

# ZONING VARIANCE

For

## **GARCIA DETACHED SINGLE FAMILY RESIDENTIAL SUBDIVISION REPLAT OF ARCADIA CIRCLE**

5740 E. Exeter Blvd  
Phoenix, Arizona 85018  
APN# 172-31-034A

Prepared for:

**Verde Investments Inc.**  
**1720 W Rio Salado Parkway**  
**Tempe, Arizona**  
**602-778-5003**

March 2, 2022

**Kaeko Job #7019010**



4655 N Flowing Wells Road  
Tucson, AZ 85705  
(520) 690-1669



12409 W Indian School Road, Ste C303  
Avondale, AZ 85392  
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## 1. **Project Narrative:**

The property, Arcadia Circle subdivision, was platted in 1991. The original 5-acre parcel was oriented with approximately 332 feet of frontage on East Exeter Boulevard. The property was divided into 4 lots, with North 57<sup>th</sup> Way dedicated as a cul-de-sac street right of way (ROW). Public Utility Easements (PUE's) were granted along East Exeter Boulevard ROW on Lots 1 and 2, continuing around ROW frontage of all 4 lots along the 57<sup>th</sup> Way cul-de-sac. There are also PUE's along the eastern boundaries of Lots 2 and 3 and the western boundary of Lot 4.

N. 57<sup>th</sup> Way cul-de-sac is in the process of being abandoned, the original 4 lots are being reconfigured into 2-lots via new plat. The previous residential structure at the northwest corner of E. Exeter Blvd and the vacated ROW of N. 57<sup>th</sup> Way has been demolished and that pre-existing lot is currently exposed and unimproved.

The proposed project seeks to replat Arcadia Circle, converting the 4-lot configuration into 2 lots. Lots 1, 3 & 4 will be combined into one larger lot and Lot 2 will remain in its current configuration. Specific objectives include:

- Abandon the North 57<sup>th</sup> Way ROW north of the East Exeter Boulevard monument line. Replat and include the former 57<sup>th</sup> Way ROW as part of Lots 1, 3 & 4. The combined Lots 1, 3 & 4 will front on Exeter Blvd. Remove pavement, curbing and gutter from north end of cul-de-sac southward to north curb & gutter line at East Exeter Boulevard. Install new curb and gutter along (north curb & gutter line at) East Exeter Boulevard in way of demolished North 57<sup>th</sup> Way Street.
- Abandon/relocate the public utilities in the same portion of North 57<sup>th</sup> Way and/or adjacent PUE that is north of East Exeter Boulevard.
- Restore areas where demolition work occurs; these areas will be landscaped to complement remaining landscape.
- Existing aerial utilities along the southern and eastern boundaries of Arcadia Circle are proposed to be converted to underground.

- Selective demolition of existing improvements on Lot 1 as required to construct the proposed improvements on the re-platted parcels.

## **2. Site Plan Review Comments:**

A Site plan was submitted to City of Phoenix on August 18, 2021, as part of the pre plat application process. On October 13, 2021, city personal submitted a response letter and redlined site plan with 23 comments, 6 of those comments relate to variances needed for the project to move forward.

The intent of this report is to clear the Garcia Detached Single Family Residential Subdivision of the noted deviations for a subdivision on Zone RE-35 with the submittal of the present variances request. The variance requests will meet the four conditions described in page 3 of the City of Phoenix Zoning Adjustment Application Packet:

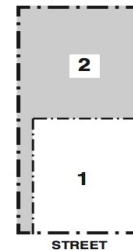
- A. *There are special circumstances or conditions applying to the land, building, or use of the subject property which do not apply to other similar properties in the same zoning district. (Special circumstances or conditions would include, for example: an unusual lot size, shape, or topography. This condition is considered a property hardship and it must be a condition relating to the property that is so unique it cannot be replicated on any other similarly zoned land in the City.) The authorization of a variance is necessary in order for the owner or applicant to enjoy reasonable and substantial property rights. (In other words, without the granting of a variance the property cannot be reasonably used. There is no cause for a variance if the property can be used, even if it is in a manner other than that desired by the owner or applicant.)*
- B. *The special circumstances or conditions described above were not created by the applicant, owner, or any previous owner of the property. The property hardship cannot be self-imposed.*
- C. *The authorization of a variance is necessary in order for the owner or applicant to enjoy reasonable and substantial property rights. (In other words, without the granting of a variance the property cannot be reasonably used. There is no cause for a variance if the property can be used, even if it is in a manner other than that desired by the owner or applicant.)*
- D. *The authorization of a variance is necessary in order for the owner or applicant to enjoy reasonable and substantial property rights. (In other words, without the granting of a variance the property cannot be reasonably used. There is no cause for a variance if the property can be used, even if it is in a manner other than that desired by the owner or applicant.)*

See Appendix I for the latest Site Plan and Appendix J for a variance request Site Plan.

### 3. Variance Application:

The Phoenix Municipal Code places a limitation on Single Family Developments. The zoning for this site is RE-35 and is appropriate to the existing and proposed uses. The RE-35 creates a standard for minimum building setbacks and minimum lot widths. These standards, outlined in the table on the following page, are met for the existing and proposed structures/lot lines, with five exceptions. The five exceptions are highlighted in yellow on the next page.

1. To obtain site access from Exeter Boulevard, the rear lot (Lot 2), will need to be configured as a flag lot. The proposed drive lane will be paved to a width of 20-ft to accommodate emergency vehicle access to the site. The proposed total width of the flagpole portion of Lot 2 is 50-ft.



2. To provide private security directly to Lot 2, and indirectly for Lot 1, an accessory structure (guardhouse) is proposed to be set within the east side yard setback of the flagpole section of the flag lot, Lot 2. A 20-ft side yard setback is required within the zone. A 3-ft side yard setback is proposed for this flagpole section of the east side yard for Lot 2.
3. The maximum height allowed for accessory structures located within the 20-ft side yard setback (minimum 3-ft offset from property line) is 8-ft. The proposed accessory structure (guardhouse) for Lot 2 is set 3-feet off property line and 14-ft in height.
4. The 20-ft side yard setback on Lot 1 is encroached upon by the existing covered car port structure that is attached to the main home. A modification to this structure was built in 2018 with an approved permit and site plan and the encroachment was identified and allowed. This existing condition is called out and dimensioned on the site plan. **There is no planned additional modification to this structure.**

5. The 20-ft side yard setback of Lot 1 is encroached upon by the existing pool house. The pool house was constructed in 2018 with an approved permit and site plan. The encroachment was identified at time of permit application and approved. **The pool house is non-livable and there are no plans for additional modifications to this existing structure.** The existing pool house encroaches into the side yard setback 2.0-ft for a length of 5.5-ft. The detached accessory non-livable structure on Lot 1 (pool house) encroaches into the rear yard setback but is not within 3-ft of the rear lot line, and therefore complies with the rear yard setbacks standards of the zone. A request for variance to the side yard setback of the detached accessory structure on Lot 1 is not part of this variance application report. If the previously approved 9-ft side yard setback variance for the attached accessory structure (car port) on Lot 1 is reinstated, the encroachment of the side yard setback of the pool house will meet that 9-ft setback, per approved variance and will comply with the 9-ft side yard setback.

<i>RE-35 Development Option</i>		
<i>Standards</i>	<i>(a) Subdivision</i>	<i>Notes</i>
Minimum lot dimensions (width and depth)	150' width, 175' depth (Minimum area 35,000 sq. ft.)	Both proposed lots far exceed the minimum area. Front lot meets the minimum width by default. The rear lot meets the width for the primary portion of the lot, but <b>not for the "Flagpole" segment</b> . Lot depth is met for both lots by default.
Dwelling unit density (units/gross acre)	1.10	Dwelling density met. Proposed DU=0.397
Perimeter standards	None	No standard
Building setbacks	40' front, 40' rear, 20' side	All existing structures on Lot 2 meet this standard. <b>Previously constructed attached accessory structure (carport) encroaches into side yard setback on Lot 1.</b>  <b>Previously constructed detached accessory structure (pool house) encroaches into side yard setback on Lot 1.</b>  <b>The proposed accessory structure located within the flagpole section of Lot 2 encroaches the side yard setback.</b>

<i>RE-35 Development Option</i>		
<i>Standards</i>	<i>(a) Subdivision</i>	<i>Notes</i>
		The proposed accessory structure of Lot 2 exceeds maximum allowed height for an accessory structure located within the side yard setback.
Maximum height	2 stories and 30'	Existing structures meet this standard
Lot coverage	25%, except if all structures are less than 20' and 1 story in height then a maximum of 30% lot coverage is allowed.	Both proposed lots meet this standard. Front lot coverage: 9% rear lot coverage: 6%
Common areas	None	No standard
Allowed uses	Single-family detached	Standard met
Required review	Subdivision to create 4 or more lots	Not applicable. Proposed subdivision will re-create 2 lots
Street standards	Public street required	Standard met. The existing public street, Exeter Blvd. is adjacent to both lots.

With this document and attached variance application, the following zoning code variances are requested:

- 1. A variance to allow the front portion of Lot 2, to act as a flag lot, hence reducing the minimum required lot width from 150-ft to 50-ft.**

The four considerations for a variance are explained as follows:

- A. The minimum lot width in the RE-35 zone is 150-feet. Lot 2 meets minimum lot size and lot depth requirements of the RE-35 zone. The minimum width of 150-feet for Lot 2 is met at the area of the primary structure but not at the flagpole portion of the drive access lane at Exeter Blvd. The proposed layout of Lot 2 is

consistent with flag shaped lots. The Lot 2 frontage at the R.O.W. with Exeter Blvd is 50-feet in width and the paved drive access lane is designed to 20-feet in width. The paved drive access lane is 20-feet in width to ensure safe ingress/egress to the rear lot by both delivery vehicles and emergency vehicles. The drive access lane at the intersection of Exeter Road is 50-ft in width and will allow a clear vision triangle for both adequate sight distance and adequate area for safe vehicle movements entering and exiting Lot 2.

