

Justification & Compatibility Statement
Spencer & Lois Wallace – Variance Request
3135 E. Leland Circle, Mesa, Arizona
January 22, 2018
REV February 13, 2018

A. Introduction

This office represents Spencer & Lois Wallace, who owns the property located at 3135 E. Leland Circle, Mesa, Arizona 85213 (APN 141-15-820). Through this Application and Justification Statement, we hereby respectfully request a minor variance to the building height limit applicable to detached accessory buildings from 15 ft. to 17.5 ft.

B. Request and Existing Conditions

The Wallace family has owned the Leland Cir. property since 1991 and have raised their family in this home. The lot is located within a cul-de-sac that has a typical narrow front and five (5) sides. The house orientates in a diamond-type configuration on the lot. The property is zoned RS-15 and is approximately 17,908 sq. ft. in size. The RS-15 zoning district, requires a minimum seven (7') feet of setback on one side and a total of twenty (20) feet. The 7 ft. side yard is on the east and the 13 ft. side yard is on the north.¹ The rear yard setback is 30 feet. For your convenience, we have included a photo of the Wallace Residence below as Figure 1. Please note the gable style roof, with the hip detail at the top of each ridge.

Figure 1 – Wallace Residence Street View



¹ Because of the cul-de-sac shape of the lot, i.e., the lot is 5-sided, one side faces east, the other faces north.

Several years ago, the Wallace family permitted and constructed an accessory detached building (i.e., a detached shop/garage) in the southeast corner of the lot. It can be seen to the left of the home in Figure 1, above. To provide additional illustrations and understanding of the existing shop/garage, we have included two additional photos below, in Figures 2 & 3. In Figure 2, please note the gable style roof, with the hip detail at the top of the ridge, which matches the existing home.

Figure 2 – Existing Shop/Garage North Elevation



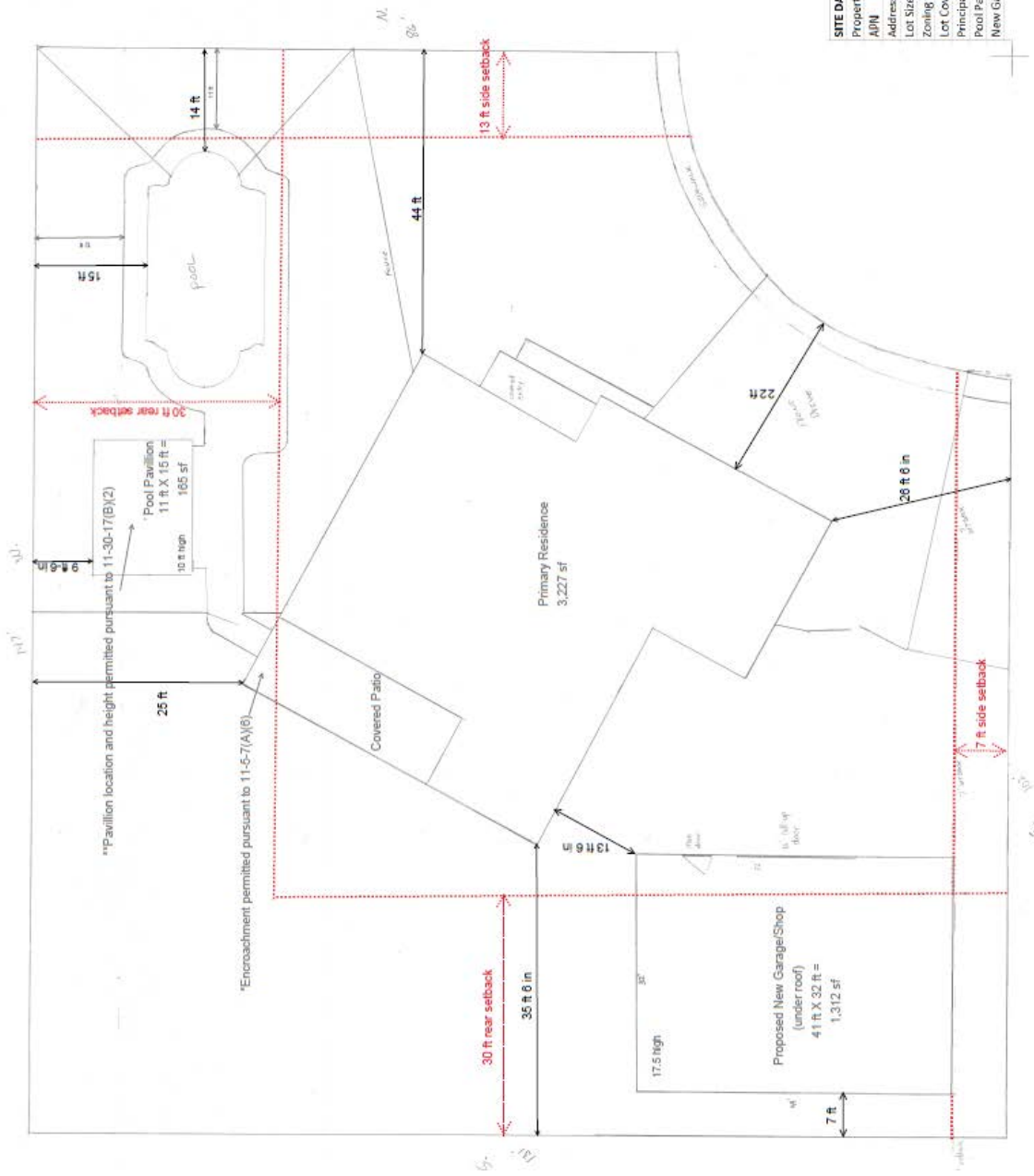
Figure 3 below shows the west elevation of the existing shop and garage, which illustrates the matching stucco finish and roof material that matches the primary residence.

