



WITHEY
MORRIS
BAUGH

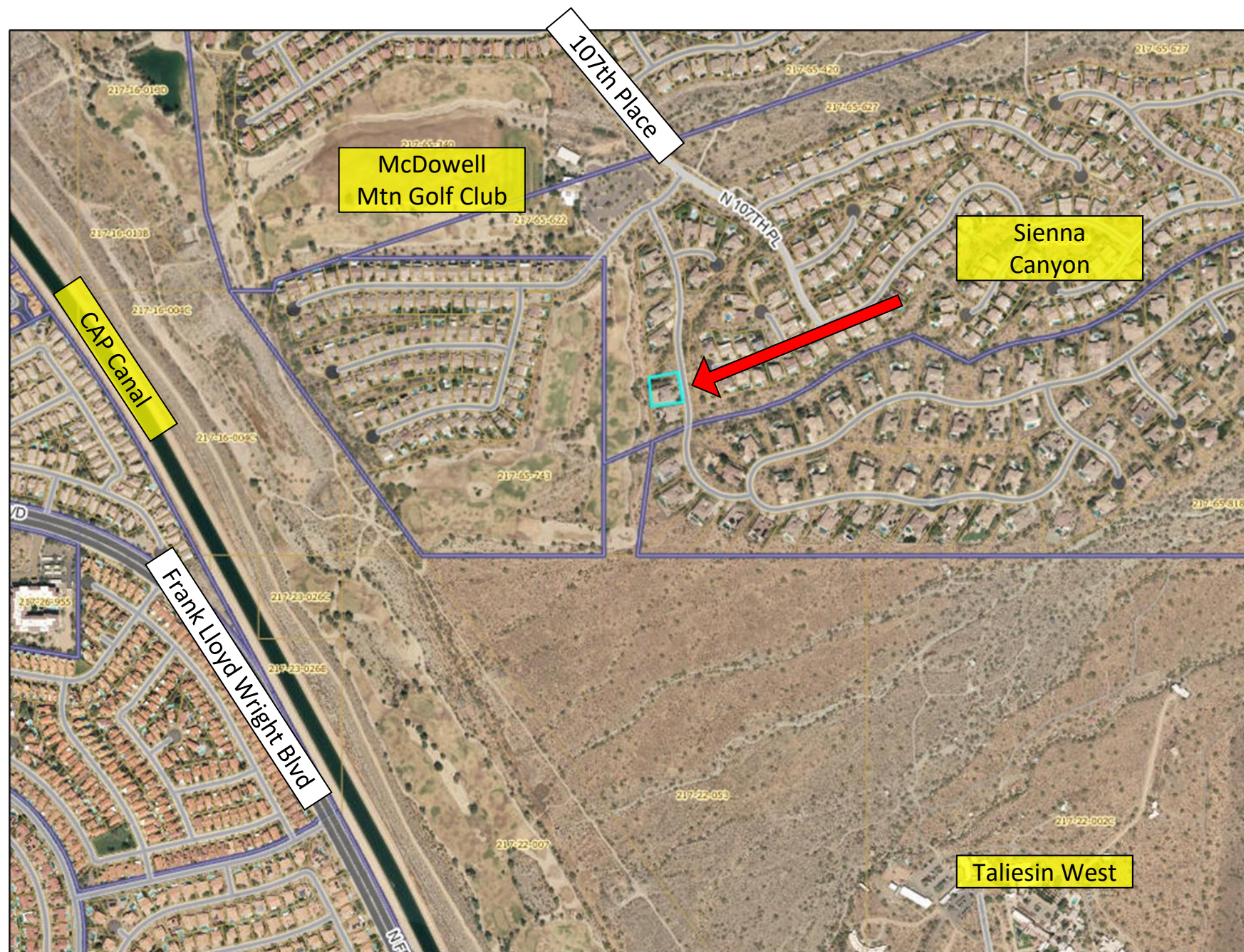
Michael & Bonnie Fannin Residence

4-BA-2025

Board of Adjustment Hearing – March 5, 2025

Aerial View

- Sierra Canyon Subdivision
- 2003 construction
- Roughly 3,600 sqft
- Immediately adjacent to the McDowell Mountain Golf Club public course.



