
**Correspondence Between
Staff and Applicant
Approval Letter**



Community & Economic Development Division
Planning, Neighborhood & Transportation

7447 East Indian School Road
Scottsdale, Arizona 85251

Date: 12/1/15
Contact Name: CESAR OYAGUE
Firm name: _____
Address: 8557 E NIGHTINGALE STAR
City, State Zip: SCOTTSDALE, AZ 85260

RE: Application Accepted for Review.
790-PA-2015

Dear MR OYAGUE:

It has been determined that your Development Application for 790-PA-2015 has been accepted for review.

Upon completion of the Staff's review of the application material, I will inform you in writing or electronically either: 1) the steps necessary to submit additional information or corrections; 2) the date that your Development Application will be scheduled for a public hearing or, 3) City Staff will issue a written or electronic determination pertaining to this application. If you have any questions, or need further assistance please contact me.

Sincerely,

Name: JEFF BARNES
Title: PLANNER
Phone number: 480-312-2376
Email address: jbarnes@scottsdaleaz.com



 **FILE COPY**

Current Planning Services
One Civic Center
7447 E Indian School Road, Suite 105
Scottsdale, AZ 85251

January 7, 2016

Cesar Oyague
Cesar Oyague
8557 E Nightingale Star Drive
Scottsdale, AZ 85266

Re: 790-PA-2015
12-BA-2015
Oyague Residence Variance

Dear Cesar Oyague,

Your request for approval of a variance to the City of Scottsdale Zoning Ordinance, Section 5.104.E.2 pertaining to SIDE YARD setbacks for a property located at 8557 E. Nighingale Drive was Denied by the Board of Adjustment on January 6, 2016. Enclosed is a copy of the signed Decision Form for your records.

You have the option to appeal this decision with the Maricopa County Superior Court; any appeal must be made to the Court within 30 days of the Board's decision. The special action is filed as a civil matter at the Court Clerk's office counters at the following locations:

Downtown Phoenix: 201 W Jefferson
Southeast Campus (Mesa): 222 E Javalina

For more information on fees and where to file a special action, visit www.maricopa.gov/clkcourt/ or contact the Clerk of the Superior Court, Michael Jeanes at 602-506-3676.

This information is intended only for your informational use, and does not constitute legal advice. Those who wish to file a special action may wish to retain counsel.

If you have any questions, please feel free to call me at 480-312-7015.

Sincerely,

Karen Fitzpatrick
Planning Assistant
Board of Adjustment



ZONING ORDINANCE VARIANCE

Board of Adjustment Decision

Variance Request

Case Numbers: 790 - PA - 2015 / 12 - BA - 2015

Project Name: Oyague Residence Variance Request

Location: 8557 E. Nightingale Star Drive

Description of Request:

- Single-Family Residential Multi-Family Residential Commercial Industrial

Section of the Zoning Ordinance to be varied: Article V, Section 5.104.E.2.

Scottsdale Ordinance Requires: Article V, Section 5.104.E.2 states that "There shall be a side yard of not less than twenty (20) feet on each side of a building."
As amended by case 13-PP-2003: the required side yard setback was reduced from twenty (20) feet to fifteen (15) feet.

Applicant's Request: Request by applicant for a variance to the City of Scottsdale Zoning Ordinance Section 5.104.E.2 and the Amended Development Standards - to reduce the required side yard setback for this parcel from fifteen (15) feet to eight (8) feet along the boundary between Lot 25 and Lot 26.

Amount of Variance: Requesting a variance of seven (7) feet.

Board of Adjustment Decision

Hearing Date: January 6, 2016

- Approved Approved with Stipulation(s): _____
 Denied Continued to: _____
 Other: _____



Chair Signature

Planning and Development Services Department

7447 E Indian School Road, Suite 105, Scottsdale, AZ 85251 Phone: 480-312-7000 Fax: 480-312-7088

Fitzpatrick, Karen

From: Brad Hardy <bhardyaz@gmail.com>
Sent: Thursday, December 31, 2015 5:14 PM
To: Projectinput
Cc: Bkhsuncrest@gmail.com
Subject: comments on case 12-BA-2015 Oyague Residence

Importance: High

I have been asked by the owners of lot(s) 18, 23, 28 respectively to submit our concerns for the variance requested on lot 25 Sierra Boulders. We are concerned that this variance may effect the value of our community. Ample set backs were established at the time of development for this subdivision. Additionally, we do not believe that this lot complies with the NAOS requirements as established at the time of development.

We would like to see what additional efforts the applicant is making to mitigate this issue. Therefore, we cannot support this application at this time.

Sincerely,

Concerned lot owners.



