



Board of Adjustment

Minutes

**City Council Chambers
Wednesday, June 05, 2019**

Boardmembers Present:

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

Board Members Absent:

Boardmember Trent Montague

Staff Present:

Nana Appiah
Lisa Davis
Veronica Gonzalez
Charlotte Bridges
Rebecca Gorton
Heather Omta

Others Present:

The study session began at 4:31 p.m. and concluded at 5:24 p.m. The Public Hearing began at 5:34 p.m., before adjournment at 6:49 p.m., the following items were considered and recorded.

Board of Adjustment Study Session

1. Call meeting to order

Study Session began at 4:31 p.m.

2. Zoning Administrator's Report

Zoning Administrator Appiah stated that there are zoning code text amendments that staff will present to the Board in the coming months.

3. Review and discuss items listed on the Public Hearing agenda for June 5, 2019.

The items scheduled for the Board's Public Hearing were discussed. City Planner's presented each case before the Board during the study session. The Board invited applicant, Tina Beattie, 885 E Elgin St, Gilbert, AZ; for Case BOA19-00174 to clarify the proposed improvements for the subject site.

4. Adjournment

Study Session adjourned at 5:24 p.m.

Board of Adjustment Public Hearing

Call meeting to order

Public Hearing began at 5:34 p.m.

1. Take action on all consent agenda items.

Items on the Consent Agenda

2. Consider the Minutes from the May 1, 2019 meeting

On a motion by Boardmember Ken Rembold and seconded by the Boardmember Kathy Tolman unanimously approved the May 1, 2019 minutes and Consent Agenda as read by Vice-Chair Jones.

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

3. Take action on the following cases:

A motion to approve the cases on the consent agenda was made by Boardmember Ken Rembold as read by Vice Chair Chris Jones with acceptance of findings of fact and conditions of approval, and was seconded by Boardmember Kathy Tolman.

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

***3-a Case No.: BOA19-00036 APPROVED WITH CONDITIONS**

Location: Within the 2600 block of North Power Road (east side).

Subject: Requesting a Special Use Permit (SUP) to allow for the establishment of a Comprehensive Sign Plan (CSP) in the RM-3-PAD District. (District 5)

Decision: Approved with Conditions

Summary: Chair Swanson reviewed request, calls for audience speakers.

Reese Anderson, Applicant, asked to have audience guest speak first and will address questions after.

Jonathon Krause, 6858 E Culver St, opposed to case BOA19-00036, discussed concerns for property access, traffic on Power Road and privacy screening for residential housing to the south.

Chair Swanson, reviewed the request with the Mr. Krause, noting zoning case for site was approved by City Council on April 15, 2019. He reminded the board that this was a Special Use Permit for a Comprehensive Sign Plan.

Motion: A motion to approve case BOA19-00036 was made by Boardmember Rembold with the acceptance of Findings of Fact and Conditions of Approval, and seconded by Vice Chair Jones to approve with 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 (Boardmember Trent Montague, absent)
Upon tabulation of vote, it showed:
AYES – (Swanson, Jones, Tolman, Rembold, Curran, Gunderson)
NAYS – None

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

FINDINGS:

- A. On April 15, 2019, the City Council approved a rezoning and site plan (Case# ZON18-00980) to allow development of the multi-residence development on the property.
- B. The development site has limited frontage on a public street (Power Road) that limits an allowed sign area.
- C. The unique shape and location of the multi-family development does not allow for the same level of visibility afforded other multi-family developments.

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- D. The proposed sign allowances with the CSP are consistent with current MZO requirements for similar developments with more public frontage and not out of character with the existing commercial signs in the area.
- E. The materials, finishes and design of the proposed signs are consistent 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-b Case No.: BOA19-00174 APPROVED WITH CONDITIONS**

Location: 426 and 450 West 5th Street, 505 North Vineyard, and 445 and 455 West 5th Place.

Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow modifications to development standards in the RM-4 and LC Districts. (District 1)

Decision: Approved with Conditions

Summary: The Applicant Sherri Sampson, 16216 S Reserve Dr, Phoenix, AZ, and Tina Beattie, 885 E Elgin St, Gilbert, AZ; spoke to the Board. They gave background for site use (Montessori teacher certification, school and childcare).

City Planner Charlotte Bridges explained that the proposed uses are allowed per the zoning ordinance and the applicant is seeking approval of SCIP to add landscaping and reduce number of parking spaces.

Boardmember Adam Gunderson, supports site improvements however expressed concerns with parking and increased traffic.

Applicant Tina Beattie, understands traffic flow concerns and explained that the students will be arriving at different times of the day.

