



**PLANNING DIVISION**

**STAFF REPORT**

**Board of Adjustment**

**February 7, 2024**

CASE No.: <b>BOA23-00986</b>	CASE NAME: 436 N Macdonald Conversion
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Owner's Name:	Matthew Hawk
Applicant's Name:	Matthew Hawk
Location of Request:	436 North Macdonald. Located east of Country Club and north of University Drive
Parcel No:	136-26-071A
Nature of Request:	Requesting a variance from the covered parking requirements for a single residence.
Existing Zoning District:	Single Residence-6 with a Historic District overlay (RS-6-HD) and Downtown Residence-1 with a Historic District overlay (DR-1-HD) districts.
Council District:	4
Site size:	0.3± acres
Proposed Use(s):	Single Residence
Existing Use(s):	RV Garage
P&Z Hearing Date(s):	<b>February 7, 2024</b> / 5:00 p.m.
Staff Planner:	Sergio Solis, Planner I
Staff Recommendation:	APPROVAL with Conditions

**HISTORY**

On **July 10, 1930**, the City Council annexed 551± acres, including the subject property into the City of Mesa (Ord. No 157).

On **February 1, 1999**, the City Council approved a 75± acre historic preservation overlay district for the Evergreen District that included the subject property (Ord. 3590; Case No. HP98-001).

On **February 10, 2010**, the Planning Director approved a land split from Maricopa County Accessor's Parcel 137-26-071 to create the subject property (Case No. ADM219-00821).

On **January 4, 2024**, the Planning Director approved a Certificate of Appropriateness to allow the construction of a new primary residence on the Subject Property (Case No. ADM23-00536).

## **PROJECT DESCRIPTION**

### **Background:**

The applicant is requesting a variance from the covered parking requirements for a single residence. Per Section 11-32-3.D.1 of the Mesa Zoning Ordinance (MZO), single residences are required to provide two covered parking spaces per unit. The applicant is proposing to provide one covered parking space for the planned residence on the subject site.

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

The Mesa 2040 General Plan character area designation on the subject property is Neighborhood. Per Chapter 7 of the General Plan, Neighborhood character areas are intended primarily as residential areas with supporting parks, schools, churches, and small commercial areas. The proposed single residence conforms to the intent of the character area.

### **Planning Sub Area:**

The subject property is within the Central Main Street Area Plan. The Central Main Plan has the goal of creating a more active and viable downtown area for Mesa. The proposed single residence conforms to the intent of the Central Main Street Plan.

### **Historic Preservation:**

The subject property is also within the Evergreen Historic District. The Evergreen Historic District is significant for its association with the development of a cohesive neighborhood of middle- and upper-class families in Mesa from 1910 to 1948. Most of the buildings in the historic district were built between 1910 and 1948 within two subdivisions that encompass most of the Evergreen Historic District. The City of Mesa Historic Preservation Office has reviewed and approved the single residence proposed for this site (Case No. ADM23-00536).

### **Zoning District Designations:**

The project site is currently split zoned Single Residence-6 with a Historic District overlay (RS-6-HD) and Downtown Residence-1 with a Historic District overlay (DR-1-HD). Per Section 11-5-2, detached single residences are permitted in the RS-6 zoning district. Per Section 11-8-3, detached single residences are permitted in the DR-1 zoning district.

### **Site Characteristics:**

The subject site is located east of Country Club Drive, north of University Drive and is within the Evergreen Historic Neighborhood. On February 10, 2020, the Planning Director approved a land split to create the subject property with the understanding that the new parcel would be used for the construction of a single residence (Case NO. ADM19-00821). The site is developed with two (2) existing detached garages, which were previously permitted for the single residence at 424 North Macdonald. The applicant is proposing to build a new single residence home on the subject property and will incorporate the existing structures into the home design to create a cohesive design that is consistent with the architecture in the Evergreen Historic District.

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

<b>Northwest</b> RS-6-HD Single Residence	<b>North</b> RS-6-HD Single Residence	<b>Northeast</b> RS-6-HD Single Residence
<b>West</b> RS-6-HD Single Residence	<b>Subject Property</b> RS-6-HD and DR-1-HD (2) Detached garages	<b>East</b> RS-6-HD Single Residence
<b>Southwest</b> DR-1-HD Single Residence	<b>South</b> DR-1-HD Single Residence	<b>Southeast</b> RS-6-HD Single Residence

**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 special circumstances applicable to the subject property have to do with its location in a historic district and surrounding development. The subject property is located in the Evergreen Historic District. The majority of the homes in this district were constructed prior to 1960. While there are homes in the Evergreen District that include two car carports, a single car carport was the standard in the era when the majority of homes in the district were constructed. The requested variance to provide only one covered parking space on the subject property is consistent with other homes in the Evergreen Historic District.**

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

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

**Per the Maricopa County Assessor’s website, the property was bought by the current owner after the approved land split. The land split was approved by the Planning Director in 2020 with the understanding that the subject property would be used for the development of a new single residence.**

***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 residences in the Evergreen Historic District were built primarily between 1910 to 1948 and share many design features. One prevalent design feature in the Historic**

**District is attached single car carports and garages. Strict application of the zoning ordinance would require the applicant to construct a new two car carport or garage on the subject property when many of the neighboring properties provide only one covered parking space, which could impact the historic integrity of the Evergreen Historic District.**

***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 many of the homes in the Evergreen Historic District provide only one covered parking space, which is consistent with the architecture of the era, the granting of a variance from the covered parking requirement for a single residence on the subject property would not be a grant of special privilege.**

**The proposal meets this criterion.**

Findings:

- A. The subject property was annexed into the City of Mesa in 1930.
- B. The existing detached structures were permitted prior to the land split which created the subject property.
- 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-HD zoning district would deprive the property of privileges enjoyed by other properties of varying sizes in the subject neighborhood with both one- and two-garages.
- E. Granting of this variance request will not constitute a special privilege inconsistent with the MZO development standards for the R6-HD zoning ordinance.
- F. The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the RS-6 zoning district where it is located and conform with the General Plan.
- G. 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 completed a Citizen Participation Process which included mailing notice letters to property owners within 150 feet of the site as well as HOA's within ½ mile and registered neighborhoods within one mile.

As of writing this report, neither the applicant nor staff have received any comments or concerns from surrounding property owners.

**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 Sections 11-70-5 and 11-80-3 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.
3. Compliance with Certificate of Appropriateness case ADM23-00536.

**Exhibits:**

Exhibit 1 – Vicinity Map

Exhibit 2 – Staff Report

Exhibit 3 – Narrative and Justification Statement

Exhibit 4 – Site Plan

Exhibit 5 – Elevations