



# Board of Adjustment Staff Report

**CASE NUMBER:** BA15-027  
**STAFF PLANNER:** Kaelee Wilson, Planner I  
**LOCATION/ADDRESS:** 508 South Standage  
**COUNCIL DISTRICT:** Council District 4  
**OWNER/ APPLICANT:** Carl Bickel

**REQUEST:** *Requesting Variances to: 1) encroach into a required minimum side yard setback; 2) reduce the required minimum interior dimensions of a garage; and 3) reduce the minimum required number of parking spaces, all in the RS-6 zoning district. (PLN2015-00204)*

### SUMMARY OF APPLICANT’S REQUEST

The requested variances would allow the conversion of a carport to a garage three-foot six-inch setback from the north property line, where a minimum five-foot setback is required. In addition, the garage has been proposed at 10’-4”W x 21’ D, where minimum size for a one-car garage is 10’W x 22”D. The home is subject to code compliance case because the conversion was completed without the benefit of a building permit.

### STAFF RECOMMENDATION

Staff recommends approval of case BA15-027, *conditioned upon the following:*

1. *Compliance with the sign plan submitted, except as modified by the conditions listed below.*
2. *A building permit shall be obtained for the patio if the applicant cannot provide evidence one was obtained for the structure.*
3. *The garage shall be modified to cohesively blend with the house by utilizing similar building materials and paint colors.*
4. *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-6  
**NORTH:** Existing single residences – Zoned RS-6  
**EAST:** (Across Standage) Existing single residences – Zoned RS-6  
**SOUTH:** Existing single residences – Zoned RS-6  
**WEST:** Existing single residences – Zoned RS-6

### STAFF SUMMARY

The applicant is requesting three variances that would allow a carport to garage conversion to encroach into the required 5 foot side yard. The first variance request is for an encroachment into the required side yard. The RS-6 zoning district requires side setbacks to be a minimum of 5 feet with an aggregate of 15 feet. The property has 14 feet in width on the south side yard but only 3 feet 6 inches for the north side yard. It is important to note that at the time of construction in 1961 the Zoning Ordinance allowed carports be constructed within 3 feet of the property line. There is also a patio structure in the backyard that follows the alignment of the south

side of the home. Staff has researched the patio on the Maricopa County Flood Control District historical aerial maps and has concluded it was constructed to its current configuration sometime between the years of 1997-2000. Staff cannot find record of a building permit for the patio.

The second variance request is for the reduction in the minimum interior size of a garage. The Zoning Ordinance requires a one-car garage to be a minimum of 10 feet wide by 22 feet long. The applicant is providing an interior dimension of 10 feet 4 inches wide by 21 feet long. The variance request is for a reduction of 1 foot in length.

The third variance request is for a reduction in the required number of on-site parking spaces. Current code requires a minimum of two covered parking spaces be provided on each lot. The home was constructed in 1961 when homes typically one had a one-car carport. The applicant is not proposing the addition of any livable square footage that would invoke requiring an additional covered parking space be added to the property.

At the time the neighborhood was constructed in 1961, some homes on Standage, including this home, were developed incorrectly with either the home being built on the property line or even over property lines onto an adjacent parcel. Staff has attached an aerial from Maricopa County Assessor (Figure 1) that depicts the construction error as it pertains to the subject property. The home was constructed with the carport encroaching over the north property line. The applicant has recorded an affidavit of change to adjust the property line to be in alignment with the privacy fence on the north. The modification has created a 3'-6" side yard measured from the wall of the garage to the newly created property line.

The applicant has noted the following for justification for the variance: 1) the home was built incorrectly on the lot as were other homes on the street; 2) the carport was converted to a garage for added security for the residents; and 3) the carport doesn't encroach any further than the existing line of the home.

**Conclusion:**

Staff is supportive of the requested variances that will allow for the legal conversion of a single carport into a garage. Strict compliance of the Zoning Ordinance would deprive the property owner the enjoyment of a garage as most RS-6 homes are able to lawfully construct. Special circumstances that were not self-imposed surround not only this home but other homes in this neighborhood that were constructed incorrectly on property lines or on adjacent parcels. Without an affidavit of change and a variance, this home and other homes in the neighborhood would not be able to modify their homes in a manner that other homes in the RS-6 zoning district are allowed to do by right.

