



August 20, 2021

Planning and Development Services  
City of Scottsdale  
7447 E. Indian School Rd., Ste. 105  
Scottsdale, Arizona 85251

**RE: Abandonment Application  
28247 N. 78th Street, Scottsdale, Arizona 85266**

Planning and Development Services Staff:

Please accept this letter and the enclosed documents as the application materials for an Abandonment. The subject property is located at 28247 N. 78th Street, Scottsdale, Arizona 85266 (APN: 216-69-156A) (the "Property"). See **Exhibits 1 & 2**. The Property is zoned R1-70, Single Family Residential ("R1-70") and is situated in both the Lower Desert and Upper Desert Landform areas of the ESLO ordinance.

### **REQUEST OVERVIEW**

The Property is a corner lot and therefore is encumbered by two front yard setbacks. The Property Owner has worked with the City of Scottsdale to address the existence of unnecessary right-of-way along the Property's street frontage in order to alleviate the burden of the Property's two front yard setbacks. The unnecessary right-of-ways exist because the City envisioned a further build out of 78th Street and Dynamite Blvd. To date, the expansion has not occurred and City Staff has indicated the full amount of the existing right-of-way is no longer needed.

Specifically, the request is for the City to abandon a portion of the Property along E. Dynamite Blvd. (15-feet), a portion of the quarter cul-de-sac located at the northwest corner of the property not to include the western most 25-feet, and a portion of approximately 8 feet of an existing G.L.O. easement towards the Property's western boundary. See **Exhibit 3**. Additionally, the Property Owner will simultaneously dedicate the 25-foot half street, along N. 78th Street to the City. See **Exhibit 4**. The purpose of this request is to eliminate front yard setback discrepancies existing on the Property.



## **BACKGROUND / HISTORY**

The Property Owner has owned the Property since the early 2000's. The Property is nearly two acres in size and is located on the northeast corner of Dynamite Blvd. and 78th St. Dynamite Blvd. and 78th St. border the Property to the south and west, respectively. The Property is surrounded by residential lots to the north and east.

In 2020, the Property Owner received a code enforcement complaint stating two (2) additional feet of wall height was constructed without a permit. Shortly after receiving the code enforcement complaint, the Property Owner took corrective measures in an effort to bring the Property back into compliance with the City's Zoning Ordinance. Throughout numerous conversations, it became apparent an Abandonment and concurrent dedication would be in the best interests of the City and Property Owner.

## **CONSIDERATION FOR ABANDONMENT**

The Property Owner will dedicate the 25-foot half street right-of-way along N. 78th Street as consideration for the requested abandonment.

## **CONCLUSION**

Approval of this Abandonment Application would remedy the nonconformities on the Property and would allow the Property to comply with the requirements of the Zoning Ordinance.



