

Board of Adjustment

Staff Report

CASE NUMBER: BA15-034 (PLN2015-00285)
STAFF PLANNER: Lisa Davis
LOCATION/ADDRESS: 1825 S. Recker Rd.
COUNCIL DISTRICT: Council District 2
OWNER: Glen & Helen Kennedy Family Trust
APPLICANT: Glen Kennedy

REQUESTS: *Requesting a Variance to allow a reduction of the required side yard setbacks for the construction of an attached garage to an existing single residence in the AG zoning district.*

SUMMARY OF APPLICANT'S REQUEST

The subject property is located north of the northeast corner of Baseline Road and Recker Road on the east side of Recker Road. The request is to encroach 30' into the required 60' side yard setback on the north side of the property and to encroach 25' into the required 60' side yard setback at the south side of the property. The variance will allow for construction of a new attached 1,000 square foot garage to the existing single residence house.

STAFF RECOMMENDATION

Staff recommends approval of case BA15-034, *conditioned upon the following:*

- 1. Compliance with the site plan as submitted.*
- 2. 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 AG
NORTH: Existing single residence and agricultural fields – Zoned AG
EAST: Existing single residence— Zoned AG
SOUTH: Existing single residence and agricultural fields – Zoned AG
WEST: (Across Recker Road) undeveloped parcels in the Arizona Health and Technology Park – Zoned PEP-PAD

STAFF SUMMARY

The request is to encroach into the required 60' side yard setback 30' on the north side and 25' at the south side. The existing home is currently set at 30' at the north property line, 60' is required in the AG zoning district. At the south side the request is to allow construction of a new garage to encroach 25' into the required 60' setback. The site plan indicates a 35' setback on the south side to the new garage.

As proposed, the construction of the garage would require the granting 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.*

ANALYSIS

The 94,161 square foot lot was annexed and zoned AG in 1982. The lot size is 160' wide and strict application of the side yard setbacks (aggregate of both total 120') would severely limit the range of options available for a typical single residence home. In 2013, a variance was approved to create a flag lot and modify the setback requirements for the house to the rear of this property at 1831 N. Recker Road. This variance allowed construction of a single residence home (ZA13-028) with RS-43 district setback requirements (in the AG district).

While zoned for agriculture, the area has historically developed as a single family neighborhood with agricultural uses to the rear. Most residential lots in this area do not meet the minimum lot width of 400' for an AG zoned district, and therefore either do not meet, or have extreme difficulty meeting the required 120' aggregate side yard setbacks. This parcel is 160' wide, leaving a only 40' buildable width.

The following table summarizes the proposed deviations to development standards for development in the AG zoning district:

Standard	Base AG	Proposed	RS-43 (for comparison)	Staff recommendation
Minimum Yard Setbacks				
Side, Minimum	60' each side	30' and 35'	10'	As proposed
Side (Aggregate of Two Sides)	120'	65'	30'	As proposed

The existing property does not meet the minimum lot size or width required in an AG district. Therefore applying the required setbacks would create undue hardship to develop, resulting in a potential residence design that is narrow for a lot of this size. Strict compliance of the Code would deprive the property of privileges enjoyed by other properties in the neighborhood. Granting of the variance does not constitute a special privilege. Therefore, the applicant has provided sufficient justification to merit approval of the requested variance to encroach into the required side yard.

FINDINGS

- 1.1 This is a variance to allow a reduction of the required side yard setbacks in the AG zoning district.
- 1.2 The property with the existing house was annexed in 1982 and comparatively zoned agriculture (AG).
- 1.3 The parcels were created before being annexed into the City.
- 1.4 The lot is 160' wide with a total of 120' total aggregate side yard setbacks required leaving only 40' of buildable width
- 1.5 Although zoned for agriculture the area has historically developed as a single family neighborhood with agricultural uses to the rear.
- 1.6 Most other properties in the vicinity are single houses on single parcels.
- 1.7 Similarly zoned and developed properties exist to the north and south of this property.
- 1.8 Variances have been granted in the neighborhood to allow for relief of the AG district setbacks.

- 1.9 The Zoning Ordinance establishes setback requirements that are designed for large agricultural uses, a minimum of 10 acres.
- 1.10 Strict compliance with Code would deprive the property of the ability to construct a garage in the side portion of the lot.



