

Board of Adjustment

Staff Report

CASE NUMBER: BOA18-00495
STAFF PLANNER: Charlotte Bridges/Kim Steadman
LOCATION/ADDRESS: 2612 N. Robin Circle
COUNCIL DISTRICT: District 1
OWNER: Greg Medico
APPLICANT: Chad Brackman

REQUEST: Requesting a Variance to allow driveways to exceed the maximum combined width allowed in the RS-9 District

SUMMARY OF APPLICANT'S REQUEST

This variance request is to allow the combined width of 2 driveways to exceed the 29' maximum (as measured at the front property line) in the RS-9 District.

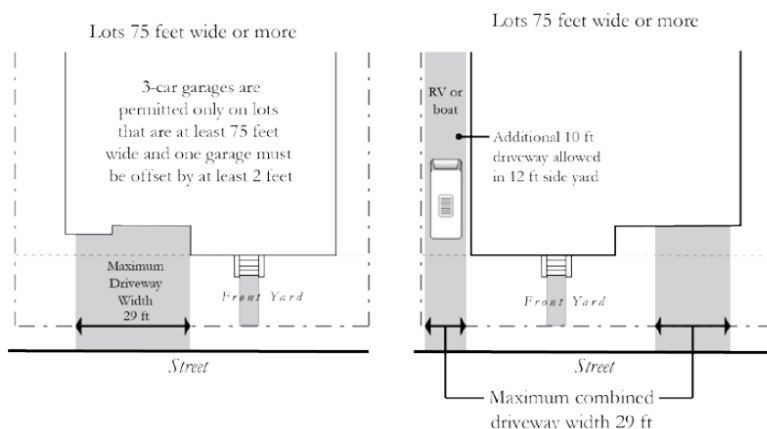
STAFF RECOMMENDATION

Staff recommends **approval** of case BOA18-00495, **with the following conditions:**

1. Compliance with the site plan submitted except as herein modified.
2. Compliance with all requirements of the Development Services Department in the issuance of a building permit.
3. Remove a 5'-wide by 8'-deep area of concrete paving (as measured from the back of sidewalk) from the north side of the existing driveway.

SITE CONTEXT

CASE SITE: Single Residence – Zoned RS-9
NORTH: Single Residence – Zoned RS-9
EAST: (Across Robin Circle) Single Residence – Zoned RS-9
SOUTH: Single Residence – Zoned RS-9
WEST: (Across Lindsay Road) Church – Zoned RS-9



STAFF SUMMARY AND ANALYSIS:

Mesa Zoning Ordinance (MZO) 11-5-3.F.2 establishes:

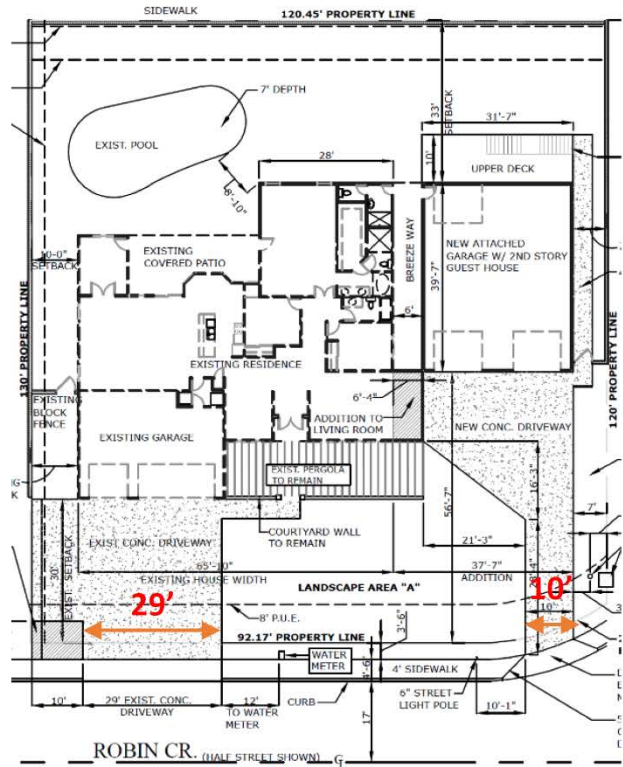
- Maximum driveway width of 29', and
- Requirements for adding a secondary driveway to a residential property that is $\geq 75'$ wide. The second driveway can be 10' wide, for a combined maximum width of 29' for the two driveways.

