

## **APPLICATION FOR CITY OF MESA VARIANCE**

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March 21, 2016

### **Variance Application is Submitted to:**

The City of Mesa Zoning Administrator / Board of Adjustment

### **Application is submitted by:**

Paul Zonneveld for property address 3530 North Hawes Rd #6, Mesa AZ 85207 for City of Mesa Variance to encroach into required side yard setback

## **1.0 STATEMENT OF OWNERSHIP AND INTEREST**

1. The applicant, Paul Zonneveld, is the joint owner, with wife Jennifer Zonneveld, of the property situated at 3530 North Hawes Rd #6, Mesa, AZ 85207
2. The legal description of the property as recorded on the property deed is: Lot 6, Overlook, A subdivision recorded in book 306 of maps, page 36 records of Maricopa county, Arizona. A.P.N.: 219-21-026.
3. The property was acquired by the applicants on September 10, 2010 as recorded on the property deed.

## **2.0 SITE CONTEXT**

- Case Site: Overlook Lot #6 Single Residence Zoned RS-35, Lot size 35,841
- North: Existing Single Residences – Zoned RS-35, Similar lot sizes
- East: Existing Single Residences – Zoned RS-35, Similar lot sizes
- South: Un-Subdivided
- West: Existing Single Residences – Zoned RS-35, Similar lot sizes

Note: the lots to the East and West of the Case site are currently vacant open zoned RS-35 lots (reference Figure 2-1)

For additional site context in the form of pictures of the case site please refer to section 5.0.



Figure 2-1: Case Site Context

### 3.0 SUMMARY OF APPLICANT REQUEST

The variance request is for the construction of a detached garage to encroach into the required minimum interior side setback of 10ft while maintaining the minimum aggregate of 30ft for both sides (reference City of Mesa Zoning Ordinance Chapter 5 table 11-5-3). The encroachment would total approximately 7ft of the 10ft side yard setback.

### 4.0 REQUEST JUSTIFICATIONS AND ANALYSIS

The following sections provide the justification and analysis required for the variance request per the City of Mesa Justification and Compatibility Statement requirements for a Variance.

#### 4.1 Special Circumstances or Conditions

This section addresses question #1 from the Justification and Compatibility Statement application packet requirements,

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)

Lot #6 of the overlook subdivision is unique to all the surrounding properties in the location and passage of a natural wash that runs through the front of the property (reference Figure 4-1). As the figure shows the wash and the slopes of the wash take up approximately 35% of the surface area of the property. The wash bottom sits anywhere from 10 to 16 feet below the front of the property closest to the street and about the same heights relative to the area where the residence is located. The wash is fed by the drainage easement from property #12 and from adjacent property #7. The drainage easements and location of the wash preclude the construction of the proposed detached garage (reference section 4.5 Location #1 discussion) within the identified wash zone (the area within the yellow lines in Figure 4-1).

Lot #6 is also on a septic system and as identified in Figure 4-1 the septic system is located in the area identified in the blue box. The location of the septic system would preclude any construction in and around this area (reference section 4.5 Location #2 discussion).

Figure 4-1 also details the location of the pool located on Lot #6. Although having the pool on Lot #6 is not unique to the surrounding properties it located in the only available location considering the other restrictions of Lot #6.

The location of the wash, septic system, and pool highlight the unique nature of Lot #6, relative to the surrounding properties of the Overlook subdivision. This unique layout highlights the justification for a variance, for the proposed detached garage, as the location identified in Figure 4-2 is the only available construction location.

Section 4.5 discusses other potential locations for the detached garage, in reference to the unique nature of Lot #6 described above and details the reasons why each was excluded.





**Figure 4-1: Overall view of Lot #6 and Topography**

## **4.2 Origination of Special Circumstances or Conditions**

This section addresses question #2 from the Justification and Compatibility Statement application packet requirements,

2. Explain how the special circumstances or conditions cited in question #1 originated. Are these conditions pre-existing and not self-imposed? Why or why not?

In this case the restrictions due to the lot topography and the restrictions that places on the case lot are pre-existing. The maintenance of the drainage easement, while important for storm runoff, restrict the use of the lot for additional improvements and in this case are all pre-existing conditions. The location of the drainage easement drove the decisions to locate the residence, septic system, and pool where they are currently located.

