

## Zoning Administrator

### *Staff Report*

**CASE NUMBER:** ZA14-001  
**STAFF PLANNER:** Lisa Davis – Planner II  
**LOCATION/ADDRESS:** 5120 E Hampton Avenue  
**COUNCIL DISTRICT:** 2  
**OWNER/APPLICANT:** Frankel Family Trust/O'Neill Engineering-David Ullrich

**REQUEST:** *Requesting a variance to allow a single story maintenance building to encroach into the required side yard in the RM-3 zoning district.*

#### **SUMMARY OF APPLICANT'S REQUEST**

This request is to allow a new 20' x 32', 640 SF, 12'-8" high, maintenance building to encroach up to 13' into the required 20' side yard setback at the west side of the property. The proposed maintenance building will be located within an existing apartment complex, Villas on Hampton, completed in 2000. The proposed location is adjacent to the Franklin Elementary School/ Junior High School ball fields. It will be masonry construction with a stucco finish and a tile roof. The architectural style and colors will be consistent with the existing unit buildings.

#### **STAFF RECOMMENDATION**

Staff recommends approval of case ZA14-001, *conditioned upon the following:*

1. *Compliance with the site plan submitted, except as modified by the conditions listed below.*
2. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*

#### **SITE CONTEXT**

**CASE SITE:** Multiple Residence, zoned RM-3  
**NORTH:** (across Southern Ave) General Commercial, zoned GC  
**EAST:** (across Higley Road) Multiple Residence, zoned RM-3 and Limited Commercial zoned LC  
**SOUTH:** (across Hampton) Limited Commercial zoned LC and Single residence zoned RS-6PAD  
**WEST:** Public/semi-public, zoned PS- Franklin Junior high and elementary school

#### **STAFF SUMMARY AND ANALYSIS:**

The applicant is requesting a variance to allow a proposed maintenance building to encroach into the required 20' side yard setback adjacent to the west property line. The request is to modify the setback to allow for a 7' setback at the closest point. The building would house onsite maintenance tools and a recharge station for the property golf cart style maintenance cars. The applicant remarked that the changing methods of maintenance in the market place have necessitated the need for a maintenance building.

As justification for the variance, the applicant has noted that: 1) since the time of the original development, code requirements have changed. Existing on the property are two-story unit buildings constructed closer than 12' to the west property line ; 2) The west property line is adjacent to ball fields and open play yards of the existing Franklin Elementary/Junior High School; and 3) The proposed building has been angled to allow for the required 25' separation between buildings on the site and will allow for more landscaping in front of the proposed structure; 4) this site was chosen as it is the most visually remote space with enough room, without removing parking or storm water retention capabilities of the site. As proposed, the maintenance building placement would require the granting of a variance.

The Zoning Administrator Hearing Officer must find the following in granting a variance:

1. There are special conditions that apply to the land or building.
2. The special condition was pre-existing and not created by the property owner.
3. That strict compliance with the Code would deprive the property of privileges enjoyed by other properties in the same zoning district.
4. The variance would not constitute a special privilege unavailable to other properties in the vicinity and zoning district of the subject property.

The subject parcel is of similar size and orientation as other parcels in the vicinity and larger than the minimum size required in the RM-3 zoning district. The existing apartment complex was approved thorough Planning and Zoning and Design Review Boards for a 35 building, 266 unit two story building project. The concept of the project was to provide luxury type "Big House" apartment buildings. The project includes a club house, tennis court and useable open space. At the time of development, the design of the project utilized the entire site. Since that time, as the applicant has stated the change in maintenance practices has brought forth the need for a maintenance building. In reviewing the overall site plan the proposed location along the west property line appears to be the best location. The applicant has provided sufficient justification related to the existing project, which is necessary for justifying this request. The location of the maintenance building could be revised on the site but would require additional changes to the site such as removal of parking spaces, revised storm water retention and higher visibility of the maintenance building.

#### **ORDINANCE REQUIREMENTS:**

Zoning Ordinance, Table 11-5-5 – Development Standards for the RM District:

RM-3 District – Interior Side and Rear Yard: Minimum – 20' to single story structures. Multiple story buildings require 15' for each story. Minimum separation between buildings on the same lot to one story buildings is 25'.

