



Board of Adjustment

Staff Report

CASE NUMBER: BA14-048 (PLN2014-00399)
STAFF PLANNER: Wahid Alam, AICP
LOCATION/ADDRESS: 1954 East Huber Street
COUNCIL DISTRICT: Council District 1
OWNER/ APPLICANT: John & Amanda Sohn

REQUEST: *Requesting a variance to allow a garage to encroach into the required side setback of an existing home in the RS-9 zoning district.*

SUMMARY OF APPLICANT’S REQUEST

Requesting a variance to allow an encroachment into the required side yard and build additional living space by enclosing an existing patio located at the rear of the home at Gilbert and Brown (west of Gilbert and north of Brown) in the RS-9 zoning district.

STAFF RECOMMENDATION

Staff recommends denial of case BA14-048.

SITE CONTEXT

CASE SITE: Existing home – zoned RS-9
NORTH: Existing home - zoned RS-9
EAST: (across Gilbert Road) Existing home – zoned RS-9
SOUTH: (across Hubert Street) – Existing home – zoned RS-9
WEST: Existing home – zoned RS-9

STAFF SUMMARY AND ANALYSIS

The property is zoned RS-9 located at the Northwest corner of Gilbert Road and Huber Street. The setbacks are as follows:

Front	Garages & Carport	25’ (enclosed livable areas including porches 15’)
Rear		25’
Interior side		7’
Street side		10’
Aggregate of two sides		17’
Maximum building/roof coverage		45% of lot

The proposal is being requested to create attached additional enclosed garage space (1,728 sq. ft.) in front of the existing house (3,193 sq. ft.). This would also allow the conversion of the carport into a garage (20’ wide by 28’ deep for approximately 461 sq. ft.). The proposed garage addition projects out more than 24 feet from the existing home’s primary wall facing the street. Section 11-5-3 E a Building Form, Garage Frontage and Location requires that garages oriented parallel or within 10 degrees of parallel to the front of the lot, shall be located at least 3 feet behind the primary wall facing the street, and never less than the required garage setback. The existing house has a two car side entry garage (580 sq. ft.).

There is an 8' PUE along the north property line and 10' required setback along Gilbert Road to the east, but only 6' 6" provided, which means an encroachment of 3' 6" into the required side yard. The existing six feet high screen wall along the Gilbert Road encroaches approximately 10 feet into the R.O.W.

The applicant has provided a Justification and Compatibility Statement for this request indicating the following: 1) the new garage will accommodate 10 cars for restoration projects. The home owner restores cars for their own family recreational use; 2) Currently the home owner works on car restoration projects in the backyards behind the 6 feet high screen wall under the open sky; 3) The proposal would allow to work on cars protected from the elements in an indoor space; 4) the location is preferred because it allows the home owner to have the maximum back yard space for the family to enjoy; 5) storing two cars in the backyard last summer allowed many critters like black widows to live there; 6) the proposed addition would allow car storage inside the house besides being somewhat of an eyesore.

Staff is concerned with the encroachments into the street side yard and bringing the garage addition 24 feet in the front from the primary wall of the house. The neighboring houses along Huber Street do not have any houses with garage door closer to the street than the front wall of the house. More over the houses immediately to the west and south of this property all have side entry garage and the house just south across Huber Street has a detached garage addition approximately 30 feet behind the front of the house. This lot is approximately 120' by 140'. The lots in this subdivision are larger than typical RS-6 lots with 6000 sq. ft.

Staff is confident that an alternative design could accommodate additional garage space and meet current code to have the garage door 3 feet behind the primary front wall of the existing house. Current code allows enclosed livable areas including porches with only 15 feet setback from the front property line unlike 25 feet for garages.

Staff feels that the justification for a variance to build an additional approximately 1700 sq. ft. of garage space more than 24 feet in front of the primary wall of the existing home would constitute a special privilege unavailable to other properties in the vicinity and zoning district of the subject property.

