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Project Narrative:
Variance request for property located at:
5504 W. Marconi Ave.

The property owner is requesting a variance to reduce the east side yard setback from 10 feet to 2 feet and 4 inches.

The request meets the Variance Criteria as per Section 35.6.209 of the Unified Development Code:

1. Existing unique circumstances or conditions on the subject property that prevents the universal application of the zoning standard.

The property owner was successful in obtaining a variance for a shade structure/carport on their property in 2004. The Sunburst Farms Twenty-Three plat, which was recorded over fifty years ago in 1973, included a bridle path easement along the eastern property line, along 55th Avenue, and included restrictions on construction within that easement. The plat also included a 65' building setback to the 55th Avenue centerline, imposing an additional setback requirement for properties in the subdivision along 55th Avenue. The bridle path has never, to the Campanaros' knowledge, been used a bridle path, and there are multi-use paths both east and west of the Campanaros' property for public use.

Only the Campanaros' lot and the lot to the south of theirs was encumbered by the bridle path. The Campanaros' neighbors to the south, have also built into the bridle path and setback.

The existing carport was constructed within this building setback through a previous variance approval through the City of Glendale. Through this current variance application process, the property owners have agreed to abandon the bridle path easement and building setback through a recorded instrument. This abandonment removes limitations for construction within the easement and setback, although construction was already approved in the easement and setback through VAR04-25.

2. The literal interpretation of the Unified Development Code would deprive the appellant of rights commonly enjoyed by other properties in the same zoning district.

There are properties that are a part of this subdivision that are the same size, with the same zoning, that have similar conditions in which they have permanent structures that are built to their property line without the required setbacks. The Campanaros are one of only two lots in the subdivision encumbered by the bridle path that was established in 1973 and never used. The enforcement of the zoning code would not allow this property owner a similar allowance to what other properties in the vicinity would have been allowed to do on their properties. Additionally, this property had an additional setback requirement imposed through the subdivision plat. This 65' setback requirement has not been complied with on all properties.

Finally, the Campanaros did not create the bridle path or the platted setback. Only their property, and the property to the south are encumbered by a bridle path that has likely never been used for the bridle path purpose. These conditions are unique to the Campanaro property, and enforcement of the abandoned bridle path and setback in these circumstances would deprive the Campanaros of the rights that their neighbors are already enjoying because they have built into the platted setback.

3. Any hardship caused by the provisions of the Unified Development Code is more than personal inconvenience or a financial hardship and is not the result of actions by the applicant.

This property has already been allowed a shade structure by the City through a previously approved variance, VAR04-25. The approval of VAR04-25 allowed for the reduction of an accessory structure building separation setback from 10' to 2'9". When this was approved at the December 9, 2004 Board of Adjustment hearing, there was discussion at the hearing regarding the City's concerns with freestanding structures as it relates to quality of structures and resemblance to the façades of houses. Additionally, there was a question posed regarding whether the structure could be enclosed in the future. This previous allowance is a special circumstance for this property owner who is now wanting to enhance the property with a more permanent structure in lieu of what has been previously allowed, while also addressing concerns regarding design and enclosed structure concerns that were brought up during the 2004 hearing.

Furthermore, no mention was made of the bridle path or platted setback during the process to obtain the 2004 variance. The Campanaros were not asked by staff to abandon the bridle path and setback until 2022 when they applied for this second variance for the enclosed structure. It is a hardship, and unfair, that the City has now raised these two new issues involving the bridle path and platted setback despite the fact that the conditions were identical in 2004 when the staff considered the 2004 variance. The Campanaros' actions did not cause the City to overlook or waive enforcement of the bridle path and easement in 2004. In 2022, when they sought a variance to attach, enclose, and extend the same structure, the Campanaros reasonably expected that neither the bridle path nor the platted setback would affect their application.

4. Granting the variance will not interfere with or alter the appropriate and legal use of adjacent conforming properties in the same zoning district.

The approval of this variance would allow a permanent structure to replace the existing shade structure on the site and be attached to the existing residence. The permanent structure would blend with the house and would create a better visual appearance for the neighborhood by being enclosed. Allowing the variance and, hence the addition,

would be allowing this property owner to simply enhance what is already on the property, and would be no detriment to the adjacent properties– therefore the enhancement of the situation would only be an upgrade to the existing property. The addition will also add value to the property, value which could add to the appraised value of all properties in the vicinity.

Due to the fact that the previous variance has been granted and similar development on nearby properties, it is requested that a variance be provided on order for the property owner to enjoy similar rights as neighboring property owners, and maintain the rights granted to them in the previous variance.

Many of the Campanaros' neighbors have submitted written statements of support for this variance. They understand that granting the variance will not interfere with their uses, but will instead enhance property values in the neighborhood.