

**Application
Narrative
Cash Transmittal
Pre-Application
Pre-App Narrative
Pre-App Cash Transmittal
Project Data Sheet**

29' & 25' setback for walls/fences
Pre-Application No.: 692 -PA- 2016 Submittal Date: _____



in height

Hardship Exemption Environmentally Sensitive Lands Overlay District Development Application Checklist

Official Use: _____
City Staff Contact: _____ Email: _____
Phone: _____

Project Name: LONE MOUNTAIN RESIDENCE

Property's Address: 8195 E LONE MOUNTAIN ROAD A.P.N.: 216-65-001L

Property's Zoning District Designation: R1-190

Application Request: HE for Maximum Building Height, walls and fences within sides rear setbacks

Owner: Hye Binje Arizona Trust Applicant: Keith Zellman

Company: _____ Company: Studio KZ

Address: _____ Address: 7127 E Sixth Avenue, Scottsdale 85251

Phone: _____ Fax: _____ Phone: 480 246 9332 Fax: _____

E-mail: _____ E-mail: Keith@studiokz.com

Submittal Requirements: Please submit materials requested below. All plans must be folded.

Completed Application (this form) and Application Fee - \$ 153 (fee subject to change every July)

Affidavit of Authority to Act for Property Owner, letter of authorization, or signature below

Request for Site Visits and/or Inspections form

Narrative - Description of request (2 requests)

Justification Form (form provided)
The applicant may separately address each require justification on a separate attachment to the narrative.

Context Aerial
• 24" x 36" - 2 color copies, folded
• 8 1/2" x 11" - 1 color copy (quality suitable for reproduction)

Aerial shall not be more than 1 year old and shall include and overlay of the site plan showing lot lines, tracts, easements, street locations/names and surrounding zoning for a radius from the site of:

_____ 750 foot radius from site
_____ Other:

Commitment for Title Insurance - No older than 30 days from the submittal date (requirements form provided)

• 8-1/2" x 11" - 1 copy
Include complete Schedule A and Schedule B.

H.O.A. Approval (if applicable)

For each plan require below shall be provided in the following formats:
• 24" x 36" - 2 copies, folded
• 11" x 17" - 1 copy
• 8 1/2" x 11" - 1 copy (quality suitable for reproduction)

Elevation plan of new additions, building, or other changes with materials and colors noted and keyed to the material descriptions.

Site plan - Indicate the extent and location additions, buildings and other structures. Site plan shall indicate dimensions of existing and proposed structures, dimensions of existing and proposed ROW, setbacks and sight distance visibility triangles.

Floor Plan(s) of additions, alterations, or new structures. The floor plans shall be dimensioned and clearly delineate existing and proposed construction.

Detail plan

Native Plant Submittal 24" x 36" 1 - copy, folded.

Other root over topo - updated w/notes

Will send other root plan & cut & fill

Please indicate in the checkbox below the requested review methodology (please see the descriptions on page 2):

Enhanced Application Review: I hereby authorize the City of Scottsdale to review this application utilizing the Enhanced Application Review methodology.

Standard Application Review: I hereby authorize the City of Scottsdale to review this application utilizing the Standard Application Review methodology.

Owner Signature _____ Agent/Applicant Signature Keith Zellman



Development Review

Methodologies and Required Notice

Review Methodologies

The City of Scottsdale maintains a business and resident friendly approach to new development and improvements to existing developments. In order to provide for flexibility in the review of Development Applications, and Applications for Permitting, the City of Scottsdale provides two methodologies from which an owner or agent may choose to have the City process the application. The methodologies are:

1. Enhanced Application Review Methodology

Within the parameters of the Regulatory Bill-of-Rights of the Arizona Revised Statutes, the Enhanced Application Review method is intended to increase the likelihood that the applicant will obtain an earlier favorable written decision or recommendation upon completion of the city's reviews. To accomplish this objective, the Enhanced Application Review allows:

- the applicant and City staff to maintain open and frequent communication (written, electronic, telephone, meeting, etc.) during the application review;
- City staff and the applicant to collaboratively work together regarding an application; and
- City staff to make requests for additional information and the applicant to submit revisions to address code, ordinance, or policy deficiencies in an expeditious manner.

Generally, the on-going communication and the collaborative work environment will allow the review of an application to be expedited within the published Staff Review Time frames.

2. Standard Application Review Methodology:

Under the Standard Application Review, the application is processed in accordance with the Regulatory Bill-of-Rights of the Arizona Revised Statutes. These provisions significantly minimize the applicant's ability to collaboratively work with City Staff to resolve application code, ordinance, or policy deficiencies during the review of an application. After the completion the city's review, a written approval or denial, recommendation of approval or denial, or a written request for additional information will be provided.

