



**MEMORANDUM                      Transportation & Development – BA Memo No. 12-009**

**DATE:**            NOVEMBER 6, 2012  
**TO:**                BOARD OF ADJUSTMENT  
**THRU:**            R.J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR  
                          JEFF KURTZ, PLANNING ADMINISTRATOR  
                          KEVIN MAYO, PLANNING MANAGER  
**FROM:**            JESSICA SARKISSIAN, AICP, CITY PLANNER  
**SUBJECT:**        VAR12-0008 SEITZER RESIDENCE

**Request:**        Variance from the Zoning Ordinance to allow a carport extension and enclosure into the minimum front yard setback, to allow a rear patio encroachment into the minimum rear yard setback, and to allow a structure to be considered an open-air ramada despite its size larger than 150 square feet.

**Applicant:**      Alan & Jeanette Seitzer

**Location:**        943 N. Sean Drive, south and west of the southwest corner of Alma School Road and Ray Road

**Existing Use:**    Single-Family Home

**Zoning:**            Single family District (SF-8.5)

**RECOMMENDATION**

Staff, upon finding the need for a variance to be self-imposed and the criteria by which all variances are reviewed to not be fully satisfied recommends denial of the requested variances.

**BACKGROUND**

The property, which contains a single-family home, is located in the Colonia Granada Unit 3 subdivision zoned SF-8.5 located on the south side of Ray Road approximately 1/4 mile west of Alma School Road. The 95 lot subdivision contains lots ranging from approximately 6,800 to 11,840 square feet in size, with most lots between 7,000 and 7,200 square feet. The subject lot is approximately 11,760 square feet and has a 1,720 (livable) square foot house built in 1979

located on a “knuckle”, a feature similar to a cul-de-sac. The property is pie-shaped and has an inward curved front yard property line.

This application entails three separate variance requests. The first is to allow encroachment into the front yard setback by 3’4” to allow a proposed carport and patio to be extended and the garage enclosed. The second is to encroach into the rear yard setback by 1’9” to allow an existing covered rear patio 8’2” from the rear property line. The third is to allow a larger than permitted open air ramada to encroach into the side yard setback by 1’7”.

In 2007, a similar lot configuration in a neighborhood south of the subject site was granted Variance approval to extend and enclose a carport into the front yard setback. Also, a lot located a few streets south of the subject site within the same subdivision was granted a Variance in 2000 to allow a shade/ramada structure to abut the property line within the side yard setback.

### **CODE REQUIREMENTS**

Setbacks in the Colonia Granada Unit 3 subdivision are established through the guidelines associated with the SF-8.5 zoning and the subdivision plat. The development’s building setbacks are a minimum 20 foot front yard setback, a 10 foot rear yard setback, and one side yard setback of a minimum 5 feet and the total of both side yards as a minimum of 15 feet.

Accessory buildings shall meet the minimum side and rear yard setbacks for the district in which it is located.

Open-air ramadas, as defined below, may achieve a minimum five-foot side yard and five-foot rear yard setback, as measured from the edge of the roof or cover.

#### **35-200. Definitions.**

##### *Open-air ramada:*

A detached accessory building or structure open on the sides and supporting a roof or lattice-type cover, primarily for the purpose of providing shade in conjunction with a recreational activity, such as a swimming pool, Jacuzzi, or sitting area, and not to exceed both ten (10) feet in height and 150 square feet in area, and separated from the residential dwelling by a distance equal to at least ½ of the rear yard setback.

### **FINDINGS**

Below is a list of the criteria that the Board of Adjustment must use to review each variance request. Following each criterion are Staff’s italicized responses. The applicant’s written narrative answering the following criteria is included among the memo attachments.

- 1. Explain the special circumstances or conditions that apply to the land, building, or use referred to in the application. The special circumstances cannot be self-imposed by the property owner.**

*The lot is an atypical size and shape for this neighborhood. The lot is the largest in the neighborhood and offers space elsewhere for the garage and other buildings to be located elsewhere on the site. Staff is of the opinion that this criterion has not been satisfied.*

**2. State why the granting of this variance is necessary for the preservation and enjoyment of substantial property rights.**

*The existing house demonstrates that the property has been allowed to develop and the property owners have enjoyed substantial property rights on land zoned for single-family homes since 1978. It is not a property right to have a garage, build an open-air ramada or a patio that does not abide by separation regulations. The desired patio and ramada can still be achieved by creating a smaller structure, adding shade trees and/or using an umbrella. Staff is of the opinion that this criterion has not been satisfied.*

**3. Explain why this variance will not materially be detrimental to persons, property, or the public welfare of the community.**

*The variance would be a detriment to neighboring properties as the structures on the side and rear are visible from adjacent properties reducing their property enjoyment. Staff is of the opinion that this criterion has not been satisfied.*

**PUBLIC/NEIGHBORHOOD NOTIFICATION**

This request was noticed in accordance with the requirements of the Chandler Zoning Code. At the time of this writing, Staff is not aware of any opposition to the request.

