

Variance Request

June 17, 2020

Dear Property Owner or Neighborhood Association President:

The purpose of this letter is to inform you that we have recently filed a Zoning Adjustment application **ZA-275-20** for a site located at **5501 N. Camelback Canyon Dr.**

Our request is for a:

1. Use permit to allow an over height retaining wall (3 feet 6 inches) within 50 feet of a subdivision perimeter (east). Maximum 40 inches permitted. 703.A.4.c
2. Variance to allow an over height retaining wall (6 feet 6 inches) in the required side yard (west) setback. Maximum 40 inches permitted. 703.A.4.d
3. Variance to allow an over height retaining wall (6 feet 6 inches) in the required rear yard (south) setback. Maximum 6 feet permitted. 703.D.4.f

The hearing is as follows:

Zoning Adjustment Hearing:

ZA: 07/09/2020 1:30 PM

LOCATION: Meeting will be held virtually.

To participate, see the instructions on the agenda available on the Public Meeting Notices website:

<https://www.phoenix.gov/citycleark/publicmeetings/notices>

You may attend the hearing to learn about the case and make your opinions known. Hearing information may also be found on signs posted on the site. You may also make your feelings known on this case by writing to the Planning and Development Department at 200 West Washington, 2nd Floor, Phoenix, Arizona, 85003 and referencing the case number. You can also send an email to zoning.adjustment@phoenix.gov. Please reference the above case number and hearing date in your email. Your letter/email will be made part of the case file and shared with the Hearing Officer.

I would be happy to answer any questions or hear any concerns that you may have regarding this proposal. You may reach me at [480-213-3647](tel:480-213-3647) or lbmath.usai@cox.net or you may reach the City of Phoenix's Planning and Development Department at 602-262-7131, Option 6 or zoning.adjustment@phoenix.gov. Please reference the above case number and hearing date in your email to expedite a response.

Sincerely, *Ben Mathews*
Ben Mathews, PE
USA Infrastructure LLC
734 W Pecos Ave
Mesa, AZ 85210

NOTE: Signed Application, Civil Plans, Legal Description (combined parcels) and Variance Letter

USA Infrastructure LLC

734 W. Pecos Ave.
Mesa, AZ 85210

bmath.usai@cox.net
cell # 480-213-3647

Ref.: KIVA 01-151

Zone R1-24

A.P.N. 171-15-022C & 171-15-022A

Note: A Lot Combination is in City of Phoenix review to combine the parcels.

Request: Variance for retaining wall height near the west property line and use permit for retaining walls being over 40 inches on or near the east property line.

The current property owner purchased the parcel(s) in 2018. He has plans to construct a new house on the existing lot which is in the Rancho Marizona Replatted subdivision. The new construction will also include patios, pool, septic sewer system, driveway improvements, and drainage improvements that include retaining walls and a retention system.

This request for a variance and a use permit is for the placement of retaining walls as shown on the attached Retaining Wall Site Plan(s).

Background Information & Special Circumstances:

Offsite stormwater drains onto the lot in the southeast corner via a 16' wide by 5' high arch in a masonry wall. {Watershed calculations show that the inflow is 7cfs.} The stormwater continues west across the site to the west property line. {Adding in the lot discharge the total at the west property line is 8cfs}. Per As-Built water line extension plans (1970) there was an 18" CMP culvert that drained the 8 CFS (to the west) under 46th Street and into Lot 10. See attached waterline As-Built waterline plans.

For reference, the adjacent houses were constructed: Lot 10, 1951; Lot 11, 1998; Lot 12, 1947. The existing house on the property was constructed in 1950.

At some point in time, I think it was when Lot 11 house was constructed between 1998 and 2000, the 18" CMP culvert was either removed or filled such that it was not located by the surveyor nor my personal site inspection. I also went into the backyard of Lot 11 (with permission) and saw no trace of a culvert.

