



Board of Adjustment Staff Report

CASE NUMBER: BA15-010
STAFF PLANNER: Kaelee Wilson, Planner I
LOCATION/ADDRESS: 1441 N. Gilbert Road
COUNCIL DISTRICT: Council District 1
OWNER/ APPLICANT: Lisa Trenter

REQUEST: *Requesting a Variance to allow a fence to exceed the maximum height permitted in the front yard in the RS-9 district. (PLN2015-00061)*

SUMMARY OF APPLICANT'S REQUEST

Applicant is requesting a variance to allow a fence within the required front setback to exceed the maximum height permitted of 3 feet 6 inches. The applicant is requesting a 6' fence to be constructed of CMU block.

STAFF RECOMMENDATION

Staff recommends approval of case BA15-010, *conditioned upon the following:*

- 1. Compliance with the site plan and elevations submitted, except as modified by the conditions listed below.*
- 2. Compliance with Transportation's requirements for a visibility triangle.*
- 3. Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*

SITE CONTEXT

CASE SITE: Single Residence – Zoned RS-9
NORTH: (across Hackamore St.) Existing single residences – Zoned RS-9
EAST: Existing Single Residences – Zoned RS-9
SOUTH: Existing Single Residences – Zoned RS-9
WEST: (across Gilbert Rd.) Existing Single Residences – Zoned RS-9

STAFF ANALYSIS

The proposed variance would allow a block wall that exceeds 3 feet 6 inches in height to be constructed within the required front setback. Current Zoning Ordinance allows such fences at a maximum height of 3 feet 6 inches within the front setback. The required front setback in the RS-9 zoning district is 15 feet. The applicant is requesting a 5 foot encroachment to construct the wall 10 feet from Gilbert Road. The CMU wall will replace a concrete rail face that is screened from Gilbert Road by a row of mature oleander bushes. These oleander bushes are 20 feet in height.

The house is unique in that the technical frontage and address is off of Gilbert Road but was constructed on an angle generally facing Hackamore Street. As noted in the applicant's narrative, the home to the south was granted a variance for the same request in 1995. Just to the north on Gilbert Road the city has constructed 8 foot sound barrier walls within the public right-of-way. These walls were exempt from Ordinance requirements because they were within the right-of-way. Although the City sound walls are not on private property, the appearance of the proposed wall will have the same, if not less, visual impact on Gilbert Road.

As justification for the requested variance, the applicant has noted: 1) the neighborhood is mature and the wall will be screened by 20' oleanders; 2) the wall will serve as a sound barrier to Gilbert Road; 3) the wall will serve as a safety barrier for children and pets; 4) The fence provides some level of security for the family from incidents with trespassers since they side on Gilbert Road; and 5) The neighbor to the south was granted a variance for the same request.

Staff is supportive of the request due to the unique nature of the placement of the home. The frontage along Gilbert Road serves functionally as a side yard to the home, with the functional frontage being off of Hackamore Street. The surrounding homes are allowed to construct a 6 foot wall in their side yard to provide as a safety barrier for children and pets. There are only several parcels that have homes fronting onto Gilbert Road in this neighborhood. One of the lots fronting onto Gilbert Road was granted a variance for the same request; thus the approval of this variance would not grant a special privilege to this property over others with similar circumstances.

RECOMMENDED FINDINGS

1. The home is uniquely placed on a lot that has frontage on Gilbert Road.
2. Strict compliance of the code would deprive the property owner from constructing a 6 foot wall along the Gilbert Road frontage that functionally serves as a side yard.
3. The home directly to the south was granted a variance in 1995 to construct a 6 foot wall along Gilbert Road.
4. The wall will be screened by existing 20 foot oleanders which are located along Gilbert Road.

ORDINANCE REQUIREMENTS:

Zoning Ordinance, Sec. 11-30-4 – Height of Fences:

1. In the Agricultural and all Residence Districts, no fence or freestanding wall within or along the exterior boundary of the required front yard shall exceed a height of three feet six inches (3' 6"), and no fence or freestanding wall within or along the exterior boundary of the required side or rear yards shall exceed a height of six feet (6').

