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**Marked Agendas  
Approved Minutes  
Approved Reports**



# Board of Adjustment Decision

## Zoning Ordinance Variance

### Variance Request

**Case Numbers:** 1018-PA-2018 / 8-BA-2019

**Project Name:** 9823 East Jenan Drive

**Location:** 9823 E Jenan Dr

Single-Family Residential     Multi-Family Residential     Commercial     Industrial

**Section of the Zoning Ordinance to be varied:** Zoning Ordinance Sec. 5.102.A.1., Table 5.102., Land Use 3, Note (2)c.

**Scottsdale Ordinance Requires:** 1200' separation

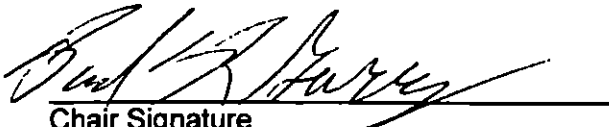
**Applicant's Request:** Variance to the City of Scottsdale Zoning Ordinance, Section 5.102.A.1., Table 5.102., Land Use 3, Note (2)c., pertaining to Care Home location/separation, for an existing Care Home property with Single-family Residential, Planned Residential District (R1-43 PRD) zoning located at 9823 East Jenan Drive.

**Amount of Variance:** 622'

### Board of Adjustment Decision

**Hearing Date:** September 4, 2019

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

  
Chair Signature

# B I A R I ( F A ) I S I M E N T REPORT



Meeting Date: September 4, 2019  
Item No.: 3

## ACTION

9823 East Jenan Drive  
8-BA-2019

### Request to consider the following:

1. Request by owner for a variance to the City of Scottsdale Zoning Ordinance, Section 5.102.A.1., Table 5.102., Land Use 3, Note (2)c., pertaining to Care Home location/separation, for an existing Care Home property with Single-family Residential, Planned Residential District (R1-43 PRD) zoning.

## OWNER

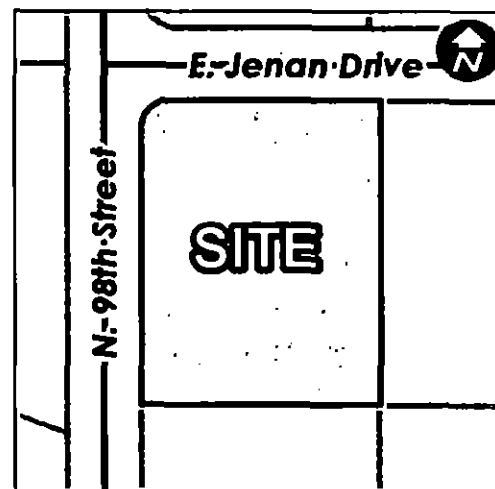
Arizona Royal Home Care, LLC  
602-300-7141

## APPLICANT CONTACT

Zachary Pebler  
480-321-8149

## LOCATION

9823 E. Jenan Drive



## BACKGROUND

### History

- July 31, 2009 the Subject site is approved as a Care Home (Case 5-AC-2009), adhering to all Zoning Ordinance requirements including the separation requirement of 500 feet from another Care Home.
- March 25, 2010 permit issued for a 3,428 square foot addition.
- August 6, 2010 Permit issued for new patio cover by the pool.
- March 11, 2011 Permit issued to convert patio cover by the pool into a pool house.
- October 31, 2011 Permit issued for a 2,926 square foot RV garage.
- December 26, 2012 Permit issued to convert RV garage to livable space.