Also, at some point in time, an 8"x16" weep hole was installed in the west project wall in about the same location as where the culvert would have been. However, the weep hole was constructed below out fall grades (weep hole invert is 80.05 and the adjacent street side pavement / landscape grade is 81.28). I should also point out that the low elevation on the lot is 78.25.

What this means is that the offsite stormwater to begin to pass through the lot, like it did historically, would be ponding at a depth of 3.03' onsite (=81.28-78.25). Per calculations to pass the 8 CFS through the 8"x16" weep hole +(existing

conditions) the ponding depth would be 7.67' (=85.92-78.25). This scenario basically inundates most of the property (about 85%).

Mitigation and Property Rights

To mitigate this and to resolve the City of Phoenix criteria that offsite stormwater flow and onsite stormwater cannot mix in regard to retention storage requirements, I designed an underground retention system and associated retaining walls. I also modified the weep hole in the west wall to pass the 8cfs through the site at a lower high water elevation.

It should be noted that this site is required to have a septic system. The septic system needs to be on the north – northwest part of the site. This limits the location for a retention system and an above grade system for this project.

The top retaining wall elevation is 83.50 and the top of footer is 77.20 (which is 1.05' below the low elevation of 78.25). That makes the total height of the retaining wall 6.3'. The top elevation and the depth of retaining wall accomplishes two goals:

1. Separation of onsite and offsite storm water for retention purposes.
2. Enabling the most practical design for a retention system for this project.
3. Prevent excessive flooding of the project area. Basically, returning the Lot to a pre-removal of the 18 CMP culvert condition (as best as possible).
4. To make the most utilization for the development of the lot.

The modified weep hole will allow the 8cfs to pass through the site at a water surface elevation of 82.67. At the east end of the 6.3' retaining wall is a set of steps. On the east end of the steps is another retaining wall along the east property line that has a total height between 1.5' to 3.33' (40") and a top elevation of 83.50. The purpose of this wall is again to prevent onsite and offsite flow from co-mingling and entering into the project retention system.

Note:

1. Top of the proposed retaining walls are lower than **all** adjacent and existing perimeter walls. Therefore, there will be no viewing issues.
2. The adjacent retaining wall to the east of the property line is a 6.3' retaining wall with a 6' masonry wall on top. Also, this wall is set back due to a 3' SRP electrical easement. The project's retaining wall along the east property line will be designed so that it does not impact or encroach into the 3' SRP electrical easement.
3. The retaining walls are located such that they will not interfere with offsite flows coming onto the property and passing through. They are located so that during typical rainfall events the offsite storm water will pond onsite at a depth of 3' (=82.25-78.25). This is similar to the existing ponding depth of 3.03', thus maintaining similar to existing conditions and yet by far retaining and detaining historical storm water flow to downstream lots.

4. The retaining walls and the new weep hole will decrease the storm water ponding depth on the adjacent lots to the east and the SRP easement by 3.25' (=85.92-82.67).
5. Without the use of the retaining walls:
 - The southwest driveway will not be able to be installed, because it is lower in elevation than the offsite stormwater elevation and the retention system cannot function.
 - It will become nearly impossible to keep offsite and onsite storm water from mixing and thus retain onsite stormwater.
 - The existing retention in the existing wash area will be compromised, i.e. potential for more frequent flow events draining to the west and into the adjacent lots.
 - The retaining wall locations, heights and depths add to the integrity of the project. Without them the project will need to significantly diminish in scope by as much as 30%.

