

# DEVELOPMENT REVIEW BOARD REPORT



Meeting Date: July 21, 2016 Item No. 5  
General Plan Element: *Character and Design*  
General Plan Goal: *Determine the appropriateness of all development in terms of community goals, surrounding area character, and the specific context of the surrounding neighborhood.*

## ACTION

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### Legacy Cove North Wall 14-PP-2013#2

#### Request to consider the following:

1. Request approval for the design of a new 8-foot-tall perimeter wall, with integral colored concrete block, located along the northern edge of lots 4, 5, 6, 7, and 8 in the Legacy Cove residential subdivision.

#### Related Policies, References:

47-Z-87: Approved R1-10 HD zoning and amended development standards on the property.

14-PP-2013: Development Review Board approved the preliminary plat for the Legacy Cove subdivision on November 21, 2013.

May 13, 2014: City Council approved the final plat for Legacy Cove.

## OWNER

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SWD Homes, LLC  
480-695-3954

## APPLICANT CONTACT

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Darrin Olson  
SWD Homes, LLC  
480-695-3954

## LOCATION

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9402, 9418, 9434, 9450, and 9466 E. Rockwood Drive

## BACKGROUND

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### Zoning

This site is zoned Single-family Residential, Environmentally Sensitive Lands, Hillside District (R1-10 ESL HD). Single-family dwellings, as well as religious and educational facilities are permitted uses in the R1-10 District. The applicant has elected to develop under the Hillside District regulations, which was the zoning overlay district that was in effect at the time of the zoning district map amendment for the property. The Hillside District is similar to the currently Environmentally Sensitive Lands, but has more flexibility in terms of allowed landscaping, building, and wall colors, etc.

### General Plan

The General Plan Land Use Element designates the property as Suburban Neighborhoods. This category includes medium- to small-lot single-family neighborhoods. Densities are typically more than one dwelling per acre, but less than eight dwellings per acre.

### Context

The properties are located along the northern boundary of the Legacy Cove residential subdivision, which is located at the Northeast corner of N. 94<sup>th</sup> Street and E. Union Hills Drive.

### Adjacent Uses and Zoning

- North Existing single-family residential homes with rear yard view fences, zoned R1-10 ESL (HD) (Foothills at Ironwood Village Unit II).
- South Villas at DC Ranch, zoned R1-7 PCD.
- East Existing single-family residential subdivision, zoned R1-10 ESL (HD) (Ironwood Village Parcel 8C).
- West Ironwood Park, zoned R1-10 ESL (HD) and an existing single-family residential neighborhood, zoned R1-10 ESL (HD) (Foothills at Ironwood Village).

### Key Items for Consideration

- Homes to the north in Ironwood Village have view fencing for their rear wall. The developer is requesting a new perimeter wall for privacy for new residents.
- The developer offered to block-in the existing view fence at the developers expense, but residents did not grant permission to block-in the wall, as there have been structural concerns with the wall in the past.

## APPLICANTS PROPOSAL

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### Goal/Purpose of Request

The applicant's request is to construct a new 8-foot-tall integral colored, solid block perimeter wall

along the northern ends of lots 4,5,6,7, and 8 in the Legacy Cove subdivision, approximately one-foot south of the existing view fences that are located on the property line.

During the construction of the Legacy Cove subdivision, the developer approached the property owners to the north offering to block-in their view fences at his expense to give both parties privacy. The residents turned down the offer due to past structural issues with the existing wall.

Per the original residents, the rear yards and solid block wall began sinking shortly after construction in the early 1990's. To remedy the issue, UDC homes changed the solid wall to a view fence and built a retaining wall a couple of feet to the south of the view fence (on the Legacy Cove property) to shore up the existing wall. This retaining wall was constructed without building permits or an easement on the adjacent property. Sonora West granted an easement to Ironwood Village for maintenance of the retaining wall with the Legacy Cove plat.

This request is to construct a new 8-foot-tall rear yard perimeter block wall located in the area between the view fence located on the common property line and the existing retaining wall. The wall will be integral color Superlite block "Umber". The zoning ordinance allows a wall up to 8-feet in height along the rear property line, or within a required rear or side yard, so the Development Review Board is only approving the design of the wall.

Prior to any construction of this wall, construction drawings will need to be approved by the City Engineering and Building Plan Review departments.

### **Community Involvement**

June 13, 2016: The applicant mailed a notification letter and wall detail to property owners within 750 feet.

June 13, 2016: City staff mailed application submittal postcards to properties within 750 feet of the lots.

Staff has received e-mails of concern from some of the property owners to the north. The main concerns are regarding the structural integrity of the existing walls and proposed wall, impact on drainage, and will the retaining wall easement allow for a new wall to be built within it.

## **OPTIONS & STAFF RECOMMENDATION**

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Staff recommends that the Development Review Board approve the proposed wall location and design, per the attached stipulations, finding that the provisions of the Development Review Board criteria have been met.

## **RESPONSIBLE DEPARTMENT**

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**Planning and Development Services**  
Current Planning Services

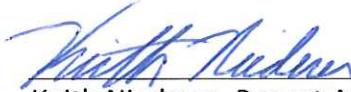
**STAFF CONTACT**

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Keith Niederer Senior Planner 480-312-2953 E-mail: [kniederer@ScottsdaleAZ.gov](mailto:kniederer@ScottsdaleAZ.gov)

**APPROVED BY**

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Keith Niederer, Report Author

7-12-2016

Date

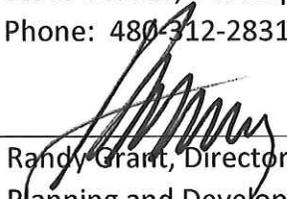


Steve Venker, Development Review Board Coordinator

Phone: 480-312-2831 E-mail: [svenker@ScottsdaleAZ.gov](mailto:svenker@ScottsdaleAZ.gov)

7/12/16

Date



Randy Grant, Director

Planning and Development Services

480-312-2664, [rgrant@scottsdaleaz.gov](mailto:rgrant@scottsdaleaz.gov)

7/14/16

Date

**ATTACHMENTS**

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1. Stipulations
2. Applicant's Narrative
3. Context Aerial
- 3A. Aerial Close-Up
4. Zoning Map
5. Existing Photos
6. Wall Plan
7. Wall Detail
8. Block wall color
9. Citizen Involvement
10. City Notification Map
11. Neighbor Correspondence

**Stipulations for Case:  
Legacy Cove North Wall  
Case: 14-PP-2013#2**

These stipulations are intended to protect the public health, safety, welfare, and the City of Scottsdale.

**APPLICABLE DOCUMENTS AND PLANS:**

1. Except as required by the Scottsdale Revised Code, the Design Standards and Policies Manual (DSPM), and the other stipulations herein, the improvement plans and plat shall substantially conform to the following documents:
  - a. The conceptual walls design submitted by Greey Pickett, dated 6/8/2016.

**RELEVANT CASES:**

**Ordinance**

- A. At the time of review, the applicable preliminary plat case for the site was: 14-PP-2013. Stipulations from this case continue to apply.

**WALLS AND FENCES:**

**DRB Stipulations**

2. The new wall shall be integrally colored Superlite block "Umber" color.

**ADDITIONAL ITEMS:**

**Ordinance**

- B. Prior to the issuance of permits and construction of the proposed wall, the developer shall submit structural plans to be reviewed and approved by the City's Engineering department.



**SONORA WEST**  
DEVELOPMENT INC

**PROJECT NARRATIVE**  
**DEVELOPMENT REVIEW BOARD**  
**LEGACY COVE**  
**71-PA-13**

The Legacy Cove subdivision, comprised of 7.3 net acres, is situated at the northeast corner of 94<sup>th</sup> Street and Union Hills Drive in Scottsdale. The property is comprised of Sonoran Desert, with an average natural slope from north to south of approximately 5%. An existing wash is located within the property along the east boundary. The property is bounded on the north with existing homes of The Foothills of Ironwood Village Unit II, with some of our back yards backing up to existing back yards. Existing back yards of homes of Ironwood Village 8-C are adjacent to the property to the east across the aforementioned existing wash, with a spatial distance of over 110 feet from our proposed homes. Homes and open space of The Villas at DC Ranch exist to the south across Union Hills Drive. Ironwood Park, owned and operated by the City, is across 94<sup>th</sup> Street to the west and north of Union Hills Drive.

