

Application for Variance



City Of Sedona
Community Development Department
 102 Roadrunner Drive Sedona, AZ 86336
 (928) 282-1154 • Fax: (928) 204-7124

Name:	Scott Jablow	Date:	10/13/16
Phone:	928-284-1035	Case#:	VAR 16-00002
Cell Phone:	516-426-9640	Fee:	\$780
Address:	258 Fawn Drive		

Property Address:	S/A	Parcel #:	401-49-022
Legal Description of property:	Lot ^{22 (MK)} 21 Chapel Bells Estates Unit 2	Lot size:	0.55
or Legal Description is:	<input checked="" type="checkbox"/> Attached		

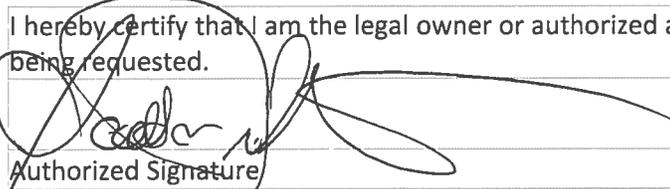
Statement of the precise nature of the variance requested: Attached

Requesting a Variance of the front and side setback to allow an existing Carport to remain at its current location.

RECEIVED
 OCT 13 2016
 CITY OF SEDONA
 COMMUNITY DEVELOPMENT

Statement of the practical difficulty or unnecessary physical hardship that would result from a strict or literal interpretation and enforcement of the specific zoning regulation: Attached

I hereby certify that I am the legal owner or authorized agent for the owner of the property for which this variance is being requested.



Authorized Signature

October 12, 2016

Date

SCOTT M. JABLOW

October 12, 2016

RECEIVED
OCT 13 2016

To: the Sedona Board of Adjustment

Chairman Joel Gilgoff, Board Members Robert M. Gordon, Charlotte Hosseini & Mike Ward

CITY OF SEDONA
COMMUNITY DEVELOPMENT

In August of this year, I installed an 11'x11', 10.5 foot high gazebo as a carport in front of my house to help protect my wife's car from the elements of the weather and most importantly sap and tree droppings.

While I was incorrect in my thinking, I was under the impression that because this gazebo had no walls, lighting or plumbing and can be picked up and moved by four individuals it would require no permits.

The day after the gazebo was installed I was informed that I did in fact need a building permit and I took the steps to correct the problem and hired Cornerstone Surveying & Engineering, Inc. to prepare a new survey. (Exhibit 1)

Once the survey was completed, it was evident that there are two property line issues that need to be addressed:

1. The north side of the gazebo is 3.5 feet into the 10' side yard setback.
2. The west side of the gazebo is 7.5 feet into the 20' front yard setback.

Residences to the north of my property are all approximately one-half acre lots and lie between two streets, with the fronts of the houses facing either Fawn Drive or Lynx Drive. The house adjacent to the north and owned by Regina Meredith, faces Lynx Drive. Ms. Meredith's backyard faces Fawn Drive and is adjacent to my gazebo.

The front of my property faces Fawn Drive. Fawn Drive has a 60 foot right-of-way (61' per the survey) rather than a 50 foot right-of-way, which is normal/typical for a local residential street in Sedona. The Gazebo is situated 26 feet from the pavement edge of Fawn Drive.

Section 404.06 of the Sedona Land Development Code indicates that the Board of Adjustment may grant variances for setback encroachments and also identifies findings that must be met in order for the Board of Adjustment to approve such a variance. The findings and my responses are as follows:

A) That due to special circumstances applicable to the subject property, including its size, shape, topography, location or surroundings, the strict application of this Code will deprive the property of privileges enjoyed by other properties of the same classification in the same zoning district.

I feel that there are special circumstances that apply to my property that would warrant a variance in this instance.

