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FEB 10 2010



Chandler • Arizona
Where Values Make The Difference

MEMORANDUM Planning and Development – BA Memo No. 10-002

DATE: JANUARY 29, 2010

TO: BOARD OF ADJUSTMENT

THRU: PATRICK MCDERMOTT, ASSISTANT CITY MANAGER *[Signature]*
 JEFF KURTZ, ASSISTANT PLANNING AND DEVELOPMENT DIRECTOR *[Signature]*
 KEVIN MAYO, ACTING PLANNING MANAGER *KM*

FROM: BILL DERMODY, SENIOR CITY PLANNER *BD*

SUBJECT: VAR10-0002 KOVACH RESIDENCE

- Request: Variance from the Zoning Ordinance to allow encroachment into the minimum side yard setback for a house addition

- Applicant: Robert Klob Designs, Inc.

- Location: 2332 W. Longhorn Place, south of the Loop 202 Santan Freeway and west of Dobson Road

- Owners: Stephen & Drew Kovach

- Existing Use: Single-Family Home

- Zoning: Agricultural District (AG-1)

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 satisfied, recommends denial of the requested variance.

BACKGROUND

The property, which contains a single-family home, is one of seven rural residential properties on its cul-de-sac block of West Longhorn Place. To the north, adjacent to the Loop 202 Santan Freeway, is a parcel planned for a corporate office use. East and south of the cul-de-sac are residential subdivisions. West of the cul-de-sac is a vacant 5-acre property zoned AG-1. The cul-de-sac has three lots of approximately 48,000 square feet in size and four lots of approximately 70,000 to 83,000 square feet in size, all of which are rectangular in shape. One

lot on the south side of the cul-de-sac is currently under construction for a new house. The cul-de-sac's other six lots have houses with an east-west orientation that are wider than they are deep. The 48,863 square foot property is a typical size and shape for the subdivision and contains a 1,832 square foot house built in 1994.

The request is to allow a house addition to be constructed along the east side of the house that would encroach approximately 11'-8" into the minimum 30' side yard setback, leaving a setback of approximately 18'-4". This portion of the house addition would include a bedroom and a bathroom.

Separate from the variance, a building permit was issued in January 2010 for other additions to the home. Work has not commenced. The permitted addition includes two bathrooms, an office, and an expanded garage that extend the house's footprint to the south, southwest, and northwest. The submitted site plan includes the permitted additions.

CODE REQUIREMENTS

Setbacks for this property are established by the AG-1 zoning district:

35-403. Height and area regulations.

(3) *Side yard:*

- (a) 1. *Interior lots:* Each side yard shall not be less than thirty (30) feet.

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 rectangular 48,863 square foot lot is typically sized and shaped for the neighborhood. All properties on the block are deep and thin, with two others of similar thinness. All houses on the block are laid out in a similar manner on an east-west axis. 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 owner has enjoyed substantial property rights since the house's construction in 1994. The permitted additions demonstrate further that the house can be enjoyed as zoned without a variance. It is not a property right to build a house addition that does not

abide by setback regulations. 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 they do not legally enjoy, nor have been granted approval to construct house additions that do not abide by zoning regulations. 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.

As of this writing, staff is not aware of any opposition.

SUMMARY

Staff does not support this request. There are no special circumstances applicable to this property that do not apply equally to similar properties in the surrounding area. The requirement to abide by the minimum setbacks for a house addition is not a hardship for this property. The property has been substantially developed, with the property owner enjoying development rights since 1994 with the home's original construction that were expanded through a recent building permit.

Granting a variance for this property would, in Staff's opinion, constitute a special privilege inconsistent with the limitations placed upon other similar properties. There are no unique conditions to this location that would support a finding in favor of this application.

