



Application

Narrative

Cash Transmittal

Development Standards

# 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 65<sup>th</sup> 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.

65<sup>th</sup> 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 1<sup>st</sup> and 2<sup>nd</sup> 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 driveway 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 64<sup>th</sup> PL to prevent cross traffic onto 65<sup>th</sup> PL. Because of that any traffic going to the south parking lot of the church must pass by Mr. Safir's house on 65<sup>th</sup> 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 65<sup>th</sup> 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.

## 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 65<sup>th</sup> 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 65<sup>th</sup> 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 64<sup>th</sup> pl to prevent cross traffic to 65<sup>th</sup> PL all of the traffic now uses 65<sup>th</sup> 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 65<sup>th</sup> 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 abetment 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 64<sup>th</sup> pl do not have to contend with the traffic of the church motorists because access to the church parking lots are gated on 64<sup>th</sup> PL to prevent cross traffic from 64<sup>th</sup> PL and 65<sup>th</sup> 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 than 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 front 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 singed 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 65<sup>th</sup> 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 65ht pl.
- a. The design of out 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.*

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. 65<sup>th</sup> 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. 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 and of the side 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. 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 than 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 65<sup>th</sup> 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 65<sup>th</sup> 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.