Within the Sedona city limits, the normal/typical right-of-way width of a local, residential city street is 50 feet. The road in front of my house (Fawn Drive) has a 60-foot right-of-way (approximately 61' surveyed) and the road in the rear (Lynx Drive) also has a 60-foot right of way. This is compared to a 50-foot right of way in most other Sedona residential neighborhoods in the same zoning district. Fawn Drive and Lynx Drive were constructed and platted under the jurisdiction of Coconino County and became city streets when Sedona incorporated in 1988.

If Fawn Drive had a 50-foot right of way like most residential streets in Sedona, my gazebo would only encroach 2.5 feet into the front setback rather than 7.5 feet and would qualify for an Administrative Waiver with approval at a staff level rather than through the Board of Adjustment.

It could also be argued that having a property that is a "through lot" with frontage on two streets with 60-foot rights-of-way further decreases its useable space as compared to the same situation with 50-foot rights-of-way.

It should also be noted that if Fawn Drive had a 50-foot right of way, the only issue that would have had to go before the Board of Adjustment would be the side setback encroachment of 3.5 feet, which is only one foot more than the 2.5 foot encroachment that could theoretically be approved at a staff level through an Administrative Waiver.

Additionally, my property is not level with a raise in height of about 12" to 18" in the area of the gazebo from north to south. Because of the irregular rectangle shape of the front lot line and the slight curve of Fawn Drive, moving the gazebo to the south would cause an additional hardship for me as I would have to cut into the ground by as much as 12" in order to make a level pad for the gazebo. This would also cause a change to the storm water drainage. Currently as the gazebo sits, it doesn't negatively impact either of those issues. If I were to move the gazebo to the south, the approach to my front stoop from the street would also be more challenging to access and would affect the aesthetics of the house. (see photo #4)

If the gazebo were to be moved east, closer to my house but enough to pull it away from the front setback line, it would then have to enter a raised planting bed that surrounds some very mature pine trees estimated to be over 50 years old. I have been advised by Mr. Anthony Morrone Landscaping Consultant and owner of Nursery Source, LLC that “if the soil behind the wall is removed, the root system could be damaged enough to kill the tree or cause a partial death of branch structure”. (Exhibit 2)

Although the gazebo currently encroaches 7.5 feet into the front setback area, **it is still 26’ from the Fawn Drive pavement edge**, thereby neither a hazard to vehicular traffic on the road nor an encumbrance to any future utilities would occur, and from a pure visual perspective, the gazebo is located quite a distance from the pavement edge.

B) That any variance is subject to conditions that will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zoning district in which the subject property is located.

In most other Sedona residential neighborhoods that have streets with a normal/typical 50-foot right-of way and larger front yards, those homeowners would likely enjoy the privilege of constructing a gazebo in the front yard without the need for a variance. I feel that granting me the variance would not constitute a special privilege inconsistent with limitations on other residential properties in Sedona.

I have also provided emails from the three adjoining neighbors that would be most affected by the location of my gazebo. Those neighbors have all written that they are supportive of the gazebo remaining in its current location. (Exhibits 6, 7 & 8)

C) That special circumstances applicable to the property are not imposed by the property owner/applicant

My household has four family members who all drive and we have a total of five vehicles. We only have a two-car garage to accommodate these vehicles and protect against damage due to the elements of the weather. After having one car damaged in the past because of sunlight and tree sap it was decided that a shade structure with a closed roof is more of necessity than a luxury to avoid future damage to one car.

As mentioned previously, my property is unique and is a “through lot” with street frontage for the front and back lot lines. This unique situation makes the placement of such a needed shade structure nearly impossible in any other location on this lot.

I don’t feel my variance request is self-imposed.

In conclusion, I feel there are special circumstances that are applicable to my property that justify my variance request. These special circumstances include my property being a "through lot" with double frontage and larger than normal/typical width road rights-of way adjoining my property that limit its development, possible impact to existing mature trees on the property and possible drainage concerns,. Additionally, the three adjoining neighbors that are most affected by the location of the gazebo have given their written support to leave the gazebo in its current location.

