

**Marked Agendas
Approved Minutes
Approved Reports**

**The September 4, 2019
Board of Adjustment
Meeting Agenda and
Minutes can be found at**

<https://www.scottsdaleaz.gov/boards/board-of-adjustment>



Board of Adjustment Decision

Zoning Ordinance Variance

Variance Request

Case Numbers: 674-PA-2018 / 10-BA-2019

Project Name: Saldaña Residence

Location: 8535 E Thomas Rd

Single-Family Residential Multi-Family Residential Commercial Industrial

Section of the Zoning Ordinance to be varied: Section 5.504.H.1.a

Scottsdale Ordinance Requires: 12-foot rear yard setback

Applicant's Request: Request by owner for a variance from the City of Scottsdale Zoning Ordinance, Section 5.504.H.1.a, pertaining to an addition in the rear yard, for a property with Single-Family Residential (R1-7) zoning, located at 8535 East Thomas Road.

Amount of Variance: 2.5 Feet

Board of Adjustment Decision

Hearing Date: September 4, 2019

- Approved Approved with Stipulation(s):
 Denied Continued to:
 Other:


Chair Signature

BOARD OF APPOINTMENTS REPORT



Meeting Date: September 4, 2019
Item No.: 5

ACTION

Saldaña Residence
10-BA-2019

Request to consider the following:

1. Request by owner for a variance from the City of Scottsdale Zoning Ordinance, Section 5.504.H.1.a, pertaining to an addition in the rear yard, for a property with Single-Family Residential (R1-7) zoning, located at 8535 East Thomas Road.

OWNER/APPLICANT CONTACT

Hilda Saldaña
480-709-8333

LOCATION

8535 E Thomas Road

BACKGROUND

History

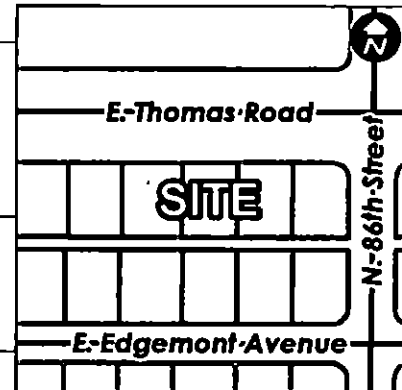
The subject site was annexed into the City of Scottsdale in 1965 through Ordinance No. 273 and the City of Scottsdale R1-7 zoning designation was applied. This property is identified as Lot 1353 of the Scottsdale Estates 10 subdivision plat, which was platted in 1959. The subdivision plat was recorded prior to the City's annexation. The County Assessor's records identify the house having been constructed in 1961.

Zoning/Development Context

The subject site is zoned Single-family Residential (R1-7) and is located on the south side of E. Thomas Road, west of N. 86th Street, and is Lot 1353 of the Scottsdale Estates 10 subdivision plat.

Adjacent Uses and Zoning

- North: Scottsdale Estates 10 subdivision, zoned Single-family Residential (R1-7); Grace Chapel worship facility.
- South: Scottsdale Estates 10 subdivision, zoned Single-family Residential (R1-7); existing single-family residence.



- East: Scottsdale Estates 10 subdivision, zoned Single-family Residential (R1-7); existing single-family residence.
- West: Scottsdale Estates 10 subdivision, zoned Single-family Residential (R1-7); existing single-family residence

Zoning Ordinance Requirements

Pursuant to Section 5.504.H.1.a of the City of Scottsdale Zoning Ordinance, pertaining to the required rear yard setback:

The main building and an addition to the main building may extend into the rear yard if:

It is setback a minimum of fifteen (15) feet from the rear property line or twelve (12) feet where the property owner has dedicated a minimum of eight (8) feet for alley purposes.

The applicant is requesting a variance of two and a half (2.5) feet to allow the existence of a bedroom addition within a portion of the required twelve-foot (12-ft) rear yard setback, as shown on the submitted site plan.

Code Enforcement Activity

The owner received a notice of violation from the City's Code Enforcement Department for building without a permit. The compliance notice has been placed on "hold" awaiting the outcome of this variance request. The inspection report identifies the violation as Case No. 297019 (See Attachment #8).

Community Input

The Owner notified property owners within 750 feet of the site regarding the filing of this application. The City also notified property owners within 750 feet of the site regarding the filing of this application. Staff has received one communication in opposition and five comments in support as of the writing of this report (See Attachment #10).

Discussion

The applicant is requesting to maintain the expanded single-family home footprint. The owner added a bedroom to the rear of the property which encroaches into a portion of the required twelve-foot (12-ft) rear yard setback. This calculation is based on the site plan stamped and provided by a registered surveyor. The encroachment consists of a maximum of 2.5-feet the building's southernmost façade (See Attachments #6 and #7).

The existing structure, originally constructed in 1961, has a covered patio at the rear of the house that also encroaches into the required 12-foot rear yard setback. The owner did not obtain a permit for this addition as well. This non-conforming addition was discovered as a review of this variance request. The owner has agreed to obtain permits and reduce this covered patio area to the overall twenty-two-foot (22-ft) rear yard requirement. The reduction of the covered patio will allow, if approved, the bedroom addition to not violate the maximum required rear yard area coverage – which is a maximum of thirty (30%) percent.