The City is not required to provide an applicant the opportunity to resolve application deficiencies, and staff is not permitted to discuss or request additional information that may otherwise resolve a deficiency during the time the City has the application. Since the applicant's ability to collaboratively work with Staff's to resolve deficiencies is limited, the total Staff Review Time and the likelihood of a written denial, or recommendation of denial is significantly increased.

Required Notice

1. Pursuant to A.R.S. §9-836, an applicant may receive a clarification from the City regarding interpretation or application of a statute, ordinance, code or authorized substantive policy statement. A request to clarify an interpretation or application of a statute, ordinance, code, policy statement administered by the Planning, Neighborhood and Transportation Division shall be submitted in writing to the One Stop Shop to the attention of the Planning, Neighborhood & Transportation Administrator or designee. All such requests must be submitted in accordance with the A.R.S. §9-839 and the City's applicable administrative policies available at the Planning, Neighborhood and Transportation Division's One Stop Shop, or from the city's website: <http://www.scottsdaleaz.gov/bldgresources/forms>.

Planning, Neighborhood and Transportation Division
One Stop Shop
Planning, Neighborhood & Transportation Administrator
7447 E. Indian School Rd, Suite 105
Scottsdale, AZ 85251

Planning, Neighborhood & Transportation

7447 East Indian School Road Suite 105, Scottsdale, Arizona 85251 Phone: 480-312-7000 Fax: 480-312-7088

City of Scottsdale Website: www.scottsdaleaz.gov

Revision Date: 03/01/2013



Development Application Process

Enhanced Application Review

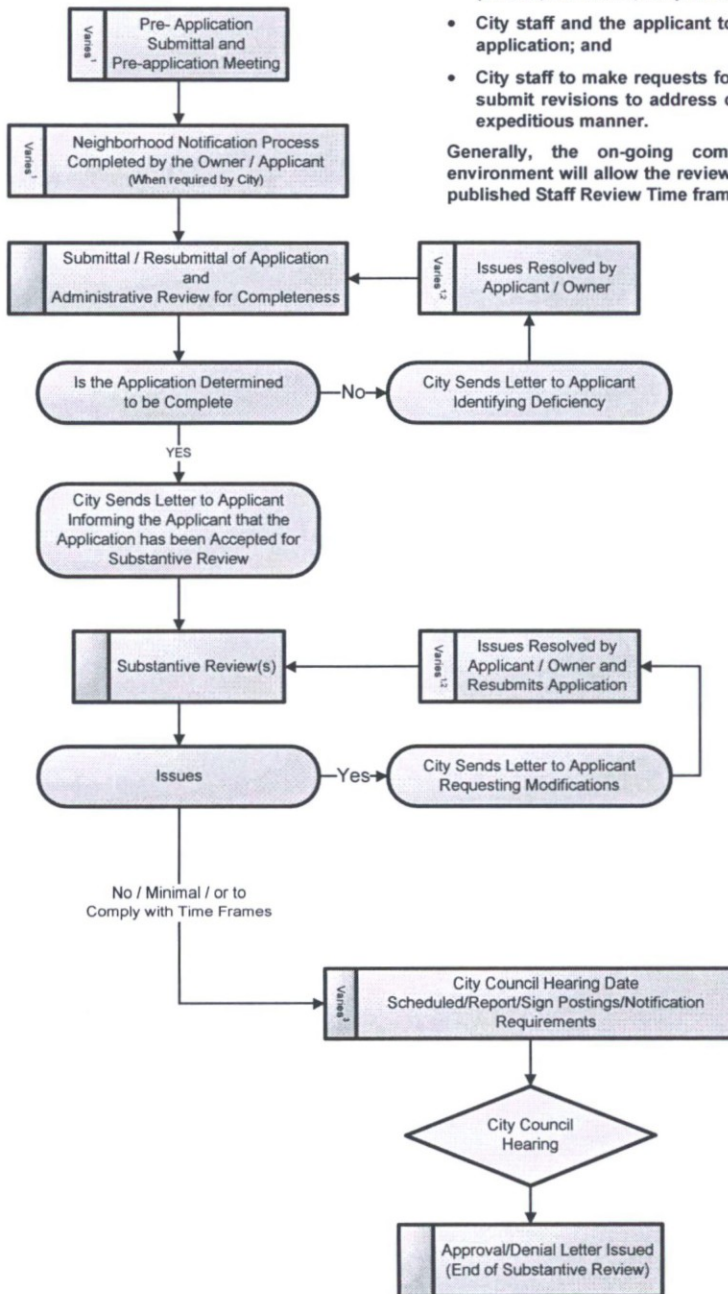
Hardship Exemption (HE) and In-lieu Parking⁵ (IP)

Enhanced Application Review Methodology

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Generally, the on-going communication and the collaborative work environment will allow the review of an application to be expedited within the published Staff Review Time frames.