Q.S.  
30-51

Google Earth Pro Imagery



9823 East Jenan Drive

8-BA-2019



Q.S.  
30-51

Google Earth Pro Imagery



9823 East Jenan Drive

8-BA-2019



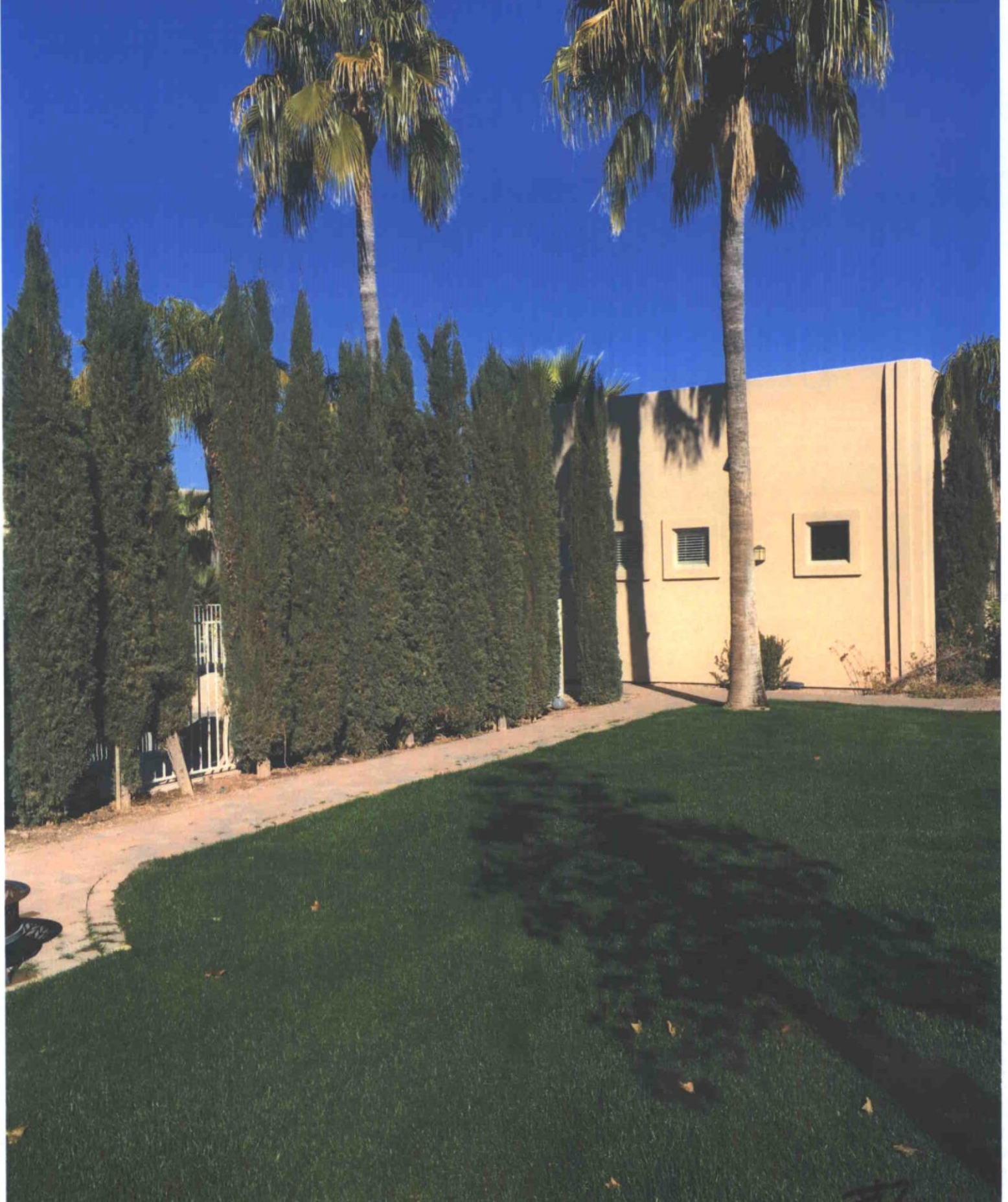
Q.S.  
30-51

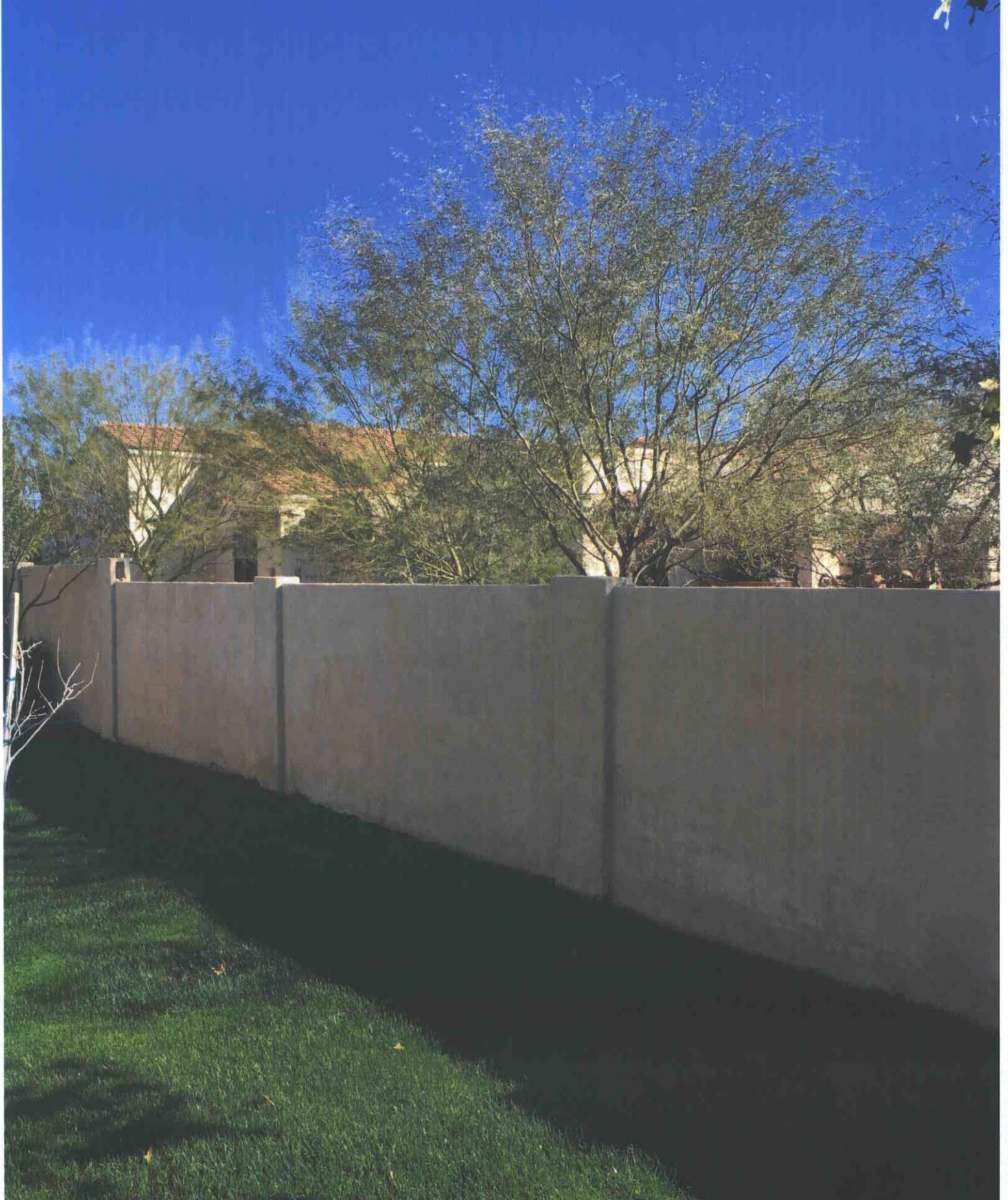
