

Case No. HPCA 2100117 - Reasons for Appeal

Date of Hearing: September 21, 2011

1. The Hearing Officer erred in her decision by concluding that a proposed 2-story secondary building at 309 W. Monte Vista Rd., which exceeds the height of the main historic home and historic addition by approximately 50%, is subordinate in structure to the height of the historic home in contravention of historic preservation guidelines, and in opposition to previous rulings and precedent in the Willo Historic District going back to when the Willo Historic District was first listed with the National Register of Historic Places and Phoenix Historic Property Register in 1991.
2. The Hearing Officer failed to consider or address massing and scale of the proposed 2-story secondary structure in her decision, which are considerations under the City of Phoenix General Design Guidelines for Historic Properties.
3. The Hearing Officer based her decision on her personal opinion that she didn't "think" the secondary structure would be "very visible" from the street, without any evidence presented to support her conclusion, since Applicant did not provide a north elevation diagram, simulation, line-of-sight analysis, or any other documentation of the street view (or rear view) of the proposed structure.
4. The Hearing Officer, after admitting that the application did not contain all necessary information, approved the application anyway, and said Applicant could file additional documents that were material to the decision-making process, such as the north elevation diagram (street view of the proposed project) with the City of Phoenix Historic Preservation Office after the hearing, i.e., the Hearing Officer admitted she was approving the application without all the material and necessary documentation and decided that the Applicant could simply file it at some later, unspecified date.
5. The Hearing Officer instructed the Applicant to file material documents outside of the public process, stating that no further hearing would be necessary, depriving the public from examining those documents within the public hearing process, which we believe is in violation of The City of Phoenix Code and Zoning Ordinance and circumvents due process requirements.
6. The Hearing Officer erroneously concluded that a handful of nearby non-conforming secondary structures that predate Willo's listing as a Historic District should serve as precedent in rendering her decision. The Hearing Officer failed to provide any rationale for citing these non-conforming structures as precedent, and provided no comparison of heights, scale, and massing of the structures, nor any other basis for making this decision.
7. The Staff Report incorrectly states that the proposed 2-story, 20-foot-high secondary structure is "as low as possible." Clearly this is not true, because the previous 1-story structure was far below 20 feet. (The home itself is only 13.5-14' high).
8. The Staff Report cites a handful of non-conforming secondary structures as precedent for their recommendation of approval while providing no comparison of the relative height, massing, scale, etc. of those non-conforming structures with the current proposed project, and while completely ignoring the plain fact that the vast majority of

- secondary structures in Willo are 1-story, including, to our knowledge, every secondary structure constructed in Willo since it was designated a Historic District in 1991.
9. The Staff Report fails to provide any analysis of how the City of Phoenix General Design Guidelines for Historic Properties apply to this application and fails to state how the Historic Preservation guidelines support its conclusion that the application be approved. In fact, there is no mention of the City of Phoenix General Design Guidelines for Historic Properties at all in the Staff Report.
 10. Neither the Hearing Officer, nor the Staff Report offered any evidence of incorporating the Willo Conservation Plan (adopted by the Phoenix City Council in 1986) into their decision-making and ultimate recommendation. We believe the Hearing Officer's decision is massively detrimental to the Willo Conservation Plan's goal of preserving the historic character and architecture of the Willo neighborhood, because it opens the door for 2-story secondary structures in every back yard, 50% higher than the historic homes, visually overwhelming the historic view-scape and resulting in large, tall outbuildings becoming the dominant structures in Willo. This does not serve the Willo neighborhood or align with our Conservation Plan or the goals and objectives of historic preservation in Phoenix.

For the above reasons, we request that this appeal be granted and the Hearing Officer's decision be overturned.