

January 22, 2025

Wyndham Clark
Property Owner
8539 E Desert Cove Ave
Scottsdale, AZ 85260

City of Scottsdale
Planning and Development
7447 E Indian School Road
Scottsdale, AZ

Subject: Authorization Letter

Project No. 1036-PA-2024, C9570

Dear City of Scottsdale,

I, Wyndham Clark, hereby authorize Jason Macgregor and Dan Yonker to act on my behalf for the variance process and case No. 1036-PA-2024. This authorization includes the right to collect documents, make decisions, sign papers and file this case.

This authorization is valid as of January 23, 2025 through the end of this filing, unless otherwise revoked in writing.

Please contact me for any verification or further clarification. Thank you for your understanding and cooperation.

Sincerely,


[Wyndham Clark \(Jan 28, 2025 05:54 PST\)](#)

Wyndham Clark

Board of Adjustment Development Application Checklist



Digital Submittal:

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. Files should be uploaded **individually** and in **order** of how they are listed on this checklist.

Project No.: _____-PA-_____ Key Code: _____

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

Minimum 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 deemed incomplete until all items have been submitted. A Development Application is not complete until it is verified that the application meets the minimum submittal requirements for review and the application fee has been processed.

In addition to the items on this checklist and 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; and
- The Scottsdale Revised Code, including the Zoning Ordinance; and
- Stipulations of any Development Application approved before this application is submitted; and
- Scenic Corridor Design Guidelines; and
- Transportation Master Plan and related local plans; and
- 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.

Name: _____ Phone Number: 480-312-_____ Coordinator e-mail: _____@scottsdaleaz.gov

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. Visit the city's Planning & Development Services Records Department for assistance: <https://www.scottsdaleaz.gov/planning-development/records>.

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"/>		1. Board of Adjustment Checklist (this list)
<input checked="" type="checkbox"/>		2. Application Fee \$_____ (subject to change every July)
<input checked="" type="checkbox"/>		3. Completed Development Application Form (form provided) <ul style="list-style-type: none">• The applicant/agent shall select a review methodology on the application form (Enhanced Application Review or Standard Application Review).• If a review methodology is not selected, the application will be reviewed under the Standard Application Review methodology. Variance Appeal
		4. Request to Submit Concurrent Development Applications (form provided)
<input checked="" type="checkbox"/>		5. Letter of Authorization (from property owner(s) if property owner did not sign the application form)

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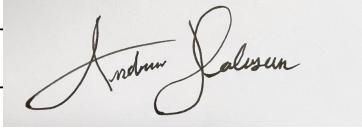
Board of Adjustment Development Application Checklist

<input checked="" type="checkbox"/>		6. 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"/>		7. Request for Site Visits and/or Inspections Form (form provided)
		8. Addressing Requirements and Addressing Request Application
<input checked="" type="checkbox"/>		9. 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 e-mail subscribers
		9. Homeowners/Property Owners Association Approval (if applicable).
<input checked="" type="checkbox"/>		10. Existing Conditions Photo Exhibit: (example provided) <u>See attached 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. All Plans, Building Elevations, Perspectives, and Details shall be black-line drawings of suitable quality for reproduction and without gray-tones or shading, except as otherwise noted. No application shall be accepted without all items marked below.
		11. Plan & Report Requirements For Development Applications Checklist (form provided)
<input checked="" type="checkbox"/>		12. Application Narrative
<input checked="" type="checkbox"/>		13. Justification for Variance
<input checked="" type="checkbox"/>		14. Context Aerial with the proposed site improvements superimposed 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: 750 foot radius from site 1/4 mile radius from site Other: _____
		15. Site Plan
		16. Elevations
		17. Floor Plans
		18. Other: _____ _____ _____ _____ _____ _____

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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"/>		19. Notify your coordinator by email after you have completed your submittal.
<input checked="" type="checkbox"/>		20. Submit all items indicated on this checklist pursuant to the submittal requirements.
<input checked="" type="checkbox"/>		21. Submit all additional items that are required pursuant to the stipulations of any other Development Application upon which this application is reliant.
		22. Other: _____ _____ _____
		<p>23. If you have any questions regarding this application checklist, please contact your Project Coordinator.</p> <p>Coordinator Name (print): _____ Phone Number: 480-312- _____</p> <p>Coordinator e-mail: _____@scottsdaleaz.gov Date: _____</p> <p>Coordinator Signature:  _____</p> <p>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.</p> <p>Required Notice</p> <p>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</p> <p>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</p>