WITHEY
MORRIS
BAUGH



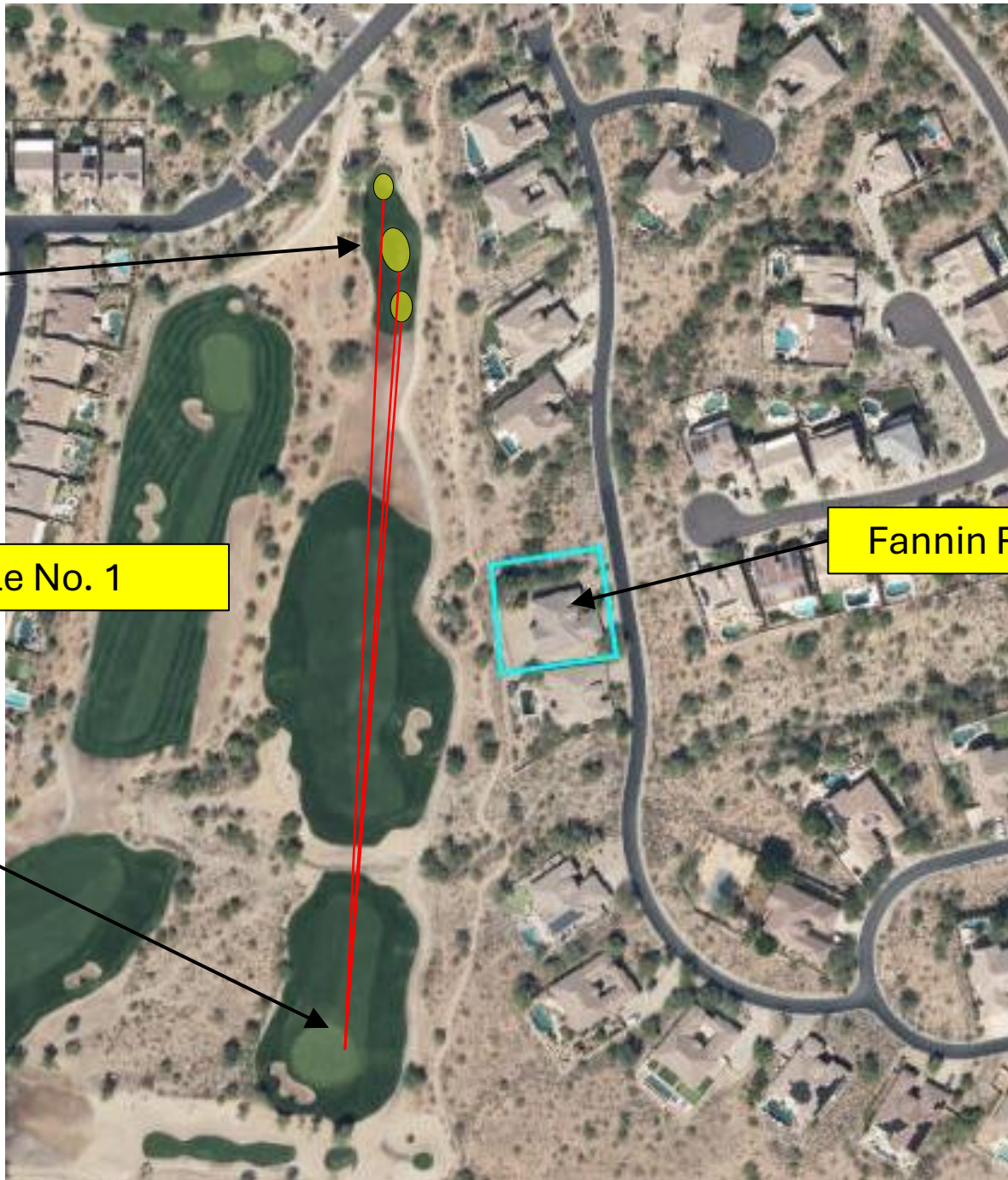
Aerial View

Tee Boxes

Hole No. 1

Green

Fannin Residence



WITHEY
MORRIS
BAUGH



Aerial View



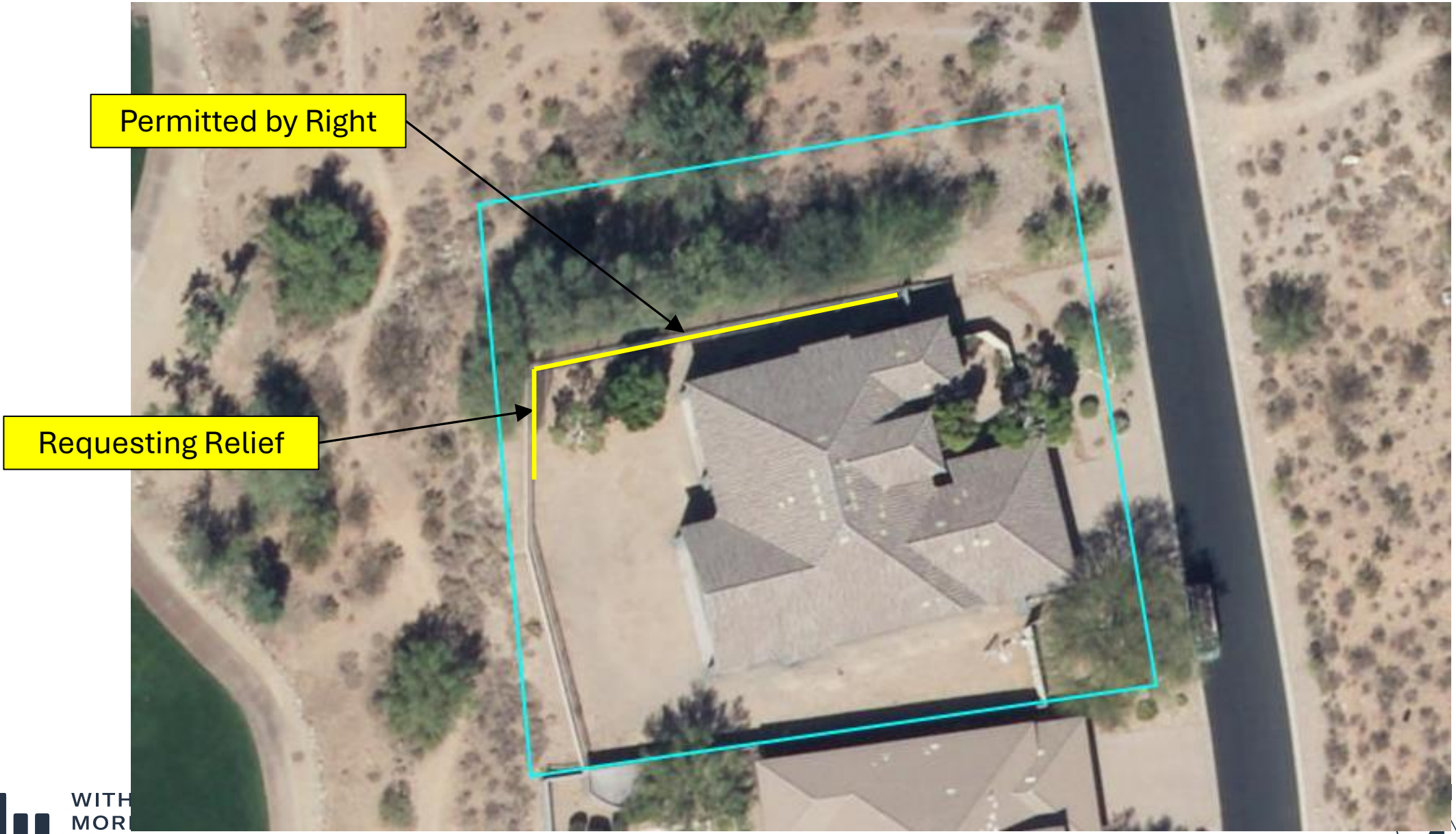
Sampling of Damage



Sampling of Damage



Proposed Solution



Variance to allow a golf ball safety net in the rear yard (west property line) up to a height of 20 feet. Maximum 8 feet permitted. (Ord. Section 5304.G).



