

Board of Adjustment



Minutes

**City Council Chambers, Lower Level
October 5, 2016**

Board Members Present:

Chair Tony Siebers
Trent Montague, Vice Chair
Wade Swanson
Steve Curran
Ken Rembold
Terry Worcester
Kathy Tolman

Board Members Absent:

(none)

Staff Present:

Lisa Davis
Kaelee Wilson
MaryGrace McNear
Charlotte McDermott
Rebecca Gorton

Others Present:

Joshua Meyer
Jeff Welker
Jon Hopkin

The study session began at 4:32 p.m. and concluded at 5:52 p.m. The Public Hearing began at 5:58 p.m. before adjournment at 7:14 p.m., the following items were considered and recorded.

Study Session began at 4:32 p.m.

- A. Reminder of the Special Board of Adjustment meeting, Wednesday, October 26, 2016
Staff member Lisa Davis read the Public Notice for the Board
- B. Receive a presentation and discuss meeting procedures, ethics and open meeting law.
MaryGrace McNear and Charlotte McDermott with the City Attorney's Office gave a presentation on meeting procedures, ethics, and open meeting law.
- C. The items scheduled for the Board's Public Hearing were discussed.

Study Session adjourned at 5:52 p.m.

Public Hearing began at 5:58 p.m.

A. Consider Minutes from the August 3, 2016 and September 7, 2016 Meeting:

A motion was made by Boardmember Swanson to approve the August 3, 2016 minutes with the correction of the time the study session adjourned. The motion was seconded by Vice Chair Montague to approve the minutes.

Vote: Passed (7-0)

A motion was made by Boardmember Swanson to approve the September 7, 2016 minutes with the following corrections; 1) Boardmember Steve Curran was excluded as present and Tony Siebers name was duplicated and; 2) the vote on page 12 should read "*Passed (7-0)*". The motion was seconded by Vice Chair Montague to approve the minutes.

Vote: Passed (7-0)

B. Consent Agenda:

A motion to approve the consent agenda as read by Vice Chair Montague with the acceptance of Findings of Fact and Conditions of Approval as recommended in the Staff Report and modified during the study session was made by Boardmember Swanson and seconded by Boardmember Worcester.

Vote: Passed (7-0)

A motion to approve case BA16-059 on the consent agenda as read by Boardmember Swanson with the acceptance of Findings of Fact and Conditions of Approval as recommended in the Staff Report was made by Boardmember Rembold and seconded by Boardmember Worcester.

Vote: Passed (6-0; Vice Chair Montague, recused)

Public Hearing adjourned at 7:14 p.m.

Minutes of the Board of Adjustment October 5, 2016 Meeting

Case No.: BA16-044 Continuance to November 2, 2016

Location: 1927 N. Gilbert Road (District 1)

Subject: Requesting a Special Use Permit (SUP) for a Comprehensive Sign Plan (CSP) in the LC zoning district. (PLN2016-00577)

Decision: Continuance to the November 2, 2016 Meeting

Summary: This item was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Boardmember Swanson and seconded by Boardmember Worcester to continue case BA16-044 to the November 2, 2016 meeting.

Vote: Passed (7-0)

Minutes of the Board of Adjustment October 5, 2016 Meeting

Case No.: BA16-045 Continuance to November 2, 2016

Location: 2207 W. Main Street

Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow modifications to development standards for an existing manufactured home park in the GC zoning district. (PLN2016-00580)

Decision: Continuance to the November 2, 2016 Meeting

Summary: This item was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Boardmember Swanson and seconded by Boardmember Worcester to continue case BA16-045 to the November 2, 2016 meeting.

Vote: Passed (7-0)

Case No.: BA16-050 APPROVED WITH CONDITIONS

Location: 4550 E. Southern Avenue (District 2)

Subject: Requesting: 1) a Substantial Conformance Improvement Permit (SCIP) to facilitate additions to an existing mini-storage warehouse facility in the LC zoning district; 2) a Special Use Permit to allow an existing recreational vehicle (RV) storage yard initially provided as an accessory use to a residential master plan development in the RS-6-PAD zoning district to be utilized by the general public; and 3) and minor modifications to a Planned Area Development (PAD) overlay district related to development standards for that same RV storage yard. (PLN2016-00489)

Decision: Approved with Conditions

Summary: Applicant Jeff Welker, Welker Development Resources, 3125 E. Dover Street, presented a brief review of the request. Mr. Welker requested that others wishing to speak should do so first and he would respond to any concerns brought up.

