



Board of Adjustment

Staff Report

CASE NUMBER: BA15-029 (PLN2015-00223)
STAFF PLANNER: Lisa Davis
LOCATION/ADDRESS: 459 S Temple
COUNCIL DISTRICT: 4
OWNER/APPLICANT: Eagle Valley Construction-Michael Dieu
REQUEST: Requesting Variances to: 1) encroach into the required minimum side yard setback; and 2) reduce the required minimum number of parking spaces in the RS-6 zoning district.

SUMMARY OF APPLICANT'S REQUEST

The applicant is requesting two variances; the first is requested to allow a carport and patio to encroach into the required side yard setback. The carport would encroach 6'-6" into the required 7' side yard with a 6" distance to the property line. The second variance is to reduce the required number of covered parking spaces from two spaces to one space.

STAFF RECOMMENDATION

Staff recommends denial of case BA15-029.

SITE CONTEXT

CASE SITE: Single Residence – Zoned RS-6
NORTH: Existing Single Residence – Zoned R5-6
EAST: Existing Single Residences – Zoned RS-6
SOUTH: Existing Single Residences – Zoned RS-6
WEST: (across Temple) Existing Single Residences – Zoned RS-6

STAFF SUMMARY

The applicant is requesting a variance to allow a single car carport to encroach into the required side yard setback. In the RS-6 district, the minimum aggregate total of the two sides is 15'. The site plan currently shows an 8' side yard setback adjacent to the south property line therefore the 7' side yard setback is required adjacent to the north property line. The new carport would encroach 6'-6" into the required 7' side yard setback. The new carport would be 6" distance to the property line at the closest point of the carport.

The second variance requested would allow a reduction in the number of covered parking spaces in the RS-6 district. Two covered parking spaces are required per Section 11-32-3 of the Zoning Ordinance for all single residences. The applicant is requesting to install a single car carport.

The parcel is located in the general area south of Broadway Road and east of Stapley Road, and specifically identified as lot 7 of Nielson Place. The parcel is 7,700 square feet in size and dimensions are 60' x 135'. The subject lot is consistent in size and shape with surrounding residential lots in the area. The house was likely built in the 1950's without the benefit of an attached garage or carport.

As justification for the requested variance regarding the carport encroaching into the required side yard, the applicant has noted: 1) the location of the house as constructed on the lot does not provide sufficient space for

FINDINGS:

- 1.1 The house was built in the 1950's.
- 1.2 The lot is not unique in shape.
- 1.3 The lot does not have any significant changes in grade, or other unusual topography that creates difficult conditions for constructing a typical residence.
- 1.4 The lot is surrounded by homes and lots of similar size and shape.
- 1.5 The requested encroachment of 6'-6" into a 7' side yard setback for the carport appears to be excessive.
- 1.6 There is sufficient area available for the lawful construction of a carport, either attached to the rear of the residence, or as a separate detached structure, someplace in the rear yard.
- 1.7 Access can be provided into the rear yard through the 12-foot side yard that exists between the home and north property line.
- 1.8 The applicant has not provided sufficient justification related to the land, which would justify the degree of the requested variance.
- 1.9 Further, strict compliance with Code would not deprive the property of the ability to construct a carport or garage in the rear portion of the lot.

ORDINANCE REQUIREMENTS:

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

RS-6 District – Front Yard: 10' Minimum to enclosed Livable Areas, Porches, Porte Cocheres; Front Yard: 20' Minimum front yard to garage and carports; Rear Yard 20' minimum; Side Yard: minimum one side 5' and both sides must total 15' (paraphrased from table found in Sec. 11-5-3)

Zoning Ordinance Sec 11-32-3: Parking Spaces Required:

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

Zoning Ordinance Sec. 11-80-3: Required Findings:

A variance shall not be granted unless the Zoning Administrator, when acting as a Hearing Officer, or Board of Adjustment shall find upon sufficient evidence make a determination:

- A. There are special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, and
- B. That such special circumstances are pre-existing, and not created by the property owner or appellant; and
- C. 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; and
- D. 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

Property owner:
Eileen Rogers
602-432-8024
459 S. Temple St.
Mesa, AZ. 85204

Contractor/Applicant:
Michael Dieu; Eagle Valley Construction Inc.
602-710-6882
PO Box 9670
Chandler Heights, AZ. 85127

