



Application

Narrative

Cash Transmittal

Development Standards

Submittal Date: _____

Project No.: 757 -PA- 2019

Board of Adjustment Development Application Checklist



Minimal Submittal Requirements:

At your pre-application meeting, your project coordinator will identify which items indicated on this Development Application checklist are required to be submitted. A Development Application that does not include all items indicated on this checklist may be rejected immediately and may result in additional fees. A Development Application that is received by the City is not complete until it is verified that the application meets the minimum submittal requirements to be reviewed.

In addition to the items on this checklist, to avoid delays in the review of your application, all Plans, Graphics, Reports and other additional information that is to be submitted shall be provided in accordance with the:

- The General Plan
- The Scottsdale Revised Code, including the Zoning Ordinance
- Stipulations of any Development Application approved before this application is submitted
- Scenic Corridor Design Guidelines
- Transportation Master Plan and related local plans
- The Design Standards & Policies Manual

If you have any questions regarding the information above, or items indicated on this application checklist, please contact your project coordinator. His/her contact information is on the page 4 of this application.

Prior to application submittal, please research original zoning case history to find the original adopted ordinance(s) and exhibit(s) to confirm the zoning for the property. This will help to define your application accurately. The City's full-service Records Department can assist.

Digital Submittal:

For applications submitted digitally, please follow the plan and document submittal requirements below. All files shall be uploaded in PDF format. Provide one (1) full-size copy of each required plan document file. Application forms and other written documents or reports should be formatted to 8.5 x 11. A digital submittal Key Code is required to upload your documents and will be provided by your coordinator.

Key Code: 34033 34D33

Submit digitally at: <https://eservices.scottsdaleaz.gov/bldgresources/Cases/DigitalMenu>

PART I -- GENERAL REQUIREMENTS

Req'd	Rec'd	Description of Documents Required for Complete Application. No application shall be accepted without all items marked below.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	1. Board of Adjustment Checklist (this list)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	2. Application Fee \$ <u>170.00</u> (subject to change every July)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	3. Completed Development Application Form (form provided) <input checked="" type="checkbox"/> Variance <input type="checkbox"/> Appeal
<input checked="" type="checkbox"/>	<input type="checkbox"/>	4. Letter of Authorization (from property owner(s) if property owner did not sign the application form)

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Board of Adjustment Application Checklist

X

X

<input checked="" type="checkbox"/>	<input type="checkbox"/>	5. Affidavit of Authorization to Act for Property Owner (required if the property owner is a corporation, trust, partnership, etc. and/or the property owner(s) will be represented by an applicant that will act on behalf of the property owner. (form provided)
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	6. Request for Site Visits and/or Inspections Form (form provided)
<input type="checkbox"/>	<input type="checkbox"/>	7. Addressing Requirements and Addressing Request Application
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	8. Public Participation Step 1: Complete Neighborhood Notification Notify surrounding property owners & HOAs of the project request and description Step 2: City will post public hearing sign and provide other public notification including: <ul style="list-style-type: none"> Mailing out postcards to property owners within 750 feet Publishing legal ad in newspaper Posting case information on the City website Posting on social media Sending to email subscribers
<input type="checkbox"/>	<input type="checkbox"/>	9. Homeowners/Property Owners Association Approval (if applicable).
<input checked="" type="checkbox"/>	<input type="checkbox"/>	10. Existing Conditions Photo Exhibit: Printed digital photos on 8-1/2"x11" Paper (example provided) <ul style="list-style-type: none"> 8-1/2" x 11" - ① copy of the set of prints See attached <u>Existing Conditions Photo Exhibit</u> graphic showing required photograph locations and numbers.

