

**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: Matteo Moric Residence - Variance Requests

Property's Address: 3615 North Miller Road, Scottsdale AZ 85251

Property's Current Zoning District Designation: R1-7

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>Matthew "Matteo" Moric</u>	Agent/Applicant: <u>Same as owner</u>
Company:	Company:
Address: <u>3615 North Miller Road, Scottsdale AZ</u>	Address:
Phone: <u>480-329-1710</u> Fax:	Phone: Fax:
E-mail: <u>matteo@asu.edu</u>	E-mail:
Designer:	Engineer:
Company:	Company:
Address:	Address:
Phone: Fax:	Phone: Fax:
E-mail:	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 applications¹ 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.

Matteo Moric

Owner Signature

Agent/Applicant Signature

Official Use Only

Submittal Date:

Development Application No.:

3-BA-2016
03/04/16



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.



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.



Current Planning Services
Long Range Planning Services

NOTICE OF INSPECTION RIGHTS
A.R.S. § 9-833

You have the right to:

- Have the City staff member present a photo ID.
- Have the City staff member state the purpose for the planning inspection and legal authority to conduct it.
- Know the amount of inspection fees if applicable.
- An on-site representative may accompany the City staff member during the inspection except during confidential interviews and may:
 - Receive copies of any documents taken during the inspection.
 - Receive a split of any samples taken during the inspection.
 - Receive copies of any analysis of the samples taken when available.
- Be informed if statements are being recorded.
- Be given notice that any statements may be used in an inspection report.
- Be presented with a copy of your inspection rights.
- Be notified of the due process rights pertaining to an appeal

You are hereby notified and informed of the following:

- The inspection is conducted pursuant to the authority of A.R.S § 9-462.05. and/or Scottsdale Revised Code, Appendix B, Article I. Section 1.203.
- Any statements made by anyone interviewed during this inspection may be included in the inspection report.
- Information on appeal rights related to this inspection is found under Scottsdale Revised Code, Appendix B, Article I. Section 1.801.
- There is no inspection fee associated with this inspection.

I acknowledge I have been informed of my inspection rights. If I decline to sign this form, the inspector(s) may still proceed with the inspection.

If I have any questions, I may contact the City staff member, _____

at the following number _____

Signature: Matthew Moric Date: 3/4/2016

Printed Name: Matthew "Matteo" Moric

Check box if signature refused

Copy of Bill of Rights left at: _____

A.R.S § 9-833. Inspections; applicability

- A. A municipal inspector or regulator who enters any premises of a regulated person for the purpose of conducting an inspection shall:
1. Present photo identification on entry of the premises.
 2. On initiation of the inspection, state the purpose of the inspection and the legal authority for conducting the inspection.
 3. Disclose any applicable inspection fees.
 4. Except for a food and swimming pool inspection, afford an opportunity to have an authorized on-site representative of the regulated person accompany the municipal inspector or regulator on the premises, except during confidential interviews.
 5. Provide notice of the right to have:
 - (a) Copies of any original documents taken from the premises by the municipality during the inspection if the municipality is permitted by law to take original documents.
 - (b) A split or duplicate of any samples taken during the inspection if the split or duplicate of any samples, where appropriate, would not prohibit an analysis from being conducted or render an analysis inconclusive.
 - (c) Copies of any analysis performed on samples taken during the inspection.
 6. Inform each person whose conversation with the municipal inspector or regulator during the inspection is tape recorded that the conversation is being tape recorded.
 7. Inform each person interviewed during the inspection that statements made by the person may be included in the inspection report.
- B. On initiation of, or two working days before, an inspection of any premises of a regulated person, except for a food and swimming pool inspection that has up to one working day after an inspection, a municipal inspector or regulator shall provide the following in writing or electronically:
1. The rights described in subsection A of this section.
 2. The name and telephone number of a municipal contact person available to answer questions regarding the inspection.
 3. The due process rights relating to an appeal of a final decision of a municipality based on the results of the inspection, including the name and telephone number of a person to contact within the municipality and any appropriate municipality, county or state government ombudsman.
- C. A municipal inspector or regulator shall obtain the signature of the regulated person or on-site representative of the regulated person on the writing prescribed in subsection B of this section indicating that the regulated person or on-site representative of the regulated person has read the writing prescribed in subsection B of this section and is notified of the regulated person's or on-site representative of the regulated person's inspection and due process rights. The municipality shall maintain a copy of this signature with the inspection report. Unless the regulated person at the time of the inspection is informed how the report can be located electronically, the municipality shall leave a copy with the regulated person or on-site representative of the regulated person. If a regulated person or on-site representative of the regulated person is not at the site or refuses to sign the writing prescribed in subsection B of this section, the municipal inspector or regulator shall note that fact on the writing prescribed in subsection B of this section.
- D. A municipality that conducts an inspection shall give a copy of, or provide electronic access to, the inspection report to the regulated person or on-site representative of the regulated person either:
1. At the time of the inspection.
 2. Notwithstanding any other state law, within thirty working days after the inspection.
 3. As otherwise required by federal law.

