

Dear Neighbor:

Rebecca and I are writing to inform you that we have recently filed a Zoning Adjustment Application (ZA-125-22) for an improvement to our property/home located at 5715 E. Calle Tuberia, Phoenix, Arizona, 85018.

Our request is for a variance to reduce the required side yard setback on the eastside of the property to 10 feet, from the minimum requirement of 15 feet. (Zoning Ord. Section 606.B.3.a.) The reason for this request is to allow construction of additional square footage (276 square feet) to the home which will consist of an exercise/utility room on the east side of the house. The addition will be entirely confined to an existing area on the house side of, and behind, the perimeter wall which borders the east side of the property, just north of the existing garage. The addition will result in 26.07% total lot coverage which is still under the 30% lot coverage permitted for a single family home zoned R1-14 (Zoning Ord. Section 607.B.5.)

The hearing information is as follows:

Zoning Adjustment Hearing

Meeting will be held virtually.

To participate, see the instructions on the agenda available on the Public Meeting Notice website:

<https://www.phoenix.gov/cityclerk/publicmeetings/notices>

Meeting Date/Time: May 12, 2022 at 9:00 AM

You may attend the hearing to learn about the case and make your opinions known. Hearing information may also be found on signs posted on the site. You may also make your opinions known on this case by writing to the Planning and Development Department at 200 West Washington, 2nd Floor, Phoenix, Arizona 85003 and referencing the case number. You can also send an email to zoning.adjustment@phoenix.gov. Please reference the above case number and hearing date in your email. Your letter/email will be made part of the case file and shared with the Hearing Officer.

We would be happy to answer any questions or hear any concerns that you may have regarding this proposal, or provide additional information regarding our plans. You may reach me at (602)909-9302 or jcollins@jshfirm.com, or Rebecca at (480)215-8550. You may also reach the City of Phoenix's Planning and Development Department at (602)262-7131, Option 6, or at zoning.adjustment@phoenix.gov, with reference to the case number and hearing date to expedite a response.

Sincerely,


Jeff Collins

Enc.



City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR ZONING ADJUSTMENT

APPLICATION NO: ZA-125-22

CASE TYPE: Variance/Use Permit
DATE FILED: 3/18/2022

COUNCIL DISTRICT: 6
CASE STATUS: Pending

EXISTING ZONING: R1-14
FILING STAFF: CThompson

Fee	Fee Waived	Fee Date	Receipt	Purpose
\$490.00	\$0.00	03/18/2022		Original Filing Fee

HEARING DATES

ZA: 05/12/2022 9:00 AM LOCATION: Meeting will be held virtually.

BOA:

PROPERTY LOCATION: 5715 East Calle Tuberia

LEGAL DESCRIPTION: see attached

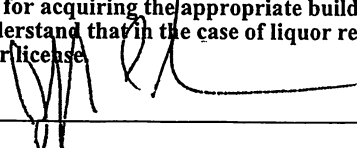
CONTACT INFORMATION

NAME	ADDRESS	PHONE	FAX	EMAIL
Jeff and Rebecca Collins (Owner, Applicant, Representative)	5715 E Calle Tuberia Phoenix AZ 85018	(480) 215-8550		rebeccakozcollins@gmail.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: 3/18/22

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 reduce the required side yard setback (east) to 10 feet. Minimum 15 feet required.

ZONING ORD. SECTIONS
606.B.3.a

GEOGRAPHIC INFORMATION

APN: 128-28-015

Qtr Section(Map Index): 16-41(H11)

March 16, 2022

To: City of Phoenix Zoning Administrator and Hearing Officer

Project Name: COLLINS' Proposed Addition

Proposal: Variance Request to Reduce East Side Yard setback to 10', where 15' is required, for 5715 E. Calle Tuberia, Phoenix, AZ 85018 [APN 128-28-015]

Property Owner/Applicant: Jeff and Rebecca Collins (480.215.8550)

Narrative: The variance requested by the application is to reduce the setback on the east side of the property (bordering N. 57th Place) to a 10' setback (15' is required under R1-14), for a limited section of the property (less than 19 feet), for the purpose of adding additional square footage to the home. The basis for this request is set forth in detail below, which demonstrates that all 4 conditions required for the variance are met. All other setbacks and lot coverage requirements required by R1-14 (RE24 Setbacks and R1-14 Yard, height and area requirements) will be observed.