RECOMMENDED ACTION

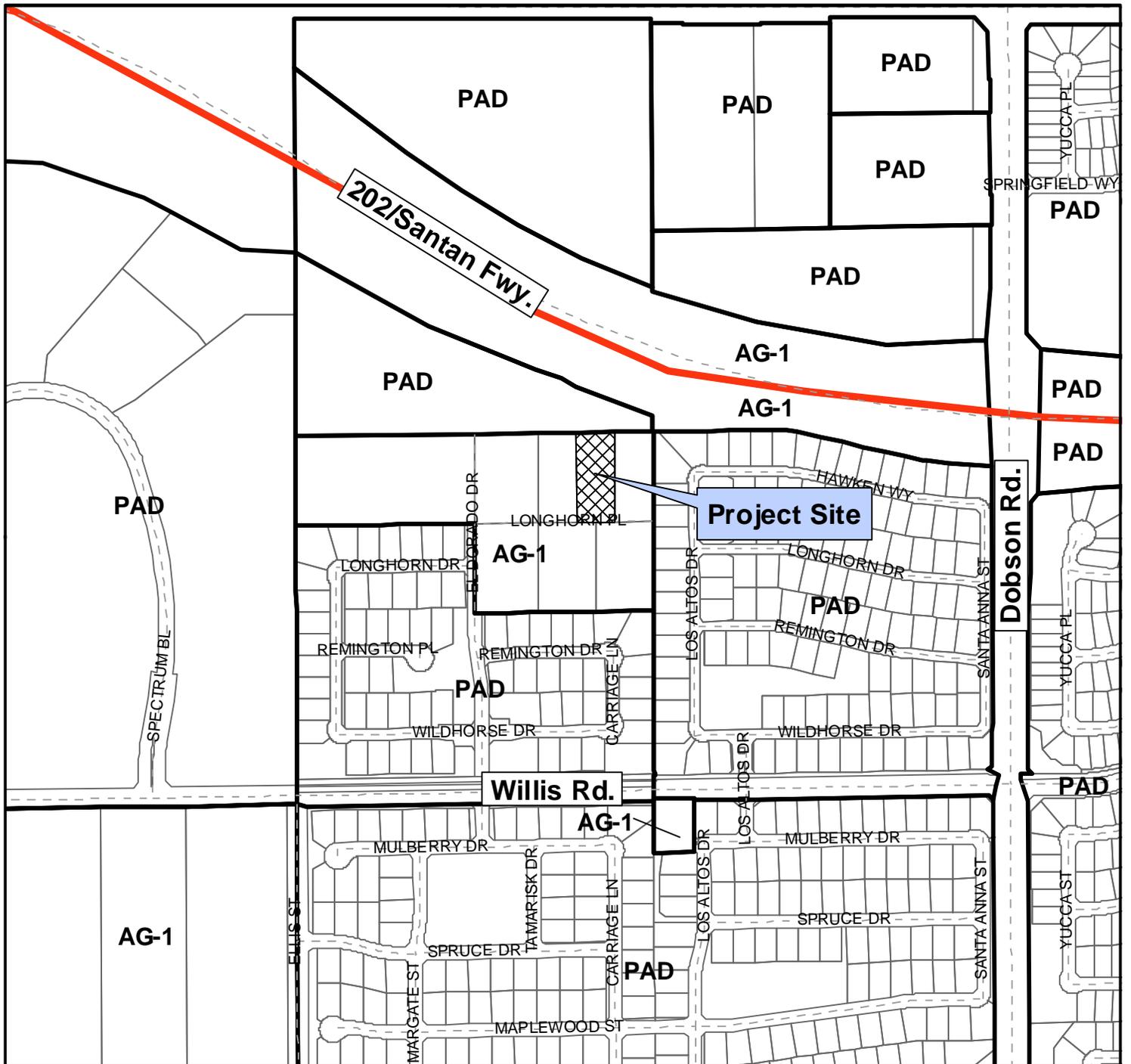
Staff recommends denial of this request.

PROPOSED MOTION

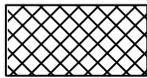
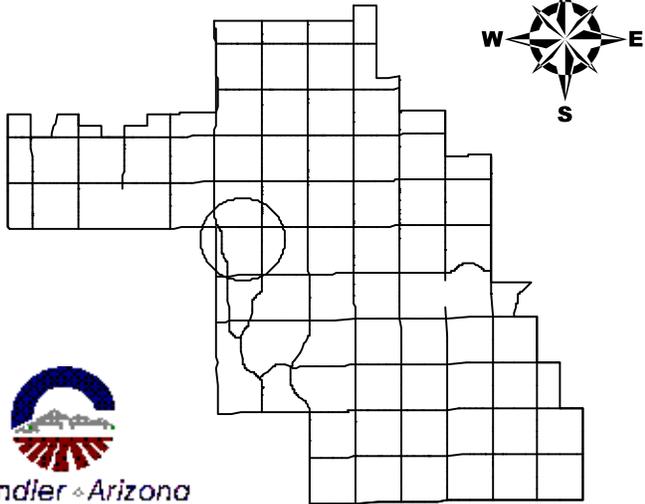
Move to deny variance request VAR10-0002 KOVACH RESIDENCE, as recommended by Staff.

