



Marked Agendas

Approved Minutes

Approved Reports



Board of Adjustment Decision

Zoning Ordinance Variance

Variance Request

Case Numbers: 913-PA-2019 / 1-BA-2020

Project Name: Safir Family Residence

Location: 10421 N 65th Pl

Single-Family Residential Multi-Family Residential Commercial Industrial

Section of the Zoning Ordinance to be varied: Section 5.204.G

Scottsdale Ordinance Requires: Pursuant to Section 5.204.G of the City of Scottsdale Zoning Ordinance, pertaining to the maximum height of a wall within a required front yard: Walls, fences, and hedges up to three (3) feet in height are allowed on the front property line or within the required front yard.


Applicant's Request: Request by owner for a variance to the City of Scottsdale Zoning Ordinance, Section 5.204.G. pertaining to wall height within the required front yard setback for a property with Single-Family Residential (R1-35) zoning located at 10421 North 65th Place.

Amount of Variance: The applicant is requesting an increase in the allowable height of a wall, fence or barrier within the required front yard of five (5) feet; the allowable height of a wall, fence or barrier within the required front yard would not exceed eight (8) feet.

Board of Adjustment Decision

Hearing Date: 02/05/2020

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


Chair Signature

**The February 5, 2020
Board of Adjustment
Agenda and Minutes can
be found at**

<https://www.scottsdaleaz.gov/boards/board-of-adjustment>

BOARD OF ADJUSTMENT REPORT



Meeting Date: 2/5/2020

ACTION

Safir Family Residence
1-BA-2020

Request to consider the following:

1. Request by owner for a variance to the City of Scottsdale Zoning Ordinance, Section 5.204.G. pertaining to wall height within the required front yard setback for a property with Single-Family Residential (R1-35) zoning located at 10421 North 65th Place.

OWNER/APPLICANT CONTACT

Aaron Safir
480-577-7595

LOCATION

10421 N 65th Place

BACKGROUND

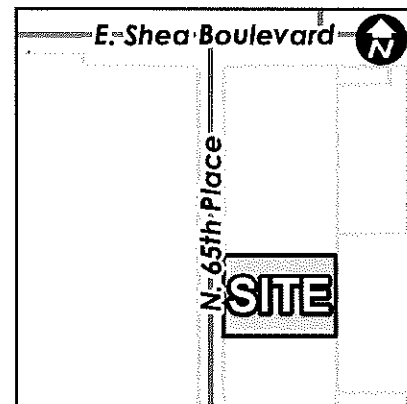
History

The subject site was annexed into the City of Scottsdale in November of 1962 through Ordinance No. 165, and the City of Scottsdale R1-35 zoning standards were applied. This residence is located on a metes-and-bounds parcel and is not located within a subdivision.

On June 2, 2004, a property located two lots south of the subject site at 10239 N. 65th Place was granted a similar variance for an 8 foot wall on the front property line and within the required 40 foot front yard.

Zoning/Development Context

The subject site is zoned Single-family Residential (R1-35) and is located south of East Shea Boulevard.



Adjacent Uses and Zoning

- North: Congregation Beth Tefillah, zoned Single-family Residential (R1-35); existing place of worship.
- South: Metes-and-bounds parcel, zoned Single-family Residential (R1-35); existing single-family residence.
- East: Metes-and-bounds parcel, zoned Single-family Residential (R1-35); existing single-family residence.
- West: Chaparral Christian Church, zoned Single-family Residential (R1-35); existing place of worship.

Zoning Ordinance Requirements

Pursuant to the City of Scottsdale Zoning Ordinance Section 5.204.G, pertaining to walls, fences, and landscaping: "Walls, fences and hedges up to eight (8) feet in height are allowed on the property line or within the required side or rear yard. **Walls, fences and hedges up to three (3) feet in height are allowed on the front property line or within the required front yard**, except as provided in Article VII."

The applicant is requesting a wall height variance of five (5) feet to allow for an eight (8) foot tall screen wall within the required forty (40) foot front yard setback.

Code Enforcement Activity

No code enforcement activity has occurred as of the writing of this report.

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 not received input on the variance request. The applicant has provided four letters of support from their neighbors (see attachment 8).

Discussion

The applicant is requesting to place an eight (8) foot tall screen wall on the front property line and within the forty (40) foot front yard setback on N. 65th Place. The applicant's narrative explains that they are seeking the variance to construct the screen wall as a buffer from the adjacent church and synagogue traffic, noise, and light.

Without the granting of a variance, the applicant would be able to construct a wall at the allowed height of three (3) feet on the front property line and within the required front setback.

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 that the property has special circumstances due to the activities from the adjacent church and synagogue directly to the north. The applicant contends that the traffic, noise, and light pollution from these uses infringes on the privileges enjoyed by other property in the same zoning district. The proposed 8 foot wall would provide more privacy as well as act as a buffer from the traffic, noise, and light from the adjacent church and synagogue. The applicant states that the church rents part of their space to local businesses that operate throughout the day such as a coffee shop, gym, daycare, and private meeting rooms. There is one playground located directly across the street at the church and another playground located next door at the synagogue and abuts the applicant's property.

Staff Analysis:

The subject property is approximately 35,210 square feet and is similar in size, shape, and topography to the neighboring parcels. The minimum lot size for R1-35 zoned parcels is 35,000 square feet. The parcel itself appears to be similar to those around it in terms of lot size, shape, topography, and location.

Two non-residential uses are adjacent to the subject property. The applicant's property is located on a cul-de-sac street that provides access to a 248 space parking lot. The access to the parking lot is gated on N. 64th Place, a street with residences zoned R1-35 that face the other side of the church parking lot. More church traffic occurs on N. 65th Place. To alleviate any parking issues, there are no parking signs on both sides of the street, one being directly in front of the subject property.

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 this wall is necessary to act as a buffer from traffic, noise, and light pollution from the adjacent lots. The applicant states that the increased activity from the church and synagogue have caused parking issues and the parking of cars on the street. The applicant's driveway has been blocked and the postal service has issued letters to the applicant stating that they cannot deliver mail when the mailbox is blocked by vehicles. The

City has also been unable to pickup garbage when vehicles parked on the street blocked the applicant's garbage cans.

Staff Analysis:

The adjacent lots cannot have a wall over 3 feet within their front yard setback, however the parcel two lots to the south (10239 N. 65th Place) was granted a variance for an 8 foot high screen wall on the front property line.

Although the subject site's proximity to two places of worship is a feature not shared by most R1-35 properties, the vast majority of those R1-35 properties do not have tall walls located within the front yard setback. Because of that, it may be considered a grant of special privilege compared to other parcels within the same R1-35 zoning district.

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 the church only served as a place of worship and was mostly active only on Sunday mornings when he first purchased the property. Since then, the church's activities and businesses it rents to have grown.

The property to the north was a single-family residential home when the applicant first purchased the property and then was sold and synagogue was approved by case 64-DR-2015. The applicant states the synagogue has daily programs for adults and youth and a playground that has direct visibility into the front and backyard of their property. The synagogue also holds weekly outdoor events that last into the evening and there are outdoor speakers on the south side of their property which abuts the applicant's north property line.

Staff Analysis:

The adjacent church and synagogue's existing activities and added growth were not self-imposed or created by the applicant. The case for the synagogue was approved in 2015 and the applicant had already owned the subject property at that point. However, the applicant purchased a property across from an existing church, and the zoning ordinance states the R1-35 zoning district allows for single-family dwellings and uses incidental or accessory thereto, together with required recreational, religious and educational facilities. The zoning ordinance also states the development standards for the R1-35 district, specifically maximum wall height and setbacks, are intended to preserve the open desert feel. Regarding the parking issues on N. 65th Place, the parking issues may be alleviated by the enforcement of the existing no parking signs.

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 variance would not be materially detrimental based on neighbor support and the increase in property values resulting from the screen wall.

Staff Analysis:

Authorizing this variance would allow this property exclusive front yard privacy and noise abatement for their front yard. As it exists, motorists have unobstructed views of the property's house at its driveway from N. 65th Place and the church.

The proposed wall fits the context and theme of some surrounding properties which have walls or shrubs of similar height, however it could be materially detrimental as it would alter the open desert character that the R1-35 zoning intends to preserve. There has been no public opposition to the proposed wall as of the writing of this report.

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 surroundings of the property are not unique and applicable. Further, the applicant's proposed variance does appear 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
480-312-4218, dmayo@scottsdaleaz.gov



Date



Brad Carr, AICP, Board of Adjustment Liaison
480-312-7713, bcarr@scottsdaleaz.gov



Date



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



Date



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



Date

ATTACHMENTS

1. Project Description
2. Justification
3. Context Aerial
4. Aerial Close-Up
5. Zoning Map
6. Site Photographs
7. Proposed Site Plan
8. Neighbor Support Letters

Project Narrative

First we would like to say we have great relationships to all of our neighbors and both of the worship centers. We ourselves are a Jewish family and know personally the owners and members of Congregation Beth Tefillah. The purpose of this request for a variance is to only allow us the same peaceful and reasonable things that other residential homes are allowed. We do not at all want to create any problems for our neighbors and we have their full support in our efforts to have this variance approved. We are seeking permission to build an 8ft privacy wall in the front of our home that spans the frontage of our house on the west side directly on 65th pl. On the North side of our home the Temple already has an existing 3 foot wall that spans 20 feet which then turns into a 6 foot wall that continues down the property line. I would like to extend the 3 foot portion of that wall to 6 feet to be able to connect it to my future wall I hope to build.

65th PL is a small street that has access off Shea and ends in a Cul De Sac. It's a small residential street with 4 residential homes 2 of which the Safir family owns. After speaking to our neighbor Mr. Peter Suarez who owns the property at the end of the Cul De Sac and sharing with him our concerns for privacy & decreased home value Mr. Suarez told us in 2004 he submitted for this same Variance **(8-BA-2004)** and was approved to build an 8 foot wall with 0 setbacks in front of his home. Mr. Suarez tells us that after constructing his wall his life changed and he was finally able to enjoy his home that he loves so much. When Mr. Suarez was approved for his wall there was only the church on this street, and at that time the church did not have many of the other tenants that they now rent to on their property. Since purchasing our home we now have a newly constructed synagogue on the street which is one of the largest in the valley. We have spoken with all of the residence on this street along with the owners of both worship centers and they have no objections if we were to construct our wall with the cities approval. Attached with our supporting documentation are letters written from all of our neighbors as well as both worship centers in support of us building our wall.

Chaparral Christian Church

Located directly in front of our home to the West is a 12+ acre worship center that is home to the Chaparral Christian Church. There are 2 main parking lots that house over 400+ parking spaces which fill up during worship hours. At the time we purchased our house the Church only served as a place of worship which was mostly active only on Sunday mornings. Since we purchased our house they have added many tenants and activities that were not their when we bought out home. Now the Church rents a majority of their space to local businesses that operate all day including a coffee shop, Gym & private meeting rooms. The preschool its self has gone from a small kindergarten to offering 1st and 2nd grade. On top of the large expansion to the preschool they have a 2 year waiting list for new members to join and they have indicated that they will be expanding even further to accommodate all of the children.

The preschool located directly across from our home no more than 20 ft from our drive way which has a playground that the children play in all day. The playground is in direct sight of our front door and all of our windows to the front of the house which do not allow any privacy from the member. The pick up and drop off location for the preschool is located at the end of the cul de sac past the home of Mr. Safir which makes the street very busy both morning and late afternoon with vehicles driving up and down the street passing our home. Since the expansion of the school the street has become a zoo during pick up and drop off times.