The existing property is a single family detached masonry residence originally built in 1957 on a corner lot that is bordered on 3 sides by roads (Calle Tuberia in the front, N. 57th Place on the east, and an alley in the south/rear). **See Site Plan and Survey, Exs. A1 and A2.** The front (north) and side (east) streets and the west side property lines are perpendicular to each other, but the back (south) property line runs at a diagonal going from the north west to the south east – creating a triangular peninsula in the south east portion of the lot. The home is oriented on the lot such that it is parallel to the south property line (the only orientation on a lot of this shape that would create a symmetrical back yard), meaning it does not run parallel to the west, north or east property lines. The orientation of the home on the lot encompasses the original home (built in 1957) as improved by the prior homeowners in 2003, and is thus not the fault of the current homeowners.



The lot is zoned R1-14. In 2003, the prior homeowners obtained a permit to expand the then original home by adding 812 square feet of living space. See Permit RSME 02025074. The permit also covered the removal and replacement of approximately 1200 square foot of roof, some of which was to convert the then existing carport, located at the south-east corner of the home, to a garage. The location of the carport (which the prior homeowners converted to a garage) was originally constructed when side yard setbacks were not required. The northeast corner of the original carport (and now the garage) is the farthest east protruding portion of the home, and sits 10'-1" from the east Side Yard property line, meaning that it encroaches on the east Side Yard setback by 4' 11" (a 15 foot setback for Side Yards is now required). The enclosure of the garage thus yielded an existing non-conformity based upon the R1-14 Zoning Ordinance that was not the fault of the current property owners.

To the north of the garage on the east side of the house is a courtyard that is bordered at the west and south by the existing home structure, and at the north and east by a block wall, and is therefore not visible from the street (the block wall on the east Side Yard measures 6 feet tall, which is permissible (Sec. 703A2(c)). **The proposed addition is to add an attached enclosed space within a portion of this courtyard for the homeowners to use as an exercise room.**

The proposed addition would measure 276 sf, bringing the total dwelling size from the current 4340 sf to 4,616 sf (resulting in 26.07% lot coverage, which is less than the 30% lot coverage permitted for single homes zoned R1-14 (Section 607 B.5)). The proposed addition extends from the existing east side of the home a distance of 18'-6 5/8" running north to south, and at its widest point would extend from the east face of the dwelling a total of 16'-2 3/8" running west to east. **See Proposed Addition Floor Plan Ex. B.** Because the house is not parallel to the east Side Yard property line, and the addition would follow the orientation of the existing dwelling, the addition would encroach on the east Side Yard setback in a manner equivalent to the orientation of the garage.

Request: We are requesting a variance to reduce the east Side Yard setback from 15' to 10' for the north-south length of this addition (measuring 18' -6 5/8"). The request for this variance would be to grant the proposed addition's encroachment upon the eastern Side Yard, noting that the existing dwelling, being built in a parallel fashion to the south property line, and while not parallel to either of its Side Yard setbacks, yielded an existing nonconformity based upon the R1-14 Zoning Ordinance. It should be noted that the proposed addition would meet all Lot Coverage requirements as depicted in Chapter 607 of Zoning Ordinance.

We have addressed the design of the proposed addition in context of the existing location of the home on the lot, the existing pool in the back yard and the front and west side yard setbacks, and additional building space is significantly limited in all of those areas, and not possible without a variance on one side of the home or the other. The addition on the east side of the home as proposed, behind the existing block wall and with a setback that aligns with the existing east side portion of the home (and for a length of only 18'-6 5/8") is the only manner for the homeowners to achieve the proper enjoyment of their home and meets all 4 conditions required for a zoning adjustment.

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. (Special circumstances or conditions would include, for example: an unusual lot size, shape, or topography . . .)*

The home sits on an unusual lot shape in that it is bordered on the west, north and east by perpendicular property lines, but on the south by a property line that runs from the north-west to the south-east, creating a triangular "peninsula" in the south east corner of the lot. The home is oriented on the lot to be parallel with the south property line, meaning that it sits on a diagonal when compared to the west, north

and east property lines (which is also the only orientation of the home that would permit a symmetrical backyard, which is consistent with the aesthetics of homes in this neighborhood). With the existing size of the home, its orientation on the lot running parallel with the south property line, and the location of the pool, additional buildable space for this addition is not possible without a variance.