Note:

1. Time period determined by owner/ applicant.
2. All reviews and time frames are suspended from the date a the letter is issued requesting additional information until the date the City receives the resubmittal from the owner/ applicant.
3. The substantive review, and the overall time frame time is suspended during the public hearing processes.
4. Owner/applicant may agree to extend the time frame by 25 percent
5. More than 5 spaces per lot or as determined by the Zoning Administrator

Time Line

Administrative Review 15 Staff Working Days Per Review	Substantive Review 50 Total Staff Working Days, Multiple Reviews in This Time Frame ^{2,3,4}	Public Hearing Process Time Frames Vary ³	Approval/Denial Letter Issued
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Development Application Process

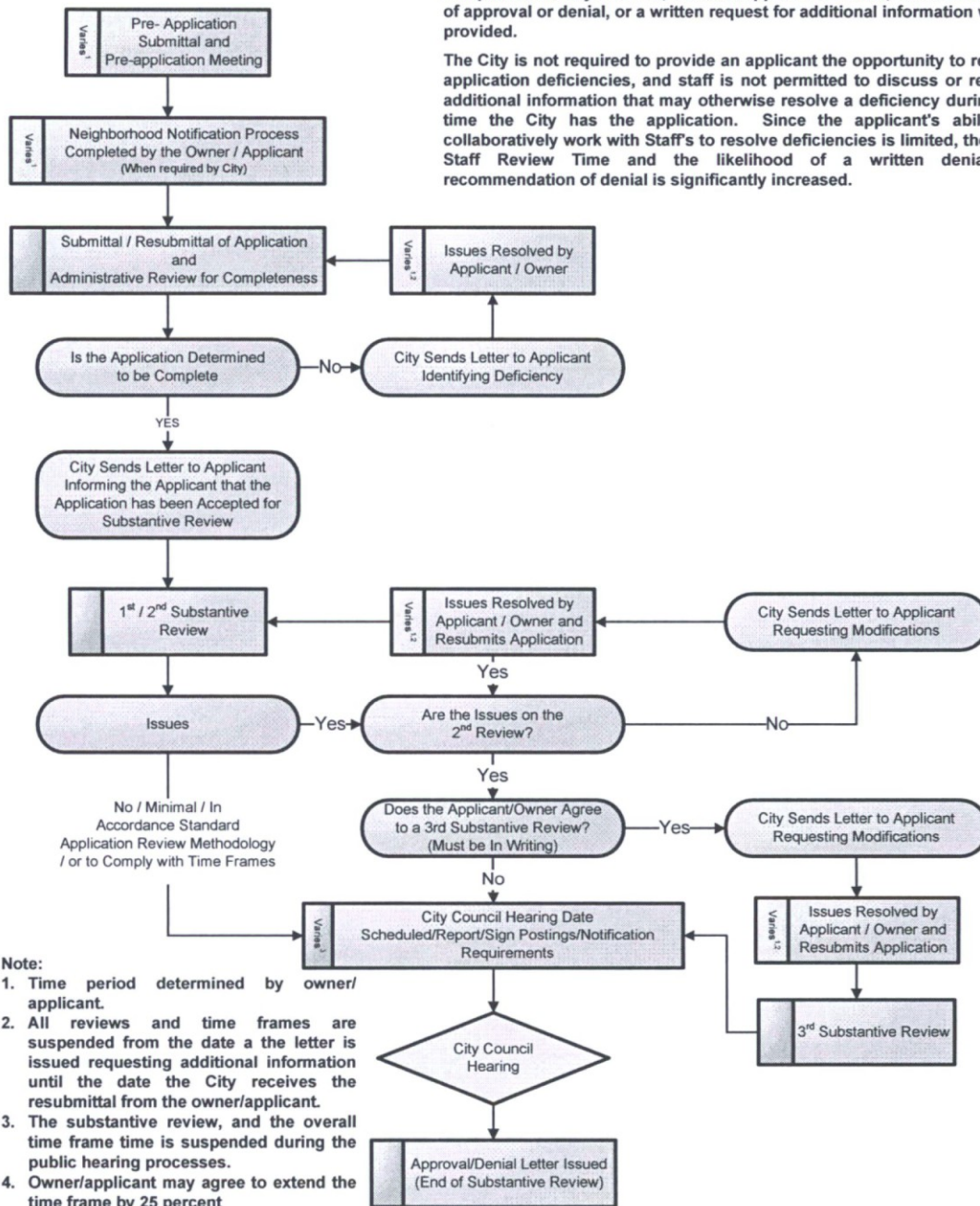
Standard Application Review

Hardship Exemption (HE) and In-lieu Parking⁵ (IP)

Standard Application Review Methodology:

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2 requests

Hardship Exemption
Environmentally Sensitive Lands Overlay District
Justification for Exemption

The City Council may authorize a Hardship Exemption if ALL of the following criteria are met. Use the space provided to present your evidence that the requested exemption satisfies the modification requirements, or address each require justification on a separate attachment to the narrative. Please attach all supporting documentation.

