

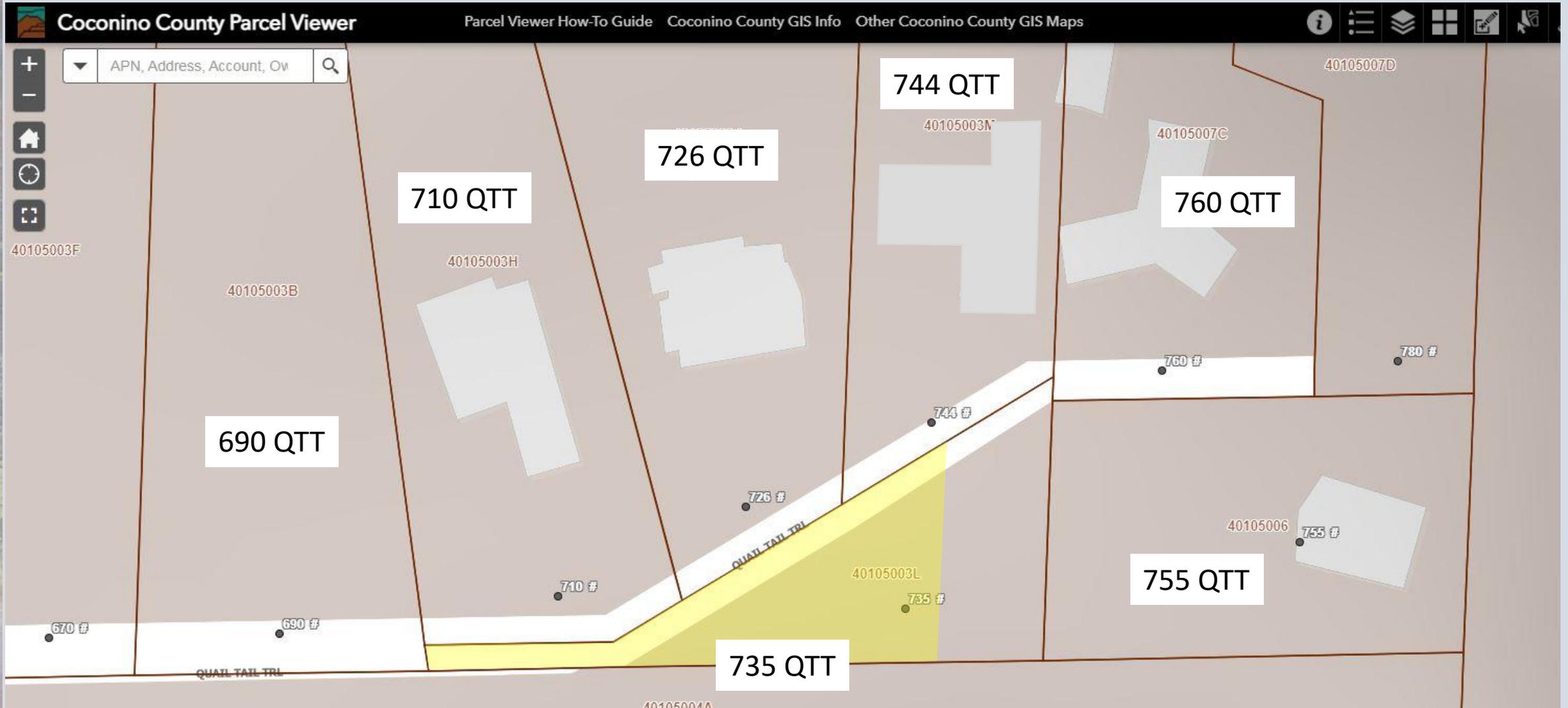
# Variance Appeal VAR21-00002

Concerning: 735 Quail Tail Trail Variance

From: Quail Tail Trail Property Owners

Quail Tail Trail

# Property Lot Lines from the Coconino County Assessor



Quail Tail Trail

# Neighborhood Orientation



Quail Tail Trail

# Street View of Neighborhood



690 QTT



726 QTT



760 QTT



710 QTT

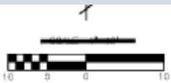


744 QTT



755 QTT

Quail Tail Trail



**LEGEND & NOTES:**

- SANITARY SEWER MANHOLE
- TELEPHONE RISER
- WATER METER / VALVE
- GAS METER
- GAS LINE - BLUE STAKE MARK
- OVERHEAD UTILITY LINE & POLE
- YUCCA PLANT
- PERC TEST HOLE
- CHAPPARRAL
- JUNIPER TREE
- PINON PINE TREE

1. DATUM = CITY OF SEDONA, (FROM "CITY OF SEDONA, VERTICAL CONTROL (BASED LIST - 1990)". BASE BENCH MARK = 453, ELEVATION = 4370.01')
2. PROPERTY BENCH MARK IS A 1/2" REBAR W/ CAP "LS 319853", ELEVATION = 4393.08'
3. CONTOUR INTERVAL = 1'
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726 QTT

744 QTT

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755 QTT

DEVIATED FRONT SETBACK LINE (50% REDUCTION)

EASEMENT LINE

SPOT ELEVATION MEASURED BY LANDMARK FOR CHECKING ACCURACY OF TOPOGRAPHIC MAP (TYPICAL)

401-05-003L

TRAIL

DEVELOPED BY LANDMARK ENGINEERING & SURVEYING INC.  
 FROM TOPOGRAPHIC SURVEY BY TRUE NORTH SURVEYS.  
 THE CONTOURS WAS DETERMINED BY LANDMARK TO BE  
 SUFFICIENT FOR THIS SLOPE ANALYSIS.  
 LANDMARK ENGINEERING & SURVEYING, INC.  
 P.O. BOX 1907  
 SEDONA, AZ 86339



4393.1  
 BM: FOUND 1/2" RE-BAR WITH PC-LS 19853

ENVELOPE AREA = 1,445 SQ. FT. ±  
 (BUILDING ENVELOPE DIMENSIONS AND  
 AREA ARE APPROXIMATE)

	TRUE NORTH SURVEYS, INC.	
	4140 WESTERN DRIVE COTTONWOOD, AZ. 86306 (938) 644-5951	DESIGN: S/S
		DRAWN: S/S
		APPROVE: S/S

