



Board of Adjustment

Minutes

City Council Chambers

January 2, 2019

Boardmembers Present:

Wade Swanson-Chair
Chris Jones- Vice-Chair
Trent Montague
Ken Rembold
Steve Curran
Kathy Tolman

Board Members Absent:

Adam Gunderson (excused)

Staff Present:

Nana Appiah
Kim Steadman
Lisa Davis
Veronica Gonzalez
Margaret Robertson
Mike Gildenstern

Others Present:

Alex Bautista
Paul Martinez
Chad Turner
Ron Ricci
Darren Handy
Kimberly Zeman
Vicki Jennett
Debbi Mesa
Craig Stevens
(Others Present)

The study session began at 5:03 p.m. and concluded at 5:25 p.m. The Public Hearing began at 5:34 p.m., before adjournment at 7:16 p.m., the following items were considered and recorded.

Board of Adjustment Study Session

1. Call meeting to order

Study Session began at 5:03 p.m.

2. Zoning Administrator's Report

2-a NONE

3. Review and discuss items listed on the Public Hearing agenda for January 2, 2019.

The items scheduled for the Board's Public Hearing were discussed.

4. Adjournment

Study Session adjourned at 5:25 p.m.

Board of Adjustment Public Hearing

Call meeting to order

Public Hearing began at 5:30 p.m.

1. Take action on all consent agenda items.

Items on the Consent Agenda

2. Consider the Minutes from the December 5, 2018 meeting

On a motion by Boardmember Rembold and seconded by Boardmember Montague, the Board unanimously approved the December 5, 2018 minutes and Consent Agenda as read by Vice-Chair Jones.

Vote: 6-0 (Absent: Boardmember Gunderson)
Upon tabulation of vote, it showed:
AYES – Swanson, Jones, Montague, Rembold, Curran, Tolman
NAYS – None

3. Take action on the following cases:

A motion to approve the cases on the consent agenda as read by Vice-Chair Jones was made by Boardmember Rembold and seconded by Boardmember Montague.

Vote: 6-0 (Absent: Boardmember Gunderson)
Upon tabulation of vote, it showed:
AYES – Swanson, Jones, Montague, Rembold, Curran, Tolman
NAYS – None

***3-a Case No.: BOA18-00913 CONTINUED TO FEBRUARY 6, 2019**

Location: 1330 South Crismon Road (District 6)

Subject: *Requesting: 1) a Substantial Conformance Improvement Permit (SCIP) to allow modifications to development standards; and 2) a Special Use Permit (SUP) to allow athletic facilities in conjunction with a place of worship in the RS-43-PAD District.*

Decision: Continued to February 6, 2019

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

Motion: A motion to continue case BOA18-00913 as read by Vice-Chair Jones, was made by Boardmember Rembold and seconded by Boardmember Montague.

Vote: 6-0 (Absent: Boardmember Gunderson)
Upon tabulation of vote, it showed:
AYES – Swanson, Jones, Montague, Rembold, Curran, Tolman
NAYS – None

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***3-b** **Case No.: BOA18-00916 CONTINUED TO FEBRUARY 6, 2019**

Location: 733 North Longmore (District 3)

Subject: *Requesting: 1) a Special Use Permit (SUP) to allow a wireless communications facility in the RS-6 District; and 2) a Special Use Permit (SUP) to allow a wireless communications facility to exceed the maximum height allowed in the RS-6 District.*

Decision: Continued to February 6, 2019

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

Motion: A motion to continue case BOA18-00916 as read by Vice-Chair Jones, was made by Boardmember Rembold and seconded by Boardmember Montague.

Vote: 6-0 (Absent: Boardmember Gunderson)
Upon tabulation of vote, it showed:
AYES – Swanson, Jones, Montague, Rembold, Curran, Tolman
NAYS – None

***3-c Case No.: BOA18-00918 APPROVED WITH CONDITIONS**

Location: 1144 East Nielson Avenue (District 4)

Subject: *Requesting a Special Use Permit (SUP) to allow an enlargement of a structure encroaching in the required setback in the RS-6 District.*

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 BOA18-00918 as read by Vice-Chair Jones with the acceptance of Findings of Fact and Conditions of Approval, was made by Boardmember Rembold and seconded by Boardmember Montague to approve with the following conditions:

1. Compliance with the site plan submitted.
2. Compliance with all requirements of the Development Services Department in the issuance of a building permit.

