

BOARD OF ADJUSTMENT REPORT



Meeting Date: 4/2/2025

ACTION

Thompson Garage 1-BA-2025

Request to consider the following:

1. Request by owner for a variance to the City of Scottsdale Zoning Ordinance Section 5.204.E.2. to allow a new garage to encroach into the required side yard setback for a property located at 11842 N 67th Street with Single-family Residential (R1-35) zoning.

OWNER

Allen Thompson
(602) 531-2446

APPLICANT CONTACT

Dylan Dorsey
(480) 612-1418

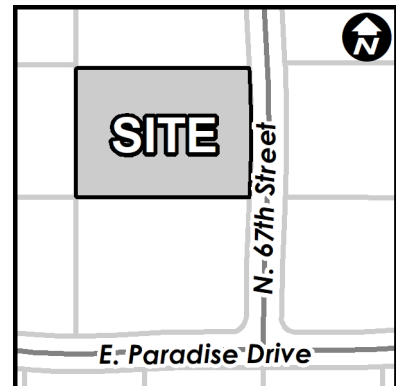
LOCATION

11842 N 67th Street

BACKGROUND

History

The subject site was annexed into the City of Scottsdale in 1962 through Ordinance No. 165, and the City of Scottsdale Single-family Residential (R1-35) zoning was applied. The property is Lot 50 of the Desert Estates Unit Two subdivision, which was platted in 1953. The original main residence appears on historical aerials in 1969, and the County Assessor's records identify the house being constructed in 1961. Multiple building permits can be found on record for various additions to the main residence and for the detached shed to the rear of the existing main residence. Approved building permit #163974 from 2009 shows a proposed garage addition to the main residence in a similar configuration to the addition being proposed with this variance, yet in a conforming location. This addition was never constructed.



Zoning/Development Context

The subject parcel is zoned Single-family Residential (R1-35) and is located on the west side of 67th Street and to the north of the cross street of E Paradise Drive.

Adjacent Uses and Zoning

- North: Desert Estates Unit Two Subdivision, zoned Single-family Residential(R1-35); existing single-family residence.
- South: Desert Estates Unit Two Subdivision, zoned Single-family Residential(R1-35); existing single-family residence.
- East: Desert Estates Unit Two Subdivision, zoned Single-family Residential(R1-35); existing single-family residence.
- West: Desert Estates Unit Two Subdivision, zoned Single-family Residential(R1-35); existing single-family residence.

Zoning Ordinance Requirements

Pursuant to Section 5.204.E.2. of the City of Scottsdale Zoning Ordinance, pertaining to the required side yard setback for the single-family residential lot: There shall be side yards of not less than fifteen (15) feet on each side of a building.

The applicant is requesting a variance of seven (7) feet from the required fifteen (15) foot side yard setback on the northern property line to add a proposed garage addition to the existing main residence which would be setback eight (8) feet from the northern property line. The requested variance is for the proposed garage addition only.

Code Enforcement Activity

There has been no code enforcement activity on the site as of the writing of this report.

Community Input

City of Scottsdale hearing postcards were sent to properties within 750 feet of the subject site. As of the writing of this report, staff has received no general inquiries from the public regarding the variance request.

Discussion

The main residence was constructed 1961 and built at an angle on the subject property, and in conformance with the side yard setback requirements. An addition to the main residence was approved in 2005 which expanded it further north to roughly 24'-0" from the northern property line. As mentioned above, a subsequent attached garage addition was approved with building permit #163974 in 2009 that included a very similar configuration to what is being proposed today, yet in a conforming location at 17'-4" from the northern property line. This approved

garage addition from 2009 would have also expanded the main residence further north; yet, it was never constructed. The applicant is now proposing a 1,371 square foot attached garage addition and expansion to the northern portion of the existing main residence. The proposed expansion would encroach 7'-0" into the required 15'-0" side yard setback and would bring the main residence to roughly 8'-0" from the northern (side) property line. Due to the limitations of Section 5.204.E.2 pertaining to the required side yard setback of 15'-0", the proposal cannot be approved without a variance. As mentioned above, the applicant is requesting a variance to the required side yard setback along the northern property line to allow for the expansion of a new attached garage. As requested, the variance would only apply to the side yard setback along the northern property line.

