



Board of Adjustment

Staff Report

CASE NUMBER: BA14-055 (PLN2014-00502)
STAFF PLANNER: Kim Steadman, RA
LOCATION/ADDRESS: 32 & 38 E. Inglewood Street
COUNCIL DISTRICT: Council District 1
OWNER/ APPLICANT: Moses Coury

REQUEST: *Requesting a Variance to allow a reduction to the minimum required lot size in the RS-43 zoning district.*

SUMMARY OF APPLICANT'S REQUEST

The requested variance would allow the applicant to split an existing lot into two lots that do not meet the minimum area and dimensions of the RS-43 zoning district.

STAFF RECOMMENDATION

Staff recommends approval of case BA14-055 with the following conditions:

1. *Compliance with the site plan as submitted, except as modified by the conditions listed below.*
2. *Compliance with all Development Standards for Manufactured Home Subdivisions, per Table 11-31-3 of the Zoning Ordinance.*
3. *Compliance with all requirements of the Development Services Division with regard to the issuance of permits.*

SITE CONTEXT

CASE SITE:	(2) manufactured homes *	– zoned RS-43
NORTH:	Existing retention basin	– zoned RS-6
EAST:	Existing manufactured home	– zoned RS-43
SOUTH:	(Across Inglewood St.) existing manufactured home	– zoned RS-43
WEST:	Existing manufactured home	– zoned RS-43

*There is a permitted Manufactured Home on the east half of the parcel (BLD2013-03207). A building permit is currently under review for a manufactured home on the west half of the parcel (BLD2014-01371).

STAFF SUMMARY AND ANALYSIS

Existing Conditions / Proposal:

This neighborhood is an existing Manufactured Home subdivision. The subdivision plat is named Mesa Mobile Center. At some point Lots 5 and 6 of the subdivision were joined into one parcel (the subject parcel). The applicant would like to separate them into two lots again, but the underlying zoning does not allow it.

Mesa requires RS-6 PAD zoning for Manufactured Home subdivisions. This subdivision does not comply. It was recorded in the County, and when annexed, in 1970, the land received comparative zoning to RS-43 as required by State Statute for annexations. RS-43 is residential zoning for large, one-acre lots. The existing lot is 17,389 square feet in area which is already well below the minimum 43,560 square feet required in the RS-43.

This block of E. Inglewood St. is developed with small lots that are appropriate to the RS-6 PAD zoning district required for this kind of development. The proposed solution is to grant a variance from the dimensional requirements of the RS-43 district since they do not serve this existing neighborhood, and nothing is accomplished by adhering to these standards in this setting. By returning lots 5 & 6 to their earlier, separate status the owner will be able to legally place a manufactured home on each lot, adhering to the development pattern of the street, and observing current standards for setbacks, etc. in Manufactured Home Subdivisions.

FINDINGS

1. This neighborhood is a Manufactured Home (MH) Subdivision named Mesa Mobile Center. The lots, as platted, meet the dimensional requirements for MH subdivisions.
2. The acre-lot residential zoning underlying the MH Subdivision prevents the separation of the parcel into the two originally platted lots, 5 & 6. The variance would allow deviation from the dimensional requirements of the RS-43 district.
3. Adherence to RS-43 standards in this existing MH Subdivision would provide no advantage to the subject parcel or to the surrounding neighborhood.
4. The two lots will have the dimensions and area needed to comply with the development standards for MH Subdivisions.
5. Strict application of the Zoning Ordinance would deprive the property of the ability to develop to the same density that this neighborhood has known since it was developed.
6. The variance would not constitute a grant of special privileges as every property in the neighborhood can already to develop in this manner.

ORDINANCE REQUIREMENTS:

Zoning Ordinance, Table 11-34-3:

11-34-3: Zoning, Area, Density, Yard, Recreational, and Parking Regulations

Table 11-34-3, below, specifies the required zoning, minimum area, maximum densities, minimum yard setback, minimum recreational area, and minimum parking regulation for all parks and subdivisions.

Standard	Type of Development			
	Recreational Vehicle Park	Recreational Vehicle Subdivision	Manufactured Home Park	Manufactured Home Subdivision
Required Zoning	RM-4	RM-4 -PAD RM-4 -PAD	RM-4, RSL	RS-6 - PAD
Alternative Zoning for Infill Sites	--	--	--	ID-1, ID-2 (9)
Minimum Area	10 Acres	10 Acres	10 Acres	10 Acres (9)
Maximum Density (3)	22 spaces per net acre	15 spaces per net acre	10 spaces per net acre	7.26 spaces per net acre
Minimum Space/Lot Size				
Area Sq. Ft.	1,200	1,750 (2,000 avg.)	3,000	6,000
Width (ft)	34 (7)	35	40	60
Depth (ft)	40	50	60	94
Required Yard Setbacks (5)				
Front (ft)	5	7	5	Front (Enclosed Livable Areas, Porches/Porte Cocheres) 10 Garages/Carports – front and side yards 20 from the entry of carport/garage.
Side Min./Total (ft)	3/6 (8)	5/10	5/10	5/15 (2)
Rear (ft)	3	5	10	15
From Exterior Boundary of Development (ft) (6)	10	10	10	10
Minimum Recreation Area (sq. ft.) (4)	75 per RV Space	150 per RV Lot	100 per M. H. Space	150 per M.H. Lot
Minimum Paved Parking (1)	1 per RV Space	1 per RV Lot	2 per M. H. Space	2 per M. H. Lot
Minimum Visitor Parking	1 per 10 RV Spaces	1 per 10 RV Lots	1 per 5 M. H. Spaces	1 per 5 M. H. Lots

