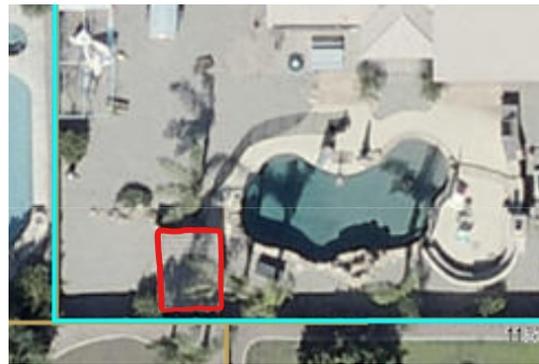


NARRATIVE

The Preston Property is located at 939 E. Kael Street, Mesa, AZ 85203, in the Amberwood Estates II community located in the northeast corner of E. McKellips Road and N. Horne. Bruce (a native to Mesa) and Allison Preston moved their small family (one kid and two horses) into the home in February 2014, have since grown their family (adding three more kids and adding/subtracting horses over the years), and intend to remain in the home long-term. As part of their long-term plans for the home, the Preston Family desires to add a mother-in-law suite to the home in anticipation of Bruce's mother living out the remainder of her life with the Preston Family. The proposed mother-in-law suite is designed as a self-contained residence that Bruce's mother may come-and-go from at her leisure while she is able to, and it is located in close proximity to the main residential structure (attached via access through the garage) to provide quick and easy access for when Bruce's mother is in need of care.

The proposed mother-in-law suite exceeds the permitted encroachment into the rear yard setback by 5 feet, and the Preston Family requests a variance to allow this additional encroachment. Under Section 11-5-3(B)(2)(iii)(6) of the City of Mesa Code of Ordinances, enclosed living spaces may encroach up to 10 feet into the required rear yard for up to 1/2 the width of the building, provided a minimum 10 feet remains between the building face and the rear property line. The Preston Family's proposed mother-in-law suite is less than 1/2 the width of the main residence, but extends 15 feet into the 30-foot rear yard setback, which exceeds the permitted encroachment by 5 feet. This does not, however, extend past an existing pool equipment enclosure previously approved by the City of Mesa in April of 2000. The City of Mesa approved construction of this existing pool equipment enclosure within the rear yard setback, within 3 feet, 8 inches of the rear perimeter wall for the Preston Property, and with a high point of 8 feet nearest the rear perimeter wall.

The proposed mother-in-law suite ties into the northern-most wall of this existing structure, and is far less obtrusive to neighboring property than this existing structure or other structures in the neighborhood as described below. Further, the location of the proposed mother-in-law suite leaves a 14 foot by 16 foot area in the south-western-most portion of the Preston Property where landscaping may be installed in the future to shield the mother-in-law suite from the view of neighboring property.



The existing pool equipment structure is outlined in red.

In considering this variance request, it is important to understand the unique character of the Amberwood Estates II community and the greater Lehi Sub-Area. The Amberwood Estates II community was intentionally developed to step back from the rural/agricultural development and zoning of the Lehi Sub-Area. The Lehi Sub-Area is an important community in Mesa because it exemplifies the history of the area as a rural farming community, and it is used today for low-

density, single-family residences with accessory agricultural land uses including farming and the housing of horses and other livestock.

Understanding the uniqueness of the Lehi Sub-Area and desiring to preserve the rural/agricultural feel of the area, the developer of the Amberwood Estates II community, Ken Haught, worked with the Lehi Community Improvement Association to develop Amberwood Estates II to gradually step back from the traditional 1+ acre sized lots in the Lehi Sub-Area, to 1/2 acre sized lots comprising the majority of the Amberwood Estates II community. This step back in lot size ensured that certain lots in the Amberwood Estates II community would be able to maintain the rural/agricultural feel of the Lehi Sub-Area, and form a buffer between the rural/agricultural lots in the Lehi Sub-Area and the smaller, 1/2 acre sized lots comprising the majority of the Amberwood Estates II community. The 7 lots along the south side of E. Kael Street, where the Preston Property is located, serve as this buffer.

