

Staff Summary Report



Hearing Officer Hearing Date: December 1, 2009

Agenda Item Number: 3

SUBJECT: This is a public hearing for a request by the **BROWN RESIDENCE (PL090414)** located at 11812 South Rural Road for one (1) variance.

DOCUMENT NAME: 20091201dssl01 **PLANNED DEVELOPMENT (0406)**

COMMENTS: Request by the **BROWN RESIDENCE (PL090414)** (Bob Long/Design Profile Inc., applicant; Wes Brown, property owner) located at 11812 South Rural Road in the AG, Agricultural District for:

VAR09014 Variance to increase the wall height in the front yard setback from four feet (4') to eight feet (8').

PREPARED BY: Sherri Lesser, Senior Planner (480-350-8486)

REVIEWED BY: Steve Abrahamson, Planning & Zoning Coordinator (480-350-8359) *SEA*

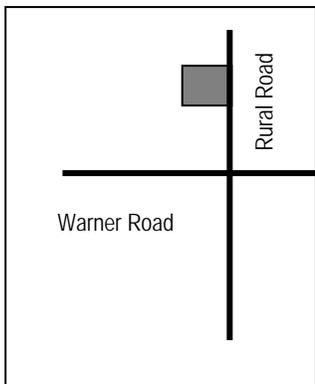
LEGAL REVIEW BY: N/A

DEPARTMENT REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval, subject to conditions

ADDITIONAL INFO:



The applicant is requesting a variance to increase the wall height in the front yard setback from 4 feet to 8 feet. The proposed wall will be a combination of sections of solid block and sections of block wall with a stone veneer and ornamental iron. The applicant's property is located along a major arterial, Rural Road. Per the applicant's letter, the wall will provide a buffer from the high volume traffic and provide additional security to the property. Staff supports the variance finding that there are special circumstances related to precedence established by previously granted variances and the proximity of the property to a major arterial. Staff notes that if this property backed to a major arterial (as it existed prior to subdivision) an eight (8) foot high wall would be a requirement per section 4-706 B. The applicant held a neighborhood meeting on November 15, 2009; in accordance with the requirements of the Zoning and Development Code. No neighbors attended the meeting. To date, no other public input has been received.

PAGES:

1. List of Attachments
2. Comments; Reasons for Approval; Conditions of Approval
3. History & Facts/Description; Zoning & Development Code Reference

ATTACHMENTS:

1. Location Map(s)
2. Aerial Photo(s)
- 3-4. Letter of Intent
5. Site Plan
6. Staff Photograph(s)

COMMENTS:

The Brown Residence is seeking a variance to increase the maximum wall height in the front yard setback from four feet (4') to eight feet (8'). The proposed wall will be a combination of sections of solid block and sections of block wall with a stone veneer and ornamental iron. The future wall will be located eight (8) feet behind the front property line along the Rural Road frontage. Currently, an oleander hedge conceals the property from Rural Road. The hedge will be replaced with a more attractive landscape design with the installation of the new wall. According to the applicant's letter, the wall will provide a buffer from the high volume traffic and provide additional security to the property.

Public Input

The applicant held a neighborhood meeting on November 15, 2009 with no one in attendance. To date, no other public input has been received.

Variance

The Zoning and Development Code requires that walls located in the front yard setback to be a maximum of four (4) feet in height. A use permit may be obtained to increase a wall height to six (6) feet and any wall height beyond six (6) feet would require a variance. The applicant is proposing an eight (8) foot wall to be located eight (8) feet behind the front property line within the front yard setback. In review of this request, staff finds that there is justification for support of the variance. The location of the lot, adjacent to a major arterial, is a special circumstance that the intent of the ZDC four (4) foot maximum wall height does not address. A similar single family residence was constructed on a property adjacent to a major arterial in 2003, within the 8500 block of south McClintock Drive. A variance was granted in that case for an increase of the wall height to eight (8) feet due to the proximity of the residence to the major arterial. If this property's frontage was reversed; an eight foot wall would be required per section 4-706 (B) of the Zoning and Development Code. The authorizing of the variance will not be materially detrimental to the adjacent property or the surrounding area.

