

Board of Adjustment Zoning Variance Project Narrative



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The Board of Adjustment may not authorize a zoning ordinance variance unless four (4) members affirm that ALL of the following criteria are met. Please provide justification to the four (4) criteria set forth in Section 1.804 of the Zoning Ordinance; you may attach a separate sheet if you need more room.

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

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:

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:

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

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:

Planning and Development Services

7447 E. Indian School Road, Suite 105, Scottsdale, AZ 85251 ♦ www.ScottsdaleAZ.gov

Board of Adjustment
Zoning Variance Justification

1701 N 69th Street

APN 129-08-011

Lot 11, The Redlands Subdivision, 1956

June 30, 2025

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

R1-7 zoning: Single-Family Residence on Corner Lot abutting Key Lot. Request to reduce south setback from 10' to 5' (App B, Ord 544, Art 5, Sec 5.504.E.5), but we also suggest / request a stipulation to limit the amount of development between the 10' and 5' setback line to a maximum of 100sf. It is not necessary to reduce the entire setback; the lot has an angled side that, with the increased setback due to Sec 5.504.E.5, causes the setback to slightly cut into the area available for an addition.

Criteria 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:

Lot:

- The lot is a non-rectilinear corner lot abutting a key lot with a 400sf flag portion connecting to the alleyway.
- The bulbous south corner is shaped by two arcs following the street alignments of E Almeria Road and N 69th Street.
- The south side property line angles back, narrowing at the rear to an effective 65' width.

House:

- The single-story block ranch-style house is original in its size and placement on the lot from when it was originally platted and constructed in the 1950s.

- There are three standard plans for the 50 lots of The Redlands subdivision, and it is one of the 16 that is approximately 1400 sf with an attached trapezoidal carport projecting out from the front façade of the house.
- The other two standard plans are larger, with 1715sf and 1500sf of living space.
- The other two standard plans are compact L-shaped layouts.
- The subject house plan has a central hall layout, in which rooms are placed on either side of a hallway running lengthwise through the middle, and roof trusses run perpendicular to the hall.
- The house placement on the lot is influenced by the feature of its front carport; as such, the actual living area of the structure is located farther to the rear of the lot than it is for the other two standard plans in the subdivision.

Constraints / Special Circumstances

- The original standard plan configuration, with the carport in the front of the structure, pushes the location of the house farther to the rear of the lot.
- The curved intersection of Almeria Road and 69th Street causes the Almeria side (south, longer side) of the property to narrow towards the rear of the lot.
- The length of the rear property line, excluding the flag portion that connects to the alley, is 64.75' wide, less than the minimum 70' width for R1-7 zoning (Section 5.504.B).
- This parcel is one of two in the entire subdivision that abuts a key lot, triggering a larger side setback of 10' instead of the typical 5' (Section 5.504.E.5).
 - The house on the other key lot-abutting parcel has the same house plan, but because the house is angled on the lot, those owners have successfully built an addition out the side of the house.
- The center hall layout of the house makes expansion practical only in directions parallel to the hall (i.e., the short sides of the house). The bedroom side of the house is on the side of the lot that narrows.
- The other side of the house is closer to the straight side of the property than all but one of the other lots with the same standard house plan, at 9' away.
- Expansion can only feasibly occur at the south side of the house, but the available area for doing so is unusually reduced by the angled property line and the unusual abutment of a key lot that causes a larger-than-normal side setback of 10' (Section 5.504.E.5).
- Of the 16 lots in The Redlands subdivision with the same standard plan, zero lots have a more restrictive circumstance, three lots are essentially equal in restrictiveness (Lots 19, 34, and 43), and the remainder have less restrictive, better circumstances for additions. See attached spreadsheet for analysis.

Analysis

The neighborhood's original developer utilized three standard plans. Two of the standard plans are of a compact L shape and are located at the front edge of the front setback. The standard plan of the subject parcel is that of a rectangle oriented with the broad side of the house facing the front property line. However, this standard plan is unique from the others in that it has a large carport attached to the front.

The presence of this large carport placed up against the front setback causes the location of the actual house itself to be situated much deeper into the lot, compared to the other standard plans. On the subject parcel, with its shape that narrows to the rear, the house is squeezed in from the sides, thus preventing a reasonable room addition out the side of the house. When the other two standard plans are superimposed on the subject parcel, they enjoy more available room for a feasible addition. They have approximately 11.5' and 15.5' available widths for feasible additions (Exhibits 3 & 4).