The intent of these 7 lots is an important factor in granting the requested variance. Currently, the Preston Family houses one horse and nine chickens on their property. The east half of their property is dedicated to their livestock, with a large pasture to allow the horse to graze and the chickens to roam, and a separate pen in the back to put the horse up in order to regrow the pasture grass or put the horse up during irrigation times. This back area also contains the Preston Family's chicken coop, as well as accessory sheds for storing livestock feed, supplies, tools, and equipment. This set up is, in large part, what sold the Preston Family on their property – the ability to have their horse(s) on their property, with room for the horse(s) to graze, with room for the Preston Family to exercise and ride their horse(s), and to feel as though their property is part of the greater Lehi Sub-Area because they can maintain the rural/agricultural feel of their property.

Strict compliance with the rear yard setback requirement would force the Preston Family to give up the rural/agricultural feel of their property, which would erode the original intent and unique character of the Amberwood Estates II community and, in particular, the 7 lots along the south side of E. Kael Street. Further, strict compliance with rear yard setbacks, as well as side yard setbacks, is not the precedent set in the Amberwood Estates II community. Currently, 20 of the 61 lots in the Amberwood Estates II community have permanent structures encroaching into side, rear, or both side and rear setbacks. An additional 3 lots in the community have temporary structures encroaching into the side, rear, or side and rear setbacks. Thus, granting the variance requested by the Preston Family will not grant the Preston Property special privileges or unusual favor that has not already been granted to more than one-third of the other lots in the Amberwood Estates II community.

Exhibit A, attached hereto, identifies the 23 lots in the Amberwood Estates II community with structures encroaching into the setbacks, identifies the type of structure, identifies the extent of the encroachments, and includes photographs of the structures. The variance requested by the Preston Family for a setback encroachment is far less obtrusive than the following encroachments that currently exist in the Amberwood Estates II community.

1. 2055 N. Nevada Circle – Letter “T” on Exhibit A: An accessory structure with living space extends 3 feet into the required side yard setback and 23 feet into the required rear yard setback, which is more than the 10-foot encroachment permitted by Section

- 11-5-3(B)(2)(iii)(6) of the City of Mesa Code of Ordinances. The rear yard encroachment leaves only 7 feet between this structure and the rear property line, which abuts the rear yard of another lot, and which leaves less space between the structure and the rear property than the Preston's mother-in-law suite and does not comply with the minimum 10 feet to remain between the building face and the rear property line as required by Section 11-5-3(B)(2)(iii)(6) of the City of Mesa Code of Ordinances.
2. 1017 E. Kramer Street – Letter “J” on Exhibit A: An accessory structure with living space extends 3 feet into the required side yard setback and 16 feet into the required rear yard setback, which is more than the 10-foot encroachment permitted by Section 11-5-3(B)(2)(iii)(6) of the City of Mesa Code of Ordinances. The rear yard encroachment leaves only 14 feet between this structure and the rear property line, which abuts the rear yard of another lot, and which leaves less space between the structure and the rear property than the Preston's mother-in-law suite and does not comply with the minimum 10 feet to remain between the building face and the rear property line as required by Section 11-5-3(B)(2)(iii)(6) of the City of Mesa Code of Ordinances.
 3. 942 E. Kramer Street – Letter “E” on Exhibit A: An accessory garage structure extends 5 feet into the required rear yard setback and there is a semi-permanent shade structure, once used to house goats and with concrete footings, that abuts the rear property line of the Preston Property. Therefore, the rear yard encroachment leaves 0 feet between this structure and the rear property line. We note that with accessory structures that do not include living space, Section 11-5-3(B)(2)(iii)(6) of the City of Mesa Code of Ordinances is not applicable.
 4. 1018 E. Knoll Street – Letter “L” on Exhibit A: An accessory garage structure extends 1 foot into the required side yard setback and 2 feet into the required rear yard setback. As depicted in the enclosed photos, the massive, rear elevation of this structure, with the large garage door, is highly visible from E. Kramer Street, which is the street immediately north of the property that abuts the rear of this property to the north, making this structure an eyesore in the neighborhood.
 5. The following five structures significantly encroach into the rear yard setbacks. The main difference between these properties, the properties listed in Numbers 1- 4 above, and the Preston Property is that these properties do not have rear neighbors. However, the presence or absence of rear neighbors, especially when the rear neighbors approve of the proposed structure, as is the case with the Preston Family's rear and side neighbors, should not be a deciding factor in whether a particular variance is granted.
 - a. 1127 E. Kael Street – Letter “H” on Exhibit A: An accessory living space and garage extend 1 foot into the required side yard setback and 14 feet into the required rear year setback, which is more than the 10-foot encroachment permitted by Section 11-5-3(B)(2)(iii)(6) of the City of Mesa Code of Ordinances. The rear yard encroachment leaves only 16 feet between this structure and the rear property line, which leaves only 1 foot more between the

