

Board of Adjustment



Staff Report

CASE NUMBER: BA14-066
STAFF PLANNER: Kaelee Wilson
LOCATION/ADDRESS: 5721 E. Leonora Street
COUNCIL DISTRICT: Council District 5
OWNER: Pat Maxwell, Kris Almsted and Sherl Almsted
APPLICANT: Steve Maxwell

REQUEST: 1) a Variance to allow a carport to encroach into the required front yard; and 2) a Variance to allow a carport to extend in front of the front line of the house, both in the RS-7-PAD-AS zoning district. (PLN2014-00602).

SUMMARY OF APPLICANT'S REQUEST

The applicant is requesting a variance to allow a front porch post to encroach in the front setback and for a garage to extend in front of the front line of the home. The applicant has constructed the front porch addition and the extension of the existing carport without the benefit of a building permit.

STAFF RECOMMENDATION

Staff recommends approval of case BA14-066, conditioned upon the following:

1. Compliance with the site plan and elevations submitted, except as modified by the conditions listed below.
2. The interior space of the garage shall be extended to 44' in length.
3. Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.

SITE CONTEXT

CASE SITE: Existing single residence – Zoned RS-7-PAD-AS
NORTH: (Across Leonora) Existing single residences – Zoned RS-7-PAD-AS
EAST: Existing single residence – Zoned RS-7-PAD-AS
SOUTH: Existing attached residences – Zoned RM-2
WEST: Existing single residence – Zoned RS-7-PAD-AS

STAFF ANALYSIS

Although the applicant has extended the front porch and the carport without the benefit of a building permit, the request must be reviewed as plan on paper. The front porch addition has a post that encroaches 3' into the required 10' front setback (as set by the adopted PAD overlay district). The carport has been extended an additional 3'-6" out from the newly constructed porch to a location that is 8' in-front of the front line of the home. Although the garage addition meets the 10' front setback requirement, it does not meet the development standard set forth in the Zoning Ordinance that requires the garage to be recessed 3' behind the livable area of the home. This development standard also applies to Manufactured Home Subdivisions. Per the applicant, the original carport would not have been able to accommodate a garage door therefore the 8' extension was constructed at a different height to allow for a garage door. The applicant's reason for the conversion from a carport into a garage is for added security because the carport has been broken into.

As justification for the requested variance, the applicant has noted: 1) there are many other homes with a garage in front of the front line of the home on Leonora; 2) added security of the garage door; 3) the addition is improving the aesthetics of the home; and 4) would like to get the work done before his health worsens.

As proposed, the encroachment of the porch post and the garage being placed in-front of the front line of the home requires the issuance 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.*
- b) *The special condition was pre-existing and not created by the property owner.*
- c) *That strict compliance with the Code would deprive the property of privileges enjoyed by other properties in the same zoning district.*
- d) *The variance would not constitute a special privilege unavailable to other properties in the vicinity and zoning district of the subject property.*

The home is placed on the subject property on an angle in which the narrowest portion of the front yard is on the east and widens towards the west. The post for the porch that is encroaching within the front setback is on the eastern portion of the property where the front setback is at its narrowest. The site plan provided in the packet shows the plot plan of the original home (the bold outline). The corner of the home where the porch post is encroaching is the portion of the original home that juts out the furthest towards the street. Staff is supportive of this portion of the variance request due to the placement of the home being a preexisting condition.

The applicant's intent with the addition to the carport was to add the minimum required depth to accommodate a garage door. Based on a site visit, many homes in the Apache Wells subdivision and on the applicant's street have a two car garage that extends in front of the front line of the home. As shown in Figures 2-4 in the packet, the homes surrounding the applicant's home all have garages that extend more than 8' in front of the front line of the home. In order for the applicant to meet code requirements for a two-car tandem garage, staff is recommending the interior space be lengthened to 44'. This distance allows for two vehicles to be parked in a tandem manner without obstructing the closure of the garage door. Staff is supportive of this request because strict compliance with current development standards would deprive the property owner of the ability to have a two car garage as many other homes in the Apache Wells Manufactured Home Subdivision enjoy.

FINDINGS

1. The existing manufactured home was built with a large one-car carport. Adding the additional internal space is bringing the property into further compliance with the current code requirement of two covered parking spaces on a residential lot.
2. The home was placed on the lot on an angle that is a preexisting condition and not self-imposed.
3. Strict compliance with development standards would deprive the property owner of a privilege enjoyed by surrounding property owners.

