



PLANNING DIVISION
STAFF REPORT

Board of Adjustment

March 1, 2023

CASE No.: BOA23-00011	PROJECT NAME: Larry Pew Accessory Structure
Owner's Name:	Larry Pew, Pew Family Trust
Applicant's Name:	Ralph Pew, Pew and Lake PLC
Location of Request:	1564 East Lehi Road
Parcel No(s):	136-05-001Q
Nature of Request:	Requesting a Special Use Permit (SUP) for the aggregate area of all accessory structures to exceed 100 percent of the roof area of the dwelling.
Zoning District:	Single-Residence-43 (RS-43)
Council District:	1
Site Size:	5.4± acres
Existing Use:	Single Family Residence
Hearing Date(s):	March 1, 2023 / 5:30 p.m.
Staff Planner:	Josh Grandlienard, AICP, Planner II
Staff Recommendation:	APPROVAL with Conditions

HISTORY

On **June 6, 1970**, City Council annexed 1,395± acres of land, including the subject property, into the City of Mesa and subsequently zoned the property RS-43 (Ordinance No. 672).

On **September 1, 2009**, the Zoning Administrator approved variances and a Special Use Permit to allow for a detached accessory structure to exceed the maximum height while also allowing a detached accessory structure to encroach into the required rear yard setback of the R1-43 (now RS-43) zoning district (Case Nos: ZA09-030 and ZA09-038).

PROJECT DESCRIPTION

Background:

The applicant is requesting a special use permit for the maximum area of all detached accessory structures to exceed 100% of the roof area of the primary residence for a new detached structure. Per Section 11-30-17-B(8) of the Mesa Zoning Ordinance (MZO), a lot in the Single-Residence-43 (RS-43) zoning district shall not have an aggregate area of all detached structures greater than 100% of the roof area of a residence, unless a larger aggregate roof area is approved by a Special Use Permit (SUP). The subject property is developed with a single residence and six existing detached accessory structures. The single residence and attached garage are approximately 8,157 sq. ft. in size of roof area. The aggregate area of existing detached structures is 9,802± sq. ft. The applicant is proposing a new 3,464 sq. ft. detached structure to replace two existing structures, which will decrease the aggregate area of all detached accessory structures on the property to 9,744± sq ft. Approval of the SUP will allow for the aggregate area of all detached structures to be 119% of the main residence.

General Plan Character Area Designation and Goals:

The Mesa 2040 General Plan character area designation on the property is Neighborhood. Per Chapter 7 of the General Plan, the focus of the Neighborhood character area is to provide safe places for people to live where they can feel secure and enjoy their surrounding community. The design, development, and maintenance of neighborhoods focuses on ensuring clean, safe, and healthy areas where people want to live and maintain their investments. The existing single residence complies with the General Plan's Neighborhood character area designation for the property.

The property is also within the Lehi Sub-Area. Goals for future development in this sub-area include preservation of the historic and rural character of the area. Per the Lehi Sub-Area Plan, future development is intended to be communities of semi-rural residential and agricultural uses. The existing residence complies with the Lehi Sub-Area Plan's intent for semi-rural residential and agricultural uses to be maintained without conflict from commercial, industrial, or high-density residential development.

Site Characteristics:

The subject property is located at 1564 East Lehi Road, which is east of North Stapley Drive and north of East Lehi Road. The subject lot is 5.4± acres and similar in size and shape of neighboring lots. The existing residence was constructed in the 1960s in conformance with the County codes in place at the time. In addition to the primary residence, there is also an existing garage, carport, and hay structures which are intended to remain onsite. According to Maricopa County historic aerials, the existing accessory structures were also constructed in the mid-1960s. The proposed 3,464 sq. ft. accessory structure is located in the rear of the lot within the rear setbacks and is proposed to be 15 feet in height, therefore is consistent with the standards for the setbacks for a detached accessory structure.

Surrounding Zoning Designations and Existing Use Activity:

Northwest RS-43 Single Residence	North RS-43 Single Residence	Northeast RS-43 Single Residence
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West RS-43 Single Residence	Subject Property RS-43 Single Residence	East RS-43 Single Residence
Southwest RS-43 Single Residence	South (Across Lehi Road and South Canal) RS-43 Single Residence	Southeast (Across Lehi Road and South Canal) RS-15-PAD Single Residences

Mesa Zoning Ordinance Requirements and Regulations:

Per Section 11-70-5(E) of the MZO, the Board of Adjustment shall grant a Special Use Permit upon finding the following criteria are met for approval of a SUP:

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 Neighborhood character area of the Mesa 2040 General Plan, as well as the Lehi Sub-Area Plan. The intent of the Neighborhood area is to provide safe places for people to live and enjoy their surrounding community. The proposal is consistent with the goals and objects of the General Plan by providing accessory structures for property owners within residential neighborhoods. In addition, the proposed accessory structure is meant for agricultural purposes and is consistent with the Lehi Sub-Area. This sub-area is planned for semi-rural residential and agricultural growth with the preservation of the historical community.

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 proposal is within the Single-Residence-43 (RS-43) zoning district which allows for detached, single-family residences with accessory structures and is established to create distinct residential neighborhoods and ensure that development is well integrated with the surrounding neighborhood and uses. The proposed detached structure will occur on a lot that meets the size and setbacks of the RS-43 district and the Lehi Sub-Area. The design of the structure will serve as an enclosed space for Vehicles and equipment, therefore it reduces the exposure of equipment to the elements and reduce the sight of equipment from the road and neighboring property owners.

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 subject property is surrounded by other properties within the RS-43 zone and the Lehi Sub-Area. The intent of this sub-area is to preserve semi-rural residential neighborhoods with larger lot sizes and to incorporate agricultural uses within the City. The proposed detached structure will be approximately 58 sq ft smaller than the existing garage that it is replacing. The properties to the south, east, west, and north have single-family residences on lots also greater than the one acre minimum in the RS-43 zoning district. The location and use are not seen to be injurious or detrimental to surrounding properties in the area.

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 available to serve the new detached accessory structure.

The proposal meets this criterion.

Findings:

- A. The property was annexed into the City of Mesa in 1970 and subsequently zoned RS-43.
- B. The existing residence was constructed in 1960s in compliance with the Maricopa County development standards in effect at that time.
- C. 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;
- D. 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;
- E. 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
- F. Adequate public services, public facilities and public infrastructure are available to serve the proposed project.

Neighborhood Participation Plan and Public Comments:

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

Staff Recommendation:

Based on the application received and preceding analysis, staff finds the proposed SUP conforms to the required findings for a Special Use Permit outlined in Section 11-70-5 of the MZO; therefore, staff recommends **approval** with the following conditions.

Conditions of Approval:

1. Compliance with the documents submitted.
2. Compliance with all City Development Codes and regulations.

Exhibits:

Exhibit 1 – Vicinity Map

Exhibit 2 – Staff Report

Exhibit 3 – Narrative and Justification Statement

Exhibit 4 – Site Plan

Exhibit 5 – Elevations