

Kelly, John

From: WebServices
Sent: Tuesday, June 24, 2025 2:29 PM
To: Board Of Adjustment; Projectinput
Subject: Board of Adjustment Public Comment

Importance: High

Categories: Jack

Name: Susan Harwood

Address: 6604 East 1st Street, Scottsdale, AZ 85251

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Comment:

Case #: 6-BA-2025 hearing on 7/2 6pm Construction of this "variance" is already done but the building is close enough to the alley I'm afraid firefighters would not be able to access that area. Also, would granting this variance encourage the new builds to ignore restrictions?

BOARD OF ADJUSTMENT REPORT



Meeting Date: 7/2/2025

ACTION

Dougherty Home
6-BA-2025

Request to consider the following:

1. Request by owner for a variance to the City of Scottsdale Zoning Ordinance, Section 5.504.H.1.a. pertaining to the minimum setback for the main residence within the required rear yard for a property with Single-Family Residential zoning (R1-7) located at 6540 E 1st Street.

OWNER

John and Shelly Dougherty
(602) 859-0064

APPLICANT CONTACT

Patrick Tipton
The Draftery
(602) 690-6266

LOCATION

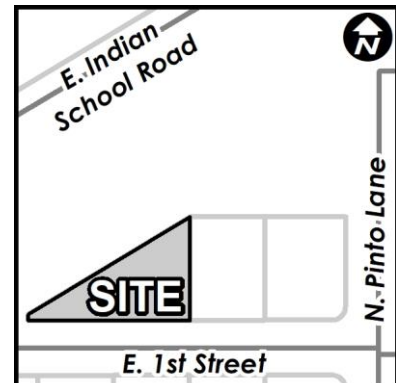
6540 E. 1st Street

BACKGROUND

History

The subject site was annexed into the City of Scottsdale in 1954 through Ordinance No. 20, and the City of Scottsdale Single-family Residential (R1-7) zoning was applied. The property is Lot 123 of the Southwest Village Unit Six subdivision, which was platted in 1955. Aerial records indicate the residence was constructed between 1955 and 1959. In the 1990s, the city acquired lots north of the subject site and along N. Indian School Road for right-of-way purposes. This had the effect of modifying E. 1st Street so that it terminates in a cul-de-sac rather than connecting to Indian School Road as it had previously.

Since its original construction, multiple improvements have been made to the residence. This includes a rear covered patio and carport that were added in 2001 and 2004,



respectively. City records indicate building permits were obtained for both improvements. In 2007, a rear covered patio and laundry room area were added. Aerial records show there were modifications and extensions over the years to the laundry room area until it was ultimately enclosed. Building permits for this work do not appear in city records.

Zoning/Development Context

The subject parcel is zoned Single-family Residential (R1-7) and is located west of N. Pinto Lane and on the north side of E. 1st Street at the terminus of the cul-de-sac.

Adjacent Uses and Zoning

- North: Sixteen (16) foot alley, N. Indian School Road and canal
- South: Southwest Village Unit Six subdivision, zoned Single-family Residential (R1-7), existing single-family residence
- East: Southwest Village Unit Six subdivision, zoned Single-family Residential (R1-7), existing single-family residence
- West: N. Indian School Road and canal

Zoning Ordinance Requirements

Pursuant to Section 5.504.E.3. of the City of Scottsdale Zoning Ordinance, each lot shall have a rear yard with a minimum depth of twenty-five (25) feet or twenty-two (22) feet where the property owner has dedicated a minimum of eight (8) feet for alley purposes. Pursuant to Section 5.504.H.1.a., the main building and an addition to the main building may extend into the rear yard if it is set back a minimum of fifteen (15) feet from the rear property line or twelve (12) feet where the property owner has dedicated a minimum of eight (8) feet for alley purposes.

The owner is requesting a variance of ten (10) feet, which would reduce the minimum setback within the required rear yard from twelve (12) feet to two (2) feet. The requested variance is for the existing encroachment only.

Code Enforcement Activity

City records indicate that a Notice of Violation was issued by Code Enforcement in September 2023 for an unpermitted building addition. The status for Complaint #363957 remains active 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. No public inquiries about the variance request have been received by staff as of the writing of this report.

Discussion

The R1-7 zoning district allows for various encroachments into required yards subject to specific criteria outlined in Section 5.504. Of these encroachments is the allowance for the main building or addition to the main building to encroach into the required rear yard,

subject to a fifteen (15) foot setback from the rear lot line or twelve (12) feet where a minimum of eight (8) feet has been dedicated for alley purposes. Additionally, the main building or addition cannot occupy more than thirty (30) percent of the required rear yard area. According to the Southwest Village Unit Six plat, a sixteen (16) foot alley was dedicated north of the subject parcel. The subject lot is required to provide a rear yard setback of twenty-two (22) feet, and if the main residence encroaches into the required rear yard, a minimum setback of twelve (12) feet from the rear lot line must be provided. With the addition of the laundry room, the main residence is encroaching into the twelve (12) foot setback. The main residence does not occupy more than thirty (30) percent of the required rear yard area.