**SUMMARY**

Staff does not support this request. Though the subject site has the special circumstances of a somewhat irregularly shaped lot, these circumstances do not preclude enjoyment of substantial property rights and were compensated for in the subdivision platting process by creating a wider than average lot.

**RECOMMENDED ACTION**

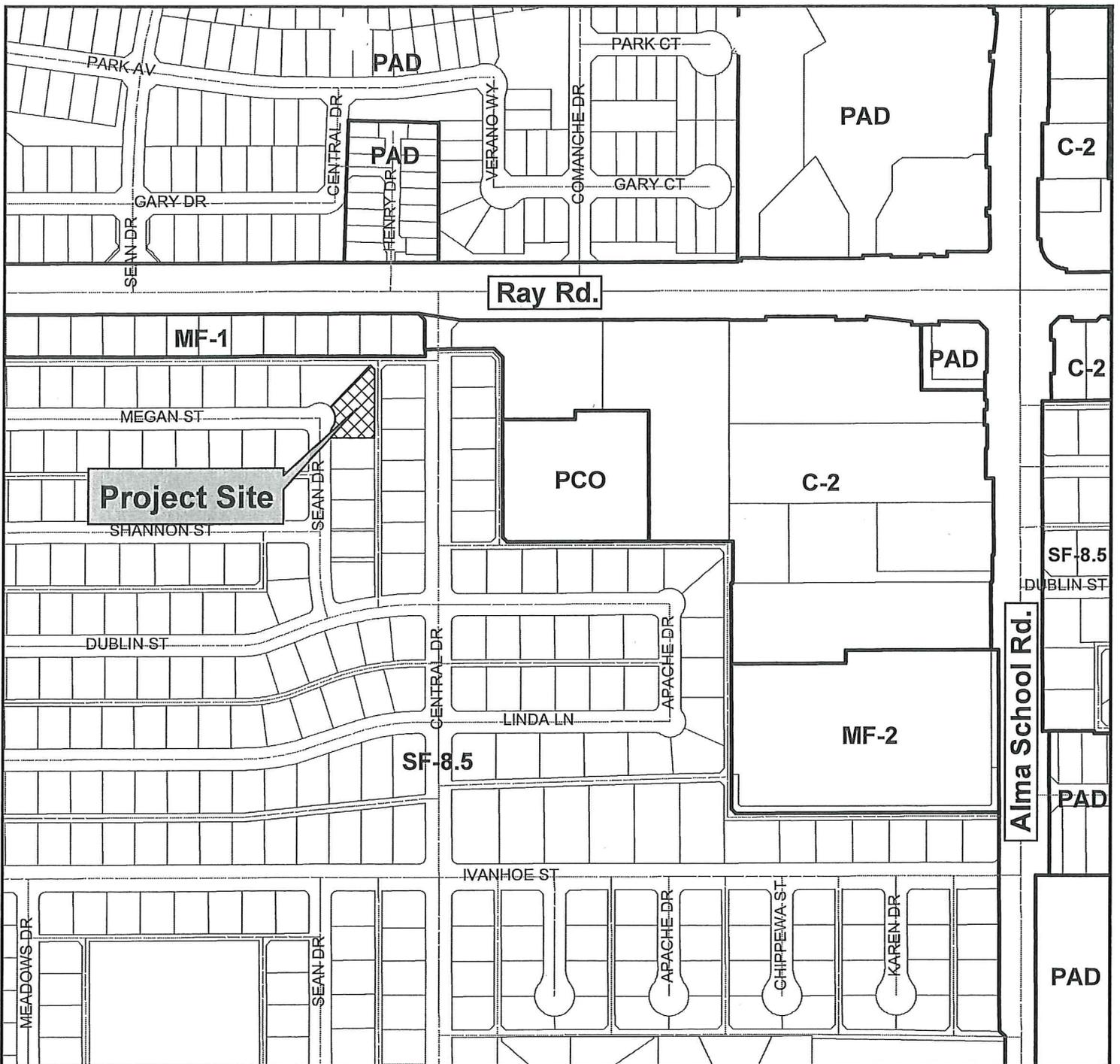
Staff recommends denial of this request.

**PROPOSED MOTION**

Move to deny the variance request VAR12-0008 SEITZER RESIDENCE, as recommended by Staff.

**Attachments**

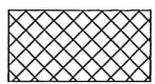
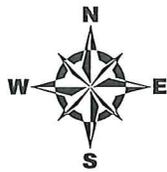
1. Vicinity Maps
2. Aerial Photo
3. Application and Justification
4. Site Plan and Elevations
5. Photos
6. Powers and Duties



Ray Rd.

