



Application

Narrative

Cash Transmittal

Development Standards

Type of variance requested, section(s) of the Zoning Ordinance to be varied:

We are requesting a variance from the requirement of the zoning ordinance that walls, fences, and hedges up to three feet in height are allowed on the front property line or within the required front yard setback on the eastern side of the property. The zoning ordinance section is 5.404.G.

1. That because of special circumstances applicable to the property including it's size, shape, topography, location, or surroundings, the strict application of zoning ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district:

The property is of extremely unique shape, notably a diamond shape, whereby the backyard and a large portion of the side-yard of the property is completely cutoff on the rear north-eastern corner by its defined lot boundaries. This sharp angular definition on the north-eastern rear lot corner deprives the homeowner of approximately 1658 square feet of usable backyard & sideyard property space vs. if the lot would have originally been defined in a symmetrical manner (a symmetrical lot would have included an additional 65' x 51' triangular section of the northeast rear corner of the lot). This lot shape, pushes the use of the eastern side of the property forward, into the side yard and front yard, as the backyard on this side of the property does not exist. However, the strict enforcement of the required 30' front yard setback limits the ability to safely use the remaining sideyard and adequate front yard space to properly offset and compensate for the missing backyard space due to the inability to build a wall or fence in excess of 3'. The property contains a pool, so a minimum of 5' containment fence is required to meet zoning and safety standards.

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 authorization of a variance is necessary to preserve the privileges and rights enjoyed by other property owners in the same classification and zoning district whose lot shapes are symmetrically defined thereby allowing for similar use of the subject property to those properties who have a symmetrical defined backyard. The property's lot shape, which pushes the use of the property forward into the side and front yard, is subject it to a 30' front yard setback per zoning requirements as mentioned prior. Therefore, without the authorization of a variance, no walls can be built in excess of 3' within that front yard setback area, further limiting the safe, usable area of the property on the eastern side, as the property contains a pool, and it is legally required to have a containment wall of at least 5' in height to protect the safety of the general public. The variance will simultaneously allow for the preservation of the rights of the owner allowing for similar use as symmetrical property owners by allowing for a small portion of the front yard setback space (365 square feet per proposed site plan wall) to make up for the backyard and sideyard lost by the irregular lot shape (1658 square feet missing), while protecting the public by allowing for a 6' wall to be built within the existing front yard setback meeting the necessary pool containment wall safety standards.

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

The existing property was built in 1985, with the property's border being defined prior to that time. The current homeowner purchased the home in 2017, and did not define the property's border, nor the placement of the existing home onto the lot. The irregularly shaped lot and defined usable spaces within the lot were already established and pre-existing to the current owner.

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

The authorization of the variance will not be materially detrimental to the public or neighborhood in any way. Exactly the opposite, as the authorization of a 6' wall within the 30' front yard setback will protect the public by meeting the zoning standards for a containment fence surrounding a pool, while preserving the rights of the homeowner, and still being aesthetically pleasing in design and consistent with property wall placement and characteristics of countless surrounding properties in the neighborhood. It is also important to note that the property front yard will still maintain an open feel as intended by the 30' setback, with excess front yard square footage in its entirety. The width of the front property line is 127.16', so a 30' setback equates to 3815 square feet in front yard setback space. The main home itself is setback at 55', with the western sideyard fence being setback at 68 feet. The property will still maintain a total front yard square footage of 5167 even after the variance approval, which is well in excess of the 3815 square footage required assuming strict application of the setback requirement. In addition, a written shared wall agreement is in place with the support of the homeowner adjacent to the site plan wall, as well as a written letter of support by the property owner directly across from the site plan wall. It is also important to note that the adjacent property's existing garage which is directly next to the proposed site plan wall, is nearly a mirror image of the proposed site plan wall. It is built within the 30 foot setback area currently, at 24' from the setback, keeping the proposed wall at 20' from the setback aesthetically similar to the neighboring layout.