The applicant has completed the required neighborhood notification for the hearing. Staff has received an inquiry and e-mail from Tim R Nelsen, Architect representing Nielsen Family Trust, 1918 E Huber Street just two lots west of the subject property regarding the proposal. The e-mail expressed some concerns (a copy of the e-mail is included with the Board of Adjustment case # BA14-048 hearing package for your review).

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.*

FINDINGS

1. The applicant is proposing to build additional garage spaces in front of the house. The existing house has approximately 40 feet front setback, where as the proposed garage will have only 24 feet setback making it closer to the street than the primary wall of the house.
2. The existing house setback along Gilbert Road, east property line is only 6'-6" when 10 feet is required. Also there is a 10 feet P.U.E along east property line/R.O.W.
3. The existing house encroaches 3' 6" into the required side yard and P.U.E.
4. The existing 6' tall screen wall along Gilbert encroaches into the R.O.W.
5. The original house was constructed in 1977. Historical aerials indicate the screen wall may have been installed some time after 2011.
6. The interior side yard along the west property line is 7' (7 feet required), where the setback along the east property line is 6'-6" (10 feet required). The front setback of existing house is approximately 42 feet (25 feet required). The rear setback of the existing house is 25 feet (25 feet required).
7. The strict application of the Zoning Ordinance will not deprive the property owner of privileges enjoyed by other properties within the same subdivision of the same zoning district to build approximately additional garage space half the size of the existing house, since there are options/ alternative to build additional garage space per current zoning code.

ORDINANCE REQUIREMENTS

Zoning Ordinance, Sec & Table 11-5-3: Development Standards-Residential Single Dwelling Districts

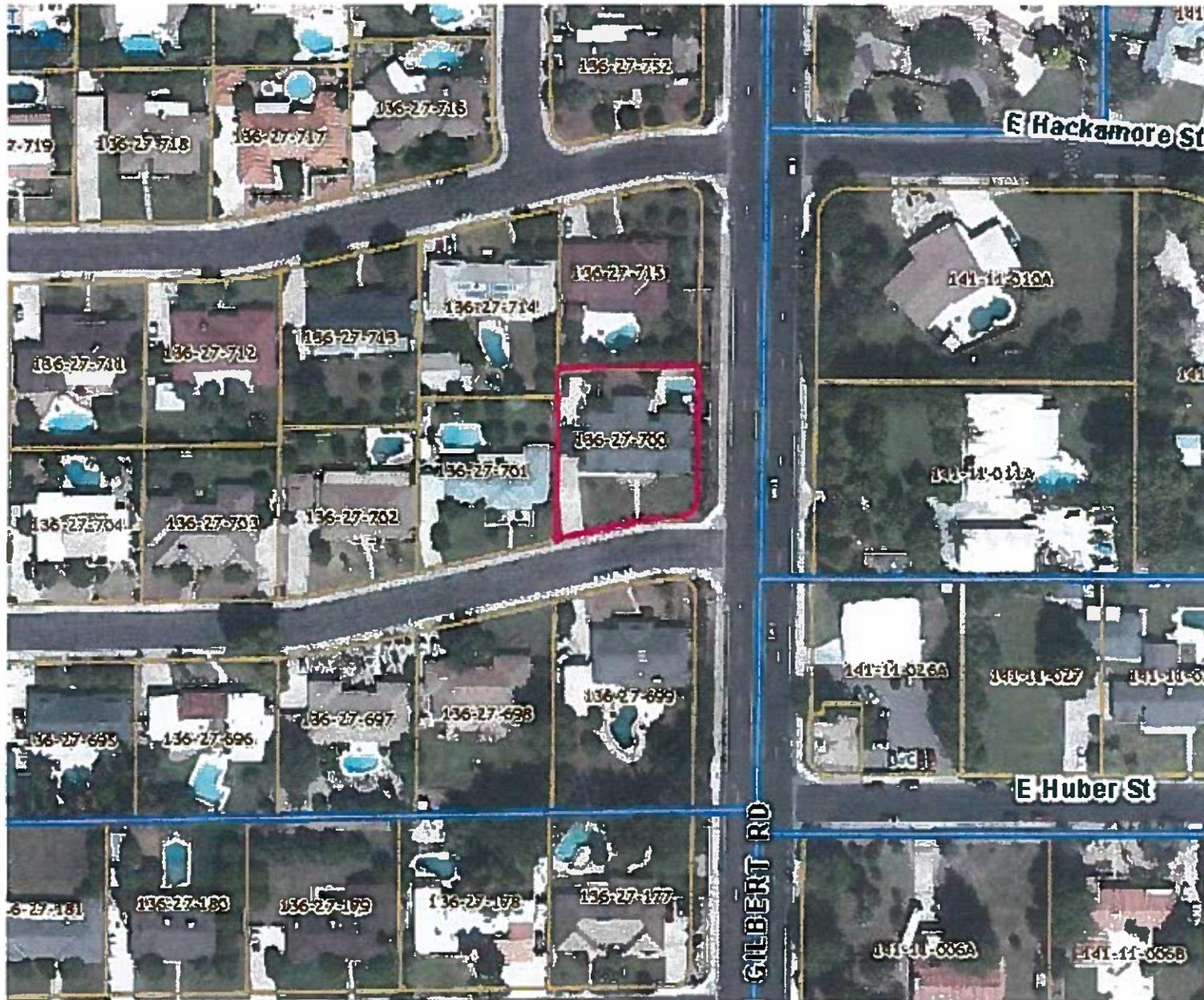
RS-6 District – Minimum Lot Area: 6000 sq. ft.; Minimum lot width: 55 feet; Minimum lot depth: 90 feet; Maximum building height: 30 feet, Minimum setbacks: front and rear-20 feet, street side-10 feet, interior side-5 feet, aggregate of two sides 15 feet; maximum roof coverage: 50%.