We are proposing to construct a new perimeter wall along the northern boundary of Legacy Cove, between the Ironwood community owned view fence wall and the existing retaining wall within Legacy Cove. The new wall will be constructed within the Legacy Cove property. The purpose of the new perimeter wall will be to create a rear yard privacy barrier for the adjoining lot owners of Ironwood village and the Legacy Cove owners.

**ATTACHMENT #2**

**14-PP-2013#2**  
**06/10/16**



Legacy Cove North Wall

14-PP-2013#2



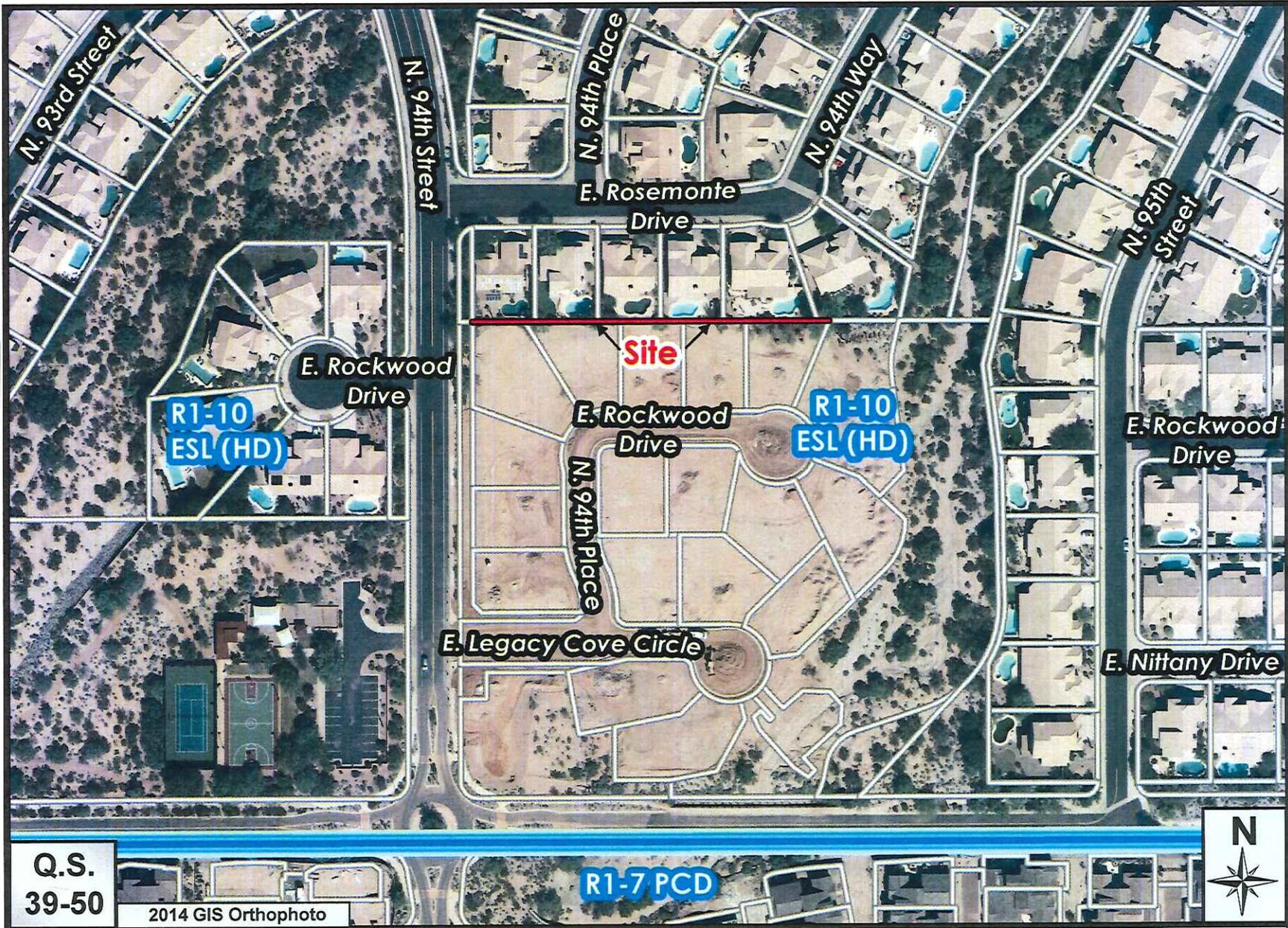
Q.S.  
39-50

Google Earth Pro Imagery



Legacy Cove North Wall

14-PP-2013#2



Q.S.  
39-50

2014 GIS Orthophoto

R1-7 PCD

Legacy Cove North Wall

14-PP-2013#2



ATTACHMENT #5

14-PP-2013#2  
06/10/16

















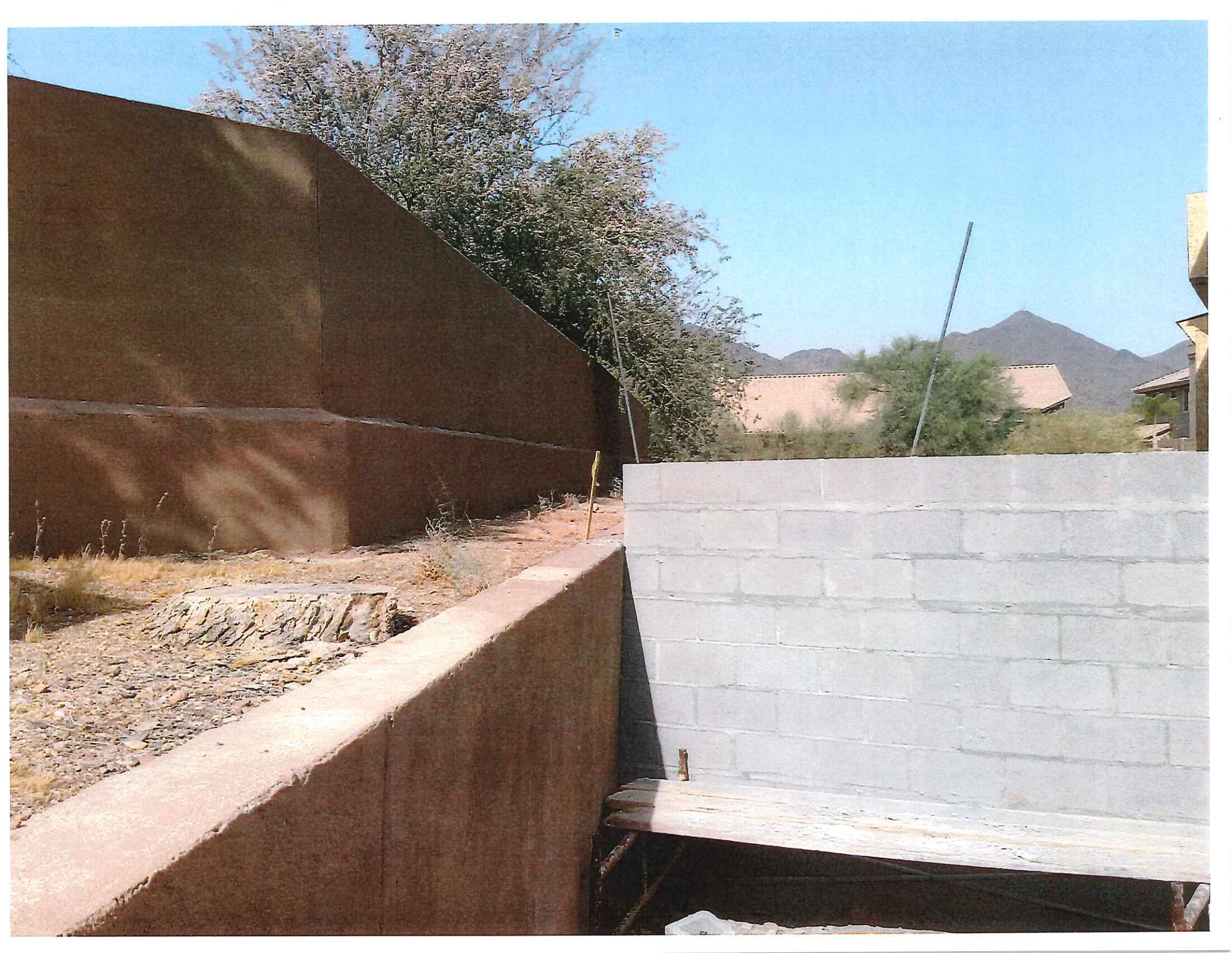


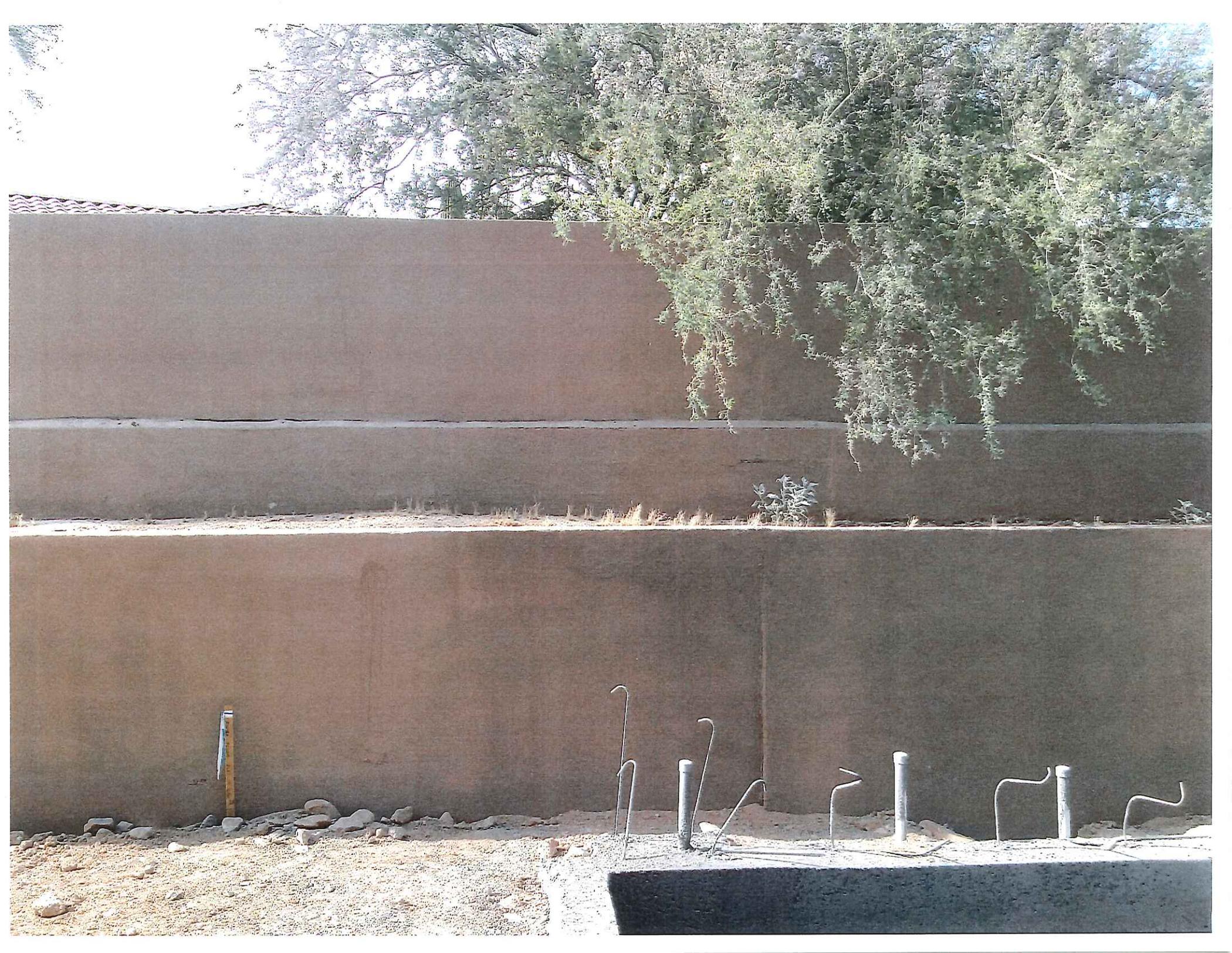






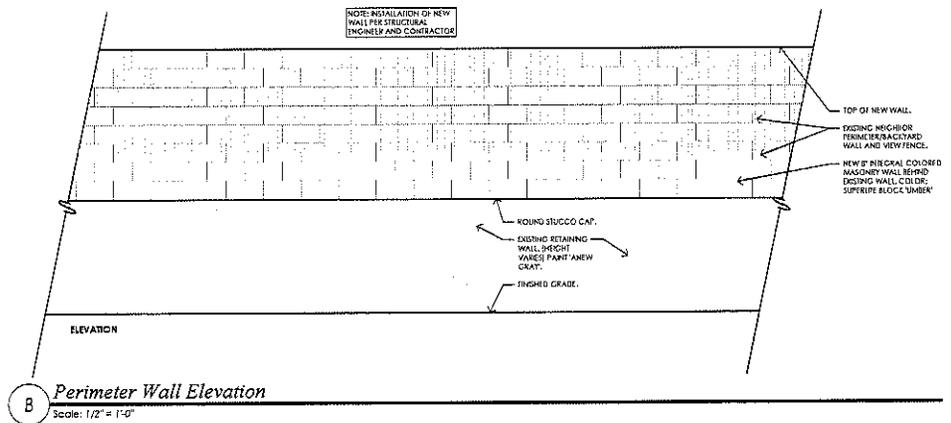
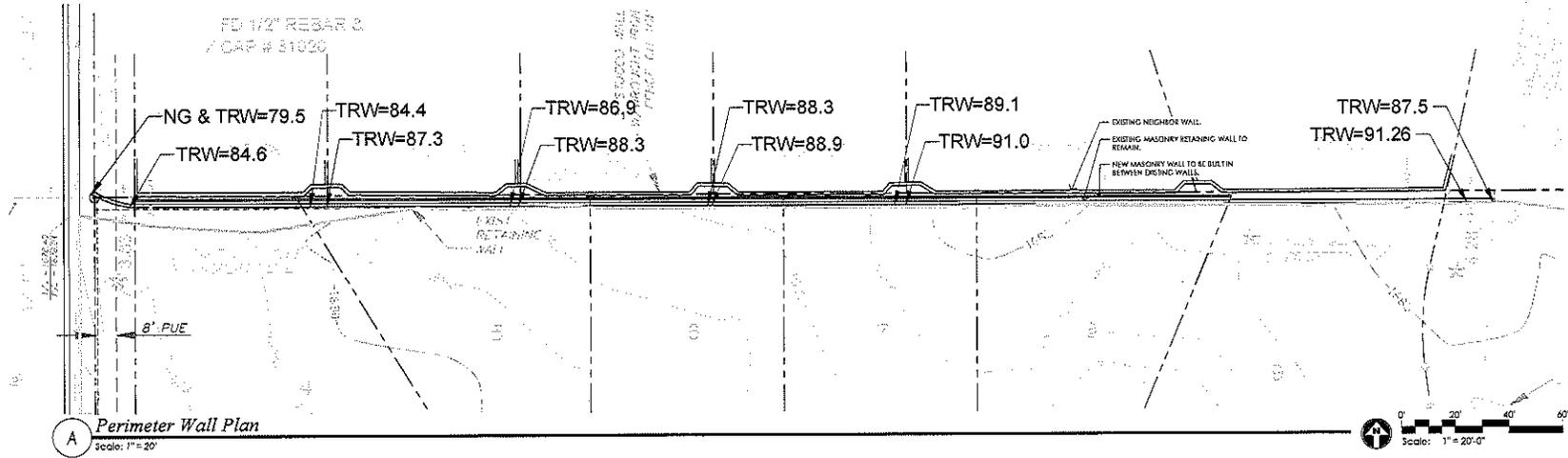