2018 GIS Orthophoto

9823 East Jenan Drive

8-BA-2019











#5



46







49

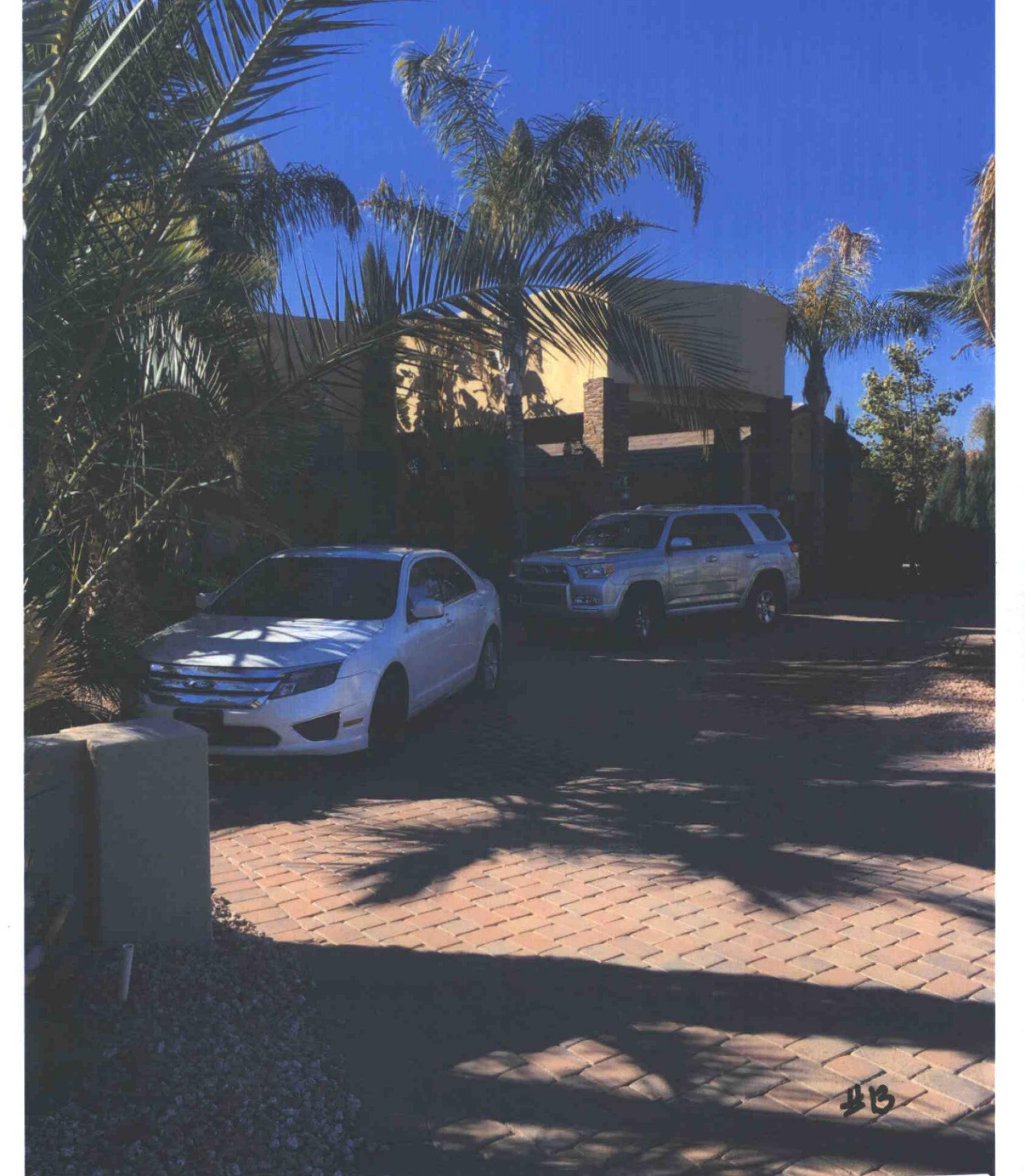