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January 22, 2025

Wyndham Clark
Property Owner
8539 E Desert Cove Ave
Scottsdale, AZ 85260

City of Scottsdale
Planning and Development
7447 E Indian School Road
Scottsdale, AZ

Subject: Authorization Letter

Project No. 1036-PA-2024, C9570

Dear City of Scottsdale,

I, Wyndham Clark, hereby authorize Jason Macgregor and Dan Yonker to act on my behalf for the variance process and case No. 1036-PA-2024. This authorization includes the right to collect documents, make decisions, sign papers and file this case.

This authorization is valid as of January 23, 2025 through the end of this filing, unless otherwise revoked in writing.

Please contact me for any verification or further clarification. Thank you for your understanding and cooperation.

Sincerely,


[Wyndham Clark \(Jan 28, 2025 05:54 PST\)](#)

Wyndham Clark

Affidavit of Authorization to Act for Property Owner



1. This affidavit concerns the following parcel of land:

- a. Street Address: 8539 E Desert Cove Ave Scottsdale AZ 85260
- b. County Tax Assessor's Parcel Number: 175-64-009
- c. General Location: Sundown Vista
- d. Parcel Size: 44,012 sq ft
- e. Legal Description: #9

(If the land is a platted lot, then write the lot number, subdivision name, and the plat's recording number and date. Otherwise, write "see attached legal description" and attach a legal description.)

- 2. I am the owner of the land or I am the duly and lawfully appointed agent of the owner of the land and have authority from the owner to sign this affidavit on the owner's behalf. If the land has more than one owner, then I am the agent for all of the owners, and the word "owner" in this affidavit refers to all of them.
- 3. I have authority from the owner to act for the owner before the City of Scottsdale with regard to any and all reviews, zoning map amendments, general plan amendments, development variances, abandonments, plats, lot splits, lot ties, use permits, building permits and other land use regulatory or related matters of every description involving the land, or involving adjacent or nearby lands in which the owner has (or may acquire) an interest, and all applications, dedications, payments, assurances, decisions, agreements, legal documents, commitments, waivers and other matters relating to any of them.
- 4. The City of Scottsdale is authorized to rely on my authority as described in this affidavit until three work days after the day the owner delivers to the Director of the Scottsdale Planning & Development Services Department a written statement revoking my authority.
- 5. I will immediately deliver to the Director of the City of Scottsdale Planning & Development Services Department written notice of any change in the ownership of the land or in my authority to act for the owner.
- 6. If more than one person signs this affidavit, each of them, acting alone, shall have the authority described in this affidavit, and each of them warrant to the City of Scottsdale the authority of the others.
- 7. Under penalty of perjury, I warrant and represent to the City of Scottsdale that this affidavit is true and complete. I understand that any error or incomplete information in this affidavit or any applications may invalidate approvals or other actions taken by the City of Scottsdale, may otherwise delay or prevent development of the land, and may expose me and the owner to other liability. I understand that people who have not signed this form may be prohibited from speaking for the owner at public meetings or in other city processes.

Name (printed)

Jason Macgregor

Dan Yonker

Date

January, 2025

January, 2025

_____, 20____

_____, 20____

Signature


Jason Macgregor (Jan 27, 2025 14:33 MST)

Daniel M Yonker

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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: 1036 -PA- 2024

Project Name: Clark Desert Cove

Project Address: 8539 E Desert Cove Ave

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: Jason Macgregor
Print Name

Jason Macgregor (Jan 27, 2025 14:33 MST)

Signature

City Use Only:

Submittal Date: _____ Case number: _____

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January 23, 2025

City of Scottsdale
Planning and Development
7447 E Indian School Road
Scottsdale, AZ

Subject: Personal Residence
Project No. 1036-PA-2024, C9570

I purchased this property with the intent of creating a home and continuing my active involvement in the Scottsdale community, where I have lived for six years. The property is classified as having two (2) street frontages requiring 40-foot setback on both sides. This designation significantly limits the building envelope and usable land by 7,680 sq ft on the East portion of the property along with the 1,640 sf we are giving up on the South side of property for the PUE. This makes 9,320 SF or approximately 20% of the property unusable.