The owner is seeking a variance request to reduce the minimum setback from the rear lot line within the required rear yard from twelve (12) feet to two (2) feet to bring the existing residence into conformance. The variance would apply to the existing encroachment only and allow the laundry room to remain. Regardless of the outcome of this variance request, the active Notice of Violation will remain until such time that it is resolved with Code Enforcement.

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:

The applicant states that the unique triangular shape of the lot significantly affects the functionality and feasibility of maintaining a single-family residence comparable to the surrounding neighborhood. It is also stated that the triangular shape is not uniform in depth, which limits the footprint of the property.

Staff Analysis:

The triangular configuration of the lot is unique, having a longer street frontage than is typical and only one side yard. It is the only lot within the Southwest Village Unit Six subdivision with a triangular shape. The property is approximately 7,374 square feet and meets the zoning district's minimum lot size of 7,000 square feet. However, the irregular shape creates some building constraints. Accounting for the required front yard setback of twenty (20) feet along E. 1st Street, the required side yard setback of five (5) feet along the east, and the required rear yard setback of twenty-two (22) feet along the north, and not accounting for allowable encroachments into required yards, the subject lot has a buildable area of approximately 1,722 square feet. For comparison, the lot east of the subject site (Lot 124) has a typical rectangular configuration, a lot size of approximately 6,428 square feet, is subject to the same required yard setbacks,

and has a buildable area of approximately 3,000 square feet. Further analyses of lots in the area reveal comparable configurations and building envelopes to Lot 124.

- 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:

The applicant states that the granting of the variance request is necessary to preserve the privileges and rights afforded to other properties of the same classification and zoning district because it would enable the residence to have comparable features and size consistent with the character of the neighborhood. The applicant states that due to the unique shape of the property, the usable square footage is constrained.

Staff Analysis:

The R1-7 zoning district allows the main residence to encroach into the required rear yard, but the encroachment is subject to a twelve (12) foot setback from the rear lot line and cannot occupy more than thirty (30) percent of the required rear yard area. The subject lot meets the minimum lot size requirement for the R1-7 zoning district, but the unique shape limits the use of the western portion of the lot for structures. However, there is an existing shed on the east side of the lot that, if removed, would allow for further expansion of the existing residence within the parameters of the R1-7 zoning district. Alternatively, the existing covered patio could be converted to livable space.

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

Applicant Statement:

The applicant states the special circumstances were not self-imposed and the property was originally platted in 1955, with the construction of the home occurring that same year.

Staff Analysis:

The property is Lot 123 in the Southwest Village Unit Six subdivision, which was platted in 1955. The subject lot exists in its original configuration, which was established by the original plat. Absent the approved site plan, it is unclear if the residence as originally constructed was in conformance. The permitted rear covered patio and carport additions meet the R1-7 zoning district requirements, but the unpermitted laundry room addition encroaches into the twelve (12) foot setback.

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:

The applicant states that the requested variance will not have any adverse effects on the surrounding area because the property is situated on a cul-de-sac that is bordered to the north by an alley, Indian School Road, and canal. It is also stated that the structure does not encroach into the alley nor obstruct access for maintenance, utility, or emergency access.

Staff Analysis:

The intent of setback requirements is to maintain visual continuity and sight lines. With the N. Indian School Road improvements, the city acquired several lots within the Southwest Village Unit Six subdivision and Southwest Village subdivision directly east. Through this action, the existing residences on these lots were demolished, and N. Indian School Road was improved with lane expansions, new medians, and sidewalk enhancements. E. 1st Street, previously connected to N. Indian School Road, was modified to terminate in a cul-de-sac. The 16-foot alley dedicated north of the subject lot was not impacted by these improvements. Persons walking on the sidewalk south of Indian School Road are afforded an additional buffer from the subject lot with an approximately thirty (30) foot wide landscaped area, site wall, and sixteen (16) foot alley. With the E. 1st Street modifications, traffic is limited. The authorization of the variance would not likely be materially detrimental to the neighborhood or public welfare in general. As of the writing of this report, staff has received no inquiries from the public regarding the variance request.

SUMMARY

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, topography 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.

If the Board chooses to grant the requested variance, staff recommends a stipulation that the variance only be applicable to the existing encroachment, consistent with the site plan included in Attachment 7.

