



Chandler • Arizona
Where Values Make The Difference



MEMORANDUM

Transportation & Development – BA Memo No. 11-004

DATE: FEBRUARY 24, 2011

TO: BOARD OF ADJUSTMENT

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

FROM: BILL DERMODY, SENIOR CITY PLANNER *BD*

SUBJECT: VAR11-0002 WHITED RESIDENCE

Request: Variance from the Zoning Ordinance to allow encroachment into the minimum front and rear yard setbacks for a new house

Location: 804 W. Calle Del Norte, north and east of Knox and Alma School Roads

Applicant: Bill R. Whited

Existing Use: Single-Family Home

Zoning: Mobile Home District (MH-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 an unoccupied single-family manufactured home, is part of the Chandler Mobile Manor subdivision located north and east of Knox and Alma School Roads. The subdivision's lots along Calle Del Norte are all 100' deep. Lot sizes vary from approximately 5,700 to 6,500 square feet. The rectangular 6,081 square foot subject lot is typically sized and shaped for the subdivision.

The request is to allow a manufactured home to be placed on the lot in a manner that encroaches 3' into the minimum 10' rear yard setback and 3' into the minimum 20' front yard setback,

leaving setbacks of 7' in the rear and 17' in the front. The applicant owns the land and the manufactured home, which is currently kept elsewhere. The existing home on the site would be removed.

The applicant's off-site manufactured home is 76' deep by 30' wide. The lot allows sufficient room for a required carport to be constructed legally along the side of the new home.

Though the exact construction dates are not recorded for manufactured homes, aerial photographs indicate that the subdivision's homes appeared by 1979 at the latest, including a home on the subject property. The subdivision plat was recorded in 1970.

CODE REQUIREMENTS

Setbacks in the Chandler Mobile Manor subdivision are established by the MH-1 zoning district:

35-1103. Height and area regulations.

(2) *Front yard:* For subdivisions, same as MF-1 District.

(4) *Rear yard:* For mobile homes, ten (10) feet.

The MF-1 District specifies that minimum front yard setbacks be 20' for lots fronting on a right-of-way of 50' to 59' width such as Calle Del Norte (50' ROW). Therefore, the subject site's minimum front yard setback is 20'.

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's size, depth, and shape are all typical for its block, which features a very regular lot arrangement. The fact that the applicant already owns the manufactured home is a special circumstance. However, this is a self-imposed circumstance. Staff notes that there are other larger lots zoned for manufactured homes in the city. There are also smaller manufactured homes for sale. 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 placement on the lot in

the 1970s. A smaller house could be placed on the lot that abides by the minimum setbacks. 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 encroach into the minimum front and rear yard setbacks. 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. There are no special circumstances applicable to this property that do not apply equally to similar properties in the surrounding area. The special circumstance that the applicant already owns the home is self-imposed. The requirement to abide by minimum front and rear setbacks is not a special hardship for this property. The property has been substantially developed with the property owner enjoying development rights since the 1970s with the home's original placement on the lot.

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

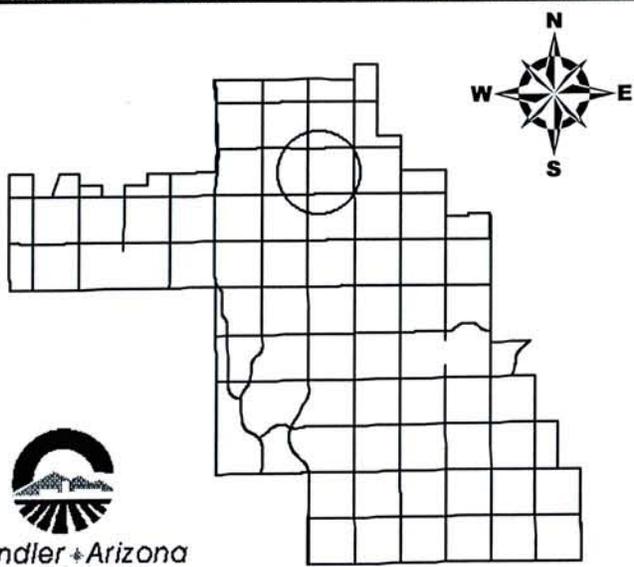
Move to deny variance request VAR11-0002 WHITED RESIDENCE, as recommended by Staff.

