

The variance request is to please allow a gate to be 95" tall at the center where current code restrictions are at 6ft. That would be a difference of 23" at the center and 8" on the left and right. (currently it is 80" on the left and right, but arched to a maximum 95 " including the wheels in the center) The gate is 24 ft wide. Dimensions and set backs are located on the site plan.

The variance applied for will demonstrate approved applications for the 6 proposed code requirements for the board of Adjustments in the following manner:

1. "Such variance...will serve not merely as a convenience to the applicant, but [is] necessary to alleviate some demonstrable hardship or difficulty so great as to warrant a variance under the circumstances." Town Code section 2-5-3(C)2

In Paradise Valley there are 29 homes whose front door faces the major road of Tatum Blvd. Of those houses 4 of them have a small road separating them from Tatum and 9 of the total homes are on an incline or have a high position that helps provide privacy, extra safety and noise protection. 7549 is one of the other less fortunate in their position that has them on a lower side of the busy major road of Tatum Blvd. There are many homes in the Paradise Valley area, but 16 of them share the similar problem of being on the lower side and directly facing the busy, major road of Tatum. Other homes have the convenience of location being off the major road or have a strategic height or extra barrier of a road between them and the major road, or at least have their side of the house facing Tatum and their front opening parallel to the road, but facing a less popular road. The request to allow the gate to be the same height as an allowable fence will be a small but important variance to give assistance in the issues that arise living directly off a major road.

2. The "special circumstances, hardship or difficulty [do not] arise out of misunderstanding or mistake..." Town Code section 2-5-3(C)4(b)

Tatum Blvd is becoming a more heavily utilized road and during the morning and afternoon traffic it is very full and heavily utilized. This circumstance of being on a road that is getting busier and busier is not of fault by the homeowner.

3. "Such variance from... the strict application of the terms of [the Zoning Ordinance]... are in harmony with its general purposes and intents..." Town Code Section 2-5-3 (C)2.

The location of the wall and gate are 24 ft from the property line. The current zoning allows a fence to be 8 ft tall, but with a 6 ft tall gate and as you proceed south on the east side of the road numerous walls are 8 ft or larger and within the 20 ft requirement to have a wall of such height. There are also gates over the 6 ft height. The new gate and wall fits in accordingly with all of the walls and gates on the east side of Tatum starting at 7549 and heading south all the way up to where it reaches an approximate 10 ft wall of houses that separate Tatum from their back yard. This variance wouldn't allow a gate that is not consistent with other homes and it will not exceed the allowable height of a wall at 8 ft.

4. "The special circumstances, hardship or difficulty applicable to the property are [not] self-imposed by the property owner, or predecessor..." Town Code section 2-5-3(C)4

Tatum Blvd has become busier and more appealing as the road itself was just repaved and is well maintained. This road is a beautiful drive in one of the best areas of Phoenix and is not a circumstance that was brought upon by the homeowners or anyone living directly on Tatum Blvd. The higher gate is beautiful itself and adds to the prestige and beauty of the area without restricting the viewing pleasure of the area and its surroundings.

5. "Because of special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, the strict application of the zoning ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district." AZ Revised Statutes 9-462.06(G)(2)

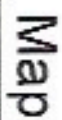
The busy road and noise as well as safety concerns because of the location of the property does impose specific problems unique to this home, and allowing a larger gate can relieve some of this problematic situation. The house is larger in lot size and has a large circular driveway to help with not having to back out on to the busy road and with that has a wider driveway. With the wider driveway it has a wider gate and allowing a taller gate will help since the gate is wider due to the driveway.