Other businesses include a cross fit gym did not exist when we purchased our house. The members of the gym use the street in front of our home for many of their training activities which have members running and working out all day in front of our home.

Congregation Beth Tefillah

Mr. Safir's home is located directly next to a newly constructed synagogue. At the time Mr. Safir purchased the property there was a residential house on the North lot. The residential lot was sold and the property was rezoned to house a synagogue (Congregation Beth Tefillah) which is home one of the largest congregations in the valley. The synagogue aside from daily prayer sessions also has many programs that take part daily. There is an adult school, youth camp, and a children's preschool that increase the traffic daily. The Synagogue has recently constructed a very large playground which includes a basketball court on the immediate property line to Mr. Safir's property to the north. Children are playing outside all day along with music from the playground which can be heard from any room in the home. The playground has direct visibility to the front and back yard of Mr. Safir's Property. In an attempt to buffer Mr. Safir's property from the construction of the preschool and playground there was a wall constructed however the playground has many tall gymnasiums that allow for the children to see into the back yard of the home as well as into the home from all the rear windows.

There is a large outdoor event area that has outdoor speakers which sits next to our front yard. The Synagogue hosts many events at least 3 times a week where this event area will host groups as large as 100 people until late hours of the evening. The guests of these events usually have to walk past our home at odd hours of the night to get to their cars which again causes our dogs to bark until late in the evening.

15 ft from our main driveway is the parking area for the kitchen staff. The Parking lot is always full and the kitchen staff when on breaks walk to their cars to get cigarettes to smoke on their breaks. Because the parking lot is in front of our house the staff will stand in the front of our driveway to smoke and we are constantly having to keep our living room blinds drawn from the people congregating outside.

Street Parking – Cross Traffic

Since the addition of the synagogue there was a parking agreement made with the church and synagogue to have the congregation of the synagogue park in the church parking lot to the North closest to Shea since the synagogue does not have enough parking for its incredibly large congregation. Unfortunately after the addition of no parking signs on the street there are still 15-20 cars that park directly in front of the home of Mr. Safir which in some cases block the mailbox and driveway of the home. Although the Synagogue has made a valiant effort to ask their members to not only park in the correct parking lot but to also not use street parking many of the members still use the south church parking lot. Because of this we have people walking by the house all day long that a normal residential home would not be exposed to.

The Church parking lot to the south is gated and locked on the adjacent street 64th PL to prevent cross traffic onto 65th PL. Because of that any traffic going to the south parking lot of the church must pass by Mr. Safir's house on 65th PL.

The USPS postal service and has issued letters to Mr. Safir that mail cannot be delivered because the mailbox was blocked by vehicles. The city of Scottsdale on some occasions was also unable to pick up garbage because vehicles were blocking the garbage cans. With approval of this variance the Safir family can relocate their mailboxes to the entrance of the property to allow for mail delivery without interruption. With all of the increased traffic every single day there are at least 15 occurrences where cars will pull into the driveway of the home and have to turn around to drive back down the street to access the north parking lot used by the synagogue.

Real Estate Value

Because of the increased traffic and no privacy from the Church and the newly constructed synagogue we tried earlier this year to sell our home. We are now expecting our first child into our family and are unable to live in this home with all of the traffic in front of our house all day long. We have 2 dogs that constantly bark all day long every time they see people pull into our driveway and walk in front of our home which is about every 5 minutes. When we listed our home we were met with a shock when we found that we cannot get close to what market value is for our home being that all buyers refused to purchase our home because there is no privacy with all of the increased traffic and direct visibility to both playgrounds. What was once a quiet neighborhood is now a busy commercial like environment. We are currently in a position where we would have to take a 50% hit on our home from current market value unless we can construct a wall which all buyers told us would be necessary if they would entertain purchasing our home. This home was our first home purchase and we have sunk every penny we have into it. Our life savings is in this house and we cannot afford to sell it for what people are offering because of the privacy issues this property now has so we are forced to keep the house under the current living conditions.

Wall Construction, Design & Safety

The construction of the wall will be identical to the wall that was previously approved for Mr. Suarez. The same material (type of block) and design of the wall will mimic the wall that has been installed by Mr. Suarez. We will incorporate also the same planting of trees that Mr Suarez did to have the wall look exactly the same as Mr. Suarez's wall to keep the continuity of the neighborhood and not negatively impact the street from our neighbors or their property values.

The design of the wall in which we are submitting has taken into account the safety concerns for entering and exiting the driveway to allow drivers to be able to safely navigate by being able to see both directions before exiting the property. Drivers who will be visiting our home will have a small driveway in which they can enter into our property to safely use the callbox so their car is not endangering anyone traveling down 65th PL.

Conclusion

To conclude I plead to the city to please help us remedy this issue so we can continue to live in the home we love while being able to enjoy the use of this property as a residential home with quiet enjoyment along with privacy that every home owner enjoys. I understand that this Board who will be reviewing our request is not the same board that previously approved the request for variance for Mr. Suarez. I hope that this board will please take into consideration the prior approval given to Mr. Suarez and see that our family would like to also have the same consideration. I know that its unusual for some requests of this nature to be approved. I hope that this board will see the burdens from the changes to our neighborhood since the time we have purchased our home creating a more commercial like environment in which we had no control can very easily be remedied by allowing us to construct our privacy wall. I thank you all for your time and consideration.

We are requesting a variance to the City Zoning Ordinance (Section 5.204 G) to allow an 8 foot screen wall at the front yard property line and the side yard property line within the front yard setback in order to regain privacy and to provide a buffer from the increasing traffic which is ongoing all day, noise and light pollution from the 2 worship centers that are located directly across the street and immediately adjacent to the north of the current property.

We have great relationships to all of our neighbors and both of the worship centers. 65th PL is a small street that has access from Shea and ends in a Cul De Sac. It's a small residential street with 4 residential homes 2 of which the Safir family owns. After speaking to our neighbor Mr. Peter Suarez who owns the property at the end of the cul de sac and sharing with him our concerns for privacy & decreased home value Mr. Suraz told us in 2004 he submitted for this same Variance **(8-BA-2004)** and was approved to build an 8 foot wall with 0 setbacks in front of and of the side of his home. Mr Suraz tells us that after constructing his wall his life changed and he was finally able to enjoy his home that he loves so much. When Mr. Surez was approved for his wall there was only the church on this street. Now we have a newly constructed synagogue on the street which is one of the largest in the valley and also an additional home. We have spoken with all of the residence on this street along with the owners of both worship centers and they have no objections if we were to construct our wall with the cities approval.

Located directly in front of our home to the West is a 12+ acre worship center that is home to the Chaparral Christian Church. The main use of the Church is to house a worship center that is thriving and extremely busy during worship hours. Along with the worship center the Church rents a majority of their space to local businesses that operate all day including a coffee shop, Gym, daycare facility and private meeting rooms. The day care facility located directly across from our home no more then 20 ft from our drive way which has a playground including basketball courts that the children play in all day. The playground is in direct sight of our front door and all of our windows to the front of the house which do not allow any privacy from the member. Other businesses include a cross fit gym that has grown exponentially since we have taken possession of our property and the members of the gym use the street in front of our home for many of their training activities which have members running and working out all day in front of our home. There are 2 main parking lots that house over 400+ parking spaces which fill up during worship hours.

Located directly to the North of our home in the adjacent property is a newly constructed Synagogue which houses the worship center for Congregation Beth Tefillah. The Synagogue currently shares the 2 parking lots of the Christian Church which the main access to both parking lots are on 65th PL where our home is located. Traffic from both the Synagogue and Church as well as the local businesses the Church rents to is non stop all day on 65th PL and both parking lots are constantly full. The ongoing construction and renovations to the synagogue begins the early morning with workers all day. The noise is unbearable. The Synagogue has constructed a 2 story playground immediately on our North property line that looks directly to our back yard and into our home. With now a playground directly across the

street and immediately to our north we have no privacy at all in front of our home as well as to our back yard. We are forced to stay indoors with the shades drawn all day to have privacy.

Because of the increased traffic and no privacy from the Church and the newly constructed synagogue we tried earlier this year to sell our home. We are now expecting our first child into our family and are unable to live in this home with all of the traffic in front of our house all day long. We have 2 dogs that constantly bark all day long every time they see people pull into our driveway and walk in front of our home which is about every 5 minutes. When we listed our home we were met with a shock when we found that we cannot get close to what market value is for our home being that all buyers refused to purchase our home because there is no privacy with all of the increased traffic and direct visibility to both playgrounds. What was once a quiet neighborhood is now a busy commercial like environment. We are currently in a position where we would have to take a 50% hit on our home from current market value unless we can construct a wall which all buyers told us would be necessary if they would entertain purchasing our home. This home was our first home purchase and we have sunk every penny we have into it. Our life savings is in this house and we cannot afford to sell it for what people are offering because of the privacy issues this property now has so we are forced to keep the house under the current living conditions.

I plead to the city to please help us remedy this issue so we can continue to live in the home we love while being able to enjoy the use of this property as a residential home with quiet enjoyment along with privacy that every home owner does.

Safir Family Variance Request Justification For Variance

We are requesting a variance to the City Zoning Ordinance (Section 5.204 G) to allow an 8 foot screen wall at the front yard property line and increase the current wall on the North side of the property which was constructed by the Synagogue from 3ft to up to 6 ft in order to regain privacy and to provide a buffer from the increasing traffic which is ongoing all day, noise and light pollution from the 2 worship centers that are located directly across the street and immediately adjacent to the north of the current property along with all of the businesses & preschools that those places of worship rent to.

Justification For Variance 1 of 4

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.

A. Specifically the location of this property to Chaparral Christian Church and Beth Tefillah synagogue along with the businesses and preschools they lease to create extremely unpleasant living conditions for the Safir family that directly deprive Mr. Safir from enjoying the same privileges that other properties have in the same classification and zoning district. No other homes have 2 places of worship with over 600+ members visiting them daily on 2 sides of their property. The increased traffic to 65th pl from both places of worship do not allow the Safir family any privacy and prevent them from living peacefully in their home.

Justification For Variance 2 of 4

- 2. 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 which such properties is located.**
- A. By approving this variance it would allow for the Safir family to construct a privacy barrier in the front of their home to regain the same privileges that other residential homes have from the increased traffic on 65th pl and would serve as a noise barrier from that traffic that is not associated with people who live in this area. The front yard would now be blocked from all onlookers which pass by that do not live in this area and instead are traveling daily to use the adjacent businesses.
- B. The negative effect from the commercial like environment that has been created since the time Mr. Safir has purchased his home has dramatically decreased the property value of the home. The With the approval of the requested variance & the construction of the privacy barrier it would immediately restore the property value that has been lost from the renovations Mr. Safir has put into his home and would make the home more desirable to prospective buyers.
- C. Due to the Church chaining the entrance to the south parking lot on 64th pl to prevent cross traffic to 65th PL all of the traffic now uses 65th PL where the Safir home is located. The increased traffic has grown since the Safir home was purchased as a result of the south parking lot being used primarily for the pick up and drop off location to the growing church preschool which plans to add an additional 2 grades to their school since they have high demand which will now further increase traffic on 65th PL.
- a. As found in the previous findings for approval of Mr Suraez variance approval of this variance would allow Mr. Safir the same front yard privacy and noise abatement from members of both worship centers and motorists who have an unobstructed view to the Mr. Safir's home. The previous findings have concluded the residential properties on 64th pl do not have to contend with the traffic of the church motorists because access to the church parking lots are gated on 64th PL to prevent cross traffic from 64th PL and 65th PL.*

Justification For Variance 3 of 4

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

- A. At the time of purchase the Synagogue did not exist. After Mr. Safir took possession of his home the residential home that was there was purchased and the lot was rezoned by the city to house the synagogue and their congregation. The Safir family could not foresee the property which was residential when they bought their home being rezoned and converted to the synagogue.

