



October 24, 2022

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

Re: **ZA-420-22** 4959 Red Rock Dr., Phoenix, AZ 85018

Dear Sir or Madam:

On behalf of the ACMNA, the Arcadia Camelback Mountain Neighborhood Association does NOT oppose the variance requests to

1. reduce the front yard setback to ten (10) feet, minimum 40ft required; **\*per site plan**
2. the west-side set back to fifteen (15) feet, minimum 20ft required. **\*if the City approves it, ACMNA requests a stipulation restricting the allowance to be applied for an outdoor staircase only. Never to be enclosed or to become liveable space. Per site plan.**

Our non-opposition is based on the site plan, architectural plans, and history of variance approvals provided to us by the applicant and the applicant's lawyer, William Allison.

Multiple attempts to speak to neighbors were made, but none were available.

We found the following relative to the Four Tests:

***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 – If the lot was flat, a variance would not be necessary, but this property is located on the side of Camelback Mountain and has a 160' drop from the north to south property lines. Many of the homes this high on the mountain require some type of variance, but each has unique circumstances. Luckily, this parcel had a house previously built on it in 1964. Over the years, variances similar to the ones this



applicant is seeking were approved in order to carve out the original buildable pad and to make other additions to the home.

***Condition 2: The special circumstances or conditions described above were not created by the applicant or owner. The property hardship cannot be self-imposed.***

Condition 2 is partially Met – The applicant is utilizing the existing house pad and other previously disturbed areas. The buildable area only disturbs 24.6% of the lot, well under the 35% allowance. Attempting to “squeeze” everything into the existing disturbed area is difficult, but less intrusive than scarring more of the hillside. That being said, a buildable pad *does* exist within the setbacks.

***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 – Due to rough terrain and excessive slope, in order to replace the existing 58-year-old house and bring it up to the standards of surrounding homes, the variance to reduce the front setback to 10’ is completely understandable. Again, similar variances were granted when the original house was built. In addition, many surrounding hillside homes have secured set-back compensations in order to account for the difficult terrain and slope. The size of the house, 6,315 liveable sf, is in keeping with other nearby remodeled homes (home to the west: 10,000sf; home to the north: 12,000sf; two others: 5,393 & 5,256). The variance for the outdoor staircase to sit 5’ into the western setback is a design choice, but again, tied to the narrow buildable area. Given the 160’ drop from Red Rock Dr. to the south property line, the buildable area is definitely restricted/ pinched.

***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 existing building pad was carved out of the mountain decades ago, making it necessary to drive down a steep driveway (about 30’ below street level). The proposed new-build will not be visible from the street. To that end, it will not block views for any surrounding neighbors. Additionally, by utilizing the existing pad and already disturbed land, impact to the homes to the south should be minimal.



It is important to note that per the applicant's site plan, the request for a north-side, ten-foot setback is only for portions of the new build, not the entire house. The same is true for the side-yard setback reduction for the staircase.

Given that the side setback variance request is only for a staircase, (not for liveable space); it will only span the distance of the staircase (not the entire house or property line); and the height of the block will only be one story, the setback allowance does not seem intrusive. In fact, if enclosing the outdoor staircase is an issue, the homeowner expressed a willingness to design a more "open air" or "see-through" staircase. The house to the west is vacant, and therefore, ACMNA was unable to secure an opinion regarding the staircase and/or 'screening' it with vegetation etc.

In conclusion, ACMNA does not oppose these variance requests but because our non-opposition is tied to the site-plan and design features shared with us via the homeowner, Nick Bock, and his lawyer, William Allison, we request the variances be approved, with stipulation: development adheres to the submitted site plan, and the staircase will never be enclosed as liveable space.

Thank you for the opportunity to provide our input.

Sincerely,

Amanda McCauley

ACMNA Board Member, Preservation Committee Member

[www.acmna.org](http://www.acmna.org)