



PLANNING DIVISION
STAFF REPORT

Board of Adjustment

May 3, 2023

CASE No.: BOA22-01276	CASE NAME: Skinner Residence Garage
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Owner's Name:	SKINNER FAMILY REVOCABLE TRUST
Applicant's Name:	Ralph Pew, Pew & Lake, PLC
Location of Request:	2632 North Hall Circle. Located west of North Gilbert Road and north of East McKellips Road.
Parcel No:	136-04-135
Nature of Request:	Requesting a Variance to allow the aggregate area of detached structures to exceed 50 percent of the roof area of the primary dwelling in the Single Residence-15 (RS-15) zoning district.
Zone District:	Single Residence-15 (RS) district
Council District:	1
Site size:	1.8± acres
Existing use:	Single Residence
Hearing date(s):	May 3, 2023 / 5:30 p.m.
Staff Planner:	Sergio Solis, Planner I
Staff Recommendation:	APPROVAL with Conditions

HISTORY

On **May 6, 1978**, the City Council annexed 460± acres, including the subject site, into the City of Mesa (Ordinance No. 1151).

On **January 22, 1979**, the City Council established zoning on 156± acres of recently annexed property, including the subject site, from Maricopa County Rural-43 (RU-43) to the City of Mesa zoning districts of Agriculture (AG), Single Residence (SR) and Residential-2 (R-2). The subject property was assigned AG zoning. (Case No. Z78-99; Ordinance No. 1202).

On **April 19, 1982**, the City Council rezoned 25± acres, including the subject site, from AG to Single Residence- 15 (RI-15) to accommodate a 26-lot, single-family subdivision (Case No. Z82-

16; Ordinance No. 1593).

On **June 1, 1987**, the City Council approved the North Ridge Hills Unit 2 subdivision plat. The subject property was identified as Lot 14 of the North Ridge Hills Unit 2 subdivision.

On **October 3, 2018**, the City Council approved the Skinner Estates subdivision plat. The Skinner Estates subdivision plat was a replat of the North Ridge Hills and North Ridge Hills Unit 2 subdivision plats. The subject property is identified as Lot 1A of the Skinner Estates subdivision.

PROJECT DESCRIPTION

Background:

The applicant is requesting a Variance to allow the aggregate area of detached structures to exceed 50 percent of the roof area of the primary dwelling in the Single Residence-15 (RS-15) zoning district. Per Section 11-30-17.B.9 of the Mesa Zoning Ordinance (MZO), the aggregate area of all detached structures in the RS-15 zoning district is limited to 50 percent of the roof area of the dwelling. Per the site plan submitted the roof area of the dwelling is 7,388 square feet and the applicant is requesting a total of 7,388 square feet of detached accessory structures on the property, for a total aggregate of detached structures on the property equal 100 percent of the roof area of the dwelling.

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 primary 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-family residence conforms with the General Plan and the intent of the character area.

Site Characteristics:

The subject property is located at 2632 North Hall Circle and according to Maricopa County records, the existing home was constructed in 1991 with subsequent additions to the home permitted in 2021 and 2022. There are several unique characteristics specific to the subject property that are not found on adjacent properties in the area. First, the subject property far exceeds the minimum lot size requirement for the RS-15 zoning district. Per Table 11-5-3.A.1 of the MZO, the minimum lot size in the RS-15 zoning district is 15,000 square feet and the subject property is 78,772 square feet. Second, the subject property has unique lot lines and topographical considerations. The subject property is not regular in shape, rather there are several lot lines that are not parallel, which culminate in a triangular point in the northeast corner of the lot. In addition, the topography of the lot slopes from west to east with the proposed location of the detached garage being 22 feet lower than the rear of the existing residence.

The submitted site plan shows all proposed detached structures being in conformance with all development standards listed in Table 11-5-3.A.1 including setbacks, lot coverage and building height.

