

**Marked Agendas
Approved Minutes
Approved Reports**

BI (AR) (FAI) (S) (ME) (T) REPORT



Meeting Date: 4/6/2016
Item No.: 3

ACTION

Moric Residence Variances 3-BA-2016

Request to consider the following:

1. Approve a variance request to the City of Scottsdale Zoning Ordinance, Section 5.504.A.1, pertaining to the reduction of the required lot area, for **Lot 18** of the subject site located at 3615 N. Miller Road with Single-family Residential (R1-7) zoning.
 2. Approve a variance request to the City of Scottsdale Zoning Ordinance, Section 5.504.E.1, pertaining to the reduction of the required front yard setback, for **Lot 18** of the subject site located at 3615 N. Miller Road with Single-family Residential (R1-7) zoning.
 3. Approve a variance request to the City of Scottsdale Zoning Ordinance, Section 5.504.A.1, pertaining to the reduction of the required lot area, for **Lot 19** of the subject site located at 3615 N. Miller Road with Single-family Residential (R1-7) zoning.
 4. Approve a variance request to the City of Scottsdale Zoning Ordinance, Section 5.504.B, pertaining to the reduction of the required lot width, for **Lot 19** of the subject site located at 3615 N. Miller Road with Single-family Residential (R1-7) zoning.
 5. Approve a variance request to the City of Scottsdale Zoning Ordinance, Section 5.504.E.1, pertaining to the reduction of the required front yard setback, for **Lot 19** of the subject site located at 3615 N. Miller Road with Single-family Residential (R1-7) zoning.
 6. Approve a variance request to the City of Scottsdale Zoning Ordinance, Section 5.504.H.1.b, pertaining to an increase in the allowable area covered by additions to main buildings; for **Lot 19** of the subject site located at 3615 N. Miller Road with Single-family Residential (R1-7) zoning.
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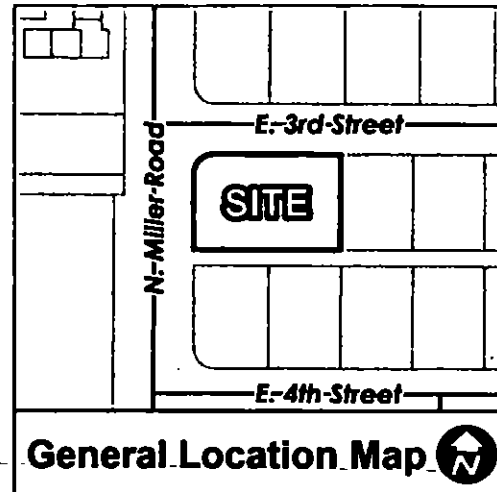
OWNER / APPLICANT CONTACT

Matthew Moric
480-329-1710

LOCATION

3615 N. Miller Road

BACKGROUND



History

The subject site consists of Lot 18 and Lot 19 of the Peaceful Valley subdivision which was platted in 1955. The Maricopa County Assessors’ records identify the existing home on the site was constructed in 1951 in its currently existing location on the site. In its originally constructed location, the home currently exists encroaching into the required front yard setback along the E. 3rd Street frontage and crossing the property line between platted Lots 18 & 19; and as such is considered to be legal non-conforming.

Zoning/Development Context

The subject site is zoned Single-family Residential (R1-7) and is located at the southeast corner of N. Miller Road and E. 3rd Street, south of E. Indian School Road.

Adjacent Uses and Zoning

- North Siesta Suites Condominiums and Our Lady of Perpetual Help church, zoned Multiple-family Residential district (R-5).
- South Peaceful Valley subdivision, zoned Single-family Residential (R1-7); existing single-family residences.
- East Peaceful Valley subdivision, zoned Single-family Residential (R1-7); existing single-family residences.
- West D’s Market and Estancia apartments, zoned Highway Commercial, Downtown Overlay (C-3 DO) and Multiple-family Residential, Downtown Overlay (R-5 DO).

Zoning Ordinance Requirements

Variances #1 and #3: Pursuant to Section 5.504.A.1 of the City of Scottsdale Zoning Ordinance, pertaining to lot area: Each lot shall have a minimum area of not less than seven thousand (7,000) square feet.

The applicant is requesting a variance, of one hundred (100) square feet for Lot 18 and one thousand (1,000) square feet for Lot 19, to the minimum seven thousand (7,000) square foot lot area requirement which would reduce the lot area requirement for Lot 18 to six thousand nine hundred (6,900) square feet and for Lot 19 to six thousand (6,000) square feet.

The reduction would allow the property boundary between Lot 18 and Lot 19 to be reconfigured around the existing house to resolve its encroachment nonconformity.

Variance #4: Pursuant to Section 5.504.B of the City of Scottsdale Zoning Ordinance, pertaining to lot width: All lots shall have a minimum width of seventy (70) feet.

The applicant is requesting a variance of fifteen (15) feet from the minimum seventy (70) foot lot width, which would reduce the minimum required lot width for Lot 19 to fifty five (55) feet.