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:

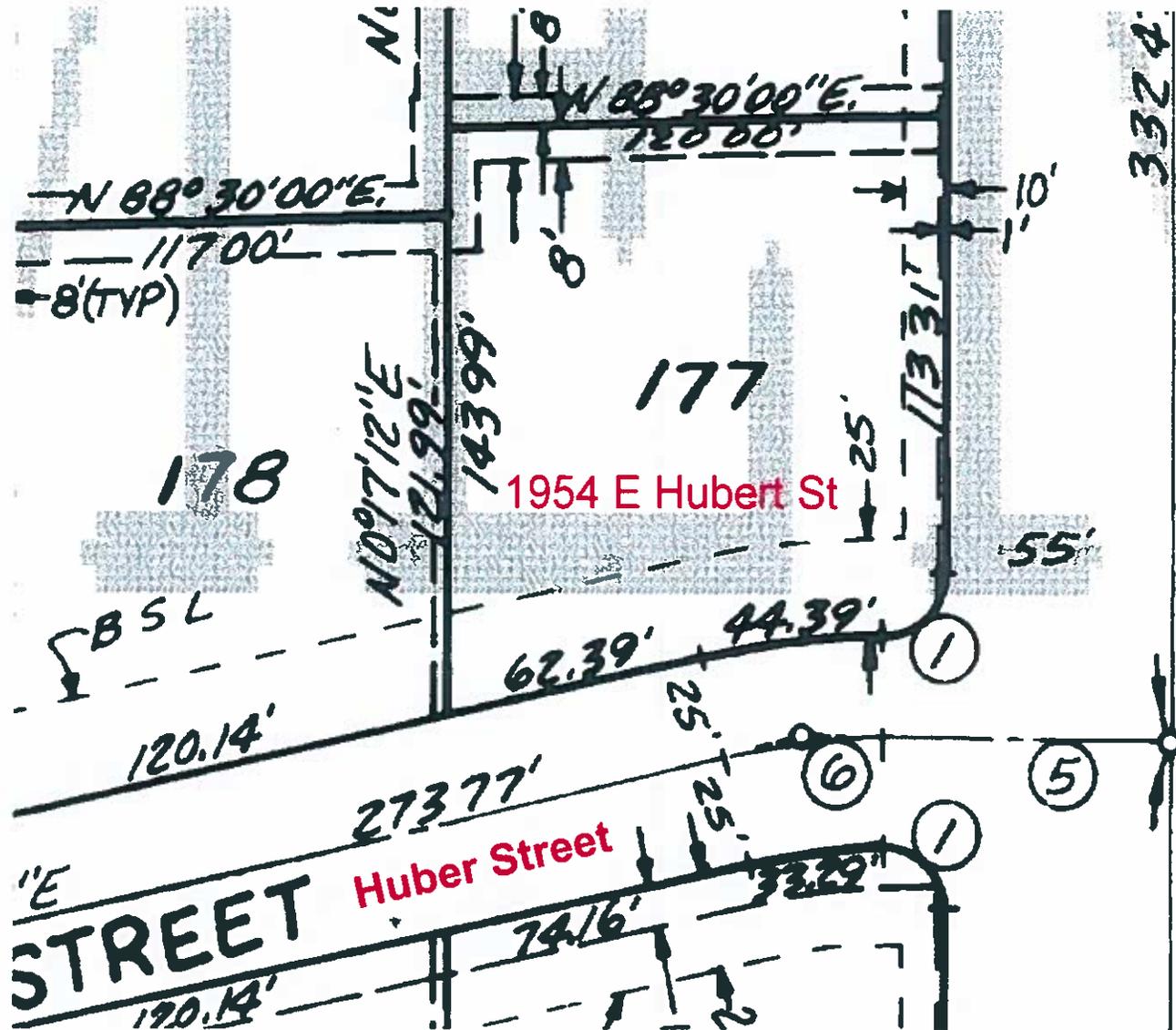
- A. There are special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, and
- B. That such special circumstances are pre-existing, and not created by the property owner or appellant; and
- C. The strict application of the zoning Ordinance will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

