

**CITY OF PHOENIX - ZONING ADJUSTMENT APPLICATION – OWNERSHIP VERIFICATION FORM**

It is requested that an application for Zoning Adjustment be accepted by the Planning and Development Services Department for property located at:

Said property is owned by: PALM CIRCLE ESTATES HOA

(Property Owner Name): PALM CIRCLE ESTATES HOA

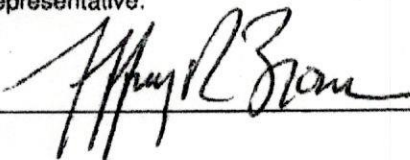
(Mailing Address): 5502 E CALLE TURBULEA

Property is legally described as (or see attached): ABANDONMENT 170035, AND PROPERTY LINES 5518 & 5528 AND PROPERTY LINES 5519 & 5529

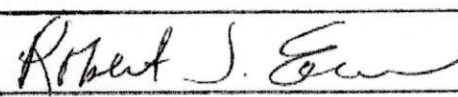
Assessor Parcel Number(s): 128-13-097, 128-13-098, 128-13-101, 128-13-102

**NOTE:** The tax parcel number can be obtained from your property tax statement or the Maricopa County Assessor's Office (602) 506-3406.

I hereby certify that the above information is correct, and that I am authorized to file an application on said property, being either the owner of record or authorized to file on behalf of the owner (signed authorization must be attached). I am requesting this zoning adjustment action because I believe that it is in the best interest of my desires as the property owner or representative.

  
(Applicant)

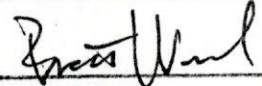
10/7/17  
(Date)



10/7/17



10/7/17



10/7/17

October 7, 2017

Palm Circle Estates HOA hereby requests a variance for front yard wall height, from the permissible 40-inch height to a maximum height of eight feet six inches above existing grade. This variance is needed to create a gated community. The vast majority of the wall and columns would be a maximum of six feet six inches above existing grade. Since the street level is lower than the lot level by about six inches, the columns in the street could reach seven feet in height. The two columns framing the gate will have lights on top of the pier caps, thereby reaching a maximum height of eight feet six inches above existing grade. Additionally, the 24-foot split gate will arch from the columns toward the center point but will not exceed eight feet six inches in height. Please see rendering and site plan for additional clarification.

Palm Circle Estates HOA believes that the four criteria required for a variance to be approved are met as shown below:

1. Must be special circumstances or conditions that do not apply to other similar properties in the same zoning district.

Response: The HOA requests a fencing height variance in order to provide physical separation between two 10-person group homes and the remaining homes on the cul-de-sac. It is a highly unusual circumstance to have group homes this size across the street from each other. Other similar properties in the same zoning district have nowhere near this saturation level of group homes to single family residences.

2. The special circumstances were not created by the owners.

Response: These circumstances were created by the City of Phoenix during a recent 18-month period when the group home spacing requirements were suspended and unenforced.

3. The authorization is needed for the owners to enjoy reasonable and substantial property rights.

Response: With twenty new residents, their visitors, nurses, vendors and support staff frequenting the front two homes of the cul-de-sac, a physical barrier is necessary to minimize traffic, parking, and noise from impacting the remaining four families' quality of life. Furthermore, by gating the remaining residences, the decrease in property values will be mitigated somewhat. The decrease is due to having 33% of the homes on the cul-de-sac non owner-occupied businesses.

4. The authorization of the variance will not be detrimental to others residing in the community.

Response: The variance will create a visually pleasing gated community that will tie in with the existing Arcadia architecture and allow two homes for twenty seniors desiring to live in the area.

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2. The following shall apply to all residence districts: \*7

a. For lots fronting on a public street, private accessway or private drive, no fence or freestanding wall (not supporting a building or structure) within or bounding the required front yard, shall exceed a height of 40 inches, provided: \*7

1) For properties located within an Historic Preservation (HP) Overlay District, fences or freestanding walls in the front yard, meaning the space between the structure and the street right-of-way line, may not exceed a maximum height of three (3) feet, and are conditioned upon obtaining a certificate of appropriateness or no effect in accordance with Section 812 of the Phoenix Zoning Ordinance. This height limitation extends to a point three (3) feet beyond the front corner(s) of the primary structure. +7

2) A fence, not to exceed fifty-four inches high, may be erected within a front yard adjacent to an arterial subject to a use permit where not prohibited by Section 31-13 of the City Code. +7

