

Board of Adjustment

Minutes

City Council Chambers

July 11, 2018

Boardmembers Present:

Trent Montague, Chair
Ken Rembold, Vice Chair
Steve Curran
Chris Jones
Adam Gunderson

Board Members Absent:

Wade Swanson
Kathy Tolman

Staff Present:

John Wesley
Kim Steadman
Charlotte Bridges
Veronica Gonzalez
Lisa Davis
Cassidy Welch
Mike Gildenstern

Others Present:

Shelly Allen	James Linton
Andy Linton	Wayne Lines
John Skouson	Calvin Fenn
Sanya Fenn	Doreen Moreno
Ida Mendoza	Bryce Waite
James Waite	Cynthia Call
Alice Skinner	
(others present)	

The study session began at 4:30 p.m. and concluded at 5:14 p.m. The Public Hearing began at 5:30 p.m., before adjournment at 6:22 p.m., the following items were considered and recorded.

Board of Adjustment Study Session

1. Call meeting to order

Study Session began at 4:30 p.m.

2. Zoning Administrator's Report

2-a Zoning Administer Wesley informed the Board that City Council approved the updated Sign Ordinance

3. Review and discuss items listed on the Public Hearing agenda for July 11, 2018.

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

Item 4-e, Case BOA18-00406 (747 East Southern Avenue) was removed from the Consent Agenda.

4. Adjournment

Study Session adjourned at 5:14 p.m.

Board of Adjustment Public Hearing

Call meeting to order

Public Hearing began at 5:30 p.m.

1. Election of new Chair and Vice Chair

A motion was made by Boardmember Rembold to nominate Boardmember Swanson as Chair. The motion was seconded by Boardmember Jones.

Vote: 5-0 Approved (Absent: Boardmembers Swanson, Tolman)

A motion was made by Boardmember Rembold to nominate Boardmember Jones as Vice Chair. The motion was seconded by Boardmember Curran.

Vote: 5-0 Approved (Absent: Boardmembers Swanson, Tolman)

2. Take action on all consent agenda items.

Items on the Consent Agenda

3. Consider Minutes from the June 6, 2018 Meeting

***3-a** A motion to approve the minutes of the June 6, 2018 Meeting Minutes, was made by Boardmember Gunderson and seconded by Boardmember Jones.

Vote: 5-0 Approved (Absent: Boardmembers Swanson, Tolman)

4. Take action on the following cases:

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

Vote: 5-0 Approved (Absent: Boardmembers Swanson, Tolman)

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***4-a** **Case No.: BOA18-00326 CONTINUED TO AUGUST 1, 2018**

Location: 4142 East Valley Auto Drive (District 2)

Subject: *Requesting a Variance to allow a reduction in the required landscape setback along the north property line in the LI District.*

Decision: Continued to August 1, 2018

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

Motion: A motion to continue case BOA18-00326 as read by Vice Chair Rembold was made by Boardmember Gunderson and seconded by Boardmember Jones.

Vote: Vote: 5-0 Approved (Absent: Boardmembers Swanson, Tolman)

***4-b Case No.: BOA18-00167 APPROVED WITH CONDITIONS**

Location: 730 East Southern Avenue (District 4)

Subject: *Requesting a Substantial Conformance Improvement Permit (SCIP) to allow modifications to development standards 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 BOA18-00167 as read by Vice Chair Rembold was made by Boardmember Gunderson and seconded by Boardmember Jones to approve with the following conditions:

1. Compliance with the site plan and landscape plan submitted, except as modified by the conditions below.
2. Compliance with all requirements of the Development Services Department in the issuance of building permits.
3. Compliance with the conditions of case ZON18-00227.
4. Provide at least three additional trees in the landscape area north of the building.

Vote: Vote: 5-0 Approved (Absent: Boardmembers Swanson, Tolman)

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

FINDINGS:

- A. This request for a SCIP would allow for the redesign and expansion of an existing industrial building
- B. The expansion on the site invokes conformance to current development standards
- C. At the time of initial development, the setbacks, foundation base, and landscape requirements of the Zoning Code varied from the development standards of the current Code.
- D. Full compliance with current code would require removal of the existing building and would impact site circulation
- E. The deviations requested and the proposed improvements along with the conditions of approval are consistent with the degree of change requested to improve the site and will help bring the site into a greater 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.