APPROVED BY



Caitlyn Gulsvig, Report Author
480-312-7678, cgulsvig@scottsdaleaz.gov

6/12/2025

Date



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

6/13/2025

Date



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

6/18/2025

Date



For

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

6/18/2025

Date

ATTACHMENTS

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

Application Narrative

The property located at 6540 E. 1st Street was purchased by Shelly and John Dougherty on April 14, 2015, and has since served as a long-term rental, providing affordable housing to multiple families. Originally platted in 1955—prior to the adoption of the City of Scottsdale’s building code in 1956—the lot presents longstanding dimensional constraints. Notably, additions such as the laundry room and a detached shed were believed to be constructed between 2001 and 2011, prior to the Dougherty’s ownership.

In November 2022, a pinhole leak in a wall pipe resulted in significant mold contamination throughout the home. Although the mold was professionally remediated, it caused extensive damage. The remediation process required the removal of drywall, flooring, and cabinetry. During reconstruction, the decision was made to include the few remaining unaffected areas in order to ensure a consistent and seamless aesthetic throughout the home.

While a general contractor was engaged to complete the work, no formal contract was in place. This arrangement provided flexibility to make upgrades as needed. However, as the scope of the project expanded, a building permit was not obtained in a timely manner. This was due to the mistaken belief that a permit might not be required, as all work was being performed within the existing structure’s footprint.

When the City later requested a permit, it was discovered that a portion of the home, including the laundry and mechanical room, encroaches into the required setback. Although permits and drawings have been filed over the years, there have been discrepancies in recorded lot dimensions, and it appears that a formal survey may never have been conducted. A recent survey by Arizona Surveys Inc. confirms that part of the structure is indeed within the City of Scottsdale’s required setback.

We are therefore respectfully requesting a variance to bring the property into compliance with current City of Scottsdale zoning requirements. This request is made in good faith and is intended to preserve the home’s functionality while maintaining consistency with the character and standards of the surrounding neighborhood.

Justification for Variance

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:

A unique circumstance related to the shape of the property at 6540 E 1st Street significantly affects its value, functionality, and the feasibility of maintaining a single-family residence consistent with the character of the surrounding neighborhood. The lot is triangular, with a non-uniform depth—94 feet on the east side and only 6 feet on the west side. This property was platted on January 13, 1955, prior to the adoption of the City of Scottsdale Building Code on January 31, 1956. The strict application of current zoning ordinances would deny the property the same privileges afforded to other properties of the same classification within this zoning district, as the triangular shape significantly limits the allowed footprint of the property.

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 the variance is essential to preserve the privileges and rights, to this property which are afforded to other properties of the same classification within the same zoning district. It does not constitute the granting of special privileges inconsistent with the restrictions imposed on other properties in the vicinity and within the same zoning designation. Granting this variance is necessary to enable the home to achieve comparable features and size consistent with the character of the neighborhood. The usable square footage is significantly constrained due to the unique shape of the subject property.

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

The special circumstances affecting the property were not self-imposed or created by the current owner. The property was originally platted on January 13, 1955, with the home constructed the same year. According to available records, the back covered patio was added in 2001, and a bedroom with an attached carport was constructed in 2004. Aerial photographs indicate that by 2011, an attached laundry room and a detached storage shed had also been added. The property was sold to the current owner on April 14, 2015.

In November 2022, a significant plumbing issue resulted in extensive mold contamination, necessitating professional remediation. The home underwent substantial repairs and replacement of fixtures as part of the remediation process. While the laundry room was not directly impacted by the mold, it had previously suffered damage from a major rainstorm. Given the scope of repairs

throughout the home, the decision was made to include the laundry room in the overall updates. Additionally, exterior improvements were made, including a new roof, updated landscaping, a new sidewalk, decorative rock, and the addition of trees, enhancing the property's overall condition and livability, consistent with the neighboring properties.

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 authorization of the variance will not negatively affect persons residing or working in the vicinity, adjacent properties, the neighborhood, or the general public welfare. The property at 6540 E 1st Street is situated on a cul-de-sac and is bordered at the rear by a dirt alley, beyond which lies a large green space, Indian School Road, and the Arizona Canal. The nearest residences north of the canal are located over 365 feet away with no visibility of the subject property, while the nearest residence to the west is more than 700 feet away and similarly has no visibility of the property.

The existing structure does not encroach on the alley, nor does it hinder access for maintenance of the alley, electric utility poles, or green space landscaping. Emergency vehicle access remains fully unobstructed. Additionally, garbage collection is currently serviced from the front street, but if service were to revert to the alley in the future, it would not be impacted. Accordingly, the requested variance will not result in any adverse effects on the surrounding area, public infrastructure, or public safety.



