



**PLANNING DIVISION  
STAFF REPORT**

**Board of Adjustment**

**March 1<sup>st</sup>, 2023**

CASE No.: <b>BOA22-01321</b>		PROJECT NAME: <b>Evans Residence</b>
Owner’s Name:	Michael Evans	
Applicant's Name:	David Pope	
Location of Request:	1460 West 7 <sup>th</sup> Drive	
Parcel No(s):	134-49-114	
Nature of Request:	Requesting a variance from the required minimum covered parking spaces.	
Zoning District:	Single-Residence-6 (RS-6)	
Council District:	3	
Site Size:	6,280± square feet	
Existing Use:	Single Residence	
Staff Planner:	Samantha Brannagan, Planner II	
Staff Recommendation:	Approval with Conditions	

**HISTORY**

**On February 16, 1959**, the City Council annexed 210± acres of land, including the subject property, into the City of Mesa (Ordinance No. 361).

**On January 18, 1960**, City Council approved the Alma Estates Unit 5 subdivision plat, which created 129 lots, including the subject property.

**In 1970**, per the Maricopa County Assessor's website, the primary residence was constructed in its current configuration.

**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 1970 with one (1) covered and one (1) uncovered parking space. After the current property owner requested a document retrieval for any existing permits on the premises, it was discovered that the covered parking was enclosed for livable space without permitting. Staff reviewed historic street view imagery and the conversion of the carport to livable space occurred sometime prior to 2007, which predates the purchase by applicant. In addition, the Maricopa County Assessor's website notes the former carport area as a 180 square foot addition and not as a carport.

**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 primary 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 design, development, and maintenance of neighborhoods focuses on ensuring clean, safe, and healthy areas where people want to live and maintain their investments. The existing single-family residence conforms with the General Plan and the intent of the character area.

**Site Characteristics:**

The subject property is addressed 1460 West 7<sup>th</sup> Drive and is located north of West 7<sup>th</sup> Drive and is located south of West Broadway Road and west of South Alma School Road. The subject lot is 6,280± square feet and the existing residence is 1,430± square feet in size. Per the Maricopa County Assessor's website, the residence and the attached garage were constructed in 1970 in its current configuration and in compliance with the MZO development standards in effect at that time.

**Surrounding Zoning Designations and Existing Use Activity:**

<b>Northwest</b> RS-6 Single Residence	<b>North</b> RS-6 Single Residence	<b>Northeast</b> RS-6 Single Residence
<b>West</b> RS-6 Single Residence	<b>Subject Property</b> RS-6 Single Residence	<b>East</b> RS-6 Single Residence
<b>Southwest</b> (Across W. 7 <sup>th</sup> Dr.) RS-6 Single Residence	<b>South</b> (Across W. 7 <sup>th</sup> Dr.) RS-6 Single Residence	<b>Southeast</b> (Across W. 7 <sup>th</sup> Dr.) 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;

Per Section 11-32-4(E) of the MZO, a single-car garage for residential purposes must be, at a minimum, 10 feet wide and 22 feet long. Per the submitted site plan, the distance between the existing residence, including the now enclosed livable space, and the western property line is 6 feet and will not meet the required width for a garage. As such, requiring the addition of a garage to the western side of the residence is not feasible. In addition, Section 11-5-3(B)(5)(a)(ii) of the MZO indicates that installing a second driveway that could lead to covered parking in the rear yard requires a minimum of 12 feet in width, and as mentioned previously the distance between the residence and the property line is currently 6 feet and will not meet the required width for a second driveway. Per Table 11-5-3(A) of the MZO, the minimum front yard setback for a garage or carport in the RS-6 zone is 20 feet and there is currently 30 feet between the enclosed livable space and the front property line. Requiring the applicant to provide covered parking within the front yard would encroach upon the required front setback. As such, the size and shape of the parcel is seen to have special circumstances regarding the required number of parking spaces in the RS-6 zoning district.

*The proposal meets this criterion.*

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

Per the Maricopa County Assessor's website, the property was bought by the current owner on August 1, 2022. After conducting a document retrieval for all permits issued for the property, the applicant realized that the garage had been converted and the lot now does not provide covered parking. This pre-existed the current owner and was not created by the owner and applicant.

*The proposal meets this criterion.*

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;

Survey of the surrounding neighborhood (Exhibit 3.1) shows nine (9) residences within 1/8 mile of the subject property with similar garage conversions and a lack of required covered parking spaces. 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 criterion.*

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.

Per attached Exhibit 3.1, the applicant provided photos in the same neighborhood indicating other lots with garages having been enclosed in the past to provide additional livable space. As the subject garage was previously enclosed prior to current ownership, the variance would not grant the current property owner a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.

*The proposal meets this criterion.*

Findings:

- A. The property was annexed into the City of Mesa in 1959.
- B. The property was platted in 1960 as part of the Alma Estates Unit 5 subdivision.
- C. The existing residence was constructed in 1970 in its current configuration and in compliance with the MZO development standards in effect at that time.
- D. The need for the variance is not created by the current property owner's actions.
- E. Strict compliance with the MZO development standards for the RS-6 zoning district would deprive the property of privileges enjoyed by other properties in the vicinity as other lots have also enclosed garages/carports for livable area.
- F. Granting of this variance request does not constitute a special privilege inconsistent with the MZO development standards for the RS-6 zoning ordinance.

**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 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 requested variance does meet the approval criteria outlined in Section 11-80-3 of the MZO, and therefore recommends **approval** with the following conditions:

**Conditions of Approval:**

- 1. Compliance with the final site plan as submitted.
- 2. Compliance with all City Development Codes and regulations.

**Exhibits:**

Exhibit 1 – Vicinity Map

Exhibit 2 – Staff Report

Exhibit 3 – Narrative and Justification Statement

3.1 – Neighborhood Examples

Exhibit 4 – Site Plan