

Virtual Platform

Date: November 4, 2020 Time: 5:00 p.m.

MEMBERS PRESENT:

- *Chair Adam Gunderson
- *Vice Chair Ken Rembold
- *Boardmember Chris Jones
- *Boardmember Steve Curran
- *Boardmember Kathy Tolman
- *Boardmember Nicole Lynam
- *Boardmember Alexis Wagner

MEMBERS ABSENT:

None

(*Boardmembers and staff participated in the meeting through the use of audio conference equipment)

STAFF PRESENT:

- Rachel Prelog
- Cassidy Welch
- Kellie Rorex
- Charlotte Bridges
- Chloe Durfee-Sherman

OTHERS PRESENT:

None

1 Call meeting to order.

Chair Gunderson declared a quorum present and the meeting Study Session was called to order at 5:00 p.m.

2 Review and discuss items listed on the Public Hearing agenda for November 4, 2020.

2-a Staffmember Kellie Rorex presented case BOA20-00622 to the Board.

This subject site is located west of Dobson on the south side of Broadway. The General Plan Character Area is Neighborhood and the goal for this area is to provide safe places where people can feel secure and enjoy their surrounding community. The site is zoned limited commercial and medical and dental offices are a permitted use in the LC zoning district.

Here are the existing photos of this site, the building on the site will be rehabilitated for a dental office and you'll remember this site from last month's Board of Adjustment meeting when the applicants were here requesting a substantial conformance improvement permit. The request before you tonight is for a special use permit and to allow for a comprehensive sign plan. The sign plan includes eight attached signs, one detached sign, three three-dimensional objects. I've marked the proposed locations of these signs on the site plan and the attach signs are the red stars, the detached sign is the orange cross, and the yellow triangle are the three three-dimensional objects.

Within the LC district, a development is allowed three permanent attach signs and the applicants are requesting eight. However, if you look at the table on this slide, you will see that the eight signs combined will fall well below what is allowed for the maximum aggregate sign area for attach signs as well as the maximum sign area per sign in this first table here. The applicant is also allowed multiple detached signs and the applicants are requesting only one detached sign, but this detached sign will exceed the maximum height per sign by two feet, as well as the maximum sign area per sign. And then lastly, the last table is for the three three-dimensional objects. The site is allowed to have these three-dimensional figures when they're within 100 feet of the right-of-way, then 50% of the sign area is deducted from the total allowed signage. The applicants are requesting that the 3D objects not be counted towards their sign allowance. Here are the attach signs and what they will look like.

The dental office has a train theme and elevations were recommended for approval by the Design Review Board last month. The sign style was designed to match the train depot theme. Four of the detached signs will be backlit and the other four are non-lit signs. The applicant provided a rendering so you can see what the attached signs would look like on the building. The Dental Depot which is on the tower is backlit and so are the two signs on the left side of the image which reads open Saturdays and Family Dentistry and Orthodontics.

The detached sign is designed to look like a water tower. The sign is on the northeast corner of the site out of the right-of-way and outside of the site visibility triangles for this site and the sign is also non lit. The first of the three-dimensional objects is a model train, and it will be located in front of the dental office in the foundation base area. The second is a semaphore located on the landscape area which is just east of the building and then the train crossing arm will be located on the west side of the driveway from Broadway.

Looking at the criteria for comprehensive sign plan, the site does not contain any unique or unusual physical conditions that would limit or restrict normal sign visibility. This site is located at the corner of Valencia and Broadway. The applicants are requesting the comp sign plan to allow signage that matches the theme that was approved per their design review case. Their building creates a unique development that is well integrated with the site which meets criteria two and three of the CSP criteria. The project meets all the criteria for the special use permit. The project will advance the goals of the General Plan which by allowing the customized sign plan for commercial development with a unique architectural and design theme. The location size, design, and operating characteristics are consistent with the purposes of the LC district. And the project will not be injurious or detrimental to surrounding properties and adequate public services and infrastructure are available.

I mentioned, the elevations were recommended for approval for the development of a train depot theme dental office by the Design Review Board. The materials and designs of the signs are well integrated with the architecture and theme of the building. The request meets two of the three CSP criteria per Section 11-46-3D of the Mesa Zoning Ordinance. It meets all criteria for Section 11-70-5E for a special use permit, and the requests will advance the goals of the General Plan and staff recommends approval with conditions. Be happy to answer any questions.