- 1. A substantial hardship is demonstrated that would significantly reduce the ability to use a parcel(s):

Please see Attached:
Justification - setback for walls and fences
Justification - Maximum Height above Natural Grade

- 2. The exception will be consistent with the intent and purpose of the Environmentally Sensitive Lands Ordinance, and:

- 3. The application of the new ESL standards would not achieve significant benefit for the protection of the environment and the community:



Request for Site Visits and/or Inspections Development Application (Case Submittals)

This request concerns all property identified in the development application.

Pre-application No: 692 - PA - 2016

Project Name: LONE MOUNTAIN RESIDENCE

Project Address: 8195 E LONE MOUNTAIN RD

STATEMENT OF AUTHORITY:

1. I am the owner of the property, or I am the duly and lawfully appointed agent of the property and have the authority from the owner to sign this request on the owner's behalf. If the land has more than one owner, then I am the agent for all owners, and the word "owner" refer to them all.
2. I have the authority from the owner to act for the owner before the City of Scottsdale regarding any and all development application regulatory or related matter of every description involving all property identified in the development application.

STATEMENT OF REQUEST FOR SITE VISITS AND/OR INSPECTIONS

1. I hereby request that the City of Scottsdale's staff conduct site visits and/or inspections of the property identified in the development application in order to efficiently process the application.
2. I understand that even though I have requested the City of Scottsdale's staff conduct site visits and/or inspections, city staff may determine that a site visit and/or an inspection is not necessary, and may opt not to perform the site visit and/or an inspection.

Property owner/Property owners agent: KEITH ZOLNER
Print Name

Keith Zolner
Signature

City Use Only:

Submittal Date: _____ Case number: _____

Planning and Development Services

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ Phone: 480-312-7000 ♦ Fax: 480-312-7088



Current Planning Services
Long Range Planning Services

NOTICE OF INSPECTION RIGHTS
A.R.S. § 9-833

You have the right to:

- Have the City staff member present a photo ID.
- Have the City staff member state the purpose for the planning inspection and legal authority to conduct it.
- Know the amount of inspection fees if applicable.
- An on-site representative may accompany the City staff member during the inspection except during confidential interviews and may:
 - Receive copies of any documents taken during the inspection.
 - Receive a split of any samples taken during the inspection.
 - Receive copies of any analysis of the samples taken when available.
- Be informed if statements are being recorded.
- Be given notice that any statements may be used in an inspection report.
- Be presented with a copy of your inspection rights.
- Be notified of the due process rights pertaining to an appeal

You are hereby notified and informed of the following:

- The inspection is conducted pursuant to the authority of A.R.S § 9-462.05. and/or Scottsdale Revised Code, Appendix B, Article I. Section 1.203.
- Any statements made by anyone interviewed during this inspection may be included in the inspection report.
- Information on appeal rights related to this inspection is found under Scottsdale Revised Code, Appendix B, Article I. Section 1.801.
- There is no inspection fee associated with this inspection.

I acknowledge I have been informed of my inspection rights. If I decline to sign this form, the inspector(s) may still proceed with the inspection.

If I have any questions, I may contact the City staff member, _____
at the following number _____.

