

Board of Adjustment

Minutes

City Council Chambers, Lower Level

November 1, 2017

Boardmembers Present:

Trent Montague, Chair
Ken Rembold, Vice Chair
Wade Swanson
Steve Curran
Kathy Tolman
Adam Gunderson

Board Members Absent:

Chris Jones (excused)

Staff Present:

John Wesley
Kim Steadman
Lisa Davis
Charlotte Bridges
Mary Grace McNear
Charlotte McDermott
Mike Gildenstern

Others Present:

Brandon Guida
Diane Young
Shelly Udall
(others present)

The study session began at 5:15 p.m. and concluded at 5:22 p.m. The Public Hearing began at 5:30 p.m., before adjournment at 5:48 p.m., the following items were considered and recorded.

Study Session began at 5:15 p.m.

- A. Zoning Administrator's Report
None

- B. The items scheduled for the Board's Public Hearing were discussed. Boardmember Curran recused himself from Case BOA17-00303 due to a conflict of interest.

Study Session adjourned at 5:22 p.m.

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Public Hearing began at 5:30 p.m.

A. Consider Minutes from the October 4, 2017 Meeting

B. Consent Agenda:

B. 1. A motion to approve the minutes of the October 4, 2017 Meetings Minutes, as read by Chair Montague, was made by Boardmember Tolman and seconded by Boardmember Swanson.

Vote: 6-0 Approved (Boardmember Jones-excused)

B. 2. A motion to table Case BA17-042 as read by Chair Montague was made by Boardmember Tolman and seconded by Boardmember Rembold.

Vote: 6-0 Approved (Boardmember Jones-excused)

Public Hearing adjourned at 5:48 p.m.

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Case No.: BA17-042 TABLED

Location: 860 North Riverview (District 1)

Subject: *Requesting a Special Use Permit (SUP) for modification of a Comprehensive Sign Plan in the GC PAD District. (PLN2017-00338)*

Decision: Tabled

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

Motion: A motion to table case BA17-042 was made by Boardmember Tolman and seconded by Boardmember Rembold.

Vote: Passed: 6-0 (Boardmember Jones-excused)

Case No.: BOA17-00284 APPROVED WITH CONDITIONS

Location: 108 West 8th Place (District 1)

Subject: *Requesting a Special Use Permit (SUP) for an addition to a single residence in the RS-6 District*

Decision: Approved with Conditions

Summary: The applicant, Brandon Guida, 108 West 8th Place, presented the case to the Board.

Boardmember Tolman confirmed with the applicant that there will be a 2-story work shop constructed in the back yard.

Diane Young, 107 West 8th Place, who spoke on behalf of some of the neighbors in the area, expressed concern about the structural demands of the expansion placed on the originally small, single story home, and the massing and aesthetic differences from other houses in the neighborhood. She went on to say that the neighbors are also concerned that the addition will jeopardize the potential Historic Neighborhood status of Flying Acres. In conclusion, Ms. Young stated that she had a list of several neighbor's signatures opposing the addition, and asked the Board to delay the decision on Case BOA17-00284 until after the November 7, 2017 Historic Preservation Board Meeting that will address Flying Acres, and then have the applicant re-apply under historic guidelines when submitting for permits for the addition.

The applicant explained that the second story addition was approved with a City of Mesa Building Permit in 2010, that the planned construction is not changing the overall structure of the home, it is to be built within setbacks, and that Flying Acres is not yet an Historic Neighborhood. Mr. Guida confirmed that the property has not been used as a short-term rental for a year and a half, and that the planned addition is being constructed because they are planning to start a family.

Boardmember Rembold commented that the planned removal of the shed structure on the east side of the house would improve the appearance of the property.

Staffmember Steadman confirmed for the Board that he has been working with the neighborhood to obtain historic neighborhood status and that the property at 108 West 8th Place is not currently seen as contributing and would not be seen as historically significant whether it is or isn't modified. Staffmember Steadman concluded by saying that there are many contributing structures in the neighborhood.

