



PLANNING DIVISION
STAFF REPORT

Board of Adjustment

January 15, 2020

CASE No.: **BOA19-00929**

CASE NAME: **4230 East Hale Street**

Owner's Name:	Chester and Kristin Welch
Applicant's Name:	Chet Welch
Location of Request:	4230 East Hale Street
Parcel Nos:	141-32-206
Nature of Request:	A variance from the minimum side yards to allow for an addition to the existing home
Zone District:	Single Residence (RS-15)
Council District:	5
Site size:	18,627 square feet or .43 ± acres
Existing use:	Single Residence
Staff Planner:	Charlotte Bridges
Staff Recommendation:	Denial

HISTORY

On **December 4, 1978**, the property was annexed into the City of Mesa (ORD #1193) as part of a larger annexation 1,633± area and subsequently zoned R1-35 (Z79 063).

On **September 21, 1987**, the City Council approved a rezoning request from R1-35 to R1-15 (ORD #2266) to allow the development of single family subdivision.

In **1991**, a certificate of occupancy was issued on a building permit (#63187) for a new single-family residence with three car garage on the subject property.

On **June 20, 2019**, a building permit (PMT19-06189) was issued to remodel the existing home and construct a 1,922 square foot addition. The scope of the permit includes converting the existing garage to livable space and adding a new 827± square feet garage adjacent to the east site of the existing garage. The approved plans met the Mesa Zoning Ordinance (MZO) minimum side yard

setback requirements showing a seven (7) foot side yard setback between the new garage addition and the east property line.

On **October 17, 2019**, a stop work order was issued by the City of Mesa Building Inspection Division because the foundation for the garage addition was within the side yard setback, five (5) feet from the east property line and was not consistent with the approved building permit.

PROJECT DESCRIPTION

Background

The applicant is requesting a variance from the required side yard setback to allow for a garage addition to an existing single residence home in the RS-15 district. Per Table 11-5-3 of the MZO, the minimum interior side yard setback in the RS-15 district is seven (7) feet and the minimum aggregate setback of the two side yards is 20 feet.

The requested variance would reduce the side yard setback from seven (7) feet to five (5) feet, a two (2) foot reduction. The requested variance would allow the property owner to continue to construct a new 827± square foot, garage addition to the east side of the existing home. Per Section 11-32-3(D) of the MZO, a minimum of two covered parking spaces are required for a single residence use and per Section 11-32-3(F) of the MZO, a double-car garage shall be at least 20 feet wide and 22 feet long. The proposed garage dimensions exceed the minimum required MZO dimensions for a double-car garage.

General Plan and Sub 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 existing single residence use is allowed in this General Plan character type.

This site is also located in the "fringe area" of the Citrus Sub Area. Projects developed or redeveloped in the "fringe areas" are encouraged to follow the recommendations of the Citrus Sub Area Plan to help retain the citrus character of the area. Prior to the remodeling, the citrus trees on the subject property complied with the Plan's citrus retention recommendations. However, the citrus trees along the east side of the home have since been removed to accommodate the new additions. The remaining citrus trees on the property continue to help maintain the citrus character of the area per the recommendations of the Citrus Sub Area Plan.

Site Characteristics:

The subject property is located east of Val Vista Drive and south of McLellan Road. The subdivision plat for Valencia Park Estates, 58 lots, was approved in 1990. Most of the homes in the subdivision were constructed in the early 1990's. The subject lot size, 18,627 square foot, and shape is similar to the others within the subdivision, which range in area from 17,000-21,000± square feet. The site plan approved in 1991 for construction of the home (included in the case exhibits) shows that all setbacks shown on the building plans met minimum MZO requirements.

Surrounding Zoning Designations and Existing Use Activity:

Northwest (Across Ogden) RS-15 Existing Residential	North RS-15 Existing Residential	Northeast RS-15 Existing Residential
West (Across Ogden) RS-15 Existing Residential	Subject Property RS-15 Existing Residential	East RS-15 Existing Residential
Southwest (Across Ogden) RS-15 Existing Residential	South (Across Hale Street) RS-15 Existing Residential	Southeast (Across Hale Street) RS-15 Existing 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;

Special circumstances are not present that would justify the variance request. The size of the lot conforms to the MZO requirements of the RS-15 district. The rectangular shape of the lot is consistent with the shape of other lots in the subdivision. There is adequate space to accommodate additions within the required side and rear yard setbacks.

This criterion is not applicable to this request.

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

The existing home on the subject site meets the MZO development standards of the RS-15 district. The need for the variance is created by inaccurate dimensions on the plans, which facilitated the construction of the new garage addition and provides only a 5-foot side yard adjacent to the east property line instead of the 7-foot minimum side yard required in the RS-15 District.

This criterion is not applicable to this request.

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

Strict compliance with MZO development standards for the RS-15 district does not hinder owner from enjoying the existing single residence. Also, it is possible to renovate and enlarge

the existing single residence and still meet the MZO development standards for the RS-15 district without approval of a variance.

This criterion is not applicable to this request.

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 this variance request constitutes a special privilege inconsistent with MZO development standards for the RS-15 district applicable to other properties in the surrounding neighborhood that would be required to meet all applicable setbacks in order to construct an addition to their home.

This criterion is not applicable to this request.

Findings

- A. The house was built in the 1991 in compliance with the RS-15 zoning district.
- B. The lot does not have special circumstances related to its size, shape, topography, location or surroundings. It is a rectangular, 18,627 square foot corner lot and is 3,627 square feet larger than the minimum lot area for a RS-15 lot.
- C. The original 1991 approved site plan indicates 33± feet from the existing residence to the west property line (Ogden street), 58± feet from the existing residence to the rear (north) property line and 33± feet to the east property line.
- D. The proposed garage dimensions exceed the minimum 20 feet wide and 22 feet long dimensions required by Section 11-32-3(F) of the MZO for a double-car garage.
- E. The need for the variance is created by inaccurate dimensions on the plans, which facilitated the construction of the new garage addition and provides only a 5-foot side yard adjacent to the east property line.
- F. Since it is possible to renovate and enlarge the existing single residence and still meet the MZO development standards for the RS-15 district, the applicant has not provided sufficient justification related to the land, which would justify the requested variance.
- G. The granting of this variance request constitutes a special privilege inconsistent with MZO development standards for the RS-15 district applicable to other properties in the surrounding neighborhood.

Neighborhood Participation Plan and Public Comments

The applicant mailed 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 received and the preceding analysis, staff finds that the requested variance does not meet the approval criteria outlined in Section 11-80-3 of the MZO, Staff recommends **denial** of this request.