Figure 3 – Existing Shop/Garage West Elevation



Today, the Wallace Family would like to remodel and expand the existing shop/garage and construct a newer building to provide for: (1) covered parking for the for the family's recreational vehicle, and (2) expanded space for Mr. Wallace's shop, which houses his hobby of restoring historic vehicles. The proposed site plan and elevation are included with this Application, but are shown below in smaller scale for your convenience as Figures 4 & 5, below.

Figure 4 – Proposed Site Plan



SITE DATA	
Property Owner	Spencer & Lois Wallace
APN	141-15-820
Address	3135 E Leland Cir, Mesa, AZ 85213
Lot Size	17,908 SF
Zoning	RS-15
Lot Coverage	26.50%
Principal Building	3,227 SF
Pool Pavilion	165 SF
New Garage/Shop	1,312 SF

Figure 5 – Proposed Elevations



Because the proposed shop/garage is classified as “detached accessory building”, the applicable² development standards from Section 11-30-17 of the Mesa Zoning Ordinance are as follows:

1. A detached accessory building may be located in the required rear yard but outside of the required side yard provided that it does not exceed 15 feet in height.
2. In the . . . RS-15 district, with a single residence use, shall not have an aggregate area of all such detached buildings greater than 50 percent of the roof area³ of the dwelling.

² We have not listed all of the development standards from Section 11-30-17 of the Mesa Zoning Ordinance, because they are not applicable to this request.

³ “Roof Area” is defined as “That portion of a lot or parcel covered by the roof structure of all buildings, excluding the eaves and overhangs, but including covered porches, patios and carports.”

Section 11-30-17, also states that a detached accessory building may be located in the required side/rear yards provided that it is within the rear one-quarter of the lot and do not exceed 10 feet in height. In this instance, the proposed shop/garage is not located in the side yard because Section 11-30-2 allows roof eaves to project 3 feet into any required yard, provided that such projection is no closer than 2 feet to any property line. So, while the proposed cantilevered roof overhangs into the 7 ft. side yard on the east side of the lot, such cantilevered overhang is allowed and not counted as a violation of the side yard setback. This configuration/arrangement is allowed under Section 11-30-2 of the Mesa Zoning Ordinance, which provides that roof eaves may extend 3 feet into any required yard. Stated differently, even though the cantilevered roof of the proposed garage extends over the side yard setback, the “building” is not deemed to start until 3 feet back for calculations of the “setback” and “roof area.” Although the foregoing 10 ft. height limit is not applicable, we have included a short discussion of it here to provide the staff and decision makers a full picture of the applicable rules.

As noted, the new shop/garage will be constructed in essentially the same location (southeast corner of the lot) and is proposed to have the same finishes for stucco, paint and roof tile as the existing garage; and for the primary purpose of matching the style and architecture of the family home. As we apply the rules noted above to the proposed shop/garage we calculate the “roof area” to be 41 ft. by 32 ft. for a total of 1,312 sq. ft. Again, we note that the eastern 9 ft.⁴ (with a 3 ft. overhang for a total of 12 ft.) will be open with a cantilevered roof. The enclosed portion is proposed at 32 ft. by 32 ft. (for a total of 1,024 sq. ft.) and will be used as shop space for Mr. Wallace’s hobby of restoring historical vehicles.

