



**MEMORANDUM                      Transportation & Development – BA Memo No. 13-002**

**DATE:**            FEBRUARY 5, 2013

**TO:**                BOARD OF ADJUSTMENT

**THRU:**            R.J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR *RJA*  
                          JEFF KURTZ, PLANNING ADMINISTRATOR *JK*  
                          KEVIN MAYO, PLANNING MANAGER *KM*

**FROM:**            JESSICA SARKISSIAN, AICP, CITY PLANNER *JS*

**SUBJECT:**        VAR13-0001 ADAMS RESIDENCE

**Request:**        Variance from the Zoning Ordinance to allow an accessory building to be considered an open-air ramada to encroach into the minimum rear yard setback and to allow a structure to be considered an “open-air ramada” despite its size being larger than 150 square feet

**Applicant:**      Michael Adams

**Location:**      1401 S. Carriage Lane, north of Willis Road and ¼ mile west of Dobson Road

**Existing Use:**    Single-Family Home

**Zoning:**         Planned Area Development (PAD)

**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 variance.

**BACKGROUND**  
The property, which contains a single-family home, is located in the Vintage Villas subdivision, zoned PAD located on the north side of Willis Road and ¼ mile west of Dobson Road. The 59 lot subdivision contains lots ranging from approximately 10,000 to 19,870 square feet in size, with most lots between 10,200 and 11,000 square feet. The subject lot is approximately 18,800 square feet and has a 3,247 (livable) square foot house built in 2011.

The applicant requests an accessory building to be considered an “open-air ramada” with a flat roof and parapets to allow solar panels to be installed on the roof and concealed. The applicant is requesting a variance to encroach 9’ into the required minimum 20’ rear yard setback and to allow a ramada, defined as an accessory building, up to 650 square feet to be considered an open-air ramada which allows a maximum size up to 150 square feet. The overall design of the ramada and backyard have not been finalized. The house orientation on the pie-shaped lot, the 20’ rear yard setback as well as the minimum 10’ setback requirement between the structure and the house are creating design conflicts for the applicant which is the basis for this request. According to the Zoning Code, an open-air ramada’s size and setbacks are to be calculated from the outside edge of cover.

### **CODE REQUIREMENTS**

Minimum building setbacks in the Vintage Villas subdivision are established through the guidelines associated with the PAD zoning. The development’s building setbacks are a minimum 20’ front yard setback, a 20’ rear yard setback, and 5’ and 10’ minimum side yard setbacks.

Minimum setbacks for an open-air ramada are established by the Zoning Code section related to height and area regulations for accessory buildings.

### **35-2202. Accessory buildings.**

2) Accessory buildings shall meet the minimum side and rear yard setbacks for the district in which it is located, except that open-air ramadas as defined by the Code [in Section 200] may achieve a minimum five-foot side yard and five-foot rear yard setback, as measured from the edge of the roof or cover. In the event that an alley, or common open space public or private other than a street, adjoins a rear yard along one (1) or more property lines, the required five-foot setback from the property line to such ramada shall be eliminated. Any accessory buildings within a Planned Area Development (PAD) zoning designation shall be subject to the applicable provisions of the adopted preliminary development plan.

Though the property is in the PAD zoning designation, the adopted Preliminary Development Plan defers to the Zoning Code on the subject of open-air ramadas. Therefore the minimum required setbacks from side and rear property lines are 5’.

The minimum separation from a residential dwelling for an “open-air ramada” is established by the Zoning Code definition.

### **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.

The structure does not meet the required building setbacks for an “open-air ramada” or an “accessory building”.

### **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.**

*This lot is an atypical size and shape for this neighborhood; however, the lot is one of the largest in the neighborhood. The lot offers space elsewhere as well as the ability to locate a ramada in the rear/side yards while meeting the required building setbacks. 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 rear yard is empty and ample opportunities for improvements to the rear yard can be achieved while abiding by setbacks. It is not a property right to build an open-air ramada or accessory building that does not abide by building setbacks, separation, and size regulations. The desired ramada/backyard design can still be achieved by revising the proposed backyard design, adding shade trees and/or using umbrellas. 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 ramada may be 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. Staff has received a support petition from adjacent neighbors within the applicant's submittal. There have been no further neighborhood responses to Staff.

### **SUMMARY**

Staff does not support this request. The requirement to abide by the minimum setbacks and separation from the house for open-air ramadas or setbacks for accessory buildings is not a hardship for this property. The subject site has no special circumstances that preclude enjoyment of substantial property rights and feels this request is self-imposed.

### **RECOMMENDED ACTION**

Staff recommends denial of this request.

