



Rattai Variance

6950 E. Orange Blossom Lane

Application Prepared By



Ashley Z. Marsh, Esq.
2525 E Camelback Rd
Seventh Floor
Phoenix, Arizona 85016
(602) 255-6000

Resubmitted September 30, 2020

Rattai Variance
6950 E. Orange Blossom Lane, Paradise Valley, AZ 85253

Shawn and Monica Rattai (the “Applicants”) purchased property at 6950 E. Orange Blossom Lane, Paradise Valley, AZ 85253 identified as Maricopa County Assessor Parcel # 173-21-058 (the “Property”). *See Exhibits 1 & 2* for context. The Rattais purchased the Property – which has been a vacant lot for over a decade – with the intent to develop it as a single-family residence; however, the odd shape has constrained development. *See Exhibit 3: Site Plan, Exhibit 4: Elevations & Exhibit 5: Conceptual Renderings* for the development plans.

The Property is a 21,854 square foot parcel zoned R-18A, and falls within the General Plan Medium Density Residential lot. The Property is irregularly shaped and fronts onto Orange Blossom Lane. Residential lots zoned R-18A surround the Property to the east, north, and west. Notably, R-18A zoning is a unique and uncommon designation in the Town and restricts the Property and surrounding sites to some of the smallest lot sizes in Paradise Valley. This forces the development of a home that drastically deviates from the Town’s well-known reputation for prestige and luxury.

Adding further complications, the Property is located with its southwestern facing entrance in the apex of a 90-degree left turn, creating a unique, wedge-shaped lot with uncommon design and development changes. Article X, Section 1001, Table 1001-A1 of the Town of Paradise Valley’s Zoning Ordinance establishes a rear setback of thirty-five feet for property zoned R-18A. Because of the Property’s irregular and wedge-shaped character, the Property is treated as if it has two rear-setbacks on the northern and eastern perimeter, where in practicality, only the northern perimeter is a rear yard and the eastern perimeter is a side yard. Subsequently, the dual rear setbacks imposed from the Property’s eastern boundary creates a buildable area that is disproportionate to the intended layout of the lot and is inapposite to Town’s planning and development vision. The shape and subsequent development constraints are likely the reason that the Property has sat undeveloped for so many years.

REQUEST

The purpose of this application is to request a single variance from Article X, Section 1001, Table 1001-A1 of the Town’s Zoning Ordinance to allow the eastern perimeter to be treated as a 10’ side yard and not a 35’ rear yard setback (the “Request”). This will allow development of the home such that the home can be naturally oriented towards the street with the northeast corner of the home situated in the southeast portion of the lot, while maintaining all other setbacks and lot coverage.

See aerial below demonstrating Request:



COMPLIANCE WITH THE TOWN'S VARIANCE TEST

1. *“Such variance . . . will serve not merely as convenience to the applicant, but is necessary to alleviate some demonstrable hardship or difficulty so great as to warrant a variance under the circumstances.”*

As noted above, the Property's uncommon shape and present-day application of the development standards to this particular property justify the requested variance.

The Property experiences distinct and unique hardships not faced by the majority of homeowners in the Town. The Property's irregular shape was created by the Orange Valley Estates No. 3 subdivision plat, which was recorded more than 62 years ago. *See Exhibit 6: Orange Valley Estates No. 3 Plat.* The Property's point of entry is at the apex

of a 90-degree left hand turn from the adjacent street, thus resulting in an extreme wedge shaped lot rather than a standard rectangular or square lot. This wedge shape in turn creates a scenario where the northern and eastern perimeters are characterized as rear setbacks where only the northern perimeter is truly a rear setback. The Property's resulting character is an undue hardship that overly burdens the Applicants, therefore warranting relief through this variance request.

Moreover, because of the unique shape, the majority of the Property's developable square footage lies in the southern portion of the parcel because the Property significantly tapers as it stretches towards the Property's northern boundary. Due to the Property's wedge-shape, the Applicants are forced to develop their residence closer to the Property's southern boundary, however, the dual rear setbacks greatly diminish the potential buildable area. The reduced area negatively impacts the design and location of any potential development. Without this variance, the Property will not develop consistent to neighboring properties, which are not constrained by dual rear setbacks. Accordingly, this variance is necessary to reduce and alleviate the concerns raised by the Property's irregular shape and will result in sufficient buildable space and practical treatment of the eastern perimeter as a side yard setback. *See Exhibit 3: Site Plan.*

2. The "special circumstances, hardship, or difficulty do not arise out of a misunderstanding or mistake . . ."

The hardship created by the Property's irregular, small, peculiar, and wedge-shaped size did not arise out of a misunderstanding or mistake. Instead, the Property's size is directly attributable to its initial platting. The restriction forces the development of significantly smaller homes than exist in the majority of the Town, cutting against the Town's well-known reputation for prestige and luxury.