Since the construction of the Synagogue and the building of the Synagogue preschool, playground & basketball courts the value of Mr. Safir's home has dropped more then anyone could have imagined due to the increase in traffic and reduced privacy the home once had to both the front and back yard. The home itself would immediately benefit from having the font yard enclosed by a sound and privacy barrier.

- B. After Mr. Safir moved into the house the church has dramatically changed their operations. What once was only a place of worship on the weekends has now changed its direction and rents to many businesses. The addition of the Coffee Shop, Cross Fit Gym, and expanding preschool are not things he could have for seen at the time he purchased the house.

Justification For Variance 4 of 4

4. The authorization of the variance will not be martially detrimental to persons residing or working in the vicinity to adjacent property, to the neighborhood or to the public welfare in general.

- A. I have included signed letters from all the neighbors who live on this street as well as the 2 worship centers who all are on board with and approve my building of this Privacy Barrier. Since there are only those people who are on this street and the street ends in a Cul De Sac with no access to other neighboring streets no other people would be effected at all by the approval of this variance.
- B. Our Privacy barrier will 100% mimic the current privacy barrier that has been in place by Mr. Suarez since 2004. The barrier will use the same materials down to the more expensive design block that Mr. Suarez used. We will also be incorporating planting trees just like Mr. Suarez did to hide the wall from the view of the street. Since both walls will be identical it will not negatively impact 65th pl or any of the neighbors. The final look of both walls will unify the look of the street to more like a planned development rather than neighbors throwing up walls in front of their homes.
- C. We have taken into consideration the cities concerns for safety when both entering and exiting from our property. The current wall design submitted allows for a wall on the property line which will have the gate to the property recessed into the property line allowing for vehicles to safely pull out of the gate when exiting in order to have a clear line of sign to on coming traffic. When entering the property cars will be able to safely pull out of the street and come to a stop inside the property of the Safir residence so they do not endanger other traffic coming down 65th pl.
 - a. *The design of our wall we submitted we are 100% happy to redesign further to meet any requirements the city may have once approval of the initial variance is completed. Any and all concerns the city may have we will work closely and diligently to insure the cities concerns are met in full before submitting the initial plans for review.*



