



PLANNING DIVISION
STAFF REPORT

Board of Adjustment

September 1, 2021

CASE No.: BOA21-00581	CASE NAME: Hawes Road House
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Owner's Name:	James R. and Anne C. Wilson
Applicant's Name:	Jack Leonard
Location of Request:	3759 North Hawes Road
Parcel Nos:	219-35-241
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:	90,528 square feet or 2.08± acres
Existing use:	Single residence
Staff Planner:	Jennifer Gniffke
Staff Recommendation:	APPROVAL with Conditions

HISTORY

On **May 28, 1986**, City Council annexed 1,892± 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 1,783± acres, including the subject site, to R1-15 PAD-DMP, for the development of 61 single residence lots (Ord. 2924 and Case No. Z94-032).

On **September 7, 1995**, the City Council approved a modification to the Las Sendas DMP for the development of a 73-lot single residence subdivision (Ord. 3091 and Case No. Z95-074).

On **September 8, 1998**, the City Council approved a modification to the Las Sendas DMP (Ord. 3533 and Case No. Z98-062).

On **July 6, 2004**, the City Council approved a rezoning of 72± acres, including the subject site, from R1-90 DMP to R1-90-PAD-DMP, site plan review and modification of the Las Sendas DMP (Ord. 4221 and Case No. Z04-038).

PROJECT DESCRIPTION

Background:

The applicant is requesting a variance to allow for a 2,273 square foot detached guest house and garage, 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 Uplands Design Guidelines.

Site Characteristics:

The subject property is a vacant lot located on the east side of Hawes Road approximately 1,090 feet north of Thomas Road. The subject site is a triangular shaped lot approximately 90,528 square feet in size. The subject property has significant topographical changes with approximately 45 feet of elevation gain from the west property line (along Hawes Road) to the east. At Hawes Road, the elevation is approximately 1,924 to 1,946 feet above mean sea level (AMSL), and at the eastern property line the elevation is approximately 1,970 feet AMSL. There is also a wide drainage easement along the entire southeast property line.

Surrounding Zoning Designations and Existing Use Activity:

Northwest (Across Hawes Road) RS-90 Vacant	North RS-90 PAD Single Residence	Northeast RS-90 PAD Undeveloped
West	Subject Property	East

(Across Hawes Road) RS-90 Single Residence	RS-90 PAD Single Residence	RS-90 PAD Undeveloped
Southwest (Across Hawes Road) RS-90 Single Residence	South RS-90 PAD Vacant	Southeast RS-90 PAD Undeveloped

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 and the drainage easement on the lot, the proposed detached accessory building is proposed in the lower portion 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 guest house, 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 northwest of the subject site, at 3852 North Hawes Road. Finally, on April 7, 2021, the Board of Adjustment granted variances to allow detached accessory buildings to be located in front of new homes at two properties located less than 600 feet to the north of the subject property, at 3845 and 3861 North Hawes Road. Based on previous variance approvals within the neighborhood and within the same zoning district, approval of this variance request to allow a detached accessory building 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 45 feet, with the lowest grade along the front property line (Hawes Road) and the highest elevation in the rear of the lot.
- B. The existing property is triangular shaped; the front property line is 200 feet wider than the rear property line.
- C. The existing property has a drainage easement along the southeast property line.
- D. The special circumstances are pre-existing and not created by the property owner.
- E. 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.
- F. 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. On April 7, 2021, the Board of Adjustment granted variances to allow detached accessory buildings to be located in front of new homes at two properties located at 3845 and 3861 North Hawes Road. 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.
- G. 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 the writing of 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 detached accessory structure 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. Conformance with the Site Plan submitted with this request.
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