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March 23, 2022

Alan Stephenson, Deputy City Manager  
City of Phoenix  
200 W Washington Street  
Phoenix, Arizona 85003

Dear Mr. Stephenson,

The Willo Historic District is the largest Historic District in Phoenix, and the Willo Neighborhood Association (WNA) has worked diligently to maintain our architectural history since 1986. Recently, we have become alarmed by two detrimental decisions made by city staff and city appointed hearing officers that affect the integrity of our neighborhood.

The Willo Neighborhood Board of Directors (Board) have met multiple times to discuss concerns the Willo Zoning Committee has with the Historic Preservation Office, the City Planning, and Zoning Services. The decisions made by city staff have negatively impacted our neighborhood, causing neighbors to feel at odds with each other.

Those actions have neglected established city guidelines, procedures, as well as city ordinances. Attached are our objections for each decision made by staff and hearing officers proving they are not fulfilling their roles as City of Phoenix Officials and Staff Members.

The WNA asks you to review our objections, the actions taken by city staff and actions taken by hearing officers that have affected our neighborhood. Please review the attached 2 cases along with specific details. The WNA requests a written response for our May 14, 2022, Board meeting.

Sincerely,

  
Dr. Robert Cannon, President

Willo Neighborhood Association Board of Directors  
PO Box 36506  
Phoenix, Arizona 85067

Cc: Mayor Gallego  
Councilwoman Laura Pastor  
Jeff Barton, City Manager  
Brent Kleinman, President, Encanto Palmcroft Preservation Association  
JB Baber, President, FQ Story Preservation Association  
Ryan Tempest, President, Roosevelt Action Association

## Objection #1

309 W Monte Vista Road

Multiple (8) separate hearings, appeals, continuances, and a City Council meeting beginning 09/21/2021 through 01/26/2022

- Applicants failed to provide all required plans and documents. Historic Preservation (HP) staff reported that applicant was notified numerous times by emails and phone calls. Willo requested and received a Public Records Request that did not support the HP staff member's statements.
- Assigned HP staff did not apply the City's historic preservation guidelines that require a secondary building to be subordinate to the historic home. The staff person stated to the Willo Zoning Committee at a meeting held to discuss the report, "HP guidelines are only guidelines, and they aren't enforceable."
- At the Site meeting, the HP staff person stated that the "Broadmoor" subdivision was significantly different than Willo and was more like Encanto Palmcroft. This is historically inaccurate and contrary to the Willo Conservation Plan, in that the entirety of Willo is based on the premise that it is one cohesive neighborhood rather than small subdivisions treated individually.
- HP Staff recommendations are inconsistent. HP staff member required an applicant at 738 W Willetta to reduce the height of a proposed secondary building that was 18 inches taller than the existing historic home and conversely recommended that the proposed secondary building at 309 W Monte Vista be allowed to be built 6 feet 6 inches taller than the existing historic home.
- HP staff member provided inaccurate information to the HP Commissioners at their meeting on December 21, 2021, that 133 W Palm Lane was not denied because the addition was taller than existing historic home, which is incorrect.
- HP staff member read the wrong HP guideline to the Commission for secondary buildings subordinate to the historic home.
- The Hearing Officer's decision for stipulation 1, which allowed the applicants to file required information after the decision, shows that the file was incomplete at the time of the hearing, denying the public adequate information to either support or not support the applicant's request for the proposed secondary building.
- The Hearing Officer stipulated: "the north, south elevations be included in the final HPCA submittal, along with a perspective view of the historic home and proposed building from the sidewalk northwest of the property."
- A HP Commissioner in her statement denying the appeal stated, "there are two story carriage houses in Roosevelt," this violates well-established historic preservation principles of not creating a false sense of history in another historic district.
- Conversely, another HP Commissioner stated, "we do not have sufficient guidelines to make a decision like this, we're the 5<sup>th</sup> largest city without rules or guidelines, we have to make a case by case decision."

Objection # 2  
78 W Cypress Street

Multiple (6) plus ongoing separate hearings, appeals, continuances, and a Reconsideration to the Board of Adjustments beginning 09/2/2021 and continuing with no known end date

- A Historic Preservation (HP) staff member issued an ex parte email to the Zoning Administrator supporting the variance for an over height fence in the front yard, circumventing the historic preservation process set forth in Chapter 8, Section 812 of the City of Phoenix Zoning Ordinance.
- The staff member's action overstepped her authority and deprived the public of due process for either a Certificate of No Effect or Appropriateness. The email did not provide any support for her action.
- The staff member acted in contravention to the legal requirements for a variance set forth by the City of Phoenix and the State of Arizona, in direct opposition to historic preservation guidelines she is employed to uphold.
- The Zoning Adjustment Hearing Officer (ZAHO) did not address the four criteria needed to grant a variance during the public hearing.
- ZAHO did not question the applicant's statement that because the home is located so far back on the property it creates a hardship. Which is not a criterion for approval of a variance.
- The applicant knew or should have known the limits of the property when he purchased it. This is self-imposed hardship and not a reason to grant a variance.
- Not addressing the legal requirements for a variance and granting the request for an over height fence violates the Willo Conservation Plan that the Association must protect the historic integrity of the neighborhood.
- The last statement made by ZAHO was, "I follow your neighbors' concerns and the Association's concerns. We want to do all we can to preserve the charm and character of the Willo neighborhood and I don't think that outweighs a person's property rights."

### Suggested Next Steps for Consideration for long-term success

- Complete review of the process to determine optimal strategies, and consistent decision-making rubrics be applied amongst the stakeholders involved in the enforcement and application of the City of Phoenix Historic Preservation Guidelines.
- Formation and our Sponsorship of a Leadership Historical Neighborhood group comprised of elected representatives from each neighborhood to foster collaborative relationships and consistent policy of HP.
- Review timelines, communication strategies of all the pillars of the HP process with consideration of all stakeholders to ensure the process is equitable across all constituents.
- Evaluate and educate all the Hearing Officers and ensure each Hearing Officer is aware of guiding documents such as the Willo Historic Conservation Plan and other Historic Conservation Plans approved by the city.