

2.1.2022

Dear Property Owner, or Neighborhood Association President:

The purpose of this letter is to inform you that we have recently filed a Zoning Adjustment application **ZA-690-21** for a site located at 6140 E. Calle Tuberia.

Our request is for a variance to the Zoning Ordinance, section **701.A.3.a.(2).(c).**, to allow a closed projection to encroach 8 feet into the required front yard (south) setback. Maximum 5-foot projection, for no more than one-half of the maximum width of the structure, is permitted. This proposal is described in further detail by the attached architectural exhibits, as well as the written narrative herewith.

The *Zoning Adjustment Hearing* meeting will be held virtually.

To participate, see the instructions on the agenda available on the Public Meeting Notices Website:

<https://www.phoenix.gov/cityclerk/publicmeetings/notices>

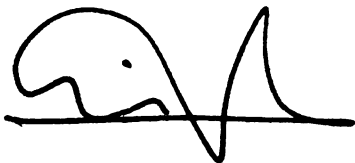
Meeting Date / Time: 02-24-2022, at 09:00 am

You may attend the hearing to learn about the case and make your opinions known. Hearing information may also be found on signs posted on the site. You may also make your opinions known on this case by writing to the Planning and Development Department, at: 200 West Washington, 2nd Floor, Phoenix AZ 85003. You can also send an email to zoning.adjustment@phoenix.gov. Please reference the above case number and hearing date in your email. Your letter/email will be made part of the case file and shared with the Hearing Officer.

We would be happy to answer any questions or hear any concerns that you may have regarding this proposal. You may reach us at 602 459 0428 or at studio@studiopela.com. Alternatively, you may reach the City of Phoenix's Planning and Development Department at (602) 262-7131, Option 6, or by email at zoning.adjustment@phoenix.gov. Please reference the above case number and hearing date in your email to expedite a response.

Sincerely,

Christopher Pela, Architect / Owner's Representative

A handwritten signature in black ink, appearing to be 'C. Pela', with a stylized flourish at the end.

Note: Attached is a copy of the signed application, a written narrative detailing the zoning adjustment proposal, and several architectural exhibits pertaining to this request. Please find: A proposed site plan with a view of the renovation as seen from E. Calle Tuberia., building elevations depicting the garage, and several relevant exterior views of the proposal.

Dear city zoning official(s),

This letter is meant to describe our reasoning for requesting a variance to the City of Phoenix zoning ordinance. The proposed project is located at 6140 E. Calle Tuberia (zoned R1-14), and consists of a remodel and addition to the single-story, single-family residence. Currently, the *existing* garage is located within the front yard setback. Our proposal is designed to retain as much of the garage in its current position as possible.

The garage, both as-exists on site, and in our proposed scheme, is attached to the main building via covered breezeway. Therefore, we are requesting a variance to the City of Phoenix Zoning Ordinances, section **701.A.3.a.(2).(c)**, which stipulates that the main building in a residential district may project 5'-0" into the front yard setback. The existing garage, the structure of which we propose to largely retain, is located in excess of the 5'-0" projection allotment, by thirty-three inches. **A variance would allow the garage to remain where it already is located.**

Our proposed layout has been carefully considered--not only to be low-impact on the character of the neighborhood, but further, we have designed several measures that serve to diminish the existing garage's street presence, and to mitigate the extent of its encroachment on the setback. which we believe results in a drastic improvement to the property, and to the neighborhood.

The following rationale is what has led Ownership and the design professional to deem it necessary to keep the garage's encroaching wall in its existing location. Design strategies employed to mitigate its presence are detailed, as well:

1. The existing garage's encroachment into the setback is exacerbated by the fact that the driveway is also south-facing. It therefore has a dominant presence along the front yard; the primary street-facade. Our proposed scheme relocates the driveway off of the front yard, around to the east side-yard. While we propose to keep as much structure as possible—including the south wall—re-orienting the garage off of the main street greatly diminishes its presence in the front yard.
2. Turning the driveway to face east to N. 62nd Street, away from the front yard, also affords us the unique opportunity to decrease the *width* of the structure. The proposed, skinnier garage recedes further back from N 62nd Street, and also presents that slimmer width to the front-yard elevation. That is to say, the proposed scheme's frontage on Calle Tuberia is reduced overall.
3. By keeping the southern wall structure and its foundations, we are able to avoid both the costly demolition of a perfectly viable existing construction, and the reconstruction of that wall in its entirety less than three feet away.
4. The existing house includes a porte cochere structure, which *also* extends well-into the front yard setback. In order to further relieve the street presence of the house, our scheme removes this additional encroaching structure entirely. In doing so, we are able to provide a much more generous front yard toward Calle Tuberia, and to the neighborhood as a whole. We note as well that these intruding structures are not unique to this property. The neighboring structure (to the west) includes a similar entry-awning, which is nearly identical in its intrusion on the setback of our garage – more than 5 feet within the front yard setback.

