



**PLANNING DIVISION
STAFF REPORT**

Board of Adjustment

April 7, 2021

CASE No.: BOA21-00158	CASE NAME: Wheeler Residence
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Owner's Name:	Thomas J & Rachel R Wheeler Family Trust
Applicant's Name:	Theodore Peterson
Location of Request:	3861 North Hawes Road
Parcel Nos:	219-35-006 Q
Nature of Request:	Requesting a Variance to allow a detached accessory building in the area between the front of the principal dwelling and the front property line in a RS-90 District.
Zone District:	Single Residence 90 (RS-90)
Council District:	5
Site size:	99,675 square feet or 2.28± acres
Existing use:	Single residence
Staff Planner:	Jennifer Gniffke
Staff Recommendation:	APPROVAL with Conditions

HISTORY

On **May 28, 1986**, City Council annexed 1892± acres, including the subject site, into the City of Mesa and subsequently zoned the property R1-90 (Ord. 2087, Ord. 2118, and Case No. Z86-087).

On **July 5, 1994**, City Council approved a rezoning of 1783± acres to R1-15 PAD-DMP, surrounding but not including the subject site, for the development of 61 single residence lots (Ord. 2924 and Case No. Z94-032).

PROJECT DESCRIPTION

Background:

The applicant is requesting a variance to allow for a 1,795 square foot pool house and a 600 square foot gazebo, both of which are detached accessory structures, to be located between the front of the principal dwelling and the front property line in the RS-90 zoning district. Per Section 11-30-17(B)(5) of the Mesa Zoning Ordinance (MZO), a detached accessory building on a single residence lot shall not be located in the area between the front of the principal dwelling and the front property line.

General Plan Character Area Designation and Goals:

The Mesa 2040 General Plan Character Area designation on the property is Neighborhood with a Desert Uplands 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 property is also located within the Desert Uplands area. The Desert Uplands is located east of Power Road and the Central Arizona Project canal and north of University Drive. The Desert Uplands Sub-type focuses on the preservation of natural desert landscape through low-density cluster development. The Desert Uplands area has Design Guidelines specifying site layout, building placement, drainage, fence/wall design, landscaping, lighting, and other site elements. Development within the Desert Uplands should follow the natural topography of the land and limit disturbance of hillsides and drainage washes. Single residence development in this area should be either large lots with preservation of open space on each lot, or smaller cluster development that maintains common open space and the low-density character of the area. The proposed single residential plans conform to the goals of Character Area and Desert Upland Guidelines.

Site Characteristics:

The subject property is a vacant lot located on the east side of Hawes Road north of Thomas Road, just south of Sugarloaf Circle. The subject site is a 604-foot by 165-foot rectangular lot approximately 99,675 square feet in size. The subject property has significant topographical changes with approximately 74 feet of elevation gain from the west property line (along Hawes Road) to the east. At Hawes Road, the elevation is approximately 1,964 feet above mean sea level (AMSL), and at the eastern property line the elevation is approximately 2,038 feet AMSL.

Surrounding Zoning Designations and Existing Use Activity:

Northwest (Across Hawes Road) RS-15 PAD PAD Single Residence	North (Across Sugarloaf Circle) RS-90 PAD Single Residence	Northeast (Across Sugarloaf Circle) RS-90 PAD Single Residence
West (Across Hawes Road) RS-90 Single Residence	Subject Property RS-90 Single Residence	East (Across Sugarloaf Circle) RS-90 PAD Undeveloped
Southwest (Across Hawes Road)	South RS-90	Southeast RS-90 PAD

RS-90 Single Residence	Undeveloped	Undeveloped
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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;

Due to the grade change on the lot, the parking area and swimming pool are proposed in the lower portions of the lot, towards the front, and the home is proposed at the higher elevations in order to disturb the least amount of land possible and to afford the best views to the home across the valley and mountains.

The proposal meets this criteria.

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

The constraints of the existing grade were not created by the property owner.

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.

Strict application of the zoning ordinance would require the principal dwelling to be constructed at a lower elevation than the pool and parking areas, closer to Hawes Road. This configuration would result in a greater disturbance of the natural terrain; a condition not supported in the Desert Uplands area. Lastly, the view west from the home would be less expansive if the home were required to be built towards the front of the lot.

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.

On November 8, 2005, the Zoning Administrator approved a variance for a detached accessory building to be constructed in the front setback of a lot located southwest of the subject site at 8318 East Scarlett Road. On October 7, 2015, the Board of Adjustment granted a variance to allow a detached accessory building to be placed in front of an

existing home, at the property located across the street from the subject site, at 3852 North Hawes Road. Based on previous variance approvals within the neighborhood and within the same zoning district, approval of this variance request to allow detached accessory buildings in front of the principal dwelling does not grant special privileges inconsistent with the limitation upon other properties in the area and within the RS-90 district.

The proposal meets this criteria.

Findings:

- A. The existing property has a grade change of approximately 74 feet, with the lowest grade along the front property line (Hawes Road) and the highest elevation in the rear of the lot.
- B. The special circumstance is pre-existing and not created by the property owner.
- C. The request does not involve any encroachments into setbacks. Although the proposed accessory structures would be located in front of the principal dwelling, they meet all required setbacks.
- D. On October 7, 2015, the Board of Adjustment granted a variance to allow a detached accessory building to be located in front of the front line of an existing home for the property located across the street from the subject site at 3852 North Hawes Road. Two other properties zoned RS-90 in the area were permitted accessory structures in front of the front line of the homes as well. Strict application of the zoning ordinance will deprive the subject property of privileges enjoyed by other property within the same zoning district and within the same neighborhood.
- E. Based on previous approvals of similar variances within the neighborhood and within the RS-90 District, approval of this variance request to allow detached accessory buildings to be located in front of the front line of a principal dwelling, does not grant special privileges inconsistent with the limitation upon other properties in the area or in the RS-90 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 resident to express support or opposition to the request.

Staff Recommendation:

Based on the application received and preceding analysis, staff finds that the request for detached accessory structures located between the front of the principal dwelling and the front property line meets variance approval criteria of Section 11-80 of the MZO, and therefore recommends approval with the following conditions:

Conditions of Approval:

- 1. Issuance of a building permit for the existing detached accessory building.
- 2. Compliance with all City Development Codes and regulations.

Exhibits:

Exhibit 1 – Vicinity Map
Exhibit 2 – Staff Report
Exhibit 3 – Justification Statement
Exhibit 4 – Site Plan
Exhibit 5 – Site Photos