Attachments

1. Vicinity Maps
2. Aerial Close-up
3. Site Plan
4. Applicant Photos
5. Application and Narrative
6. Powers and Duties



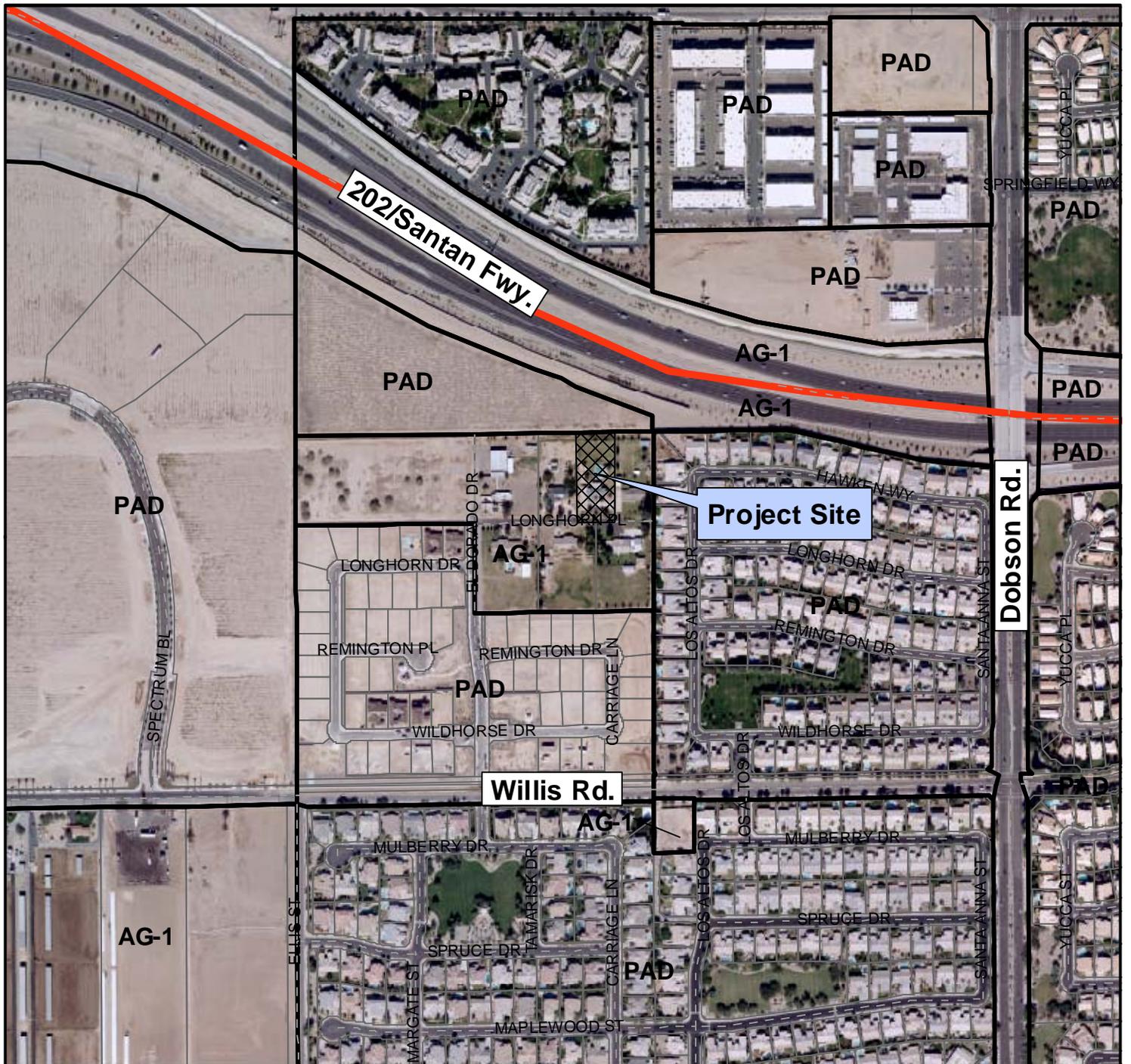
Vicinity Map



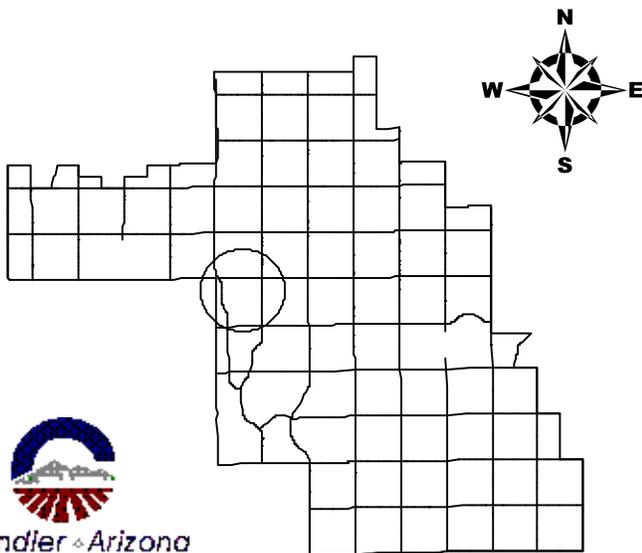
VAR10-0002

**Kovach Residence
2332 W. Longhorn Pl.**



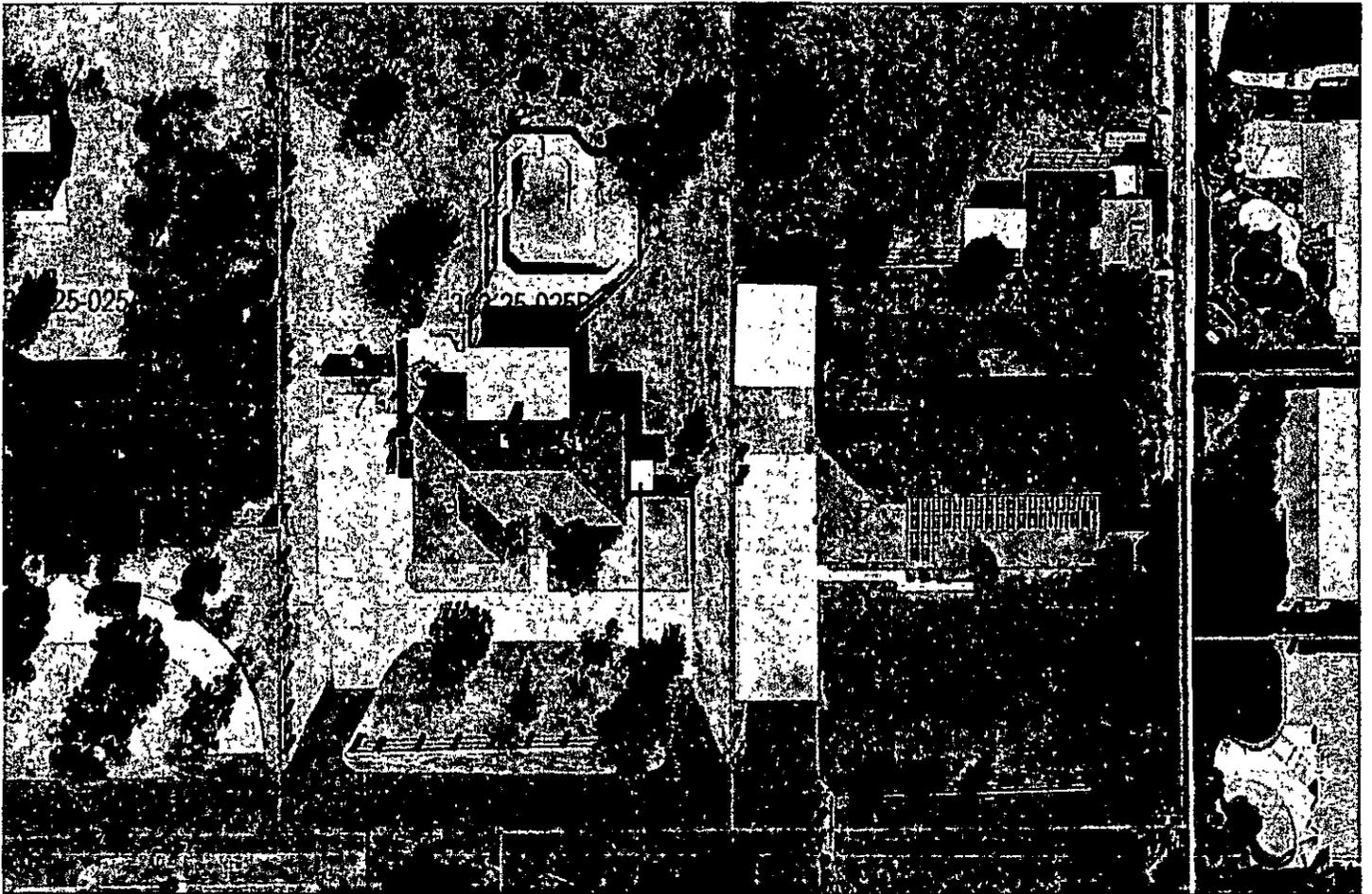