I feel that this variance request meets the findings noted above and should be approved by the Board of Adjustment and the gazebo should be allowed to remain in its current location.

Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott M. Jablow". The signature is fluid and cursive, with a large initial "S" and "J".

Scott M. Jablow

SURVEYOR'S CERTIFICATE

THIS IS TO CERTIFY THAT I HAVE BEEN DULY LICENSED BY THE BOARD OF SURVEYORS AND LAND ADJUSTERS OF THE STATE OF ARIZONA AND THAT I AM A MEMBER IN GOOD STANDING OF THE NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS.



1. The title of this map is "Survey of Lots 11, 20, 21 and 22, Block 1, Fawn Drive, Sedona, Arizona".

2. The purpose of this survey is to divide the land described in the plat into lots for the purpose of sale.

3. The survey was made by the use of the following instruments: a Leica Total Station, a Leica Auto Level, and a Leica Tripod.

4. The survey was made on the 15th day of August, 2011.

5. The survey was made in accordance with the laws and regulations of the State of Arizona.

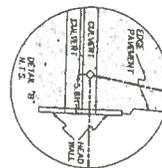
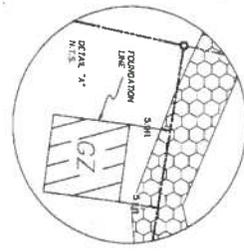
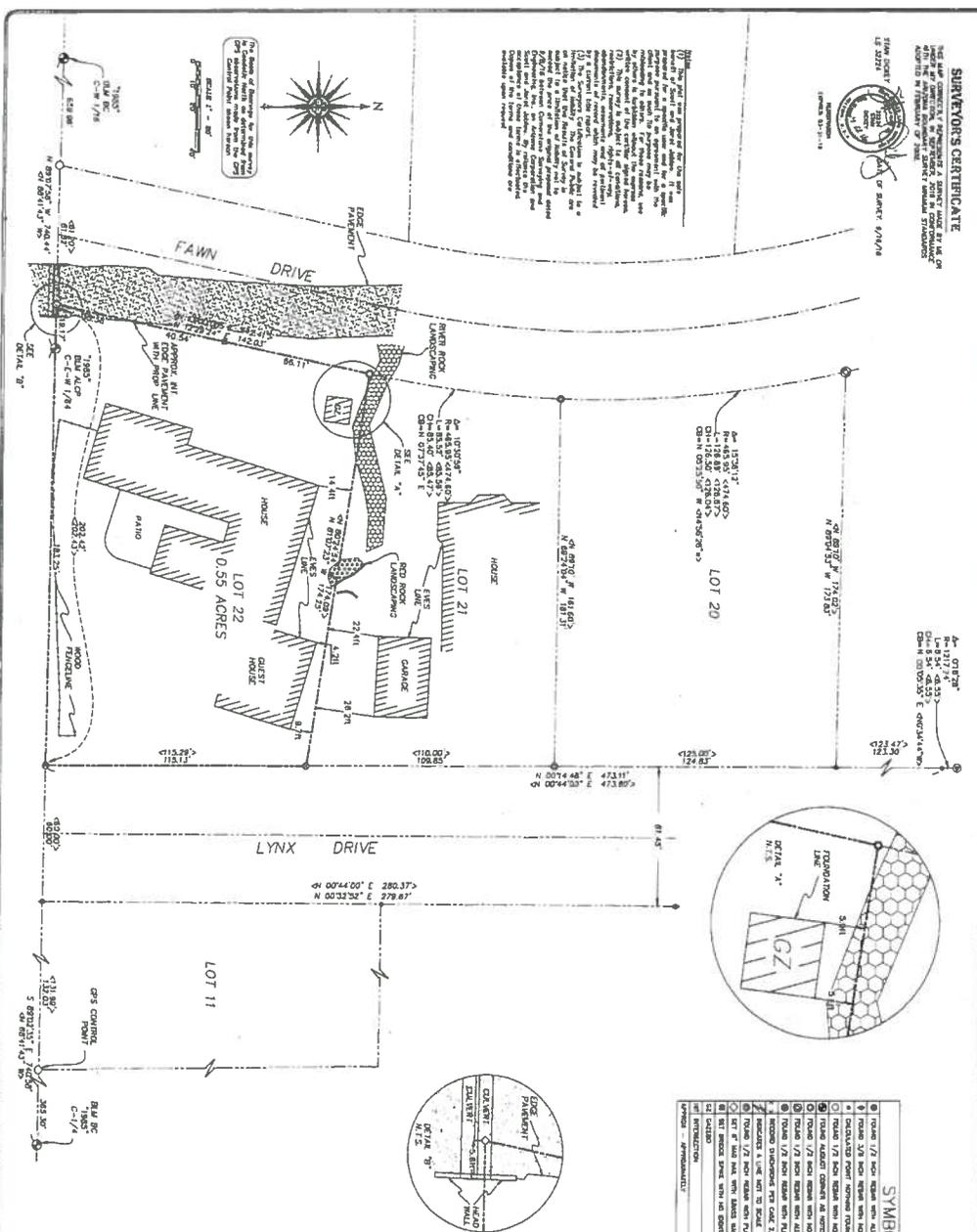
6. The survey was made in accordance with the rules and regulations of the National Society of Professional Surveyors.

