



September 19, 2022

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

Re: **ZA-359-22**, 4631 N Royal Palm Circle

Dear Sir or Madam:

With respect to (ZA-359-22) 4631 N Royal Palm Circle, The Arcadia Camelback Mountain Neighborhood Association does NOT OPPOSE variance 1 to reduce the East setback to 10 feet, nor the use permit, however we DO OPPOSE variance 2 & 3 to reduce the side yard setback (east) for a detached accessory structure to 0 feet, and to allow an over-height (15 feet) detached accessory structure within the required side yard setback, which is further detailed below. We would like to present our findings as it relates to the requests sought for the property.

We would also like to request that the variance approvals be conditional to the currently submitted architectural plans *and elevations*.

### Lot Orientation

The legal front of the parcel faces Camelback Road. The “ground truth” is that the front of the parcel faces N Royal Palm Circle. The owners could petition to change the legal front of the parcel, but do not do so in this request.

The owners request their variance be considered in light of the “ground truth” that the front of their parcel faces N Royal Palm Circle. The ACMNA agrees and will frame its variance findings based on the front of the parcel facing West to N Royal Palm Circle.

ACMNA finds the following as it relates to the four requirements for each variance:

### Variance Request 1 – Use Permit for main structure

The owner requests the main building project 33’ into the rear setback (7’ from the property line). They note that this will match the exiting structure (a detached garage) already on site.

Given the “ground truth,” the requirements for a side setback are 20 feet. The proposed extension and enclosure of the detached garage would project 13 feet into the side setback.

**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: The original house was built in 1959. Home was last remodeled in 2012. The original house was built as far away from Camelback Rd as possible, but this creates a constraint when trying to update the house with additional space and garages.

**Condition 2:** *The special circumstances or conditions described above were not created by the applicant or owner.*

Condition 2 is MET: Position of structures on lot were determined prior to the purchase by the current owners.

**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 Partially MET: Homes built in the past can become functionally obsolete over time as societal living preferences and norms change. The new design is considerate with updating the house to current preferences on how people prefer to live in a home. However, there is land area to the East that could be used while staying within the setbacks.

**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 overall presentation of the home from the street will only change to the better. The neighbor across the street at 4632 N. Royal Palm Circle supported the use permit.

## Variance Request 2 & 3 – Pool House

The owners request to build a pool house 0 feet from East property line, with a height of 15 feet.

*Zoning requirements:* for a side yard, the minimum setback is 3 feet and maximum height of 8 feet. For a back yard (the “ground truth” here), the minimum setback is 3 feet and maximum height of 15 feet.

**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: The parcels in these are unusual in that they have a 7 foot wide buffer strip (see Figure 1) on each parcel, with a block wall down the center. Therefore, building the pool house 0 feet from the property line actually keeps it 7 feet away from the existing fence line.



Figure 1--Buffer strip between parcel 172-21-030 (West) and 172-21-012 (East).

**Condition 2:** *The special circumstances or conditions described above were not created by the applicant or owner.*

Condition 2 is MET: The original orientation of the house on the lot was done many years ago and before the current owners purchased the property. The lot varies in width from 150 feet to 132 feet, which constrains how structures can be built on the site.

**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 Partially MET: The proposed pool house is not unusual for parcels in the immediate area. The home directly south of this parcel has a similar detached structure in the rear, however, this parcel has room to shift the accessory structure so it fits without the need for a variance.

**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 NOT MET: ACMNA spoke with the neighbor directly behind the applicant's parcel to the east located at 4626 N. Borgatello Lane, and they are in opposition to the variance for the pool house. This neighbor reached out to the applicant and is in support of

improving the property but would like to work with the neighbor to either shift the new pool house further west, 7 feet from the property line (14 feet from the fence line), or reduce the height to either match the existing shade structure at 10 feet, not exceed 12 feet at the top of the pitch. He stated that the applicant's lot sits slightly higher than his, and that a new structure being an additional 5 feet taller than the already 10 foot shade structure would be overwhelming and impede on his privacy.

For these reasons, ACMNA respectfully asks that the neighbor's input is considered and requests the new pool house to be 0 feet from the property line with a height not to exceed 12 feet, OR that the pool house be 7 feet from the property line with the allowance to be 15 feet high, which would put it at the same line of sight as it being closer but not as high.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Gough". The signature is fluid and cursive, with the first name "Andrew" and last name "Gough" clearly distinguishable.

Andrew Gough  
ACMNA Board Member  
Member, Preservation Committee  
[www.acmna.org](http://www.acmna.org)