Attachments

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



Vicinity Map

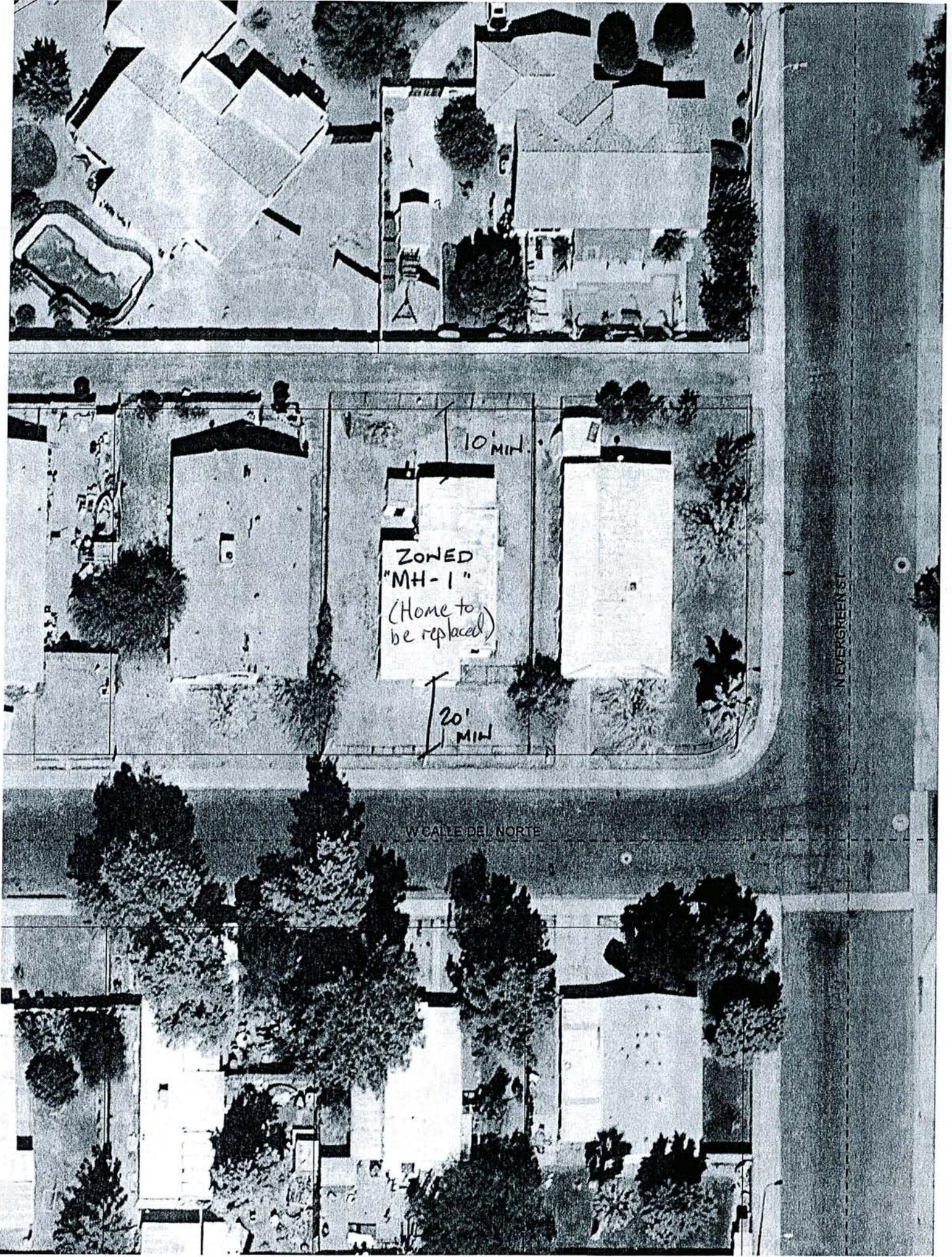


VAR11-0002