**FINDINGS**

1. The home was constructed in 1961 based upon a previously adopted Zoning Ordinance.
2. The site had legal non-conforming status until the modification was made to the carport.
3. At initial construction, the home was placed incorrectly over the side property line. In response to the error, the applicant has recorded an affidavit of change that modifies the width of his lot from 63.85 feet to 68.66 feet.
4. Strict compliance of the code would deprive the property owner of privileges other properties within the RS-6 zoning district enjoy.

**ORDINANCE REQUIREMENTS:**

Zoning Ordinance, Sec 11-5-3: Development Standards for the RS District

**RS-6 Setbacks (paraphrased from Table 11-5-3) – Front (enclosed livable)-10', Front (garage)-20', Side-5' minimum 15' total, Rear-20'**

Zoning Ordinance, Sec 11-32-4: Parking Area Design

**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.

Figure 1



May 11, 2015

Justification & Compatibility Statement:

508 S. Standage, Mesa, AZ

To Whom It May Concern,

60 years ago, the house I currently own, 508 South Standage, was illegally constructed encroaching 6 inches onto my North neighbor's property. An aerial photo shows 14 adjacent houses also illegally placed on their respective lots. I have had my property surveyed to include a block fence constructed, 17 years ago, by the North neighbor. The survey gives my property an additional 34-39 inches which places the North boundary approximately 29 inches away from the building. This survey has been reviewed and approved by Kim Steadman, Mesa Planner I I, and recorded. (The survey shows the street to be 4 feet wider than the plat indicates.)