Quail Tail Trail

# Property Lot Line and Easement Locations



# Property Background

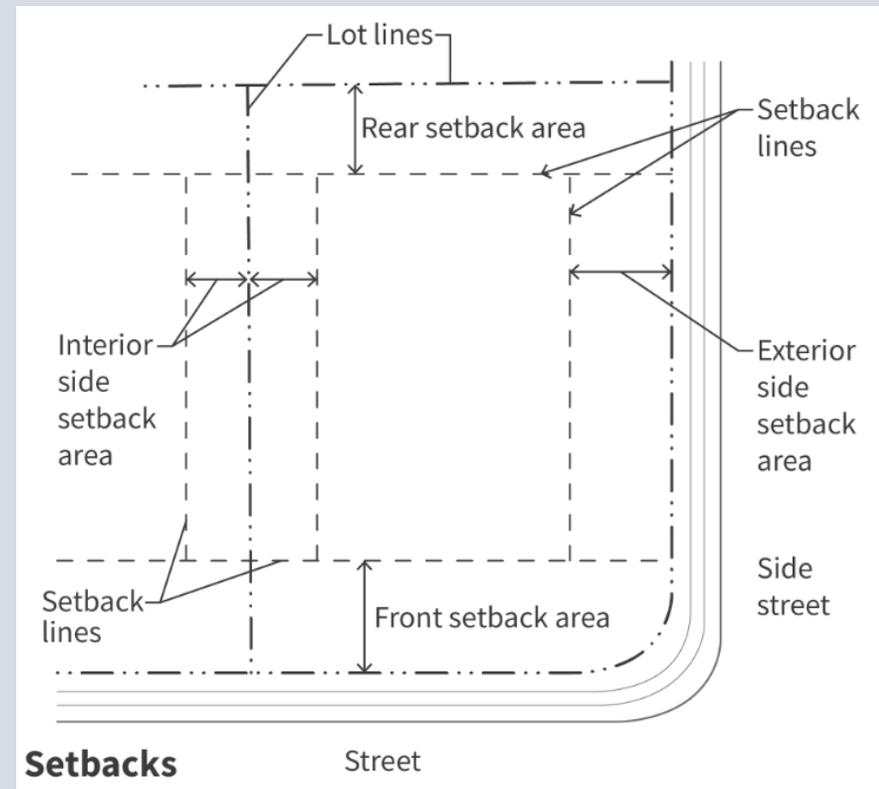
- Parcel has been on the market for years because of site limitations
- Small size and slope make it a difficult build
- Proposed use of lot builds right up to allowable setbacks
- Steep slope allowed a reduction in front setback from 25' to 50% of that, or 12.5' from roadway
- Lot includes a 10' utility and access easement
- Quail Tail Trail road surface is 12' wide in front of lot
- Property sold to Scheels in 2021
- Owners purchased lot knowing these constraints

# RS-18 Setbacks

- LDC includes setback requirements
- Front Setback is 25', but reduced to 12.5' given slope (>30%)
- Side setback is 10'
- Back setback is 25' for this zoning
- Owner proposes to treat this property as an irregularly shaped lot for the back setback

Table 2.2  
Residential Districts Lot and Building Standards

Zoning District	RS-70	RS-35	RS-18	RS-10	RS-6
<b>Setbacks (minimum)</b>					
Front (ft)	50	40	25	20	20
Side (ft)	25	20	10	7	5
Side, abutting street (ft)			15	10	10
Rear (ft)	50	40	25	20	20



# Is 735 an Irregularly Shaped Lot?

## d. *Rear Setback*

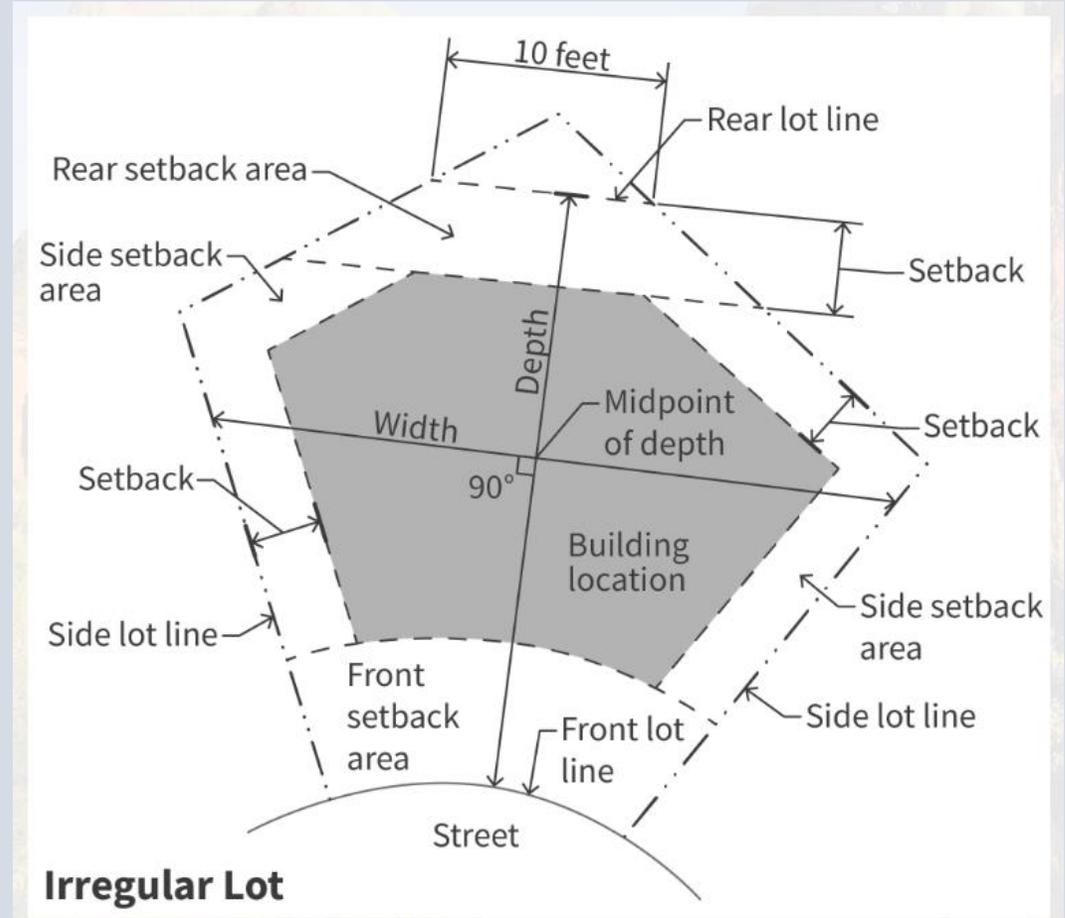
The line that defines the width or depth of the required rear setback area. The rear setback line shall be parallel with the property line or if abutting the street shall be parallel with the street line or future right-of-way line. The rear setback area is that which is furthest away from the front setback area.

## (10) *Irregularly Shaped Lots*

### a. *Generally*

Structures on irregularly shaped lots shall comply with the following:

1. Lots with multiple street frontages, except for corner lots, shall be required to comply with front setbacks along each lot line abutting a street.
2. Lots with multiple side and/or rear lot lines not abutting a street shall comply with side setback requirements for all lot lines except that any lot line abutting a street shall comply with the front setback and the lot line farthest from the front lot line shall comply with the rear setback. (See Figure 2-5.)
3. In the case of an irregular “pie-shaped” lot, the rear lot line may be considered to be a line within the lot, parallel to and a maximum distance from the front lot line, having a length of not less than 10 feet.





