



PLANNING DIVISION
STAFF REPORT

Board of Adjustment

September 2, 2020

CASE No.: BOA20-00471	CASE NAME: 1265 East Inca Street
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Owner's Name:	Bruce and Renee Harvey
Applicant's Name:	Renee Harvey
Location of Request:	1265 East Inca Street
Parcel Nos:	136-27-420
Request:	A variance from the required front yard setback to allow for an addition to an existing carport.
Existing Zone District:	Single Residence (RS-9) Planned Area Development (PAD)
Council District:	1
Site size:	6,996 square feet or .16± acres
Existing use:	Single residence
Staff Planner:	Charlotte Bridges
Staff Recommendation:	APPROVAL with Conditions

HISTORY

On **January 17, 1972**, the property was annexed into the City of Mesa (ORD #724) as part of a larger annexation 576± acre area and subsequently zoned R1-9 PAD.

In **1978**, according to the Maricopa County Assessor's website, the existing home was constructed.

PROJECT DESCRIPTION

Background:

The applicant is requesting a variance to allow a 20 feet, four inch wide by three feet, eight-inch long (20'4" X 3'8") addition to the north side of an existing carport within the required front yard setback of an existing single residence dwelling unit. If the variance is approved, the applicant plans to enclose the enlarged carport into a garage. The PAD development standards approved for this property indicate the required front yard setback to a carport/garage is 20 feet. Approval

of this variance request would allow the new carport addition to be 17 feet, four inches (17'4") from the front property line and would result in an enclosed garage with the interior dimensions of 19 feet, eight inches wide by 22 feet long.

The home was constructed in 1978 with a front yard setback of 22 feet to the existing carport, which meets the minimum required RS-9-PAD front yard setback of 20 feet. The dimensions for the existing double carport are 20 feet, four inches wide by 18 feet long, which does not comply with the current required carport dimensions of the Mesa Zoning Ordinance (MZO). Per Section 11-32-4(E) of the MZO, double carports must have minimum inside dimensions of 18 feet wide by 20 feet long.

The applicant desires to convert the existing carport into a double car garage. However, per Section 11-32-4(F)(2) of the MZO, double-car garages must have minimum inside dimensions of at least 20 feet wide by 22 feet long. Construction of an addition to the existing carport to facilitate the enclosure of the carport into a garage while still meeting the minimum required front yard setback of 20 feet is not possible.

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 existing single-residence complies with the General Plan's Neighborhood character area and Suburban sub-type designation for the property.

Site Characteristics:

The subject property is located 600 feet east of Stapley Drive and one street north of McLellan Road, on the south side of Inca Street. The subdivision plat for Royal Palms of Mesa Unit I (Royal Palms), 231 lots, was approved in 1973. Most of the homes in the subdivision were constructed in the late 1970's. The subject lot size, 6,996 square feet, and its shape is similar to other lots within the portion of the subdivision to the west of the golf course area. The site plan submitted with this request shows that the setbacks to the existing home conform to RS-9-PAD District requirements.

Surrounding Zoning Designations and Existing Use Activity:

Northwest (Across Inca Street) RS-9 PAD Single Residence	North (Across Inca Street) RS-9 PAD Single Residence	Northeast (Across Inca Street) RS-9 PAD Single Residence
West RS-9 PAD Single Residence	Subject Property RS-9 PAD Single Residence	East RS-9 PAD Single Residence
Southwest RS-9 PAD Single Residence	South RS-9 PAD Single Residence	Southeast RS-9 PAD 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 surroundings;

The existing home was constructed in 1978 and conforms to required RS-9-PAD District front yard setback of 20 feet. The existing home was constructed with a 20-foot, four-inch wide by 18 feet long carport, which complied with the MZO standards at the time of construction but does not meet current standards for a double carport per Section 11-32-4(E) of the MZO. In addition, if the existing carport were enclosed into a garage, the new garage would not comply with Section 11-32-4(F)(2) of the MZO, which requires the minimum inside dimensions of double-car garage of at least 20 feet wide by 22 feet long. The construction of the existing carport prior to the MZO requirements for minimum interior dimensions for carports and garages creates a special circumstance since it is impossible to add-on to the existing carport in compliance with the required RS-9-PAD District minimum front yard setback of 20 feet.

The proposal complies with this criterion.

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

The special circumstance is pre-existing and not created by the property owner.

The proposal complies with 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;

A majority of the homes in the general vicinity of the subject property have garages. Strict application of the MZO would deprive the subject property of privileges enjoyed by other properties in the RS-9-PAD District.

The proposal complies with 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.

On May 28, 1996, The Zoning Administrator approved a request for a variance for the property located at 1259 East Inca Street to allow a double car garage structure to extend two feet, eight inches into the required RS-9-PAD minimum front yard setback of 20 feet. The property located at 1259 East Inca Street is the property immediately to the west of the subject site. The granting of the requested variance will not grant special privileges to the subject property that are inconsistent with other properties in the area.

The proposal complies with this criterion.

Findings

- A. The existing home was constructed in 1978 and conforms to required RS-9-PAD District front yard setback of 20 feet.
- B. The existing home was constructed with a 20-foot, four-inch wide by 18 feet long carport, which complied with the MZO standards at the time of construction.
- C. The existing single residence's 20 feet wide, 4-inches by 18 feet long double carport does not conform to Section 11-32-4(E) of the MZO.
- D. Construction of an addition to the carport to facilitate a garage enclosure, which meets Section 11-32-4(F)(2) of the MZO minimum interior dimension requirements for a double-car garage, is not possible without the granting of variance to allow the addition within the required RS-9 District front yard setback of the 20 feet.
- E. The special circumstances are pre-existing and were not created by the property owner.
- F. Strict application of the Zoning Ordinance will deprive the property owner of privileges enjoyed by other property of the same classification in the same zoning district.
- G. The granting of the requested variance will not grant special privileges to the subject property that are inconsistent with other properties in the area or in the RS-9-PAD 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 to allow an addition to an existing carport within the required RS-9-PAD District 20-foot front yard setback meets the variance approval criteria of 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 applicable City of Mesa Development Codes and regulations.
3. Compliance with all requirements of the Development Services Department regarding the issuance of building permits

Exhibits:

Exhibit 1 – Vicinity Map

Exhibit 2 – Staff Report

Exhibit 3 –Justification Statement

Exhibit 4 – Site Plan

Exhibit 5 – Construction Drawings