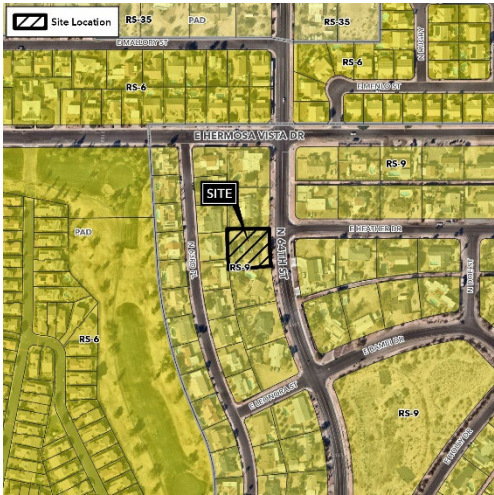




Board of Adjustment Report

Date	September 3, 2025	
Case No.	BOA25-00305	
Project Name	Detached Garage	
Request	<ul style="list-style-type: none">• Special Use Permit (SUP) to allow a detached structure to exceed the height of the primary building; and• Variance to allow a detached structure to encroach into the required side and rear yard setbacks	
Project Location	2328 North 64 th Street	
Parcel No(s)	141-66-006	
Project Area	0.5± acres	
Council District	District 5	
Existing Zoning	Single Residence 9 (RS-9)	
General Plan Designation	Traditional Residential	
Applicant	Ray Ramirez	
Owner	Ray Ramirez	
Staff Planner	Emily Johnson, Planner II	

Recommendation

Staff finds that the requested Special Use Permit does not meet the required findings outlined in Mesa Zoning Ordinance (MZO) Section 11-70-5.

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

Staff recommends denial of the SUP and of the Variance.

Project Overview

Request:

The applicant is requesting a Special Use Permit (SUP) to allow a detached structure to exceed the height of the primary building.

Additionally, the applicant is requesting a Variance to allow a detached structure to encroach into the required side and rear yard setbacks in the Single Residence 9 (RS-9) district (Proposed Project).

- Required: Per MZO Table 11-5-3.A.1, the required rear setback is 25 feet in the RS-9 district and the interior side minimum setback is 7 feet.
- Proposed: The applicant is requesting to allow a 14-foot setback in the rear and a 5-foot interior side minimum setback for the development of a detached structure.

Site Context

General Plan:

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

Zoning:

- The project site is zoned Single Residence 9 (RS-9).

Surrounding Zoning & Use Activity:

Northwest RS-9 Single Residence	North RS-9 Single Residence	Northeast (Across 64 th St.) RS-9 Single Residence
West RS-9 Single Residence	Project Site RS-9 Single Residence	East (Across 64 th St.) RS-9 Single Residence
Southwest RS-9 Single Residence	South RS-9 Single Residence	Southeast (Across 64 th St.) RS-9 Single Residence

Site History:

- **February 2, 1986:** City Council annexed 406.7± acres, including the project site, into the City of Mesa (Ordinance No. 2041).
- **July 15, 1985:** City Council approved a rezoning for 90± acres, including the project site, from Maricopa County Rural 70, R1-35, R-3-RUP, and R1-10 to Mesa R1-35, R1-9, R-2, and R-2-PAD. R1-9 (equivalent to current Single Residence 9 [RS-9]) was the established zoning district for the project site (Case No. Z85-088; Ordinance No. 1964).

Project/Request Details

Site Plan:

- **Building Design:** The primary building on the parcel has a gross floor area of 1,836 square feet with an attached 225 square foot pergola. The height of the primary building is approximately 16 feet 2 inches to the peak of the roof. The Proposed Project consists of a detached garage that is 1,800 square feet and 20 feet to the peak of the roof, making it approximately 3 feet 10 inches taller than the primary building. The project site also includes a 200 square foot shed which has been identified for removal once the Proposed Project is completed.
- **Setback:** Per the MZO, the required rear setback is 25 feet in the RS-9 district and the interior side minimum setback is 7 feet. The detached structure is proposed in the northwest corner of the parcel setback 14 feet from the rear property line and 5 feet from the north interior side property line, encroaching into both required setbacks.
- **Access:** The primary building is accessed from an existing driveway off N. 64th Street on the north end of the parcel and the proposed garage will be accessed by that same driveway and through an existing RV gate.

Special Use Permit:

The request includes a Special Use Permit (SUP) for the detached structure to exceed the height of the primary building per Section 11-30-17(B)(2)(d) of the MZO.

