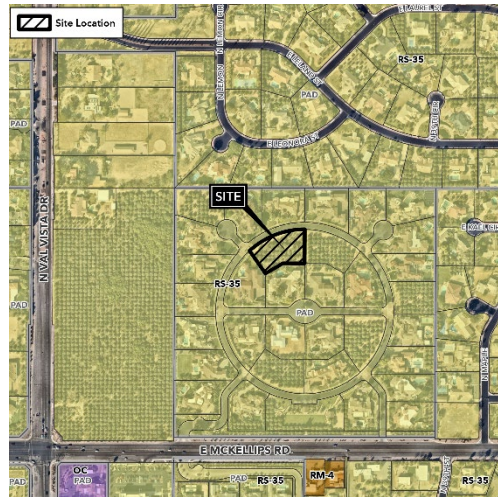




Board of Adjustment Report

Date	August 6, 2025	
Case No.	BOA25-00395	
Project Name	Woodruff Residence	
Request	<ul style="list-style-type: none">Variance to allow for an increase to the maximum fence height in the required front yard.	
Project Location	Located approximately 325 feet north of the northeast corner of North Lemon and East Kenwood Street.	
Parcel No(s)	141-28-140	
Project Area	0.95± acres	
Council District	District 1	
Existing Zoning	Single Residence 35 with a Planned Area Development overlay (RS-35-PAD)	
General Plan Designation	Rural Residential	
Applicant	Aaron Hillman, RLA, Hillman Workshop	
Owner	William Bradley Woodruff	
Staff Planner	Noah Bulson, Planner I	

Recommendation

Staff finds that the requested Variance does not meet the required findings outlined in Mesa Zoning Ordinance (MZO) Section 11-80-3.

Staff recommends denial.

Project Overview

Request:

The applicant is requesting a Variance to allow for an increase to the maximum fence height in the required front yard in the Single Residence 35 (RS-35) zoning district.

- Required: Per MZO Section 11-30-4.A, no fence or wall within the required front yard shall exceed a height of 3.5 feet, or 4.5 feet with the topmost 1.5 feet being visually transparent and not opaque.
- Proposed: The applicant is requesting to allow a 6-foot fence within the required 30-foot front setback.

Site Context

General Plan:

- The Placetype for the project site is Rural Residential, and the Growth Strategy is Sustain.
- Single-family residential is a principal land use.

Zoning:

- The project site is zoned Single Residence 35 with a Planned Area Development overlay (RS-35-PAD).

Surrounding Zoning & Use Activity:

Northwest (Across Kael St.) RS-35-PAD Single Residence	North (Across Kael St.) RS-35-PAD Single Residence	Northeast (Across Kael St.) RS-35-PAD Single Residence
West (Across Kael St.) RS-35-PAD Single Residence	Project Site RS-35-PAD Single Residence	East RS-35-PAD Single Residence
Southwest RS-35-PAD Single Residence	South RS-35-PAD Single Residence	Southeast RS-35-PAD Single Residence

Site History:

- **September 24, 1979:** City Council annexed 2,225.5± acres, including the project site, into the City of Mesa (Ordinance No. 1277).
- **February 18, 1980:** City Council approved a rezoning for 664.6± acres, including the project site, from Maricopa County R1-35 to City of Mesa R1-35 (equivalent to current Single Residence 35 [RS-35]) (Case No. Z80-017; Ordinance No. 1313).
- **September 9, 2002:** City Council approved a Site Plan for 38.7± acres, including the project site, and a rezoning from R1-35 (equivalent to current Single Residence-35 [RS-35]) to R1-35-PAD (equivalent to current Single Residence-35 with a Planned Area

Development Overlay [RS-35-PAD]) for the development of a 33-lot single-family subdivision (Case No. Z02-024; Ordinance No. 4013).

- **May 19, 2003:** City Council approved a Final Plat for 38.1± acres, including the project site, for the development of a 33-lot single-family subdivision (Case No. S02-22).

Project/Request Details

Site Plan:

- **Layout:** The 6,568 square foot single residence home on the site is currently under construction (PMT24-14889). Per the approved plans, no wall within the required front yard setback was shown. According to the applicant, the proposed 6-foot fence is to define a portion of the front yard as private open space.
- **Setback:** The required front setback per the approved PAD is a minimum of 30 feet. The home is proposed with setbacks up to approximately 85 feet in some portions to allow for private open space between the home and the front property line.
- **Fencing:** The site plan shows a 6-foot fence along the western half of the lot frontage, within the required 30-foot front yard setback. The remaining half of the front yard, without a 6-foot fence, will serve as access to the residence.

Variance:

The applicant is requesting a Variance to allow for an increase to the maximum fence height in the required front yard in the Single Residence 35 (RS-35) zoning district.

- **Required:** Per MZO Section 11-30-4.A, no fence or wall within the required front yard shall exceed a height of 3.5 feet, or 4.5 feet with the topmost 1.5 feet being visually transparent and not opaque.
- **Proposed:** The applicant is requesting to allow a 6-foot fence within the required 30-foot front setback.

Approval Criteria – MZO Section 11-80-3:

- **Special Circumstances are Applicable to the Property:** The subject property has a unique shape created by the circular lot layout within the subdivision. The entire front property line, which is approximately 310 feet in length, is curved, creating a unique relationship with the private road frontage. Although a special circumstance that could justify a variance may generally exist, it is not the type of special circumstance that supports the variance requested by the applicant – specifically, it does not contribute to the need for additional fence height in the front yard. Also, the special circumstance is not unique to the subject lot within the subdivision. A total of four lots (Lots 23, 24, 32 & 33) share the same configuration within the Villa Tuscano subdivision, only one of which is developed, and that lot did not request relief from the MZO.
- **The Special Circumstances are not Created by the Property Owner/Applicant:** The property was platted in 2003, and the property was purchased by the current owner in 2025 in its original and current configuration.
- **Strict Application of the Zoning Ordinance Will Not Deprive the Property:** Enforcing the fencing allowances as defined by the MZO would still allow the applicant to develop the property in a manner consistent with properties of the same classification in the same

zoning district and would still allow the applicant to construct a fence in the required front yard, just not of the requested height. Even within the same subdivision, lot 24 has the same configuration and was developed without constructing a fence in the front setback. Alternatives are available to the applicant to achieve the same goals within MZO requirements. The applicant can pull the fence back to the setback line to create a smaller private yard or use landscaping instead of a 6-foot fence to increase the yard's privacy.

- **The Variance Would Constitute a Grant of Special Privileges:** Approval of the variance will grant special privileges beyond those available to other properties in the same zoning district. Four lots (Lots 23, 24, 32 & 33) with the same configuration exist within the Villa Tuscano subdivision, and one of these has already been developed without requesting relief from the MZO. MZO requirements did not drive the decision to move the building to the rear of the lot. The request for variance was made after the permits for the home had been approved. A variance granted in this instance would ensure that this lot follows a pattern of development distinctly different than lots 23, 24, and 33, from what is otherwise allowed in the MZO, and from what has already proven to be a workable design standard for the one developed lot.

Required Notification

The applicant provided letters to surrounding property owners within 150 feet of the project site, notifying them of the public hearing.

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

Recommendation

Based on the preceding analysis, Staff recommends **denial** of the requested variance.

Exhibits

Exhibit 1 – Vicinity Map

Exhibit 2 – Project Narrative

Exhibit 3 – Justification Statement

Exhibit 3 – Proposed Site Plan Drawings

Exhibit 5 – Recorded Plat Map

Exhibit 6 – Approved Permit Plan Set

Exhibit 7 – PowerPoint Presentation