**Project Site**

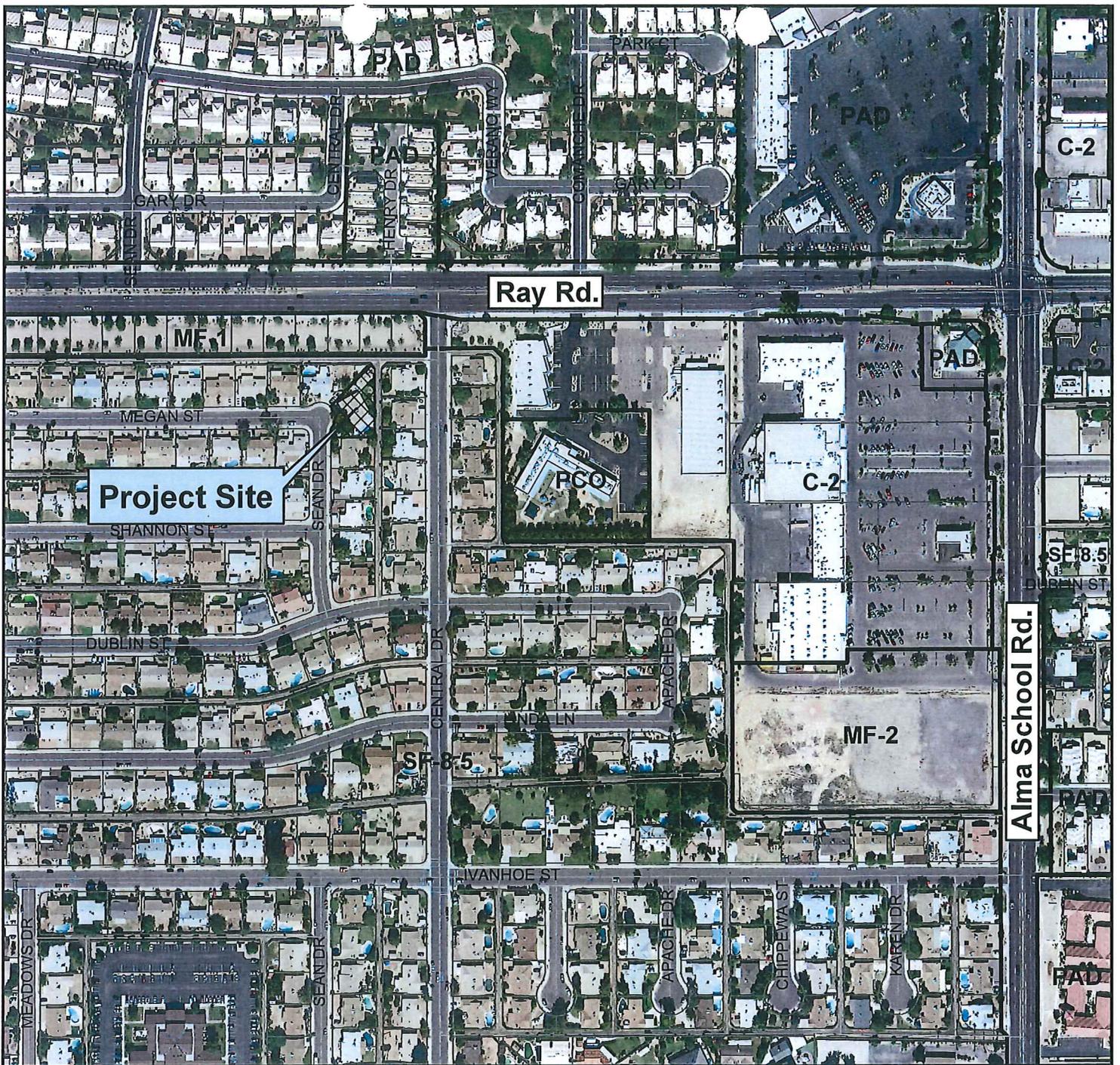
**Vicinity Map**



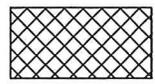
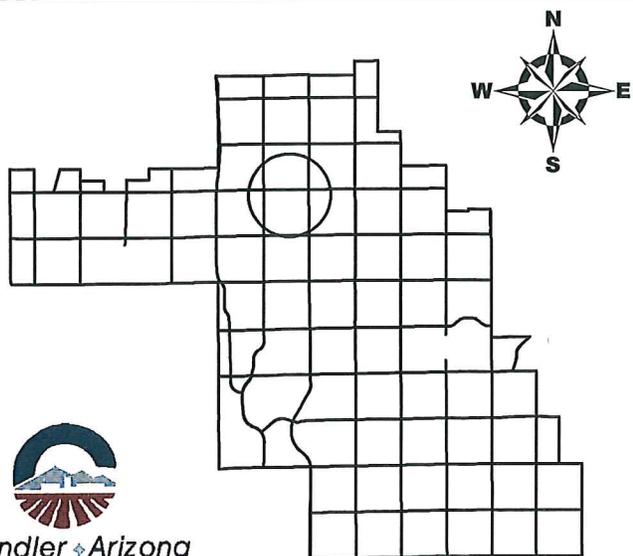
**VAR12-0008**