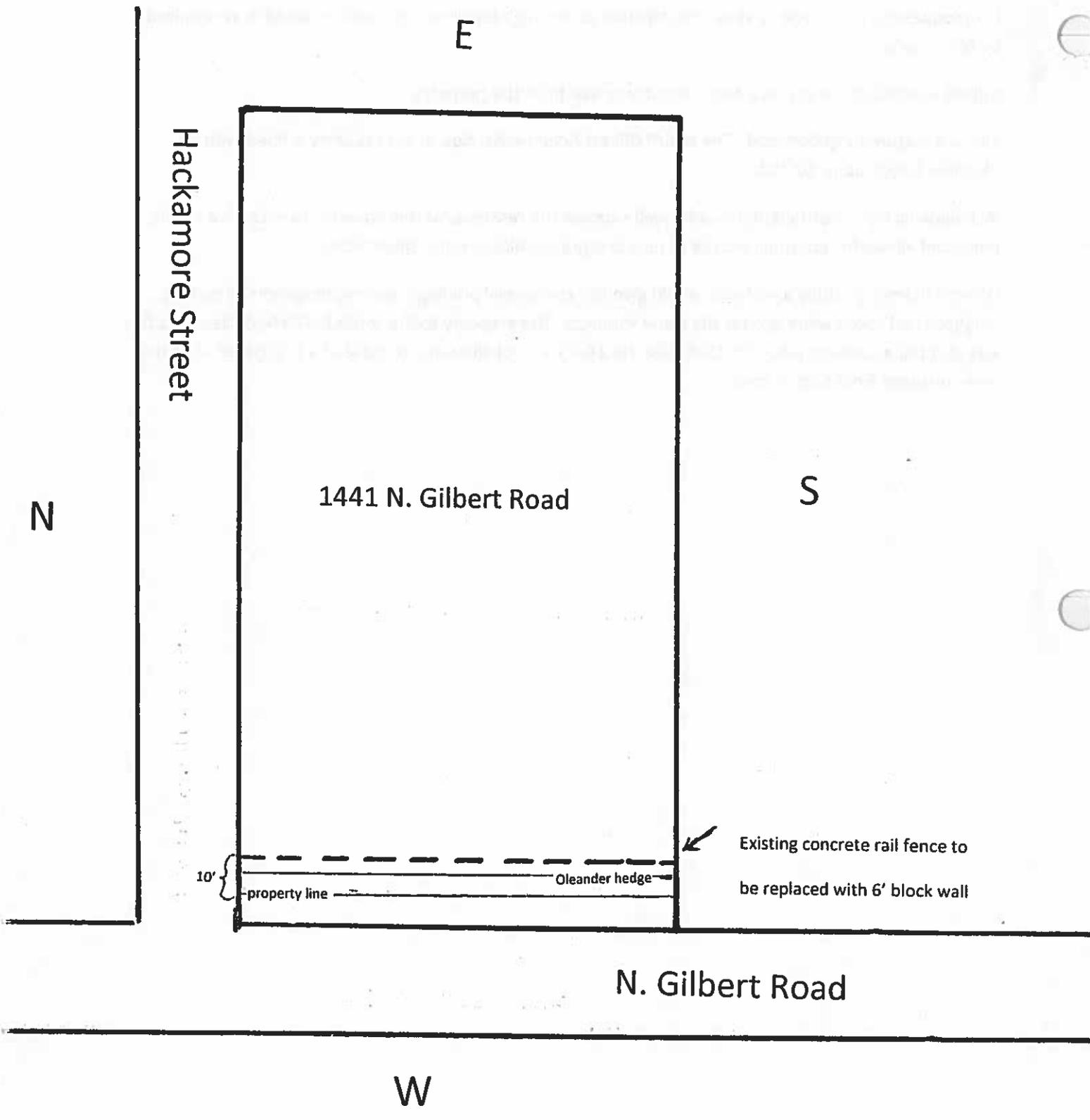
I am requesting a variance to allow construction of a 6' high fence within the front setback as required by Mesa code.

Gilbert road is not utilized as a point of entry or exit from the property.

This is a mature neighborhood. The entire Gilbert Road (west) side of the property is lined with an oleander hedge up to 20' tall.

Not allowing the construction of a solid wall exposes the residents of this property to excessive traffic noise and allows for potential escape of pets and grandchildren onto Gilbert Road.

I do not believe granting a variance would give me any special privilege over my neighbors since one neighbor had asked years ago for the same variance. The property to the south (1429 N. Gilbert Road) was granted a variance (May 30, 1995 Case No.ZA-95-71) for the same request of a 6' high fence at the same distance from Gilbert road.



Replace current concrete rail fence along Gilbert Road with 6' high block fence