3. "Such variance from . . . the strict application of the terms of the Town's Zoning Ordinance . . . is in harmony with its general purposes and intents . . ."

The Town of Paradise Valley's General Plan explicitly states, "[t]he Town will maintain a comprehensive and up-to-date set of ordinances and codes to ensure that development is consistent with this General Plan while resulting in high quality . . . projects." By approving this variance request, the Town will be furthering the general purposes and intents of the General Plan by allowing a high quality development to be constructed on the Property. Additionally, the Town's General Plan seeks to "preserve those elements or features which contribute to the Town's quality of life and character as a premier residential community." There is no doubt that Paradise Valley is the gold standard in residential properties located in the Valley. Moreover, as seen in Applicants' Site Plan,

the design maintains the setbacks as through a practical application, treating the northern perimeter as the rear setback and the eastern perimeter as a side yard setback, while maintaining the visual openness and view corridors contemplated by the Town Zoning Ordinance. By approving this variance request, the Town will merely be allowing another worthy development to progress and will help further the Town's pristine residential reputation. Accordingly, because the variance request is in harmony with the Town's general purposes and intents, the variance should be approved.

4. *"The special circumstances, hardship or difficulty applicable to the property are not self-imposed by the property owner, or predecessor . . ."*

The hardship underlying the Property is not self-imposed because the hardship is directly contributable to the Property's zoning designation and how the Property was originally platted. The hardship is clearly not self-imposed as the Applicant had no control over how the Property was platted more than 62 years ago. The Property's irregular shape is not self-imposed and the variance should be approved.

5. *"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."*

The strict application of the Zoning Ordinance deprives the Property of privileges enjoyed by other properties of the same classification in the same zoning district because, unlike the other adjacent properties, the Property cannot be developed similarly. As stated above, the Property's irregular wedge-shape creates a unique and rare building envelope that detrimentally hinders the layout and efficiency of the Property's use.

Moreover, the Town's Zoning Ordinance applies a forty-foot setback to one acre lots zoned R-43 and a thirty-five-foot setback for half acre lots zoned R-18A. The Zoning Ordinance disproportionately impacts half acre lots because, even though the total square footage has shrunk by more than fifty percent, the setback requirement has only been reduced by five feet. Furthermore, considering the layout and point of entry of the Property, the boundary currently considered the "rear" should be reclassified as the "side."

Additionally, the southern perimeter of this particular lot is less than 110'. By treating the eastern perimeter as a rear setback, the developable area of the southern portion of the site is substantially impacted because it is also burdened by front and side yard setbacks. This creates a scenario where the home needs to be placed further from the street scape, but is hindered on the eastern perimeter with a 35' setback.

Therefore, the Applicant's request to reduce the rear setback to ten feet is consistent with the Town's Zoning Ordinance. Because the Property's size and shape deprive it from privileges enjoyed by other properties in the same zoning district, the variance should be approved.

6. The variance would not “*constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.*”

Approval of the variance would not grant a special privilege to the Property inconsistent with the limitations placed upon other properties in the vicinity. Conversely, approval of the variance merely grants similar privileges to the Property and allows the Property to be utilized similarly to other properties in the vicinity. For instance, there are several examples of similarly shaped lots where the eastern or western side perimeters have been treated as side yards and the side yard setback is 10 (and in some cases less) feet. *See Exhibit 7: Examples of Similarly Situated Lots.*