Signature: Keith Fournan Date: September 8, 2010

Printed Name: KEITH FOURNAN

Check box if signature refused

Copy of Bill of Rights left at: _____

- E. The inspection report shall contain deficiencies identified during an inspection. Unless otherwise provided by law, the municipality may provide the regulated person an opportunity to correct the deficiencies unless the municipality determines that the deficiencies are:
 - 1. Committed intentionally.
 - 2. Not correctable within a reasonable period of time as determined by the municipality.
 - 3. Evidence of a pattern of noncompliance.
 - 4. A risk to any person, the public health, safety or welfare or the environment.
- F. If the municipality allows the regulated person an opportunity to correct the deficiencies pursuant to subsection E of this section, the regulated person shall notify the municipality when the deficiencies have been corrected. Within thirty working days of receipt of notification from the regulated person that the deficiencies have been corrected, the municipality shall determine if the regulated person is in substantial compliance and notify the regulated person whether or not the regulated person is in substantial compliance, unless the determination is not possible due to conditions of normal operations at the premises. If the regulated person fails to correct the deficiencies or the municipality determines the deficiencies have not been corrected within a reasonable period of time, the municipality may take any enforcement action authorized by law for the deficiencies.
- G. A municipality's decision pursuant to subsection E or F of this section is not an appealable municipal action.
- H. At least once every month after the commencement of the inspection, a municipality shall provide the regulated person with an update, in writing or electronically, on the status of any municipal action resulting from an inspection of the regulated person. A municipality is not required to provide an update after the regulated person is notified that no municipal action will result from the municipality's inspection or after the completion of municipal action resulting from the municipality's inspection.
- I. This section does not authorize an inspection or any other act that is not otherwise authorized by law.
- J. This section applies only to inspections necessary for the issuance of a license or to determine compliance with licensure requirements. This section does not apply:
 - 1. To criminal investigations and undercover investigations that are generally or specifically authorized by law.
 - 2. If the municipal inspector or regulator has reasonable suspicion to believe that the regulated person may be or has been engaged in criminal activity.
 - 3. Inspections by a county board of health or a local health department pursuant to section 36-603.
- K. If a municipal inspector or regulator gathers evidence in violation of this section, the violation shall not be a basis to exclude the evidence in a civil or administrative proceeding, if the penalty sought is the denial, suspension or revocation of the regulated person's license or a civil penalty of more than one thousand dollars.
- L. Failure of a municipal employee to comply with this section:
 - 1. Constitutes cause for disciplinary action or dismissal pursuant to adopted municipal personnel policy.
 - 2. Shall be considered by the judge and administrative law judge as grounds for reduction of any fine or civil penalty.
- M. A municipality may adopt rules or ordinances to implement this section.
- N. This section:
 - 1. Shall not be used to exclude evidence in a criminal proceeding.
 - 2. Does not apply to a municipal inspection that is requested by the regulated person.



Review Methodologies For Application for Permitting and Development Applications

Review Methodologies

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In addition to the information above, please review the Development Application, and/or the Application for Permitting flow charts. These flow charts provide a step-by-step graphic representation of the application processes for the associated review methodologies.

<input checked="" type="checkbox"/>	Enhanced Application Review:	I hereby authorize the City of Scottsdale to review this application utilizing the Enhanced Application Review methodology.
<input type="checkbox"/>	Standard Application Review:	I hereby authorize the City of Scottsdale to review this application utilizing the Standard Application Review methodology.
_____ Owner Signature		 Agent/Applicant Signature
Official Use Only: Submittal Date: _____		Development Application No.: _____

Planning and Development Services Department

7447 East Indian School Road Suite 105, Scottsdale, Arizona 85251 Phone: 480-312-7000 Fax: 480-312-7088



Submittal Fee

KEITH ZOLLMAN

Project Name: LONE MOUNTAIN RESIDENCE Pre-App#: 692-PA-2016

Fee Type: HARDSHIPS EXCEPTION Fee Amount: \$ 153.00

Staff Name: ALEX ACEVEDO Signature: [Signature] Phone: x2542 Date: 9-19-16

Planning, Neighborhood & Transportation Division

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ Phone: 480-312-2500 ♦ Fax: 480-312-7088



City of Scottsdale Cash Transmittal

107920

10792
0093398
9/19/2016 PLN 1511
0PETERS HPTC60051
9/19/2016 11:44 A
\$153.00

Received From :
Studio KZ
7127 E 6TH AVE
SCOTTSDALE, AZ 85251
480-246-9332

Bill To :

Reference # 692-PA-2016
Address 8195 E LONE MOUNTAIN RD
Subdivision
Marketing Name
MCR
APN 216-65-001L
Owner Information
Pieter Hye
8195 E LONE MOUNTAIN
SCOTTSDALE, AZ

Lot Number
County No
Gross Lot Area 0
NAOS Lot Area 0
Net Lot Area
Number of Units 1
Density

Issued Date 9/19/2016
Paid Date 9/19/2016
Payment Type CREDIT CARD
Cost Center
Metes/Bounds No
Water Zone
Water Type
Sewer Type
Meter Size
QS 54-47

Code	Description	Additional	Qty	Amount	Account Number
3153	HARDSHIP EXEMPTION OR SPECIAL EXCEPTION (CASE)		1	\$153.00	100-21300-44221

City of Scottsdale
7447 E. Indian School Rd.
Scottsdale, AZ 85251
(480) 312-2500
One Stop Shop

Date: 9/19/2016 Cashier: KPETERS
Office: PLN-1STOP Mach ID: HPTC6005125
Tran #: 1 Batch #: 56550

Receipt: 00933981 Date: 9/19/2016 11:44 AM
107920
3153 HARDSHIP EXEMP APPL \$153.00

TENDERED AMOUNTS:

CC Last 4: 6581 Visa Tendered: \$153.00
Auth Code: 294

Transaction Total: \$153.00

Thank you for your payment.
Have a nice day!

