

Board of Adjustment

Minutes

City Council Chambers
Wednesday, July 17, 2019

Boardmembers Present:

Chair Wade Swanson
Boardmember Kathy Tolman
Boardmember Adam Gunderson
Boardmember Ken Rembold
Boardmember Nicole Lynam
Boardmember Steven Curran

Boardmembers Absent:

Vice Chair Chris Jones

Staff Present:

Nana Appiah, Planning Director
Rachel Prelog, Senior Planner
Lisa Davis, Planner II
Ryan McCann, Planner I
Evan Balmer, Planner II
Veronica Gonzalez, Project Manager

Others Present:

Charlotte McDermott, City Attorney

The study session began at 5:02 p.m. and concluded at 5:29 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 5:02 p.m.

2. Election of Chair and Vice Chair

Boardmember Rembold nominated and motioned Chris Jones to be the Chair, Boardmember Curran seconded the motion.

Vote: 6-0 (Chair Chris Jones, absent)
Upon tabulation of vote, it showed:
AYES – Swanson, Tolman, Lynam, Rembold, Curran, Gunderson
NAYS – None

Boardmember Curran nominated and motioned Kathy Tolman to be the Vice Chair, Boardmember Swanson seconded the motion.

Vote: 6-0 (Chair Chris Jones, absent)
Upon tabulation of vote, it showed:
AYES – Swanson, Tolman, Lynam, Rembold, Curran, Gunderson
NAYS – None

3. Zoning Administrator's Report

- Zoning Administrator Appiah stated that staff welcomes any feedback from the board members on the new staff report format as well as the Power Point presentation.
- Zoning Administrator Appiah introduced Rachel Prelog as the new Senior Planner.
- Zoning Administrator Appiah updated the board on work being done to create Quality Design Guidelines as well as Adaptive Re-Use Regulations. Mr. Appiah indicated that staff will be coming to the board with related text amendments.
- Zoning Administrator Appiah stated that staff is also considering changes to Substantial Conformance Improvement Permit (SCIP) standards and may be looking for direction on how to streamline processes.

4. Review and discuss items listed on the Public Hearing agenda for 7/17/2019.

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

BOA10-00236: Ryan McCann, Planner I, presented the request for a Special Use Permit and Comprehensive Sign Plan to modify an existing sign plan. The applicant proposed one additional detached monument sign on the northwest corner of Southern and Westwood. The signage would match the architecture of the shopping center and existing signage. Staff recommended approval with conditions.

BOA19-00301: Lisa Davis, AICP, Planner II, presented for Charlotte Bridges a request to establish a new Comprehensive Sign Plan. The proposed development includes buildings that face Ray Road and are also visible from San Tan 202 Freeway. The request was to add five wall signs in lieu of detached signs. Staff recommended approval with conditions.

Wade Swanson: noted a typo in the plans, used City of Phoenix, should have been City of Mesa.

BOA19-00342: Evan Balmer, AICP, Planner I, presented a variance case for 614 N. Orange requesting a variance from the minimum aggregate side yard setbacks to allow for an 886 square foot addition to the existing house. Mr. Balmer indicated that the request not was not unusual for the neighborhood due to existing development patterns. Staff recommended approval with conditions.

BOA19-00359: Veronica Gonzalez, Project Manager, presented a request for a Comprehensive Sign Plan for a new subdivision under construction. Ms. Gonzalez described how the proposed sign package tied into history of the property. Staff recommended approval with conditions.

5. Adjournment

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

Vote: 6-0 (Chair Chris Jones, absent)
Upon tabulation of vote, it showed:
AYES – Swanson, Tolman, Rembold, Lynam, Curran, Gunderson
NAYS – None

Study Session adjourned at 5:29 p.m.

Board of Adjustment Public Hearing

Meeting called to order at 5:30 p.m.

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 6/5/2019 meeting

On a motion by Boardmember Wade Swanson and seconded by the Steve Curran, the board unanimously approved the June 5, 2019 minutes as read by Boardmember Ken Rembold.

Vote: 6-0 (Chair Chris Jones, absent)
Upon tabulation of vote, it showed:
AYES – Swanson, Tolman, Lynam, Rembold, Curran, Gunderson
NAYS – None

3. Take action on the following cases:

A motion to approve the following cases on the consent agenda as read by Boardmember Ken Rembold was made by Boardmember Wade Swanson and seconded by Boardmember Steve Curran.

Vote: 6-0 (Chair Chris Jones, absent)
Upon tabulation of vote, it showed:
AYES – Swanson, Tolman, Rembold, Lynam, Curran, Gunderson
NAYS – None

***3-a Case No.: BOA19-00236 (APPROVED WITH CONDITIONS)**

Location: Within the 1000 to 1200 block of West Southern Avenue (north side) and the 1100 block of South Alma School Road (east side). (District 3)

Subject: Requesting a Special Use Permit (SUP) to allow modifications to an existing Comprehensive Sign Plan (CSP) in the LC District. (Continued from June 5, 2019)

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 BOA19-00236 was made by Boardmember Swanson as read by Boardmember Rembold with the acceptance of Findings of Fact and Conditions of Approval, and seconded by Boardmember Curran to approve the following conditions:

1. Compliance with the sign plan details as submitted with subject application.
2. Compliance with BA14-020 and BA16-064, except as modified by this request.
3. Compliance with all requirements of the Development Services Department in the issuance of sign permits.