2-b Staffmember Cassidy Welch presented case BOA20-00629 to the Board.

The request before you today is a special use permit to allow a daycare center in conjunction with an existing place of worship. The site is located at 3050 South Country Club in suites 23 and 24. It's located south of Guadalupe Road on the west side of Country Club Drive. The General Plan

designation for this site is Neighborhood with a Suburban Sub-type. Typical uses within the Neighborhood Suburban includes schools, churches, and supportive commercial and retail. The zoning on the site is General Commercial. Per the Mesa Zoning Ordinance, places of worship on their own are a permitted use as well as daycare centers on their own. However, when those uses are combined or associated with a with each other, a special use permit is required in the General Commercial zoning district. Here you can see the existing photos of the site.

The daycare center will be located entirely within the church within those existing suites. The floor plan indicates three new classrooms and one new playroom will be provided to serve the daycare center in those existing suites with the potential to use the existing sanctuary area for the church when the church is not conducting services. The proposed project meets all of the criteria for a special use permit. It advances the goals of the General Plan. The characteristics for the intended daycare center are consistent with the GC zoning district and the Neighborhood Suburban Character Area. The proposed use will not be detrimental to the surrounding properties or neighborhoods and adequate facilities are serving the site. In summary, we find that it complies with the 2040 Mesa General Plan and meets the criteria for a special use permit, and we are recommending approval with conditions. And I would be happy to answer any questions.

Boardmember Tolman asked if the daycare is going to be used for commercial or church use only?

Staffmember Welch responded that the daycare will be available to the community.

2-c Staffmember Charlotte Bridges presented case BOA20-00568 to the Board.

The location of this property is 4359 East Decatur Street, and is located on Decatur Street about 170 feet west of Greenfield Road and a quarter mile north of University Drive. The subject property is located in the Neighborhood Character Area with a Suburban Sub-type. The goal of the Neighborhood Character Area is to provide safe places to live and a variety of housing types within that character area. The zoning on the property is RS-9 district there is a single family home on the property and that is a permitted use in the RS-9 district.

The request before you this evening is for a variance and the variance request is to allow a detached accessory building, which exceeds eight feet in height, to be closer to the primary residence than six feet and within the required side yard. the accessory structure is located on the east side of the existing home. This is a picture of the other side looking from Decatur Street towards the property. I've directed your attention with the arrow to the shed that's located on the east side of the property. You can see kind of its height peeking up above the fence line and then its general proximity to the front of the house into the side of the house.

This is a site plan of the property and the orientation is that north is not at the top of the page, north is to the right. The shed itself is located towards the bottom of the site plan where it says storage shed. You can see that it's three feet away from the east property line and it's three feet away from the new bathroom addition which is located on the east side of the house. This is an existing shed. There was a building code investigation for this site and when the inspectors went out to the site,

they determined that this existing shed was not built in compliance with the Zoning Ordinance requirements and directed the applicant to apply for a variance to allow the shed to remain where it is located.

The shed is 140 square feet. It's approximately 10 feet in height. Now that's measured at the midpoint of the roof. That's how the Zoning Ordinance measures height from the midpoint between the plate height, or the wall height and then the highest point of the roof or the original height. It's 10 feet in height measured at the midpoint and then once again, it's three feet from the east property line, and it's three feet from the existing house. The Mesa Zoning Ordinance requirements where this shed is located, would limit the height to eight feet and require a six-foot separation from the existing home.

These are a couple of photos for properties that are along Decatur Street not far from this site, the 4327 East Decatur Street, and then Dover Street is one street to the north. But just an idea of some of the existing sheds or detached structures are there in the neighborhood. Both these sheds or detached structures appear to be in compliance with Mesa Zoning Ordinance standards. As far as the criteria for the variance, staff's analysis does not find any special circumstances related to this lots shaped topography locations or surrounding. The lot is a similar in size and shape to the adjacent lot. Therefore, this proposal does not meet this particular criteria for a variance. Also, staff has determined that this variance or this request for variance is self-imposed. The applicant constructed this structure not in compliance with a Mesa Zoning Ordinance and so they've essentially created the need for the variance. Consequently, the special circumstances is not pre-existing, it was created by the property owner and does not meet the criteria for a variance.

