

May 1, 2017

Memo to: Steve Hether, Deputy Director *sz 5/2/17*
From: Diane Ross, Building Plans Examiner
Subject: BLD2005-08455 at 1440 N. Crismon Road

I started working in the Development Services Department in 1999 reviewing various types of permits. My current title is Building Plans Examiner.

In 2005, almost 12 years ago, the City received plans for the construction of a new house at 1440 N. Crismon Road. I was assigned to review the construction plans for the Planning Department. I have only a vague recollection of reviewing the plans for 1440 N. Crismon Road, but I recently reviewed them again to refresh my recollection.

Because of the Desert Uplands location of this metes and bounds lot, I would have discussed with my supervisor the Planning requirements for the lot. I reviewed the plans and indicated where Planning corrections were required. Other City staff also made comments and revisions on the plans, and the plans were returned to the Schmukers for correction and resubmittal. First review documents, including required corrections, are posted in the City's Tidemark system. Eventually, I did approve the construction plans for the Schmuker residence.

I do not have a specific recollection of meeting with the Schmukers. Had we met at the time their construction plans were being reviewed, we would have done so at the City offices. Plans Examiners do not typically go to building sites. In my 18 years of employment with the City, I have never gone into the field for a site visit without a supervisor, nor have we ever met with an applicant at a site visit. I never made a site visit to 1440 N. Crismon Road, and I have never seen the Schmuker site in person.

I understand that the Schmukers applied to the Board of Adjustment for a variance, and that their case was heard at a public hearing on April 5, 2017. After the hearing, I reviewed the document that the Schmukers presented to the Board that evening. The Schmukers stated that I "recommended this was the Ideal Placement for the new home because there are no major washes that go through the center of the 4.66 acres." This is not accurate. I never gave the Schmukers any general advice about the placement or orientation of their home.

My written comments indicate that I did advise the Schmukers about the required building setbacks, as established in Mesa's Zoning Code, and I told them that any building needed to occur outside the building setbacks. I also asked for the percentage of disturbance, maximum roof area lot coverage, and referred them to sections of the Desert Uplands Ordinance regarding temporary fence requirements and other requirements.

With respect to the accessory structures, they were shown on the plans as "existing sheds," not livable space. I believed that the structures were legal nonconforming; that is, that they had been built before annexation, and not altered substantially after the property was annexed into the City.

As a Planning Plans Examiner, I am in frequent contact with Planners, the Zoning Administrator, and the Planning Director to verify whether there have been any variances, administrative approvals or interpretations that may affect my plan review comments. This internal due diligence is a big part of being a Planning Plans Examiner. I do not have the authority to allow deviations from the Mesa Zoning Code, and I did not purport to allow such a deviation in the Schmukers' case.

Finally, I always correct people who try to call me "Diana," and tell them that my name is Diane. I'm adamant about people calling me by the correct name (Diane) because I married into the last name "Ross" almost 40 years ago.

Respectfully,



Diane Ross

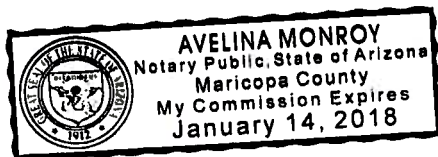
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CC:

Gordon Sheffield
Angelica Guevara
MaryGrace McNear

STATE OF Arizona)
COUNTY OF Maricopa) ss.

SUBSCRIBED AND SWORN TO before me, a Notary Public, this 2nd day of May, 2017, by Diane Ross, in the capacity and for the purposes therein stated.



(Notary Stamp/Seal)


Notary Public