

Case Research

Curtis, Tim

From: Curtis, Tim
Sent: Monday, June 27, 2016 5:49 PM
To: 'Mike Rogers'
Subject: RE: 8845 E. Sierra Pinta Drive

Mike,
I've attached the relevant link. <http://www.scottsdaleaz.gov/Assets/ScottsdaleAZ/Building/Request+to+Submit+Concurrent+Development+Applications.pdf>

Let me know if you have any questions.
Thanks,
Tim Curtis

From: Mike Rogers [mailto:mrogers@athertonengineering.com]
Sent: Monday, June 27, 2016 11:36 AM
To: Curtis, Tim
Subject: RE: 8845 E. Sierra Pinta Drive

Hi Tim,

Bob is out of town and asked me to help out. Can you please give me a call to discuss your email? I would like to discuss item 10 on the check list "Concurrent Development".

Thanks.

Mike Rogers, P.E. | Atherton Engineering, Inc.
mrogers@athertonengineering.com
602-279-7331 | fax 602-230-1908
1203 East Meadowbrook Avenue | Phoenix, Arizona 85014-4028

From: Curtis, Tim [mailto:tcurtis@scottsdaleaz.gov]
Sent: Monday, June 27, 2016 11:23 AM
To: 'Robert Atherton'; Posler, Kathryn; Grant, Randy; Clack, Michael
Cc: 'Ed Perlstein'; markdohr@yahoo.com; mrogers@athertonengineering.com
Subject: RE: 8845 E. Sierra Pinta Drive

Bob,
Thank you for pointing out the website page; we will add clarification language.

Unfortunately, the abandonment process takes approximately 4-6 months because it requires a Planning Commission hearing and a City Council hearing. We try to expedite these items as scheduling permits, so please submit a pre-application as soon as you can at <http://www.scottsdaleaz.gov/building-resources/development-process/pre-app>. We can't issue permits until the abandonment is done, but we can continue reviewing the plans at-risk.

Some things to consider with abandonments, which will be discussed in greater detail with the pre-application meeting:

- Time to assemble the application materials http://www.scottsdaleaz.gov/Assets/ScottsdaleAZ/Building/fomal-submittal-forms/AB_appl_List.pdf
- Application fees

- Because the city cannot give the property interest (easement) away for free, either an appraisal needs to be done or agree to a \$0.50/sq.ft. consideration amount.

I understand that much of this is very frustrating, but hopefully we can work through this as quickly as possible. Let me know if you have any more questions.

Thanks,
Tim Curtis

From: Robert Atherton [<mailto:ratherton@athertonengineering.com>]

Sent: Saturday, June 25, 2016 6:52 AM

To: Curtis, Tim; Posler, Kathryn; Grant, Randy; Clack, Michael; Stockwell, Brent; Washburn, Bruce

Cc: 'Ed Perlstein'; markdohr@yahoo.com; mrogers@athertonengineering.com

Subject: RE: 8845 E. Sierra Pinta Drive

Tim, thanks for the reply and the follow up information. My client built his house in late 2005 and 2006. In 2005 when the plans were approved the reading from the staff was that the front yard setback was measured from the property line and not the easement line. Setbacks measured from property lines are the universal and correct way to do it. When you start measuring from easement lines where do drainage easement lines and public utility easement lines fall into play? Seems like a slippery road to go down. Below is wording that appears on the City web site that talks about "set back from the property line".

Every parcel has Zoning Ordinance requirements and restrictions, including distances that buildings/ structures must be "set back" from the property line.

The 25 foot roadway easement across the front of lots 1-12 of Pima Acres (79/46) was created in 1958 in the County. With annexation this easement then became controlled by the City of Scottsdale. With the first abandonment in 2000, the City must have realized that E. Sierra Pinta Drive was not going to become the major street that the County envisioned. Seems like the correct thing to do was for the City to abandoned the easement across all of the lots at one time instead of making each individual lot owner have to file abandonment documents on a City controlled easement. I don't mean to be argumentative on this issue but at the same time common sense has to come into play. To deviate from the universally accepted method of measuring setbacks from the property line and what was accepted in 2005 when the original plans were approved to now non-conforming, does not meet my definition of common sense.

Does this project now come to an immediate halt as abandonment documents have to be prepared and fees paid in order to clean up the Cities easement? How long does the abandonment process take? Can we can plan approval and permits and hold the certificate of occupancy until the abandonment is accomplished?

