

Mesa Council Chambers Upper Level – 57 E. 1st St.

Date: October 13, 2021 Time: 10:00 a.m.

MEMBERS PRESENT:

Chair Alexis Wagner
Vice Chair Nicole Lynam
Boardmember Adam Gunderson
Boardmember Heath Reed
Boardmember Troy Glover
Boardmember Ethel Hoffman

MEMBERS ABSENT:

Boardmember Chris Jones

(*Boardmembers and staff participated in the meeting through the use of audio conference equipment)

STAFF PRESENT:

Nana Appiah
Rachel Prelog
Michelle Dahlke
Lesley Davis
Alexis Jacobs
Jennifer Gniffke
Josh Grandlienard
Alfred Smith
Charlotte McDermott
Sarah Staudinger

OTHERS PRESENT:

Jon Paladini
Francis Slavin
Deb Tucker

1 Call meeting to order.

Chair Wagner declared a quorum present, and the Study Session was called to order at 10:00 a.m.

2 Staff Update:

Principal Planner, Rachel Prelog, introduced new Planning staff members Michelle Dahlke and Josh Grandlienard.

3 Review and discuss items listed on the Public Hearing agenda for October 13, 2021.

***3-a Case BOA21-00758 was continued to November 3, 2021**

***3-b Staff member Jennifer Gniffke presented case BOA21-00586 to the Board.**

This is Board of Adjustment case BOA21-00586. The location is at 625 North McDonald. It's located north of University Drive and west of Center Street, and it's in the Evergreen Historic District. The General Plan land use designation is Neighborhood which promotes safe places to live and a variety of housing options. The zoning designation is Single Residence nine (RS-9) with a Historic District Overlay, and single residences as well as accessory dwelling units are permitted uses in the RS-9 zoning district. This request is for a variance to allow an addition to encroach into the side yard. Here are some photos of this site. The photo on the left is the front of the home. The photo on the right shows the southwest corner of the home including the existing carport. On this slide the photo of the left shows the narrow space between the existing original detached garage and the photo on the right is the view from the covered rear patio to that original garage. This slide shows another image underneath that patio and carport area and then the photo on the right shows a view of that garage which has been converted into a guest house and it also includes an addition to the east end of that garage, the back of the garage.

This slide shows the site plan of the property. The house and the garage have the gray roof, as you can see on the site plan, and the white roof areas were additions that were done prior to the current owner living there. The areas highlighted red are the proposed additions to the to the structure and there are some existing encroachments into the south side yard setback. You can see on the lower right side of the site plan to the southwest corner of the site, there is indicated a 10-foot required side yard setback. You can see that the structure encroaches into that already. In the RS-9 zoning district, there is a minimum of seven feet on each side for a side yard setback on both the left side and the right side of the structure. There's also a requirement for both of those side yards when added together to be at least 17 feet. There's also a requirement in the RS -9 zoning district that the lots are 75 feet in width. This lot has never been 75 feet wide, it's 61 feet wide, so it's an existing nonconformity with the lot size. There are some nearby properties that were granted variances previously, in 2016. There is a property on Grand, to the southwest of the subject site, which was granted approval for a zero-foot side yard setback on both the north and the south side of the property. And then in 2014 there was a property a few houses into the south of the subject property at 541 North McDonald and that was granted a reduction to the side yard requirements during setbacks.

There are four approval criteria for variance and those were all met by this request. There are special circumstances that apply to the site. There are special circumstances, preexisting and strict application of the Mesa Zoning Ordinance would deprive the property of privileges enjoyed by other properties of the same zoning district in the same nearby area and approval of the variance will not grant special privileges to this property owner. In summary, the request complies with the Mesa 2040 General Plan. It also complies with the criteria for approval in Chapter 80 for variances and staff recommendation is approval with conditions and I'm happy to answer any questions.

Boardmember Reed: A question I have here is what is the setback of the existing structure to the south? It looks like the neighbor's structures very close to the property line.

Staff member Jennifer Gniffke: Chair, Boardmember Reed I don't have an exact dimension for the neighboring home setback, their side setback on the north property line but it appears to be very similar to the side setback for the subject property on the south property line and that is approximately 18 inches.