Strict application of the of the Mesa Zoning Ordinance would not deprive this property owner of the privilege of having a detached accessory building on their property. Staff has determined that there are other viable locations on the property for the detached structure. And then also the detached structure could be modified to meet Mesa Zoning Ordinance requirements. Consequently, this proposal does not meet the criteria showing that it would not enjoy special privileges. Then for the last criteria, will this variance grant special privileges or constitute the granting of special privileges to the property owner? Staff believes that it would, in looking at around the neighborhood there are no other variances in this neighborhood, so granting of this variance would be considered a special privilege and does not meet the criteria for variance. Based on those findings, staff is recommending denial of this variance request. If you have any other questions, I'd be happy to answer them.

Boardmember Curran asked what the original building code investigation was about?

Staffmember Bridges responded the call for the complaint was construction without a permit. When the building code officials went out to inspect the site for the code violation, they determined that the addition to the home that was under construction was being done without a permit. And of course, then inspection also determined that this detached structure was not in compliance with Mesa Zoning Ordinance requirements. Since that inspection, the property owner has been issued a

permit for the addition to the house, but the detached structure was not included in that permit. Again, they were directed by building code officials to apply for a variance to keep the building where it's at in the configuration that it is in.

Boardmember Curran also asked if the shed was permitted?

Staffmember Bridges responded that the shed was not permitted.

Boardmember Curran asked why the Dover Street house example is in compliance?

Staffmember Bridges responded that based on her analysis, the one on Dover Street is actually further in the rear of the lot. It's located most likely in the rear quarter of the lot, which allows a shed that's 10 feet or less in height to encroach into the side and rear yard if it's totally located in the rear corner of the lot. The example on Decatur Street is in compliance with the Mesa Zoning Ordinance detached accessory building allowance that says if the detached structure is less than 200 square feet in area and less than eight feet in height, and is located six feet away from the main home or the main building, then it is allowed to encroach into a side yard.

Boardmember Rembold asked what modifications could be made to the structure to be able to keep it where it is?

Staffmember Bridges responded that they would have to bring the height down. I don't know that that's an easy thing to do. But they would have to decrease the height of the building to eight feet in height measured at the midpoint of the roof.

Boardmember Rembold clarifies and asks if they leave the shed where it is, it is only the height that is the problem?

Staffmember Bridges responded that we're going to look at a different section of the ordinance for detached accessory buildings. It's the allowance that says if the structure is seven feet or less in height, and less than 140 square feet, it's allowed to encroach into that side yard. Also if it's on a non-permanent foundation, it may be closer than six feet to the main building.

Boardmember Rembold asked if Staffmember Bridges knew if there was a permanent foundation or permanent slab under the shed?

Staffmember Bridges answered that at this time, it does.

Boardmember Rembold clarified that even if they were to take the shed down to the required 7 feet in height, they would still have a problem because the shed was still tied to a permanent foundation.

Staffmember Bridges answered yes.

Boardmember Wagner asked if the applicant would have to remove the permanent foundation as well if they are going to have to remove or move the shed?

Staffmember Bridges answered that they may be able to cut the lag bolts or something else that are securing the bottom plate to the concrete and modify that part.

Boardmember Rembold clarified and asked if it is okay to have the slab there, they just can't have any bolts coming out of the slab and securing to the shed on top of it?

Staffmember Bridged confirmed.

2-d Staffmember Charlotte Bridges presented case BOA20-00568 to the Board.