The request for variance is substantiated by the (4) required tests/conditions, as follows:

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. (Background: Special circumstances or conditions would include, for example, an unusual lot size, shape, or topography. This condition is considered a property hardship and it must be a condition relating to the property that is so unique it cannot be replicated on any other similarly zoned land in the City.)

It's evidently a special circumstance, that the attached garage exists thirty-three inches inside the allowable 5' setback encroachment. That circumstance is unique to this site, and pertains to the building specifically. That circumstance is, by definition, atypical with respect to the city's zoning requirements, and therefore does not apply to other similar properties in the same zoning district.

2. The special circumstances or conditions described above were not created by the applicant or owner. The property hardship cannot be self-imposed. (Background: Owners include current and previous owners)

The attached garage, which was purchased as-exists by the current owners (along with the house), was permitted by the city in 2004. The city, however, has been unable to locate any further evidence or documentation—that is, any archived or recorded approved drawings—pertaining to that permit and the garage encroachment.

Therefore, there is no reason for the current owners to assume that the existing garage was not constructed in compliance with now-missing documentation, which produced that permit—be it a prior variance, or otherwise approved drawings. Because of the lack of any such associated documentation in possession of the city, it should remain the jurisdiction's responsibility to either retroactively record such a variance, or deem it legally non-conforming. Failing this, the implication is that it suddenly becomes the owners' responsibility to ensure that the city retains its records, lest a potential hardship be imposed on them at some point in the future.

For these reasons, the hardship imposed on the current owner—the inability to go about improving their property without first demolishing a perfectly viable, permitted structure thereon, is not a self-imposed hardship—but would rather be a condition unexpectedly imposed by the jurisdiction.

3. The authorization of a variance is necessary in order for the owner or applicant to enjoy reasonable and substantial property rights. (Background: In other words, without the granting of a variance the property cannot be reasonably used. There is no cause for a variance if the property can be used, even if it is in a manner other than that desired by the owner or applicant.)

The existing garage would go on and remain 'allowable,' were it not for the owners' desire to improve it (*taking careful measure only to keep and/or diminish the effect of present encroachment*). Implicit in that fact is the element that the owners cannot refine their property without first agreeing to the costly demolition of viable, permitted, existing structures; in other words, without a variance the owner must choose between leaving that portion of his property untouched in perpetuity, or pursuing an unnecessarily large scope of demolitions. We believe that this circumstance constitutes an unreasonable privation on the owners' property rights.

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. (Background: A variance which will not be compatible with the surrounding development or will create an adverse impact on other properties cannot be approved.)

studio pēla

e/studio@studiopela.com
o/602-759-0769
c/602-459-0428

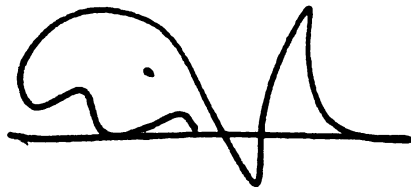
As detailed above, not only does the proposed scheme go to specific lengths in order to retain what is existing on site, a number of further measures have been specifically designed to reduce, diminish, and mitigate that existing condition—in a word, to improve the material quality of the neighborhood.

In light of these considerations, we are asking for variance to the zoning ordinance, on the order of several inches. We believe strongly that our proposed scheme is well-attuned to the spirit of the zoning ordinance's requirements—including the respectful character of street-frontage, the importance of offering of a well-maintained and generous front yard, especially on a corner-lot, and a careful attention paid toward upholding the greater character of the neighborhood. Our scheme requires no further encroachment to the setback than already exists on site, and which has existed on site for now nearly eighteen years. Rather, our scheme reduces the overall encroachment by removing the house's porte cochere. Further, the proposal presents significantly less of the garage to the street, by re-orienting the driveway and by reducing the width profile.

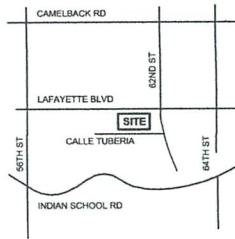
We hope our request is considered carefully and we greatly appreciate your time and professional input.