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

The setback requirements for a corner lot on a side street is 15 feet, but the existing garage (created by the prior homeowners in 2003 when they enclosed the original carport) encroaches upon the set back by 4'-11". Neither the existing non-conformance nor the additional circumstances described above (the irregular shape of the lot, the orientation of the existing house and pool) were created by the current homeowner.

Condition 3: The authorization of a variance is necessary in order for the owner or applicant to enjoy reasonable and substantial property rights.

The existing home is a four bedroom, 3 ½ bath home. Given the events created by the COVID-19 pandemic, the homeowners (both of whom are lawyers) are required to work remotely from home for substantial parts of each workweek. In order to accommodate these needs while still allowing bedrooms for themselves and their 2 children, the homeowners have had to convert one of the bedrooms to an office, which has also impacted their ability to use existing space in their home for other reasonable and essential purposes, including personal exercise equipment. The need to have usable living space to enjoy for personal exercise under the safety and privacy of the homeowner's own roof is even more compelling given the safety circumstances brought about by the COVID-19 pandemic.¹ The proposed improvements would not be permissible based upon the setback requirements set forth in the Section 607, R1-14 Residential District of the City of Phoenix Zoning Ordinance without a variance, therefore restricting the homeowners from adding this much needed and desired space (which would be within permissible lot coverage limits), creating a hardship for the owners in depriving them of proper enjoyment in the ability to enjoy reasonable and substantial property rights. The intent to improve upon the current dwelling's functionality with improvement to the livability and overall value of the home, is an inherent and enviable right to a homeowner as an implied enjoyment of their property.

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.

The proposed addition is a small (276 sf), single story room, of which the roof height will remain below the existing dwelling roof height and will not obstruct any existing views of neighbors. The variance will permit the homeowners to use their property in a way permitted for other similarly situated properties and will not alter the character of the neighborhood. Indeed, the proposed addition will be aligned with

¹ "The onset of COVID-19 rapidly accelerated the workout-from-home trend, which had been building slowly for years", making the home gym the "new mainstay in personal fitness." ([See Most Americans plan to continue at-home workouts even once gyms fully reopen; https://fortune.com/2020/08/17/covid-workouts-at-home-gyms-reopening-coronavirus-fitness/](https://fortune.com/2020/08/17/covid-workouts-at-home-gyms-reopening-coronavirus-fitness/)); "The home gym is not a secondary design element now, but a primary one." ([See Sweaty And Swanky: The Rise Of The Statement Home Gym; https://www.ft.com/content/af45cd8c-7ec3-47ba-8932-df6d80954c69](https://www.ft.com/content/af45cd8c-7ec3-47ba-8932-df6d80954c69)); "There is a strong health rationale for continuing physical activity in the home to stay healthy and maintain immune system function in the current precarious environment. Exercise at home . . . is well suited to avoid the airborne coronavirus and maintain fitness levels." ([See The need to maintain regular physical activity while taking precautions. J. Sport Health Sci. 2020:103. doi: 10.1016/j.jshs.2020.02.001](https://doi.org/10.1016/j.jshs.2020.02.001))

the current orientation of the home on the lot. Additionally, because the proposed addition to the home would be built behind a block wall that currently borders the courtyard on the north and east sides and behind the existing house and garage on the west and south, and that it will be at a height that is lower than the existing roof structure, it will largely be unnoticeable from the street or from other homes in the immediate vicinity and will not block views from any neighboring home. The requested 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. To the contrary, this addition will add value to this property, thus raising the value of the other properties in the neighborhood. The addition will bring the current existing structure into line with most other homes in square footage and functionality.