**Seitzer Residence  
943 N. Sean Dr.**





## Vicinity Map



**VAR12-0008**

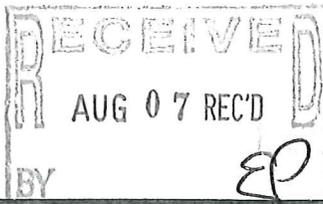
**Seitzer Residence  
943 N. Sean Dr.**







Chandler • Arizona  
Where Values Make The Difference



# Variance Request Application

If the property owner is not filing the application, please fill out the attached Letter of Authorization for an applicant or project representative to file the application.

Project or Owner Name <b>ALAN &amp; JEANETTE SEITZER</b>		
Property Location/Address <b>943 N SEAN DR</b>		City, State, Zip Code <b>CHANDLER, AZ 85224</b>
Type of Variance (waiver) from the Zoning Code you are requesting: <b>SET BACK IN front, side &amp; rear.</b>		
Is this variance for an existing structure (e.g. fence, pool, etc.)? Yes: <input checked="" type="checkbox"/> No: <input type="checkbox"/>		
Has the City issued a Notice of Violation? Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/> If yes, please attach a copy of the notice/letter.		
Property Owner Name <b>ALAN &amp; JEANETTE SEITZER</b>		
Mailing Address <b>943 N SEAN DR</b>		Phone Number <b>480 899 4017</b>
City, State, Zip Code <b>CHANDLER AZ 85224</b>		Fax Number
Applicant/Representative Name		
Mailing Address		Phone Number
City, State, Zip Code		Fax Number
Property Owner or Representative Signature <i>[Signature]</i>		Date <b>5-3-12</b>
<b>For City Use</b>		
Date Filed <b>8-7-12</b>	Development No. <b>VAR 12-0008</b>	Planner

Mailing Address:  
P.O. Box 4008, MS 401  
Chandler, Arizona 85244-4008

Transportation and Development Department  
Planning Division  
215 E. Buffalo St., Chandler Arizona 85225

Telephone: (480) 782-3000  
Fax: (480) 782-3010  
[www.chandleraz.gov](http://www.chandleraz.gov)  
Form No: UDM-063/Planning  
Rev: 6-6-11



Chandler • Arizona  
Where You'll Make The Difference

# Variance Request Letter of Authorization

Please accept an application for a Variance for property located at:

943 N SEAN DR

CHANDLER, AZ 85224

Assessor's Parcel Number(s):

302 48 752

Said property is owned by:

ALAN & JEANETTE SEITZ

Who hereby authorizes me to file this application on his/her behalf.

I certify that the above information is correct, and that I am authorized to file an application on said property on behalf of the owner.

Applicant Signature

Date

ALAN & JEANETTE SEITZ 5-3-12  
Property Owner Name Printed Date

[Signature] 5-3-12  
Property Owner Signature Date



Chandler • Arizona  
Where Values Make The Difference

## Justification for Variance Request

Please answer the following questions fully in order to prove your case to the Board.

1. Explain the special circumstances or conditions that apply to the land, building, or use referred to in the application. The special circumstances cannot be self-imposed by the property owner.

The homeowners lot has a unusual front setback line on this due lots location on the streets, corner knuckle. The carport/garage conversion project partially extends a corner of the garage into the set back.

2. State why the granting of this variance is necessary for the preservation and enjoyment of substantial property rights.

The homeowners request for a variance to the front setback line, on this carport to garage conversion project will allow the home owner to park their car in cover and security that the exposed carport can't provide. In addition this project should add to the overall value of the home

## Justification for Variance Request (Cont'd)

3. Explain why this variance will not materially be detrimental to persons, property, or the public welfare of the community.

The small incursion into the front setback of the garage corner shall in no way be detrimental to the public welfare, the location of the property on the outside corner street knuckle creates a long driveway were the garage extensions will be unnoticeable and will not alter the general astetics of the surrounding neighborhood. In fact it is our belief that this project should actually increase the value of the home and thereby the rest of the community

8/7/12 original request

October 23rd, 2012

Jessica Sarkissian, AICP, LEED AP  
City Planner  
City of Chandler Transportation & Development Department  
Planning Division  
215 E. Buffalo St.,  
Chandler, Arizona 85225

Dear Ms. Sarkissian

The following are the county review comments and responses of the Alan Seitzer residence 943 N. Sean Drive, for a variance of the front yard carport garage conversion that extends into the front set back, the rear set back on the existing rear patio cover. In addition the shade structure over the garden needs a variance for the side setback as well. I will also address the other comments on the project.

