

To Whom It May Concern,

We are proposing to build an unattached ramada in our backyard, which is between the main house and the front lot line. Current code says that we are unable to build an unattached structure that is not connected to the roofline of our home because, like nearly every other home on the east sides of the two streets in our community, our home is “flipped” on our lot: the front door faces the rear property line and the backyard faces the front property line. The attached diagrams show that the ramada is modern, clean-lined, and barely visible over our block wall.

Five Findings:

1. That there are special circumstances or conditions applying to the property strictly related to its size, shape, topography, location or surroundings which do not apply to other properties in the district. Existing building configuration shall be included only when constrained by the special circumstances or conditions of the property; and

1. Our property is located in a community which consists of two streets which primarily run north-south: our location in the community is a special condition. All homes sit on approximately one acre and are semi-custom, recently built, and upscale. Homes built on the east sides of the roads are all positioned with east facing backyards and have traditional orientation to lot lines. The homes on the west sides of the roads are all “flipped” on the lots so that the front doors face the rear lot lines and the backyards face the front lot lines. This not only allows for excellent views of the Catalina mountains from large windows on the backyard sides of all of the homes, which increases resale value and makes location of all homes on both sides of the street comparable, but it was also to make our home more energy efficient as there are only a few small windows on the south side of the building. We were unaware that the designer’s consideration of these items would result in restriction of constructing a permanent shade structure in our backyard, as we see permanent shade structures from the roads at many Oro Valley homes.

2. That the special circumstances or conditions as defined in subsection C.1 of this section were not created by a previous or current owner; and

1. The location of the lot on the west side of the road dictated that the best orientation for energy efficiency and resale value was not a traditional orientation but a “flipped” one. The code restricting the construction of shade was not known, and the orientation of the home was not intended to cause a problem when applying for a permit to construct a ramada. Worthy of note, however, is that even if we had been aware of the code and had decided to orient our house to match with the lot lines, it would have made the neighborhood as a whole look quite bizarre since we were one of the last lots built upon and most everyone had already chosen the “flipped” orientation on our west side of the street.

3. That the authorizing of the variance is necessary for the preservation of privileges and rights enjoyed by other properties of the same classification in the same zoning district; and

1. Our neighbors whose homes are on the east sides of the roads will not have this constraint. We selected this neighborhood for our forever home because of the beautiful mountain views and the large backyard where we could create an amazing space for our family to spend time together comfortably, year-round. We built a large pool with a swim-up bar that is attached to a sunken barbecue area where we hope to give our children and aging parents a spot to relax and cool off in the shade and with a ceiling

fan on hot summer days and evenings. The construction of a ramada over the sunken barbecue area will not only add monetary value to our property but will allow for us the right to enjoy the oasis we are creating to escape the incredibly hot environment we all live in, like other neighbors in the Oro Valley community.

4. That any variance granted is subject to such conditions as will assure that the authorizing of the adjustment shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located; and

1. A short drive around Oro Valley demonstrates that it is common practice to construct permanent shade structures in backyards. Other properties which back to main roads in Oro Valley have similar, taller structures in their backyards which were able to be built simply because of the home's orientation to the road on which they reside, regardless of the structure's visibility from other roads or properties. Again, our structure will be even less obtrusive than most and will barely show above the block wall in our yard.

5. That the authorizing of the variance will not be materially detrimental to persons residing in the vicinity, to adjacent property, to the neighborhood or the public welfare in general.

1. Out of respect for our neighbors, we kept the plan for the top of the ramada as short as possible while still meeting code for head clearance. The top will be barely visible above our back wall, as the wall was built to just above 5 feet high and the top of the pergola will stand at about 6 feet, while our property sits slightly higher than the road. We are also set back much further than the minimum required 30 feet from the front of our lot. We understand that current code was created approximately 40 years ago and assume that it was to prevent unattractive structures from cluttering front yards and making neighborhoods look disjointed. We have attached an example of what the ramada would need to become in order to comply with the current code, and it is large and unsightly, not to mention costly. We would be required to add another ramada structure that is as high as our house, approximately 12-15 feet tall, so that it would line up with the roof line (and because we have a flat roof and parapets—where would it actually line up and not look bizarre?), which would then step down to the currently planned ramada top by placing new support legs in places which would look random and disjointed from the street compared to our current stone pillars and porches. Our neighbors to the north would surely find that some of their mountain views are obstructed by such a large structure since they are sitting further west than our home, and our views would also be heavily obscured, which we fear would subtract value from our home if we were ever in the position where we need to sell. Additionally, if we choose to use a non-permanent structure, it feels that it could actually be more risky to our neighbors than having a permanently fixed structure in the event that a high wind or microburst carries the temporary shade over our wall and into a neighbor's home or yard. Authorizing the variance will not be materially detrimental to persons residing in the vicinity— in fact, it will spare them the potential detriment to their mountain views and to their property values. This ramada has been designed with consideration to our neighbors from the start. Our HOA has already approved this structure based on submitted plans and dimensions, so the only thing we need to provide cooler, shaded enjoyment of our backyard features in the summer is for this variance to be granted.