



**PLANNING DIVISION
STAFF REPORT**

Board of Adjustment

August 4, 2021

CASE No.: **BOA21-00585**

CASE NAME: **2811 East Norwood Street**

Owner's Name:	Evan and Sarah Polasky
Applicant's Name:	Chad Brackman, HiCaliber Design
Location of Request:	2811 East Norwood Street
Parcel Nos:	141-15-642
Nature of Request:	Requesting a variance to allow a detached accessory building greater than 15-feet in height within the required side and rear yards.
Zone District:	Single Residence 9 (RS-9)
Council District:	1
Site size:	15,187 square feet or .35± acres
Existing use:	Single residence
Staff Planner:	Charlotte Bridges, Planner II
Staff Recommendation:	Denial

HISTORY

On **September 24, 1979**, the property was annexed into the City of Mesa as part of a larger annexation 2,207± acre area and subsequently zoned R1-35 (Ord. #1277; Case No. Z79-142).

On **July 25, 1980**, City Council approved a rezone of 28± acres, including the subject site, from R1-35 to R1-9 (Ord. #1430; Case No. Z80-090).

According to the Maricopa County Assessor's website, the existing home was constructed in **1988**.

PROJECT DESCRIPTION

Background:

The applicant is requesting a variance to allow a detached accessory building greater than 15-feet in height within the required side and rear yards in a Single Residence 9 (RS-9) District. Per Section 11-30-17 of the Mesa Zoning Ordinance (MZO), accessory structures greater than 10 feet in height may not be located within the required rear and side yard setbacks.

Currently, the subject site contains a 384 square foot, 10-foot tall, detached accessory structure in the southeastern corner of the lot. The structure is located three feet from the internal side property line (east property line) and three feet from the rear property line (south property line), meeting the requirements of Section 11-30-17 of the MZO for the size and location of detached accessory structures.

The applicant would like to add a 96 square foot addition to the western side of the structure and is requesting a variance to increase the height to 15 feet 10 inches, measured to the mid-point of the roof per Section 11-2-3(E) of the MZO, to accommodate a car lift in the detached garage.

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 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 existing single-residence use conforms to the goals of the Neighborhood Character Area.

Site Characteristics:

The subject site is located on the southeast corner of Lindsay Road and Norwood Street, approximately .30 miles south of McDowell Road. The existing lot is 118 feet wide by 130 feet long and is 15,187 square feet or .35± acres in area. The site contains a 3,535 square foot single residence home including garage and covered patio, 384 square foot detached accessory structure, 180 square foot detached shade canopy, pool, and sports court.

Surrounding Zoning Designations and Existing Use Activity:

Northwest (Across Lindsay Road) RS-9 PAD Single Residence	North (Across Norwood Street) RS-9 Single Residence	Northeast (Across Norwood Street) RS-9 Single Residence
West (Across Lindsay Road) RS-9 Single Residence	Subject Property RS-9 Single Residence	East RS-9 Single Residence
Southwest (Across Lindsay Road) RS-9 Single Residence	South RS-9 Single Residence	Southeast RS-9 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 exceeds the minimum lot size and dimensions for the RS-9 District and is developed in accordance with all applicable standards, including the setback, height and size limitations of the existing accessory structure.

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-9 District. The need for the variance is created by the property owner's desire to modify the height of the existing detached accessory structure.

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

Other properties within the RS-9 District must adhere to the same development standards as outlined in Section 11-30-17 of the MZO to build a detached accessory structure greater than 15 feet in height, which entails locating the structure outside of the rear and side setbacks.

Section 11-30-17 contains a range of scenarios regarding the permissible height and location of proposed structures. The applicant, and other residents, may construct a detached structure greater than 15 feet in height within the buildable area of their lot.

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.

As mentioned above, other properties within RS-9 Districts must adhere to the same development standards in Section 11-30-17 of the MZO for the development of detached accessory structures.

There are no unique or special physical circumstances applicable to the property that warrant deviations from MZO development standards; therefore, the granting of the variance would constitute a special privilege.

The proposal does not meet this criteria

Findings:

- A. The house was built in the 1988 and meets all development standards for the RS-9 District.
- B. The existing 384 square foot, 10-foot tall, detached accessory structure on the subject site meets the MZO development standards per Section 11-30-17 and is setback three feet from the internal side and rear property lines.
- C. There are no special circumstances applicable to the property such as its size, shape, topography, location, or surrounding that would justify the variance request.
- D. The need for the variance is created by the property owner's desire for a taller structure.
- E. Strict compliance with MZO development standards for the RS-9 District does not deprive the property of the ability to have a detached accessory structure.
- F. Granting of this variance request constitutes a special privilege inconsistent with MZO development standards for the RS-9 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 the writing of this report, staff has not been contacted by any residents to express support or opposition to the request.

Staff Recommendation:

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