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:**

Applicant Statement:

I noticed other homes in my neighborhood have similar additions and structures built in the back.

Staff Analysis:

The property is similar in shape, topography, location, and surroundings as other property of the same classification in the same zoning district. The average net lot area for the lots located within this subdivision is approximately 6,943 square-feet. The subject lot is approximately 6,709 square-feet; approximately 200 square-feet less than the subdivision average, and approximately 300 square-feet less than the zoning district required minimum 7,000 square-foot net lot area.

Staff's analysis identified 11 additional lots that appear to be non-conforming in regards to Zoning Ordinance Section 5.504.H.1.a. Staff's analysis, based on aerial surveillance, identified approximately 3.5% of the properties located within the Scottsdale Estates 10 as not meeting this requirement (See Attachment #9).

- 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:**

Applicant Statement:

The request for a variance of 2.5 feet because of the way it was built, the addition to the part that i would have to remove contains plumbing and electrical work. Not having this variance approved would make me need to tear down the addition and move from this neighborhood I love. I need this variance because I have children and an elderly mother living with me. I have noticed the homes in my neighborhood with back additions have sold, I want to be able to compete with the same property values.

Staff Analysis:

The R1-7 zoning district allows primary use as a single-family residence and regardless of the outcome of this variance request, the existing structure can continue to function as a single-family residence. Without the requested variance the owner would be required to remove 2.5 feet at the rear of the structure and reconstruct that portion of the addition. Permits shall be required regardless of the variance outcome.

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

Applicant Statement:

I don't think this was self-imposed being that I trusted the contractor had acquired permits and received approval to do the addition and have tried to get a hold of the contractor who did this, but I have not been able to locate him.

Staff Analysis:

Staff did not identify evidence of a final plan submittal or of permit issuance by the City. Aerial records identify the addition occurring sometime between November of 2017 and April of 2018. The additional has been identified as encroaching 2.5 feet into the required rear yard setback as per the registered surveyor's submitted site plan.

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:

Applicant Statement:

I have letters from owners to the north, south, east, and west of my property, all are in favor of this variance request. Also, during this process I was informed that another portion of my house did not meet ordinance. I have agreed to remove these portions of my house.

Staff Analysis:

If the variance request is granted, the owner would be required to remove the southernmost 2.5 feet of the existing addition. The existing addition, if approved, would not encompass more square footage than allowed by the zoning ordinance (30 percent maximum of the require rear yard). The owner has proposed removing the other, unpermitted addition, to the 22-foot setback requirement.

As of the writing of this report, staff has received comments from six residents regarding the proposed variance request. Five of the six communications have ben in support; with one communication in opposition (See Attachment #10).

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 shape, topography or configuration of the property is not unique and applicable. However, the lot size is smaller than other similarly zoned properties. Further, the applicant's proposed variance does not 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



Jesus Murillo, Report Author
480-312-7849, jmurillo@scottsdaleaz.gov

8-20-19
Date



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

8-20-2019
Date



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

8/20/2019
Date



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

8/21/19
Date

ATTACHMENTS

1. Justification (Applicants Narrative)
2. Context Aerial
3. Aerial Close-Up
4. Zoning Map
5. Site Photographs
6. Proposed Site Plan
7. Proposed Floor Plan
8. Notice of Violation
9. Staff Analysis
10. Public Correspondence

Board of Adjustment
Zoning Variance

My elderly mother lives with me and I help take care of her. I did an addition in the back of my house to be able to house my mother , to be able to take better care of her and all her health needs. She does not drive and speaks limited English and I am her only daughter that she has here in Arizona. This is why on December of 2017 I got help to do an addition in the back of my house . I trusted the contractor would acquire any necessary permits or reviews. After the addition was complete i received a compliance notice this was around April of 2018. Shortly thereafter, I submitted a pre-qualification to request a variance. I have sent notification letters to surrounding neighbors with in 750 ft and to the cities interested parties list. I have not heard back from anyone . I have received letters of support from some neighbors. Please see below for my responses to the variance criteria.

- 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 .**

I noticed other homes in my neighborhood have similar additions and structures built in the back.

- 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 or special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located:**

The request for a variance of 2 ½ feet. Because of the way it was built, the addition to the part that i would have to remove contains plumbing and electrical work. Not having this variance approved would make me need to tear down the addition and move from this neighborhood I love. I need this variance because I have children and an elderly mother living with me. I have noticed the homes in my neighborhood with back additions have sold, I want to be able to complete with the same property values.

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

I don't think this was self imposed being that i trusted the contractor had acquired permits and received approval to do the addition, and have tried to get ahold of the contractor who did this , but i have been able to locate him.

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

I have letters from owners to the north ,south , east , west of my property, all in favor of this variance request . Also, during this process I was informed that another portion of my house did not meet ordinance.I have agreed to remove these portions of my house.