Per Section 1.804 of the Zoning Ordinance, a variance is subject to four (4) criteria:

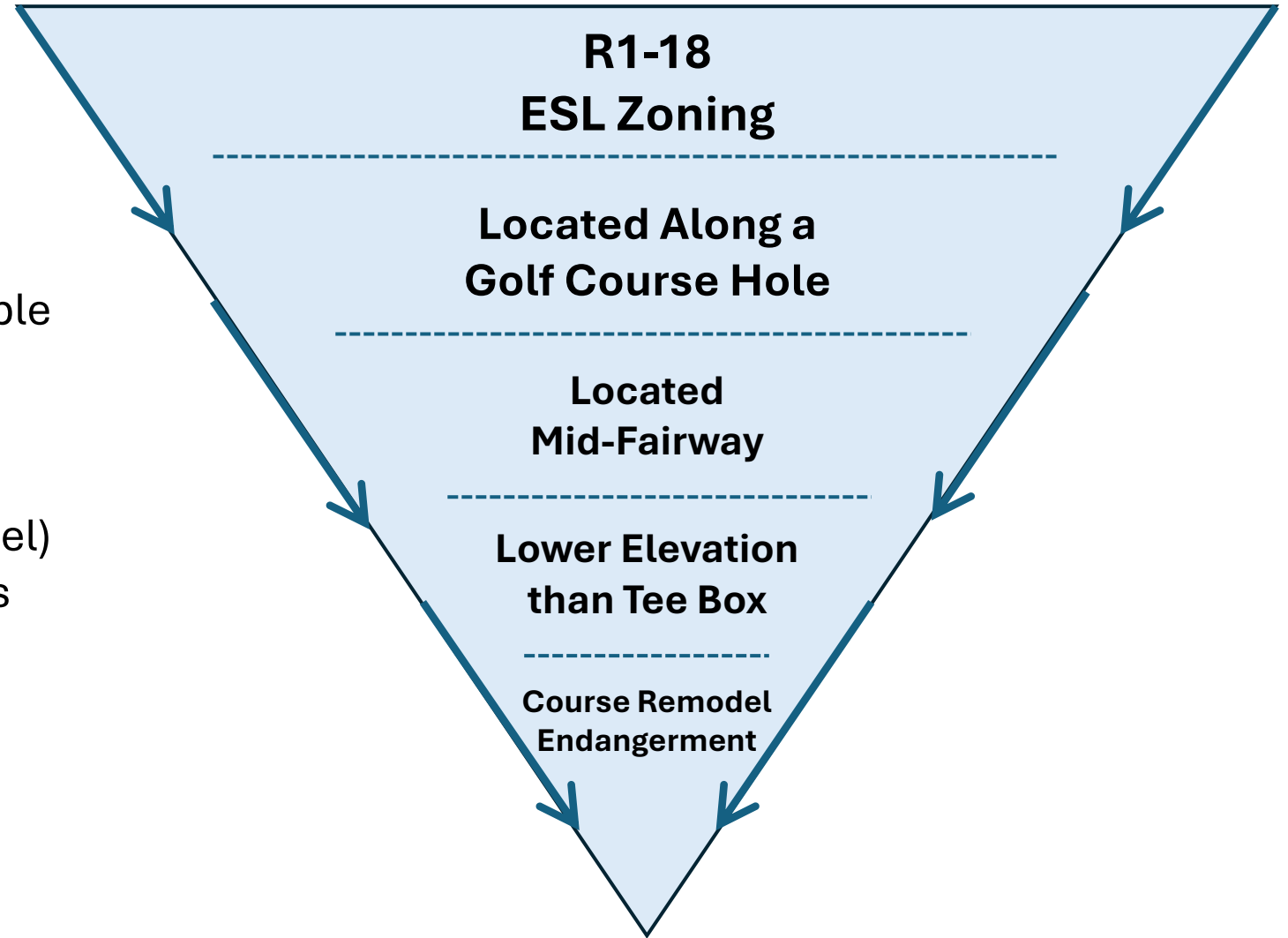
- 1. That because of special circumstances applicable to the property including its size, shape, topography, location, or surroundings, the strict application of the zoning ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.*
- 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.*
- 3. That the special circumstances applicable to the property were not self-imposed or created by the owner or applicant.*
- 4. That the 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.*



