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Email: ebull@bcattorneys.com

TO: Area Neighbors, Property Owners, and Neighborhood Associations
FROM: Ed Bull & Ali Bull
DATE: January 18, 2023
RE: Case No. ZA-594-22 Variance
5275 E Arcadian Lane
Zoning Adjustment Hearing: February 2, 2023 at 9:00 A.M.

Dear Property Owner, Resident or Neighborhood Association:

On behalf of Brett and Lara Polachek (the “Polacheks”), we have requested a Variance to allow an over height 12-foot (8-foot maximum allowed) detached accessory structure within the required side yard setback for the property located at 5275 E. Arcadia Lane, the “Site” (cabana). An aerial of the Site and application page are attached.

The Site was purchased by the Polacheks with the intent to design and build a high-quality custom home. Typically, residential lots are rectangular in shape with adequate space for the main building and appropriate accessory structures, but the Polacheks’ lot is an irregular shape with a curved front lot line. While the southern yard is the logical and practical rear yard, the curvature and width of the front lot line causes the southern yard to be an “official” side yard. Because it made more sense from a design standpoint to treat the western yard as a side yard and the southern yard as the rear yard, the Polacheks previously obtained a Variance reducing the western yard setback to 20 feet. As part of the Variance, the Polacheks agreed to treat the southern lot line as a rear lot line and provide a 40-foot setback for the main building. Consequently, the Polacheks’ previous Variance effectively “flip-flopped” the rear and side yards.

As part of their design, the Polacheks have always planned to build an accessory cabana within the southern yard. The cabana has a maximum building height of 12 feet. If the southern yard were truly a rear yard as it has always been treated, the additional height would not be a concern because Section 706.G of the Zoning Ordinance permits accessory structures 15’ in height within rear yards. Because this irregular Site’s southern yard is effectively the rear yard, it is the only appropriate location for the Polacheks’ cabana. A Site Plan and Rendering are attached.

The Variance Hearing is currently scheduled as follows:

Zoning Adjustment Hearing
Hearing will be held virtually

Thursday, February 2, 2023 at 9:00 a.m.

To participate, see the instructions on the agenda available on the Public Meeting Notices website: <https://www.phoenix.gov/cityclerk/publicmeetings/notices>

You may attend the Hearing to learn about the Variance case and make your opinions known. Hearing information may also be found on signs posted on the Site. You may also make your feelings known on this case by writing to the Planning and Development Department at 200 W. Washington Street, 2nd Floor, Phoenix, AZ 85003 or emailing to zoning.adjustment@phoenix.gov and referencing the case number (ZA-549-22) and hearing date (2/2/2023). Your letter or email will be made part of the case file and shared with the Hearing Officer.

In the meantime, if you have questions or concerns regarding this proposal, you can contact Ricki Horowitz, Paralegal, at Burch & Cracchiolo (602-234-8728 / rhowitz@bcattorneys.com), Ali Bull, Associate Attorney, at Burch & Cracchiolo (602-234-8747 / abull@bcattorneys.com) or me at 602-234-9913 / ebull@bcattorneys.com. You may reach the City of Phoenix Planning and Development Department at 602-262-7131, Option 6. Please reference the above case number and hearing date in your email to expedite a response.

Thank you.



Ed Bull & Ali Bull

ECB/rlh
Attachments



City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR ZONING ADJUSTMENT

APPLICATION NO: ZA-594-22

CASE TYPE: Variance
DATE FILED: 12/20/2022

COUNCIL DISTRICT: 6
CASE STATUS: Pending

EXISTING ZONING: RE-35 ACSPD
FILING STAFF: Pkann

Fee	Fee Waived	Fee Date	Receipt	Purpose
\$490.00	\$0.00	12/20/2022		Original Filing Fee

HEARING DATES

ZA: 02/02/2023 9:00 AM LOCATION: Meeting will be held virtually.