The reduction would allow the property boundary between Lot 18 and Lot 19 to be reconfigured around the existing house to resolve its encroachment nonconformity.

Variations #2 and #5: Pursuant to Section 5.504.E.1 of the City of Scottsdale Zoning Ordinance, pertaining to the front yard setback: Each lot shall have a front yard with a minimum depth of twenty (20) feet.

The applicant is requesting a variance of fifteen (15) feet which would reduce the required front yard setback for both Lot 18 and Lot 19 from twenty (20) feet to five (5) feet along the E. 3rd Street frontage.

The reduction on Lot 18 would allow the existing house to conform to the required front yard setback, and resolve its nonconformity. The reduction on Lot 19 would allow a future home to be constructed in the alignment of the existing house along E. 3rd Street.

Variance #6: Pursuant to Section 5.504.H.1.b of the City of Scottsdale Zoning Ordinance, pertaining to main buildings and additions to main buildings: The main building and an addition to the main building may extend into the rear yard if it does not occupy more than thirty (30) percent of the area of the rear yard set forth in Section 5.504.E.3.

The applicant is requesting a variance of ten (10) percent to increase the allowable area that portions of a future house on Lot 19 could extend into the required rear yard setback, from thirty (30) percent to forty (40) percent.

Nonconforming Provision: Pursuant to Section 1.1304.B.1 of the Zoning Ordinance, pertaining to nonconforming structures: For all dwellings located in residential zoning districts that are not located within an environmentally sensitive lands overlay zone:

- Structural enlargements, extensions, reconstruction or modifications to dwellings are permitted if:
 - The enlargement, extension, reconstruction or modification is made to the ground level story;
 - The height of any portion of the dwelling is not increased;
 - The total of the initial and any subsequent enlargement, extension, reconstruction or modification constitutes less than fifty (50) percent of the gross floor area of the existing dwelling; and
 - The dwelling enlargement, extension, reconstruction, or structural modification conforms to all of the regulations specified by this Zoning Ordinance for such district in which the dwelling is located.

The requested variance to reduce the required front yard setback of Lot 18, along the E. 3rd Street frontage, to five (5) feet and the ability to relocate the property boundary between Lots 18 & 19 would eliminate the non-conforming situation of the existing house on the site.

Code Enforcement Activity

There has been no recent code enforcement activity at the subject site.

Community Input

Notification was sent to properties within 750 feet of the subject site. Staff has not received any comments as of the writing this report.

Discussion

The original house on the subject site is identified by the Maricopa County Assessor's records to have been constructed in 1951 but may have existed in some form earlier than that. Then in 1955 the Peaceful Valley subdivision was platted around it and the subject site consists of Lots 18 & 19 of that plat. The platting of the two subject lots does not appear to have been done in a way that properly accounted for the location of the existing house; as such it was left encroaching into its required front yard setback along E. 3rd Street. Although the majority of the structure sits on Lot 18, the western portion crosses over onto Lot 19. For several years in the site's more recent history, the property has been assigned one assessor's parcel number by the Maricopa County Assessor's Office and viewed as one lot, but City staff was unable to find any record of an official action through a City of Scottsdale process re-platting Lots 18 & 19 as one parcel.

Adding to the issues resulting from the Peaceful Valley subdivision plat, the majority of the lots created within the subdivision met the currently required seventy (70) foot minimum lot width but provided less than the currently required seven thousand (7,000) square foot minimum lot area. As such, any proposed reconfiguration of the parcel lines for Lots 18 & 19 to capture the existing house on the site entirely within Lot 18 would require a variance or a re-zoning to enable new parcels to be created adhering to current zoning requirements. If the variance is granted to reduce the required lot area for both lots, the applicant's proposal configures the dividing property boundary between Lots 18 & 19 in such a way that the required side yard setbacks and separation between homes on each lot could be met for the existing house location on Lot 18 and a future house location on Lot 19. However, because of the location of the existing house on the site, in order to propose a property line that accommodates the required building setbacks, a variance or re-zoning would also be required to reduce the minimum lot width required for the resulting configuration of Lot 19 down to fifty five (55) feet as requested.

In conjunction with resolving the nonconformities of the existing house, the applicant is proposing to treat the site as two properties again and at some point in the future proposing construct a house on Lot 19. With that idea, the applicant is also requesting a variance to the required front yard setback on Lot 19 to allow the configuration of a future house at the same five (5) foot front yard setback alignment as the existing house on Lot 18 along the E. 3rd Street

frontage. Also, to accommodate the configuration of a future house on Lot 19, the applicant is requesting a variance to increase the allowable encroachment of portions of the main building into the required rear yard setback of Lot 19. The property development standards of the R1-7 zoning currently allow for encroachment at a minimum setback of twelve (12) feet within the required twenty two (22) foot rear yard setback provided it does not exceed thirty (30) percent of the required twenty two (22) foot rear yard area. The requested variance is to increase the thirty (30) percent maximum to forty (40) percent.

