



Correspondence Between Staff and Applicant

Approval Letter

February 22, 2019

RE: 2-BA-2020; WINDROSE WALL VARIANCE

Dear Mr. Smailbegovic, Mr. Grant, and The Board of Adjustment,

Please accept this letter as strong opposition to the proposed 2-BA-2020 WINDROSE WALL VARIANCE at 7748 E WINDROSE DR. Granting this variance is NOT in the public interest and serves no purpose other than unjustly enhancing the applicant's use of their property and diminishing the strong esthetic standard mandated by city code of 30' setbacks in Front yard. The Applicant has behaved in an egregious manner flouting the rules established by the City of Scottsdale to protect all citizens rights and to grant this variance rewards and encourages others to follow the same wrong path.

There are several reasons this Variance is not in the best interest of the community:

- 1) The applicant is a self-proclaimed real estate professional and expert here in the Phoenix Metro area and owns his own Mortgage and Real Estate investment firm. Yet the Applicant acted in sheer disregard for the Scottsdale development process.

<https://intelligentmortgageplanning.com/dan-zufall/>

Dan Zufall is the leader of the Intelligent Mortgage Planning Team, which operates a dual market business model between Arizona and Minnesota. For the past 17 years, Dan and his team have been providing award winning service along with sound financial education for their clients looking to buy, sell, or invest in real estate. Dan is licensed to serve his clients' financing needs in Minnesota, Arizona, California, Colorado, Florida, Wisconsin, and Iowa.

Whether you're looking to buy your first home, purchase a vacation home, acquire an investment property to build wealth and create passive income, or if you simply want to refinance your current mortgage to lower your payment, consolidate debt, or make home improvements, the Intelligent Mortgage Planning Team has the expertise, and personal touch to bring it all together and make it a truly wonderful financing experience.

- 2) There is absolutely no legitimate (installing a basketball/sport court in the set-back area) reason for the fence to be extended beyond the required 30' setback. The Applicant was or should have been fully aware of the property boundaries and design prior to acquiring the property in 2017. There is nothing new which negatively impacts the Applicant's ability to enjoy his property. Only his personal desire to maximize his useable land area to his own benefit and the detriment of all other residents of the neighborhood and City of Scottsdale. Granting the variance would be a terrible precedent of allowing a Variance that does not serve the public good or seek to cure a nuisance (noise, crime, etc).
- 3) The fence is actually in excess of Six feet (6') high further violating the intent of the front yard setback rule to keep our community from appearing fortified. The Applicant could have built a 5' fence, but instead elected to maximize his personal privacy to the detriment of all other residents of the neighborhood and City of Scottsdale. There is no reason the fence should not or could not have

been located adhering to the 30' foot setback and still have extended the Applicant's yard to include the basketball/sport court.

- 4) The current noncompliant wall substantially blocks sight lines, interferes with the open feel of the neighborhood and creates a negative visual nuisance. The proposed variance serves no public good (in fact the opposite) and unjustly enhances the Applicant's property.
- 5) Regardless of the Applicants variance request, the fence was built without an approved permit, without city inspections, and likely without the required footing and reinforcing rebar required for any fence in excess of 6' (approximately 6'4").

With respect, we ask that the Board of Adjustments vote to DENY the Applicant's Variance Request. Require immediate demolition of the fence built without a permit and outside of city code. And require the replacement fence to be built according to all City of Scottsdale zoning and building requirements.

Thank you for your consideration,

Concerned Neighbors of Buenavante

Cc: Randy Grant, Executive Director Planning & Development Services
Board of Adjustment members