BA Memo No. 13-002

February 5, 2013

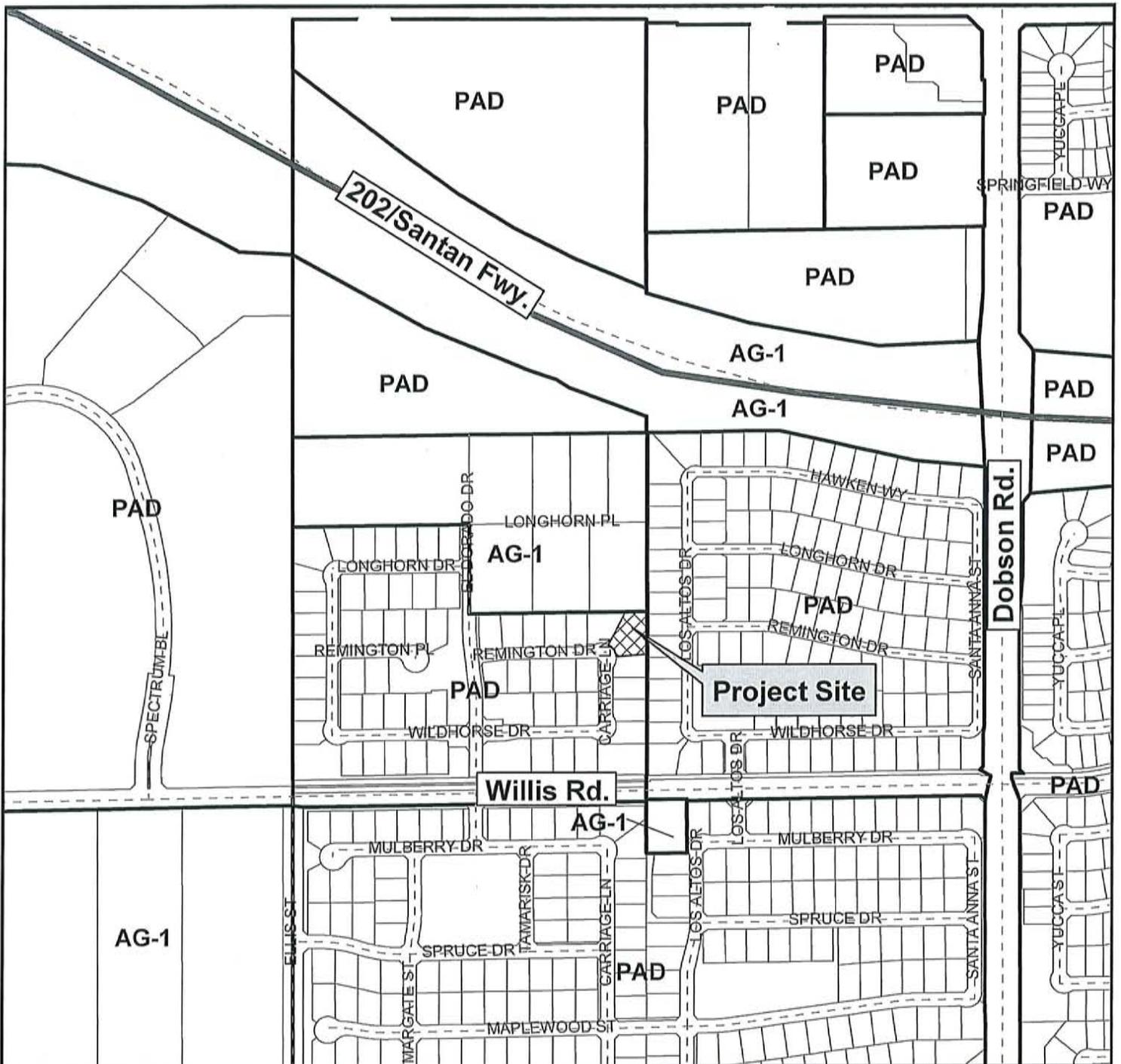
Page 4 of 4

**PROPOSED MOTION**

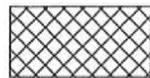
Move to deny the variance request VAR13-0001 ADAMS RESIDENCE, as recommended by Staff.

**Attachments**

1. Vicinity Maps
2. Aerial Photo
3. Application and Justification
4. Site Plans and Elevations
5. Photos
6. Application Support Petition
7. Powers and Duties