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:**

Applicant Statement:

We are trying to get a variance to go into the north set back from 15'-0" feet to 8'-0".

Staff Analysis:

The subject parcel is zoned Single-family Residential (R1-35) and is located on the west side of 67th Street and to the north of the cross street of E Paradise Drive. The R1-35 zoning district requires a minimum lot area of 35,000 square feet. The subject property is a regular sized lot and approximately 44,036.66 square feet. The property is similar in size, shape, and topography to other properties within the Desert Estates Unit Two subdivision and other properties within the R1-35 zoning district. Although the existing main residence was constructed at an angle on the property, it does not appear the angle substantially limits the ability to construct an attached or detached garage addition in conformance with the setback requirements.

- 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:**

Applicant Statement:

We are trying to do this because of how the house is placed on the lot. It will not allow us to use the back garage if we move forward. We are also doing this because the current garage will be converted to livable space. This will be another permit down the road for his in-laws.

Staff Analysis:

All other properties in the R1-35 district are subject to the same side yard setback restrictions. A similar property two streets over to the east, and within the same subdivision of Desert Estates Unit Two, requested a variance for a garage to reduce the side yard setback by 5'-0" in 121-BA-1986. The request in 121-BA-1986 was denied. This property owner is still able to create an attached or detached garage addition and maintain the 15'-0" side yard setback as granted to all properties within this zoning district. The character of the neighborhood is relatively similar throughout, with other properties also orienting themselves in a similar manner on their respective lots and continuing to meet the required side yard setback stipulated per zoning requirements.

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

Applicant Statement:

This was created because the house does not sit square on the lot. It sits at an angle which is the reason we are requesting this variance. If the house was straight on the lot this would not have been an issue.

Staff Analysis:

As previously stated, the subject parcel is zoned Single-family Residential (R1-35) and is located on the west side of 67th Street and to the north of the cross street of E Paradise Drive. The R1-35 zoning district requires a minimum lot area of 35,000 square feet. The subject property is a regular sized lot and approximately 44,036.66 square feet. The property is similar in size, shape, and topography to other properties within the Desert Estates Unit Two subdivision and other properties within the R1-35 zoning district. Although the existing main residence was constructed at an angle on the property, it does not appear to substantially limit the ability to construct an attached or detached garage addition in conformance with the setback requirements.

- 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:**

Applicant Statement:

This will have no impact on other properties in the area for traffic or views. This will be so that cars can be put in garage, and not on the driveway.

Staff Analysis:

The authorization of the request to reduce the required side yard setback would allow the addition to be built within eight (8) feet of the north side property line. This would affect the neighbor's ability to locate a building addition on their own property within the required setbacks and could affect their ability to maintain the required distances between buildings on adjacent lots of thirty (30) feet. Given the intent of the ordinance to provide visual continuity within a neighborhood, this request does not appear to significantly alter the nature of that intention. The applicant states that the proposed addition would meet the height restrictions of the zoning ordinance and that it would be of similar character to the existing main residence. The variance would allow the home to be expanded closer to the side property line than other properties in the neighborhood.

SUMMARY

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, topography or configuration of the property is not unique and applicable. Further, the applicant's proposed variance appears that it may 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



Adam Morrison, Report Author
480-312-4218, amorrison@scottsdaleaz.gov

3/18/2025

Date



Bryan Cluff, Planning & Development Area
Manager, Board of Adjustment Liaison
480-312-2258, bcluff@scottsdaleaz.gov

3/17/2025

Date



Tim Curtis, AICP, Current Planning Director
480-312-4210, tcurtis@scottsdaleaz.gov

2/17/2025

Date



Erin Perreault, AICP, Director
Planning and Development Services
480-312-7093, eperreault@scottsdaleaz.gov

03/18/2025

Date

ATTACHMENTS

1. Project Description & Justification
2. Context Aerial
3. Aerial Close-Up
4. Zoning Map
5. Site Photographs
6. Proposed Site Plan
7. Proposed Elevations
8. City Notification Map
9. Approved 2009 Garage Addition Site Plan