



**PLANNING DIVISION  
STAFF REPORT**

**Board of Adjustment**

**June 5, 2019**

CASE No.: **BOA19-00197**

CASE NAME: **1<sup>st</sup> Ave and Lesueur Residence**

Owner's Name:	Suburban Land Reserve, Inc.
Applicant's Name:	Dale Gardon Design-David Davis
Location of Request:	464 E 1 <sup>st</sup> Avenue
Parcel Nos:	138-27-032
Nature of Request:	Requesting a Variance from the Form Based Code Building Form Standards and Building Type Standards in the T4Neighborhood (T4N) Transect Zone.
Council District:	4
Site Size:	10,170 square feet or .23 ± acres
Proposed Uses:	Attached residence-duplex
Existing Use:	Vacant- (building recently demolished)
Hearing Date(s):	<b>June 5, 2019 / 5:30 p.m</b>
Staff Planner:	Lisa Davis, AICP
Staff Recommendation:	APPROVAL with 4 Conditions

**HISTORY**

On **April 2, 2001**, the City Council approved the Historic Preservation District Overlay, Temple Historic District (HP00-001, Ord # 3876).

On **December 18, 2018**, the property owner obtained an approval (opt-in to the form based code) to rezone a total of 12 properties, eight properties from Downtown Residential (DR-2) to Form Based Code T4 Neighborhood (T4N) transect and four properties from Downtown Business (DB-1) to Form Based Code T4Neighborhood Flex (T4NF) transect (case# ZON19-00026).

## **PROJECT DESCRIPTION**

### **Background**

The subject request is for a variance from Section 11-58-5 of the Mesa Zoning Ordinance (MZO) to allow the construction of a duplex on the property. Per Section 11-58-5 of the MZO, a minimum of 75% of the front façade of a building is required to be within a front façade zone described in the MZO (page 58-16). The front façade zone is the area on the lot where a certain percentage of the building facade must be located, measured as a minimum and maximum setback range from the edge of the right-of-way. The subject property is located at the corner of E. 1<sup>st</sup> avenue and S Lesueur Street. Per the requirements of the MZO, a minimum of 75% of the building façade is required within the façade zone along both 1<sup>st</sup> Avenue and S. Lesueur street. The site plan provided by the applicant shows the proposed development fronting onto 1<sup>st</sup> Avenue with the front façade of the building conforming to the requirements of the MZO. The section of the building facing Lesueur street, however, does not meet the 75% minimum of the front façade zone requirement. The building elevation shows 50% of the façade within the front façade zone. In place of the remaining area, the site plan shows construction of a perimeter wall to cover the remaining and required 25% area.

The applicant is also requesting a variance from Section 11-59-8 of the MZO. Per this section of the MZO, the maximum lot width required for development in the T4N is 75 feet. However, the lot for the proposed development is 76 feet-6 inches and exceeds the requirement maximum width. The MZO also requires a 48' maximum width for the main body of a duplex. The proposed site plan shows the width of the main body of the building to be 66', which exceeds the maximum width. The orientation of the building also facing 1<sup>st</sup> Avenue. Per Section 11-59-8(F) of the MZO, each unit of a duplex located on a corner street is required to have the two entries face a different street. According to the applicant, the facing of both units on 1<sup>st</sup> Avenue is to have both units with an address on 1<sup>st</sup> Avenue.

Section 11-59-8(H) of the MZO requires private open space for the duplex building to be located behind the main body of the house and cannot be within a required setback. The open space must also be a minimum of 15' in depth. The site plan shows private open space on the property located in front of the main body of the building and within the minimum front setback. The depth of the open space area is also 13'-5. According to the applicant, the location of the open space conforms to existing development and houses in the surrounding area.

### **General Plan Character Area Designation and Goals**

The Mesa 2040 General Plan character area designation on the property is Neighborhood. Per chapter seven of the General Plan, the primary focus of the Neighborhood character type is to provide safe places for people to live where they can feel secure and enjoy their surrounding community. The site is within the West Mesa Economic Activity Area as defined in chapter five of the General Plan. Per this chapter of the Plan, the primary unifying element of the West Mesa Economic Activity Area is the opportunity for redevelopment and intensification based on expansion of transit services.

The site is also located within the Central Main Plan that identifies the site as within the character of Neighborhood Preservation. The intent of the plan is to protect and enhance existing historic neighborhoods. The Temple Historic District represents some of the first residential development to occur outside of the original downtown square mile. This District has several quality examples of 1920's residential homes constructed on smaller lots. Such historic districts recognize the distinctive form and character that exists in Mesa. The goal is to preserve the distinctive character and address the threats to preservation. The proposed redevelopment of the site and general improvement is consistent with the General Plan. Per section 11-74-3 of the of the MZO, a Certificate of Appropriateness shall be required for development of the property.

