

BOARD OF ADJUSTMENT REPORT



Meeting Date: 1/6/2021

ACTION

**2820 N 70th Pl Carport and Storage Shed
18-BA-2020**

Request to consider the following:

1. Request by owner for a variance to the City of Scottsdale Zoning Ordinance, Section 5.504.E.5. pertaining to the required front yard setback along the longer street frontage for a corner lot property with Single-Family Residential (R1-7) zoning located at 2820 N 70th Place.
2. Request by owner for a variance to the City of Scottsdale Zoning Ordinance, Section 5.504.I.1.a and Section 5.504.I.2.a pertaining to accessory buildings located in the front yard on a corner lot property with Single-Family Residential (R1-7) zoning located at 2820 N 70th Place.

OWNER

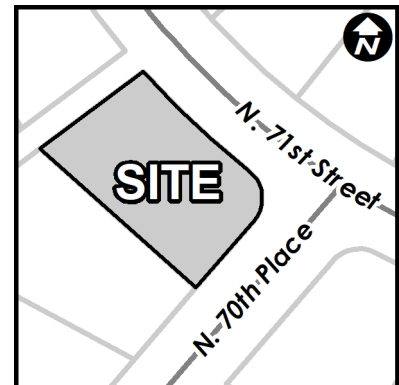
Lee Lyons
602-826-1980

APPLICANT CONTACT

Lee Lyons
(602) 615-2198

LOCATION

2820 N 70th Place



BACKGROUND

History

The subject site was annexed into the City of Scottsdale in November of 1965 through Ordinance No. 273, and the City of Scottsdale Single-family Residential (R1-7) zoning standards were applied. This property is lot 120 of the Cranbrooke Manor subdivision which was platted and recorded in Maricopa County in 1954.

Aside from the existing residence, additional permits were issued for an addition and carport enclosure in 2002 on the north side of the structure and a fence permit was issued in 2003 for the fence along the north property line and a section of the east front yard off N 71st Street.

Zoning/Development Context

The subject site is zoned Single-family Residential (R1-7) and is located on the corner of N 70th Place and N 71st Street.

Zoning Ordinance Requirements

Variance #1: Pursuant to Section 5.504.E.5, pertaining to the required front yard setback along the longer street frontage for a corner lot property: A corner lot shall have a front yard with a minimum depth of twenty (20) feet on the shorter street frontage, and a yard with a minimum depth of five (5) feet on the longer street frontage.

The applicant is requesting a variance of five (5) feet, which would reduce the required front yard setback along the longer street frontage from five (5) feet to zero (0) feet.

Variance #2: Pursuant to Section 5.504.I.1.a and Section 5.504.I.2.a pertaining to accessory buildings located in the front yard on a corner lot property: No accessory building shall be located in the front yard or in the yard on the longer street frontage.

The applicant is requesting a variance of five (5) feet, which would allow the accessory building to be located in the front yard on the longer street frontage.

Code Enforcement Activity

Code Enforcement issued a compliance notice on July 20, 2020 for work done without permits.

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 three general inquiries from neighbors about the applicant's request, and one phone call in opposition of the request.

Discussion

The existing carport and shed were built without permits on the property line adjacent to N. 71st Street and do not meet the R1-7 zoning district setbacks. The applicant is requesting these variances with the intent to obtain permits for the existing non-conforming structures.

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 the carport appears to maintain the same distance as the block wall on the side of the property and does not pose visibility concerns to the surrounding areas. The applicant states that other surrounding properties have also enclosed their carports or created additions where the carport had previously been located.

Staff Analysis:

The subject property is a corner lot and is approximately 7,983 square feet. It is similar in size, shape and topography to other properties in the Cranbrooke Manor subdivision and other properties in the R1-7 zoning district. The minimum lot size for R1-7 zoned parcels is 7,000 square feet.

- 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 driveway on the subject property is the shortest driveway in the neighborhood.

Staff Analysis:

The R1-7 zoning district allows a carport in the yard with the longer street frontage, subject to a five (5) foot setback from the property line. The setback is measured to the columns of the carport structure, with an additional two (2) feet of overhang permitted. Additionally, a carport may be constructed in the front yard with the shorter street frontage if it is structurally integrated with compatible building materials to the main building's roof, its entrance is perpendicular to the street, it is set back at least ten feet from the front property line, it is constructed so that a minimum of twenty-five percent of the front side remains open, and it does not encompass more than twenty percent of the front yard.

