



Planning and Zoning Division

Development Services Department

10000 N. El Mirage Road, El Mirage, AZ 85335

623-972-8116; TDD 623-933-3258

www.elmirageaz.gov

STAFF REPORT

Council Meeting Date: September 1, 2026

ACTION

Zoning Case: VAR260001

Request to Consider

Consideration and action on a variance request for the property at 14206 N Palm St, El Mirage, AZ 85335 (APN 501-28-050B). The applicant requests variances from Section 154.053 – Zoning Standards of the Mixed Urban (MU) district, including: 1) Allowing an existing lot width of 31.5 ft where 40 ft is required. 2) Allowing an existing 9-ft rear setback where 10 ft is required.

Goal/Purpose of Request

The applicant is seeking approval for a variance to build a residential dwelling on a lot that does not comply with the current zoning ordinance. The proposal is to construct a 1,579-square-foot home on a 3,656-square-foot lot.

Location

Site Plan indicated by the red parcel outline.

14206 N Palm St. El Mirage, Az 85335



Owner

Martinez-Martinez, Leticia
1734 W Williams Dr Ste 5
Phoenix, AZ 85027

Applicant

Juan M Gutiérrez
Blueprints & Design
Glendale, AZ 85301
juanblue2015@yahoo.com
480-395-4305

Background

The subject property is an existing legal nonconforming lot developed with a single-family residence originally constructed in 1950. The property contains a lot width of approximately 31.5 feet and a lot area of approximately 3,565 square feet, both of which are below current MU zoning standards. Where the current zoning code requires a 40-foot-wide and a 4,000-square-foot lot.

The existing home was constructed with nonconforming setbacks, including a rear setback of approximately zero feet and a north side setback of approximately 3 feet. These site conditions and the original structure placement predate the city's current zoning regulations. Current zoning regulations require a ten-foot rear setback and a five-foot side setback.

Per zoning code 154.107, non-conforming structures have the right to operate and maintain a non-conforming use status and shall terminate when the structure or structures housing the use are removed, razed, or remodeled to the extent of 50% of the structure's fair market value. The structure shows signs of deterioration, including water intrusion, termite damage, and compromised framing, necessitating demolition and reconstruction of the rear portion of the residence. The applicant is requesting a variance to allow reconstruction while maintaining the established building footprint and the existing nonconforming site constraints.

The applicant seeks approval from the Board of Adjustment, consistent with Section 154.155, which allows variances where strict enforcement would deprive the owner of reasonable use of their property. The lot dimensions, existing setbacks, and original house placement were all established long before current zoning standards, and the hardship is not self-imposed. Strict enforcement of current setback, minimum lot width, and minimum lot size standards would: Prevent reasonable reconstruction of the existing residence. Eliminate the use of areas that have long functioned as part of the original home. Make redevelopment impossible without removing significant portions of the existing structure. These conditions meet the required findings under Section 154.155 (B)(8)(a-c).

General Plan Compliance

The 2020 General Plan Land Use Map identifies the site as part of the Mixed-Use Planning Area and notes that it is compatible with the plan.

Zoning, Land Use & Overlays

The residential property is zoned MU (Mixed-Urban), is currently abandoned, and is within the Downtown Revitalization Plan and Opportunity Zone.

ARS 28-8481 Land Use Compatibility

Not applicable.

City Staff Review

City staff reviewed the application and determined it is ready for the variance hearing.

Stipulations

The applicant shall proceed with the construction of the residential dwelling within six months of the approval.

Planning Commission

The Planning Commission is not required to review or act on variance requests because all variances are decided solely by the Board of Adjustment, as outlined in Section 154.155.

City Council

City staff will present and request final action from the City Council during the variance hearing on September 1, 2026.

Public Comments

No comments received.

Conclusion

If the application is approved, the applicant may submit the construction documents for staff review and approval.

Attachments

Zoning Application