Conclusion

Staff recommends approval of the variance to increase maximum wall height from four (4) feet to eight (8) within the front yard setback.

REASON(S) FOR APPROVAL:

1. Special circumstances or conditions applying to the land, building or use exist.
2. The authorizing of the variance is necessary for the preservation and enjoyment of substantial property rights.
3. Authorization of the variance(s) will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or to the public welfare in general.

SHOULD THE HEARING OFFICER ELECT TO TAKE AFFIRMATIVE ACTION ON THE REQUEST, THE FOLLOWING CONDITIONS OF APPROVAL SHOULD APPLY.

CONDITION(S) OF APPROVAL:

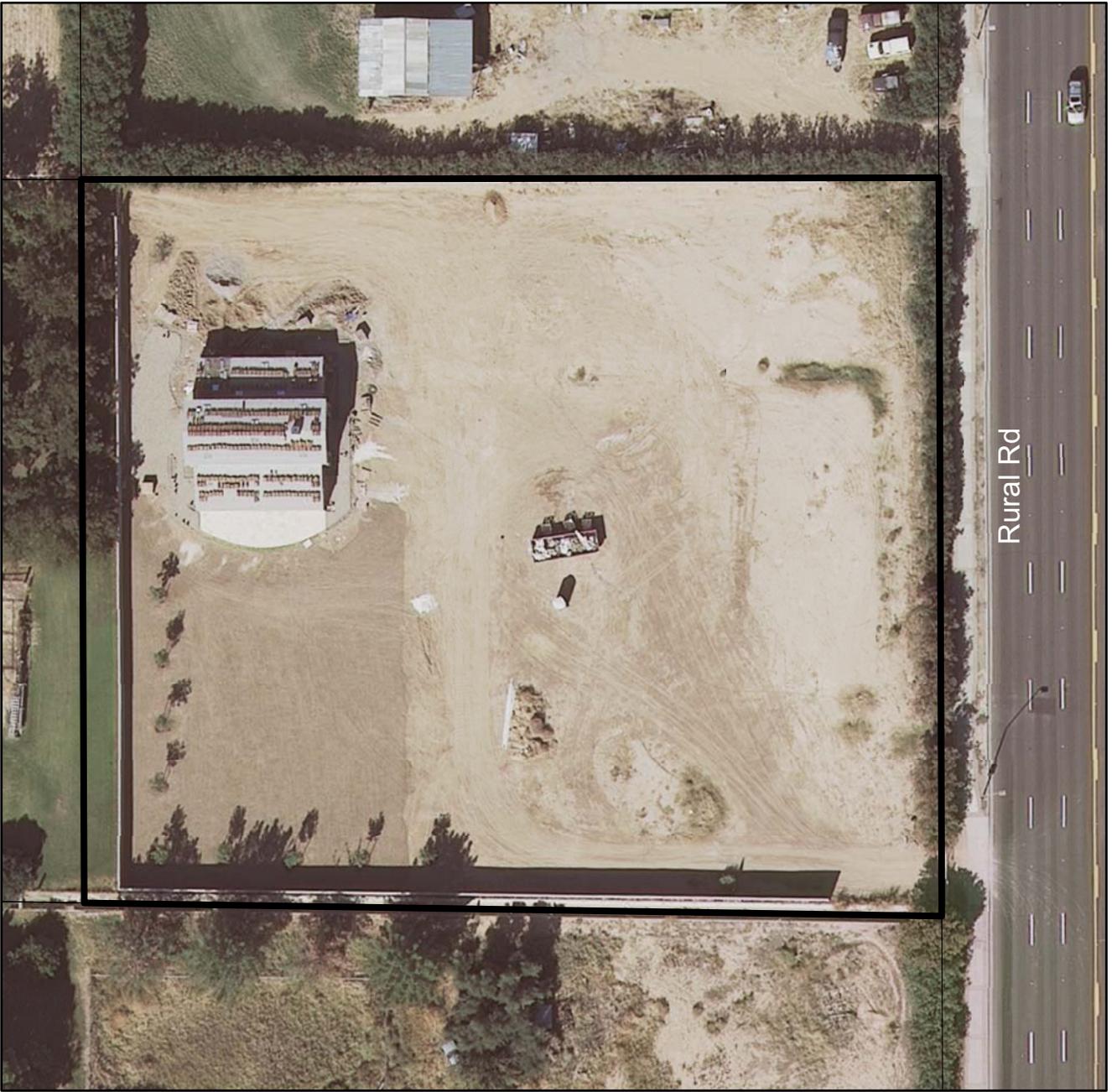
1. The variance valid for the plans as approved by the Hearing Officer.
2. Oleander hedge existing at the street front to be removed and replaced with a new landscape design.
3. Obtain all necessary clearances from the Building Safety Division.