Surrounding Zoning Designations and Existing Use Activity:

Northwest (Across the South Canal) RS-43 Single Residence	North (Across the South Canal) RS-43 Single Residence	Northeast (Across the South Canal) Loop 202 Freeway
West RS-15 Single Residence	Subject Property RS-15 Single Residence	East RS-15 Vacant
Southwest RS-15 Single Residence	South RS-15 Single Residence	Southeast RS-15 Vacant

Mesa Zoning Ordinance Requirements and Regulations:

Per Section 11-80-3 of the City of Mesa Zoning Ordinance, 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 surrounding;

The are several special circumstances applicable to the subject property that are not found on other similarly zoned properties in the area. First, at 78,772 square feet, the subject property far exceeds the minimum lot area of 15,000 square feet required in the RS-15 zoning district. Were the property zoned RS-43, which would be consistent with the size of the subject property, instead of RS-15, detached structures totaling 100 percent of the roof area of the dwelling would be permitted by right without the need for a Variance.

Secondly, the subject property has unique topographical considerations that are not typically found on other properties in the area. The primary dwelling was constructed on a flat piece of property on the west side of the lot adjacent to Hall Circle. As you move east on the lot, the terrain drops sharply with the proposed location of the detached garage being located approximately 22 feet lower than the elevation of the residence.

The proposal meets this criteria.

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

The topographical conditions existed before the applicant owned the Property. The unique topography with the steep slopes that extend to the south are conditions that were present before the neighborhood was developed. Further, the irregular lot lines and oversized area of the lot were established through the subdivision plat and were, at least in part, a response to the unique topography and grade related challenges of the lot.

The proposal 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;

As noted previously, a significant challenge to development on the subject property is created by the steep slopes that crosses the middle of the Property. Due to the topography of the subject property, extensive retaining walls were built with the original home to create a larger buildable area for the home and to allow for improvements in the backyard. In addition, the unique configuration of the property lines also pose limitations not present on other lots in the same zoning district. The Lot is created with multiple line segments and is also at the end of a cul-de-sac. The configuration of the cul-de-sac lot, coupled with the topographical challenges present limited opportunities to locate the residence and accessory buildings onsite. These constraints are not present on other sites in the RS-15 zoning district and strict application of the zoning ordinance would deprive the property owner of privileges enjoyed by other surrounding properties.

The proposal 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.

As noted previously, the subject property is 78,722 square feet, which far exceeds the minimum lot area for the RS-15 zoning district. The size of the lot would be more consistent with the RS-43 zoning district. Were the property zoned RS-43, the applicant's request for the aggregate area of detached structures on the property to equal 100 percent of the roof area of the dwelling would be permitted by right. Due to the unique topography of the lot, the proposed buildings will not impose an unreasonable impact on adjacent properties. The building will be located below the topography of the surrounding homes and behind the principal residence where it will be obscured from view.

Per the site plan submitted, the applicant's proposal is consistent with all development standards for the RS-15 zoning district identified in Table 11-5-3.A.1 of the MZO including setbacks, lot coverage and building height..

The proposal meets this criteria.

Findings

- A. The subject property was annexed by the City of Mesa in 1978 and the existing primary residence was constructed in 1991 with additions permitted in 2021 and 2022.
- B. The subject lot has an irregular shape and topography, which create a unique hardship related to the lot itself.
- C. The special circumstance is pre-existing and not created by the property owner.
- D. Strict application of the zoning ordinance will deprive the applicant from privileges enjoyed by other properties of the same zoning classification in the immediate vicinity.
- E. Granting of this variance request does not constitute a special privilege inconsistent with the limitations upon other properties.

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 writing this report, staff has not been contacted by any resident or property owner to express support or opposition to the request.

Staff Recommendations:

Based on the application received and preceding analysis, staff finds that the requested variance does meet the approval criteria outlined in Section 11-80-3 of the MZO; staff therefore recommends **approval** with the following conditions:

Conditions of Approval:

- 1. Compliance with the final site plan submitted.
- 2. Compliance with Section 11-31-3 of the Mesa Zoning Ordinance; the maximum floor area of an Accessory Dwelling Unit shall not exceed 30 percent of the roof area of the primary unit.
- 3. Compliance with all requirements of the Development Services Department regarding the issuance of building permits.
- 4. 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 – Site Photos
Exhibit 6 - Elevations