BOA:

PROPERTY LOCATION: 5275 East Arcadia Lane

LEGAL DESCRIPTION: See Attached

CONTACT INFORMATION

NAME	ADDRESS	PHONE	FAX	EMAIL
Brett and Larissa Polachek (Owner)	6231 E Calle Camelia Scottsdale AZ 85251	(602) 952-3833		brett.polachek@nmrk.com
Ed Bull Burch & Cracchiolo, P.A. (Applicant, Representative)	1850 N Central Avenue, #1700 Phoenix AZ 85004	(602) 234-9913		ebull@bcattorneys.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: 1/6/2023

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

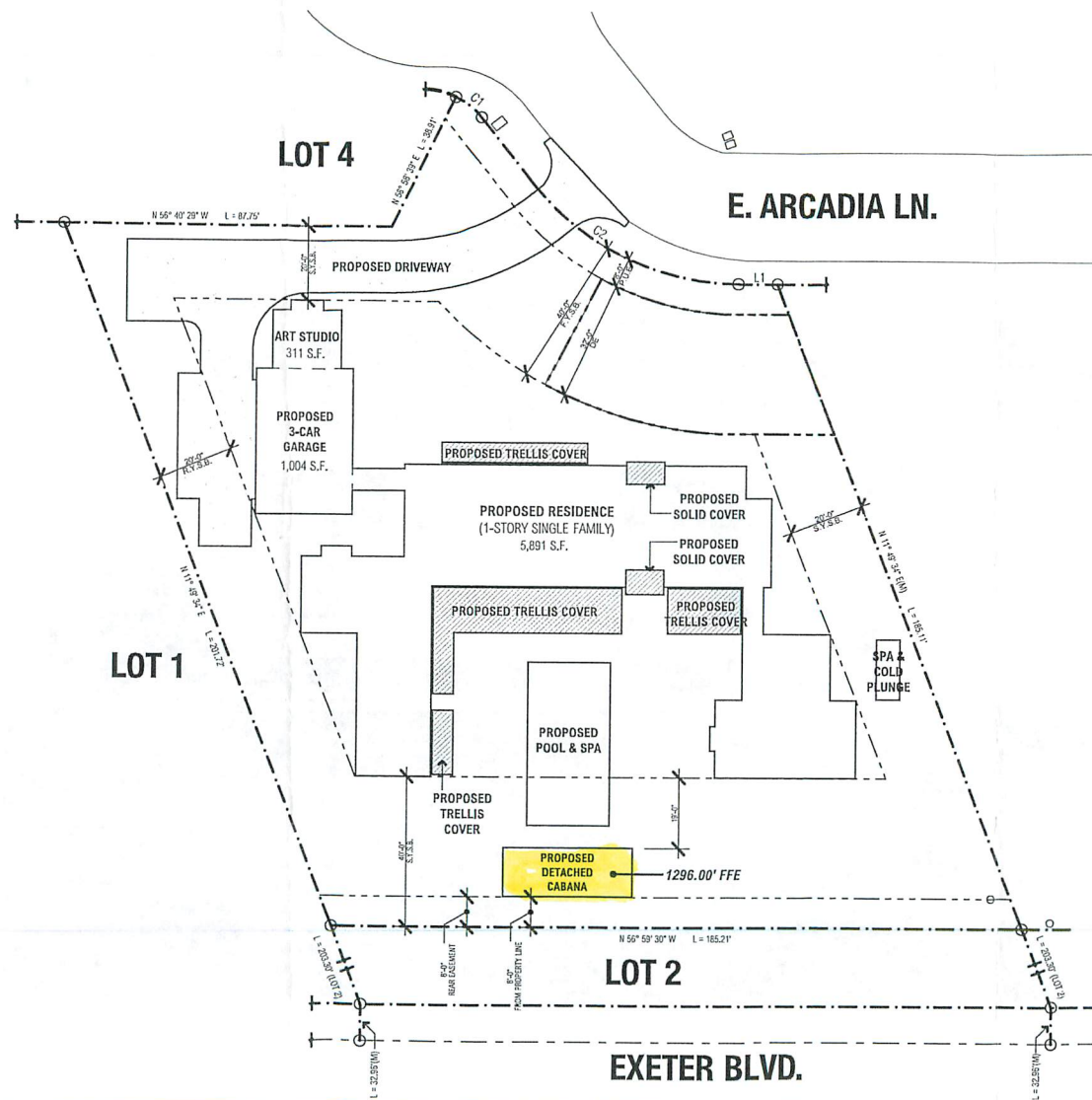
1. Variance to allow an over height (12 feet) detached accessory structure within the required side yard setback (south). Maximum 8 feet permitted.

