

**TOWN OF CAREFREE  
NOTICE of PUBLIC HEARING  
of the  
BOARD OF ADJUSTMENT**

**WHEN:** MONDAY, JUNE 13, 2022

**WHERE:** CAREFREE TOWN COUNCIL CHAMBERS  
33 EASY STREET, CAREFREE, AZ 85377

**LIVESTREAM:** [HTTPS://ZOOM.US/](https://zoom.us/j/3229729660)  
MEETING ID 322 972 9660  
PASSCODE 12345  
TELEPHONE AUDIO: 1.669.900.6833 OR 1.253.215.8782

**TIME:** 5:00 P.M.

Pursuant to A.R.S. 38-431.02, notice is hereby given to the members of the Planning and Zoning Commission of the Town of Carefree, Arizona and to the general public that the members of the Planning and Zoning Commission will hold a meeting open to the public.

The agenda for the meeting is as follows:

**CALL TO ORDER**

**ROLL CALL**

*Members of the Planning and Zoning Commission may participate by technological means or methods pursuant to A.R.S. §38-431(4).*

**PLEDGE OF ALLEGIANCE**

- ITEM #1** Approval of the Board of Adjustment meeting minutes dated **AUGUST 09, 2021**.
- ITEM #2** **PUBLIC HEARING** to be held to consider **APPROVAL** of a **VARIANCE** to the Zoning Ordinance standards to allow for a 4'6" view fence in portions of the side and rear yard building setbacks where such structures are not allowed. The proposed encroachment would be 29'6" into the required 30-foot rear yard setback and 8' into the required side yard setback.

**NOTE:** The residence was built in 1971 and considered a legal nonconforming lot. This request is for relief from the rear and side yard setback requirements.

This is a public hearing and comments from the public will be taken.

**ITEM #3**      **ANNOUNCEMENTS**

**ITEM #4**      **ADJOURNMENT**

DATED this 8TH day of June 2022.

TOWN OF CAREFREE

*Samantha J. Gesell*

Samantha Gesell, Planning Clerk

**This work session will be broadcast via our Town of Carefree Zoom channel:**

LIVESTREAM:      [HTTPS://ZOOM.US/](https://zoom.us/j/3229729660)  
MEETING ID 322 972 9660  
PASSCODE 12345  
For telephone audio:  
1.669.900.6833 or 1.253.215.8782



**FOR SPECIAL ACCOMMODATIONS**

Please contact the Planning Clerk, 8 Sundial Circle (PO Box 740), Carefree, AZ 85377; (480) 488-3686, at least two working days prior to the meeting if you require special accommodations due to a disability.



**TOWN OF CAREFREE  
BOARD OF ADJUSTMENT PUBLIC MEETING  
*DRAFT* MINUTES**

**WHEN:** MONDAY, AUGUST 09, 2021  
**WHERE:** ZOOM WEB\*  
**TIME:** 5:00 p.m.

*Members of the Board of Adjustment participated by technological means or methods pursuant to A.R.S. §38-431(4).*

**CALL TO ORDER, SILENT ROLL CALL and PLEDGE OF ALLEGIANCE.**

Chairperson Cross called the meeting to order at 5:03 p.m.

**BOARD MEMBERS PRESENT VIA ZOOM:**

Chairperson Tom Cross  
Vice Chairperson Lyn Hitchon  
Board Member Heather Burgett  
Board Member Peter Burns  
Board Member Phil Corso  
Board Member Dan Davee  
Board Member Ralph Ferro

**ABSENT:**  
None

**ITEM 1. APPROVAL of the BOARD OF ADJUSTMENT meeting minutes dated MAY 10, 2021.**

Board Member Corso **MOVED TO APPROVE** the Board of Adjustment meeting minutes dated May 10, 2021, with corrections. **SECONDED** by Vice Chairperson Hitchon. **PASSED** unanimously.

**ITEM 2. CASE #: 21-11-V**

**APPLICANT:**

APPLICANT  
Tyler Green  
11480 N. 85<sup>th</sup> Street

OWNER

David and Vicki Holt  
1313 Coyote Pass

Scottsdale, AZ 85260

Carefree, AZ 85377

**CASE LOCATION:**

1313 Coyote Pass  
APN: 216-33-397

**ZONING:**

Rural-18, Single-Family Residential Zoning District  
18,000 square feet minimum lot size

**REQUEST(S):**

**APPROVAL** of a **VARIANCE** to the Zoning Ordinance standards to allow for construction of rear yard pool, pool barrier, bar-b-que, and site wall in portions of the rear and side yard building setbacks where such structures are not allowed or limited. The proposed encroachments would be as follows:

1. Twenty-seven feet (27') into the required thirty-foot (30') rear yard building setback to locate the pool;
2. Twenty-two feet (22') into the required thirty-foot (30') rear yard building setback to locate a bar-b-que;
3. Fourteen feet and six inches (14'6") into the rear yard setback where fifteen (15) feet is required for a pool barrier.
4. Fourteen feet and six inches (14'6") into the rear yard setback where fifteen (15) feet is required for a site wall.

**NOTE:**

The home is a legal nonconforming structure. This request is for relief from the rear yard setback requirements.

Chairperson Cross introduced the variance request. Director Bridge-Denzak presented via PowerPoint details of the application and provided details of the request to construct a pool, spa bar-b-que and pool barrier/screen wall within portions of the rear building setback.

Director Bridge-Denzak displayed a map revealing a portion of the home's existing encroachment into the rear yard setbacks. The map also indicated the proposed locations of the pool, spa, bar-b-que and pool fence. Ms. Bridge-Denzak explained that due to the non-conforming building, there clearly is a hardship for this property owner as there is no room for this property to enjoy their rear yard and locate a pool based on the Town of Carefree's Ordinances.