Jon Hopkins, 4616 E. Southern Avenue, stated that he lives to the east of the property and is concerned about the structures being built. Mr. Hopkins stated he is concerned about increased traffic and access into the site. He stated there is a 4.5 foot wall between his property and the storage facility and he can hear the vehicles when they are picking up the RV's. Mr. Hopkins asked if there would be access to the facility on Flower Circle and if the applicant would be required to pave the facility. Chair Siebers inquired what Mr. Hopkins meant when he wrote that he was unaware on the comment card. Mr. Hopkins responded that he had heard that Bob's Storage was purchasing the property and was developing it to be a large mini-storage.

Boardmember Swanson confirmed with Mr. Hopkins that he is directly east of the proposed project. Mr. Swanson stated the site plan shows that the buildings are still on the west side of the property and the landscaping between the site and his property will be remaining. Mr. Hopkins responded that the entrance to the building is approximately 15' from his property line. Boardmember Swanson asked for more detail about the 4.5 foot wall in which Mr. Hopkins responded that he can look over the wall at the RVs and hear noise from the trucks. Mr. Hopkins inquired if there would be improvements to the wall as a sound barrier. Boardmember Swanson asked Mr. Hopkins if he gets more noise from the entrance to the facility than from traffic on Southern Avenue and Mr. Hopkins confirmed that to be true. Boardmember Tolman inquired as to who owns the wall. Mr. Hopkins responded that he believes the wall belongs to Sunland Village.

Applicant Jeff Welker responded to the concerns of Jon Hopkins. Mr. Welker stated that there is no sale of the property and continues to be owned by the Farnsworth family. He explained that it is required by City code to pave all drivable surfaces and they can work with staff to determine what surfacing they need for where the RV's will be parked.

Mr. Welker addressed the concerns of traffic that Mr. Hopkins discussed. He stated that noise will be reduced by 2/3 due to the self-storage units will not generate as much noise as the movement of RV's does. He added that the RV storage will be relocated to the north side of the site. Traffic for the self-storage will come off of Southern Avenue and not be allowed to come from inside Sunland Village, as it is a private gate and serves as an amenity for the residents.

Staff member Wahid Alam stated once the buildings and surface is paved, it will be quieter as the self-storage will not generate as much traffic volume. Also, the west side is a retention basin next to the resident's property which is planted with trees and landscaped.

There was discussion between the applicant and resident which included a concern for security. Chair Siebers clarified that there is no intention to remove the buffer space on the east side and is part of the landscaping plan submitted with the application. Mr. Welker confirmed that if they had intention of repurposing that area it would have been proposed at this time. Staff member Lisa Davis clarified that this has a zoning case that will be presented to Council for rezoning which the neighbor was encouraged to attend. Ms. Davis continued that code would require the surface have pavement or asphalt and cannot be modified through the SCIP. Code does allow use of a different material if approval by Zoning Administrator and City Engineer are received.

Boardmember Rembold asked Mr. Welker to discuss the condition of the wall in more detail. Mr. Welker replied that the wall has been there for decades and he is unaware of any issues or concerns. Staff member Alam stated the distance from the property to the east is approximately 153' to the mini-storage property line with another 30' to the proposed buildings. He continued that there is also a retention basin which provides a significant distance from the proposed facility to the neighbor's property.

Boardmember Worcester inquired if there are plans for a west bound deceleration lane for the larger vehicles to use. Mr. Welker responded it is not due to cost and in order to put in a deceleration lane, they would need to acquire right-of-way.

Chair Siebers stated that the property began as an ancillary use for RV storage and the use is changing as a public use and asked Mr. Hopkins if he had anything more to add. Mr. Hopkins responded by stating his concerns with the wall and about to fall over. Mr. Hopkins also stated most of the trees are half dead citrus trees and there is no vegetation that obstructs his view. He suggested that a higher wall would provide him more privacy. Chair Siebers responded that the RV traffic will be minimized in the front due to the storage facility replacing the RV parking. Boardmember Rembold asked who is responsible for the wall and owns it. Mr. Hopkins responded the wall to the north belongs to him and is unaware of who owns the wall on the west side of his property that separates his property with the RV facility.

