

Marked Agendas
Approved Minutes
Approved Reports



ZONING ORDINANCE VARIANCE

Board of Adjustment Decision

Variance Request

Case Numbers: 632-PA-2016 / 2-BA-2017

Project Name: Slover Variance

Location: 4829 N 68th Pl

☒ Single-Family Residential ☐ Multi-Family Residential ☐ Commercial ☐ Industrial

Section of the Zoning Ordinance to be varied: 5.304.E.1.a

Scottsdale Ordinance Requires: 35'

Applicant's Request: Request by owner for a variance to the City of Scottsdale Zoning Ordinance, Section 5.304.E.1.a pertaining to the required front yard setback for a property located at 4829 N 68th Place with Single-family Residential (R1-18) zoning.

Amount of Variance: 13'3"

Board of Adjustment Decision

Hearing Date: 4/5/17

☐ Approved

☒ Denied

☐ Other:

☐ Approved with Stipulation(s):

☐ Continued to:


Chair Signature

BOARD OF ADJUSTMENT REPORT



Meeting Date: 4/5/2017
Item No.: 2

ACTION

Slover Variance
2-BA-2017

Request to consider the following:

1. Approve a request by owner for a variance to the City of Scottsdale Zoning Ordinance, Section 5.304.E.1.a pertaining to the required front yard setback for a property located at 4829 N 68th Place with Single-family Residential (R1-18) zoning.

OWNER

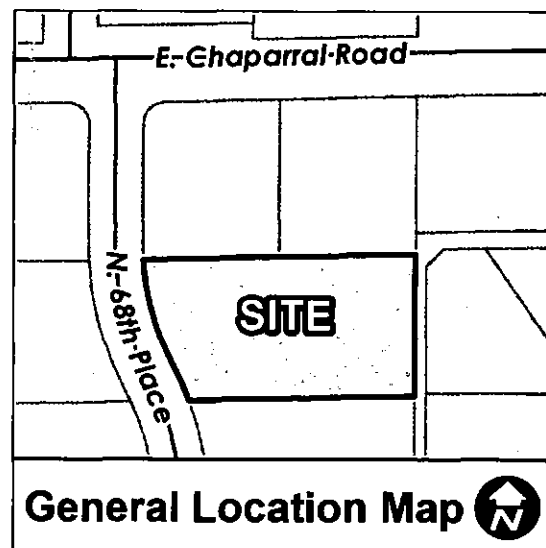
Dean Slover
602-628-2805

APPLICANT CONTACT

Jorge Macias
Macias Construction
602-628-2805

LOCATION

4829 N 68th Place



BACKGROUND

History

The subject property is Lot 8 of the Coronado Villa subdivision, which was platted in 1958. The subdivision was annexed into the City of Scottsdale and zoned R1-18 in 1980. The existing home on the property was extensively remodeled in 1999 with a canopy over the main entrance that projects into the required front yard. On June 13, 2016 plans for a front patio cover were approved, but drawn incorrectly, showing the structure meeting the required 35' front setback.

On July 21, 2016 revised plans were approved showing the patio cover encroaching the max of four (4) feet into the required front yard, per Section 7.200.B.1 of the Zoning Ordinance.

Zoning/Development Context

The subject site is zoned Single-family Residential (R1-18) district and is located south of the southeast corner of E. Chaparral Road and N. 68th Place on the east side of N. 68th Place.

Adjacent Uses and Zoning

- North Coronado Villa subdivision, zoned Single-family Residential district (R1-18); existing single-family residences.
- South Coronado Villa subdivision, zoned Single-family Residential district (R1-18); existing single-family residences.
- East Rancho Vista subdivision, zoned Single-family Residential district (R1-7); existing single-family residences.
- West Coronado Villa subdivision, zoned Single-family Residential district (R1-18); existing single-family residences.

5-BA-2013, Cartwright Variance, was a variance request for the property at 6819 E. Chaparral Road (northwest of the subject property). The request was for a variance to reduce the required front yard setback along E. Chaparral Road from thirty-five (35) feet to twenty-six (26) feet, to reduce the required front yard setback along N. 68th Place from thirty-five (35) feet to seventeen (17) feet and to allow walls over three (3) feet in height, up to six (6) feet in height, within the required front yard setback along N. 68th Place. The request was approved by the Board of Adjustment by a vote of 5-1, citing the rezoning from County zoning to City of Scottsdale R1-18 zoning during annexation and the angular placement of the home as special circumstances.

Zoning Ordinance Requirements

Pursuant to Section 5.304.E.1.a of the City of Scottsdale Zoning Ordinance, pertaining to the front yard setback: Each lot shall have a front yard with a minimum depth of thirty-five (35) feet.

