



ZONING ADJUSTMENT  
LOT 3 ~ VILLA ARCADIA  
5243 E CALLE REDONDA ~ PHOENIX, AZ 85018

April 9, 2020 (*Revised May 19, 2020*)

Variance Request – An existing 1 story, 2,784sf single-family dwelling is currently located within the existing western 10' Side Yard as imposed by R1-14 Zoning Ordinance resulting in an existing, non-conforming structure. The home owners, Nathan Hill & Natalie Strand, herein noted as “Property Owners”, wish to develop a single-story, Master Bathroom addition which extends in a perpendicular fashion from the existing NW corner of the home. On the property, APN#128-12-046 with an address of 5243 E Calle Redonda, exists a 1 story, 4-bedroom, building, noted as “Masonry House” in original permit documentation; it was permitted on 6/1963 and built during that year by Traylor-Murdock Construction. No plans from the original submittal were found in the City Records nor recorded at Maricopa County Recorder’s office.

Once the attached site survey was conducted by Land Development Group on 2/18/2020, it was found that the existing 1-story house was not parallel to the western Side Yard Setback line and revealed an encroachment upon the noted Side Yard setback at no fault to the current Property Owners. The SE corner of the home was found to have been built over the east 10' Side Yard Setback as well, at no fault of the current Property Owners.

The proposed Master Bathroom addition measures 317 square feet and extends from the NW corner of the dwelling a distance of 22'-5”. The proposed addition extends from the existing NW corner of the home a distance of 15'-4” across the north face of the dwelling in an easterly direction. Being that the existing NW corner of the home encroaches upon the 10' Side Yard setback a distance of 1.23', the proposed addition, being perpendicular to the existing dwelling, extends into the Side Yard setback an additional 8 ¼” for a total encroachment of 1'-11”, or 8'-1” from the property line per the attached A1.1 Site Plan.

The Property Owners have addressed the design of the addition in context with the location of the existing driveway in an effort to maintain approach to the existing 2-car garage. The existing, brick masonry, 2-car garage will not be altered or moved from its current location thus the existing concrete driveway must be kept in its current state & configuration. Due to this, the proposed 1 story addition was required to maintain appreciable clearances to the driveway to maintain vehicular ingress and egress to and from the property. The addition, also, could not be shifted to the east due to the configuration of the existing concrete driveway.

The request for this variance would be to grant the proposed addition’s encroachment upon the western Side Yard noting that the existing dwelling, being built in a parallel fashion to Calle Redonda, and while not parallel to either of its Side Yard setbacks, yielded an existing non-conformity based upon the R1-14 Zoning Ordinance thus creating a hardship for the Owners in

depriving them of proper enjoyment in the development of their lot. It should be noted that the proposed addition would meet all Lot Coverage requirements as depicted in Chapter 607 of Zoning Ordinance.

In addition to the aforementioned variance request, we will submit to the Board of Adjustment a request to grant an additional variance for the *Existing Non-Conforming* condition at the SE corner of the lot. The current addition, circa 1997, was built beyond the limits of the side yard setback per the attached As-Built Survey submitted by Land Development Group. The existing SE corner of the home encroaches upon the east side yard setback 1.92' thus we would submit a request for a variance allowing for the existing structure to conform.

### VARIANCE CONDITIONS:

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."

#### *RESPONSE:*

Due to the orientation of the current side yard setback line in relationship to the siting of the current dwelling, and subsequent non-conformity. the proposed addition, based upon the aforementioned circumstances and at no fault to the current Property Owners, would not be possible without the Variance.

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."

#### *RESPONSE:*

The originally permitted and City-approved single-family dwelling built in 1963 by Trailor-Murdock Construction was erected in a fashion that yielded an existing, nonconforming dwelling as the NW corner of the dwelling encroached upon the Side Yard setback at no fault of the current Property Owners.

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

#### *RESPONSE:*

Due to the aforementioned circumstances, the proposed improvements would not be permissible based upon the setback requirements set forth in the Section 607, R1-14 Residential District of the City of Phoenix Zoning Ordinance. The intent to improve upon the current dwelling's functionality with improvement to the livability and overall value of the home, is an inherent and enviable right to a homeowner as an implied enjoyment of their property. The existing circumstances create a hardship, denying the Property Owners their right to improve upon their personal property.

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."

*RESPONSE:*

The proposed improvements will not inherently change the functionality of the use nor impose upon the existing neighbor's property. The proposed improvements to the dwelling will only go to IMPROVE the adjacent property owner's land values resulting from the proposed improvements. It should be noted that the Property Owners have sought and received the approval of the proposed improvements from their adjacent neighbor prior to applying for the Variance.