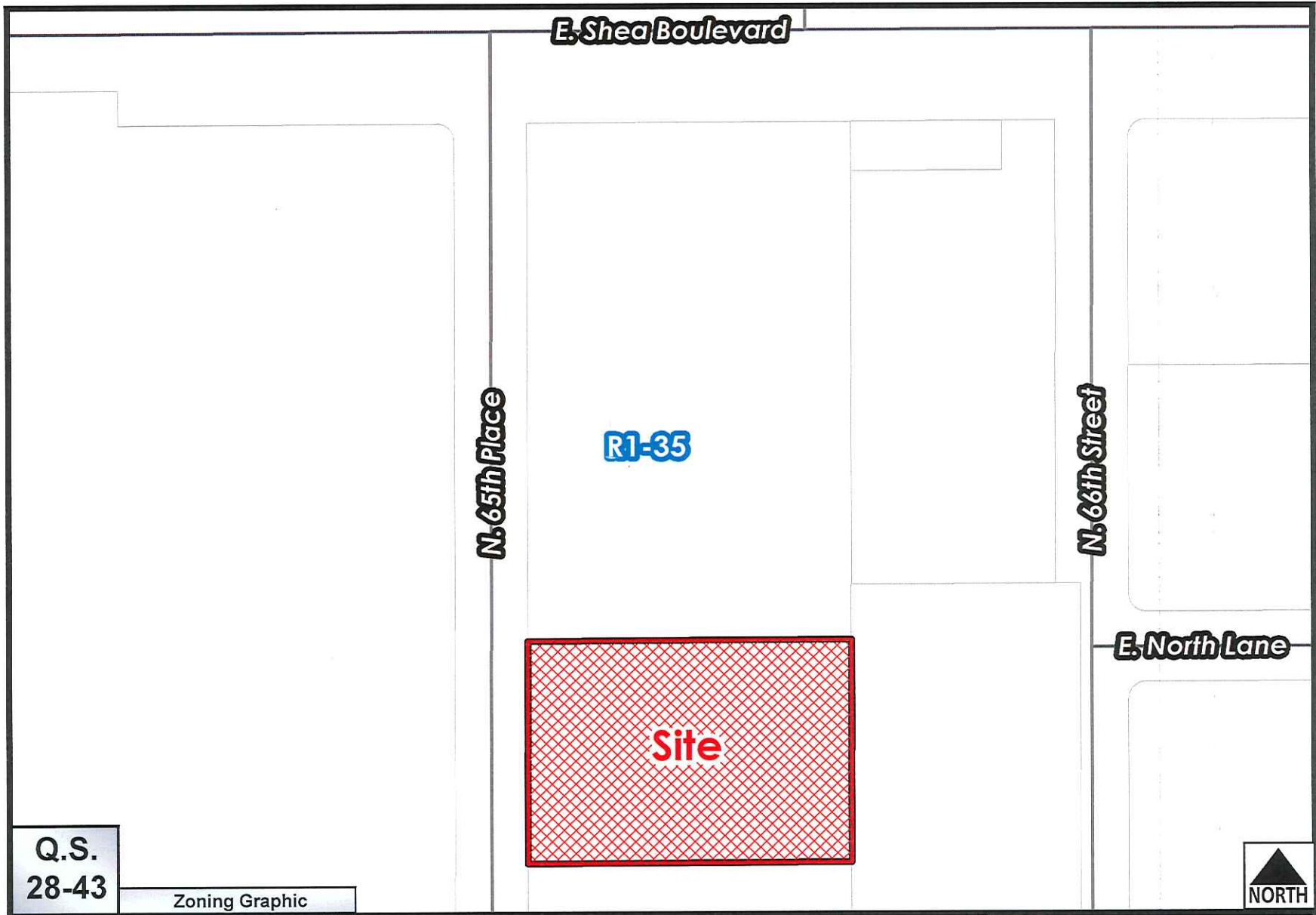
Context Aerial

1-BA-2020



Close-up Aerial

1-BA-2020



Q.S.
28-43

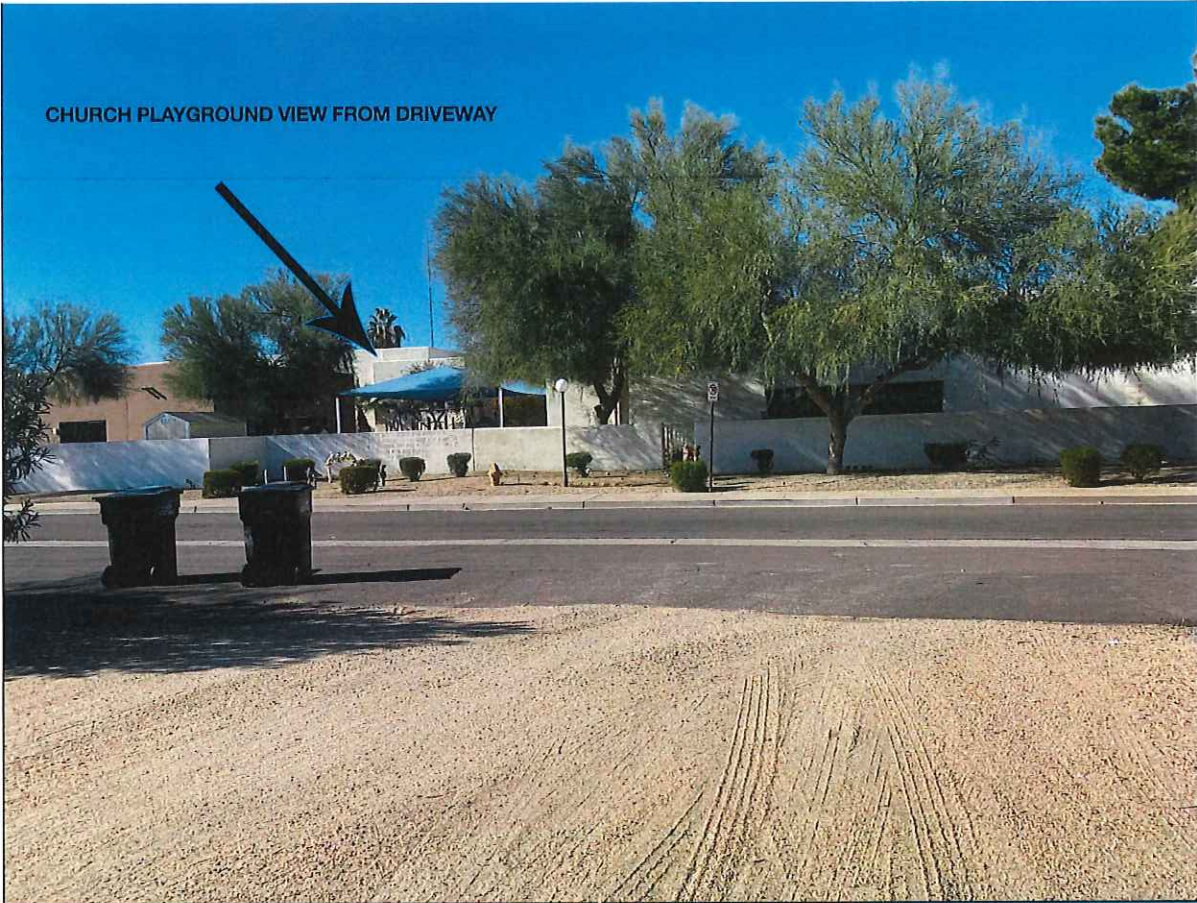
Zoning Graphic



Existing Zoning

1-BA-2020

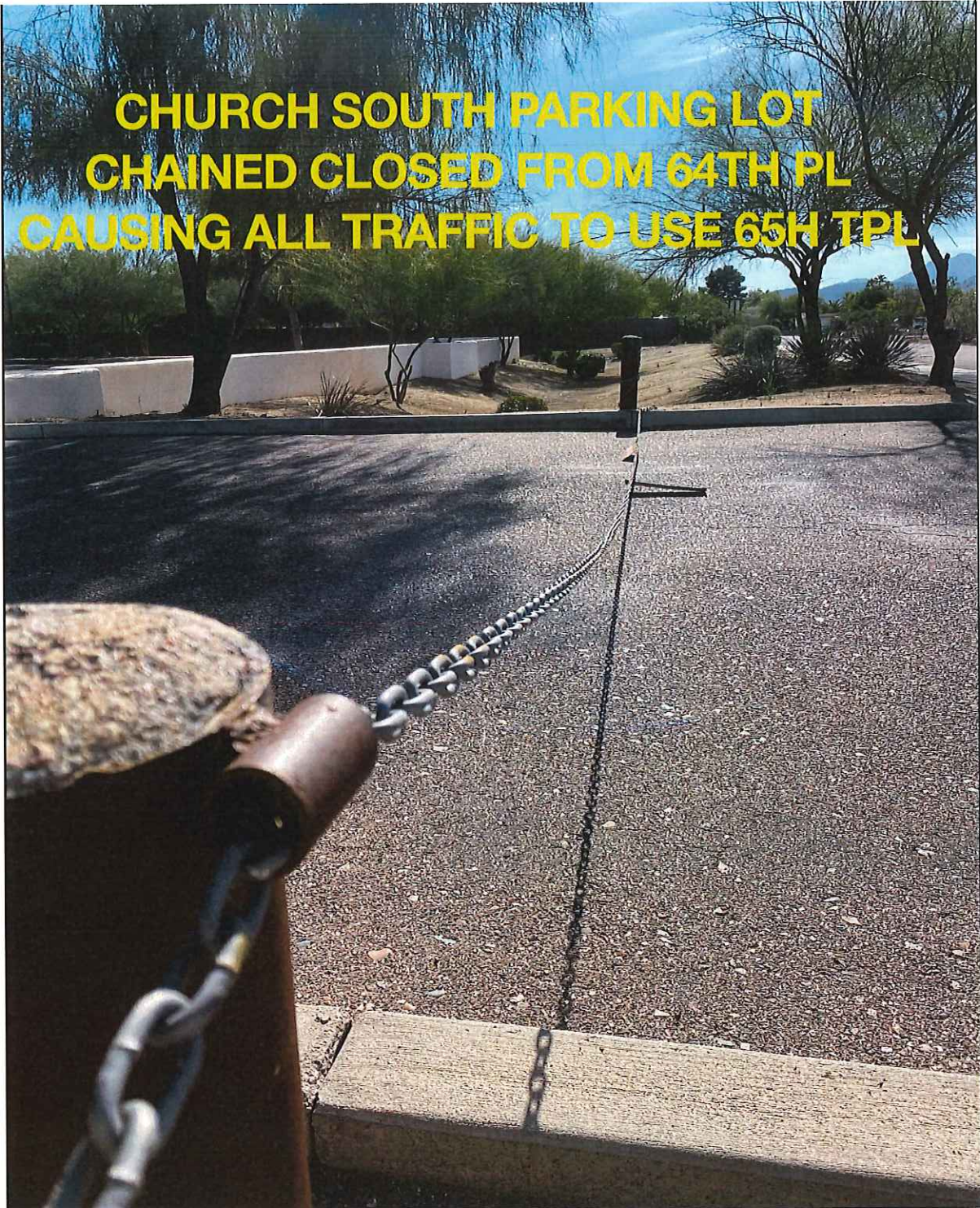
CHURCH PLAYGROUND VIEW FROM DRIVEWAY

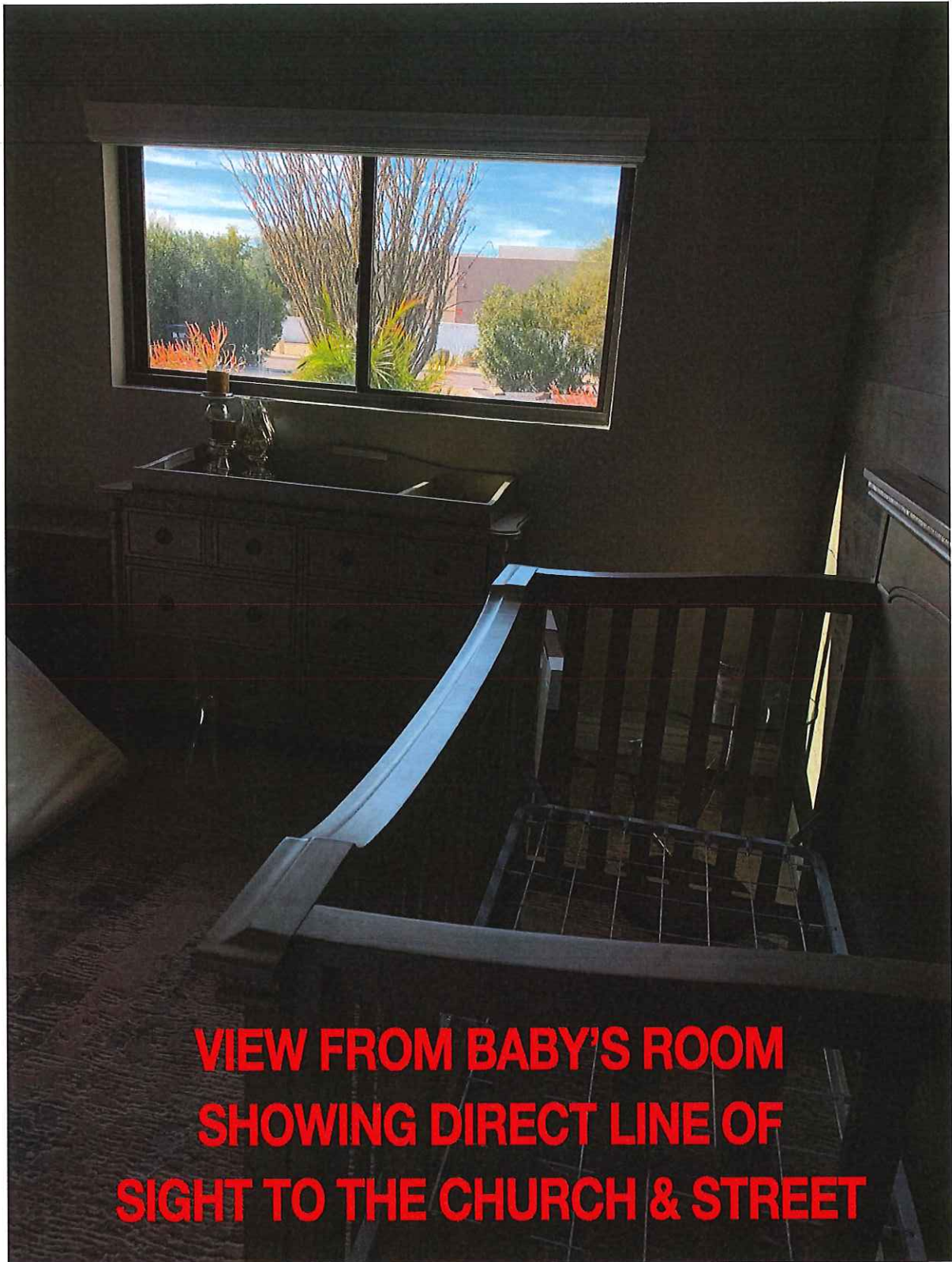


**MR SUAREZ CURRENT WALL AT END
OF CUL DE SAC HE CONSTRUCTED
WITH PREVIOUS APPROVAL FOR SAME
VARRIANCE WE ARE WISHING TO GET**