**Whited Residence
804 W. Calle Del Norte**



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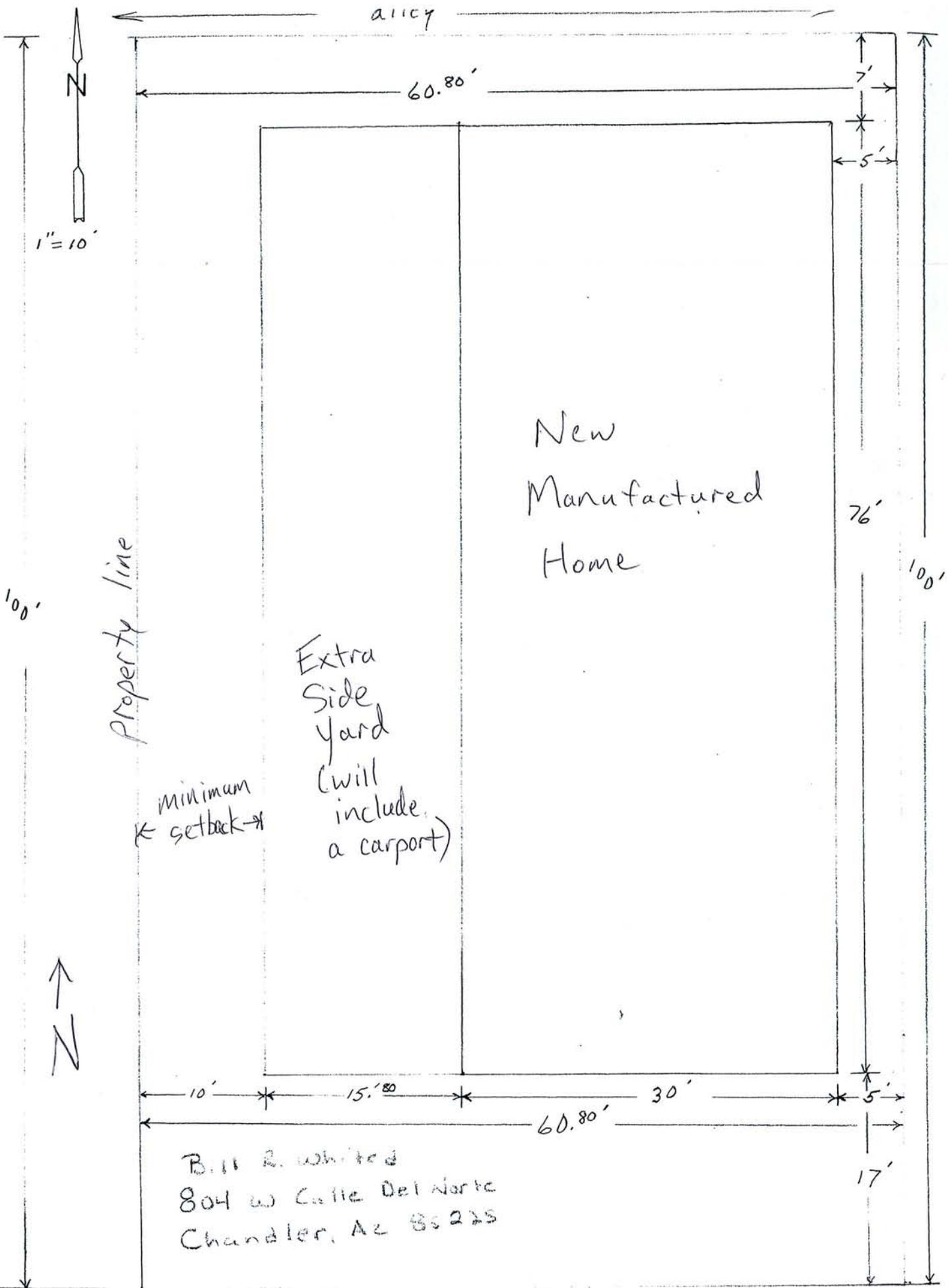
10' MIN.

