

Attachment B- Letter of Clarification



**City of Phoenix**

PLANNING AND DEVELOPMENT DEPARTMENT

October 20, 2016

William F. Allison  
Withey Morris PLC  
2525 East Arizona Biltmore Circle, Suite A-212  
Phoenix, Arizona 85016

RE: COMMERCIAL ALLEY ACCESS – 4418 EAST OSBORN ROAD

Dear Mr. Allison,

Thank you for your letter dated October 12, 2016, outlining your research regarding historical commercial access from the alley dedicated along the east side of the parcel addressed as 4418 East Osborn Road (APN 127-08-041C). In your letter, you assert that commercial access to the alley has been previously established and should be permitted for the current development proposal without need for approval of a technical appeal by the Driveway Hearing Officer.

Staff have analyzed your very thorough letter and supporting documentation, and find no faults with the history as presented. Three items were particularly compelling: the 1962 aerial photo showing parking spaces not only in the front, but also in the rear of the building; and the two variance sketch maps (Cases ZA 375-74 and 993-81), both of which were denied, but show that parking had already been established and permitted in the rear yard. Staff believes that sufficient evidence has been provided to establish that the legal parking in the rear yard is permitted as parking lot access to the rear of the property thru the alley happened prior to current regulations.

Based on this information, I agree that commercial access via the alley for this property is permitted, without the need for approval of a technical appeal. The appeal previously filed under Case DSAP 16131, and approved by the Subdivision Committee with stipulations, no longer applies to this site. A copy of this letter will be placed in the appeal file.

If you have any further questions, please contact me at (602) 262-6656 or [alan.stephenson@phoenix.gov](mailto:alan.stephenson@phoenix.gov)

Sincerely,

Alan J. Stephenson  
Planning and Development Director

c: File (DSAP 16131)  
Subdivision Committee