My plan for the home at 8539 E Desert Cove Ave, a corner lot, is to create a safe and secure yard for enjoyment. Abandonment Case (Case # 3-AB-2020) at St Patrick's Church reclassified my property an abut a key lot. This classification has taken away my right to build a security wall on the east side aka "side yard" of my property.

I was unaware of the rezoning decision that resulted from the church's abandonment case. This decision stripped me of the ability to construct a fence along my property line at 85th Street which was allowed prior to the city granting my rezoning permissions.

In accordance with the City of Scottsdale Ordinance, I am requesting a variance for the perimeter wall at the East property line to secure my backyard. There will be a 6-foot masonry wall starting at the Southeast corner and extending North 81 feet. The wall will then transition into a combination wall at the auto court extending 76 feet north and 31 ft west. This wall will consist of a 3-foot solid masonry pony wall with 3 feet of steel fence on top featuring 50% visibility. These walls will assist in enhancing security and reducing noise at the property.

Thank you for your consideration on this request and I look forward to a favorable resolution for both parties.

Thank You,

Wyndham Clark

13. Application Narrative Form Answers

Intro:

Due to new restrictions stemming from the March 2023 decision for the neighboring St. Patrick Church and an abandonment case for a specific piece of Mercer Ave (Case # 3-AB-2020), the property lost its right to construct an 8 ft solid wall along the east property line due to the designation of an “abut a key” lot. We propose a variance for a perimeter wall on the east property line. There will be a 6-foot masonry wall starting at 8’ North of the Southeast corner and extending North 81 feet. The wall will then transition into a combination wall at the auto court extending 76 feet north and 31 ft west. This wall will consist of a 3-foot solid masonry pony wall with 3 feet of steel fence on top featuring 50% visibility. These walls will assist in enhancing security and reducing noise at the property.

#1:

This property was not originally platted as an “abut a key lot”. The adjacent parcel, now part of St. Patrick Church, was previously a residential property backing up to 8539 E Desert Cove. In March 2023, an abandonment case for a portion of Mercer Ave eliminated our property’s right to construct an 8-foot wall along the east property line. A change that was not acknowledged in the City Council Report. Under the original plot, this wall would have been permissible as part of the side yard. However, the abandonment and subsequent zoning change for the church altered the designation of our property, infringing upon this right.

#2:

The property is flanked by major and minor collector roads, with 84th Street and Shea Boulevard classified as arterial routes. All of the above create a high traffic road in a residential area. The wall will help with sound from the 101 loop and security from St Patrick Church. Additionally without a variance we surrender the ability to utilize the property for enjoyment.

#3:

Constructing the wall on the east side will help mitigate noise from the highway and Shea Boulevard, a heavily trafficked road. This wall will serve as a natural extension of the existing non conforming 6 ft CMU wall along 85th Street. The City of Scottsdale granted the church approval for a new 6 ft CMU wall along 85th Street extending 120 ft, under Section 3.1 (pg. 2 of their City Report). We have conceded 8 feet along the south side of the property for a Public Utility Easement (PUE), reducing usable space by 1,734 square feet. The additional 40’ setback will make another 7,680 SF unavailable due to backyard security concerns. Additionally, this property faces significant security concerns due to its proximity to the church compound. St Patrick Church hosts over 2,465 large gatherings annually, including 263 addiction recovery meetings. When the church parking lot reaches capacity, Desert Cove often becomes the most convenient overflow parking area, increasing the risk of trespassing as attendees attempt to shortcut through the yard to access the church causing danger and harm to our property.

#4:

We have reached out to 62 neighboring properties within a 750-foot radius and residents have expressed their support for this variance. Granting this variance will not have any material adverse impact on nearby residents, adjacent properties, the surrounding neighborhood, or public welfare as this is the properties "side yard". The lot will remain designated for single-family residential use and the wall will aesthetically fit in as it is an extension of the existing non-conforming 6ft CMU wall on 85th.

Board of Adjustment

Justification for Variance



This Justification is a Public Record

The Board of Adjustment may not authorize a zoning ordinance variance unless four (4) members affirm that ALL of the following criteria are met. Please provide justification to the four (4) criteria set forth in Section 1.804 of the Zoning Ordinance; you may attach a separate sheet if you need more room.