**Site Characteristics:**

The site is located at the northwest corner of 1<sup>st</sup> avenue and Lesueur street, and northwest of the City of Mesa Mormon Temple. Currently, the Temple is undergoing extensive renovation. There are also several redevelopments of properties within immediate vicinity of the subject site, such as the Mesa and Main Street redevelopment site.

**Surrounding Zoning Designations and Existing Use Activity:**

Northwest Downtown Residence (DR-2) Existing residential	North Downtown Residence (DR-2) Existing residential	Northeast (across Lesueur) Downtown Residence (DR-2) Existing Mormon Temple
West Downtown Residence (DR-2) Existing residential	Subject Property T4N Vacant	East (across Lesueur) Downtown Residence (DR-2) Existing Mormon Temple
Southwest (across 1 <sup>st</sup> Ave) Downtown Residence (DR-2) Existing residential	South (across 1 <sup>st</sup> Ave) Downtown Residence (DR-2) Existing residential	Southeast (across Lesueur) Downtown Residence (DR-2) Existing Mormon Temple

**Mesa Zoning Ordinance Requirements and Regulations:**

Per Section 11-80-3 of the City of Mesa Zoning Ordinance, the Board of Adjustment shall find upon sufficient evidence when making a decision on variances that:

1. There are special circumstances applicable to the property, including its size, shape, topography, location, or surrounding;

***There are several special circumstances surrounding the site that hinder the ability for redevelopment of the site to conform to all the standards of the form-based code. For example, the form based code requires access from an alley, however, there are no alley on the property or on the surrounding lots. The location of the duplex to face 1<sup>st</sup> street also conform to the urban form that create consistency with redevelopment of the surrounding area. Overall, the prescriptive nature of the form based code create certain hardship for***

***redevelopment in areas such as the subject property to absolutely conform to the required building size, shape and form without a variance.***

2. That such special circumstances are pre-existing, and not created by the property owner or appellant;

***A majority of the special circumstances on the lot predates adoption of the form based code. For example, the size of the lot at 76'-6" is wider than the maximum 75' width identified for a duplex lot. This lot was created over 50 years ago and prior to the adoption of the form based code.***

3. The strict application of the zoning ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district

***The strict application of the requirements of the form based code will deprive the ability to redevelop the site for such residential use. The residential homes surrounding the site were constructed before the form based Code and were not subject to such prescriptive requirements.***

4. Any variance granted will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.

***Approval of the variance will not grant special privileges to redevelopment of the site that are inconsistent with limitations of other similar properties. For example, the open space in front of the main body of the house is consistent with the open space layout of the surrounding properties on 1<sup>st</sup> Avenue. The proposed building also conforms to current setback requirements.***

#### **Findings**

- A. The lot has been in its current configuration for more than 50 years with no alley access and the Form Based Code was approved within the last 10 years.
- B. There are special circumstances associated limiting development of the site to fully conform to all requirements of the form based code.
- C. The strict application of the MZO will deprive the property of privileges enjoyed by other properties of the same classification in the same zoning district. Surrounding properties to the site have large open space areas in front of the main body of the house which does not conform to requirements of the form based code.
- D. Approval of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity of the subject site.

### **Neighborhood Participation Plan and Public Comments**

The applicant sent the required notification letters to all property owners within 500' of the site. As of writing this report, staff has been contacted by neighbors to express opposition to the variance request. A copy of the emails are attached to this report noted as "neighborhood concerns." Some of the concerns listed include:

1. The large structure is not compatible with the surrounding Temple Historic District.
2. Consider a single residence home to reduce the size of the structure.
3. No private open space behind the duplex reduces the residential feel of the neighborhood and reduces privacy for future duplex residents.

Staff also received a phone call from a neighbor, Mr. Johnson, that lives at 231 S Pioneer. His concerns are same as other neighbors as listed above and he believes that there are enough apartments going in at Mesa Drive and Main Street to serve the community. There is no need for the duplex.

### **Staff Recommendations:**

Based on the application, the criteria for approving a variance outlined in Section 11-80 of the MZO, Staff recommends approval of the request with 4 conditions:

### **Conditions of Approval:**

1. *Compliance with the final site plan, landscape plan and elevations as submitted, except as modified by the conditions below.*
2. *Compliance with all City development codes and regulations.*
3. *Compliance with all requirements of the Development Services Department regarding the issuance of building permits.*
4. *Prior to the submittal of a building permit, obtain a Certificate of Appropriateness from the City of Mesa.*