Chair Montague confirmed that the proposed addition would not affect the district, and that it would not affect the property's contributing status in the Historic District.

Staffmember Steadman explained to the Board that the site plan does not call for the entire front of the house to be modified. He also explained that the existing carport configuration is proposed to remain as currently existing and that the proposed addition will

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not protrude past the curbed driveway. He concluded by saying that the front porch will be retained, and will feature an eastern-facing double-door entry.

Motion: A motion to approve case BOA17-00284 with the acceptance of Findings of Fact and Conditions of Approval was made by Boardmember Swanson and seconded by Boardmember Gunderson to approve with the following conditions:

1. *Compliance with the site plan submitted.*
2. *Maintain existing 9' X 20' carport on the west side of the home.*
3. *Remove the shed on the east side of the house and maintain one 9' X 18' uncovered parking space behind the front setback.*
4. *Compliance with all requirements of the Development Services Division in the issuance of building permits.*

Vote: Passed: 6-0 (Boardmember Jones-excused)

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

FINDINGS:

- A. The proposed additions are less than 50% of the floor area of a legal, nonconforming single residence and there is no increase in the number of dwelling units on the lot.
- B. The property's existing single carport and uncovered parking space located behind the front setback were approved when building permit BLD2010-00569 was finalized.
- C. Prior to the 2011 update, the MZO required two parking spaces located behind the front setback for a single-residence.
- D. In 2011, the MZO was changed to require two *covered* parking spaces for a single residence.
- E. The proposed project advances the goals and objectives of and is consistent with the policies of the General Plan and all other applicable City plan and/or policies;
- F. The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the RS-6 District and conforms with the General Plan and with all other applicable City plan or policies.
- G. The proposed project is not injurious or detrimental to the adjacent or surrounding properties in the area, nor will the proposed project or improvements be injurious or detrimental to the neighborhood or to the general welfare of the City; and
- H. Adequate public services, public facilities and public infrastructure are available to serve the proposed project.

Case No.: BOA17-00303 **APPROVED WITH CONDITIONS**

Location: 122 North Macdonald (District 4)

Subject: *Requesting a modification to a Special Use Permit (SUP) to allow the expansion of an office use on a site with a Class I Historic Building in the DR-2-HD 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 BOA17-00303 with the acceptance of Findings of Fact and Conditions of Approval, was made by Boardmember Tolman and seconded by Boardmember Rembold to approve with the following conditions:

1. *Compliance with the project and associated site plan, as submitted, except as modified by the conditions listed below.*
2. *Approval of a Certificate of Appropriateness, and compliance with its conditions of approval.*
3. *Compliance with all requirements of the Development Services Division with regards to the issuance of building permits.*
4. *Any modification to the project as approved is subject to review to determine compliance with the SUP.*

Vote: Passed: 5-0-1 (Boardmember Jones-excused, Boardmember Curran-recused)

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

FINDINGS:

- A. The subject site has a Class 1 Historic Building.
- B. Approval of the request will advance the goals and objectives of and is consistent with the policies of the General Plan.
- C. The location, size, design, and operating characteristics of the proposed project are consistent with the purposes of the West 2nd Street Historic District and the DR-2 zoning district.
- D. The addition of the Accessory Dwelling Unit is in keeping with the intent of the underlying residential zoning district, and provides the only residential use on the site.
- E. A Certificate of Appropriateness is required for this modification within the West 2nd Street Historic District.
- F. The Justification and Compatibility Statement identifies a limited range of activities which are appropriate to this location.

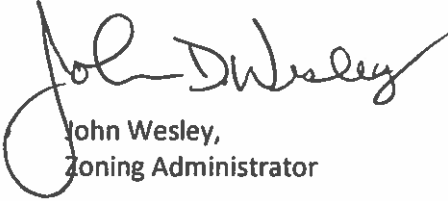
OTHER BUSINESS:

None

ITEMS FROM CITIZENS PRESENT

None

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Wesley", with a large, stylized initial "J" that loops around the first part of the name.

John Wesley,
Zoning Administrator