



June 25, 2020

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

Re: **ZA-270-20**, 4645 E Exeter Blvd, Arcadia Camelback Special Planning District

Dear Sir or Madam:

With respect to (ZA-270-20) 4645 E Exeter Blvd, The Arcadia Camelback Mountain Neighborhood Association does not oppose the variance to reduce the side yard setback (east) for an accessory structure to 1 foot. Minimum 3 feet required. We would like to present our findings as it relates to the variance sought for the property.

The current structure sits atop what was once the Van Es' pool equipment pony wall. It was a small 40" brick wall which hid their pool equipment and during a remodel, the pumps were moved leaving this as a small area to store sports equipment. They decided to put a roof over the equipment and secure it from the alleyway by enclosing it. It was at this point that the foundation of this build became non-compliant because it was too close to the property line and was not deemed a "moveable" storage shed. The intent was clearly not-malicious and done in good faith by the homeowner.

There are three key stakeholders in this matter: 1. The neighbor to the east: the shed encroaches within their setback. This neighbor wrote a letter of support for the variance; 2. The neighbor directly to the south across the alleyway: This neighbor does not like the height or appearance of the shed. Nonetheless, they do not oppose the variance nor wish to put the Van Es' through all the cost and hassle of moving it; and 3. The neighbor across the alley to the southeast does not see the shed and does not care.

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 – There is a special circumstance which exists relating to the building. The building was an original pony wall and it was built in conformance with codes. Rather than demolishing, replacing or moving the walls, they repurposed the foundation walls to house and protect the sports equipment from sun damage. This special condition we deem as "environmental responsibility" in which they mistakenly chose saving time, expense, and material waste over conforming to a single foot setback overage. These actions of thrift and environmental responsibility seem worthy of consideration.

***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 NOT MET – They clearly built the enclosure but did so in good faith. They were not aware of the new code requirements that would be applied by enclosing the pool equipment area.

***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 MET – It is reasonable to want to protect expensive recreational outdoor equipment from direct sunlight in Arizona. Having seen the property, there is no other existing area which makes sense to store it. I would consider it more reasonable to allow the extra foot than to ask them to destroy their enclosure AND legacy brick wall enclosure just to accomplish the foot required by code.

***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 MET – The three primary stakeholders, one to the east and two to the south do not oppose the variance. Despite a desire for a different finish or roof height, those items are in conformance and will not change by the approval or

denial of this request.

In conclusion, ACMNA nor the surrounding neighbors oppose this request. We believe its circumstances were incurred in good faith and the impact of a single foot allowance is negligible and allowable.

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

Sincerely,

Tristahn Schaub  
President, ACMNA  
Chairman, Preservation Committee  
[www.acmna.org](http://www.acmna.org)