Jeff Welker responded that the wall most likely belongs to Sunland Village and they would be happy to repair any of the area that is in need. They are also looking to dress up the manager's quarters, and as a part of that they are happy to look at the wall.

Motion: A motion to approve case BA16-050 with the acceptance of Findings of Fact and Conditions of Approval as recommended in the Staff Report, with the removal of Conditions #5, #6 and #7, was made by Vice Chair Montague and seconded by Boardmember Swanson to approve with the following conditions:

1. Compliance with the project narrative, site plan, landscape plan and elevations submitted except as modified by the following conditions.
2. Compliance with the Design Review approval for this project.
3. Compliance with all other City development codes and regulations.
4. Compliance with all requirements of Development Services in the issuance of building permits.

Vote: Passed (7-0)

The Board's decision is based upon the following Findings of Fact:

- A. The proposed expansion of the mini storage facility and reconfiguration of the existing RV storage facility invokes conformance with current development standards.
- B. At the time of initial development in 1980's, the setbacks, foundation base, and landscape requirements of the Zoning Code varied or were non-existent when compared to the development standards of the current Code.
- C. The proposed project is deficient in landscaping yards compared to current codes. Also the applicant is requesting to allow RV storage by non-residents of Sunland Village Subdivision.
- D. The existing monument sign along Southern Avenue is a non-conforming sign.
- E. The proposed use will not be detrimental to surrounding properties.
- F. Requiring full conformance with present zoning related development standards would create new nonconforming conditions on the site, and require demolition or removal of significant existing improvements, including changes to the existing storm water retention basin, and modifications to the existing building for the mini-warehouse facility.

Case No.: BA16-051 APPROVED WITH CONDITIONS

Location: 111 S. Dobson Road (District 3)

Subject: Requesting a Special Use Permit (SUP) for an alternative compliance parking plan with transit accessibility for an existing commercial center in the LI zoning district. (PLN2016-00650)

Decision: Approved with Conditions

Summary: This item was on the consent agenda and not discussed on an individual basis.

Motion: A motion to approve case BA16-051 with the acceptance of Findings of Fact and Conditions of Approval as recommended in the Staff Report was made by Boardmember Swanson and seconded by Boardmember Worcester to approve with the following conditions:

1. Compliance with the site plan submitted and alternative compliance parking 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 permits.
3. The existing 53 parking spaces must be maintained for the commercial center.

Vote: Passed (7-0)

The Board's decision is based upon the following Findings of Fact:

- A. The commercial center was developed in 1987.
- B. The site is within 1320' of the light rail stop with frequent service located at Dobson Road and Main Street.
- C. The site is located within the boundaries of the West Main Street Area Plan that encourages Transit Oriented Development, which includes reductions in surface parking. Mixed Use, pedestrian-friendly environment is encouraged around transit facilities.
- D. The aggregate number of required parking spaces for the total development is 75 spaces, accounting for a wide range of commercial activities, and not just retail uses. A 33% reduction would result in a total of 51 parking spaces. The existing 53 parking spaces on the site are within the allowed 33% reduction.
- E. Currently the maximum number of parking spaces being used at the peak time of use is 25 spaces of the 53 spaces available, based on observations submitted by the applicant.
- F. There is not a shared parking agreement in place with the property to the south.
- G. The existing commercial center is identified in the Mesa 2040 General plan as within the Mixed Use Activity District and within the Transit Corridor. The proposed alternative compliance parking plan for the commercial center is in conformance with the intent of the MZO and the General Plan.
- H. The proposed alternative compliance parking plan for the commercial center is compatible with, and not detrimental to, adjacent properties or the neighborhood in general.

Case No.: BA16-052 **APPROVED WITH CONDITIONS**

Location: 855 W. Southern Avenue (District 3)

Subject: Requesting a Special Use Permit (SUP) for a Comprehensive Sign Plan (CSP) for a multi-residence development in the RM-4-PAD zoning district. (PLN2016-00644)

Decision: Approved with Conditions

Summary: This item was on the consent agenda and not discussed on an individual basis.