Type of variance requested, section(s) of the Zoning Ordinance to be varied:

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:

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:

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

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:

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Development Application



Development Application Type:

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

Zoning	Development Review	Land Divisions
<input type="checkbox"/> Development Agreement (DA)	<input type="checkbox"/> Development Review (Major) (DR)	<input type="checkbox"/> Subdivision (Minor) (MD)
<input type="checkbox"/> Text Amendment (TA)	<input type="checkbox"/> Historic Property (HP)	<input type="checkbox"/> Subdivision (PP)
<input type="checkbox"/> Conditional Use Permit (UP)	<input type="checkbox"/> Development Review (Minor) (SA)	<input type="checkbox"/> Land Assemblage
<input type="checkbox"/> Rezoning (ZN)	<input type="checkbox"/> Wash Modification (WM)	Other
Wireless Communication Facilities	Exceptions to the Zoning Ordinance	<input type="checkbox"/> Abandonment (AB)
<input type="checkbox"/> Type 2 WCF DR Review Minor (SA)	<input checked="" type="checkbox"/> Variance/Accommodation/Appeal (BA)	<input type="checkbox"/> Accessory Dwelling Unit (AD)
<input type="checkbox"/> Small Wireless Facilities (SW)	<input type="checkbox"/> Hardship Exemption (HE)	<input type="checkbox"/> Annexation/De-annexation (AN)
Signs	<input type="checkbox"/> Minor Amendment (MN)	<input type="checkbox"/> General Plan Amendment (GP)
<input type="checkbox"/> Community Sign District (MS)	<input type="checkbox"/> Special Exception (SX)	<input type="checkbox"/> In-Lieu Parking (IP)
<input type="checkbox"/> Master Sign Program (MS)	Other Application Type Not Listed:	<input type="checkbox"/> Multifamily Conversion (MC)
	<input type="checkbox"/>	

Project Name: Clark Desert Cove

Project Address: 8539 E Desert Cover Ave Scottsdale AZ 85260

Property's Current Zoning District Designation: R1-35

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: <u>Wyndham Clark</u>		Agent/Applicant: <u>Jason Macgregor</u>	
Company: _____		Company: <u>The Outdoor Group</u>	
Address: <u>20750 N 87th St #2050</u>		Address: <u>1814 N 52nd Street</u>	
Scottsdale AZ 85255		Phoenix AZ 85008	
Phone: <u>303.868.0386</u>	Email: <u>wyndham.clark1@gmail.com</u>	Phone: <u>602.541.9223</u>	Email: <u>jason@theodg.com</u>
Designer: <u>Dan Yonker</u>		Engineer: <u>Nick Prodanov</u>	
Company: <u>Yonker Construction, LLC</u>		Company: <u>LDG</u>	
Address: <u>2633 E Indian School Rd #240</u>		Address: <u>8808 N Central Ave Suite 288</u>	
Phoenix, AZ 85016		Phoenix, AZ 85020	
Phone: <u>602.638.6813</u>	Email: _____	Phone: <u>602.889.1984</u>	Email: <u>nick@ldgeng.com</u>

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.