***4-c Case No.: BOA18-00380 APPROVED WITH CONDITIONS**

Location: 3520 East Brown Road (District 1)

Subject: *Requesting Special Use Permits (SUP) to allow 1) a wireless communications facility; and 2) a wireless communications facility to exceed the maximum height allowed in the AG 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 BOA18-00380 as read by Vice Chair Rembold was made by Boardmember Gunderson and seconded by Boardmember Jones to approve with the following conditions:

1. Compliance with the drawings dated 6/12/18, Justification and Compatibility Statement dated 6/19/18, and photo simulations except as modified by the following conditions:
2. The wireless communication facility shall utilize a monopalm design with a maximum height of seventy (70') to the top of the fronds and sixty-five feet (65') to the top of the steel tower.
3. In order to maintain concealment, the wireless communication facility shall utilize a Faux Date Palm design with a minimum of 65 palm fronds. Of the 65 palm fronds used, 20% of the fronds must be 96", 40% of the fronds must be 108", and 40% of the fronds must be 120".
4. The antenna array stand-off shall not exceed 2'-5" maximum from the pole.
5. The antenna array for each sector shall not exceed an overall length of 9'.
6. All antennas, mounting hardware, and other equipment near the antennas shall be painted to match the color of the faux palm fronds.
7. Antenna socks shall be added to the antenna to assist in screening.
8. The lease area containing the monopalm and base station equipment cabinets shall be screened by a minimum 9' tall masonry wall, or to the height of the equipment being screened. The masonry wall shall be finished and painted to match the adjacent wall color and be equipped with an opaque metal gate.
9. Provide a permanent, weather-proof identification sign, approximately 16-inches by 32-inches in size on the gate of the fence identifying the facility operator(s), operator's address, and 24-hour telephone number for reaching the operator or an agent authorized to provide 24/7 response to emergency situations.
10. To camouflage the proposed wireless communication facility provide and maintain two natural living palm trees, minimum 35' tall, as shown on the site plan .
11. Provide and maintain the landscape strip with shrubs around the perimeter of the equipment screen wall as shown on plan A-2.
12. Maintenance of the facility shall conform to the requirements of Zoning Ordinance Section 11-35-5.I.
13. The operator of the WCF shall respond to and complete all identified maintenance and repair of the facility within 30-days of receiving written notice of the problem.
14. No later than 90 days from the date the use is discontinued or the cessation of operations, the owner of the abandoned tower or the owner of the property on which the facilities are sited shall remove all equipment and improvements associated with the use and shall restore the site to its original condition as shown on the plans submitted with the original approved application. The owner or his agent shall

provide written verification of the removal of the wireless communications facility within 30 days of the date the removal is completed.

15. Future modifications must be approved by the Planning Director to ensure the modifications remain in compliance with the existing concealment elements of the monopalm or base station as approved in case BOA18-00380 as well as the Mesa Zoning Ordinance as amended.
16. Compliance with all requirements of the Development Services Department regarding the issuance of building permits.

Vote: Vote: 5-0 Approved (Absent: Boardmembers Swanson, Tolman)

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

FINDINGS:

- A. The proposed WCF is designed to improve network capacity.
- B. The proposed location is at a church on an agricultural-zoned site.
- C. The faux date palm tree design of this WCF meets MZO §11-35-5.B design preference #6 for stealth design.
- D. The stealth mono-elm design and the two additional 35' tall palm trees help mitigate the visual impact of the facility.
- E. The proposed WCF installation includes a 9' CMU wall surrounded by a 4' wide landscape buffer with shrubs helps screen the equipment enclosure.
- F. The stealth design monopalm is be setback more than 70' plus 1' from all residential uses and the Val Vista Road and Brown Road rights-of-ways.
- G. The proposed WCF monopalm meets the applicable requirements of MZO 11-35-5 and MZO 11-35-6.
- H. The proposed WCF monopalm is an appropriate use in the AG district and is compatible with the Neighborhood Citrus character type of the General Plan.
- I. The location, size, design, and operating characteristics of this WCF are consistent with the purposes of the AG district.
- J. The improvements will be compatible and not detrimental to the surrounding neighborhood.
- K. The AG district location is necessary for the provision of personal wireless services to resident
- L. The proposed WCF monopalm meets all applicable requirements of 11-35-6.E.

