

Town of Paradise Valley Variance Criteria Rev 17May21

The following code requirements must be met for the Board of Adjustment to grant a variance.

Please provide evidence to satisfy the conditions below. Attach additional sheets as necessary.

LOCATION: 8317 CHARLES DRIVE, PARADISE VALLEY, AZ 85253 OWNER:
BILL SBILIRIS DEED#: 190047331
PLOT APN: 168-70-016 LOT#36, SUNSET HILLS
ZONED: R-43 RESIDENTIAL SINGLE FAMILY
SUNSET HILLS, TR A, B 9/11/1998

Variance Application materials prepared by SpaceLineDesign, Architects LLC, based in Scottsdale Az, with supporting Civil Engineering by Land Development Group, LLC.

REF: See additional attached reference material including booklet: '**Variance Request Summary Charles Dr Sbiliris ResiBOOKLET REV.pdf 17MAY21**', & '**OTHER DISTURBED AREAS Neighborhood Disturbed Areas Compared 17may21**' plus other support documents.

Variance items we are seeking for Total Allowed Disturbed Area are:

- 1) Allowance for Total Amount of Hillside Disturbed Areas over min allowed.
- 2) Allowance for existing Neighbors Planter/Disturbed Areas to remain.
- 3) Allowance for existing Eastern PL Disturbed Drainage Ditch to remain as is.

A) INTRO:

Sunset Hills subdivision was platted in 1956 and consists of (37) 1 acre (minimum) lots. Lot 36 is a 1 acre R-43 hillside lot on one of the higher elevation properties, set along the western subdivision boundary adjacent to the Phoenix Mtn Preserve.

Mr Bill Sbiliris has owned this property since 1998 and has since then dreamt of building his personal custom home on this steep mountain lot. As a buildable but challenging lot, accessing the site and someday building a nice home up on the hill to raise a family was his future plan.

At this time Mr Sbilliris has engaged our firm to design this new contemporary home. This particular parcel has a very steep slope profile and large offsite, upslope storm water drainage field, resulting in an inherently difficult situation to address.

The sites steepness necessitates the home to be located at the lower end of the property but its 'landlocked' positioning requires access first from the north neighbor's 25' access easement concurrent with their existing 170' paved driveway- then begins our 130' long new driveway required to access the limited buildable zone behind the 40' setback line.

Because we are 300'+ from the Mockingbird street Fire Truck Staging access, we are also required by the Fire Marshal to provide Fire Truck access turning zone at our garage drive.

For this home, we have created a gently stepped contemporary architectural profile that follows the topographic contour and complies with maximum height restrictions without being bulky or rising up too high on the mountain.

Synopsis:

Due to the nature of this steep Hillside property at the building pad, and the adjacent large upslope drainage field extending offsite up to the Phoenix Mtn Preserve ridgeline- we are faced with a disproportionate amount of storm water drainage to handle, versus the allowed amount of disturbed area per Paradise Valley Hillside ordinance.(Article XXII et al.)

Being in compliance with the towns' Watershed Drainage Requirements for 100 year storm flood criteria as designed by the civil engineer seriously impacts our available balance of Total Disturbed Areas Allowed.

A further complication is the Fire Department requirement for fire truck turning access at our garage, adding even more disturbed areas to our limited allowance resulting from the 25% site steepness in this Hillside setting.

This site has other existing hardships to accommodate; The north neighbor has an existing concrete Planter and Driveway support embankment spilling onto our property approximately 1400 sf area along our north property line. In working with this neighbor we have agreed to keep the existing planter, privacy hedge and driveway spill zone and work with those existing conditions for the betterment of the situation.

There is also an existing deeded utility lines and drainage swale running full length of our eastern property line that was originally constructed as a temporary road circa 1959 but has been re-contoured as a drainage ditch and well overgrown with desert vegetation. We wish to leave this naturally appearing drainage element in place as is and have indicated its approximate disturbed area on our G&D plans attached.

B) DESCRIPTION:

The rugged terrain and platting of this lot makes the only practicable site access via the 25' easement granted from the north neighbor- Lot 37 property running 170' concurrent with their existing paved driveway on their site's low side, east boundary and having street access off Mockingbird Lane.

