

**TOWN OF PARADISE VALLEY
OVERVIEW OF PROPOSED VARIANCE -REVISED 5/22/2017**

PROPOSED HILLSIDE RESIDENCE

Situate At:

5211 E Cheney Drive, Paradise Valley, AZ 85254

APN: 169-06-099

OWNER'S PROPOSED IMPROVEMENTS TO THE PROPERTY:

1. Owner's intent is to design and construct a 6,300sf livable home with an integral 1,200 sf garage and 600sf detached Guest House.
2. The home will be accessed via a private drive from E Cheney Drive.

BACKGROUND AND EXISTING CONDITIONS:

1. The lot was annexed in to the Town of Paradise Valley's inventory in January 24, 1980 via Ordinance 160. It was originally Lot 11 of Montana De Bonitas Casas, according to the Plat of Record in the Office of the County of Maricopa County, Arizona, recorded in Book 221 of Maps, Page 11 and thereafter replatted in Book 266, Page 25.
 - a. Hillside Ordinance was overlaid in 1984, prior to the lot in question being annexed.
 - b. Lot 11 measures 44,998sf or 1.033AC
2. Existing Lot Hardships:
 - a. The existing lot has a 38.7% slope which descends from the south to the north of the property. Per the Hillside code, this allows for only 10% of the total lot area, or 4,450sf, to be disturbed.
 - b. The existing lot has a 38.7% slope which results in a requested variance specifically attributed to the proposed development of the site.
 - c. An existing 16' Sewer Easement extending through the property at the NW corner of the lot prohibits development of the home closer to E Cheney Drive.
 - d. On-site and off-site flows. Due to recent storms that have caused significant damage to existing Hillside homes in Paradise Valley, the Town is looking to mitigate the concentration of collected on-site flows that would, otherwise, effect neighboring sites due to new homes and improvements uphill of existing homes. The Town's stance has been to design homes that would not pose as dams on the site forcing a concentrated flow of water either beneath or around the sides of proposed new homes. Proposed sheet flows should, as much as reasonably possible, return to native & historical flows when they exit the site post improvement.

SCOPE OF THE VARIANCE REQUEST:

1. Due to the slope of the lot, existing geological formations, and the inherent issues associated with the on-site and off-site flows, the Owner requests consideration for a variance associated with the design of the home:
 - a) The proposed disturbed area

VARIANCE #1 – Disturbed Area

- Per the Hillside Regulations the maximum disturbed area is 10% of the Lot Area, or 4,450sf.
- The proposed Disturbed Area is 21.8%, or 9,832sf
- The proposed driveway's disturbed area is 8,433sf, or 64% of our total allowable Disturbed Area.
- The F.A.R for the proposed home is 21.7%

VARIANCE CRITERIA:

1. *"Such Variance... will serve not merely as a convenience to the applicant, but [is] necessary to alleviate some demonstrable hardship or difficulty so great as warrant a variance under the circumstances."* (Town Code Section 2-5-3 (C)2).
 - a. The proposed location of the home was determined to minimize the visual effect on the hillside by orientating the home parallel to the existing contours. This strategy afforded us the opportunity to design a home that celebrates the spirit of the Hillside Code by creating a structure that is well integrated in to the site. The home, however, serves as a natural dam whereby on-site flows are directed around the building where they are collected prior to exiting the site in a manner sensitive to historical precedent(s). The current site has yet to be disturbed thus all existing topography, geological formations, and subsurface strata will predicate drainage strategies once the home is sited. We believe that the design of the home is a result of sensitive & comprehensive analysis whereby the disturbance is minimized while exercising the most obvious and the least invasive means of maintaining historical flows. The hardship is evidenced in the existing slope of the lot in conjunction with what disturbance should be considered reasonable to afford the Owner access to and development of the site.



2. The "*special circumstances, hardship, or difficulty [do not] arise out of misunderstanding or mistake...*" (Town Code Section 2-5-3©4(b)).
 - a. This site's natural topography being 38.7% and the lot being only over an acre is far more extreme a circumstance than what the Hillside Code would otherwise allow due to the overall size of the Lot in question. As indicated in the Hillside Ordinance, Table 2-Density/Slope Category, it is expected that a lot platted in Paradise Valley within this slope category warrant a MINIMUM lot size of 5.2 acres whereby an applicant would be allowed to disturb 22,600sf, or 10% of the lot; we are proposing the design and engineering of a 6,300sf home on the site with a total proposed disturbance of 9,852sf.
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©2).
 - a. Intent of the Hillside Code is to minimize the effects of improvements on the mountain side preserving the natural topography of the site. The house is being sited to minimize the visual impact of cuts & grading on the hillside. The resulting house location necessitated an area of disturbance exceeding the limitations, however, it is our intent to minimize the visual impact through sensitive integration of the home and mitigate the impact on neighbors due to off-site flows with the home's placement and overall design. The resulting design is site responsive and in keeping with the spirit of the Hillside Code given the extreme conditions of this particular site.
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©4.).
 - a. The existing slope of the property is 38.7% thus the allowable disturbed area is 10% of the total area of the lot. Given the areas that are required to develop access to the home, to develop a means of maintaining the off-site historical flows, and allowing for proper "enjoyment" of the site necessitated an area of disturbance that exceeds what is allotted in the Hillside Ordinance for this slope category. The existing lot's total area, that being only 1.033 acres,

