

**Application
Narrative
Cash Transmittal
Pre-Application
Pre-App Narrative
Pre-App Cash Transmittal
Development Standards**

Development Application



Development Application Type:

Please check the appropriate box of the Type(s) of Application(s) you are requesting

Zoning	Development Review	Signs
<input type="checkbox"/> Text Amendment (TA)	<input type="checkbox"/> Development Review (Major) (DR)	<input type="checkbox"/> Master Sign Program (MS)
<input type="checkbox"/> Rezoning (ZN)	<input type="checkbox"/> Development Review (Minor) (SA)	<input type="checkbox"/> Community Sign District (MS)
<input type="checkbox"/> In-fill Incentive (II)	<input type="checkbox"/> Wash Modification (WM)	Other:
<input type="checkbox"/> Conditional Use Permit (UP)	<input type="checkbox"/> Historic Property (HP)	<input type="checkbox"/> Annexation/De-annexation (AN)
Exemptions to the Zoning Ordinance	Land Divisions (PP)	<input type="checkbox"/> General Plan Amendment (GP)
<input type="checkbox"/> Hardship Exemption (HE)	<input type="checkbox"/> Subdivisions	<input type="checkbox"/> In-Lieu Parking (IP)
<input type="checkbox"/> Special Exception (SX)	<input type="checkbox"/> Condominium Conversion	<input type="checkbox"/> Abandonment (AB)
<input checked="" type="checkbox"/> Variance (BA)	<input type="checkbox"/> Perimeter Exceptions	Other Application Type Not Listed
<input type="checkbox"/> Minor Amendment (MA)	<input type="checkbox"/> Plat Correction/Revision	<input type="checkbox"/>

Project Name: 70th Place Custom Home
 Property's Address: 11801 N 76th Place
 Property's Current Zoning District Designation: R1-35

The property owner shall designate an agent/applicant for the Development Application. This person shall be the owner's contact for the City regarding this Development Application. The agent/applicant shall be responsible for communicating all City information to the owner and the owner application team.

Owner: <u>JMR Development IV LLC</u>	Agent/Applicant: <u>Joseph Reifman</u>
Company:	Company:
Address: <u>9655 E Windrose Dr.</u>	Address: <u>9655 E Windrose Dr.</u>
Phone: <u>602 349-0157</u> Fax:	Phone: <u>602 349-0157</u> Fax:
E-mail: <u>joe.reifman@gmail.com</u>	E-mail: <u>joe.reifman@gmail.com</u>
Designer: <u>John Anthony</u>	Engineer:
Company: <u>John Anthony Drafting + Design</u>	Company:
Address:	Address:
Phone: <u>602 686-0386</u> Fax:	Phone: Fax:
E-mail: <u>john@jadrafting.com</u>	E-mail:

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

- This is not required for the following Development Application types: AN, AB, BA, II, GP, TA, PE and ZN. These applications will be reviewed in a format similar to the Enhanced Application Review methodology.

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.

Joseph Reifman
 Owner Signature

Joseph Reifman
 Agent/Applicant Signature

Official Use Only Submittal Date: Development Application No.:

Development Application Review Methodologies



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.

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.

Note:

1. Please see the Current Planning Services and Long Range Planning Services Substantive Policy Statements and Staff Review Timeframes for Development Applications, number III.

Planning and Development Services

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

City of Scottsdale's Website: www.scottsdaleaz.gov

Development Application

Arizona Revised Statutes Notice



§9-834. Prohibited acts by municipalities and employees; enforcement; notice

- A. A municipality shall not base a licensing decision in whole or in part on a licensing requirement or condition that is not specifically authorized by statute, rule, ordinance or code. A general grant of authority does not constitute a basis for imposing a licensing requirement or condition unless the authority specifically authorizes the requirement or condition.
- B. Unless specifically authorized, a municipality shall avoid duplication of other laws that do not enhance regulatory clarity and shall avoid dual permitting to the maximum extent practicable.
- C. This section does not prohibit municipal flexibility to issue licenses or adopt ordinances or codes.
- D. A municipality shall not request or initiate discussions with a person about waiving that person's rights.
- E. This section may be enforced in a private civil action and relief may be awarded against a municipality. The court may award reasonable attorney fees, damages and all fees associated with the license application to a party that prevails in an action against a municipality for a violation of this section.
- F. A municipal employee may not intentionally or knowingly violate this section. A violation of this section is cause for disciplinary action or dismissal pursuant to the municipality's adopted personnel policy.
- G. This section does not abrogate the immunity provided by section 12-820.01 or 12-820.02.

