



Chandler • Arizona
Where Values Make The Difference



MEMORANDUM

Planning Division – BA Memo No. 14-003

DATE: DECEMBER 10, 2014

TO: BOARD OF ADJUSTMENT

THRU: JEFF KURTZ, PLANNING ADMINISTRATOR *JK*
KEVIN MAYO, PLANNING MANAGER *KA*

FROM: SUSAN FIALA, CITY PLANNER *SF*

SUBJECT: VAR14-0013 HABITAT FOR HUMANITY CENTRAL ARIZONA

Request: Variance from the Zoning Ordinance to allow a new single family residence to encroach into the street side yard setback [Zoning Code Section 35-703]

Applicant: Habitat for Humanity Central Arizona

Location: 198 East Kesler Lane, north and east of the northeast corner of South Arizona Avenue and East Pecos Road

Existing Use: Single Family – to be removed

Zoning: Single Family District (SF-8.5)

RECOMMENDATION

Planning Staff, upon finding unique circumstances applicable to the land and the criteria by which all variances are reviewed to be fully satisfied, recommends approval of the requested variance.

BACKGROUND

The applicant requests a variance from the Zoning Ordinance to allow a new single family residence to encroach into the street side yard setback [Zoning Code Section 35-703]. The property is located at 198 East Kesler Lane, north and east of the northeast corner of Arizona Avenue and Pecos Road.

The property is located in the Kesler Addition, platted in 1940, and initially developed under the jurisdiction of Maricopa County. The original plat included 31 lots of which nine lots along Arizona Avenue were identified for commercial uses and the remaining 22 lots along Kesler Lane were for residential. The residential lots were originally dimensioned as 100 ft. in width and either 165 ft. or 420 ft. in length. As the neighborhood developed, the 22 residential lots

were further subdivided into approximately 46 lots of various lot sizes. Dedication of land for Washington and Colorado streets also occurred when the land was further subdivided for residential development. The lot was originally 60 ft. wide but was reduced to 45 ft. when the east 15 ft. was dedicated for Colorado Street. Annexation occurred in 1953.

The subject lot is approximately 6,750 sq. ft. in area with dimensions of 45 feet wide by 150 feet in depth. The lot is one of the smaller sized lots in the subdivision. Approximately ten lots in the neighborhood are 45 ft. in width with lot areas around 6,000 sq. ft. The majority of lots are 50 ft. wide. Lot areas range from 6,000 to over 12,000 sq. ft.

The existing single family home was constructed around 1936 and contains about 933 sq. ft. of livable area. The home is proposed to be removed. The lot is zoned Single Family District (SF-8.5). The front yard setback is determined by the right-of-way width of the street the lot fronts. The lot fronts Kesler Lane which has a right-of-way width of 40 ft. requiring a front yard setback of 20 ft. The minimum street side yard is 10 ft. based on one-half of the required front yard setback. The request is to reduce the street side yard setback from 10 ft. to 5 ft. The interior side yard setback requires 5 ft. and the rear yard requires 10 ft.

Planning Staff discussed the proposal with Traffic Staff to determine if future improvements could affect the property. In the event Kesler Lane is improved, an increase of five additional feet to the required 20 ft. front yard setback was recommended to accommodate future improvements and agreed to by the applicant.

Two other Habitat for Humanity homes have been constructed in the Kesler Addition, located at 267 and 283 E. Kesler Lane. These properties received variance approval.

CODE REQUIREMENTS

The regulations for building setbacks are established in the following section of the Zoning Code:

35-703. Height and area regulations.

(3) (b) Corner lots: For residential purposes, the street side yard shall be not less than one-half as required for a front yard for the abutting street.

FINDINGS

Below is a list of the criteria that the Board of Adjustment must use to review each variance request. Following each criterion are Planning Staff's italicized responses. The applicant's written narrative answering the following criteria is included as an attachment.

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 special circumstance is the land. Most lots in the area are 50 ft. wide. A 45 ft. wide lot, though not completely unique, is among the narrower lots in the neighborhood. There are 10 lots that are 45 ft. wide in the subdivision. The subject lot was originally 60 ft. wide which would have accommodated the required street side yard setback, but the lot width was reduced when the east 15 ft. was dedicated for Colorado Street. This property is the only 45

ft. wide lot located at a corner within the subdivision. The applicant seeks a 5 ft. reduction in the street side yard setback from 10 ft. to 5 ft. to permit future construction of a one story, single family home. Planning Staff is of the opinion that this criterion has been satisfied.

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

A variance to the minimum street side yard setback is necessary in order to allow this lot to be redeveloped for construction of a new single family home, which is atypically sized for the neighborhood. Planning Staff is of the opinion that this criterion has 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 not be a detriment to neighboring properties as two lots in the subdivision, 267 and 283 E. Kesler Lane, were granted variance approval in 2007. Planning Staff is of the opinion that this criterion has 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, Planning Staff received one phone call from a property owner inquiring about the variance request. There is no known opposition to the request.