Vicinity Map



VAR10-0002

**Kovach Residence
2332 W. Longhorn Pl.**



PROPERTY Area of Addition



KOVACH RESIDENCE

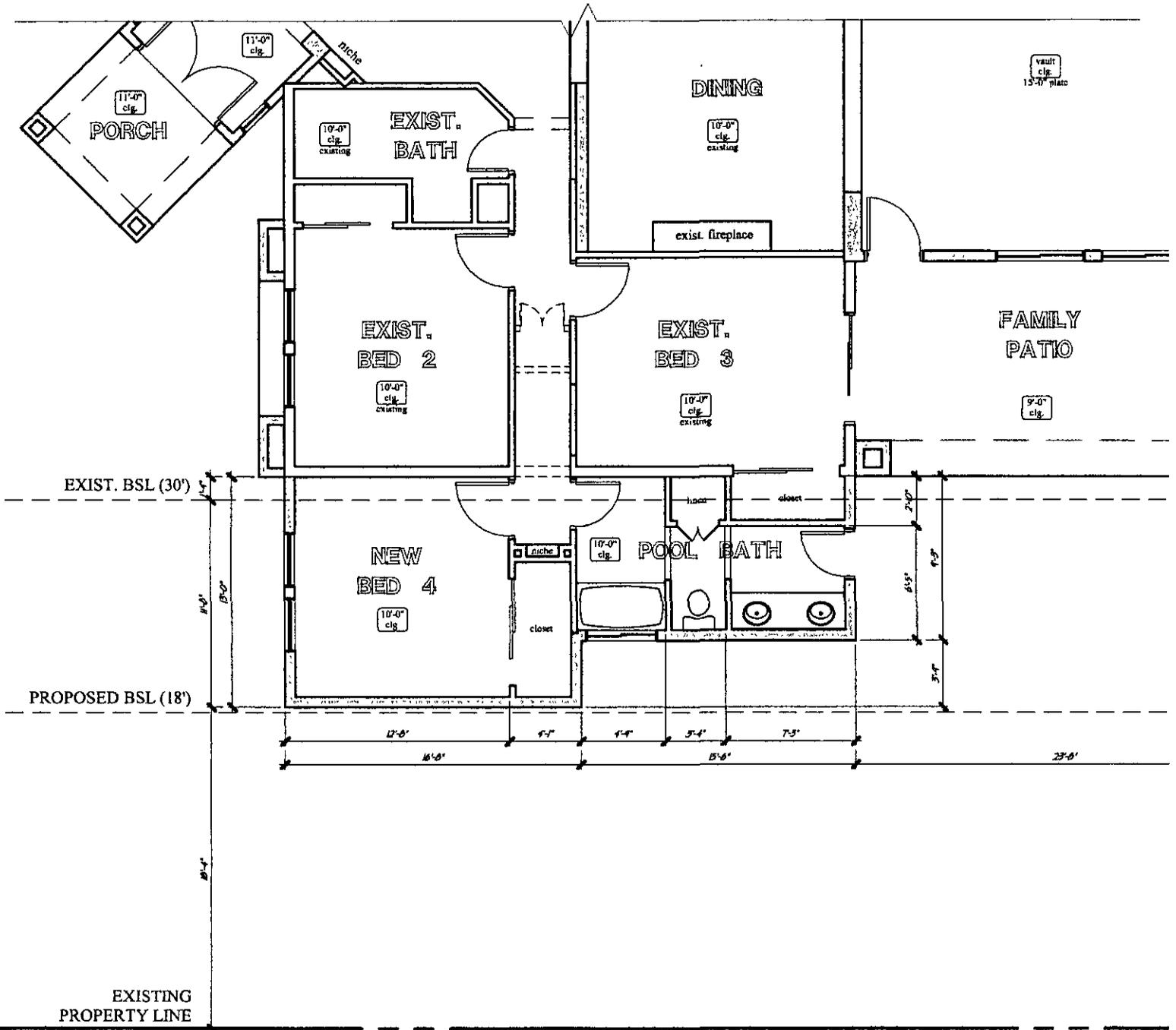
CHANDLER, ARIZONA

3800 S. Rural Rd. Suite 102 Tempe, AZ 85282
480.968.2474 robk@rkd.com www.rkd.com

2292 W. LONGHORN PL

1/1 2/09

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PROPOSED FLOOR PLAN
SCALE: 1/8"=1'-0"



KOVACH RESIDENCE

CHANDLER, ARIZONA

3800 S. Rural Rd. Suite 102 Tempe, AZ 85282
480 968 2474 rkb@rkdms.com www.rkdms.com

222 W. LONGHORN PL

1/12/09

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White Fence is approx. property line.



