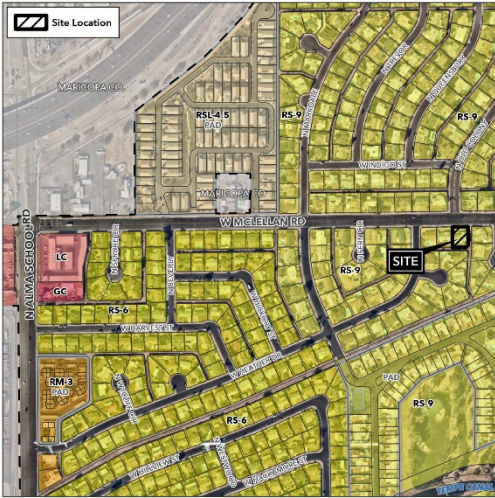




Board of Adjustment Report

Date	September 3, 2025		
Case No.	BOA25-00456		
Project Name	Janisa Manor Transitional Community Residence SUP Request		
Request	Special Use Permit to allow for a Transitional Community Residence		
Project Location	833 West McLellan Road		
Parcel No(s)	135-66-008		
Project Area	0.2± acres		
Council District	District 3		
Existing Zoning	Single Residence-9 (RS-9)		
General Plan Designation	Traditional Residential		
Applicant	Charity Karia		
Owner	Charity Karia		
Staff Planner	Charlotte Bridges, Planner II		

Recommendation

Staff finds the requested Special Use Permit (SUP) meets the required findings outlined in Mesa Zoning Ordinance (MZO) Section 11-31-14(B).

Staff recommends approval with conditions.

Project Overview

Request:

The applicant is requesting a Special Use Permit (SUP) to allow for a Transitional Community Residence. Per Table 11-5-2 of the Mesa Zoning Ordinance (MZO), a Special Use Permit (SUP) is required for a Transitional Community Residence in Single Residence (RS) Districts.

- Per Chapter 86 of the MZO, Transitional Community Residences provide a relatively temporary living arrangement with a limit on length of tenancy to less than a year.
- The proposed Transitional Community Residence is a Secured Behavioral Health Residential Facility under A.R.S. § 36-425.06, licensed by the Arizona Department of Health Services, for individuals 18 years of age or older who are placed in the facility pursuant to a court order issued pursuant to A.R.S. §§ 36-550.09 or 13-4521. The facility will serve a maximum of 10 individuals.

Concurrent Applications:

- **BOA25-00352:** Special Use Permit (SUP) for Reasonable Accommodation to the spacing requirements to allow for a Community Residence within 1,200 feet of an existing Community Residence, to be considered at the same public hearing as the current request. The project requires the approval of both applications to meet the requirements of the MZO.

Site Context

General Plan:

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

Zoning:

- The project site is zoned Single Residence-9 (RS-9).
- Per Table 11-5-2 of the MZO, a Transitional Community Residence use requires the approval of a SUP and must meet the requirements of 11-31-14 of the MZO.

Surrounding Zoning & Use Activity:

The proposed Transitional Community Residence is compatible with surrounding land uses, which include single residences.

Northwest (Across McLellan Road) RS-9 Single Residence	North (Across McLellan Road) RS-9 Single Residence	Northeast (Across McLellan Road) RS-9 Single Residence
West RS-9 Single Residence	Project Site RS-9 Single Residence	East (Across the North Upland Circle Alley) RS-9 Single Residence
Southwest (Across the West Heather Drive Alley) RS-9 Single Residence	South (Across the West Heather Drive Alley) RS-9 Single Residence	Southeast (Across the North Upland Circle Alley) RS-9 Single Residence

Site History:

- **December 21, 1952:** City Council annexed 1,194.2± acres, including the project site, into the City of Mesa and subsequently zoned the project site Single Residence-9 (RS-9) (Ordinance No. 358).
- According to the Maricopa County Assessor's website, the existing home was constructed in **1965**.
- **March 3, 2025:** The applicant submitted a building permit application to register a Community Residence with a maximum of 10 individuals (not including staff) at the project site. During the course of reviewing this application, it was determined the proposed Community Residence did not comply with Section 11-31-14(A)(1) of the MZO, which requires a minimum distance of 1,200 feet from the closest existing community residence, assisted living home, or assisted living center, as measured under MZO Section 11-2-3(D), unless separated by a significant intervening natural or manmade feature such as, but not limited to, a canal, municipal open space of at least 10 acres (e.g., park, golf course, etc.), a railroad, or a highway, that is approved by the Zoning Administrator. In addition, it was determined that the proposed Community Residence met the definition of a Transitional Community Residence since the information provided by the applicant indicates the typical length of stay may range from several weeks to 12 months, depending on the individual's treatment plan with the maximum length of stay of no more than one year (Building Permit PMT25-03880).
- **April 9, 2025:** The application (Building Permit No. PMT25-03880) was denied on the grounds that the proposed Community Residence did not meet the spacing requirements of Section 11-31-14(A)(1) of the MZO.
- **May 6, 2025:** The applicant submitted a Board of Adjustment application to request a SUP for a reasonable accommodation to the spacing requirements of Section 11-31-14(A)(1) of the MZO and a second Board of Adjustment application for a SUP to allow for a Transitional Community Residence in the RS-9 District pursuant to Section 11-31-14(B) (BOA25-00352 and BOA25-00456, respectively).

Project/Request Details

Site Plan:

- **Location:** The project is located East of Alma School Road on the south side of McLellan Road at 833 West McLellan Road.
- **Subdivision:** Identified as Lot 8 of the Fairway Gardens subdivision.
- **Building:** Maricopa County Assessor records indicate there is an existing single residence with 2,371 square feet of livable area and 168 square feet of covered patio area on a lot with 8,350 square feet of area.
- **Operations:** All parking associated with the Transitional Community Residence will be on-site.

Special Use Permit:

Per Chapter 86 of the MZO, a Community Residence is defined, in part, as “a residential living arrangement for five to 10 individuals with disabilities, excluding staff, living as a family in a single dwelling unit who are in need of the mutual support furnished by other residents of the Community Residence as well as the support services, if any, provided by the staff of the Community Residence”.

Per Chapter 86 of the MZO, Transitional Community Residences are a type of Community Residence made distinct by providing a “relatively temporary living arrangement with a limit on length of tenancy less than a year that is measured in weeks or months, as determined either in practice or by the rules, charter, or other governing document of the community residence”.

In certain zoning districts community residences, such as a Transitional Community Residence, are not allowed by right but require the approval of a SUP. Per Section 11-31-14(B) of the MZO, a SUP shall be granted only if the Board of Adjustment finds that the applicant has demonstrated that all of the following criteria are met:

1. **The proposed use will be compatible with the residential uses allowed as of right in the zoning district:**
 - The proposed Transitional Community Residence is a detached, single-story residence that will retain the exterior appearance of a standard residence. There will be no signage, commercial activity or architectural alternations to distinguish it from surrounding properties.
 - Residents will be under court-mandated secured treatment and are not allowed to leave the premises unsupervised, significantly reducing foot or vehicle traffic compared to a typical residential use.
 - A small team of trained staff members will provide 24/7 supervision and care. Staffing levels are modest, with minimum off-site visitors or deliveries, ensuring operations impact remains low.
 - With adequate on-site parking spaces and restricted resident mobility, there will be no reliance on street parking or increase in neighborhood traffic or noise. Use of common areas and outdoor space will be supervised and consistent with residential patterns.
 - The proposed Transitional Community Residence is compatible with the residential nature of the zoning district, both in form and function.

