### ZONING INTERPRETATION RECORD

**Subject of Interpretation:**

| Determination of Building Setbacks on Trust Owned Property |

**Zoning Ordinance Section Number:**

| 11-2-3; 11-5-7(B) |

**Title of Section:**

| Rules for Measurement; Additional Standards: RM Districts with Urban (U) Community Character Designator-Factory-Built Buildings |

**Cause for Interpretation:**

The applicant requested an interpretation of how zoning related building setbacks apply to a property owned in trust. Although this parcel is addressed based on a certain road, it does not have direct frontage onto that street. Rather, the property is accessed from an easement extending to the applicant’s property across the adjacent property to the south, which leads to a partially dedicated public street, which in turn leads to the road in question. To complicate matters a bit further, the north property line of this parcel is co-terminus with another partially dedicated street, and the east property line of this same parcel abuts a fully dedicated street. The fully dedicated street connects to the partially dedicated street, but it does not directly connect to the road in question, or connect to any public street that eventually connects to this road or any other public street that connects to the remainder of the City’s street system. In addition to the access questions, the parcel has a somewhat unusual trapezoid shape, and was principally developed while the parcel was under the jurisdiction of Maricopa County, previous to annexation of this area by the City of Mesa.

**Interpretation:**

The present residence was built previous to the dedication of the two previously mentioned partially and fully dedicated streets on the north and east sides of this parcel. The home on this parcel faces west, towards an interior property line (not adjacent to a street), and also facing a private access easement that extends to this site. To the south and north of the residence are detached accessory structures, and to the east is a detached shade roof structure that is open on four sides. Complicating this question is the fact that all three detached accessory structures are closer to a potential “front” property line. Section 11-5-7.B of the Mesa Zoning Ordinance specifies that detached accessory structures may not be placed in front of the front line of the dwelling.

Further, Section 11-2-3 of the Mesa Zoning Ordinance specifies that lot frontage is determined by the narrowest width of the lot when it abuts two streets. Based on this language, the present zoning ordinance would define the frontage of property as the east property line, or adjacent to the fully dedicated street. Looking further into the site, the only detached accessory structure between the primary
dwelling and the fully dedicated street is the open-sided shade structure. Further, the other two detached accessory structure to either side, of the primary dwelling, north and south, are located within the rear quarter of the lot. Again, referencing Section 11-5-7.B, detached accessory buildings may also encroach into required side yards when placed in the rear quarter of the lot. If the fully dedicated street is considered the ‘front’, then both of the enclosed detached structures are authorized to remain where they are presently placed, without variance. The only nonconforming structure then would be the open-sided shade structure.

So, based on the current definition of lot frontage, and the present locations of all of the buildings and structures on the property, the front property line for this site, is the east property line. Issuance of any building permits for additions to the residence shall only require removal of the open-sided shade structure mentioned above, or approval of a variance to allow this structure to remain.