



**PLANNING DIVISION
STAFF REPORT**

Board of Adjustment

May 1, 2024

CASE No.: BOA24-00031	CASE NAME: Mesa Security Fence
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Owner's Name:	SCOUT REAL ESTATE LLC
Applicant's Name:	Maximiliano Celaya
Location of Request:	224 South Mesa Drive
Parcel Nos:	138-47-033
Nature of Request:	Requesting a Variance to exceed the maximum fence height in the required front yard setback in the Downtown Business 1 (DB-1) District.
Zoning District:	Downtown Business 1 (DB-1)
Council District:	4
Site size:	0.1 ± acres
Proposed use:	Office
Existing use:	Office
Hearing date(s):	May 1, 2024 / 5:30 p.m.
Staff Planner:	Sergio Solis, Planner I
Staff Recommendation:	APPROVAL with Conditions

HISTORY

On **July 14, 1883**, the City of Mesa was established on 630± acres, including the project site (Ordinance No. 1).

In the **early 1970s**, the subject site was developed. Per Maricopa County records, the existing office building was constructed in 1970.

On **September 8, 1987**, City Council approved the creation of new zoning districts, development regulations, a new zoning map and new design guidelines for all properties within Mesa's Town Center, and the subject site was rezoned to Town Center Business 1 (TCB-1) [equivalent to Downtown Business-1 (DB-1)] (Ord. 2254; Case No. Z87-040).

PROJECT DESCRIPTION

Background:

The applicant is requesting a variance to exceed the maximum fence height permitted within the front yard setback in the Downtown Business 1 (DB-1) zoning district. The project site was originally platted with double street frontage. The site has access from Mesa Drive and from Pomeroy. Per Section 11-30-4(B) of the Mesa Zoning Ordinance (MZO), in the DB-1 district, no fence or freestanding wall within or along the exterior boundary of the required front yard shall exceed a height of three-and-a-half feet, and no fence or freestanding wall within or along the exterior boundary of the required interior side or rear yards shall exceed a height of eight feet. The applicant is proposing a seven-foot-high wrought iron fence with concrete masonry unit (CMU) pilaster reinforcements within the required front yard.

General Plan Character Area Designation and Goals:

The Mesa 2040 General Plan Character Area designation on the property is Downtown. 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 existing commercial office conforms with the General Plan and the intent of the character area.

The subject site also lies within the Transit Corridor designation of the General Plan. The Transit district character type includes the light rail corridor, bus rapid transit corridors, and areas designated for a consistent high level of transit options. The focus in this character type is to develop a mixed-use, pedestrian-oriented, urban environment, particularly within walking distance of transit stops. This character type overlays other character types and is used to transition the area into a more transit and pedestrian oriented development. The installation of a seven-foot-high wrought iron fence will help create a safer pedestrian-oriented streetscape and will further the goals of the Transit Corridor area.

Site Characteristics:

The subject site is located north of Broadway Road and west of Mesa Drive. The subject site is 0.1± acres and includes one existing office building, built in 1970. The subject site was originally platted as part of the first City charter and was approved with double street frontage with access to the subject site from South Mesa Drive and from South Pomeroy. Access to the site is provided by a primary drive south of the existing office building adjacent to Mesa Road. Neighboring properties in the vicinity have City-installed six-foot-high CMU walls on the front property lines adjacent to Mesa Drive.

Surrounding Zoning Designations and Existing Use Activity:

Northwest (Across Pomeroy) DR-3 Vacant	North DB-1 Commercial Office	Northeast (Across Mesa Dr) DB-1 Vacant
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West (Across Pomeroy) DR-3 Vacant	Subject Property DB-1 Commercial Office	East (Across Mesa Dr) DB-1 Vacant
Southwest (Across Pomeroy) DR-3 Vacant	South DB-1 Commercial Office	Southeast (Across Mesa Dr) DB-1 Banquet and Conference Center

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 surroundings;

The project site was developed in 1970 and has remained in its current configuration since annexation. City of Mesa projects have made improvements to Mesa Drive over the years. One improvement along Mesa Drive included the installation of a six-foot-high decorative CMU wall within the public right-of-way. Surrounding properties currently have City installed fences that exceed the maximum height in the required front yard adjacent to Mesa Drive.

The proposal meets this criterion.

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

The existing conditions on the site were pre-existing and are evident from the original plat recording. The site was approved with double street frontage and has historically had a primary access adjacent to Mesa Drive.

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; and

The project site is surrounded by properties zoned DB-1 and DR-3. Properties in the vicinity that were a part of the City improvement projects have a six-foot-high block wall placed in the front yard. Denying this request would deprive the applicant of a similar fence height.

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 the parcels surrounding the subject property have either fences or freestanding walls that exceed the maximum height of three-and-a-half feet per the Mesa Zoning Ordinance, granting of the variance will not constitute a grant of special privileges inconsistent with other properties in the vicinity where the subject property is located.

The proposal meets this criterion.

Findings:

- A. The property was annexed into the City of Mesa in 1883.
- B. The existing site was developed in the early 1970's and has been in its current configuration since 1970.
- 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 DB-1 zoning district would deprive the property of privileges enjoyed by other properties in the vicinity.
- F. Granting of this variance request does not constitute a special privilege inconsistent with the MZO development standards for the DB-1 zoning district.

Neighborhood Participation Plan and Public Comments:

The applicant sent the required notification letters to all property owners within 500 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 variance does meet the approval criteria outlined in Section 11-80-3 of the MZO; therefore, 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 all requirements of the Development Services Department regarding the issuance of building permits.

Exhibits:

Exhibit 1 – Vicinity Map
Exhibit 2 – Staff Report
Exhibit 3 – Narrative and Justification Statement
Exhibit 4 – Site Plan

Exhibit 5 – Elevations