



**PLANNING DIVISION
STAFF REPORT**

Board of Adjustment

December 7, 2022

CASE No.: **BOA22-01119**

CASE NAME: **Carport Variance – 121 East Garnet Avenue**

Owner's Name:	Ana Maria Maldonado
Applicant's Name:	Ana Maria Maldonado
Location of Request:	121 East Garnet Ave
Parcel Nos:	139-58-086
Nature of Request:	Requesting a variance from the required minimum covered parking spaces.
Zone District:	Single Residence-6 (RS-6)
Council District:	4
Site size:	6,420 square feet or .14± acres
Existing use:	Single Residence
Staff Planner:	Sean Pesek, Planner II
Staff Recommendation:	APPROVAL with Conditions

HISTORY

On **February 5, 1962**, the subject property was annexed into the City of Mesa as part of a larger 80± acre annexation and subsequently zoned R1-6 (RS-6) (Ordinance No. 428).

On **May 21, 1962**, Mesa's City Council approved a Final Subdivision Plat for the Melody Mesa Subdivision, Filing No. 2, which included the subject property (S62-000).

According to the Maricopa County Assessor's website, the existing home was constructed in **1969** with an attached 1-car garage.

According to Google Maps Street View, the attached 1-car garage was converted to enclosed livable space between **February 2019 and December 2020**. To date, there is no record of a building permit issued by the City of Mesa for this conversion.

According to Maricopa County records, the applicant purchased the home on **October 1, 2020**.

In **April 2022**, there was a fire at the subject property, which caused significant water and smoke damage and required repairs to be made to the property.

PROJECT DESCRIPTION

Background:

The applicant is requesting a variance from the required minimum covered parking spaces in the Single Residence-6 (RS-6) zoning district. Per Section 11-32-3(D)(1) of the Mesa Zoning Ordinance (MZO), single residences shall provide a minimum of two (2) covered parking spaces per dwelling unit. The existing home was constructed in 1969 with an attached 1-car garage and complied with the development standards in effect.

A Google Map Street View image taken in February 2019 shows the original attached garage existing on the subject property. The applicant purchased the home on October 1, 2020, and the appraisal report (Exhibit 6) does not show the attached 1-car garage on the building sketch. Staff has reason to believe that the previous owner converted the attached garage to enclosed livable space between February 2019 and the sale date of October 1, 2020. Per our records, permits were not issued during this timeframe for the associated work.

In April 2022, the existing home suffered fire damage, including the converted livable space. Shortly after, on August 3, 2022, the applicant submitted drawings for a building permit to undergo repairs. Per Section 11-36-6 of the MZO, a lawful nonconforming structure that is damaged or partially destroyed may be restored or rebuilt. The existing home, including the converted livable space, is not considered a lawful nonconforming structure as covered parking was not provided after the conversion was completed. Therefore, to receive issuance of a building permit, the applicant must bring the site into compliance with current MZO standards with regard to covered parking. The applicant is requesting a variance from the minimum covered parking requirements outlined in section 11-32-3(D)(1) of the MZO.

General Plan Character Area Designation and Goals:

The Mesa 2040 General Plan Character Area designation on the property is Neighborhood. Per Chapter 7 of the General Plan, the focus of the Neighborhood Character Area is to provide safe places for people to live where they can feel secure and enjoy their surrounding community. The existing single-residence use conforms to the goals of the Neighborhood Character Area.

Site Characteristics:

The subject property is addressed as 121 East Garnet Avenue and is located south of East Southern Avenue and west of South Mesa Drive. The existing lot is 65-feet-wide by 93-feet-long and is 6,420 square feet or .14± acres in size. Per Maricopa County records, the existing home contains approximately 1,457 square feet of livable area, of which 187 square feet was converted from the previous attached garage.

Surrounding Zoning Designations and Existing Use Activity:

Northwest (Across E Garnet Ave) RS-6 Single Residence	North (Across E Garnet Ave) RS-6 Single Residence	Northeast (Across E Garnet Ave) RS-6 Single Residence
West RS-6 Single Residence	Subject Property RS-6 Single Residence	East RS-6 Single Residence
Southwest RS-6 Single Residence	South RS-6 Single Residence	Southeast RS-6 Single Residence

Mesa Zoning Ordinance Requirements and Regulations:

Per Section 11-80-3 of the City of Mesa Zoning Ordinance, the Board of Adjustment shall find upon sufficient evidence when making a decision on variances that:

1. There are special circumstances applicable to the property, including its size, shape, topography, location, or surrounding;

While there are no special characteristics relating to the physical nature of the lot itself, the existing home exhibits special circumstances relating to the unpermitted conversion of the attached garage to enclosed livable space.

The proposal meets this criteria.

2. That such special circumstances are pre-existing, and not created by the property owner or appellant;

As previously mentioned, the applicant's appraisal report gives no indication of an attached garage or other covered parking space existing on the property. This special circumstance is therefore preexisting and not created by the property owner or appellant.

The proposal meets this criteria.

3. 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

A survey of the surrounding neighborhood shows similar garage conversions. Strict application of the zoning ordinance will deprive the applicant from privileges enjoyed by other properties of the same classification in the immediate vicinity.

The proposal meets this criteria.

4. 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.

Approval of this variance request will not constitute a grant of special privilege inconsistent with the limitations upon other properties. Several homes in the immediate vicinity do not provide covered on-site parking spaces.

The proposal does not meet this criteria

Findings:

- A. The existing house was built in 1969 with an attached 1-car garage and complied with the development standards in effect at the time.
- B. A Google Map Street View image taken in February 2019 shows the original attached garage existing on the subject property.
- C. The applicant purchased the existing home on October 1, 2020, and the appraisal report does not show the attached 1-car garage on the building sketch.
- D. Per City of Mesa records, permits were not issued during this timeframe for a garage conversion.
- E. The existing home, including the converted garage, suffered fire damage on April 21, 2022. Permits to restore the home to its original state were submitted to the City on August 3, 2022.
- F. There are special circumstances applicable to the existing home that would justify the variance request. These circumstances are pre-existing and not created by the applicant.
- G. Strict application of the zoning ordinance will deprive the applicant from privileges enjoyed by other properties of the same zoning classification in the immediate vicinity.
- H. Granting of this variance request does not constitute a special privilege inconsistent with the limitations upon other properties.

Neighborhood Participation Plan and Public Comments:

The applicant sent the required notification letters to all property owners within 150 feet of the site. As of the writing of this report, staff has not been contacted by any residents to express support or opposition to the request.

Staff Recommendation:

Based on the application received and the preceding analysis, staff finds that the requested variance meets the approval criteria outlined in Section 11-80-3 of the MZO; therefore, Staff recommends approval of the request with the following conditions:

Conditions of Approval:

1. Compliance with the final site plan as submitted.
2. Issuance of a building permit for the proposed home addition.
3. Compliance with all City Development Codes and regulations.

Exhibits:

- Exhibit 1 – Vicinity Map
- Exhibit 2 – Staff Report
- Exhibit 3 – Justification Statement
- Exhibit 4 – Site Plan
- Exhibit 5 – Elevations
- Exhibit 6 – Appraisal Report
- Exhibit 7 – Neighborhood Survey
- Exhibit 8 – Fire Report