ZONED
"MH-1"
(Home to
be replaced)

20'
MIN

N EVERGREEN ST

W CALLE DEL NORTE



alley

60.80'

76'

100'

New
Manufactured
Home

Property line

Extra
Side
Yard
(will
include
a carport)

Minimum
setback

B. B. Whitehead
804 W Calle Del Norte
Chandler, AZ 85225

Calle Del Norte

1" = 10'

N

N

100'

17'

60.80'

10'

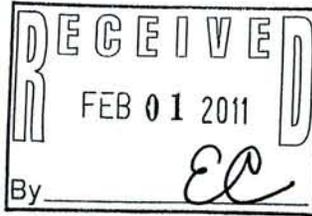
15.80'

30'

5'



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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 <i>Bill R. Whited</i>		APN# - <i>302-42-023</i>
Property Location/Address <i>804 W. Calle del Norte</i>		City, State, Zip Code <i>Chandler, AZ 85225</i>
Type of Variance (waiver) from the Zoning Code you are requesting: <i>6' set Back 3' in Front and 3' Rear</i>		
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 <i>Bill R. Whited</i>		
Mailing Address <i>PO Box 7180</i>	Phone Number <i>602-363-3097 or 602-390-5328</i>	
City, State, Zip Code <i>Chandler AZ 85246</i>	Fax Number <i>480-961 4049</i>	
Applicant/Representative Name <i>Same as above</i>		
Mailing Address	Phone Number	
City, State, Zip Code	Fax Number	
Property Owner or Representative Signature <i>Bill R. Whited</i>	Date <i>2-1-2011</i>	
For City Use		
Date Filed <i>2-1-2011</i>	Development No. <i>VAR11-0602</i>	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

Form No.: UDM-63
Rev: 7-1-10



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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.

I own a 30x76 2004 Fleetwood manufactured home. My home is 6' longer than the set backs will permit. If allowed to be 7' on the North end (which is normally 10') by the alley and 17' on the south end (rd that faces Calle Del Norte) By the street (which normally is 20') my home will fit on this lot.

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

I would like this variance granted as I would like to have my beautiful home installed in this neighborhood. I feel my home will be an asset to the community. I would like to start cleaning up this area.

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.