This is a property located in the Lehi area. It's generally located east of Stapley and about a third of a mile north of Lehi Road. The General Plan as you know, designates the Lehi area as Neighborhood with an Agricultural Sub-type and it is also located in the Lehi Sub-area. The purpose of that of the Lehi Sub-area is to maintain that semi-rural character of the Lehi area and this site or this property is in compliance or meets the General Plan and the goals of the Lehi Sub-area Plan. The site itself is zoned RS-43 there is an existing single family residence on the lot. The existing single family resident meets the setbacks associated with the RS-43 district. This is a variance request to reduce the required side yard setbacks to allow for in addition to a single family residence. This is a photo of the existing home looking north towards the property, and the addition will be on the east side of the home, to the right on the photograph. Once again, this is this is a site plan but it's oriented north is to the right of the page. The existing home meets the RS-43 minimum setback requirements and the proposed garage edition is six-foot four-inches away from the east property line. The existing west side yard is 12 feet nine inches, the aggregate of both side yards is 18 feet. It's important to note that the existing lot is considered a non-conforming lot. In the RS-43 district, the minimum lot width is 130 feet; this lot is actually 118.15 feet. It's just so it's almost 12 feet shy of meeting the minimum width requirements for a lot in the RS-43 district. But once again, this home is existing, the existing home meets all the setback requirements, as its presently configured for the RS-43 district. These are elevations of the proposed garage addition. You can see the garage edition is approximately 28 and a half feet wide and it is in width and approximately 30 feet, almost 31 feet, in depth. The peak height of the garage is 29 feet 11 inches.

As for the criteria for a variance, let me quickly go through this. In staffs' analysis, we've determined that the there are no special set of circumstances related to the shape, size or topography of a lot. A lot is large, there's plenty of room to construct. An attached garage might not be in the configuration that the applicants are proposing with their preference, but there is the ability to construct an attached garage on the site and meet RS-43 zoning ordinance requirements the special circumstances the existing structure on the site meets Mesa Zoning Ordinance development standards and the need for the variances created by the property owners design, placement, orientation, and size of the proposed detached garage. So once again, planning staff believe this is a

self-imposed hardship and it's created by the applicant the findings are that it does not meet the criteria that the special circumstances are preexisting.

Strict application of the zoning code would not deprive this property owner of privileges enjoyed by other property owners, basically because they do have the ability to construct an attached garage on their site and meet Mesa Zoning Ordinance requirements. Once again, the need for the variance is based on their design, so it does not meet the criteria for special privileges. The various variants granted shall not constitute or grant special privileges is consistent with the limitations upon other properties in the vicinity and zone in which the property is located based on that this variance is being considered on its own. Based on the topography, the existing shape of the lot the existing ability for the property owner to construct a garage edition that meets the zoning ordinance requirements. Staff proposes that this does not meet this variance criteria, either. And based on these findings, staff is recommending denial of this variance request. And if you have any questions, I'll be happy to answer them.

Boardmember Tolman asked if the applicant is adding a complete second story to the existing house and if those plans have been submitted yet?

Staffmember Bridges answered that they do plan on constructing the garage first and then a second floor to the home, but these plans have not been submitted yet.

Boardmember Tolman asked if Staffmember Bridges has gone over all of the options with the applicant?

Staffmember Bridges answered yes, they actually included a couple of options in the packet in the packet. One of the options I believe would still require a variance but the option of the garage where it is behind the home, and as a side entry garage is a viable design.

Boardmember Jones asked if the only variance is the setbacks or if there are any variances associated with the height of the garage as well?

Staffmember Bridges answered it's only the setbacks. In the RS-43 district, the maximum height is 30 feet. Once again, we measure that to the midpoint of the roof. On the elevations they're actually calling out the peak of that roof at 29 feet 11 inches.

Boardmember Jones also asked if there are any homes or sites in the general area that have larger encroachments like this setback that either have or don't have variances?

Staffmember Bridges answered I believe in the project narrative, the applicant gave you some locations of existing variances in the neighborhood. The closest variance would be the variance they listed ZA96-0033. That variance location is right there at the corner of Norwood and Mountain View Road, I think it's two lots to the east and that variance allowed an addition to the east side of the house on the Mountain View side to encroach into the street side setback. As far as the other

variances along Norwood, there are none and the lots, let's say two lots to the east and two lots to the west are the exact same size and have the same dimensions as this lot and there are no variances that have been approved for those lot locations.

Boardmember Jones clarified and asked if, for ZA96-0033, the encroachment was to the street?

Staffmember Bridges answered yes, it's to the street. It's the corner lot right there at Norwood in Mountain View road at the northwest corner. Two lots from the highlighted red lot, our subject.

3 Adjournment.

Boardmember Jones moved to adjourn the Study Session and was seconded by Boardmember Rembold. Without objection, the Study Session 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)