Q.S.
14-48

Google Earth Pro Imagery

Context Aerial

ATTACHMENT #2

10-BA-2019



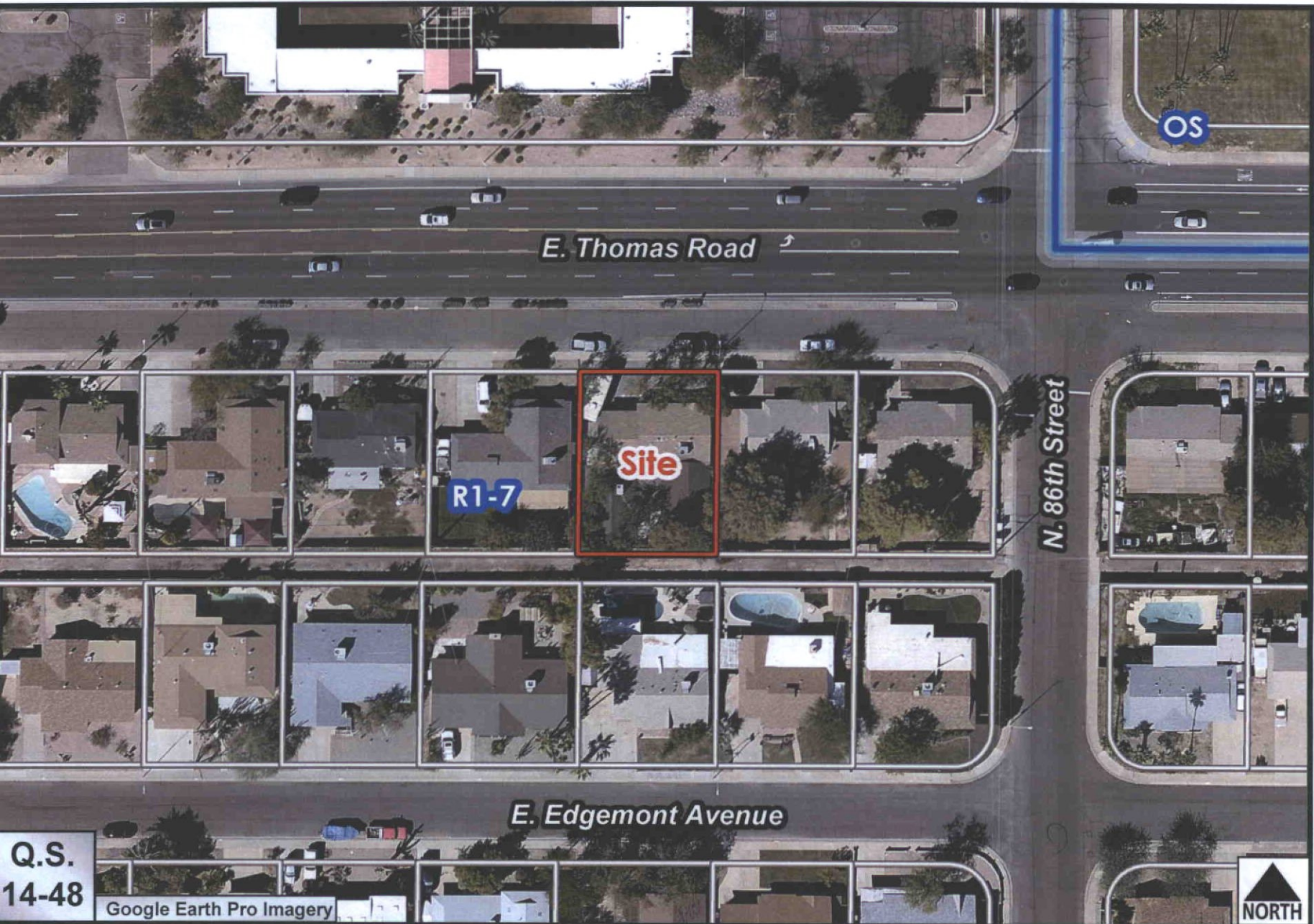
Q.S.
14-48

Google Earth Pro Imagery

Close-up Aerial

ATTACHMENT #3

10-BA-2019



E. Thomas Road

N. 86th Street

R1-7

Site

OS

E. Edgemont Avenue

Q.S.
14-48

Google Earth Pro Imagery



Zoning Aerial

ATTACHMENT #4

10-BA-2019



