



October 20, 2023

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

Re: ZA-325-23-6, 5040 N Arcadia Dr, Arcadia Camelback Special Planning District

Dear Sir or Madam:

With respect to ZA-325-23-6, **The Arcadia Camelback Mountain Neighborhood Association opposes the request to allow an over height fence 7 feet high in the front yard setback where 40 inches maximum is allowed.**

On the outset, this is a remedial variance for a fence/pillar frontage with two gates for access. The wrought iron fences have shrubbery growing in-between them and the owner has also put-up green netting to increase privacy. I am told by the owner that the fence and pillars were installed by a prior owner and that permits, and variances were never finalized. The request is muddled with notes about a retaining wall required for property/mountain runoff. Let me be perfectly clear, there is a separate retention wall and basin on the property set behind the requested wall/fencing variance. The request put before the ZHO has nothing to do with water runoff as water would pass right through a wrought iron fence.

The property owner, known to neighbors as Rock Thomas, purchased the home several years ago. He has since turned the property into a short-term event and retreat center. It has been rented for bachelor weekends, retreats, motivational seminars, and other types of parties. The property has been kicked off Air BnB and VRBO multiple times for violating occupancy limits and the “no-party” clauses. The owner circumvents this by relisting the property under a new host name. The residence has been the subject of countless police calls for service related to noise, parking, and disturbing the peace. Because of its location against the base of the mountain, noise reverberates throughout the surrounding community and Mr. Thomas has been entirely unreceptive to any of the neighbor or police requests to cease and desist. He has installed an illegal drone blocking device which has made police surveillance impossible and is subject to both FAA and FCC violations for his actions. He has reinforced the property fencing (subject of this variance) to further obstruct police noise investigations.

The Arcadia Neighborhood has spent countless hours discussing this specific property with our Community Action Officer, Jared Sherman and District 6 Councilman Kevin Robinson. We have even gone so far as involving the City Attorney’s Office because Mr. Thomas has turned this property into a Retreat Business, charging people at the door and serving liquor without a license. The manner in which this illegally constructed 7-foot-high fence is being used must be factored into the ZHO decision. The neighbors are currently in a civil lawsuit with the applicant for destroying the peace and their property values and recently received a temporary injunction. To approve this variance not only supports his current activity but allows this reinforced “fence” to further impede police investigations when calls for service are made.

In summary, ACMNA is quite concerned about the use of the property as a short-term event venue and the defensive tactic which this 7-foot fence affords the owner. We see this request as an opportunity for the ZHO to make a meaningful impact on the community and aid in the efficiency of police calls for service by denying this request.

Thank you for allowing us to submit our feedback.

Sincerely,

Tristahn Schaub
VP, ACMNA
Preservation Committee Chairman
www.ACMNA.org