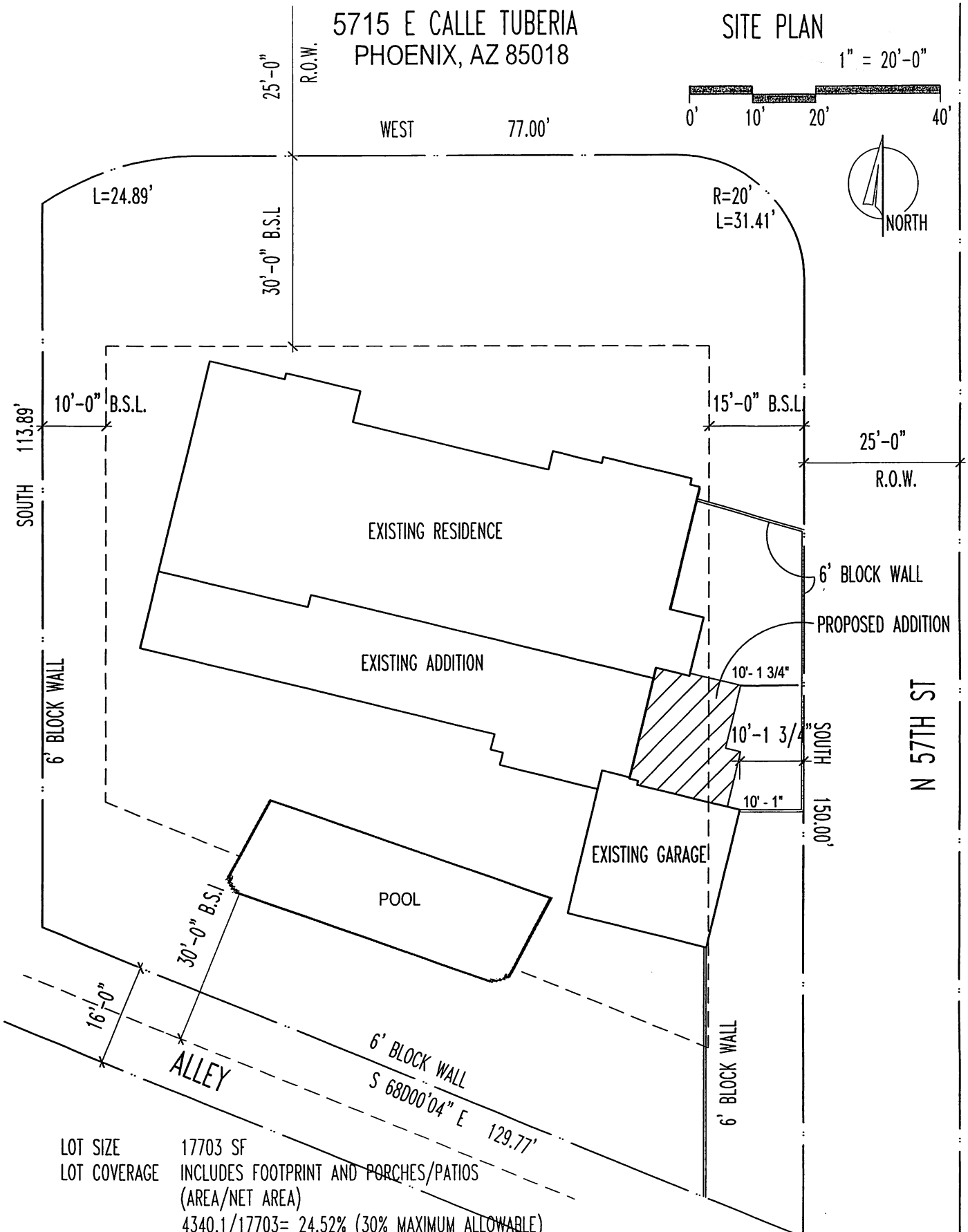
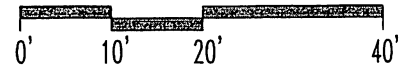
Ex. A1

APN 128-28-015

5715 E CALLE TUBERIA
PHOENIX, AZ 85018

SITE PLAN

1" = 20'-0"