Context Aerial

6-BA-2025



Close-up Aerial

6-BA-2025



Q.S.
16-43

Aerial

Zoning Aerial

6-BA-2025

ATTACHMENT 5

Photos of Existing Conditions

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5



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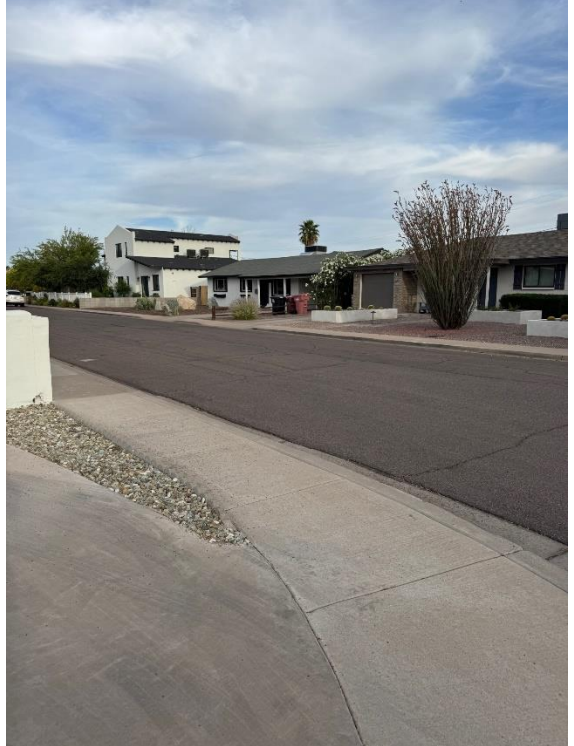
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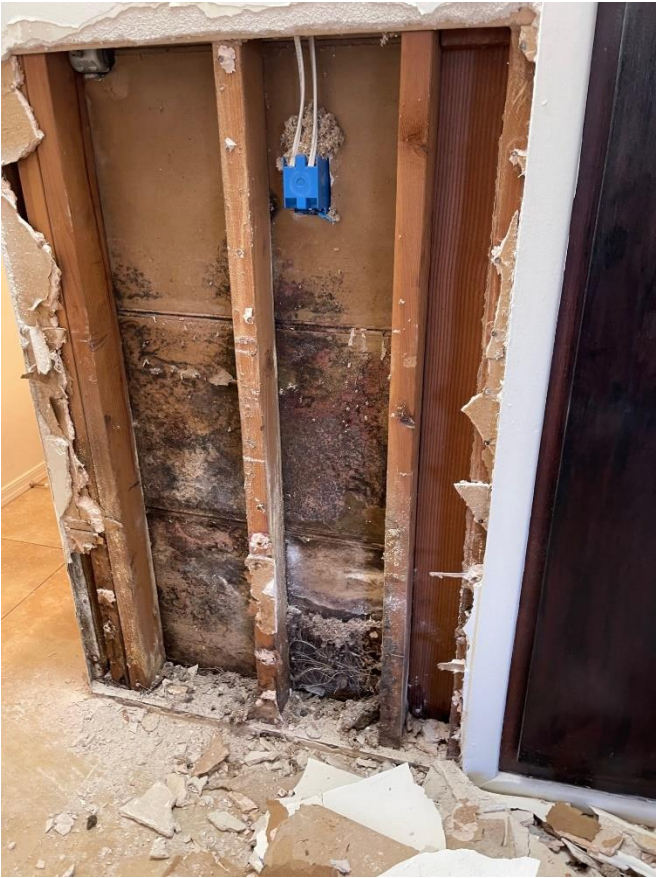
House Prior to Mold Incident:







Mold Incident:





