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Approved Minutes
Approved Reports**

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City Council Hearing: 01/23/2018

Case History: 936-PA-2017

1-HE-2017

Singh Residence

CITY COUNCIL REPORT



Meeting Date: January 23, 2018
 General Plan Element: *Land Use*
 General Plan Goal: *Transition land uses with regional transportation networks*

ACTION

Singh Residence
 1-HE-2017

Request to consider the following:

1. Adopt Resolution No.11010 for Hardship Exemptions from the current ESL requirements pertaining to 15 foot setbacks for walls and fences from the side and rear property lines on a +/- 47,312 square foot property located at APN 217-31-019F with Single-family Residential, Environmentally Sensitive Lands (R1-43 ESL) zoning.

Goal/Purpose of Request

The applicant is requesting to follow the previous 1991 ESL Overlay requirements for a new single-family residence; that does not include wall setback restrictions for parcels 35,000 square feet and larger.

Key Items for Consideration

- Neighboring properties including directly to the west were developed following the previous 1991 ESL Overlay requirements and have walls on located on the property lines, not setback 15 feet.
- The proposed sections of walls located on side and rear property lines are relatively limited in scope

OWNER

Singh Parmindar
 917-816-8595

APPLICANT CONTACT

Adbul Slatewala
 Architecture All & Associates
 602-620-1169



Action Taken _____

LOCATION

APN 217-31-019F, southwest corner of E. Cochise Road and N. 130th Street

BACKGROUND

General Plan

The General Plan Land Use Element currently designates the property as Rural Neighborhoods. This category includes areas of relatively large lot single-family neighborhoods. Densities are normally one house per one acre (or more) of land. Native desert vegetation predominates many areas and special care is required to preserve the open desert character and environmental features.

Character Area Plan

The Shea Character Area Plan designates the property as Rural Neighborhoods. This plan includes compatibility of new development to existing development.

Zoning

The site is zoned Single-family Residential, Environmentally Sensitive Lands (R1-43 ESL).

The subject land was annexed into the City of Scottsdale in 1975 by Ordinance No. 891 and the City of Scottsdale R1-43 zoning was applied. The Environmentally Sensitive Lands Overlay took effect in 1991. The subject property was created in 1996 through a lot split request through the City.

In 2004, the Environmentally Sensitive Lands Ordinance was amended to include additional requirements to help protect natural desert conditions. One of the new requirements included that all walls and fences be setback fifteen (15) from side and rear property lines for lots larger than 35,000 square feet.

Context

The subject property is located on the Southwest corner of E. Cochise Road and N. 130th Street. The site is surrounded by other properties with single family homes, zoned R1-43 ESL. Please refer to context graphics attached.

Adjacent Uses and Zoning

- North: E. Cochise Road, further north is a property zoned R1-43 ESL Single-family Residential, Environmentally Sensitive Lands, with a single family home built in 2006
- South: Property zoned R1-43 ESL Single-family Residential, Environmentally Sensitive Lands, with a single family home built in 1998
- East: N. 130th Street, further east is a property zoned R1-43 ESL Single-family Residential, Environmentally Sensitive Lands, with a single family home built in 1988
- West: Property zoned R1-43 ESL Single-family Residential, Environmentally Sensitive Lands, with a single family home built in 2001

IMPACT ANALYSIS

ESL Hardship Exemption Findings

Zoning Ordinance Section 6.1022.D allows the City Council to permit a property to develop under a previously adopted requirement of ESL, upon findings that the application of an ESL amendment causes hardship:

1. Demonstrated substantial hardship that would reduce the ability to use the parcel:

The property is located on a corner and is subject to a front yard setback along both frontages, adhering to the fifteen (15) foot setback for walls would decrease the area of the available backyard and site circulation along the west property line.