- B. The RE-35 setbacks were modified in 1992 after the initial four-lot subdivision was created. This explains why the pre-existing parcels did not meet the minimum lot widths. This circumstance was imposed by the City after initial development and is not self-imposed. The proposed 50-foot drive access lane for Lot 2 allows access to the rear lot for large, emergency sized, vehicles and allows for clear vision sight-distances at Exeter Blvd. Lot 1 and Lot 2 are being developed together under the same ownership. While Lots 1 and 2 are separately addressed with unique parcel numbers, they are cohesive in design and usage.
- C. The parcel is an infill property surrounded by existing developments. The neighborhood is experiencing a unique growth into larger lots and larger homes. Maintaining the four-lot split and public cul-de-sac restricts the property by forcing the lots to remain smaller than market demands for the area and does not allow future enhancement of the homes. This restriction imposes a hardship on the land making the parcel unable to be competitively used.
- D. The proposed site has been carefully laid out so that the requested variances will not negatively impact any adjacent owners. The existing setback encroachment on the east is a non-livable, single floor, accessory use. Allowing this existing use to continue would not exceed any site lines or create any visual impact that would not already be allowed per the zoning codes.

**2. A variance to reduce the east side yard setback from 20-feet to 3 feet within the “flagpole” section of Lot 2**



The four considerations for a variance are explained as follows:

- A. The existing parcel is platted as four (4) smaller parcels. These four parcels were created with a public cul-de-sac dividing them up to satisfy the requirements for access to public right-of way. This condition has created four lots that are smaller and narrower than was anticipated with the RE-35 zoning in this area. It has created a publicly maintained cul-de-sac that is used exclusively by two property owners and is a maintenance drain on the city of Phoenix public works. This condition is undesirable for the owner, for the neighborhood, and for the City of Phoenix. This common desire by all three entities is unique and presents an opportunity to improve the neighborhood.
- B. The RE-35 setbacks were modified in 1992 after the initial four-lot subdivision was created. This explains why the existing parcels do not meet the minimum width in their current condition. This circumstance is imposed by the City after initial development and is not self-imposed.
- C. The parcel is an infill property surrounded by existing developments. The neighborhood is experiencing a unique growth into larger lots and larger homes. Maintaining the four-lot split and public cul-de-sac restricts the property by forcing the lots to remain smaller than market demands for the area and does not allow future enhancement of the homes. This restriction imposes a hardship on the land making the parcel unable to be competitively used. The east side yard setback along the pole section of the flag lot, Lot 1 is internal to the two lots and borders the proposed sports court of Lot 1, which is under same ownership. Placing the guard house at a location closest to the drive entrance on Exeter Blvd minimizes the opportunity for uninvited guests or trespassing persons to enter into the property. Paved turnouts are provided adjacent to the guardhouse for safe vehicle maneuvering to exit the site. The neighborhood is experiencing a significant growth of larger homes on larger lots and well-maintained high-quality residential homes. The proposed guardhouse is setback from the front yard setback 40-feet, conforming with the front yard setback of the zone. The

east side yard setback is encroached by the proposed guardhouse, however, through careful design and lot layout, the guardhouse has the appearance of cohesiveness and balance located adjacent to the proposed sports court of Lot 1. Lots 1 and Lot 2 are under same ownership. The proposed guardhouse provides a level of security that the homeowners desire and have rights to provide private security features to secure and protect their high-quality residential structures and amenities.

- D. The proposed lots have been carefully laid out so that the requested variances will not negatively impact any adjacent owners. The proposed guardhouse encroaches the east side yard setback. Allowing this side yard setback variance would not create any visual impacts that would not already be allowed per the zoning. The proposed guardhouse is adjacent to Lot 1, of same ownership, has an appearance of cohesiveness between the two lots, and will not negatively affect or be materially detrimental to the adjacent property (Lot 1) or the neighborhood, or public wellbeing.

**3. A variance to increase the maximum allowed height of an accessory structure (guardhouse) from 8-feet to 14-feet within the side yard setback.**

The four considerations for a variance are explained as follows:

- A. The existing parcel is platted as four (4) smaller parcels. These four parcels were created with a public cul-de-sac dividing them up to satisfy the requirements for access to public right-of way. This condition has created four lots that are smaller and narrower than was anticipated with the RE-35 zoning in this area. It has created a publicly maintained cul-de-sac that is used exclusively by two property owners and is a maintenance drain on the city of Phoenix public works. This condition is undesirable for the owner, for the neighborhood, and for the City of Phoenix. This common desire by all three entities is unique and presents an opportunity to improve the neighborhood.

- B. The RE-35 setbacks were modified in 1992 after the initial four-lot subdivision was created. This explains why the existing parcels do not meet the minimum width in their current condition. This circumstance is imposed by the City after initial development and is not self-imposed.
- C. The parcel is an infill property surrounded by existing developments. The neighborhood is experiencing a unique growth into larger lots and larger homes. Maintaining the four-lot split and public cul-de-sac restricts the property by forcing the lots to remain smaller than market demands for the area and does not allow future enhancement of the homes. This restriction imposes a hardship on the land making the parcel unable to be competitively used. The proposed guardhouse provides a level of security the owner of both Lot 1 and Lot 2 is seeking to protect their properties. The proposed guardhouse is 14-feet in height to provide a safe and comfortable environment for individuals who will use the guardhouse. The accessory structure (guardhouse) is 14-feet in height and exceeds the maximum allowed height of 8-feet when located 3-feet off the side property line. This proposed accessory structure (guardhouse) is not a shed or other storage structure. The 14-foot height is required to provide both a safe and comfortable conditioned space for individuals when in the structure and to aesthetically match the look and characteristics of existing structures adjacent to the property and within the neighborhood.
- D. The proposed lots have been carefully laid out so that the requested variances will not negatively impact any adjacent owners. The proposed guardhouse exceeds the maximum 8-foot height when set 3-feet from the side yard property line. Allowing the guardhouse to exceed the maximum 8-foot height, to an allowed 14-foot would not create any visual impacts that would not already be allowed per the zoning. The proposed guardhouse is located 40-feet from the front property line, conforming with the front yard setback requirement of the zone. The proposed guardhouse is adjacent to Lot 1, of same ownership, and has an appearance from Exeter Blvd as being internal to Lot 1. The flag shaped geometry of Lot 2 creates

a unique situation where the east side yard setback of Lot 2 has the appearance of being internal to Lot 1. Granting a variance to exceed the maximum height allowed for an accessory structure within the side yard setback in this situation and lot configuration is not materially detrimental or aesthetically non-conforming to existing structures on adjacent lots or within the neighborhood.

4. **A variance to reduce the side yard setback (east side yard) of Lot 1 to 9-ft for an attached accessory use, non-livable structure. Livable areas and primary residential uses will be maintained at 20-ft setback. Minimum 20 feet is required. This variance was previously approved under application# ZA-331-20 (Variance expired since no permit was requested in the 1-year time allowed, the See Appendix H).**

The four considerations for a variance are explained as follows:

- A. The existing parcel is platted as four (4) smaller parcels. These four parcels were created with a public cul-de-sac dividing them up to satisfy the requirement for access to public right-of-way. This condition has created four lots that are smaller and narrower than was anticipated with the RE-35 zoning in this area. It has created a publicly maintained cul-de-sac that is used exclusively by two property owners and is a maintenance drain on the city of Phoenix public works. This condition is undesirable for the owner, for the neighborhood, and for the City of Phoenix. This common desire by all three entities is unique and presents an opportunity to improve the neighborhood.
- B. The RE-35 setbacks were modified in 1992 after the initial four-lot subdivision was created. This explains why the existing parcels do not meet the minimum width in their current condition. This circumstance is imposed by the City after initial development and is not self-imposed.
- C. The parcel is an infill property surrounded by existing developments. The neighborhood is experiencing a unique growth into larger lots and larger homes. Maintaining the four-lot split and public cul-de-sac restricts the property by forcing the lots to remain smaller than market demands for the area and does not

allow future enhancement of the homes. This restriction imposes a hardship on the land making the parcel unable to be competitively used.

- D. The proposed site has been carefully laid out so that the requested variances will not negatively impact any adjacent owners. The existing setback encroachment on the east is a non-livable, single floor, accessory use. Allowing this existing use to continue would not exceed any site lines or create any visual impact that would not already be allowed per the zoning codes.

4. **Summary:**

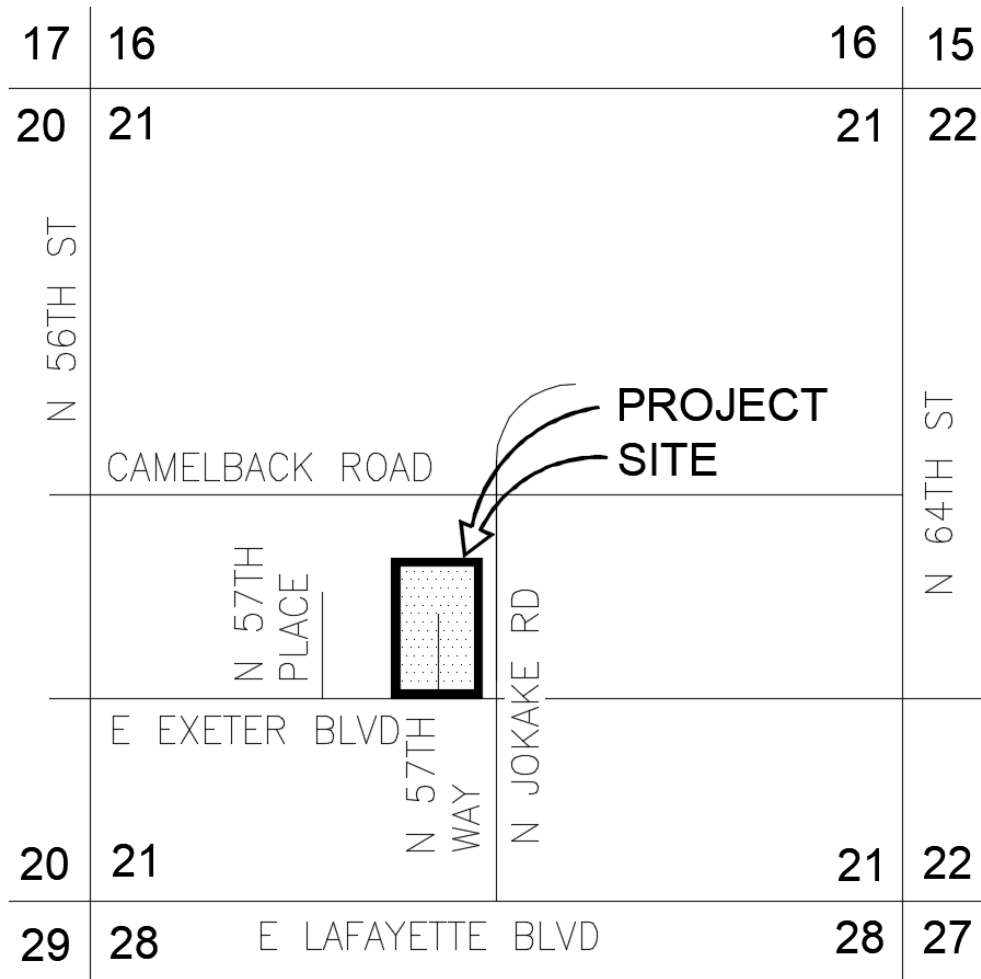
In summary, the owner is making a good faith effort to provide the neighborhood with an appropriate development that will enhance land values for all surrounding parcels. The proposed changes are lowering the density, creating larger lots, and meeting the general intent of the ordinance. The owner wishes to utilize the land to provide a high-quality home product that meets market demands while utilizing the site to a reasonable level and accommodating the unusual site conditions as best possible.