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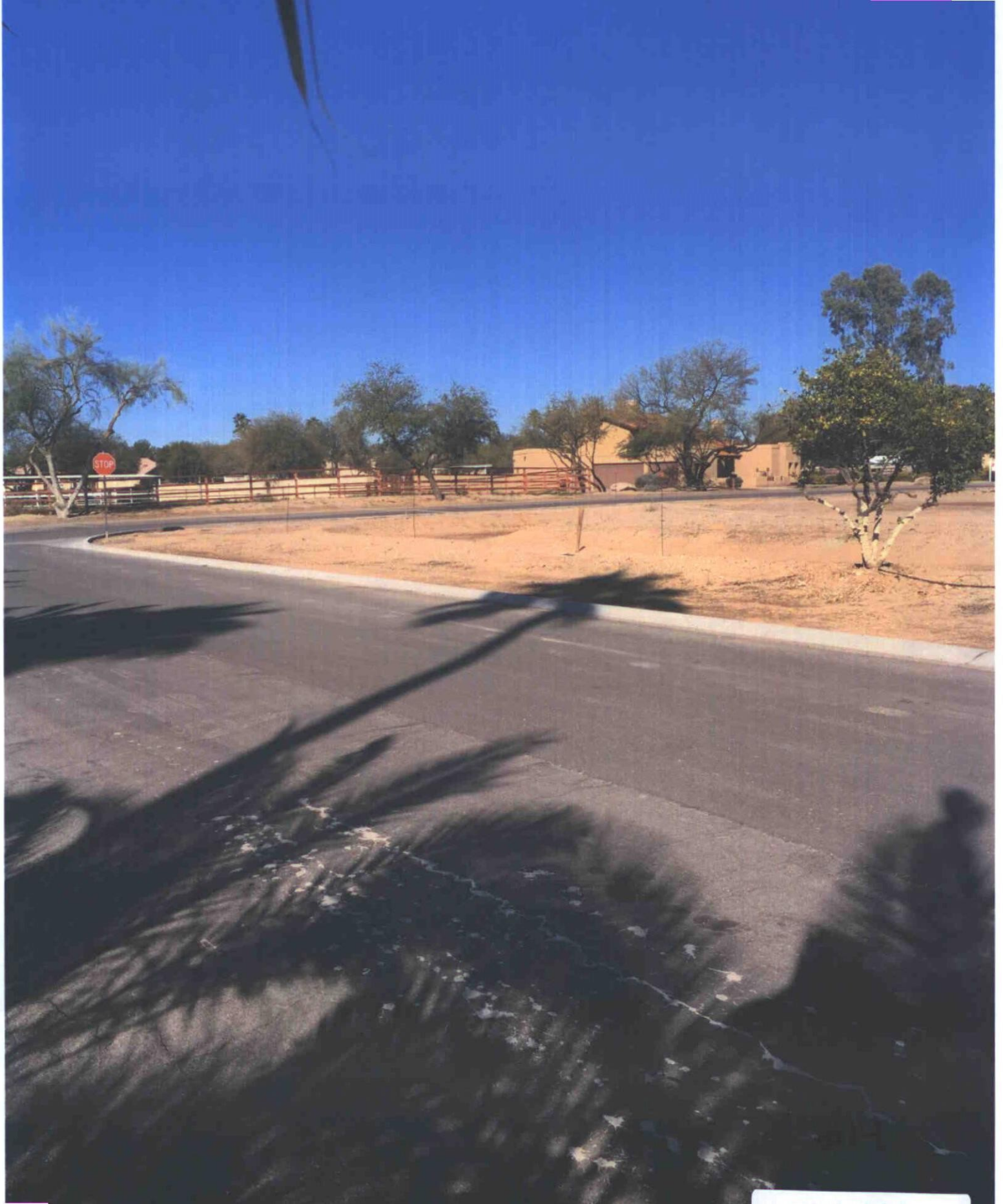