Properties zoned R1-7 may have accessory structures located outside the front yard. If the shed was relocated to be at least five feet setback from the front property line off N 71st Street and two feet off the rear property line and meets the minimum distance between structures of five feet, it would be conforming and a variance would not be necessary for the shed.

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 they aren't the original property owner when the original home was constructed. The applicant further states that the subject property is the only lot in the subdivision with the driveway located on a side lot line off N 71st Street instead of the legal frontage off N 70th Place.

Staff Analysis:

The subject property is a corner lot and is approximately 7,983 square feet. It is similar in size, shape and topography to other properties in the Cranbrooke Manor subdivision and other properties in the R1-7 zoning district. The minimum lot size for R1-7 zoned parcels is 7,000 square feet. There are other properties within the Cranbrooke Manor subdivision that have similar configurations. The carport and storage shed were constructed without permits by the 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:

Applicant Statement:

The applicant states that the carport and detached shed haven't been an issue for a decade and that they enhance the neighborhood. The applicant further states there are other additions and carports on side property lines in their neighborhood.

Staff Analysis:

Authorizing this variance would allow the property to keep the shed and carport in their existing locations, encroaching within the required setback area along 71st Street. The setback is intended to provide minimal distance separation along the street. There has been a code enforcement complaint as well as the phone call in opposition.

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. 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.

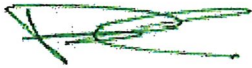
APPROVED BY



Desirae Mayo, Report Author
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12-16-2020

Date



Bryan Cluff, Board of Adjustment Liaison
480-312-2258, bcluff@scottsdaleaz.gov

12/16/2020

Date



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

12/21/2020

Date



Randy Grant, Planning and Development
Executive Director
480-312-2664, rgrant@scottsdaleaz.gov

12/21/20

Date

ATTACHMENTS

1. Context Aerial
2. Aerial Close-Up
3. Zoning Map
4. Project Justification
5. Site Photographs
6. Site Plan
7. Elevations
8. Public Comment Letter