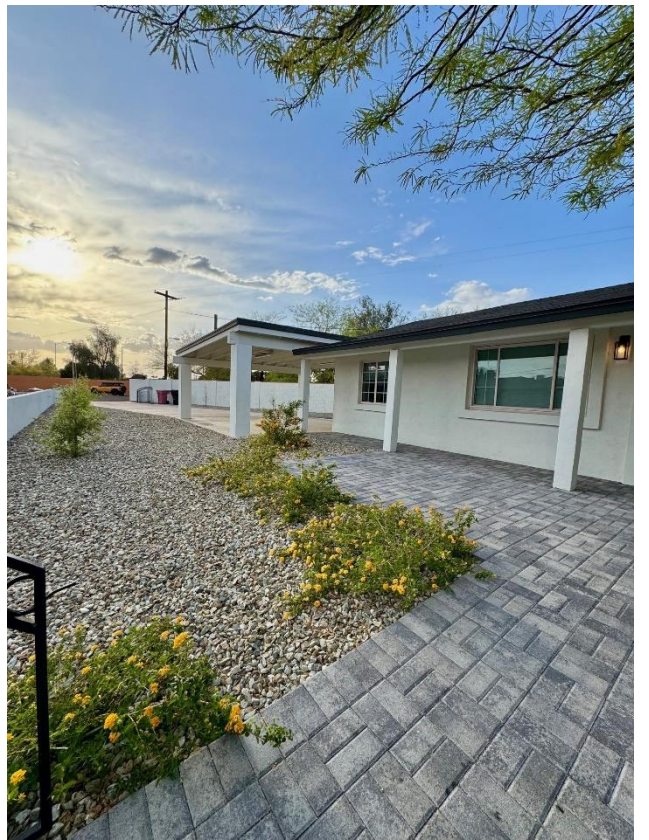
Interior after remediation



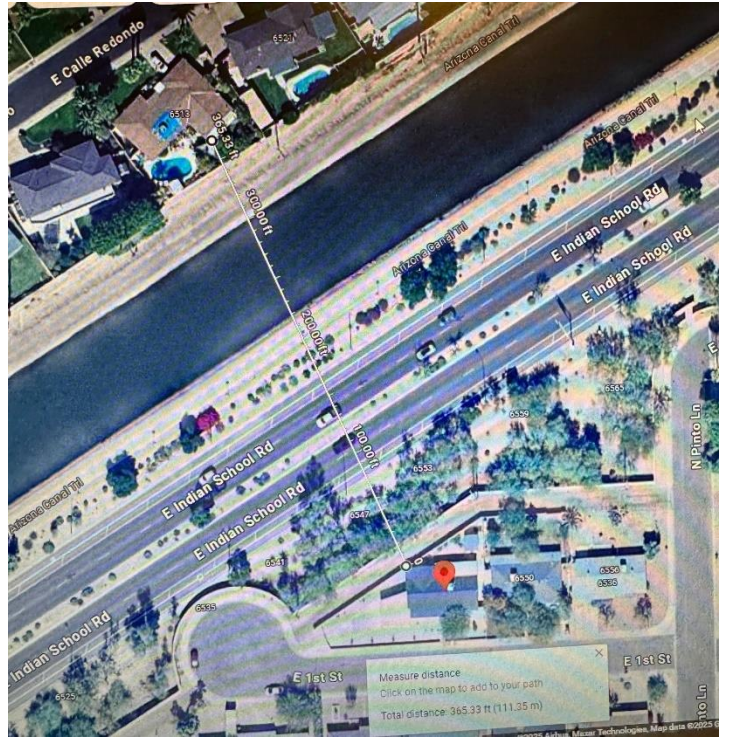
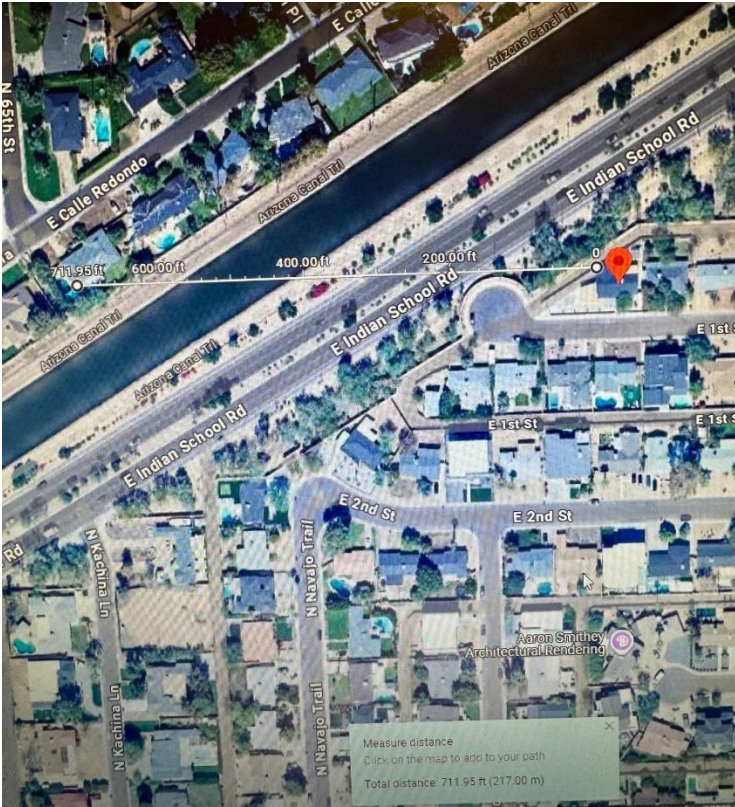
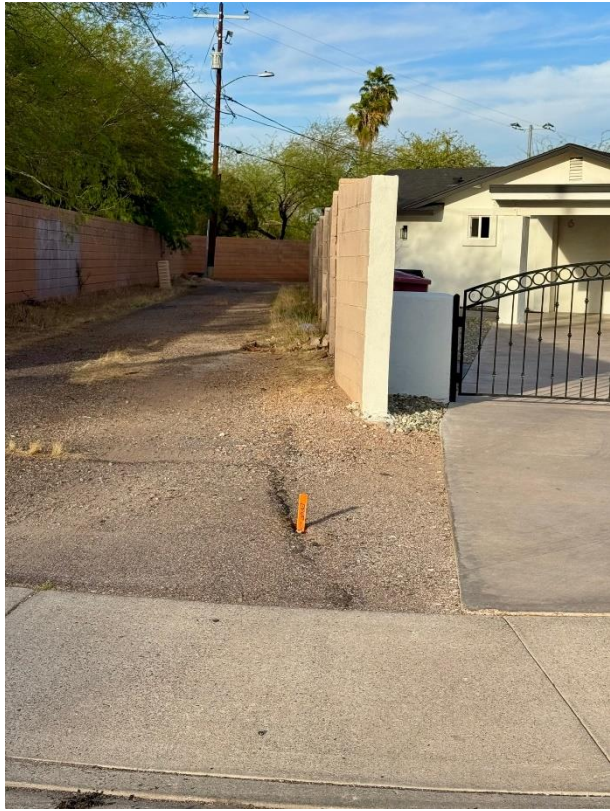