3) Where a property line abuts or is adjacent to a freeway right-of-way, a noise mitigation wall exceeding the height limits in Section 703.A.2 may be erected under the following circumstances: +7

a) The lot is in an area for which there is an approved Freeway Mitigation Specific Plan; and +7

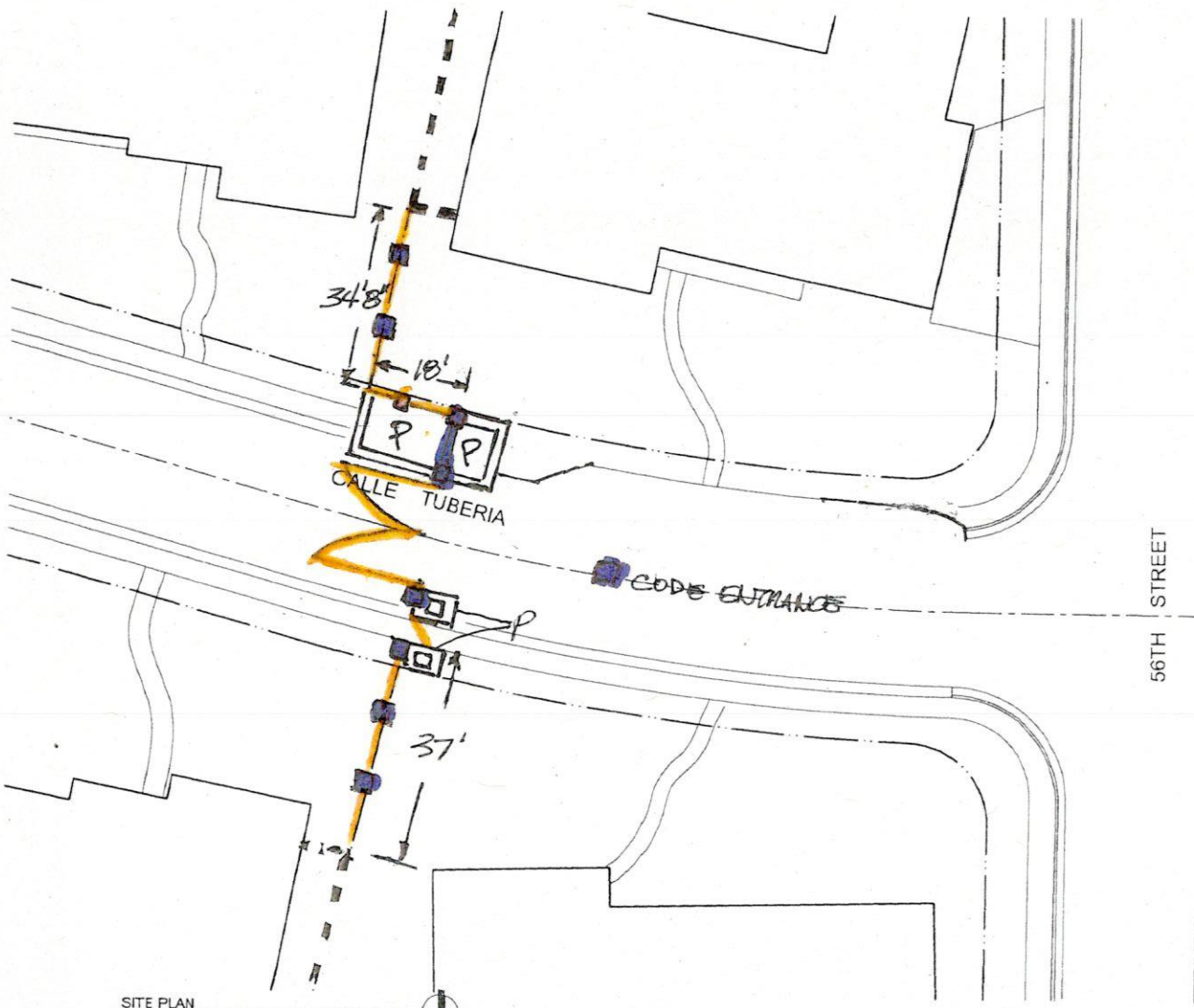
b) Wall height is indicated for that area in the Specific Plan or a noise analysis prepared by a registered professional engineer is submitted to the Planning and Development Department, which analysis demonstrates that the proposed wall height is required to reduce the noise level from freeway traffic to sixty-five dB(a) Ldn in outdoor living areas adjacent to the freeway. +7