The majority of our lot 36 is steep and rocky with an above 45% slope while the portion in the (technically backyard) that will be our 40' easterly frontyard is closer to 22% slope but is outside our building envelope and is also the lowest portion of the property adjacent to Lot 30 backyard. As we move up the slope into the building setback zone and buildable envelope, the lot steepness rises so that the location of our home is soon within a 25% slope, resulting in quite a restricted allowance for the total disturbed areas permitted.

The minimum 5' wide concrete drainage swale and 6' rip-rap drainage structures required by civil engineering and located around the upslope perimeter of house, running down each side to the drainage outflow, results in a substantial amount of disturbed areas displacing the already restrictive allowance set by the Hillside Ordinance.

The underlying reason is that the storm water tributary areas used in the analysis includes not only our 1 acre lot, but also an additional 1.25 acres of Phoenix Mountain Preserve that lies up-slope on the other side of the upper N Charles Drive at its terminus.

Our total disturbed areas on this property must also include a large amount of existing disturbed areas caused by external factors:

Lot 37, north neighbor has an existing Planter and Driveway that have been on our property at least since 1972 based on historical photos and will be best served if allowed to remain. Removing these items would result in unnecessary disturbance to neighbor's driveway- Neighbor has provided an attached letter authorizing our utilization of his existing driveway via 25' easement & preference for no destruction of existing planter or driveway.

C) REQUEST:

We are respectfully requesting a reasonable Variance to the total Amount of Disturbed Areas Allowed to accommodate the significant a)Storm Water Drainage Requirements in addition to the b)Fire Departments need for large Driveway Turning Access and c)Accommodating the neighbors' driveway Planter+ Spill Zone in addition to the d)Existing Eastern Drainage Ditch, while still allowing this property the modest and typical layouts for a family Patio, Pool and Driveway which otherwise would be exceeding the allowed disturbed areas for this mountain lot.

D) DESIGN:

The design philosophy is to create a 7,019 sf contemporary residence that steps gently across the most buildable area of this site along the lowest building setback line at an elevation set to capture some of the valley views while still placing the front east façade similarly aligned with the neighboring homes to the north and south.
(See pg 5)

Our 4 car garage is accessed via single double overhead door with cars garaged in tandem to help reduce the areas for driveway and minimize the appearance of garage doors. The 12' wide somewhat narrow driveway is necessitated to be fairly long at 130' due to the property access off the lowermost NE corner- aligned with the 25' easement granted by the north side neighbor.

Because this property access drive is off the existing neighbors paved driveway, the beginning access to our site is elevated approximately 3' above natural grade- thus continuing uphill at a steady 15% sloped drive transitioning up to our required Fire Staging turnaround zone, already designed at the minimum size to conserve disturbed areas but still disproportionately large when compared to the designated areas for Pool & Patio & Main Entry.

The Garage and its Driveway are set 3' 3" lower than the Main Living levels to conserve excavation and allow for a less steep(15%) driveway.

There is a long narrow lap pool following the linear profile of the home and being only 9' wide in one point in order to minimize disturbed area. At the far south end of the main patio there is a small children's' patio with outdoor pool shower/dog wash. To minimize disturbed areas this Kids Play area is made small at just 330sf about 12' wide by 28' length. (See pg 23)

Since this home is set on a rugged, steep desert slope, there will be no other open outdoor areas for the children to play and adults to gather- other than these two patio areas.

Beneath the patio deck at the pools north end, near the driveway side is the pool utility room, tucked under patio slab to conserve disturbed areas and be out of sight.

Per Civil Engineering: (See accompanying booklet for technical drawings pg 30 & 31)
Drainage area requirements are calculated for drainage flows of our 1 acre lot #36, *plus* upslope watershed totaling 2.52 acre (area = 109,771 sf including our lot 36), continuing up across Charles Drive on up to mountain ridgeline, although our lot 36 is just over one acre at 45,583 sf = 1.046ac.

We are presently showing 3,379 sf disturbed areas used up by our **PATIO+POOL+ENTRY +utility** plus an additional 4,498 sf for our Driveway & Fire Truck Turning Access plus 1864 sf for structured drainage.

Lot 36 also has the north neighbor's existing driveway Planter & Spill area of 1400sf counting against our disturbed area that we request to remain as-is, in its role of stabilizing and supporting the neighbors existing driveway side spill slope, presently stabilized with mature growth of paloverde & oleander hedge that minimally flows onto our lot totaling 1400sf. (See booklet for diagrams.)