The requested variances meet the intent of the standards established by the City of Phoenix, do not negatively affect any neighboring parcels, and improve aesthetics of the neighborhood by providing high quality home structures and amenities while maintaining or improving safe vehicle movements onto and off Exeter Blvd.

## **APPENDIX A**

Vicinity Map, Existing Aerial Photo, Parcel Map, Existing Plat

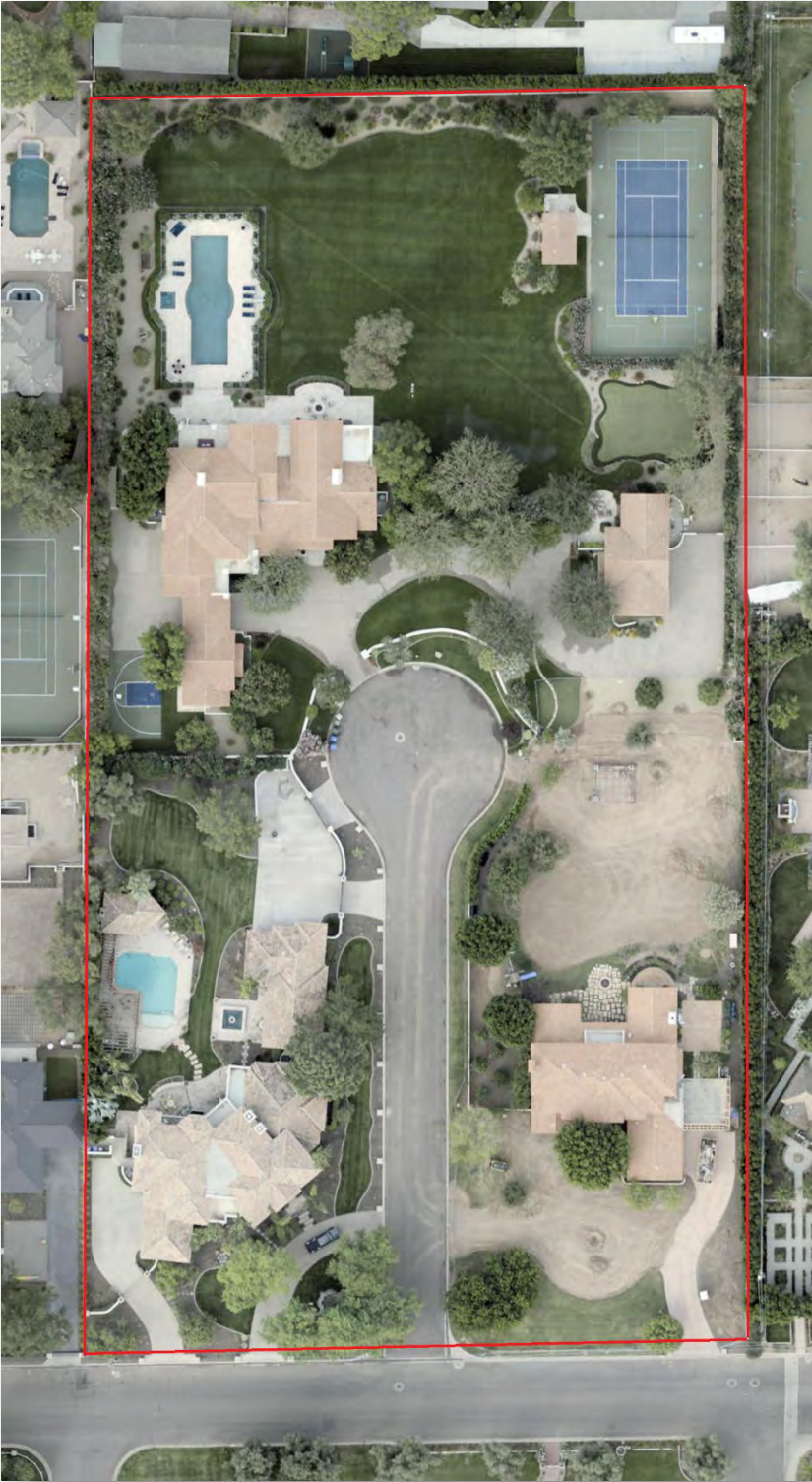
Vicinity Map



**VICINTY MAP**  
NOT TO SCALE



Existing Aerial

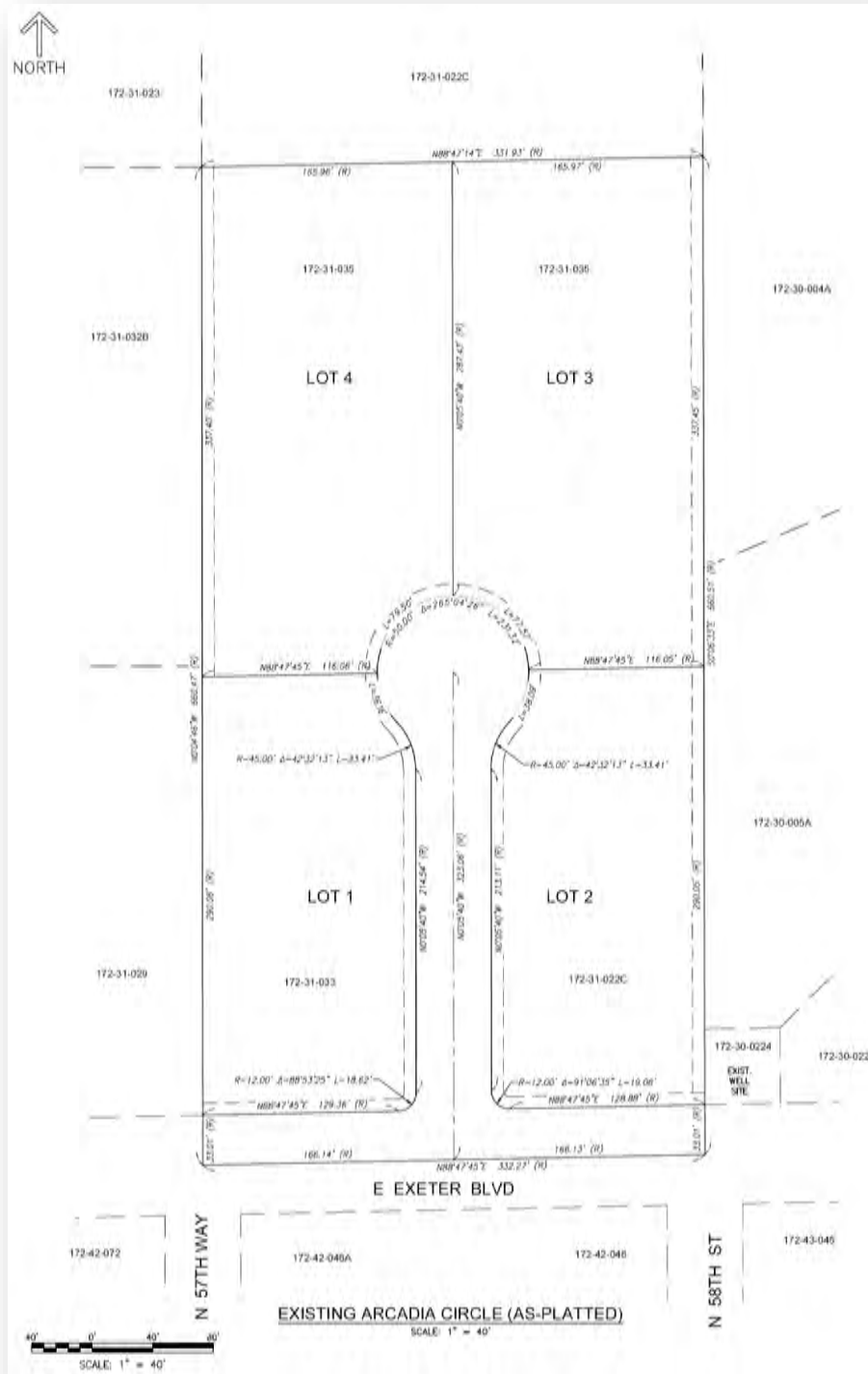




Existing APN Map with 300' Distances



Existing Subdivision Plat



## **APPENDIX B**

FIRMette

FEMA Firmette – clip from FIRM map

**Legend**  
 SEE THIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

**SPECIAL FLOOD HAZARD AREAS**

- Without Base Flood Elevation (BFE)  
Zone A, V, A99
- With BFE or Depth  
Zone AE, AO, AH, VE, AR
- Regulatory Floodway

**OTHER AREAS OF FLOOD HAZARD**

- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
- Future Conditions, 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levee, See Notes, Zone X
- Area with Flood Risk due to Levee Zone D