#### **FINDINGS:**

- 1.1 The site is bounded on three sides by public streets, Hampton Avenue to the south, Southern Avenue to the north and Higley Road to the east.
- 1.2 The variance would allow the proposed 20' x 32', 640 SF, maintenance building location to be as close as 7' to the west property line in the RM-3 district, which requires a minimum 20-foot setback. The proposed location is a remote location on the site that is not highly visible from the streets. Other locations would be less desirable because they will need to remove parking spaces or storm water retention as well as a more visible maintenance building.
- 1.3 The distance from the proposed maintenance building location to the single residence neighborhood to the south, across Hampton Avenue, is over 560 feet and to the north, across Southern Avenue, is over 840 feet.
- 1.4 The proposed location will meet the minimum on site building separation of 25'.
- 1.5 At the time of the development of the site, code was less stringent for setback requirements. There are a total of 35 two story buildings existing on site. This includes two story buildings adjacent to the west property line that are located less than 12' from the property line.
- 1.6 The current owners of the property did not own the property at the time of development in 2000.

- 1.7** The west property line is adjacent to the ball fields and open play area of Franklin elementary/ Junior High School.
- 1.8** The strict application of the Zoning Ordinance will deprive the property owner of the privileges of the best design that other properties of the same classification in the same zoning district for construction of a maintenance building.

Villas on Hampton  
(formerly Desertscape Apts.)

5120 E. Hampton Avenue, Mesa AZ 85206

## **Setback Variance Narrative**

## **Mesa Board of Adjustment**

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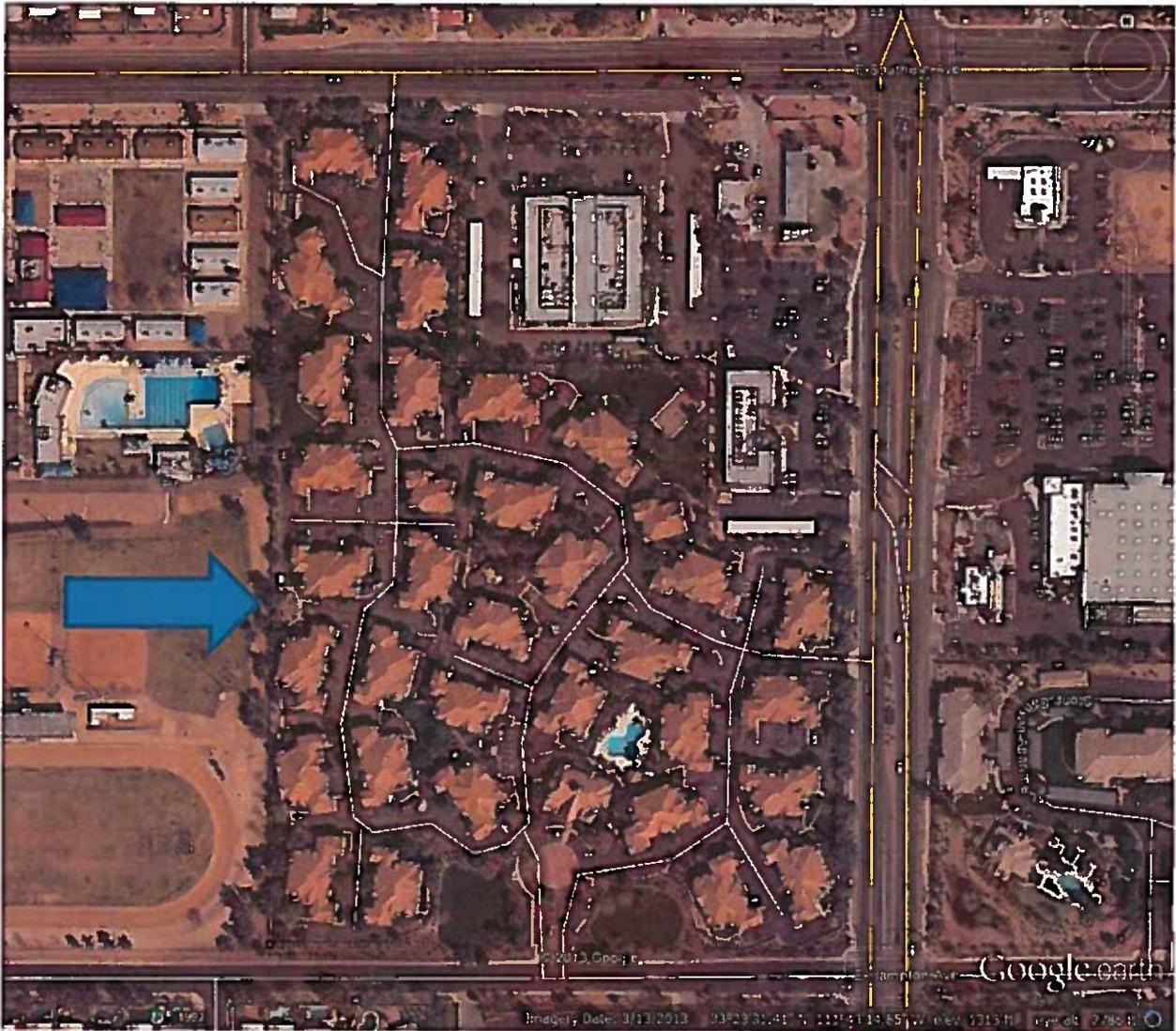
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Villas on Hampton is an existing apartment complex surrounding the corner at the southwest corner of Higley Road and Southern Avenue. The overall site was constructed in the year 2000 under previous zoning code setbacks, which have been modified since then to be more stringent in today's code.