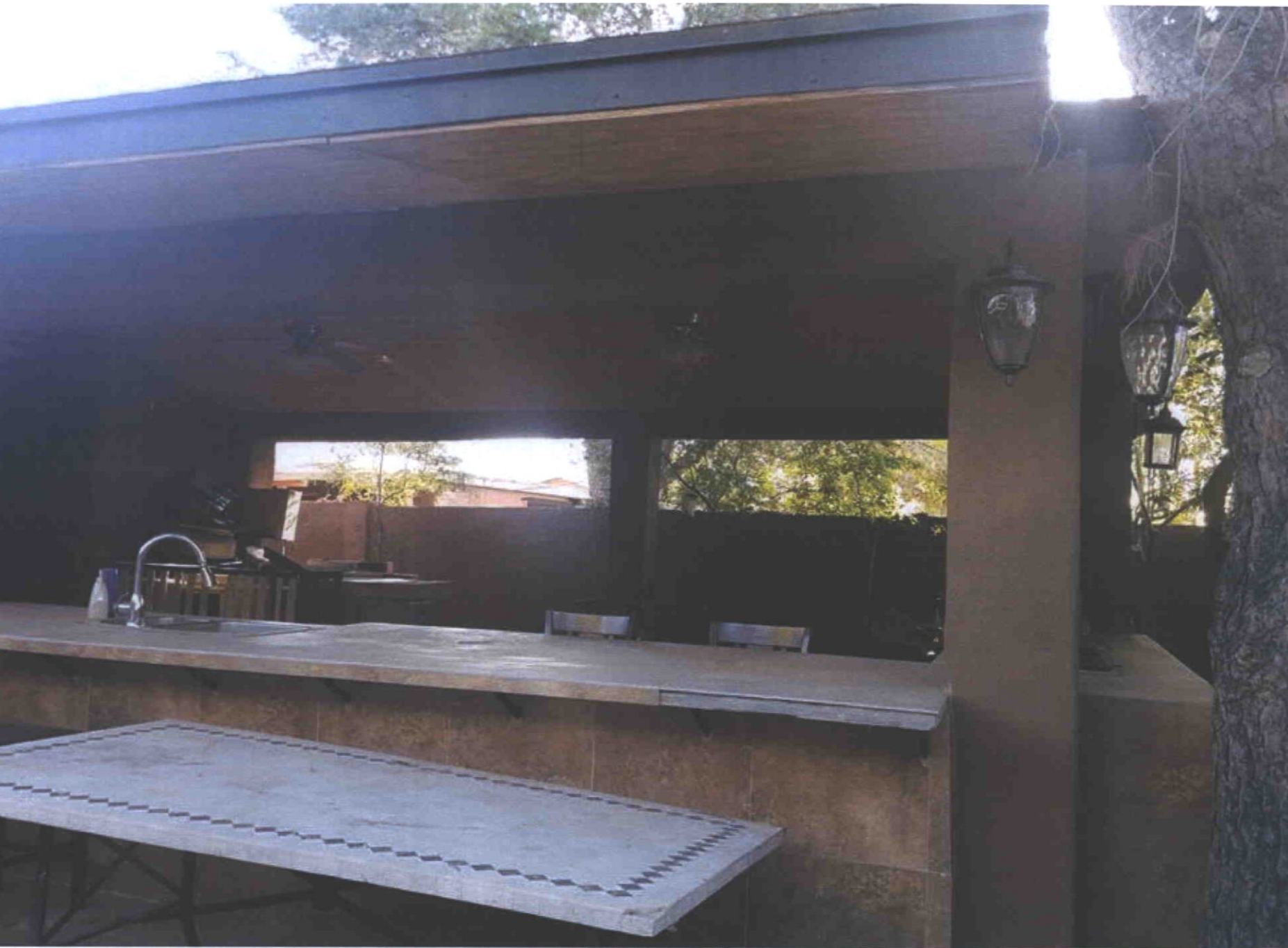
**Project Variance Request Area (Citation Area)
South Elevation – Looking East)**



**Other Unpermitted Addition Area
(South Elevation – Looking East)**



Project Variance Request Area (Citation Area)
West Elevation – Looking West)



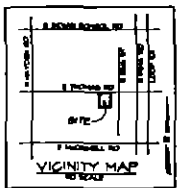
er Unpermitted Addition Area
st Elevation – Looking East

RAINAGE NOTES:

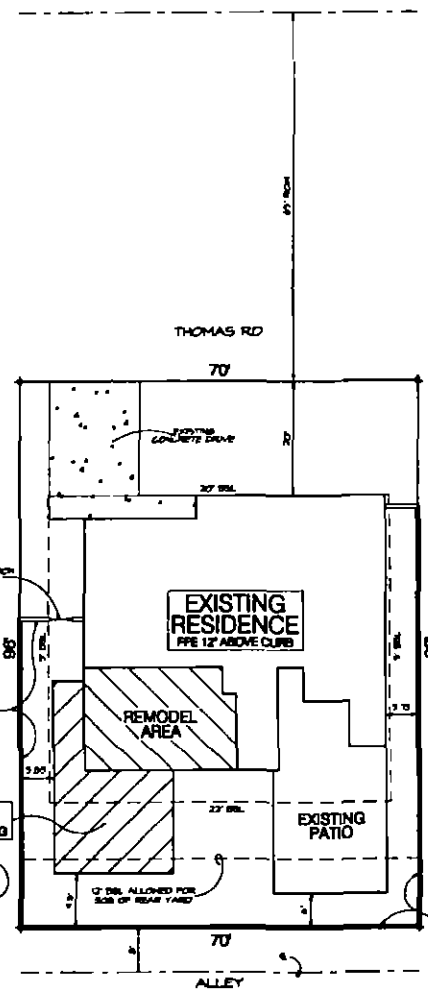
1. FINISH GRADE SHALL SLOPE 3/8" PER A FOOT FOR A DISTANCE OF 10' TO AN APPROVED WATER DISPOSAL AREA.
 2. FINISH GRADE SHALL BE MINIMUM 1" ABOVE ADJACENT FINISH GRADE (THIS IS TO BE CERTIFIED).
 3. POSITIVE DRAINAGE SHALL BE PROVIDED AWAY FROM THE REMODELED RESIDENCE AND/OR ANY ADDITIONS TO PROVIDE 500 YEAR PROTECTION UNDER THE 100-YEAR STORM EVENT.
 4. FLOOR ELEVATIONS OF ALL ROOMS AND ALL ELECTRICAL MECHANICAL UNITS SHALL BE SET REASONABLY HIGHER THAN THE ADJACENT GRADES TO PROVIDE FLOOD PROTECTION UNDER THE 100-YEAR STORM EVENT.
 5. UNITS SHALL NOT BE LOCATED IN NATURAL FLOODWAYS.
 6. FINISH FLOOR ELEVATIONS SHALL BE CERTIFIED BY THE C.O.S. FOR FEMA, WHERE REQUIRED.
 7. SWIMMING POOLS, SPAS, PONDS, SITE WALLS, AND RETAINING WALLS REQUIRE SEPARATE PERMITS.
 8. SOILS SHALL NOT BE EXPORTED OR BACKWASHED INTO HIGHWAYS, DRETTES OR TO ADJACENT LOTS OR TRACTS OF LAND.
 9. MECHANICAL EQUIPMENT (AIR CONDITIONING, POOL EQUIPMENT ETC.) SHALL BE SCREENED ON ALL SIDES BY A WALL THAT HAS A HEIGHT THAT IS A MINIMUM OF 1-FOOT ABOVE THE HIGHEST PORTION OF THE EQUIPMENT. THE WALL MATERIAL AND FINISH SHALL BE COMPATIBLE WITH THE ADJACENT BUILDING.
 10. GUESTHOUSE SHALL NEVER BE OFFERED FOR RENT (GUEST HOUSES ON LOTS UNDER 30,000 SQUARE FEET MAY NOT PROVIDE GUESTING FACILITIES).
 11. GUESTHOUSE SHALL NOT EXCEED A GROSS FOOTPRINT GREATER THAN 50% OF THE FOOTPRINT OF THE PRINCIPAL BUILDING.
 12. SECURITY/SAFETY MEASURES THAT IS REQUIRED OR IS STATUTORILY PROVIDED SHALL BE IN ACCORDANCE WITH THE MINIMUM CLEARANCE AND THE DESIGN STANDARDS AND SPECIFICATIONS MANUAL, (2008) (REVISED 1/1/07).
 13. ALL IMPROVEMENTS SHALL COMPLY WITH THE CITY OF SCOTTSDALE NATIVE PLANT ORNAMENTAL PLANTING MANUAL, (2008) (REVISED 1/1/07).
 14. ALL IMPROVEMENTS SHALL COMPLY WITH THE CITY OF SCOTTSDALE REVISED CITY CODE, AND SECTION 13.000 (THE EDWARDS ORDINANCE).
 15. NATIVE PLANTS ARE TO BE PERMITTED TO BE OBTAINED AND TO CONSTRUCTION AND RELATED ACTIVITIES ASSOCIATED WITH THIS APPROVAL.
 16. PROPOSED IMPROVEMENTS SHALL INVENTORY AND INDICATE NATIVE PLANTS WITHIN 50 FEET OF THE IMPROVEMENTS AND CONSTRUCTION ACCESS TO THE AREA OF IMPROVEMENTS.
 17. EXTERIOR LIGHTING SHALL COMPLY WITH ARTICLE VII SECTION 13.000 AND ASSOCIATED SUBSECTIONS OF THE EDWARDS ORDINANCE.
 18. PROPOSED MODIFICATIONS TO NATURAL WATERCOURSE AND WALLS AND FENCES OR DAMS, NATURAL WATERCOURSE SHALL BE DESIGNED IN ACCORDANCE WITH THE STANDARDS AND POLICIES SET FORTH IN CHAPTER 13 (DRAINAGE AND FLOODPLAIN ORDINANCE) OF THE SCOTTSDALE REVISED CODE.

GUESTHOUSE NOTES:

1. GUESTHOUSE SHALL NEVER BE OFFERED FOR RENT (2008) (REVISED 1/1/07) (A.B.C.).
 2. GUESTHOUSE SHALL NOT EXCEED A GROSS FOOTPRINT SIZE (GREATER THAN 50% OF THE FOOTPRINT SIZE OF THE PRINCIPAL BUILDING) (2008) (REVISED 1/1/07) (A.B.C.).
 3. 2008 REV. SEC. 13.000 (L) WHEN A PERMIT OR ADDITION REQUIRES A PERMIT OCCURS OR WHEN ONE OR MORE OF THE BUILDING ROOMS ARE ADDED TO AN EXISTING DWELLING, THE INDIVIDUAL DWELLING UNIT SHALL BE PROVIDED WITH FIRE ALARMS LOCATED AS REQUIRED FOR NEW DWELLINGS.
 4. 2008 REV. SEC. 13.000 (L) WHEN A PERMIT OR ADDITION REQUIRES A PERMIT OCCURS IN EXISTING DWELLINGS THAT HAVE ATTACHED GARAGES OR EXISTING DWELLINGS WITHIN WHICH FIRE ALARMS, FIRE APPLIANCES, SMOKE DETECTORS, CARBON MONOXIDE DETECTORS SHALL BE PROVIDED.