precludes the Owner(s) from developing a home that meets the Ordinance's disturbance criteria.

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)).
 - a. Existing site's topography and geological configurations make this a particularly difficult site for improvement. Due to the existing topography of the site, the resulting home size would not comply with minimum home size standards set forth by the Town Code if the disturbance criteria outlined in the Hillside Ordinance was met.
 - b. Based upon the allowable lot coverage (or FAR), the proposed home is not excessive and can be deemed appropriate given the maximum lot coverage (or FAR) allowed.
6. The variance would not *"constitute a grant of special privilege consistent 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)).
 - a. The request is in character with the Zoning Ordinance as it would grant the Owner the opportunity to access the proposed home while remaining sensitive to the effects of the improvements on the hillside.
 - b. The home proposed is not excessive and we are not requesting special privilege beyond the limitations afforded to other neighboring properties in the vicinity. Our proposed lot coverage (or FAR) is well below what is allowable by the Hillside Code.

purveyors of abstract thought

SUPPLEMENTAL INFORMATION

The following is a contextual matrix of the surrounding Hillside Lots where we compared their respective disturbances in an effort to convey to the Board what is found to be "typical practice" from a development standpoint. Enclosed are several Hillside lots that we've found to be of similar size & slope and have calculated their respective pool sizes, autocourt sizes, and hardscape sizes that would, otherwise, represent the livable component associated with the overall Disturbed Area calculation. These numbers are devoid of disturbance calcs based upon area(s) associated with grading & drainage.

It is our opinion that the hardship associated with this particular lot greatly infringes upon the Home Owner's ability to be allowed a common level of practical use of their respective lot as compared to what the neighboring lot owners are currently afforded.

Drewett Works and Land Development Group have compiled an inventory of the adjacent lots along with their disturbance information. All information found herein was obtained through Maricopa County's GIS website and through digital planimetry.

#	Address	APN	Lot Area S.F.	Home S.F.	Disturbed Area S.F.	Driveway & Auto Court Area S.F.
1	5318 E PARADISE CANYON RD., PARADISE VALLEY, AZ 85253	169-06-022	57,424	4,001	20,826	2,125
2	5334 E PARADISE CANYON RD., PARADISE VALLEY, AZ 85253	169-06-021	93,096	3,238	23,769	9,488
3	5315 E PARADISE CANYON RD., PARADISE VALLEY, AZ 85253	169-06-020A	91,718	8,961	64,745	13,498
4	5301 E PARADISE CANYON RD., PARADISE VALLEY, AZ 85253	169-06-018	41,318	5,967	36,150	4,965
5	5239 E PARADISE CANYON RD., PARADISE VALLEY, AZ 85253	169-06-017	41,073	7,723	32,413	5,074
6	5225 E PARADISE CANYON RD., PARADISE VALLEY, AZ 85253	169-06-016	41,560	4,928	37,195	4,321
7	7400 N SHADOW MOUNTAIN RD., PARADISE VALLEY, AZ 85253	169-07-118	122,989	11,999	47,274	11,767
8	7310 N SHADOW MOUNTAIN RD., PARADISE VALLEY, AZ 85253	169-07-015	38,934	4,712	17,748	5,232
9	7451 N LAS BRISAS LN., PARADISE VALLEY, AZ 85253	169-06-098	56,397	8,342	25,872	4,772
10	7431 N LAS BRISAS LN., PARADISE VALLEY, AZ 85253	169-06-096	48,215	3,724	12,455	2,446
11	7421 N LAS BRISAS LN., PARADISE VALLEY, AZ 85253	169-06-095	47,339	7,184	21,227	1,131
12	7405 N LAS BRISAS LN., PARADISE VALLEY, AZ 85253	169-06-094	158,388	8,855	47,444	6,516
13	7404 N LAS BRISAS LN., PARADISE VALLEY, AZ 85253	169-06-090	57,711	9,549	35,801	3,526
14	7401 N LAS BRISAS LN., PARADISE VALLEY, AZ 85253	169-06-112	134,285	9,512	24,858	1,411
15	7403 N LAS BRISAS LN., PARADISE VALLEY, AZ 85253	169-06-093	81,936	7,812	24,038	5,444