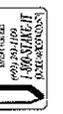








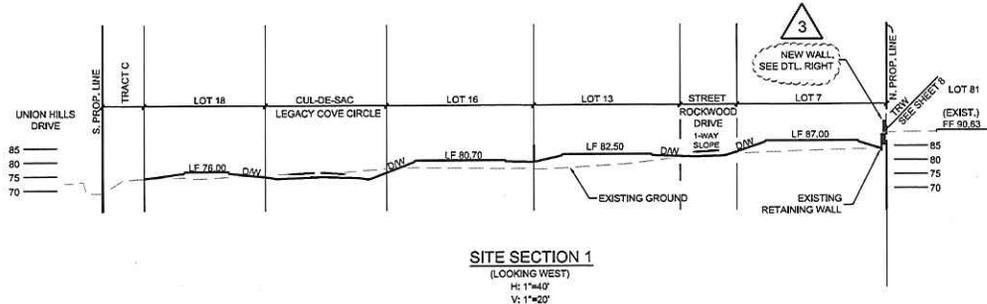
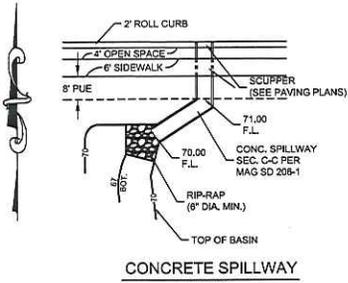
GREEY PICKETT  
landscape architecture | interior design  
18611, 18641 N. 94th St.  
Scottsdale, Arizona 85255  
480.343.2229, 480.343.2244



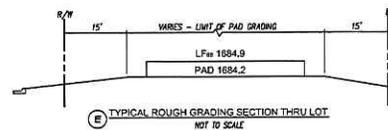
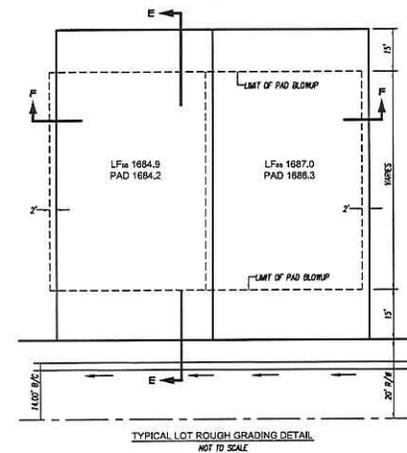
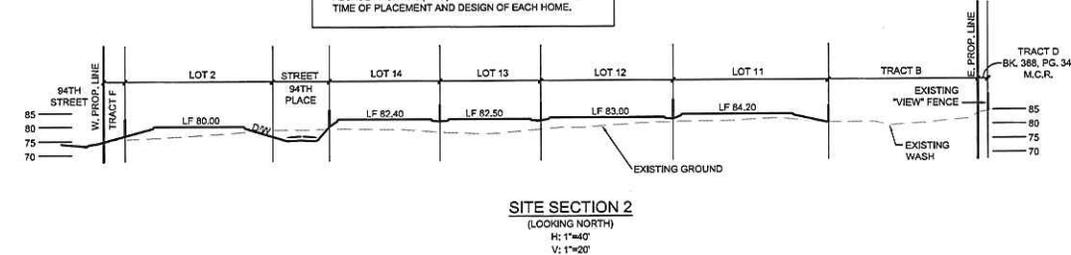
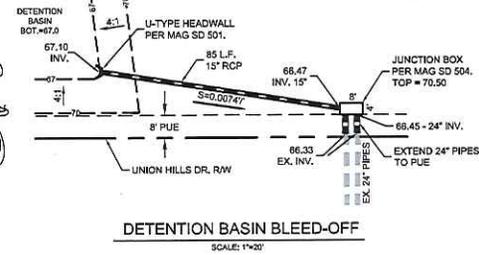
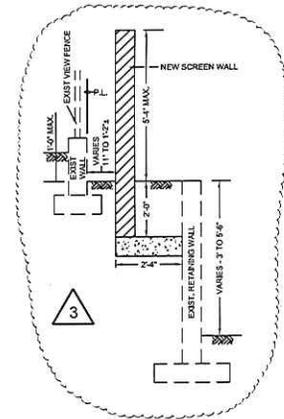
LEGACY COVE  
18611, 18641 N. 94th St.  
SCOTTSDALE, AZ 85255

project #: SWD014  
drawn by: TEAM  
date: 06/08/2016  
scale: AS NOTED  
drawing: WALL PLAN & DETAILS

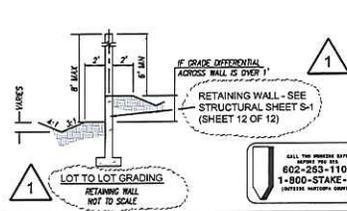
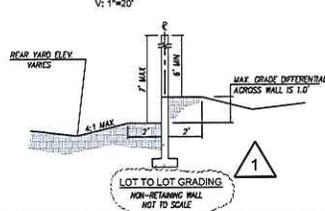
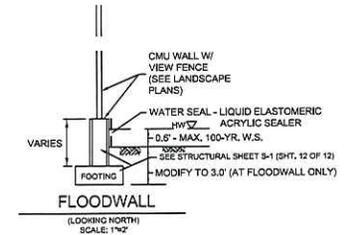
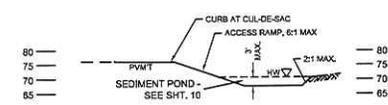
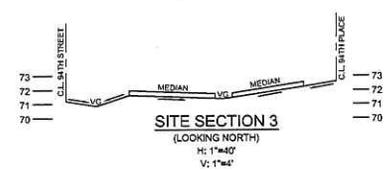
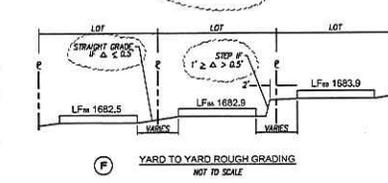
L6.1  
of



NOTE:  
LOWEST FLOOR (LF) ELEVATIONS ARE PRELIMINARY ONLY FOR THE PURPOSES OF THESE SECTIONS. IN ACCORDANCE WITH SPECIAL FLOOD HAZARD ZONE AO AND CITY OF SCOTTSDALE REQUIREMENTS, THE LOWEST FLOOR (LF) OF EACH HOME WILL BE SET AT LEAST 2.0 FEET ABOVE THE PRE-DEVELOPMENT HIGHEST ADJACENT GRADE (HAG) TO BE DETERMINED AT THE TIME OF PLACEMENT AND DESIGN OF EACH HOME.



NOTE: SEE RET. WALLS IF Δ > 1'

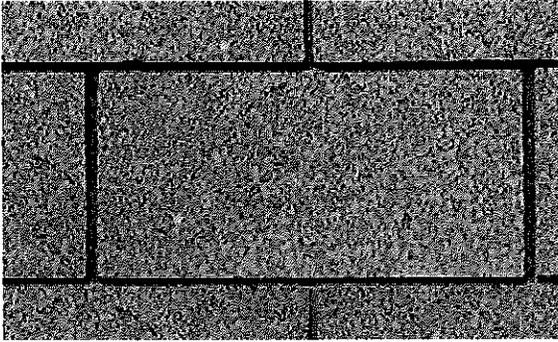


**McGill Engineering Corp.**  
CIVIL ENGINEERS/AND SURVEYORS/PLANNERS  
2910 W. SIERRA STREET  
PHOENIX, ARIZONA 85029  
PHONE: (602) 818-3309  
FAX: (480) 995-3397

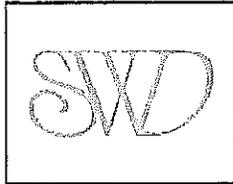
**GRADING & DRAINAGE PLAN - DETAILS**  
LEGACY COVE  
SCOTTSDALE, ARIZONA  
SONORA WEST DEVELOPMENT INC.



EXPIRES	09/30/2018
JOB NO.	1209
DATE	11-24-2014
DESIGNED	JCM
DRAWN	JB
CHECKED	JCM
HORIZ. SCALE	1"=N/A
VERT. SCALE	1"=N/A
SHEET 9 OF 12 SHEETS	



**ATTACHMENT #8**



**SONORA WEST**  
DEVELOPMENT INC

Date: 5/27/2016

Dear Neighboring Property Owner,

The purpose of this letter is to notify you that a development review board application will be submitted to the City of Scottsdale that will request approval to construct a new perimeter wall along the northern boundary of Legacy Cove, between the Ironwood community owned view fence wall and the existing retaining wall within Legacy Cove. The new wall will be constructed within the Legacy Cove property.

