



Board of Adjustment

Staff Report

CASE NUMBER: BOA17-00541
STAFF PLANNER: Veronica Gonzalez, Planner II
LOCATION/ADDRESS: 1235 N. Sunnyvale, Unit 31
COUNCIL DISTRICT: District 5
OWNER/APPLICANT: John Pargman, owner

REQUEST: *Requesting a variance to allow an encroachment for a garage addition into the required side yard setback for an attached single residence in the RM-2-PAD District.*

SUMMARY OF APPLICANT'S REQUEST

This request involves allowing a portion of a garage addition to encroach into the required side setback in the RM-2-PAD zoning district.

STAFF RECOMMENDATION

Staff recommends **approval** of case **BOA17-00541** with the following conditions:

1. *Compliance with the site plan, elevations and narrative as submitted except as modified by the condition below.*
2. *Compliance with all requirements of the Development Services Department in the issuance of a building permit.*

SITE CONTEXT

CASE SITE: Existing Townhomes – Zoned RM-2-PAD
NORTH: Existing townhome – Zoned RM-2-PAD
EAST: Existing golf course – Zoned RS-7
SOUTH: Existing townhome – Zoned RM-2-PAD
WEST: (Across local street) Existing townhome – Zoned RM-2 PAD

STAFF SUMMARY AND ANALYSIS:

This variance request is for Unit 31 within the Alta Mesa Parcel 3 townhome subdivision. According to Maricopa County Assessor records, the home was originally constructed in 1985. Alta Mesa Parcel 3 was developed as a 115-unit townhome subdivision. The vast majority of units within this subdivision have 0' side setbacks to accommodate the attached housing product. The townhomes are laid out in groupings of 4-9 units. Where end units for each grouping are not adjacent to a designated open space tract, a minimum 7' side setback has been maintained. The property under review is an end unit not adjacent to an open space tract and the applicant is requesting to encroach 3.76' into the 7' side setback with a proposed garage addition.

The applicant has provided the following as justification for the granting of the variance: 1) the unconventional lot shape; 2) a small portion of the proposed garage addition (approximately 15 sq. ft.) encroaches

approximately 3.76' into the 7' side setback, maintaining a separation between units; and 3) other units within this same subdivision have been allowed to encroach up to 5' into the 7' side setback.

As proposed, the encroachment would require the granting of a variance. The Board of Adjustment must find the following items are present to approve a variance:

- a) *There are special conditions that apply to the land or building. **See Findings 1***
- b) *The special condition was pre-existing and not created by the property owner. **See Findings 1 and 2***
- c) *That strict compliance with the Code would deprive the property of privileges enjoyed by other properties in the same zoning district. **See Findings 3***
- d) *The variance would not constitute a special privilege unavailable to other properties in the vicinity and zoning district of the subject property. **See Findings 3***

FINDINGS:

1. The subject site is located within a subdivision known as Alta Mesa Parcel 3 that was recorded in 1984. As platted, the lot is configured in such a way that the front of the lot is about 1/3 of the width of the rear of the lot creating a pie shaped lot. The unusual lot configuration is a unique constraint that was not created by the property owner. If the lot had a more conventional shape that did not taper toward the lot frontage, a variance request would not be necessary.
2. This subdivision was built with an attached housing product designed with 0' side setbacks and homes laid out in blocks of 4-9 units. At the end of a block of units, either a 7' side setback or an open space tract has been provided as a means of separation and to break up the streetscape. The proposed garage addition will maintain a 3.24' setback from the property line allowing a separation between units to be maintained.
3. The approval of the requested variance will not grant special privilege to this property owner as similar properties with side yards in this development have garage additions.

ORDINANCE REQUIREMENTS:

Chapter 80, Variances

Mesa Zoning Ordinance, Section 11-80-3: Required Findings:

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.