KOVACH RESIDENCE

CHANDLER, ARIZONA

3600 S. Rural Rd., Suite 102 Tempe, AZ 85282
480 968 2474 robk@rkdms.com www.rkdms.com

2292 W. LONGHORN PL

1/12/09

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City of Chandler

JAN 14 2010
 AM/PM
 Development Services

Variance Request Application

If the property owner is not filing the application, please fill out the attached letter authorizing an applicant or project representative to file the application.

| | |
|---|---|
| Project or Owner Name Steven & Drew Kovach | |
| Property Location/Address 2332 W. Longhorn Place | City, State, Zip Code Chandler, AZ 85286 |
| Type of Variance (waiver) from the Zoning Code you are requesting: Variance to reduce side yard setback (East Side) to 18'-0" (30' required) | |
| 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 Stephen & Drew Kovach | |
| Mailing Address 2332 W. Longhorn Place | Phone Number (480) 363-1112 |
| City, State, Zip Code Chandler, AZ 85286 | Fax Number (480) 926-6300 |
| Applicant/Representative Name Robert J. Klob Robert Klob Designs, Inc. | |
| Mailing Address 2800 S. Rural Road, Suite 102 | Phone Number (480) 968-2474 |
| City, State, Zip Code Tempe, AZ 85282 | Fax Number (480) 968-2524 |
| Property Owner or Representative Signature | Date 1/14/09 |
| For City Use | |
| Date Filed 1/14/10 | Development No. VAR10-0002 |
| Case Planner | |

Mailing Address:
 P.O. Box 4008, MS 105
 Chandler, Arizona 85244-4008

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

Telephone: (480) 782-3000
 Fax: (480) 782-3075
www.chandleraz.gov



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Variance Request Letter of Authorization

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

2332 W. Longhorn Place, Chandler, AZ 85286

Assessor's parcel number(s):

303-25-025-B

Said property is owned by:

Stephen Kovach V

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.

[Signature] 1/14/09
Applicant Signature Date

[Signature] 1-12-10
Property Owner Signature Date

Property Owner Signature Date

Property Owner Signature Date



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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 existing lot, while large, is only 140' in width. Once setbacks are incorporated, there is only approximately 80' of build able area. The existing residence was built in a ranch style floor plan - wide but not very deep. Full garage on the east side and a center hall that the secondary bedrooms opened to with a closet at the end of the hall. There was an extensive remodel & addition that was permitted in 2009 with construction starting very soon. Due to circumstances within the family, another bedroom is needed. With the existing and permitted design, the only logical location for this additional bedroom is on the east side. This provides the least amount of structural modification by removing/relocating the existing closet and continuing the hallway to the new bedroom & bath. The bathroom would be able to tie into the existing septic system which is located nearby thus removing the requirement to sawcut & demolition into the existing structure. The new mechanical system would also be able to easily connect to the proposed addition. This location creates the least amount of impact to existing utilities and would not require the relocation of main power, sewer or mechanical equipment.

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

The existing structure and the approved/permitted remodel only provide for a limited area for any expansion. Additions to the front would interfere with the entry feature, the west side is blocked by the garage and the master suite, the north (rear) would necessitate substantial halls and wasted space. This addition would allow the bedrooms for the small children of the home to be grouped for ease of care and security.

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 largest part of this addition is only 16'-8" in width that tapers back to the proposed bath (9'-3"). this addition on the west side still allows for 16 feet between the structure and the existing fence/ property line. the adjacent home is 30+ feet away from the property line providing an aggregate distance of greater than 55 feet between structures. The addition of livable area will face the garage/ driveway of the adjacent residence, therefore providing privacy and security for both properties. We anticipate full approval from this neighbor for this variance. No part of this addition will block or impair any neighbor views or infringe on their privacy. This addition in the proposed location will enhance the architecture of the home and add to the the updated appearance of this transitional neighborhood.

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.