Motion: A motion to approve case BA16-052 with the acceptance of Findings of Fact and Conditions of Approval as recommended in the Staff Report was made by Boardmember Swanson and seconded by Boardmember Worcester to approve with the following conditions:

1. Compliance with the comprehensive sign plan submitted, except as modified by the conditions listed below.
2. Any additional signage not identified with this Sign Plan will require modification to this Special Use Permit.
3. Compliance with all requirements of the Development Services Division with regard to the issuance of sign permits.

Vote: Passed (7-0)

The Board's decision is based upon the following Findings of Fact:

FINDINGS FOR SCIP

- A. The CSP establishes consistent attached sign design and size.
- B. The proposed additional 32 square feet of attached sign to be placed the western most portion of the building adjacent to Southern Avenue would be allowed on the Grove Avenue elevation. The request is to transfer the sign from the Grove Avenue elevation to the Southern Avenue elevation.
- C. No detached signs are proposed.
- D. The design of the signs is consistent in material and design with the architecture of the buildings.
- E. The sign criteria within the CSP is tailored to this specific development and promotes superior design.
- F. The proposed CSP is largely consistent with current Code requirements and is complimentary to the development and consistent with the use of the property. Therefore, the CSP, with the recommended conditions, will be compatible with, and not detrimental to, adjacent properties or the neighborhood in general.

Case No.: BA16-053 APPROVED WITH CONDITIONS

Location: 5245 E. Southern Avenue (District 2)

Subject: Requesting a Special Use Permit (SUP) for the expansion of an existing carwash in the LC zoning district. (PLN2016-00647)

Decision: Approved with Conditions

Summary: This item was on the consent agenda and not discussed on an individual basis.

Motion: A motion to approve case BA16-053 with the acceptance of Findings of Fact and Conditions of Approval with the change to condition #7 to read as *"The vacuum enclosure shall be fully enclosed to meet City development standards"* was made by Boardmember Swanson and seconded by Boardmember Worcester to approve with the following conditions:

1. Compliance with the site plan, narrative and elevations submitted, except as modified by the conditions below.
2. Compliance with all requirements and conditions of approval for the previously approved SUP, ZA05-018.
3. Application for, and compliance with all requirements of, Administrative Design Review. Review shall include the site plan, landscape plan and elevations with finish materials, architectural details and colors.
4. Site landscaping shall be replenished to quantities shown on the approved landscape plan (DR05-034).
5. A solid screen wall or a combination of a screen wall and berm that is 40 inches high shall be added along Southern Avenue, in front of the vacuum canopies.
6. In addition to the landscaping of condition 4, a minimum of two 15-gallon large canopy trees and ten shrubs shall be added along the Southern Avenue frontage.
7. The vacuum enclosure shall be fully enclosed to meet City development standards.

Vote: Passed (7-0)

The Board's decision is based upon the following Findings of Fact:

FINDINGS FOR SCIP

- A. The proposed expansion of the car wash is allowed in the Limited Commercial (LC) zoning district with the approval of a Special Use Permit.
- B. The proposed expansion of the car wash for Cobblestone Auto Spa is compatible with adjacent developments, and can be complimentary to existing surrounding uses.
- C. Adequate public services, public facilities and public infrastructure are available to serve the proposed project.
- D. The proposed expansion of the car wash, with the recommended conditions of approval will not be injurious or detrimental to the adjacent or surrounding properties in the area.
- E. The vacuum system is in a separate enclosure and meets the sound attenuation design

requirements for less than 55 decibels of sound reading level at the property line.

- F. The project site exceeds the minimum 10% landscape design standard required for car washes.
- G. A "Good Neighbor" policy has been provided that is sufficient.

