

Pre-Application Number: 248-PA-2022 (5801 E Vernon)

## Variance Request Response

**Pre-Application Number 248-PA-2022**

**Project Name: Richardson Garage Addition**

**Project Description: Seeking a Side Setback Variance on the east side of the property to build a two-car garage.**

**Location: 5801 E Vernon Avenue**

**Subdivision: Sherwood Heights Unit Two, Lot Number 71**

We are seeking a dimensional variance for required side setback to the east side property line to construct a new garage, capture views of Camelback Mountain and the Papago Buttes, and save the existing house from demolition.

We request the following:

REQUEST	ZONING ORD. SECTIONS
1. Variance to reduce the side yard (east) setback to 3' for Lot 71 Minimum 7' required.	Sec. 5.404. - Property development standards.

- 1. The special circumstances or conditions described above were not created by the applicant or owner. The property hardship cannot be self-imposed. (Background: Owners include current and previous owners).**

### THE LOT:

No current or prior owner established the platted lot dimensions, dictated or have anything to do with the orientation of the existing house. No additions have been made to the original house that would have compromised or created the existing circumstances. Lot 71, within the Sherwood Heights Unit Two subdivision, was platted in the 1950's. It is one of the most "amorphic" shaped lots in all of Sherwood heights and also is one of the smallest lots in the subdivision. The lot has angle points in the rear lot line, a curve in the front lot line, and the overall lot is somewhat "pie-shaped" front to back. Strict compliance with the 7' minimum side setback is unnecessarily burdensome given the platted shape of this lot coupled with the orientation of the original house. The odd shape of the lot, coupled with the existing house being angled different than all four sides of the lot, makes any attempt at expanding the house problematic, unless a variance is granted. The lot configuration includes the following challenges:

- The rear property line has a significant "jog" in it: nearly a 45-degree angle, adjacent to a 16' wide alley.
- The front property line has a 93' long 175' radius curve that imparts a 30-degree angle on the lot.
- The side property lines are not parallel to each other and are 30-degrees different in bearing. The side lot lines are also not perpendicular to either the front or rear lot lines.
- From a power pole located at the southeast corner of the property, SRP has 2 guy wires that extend approximately 20' from the power pole north onto the property. A third guy wire extends immediately westerly from the power pole 20' and essentially parallel with the south property line.
- Of the 117 lots in Sherwood Heights (60<sup>th</sup> Street to 56<sup>th</sup> Street and Oak to Wilshire) this lot is the fourth smallest at 16,150 sf (within a couple hundred square feet of the other three). Of those three lots two are square lots (2510 N 57<sup>th</sup> Street and 2320 N 58<sup>th</sup> Street,). 2320 58<sup>th</sup> Street (across the street) was able to place their garage in the backyard because they didn't have any guy wires or a legal easement from SRP that the Vernon house has. The smallest lot in the neighborhood is next door at 2319 N 58<sup>th</sup> Street which is able to use the legal alley as a driveway to park on their garage.

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#### THE HOUSE:

The house is situated on the lot such that none of the 4 exterior walls of the house are parallel or perpendicular to any of the 4 lot lines or the curve, the east lot line bisects a wash between the neighbor to the east and this lot. Also, an SRP overhead power pole is at an angle point in the power lines on the SE property corner that requires that 2 guy wires that support the pole extending onto the SE corner of the lot, making this area unusable for a new garage accessed from the alley (not a desirable situation anyway). Noteworthy and unique to this property and house:

- The east wall of the house is on a 10-degree skew to the east property line.
- The west wall of the house is on a 21-degree skew to the west property line
- The north wall of the house is on a 10-degree skew to the north property line and a 6-degree skew with respect to the curve in the north property line
- The south wall of the house is on a 12 to 35-degree skew relative to the “jog” in the rear property line.

We bring all this math to your attention to illustrate the complexities with a strong desire to preserve the existing house structure and character, reduce throwaway (not tearing down the existing residence to provide more flexibility, given the lot dimension, and adding to a landfill), and yet modify and expand the residence to improve its functionality and livability consistent with the amenities and features expected in the 21<sup>st</sup> century for the owners.

