




Board of Adjustment Report

Date	December 3, 2025	
Case No.	BOA25-00840	
Project Name	Variance Extension Request for BOA23-00738	
Request	<ul style="list-style-type: none">Extension to approved Variances	
Project Location	Located at the southeast corner of South Country Club Drive and West Main Street, the southeast corner of South Morris and West Main Street and the northeast corner of South Morris and West Mahoney Avenue	
Parcel No(s)	138-54-008A 138-54-009A 138-54-010 138-54-036 138-54-038 138-54-039 138-54-043 138-54-052 138-54-053	
Project Area	1.7± acres	
Council District	District 4	
Existing Zoning	Transect 5 Main Street	
General Plan Designation	Downtown	
Applicant	Scott Harwood / OZ Development, LLC	
Owner	OZ16 QOZB LLC	
Staff Planner	Charlotte Bridges, Planner II	

Recommendation

Staff recommends approval with conditions.

Project Overview

Request:

This request is for a 16-month extension to the expiration of a Variance that was originally approved through the Board of Adjustment on November 1, 2023, so that it aligns with the expiration date of the associated Zoning Clearance. Per Section 11-67-9(A)(1) of the Mesa Zoning Ordinance (MZO), approval of variances may be declared expired and of no further force and effect if it is not exercised or extended within one year of the date of approval. The variance is considered exercised when a valid city building permit, if required, is issued, and construction has lawfully commenced in reliance upon that permit.

In addition, per Section 11-67-9(B) of the MZO, the Zoning Administrator may approve a one-year extension of any permit or approval granted under the MZO upon receipt of an application with the required fee prior to the expiration date. All other extensions shall require approval by the original approving body. On October 2, 2024, the Zoning Administrator granted a one-year extension of variance approved for BOA23-00738 with an expiration date of November 1, 2025. Per the applicant's narrative, a building permit was submitted but has been delayed waiting for a final electrical design. Approval of the requested extension will allow the Proposed Project to continue through the building permit review and issuance process. Included in the BOA25-00840 Packet are copies of the BOA25-00738 Staff Report and approved plans for the Proposed Project.

Site History:

- **July 14, 1883:** the subject property was incorporated as the City of Mesa as part of a larger 640± acre area annexation (Ordinance No. 1).
- **August 3, 1987:** City Council approved an amendment to the zoning code to create new zoning districts with development regulations, a zoning map, and design guidelines for all properties within Mesa's Town Center (Z87-40, Ordinance No. 2254), the subject property was designated with Downtown Core (DC) zoning.
- **November 7, 2011:** City Council approved the Downtown Events (DE) Overlay district for the 151± acre area, which includes the subject property, from Country Club Drive to Centennial Way/Sirrine between 1st Street and 1st Avenue (Case No. Z11-017, Ordinance No. 5065).
- **January 23, 2012:** City Council adopted the Central Main Plan with the goal of creating a more active and viable downtown area for Mesa. The subject property is within the Downtown Transit Node/Urban Gateway Neighborhood Planning area of the Plan (Resolution No. 9980).
- **June 14, 2012:** City Council approved an amendment to the zoning ordinance adopting the Form Based Code. The subject property was designated with a transect of T5 Main Street (T5MS) and T4 Neighborhood Flex (T4NF) as part of the Regulating Plan of the Form Based Code (FBC). Per the approved Regulating Plan, properties within the FBC areas are required to opt-in to the Regulating Plan prior to developing under standards of the FBC (Ordinance No. 5099).
- **July 10, 2023:** City Council rezoned the southern .49± acres of the subject property from T4NF to T5MS within the FBC Regulating Plan to allow the property owner the option to redevelop the site consistent with the standards of the T5MS building form and standards

in conjunction with the properties to the north and northeast (Case No ZON22-01168, Ordinance No. 5799).

- **November 1, 2023:** Board of Adjustment approved variances from the Form-Based Code Building Form, Building Type and Private Frontage Standards to allow for a mixed-use development in the T5MS District (Case No. BOA23-00738).
- **October 12, 2024:** The Zoning Administrator approved a one-year extension to the expiration date of BOA23-00738 (Case No. ADM24-00840).
- **March 3, 2025:** Form-Based Code (FBC) Opt-in Form No. 00052, signed by the property owner, was recorded with Maricopa County, which opted-in the project site into the FBC (ZON25-00181).
- **March 5, 2025:** The Zoning Administrator approved a Zoning Clearance for the Proposed Project (ADM23-00367).
- **May 22, 2025:** Zoning Administrator approved modifications to the Zoning Clearance (Case No. ADM25-00328). The modified Zoning Clearance approval will expire two years from its original approval date (March 5, 2027).

Required Notification

The applicant provided letters to surrounding property owners within 500 feet of the project site, notifying them of the public hearing.

At the time of this report, staff had not received any communications indicating support or opposition to the project.

Conditions of Approval

Staff recommends **approval** with the following Condition of Approval:

1. Compliance with the conditions of approval for BOA23-00738.
2. The Board of Adjustment approval will expire on March 5, 2027, unless exercised or extended in accordance with Mesa Zoning Ordinance Section 11-67-9.
3. Compliance with all applicable City of Mesa Development Codes and Regulations.
4. Any proposed signage will require the review and approval of a separate building permit.

Exhibits

Exhibit 1 – Vicinity Map

Exhibit 2 – Staff Memo and Original Staff Report

Exhibit 3 – Letter from Applicant

Exhibit 4 – Approved plans