**OTHER AREAS**

- Area of Minimal Flood Hazard Zone X
- Effective LOMBRs
- Area of Undetermined Flood Hazard Zone D

**GENERAL STRUCTURES**

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

**OTHER FEATURES**

- Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

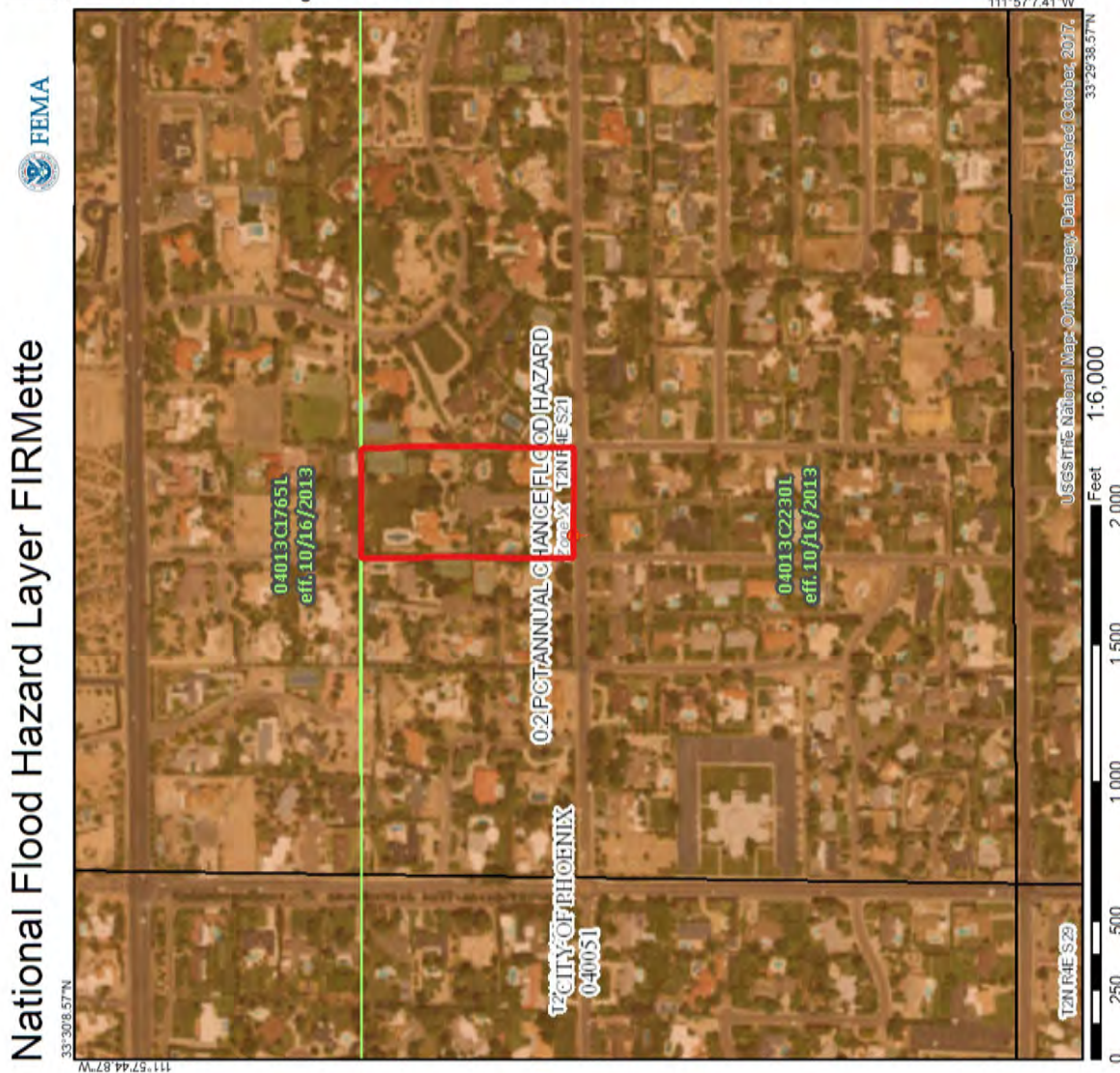
**MAP PANELS**

- Digital Data Available
- No Digital Data Available
- Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards. The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 2/14/2019 at 3:30:11 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

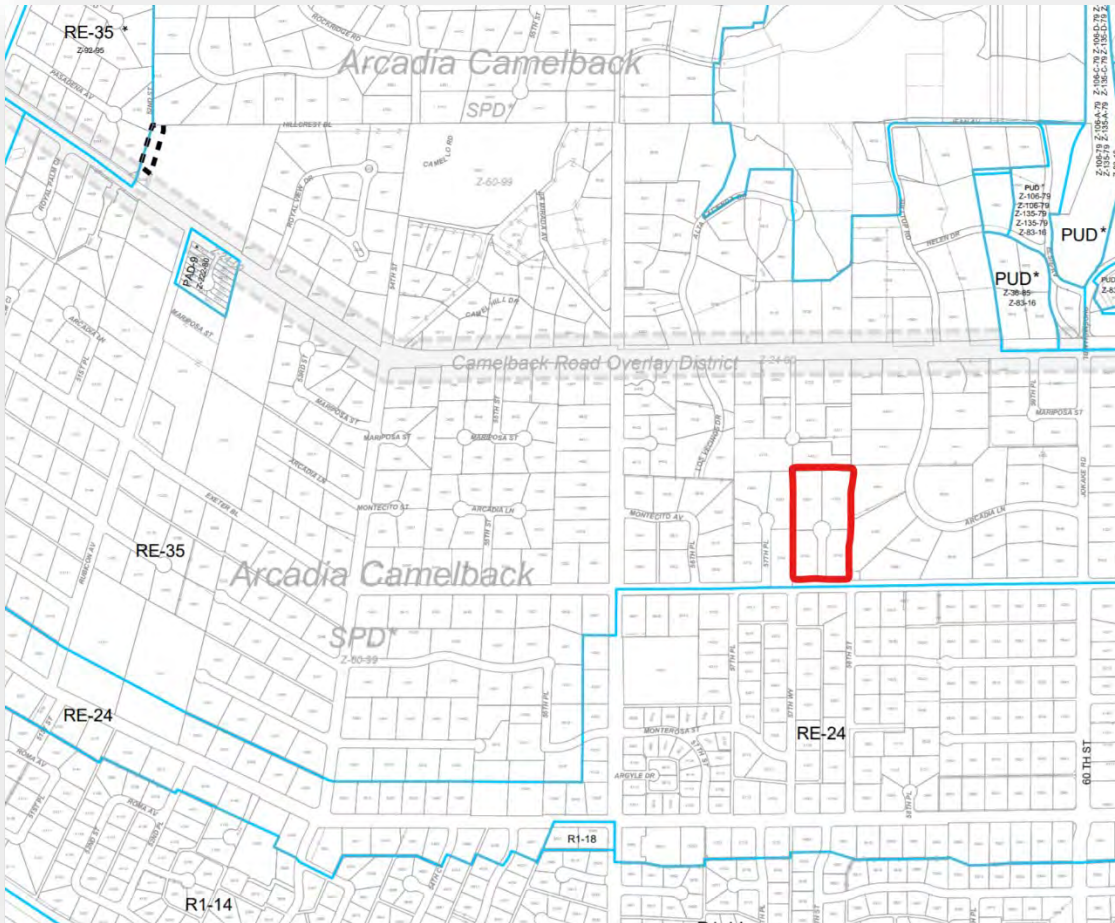
This image is valid if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



## **APPENDIX C**

### Surrounding Zoning

Existing City of Phoenix Zoning



Project: RE-35

Adjacent sites:

West: RE-35

East: RE-35

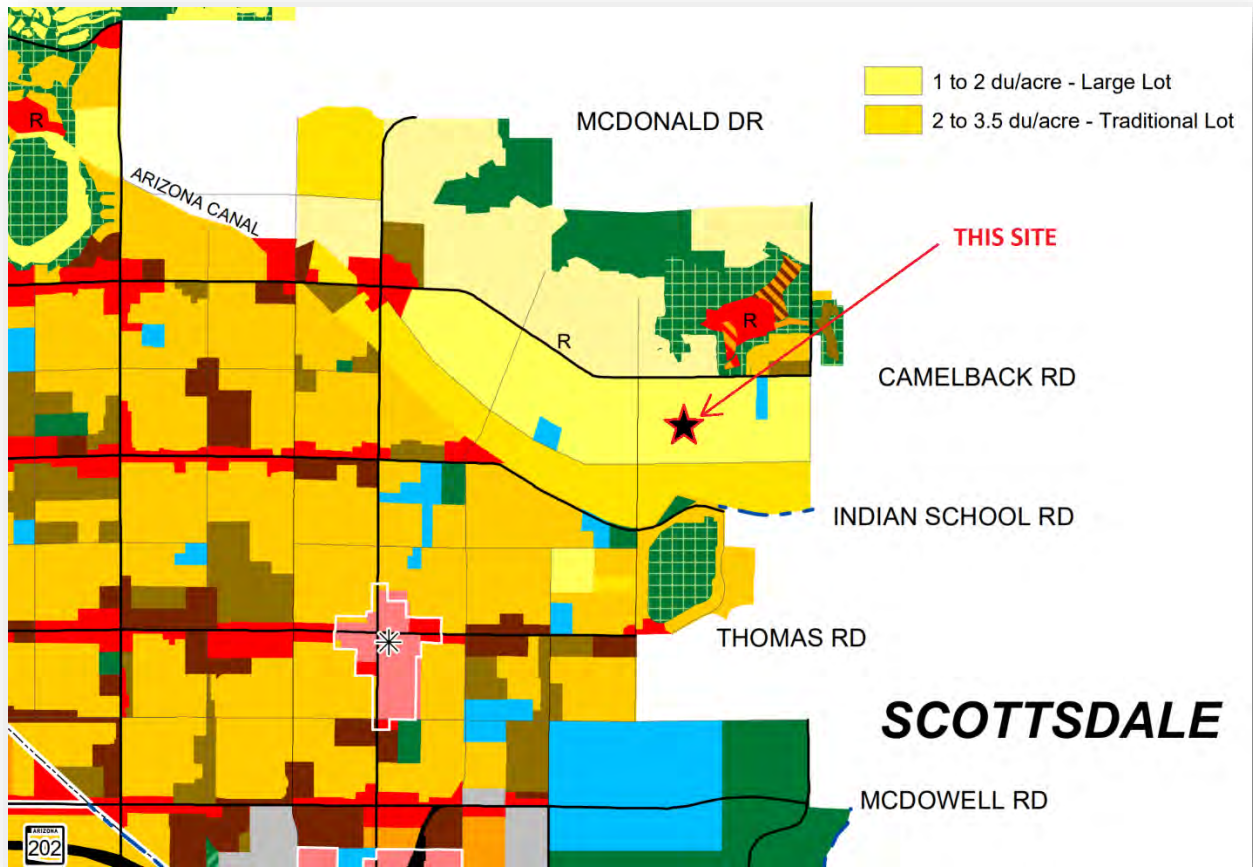
North: RE-35

South: RE-24

## **APPENDIX D**

### Surrounding Land Use

City of Phoenix General Plan - Land Use





## **APPENDIX E**

### Relevant Photographs

LOOKING NORTH ON E. EXETER BLVD EAST BOUNDARY WALL



LOOKING NORTH ONTO N. 57TH WAY FROM E. EXTER BLVD.