SUMMARY

Planning Staff supports this request. The lot width is not a self-imposed condition due to its reduction in width from 60 ft. to 45 ft. by the dedication of the east 15 ft. for Colorado Street. This property is the only 45 ft. wide lot located at a corner within the subdivision. The requirement to meet the street side yard setback is a hardship and prevents the enjoyment of substantial property rights for development of a single story home. Habitat for Humanity Central Arizona specifically designed this housing product for infill properties in the City of Chandler. The plan accommodates the homeowner's need for an accessible, one level home. The proposed single family home will be an upgrade to the property and to the neighborhood. The development is consistent with the prevailing pattern in the neighborhood.

RECOMMENDED ACTION

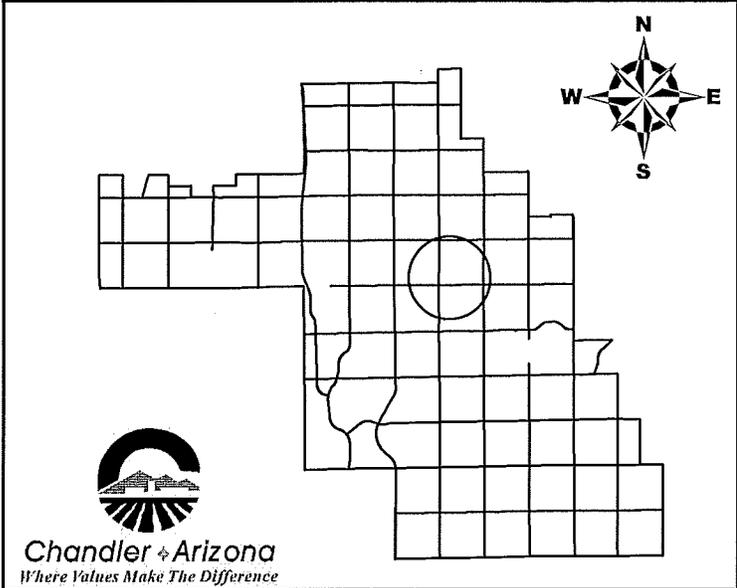
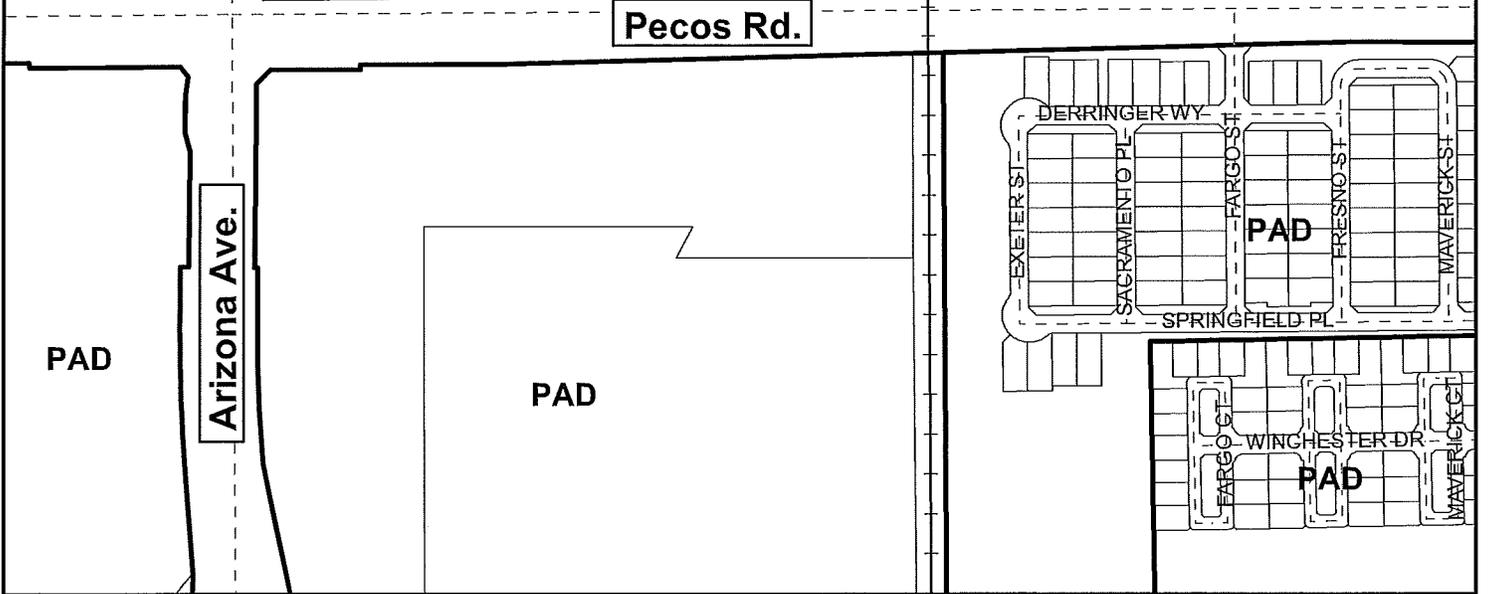
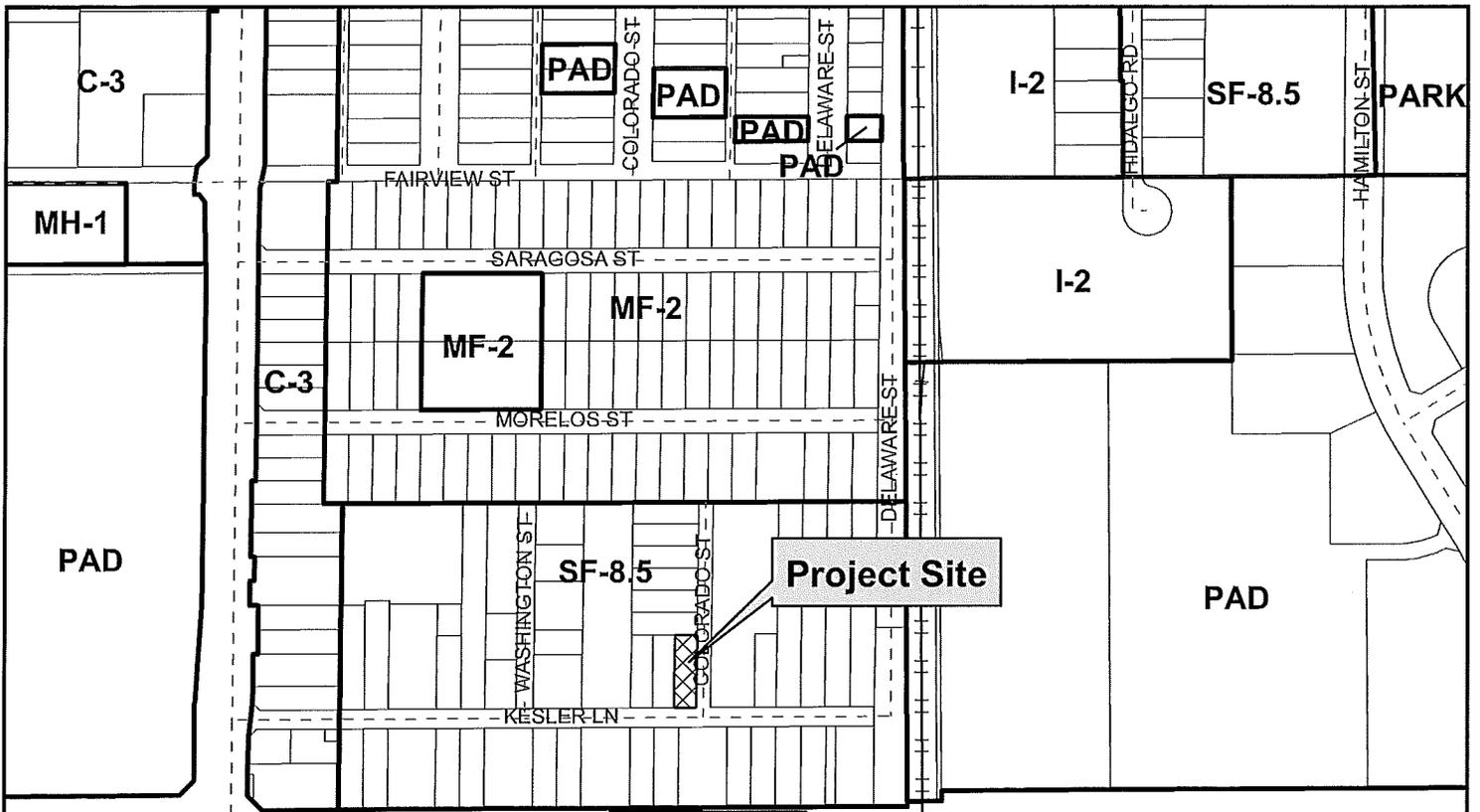
Planning Staff recommends approval of this request.