Review comment: 1. Explain the special circumstance or condition that apply to the land, building, or use referred to in the application. Cannot be self-imposed by the property owner.

**Response: 1. This large pie shaped lot is set on a curb knuckle that extends the front set back into the lot and causes a small portion of the proposed garage to extend into it. In addition the wedge shape of the lot and the non-uniform house alignment also causes the rear patio not to be parallel to the alley behind it and causes the patio to extend in to the rear setback slightly.**

**The shade structure over the garden while keeping parallel and at least 5 ' away from the main house has a corner part into the side setback due to the angle of the lot line.**

Review comment: 2. State why the granting of this variance is necessary for the preservation and enjoyment of substantial property rights

**Response: 2. The proposed garage extension would provide extra security and protection from the elements while increasing the overall value of the home.**

**The existing patio cover provides greatly needed shade to the house and is similar to the shade structures of the surrounding neighbors. Due to the odd shape of the lot it becomes difficult to also have a shade structure without impeding into the setback.**

**The shade structure over the garden protects the plants and allows the homeowner to grow the garden all year round.**

Review comment: 3. Explain why this variance will not materially be detrimental to persons, property, or the public welfare of the community

**Response: 3. The conversion of the carport into a garage is similar to other homes in the area and should increase the value of the home. In addition while extending**

10-23-12 Updated request

**into the front setback it still allows for over 20' of driveway (20.78') to be used in the front of the property.**

**Only a small part of the existing patio cover encroaches into the rear setback approximately 1'-8" and poses no detriment to the 16' wide alleyway or any of the neighboring properties nor is it visible from the adjacent properties.**

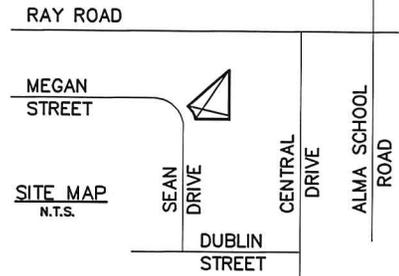
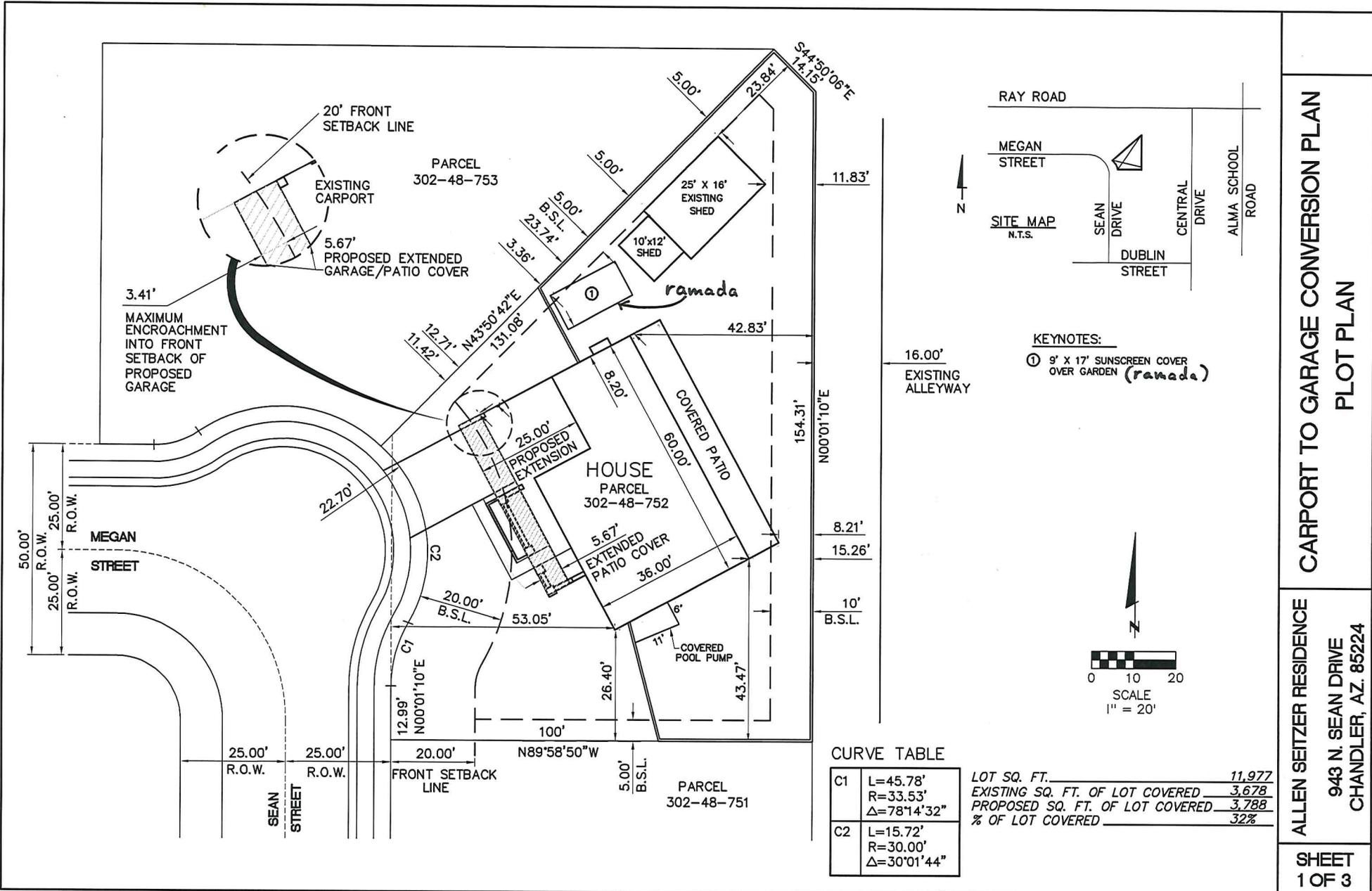
**The sunshade cover is also not visible to any of the adjacent properties and creates no actual burden to any adjacent properties.**