2. The requested exemption is consistent with the intent and purpose of the ESL Ordinance:

The intent of the fifteen (15) foot setbacks for walls and fences along the side and rear property lines is to keep significant open corridors between adjacent lots for wildlife. The Natural Area Open Space (NAOS) minimum width is thirty (30) feet, because the neighboring property has established a wall on the property line the minimum shared width cannot be achieved, but the required amount of NAOS has been dedicated on the property along the south property line and creates the intended corridor in combination with the adjacent properties dedicated NAOS.

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

The application of the new 2004 ESL fifteen (15) foot wall setback standard would not appear to have a great impact on this R1-43 ESL zoned lot. Allowing for the exemption would retain the pattern of development with the neighboring properties that were developed under the previously adopted ESL requirements and have walls on the property lines.

Community Involvement

Surrounding property owners within 750 feet have been notified by the applicant and the city and the site has been posted with a notification sign. Staff has received no citizen comments at the time of the writing of the report.

STAFF RECOMMENDATION

Recommended Approach:

1. Adopt Resolution No.11010 for Hardship Exemptions from the current ESL requirements pertaining to 15 foot setbacks for walls and fences from the side and rear property lines on a +/- 47,312 square foot property located at APN# 217-31-019F with Single-family Residential, Environmentally Sensitive Lands (R1-43 ESL) zoning.

RESPONSIBLE DEPARTMENT

Planning and Development Services

Current Planning Services

STAFF CONTACT

Ben Moriarity
Planner
480-312-2836
E-mail: bmoriarity@ScottsdaleAZ.gov

APPROVED BY


Ben Moriarity, Report Author

12-28-17
Date


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

1/5/2018
Date


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

1/8/18
Date

ATTACHMENTS

1. Resolution No. 11010
 2. Context Aerial
 - 2A. Aerial Close-Up
 3. Applicant's Narrative
 4. Proposed Wall Site Plan
 5. City Notification Map
-

RESOLUTION NO. 11010

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SCOTTSDALE, MARICOPA COUNTY, ARIZONA, ALLOWING A HARDSHIP EXEMPTION TO REMOVE THE 15 FOOT PERIMETER WALL SETBACK ON A +/- 1.09 ACRE SITE WITH SINGLE-FAMILY RESIDENTIAL, ENVIRONMENTALLY SENSITIVE LANDS (R1-43 ESL) ZONING LOCATED AT APN# 217-31-019F.

WHEREAS, Sec.6.1022(D) of the Zoning Ordinance permits a property owner to submit an application demonstrating that the application of an ESL amendment causes hardship, and the City Council, upon consideration of the application, may allow the property to develop under a previously adopted requirement of ESL, upon findings that:

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

WHEREAS, the City Council held a public hearing on January 23, 2018 to determine whether the above criteria have been met and an application for hardship exemption should be granted.

NOW, THEREFORE, LET IT BE RESOLVED, by the City Council of the City of Scottsdale, Maricopa County, Arizona, as follows:

Section 1. That the required findings in Sec. 6.1022(D) of the Zoning Ordinance have been made.

Section 2. That the application for the property located at APN# 217-31-019F as depicted on Exhibit "1" attached hereto, allowing for Hardship Exemptions from the current ESL requirements pertaining to fifteen (15) foot setbacks for walls and fences from the side and rear property lines on a 47,312 +/- square foot property, as described in Case No. 1-HE-2017 as shown on Exhibit "2" attached hereto, is hereby granted.

PASSED AND ADOPTED by the Council of the City of Scottsdale, Maricopa County, Arizona this ____ day of _____, 2018.