Compounding the constraints, the shape of the lot narrows from front to rear. The effective rear lot line is 65' (105.7' total, less the 40.7' of the flag length), which is less than the minimum 70' width for R1-7 lots (App B, Ord 544, Art 5, Sec 5.504.B). This shape causes the side setbacks to pinch down the developable area, compared to the simpler rectangular shapes of standard lots in the neighborhood.

The subject parcel is a corner lot that abuts a key lot, which then causes the side setback along the street to be doubled from 5 feet to 10 feet (App B, Ord 544, Art 5, Sec 5.504.E.5). If the subject parcel were a simple rectangle, a simple room addition would be more feasible. Indeed, regular corner lots with the same standard plan house have the houses located in such a way on the lot so that an addition is far more feasible (6931 E Almeria, 6937 E Coronado, 6940 E Coronado, 6943 E Granada, 6946 E Granada): those lots have approximately 14' of space out the side for expansion. For the subject parcel, the doubled side setback reduces the available space out the side for expansion to approximately 8.5' – impractical for a room addition.

The proposed 421sf addition would extend the house 13'-5" to the south, and the addition would take up less than 55sf of the area between the 10' side setback line and an adjusted 5' setback line.

Criteria 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 Redlands neighborhood is one of modest single-family houses, many of which have constructed small additions over time. The authorization of the variance request will enable the homeowners to construct a room addition out the side of the house that is commensurate with the expansions that other residents with R1-7 lots in the neighborhood have been able to construct or could construct.

The tapered shape of the lot causes the side setback to cross over a very small portion of the area (approximately 52sf) of the proposed 13'-5" wide room addition. For this reason, while we are requesting that the side setback be reduced to 5', we are only requesting that it be reduced as such via stipulation for a small portion of the side, where the simple rectangular room addition would be located. The area of overlap is triangular, due to the angled side of the parcel, and it represents the superposition of a rectangle over a triangle. The vast majority of lots in the neighborhood enjoy 5' side setbacks on both sides (App B, Ord 544, Art 5, Sec 5.504.E.2 and Sec 5.504.E.5), and the vast majority of lots in the neighborhood also enjoy straight parcel sides.

No special privileges that are inconsistent with the limitations on other properties are requested.

Criteria 3:

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

The lot was originally platted in the late 1950s in its shape, and the house is original to the development. The shape of the lot and the house's placement on the lot is by the original developer. The use is single-family residential, which is an approved use under R1-7 zoning (App B, Ord 544, Art 5, Sec 5.502); the requested variance is not a use variance but an area variance.

The Arizona Supreme Court, in its ruling for *Pawn 1st LLC v. City of Phoenix, et al* (2017), determined that, when considering whether special circumstances are self-imposed for area variances, “the special circumstances [arise] from the Property’s physical characteristics” (¶122).

“...These [physical] characteristics and the strict application of the zoning regulations uniquely diminish the Property’s ...viability as compared to ‘other property of the same classification in the same zoning district,’ A.R.S. § 9-462.06(G)(2)” (¶129).

“Thus, in the context of area variances, we consider whether strictly applying the zoning requirements would deprive an owner of the same privilege owners of other similarly zoned property enjoy. Special circumstances are not “self-imposed” when the owner wants to use the property in a way permitted to other similarly situated properties, but cannot do so because of externally imposed circumstances” (¶131).

“Accordingly, ...[we] hold that an applicant or owner’s selection of a property, even with knowledge that an area variance is required for an intended use allowed on other similarly zoned properties, does not itself constitute a self-imposed special circumstance precluding an area variance” (¶132).