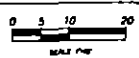
SHEET INDEX:	
SHEET #	INFORMATION SHOWN
1	SITE PLAN
2	FLOOR PLAN
3	ELECTRICAL PLAN
4	GENERAL NOTES



ADDITION
 FIVE TO MATCH EXISTING

THE LOWEST FLOOR OF THE REMODELED RESIDENCE AND/OR ADDITION IS TO MATCH THE EXISTING RESIDENCE FLOOR TO RE-TOOLING

SITE PLAN



LOT 1363
 SCOTTSDALE ESTATES 10
 8536 E THOMAS RD
 SCOTTSDALE, ARIZONA 85251
 MCA PARCEL #131-34-003
 MCR #85-24
 ZONING: R1-7
 LOT AREA: 6696 S.F.
 BUILDING SIZE: EXISTING - 2908 S.F.
 ADDITION - 470 S.F.
 TOTAL - 3377 S.F. (50%)

10-BA-2019
 07/18/2019

ATTACHMENT 6

PREPARED AND DRAWING BY:

DATE:

ADDRESS:

HOME ADDITION PLANS FOR:

DATE:

June 20, 2019



Code Enforcement

FINAL COMPLIANCE

SALDANA HILDA
8535 E THOMAS RD
SCOTTSDALE, AZ 85251

Inspection Report

RE: Case# 297019 - 8535 E THOMAS RD, SCOTTSDALE, AZ 85251 (APN: 131-34-003)

In reference to case 297019, opened on Tuesday, April 17, 2018 for the property listed above, a subsequent re-inspection of the property showed that the attached violations were not corrected; therefore you have until Sunday, June 30, 2019 to bring this property into compliance. If the property remains in violation beyond the due date of Sunday, June 30, 2019, additional enforcement actions will occur.

Uncorrected violations may result in fines of up to \$2,500 for each day a violation is found, six (6) months in jail, probation, or any combination thereof. Property Maintenance Ordinance violations that are not corrected, may be abated by a City hired contractor with an assessment against the property for the costs incurred. Recidivists (repeat offenders) may receive only ONE official Compliance Notice.

We appreciate your cooperation in this matter. If for any reason you have difficulty complying with the noted corrective actions listed on the attached page or need further information, please contact us by using any of the following methods below:

Call Code Inspector: Jorge Espinoza-reach directly at (480)312-2596(Office hours vary)
Email Us: Code@ScottsdaleAZ.gov
Write Us: 7447 E. Indian School Rd. Ste. 100, Scottsdale, AZ 85251
Call Us: Mon-Fri 8 AM - 5 PM at (480) 312-2546 or Fax (480) 312-2455
Web Address: <http://www.ScottsdaleAZ.gov/codes/code-enforcement>

Please Note: *Scottsdale Code Inspectors work varied hours and days each week at different locations other than our main address. You are encouraged to call us before visiting our office.*

For TTY users, have operator at the AZ Relay Services (711) call our number. This information is available in alternate format upon request. Thank you.

VIOLATION DETAIL(S)

Please be advised that an investigation has shown that this property is in violation of the City Nuisance and Property Maintenance Ordinance or City Code in the following area(s):

Correct all violation(s) by: Sunday, June 30, 2019

Violation Code: 1.1101 - Building Permits Required

Violation Description:




Constructing, altering, repairing, removing or demolishing, or commencing construction, alteration, removal or demolition of a building or structure without a formal permit from the Zoning Administrator. Contact the City's Planning Neighborhoods and Transportation Department at 480-312-2500, on line at <http://www.scottsdaleaz.gov/bldgresources/counterresources.asp> or visit the One Stop Shop at 7447 E. Indian School Road for more information and to initiate the process to obtain required permits.

Note: Based on building and zoning code requirements, it may be determined that your construction is not allowed and must be removed.

Corrective Action:

New livable addition that was recently added to the back of property required building permits. Contact the planning department to obtain proper permits. Planning department phone number is (480)312-2500 and is located at 7447 E. Indian School Road, Suite #105 Scottsdale, AZ 85251.

LEGEND

-  Subject Property
-  Encroaching Properties
-  Scottsdale Estates 10



Encroaching Properties

ATTACHMENT #9

10-BA-2019

Murillo, Jesus

From: Maggie Keasler <maggie@studiokz.com>
Sent: Friday, June 21, 2019 12:01 PM
To: Murillo, Jesus
Subject: Variance at 8535 E Thomas rd

Follow Up Flag: Follow up
Flag Status: Flagged

⚠ EXTERNAL Email with links or attachments. Please use caution!