Ms. Bridge-Denzak informed the group that the Citizen Participation requirements have been met. Two residents did reach out to the Applicant. There were no objections to the proposal.

Board Member Davee asked if the adjacent open space could be acquired for more land for the property to be in compliance. Ms. Bridge-Denzak explained that among other reasons, that is not an option as those areas were originally platted as open space to provide a buffer between properties.

Board Member Davee and Board Member Burgett expressed concern that this request may set precedence. Director Bridge-Denzak responded that it does not. Variances don't set precedence and each request is reviewed on a case-by-case basis.

There was no public comment.

Board Member Corso **MOVED TO APPROVE, AS PRESENTED**, a **VARIANCE** to the Zoning Ordinance standards to allow for construction of rear yard pool, pool barrier, bar-b-que, and site wall in portions of the rear and side yard building setbacks where such structures are not allowed or limited.

1. With the following four zoning variances for construction of the rear yard improvements:
  - a. Twenty-seven feet (27') into the required thirty-foot (30') rear yard building setback to locate the pool.
  - b. Twenty-two feet (22') into the required thirty-foot (30') rear yard building setback to locate a bar-b-que.
  - c. Fourteen feet and six inches (14'6") into the rear yard setback where fifteen (15) feet is required for a pool barrier.
  - d. Fourteen feet and six inches (14'6") into the rear yard setback where fifteen (15) feet is required for a site wall.
2. The building permit development plans shall conform to the site plan date-stamped July 7, 2021 submitted in association with this application.
3. The granting of this variance shall be null and void if the building permit is not issued within one year of approval.
4. Boulders and existing rock other than existing rip-rap shall not be disturbed.
5. All protected plants deemed salvageable in the disturbed area shall be relocated on the property.

Vice Chairperson Hitchon **SECONDED** the motion. **PASSED** unanimously.

<b><u>ITEM 3.</u></b>	<b>CASE #</b>	20-11-V	
	<b>APPLICANT:</b>	<u>APPLICANT</u> Tyler Green 11480 N. 85 <sup>th</sup> Street Scottsdale, AZ 85260	<u>OWNER</u> James Maetzold 2155 Quails Nest Carefree, AZ 85377
	<b>CASE LOCATION:</b>	2155 Quails Nest APN: 216-33-388	
	<b>ZONING:</b>	Rural-18, Single-Family Residential Zoning District	

18,000 square feet minimum lot size

**REQUEST(S):**

**APPROVAL** of a **VARIANCE** to the Zoning Ordinance standards to allow for construction of a casita within a portion of the rear yard building setback where such structures are not allowed. The proposed encroachment would be thirteen feet (13') into the required thirty-foot (30') rear yard building setback. This request also includes realignment of a wash that exceeds a flow rate of 50 cubic feet per second.

Chairperson Cross introduced the request. Director Bridge-Denzak summarized the request. The proposal is to construct a casita within portions of the rear building setback and realign an existing wash that has a flow rate of 58 CFS which joins a second, nearby wash. Ms. Bridge-Denzak explained what makes this case interesting is that the Town of Carefree Zoning Ordinance does not allow for the disturbance of washes that are greater than 50 cubic feet per second (CFS).

Director Bridge-Denzak presented an aerial map indicating the setbacks, existing three washes on the property and the approximate location of the proposed casita and its encroachment into the rear yard setback.

Ms. Bridge-Denzak noted that one of the three washes flows beneath the existing home. Adding, two drainage channels in question drainage channels meet up on the southwest corner of the property and then head somewhat north to meet with the third one. Adding, this request will also require some realignment of the drainage way.

Director Bridge-Denzak noted that all Citizen Participation Requirements were met, and one comment was received by the Town from one Boulder's neighbor to the south. Staff suggested he call the applicant, which the neighbor did. There were no objections to the proposal.

To address any drainage questions that may arise, Director Bridge-Denzak introduced Carefree's Town Engineer, Mark Milstone.

Vice Chairperson Hitchon asked why the casita can't be located on another area of the lot. Ms. Bridge-Denzak explained the wash presents a special circumstance which does create a hardship for the homeowner to develop in that location. Adding the site is challenged in terms of drainage. However, Ms. Bridge-Denzak understood Vice Chairperson Hitchon's concerns and asked that the applicant respond for clarity.

Applicant Tyler Green reiterated the three washes create a hardship, limiting what can be done on the site. The proposed location of the casita is the preference of the Design Review Board of the Boulders HOA for less impact to the washes and does not create an imposition on the neighbor.

Board Member Burgett asked Applicant Green if the realignment of the wash will change the flow rate of the drainage leaving the property. Mr. Green responded, no it will not change the

overall dynamics of the wash. To give a sense of scale, Ms. Burgett asked how much the wash is shifting. Mr. Green responded the wash will shift less than 10 feet to the southeast.

Town Engineer Mark Milstone expressed that the Town will review this to ensure that it meets Town regulations and does not negatively impact surrounding properties.

The group further discussed if there were possible alternate locations for the casita.

There was no public comment.

Board Member Corso **MOVED TO APPROVE** a **VARIANCE** to the Zoning Ordinance standards to allow for construction of a casita within a portion of the rear yard building setback where such structures are not allowed. The proposed encroachment would be thirteen feet (13') into the required thirty-foot (30') rear yard building setback and also includes realignment of a wash that exceeds a flow rate of 50 cubic feet per second. With the following conditions:

1. The following four zoning variances are hereby granted for construction of the rear yard improvements:
  - a. Thirteen feet (13') into the required thirty-foot (30') rear yard building setback.
  - b. Realignment of Wash 1 and integration into Wash 2.
2. The building permit development plans shall conform to the development plans and reports date-stamped July 7, 2021, submitted in association with this application.
3. The granting of these variances shall be null and void if the building permit is not issued within one year of approval.
4. All protected plants deemed salvageable in the disturbed area shall be relocated on the property.
5. The rerouting of any wash flows shall be accomplished in a manner that does not negatively impact adjacent properties and as approved by the Town Engineer.
6. The Town's Erosion Setback Policy shall apply to this development.
7. Grading and drainage shall meet all provisions of Article IX, Section 9.10.
8. Exterior lighting shall meet all provisions of Article IX, Section 9.12.