In initial discussions between staff and the applicant, the idea of abandoning a portion of the N. Miller Road and/or the E. 3rd Street right-of-way was discussed but was determined not to be a likely solution. The existing right-of-way dedicated for both streets is currently meeting the intended street cross-section and its width is consistent with that of the remainder of each street segment. In addition to right-of-way width requirements, there is also an existing water line located within the N. Miller Road right-of-way directly adjacent to the west property boundary of Lot 19 and within the E. 3rd Street right-of-way directly adjacent to its north property boundary. Due to building separation and access requirements, abandoning either portion of the existing right-of-way would also require relocating the water line proportionally further toward the center of either street. Also discussed prior to proceeding with the variance application process was the idea of re-zoning Lots 18 & 19 from R1-7 to another district, such as the R1-5 zoning district, to address some of the variances being requested by this application. The R1-5 district would require a lesser minimum lot width and minimum lot area than the current R1-7 district. However, even though the R1-5 district does require lesser minimum yard setback dimension (anticipating smaller lot areas), there may currently be more flexibility provided for by the R1-7 zoning that exists on the properties, such as corner lot setbacks and rear yard setback encroachments. As a result, even re-zoning the properties would likely still require some variances to achieve the proposed configuration of the two lots.

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:**

The applicant states that the old adobe home on the site existed back when the surrounding area was farmland and the structure may date back to 1949 or farther based on Maricopa County historical aerials. The Peaceful Valley subdivision was platted in 1955 and was configured in a way that left a property line cutting through the home and left it sitting 5.33 feet off of the E. 3rd Street property line. The site is made up of Lots 18 & 19 which are both undersized based on current zoning requirements. The requested variances would allow the existing house to remain in its current location on Lot 18 and bring it into conformance with the zoning while also allowing the lots to be configured in a way that would provide for the future construction of a house on Lot 19. Working around the

location of the existing home on the site adds limiting factors to the property boundary reconfiguration of the two lots and the future placement of a home on Lot 19.

Staff Analysis:

- Variance #1: Lot 18, regarding lot area: This property is similar in size, shape, and topography to other properties within the Peaceful Valley subdivision, but smaller in size than other properties within the R1-7 zoning district because the original Peaceful Valley subdivision plat created lots that were less than the currently required seven thousand (7,000) square foot minimum lot area. Per Section 5.504.A.2, the lot area is currently considered to be conforming but any proposed modifications would be restricted by the provisions of Section 1.1304 of the Zoning Ordinance.
- Variance #2: Lot 18, regarding front yard setback: The original house on the subject site was constructed in, or prior to, 1951 and in 1955 the Peaceful Valley subdivision was platted around it, this site consists of Lots 18 & 19 of that plat. The platting layout does not appear to have been done in a way that properly accounted for the location of the existing house; as such it was left encroaching into its required front yard setback and crossing the boundary between the two lots and is currently considered to be a non-conforming structure and restricted by the provisions of Section 1.1304 of the Zoning Ordinance.
- Variance #3: Lot 19, regarding lot area: This property is similar in size, shape, and topography to other properties within the Peaceful Valley subdivision, but smaller in size than other properties within the R1-7 zoning district because the original Peaceful Valley subdivision plat created lots that were less than the currently required seven thousand (7,000) square foot minimum lot area. Per Section 5.504.A.2, the lot area is currently considered to be conforming but any proposed modifications would be restricted by the provisions of Section 1.1304 of the Zoning Ordinance and by the encroachment of the existing house from Lot 18.
- Variance #4: Lot 19, regarding lot width: This property is similar in size, shape, and topography to other properties within the Peaceful Valley subdivision, but smaller in size than other properties within the R1-7 zoning district. Due to the location of the existing house on the overall site, in order to propose a modified property configuration that accommodates the building location and the required building setbacks, the required seventy (70) foot lot width could not be provided and a resulting fifty five (55) foot lot width would be required to configure the properties as proposed.
- Variance #5: Lot 19, regarding front yard setback: Although the resulting property configuration if other variances are approved will be irregularly shaped, the current setback requirements would still allow for the ability to construct a

single-family residence on the resulting property at a setback from the E. 3rd Street frontage and an overall size consistent with the other properties throughout the subdivision.

Variance #6: Lot 19, regarding rear yard encroachment: Although the resulting property configuration if other variances are approved will be irregularly shaped, the current setback requirements and lot coverage would still allow for the ability to construct a single-family residence on the resulting property with setbacks, building massing along the alley, and overall size consistent with the other properties throughout the subdivision.

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:**

The applicant states that the requested variances are necessary to bring the existing home on Lot 18 into conformance with the current zoning requirements and to allow for the design and construction of a future home on Lot 19 that would fit with the context and configuration of the existing home location on the site.