Case No.: BA16-054 APPROVED WITH CONDITIONS

Location: 856 S. 80th Street (District 5)

Subject: Requesting a Modification of PAD for enclosure of carport into garage, and a reduction of front yard garage setback in the RS-6-PAD-AS zoning district. (PLN2016-006S1)

Summary: Applicant Gary Mehus, Builders West, 464 W. Hillview Circle, contractor for the owner presented an overview of the project. Mr. Mehus described receiving building permits for the garage enclosure without issues. He stated permits were for a 27' garage and the 22' requirement was never presented to him by the HOA or the City. Mr. Mehus provided photos of the owner's truck and how difficult it would be for the truck to fit into a 22' length garage. Mr. Mehus stated that the owner also requires the extra space for storage. He detailed that the footings had been dug when the City inspector inquired about the front setback and where the property line is. Mr. Mehus presented a photo of the placement of the garage next door which was the basis for placement of this garage.

Helen Burns, owner of 856 S. 80th Street, stated her truck is 19.5' long and if she has to have a 22' garage, she would not be able to walk around the truck if the garage is closed.

Boardmember Rembold inquired if there was a compromise to the size of the garage. Mr. Mehus stated the request for the 27' is due to the fact that the footings have been dug and if they received approval for anything less, he will need to move back the footings and pour new concrete. Ms. Burns added it would cost her more money to relocate the footings.

Chair Siebers replied that the criteria in which the board looks at a variance is to look at un-do hardship and to ensure that this does not provide an advantage over what other people have. Mr. Siebers confirmed that when the applicant refers to having received plans that were approved, is he stating that he had received a building permit and the applicant confirmed that to be correct. Mr. Mehus acknowledged that the plans submitted for the permit had an incorrect front setback indicated and stated the plan reviewer did not catch the error. Chair Siebers asked what the minimum size the applicant would prefer in which Ms. Burns replied she would be contend with the 22' but it would be a hardship for her.

Chair Siebers requested Ms. Burns clarify a specific length and Ms. Burns responded anything less than 27' would be expensive and she would like to walk in front of the truck when it is parked in the garage. She would prefer that the length be at least 24' or 25' so that she could walk in front of the garage.

Boardmember Rembold asked for the measurement of the setback of the neighbor's garage which was measured as 11' to the front property line. Chair Siebers inquired if the contractor assumed where the property line of the neighbor's was and the applicant responded he measured the distance of the neighbor's property to decide where to measure for Ms. Burn's garage.

Staff member Lisa Davis clarified that staff looked at the neighborhood and established other variances which were approved, however, none at the distance being requested.

Boardmember Rembold agreed that it would be difficult to get around a 22' garage with the large truck. However, he does not believe there is a need for a 27' length and hopes there can be a more reasonable compromise of 24 – 25' length. Boardmember Tolman inquired if the neighbor received a variance and Ms. Davis responded she is unaware if there is one. Ms. Tolman stated she is leaning toward approval of the 27' length because the contractor was given approval by building and consequently not at fault. Staff member Davis clarified that the ordinance specifies that it is the applicant's responsibility to provide accurate information on all plans submitted for review. The fact that the applicant showed a 20' setback on the plans but actually had a 11' setback to the garage was not discovered until the footings were inspected.

Staff member Kaelee Wilson clarified this subdivision was originally built in the county and later annexed into the City. It is possible that several garage additions were built prior to the annexation.

Motion: A motion by Boardmember Rembold was made to approve Case BA16-054 with a modification of the staff recommendation of Condition #3 to state length be 25' from staff recommendation of 22' and change the Findings #4 to be at 25' in place of 22'.

The motion was not seconded.

A second motion made by Boardmember Tolman was made to approve BA16-054

for the modification of the enclosure of the garage with staff recommendation except for leaving the interior garage depth to the length they requested of 27'.

Chair Siebers asked for Boardmember Tolman to clarify changes to condition #3. Staff member Davis stated to simply remove Condition #3 and to change Findings of Fact #4.

This motion was restated for clarity.

A final motion was made by Boardmember Tolman to approve BA16-054 with the removal of Condition #3 as recommended by staff and to change #4 in the Findings to reflect the installation of the garage to be 27' as proposed. The motion was 2nd by Boardmember Rembold with the following conditions:

1. Compliance with the site plan and elevations 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.
3. The garage shall be architecturally compatible with the home.