The purpose of the new perimeter wall will be to create a rear yard privacy barrier for the adjoining lot owners of Ironwood Village and Legacy Cove.

If you may have further questions please contact me below.

Sincerely,

Darrin Olsen (Applicant Contact)  
Sonora West Development  
8937 E Bell Rd Suit 100  
Scottsdale, AZ 85260  
602-667-3145  
[darrin@sonorawestdev.com](mailto:darrin@sonorawestdev.com)

*City of Scottsdale Planning Contact*  
Keith Niederer  
7447 E. Indian School Rd. Suite 105  
Scottsdale, AZ 85251  
480-312-7000  
[kniederer@scottsdaleaz.gov](mailto:kniederer@scottsdaleaz.gov)

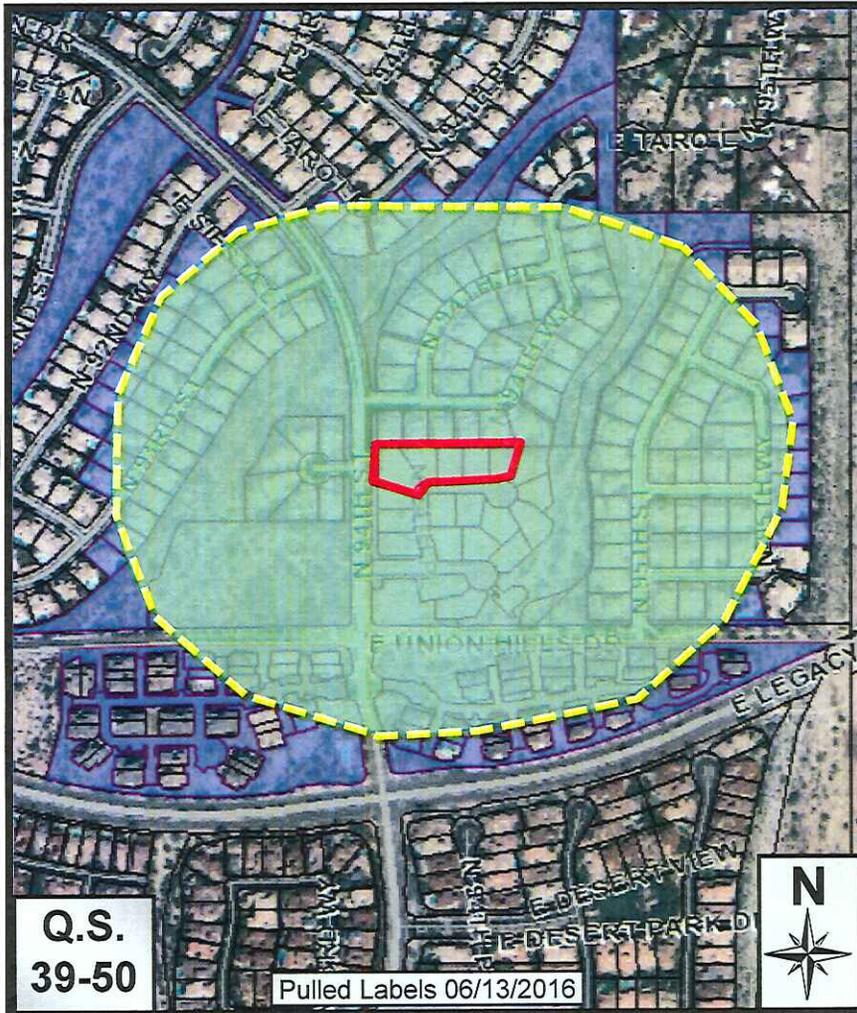
14-PP-2013#2  
06/10/16

**ATTACHMENT #9**

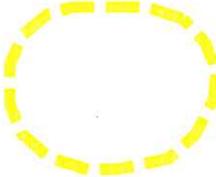


# City Notifications – Mailing List Selection Map

ATTACHMENT #10



## Map Legend:

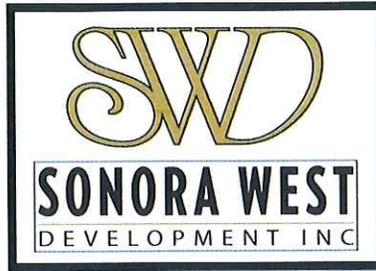
-  Site Boundary
-  Properties within 750-feet
- Postcards 196

## Additional Notifications:

- Interested Parties List
- Adjacent HOA's
- P&Z E-Newsletter
- Facebook
- Twitter
- Nextdoor.com
- City Website-Projects in the hearing process

# Legacy Cove

# 14-PP-2013#2



November 5, 2015

Carol DiChappari – Lot 81  
9459 E Rosemonte Drive  
Scottsdale, AZ 85255

Mrs. DiChappari:

As you may know, we are the builder of Legacy Cove, the project to the south of your residence. With our models nearing completion, and lot sales continuing on the remaining lots, we do need to address the common wall that separates our properties. We have discussed this with your HOA, and have received approval to offer the five affected homeowners a resolution that will be mutually beneficial to all of us.

Your south wall consists of a masonry fence with iron view-fence panels. Because this wall is located on the property line, it is essentially a shared wall. This will give us the unique opportunity to utilize the existing structure in order to give both sides appropriate privacy, while not requiring our company to ask for monetary assistance on your part.

To do this, Sonora West Development is offering to pay entirely for the removal of the existing wrought iron fencing, the replacement of the iron with solid block to match the thickness and integrity of your current wall, and then to stucco and paint your side of the wall to match your existing wall finish. We will also make sure that the wall will support the new block by having an engineer certify it. This will give both sides added privacy, and also gives you new stucco and paint on your back wall.

To proceed, we need the unanimous signed consent of all five affected owners in Foothills Unit 2, as acknowledged on the attached "*Fence/Wall on Common Property Line - Neighboring Property Owner Authorization*" form, acceptable to the City of Scottsdale.

If we do not receive these consents back within the next 7 days, we will be forced to build our own wall outside but adjacent to your view fence. This will cause you to view through your fence a gray block wall, without stucco, that is not common, and therefore cannot be modified unless we do so. This alternative will be more costly for us, and far less beneficial for your homes to the North. I hope you can see the benefit of the first option.

Please do not hesitate to call either myself at our office number below, or Eric Gerster, Legacy Cove's Project Manager at 602-390-1107, so that we may answer any questions you might have. And, as always, please contact me if you have any other questions or concerns regarding our new subdivision.

Sincerely,

Scott Pfeiffer  
President  
Sonora West Development, Inc.

**ATTACHMENT #11**

## Niederer, Keith

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**From:** Edmund Portnoy <edmundportnoy15@gmail.com>  
**Sent:** Tuesday, December 15, 2015 4:49 PM  
**To:** Niederer, Keith; Weiss, Kit  
**Subject:** Fwd: Wall Footing Tom Jones of PCI

Interesting background info dating back over a year.

Sent from my iPhone

Begin forwarded message:

**From:** Edmund Portnoy <[edmundportnoy15@gmail.com](mailto:edmundportnoy15@gmail.com)>  
**Date:** November 8, 2015 at 7:58:01 PM MST  
**To:** Carl Knapp <[carl\\_knapp@yahoo.com](mailto:carl_knapp@yahoo.com)>  
**Cc:** Dan <[danfrigard@cox.net](mailto:danfrigard@cox.net)>, "[italiacm7@gmail.com](mailto:italiacm7@gmail.com)" <[italiacm7@gmail.com](mailto:italiacm7@gmail.com)>, "[naskokos@aol.com](mailto:naskokos@aol.com)" <[naskokos@aol.com](mailto:naskokos@aol.com)>, "[cdicha@yahoo.com](mailto:cdicha@yahoo.com)" <[cdicha@yahoo.com](mailto:cdicha@yahoo.com)>  
**Subject:** Re: Wall Footing Tom Jones of PCI

Doesn't sound like anyone can be trusted.