Best Regards,

Christopher J Pela, Architect, AIA

A handwritten signature in black ink, consisting of a stylized, cursive script that begins with a large, rounded 'C' and ends with a sharp, upward-pointing flourish.

Vicinity Map



Project Data

ADDRESS: 6140 E. CALLE TUBERIA
SCOTTSDALE, ARIZONA 85251

LEGAL: LOT 58, JOKAKE VILLA UNIT THREE,
ACCORDING TO BOOK 91 OF MAPS PAGE 26
RECORDS OF MARICOPA COUNTY, ARIZONA

ZONING: R1-14

PARCEL #: 128-57-064

LOT AREA: 14,545 SQ. FT.

LOT COVERAGE: ALLOWED = 4,364 SQ. FT. 30%
PROVIDED = 4,311 SQ. FT. 29.6%

HEIGHT: ALLOWED = 20'
PROVIDED = 18'-4" (MEAN HEIGHT @ GABLE)

SETBACKS: FRONT - 30' (PREVAILING NEIGHBOR)
SIDE - 15' STREET, 10' INTERIOR
REAR - 30' (FROM ALLEY CL.)

OWNER: SAMANTHA AND CARL WOSZCZYNSKI
6140 E. CALLE TUBERIA
SCOTTSDALE, ARIZONA 85251

ARCHITECT: STUDIO PELA LLC
309 E. KIM DRIVE
PHOENIX, ARIZONA 85012
602-759-4789 / 602-459-0428
Studio@studiopela.com

Square Footage

EXISTING LIVABLE - GROUND FLOOR (REMODEL)	2835 SF
EXISTING LIVABLE - HABITABLE ATTIC (REMODEL)	375 SF
ADDITIONAL LIVABLE	808 SF
EXISTING GARAGE (REMODEL)	536 SF
ADDITIONAL GARAGE	154 SF
TOTAL LIVABLE	4018 SF
TOTAL GARAGE	690 SF
TOTAL UNDER ROOF	4708 SF
LOT COVERAGE	4311 SF

Site Keynotes

- 1 Landscaped/Glass Area
- 2 (N) Hardscaped Area, Cobblestone Pavers on Concrete Slab, slope 1/4" per foot
- 3 (E) Site Wall, Cap Top w/ Rowlock Brick Masonry to Match New Site Wall, See Details This Set
- 4 (N) Site Wall or Fence, see Str. Dwg.
- 5 (N) Metal Gate
- 6 (N) Exterior Fireplace
- 7 (N) Concrete Exposed Aggregate Driveway
- 8 (E) Pool
- 9 (E) Water Meter
- 10 (E) BBD Counter, REMOVE
- 11 (N) Electrical SEE 200GAMP
- 12 (E) Edge of Asphalt
- 13 (E) Sewer Cleanout
- 14 (E) Pool Concrete Slab, Prepare for Pavers (future phase per owner)
- 15 (E) Pool Equipment, RELOCATE (future phase per owner)
- 16 (E) Gas Meter
- 17 (E) Comm. Junction Box
- 18 (N) Pool Terrace Hardscaped, per owner (future phase per owner)
- 19 (E) Water Valve
- 20 (E) Power Pole
- 21 (E) Overhead Electrical Line
- 22 (E) Tree to Remain
- 23 (N) Tree per Landscape/Owner
- 24 (N) Exterior Concrete Slab, match existing adjacent slab indicated by hatch
- 25 (E) Underground Utility, Verify Location
- 26 (N) Hardscaped Area, Cobblestone Pavers on Setting Bed, slope 1/4" per foot
- 27 (N) Exterior Counter / Casework
- 28 (N) Brick Planter
- 29 (N) Garden Shed (future phase per owner)
- 30 (N) Concrete Control Joint, see typical Structural Detail
- 31 (E) Irrigation Valve
- 32 (N) Hardscape Pathway

Legend

PROPOSED HOUSE /
GARAGE AREA

EXISTING HOUSE AREA

PRELIMINARY
DESIGN
-FOR REVIEW ONLY-

Tuberia House

6140 E. Calle Tuberia
Scottsdale, AZ 85251



309 East Kelm Drive
Phoenix, Arizona 85012
studio@studiopela.com
602-759-4789 / 602-459-0428
www.studiopela.com
studiopela

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ISSUE: Zoning Adjustment
DATE: December 13 2021
SCALE: 1"=10'

