

Justification for Variance Request

Please answer the following questions fully in order to prove your case to the Board.

1. Explain the special circumstances or conditions that apply to the land, building, or use referred to in the application. The special circumstances cannot be self-imposed by the property owner.

1. The proposed addition is 12" inside a parallel line extending from the existing house to the addition.
A curving street / property line causes that distance to be reduced as the property line extends north.
2. The proposed addition cannot be "relocated" to the rear part of the yard due to the difference in elevation. It cannot be moved East as it would then be only 12" from the pool.
Relocating the addition would also destroy the view from the other covered patio.
3. Routing plumbing from another location would involve going under a large concrete driveway.

4. Most importantly, when we began the process of developing this, Earl (architect) reached out to Ben Cereceres in Planning. Ben said we were within the set backs and sent this to us by email 4/2021- attached. We then submitted for our HOA approval, understanding that there would not be an issue with the city. After obtaining HOA approval, we submitted with the city formally 12/2021. Our project was flagged for site review- which we then sent the email from Mr. Cereceres and were told again it wasn't a problem but that we would need to have a site plan done. That was then retracted and we were sent for approval again. Again it was flagged, which we were told was for the direction of the water heater. That was fixed. When we still weren't issued the permit, and no emails or phone calls were being returned, I scheduled an appointment with the city planner 1/19/22. We met with Mr. Hanly who reviewed the plans and the strand of emails. After our meeting, we were issued a building permit, a thumb drive and printed copy of that permit and a request for payment. I made that payment electronically and put 50% down with our contractor. Later that day, I was informed by email that they had made a mistake and we should not start building.

After discussing with the city planning manager David Delatorre the situation, and after three members of their staff have agreed that they messed up when authorizing, emailing and verballing telling us there would be no problems, I am being told I now need a variance.

I would never have paid the \$2500.00 HOA fee without being told by Mr. Cereceres we were fine. I certainly wouldn't have put 50% down without being told we were approved. Webster's dictionary defines, "self-imposed" as "imposed by oneself : voluntarily assumed." I couldn't have created the emails suggesting I was approved- all of which has been admitted to repeatedly by Chandler City Employees.

When asked why I don't just move it-I can tell you it's because with the large slope in my back yard it would make a large hardship for my disabled mother who will need the room as her brain tumor progresses. We planned for this location, worked with your planners in good faith to make sure it would work before we ever submitted with the HOA .

2. An exercise room / casita is desired. The proposed location provides easy access from the residence and pool. Any other location cannot provide these amenities. Also, as previously stated, it needs to be easily accessible for a disabled person. You ask how not granting the request would be necessary for us to enjoy our property- I might also suggest the very real property (in the form of money) that we have outlaid due to what at best is a mistake, at worst is a fraud — committed by the City- would substantially effect us as contractors have no onus to pay for/reimburse us for the City's mistake. Neither does the HOA or city for the fee's we've paid based on Chandler staff's mistakes.

Justification for Variance Request (Cont'd)

3. Explain why this variance will not materially be detrimental to persons, property, or the public welfare of the community.

The addition is on the street side of a corner lot. The only neighbor that can see the addition is across the street - their view is blocked by an 8' high concrete wall.

The addition is designed to exactly match the existing house.
