

## Board of Adjustment



### *Minutes*

**Council Chambers – Lower Level**  
Study Session 5:00p.m. | Public Hearing 5:30p.m.  
57 E 1st Street Mesa, AZ 85201  
Wednesday, November 06, 2019

**Boardmembers Present:**

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

**Boardmembers Absent:**

Chair Chris Jones

**Staff members Present:**

Nana Appiah, Planning Director  
Rachel Prelog, Senior Planner  
Rebecca Gorton, Planning Assistant  
Charlotte Bridges, Planner I

**Other City members Present:**

Margaret Robertson, City Attorney

The study session began at 5:00 p.m. and concluded at 5:12 p.m. The Public Hearing began at 5:30 p.m., before adjournment at 5:34 p.m., the following items were considered and recorded.

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

**1. Call meeting to order**

Study Session began at 5:00 p.m.

**2. Staff Report**

- a) Updates on Quality Design Guidelines and the associated recommendations for text amendments to Title 11: Mesa Zoning Ordinance
  - (1) The new guidelines will be introduced to Council in early December 2019.
- b) Provide Board of Adjustment bylaw information
  - (1) There will be separate bylaw training early 2020.

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

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

- ❖ Senior Planner Rachel Prelog presented case BOA19-00683
- ❖ Planner Charlotte Bridges presented case BOA19-00732

**4. Adjournment**

Without objection, the study session adjourned at 5:12 p.m.

Minutes of the Board of Adjustment – November 6, 2019 Meeting

**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 October 2, 2019 meeting

A motion to approve October 2, 2019 meeting minutes was made by Boardmember Rembold and seconded by Boardmember Curran.

**Vote: 6-0**

Upon tabulation of vote, it showed:

AYES – Tolman-Rembold-Swanson-Curran-Gunderson-Lynam

NAYS – None

ABSENT – Jones

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 Curran.

**Vote: 6-0**

Upon tabulation of vote, it showed:

AYES – Tolman-Rembold-Swanson-Curran-Gunderson-Lynam

NAYS – None

ABSENT – Jones

**\*3-a Case No.: BOA19-00683 (Approval with Conditions)**

**Location:** 351 North Country Club Drive (District 4)

**Subject:** Requesting in the DB-1 District 1) A variance for a reduction in the required front landscape setback and building setback; and 2) A variance from the required setback to allow a detached sign to be placed in the future right of way width; and 3) A Special Use Permit (SUP) to allow an outdoor seating area as an accessory use to a restaurant in a commercial development.

**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 BOA19-00683 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 Curran to approve the following conditions:

1. Compliance with the final site plan, landscape plan, and sign plan submitted.
2. Compliance with all City Development Codes and regulations.
3. Compliance with all requirements with conditions of approval for case ZA04-001TC except as modified by this request.
4. Prior to the issuance of the sign permit, the applicant shall:
  - a. Submit plans demonstrating compliance with sight visibility per City of Mesa Engineering Design Standards; and
  - b. Remove all non-conforming signs from the subject site
5. The owner is responsible for all costs associated with removing the seating area and associated infrastructure when and if the future right-of-way is dedicated or acquired by the City of Mesa.
6. All trees on the site substituted with palms trees will be of adequate height per table 11-33-2(C)(1) of the Mesa Zoning Ordinance.

**Vote: 6-0**

Upon tabulation of vote, it showed:

AYES – Tolman-Rembold-Swanson-Curran-Gunderson-Lynam

NAYS – None

ABSENT – Jones

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

- A. The subject property is an existing multi-tenant retail building that was constructed in 2004. The site constraints associated with the property are existing and were not created by the applicant.
- B. The subject property fronts two arterial streets (Country Club Drive and University Drive), and one collector street (Morris Street).
- C. The future ROW is 75 feet along Country Club.
- D. The southeast corner of University and Country Club is considered a gateway into Downtown Mesa. The subject site was designed with a compact urban form in accordance with the goals of the Downtown Character Area and the Central Main Street Area Plan.
- E. The strict application of the Zoning Ordinance would deprive the property owner of privileges enjoyed by other commercial properties and is consistent with the development pattern of the commercially developed intersection.

**Minutes of the Board of Adjustment – November 6, 2019 Meeting**

- F. Approval of the requested variances will not constitute a grant of special privileges inconsistent with the limitations upon other properties within the vicinity of the subject property.**
- G. The proposed detached sign meets the required area and height standards for the DB-1 zoning District.**
- H. The outdoor seating area furthers the goals of the General Plan by creating a more active, pedestrian-friendly, environment sought for in the Downtown and Transit Character Areas.**
- I. The proposed project meets the criteria of Section 11-80-3 of the MZO for approval of a Variance.  
The proposed project meets the criteria of Section 11-70-5(E) of the MZO for approval of a SUP.**

Minutes of the Board of Adjustment – November 6 2019 Meeting

**\*3-b Case No.: BOA19-00732 (Approval with Conditions)**

**Location:** 635 East Broadway Road (District 4)

**Subject:** Requesting a variance from the required setback to allow a detached sign to be placed in the future right-of-way width for a commercial development in a 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 BOA19-00732 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 Curran to approve the following conditions:

1. Compliance with the site plan and sign plan details;
2. Compliance with all City Development Codes and regulations; and
3. Prior to issuance of a building permit, the existing non-conforming signs on the subject site shall be removed.

**Vote:** 6-0

Upon tabulation of vote, it showed:

AYES – Tolman-Rembold-Swanson-Curran-Gunderson-Lynam

NAYS – None

ABSENT– Jones

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

- A. The subject property was constructed in the mid-1950's and is an existing office development. The north building on the subject site is set at the existing 40-foot right-of-way line of Broadway Road.
- B. The City of Mesa adopted the 65-foot half street future right-of-way for arterial roads, and that setbacks are measured from the future right-of-way line rather than the property line requirements after the construction of the buildings on the subject site.
- C. Placement of the proposed detached sign 25 feet south of the existing Broadway Road right-of-way in compliance with current setback requirement, severely restricts its visibility from vehicles traveling westbound on Broadway Road.
- D. The special conditions associated with the requested location of the proposed sign within the future right-of-way of Broadway Road were created by the City of Mesa and are not self-imposed.
- E. The strict application of the Zoning Ordinance would deprive the property owner of privileges enjoyed by other commercial properties with existing detached signs located in the future right-of-way width of Broadway Road.
- 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 sign meets all requirements for area and height in the LC zoning District.

**Items not on the Consent Agenda**

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

None.

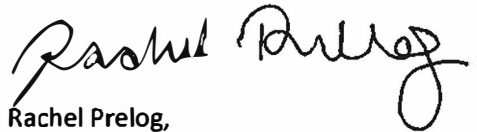
**5. Items from citizens present**

None.

**6. Adjournment**

Without objection, the public hearing was adjourned at 5:34 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rachel Prelog". The signature is fluid and cursive, with the first name "Rachel" and last name "Prelog" clearly distinguishable.

Rachel Prelog,

On behalf of Zoning Administrator (Nana Appiah)