Staff Analysis:

Variance #1: Lot 18, regarding lot area: This property is similar in size, shape, and topography to other properties within the Peaceful Valley subdivision, but smaller in size than other properties within the R1-7 zoning district because the original Peaceful Valley subdivision plat created lots that were less than the currently required seven thousand (7,000) square foot minimum lot area. Per Section 5.504.A.2, the lot area is currently considered to be conforming but any proposed modifications would be restricted by the provisions of Section 1.1304 of the Zoning Ordinance. The proposed reduction in lot area for Lot 18 is consistent with the platted lot area of other lots within the Peaceful Valley subdivision. If the encroaching portion of the existing house was removed up to the side yard setback requirement of Lot 18, the existing lots could functionally remain as originally platted. The R1-7 zoning district allows for primary use as a single-family residence. Regardless of the outcome of this variance request, the existing structure on the site can continue to function as a single-family residence.

Variance #2: Lot 18, regarding front yard setback: The original house on the subject site was constructed in, or prior to, 1951 and in 1955 the Peaceful Valley subdivision was platted around it, this site consists of Lots 18 & 19 of that plat. The platting layout does not appear to have been done in a way that properly accounted for the location of the existing house; as such it was left encroaching into its required front yard setback and crossing the boundary between the two lots and is currently considered to be a non-conforming

structure and restricted by the provisions of Section 1.1304 of the Zoning Ordinance. The R1-7 zoning district allows for primary use as a single-family residence. Regardless of the outcome of this variance request, the existing structure can continue to function as a single-family residence.

Variance #3 Lot 19, regarding lot area: This property is similar in size, shape, and topography to other properties within the Peaceful Valley subdivision, but smaller in size than other properties within the R1-7 zoning district because the original Peaceful Valley subdivision plat created lots that were less than the currently required seven thousand (7,000) square foot minimum lot area. Per Section 5.504.A.2, the lot area is currently considered to be conforming but any proposed modifications would be restricted by the provisions of Section 1.1304 of the Zoning Ordinance and by the encroachment of the existing house from Lot 18. The proposed reduction in lot area for Lot 19 would be smaller in size than the platted lot area of other lots within the Peaceful Valley subdivision. If the encroaching portion of the existing house was removed up to the side yard setback requirement of Lot 18, the existing lots could functionally remain as originally platted.

Variance #4: Lot 19, regarding lot width: This property is similar in size, shape, and topography to other properties within the Peaceful Valley subdivision, but smaller in size than other properties within the R1-7 zoning district. Due to the location of the existing house on the site, in order to propose a modified property configuration that accommodates the building location and the required building setbacks, the required seventy (70) foot lot width could not be provided and a resulting fifty five (55) foot lot width would be required to configure the properties as proposed. The proposed reduction in lot width for Lot 19 would be less than the platted lot width of other lots within the Peaceful Valley subdivision. If the encroaching portion of the existing house was removed up to the side yard setback requirement of Lot 18, the existing lots could functionally remain as originally platted.

Variance #5: Lot 19, regarding front yard setback: Although the resulting property configuration if other variances are approved will be irregularly shaped, the current setback requirements would still allow for the ability to construct a single-family residence on the resulting property at a setback from the E. 3rd Street frontage and overall size consistent with the other properties throughout the subdivision.

Variance #6: Lot 19, regarding rear yard encroachment: Although the resulting property configuration if other variances are approved will be irregularly shaped, the current setback and lot coverage requirements would still allow for the ability to construct a single-family residence on the resulting property with setbacks, building massing along the alley, and overall size consistent with the other properties throughout the subdivision.

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

The applicant states that the old adobe home on the site existed back when the surrounding area was farmland and the structure may date back to 1949 or farther based on Maricopa County historical aerials. The Peaceful Valley subdivision was platted in 1955 and was configured in a way that left a property line cutting through the home and left it sitting 5.33 feet off of the E. 3rd Street property line. The site is made up of Lots 18 & 19 which are currently both undersized based on the zoning requirements and the location of the existing home on the site adds additional limiting factors to this site.

Staff Analysis:

Variance #1: Lot 18, regarding lot area: The original house on the subject site was constructed in, or prior, to 1951 and in 1955 the Peaceful Valley subdivision was platted around it, this site consists of Lots 18 & 19 of that plat. The original Peaceful Valley subdivision plat created lots that were less than the currently required seven thousand (7,000) square foot minimum lot area. Per Section 5.504.A.2, the lot area is currently considered to be conforming but any proposed modifications would be restricted by the provisions of Section 1.1304 of the Zoning Ordinance.

Variance #2: Lot 18, regarding front yard setback: The original house on the subject site was constructed in, or prior to, 1951 and in 1955 the Peaceful Valley subdivision was platted around it, this site consists of Lots 18 & 19 of that plat. The platting layout does not appear to have been done in a way that properly accounted for the location of the existing house; as such it was left encroaching into its required front yard setback and crossing the boundary between the two lots and is currently considered to be a non-conforming structure and restricted by the provisions of Section 1.1304 of the Zoning Ordinance.