Thus, the issue and crux of this variance request is not the side or rear yard setbacks; rather, it is the proposed roof height. As discussed, the Wallace’s would like the design, slope and material of the proposed roof over the shop/garage to match with their existing home. As illustrated in Figures 2, 3 and 4, above, the Wallace home has a gabled roof, with a hip detail at the top of each ridge. This same design is incorporated into the roof of the existing garage. With the new shop/garage, the family is proposing to utilize this same design with the same pitch so that the garage exterior matches that of the family home. The trouble becomes that as the same architectural design and detailing is implemented with the new shop/garage, the building height slightly exceeds the height of a detached accessory structure.

Specifically, and as proposed, the new garage would have a plate height of 14 ft. and a ridge height of 21 ft., which will result in an overall roof height of 17.5 ft, which is a de minimis 2.5 ft. above that allowed for detached accessory buildings – and, as noted, is supported by all of the adjacent residents. The plate height of 14 ft is necessary to accommodate the parking of the family’s recreational vehicle under the cantilevered portion of the roof. Currently, the RV is parked on the side of the existing garage (as shown in Figure 6, below) and is very problematic to get it in and out of the rear yard and takes multiple people, as spotters, to make sure that no structures are hit during the parking process. Under the new, proposed configuration, the

⁴ Because Section 11-30-2 allows a 3 ft. overhang, this area will actually be 12 feet under roof, but for calculation of “Roof Area”, only 9 of the 12 feet are included. See Chapter 87 (Definitions) for Roof Area: “That portion of a lot or parcel covered by the roof structure of all buildings, excluding the eaves and overhangs” (emphasis added).

movement of the RV into and out of its new space will be much simpler can be done with a single person.

Figure 6 – Aerial Perspective of Current Conditions (Looking North)



(Looking South)

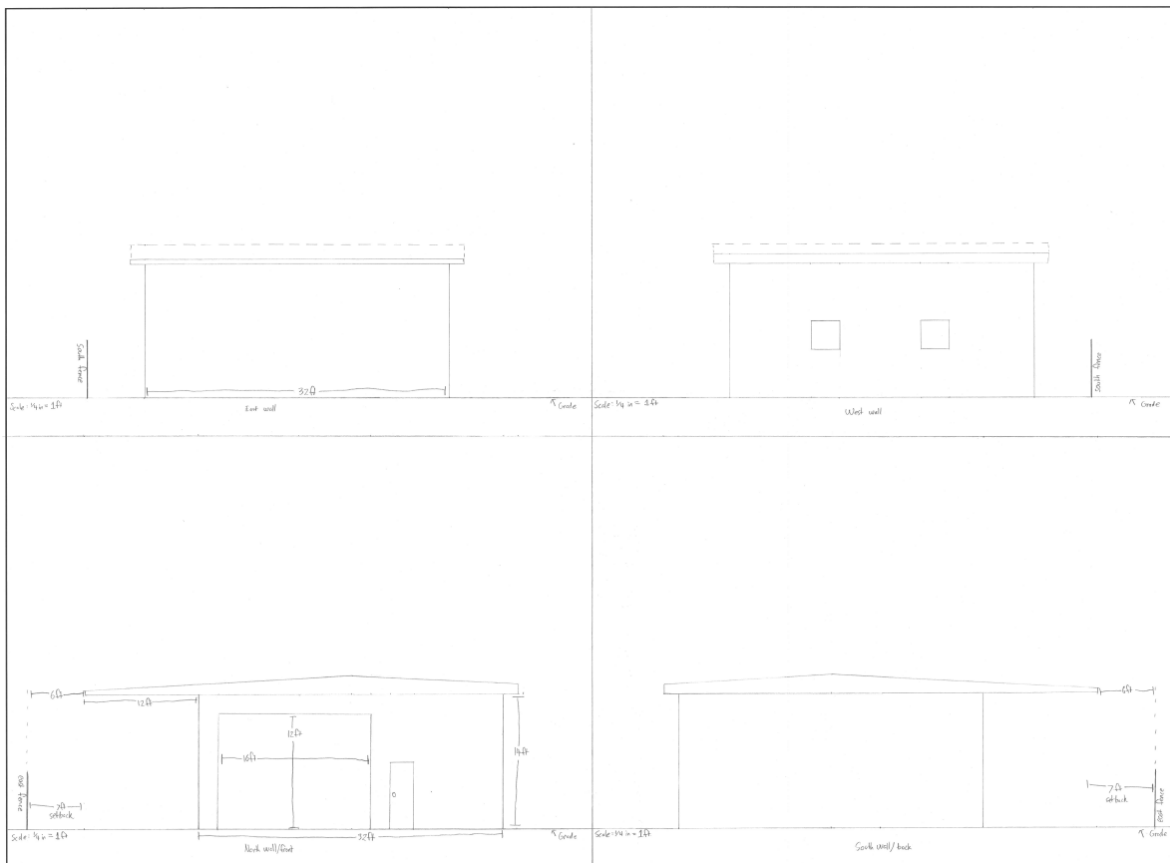


It should also be noted that Mr. Wallace has personally spoken with each of his adjacent neighbors about the proposed project; and specifically the location of the new garage, the design of the roof and the overall building height. **Without reservation, the proposed design is supported (and preferred) by all of the adjacent property owners as evidenced by the signed petitions for support that we have included with this Application.**