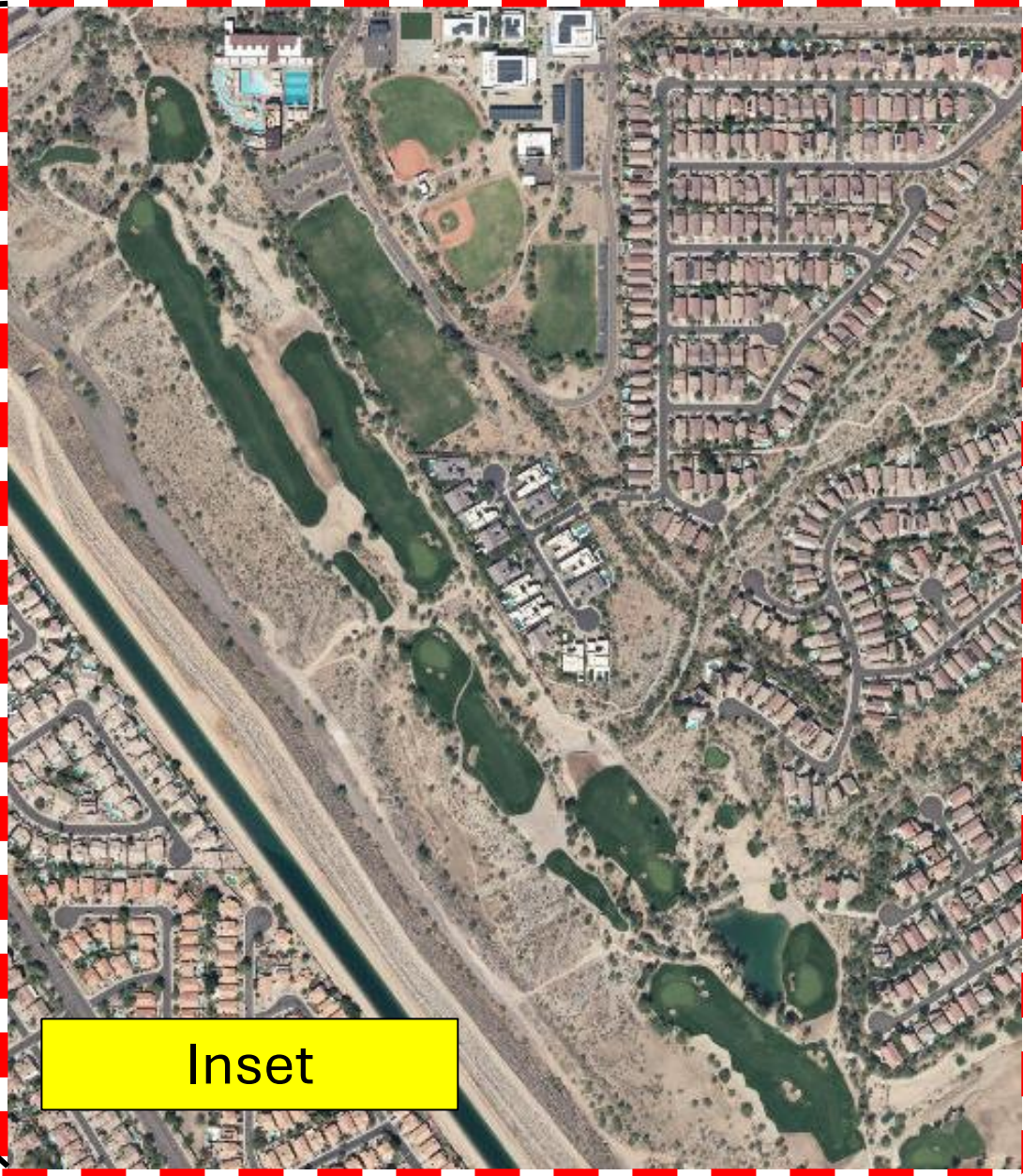
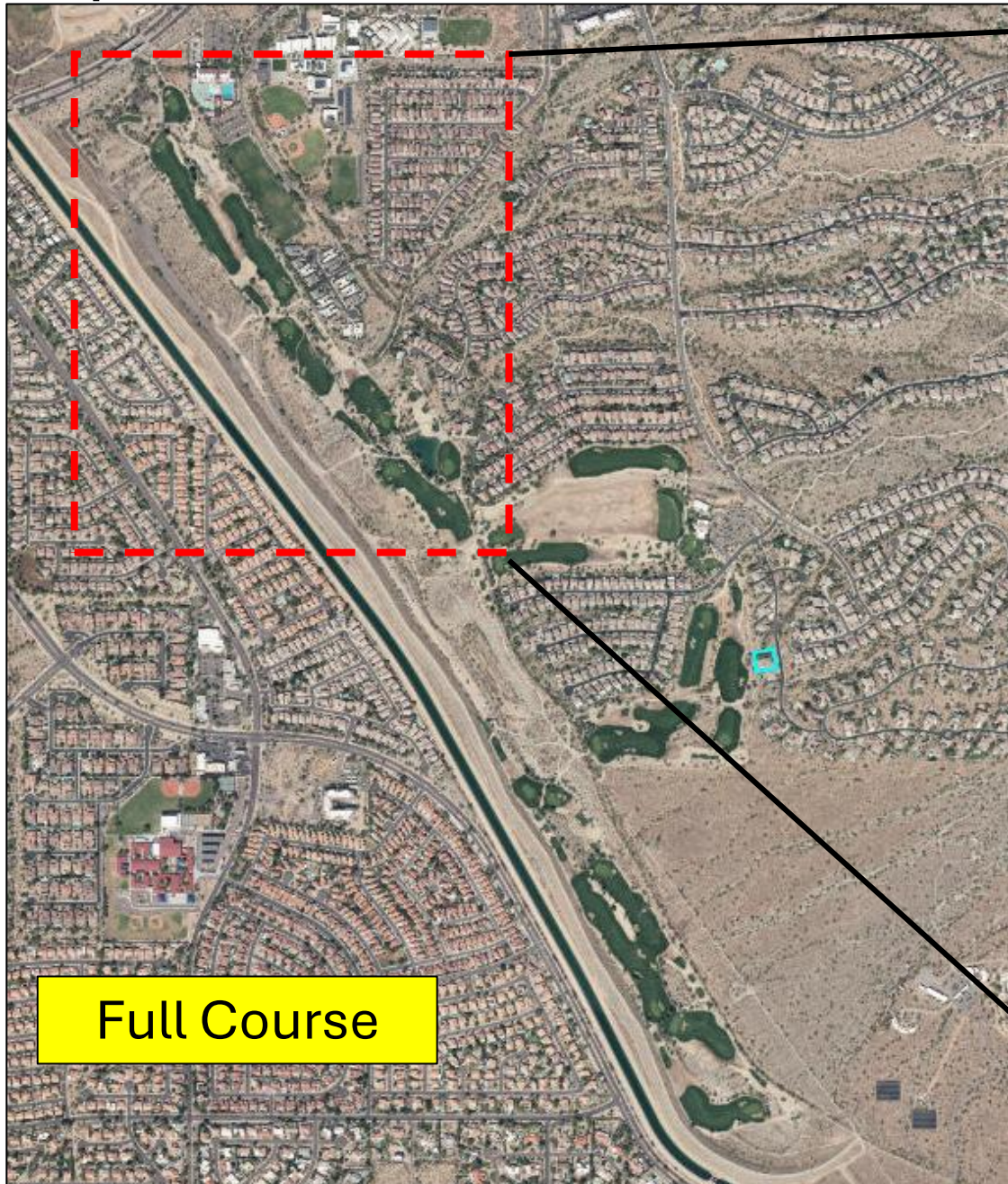
1. Special Circumstances

Special circumstances applicable to the property including its size, shape, topography, location, or surroundings...