Building Permit # BLD 2015-021B4

Justification and Compatibility Statement

To whom it may concern:

We are requesting a variance to the required setbacks along the North side of the property located at 459 S. Temple St. Mesa, AZ. 85204. The plan is to build an open air carport within 6" of the property line. The existing residence does not have covered parking. The location of the residence as it was originally built on the lot does not allow for a garage or covered parking without encroaching into the set backs. This is an established neighborhood. There are multiple properties within this neighborhood that have structures built to the property line. Some are open air carports as we are proposing. Some are enclosed structures. The allowance of this variance would be consistent with conditions already existing and are common in the neighborhood. There would not be any negative impact to adjacent properties.

According to City of Mesa online resources two other properties on the same street have zoning cases relative to building into the required setbacks:

COD 2012-01951; 435 S Temple St.

COD 2011-04789; 446 S Temple St.

These structures were allowed to remain.

According to Maricopa County GIS survey maps multiple properties in the surrounding neighborhood have structures built within the setbacks:

437 S. Temple	952 E. 6 th Ave.	432 Fraser	515 Solomon
446 S. Temple	557 S. Temple	428 Fraser	445 S. Miller
455 S. Temple	920 E. 6 th Ave.	422 Fraser	453 S. Miller
464 S. Solomon	523 Fraser	416 Fraser	461 S. Miller
520 S. Solomon	519 Fraser	426 Solomon	503 S. Miller
528 S. Solomon	515 Fraser	461 Solomon	454 S. Spencer
535 S. Temple	460 Fraser	505 Solomon	