(1400 sf existing disturbed area (-) less our Driveway & Drainage Cobble of 850sf =
550sf exist disturbed to remain as existing disturbed)

This disturbed area is grouped under same disturbed area as eastern drainage ditch totaling 4575 sf but we use the figure of 3725 sf after crediting the re-use of existing disturbed area for our new driveway & drainage(see pg 22 & 23)

This 45,583 sf Lot 36 falls under Hillside Ordinance, permitting just a 12.4% total disturbed area based on this 25.41% *site slope across building pad-*

Allowing us just 5,639 sf of total disturbed areas (12.4%).

However, tabulating all of the additional disturbed areas:

A)Required Driveway Accessible for Fire Truck	4,498 sf
B) Storm Water Drainage Structures	1,864 sf
c) Outdoor Living: Pool+Patio+Entry.....	3,379 sf
Total utilized disturbed area.....	9,741 sf
D) Plus non-utilized disturbed area North Lot 37 Driveway/Planter plus Existing Eastern Drainage Swale [4,575sf (-850sf)] =	3,725 sf
Total Disturbed area requested: (29.5%)	13,466 sf

(Leaving a disturbed area shortfall of 7,827sf.) (see pg 23)

We have endeavored to minimize unnecessary disturbed areas by designing a long narrow pool & patio area, by backfilling/reveg against the uphill side of the house, using vertical concrete walls in order to minimize driveway footprint vs. less costly but more intrusive built-up soil foundation.

Location of house front façade on this hillside equals the typical setback distance of each neighbor property to the north & south sitting on similarly sloped lots. We also need to be set back away from the East neighbor lest we be overlooking their back yard. (see pg 13)

FLOOR AREA RATIO 25% allowed. We show PROPERTY SIZE: $45,583 \text{ SF} \times 25\% \text{ FAR} = 11,395 \text{ SF}$ ALLOWED, We show $7019 \text{ sf} = 15.39\%$ of allowed total livable proposed.
Building Footprint House + Garage = 5,919 sf.

E) SUPPORTIVE COMMENTARY:

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).

Our one acre site has a steeply rising slope from 22% grade at the accessible lower end of the property, but outside the building envelope, rising steeply within the building envelope to 24-35% slopes and even greater as the lot rises up westerly to 74% steepness near the dead-end upper Charles Drive and then continuing on up through the Phoenix Mtn Preserve reaching the ridgeline as detailed herein. (see pg25)

a) Due to storm water-basin flows calculated by our Civil Engineer, our one acre site drainage is required to handle our property up to Charles Drive plus the additional Phx Mtn Preserve offsite uphill area of 1.5 acres encompassing an extended watershed up to the mountain ridge totaling 2.52 acres.

The required disturbed Drainage Structures on our lot for this 2.52 acre watershed drainage is **1864 SF** conc swale + cobble which equals **33%** of the already restricted Allowed Disturbed Area of **5,639 SF** due to the sites steepness that would normally be allocated for a Driveway, Patio, Entry and Pool zones.

b) Access to our lot is such that it is impractical to place our driveway directly on the natural grade or even within 18” due to the site topography and our only access is from an existing shared north neighbor driveway (existing easement) that begins already 36” above natural grade on his disturbed driveway fill area. For these reasons we are unable to take any disturbed area credit on our driveway access.

Distance to our property from the Fire Truck Staging area on Mockingbird is 300+ feet away, therefore Fire Department requires us to provide acceptable turning zone at our garage driveway pad, further contributing to necessary disturbed areas.

c) Our disturbed areas are further compromised by the existing north side neighbor’s driveway spill area of 1400 sf onto our lot. Specifically the existing portion of Neighbors Planter & Disturbed area that is not otherwise covered by our new driveway & drainage (1400 sf exist, less our drive+drainage of 850sf= **550sf exist disturbed**) to remain as existing disturbed. This spill area has been there long enough to have well established plant growth and stabilized embankment via privacy hedge that would be best served to remain in place, maintaining established privacy, existing drive slope stabilization and unnecessary mitigation.

(see pg 11, 19, 22)

d) This neighboring north side property Lot 37, also has an access easement deed (attached) granting our Lot 36 a 25' access easement along their existing paved driveway, of which 646 sf of our proposed driveway will be on their easement, built over existing disturbed driveway spill material therefore not factored in our disturbed area calcs nor does it add to their existing disturbed area calcs. (see pg 23,29)

e) There is an Existing Eastern Drainage Swale of 4575 sf, left over from what was originally a rough road circa 1959, then converted to the present drainage/utility ditch by 1976 per historical photo documentation. (see attached historical image maps of Lot 36, pg 33).