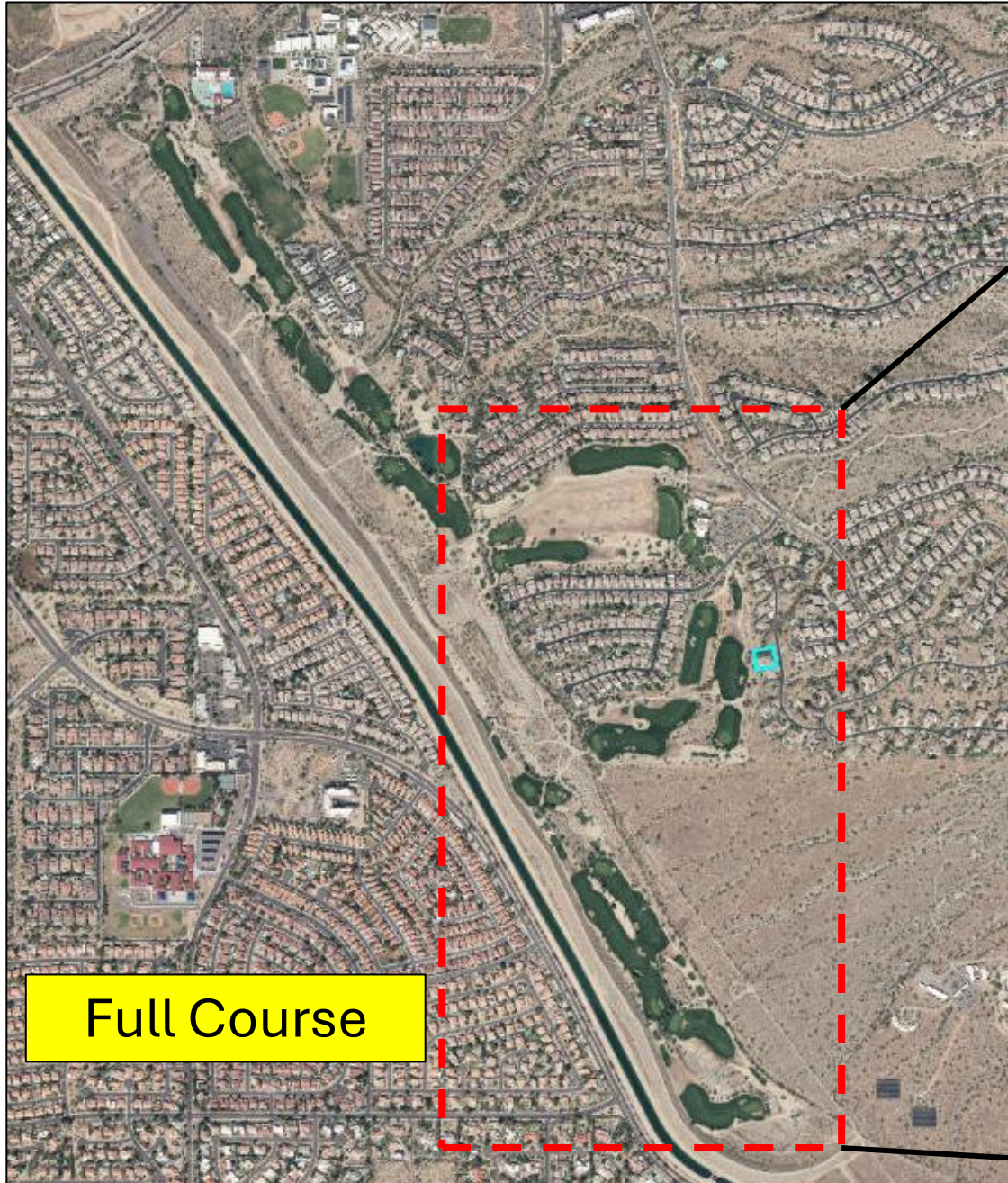
- The combination of factors applicable to the property create a unique circumstance.
- Off-site changes (the course remodel) have created unique circumstances which now result in a dangerous situation.