### **4.3 Deprivation of Development Options**

This section addresses question #3 from the Justification and Compatibility Statement application packet requirements,

3. Explain how strict compliance of the zoning or sign ordinance would deprive the property of uses or development options available to other properties in the same zoning district.

In the case of Lot #6 the circumstances described above in conjunction with strict adherence would mean that the construction of the detached garage would not be possible. Other lots and properties in the subdivision do not have this unique issue. A good example is the adjacent lot #7 where the wash is confined to the front edge of the lot and in this case would not preclude the construction of a garage or other detached building within the setback requirements.

### **4.4 Granting of Special Privilege**

This section addresses question #2 from the Justification and Compatibility Statement application packet requirements,

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

Lot #6 presents a very unique condition and it's this unique condition that would allow for a variance, without granting any special privilege. There are no other current residences in the Overlook subdivision that have the same unique conditions as Lot #6. Lot #13 was granted a PAD amendment to construct an additional garage to encroach into the required rear yard setback. Other homes in the Overlook subdivision also have multi car garages (4+ bays) keeping the requested garage consistent with the existing subdivision and the homes in the area.

### **4.5 Details of the Variance Application**

The requested variance is necessary to construct a detached garage in the location proposed in Figure 4-2. This location was chosen after a review of other potential locations on Lot #6. Other potential locations were explored and the reasoning behind the elimination of each is discussed below.

**Location #1:** this location is in the North West corner of the lot above the wash area. This location does not preclude the need for a variance as it would also need a variance to be

compliant with the front and side yard setbacks. This location presents many issues and was eliminated from consideration for the following reasons:

- This location presents a safety issue in that it requires anyone parking in this location to travel to the residence via the street and existing driveway or through the wash. The opportunity to enter the street, specifically with small children presents a safety issue.
- This location of the property also presents an issue with the potential to engage wildlife in the area which presents an additional safety concern, i.e. walking through the wash (bob cats, javalina, and rattle snakes have all been engaged on the property and in the vicinity of the wash).
- This location also presents a significantly more challenging construction effort with the need potentially for reinforced foundations as the garage would likely straddle into the sloping side of the wash.

**Location #2:** this location is in the south west corner of the lot and was eliminated for consideration for the following reasons:

- This is the location of Lot #6's septic system and this immediately removed this location from consideration.
- This location also has no street access or access to the existing driveway and would not be accessible to a vehicle.

**Location #3:** This location is in the same vicinity as that shown in Figure 4-2 however consideration was given to moving the proposed garage to be in line with the existing corner of the residence. This was considered to allow as much side yard setback as possible. This location was eliminated for the following reasons:

- As shown in Figure 4-2 there is a septic line (shown by the blue line) that would be covered up by the foundation of the proposed garage if constructed in this area and for this reason this location was eliminated.

**Location #4:** This location is presented in Figure 4-2 in the area of the red box. The requested spacing, for the detached garage, is 26ft by 26ft (reference the attached site plan and floor plan). This location puts the eastern most wall of the proposed garage within 3.5ft of the eastern property line (reference the site plan). This location and the encroachment into the side yard setback is the justification behind the need for the setback variance.



**Figure 4-2: Proposed Detached Garage Location Relative to overall Property**

#### **4.6 Detailed Description of the Proposed Detached Garage**

The outline of the proposed detached garage is shown in Figure 4-2, is detailed further below. The attached Site Plan, Floor Plan, and Elevation views give additional context to the requested variance for construction of the proposed detached garage.

The outline of the detached garage measures 26ft X 26ft and has an overall height of 16ft (including the parapet wall and flat roof which matches the construction of the existing residence and the other homes in the Overlook subdivision. The existing privacy block wall in place on Lot #6 will remain in place and the foundation wall of the eastern face of the garage will be constructed inside that wall and the gap between the two filled. The existing wall and wall foundation will not be disturbed. The existing concrete pad will be removed, with the exception of the afore mentioned eastern block wall, and a new monolithic slab poured in place to the 26ft X 26ft foot print. Figure 4-3 shows a preliminary view of the detached garage in a rendering of a framing structure. This preliminary rendering was used to guide the development of the Site Plan, Floor Plan, and Elevation views.