7. The survey was made in accordance with the rules and regulations of the Board of Surveyors and Land Adjusters of the State of Arizona.

8. The survey was made in accordance with the rules and regulations of the National Society of Professional Surveyors.

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10. The survey was made in accordance with the rules and regulations of the National Society of Professional Surveyors.



SYMBOL LEGEND

- 1. FOUNDATION
- 2. CONCRETE
- 3. BRICK
- 4. BLOCK
- 5. STUCCO
- 6. PLASTER
- 7. GYPSUM
- 8. METAL
- 9. WOOD
- 10. ROOF
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- 680. SAND
- 681. GRAVEL
- 682. ASPHALT
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- 685. BLOCK
- 686. STUCCO
- 687. PLASTER
- 688. GYPSUM
- 689. METAL
- 690. WOOD
- 691. ROOF
- 692. FLOOR
- 693. CEILING
- 694. WALL
- 695. DOOR
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- 697. PORCH
- 698. PATIO
- 699. DRIVEWAY
- 700. WALKWAY
- 701. FENCE
- 702. HEDGE
- 703. SHED
- 704. GARAGE
- 705. POOL
- 706. DECK
- 707. STAIRS
- 708. RAMP
- 709. SIGN
- 710. LIGHT
- 711. UTILITY
- 712. AIR CONDITIONING
- 713. HEATING
- 714. COOLING
- 715. WIND BREAKER
- 716. BARRIER
- 717. FURNITURE
- 718. PLANT
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- 720. SAND
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- 797. FURNITURE
- 798. PLANT
- 799. ROCK
- 800. SAND
- 801. GRAVEL
- 802. ASPHALT
- 803. CONCRETE
- 804. BRICK
- 805. BLOCK
- 806. STUCCO
- 807. PLASTER
- 808. GYPSUM
- 809. METAL
- 810. WOOD
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- 819. DRIVEWAY
- 820. WALKWAY
- 821. FENCE
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- 903. SHED
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- 922. ASPHALT
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- 949.



258 FAWN DRIVE • SEDONA AZ 86336-7041

928-284-1035



258 FAWN DRIVE • SEDONA AZ 86336-7041

928-284-1035

NURSERY SOURCE, LLC

Anthony Morrone

Landscaping Consultant

To whom it may concern,

Re: Scott Jablow Property

258 Fawn Drive, Sedona

Concerning excavation, in close proximity to the pine tree located in the proposed area of work, these are my recommendations:

This tree has matured in a raised area, created by a stone wall. Root systems in this area tend to be close to the surface. If the soil behind the wall is removed, the root system could be damaged enough to kill the tree or cause a partial death of branch structure. Since pines do not generate new branches when there is damage or death of existing branches, this tree would never regain its previous natural beauty. I hope this is helpful.