ORDINANCE REQUIREMENTS

Zoning Ordinance, Sec 11-5-3: Development Standards for the RS District
RS-7-PAD-AS Apache Wells Setbacks – Front -10', Sides -5' each and Rear-10'

Zoning Ordinance, Parking Spaces Requirements (summarized from Sec. 11-32-3)

D. Covered Spaces. Covered parking spaces shall be provided as follows:

1. Single-residences shall provide a minimum of 2 covered parking spaces per unit.

Zoning Ordinance, Parking Area Design (summarized from Sec. 11-32-4)

F. Minimum Dimensions for Residential Enclosed Garages. Enclosed garages serving residential uses shall be constructed to meet the following minimum inside dimensions.

1. A single-car garage shall be at least 10 feet wide and 22 feet long.
2. A double-car garage shall be at least 20 feet wide and 22 feet long.
3. A garage for tandem parking shall be at least 10 feet wide and 44 feet long.

Zoning Ordinance, Building Form (summarized from Sec. 11-5-3)

E. Building Form- Garage Frontage and Location:

1. Where garage doors are oriented parallel or within 10 degrees of parallel to the front property line of the lot, the aggregate width of garage doors attached to a primary residence and facing the front of the lot shall not exceed 50 percent of the aggregate width of those elevations of the building that face the front of the lot. Garages oriented parallel or within 10 degrees of parallel to the front of the lot, shall be located at least 3-

I STOOD Maxwell would like a
variance for the post in front Parkway
Space, Lots of Home Have Less Space
Then me, like to stand the
Rest of Home To look like I Am
Keeping the Home up, ~~can~~ can
not afford to build new. Want to
get this done before my death.
Gets worse, to move hear.

Thanks

[Signature]





APACHE WELLS HOMEOWNERS ASSOCIATION, INC.
PROJECT APPROVAL REQUEST

RECEIVED

NOV 12 2013

DATE 11-12-13

FOR HOME MAINTENANCE/ALTERATIONS/IMPROVEMENTS

NAME (PLEASE PRINT) Steve Maxwell TEL. 480.846-1990

LOT NO. 284 ADDRESS 5721 E Leunore St Mesa 85215

CONTACT ADDRESS (if different) _____ TEL _____

CONSTRUCTION BY owner TEL _____

LICENSED & BONDED (yes/no) LICENSE NO. _____

*The criteria for home maintenance, alterations, and improvements are outlined in the AWWA Revised Declaration of Covenants, Conditions and Restrictions: Article 3. Maintenance, Alterations Improvements (attached) Paragraphs A, B, C, F, H. Please read carefully and inquire if you have any questions.

City codes must be complied with and needed permits obtained and displayed.
Committee Note: Verification of permits can be obtained by calling Building Inspection 644-2185 or Code Compliance 644-2061.

DESCRIPTION OF PROPOSED WORK

Like to come out 7th and Raze Roof to Reck old structure in stall New garage Door, Restore new Front New window (Continue on reverse) in Front

REMOVAL OF EXISTING UNIT(S) - LOT AREA MUST BE CLEANED UP (MEET ARCHITECTURAL STANDARDS) WITHIN 30 CALENDAR DAYS OF COMMENCING THE REMOVAL PROCESS. PROPERTY OWNERS WILL BE REQUIRED TO DEPOSIT \$1000.00 CASH OR CERTIFIED CHECK TO INSURE THAT COMPLETION OF THE ABOVE WORK IN THE ALLOTTED TIME. THE DEPOSIT WILL BE RETURNED OR FORFEITED AFTER THE 30 DAYS WITH APPROVAL OF THE ARCHITECTURAL COMMITTEE.

PLANS AND SPECIFICATIONS (check if attached or done)

*PLAN VIEW _____ SIDE VIEW: N _____ E _____ S _____ W _____ SHOW LOCATION OF A.C./HEAT UNIT.

SECFICATIONS: Materials Listed and Described _____
Lot corners found _____ or resurveyed and set _____
Country Club Lot _____
Boundaries clearly marked _____

I certify that the above and attachments are accurate and true to the best of my knowledge and intent.

SIGNATURES

OWNER Steve Maxwell

CONTRACTOR Steve Maxwell

COMPANY (AWHA) ACTION BY ARCHITECTURAL COMMITTEE

APPROVED _____ BY _____ Chrmn. DATE _____
NOT APPROVED _____ BY _____ Chrmn. DATE _____

REMARKS _____

Date copy sent to Apache Wells Country Club _____

This document is valid for one year only from date of approval.
Maintenance/Alterations/Improvements 4/8/99