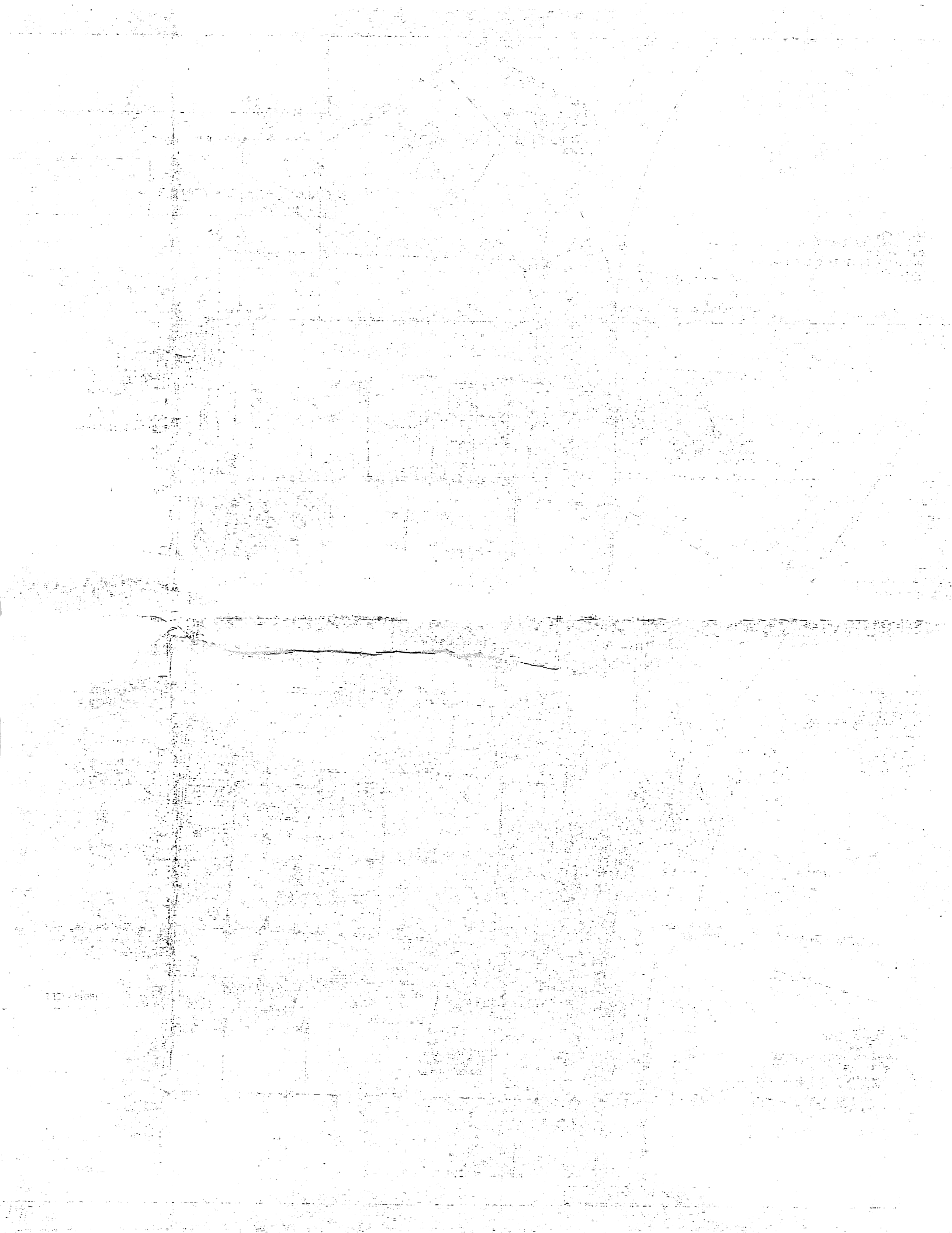
Request

1. This request for a variance and use permit is for the placement of 6.3' retaining walls and the 1.5-3.33' retaining wall as shown on the attached Retaining Wall Site Plans so we can move forward with a successful and safe project.
2. Variance and Use Permit to allow the retaining walls on the east side of the property to exceed 40 inches (if design requires to exceed that height). Per Zoning Ord. Section 703.A.4.c. Proposed design is 40 inches.
3. Variance to allow the retaining walls on the street side (46th Place) to exceed 40 inches within the front or street side yards. Per Zoning Ord. Section 703.A.4.d.

Please note, the new owner did not create the conditions that lead to the need for a variance or use permit request for this property. He simply wishes to be able to fully utilize his property and in doing so increase the value of his lot and the value of the surrounding community.