LOOKING EAST ON N. 57TH WAY CUL-DE-SAC

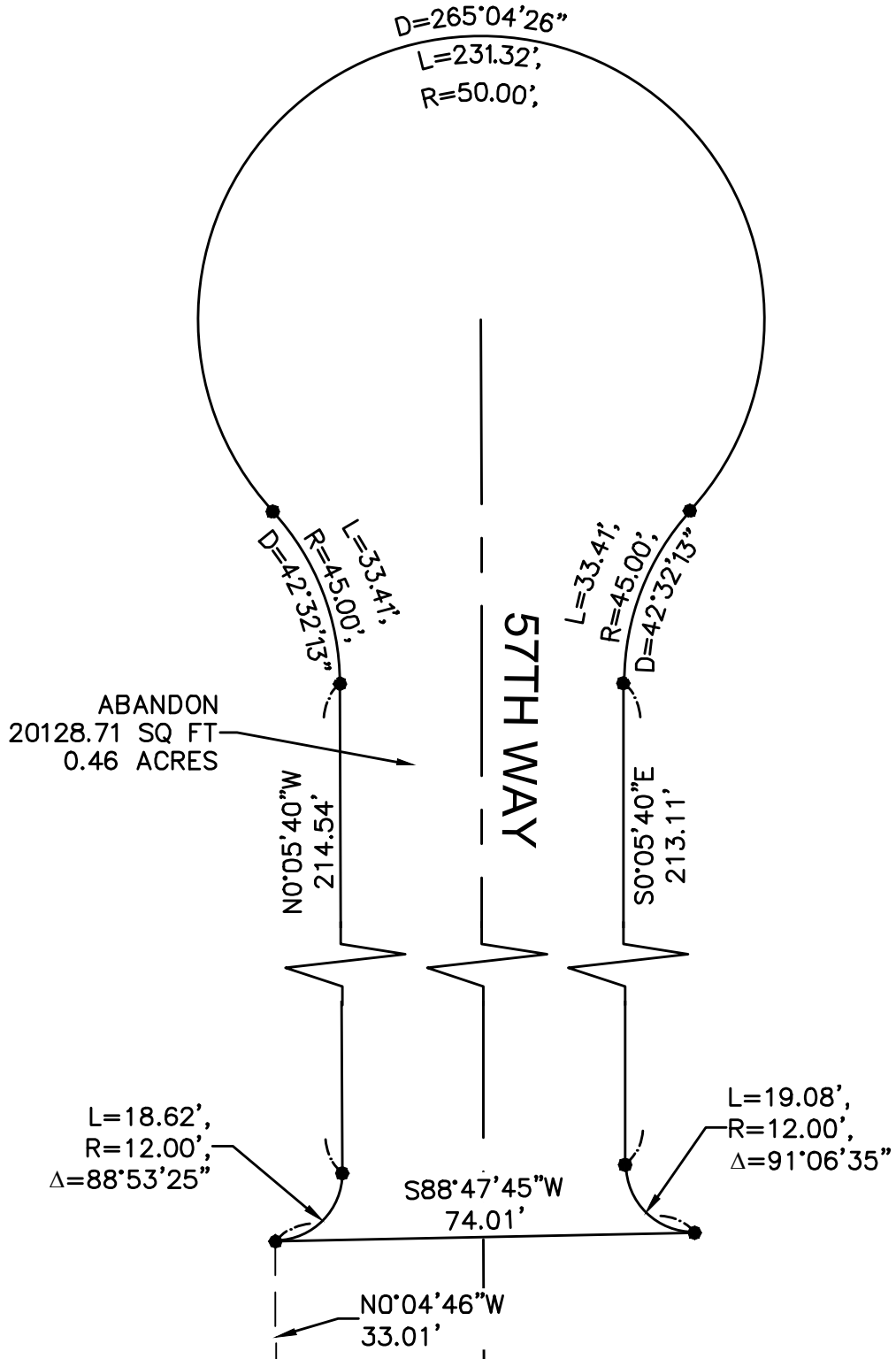


LOOKING SOUTH ON N. 57TH WAY CUL-DE-SAC



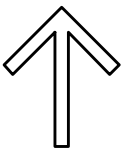
## **APPENDIX F**

Proposed 57<sup>th</sup> Way Abandonment



57TH WAY

EXETER BOULEVARD



NORTH

GRAPHIC SCALE

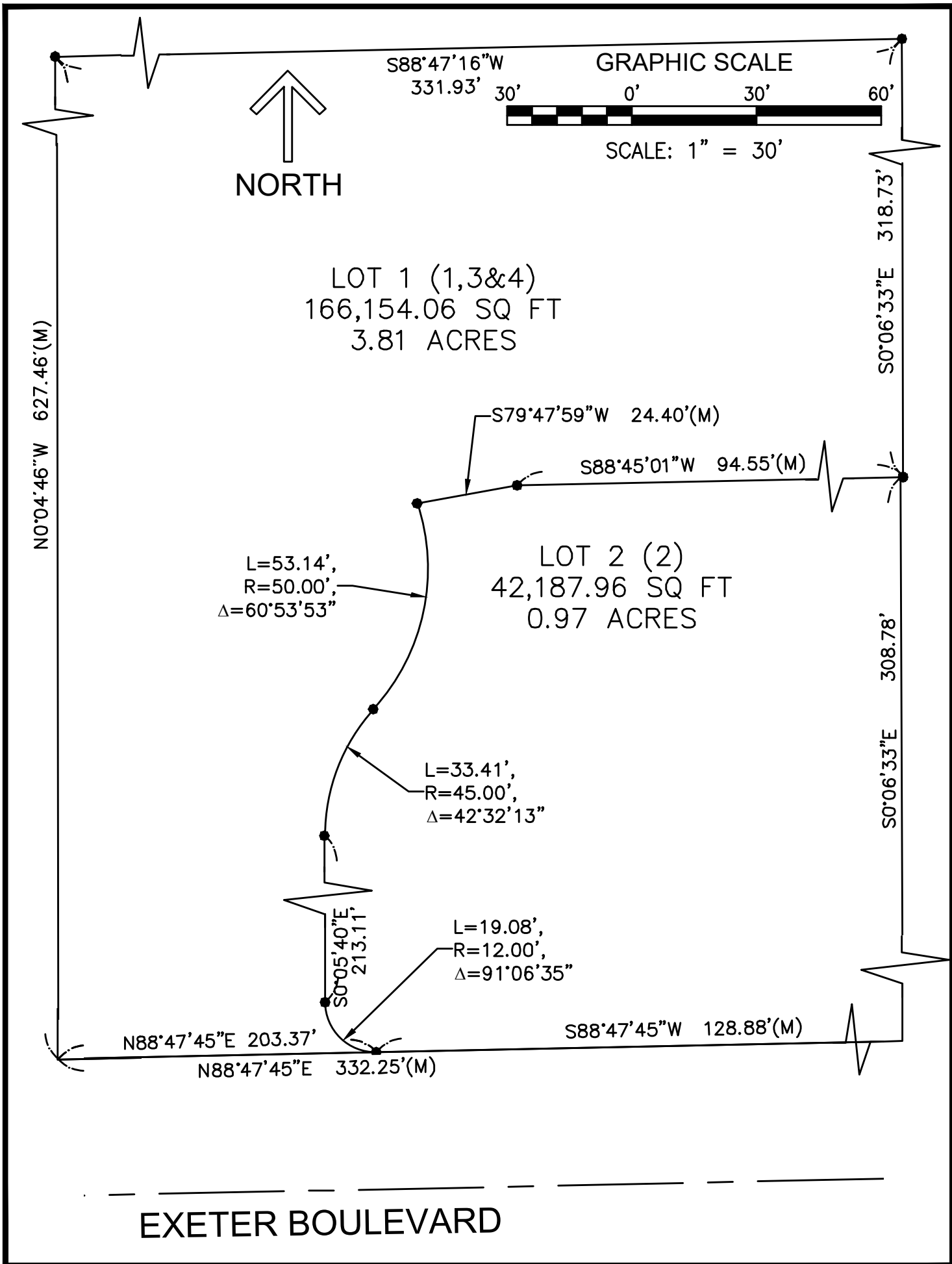


SCALE: 1" = 30'

## **APPENDIX G**

Proposed Lots





## **APPENDIX H**

Expired Granted Application ZA-331-20



# City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR ZONING ADJUSTMENT

APPLICATION NO: ZA-331-20

CASE TYPE: Variance

COUNCIL DISTRICT: 6

EXISTING ZONING: RE-35

DATE FILED: 7/9/2020

CASE STATUS: Pending

FILING STAFF: mpierce

Fee	Fee Waived	Fee Date	Receipt	Purpose
\$490.00	\$0.00	07/09/2020		Original Filing Fee

### HEARING DATES

ZA: 08/13/2020 1:30 PM LOCATION: Meeting will be held virtually.