Approval Criteria – Section 11-70-5(E):

1. **Advance the Goals and Objectives and be Consistent with the General Plan and other Plan/Policies:** The proposed project complies with Traditional Residential Placetype and Sustain growth strategy as it will remain a detached single-family home use on a larger lot. The addition of a detached garage would be consistent with the area's current form and character.
2. **Consistent with the Zoning District Purposes:** The proposed project does not meet the purpose of the zoning district due to the location, size, and design of the detached structure. Though the height of the structure could be considered for approval as its own SUP, because the overall proposal does not meet the required development standards for the zoning district and Staff is recommending denial of the Variance request for the setbacks, the project, therefore, does not align with the purpose. Specifically, the proposed structure at 20 feet tall with an approved SUP requires that the zoning district setbacks be met. As proposed, the structure does not meet the required setbacks and a variance is not recommended for approval.
3. **Project Impact:** The Proposed Project will not be injurious or detrimental to surrounding properties or the welfare of the city as it is not for any business operations, rather, it will solely be used for personal, non-commercial storage of the applicants fifth-wheel trailer, trucks, and other recreational vehicles.
4. **Adequate Public Services, Facilities, and Infrastructure:** The Proposed Project shall not require any changes to the existing public services and infrastructure that service the neighborhood today.

Variance:

The applicant is requesting a Variance to allow a detached structure to encroach into the required side and rear yard setbacks.

- Required: Per MZO Table 11-5-3.A.1, the required rear setback is 25 feet in the RS-9 district and the interior side minimum setback is 7 feet.
- Proposed: The applicant is requesting to allow a 14-foot setback in the rear and a 5-foot interior side minimum setback for the development of a detached structure.

Approval Criteria – MZO Section 11-80-3:

Per Section 11-80-3 of the MZO, a variance shall not be granted unless the Zoning Administrator, when acting as a Hearing Officer, or Board of Adjustment shall find upon sufficient evidence and make a determination:

- **There are special circumstances applicable to the property, including its size, shape, topography, location, or surroundings:** The special circumstance on the project site that is being identified by the applicant is the layout of the primary structure itself. The existing attached garage faces north and functions as a side entry garage, instead of the more typically seen front entry. The applicant is unable to move the proposed detached structure an additional 11 feet east to be outside of the required rear setback without impeding access to the existing garage. However, if a smaller detached garage were proposed, access to the existing garage would not be impeded and setbacks could be met, therefore, there are no special circumstances applicable (including its size or shape) to the property; it is the size of the Proposed Project that creates the need for the variance.
- **That such special circumstances are pre-existing, and not created by the property owner or appellant:** According to the Maricopa County website, the home was built in 1985, and the applicant purchased the home in 2020 in its current configuration with the north facing garage. Although the applicant purchased the property with the home in its current configuration, as stated above, there are no special circumstances applicable to the property. While keeping the existing garage functional is important, its function would not be affected by the addition of a smaller detached garage or a detached garage located elsewhere on the property. Again, the size of the Proposed Project is what has created the need for the variance; therefore, the special circumstances were created by the applicant.
- **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:** Under current code requirements, detached structures over 15 feet at the peak of the roof shall not be located within any rear or side yard, and shall adhere to the setback requirements of the underlying zoning district per Section 11-30-17(B)(2)(e)(ii) in the MZO. If it were 15 feet in height or under, the structure would be permitted to be located 5 feet from the side and rear property lines per Section 11-30-17(B)(2)(e)(i) in the MZO. There exists an easement at the rear property line that would require the proposed detached garage to be located a minimum 8 feet from the rear property line to not encroach into the easement. In summary, the code would permit the proposed size of the detached garage, 60 feet by 30 feet or 1,800 square feet, 5 feet from the side property line and 8 feet from the rear property line if the peak height was 15 feet. If the peak height remained at the proposed 20 feet, the detached garage size would need to be reduced to 49 feet by 28 feet or 1,372 square feet so that it could be located outside of the required

setbacks and maintain a six-foot separation between structures. As previously noted, it is the size, as well as the height, of the structure that creates the need for a Variance request, not the application of the zoning ordinance upon the property.

- **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:** Approving a Variance for the structure as proposed would grant a special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is located. As stated, reducing the height of the structure to 15 feet, or reducing the size of the structure to fit within the required setbacks would allow the applicant to build a detached structure that is in conformance with MZO Section 11-30-17.

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 Special Use Permit and of the requested Variance.

Exhibits

Exhibit 1 – Vicinity Map

Exhibit 2 – Project Narrative / Justification Statement

Exhibit 3 – Proposed Site Plan Drawings

Exhibit 4 – Elevations

Exhibit 5 – PowerPoint Presentation