***4-d Case No.: BOA18-00392 APPROVED WITH CONDITIONS**

Location: 324 North Country Club (District 4)

Subject: *Requesting a Substantial Conformance Improvement Permit (SCIP) to allow modifications to development standards in the DB-2 District.*

Decision: Approved with Conditions

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

Motion: A motion to approve case BOA18-00392 as read by Vice Chair Rembold was made by Boardmember Gunderson and seconded by Boardmember Jones to approve with the following conditions:

1. Compliance with the project narrative, site plan and landscape plan submitted, except as modified by the conditions below.
2. Compliance with all requirements of the Development Services Department in the issuance of building permits.
3. Compliance with the conditions of case ZON18-00132.

Vote: Vote: 5-0 Approved (Absent: Boardmembers Swanson, Tolman)

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

FINDINGS:

- A. This request for a SCIP would allow for the redevelopment of an existing car wash.
- B. Installation of new self-serve vacuum canopies and partial demolition of the western portion of the building have invoked conformance to current development standards.
- 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 require removal or relocation of existing improvements.
- E. The deviations requested are consistent with the degree of change and will improve the site.
- F. The proposed new improvements with the recommended conditions of approval help bring the site into a closer degree of conformance with current standards.

***4-f Case No.: BOA18-00408 APPROVED WITH CONDITIONS**

Location: 1730 West Guadalupe Road (District 3)

Subject: *Requesting a Special Use Permit (SUP) to allow the number of special events to exceed the allowed maximum in the RS-6-PAD 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 BOA18-00408 as read by Vice Chair Rembold was made by Boardmember Gunderson and seconded by Boardmember Jones to approve with the following conditions:

1. Compliance with the site plan and operation plan as submitted except as modified by the conditions below.
2. Compliance with all requirements of the Development Services Department in the issuance of building permits.
3. Apply for and receive a City of Mesa Special Event License.
4. Compliance with all requirements of the Special Event License.
5. Signage shall comply with Mesa Zoning Ordinance sign requirements.
6. The number of food trucks allowed at each event shall not exceed twelve (12) trucks.

Vote: Vote: 5-0 Approved (Absent: Boardmembers Swanson, Tolman)

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

FINDINGS:

- A. The special event will be located in the southern portion of the main parking lot of St. Timothy Catholic Church with event parking being located on the balance of the lot.
- B. The special events will take place the third Friday of every month from 5:30 pm – 8:30 pm. During the summer months, June – August, event hours of operation will be adjusted to 6:30 pm – 9:00 pm.
- C. St. Timothy Catholic Church has hosted monthly food truck events for the past two years under a previously approved SUP with no complaints from surrounding neighbors.
- D. The food truck event will be located far enough from the neighboring residential uses such that staff does not anticipate any injury or detriment to the neighborhood.
- E. Adequate public services, public facilities and public infrastructure are available to serve the proposed project.

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***4-g** **Case No.: BOA18-00414 CONTINUED TO RE-ADVERTISE**

Location: 1936 South Extension (District 3)

Subject: *Requesting: 1) a Special Use Permit (SUP) to allow offsite parking at 832 West Southern Avenue; and 2) a Substantial Conformance Improvement Permit (SCIP) to allow modifications to development standards in the LC District.*

Decision: Continued to re-advertise

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

Motion: A motion to continue case BOA18-00414 as read by Vice Chair Rembold was made by Boardmember Gunderson and seconded by Boardmember Jones.

Vote: Vote: 5-0 Approved (Absent: Boardmembers Swanson, Tolman)

***4-h Case No.: BOA18-00418 APPROVED WITH CONDITIONS**

Location: 90 North Dobson Road (District 3)

Subject: *Requesting: 1) a Substantial Conformance Improvement Permit (SCIP) to allow modifications to development standards; and 2) a Special Use Permit (SUP) to allow for the reduction in required parking in the NC 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 BOA18-00418 as read by Vice Chair Rembold was made by Boardmember Gunderson and seconded by Boardmember Jones to approve with the following conditions:

1. *Compliance with the site plan, landscape plan and parking demand study submitted, except as modified by the conditions below.*
2. *Compliance with all requirements of the Development Services Department in the issuance of building permits.*
3. *Provide at least three bicycle parking spaces.*