**SECONDED** by Board Member Burgett. **PASSED**, 6-1 with Board Member Davee dissenting.

#### **ITEM 4. ANNOUNCEMENTS**

There were no announcements.

#### **ITEM 5. ADJOURNMENT**

Vice Chairperson Hitchon **MOVED TO ADJOURN.** **SECONDED** by Board Member Burgett. **PASSED** unanimously.

The meeting was adjourned at 5:58 p.m.

**BOARD OF ADJUSTMENT**

*Samantha Gesell*

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Samantha Gesell, Planning Clerk 08/09/2021





# STAFF REPORT – Board of Adjustment

MEETING DATE: JUNE 13, 2022

Item No. 2

<b>SUBJECT</b>	<b>Zoning Variance - Case #21-28-V</b>
<b>REQUEST</b>	<p>This is a request for a variance to <i>Article VI. Intensity Schedule and Development Standards</i> of the Zoning Ordinance on a legal non-conforming lot to allow for the construction of a new fence within portions of the side and rear building setbacks where such structures are restricted. The encroachments are as follows:</p> <ol style="list-style-type: none"><li>1) Fourteen feet and six inches (14'6") into the rear yard setback where fifteen (15) feet is required for a fence; and,</li><li>2) Three feet (3') into the side yard setback where five (5) feet is required for a fence.</li></ol> <p><b>Key Items for Consideration:</b></p> <ol style="list-style-type: none"><li>3) Subject property location: 1250 Indian Basket Lane, Lot 1424 of The Boulders Carefree Unit 1 Replat.</li><li>4) Proposal is for a new fence located within the required building setbacks.</li><li>5) The purpose of the enclosed fence is to provide for a secured outdoor space.</li><li>6) Existing legal nonconforming features include the following:<ul style="list-style-type: none"><li>• Lot size</li><li>• Building location</li><li>• Existing wall location</li></ul></li><li>7) As a result of past approvals for similar variances in this area, which were based upon the legal nonconforming status of the properties involved, and pursuant to Arizona Revised Statutes, there exists a unique circumstance on this lot which also supports the subject request.</li><li>8) Citizen participation requirements have been met.</li></ol>
<b>APPLICANT/ OWNER INFO</b>	<p><u>Applicant/Owner:</u> Ms. Doray Elkins 1250 Indian Basket Carefree, AZ 85377</p>
<b>LAND USE</b>	<p><u>General Plan</u> The Carefree General Plan designates the subject site and surrounding properties as Low Density Residential (LDR), 1 acre minimum.</p> <p><u>Zoning</u> The zoning for the subject lot and surrounding properties in Carefree is R1-18 (18,000 square foot minimum lot size). Many of the lots in the Carefree Boulders HOA are considered legal nonconforming where lot lines, residences, and structures were established and built prior to the Town's incorporation in 1984 and before the current standards were in place regarding</p>

# STAFF REPORT – Board of Adjustment

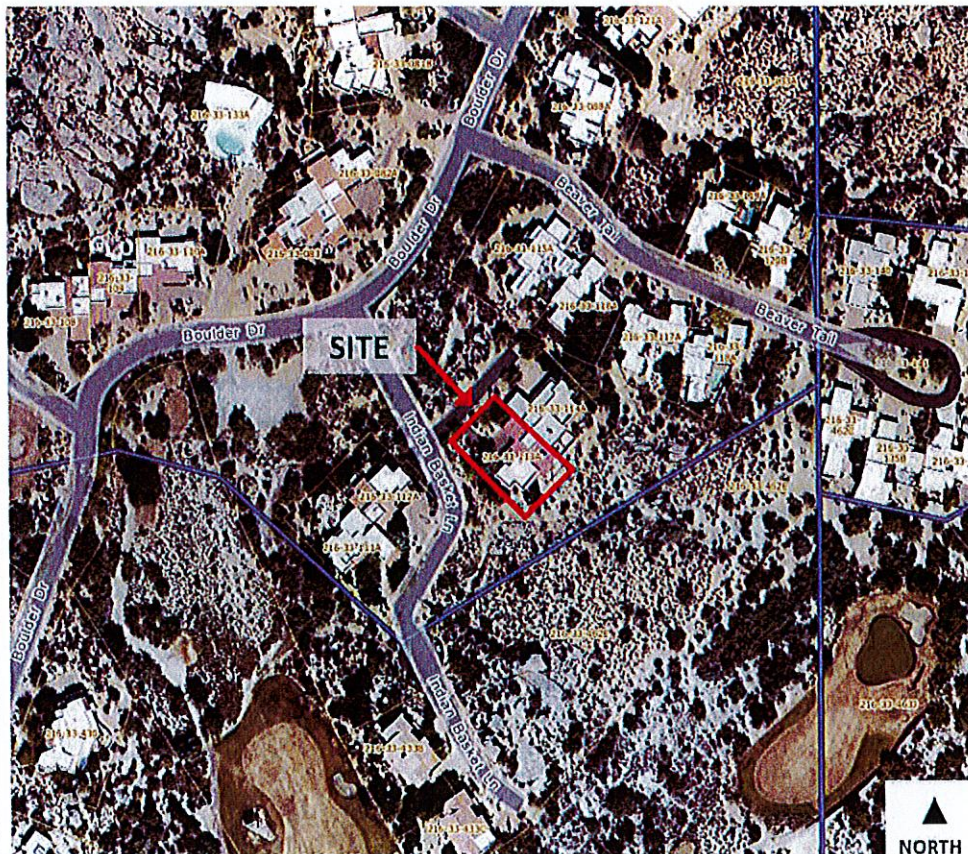
building setbacks. In this case, the home was built in 1971. The lot in question is 9,750 square feet and considered legal nonconforming.

