



**PLANNING DIVISION
STAFF REPORT**

Board of Adjustment

May 5, 2021

CASE No.: BOA21-00249	CASE NAME: Western Sun Apartments carport installation
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Owner's Name:	TIME IS WHAT HES INDICATING THERE, LLC.
Applicant's Name:	Benjamin W. Graff
Location of Request:	615 S. Williams
Parcel Nos:	139-56-112A
Nature of Request:	Requesting a Special Use Permit (SUP) to allow the installation of carports within an existing nonconforming yard in the Multiple Residence-4 (RM-4) District
Zone District:	Multiple Residence- 4 (RM-4)
Council District:	4
Site size:	3.6± acres
Existing use:	Multi Residence
Staff Planner:	Wahid Alam, AICP
Staff Recommendation:	APPROVAL with Conditions

HISTORY

On **March 21, 1959**, the property was annexed into the City of Mesa as part of a larger 1,379± acre annexation (Ordinance No. 366, and Case No. A-131).

PROJECT DESCRIPTION

Background:

The applicant is requesting a Special Use Permit (SUP) to allow the installation of carport structures within existing nonconforming yards in the Multiple Residence-4 (RM-4) zoning district. The Western Sun apartments were constructed in 1990 under previous development standards. The existing development does not meet current Mesa Zoning Ordinance (MZO) development standards including landscape yard widths, building setbacks, building separation, or parking requirements.

The applicants are proposing to install seven, 10-foot 6-inches carport structures to cover 56 of the 94 onsite parking spaces. The proposed canopies are a steel, cantilever-style, painted to coordinate with the property's color scheme.

General Plan Character Area Designation and Goals:

The General Plan character area designation on the property is Neighborhood with Traditional Sub-type. Per Chapter 7 of the General Plan, the primary focus of the Neighborhoods character type is to provide safe places for people to live where they can feel secure and enjoy their surrounding community. The subject request conforms to the intent of the character area and its sub-type.

Site Characteristics:

The subject site is located on the southeast corner of 6th Avenue and Williams. The existing apartment complex has 60 units with 94 parking spaces. Two of the seven carports will be installed eight feet from south property line and three of the carports will be located six feet eleven inches from the east property line. Current MZO standards require a 25-foot-wide landscape yard for non-single residential uses adjacent to single residential uses. The remaining two carports will be located adjacent to the buildings and meet the minimum 20-foot setback from nearest building.

Surrounding Zoning Designations and Existing Use Activity:

Northwest (Across 6 th Avenue) RS-6 Existing Park	North (Across 6 th Avenue) RM-4 Existing Multi-Residence	Northeast (Across 6 th Avenue) RS-6 Existing Single Residence
West (Across Williams) RS-6 Existing Single Residence	Subject Property RM-4 Existing Multi Residence	East (Across Williams Alley) RS-6 Existing Single Residence
Southwest (Across Williams) RS-6 Existing Single Residence	South RS-6 Existing Single Residence	Southeast (Across Williams Alley) RS-6 Existing Single Residence

Mesa Zoning Ordinance Requirements and Regulations:

Per Section 11-36-7(B) of the Mesa Zoning Ordinance, alterations and enlargements that extend into a nonconforming yard or height limit may be approved through a Special Use Permit where the alteration or enlargement would not:

1. Further reduce any existing nonconforming yard;

The proposed structures will not further decrease the width of the existing landscape yards.

The proposal meets this criteria.

2. Exceed applicable building height limits;

The proposed 10-foot 6-inch tall carports fall below the maximum building height requirements for the RM-4 district.

The proposal meets this criteria.

3. Further reduce existing nonconforming lot coverage or floor area ratio requirements; and

The proposed carports will cover existing parking spaces; therefore, it will not increase the imperviousness of the site or result in a greater lot coverage.

The proposal meets this criteria.

4. Increase the required number of off-street parking spaces unless parking is provided under current standards for the addition of the use only.

The addition of carport structures will not require the provision of additional parking spaces.

The proposal meets this criteria.

Per Section 11-70-5 of the City of Mesa Zoning Ordinance, 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 subject site is located within the Neighborhood Character Area, per the Mesa 2040 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 proposed improvements to the existing Western Sun apartments are supported by goals and objectives identified in Chapter 4 and Chapter 7, complying with the Mesa 2040 General Plan.

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 intent of the Multiple-residence (RM-4) District is to provide areas for a variety of housing types including multiple residence housing. Western Sun apartments as a multi-

residential development meets the purpose of the existing RM-4 zoning district and Neighborhood Character Area of the General Plan.

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

The installation of carport structures will not be injurious or detrimental to the adjacent or surrounding properties in the area, to the neighborhood or to the general welfare of the City. Rather, the improvements will serve as an amenity to the Western Sun's residents, contribute to the maintenance of the development, and should enhance the appearance of the area.

The proposal meets this criteria.

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

The proposed installation of carports would 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.

Findings:

- A. The subject site located in RM-4 district which allows for multiple residences.
- B. The subject site was developed in the 1990s under previous development standards. Therefore, the site is considered legal nonconforming with building setbacks, landscape yards, and parking that do not meet current regulations.
- C. Alterations that extend into a nonconforming yard are allowed with the approval of a SUP.
- D. The proposed carports will not further reduce the nonconforming yards or increase the lot coverage.
- E. The maximum height of the carports will not exceed ten feet six inches.
- F. The installation of the proposed carports will not trigger any additional code requirements.
- G. The request conforms with the criteria for the granting of a SUP as outlined in Section 11-70-5(E) of the Mesa Zoning Ordinance.

Neighborhood Participation Plan and Public Comments:

The applicant mailed the required notification letters to all property owners within 500 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 Recommendation:

Based upon the application received and preceding analysis, Staff finds the request for a SUP to allow the installation of carports within an existing nonconforming yard for an existing apartment complex in the Multiple Residence RM-4 zoning district meets the approval criteria of Section 11-36-7(B) and Section 11-70-5(E), and therefore recommends approval with the following conditions:

Conditions of Approval:

1. Compliance with the final site plan and project narrative as submitted.
2. Compliance with all applicable City of Mesa Development Codes and Regulations.
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 & Justification Statement

Exhibit 4 – Site Plan & Carport Elevation