Amanda Thomsen, 524 N Orange, in favor of case, initially was concerned about traffic however supports the project and site improvement.

W. Dea Montague, 553 N Orange, in favor of case, has several family members in the neighborhood. Supports and in favor of the project; however concerned with traffic flow and excess street parking.

Tina Beattie, expects parents to park for 15-20 minutes during peak drop off and pick up hours.

Boardmember Gunderson, expressed concerns with the number of parking spaces being reduced and the impact from traffic to surrounding areas.

Planning Director Nana Appiah explained that the parking on the site meets zoning requirements.

Chair Swanson, pointed out that the site could have a variety of uses with current zoning. He indicated that the landscape and setback modification requested with the SCIP are compatible with site and neighborhood.

Boardmember Kathy Tolman, agreed with Chair Swanson.

Motion: A motion to approve case BOA19-00174 was made by Boardmember Tolman with the acceptance of Findings of Fact and Conditions of Approval, and seconded by Boardmember Rembold with the following conditions:

1. Compliance with the final site plan and landscape plan as submitted, except as modified by the subject request and conditions of approval.
2. Compliance with all City development codes and regulations, and all requirements of the Development Services Department regarding the issuance of building permits.
3. Provide climbing vines planted at 3' on-center (o.c.) along the playground fence at the east side of the site adjacent to North Country Club Alley.

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

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

SCIP FINDINGS

- A. The subject site is was constructed in the 1960s and 1970s and considered as a legal non-conforming property.
- B. The change in use to allow a daycare and school (K-6) use on the property and improvements to the site including a new playground area requires full conformance with MZO.
- C. Full compliance with current Code requires significant removal of existing building, parking spaces and site circulation.
- D. Improvements to the site include installation of perimeter landscape material adjacent to the rights-of-way and new landscape islands in the parking lot.
- E. The modifications requested along with the proposed improvements and conditions of approval are consistent with the degree of change required to improve the site and will bring the site into closer degree of conformance with current standards.
- F. The proposed improvements will not create any new non-conformities.
- G. The proposed improvements will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.

***3-c Case No.: BOA19-00197 APPROVAL WITH CONDITIONS**

Location: 464 East 1st Avenue.

Subject: Requesting a Variance from the Form Based Code Building Form Standards, and Building Type Standards in the T4Neighborhood (T4N) Transect Zone. (Continued from May 1, 2019). (District 4)

Decision: Approval with Conditions

Summary: The Applicant, David Davis, 20885 90th Place #100, Scottsdale, AZ, spoke to the Board. He indicated that the previous building was demolished, and the proposed duplex is consistent with the residential neighborhood. He stated that they chose rear entry garages to preserve the green space in the front setbacks to match neighborhood setbacks and to avoid facing the garages to Lesuer.

Jim Hatch, 52 S LeSueur St., declined to speak, but indicated that he opposed the case.

Twila Eyring, 44 S LeSueur St., declined to speak, but indicated that she is in favor of case, likes that the greenspace setbacks will match other neighboring sites. Also sent an email to staff that was provided to the board indicating her support of the case.

Mr. and Mrs. Heppler, 110 S. LeSueur St., declined to speak, did not indicate if they are if in favor or opposing case. They are attending the meeting to get more information.

LuAnn Payne, 447 E 1st Ave., declined to speak, but indicated that he opposed the case.

Ginger von Campon, 454A E 1st Ave., declined to speak, opposes the project. Comment on comment card states building is too large for the historic neighborhood.

Reinhard von Campon, 454 E 1st Ave., opposed case, stated that he has lived in the neighborhood for 50 years, feels neighborhood is inundated with people. He indicated that there are parking concerns in the area and that the duplex will increase traffic and on-street parking. Opposed to a duplex, prefers a single residence. Likes that setbacks will match neighboring property but feels building is too big for lot.

Walter von Campon, 454A E 1st Ave., spokesperson for Temple District, stated that the large structure does not fit with neighborhood. He wants to maintain "historic

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feel” and the proposed two-story structure dwarfs the surrounding houses and requested that the board deny the request for the variance.

City Planner Lisa Davis stated that the residential use and duplex building is allowed in the transect zone. The variance request includes the building width increasing from the allowed 48 feet to 66 feet. The proposed duplex meets all required setbacks.

Applicant David Davis, indicated that he wants to preserve 1st Avenue look and spirit of the neighborhood. Chose a design with parking in the back and green-space in the front to match neighborhood.

Vice Chair Jones, clarified that the two story height is allowed, this case is limited to width variance and alley access consideration.