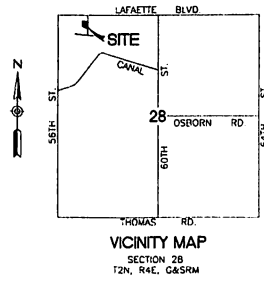
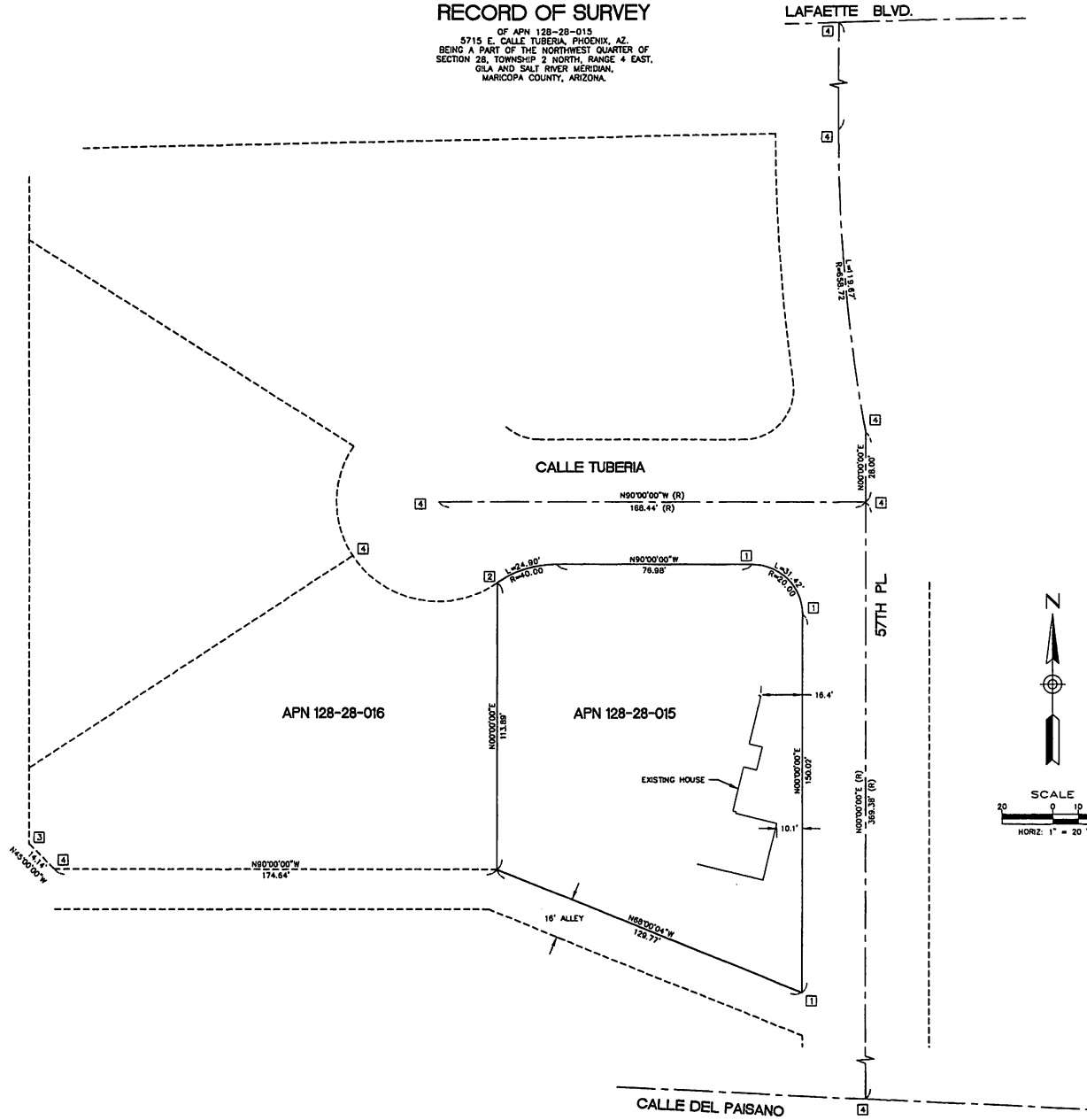
LOT SIZE 17703 SF
 LOT COVERAGE INCLUDES FOOTPRINT AND PORCHES/PATIOS (AREA/NET AREA)
 $4340.1/17703 = 24.52\%$ (30% MAXIMUM ALLOWABLE)

EX A2

D:\Survey Arizona\Jobs\2021 Jobs\21187 APN 128-28-015 study and footprint\Draw\21187.dwg Nov 26, 2021 - 9:17am

RECORD OF SURVEY

OF APN 128-28-015
5715 E. CALLE TUBERIA, PHOENIX, AZ.
BEING A PART OF THE NORTHWEST QUARTER OF
SECTION 28, TOWNSHIP 2 NORTH, RANGE 4 EAST,
GILA AND SALT RIVER MERIDIAN,
MARICOPA COUNTY, ARIZONA.



