

Variance Narrative

5330 West Beryl Ave, Glendale Az, 85302 - Gazebo Accessory Structure

Reason for a Variance Request:

We, Chris & Cynthia Dodson are the current property owners of 5330 W Beryl Ave, Glendale Arizona, 85302. We were served with a code violation due to a wooden gazebo that was erected on the west side of our property without a building permit.

Furthermore, our gazebo is violating the minimum setback requirements for an accessory structure in the R1-7 District. Therefore, we would like to request a variance to reduce the minimum 10-foot principal building setback to 26-inches and reduce the minimum 5-foot west side setback to 21-inches.

It is important for us to express that we did not have intentions of evading the City's code requirements. We plainly did not realize that we needed a permit for this gazebo.

Please see the next page for our justifications for the variance.

Response to compliance with variance criteria:

1. There are special circumstances or conditions applicable to the property including its size, shape, topography, location, or surroundings which were not self-imposed by the owner:
 - a. The variance is needed because of exceptional circumstances regarding the shape of our property and the location of a pre-existing in-ground pool on our property that conformed to the Zoning Code in effect when the pool was constructed.
 - b. There are no changes proposed to the existing legally established structures.
 - c. The need for the requested variance is not the result of self-created hardship.
2. Due to the special circumstances, the strict application of the Zoning Ordinance would deprive the property of privileges enjoyed by other properties in the same classification in same zoning district:
 - a. Due to the ordinance restrictions and the conditions of the property, meaning the property shape and location of the pool, we are unable to have a standard sized shade structure near our pool.
 - b. The variance will grant our property the ability to have a standard sized shade structure near our pool, which is the same general privilege that is enjoyed by other properties in the same area and zoning district as our property.
 - c. Other properties in our neighborhood have their pools located more openly with close shade structures that stretch parallel with the length of their pools, allowing effective use.
 - d. The gazebo is necessary to provide a sheltered outdoor environment for our family that is located near our pool.
3. The variance is the minimum necessary to alleviate the property hardship:
 - a. Our property layout does not offer a typical backyard with a pool and yard in the same landscape as observed on other properties in our neighborhood.
 - b. An attached covered patio that could be built in place of our gazebo would still not measure to such structures mentioned above without a variance for the minimum 5-foot side setback.
 - c. We have not failed to consider other reasonable alternatives that do not require a variance.
 - d. Our gazebo is very comparable to an attached patio in that it is completely open and is constructed using the same material.
 - e. The usable buildable area permitted near our pool by City code does not compare to the size of the other shade structures in our zoning district, which makes an inequality in our property and therefore a hardship.
4. Granting the variance will not have a detrimental effect on the property, adjoining property, the surrounding neighborhood, or the City in general:
 - a. The addition of the gazebo has been established on the property and it has not posed any issues for the surrounding properties.
 - b. The owners of the adjoining property have provided a statement that they do not have any issues with the gazebo or its current location.
 - c. The gazebos location makes it practically hidden from public view.
 - d. Other properties within walking distance of our home also have similar structures that are less appealing and are more visible to the public and would have also required a variance for the setbacks based on their structures location.