

JUSTIFICATION & COMPATIBILITY STATEMENT

We are Ken and Marianne Remalia and we moved to Mesa from Ohio in October, 1985. We lived on North 40th St until 1997 when we purchased our present home at 7309 East Halifax St. The property had an existing swimming pool on the east side of the rear of the lot and a small garage attached to the west side of the house. That garage soon proved to be inadequate to properly store and maintain our two Chevrolet Camaro automobiles. Because these were collectible cars, we were able to obtain Collector Car insurance on them at a considerable savings over regular automobile insurance, but the insurance policy terms required the vehicles to be "garaged" as a condition to its issuance. So, in June of 2011, I approached the permit office at the City Service Center on east Adobe Street and spoke to a City employee there who looked up my lot (Lot 13 in Meadow View Estates) and asked him if I could obtain a permit to build a garage on the west side of the existing garage. He said no, I cannot put up a permanent structure garage there because it is a "key lot." So I asked him if I could do a carport instead and he said yes but it would have to be metal and not attached to the concrete and I would not need a permit to do that. Then I asked him if I could later enclose the side of the carport to block the wind and he indicated that I could do that as well without requiring a permit as long as it was all metal and not attached to the ground as a permanent structure. At no point was there any discussion about its size. So I took him at his word and went ahead with building a metal carport cover next to the west side of the existing garage about 4 feet from it and not attached to the ground. Sometime thereafter, I decided to put up corrugated steel walls around the carport to block the wind from blowing things around and to keep out some of the cold.

The entire carport and its sides was completed in late 2011 and has been standing in its present location for going on 13 years without a complaint of any kind from anyone or any other communication from any one else concerning it. Now, in 2024, we are told that the carport/shed is not standing within the "buildable area" of our lot and that action on our part must be taken to either make it comply or to request a variance. It is still the same as it was in 2011, made of all metal and not attached to the ground or the house, totally in compliance with the information communicated to me at the Adobe Service Center in 2011. We are not even sure if these facts are known by anyone representing the City at this time as they are not apparent by an inspection from the street so we want to point them out. I also want to point out that, though it is unattached and can be moved around somewhat, I was in my late 50's when I completed it but now, in 2024, I am 71 years old and considerably less physically able to take on such a project anymore. Therefore, we are taking this opportunity to point out to all concerned that it is an all metal carport/shed that is NOT ATTACHED to the lot or the house and should NOT be affected by the "buildable area" rule. Once this is known to all concerned, if it is

still determined that the carport/shed still must be completely within the “buildable area,” then we are asking for a **VARIANCE** to allow us to continue using it as it has been used for the last 13 years without any further action on our part.

VARIANCES, SECTION 11-180 OF THE MESA ZONING ORDINANCE:

- 1. Explain what special circumstances or conditions apply to this property that may not apply to other properties in this area or zoning district (example; size, shape, topography, location or surroundings).**

It is a special circumstance that Collector Car insurance requires our insured vehicles to be kept in a covered place to be protected from both weather and theft. Such a requirement is not imposed on owners of similar properties who do not own collector vehicles and, therefore, do not need to obtain Collector Car insurance.

Another special circumstance is that our lot is deemed to be a “key lot” and therefore suffers a smaller area between the house and the additional street to the west that can be used for a shed than do many other similar lots in the subdivision. Because of this designation, our lot has a smaller area between the house and the second street (Augustine) than most other non-key lots enjoy.

The additional circumstances should also include the facts that the additional room addition and covered patio area on the south side of the house, together with the location of the pool and the existing shed taking up all of the all of the remaining back yard space on the south side of the house, the only place available to install the new carport/shed was the west side of the lot.

It should also be pointed out that the house was originally constructed less than seven (7) feet from the east property line which prevents vehicle access to the back yard along the east property line as well. And even, if you were able to squeeze a car through there, the location of the pool prevents any garage placement south of the house. So, again, the only available space to locate the new garage/shed was the west side of the yard area.

In addition. another special circumstance is that the carport/shed in question is made completely of metal (as was represented to me in 2011 to be an allowable alternative to a garage) and it is NOT attached to the ground. It is a free standing all metal shed with a

3"X 4" I-beam frame and corrugated steel sides with an extra heavy roof. It is used to store and work on the two collector cars and to keep them out of the elements. Most owners of other similar lots in the area do not face this kind of a hobby need.

- 2. Explain how the special circumstances or conditions cited in Question 1 originated. Are these conditions pre-existing and not self-imposed?**

We do not feel that the circumstances discussed in question 1. should be considered self-imposed. The position of the house on the lot was decided by the original builder. The key lot designation was created by the plat of subdivision and the corner lot. The location of the swimming pool where it is on the lot was decided by the previous owners who built it in a very poor location. Even the need for a place to house the two collector cars was created by the requirement of the insurance company rather than by any actions on our part. And the cars themselves were something we owned before we ever bought the Halifax house or recognized the collector car insurance requirement.

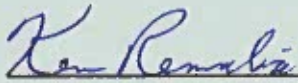
- 3. Explain how strict compliance of the Zoning Ordinance would deprive the property of uses available to other properties in the same zoning district.**

Strict compliance with the "buildable area" rule in this lot will restrict the use of the property west of the house. There is no other area we could have the shed because of the location of existing house and garage on the lot and the location of the pool. This will deprive our property of uses clearly available to other properties in the same zoning district. In addition, the existing utilities are out under the sidewalk and street and access will not be effected by the location of the shed.


- 4. Explain why the requested variance will not grant special privilege or unusual favor to this property over other sites with similar circumstances and zoning.**

Granting the requested variance will not grant special privilege or favor to our lot because just the opposite is true. Most of the other lots in our subdivision are already experiencing privilege or favor over ours because they are not key lots and enjoy more buildable areas on one or more sides of the houses. Granting the requested variance for our lot will actually put it on a par with the privileges already being enjoyed by the other lots.

In conclusion, therefore, I want to again point out that I acted in good faith and relied on the information I was given by the City representative in 2011 who said that a permit for a metal building/shed was not necessary as long as it was metal and unattached to the ground, so I acted upon it. Any time thereafter, while I was working on it, a City inspector could have stopped by and indicated that what I was doing would not be okay. and I could have made the necessary modifications as necessary at that time. But to wait 13 years before saying anything and then, out of the blue, to require demolition or extensive modification seems to be unreasonable and a little late. In 2011, I was a lot younger and earning a lot more money than I am now. And I was a lot more physically fit to tackle the job. To require compliance at this late date will be putting a real burden upon two senior citizens, both financially and physically. Please let us keep what we have had for the last 13 years without incident and grant us the necessary variance to do so.



Ken Remalia



Maryanne Remalia