Variance #3: Lot 19, regarding lot area: The original house on the subject site was constructed in, or prior to, 1951 and in 1955 the Peaceful Valley subdivision was platted around it, this site consists of Lots 18 & 19 of that plat. The original Peaceful Valley subdivision plat created lots that were less than the currently required seven thousand (7,000) square foot minimum lot area. Per Section 5.504.A.2, the lot area is currently considered to be conforming but any proposed modifications would be restricted by the provisions of Section 1.1304 of the Zoning Ordinance and by the encroachment of the existing house from Lot 18.

Variance #4: Lot 19, regarding lot width: This property is similar in size, shape, and topography to other properties within the Peaceful Valley subdivision, but smaller in size than other properties within the R1-7 zoning district. Due to the location of the existing house on the site, in order to propose a modified

property configuration that accommodates the building location and the required building setbacks, the required seventy (70) foot lot width could not be provided and a resulting fifty five (55) foot lot width would be required to configure the properties as proposed.

Variance #5: Lot 19, regarding front yard setback: Although the resulting property configuration if other variances are approved will be irregularly shaped, the current setback requirements would still allow for the ability to construct a single-family residence on the resulting property at a setback from the E. 3rd Street frontage and overall size consistent with the other properties throughout the subdivision.

~~**Variance #6:** Lot 19, regarding rear yard encroachment: Although the resulting property configuration if other variances are approved will be irregularly shaped, the current setback and lot coverage requirements would still allow for the ability to construct a single-family residence on the resulting property with setbacks, building massing along the alley, and overall size consistent with the other properties throughout the subdivision.~~

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:

The applicant states that the proposed variances would be a benefit to the neighborhood by maintaining the historic charm of the existing adobe house while also spurring development of the currently undeveloped lot 19 and bringing positive investment to the neighborhood.

Staff Analysis:

Variance #1: Lot 18, regarding lot area: This property is similar in size, shape, and topography to other properties within the Peaceful Valley subdivision, but smaller in size than other properties within the R1-7 zoning district because the original Peaceful Valley subdivision plat created lots that were less than the currently required seven thousand (7,000) square foot minimum lot area. Per Section 5.504.A.2, the lot area is currently considered to be conforming but any proposed modifications would be restricted by the provisions of Section 1.1304 of the Zoning Ordinance. Staff has not received any public comment as of the writing of this report. The proposed reduction in lot area for Lot 18 is consistent with the platted lot area of other lots within the Peaceful Valley subdivision.

Variance #2: Lot 18, regarding front yard setback: The original house on the subject site was constructed in, or prior to, 1951 and in 1955 the Peaceful Valley subdivision was platted around it, this site consists of Lots 18 & 19 of that plat. The platting layout does not appear to have been done in a way that properly accounted for the location of the existing house; as such it was left encroaching into its required front yard setback and crossing the boundary

between the two lots and is currently considered to be a non-conforming structure and restricted by the provisions of Section 1.1304 of the Zoning Ordinance. The intent of the required setbacks along street frontages is to create an open residential character, to establish view corridors, and to maintain uninterrupted visual continuity with adjacent lot setbacks for main buildings. Staff has not received any public comment as of the writing of this report.

Variance #3: Lot 19, regarding lot area: This property is similar in size, shape, and topography to other properties within the Peaceful Valley subdivision, but smaller in size than other properties within the R1-7 zoning district because the original Peaceful Valley subdivision plat created lots that were less than the currently required seven thousand (7,000) square foot minimum lot area. Per Section 5.504.A.2, the lot area is currently considered to be conforming but any proposed modifications would be restricted by the provisions of Section 1.1304 of the Zoning Ordinance and by the encroachment of the existing house from Lot 18. The proposed reduction in lot area for Lot 19 would result in a lot that would be smaller in size than the platted lot area of most lots within the Peaceful Valley subdivision. Staff has not received any public comment as of the writing of this report.

Variance #4: Lot 19, regarding lot width: This property is similar in size, shape, and topography to other properties within the Peaceful Valley subdivision, but smaller in size than other properties within the R1-7 zoning district. Due to the location of the existing house on the site, in order to propose a modified property configuration that accommodates the building location and the required building setbacks, the required seventy (70) foot lot width could not be provided and a resulting fifty five (55) foot lot width would be required to configure the properties as proposed. The proposed reduction in lot width for Lot 19 would be less than the platted lot width of other lots within the Peaceful Valley subdivision. Staff has not received any public comment as of the writing of this report.

Variance #5: Lot 19, regarding front yard setback: Although the resulting property configuration if other variances are approved will be irregularly shaped, the current setback requirements would still allow for the ability to construct a single-family residence on the resulting property at a setback from the E. 3rd Street frontage consistent with the other properties throughout the subdivision. The intent of the required setbacks along street frontages is to create an open residential character, to establish view corridors, and to maintain uninterrupted visual continuity with adjacent lot setbacks. Staff has not received any public comment as of the writing of this report.