4) The height of a wall erected for the purpose of flood protection as approved through grading and drainage plans is not regulated by Section 703.A. A fence or freestanding wall may be constructed on top of a flood wall so long as its height conforms with the provisions of Section 703.A.1 and 2. +7

b. An ornamental entry exceeding said height at the entrance of a new residential subdivision, planned area development project or multifamily development may be allowed by use permit and when not prohibited by Section 31-13 of the City Code.

c. For fences or freestanding walls within or bounding a required rear or side yard, the height shall not exceed six feet provided: \*7

1) When not prohibited by Section 31-13 of the City Code, fences or freestanding walls up to ten (10) feet in height may be built around schools and other public or quasipublic institutions when necessary for the safety or restraint of the occupants thereof. \*7

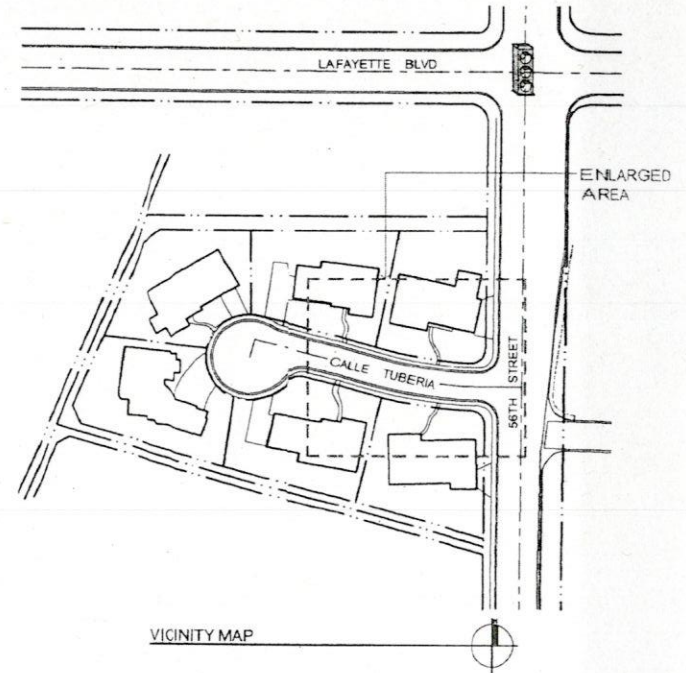


SITE PLAN  
SCALE: 1" = 120'

### 56th Street & Calle Tuberia Proposed Residential Entry Gate Phoenix, Arizona

- = COLUMN OR WALL MASONRY.
- = WROUGHT IRON FENCING
- P = PLANTER
- - = EXISTING WALL

Proposed GATED  
COMMUNITY  
Palm Circle Estates HOA



Notes:  
FENCING TO RUN ON PROPERTY  
LINES N/S AND CONNECT TO  
EXISTING WALLS.

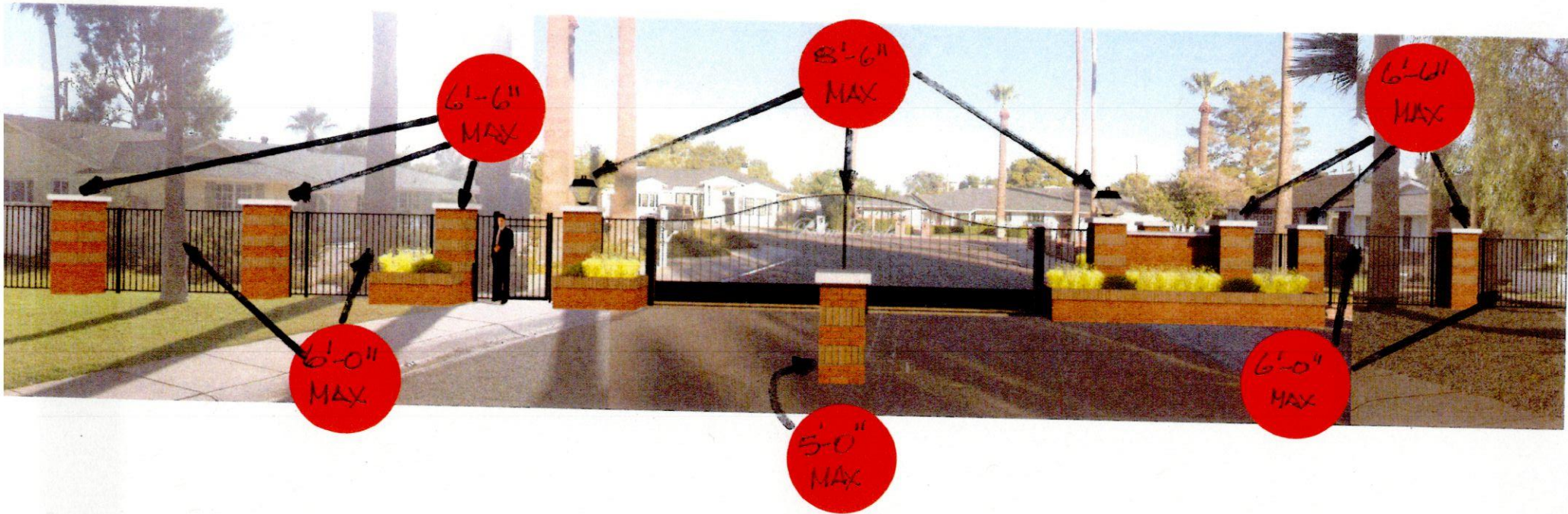
EAST/WEST FENCING WILL  
BE ON EASEMENT LINE  
OF NORTH CORNER LOT.