- E. The inspection report shall contain deficiencies identified during an inspection. Unless otherwise provided by law, the municipality may provide the regulated person an opportunity to correct the deficiencies unless the municipality determines that the deficiencies are:
1. Committed intentionally.
 2. Not correctable within a reasonable period of time as determined by the municipality.
 3. Evidence of a pattern of noncompliance.
 4. A risk to any person, the public health, safety or welfare or the environment.
- F. If the municipality allows the regulated person an opportunity to correct the deficiencies pursuant to subsection E of this section, the regulated person shall notify the municipality when the deficiencies have been corrected. Within thirty working days of receipt of notification from the regulated person that the deficiencies have been corrected, the municipality shall determine if the regulated person is in substantial compliance and notify the regulated person whether or not the regulated person is in substantial compliance, unless the determination is not possible due to conditions of normal operations at the premises. If the regulated person fails to correct the deficiencies or the municipality determines the deficiencies have not been corrected within a reasonable period of time, the municipality may take any enforcement action authorized by law for the deficiencies.
- G. A municipality's decision pursuant to subsection E or F of this section is not an appealable municipal action.
- H. At least once every month after the commencement of the inspection, a municipality shall provide the regulated person with an update, in writing or electronically, on the status of any municipal action resulting from an inspection of the regulated person. A municipality is not required to provide an update after the regulated person is notified that no municipal action will result from the municipality's inspection or after the completion of municipal action resulting from the municipality's inspection.
- I. This section does not authorize an inspection or any other act that is not otherwise authorized by law.
- J. This section applies only to inspections necessary for the issuance of a license or to determine compliance with licensure requirements. This section does not apply:
1. To criminal investigations and undercover investigations that are generally or specifically authorized by law.
 2. If the municipal inspector or regulator has reasonable suspicion to believe that the regulated person may be or has been engaged in criminal activity.
 3. Inspections by a county board of health or a local health department pursuant to section 36-603.
- K. If a municipal inspector or regulator gathers evidence in violation of this section, the violation shall not be a basis to exclude the evidence in a civil or administrative proceeding, if the penalty sought is the denial, suspension or revocation of the regulated person's license or a civil penalty of more than one thousand dollars.
- L. Failure of a municipal employee to comply with this section:
1. Constitutes cause for disciplinary action or dismissal pursuant to adopted municipal personnel policy.
 2. Shall be considered by the judge and administrative law judge as grounds for reduction of any fine or civil penalty.
- M. A municipality may adopt rules or ordinances to implement this section.
- N. This section:
1. Shall not be used to exclude evidence in a criminal proceeding.
 2. Does not apply to a municipal inspection that is requested by the regulated person.



Request for Site Visits and/or Inspections Development Application (Case Submittals)

This request concerns all property identified in the development application.