BA14-048



North ↑

BA14-048



Gilbert Road

North

12

August 18, 2014

RE: Proposed Garage Addition / Variance Justification
Case # BA14-048 (PLN2014-00399)

To The Neighbors of Josh and Amanda Sohn:

We are writing this letter to our neighbors to inform you of our plans to build a garage addition on to our home. We worked with an architect that designed the garage and helped us submit it to the city. Currently the city code states any additions need to be regressed 3 feet from the front of the home but there is a variance you can apply for if you have a non-conforming lot. Ours is a non-conforming lot and because of the shape of our street our home sits much further back than our neighbor's homes. We would like to build the addition where the garage is partially in front of our house. We have included the architects rendering for you to see what it would look like as well as the elevations. The garage would be attached to the house and has been designed to look like it has always been here. When we were looking for a house three years ago we were looking for houses with garage additions and they were all selling extremely fast with one of them going for over \$70,000 over the asking price. We feel that the addition will add great value to our home as well as the homes in our area.

Per the city's process, we are required to notify all of our neighbors that we are requesting the variance to allow you to come support us or share any concerns you may have. Here are the details from the city: This is to inform you that on **September 3rd, 2014** your above referenced case will be considered at public hearing of the Board of Adjustment. The meeting will be held in the City Council Chambers (Lower Level) located at 57 E. 1st Street. The public hearing will begin at 5:30 p.m. The Board will have a study session that will begin at 4:30 p.m. in the same building.

We would like to satisfy curiosity as to why we would like a 10 car garage (the addition will be aprox. 1700 sq feet). Josh has been involved in car projects / restoration his entire life. They are our own cars that he keeps for his recreational and family use. We would like to have a safe cool place to complete his projects and not have them be out in the open where they could potentially be an eye sore. We also have two children with another on the way and having the garage come out further from the house would allow us more space in the backyard for our children to run and play. The current design offers us the most usable space. As you can see from the drawings the garage addition would look like a 3 car garage from the front with the right two stalls being for our everyday vehicles and the third for a possible future toy hauler / RV trailer. We will be using about a cars worth of space for the three strollers, multiple bikes, tricycles and bike trailers. There will be a decent amount of space taken up by wood working, automotive tools and metal fabrication equipment as well. The rest will be for our projects. Currently there are three projects (cars) in suspense because we do not have the space to store everything. Two of them are restorations which require Josh to take ever nut and bolt off to get the bodies sandblasted and painted. We need at least two parking spots to setup shelving and the cars themselves to do this in an organized fashion.

