



PLANNING DIVISION  
STAFF REPORT

**Board of Adjustment**

**February 7, 2024**

CASE No.: <b>BOA23-00927</b>	PROJECT NAME: <b>Briston Carports</b>
Owner's Name:	Briston Construction LLC
Applicant's Name:	Tim Gort
Location of Request:	309 East 10th Drive. Located west of Mesa Drive and north of Southern Avenue.
Parcel No(s):	139-31-043, 139-31-042
Nature of Request:	Requesting a Special Use Permit (SUP) for an enlargement that extends into a non-conforming yard.
Zoning District:	Light Industrial (LI)
Council District:	4
Site Size:	1.0± acres
Existing Use:	Contractor's Office
Hearing Date(s):	February 7, 2024 / 5:30 p.m.
Staff Planner:	Josh Grandlienard, AICP, Planner II
Staff Recommendation:	Approval with Conditions

**HISTORY**

**On March 4, 1963**, the City Council annexed 398± of land, including the subject property, into the City of Mesa (Ordinance No. 447).

**In 1979**, per the Maricopa County historical aerial photos, the office structure was constructed in compliance with the development standards in effect at that time.

**PROJECT DESCRIPTION**

**Background:**

The applicant is requesting a Special Use Permit (SUP) to allow for an enlargement that expands into a nonconforming yard. expand a non-conforming residence in the Light Industrial (LI) zoning district.

Specifically, the applicant is requesting to add parking canopies to existing parking spaces that encroach in the required front yard setback. Per Section 11-7-3 of the Mesa Zoning Ordinance (MZO) the required front building and landscape setback in the LI district adjacent to a local street is 20 feet. Per the site plan submitted, the existing parking spaces on the north side of the site adjacent to 10<sup>th</sup> Drive are setback eight inches from the property line and the existing parking spaces on the east side of the site adjacent to Wilbur are setback three feet and six inches from the property line. Due to the unique orientation of the existing building and parking on the site, the structure demolition of the existing parking spaces would be required to bring the site into conformance with MZO standards.

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

The Mesa 2040 General Plan Character Area designation on the property is Employment. Per Chapter 7 of the General Plan, Employment Districts typically have minimal connection to the surrounding area and are used for employment-type uses such as manufacturing facilities, warehousing, and business parks. Per the Plan, one of the goals for Employment Districts is to provide for a wide range of employment opportunities in high-quality settings.

Overall, the existing contractor’s yard conforms with the General Plan and the intent of the character area.

**Site Characteristics:**

The address of the subject property is 309 East 10<sup>th</sup> Drive and is located on the southwest corner of the intersection of 10<sup>th</sup> Drive and Wilbur. The subject lot is 1.0± acres and the existing building is 5,112± square feet in size. The applicant is proposing to construct new parking canopies over the existing parking spaces located on the northern and eastern portions of the site. Per the Maricopa County Assessor’s Historic Aerials, the existing building was constructed in 1979 in compliance with the MZO development standards in effect at that time.

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

<b>Northwest</b> (Across E 10 <sup>th</sup> Drive) LI Industrial Use	<b>North</b> (Across E 10 <sup>th</sup> Drive) LI Industrial Use	<b>Northeast</b> (Across S Wilbur) LI Industrial Use
<b>West</b> LI Industrial Use	<b>Subject Property</b> LI Contractor’s Yard	<b>East</b> (Across S Wilbur) LI Industrial Use
<b>Southwest</b> LI Industrial Use	<b>South</b> LI Industrial Use	<b>Southeast</b> (Across S Wilbur) LI Industrial Use

**Mesa Zoning Ordinance Requirements and Regulations:**

**Zoning Ordinance, Section 11-36-7 – Alterations and Enlargements to Nonconforming Structures:**

Per Section 11-36-7(B) of the MZO, the Board of Adjustment may approve alterations or enlargements that extend into a nonconforming yard through a SUP where the alteration would not:

1. Further reduce any existing nonconforming yard;
2. Exceed applicable building height limits;
3. Further reduce existing nonconforming lot coverage or floor area ratio requirements; and
4. Increase the required number of off-street parking spaces unless parking is provided under current standards for the addition of the use only.

The proposed enlargement of the legal non-conforming structure meets the additional requirements pertaining to alterations and enlargements of non-conforming structures identified in Section 11-36-7 of the MZO.

**Zoning Ordinance, Section 11-70-5 – Special Use Permit – Alterations and Enlargements to Nonconforming Structures:**

Per Section 11-70-5(E) of the MZO, the Board of Adjustment shall find upon sufficient evidence when making a decision on Special Use Permits that:

1. Approval of the proposed project will advance the goals and objectives of and is consistent with the policies of the General Plan and any other applicable City plan and/or policies;

**The subject property is within the Employment character area of the Mesa 2040 General Plan. The intent of the Employment Districts is to provide for a wide range of employment opportunities in high-quality settings. The proposal to expand a non-conforming structure is consistent with the goals and objects of the Employment character area by providing additional qualities such as covered parking to improve the quality of the overall workspace.**

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

2. The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the district where it is located and conform with the General Plan and any other applicable City plan or policies;

**The property is located within the Light Industrial (LI) zoning district. Per Section 11-7-2 of the MZO, the existing use of the property as a contractor's yard is a permitted use in the LI zoning district. Additionally, the property is located within the Employment character area of the Mesa 2040 General Plan, which identifies the LI zoning district as a primary zoning district in the Employment character area.**

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

3. The proposed project will not be injurious or detrimental to the adjacent or surrounding properties in the area, nor will the proposed project or improvements be injurious or detrimental to the neighborhood or to the general welfare of the City; and

**The expansion of the non-conforming structure includes the development of new parking canopies over the existing parking spaces on site. As the subject property is surrounded by other industrial developments with covered parking, the proposal is not seen to be injurious or detrimental to the subject neighborhood or the general area of the City.**

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

4. Adequate public services, public facilities and public infrastructure are available to serve the proposed project.

**The City of Mesa utilities and public infrastructure are existing and available to serve the residential expansion.**

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

Findings:

- A. The property was annexed into the City of Mesa in 1963.
- B. The existing structure was constructed in 1979 in compliance with the MZO development standards in effect at that time.
- 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 LI zoning district would deprive the property of privileges enjoyed by other properties of varying sizes in the subject neighborhood.
- E. Granting this s Special Use Permit request will not constitute a special privilege inconsistent with the MZO development standards for the LI zoning ordinance.
- F. Approval of the requested additions to the subject property will advance the goals and objectives of the General Plan for the Employment character area designation and any other applicable City plan and/or policies.
- G. The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the LI zoning district where it is located and conform with the General Plan.
- H. 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 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 citizens to express support or opposition to the request.

**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.

**Exhibits:**

Exhibit 1 – Staff Report

Exhibit 2 – Vicinity Map

Exhibit 3 – Narrative and Justification Statement

Exhibit 4 – Site Plan

Exhibit 5 – Power Point Presentation