Pre-application No: 787 - PA - 2015

Project Name: Matteo Moric Residence Variance Requests

Project Address: 3615 N. Miller Road, Scottsdale AZ 85251

STATEMENT OF AUTHORITY:

1. I am the owner of the property, or I am the duly and lawfully appointed agent of the property and have the authority from the owner to sign this request on the owner's behalf. If the land has more than one owner, then I am the agent for all owners, and the word "owner" refer to them all.
2. I have the authority from the owner to act for the owner before the City of Scottsdale regarding any and all development application regulatory or related matter of every description involving all property identified in the development application.

STATEMENT OF REQUEST FOR SITE VISITS AND/OR INSPECTIONS

1. I hereby request that the City of Scottsdale's staff conduct site visits and/or inspections of the property identified in the development application in order to efficiently process the application.
2. I understand that even though I have requested the City of Scottsdale's staff conduct site visits and/or inspections, city staff may determine that a site visit and/or an inspection is not necessary, and may opt not to perform the site visit and/or an inspection.

Property owner/Property owners agent: Matteo Moric

Print Name

@Matteo @Moric
Signature

City Use Only:

Submittal Date: _____ Case number: _____

Planning, Neighborhood & Transportation Division

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ Phone: 480-312-7000 ♦ Fax: 480-312-7088



Community & Economic Development Division
Planning, Neighborhood & Transportation

7447 East Indian School Road
Scottsdale, Arizona 85251

Date: 3/4/15
Contact Name: MATTHEW MORIC
Firm name: _____
Address: 3615 N. MILLER ROAD
City, State Zip: SCOTTSDALE, AZ 85251

RE: Minimal Submittal Comments
787 - PA - 2015

Dear MR MORIC:

It has been determined that your Development Application for 787-PA-2015 does not contain the minimal information, and has not been accepted for review.

Please refer to the application checklist and the Minimal Information to be Accepted for Review Checklist, and the Plan & Report Requirements pertaining to the minimal information necessary to be accepted for review.

PLEASE CALL 480-312-7000 TO SCHEDULE A RESUBMITTAL MEETING WITH ME PRIOR TO YOUR PLANNED RESUBMITTAL DATE. DO NOT DROP OFF ANY RESUBMITTAL MATERIAL WITHOUT A SCHEDULED MEETING. THIS WILL HELP MAKE SURE I'M AVAILABLE TO REVIEW YOUR RESUBMITTAL AND PREVENT ANY UNNECESSARY DELAYS. RESUBMITTAL MATERIAL THAT IS DROPPED OFF MAY NOT BE ACCEPTED AND RETURNED TO THE APPLICANT.

These **Minimal Submittal Comments** are valid for a period of 180 days from the date on this letter. The Zoning Administrator may consider an application withdrawn if a revised submittal has not been received within 180 days of the date of this letter (Section 1.305. of the Zoning Ordinance).

Sincerely,

Kate Foster

Name: _____
Title: Associate Planner
Phone number: 480-312-2703
Email address: KFoster@scottsdaleaz.gov



**Community & Economic Development Division
Planning, Neighborhood & Transportation**

7447 East Indian School Road
Scottsdale, Arizona 85251

Date: _____
Contact Name: _____
Firm name: _____
Address: _____
City, State Zip: _____

RE: Application Accepted for Review.

_____ - PA- _____

Dear _____:

It has been determined that your Development Application for _____
has been accepted for review.

Upon completion of the Staff's review of the application material, I will inform you in writing or electronically either: 1) the steps necessary to submit additional information or corrections; 2) the date that your Development Application will be scheduled for a public hearing or, 3) City Staff will issue a written or electronic determination pertaining to this application. If you have any questions, or need further assistance please contact me.

Sincerely,

Name: _____
Title: _____
Phone number: _____
Email address: _____

The goal of this project is three-fold:

- 1) to allow the old adobe home which sits on the site to remain;
- 2) to build an approximately 2,000 square foot home plus a two-car garage on the vacant lot along Miller Road, so my parents can move closer to me as they age and get older; and
- 3) to spur on positive investment in the neighborhood.