***3-c Staff member Josh Grandlienard presented case BOA21-00823 to the Board.**

This is Board of Adjustment case BOA21-00823. This is for a variance located at 939 East Kael Street. It is north of East McKellips and east of North Horne. According to General Plan, it's within the Neighborhood character area. A safe place to live and variety of housing are the intent of the General Plan. The zoning is Single Residence, RS-35 with a PAD and the PAD was just a deviation to allow for horses within this area because it is just south of the Lehi neighborhood. It did not change anything for setbacks or that nature, but it did allow for that use to occur.

Essentially, the variance is a request for a reduction of the rear setback. The required rear setback for RS-35 is 30 feet. However, the request is for three feet eight inches to allow for an addition to the existing home that will include an additional dwelling unit. This is the site photo from Kael Street. The ADU would be located on the east side of this photo, do East West per the site plan. Here is the site plan. The hatching is showing the new additions. On the west side you have the garage edition, which is for an RV storage, as well as the additional dwelling unit behind it and then there is the existing hatching showing the existing 100 square foot accessory structure. The accessory structure currently meets our standards for an accessory structure because it is under 10 feet, as well as under 200 square feet, so it us allow it to be there but the expansion of the structure to incorporate that as part of the main structure reduces that setback, meaning it needs a variance. Here's the elevations to get a bit of scale to understand the placement of the RV garage in reference to the existing home. The proposed structure is the hatched area while the existing home is the white structure.

In order to approve variance, we'll need to have special circumstances apply to the site not created by the property owner. In this case, there is not any kind of special circumstances that are creating this. This is due to the placement choice of the property owner in order to facilitate where the existing driveway is, as well as the special circumstances are not preexisting. They're purely created by the applicant, as well as the strict application of the MZO that the variance approval will not deprive any special privileges or grant any special privileges on the site and the approval of this will grant that special privilege to be within that setback. So staff is recommending denial on this case due to no special circumstances are present, as well as due to the fact that it is based off the design choices of the property owner and does not meet the conditions of a variance. Do you have any questions?

Chair Wagner: I have a question about the applicant listing an encroachment of only five feet, whereas you listed as 26 feet. Can you explain that discrepancy?

Staff member Josh Grandlienard: So, I assume the applicant is saying from the backside of the structure, in reality, because they're joining that existing accessory structure to the primary structure, it is reducing that to three and a half from that rear property line.

Chair Wagner: Thank you and just as a clarification, is that the part of the building that's attached to the existing pool house structure?

Staff member Josh Grandlienard: Yes. So, the southwest corner is attaching to the existing pool house structure.

Chair Wagner: With the extension that goes on to the other side of the house, would that cause any issues?

City of Mesa - Board of Adjustment – October 13, 2021
Study Session Minutes

Staff member Josh Grandlienard: No, the eastern edition does not require a variance or anything of that nature. It is meeting code.

Chair Wagner: And have they explained any ways to maybe meet the need for the encroachment lines?

Staff member Josh Grandlienard: No, I'm sure because of the existing driveway, the applicant was wanting to utilize that rather than having to create a new driveway and have to re organize this site on the side.

Boardmember Reed: Was the pool house, the existing pool equipment area was that? Did that have to be permitted as an accessory structure under the code?

Staff member Josh Grandlienard: No, because it is under 200 square feet and it's under the height.

Boardmember Reed: Also, within the application materials, I saw that there is questions about temporary structures that are allowed in these setback. Is that allowed under the Mesa Zoning Ordinance?

Staff member Josh Grandlienard: The pool structure, as it is today, is allowed in that setback.

***3-d Planning Director, Nana Appiah, requested to present case BOA21-00628 to the Board at the Public Hearing.**

4 Adjournment.

Boardmember Gunderson moved to adjourn the Study Session and was seconded by Vice Chair Lynam. Without objection, the Study Session was adjourned at 10:17 a.m.

Respectfully submitted,



Rachel Prelog,
On behalf of Zoning Administrator (Dr. Nana Appiah)