Table 11-34-3 Footnotes

1. Minimum space size 9' x 18'; may be tandem but not in required front yard setback.
2. Minimum of 10' on one side for vehicle access and/or 10' on street side of corner lot or space.
3. Net acre means after deduction of existing and/or proposed rights-of-way.
4. Public or private streets, vehicle storage areas and exterior boundary landscaping shall not be located in this area.
5. Required yard setbacks are measured from any portion of the unit or accessory structures except for rear yard storage buildings as specified in section 3(A) and 3(B) of this chapter.
6. Setbacks are measured from required screen walls.
7. Minimum width of 28' for spaces not designated for park trailers or manufactured homes.
8. There shall be at least 6' between adjacent structures. This separation may be reduced by up to 3' for a patio enclosure with an exterior wall of not less than one-hour fire resistive construction as required in the building code, or for the supporting structural elements of an open metal awning, provided

no obstructions occupy this area. No reduction in separation between structures shall be permitted for manufactured homes in recreational vehicle parks or subdivisions approved by a Special Use Permit through the Board of Adjustment.

9. Manufactured Housing may be approved for use as part of an infill site when approved in conjunction with an ID-1 or ID-2 zoning district, as per Chapter 12 of this Ordinance. When the ID-1 or ID-2 zoning is used to authorize a manufactured home subdivision, the project site may be less than 10 acres.

Zoning Ordinance, Sec. 11-34-2 (C):

C. Permitted Uses in Manufactured Home Subdivisions:

1. One manufactured home on each approved lot. No recreational vehicles or dwelling units of conventional construction shall be permitted on a manufactured home lot for living purposes.
2. Manufactured home accessory structures as defined in Chapter 87, Definitions.
3. Detached accessory buildings in accordance with Section 11-5-7.A, Accessory Dwelling Units.
4. Recreation and social centers, which may be used for dancing, crafts, hobbies, games, child care, meetings, banquets, theatrical performances, movie viewing, and similar entertainment uses which are intended and used primarily as a resident amenity. Such

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MESA ZONING ORDINANCE

facility may be of conventional construction.

5. Outdoor recreation facilities such as parks, swimming pools, ramadas, playground equipment, shuffleboard and tennis courts, putting greens, and similar recreational uses intended for use by the residents of the subdivision.
6. Common-use laundry facilities, maintenance buildings, and security guard houses, which may be of conventional construction.
7. Designated areas for boat and recreational vehicle storage which are used solely by the residents of the subdivision.
8. Recreation center parking lots and guest parking areas.

Zoning Ordinance, Chapter 80 Variances:

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.

11-80-5: Conditions of Approval

In approving a variance, the Zoning Administrator, acting as a Hearing Officer, or Board of Adjustment may impose reasonable conditions necessary to insure that the variance shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and the zoning district in which the subject property is located, including but not limited to the following:

- A. Ensure that the project conforms in all significant respects with the General Plan and with any other applicable plans or policies adopted by the City.
- B. Achieve the general purposes of this Ordinance and the specific purposes of the zoning district in which the site is located;
- C. Protect the public health, safety, and general welfare; or
- D. Ensure operation and maintenance of the use in a manner compatible with existing and potential uses in the surrounding area.

Justification Statement

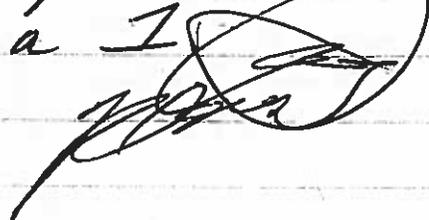
MASBS Covey (32 & 38) E INGLEWOOD

- 1) My ex-sister in law put the
- 2 properties as I without my appraisal. My ex-sister in law was living on 38 (lot) and she joined them without my
- 2) consent.