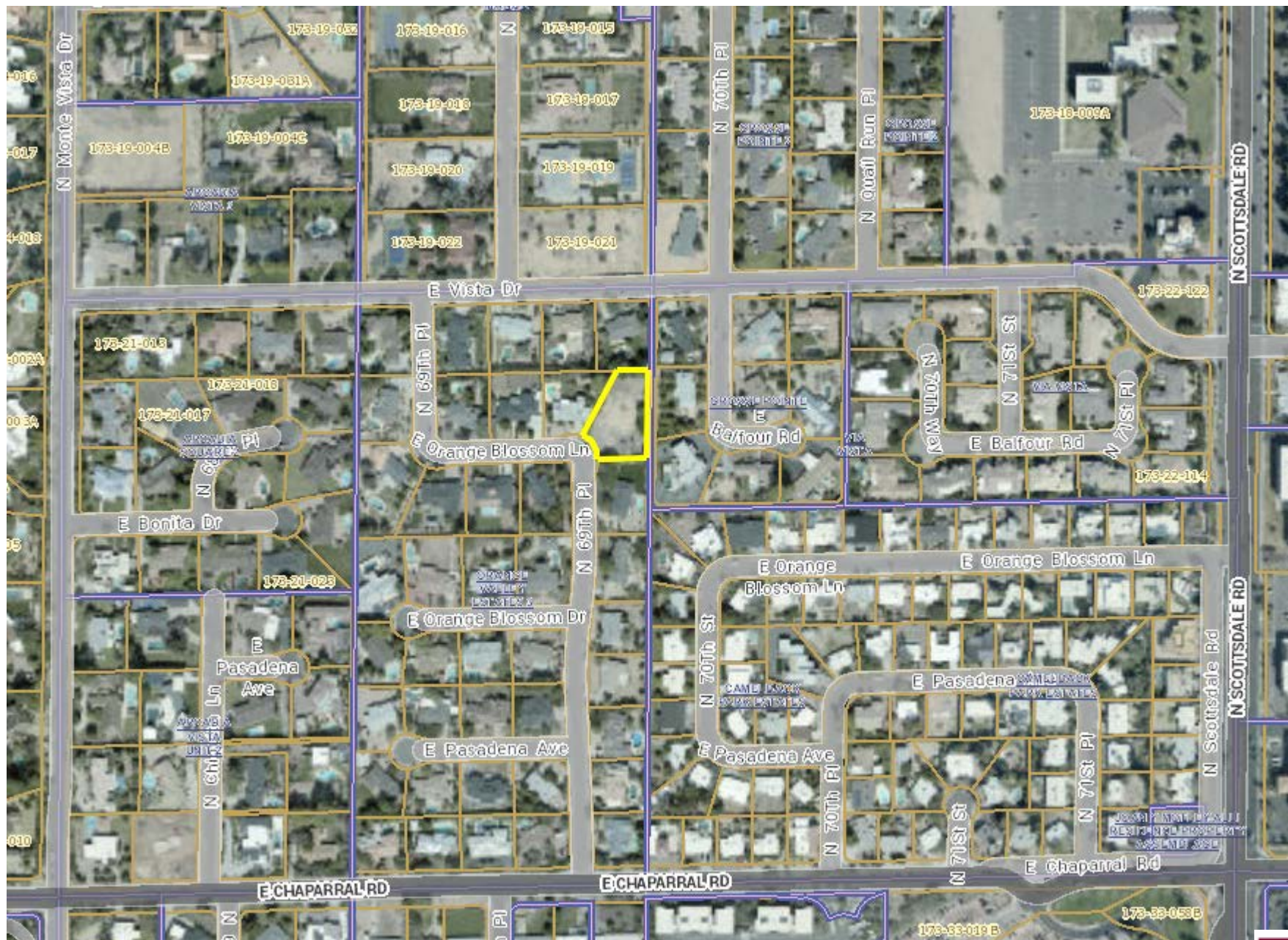
Additionally, as detailed above, the variance is in line with the purposes and intents of the Town’s Zoning Ordinance. The proposed development would not only beautify the vacant lot but will add value to the neighborhood and adjacent parcels. Therefore, because no special privilege would arise, the variance should be approved.

CONCLUSION

Tellingly, the Property has remained vacant for over a decade, evidencing the difficulty of developing the uniquely shaped and zoned Property in conformance with the Town Zoning Ordinance. This Application is documentation of the time, effort, and expense that Applicants have put forth with their architect to create a responsible and compatible design commensurate with that expected and desired in the Town. The Property has remained vacant, to the detriment of the surrounding neighborhood, for over a decade in the face of the substantial development challenges that the Property's unique shape and zoning designation present. In this case, Applicants chose to take on the challenge to develop the Property in a manner exemplifying the nature and character of the Town, beautifying and benefitting the neighborhood in the process.

The Applicants' request not only meets the variance criteria, but is necessary and the least cumbersome solution to properly develop the Property given its unique shape and zoning designation. Thus, we respectfully request that the Town's Board of Adjustment grant the requested variance.

EXHIBIT 1



Context Map Aerial

6950 E. Orange Blossom Ln., Paradise Valley, Arizona 85253



TIFFANY
& BOSCO
P.A.