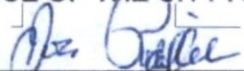
ATTEST:

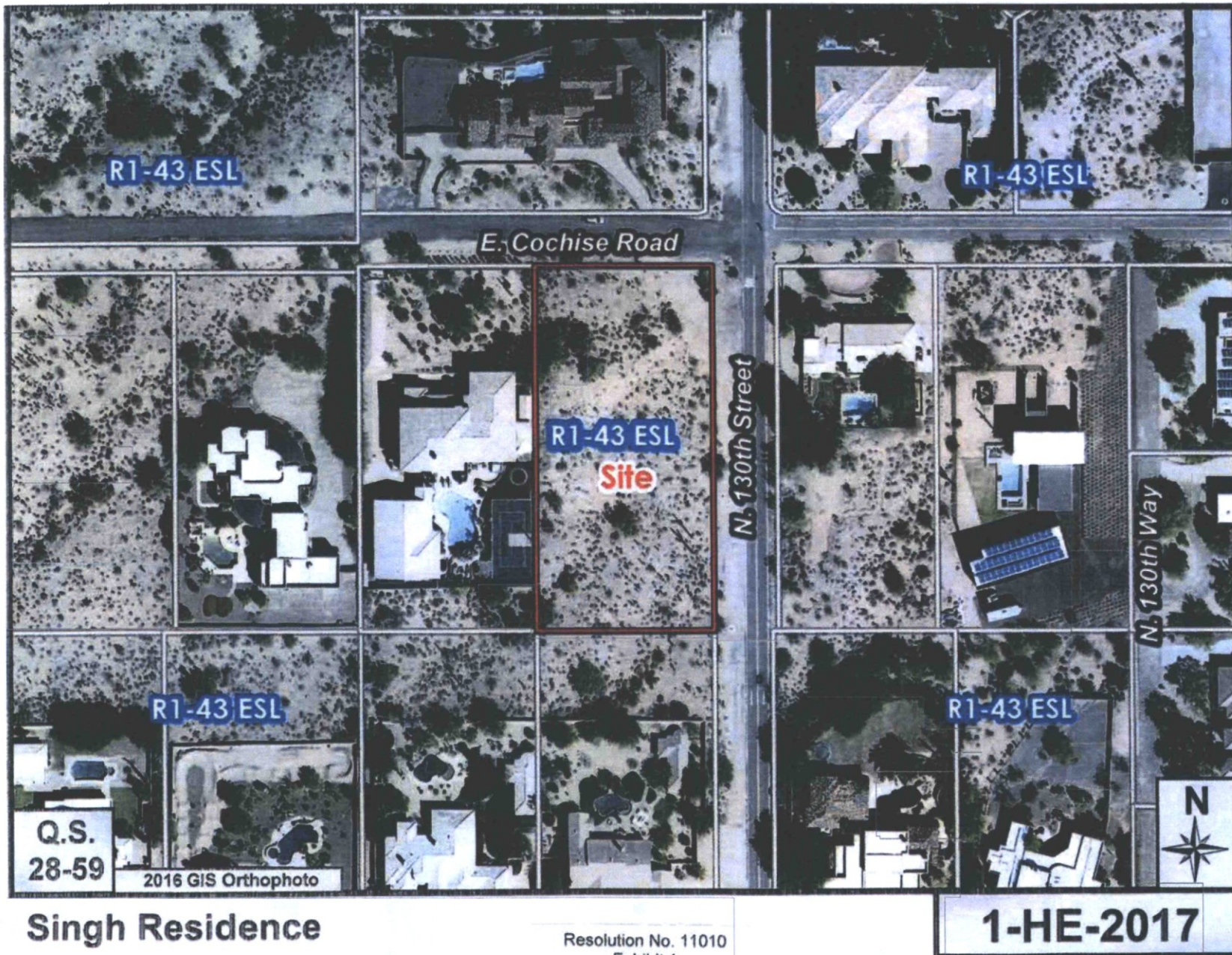
CITY OF SCOTTSDALE, an Arizona
municipal corporation

