

Attachment E

August 25, 2021

MR. ENRIQUE BOJORQUEZ-GAXIOLA
Planner II – Village Planner
City of Phoenix
200 W. Washington Street
Phoenix, AZ 85003

RE: Case Z-34-21-7

Dear Mr. Bojorquez-Gaxiola,

I am the property owner of 3420 S. 39th Ave, just North of the subject property requesting rezoning, per case Z-34-21-7. I have owned my property for 43 years & for many years was not surrounded by any structures except 1 trailer. I have concerns about the subject property, the landowner, Prairie Partners, built buildings on this property a few years ago without any permits, including any grading & drainage permits. He raised his elevation to where it blocked my natural drainage as it historically was. There was a functioning canal between my property at 3420 S. 39th Ave. & Prairie Partners at 3550 S. 39th Ave. but Prairie Partners imported dirt and other materials & filled the McDonald Canal, his elevation is now approx. 1-1/2 feet higher than my property so my natural drainage is blocked and I have become a reservoir for all the stormwater due to this change. I was never notified that this will happen, this canal between our properties should still be in existence for drainage purposes. It was my understanding that past the west of my property it is still in existence but that doesn't help me & is used for storm drainage by another property. I requested drawings for this but was unable to get them. At the same time, Prairie Partners was slowly elevating 39th Ave. (I have many photos I can share) I have been getting flooded with stormwater on a regular basis when it rains, especially during heavy monsoons like this year. None of this ever happened until Prairie Partners purchased this property & started importing substantial amounts of dirt & other materials and changed elevations. They were also doing unknown excavation of large concrete pipes. All these events are increasing the magnitude of the problems which is negatively affecting my property. My tenants have incurred among other things, lost production, areas that cannot be accessed due to excessive water, etc.

During a Zoom call on 7/28/21 with the owners representative, I requested drawings of the property that would show the elevations prior to the non-permitted buildings being built. They retroactively pursued permits for the unpermitted buildings but all the imported dirt, etc. was already in place. I was told they would provide these drawings but I have yet to receive them. I would like to see what was submitted to the City for the retroactive permits.

I would also like to bring to your attention that I was told by Kristina Jensen on the 5th Floor at the City of Phoenix that my property and 3550 S. 39th Ave are in a flood zone and that needs to be dealt with in a more cautious study.

In addition, the owner of the subject property had a gate installed across the Right of Way of 39th Ave. that blocked any traffic or persons being able to access the public road and my frontage. We were told by him that it was his road & he was paying insurance on it. The City eventually revoked the permit for the gate and he was ordered to remove it.

Also, for some unknown & unexplainable reasons Prairie Partners was able to obtain half of 39th Avenue for free. I have been unable to discover why this would have been allowed to happen, this is a City of Phoenix ROW and is needed for a secondary entrance for fire department or emergency vehicle ingress & egress access to my property. As is right now, there is not enough space for emergency vehicles to turn into my property. This 'abandonment' of 33' of 39th Ave should be reversed ASAP so I can install a 2nd gate. As you can see, this owner has brought a lot of improvements to his advantage but to the detriment of his neighbor, specifically my property as he owns everything around me. I have made several attempts to purchase the property from Prairie Partners so to eliminate most of the problems & issues we have but they have declined my offers.

The owner, Prairie Partners, is requesting a zoning change based on the premise that a diesel repair shop occupying the property needed the A2 zoning. But, the diesel repair company has not occupied the premises for months so the entire basis for this zoning change is false. In fact, when we informed the representative for Prairie Partners that the diesel repair was no longer an occupant, he stated in an email that 'he wasn't aware of the truck repair status and that the repair facility & use was the catalyst to this whole initiative'. If they want to consolidate the zoning, I recommend that it all become A1. But it is my understanding that this particular industry does not require an A2 zoning. Knowing the past history of this owner & speaking with his representative there are plans of other things to come that are not possibly being disclosed and I am very concerned & worried about the unknown 'improvements' they are planning which will no doubt affect my property.

In closing, I would ask that the zoning request be denied. If the owners wish to consolidate the zoning, make the zoning all A1 or leave as is. I would also ask that any improvements that may be made to this property come under careful scrutiny. In addition, I would sincerely appreciate if someone would please look into the terrain elevations and have it corrected and put back to its original condition including the canal.

Thank you very much for your time and consideration. Please do not hesitate to contact me.

Josef Sehnal
JSS Enterprise LLC