2. The proposed use in combination with any existing community residences, assisted living homes, and assisted living centers will not result in a clustering of such uses or alter the residential character of the surrounding neighborhood by creating or intensifying an institutional atmosphere:

- The proposed Transitional Community Residence and the nearest Assisted Living Facility (Assisted Living Home) are 846 feet apart, measured in a straight line from the nearest parcel line of the existing Assisted Living Facility to the nearest wall of the proposed Transitional Community Residence, which crosses over roadways and adjacent properties. The distance required to travel along the street is approximately 1,048 feet and would require an individual to cross McLellan Road.
- The proposed Transitional Community Residence and the nearest Community Residence are 985 feet apart, measured in a straight line from the nearest parcel line of the existing Community Residence to the nearest wall of the proposed Transitional Community Residence, which crosses over roadways and adjacent properties. The distance required to travel along the street is approximately 1,697 feet, or a little less than 1/3 of a mile, and would require an individual to cross McLellan Road.
- Based on the distances between the proposed Transitional Community Residence and the nearest Assisted Living Facility and the Community Residence, as well as the different care and demographics of the facilities, the proposed Transitional Community Residence will not result in a clustering of such uses or alter the residential character of the surrounding neighborhood by creating or intensifying an institutional atmosphere.

3. The proposed use will not interfere with normalization and community integration of the residents of any existing community residences, assisted living homes, or assisted living centers, and that the presence of other existing community residences, assisted living homes, or assisted living centers will not interfere with normalization and community integration of the residents of the proposed use:

- Residents at the proposed Transitional Community Residence are placed under court order (either pursuant to A.R.S. §§ 36-550.09 or 13-4521) and cannot leave the premises unsupervised. This naturally limits interacting with residents of nearby facilities, reducing risk of overlap, tension or dependence between populations.
- Residents at the proposed Transitional Community Residence will engage in normal daily routines within the home, such as group meals, personal hygiene, recreation and treatment plans.
- Where appropriate and court-approved, some residents may participate in staff-supervised, escorted activities (e.g., outdoor walks, medical appointments), supporting normalization while maintaining legal compliance.
- The operations and resident profile of the proposed Transitional Community Residence are independent from those of nearby homes. The distinct legal basis and supervision requirements further ensure that there is no cross-impact or shared dependency among facilities.

- The proposed Transitional Community Residence will not interfere with the normalization and community integration of residents of the nearby existing community residence or assisted living facility, nor will those homes interfere with integration of residents at the proposed Transitional Community Residence.
4. The applicant has submitted a "good neighbor policy" in narrative form that includes (a) a description of acceptable measures to ensure ongoing compatibility with adjacent uses; (b) The name and telephone number of the manager or person responsible for the operation of the facility; (c) complaint response procedures including investigation, remedial action, and follow-up procedures; and (d) the proposed use complies with all other development standards in this Chapter:
- The applicant submitted a Good Neighbor Policy (Exhibit 4) containing the following information:
 - Measures to ensure ongoing compatibility with adjacent uses such as retaining the single-family residential character of the property, maintaining a well-kept property, staggered staff shifts to avoid traffic surges, quiet hours during the evening and night to prevent disturbances and supervised outdoor activities.
 - The name, telephone number and email address of the facility manager.
 - Complaint response procedures including investigation of a complaint within 24 hours, remedial actions such as staff coaching, resident intervention or procedural changes and follow-up with the complainant (if contact is provided).
 - Finally, the proposed Transitional Community Residence will be licensed by the Arizona Department of Health Services per the requirements of Section 11-31-14(A)(3) of the MZO and complete the Community Residence final registration process as outlined in Section 11-31-14(C)(2) of the MZO.

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.

Conditions of Approval

Staff recommends **approval** of the Special Use Permit (SUP) for a Transitional Community Residence, subject to the following conditions:

1. Approval of and compliance with all requirements of BOA25-00352, including the approval of a Special Use Permit (SUP) for a reasonable accommodation to the spacing requirements to allow for a Community Residence at the project site within 1,200 feet of the closest existing community residence, assisted living home, or assisted living center.
2. Approval of a Community Residence registration for the project site in accordance with Section 11-31-14 of the MZO.

3. Compliance with all applicable City development codes and regulations.

Exhibits

Exhibit 1 – Vicinity Map

Exhibit 2 – Project Narrative/Justification Compatibility Statement

Exhibit 3 – Site Plan

Exhibit 4 – Good Neighbor Policy

Exhibit 5 – Site Photos

Exhibit 6 – Power Point Presentation