Variance #6: Lot 19, regarding rear yard encroachment: Although the resulting property configuration if other variances are approved will be irregularly shaped, the

current setback and lot coverage requirements would still allow for the ability to construct a single-family residence on the resulting property with setbacks, building massing along the alley, and overall size consistent with the other properties throughout the subdivision. The intent of the required setbacks are to maintain continuity in residential character and building massing, to establish view corridors, and to maintain uninterrupted visual continuity with the setbacks of adjacent lots. Staff has not received any public comment as of the writing of this report.

SUMMARY

- Variance #1: Lot 18, regarding lot area: Based on the facts presented by the applicant, the evidence would support a finding that the property may have special circumstances that would warrant relief from the strict application of the Zoning Ordinance requirements. The size, shape, or configuration of the property is unique and applicable. 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.
- Variance #2: Lot 18, regarding front yard setback: Based on the facts presented by the applicant, the evidence would support a finding that the property may have special circumstances that would warrant relief from the strict application of the Zoning Ordinance requirements. The size, shape, or configuration of the property is unique and applicable. 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.
- Variance #3: Lot 19, regarding lot area: Based on the facts presented by the applicant, the evidence would support a finding that the property may have special circumstances that would warrant relief from the strict application of the Zoning Ordinance requirements. Although the size, shape, or configuration of the property is potentially unique and applicable, due to the location of the existing house on the site, the resulting lot size would be less than other lots in the subdivision. 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.

Variance #4: Lot 19, regarding lot width: Based on the facts presented by the applicant, the evidence would support a finding that the property may have special circumstances that would warrant relief from the strict application of the Zoning Ordinance requirements. Although the size, shape, or configuration of the property is potentially unique and applicable, due to the location of the existing house on the site, the lot width would be less than other lots in the subdivision. 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.

Variance #5: Lot 19, regarding front yard setback: 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 size, shape, or configuration of the property is not applicable. Further, the applicant's proposed variance does 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.

Variance #6: Lot 19, regarding rear yard encroachment: 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 size, shape, or configuration of the property is not. Further, the applicant's proposed variance does 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


Jeff Barnes, Report Author

3/16/2016
Date


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3.17.2016
Date


Tim Curtis, AICP, Current Planning Director
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3/22/2016
Date


Randy Grant, Director
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3/22/16
Date

ATTACHMENTS

1. Project Narrative/Justification
2. Context Aerial
3. Aerial Close-Up
4. Zoning Map
5. Site Photographs
6. Existing Site Plan
7. Proposed Site Plan