PART II -- REQUIRED NARRATIVE, PLANS & RELATED DATA

Req'd	Rec'd	Description of Documents Required for Complete Application. No application shall be accepted without all items marked below.
<input type="checkbox"/>	<input type="checkbox"/>	11. Plan & Report Requirements For Development Applications Checklist (form provided)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	12. Application Narrative 8 1/2" x 11" - ④ copies
<input checked="" type="checkbox"/>	<input type="checkbox"/>	13. Context Aerial with the proposed site improvements superimposed <ul style="list-style-type: none"> 24" x 36" - ② color copies, <u>folded</u> 11" x 17" - ① color copy, <u>folded</u> 8 1/2" x 11" - ① color copies (quality suitable for reproduction) <p>Aerial shall not be more than 1 year old and shall include and overlay of the site plan showing lot lines, tracts, easements, street locations/names and surrounding zoning for a radius from the site of:</p> <ul style="list-style-type: none"> <input type="checkbox"/> 750 foot radius from site <input type="checkbox"/> 1/4 mile radius from site <input type="checkbox"/> Other: _____

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Board of Adjustment Application Checklist

<input type="checkbox"/>	<input checked="" type="checkbox"/>	14. Site Plan <ul style="list-style-type: none"> 24" x 36" – ④ copies, <u>folded</u> 11" x 17" – ① copy, <u>folded</u> (quality suitable for reproduction) 8 ½" x 11" – ① copy (quality suitable for reproduction) Digital - ① copy (CD/DVD, PDF format)
<input type="checkbox"/>	<input type="checkbox"/>	15. Elevations <ul style="list-style-type: none"> 24" x 36" – ② copies, <u>folded</u> black and white line drawing (a grayscale copy of the color elevations will not be accepted.) 11" x 17" – ① copy, <u>folded</u> black and white line drawing (quality suitable for reproduction) 8 ½" x 11" – ① copy black and white line drawing (quality suitable for reproduction) Digital - ① copy (CD/DVD, PDF format)
<input type="checkbox"/>	<input type="checkbox"/>	16. Floor Plans <ul style="list-style-type: none"> 24" x 36" – ② copies, <u>folded</u> black and white line drawing 11" x 17" – ① copy, <u>folded</u> black and white line drawing (quality suitable for reproduction) 8 ½" x 11" – ① copy black and white line drawing (quality suitable for reproduction) Digital - ① copy (CD/DVD, PDF format)
<input type="checkbox"/>	<input type="checkbox"/>	17. Other: <hr/> <hr/> <hr/>

PART III – SUBMITTAL OF THE DEVELOPMENT APPLICATION

Req'd	Rec'd	Description of Documents Required for Complete Application. No application shall be accepted without all items marked below.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	18. An appointment must be scheduled to submit this application. To schedule your submittal meeting please call 480-312-7767. Request a submittal meeting with a Planning Specialist and provide your case pre-app number: _____-PA-_____.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	19. Submit all items indicated on this checklist pursuant to the Submittal Instructions provided.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	20. Submit all additional items that are required pursuant to the stipulations of any other Development Application that this application is reliant upon
<input type="checkbox"/>	<input type="checkbox"/>	21. Other: <hr/> <hr/>

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Board of Adjustment Application Checklist



22. If you have any questions regarding this application checklist, please contact your Project Coordinator.

Coordinator Name (print): Desirae Mayo Phone Number: 480-312-7620

Coordinator email: DMayo@scottsdaleaz.gov Date: _____

Coordinator Signature: _____

If the Project Coordinator is no-longer available, please contact the Current Planning Director at the phone number in the footer of this page if you have any question regarding this application checklist.

This application needs a: ☐ New Project Number, or

☐ A New Phase to an old Project Number: _____

Required Notice

Pursuant to A.R.S. §9-836, an applicant/agent may request a clarification from the City regarding an interpretation or application of a statute, ordinance, code or authorized substantive policy, or policy statement. Requests to clarify an interpretation or application of a statute, ordinance, code, policy statement administered by the Planning and Development Services, including a request for an interpretation of the Zoning Ordinance, shall be submitted in writing to the One Stop Shop to the attention of the Planning and Development Services Director. All such requests must be submitted in accordance with the A.R.S. §9-839 and the City's applicable administrative policies available at the Planning and Development Services' One Stop Shop, or from the city's website: <http://www.scottsdaleaz.gov/planning-development/forms>

