



## **Board of Adjustment**

### **Minutes**

**City Council Chambers**  
**Wednesday, September 04, 2019**

#### **Boardmembers Present:**

Chair Chris Jones  
Vice Chair Kathy Tolman  
Boardmember Adam Gunderson  
Boardmember Ken Rembold  
Boardmember Nicole Lynam  
Boardmember Steven Curran  
Boardmember Wade Swanson

#### **Boardmembers Absent:**

#### **Staff members Present:**

Nana Appiah, Planning Director  
Rachel Prelog, Senior Planner  
Lisa Davis, Planner II  
Heather Omta, Planning Assistant  
Charlotte Bridges, Planner I

#### **Other City members Present:**

Margaret Robertson, City Attorney  
Jen Duff, Council Member, District 4

The study session began at 4:30p.m. and concluded at 4:57p.m. The Public Hearing began at 5:30p.m., before adjournment at 5:36p.m., the following items were considered and recorded.

### **Board of Adjustment Study Session**

#### **1. Call meeting to order**

Study Session began at 4:30p.m.

#### **2. Staff Report**

Senior Planner, Rachel Prelog, stated that a new draft of the Quality Design Guidelines draft online at [mesaaz.gov](http://mesaaz.gov) and staff welcomes any feedback from the board. There is a place to provide feedback online. On September 26, 2019, there will be a presentation at the P & Z meeting and the Board of Adjustment Boardmembers are invited to attend.

### **3. Review and discuss items listed on the Public Hearing agenda for September 4, 2019.**

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

#### **➤ Planner Charlotte Bridges presented case BOA19-00462**

- Vice Chair Tolman asked to clarify that the architectural fin will not come down. Ms. Bridges confirmed that the fin will remain, and a will be sign attached to it.

#### **➤ Planner Lisa Davis presented case BOA19-00550**

- Chair Jones: Asked if there were any neighbor complaints? Ms. Davis responded that she has not received any communication from neighbors. She stated that when staff was posting the site, one neighbor inquired about the request and then expressed support of the homeowner's request.

## Minutes of the Board of Adjustment – September 4, 2019 Meeting

### ➤ Planner Charlotte Bridges presented case BOA19-00584

- Boardmember Swanson asked if there have been any citizen complaints received in the last three years? Ms. Bridges comment that no complaints were reported when she reached out the crime prevention, mall security and no citizen complaints have been received.
- Vice Chair Tolman asked how was public notified? Ms. Bridges explained that letters to business and residents within 500 feet of the site were mailed and public notice signs were posted at the west entrance of the mall.
- Chair Jones inquired is a 5-year expiration normal? Ms. Bridges replied with yes, 5-year expirations are normal practice.

### ➤ Planner Charlotte Bridges presented case BOA19-00600

- Ms. Bridges informed the Board that a revised narrative was submitted by the applicant. The revised narrative is in response to an email received from the site located north of the event regarding trash left on the site in previous years. The applicant will make sure the site is clean and trash is cleaned up after each evening event.
- Chair Jones asked if there needs to be a change to the conditions of approval to include the trash cleanup? Ms. Bridges stated the conditions do not need to be revised because the narrative has been updated to include trash cleanup for the lot and the lot north of the property.
- Boardmember Curran requested clarification of guidelines regarding expiration, Planner Lisa Davis stated there is no formal guideline but rather a history of 3 to 5-year expirations are routine. However, any special use permit can be revoked through the public hearing process if requirements are not met.

## 4. Adjournment

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

Study Session adjourned at 4:57p.m.

**Vote:** 7-0  
Upon tabulation of vote, it showed:  
AYES – All  
NAYS – None

**Board of Adjustment Public Hearing**

**Call meeting to order at 5:30 p.m.**

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 August 7, 2019 meeting

A motion by Boardmember Rembold and seconded by Boardmember Gunderson unanimously approved the August 7, 2019 minutes and Consent Agenda as read by Vice Chair Tolman.

**Vote: 7-0**

Upon tabulation of vote, it showed:

AYES – All

NAYS – None

3. Take action on the following cases:

A motion to approve the following cases on the consent agenda as read by Vice Chair Tolman was made by Boardmember Rembold and seconded by Boardmember Gunderson.