1-HE-2016
09/19/16

SIGNED BY KEITH ZOLLMAN ON 9/19/2016

Total Amount \$153.00

(When a credit card is used as payment I agree to pay the above total amount according to the Card Issuer Agreement.)

TO HAVE WATER METER SET - CALL 480-312-5650 AND REFER TO TRANSMITTAL # 107920



Community & Economic Development Division
Planning, Neighborhood & Transportation

7447 East Indian School Road
Scottsdale, Arizona 85251

Date: 9-19-2016
Contact Name: KEITH ZOLLMAN
Firm name: STUDIO KZ
Address: 7127 E. SIXTH AVENUE
City, State Zip: SCOTTSDALE, AZ 85251

RE: Application Accepted for Review.
692 - PA - 2016

Dear KEITH ZOLLMAN:

It has been determined that your Development Application for LOME MOUNTAIN RESIDENCE has been accepted for review.

Upon completion of the Staff's review of the application material, I will inform you in writing or electronically either: 1) the steps necessary to submit additional information or corrections; 2) the date that your Development Application will be scheduled for a public hearing or, 3) City Staff will issue a written or electronic determination pertaining to this application. If you have any questions, or need further assistance please contact me.

Sincerely,

Katie Foster

Name: Katie Foster
Title: Associate Planner
Phone number: 480-312-2703
Email address: kposkera@scottsdaleazga

1-HE-2016
09/19/16

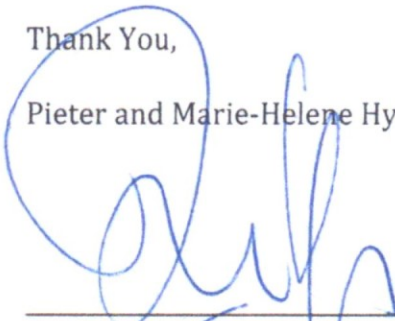
Monday, June 6, 2016

To Whom It May Concern:

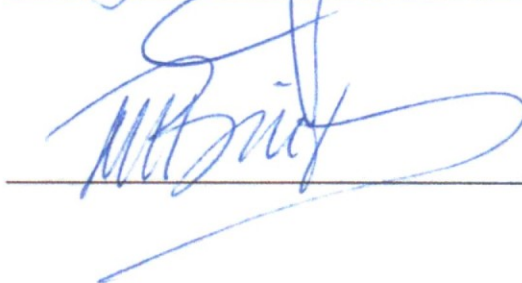
We, Pieter and Marie-Helene Hye, authorize Keith Zollman of Studio KZ to sign application documents for the City of Scottsdale on our behalf as our agent.

Thank You,

Pieter and Marie-Helene Hye



PIETER HYE JUNE 6 2016



MARIE-HELENE B. HYE

1-HE-2016
09/19/16

DATE: 9/16/2016



Location:
8195 E Lone Mountain Road

692-PA-2016

FOR:
HARDSHIP EXEMPTION NARRATIVE - MAXIMUM HEIGHT ABOVE NATURAL GRADE

Request to consider the following:

For a Hardship Exemption from the requirement to maintain a maximum building height of twenty-four (24) feet above natural grade. An earlier version of the ESL ordinance allowed for a maximum of 30' above the natural grade, which is also in accordance with the maximum building height of the underlying zoning.

Owner:

Hye-Binje Arizona Trust
4522 Saddle Ridge Road
Southlake, Texas 76092

Applicant contact:

Keith Zollman, NCARB
Studio KZ Architecture and Interior Design
480-246-9332

Location:

8195 E Lone Mountain Road

Background

Zoning

The site is zoned Single-Family Residential, Environmentally Sensitive Lands (R1-190 ESL). Single-family residences are permitted in this district. The ESL overlay provides additional requirements to protect the natural desert environment. The use will remain unchanged by this request.