PROPOSED MOTION

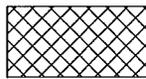
Move to approve the variance request VAR14-0013 HABITAT FOR HUMANITY CENTRAL ARIZONA, as recommended by Planning Staff.

Attachments

1. Vicinity Maps
2. Aerial
3. Applicant Justification and Narrative
4. Plot Plan, Floor Plan, Elevations
5. Applicant Photos
6. BOA Powers and Duties



Vicinity Map



VAR14-0013

**Habitat For Humanity
Central Arizona**



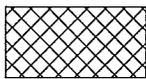
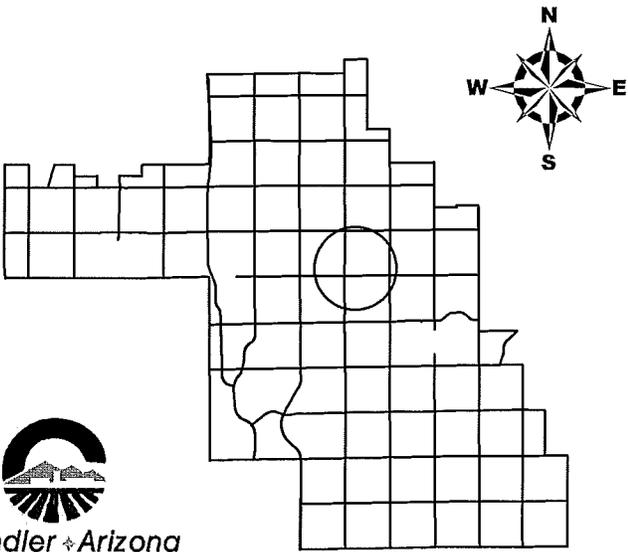
Pecos Rd.

Arizona Ave.

Project Site

SF-85

Vicinity Map



VAR14-0013

Habitat For Humanity
Central Arizona



Chandler ♦ Arizona
Where Values Make The Difference

VARIANCE REQUEST

HABITAT FOR HUMANITY CENTRAL ARIZONA

**198 EAST KESLER LANE
CHANDLER, ARIZONA 85225
Parcel Number: 303-17-026**



PREPARED BY:

**TANA NICHOLS
DIRECTOR OF LAND ACQUISITION AND DEVELOPMENT**

OCTOBER 29, 2014

JUSTIFICATION FOR VARIANCE REQUEST

Pursuant to the requirements of the City of Chandler Planning Department, Habitat for Humanity Central Arizona must provide evidence that the following findings are met:

- 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;**

There are special circumstances or conditions applicable to the property which were not self-imposed by the property owner. The original subdivision, known as Kesler's Addition, was approved and recorded on July 19, 1940. There were 31 original lots in the subdivision and they contained ranged from fifty (50) feet in width to one (100) hundred feet in width. The Subject Property was originally part of a larger parcel totaling 100 feet in width by 423.33 feet in deep.

There was additional sub-dividing completed to the subdivision throughout the years that resulted in the Subject Property having their property width reduced to sixty (60) feet with a depth of 150 feet. This would have been more than adequate to meet all required side setbacks. In addition, the City of Chandler required that the property owners dedicate fifteen (15) feet of property on the east side for roadway improvements for their one-half of the planned Colorado Street. This required dedication reduced the property width even less to just forty-five (45) feet.

The majority of lots situated in the subdivision are narrow and deep and improved with older homes. These lots prove it difficult to construct single story homes and meet the required side setbacks. The majority of the surrounding area development contains a variety of setbacks that do not meet the current zoning requirements. Several homes in the neighborhood are enjoying side setbacks less than the ten (10) feet required.

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

The strict application of the Zoning Ordinance would limit the property to a ten (10) foot street side setback and limit the type of housing product to a total width of less than thirty (30) feet. While there are homes that are thirty (30) feet in width or less and we do own a library of building plans, there is only one building plan that would work on the lot and meet all required setbacks. That home was specifically designed for this area in the City of Chandler. The property, however, is a two story floorplan and the homeowner utilizes a wheel chair making stairs an impossibility. The

majority of the properties in the neighborhood have setbacks that are similar to those proposed by Habitat for Humanity Central Arizona.

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

The requested side setback reduction is the minimum necessary to construct a typically sized single-family residential home on the lot. The front and rear setbacks, as well as the minimum lot depth, and size are in conformance with current SF 8.5 zoning requirements. In addition, HFHCAZ is agreeing to move the required front yard setback an additional five (5) feet back at the City's request. The requested building setbacks are consistent with other properties in the surrounding area and will not detrimentally affect any neighboring properties but only serve to enhance the neighborhood by removing an existing home in substandard condition and replacing with a new, safe environment for the community and the Gregg family.

VARIANCE REQUEST

Habitat for Humanity Central Arizona is requesting a variance for the Subject Property to allow a reduction in the street side setback along Colorado Street to five (5) feet. The SF8.5 zoning requirement is ten (10) feet.

We are proposing that we would provide a five (5) street side yard setback. In addition, we would adhere to the request of the Planning and Traffic Division at the City of Chandler and increase our front yard setback from twenty (20) feet to twenty-five (25) feet. We will also comply with Planning and Traffic's request to place the garage at the west side of the property, away from the street side. This will allow room for future streetlight improvements planned on Kesler Lane. The home planned is Habitat Model MM1336 (Floorplan and Elevation attached). The home we propose to construct will be a one story home containing three (3) bedrooms, two (2) bathrooms, a two (2) car garage. The home will be constructed of frame and stucco.