## Existing Use

A single-family residence is located on the subject property. A single-family residence is attached to its north, and open space (Boulders Homeowner's Association property) is to the south, east and west of the subject site.

## LOCATION/ AERIAL MAP

1250 Indian Basket Lane, Lot 1424 of The Boulders Carefree Unit 1 Replat (MCR: 138-22), APN 216-33-113A



Source: Maricopa County Assessor, 2022

# STAFF REPORT – Board of Adjustment

## ZONING STANDARDS

### Zoning Standards

See Table 1 below for a summary of existing conditions and the request.

**Table 1. Development Standards**

Standard	Required	Project	Variance Required
Lot Area	18,000 sq.ft.	9,750 sq.ft. *	No
Lot Frontage	120 ft.	75 ft. *	No
<u>Setbacks:</u>			
Front	30 ft.	33 ft. (approx.)	No
Rear	30 ft.	<b>6 inches</b>	Yes
Side 1	10 ft.	10 ft.	No
Side 2	10 ft.	<b>2 ft. *</b>	Yes
Max. height	24 ft.	Not Applicable	No
Max. Lot Coverage	25%	Not Applicable	No

\* Legal nonconforming condition.

## PROJECT SUMMARY

### Summary

The fence enclosure is proposed within the side and rear yard setbacks: 6 inches from the rear property line at its tightest condition; and similarly, 2 feet from the side property line. Walls and fences are permitted in a rear and/or side yard, however only up to ½ the setback distance to the property line. The applicant/owner seeks to enclose her backyard for the safety and enjoyment of her pets and herself. See Diagram 1 on the next page; the blue dashed line is approximately the proposed work in the setback.

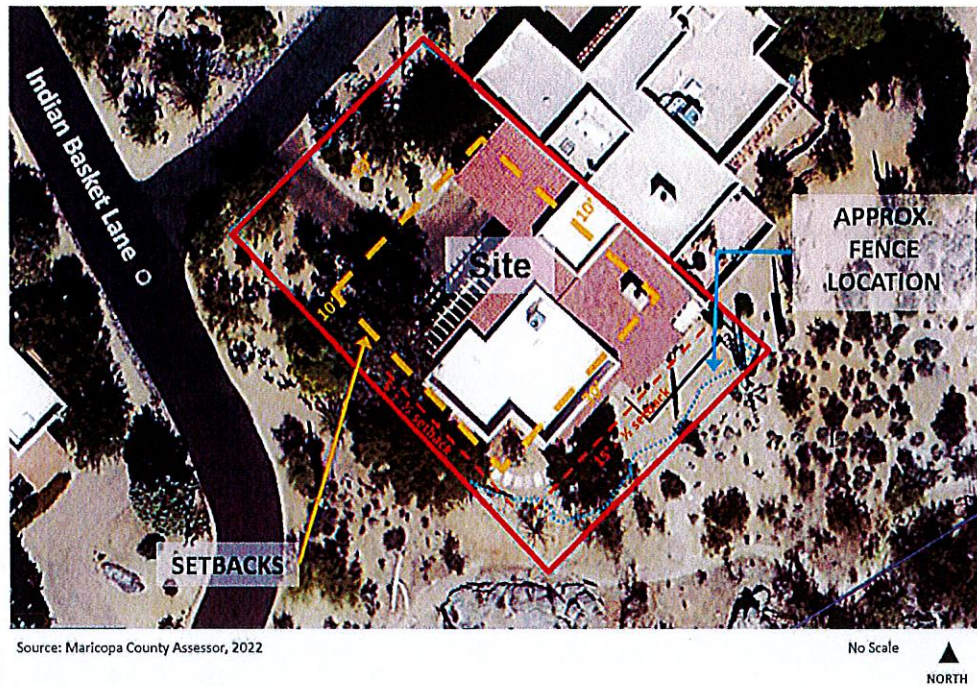
Currently, the existing side and backyard includes a low site wall, pathway, and sunken patio space. The proposed fence shall not disturb anymore of the lot than that which exists. Beyond the property lines to the south, east, and west is natural open space owned by the Boulders Homeowners Association. This natural area often sees wildlife that may at times be aggressive towards domestic pets. The proposal looks to enclose the majority of the outdoor area ultimately tying into the existing walls.

### Citizen Participation

The applicant has fulfilled the requirements for Citizen Participation. Property owners within 500 feet of the subject lot were notified of this application. No feedback was received by the owner or the Town (see Exhibit B).

# STAFF REPORT – Board of Adjustment

Diagram 1: Proposed Fence



## Variance Analysis

The existing parcel size of the subject property constitutes a condition unique to the subject property. This existing site condition presents a situation where it is more difficult for the property owner to comply with the zoning standards than they would for a lot in the same zoning district without the unique nonconforming features. First, the lot is undersized according to the requirements of the R1-18 Zoning District. Also, the location of the existing residence in the rear yard setback reduces the usable area of the yard. No neighboring properties are directly impacted by the request. The proposal will meet all required building code regulations including pool barrier criteria. This condition is not self-imposed.

## VARIANCE CRITERIA

### State Statutory Requirements

Decisions of the Board of Adjustment must fall within the guidelines of the Arizona Revised Statutes as contained in Title 9-462.06, *Board of Adjustment*.