EXHIBIT 2



Parcel Map Aerial

6950 E. Orange Blossom Ln., Paradise Valley, Arizona 85253



**TIFFANY
& BOSCO**
P.A.

EXHIBIT 3

project information

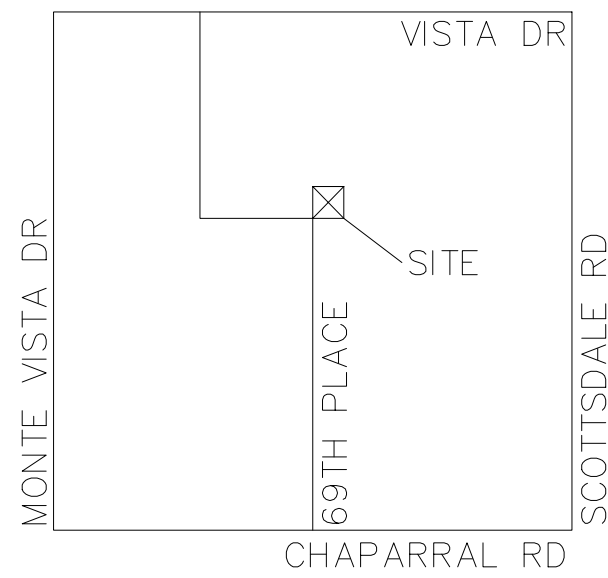
project address :	6950 E ORANGE BLOSSOM LN, PARADISE VALLEY AZ 85253		
scope of work :	NEW SINGLE FAMILY RESIDENCE		
assessor parcel number :	173-21-058		
zoning :	R-18A		
lot size :	21,550SF		
building setbacks :	PRIMARY BUILDING: 35' FRONT, 35' REAR, 10' SIDE ACCESSORY: 60'FRONT, 10' REAR, 10' SIDE		
setback encroachment:	MAIN HOUSE ENCROACHES REAR YARD SETBACK ON EASTSIDE OF PROPERTY BY 675SF		
maximum height :	PRIMARY: 1 STORY / 24' ACCESSORY: 1 STORY / 15'		
area breakdown :	MAIN HOUSE LIVEABLE: MAIN HOUSE GARAGE: MAIN HOUSE PORCH: MAIN HOUSE PATIO:	3,984SF 753SF 90SF 560SF	
lot coverage :	25% ALLOWED; 5,387SF COVERED/21,550SF LOT : 25% ACTUAL; OK		