Motion: A motion to approve case BOA19-00197 was made by Boardmember Rembold with the acceptance of Findings of Fact and Conditions of Approval, and seconded by Boardmember Gunderson with the following conditions:

1. Compliance with the final site plan, landscape plan and elevations as submitted, except as modified by the conditions below.
2. Compliance with all City development codes and regulations.
3. Compliance with all requirements of the Development Services Department regarding the issuance of building permits.
4. Prior to the submittal of a building permit, obtain a Certificate of Appropriateness from the City of Mesa.

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

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

FINDINGS:

- A. The lot has been in its current configuration for more than 50 years with no alley access and the Form Based Code was approved within the last 10 years.
- B. There are special circumstances associated limiting development of the site to fully conform to all requirements of the form based code.
- C. The strict application of the MZO will deprive the property of privileges enjoyed by other properties of the same classification in the same zoning district. Surrounding properties to the site have large open space areas in front of the main body of the house which does not conform to requirements of the form based code.
- 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 site.

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***3-d Case No.: BOA19-00236 CONTINUANCE TO JULY 17, 2019.**

Location: Within the 1000 to 1200 block of West Southern Avenue (north side) and the 1100 block of 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.

Decision: Continue to July 17, 2019

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

Motion: A motion to continue case BOA19-00236, was made by Boardmember Rembold as read by Vice Chair Jones and seconded by Boardmember Tolman.

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

***3-e Case No.: BOA19-00266 APPROVED WITH CONDITIONS**

Location: 2400 West Broadway Road

Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow modifications to development standards in the LI District. (District 3)

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 BOA19-00266 was made by Boardmember Rembold as read by Vice-Chair Jones with the acceptance of Findings of Fact and Conditions of Approval, and seconded by Boardmember Tolman to approve with the following conditions:

1. Compliance with the site plan as submitted.
2. Compliance with all City development codes and regulations, except as identified in Table 1 of this report, and all requirements of the Development Services Department regarding the issuance of building permits.

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

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

FINDINGS:

- A. The existing site is considered as non-conforming and does not meet current MZO development standards.
- B. The building and site were originally designed for an automobile repair use.
- C. Full compliance with current code would require significant removal of existing building, parking spaces and site circulation.
- D. Improvement to the site includes installation of landscape material adjacent to Broadway Road, construction of a new CMU wall with a rolling gate for screening of auto bays, and construction of new landscape islands in the parking lot.
- E. The modifications requested along with the proposed improvements and conditions of approval are consistent with the degree of change requested to improve the site. The changes will also help bring the site into a closer degree of conformance with current standards.
- F. The proposed improvements will not create any new non-conformities.
- G. The proposed improvements will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.

***3-f Case No.: BOA19-00270 APPROVED WITH CONDITIONS**

Location: Within the 6300 through 6600 block of East Southern Avenue (south side) and the 1200 through 1500 block of South Power Road (west side). (District 6)

Subject: Requesting a Special Use Permit (SUP) to allow modifications to an existing Comprehensive Sign Plan (CSP) in the LC-BIZ 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 BOA19-00270 was made by Boardmember Rembold as read by Vice-Chair Jones with the acceptance of Findings of Fact and Conditions of Approval, and seconded by Boardmember Tolman to approve with the following conditions:

1. Compliance with the site plan, sign plan details and project narrative submitted.
2. All signs shall comply with the approved Comprehensive Sign Plan (BA90-013), 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 (Boardmember Trent Montague, absent)
Upon tabulation of vote, it showed:
AYES – (Swanson, Jones, Tolman, Rembold, Curran, Gunderson)
NAYS – None

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

FINDINGS:

- A. The existing CSP was approved on March 5, 1990 as case BA90-013.
- B. Staff administratively approved minor building modifications to allow multiple tenants in a building previously designed for a single tenant unit.
- C. The proposed CSP modifications, while increasing the number of attached signs, will not increase the aggregate attached sign area.
- D. The proposed CSP modifications conform to the criteria outlined in Section 11-46-3(D) of the MZO for approval of a CSP.
- E. The subject site has restricted visibility on Southern Avenue, the property owner is remodeling the building to accommodate multiple retail tenants and the sign plan will maintain the previously allowed design criteria for attached signage on the property.
- F. The proposed CSP modifications conform to the criteria outlined in Section 11-70-5(E) of the MZO for approval of a SUP.

