



Board of Adjustment

Staff Report

CASE NUMBER: BA14-069(PLN2014-00633)
STAFF PLANNER: Kaelee Wilson, Planner I
LOCATION/ADDRESS: 731 South S4th Street
COUNCIL DISTRICT: Council District 2
OWNER/APPLICANT: Kent and Margaret Brimley

REQUEST: *Requesting a Variance to allow an encroachment into the required side yard in the RS-9 zoning district. (PLN2014-00633) (PLN2014-00182)*

SUMMARY OF APPLICANT'S REQUEST

The applicant is requesting a variance for a two foot- six inch encroachment in the required ten foot side yard to allow for the construction of an ADA accessible bathroom and adjoining patio.

STAFF RECOMMENDATION

Staff recommends approval of case BA14-069, *conditioned upon the following:*

- 1. Compliance with the site plan, narrative and exhibits submitted.*
- 2. Compliance with all requirements of the Development Services Division in the issuance of building permits.*
- 3. A building permit shall be submitted for the rear patio.*

SITE CONTEXT

CASE SITE: Single Residence – Zoned RS-9
NORTH: Existing Single Residences– Zoned RS-9
EAST: Existing Single Residences – Zoned RS-9
SOUTH: Existing Single Residences – Zoned RS-9
WEST: (across 54th St.) Existing Single Residences – Zoned RS-9

STAFF SUMMARY/ FINDINGS

- The variance is being requested to allow the applicant to 2'-6" into the required 10' side yard to accommodate an ADA accessible bathroom for an occupant of the home. The two existing bathrooms in the home are not handicap accessible.
- The proposed addition will be placed in a side yard that is 15' wide. The bathroom is proposed to be 7'-6" in depth for accessibility. The bathroom will be placed adjacent to the handicapped individual's room for easy accessibility.
- The applicant's justification to retrofit the home to accommodate Americans with Disabilities Act (ADA) standards is adequate justification for the variance request. Strict compliance of code would deprive the occupant of being able to safely maneuver in and out of a restroom.
- The applicant has noted the following as justification: 1) the adjacent neighbor has a large side yard next to the proposed addition so it will not be intrusive; 2) this is the only place in the home the bathroom can be added.; 3) strict compliance would deprive a handicapped individual the ability to comfortably utilize the restroom; 4) the granting of the variance will not give them special privilege over their neighbors.

5. It is important to note that the rear setback provided on the site plan is inaccurate. The applicant has remeasured the patio and has 15 feet to the rear property line. The Zoning Ordinance allows for encroachment into the rear yard for open patios. Although the setbacks are in compliance, the patio was built without the benefit of a building permit. In order to ensure compliance with the building code, staff has added a condition of approval that requires the applicant to submit for a building permit for the patio addition.

ORDINANCE REQUIREMENTS:

Zoning Ordinance, Sec. 11-5-3 – Development Standards for RS-9:

RS-9 – Front Yard: Minimum- 15', Rear Yard: Minimum - 25', Side Yards: Minimum- 7' and 10'.

Zoning Ordinance, Sec 11-5-5-A – Building Projections into Required Yards:

6. Attached open porches, open patios, open carports or open balconies may encroach into a required rear yard, but shall be no closer than 15 feet to a rear property line, except in the RS-6 and RS-7 districts, where these structures may encroach to within 10-feet of the rear property line. Such open structures may include window screens, knee walls, and other partial enclosures as specified in the Mesa Building Code for patio covers.

Justification & Compatibility Statement- 731 S. 54th St..

We are proposing adding on a disability-friendly bathroom to our home to accommodate the needs of our son, Jay, who was born with Spina-Bifida which creates quite a few special needs, specifically with regard to using a restroom. Our home currently has 2 bathrooms, but, neither is what would be considered ADA approved, and, as his conditions progresses, it will likely be that he will be confined to a wheelchair.

Our home was not designed or built with this circumstance in mind. Jay was born after we moved into the home. He currently uses the master bathroom, as the shower is easier for him to get into and out of.

In consultation with a draftsman, we have determined that the only logical place to add this bathroom, would be with an ADA door from his bedroom, to the north side of the house. There is currently a 15' distance between the north side of the house and the property line; the code requires a 10' set-back. To achieve the desired accommodations, (ADA specified turn radius) we believe that we need to add at least 7', which, would require a 2' encroachment into the set-back requirement.

When we purchased the lot, there was an SRP transformer set on the SW corner of the lot, which forced us to situate the home on the lot in such a way as to not be able to leave the larger set-back on the south side (garage side) as would have been preferable, so our choices were limited at the time. Moving the transformer was not an option.