nvk llc
6114 N 8TH STREET
PHOENIX AZ 85014

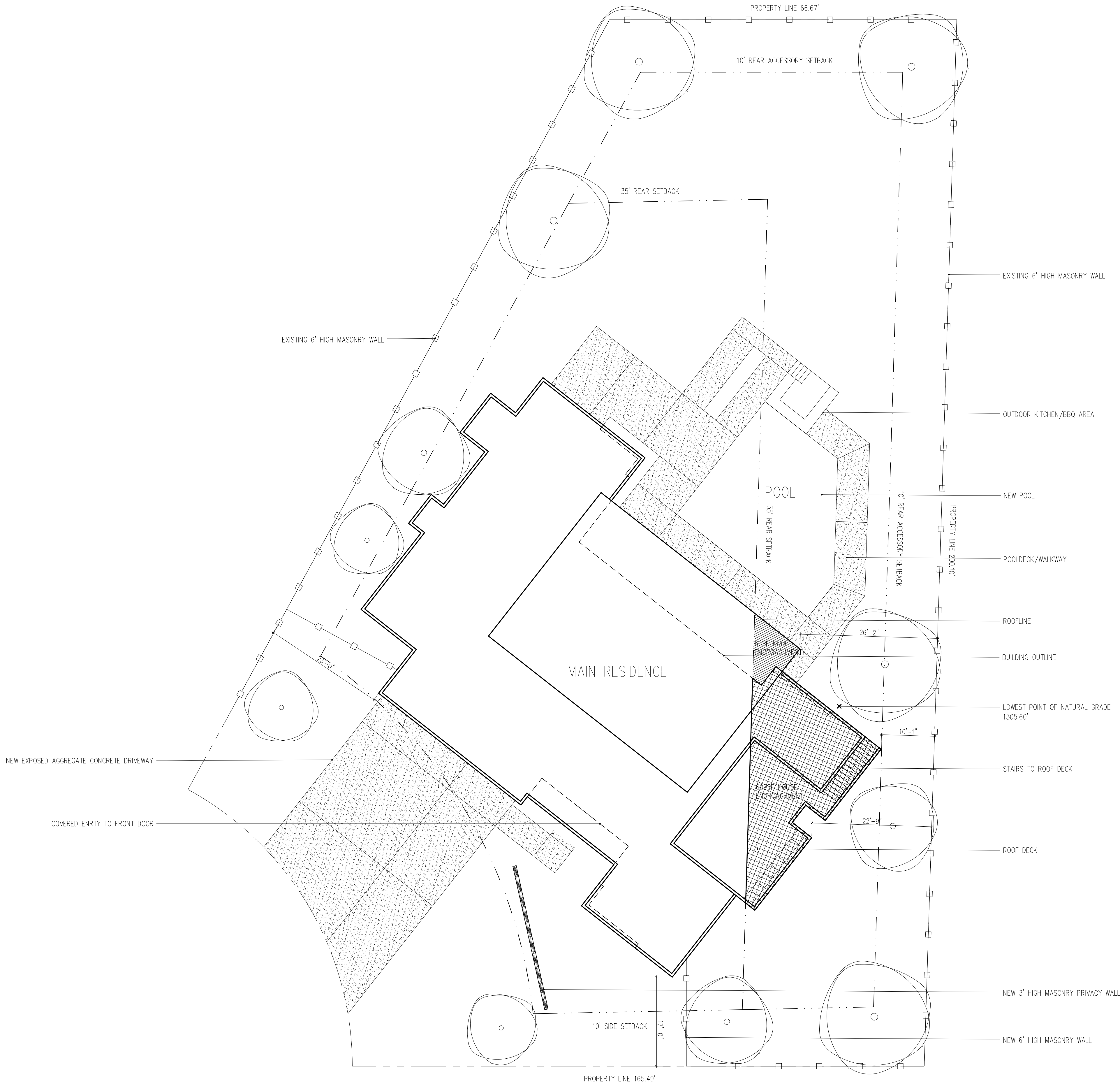
building codes :	2015 INTERNATIONAL BUILDING CODE 2015 INTERNATIONAL FIRE CODE 2015 INTERNATIONAL RESIDENTIAL CODE 2018 INTERNATIONAL MECHANICAL CODE 2015 INTERNATIONAL PLUMBING CODE 2015 INTERNATIONAL FUEL GAS CODE 2015 INTERNATIONAL ENERGY CONSERVATION CODE 2014 NATIONAL ELECTRIC CODE
drawing index :	A0 COVER SHEET ROOF/SITE PLAN

vicinity map :



PV LOT
RESIDENCE

6950 E ORANGE BLOSSOM LN
PARADISE VALLEY, AZ 85253



site plan 3/32" = 1'-0"