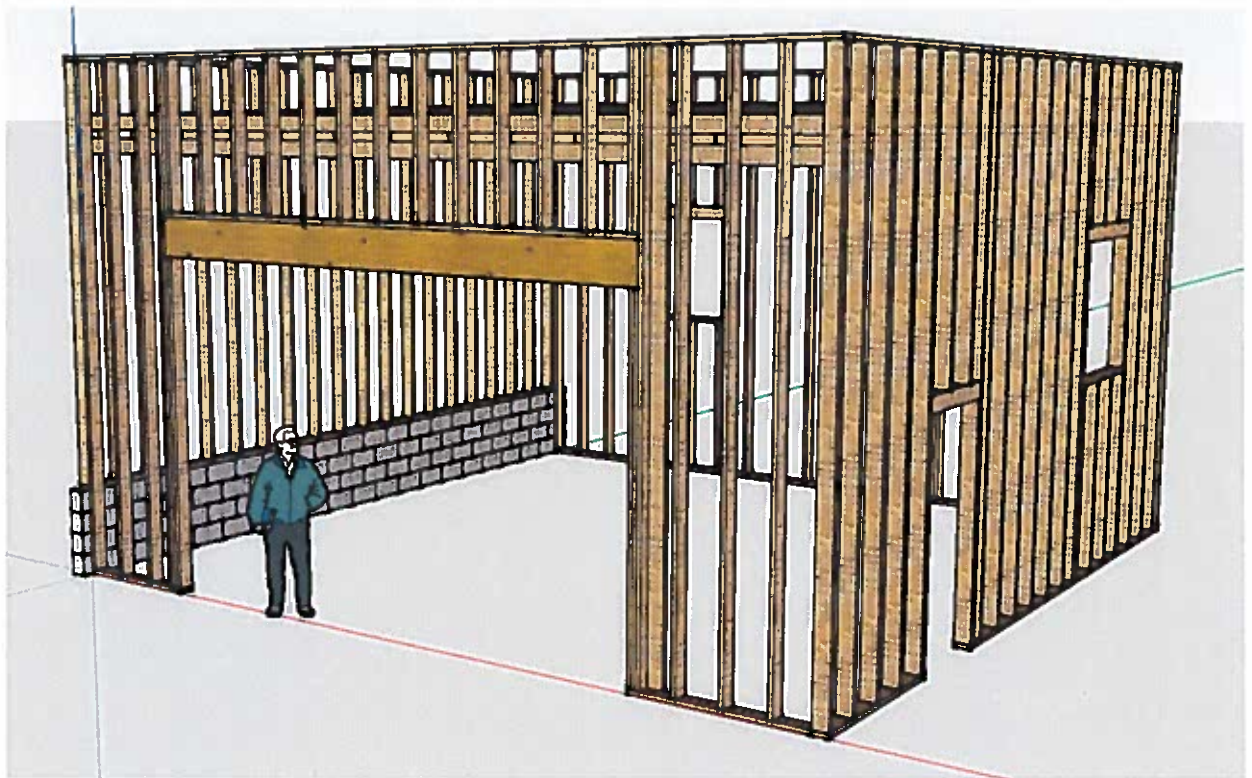
The remaining wall section shown attached to the corner of the existing single car garage (Reference Figure 4-2 just west of the blue septic line) will be maintained and a new access



gate installed to maintain access to the rear yard. The proposed detached garage will also include a door on the westernmost wall to allow egress from the building into the back yard (reference Figure 4-3). The proposed garage will also include a single 16ft X 10ft garage door or 2 8ft to 9ft doors. The elevation views show the 16ft X 10ft garage door as this is the preference.

The proposed garage will include a flat sloped roof that will allow water runoff to be directed to the existing driveway (north). This existing driveway slopes toward the wash and thus will maintain the existing water runoff method.

The total area of the existing residence is approximately 4000sq and this in combination with the proposed area of the detached garage will not exceed the required 35% maximum of the overall lot for RS-35 zoning (including the footprint of the proposed detached garage the total is approximately 13% coverage).