Planning and Development Services
One Stop Shop
Planning and Development Services Director
7447 E. Indian School Rd, Suite 105
Scottsdale, AZ 85251
Phone: (480) 312-7000

Planning and Development Services

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Catherine Garcia
8637 E. Starlight Way
Scottsdale, AZ. 85250
480-228-1465

I am asking for a setback variance to allow me to keep the wall in the front of my house and between the house on the East side that I will refer to as the "Court Yard block wall" fence up. This 6' block wall fence was installed / erected around 1991. My neighbor to the East of me was installing a fence between our houses, I split the cost with her, and I went ahead and had the fence extended across the front of the yard. See Photos and Site Map.

In March of 2018, the neighbor to the west of me accused me of having an illegal fence (block wall) between our house (west side of house). This wall was installed in 2007, I obtained a permit, however, the contractor did not have the permit finalized, therefore, the fence records showed no permit. I was able to hire a Structural Engineer to come out and assess the wall, I then took his findings to the Scottsdale Planning office. They approved me to get a permit for the West wall, so now the west wall is good with all paperwork. The neighbor wasn't happy that I was able to remedy the situation and he continued to file one thing after another with the Code Enforcement team. Turns out the neighbor wanted me to take the wall down so he can have the back yard dug up to install a swimming pool. He accused me of having the wall put up on his property. In 2006 I hired a professional surveyor to survey my property and identify the property line. Based on the findings of the surveyor the property has been marked the wall was put up on my property line.

In August of 2018, the same neighbor filed a complaint against me for the courtyard wall on the east side of my house. Evidently there was no permit obtained when the wall was put up in 2001 by my neighbor. I had recently moved to Arizona from Colorado and didn't know the requirement for a permit. Fast forward to now, I went ahead and hired a Structural Engineer to inspect the fence and identify if it was put up safely, etc. He did come out and make an assessment. (see attached).

During the investigation of the Court yard fence – I was told the fence is 11" to close to the property line – it should be 3 feet and it is 2' 1". There is clear access to the water meter, and I have had zero complaints from the water meter person since the wall went up in 2001. I have attached a copy of the survey for reference.

I am asking for a setback variance for the Courtyard wall as it is 11 inches too close to the property line. When the wall was put up the contractor measured from the sidewalk and not the property line. The survey was completed in 2006, otherwise, we would have known the property line. In all the years that I have lived in the house I have never had a complaint from any of the neighbors or the city employees (Water department). The wall does not alter the essential character of the neighborhood. In fact, I often get compliments on the cactus garden in front of the wall and the decorations that I have put on the wall. I have attached photos of the wall for your reference.

If I am not granted a variance, I will have to take the 6' wall down, I had a water line installed with a faucet several years ago, so I will have to pay to move the water line. I would need to take the wall down to 3' and then construct another 6' wall 11" behind the original wall if not granted a variance. I have dogs and they love to play in the front part of the yard. I also have a Lemon tree and would most likely have to move it because 1 foot less of the front yard will really make a difference. I live alone and need the front wall for my dogs but it also secures my premises.

Board of Adjustment – Zoning Variance Project Narrative

- 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.**

The houses were constructed in Park Scottsdale in 1962 at that time traffic was minimal and was a new development, crime was most likely not a huge factor and people were more open at that time. These statistics have changed quite a bit in the last 59 years and there are many more crimes in residential areas than ever before. The wall provides privacy and security, without the wall I will no longer feel safe or comfortable to garden or enjoy the front yard area or leave my dogs out

- 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.**

There are other properties that have courtyard fences, I have included photos from properties in the neighborhood.

The courtyard wall has allowed me to utilize the front part of the property, I am able to plant a garden and the wall allows me to let my dogs to be out in the front part of the yard without being able to get out onto the busy street. I am a Senior Citizen female who lives alone and am able to enjoy my front yard in privacy and without worry.