Exterior improvements and landscaping









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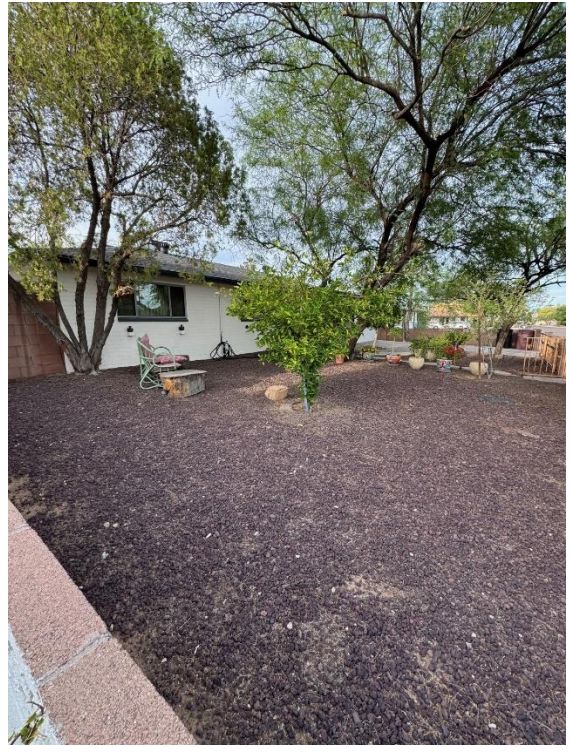
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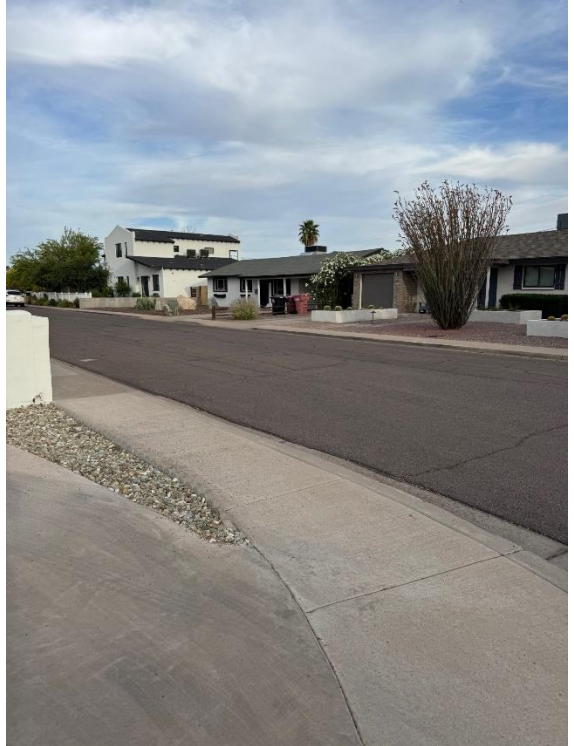
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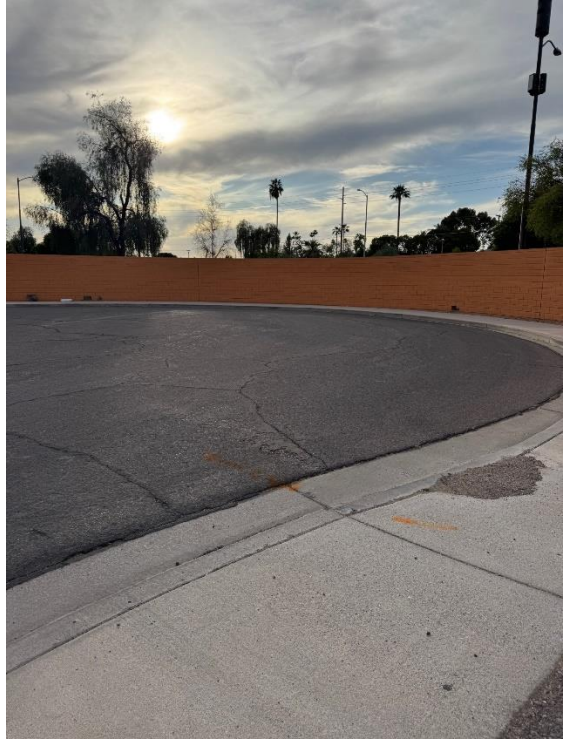
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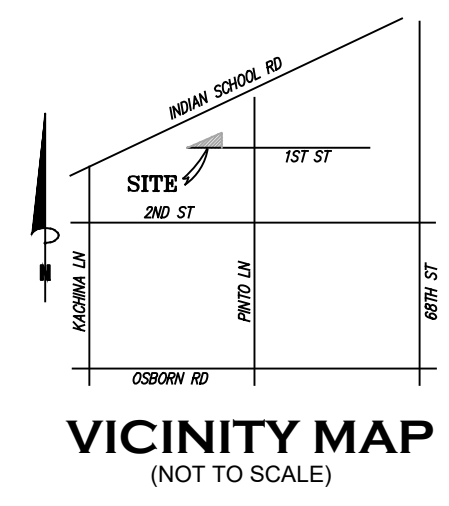