## Vicinity Map



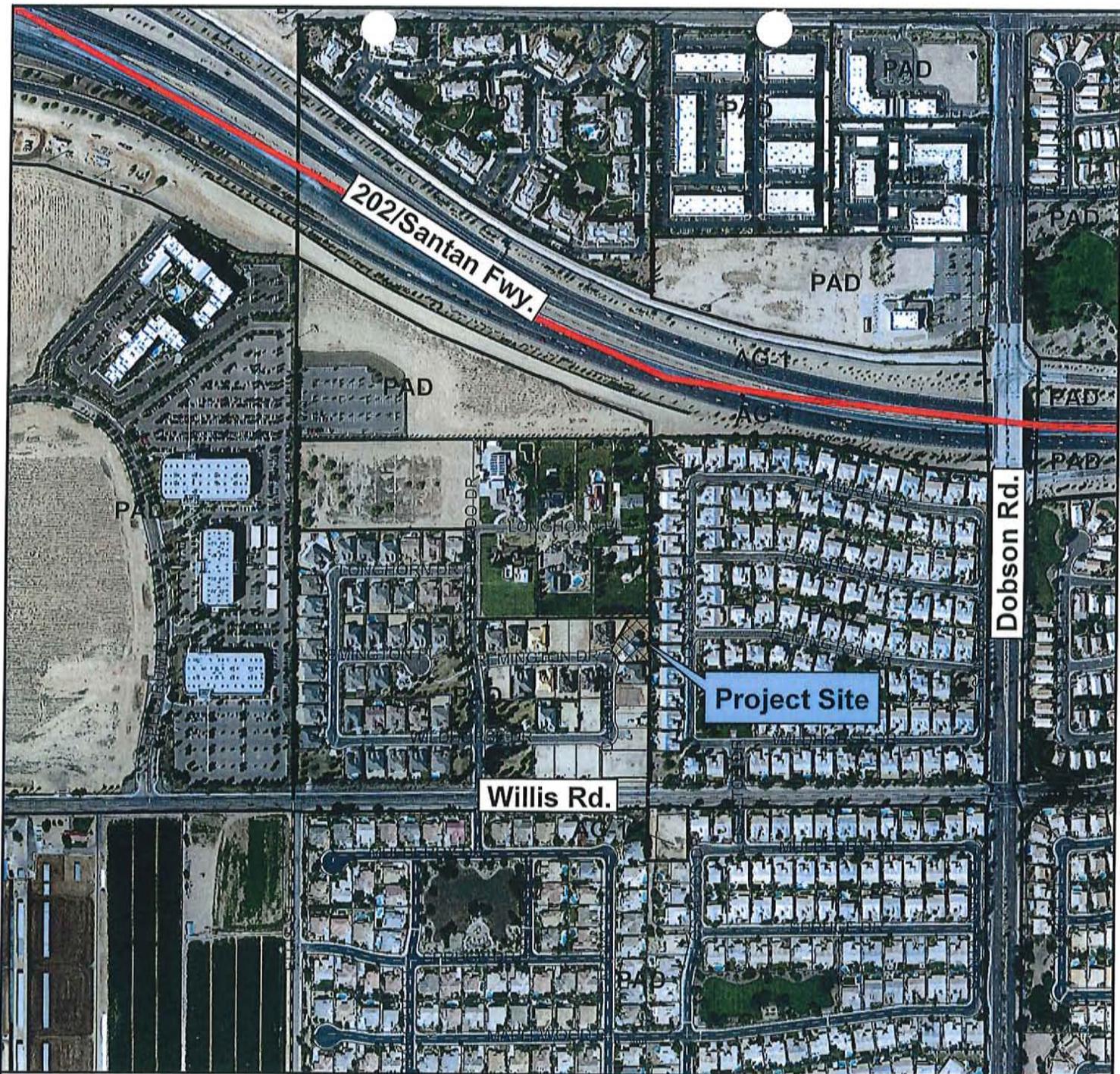
VAR13-0001

**Adams Residence  
1401 S. Carriage Ln.**



**Chandler Arizona**  
*Where Values Make The Difference*

CITY OF CHANDLER 1/9/2013



## Vicinity Map



VAR13-0001

**Adams Residence  
1401 S. Carriage Ln.**

# VAR13-001 AERIAL MAP





**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 Michael Adams		mradams04@cox.net	
Property Location/Address 1401 S. Carriage Lane / 303-25-592		City, State, Zip Code Chandler, AZ 85286	
Type of Variance (waiver) from the Zoning Code you are requesting:			
Allow pool ramada within 1/2 of BSL.			
Currently 20 BSL.			
Requesting 10 BSL.			
Is this variance for an existing structure (e.g. fence, pool, etc.)? Yes: <input type="checkbox"/> No: <input checked="" 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 Michael Adams			
Mailing Address 1401 S. Carriage Lane		Phone Number 602-550-7645	
City, State, Zip Code Chandler, AZ 85286		Fax Number	
Applicant/Representative Name Michael Adams			
Mailing Address		Phone Number	
City, State, Zip Code		Fax Number	
Property Owner or Representative Signature 		Date 1-8-13	
For City Use			
Date Filed	Development No. VAR13-0001	Planner Jessica	

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 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.

Unique corner lot. If to build proposed ramada at Northwest corner of home the pool would be shaded from mid morning to sunset.

Shortens pool use during non summer months.

Substantial cost to heat pool.

Property has 3 different BSL 20 feet, 10 feet and 5 feet.