structure and the rear property than the Preston's mother-in-law suite and does not comply with the minimum 10 feet to remain between the building face and the rear property line as required by Section 11-5-3(B)(2)(iii)(6) of the City of Mesa Code of Ordinances.

- b. 1053 E. Knoll Street – Letter “I” on Exhibit A: An accessory garage extends 21 feet into the required rear yard setback. The rear yard encroachment leaves only 9 feet between this structure and the rear property line, which leaves less space between the structure and the rear property than the Preston's mother-in-law suite.
- c. 1013 E. Knoll Street – Letter “N” on Exhibit A: An accessory living space and garage extend 24 feet into the required rear year setback, which is more than the 10-foot encroachment permitted by Section 11-5-3(B)(2)(iii)(6) of the City of Mesa Code of Ordinances. The rear yard encroachment leaves only 6 feet between this structure and the rear property line, which leaves less space between the structure and the rear property than the Preston's mother-in-law suite and does not comply with the minimum 10 feet to remain between the building face and the rear property line as required by Section 11-5-3(B)(2)(iii)(6) of the City of Mesa Code of Ordinances.
- d. 2054 N. Nevada Circle – Letter “W” on Exhibit A: An accessory living space and garage extend 21 feet into the required rear year setback, which is more than the 10-foot encroachment permitted by Section 11-5-3(B)(2)(iii)(6) of the City of Mesa Code of Ordinances. The rear yard encroachment leaves only 9 feet between this structure and the rear property line, which leaves less space between the structure and the rear property than the Preston's mother-in-law suite and does not comply with the minimum 10 feet to remain between the building face and the rear property line as required by Section 11-5-3(B)(2)(iii)(6) of the City of Mesa Code of Ordinances.
- e. 913 E. Knoll Street – Letter “R” on Exhibit A: Appears to be an accessory permanent garage in progress; however, we cannot confirm at this time thus we have marked it temporary. This structure extends 24 feet into the required rear yard setback. The rear yard encroachment leaves only 6 feet between this structure and the rear property line, which leaves less space between the structure and the rear property than the Preston's mother-in-law suite.