Sent from my iPhone

On Nov 8, 2015, at 11:30 AM, Carl Knapp <[carl\\_knapp@yahoo.com](mailto:carl_knapp@yahoo.com)> wrote:

Hi Dan,

When I met with Joy Pagel at First Residential on October 26th 2015 at her office she told me she was working with an Eric and SWD on replacing the viewing fence with a brick wall. At that time, she told me she had worked with Eric in the past and that he was working with the City of Scottsdale in obtaining a building permit and was not aware that the city had already turned down SWD's request to build on the lower wall which was submitted in 2014 and rejected August of 2015.

Yesterday at the HOA meeting in the park I learned from Lisa Hoyer which is Joy's boss that Eric was working for her until roughly six weeks ago and left and went to SWD as their General Manager. I also asked Joy if she is working on our behalf and if she was the HOA administration company for SWD which she did not answer. This is disturbing. Are they trying to gain SWD's business and prior friendships are clouding their business decisions with Ironwood HOA?

Please note I counted over 30 cracks in the walls behind our five houses. After talking to Glen in our neighborhood and an older gentlemen from Ironwood, I learned more about the walls history which I will share in the next four days with everyone on this email list plus the

City of Scottsdale and First Residential after first communicating to the affected homeowners.

Carl B. Knapp

9405 E Rosemonte Dr  
Scottsdale AZ 85255  
Cell#602-402-9830  
Phone#480-247-3603  
FAX#480-371-1167  
E-mail: [carl\\_knapp@yahoo.com](mailto:carl_knapp@yahoo.com)

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**From:** Carl Knapp <[carl\\_knapp@yahoo.com](mailto:carl_knapp@yahoo.com)>  
**To:** Dan <[danfrigard@cox.net](mailto:danfrigard@cox.net)>  
**Cc:** "[edmundportnoy15@gmail.com](mailto:edmundportnoy15@gmail.com)" <[edmundportnoy15@gmail.com](mailto:edmundportnoy15@gmail.com)>; "[italiacm7@gmail.com](mailto:italiacm7@gmail.com)" <[italiacm7@gmail.com](mailto:italiacm7@gmail.com)>; "[naskokos@aol.com](mailto:naskokos@aol.com)" <[naskokos@aol.com](mailto:naskokos@aol.com)>; Joy Pagel <[joy.pagel@fsresidential.com](mailto:joy.pagel@fsresidential.com)>; Lisa Hoyer <[lisa.hoyer@fsresidential.com](mailto:lisa.hoyer@fsresidential.com)>  
**Sent:** Thursday, November 5, 2015 6:29 PM  
**Subject:** Re: Wall Footing Tom Jones of PCI

Hi Dan,

I had a nice long conversation today with Tom Jones the inspector hired by SWD. His workers never showed up to remove the dirt to review the footings so we talked for 30 minutes. He told me that Hoque and Associates will review his findings and put together a recommendation and he was not initially supportive of adding onto our existing wall without a complete rebuild due to the lack of footings. It was his understanding per the meeting with SWD that we owned the second lower wall. I informed him that I believe this is not correct.

He was told by the president Scott Pfeiffer of SWD that the city of Scottsdale requires our HOA to build the wall. I told him that I am fine with a plastic fence behind my house and I was not aware that when a developer buys the property next to an existing 20+-year-old development that the existing HOA is required by the City of Scottsdale to build a new wall that meets the new developers requirements. Has anyone from the Scottsdale approached the HOA and told us we must build a wall?

**Update late this afternoon:** So did you get the threatening letter from Scott Pfeiffer today? He is also sending out certified copies requiring us as homeowners and the HOA to sign within seven days or he will build a block wall with no stucco facing our property. He wants to get this done before an engineering study is done. So I guess my communications to Scott saying he would stucco and paint the wall is no longer good. Scott Pfeiffer's general manager who I believe is Erick was delivering the uncertified letters at our doors tonight so Ed Portnoy and I caught up with him to address the envelope sitting on our door mats. I wish he would have knocked.

After talking to Erick, he was surprised to learn that we as homeowners were okay with SWD building onto their short wall behind our houses. He also told Ed and me today that his boss Scott Pfeiffer was trying to sneak a wall in place of our viewing fence without getting a building permit or engineering study. I am sure the City of Scottsdale inspector Steve Galant would not like to hear this unprofessional business practice from any developer.

My feeling SWD is trying to circumvent the HOA and intimidate the affected homeowners. My recommendation is they build a wall, stuccoed and painted on both sides on their short wall as Scott Pfeiffer and I discussed the week of November 3rd of 2014 in my backyard with the City of Scottsdale. Scott confirmed my conversation with him by email on November 12th of 2014.

Scott's project manager Steve told me last week in their construction trailer they have been in contact with a lawyer over this issue so do not be surprised if the next step involves some legal counsel. Hopefully, we all have our documents and communications in order. Maybe a meeting with SWD, the affected home owners and the HOA would be in order without lawyers after the engineering study is completed? We can also talk about this Saturday morning at the First Residential open house as a group.

Ed,  
Please pass this communication onto the neighbors I missed in my email and cc me.

Carl B. Knapp  
9405 E Rosemonte Dr  
Scottsdale AZ 85255  
Cell#602-402-9830  
Phone#480-247-3603  
FAX#480-371-1167  
E-mail: [carl\\_knapp@yahoo.com](mailto:carl_knapp@yahoo.com)

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**From:** Carl Knapp <[carl\\_knapp@yahoo.com](mailto:carl_knapp@yahoo.com)>  
**To:** Dan <[danfrigard@cox.net](mailto:danfrigard@cox.net)>  
**Sent:** Wednesday, November 4, 2015 11:46 AM  
**Subject:** Re: Wall Footing

Hi Dan,  
I look forward to meeting you at 1pm today. I just met Tom Jones from Professional Certified Inspections Inc who was hired to conduct SWD's inspection and engineering study. It appears this firm does not have a State of Arizona registered Professional Engineer (PE) on staff which was confirmed by Tom Jones who said they would find one. I am confused what this firm is all about.

Their web page says in business since 2003 (<http://www.professionalcertifiedinspection.com/>) but public records show 2010 <http://www.buzzfile.com/business/Professional-Certified-Inspection-602-670-1130>. This firm wants to come out and dig up the dirt behind our viewing wall and the smaller wall. The other person that was with Tom Jones acknowledged that our wall was not designed to support the weight and new footings would be required for SWD to build a new wall. This person also acknowledged that I was not on the list to be contacted by Joy Pagel. But once he learned that I should have been on the list he tried to contact me by phone. When I told him I have all calls recorded by my company he then said he knocked at my door a few times. He also committed that they would need to be very careful in disrupting the existing soil in between the two walls because it could cause damage to our property. So how in the heck do they plan to do this without jeopardizing the integrity of our wall and my property?

Carl B. Knapp

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**From:** Carl Knapp <[carl\\_knapp@yahoo.com](mailto:carl_knapp@yahoo.com)>  
**To:** Joy Pagel <[Joy.Pagel@fsresidential.com](mailto:Joy.Pagel@fsresidential.com)>  
**Cc:** Lisa Hoyer <[Lisa.Hoyer@fsresidential.com](mailto:Lisa.Hoyer@fsresidential.com)>; Dan <[danfrigard@cox.net](mailto:danfrigard@cox.net)>  
**Sent:** Tuesday, October 27, 2015 7:44 AM  
**Subject:** Re: Wall Footing

Hi Joy,

Per our conversation yesterday I want to confirm the original brick wall behind my house was removed 20 + years ago and replaced with a viewing fence to reduce the weight. The original heavier wall caused parts of the wall to sink up to an estimated 8 inches, but this issue was fixed by reducing the weight along with the additional supporting wall. In my case, the original pool cracks were not fixed until 20+ years later after I moved in.

During yesterday's group meeting with the city of Scottsdale's engineer which SWD or no one from the HOA attended, I learned that one of the affected homeowners is thinking of selling their house. They have found out that if the viewing fence is replaced with the heavy wall which is known to cause prior damage they must disclose this known structural issue in their house listing. They were told this would reduce the value of their

house unless they could supply an engineering study and an extended warranty. Needless to say, they are not happy. If the heavy wall is added to their property without this certified documentation they may be forced to seek other options which may affect all Ironwood homeowners.