16



Maricopa County Assessor, November 2014 – showing existing laundry room





VICINITY MAP
(NOT TO SCALE)

OWNER:
SHELLY AND JOHN DOUGHERTY
8701 E DOUBLETREE RANCH RD
PARADISE VALLEY, AZ 85263

LEGAL DESCRIPTION:
LOT 123, SOUTHWEST VILLAGE UNIT SIX, ACCORDING TO BOOK 62 OF
MAPS, PAGE 6, RECORDS OF MARICOPA COUNTY, ARIZONA.

PROJECT DESCRIPTION:
REAR YARD SETBACK VARIANCE

PROJECT DATA

ADDRESS: 6540 E 1ST ST
SCOTTSDALE, AZ 85251

A.P.N.: 130-01-077

ZONING: R1-7

LOT AREA: 7,374

TYPE OF CONSTRUCTION: VB

NUMBER OF STORIES: ONE

SQUARE FOOTAGE CALCS.	
LIVABLE - EXISTING:	1,591 S.F.
TOTAL LIVABLE:	1,591 S.F.
NON-LIVABLE:	
CARPORIT:	501 S.F.
COVERED PATIO REAR:	241 S.F.
COVERED ENTRY FRONT:	115 S.F.
REAR YARD SHED:	124 S.F.
TOTAL:	987 S.F.
TOTAL UNDER ROOF:	2,578 S.F.

NO.	DESCRIPTION
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The Drafter hereby expressly reserves its common law Copyright and other property rights in these construction documents. These const. documents are an instrument of service for the client of The Drafter and shall not be changed, copied or reproduced in any form or manner whatsoever nor are they to be assigned to any third party without first obtaining the express written permission and consent of The Drafter.