Exhibit A

Address or Intersection



STRUCTURE TYPE

■ PERMANENT

■ TEMPORARY

Amberwood Estates II

Neighborhood Constructed Setback Encroachments

Map & Picture Reference	Property Address	APN	Zoned	Structure Type	Side Setback Requirement	Side Setback Encroachment	Side Setback Variance	Rear Setback Requirement	Rear Setback Encroachment	Rear Setback Variance
A	812 E Kramer St	136-08-041	RS-15	RV Garage	10'*	2'	8'			
B	824 E Kramer St	136-08-042	RS-15	RV Garage	7'	1'	6'			
C	906 E Kramer St	136-08-046	RS-15	Accessory Living Space and Garage				30'	4'	26'
D	930 E Kramer St	136-08-048	RS-15	Main Living Space	7'	1'	6'			
E	942 E Kramer St	136-08-049	RS-15	RV Garage				30'	5'	25'
E (TEMP)	942 E Kramer St	136-08-049	RS-15	Shade Structure				30'	30'	0'
F	1021 E Kael St	136-08-037	RS-35	Accessory Living Space and Garage				30'	8'	22'
G	1044 E Kramer St	136-08-055	RS-15	Main Living Space	7'	1'	6'			
H	1127 E Kael St	136-08-040	RS-15	Accessory Living Space and Garage	7'	1'	6'	30'	14'	16'
I	1053 E Knoll St	136-08-057	RS-15	RV Garage				30'	21'	9'
J	1017 E Kramer St	136-08-060	RS-15	Accessory Living Space	10'*	3'	7'	30'	16'	14'
K (TEMP)	1029 E Knoll St	136-08-074	RS-15	Shade Structure for RV and boat				30'	28'	2'
L	1018 E Knoll St	136-08-073	RS-15	RV Garage	7'	1'	6'	30'	2'	28'
M	1004 E Knoll St	136-08-072	RS-15	RV Garage	7'	1'	6'	30'	2'	28'
N	1013 E Knoll St	136-08-076	RS-15	Accessory Living Space and Garage				30'	24'	6'
O	963 E Kramer St	136-08-062	RS-15	RV Garage	7'	1'	6'			
P	939 E Kramer St	136-08-064	RS-15	Accessory Living Space and Garage				30'	0'	30'
Q	926 E Knoll St	136-08-068	RS-15	Accessory Living Space and Garage	7'	1'	6'	30'	9'	21'
R (TEMP)	913 E Knoll St	136-08-082	RS-15	Shade Structure for RV				30'	24'	6'
S	2056 N Fraser Dr	136-08-086	RS-15	Main Living Space	10'*	4'	6'			
T	2055 N Nevada Cir	136-08-087	RS-15	Accessory Living Space and Garage	10'*	3'	7'	30'	23'	7'
U (TEMP)	2043 N Nevada Cir	136-08-088	RS-15	Shade Structure for boat	7'	7'	0'			
V	2030 N Nevada Cir	136-08-090	RS-15	Accessory Garages	7'	1'	6'			
W	2054 N Nevada Cir	136-08-092	RS-15	Accessory Living Space and Garage				30'	21'	9'

Temporary Structure

*Note: RS-15 and RS-35 Side Building Setback Minimum on Street Side is 10'

Amberwood Estates II
Neighborhood Constructed Setback Encroachments – Photo Log



A - 812 E Kramer St



D - 930 E Kramer St



B - 824 E Kramer St



E - 942 E Kramer St



C - 906 E Kramer St



F - 1021 E Kael St

Amberwood Estates II
Neighborhood Constructed Setback Encroachments – Photo Log



G - 1044 E Kramer St



J - 1017 E Kramer St



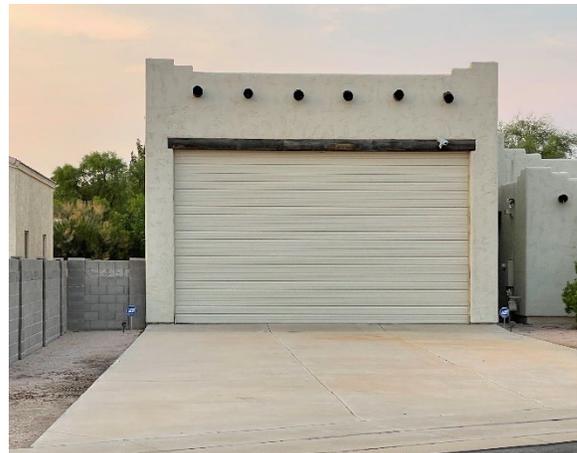
H – 1127 E Kael St



K – 1029 E Knoll St



I – 1053 E Knoll St



L – 1018 E Knoll St

Amberwood Estates II
Neighborhood Constructed Setback Encroachments – Photo Log



L Rear – View from Kramer St



N – 1013 E Knoll St



M - 1004 E Knoll St



O – 963 E Kramer St



L&M – Side by Side



P – 939 E Kramer St

Amberwood Estates II
Neighborhood Constructed Setback Encroachments – Photo Log



Q – 926 E Knoll St



T – 2055 N Nevada Cir



R – 913 E Knoll St



T Side – 2055 N Nevada Cir



S – 2056 N Fraser Dr



U – 2043 N Nevada Cir

Amberwood Estates II
Neighborhood Constructed Setback Encroachments – Photo Log



V - 2030 N Nevada Cir



W – 2054 N Nevada Cir



V Close up - 2030 N Nevada Cir



W Rear – 2054 N Nevada Cir