Vote: Passed (4-3)

The Board's decision is based upon the following Findings of Fact:

- A. The home was built in the late 1970s with a two-car carport that does not meet current interior dimensions for a carport or garage.
- B. The applicant would like to enclose the current carport into a garage.
- C. Garages are commonly found on most single residences, and there are several garages already in place in the vicinity of this proposal.
- D. Installation of a garage with the minimum depth of 27-ft.
- E. Enclosure of the existing carport into a garage with a depth that is consistent with the minimum depth required under present standards will be consistent with the purpose and intent of the adopted plan for Fountain of the Sun.

Case No.: BA16-055 APPROVED WITH CONDITIONS

Location: 1005 W. Hickory Street (District 1)

Subject: Requesting a Variance to encroach in front, side yard setbacks and building form standard in the RS-6 zoning district. (PLN2016-00652)

Decision: Approved with Conditions

Summary: Mr. Christopher Miller, 4321 E. Foundation Street, Gilbert, spoke for the applicant who is unable to attend due to an illness and is the stepson of the applicant. He stated this request is similar to the previous case where the current depth of the carport and the vehicles they own would not provide enough room if required to build to 22' standard length. Mr. Miller stated the owner has a boat which requires 24.5' length and a historic vehicle. Due to the historic value of the vehicles the applicant requires complete enclosure for insurance purposes. Mr. Miller clarified that the door to the house also opens into the garage similar to the previous case and would not be able to walk in front of the vehicle or have room for storage. He stated that prior to the meeting, he measured the distance from the driveway to the proposed garage of 23.5'. This would provide plenty of room to park a full size vehicle. He understands the set back is not to the sidewalk but this would allow plenty of room on the driveway to park vehicles off the street.

Boardmember Swanson inquired how long the applicant has been in the home. Mr. Miller responded over 20 years and the owner has owned the boat for approximately 8 years. He continued that the vehicle to park in the garage is a historic truck being restored. Part of the purpose for enclosing the garage is to secure it in the garage which keeps the insurance cost down.

Staff member Kaelee Wilson responded that staff does believe there is a hardship based on when the carport was constructed. However, staff sees no other hardship to support the length. Ms. Wilson stated staff stands by the recommendation of 22' in length.

Vice Chair Montague inquired if staff checked to see if others homes in the area have exceeded the 22' length. Ms. Wilson responded that if the other homes converted the garage prior to the 2011 ordinance, it would not have gone through the Variance process and would not have been seen at this board. The ordinance was not in effect for the size of the garage prior the 2011 change.

Chair Siebers stated that he understands that vehicles today are large and there is appears to be a hardship for them to fit. He continued to state that this is a new process since 2011 which property owner's now need to work with. Mr. Siebers continued to state that the vehicle is a factor for him to consider, but the board does not.

Vice Chair Montague clarified that the applicant is requesting the length of the garage to be 25' and anything in addition to the recommended 22' he would be happy with. The applicant's representative replied that to be correct, however, the applicant would prefer length of 25'. Boardmember Tolman inquired if there is a request for a side yard encroachment and it was confirmed by Ms. Wilson they are not.

Motion: A motion to approve BA16-055 with the acceptance of Findings of Fact and Conditions of Approval was made by Boardmember Worcester and seconded by Boardmember Swanson to approve with the following conditions:

1. Compliance with the site plan and elevations 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.
3. The interior garage depth shall be reduced to 22 feet in length.
4. The garage shall be architecturally compatible with the home.

Vote: Passed (7-0)

The Board's decision is based upon the following Findings of Fact:

- A. The home was built in the late 1960's with a two-car carport that does not meet current interior dimensions for a carport or garage.
- B. The applicant would like to enclose the current carport into a garage. In order to meet Code requirements for interior dimensions, two variances are needed.
- C. The granting of the variance would not constitute a special privilege to this property owner over other properties in the area. Garages are commonly found on most single residences. There are over 40 home in the immediate vicinity that have garages.
- D. Installation of a garage with the minimum depth of 22-ft, rather than 25-ft as proposed, would limit the degree of encroachment into the required front yard to 1-ft, a minimal amount.
- E. Strict compliance with development standards would deprive the property owner of a privilege enjoyed by surrounding property owners.

