

## Cottrell Variance Request

### Narrative

## Answers to the Five Findings and Site Plan

Our objective is to raise the current 6 ft masonry wall 2 ft to a total of 8 ft. The wall is a common privacy wall on the property line between 1582 and 1588 W Copper Ridge Drive. Zoning does not allow a wall taller than 6 ft to be placed on the lot line, or within setbacks.

Our current neighbors installed a pool which was accompanied by a significant grade change. This has resulted in a serious loss of privacy to our property at 1582. The loss of enjoyment and value of our property must be restored.

**SEE EXHIBIT A** – From our backyard we see adult sized people practically down to their waistline. On the neighbor's pool deck adult sized people can see 100% of our backyard. Nothing remains private.

With no idea that a zoning code limited a property line wall to 6 ft we proceeded with a permit application. I hired a licensed structural engineer to design the wall modification costing over \$ 1000.00. We selected a contractor which will cost in round numbers \$ 5000.00. There will be additional costs associated with matching our custom painting and some landscape repair.

### **Findings:**

- 1. That there are special circumstances or conditions applying to the property referred to in the application including its size, shape, topography, location or surroundings which do not apply to other properties in the district**

Our current neighbors installed a pool which was accompanied by a significant grade change. The result was the loss of privacy we have known since construction of our home was completed in early 2004, when we paid for the common wall constructed on the property line with our neighbor. This was done because **there was not adequate space to set back the wall from the property line as does exist with most of the properties in our community.**

**2. That special circumstances were not created by the owner or applicant.**

The neighbors at 1588 installed a pool which included a substantial rise in elevation in the grade of their lot. We did not create the circumstances associated with our request for a code variance.

**3. That the authorizing of the variance is necessary for the preservation and enjoyment of substantial property rights.**

We tried other means of restoring the privacy lost. Landscaping was considered.

**SEE EXHIBIT B** - Our neighbors thought that trellises may solve the problem. Two problems: It could take years to create the screen, and our CC&Rs prohibit trellises taller than the wall.

I also had three landscape designers review the situation all of which concluded it would take years to achieve a privacy screen. Trees, etc. would also extend over the neighbor's side of the wall. And, there is insufficient space on our side of the wall for large, screening plants.

It should be noted that our neighbors were told that planting vegetation with substantial root growth on their side of the wall would compromise the structural integrity of the wall and their pool.

Not restoring our privacy will negatively impact the enjoyment and value of our property.

**4. That any variance granted imposes such conditions as will assure that the authorizing of the adjustment shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.**

Our request for a variance in no way grants us a special privilege. We desire to return to the privacy that is afforded to others in the neighborhood through their backyard walls. Many of our neighbor's walls are not placed on the property lines.

**5. That the authorizing of the variance will not be materially detrimental to persons residing in the vicinity, to adjacent property, to the neighborhood or the public welfare in general.**

There will be no impact of this variance on surrounding properties. The only properties that will notice the increase in wall height are the two involved parties. Our neighbors have agreed to the wall height increase.

**SEE EXHIBITS C** - Properties to our East are screened by a row of mature Palo Verde trees, oleanders and their walls; their lot grades are significantly lower in elevation.

**SEE EXHIBIT D** - This is the wall on the property line where the increase in wall height from 6 ft to 8 ft will occur. It will be visible only to us and our neighbors.