By: _____
Carolyn Jagger
City Clerk

By: _____
W.J. "Jim" Lane
Mayor

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

By:  _____
Bruce Washburn, City Attorney
By: Joe Padilla, Deputy City Attorney

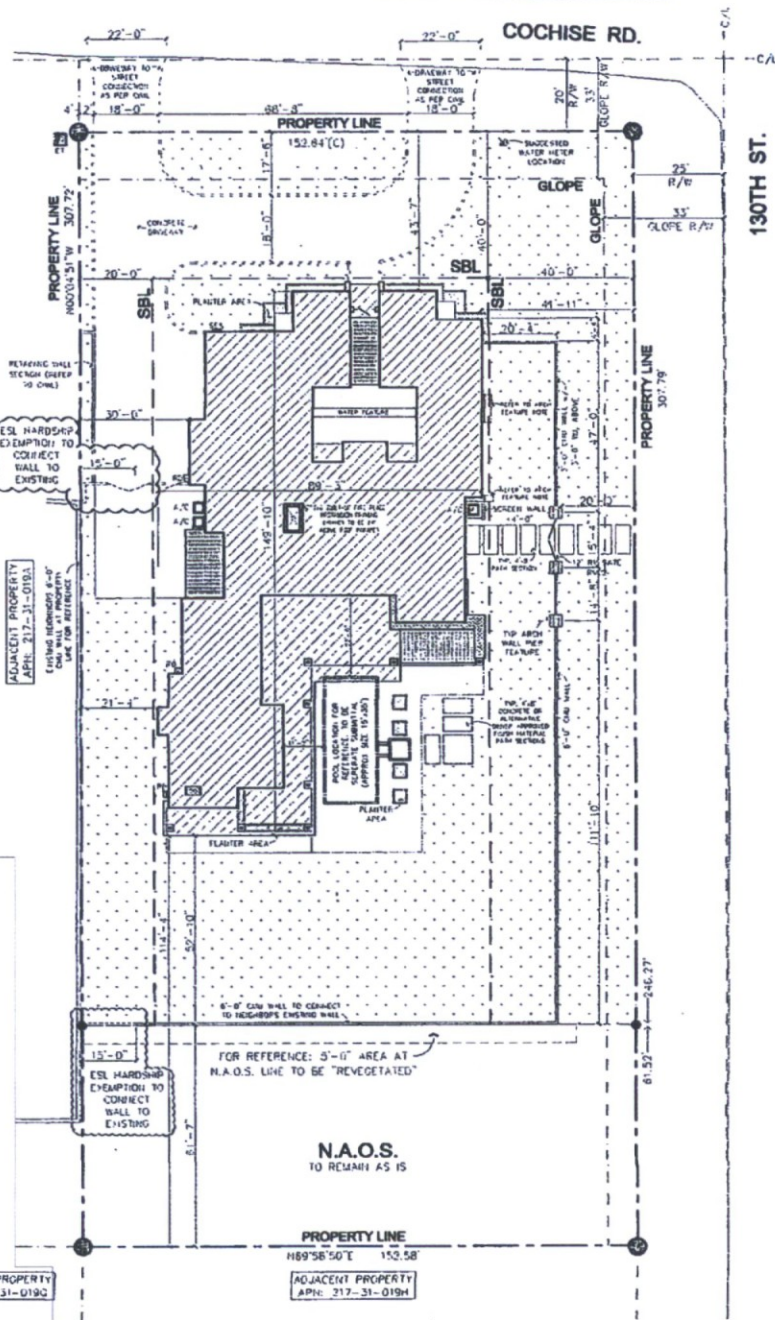
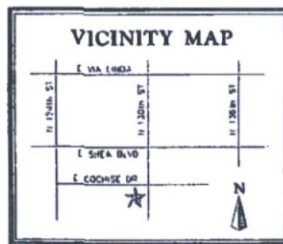