112



43





B15

8 PA 2018





## Moriarity, Ben

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**From:** pmurko@cox.net  
**Sent:** Monday, June 24, 2019 12:44 PM  
**To:** Moriarity, Ben  
**Subject:** 8-BA-2019 9823 EAST JENAN DRIVE

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



People need to buy property understanding that the government will not give them more rights than the neighbors originally agreed to when they bought the property. No more density- period. They need to follow the rules. -- sent by Paul Murkowicz (case# 8-BA-2019)



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**From:** [Craig Pearce](#)  
**To:** [Projectinput](#)  
**Subject:** case# 8-BA-2019  
**Date:** Friday, June 28, 2019 4:48:21 PM

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

I am opposed to increasing the building/floor area density of this property.

Sincerely, Craig Pearce

9817 E. Cortez Street.

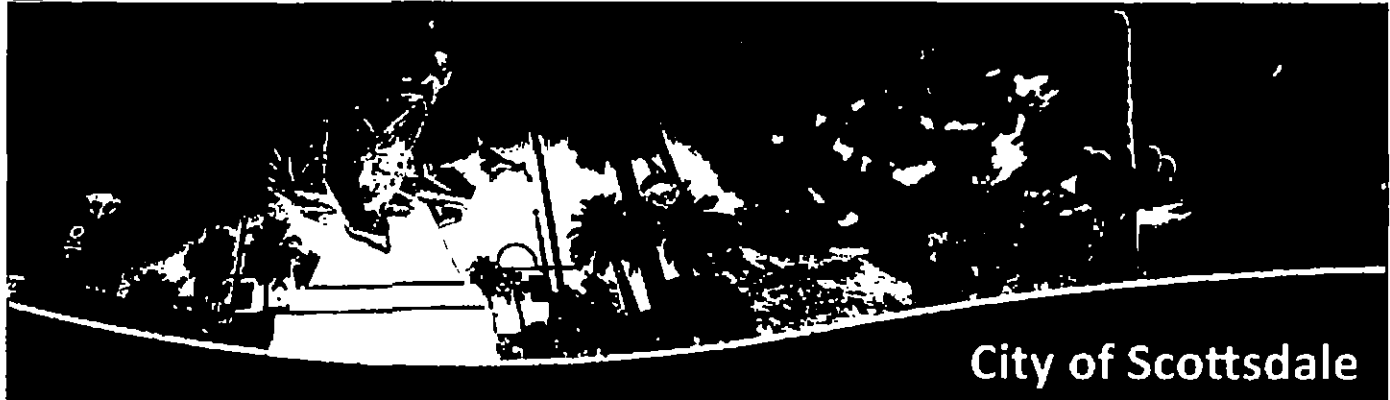
This email message and any accompanying attachment(s) is intended for only the use of the intended recipient(s) and may contain confidential and privileged information. If any receiver of this communication is not the intended recipient(s), any unauthorized review, use, disclosure, copying, or distribution is prohibited, and may be unlawful. If you are not the intended recipient(s), please immediately notify the sender by reply or return email, and destroy all copies of the original message and attachments, and delete the original message, attachments, and all copies from your systems. Thank you.

## Zimmer, Christopher

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**From:** fasolino.jp@gmail.com  
**Sent:** Sunday, July 28, 2019 6:04 PM  
**To:** Zimmer, Christopher  
**Subject:** 8-BA-2019 9823 EAST JENAN DRIVE

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



Dear Planning Staff-As a nearby resident, I'd like express my opposition to increasing the intensity of use of the applicant's property. Very often, there are many vehicles parked on and around the property. They are presumed to belong to the property owner, the staff and visitors, but I've seen commercial vehicles related to a tile/stone business. Much of this had little impact in the past, but there will be a number of new homes going in across the street from the group home. -- sent by John Fasolino (case# 8-BA-2019)