Vote: 6-0 (Absent: Boardmember Gunderson)
Upon tabulation of vote, it showed:
AYES – Swanson, Jones, Montague, Rembold, Curran, Tolman
NAYS – None

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

FINDINGS:

- A. At the time the home was constructed in 1955, it met MZO requirements.
- B. The east side of the existing home (carport and storage room) encroaches 3' into the required 7' side yard and the aggregate of both side yards is only 12', whereas the current MZO requires an aggregate of 15' for both side yards.
- C. The existing home is considered "existing, nonconforming."
- D. The east and west sides of the proposed 882 SF addition are in-line with the east and west sides of the existing home, and do not further reduce any nonconforming yard.
- E. The proposed addition meets the criteria of MZO 11-35-7.B for a SUP to allow alterations and enlargements that extend into a nonconforming yard providing the enlargement would not further reduce the nonconforming yard
- F. The location of the proposed detached carport structures meets MZO development standards for a detached accessory building in the RS-6 District.
- G. This single residence is located in the Suburban Neighborhood character type of the Mesa 2040 General Plan. The proposed addition is consistent with the policies of the General Plan for single residential neighborhoods.
- H. The project is consistent with the standards of the RS-6 District (with a SUP) and conforms with the General Plan.

FINDINGS: (CONT.)

- I. The proposed project is consistent with the scale of development of the surrounding neighborhood. Consequently, staff does not foresee this project being detrimental or injurious to the surrounding properties, the neighborhood or the City.
- J. The proposed project is served by existing City of Mesa utilities and public infrastructure.

3-d Case No.: BOA18-00919 APPROVED WITH CONDITIONS

Location: 1730 West Guadalupe Road (District 3)

Subject: *Requesting a modification to a Special Use Permit (SUP) to allow the number of special events to exceed the allowed maximum in the RS-6-PAD District.*

Decision: Approved with Conditions

Summary: The applicant, Chad Turner, 1730 W. Guadalupe Road, home address, 1800 W. Keating Avenue, presented the case to the Board.

The applicant clarified for Chair Swanson that the events requested with unknown dates are just templates. Mr. Turner added that a potential Art Walk Event would occur one day a year, and possibly run from 7 a.m. to 3 p.m.; a potential carnival would occur one day a year per year, with set-up beginning around 8 a.m., opening around 3 p.m.; and potential concerts that would run from 7 p.m. to 9 p.m. The applicant concluded by restating that these events were all still unknowns, and with a recent Pastor change, there may not be a strong emphasis on hosting events for fundraising, so many of these potential events may never occur.

The applicant clarified for Boardmember Rembold that although St. Timothy has had a parking issue, the church has approval to use the parking at Dobson High School. The applicant stated that at the most recent St. Timothy Feast Day event, roughly 1000 people may have attended the event throughout the evening. The applicant added that guests were parking in the Dobson High School parking lot, as well as in the adjacent neighborhood, but during the monthly Food Truck Friday event, the parking lot is more than adequate to handle the parking demands, and usually doesn't get more than ¾ full.

The applicant clarified for Vice-Chair Jones that the first St. Timothy Feast day event was held last year at the site, and he acknowledged that a better job could have been done to encourage guests to park in the Dobson High School parking lot, instead of parking on the surrounding neighborhood streets. The applicant added that the event ran from 4 p.m. to 9 p.m., and that the speakers amplifying music were pointed directly south facing the parking lot and the sports fields at Dobson High School, south of Guadalupe Road, and that he wasn't aware of any noise complaints. The applicant went on to say that a typical attendance for the Food Truck Friday event is around 300 people, and roughly 1000 people on the St. Timothy Feast Day. The applicant estimated that an Art Walk Event may attract roughly 500 people, and a carnival may attract roughly 1000 people. The applicant closed by stating that a concert may attract roughly 500-1000 people in the amphitheater, as the outdoor Christmas and Easter Masses usually host roughly 500 people.

The applicant confirmed for Boardmember Curran that he was not aware of any parking issues being raised by any neighbors in the surrounding neighborhood. The applicant

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added that there will be more of an effort made to encourage guests to park in the parking lot at Dobson High School, and that the church will meet with neighbors to address events.

Staffmember Gonzalez clarified for Boardmember Tolman that the current Special Use Permit, which was approved in July 2018, only addresses the Food Truck Friday event, and not the St. Timothy Feast Day.

Boardmember Tolman stated that she was concerned about past events at the church and was reluctant to approve this new Special Use Permit. She closed by suggesting that the church hold the St. Timothy Feast Day event at a different location, possibly the Dobson High School football field.

The applicant stated that the church would be willing to remove the Art Walk Event, the carnival, and the proposed concerts in the parking lot, as those events do not necessarily fit the vision of the new church pastor.