Singh Residence

SITE PLAN LEGEND

| | |
|------|---------------------------------------|
| SBL | SET BACK LINE |
| R/W | RIGHT OF WAY |
| OL | STREET CENTERLINE |
| S/P | EXISTING PAVEMENT |
| ET | ELEC. TRANSFORMER |
| SES | NEW ELEC. PANEL/METER |
| RD | ROOF DRAIN (REFER TO ROOF PLAN) |
| AC | NEW AIR CONDITIONER LOCATION |
| R/VG | NEW R/V GATE (REFER TO GROUND BOOKS) |
| SG | NEW SIDE GATE (REFER TO GROUND BOOKS) |

| | |
|--|---|
| | PROPERTY LINE |
| | EXISTING N.A.O.S. |
| | SETBACK LINE |
| | NEW 6'-0" CMU WALL OR AS NOTED |
| | NEW 2'-0" CMU WALL W/ 3'-0" W.L. ABOVE |
| | EXISTING NEIGHBORS CMU WALL ON SHARED PROPERTY LINE TO CONNECT NEW WALL TO AS PER REQUEST OF HANDSHIP EXEMPTION |
| | NEW HOUSE |
| | ARCH STRUCTURE |
| | COVERED PATIO |
| | OPEN LATTICE PATIO |
| | CONCRETE OR OWNER APPROVED FINISH AREA |
| | LANDSCAPE AREA |
| | 6'-0" N.A.O.S. AREA TO BE REVEGETATED |
| | NEW POOL/SPA LOCATION FOR REFERENCE |



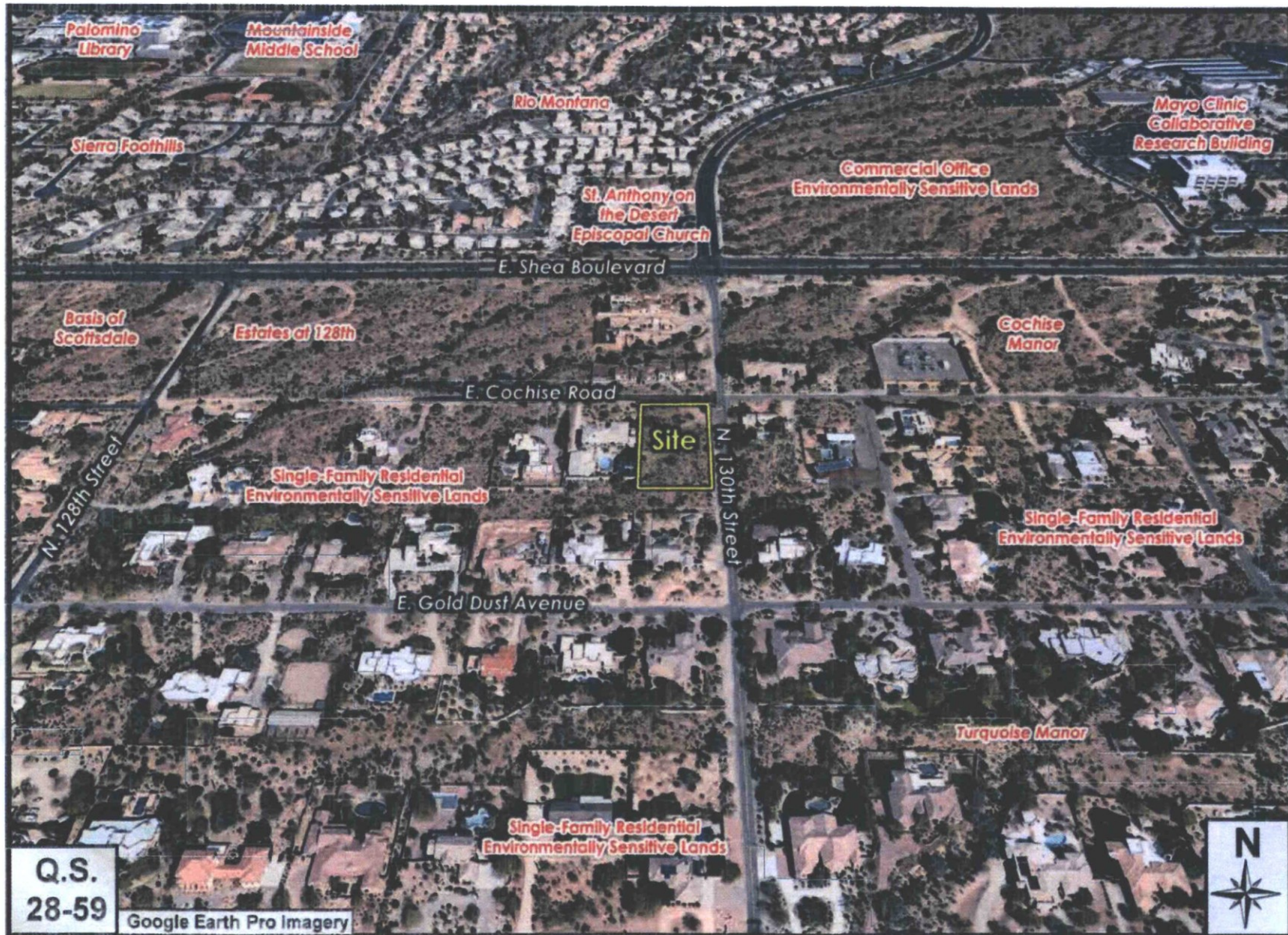
ARCHITECTURAL SITE PLAN
SCALE: 1" = 15'-0"