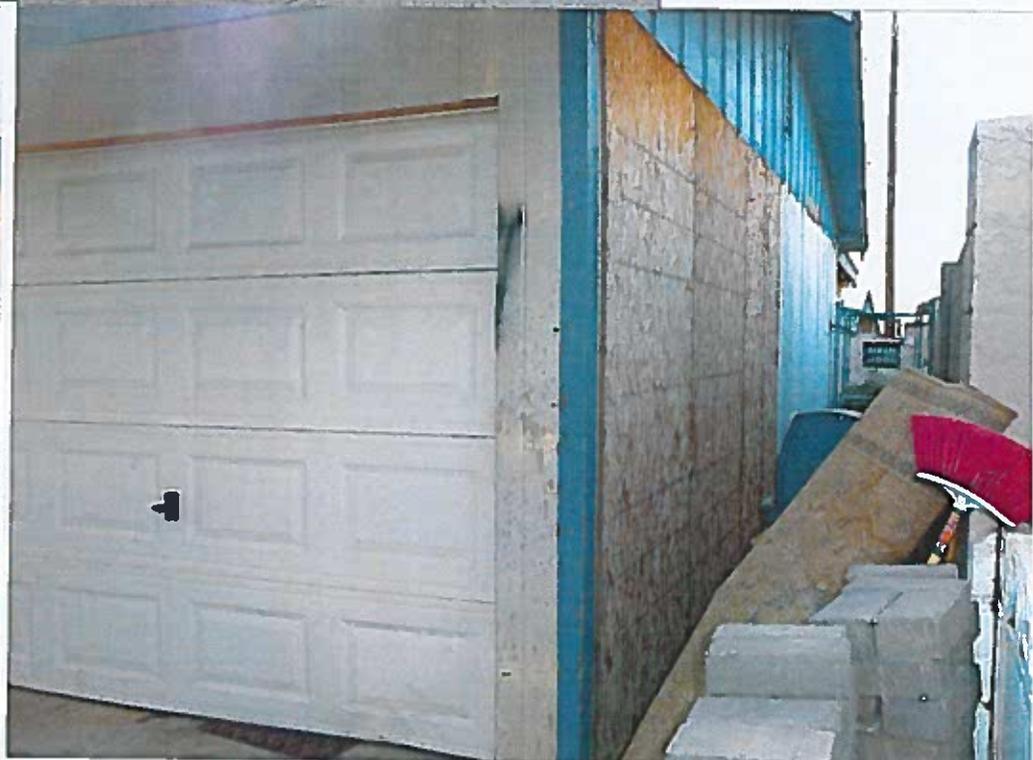
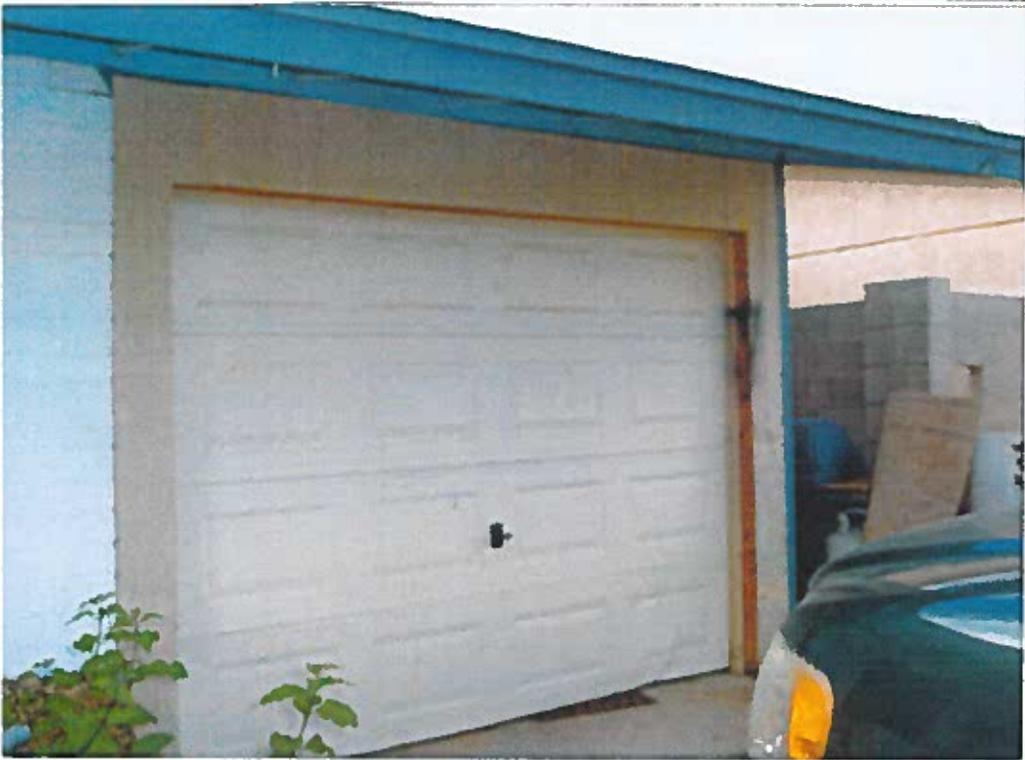
5 years ago, I illegally converted the carport to a garage. This property is a rental and the tenants were having items stolen from both the carport and truck parked in the carport. Since the North wall and garage door opening were not structural elements, I incorrectly didn't believe a permit was needed. When, 3 years ago, I receive a notice from Code Compliance, I immediately started the process to obtain a Building Permit. The North sidewall was framed by the tenant (approximately 2.5 sheets of plywood) who works in construction. The front garage door was special ordered to fit opening and was framed and installed by a licensed garage door company. When I reviewed the conversion with Mesa Building Permits I was told that it seems that everything has been done to code except (1) it needs to have a fire wall of 5/8 inch drywall between the garage area and the laundry room, (2) it needs a fire door for kitchen entry, (3) it needs one electrical outlet, and (4) it needs a waterproofing membrane on the exterior wall. I was also told not to do anything until I have received a Building Permit.

