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Richert & Associates 7525 E. Gainey Ranch Rd. #147, Scottsdale AZ 85258

Date 5/11/2026.

John Wesley, Planning and Development Director, City of Fountain Hill AZ
Fountain Hills, AZ 85268

Re: Request for a Variance approval for property located at 14522 E. Desert Tortoise Trail

Dear Mr. Wesley,:

The purpose of this letter is to request approval of a variance to reduce the required rear yard setback from 40' to 30' in a small area along the rear yard. See attached Diagram in red. This variance, if approved will be applied to the new construction of the home. The Town's definition of how to measure a rear yard setback is different than most Phoenix Metro cities and more resistive. .

To justify this minor variance, we believe there are several conditions that exist to support an approval and they are as follows:

1. There needs to be special circumstances or conditions:

- a. The lot has a long irregular shape with many sides.
- b. The rear yard is substantially longer than the front yard along /adjacent to cul du sac..
- c. There is an existing drainage easement record on the lot.

2. The special circumstances are not self-imposed or created by the property owner.

- a. The lot was platted in the long narrow configuration without enough area to build a home of similar size to those in the area.

3. Authorization of the variance is necessary for the owner to enjoy reasonable and substantial use property rights.

- a. The irregular shape of the property and the rectangular nature of building construction, causes the new structure to encroach into the 40' setback slightly with the structure (total of 200' square feet) . More than a majority of the proposed structure is setback beyond required 40'

4. The variance will not be materially detrimental to persons residing in the area.

- a. The construction of this new home will add value to the area and building a similar sized home will further enhance the value of the area. The area where variance could be approved is less than 20% on the length of total defined rear yard.

In conclusion, we believe the approval of the variance is minor, supported by the facts offered and requires the Towns of Fountain Hills to approve the 10' variance as depicted on the site plan.

Sincerely

David E. Richert