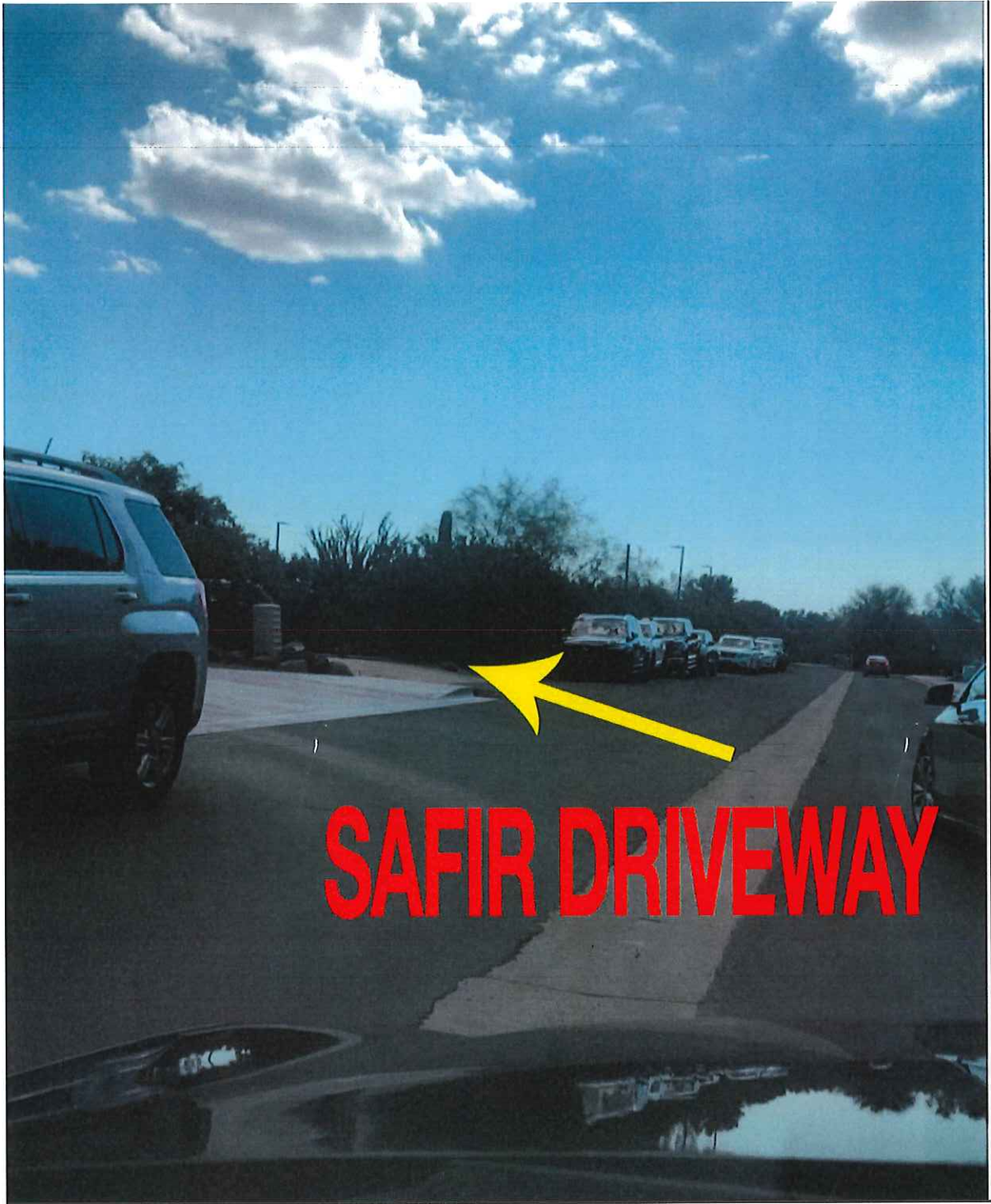


**CHURCH SOUTH PARKING LOT
CHAINED CLOSED FROM 64TH PL
CAUSING ALL TRAFFIC TO USE 65H TPL**



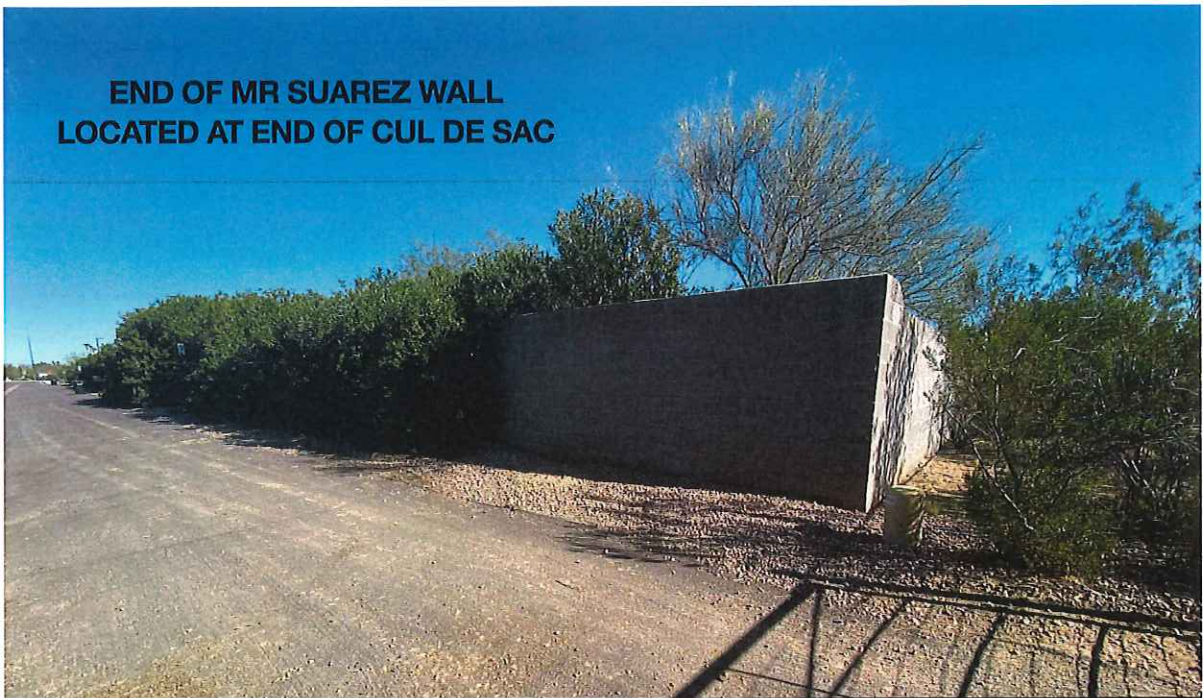


**VIEW FROM BABY'S ROOM
SHOWING DIRECT LINE OF
SIGHT TO THE CHURCH & STREET**



SAFIR DRIVEWAY

**END OF MR SUAREZ WALL
LOCATED AT END OF CUL DE SAC**



TEMPLE KITCHEN PARKING



SAFIR FAMILY DRIVEWAY #1

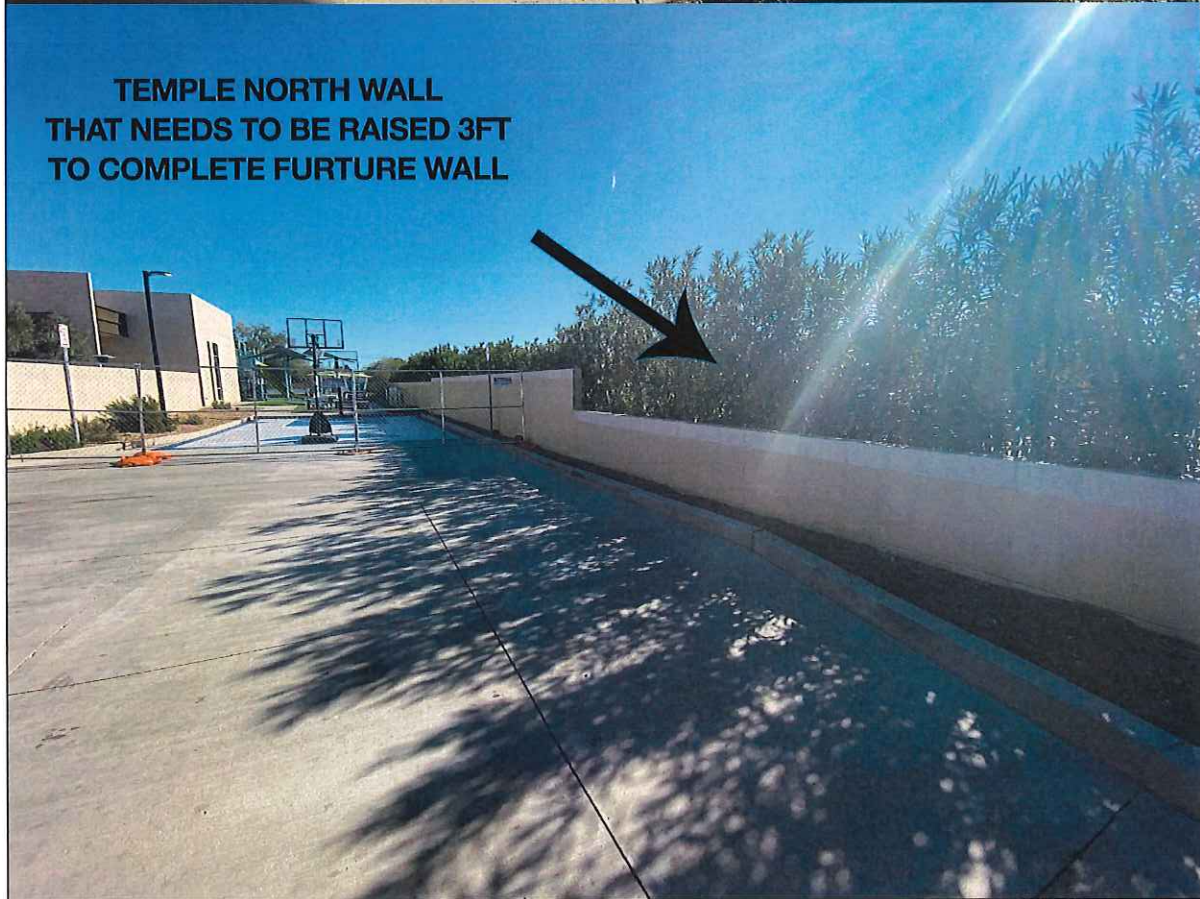
KITCHEN PARKING SIGN

SAFIR DRIVEWAY



TEMPLE PLAYGROUND LOCATED DIRECTLY ON THE OTHER SIDE OF MR. SAFIR NORTH WALL





SAFIR HOUSE

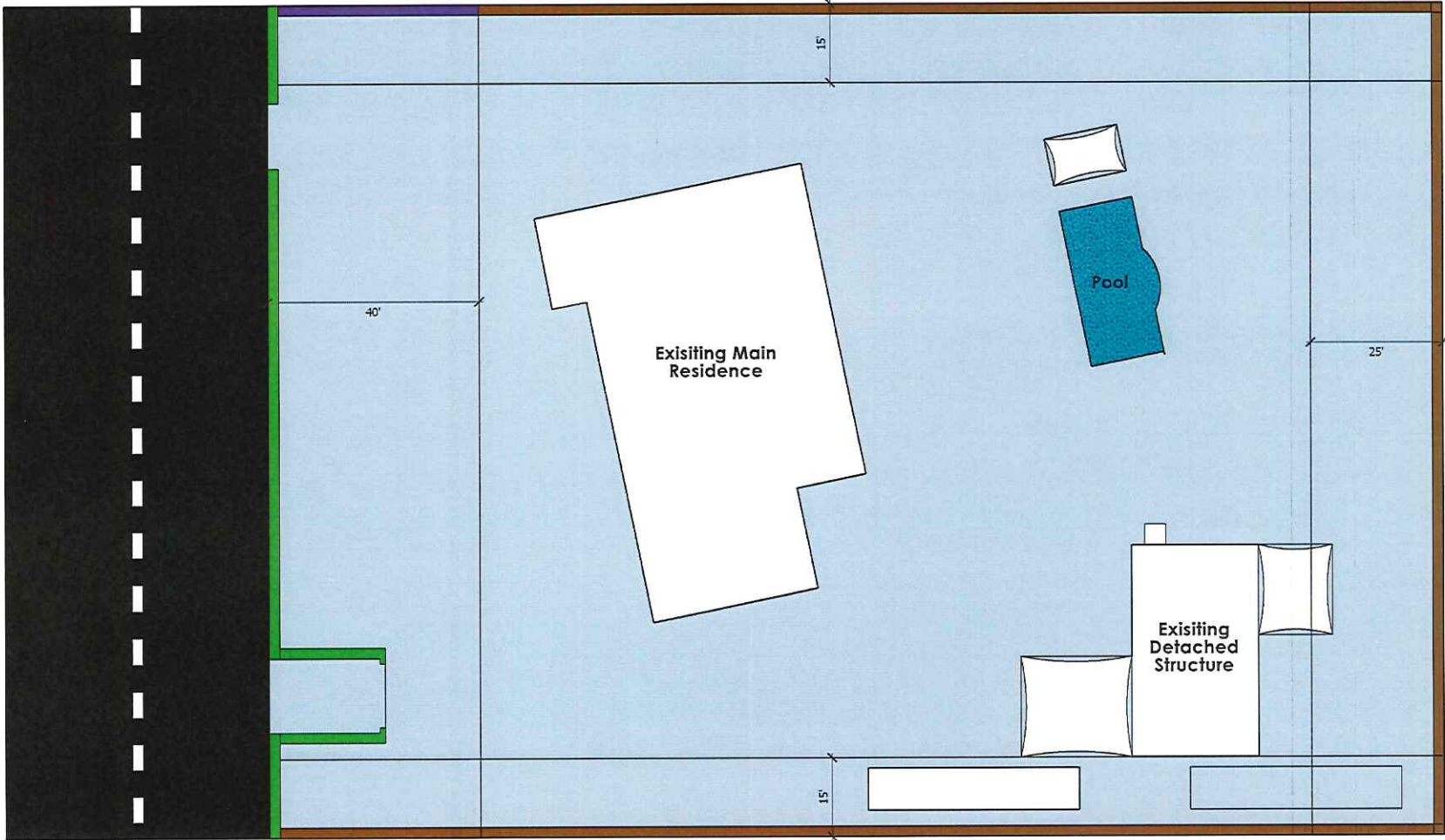


WEEKEND STREET PARKING



- New proposed 8' tall wall
- Existing 3' tall wall requesting to raise to 8' tall
- To remain the same

ATTACHMENT 7



Auxiliary Gate
(Not Used)

Existing Temple 3" Wall
(Requesting To Raise To 6')

222.50'

Garage

40' Set Back

65th PI Street

158'

Main House

158'

