



**PLANNING DIVISION**  
**STAFF REPORT**

**Board of Adjustment**

**April 3, 2024**

CASE No.: <b>BOA24-00057</b>	PROJECT NAME: <b>Feldman Garage Addition</b>
Owner's Name:	Anthony and Joyce Feldman
Applicant's Name:	Keery McNeil
Location of Request:	735 South Penrose Circle. Located south of Broadway Road and east of Greenfield Road.
Parcel No(s):	140-36-306
Nature of Request:	Requesting a Special Use Permit (SUP) for the expansion of a non-conforming structure within the Single Residence 6 with a Planned Area Development overlay (RS-6-PAD) zone
Zoning District:	Single Residence 6 with a Planned Area Development overlay (RS-6-PAD)
Council District:	2
Site Size:	0.2± acres
Existing Use:	Single Residence
Hearing Date(s):	April 3, 2024 / 5:30 p.m.
Staff Planner:	Josh Grandlienard, AICP, Senior Planner
Staff Recommendation:	Approval with Conditions

**HISTORY**

**On May 19, 1973**, the City Council annexed 4120± acres of land, including the subject property, into the City of Mesa (Ordinance No. 812).

**In 1976**, per the Maricopa County historical aerial photos, the existing structure was constructed in compliance with the development standards in effect at that time.

**PROJECT DESCRIPTION**

**Background:**

The applicant is requesting a Special Use Permit (SUP) to allow an expansion of a non-conforming Single Residence structure in the Single Residence 6 with a Planned Area Development overlay (RS-6-PAD) zoning district.

Specifically, the applicant is requesting to add a new garage for an existing home that encroaches in the required rear yard setback. Per Section 11-5-3 of the Mesa Zoning Ordinance (MZO) the required rear building and landscape setback in the RS-6 district is 20 feet. Per the site plan submitted, the existing home is askew on the lot due to being located off a cul-de-sac where the lot configuration has created a five-sided lot, thus creating two rear setback lines. Due to the unique orientation of the existing building on the site, the partial demolition of the existing home would be required to bring the site into conformance with MZO standards.

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

The Mesa 2040 General Plan character type designation on the property is Neighborhood. Per Chapter 7 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. Neighborhoods can contain a wide range of housing options and often have non-residential uses such as schools, parks, places of worship and local serving businesses. The Proposed Project complies with the character area.

Overall, the existing Single Residence conforms with the General Plan and the intent of the character area.

**Site Characteristics:**

The address of the subject property is 735 South Penrose Circle and is located on the southeastern corner of the cul-de-sac for Penrose Circle. The subject lot is 0.2± acres and the existing Single Residence is 1,896± square feet in size. The applicant is proposing to construct a new 510 square foot garage addition to the western side of the house which is proposed to be consistent with the existing building setbacks. Per the Maricopa County Assessor's Historic Aerials, the existing building was constructed in 1976 in compliance with the MZO development standards in effect at that time.

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

<b>Northwest</b> (Across Penrose Circle) RS-6-PAD Single Residence	<b>North</b> RS-6-PAD Single Residence	<b>Northeast</b> RS-6-PAD Single Residence
<b>West</b> RS-6-PAD Single Residence	<b>Subject Property</b> RS-6-PAD Single Residence	<b>East</b> RS-6-PAD Single Residence
<b>Southwest</b> RS-6-PAD Single Residence	<b>South</b> RS-6-PAD Single Residence	<b>Southeast</b> RS-6-PAD Single Residence

**Mesa Zoning Ordinance Requirements and Regulations:**

**Zoning Ordinance, Section 11-36-7 – Alterations and Enlargements to Nonconforming Structures:**

Per Section 11-36-7(B) of the MZO, the Board of Adjustment may approve alterations or enlargements that extend into a nonconforming yard through a SUP where the alteration would not:

1. Further reduce any existing nonconforming yard;
2. Exceed applicable building height limits;
3. Further reduce existing nonconforming lot coverage or floor area ratio requirements; and
4. Increase the required number of off-street parking spaces unless parking is provided under current standards for the addition of the use only.

The proposed enlargement of the legal non-conforming structure meets the additional requirements pertaining to alterations and enlargements of non-conforming structures identified in Section 11-36-7 of the MZO.

**Zoning Ordinance, Section 11-70-5 – Special Use Permit – Alterations and Enlargements to Nonconforming Structures:**

Per Section 11-70-5(E) of the MZO, the Board of Adjustment shall find upon sufficient evidence when making a decision on Special Use Permits that:

1. Approval of the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable City plan and/or policies;

**The subject property is within the Neighborhood character area of the Mesa 2040 General Plan. The intent of the Neighborhood District is to provide for a wide range of housing opportunities in various densities. The proposal to expand a non-conforming structure is consistent with the goals and objectives of the Neighborhood character area by providing additional qualities such as covered parking to improve the quality of the overall residence.**

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

2. The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the district where it is located and conform with the General Plan and any other applicable City plan or policies;

**The property is located within the Single Residence 6 with a Planned Area Development zoning district. Per Section 11-5-2 of the MZO, the existing use of the property as a single residence is a permitted use in the RS-6 zoning district. Additionally, the property is located within the Neighborhood character area of the Mesa 2040 General Plan, which identifies the RS-6 zoning district as a primary zoning district in the Neighborhood character area.**

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

3. The proposed project will not be injurious or detrimental to the adjacent or surrounding properties in the area, nor will the proposed project or improvements be injurious or detrimental to the neighborhood or to the general welfare of the City; and

**The expansion of the non-conforming structure includes the development of a new parking garage on site. As the subject property is surrounded by other Single Residences with covered parking, the proposal is not seen to be injurious or detrimental to the subject neighborhood or the general area of the City.**

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

4. Adequate public services, public facilities and public infrastructure are available to serve the proposed project.

**The City of Mesa utilities and public infrastructure are existing and available to serve the residential expansion.**

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

Findings:

- A. The property was annexed into the City of Mesa in 1973.
- B. The existing structure was constructed in 1976 in compliance with the MZO development standards in effect at that time.
- C. The non-conformities of the subject residence were not created by the current property owner.
- D. Strict compliance with the MZO development standards for the RS-6-PAD zoning district would deprive the property of privileges enjoyed by other properties of varying sizes in the subject neighborhood.
- E. Granting this Special Use Permit request will not constitute a special privilege inconsistent with the MZO development standards for the RS-6-PAD district.
- F. Approval of the requested additions to the subject property will advance the goals and objectives of the General Plan for the Neighborhood character area designation and any other applicable City plan and/or policies.
- G. The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the RS-6-PAD zoning district where it is located and conform with the General Plan.
- H. Adequate public services, public facilities and public infrastructure are existing and available to serve the proposed project.

**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 citizens to express support or opposition to the request.

**Staff Recommendation:**

Based on the application received and preceding analysis, staff finds that the request complies with the Mesa 2040 General Plan and meets the approval criteria outlined in Section 11-70-5 of the MZO; therefore, staff recommends approval with the following conditions:

**Conditions of Approval:**

1. Compliance with the final site plan as submitted.
2. Compliance with all City Development Codes and regulations.

**Exhibits:**

Exhibit 1 – Staff Report

Exhibit 2 – Vicinity Map

Exhibit 3 – Narrative and Justification Statement

Exhibit 4 – Site Plan

Exhibit 5 – Power Point Presentation