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

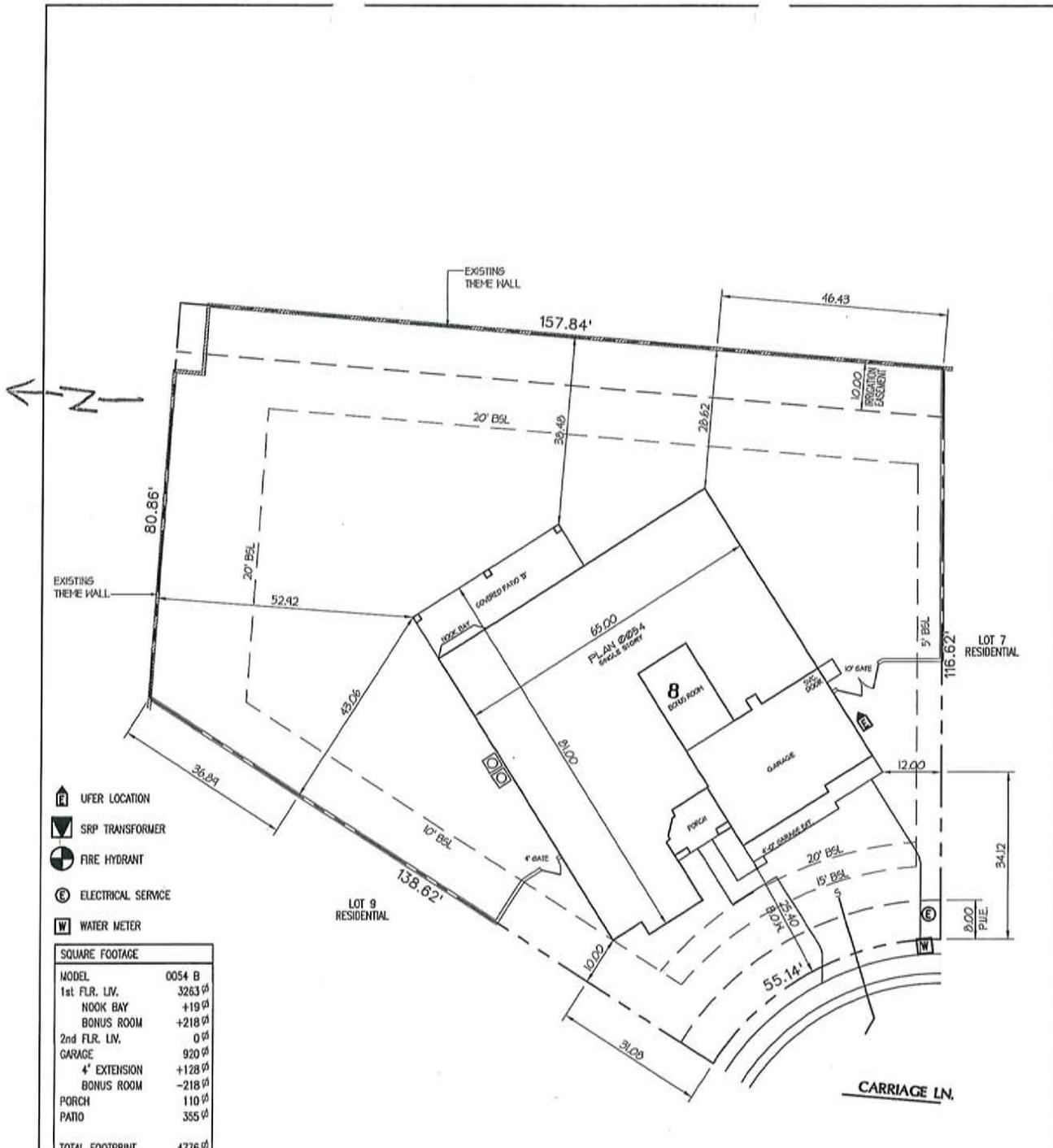
New home and construction. Landscaping and pool completion is part of initial plans. Have special needs child that this would greatly benefit his development and therapy.

## 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.

Corner Lot. Ramada will not be visible from street. Although home is a single story it has a high roof line approximatley 35 to 40 feet.

All surrounding neighbors to this property have given written consent to allow ramada to be built within the building set back of 10 feet as opposed to 20 feet.



- UFER LOCATION
- SRP TRANSFORMER
- FIRE HYDRANT
- ELECTRICAL SERVICE
- WATER METER

SQUARE FOOTAGE	
MODEL	0054 B
1st FLR. LIV.	3263 <sup>sq</sup>
NOOK BAY	+19 <sup>sq</sup>
BONUS ROOM	+218 <sup>sq</sup>
2nd FLR. LIV.	0 <sup>sq</sup>
GARAGE	920 <sup>sq</sup>
4' EXTENSION	+128 <sup>sq</sup>
BONUS ROOM	-218 <sup>sq</sup>
PORCH	110 <sup>sq</sup>
PATIO	355 <sup>sq</sup>
TOTAL FOOTPRINT	4776 <sup>sq</sup>
LOT AREA	18,868 <sup>sq</sup>
LOT COV. %	26%
SIDEWALK S.F.:	72 <sup>sq</sup>
DRIVEWAY S.F.:	656 <sup>sq</sup>

**PLOT PLAN**  
SCALE: 1" = 20'

**SETBACK GUIDELINES:**

FRONT SETBACK: 20' TO GARAGE FACE  
15' TO LIVABLE OR SIDE LOAD GARAGE  
REAR SETBACK: 20'  
SIDE SETBACKS: 5' & 10'