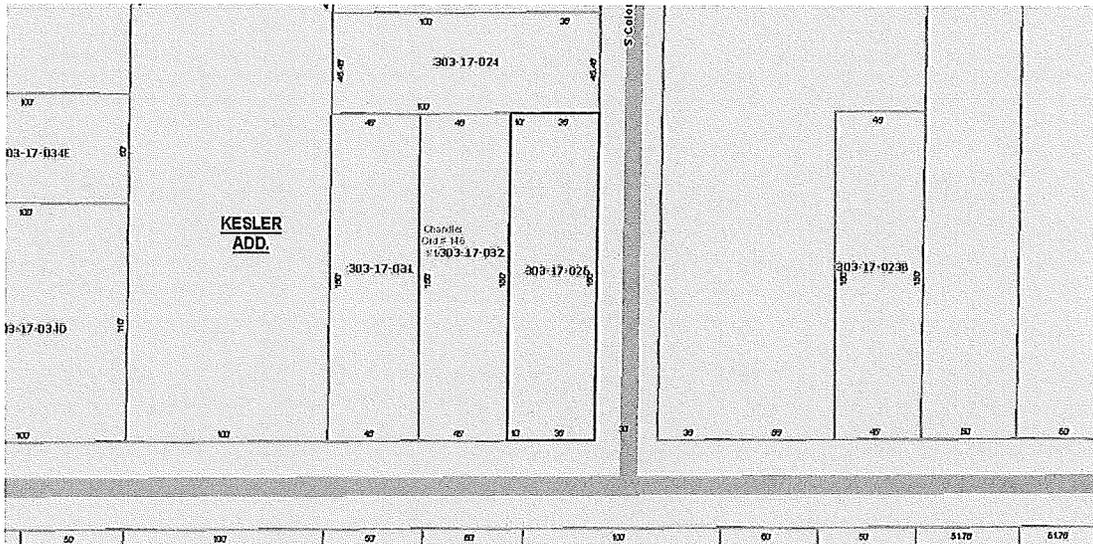
Square footages of Model MM1336 are as follows:

House	1,448 Square Feet
Two Car Garage	457 Square Feet
Front Patio	112 Square Feet
Rear Patio	<u>125 Square Feet</u>
Total Square Footage	2,142 Square Feet

The home will be 15'9" in height to the top of gable, well below the maximum allowable height. Allowable lot coverage is 40% of gross building area as outlined in the SF8.5, Single-Family Residential District. The proposed lot coverage is 30%

PROJECT DESCRIPTION

Maria C. Gregg owns a 6,750 square foot lot situated at 198 East Kesler Lane in Chandler, Arizona 85225. The property is situated on the northwest corner of Kesler Lane and Colorado Street in the Kesler Addition. The property is a flat and narrow rectangular shaped lot. It is approximately 45.00 feet wide by 150.00 feet deep. The property fronts Kesler Lane on the south and Colorado Street on the east. A plat map is included below.



Habitat for Humanity Central Arizona, in conjunction with the City of Chandler Neighborhood Revitalization Division, plans to include this property as part of our Re-Construction Program. The existing Gregg family residence is in substandard condition and Habitat for Humanity Central Arizona and the City will partner and will relocate the Gregg family to another living situation; demolish the existing structure; excavate and completed all required site work; and construct a new single-family residence. The Gregg family will then be relocated back into their new home.

Habitat for Humanity Central Arizona is an affiliate of Habitat for Humanity International, a worldwide organization with one main goal of eliminating substandard housing. Habitat, with the help of donated money and volunteer labor, builds affordable homes and sells them to qualified low-income buyers with the help of a no interest loan. The buyers not only put in work hours on their own homes, but on the Habitat homes of their neighbors as well.

Habitat has already built, renovated and repaired in excess of 1,725 homes in the metro Phoenix area as well as Pinal County. We have served families in Avondale, Apache Junction, Chandler, Gilbert, Guadalupe, Glendale, Mesa, Peoria, Phoenix, Surprise, Tempe, Coolidge, and Casa Grande. These new and renovated homes and the associated 1,725 families who live in them have had a positive impact on communities all over the

PROJECT NARRATIVE
198 EAST KESLER LANE

valley. Many people do not realize that we build and renovate energy efficient stucco homes for stable working people who are legal residents and have good credit. These families pay for their homes. It is not a give away program. If you would like to see the quality of our homes you may visit our website at www.habitatcaz.org.