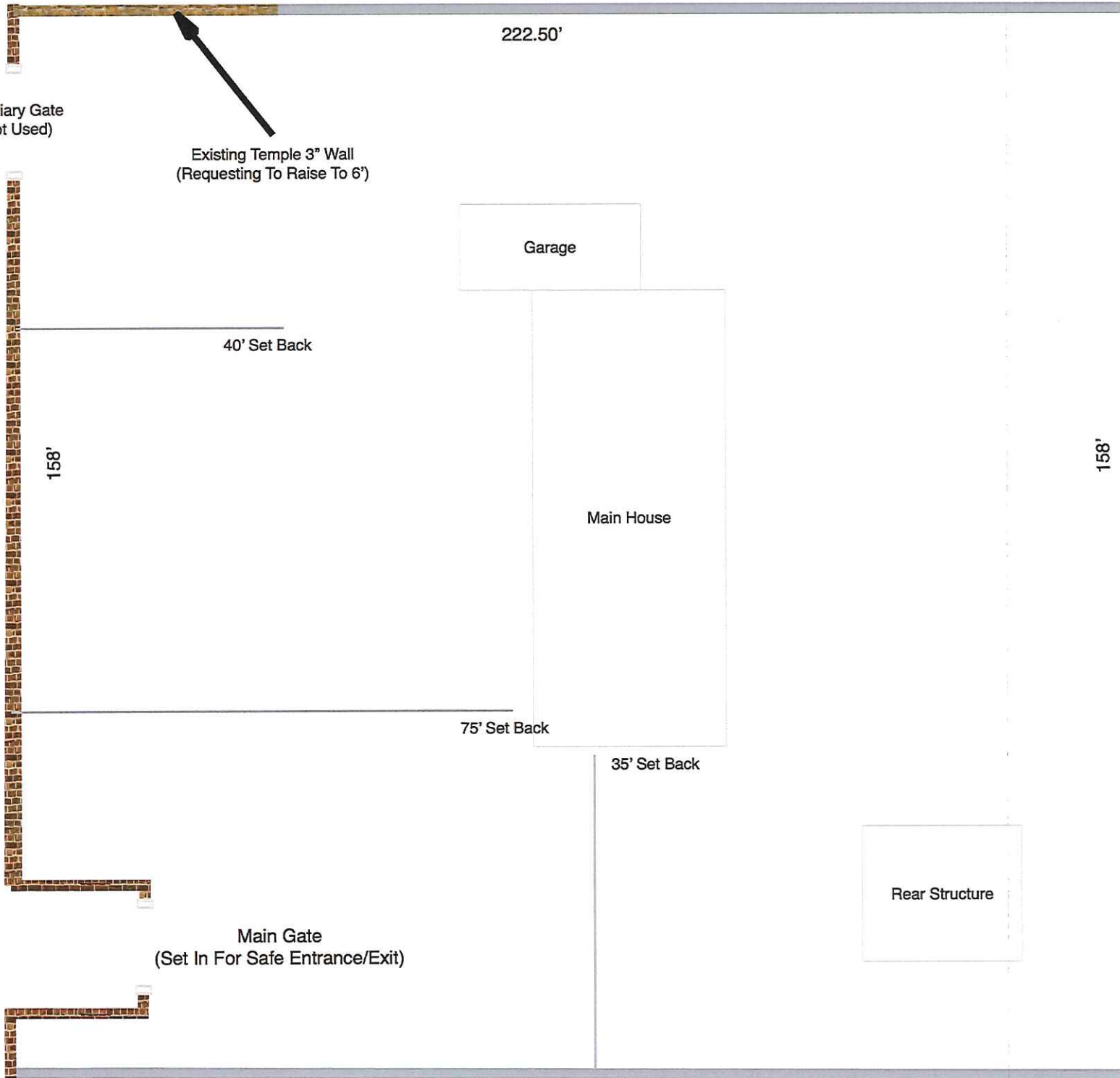
75' Set Back

35' Set Back

Rear Structure

Main Gate
(Set In For Safe Entrance/Exit)

222.50'





65TH PL

158

222.50'

175-52-021D

175-52-021D
158

308E

222.50'

Aaron Safir City Of Scottsdale Variance

12/28/19

We would like to write this letter to the City Of Scottsdale board of adjustments on behalf of Aaron Safir. As a neighbor of Aaron Safir Chaparral Christian Church has no objections with the approval of the variance to allow the Safir family to build a privacy barrier in the front of their home on the lot line. We have been neighbors of the Safir family since they purchased the property from us. We have a small street here with only 4 residential homes on 65th pl. In the past we also worked with another neighbor Peter Suarez to aid in his approval to get a variance from the Board of Adjustments to build the same wall.

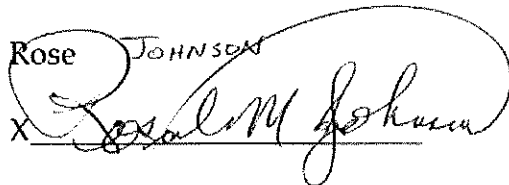
We understand it can be a busy street for the residence on 65th pl (Where the Safir family lives) with all of the traffic from our congregation. At times we block the entrance to the "south parking lot" on 64th PL to control cross traffic between 64th PL and 65th PL. Because of that there is a lot of increased traffic on 65th PL where Mr Safir & Mr Suarez live.

We sold the property where Aaron Safir now lives to his family years ago and since then we have always had a wonderful relationship with them. Our preschool which is located directly across the street from their home has a playground that has a direct line of sight to their front door where all of our children play. The street where the Safir family lives also has a lot of increased traffic when our family's come to pick up and drop off their children. The Safir family has never called to make any sort of complaint and we hope the board will allow Aaron to build his wall.

The community here is tight knit and we all support each other. If you have any questions please feel free to call our office and ask for Rose. Our office number is (480) 991-9878.

Thank you

Chaparral Christian Church Administration

Rose JOHNSON
X 



Rose Johnson
Office Manager

6451 E Shea Blvd
Scottsdale, AZ 85254
Office (480) 991-9878
Fax (480) 991-2529

rose.johnson@chaparral.org



Safir Family Residence

The Safir family has brought to our attention their plans to get approval from the city for a zero lot line set back to build a privacy wall in the front of their property located at 10421 N 65th Pl paradise valley AZ 85253 as well as raise the 3ft wall that we have constructed to 6ft on on the north side of his property. We have a great relationship with the Safir family and have known their family for many years before we decided to relocate our synagogue to 65th PL. Mr. Safir has shared with us the design of the wall and as their neighbor we have no objections to his plans moving forward. If the city wishes to grant the approval for the variance they have no objection from Congregation Beth Tefillah located at 6529 E Shea Blvd, Scottsdale, AZ 85254. I believe the approval of this variance will allow the Safir family to have added privacy to their property from the increased traffic on this street.

Our congregation has many events that we hold at our synagogue we have a very large number of members that attend each day of the week. We completely understand the need for the Safir family to build a privacy wall. The Safir family's home is located directly next to our Synagogue where we have our children's playground and event area. With all of the activity from our Synagogue there is only so much privacy that will be afforded by granting this approval however we believe that anything that the city can do for his family would be extremely helpful. With the approval of this variance we do not believe this would at all negatively effect the neighborhood in fact our congregation has invested a lot of money to bring a beautiful architectural design when we built our synagogue. We believe this wall as it will be designed the same way Peter Suarez's wall was designed will bring continuity to the neighborhood and will increase the property value to the homes on our street which is great for everyone.

I am happy to speak to any of the members on the board on behalf of Aaron Safir if it may help to aid him in this process please feel free to reach out to my office and ask for Rabbi Alush if I can be of any assistance.

Thank you for your consideration in this matter

Rabbi Alush
Congregation Beth Tefillah

X



Rabbi Pinchas Allouche
Spiritual Leader
Rabbi@BethTefillahAZ.org
+1 (480) 237-4888 Office

Congregation Beth Tefillah
6529 East Shea Boulevard
Scottsdale, Arizona 85254

BethTefillahAZ.org



City Of Scottsdale Board Of Adjustments

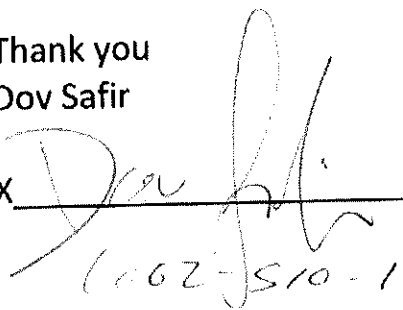
My name is Dov Safir. I am the owner of the property located at 10299 n 65th pl. I am located on the next property to the south of Aaron. I have zero objections with him building a privacy wall up to my property line. I am writing this to let the board know that I 100% support the approval of this variance that Aaron is trying to get to build a privacy barrier in the front of his home. I myself have seen how much traffic this street has now that both worship centers are open and very busy. I have spoke to all of the neighbors and everyone is behind Aaron to have his wall built. We feel that it will improve the street and make 65th pl a more private and more desirable place to live.

I would like to add that I have personally seen on many occasions people pulling into Aaron's driveway to turn around, these are not residence of the area instead they are commuters going to the places of worship.

I am happy to speak to anyone if you think it may help in the approval process to share with you my experiences regarding the increased traffic on this street.

Thank you
Dov Safir

X



1062-510-1963

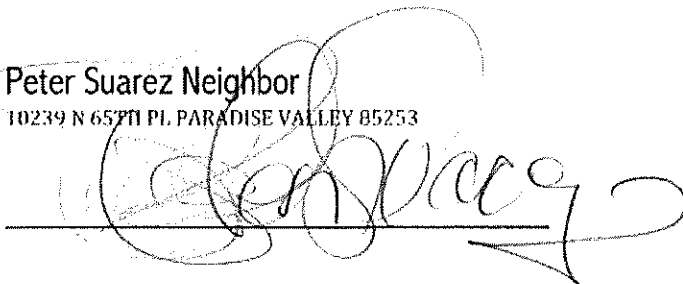
Safir Variance Project

To whom it may concern:

My name is Peter Suarez. I have a home located on 65th pl two homes down from where Aaron Safir property is located. I am writing this letter for Aaron to submit to the city when he goes for his approval to let the city know that I fully support his plan to build a zero lot line setback wall in the front of his property. I myself was granted a variance a few years ago from the board of adjustments to build the same identical wall on my property when the church that is across the street from my property grew in size which made it very difficult for our family to live in our home with all of the increased traffic. Since the approval of our variance our lives have changed. We now have the privacy from in our home that we hope Aaron can have once he is granted his approval.

Since Aaron purchased his home there has been a new development of a very large synagogue on the property next to his home. Seeing how my variance was approved years ago when only the church was on our street I cannot stress to this board how much more traffic has grown on this street. I know Aaron & his fiancé Ashley are expecting a new born. I hope this board will allow them to move forward in their plans to build their wall just as I was granted so they can live in the peace and comfort that this board allowed me and my family. If the board permits, I would love to come in person and share just how much my approval has changed my experience living at my home when Aaron goes before the board in a few months.

Peter Suarez Neighbor
10239 N 65TH PL. PARADISE VALLEY 85253

A handwritten signature in black ink, appearing to read "Peter Suarez", is written over a horizontal line. The signature is stylized and somewhat cursive.

APPROVED
6/2/04
DATE INITIALS



BOARD OF ADJUSTMENT REPORT

MEETING DATE: 6/2/2004 ITEM NO. _____ ACTION REQUESTED: Zoning Ordinance Variance

SUBJECT Suarez Residence 8-BA-2004

REQUEST Request to approve a variance from Article V, Section 5.204.G, regarding wall height on a parcel located at 10239 N 65th Place with Single Family Residential (R1-35) zoning.

OWNER/APPLICANT CONTACT Peter Suarez
602-332-5100

LOCATION 10239 N 65th Pl

CODE ENFORCEMENT ACTIVITY None.

PUBLIC COMMENT None.

ZONE R1-35 Single-family residential district – Thirty-five thousand (35,000) square feet per lot.

DEVELOPMENT CONTEXT This residence is located on a metes-and-bounds parcel, and is not located within a subdivision.

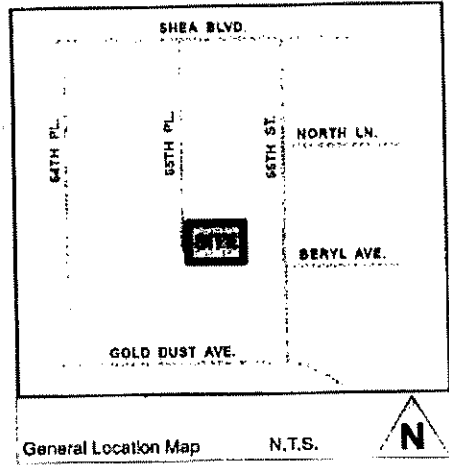
East of this site is a 2-story residence on a metes-and-bounds parcel.