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	DESIGN: S/S	DRAWN: S/S
	APPROVE: S/S	

Quail Tail Trail

# Variance Requests

- Non-standard shape (triangular) garage
  - Effectively makes garage unusable for parking
  - Makes parking outside the garage necessary
  - Requires accordion doors that extend 5' into driveway space
- Driveway length less than 20'
  - Encourages cars to intrude into roadway
- Driveway width greater than 30'
  - Appears to be needed for parallel parking at house
- Retaining wall exceeds allowable height without step backs
  - Appears to be sought for additional parking areas
  - Creates a safety hazard from falls

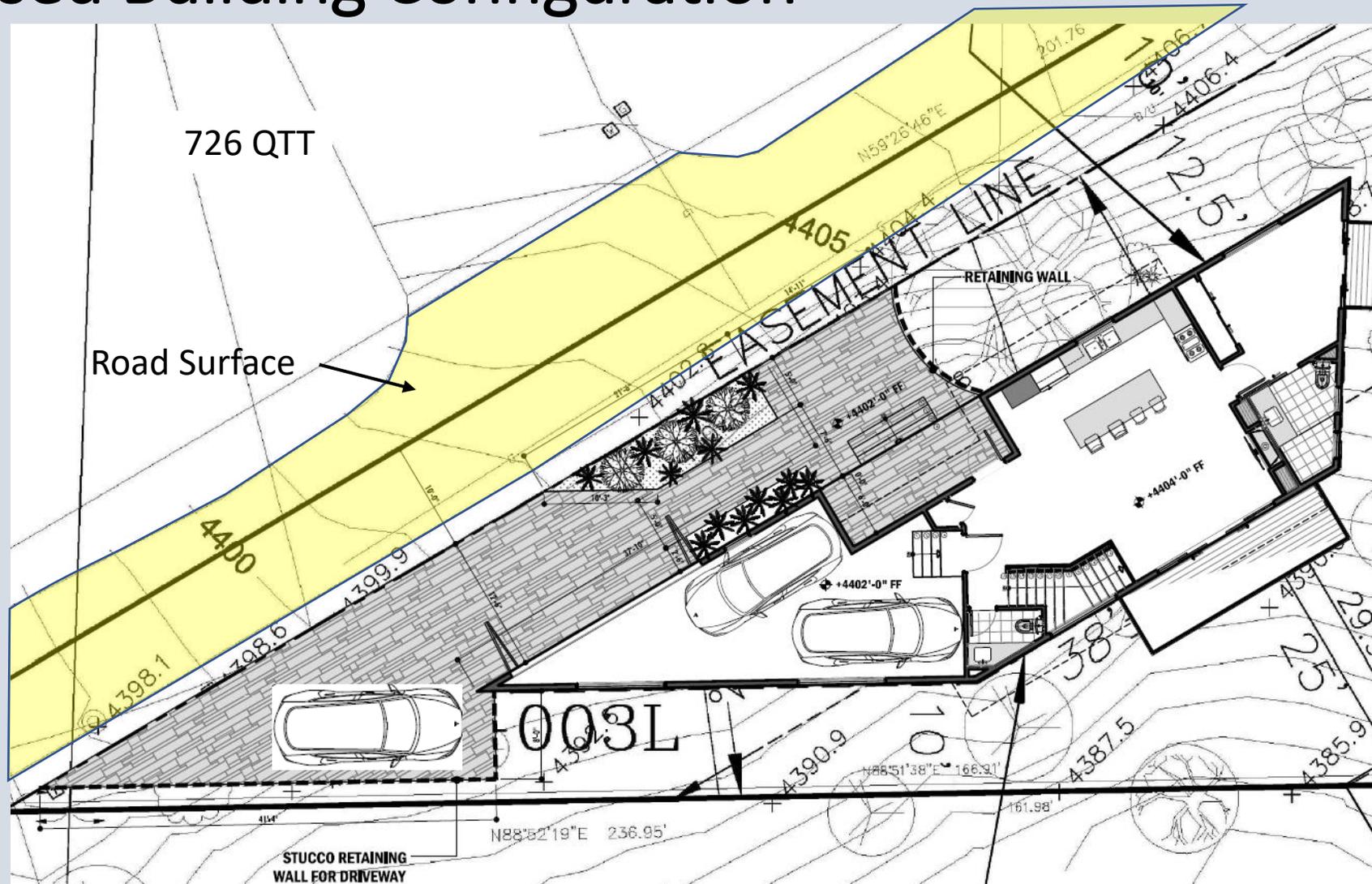
# Garage Requirements from LDC

- Minimum 400 sq. ft garage required in RS-18
- 2 spaces required in this garage
- Garage not required for houses less than 1,500 sq. ft

<u>Dwelling, Single-Family Attached</u>	2 spaces per <u>dwelling unit</u>
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For single-family residential uses in all other zoning districts, a two-car garage with a minimum of 400 square feet is required for all houses greater than 1,500 square feet in size

# Quail Tail Trail and Proposed Building Configuration



# Driveway Requirements from LDC

- Proposed driveway is only 12.5' long and over 50' wide
- Does not comply LDC and will lead to cars in front of garage extending into roadway
- Additional width will encourage parallel parking on roadway