ORDINANCE REQUIREMENTS

Zoning Ordinance, Sec 11-4-2: Development Standards for the RS-43 District

AG Setbacks (paraphrased from Table 11-5-3) – Front -30', Sides-60' minimum with an aggregate total of 120' total, Rear-60'

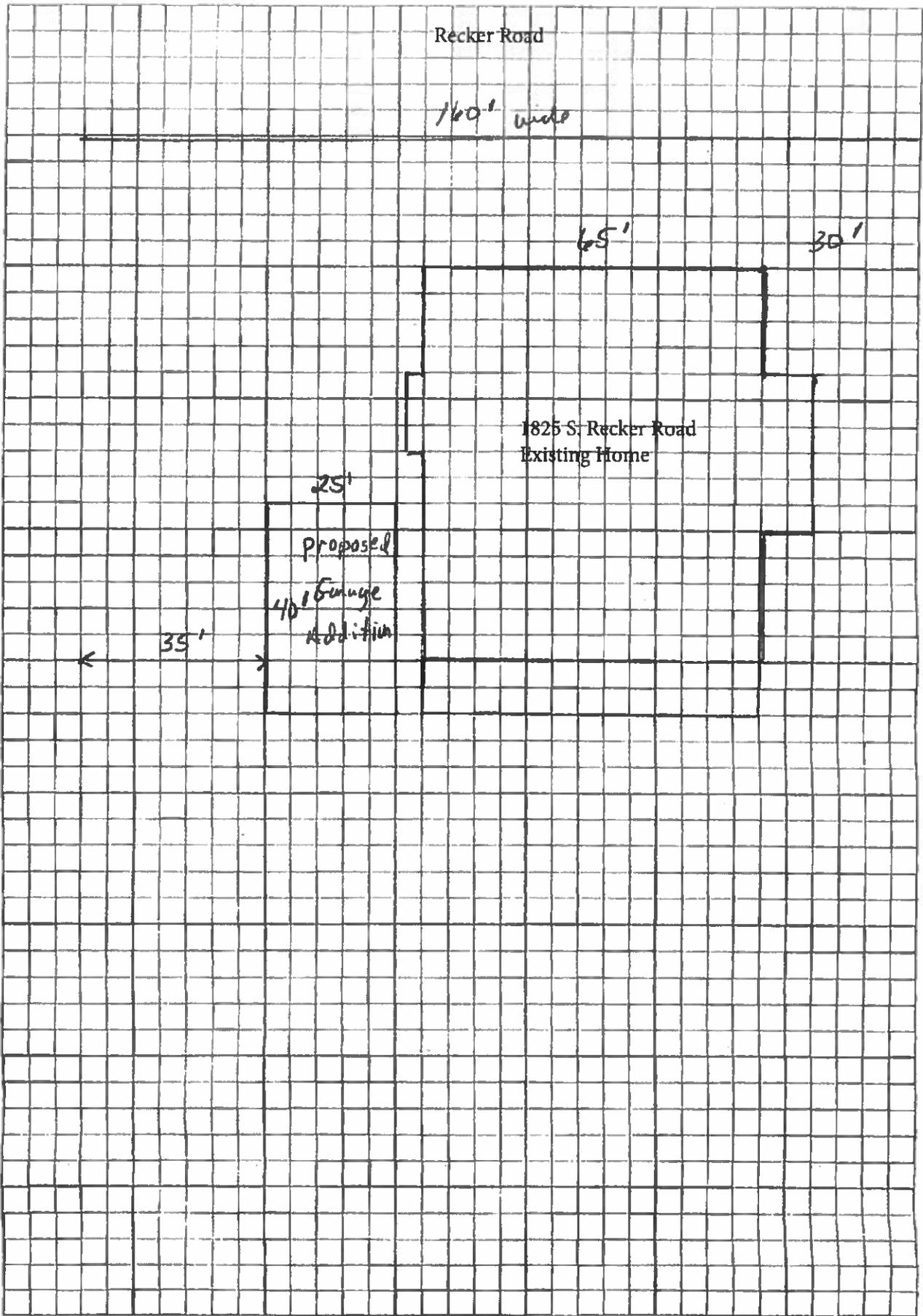
Zoning Ordinance, Sec 11-5-3: Development Standards for the RS-43 District

RS-43 Setbacks (paraphrased from Table 11-5-3) – Front (enclosed livable)-22', Front (garage)-30', Side-10' minimum with an aggregate total of 30', Rear-30'