- 1) The Board of Adjustment can approve variances only if the following special circumstances and the strict application of the zoning ordinance will deprive the property of privileges enjoyed by other property in the same zoning district:
  - a) Size
  - b) Shape
  - c) Topography
  - d) Location
  - e) Surroundings

# STAFF REPORT – Board of Adjustment

- 2) Variances shall not be granted as a special privilege that is not available to all other properties with the same conditions in the same zoning district.
- 3) Variances may be subject to conditions.
- 4) A Board of Adjustment may not:
  - a) Make any changes in the uses permitted in any zoning classification or zoning district or make any changes in the terms of the zoning ordinance.
  - b) Grant a variance if the special circumstances applicable to the property are self-imposed by the property owner.

## BOARD OF ADJUSTMENT

Should the Board of Adjustment approve the variance, the conditions for approval attached as Exhibit "A" are provided for consideration.

## ATTACHMENTS

- Exhibit A. Conditions for Approval
- Exhibit B. Citizen Participation Report
- Exhibit C. Narrative
- Exhibit D. Site Plan

**EXHIBIT A**  
**Case #21-28-V**  
**CONDITIONS FOR APPROVAL**

1250 Indian Basket Lane  
Lot 1424 of The Boulders Carefree Unit 1 Replat (MCR: 138-22)  
APN 216-33-113A

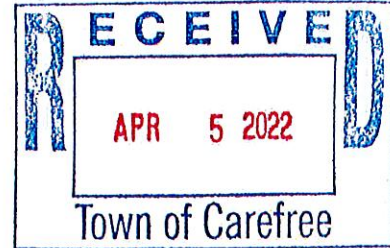
1. This Variance is hereby granted for construction of a view fence based on the following:
  - Fourteen feet and six inches (14'6") into the rear yard setback where fifteen (15) feet is required for a fence; and,
  - Three feet (3') into the side yard setback where five (5) feet is required for a fence.
2. The building permit development plans shall conform to the site plan submitted in association with this application.
3. The granting of this variance shall be null and void if the building permit is not issued within one year of approval.

# EXHIBIT B

## Citizen Participation Report

APN 216-33-113A

**The Elkins Residence**  
1250 Indian Basket Lane  
Carefree, AZ 85377



**Existing use of Property:** Residence

**Request:**

A set back variance from the sides and back of the property to construct a fence.

**Owner/Applicant :** Doray Elkins  
1250 Indian Basket Lane  
Carefree, AZ 85377  
phone (516) 578- 7905

**Contact:** Applicant

**Responses:**

All required parties were notified by mail on March 7, 2022. There were no responses to the mailing.

**PROPERTIES WITHIN 500' OF  
216-33-113A  
1250 INDIAN BASKET  
21-28-V**

216-33-113A	ELKINS DORAY 35182 N INDIAN CAMP TRL SCOTTSDALE AZ USA 85266	1250 INDIAN BASKET LN CAREFREE 85377
216-33-114A	DIANE C WILKINS REVOCABLE TRUST 56 FAWN GULLY LN PONTE VEDRA FL 32081	LOT 1425 1252 INDIAN BASKET LN CAREFREE 85377
216-33-115A	HOWARD JEFFREY C/CARSON DOWD 237 RIVERBEND DR MOORESVILLE NC 28117	LOT 1426 1151 BEAVER TAIL CAREFREE 85377
216-33-116A	PAINTER WILLIAM L/LIPMAN ABBY GAIL 1153 E BEAVER TAIL TRL CAREFREE AZ USA 85377	LOT 1427 1153 BEAVER TAIL CAREFREE 85377
216-33-117A	RIO DARRO LLC 2432 N TILLIE LN FLAGSTAFF AZ 86001	LOT 1428 1155 BEAVER TAIL CAREFREE 85377
216-33-118A	NUMATA STEVEN/CATHERINE A PO BOX 1033 CAREFREE AZ 85377	LOT 1429 1157 BEAVER TAIL CAREFREE 85377
216-33-119A	STEARNS ROBERT B/KATHLEEN M PO BOX 6045 CAREFREE AZ 85377	LOT 1430 1156 BEAVER TAIL CAREFREE 85377
216-33-120B	STEARNS ROBERT B/KATHLEEN M PO BOX 6045 CAREFREE AZ 85377	LOT 1431 1158 BEAVER TAIL CAREFREE 85377
216-33-121A	MCELDOWNEY ROGER L/VIRGINIA C PO BOX 2800 PMB 339 CAREFREE AZ 85377	LOT 1432 1007 BOULDER DR CAREFREE 85377
216-33-126C 216-33-304E 216-33-462F 216-33-463J 216-33-465A 216-33-465C	CP BOULDERS LLC 740 CENTRE VIEW BLVD CRESTVIEW HILLS KY 41017	36200 N 76TH ST CAREFREE 85377
216-33-133A 216-33-141 216-33-461A 216-33-462E	BOULDERS HOMEOWNERS ASSOC 8360 E VIA DE VENTURA BLVD STE L-100 SCOTTSDALE AZ 85258	1000 BOULDER DR CAREFREE 85377