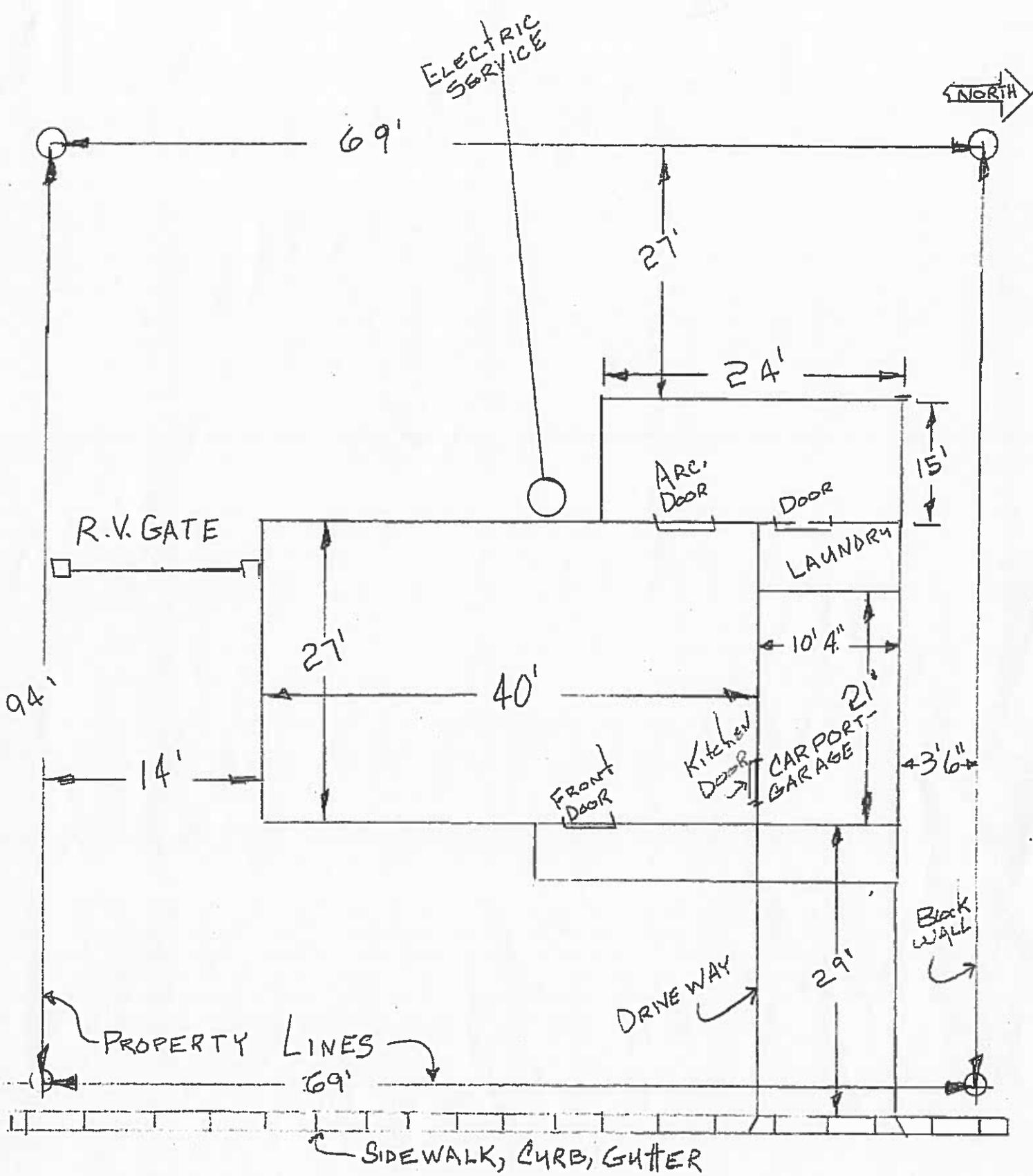
The property also has an existing patio cover which, before the survey, also encroached onto the neighbor's property. During this current Variance process, I hope to correct all previous code violations so that in the future the property can be sold without any open code violations.

Mr. Steadman has pointed out that the property has only one (1) parking space rather than the required two (2) spaces. I will appreciate any guidance the Board can provide to me so as to resolve this matter.