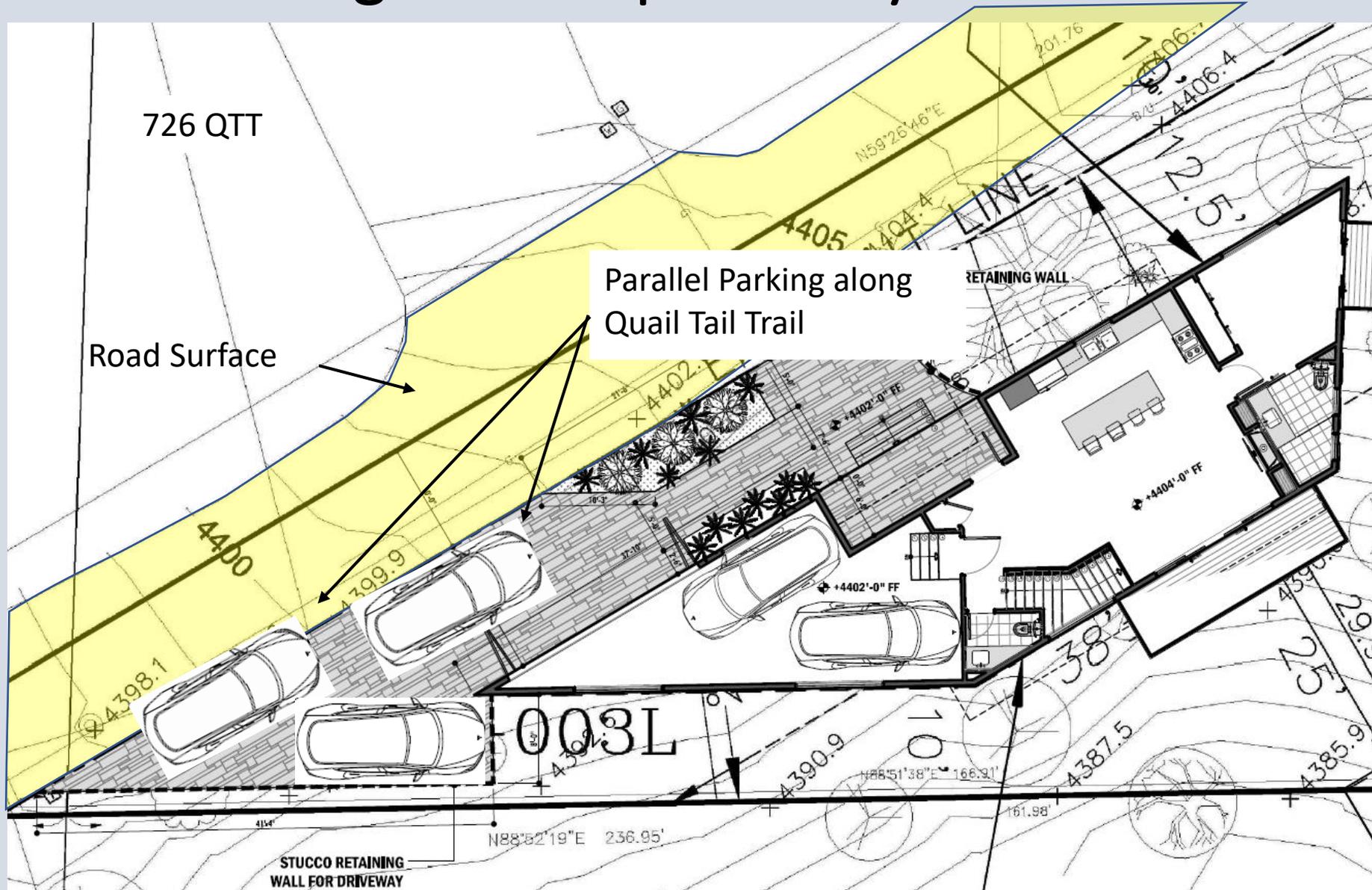
- (3) c. Driveways shall be no less than 20 feet in length over the entire width of the garage, carport or other structure intended to house vehicles, from the face of a garage, carport, or other structure intended to house vehicles to the near edge of the sidewalk or public right-of-way. This distance may include the area between the property line and the edge of the street if the City Engineer determines that it will not conflict with existing or future rights-of-way, sidewalks, pedestrian pathways or similar improvements. All required parking must be located completely within the boundaries of the residential property.
- d. Within the front and exterior side setback area, each driveway at its widest point shall be not more than 30 feet in width, measured at right angles to the center line of the driveway, except as that distance may be increased by permissible curb return radii.



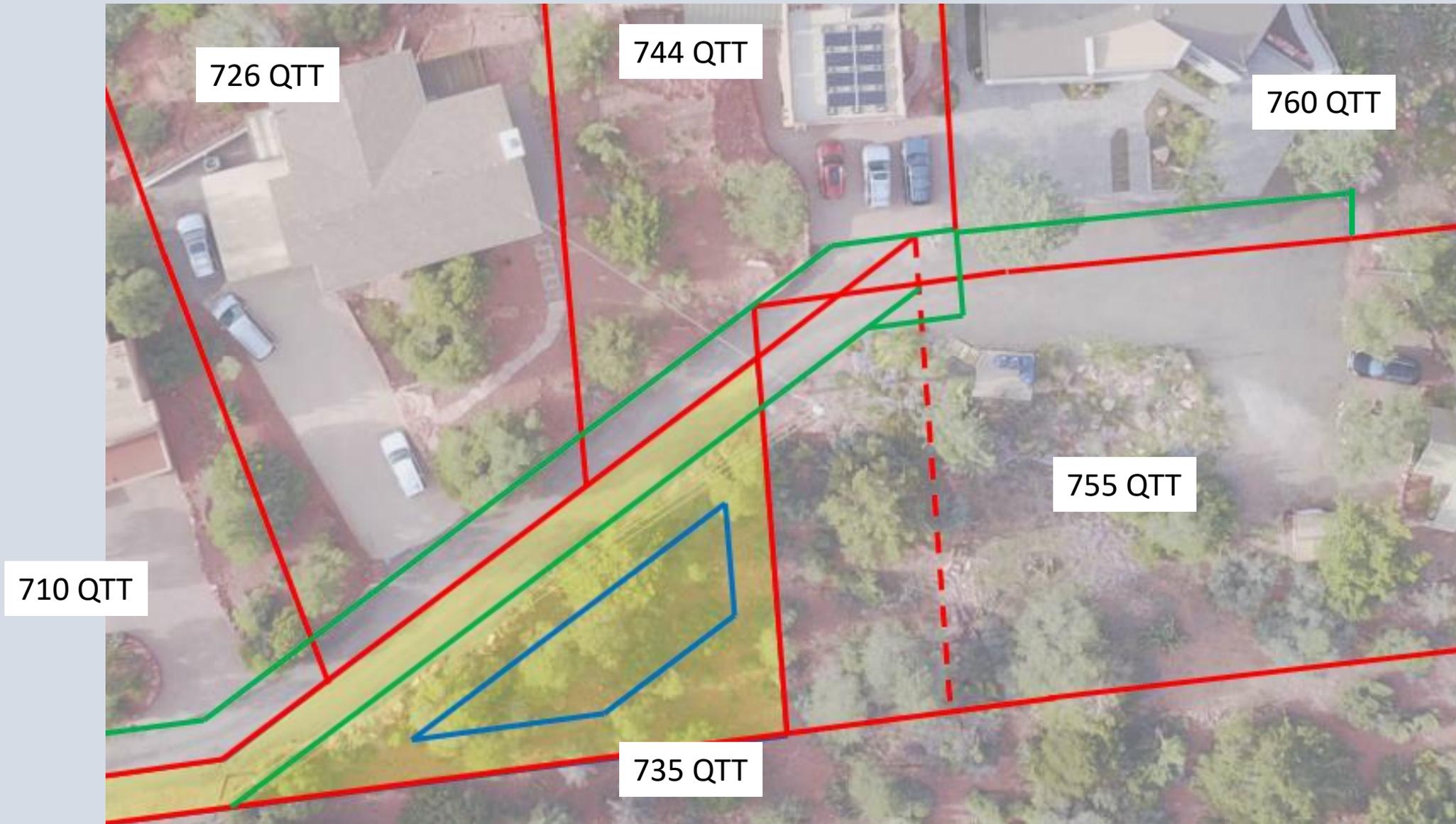
# Parallel Parking Issues

- Parked cars will be directly adjacent to or parked on the road
- Given narrow road, for cars to exit they will need to:
  - Continue to the top of the hill where there is no turn around and turn onto properties of 744, 755, or 760 Quail Tail Trail
  - Turn into 726 Quail Tail Trail driveway to turn around
  - Back down to 710 Quail Tail Trail driveway to turn around
- Impacts the safety of all Quail Tail Trail residents
- Impacts the property values of these residents

