

Board of Adjustment

Staff Report

CASE NUMBER: BA17-004
STAFF PLANNER: Kaelee Wilson
LOCATION/ADDRESS: 2620 West Naranja Avenue
COUNCIL DISTRICT: Council District 3
OWNER/ APPLICANT: Craig Bryan

REQUEST: Requesting a Variance to encroach into the required rear yard in the RS-6-PAD zoning district. (PLN2016-00853)

SUMMARY OF APPLICANT'S REQUEST

The applicant is requesting a variance to allow an attached two-car garage to encroach into the rear setback. The home is located within the Saratoga Lakes Unit Six subdivision of Dobson Ranch.

STAFF RECOMMENDATION

Staff recommends **denial** of case BA17-004.

SITE CONTEXT

CASE SITE: Existing single residence – Zoned RS-6-PAD
NORTH: Dobson Ranch Lake – Zoned RS-6-PAD
EAST: (across Las Flores) Existing single residence – Zoned RS-6-PAD
SOUTH: (across Naranja) Existing single residence – RS-6-PAD
WEST: Existing single residence– RS-6-PAD

STAFF ANALYSIS

The applicant is requesting to enclose the existing two car garage into livable space and construct a new attached two-car garage addition that encroaches 15-feet into the rear setback. The property is a corner lot located in the Dobson Ranch development master plan, and is zoned RS-6-PAD. The setback to a garage/carport in a side and/or front yard is 20 feet. In addition, the rear setback is 20 feet. There are several exceptions to the rear setback; one of which includes an encroachment of open carports or patios into the rear yard may encroach up to 10 feet in the RS-6 zoning district.

There are some unique attributes to this lot. According to the plat recorded in 1977, the front of the lot (based on standard setbacks recorded on the subdivision's official plat) was to be placed off of the adjacent street, Las Flores. The way in which the home was constructed created a functional frontage off of Naranja with the garage, driveway and front door fronting onto that street. In the 1990s the property owner at the time bought a triangular shaped property from the neighbor to the west to construct an addition on the west side of the property owners' garage. In doing that 1990s addition, it re-oriented what was defined as the front, sides and rear of the lot. The setback on the western side became a side setback, and the rear yard switched from the west to the north side of the house. Put another way, the lot frontage is now adjacent to Naranja with the interior side setback being on the west and a street side setback now adjacent to Las Flores. As stated before, the rear yard is now along the north and extending west adjacent to the lake to the northwest.

The applicant has provided the following as justification for the granting of the variance: 1) the property is an irregular shape and backs up to the water; 2) the front of the house is not attractive with a garage in the middle of the home; 3) the relocation of the garage would make the building form more consistent with other homes within Dobson Ranch; 4) the patio in the back cannot be enclosed into livable space because of the bedroom windows that face internally (doing so would be a violation of the Mesa Building Code for requirements related to bedroom exiting); 5) the garage would not have a detrimental impact to neighbors; and 6) the northern side functions was originally a side yard, continues to function as a side yard, is the adjacent to the side yard of the adjacent key lot. Therefore, the north side of the lot should be treated as a side yard.

There is a special condition that applies to the land or building, and the special condition was pre-existing and not created by the property owner:

The lot shape, including the added triangular area on the southwest portion of the case site, is atypical, particularly when compared to other lots within the Saratoga Lakes portion of Dobson Ranch. This lot has essentially two "frontages"; one of which that was established by the plat and another that was functionally created by the addition of the small triangular parcel to the southwest of the site. For the sake of applying setbacks and the variance request, the lot frontage is off of Naranja. This creates a lot depth that is approximately 10 feet more shallow than other lots within Saratoga Lakes, although meeting the minimum depth required for a lot in the RS-6 district. The adjustment of the lot boundary, which added land to the west, was done by a prior property owner.

Strict compliance with the Code would deprive the property of privileges enjoyed by other properties in the same zoning district and 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 encroachment into a required rear yard that is being sought for the attached garage. Livable area is specifically allowed additional encroachment allowances in the Zoning Ordinance when constructed in the rear and front setbacks, but that allowance is not extended to enclosed garages. The requested variance would grant the applicant a special privilege over the other neighbors due to the other properties inability to attach a two-car garage into a rear setback. The applicant has options to construct additional livable space within the setbacks and maintain the current garage location.

It should be noted that detached garages are not allowed on single residence lots in Dobson Ranch because of CC&Rs that prohibit detached buildings that extend higher than 1-ft over the height of the adjacent fence, which is limited to 6-ft high. However, this is a condition that affects all of Dobson Ranch, and is not unique to this specific property.

The applicant could also construct an attached carport instead of an attached garage. The minimum interior dimensions of a carport are 18' wide by 20' deep. According to Section 11-5-7.A.7 of the Zoning Ordinance, open air patios and carports are allowed to encroach up to 10 feet into a required rear yard. Enclosed room additions may also encroach 10' when less than one-half the width of primary residence. With some reconfiguring, a design could be developed such that there would only be approximately 3 feet of encroachment of a carport post on the northeastern corner of the addition, with the degree of the encroachment lessening towards the northwest corner. In the opinion of staff, there is enough physical hardship on the property to justify a slight corner encroachment for a carport in the same relative location. The applicant does not want a carport due to the inconsistency within the neighborhood and lessening of property value.

Conclusion

Special conditions do exist on the property with the layout and arguably two "frontages". Staff does not believe the case meets all of the criteria required of the four-part test for the issuance of a variance as there are other options to increase livable area of the home. Staff is sympathetic to the fact the internal layout of the home is currently less than ideal with the central placement of the garage but an encroachment of 15' in the rear setback to construct a new garage would grant special privilege to this property owner over others.

FINDINGS

1. The property is zoned RS-6-PAD and has a 20' rear and side setback for garages and a 10' rear setback for a carport.
2. The lot frontage when platted was off the adjacent street, Las Flores.
3. An addition completed in the 1990's re-oriented the front of the lot from Las Flores to Naranja, and the west property was changed from being a rear property line to a side (and thus reducing the setback at that time from 20-ft to 5-ft). This also revised the north property line from being a side yard to being a rear yard, and

this increase the setback from 10-ft to 20-ft. Therefore, the assignment of the north property line as being a rear property line, and the associated rear yard setback were the conscious choice of the previous 1990s owner, and not necessarily a function of the original 1970s subdivision plat design.

4. The approval of this variance would grant a special privilege to this property owner over others in similar circumstances.

ORDINANCE REQUIREMENTS

Zoning Ordinance, Sec 11-5-3: RS-6 Development Standards as modified for Dobson Ranch DMP:

RS-6-PAD: Front -23' (lots include a front sidewalk easement adjacent to a narrower than typical right-of-way for the public street), Sides: 5' and 10', Rear- 20'.