Anyone living in the north east side of Mesa knows that we have a lot of bugs. Last summer the storage of two cars in my backyard housed multiple families of black widows. Besides being somewhat of an eyesore they can accommodate many different types of critters. My end goal is to have everything inside to avoid this and not have my backyard looking like a car lot.

If you have any questions or would like additional information please feel free to contact us. If you would like to contact the City of Mesa directly you may also do so by calling 480-644-2385 for any information or concerns you have regarding the proposed variance.

Sincerely,

Josh & Amanda Sohn
1954 E. Huber St.
Mesa, AZ 85203
480-570-0877



SITE NOTES:

PRIOR TO EXCAVATION FOR ANY REASON, OBTAIN "WALK STAKE" SERVICES TO IDENTIFY ALL EXIST. BURIED UTILITIES IN MARICOPA COUNTY CALL TWO DAYS BEFORE YOU DIG 263-7100. OUTSIDE MARICOPA COUNTY CALL 1-800-875-5076

UTILITY TRENCHES SHALL BE DEPTH AS CALLED FOR BY THE SERVING UTILITY COMPANY. CALL FOR TRENCH INSPECTION PRIOR TO PLACING ANY BACKFILL MATERIAL. ALL BACKFILL TO BE PLACED IN 4" LIFT'S EVENLY AROUND UTILITY AND MECHANICALLY COMPACTED WITHIN 95% DENSITY.

ELECTRICAL CONTRACTOR SHALL FURNISH DRAWINGS TO THE ELECTRICAL AND TELECOMMUNICATIONS COMPANIES TO OBTAIN UTILITY ENGINEERING DRAWINGS AND CLEARANCE PRIOR TO SERVICE TRENCHING.

PLUMBING CONTRACTOR SHALL SUBMIT DRAWINGS TO THE GAS, WATER & SEWER COMPANIES FOR ENGINEERING & CLEARANCE PRIOR TO SERVICE TRENCHING.

THE BUILDING PAD SHALL BE BUILT UP WITH CLEAN FILL IN 4" LIFT'S & MECHANICALLY COMPACTED WITHIN 95% DENSITY, IF REQUIRED. CARE SHALL BE TAKEN NOT TO IMPIDE, ATTR OR REDUCT ANY WASH OR SMALL INFLOW OR OUTFLOW FROM THIS PROPERTY.

FINISH GRADE AT FOUNDATION WALL SHALL BE 6" MIN. BELOW FINISH FLOOR LINE & 6" MIN. BELOW FINISH FLOOR LINE FOR ABOVE CONSTRUCTION.

SLOPE FINISH GRADE AWAY FROM ALL FOUNDATION WALLS AT A RATE OF 3% SLOPE FOR DISTANCE OF 10'-0". NO FOUNDATION OR STRUCTURE SHALL BE NEARER THAN 10'-0" OF A WASH OR TWALE.

SEE LANDSCAPE PLANS BY APPLICABLE FOR TREE-SHEDS, IRRIGATION & SPRINKLER & LANDSCAPE LIGHTING LOCATIONS.

VERIFY PROPERTY LINE, POSITIVE DRAINAGE, FINISH FLOOR ELEVATIONS & BUILDING LAYOUT BY A REGISTERED P.E. OR LAND SURVEYOR. SEE BUILDING OFFICIAL FOR REQUIRED INFORMATION.