Additional notes on the project the mentioned wood structure on the existing shed that projects over to the fence is being removed to prevent any conflicts with this project. We would like to thank you for your time in reviewing this project we have been given alot of conflicting information during the initial consultation process and look forward to resolving all issues and bringing the project and existing structures into compliance.

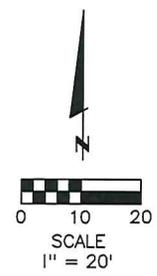
Sincerely yours,

Alan Seitzer  
Homeowner

10-23-12 updated  
request



**KEYNOTES:**  
 ① 9' X 17' SUNSCREEN COVER OVER GARDEN (ramada)



**CURVE TABLE**

C1	L=45.78' R=33.53' Δ=78°14'32"
C2	L=15.72' R=30.00' Δ=30°01'44"

LOT SQ. FT.	11,977
EXISTING SQ. FT. OF LOT COVERED	3,678
PROPOSED SQ. FT. OF LOT COVERED	3,788
% OF LOT COVERED	32%

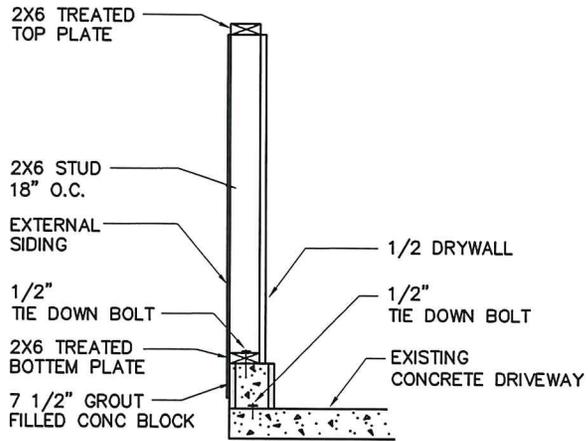
**CARPOT TO GARAGE CONVERSION PLAN  
 PLOT PLAN**

**ALLEN SEITZER RESIDENCE  
 943 N. SEAN DRIVE  
 CHANDLER, AZ. 85224**

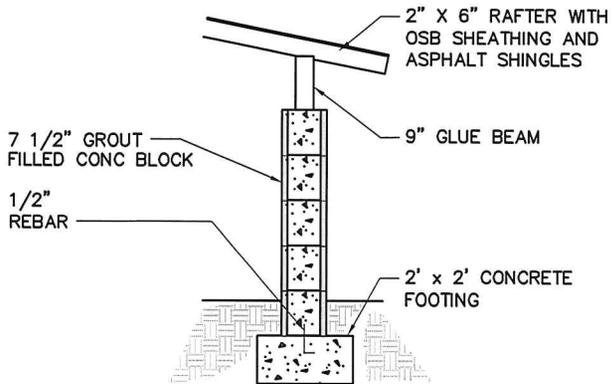
**CARPORIT TO GARAGE CONVERSION PLAN  
SIDE ELEVATION AND CONSTRUCTION DETAILS**