**PROPERTIES WITHIN 500' OF  
216-33-113A  
1250 INDIAN BASKET  
21-28-V**

APN	PROPERTY OWNER/MAILING ADDRESS	PROPERTY ADDRESS
216-33-080A	BARBARA L KARR 2011 RESTATED TRUST 44671 WHIPPLE ROAD POMCROY OH 45769	LOT 1205 1103 OCOTILLO CIR CAREFREE 85377
216-33-081B	S RAY KARR 2011 RESTATED TRUST 44671 WIPPLE RD POMEROY OH 45769	LOT 1206 1008 BOULDER DR CAREFREE 85377
216-33-082A	LELAND DAVID 361 WAIHAILA RD COLUMBUS OH 43202	LOT 1207 1010 BOULDER DR CAREFREE 85377
216-33-083	STEELE KATHY K 2901 N SELKIRK DR BOISE ID 83702	LOT 1208 1012 BOULDER DR CAREFREE 85377
216-33-088A	TATLOW RICHARD H IV/PATRICIA W TR 1009 BOULDER DR CAREFREE AZ 85377	LOT 1215 1009 BOULDER DR CAREFREE 85377
216-33-108	SULLIVAN JOHN/MEREDITH KEY PO BOX 1283 LIVINGSTON MT 59047	LOT 1419 1127 OCOTILLO CIR CAREFREE 85377
216-33-109	MUENCH FAMILY TRUST 2545 S ATLANTIC AVE UNIT 105 DAYTONA BEACH SHORES FL 32118	LOT 1420 1018 BOULDER DR CAREFREE 85377
216-33-110A	KEITH A AND KATHY M CAMPBELL LIVING TRUST PO BOX 1442 CAREFREE AZ 85377	LOT 1421 1016 BOULDER DR CAREFREE 85377
216-33-111A	HICKEY DENISE C TRUST/HICKEY JEROME 1255 INDIAN BASKET LN CAREFREE AZ 85277	LOT 1422 1255 INDIAN BASKET LN CAREFREE 85377
216-33-112A	KATHRYN L MINCKLER LIVING TRUST PO BOX 6164 CAREFREE AZ 85377	LOT 1423 1253 INDIAN BASKET LN CAREFREE 85377

**PROPERTIES WITHIN 500' OF  
216-33-113A  
1250 INDIAN BASKET  
21-28-V**

216-33-135B	RILEY MOLLY A 7313 WOODMOUNT AVE BETHESDA MD 20814	LOT 2 1161 BEAVER TAIL CAREFREE 85377
216-33-136A	AL RENFROE REVOCABLE TRUST PO BOX 1455 CAREFREE AZ 85377	LOT 3 1163 BEAVER TAIL CAREFREE 85377
216-33-137B	WHITE JAMES P/KATHI ANN PO BOX 3196 CAREFREE AZ 85377	LOT 4 1165 BEAVER TAIL CAREFREE 85377
216-33-138	SCHAUMBERG EDWARD G/PATRICIA H TR 1357 43RD AVE UNIT 24 GREELEY CO 80634	LOT 5 1164 BEAVER TAIL CAREFREE 85377
216-33-139	SLEZAK BRENT/SHERYL 9109 W GULL LAKE DR RICHLAND MI 49083	LOT 6 1162 BEAVER TAIL CAREFREE 85377
216-33-140	BITAR-DREW LIVING TRUST POB 2124 CAREFREE AZ USA 85377	LOT 7 1160 E BEAVER TRL CAREFREE AZ USA 85377
216-33-430	HENCEL WILLIAM E/NANCY K TR PO BOX 3123 CAREFREE AZ 85377	LOT 176 1019 BOULDER DR CAREFREE 85377
216-33-433B	LITTLE ARLENE M TR PO BOX 764 CAREFREE AZ 85377	LOT 178 1281 INDIAN BASKET LN CAREFREE 85377
216-33-433C	ROSS GARY L PO BOX 364 HAMILTON NY 13346	LOT 177 1283 INDIAN BASKET LN CAREFREE 85377
216-33-462C	SZENASI JAMES J/BIGELOW JACQUELINE R PO BOX 3372 CAREFREE AZ 85377	LOT 1 1159 BEAVER TAIL CAREFREE 85377
	TOWN OF CAREFREE PO BOX 740 CAREFREE AZ 85377	

**D. A. Elkins  
1250 Indian Basket Lane  
Carefree, AZ 85377**

**RE: 1250 Indian Basket Lane  
APN : 216-33-113A  
Carefree, AZ 85377**

**TO: All property Owners within 500' of subject property**

As part of the mandatory Citizen Participation procedures for variance review in the Town of Carefree, all surrounding property owners within 500' of the subject property must be notified by the applicant. Therefore, I am advising you of an application for a set back variance to build a fence for my residence at 1250 Indian Basket Lane in The Boulders.

Specifically, I am asking for a relief of setback variance to install an aesthetically pleasing "sticks in the desert" fence (i.e., a see thru rebar type fence) on the back and sides of my property. The variance is requested to allow for the construction of the fence on the back and sides of my property to protect myself and my dog from the abundant wildlife in The Boulders, specifically the packs of javelinas.

