



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

April 1, 2024

Re: Variance ZA-127-24-6 5353 E. Rockridge Rd., Phoenix, AZ 85018

Dear Sir or Madam:

With respect to **ZA-147-24-6** located on 5353 East Rockridge Road, The ACMNA does not oppose the variance request to reduce the required rear yard setback (east) to 20 feet – (minimum 40 feet required). This position paper is an update/refresh to the one ACMNA submitted for **ZA-127-21-6** on 4/22/21.

The ACMNA respectfully requests the following stipulations:

1. The house be built per the building plans which only partially were shared with us which include a top of roof height of 17' 4" at the center of the single-story house.
2. The house maintain a 40' setback from the Rockridge property per the site plans shared with us.
3. The City address any privacy concerns that are amplified due to the proximity of a new house. The ACMNA would strongly support a landscaping requirement (screening trees on the east side).
4. Maintain the original stipulations which included the 20ft setback only applying to the NE portion of the property per the site plans.

This variance request is asking for the same 20-foot setback on the east side that was approved in **ZA-127-21-6** on 4/22/21 and which the owner's circumstances did not allow them to secure building permits in the stipulated 1-year building permit period. That plan included a second story whereas the current plan calls for a one story with a maximum roof height of 17'4" near the center of the house & 11-foot height in the proposed 20-foot east setback.

Case **ZA-127-21-6** on 4/22/21 the ZAHO approved the variance requests with stipulations:

1. The setback reduction shall only apply to the northeast portion of the house as depicted on the site plan date stamped March 4, 2021.
2. The developer shall remove the three windows on the east elevation, oriented toward the east within the reduced setback area, as depicted on the east elevation included in the applicant's presentation, and date stamped April 22, 2021.

3. The property shall maintain a minimum building setback of 40 feet on the north (street side) property line, adjacent to Rockridge Road.
4. 1 year to apply and pay for building permits.

Input from several key stakeholders was sought:

1. 5353 E Rockridge Rd owner provided partial plans emphasizing the east variance request.
2. 5360 E Rockridge Rd- directly north, across Rockridge Rd. Did Not oppose the variance in 2021 & wasn't home to discuss the 2024 variance request.
3. 5383 E Rockridge Rd- directly east, shares property border. Opposes the variance.
4. 5350 E Palomino Rd- directly west, across Palomino Rd. Does Not oppose.
5. 5347 E Palomino Rd- directly south, shares property border. Does not oppose.

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: Although the corner property address is "Rockridge", the City of Phoenix recognizes Palomino as the front. Had the city recognized Rockridge as the front, the east side variance would be 20' and no variance would be needed. The 5353 E Rockridge corner parcel is unique because of the significant change in elevation from the north property line on Rockridge to the southern property line down Palomino Rd (creating a consequential tiered effect). Clearly, the original 1970's builder found this to be limiting as well, and therefore, placed the home on a pad at the northern portion of the parcel and facing Rockridge, rather than orienting the front to Palomino. Properties similar in size and shape to this one typically do not have to accommodate this drastic elevation change along the front property line.

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

Condition 2 is PARTIALLY MET: Whereas the slope of the property is NOT created by the applicant, the choice to make Rockridge the front of the home is by the homeowners.

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 property has ample space to build a home similar in size to others in the area, however, the substantial slope seems to significantly handicap building options:

- Palomino-facing home: the homeowner would need to make unreasonably expensive alterations (additional soil and retaining walls to raise the grade for the building pad and/or build a multi-tiered home) in order to accommodate the significant slope.
- Rockridge-facing: retains the front that has been in place for 49 years, utilizes the current building pad for the house, and allows the backyard to be down and away; HOWEVER, the owner would like to increase the footprint, expanding to the east, and thus, would need a variance.

Condition 4 is PARTIALLY MET: As stated, we spoke to the owner & immediate neighbors.

- The neighbor to the north was not home but did not oppose the 2021 request.

- The neighbor to the east opposes the variance. They are concerned that the new, one-story home will block their view of Camelhead on Camelback Mountain.
 - The neighbor to the east has TWO homes on their property. The main house should not be greatly affected by the variance/new build because it is located on the opposite side (east side) of their property from the new build.
 - The second house (identified as a guest house) is the home in question as far as impeding views and/or invading privacy. The guest house is located close to the neighbor's property line and south of the proposed new build.

In Conclusion:

The ACMNA makes every effort to consider the ramifications of a variance on as many neighbors as possible. In the case of placement and height, we feel it is of utmost importance to consider the impact on neighbors' privacy as well as the views of the mountain and/or the skyline. As an RE-35, this property has the right to build a two-story home at a 30' mid-point to pitch of the roof. However, to our knowledge, the new house design includes a meaningfully maximum roof height of 17'4" at the center, (but even lower at the east end, close to the property line) in order to reduce obstruction of mountain views. Notably, the owner of 5353 E Rockridge Rd, Robert Commisso, stated that if they receive this variance, they plan to maintain 40' setbacks on all other property lines, including Rockridge. This should help maintain line-of-sight to the mountain for the neighbor to the east. In the 2021 case, the builder was also open to suggesting to the homeowner to include a self-imposed stipulation to plant trees on the east end of the new build, thus softening the closer-than-normal tall walls of the new building. Trees appear in the current plans.

In conclusion, ACMNA does not oppose this request.

Sincerely,

Tom Thomas
Board Member,
Preservation Committee Member
www.acmna.org

**Arcadia Camelback Mountain Neighborhood Association 4340 E. Indian School Road, Suite 21-293,
Phoenix, AZ 85018**