



**PLANNING DIVISION  
STAFF REPORT**

**Board of Adjustment**

**July 7, 2021**

CASE No.: <b>BOA21-00478</b>	CASE NAME: 1242 E. 7 <sup>th</sup> Ave. Parking Variance
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Owner's Name:	Ron Abelar
Applicant's Name:	Ron Abelar
Location of Request:	1242 E. 7 <sup>th</sup> Ave.
Parcel Nos:	139-04-026A
Nature of Request:	Requesting a Variance to eliminate covered parking requirements for a single residential home in the Single Residence 6 (RS-6) district.
Zone District:	Single Residence 6 (RS-6)
Council District:	4
Site size:	7,940 square feet
Proposed use:	Single Residence
Existing use:	Single Residence
Hearing date(s):	<b>July 7, 2021 / 5:30 p.m.</b>
Staff Planner:	Chloe Durfee-Sherman
Staff Recommendation:	APPROVAL with Conditions

**HISTORY**

On **February 16, 1959**, the City Council annexed approximately 211± acres, including the subject site, into the City of Mesa (Ordinance No. 361).

In **1957** the original house was constructed.

**PROJECT DESCRIPTION**

**Background:**

The applicant is requesting a Variance to eliminate covered parking requirements for a single residential home in the Single Residence 6 (RS-6) districts. The subject site is located at 1242 E.

7<sup>th</sup> Ave. on the east side of Stapley Drive south of Broadway Road. The existing building is 1,542± sq. ft. on a 0.18± acre lot.

The applicant/owner purchased the one-bathroom, three-bedroom house in 2017. Unbeknownst to the owner, the original one-car carport was illegally enclosed (without a permit) to make a third bedroom. Chapter 32 of the Mesa Zoning Ordinance (MZO) requires that all residential homes provide covered parking. If enclosing a carport or garage, the required covered parking must be replaced and provided for elsewhere on the site. In this case, one covered space must be provided on the subject property. When the one-car carport was illegally enclosed, a replacement for the required covered spot was never provided.

At some point, the third bedroom suffered extensive water damage and contained mold, requiring extensive renovations. In order for the owner to reconstruct, the third bedroom and create a true master suite, the addition must comply with current Building and Zoning Codes. The applicant is requesting a variance from providing the one required parking space in order to proceed with renovations.

**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 type is to provide safe places for people to live where they can feel secure and enjoy their surrounding community. Neighborhoods can contain a wide range of housing options and often have associated nonresidential uses such as schools, parks, places of worship, and local serving businesses. The existing use as a single residence home complies with the intent of the character area by providing housing to nearby populations.

**Site Characteristics:**

The subject property is located at 1242 E. 7<sup>th</sup> Ave., east of Stapley Drive, in the Ponsettia Villa Subdivision. The existing home is 1,542± sq. ft. on a 7,940 sq. ft. lot. The original home, when it was first built, had 975 sq. f.t living space. At some point an addition was added to increase the living space to 1,542 sq. ft. The original carport for the house was illegally enclosed sometime before 2011 to make a third bedroom. The subject site does not currently have covered parking as the original carport was enclosed without a permit.

**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> RS-6 Single Residence	<b>South</b> RS-6 Single Residence	<b>Southeast</b> 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;

**The subject property is in the RS-6 zoning district which requires a minimum 5-foot setback on either side yard and an aggregate of 15 feet for both sides (Section 11-5-3(A) of the MZO). The house is setback from the west property line 8 feet 7 inches and setback 9 feet 3 inches from the east property line. However, these side yards do not provide the minimum width needed for a driveway leading to a rear yard. Per Section 11-5-3(B)(5)(a) of the MZO, a second driveway up to 10 feet wide is permitted if it leads to an interior side yard at least 12 feet wide. Furthermore, the alley adjacent to property was abandoned by the City with half of the alley's width deeded to the adjacent property owners. Auto accessibility to the back yard is therefore restricted. Practically, the provision for a covered space on the subject site would require a variance from either the driveway standards or the front setback and garage standards.**

***The proposal meets this criteria.***

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

**The enclosure of the original carport was done by the former property owner without a permit.**

***The proposal does meet 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.

**The strict application of the zoning ordinance would deprive the property of the privileges enjoyed by other properties as there are several other homes in the neighborhood and the zoning district that do not have covered parking and use driveway and/or street parking.**

***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.

**The granting of the variance to eliminate the covered parking requirement for the property would not be granting special privileges as there are several other homes in**

**the neighborhood and the zoning district that do not have covered parking and use driveway and/or on-street parking.**

***The request meets this criterion.***

**Findings:**

- A. The subject site has had an enclosed carport since before 2011 with no other covered parking on the property.
- B. The zoning ordinance code changed in 2011 to require covered parking for the single residence zoning districts.
- C. The special circumstance is pre-existing and not created by the property owner.
- D. If the original enclosing of the carport had been issued a permit, they would not have to comply with the code today that requires covered parking as it pre-dated that code requirement.

**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 variance request to eliminate the covered parking requirement for a single residence home meets the approval criteria of Section 11-80-3 of the MZO, and therefore recommends approval with the following conditions:

**Conditions of Approval:**

- 1. Issuance of a building permit for the existing detached accessory building.
- 2. Compliance with all City Development Codes and regulations.

**Exhibits:**

Exhibit 1 – Vicinity Map  
Exhibit 2 – Staff Report  
Exhibit 3 – Narrative and Justification Statement  
Exhibit 4 – Site Plan  
Exhibit 5 – Elevations