



**PLANNING DIVISION
STAFF REPORT**

Board of Adjustment

January 4, 2022

CASE No.: **BOA22-00919**

CASE NAME: Harrop Garage

Owner's Name:	Bobi Harrop
Applicant's Name:	Bobi Harrop
Location of Request:	1920 East Inca Circle
Parcel Nos:	136-27-247A
Nature of Request:	Requesting a Variance to allow a new attached garage within the required front and rear setbacks
Zone District:	Single Residence-9 (RS-9)
Council District:	1
Site size:	.28± acres
Existing use:	Single Residence
Staff Planner:	Josh Grandlienard, AICP
Staff Recommendation:	APPROVAL with Conditions

HISTORY

On **May 1, 1972**, the subject property was annexed into the City of Mesa as part of a larger 304± acre annexation and subsequently zoned RS-9 (Ordinance No. 738).

On **July 17, 1973**, the City Council approved the Gilburr Estates Amended subdivision plat that created a 48-lot subdivision including the subject property, which is identified as Lot 61 of the Gilburr Estates Amended subdivision

In **1980**, according to the Maricopa County Assessor's website, the existing home was constructed.

PROJECT DESCRIPTION

Background:

The applicant is requesting a variance for relief from the required front and rear building setbacks in the Single Residence-9 (RS-9) zoning district. Per Table 11-5-3 of the Mesa Zoning Ordinance (MZO), the minimum required front building setback for garages and carports in the RS-9 zoning district is 25 feet measured from the property line. The proposed attached garage will encroach into the required front setback approximately 2 feet, (2') establishing a new garage setback of 23-feet. Per Table 11-5-3 of the Mesa Zoning Ordinance (MZO), the minimum rear building setback in the RS-9 zoning district is 25 feet measured from the property line. If approved, the request will allow construction of a proposed home and garage addition that will encroach approximately 18-feet (18') into the rear setback, establishing a new rear setback of 7-feet, (7').

General Plan Character Area Designation and Goals:

The Mesa 2040 General Plan Character Area designation on the property is Neighborhood with a Suburban Sub-type. 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 Suburban Sub-type is the predominant neighborhood pattern in Mesa; these neighborhoods are primarily single residence in nature but may also contain areas for higher density residential and commercial uses along arterial frontages. The proposed home addition complies with the General Plan's Neighborhood Character Area and Suburban Sub-type designation for the property.

Site Characteristics:

The subject property is addressed as 1920 East Inca Circle and is identified as lot 61 within Gilburr Estates subdivision, which was originally developed under Maricopa County Jurisdiction and was annexed into the City of Mesa in 1972, with the plat being amended under the City of Mesa Jurisdiction in 1973. According to Maricopa County records, the existing home was constructed in 1980 and is situated on a 12,400 square foot lot. According to the submitted site plan, the existing home complies with the required front and side setback and encroaches approximately 12 feet into the required rear building setback.

Surrounding Zoning Designations and Existing Use Activity:

Northwest RS-9 Single Residence	North RS-9 Single Residence	Northeast RS-9 Single Residence
West RS-9 Single Residence	Subject Property RS-9 Single Residence	East RS-9 Single Residence
Southwest RS-9 Single Residence	South RS-9 Single Residence	Southeast RS-9 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;

The subject property has a five-sided shape with the portion of the lot with frontage on Inca Circle considered the front of the lot, the south and east property lines are considered side lot lines and the north and west property lines are considered rear lot lines. The unique shape of the lot results in two rear lot lines, which significantly reduces the buildable area of the lot, particularly along the west property line.

The proposal meets this criteria.

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

The existing residence was built in 1980 under a different development code than the current zoning ordinance. The existing structure and plat were not built or created by the current owner and is considered pre-existing prior to this request.

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 neighborhood shows similar rear setback encroachments. Strict application of the zoning ordinance would deprive the applicant from constructing a home addition on the subject lot.

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.

On November 21, 1978, the Board of Adjustment granted a variance to allow a proposed attached garage to encroach into the required garage setback as well as a rear building addition setback for the property located at 1918 East Inca Circle (Case No. BA78-116). Based on a previous variance approval within the neighborhood and within the same zoning district, approval of this variance request to allow a home addition within the required front and rear yard setbacks does not grant special privileges inconsistent with the limitation upon other properties in the area and within the RS-9 district.

The proposal meets this criteria.

Findings:

- A. The existing house was constructed in 1980 and the subject parcel was annexed into the City of Mesa in 1972.

- B. The subject lot has an irregular shape, which creates a unique hardship related to the lot itself.
- C. The special circumstance is pre-existing and not created by the property owner.
- D. On November 21, 1978, the Board of Adjustment granted a variance to allow an attached garage to encroach into the front setback for the property addressed as 1918 E. Inca Circle. The resulting variance allowed the proposed attached garage to be five-feet, (5') from the eastern property line, an encroachment of 20-feet, into the required garage setback. Strict application of the zoning ordinance will deprive the subject property of privileges enjoyed by other property within the same zoning district and within the same neighborhood.
- E. Based on a previous approval of a similar variance within the neighborhood and within the RS-9 District, approval of this variance request to allow a proposed home addition within the rear yard setback, does not grant special privileges inconsistent with the limitation upon other properties in the area or in the RS-9 District.

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 writing this report, staff has not been contacted by any resident to express support or opposition to the request.

Staff Recommendation:

Based on the application received and preceding analysis, staff finds that the request for a home addition within the rear yard meets the approval criteria of Section 11-80 of the MZO, and therefore recommends approval 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, Floor Plan, and Elevations

Exhibit 5 – Aerial Photos