# Parallel Parking with Proposed Layout



# Can Cars Turn Around at the Top?



# Retaining Wall Height Issues

- Exceeding the retaining wall height of 8' is an attempt to create more parking on an already small lot
- A 3' landscaping area is not provided at the base of the wall
- The face of the higher retaining wall will be visible to all residents in the Sierra Vista neighborhood and the property just south of the lot
- A maximum 8' height with 5' terrace to subsequent walls must be provided for proper massing and screening per the LDC
- Excessive height also introduces a fall hazard safety issue

## Are the Variances Really Needed?

- Owner can build a structure appropriately sized on the lot
- A single-family residence of 1,500 square feet or less would be better accommodated on the property
- Single-family structures of 1,500 square feet do not require building a garage
- A smaller building could accommodate head-in parking that allows cars to enter and exit the property using a Y-turn without impacting other residences on Quail Tail Trail





Sedona News City News

## P&Z cancels meetings

By **Juliana Walter** - April 8, 2022

“We often get project plans that do not meet the regulations in our Land Development Code (LDC) and, therefore, we have to issue corrections to the developer or architect,” Herbert<sup>\*</sup> said. “For example, we do not want to send a project to P&Z that violates the LDC or that has building code or engineering issues. This can be a lengthy process.”

<sup>\*</sup>Katherine Herbert of Sedona Community Development

# Are the Variances Justified?

6. The **findings necessary** to grant a variance are listed in the LDC at Section 8.8.A(4):

a. The variance requested does not constitute a special privilege inconsistent with limitations on other properties classified in the same zoning district. b. The strict application of the Code standards for which a variance is sought would produce undue hardship not related to purposes of convenience or financial burden.

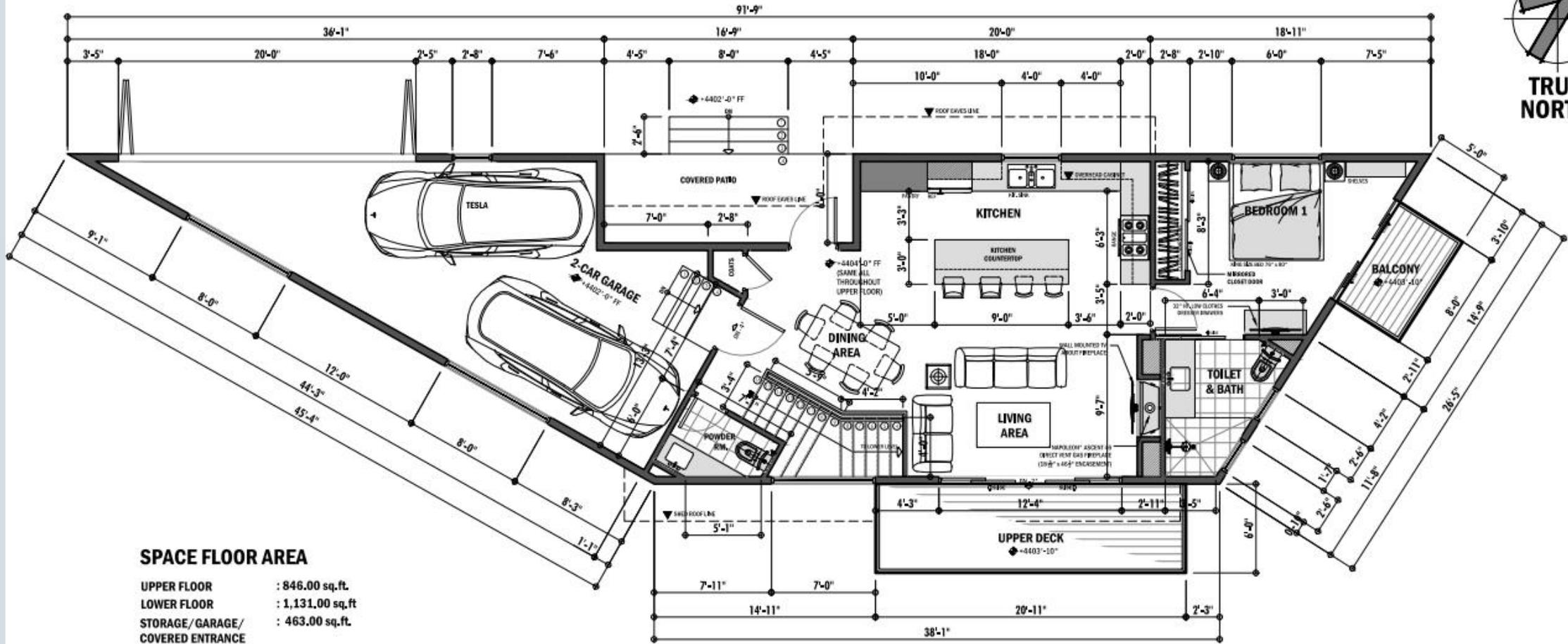
c. The applicant did not create the hardship by their own actions. d. The variance requested does not harm the public and does not impair the intent or purposes of this Code, goals, and policies including the specific regulation for which the variance is sought. e. The variance request will not violate building or fire code requirements or create a safety hazard. f. The requested variance is the minimum relief necessary from the subject standards of the Code. g. The variance is warranted *for one or more of the following reasons*:

1. The strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the same zoning district.
2. The variance furthers the goals of the Sedona Community Plan and/or other adopted plans.
3. The subject property has an exceptional shape, topography, building configuration or other exceptional site condition that is not a general condition throughout the zoning district.
4. The variance is of a technical nature and is required to protect a sensitive resource, natural feature, or community asset. [Ord. 2020-04 § 1, 9-8-20 (Res. 2020-16)].

# Conclusions

- The variances are not required for applicant's use of the property
- By purchasing this property, they were aware of the site limitations
- The variances do impact and harm the Public
- The variances do create a variety of safety hazards
- ALL current residents have complied with LDC requirements for construction/renovations/additions to their homes
- ALL adjacent property owners oppose these proposed variances
- A smaller home without a garage would better suit the property
- A more appropriate structure would be safer for all residents, emergency vehicles, and utility workers
- Very tight construction site will impact other residents
- Owner does not plan to live in the home, using as an STR

STREET / MAIN LEVEL



**SPACE FLOOR AREA**

UPPER FLOOR	: 846.00 sq.ft.
LOWER FLOOR	: 1,131.00 sq.ft.
STORAGE/GARAGE/ COVERED ENTRANCE	: 463.00 sq.ft.
STORAGE/MECH. ROOM	: 283.00 sq.ft.
UPPER & LOWER DECKS & BALCONY	: 449.00 sq.ft.
COVERED PATIO	: 100.00 sq.ft.
<b>TOTAL FLOOR AREA</b>	<b>: 3,272.00 sq.ft.</b>