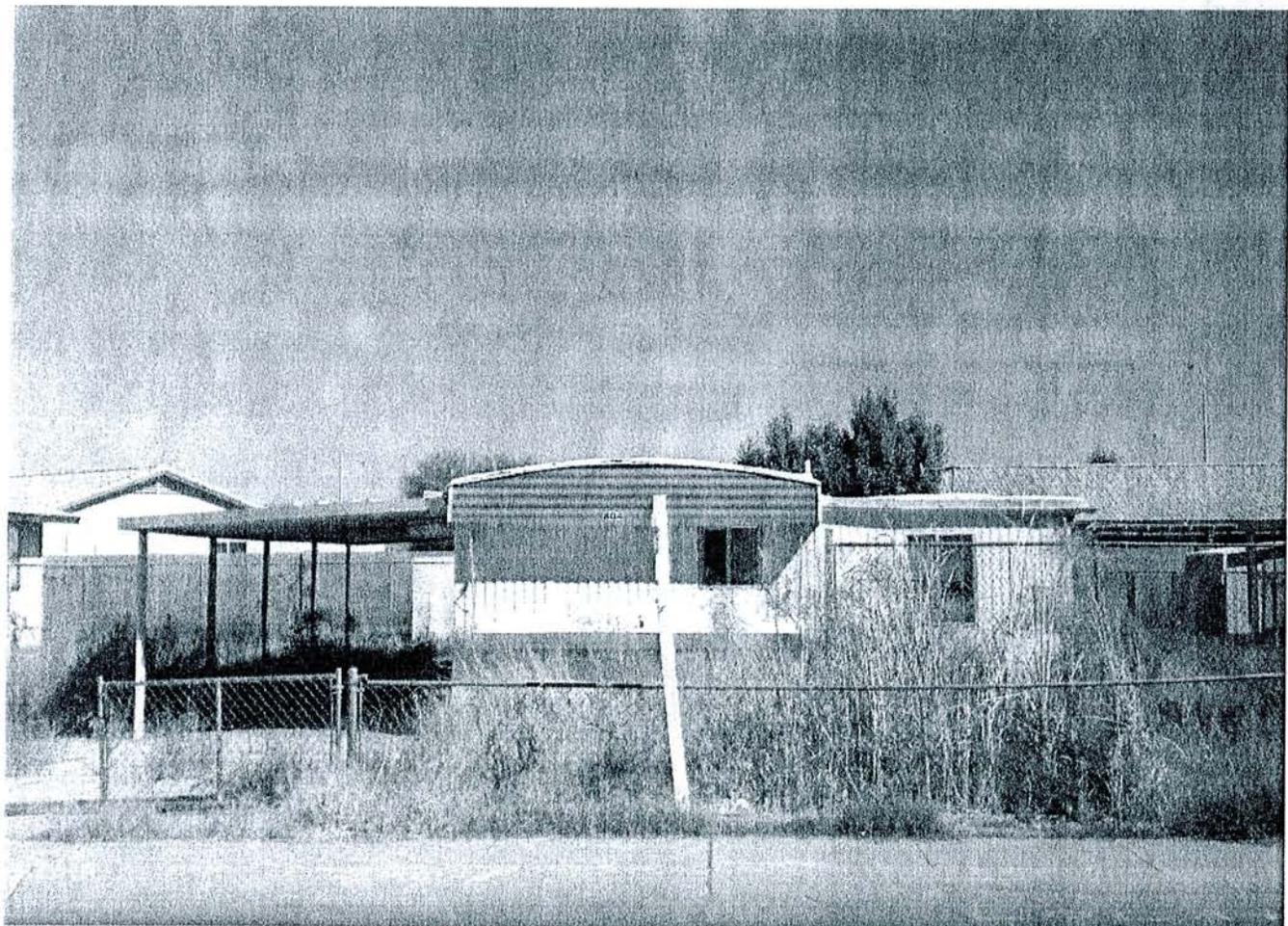
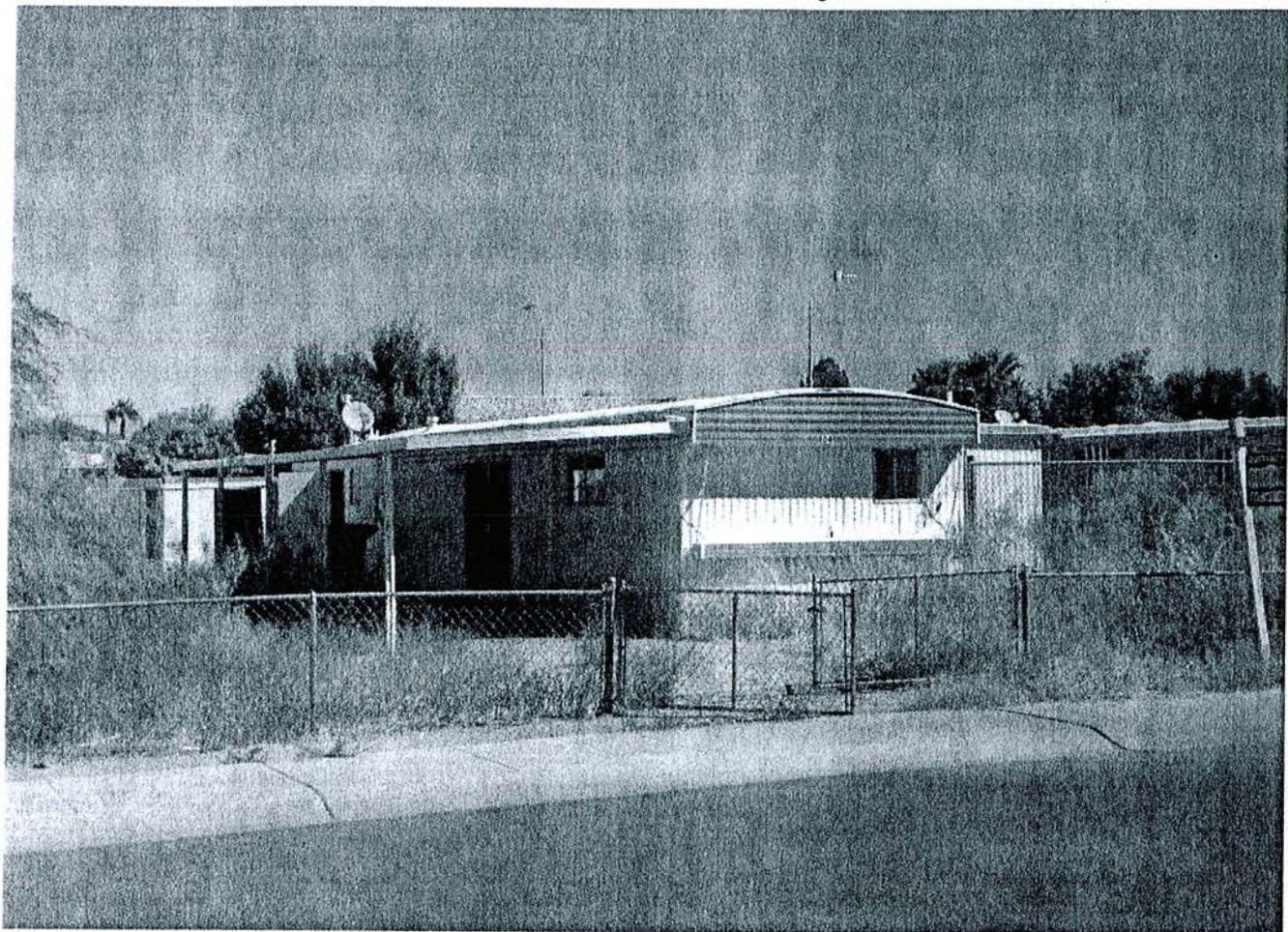
At the present time this property has an old old home on it. It always has weeds growing and becomes a fire hazard.