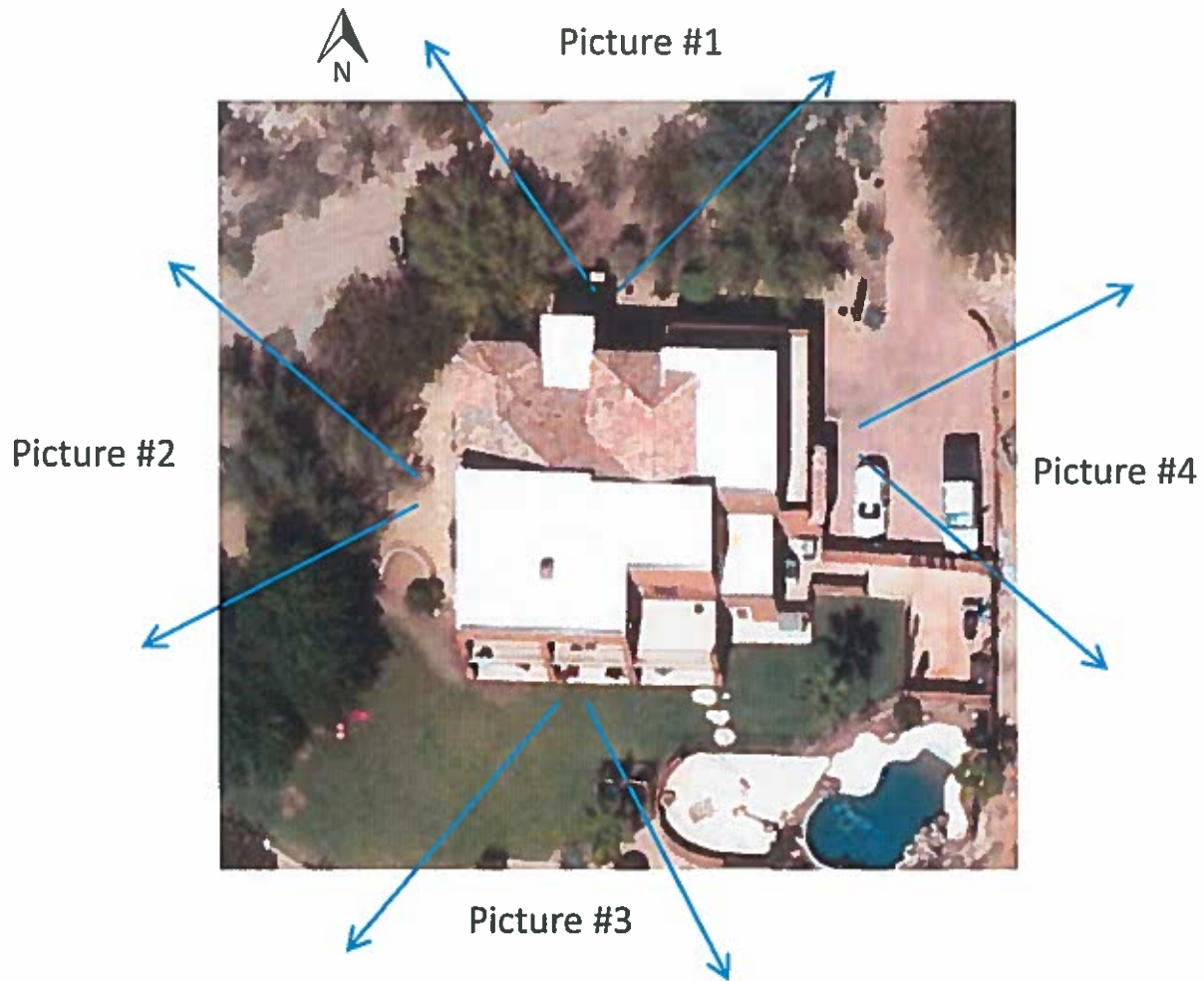


**Figure 4-3: Rendering of possible framing structure**



## 5.0 PHOTOGRAPHS AND ADDITIONAL SITE CONTEXT

The following section is intended to provide additional site context in the form of photographs of the case site. These photographs are intended to give some context to the discussions above in the form of visual representation. The context and direction of each photograph is discussed in detail below.



**Figure 5-1: Site Context Pictures #1**

**Picture #1 [Below] (Reference Figure 5-1):** Picture #1 shows the northern direction view of Lot #6 from the position shown. This picture gives some context to the depth of the wash on Lot #6 and also shows the sloping wash bank up to the street level.