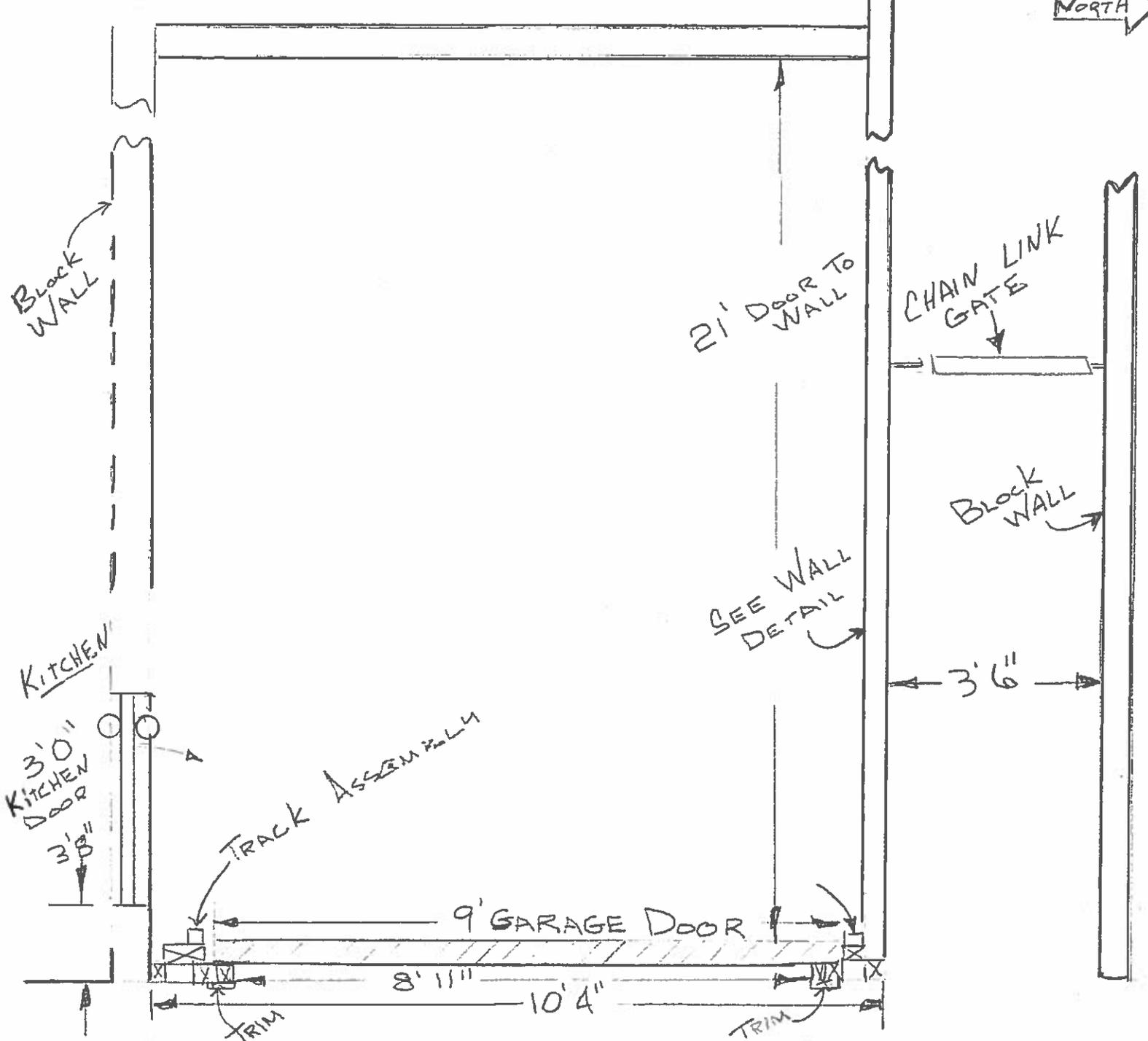
Thank you for your attention.