Map

#1





Map

#3



Map

#4



Map

#5



Map

#6



Map

#7



130.78'

224.76'

225.60'

169-07-013

SOL
LUNA
LOT 13

169-07-013

200'

SOL
LUNA
LOT 14

156.25'

124.24'

84.02'

Maricopa County, AZ; Maricopa County, AZ

5247

Map

#8



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Map

#10

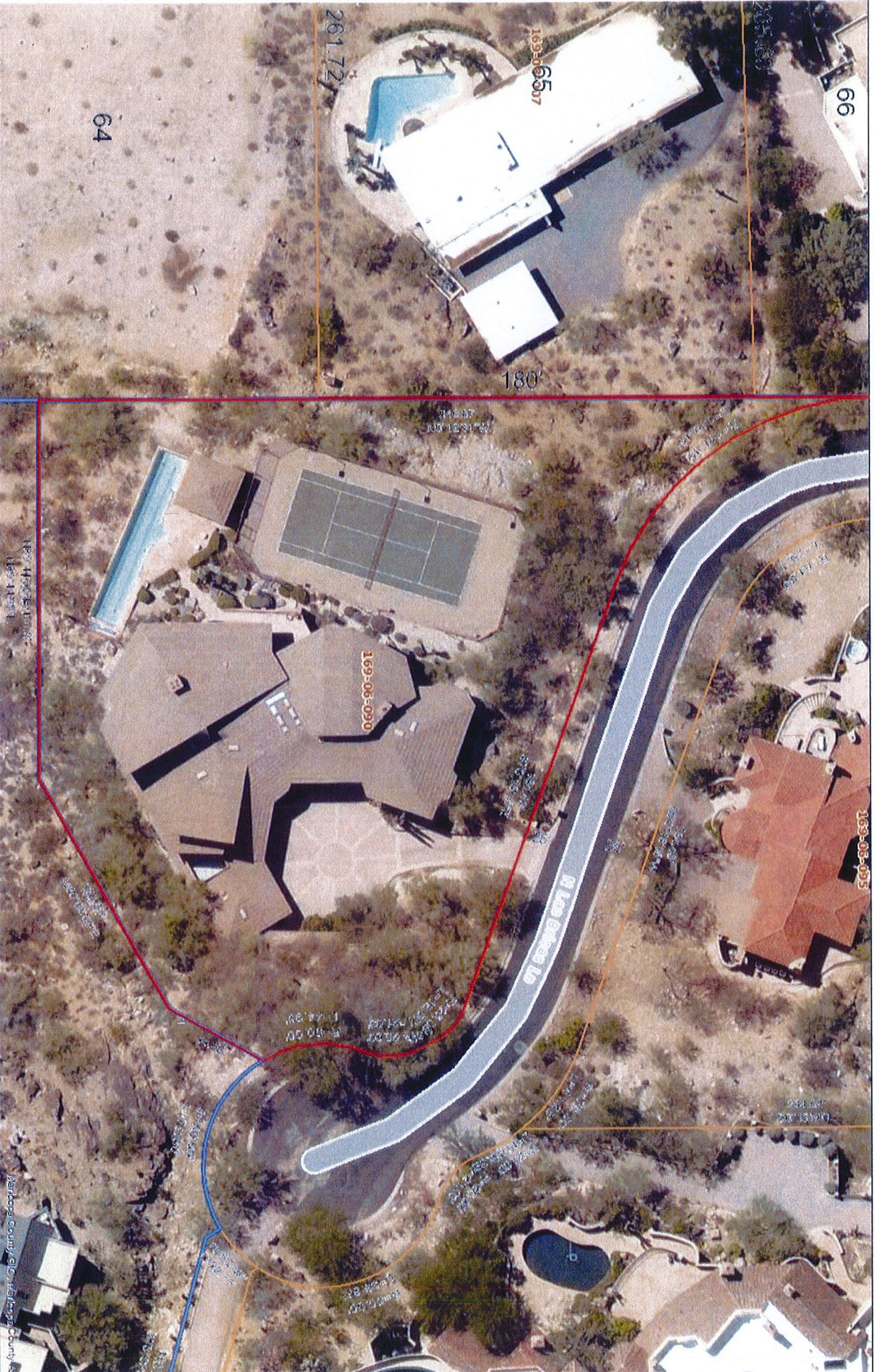


#12



Map

#13



Map

#14



Map

#15



169-06-093

Maricopa County, AZ
169-06-093