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: Zufall - East Property Front Setback Variance Request

Property's Address: 7748 E Windrose Dr, Scottsdale, AZ 85260

Property's Current Zoning District Designation: R1-10

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>Dan Zufall</u>	Agent/Applicant: <u>Dan Zufall</u>
Company:	Company:
Address: <u>7748 E Windrose Dr, Scottsdale, AZ 85260</u>	Address: <u>7748 E Windrose Dr, Scottsdale, AZ 85260</u>
Phone: <u>602-251-8478</u> Fax:	Phone: <u>602-251-8478</u> Fax:
E-mail: <u>d_zufall@hotmail.com</u>	E-mail: <u>d_zufall@hotmail.com</u>
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.

[Signature]
Owner Signature

Agent/Applicant Signature

Official Use Only

Submission Date:

Development Application No.:

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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.

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Development Application

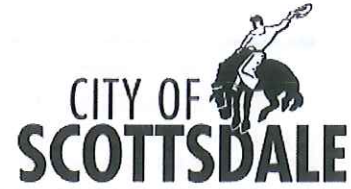
Arizona Revised Statutes Notice



§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.

Board of Adjustment Development Application Checklist



Minimal Submittal Requirements:

At your pre-application meeting, your project coordinator will identify which items indicated on this Development Application checklist are required to be submitted. A Development Application that does not include all items indicated on this checklist may be rejected immediately and may result in additional fees. A Development Application that is received by the City is not complete until it is verified that the application meets the minimum submittal requirements to be reviewed.

In addition to the items on this checklist, to avoid delays in the review of your application, all Plans, Graphics, Reports and other additional information that is to be submitted shall be provided in accordance with the:

- The General Plan
- The Scottsdale Revised Code, including the Zoning Ordinance
- Stipulations of any Development Application approved before this application is submitted
- Scenic Corridor Design Guidelines
- Transportation Master Plan and related local plans
- The Design Standards & Policies Manual

If you have any questions regarding the information above, or items indicated on this application checklist, please contact your project coordinator. His/her contact information is on the page 4 of this application.

Prior to application submittal, please research original zoning case history to find the original adopted ordinance(s) and exhibit(s) to confirm the zoning for the property. This will help to define your application accurately. The City's full-service Records Department can assist.

Digital Submittal:

For applications submitted digitally, please follow the plan and document submittal requirements below. All files shall be uploaded in PDF format. Provide one (1) full-size copy of each required plan document file. Application forms and other written documents or reports should be formatted to 8.5 x 11. A digital submittal Key Code is required to upload your documents and will be provided by your coordinator.

Key Code: 694 W6

Submit digitally at: <https://eservices.scottsdaleaz.gov/bldgresources/Cases/DigitalMenu>

PART I -- GENERAL REQUIREMENTS

Req'd	Rec'd	Description of Documents Required for Complete Application. No application shall be accepted without all items marked below.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	1. Board of Adjustment Checklist (this list)
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	2. Application Fee \$ <u>170</u> (subject to change every July)
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	3. Completed Development Application Form (form provided) <input checked="" type="checkbox"/> Variance <input type="checkbox"/> Appeal
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	4. Letter of Authorization (from property owner(s) if property owner did not sign the application form)

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Board of Adjustment Application Checklist

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	5. Affidavit of Authorization to Act for Property Owner (required if the property owner is a corporation, trust, partnership, etc. and/or the property owner(s) will be represented by an applicant that will act on behalf of the property owner. (form provided)
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	6. Request for Site Visits and/or Inspections Form (form provided)
		7. Addressing Requirements and Addressing Request Application
<input checked="" type="checkbox"/>	<input type="checkbox"/>	8. Public Participation Step 1: Complete Neighborhood Notification Notify surrounding property owners & HOAs of the project request and description Step 2: City will post public hearing sign and provide other public notification including: <ul style="list-style-type: none"> • Mailing out postcards to property owners within 750 feet • Publishing legal ad in newspaper • Posting case information on the City website • Posting on social media • Sending to email subscribers
<input type="checkbox"/>	<input type="checkbox"/>	9. Homeowners/Property Owners Association Approval (if applicable).
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	10. Existing Conditions Photo Exhibit: Printed digital photos on 8-1/2"x11" Paper (example provided) <ul style="list-style-type: none"> • 8-1/2" x 11" - ① copy of the set of prints • See attached Existing Conditions Photo Exhibit graphic showing required photograph locations and numbers.