I would like to make this a nice community. My home will be one of the nicest homes in this neighborhood when finished.

It would enhance the community greatly. My project including concrete + landscape will take approximately 1 mo to complete if variance is approved.

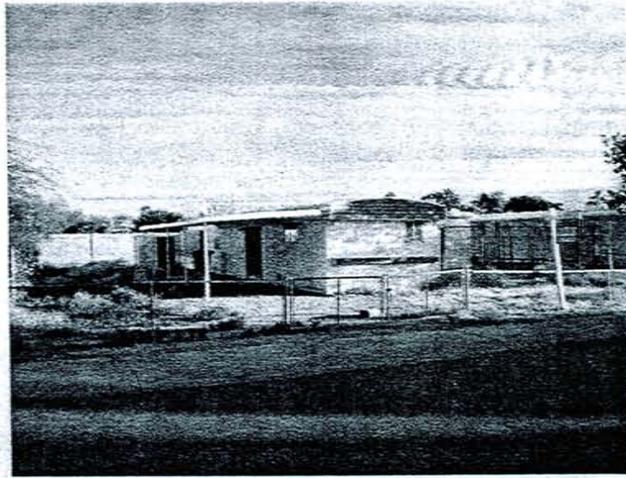
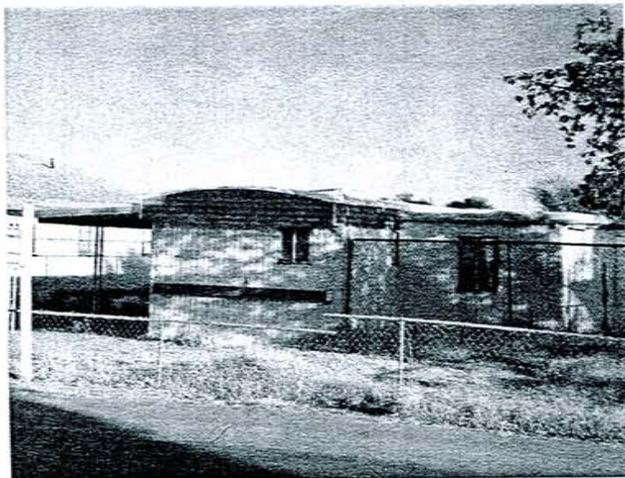
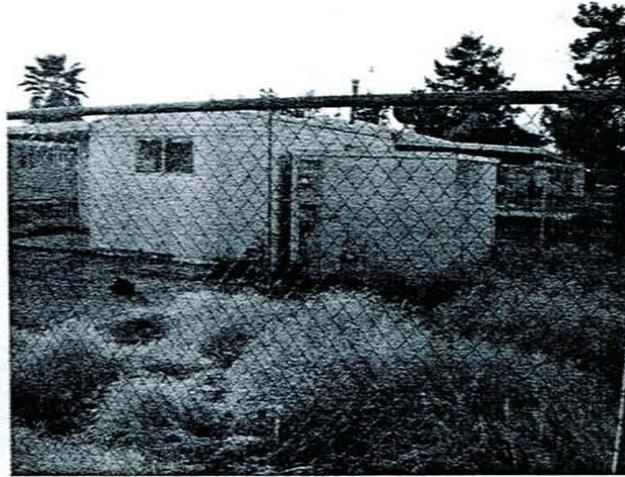
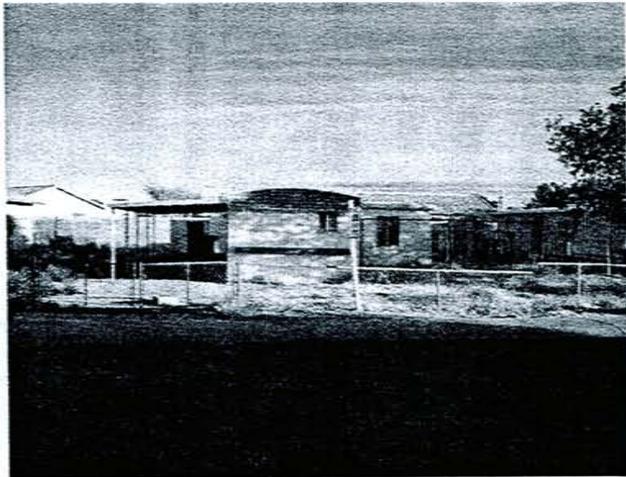
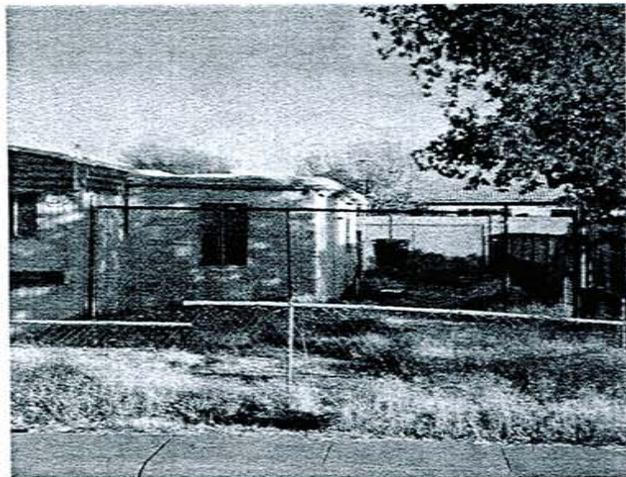
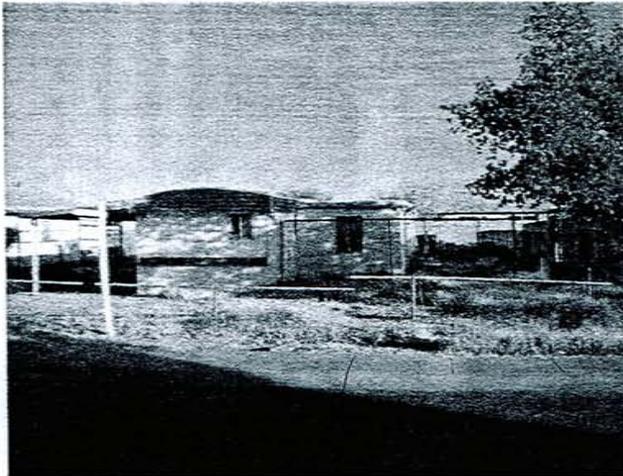
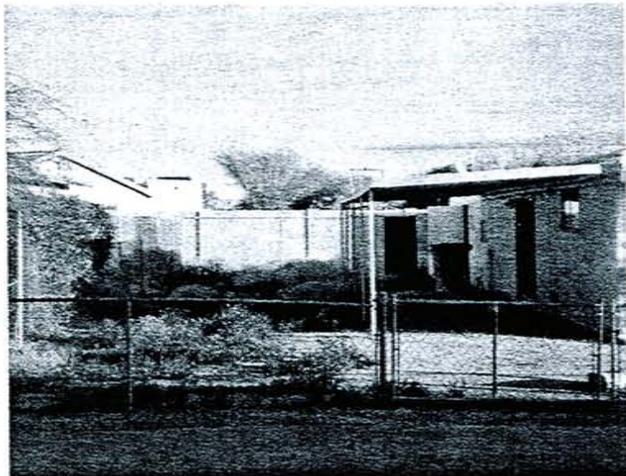
prior to purchase