**Exhibit 1 -- Context Map Aerial**  
28247 N. 78<sup>th</sup> Street, Scottsdale, AZ 85266







**Exhibit 2 -- Parcel Map Aerial**

28247 N. 78<sup>th</sup> Street, Scottsdale, AZ 85266



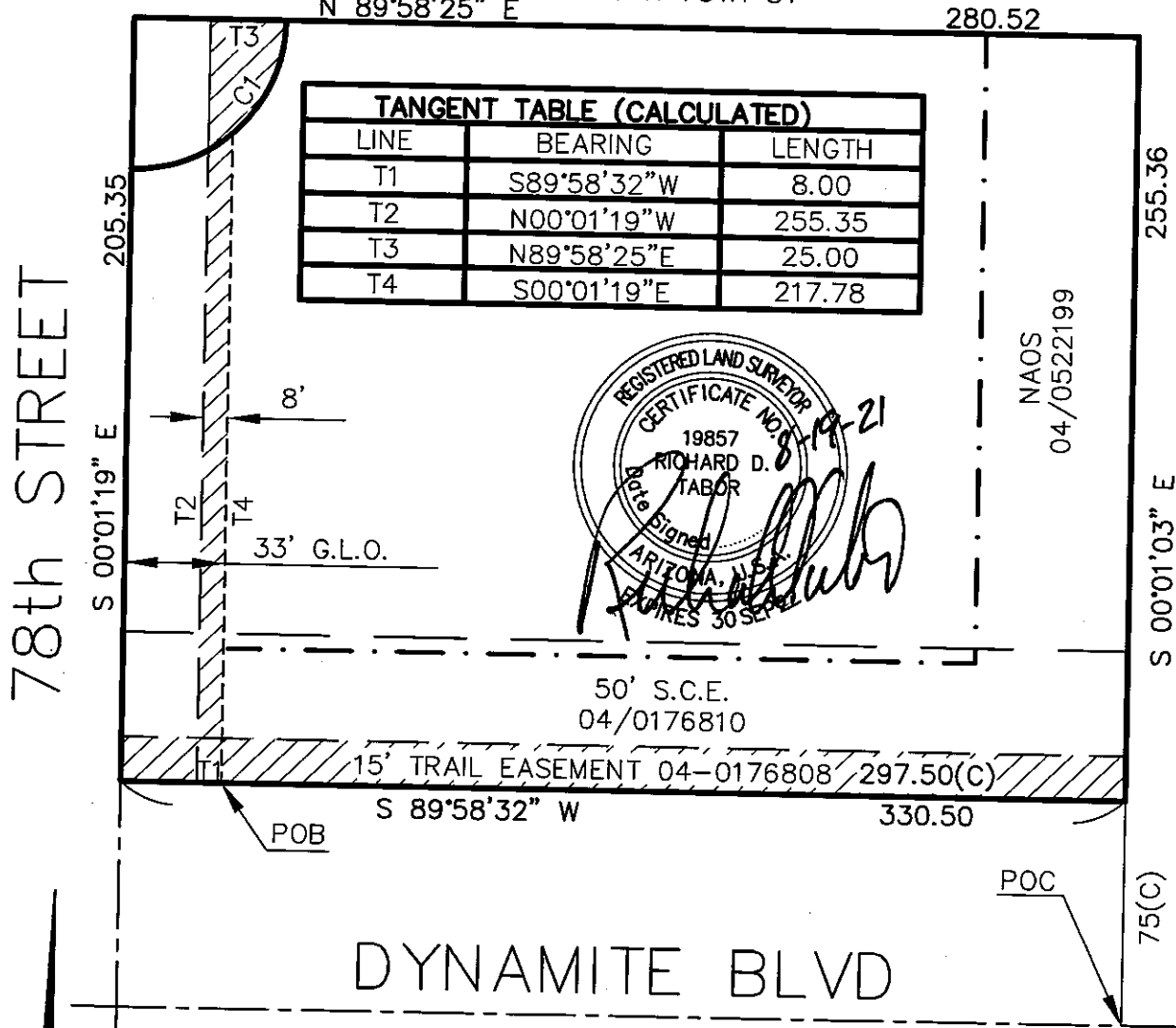
**TIFFANY  
& BOSCO**  
REAL ESTATE  
12-AB-2021  
1/11/2022

# Exhibit 3

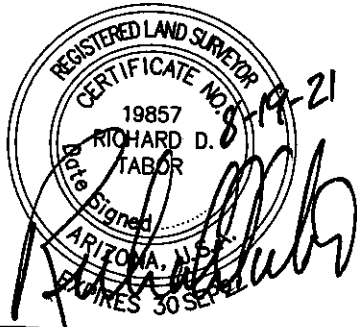
# EXHIBIT "B" EASEMENT ABANDONMENT

THE SOUTHWEST ¼, OF THE SOUTHWEST ¼ OF THE SOUTHEAST ¼,  
OF THE SOUTHEAST ¼, OF SECTION 26, TOWNSHIP 5 NORTH,  
RANGE 4 EAST, OF THE GILA & SALT RIVER BASE, & MERIDAIN.  
MARICOPA COUNTY, ARIZONA