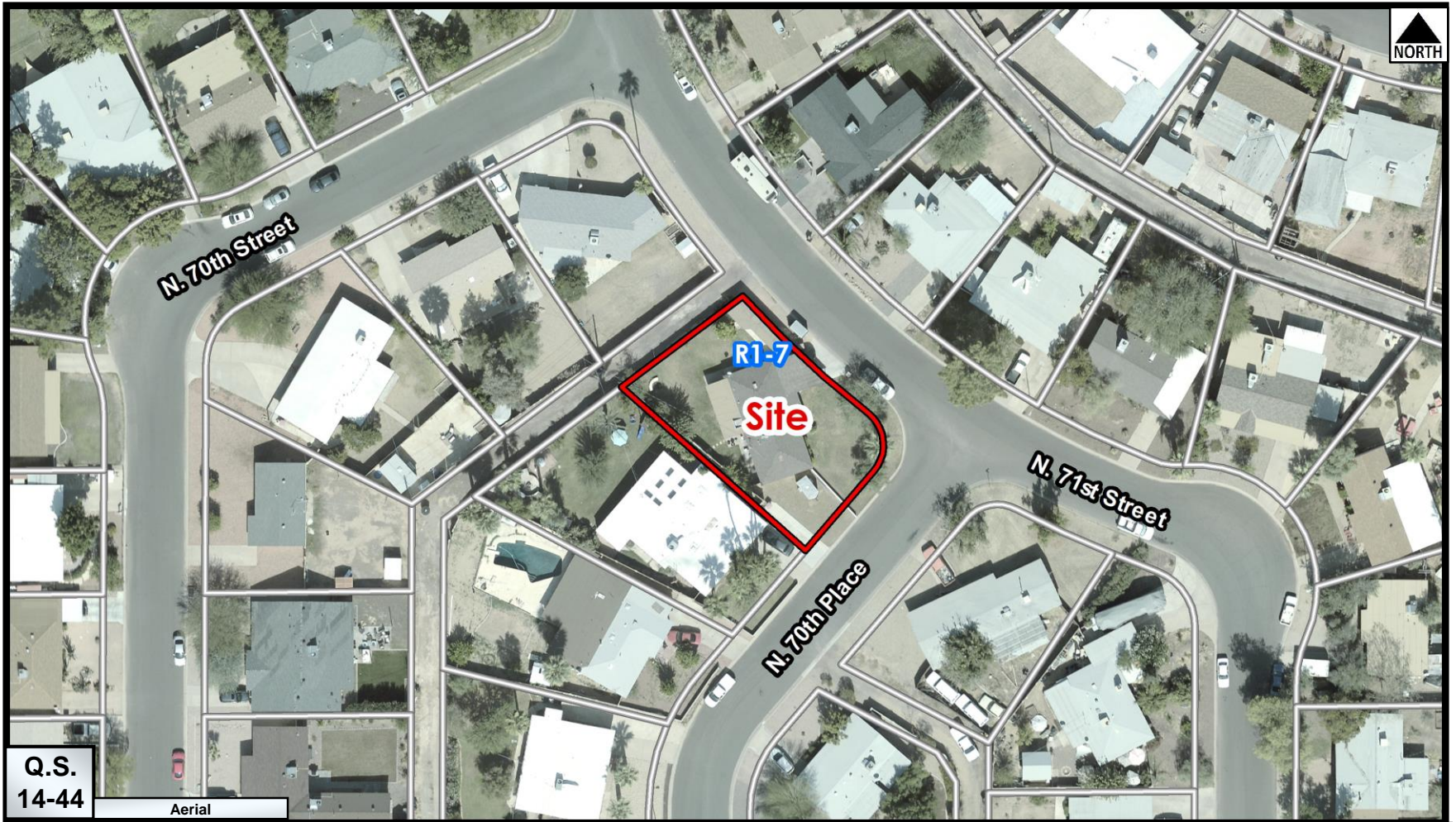
Context Aerial

18-BA-2020



Close-up Aerial

18-BA-2020



Q.S.
14-44

Aerial

Zoning Aerial

18-BA-2020

Board of Adjustment

Zoning Variance Project Narrative



This document will be uploaded to a Case Fact Sheet on the City's web site

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:

I am asking the board to deem this as a legal nonconforming structure.

Due to the peculiarities of the lot and keeping in mind, after WWII, this was the first affordable framed subdivision of homes in the city of Scottsdale built for lower income first home buyers and G'Is finding housing, which my father was.

The average home size was 960 Sq Ft with 2 or 3 bedrooms and one bath, and typically did not have a carport.

The average home today in Scottsdale is 1990 Sq Ft, with 2 car garages.

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:

I believe I am not asking for much as the carport doesn't fully cover the cars and it appears to maintain the same distance as the block, wall on the side of the property, with no concernable obscurement to the surrounding areas.

Looking at the surrounding properties, most of them permanently enclosed their carports or created additions where the carport would have been.

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:

I have measured my drive way and due to the layout of the property, with the front of the house on 71st St which is the side of the property, with limited set back, it is the shortest driveway in the neighborhood.

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

This property wasn't in my hands when it was originally erected years ago.

I am the only property in this over 130 lot subdivision, with the side lot being the front driveway and mailing address.

If the property had been placed on the legal address on 70th Place, with a driveway, there would not be an issue

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:

It has'nt been an issue for over a decade, since I have been here, If anything it enhances the area and neighborhood.

I did find a permitted addition with a corner side lot carport and attached storage room in the same zoning area.

I also have photographs of 3 other corner properties, which have parking structures on the property line.

I can show these to you if you desire.