Vote: 6-0 (Chair Chris Jones, absent)
Upon tabulation of vote, it showed:
AYES – Swanson, Tolman, Rembold, Lynam, Curran, Gunderson
NAYS – None

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

FINDINGS:

1. The existing commercial center was constructed in the mid 1970's.
2. The proposed CSP modifications do not change attached sign criteria approved in 2014 for this center.
3. The proposed CSP modification adds one detached sign to the property, specifically at the northwest corner of Southern Ave. and Westwood. There are no other detached signs for the subject site adjacent to Westwood.
4. The proposed CSP modifications is consistent with the criteria outlined in Section 11-46-3(D) of the MZO for approval of a CSP. The sign design exhibits the same architectural style as the existing buildings and existing monument signs.
5. The proposed CSP modifications is consistent with the criteria outlined in Section 11-70-5(E) of the MZO for approval of a SUP. The proposal is consistent with the goals of the General Plan, the development is consistent with the LC zoning district, the detached signs will not be injurious or detrimental to the adjacent or surrounding properties and adequate public services are provided to the site.
6. The modified sign criteria are tailored to the existing development.

***3-b Case No.: BOA19-00301 (APPROVED WITH CONDITIONS)**

Location: 7500 through 7600 block of East Ray Road (south side). (District 6)

Subject: Requesting a Special Use Permit (SUP) to allow a Comprehensive Sign Plan (CSP) in the LI-AF 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 BOA19-00301 was made by Boardmember Swanson as read by Boardmember Rembold with the acceptance of Findings of Fact and Conditions of Approval, and seconded by Boardmember Curran to approve the following conditions:

1. Compliance with the applicant's sign plan documents submitted.
2. Compliance with all requirements of the Development Services Department in the issuance of sign permits.

Vote: 6-0 (Chair Chris Jones, absent)
Upon tabulation of vote, it showed:
AYES – Swanson, Tolman, Rembold, Lynam, Curran, Gunderson
NAYS – None

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

FINDINGS:

- A. The site is approved for the development of two industrial buildings.
- B. The site has frontage on Ray Road and is visible from the 202 Freeway. Because of the location of the property, typical detached signs oriented perpendicular to Ray Road are less visible from the 202 Freeway.
- C. The allowance for additional attached signs placed on the northern section of the buildings increases the visibility of the attached signs from the 202 Freeway.
- D. No detached signs are requested in the subject CSP.
- E. The material finishes and design of the proposed signs are integrated with the architecture of the buildings.
- F. The CSP will advance the goals and objectives of the General Plan. The sign area allowances are also consistent with the location, size, design and operating characteristics of the property and will not be injurious or detrimental to the surrounding properties.

***3-c Case No.: BOA19-00342 (APPROVED WITH CONDITIONS)**

Location: 614 North Orange. (District 1)

Subject: Requesting a variance from the required minimum side yards to allow for an addition to the existing home 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 BOA19-00342 was made by Boardmember Swanson as read by Boardmember Rembold with the acceptance of Findings of Fact and Conditions of Approval, and seconded by Boardmember Curran to approve the following conditions:

1. Compliance with the site plan as submitted
2. Compliance with all City development codes and regulations.

Vote: 6-0 (Chair Chris Jones, absent)
Upon tabulation of vote, it showed:
AYES – Swanson, Tolman, Rembold, Lynam, Curran, Gunderson
NAYS – None

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

FINDINGS:

- A. The subject house was constructed in 1949 with a garage addition constructed in the mid-1970's is a legal non-conforming structure.
- B. The special circumstances on this property are pre-existing and the result of decreased side setbacks standards of the Zoning Ordinance in place at the time the property developed.
- C. The strict application of the Zoning Ordinance would deprive the property owner of privileges enjoyed by other properties in the neighborhood. Many of the surrounding properties also have reduced side yard setbacks due to the standards in place at the time the neighborhood developed.
- D. Approval of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity of the subject property. The current garage is a legal non-conforming structure and the property owner's proposed addition will meet the current minimum required side yard setback.

***3-d Case No.: BOA19-00359 (APPROVED WITH CONDITIONS)**

Location: Within the 2900 through 3100 blocks of East Southern Avenue (north side) and the 1000 through 1200 blocks of South Los Alamos (west side). (District 2)

Subject: Requesting a Special Use Permit (SUP) to allow a Comprehensive Sign Plan (CSP) in the RSL-4.5-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 BOA19-00359 was made by Boardmember Swanson as read by Boardmember Rembold with the acceptance of Findings of Fact and Conditions of Approval, and seconded by Boardmember Curran to approve the following conditions:

1. Compliance with the site plan and sign plan details.
2. Compliance with all requirements of the Development Services Department in the issuance of sign permits.

Vote: 6-0 (Chair Chris Jones, absent)
Upon tabulation of vote, it showed:
AYES – Swanson, Tolman, Rembold, Lynam, Curran, Gunderson
NAYS – None

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

FINDINGS:

- A. The site was once used as a ranch for breeding and training American Quarter Horses.
- B. The aesthetic character of the monument signs is intended to convey the history of the horse ranch to the viewing public.
- C. The sign criteria within the proposed CSP will enhance the development of the property.
- D. The proposed CSP conforms to the criteria outlined in Section 11-46-3(D) of the MZO for approval of a CSP.
- E. The proposed CSP conforms to the criteria outlined in Section 11-70-5(E) of the MZO for approval of a SUP.
- F. The request is consistent with the goals of the General Plan, the use complies with the RSL-4.5-PAD zoning district, the CSP will not be injurious or detriment to adjacent or surrounding properties and there are adequate public services to support the use of the site as a residential subdivision.

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 Swanson and seconded by Boardmember Rembold.

Vote: 6-0 (Chair Chris Jones, absent)
Upon tabulation of vote, it showed:
AYES – Swanson, Tolman, Rembold, Lynam, Curran, Gunderson
NAYS – None

Public Hearing adjourned at 5:36 p.m.

Respectfully submitted,

Rachel Prelog, Senior Planner
On behalf of Zoning Administrator (Nana Appiah)