Carl B. Knapp

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**From:** Carl Knapp <[carl\\_knapp@yahoo.com](mailto:carl_knapp@yahoo.com)>  
**To:** Joy Pagel <[Joy.Pagel@fsresidential.com](mailto:Joy.Pagel@fsresidential.com)>  
**Cc:** Lisa Hoyer <[Lisa.Hoyer@fsresidential.com](mailto:Lisa.Hoyer@fsresidential.com)>; Dan <[danfrigard@cox.net](mailto:danfrigard@cox.net)>  
**Sent:** Monday, October 26, 2015 10:44 AM  
**Subject:** Re: Wall Footing

Hi Joy,

I made a special trip to meet with the Scottsdale building inspector and engineer at 10 today with my neighbors. SWD did not show up. **Please call me.** It appears that someone is being sneaky or not telling the truth to the city and our HOA.

The city has put all work on hold. Who gave SWD permission to come on our property this week to build an unsafe wall?

Who is the HOA administration company for SWD?

Carl B. Knapp

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**From:** Carl Knapp <[carl\\_knapp@yahoo.com](mailto:carl_knapp@yahoo.com)>  
**To:** Joy Pagel <[Joy.Pagel@fsresidential.com](mailto:Joy.Pagel@fsresidential.com)>  
**Cc:** Lisa Hoyer <[Lisa.Hoyer@fsresidential.com](mailto:Lisa.Hoyer@fsresidential.com)>; Dan <[danfrigard@cox.net](mailto:danfrigard@cox.net)>  
**Sent:** Friday, October 23, 2015 4:24 PM  
**Subject:** Re: Wall Footing

I will be in meetings from 7:30 to 11 am on Monday. Feel free to call after 11 am.

Issue:

1. Our existing wall can not support removing the viewing fence and replacing with a heavy brick wall. The footings poured 20+ years ago did not work and the wall began to sink which caused cracks in my spa. To fix the problem, our builder removed the original brick 20+ years ago and replaced with a lighter viewing fence. They also added the four-foot support footer wall after getting permission from the past owner which was the church. SDW gave the HOA access to the wall per the esment agreement with the City of Scottsdale planning board.

I did not fix the spa cracks which happen years ago until I moved in. SDW tried to add a wall onto the existing four-foot supporting wall and the city would not approve once again due to possible lack of footing.

The city engineer and inspectors agree that an engineering study must be done per my past emails to the HOA and SDW. So who is working on the issue at the HOA and will be attending the meeting to discuss our wall on Monday?

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**From:** Joy Pagel <[Joy.Pagel@fsresidential.com](mailto:Joy.Pagel@fsresidential.com)>  
**To:** Carl Knapp <[carl\\_knapp@yahoo.com](mailto:carl_knapp@yahoo.com)>  
**Cc:** Lisa Hoyer <[Lisa.Hoyer@fsresidential.com](mailto:Lisa.Hoyer@fsresidential.com)>; Dan <[danfrigard@cox.net](mailto:danfrigard@cox.net)>  
**Sent:** Friday, October 23, 2015 4:02 PM  
**Subject:** Re: Wall Footing

Carl

I have been out of the office all day. I would like to discuss with you on Monday your concerns when I return to the office



**Joy Pagel**  
Community Manager

[9000 East Pima Center Parkway | Suite 300 | Scottsdale, AZ 85258](#)

Telephone: [480.551.4300](#)

[www.fsresidential.com](http://www.fsresidential.com)

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[Print only when necessary](#)

On Oct 23, 2015, at 2:29 PM, Carl Knapp <[carl\\_knapp@yahoo.com](mailto:carl_knapp@yahoo.com)> wrote:

Hi Joy,

After not hearing from you on Tuesday I called the City of Scottsdale and talked to the city engineer and inspector Steve Galant. They turned down SWD's building permit for a wall request in August of this year. I told them that four others in my neighborhood have been contacted by a wall builder representing SWD to take down the viewing fence on our property and replace it with a wall. I was not on their list to be contacted. This representative also asked to cut down some of my neighbors landscaping on their own property. The inspector said they can not build a wall without an engineering study and approval from the owners if it affected us.

At 10 am this Monday the city inspector and engineer are meeting at Legacy Cove with SWD to discuss all options. Who is representing us from the HOA and why have we not been notified? Why am I not on this list to be notified from

SWD? I will be on a new Scottsdale hospital design conference call but will try to make the 10 am meeting.

Carl B. Knapp

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FAX#480-371-1167  
E-mail: [carl\\_knapp@yahoo.com](mailto:carl_knapp@yahoo.com)

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**From:** Carl Knapp <[carl\\_knapp@yahoo.com](mailto:carl_knapp@yahoo.com)>  
**To:** "[Joy.Pagel@fsresidential.com](mailto:Joy.Pagel@fsresidential.com)" <[Joy.Pagel@fsresidential.com](mailto:Joy.Pagel@fsresidential.com)>  
**Sent:** Friday, October 23, 2015 10:05 AM  
**Subject:** Wall Footing

Hi Joy,

Before the dirt was put in behind our house by SWD I had a firm look at our wall and noted there was an improper footing on the existing wall to add additional weight. I also had this pointed out to me during my inspection before I bought the house two days before SWD bought the property behind us.

The lack of footing is why the original wall sunk down and was replaced with a lighter viewing fence. The original wall caused cracks in my pool many years which I repaired three years ago when I moved in. This spring I had the HOA approve adding brick onto the wall until I found out the footing issue is still a problem. When I asked the contractors to add additional brick onto the existing wall they said it could not be done because of the added weight and lack of support. Since the dirt was added behind the wall I had the civil person from the contractor look at the wall again and they would not approve. One contractor refused to quote and the other would not warranty. As an engineer, the sudden decision to add onto the existing the wall does not make sense.

What has the HOA done to assure an engineering study has been done to protect us from future litigation?

Carl B. Knapp

9405 E Rosemonte Dr  
Scottsdale AZ 85255  
Cell#602-402-9830

## Niederer, Keith

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**From:** Carl Knapp <carl\_knapp@yahoo.com>  
**Sent:** Thursday, July 07, 2016 6:43 PM  
**To:** Niederer, Keith  
**Subject:** Re: SWD Letter

Hi Keith,

Welcome back from vacation. I see SWD has decided to connect their wall up to our HOA wall on lot nine and the weep holes and easement has not been addressed. It was my understanding from SWD that the City of Scottsdale would not approve any construction on their retaining wall. Please explain in detail why the change by the City's AHJs?

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Phone#480-247-3603  
FAX#480-371-1167  
E-mail: carl\_knapp@yahoo.com

---

**From:** Carl Knapp <carl\_knapp@yahoo.com>  
**To:** "Niederer, Keith" <KNiederer@Scottsdaleaz.gov>  
**Cc:** Dan Frigard <danfrigard@cox.net>; Mark Sahl <mark.sahl@carpenterhazlewood.com>  
**Sent:** Tuesday, June 28, 2016 8:17 PM  
**Subject:** Re: SWD Letter

Keith,

Can you reconfirm the meeting date? Tonight my neighbor was told by another city employee the meeting date had been changed and the easement was thrown out but it still shows up in city records.

With the fence being eight feet tall did you send notices to all 6 affected homeowners? I thought I saw only five on the list.

Carl B. Knapp

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**From:** "Niederer, Keith" <KNiederer@Scottsdaleaz.gov>  
**To:** 'Carl Knapp' <carl\_knapp@yahoo.com>  
**Cc:** Dan Frigard <danfrigard@cox.net>; Mark Sahl <mark.sahl@carpenterhazlewood.com>  
**Sent:** Tuesday, June 28, 2016 6:15 PM  
**Subject:** RE: SWD Letter

Carl,  
  
All I have is the generic wall detail that shows all 3 walls, that was also included in SWD's mailout. I have not heard any updates regarding the wall easement either.

Prior to the issuance of any permits for this wall, SWD will need to show full engineering and have the plans approved by the City's structural engineers. These plans won't be submitted to the City until after the DRB approved the conceptual wall location and design at the meeting on 7/21. The meeting will begin at 1PM in City Hall.