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

The backyard of the property has a swimming pool that utilizes most of the yard, there is not too much extra space for my dogs to run around and enjoy the yard. The swimming pool was installed when the house was built in 1962, the yard design was ok based on the kind of traffic and population at that time. The population has increased from the 60's to now, the traffic is much heavier and there is much more crime in the area than ever before. I have included Crime statistics from the City of Scottsdale website.

There is also many reports of coyotes in the area due to houses being built in the area and taking away their natural habitat.

There are also registered sex offenders in this neighborhood which is not self-imposed or created by me.

None of these items were created by me the owner.

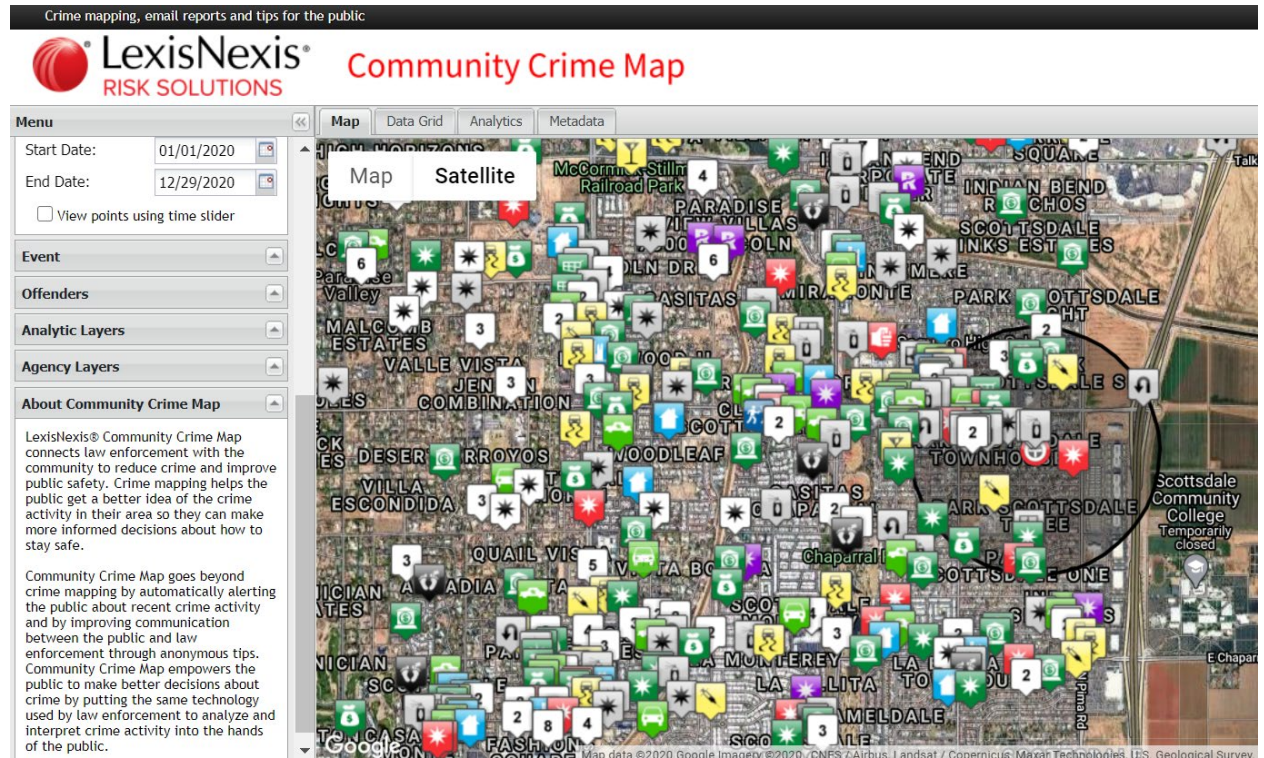
- 4. That authorization of the variance will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general.**

This wall has been up for almost 30 years, I have never had a neighbor complain about the wall, the original neighbor who had the wall constructed on the East side of the property moved several years ago and the new owners do not have an issue with the wall. I have had many people stop by throughout the years to compliment the cactus garden and the wall.