Planning and Development Services

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

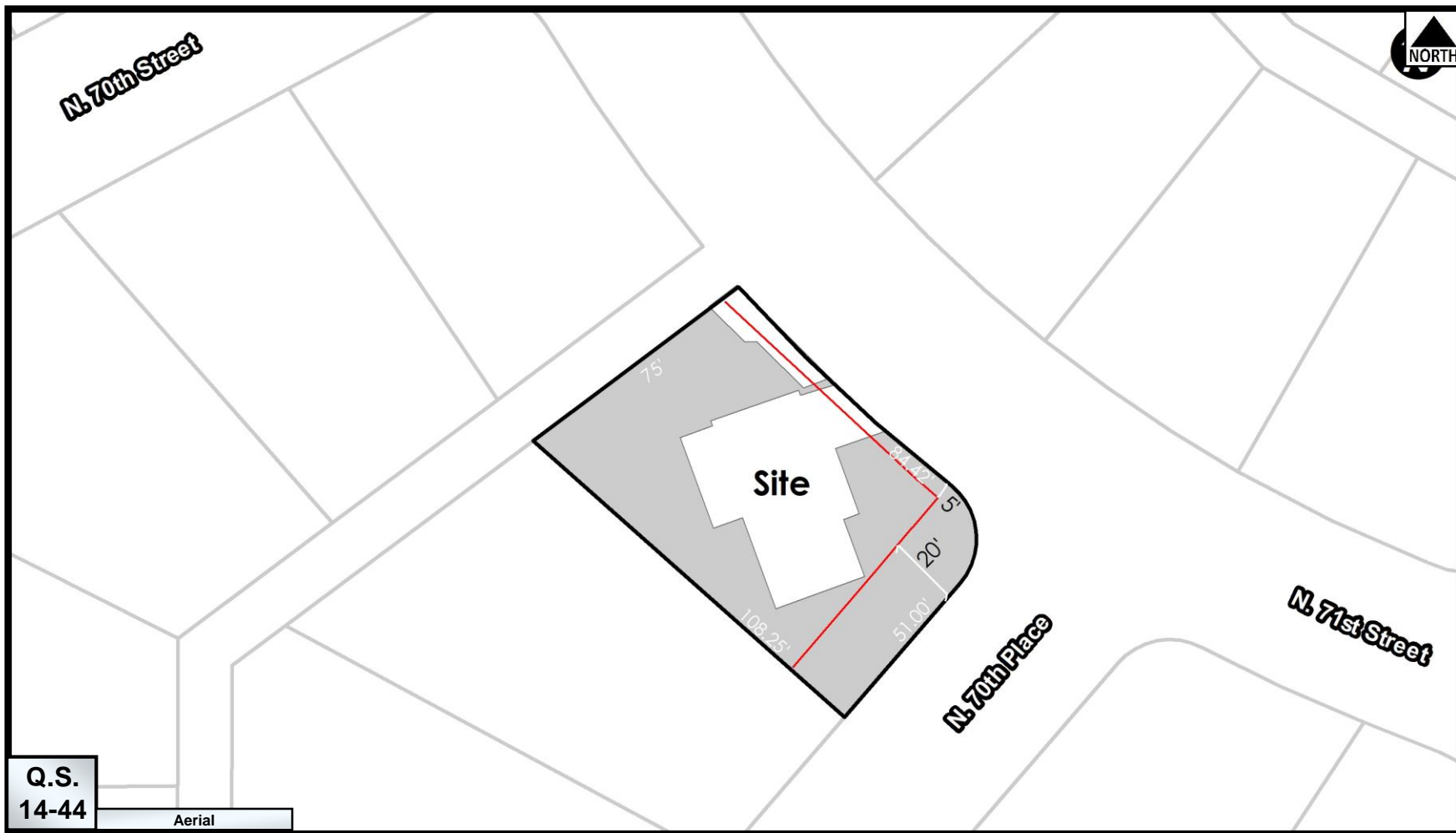


Attachment 5



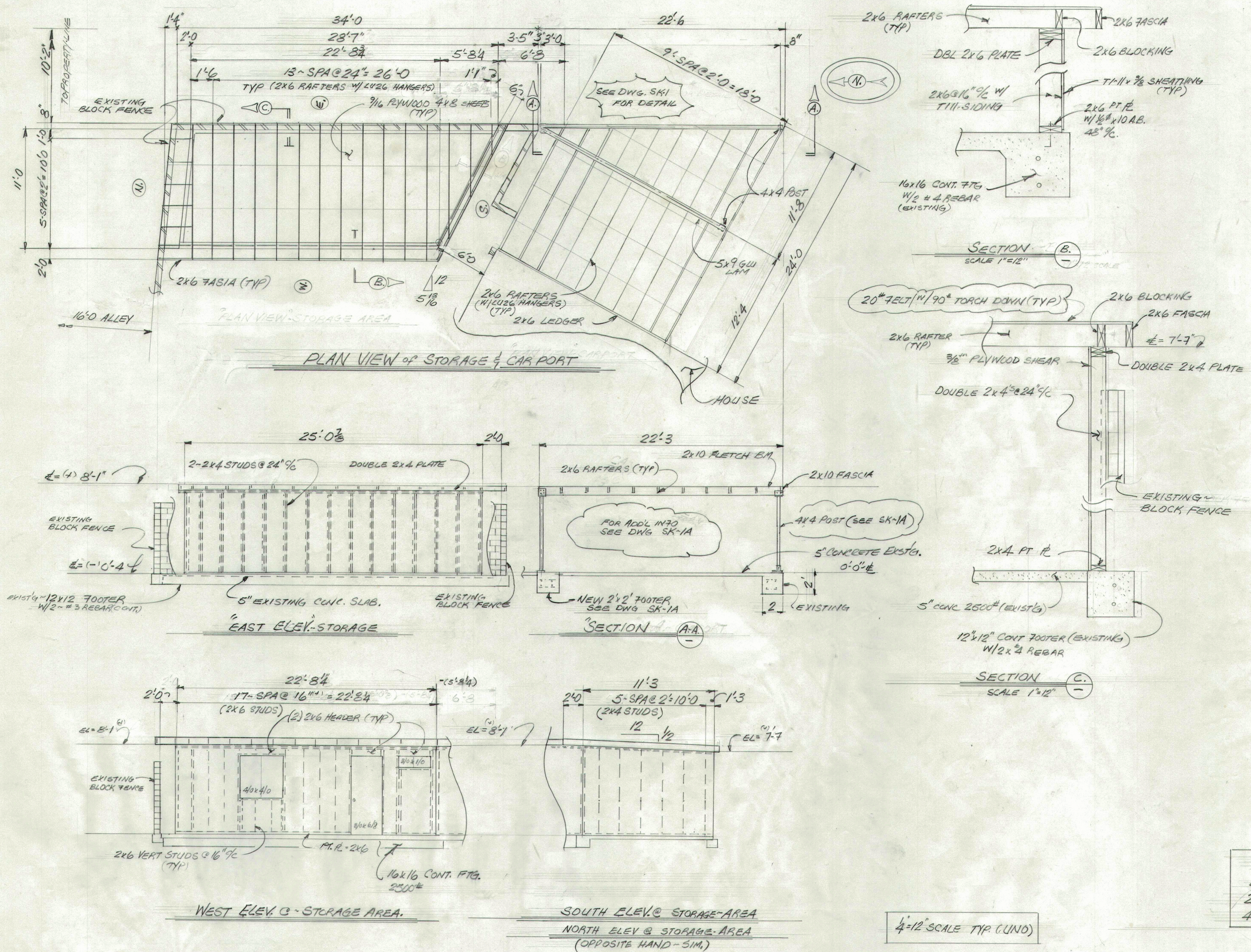
07/20/2020





Site Plan

18-BA-2020



CARPORT & STORAGE ROOM.
 LEON LYONS
 2820 N 71ST ST
 480.423.5665

1/4" = 12' SCALE TYP. (UNO)

DRAWING-1

From: [Ruenger, Jeffrey](#)
To: [Mayo, Desirae](#); [Cluff, Bryan](#); [Hemby, Karen](#)
Subject: FW: Case Number 18-BA-2020
Date: Friday, December 18, 2020 10:00:32 AM

dukecolville@msn.com

From: NoReply <NoReply@Scottsdaleaz.gov>
Sent: Friday, December 18, 2020 7:10 AM
To: Projectinput <Projectinput@Scottsdaleaz.gov>
Subject: Case Number 18-BA-2020

[City of Scottsdale](#)



A block fence was installed years back 3' closer to the street than it should have been at this address. I live at 2815 N. 70th St. When I went to install my block fence I was told to set it back 3' due to easement. My argument was that the neighboring fence was not set back 3' and it would look odd. I was told that the city made a mistake when the fence was installed and two wrongs don't make a right. Now a variance is needed for a shed. Two wrongs don't make a right. -- sent by Richard Colville (case# 18-BA-2020)

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