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



Q.S.
16-46

Google Earth Pro Imagery



Moric Residence Variances

ATTACHMENT #2

3-BA-2016



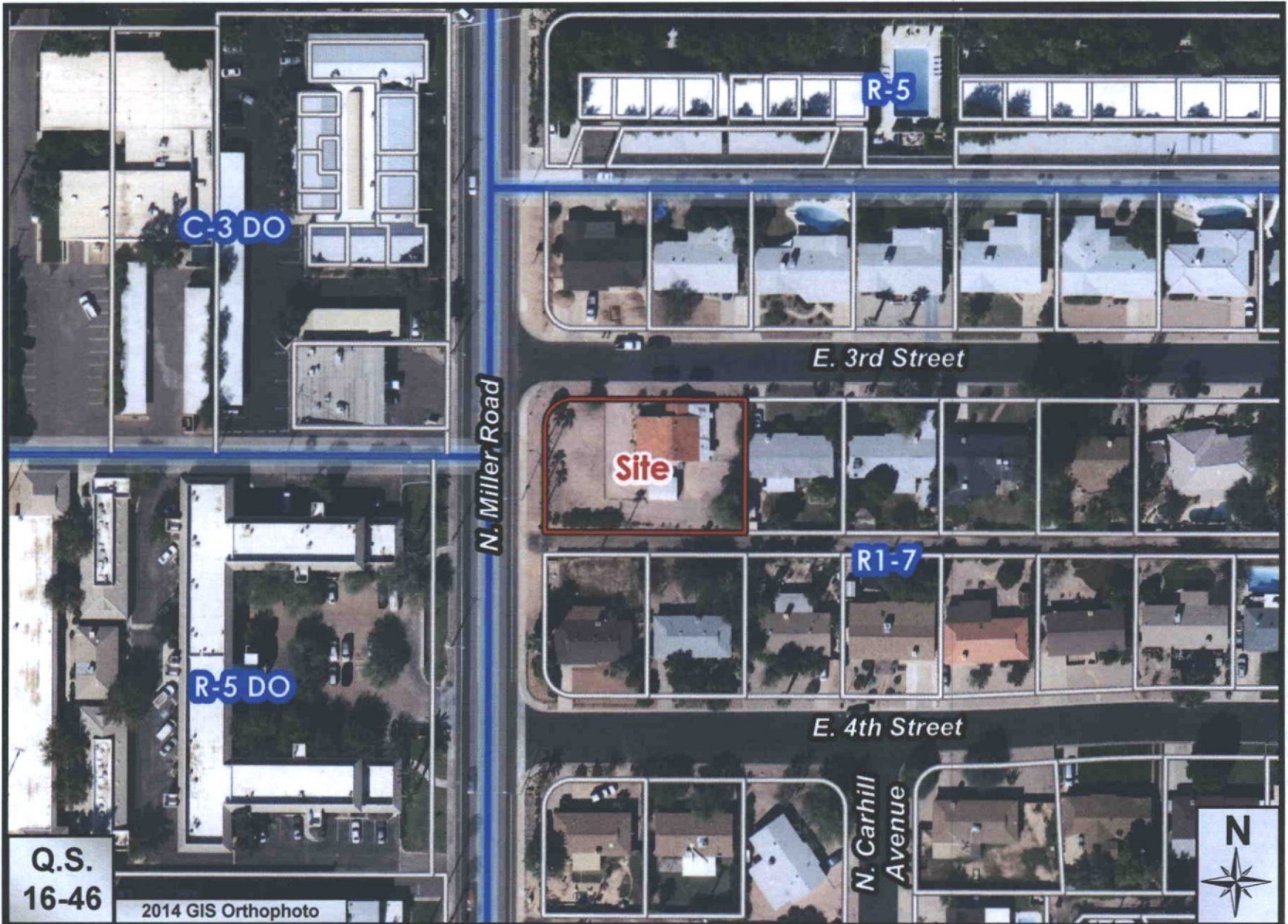
Q.S.
16-46

Google Earth Pro Imagery

Moric Residence Variances

ATTACHMENT #3

3-BA-2016



Q.S.
16-46

2014 GIS Orthophoto

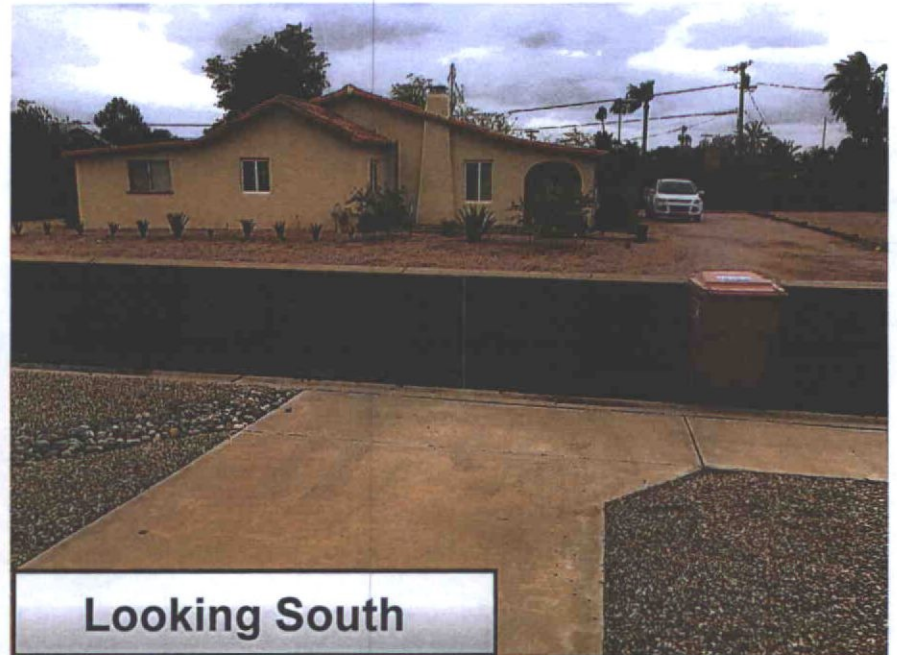
Moric Residence Variances

ATTACHMENT #4