Chair Swanson reminded the Board that the Special Use Permit being evaluated was regarding approving special events, not to determine the distinction between a fundraiser and a commercial activity.

Ron Ricci, 2135 W. Isthmus Loop, was opposed to the Special Use Permit, and stated that he is the acting president of the Dobson Ranch Homeowners Association, and he was there speaking on the HOA Board's behalf. Mr. Ricci stated that the Board was in favor of the annual Feast Day event but was not in favor of concerts and carnivals. Mr. Ricci added that the Art Walk Event was questionable, as there was concern about the additional traffic that would be generated. Mr. Ricci concluded by saying that there were noise issues and litter complaints during the last St. Timothy Feast Day event.

Darren Handy, 1730 W. Guadalupe, home address, 1822 E. San Tan St. Chandler, AZ, was in favor of the Special Use Permit, and explained to the Board that he was one of the responsible parties running the Food Truck Friday events and the St. Timothy Feast Day Event last year. He stated that although he personally helped collect what he thought was all the trash generated after the St. Timothy Feast Day Event, he will try to do a better job this year in making sure all the litter is removed. Mr. Handy continued by saying that in the 1990's, the parish had 6000 families, and now there are currently 2400 parish families, so the traffic impact is significantly lower than it used to be. Mr. Handy closed by stating that Sunday Mass parking usually extends down Pennington a little north of Keating Ave., down Keating Ave., and down Pecan, and that he is not personally aware of any parking complaints.

Kimberly Zeman, 1762 W. Natal Ave., was opposed to the Special Use Permit, and stated that parking issues in the neighborhood have improved, but that she has had to replace trampled plants. Ms. Zeman was concerned about the increased traffic and felt that the additional proposed events were beyond the scope of traditional neighborhood activities,

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with the larger crowds and potential safety issues that may come with the added events.

Vickie Jennett, 23819 S. 150th St., Chandler, was in favor of the Special Use Permit, and stated that she has been an employee at St. Timothy's since 2000. Ms. Jennett closed by saying that she felt that the noise was effectively contained at the Feast Day event held last year, and that the Church has done it's best to keep being a "good neighbor".

Chair Swanson clarified for the public that the applicant could come back at any time to modify any Special Use Permit, if they so desire.

Keith Call, 15431 S. 16th Way, Phoenix, was in favor of the Special Use Permit, and stated that he has been the business manager for St. Timothy's Church for 3 years. Mr. Call stated that church participation is declining, and so are the crowds that come to church events. Mr. Call closed by saying that St. Timothy's is an HOA member of Dobson Ranch, and the purpose of the planned events is to build community.

Craig Stevens, 1806 W. Navarro Ave., was opposed to the Special Use Permit, and stated that he was formerly the head of the Dobson Ranch traffic committee. Mr. Stevens didn't like the carnival proposal and he stated that he had obtained 40 signatures in opposition to the proposed ideas. He went on to say that he hopes that traffic can be redirected to the Dobson High School parking lot, and that he has concerns regarding the noise during concerts.

Debbie Mesa, 1730 W. Guadalupe, was in favor of the Special Use Permit, and although she stated that she wished to speak, she was not present.

Anne Autore, 2823 S. Pennington, was opposed to the Special Use Permit for events with outdoor music, out of concerns for the excessive noise.

Chair Swanson confirmed with Ms. Autore that her property is adjacent to Dobson High School sports fields which the marching band uses for practice mostly every day, playing past 9:30 p.m.

Eddie Cook, 1760 W. Aspen, Gilbert, spoke in favor of the Special Use Permit. To keep with normal tradition, Chair Swanson introduced Mr. Cook as a Gilbert Town Council Member. Mr. Cook encouraged the teams to work together and build community in the Dobson Ranch area.

Staffmember Gonzalez proposed modifying Condition of Approval #6 to include language stating that St. Timothy would be required to display portable signage in compliance with Chapter 42 in the Mesa Zoning Ordinance on the day of each event, that directs traffic to park in the Dobson High School parking lot, and not in the surrounding neighborhood.

Staffmember Gonzalez also referenced a letter from former Planning Director Mizner that was produced by Mr. Stevens, stating that Mr. Mizner felt that the annual carnival was a concern. Staffmember Gonzalez clarified that at the time the letter was written, there

was a much larger multi-day carnival at the church that was being referred to, and that the City would not approve a carnival license to be held in that same manner. Staffmember Gonzalez stated that in the past, Special Event Licenses were allowed for up to 3 events for a maximum of 3 consecutive days, but in 2003, the Ordinance changed to allow up to 4 events, for 4 consecutive days. Staffmember Gonzalez concluded by saying that as of 2011, all findings for the approval of a Special Use Permit were established demonstrating an evolution has occurred in the approval of special events, allowing more and longer events, but with more regulatory guidance.

