

Casa del Cielo (CdC)
Policy on Backyard Gates
Approved by the Architectural Control Committee March 28, 2016
Submitted to the Board for Approval, April 17, 2016

Background

Any changes to an owner's exterior structure must be approved by the Casa del Cielo Homeowners' Association (CDC) and Scottsdale Ranch Community Association (SRCA).

Casa del Cielo was built without backyard gates, but in recent years, several owners and prospective buyers have asked whether such gates would be permitted. An owner might want such a gate for storage of trash and recycling containers, or to provide a direct path for landscapers and other backyard maintenance purposes.

Therefore, in an effort to prospectively determine how future requests for backyard gates should be evaluated, the Architectural Control Committee (ACC) and Landscape Advisory Committee (LAC) developed a set of working criteria representing minimum standards and assessed whether backyard gates would be in keeping with the orderly and attractive development of the community and with the CdC's landscaping policies.

The ACC and LAC conducted walk-arounds of the entire community, and using a set of working criteria (see below) determined that fewer than 25 homes (of 150 in CdC) meet minimum eligibility standards to install a gate. The vast majority of homes would not meet criterion #1 (sufficient wall space for a gate), #2 (pathway requirements) or #3 (right of way). In addition, for eligible homes, the owner would have to pay not only for the costs of the gate, but also, for landscaping alterations necessitated by the gate and an associated pathway. Some of the needed landscaping, such as removing a large healthy tree, might not be approved.

The committees also noted that if backyard gates were approved for homes meeting the criteria, it was creating a situation unlike other ACC policies (e.g. paint colors, pavers) in that some but not all CdC homes would be eligible, and this could provoke complaints of unequal treatment.

Policy

Because the community was built without backyard gates, and the vast majority of homes in CdC would not meet minimum eligibility criteria for installing a gate consistent with CDC's overall landscaping design and aesthetics, CdC will maintain its long-standing policy and will not approve applications for backyard gates.

Working criteria/Hypothetical minimum standard for backyard gates

1. **Sufficient wall space.** The gate is at least 36 inches wide and on a return wall of at least 5 feet, with at least one foot clearance on each side from the gate to the inside pillar of the wall. No gates are permitted on common walls or community/owner walls.
2. **Pathway requirements.** To protect irrigation and landscaping, a backyard gate must have a pathway from the gate to the owner's driveway or a sidewalk. The path must be composed of a hard material, such as paving stone or flagstone, may not cross grass, and must be consistent with the surrounding landscaping. All costs of creating a path and altering landscaping (including tree removal) will be borne by the homeowner.
3. **Right of way/use of shared driveways.** The entire pathway must be on the homeowner's property, and not on common property. If the pathway ends on a shared driveway or requires using a shared driveway to reach the sidewalk, all other shared driveway owners must approve the gate.
4. **Appearance.** The gates must be attractive and in keeping with colors, materials and appearance of the property and community. (Specific approved gates types and colors would have to be developed.)
5. **Disclosure to neighboring properties.** A proposed gate must be disclosed to neighbors who can see the gate from their front windows or doors, and their concerns must be considered.
6. **Burden.** The homeowner making application has the burden, including the costs of an official survey, to demonstrate that the pathway crosses entirely on the homeowner's property.
7. **Security.** The homeowner must install a secure, self-locking lock on the gate and keep it locked when not in use.
8. **Application and photos.** Owners must complete CdC and SRCA applications, including photos, of the wall, proposed gate and pathway. If the minimum criteria are met, the ACC would review the application using these guidelines. The gate and its pathway:
 - Are consistent with the wall color and aesthetics of the property and Association maintained landscaping.
 - Do not require removal of large, healthy landscaping that is integral to the aesthetics of the community, e.g., large palm trees and fruit-bearing trees.
 - Are consistent with any additional criteria that may be adopted by CDC or SRCA.

Grandfathered properties

The following homes have backyard gates that were constructed prior to the adoption of this policy and are not affected by it. Those properties are: (list addresses)

- 9220 N. 101st Street