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## Moriarity, Ben

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**From:** Dina DeAcetis-Francis <ddfran2424@gmail.com>  
**Sent:** Thursday, August 15, 2019 1:21 PM  
**To:** Moriarity, Ben  
**Subject:** Re: 8-BA-2019 9823 East Jenan Drive

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

Hi Ben,

We just reviewed the proposed plans from the care home across from our property and we are strongly opposed after reviewing. We have invested a lot of time and money into our property across the street - Bellissima Estates - a 6 lot subdivision where we waited 2 years for

City of Scottsdale approval and met every city request. We are following all of the setback rules and

all of the building codes and stipulations...and feel neighbors should do the same.

Our first spec home is nearing completion and is listed at \$2,399,000. We anticipate building out the remaining 5 lots priced from \$2,200,000 - \$2,750,000 and feel that setting a precedent and allowing a neighbor to encroach into a setback and not follow all of the City of Scottsdale rules and regulations will be a major concern to future buyers investing over \$2,000,000 into a new home. Secondly, we feel it will be a big detriment to us in marketing and selling these homes.

Two of our properties are directly across the street from the care home and our corner property will be in direct

view from the front windows looking straight out at the proposed structure.

Please let me know if there is any other information or formal written document you need from us. We will plan on trying to attend the meeting.

Thank you for the information.

Dan & Dina Francis

(480) 221-2400

[ddfran2424@gmail.com](mailto:ddfran2424@gmail.com)

***Dina DeAcetis-Francis***

**Realty One Group**

480-221-2400

[ddfran2424@gmail.com](mailto:ddfran2424@gmail.com)

On Tue, Aug 13, 2019 at 3:25 PM Moriarity, Ben <[BMoriarity@scottsdaleaz.gov](mailto:BMoriarity@scottsdaleaz.gov)> wrote:

Dina,

Please find the application details at the following fact sheet:

<https://eservices.scottsdaleaz.gov/bldgresources/Cases/Details/50025>

Ben Moriarity

**STATEMENT OF SUPPORT**  
"9823 E. Jenan Dr. - Garage Addition"

I am in support of the proposed variance request for increase in lot coverage request from 35% to 37.7% to accommodate a non-livable, 1,000 square foot garage addition, located 9823 E. Jenan Dr. in Scottsdale, AZ. I am an adjacent resident of the property and furthermore, a resident of Scottsdale, AZ. It is my understanding that the variance request, if approved, will allow for the construction of a non-livable, 1,000 sq.ft. garage addition.

I have taken the time to review and understand the proposed project and the request for the variance. I am a resident of Scottsdale, AZ and live adjacent the project site. I believe the proposed request for increase in lot coverage for a garage will not burden the neighborhood and free up needed storage and parking spots on the property to operate the business.

Signature Carole Maclean

Printed Name CAROLE MACLEAN

Street Address 9845 E. JENAN DR.

City SCOTTSDALE Zip Code 85260

Phone Number 925-216-5238

Email cam19571027@gmail.com

Date 6-12-19

**STATEMENT OF NON-OPPOSITION**  
"9823 E. Jenan Dr. – Garage Addition"

I have taken the time to review and understand the proposed variance request for increase in lot coverage request from 35% to 37.7% to accommodate a non-livable, 1,000 square foot garage addition, located 9823 E. Jenan Dr. in Scottsdale, AZ. I am an adjacent resident of the property and furthermore, a resident of Scottsdale, AZ. It is my understanding that the variance request, if approved, will allow for the construction of a non-livable, 1,000 sq.ft. garage addition. I do not oppose the proposed request and project.

Signature Daniel C. Daroch

Printed Name DANIEL C. DAROCH

Street Address 9814 E. CORTAZ ST.

City SCOTTSDALE Zip Code 85260

Phone Number 602-397-2811

Email DCDAROCH@YAHOO.COM

Date 6/13/2019



# REQUEST TO SPEAK

4

Request to Speak cards must be submitted to City Staff **BEFORE** public testimony begins.

