

Zoning Administrator Hearing

Minutes



John S. Gendron Zoning Administrator/Hearing Officer

May 21st, 2013 – 1:30 p.m.

View Conference Room, 2nd Floor
55 North Center Street
Mesa, Arizona, 85201

Staff Present

Angelica Guevara
Kaelee Wilson

Others Present

Marissa Beith

CASES:

Case No.: ZA13-002

Location: 323 North Hunt Drive East (District 4)

Subject: Requesting: 1) a variance to allow a garage to encroach in the required side yard; and 2) a variance to allow reduced double-car garage dimensions; both in the RS-6 zoning district. (PLN2013-00094)

Decision: Case ZA13-002 was approved, *conditioned upon the following:*

1. *Compliance with the site plan submitted, except as modified by the conditions listed below.*
2. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*

Summary:

Staff member Kaelee Wilson gave a brief staff report to Mr. Gendron. Mr. Gendron asked if other houses in this neighborhood have enclosed their carports to garages. Ms. Wilson stated other homes have enclosed their carports to garages, but have not received a variance.

Marissa Beith, property owner and applicant, was present. The applicant stated the home will be put on the market and homes with garages are more desirable.

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FINDINGS

1. The approved variance would allow an enclosure of a carport into a garage, while maintaining a six foot side yard on the required ten foot vehicular access side. The applicant has six foot side yards on both sides of the property. Under current code, the RS-6 zoning district requires a 5 foot and 10 foot side yard.
2. Maricopa County Assessor' office records show that the home was constructed in 1967. At the time of construction the home was compliant with the Zoning Ordinance in place; meaning, the four foot encroachment into the north side yard was preexisting and was not created by the property owner.
3. The applicant is not requesting a further encroachment into the six foot side yard. The approved enclosure would follow the current roof line of the home. The size of the garage is the size of the current carport.
4. As justification for the approved variance, the applicant has noted: 1) the home was built in the 1960's with a six foot side yard setback; 2) other homes in the neighborhood have garages; 3) the circumstance of having a carport and not a garage was preexisting and not self-imposed; 4) the home has been targeted by burglars due to the their ability to identify if anyone is home; 5) the variance would not grant any special privilege to the applicant since 75% of the homes have enclosed the carport to a garage.
5. Strict compliance of the Zoning Ordinance would deprive the applicant the ability of having a garage that other property owners in the RS-6 zoning district have the privilege of enjoying.
6. It is important to note that many other homes on the street have converted their carports into garages, most without the benefit of a building permit or variance. Since a garage is a privilege that many property owners in the neighborhood are currently enjoying, the enclosure of the subject carport would not be detrimental to the neighborhood nor would it be granting a special privilege to the applicant.

There being no further business to come before the Zoning Administrator, the hearing adjourned at 1:44 p.m.

The cases for this hearing were digitally recorded and are available upon request.

Respectfully submitted,

Gordon Sheffield
Zoning Administrator/Hearing Officer

Minutes written by Kaelee Wilson, Planning Assistant