**Picture #2 [Below]** (Reference Figure 5-1): Picture #2 shows the western direction view of Lot #6 from the position shown. There are some trees in this location of Lot #6 and this picture shows the slope bank to the wash continues in the western view of the lot.



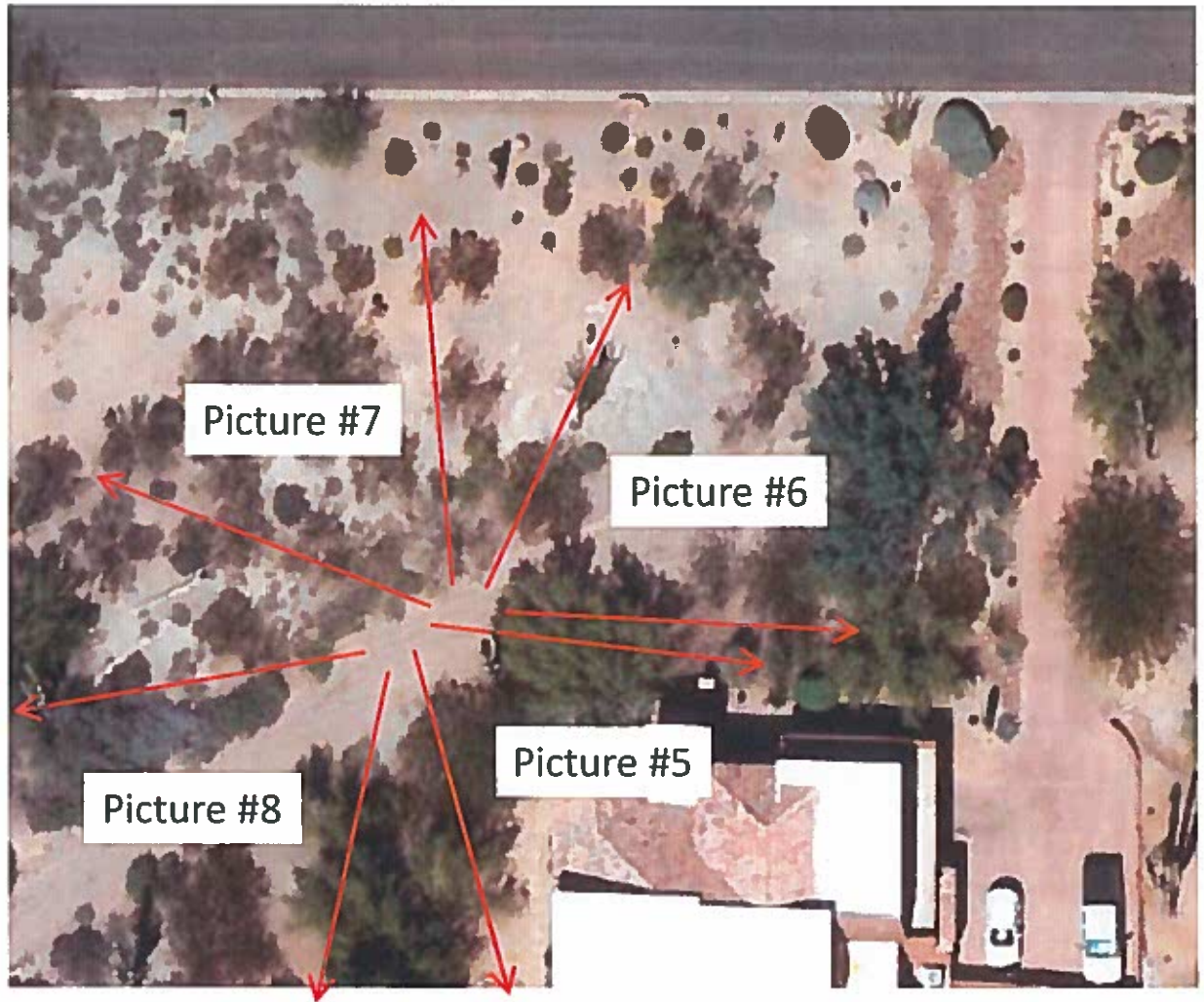
**Picture #3 [Below]** (Reference Figure 5-1): Picture #3 shows the southern direction view of Lot #6 from the position shown. This picture gives a view of the un-subdivided lot to the south of Lot#6.



