

**Application
Narrative
Cash Transmittal
Pre-Application
Pre-App Narrative
Pre-App Cash Transmittal
Development Standards**

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

R-3 District (Medium Density Residential) – Section 5.704 – *Property development standards*

- *B. Building Height. – 2. If the R-3 development abuts a single-family district or an alley abutting a single-family district, the building height may be limited to one (1) story as determined by Development Review Board approval: Delete this section.*
- *D. Building setback. – 1. Wherever an R-3 development abuts an R-1, R-4, R-4R or M-H district or an alley abutting any of those districts, a yard of not less than fifteen (15) feet shall be maintained, except that accessory buildings for purpose of storage or carports may be constructed to within fifteen (15) of the adjacent district boundary line.: Vary from fifteen (15) to five (5) feet for the setback abutting an R-1 district.*

1. **That because of special circumstances applicable to the property including its size, shape, topography, or surroundings, the strict application of the zoning ordinance will deprive such property enjoyed by other property of the same classification in the same zoning district:**
 - a. The R-3 parcel at 3106 N 70th Street is considerably smaller at 9,234 square feet (.21 acres) than most other properties in Scottsdale that have been developed with this zoning district. The dimensions of the property are also restrictive being 83 feet wide and only 110 feet deep. Typically parcels developed within this district have a depth of at least 150 feet and often over 300 feet. This leaves little room on the property to achieve residential building construction as well as circulation for vehicular access.
 - b. The R1-7 district area across the alley to the west is actually a four-plex multi-family unit. It was built in 1962 under Maricopa County jurisdiction apparently under a single-family zoning district since the city practice and ordinance at the time was to directly apply the city zoning district most like the county zoning district that already existed. This may have been done during a “zoning hiatus” in the County prior to the area being annexed by the City of Scottsdale in 1965. This is a unique circumstance to the area bounded by Osborn, 68th Street, Thomas and 70th Street. There are virtually no other areas in the city with this zoning condition. The property to the south of the one across the alley has the same zoning and physical condition as well as another 25 properties in the vicinity. The four units on the abutting property represent a gross density of 15.9 units per acre, which typically would require an R-5 zoning application. If the correct zoning had been applied at the time of annexation it would actually be possible to build at the property line.
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 the property is located:**

- a. The R-3 district was created to allow for a lower density, transitional type of multi-family housing product that can serve as a transition from more intense uses to single family neighborhoods. This site serves that purpose well, with more intense uses to the east and single family uses two properties away to the west. The proposed variations of the R-3 standards would allow for the development of the property in a manner commensurate with this intent.
 - b. The three properties south of this site as well as two lots to the west on Pinchot Avenue also have R-3 zoning and have as many as 3-4 dwelling units. A similar number of units would be achieved for this parcel in combination with the property to the north which is being requested to be rezoned to R-3 as well. The variance would allow for a use of the property similar to other nearby properties in a much more updated and better quality manner.
- 3. That the special circumstances applicable to the property were not self-imposed or created by the owner or applicant:**
- a. The existing building on the site was constructed in 1957, the subdivision the lot is a part of ("Western Villa") was recorded in 1956 and the building to the west was built in 1962. The current city zoning was applied to the properties in 1965. The unique circumstances of this and adjacent properties have been applicable to the area for over 50 years, well before this applicant sought to purchase the property.
 - b. There is no indication as to why and how the unusual zoning and land use patterns was established but it was likely not done by initiative of the property owners.
- 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:**
- a. There are currently seven structures along the alley within the block the subject property is located within that have setbacks ranging from 0 to 10 feet, many in the 4 to 7 feet range. The proposed buildings would not create an unusual physical condition in this location.
 - b. The only property built within the block since the mid-1960s is a two-story multi-family project (ca 1980). When considering several other nearby infill projects to the north along 70th Street, the two-story height is lower than what has been common in the most recent projects nearby.
 - c. Except for two single family lots at the south end of the block (facing Pinchot) and the adjacent lot to the north (built in 1945), all the other land use on the block is multi-family. The proposed project would achieve a significant upgrade to the character of buildings on the block and would be in line with several recent and nearby infill developments.
 - d. There would not be a detrimental impact on adjacent properties and the general neighborhood likely would not be aware of the results of the varied development standards.