The applicant is requesting a variance of thirteen feet, three inches (13'3") which would reduce the required front yard setback for this parcel from thirty five (35) feet to twenty one feet, nine inches (21'9") along the N. 68th place frontage.

Pursuant to Section 7.200.B.1.c of the City of Scottsdale Zoning Ordinance, pertaining to projections into required front yards: Balconies, stairs, covered porches may project four (4) feet into the required yard.

Pursuant to section 7.200.B.1.d of the City of Scottsdale Zoning Ordinance, pertaining to projections into required front yards: A canopy extending from the main entrance to the sidewalk and not wider than the entrance may project to the front property line

Previous plans for the property had been approved by using these general provisions.

Code Enforcement Activity

There has been no recent code enforcement activity at the subject site.

Community Input

Notification was sent to properties within 750 feet of the subject site. Staff has received one phone call in opposition to this request, as of the writing this report.

Discussion

The applicant is proposing to enclose the previously planned and framed front patio to be a livable addition to the house. The proposed addition would span the length of the existing front of the house and would be as close as twenty one feet, nine inches (21'9") to the front property line. The zoning requirements currently restrict any enclosed portion of a building closer than thirty five (35) feet to the front property line.

VARIANCE CRITERIA ANALYSIS

1. **That 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:**

The applicant states that the placement of the home, following the curvilinear front property line, limits the ability to add livable space to the west portion of the home. By adding square footage to the west side would provide the opportunity to improve insulation, west sun exposure, and overall energy efficiency.

Staff Analysis: The property was platted with a curvilinear front property line and the home was constructed with respect to the curve of the property line. The property is 30,182 square feet, the district minimum lot size is 18,000 square feet and the average size lot in the subdivision is 23,724 square feet in size. The site has similar topography to other properties within the R1-18 district. According to the Maricopa County Assessors site the existing home on the property is 3,551 square feet and the average size home within the subdivision is 2,739. The existing house on the subject property does appear to adhere to City of Scottsdale R1-18 front yard setback requirement except the covered front entry that is allowed per Section 7.200.B.1.d. Within the ten (10) lot Coronado Villa subdivision surrounding the property, the majority of the homes built prior to annexation appear to not conform to the front yard setback, are considered legally non-conforming, and subject to Section 1.1300 of the Zoning Ordinance. The applicant's request of a variance of thirteen feet, three inches (13'3") would make the front yard setback, twenty one feet, nine inches (21'9"), the smallest in the subdivision, with the exception of Lot 1 that received a variance on their corner front to allow a seventeen (17) setback along N. 68th Place.

2. **That the authorization of the variance is necessary for the preservation of privileges and rights enjoyed by other property of the same classification in the same zoning district, and**

does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located:

The applicant states the odd west property line limits the ability of future expansion on the west side of the house and cites 5-BA-2013, the Cartwright Variance, as a similar case that was approved by the Board of Adjustment that allowed the neighbor property to expand their previously legal non-conforming home.

Staff Analysis: The homes in this subdivision that were built under the R1-18 Maricopa County standards don't meet the City of Scottsdale R1-18 front yard setback requirement. The neighbor to the south and across the street appear to have a front yard setback of thirty (30) feet and the neighbor on the north side is setback approximately twenty-five (25) feet from N. 68th Place. These immediate neighboring properties are considered legally non-conforming, and subject to Section 1.1300 of the Zoning Ordinance. The property currently has the same privileges and rights as the neighboring properties, the same ability to expand their home within the required setbacks, and the same allowed uses set forth in the R1-18 zoning district.

3. That the special circumstances applicable to the property were not self-imposed or created by the owner or applicant:

The applicant states that the special circumstance of the placement of the structure on the site was created at the time the structure was built and any additional renovations and additions were constructed prior to the current owner purchasing the property in 2009.

Staff Analysis: The home was constructed with respect to the curve of the property line, but the Maricopa setback standards being different at the time of construction compared to the more restrictive front yard City of Scottsdale standards after annexation were not self-imposed by the property owner. The applicants desire is to add livable space within the front yard setback. There is space within the required setbacks for building additions behind the home and methods of reconstructing the façade or insulating the west side of the building to achieve better energy efficiency without requiring a variance.

4. That authorization of the variance will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general:

The applicant states the addition will not be unsightly or an obstruction to the neighbors. It will enclose a previously framed front patio overhang and the addition is in proportion to the lot size and other structures in the area.