1. Special Circumstances – Golf Course / Mid Fairway



1. Special Circumstances – Golf Course / Mid Fairway



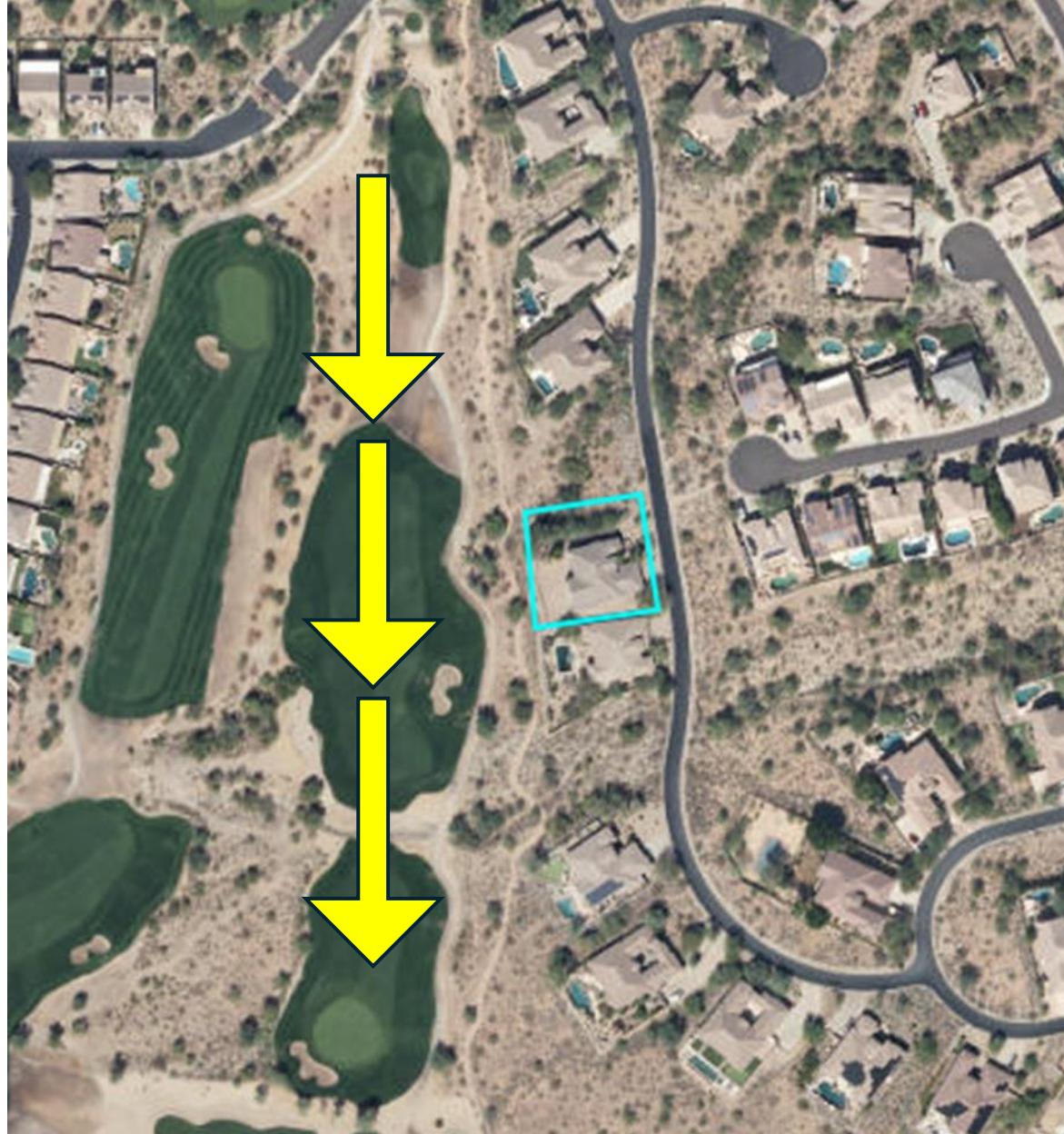
Full Course



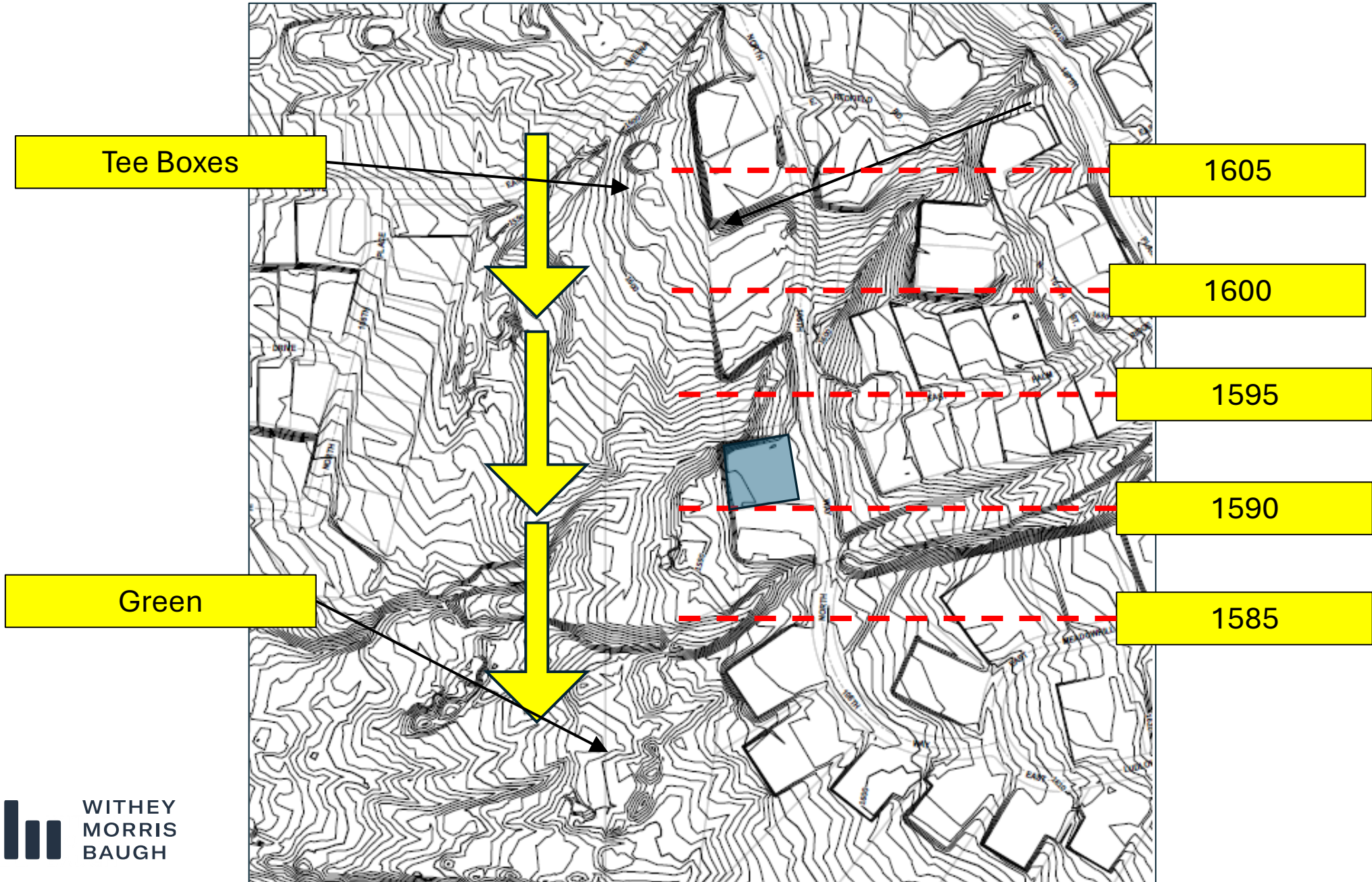
Inset

1. Special Circumstances – Slope of the Land

- The elevated tee box creates a condition where a ball is more likely to clear a standard height fence