PROJECT DESCRIPTION

1. SINGLE STORY GARAGE ADDITION OF APPROX. 1,728 S.F.

ALL CONSTRUCTION TO COMPLY WITH ALL CURRENT AND AMENDED CODES AS PER CITY OF MESA

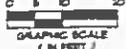
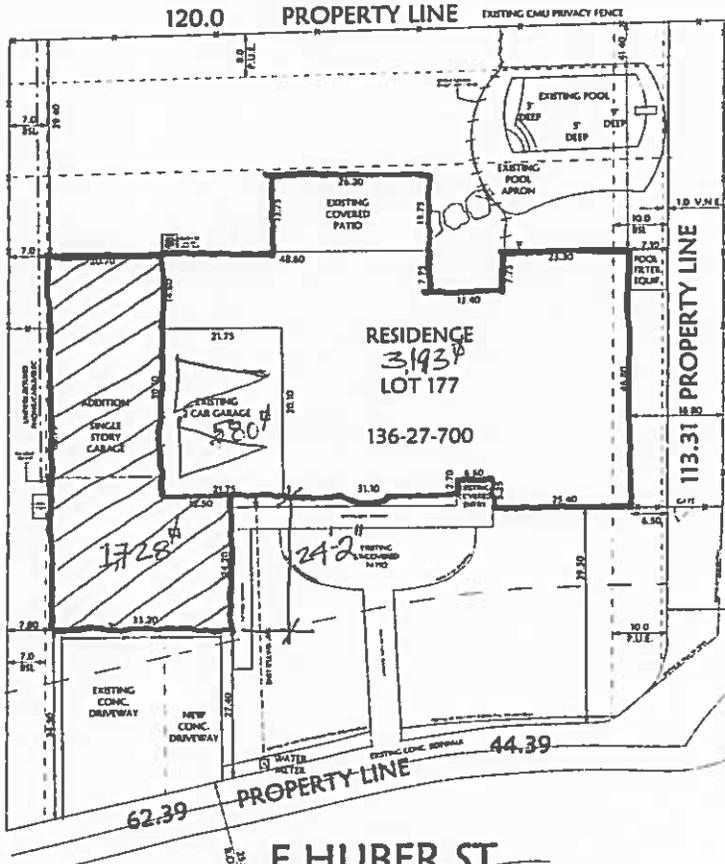
- 2008 International Building Code
 - 2008 International Residential Code
 - 2002 International Fuel Gas Code
 - 2008 International Plumbing Code
 - 2008 International Fire Code
 - 2008 International Energy Conservation Code
 - 2008 International Electrical Code
 - 2008 International Fire Code
- All as amended per the City of Mesa

LOT INFORMATION

PARCEL	136-27-700
ZONING	R5-1
DESCRIPTION	EAST ORANGEWOOD ESTATES 4
SEC. TOWNSHIP-RANGE	12N06E
MCS #	17906
LOT	177
YEAR BUILT	1977
TOTAL LOT AREA	15,943 FT ²
EXISTING INVALE	2,391 FT ²
EXISTING 2 CAR GARAGE	582 FT ²
EXISTING COVERED ENTRY	33 FT ²
EXISTING COVERED PATIO	267 FT ²
NEW ADDITION - GARAGE	1,728 FT ²
TOTAL BCOOP AREA	5,303 FT ²
LOT COVERAGE	37.0%

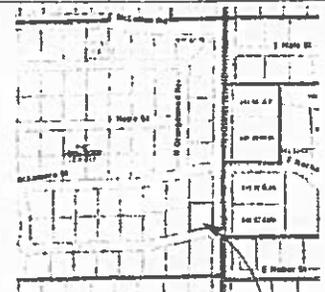
COUNTY RECORDS SHOW 2,780 S.F. OF HABITABLE SPACE

RESIDENCE



SITE PLAN

SCALE: 1" = 10'-0"



SITE MAP

SITE LOCATION

N GILBERT RD

SITE LOCATION

VICINITY MAP

ALL-PRO HOME SERVICES

1425 N. WILLOW LANE
MESA, AZ 85203
623.340.1163
888.875.5076

www.allprohomeservices.com
DRAWN BY: [Signature]