THE DRAFTERY
RESIDENTIAL DESIGN

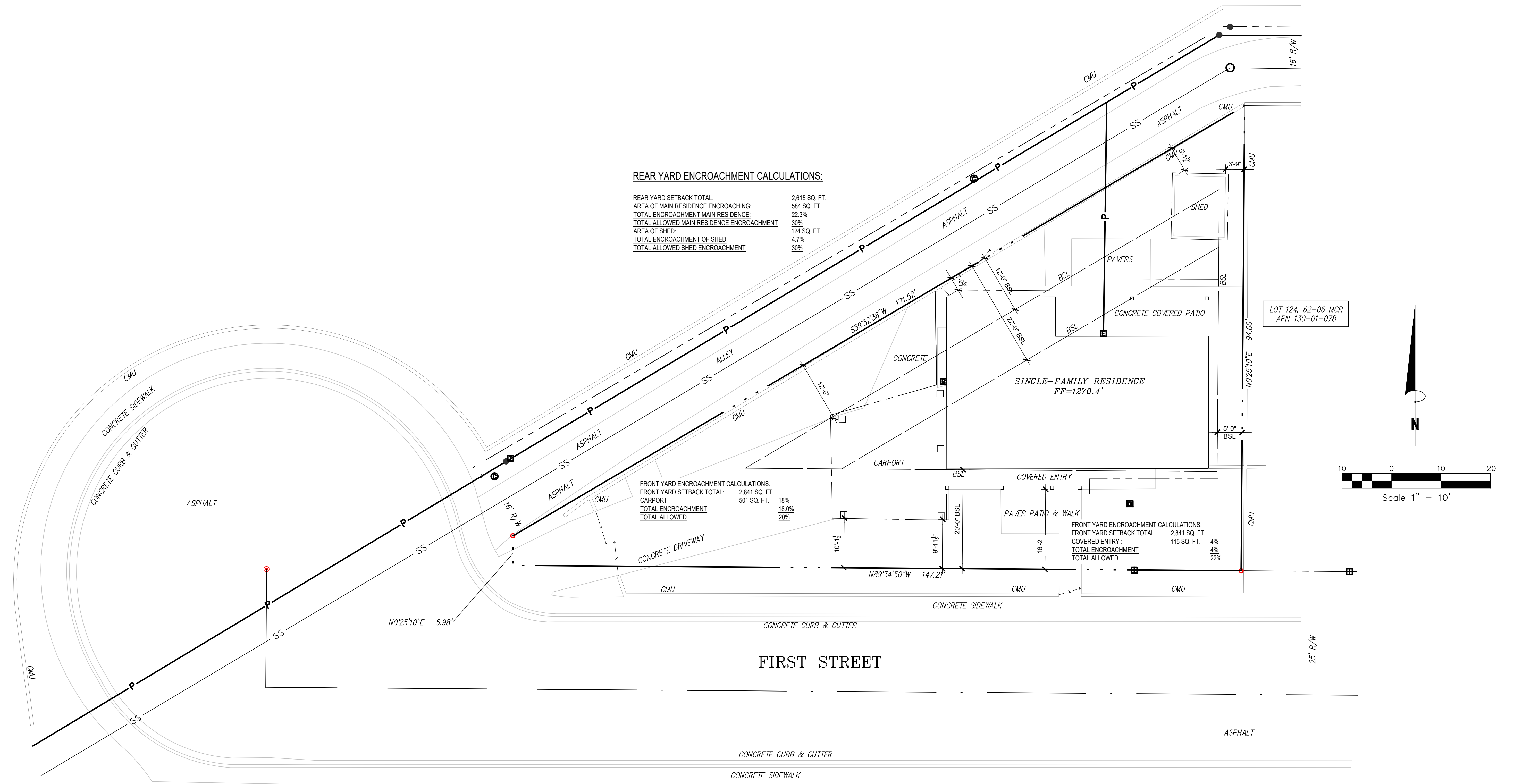
965 NORTH ROOSEVELT CIRCLE SCOTTSDALE, AZ
P: 480-859-9666 E: pmc@thedraftery.com

DOUGHERTY RESIDENCE
LOT 123 OF SOUTHWEST VILLAGE UNIT 6
6540 EAST 1ST STREET
SCOTTSDALE, AZ 85251

SHEET TITLE: ARCHITECTURAL SITE PLAN

PRINT DATE: 6-9-2025
JOB NO.: 130-01-077
DRAWN BY: PT
CHECKED BY: TEAM
SCALE: 1"=10'-0"
SHEET NUMBER:

SP1



REAR YARD ENCROACHMENT CALCULATIONS:

REAR YARD SETBACK TOTAL:	2,615 SQ. FT.
AREA OF MAIN RESIDENCE ENCROACHING:	584 SQ. FT.
TOTAL ENCROACHMENT MAIN RESIDENCE:	22.3%
TOTAL ALLOWED MAIN RESIDENCE ENCROACHMENT:	30%
AREA OF SHED:	124 SQ. FT.
TOTAL ENCROACHMENT OF SHED:	4.7%
TOTAL ALLOWED SHED ENCROACHMENT:	30%

FRONT YARD ENCROACHMENT CALCULATIONS:

FRONT YARD SETBACK TOTAL:	2,841 SQ. FT.	18%
CARPORIT:	501 SQ. FT.	18.0%
TOTAL ENCROACHMENT:		20%
TOTAL ALLOWED:		

FRONT YARD ENCROACHMENT CALCULATIONS:

FRONT YARD SETBACK TOTAL:	2,841 SQ. FT.	4%
COVERED ENTRY :	115 SQ. FT.	4%
TOTAL ENCROACHMENT:		22%
TOTAL ALLOWED:		