Thank you for your consideration,

Michael Dieu 602-710-6882

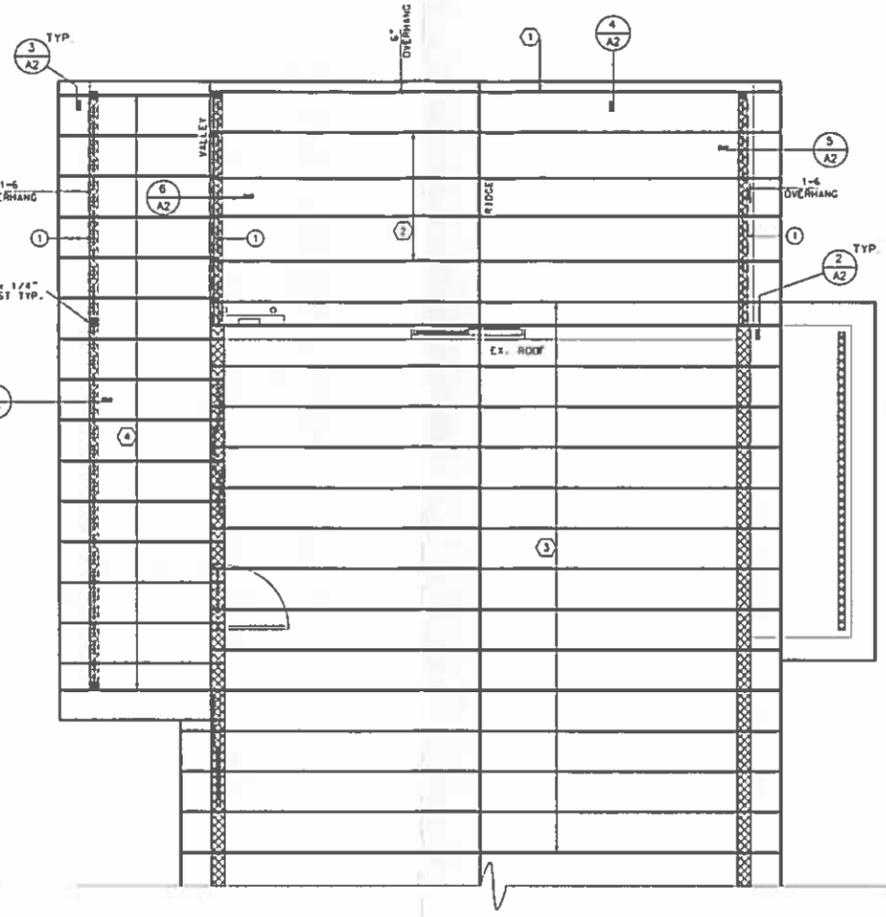
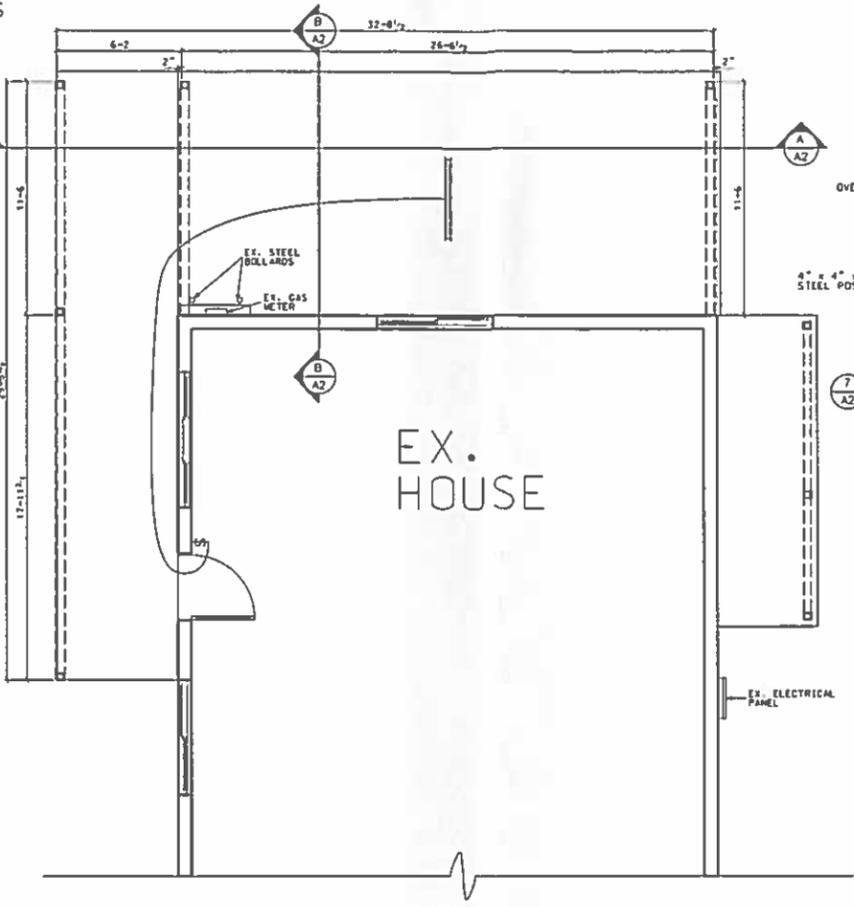
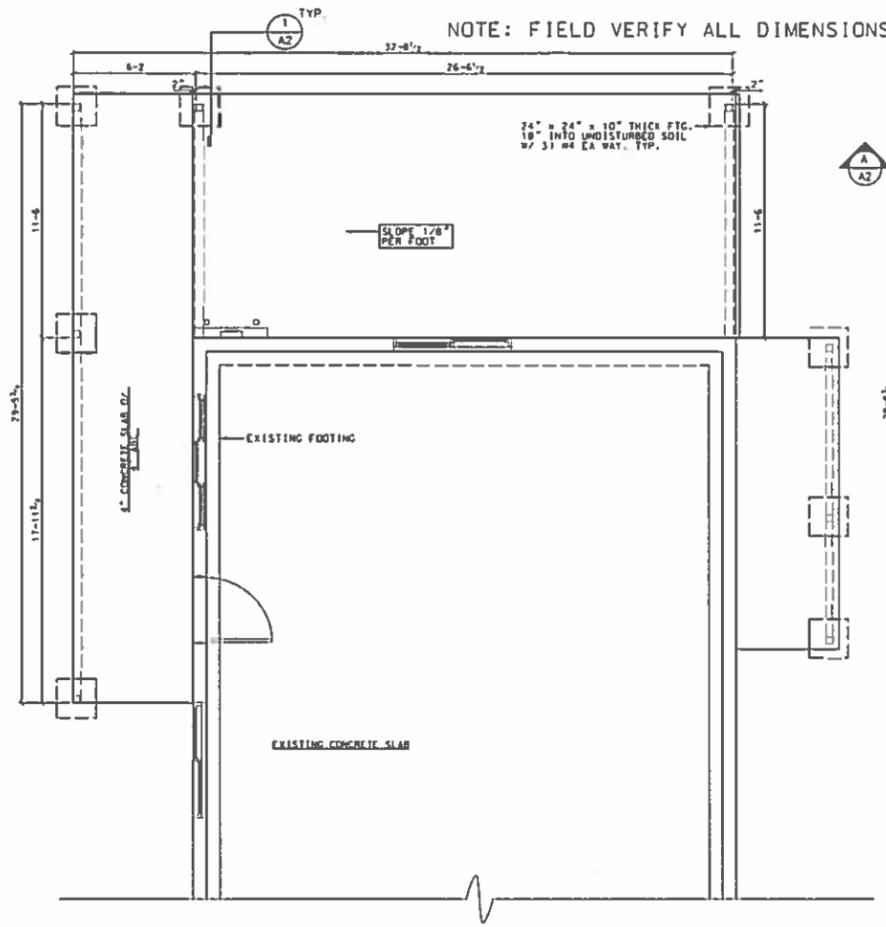
Mike.EVC@msn.com