Photos have been provided.

Crime information:

LexisNexis information was provided by City of Scottsdale Crime Statistics – the circled area reflects crimes within .5 miles around my property, the date range is from January 1st 2020 to December 29th 2020. The Crime Analysis Unit provides statistical information in 3 different areas: Administrative, Strategic and Tactical.



South Scottsdale, Scottsdale, AZ Crime

♥ Follow

Overview

Livability

Real Estate

Rentals

Demographics

Neighborhoods

Livability
74

A+

D

C-

B-

D

F

A-

Livability

Amenities

Cost of Living

Crime

Employment

Housing

Schools

User Ratings

RATING
C-Total crime
37% ↑ NAT.
AVG.Violent crime
25% ↓ NAT.
AVG.Property crime
49% ↑ NAT.
AVG.

Find Homes



Find Rentals

Date & Last Updated: This data reflects the 2019 calendar year and was released from the FBI in September, 2020; this is the most current data available.

Statistic	South Scottsdale /100k people	Scottsdale /100k people	Arizona /100k people	National /100k people
Total crime	3,421 (estimate)	2,117	2,896	2,489
Murder	n/a	1.2	5.0	5.0
Rape	n/a	52.2	50.3	42.6
Robbery	n/a	42.2	88.1	81.6
Assault	n/a	63.7	311.9	250.2
Violent crime	283 (estimate)	159	455	379
Burglary	n/a	254.2	394.3	340.5
Theft	n/a	1,602.1	1,796.9	1,549.5
Vehicle theft	n/a	101.4	249.4	219.9
Property crime	3,138 (estimate)	1,958	2,441	2,110

Crime data for this area is not available from the FBI, so estimates are used based on demographic data including, but not limited to: home prices, income per capita and population density

Catherine Garcia
8637 E. Starlight Way
Scottsdale, AZ. 85250
480-228-1465

Please consider my request for a setback variance. I will still get a permit, with the Engineering records and a permit, the inspector will process and approve the permit.

Please advise if you have any questions.

Thank you for your consideration.

Respectfully submitted,

Catherine Garcia

Attachments

Variance Request for Wall height & front yard Setback

Case Number: 17-BA-2020

Case Name: Garcia Variance Approval Request

My name is Catherine Garcia, I reside at 8637 E. Starlight Way, Scottsdale, AZ. 85250. I am requesting a variance for wall height and front yard setback. I moved into the house in May of 1989 as a renter and purchased the home in June of 1990, I am a single Senior Citizen woman who lives alone. The wall was built in 1991 and organized by my neighbor to the east of me at that time, Joyce Redner. She wanted to put a 6-foot wall up between our properties and because the wall was on the property line, she needed my permission. Once the contractor came out and discussed the process, I asked about adding a wall facing North, I was told it had to be 3 feet behind the sidewalk, so I had the "Courtyard wall" constructed at that time. I had an RV gate added as well so I can park a vehicle on the property or utilize for moving large object into or out of the property. Since the wall construction was organized by my neighbor I did not get involved with the paperwork, only to sign a document agreeing for the wall to be put up on the property line, I simply paid her for half of the cost of the wall between our properties.

The wall was constructed, and I proceeded to plant cactus on the North side of the wall as I was advised it would be a great deterrent for anyone trying to get onto the property and cactus required very little care and water. In the 29 – 30 years that this wall has been there I have received many compliments on the cactus garden and the wall, I have never received any negative feedback from neighbors around me.

