

Board of Adjustment

Minutes

City Council Chambers

September 5, 2018

Boardmembers Present:

Wade Swanson, Chair
Chris Jones, Vice-Chair
Ken Rembold
Steve Curran
Kathy Tolman
Adam Gunderson

Board Members Absent:

Trent Montague

Staff Present:

Tom Ellsworth
Kim Steadman
Charlotte Bridges
Veronica Gonzalez
Evan Balmer
Mike Gildenstern

Others Present:

Covey Groff
Wendy Wise
Richard Corrow
Zach Brown
(others present)

The study session began at 5:15 p.m. and concluded at 5:35 p.m. The Public Hearing began at 5:37 p.m., before adjournment at 6:01 p.m., the following items were considered and recorded.

Board of Adjustment Study Session

1. Call meeting to order

Study Session began at 5:15 p.m.

2. Zoning Administrator's Report

2-a NONE

3. Review and discuss items listed on the Public Hearing agenda for September 5, 2018.

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

Item 3-a, Case BOA18-00554 (1608 North Greenfield Road) was removed from the Consent Agenda

Item 3-b, Case BOA18-00570 (The 1100 block of North Miller Street (east side) and the 1000 block of East Brown Road (south side)) was removed from the Consent Agenda

Finding #5 in the Staff Report **Item 3-c**, Case BOA18-00588 (The 200 block of East Main Street (south side) and the 100 block of South Pomeroy (west side) was removed from the Findings

4. Adjournment

Study Session adjourned at 5:35 p.m.

Board of Adjustment Public Hearing

Call meeting to order

Public Hearing began at 5:37 p.m.

1. Take action on all consent agenda items.

Items on the Consent Agenda

2. Consider the Minutes from the August 1, 2018 meeting

On a motion by Boardmember Tolman and seconded by Boardmember Curran, the Board unanimously approved the August 1, 2018 minutes and Consent Agenda as read by Vice-Chair Jones.

Vote: 6-0 (Absent: Boardmember Montague)
Upon tabulation of vote, it showed:
AYES – Swanson, Jones, Rembold, Curran, Tolman, Gunderson
NAYS – None

3. Take action on the following cases:

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

Vote: 6-0 (Absent: Boardmember Montague)
Upon tabulation of vote, it showed:
AYES – Swanson, Jones, Rembold, Curran, Tolman, Gunderson
NAYS – None

3-a Case No.: BOA18-00554 APPROVED WITH CONDITIONS

Location: 1608 North Greenfield Road (District 5)

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

Decision: Approved with Conditions

Summary: The applicant, Covey Groff, Tri-Arc Architecture, 1934 E. Camelback Rd., Phoenix, presented the case to the Board.

Wendy Wise, 4222 E. McLellan Circle, #5, had some concerns about the expansion of the property, specifically the noise and dog waste smell from the proposed expanded play area.

Chair Swanson clarified that the reasons the applicant was requesting a Substantial Conformance Improvement Permit (SCIP), were for modifications to the landscape islands in the parking lot, an entrance/exit from the parking lot, and for the foundation base. Chair Swanson went on to say that none of the items in the SCIP Request address the property owner's use of the property or the right to expand the business, and he explained that Ms. Wise's concerns may be better addressed through a meeting with the owner. Chair Swanson concluded by stating that any nuisances that are created by the property would be handled by City of Mesa Code Compliance.

Boardmember Tolman pointed out that the planned landscape buffer on the western perimeter of the property may help with minimizing the impact of the expanded use.

Motion: A motion to approve case BOA18-00554 with the acceptance of Findings of Fact and Conditions of Approval, was made by Boardmember Gunderson and seconded by Vice-Chair 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 ZON18-00231 and DRB18-00230.

Vote: 6-0 (Absent: Boardmember Montague)
Upon tabulation of vote, it showed:
AYES – Swanson, Jones, Rembold, Curran, Tolman, Gunderson
NAYS – None

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

FINDINGS:

- A. The site is located in the LI district, which allows office, animal services and kennel uses.
- B. This request for a SCIP facilitates the expansion of the existing office with pet grooming and kennel facilities.
- C. The construction of the new 3,943 SF kennel and animal services building, the new play yards and the minor modifications to the parking and circulation areas invoke conformance with current MZO development standards.
- D. Full compliance with current development standards would require removal or relocation of existing improvements.
- E. The modifications requested are proportional to the degree of change and will bring the site into substantial conformance.
- F. The proposed improvements will result in a development that is not detrimental to the adjacent properties or neighborhood.