**Vote: 7-0**

Upon tabulation of vote, it showed:

AYES – All

NAYS – None

**\*3-a Case No.: BOA19-00462 (Approval with Conditions)**

**Location:** 422 East Broadway Road. (District 4)

**Subject:** Requesting a Special Use Permit (SUP) to allow a Comprehensive Sign Plan (CSP) for a retail building in the DB-1 district.

**Decision:** Approval with Conditions

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

**Motion:** A motion to approve case BOA19-00462 was made by Boardmember Rembold as read by Vice Chair Tolman with the acceptance of Findings of Fact and Conditions of Approval, and seconded by Boardmember Gunderson to approve the following conditions:

1. Compliance with the applicant's sign plan documents submitted.
2. Compliance with all requirements of the Development Services Department in the issuance of sign permits.
3. Revise the sign's painted, red, oval background to an upgraded material, such as finished metal or modeled plastic, to provide added dimensional relief to the sign.
4. Administrative approval of the redesigned sign detail through the Certificate of Appropriateness review process.

**Vote:** 7-0

Upon tabulation of vote, it showed:

AYES – All

NAYS – None

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

**Findings**

- A. The site was developed in the late 1940's and is located at the northeast corner of Mesa Drive and Broadway Road within the DB-1 district.
- B. There are no detached signs on the site and the application of today's Zoning Ordinance requirement and development standards prohibits the installation of any detached signs for the development.
- C. The building fin has been historically used as a sign structure and contributes to the architectural style and the historical significance of the building.
- D. The allowance for a multi-faced attached sign placed on the building increases the visibility of the attached signs from the adjacent arterial roads.
- E. The materials, finishes and Staff's recommended design change of the proposed multi-faced sign integrate with the architecture of the buildings.
- F. The CSP will advance the goals and objectives of the General Plan. The sign area allowances are also consistent with the location, size, design and operating characteristics of the property and will not be injurious or detrimental to the surrounding properties.

**\*3-b Case No.: BOA19-00550 (Approved with Conditions)**

**Location:** 536 South Esquire Way. (District 3)

**Subject:** Requesting a Variance to exceed the maximum allowed aggregate area for detached accessory buildings to allow for the construction of a detached garage in an RS-9 district.

**Decision:** Approval with Conditions

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

**Motion:** A motion to approve case BOA19-00550 was made by Boardmember Rembold as read by Vice Chair Tolman with the acceptance of Findings of Fact and Conditions of Approval, and seconded by Boardmember Gunderson to approve the following conditions:

1. Compliance with the final site plan as submitted; and
2. Compliance with all City Development Codes and regulations.

**Vote:** 7-0  
Upon tabulation of vote, it showed:  
AYES – All  
NAYS – None

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

**FINDINGS**

- A. The existing house and detached building on the subject site were constructed in 1969 and the existing detached structure was converted to livable space in 2018.
- B. The special circumstances that exist for the subject property is the large lot size at 24,263 SF in the RS-9 district as opposed to a typical lot size of 9,000 SF. The new detached garage will bring the aggregate area of all detached structures on the lot to 74%.
- C. The combined building coverage on the lot with the proposed detached garage is 26% which is under the maximum 45% lot coverage allowed in the RS-9 zoning district.
- D. The special circumstances on this property are pre-existing and the result of large residential lots in the RS-9 zoning district.
- E. The strict application of the Zoning Ordinance would deprive the property owner of privileges enjoyed by other properties and consistent with the rural character of the neighborhood.
- F. Approval of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity of the subject property. The proposed garage will meet the current required setbacks and maintain the maximum coverage of the lot at under 45%.

**\*3-c Case No.: BOA19-00584 (Approval with Conditions)**

**Location:** 6515, 6525, and 6555 East Southern Avenue. (District 6)

**Subject:** Requesting a Special Use Permit (SUP) to exceed the maximum number of days allowed for a special event in the LC-BIZ district.