### BOA:

PROPERTY LOCATION: 5740 East Exeter Boulevard

LEGAL DESCRIPTION: see attached

### CONTACT INFORMATION

NAME	ADDRESS	PHONE	FAX	EMAIL
Steven Johnson Ernest Irrevocable 2004 Trust III (Owner)	1720 W Rio Salado Parkway Tempe AZ 85281			
Kimberly Riley Kraemer Design Services (Applicant)	12409 W Indian School Road, C303 Avondale AZ 85392	(623) 536-1993		kimberly.riley@kdsaz.com kimberly.riley@kdsaz.com
Nate Cottrell Kraemer Design Services (Representative)	12409 W Indian School Road, C303 Avondale AZ 85392	(623) 536-1993		nathan.cottrell@kdsaz.com nathan.cottrell@kdsaz.com

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: \_\_\_\_\_ 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 reduce the required side yard (east) setback to 9 feet. Minimum 20 feet required.

**ZONING ORD. SECTIONS  
609.B.Table**

### GEOGRAPHIC INFORMATION

APN: 172-31-034A

Qtr Section(Map Index): 17-41(H11)

ZA CASE NO: 331-20-6

Date: 8/13/20 1:50 pm

Zoning Administrator Action

Appeal Date:

Approved  Denied  Denied, as filed  Stipulations  Under Advisement  Withdrawn  Other  
 Cont: \_\_\_\_\_

STIPULATIONS:

1. Per site plan date stamped June 26, 2020.

2. 1 year to apply and pay for building permits.

must appeal by August 28, 2020

August 13, 2020  
DATE

By *Ray B. Jank*  
ZONING ADMINISTRATOR

Support Present  Opposition Present

STIPULATIONS MET:  
YES/NO

## **APPENDIX I**

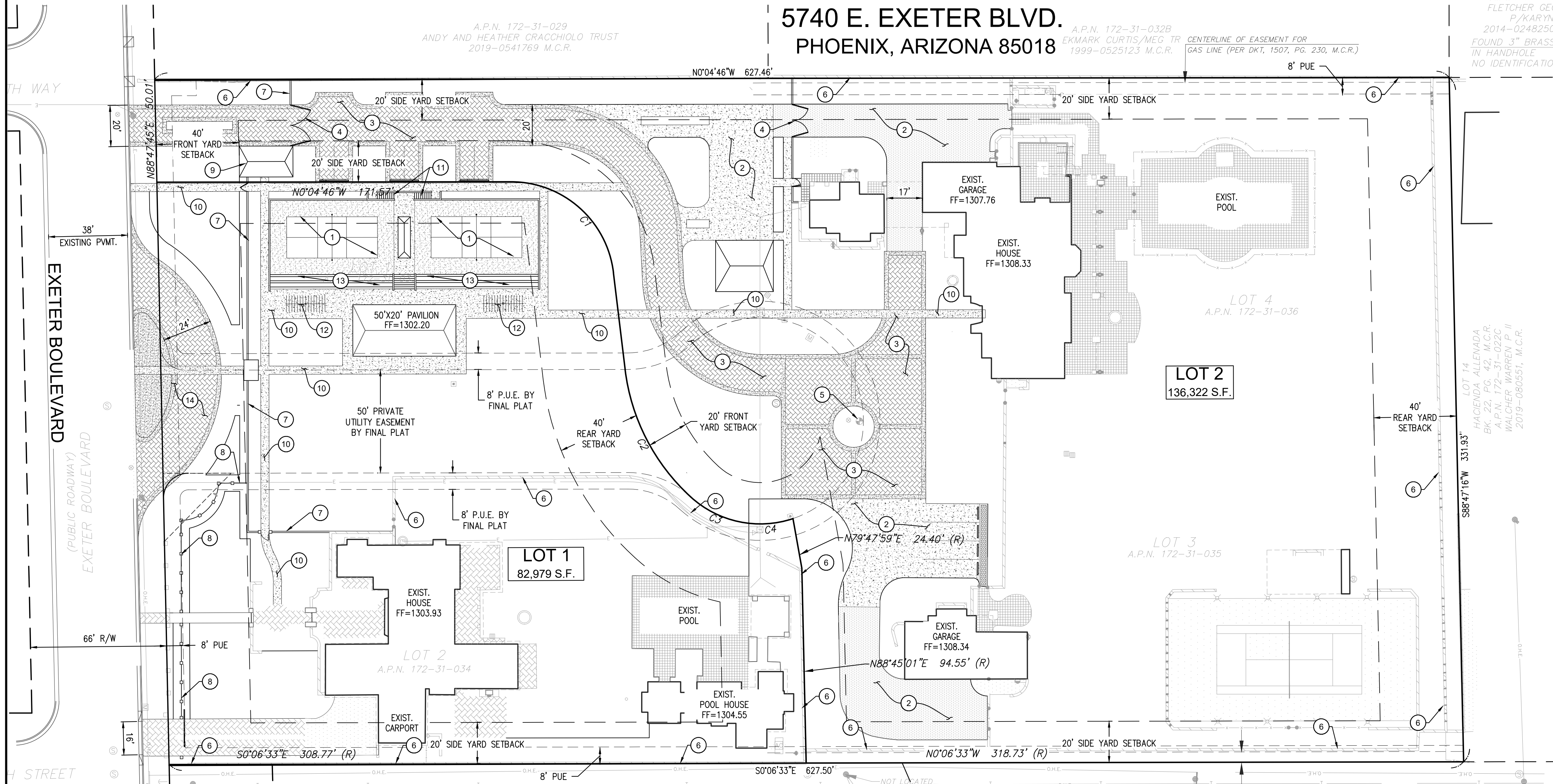
### Site Plan

# SITE PLAN FOR GARCIA DETACHED SINGLE FAMILY RESIDENTIAL SUBDIVISION 5740 E. EXETER BLVD. PHOENIX, ARIZONA 85018

A.P.N. 172-31-029  
ANDY AND HEATHER CRACCHIOLO TRUST  
2019-0541769 M.C.R.

A.P.N. 172-31-032B  
CKMARK CURTIS/MED TR  
1999-0525123 M.C.R.

A.P.N. 172-31-  
FLETCHER GEOF.  
P/KARIN v  
2014-0248250,  
FOUND 3" BRASS C  
IN HANDHOLE  
NO IDENTIFICATION



### PROJECT DATA

PARCEL: 172-31-033, 172-31-034, 172-31-035, 172-31-036  
AREA:  
NET AREA 208,342 sf (4.783 ac)  
GROSS AREA 219,307 sf (5.035 ac)

ZONING: SF RESIDENTIAL  
BUILDING CONSTRUCTION TYPE: V-B  
BUILDING OCCUPANCY: IBC 2012 - RE-35  
BUILDING HEIGHT: MAX 24-FT  
WITH ARCHITECTURAL FEATURE MAX 30-FT

BUILDING SETBACKS:  
FRONT 40-FT  
SIDE 20-FT  
REAR 40-FT

BUILDING AREA: NEW 1,250 SF PAVILION

### FLOOD INFO - FIRM DATA

ACCORDING TO FEMA FLOOD INSURANCE RATE MAP NO. 04013C1765L DATED OCTOBER 16, 2013, THE SUBJECT PROPERTY IS LOCATED IN ZONE X. ZONE X IS DESCRIBED AS: "AREAS OF 500-YEAR FLOOD; AREAS OF 100-YEAR FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 100-YEAR FLOOD."

### OFFSITE DRAINAGE

OFFSITE FLOWS AFFECTING THE SITE INCLUDE THE ROW OF THE EXETER ROAD 1/2 BOULEVARD FRONTAGE. THIS AREA SHALL BE INCLUDED IN THE ONSITE DRAINAGE.

### LEGAL DESCRIPTION

LOTS 1-4 OF THE FINAL PLAT OF "ARCADIA CIRCLE" AS RECORDED IN BOOK 344 OF MAPS, PAGE 26, OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA

### ELEVATION BENCHMARK

CITY OF PHOENIX FLUSH BRASS CAP INTERSECTION OF DEER VALLEY ROAD AND 7TH STREET.  
ELEVATION = 1470.116 (C.O.P. DATUM)

### BASIS OF BEARING

THE SOUTH LINE OF THE NORTHWEST QUARTER OF SECTION 21, TOWNSHIP 4 NORTH, RANGE 3 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA BEING THE BEARING OF N89°36'58"E.

### DEVELOPER

GREEY PICKETT  
7144 E. STETSON DR. # 205  
SCOTTSDALE, AZ 85251  
CONTACT: KAT KEANE  
(480)751-6452

### ENGINEER

KAEKO DESIGN  
12409 W. INDIAN SCHOOL RD.  
AVONDALE, AZ 85392  
CONTACT: NATE COTTRELL  
(623)536-1993

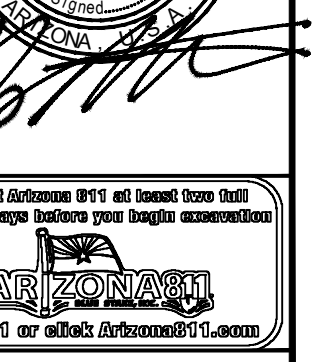
DRAWN BY: RL  
CHECKED BY: II  
DATE: 03/02/2022  
SCALE: 1"=30'  
PROJECT #: 7019010  
PURPOSE:

SITE PLAN FOR GARCIA FAMILY RESIDENCE 5740 E. EXETER BOULEVARD PHOENIX, ARIZONA

12409 W. INDIAN SCHOOL ROAD, AVONDALE, AZ 85392  
PHONE: 623.536.1993  
FAX: 623.748.9008



KIVA# 19-1216  
SDEV# 1900194  
PAPP# 1902681  
Q.S.# 17-41



SHEET 1 OF 1

SP-1

### ABBREVIATION

AC ACRE  
BOT BOTTOM  
C CONCRETE  
CF CUBIC FOOT  
P.V.M.T. PAVEMENT  
EX EXISTING  
FC FACE OF CURB  
FD FOUND  
FFE FINISHED FLOOR ELEVATION  
G GRADE  
GUT GUTTER  
GR GRATE  
HW HIGH WATER  
INV INVERT  
LF LINEAR FEET  
OH OVERHEAD UTILITY LINES  
P ASPHALT PAVEMENT  
ROW RIGHT OF WAY  
SF SQUARE FEET  
SW TOP OF SIDEWALK  
VOL VOLUME  
WO WALL OPENING

