 5 - Boardmember Leibsohn, Boardmember Kile, Boardmember Newman, Sahani and Boardmember Williams

Absent: 2 - Boardmember Chambliss and Boardmember Ozer

Paradise Valley Board of Adjustment

By: _____
Jeremy Knapp, Secretary