

# Board of Adjustment

## *Staff Report*

**CASE NUMBER:** BA16-054 (PLN2016-00651)  
**STAFF PLANNER:** Gordon Sheffield, AICP CNUa  
**LOCATION/ADDRESS:** 856 South 80<sup>th</sup> Street  
**COUNCIL DISTRICT:** Council District 5  
**OWNER/ APPLICANT:** Helene Burns

**REQUEST:** *Requesting a Modification of PAD for enclosure of carport into garage, and a reduction of front yard garage setback in the RS-6-PAD-AS zoning district.*

### **SUMMARY OF APPLICANT'S REQUEST**

The applicant is requesting a modification of the development standards allowed through a -PAD overlay district to allow the enclosure of an existing carport into a garage. The proposed modification would authorize a reduced front yard setback. The home is located within the Fountain of the Sun development master plan, and has a base zoning district of RS-6, which has a minimum front yard requirements of 20-ft. Because the existing home was constructed with an 18-ft deep carport, enclosure of that carport is too shallow to accommodate a standard car length. The applicant has proposed to construct a 27-ft deep garage, an increase in the depth of the garage of 9-ft, which results in an encroachment into the front yard that is also 9-ft.

### **STAFF RECOMMENDATION**

Staff recommends **approval** of case BA16-054, *conditioned upon the following:*

1. *Compliance with the site plan and elevations submitted, except as modified by the conditions listed below.*
2. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*
3. *The interior garage depth shall be reduced to 22 feet in length.*
4. *The garage shall be architecturally compatible with the home.*

### **SITE CONTEXT**

**CASE SITE:** Existing single residence – Zoned RS-6-PAD-AS  
**NORTH:** Existing single residence – Zoned RS-6-PAD-AS  
**EAST:** (across 80<sup>th</sup> Street) Existing single residence – Zoned RS-6-PAD-AS  
**SOUTH:** Existing single residence – Zoned RS-6-PAD-AS  
**WEST:** Existing single residence – Zoned RS-6-PAD-AS

### **STAFF ANALYSIS**

The request involves the enclosure of an existing carport into a garage. The home was constructed in the late 1970s with a carport that is 18-ft deep. Initially constructed under the jurisdiction of Maricopa County, the area was annexed in 1985, and the development standards for this retirement-oriented, age specific, master planned community were then brought over into the City by way of the use of a -PAD overlay district.

When the Zoning Ordinance was updated in 2011, the required parking standard for single residences was revised from two spaces of any type, to two covered spaces that together have an interior dimension for a garage of 20-ft wide by 22-ft deep. The proposed enclosure by the applicant would result in a 19- to 20-ft wide garage that is 27-ft deep, or 5-ft deeper than the minimum depth required. The present carport is only 18-ft deep. Converting the carport into a garage is a common and desirable action to both improve the aesthetics of a residence, and to improve the security of the residence to the homeowner.

An argument could be made to construct a new garage with the minimum dimensions elsewhere on the lot (someplace other than the current carport location), but that would ignore the space initially designed and built for that purpose. Although this carport space is too short, and deepening an enclosure of this space would result in an encroachment into the front yard, the enclosure addition could be done in such a manner that it results in a minimal encroachment.

To minimize this encroachment as it pertains to this specific request, the recommended action would be to limit the depth of the proposed garage to 22-ft. By doing so, the degree of encroachment into the required front yard is limited to 4-ft, rather than 9-ft, and the remaining depth of the driveway would be 16-ft to the property line. Because Fountain of the Sun was constructed without sidewalks, the effective depth of the front garage setback would remain sufficient to accommodate the 18-ft depth normally required for an uncovered parking space.

### FINDINGS

1. The home was built in the late 1970s with a two-car carport that does not meet current interior dimensions for a carport or garage.
2. The applicant would like to enclose the current carport into a garage.
3. Garages are commonly found on most single residences, and there are several garages already in place in the vicinity of this proposal.
4. Installation of a garage with the minimum depth of 22-ft, rather than 27-ft as proposed, would limit the degree of encroachment into the required front yard to 4-ft, a minimal amount.
5. Enclosure of the existing carport into a garage with a depth that is consistent with the minimum depth required under present standards will be consistent with the purpose and intent of the adopted plan for Fountain of the Sun.

### ORDINANCE REQUIREMENTS

#### Zoning Ordinance, Section 11-22-5: Review of Plans

E. Conformance with Approved Plan - **Modification after Initial Construction.**

***When the project has been completed, the use of the land and the construction, modification, or alteration of any buildings or structures within the development shall remain in conformance with the approved development plan except that any minor extension, alteration, or modification of existing buildings or structures may be reviewed and approved by the Zoning Administrator Hearing Officer or Board of Adjustment in accordance with Chapter 67 Common Procedures, of this Ordinance if the request is found to be consistent with the purpose and intent of the approved development plan.***

#### Zoning Ordinance, Sec 11-5-3: Development Standards for the RS District (typical)

**RS-6** – Front -10', Front Garage-20', Sides – 10' & 5' and Rear-20'

#### Fountain of the Sun RS-6-PAD-AS overlay setbacks: (Zoning case Z86-048)

Front 20-ft, Sides- 5-ft and 5-ft, Rear - 20-ft

#### Zoning Ordinance, Parking Spaces Requirements (summarized from Sec. 11-32-3)

**D. Covered Spaces. Covered parking spaces shall be provided as follows:**

1. Single-residences shall provide a minimum of 2 covered parking spaces per unit.

#### Zoning Ordinance, Parking Area Design (summarized from Sec. 11-32-4)

**F. Minimum Dimensions for Residential Enclosed Garages.** Enclosed garages serving residential uses shall be constructed to meet the following minimum inside dimensions.

1. A single-car garage shall be at least 10 feet wide and 22 feet long.
2. **A double-car garage shall be at least 20 feet wide and 22 feet long.**
3. A garage for tandem parking shall be at least 10 feet wide and 44 feet long.