18' FENCE DIMENSION TO BE DETERMINED  
BY SURVEYOR SO BOTH SIDES OF  
GATE LINE UP.



Butler Design Group, Inc.  
architects & planners

01-15-17  
17064-STD1



NOTE: BRICK COLUMNS HAVE CHANGED TO  
SPLIT FACE BLOCK WITH A BRICK  
RACING STRIPE.



# City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

## APPLICATION FOR ZONING ADJUSTMENT

**APPLICATION NO: ZA-491-17**

CASE TYPE: Variance  
DATE FILED: 10/10/2017

COUNCIL DISTRICT: 6  
CASE STATUS: Pending

EXISTING ZONING: R1-14 (ACSPD)  
FILING STAFF: 070516

Fee	Fee Waived	Fee Date	Receipt	Purpose
\$490.00	\$0.00	10/10/2017		Original Filing Fee

### HEARING DATES

**ZA: 11/16/2017 9:00 AM** LOCATION: 200 West Washington Street, 1st Floor, Assembly Room C

BOA:

PROPERTY LOCATION: 5518, 5519, 5528 and 5529 East Calle Tuberia

LEGAL DESCRIPTION: See attached.

### CONTACT INFORMATION

NAME	ADDRESS	PHONE	FAX	EMAIL
Jeffrey R. Brown Pal Circle Estates HOA (Applicant)	5502 E Calle Tuberia Phoenix AZ 85018	(602) 852-0979		rymark1@questoffice.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](mailto: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: \_\_\_\_\_ DATE: \_\_\_\_\_

**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

1. Variance to allow an over height wall/fence (6 foot, 6 inches) in the required front yard. Maximum 40 inches permitted.

ZONING ORD. SECTIONS  
703.A.2.a

### GEOGRAPHIC INFORMATION

APN: 128-13-098, 128-13-101, 128-13-097, 128-13-102

Qtr Section(Map Index): 16-40(H11)

ZONING ADJUSTMENT WORKSHEET

(Must be filled out completely)

Property Owner Name: PALM CIRCLE ESTATES HOA

Company: PALM CIRCLE ESTATES HOA

Address: 5502 E CALLE TURKUA Suite: N/A

City, State, Zip Code: PHOENIX AZ 85018

Telephone: 602 852-0979 Fax: 480-969-5814

Email Address: rymark1@qwestoffice.net

Applicant Name: JEFFREY R BROWN

Company: \_\_\_\_\_

Address: \_\_\_\_\_ Suite: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

Representative Name: \_\_\_\_\_

Company: \_\_\_\_\_

Address: \_\_\_\_\_ Suite: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email Address: \_\_\_\_\_

Is this property in a gate community? Yes  No

If gated, please provide the gate code or entry instructions to a Planning and Development Services Department representative.

Provided: Yes  No

OFFICE USE ONLY

Map: \_\_\_\_\_ Council District: \_\_\_\_\_ Annex: \_\_\_\_\_

Q.S.: \_\_\_\_\_ Zoning: \_\_\_\_\_

Other Notes: \_\_\_\_\_