### LEGEND

MONUMENT LINE  
PROPERTY LINE  
EASEMENT LINE  
OVER HEAD ELECTRIC  
EXISTING CONTOUR  
PROPOSED CONTOUR  
GRADE BREAK  
IRRIGATION BOX  
ELECTRICAL BOX  
GRATE  
FIRE HYDRANT  
SAN. SEWER M.H.  
LIGHT POLE  
RIP-RAP  
PAVEMENT  
CONCRETE

CURVE	RADIUS	DELTA	LENGTH
C1	50.00'	83° 11' 02"	72.59'
C2	100.00'	40° 39' 44"	70.97'
C3	50.00'	43° 38' 38"	38.09'
C4	50.00'	17° 15' 15"	15.06'

### GENERAL SITE NOTES

- DEVELOPMENT AND USE OF THIS SITE SHALL CONFORM TO ALL APPLICABLE CODES AND ORDINANCES.
- STRUCTURES AND LANDSCAPING WITHIN A TRIANGLE MEASURED BACK 10' FROM THE PROPERTY LINE AND 20' ALONG THE PROPERTY LINE ON EACH SIDE OF DRIVEWAY ENTRANCES WILL BE MAINTAINED AT A MAXIMUM HEIGHT OF 3'-0".
- OWNERS OF PROPERTY ADJACENT TO THE PUBLIC RIGHT OF WAY WILL HAVE THE RESPONSIBILITY FOR MAINTAINING ALL LANDSCAPING WITHIN THE RIGHT OF WAY IN ACCORDANCE WITH APPROVED PLANS.
- ALL NEW OR RELOCATED UTILITIES WILL BE PLACED UNDERGROUND.
- ANY ON-SITE LIGHTING WILL BE PLACED SO AS TO DIRECT LIGHT AWAY FROM ADJACENT RESIDENTIAL DISTRICTS AND WILL NOT EXCEED ONE FOOT CANDLE AT THE PROPERTY LINE. NO NOISE, ODOR OR VIBRATION WILL BE EMITTED SO THAT IT EXCEEDS THE GENERAL LEVEL OF NOISE, ODOR OR VIBRATION LIMITED BY USES OUTSIDE OF SITE.
- CONSTRUCTION IN THE CITY RIGHT OF WAY SHALL CONFORM TO THE LATEST APPLICABLE MARICOPA ASSOCIATION OF GOVERNMENTS UNIFORM SPECIFICATIONS AND DETAILS PLUS THE LATEST CITY OF PHOENIX SUPPLEMENTS TO MAC UNIFORM STANDARD SPECIFICATIONS AND DETAILS UNLESS MODIFIED ON THESE PLANS.
- ALL ROOFTOP EQUIPMENT AND SATELLITE DISHES SHALL BE SCREENED TO THE HEIGHT OF THE TALLEST EQUIPMENT.
- CITY OF PHOENIX DEVELOPMENT SERVICES DEPARTMENT INSPECTIONS (262-7811) SHALL BE NOTIFIED 48 HOURS PRIOR TO ANY START OF CONSTRUCTION WORK IN THE RIGHT OF WAY.
- PLANS SHALL REFLECT ALL EXISTING IMPROVEMENTS AT PROPOSED SITE. OBSTRUCTIONS TO PROPOSED IMPROVEMENTS IN THE RIGHT OF WAY SHALL BE REMOVED OR RELOCATED IN KIND BEFORE BEGINNING CONSTRUCTION.
- TREES AND SHRUBBERY IN THE RIGHT OF WAY THAT CONFLICT WITH PROPOSED IMPROVEMENTS SHALL NOT BE REMOVED WITHOUT APPROVAL OF THE CITY'S LANDSCAPE ARCHITECT OR ASSIGNEE. THE PERMITTEE SHALL BE RESPONSIBLE FOR OBTAINING AUTHORIZATION TO REMOVE OR RELOCATE SAID TREES, SHRUBBERY AND IRRIGATION LINES. IRRIGATION LINES SHALL BE EXTENDED AND SLEEVED UNDER NEW IMPROVEMENTS IF NECESSARY. PERMITTEE IS RESPONSIBLE FOR WATERING EXISTING LANDSCAPING WHILE SERVICE IS OUT DUE TO PROPOSED WORK. ALL ITEMS DAMAGED OR RELOCATED SHALL BE REPLACED IN KIND.
- ALL ON-SITE WATER LINES, INCLUDING THOSE REQUIRED FOR FIRE PROTECTION SHALL BE PRIVATE PLUMBING LINES SUBJECT TO THE PHOENIX PLUMBING CODE.
- ALL NEW SANITARY SEWER LINES WITHIN THE SITE SHALL BE PRIVATE PLUMBING LINES SUBJECT TO THE PHOENIX PLUMBING CODE OR THE ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY (ADEQ) AQUIFER PROTECTION PROGRAM (APP) GENERAL PERMIT 4.01 IN ACCORDANCE WITH ARIZONA ADMINISTRATIVE CODE TITLE 18, CHAPTER 9, SECTION E301 (AC R18-9-E301) WHICHEVER IS APPLICABLE.
- AFTER FINAL APPROVAL THE PROJECT WILL BE INSPECTED FOR ZONING COMPLIANCE DURING CONSTRUCTION AND PRIOR TO OCCUPANCY. THE APPLICANT IS TO NOTIFY DSD PRIOR TO OCCUPANCY TO ARRANGE FOR INSPECTIONS. CALL 602-262-6981 AND REQUEST A DESIGN REVIEW INSPECTION.
- ALL SERVICE AREAS SHALL BE SCREENED TO CONCEAL TRASH CONTAINERS, LOADING DOCKS, TRANSFORMERS, BACKFLOW PREVENTERS AND OTHER MECHANICAL OR ELECTRICAL EQUIPMENT FROM EYE LEVEL ADJACENT TO ALL PUBLIC STREETS.
- BARBED, RAZOR, OR CONCERTINA WIRE (OR SIMILAR) SHALL NOT BE USED ON THIS SITE WHERE VISIBLE FROM PUBLIC STREETS OR ADJACENT RESIDENTIAL AREAS.
- THE SANITARY SEWER COLLECTION SYSTEM WITHIN THIS PROJECT WILL BE A PRIVATE SYSTEM. OWNED AND MAINTAINED BY THE PROPERTY OWNER(S) OR ASSOCIATION. THE SYSTEM WILL BE REVIEWED AND INSPECTED BY THE BUILDING SAFETY SECTION OF THE DEVELOPMENT SERVICES DEPARTMENT.
- THE WATER DISTRIBUTION SYSTEM, INCLUDING FIRE PROTECTION, WITHIN THIS PROJECT WILL BE A PRIVATE SYSTEM. OWNED AND MAINTAINED BY THE PROPERTY OWNER(S) OR ASSOCIATION. THE SYSTEM WILL BE REVIEWED AND INSPECTED BY THE BUILDING SAFETY SECTION OF THE DEVELOPMENT SERVICES DEPARTMENT.
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- THIS PROJECT IS LOCATED IN THE CITY OF PHOENIX WATER SERVICES AREA AND HAS BEEN DESIGNATED AS HAVING AN ASSURED WATER SUPPLY.
- SMOKE, GAS AND ODOR EMISSIONS SHALL COMPLY WITH REGULATION III OF THE MARICOPA COUNTY AIR POLLUTION CONTROL RULES AND REGULATIONS.
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- THE AVERAGE NOISE LEVEL, MEASURED AT THE PROPERTY LINE, SHALL NOT EXCEED 55 DB (1 DN) WHEN MEASURED ON AN "A" WEIGHTED" SOUND LEVEL METER AND ACCORDING TO THE PROCEDURES OF THE ENVIRONMENTAL PROTECTION AGENCY.
- EXPLOSIVE OR HAZARDOUS PROCESSES (IF APPLICABLE): CERTIFICATION SHALL BE PROVIDED BY THE PHOENIX FIRE DEPARTMENT PREVENTION BUREAU THAT ALL MANUFACTURING, STORAGE AND WASTE PROCESSES ON THE SITE SHALL MEET SAFETY AND ENVIRONMENTAL STANDARDS AS ADMINISTERED BY THE BUREAU.

### KEYNOTES #

- 44' x 20' PICKLE BALL COURT.
- CONCRETE PAVEMENT DRIVEWAY.
- DECORATIVE BRICK PAVERS DRIVEWAY.
- NEW GATE, SEE LANDSCAPE PLANS FOR DETAILS.
- EXISTING HYDRANT WITHIN 400' OF THE PROPERTY LINE, PROTECT IN PLACE.
- EXISTING CONCRETE WALL TO REMAIN.
- NEW CONCRETE WALL PER LANDSCAPE PLANS.
- NEW WROUGHT IRON FENCE PER LANDSCAPE PLANS.
- NEW GUARD HOUSE FOR PROPERTY ACCESS.
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- NEW PERGOLA, SEE LANDSCAPE PLANS FOR DETAILS.
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- PASSENGER DROP-OFF AREA.