As noted, the proposed garage meets the setbacks for a detached accessory building, it is just the building height that is the subject of this variance. Thus, in general support of the merits of this request, we note the following:

1. For a portion of the proposed accessory building, it exists within the “building envelope” for the lot, which means that the northern part of this proposed accessory building does not need a variance.
2. By modifying the pitch of the roof so that the ridge is 16 ft., the same accessory building could be built at the same location, without a variance. Similarly, a flat roof or shed-style roof could be constructed without the need for a variance. To help illustrate this option, we have provided an alternative roof design drawing shown below in Figure 7.

Figure 7 – Alternative (Non-Preferred) Roof Design



Thus, given the very unique circumstances of this request, we find ourselves in the situation where the owner could construct what he wants with the plate height needed, but the aesthetic result would be far less superior and less pleasing than if the proposed roofline is constructed to match the design and style of the primary residence.

The square footage of the primary residence under roof, including porches and garage, is 3,227 sq. ft. The total amount of all detached accessory buildings cannot exceed 50% of that amount, or in this case, 1,613.5 sq. ft. The pool pavilion is 11 ft. by 15 ft. and is approximately 165 sq. ft. Thus, we calculate the total square feet of the detached accessory structures at 1,477, which provides 136.5 sq. ft. cushion. Notably, there are some minor storage sheds on site that will be eliminated as their contents will be consolidated into the shop/garage.

No other alterations to the property are proposed as part of this request. For your convenience, we have included a site plan, approximate floor plan and proposed elevations of the home with the proposed garage addition.

Variance Requirements/Justification

In this case, we believe the granting of the variance is justified for the Wallace family's substantial enjoyment of their property and to be able to better preserve the aesthetics and property value of the surrounding neighbors.

Given these circumstances, and the minimal amount of the request, the request is not a self-imposed hardship and to require a less superior design, by all measures, would not be wise. In other words, the denial of the variance would cause an economic hardship on both the Wallace family and the adjacent property owners as they would have a much less attractive shop/garage adjacent to them.

Moreover, and in this case, we believe that the granting of a variance will not be contrary to the public interest and a literal enforcement of the provisions of the Zoning Ordinance would result in unnecessary property hardships. Finally, because the proposed design is consistent with the existing home and not inconsistent with other homes in the neighborhood, the approval of the variance would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is located.

D. Conclusion

Given the aforementioned reasons, we believe that the granting of the variance is justified in this circumstance. To summarize:

- The circumstances leading up to this request are not a self-imposed hardship.
- The proposed garage is similar in nature and scale to the existing garages in the neighborhood and the family's primary residence.
- The property's building lot coverage is only 26.5%, below the City's maximum lot coverage of 40%.

- The aggregate area of accessory structures on the property is 1,477 square feet, which is less than 50% of the primary residential dwelling's square footage of 3,227.
- The proposed garage would enhance the quality and value of the Wallace's home and the neighborhood, and although not directly applicable is consistent with the intent of the City of Mesa Residential Design Guidelines.
- The granting of the variance and the construction of the garage with it proposed design will have a better curb appeal than some of the contemplated alternatives described above as it would look "out-of-place" or "out-of-scale" with the home and neighborhood.
- The variance request is supported by the adjacent neighbors and specifically the neighbor most affected by the new shop/garage.
- Access to the rear yard is not diminished due to the 13 ft. setback remaining on the north and the space between the new shop/garage on the east.
- The variance request is minimal in nature and unobtrusive.
- The special circumstances and conditions that apply to this property are that the strict application of the zoning code results in a less desirable outcome for both the property owner and the adjacent neighbors, and would not cause a relocation of the structure.
- These special circumstances / conditions are created by the unique application and intersection of various provision of the zoning code and the shape and configuration of this lot, which are pre-existing to the Wallace's purchase of the property and desire to construct the new shop/garage. Accordingly, these conditions are not self-imposed.
- As noted above, strict compliance of the Zoning Ordinance would deprive the property of the better development option, the more desirable development option, which is available to other properties in the same zoning district.
- This requested variance will not grant special privilege or unusual favor to this property. Rather, the granting of this privilege grants to the Wallace family what would typically be the preferred design and aesthetic approach. Again, to deny the variance would result in a less attractive building and is not supported by the adjacent property owners.