



PLANNING DIVISION
STAFF REPORT

Board of Adjustment

September 4, 2019

CASE No.: BOA19-00550	CASE NAME: 536 S. Esquire Way
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Owner's Name:	Robert and Martha Carroll
Applicant's Name:	Robert Carroll
Location of Request:	536 South Esquire Way
Parcel Nos:	134-20-016C
Nature of Request:	A Variance to exceed the maximum allowed aggregate area for detached accessory buildings to allow for the construction of a detached garage.
Zone District:	Single Residence (RS-9)
Council District:	3
Site size:	24,263 square feet or .56± acres
Existing use:	Single residence
Hearing date(s):	September 4, 2019 / 5:30 p.m.
Staff Planner:	Lisa Davis, AICP
Staff Recommendation:	APPROVAL with Conditions

HISTORY

In **1969**, according to the Maricopa County Assessor's website, the existing home and the existing detached accessory structure, shown on the site plan behind the house, was constructed.

On **September 4, 1990**, the City Council approved the annexation of 52± acres into the City of Mesa (ORD #2553). The subject lot was included as part of this larger annexation.

On **November 19, 1990**, the City Council approved comparable City of Mesa zoning districts on 52± acres of recently annexed property, Z90-041. The subject lot was zoned RS-9.

In **2018**, As noted in the applicant's narrative, a building permit was issued, PMT18-13961, to convert the detached accessory building shown on the site plan behind the house, to a livable unit for his parents.

PROJECT DESCRIPTION

Background

This request is for a variance to exceed the aggregate area of detached accessory buildings to allow for the construction of a 1,440 square foot (SF) detached garage. Per Section 11-30-17 (B) (9) of the Mesa Zoning Ordinance (MZO), the aggregate area of detached accessory buildings on a single residence lot, RS-9, shall not exceed more than 50% of the roof area of the dwelling unit.

The purpose of the subject request is to allow the property owner to construct a new 1,440 SF 19'-5" high detached garage behind the existing detached livable structure. As shown on the submitted site plan, the proposed detached garage would be accessible from the adjacent alley on the west side or rear of the property. The existing residence with patios and garage totals 3,528 SF. To comply with the Mesa Zoning Ordinance (MZO), the combined square footage of the existing and proposed accessory structures could not exceed 1,764 SF (50% of the residence's roof area). With the addition of the proposed 1,440 SF detached garage, the aggregate area of detached structures would be 2,634 SF or 74% of the existing dwelling.

Per Table 11-5-3 of the MZO, the maximum lot coverage in the single residence (RS-9) zoning district is 45% of the lot size. It is important to note that according to Table 11-5-3, a typical lot size in the RS-9 district is 9,000 SF; the subject lot is 24,263 SF which is significantly larger. The proposed coverage of the subject lot with the proposed detached garage is 26% which is well under the allowed 45% maximum lot coverage.

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 applicant's proposal is consistent with the General Plan.

Site Characteristics

The subject property is located south of Broadway Road and west of Dobson Road. The subdivision plat for Esquire Estates was approved in 1958. It appears that numerous lot splits have occurred since the 1958 approval of 26 lots, considering that the number of lots in the subdivision is now over 40. Most of the homes in the subdivision were constructed in the late 1960's. There are several unique site characteristics associated with properties in the subdivision that are not common in other parts of the city. The subject site's lot size and shape is similar to the others with the subdivision, but much larger than a typical RS-9 zoned lot. Most lots within the subdivision include large detached buildings as the area is rural in nature. The lot has an alley on the west or rear of the property that will be utilized to access to the proposed garage.

Surrounding Zoning Designations and Existing Use Activity:

Northwest RS-9 Developed Residential	North RS-9 Developed Residential	Northeast RS-9 Developed Residential
West RS-9 Developed Residential	Subject Property RS-9 Developed Residential	East RS-9 Developed Residential
Southwest RS-9 Developed Residential	South RS-9 Developed Residential	Southeast RS-9 Developed Residential

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;

The subject lot is 24,263 SF in size which is much larger than a typical RS-9 zoned lot at 9,000 SF. The proposed total lot coverage with the added garage (26%) is well under the total allowed lot coverage (45%) in the RS-9 district.

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

The special circumstances on this property are a result of size of the lots and rural neighborhood design of the subdivision created prior to the current property owner. The City's current Zoning Ordinance does not allow for the accessory structures on the site to be more than 50% larger than the house. This is to avoid an overcrowding of the lot and to keep the accessory structures subordinate to the main house. The accessory detached structures with the new detached garage are 74% of the area of the house; however due to the scale of the lot staff finds that the detached structures are still subordinate to the house and meet the intent of the 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

Many of the homes in this area have large detached or numerous detached buildings on their lots. In the narrative, the applicant provided a number of addresses in the neighborhood that appear to have detached structures that exceed the maximum 50% aggregate area. Staff analyzed the addresses utilizing the Planning and Zoning Map and was able to determine that five of the seven addresses did have accessory structures exceeding the aggregate area

of 50% of the dwelling. The aggregate area of detached structures in the area ranged from 72% to 140% of the dwelling.

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.

The granting of the requested variance will not grant special privileges to the subject property that are inconsistent with other properties in the area. As noted above, several properties in the neighborhood have accessory structures that exceed the allowed aggregate area. The applicant has provided pictures of some of the large detached structures in the neighborhood as evidence that the requested structure is not out of place for the area. The pictures are included in the additional documents accompanying this report.

Findings

- A. The existing house and detached building on the subject site were constructed in 1969 and the existing detached structure was converted to livable space in 2018.
- B. The special circumstances that exist for the subject property is the large lot size at 24,263 SF in the RS-9 district as opposed to a typical lot size of 9,000 SF. The new detached garage will bring the aggregate area of all detached structures on the lot to 74%.
- C. The combined building coverage on the lot with the proposed detached garage is 26% which is under the maximum 45% lot coverage allowed in the RS-9 zoning district.
- D. The special circumstances on this property are pre-existing and the result of large residential lots in the RS-9 zoning district.
- E. The strict application of the Zoning Ordinance would deprive the property owner of privileges enjoyed by other properties and consistent with the rural character of the neighborhood.
- F. 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 property. The proposed garage will meet the current required setbacks and maintain the maximum coverage of the lot at under 45%.

Neighborhood Participation Plan and Public Comments

The applicant sent the required notification letters to all property owners within 150 feet of the site. As of writing this report, staff has not been contacted by any resident to express support or opposition to the request.

Staff Recommendations:

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

Conditions of Approval:

1. Compliance with the final site plan as submitted; and
2. Compliance with all City Development Codes and regulations.