The property (lots) in question are located at the southeast corner of Miller Road and 3rd Street, in the Peaceful Valley Neighborhood. This neighborhood is situated to the north of Osborn Road and south of Indian School Road between Miller Road on the west and the Indian Bend Wash on the east. The old adobe home existed back when all the surrounding area was farmland. This structure was on the property dating back to at least 1949 as indicated on the old aerial photos provided by Maricopa County.

In 1955, the Peaceful Valley neighborhood was platted and the city approved a plan with a property line cutting through the adobe home. As well the home sat 5.33 feet from where the front property line was placed along 3rd Street. Today there is a requirement of a 20 foot front yard setback.

The lot where the house sits is under-sized today at about 6,650 square feet. Simply, the request on the east lot is for two variances where the house is, this will allow the house to remain and make it legal and conforming. The approval of this request will fix up a situation that was created by a city action when it approved the subdivision plat.

As mentioned previously, the variances for this lot are to reduce the front yard setback from 20 feet to 5.33 feet and to modify the lot size, which is already undersized, from 6,650 square feet to 6,988.29 square feet. This will bring the lot closer to the conforming size of 7,000 square feet, required today for a R1-7 zoned property.

The vacant lot to the west along Miller Road is also undersized standing at approximately 6,907.38 square feet. In order to retain the old house the property line must meander around it with a 5 foot side setback. By keeping the old adobe home the lot size would be reduced to 6,569.21 square feet. Also, this would require the lot width along 3rd Street to be shorter than 70 feet wide at approximately 61.71 feet. By narrowing the lot size, there is a need to have relief from the front and rear setback requirements. The reduction in the front yard setback will provide consistency with the neighboring old adobe home. This is required because the future house will be

narrowed by two factors. To provide open space between the old adobe house and the new one so that the neighborhood can continue to enjoy the historic charm of it. And the traffic and noise associated with Miller Road will necessitate the new home to be pushed further from it. This squeezing or narrowing of the home will require relief.

Main buildings and additions to main buildings may extend into the rear yard if: "it is setback a minimum of twelve (12) feet where the property 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," the need is to increase this to forty (40) percent of the area of the rear yard. ✓

Note: Additionally a greater amount of right-of-way was dedicated at the time of plat for this property relative to the properties directly across the street. This is true for both Miller Road and 3rd Street. Subsequently, setbacks required on both lots are greater than usual from the street curb and the lots are greater in land area when added together with the additional right-of-way.

The city action of approving the plat of Peaceful Valley in 1955 has caused the hardship and special circumstances for which this property needs reasonable property rights. Finally, this will provide a positive investment in the neighborhood.



- ① East Lot size
- ② West Lot size
- ③ East Lot - Front setback
- ④ West Lot - Front setback

⑥ West Lot - rear yard setback to 40% from 30%

Matteo Moric Residence

3615 North Miller Road
Scottsdale, Arizona 85251

Variance Requests

Narrative Amendment - Request for Flexibility - March 14, 2016

I am requesting flexibility for the predictable and unpredictable. For the west lot, I am requesting it to be reduced to 55 feet wide and the overall minimum lot size for either of the lots to be 6,000 square feet.

The request for flexibility is to ensure there is adequate space in the courtyard area as to not need to create a cross-access agreement between the two property owners. Without this flexibility, there may be future neighborhood land disputes of which the City of Scottsdale may not desire to be involved. In addition, the majority of the future architecture is proposed to mimic the existing adobe house which has extra thick walls necessitating additional space. The plans submitted are conceptual in nature and final plans would have cost many thousands of dollars to draw up, and as you are aware many times errors are not discovered until out in the field.

I thank the City of Scottsdale in advance for the time and attention dedicated to this request for flexibility and offer my availability for any need for clarification.

Matthew "Matteo" Moric
480-329-1710