**ALLEN SEITZER RESIDENCE  
943 N. SEAN DRIVE  
CHANDLER, AZ. 85224**

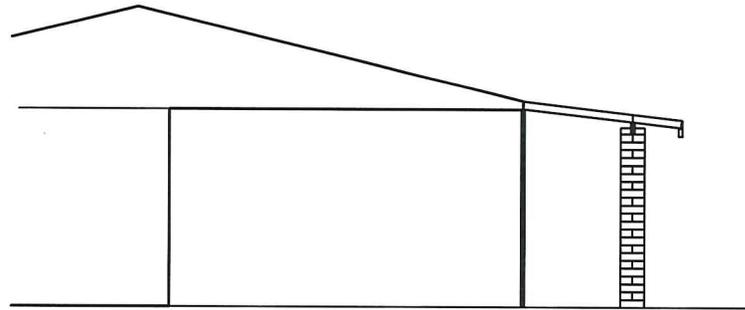
**SHEET  
2 OF 3**



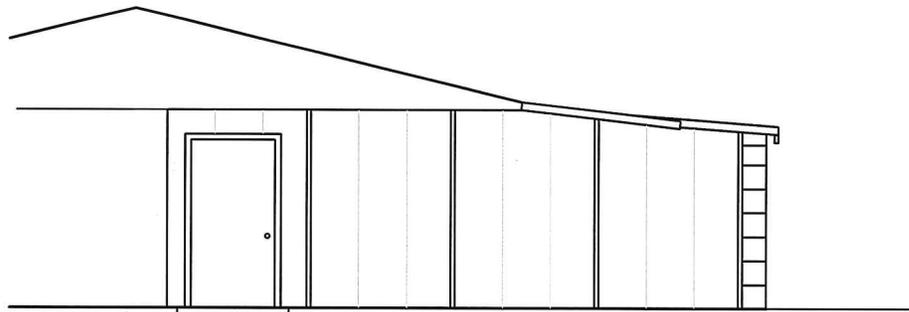
**WALL BOTTEM PLATE  
DETAIL**



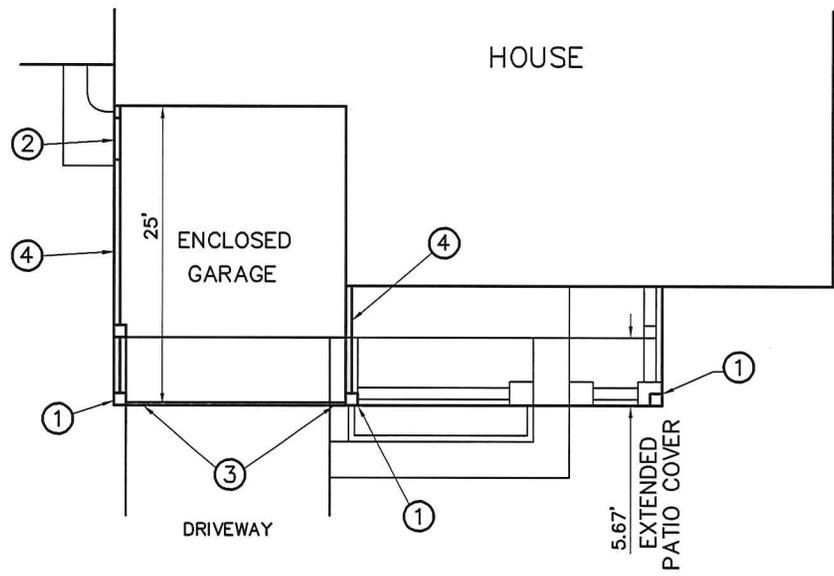
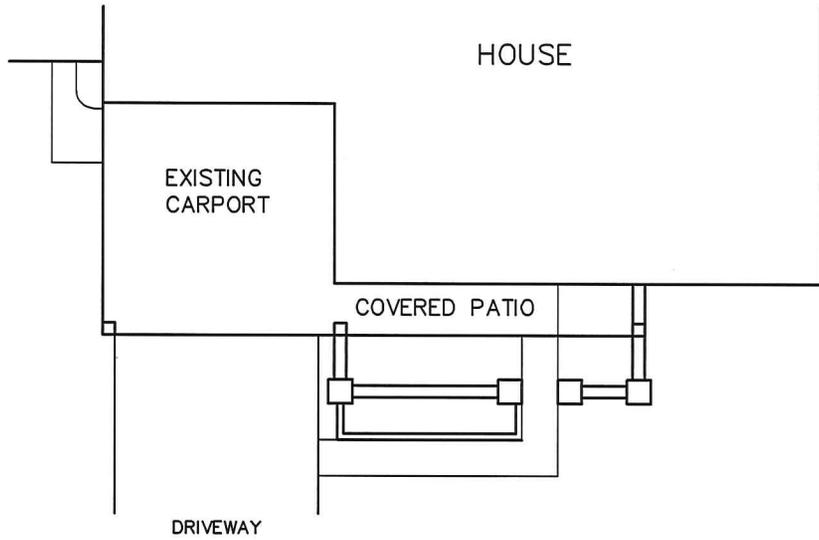
**CONCRETE BLOCK POST  
DETAIL**