Our intent is to comply with the responsible hillside requirements for Emergency Vehicle Access and Storm Water Drainage structures on this steep site, so we respectfully request approvals for a ***Disturbed Area Variance*** to accommodate us the modest disturbed areas as shown to be needed for our Patio, Pool, Main Entry & utility, *plus* our 130' long driveway access with a sizable Fire Truck turning zone.

Granting this Variance by allowing this property to have the disturbed areas equal to that shown on these drawings will permit us a modest and typical layout for our Patio, Pool and Main Entry, as well as provide peace of mind for Storm Water Drainage and Emergency Vehicle Access for life safety. It will also allow for neighbors planter and existing driveway to remain intact, preserving privacy and resources. Keeping the eastern drainage swale in present condition preserves the 50+ years of desert growth and keeps in place a storm water drainage path that otherwise would have to be handled via substantial drainage means.

2. The “special circumstances, hardship, or difficulty 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 any Zoning Ordinance. We are aware of the challenges of this site, first because the land owner Mr Bill Sbilaris has owned the property since 1998 and has tried on previous occasions to get building approval but till now has not progressed through the full process. One of the previous home designs he had commissioned (see pg 32) had preliminary town review and was discovered that unique design would also require a variance, had he progresses further with the project.

This site is naturally challenging due to its steepness, and that it is landlocked and accessible from a point requiring a shared driveway access off Lot 37 at Mockingbird some 300' distant. Lot 37 was purchased by present owner in 2004 who was aware of this existing easement and has provided an attached letter to this effect.

Of note, the platted westerly access off upper Charles Drive has an extremely steep rocky slope of 50-73% (See fig pg 25-28 & image pg 17) and would therefore require an overly elaborate and substantial drive system to cut the rock face for a drive structure and would be difficult to reach the limited buildable area on this lot. Second, access to this lot has been determined since circa 1998 per deeded 25' access easement (see attached support docs) utilizing the existing (shared)-drive accessible to our lot from the lowest point of property at the north-east corner via the north neighbor Lot 37 property easement.

Understandably, the only viable access location and is at the lowest bottom area of our steep site, however it still results in a relatively long driveway of 170' across Lot 37 to reach our Lot 36 with another 130' to reach the center of our Fire Truck Turn Access, set level with our garage floor that is also set at the lowest level of 3' 3" below main house floor to conserve excavation and to help keep driveway less steep @15% now.

The building envelope is set back 40' from the less steep eastern lower area of site, thus placing our home in the 25% slope steepness charts. The allowed disturbed areas for this site steepness are quite restrictive but our allotment is diminished greatly by the required substantial storm drainage systems, a long driveway plus large Fire Truck turning access, and a large amount of existing disturbed areas as shown herein.

Previously, the Owner Bill Spiliris had a different set of custom plans made for this property and the same civil engineer indicated the need for variance for a similar disturbed amount in comparison to this current home design, after determining the drainage requirements in similar fashion. Those plans did not have an approved emergency access area which would have pushed disturbed count even higher. (see fig pg 32)

Mitigating Measures We Have Taken:

In order to conserve disturbed areas, we have made our driveway narrow at just 12' clearance (13' outside) for most of its length. We also loose a considerable amount of disturbed area to the large turning zone required for the emergency fire vehicle access. This is mandated because our home at 300' from the street is greater than the 150' maximum allowed from where fire pumper trucks would normally stage.

We are also locating this house at a similar setback distance as the existing homes to north & south so all three properties have similar, elevated positions for enjoying the views. Further setback also increases distance to the eastern Lot 30, affording more backyard privacy for both homes, (pg 5,&13) however the site rapidly increases in steepness, already placing this home in the 25% steepness range even at this low point location.

Our house is designed to integrate into the steep site, having no overcut behind the house that would otherwise leave unsightly exposed rock, we are tucked in tight with the mountain slope, backfilled against the structural house retainage wall, reveged as much as possible with hidden utilities. House geometry is stepped horizontally into and across the hill so as not to appear tall or bulky.

