



**PLANNING DIVISION
STAFF REPORT**

Board of Adjustment

April 1, 2020

CASE No.: BOA20-00101	CASE NAME: 149 West 8th Place
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Owner's Name:	Valeria R. Nunez
Applicant's Name:	Robert Valenti
Location of Request:	149 West 8th Place
Parcel Nos:	137-22-069
Request:	A variance to allow a detached accessory structure closer to the street than the adjacent key lot dwelling unit.
Existing Zone District:	Single Residence (RS-6) Historic District (HD)
Council District:	1
Site size:	6,334 square feet or .15± acres
Existing use:	Single residence
Staff Planner:	Charlotte Bridges
Staff Recommendation:	APPROVAL with Conditions

HISTORY

On **January 1, 1949**, the property was annexed into the City of Mesa (ORD #228) as part of a larger annexation 2,419± acre area and subsequently zoned R1-6.

In **1950**, according to the Maricopa County Assessor's website, the existing home was constructed.

Based on **1969** Maricopa County historical aerial photography, a detached accessory structure was located in the rear yard of the subject site as existing.

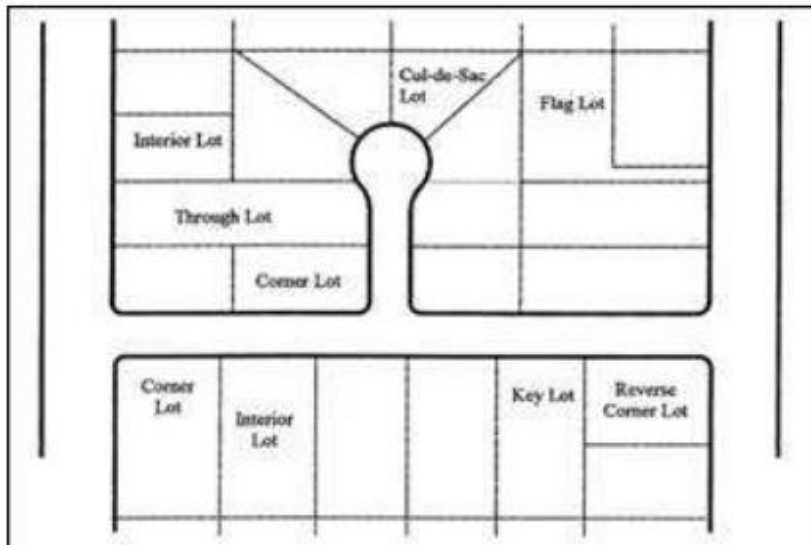
On **July 2, 2018**, the City Council approved the 7± acre, Historic Preservation District Overlay, Flying Acres Historic District (ZON17-00461, Ord # 5455).

PROJECT DESCRIPTION

Background:

This request is for a variance to allow a 486.6 square foot detached accessory structure closer to the street than the adjacent key lot dwelling unit. Per Section 11-30-17(B)(6) of the Mesa Zoning Ordinance (MZO), a detached accessory building on a single residence lot shall not be located in the required rear yard of a corner lot closer to the street than any dwelling on an adjacent key lot. Chapter 86 of the MZO defines a key lot as an interior lot adjoining the rear lot line of a corner lot (see figure below).

TYPE OF LOT



The key lot to the south of the subject site is 73,472± square feet (1.69± acres) and is unusually large for a lot in the RS-6 district, which is typically 6,000 square feet. The dwelling unit on the key lot is setback 95-feet± from the front property line adjacent to North Grand which would make it impossible for the applicant to construct an accessory structure without it being in front of the adjacent home (see below).



The applicant would like to remove the existing accessory structure and replaced it with a new 486.6 square foot, 10-foot 6-inch high detached workshop. As shown on the submitted site plan, the proposed detached workshop would be setback 14-feet-6-inches± from the west property line and 2 feet from the south property line and be accessible from North Grand. The proposed setback from the west property line is the same as the existing detached accessory building and meets setback requirements of Section 11-30-17(B)(2) of the MZO.

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 request to construct a detached accessory structure is consistent with focus of the Neighborhood character area.