Case No.: BA16-056 APPROVED WITH CONDITIONS

Location: 812 E. Kramer Street (District 1)

Subject: Requesting a Variance to encroach in side yard setback in the RS-1S-PAD zoning district. (PLN2016-00653)

Decision: Approved with Conditions

Summary: Justin Miller, 812 E. Kramer Street, presented his case to the Board. Mr. Miller stated his proposal to have a full 5' encroachment is so that he can construct the size of the garage he would like to have. Mr. Miller stated his property is a corner lot with a wall and would like to have storage for his work truck and trailer so that he can keep it off of the front driveway. He explained that a standard size door is 16' and that size door would not allow him the ability to back into the storage unit the way his property is. With the full encroachment he could get a larger door which would provide him easier access.

Vice Chair Montague inquired if Mr. Miller would be able to build on the east side of the property. Staff member Wilson stated that he would not be able to due to the 10' setback on the east side which would give the owner 19' between the home and garage. Vice Chair Montague confirmed that a mailbox is on the west side of the property. Boardmember Swanson confirmed that the applicant needs to maneuver around the mailbox and asked if the mailbox could be moved to the other side. There was discussion of the possibility of moving the mail box to the other side of the property to provide the applicant easier access. Mr. Miller stated that he would still need to angle the vehicle to enter through the garage which would not be much different if the mail box was not there. He stated that easier access is the purpose of his request for a wider door. Mr. Miller stated approval to allow for the larger size door would eliminate blocking traffic on Horne to come in at that angle.

Vice Chair Montague stated his thoughts are that there are other large garages in the area and has no objection to the 24' width of the garage. Chair Siebers stated he concurs and specifically with how difficult it is to get into the rear yard. Boardmember Worcester stated that with the length of trailer and pick up that to be able to back it up a few extra feet is not a bad thing.

Motion: A motion to approve BA16-056 with the change of condition #3 in the Conditions of Approval to read as a minimum of five feet wide and the acceptance of Findings of Fact with the change to #4 was made by Boardmember Rembold and seconded by Vice Chair Montague to approve with the following conditions:

1. Compliance with the site plan submitted, except as modified by the conditions below;
2. Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.
3. The western side yard setback shall be a minimum of *five* feet wide.

Vote: Passed (6-1)

The Board's decision is based upon the following Findings of Fact:

- A. The property is zoned RS-15-PAD and is required a 10' side yard setback on the west, adjacent to Horne.
- B. The subdivision sign is location on the property which prevents a straight vehicular approach into the side yard.
- C. There is an existing VNAE along the side property line preventing vehicular access form Horne onto the property. The subject parcel is the other lot in the subdivision with a VNAE on the side yard.
- D. The applicant is requesting a 5' side yard setback and staff is recommending 5' based on site conditions.

Case No.: BA16-057 Approved with Conditions

Location: 2434 E. Main Street (District 2)

Subject: Requesting a Special Use Permit (SUP) for alteration of an existing non-conforming single residence to allow a second residential unit in the LC zoning district. (PLN2016-00426)

Decision: Approved with Conditions

Summary: This item was on the consent agenda and not discussed on an individual basis.

Motion: A motion to approve case BA16-057 with the acceptance of Findings of Fact and Conditions of Approval as recommended in the Staff Report was made by Boardmember Swanson and seconded by Boardmember Worcester to approve with the following conditions:

1. Compliance with the site plan submitted.
2. Compliance with all requirements of the Development Services Division with regard to the issuance of permits.

Vote: Passed (7-0)

The Board's decision is based upon the following Findings of Fact:

- A. The existing home was constructed in the mid 1960's.
- B. The minimum 4 parking spaces are provided on site for the 2 dwelling units.
- C. The area and footprint of the existing single residence will not be expanded to provide for the second unit. All work will be interior to the building.
- D. The existing manufactured home park is identified in the Mesa 2040 General plan as within the Neighborhood manufactured home character and within the Transit Corridor. The proposed alteration to the existing non-conforming single residence to develop a second unit is in conformance with the intent of the MZO and the General Plan.
- E. The proposed alterations to the non-conforming single residence to develop a second unit is compatible with, and not detrimental to, adjacent properties or the neighborhood in general.

Case No.: BA16-058 **Approved with Conditions**

Location: 4121 E. Valley Auto Drive (District 2)

Subject: Requesting a Special Use Permit (SUP) to allow a Medical Clinic in the LI-PAD zoning district. (PLN2016-00654)

Decision: Approved with Conditions

Summary: This item was on the consent agenda and not discussed on an individual basis.