3-b Case No.: BOA18-00570 APPROVED WITH CONDITIONS

Location: The 1100 block of North Miller Street (east side) and the 1000 block of East Brown Road (south side) (District 1)

Subject: *Requesting a variance to allow a wall height encroachment in the RS-9-BIZ District.*

Decision: Approved with Conditions

Summary: The applicant, Richard Corrow, 2401 W. Southern Ave #101, Tempe, presented the case to the Board.

Zach Brown, 1013 E. Fairbrook Circle, was concerned about the visibility issues that may occur with the construction of a perimeter wall along the northern property line, and the overall traffic safety at the intersection of Miller Street and Brown Road.

Richard Corrow explained that the visibility triangle will not be obstructed by the planned perimeter wall.

Motion: A motion to approve case BOA18-00570 with the acceptance of Findings of Fact and Conditions of Approval was made by Boardmember Rembold and seconded by Vice-Chair Jones to approve with the following conditions:

1. Compliance with the site plan submitted.
2. Compliance with the conditions of approval of case ZON18-00221.
3. Compliance with all requirements of the Development Services Division in the issuance of building permits.

Vote: 6-0 (Absent: Boardmember Montague)
Upon tabulation of vote, it showed:
AYES – Swanson, Jones, Rembold, Curran, Tolman, Gunderson
NAYS – None

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

FINDINGS:

- A. The raised elevation of Brown Road, adjacent to the side of this parcel is a topographical issue present on this property that is not present on the other lots in the subdivision.
- B. The property is in its original configuration from when the Michael Estates subdivision was platted in 1973. There have been no subsequent alterations to the property lines or site elevations.
- C. Other properties in the area do not have the same grade change as the subject property, which presents unique issues with regard to privacy and noise concerns.
- D. Strict compliance with Code would deprive the applicant of the ability to construct a sufficient fence that will provide separation from the property and the adjacent roadway.
- E. The wall encroachment is ±10 feet in length, and steps down in 8 inch increments to the height allowed in the front setback.

***3-c Case No.: BOA18-00588 APPROVED WITH CONDITIONS**

Location: The 200 block of East Main Street (south side) and the 100 block of South Pomeroy (west side) (District 4)

Subject: *Requesting a Special Use Permit (SUP) to allow the Group Housing land use category for dormitories in the T5MS transect.*

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 BOA18-00588 as read by Vice-Chair Swanson with the acceptance of Findings of Fact and Conditions of Approval, with the elimination of Finding #5 (E.), was made by Boardmember Tolman and seconded by Boardmember Curran to approve with Staff conditions as modified below:

1. Compliance with all requirements of the Development Services Department in the issuance of building permits except as modified by this request.
2. Compliance with the document: Grid – Dormitory Drawings.

Vote: 6-0 (Absent: Boardmember Montague)
Upon tabulation of vote, it showed:
AYES – Swanson, Jones, Rembold, Curran, Tolman, Gunderson
NAYS – None

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

FINDINGS:

- A. Group Residential uses, including Dormitories, are a permitted use with a SUP in the T5MS transect.
- B. The proposed dormitory use is located at the southwest corner of Main Street and Pomeroy, directly east of Benedictine University.
- C. The proposed dormitory use take place on floors 4 through 7 of a proposed 7-story, mixed-use building.
- D. The site is not adjacent to any single-residential uses.

Minutes of the Board of Adjustment – September 5, 2018 Meeting

Items not on the Consent Agenda

4. Take action on the following cases:

Item 3-a, Case BOA18-00554 (1608 North Greenfield Road)

Item 3-b, Case BOA18-00570 (The 1100 block of North Miller Street (east side) and the 1000 block of East Brown Road (south side))

5. Other business

None.

6. Items from citizens present

None.

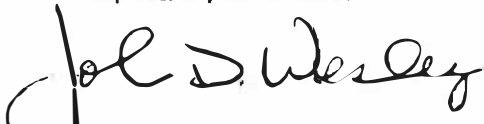
7. Adjournment

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

Vote: 6-0 Approved (Absent: Boardmember Montague)

Public Hearing adjourned at 6:01 p.m.

Respectfully submitted,



John Wesley,
Zoning Administrator