prepared for:
Hardship Exemption
Singh Residence
APN# 217-31-019F



prepared by:
architecture all & associates
1732 W. Flintlock Way, Chandler, AZ 85286
MOB: (602) 620-1169

Resolution No. 11010
Exhibit 2
Page 1 of 1



Singh Residence

1-HE-2017



Singh Residence

1-HE-2017

Pre-Application Request

Application Narrative

APN# 217-31-019F

The purpose of the Pre-Application is to request for a Hardship Exemption to remove the 15'-0" perimeter wall setback as per ESL Ordinance. The intent of the 30'-0" corridor is unachievable on the West Side of the Property as the Neighbor already has an existing Perimeter Wall on the Shared Property Line. We would like to connect our Perimeter Wall to the Existing Wall on the Property Line. The intent of the ESL is still maintained as a large 61'+ corridor is provided on the South End NAOS area which connects all the Neighboring Properties NOAS Areas. This approval of Hardship will significantly benefit the usability and safety of this Property, as the Larger Side Yard Setbacks for a Corner Lot makes it very difficult to design the preferred style of house.



architecture all & associates

1211 w. canary way, chandler, arizona. 85286

c: 602.620.1169 e: iluba000@gmail.com



ATTACHMENT 3

Hardship Exemption

Justification

APN# 217-31-019F

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

The property is located on the south-west corner lot of Cochise Rd and 130th St. Being a corner lot parcel significantly impacts the buildable area of a single family residence. There is a 40'-0" side yard building setbacks on the adjacent arterial street (130th Street) instead of the typical 20'-0" side yard setback. Additionally, the property already contains a 20% NAOS area on the South Side and perimeter fence walls adjacent to 130th Street must be set back 20'-0", exceeding the typical 15'-0" side yard ESL setback requirement. All these requirements for this specific parcel significantly reduces the buildable and usable area of this parcel. In fact, when taking into consideration the Front Building Set Back, the 20'-0" Perimeter Wall Setback adjacent to 130th Street, the Existing NAOS Area on the South & if the 15'-0" ESL Perimeter Setback is considered on the West Side; it limits the usable area of this lot to approx 51.4% of purchased property, which far exceeds the intent of NAOS and ESL Standards. Furthermore, the immediate Neighboring Residences have been built prior to ESL Ordinances and have constructed their Perimeter Walls on the shared property line. Providing a 15'-0" setback for perimeter wall on the West Side of this property, instead of attaching to Existing Neighbors Fence Wall, would not be in tradition of the community.

