



Board of Adjustment

Minutes

City Council Chambers

October 3, 2018

Boardmembers Present:

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

Board Members Absent:

NONE

Staff Present:

John Wesley
Charlotte Bridges
Veronica Gonzalez
Erik Hansen
Mike Gildenstern

Others Present:

Keevin Willis
Chad Keller
Ralph Pew
(others present)

The study session began at 5:00 p.m. and concluded at 5:20 p.m. The Public Hearing began at 5:30 p.m., before adjournment at 5:35 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

- 2-a** Discussed the result of the appeal of **Case BA16-049** *Consider an appeal of an interpretation of the Zoning Administrator (ZA) regarding the method of processing a request to develop a single residence subdivision in the location of the driving range for the Red Mountain Ranch Golf Course.*

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

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

4.Adjournment

Study Session adjourned at 5:20 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 the Minutes from the September 5, 2018 meeting

On a motion by Boardmember Rembold and seconded by Boardmember Gunderson, the Board unanimously approved the September 5, 2018 minutes and Consent Agenda as read by Vice-Chair Jones.

Vote: 7-0
Upon tabulation of vote, it showed:
AYES – Swanson, Jones, Montague, 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 Rembold and seconded by Boardmember Gunderson.

Vote: 7-0
Upon tabulation of vote, it showed:
AYES – Swanson, Jones, Montague, Rembold, Curran, Tolman, Gunderson
NAYS – None

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***3-a Case No.: BOA18-00645 APPROVED WITH CONDITIONS**

Location: 1102 East 7th Street (District 1)

Subject: *Requesting a Variance (VAR) to allow an encroachment into the side yard setback in the RS-9 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 BOA18-00645 as read by Vice-Chair Jones with the acceptance of Findings of Fact and Conditions of Approval, was made by Boardmember Rembold and seconded by Boardmember Gunderson to approve with the following conditions:

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

Vote: 7-0

Upon tabulation of vote, it showed:

AYES – Swanson, Jones, Montague, Rembold, Curran, Tolman, Gunderson

NAYS – None

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

FINDINGS:

- A. In 1956 and 1960, when the existing lot and home were created and constructed, the improvements met MZO development standards.
- B. The 5' interior side setback is pre-existing and met MZO development standards at the time of construction. The adoption of a new MZO development standards created the non-conformity, not the property owner.
- C. The Sunland Mesa Amended subdivision contains 87 lots and was developed during the late 1950's and early 1960's. Upon review of aerial photos of the neighborhood, it appears that several homes in this subdivision have similar encroachment issues at the subject property. Strict application of the current MZO development standards would deprive the property of privileges enjoyed by other properties in the immediate neighborhood with the same zoning district.
- D. Granting of the variance request does not constitute a special privilege for the property owner since many of the neighboring homes were developed under the same MZO standards as the subject property.

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***3-b Case No.: BOA18-00661 APPROVED WITH CONDITIONS**

Location: 5540 East Broadway Road (District 2)

Subject: *Requesting a Special Use Permit (SUP) to allow a Comprehensive Sign Plan (CSP) in the LC-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 BOA18-00661 as read by Vice-Chair Jones with the acceptance of Findings of Fact and Conditions of Approval, was made by Boardmember Rembold and seconded by Boardmember Gunderson to approve with the following conditions:

1. Compliance with the site plan, sign plan details, and project narrative submitted.
2. Compliance with all requirements of the Development Services Department in the issuance of sign permits.
3. Attached signage shall comply with current sign code requirements.

Vote: 7-0

Upon tabulation of vote, it showed:

AYES – Swanson, Jones, Montague, Rembold, Curran, Tolman, Gunderson

NAYS – None

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

FINDINGS:

- A. The CSP does not propose to increase the number or area of attached signage beyond current MZO allowances on the property.
- B. The CSP proposes to exceed the maximum allowed square footage for a single detached sign per the MZO; however, the CSP offers a trade off by proposing an aggregate sign area for detached signage far below that allowed by the MZO and no detached signage on the 56th Street frontage.
- C. The existing/proposed attached and detached signage on property is below MZO allowances for sign number, area, and height.
- D. The sign criteria within the CSP is tailored to this specific development and enhances the characteristics of the land use.
- E. The CSP, with the recommended conditions, will be compatible with, and not detrimental to, adjacent properties or the district in general.

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***3-c Case No.: BOA18-00663 APPROVED WITH CONDITIONS**

Location: The 4000 Block of South Power Road (east side) (District 6)

Subject: *Requesting a Special Use Permit (SUP) to allow the number and duration of special events to exceed the allowed maximums in the LC and LI Districts.*

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 BOA18-00663 as read by Vice-Chair Jones with the acceptance of Findings of Fact and Conditions of Approval, was made by Boardmember Rembold and seconded by Boardmember Gunderson to approve with the following conditions:

1. Compliance with the event layouts and operation plans as submitted in the Special Use Permit Narrative dated 9/6/18, 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 for the Fall Festival and the Holiday Festival.
4. Compliance with all requirements of the Special Event License.
5. The Special Use Permit shall automatically expire on January 16, 2019 and be of no further force and effect.

Vote: 7-0

Upon tabulation of vote, it showed:

AYES – Swanson, Jones, Montague, Rembold, Curran, Tolman, Gunderson

NAYS – None

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

FINDINGS:

- A. The Fall Festival Special Event begins the first part of October and runs for 5 weeks. It is open from 9:00 a.m. to 9:00 p.m., Monday through Thursday; from 9:00 a.m. to 10:00 p.m., Friday through Saturday; and Sunday from 10:00 a.m. to 6:00 p.m.
- B. The Holiday Festival Special Event begins immediately after Thanksgiving and runs until January 15, 2019. It is open daily 5:30 p.m. to 10:00 p.m.
- C. Between 6-20 employees will be at the site during the special events.
- D. Bathrooms and trash receptacles are provided at the site for customer use.
- E. Parking areas are dust controlled with decomposed granite and asphalt millings.
- F. On September 25, 2018, City of Mesa Development Services issued a "Certificate of Completion", which signifies that safety hazards have been fixed.
- G. Vertuccio Farms is working through the Planning processes to bring the site into compliance with the Mesa Zoning Ordinance.

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FINDINGS:

- H. The Vertuccio Farms Fall and Holiday Festivals fit within the definition of 2040 General Plan Employment/Mixed Use Activity character type and advances the goals and objectives of the General Plan by promoting a unique agricultural entertainment experience.
- I. Planning staff does not anticipate any injury or detriment to the neighborhood or City of Mesa.
- J. Public services, facilities and infrastructure are available for the proposed special event.

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Items not on the Consent Agenda

4. Take action on the following cases:

NONE

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 Rembold.

Vote: 7-0

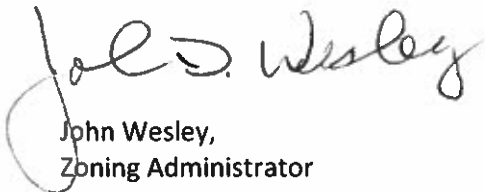
Upon tabulation of vote, it showed:

AYES – Swanson, Jones, Montague, Rembold, Curran, Tolman, Gunderson

NAYS – None

Public Hearing adjourned at 5:35 p.m.

Respectfully submitted,



John Wesley,
Zoning Administrator