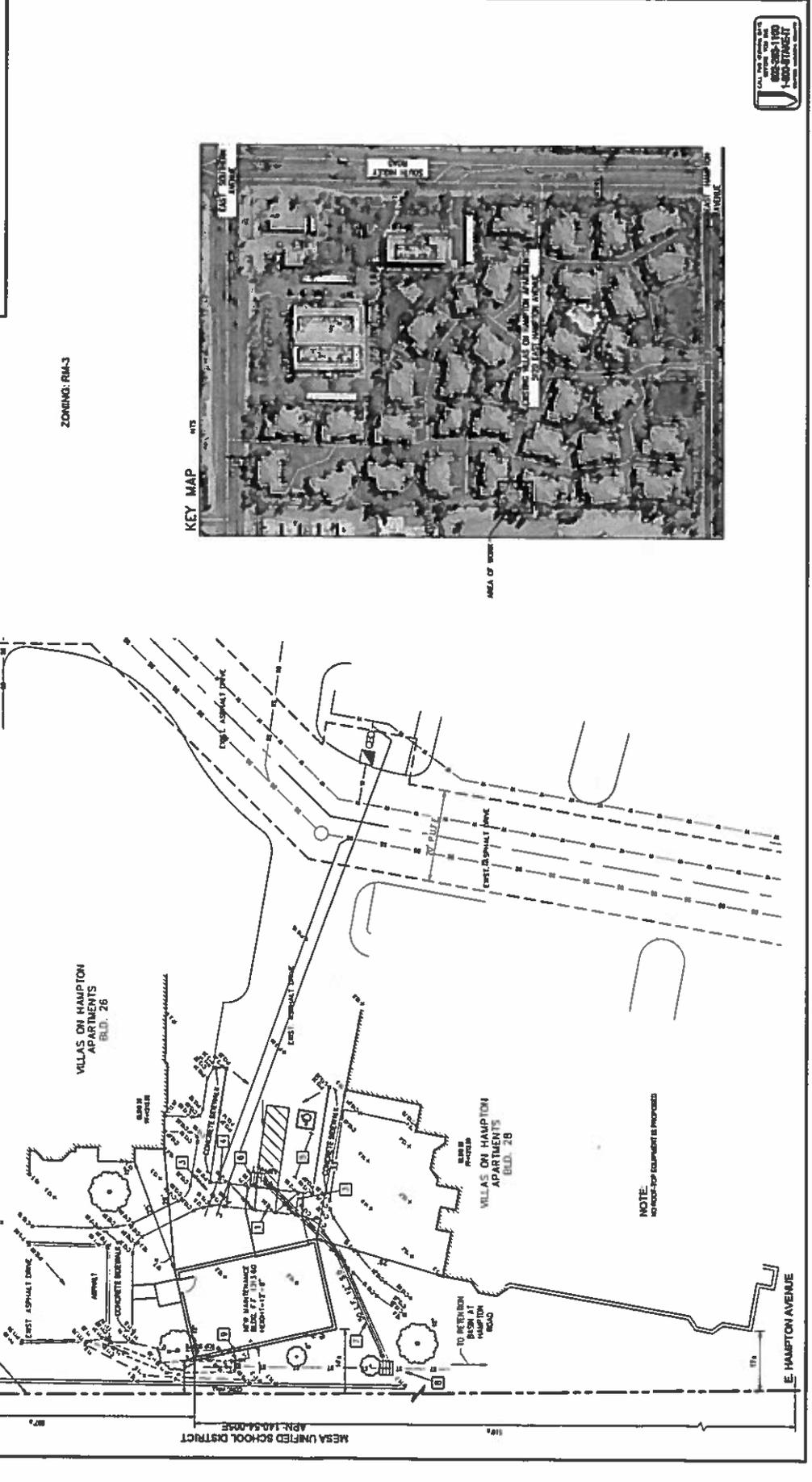
During Minor Site Plan Amendment review, it was determined that we required a variance to place the proposed 20' x 32' (640 sf) Maintenance Building closer than 20' to the west property line. During discussion with staff, it was determined that the best scenario would be to angle the building a bit, which would allow the 25' separation between the proposed building and existing unit buildings per the new codes, and provide more landscaping in front of the proposed structure toward the interior of the site. The west boundary has a 6' masonry wall, with a school open play yard on the other side. This portion of the site was chosen as it is the most visually remote space with enough room, without removing parking or storm water retention capabilities of the site. The changing methods of maintenance in the marketplace has necessitated the need for a maintenance building.