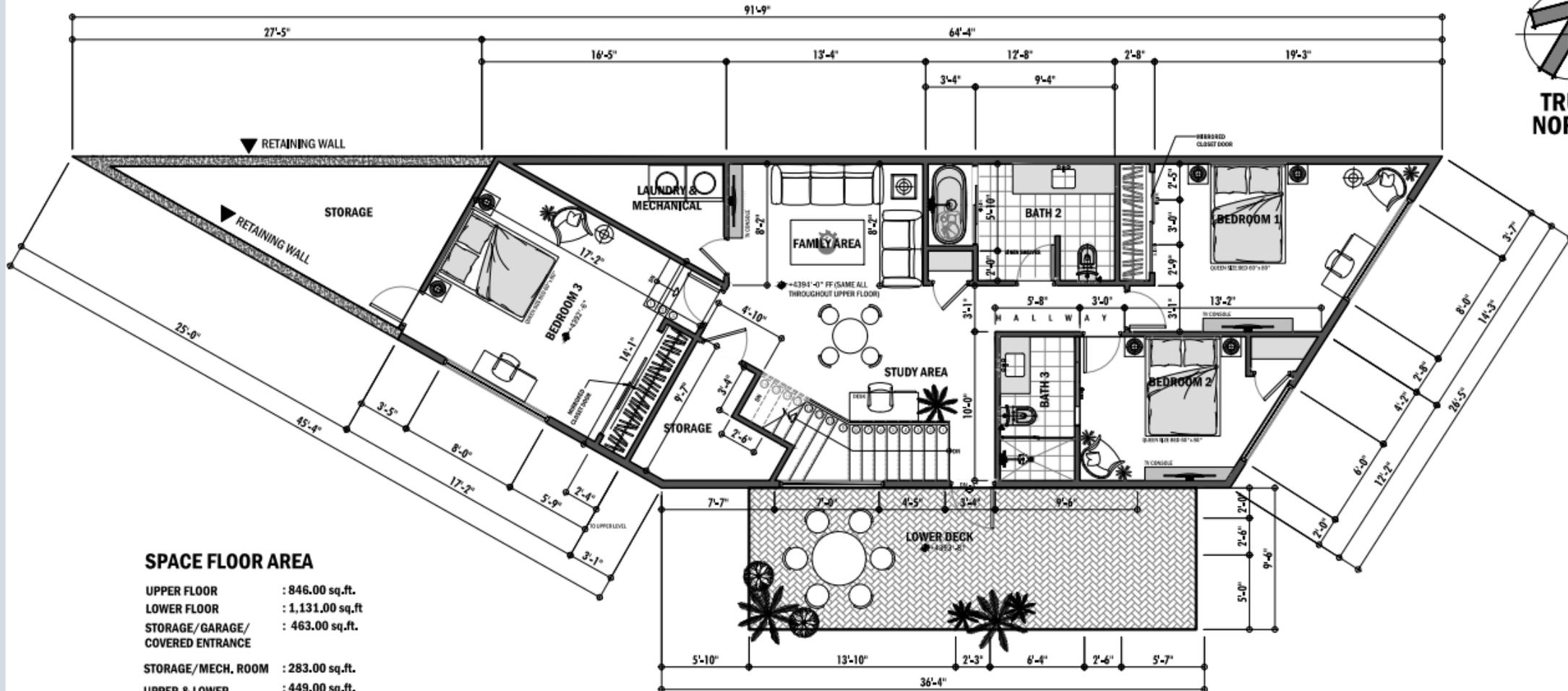
**A.1**  
A-200

**OPTION 1  
UPPER LEVEL FLOOR PLAN**

SCALE

1':1/8"

Quail Tail Trail



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**A.1**  
A-300

**LOWER LEVEL FLOOR PLAN**

SCALE

1':1/8"

# Scheel Residence Variance

Variance  
Application No.  
VAR21-00002

# 735 Quail Tail Trail: Lot Details



- 
- Irregular Triangular Shape
  - Steep downward sloping lot
  - Approved 50% setback deviation (due to 31% slope)
  - Zoned RS-18
  - Gross lot square footage 10,600 sq. ft. (Net lot square footage= 5,900 sq. ft.)

# Neighboring Lots on Quail Tail Trl

- Size comparison to neighboring lots
- Next smallest lot is 18,540 sq. ft. (gross)
- Other lots range from 19,602 sq. ft. to 31,360 sq. ft. (gross)
- Only triangular shaped lot