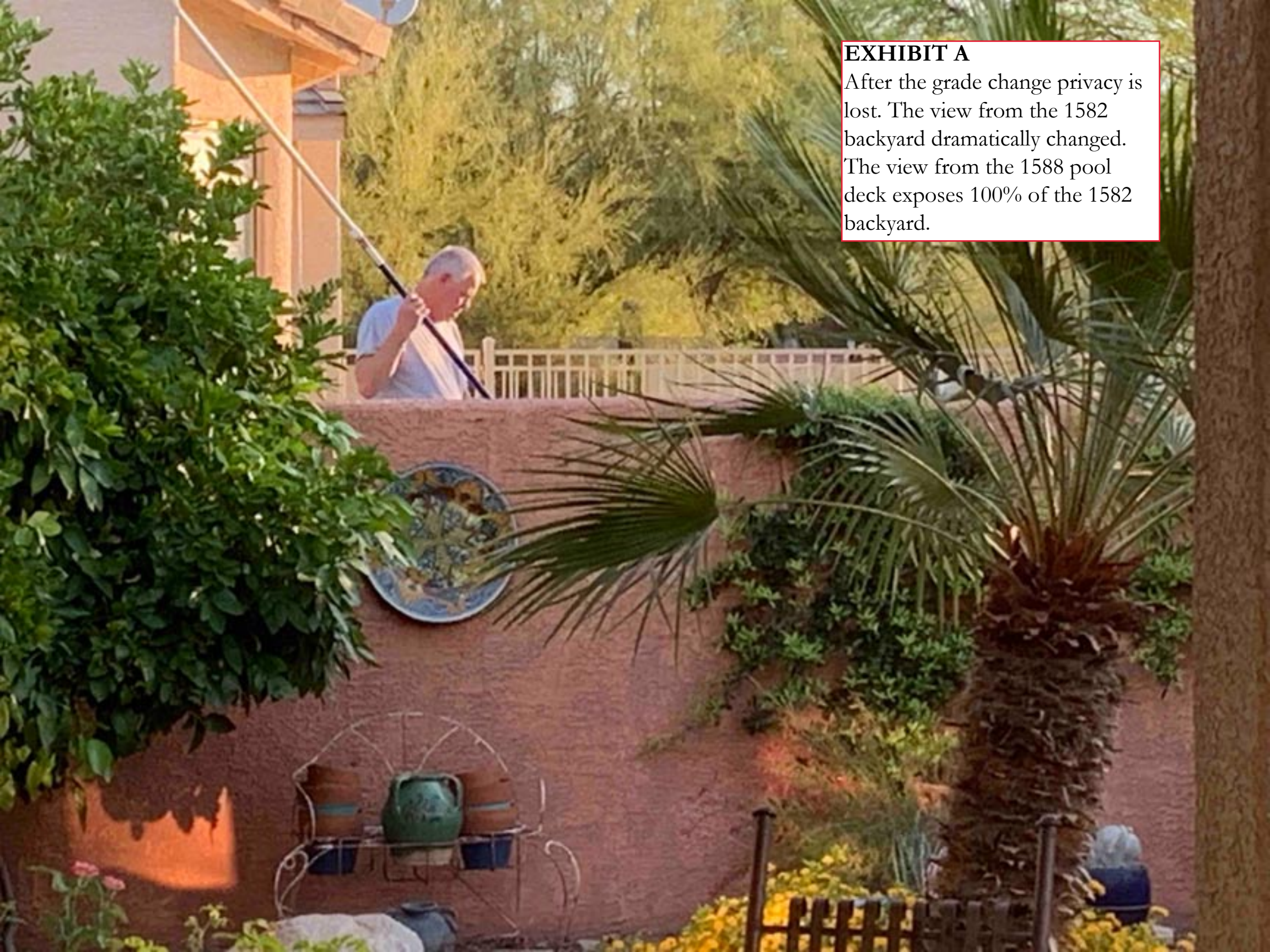
**Site Plan:**

**SEE EXHIBITS E and F** - These are aerial views of the two properties. The orange marking is the wall segment to be heightened, approximately 35 ft in length.



**EXHIBIT A**

After the grade change privacy is lost. The view from the 1582 backyard dramatically changed. The view from the 1588 pool deck exposes 100% of the 1582 backyard.





## EXHIBIT B

Landscape solutions were considered. Trellises can not exceed wall height (CC&Rs). Lack of space prohibits large plants.





A photograph of a residential backyard. In the foreground, a swimming pool with blue water is visible. To the left of the pool is a large, dark green palm tree. In the center, there is a stone waterfall structure. Behind the pool and waterfall is a low, reddish-brown wall. The wall is covered with various plants, including a large agave plant, a cactus, and some climbing vines. A circular decorative object is mounted on the wall. The background shows more trees and a clear blue sky.

## EXHIBIT C

Vegetation screens views from the East.  
Neighbors will not be impacted.





### **EXHIBIT D**

This is the wall that would be heightened by 2 ft. The only visual impact will be from the 1588 property. The neighbors have agreed on the wall height increase.



## EXHIBIT E

The orange line denotes the subject wall. The height increase will not be visible from properties in any direction.



An aerial photograph of a large, multi-gabled house with a brown roof. The house has several gables and a prominent white rectangular feature on its side. To the right of the house is a swimming pool surrounded by a deck and landscaping. The property is bordered by trees and a driveway on the left. A red horizontal line is visible at the top of the image.

## **EXHIBIT F**

A close-up of the 1582 property shows that screening exists along sight-lines from any direction except from the 1588 property.