Carl Bickel (602-705-7823)





508 SOUTH STANDAGE, MESA, AZ.  
 SITE PLAN



508 SOUTH STANDAGE, MESA, AZ.  
CARPORT TO GARAGE 1/2" = 1'

WHEN RECORDED PLEASE RETURN TO:

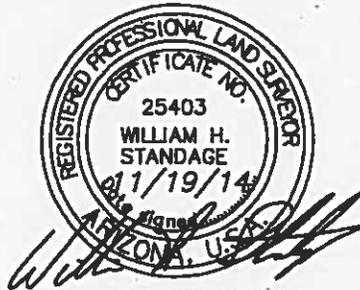
STANDAGE & ASSOCIATES, LTD.  
409 S. EL DORADO  
MESA, AZ 85202

140805-3-1-1--  
Hoyp

**AFFIDAVIT OF CHANGE  
FINAL PLAT OF BRAY ACRES  
UNIT TWO, LOTS 97 & 98**

THIS IS TO CERTIFY THAT I, WILLIAM H. STANDAGE, R.L.S. OF STANDAGE & ASSOCIATES, LTD., 409 S. EL DORADO, MESA, AZ 85202, AT THE REQUEST OF CARL D. BICKEL AND LUPE BICKEL, HUSBAND AND WIFE, OWNER OF LOT 97 AND DOMITILA PORTILLO, A SINGLE WOMAN, OWNER OF LOT 98 OF BRAY ACRES UNIT TWO, PUBLISH THIS AFFIDAVIT OF CHANGE TO AMEND THE FINAL PLAT OF "BRAY ACRES UNIT TWO", AS RECORDED IN THE MARICOPA COUNTY RECORDER'S OFFICE BOOK 91 OF MAPS, PAGE 19. THE CHANGE IS DESCRIBED AS FOLLOWS:

RELOCATE THE COMMON PROPERTY LINE BETWEEN LOTS 97 AND 98 AS REFLECTED IN THE ATTACHED EXHIBITS. NO OTHER LOTS OR TRACTS WITHIN "BRAY ACRES UNIT TWO" SHALL BE AFFECTED BY THIS CHANGE. THIS CHANGE SHALL HAVE NO EFFECT ON THE RIGHT-OF-WAY OF S. STANDAGE.



WILLIAM H. STANDAGE, P.E., R.L.S.  
ARIZONA REGISTRATION NO. 25403

Expires 6/30/15

STATE OF ARIZONA:

SS

COUNTY OF MARICOPA:

ON THIS THE 19 DAY OF November, 2014, BEFORE ME THE UNDERSIGNED NOTARY, PERSONALLY APPEARED WILLIAM H. STANDAGE, KNOWN TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THAT HE EXECUTED THE SAME FOR THE PURPOSES THEREIN CONTAINED.

IN WITNESS WHEREOF I SET MY HAND AND OFFICIAL SEAL.



Annette Moore  
NOTARY PUBLIC

MY COMMISSION EXPIRES: August 22, 2017

AFFIDAVIT OF CHANGE

EXHIBIT 'A'