.61  
acres

40105003F

.65  
acres

40105003B

.57  
acres

40105003H

.72  
acres

40105003J

.45  
acres

40105003M

.44  
acres

40105007C

.42  
acres

40105007D

4420 ft

.46  
acres

40105006

.24  
acres

40105003L

QUAIL TAIL TRL

670 #

690 #

710 #

726 #

744 #

735 #

760 #

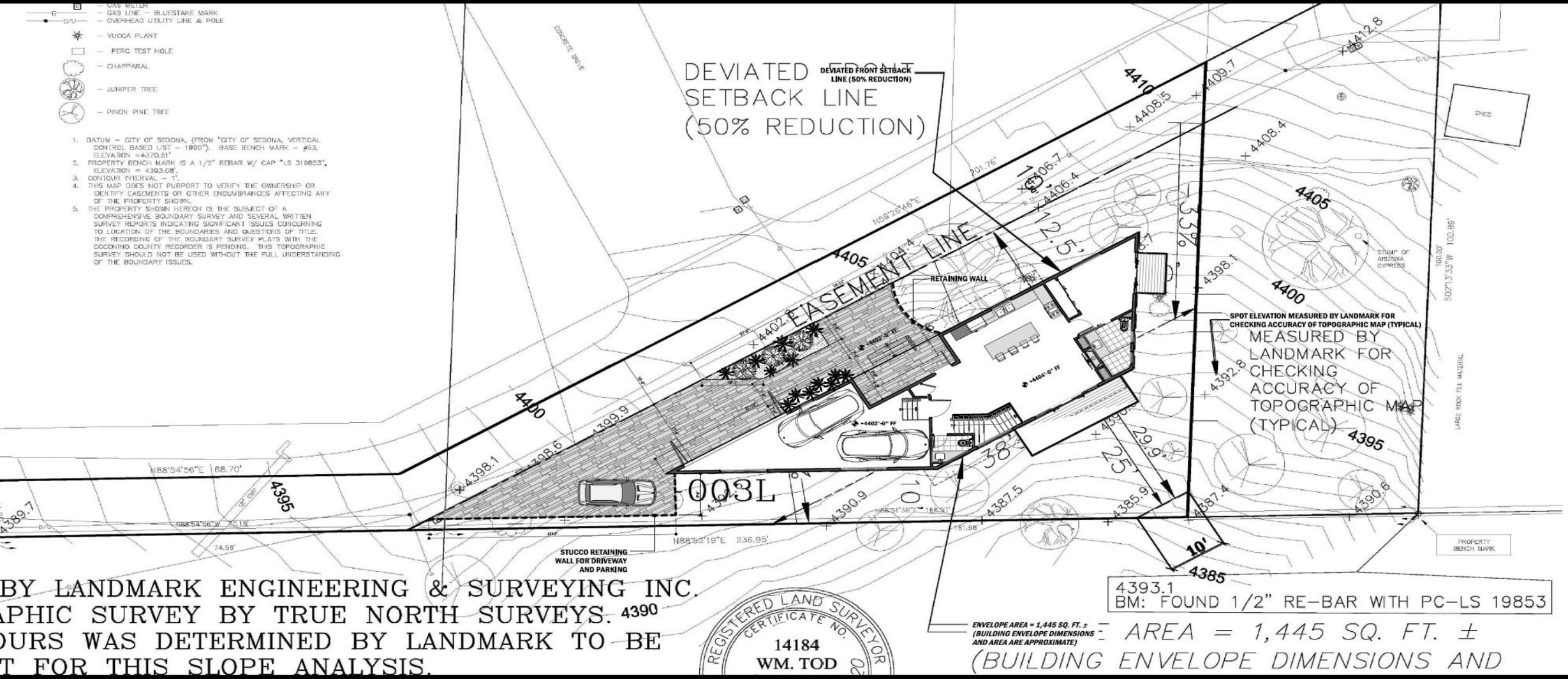
780 #

755 #

# A PROPOSED RESIDENTIAL BUILDING

- GAS METER
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# Requested Variances

- Code Section 5.4(E)(3)(c)
  - Reduce driveway length requirement from 20' to 12'6"
- Code Section 5.5(D)(1)
  - Variance from two 9'x18' garage parking spaces
- Code Section 5.4(E)(3)(d)
  - Increase driveway width from 30' to 55'
- Code Section 5.6(E)(8)
  - Variance from terracing requirement for 11-13 ft retaining wall

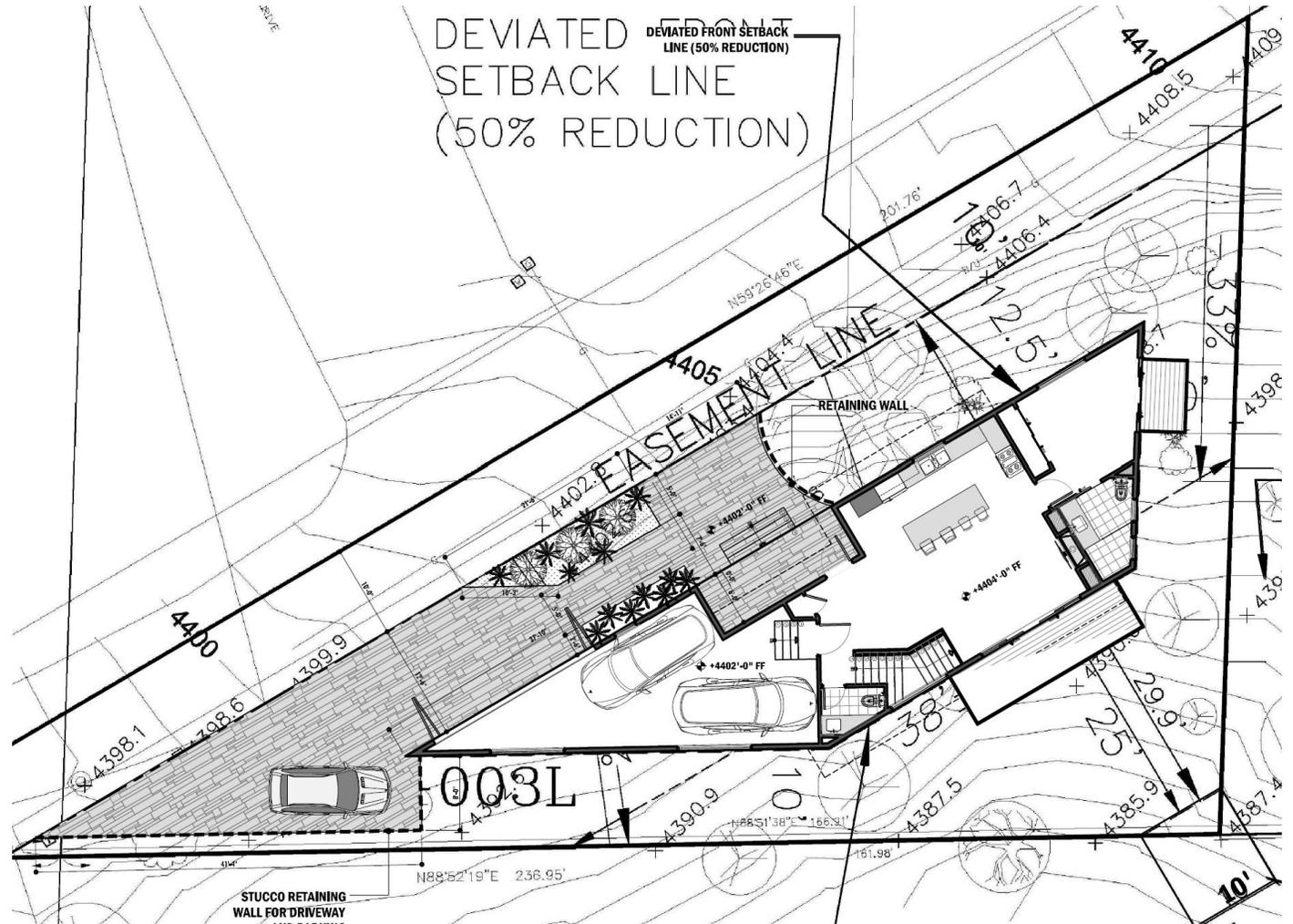


# Code Section 5.5(D)(1)

- RS-18 Zoning Classification:
  - Minimum 2 car garage
  - Minimum 400 sq. ft. garage
  - City has interpreted a “parking space” to be 9’x18’ rectangular spaces
- RS-10 Zoning Classification:
  - One-half of all parking must be in garage (meaning 1 garage space for the proposed residence)
- Lot size fits within RS-10 not RS-18
- Lot size and shape restricts ability to construct a rectangular garage

# Code Section 5.4(E)(3)(d)

- Provides for 30' maximum driveway width
- Proposed driveway width would allow for additional off-street parking
- Addresses parallel parking concerns by widening driveway for parking on the side of the garage
- Functions as the walkway to the front door

