

Zoning Administrator Hearing

Minutes



John S. Gendron
Hearing Officer

May 26, 2009 – 1:30 p.m.

View Conference Room, 2nd Floor
55 North Center Street
Mesa, Arizona, 85201

Staff Present

Jeff McVay
Mia Lozano-Helland
Lesley Davis

Others Present

Terry Walker
Conor Crosby

CASES:

Case No.: ZA09-021

Location: 619 North Rosemont Circle

Subject: Requesting a Variance to allow an addition into the required rear yard in the R1-7 zoning district.

Decision: Approved with the following conditions.

- 1. Compliance with the site plan submitted.*
- 2. Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Summary: Terry Walker represented the case and answered questions from the Mr. Gendron regarding the variance. After presentation of the staff report there followed a brief discussion of the site history and setbacks. There were no comments from attendees. Mr. Gendron approved the request with conditions

Finding of Fact:

1.1 This approval consists of the expansion of an existing residence into a required rear setback by enclosing the existing 93 square foot open air patio into livable space. The area that encroaches into the setback is approximately 7 square feet. The encroachment is 2.25-feet into the required rear yard setback and the width of the projection is 6.25-feet at the widest point. While current code allows a 15-foot rear setback for an open patio, livable space requires 20-feet. The new enclosed area is an expansion of the existing kitchen and family room. A new open air patio cover is also shown on the site plan, but meets the 15-foot code required setback.

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- 1.2** The dwelling complies with all setback requirements. While there is no strict justification for the variance, it is relatively minor resulting in minimal impact to neighboring properties. The encroachment is existing roof area and is approximately a 7 square foot corner of the proposed room. As such, is it considered a relatively benign encroachment, and has little to no effect on neighboring sites.
- 1.3** The applicant noted the property was purchased in 1998 with the home and swimming pool in their current configuration. The lot is located on a cull-de-sac and has a unique shape. The home was constructed with a 22-foot front setback rather than the 20-foot allowable by code thus eliminating the need for a variance.
- 1.4** The dwelling is located at the southwest portion of the lot with the side of the home facing the larger yard area on the north, where there is an existing swimming pool. The R1-7 zoning district requires a minimum lot size of 7,000 square feet, the subject property is 16,078 square feet in area. The lot is very large, and the location of the home and swimming pool do not directly meet the criteria for a variance. The positioning of these items does eliminate most practical options for a room addition.
- 1.5** The applicant's justification for the variance include: 1) the addition will not adversely affect the neighborhood; and 2) the design of the addition will be integrated with that of the dwelling.
- 1.6** The addition will add square footage to the dwelling that is comparable to existing homes in the subdivision.
- 1.7** Staff received no calls from any of the adjacent neighbors regarding this request.

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Case No.: ZA09-023

Location: 433 South Hobson

Subject: Requesting a Variance to allow an addition into the required rear yard in the R-2 zoning district.

Decision: Continuance to the June 23, 2009 hearing.

Summary: N/A

Finding of Fact: N/A

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Case No.: ZA09-024

Location: 655 North Grand

Subject: Requesting a Variance to allow an addition into the required rear yard in the R1-9 HD zoning district.

Decision: Continuance to the June 2nd, 2009 hearing.

Summary: N/A

Finding of Fact: N/A

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There being no further business to come before the Zoning Administrator, the hearing adjourned at 1:40 p.m.

The cases for this hearing were digitally recorded and are available upon request.

Respectfully submitted,

John S. Gendron
Hearing Officer

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