

July 10, 2025

City of Mesa
Planning and Development
55 N. Center Street
PO Box 1466
Mesa, Arizona
85211-1466



Project: Woodruff Residence
3747 E. Kael St, Mesa, AZ, 85215

RE: Setback Variance Request- Justification and Compatibility Statement

Justification and Compatibility Statement:

There are special circumstances applicable to the property, including its size, shape, topography, location, or surroundings.

The Villa Tuscano development is gated single-family housing development consisting of 33 single family housing lots at the northeast corner of McKellips Road and Val Vista Drive. The master plan is a unique circular lot layout that promotes an elevated neighborhood aesthetic for the residents. The large residential lots (and tracts) within the development are lushly landscaped paying homage to its citrus orchard history, while also providing a tranquil feeling for the residents. However, due to the circular layout of the properties there are unique lot shapes that are not common for single family housing developments.

It is due to the unique curved and angles lot shape of Lot 32 that we request the courtyard wall be allowed within the 30' setback.

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

The master plan development was created by David Day who is still the HOA president and the neighbor directly south of Lot 32. It is solely the unique size and layout of the lot that we are requesting this variance and was not created by the property owner of Lot 32.

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 Villa Tuscano development is gated single-family housing development consisting of 33 single family housing lots. The design and platting of the parcels have created a development with almost all the lots having a unique shape and size due to its circular layout. Through the design process with the HOA architectural review board special care and emphasis has been given to the layout to move the massing of the home to the rear of the lot to create more visual space along the street as opposed to having the architecture follow tightly along the required 30' setback. While we are requesting the 6' courtyard wall encroach into the setback there are no living spaces under roof that are proposed in the proposed setback. The request to encroach is purely based on the unique shape of the lot and the location of the proposed architecture to the rear of the lot. This is an extremely unique lot shape that is not common in the region or other properties with the same classification in the same zoning district.

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.

Per Mesa Standards the special privilege shall be "inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located".

Prior to this application a large amount of discussion regarding this variance request has been discussed with Villa Tuscano HOA and HOA Architectural Review Board. Given the unique shape of the lots within the inside of the concentric circle of streets in the development there are interpretations that already existing within the development.

Key points for the request that demonstrate the need for the front fence to encroach into the setback:

- The massing of the home was pushed to the rear of the lot to create a more open and inviting front yard to the estate lot (this was done in conjunction with the architectural review board for the HOA).
- The proposed courtyard will create a more pleasant streetscape as opposed to having the line of the residence follow the building setback along the entire street frontage.

Justification key points that this does not constitute "special privilege"

- The layout of all proposed architecture, layouts, and lot fitment are controlled and must be approved by the HOA. Per the CC&Rs, the Villa Tuscano Design Review Board creates the governing board is a committee designated to do the following: "review all plans for all improvements, structures, dwellings, and/or landscaping to insure that they comply with the restrictions, covenants, conditions, design guidelines, and rules and regulations applicable to the lots."
- In addition to the above, in the CC&Rs under section 2.19 "Variances" it states: "The Design Review Committee or Board, as applicable, and in compliance with all applicable laws and governmental regulations, such Committee or Board finds that:
 - Either (i) enforcement of a particular restriction would create a substantial hardship or benefit an Owner or occupant, or (ii) a change of circumstances since the recordation of this Declaration has rendered such restriction obsolete; and
 - The activity permitted under the variance will not have any substantial adverse effect on the Owners and occupants and is consistent with the high quality of life intended for residents of Villa Tuscano.
- Based on both above findings, a letter of recommended approval has been provided to the City of Mesa from the HOA to confirm they are in agreement with the proposed variance.
- Prior to application to City of Mesa proper approval was required by Villa Tuscano HOA, this has been provided.
- The Villa Tuscano HOA is a high-standard, elevated community that has very strict regulations for development to protect the quality of life, if they are in agreement with the variance it seems to reason that the City of Mesa would allow them to dictate adjustments from within as it serves the HOA to create the best possible overall neighborhood.

In conclusion, we feel that the unique shape of the lot and the desired lot fitment of the architecture to be pushed to the rear of the lot have contributed to the requested variance. We truly feel the proposed encroachment for the 6' courtyard walls will create a more favorable solution to make the house more livable for the occupant and create a more open and welcoming street presence.

Thank you



Aaron Hillman, RLA
Hillman Workshop