

Revised 1-8-2019

**Narrative for Mr. Mrs. Fred Tashman located at 6010 E. Hummingbird Lane, Paradise Valley, AZ 85253**

- a. Project Proposal. "Consideration of a variance from the Zoning Ordinance, Article XXIII, Nonconformance, to allow nonconforming portions of the house to be modified."
- b. Meeting Date/Time/Place. Meeting Date – Wednesday, February 6, 2019. Meeting Time – 5:30 pm. Meeting Place – Town of Paradise Valley Town Hall. 6401 E. Lincoln Drive. Paradise Valley, AZ 85253.

**Appeal to Board of Adjustment for a Variance to the Town of Paradise Valley.**

My clients, Fred and Ayshe Tashman purchased this house 1998. But it was built in 1965, when this house was in the County island of Maricopa. At the time, it met the restrictions of Maricopa County.

**Criteria No. 1 (Town code section 2-5-3(C2) "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."** Due to previous Town imposed right of way when the property was annexed to the Town of PV, the Town took a 25 foot right of way on the Hummingbird Road from the front property line of this lot. By pushing the property line toward the house, this created a non-conforming encroachment into the front yard setback which did not exist before. This certainly creates a **hardship** when the owner wants to make any changes or updates to the front exterior of the house. It seems that the slope of the hillside at the point of construction and the pad available, made building on the site very difficult. This restriction causes the Tashmans to not be able to identify their entrance. A simple small entry feature only at the roof line allows this deficiency to be alleviated without any harm or violation of the building setback as it exists. As a result, it is a minimal solution that will cure the property hardship and provide an excellent and non-invasive best solution.

**Criteria No. 2 Town Code Section 2-5-3( C)4(b)"The special circumstances, hardship or difficulty (do not) arise out of misunderstanding or mistake..."**

Apparently, the house was brought forward to hug the hillside drive because the site was so tight. This creates a tunnel effect in front of the house which has always hidden the front entry door, making it hard to find when visitors arrive. This has always been a defect of the house that the owners disliked. In addition, it may pose a detrimental delay if ever there is a need for emergency arrival from first responders. In other jurisdictions, we are being required to signal entryways for precisely that reason.

**Criteria No. 3 Town Section Code 2-5-3 (C)2–Such variance from...the strict application of the terms of (Zoning Ordinance) are in harmony with its general purposes and intents..."**

During the course of preparing our design for the Hillside review, it became apparent at that time, that the initial design which we prepared needed to address the defect of the “hidden” entryway. The hardship that we have incurred is the ruling from the Variance principles, that we can not change anything on the building that falls into the original setback encroachment. We have tried to create a design that happens on the roof line above, and not even extending down to the natural grade, as to adhere as closely as possible to your town design criteria that is in harmony with its’ general purposes and intents. It is happening in the roof plane, and not encroaching into the narrow courtyard at the front of the building. We feel that this is necessary for the addition to “signal” the formal entry of the house, since the new addition tower, tends to ‘overshadow’ the Front door formal entry. The height of the entry tower is only 14’-0” and is not imposing at all into the forward space. It leaves the current setback intact at the ground plane. It is not possible to achieve this identity of the entry with paint as suggested since the front of the house, is one continuous plane. There is no logical place to stop and start a paint color change. All Hardscape features are not even seen from the roadway above since the front entry is 23 feet below the grade at the road. Some feature that is higher will signal the entry from the road.

We have no way to go forward but only upward on the roof, to accomplish a design balance for the addition that has yet to occur. We have included a rendering of the full design so you can see how essential it is to the overall architectural presence of the design. (We will be submitting to the Hillside review once we are finished with the variance process.) We feel it is essential to give an aesthetic balance between the existing roof planes and the new addition, with a transitional roof on the right side of the building. We have adhered to all the strict terms of the Hillside process and feel that it is in harmony with the general purposes and limits of the Town Code.

**Criteria No.4. Town Code Section Code 2-5-3 (C)4 “The special circumstances, hardship or difficulty applicable to the property are (not) self-imposed by the property owner, or predecessor...”**

It does not impact any neighbors, visually or physically. It is not an eyesore, and does not cause any impact to site or drainage onto this property or neighbors’ properties. This ‘hidden’ entry was dictated by the site initially, (and not self-imposed), causing the house to be angled into the site causing a hardship to the actual Main entrance to the house itself. Up to this moment, the owners can only enter the house through the garage, unless they want to walk literally 2/3 of the way down the house into the “hidden” entrance.

**Criteria No. 5. Arizona Revised Statutes 9-462.06 (G) (2) “Because of Special circumstances to the property...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.”**

The Tashmans and Designlink have focused on not upsetting any ‘disturbed’ areas of the site, leaving the natural beauty and environment intact, when considering the addition to the house. We have strived to keep all improvements on the apron of the existing driveway and not imposed any new constructions outside of the existing building envelope. The difficulty of this site, its shape and location on the hillside, does not offer other possibilities to bring visitors into

the site. Even now, visitors enter the building area, from the garage door approach. (Normally a garage is a service entry).

This small addition to the rooftop entry way, does not impact anyone's enjoyment of views or disruption of the natural environment, but allows the owners to enhance the design aesthetic of their property by improving the entryway and signaling where to enter the home. We ask the committee to allow this small roof overhang deviation from the encroachment rule since it does not encroach into the existing setback ground plane.

**Criteria No 6. Arizona Revised Statutes 9-462.06 (G) (2) "The variance would not constitute a grant of special privilege inconsistent with the limitation upon other properties in the vicinity and zone in which such property is located."**

The Tashmans and Designlink have viewed other projects being constructed at this time that have asked for far greater special privileges on the hillside, with much larger scopes of work. This variance does not constitute a special privilege that is inconsistent with any properties in the area, does not put any hardship on any neighbors, or impact anyone other than the Tashmans themselves. It does not affect anyone physically, causing drainage issues, mudslides, lack of visibility, or traffic.

Currently it is difficult to locate and visually see the main entrance to the house from above or once on the site. This small proposed roof canopy will visually remedy this situation without any detrimental or negative impact to any neighbors or the Town of Paradise Valley. They are not asking for any privileges that others have received on the Hummingbird Lane, where other homeowners have encountered similar issues due to the terrain of the street itself.