**EXISTING CARPORT**



**PROPOSED ENCLOSED GARAGE WITH SIDE DOOR**



**KEYNOTES**

- ① INSTALL 1' X 1' GROUT FILLED CONCRETE POST SEE DETAIL ON SHEET 2.
- ② INSTALL 1 3/4" SOLID STEEL DOOR, FIRE RATED FOR A MINIMUM OF 20 MINUTES
- ③ INSTALL 18' WIDE GARAGE DOOR.
- ④ INSTALL 2" X 6" STUD FRAME WALL 18" O.C. TYP. SEE DETAIL ON SHEET 2.

CARPOT TO GARAGE CONVERSION PLAN  
 PLAN VIEW AND CONTRUCTION NOTES

ALLEN SEITZER RESIDENCE  
 943 N. SEAN DRIVE  
 CHANDLER, AZ. 85224

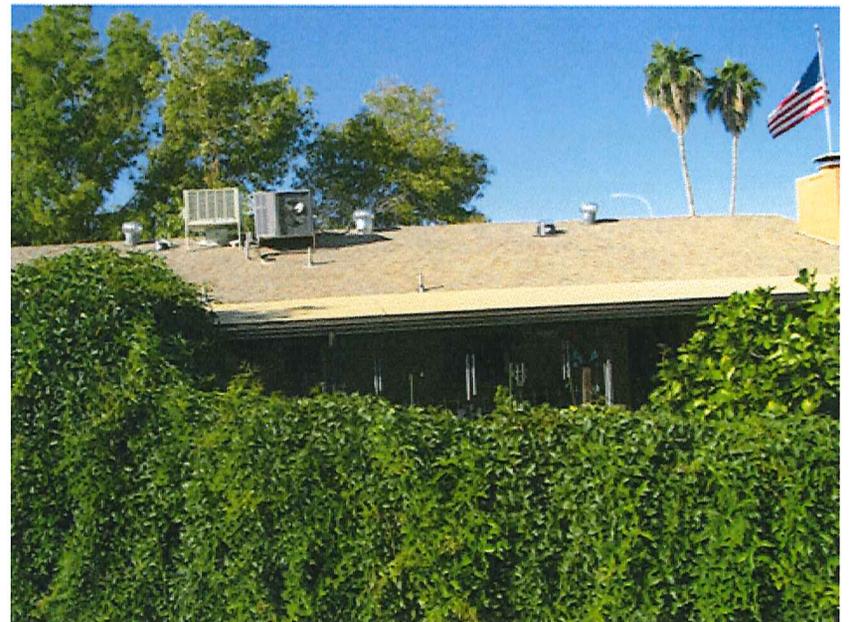
# VAR12-008



# VAR12-008



VAR12-008



# **BOARD OF ADJUSTMENT**

## **CHAPTER 35**

### **35-2502. Powers and duties.**

The Board of Adjustment shall have the following powers and duties:

- (1) Adopt rules of procedure not inconsistent with the provisions of this Code for the conduct of its business and procedure.
- (2) Hear and decide all appeals that may be taken by any person or any Officer, Department, Board or Division of the City when there is an alleged error in any such order, requirement or decision made by the Zoning Administrator in the enforcement of the provisions of this Code.
- (3) Reverse or affirm in whole or in part or modify the order or decision as ought to be made, and [to] that end shall have the powers of the officer for whom the appeal is taken.
- (4) Determine and establish the true location of district boundaries in any disputed case.
- (5) Interpret any provision of the Zoning Code as it relates to a specific use of land or structure.
- (6) In specific cases, authorize upon request such variances from the provisions of this Code that will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions of this Code would result in unnecessary property hardships. A variance shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and district in which such property is located.
  - (a) A variance shall not be granted unless the Board of Adjustment shall find upon sufficient evidence:
    1. There are special circumstances or conditions applying to the land, building or use referred to in the request;
    2. The granting of the variance is necessary for the preservation and enjoyment of substantial property right; and
    3. The granting of the variance will not materially be detrimental to persons, property or to the public welfare of the community.
  - (b) The Board of Adjustment may not:
    1. Make any changes in the uses permitted in any zoning classification or zoning district, or make any changes in the terms of the zoning code provided the restriction in this paragraph shall not affect the authority to grant variances pursuant to this article.
    2. Grant a variance if the special circumstances applicable to the property are self-imposed by the property owner.