**Picture #4 [Below]** (Reference Figure 5-1): Picture #4 shows the eastern direction view of Lot #6 from the position shown. This picture gives an appreciation of Lot #7 and the height of the lot above Lot #6. The flat part of Lot #7 sits more than 9ft above Lot #6.







**Figure 5-2: Site Context Pictures #2**

**Picture #5 [Below]** (Reference Figure 5-2): Picture #5 is taken from the wash bottom up towards the corner of the residence as shown. This figure shows the upward slope of the wash.





**Picture #6 [Below]** (Reference Figure 5-2): Picture #6 shows a view of the wash up to the driveway and illustrates the wide slopes on either side of the wash.



**Picture #7 [Below]** (Reference Figure 5-2): Picture #7 is important as it shows the large wash bank towards the north western corner of Lot #6 and reinforces the difficulty in locating any structure in this area.

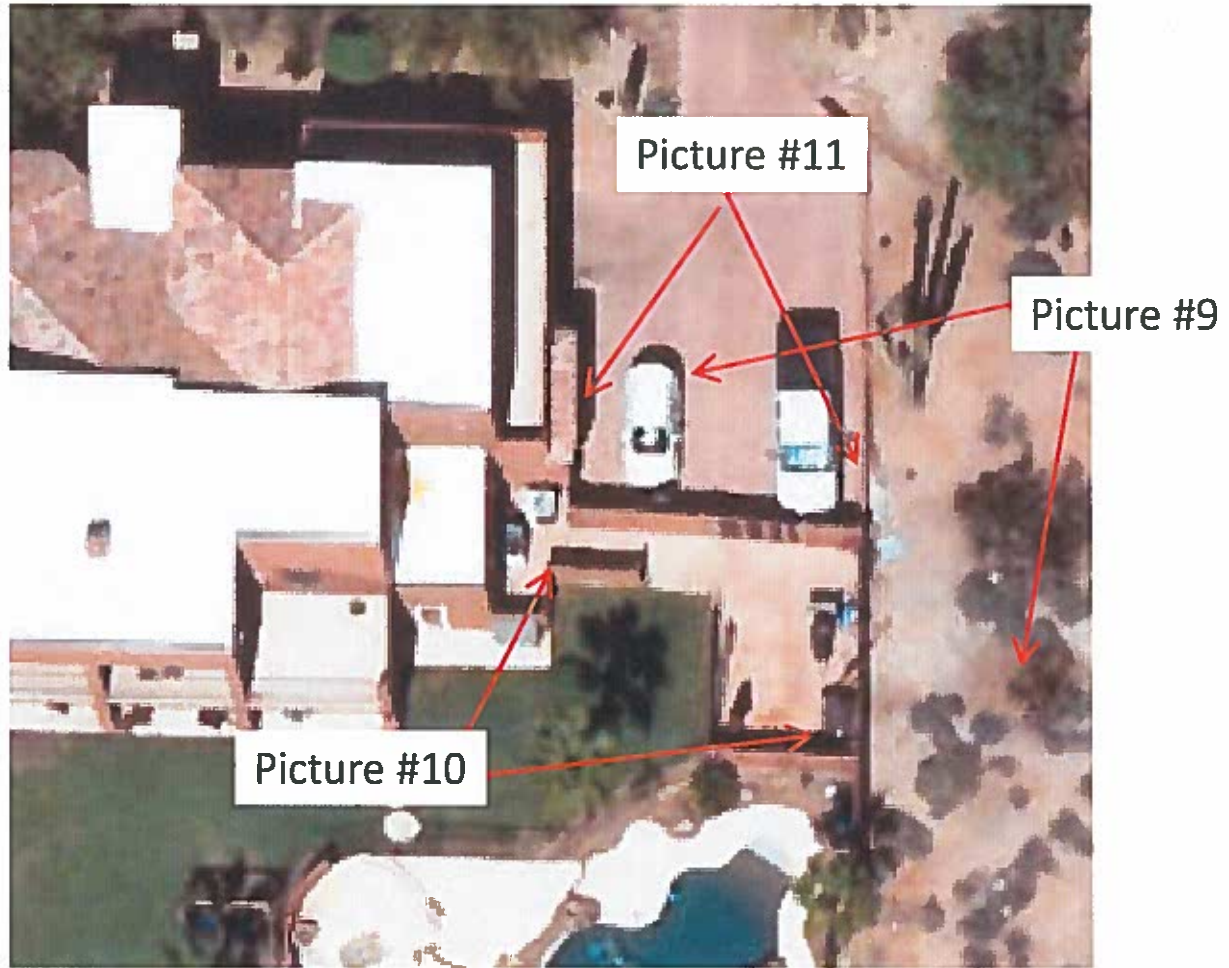