Vote: Vote: 5-0 Approved (Absent: Boardmembers Swanson, Tolman)

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

FINDINGS:

- A. A parking demand study prepared by Y2K Engineering on 5/17/2018 and sealed by Kelly S. Fletcher, P.E., concludes only eight parking spaces are required to support the proposed use.
- B. Based on the parking study, eight parking spaces will be provided on site.
- C. When calculating the parking requirement, 631 square feet was used based on the public space for customers (354 square feet) and employee serving area (277 square feet). The remainder of the building will be used for storage and kitchen preparation and washing.
- D. The site is within ¼ mile (1,320') of an existing light rail station, which allows for a 10% reduction in parking.
- E. On-site bicycle parking will be provided for customers.
- F. The parking demand study states all menu items are prepared within two to eight minutes and are available for carryout.

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- *4-i** **Case No.: BOA18-00423 CONTINUANCE TO AUGUST 1, 2018**
- Location:** 7830 East University Drive (District 5)
- Subject:** *Requesting: 1) a Special Use Permit (SUP) to allow a community center to be located in the RM-4 and RS-43 Districts; and 2) a Substantial Conformance Improvement Permit (SCIP) to allow modifications to development standards in the RM-4 District.*
- Decision:** Continuance to August 1, 2018
- Summary:** This item was on the consent agenda and not discussed on an individual basis.
- Motion:** A motion to continue case BOA18-00423 as read by Vice Chair Rembold was made by Boardmember Jones and seconded by Boardmember Curran.
- Vote:** Vote: 5-0 Approved (Absent: Boardmembers Swanson, Tolman)

***4-j Case No.: BOA18-00426 APPROVED WITH CONDITIONS**

Location: 1954 East McKellips Road (District 1)

Subject: *Requesting: 1) a Special Use Permit (SUP) to allow for the reduction in required parking; and 2) a Substantial Conformance Improvement Permit (SCIP) to allow modifications to development standards in the LC 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 BOA18-00426 as read by Vice Chair Rembold was made by Boardmember Gunderson and seconded by Boardmember Jones to approve with the following conditions:

1. Compliance with the site plan (dated 6/13/18) and landscape plan (dated 6/11/18) submitted except as modified by the following conditions.
2. Compliance with all requirements of the Development Services Department in the issuance of building permits.

Vote: Vote: 5-0 Approved (Absent: Boardmembers Swanson, Tolman)

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

FINDINGS for Request #1: SUP for Reduced Parking:

- A. A Parking Demand Study prepared by ASJ Engineering consultants, LLC, and sealed by Anita Shanker Johari, P.E., dated 6/20/18, concluded that only 207 parking spaces are needed to support the proposed use.
- B. Special conditions are cited in the Parking Demand Study based on the parking usage at other EOS Fitness Centers, concluding that a ratio of 1 parking space/180 SF of adjusted floor area is sufficient.
- C. By MZO standards, the parking demand for the building's 52,857 SF area at a ratio of 1 parking space/100 SF of GFA , plus 2 parking spaces/ court, which equates to 531 parking spaces.
- D. The Parking Study's shared parking analysis of the group commercial center indicates there are 397 parking spaces and that the uses within the group commercial center, including the property fitness center, require 383 space, resulting in a surplus of 14 parking spaces.
- E. The Parking Demand Study establishes that the highest demand for this group commercial center is 330 spaces and occurs between 7:00 pm and 8:00 pm. Consequently, the 397 provided spaces meet the parking demands of the center.

Items not on the Consent Agenda

5. Take action on the following cases:

5-a (Formerly Item 4-e)

Case No.: BOA18-00406 APPROVED WITH CONDITIONS

Location: 747 East Southern Avenue (District 4)

Subject: *Requesting a Substantial Conformance Improvement Permit (SCIP) to allow modifications to development standards in the LI District.*

Decision: Approved with Conditions

Summary: Shelly Allen, 1550 South Pico Circle, presented the case to the Board.

Boardmember Gunderson clarified with the applicant that the property owner was willing to maintain the existing trees along the southern property line, and gained consent from the applicant that Condition #3 would not create a burden to the property owner, and was left to remain in the Conditions of Approval.