Jesus,

I was wondering if there is any information regarding the variance at 8535 E Thomas Rd. I received a letter from the owner Hilda Saldana wanting a variance of 2.5' for an addition in the rear of the property but she didn't provide any more information. Is there a site plan? Size of the addition, etc? It appears per the 2019 aerial on the assessor's website that she already has 2 additions that go past the rear setback of the property. I know with R1-7 zoning she is allowed to go into the rear setback if she meets the following criteria:

The main building and an addition to the main building may extend into the rear yard if: A. It is set back a minimum of fifteen (15) feet from the rear property line or twelve (12) feet where the owner has dedicated a minimum of eight (8) feet for alley purposes, and It does not occupy more than thirty (30) percent of the area of the rear yard as set forth in E. above...

It appears that she has far exceeded this already. If this is the case. I do **not** support this variance. Thanks for your time.

Maggie Keasler

Studio KZ
480.824.8697 (cell)
480.246.9332
www.studiokz.com

7127 E 6th Ave,
Scottsdale, AZ 85251

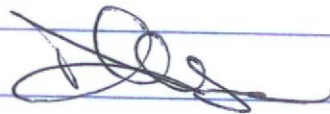
6/27/19

To Whom It May Concern:

We, Alana and Damien Mendoza, live at 8529 E Thomas Road, Scottsdale, AZ 85251. We are fine with the 2 1/2 feet variance in the rear of Ms. Hilda Saldana's property. If you have any questions, we can be reached at (480) 664-4176.

Sincerely,

Alana Mendoza



Alana Carol-Mendoza

Damien Mendoza

Murillo, Jesus

From: dbarron9 <dbarron9@cox.net>
Sent: Monday, July 01, 2019 2:05 PM
To: Murillo, Jesus
Subject: question on variance notification

⚠ EXTERNAL Email with links or attachments. Please use caution!

We received a notification from Hilda Saldana at 8535 E Thomas Rd informing us that she is asking for a variance of 2.5 feet for an addition in the rear of her property. Since I don't know exactly what this is, I'm not sure if we should be concerned. I know her property, like ours, backs to an alley. What code exactly does this variance refer to?

Thank you,
Peggy Barron
8449 E Thomas Rd
dbarron9@cox.net

Murillo, Jesus

From: dbarron9 <dbarron9@cox.net>
Sent: Wednesday, July 03, 2019 3:46 PM
To: Murillo, Jesus
Subject: Re: question on variance notification

⚠ EXTERNAL Email with links or attachments. Please use caution!

What is the minimum rear setback for residential homes in this R-7 area and does this apply only to extensions to the main house? I ask because the property at 8437 E Thomas has a 2-car garage directly on the rear property line which can be accessed from the alley which I assume is okay since it's there. As for my opinion on Ms Saldana's request, I assume we are talking about an addition to her home. I don't see an issue with receiving a variance unless she added on to her home knowing about the setback rules and chose to ignore them. If she's like me, I had no idea there were minimum rear setbacks so can see where an error could be made unintentionally. Thank you for the information and the quick reply.

Peggy Barron

From: Murillo, Jesus
Sent: Monday, July 01, 2019 2:55 PM
To: dbarron9
Subject: RE: question on variance notification

Hello Ms. Barron,

The ordinance requires a minimum rear yard setback to all properties within the R-7 zoning district, and Ms. Saldana was identified as having an addition that encroached into that required setback by 2.5 feet. The ordinance requires the addition to be brought into conformance. The ordinance also allow for a variance, if granted by the Board of Adjustment. Ms. Saldana is seeking relief from the ordinance requirement for 2.5 feet. Her request would have to be reviewed and voted upon by the Board of adjustment. The ordinance identifies four criteria that must be met in order for the variance to be granted. One of the criteria is that the granting of the variance will not be detrimental to surrounding properties (in my words). Therefore it is appropriate for a property owner requesting a variance to attempt to receive comments from surrounding neighbors. I hope this helps identify the request a little better. You may respond to Ms. Saldana, or provide me with your opinion on the request.

Please feel free to contact me with any further questions or comments.

Sincerely,

Jesus

From: dbarron9 <dbarron9@cox.net>
Sent: Monday, July 01, 2019 2:05 PM
To: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Subject: question on variance notification

⚠ EXTERNAL Email with links or attachments. Please use caution!

We received a notification from Hilda Saldana at 8535 E Thomas Rd informing us that she is asking for a variance of 2.5 feet for an addition in the rear of her property. Since I don't know exactly what

this is, I'm not sure if we should be concerned. I know her property, like ours, backs to an alley. What code exactly does this variance refer to?

Thank you,
Peggy Barron
8449 E Thomas Rd
dbarron9@cox.net

Murillo, Jesus

From: dbarron9 <dbarron9@cox.net>
Sent: Friday, July 05, 2019 3:34 PM
To: Murillo, Jesus
Subject: Re: question on variance notification

Follow Up Flag: Follow up
Flag Status: Flagged

⚠ EXTERNAL Email with links or attachments. Please use caution!