Context

The property is located approximately half-way between Scottsdale Road and Pima Road and approximately one-quarter mile south of Lone Mountain Road. It is surrounded by property that is also zoned R1-190 ESL, except for the 78-acre Wallace Desert Gardens parcel immediately to the south, which is zoned Hillside Conservation (HC). The large majority of the lot is designated Upper Desert Landform, and a small

portion of the western side is designated Hillside Landform. The topography of the site is rugged, with many steep ridges and valleys radiating from an elevated, sloping clearing on the south side. There is a very large ravine on the west side of the property, and a broad, sandy swale on the east side of the property. A small wash intersects the northeast corner of the site. Development in the general vicinity has consisted of sizeable single-family homes, and approximately half of the lots have been improved.

The 78-acre Wallace Desert Gardens parcel to the south, and which extends up the side of adjacent Migmatite Mountain, is privately owned by the trust for the Wallace Desert Gardens. However, the Wallace Desert Gardens for many years has permitted the general public to use this parcel for hiking and general enjoyment. Additionally, there is no clear boundary between the Wallace Desert Gardens parcel and the property at 8195 E Lone Mountain Road, and many local residents traverse the subject property in order to access the Wallace Desert Gardens lands. Such occurrences happen daily or several times a day. Evidence of recent campfires and shell casings have been found on the subject property.

The current proposal for a new single-family dwelling on the property is designed in such a way as to limit the disturbance to the natural landscape and its impact on the neighboring dwellings. To preserve visual enjoyment of the mountain, the main bulk of the structure has been kept low, and a guest level has been placed under the main level and within a naturally-occurring valley. Greater than the required amount of Natural Area Open Space (NAOS) has been provided, and several areas will be revegetated with native plants.

Purpose of the Request

Our request is for a Hardship Exemption from the requirement to maintain a maximum building height of twenty-four (24) feet above natural grade. An earlier version of the ESL ordinance allowed for a maximum of 30' above the natural grade, which is also in accordance with the maximum building height of the underlying zoning.

We are seeking to place a portion of the eastern end of the new structure into the naturally-occurring basin on the south eastern side of the site. Doing so would enable the house to appear more nestled into the landscape, rather than place simply on top of it, thus preserving views and enjoyment of the mountain behind. This placement strategy also minimizes the impact on the natural environmental conditions by reducing the amount of earthworks cut and fill required. However, within the basin, the bottom of the natural grade falls away steeply, and therefore the eaves of the roof that extend over the basin exceed the 24' height limit of the current ESL ordinance, even though the highest portion of the roof is only approximately 15'-8" above the finished floor level. The maximum height is misleading; it is the maximum depth that is the concern. We are requesting an exemption in order to place the house deeper into the landform. The earlier version of the ESL ordinance that allows 30' maximum building height above the natural grade will enable us to more sensitively place the structure on the site.

We believe the requested exemption is in conformance with a previously adopted version of the ESL ordinance. The previous version of the ESL ordinance allowed for a maximum building height of thirty (30) feet above natural grade. By allowing for greater maximum height above natural grade than the current ESL ordinance, we will be better able to place the house more closely against the natural topography. As a result, we will be better able to minimize environmental impact by reducing the amount of the earth that must be cut away and it will reduce the visual impact of the structure on the mountain.

NARRATIVE



Location:
8195 E Lone Mountain Road

DATE: 9/16/2016

692-PA-2016

FOR:
HARDSHIP EXEMPTION NARRATIVE - SETBACK FOR WALLS AND FENCES

Request to consider the following:

For a Hardship Exemption from the requirement to maintain a setback for walls and fences of fifteen (15) feet from the side and rear property lines, which was established by the 2004 update to the Environmentally Sensitive Lands ordinance.

Owner:

Hye-Binje Arizona Trust
4522 Saddle Ridge Road
Southlake, Texas 76092

Applicant contact:

Keith Zollman, NCARB
Studio KZ Architecture and Interior Design
480-246-9332

Location:

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1-HE-2016
09/19/16

corner of the site. Development in the general vicinity has consisted of sizeable single-family homes, and approximately half of the lots have been improved.

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The current proposal for a new single-family dwelling on the property is designed in such a way as to limit the disturbance to the natural landscape and its impact on the neighboring dwellings. To preserve visual enjoyment of the mountain, the main bulk of the structure has been kept low, and a guest level has been placed under the main level and within a naturally-occurring valley. Greater than the required amount of Natural Area Open Space (NAOS) has been provided, and several areas will be revegetated with native plants.

Purpose of the Request:

Our request is for a Hardship Exemption from the requirement to maintain a setback for walls and fences of fifteen (15) feet from the side and rear property lines, which was established by the 2004 update to the Environmentally Sensitive Lands ordinance.

We are seeking to install vehicle gates and related view fencing at the driveway entrances to the property, and the ruggedness of the topography makes the placement of the driveway most logical and practical at the northern edge of the property; the fences would then necessarily extend to points within the 15' setback for walls and fences. We are currently acquiring permission from the six (6) utility companies to allow fences over the public utility easements affected.

