

**City Council Chambers – Lower Level
57 East 1st Street Mesa, AZ 85201
Study Session 5:00 p.m. and Public Hearing 5:30 p.m.
Wednesday, April 1, 2020**

Boardmembers Present Via Virtual

Connection:

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

Staff Members Present:

Rachel Prelog, Senior Planner
Heather Omta, Planning Assistant
Rebecca Gorton, Planning Assistant

Other City Members Present Via Virtual

Connection:

Charlotte Bridges, Planner I
Wahid Alam, AICP, Planner II

Boardmembers Absent:

The Study Session began at 5:02 p.m. and concluded at 5:18 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. Review and discuss items listed on the Public Hearing agenda for April 1, 2020.

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

- Case BOA19-00368 continued to the May 6, 2020 Hearing.
- Planner Charlotte Bridges presented case BOA20-00101
- Planner Wahid Alam presented case BOA00-00107
 - Boardmember Rembold: what is the standard height for flag poles?
 - Mr. Alam: There is no standard height for flag poles, they often vary. 30 feet is the maximum height allowed in the LI District.
 - Vice Chair Tolman: asked if FAA approval is required?
 - Mr. Alam: Yes, the applicant will need FAA approval before permitting.

3. Adjournment.

Without objection, the Study Session was adjourned at 5:18 p.m.

Board of Adjustment Public Hearing

1. **Call meeting to order.**
Public Hearing began at 5:30 p.m.
2. **Take action on all consent agenda items.**

Items on the Consent Agenda

3. **Approval of the March 4, 2020 minutes.**
A motion to approve the previous meeting's minutes was made by Boardmember Rembold and seconded by Boardmember Gunderson.

Vote: 7-0

Upon tabulation of vote, it showed:

AYES – Jones, Tolman-Rembold-Swanson-Curran-Gunderson-Lynam

NAYS – None

ABSENT – None

4. **Take action on the following cases:**
A motion to approve the following cases on the consent agenda as read by Vice Chair Tolman was made by Boardmember Rembold and seconded by Boardmember Gunderson.

Vote: 7-0

Upon tabulation of vote, it showed:

AYES – Jones, Tolman-Rembold-Swanson-Curran-Gunderson-Lynam

NAYS – None

ABSENT – None

Board of Adjustment – Wednesday, April 1, 2020 Minutes

***4-a Case No.: BOA19-00368 (Continued to May 6, 2020 Hearing)**
Location: 525 East Broadway Road and within the 400 block of South Pioneer (west side).
Subject: Requesting a Development Incentive Permit (DIP) to allow deviations to certain development standards for a commercial and multi-residence development.
Decision: Continued to May 6, 2020 hearing.
Summary: This item was not discussed.

***4-b Case No.: BOA20-00101 (Approval with Conditions)**

Location: 149 West 8th Place

Subject: Requesting a variance to allow a detached accessory structure closer to the street than the adjacent key lot dwelling unit.

Decision: Approval with Conditions

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

A motion to approve case BOA20-00101 was made by Boardmember Rembold as read by Vice Chair Tolman with the acceptance of Findings of Fact and Conditions of Approval, and seconded by Boardmember Gunderson to approve the following conditions:

1. Compliance with the final site plan as submitted.
2. Prior to the submittal of a building permit, submit and obtain approval from the City of Mesa of a Certificate of Appropriateness for compliance with the Historic District Overlay.
3. Compliance with all City Development Codes and regulations.
4. Protect in place the overhead down guy during construction and maintain greater than 3-feet horizontal clearance between the new garage and the utility service drop.

Vote: 7-0

Upon tabulation of vote, it showed:

AYES – Jones, Tolman-Rembold-Swanson-Curran-Gunderson-Lynam

NAYS – None

ABSENT – None

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

- A. The existing house was constructed in 1950 on a corner lot in the Fly Acres subdivision.
- B. The existing detached structure is removed and replaced by a new detached workshop.
- C. The new detached workshop is setback 14-feet-6-inches± from the west property line, 2-feet from the south (rear) property line and meets the requirements of Section 11-30-17.B.2 of the MZO.
- D. The key lot to the south of the subject corner lot is 73,472± square feet (1.69± acres) and is unusually large for a lot in the RS-6 district.
- E. The dwelling unit on the key lot is setback 95-feet± from the front property line adjacent to North Grand.
- F. The 95-foot± front yard setback of the dwelling unit on the key lot creates a special circumstance which makes it impossible to locate a new detached accessory structure on the subject corner lot in compliance with Section 11-30-17.B.6 of the Mesa Zoning Ordinance.
- G. The special circumstance is pre-existing and not created by the property owner.
- H. Strict application of the Zoning Ordinance will deprive the property owner of privileges enjoyed by other property of the same classification in the same zoning district.
- I. The granting of the requested variance will not grant special privileges to the subject property that are inconsistent with other properties in the area or in the RS-6-HD District.

***4-c Case No.: BOA20-00107 (Approval with Conditions)**

Location: 3815 South Sossaman Road

Subject: Requesting a Special Use Permit (SUP) for a flagpole within the Airfield Overlay (AOA 3) to exceed the maximum height allowed in the LI District.

Decision: Approval with Conditions

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

A motion to approve case BOA00-00107 was made by Boardmember Rembold as read by Vice Chair Tolman with the acceptance of Findings of Fact and Conditions of Approval, and seconded by Boardmember Gunderson to approve the following conditions:

1. Compliance with the location of the flagpole as shown on the accompanying site plan.
2. Compliance with all requirements of the Development Services Department in the issuance of permits.
3. Any proposed permanent, or temporary, structure is subject to an FAA filing for review in conformance with CFR Title 14 Part 77 (Form 7460) to determine any effect to navigable airspace and air navigation facilities. An FAA determination notice of no hazard to air navigation shall be provided prior to building permit issuance.

Vote: 7-0

Upon tabulation of vote, it showed:

AYES – Jones, Tolman-Rembold-Swanson-Curran-Gunderson-Lynam

NAYS – None

ABSENT – None

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

- A. The subject site is currently going through the building permit review process for an RV and Boat Storage facility and is located within the LI zoning district.
- B. The subject site is within the AOA-3 Overlay District.
- C. The two-story office building will be 27 feet high along Sossaman Road.
- D. The proposed Flagpole will be 80 foot high.
- E. The maximum height allowed in LI zoning district is 40 feet.
- F. Federal Aviation Authority (FAA) needs to be notified by developers proposing structures taller than 200 feet above ground level (AGL) or taller than the height of an imaginary surface extending outward and upward from the runway at a slope of 100 to 1 within 20,000 feet of any runway at an airport with at least one runway longer than 3,200 feet (such as the runways at the Airport).
- G. The SUP will allow the flagpole to be close to the proposed building along Sossamon Road and provide navigation and identity to the facility.
- H. The proposed flagpole’s location and height are consistent with the location, size, design and operating characteristics of the property and will not be injurious or detrimental to the surrounding properties.

Items not on the Consent Agenda

5. **Take action on the following cases: None**

6. **Adjournment.**

Without objection, the public hearing was adjourned at 5:36 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Rachel Prelog". The signature is written in a cursive, flowing style.

Rachel Prelog,

On behalf of Zoning Administrator (Dr. Nana Appiah)