Eagle Valley Construction inc.

PO Box 9670

Chandler heights, AZ 85127

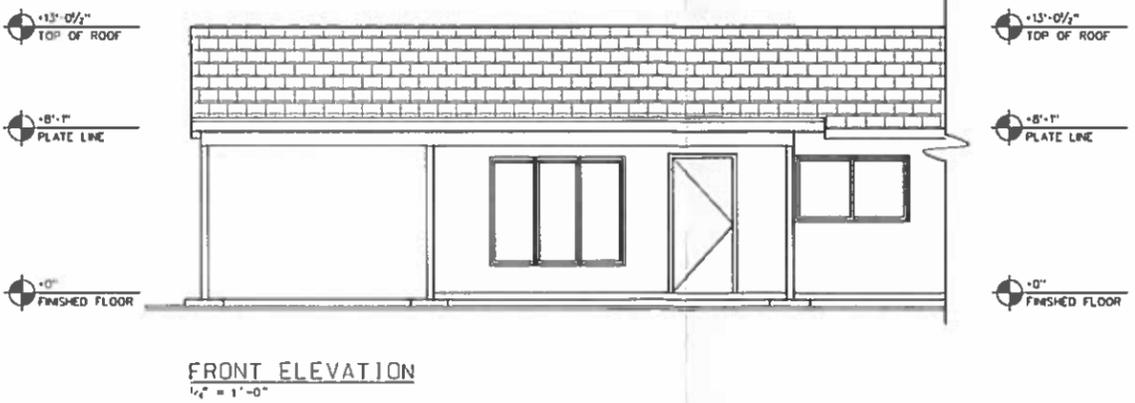
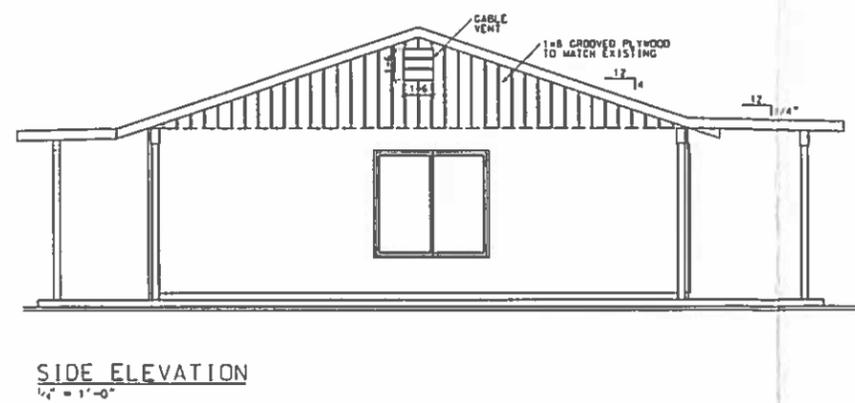
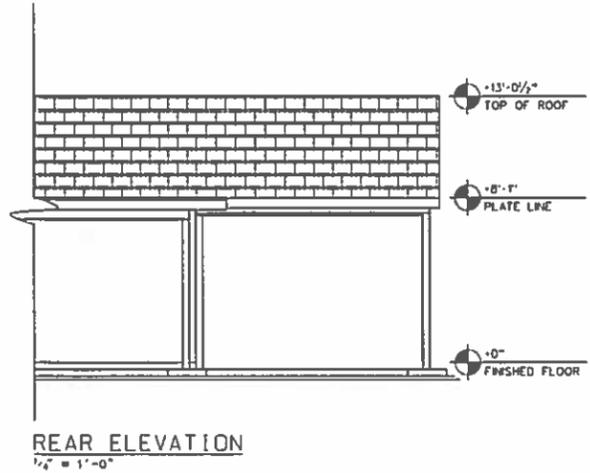
AZROC #158101, #099392; CA#994554



