



**PLANNING DIVISION
STAFF REPORT**

Board of Adjustment

May 5, 2021

CASE No.: BOA21-00248	CASE NAME: 840 North 90 th Place
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Owner's Name:	Vance and Amanda Williams
Applicant's Name:	Reese Anderson, Pew and Lake, P.L.C.
Location of Request:	840 North 90 th Place
Parcel Nos:	218-07-015H and 218-07-019Y
Nature of Request:	Requesting a variance from the minimum required lot width to allow the creation of two lots in the Single Residence-43 (RS-43) District
Zone District:	Single Residence 43 (RS-43)
Council District:	5
Site size:	6.6± acres
Existing use:	Vacant
Staff Planner:	Evan Balmer
Staff Recommendation:	APPROVAL with Conditions

HISTORY

On **June 4, 1998**, City Council annexed 837.3± acres, including 5.6± acres of the subject site, into the City of Mesa and subsequently zoned the property RS-43 (Ord. 3464).

On **April 1, 2021**, City Council annexed 1.0± acre of the subject site into the City of Mesa and subsequently zoned the property RS-43 (Ord. 5608).

PROJECT DESCRIPTION

Background:

The applicant is requesting a variance to allow for a reduction in the minimum required lot width to allow the creation of two lots in the RS-43 district. The subject request consists of two parcels, APN 218-07-015H and 218-07-019Y. APN 218-07-019Y is approximately 1.0± acre and has

frontage on North 90th Place. APN 218-07-015H is approximately 5.6± acres and is located directly adjacent to the west side of APN 218-07-019Y and does not have frontage on a public street.

Per Section 11-5-3 of the Mesa Zoning Ordinance (MZO), the minimum lot width in the RS-43 zoning district is 130 feet. The applicant is requesting a minimum lot width of 20 feet to allow the creation of a “flag lot”, which will enable both lots to have legal frontage on a public street.

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 Desert Uplands Sub-type is a low-density residential area committed to preservation of a natural desert landscape. The character type in this area can have either large lots with preservation on each lot, or smaller lots with common open space to maintain the low-density character of the area. The proposed single residential use conforms to the goals of Neighborhood Character Area.

Site Characteristics:

The subject site is approximately 6.6± acres and is located west of Ellsworth Road and north of University Drive. As previously mentioned, the subject site consists of two parcels, a 1.0± acre parcel with frontage on 90th Place and a 5.6± acre parcel that located to the west of the smaller parcel.

The 5.6± acre parcel was previously an Arizona Department of Transportation (ADOT) parcel that does not have street frontage due to the construction of the Loop 202 Freeway. This larger parcel is also encumbered by a 270-foot transmission line easement that runs across the north side of the property within which no structures can be built.

The smaller 1.0± acre parcel was recently annexed into the City of Mesa and is adjacent to properties on the north, south, and east that are still under the jurisdiction of Maricopa County. The surrounding properties range in size from one to two acres. If the requested variance is approved, the applicant will request a lot split to create a 5± acre lot and a 1.6± acre lot.

Surrounding Zoning Designations and Existing Use Activity:

Northwest RS-43 Vacant	North RU-43 (Maricopa County) Single Residence	Northeast RU-43 (Maricopa County) Vacant
West Loop 202 Freeway	Subject Property RS-43 Single Residence	East RU-43 (Maricopa County) Single Residence
Southwest Loop 202 Freeway	South RU-43 (Maricopa County) Single Residence	Southeast RU-43 (Maricopa County) 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 consists of two parcels, a 1.0± acre parcel with frontage on 90th Place and a larger 5.6± acre parcel west of the 1.0± acre parcel and north of the 202 Freeway. The larger 5.6± acre parcel became landlocked with the construction of the Loop 202 Freeway, meaning that it does not have frontage on a public street. In order to subdivide the subject site into two legal lots, the rear parcel must have frontage on a public street. This can be accomplished through a lot split where a portion of the smaller parcel along 90th Place becomes part of the larger parcel, providing access to 90th Place.

The proposal meets this criteria.

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

The condition of the 5.6± acre parcel being landlocked resulted from the construction of the Loop 202 Freeway, and was 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 existing parcels to remain in their current configuration. Because the larger parcel lacks frontage on a public street, this configuration would leave the larger parcel unbuildable. The proposed creation of a 1.6± acre and a 5± acre parcel is consistent with the surrounding lot sizes in the area.

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.

The subject property is zoned RS-43 and is consistent with the single residence zoning designation of surrounding properties. If the variance is approved, the proposed lot sizes of 1.6± and 5± acres will be consistent with the one-acre minimum lot size of the

RS-43 district as well as the surrounding lot sizes in the neighborhood, which range from one to two acres.

Approval of this variance request to allow a reduced lot width does not grant special privileges inconsistent with the limitation upon other properties in the area or within the RS-43 district.

The proposal meets this criteria.

Findings:

- A. The subject site consists of a 1.0± parcel and a 5.6± acre parcel. The 5.6± parcel does not have frontage on a public street and is further encumbered by a 270-foot transmission line along the northern portion of the site.
- B. The special circumstances that resulted in a land locked parcel are pre-existing and not created by the property owner.
- C. Because the larger 5.6± acre parcel does not have frontage on a public street, the property is unbuildable. 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.
- D. Approval of this variance request to allow a reduction to the minimum lot width in the RS-43 district does not grant special privileges inconsistent with the limitation upon other properties in the area or in 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 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 a reduction in the minimum lot width in the RS-43 district from 130 feet to 20 feet meets the variance approval criteria of Section 11-80 of the MZO, and therefore recommends approval with the following conditions:

Conditions of Approval:

- 1. Compliance with all City Development Codes and regulations except as specified in this variance request.
- 2. Compliance with the lot line adjustment exhibit submitted with this request.

Exhibits:

Exhibit 1 – Vicinity Map

Exhibit 2 – Staff Report

Exhibit 3 – Justification Statement

Exhibit 4 – Site Plan