



PLANNING DIVISION
STAFF REPORT

Board of Adjustment

October 13, 2021

CASE No.: **BOA21-00586**

CASE NAME: **Variance request – 625 N. Macdonald**

Owner's Name:	CASEY MAXWELL SCOTT/ANGELIQUE SHARI
Applicant's Name:	Maxwell Casey
Location of Request:	625 North Macdonald
Parcel Nos:	137-24-035
Nature of Request:	Requesting a variance from the aggregate side yard setback and the required side yard setback to allow for an addition in a Single Residence-9 District with a Historic District overlay (RS-9-HD)
Zone District:	Single Residence 9 with a Historic District overlay (RS-9-HD)
Council District:	1
Site size:	8,712 square feet or 0.2± acres
Existing use:	Single residence
Staff Planner:	Jennifer Gniffke
Staff Recommendation:	APPROVAL with Conditions

HISTORY

On **December 6, 1948**, City Council annexed 2,420± acres, including the subject site, into the City of Mesa and subsequently zoned the property RS-6 (Ordinance No. 228).

On **February 1, 1999**, City Council approved the Historic Preservation Overlay District for the Evergreen District (Case No. HP98-001; Ordinance No. 3590).

PROJECT DESCRIPTION

Background:

The applicant is requesting a variance to allow a reduction to the aggregate side yard setback and the required side yard setback to legalize an addition that the previous property owners

constructed without a permit and to allow the current owners to extend the current addition to create a new carport.

The subject home was built in the 1950s. At the time of construction, a detached garage was also built in the southeastern portion of the lot. Per Section 11-5-3 of the Mesa Zoning Ordinance (MZO), the minimum internal side yard setback in the RS-9 District is seven feet and the aggregate internal side yard setback is 17 feet. As originally constructed the home adhered to internal side yard setback requirements with a seven-foot setback on the north and a ten-foot setback on the south.

Between 2000 to 2001, the previous property owners built additions onto the existing home and the existing detached garage, connecting the two structures. The additions were constructed without building permits and by connecting the two structures, the primary structure no longer met building setbacks. The current internal side setback along the southern property line ranges from 18 inches to five feet.

In November 2020, the current property owners approached the City to discuss renovations to the existing historic home and were informed about the illegal construction of the additions. The owners are requesting a variance to legalize the existing structure and allow for them to build an addition onto the south side of the home for a new carport and an addition to the east side of the garage. The requested variance would allow for a one-foot setback along the southern property line and an internal side yard aggregate setback of eight feet.

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 subject site is also located within a Neighborhood Preservation area of the University North Neighborhood of the Central Main Plan. The Plan describes the University North Neighborhood as a primarily residential area anchored around the Evergreen and Washington Park single residence areas, and the focus for the area is to maintain and enhance the existing residential areas. The existing single residential use conforms to the goals of the General Plan.

Site Characteristics:

The subject property is a 8,712 square foot lot located on the east side of Macdonald north of University Drive, just south of 7th Street. The property contains an approximate 2,987 square foot structure consisting of the main home, covered patio, covered parking, and an accessory dwelling unit.

Surrounding Zoning Designations and Existing Use Activity:

Northwest (Across Macdonald) RS-9-HD Single Residence	North RS-9-HD Single Residence	Northeast RM-2 Multiple Residence
West	Subject Property	East

(Across Macdonald) RS-9-HD Single Residence	RS-9-HD Single Residence	RM-2 Multiple Residence
Southwest (Across Macdonald) RS-9-HD Single Residence	South RS-9-HD Single Residence	Southeast RM-2 Multiple 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;

Per Section 11-5-3 of the Mesa Zoning Ordinance (MZO), the minimum lot width in the RS-9 zoning district is 75 feet, the minimum lot depth is 100 feet, and the minimum lot area is 9,000 square feet. The subject site is an 8,712 square foot, 61-foot-wide by 145-foot-deep lot. Due to the age of the neighborhood, the subject property and several other lots in the neighborhood similarly do not meet the minimum lot size and width requirements for the RS-9 Districts. Several of these properties also contain structures that encroach in the internal side setbacks.

The proposal meets this criteria.

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

The requested variance is necessary due to the illegal additions constructed by the previous property owners connecting the main house to the detached garage making it all one structure. The applicants want to make renovations to their historic property which requires the previous work to be permitted and to meet current zoning standards.

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 restrict the applicant from making improvements to the nonconforming home. If the variance is not granted the owners would have to leave their home in its current configuration or demolish portions of the structure to come into compliance with the Zoning Ordinance.

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.

Several other properties in the neighborhood have structures that encroach in the internal side setbacks. On April 5, 2017, the Board of Adjustment approved a variance request to allow a carport and casita to have a 0-foot setback from the lot line at 463 North Grand (BA16-068). On April 8, 2014, the Board of Adjustment approved a reduction to the side yard setback for a new carport at 541 North Macdonald (BA14-022). On February 4, 2006, the Zoning Administrator approved a variance request to allow an encroachment into the required rear setback at 604 North Macdonald (ZA06-010TC). Based on previous variance approvals within the neighborhood and within the same zoning district, approval of this variance request to allow reduced setbacks does not grant special privileges inconsistent with the limitation upon other properties in the area and within the RS-9 District.

The proposal meets this criteria.

Findings:

- A. The minimum lot width in the RS-9 zoning district is 75-feet. The subject property is 61-feet wide.
- B. The minimum lot size in the RS-9 District is 9,000 square feet, The subject property is 8,712 square feet.
- C. The special circumstance is pre-existing and not created by the property owner.
- D. The previous property owners constructed additions to the existing home and the existing detached garage without building permits.
- E. The additions constructed by the previous property owners connected the main house to the detached garage making it all one structure. In doing so the structure no longer met RS-9 internal side yard setbacks and make the house an illegal non-conforming structure.
- F. On April 5, 2017, the Board of Adjustment approved a variance request to allow a carport and casita to have a 0-foot setback from the lot line at 463 North Grand (BA16-068). On April 8, 2014, the Board of Adjustment approved a reduction to the side yard setback for a new carport at 541 North Macdonald (BA14-022). On February 4, 2006, the Zoning Administrator approved a variance request to allow an encroachment into the required rear setback at 604 North Macdonald (ZA06-010TC). 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-9 HD District, approval of this variance request to allow a reduction to the aggregate side yard setback and the minimum side yard setback does not grant special privileges inconsistent with the limitation upon other properties in the area or in the RS-9 HD 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 residents to express support or opposition to the request.

Staff Recommendation:

Based on the application received and preceding analysis, staff finds that the request for reduced side yard setbacks in the RS-9-HD District 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. Fire rating of the existing structure along the southern property line.
3. Obtain building permits for any new construction.

Exhibits:

Exhibit 1 – Vicinity Map

Exhibit 2 – Staff Report

Exhibit 3 – Justification Statement

Exhibit 4 – Site Plan

Exhibit 5 – Site Photos