- CONCRETE NOTES**
1. SOIL BEARING 1500 PSF (ASSUMED) AT 18 INCHES INTO UNDISTURBED SOIL.
 2. CONCRETE TO BE 2500PSI AT 28 DAYS
 3. EXTERIOR FOOTINGS SHALL BEAR 18" MINIMUM INTO UNDISTURBED SOIL.
 4. INTERIOR BEARING WALL FOOTINGS SHALL BEAR 12" MINIMUM INTO UNDISTURBED SOIL.
 5. PROVIDE REBAR IN CONCRETE AS PER CONCRETE DETAILS.

- INDICATES WALL & BEAM BEARING POINTS OF TRUSSES
- BEAMS & HEADERS**
- 1) 5 1/8" x 9" GLULAM BEAM
 - 2) 2x6
- ATTIC VENTILATION**
- REQUIRED
322 / 300 = 1.0767
PROVIDED
- 1) CABLE LOUVER @ 1.5 NFVA
4) SOFFIT VENTS W/ 3) 2" DIA. SCREENED HOLES @ .26 NFVA EA = 1.04

- FRAMING & TRUSS NOTES:**
- ALL GABLE ENDS TO HAVE 2x4 LOOK OUT BLOCKING @ 48" O.C.
 - FIELD VERIFY TRUSS LENGTH & PITCH PRIOR TO FABRICATION
 - KEYED TRUSS DESIGN TO BE STAMPED BY AN ENGINEER REGISTERED IN THE STATE OF ARIZONA AND PROVIDED TO INSPECTOR
 - GABLE END TRUSS
 - COMMON TRUSSES @ 24" O.C.
 - EXISTING TRUSSES
 - 2 x 6 RAFTERS @ 24" O.C.



DRAFTING SERVICE
Greens Home Design L.L.C.
WHERE ART AND BUILDING SCIENCE COME TOGETHER
(602) 326-4061

PROJECT: ROGERS CARPORT
LOCATION: MESA, AZ
SHEET CONTENT: FOUNDATION, FLOOR, ROOF, ELEV.