call City of Chandler 480-770-1111

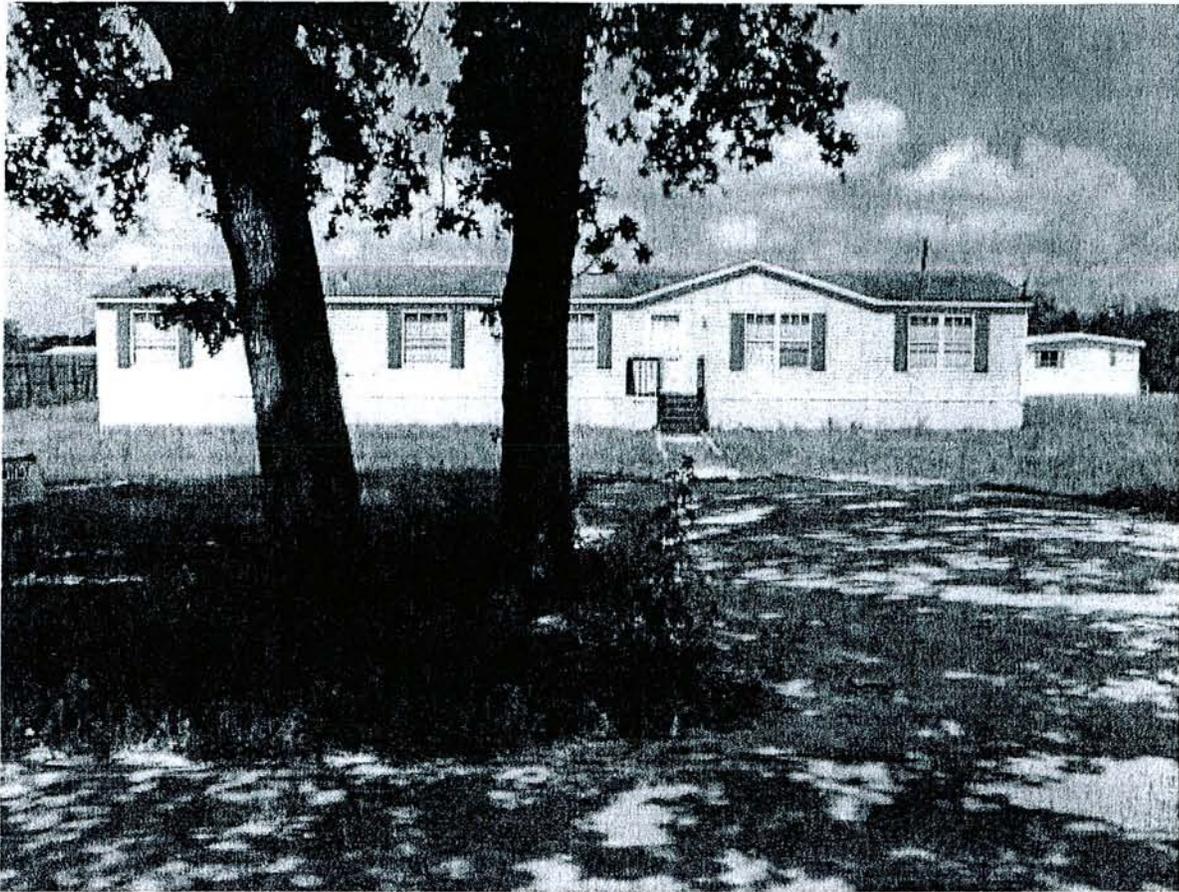


Pictures Now

804 W. Calle de Norte



Proposed Home



PICTURE OF WHAT HOME WILL LOOK LIKE EXCEPT IT WILL BE BELOW GROUND.

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.