

## Board of Adjustment

### *Minutes*

City Council Chambers

March 7, 2018

**Boardmembers Present:**

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

**Board Members Absent:**

Adam Gunderson (excused)

**Staff Present:**

Kim Steadman  
Veronica Gonzalez  
Charlotte Bridges  
Charlotte McDermott  
Mike Gildenstern

**Others Present:**

Dorothy Shupe  
Reese Anderson  
Frank Quinn  
(others present)

The study session began at 5:00 p.m. and concluded at 5:19 p.m. The Public Hearing began at 5:30 p.m., before adjournment at 5:36 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. Zoning Administrator's Report**

None.

**3. Review and discuss items listed on the Public Hearing agenda for March 7, 2018.**

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

**4. Adjournment**

Study Session adjourned at 5:19 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 Minutes from the February 7, 2018 Meeting

**\*2-a** A motion to approve the minutes of the February 7, 2018 Meeting Minutes, as read by Vice Chair Rembold, was made by Boardmember Tolman and seconded by Boardmember Jones.

Vote: 6-0 Approved

**\*3-a Case No.: BOA17-00525 APPROVED WITH CONDITIONS**

**Location:** The 400 to 500 blocks of South Morris (east side) (District 4)

**Subject:** *Requesting a Development Incentive Permit (DIP) for a commercial/industrial project in the LI 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 BOA17-00525 with the acceptance of Findings of Fact and Conditions of Approval was made by Boardmember Tolman and seconded by Boardmember Curran to approve with the following conditions:

1. Compliance with the project narrative, site plan and landscape plan submitted, except as modified by the condition below.
2. Compliance with all requirements of the Development Services Department in the issuance of a building permit.

**Vote:** Passed: 6-0

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

**FINDINGS:**

- A. This request for a DIP will allow for the development of a bypassed parcel.
- B. The proposed industrial development is consistent with the General Plan designation in this area, which is "Employment".
- C. The proposed improvements will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.
- D. Full compliance with current code would not allow the use of this site for this project, but the requested incentives do not allow development that is more intense than the surrounding neighborhood.

**\*3-b Case No.: BOA18-00037 APPROVED WITH CONDITIONS**

**Location:** 3135 East Leland Circle (District 1)

**Subject:** *Requesting a variance to allow a detached accessory structure to exceed the allowed height in the required rear yard in the RS-15 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 BOA18-00037 with the acceptance of Findings of Fact and Conditions of Approval was made by Boardmember Tolman and seconded by Boardmember Curran to approve with the following conditions:

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

**Vote:** Passed: 6-0

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

**FINDINGS:**

- A. The shape of the property is a special circumstance that limits the location of accessory buildings. This is a cul-de-sac lot, with side property lines that converge toward the front of the lot, minimizing the buildable area. When the RS-15 required yards are applied to this irregularly shaped lot (30' front yard, and 30' rear yards along both the south and west property lines) the remaining buildable area of the lot is more limited than on a standard rectangular lot in the area.
- B. The special circumstance regarding the lot shape is pre-existing and not created by the property owner or appellant. The subject site is Lot 99 within the Rancho De Arboleda Unit Three subdivision, which was recorded in 1986.
- C. The approval of the requested variance will not grant special privileges to this property owner. There are other detached accessory buildings in the area, on lots with proportions that more easily allow them.

**\*3-c Case No.: BOA18-00040 APPROVED WITH CONDITIONS**

**Location:** 161 North Mesa Drive (District 4)

**Subject:** *Requesting two Special Use Permits (SUP) for 1) a Comprehensive Sign Plan (CSP) and 2) to allow an electronic message display to change more often than once per hour in the DR-3 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 BOA18-00040 with the acceptance of Findings of Fact and Conditions of Approval was made by Boardmember Tolman and seconded by Boardmember Curran to approve with the following conditions:

1. Compliance with the site plan, sign details and project narrative submitted, except as modified by the conditions listed below.
2. Compliance with all requirements of the Development Services Department in the issuance of sign permits.
1. Each message on the electronic display message sign shall remain static for a minimum of eight (8) seconds.
2. The transitions between messages and the light intensity level of the electronic message display shall comply with the requirements of Section 11-41-8.D.17.
3. A certificate of insurance in compliance with the criteria as outlined in Section 11-41-8.D.5 for the detached sign.

**Vote:** Passed: 6-0

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

**FINDINGS:**

- A. The CSP does not increase the amount of attached signage.
- B. The CSP does not include signage along Lesueur.
- C. The CSP proposes to modify an existing detached sign adjacent to Mesa Drive that is 5'-4" high with sign area of 28.14 SF.
- D. The property owner entered into a Sign Agreement, recorded as document 2002-0509936, with the City of Mesa on May 2, 2002 for the existing detached sign.
- E. The CSP proposes an overall height of 5' – 8" to the top of the pillar embellishment for the detached sign.
- F. The CSP promotes to replace the existing 4' cross with another 4' cross on top of the pillar establishment.
- G. The CSP identifies an existing attached sign on the building's south elevations adjacent to 2<sup>nd</sup> Street that is 15 SF.
- H. The sign criteria within the CSP is tailored to this specific development and enhances the characteristics

of the land use.

- I. The CSP, with the recommended conditions, will be compatible with, and not detrimental to, adjacent properties or the district in general.
- J. The proposed electronic message display is approximately 21' from the back of curb along Mesa Drive and 101' from the back of curb along 2<sup>nd</sup> Street.
- K. The speed limit of Mesa Drive is 40 mph in this location.
- L. Electronic message displays are to remain static for a minimum of one (1) hour unless a Special Use Permit (SUP) is granted. In this case, an eight (8) second message display change rate reflects ADOT standards.

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**\*3-d**                      **Case No.:**        **BOA18-00041 CONTINUED**

**Location:**            833 West Broadway Road (District 4)

**Subject:**             *Requesting a Substantial Conformance Improvement Permit (SCIP) for deviations to standards for automobile/vehicle sales and leasing in the LI District.*

**Decision:**            Continued to April 4, 2018

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

**Motion:**              A motion to continue case BOA18-00041 was made by Boardmember Tolman and seconded by Boardmember Curran to April 4, 2018.

**Vote:**                  Passed: 6-0

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**\*3-e**                      **Case No.:**        **BOA18-00042 CONTINUED**

**Location:**            223 East Brown Road (District 1)

**Subject:**             *Requesting a Special Use Permit (SUP) to allow a wireless communications facility to exceed the allowed height in the LC District.*

**Decision:**            Continued to April 4, 2018

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

**Motion:**             A motion to continue case BOA18-00042 was made by Boardmember Tolman and seconded by Boardmember Curran to April 4, 2018.

**Vote:**                 Passed: 6-0



**Items not on the Consent Agenda**

**4 Take action on the following case:**

None.

**5. Other business**

None.

**6 Items from citizens present**

None.

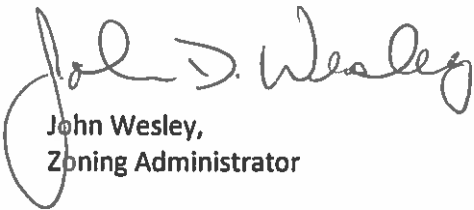
**7. Adjournment**

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

Vote: 6-0 Approved

**Public Hearing adjourned at 5:36 p.m.**

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "John D. Wesley". The signature is written in a cursive, flowing style. The first letter "J" is large and loops around the first part of the name. The signature is positioned above the printed name and title.

John Wesley,  
Zoning Administrator