PART II -- REQUIRED NARRATIVE, PLANS & RELATED DATA

Req'd	Rec'd	Description of Documents Required for Complete Application. No application shall be accepted without all items marked below.
		11. Plan & Report Requirements For Development Applications Checklist (form provided)
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	12. Application Narrative 8 1/2" x 11" - ④ copies
<input checked="" type="checkbox"/>	<input type="checkbox"/>	13. Context Aerial with the proposed site improvements superimposed <ul style="list-style-type: none"> • 24" x 36" - ② color copies, <u>folded</u> • 11" x 17" - ① color copy, <u>folded</u> • 8 1/2" x 11" - ① color copies (quality suitable for reproduction) Aerial shall not be more than 1 year old and shall include and overlay of the site plan showing lot lines, tracts, easements, street locations/names and surrounding zoning for a radius from the site of: <ul style="list-style-type: none"> <input type="checkbox"/> 750 foot radius from site <input type="checkbox"/> 1/4 mile radius from site <input type="checkbox"/> Other: _____

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Board of Adjustment Application Checklist

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	14. Site Plan <ul style="list-style-type: none"> • 24" x 36" – ④ copies, <u>folded</u> • 11" x 17" – ① copy, <u>folded</u> (quality suitable for reproduction) • 8 ½" x 11" – ① copy (quality suitable for reproduction) • Digital - ① copy (CD/DVD, PDF format)
<input type="checkbox"/>	<input type="checkbox"/>	15. Elevations <ul style="list-style-type: none"> • 24" x 36" – ② copies, <u>folded</u> black and white line drawing <i>(a grayscale copy of the color elevations will not be accepted.)</i> • 11" x 17" – ① copy, <u>folded</u> black and white line drawing (quality suitable for reproduction) • 8 ½" x 11" – ① copy black and white line drawing (quality suitable for reproduction) • Digital - ① copy (CD/DVD, PDF format)
<input type="checkbox"/>	<input type="checkbox"/>	16. Floor Plans <ul style="list-style-type: none"> • 24" x 36" – ② copies, <u>folded</u> black and white line drawing • 11" x 17" – ① copy, <u>folded</u> black and white line drawing (quality suitable for reproduction) • 8 ½" x 11" – ① copy black and white line drawing (quality suitable for reproduction) • Digital - ① copy (CD/DVD, PDF format)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	17. Other: <u>shared wall agreement, letter of support, sample pictures of neighborhood</u>

PART III – SUBMITTAL OF THE DEVELOPMENT APPLICATION

Req'd	Rec'd	Description of Documents Required for Complete Application. No application shall be accepted without all items marked below.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	18. An appointment must be scheduled to submit this application. To schedule your submittal meeting please call 480-312-7767. Request a submittal meeting with a Planning Specialist and provide your case pre-app number: _____-PA-_____.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	19. Submit all items indicated on this checklist pursuant to the Submittal Instructions provided.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	20. Submit all additional items that are required pursuant to the stipulations of any other Development Application that this application is reliant upon
<input type="checkbox"/>	<input type="checkbox"/>	21. Other: _____ _____

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Board of Adjustment Application Checklist



22. If you have any questions regarding this application checklist, please contact your Project Coordinator.

Coordinator Name (print): Omar Smailbegovic Phone Number: 480-312-3087

Coordinator email: osmailbegovic@scottsdaleaz.gov Date: 12-11-19

Coordinator Signature: 

If the Project Coordinator is no-longer available, please contact the Current Planning Director at the phone number in the footer of this page if you have any question regarding this application checklist.

This application needs a: New Project Number, or
 A New Phase to an old Project Number: _____

Required Notice

Pursuant to A.R.S. §9-836, an applicant/agent may request a clarification from the City regarding an interpretation or application of a statute, ordinance, code or authorized substantive policy, or policy statement. Requests to clarify an interpretation or application of a statute, ordinance, code, policy statement administered by the Planning and Development Services, including a request for an interpretation of the Zoning Ordinance, shall be submitted in writing to the One Stop Shop to the attention of the Planning and Development Services Director. All such requests must be submitted in accordance with the A.R.S. §9-839 and the City's applicable administrative policies available at the Planning and Development Services' One Stop Shop, or from the city's website: <http://www.scottsdaleaz.gov/planning-development/forms>