South of this site is a metes-and-bounds parcel used as a horse property with horse stalls and a residence.

To the west, across 65th Place, is a church campus on a subdivided parcel. The church campus consists of a worship facility and school with one school building located 149 feet from the northwest corner of the subject site. Parking for the church is located directly across the street from the subject residential property, with one driveway on the cul-de-sac and one driveway just north of the cul-de-sac.

To the north is an unimproved metes-and-bounds parcel owned by the church.

65th Place extends south of Shea Boulevard and terminates in a cul-de-sac in front of this residence. There is an existing chain link fence on the property lines of the property located at the southeast corner of 65th Place and Shea Boulevard, that chain link fence is approximately 4 feet tall and is rusted, indicating that it has been in place for several years. Other properties in the area have hedges along their front property line.



ORDINANCE REQUIREMENTS

Article V, Section 5.204.G. requires that walls, fences and hedges shall not exceed 3-feet in height on the front property line or within the required front yard.

DISCUSSION

The applicant is requesting to place an 8-foot screen wall on the front property line and within the front yard setback of 65th Place. The applicant's narrative explains that the adjacent church activities necessitate additional screening of their front yard in order for the property owner to enjoy their property with its residential functions. An 8-foot high fence has been installed on the side and rear lot lines, and the property owner has made preparations for the 8-foot high fence to be installed in the front yard and front property line. The City issued a wall permit that allowed for installation of the 8-foot high fence on the side lot lines.

Walls, fences and hedges are permitted in the required front yard up to a maximum height of 3-feet pursuant to the Zoning Ordinance. The R1-35 zoning district requires a front yard to be provided on 65th Place having a depth measured from the right-of-way line of not less than 40-feet

FINDINGS

1. **That there are special circumstances applying to the property referred to in the application which do not apply to other properties in the District. The special circumstances must relate to the size, shape, topography, location or surroundings of the property at the above address:**

The applicant's property is isolated at the end of a cul-de-sac street that provides access to a 248 space parking lot for which access is not restricted onto 65th Place. The access to the parking lot is gated onto 64th Place, a street with residences zoned R1-35 and that face the other side of the church parking lot. Therefore more traffic occurs on 65th Place. The applicant contends that this traffic is day and night, and infringes on the residential property privacy. The proposed wall would provide privacy as well as noise abatement. There are four other R1-35 properties on the east side of 65th Place with similar circumstances.

2. **That the authorizing of the variance is necessary for the preservation of the privileges and rights enjoyed by other properties within the same zoning classification and zoning district:**

Authorizing this variance would allow this property exclusive front yard privacy and noise abatement for their front yard. In its existing condition, churchgoers and motorists have an unobstructed view to the property's house at its driveway, looking from 65th Place and from the church parking lot.

The residential properties in this district on 64th Place do not have to contend with the church traffic on a daily basis, because the access drives to the church are gated to prevent cross traffic between 64th Place and 65th Place through the church parking lot.

PROJECT NARRATIVE

We request a variance to the City Zoning Ordinance to allow an 8 foot screen wall at the front yard property line and the side yard property line within the front yard setback in order to regain privacy and to provide a buffer from the increasing traffic, noise, and light pollution from the expanding church property across the street from our driveway and front yard. The church has grown exponentially in the last few years, building a large cathedral, several new ancillary buildings, as well as a basketball court, volleyball court, and outdoor amphitheater. In the last couple of years, the church has also purchased the lot to our North, indicating further expansion in that direction. The 12+ acre Chaparral Christian Church is thriving and expanding and, although we have no quarrel with its mission, we need to protect our property value, our privacy, and the quiet enjoyment of the home we chose for our retirement. We have been full time residents in this home since 1997. At that time the church was active mostly on Sunday mornings. Now there are activities daily and many evenings, as well.

There is an 8 foot oleander hedge on our Western property line. We request the right to increase the effectiveness of visual screening and sound reduction by constructing an 8 foot high serpentine concrete masonry screen wall, incorporating the existing oleanders on both sides of the wall. This wall, by its height and geometry would lessen the impact of the neighboring institutional use. We will relocate the existing driveway from its present location at the Northwest corner of our property to the Southwest corner, away from the church's busy driveway, and away from the growing preschool drop-off point and playground area.

This would also provide a buffer from the new basketball and volleyball courts, and the amphitheater.

ATTACHMENT #1

8-BA-2004
4/23/2004

Addendum: Justification for Requested Variance

10239 N. 65th Place

1. That there are special circumstances applying to the property referred to in the application which do not apply to other properties in the District. The special circumstances must relate to the size, shape, topography, location or surroundings of the property at the above address.

The home of P&P Suarez, 10239 N. 65th Place is on a cul de sac in an R1-35 neighborhood, next to a property of 12+ acres to the west and north (Chaparral Christian Church) with large numbers of vehicles and personnel going in and out all day and night. The church parking lot is directly to the west and across from Suarez' driveway on 65th Place. It's the main traffic area serving the church's daily day-care/preschool center. It also contains the church's new outdoor amphitheater, basketball and volleyball courts with high teenage use in evenings. On some Sundays the parking lot overflows, and cars line 65th Place in front of Suarez' property and north to Shea (See pictures). Church recently acquired the lot immediately north of the Suarez property, which will eventually be developed.

Note: we are not complaining about the Church's use of its property. But we need to regain privacy that has been lost to the church's expansion. And we need insulation from the disturbances to our quiet enjoyment of our home caused by high traffic, noise from children's playground and teenage sports, and institutional lighting.

Also, a two story (to maximum height) home has been built to the east of 10239, with 2nd story windows overlooking Suarez' back yard and patio. This has caused substantial loss to Suarez' privacy.

The wall will be a noise abatement feature, most especially the west wall. It should also help to stop the loss of property value created by changes in the church's usage of its property.

8-BA-2004
4/23/2004

ATTACHMENT #3

Addendum #2: Justification for Requested Variance

10239 N. 65th Place

2. That the authorizing of the variance is necessary for the preservation of privileges and rights enjoyed by other properties within the same zoning classification and zoning district.

Substantial property development to the west and east have resulted in significant loss of privacy for the Suarez'. The Suarez property is the most directly impacted by church activities because:

- It's closest to church activities and noise, being directly across from main church traffic area and parking.
- Basketball court is across street from Suarez' front yard.
- Day-care outdoor play area is across street from Suarez driveway.
- Lot to Suarez' north has recently been purchased by church to be developed.
- It's the only non-church owned property on the cul de sac without alternative ingress and egress.

Addendum #3: Justification for Requested Variance

10239 N. 65th Place

3. That special circumstances were not created by the owner or applicant.

The Chaparral Christian Church has grown exponentially since the Suarez's bought their home in 1997.

- A huge cathedral has been built, as well as other new buildings, the parking lot has doubled in size and so, seemingly, has the congregation.
- Several outdoor features have been added, such as basketball and volleyball courts, and an amphitheater.
- The preschool facility has grown both in numbers and in noise.
- The church recently bought the lot to the north of the Suarez' property, signaling intent to grow in that direction.
- (Once again, our only quarrel here is that the huge growth of the church (good for them) has had a significant negative impact on our privacy and the quiet enjoyment of our home.

In 1997, the property to the Suarez' east was part of the horse ranch to the south. It is now the only two story house in the neighborhood. And has been built to maximum height, with windows looking down upon the Suarez' back yard and patio area.

Addendum #4: Justification for Requested Variance

10239 N. 65th Place

4. That the authorizing of the application will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or the public welfare in general.

The fence along the front will be architecturally designed, incorporating the existing 8 foot oleanders. There are already existing walls in the area.

This will make us better neighbors and will increase the value of adjacent properties.

We have talked with our neighbors. They approve our plans.

The pastor of the church offered to share the cost of the north wall.

3. That special circumstances were not created by the owner or applicant:

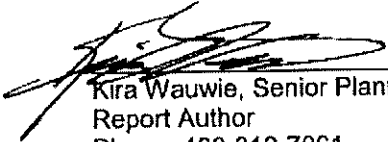
The applicant states that the church has grown after the applicant purchased the house, and that the church has a negative impact on private and quiet enjoyment of the residence.

4. That the authorizing of the application will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or the public welfare in general:

The applicant states that the wall will be architecturally designed, and intermixed with the existing oleanders that are on the front property line, and that the neighbors do not object.

Staff has concluded that the proposed wall/fence, gate, and columns walls would require a minimum 40-foot setback as required by the Zoning Ordinance.

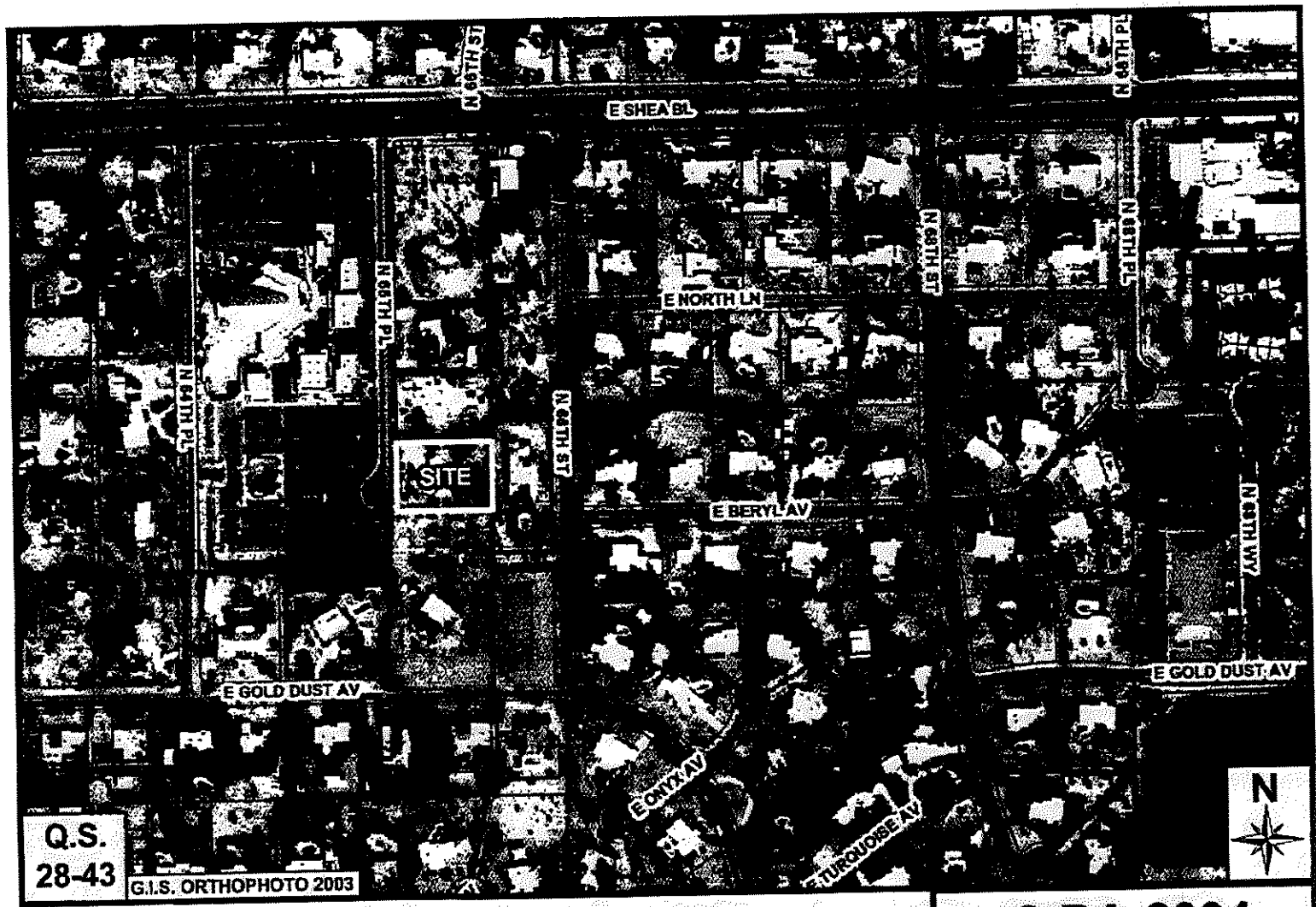
STAFF CONTACT


Kira Wauwie, Senior Planner
Report Author
Phone: 480-312-7061
E-mail: Kwauwie@ScottsdaleAZ.gov