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

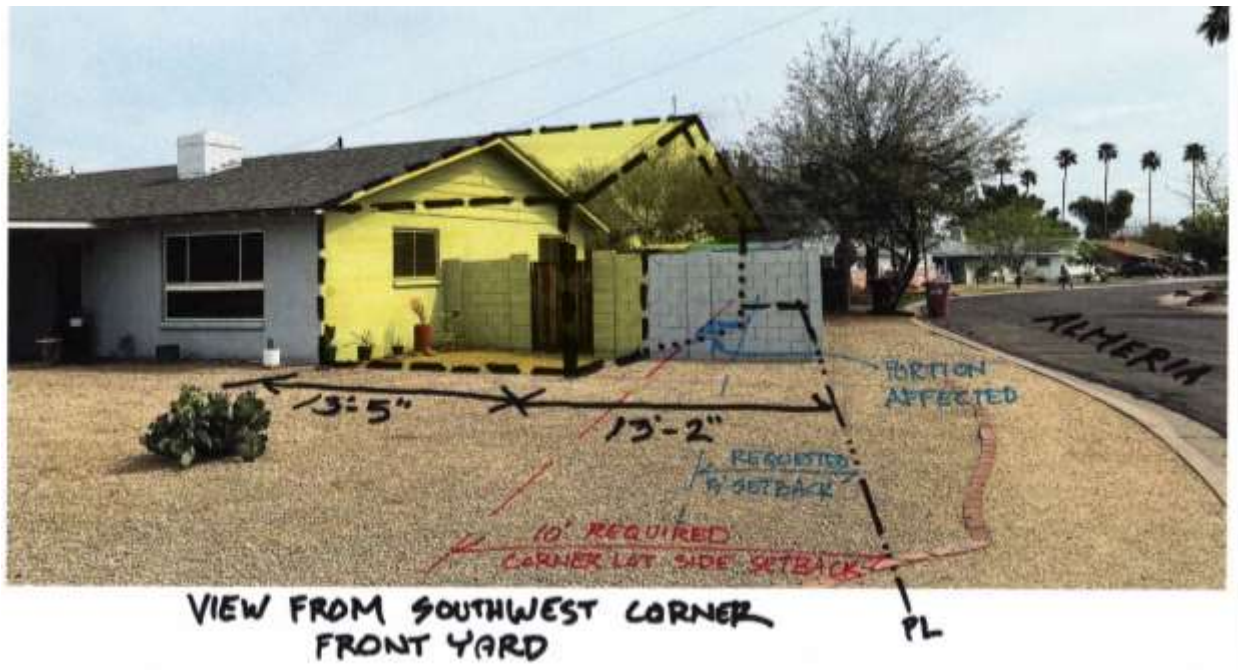
The physical characteristics of the property that are special circumstances are: the lot is bulbous with 82.5’ width at the front and narrows to 65’ wide at the rear; the lot is a corner lot abutting a key lot; the lot has a flag appendage, and the house originally built on the lot by the developer is of a standard plan whose characteristics cause the house to be placed farther back on the lot than the other two standard plans used in the neighborhood.

Scottsdale city staff has made note to us that the area of the lot is greater than the required minimum of 7000sf for R1-7 zoning (App B, Ord 544, Art 5, Sec 5.504.A.1), and that is correct. However, the shape of the lot causes additional unusable area to be included in the total lot area of 8729sf: the flag at the rear and the bulb at the front. These areas contribute nearly 1000sf of unusable area to the lot, lending the impression that there is plenty of room for a room addition. The issue is not how much area the lot has; the issue is where the area is located. On this property, the available area is concentrated towards the front and rear of the lot, beyond the setbacks.

Criteria 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:

There is an existing 6' high block wall on the south property line of this parcel. The proposed addition would remain behind this block wall and screened from view by the existing wall. The addition, being only a single story, would maintain the scale and low, desert character of the neighborhood. The extents of the proposed addition would be between 5'-2" and 13'-2" from the property line. On the other side (north side), the house is 9'-6" from the property line. Minimum typical side setbacks in R1-7 zoning is 5' on each side.



The view from the front yard shows the proposed addition maintains generous separation from the street and is screened by the side yard block wall.