ZONING ORD. SECTIONS
706.C

GEOGRAPHIC INFORMATION

APN: 172-33-059
Qtr Section(Map Index): 17-40(H11)





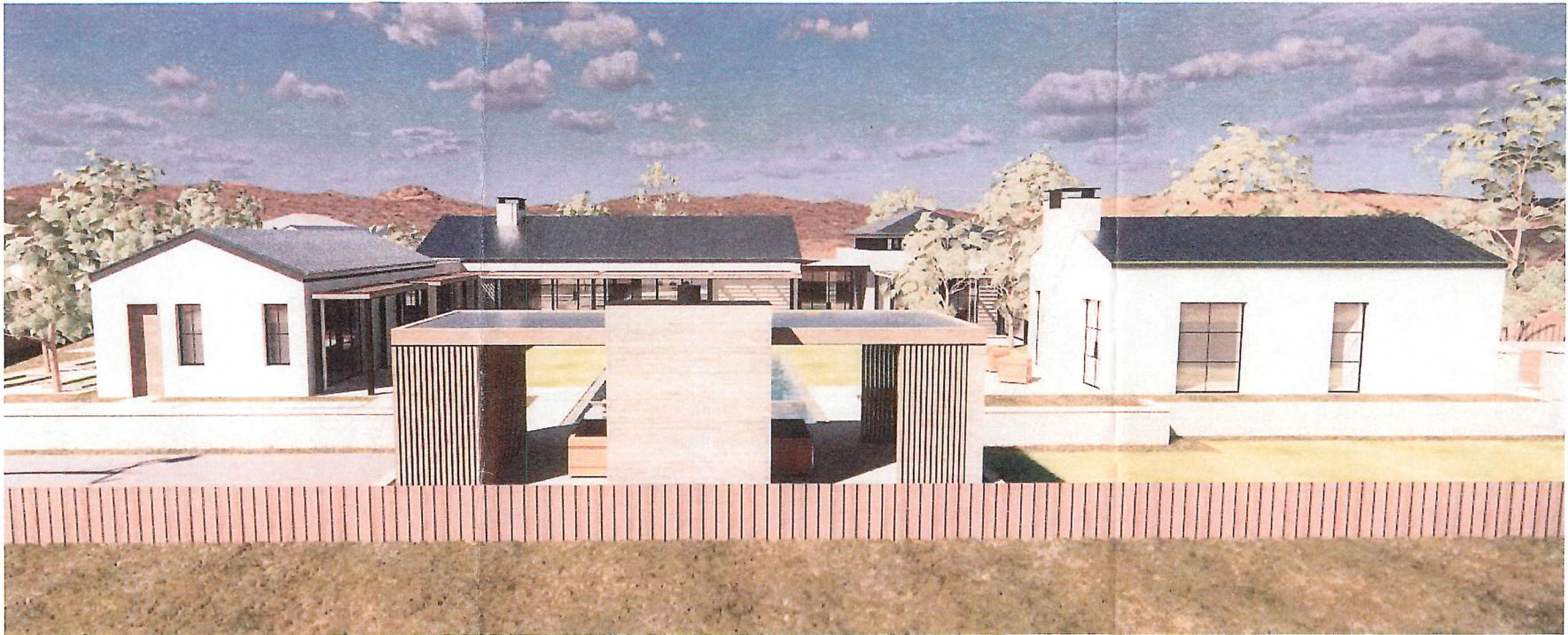
SITE PLAN
SCALE: 1/32" = 1'-0"

1

POLACHEK RESIDENCE | SITE PLAN

5275 E. ARCADIA LN., PHOENIX AZ, 85018

 **BRANDON ARCHITECTS**



POLACHEK RESIDENCE | REAR PERSPECTIVE

5275 E. ARCADIA LN., PHOENIX, AZ 85018