Thank you for the info. I really appreciate your taking the time to provide me with the needed details. I've learned a lot.

Peggy

From: Murillo, Jesus
Sent: Friday, July 05, 2019 3:16 PM
To: dbarron9
Subject: RE: question on variance notification

Hello Peggy,

The rear yard setback for the district is 22 feet if there is an alley behind the property. She has stated that she trusted her contractor knew the guidelines and acquired the correct permits. The addition was ultimately built and scaled at 19.5 feet from the rear property line. There are different setback guidelines for additions to the main structure than there are for accessory structures. I am not personally familiar with the property you are mentioning, but it sounds as though that is a detached structure versus an addition. That property seems to be in conformance. Thank you for your communication and comments.

Sincerely,

Jesus

From: dbarron9 <dbarron9@cox.net>
Sent: Wednesday, July 03, 2019 3:46 PM
To: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>
Subject: Re: question on variance notification

⚠ EXTERNAL Email with links or attachments. Please use caution!

What is the minimum rear setback for residential homes in this R-7 area and does this apply only to extensions to the main house? I ask because the property at 8437 E Thomas has a 2-car garage directly on the rear property line which can be accessed from the alley which I assume is okay since it's there. As for my opinion on Ms Saldana's request, I assume we are talking about an addition to her home. I don't see an issue with receiving a variance unless she added on to her home knowing about the setback rules and chose to ignore them. If she's like me, I had no idea there were minimum rear setbacks so can see where an error could be made unintentionally. Thank you for the information and the quick reply.

Peggy Barron

From: Murillo, Jesus

Sent: Monday, July 01, 2019 2:55 PM

To: dbarron9

Subject: RE: question on variance notification

Hello Ms. Barron,

The ordinance requires a minimum rear yard setback to all properties within the R-7 zoning district, and Ms. Saldana was identified as having an addition that encroached into that required setback by 2.5 feet. The ordinance requires the addition to be brought into conformance. The ordinance also allow for a variance, if granted by the Board of Adjustment. Ms. Saldana is seeking relief from the ordinance requirement for 2.5 feet. Her request would have to be reviewed and voted upon by the Board of adjustment. The ordinance identifies four criteria that must be met in order for the variance to be granted. One of the criteria is that the granting of the variance will not be detrimental to surrounding properties (in my words). Therefore it is appropriate for a property owner requesting a variance to attempt to receive comments from surrounding neighbors. I hope this helps identify the request a little better. You may respond to Ms. Saldana, or provide me with your opinion on the request.

Please feel free to contact me with any further questions or comments.

Sincerely,

Jesus

From: dbarron9 <dbarron9@cox.net>

Sent: Monday, July 01, 2019 2:05 PM

To: Murillo, Jesus <JMurillo@ScottsdaleAz.Gov>

Subject: question on variance notification

⚠ EXTERNAL Email with links or attachments. Please use caution!

We received a notification from Hilda Saldana at 8535 E Thomas Rd informing us that she is asking for a variance of 2.5 feet for an addition in the rear of her property. Since I don't know exactly what this is, I'm not sure if we should be concerned. I know her property, like ours, backs to an alley. What code exactly does this variance refer to?

Thank you,

Peggy Barron

8449 E Thomas Rd

dbarron9@cox.net

to whom I may concern:

At Lorena Gaxiola and David Diaz

at 8613 E Thomas rd
Scottsdale AZ 85251

We are fine with the $2\frac{1}{2}$ Variance

in the year of the house of

Hilda Saldana is you have
8535 E Thomas rd Scottsdale AZ 85251

any question Please reach us at

(480) 246-7126

Sincerely
Dennis Marista

Grace Chapel
8524 E Thomas RD
Scottsdale, AZ 85251

July 17, 2019

RE: Addition on property at 8535 E Thomas Rd, Scottsdale

To Whom It May Concern:

As Pastor of Grace Chapel I want to affirm that we have no objections to the additions to Hilda Saldana's to property and nor to the variance she is requesting at 8535 E Thomas Rd, Scottsdale, AZ 85251.

If you can any further questions feel free to contact me at 602-684-6291

Sincerely,



Pastor Richard Casteel

As Pastor of
Saldana's property
Scottsdale, AZ

If you have

any questions

Pastor Richard

602-684-6291

Candi Fleishman
via 579-4396
Candi Fleishman

Thank you!

My name is Candice
at 8522 E. Edgemoor, just south of Hilda Saldaña
we've lived in our house since January of 2019. We've
never had an issue with our neighbors. We do not have
any or ever had, ~~issues~~ with their add-on. Please feel
free to contact with me if you have any questions.

Dear Home Owner,

My Name is Hilda Saldana owner at the property at 8535 E. Thomas Road Scottsdale Arizona 85251. I am asking the City of Scottsdale for a variance of 2 ½ feet for an addition in the rear of my property. If you have, any questions feel free to contact me at 480-709-8333 or City Senior Planner Jesus Murillo at 480-312-7849

Hilda Saldana