

## **Board of Adjustment**



### *Minutes*

**Council Chambers – Lower Level**  
57 East 1st Street Mesa, AZ 85201  
Study Session 5:00 p.m. and Public Hearing 5:30 p.m.  
**Wednesday, December 04, 2019**

#### **Boardmembers Present:**

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

#### **Boardmembers Absent:**

Boardmember Steven Curran

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

Rachel Prelog, Senior Planner  
Lisa Davis, Planner II  
Heather Omta, Planning Assistant  
Veronica Gonzalez, Project Manager  
Kellie Rorex, Planner I

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

Margaret Robertson, City Attorney

The study session began at 5:00 p.m. and concluded at 5:08 p.m. The Public Hearing began at 5:30 p.m., before adjournment at 5:56 p.m., the following items were considered and recorded.

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

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

Study Session began at 5:00p.m.

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

Senior Planner, Rachel Prelog, stated

- a. January 2020 meeting schedule.
  - a. January 8, 2020 meeting has been cancelled.
  - b. A special meeting is scheduled for January 15, 2020.

#### **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.

- Project Manager Veronica Gonzalez presented case BOA18-00959
- Planner Kellie Rorex presented case BOA19-00839

#### **4. Adjournment**

Without objection, the Study Session was adjourned at 5:08 p.m.

**Board of Adjustment Public Hearing**

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

Public Hearing began at 5:30 p.m.

**2. Take action on all consent agenda items.**

**Items on the Consent Agenda**

**3. Approval of the November 6, 2019 minutes.**

A motion to approve the previous meeting's minutes was made by Boardmember Rembold and seconded by Boardmember Gunderson.

**Vote: 6-0**

Upon tabulation of vote, it showed:

AYES – Jones, Tolman-Rembold-Swanson-Gunderson-Lynam

NAYS – None

ABSENT – Curran

**4. 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: 6-0**

Upon tabulation of vote, it showed:

AYES – Jones, Tolman-Rembold-Swanson-Gunderson-Lynam

NAYS – None

ABSENT – Curran

**\*4-a Case No.: BOA18- 00959 (Approval with Conditions)**

**Location:** 330 East Southern Avenue. Council District 4.

**Subject:** Requesting a Substantial Conformance Improvement Permit (SCIP) to allow modifications to certain development standards for expansion of an industrial development in the LI 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 BOA18-00959 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.
2. Compliance with all City development codes and regulations, except as identified in Table 1 of this report.
3. Compliance with all requirements of Design Review approval.
4. Compliance with all requirements of ZON18-01016 for site plan approval.
5. Compliance with all requirements of the Development Services Department regarding the issuance of building permits.

**Vote: 6-0**

Upon tabulation of vote, it showed:

AYES – Jones, Tolman-Rembold-Swanson-Gunderson-Lynam

NAYS – None

ABSENT – Curran

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

- A. The subject site does not meet current MZO development standards and is therefore non-conforming.
- B. Existing buildings and site were originally designed and constructed in the 1980's for industrial uses.
- C. Full compliance with current code would require significant alterations to the site and removal of portions of existing buildings.
- D. Improvements to the site include additional building area, parking lot reconfiguration, installation of landscape material, and foundation base landscape.
- E. The modifications requested along with the proposed improvements and conditions of approval are consistent with the degree of change requested to improve the site and to bring the site into a closer degree of conformance with current standards.
- F. The proposed improvements will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.

**Items not on the Consent Agenda**

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

**\*4-b Case No.: BOA19-00839 (Approval with Conditions)**

**Location:** 140 North Country Club Drive

**Subject:** Requesting a Substantial Conformance Improvement Permit (SCIP) to allow modifications to certain development standards for redevelopment of a commercial development.

**Decision:** Approval with Conditions

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

This case was taken off consent for further discussion.

Jim Elson, Applicant/Architect, 1600 N. Thompson Peak Way Ste 1014. Site was originally a bowling alley. Presenting a project for an ice hockey rink.

John Logan, 432 W. 1<sup>st</sup> Street, requested to speak. He brought up his concern with homelessness and break-ins, looking forward to the area improvements. John's home backs up to the south side of the subject property. In the past, John accessed the backyard of his lot through the 140 N. Country Club Dr. property and wants to retain RV access. New landscape improvement will prevent access to north side of his property. He uses the access point to move construction equipment in and out of his back yard. He is concerned about headlights shining in his yard because the subject property sits about 2 feet taller than the residential property. Overall in support of the commercial project and improvements it will bring to the neighborhood.

Vice Chair Tolman

- Asked who owns the fence?
  - ◆ John Logan replied: He is not sure if the fence is on his property or theirs.

Boardmember Swanson

- Asked if John had an opportunity to consult a planner or attorney?
  - ◆ John Logan replied: No, he had been using the rear access for the last 10 years.
- Asked for John to clarify that he was asking to be granted permission to continue to access his property through 140 N. Country Club property?
  - ◆ John Logan confirmed: Yes, he would like permission from the owners.
- Accessing one's property via another's may be considered trespassing, Mr. Logan should consider property rights when using other's property as an entry point to his property.
- Access will be inaccessible due to landscape improvements required by code.
- The Board does not have the jurisdiction to weigh in on civil disputes or access agreements.

Boardmember Rembold

- Mr. Logan could consider a variance to build up his fence taller than code allows since there is an elevation change between the two properties.

Chair Jones

- Reaffirmed the resident's privacy and access concerns are outside of this Board's authority.

**Motion:** A motion to approve case BOA19-00839 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 and landscape plan as submitted;
2. Compliance with all City development codes and regulations, except as identified in Table 1 of this report; and
3. Compliance with all requirements of the Development Services Department regarding the issuance of building permits.

**Vote: 6-0**

Upon tabulation of vote, it showed:

AYES – Jones, Tolman-Rembold-Swanson-Gunderson-Lynam

NAYS – None

ABSENT – Curran

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

- A. The subject site does not meet current MZO development standards and is therefore non-conforming.
- B. The existing building and site were originally built in the late 1950's as a bowling alley.
- C. Full compliance with current code would require significant alterations to the existing building and the demolition of parking area and spaces.
- D. Improvements to the site include restriping the existing parking lot, installing interior parking lot islands and landscaping, providing a pedestrian connection from the site to the public sidewalk, installing new perimeter landscaping adjacent to neighboring properties, increasing the foundation base along the exterior of the main entry, and repainting the existing building.
- E. The modifications requested along with the proposed improvements and conditions of approval are consistent with the degree of change requested to improve the site and to bring the site into a closer degree of conformance with current standards.
- F. The proposed improvements will not create any new non-conformities and will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.

**7. Items from citizens present**  
None.

**8. Adjournment**  
Without objection, the public hearing was adjourned at 5:56 p.m.

Respectfully submitted,



Rachel Prelog

On behalf of Zoning Administrator (Nana Appiah)