



September 8, 2019

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

Re: **ZA-386-19**, 4109 N 57th St, Arcadia Camelback Special Planning District

Dear Sir or Madam:

With respect to (ZA-386-19) 4109 N 57th St, The Arcadia Camelback Mountain Neighborhood Association opposes the lot coverage variance request of 28%. We would like to present our findings as it relates to the variance sought for the property.

In speaking with the applicant and gathering feedback from the immediate neighbors, we are quite pleased to know that the plans for the structure have been changed to alleviate privacy concerns and gather neighbor support. I want to personally recognize the applicant, Dan Yonker for his receptivity and thoughtfulness to contact the neighbors and understand their concerns. The primary concern stemmed from a second story balcony/shade structure for the first floor which created privacy concerns for the side neighbors. The plans were quickly altered to convert that covered area to ONLY SHADE and NO BALCONY ACCESS ON THE SECOND FLOOR. The builder and neighbors agreed to the following language which ACMNA would kindly ask to be stipulated in the approval (should that occur) of this request:

The covered patio, either now or in the future, is not permitted to be expanded to any 2nd story use. The lot coverage expansion for a covered patio is permitted however such expansion is limited to ground floor use. The permitted lot expansion shall not now or in the future be utilized for any use or expansion above the ground floor, including but not limited to the expansion of the current Juliet Balcony, balcony and/or walking deck.

ACMNA finds the following as it relates to the four tests:

Condition 1: There are special circumstances or conditions applying to the land, building or use which do not apply to other similar properties in the same zoning district.

Condition 1 is MET – The parcel was improperly zoned as a RE-24 with only 10,481 sq. ft., leaving 25% lot coverage at 2,620 sq. ft. This is quite small by Arcadia standards. If the lot was the minimum lot size for R-24, they would have been allowed 6,000 sq. ft. for a two story and not require a variance. Conversely, had the lot been accurately zoned an R-10 lot, they would enjoy a 40% lot coverage allowance of 4,192 sq. ft., again not requiring a variance.

Condition 2: The special circumstances or conditions described above were not created by the applicant or owner. The property hardship cannot be self-imposed.

Condition 2 is MET – The special circumstances were not created by the homeowner, they were created by the City of Phoenix during a broad-brush annexing phase that took place in the 60's where neighborhoods were issued the same zoning regardless of whether or not they met the minimum standards for that zoning. This parcel is less than half the minimum size for what the city zoned it.

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

Condition 3 is Questionably MET – Average homes within Arcadia have minimums of 3,000 square feet of living space, a 2-3 car garage and outdoor seating which often capitalizes on the Camelback Mountain views. The proposed remodel has 1,961 sq. ft. livable on the 1st floor and 1,721 sq. ft. livable on the second floor and falls on the smaller size for Arcadia. Having a north-facing seating area with some shade that capitalizes on the views of the mountain could be considered necessary for the owner to be more in-line with reasonable Arcadia standards.

Condition 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.

Condition 4 is NOT MET – The direct neighbors do not oppose this build and do not feel it will be materially detrimental to them provided the revised plans and stipulations are added to any approval (should one occur). ACMNA, however, does view that taking the lot coverage to more than 25% for a two story will have a detrimental effect on the neighborhood's density characteristics. For years ACMNA battled requests over 25% lot coverage until finally, in 2015, a Text Amendment was passed which would put all these battles to rest. The amendment allows for a reasonable extension to 30% lot coverage, provided the structure be kept to a single story. For two story structures such as this one, it was felt that 25% was still a reasonable limit. As more and more neighbors request these overages, a new bar is being set where 30% and 25% are no longer the exception, it becomes the new minimum. Therefore, to preserve our neighborhood character at the precedent that this could create, we view this overage allowance to be potentially detrimental to the neighborhood.

In conclusion, we oppose this request to 28% lot coverage that is driven by the covered patio to the east. Absent the covered patio, the lot coverage is 25%. The fact that the eastern patio structure is open, and an agreement has been brokered with the neighbors to keep it ONLY SHADE and NO BALCONY ACCESS ON THE SECOND FLOOR, is a saving grace with respect to density precedent. Thus, should this request be approved, ACMNA once again requests that the neighbor/developer agreed upon stipulation be placed on the property:

The covered patio, either now or in the future, is not permitted to be expanded to any 2nd story use. The lot coverage expansion for a covered patio is permitted however such expansion is limited to ground floor use. The permitted lot expansion shall not now or in the future be utilized for any use or expansion above the ground floor, including but not limited to the expansion of the current Juliet Balcony, balcony and/or walking deck.

Thank you for allowing us the opportunity to provide our input.

Sincerely,

Tristahn Schaub
President, ACMNA
Chairman, Preservation Committee
www.acmna.org