This email has been checked for viruses by Avast antivirus software.

www.avast.com

28 Oct., 2015

City of Scottsdale
Planning, & Development
7447 E. Indian School Rd., Suite 105
Scottsdale, Ariz. 85251

Attn: Jeff Barnes - 790 – PA 2015
Oyague Residence
8557 E. Nightingale Star Dr.

Gentlemen;

During the month of March, 2012; my firm was contracted to set the locations for the building corners of a house to be built on Lot 25, Sierra Boulders, a subdivision recorded in Book 732 of Maps, page 27, records of Maricopa County, Arizona.

My survey crew committed a surveying blunder, resulting in the most northeasterly corners of the residence to encroach into a portion of the side yard setback, and part of the site's N.A.O.S. The resulting encroachment covers approximately 78 square feet.

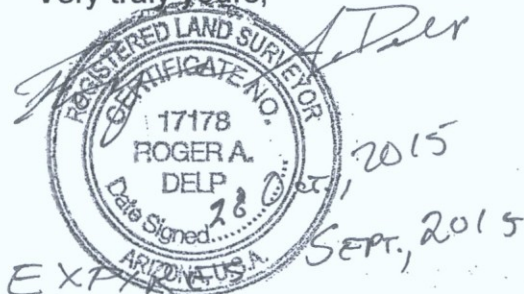
This encroachment was not discovered until some time after the final building inspection had been approved, and the house had become occupied.

I believe that the appropriate remediation would be the following:

1. Reduce the side yard setback parallel to the northeasterly property line which bears S. $76^{\circ}19'15''$ E., from fifteen (15) feet, to eight (8) feet.
2. Abandon the existing N.A.O.S. easements which total 19,570 S.F.
3. Create new N.A.O.S. easements as shown on my proposed Board of Adjustment Site Plan, which total 20,182 S.F.

If I may be of any assistance, please contact me by phone at (602) 680 – 8911; or any of the addresses listed below.

Very truly yours;



Roger A. Delp P.E., L.S.

R. A. DELP & ASSOC.
Surveying, & Engineering
6616 W. Sunnyside Dr., Glendale, Az. 85304
Ph. (602) 680 - 8911, Fax (623) 878- 4726
Threequalified @ Qwest.net

12-BA-2015
12/1/15



 **FILE COPY**

December 9, 2015

Cesar Oyague
8557 E Nightingale Star Dr
Scottsdale, AZ 85266


RE: Board of Adjustment hearing determination.

Dear Mr. Oyague:

Your case 12-BA-2015, Oyague Residence Variance is scheduled for the January 6, 2016 Board of Adjustment hearing. This meeting will be held at the Community Design Studio, 7506 E. Indian School Road, Scottsdale, AZ 85251.

You will be required to make a presentation to the Board of Adjustment. If you choose to present your application to the Board of Adjustment utilizing a Power Point presentation, the electronic file shall be submitted to me by 1:00 p.m. on Monday, January 4, 2016. Please limit the presentation to the application. Your presentation is limited to a maximum of 10 minutes.

Thank you,


Jeff Barnes
Planner

8262-19
Sierra Boulders Homeowners Assn
c/o AAM, LLC
1600 W Broadway Rd., Ste 200
Tempe, AZ 85282

11/24/2015

Cesar Oyague, Delene Oyague
8557 E Nightingale Star Dr
Scottsdale, AZ 85266

Re: 8557 E Nightingale Star Dr Lot #: 3R-0000-0025
Scottsdale, AZ 85266
Submittal: VARIANCE ON SIDE YARD SETBACK TO 8'

Dear Cesar Oyague
Delene Oyague

The Board of Directors has reviewed and **APPROVED WITH STIPULATIONS** the above listed application. The Board of Directors has placed stipulations on your approval, they are outlined below:

- This approval pertains **ONLY** to the existing 8' encroachment located on the northeast corner of your property.
- In no way does this approval grant any additional encroachments.
- The Sierra Boulders Homeowners Association will not assume any responsibility for any existing or future issues that may result from the granting of this approval.
- Any planned additions to the already existing home will need to get approval from the Sierra Boulders Architectural Committee, prior to the start of construction. I have included a copy of the Architectural Submittal form and instructions.

This approval is subject to all County, City, State and Federal permits, codes, statutes, laws, rules and regulations, which are the sole responsibility of the homeowner. This approval shall not be deemed a warranty or representation as to the quality of construction, installation, addition, alteration, repair, change or other work.

Should you have any questions, please feel free to contact Genevieve Munoz at 602-906-4949 or by email at gmunoz@aamaz.com. We thank you for your patience with this process.

Sincerely,

Genevieve Munoz

Genevieve Munoz
Community Manager
For the Architectural Committee of
Sierra Boulders Homeowners Assn

12-BA-2015
12/1/15