Sincerely,

Anthony Morrone

928-821-0168





Scott Jablow <sjablow@gmail.com>

Gazebo

1 message

artbyhusinga@husinga.org <artbyhusinga@husinga.org>
To: SJablow@gmail.com

Thu, Oct 6, 2016 at 1:59 PM

To

Oct/6/2016

Scott Jablow

What a great idea you had to install a beautiful [gazebo](#). It is most attractive and blends in so well with your home and landscape.. I have lived here over 40 years and have watched you do many beautiful improvements to your property.

As your neighbor across the street from your property, I am happy to see this enhancement of the gazebo as an addition to your [property](#). It gives me much encouragement to keep improving my own property, and adding to the beauty of the City of Sedona.

Thanks for being a great neighbor

Marilyn Winebarger

229 Fawn Dr

Sedona, Az 86336



Scott Jablow <sjablow@gmail.com>

Gazebo

Carson LuzHoxsie <cluzhoxsie@cox.net>
To: sjablow@gmail.com

Sat, Oct 8, 2016 at 10:51 AM

To whom it may concern,

My wife and I own a property at 259 Fawn Dr in Sedona AZ 86336 (Parcel 401-49-040). Our neighbor, Scott Jablow, has added a gazebo to his front yard on 258 Fawn Dr, Sedona AZ 86336. This gazebo has no negative impact from our point of view. It appears to be well constructed of quality materials and looks very nice.

Sincerely,

Carson and Renata LuzHoxsie

(480) 636-9330

258 FAWN DRIVE • SEDONA AZ 86336-7041

928-284-1035



Scott Jablow <sjablow@gmail.com>

Gazebo

Regina Meredith <xmy557@icloud.com>
To: Scott Jablow <sjablow@gmail.com>

Sun, Oct 9, 2016 at 8:07 PM

Hi Scott,

This is a formal note to let you know that I have no objections to the positioning of the gazebo on your property and am happy to follow through with the division of the property to accommodate the current position of your gazebo.

Let me know what needs to be done next!

My best,
Regina

[Quoted text hidden]