We do not believe that this minor variance from the set-back requirement will be significant, and will have no negative affect on any of those in the vicinity of our house. Our neighbors to the north, have their larger set-back on the south side (matching our north), so we are not in close proximity, and there is no fire danger, or accessibility issue. It is difficult to imagine that anyone could object to using this part of our property for such a purpose. It is currently gets very little use, besides weed growth. We believe that it is a win-win for all concerned, and does not give us any special privilege, not granted to others in similar situations.

Kent & Margaret Brimley

731 S. 54th St.

Mesa, AZ 85206

LEGAL DESCRIPTION

CENTURY GARDENS UNIT 2 LOT 23-49

PARCEL #

141-52-101

LOT DATA

#32

ZONING

RS-9

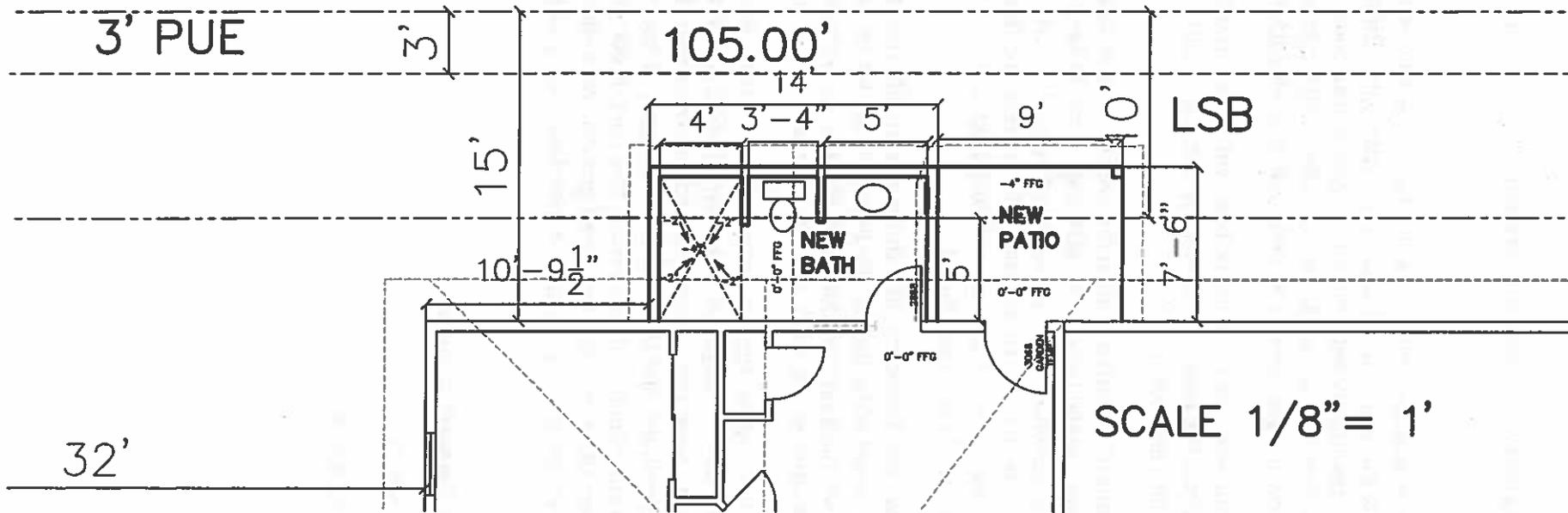
ADDRESS

731 SOUTH 54TH STREET
MESA, ARIZONA 85206

OWNER

BRIMLEY KENT P & MARGRET W

N 89d-56'-55" E



LEGAL DESCRIPTION

CENTURY GARDENS UNIT 2 LOT 23-49

PARCEL #

141-52-101

LOT DATA

#32

ZONING

RS-9

ADDRESS

731 SOUTH 54TH STREET
MESA, ARIZONA 85206

OWNER

BRIMLEY KENT P & MARGRET W

N 89d-56'-55" E

25'

25'



54TH STREET

N 00d-03'-05" W

86.00'

32'

25'

26'-11 1/2"

7'

3' PUE

3'

105.00'

15'

10'-9 1/2"

4' 3'-4" 5'

9' 0" LSB

NEW BATH

NEW PATIO

8'

12'

8' PUE

86.00'

RESIDENCE

RESIDENCE

PORCH

PATIO

POOL

GARAGE

105.00'

3' PUE

N 89d-56'-55" E

SITE PLAN

SCALE 1" = 10'