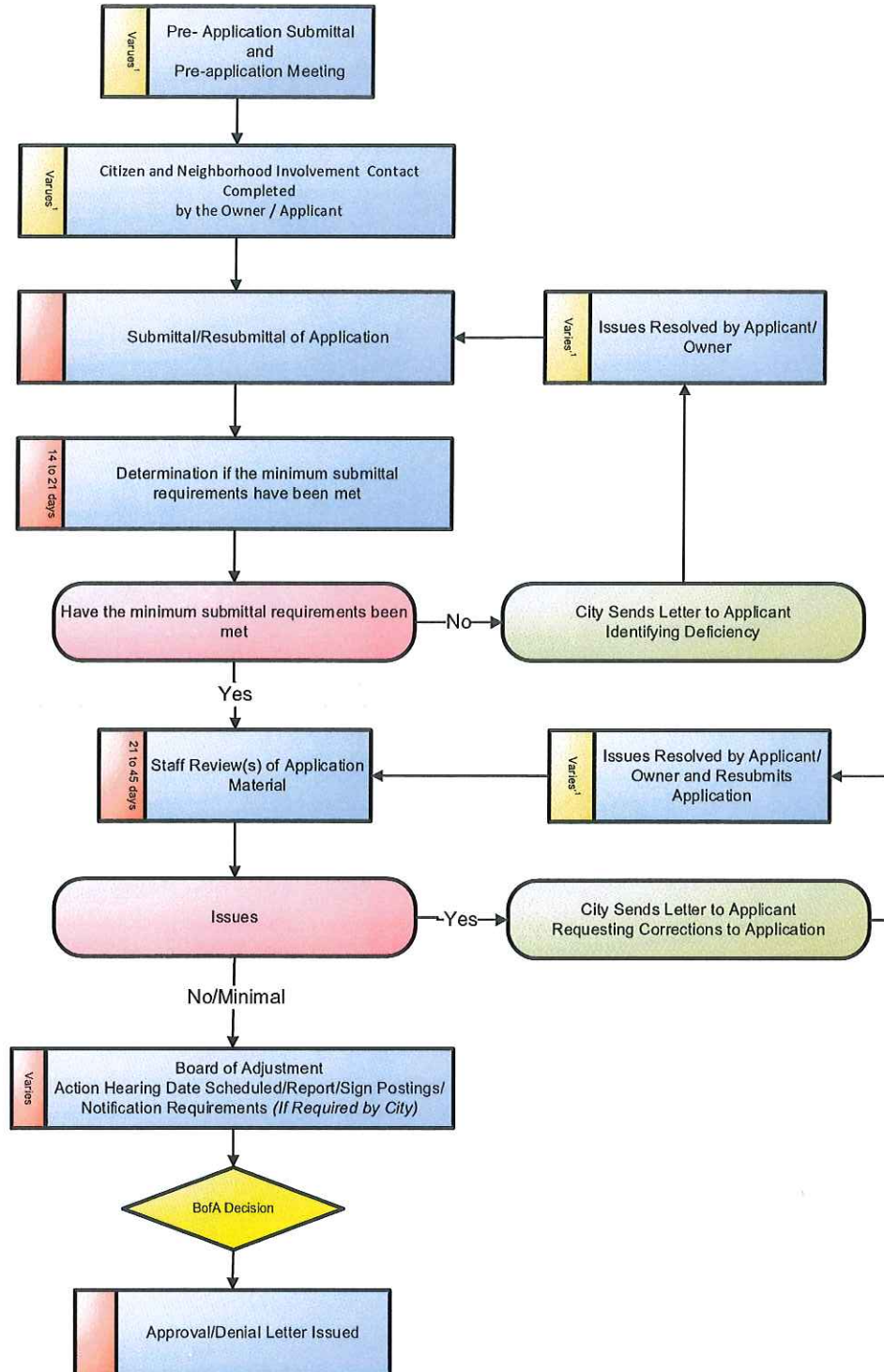
Planning and Development Services
One Stop Shop
Planning and Development Services Director
7447 E. Indian School Rd, Suite 105
Scottsdale, AZ 85251
Phone: (480) 312-7000

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Development Applications Process

Board of Adjustment Application (BA)



Note:
1. Time period determined by owner/applicant.

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