date september 20 2020

drawing title site plan
scale 3/32" = 1'-0"
sheet number

A0

EXHIBIT 4

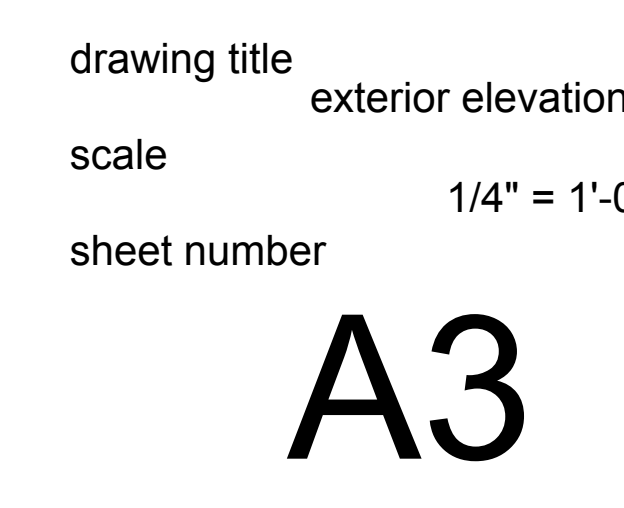


EXHIBIT 5

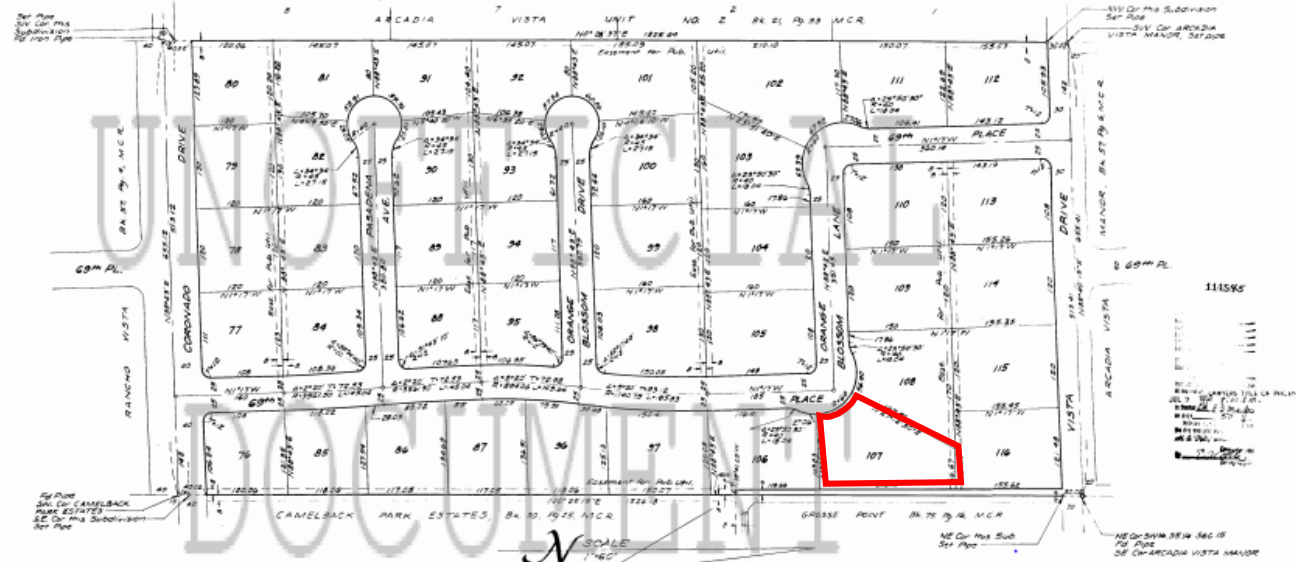




EXHIBIT 6

ORANGE VALLEY ESTATES NO. 3

A SUBDIVISION OF LOTS 3, 4, 5, & 6 OF "ARCADIA VISTA"
UNIT NO. 2, AS RECORDED IN BOOK 21, OF PLATS,
PAGE 33, MARICOPA COUNTY, ARIZONA.



DEDICATION

KINDLY FULL BY THESE PRESENTS
That the Lawyers Title of Phoenix, an Arizona
Corporation, as Trustee, has duly received
under the name of ORANGE VALLEY
ESTATES NO. 3, lots 3, 4, 5, and 6 of ARCADIA
VISTA UNIT NO. 2, as shown in Book 21, of Plats,
Page 33, Maricopa County Records, situated in
Sec. 2, T1N, R4E, S4S, B & 1/2, Maricopa
County, Arizona, as shown on said plat and
hereby publishes this plat as and for the
plat of said ORANGE VALLEY ESTATES
NO. 3 and hereby declares that said lots
form the location and gives the dimensions
of the lots and areas comprising same and
that each lot and street shall be known by
the number or name given each respectively
on said plat and hereby dedicates to the
public for use as such, the streets and alleys shown
on said plat and included in the above
described premises.
Easements are dedicated for the purposes
shown.

IN WITNESS WHEREOF the Lawyers Title
of Phoenix, as Trustee, has hereunto caused
its corporate name to be affixed and the

same to be attested by the signatures of
WALTER J. SHAWHAN, its Vice President and
JAMES P. ROBERT, its Secretary,
hereunto duly authorized this 23rd day of May 1955

LAWYERS TITLE OF PHOENIX, TRUSTEE

By Walter J. Shawhan

Attest James P. Robert

3-5815

1-19-46

ACKNOWLEDGEMENT

STATE OF ARIZONA
COUNTY OF MARICOPA
On this 23rd day of May, 1955, before
me, the undersigned official, personally appeared
WALTER J. SHAWHAN, and JAMES P. ROBERT,
who being duly sworn, depose and say that they are
and lawfully, respectively, of the Lawyers
Title of Phoenix, a corporation, and duly authorized
may be and have been authorized, being
authorized so to do executed the foregoing instru-
ment for the purposes herein contained by signing
the name of the corporation, as Trustee, by
themselves as such officers, respectively.
IN WITNESS WHEREOF I hereunto set my
hand and official seal.
My commission expires January 17, 1956

Robert M. Maddock
NOTARY PUBLIC

CERTIFICATE

This is to certify that the survey and
subdivision of the premises described and
platted herein were made under my direction
during the month of April, 1955

Robert M. Maddock
REGISTERED LAND SURVEYOR

APPROVAL

APPROVED the Board of Supervisors of
Maricopa County, Arizona, on this 11th day
of May, 1955.