Staff Analysis: One intent of maintaining front yard setbacks is to create uniformity within a district. The applicant's request of a variance of thirteen feet, three inches (13'3") would make the front yard setback, twenty one feet, nine inches (21'9"), the smallest in the subdivision, with the exception of Lot 1 that received a variance on their corner front to allow a seventeen (17) setback along N. 68th Place.

As of the drafting of this report staff has received no correspondence in writing and one phone call in opposition.

SUMMARY

Based on the facts presented by the applicant, the evidence would support a finding that the property may not have special circumstances that would warrant relief from the strict application of the Zoning Ordinance requirements. The size, topography and configuration of the property are not unique and applicable. Further, the applicant's proposed variance does appear that it would be detrimental to persons residing or working in the surrounding neighborhood. However, the decision about whether the criteria have been met is for the Board to make after hearing all the evidence at the hearing.

APPROVED BY



Ben Moriarity, Report Author
480-312-2836, bmoriarity@scottsdaleaz.gov

3/13/17

Date



Brad Carr, AICP, Board of Adjustment Liaison
480-312-7713, bcarr@scottsdaleaz.gov

3.16.2017

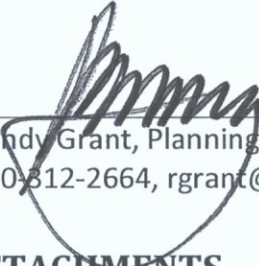
Date



Tim Curtis, AICP, Current Planning Director
480-312-4210, tcurtis@scottsdaleaz.gov

3/17/2017

Date



Randy Grant, Planning and Development Director
480-312-2664, rgrant@scottsdaleaz.gov

3/21/17

Date

ATTACHMENTS

1. Project Description
2. Justification
3. Context Aerial
4. Aerial Close-Up
5. Zoning Map
6. Site Photographs
7. Proposed Site Plan

Dear Property Owner, or Resident,

The purpose of this letter is to inform you that we have recently filed a Zoning Adjustment application (623-PA-2016) for a site located at 4829 N 68th Place, Scottsdale, AZ 85251. Our request is for a variance to allow for setback change from 35ft. to 21ft. 9in. on the west side of the property for a livable expansion of the main house to line up with the existing porch which encroaches the 35ft. setback line by 21ft.

You may make your feelings known on this case by writing to the Planning and Development Services at 7447 E. Indian School Rd, Ste 105, Scottsdale, AZ, 85251 and referencing the case number. You can also send an email to BMoriarity@scottsdaleaz.gov. Please reference the above case number in your email. Your letter/email will be made part of the case file and shared with the hearing officer.

Sincerely,

Macias Construction

602-628-2805

ATTACHMENT #1



Board of Adjustment Variance Project Narrative

This document will be uploaded to a Case Fact Sheet on the City's web site

The Board of Adjustment may not authorize a zoning ordinance variance unless four (4) members affirm that ALL of the following criteria are met. Please provide justification to the four (4) criteria set forth in Section 1.804 of the Zoning Ordinance; you may attach a separate sheet if you need more room.

Type of variance requested, section(s) of the Zoning Ordinance to be varied:

Setback change from 35ft. to 21ft 9in on the west side of the property for a livable expansion of the main house to line up with existing porch which encroaches the 35 ft. setback line by 12 ft.

1. That 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:

The structure is west facing which is built following the curvature of the lot line, resulting in an inability to properly add livable space to the west portion of the home. By adding the additional square footage it provides the opportunity to improve our energy efficiency by building a better insulated barrier against the west facing sun exposure.

2. That the authorization of the variance is necessary for the preservation of privileges and rights enjoyed by other property of the same classification in the same zoning district, and does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located:

The oddly shaped west lot line limits the ability of future expansion. In a similar case, a neighbor was granted a variance due to the same lot/structure relationship resulting in expansion limitations.

3. That the special circumstances applicable to the property were not self-imposed or created by the owner or applicant:

The structure was built in 1955, in accordance to the zoning at that time. In 1979, the annex sanction changed the zoning to be more restrictive. This home was purchased by the current occupant in 2009.

4. That authorization of the variance will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general:

The addition will not cause any unsightly obstructions to the neighbors. It will enclose an existing structure. The addition is also in proportion to the lot size and other structures in the area.

Planning, Neighborhood & Transportation Division

2-BA-2017

02/22/2017

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

2-BA-2017



Slover Patio Cover Variance

2-BA-2017



Slover Patio Cover Variance

2-BA-2017

ATTACHMENT #6

2-BA-2017
02/22/2017



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02/22/2017



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02/22/2017



2-BA-2017
02/22/2017