1. Special Circumstances – Slope of the Land



1. Special Circumstances – Slope of the Land

Tee Boxes are Elevated above Residence



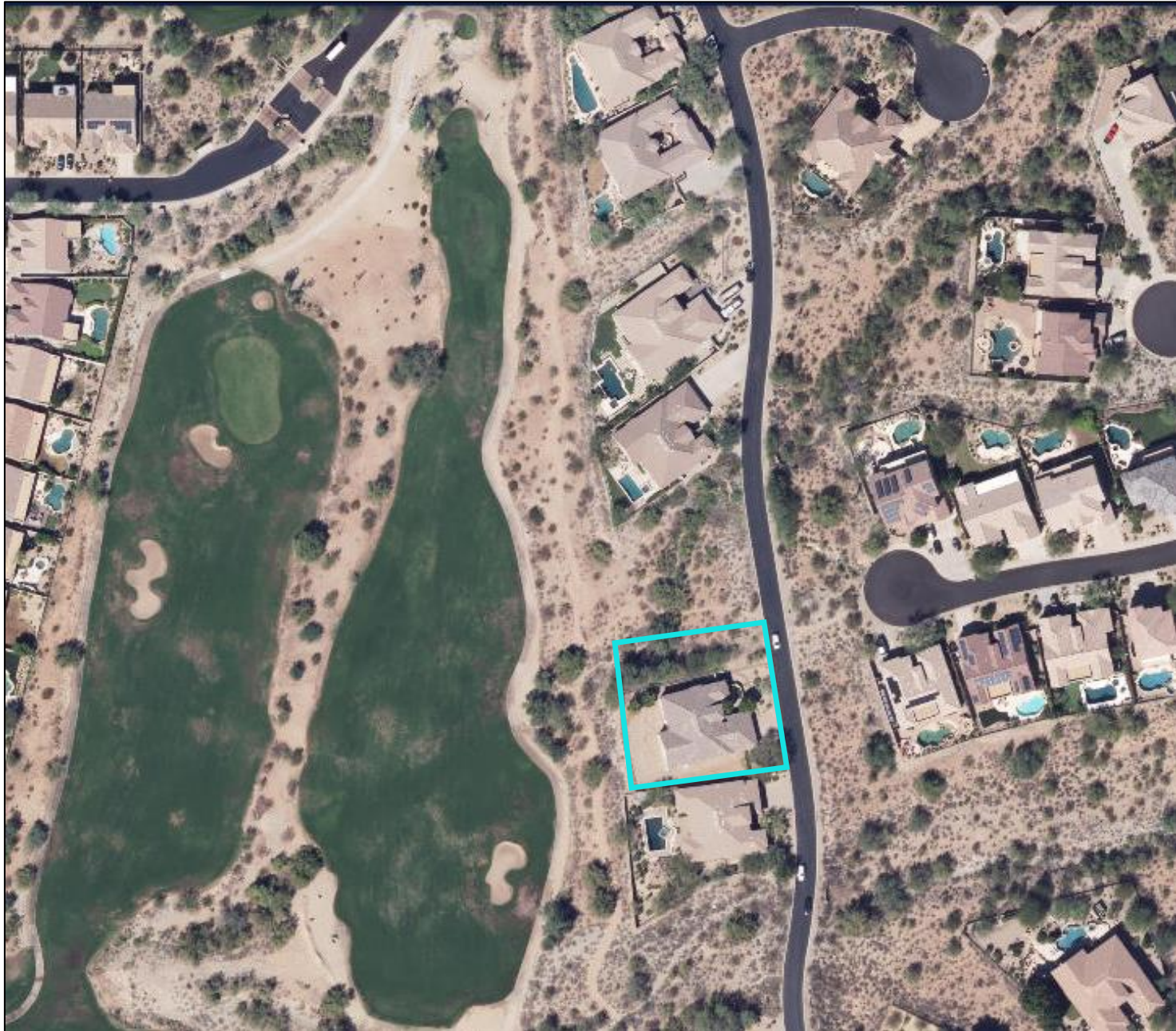
1. Special Circumstances – Slope of the Land

Tee Boxes are Elevated above Residence



1. Special Circumstances – Recent Remodel

2023



WITHEY
MORRIS
BAUGH

1. Special Circumstances – Recent Remodel

2025



WITHEY
MORRIS
BAUGH

2. Preservation of Privileges & Rights Enjoyed by Other Properties... ...does Not Constitute a Grant of Special Privileges

- The ability to safely reside in one's own backyard would fall under a basic property owner privileges / right.
- Safety should not be considered a “*special*” privilege.
- The Fannin's have also had to endure near constant expenses (stucco repair, re-paint, replace doors and windows, etc.) and the daily, and unnerving “thud” sound resulting from the barrage of golf balls hitting their home.
- The granting of this variance will help them preserve basic privileges and rights afforded to other properties.

3. Special Circumstances are Not Self-Imposed

- The special circumstances were not self-imposed.
- They are the direct result of changes made to the adjacent course – something completely out of the control of the Property owner.
- The current conditions did not exist at the time of Property purchase.

4. Authorization will not be materially detrimental

- Will in no way be detrimental, and in fact, is beneficial to the most immediately adjacent neighbor.
- The northern portion of the fence is permitted by right. The small, western corner portion is nearly imperceptible to the general public.
- If the fence was pushed back 30 feet to abide by the setback, it would actually be more visible to the general public.

4. Authorization will not be materially detrimental

“Public” view
from 106th Way



4. Authorization will not be materially detrimental

“Public” view
from golf course



Summary

- *A series of conditions create a unique (and dangerous) circumstance not created by the property owner.*
- *The Fannins have taken numerous steps to try and combat the issue (tree plantings, 8-foot fence, contacting golf course, etc.) – all to no avail.*
- *HOA has recognized the danger and un-intrusive nature of the solution (twice) and granted approvals (twice) for a protective fence.*
- *HOA most recent approved was for an even higher fence (30-feet) than the Fannins are requesting (20-feet).*
- *The height is not excessive. (R1-18 permits 30 ft....ESL permits 24 ft)*





