




DEVELOPMENT SERVICES DEPARTMENT
PLANNING DIVISION

Board of Adjustment Staff Report

August 6, 2025

Case No.	BOA25-00479	
Project Name	Setback Variance at 2012 N Olive	
Request	<ul style="list-style-type: none">Variance to allow a reduction to the required interior side yard setback	
Project Location	2012 North Olive	
Parcel No(s)	136-13-182	
Project Area	0.35± acres	
Council District	District 1	
Existing Zoning	Multiple Residence-2 (RM-2)	
General Plan Designation	Traditional Residential	
Applicant	Jordan Greenman	
Owner	Chiuatu LLC	
Staff Planner	Emily Johnson, Planner II	

Recommendation

Staff finds that the requested Variance meets the required findings outlined in MZO Section 11-80-3.

Staff recommends approval with conditions.

Project Overview

Request:

The applicant is requesting a Variance to allow a reduction to the required interior side yard setback in the Multiple Residence-2 (RM-2) District, to allow for the construction of an addition to the structure.

- Required: 15 feet per story (30 feet)
- Proposed: 17 feet 1 inch

Site Context

General Plan:

- The Placetype for the project site is Traditional Residential and the Growth Strategy is Sustain.
- Multi-Family Residential is a supporting land use.

Zoning:

- The project site is zoned Multiple Residence-2 (RM-2).
- Multiple Residence is a permitted use within the RM-2 District.

Surrounding Zoning & Use Activity:

The existing Multiple Residence is compatible with surrounding land uses, which includes a mix of multiple residence, single residence, and commercial uses.

Northwest RM-4 Multiple Residence	North RS-9 Single Residence	Northeast (Across Olive) RS-9 Single Residence
West RM-4 Multiple Residence	Project Site RM-2 Multiple Residence	East (Across Olive) RM-2 Multiple Residence
Southwest (Across McKellips Rd.) RM-4 Mobile Home and RV Park	South (Across McKellips Rd.) LC Office	Southeast (Across Main St.) LC Auto Related Commercial Center

Site History:

- **June 6, 1970:** The City Council annexed 1,394.7± acres, including the project site, into the City of Mesa (Ordinance No. 672).
- **July 21, 1980:** The City Council approved a rezoning for 2.7± acres, including the project site, from Maricopa County R1-9 to City of Mesa R-2 to allow for the development of apartments (Case No. Z80-066; Ordinance No. 1405).

Project/Request Details

Site Plan:

- **Building Design:** The existing, nonconforming structure is a 2-story, 4-unit apartment building with the main entrance facing east towards N Olive. The structure is currently set back 22 feet 4 inches from the side property line (west property line). The proposed addition to both the first and second floor will extend this nonconformity an additional 5 feet 3 inches into the setback resulting in a 17-foot 1 inch setback where 30 feet would be required by code. In total, the addition will add 134 square feet to each level.
- **Access:** The site is accessed by an existing driveway off N Olive.

Variance:

The applicant is requesting a Variance from the required side setback in the Multiple Residence-2 (RM-2) District to allow for the construction of an addition to the structure.

- Required: 30 feet
- Proposed: 17 feet 1 inch

Approval Criteria - Section 11-80-3:

- **Special Circumstances Applicable to the Property:** The subject property is encumbered by a 50-foot-wide drainage easement along the southern frontage (E. McKellips Rd.) which consumes approximately 38% of the total lot area. This prevents any development along the southern portion of the site and restricts the buildable area creating a special circumstance on the project site.
- **The Special Circumstances are not Created by the Property Owner/Applicant:** The Pleasant Shadows Subdivision was platted in 1973 with the 50-foot-wide drainage easement. According to the Maricopa County Assessor website, the structure was built in 1982 with the current configuration, making it a nonconforming structure before the current owner bought the property.
- **Strict Application of the Zoning Ordinance and its Impact:** When combining the 50-foot-wide easement and the setbacks required by the zoning ordinance, approximately 11,740 square feet of the 15,092 square foot parcel, or around 78% of the property, is unable to be used for further development. Per the narrative, the addition on the west elevation is the only viable place for architectural consistency.
- **The Variance will not Grant Special Privileges:** Approval of the variance will not grant special privileges beyond those available to other properties in the same zoning district. Per the narrative, the side yard addition was designed to minimize the impact on the surrounding community and is the only viable place for architectural consistency. Even with the addition, the total building coverage would increase to just 17%, well below the 45% allowed per the code. Directly to the west of the project site there is a landscape buffer and a parking lot before the nearest, neighboring multi-family development. This makes the closest building to the addition approximately 73 feet away.

Required Notification

The applicant provided letters to surrounding property owners within 500 feet of the project site, notifying them of the public hearing.

As of the writing of this staff report, Staff has received no feedback about the proposed project.

Conditions of Approval

Staff recommends **approval** of the proposed Variance, subject to the following conditions:

1. Compliance with the final site plan as submitted.
2. Compliance with all applicable City development codes and regulations.

Exhibits

Exhibit 1 – Vicinity Map

Exhibit 2 – Project Narrative

Exhibit 3 – Site Plan

Exhibit 4 – Elevations

Exhibit 5 – Floor Plans

Exhibit 6 – Citizen Comment

Exhibit 7 – Power Point Presentation