Standage & Associates, Ltd.  
Consulting Engineers

409 S. El Dorado  
Mesa, Arizona 85202  
(480) 892-8090

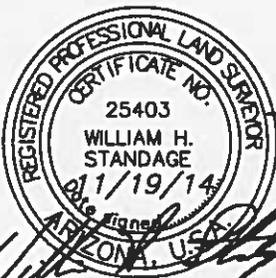
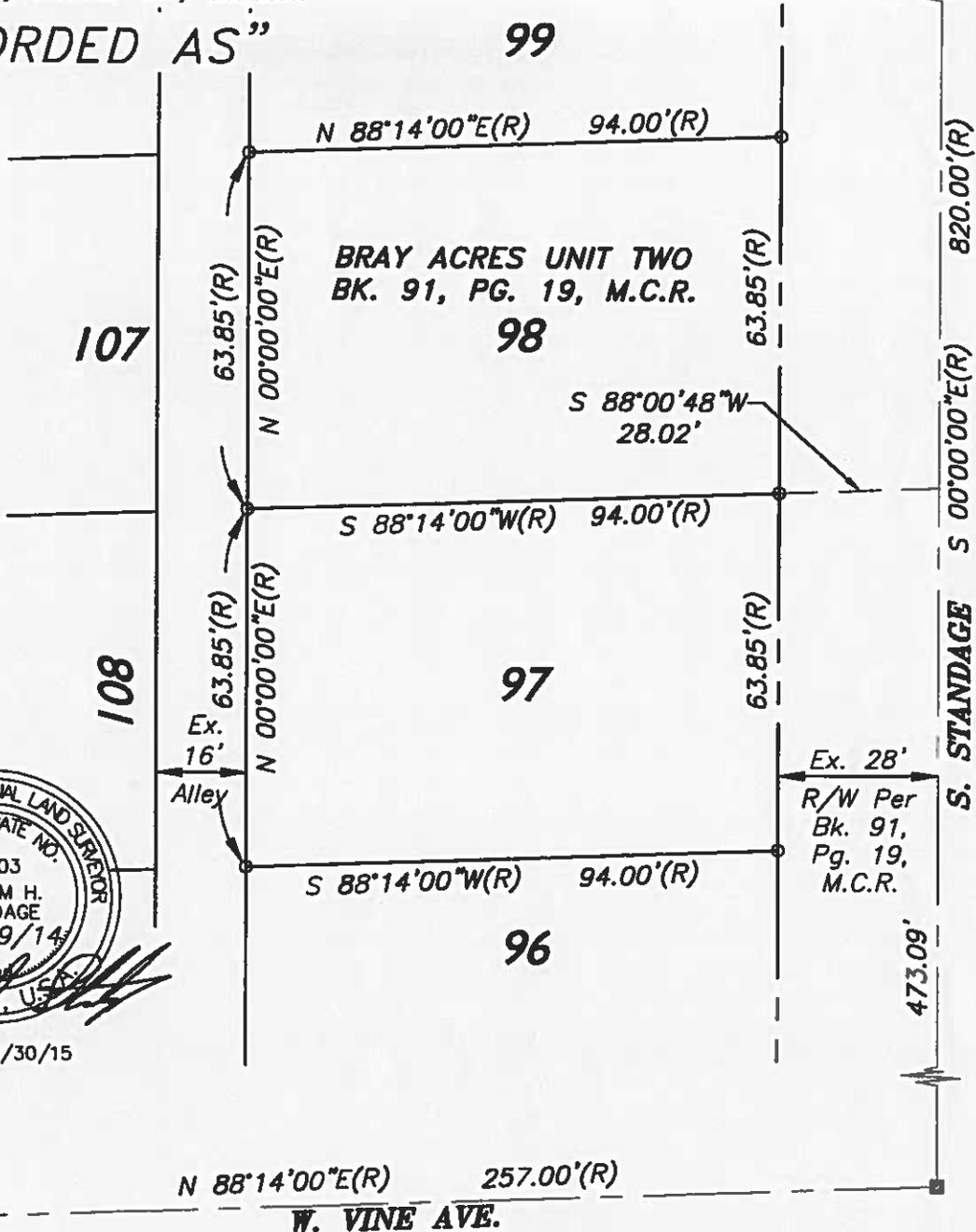
SA Proj. #: 140805

# EXHIBIT 'A' AFFIDAVIT OF CHANGE

LOTS 97 & 98,

"BRAY ACRES UNIT TWO"  
BOOK 91, PAGE 19, M.C.R.