SURROUNDING AREA LAND USE

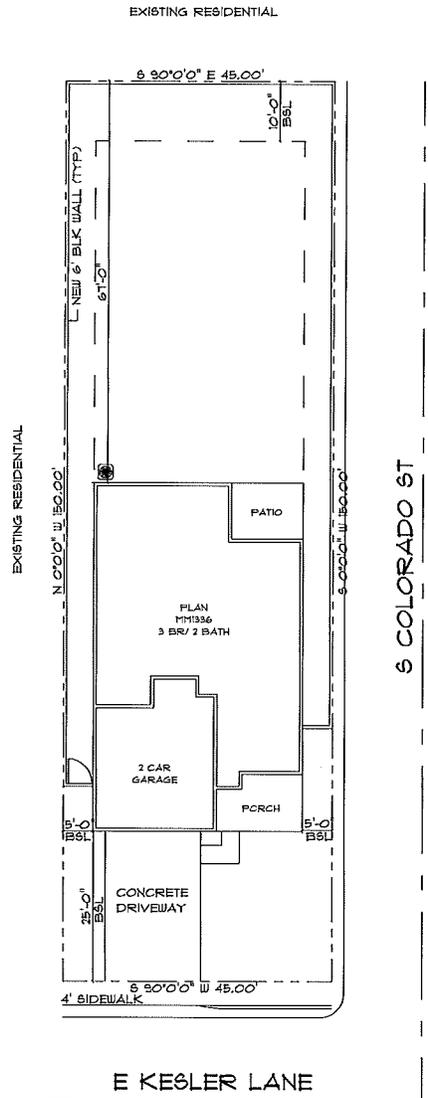
The property is located on the northwest corner of Kesler Lane and Colorado Street. The majority of parcels in the area are zoned SF-8.5, Single Family Residential District. Several of the lots situated throughout the neighborhood are improved with single-family residential development similar to the development proposed by Habitat for Humanity. Development standards within this district require that no building shall exceed twenty-five (25) feet in height at the building setback line. The front setback requirement is twenty (20) feet; the side yard setbacks are five (5) feet on the interior and ten (10) feet on the street side; and the rear setback requirement is ten (10) feet.

The Subject Property is situated within an area designated as the Downtown-South Arizona Avenue Corridor Area Plan. Under this plan the Subject lot is considered Low Density Residential, which supports single-family development.

SITE INFORMATION

The Subject Property is a flat, rectangular shaped lot that fronts Kesler Lane on the south and Colorado Street on the east. The property is 45.00 feet wide, with a depth of 150.00 feet along both the western and eastern borders. The site totals 6,750 square feet. The property is legally described in attached Exhibit A. The Assessor's Parcel Number is 303-17-026.

PROPOSED PLOT PLAN



SETBACKS

	REQUIRED	REQUESTED
FRONT	20'	25'
REAR	10'	10'
SIDE	5'	5'
STREET SIDE	10'	5'

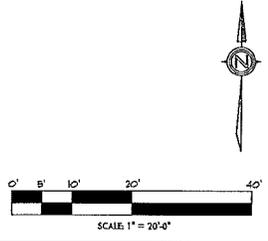
MM1336 3 BED / 2 BATH
 BUILDING AREA:
 LIVABLE: 1336 SQ FT
 GARAGE: 451 SQ FT
 PORCH: 125 SQ FT
 PATIO: 112 SQ FT
 UNDERROOF: 2,030 SQ FT

EAVES WITHIN 5' OF THE
 PROPERTY LINES MUST HAVE A
 1 HR FIRE RATING ON THE
 UNDERSIDE OF THE EAVE
 SEE DETAIL 1A ON SHEET X2
 OF STANDARD BUILDING PLANS

HABITAT FOR HUMANITY
 CENTRAL ARIZONA
 9133 NV GRAND AVENUE SUITE 1
 PEORIA, ARIZONA 85345
 OFFICE (623)583-2417
 FAX (623)583-2705
 ROC 251891