- Revised 3/6/02
- Revised 2/20/03

Figure 1: Applicant's home prior to modifications



Figure 2: Across the street from applicant

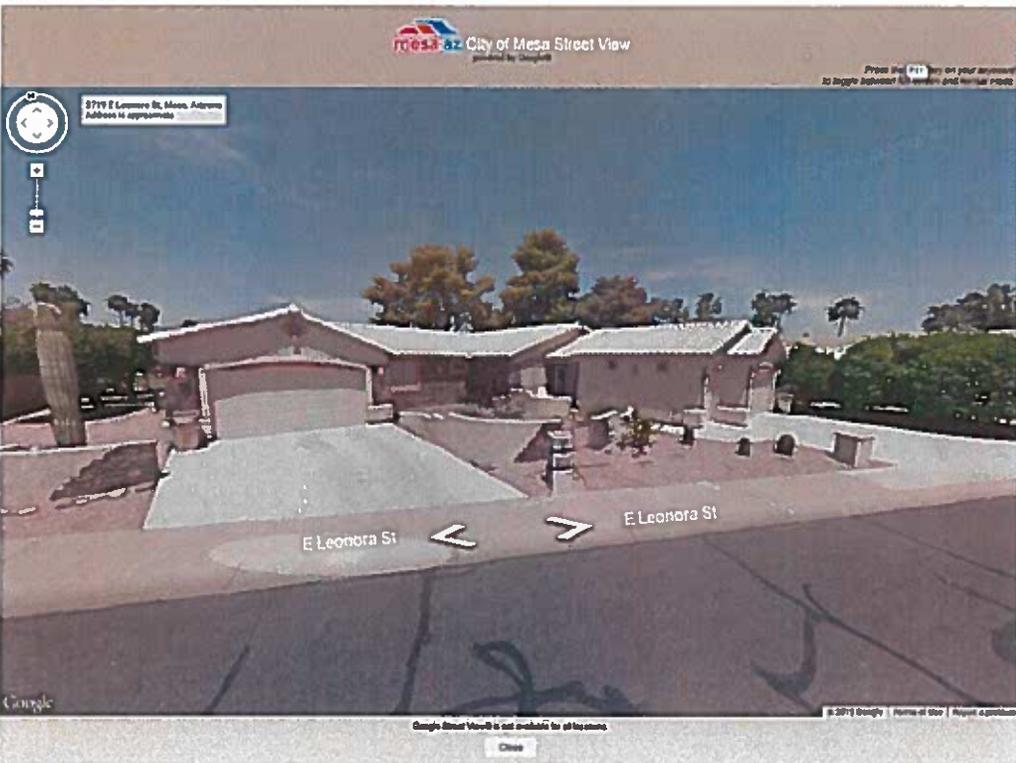


Figure 3: Next door to applicant

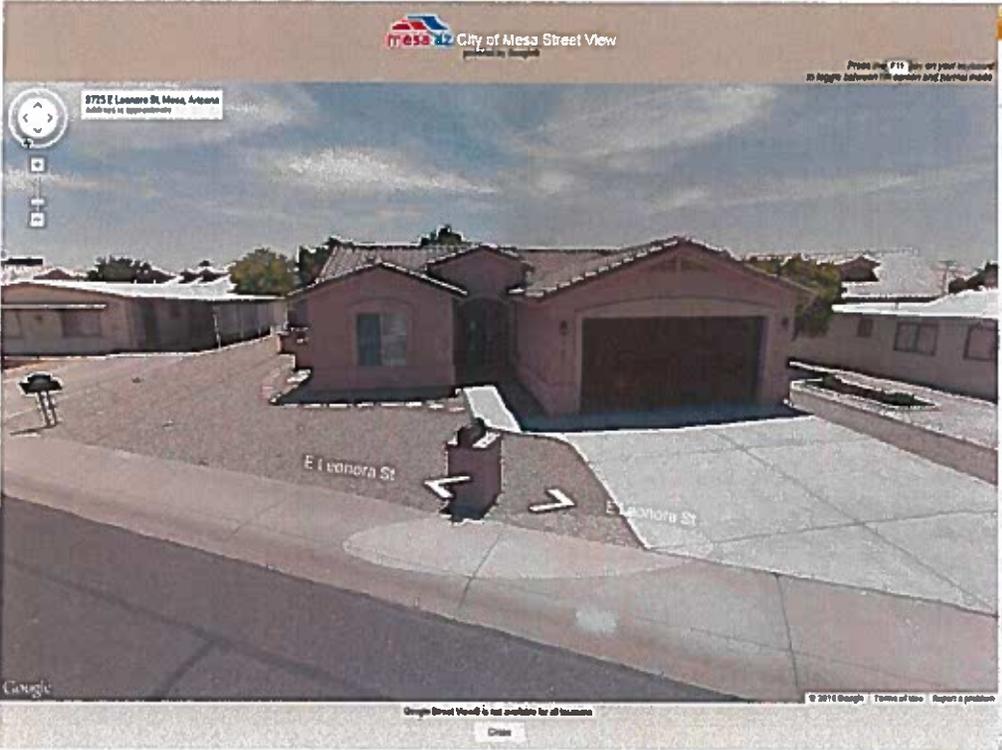


Figure 4: Across the street from applicant