Our patio and lap pool have been kept narrow to follow profile of the home and our pool utility room is concealed under patio slab with minimal service path to access utility rm. Compared to neighboring homes, using a visual comparison on Google Earth (see separate attachment: ***Other Disturbed Areas: Neighboring Homes Disturbed Area Comparison 17may21***) we have very similar or in many cases less proportional disturbed areas based on this visual observation. Of the 10 additional properties studied 9 had larger disturbed areas than our lot 36 and none had the same requirements for a large fire truck turning platform.

We will replant and revegetate approx 3903 sf to match existing conditions all possible areas disturbed, including all areas along construction envelope, tight to vertical driveway walls, along pool, septic, drainage and all other areas as necessary. (See pg 23, 31)

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 Sect 2-5-3(C)2).

We have endeavored to conservatively allocate our disturbed areas by utilizing a narrow driveway, a compact linear patio and pool area and by having no hardscape areas along sides or rear of home.

We have worked with neighbor Lot 37 to accommodate his concerns and support preservation of his planter and driveway spill zone that is entirely on our property, and gained his consent to utilize the shared access easement in harmony with the soon to be new neighbor.

All AC condensers are wall-pack mounted on rear of home, out of sight and off the ground. All disturbed areas of construction will be properly reveged including septic and utility trenches and along driveway etc.

Lighting & building materials will follow Hillside requirements and concrete drainage structures and driveway walls will be integrally earth colored and textured to blend in.

We have studied and revised the site layouts multiple times to trim and reduce patio areas, maintain 24' max bldg heights and pad placement, insure no retainage walls over 8' max ht while trying to balance desert conservation with this new home construction.

Our garage is stepped down 3' 3" from main floor to help reduce site excavation and make driveway access easier, resulting in 15% driveway grade which is more comfortable, easier to navigate than the 30% allowed.

Our Variance request is to allow enough disturbed area total of 13,466 sf

to construct the modestly sized Pool, Patio, Front Entry and Driveway as shown herein, so this home, like other hillside homes, can enjoy a comfortable outdoor entertainment patio area.

Adding the proposed Outdoor Living of 3,379 sf plus the actual utilized disturbed area of 6,362 sf totals just 9,741 sf disturbed but we also need to accommodate 3,725 sf net existing disturbed area all totaling 13,466 sf.

(see pg 23)

North Lot 37 Driveway/Planter Spill Zone of 1400 sf plus the Eastern Drainage ditch/utility easement: We ask that the eastern drainage ditch/utility easement be allowed to remain as-is since it's naturally overgrown with 50+ years desert growth. To restore it would mean to install underground culverts and fill in this drainage ditch, disturbing all existing desert plants and possibly lead to future storm water-flow problems. North Lot 37 Planter & /Driveway stabilized slope are to remain as is with modifications as noted and being co-utilized by our new driveway & drainage cobble.

Total Net disturbed area of 9,741sf + 3,725 sf net existing = 13,466 sf

The required disturbed areas dedicated for Drainage on our lot (to handle the 2.52 acre watershed drainage) is 1,864 SF which equals 33% of the max disturbed area of 5,639 sf allowed.

Driveway alone disturbed area **4,498 sf** makes up another **80%** of total disturbed areas allowed of 5,639 sf.

These two required items of Drainage 33% + Driveway 80%= 113% consume beyond the 5,639 sf disturbed area allowed by Hillside, leaving nothing remaining for Outdoor Living if no variance is utilized.

4. “The special circumstances, hardship or difficulty applicable to the property are [not] self-imposed by the property owner, or predecessor...” (Town Code Sect 2-5-3(C)4).

When this lot 36 was originally platted by Western Engineering Inc in 1956, this parcel was understood to have difficult access off the upper Charles drive so an access easement was granted from north lot 37 to access this Lot 36 from the lower elevation and legally approach from Mockingbird Lane, across north lot 37 via 25’ access easement in place since at least circa 1998 when Mr Sbiliris purchased this lot. (See attached Lot 36 *Special Warrantee Deed dated Sept 11, 1998.*)

From this lower end, the property has a site steepness ranging from 22% at the lowest portion but outside the 40’ building setback area- to a 25% steepness in the low end of building envelope where our house is proposed, and up to 50-75% steepness in the upper building envelope bounded to the west by Charles Drive. (See pg 25)

This site sits at the foot of a long, steep natural desert mountain land in the Phoenix Mtn Preserve and has a large water shed area that requires substantial flood water drainage methods to accommodate the full upslope 100 year storm surge. (See pg 5, 25)

The nature of this site’s steep topography and limited site access to building envelope mandate a horizontally based narrow depth home located closest to the low access point but still requiring a long driveway and substantial upslope storm water collection requirements. Because of our steep 25% footprint zone, there is *minimal disturbed area allowance* for a reasonable utilization of the typical and expected disturbed areas for Outdoor Living: namely Pool Patio and Main Entry, as well as accommodating the required large driveway emergency vehicle access and required drainage, plus two additional existing onsite disturbed areas.

