



**PLANNING DIVISION
STAFF REPORT**

Board of Adjustment

November 4, 2020

CASE No.: BOA20-00630	CASE NAME: 1024 East Norwood Street
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Owner's Name:	Erin and Ryan White
Applicant's Name:	Erin White
Location of Request:	1024 East Norwood Street
Parcel Nos:	136-10-013B
Nature of Request:	Requesting a variance from the required side yards setbacks to allow for an addition to an existing single residence
Zone District:	Single Residence (RS-43)
Council District:	1
Site size:	39,378 square feet or .90± acres
Existing use:	Single residence
Staff Planner:	Charlotte Bridges
Staff Recommendation:	Denial

HISTORY

On **July 6, 1970**, the property was annexed into the City of Mesa as part of a larger annexation 1,395± acre area and subsequently zoned RS-43 (Ord. #672).

In **1963**, according to the Maricopa County Assessor's website, the existing home was constructed.

In **1993**, a building permit (Host 79852) was issued for a 560 square foot covered patio along the south elevation.

PROJECT DESCRIPTION

Background:

The applicant is requesting a variance to allow for an addition to encroach into the required side yard setback in the RS-43 zoning district. Per Table 11-5-3 of the Mesa Zoning Ordinance (MZO), the minimum interior side yard setback in the RS-43 district is 10 feet and the minimum aggregate setback of the two side yards is 30 feet. Approval of the variance request would allow the applicant to construct an attached garage six (6) feet, four (4) inches (6'4") from the east property line and result in an aggregate side yard setback of 18 feet, 4 inches (18'4").

The existing home was constructed in 1963 in Maricopa County and was later annexed into the City of Mesa and zoned RS-43 District as part of a larger 1,395± annexation. The subject lot is considered legal non-conforming because it does not meet the minimum lot width (118.15 feet vs 130 feet) or lot area (0.9 acres vs 1 acre) requirements per Table 11-5-3 of the MZO. However, the lot does currently meet setbacks, building coverage, and lot coverage requirements.

Per Section 11-32-3(D) of the MZO, a minimum of two covered parking spaces are required for a single residence use. Maricopa County Assessors identifies a 24-foot by 24-foot structure north of the house as a detached garage. Per Maricopa County historical aerial photography, this structure was constructed between 1969 and 1976. The submitted site plan, however, identifies this structure as an existing detached work shed. The applicant desires to build a new double-car garage, attached to the existing home. The required dimensions for a double-car garage per Section 11-32-3(F) are 20 feet wide by 22 feet long. The proposed garage is 28 feet, 6-inch-wide by 30 feet, nine-inch long necessitating a reduced setback.

General Plan Character Area Designation and Goals:

The Mesa 2040 General Plan Character Area designation on the property is Neighborhood with an Agriculture Sub-type. 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 Agriculture Sub-type is typically at least 80 acres in size and a prominent component of the neighborhood is the keeping and raising of livestock for personal enjoyment. Streets and sidewalk may take on a more rural character. Out buildings, arena, stable, etc. are common on these properties. The existing single-residence conforms to the intent of the Neighborhood character area and Agriculture Sub-type.

The property is also located in Lehi Sub-Area. The Lehi Sub-Area is generally located in the north central portion of the Mesa. It is identified by its rural character, historic significance, and close proximity to the Salt River, which represents the City's corporate limits. The Lehi Sub-Area is also adjacent to the Red Mountain freeway right-of-way on the north and the Consolidated Canal on the south. Per the Lehi Sub-Area Plan, the intent of the plan is to continue the development of the area as a semi-rural residential district zoned for RS-43. The existing single-residence conforms to the goals of the Lehi Sub-Area Plan.

Site Characteristics:

The subject property is located 230± feet west North Mountview Road, which is west of Stapley Drive, and approximately a third of mile north of Lehi Road on the north side of East Norwood

Street. The existing lot is 118.15 feet wide by 333.17 feet long and is 39,378 square feet (.90± acre) in area. Per Table 11-5-3 of the MZO, the subject lot does not meet the RS-43 District minimum required lot width of 130 feet and lot area of 43,560 square feet (1 acre), therefore it is considered legal non-conforming. Per the Maricopa County Assessor's map, the dimensions and area of the two (2) lots to the east and the two (2) lots to the west match those of the subject lot. The existing structures on the lot meet setback requirements for the RS-43 District.