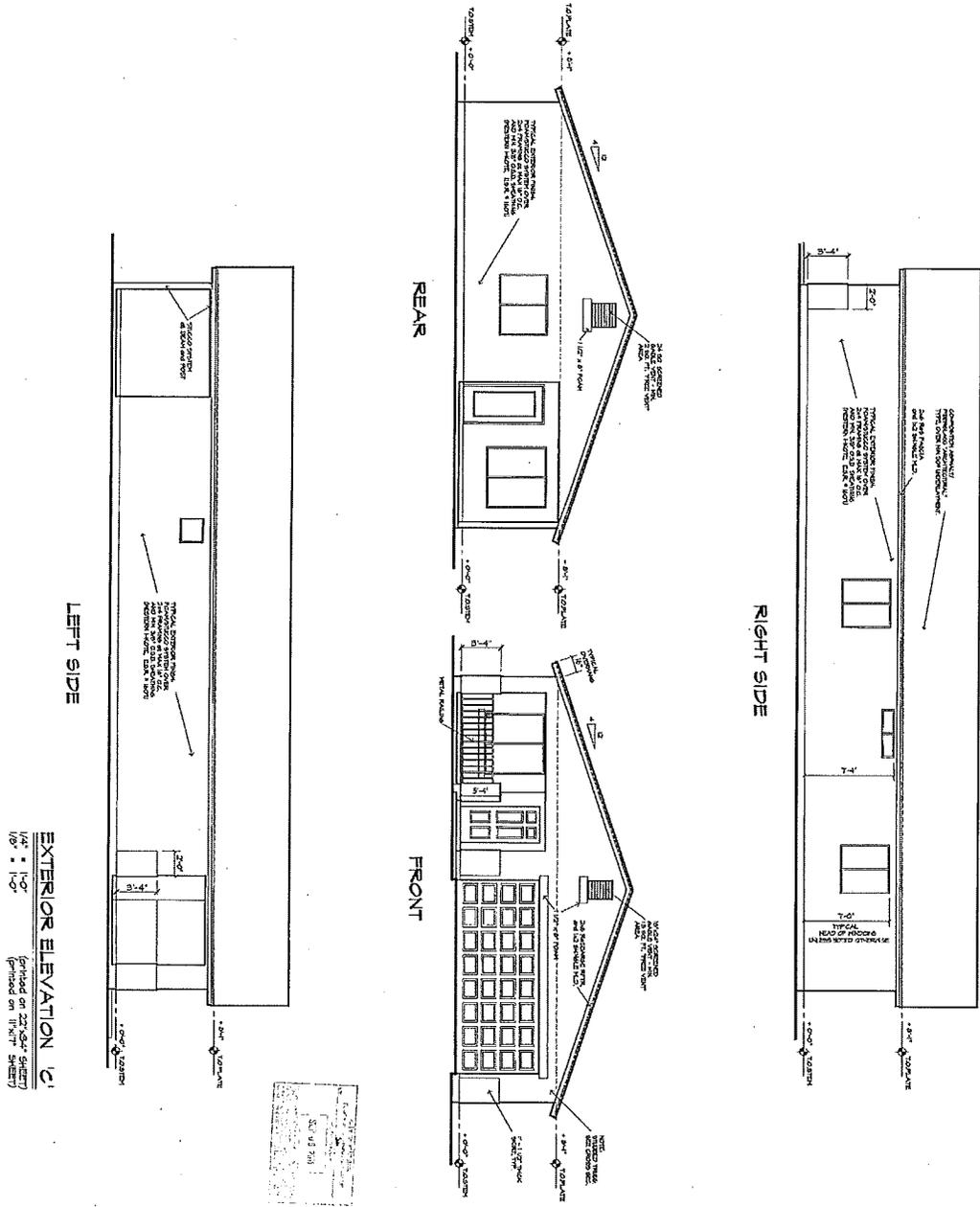
CONTACT:
 JAMIE MACFARLANE
 OFFICE (623)583-2417 X 120
 CELL (623)243-0342
 FAX (623)583-2705
 JAMIE@HABITATCAZ.ORG

KESLER ADD. SUBDIVISION		CHANDLER, ARIZONA	DATE: 10/20/2014
LOT NUMBER: 16			
ADDRESS: 198 E KESLER LANE			
PARCEL NUMBER: 303-17-026			
LOT SQUARE FOOTAGE: 6,447 SF			
HOUSE PLAN: MM1336		ELEVATION: C	
ZONING: SF-B.5			



PROJECT NARRATIVE
198 EAST KESLER LANE

MM1336 - ELEVATION



EXTERIOR ELEVATION 'C'
 1/4" = 1'-0"
 1/8" = 1'-0"
 (printed on 22" x 34" SHEET)
 (printed on 11" x 17" SHEET)

SHEET C1	PLAN MM-1336	DATE 6-4-11	BY HANSEN	55 FT. WIDE, 3 BR. / 2 BA., ONE STORY DETACHED SINGLE FAMILY RES.	THESE CONSTRUCTION DOCUMENTS HAVE BEEN PREPARED FOR USE BY: Value of the Sun 435 N.W. GRAND AVENUE PEORIA, AZ 855-05 OFFICE: 623-563-2417 FAX: 623-560-2105 PROJECT LOCATED: CITY OF PEORIA, ARIZONA	REVISION / DATE	DRAWING PREPARED BY: CADZOOKS PEORIA, ARIZONA (602) 941-4200
	EXTR. ELEVATIONS 'C'						