The 29'-wide cap was added to the MZO as part of the 2011 update. The subject

property was purchased, and driveway width expanded to 39' before the new standard was in place, making it "legal, nonconforming". The applicant is now proposing a new, separate garage with a 10'-wide separate driveway, but the existing condition already exceeds current Code by 10'.



EXISTING CONDITION



PROPOSED SITE PLAN

The site plan shows a proposed rebalancing of the existing 39' driveway width. By removing a 10' width of existing driveway (at the existing 3-car garage on the south side of the residence) and adding a 10'-wide driveway north of the residence (to serve a new garage) the applicant achieves the desired 2 driveways without increasing the current total width. Without a variance, the applicant would be required to reduce the existing driveway width to 19' before adding the second driveway.

Staff finds the variance request can reasonably achieve closer conformance with Code by also deleting a 5' width of pavement from the north side of the existing driveway, improving the combined width to 34', exceeding Code by just 5'. **(See condition #3.)**

Aside from driveway width the site, with its proposed addition, meets the MZO standards. See table below:

Table 1: MZO 11-5-3: Development Standards for RS-9 Residential Single Dwelling Districts

	Standards for RS-9	2612 N. Robin Circle
Minimum Lot Size	9,000 SF	15,405 SF
Minimum Lot Width	75'	120.45'
Minimum Lot Depth	100'	130'
Minimum Yard Setbacks		
Front	25'	30'
Side, Minimum	7'	Measured from the addition: 7'
Aggregate of Two Sides	17'	Existing residence plus addition: 17'
Rear	30'	23'*
Maximum Lot Coverage	45%	Existing residence plus addition: 39%
Maximum Driveway Width	Total: 29'	39'
- Main Driveway	19'	29'
- Secondary Driveway	10'	10'

*A covered patio with open deck encroaches into the setback, as allowed by Code.

As justification for the requested variance, the applicant has noted:

1. The circumstances leading up to this request are not a self-imposed hardship.
2. They bought the property before the Zoning Ordinance was revised to limit driveway width.
3. They have planned the current garage addition since originally purchasing the property.
4. They and other neighbors widened their driveways before the current standard on driveway width was added.
5. They propose to remove 10' of existing driveway width (at the front property line). This results in the same 39' driveway width, configured as two separate driveways.
6. The proposal adds landscape area to the wide driveway area at the south of the property.

The Board of Adjustment must find the following items are present to approve a variance:

- a) *There are special circumstances applicable to the property, including its size, shape, topography, location, or surroundings. **See Findings 1***
- b) *That such special circumstances are pre-existing, and not created by the property owner or appellant. **See Findings 1 and 2***
- c) *The strict application of the Mesa Zoning Ordinance will deprive such property of privileges enjoyed by other properties of the same classification in the same zoning*



district. See Findings 3

- d) *Any variance granted will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located. See Findings 4*

The cap on driveway width can encourage neighborhoods that balance auto-oriented functions with landscaping, the applicant's reduction in existing driveway width allows for addition of street-front landscaping, and results in a combined driveway width that is not increased from the existing.

FINDINGS:

1. The property width provided enough space for the added garage to the north. The existing driveway width met the Code under which it was constructed.
2. The special circumstance regarding the 39' driveway width is pre-existing and was created in conformance with Code. Code has since been revised to limit driveway width.
3. Wider driveways are standard in this neighborhood which was developed with wide sites that accommodate wider driveways and additional garages. The aerial photo demonstrates a pattern of driveway widths that complied with Code, but now exceed current Code. Strict application of Code would require a 20' reduction in the existing driveway width (to allow a secondary driveway) creating a hardship.
4. The proposed changes rebalance the existing 39' driveway width into 2 separate driveways, 29' and 10' wide. This results in new landscaping to soften the original driveway area. An additional 5' reduction in width (as proposed by staff) will bring the site closer to compliance without undue hardship and will not constitute a grant of special privileges in this neighborhood.

ORDINANCE REQUIREMENTS:

MZO 11-80-3: Required Findings (for a Variance):

A variance shall not be granted unless the Zoning Administrator, when acting as a Hearing Officer, or Board of Adjustment shall find upon sufficient evidence make a determination:

- A. There are special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, and
- B. That such special circumstances are pre-existing, and not created by the property owner or appellant; and
- C. The strict application of the zoning Ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district; and
- D. Any variance granted will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.