Yes they are pre existing because they were originally split

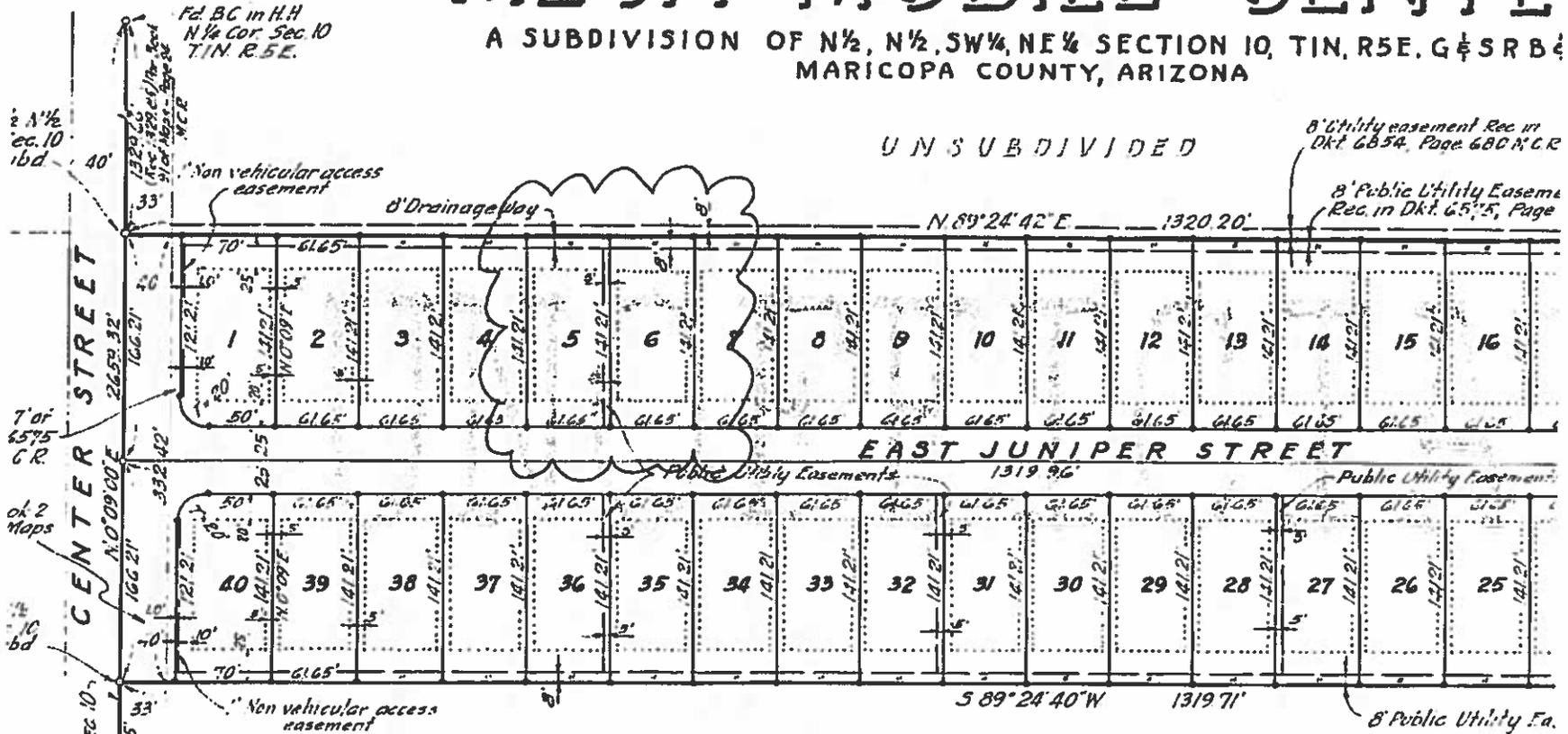
The zoning or sign ordinance would deprive the property of uses id to the fact 32 E. Inglewood has no service, where other mobile homes have services on there property.

The reason the requested variance will not grant special privileges is because the 2 units are split and are considered a 1



MESA MOBILE CENTE

A SUBDIVISION OF N½, N½, SW¼, NE¼ SECTION 10, T1N, R5E, G&SR B& MARICOPA COUNTY, ARIZONA



NOTES

1. Basis of bearing is the center line of Center Street (north, south, and section line) taken from subdivision as Rec in Book 91 of Maps, Page 24 of C.R.
2. Set back lines are shown thus..... inside lots utility lines.
3. Set 1/2" (2) x 16" Iron pipe and tag marked L.S. 9141 at all lot corners.
4. See restrictions recorded in Dkt. 8209, Page 123 of C.R.
5. Corners of subdivision boundary shown hereon were determined

ACKNOWLEDG

State of Arizona
 County of Maricopa
 On this the
 undersigned office

BA14-055

True center of Section 10 as determined by intersection from existing 1/2" C.R.s - No Orig. witnesses.
 Fed + in conc. part. (Reset rebar)
 This point commonly used as center of Section 10, also for basis of this subdivision (True center of Section 10 lies 69 feet north of this point.)



BA14-055

Variance to allow the existing lot to split again. There will be two lots, as originally shown in the subdivision plat.

BA14-005
32 & 38 E Inglewood