**Picture #8 [Below] (Reference Figure 5-2):** Picture #8 is a view down the wash as it progresses towards Lot #5.

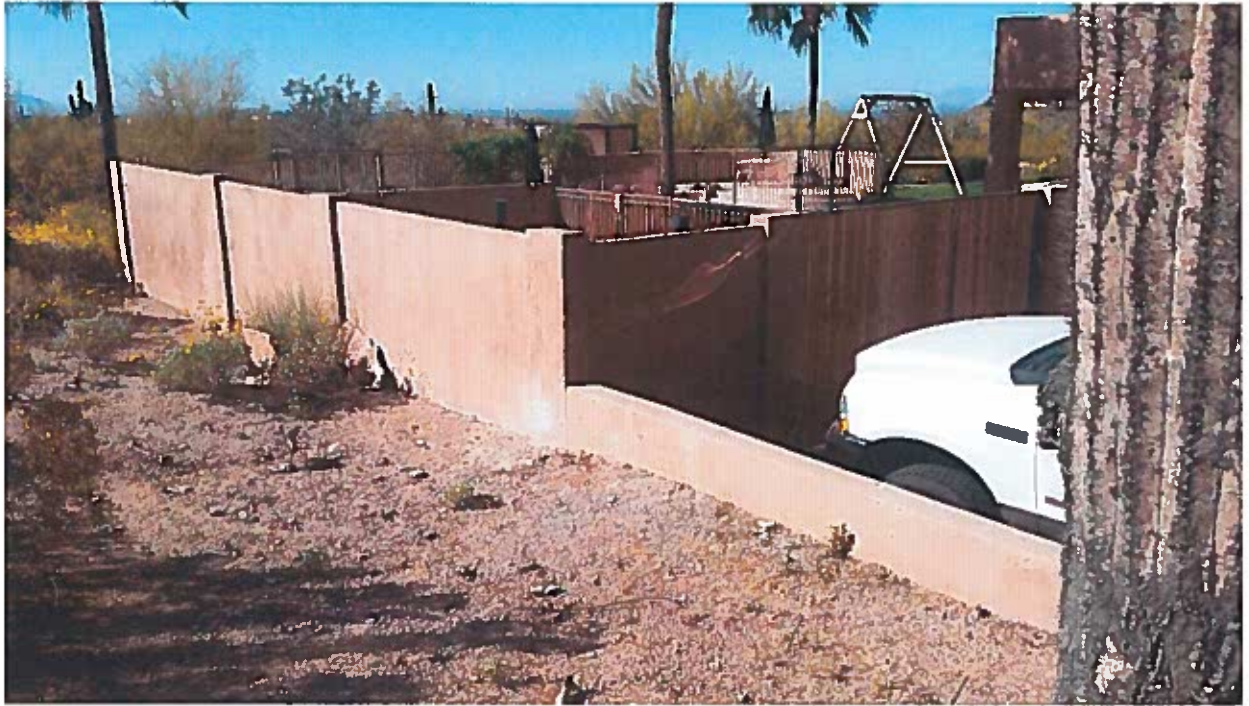






**Figure 5-3: Site Context Pictures #3**

**Picture #9 [Below]** (Reference Figure 5-3): Picture #9 is taken from Lot #7 and shows the existing block wall and block privacy wall. It also indicates the height of Lot #7 above Lot #6.



**Picture #10 [Below]** (Reference Figure 5-3): Picture #10 is a view of the location for the proposed detached garage.



**Picture #11 [Below]** (Reference Figure 5-3): Picture #11 is a view looking towards the location where the proposed detached garage would be located and the existing gate and block wall currently in place.