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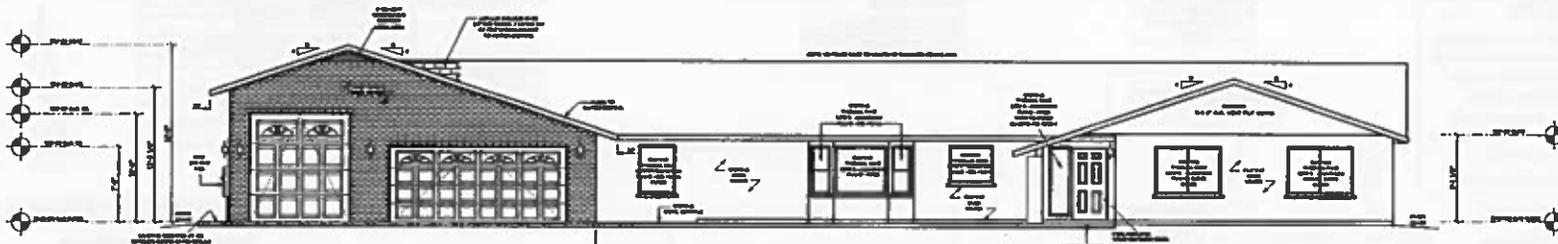
CONTRACTOR & CLIENT	JOSH SOHN - HOMEOWNER
PHONE	480-570-0877
COMMENTS / REVISIONS	1. 07-23-2014
DATE	07-23-2014

CLIENT/LOCATION	SOHN RESIDENCE 1954 E HUBER ST. MESA, AZ 85203
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PROJECT DESCRIPTION:	1. SINGLE STORY GARAGE ADDITION OF APPROX. 1,728 S.F.
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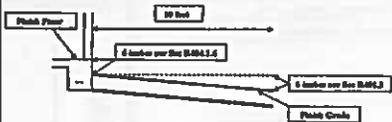
SCALE:	1" = 10'-0"
DATE:	07-23-2014

ITE PLAN **SP-1**



SOUTH ELEVATION
SCALE: 3/16" = 1'-0"

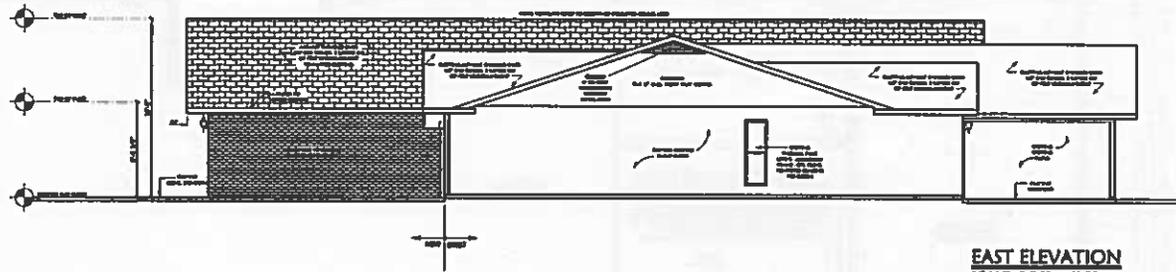
MINIMUM DRAINAGE REQUIREMENT



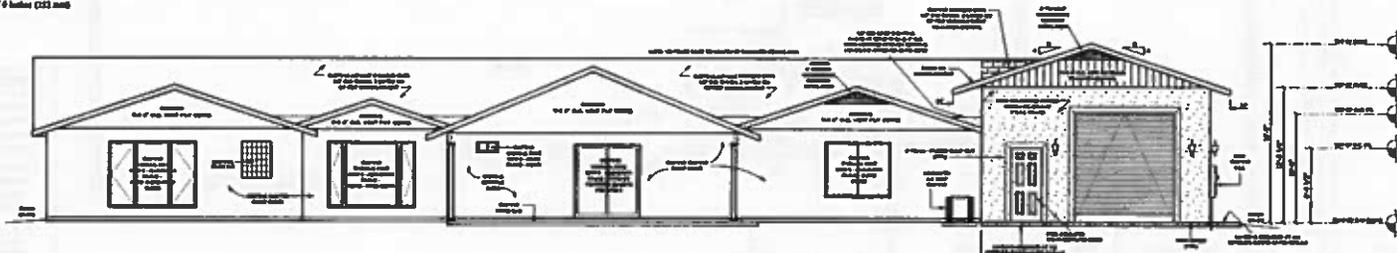
DASH 1.6/Strapless
Roofing drainage shall be directed to a storm water receptacle or other approved point of collection as so on one slope if desired. Leds shall be parallel to drain surface away from foundation walls. The grade shall be a minimum of 2 inches (200 mm) within the first 10 feet (3048 mm).