We are requesting a variance to modify Section 11-5-5, to allow a 7' setback to the west boundary of the site for the maintenance building. Several of the existing apartment buildings are within 12' of the west property line based on the code at the time. This building will house onsite maintenance tools, and a recharge station for the property golf cart style maintenance cars. The building is proposed to be less than 13' in height, and will be similar construction as the unit buildings of painted stucco with tile roof. If this site were to not be permitted to construct this, a much less desirable location would have to be used and they would have to remove and replace retention, and the building would be much more visible to the overall site.



Proposed building site is between the third and fourth building from the south on the west edge of site.

- CONSTRUCTION NOTES**
- REMOVE AND REPLACE EXISTING CONCRETE SIDEWALK WITH ASPHALT (12" x 18")
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**LEGEND**

- PROPERTY LINE
- UNDERGROUND STEEL DRAIN
- CONCRETE WALL
- IMPERVIOUS CONTROL VALVE
- GRATE INLET
- SPOT ELEVATION @ TOP OF CURB
- SPOT ELEVATION @ WIDENING
- SPOT ELEVATION @ PARADEWAY
- SPOT ELEVATION @ BOUNDARY

**BENCHMARK**  
 BENCHMARK IS LOCATED AT THE SOUTHWEST CORNER OF BOUTHERN AVENUE AND HUNTER ROAD  
 ELEVATION = 1021.48 FT. (MVD)

**UTILITY NOTE**  
 THE UNDERGROUND UTILITIES SHOWN HEREIN WERE ESTABLISHED BY ASSESSMENTS PERFORMED ON THE SITE. LOCATIONS OF UTILITIES ARE APPROXIMATE AND SHOULD BE VERIFIED BY FIELD LOCATION.

**ELEVATION NOTE**  
 SPOT ELEVATIONS INDICATED ARE IN FEET CLARITY PURPOSES.

**ZONING: RM-3**

**NOTE:**  
 NO ROOF-TOP EQUIPMENT IS PROVIDED



Looking immediately west of building site, at ball yard of school to west.



Subject building site to left, catch basin and property wall looking south.



**Building site to left, looking northwest.**



**Building site to left, looking north-northwest.**



Looking from building site to south, closest building has 12' building setback at south end.



Looking north, toward building site from south end of nearest building.