ZONING ORDINANCE VARIANCE

Application Submittal Requirements

Justification for Variance

The Board of Adjustment may not authorize a zoning ordinance variance unless ALL of the following criteria are met. Use the space provided to present your evidence that the requested variance complies; you may attach a seperate sheet if you need more room.

1. Special circumstances/conditions exist which do not apply to other properties in the district:

Our residence was built by Clarence and Ruth Petchauer in 1992. The City of Scottsdale approved the construction plans on 3-28-92. These plans had a frontyard setback of 40 feet onto Boulder View Drive and a 20-foot sideyard setback on Dusty Miller Court. This makes the **existing structure legal but nonconforming** with the 40-foot setback requirement of a corner lot. **We are requesting a variance to the setback for this residence so that the building might be legal and conforming.**

2. Authorizing the variance is necessary for the preservation and enjoyment of substantial property rights:

There is a natural area open space to the west and south of the residence making the construction of an addition impossible in that location. There is a septic tank and drain field to the south and east of the residency making the construction of an addition impossible in that area. The only addition to the existing structure can be made to the NE corner of the existing building. The **proposed addition is within the existing building structure but cannot meet the 40-foot setback requirements** since one end of the existing structure has a 20-foot setback. In order to improve our property and build a third bedroom onto our residence, we need this variance.

3. Special circumstances were not created by the owner or applicant:

The **special circumstances** requiring this variance request were not created by the owners but were **created by the City of Scottsdale** when it approved the original building with the 40-foot frontyard setback from Boulder View Drive and the 20-foot sideyard setback from Dusty Miller Court. Dusty Miller Court is a short with only 4 properties abutting it.

4. Authorizing the application will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare in general:

The proposed addition will have no effect on anyone residing in the neighborhood. The location of the proposed addition is within the existing building structure and will cause no visual negative impact. When we purchased our home the building envelope had been clear cut. We have done much to plant much native vegetation on the property. This has enhanced not only our property but also the view of the neighbors. The proposed addition will not disturb the natural vegetation and will be hidden within the existing vegetation. All of the neighbors who live near us are supportive of this project.

Planning and Development Services Department
7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 • Phone: 480-312-7000 • Fax: 480-312-7088

13-BA-2004

10/20/04

Project Narrative
Project # 134-PA-2004
Milde Addition Variance Request

The existing residence, owned by James and Leslie Milde and located at 39204 Boulder View Drive, Scottsdale, 85262 (lot 17, Carefree Hills), is presently legal but nonconforming. We are requesting a variance so that this residence will be legal and conforming. This will enable us to build an 834 square foot addition onto our existing residence.

We purchased out existing residence from Clarence and Ruth Petchauer in 1995. This residence sits on a corner lot and has a 40 - foot frontyard setback from Boulder View Drive and a 20 foot sideyard setback from Dusty Miller Court. The construction of this residence was approved by the City of Scottsdale in 1992. (See enclosed plans with the certificate of approval by Leah Bailey.) Therefore the residence structure is legal (approved by the City of Scottsdale) but nonconforming (structure at the north end has a 20-foot setback from Dusty Miller Court – 40 feet from the edge of the road).

We, the homeowners, would like to build an 834 square foot addition, consisting of a guest bedroom suite, onto our existing residence. However, there is a 17,468 square foot natural area open space consisting of a very large wash to the west and south of the residence making construction not possible in that location. There is a septic tank and drain field to the south and east of the residence, making construction not possible in that location. Therefore the only available location to build this addition is at the NE side of the residence. Because of the location of the existing structure with respect to Boulder View Drive and Dusty Miller Court, it is not possible to build an addition onto our existing residence and conform with the requirement that there be a 40-foot setback from both Boulder View Drive and Dusty Miller Court. **The location of the proposed addition is totally within the existing building structure and front courtyard**. This proposed addition would have a 40-foot setback from Boulder View Drive (60 feet from the road) but would have only a 34-foot 6 inches setback from Dusty Miller Court (54" 6" from the road edge).

Approval of this variance will make our residence legal and conforming. It will have no effect on the natural surrounding habitat and will not have a negative visual affect on the view of others. The addition will actually be hidden by existing native vegetation. No trees or vegetation will be disturbed by this addition.

This addition will not disturb the look of the property. The addition will actually be14'6" further from Dusty Miller Court than the other end of the existing residence.

This addition will conform with the look of the other residences in the neighborhood of Carefree Hills. Many of these homes were built before Carefree Hills was incorporated into the City of Scottsdale and so are built closer to the road than the setbacks required by the city of Scottsdale. In addition, many new homes being constructed in the past year on Boulder View Drive in the subdivision of Boulder Heights have been built closer than the 40-foot setback to Boulder View Drive.

The proposed addition is meant to enhance our residence by providing a third bedroom and this will ultimately enhance the value of our property. All our neighbors are aware and supportive of this addition. Emails have been sent by our neighbors to the coordinator, Greg Williams to show their support of this project. We therefore respectfully request approval of this variance request so that our residence will be legal and conforming.