On the south side of the property, we are proposing a pool barrier fence around the backyard pool. The necessary placement of the house on the lot compresses the backyard space available for the pool close to the southern property line. The fence within the 15' setback would not only help prevent people on the Wallace Desert Gardens parcel from entering the pool area, but it would also serve as a reasonable barrier to prevent trespassing and delineate the boundary of private property.

Additionally, the slope of the topography is such that the southwestern portion of the structure will require a significant cut into the mountain, which also prompts the need to place retaining walls within the required 15' setback for walls and fences. These retaining walls are necessary in order to sufficiently cut away enough of the mountain to keep the height of the roof at the eastern end of the structure to thirty (30) feet above natural grade (this maximum height request is addressed in a separate Narrative and Justification).

We believe the requested exemption is in conformance with a previously adopted version of the ESL ordinance. The previous version of the ESL ordinance did not include a setback requirement for the walls in the side or rear yards. The configuration of the walls and fences as proposed is not particularly impactful to the surrounding area, to the neighbors, or to the environmental conditions because it is limited to the northeast corner, north west corner, and a portion of the south property line. Two Natural Area Open Space dedications occur on either side of the south property line: 54,003 sf to the east, and 40,845 sf to the west. 90,992 sf of NAOS is required on this lot. In addition, the Wallace Desert Gardens parcel to the south is designated as Hillside Conservation, which remains undisturbed and acts as a 78-acre Natural Area Open Space dedication area.

JUSTIFICATION



Location:
8195 E Lone Mountain Road

DATE: 9/16/2016

692-PA-2016

FOR:
HARDSHIP EXEMPTION JUSTIFICATION - SETBACK FOR WALLS AND FENCES

1. A substantial hardship is demonstrated that would significantly reduce the ability to use the parcel:

The topography of the site is rugged with moderate height (approximately 15' to 20') ridges and valleys extending out from a sloping clearing on the south side of the parcel, like a hand splayed out on a board. The majority of the lot is designated Upper Desert Landform, and a smaller portion on the west side is designated Hillside (where there is a very steep ravine). The ruggedness of the lot provides few alternatives for the placement of the dwelling and driveways and creates the need for several retaining walls.

Also, the 78-acre parcel to the south adjoining the subject property is owned by the Wallace Desert Gardens and is designated Hillside Conservation. It is privately owned, but the Wallace Desert Gardens has maintained a long-standing policy allowing local residents to enter onto their parcel for their use and enjoyment. Many local residents desiring to visit the Wallace Desert Gardens' 78-acre parcel do so by entering on Black Cross Road and crossing over the subject property. This occurs daily and sometimes several times a day, as people come to visit the Gardens. Due to this history of use by the nearby residents, there is an increased need for privacy and security on the subject property.

2. The exception will be consistent with the intent and purpose of the Environmentally Sensitive Lands Ordinance:

The exemption will enable fences and vehicle gates to be installed that restrict the general public's access to the subject property and will discourage trespassing. The exemption will also allow a reasonable delineation between the subject property and the Wallace Desert Gardens to further discourage trespassing and protect the public from inadvertently entering the pool area. There are two NAOS dedications on either side of the dwelling, one at 40, 845 sf, and the other at 54,003 sf (90,992 sf required); the NAOS provided exceeds the requirements, and furthermore the Wallace Desert Gardens parcel serves as a 78-acre NAOS dedication to the south. The ESL ordinance is intended to protect sensitive lands, people, and property. The exemption will continue to provide protection for the local wildlife, environmental conditions, and the proposed development. By reducing unfettered trespassing, the exemption will prevent further damage to the sensitive lands from local residents crossing the property.

3. The application of the new ESL standards would not achieve significant benefit for the protection of the environment and the community:

The new ESL standards are most applicable in developments with a higher density, and also for those parcels that do not abut a large conservation parcel. Instead, the exemption will enable an even stronger

1-HE-2016
09/19/16

protection for the environmentally sensitive lands and the surrounding community by reducing local residents' access to the Wallace Desert Gardens from across the property. Visitors to the Gardens have set campfires and fired weapons on the subject property, posing a distinct hazard to the environment, nearby residents, and their property. Greater than the minimum NAOS dedication is proposed, and the large Wallace Desert Gardens parcel provides an unusually well-preserved wildlife corridor. The application of the new ESL ordinance standards regarding wall and fence setbacks does not achieve a significant benefit for the protection of the environment and surrounding property, as applied to the northeast and northwest corners and to a portion of the south property line, and furthermore, no neighbors are adversely affected by an approved exemption for these walls and fences.

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