### LOT COVERAGE

LOT COVERAGE LOT 1:  
EXISTING COVERAGE = 6036-SF (7.27%)  
ADDITIONAL COVERAGE = 1621-SF  
TOTAL PROPOSED LOT COVERAGE = 7657-SF (9.23%)  
LOT 1 SIZE = 82979-SF

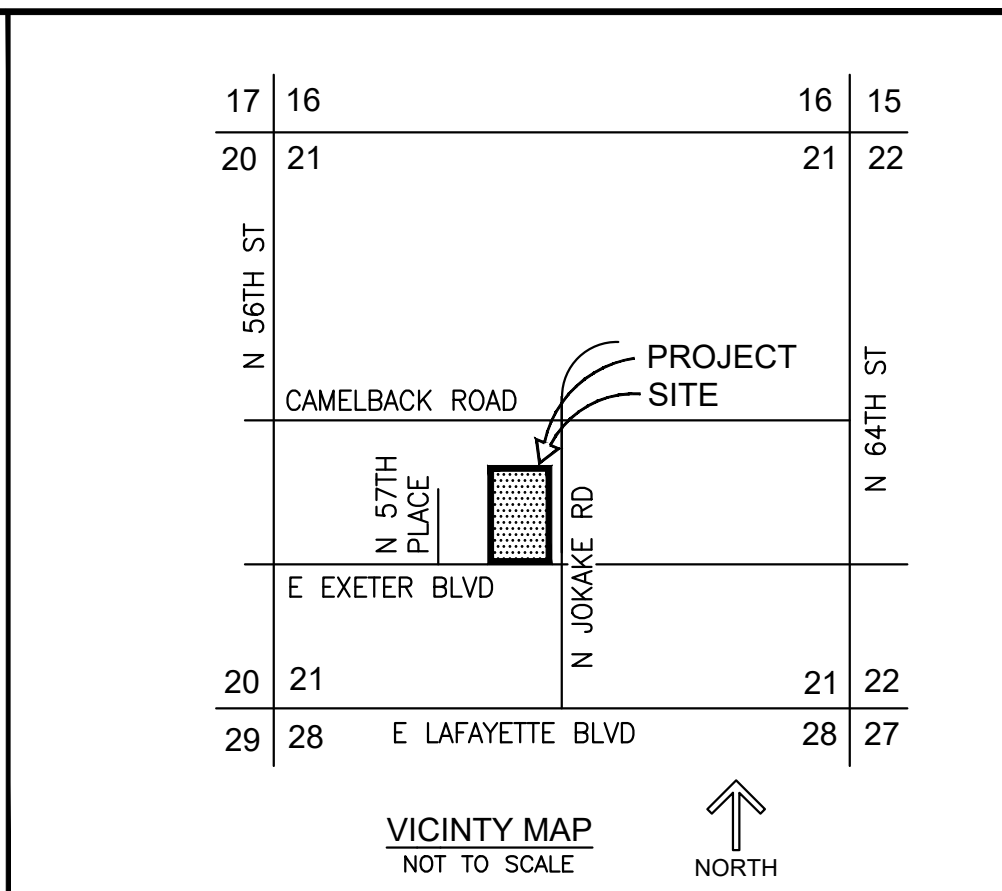
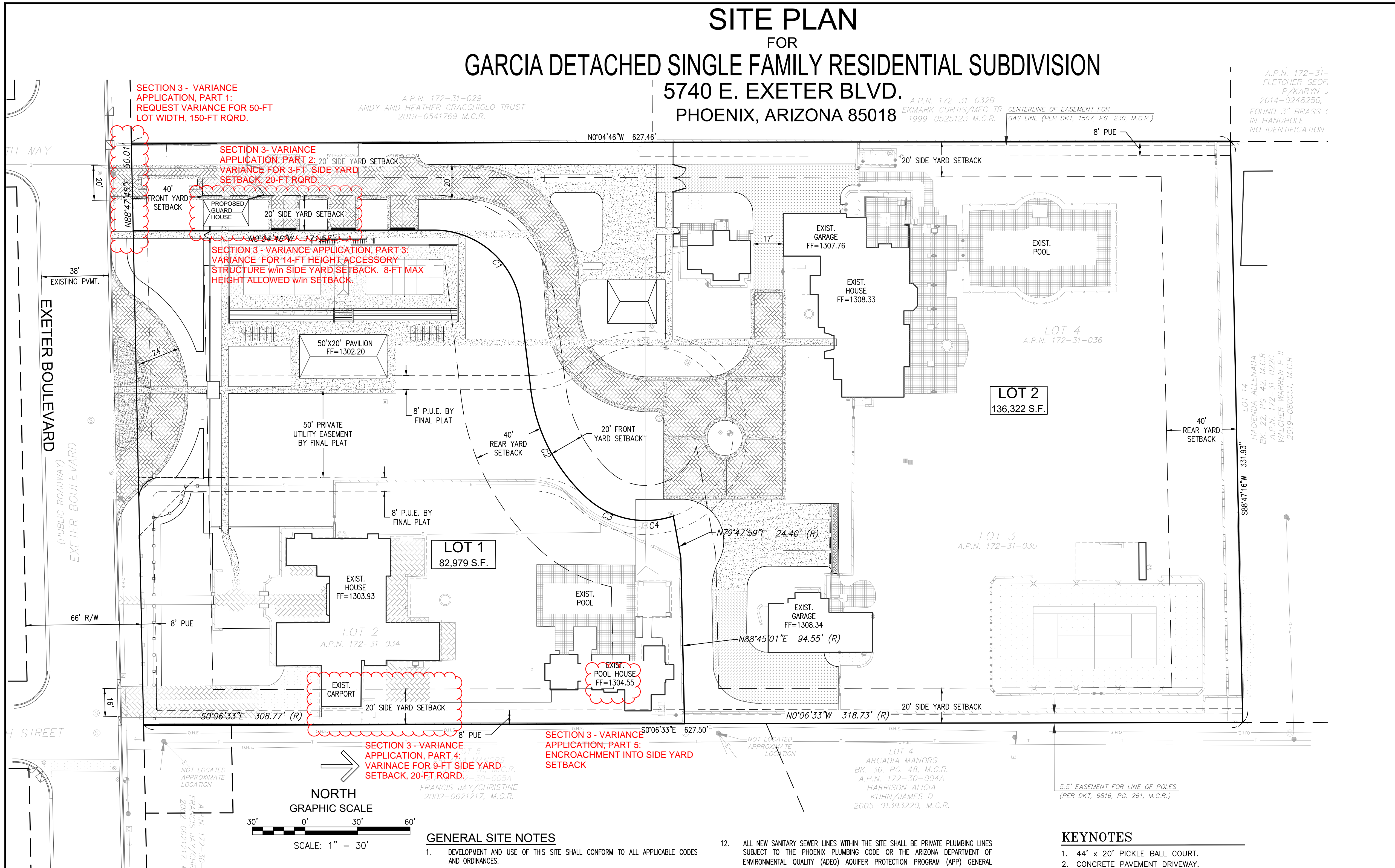
LOT COVERAGE LOT 2:  
EXISTING COVERAGE = 7965-SF (5.84%)  
ADDITIONAL COVERAGE = 645-SF  
TOTAL PROPOSED LOT COVERAGE = 8610-SF (6.32%)  
LOT 2 SIZE = 136322-SF

## **APPENDIX J**

### Variance Request Site Map

# SITE PLAN

FOR  
**GARCIA DETACHED SINGLE FAMILY RESIDENTIAL SUBDIVISION**  
5740 E. EXETER BLVD.  
PHOENIX, ARIZONA 85018



**PROJECT DATA**

PARCEL: 172-31-033, 172-31-034, 172-31-035, 172-31-036

AREA:  
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BUILDING AREA: NEW 1,250 SF PAVILION

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**DEVELOPER**  
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CONTACT: KAT KEANE  
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**ENGINEER**  
KAEKO DESIGN  
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**PROJECT DATA**

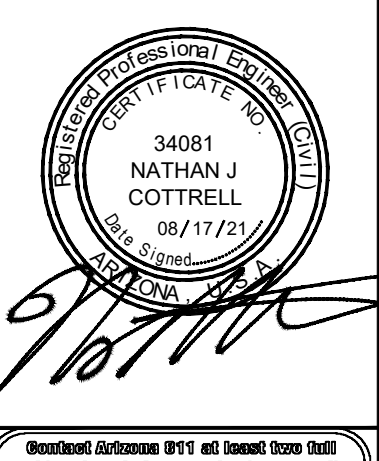
DRAWN BY: ALB  
CHECKED BY: N/C  
DATE: 08/17/2021  
SCALE: 1"=30'  
PROJECT #: 7019010  
PURPOSE:

**SITE PLAN FOR**  
**GARCIA FAMILY RESIDENCE**  
5740 E. EXETER BOULEVARD  
PHOENIX, ARIZONA

12409 W. INDIAN SCHOOL ROAD,  
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KIVA# 19-1216  
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SHEET 1 OF 1  
**SP-1**

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**KEYNOTES**

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**LOT COVERAGE**

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EXISTING COVERAGE	= 6036-SF (7.27%)
ADDITIONAL COVERAGE	= 1621-SF
TOTAL PROPOSED LOT COVERAGE	= 7657-SF (9.23%)
LOT 1 SIZE	= 82979-SF
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**ABBREVIATION**

AC	ACRE
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C	CONCRETE
CF	CUBIC FOOT
PVMT.	PAVEMENT
EX	EXISTING
FC	FACE OF CURB
FD	FOUND
FFE	FINISHED FLOOR ELEVATION
G	GRADE
GUT	GUTTER
GR	GRATE
HW	HIGH WATER
INV	INVERT
LF	LINEAR FEET
OH	OVERHEAD UTILITY LINES
P	ASPHALT PAVEMENT
ROW	RIGHT OF WAY
SF	SQUARE FEET
SW	TOP OF SIDEWALK
VOL	VOLUME
WO	WALL OPENING

**LEGEND**

—	MONUMENT LINE
—	PROPERTY LINE
—	EASEMENT LINE
—	OVER HEAD ELECTRIC
—	EXISTING CONTOUR
—	PROPOSED CONTOUR
—	GRADE BREAK
IR	IRRIGATION BOX
E	ELECTRICAL BOX
GR	GRATE
⊕	FIRE HYDRANT
⊙	SAN. SEWER M.H.
⊙*	LIGHT POLE
▨	RIP-RAP
▨	PAVEMENT
▨	CONCRETE

**CURVE TABLE**

CURVE	RADIUS	DELTA	LENGTH
C1	50.00'	83° 11' 02"	72.59'
C2	100.00'	40° 39' 44"	70.97'
C3	50.00'	43° 38' 38"	38.09'
C4	50.00'	17° 15' 15"	15.06'



### **LIMITATIONS**

The above services consist of professional opinions and conclusions by a consulting civil engineer. The only warranty or guarantee made by the Consultant, in connection with the services performed for this project, is that such services are performed with the care and skill ordinarily exercised by members of the profession practicing under similar conditions, at the same time, and in the same or a similar locality. No other warranty, expressed or implied, is made or intended by rendering such consulting services or by furnishing written reports of the findings.