Surrounding Zoning Designations and Existing Use Activity:

Northwest RS-43 Single Residence	North RS-43 Single Residence	Northeast RS-43 Single Residence
West RS-43 Single Residence	Subject Property RS-43 Single Residence	East RS-43 Single Residence
Southwest (Across Norwood Street) RS-43 Single Residence	South (Across Norwood Street) RS-43 Single Residence	Southeast (Across Norwood Street) RS-43 Single Residence

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 subject site does not have physical constraints nor display unique conditions that would justify the variance request. The lot is largely undeveloped with an existing building coverage of 8%±. The home's interior side yard setbacks of 12 feet to the west and a 35 feet setback to the east meet the setback requirements of the RS-43 District. Furthermore, the applicant is able to build an attached garage per minimum garage standards and meet the minimum 10-foot required side yard setback and minimum 30-foot aggregate setback for the two side yards required in the RS-43 district.

The proposal does not meet this criteria

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

The existing structures on the subject site meet the MZO development standards for the RS-43 district. The need for the variance is created by the property owner's design choices for the placement, orientation and size of the proposed attached garage.

The proposal does not meet 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

It is possible to construct a new, attached double-car garage and other additions to the existing home and meet the MZO development standards for the RS-43 district without approval of a variance. Therefore, strict compliance with MZO development standards for the RS-43 District does not deprive the property of privileges enjoyed by other properties in the neighborhood.

The proposal does not meet 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.

The applicant has proposed that approval of the requested variance will not constitute a special privilege because of similar variances that have been granted in the Lehi area. However, approval or denial of a variance does not create a precedent for subsequent variance requests because each variance is based upon special circumstances relating to the site for which it is proposed.

Based on the findings that there are no unique or unusual physical circumstances that would prevent the owner from constructing a new attached double car garage while meeting MZO development standards, the granting of this variance request constitutes a special privilege inconsistent with MZO development standards for the RS-43 District.

The proposal does not meet this criteria

Findings

- A. The house was built in the 1963 and annexed into the City of Mesa in 1970.
- B. At the time of annexation, the existing lot, 118.15 feet wide by 333.17 feet long and 39,378 square feet (.90± acre) in area, did not meet the RS-43 District minimum required lot width of 130 feet and lot area of 43,560 square (1 acre), per Table 11-5-3 of the MZO, and is considered legal non-conforming.
- C. The existing structures on the subject site meet the MZO development standards for the RS-43 district, including an interior side yard setback of 12 feet to the west property line and a 35 feet, 5-inch side yard setback to the east property line.
- D. Special circumstances are not present that would justify the variance request since the existing lot is largely undeveloped, has an existing building coverage of 8%± and it is possible to construct a new attached double car garage and other additions to the existing home and still meet the MZO development standards for the RS-43 district without approval of a variance.
- E. The need for the variance is created by the property owner's design choices for the placement, orientation and size of the proposed attached garage and future additions to the home.

- F. Strict compliance with MZO development standards for the RS-43 District does not deprive the property of privileges enjoyed by other properties in the neighborhood since it is possible to construct a new attached double car garage and other additions to the existing home and still meet the MZO development standards for the RS-43 district without approval of a variance.
- G. Granting of this variance request constitutes a special privilege inconsistent with MZO development standards for the RS-43 District.

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

Staff Recommendations:

Based on the application received and the preceding analysis, staff finds that the requested variance does not meet the approval criteria outlined in Section 11-80-3 of the MZO; therefore, Staff recommends **denial** of the request.

Exhibits:

- Exhibit 1 – Vicinity Map
- Exhibit 2 – Staff Report
- Exhibit 3 –Justification Statement
- Exhibit 4 – Site Plan
- Exhibit 5 – Elevations
- Exhibit 6 – Floor plan
- Exhibit 7– Maricopa County Assessor’s “sketch”
- Exhibit 8 – Garage Option A & B
- Exhibit 9 – Site Photos