Granted Access is via neighbor’s property 25’ driveway easement that benefits our utilization but there also exists their existing substantial (7x28’) planter and driveway disturbed area spillover onto our property by 1400 sf, and based on construction year and aerial photos was installed circa 1973. This will only minimally impact our disturbed area count by just +550 sf *net* after deducting 850sf for our driveway & drainage that reutilize this same disturbed area.

A further, original disturbed area was created back in 1959 when planners cut a dirt driveway along our East Property Line. Now that has since been re-utilized as a drainage ditch collecting storm flow from several upslope neighbors and also a multi-utility easement since before circa 1976. Combined with existing north Lot 37 Driveway Planter Spill plus this East Drainage zone also contributes an *additional 3725 sf net sf disturbed area on our site* (See pg 11 & 23). We are requesting to allow this eastern drainage ditch to remain as-is since it has 50+ years of desert growth and is well blended in, also providing a natural privacy buffer between this Lot 36 and the east neighbor on Lot 28. (See pg 12 &13)

Our preference is that it would be left in its present condition as a drainage swale at the foot of the mountain and presently it’s well blended in with 50+ years of desert growth since the original dirt road was there.

Previously the Owner had a different set of custom plans made for this property and the same civil engineer indicated the need for variance in very similar numbers to this new home design, after determining the drainage requirements in similar fashion. *That house as proposed needed 9,369 sf net disturbed area while not counting for existing disturbed areas or fire truck access.* (See pg 32)

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)).

By following the strict application of the Hillside Ordinance for this Lot 36 having a 25% steepness we are only allowed 5,639 sf of total disturbed areas. Once we subtract the required drainage and driveway areas we are left with *negative 4,102 sf* of disturbed area remaining for all of the Outdoor Living: Patio, Pool and Main Entry, and would need to include the *existing* disturbed areas. There is not adequate allowance in the Hillside code to consider all these unique factors to allow for this proposed comfortable but modest patio (accommodating 4 deck chairs), a small children’s play area, swimming pool and BBQ plus the Main Entry approach as shown herein.

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)).

We are placing this house at a similar setback as the homes to north & south that also enjoy comfortable patio pool and recreation areas on their hillside properties.

The areas we show for the main entry, patio and pool are modestly proportioned and blend reasonably well into the landscape so as not to exceed the typical hillside properties’ outdoor areas, whereby this homeowner can also enjoy private outdoor activities and similar elevated views.

The attached 'Other Area Disturbed Neighbor Disturbed Areas Comparisons' shows a majority of properties in the vicinity of hillside have over 13,466 sf disturbed areas for their Outdoor living and necessary driveway utility, etc.

We are required by Fire Department regulations to provide an Emergency Vehicle Access zone outside our garage which has necessitated a rather large paved driveway that still blends well with the overall design.

We don’t believe this variance request would constitute a grant of special privilege, but rather would allow this property to offer the homeowner and family similar opportunity to enjoy typical privileges that adjacent hillside properties also have in enjoying a modest size outdoor living area for swimming pool, deck lounging, BBQ with beautiful views, in a quiet desert setting. Privacy hedge to the Lot 37 will also be maintained.

F) CONCLUSION:

First: This variance asks for this Lot 36 to be allowed the proper drainage structures shown here per Civil Engineer guidance, as well as allowed to have our modest Patio, Pool, Main Entry and Driveway with Emergency Vehicle access as shown herein, affording us the total disturbed area of 9,741 sf- where 5,639sf is allowed by Hillside Ordinance.

[3,256 sf is shown for Pool Patio Entry + 1,864 sf is for Drainage + 2,945 sf for Driveway.]

Second: Existing disturbed areas north & east to remain as is at 3725 sf net, (except where our new driveway and drainage overlap onto north lot driveway spill zones by 850 sf).

Total disturbed area would be 9,741sf + 3725sf existing = 13,466 sf