FF = 90.83  
PAD = 90.14



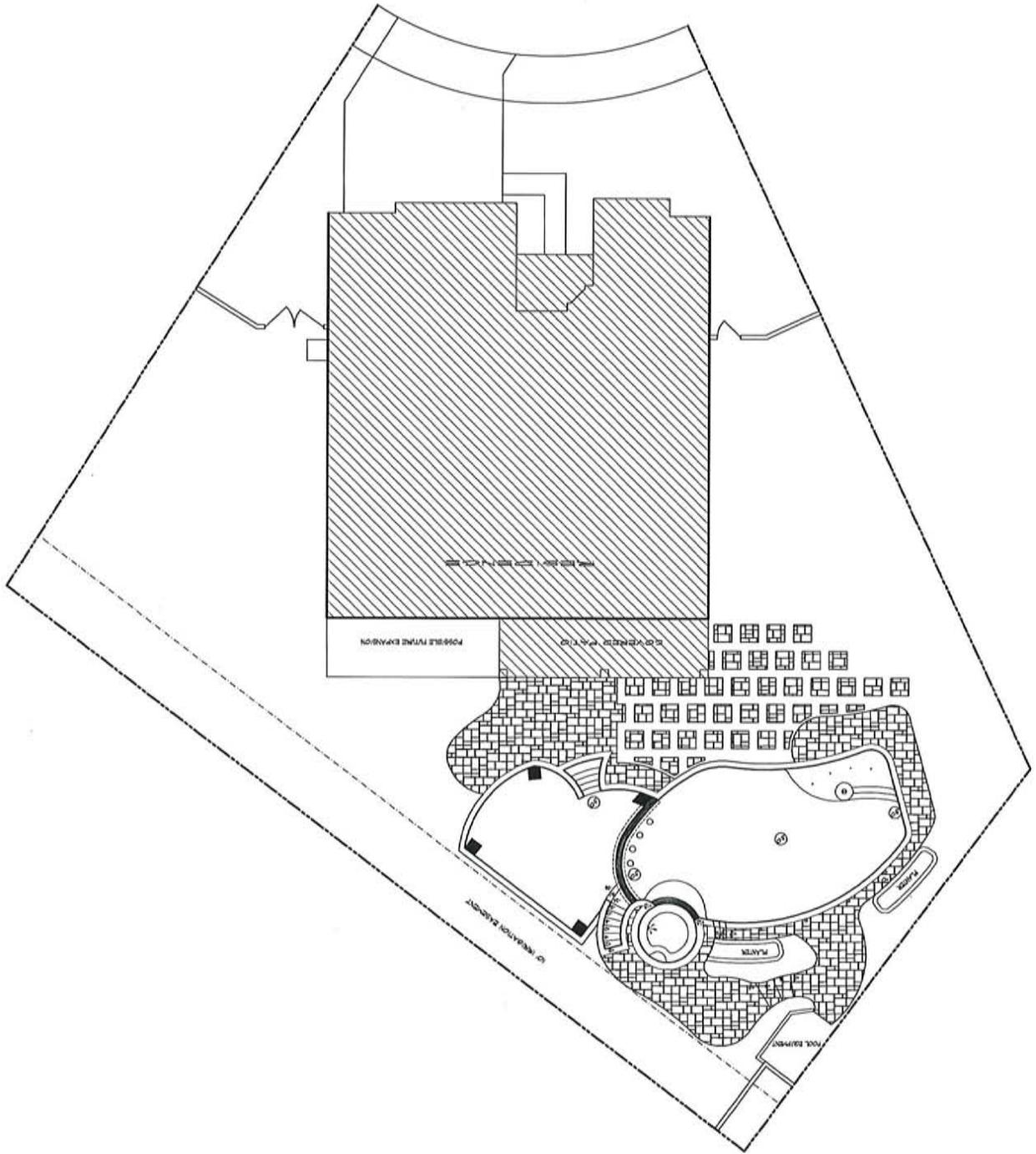
BLOCK FENCE  
427 LF @ 6'0" HIGH

Zoning district/Parcel 303-25-592

**KHovnanian**  
Homes  
20830 N. Tatum Blvd. Suite 250 Phoenix, AZ 85050  
V: 480.824.4200 F: 480.824.4174

COMMUNITY: VINTAGE VILLAS - LOT 8  
ADDRESS: 1401 S. CARRIAGE LANE  
PLAN NUMBER: 0054 B