3-BA-2016



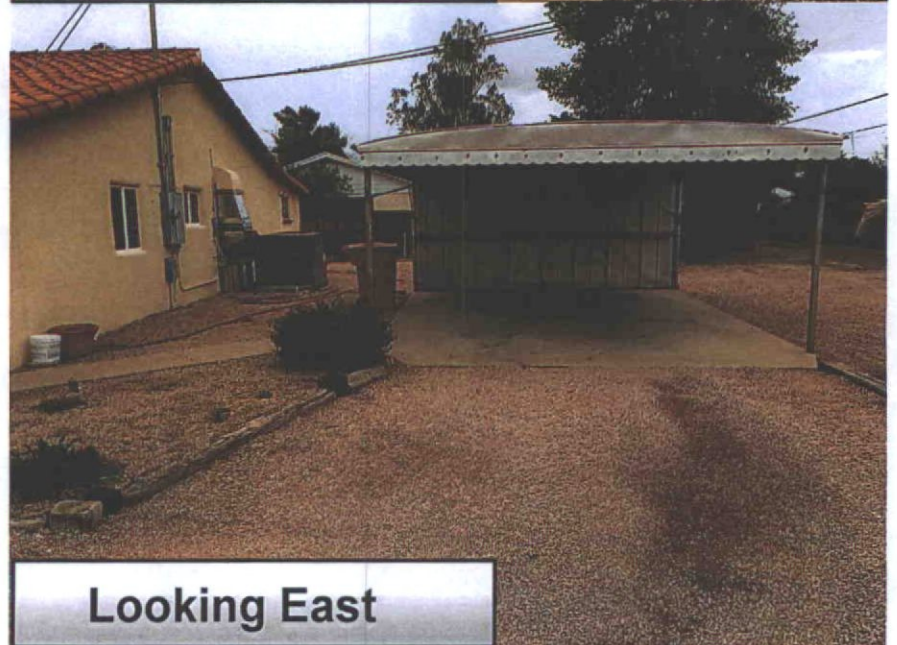
Looking Southeast



Looking South



Looking East



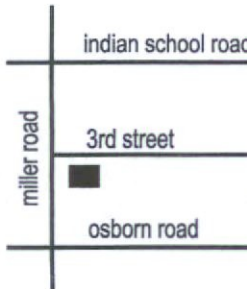
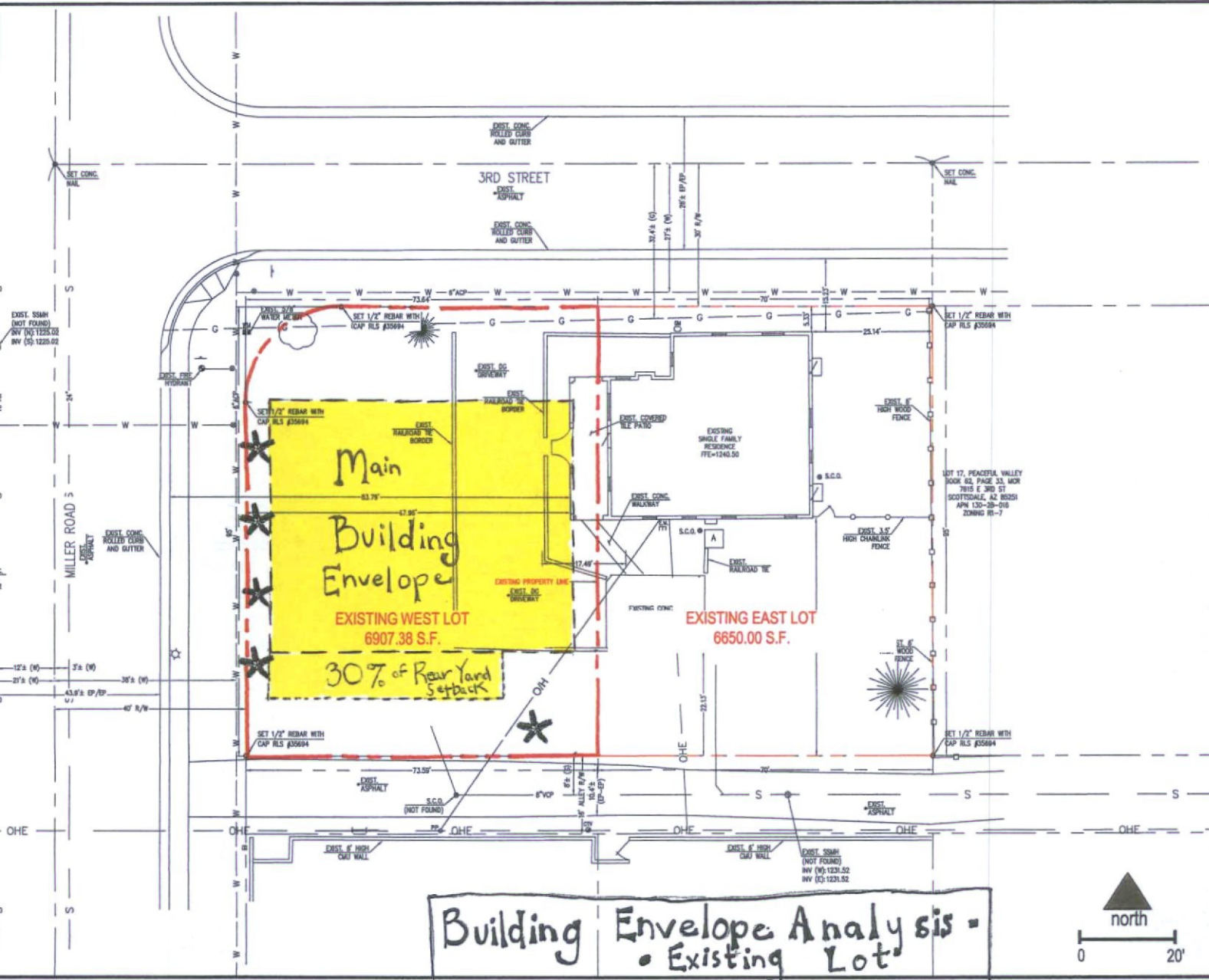
Looking East

ATTACHMENT #5

Existing Conditions Photo Exhibit

3 BA 2016

Matteo Moric Residence
Variance Requests
3615 North Miller Road
Scottsdale, AZ 85251



ATTACHMENT #6

3-BA-2016
03/04/16