Request for Variance

JMR Development IV LLC

11801 N 76th Place

1. JMR Development IV LLC purchased a vacant R1-35 lot at 11801 N 76th Place in December 2016. A 5,562 SF custom home is currently under construction. The property is a corner lot with 150.35' of frontage on 76th Place (a public street that runs north/south) and 241.98' of frontage on 76th Place (a private street that runs east/west). The property directly to the east is a flag lot that owns half of the east/west frontage on 76th Place. In order to properly utilize the lot and fully realize the privileges enjoyed by other lots of this zoning classification, JMR Development and the owners of 11805 N 76th Place (Harry and Charlene Wisser) agreed to an access easement for the Wissers' flag lot. This allowed for a home design that would fully utilize the width of the lot with a north facing home and a driveway and garage accessed from the north. However, the front setback technically remains the west side of the property. This is problematic because it allows for a 3' high block wall on the west property line or a 6' high block wall 40' inside the property line along the front setback. A 3' block wall does not provide the privacy that is intended and isn't consistent with the rest of the walls in the neighborhood, specifically the 6' wall immediately to the south (7666 E El Rancho). If allowed to build a 6' high wall that would essentially continue the wall from the south, it would maintain the feel of the neighborhood and the intent of our design. This is a special circumstance unique to this property due to being on a corner lot intersecting a public and private street. These circumstances were not created by the property owner and are preventing the full enjoyment of the lot. If the wall is 40' in per ordinance, it would greatly restrict the enjoyment of that section of the lot and a 3' wall on the property line wouldn't be sufficient for privacy.
2. Other properties in the neighborhood with the same zoning classification have the privileges and rights that are being sought by this variance. Directly across the street, 11819 N 76th Place has the same north/south orientation and has a 6' wall along the west property line exactly as we are seeking. The proposed wall matches this perfectly as it does with the property to the south. The Wisser property at 11805 N 76th Place is also oriented the same way.
3. The special circumstances of this property were not self imposed but were caused by an unusual lot split done by the County many years ago. This resulted in the property sitting on the corner of a public and a private street. In order to maximize the highest and best use of the property, the wall is necessary for safety and privacy.
4. This variance will not in any way be detrimental to the adjacent property, the neighborhood, the public welfare or persons residing or working in the vicinity. The approval of this variance would be completely consistent with the character and integrity of the neighborhood. In fact without the variance and a 3' wall or a 6' wall 40' into the property, the wall will look out of place and be detrimental to the look and feel of the neighborhood and possibly the surrounding property values. It would have a very inconsistent feel. We have received substantial verbal support for this variance and will be providing letters in support prior to the hearing.



112914

112914
01079020
11/3/2017 PLN-1STOP
KPETERS HP600G2020
11/3/2017 10:11 AM
\$153.00

Received From :

Joseph Reifman
9655 E Windrose Dr
Scottsdale, AZ 85260
(602) 349-0157

Bill To :

Reference # 771-PA-2017
Address 11801 N 76TH PL
Subdivision

Issued Date 11/3/2017
Paid Date 11/3/2017

Marketing Name
MCR
APN 175-16-010J
Owner Information
JMR Development IV LLC
9655 E Windrose Dr
Scottsdale, AZ 85260
(602) 349-0157

Lot Number
Metses/Bounds No
Gross Lot Area 0
NAOS Lot Area 0
Net Lot Area 0
Number of Units 1
Density
Jurisdiction SCOTTSDALE
Water Zone
Water Type
Sewer Type
Meter Size
QS 30.46

Code	Description	Additional	Qty	Amount	Account Number
3140	BOARD OF ADJUSTMENT FEES		1	\$153.00	100-21300-44221

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

Date: 11/3/2017 Cashier: KPETERS
Office: PLN-1STOP Mach ID: HP600G20200
Tran #: 1 Batch #: 63227

Receipt:01079020 Date:11/3/2017 10:11 AM
112914
3140 DEV APPLICATION FEES \$153.00

TENDERED AMOUNTS:
Visa Tendered: \$153.00
CC Last 4:9056 Auth Code: 651
Transaction Total: \$153.00

Thank you for your payment.
Have a nice day!

SIGNED BY JOSEPH REIFMAN ON 11/3/2017

Total Amount \$153.00

7-BA-2017
11/03/2017

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