401-34-012Z
SALLE ROBERT A & CAROLYN REV
TRUST
1326 S MAIN ST
CORONA, CA 92882

401-34-014
PRICE SOL & CAROLINE JT
20 FAWN SPUR
SEDONA, AZ 86336

401-34-015A
DRISCOLL DARRELL V & DONNA J
TRUST
289 FAWN DR
SEDONA, AZ 86336

401-34-015B
DUNPHY DENNIS J
285 FAWN DR
SEDONA, AZ 86336

401-34-015C
PERRY RONALD T & DOLORES J
TRUSTEES
300 FAWN DR
SEDONA, AZ 86336

401-34-016A
COOK JOSEPH J & ABBIE M
PO BOX 20367
SEDONA, AZ 86341

401-34-026
MCDONALD J & D FAMILY TRUST DTD
11-8-00
136 LYNX DR
SEDONA, AZ 86336

401-49-008
SZMIT DANUTA E REV TRUST
178 LYNX DRIVE
SEDONA, AZ 86336

401-49-009
PIERCE JAN L JT ; BARTMAN SYDNEY
DEE JT
PO BOX 58
CLAREMONT, CA 91711

401-49-010
PIERCE JAN L AKA JAN LAURENCE
PIERCE
PO BOX 58
CLAREMONT, CA 91711

401-49-011
COOPERMAN OLIVER & CORRIE JT
LIVING TRUST
254 LYNX DR
SEDONA, AZ 86336

401-49-019
GOGUEN PAUL J & CYNTHIA A
191 LYNX DR
SEDONA, AZ 86336

401-49-020
PASICH RICHARD D
217 LYNX DR
SEDONA, AZ 86336

401-49-021
MEREDITH REGINA M & NICHOLAS S
239 LYNX DR
SEDONA, AZ 86336

401-49-022
JABLOW SCOTT & JANET M
258 FAWN DR
SEDONA, AZ 86336

401-49-037
PRINCE ROBERT GRAHAM JR
187 FAWN DR
SEDONA, AZ 86336

401-49-038
CRUIKSHANK DANIEL R & MARY JO
209 FAWN DR
SEDONA, AZ 86336

401-49-039
WINEBARGER MARILYN E
229 FAWN DR
SEDONA, AZ 86339

401-49-040
LUZHOXSIE CARSON & RENATA H
6934 E SCARLET CIR
MESA, AZ 85207

401-51-001
MIRDAD MICHAEL L TRUST
PO BOX 1908
SEDONA, AZ 86339

401-51-002
LUTZ CATHRYN W
206 SAGE DR
SEDONA, AZ 86336

401-51-003
SCHREIBER FAMILY TRUST DTD 9-7-04
182 SAGE DR
SEDONA, AZ 86336

Parcel #401-49-022 = Parcel Owners within 300ft
Project: Gazebo

TPARCEL	OWNER	OSTREET	OCITY	OSTATE	OZIP
401-34-012Z	SALLE ROBERT A & CAROLYN REV TRUST	1326 S MAIN ST	CORONA	CA	92882
401-34-014	PRICE SOL & CAROLINE JT	20 FAWN SPUR	SEDONA	AZ	86336
401-34-015A	DRISCOLL DARRELL V & DONNA J TRUST	289 FAWN DR	SEDONA	AZ	86336
401-34-015B	DUNPHY DENNIS J	285 FAWN DR	SEDONA	AZ	86336
401-34-015C	PERRY RONALD T & DOLORES J TRUSTEES	300 FAWN DR	SEDONA	AZ	86336
401-34-016A	COOK JOSEPH J & ABBIE M	PO BOX 20367	SEDONA	AZ	86341
401-34-026	MCDONALD J & D FAMILY TRUST DTD 11-8-00	136 LYNX DR	SEDONA	AZ	86336
401-49-008	SZMIT DANUTA E REV TRUST	178 LYNX DRIVE	SEDONA	AZ	86336
401-49-009	PIERCE JAN L JT ; BARTMAN SYDNEY DEE JT	PO BOX 58	CLAREMONT	CA	91711
401-49-010	PIERCE JAN L AKA JAN LAURENCE PIERCE	PO BOX 58	CLAREMONT	CA	91711
401-49-011	COOPERMAN OLIVER & CORRIE JT LIVING TRUST	254 LYNX DR	SEDONA	AZ	86336
401-49-019	GOGUEN PAUL J & CYNTHIA A	191 LYNX DR	SEDONA	AZ	86336
401-49-020	PASICH RICHARD D	217 LYNX DR	SEDONA	AZ	86336
401-49-021	MEREDITH REGINA M & NICHOLAS S	239 LYNX DR	SEDONA	AZ	86336
401-49-022	JABLOW SCOTT & JANET M	258 FAWN DR	SEDONA	AZ	86336
401-49-037	PRINCE ROBERT GRAHAM JR	187 FAWN DR	SEDONA	AZ	86336
401-49-038	CRUIKSHANK DANIEL R & MARY JO	209 FAWN DR	SEDONA	AZ	86336
401-49-039	WINEBARGER MARILYN E	229 FAWN DR	SEDONA	AZ	86339
401-49-040	LUZHOSIE CARSON & RENATA H	6934 E SCARLET CIR	MESA	AZ	85207
401-51-001	MIRDAD MICHAEL L TRUST	PO BOX 1908	SEDONA	AZ	86339
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401-51-003	SCHREIBER FAMILY TRUST DTD 9-7-04	182 SAGE DR	SEDONA	AZ	86336