Public testimony is limited to three (3) minutes per speaker.

Additional time *MAY* be granted to speakers representing two or more persons.

Cards for designated speakers and the person(s) they represent must be submitted together.

NAME (print)

Mariette Kort

MEETING DATE

Aug 7 2019

NAME OF GROUP/ORGANIZATION (if applicable)

ADDRESS

9940 E. Jenan Drive

ZIP

85260

HOME PHONE

480-860-2213

WORK PHONE

E-MAIL ADDRESS (optional)

I WISH TO SPEAK ON AGENDA ITEM # 4  I WISH TO DONATE MY TIME TO \_\_\_\_\_

I WISH TO SPEAK DURING "PUBLIC COMMENT"\* CONCERNING \_\_\_\_\_

\*Citizens may complete one Request to Speak "Public Comment" card per meeting and submit it to City Staff. "Public Comment" time is reserved for citizen comments regarding non-agendized items. The Board and Commission may hear "Public Comment" testimony, but is prohibited by state law from discussing items which are not listed on the agenda.

This card constitutes a public record under Arizona law.

# REQUEST TO SPEAK



X3

Request to Speak cards must be submitted to City Staff **BEFORE** public testimony begins.  
Public testimony is limited to three (3) minutes per speaker.  
Additional time **MAY** be granted to speakers representing two or more persons.  
Cards for designated speakers and the person(s) they represent must be submitted together.

NAME (print) JEFF CARLBERG MEETING DATE 9-4-19

NAME OF GROUP/ORGANIZATION (if applicable) \_\_\_\_\_

ADDRESS \_\_\_\_\_ ZIP \_\_\_\_\_

HOME PHONE \_\_\_\_\_ WORK PHONE \_\_\_\_\_

E-MAIL ADDRESS (optional) \_\_\_\_\_

I WISH TO SPEAK ON AGENDA ITEM # 4  I WISH TO DONATE MY TIME TO \_\_\_\_\_

I WISH TO SPEAK DURING "PUBLIC COMMENT"\* CONCERNING \_\_\_\_\_

\*Citizens may complete one Request to Speak "Public Comment" card per meeting and submit it to City Staff. "Public Comment" time is reserved for citizen comments regarding non-agendized items. The Board and Commission may hear "Public Comment" testimony, but is prohibited by state law from discussing items which are not listed on the agenda.

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# REQ EST | SPEAK

3



Request to Speak cards must be submitted to City Staff **BEFORE** public testimony begins.  
Public testimony is limited to three (3) minutes per speaker.  
Additional time **MAY** be granted to speakers representing two or more persons.  
Cards for designated speakers and the person(s) they represent must be submitted together.

NAME (print) PAUL R. MESSINGER MEETING DATE Sept 4, 2019

NAME OF GROUP/ORGANIZATION (if applicable) SELF

ADDRESS 11060 N. 94<sup>th</sup> St. - Scott. AZ 85260 ZIP 85260

HOME PHONE 602-826-0812 WORK PHONE 480-860-2300

E-MAIL ADDRESS (optional) NONE

I WISH TO SPEAK ON AGENDA ITEM # 8-BA-2019 FOR PASSAGE  I WISH TO DONATE MY TIME TO \_\_\_\_\_  
If Needed 8-BA-2019 FOR PASSAGE  
8-BA-2019 (9823 E. JONAN DR)

I WISH TO SPEAK DURING "PUBLIC COMMENT"\* CONCERNING \_\_\_\_\_

\*Citizens may complete one Request to Speak "Public Comment" card per meeting and submit it to City Staff. "Public Comment" time is reserved for citizen comments regarding non-agendized items. The Board and Commission may hear "Public Comment" testimony, but is prohibited by state law from discussing items which are not listed on the agenda.

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