PROJECT NO.
DRAWN BY:
LOREN GREEN
DATE: 3-25-2019
REVISIONS

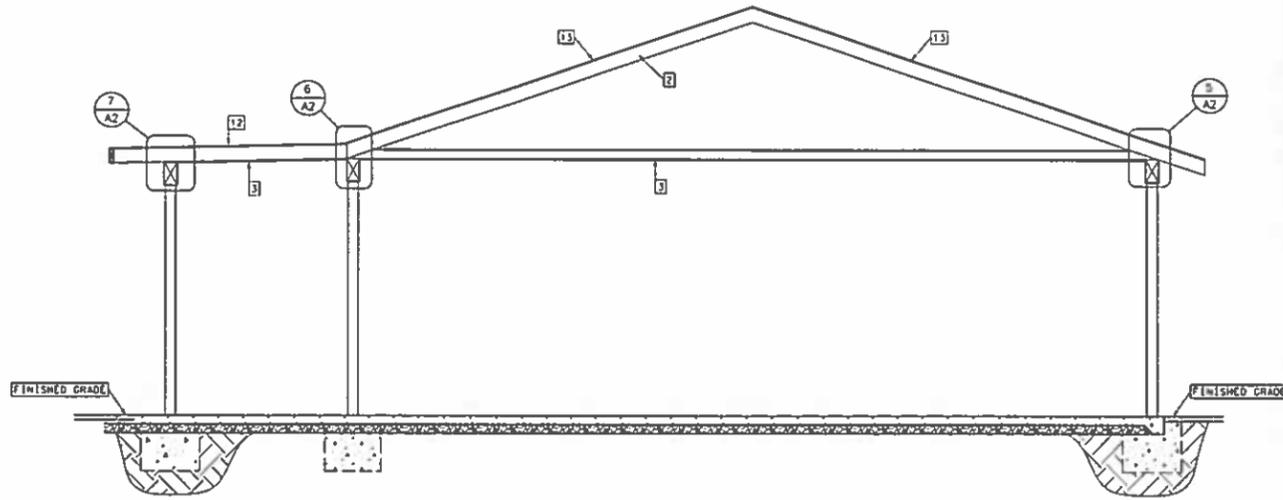
Rev	DATE
1	6-12-19
2	
3	
4	

SHEET
A1

NOTE: FIELD VERIFY ALL DIMENSIONS

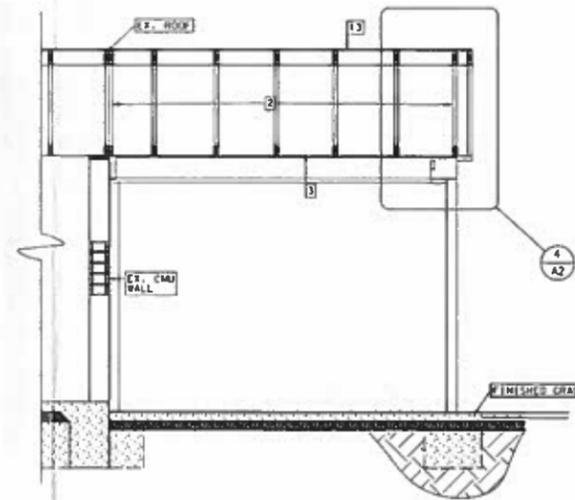
NO.	DESCRIPTION	NO.	DESCRIPTION
1	NOT USED	7	NOT USED
2	ENGINEERED TRUSSES @ 24" O.C.	8	NOT USED
3	1x6 PINE GROOVE PLYWOOD	9	NOT USED
4	NOT USED	10	NOT USED
5	NOT USED	11	NOT USED
6	NOT USED	12	ROLLED ROOFING O/ 30# FELT O/ 1/2" OSB SHTG. (TYP.)
		13	ASPHALT SHINGLES OVER 30# FELT OVER 1/2" OSB SHTG. (TYP.)

LOCATION FOR REQUIRED FIREBLOCKING:
 CONCEALED SPACES OF STUD WALLS AT CEILING AND FLOOR LEVELS.
 FURRED SPACES AND SOFFITS @ 10' LEVELS BOTH VERT. & HORIZ.
 ALL INTERCONNECTIONS BETWEEN CONCEALED VERT. & HORIZ.
 SPACES SUCH AS OCCUR @ DROP CLGS., SOFFITS, & COVE CLGS.,
 BETWEEN STAIR STRINGERS IN TOP & BOTTOM OF RUN & BETWEEN STUDS
 ALONG AND IN LINE WITH STRINGERS.
 OPENINGS AROUND PIPES, DUCTS, VENTS AND CHIMNEYS WITH NONCOMBUSTIBLE
 MATERIALS (SUCH AS UN FACED FIBERGLASS INSULATION).
 @ OPENINGS BETWEEN ATTIC SPACES AND CHIMNEY CHASES FOR FACTORY BUILT
 CHIMNEYS.



CROSS SECTION AA

1/4" = 1'-0"



CROSS SECTION BB

1/4" = 1'-0"

<p>① COLUMN FOOTINGS</p>	<p>② BEAM @ WALL</p>	<p>③ COLUMN @ BEAM</p>	<p>④ GABLE DETAIL</p>
<p>⑤ TRUSS @ BEAM</p>	<p>⑥ TRUSS & RAFTER @ BEAM</p>	<p>⑦ RAFTER @ BEAM</p>	

DETAILS
N.T.S.

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PROJECT: ROGERS CARPORT
 LOCATION: MESA, AZ
 SHEET CONTENT: SECTIONS/DETAILS

PROJECT NO.:	
DRAWN BY:	LOREN GREEN
DATE:	2-25-2015
REVISIONS:	
Rev	DATE
1	2-19-15
2	
3	
4	

SHEET
A2