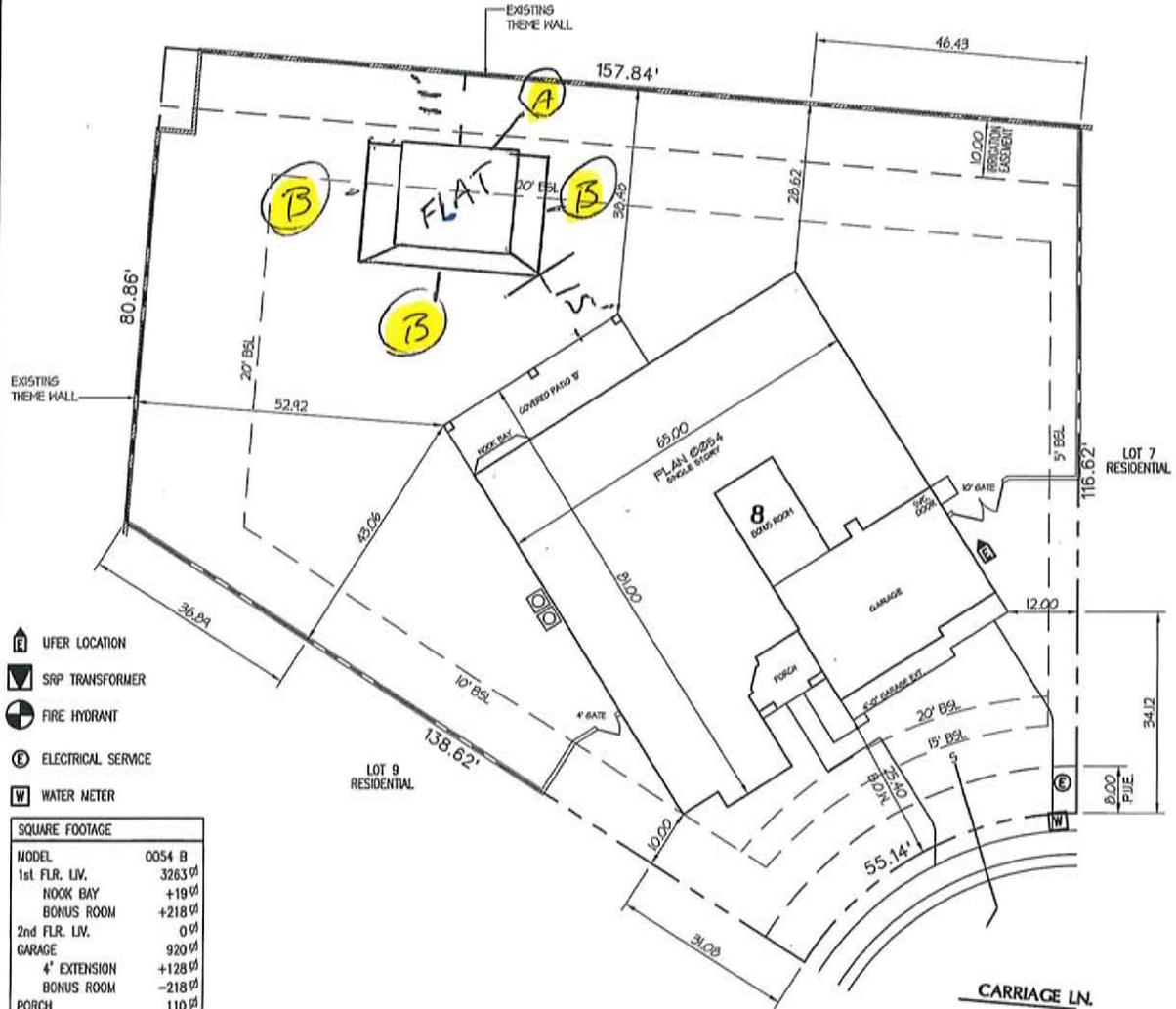
BUYERS APPROVAL: \_\_\_\_\_ DATE: \_\_\_\_\_



proposed 2/7/13

A. Flush/vertical - No overhang

B. overhang/eaves



- UFER LOCATION
- SRP TRANSFORMER
- FIRE HYDRANT
- ELECTRICAL SERVICE
- WATER METER

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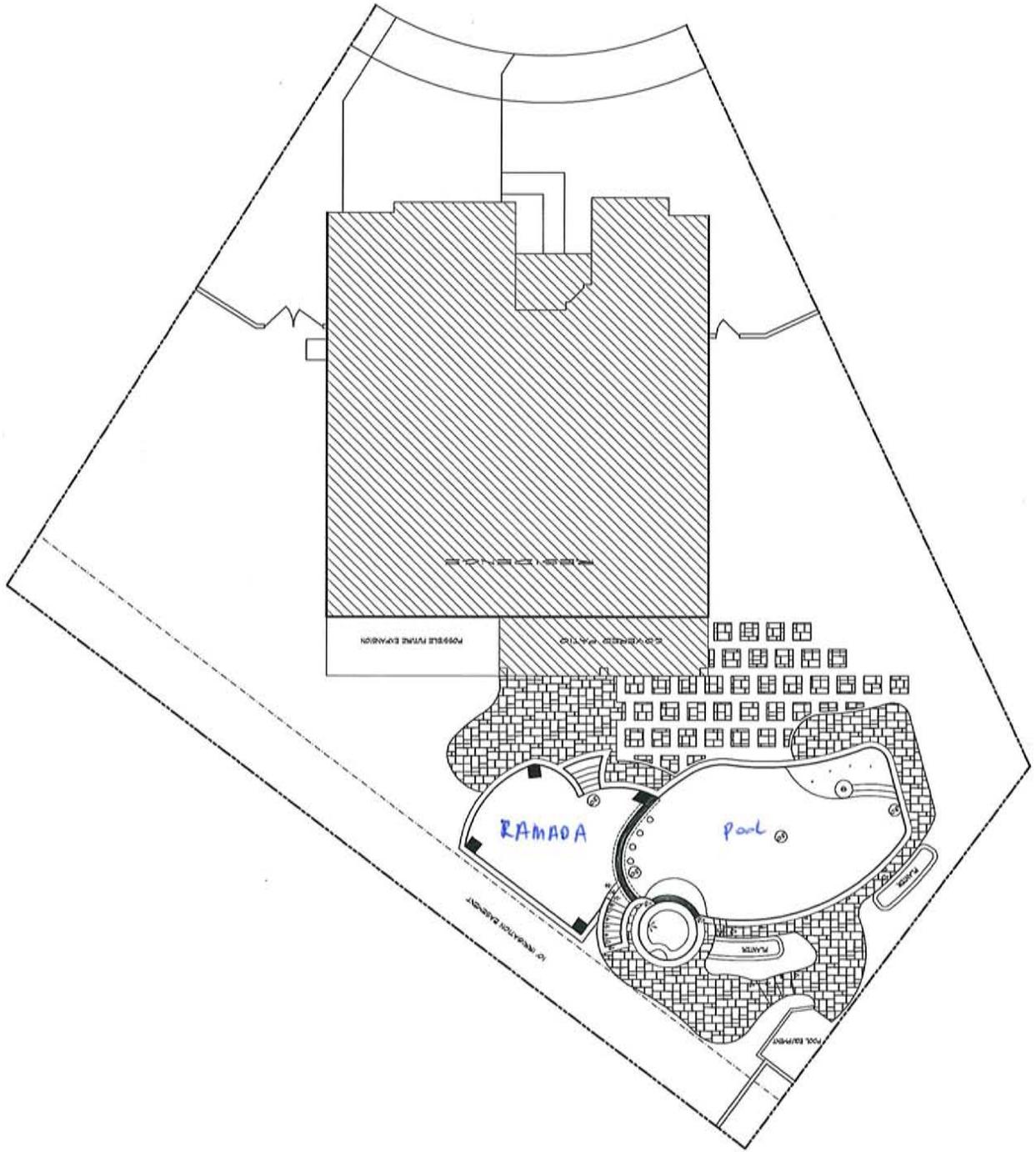
BLOCK FENCE  
427 LF @ 6'0" HIGH