Bob

Robert B. Atherton, P.E, R.L.S.
Atherton Engineering, Inc.
1203 E. Meadowbrook Avenue
Phoenix, AZ 85014
Phone (602) 279-7331

Fax (602) 230-1908

Email: ratherton@athertonengineering.com

From: Curtis, Tim [<mailto:tcurtis@scottsdaleaz.gov>]

Sent: Friday, June 24, 2016 3:54 PM

To: 'Robert Atherton'; Posler, Kathryn

Cc: Ed Perlstein; markdohr@yahoo.com

Subject: RE: 8845 E. Sierra Pinta Drive

Bob,
Katie is out of the office today. Front yards are measured from the street line, which is the edge of the roadway easement right-of-way (by definitions; see Zoning Ordinance Sect. 3.100). In 2005, the City Council approved the abandonment the 25 foot right-of-way easement on the south side of Sierra Pinta Drive on Lots 2, 4, 8 and 9 of Pima Acres (case 21-AB-20014; Resolution #6617). In 2000, the City Council approved the abandonment of the 25 foot right-of-way easement on Sierra Pinta Drive across Lot 3 and Lot 5 (case 33-AB-2000).

Let us know if you have any more questions.

Sincerely,

Tim Curtis

From: Robert Atherton [<mailto:ratherton@athertonengineering.com>]

Sent: Friday, June 24, 2016 12:38 PM

To: Posler, Kathryn; Curtis, Tim

Cc: Ed Perlstein; markdohr@yahoo.com

Subject: RE: 8845 E. Sierra Pinta Drive

Katie, I understand from talking to Don Gerkin that you are still requiring that the 25 foot roadway easement be abandoned. Your code says setbacks are measured from the property line. The easement is owned by my client, hence his property line is at the 40 foot right of way line not the easement line. If you are still in disagreement please schedule a meeting I can attend along with my client with Tim Curtis.

Bob

Robert B. Atherton, P.E, R.L.S.

Atherton Engineering, Inc.

1203 E. Meadowbrook Avenue

Phoenix, AZ 85014

Phone (602) 279-7331

Fax (602) 230-1908

Email: ratherton@athertonengineering.com

From: Robert Atherton [<mailto:ratherton@athertonengineering.com>]

Sent: Friday, June 24, 2016 8:57 AM

To: 'Baronas, Nerijus'; 'Couch, Ashley'; 'Clack, Michael'; 'dgerkin@scottsdaleaz.gov'

Cc: Ed Perlstein (eperlste@hotmail.com); Mark Dohrmann <markdohr@yahoo.com> (markdohr@yahoo.com)

Subject: 8845 E. Sierra Pinta Drive

Nerijus, as you recall we met on this project on April 6, 2016 to discuss the finish floor elevation for the new improvements. The direction we received from the City was that we could add to the existing garage and provided we provided the necessary flood proofing, we could match the existing elevation of the garage we were attaching to. We completed our plans showing only an addition to the 2 separate garages. Plans have been reviewed with comments and are attached. I have 2 concerns with the comments.

1. The reviewer has shown the math and what the elevation needs to be for each garage addition that does not match the existing. This does not agree with our agreement that allows a connection to the existing garage. Can you resolve with the reviewer?
2. There is a 40 foot half street dedication on Sierra Pinta Drive across the front of the lot. This established the property line from which the 40 foot front setback is measured from. The original plat for this subdivision recorded a 25 foot roadway easement across the front of the lot which is in addition to the existing 40 foot dedication. The reviewer is now saying the front setback needs to be measured from the 25 foot roadway easement which then makes the existing house non-compliant and prohibits the construction of the garage additions unless we go through a long process to get the roadway easement abandoned. Every house along the south side of E. Sierra Pinta has been constructed based on the 40 foot front yard setback being measured from the front property line and not the 25 foot roadway easement line. The code says the setbacks are measured from the property line which is not the 25 foot roadway easement. Can you resolve this with the reviewer?

Thanks for your help.

Bob

Robert B. Atherton, P.E, R.L.S.
Atherton Engineering, Inc.
1203 E. Meadowbrook Avenue
Phoenix, AZ 85014
Phone (602) 279-7331
Fax (602) 230-1908
Email: ratherton@athertonengineering.com