#### THE VIEWSHEDS:

In November 2003, residences of the Sherwood Heights Subdivision made a request to the Scottsdale City Council to add a Planned Residential Development overlay to the R1-10 zoning classification to reduce the allowable number of stories to 1-story and a maximum building height of any structure from 30 feet to 16 feet on 117 lots within Sherwood Heights. (Approved as case 16-ZN-2003). This was successfully pursued by the neighborhood and granted by the City of Scottsdale with the sole purpose to maintain the picturesque viewsheds to both Camelback Mountain to the north and the Papago Buttes in Papago Park” to the south of the neighborhood.

However, most if not all of the 1950’s houses in Sherwood Heights maintain an east-west axis, which limits viewing these important landforms from inside the house (the roof slopes down toward the view in both the north and south direction). This house in particular as well as many others in the neighborhood were not sited with these viewsheds in mind, essentially a product of poor site design.

Also, in the 1950’s, the focus of many of the homes was to the backyard, the pool, and the street: less so the views beyond. Today, in 2022, it is the desire of many homeowners in Sherwood Heights to be able to see these now protected views of prominent landforms from inside the residence and not limited to only viewing and enjoying them from out in the front or back yard. To capture these viewsheds inside the residence requires some careful planning and consideration for where best to enjoy these views. Certainly not from the existing carport as the original house was sited, but from an area within the house that is open and most often utilized by those that live in the house can be enjoyed relative to the existing residence and other prominent features, such as other homes and the overall hilly topography of Sherwood Heights.

In the planning for this home improvement project, the homeowners, recognized the following relative to the existing house:

- The best opportunity to enjoy both the views to the north and south are from the WEST end of the existing house (the location of the existing carport at the northwest corner of the house)
- To preserve as much of the existing house as possible – the bedrooms on the east end could remain as is, preserving existing exterior walls, plumbing, electrical, and ductwork. The kitchen and living

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areas can largely be maintained, with a masters quarters off of the west side of the house to enjoy views from that space.

- The existing carport, too small to be enclosed for a desired 2-car garage, can be incorporated into the “open concept” family space (kitchen, dining, living rooms).
- The garage, then would be placed on the site at the east side of the lot and house.

Without the variance being granted, the existing structure cannot be used to the owner’s liking and as such will be demolished making way for an entirely new structure. The goal will remain to place the garage on the east end of the home with living areas at the west of the home. The environmental consequences of this will be that the entire structure is demolished and hauled to a landfill. This action loses the benefit of saving the existing structure, both in materials used to construct a new structure as well as adding to landfill volumes.

### **2. The authorization of a variance is necessary in order for the owner or applicant to enjoy reasonable and substantial property rights. (Background: In other words, without the granting of a variance the property cannot be reasonably used. There is no cause for a variance if the property can be used, even if it is in a manner other than that desired by the owner or applicant.)**

The owner did not establish the original lot dimensions cited above, dictate, or have anything to do with siting the existing house relative to the original lot dimensions, the location of interior rooms, or the location of the existing carport. The owner also had nothing to do with the positioning or alignment of the alley or the alignment of Vernon Ave, SRP infrastructure, or easements placed on the property. All of those conditions were placed on the property in the 1950’s by the original developer.

Because the house is significantly skewed to the property lines, there is not room for a minimum sized 2 car garage without encroaching on the side set back. None of the adjacent neighbors’ sight lines or views will be impacted by placing a garage in this location. The neighbor closest to the east has their garage on the west side of the house - they have no windows facing west so the garage at this location would have no impact upon them. Had the original developer constructed the house 60 years ago even a few feet further to the west, a 2-car garage would fit without requiring an encroachment into the side setback. Additionally, the best views of the Papago Buttes and Camelback Mountain from this property are on the west side of the lot, so good site design would have the house expanded in that area to enjoy those views from inside of the house. Due to the orientation of the house, the picturesque viewsheds enjoyed by other Sherwood Heights homeowners can only be had on the west side of the lot where the existing carport is - our preference is to put the garage where no viewsheds of others are either impacted or nor would the garage in this location be visible.