**KI Hovnanian**  
Homes

20830 N. Tatum Blvd. Suite 250 Phoenix, AZ 85050  
V: 480.824.4200 F: 480.824.4174

COMMUNITY: VINTAGE VILLAS - LOT 8  
ADDRESS: 1401 S. CARRIAGE LANE  
PLAN NUMBER: 0054 B

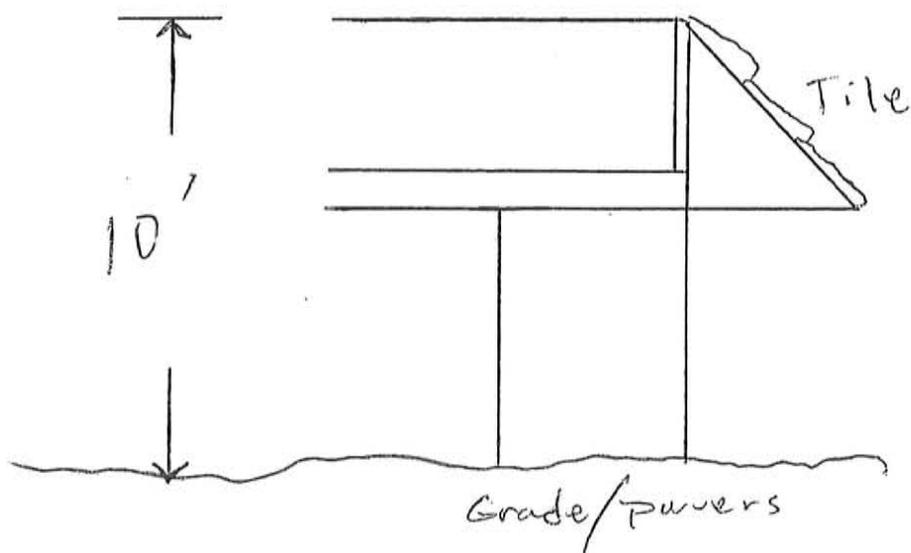
BUYERS APPROVAL: \_\_\_\_\_ DATE: \_\_\_\_\_



