

Board of Adjustment

Staff Report

CASE NUMBER: BA16-056
STAFF PLANNER: Kaelee Wilson
LOCATION/ADDRESS: 812 East Kramer Street
COUNCIL DISTRICT: Council District 1
OWNER/ APPLICANT: Justin Miller
REQUEST: Requesting a Variance to encroach in side yard setback in the RS-15-PAD zoning district. (PLN2016-00653)

SUMMARY OF APPLICANT'S REQUEST

The applicant is requesting a variance to allow a detached RV garage to encroach into the side yard setback. The home is located in the Amberwood Estates II subdivision.

STAFF RECOMMENDATION

Staff recommends **approval** of case BA16-056 with the following conditions:

1. Compliance with the site plan submitted, except as modified by the conditions below;
2. Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.
3. The western side yard setback shall be a minimum of nine feet wide.

SITE CONTEXT

CASE SITE: Existing single residence – Zoned RS-15-PAD
NORTH: Existing single residence – Zoned RS-35PAD
EAST: Existing single residence – Zoned RS-15-PAD
SOUTH: (across Kramer Street) Existing single residence – Zoned RS-15-PAD
WEST: (across Horne) Existing single residence and City of Mesa Fire Station – Zoned RS-9 and LC

STAFF ANALYSIS

The applicant is requesting to construct a detached RV garage that encroaches into the side yard setback. The detached RV garage is being proposed on the western side of the property, adjacent to Horne. The applicant is proposing the garage be 24' wide by 60' long with a height around 18 feet. With the proposed dimensions and location, the garage encroaches 5 feet into the required 10-foot setback.

The Amberwood Estates II PAD establishes side setbacks of 10 feet for street side yards with an aggregate of 20 feet. By default, the west side yard is required to be a minimum of 10 feet in width since it is adjacent to Horne. On the west side of the home there is a VNAE (Vehicular Non-Access Easement) adjacent to Horne that prevents cars from traveling over; meaning, the applicant could not propose the entry of the RV garage to front towards Horne. The access to the garage must come from within the lot.

The applicant has provided the following as justification for the granting of the variance: 1) the existing easements that are on the property; 2) the subdivision sign placed on the property that doesn't allow a straight drive into the rear yard; 3) the east side of the property has pool equipment; 4) moving the RV garage further into the property would impede on visibility from a bedroom in the home; 5) the large width of the RV garage is needed for a 20-foot wide door to compensate for an indirect approach; 6) the RV garage will not be detrimental to neighboring properties; and 7) the vehicle being parked in there is a work truck with an attached trailer.

There are special conditions that apply to the land or building and the special condition was pre-existing and not created by the property owner:

The home is lot number 10 in Amberwood Estates II subdivision, which was recorded in 1998. On the plat, there is a VNAE (Vehicular Non-Access Easement) adjacent to Horne that prevents any cars from accessing the property from

Horne. Practically, this VNAE means the applicant could not propose driveway access to the entry of the RV garage to originate from Horne. The driveway access to the garage must come from the south, instead. The subdivision sign is located within the lot at angle along the southwestern corner of the lot. The angle in which the sign is placed prevents direct access into the side yard. The subdivision sign is a special condition that only exists on the applicant's lot. It is important to note that other interior lots in Amberwood Estates II access RV garages from side yards because these other corner lots are not encumbered by a VNAE, nor do they have the subdivision blocking direct access from an adjacent street. The applicant is not able to do so based on the recorded easement that does not exist on another lot's side yard in the subdivision.

Strict compliance with the Code would deprive the property of privileges enjoyed by other properties in the same zoning district:

Typically, based on the larger lot sizes, most homes in the RS-15 zoning district are able to construct an RV garage. The applicant has provided pictures from within Amberwood II that documents other homeowner's detached RV garages. That is not to say the size being proposed is standard or warranted. Staff does believe the encroachment being requested would constitute a special privilege to this property owner over other properties in the area.

The variance would not constitute a special privilege unavailable to other properties in the vicinity and the zoning district of the subject property:

Special privilege could be conveyed to this homeowner over other property owners in the vicinity because of the proposed degree of variance being sought. To temper this finding, the degree of encroachment could be reduced by modifying the width of the proposed garage, and limit the encroachment to 1-ft. There are special conditions (VNAE and the subdivision sign) to consider, which are unique to the property, but warrant only a slight encroachment. Since a standard RV door is 16-foot wide, the applicant has the ability to build an RV garage with a one-foot encroachment.

Conclusion

Special conditions exist on the property, including the VNAE easement and the angle of the subdivision sign placed on the property. However, the special conditions do not warrant the degree of encroachment being requested. Parking a work vehicle with an attached trailer and the acute angle of access present difficult conditions but staff cannot consider conditions that are not related to the property. The size of the garage can be modified to be narrowed or the garage can be placed further into the lot. Staff is supportive of a 9-foot setback on the western side yard, which limits the degree of variance to a 1-ft encroachment. This would allow the applicant to construct a 20-foot wide detached RV garage in the same proposed location. A 20-ft wide garage is adequate considering a typical RV garage door is 16 feet wide.

FINDINGS

1. The property is zoned RS-15PAD and is required a 10' side yard setback on the west, adjacent to Horne.
2. The subdivision sign is location on the property which prevents a straight vehicular approach into the side yard.
3. There is an existing VNAE along the side property line preventing vehicular access from Horne onto the property. The subject parcel is the other lot in the subdivision with a VNAE on the side yard.
4. The applicant is requesting a 5' side yard setback and staff is recommending 9' based on site conditions.

ORDINANCE REQUIREMENTS

Zoning Ordinance, Sec 11-5-3: Development Standards for Amberwood Estates II

RS-15 PAD – Front -30', Sides – 7' minimum, aggregate of 20', Street side- 10' and Rear-30'