



**PLANNING DIVISION
STAFF REPORT**

Board of Adjustment

August 03, 2022

CASE No.: **BOA22-00570**

CASE NAME: **HORSE BARN**

Owner's Name:	Joseph C. Sobley
Applicant's Name:	Joe Sobley
Location of Request:	8747 East Winnston Circle
Parcel Nos:	304-62-084
Nature of Request:	Requesting a Special Use Permit (SUP) to allow the area of a detached accessory building to exceed the maximum roof area of a dwelling and a Variance to allow the same detached accessory building to encroach into the required rear yard in the Single Residence-43 (RS-43) Zoning District.
Zone District:	Single Residence (RS-43)
Council District:	6
Site size:	2± acres
Proposed use:	Single Residence
Existing use:	Single Residence
Hearing date(s):	August 03, 2022 / 5:30 p.m.
Staff Planner:	Kellie Rorex, Senior Planner
Staff Recommendation:	APPROVAL with Conditions

HISTORY

On **January 18, 1990**, the subject site was annexed into the City of Mesa (Case No. A89-003, Ord. No. 2473).

On **March 5, 1990**, the City Council approved a municipal zoning designation of Single Residence (RS-43) for the property (Case No. Z90-007, Ord. No. 2496).

On **September 17, 2021**, the Planning Director approved an affidavit of change to incorporate an additional one-half acre into the property (ADM21-00779).

PROJECT DESCRIPTION

Background:

The applicant is requesting a Special Use Permit (SUP) to allow the area of a detached structure on a Single Residence 43 (RS-43) lot to exceed 100 percent of the roof area of the primary dwelling unit (the existing single-family home). Additionally, the applicant is requesting a variance to allow a proposed 17 ½ foot tall, detached structure (horse barn) to encroach eight feet into the required rear yard setback.

Currently, the 2± acre lot consists of a single residence home with a roof area that is 4,370 square feet and a detached structure that is 3,000 square feet and is used as a workshop. Per the submitted plan, the applicants are proposing a second detached structure (horse barn) that will be 2,800 square feet in area. Section 11-30-17(B), of the Mesa Zoning Ordinance (MZO), requires a SUP to allow the aggregate area of all detached structures to exceed 100 percent the roof area of the primary home in the RS-43 zoning district. With the addition of the horse barn, the area of all detached structures will be 5,800 square feet, which exceeds the roof area of the home by over 1,400 square feet, therefore, requiring a SUP. The subject site is located within the Queens Park Subdivision, with lots historically having horses and several large, detached structures used for the maintenance and living quarters for horses. The addition of the horse barn, as well as the size of the structure, would not be out of character within the existing subdivision, as several neighboring lots exceed the requirements of 11-30-17(B).

Lastly, the proposed horse barn does not comply with MZO Section 11-30-17(B)(2), which permits detached structures to encroach into a required rear yard setback only when the structure does not exceed 15 feet in height. The proposed height of the proposed horse barn is 17 ½ feet tall, at the midpoint, and will encroach eight feet into the required 30-foot rear yard setback. Queens Park consists of mainly one acre lots with the majority of lots having several large, detached structures used for the care of horses. Many of the detached structures on neighboring properties do not meet code requirements and are consistent with the applicants' requests. Due to the surrounding conditions within the Queens Park Subdivision, the variance request would not be a special privilege granted to the applicant but would be consistent with the existing development pattern within the neighborhood.

Table 1 below shows the MZO requirements compared to the applicant's proposed deviations.

Table 1: MZO Requirements and Requested Variances

MZO Standard	MZO Requirement	Applicant Request	Staff Recommendation
Section 11-30-17(B)(2): Detached Accessory Buildings Located within the rear yard but outside the side yard setbacks	Maximum 15 feet tall	17 feet 6 inches	As Proposed

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, the primary focus of the Employment character type is to provide area for employment-type land uses of at least 20 acres. Employment Districts rarely include any type of residential uses. If residential uses are proposed, they need to be developed in conjunction with a commercial development and accessory to a greater employment development. The existing use on the lot as single residence was established prior to the Mesa 2040 General Plan and is therefore permitted by right to continue.

Mesa Gateway Strategic Development Plan:

The subject property is also located within the Logistics and Commerce District of the Mesa Gateway Strategic Development Plan. This designation applies to areas south of the Airport/Campus District and the Williams Gateway Freeway. This district should provide a high-quality employment environment that is compatible with increasing over-flight activities associated with Phoenix-Mesa Gateway Airport. The use of the lot for a single residence home is existing and pre-dates the Mesa Gateway Strategic Development Plan implementation and is allowed to remain by right.