MM1336 – COMPLETED HOME





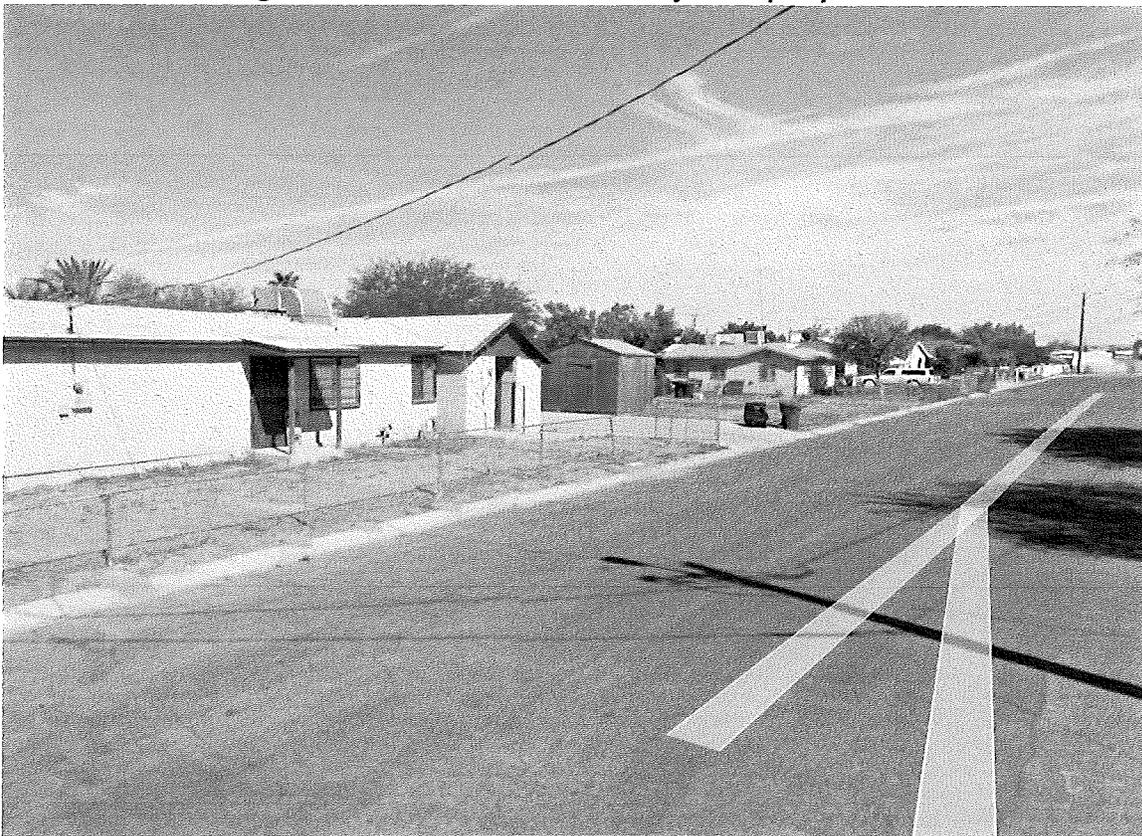
Looking South Along Colorado Street with Subject Property on the West



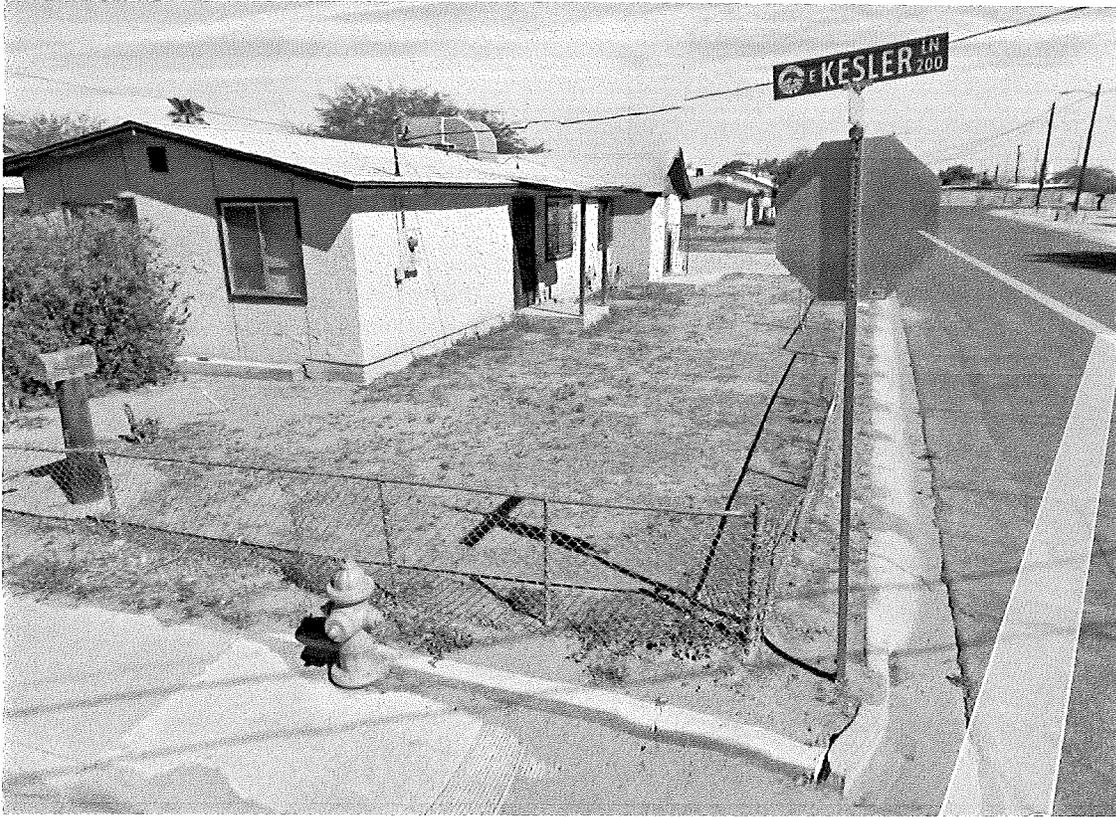
Looking West Along Kesler Lane with Subject property on the North



Looking East on Colorado Street with Subject Property on the North



Looking North on Colorado Street with Subject Property on the West



Subject Property at the NWC of Kesler Lane and Colorado Street



Looking Northwest Toward Property from Colorado Street

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.