Chair Swanson clarified that per Condition Number #4, the Church would need to obtain a Special Event License for each event.

Staffmember Gonzalez explained to the Board that HOAs are not typically included in the review process for Special Use Permits and Special Event Licenses.

Boardmember Montague stated that he was reluctant to allow an outside group to grant approvals over a City function, and that he felt that there was already an effective mechanism in place for HOAs to provide feedback.

Staffmember Gonzalez clarified for the Board that if the Special Use Permit is approved as presented, the SUP would allow an additional 5 events (including the carnival) in addition to the previously approved food truck festival events.

Boardmember Montague confirmed with Staff that a Special Event License would still be required, and that the narrative and operation plan presented in the Case materials would need to be adhered to for each event held at the Church.

Boardmember Rembold felt that the audience was generally in support of the yearly St. Timothy Feast Day, but they seemed to have had reservations about the additional events.

Boardmember Tolman voiced support for the proposed Art Walk Event.

The applicant confirmed for the Board that the Art Walk Event would probably run from 9 a.m. to 3 p.m. on a Saturday, and that one concert would most likely occur in the parking lot, and the other in the amphitheater. The applicant added that the request for a carnival would not be pursued because there are too many unknowns, and he agreed that it could be removed from the Special Use Permit request.

Staffmember Davis stated that an outdoor mass held in the amphitheater is seen by the City as a component of a typical use for a Church and would not require a Special Use Permit.

Chair Swanson clarified that it was generally agreed to maintain the Art Walk Event and St. Timothy Feast Day celebration, but to remove the carnival and concert in the parking lot from consideration.

Boardmember Montague proposed adding language to Condition of Approval #6 to encourage parking to be less disruptive to the neighborhood.

Vice-Chair Jones felt that twelve Food Truck Fridays, one St. Timothy Feast Day Event, and one Art Walk Event a year were appropriate, and stressed the importance of timely neighborhood outreach and communication.

Motion: A motion to approve case BOA18-00919 with the acceptance of modified Findings of Fact and Conditions of Approval, was made by Vice-Chair Jones and seconded by Boardmember Rembold to approve with the following conditions:

1. Compliance with the site plans and project narrative/operation plan as submitted except as modified by the conditions below.
2. Compliance with all requirements of the Development Services Department in the issuance of building permits.
3. Apply for and receive a City of Mesa Special Event License for each event.
4. Compliance with all requirements of the Special Event License.
5. Special Use Permit will allow up to 14 events per year (12 Food Truck Friday Events, 1 St. Timothy Feast Day Festival, and 1 Art Walk Event)
6. Written approval from Dobson High School for the use of their campus for overflow parking to be provided with each Special Event License application. Provide portable signage, in compliance with Chapter 42 of the Mesa Zoning Ordinance, on the day of each event directing vehicles to park at Dobson High School and not in the surrounding neighborhood.
7. Food Truck Friday Events shall comply with all requirements of case BOA18-00408.

Vote: 6-0 (Absent: Boardmember Gunderson)
Upon tabulation of vote, it showed:
AYES – Swanson, Jones, Montague, Rembold, Curran, Tolman
NAYS – None

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

FINDINGS:

- A. The modified SUP would allow up to 14 special events for St. Timothy Catholic Church.
- B. Each event is identified as a single-day event for a maximum total of 14 event days per year.
- C. Per the project narrative/operation plan, no event shall extend past 9:00 pm.
- D. Speakers and amplifiers for outdoor performances will be oriented away from the surrounding neighborhood in an effort to control sound and minimize disruption to the neighbors.
- E. Adequate parking will be provided either on site or, by agreement, at Dobson High School.
- F. St. Timothy Catholic Church has hosted monthly food truck events under a previously approved SUP with no complaints from surrounding neighbors.
- G. Adequate public services, public facilities and public infrastructure are available to serve the proposed project.

Items not on the Consent Agenda

- 4. Take action on the following cases:**
Item 3-d
- 5. Other business**

None.
- 6. Items from citizens present**

None.
- 7. Adjournment**

A motion to adjourn was made by Boardmember Rembold and seconded by Boardmember Montague.

Vote: 6-0 (Absent: Boardmember Gunderson)
Upon tabulation of vote, it showed:
AYES – Swanson, Jones, Montague, Rembold, Curran, Tolman
NAYS – None

Public Hearing adjourned at 7:16 p.m.

Respectfully submitted,



Nana Appiah,
Zoning Administrator