



PLANNING DIVISION
STAFF REPORT

Board of Adjustment

November 1, 2023

CASE No.: BOA23-00750	PROJECT NAME: Lot Size Variance for 1500 West Main
Owner’s Name:	Slisher Productions, LLC
Applicant's Name:	John Marshall
Location of Request:	1500 West Main Street
Parcel No(s):	135-52-068, 135-52-069, 135-52-065, 135-52-063, 135-52-050, 135-52-051
Nature of Request:	Requesting a Variance to reduce the minimum lot size requirements in the General Commercial (GC) District.
Zoning District:	General Commercial (GC)
Council District:	3
Site Size:	0.9± acres
Existing Use:	Commercial, Major Auto Repair and a tattoo parlor
Hearing Date(s):	November 1, 2023 / 5:30 p.m.
Staff Planner:	Josh Grandlienard, AICP, Planner II
Staff Recommendation:	Approval with Conditions

HISTORY

In 1946, the subject property was platted as a part of the West Mesa Center subdivision, which was under the jurisdiction of Maricopa County at this time.

On December 6, 1948, the City Council annexed 2419± acres of land, including the subject property, into the City of Mesa, and gave the subject site a comparable zoning of C-3 (Equivalent to the modern General Commercial Zoning) (Case No. Annexation 60; Ordinance No. 228).

In 1986, per the Maricopa County Historic Aerials, the commercial structures on this site were constructed in their current configuration.

PROJECT DESCRIPTION

Background:

The applicant is requesting a variance to reduce the minimum lot size required within the General Commercial (GC) zone to allow for a lot line adjustment for each individual business on this site,

to a minimum lot size of 3,125± square feet. The current parcel configuration includes 6 parcels where four of the parcels do not currently meet the requirements of the lot size requirements or the street frontage requirements and two of the existing parcels are land locked. The applicant proposes to modify the lots to combine and then reconfigure the property into two lots that both have frontage along Main Street. This will allow for the Business owner for the Tattoo Parlor, located on the proposed Lot 2, to own the parcel and building that their business is currently located in.

General Plan Character Area Designation and Goals:

The Mesa 2040 General Plan Character Area designation on the property is Neighborhood and Transit Corridor. 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 Transit Corridor Sub-type is used as an overlay to the other character types and is used to transition the area into a more transit and pedestrian oriented development form. Development within the Transit Corridor Sub-type is less intense but will still evolve into a more urban pattern with buildings brought close to the front property lines and parking behind or beside buildings. The Proposed Project is also within the West Main Street Area Plan whose intent is to provide for transit-oriented development that contains mixed-use development and transit supportive densities. The existing commercial businesses conform with the General Plan and the intent of the character area.

Site Characteristics:

The subject property is addressed as 1502 West Main Street and is located west of Alma School Road and on the north side of Main Street. The subject lot is approximately ±0.9 acres and is made up from a total of six parcels. Per the Maricopa County Assessor’s website, the commercial structures on site were constructed in 1986 in their current configuration and in compliance with the MZO development standards in effect at that time.

Surrounding Zoning Designations and Existing Use Activity:

Northwest RS-6 Single Residence	North RS-6 Single Residence	Northeast RS-6 Single Residence
West GC Motel	Subject Property GC Major Auto Repair, General Commercial and Tattoo Parlor	East GC Major Auto Repair
Southwest (Across Main Street) PS East Valley Institute of Technology	South (Across Main Street) PS East Valley Institute of Technology	Southeast (Across Main Street) PS East Valley Institute of Technology

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 existing commercial buildings were constructed in 1984 in its current configuration, and the existing plat was established in 1946 prior to annexation into the City of Mesa. Per Table 11-6-3 of the MZO regarding development standards in the GC zoning district, the minimum lot size is 5,000 square feet; however, the subject property includes two lots that are 3,125± square feet in size. The property also does not meet the maximum building coverage or the minimum side yard setbacks of the GC zoning district. Commercial properties surrounding the subject lot are zoned GC and have smaller lot sizes and setbacks compared to the subject property.

The proposal meets this criterion.

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

The existing commercial buildings were constructed in 1984 and the existing plat was established in 1946. The current property owner purchased the property in 2014 with the current configuration of the six parcels established prior to this purchase.

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;

Currently there are seven parcels within 500 feet that have a parcel size of 5,000 square feet (APN 135-52-060B) and less (APN's 135-52-066, 135-52-068, 135-52-069, 135-52-076B, 135-52-076C and 135-52-076D). The proposed lot size reduction is consistent with the surround parcels in the area with the same zoning designation of GC.

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 lot sizes that do not meet the size requirements of the GC zone per the Mesa Zoning Ordinance in effect at this time, 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 commercial buildings were constructed in 1984 in their current configuration.
- B. The property was annexed into the City of Mesa in 1948.
- C. There are special circumstances applicable to the property, including its size, shape, topography, location, or surroundings.
- D. The need for the variance is not created by the current property owner's actions.
- E. Strict compliance with the MZO development standards for the GC zoning district would deprive the property of privileges enjoyed by other properties in the vicinity.
- F. Granting of this variance request does not constitute a special privilege inconsistent with the MZO development standards for the GC zoning ordinance.

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 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 of Approval:**

- 1. Compliance with the Lot Line Amendment as submitted.
- 2. Compliance with all City Development Codes and regulations.

Exhibits:

- Exhibit 1 – Vicinity Map
- Exhibit 2 – Staff Report
- Exhibit 3 – Narrative and Justification Statement
- Exhibit 4 – Site Plan