

Subject: Waiver Request – Virgilio Residence (Cut/Fill Exceeding 10’)

To: Town of Fountain Hills – Development Services Department

Re: Virgilio Residence – Waiver for Cut and Fill Exceeding 10 Feet

Dear Reviewer,

On behalf of the Virgilio Residence, we respectfully submit this request for a waiver to allow limited areas of cut and fill in excess of 10 feet, as required under Town of Fountain Hills development standards.

1. Site ConstraintsThe lot is located on a very steep slope. The approved driveway design already reflects the maximum allowable slope, and cannot be made steeper. To maintain safe, code-compliant access and to design within the 30’ maximum height from natural grade, strategic cuts and fills are unavoidable.

2. Building DesignThe residence is designed with a walkout basement, resulting in a 14’ finish floor to finish floor condition. The main level plate height is limited to 9’-0”, demonstrating restraint and ensuring the home sits as low as possible into the hillside. From the street view, the appearance is primarily of the roofline, which minimizes overall massing and maintains scenic views for surrounding neighbors.

The proposed home maintains a lot coverage of 13.3%, well below the 25% maximum. Total site disturbance is approximately 0.42 acres of a 1.07-acre parcel, demonstrating that the home is scaled responsibly to the property. This is not an oversized or excessive structure, but a design that respects the hillside context while meeting functional requirements.

3. Extent of Cuts and Fills

- Maximum cut: no cut on site exceeds 10’-0”
- Maximum fill: approx. 19’-7” maximum at the north corner of the rear retaining wall.
- Secondary retaining wall: approx. 14’ maximum of fill.
- Tertiary retaining wall: approx. 8’ of fill.

These conditions occur only where necessary to reconcile the steep natural slope with functional, code-compliant construction.

4. Mitigation & Compliance with Intent

- Engineered retaining walls and slope stabilization are provided to ensure long-term structural safety.
- Revegetation and native plant salvage will restore disturbed areas and blend the improvements into the natural desert.
- Rock generated from on-site cuts will be repurposed in landscape areas and strategically placed around retaining walls. This reduces the visual massing of the walls and helps integrate them into the natural terrain.
- The stepped wall design and low roofline reduce visual impact from surrounding viewpoints.
- Colors and materials will be chosen to harmonize with the desert setting.

5. Consideration of Alternatives Several design options were explored during the planning process. Alternatives either increased overall disturbance or failed to provide safe access. The current proposal represents the least impactful solution given the extreme topography.

Conclusion In summary, this waiver is necessary due to unique site conditions and has been carefully minimized through design. The proposed measures balance the Town's development standards with the realities of a steep hillside lot, while maintaining a restrained design and mitigating visual impacts.

We respectfully request approval of this waiver. Please let us know if additional information or documentation is required.

Sincerely,