Standard Straps for Snow, Wind, Storm or other physical forces provide 2 inches (51 mm) of fall within 10 feet (3048 mm), the final grade shall slope away from the foundation at a minimum slope of 3 percent and the slope shall be directed to drain or pond to ensure drainage away from the structure. Slopes shall be shaped a minimum of 2 percent when located within 10 feet (3048 mm) of the building foundation. Intermediate slopes within 10 feet (3048 mm) of the building foundation shall be sloped a minimum of 2 percent away from the building.

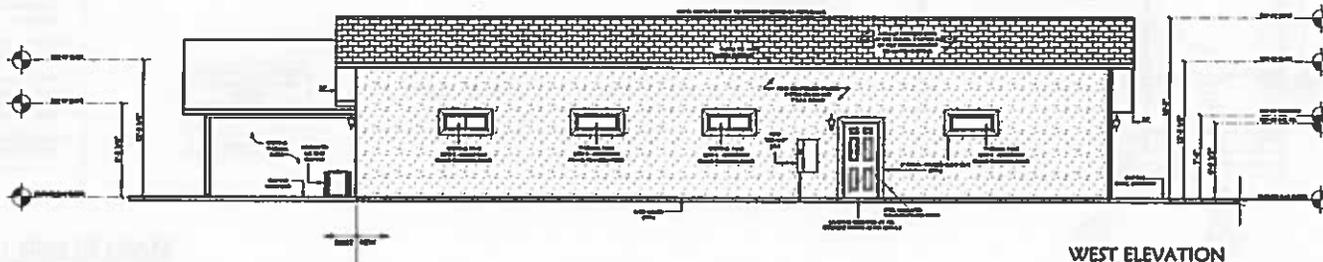
DASH 1.6/Strapless where finished grade
Concrete and masonry foundation walls shall extend above the finished grade adjacent to the foundation at all points a minimum of 4 inches (102 mm) where necessary to meet and a minimum of 8 inches (203 mm) elsewhere.



EAST ELEVATION
SCALE: 3/16" = 1'-0"



NORTH ELEVATION
SCALE: 3/16" = 1'-0"



WEST ELEVATION
SCALE: 3/16" = 1'-0"

ALL-PRO HOME SERVICES

12421 N HICKORY LANE
SAN ANTONIO, AZ 85201
623.340.1163

888.875.5076
DASH

www.allprohomeservices.com

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PROJECT DESCRIPTION: CLIENT/LOCATION

SOHN

RESIDENCE

1954 E HUBER ST.

MESA, AZ 85203

PROJECT DESCRIPTION:

1. SINGLE STORY GARAGE

ADDITION

OF APPROX. 1,728 S.F.

SCALE: 3/16" = 1'-0"

DATE PRINTED: 07-21-2014

REVISIONS

A-2

REVISIONS

A-2

REVISIONS

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REVISIONS

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REVISIONS

A-2









Wahid Alam

From: Tim Nielsen <trn.arch@gmail.com>
Sent: Monday, August 25, 2014 10:29 AM
Subject: Wahid Alam
BA-14-048, Sohn Residence

Dear Mr. Alam:

I am writing for the Nielsen Family Trust, 1918 E Huber St., 2 lots West of the Subject Property.

Although I am sympathetic to this Homeowner's plight
I believe there are some design considerations, that if approved, should be engaged in its development.

1. The garage addition is far too imposing as an addition closer to the street. The RV door and lack of articulation to the elevation is too flat and "Industrial" looking for 1/3 acre lots.
2. There is a lack of information in the letter received describing the conditions for the variance.....such as a Site Plan with dimensions although we did receive an aerial photo.
3. I believe there is a State Law on the books about Developer Imposed Hardships which this would not qualify.

Until this applicant can show some sensitivity to an imposing addition, particularly on the corner lot abutting Gilbert Rd, we regret to not support this variance request.

Respectfully,

Tim R Nielsen, Architect