"RECORDED AS"



Expires 6/30/15

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SA Proj # 140805

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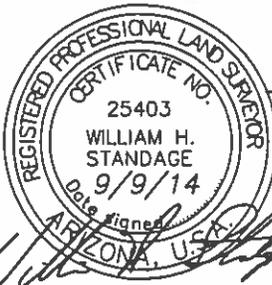
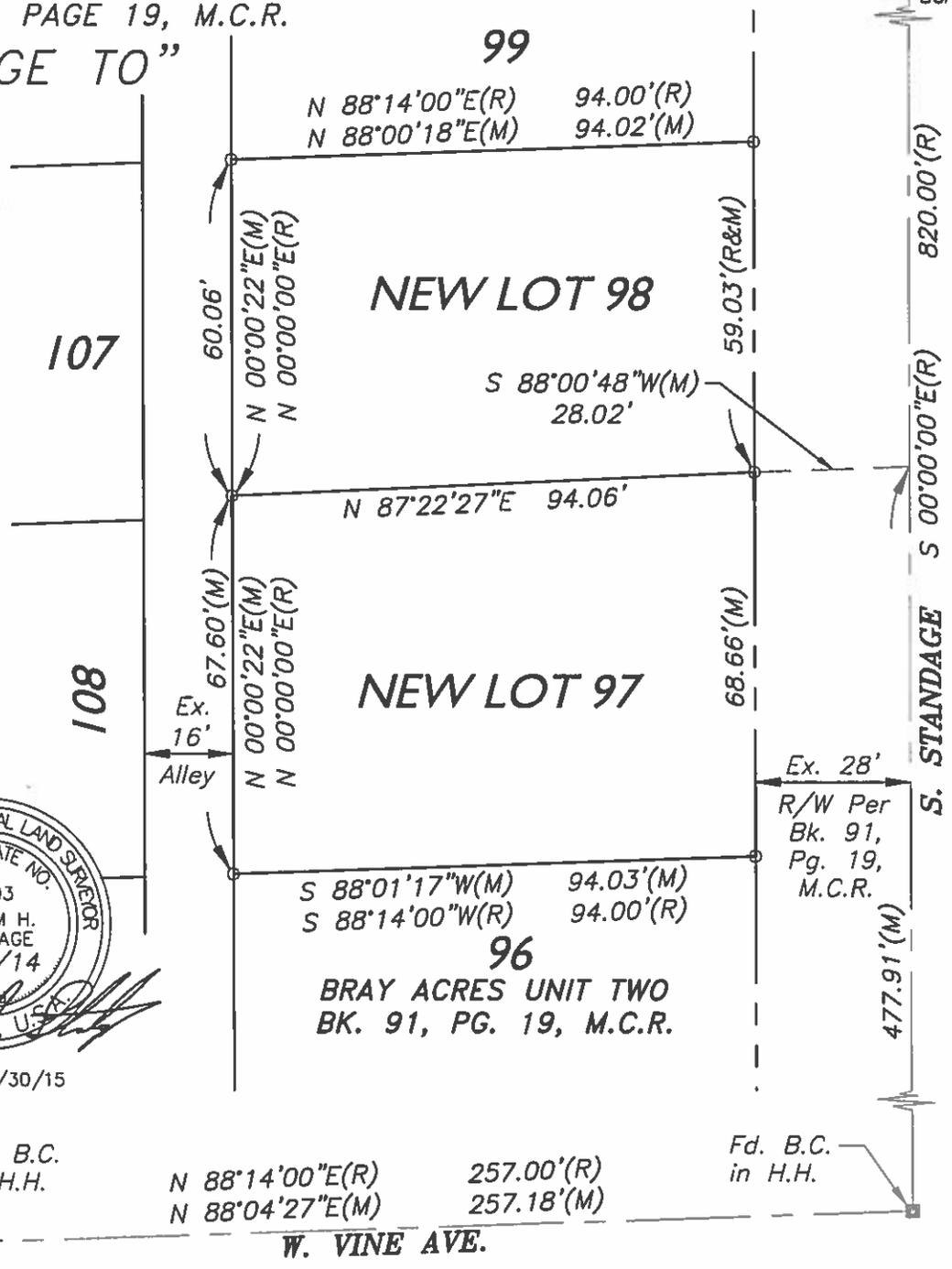
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"BRAY ACRES UNIT TWO"  
BOOK 91, PAGE 19, M.C.R.

"CHANGE TO"

Fd. B.C.  
in H.H.



Expires 6/30/15

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