Site Plan

A1.01

HABITABLE ATTIC NOTE:
ATTIC SPACE SHALL BE FINISHED AS A "HABITABLE" SPACE PER IRC CHAPTER 2. A HABITABLE ATTIC SHALL NOT BE CONSIDERED A STORY PER 2018 IRC R325.5.6 IN COMPLIANCE WITH THE FOLLOWING PROVISIONS:
HABITABLE ATTIC SPACE IS ENCLOSED BY ROOF ASSEMBLY, KNEE WALLS, FLOOR AND CEILING ASSEMBLY BELOW; NOT LESS THAN 7/8" CEILINGS SHALL COMPLY WITH R325.5.6; AND ATTIC WALLS SHALL NOT EXTEND BEYOND EXTERIOR WALLS BELOW.

SURVEYED DATA NOTE:
SURVEYED DATA DEPICTED WITHIN THE SITE PLAN AND OTHER DRAWINGS WITHIN THIS SET WAS PROVIDED BY THE OWNER AND PRODUCED BY TERRAMARK LAND SURVEYING, DATED MARCH 15, 2021. THE ARCHITECT IN NO WAY MAKES CLAIMS TO THE ACCURACY OF THE SURVEYOR'S DATA AND SHALL NOT BE HELD RESPONSIBLE FOR INACCURACIES IN REFERENCE TO THE LAND SURVEY.

NOTE FOR CITY STAFF:
FOR THE PROTECTION OF THE FIELD CREW POSTING TO THIS SITE, PRIOR TO ZONING ADJUSTMENT HEARING, BE ADVISED THAT NO DOGS ARE PRESENTLY KEPT ON-SITE.

REMOVE EXISTING HARDSCAPING AND
LANDSCAPE ELEMENTS AT THE NORTH SIDE OF
EXISTING POOL

REMOVE EXISTING
CONCRETE SLAB AS
REQUIRED

DEMOLISH PORTION OF EXISTING
SITEWALL, AS REQUIRED

REMOVE EXISTING DRIVEWAY AND LANDSCAPE PER OWNER

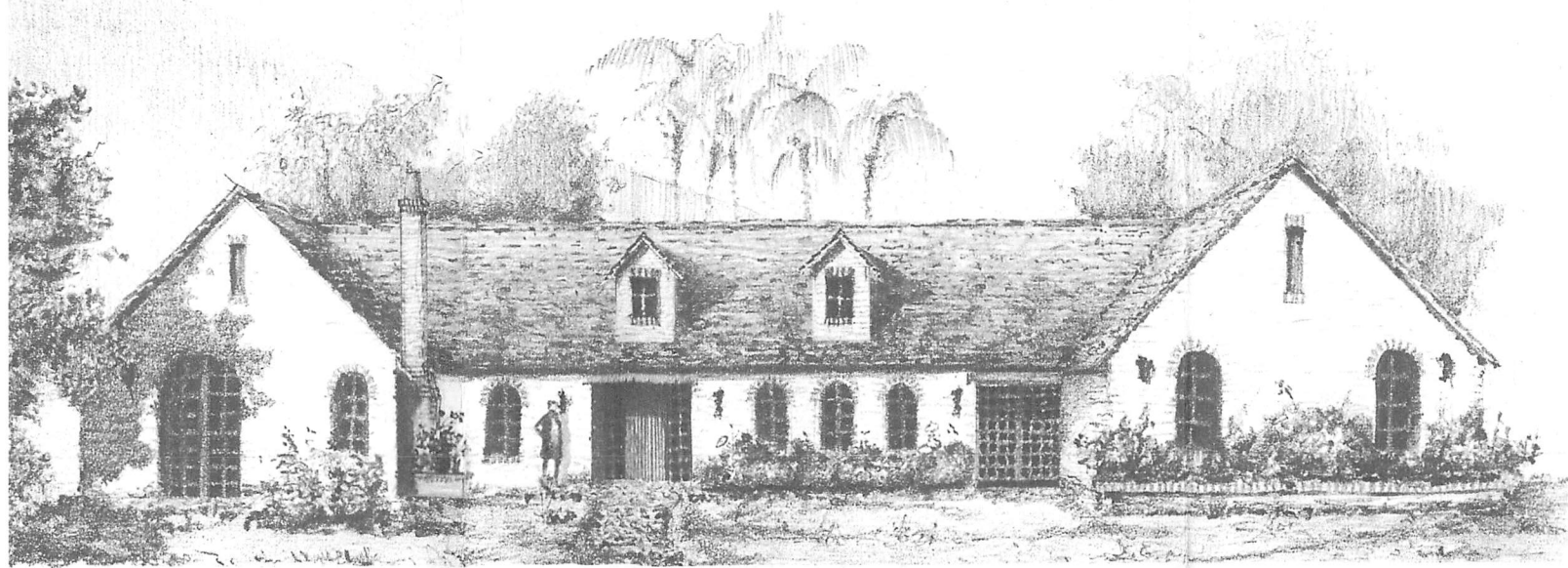
ZONING ADJUSTMENT REQUESTED:

EXISTING GARAGE ENROACHES AN ADDITIONAL 2'-9" ON
FRONT YARD SETBACK, WHERE 5'-0" IS ALLOWABLE PER
2021 I.A.Z. (210). ADJUSTMENT REQUEST TO ALLOW
GARAGE RENOVATION TO RETAIN THIS WALL IN ITS
PRESENT LOCATION.

SEE INCLUDED WRITTEN NARRATIVE.

Site Plan

0' 10' 20'
2.5' 5' 10'





City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR ZONING ADJUSTMENT

APPLICATION NO: ZA-690-21

CASE TYPE: Variance
DATE FILED: 12/13/2021

COUNCIL DISTRICT: 6
CASE STATUS: Pending

EXISTING ZONING: R1-14 ACSPD
FILING STAFF: 066840

Fee	Fee Waived	Fee Date	Receipt	Purpose
\$490.00	\$0.00	12/13/2021		Original Filing Fee

HEARING DATES

ZA: 02/24/2022 9:00 AM **LOCATION:** Meeting will be held virtually.

BOA:

PROPERTY LOCATION: 6140 East Calle Tuberia

LEGAL DESCRIPTION: See attached

CONTACT INFORMATION

NAME	ADDRESS	PHONE	FAX	EMAIL
Carl and Samantha Woszczyński (Owner)	6140 E Calle Tuberia Scottsdale AZ 85251	(812) 371-6635		carlwoz1@gmail.com
Christopher J. Pela Studio Pela, PLLC (Applicant, Representative)	309 E Keim Drive Phoenix AZ 85012	(602) 459-0428		studio@studiopela.com

If, during the course of review of a pending application, the applicant submits one or more additional applications that are related to the pending application, then and in such event, the substantive review time frame shall be reset on all related applications. In this event there shall be one applicable substantive review time for all of the related applications and the time frame shall be revised to be the longest substantive review time frame that was applicable to any one of the related applications. As a result, the entire substantive review time frame for the related applications shall start over, and a fee may be charged.

An applicant may receive a clarification from the city of its interpretation or application of a statute, ordinance, code or authorized substantive policy statement. To request clarification or to obtain further information on the application process and applicable review time frames, please call 602-262-7131 (option 6), email zoning.mailbox@phoenix.gov or visit our website at <http://phoenix.gov/pdd/licensetimes.html>.

In making this application, I understand that the filing of this application and payment of fees does not entitle me to the relief requested. (See Sec. 307 of City of Phoenix Zoning Ordinance for standards by which the hearing officer will review the application.) I understand the approval of this request does not replace the need for acquiring the appropriate building permits, site plan approval, liquor license or any other licenses required by governmental agencies. I also understand that in the case of liquor request approval of a use permit does not guarantee the CITY OF PHOENIX will recommend approval of the liquor license.

APPLICANT'S SIGNATURE: _____ **DATE:** 01/13/2022

NOTE TO APPLICANT: SUCH USE PERMITS AND VARIANCES AS ARE GRANTED BY THE ZONING ADMINISTRATOR SHALL BE VOID IF THE USE IS NOT COMMENCED OR IF A BUILDING PERMIT IS NOT OBTAINED 60 DAYS OF SUCH GRANTING OR WITHIN THE TIME STIPULATED BY THE ADMINISTRATOR.

APPEALS OF DECISIONS OF THE ZONING ADMINISTRATOR MAY BE MADE BY ANY PERSON TO THE BOARD OF ADJUSTMENT WITHIN 15 DAYS AFTER THE DATE OF ACTIONS.

REQUEST

1. Variance to allow a closed projection to encroach 8 feet into the required front yard (south) setback. Maximum 5 foot projection for no more than one-half of the maximum width of the structure permitted. **ZONING ORD. SECTIONS 701.A.3.a.(2).(c)**

GEOGRAPHIC INFORMATION

APN: 128-57-064

Qtr Section(Map Index): 16-42(H12)