By Robert M. Maddock
APPROVED Robert M. Maddock
REGISTERED LAND SURVEYOR



Maddock & Associates
ENGINEERS ARCHITECTS SURVEYORS
Job No. 571035



Orange Valley Estates No. 3 Plat

6950 E. Orange Blossom Ln., Paradise Valley, Arizona 85253

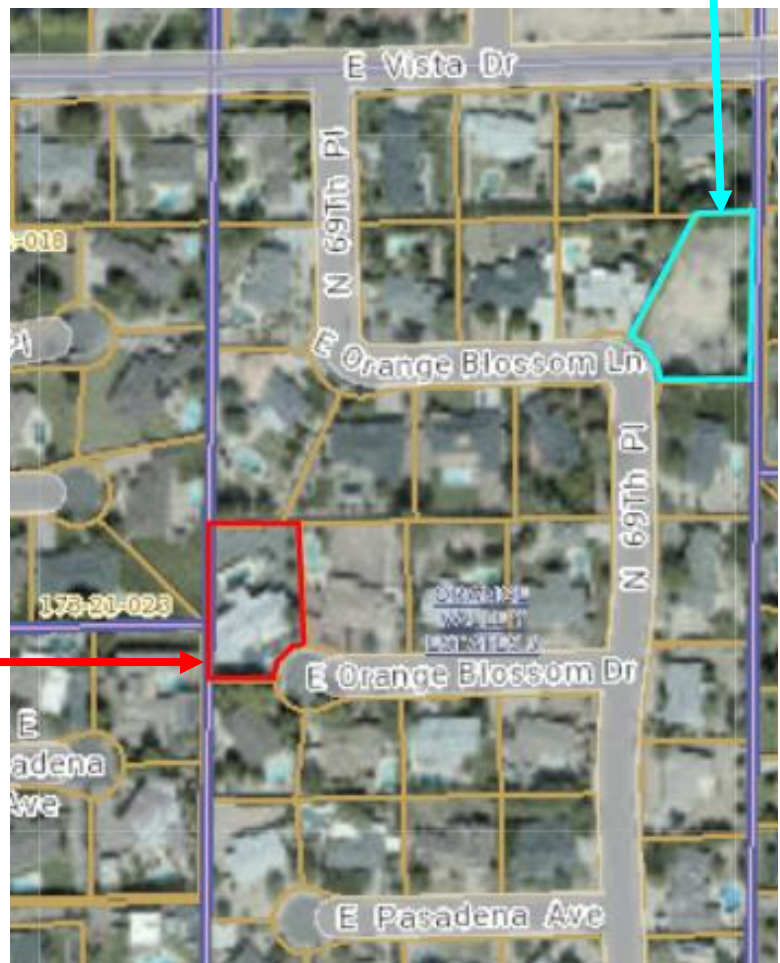


**TIFFANY
& BOSCO**
P.A.

EXHIBIT 7

Subject Property

*Comparison
Property*



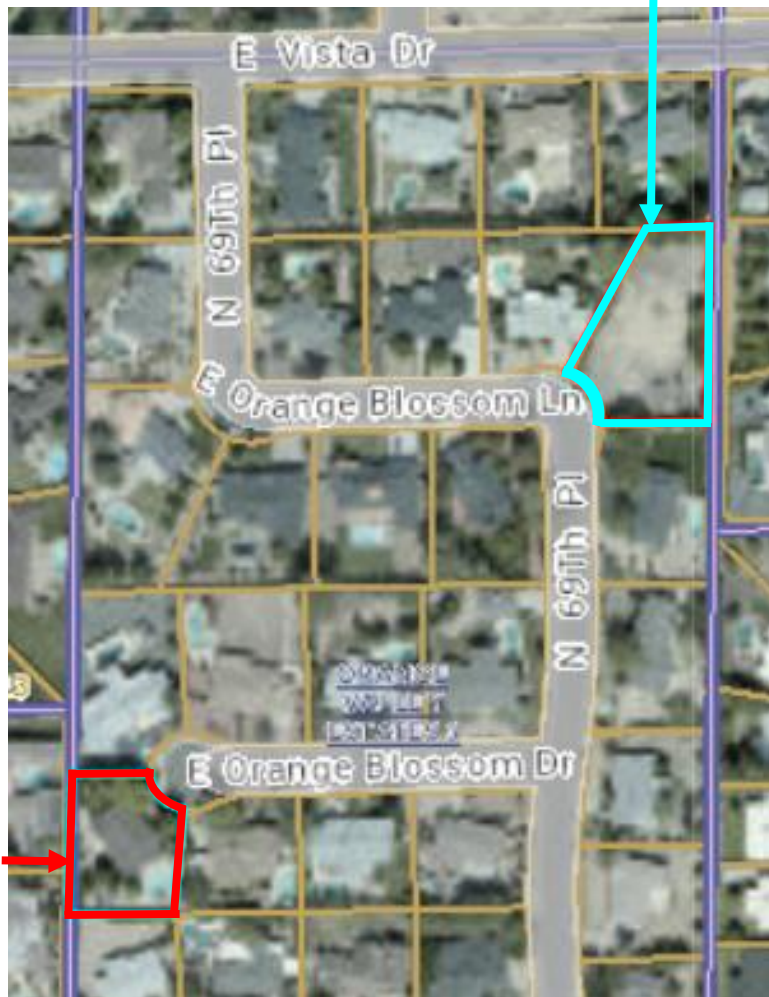
*10.10' from Western
Perimeter*



Similarly Situated Lots

6902 E. Orange Blossom Ln., Paradise Valley, Arizona 85253

