



**PLANNING DIVISION
STAFF REPORT**

Board of Adjustment

November 6, 2024

CASE No.: BOA24-00815	CASE NAME: Variance 860 E. 2nd St
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Owner's Name:	Chris Owens
Applicant's Name:	KNF Design & Development, LLC
Location of Request:	860 East 2 nd Street
Parcel Nos:	13821022
Nature of Request:	Requesting a Variance to allow for an addition to the primary residence to be located in the required front and interior side yards in the Single Residence 9 with a Historic Overlay (RS-9-HD) District and a Variance to exceed the maximum fence height in the required front yard in the RS-9-HD District
Zone District:	Single Residence 9 with a Historic District Overlay (RS-9-HD)
Council District:	4
Site size:	0.3 ± acres
Existing use:	Single Residence
Hearing date(s):	November 6, 2024 / 5:30 p.m.
Staff Planner:	Noah Bulson
Staff Recommendation:	APPROVAL with Conditions

HISTORY

On December 6, 1948, the City Council annexed 2,419.5± acres of land, including the project site, into the City of Mesa (Ordinance No. 228).

On February 3, 2003, the City Council approved a Historic Preservation Overlay District for 54.2± acres of land, including the project site (Case No. Z02-038; Ordinance No. 4041).

PROJECT DESCRIPTION

Background:

The applicant is requesting a Variance to allow for an addition to the primary residence to be located in the required front and interior side yards in the Single Residence 9 with a Historic District overlay (RS-9-HD) District and a Variance to exceed the maximum fence height in the required front yard in the RS-9-HD District.

General Plan Character Area Designation and Goals:

The Mesa 2040 General Plan Character Area designation on the property is Neighborhood, with a Suburban Sub-Type. 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 Suburban Sub-Type is the predominant neighborhood pattern in Mesa, and is primarily single residence in nature with most lots ranging in size from 6,000 to 18,000 square feet. The existing single-family residence conforms with the General Plan and the intent of the character area.

Site Characteristics:

The project site is addressed 860 East 2nd Street and is located east of Horne and south of University Drive. The lot is 12,645± square feet and the existing residence is 4,244± square feet in size. Per the Maricopa County Assessor's website, the residence was constructed in 1958 in its current configuration and in compliance with the MZO development standards in effect at that time.

The property is a corner lot with frontage onto both Fraser Drive and 2nd Street, and per Section 11-2-3(K) of the Mesa Zoning Ordinance (MZO), on a corner lot, the front of a lot is the narrowest dimension of the lot with street frontage. In this instance, the front of the project site is on Fraser Drive, despite the home's front door facing 2nd Street. Per Table 11-5-3.A.1 of the MZO, the required front setback to livable area in the RS-9 zoning district is 15 feet and the required interior side setback is seven feet minimum, with an aggregate of 17 feet minimum for the two side yards. The applicant is proposing an addition to the primary home that extends into the required front and side yards, and is requesting a Variance to reduce the required front setback to 10 feet and the required minimum side yard to five feet.

Per Section 11-30-4(A)(1) of the MZO, in the RS District, 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. 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. In 2007, a six-foot-high wall was constructed in the required front yard. The existing wall in the required front yard is non-conforming per Section 11-30-4(A) of the MZO; the applicant is requesting a Variance to maintain the wall as it currently exists.

Surrounding Zoning Designations and Existing Use Activity:

<p>Northwest (Across Fraser Dr W Alley) RS-9-HD Single Residence</p>	<p>North RS-9-HD Single Residence</p>	<p>Northeast (Across Fraser Dr) RS-9-HD Single Residence</p>
<p>West (Across Fraser Dr W Alley) RS-9-HD Single Residence</p>	<p>Subject Property RS-9-HD Single Residence</p>	<p>East (Across Fraser Dr) RS-9-HD Single Residence</p>
<p>Southwest (Across 2nd St) RS-9-HD Single Residence</p>	<p>South (Across 2nd St) RS-9-HD Single Residence</p>	<p>Southeast (Across Fraser Dr and 2nd St) RS-9-HD Single Residence</p>

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 surrounding;

The lot has a unique corner lot configuration that significantly affects the development options available on this property. The lot maintains its frontage onto 2nd Street as if it's a required front yard.

The proposal meets this criterion.

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

The existing residence was constructed in 1958 with the corner lot configuration established under the original subdivision. The wall in the required front yard was likely constructed in 2007 and was pre-existing when the owner took control of the property. The owner has not made any modifications to the site that contributed to these special circumstances.

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 original configuration of the home limits the placement of any additions to the primary residence without disrupting the historical character of the home. To the same effect, the placement of a wall in the side yard rather than the front yard would conceal the home's historical features. Further, the configuration of the lot limits the ability of the owner to make additions to the home that homeowners of similarly sized lots in the same neighborhood would not face.

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.

The request would address the specific and pre-existing condition of this property and would allow it to be developed in a manner similar to the surrounding properties. These variances would ensure equitable use of the land, consistent with the broader zoning district.

The proposal meets this criterion.

Findings:

- A. The property was annexed into the City of Mesa in 1948.
- B. The existing residence was constructed in 1958 in its current configuration.
- 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 RS-9 zoning district would deprive the property of privileges enjoyed by other properties in the vicinity.
- F. Granting this variance request does not constitute a special privilege inconsistent with the MZO development standards for the RS-9 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 variances meet the approval criteria outlined in Section 11-80-3 of the MZO. Therefore, staff recommends approval with the following Conditions of Approval:

Conditions of Approval:

1. Compliance with the final site plan as submitted.
2. Compliance with all City Development Codes and regulations.
3. Compliance with the requirements of the Historic Preservation Officer to apply for a Certificate of Appropriateness.

Exhibits:

Exhibit 1 – Staff Report

Exhibit 2 – Vicinity Map

Exhibit 3 – Narrative and Justification Statement

Exhibit 4 – Site Plan