In 2006 I hired a professional surveying company to survey my property to identify my property lines. In 2007 I hired a contractor to build a fence between my property and the property to the west side of me. I obtained a permit and the contractor put up the wall, etc. There had not been any issues with the wall until 2017. I had a new neighbor move into the house on the west side of my property in 2016. In 2018, the neighbor accused me of having the wall put up 2 feet on his property. In March of 2018, I received a notification from the Scottsdale Code Enforcement that the wall on the west side of the property did not have a permit. After further investigation I identified that although a permit had been obtained there was not a final inspection performed by the city of Scottsdale. In working with the various departments, planning, permitting, etc. I was able to hire a professional certified structural engineer, who performed a Site Wall Investigation. The engineer utilized a HR Rebar locator to identify the vertical reinforcing rebar in all pilasters, he verified that the wall was put up to code. I also had the footing area dug up to allow the inspector to inspect the footings. I re-applied for a permit based on direction from the planning department, with the Inspectors and the Engineering report, I was able to have the wall permitted (permit #247996) and is now legal.

In September of 2018 I received a new Code Enforcement violation on the Courtyard wall, the neighbor to the west of me filed a report against me on the Courtyard wall for no permit. There was no reason for the neighbor to file anything with the City of Scottsdale as the Courtyard wall is east of the driveway and isn't even close to the neighbor on the west. He was simply harassing me as he has done since he moved in. I again went to the planning department and asked if I could do the same thing that I had done with the west wall, hire a certified Structural Engineer and have the wall evaluated, dig up the footers for inspection and obtain a permit. While getting the paperwork completed it was identified

that the wall was 11 inches outside of the permitted setback. When the contractor who put the wall up measured, they started at the edge of the sidewalk instead of a foot back. I once again hired and paid the Engineer \$600 who did the Site Wall investigation (see attached), I applied and paid \$170.22 for a permit. I obtained the permit, however, after further discussion with the planning team was advised that I needed to take care of the setback issue first. I was also advised that I could apply for a Variance request and until the variance request is handled, I couldn't move forward with the fence permit. The engineer states that the wall construction meets the requirements of the International building Code, no signs of distress in the wall was detected and the wall will continue to perform as required.

This variance request is to obtain a variance on the 11" required on the front yard setback to allow me to keep the 6' fence in the current location. If this variance is not approved, I will be required to take the wall down to 3', I will no longer be able to allow the dogs to play out in the front yard and will no longer be able to enjoy the privacy the wall provides me in the front courtyard. In the springtime I always plant a garden and do not worry about anything because I feel secure with the wall.

If the variance is approved, I can move forward with the permit request, utilize the Engineering Site Wall Investigation and obtain the permit for the wall and the wall would then be legal. I will be able to enjoy the property and the security the fence provides me and my dogs.

Side note on neighbor to the west of me, he has filed various things against me with Code enforcement, many have been false complaints, he went on to file an Injunction against harassment against me in 2018, I disputed the filing and it was dismissed in October of 2018. I just want to live peacefully on my property and have done so for the last 30+ years. This wall helps with my privacy and safety.

Thank you for your consideration with this request, I have lived in Scottsdale since I moved here in 1989 and want to follow the rules as stated. I have paid all property taxes and am a law abiding citizen.

Kind Regards –

Catherine Garcia

Development Application



Development Application Type:

Please check the appropriate box of the Type(s) of Application(s) you are requesting

Zoning	Development Review	Signs
<input type="checkbox"/> Text Amendment (TA)	<input type="checkbox"/> Development Review (Major) (DR)	<input type="checkbox"/> Master Sign Program (MS)
<input type="checkbox"/> Rezoning (ZN)	<input type="checkbox"/> Development Review (Minor) (SA)	<input type="checkbox"/> Community Sign District (MS)
<input type="checkbox"/> In-fill Incentive (II)	<input type="checkbox"/> Wash Modification (WM)	Other
<input type="checkbox"/> Conditional Use Permit (UP)	<input type="checkbox"/> Historic Property (HP)	<input type="checkbox"/> Annexation/De-annexation (AN)
Exemptions to the Zoning Ordinance	Land Divisions (PP)	<input type="checkbox"/> General Plan Amendment (GP)
<input type="checkbox"/> Hardship Exemption (HE)	<input type="checkbox"/> Subdivisions	<input type="checkbox"/> In-Lieu Parking (IP)
<input type="checkbox"/> Special Exception (SX)	<input type="checkbox"/> Condominium Conversion	<input type="checkbox"/> Abandonment (AB)
<input checked="" type="checkbox"/> Variance (BA)	<input type="checkbox"/> Perimeter Exceptions	<input type="checkbox"/> Other Application Type Not Listed
<input type="checkbox"/> Minor Amendment (MA)	<input type="checkbox"/> Plat Correction/Revision	<input type="checkbox"/>