Comparison
Property



Subject Property



14.7' from Western Perimeter



Similarly Situated Lots

6901 E. Orange Blossom Ln., Paradise Valley, Arizona 85253

Comparison Property



Subject Property



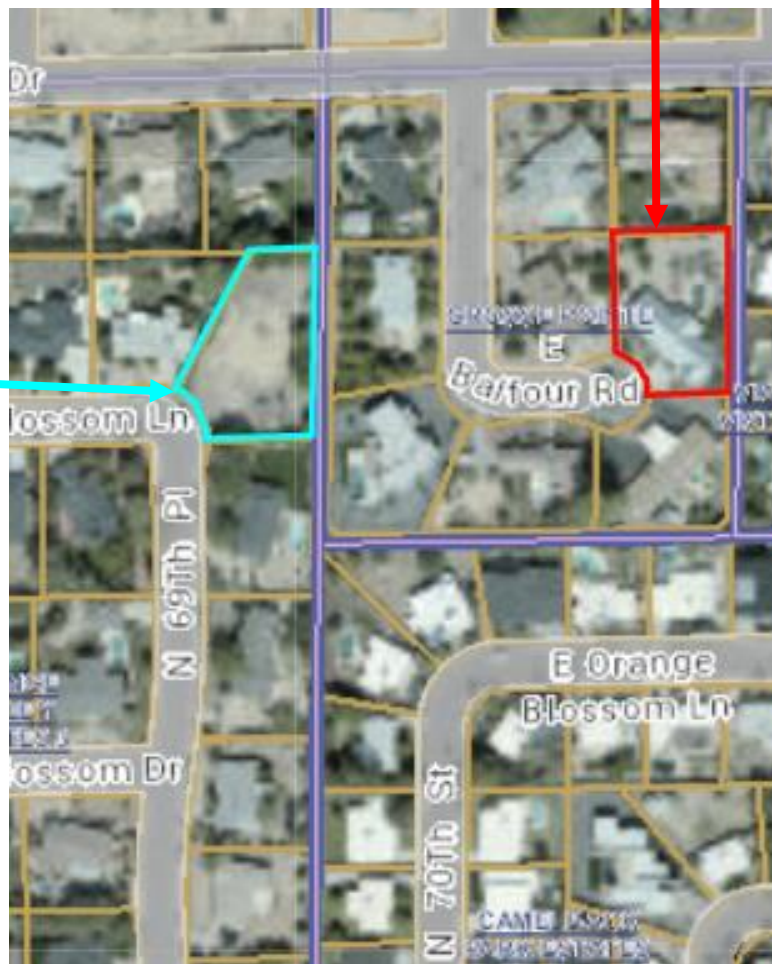
3.1' from Western Perimeter

Similarly Situated Lots

6940 E. Orange Blossom Ln., Paradise Valley, Arizona 85253

Comparison Property

*Subject
Property*



7.4' from Western Perimeter

Similarly Situated Lots

7028 E. Balfour Rd., Paradise Valley, AZ 85253