APN: 216-69-127a  
28349 N 78TH ST



LINE	BEARING	LENGTH
T1	S89°58'32"W	8.00
T2	N00°01'19"W	255.35
T3	N89°58'25"E	25.00
T4	S00°01'19"E	217.78



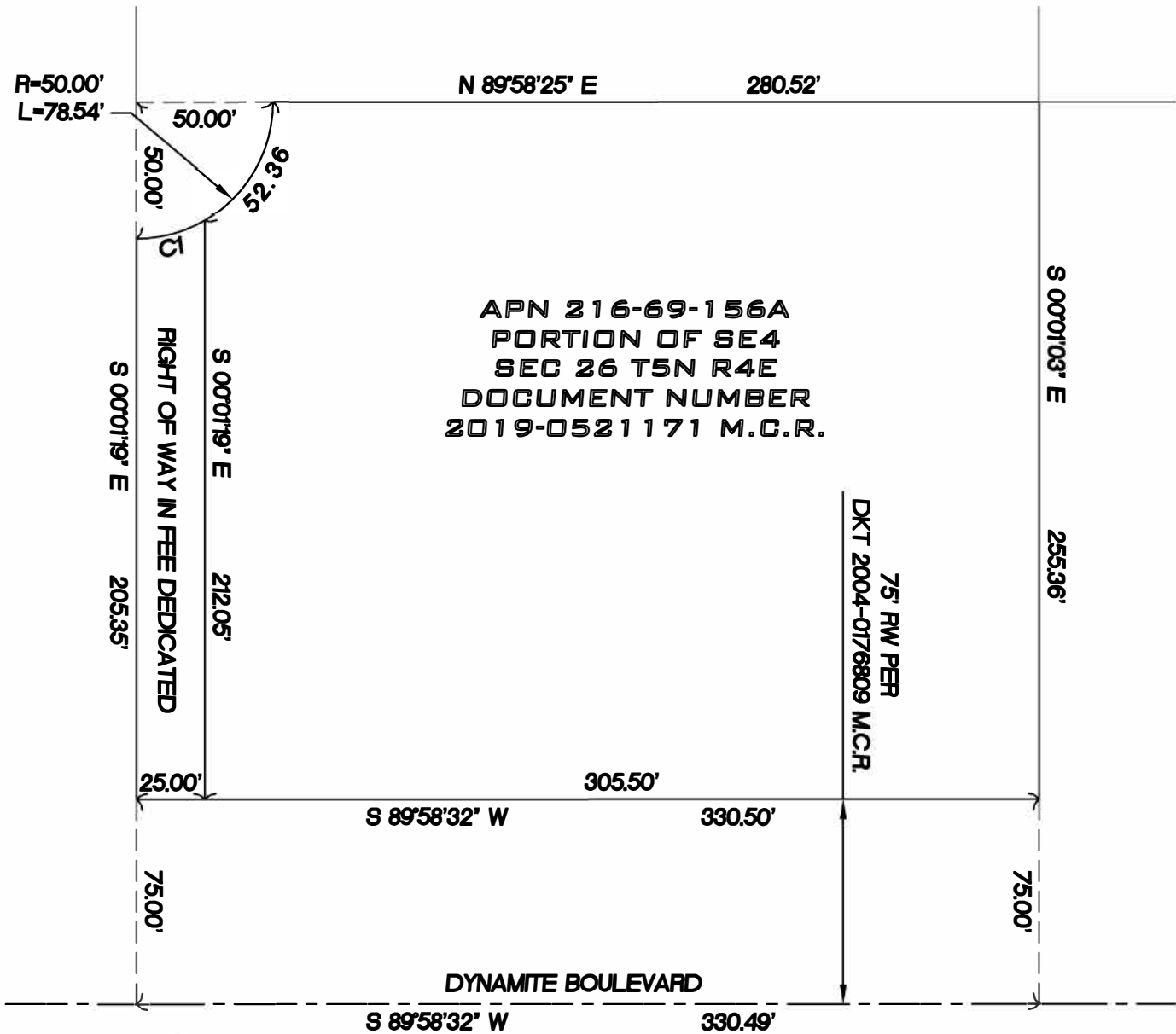
CURVE	RADIUS	DELTA	LENGTH	TANGENT	CHORD BEARING	CHORD DISTANCE
C1	50.00	48°42'15"	42.50	22.63	S24°19'33"W	41.23

**GRAHAM SURVEYING & ENGINEERING INC.**  
Civil Engineers & Land Surveyors  
P.O. BOX 1240, Carefree, Arizona 85377  
(480) 488-4393  
DATE: 08-19-21  
SHT. 1 OF 1 JOB #21-226

SCALE: 1" = 60'

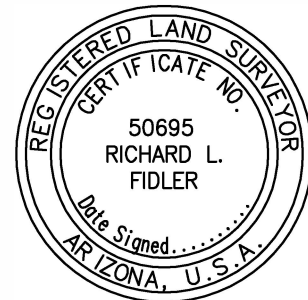
# Exhibit 4

## EXHIBIT B RIGHT OF WAY IN FEE DEDICATION



SCALE: 1"=60'

CURVE TABLE		
CURVE	LENGTH	RADIUS
C1	26.18	50.00



ALL VALUES SHOWN ARE CALCULATED  
 UNLESS NOTED OTHERWISE.  
 BOUNDARY IS BASED ON SECTIONAL BREAKOUT  
 USING PUBLISHED MCDOT SECTION CONTROL INFO