Motion: A motion to approve case BOA18-00406 with the acceptance of Findings of Fact and Conditions of Approval was made by Boardmember Gunderson and seconded by Boardmember Jones to approve with the following conditions:

1. Compliance with the site plan submitted, except as modified by the conditions below;
2. Compliance with all requirements of the Development Services Division regarding the issuance of building permits.
3. To ensure screening along the south property line provide the required number of trees per MZO 11-33-3.B.1.c.i.

Vote: Vote: 5-0 Approved (Absent: Boardmembers Swanson, Tolman)

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

FINDINGS:

- A. The site is zoned LI. There is an existing auto repair building on the site, and a screened rear yard.
- B. Proposed intensification to the site includes the addition of a shade canopy at the southwest corner of the existing building.
- C. Full compliance with development standards would require demolition of the existing site improvements.
- D. The modifications requested along with the conditions of approval are consistent with the degree of change requested to improve the site and will help bring the site into a closer degree of conformance with current standards.

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- E. The proposed improvements will not create new non-conforming conditions.
- F. The proposed improvements will result in a development that is compatible with and not detrimental to the adjacent properties or neighborhood.

5-b Case No.: BOA18-00425 APPROVED WITH CONDITIONS

Location: 145 North Fraser Drive West (District 4)

Subject: *Requesting a variance to allow a setback encroachment in the RS-9-HD District.*

Decision: Approved with Conditions

Summary: The applicant, Reese Anderson, Pew & Lake, PLLC, 1744 S. Val Vista, Suite #217, presented the case to the Board.

Doreen Moreno, 145 North Fraser Drive West (owner of the home), spoke in support of the variance.

Calvin Finn, 125 North Fraser Drive West, spoke in support of the variance.

John Skouson, 840 East 2nd Street, spoke in support of the variance.

Wayne Lines, 206 North Fraser Drive West, spoke in support of the variance.

Andy Linton, 860 East 2nd Street, spoke in support of the variance.

James Linton, 336 North Fraser Drive West, spoke in support of the variance.

Residents in support of the variance who did not wish to speak:

Ida Mendoza, 1800 East Covina Street, #335 Cynthia Call, 37 North Fraser Drive West

Bryce Waite, 48 North Fraser Drive West Alice Skinner, 235 North Fraser Drive East

James Waite, 135 North Fraser Drive West

Boardmember Gunderson stated that the size, position, and considerable setback of the home on the lot were unique characteristics, and he felt that because of this, some of the conditions of the statutes to grant a variance were being met.

Boardmember Jones felt that the unique characteristics of the property allowed approval of a variance.

Boardmember Rembold stated that since the foundation for the addition was not inspected and measured properly by City Inspectors, he supported an approval for a variance.

Boardmember Curran felt that the foundation inspection and measurement error warranted a granting of the variance.

Motion: A motion to approve case BOA18-00425 with the acceptance of the Revised Findings of Fact and Conditions of Approval was made by Boardmember Rembold 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: Vote: 5-0 Approved (Absent: Boardmembers Swanson, Tolman)

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

REVISED FINDINGS 6-8:

- A. The original home was built in 1950 within the R5-9 zoning district.
- B. The lot is a standard shaped lot with frontage on two streets.
- C. Lots of similar size and shape are found within the surrounding area.
- D. The lot exceeds the minimum size for a standard R5-9 zoned lot with an area of 12,624 square feet.
- E. The residential addition is noted on the construction plan as 1,377 square feet.
- F. The lot has unique or special conditions inherent to the site.
- G. The applicant has provided sufficient justification pertaining to the physical characteristics of the property.
- H. Granting this variance would not constitute special privileges not available to other property owners in the vicinity or in the same zoning district.

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6. Other business

None.

7. Items from citizens present

None.

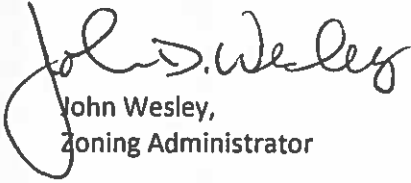
8. Adjournment

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

Vote: 5-0 Approved (Absent: Boardmembers Swanson, Tolman)

Public Hearing adjourned at 6:22 p.m.

Respectfully submitted,



John Wesley,
Zoning Administrator