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- G. The proposal is consistent with the goals of the General Plan, the use complies with the LC zoning district, the modified sign package will not be injurious or detrimental to adjacent or surrounding properties and there are adequate public services to support use of the site.**

***3-g Case No.: BOA19-00271 APPROVED WITH CONDITIONS**

Location: 2001 North Country Club Drive

Subject: Requesting a Special Use Permit (SUP) to allow for the establishment of a Comprehensive Sign Plan (CSP) in the RM-3-PAD District. (District 1)

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 BOA19-00271 was made by Boardmember Rembold as read by Vice-Chair Jones with the acceptance of Findings of Fact and Conditions of Approval, and seconded by Boardmember Tolman to approve with the following conditions:

1. Compliance with the final site and landscape plans as submitted.
2. Compliance with the sign program book submitted.
3. Compliance with all requirements of the Development Services Department in the issuance of building and sign permits.

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

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

SCIP FINDINGS:

- A. The existing site is considered a legal non-conforming use.
- B. Full compliance with current code would require removal of the building, parking spaces and site circulation areas.
- C. Improvements to the site include installation of new parking spaces, new parking lot landscape islands and replacing required landscape material at the perimeter and other areas of the site.
- D. The modifications requested along with the proposed improvements and conditions of approval are consistent with the degree of change requested to improve the site and to bring the site into a closer degree of conformance with current standards.
- E. The proposed improvements will not create any new non-conformities and will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.

SUP FINDINGS:

- A. The site has limited area adjacent to a public right-of-way to locate detached signs.

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- B. Relocation of a detached sign on the property to meet current MZO requirements would limit or restrict the detached sign visibility significantly.
- C. The CSP proposes a total of 5 attached signs; thus 2 more attached signs than allowed by the MOZ without a CSP. However, the aggregate sign area for the 5 attached sign is within the MZO aggregate sign area allowance.
- D. The detached sign area and height allowances within the CSP are consistent with current MZO requirements.
- E. The CSP will advance the goals and objectives of the General Plan by allowing a customized sign plan for the existing limited services restaurant with drive through facilities use.
- F. The sign area allowances are consistent with the location, size, design and operating characteristics of the property and will not be injurious or detrimental to the surrounding properties.
- G. The proposed design of the detached signs meets the intent of a CSP by integrating it with the architecture of the building on the property.

***3-h Case No.: BOA19-00272 APPROVED WITH CONDITIONS**

Location: 4801 E. Brown Road

Subject: Special Use Permit (SUP) to allow for the establishment of a Comprehensive Sign Plan (CSP) and a variance to allow a detached sign to be placed in the future width line of the right-of-way. (District 2)

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 BOA19-00272 was made by Boardmember Rembold as read by Vice-Chair Jones with the acceptance of Findings of Fact and Conditions of Approval, and seconded by Boardmember Tolman to approve with the following conditions:

1. Compliance with the site plan and sign plan details.
2. Compliance with Mesa Zoning Ordinance Section 11-43-5 pertaining to electronic message panels.
3. Compliance with Mesa Zoning Ordinance Section 11-47-7 pertaining to signs placed in the future right-of-way.
4. Compliance with all requirements of the Development Services Department in the issuance of sign permits.

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

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

FINDINGS:

- A. The proposed CSP does not include attached signage.
- B. The proposed CSP does not include any signage along 48th Street.
- C. The proposed sign criteria within the CSP is tailored to this specific land use and enhances the development of the property.
- D. The proposed electronic message display is located approximately 19.5’ from the face of curb on Brown Road.
- E. The future right-of-way width requirement increased from 55’ to 65’ after the property was developed in the mid-1980’s.
- F. The existing detached signs for the adjacent commercial development are currently located within the future right-of-way of Brown Road.
- G. The proposed CSP modifications meet the criteria outlined in Section 11-46-3(D) of the MZO

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for approval of a CSP. The CSP is tailored to the land use and incorporates elements of the building architecture in the sign design.

- H. The proposed CSP modifications meet 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 use complies with the RS-9 zoning district, the CSP will not be injurious or detrimental to adjacent or surrounding properties.
- I. The site has adequate public services.
- J. The proposal conforms to the required findings for granting of a variance outlined in Section 11-80-3 of the MZO. The future right-of-way width was increased after the site was developed, the 65' future right-of-way width is required by the City.
- K. Two existing detached signs for non-residential development in the vicinity are placed within the future right-of-way.

Items not on the Consent Agenda

4. Take action on the following cases:
NONE

5. Other business

This was Boardmember Trent Montague's last meeting. Chair Swanson thanked Trent, on behalf of the board, for his years of commitment and distinguished service to the Board of Adjustment.

6. Items from citizens present

None.

7. Adjournment

A motion to adjourn was made by Vice Chair Chris Jones and seconded by Boardmember Adam Gunderson

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

Public Hearing adjourned at 6:49 p.m.

Respectfully submitted,



Lisa Davis,
On behalf of Zoning Administrator (Nana Appiah)