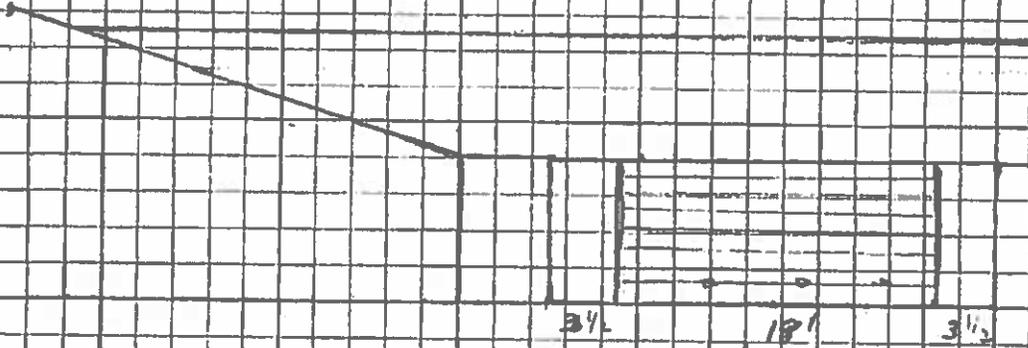
Justification & Compatibility Statement

My proposed project is to build a 25 foot by 40 foot attached garage to my current home. Due to the current zoning as agricultural I am requesting a variance to build this project. The following information applies to this application:

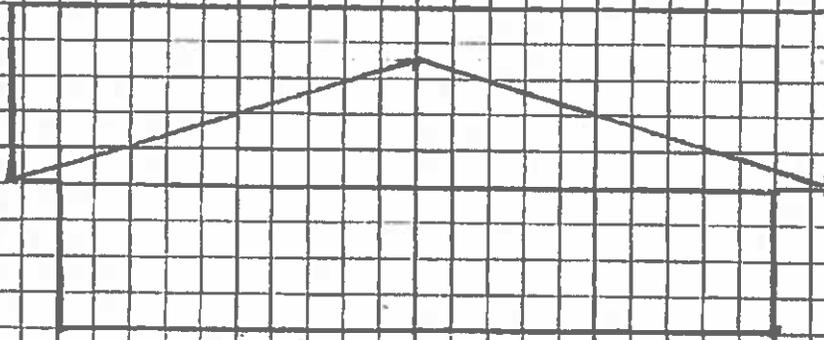
- 1. This property is zoned as agriculture which requires a 60 foot set back from the property lines on either side for a home or any addition to a home without a variance.**
- 2. When the properties on Recker Road were annexed into the City of Mesa, they were zoned as agricultural which requires 60 foot from each side of the border line to the building on the property. Almost all the homes did not meet the requirement for the zoning but this area was still annexed as agricultural and has remained so. These conditions are pre-existing and not self imposed. Therefore a variance is needed before adding the garage to the home.**
- 3. Strict compliance would not allow any of the homes built after annexation possible. There have been at least three homes built or added on by use of the variance procedure. A garage would make my property more like the neighborhood properties.**
- 4. Since most of the homes in this area have carports or garages, this would not make any special privilege or favor for this property.**



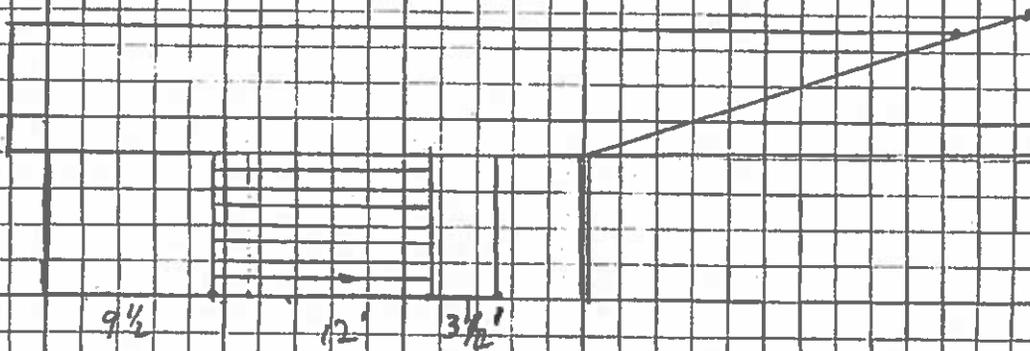
Front



side



Back





BA15-034