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

As stated above, the intended 30'-0" wide ESL corridor is not achievable because the Neighbors existing perimeter wall is built on the shared property line. Due to this, only a 15'-0" corridor could ever be achieved if new ESL standards are enforced to build a Site Perimeter Wall on the West Side of this Property. Additionally, a 61.52' deep NOAS is provided on the South Side of the Property, which keeps in tradition of the Communities "rear side" NAOS corridor; which far exceeds the min 30'-0" wide intended ESL Standard corridor.

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

As stated above, There is no significant benefit to providing a narrow 15'-0" alley type corridor on the West Side of the Property, when a 30'-0" intended corridor is not achievable. In fact, due to the tradition of the Community, a narrow corridor would look completely out of place and not serve the ESL goals. In addition, the large NAOS provided on the South Side, which seemingly connects all Neighbors NAOS, creates a much more usable corridor and far exceeds the new ESL standards.



architecture all & associates

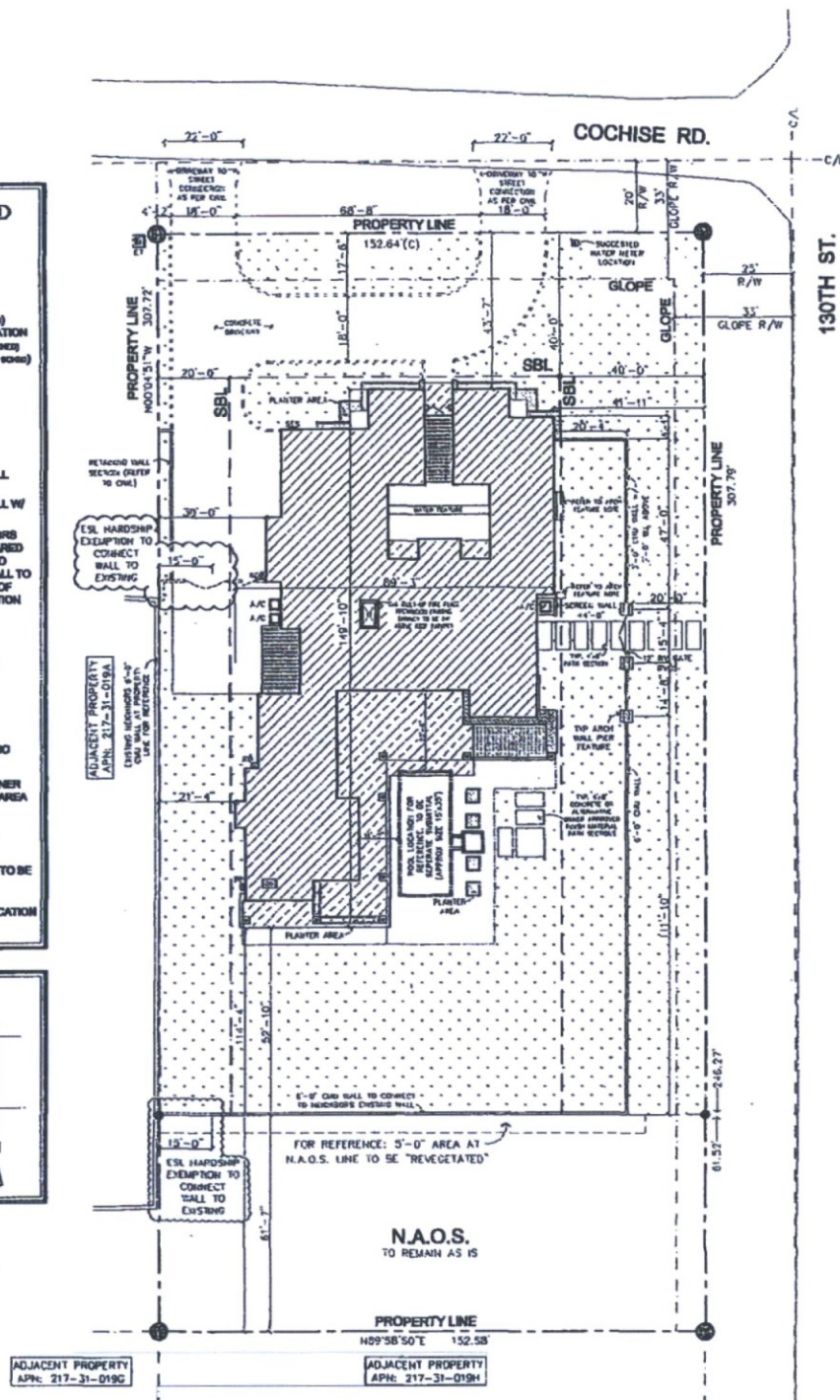
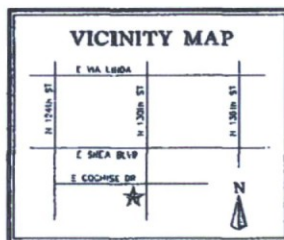
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ARCHITECTURAL SITE PLAN