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: 70TH + EARL VARIANCE

Property's Address: 3106 N 70TH STREET

Property's Current Zoning District Designation: R-3

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>MICHAEL LOVEY</u>	Agent/Applicant: <u>STEVEN BAUCKAL Bauckal DEVELOPMENTS</u>
Company: <u>AZ FINE ENTERPRISES LLC</u>	Company: <u>Bauckal DEVELOPMENTS</u>
Address: <u>14301 N. 87TH ST #208 SCOTTSDALE</u>	Address: <u>4500 N. 32ND ST #100F AHOEVIK, 85019</u>
Phone: _____ Fax: <u>85260</u>	Phone: <u>480.309.4163</u> Fax: _____
E-mail: _____	E-mail: <u>STEVEBAUCKAL@GMAIL.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.

Owner Signature _____

Agent/Applicant Signature [Signature]

Official Use Only

Submittal Date: _____

Development Application No.: _____



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.

Planning, Neighborhood & Transportation

7447 East Indian School Road Suite 105, Scottsdale, Arizona 85251 Phone: 480-312-7000 Fax: 480-312-7088

City of Scottsdale's Website: www.scottsdaleaz.gov



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.



City of Scottsdale Cash Transmittal

107319

107319
 1 00922747
 7/28/2016 PLN-1STOP
 KHANAS HPDC600552
 7/28/2016 3:30 PM
 \$153.00

Received From :

STEVEN BRUCKAL
 202 W ROOSEVELT ST UNIT 315C
 PHOENIX, AZ 85003
 480-309-4163

Bill To :**Reference #** 1120-PA-2015**Issued Date** 7/28/2016**Address** 3114 N 70TH ST**Paid Date** 7/28/2016**Subdivision** WESTERN VILLA**Payment Type** CREDIT CARD**Marketing Name****Lot Number****Cost Center****MCR** 064-01**County** No**Metes/Bounds** No**APN** 130-15-098A**Gross Lot Area** 0**Water Zone****Owner Information****NAOS Lot Area** 0**Water Type**

Bonnie Griffing

Net Lot Area**Sewer Type**

3114 N. 70th Street

Number of Units 1**Meter Size**

Scottsdale, AZ 85251

Density**QS** 15-44

480-612-7275

Code	Description	Additional	Qty	Amount	Account Number
3140	BOARD OF ADJUSTMENT FEES		1	\$153.00	100-21300-44221

10-BA-2016
 7/27/16

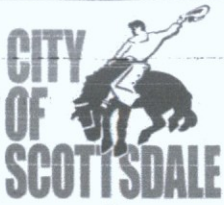
SIGNED BY STEVEN BRUCKAL ON 7/28/2016

Total Amount

\$153.00

(When a credit card is used as payment I agree to pay the above total amount according to the Card Issuer Agreement.)

TO HAVE WATER METER SET - CALL 480-312-5650 AND REFER TO TRANSMITTAL # 107319



Request for Site Visits and/or Inspections

Construction Document Application

This request concerns all property identified in the construction document (plan review) application.

Project Name: 70th + EARLL TOWNHOMES

Project Address: 3106 N. 70th STREET, SCOTTSDALE 85251

STATEMENT OF AUTHORITY:

1. I am the owner of the property, or I am the duly and lawfully appointed agent of the property and have the authority from the owner to sign this request on the owner's behalf. If the land has more than one owner, then I am the agent for all owners, and the word "owner" refer to them all.
2. I have the authority from the owner to act for the owner before the City of Scottsdale regarding any and all development application regulatory or related matter of every description involving all property identified in the construction document.

STATEMENT OF REQUEST FOR SITE VISITS AND/OR INSPECTIONS

1. I hereby request that the City of Scottsdale's staff conduct site visits and/or inspections of the property identified in the construction document in order to efficiently process the application.
2. I understand that even though I have requested the City of Scottsdale's staff conduct site visits and/or inspections, city staff may determine that a site visit and/or an inspection is not necessary, and may opt not to perform the site visit and/or an inspection.

Property owner /Property owner's agent: STEVEN BAUKAL
Print Name

[Signature]
Signature

City Use Only:

Submittal Date: _____ Plan review number: _____

Planning, Neighborhood & Transportation Division
7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ Phone: 480-312-7000 ♦ Fax: 480-312-7088

10-BA-2016
7127116