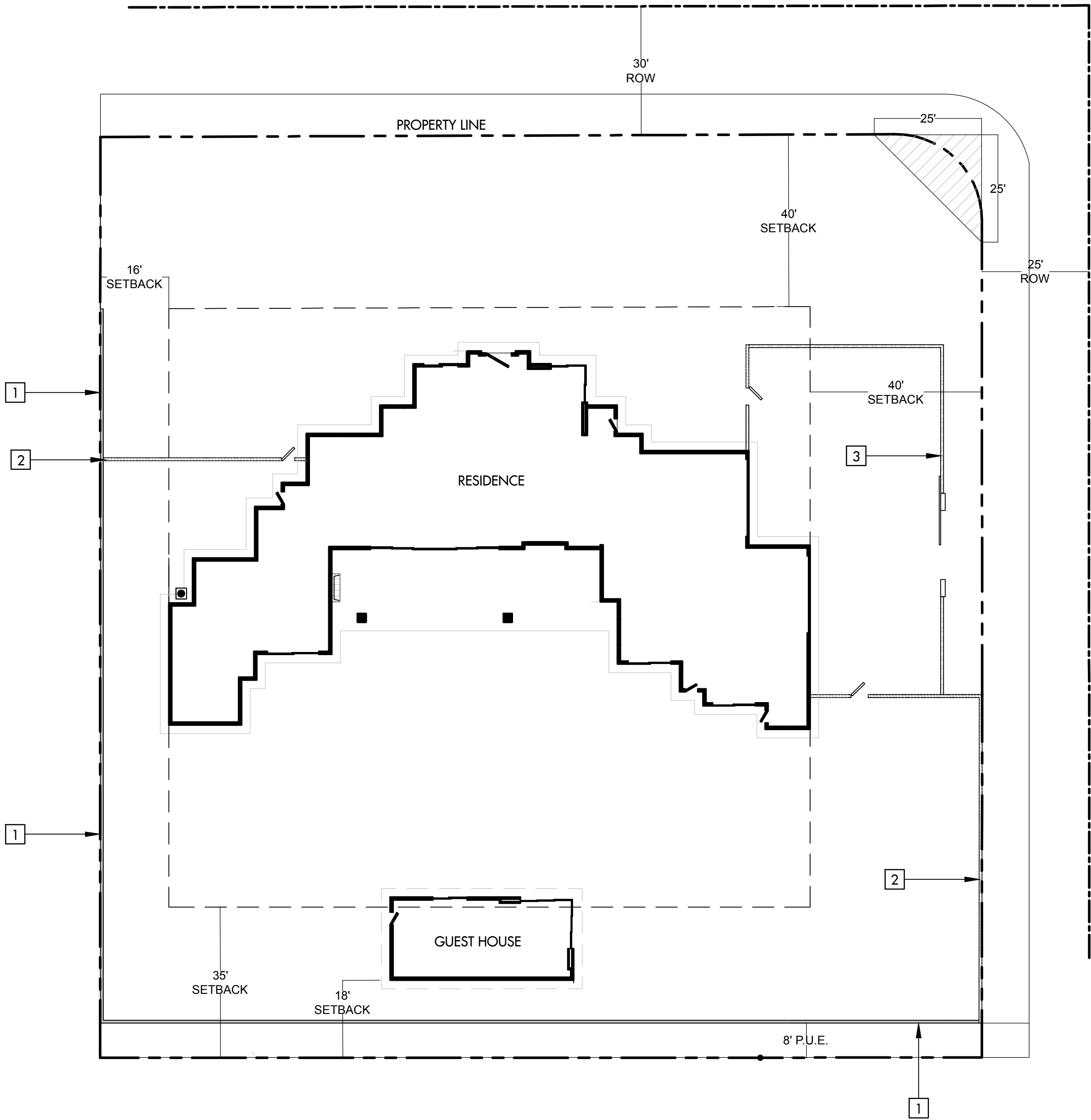
- ☒ **Enhanced Application Review:** I hereby authorize the city of Scottsdale to review this application utilizing the Enhanced Application Review methodology.
- ☐ **Standard Application Review:** I hereby authorize the city of Scottsdale to review this application utilizing the Standard Application Review methodology.

<u>Wyndham Clark</u> _____ Owner Signature	<u>Jason Macgregor</u> _____ Agent/Applicant Signature
--	--

Official Use Only: Submittal Date: _____ Development Application No.: _____

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MATERIALS SCHEDULE

SYMBOL		PRODUCT	QTY.
	1	NEW PERIMETER WALL 8" CMU BLOCK WALL	371 LF
	2	NEW PERIMETER WALL 6" CMU BLOCK WALL	179 LF
	3	NEW VIEW FENCE WALL 3" CMU BLOCK WALL W/ 3" VIEW FENCE 50% VISIBILITY	127 LF



LANDSCAPE PLAN
CLARK RESIDENCE

8539 E. DESERT COVE
SCOTTSDALE, AZ 85260

CLIENT

PROJECT NO.

DRAWN BY
JA | JH | SH

REVISION DATE
05.17.24 11.06.24
05.24.24 11.18.24
05.28.24 12.11.24
07.15.24 01.15.25
09.11.24 01.30.25
10.31.24

SHEET TITLE

SHEET NO.

1 OF 1