Site Characteristics:

The subject property is located a third of a mile south of Brown Road and a quarter mile west of Center Street. The subdivision plat for Flying Acres, 36 lots, was approved in 1946. Most of the homes in the subdivision were constructed in the 1950's. The subject lot size, 6,334 square feet, and its shape is similar to the others within the subdivision. The site plan submitted with this request shows that the setbacks to the existing home meet minimum MZO requirements.

Surrounding Zoning Designations and Existing Use Activity:

Northwest (Across Grand) RS-6 Single Residence	North (Across West 8 th Place) RS-6-HD Single Residence	Northeast (Across West 8 th Place) RS-6-HD Single Residence
West (Across Grand) RS-6 Single Residence	Subject Property RS-6-HD Single Residence	East RS-6-HD Single Residence
Southwest (Across Grand) RS-6 Single Residence	South RS-6 Single Residence	Southeast RS-6 Single Residence

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 surroundings;

The subject corner lot is 6,334 square feet in size, which is typical for the lots within the Flying Acres subdivision and within the RS-6 District. However, the key lot to the south of the subject site is 73,472± square feet, which is much larger than the typical RS-6 District lot size of 6,000 square feet. The larger size of this key lot allows the existing single residence on the lot to be setback 95-feet± from the front property line adjacent to Grand. The 95-foot± front yard setback of the single residence on the key lot creates a special circumstance, which makes it impossible to locate a new detached accessory structure on the subject corner lot in compliance with Section 11-30-17(B)(6) of the Mesa Zoning Ordinance.

The proposal complies with this criterion.

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

The special circumstance is pre-existing and not created by the property owner.

The proposal complies with this criterion.

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;

Section 11-30-17(B)(6) of the MZO states a detached accessory building on a single residence lot, RS-6 District, shall not be located in the required rear yard of a corner lot closer to the

street than any dwelling on an adjacent key lot. The subject corner lot does not have enough area to site a new detached accessory structure 95-feet± from the street side property line adjacent to Grand in compliance with this MZO requirement. Consequently, strict application of the Zoning Ordinance will deprive the property owner of privileges enjoyed by other property of the same classification in the same zoning district.

The proposal complies with this criterion.

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. The location of the subject corner lot adjacent to an unusually large key lot with a dwelling unit that has a front yard setback of 95-feet± is unique and creates a special circumstance.

The proposal complies with this criterion.

Findings

- A. The existing house was constructed in 1950 on a corner lot in the Fly Acres subdivision.
- B. The existing detached structure is removed and replaced by a new detached workshop.
- C. The new detached workshop is setback 14-feet-6-inches± from the west property line, 2-feet from the south (rear) property line and meets the requirements of Section 11-30-17.B.2 of the MZO.
- D. The key lot to the south of the subject corner lot is 73,472± square feet (1.69± acres) and is unusually large for a lot in the RS-6 district.
- E. The dwelling unit on the key lot is setback 95-feet± from the front property line adjacent to North Grand.
- F. The 95-foot± front yard setback of the dwelling unit on the key lot creates a special circumstance which makes it impossible to locate a new detached accessory structure on the subject corner lot in compliance with Section 11-30-17.B.6 of the Mesa Zoning Ordinance.
- G. The special circumstance is pre-existing and not created by the property owner.
- H. Strict application of the Zoning Ordinance will deprive the property owner of privileges enjoyed by other property of the same classification in the same zoning district.
- I. The granting of the requested variance will not grant special privileges to the subject property that are inconsistent with other properties in the area or in the RS-6-HD District.

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 Recommendation:

Based on the application received and preceding analysis, staff finds that the request for a detached accessory structure in the required rear yard of a corner lot closer to the street than the dwelling on the adjacent key lot meets Variance approval criteria of Section 11-80 of the MZO, and therefore recommends approval with the following conditions:

Conditions of Approval:

1. Compliance with the final site plan as submitted.
2. Prior to the submittal of a building permit, submit and obtain approval from the City of Mesa of a Certificate of Appropriateness for compliance with the Historic District Overlay.
3. Compliance with all City Development Codes and regulations.
4. Protect in place the overhead down guy during construction and maintain greater than 3-feet horizontal clearance between the new garage and the utility service drop.