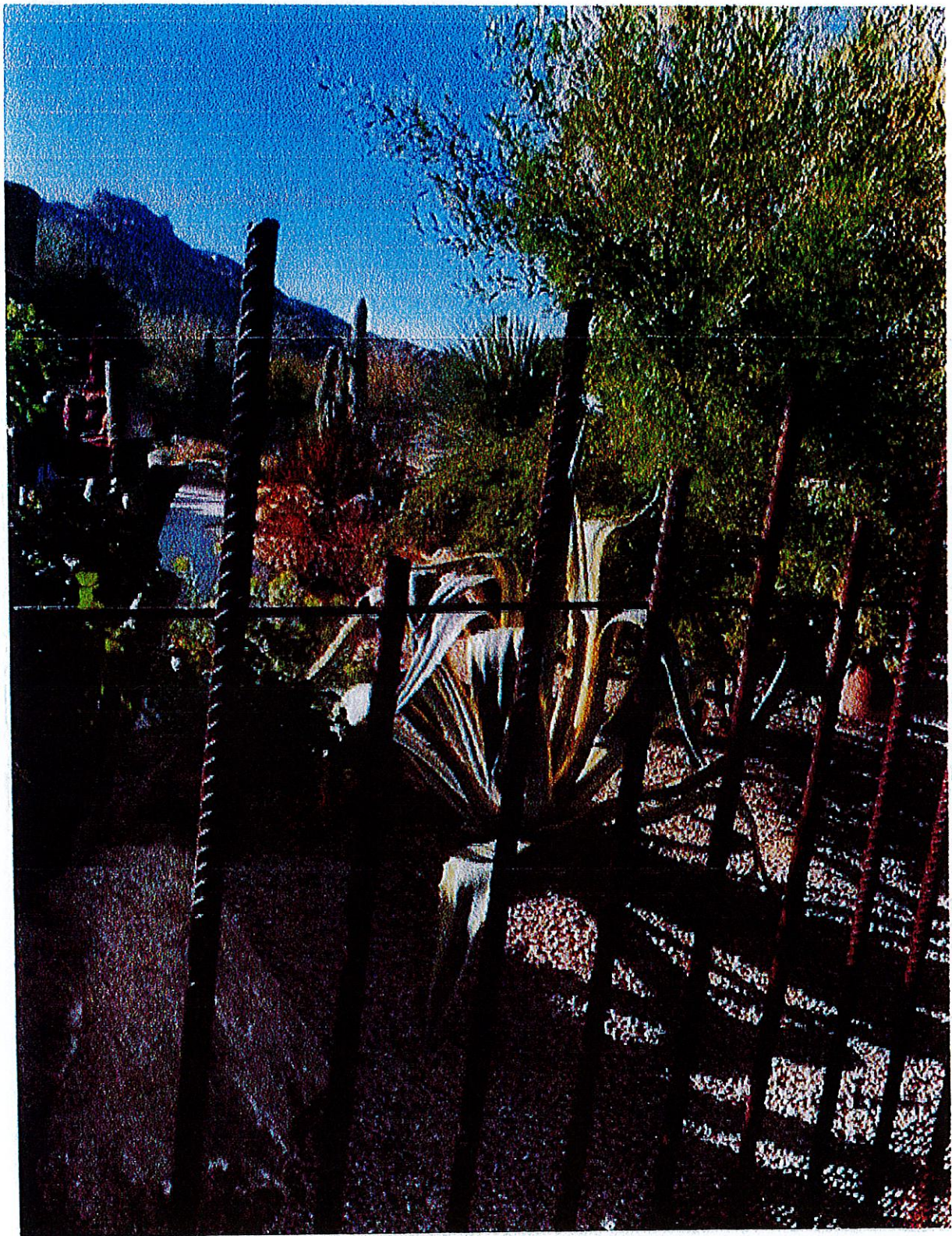
I believe that this application for a variance from the setback requirements is justified for the various reasons:

1. The proposal has been approved by the Boulders Homeowners Association.
2. A property hardship has been created by the fact that the house was originally build closer to the side and back property lines than is currently allowed. The home was built in the County, and the Town of Carefree's zoning and setbacks requirements were overlaid later after the town was incorporated.
3. The proposed fence will be a "sticks in the desert" fence (i.e., a see thru rebar type fence) which will be aesthetically pleasing, will fade into the natural surroundings, and is in harmony with the natural beauty of the Boulders Community. The fence will be identical to others that exist in the Boulders community.
4. Attached is a picture is of an existing fence in The Boulders which is identical to the proposed fence.
5. A site plan of the proposed fence in relation to the property line is also attached.

No response is necessary if you do not have any comments or objections. Should you like to discuss this proposal, you may respond to the Carefree Planning and Zoning Dept. in writing PO Box 740, Carefree AZ 85377 or by telephone at 480-488-3686. Also, I can be contacted at [dorayinaz@gmail.com](mailto:dorayinaz@gmail.com).

Sincerely;