HISTORY & FACTS: February 6, 2003. The Hearing Officer approved a variance to increase the maximum allowable height for a wall, in the 40' front yard setback, from 4' to 8' for the Hamberlin Residence located at 8504 South McClintock in the AG, Agricultural District.

DESCRIPTION: Owner – Wes Brown
Applicant – Bob Long/Design Profile Inc.
Existing Zoning – AG, Agricultural District

**ZONING AND
DEVELOPMENT**

CODE REFERENCE: Citations of Code Requiring Residential Setbacks & Variance(s):
Zoning & Development Code:
Part 4, Chapter 4, Section 4-706.
Part 6, Chapter 3, Section 6-309



BROWN RESIDENCE (PL090414)

design profile, inc,

Robert Long

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plans@designprofile.com

10.29.09

Request for Variance:

Letter of explanation

To Whom It May Concern:

A request for a variance is hereby submitted for the property located at 11802 S. Rural Rd. It is proposed that an 8' fence wall be placed within the front yard setback of the property. The fence wall would include some solid block sections as well as some 4' solid block sections with 4' ornamental iron view fence above. The fence wall will be approx 8.5' back from the property line, and behind the P.U.E., along the Rural Rd. frontage.

The special circumstances and conditions applying to this parcel are the Size of the right of way (Rural Rd.) as well as the amount of vehicular travel along this road. The Homeowner is making every effort to improve the property behind the sidewalk and easement, in order to do so and block out some of the traffic, and protect his property from the potential of out of control vehicle, it is proposed that this fence wall be permitted for the protection of this property. The height of 8' is also desired as a deterrent to unwelcome trespassers. The approval of this variance and fence/wall will aesthetically improve the street frontage along this portion of Rural Rd., significantly cleaning up and enhancing the random situation that currently exists.

The approval of this variance will allow the property owner to utilize the property to its fullest extent. With frontage to Rural Rd. the drive access is limited and must afford the exit from and entry into traffic. With the fence wall in place as proposed, the property owner will be allowed to provide for the traffic entry and exit procedure, as well as protect his property.

The approval of this fence/wall will be of no detriment to any persons or property in the vicinity. It will in fact improve the streetscape frontage and help adjacent properties to understand the possibilities for their frontage along Rural Rd. There are also tall fence walls north of this property which have been installed for similar reasons.

The approval of this variance will not make any change to the zoning classification for the property, increase densities or affect the zoning district in any way.

This variance is requested for relief of a situation that exists with the property, and has not been self-imposed by the property owner. The Rural Rd. frontage has always been the condition for this property, and was in place when property was subdivided. Also the approval of this variance will not allow any condition or item that is expressly prohibited by the code.

Thank you for your consideration on this issue.

Sincerely,

Robert Long.



BROWN RESIDENCE

11812 SOUTH RURAL ROAD

PL090414

FRONT OF RESIDENCE

