



**PLANNING DIVISION  
STAFF REPORT**

**Board of Adjustment**

**June 5, 2024**

CASE No.: **BOA24-00328**

CASE NAME: **Beacon at 601 Variance**

Owner's Name:	Mesa Grove, LLC
Applicant's Name:	Asia McGinnis
Location of Request:	601 South Alma School Road. Located south of Broadway Road on the east side of Alma School Road.
Parcel Nos:	134-13-001J, 134-13-001K and 134-13-001L
Nature of Request:	Requesting a Variance to exceed the maximum height of freestanding walls in the required street side setback in the Multiple Residence 4 (RM-4) District.
Zoning District:	Multiple Residence 4 (RM-4)
Council District:	3
Site size:	8.2± acres
Proposed use:	Multiple-Residences
Existing use:	Multiple-Residences
Hearing date(s):	<b>June 5, 2024 / 5:30 p.m.</b>
Staff Planner:	Kwasi Abebrese, Planner II
Staff Recommendation:	APPROVAL with Conditions

**HISTORY**

On **February 16, 1959**, the project site was annexed into the City of Mesa as part of a larger 212± acre annexation (Ordinance No. 361).

In **1984**, per the Maricopa County Assessor's website, the existing apartment complex was constructed in its current configuration.

On **January 30, 1996**, the Zoning Administrator approved a variance to allow a fence to exceed the permitted height in the required street-facing yard (Case No. ZA96-024).

## **PROJECT DESCRIPTION**

### **Background:**

The applicant is requesting a variance to exceed the maximum height of freestanding walls permitted within the required street-facing side yard in the Multiple Residence 4 (RM-4) zoning district.

Per Section 11-30-4(A) of the Mesa Zoning Ordinance (MZO), no opaque or non-transparent fence or freestanding wall within or along the exterior boundary of the required front yard shall exceed a height of 3.5 feet in the RM-4 district. In turn, fences or freestanding walls over 3.5 feet high are allowed in front yards, provided the fence or freestanding wall does not exceed a maximum height of 4.5 feet, and the topmost 1.5 feet is visually transparent and not opaque. Also, no fence or freestanding wall within or along the exterior boundary of the required side or rear yards shall exceed a height of 6 feet.

The project site is approximately 8.2 acres in size and has a double street frontage. The site has a frontage on Alma School Road and South Westwood Street. Per MZO Section 11-2-3(K), regarding a through lot (double frontage lot), the front yard borders the street primarily used as frontage by neighboring lots. If both street fronts of the through lot are adjacent to lots that also front onto the same street, both street fronts of the through lot shall be considered as required front yards for the purpose of determining building setbacks and fence height requirements. The project site is a double frontage lot, but the adjacent lots along Westwood do not front onto Westwood, so the eastern property line is considered a street side and not a front yard. There is currently an existing three-foot-tall CMU wall at the east side of the site adjacent to South Westwood Street. In 1996, the Zoning Administrator approved a variance to allow for the construction of a 6-foot-tall fence at the east side of the property adjacent to South Westwood Street (Case No. ZA96-024). The project was not executed within one year of the approval date and the variance has therefore expired. The applicant is proposing an increase in the height of the existing wall at the east side of the property from three feet to seven feet. The proposed wall is comprised of a six-foot-tall CMU wall with the topmost one-foot portion made up of wrought iron. The wall would include a metal gate that will be used for emergency access only.

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

The Mesa 2040 General Plan Character Area designation on the property is Neighborhood. Per Chapter 7 of the General Plan, the primary focus of the Neighborhood Character Area is to provide safe places for people to live where they can feel secure and enjoy their surrounding community. The design, development, and maintenance of neighborhoods focuses on ensuring clean, safe, and healthy areas where people want to live and maintain their investments. The existing multi-family residence conforms to the goals of the General Plan character area.

### **Site Characteristics:**

The project site is approximately 8.2 acres in size and is located south of Broadway Road and east of Alma School Road. The site is also located on the west side of South Westwood Street. Per the Maricopa County Assessor's website, the existing multi-family residence was built in 1984. The site has a double street frontage with primary access from South Alma School Road and secondary access from South Westwood Street.

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

<b>Northwest</b> (Across Alma School Road) RM-4 Existing Mobile Home Park	<b>North</b> RM-4 Existing Manufactured Home Park	<b>Northeast</b> RM-4-PAD Existing Multi-Family Residences
<b>West</b> (Across Alma School Road) RS-6 Existing Single Residences	<b>Subject Property</b> RM-4 Existing Multi-Family Residence	<b>East</b> RM-3-PAD Existing Multi-Family Residences
<b>Southwest</b> (Across Alma School Road) RS-6 Existing Single Residences	<b>South</b> RS-6 and RM-3 Existing Single and Multi- Family Residences	<b>Southeast</b> PS Existing Public Park

**Mesa Zoning Ordinance Requirements and Regulations:**

Per Section 11-80-3 of the 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 project site was developed in 1984 in its current configuration. The site has a double street frontage with primary access from Alma School Road and secondary access from South Westwood Street. The west side of the property faces Alma School Road and is considered the front side while the east side faces South Westwood Street and is considered the street facing side. The property has no rear yard where a freestanding wall with a maximum height of six feet is permitted per the requirements of the MZO. Surrounding properties in the vicinity have built walls and fences that exceed the maximum height in the required street facing and rear yards adjacent to South Westwood Street.**

**An increase in the height of the existing wall from 3 feet to 7 feet with a metal gate that will be used for emergency access only will restrict access to the site from South Westwood Street and in turn enhance security on the site.**

***The proposal meets this criterion.***

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

**The existing conditions on the site were pre-existing and are evident from the original site design and lot configuration. The site was approved with double street frontage and has historically had a primary access on Alma School Road and a secondary access from South Westwood Street.**

***The proposal meets 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;

**The project site was developed in 1984, prior to the introduction of the current MZO development standards. Also, in 1996, a variance was approved to allow for a six-foot-tall wrought iron fence on the east side of the property adjacent to South Westwood Street, but the project was not executed within one year of the approval and the variance has since expired. 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. There are properties in the vicinity that have fences or freestanding walls that exceed the maximum height required by the MZO at the street facing sides and rear yards.**

***The proposal meets 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.

**As the parcels surrounding the subject property have either fences or freestanding walls that exceed the maximum height required per the MZO at their rear and side yards, granting of the variance will not constitute a grant of special privileges inconsistent with other properties in the vicinity where the subject property is located.**

***The proposal meets this criterion.***

Findings:

- A. The existing multi-family residence was constructed in 1984 in its current configuration.
- B. There are special circumstances applicable to the property, including its size, shape, topography, location, or surroundings.
- C. The need for the variance is not created by the current property owner's actions.
- D. Strict compliance with the MZO development standards for the RM-4 zoning district would deprive the property of privileges enjoyed by other properties in the vicinity.
- E. Granting of this variance request does not constitute a special privilege inconsistent with the MZO development standards for the RM-4 zoning district.

**Neighborhood Participation Plan and Public Comments:**

The applicant sent the required notification letters to all property owners within 150 feet of the project 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 requested variance does meet the approval criteria outlined in Section 11-80-3 of the MZO; therefore, recommends approval with the following conditions:

**Conditions of Approval:**

1. Compliance with the final site plan submitted.
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.

**Exhibits:**

Exhibit 1 – Vicinity Map

Exhibit 2 – Staff Report

Exhibit 3 – Narrative and Justification Statement

Exhibit 4 – Site Plan

Exhibit 5 – Elevations