Bew Mathews, P. E.

USA Infrastructure LLC
734 W. Pecos Ave
Mesa, AZ 85210
Cell: 480-213-3647





City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR ZONING ADJUSTMENT

APPLICATION NO: ZA-275-20

CASE TYPE: Variance
DATE FILED: 6/4/2020

COUNCIL DISTRICT: 6
CASE STATUS: Pending

EXISTING ZONING: RE-24
FILING STAFF: Ebojorquez

Fee	Fee Waived	Fee Date	Receipt	Purpose
\$980.00	\$0.00	06/04/2020		Original Filing Fee

HEARING DATES

ZA: 07/09/2020 1:30 PM LOCATION: Meeting will be held virtually.

BOA:

PROPERTY LOCATION: 5501 North Camelback Canyon Drive

LEGAL DESCRIPTION: See attached

CONTACT INFORMATION

NAME	ADDRESS	PHONE	FAX	EMAIL
Scott Kaufmann <small>(Owner, Applicant)</small>	3609 E Meadowbrooke Avenue Phoenix AZ 85018	(602) 317-3767		sk3333@gmail.com
Ben Mathews USA Infrastructure, LLC <small>(Representative)</small>	734 W Pecos Avenue Mesa AZ 85210	(480) 213-3647		bmath.usai@cox.net

If, during the course of review of a pending application, the applicant submits one or more additional applications that are related to the pending application, then and in such event, the substantive review time frame shall be reset on all related applications. In this event there shall be one applicable substantive review time for all of the related applications and the time frame shall be revised to be the longest substantive review time frame that was applicable to any one of the related applications. As a result, the entire substantive review time frame for the related applications shall start over, and a fee may be charged.

An applicant may receive a clarification from the city of its interpretation or application of a statute, ordinance, code or authorized substantive policy statement. To request clarification or to obtain further information on the application process and applicable review time frames, please call 602-262-7131 (option 6), email zoning.mailbox@phoenix.gov or visit our website at <http://phoenix.gov/pdd/licensetimes.html>.

In making this application, I understand that the filing of this application and payment of fees does not entitle me to the relief requested. (See Sec. 307 of City of Phoenix Zoning Ordinance for standards by which the hearing officer will review the application.) I understand the approval of this request does not replace the need for acquiring the appropriate building permits, site plan approval, liquor license or any other licenses required by governmental agencies. I also understand that in the case of liquor request approval of a use permit does not guarantee the CITY OF PHOENIX will recommend approval of the liquor license.

APPLICANT'S SIGNATURE: Ben Mathews DATE: June, 4, 2020

NOTE TO APPLICANT: SUCH USE PERMITS AND VARIANCES AS ARE GRANTED BY THE ZONING ADMINISTRATOR SHALL BE VOID IF THE USE IS NOT COMMENCED OR IF A BUILDING PERMIT IS NOT OBTAINED 60 DAYS OF SUCH GRANTING OR WITHIN THE TIME STIPULATED BY THE ADMINISTRATOR.

APPEALS OF DECISIONS OF THE ZONING ADMINISTRATOR MAY BE MADE BY ANY PERSON TO THE BOARD OF ADJUSTMENT WITHIN 15 DAYS AFTER THE DATE OF ACTIONS.

REQUEST

REQUEST	ZONING ORD. SECTIONS
1. Use permit to allow an over height retaining wall (3 feet 6 inches) within 50 feet of a subdivision perimeter (east). Maximum 40 inches permitted.	703.A.4.c
2. Variance to allow an over height retaining wall (6 feet 6 inches) in the required side yard (west) setback. Maximum 40 inches permitted.	703.A.4.d
3. Variance to allow an over height retaining wall (6 feet 6 inches) in the required rear yard (south) setback. Maximum 6 feet permitted.	703.D.4.f

GEOGRAPHIC INFORMATION

APN: 171-15-022C, 171-15-037A
Qtr Section(Map Index): 19-38(111)