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10/20/04

Proposed building addition is within orange line

Milde addition
Variance Request
Project # 134-PA-2004

Dusty Miller

Boulder View Drive

R = 883.0'
L = 90.714'

N 89° 57' 50" E 147.844'

R = 883.0'
L = 90.714'
Δ = 90°00'00"

Proposed Addition

Existing Residence

existing city of scottsdale NAOS (to remain unchanged)

169.372'

N 05° 41' 16" E

sewer entry point

existing septic tank

This request: replace existing 1000 gal. septic tank with a new 1500 gal. septic tank

existing disposal field (to remain unchanged)

existing water

N 00° 02' 10" W 144.0'

existing city of scottsdale NAOS (to remain unchanged)

existing water (city of scottsdale)

N 89° 57' 50" E 275.0'

Plumbing Fixture Units (MCESD)

Owner:

Legal Description:

Project Description:

vicinity map

existing permit # 92-0148
preliminary review # 036427

OSWTF
site plan
1" = 10'-0"

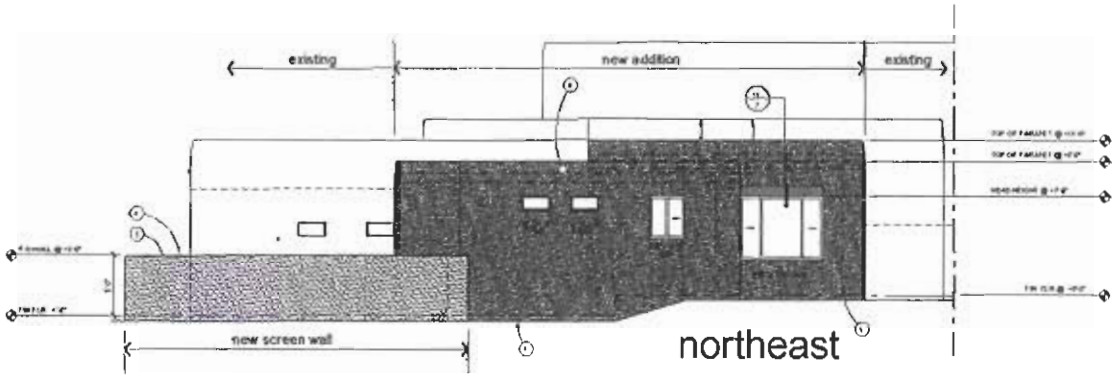
Addition to the
Milde Residence
Scottsdale, Arizona

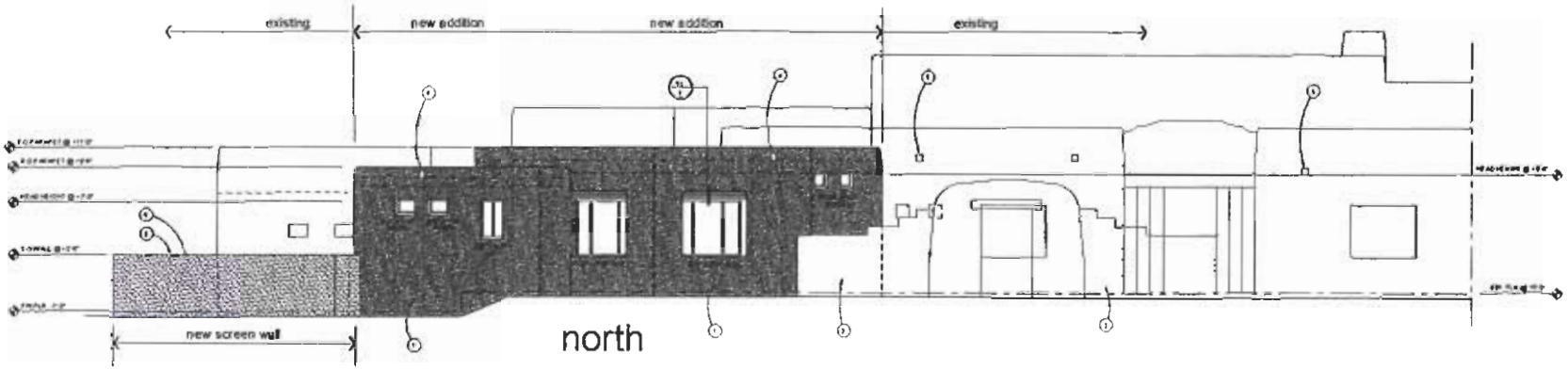
Project Number

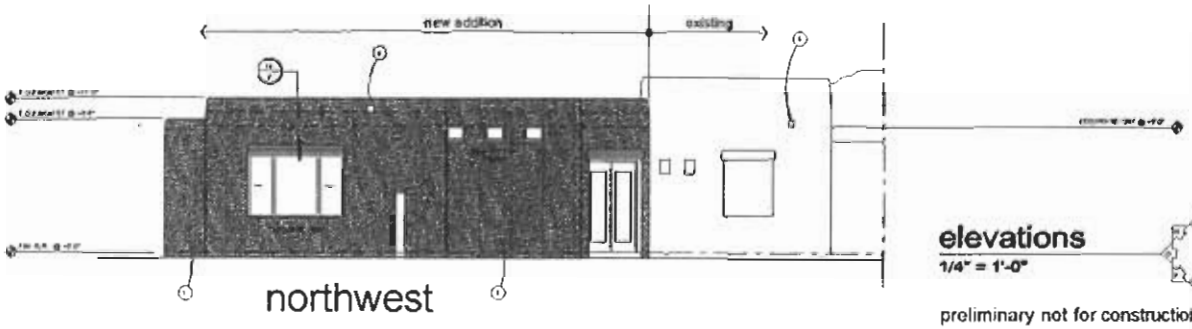
Drawing
Site plan

1

13-BA-2004
10/20/04







General Notes:

Key Notes:

elevations

1/4" = 1'-0"

preliminary not for construction

Addition to the

Milde Residence

38204 Boulder View Drive

Scottsdale • Arizona

Sheet 4

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10/20/04