Motion: A motion to approve case BA16-058 with the acceptance of Findings of Fact and Conditions of Approval as recommended in the Staff Report was made by Boardmember Swanson and seconded by Boardmember Worcester to approve with the following conditions:

1. Compliance with all documents submitted, except as modified by these conditions.
2. Compliance with all requirements of Development Services in the issuance of permits.
3. A minimum of an eight-foot landscape island shall be located on the southern side of the generator.

Vote: Passed (7-0)

The Board's decision is based upon the following Findings of Fact:

- A. The proposed Special Use Permit is to allow for a medical clinic to locate within an office development that is zoned LI-PAD.
- B. The proposed medical clinic is an outpatient surgical center that specialized in spinal and orthopedic surgeries.
- C. The proposed medical clinic will not be injurious or detrimental to the surrounding neighborhood.
- D. The medical clinic use is in conformance with all adopted plans and the General Plan designation of Employment. The use furthers the intent of the Employment District by adding healthcare related jobs.
- E. There are adequate public services, public facilities and public infrastructure to serve the proposed project, as it is locating within an existing office complex.

Case No.: BA16-059 Approved with Conditions

Location: 6402 E. Superstition Springs Boulevard (District 6)

Subject: Requesting a Special Use Permit (SUP) for a Comprehensive Sign Plan (CSP) in the LC-PAD zoning district. (PLN2016-00661)

Decision: Approved with Conditions

Summary: This item was on the consent agenda and not discussed on an individual basis.

Motion: A motion to approve case BA16-059 with the acceptance of Findings of Fact and Conditions of Approval as recommended in the Staff Report was made by Boardmember Swanson and seconded by Boardmember Worcester to approve with the following conditions:

1. Compliance with the sign plan submitted, except as modified by the conditions listed below.
2. Any additional signage not identified with this Sign Plan will require modification to this Special Use Permit.
3. Compliance with all requirements of the Development Services Division with regard to the issuance of sign permits.

Vote: Passed (6-0; Vice Chair Montague, recused)

The Board's decision is based upon the following Findings of Fact:

- A. The CSP establishes consistent detached sign design, size and height that is proportionate to the building size of the each of the individual buildings for this project.
- B. The existing CSP dates back to 1997, when much of the development now on the site was still in a speculative or conceptual stage. The CSP adopted at the time anticipated changes, and made specific allowance for revisions to be made in the future.
- C. The proposed 5th attached sign is consistent in area (4-ft by 16-ft, or 64-sqft) with the other four attached signs already in place (3 locations are also 4-ft by 16-ft, and one is 2.5-ft by 7-ft). Aggregate sign area for the building would increase from 210- to 274-sqft, and no one single sign being larger than 64-sqft.
- D. The office building that is the subject of this request is a two story structure and is designed with a slight bend in the middle that would take an otherwise rectangular building and allow it to 'follow' the curve in Superstition Springs Blvd. As such, there is a south elevation and a southwest elevation. Only the east, west, north and south elevations have signs at this time. These are no signs on the southwest elevation. Therefore, the addition of a fifth sign facing the street will not add to any sense of sign clutter on the building.
- E. The office building is multi-tenant. The addition of the fifth sign will allow an additional tenant to identify its location.
- F. Given that each of the tenant spaces within this multi-tenant building has internal access, then each suite does not qualify as having a 'by-right' attached sign allowance, which is limited to suites that qualify as having separate occupancies, each typically having separate outdoor access.
- G. Unique conditions of orientation of the office building, building size, and sign placement exist with this project, which justify the additional number of signs in excess of the typical maximum of three.

Case No.: BA16-060 Withdrawn by applicant

Location: 1155 S. Country Club Drive

Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) for reduction in development standards to facilitate the reuse of the existing building as a new dental office in the GC zoning district. (PLN2016-00662)

Decision: Withdrawn by Applicant

Summary: This item was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Boardmember Swanson and seconded by Boardmember Worcester to table case BA16-060.

Vote: Passed (7-0)

OTHER BUSINESS:

None

ITEMS FROM CITIZENS PRESENT

None

Respectfully submitted,



Lisa Davis
Planner II