MONUMENT INVENTORY

- 1 SET 1/2" REBAR - RLS CAP 50620
- 2 FOUND 1/2" REBAR - APPEARS TO BE ORIGINAL
- 3 FOUND 1/2" REBAR - APPEARS TO BE ORIGINAL
- 4 SEARCHED FOR - NOT FOUND

NOTES

MONUMENTS FOUND DURING THIS SURVEY WERE ACCEPTED UNLESS NOTED OTHERWISE

THIS SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF A TITLE REPORT. THIS SURVEY MAKES NO WARRANTY REGARDING THE EXISTENCE OF ANY EASEMENTS OR ENCUMBRANCES THAT MAY EXIST.

NO ATTEMPT HAS BEEN MADE TO SHOW DATA CONCERNING UTILITIES. THIS SURVEYOR OBSERVED NO ENCROACHMENTS FROM OR ONTO ADJACENT PARCELS.

ALL DIMENSIONS SHOWN HEREON ARE CALCULATED FROM RECORD, AND ALL MEASURED DIMENSIONS FALL WITHIN ALLOWABLE TOLERANCES, UNLESS OTHERWISE NOTED.

THIS PROPERTY IS SUBJECT TO ALL EASEMENTS OF RECORD, WHETHER SHOWN OR NOT.

IN A SEARCH FOR MONUMENTS IN THIS NEIGHBORHOOD, THIS SURVEYOR DID NOT FIND STREET MONUMENTS. I DID FIND WHAT APPEAR TO BE ORIGINAL PROPERTY CORNERS THAT ALSO MATCH LONGSTANDING LINES OF OCCUPATION, FENCES AND WALLS. THIS IS WHAT I HELD FOR CONTROL.

LEGAL DESCRIPTION

LOT EIGHT-TWO (82), DEL RAY ESTATES FOUR, ACCORDING TO THE PLAT OF RECORD IN THE OFFICE OF THE COUNTY RECORDER OF MARICOPA COUNTY, ARIZONA, IN BOOK 66 OF MAPS, PAGE 39.

OWNER

JEFF & REBECCA COLLINS

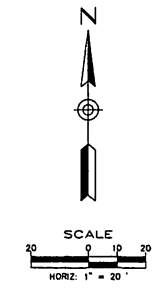
RECORD DOCUMENTS

DEED
DOC. NO. 2012-0395354, M.C.R.
PLAT OF DEL RAY ESTATES 4
BOOK 66, PAGE 39, M.C.R.

CERTIFICATION

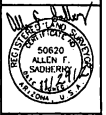
I DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF ARIZONA, THAT I PERFORMED THIS SURVEY, AND THAT THE MONUMENTS SHOWN HEREON ARE CORRECTLY REPRESENTED AND ARE SUFFICIENT FOR RETRACEMENT OF THIS SURVEY.

Allen F. SADBERRY
ALLEN F. SADBERRY R.L.S. 50620



SURVEY ARIZONA
 1144 W. COURTNEY LANE
 TEMPE, AZ. 85284
 602-576-1322

JOB NO. 21187
DATE 11/29/21
SHEET 1 OF 1



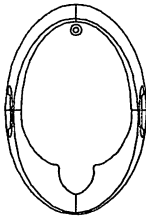
EX B to Variance Request

5715 E.Calle Tuberia

Phoenix, AZ 85018

M. BATH

000



8'-2 5/8"

18'-6 5/8"

EXERCISE ROOM

000

10'-1 7/8"

10'-0"

8'-10 1/4"

13'-1 3/8"

3 1/2"

2'-2"

5 1/2"

GARAGE

000

PROPOSED ADDITION FLOOR PLAN

1/4"=1'-0"