### **3. That the special circumstances applicable to the property were not self-imposed or created by the property owner; and**

The lot was subdivided and the house was constructed in the 1950's. The lot is very oddly shaped, with angle points in the rear lot line, a curve in the front lot line, and the overall lot is somewhat "pie-shaped". The house is situated on the lot such that none of the 4 exterior walls of the house are parallel or perpendicular to any of the 4 lot lines or the curve, the east lot line bisects a wash between the neighbor to the east and this lot. Also, SRP overhead powerlines have an angle point on the SE property corner that requires that 2 guy wires that support the power pole take up space within the SE corner of the lot, making this area unusable. A third guy wire parallels the rear lot line for some 20’ west of the pole. The current owners did not subdivide the lot into this odd shape nor orient the house at such a significant skew to the lot lines, so that expanding the house to enjoy views from the western area of the house and moving the garage to the east side is not possible without this variance to the east side setback. Designing the garage to minimum standards for a 2-car garage, the east wall of the garage parallels the lot line such that the garage is 26’ wide to accommodate an 18’ garage door, and the garage narrows for its entire length to just barely wide enough to allow two cars to park with comfortable ingress/egress from the vehicles (enough room to open the car doors). The

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minimum remaining setback to the east lot line would be 3', which meets Fire Code, so no safety statutes are compromised with this request.

- 4. The authorization of a variance will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare in general. (Background: A variance which will not be compatible with the surrounding development or will create an adverse impact on other properties cannot be approved.)**

This variance request is consistent with adjoining properties and the variance would not be detrimental to adjacent properties in the neighborhood. In fact, it would represent a significant improvement to the area, potentially improving the look of the house as well as improving the site design.

The neighbor closest to the east has their garage on the west side of the house - they have no windows facing west so the garage at this location would have no impact upon them. None of the sight lines or views from adjacent neighbors' houses will be impacted by placing a garage in this location.

This home, as designed in the 1950s, does not meet the 2022 standards for homes in a neighborhood such as Sherwood Heights. The laundry appliances are separated, with the washer inside and the dryer on the back porch. The carport is less than 20 feet wide, which is not wide enough to enclose to create a 2-car garage. Bathrooms do not meet current design codes. Recognizing the ramifications of a tear-down that adds to landfill, our preference is to redesign the house and save as much of the existing home as possible, while responsibly planning for future generations. Our plan envelopes the existing square footage and slab. We are incorporating sustainable building practices with southern exposure overhangs and limiting east and west windows. We are removing ADA barriers such as the sunken living room and narrow doors and hallways to make the home more accessible to all. We want to orient the public rooms of the house to maximize opportunities to enjoy views and outdoor living offered by South Scottsdale. We have considered our neighbors' homes and yards in our planning. This application for variance is not an arbitrary request, we are seeking to improve the most challenging and possibly the most disadvantaged lot in the desirable Sherwood Heights area of Scottsdale.

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; and within Sherwood Heights subdivision, within the Southern Scottsdale Character Area Plan.

The Number 1 goal of that Southern Scottsdale Character Area Plan, Chapter 4 "Neighborhood Revitalization", adopted **October 26, 2010** is referenced below:

GOAL NR 1: ENHANCE CURRENT RESIDENTIAL NEIGHBORHOODS WITHIN SOUTHERN SCOTTSDALE.

- **Policy NR 1.1:** Stimulate neighborhood residential reinvestment in existing neighborhoods through the creation of strong partnerships between the government, the private sector, and non-profit organizations.
- **Policy NR 1.2:** Provide fee reduction and regulatory flexibility as incentives for rehabilitation of existing housing and support the development of new residential construction.
- **Policy NR 1.3:** Encourage residential neighborhoods and nearby commercial properties to engage in property and building beautification and/or improvement projects.

With this request for a variance for the side set back from 7' to 3', we seek the very regulatory flexibility as an incentive to save, rehabilitate, and make use of the existing house as is outlined in the above referenced character area plan.