Project Name: Catherine Garcia

Property's Address: 8637 E Starlight Way, Scottsdale 85250

Property's Current Zoning District Designation:

The property owner shall designate an agent/applicant for the Development Application. This person shall be the owner's contact for the City regarding this Development Application. The agent/applicant shall be responsible for communicating all City information to the owner and the owner application team.

Owner: Catherine Garcia	Agent/Applicant:
Company:	Company:
Address: 8637 E Starlight Way	Address:
Phone: 480 228 1465 Fax:	Phone: Fax:
E-mail: c122gar@yahoo.com	E-mail:
Designer:	Engineer:
Company:	Company:
Address:	Address:
Phone: Fax:	Phone: Fax:
E-mail:	E-mail:

Please indicate in the checkbox below the requested review methodology (please see the descriptions on page 2).

- This is not required for the following Development Application types: AN, AB, BA, II, GP, TA, PE and ZN. These applications¹ will be reviewed in a format similar to the Enhanced Application Review methodology.

<input checked="" type="checkbox"/> Enhanced Application Review:	I hereby authorize the City of Scottsdale to review this application utilizing the Enhanced Application Review methodology.
<input type="checkbox"/> Standard Application Review:	I hereby authorize the City of Scottsdale to review this application utilizing the Standard Application Review methodology.

Catherine Garcia
Owner Signature

Agent/Applicant Signature

Official Use Only

Submittal Date:

Development Application No.:

Planning and Development Services

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Request for Site Visits and/or Inspections

Development Application (Case Submittals)



This request concerns all property identified in the development application.

Pre-application No: 757-PA-2019

Project Name: Catherine Garcia Variance Request

Project Address: 8637 E Starlight Way

STATEMENT OF AUTHORITY:

1. I am the owner of the property, or I am the duly and lawfully appointed agent of the property and have the authority from the owner to sign this request on the owner's behalf. If the land has more than one owner, then I am the agent for all owners, and the word "owner" refer to them all.
2. I have the authority from the owner to act for the owner before the City of Scottsdale regarding any and all development application regulatory or related matter of every description involving all property identified in the development application.

STATEMENT OF REQUEST FOR SITE VISITS AND/OR INSPECTIONS

1. I hereby request that the City of Scottsdale's staff conduct site visits and/or inspections of the property identified in the development application in order to efficiently process the application.
2. I understand that even though I have requested the City of Scottsdale's staff conduct site visits and/or inspections, city staff may determine that a site visit and/or an inspection is not necessary, and may opt not to perform the site visit and/or an inspection.

Property owner/Property owner's agent: _____

Catherine Garcia

Print Name

Catherine Garcia

Signature

City Use Only:

Submittal Date: _____ Case number: _____

Planning and Development Services

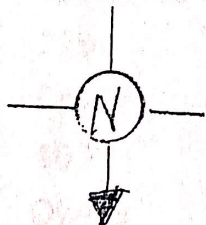
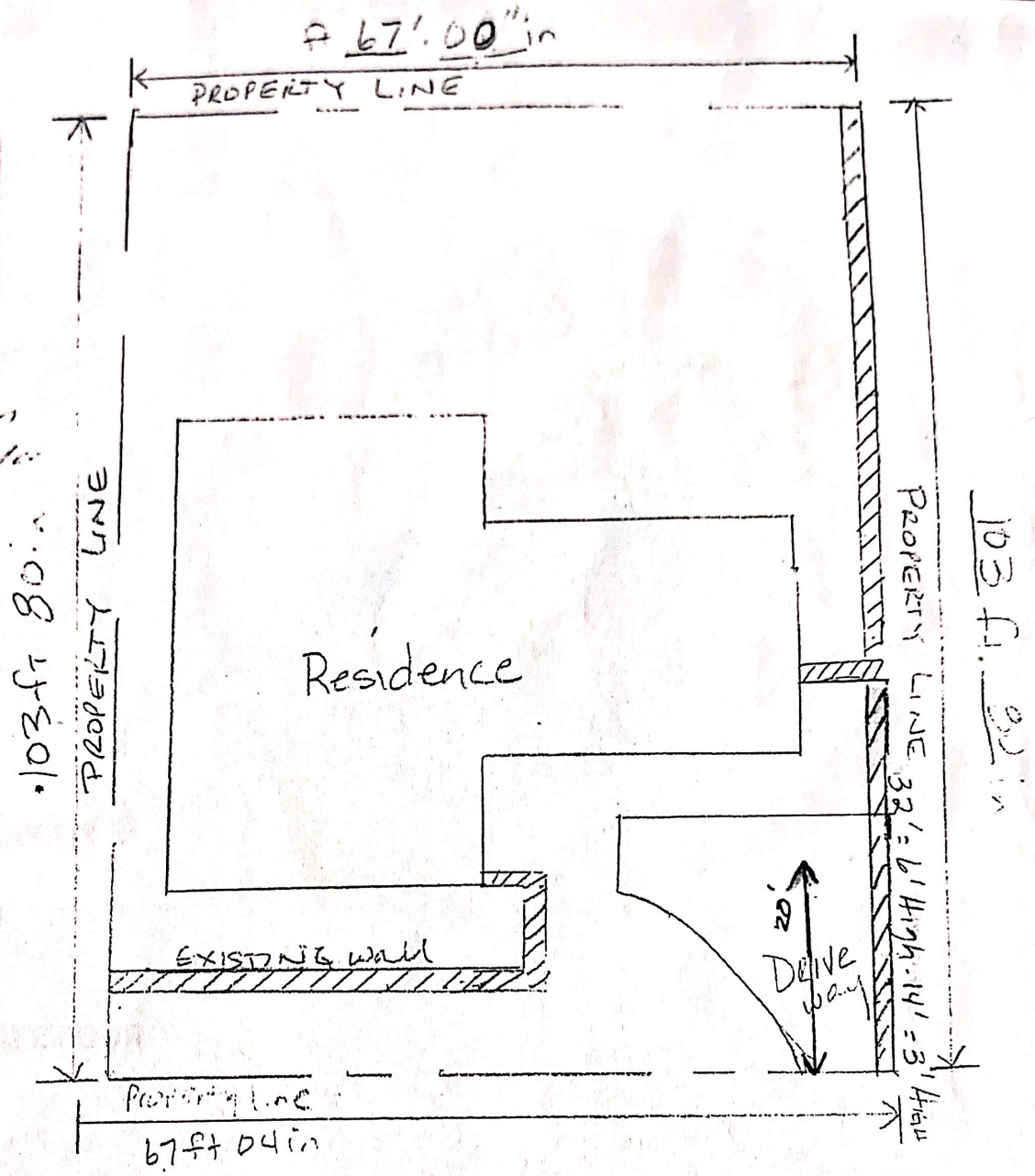
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62111

H. H. H. H.

6207

6 is Black with is
2nd time getting for
C. 17 Details
317 Black to
top line.



VIIII - Proposed new fence
6' High to 20 feet or
property line - then
3 feet high to

Project #

757-PA-2019

8637 E Starlight Way
Scottsdale AZ 85250

① - North facing wall
including Gate Requesting
Variance

② wall to Remain