Site Characteristics:

The subject property is located on the southwest corner of West Winnston Circle and 88th Street, just north of East Germann Road, within the Queens Park Subdivision. The site plan shows an existing single residence home with a roof area of 4,370 square feet on the northwest side of the property, an existing 3,000 square foot workshop approximately 68 feet south of the residential structure, and a proposed 2,800 square foot horse barn in the southeast corner of the site. The horse barn will encroach eight feet into the required 30-foot rear yard setback and is proposed to be 17 ½ feet tall at the midpoint.

Surrounding Zoning Designations and Existing Use Activity:

Northwest (Across E. Winnston Cir.) RS-43 Residential	North (Across E. Winnston Cir.) RS-43 Residential	Northeast (Across S. 88 th St.) OC/LI Office/Industrial
West RS-43 Residential	Subject Property RS-43 Residential	East (Across S. 88 th St.) OC/NC/LI Office/Industrial
Southwest (Across E. Germann Rd.) Within the city limits of Queen Creek, Suburban mini- farm	South (Across E. Germann Rd.) Within the city limits of Queen Creek, Suburban mini- farm	Southeast (Across E. Germann Rd.) Within the city limits of Queen Creek, Suburban mini- farm

Mesa Zoning Ordinance Requirements and Regulations:

Per Section 11-70-5 of the MZO, the Board of Adjustment shall find upon sufficient evidence when making a decision on a SUP 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 existing residential use on the subject site preceded the Mesa 2040 General Plan and subsequent character area designation of the property as Employment. Approval of the SUP will advance the goals of the General Plan by maintaining the current rural residential characteristics of the area.

The proposal meets this criteria.

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 with any other applicable City plan or policies;

The proposed horse barn is consistent with other properties and detached structures in the Queens Park subdivision. The subdivision comprises mainly of one acre lots with several homes having one or more accessory structures whose combined square footage exceeds the size of the primary dwelling. The applicant's property is the only property that is 2± acres and the location of the horse barn is consistent with nearby residential lots.

The proposal meets this criteria.

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 /or policies.

The proposed horse barn will not be injurious or detrimental to the surrounding properties.

The proposal meets this criteria.

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

The addition of the horse barn does not add any additional burden on the public services, public facilities, nor public infrastructure. The public infrastructure is already on-site and will adequately serve the site and proposed use.

The proposal meets this criteria.

Per Section 11-80-3 of the MZO, 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;

Queens Park is a large-lot rural subdivision that has historically been used as horse properties. Several lots within the subdivision have detached structures that encroach into required yards, therefore the request to encroach into the rear yard, at the height that is proposed, will be consistent with the surrounding neighborhood.

The request meets this criteria.

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

Other lots within the Queens Park Subdivision enjoy the benefits of having several detached structures that encroach into required setback yards without meeting the MZO height requirements. The development pattern in Queens Park is existing and not created by the property owner.

The request meets this criteria.

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;

The strict application of the zoning ordinance will deprive the property of privileges enjoyed by neighboring properties within Queens Park because the lot will be unable to develop a large, detached structures for horses, similar to other residences.

The request meets this criteria.

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.

Queens Park is a large-lot rural subdivision that has historically been used as horse properties. The request for a 17 ½ foot tall horse barn to encroach into the rear 30-foot setback would not be a special privilege as it is consistent with other lots within the subdivision.

The request meets this criteria.

Findings:

- A. The site was annexed into the City of Mesa in 1989.
- B. The Employment Character Area designation, as well as the Logistics and Commerce district were established after the site was annexed and zoned RS-43. Therefore, the zoning is consistent with the General Plan and City's Sub-area plans.
- C. The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the RS-43 zoning district and neighborhood.
- D. 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.
- E. There are adequate public services, public facilities, and public infrastructure available to serve the proposed project.
- F. There are special circumstances applicable to the property, not created by the property owner, due to the historical nature of the Queens Park Subdivision.
- G. The strict application of the MZO would deprive the property of privileges enjoyed by other properties in the same zoning district and surrounding area.
- H. The approval of the variances will not constitute a grant of special privileges inconsistent with the surrounding neighborhood.

Neighborhood Participation Plan and Public Comments:

The applicant mailed the required notification letters to all property owners within 150 feet of the site. As of the date of this report, staff has not been contacted by any resident or property owner to express support or opposition to this request.

Staff Recommendations:

Based on the application received and preceding analysis, staff finds the request for a Special Use Permit meets the required findings of Section 11-70-5 of the MZO, and it meets the approval criteria outlined in Section 11-80-3 for a Variance, and therefore recommends approval with the following conditions:

Conditions of Approval:

- 1. Compliance with the final site plan and elevations as submitted.
- 2. Compliance with all applicable City of Mesa Development Codes and Regulations, except as modified by the SUP request and the variance request listed in Table 1 of this report.
- 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
Exhibit 6 – Citizen Participation
Exhibit 7 – Neighborhood Support