WITHEY
MORRIS
BAUGH

Get In Touch



Phone Number
(602) 230-0600



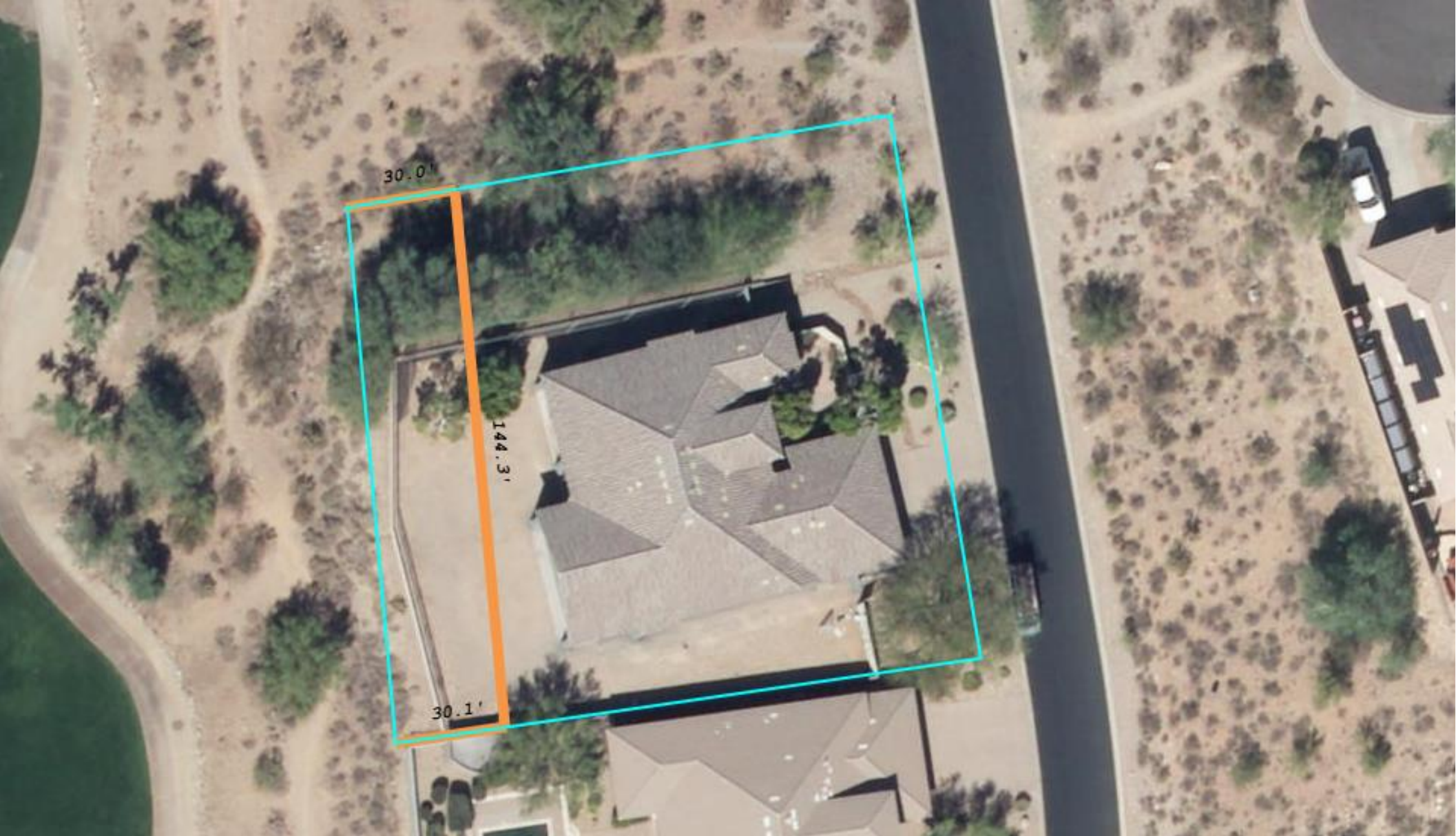
Email Address
info@wmbattorneys.com



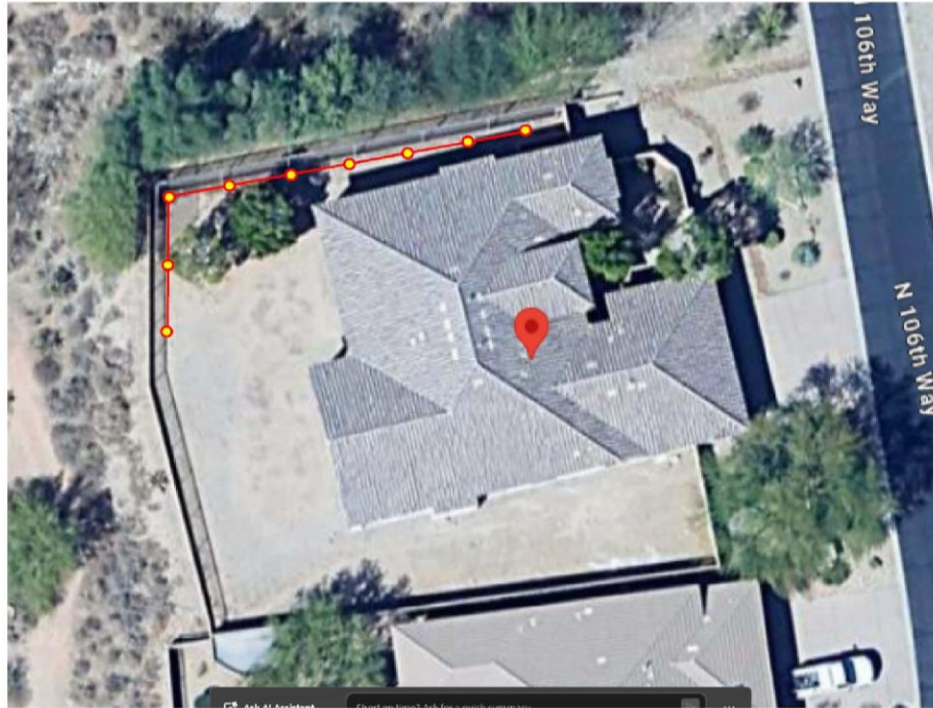
Office Address
**2525 E Arizona Biltmore Circle A-
212 Phoenix, AZ 85016**

Questions?

Additional Information



RESIDENCE
BACKYARD




NOTE(S):

- STRUCTURE TO BE OFFSET FROM EXISTING FENCE BY 2'-0"
- NEW STRUCTURE TO BEGIN AT POLE #3 IN CURRENT POLE LOCATION ONCE REMOVED.

NET #	HEIGHT	LENGTH
2	19'	49.5'
1	19'-0"	46'-0"
3	19'-0"	29'-0"

1 PLAN VIEW
2 SCALE: NOT TO SCALE

	FANNIN RESIDENCE NEW NETTING	
	PROJECT LOCATION: 14062 N. 106th Way Scottsdale, AZ 85260	SCALE: NTS
SHEET NUMBER 2 DRAWN BY: KR	CONTACT INFORMATION: Mike Fannin(602)-448-4460 mefannin@cox.net	DATE: 05/06/2024 REVISED: N/A
This drawing represents visual concepts and construction suggestions based on industry standards. Nets Unlimited does not assume responsibility for damage caused by neglect or misuse, whether intentionally or unintentionally.		
NETS Unlimited, Inc. · 20625 N. 29TH PL. · PHOENIX, AZ 85050 (480)515-1300 · SALES@NETSUNLIMITED.COM		