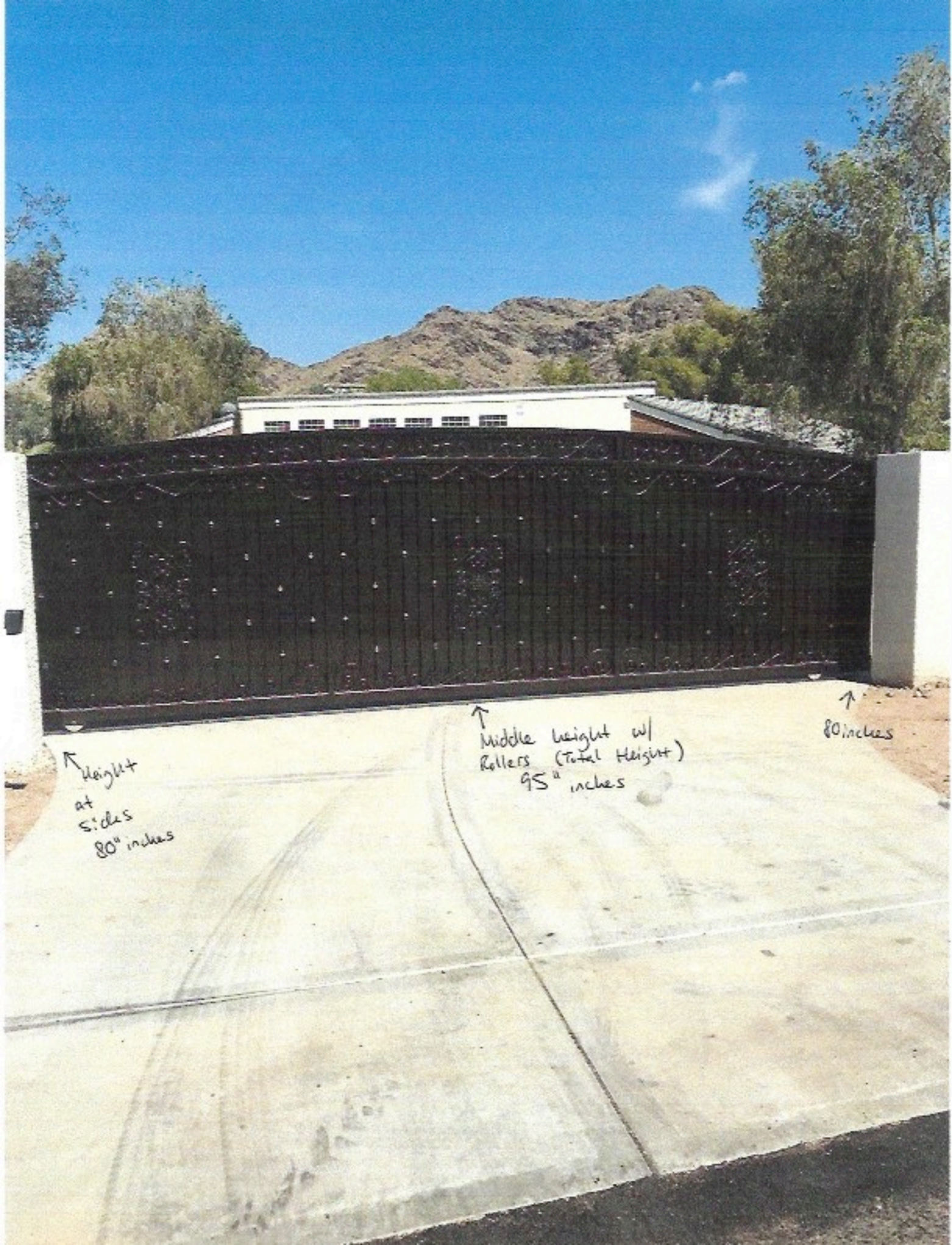
6. The variance would not "constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located." AZ Revised Statutes 9-462.06(G)(2)

There will not be special privilege given to a property that has special hinderances, it will merely provide a level playing field where the residents of this home can enjoy a safer and more quiet home life that living on one of the busiest roads in Paradise Valley impedes. I believe all houses on directly facing Tatum and Lincoln should be granted more assistance just like the City of Phoenix does where an 8 ft gate is approved being 20 ft off your front property line.

Finally, the last argument, which has significance, is the assistance to add value to the property which being on a major road helps a lot. Homes are one of the largest investments in peoples lives and if being able to have a better barrier between your home and a noisy, busy road can be approved it helps make life a little more enjoyable and uninterrupted by its location and proximity to such a tough location. The entrance to this homes driveway is 22 ft wide. It does not have a double entrance driveway it has a single entrance. With this the wider driveway, obviously requires a wider gate and with the wider gate allowing a taller gate is significant because of how wide it is. It would like awkward having a long short gate and because it is so wide it would allow a larger opening to the noise and lack of privacy especially since it is on a decline from the road. Being on a major road hurts the price and desirability of a home due to its location and proximity to a noisy busy road. It is a well known fact. Therefore allowing a larger gate that fits it's surroundings and heights of neighbor's walls and gates will allow the hardship of living on a busy road become more normal as other homes in the Paradise valley area.

I believe in allowing a gate that is at minimum the same size as an allowable fence located 20 ft off the property line is a proper variance. It helps with aesthetics of making the site line of the fence and gate consistent and again, any height on a wall that separates a home from a busy road is a huge help. Especially when the road is higher than the entrance of the gate, which does make the over all height appear lower than the requested 95" as you stand on the road.





↑ Height
at
sides
80" inches

↑ Middle height w/
Rollers (Total Height)
95" inches

↑
80 inches