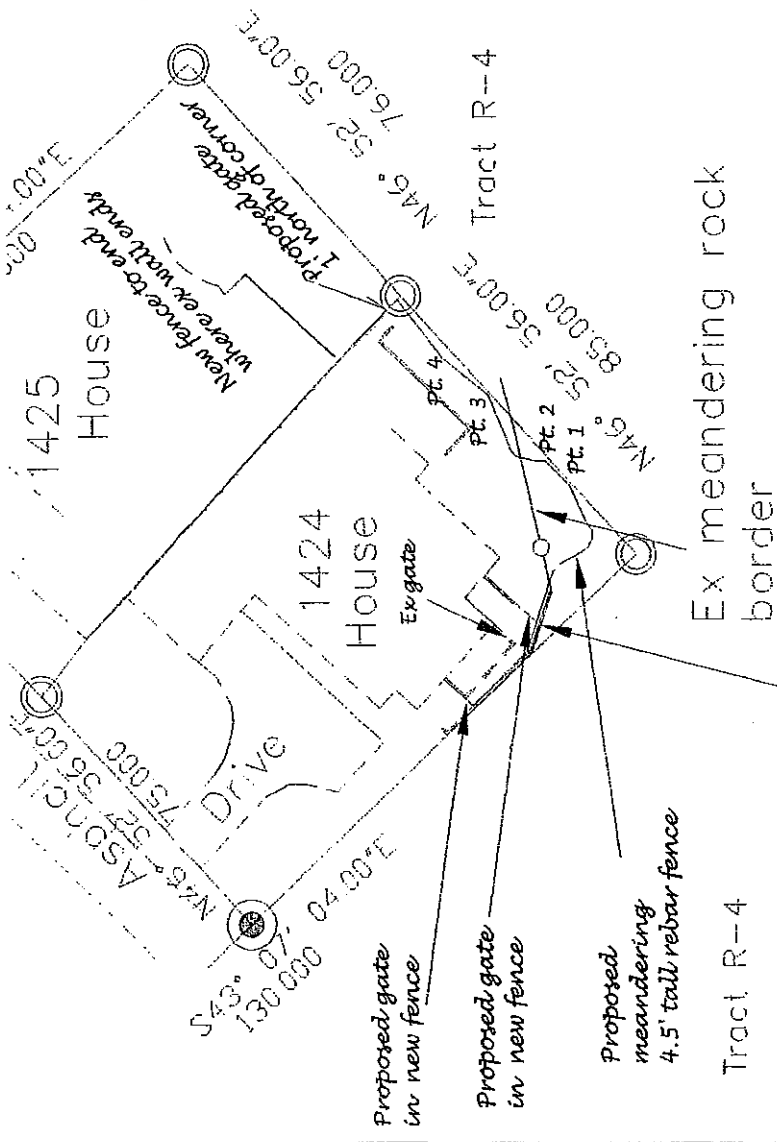
D. A. Elkins  
Owner



Carefree, Az 85377

# OWNER LOT 142!

Diane C Wilkins Revocable Trust  
1252 E Indian Basket Ln  
Carefree, Az 85377



## FENCE NOTES

- Proposed fence to be 4.5' tall, rebar in concrete footing.
- Pt 1 is located 6" from prop line @ 23' from SW cor.
- Pt 2 is located 6" from prop. line @ 31' from SW cor.
- Pt 3 is located 6" from prop. line @ 53' from SW cor.
- Pt 4 is located 2' from prop. line @ 67' from SW cor.

## NOTES

- The common lot line between said Lots 1424 and 1425 runs along a common house wall to both lots and the angle point on the northerly end of said Lot line falls on the exterior corner of the home located on Lot 1425.
- The northeasterly 11' of Lot 1425 was originally a portion of Tract R-4 but per the deed found in (R2), is now part of Lot 1425.
- The most southerly corner of Lot 1424 falls south of the centerline of an existing wash.
- There is an error in the legal description of Lot 1424. The last distance in the legal description of "15.00 feet" should instead read "75.00 feet".

Ex brick wall

Ex meandering rock border

Tract R-4

# EXHIBIT C

**Narrative for the Elkins Residence variance  
1250 Indian Basket Lane  
Carefree, AZ 85377  
APN 216-33-113A**



I am writing regarding the set back variance application for the Elkins residence at 1250 Indian Basket Lane. I am asking for a variance to the set back requirements to add a fence at the back and sides of my property. The variance requested is for the construction of a "stick in the desert" type fence (i.e. a see thru rebar fence) closer to the property line than the current setback requirements allow. The fence will not be any taller than 4 1/2 ft tall.

I believe that this application for a variance from the setback requirements should be approved for the following reasons:

1. The proposal has been approved the The Boulders Homeowners Association.
2. A property hardship has been created by the fact that the home was build closer to the back and side property lines than is presently allowed. The home was built in the County, and the Town of Carefree's zoning and setback requirements were overlaid later, after the town was incorporated.
3. Approval of the application would not constitute a special privilege, but would allow the property owner to build an aesthetically pleasing fence which will fade into the natural surroundings and be identical to the fences that have been constructed by several neighbors in the Boulders Community.
4. A picture of the fence to be constructed is attached and is identical to several existing fences in the the Boulders.
5. A site plan outlining the construction of the fence in relation to the property line is also attached.
6. And finally, the application is in harmony with the intent of the zoning ordinance as the variance from the setback requirements does not in any way impose on any neighbors,

# RECORD OF SURVEY

# EXHIBIT D

Lots 1424 & 1425, Boulders At Carefree Unit 1 Replat, as recorded in Bk.138 of Maps, Page 22 M.C.R., located in Section 2, Township 5 North, Range 4 East, G&SRM, Maricopa County, Az



## LEGEND

- Corner set 1/2" rebar capped LS 22258
- Existing corner per (R1) & (R2), a found 1/2" rebar

- (R1) Record per Inst. 2021-1167490 M.C.R.O.
- (R2) Record per Inst. 2021-0497030 M.C.R.O.

SCALE: 1" = 20'

## OWNER LOT 1424

Doray Elkins  
1250 E Incian Basket Ln  
Carefree, Az 85377

## OWNER LOT 1425

Diane C Wilkins Revocable Trust  
1252 E Indian Basket Ln  
Carefree, Az 85377

## BASIS OF BEARINGS

Southeast line of said Lots 1424 & 1425 per (R1) & (R2), shown as N 46°52'56" E

## FENCE NOTES

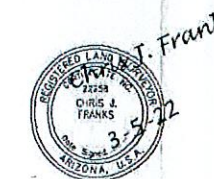
Proposed fence to be 4.5' tall rebar in concrete footing.  
Pt 1 is located 6" from prop line @ 23' from SW cor.  
Pt. 2 is located 6" from prop. line @ 31' from SW cor.  
Pt. 3 is located 6" from prop. line @ 53' from SW cor.  
Pt. 4 is located 2' from prop. line @ 67' from SW cor.  
Pt. 5 is located 9' from prop line @ 7' from SW cor.  
Pt. 6 is located 10.5' from prop. line @ 17' from SW cor.  
Pt. 7 is located 2' from prop. line @ 35' from SW cor.

## NOTES

1. The common lot line between said Lots 1424 and 1425 runs along a common house wall to both lots and the angle point on the northerly end of said Lot line falls on the exterior corner of the home located on Lot 1425.
2. The northeasterly 11' of Lot 1425 was originally a portion of Tract R-4 but per the deed found in (R2), is now part of Lot 1425.
3. The most southerly corner of Lot 1424 falls south of the centerline of an existing wash.
4. There is an error in the legal description of Lot 1424. The last distance in the legal description of "15.00 feet" should instead read "75.00 feet".

## CERTIFICATION

I hereby certify that the survey as shown hereon was performed by me during January, 2021 and that the corners are in the position shown and are of the nature shown.



**CHRIS J FRANKS R.L.S.**

LAND SURVEYING

7001 W. McRoe Way Glendale, Az 85308 (602) 292-0883

Client	Vets Buill	Drawn	CJ	Revised	3-5-22
Job	23461	Checked	CJF	Revised	
Date	1-30-22	Designed		Revised	