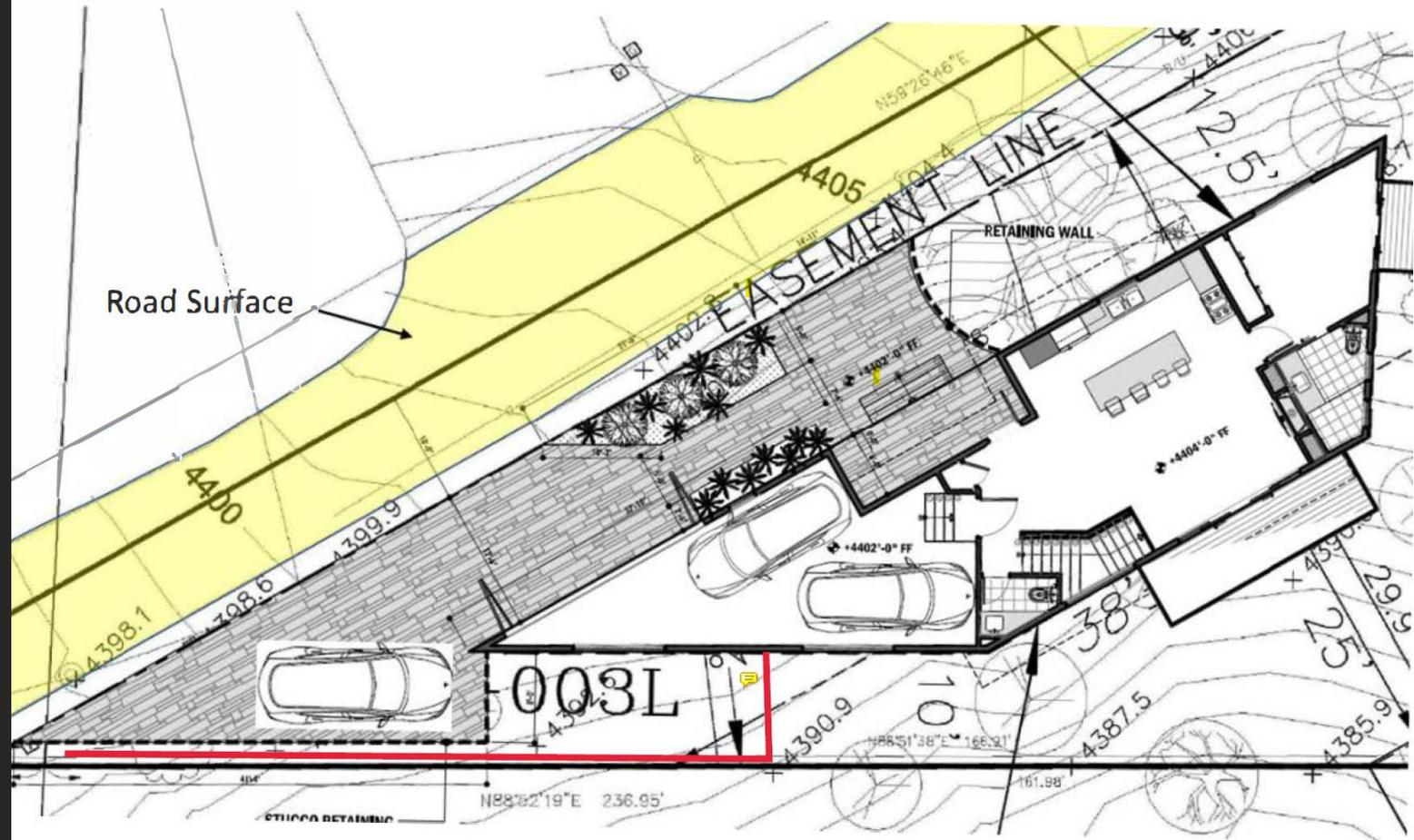


# Code Section 5.4(E)(8)



- Allows for 16-foot-high retaining walls
- Terracing required for walls exceeding 8'
- Applicant proposes an 11'-13' retaining wall to support additional parking space
- Addresses neighbors parking concerns
- Unable to terrace due to setbacks, lot shape, and slope

# Additional Parking with Retaining Wall



# The Appeal

- Backing into the road
  - “Parcel has been on the market for decades because of the extraordinary limitations”
  - “Small size and unusual shape make it a difficult build”
  - “This code was developed for a reason and we ask that the City adhere to these standards.”
  - “Current residents have complied with the LDC requirements with regard to construction/renovations/additions to their homes.”
-

# Variance Findings (Code Section 8.8(A)(4))

- The Variance does not constitute a special privilege
- Strict application of the Code would produce undue hardship
- Applicant was not the cause of hardship
- The Variance does not harm the public or impair the intent of the Code
- The Variance does not create a safety hazard
- The Variances requested represent the minimum relief necessary to address the exceptional lot circumstances
- The Variance is warranted:
  - The subject property has an exceptional shape, size, and topography that is not a general condition of the RS-18 zoning district

I move to: reverse the Board of Adjustment Hearing Officer's approval, with conditions, of case number VAR21-00002, 735 Quail Tail Trail variances and approve appeal case number APPE21-00002, based on the evidence presented in the staff report and through testimony and presentations at the public hearing during which the subject application was considered by the Hearing Officer and the public hearing before the Board of Adjustment. The following variances requested by the Applicant do not meet the approval criteria applicable to variance requests in Sedona Land Development Code Section 8.8.A(4), in that:

**Variance Request #1:** LDC Section 5.4.E(3)c (Driveway size requirements), requiring a driveway with a minimum depth of 20 feet, does not meet:

1. Finding (b): strict application does not create an undue hardship. The hardship is created by the size and design of the proposed house and not the shape and topography of the lot.
2. Finding (e): the garage design and driveway length create a potential hazard because cars may have a difficult time exiting safely.
3. Finding (f): the requested relief is not the minimum necessary. We find a reconfiguration or different design could allow a smaller variance or no variance at all.

**Variance Request #2:** LDC Section 5.4.E(3)d (Driveway size requirements), limiting driveway width to 30 feet, does not meet:

1. Finding (b): strict application does not create an undue hardship. The hardship is created by the size and design of the proposed garage and driveway and not the shape and topography of the lot.
2. Finding (e): the garage design and driveway width creates a potential hazard because cars may have a difficult time exiting safely and encourages encroachment into the roadway.
3. Finding (f): the requested relief is not the minimum necessary. We find a reconfiguration or different design could allow a smaller variance or no variance at all.

**Variance Request #3:** LDC Section 5.5.D(1) (Minimum off-street parking spaces required), requiring a two-car garage with 9x18 feet spaces, does not meet:

1. Finding (b): strict application does not create an undue hardship. The hardship is created by the size and design of the proposed house and garage and not the shape and topography of the lot.
2. Finding (e): the garage design creates a potential safety hazard because cars may have a difficult time exiting and two cars could not effectively park.
3. Finding (f): the requested relief is not the minimum necessary. We find a reconfiguration or different design could allow a smaller variance or no variance at all.

**Variance Request #4:** LDC Section 5.6.E(8) (Retaining walls), requiring retaining walls over 8 feet tall to be terraced, does not meet:

1. Finding (b): strict application does not create an undue hardship. The hardship is created by the size and design of the proposed house and not the shape and topography of the lot.
2. Finding (f): the requested relief is not the minimum necessary. We find a reconfiguration or different design could allow a smaller variance or no variance at all.

Granting the four variances creates a special privilege inconsistent with the zoning limitations found on other properties classified in the same zoning district because the house design creates the hardship and not the shape or topography of the lot. Applicant did not explore other designs to justify this number of variances.