



December 5, 2022

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

Re: **ZA-493-22-6**, 4227 N Jokake Dr, Arcadia Camelback Special Planning District

Dear Sir or Madam:

With respect to (ZA-493-22-6), The Arcadia Camelback Mountain Neighborhood Association firmly opposes the variance request to increase the lot coverage to 28% for a two-story home (25% allowed). ACMNA championed a text amendment which allowed for an additional 5% lot coverage for single story homes to accommodate the modern needs of homeowners. We under no circumstances support two-story homes exceeding the prescribed 25% because a) You can double a home's size if you choose two-story and b) to dissuade two-story homes which are not in keeping with the original ranch character of Arcadia. This request is of particular concern because of the historic "creep" that has occurred regarding this variable. Despite all cases being unique, when excesses are granted, it fuels more requests which treat prior approvals as case-law. We feel so strongly about this item that Our Board has resolved to oppose all variances relating to lot coverage excesses.

The Brandt's have moved out of their home to initiate a large-scale home remodel, taking their current home of 4,060 sq ft to 5,669 on a 20,824 lot (MCAO Website). After original permits were pulled, they desired to build a second-story game room/golf simulator above the garage. Per code they are allowed a 5,206 square foot 2-story home or a 6,247 square foot single story home. When asked, "Why not put the game room on the first floor (578 sq ft still available)." We were told, that was not the preference as it would limit their front yard. However, that could be an option if this request were denied.

ACMNA has received a letter from the southern neighbor in support of the request. We have reached out to neighbors to the West which face the home and to the North and neither wished to provide comment. The two neighbors behind the Brandts to the East are opposed to the build because of it's detrimental impact to views and privacy. The three southern windows of the Brandt's second-story addition will look right into The Zielinski's backyard and pool and the building will steal part of his Camelback view. Several years ago, Mr. Zielinski to the east wanted to build a single-story home at 30% lot coverage whose calculation was based on "Owner-Maintained ROW Frontage". It was a longer two-step process but he initiated a land abandonment so his home would meet the 30% code limitation. He is frustrated with their approach, having gone through the proper channels himself. The Brandt's are "short-cutting the process and damaging the integrity of our zoning in the process". ACMNA agrees with Mr. Zielinski and would prefer the applicant engage in the proper ABN hearing to gain the needed lot coverage instead.

The Four Tests

Test 1 – NOT MET – *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.*

The homes along Jokake have a Right of Way which in the Brandt's case is calculated to be 2,015 square feet. The homeowners all maintain this frontage to the extent at which it looks like a part of their front yard. This is visually appealing and adds to the character of Arcadia, however it is not unique. The maintenance of alleys and frontages are the responsibility of the property owner per city code. Just because you maintain the land, does not make it yours, the correct process for that request is a Land Abandonment.

The city took a broad-brush approach when annexing most of the homes in this area. They applied the R-24 zoning standard regardless of lot size and ACMNA has seen some far more extreme examples of this. The applicant argues that they were improperly zoned which is not a unique circumstance throughout Arcadia. If they want this corrected, that process is called Re-zoning and the result would still not correct for the limitation of 25% lot coverage on a two-story home.

Test 2 – NOT MET - *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.*

The applicant states that “Adding the game room to the front would negatively impact the architectural integrity of the front elevation and impact the internal layout.” This need is entirely self-imposed. Even after the planned additions are completed, they still have 578 square feet available for a game room on the first floor. On the contrary, should they desire a two story, they could amend their current plans to put the new bedrooms upstairs. Either option would be per code, but the preferred option necessitates a variance and is therefore self-imposed.

Test 3 – NOT MET - *The authorization of a variance is necessary in order for the owner or applicant to enjoy reasonable and substantial property rights.*

If a game room/golf simulator is necessary for the owner to enjoy reasonable and substantial property rights, this can be accomplished via a compliant single addition, or a two-story modification outlined previously. It does not necessitate a variance to build one.

Test 4 – PARTIALLY MET - *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.*

ACMNA’s Preservation Team has been very active in talking with neighbors and received mixed feedback on this request. The neighbor to the South, The Weems are most impacted and are supportive of the request. However, the neighbors to the East take issue with their loss of [privacy, loss of Camelback view and the way this request is being pursued.

In summary, ACMNA opposes the request based on its inability to meet any of the Four-Tests.

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

Sincerely,

Michael Phillips and Tristahn Schaub
ACMNA President and Vice President
Preservation Committee Member and Chairperson
www.acmna.org