Kurt Jones, Current Planning Director
Phone: 480-312-2524
E-mail: Kjones@ScottsdaleAZ.gov

ATTACHMENTS

1. Project Narrative
2. Background Information
3. Justification
4. Context Aerial
5. Aerial Close-up
6. Zoning Map
7. Photographs
8. Proposed Site Plan
9. Wall Detail



Suarez Residence

8-BA-2004

ATTACHMENT #4

13. North



8-BA-2004
4/23/2004

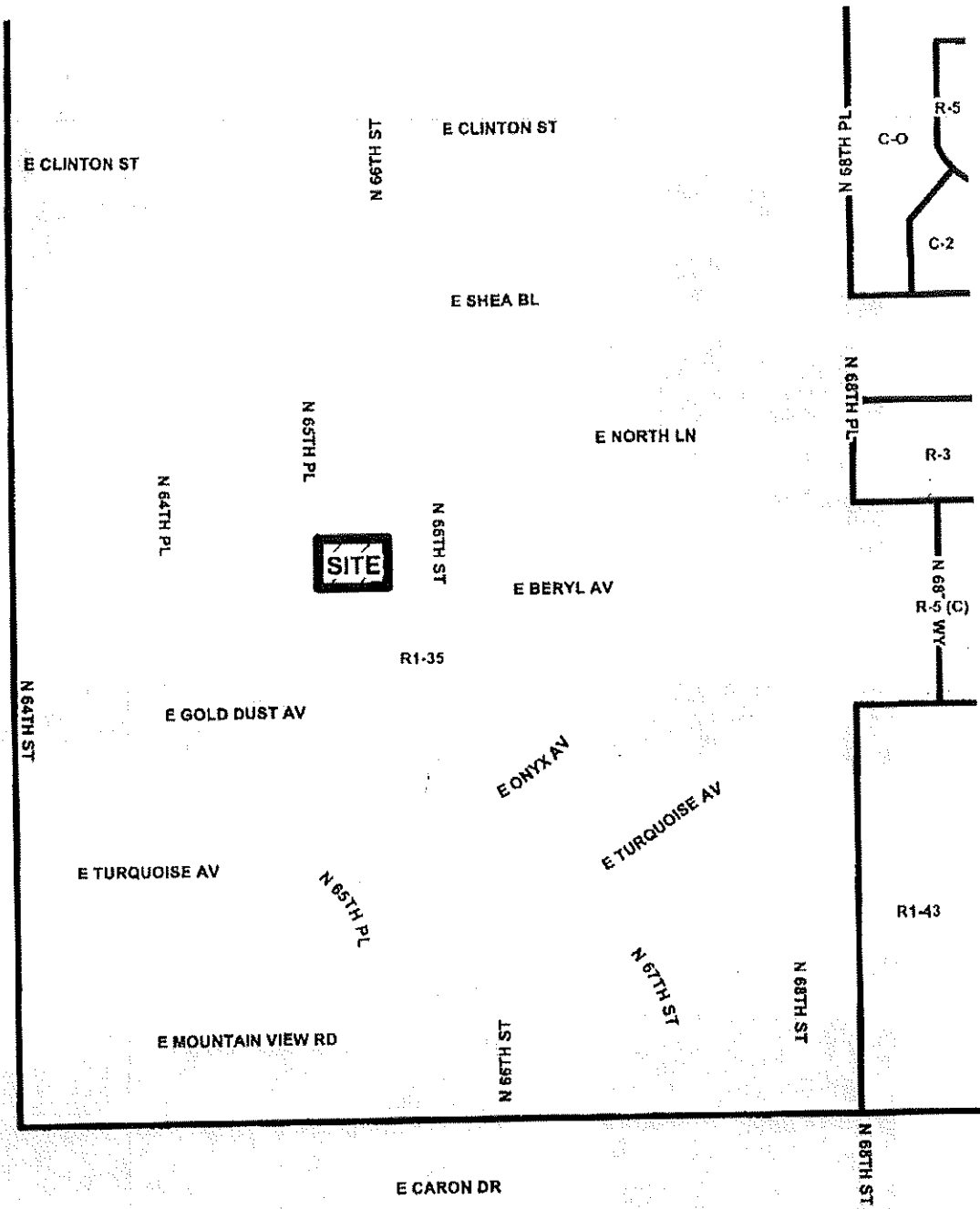
ATTACHMENT #7



Suarez Residence

8-BA-2004

ATTACHMENT #5



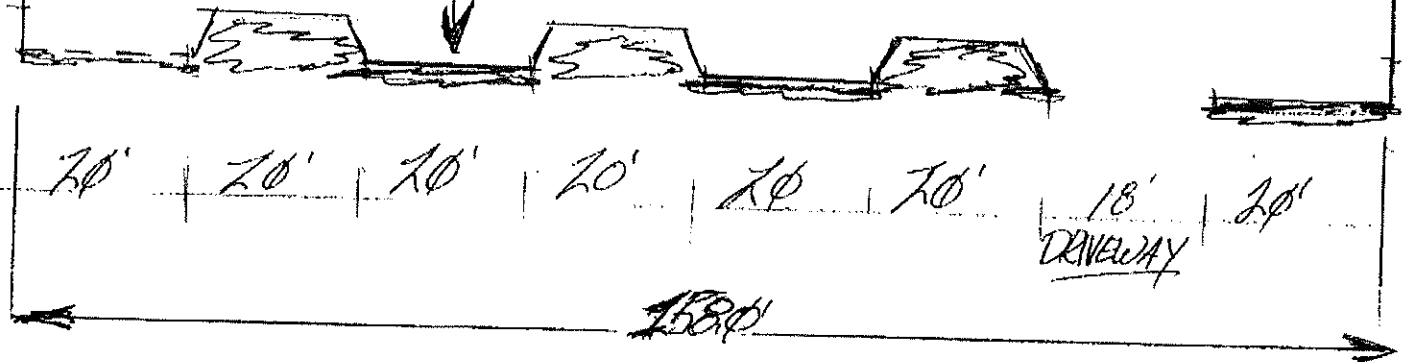
8-BA-2004

ATTACHMENT #6



WALL DETAIL

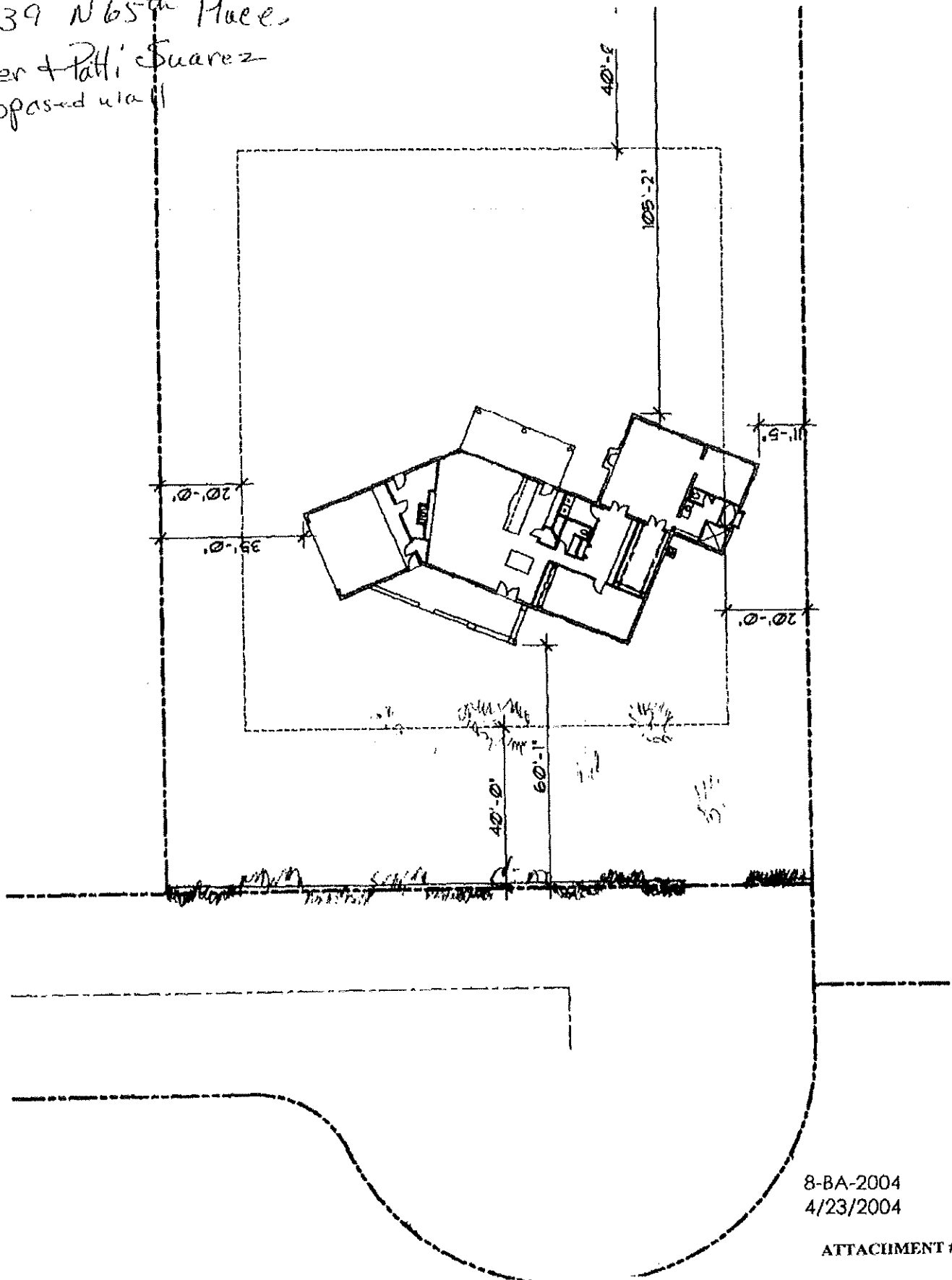
SETBACK: 40" Lot



8-BA-2004
4/23/2004

ATTACHMENT #9

10239 N 65th Place,
Peter & Patti Suarez
Proposed w/a



8-BA-2004
4/23/2004

ATTACHMENT #8