**Decision:** Approval with Conditions

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

**Motion:** A motion to approve case BOA19-00584 was made by Boardmember Rembold as read by Vice Chair Tolman with the acceptance of Findings of Fact and Conditions of Approval, and seconded by Boardmember Gunderson to approve the following conditions:

1. Compliance with the applicant's site plan, project narrative and Sanctum of Horror Fright Team Safety Handbook, except as modified by the conditions below.
2. Signage shall be restricted to the boundaries of the Special Event area. Signage visible from outside the boundaries of the site shall not be display prior to nor after the dates of the Special Event (may include construction and break down days), as specified in the Special Event License.
3. Compliance with all requirements of the Development Services Division in the issuances of building permits.
4. Compliance with all requirements of the Business Services Department regarding application for and issuance of a Special Event License.
5. The Special Use Permit shall be valid for approximately the same isochronal period each year and shall expire November 2024. The Special Use Permit is non-transferable for both location and applicant. Each year, the special event shall comply with the provided operational plan details. Minor changes in dates from year-to-year may occur.

**Vote:** 7-0  
Upon tabulation of vote, it showed:  
AYES – All  
NAYS – None

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

**FINDINGS**

- A. The special event was previously granted a SUP to operate a haunted house at the Superstition Spring Center in the west parking (paved) area annually, for 19 days over the course of a 5-week period beginning August 2015 through November 2018.
- B. No complaints were received about the special event over the course of the operation of the haunted house attraction during the past three years.
- C. The applicant proposes to operate the special event, annually, in the same area and over the course of the same time period as was previously approved.
- D. The proposed special event is consistent with the location, design and operating characteristics of the LC-BIZ district and conforms with Mesa 2040 General Plan.
- E. The proposed special event will not be injurious or detrimental to the surrounding properties.
- F. The City of Mesa utilities and public infrastructure are available to serve the special event.

**\*3-d Case No.: BOA19-00600 (Approval with Conditions)**

**Location:** 1445 and 1455 West Southern Avenue. (District 3)

**Subject:** Requesting a Special Use Permit (SUP) to exceed the maximum number of days allowed for a special event in the LC district.

**Decision:** Approval with Conditions

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

**Motion:** A motion to approve case BOA19-00600 was made by Boardmember Rembold as read by Vice Chair Tolman with the acceptance of Findings of Fact and Conditions of Approval, and seconded by Boardmember Gunderson to approve the following conditions:

1. Compliance with the applicant's site plan, project narrative and The Crypt Operating Plan, except as modified by the conditions below.
2. Signage shall be restricted to the boundaries of the Special Event area. Signage visible from outside the boundaries of the site shall not be display prior to nor after the dates of the Special Event (may include construction and break down days), as specified in the Special Event License.
3. Compliance with all requirements of the Development Services Division in the issuances of building permits.
4. Compliance with all requirements of the Business Services Department regarding application for and issuance of a Special Event License.
5. The Special Use Permit shall be valid for approximately the same isochronal period each year and shall expire November 2024. The Special Use Permit is non-transferable for both location and applicant. Each year, the special event shall comply with the provided operational plan details. Minor changes in dates from year-to-year may occur.

**Vote:** 7-0

Upon tabulation of vote, it showed:

AYES – All

NAYS – None

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

**FINDINGS**

- A. The special event was previously granted a SUP to operate a haunted attraction at the Fiesta Mall in the southeast parking (paved) area annually, for 26 days over the course of a 6-week period beginning August 2014 through November 2018.
- B. No complaints were received about the special event over the course of the operation of the haunted attraction during the past four years.
- C. The applicant proposes to operate the special event, annually, in the same area and over the course of the same time period as was previously approved.
- D. The proposed special event is consistent with the location, design and operating characteristics of the LC district and conforms with Mesa 2040 General Plan.
- E. The proposed special event will not be injurious or detrimental to the surrounding properties.
- F. The City of Mesa utilities and public infrastructure are available to serve the special event.

**Items not on the Consent Agenda**

**4. Take action on the following cases:**

None.

**5. Other business**

None.

**6. Items from citizens present**

None.

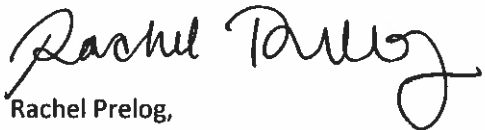
**7. Adjournment**

A motion to adjourn was made by Vice Chair Tolman and seconded by Boardmember Rembold.

**Vote:** 7-0  
Upon tabulation of vote, it showed:  
AYES – All  
NAYS – None

Public Hearing adjourned at 5:36 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rachel Prelog". The signature is fluid and cursive, with a large loop at the end.

Rachel Prelog,  
On behalf of Zoning Administrator (Nana Appiah)