Keith

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**From:** Carl Knapp [mailto:carl\_knapp@yahoo.com]  
**Sent:** Tuesday, June 28, 2016 8:45 AM  
**To:** Niederer, Keith  
**Cc:** Dan Frigard; Mark Sahl  
**Subject:** Re: SWD Letter

Hi Keith,  
Any word back on detailed wall construction drawings and the DBR date?  
Carl B. Knapp  
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**From:** "Niederer, Keith" <KNiederer@Scottsdaleaz.gov>  
**To:** 'Carl Knapp' <[carl\\_knapp@yahoo.com](mailto:carl_knapp@yahoo.com)>  
**Cc:** Dan Frigard <[danfrigard@cox.net](mailto:danfrigard@cox.net)>; Mark Sahl <[mark.sahl@carpenterhazlewood.com](mailto:mark.sahl@carpenterhazlewood.com)>  
**Sent:** Tuesday, June 21, 2016 10:21 AM  
**Subject:** RE: SWD Letter

The City doesn't have any wall construction drawings in for review yet, so I'm not sure if they're planning on leaving the concrete ditch in place. I'll ask the question of SWD. The wall detail that was included on the SWD letter shows an 11"-1'2" space between the view fence and proposed wall.

Keith

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**From:** Carl Knapp [mailto:[carl\\_knapp@yahoo.com](mailto:carl_knapp@yahoo.com)]  
**Sent:** Tuesday, June 21, 2016 9:45 AM  
**To:** Niederer, Keith  
**Cc:** Dan Frigard; Mark Sahl  
**Subject:** Re: SWD Letter

So is their thought to break the concrete drainage ditch which is attached to our wall and not replace?

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FAX#480-371-1167  
E-mail: [carl\\_knapp@yahoo.com](mailto:carl_knapp@yahoo.com)

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**From:** "Niederer, Keith" <[KNiederer@Scottsdaleaz.gov](mailto:KNiederer@Scottsdaleaz.gov)>  
**To:** 'Carl Knapp' <[carl\\_knapp@yahoo.com](mailto:carl_knapp@yahoo.com)>  
**Cc:** Dan Frigard <[danfrigard@cox.net](mailto:danfrigard@cox.net)>; Mark Sahl <[mark.sahl@carpenterhazlewood.com](mailto:mark.sahl@carpenterhazlewood.com)>  
**Sent:** Tuesday, June 21, 2016 9:30 AM  
**Subject:** RE: SWD Letter

Hi Carl,

Thanks for letting me know the link wasn't working. It's been repaired. Please see below link:  
<https://eservices.scottsdaleaz.gov/bldgresources/Cases/Details/46304>

Regarding the retaining wall easement – the city isn't a party to this easement. It is a private easement between SWD and Ironwood Village. A couple of weeks ago, SWD told me that this easement will be removed. I have an e-mail into Darrin Olsen with SWD asking for an update.

Regarding the engineering of the proposed wall, City building review and engineering staff will need to review and approve the structural design of this wall prior to permit and construction. This approval has not occurred at this point.

Keith

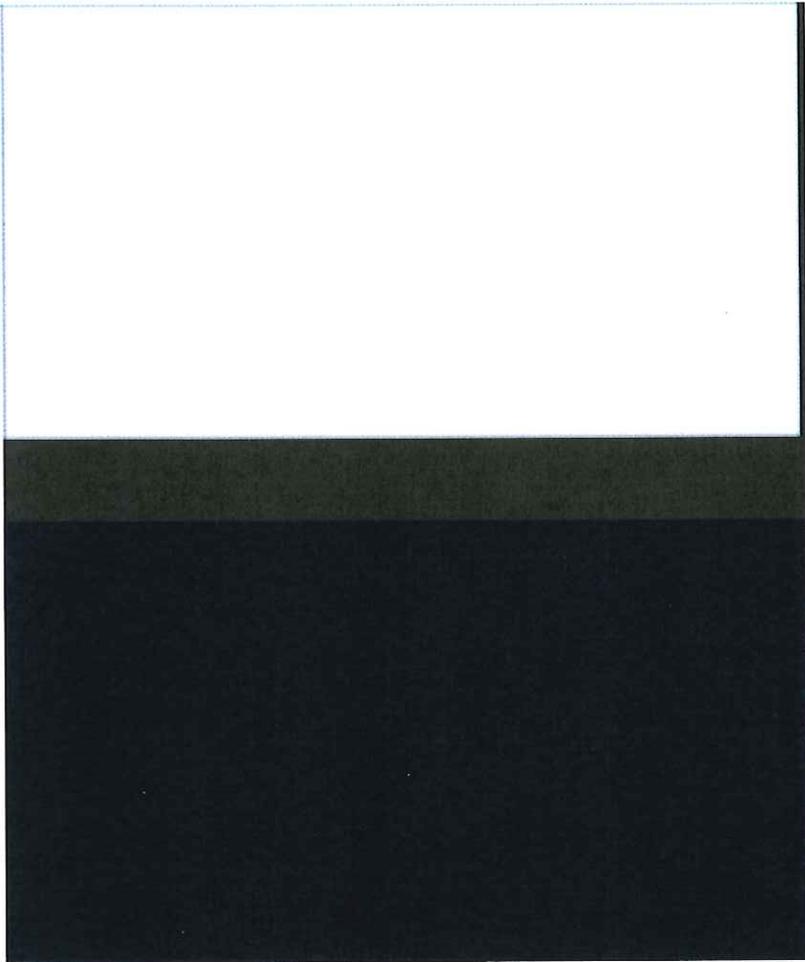
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**From:** Carl Knapp [[mailto:carl\\_knapp@yahoo.com](mailto:carl_knapp@yahoo.com)]  
**Sent:** Tuesday, June 21, 2016 7:47 AM  
**To:** Niederer, Keith  
**Cc:** Dan Frigard; Mark Sahl  
**Subject:** Re: SWD Letter

Hi Keith,  
I received the 6/13/16 postcard announcement yesterday about SWD to request owner approval to build and eight-foot Integral colored wall but can not view the case # as noted per the following link at i.imgur.com. What am I doing wrong? Also, what did your research find out on the easement which is in place?

<http://i.imgur.com/f7SA6N0.png>

[City of Scottsdale - Case Search](#) Case #14-PP-2013#2



**City of Scottsdale - Case Search**

Carl B. Knapp

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**From:** "Niederer, Keith" <[KNiederer@Scottsdaleaz.gov](mailto:KNiederer@Scottsdaleaz.gov)>

**To:** 'Carl Knapp' <[carl\\_knapp@yahoo.com](mailto:carl_knapp@yahoo.com)>

**Sent:** Thursday, June 16, 2016 5:58 PM

**Subject:** RE: SWD Letter

Hi Carl – I forwarded your e-mail over to our Building Code review staff. I'm going to be out of the office tomorrow, but I will get back to you next week.

Thanks, Keith

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**From:** Carl Knapp [[mailto:carl\\_knapp@yahoo.com](mailto:carl_knapp@yahoo.com)]  
**Sent:** Thursday, June 16, 2016 5:01 PM  
**To:** Niederer, Keith  
**Subject:** SWD Letter

Hi Keith,

I received the attached letter in the mail from SWD with no explanation on how they plan to address the existing easement with our Ironwood Village HOA. Nowhere does it mention how they plan to address the covered up weep holes on their retaining wall which is part of the City of Scottsdale requirements per IBC. They should have added drainage south of the retaining wall before they covered up the weep holes with 4 to 5 feet of dirt.

I am the Ironwood Village's HOA wall committee chairman. As of Tuesday, our HOA President and lawyer have not been contacted by SWD. What can you share with me so I can pass on the information to the committee and board members?

Carl B. Knapp

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## Niederer, Keith

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**From:** Perone, Steve  
**Sent:** Wednesday, July 06, 2016 8:56 AM  
**To:** Niederer, Keith  
**Subject:** FW: Legacy Cove

Keith, do you want me to respond?

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**From:** [cfletcher35@cox.net](mailto:cfletcher35@cox.net) [<mailto:cfletcher35@cox.net>]  
**Sent:** Sunday, July 03, 2016 7:20 AM  
**To:** Perone, Steve  
**Subject:** Legacy Cove



We are for building this privacy wall, however we are out of the country when this meeting occurs. How do we voice our opinion and state we want this wall, if we cannot attend the hearing.? Sincerely The Fletchers case # 14-PP-2013#2 -- sent by Cliff & Linda Fletcher (case# 14-PP-2013#2)



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