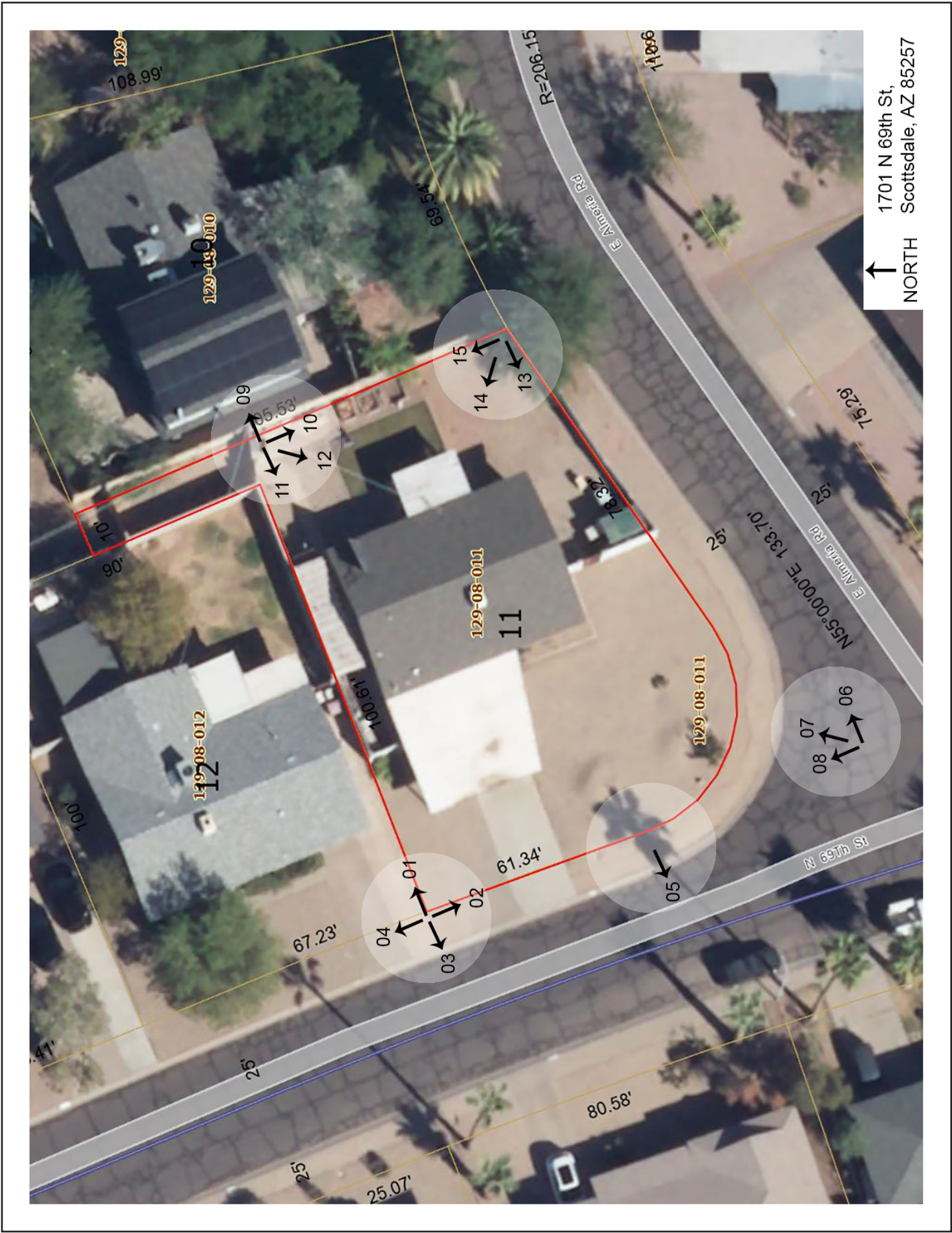
The view from the rear yard, where the lot line angles back - where the reduced side setback is requested - the proposed addition maintains the same separation (at least 5') seen at other properties in the neighborhood. In addition, this closer part of the proposed addition is still screened by the 6' high block wall on the property line.

The proposed addition is in keeping with the scale and scope of other additions in the neighborhood, so it will not feel out of place or irregular. Similar additions include those at 6910 E Granada, 6909 E Granada, 6901 E Palm, 6931 E Palm, 6909 E Coronado, 6946 E Granada, 6922 E Granada, 1909 N 69th, and 6907 E Palm.

An addition located out the side of the house is structurally impactful, due to the roof and interior framing: the ridge of the roof, and therefore all of the attendant structural components, runs lengthwise. The logical and sensible addition strategy is to expand in such a way that continues and builds off of that established structural system. Other strategies disrupt the structural system and the concordant appearance of the house, which then has downstream ramifications of disrupting the character of the neighborhood; the neighborhood houses consist of only three variants that are all expressive of the simple construction. As such, the neighborhood character is impacted by the structural design of the houses themselves, and by how that structure is expressed.

The addition does not reduce the open space of the rear yard, thereby maintaining generous separation distance between the house and the house on the abutting key lot, so the authorization of this variance request will not be materially detrimental to the residents of the key lot, for whom the larger 10' setback noted in Section 5.504.E.5 is specified. Furthermore, the house on the abutting key lot is of the same floor plan as the subject parcel, with the large front carport pushing the house deeper into the lot. The abutting key lot has also constructed a two-story addition at the rear, thus shifting the architectural mass away from the street, and away from where the proposed addition for the subject lot is to be

constructed. This juxtaposition of massing between the two abutting lots preserves the open space between the houses.



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NORTH





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