



# Planning Division Memorandum

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**DATE:** January 13, 2022  
**TO:** Board of Adjustment  
**THROUGH:** Tabitha Perry, Interim Planning Manager  
**FROM:** Edward Vigil, Senior Planning Project Manager  
**RE:** VAR21-08: Villas at 45th

## **Updated information since the December 9, 2021 Board of Adjustment Meeting:**

The information provided from the December 9, 2021 meeting is the same with the addition of the following:

On December 9, 2021, the Board of Adjustment requested the applicant to contact the adjacent homeowners to the north to work out a solution on the proposed 2 story townhomes with a 5-foot setback at the north property line. Two homeowners attended the meeting and voiced concerns that the proposed 5-foot setback was not enough distance for a two-story home. The homeowners expressed concern that they did not want someone looking into their backyard. No other homeowners participated in the meeting or have expressed concern with the request.

Since this meeting, on December 13<sup>th</sup>, the applicant reached out to the two homeowners who had concerns by telephone, emailing them, and by visiting their homes. Neither homeowner has responded to his voicemails, emails, or in person visits. Again, on December 21<sup>st</sup>, the applicant visited each homeowner but was not able to get a response from anyone.

## **The applicant has made the following modifications:**

### NEIGHBOR TO THE NORTHWEST

- The applicant will provide trees along the property boundary in this area. Units are already a minimum of 22 feet away.
- Once the variance is approved, the applicant will abandon the easement located on the property to the northwest.

### NEIGHBORS TO THE NORTHEAST

- The applicant will shift units to the south along the east property line further south by 5 feet, making the distance to the north property line a total of 10 feet.

- The unit along the northeast corner will not have windows facing north providing additional privacy.
- The applicant will also provide trees along the north property line giving more privacy.
- An 8-foot-tall wall may be an option for additional privacy along the north property boundaries.

#### CHANGES TO THE SITE PLAN

- For the units that back up to the north property line, total separation now is 7 feet and 8 feet, instead of 5 feet.
- The applicant shifted all units that back up to the eastern property line down to the south another 5 feet – this will give a 10-foot separation from the property line to the side of the unit that faces west – at the northeast corner.
- Trees will be planted in that 10-foot section at the northeast corner to block the view from the side.
- On the side elevations, there will be no windows proposed on the 2<sup>nd</sup> floor.

Should the Board decide to grant the variance, it should be subject to the following stipulations:

1. Development shall be in conformance with the applicant's project narrative date stamped November 16, 2021.
2. The property owner shall release and/or abandon the 30-foot ingress/egress easement shown on parcel number 147-08-008A with the Maricopa County Recorder's Office within 6 months of this approval date.

Attachment: VAR21-08 Staff Report