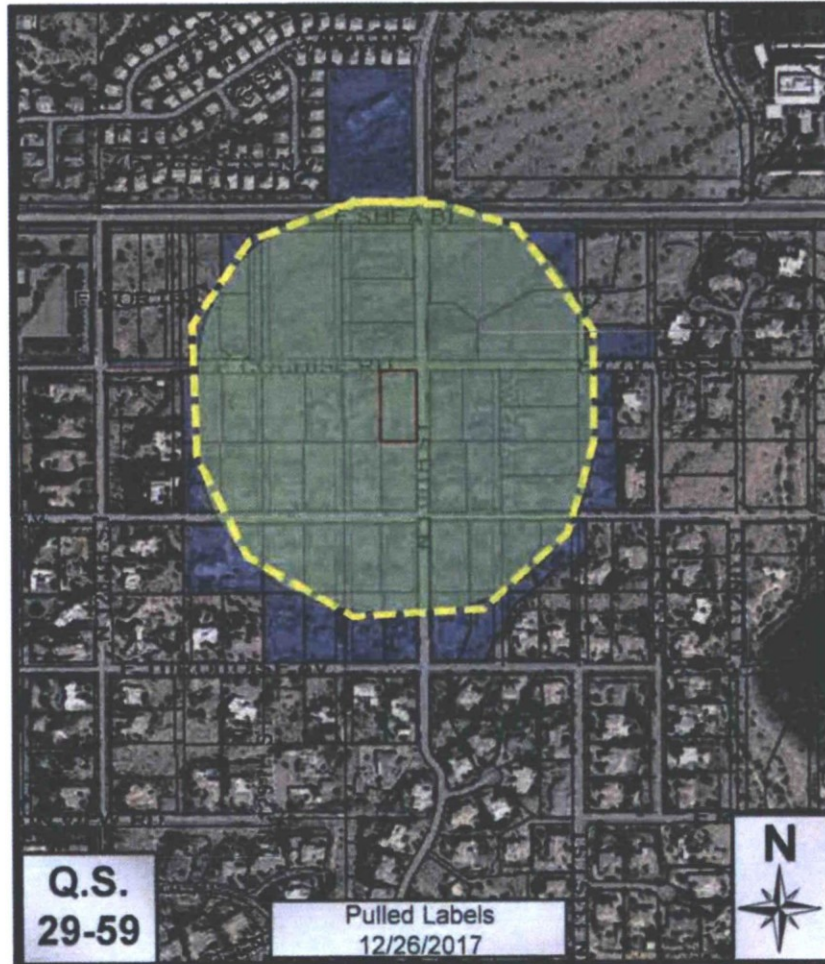
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 MOB: (602) 620-1169

ATTACHMENT 4

City Notifications – Mailing List Selection Map



Map Legend:

- Site Boundary
- Properties within 750-feet

Postcards - 84

Additional Notifications:

- Interested Parties List
- Adjacent HOA's
- P&Z E-Newsletter
- Facebook
- Twitter
- Nextdoor.com
- City Website-Projects in the hearing process

Singh Residence

1-HE-2017