



May 16, 2017

Zoning Hearing Officer, c/o Edward Keyser  
City of Phoenix, Planning and Development Department  
200 W. Washington Street, 2nd Floor  
Phoenix, Arizona 85003

ZA-154-17, 4415 N Alta Hacienda Drive - Arcadia Camelback Special Planning District

Dear Sir or Madam

On behalf of the Arcadia Camelback Mountain Neighborhood Association (ACMNA) we request that the two variance requests for 4415 N Alta Hacienda Drive be denied.

The property owner, Mr. James Kaiser has been exceptionally communicative and collaborative with the ACMNA. Craig Steblay and I have met with Mr. Kaiser on two occasions and have been in email correspondence with him since his projects inception. We find Jim to be a good neighbor and wish to find a workable solution for his proposal which does not require the requested variances.

Mr. Kaiser would like to build a large garage/workshop to the southwest corner of his home (4515 N 56<sup>th</sup> St) and create an entrance to the garage off of Alta Hacienda. We are not opposed to him building such a structure or creating an entrance off of Alta Hacienda. What we do oppose is the under-zoning which will take place to the existing RE-35 lot down to 29,537 sq. ft. and creating a lot whose size does not keep to the required 175 feet in depth.

During our last meeting with Mr. Kaiser we proposed a workable solution in which the accessory structure could be placed closer to the home and on the southern lot line of the parcel in which his home is located, 4515 N 56<sup>th</sup> St. A narrow access road could be created to meet his wishes of accessing the property from the east off Alta Hacienda. We shared with Mr. Kaiser the correspondence and position ACMNA took on a similar zoning case ZA-491-16-16, 5615 E Lafayette Blvd on 11/17/2016. The situation was quite similar in which the homeowner wished to split his 70,000 sq. ft. RE-24 lot into a parcel which was 20,900 sq. ft. in size. The outcome was positive for the neighborhood in which the homeowner chose to adhere to the existing zoning and parcel off the new lot in accordance with the minimum required size of 24,000 sq. ft.

Mr. Kaiser has the right and the significant square footage to subdivide his current RE-35 lot. The board appreciates that he is not seeking to change the zoning for the property but rather preserve the existing RE-35 zoning. Upholding the zoning is critical to maintaining the spacious residential character of Arcadia/Camelback Mountain. In reviewing the four tests we do not find that Mr. Kaiser has any hardship or unusual circumstances to speak of. Mr. Kaiser bought both lots, knowing at time of purchase the existing zoning and limitations. Mr. Kaiser combined the two lots again knowing existing conditions, history and limitations. Mr. Kaiser now wishes to split the lots

in a manner which favors his desired garage build. We in no way see this is a hardship. The current conditions and the proposed build are self-created by the homeowner. Our view is that if this self-imposed decision to subdivide the lot is made, it should be done in a manner consistent with the zoning rules. It is completely within Mr. Kaiser's right and ability to do so.

Should this variance be approved we have a concern which has been validated on two separate zoning cases within Arcadia this past year. These cases allowed excessive lot coverages (>25% 2-story and >30% single story) based on lots which were smaller than the actual zoning. This occurs on occasion to varying degrees and in the case of Mr. Kaiser's proposal he creates a dramatic disparity between actual zoning (35,000 sq. ft.) and actual size (29,537 sq. ft.). Several years from now our density concerns can easily come back to haunt the zoning variance committee as Mr. Kaiser creates a situation where this 5,463 sq. ft. disparity could result in the homeowner requesting an additional 1,640 sq. ft. addition or separate structure.

ACMNA asks that you please see fit to deny the requested variance and allow Mr. Kaiser to provide a workable solution that conforms to the existing RE-35 zoning requirements.

### **The Four Tests**

The ACMNA hereby submits that this Variance Application does not meet any of the four tests that are prescribed for a variance approval.

**Test 1** – *There are special circumstances or conditions applying to the land, building, or use of the subject property which do not apply to other similar properties in the same zoning district.*

There are no special circumstances involved here as the idea to subdivide the lot is entirely of their own decision. The circumstances which exist were created by Mr. Kaiser himself when he combined the two lots.

**Test 2** - *The special circumstances or conditions described above were not created by the applicant, owner, or any previous owner of the property. The property hardship cannot be self-imposed.*

These totally self-imposed circumstances were created by a decision to first combine and now to split the lot to build a garage and sell off the remaining parcel.

**Test 3** - *The authorization of a variance is necessary in order for the owner or applicant to enjoy reasonable and substantial property rights.*

We believe there is a workable solution for a garage/workshop to be built that does not require a zoning variance. Alternatively, Mr. Kaiser could build the structure exactly as he sees fit and not split the lot at all. I do not see how this non-conforming split is required for the applicant to enjoy reasonable and substantial property rights.

**Test 4** - *The authorization of a variance will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare in general.*

The authorization of this variance most certainly threatens the zoning allowances within Arcadia/Camelback Mountain. It makes a statement that lots may be subdivided in such a manner to not conform to existing zoning and freely allows for increased density.

On behalf of the Arcadia Camelback Mountain Neighborhood Association (ACMNA) and The Arcadia Camelback Special Planning District (ACSPD), we respectfully request that the Zoning Hearing Officer find that none of the four required conditions or tests has been satisfied.

Sincerely

Tristahn Schaub  
ACMNA Vice President  
Preservation Committee Chairman

[www.acmna.org](http://www.acmna.org)