proposed 2/7/13



A

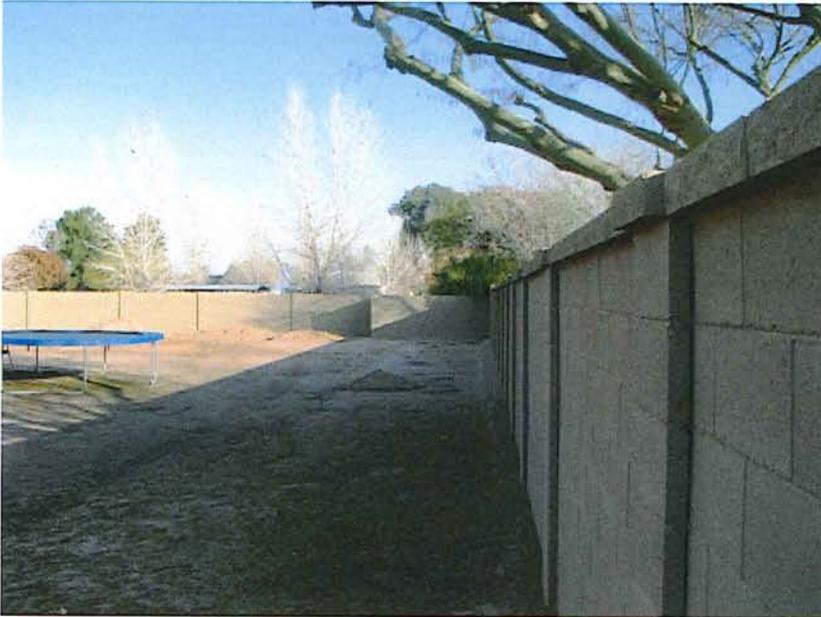


B

Elevation



# VAR13-001 (Adams)



# VAR13-001 (Adams)



10' IRRIGATION PIPE EASEMENT



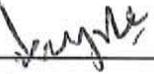
# Ann & Michael Adams

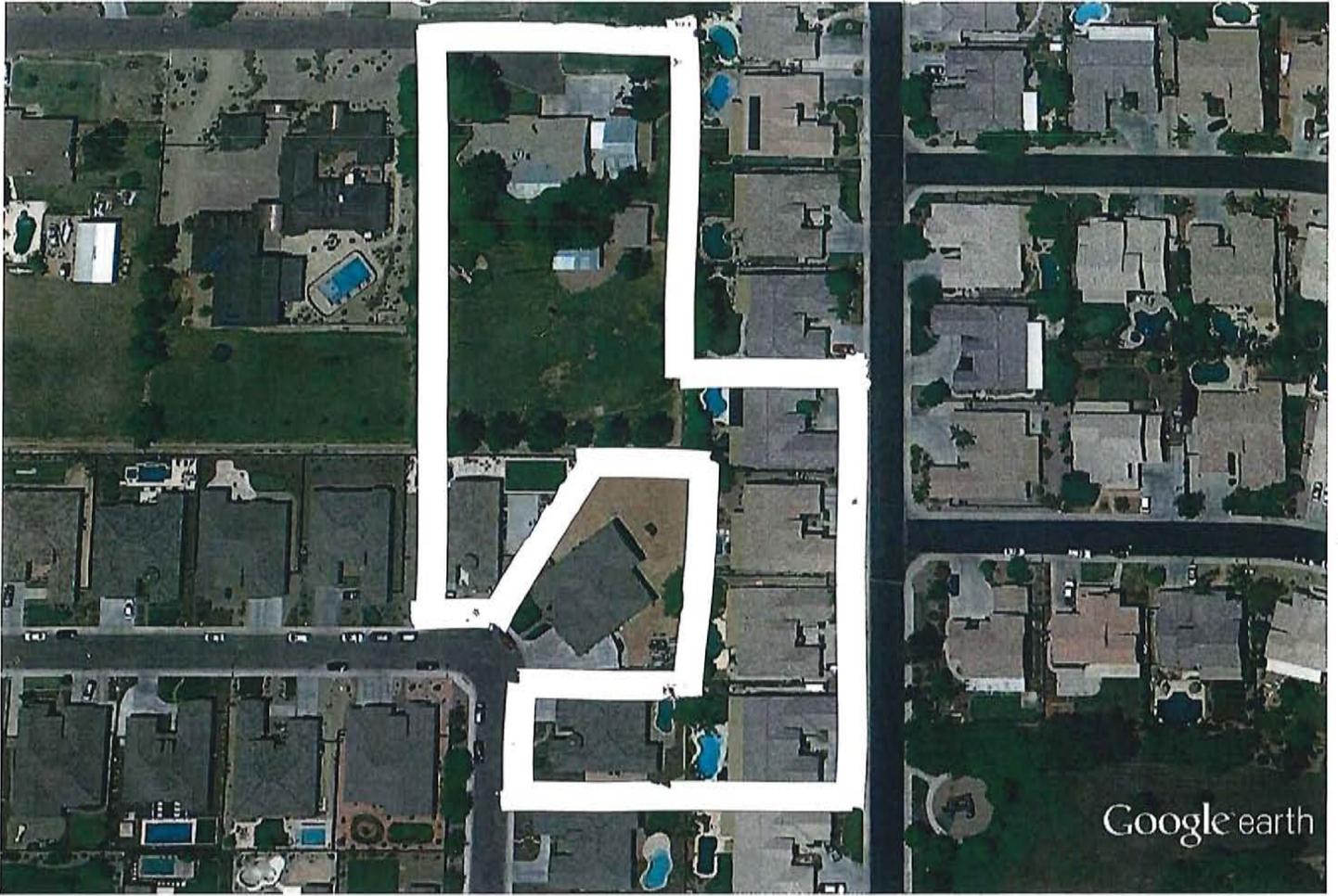
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1401 S. Carriage Lane Chandler AZ 85286

## Surrounding Neighbor Consent Form:

Seeking approval to construct a open air Ramada in backyard. Per city of Chandlers current standards a Ramada is considered a building if over 150 sq ft. Proposed Ramada would approx. 250 sq ft..Per City of Chandler the set back for buildings is 20 ft at locations north and east walls in our backyard. We are seeking approval for HALF building set back to TEN ft. along the east portion only. The City is requesting mailing labels for property owners within 600 ft radius of our home. With your CONSENT we would like to add this to our variance application.

- Dan & Laura Brewer 1421 S. Carriage Lane Chandler AZ 85286 
- Sandeep & <sup>Mamta</sup> Gupta 2322 W Remington Dr. Chandler AZ 85286 
- Jianrung Wu 1370 S. Las Altos Dr. Chandler AZ 85286 
- Julio & Itza Rodriques 1390 S. Los Altos Dr. Chandler AZ 85286 
- Wayne & Catherine Renshaw 1410 S. Los Altos Dr. Chandler AZ 85286 
- Robert & Deena Junda 1430 S. Los Altos Dr. Chandler AZ 85286 
- Bryan & Angie Raak 2325 W. Longhorn Pl. Chandler AZ 85286 



Google earth



*petition*

## **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.