

Virtual Platform

Date: April 7, 2021 Time: 5:30 p.m.

MEMBERS PRESENT:

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

MEMBERS ABSENT:

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

STAFF PRESENT:

- Rachel Prelog
- Margaret Robertson
- Charlotte Bridges
- Kellie Rorex
- Jennifer Gniffke
- Chloe Durfee-Sherman
- Alexis Jacobs

OTHERS PRESENT:

None

1 Call meeting to order.

Chair Gunderson declared a quorum present and the Public Hearing was called to order at 5:45 p.m.

2 Take action on Items Not on the Consent Agenda.

Items Not on the Consent Agenda

3 Approval of the following minutes from previous meeting:

***3-a Minutes from March 3, 2021 Study Session and Public Hearing.**

Vote: 6-0

Upon tabulation of vote, it showed:

AYES – Gunderson-Rembold-Curran-Wagner-Jones-Lynam

NAYS – None

ABSENT – None

ABSTAINED – Reed

4 Take action on all Consent Agenda items.

A motion to approve the Consent Agenda was made by Boardmember Jones as read by Vice Chair Rembold and seconded by Boardmember Curran.

5 Take action on the following cases:

***5-a Case No.: BOA20-00626 (Approved with Conditions)**

Location: District 4. 1526 E. Main Street.
Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow deviations from certain development standards for the redevelopment of a restaurant in the GC District
Decision: Approved with Conditions.
Summary: This item was on the consent agenda and not discussed on an individual basis.

A motion to approve case BOA20-00626 was made by Boardmember Jones as read by Vice Chair 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 final site plan and landscape plan as submitted.
2. Compliance with all City Development Codes and regulations, except as identified in Table 1 of this report.
3. Compliance with all requirements of the Development Services Department regarding the issuance of building permits.

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

- A. The site is zoned GC, and the restaurant use was established with its developed in the late 1960’s to early 1970’s.
- B. The previous restaurant building was destroyed by fire on February 7, 2020.
- C. The subject site does not meet current MZO development standards and is therefore legal non-conforming.
- D. Full compliance with current MZO would require significant alterations to the site including removal of parking spaces and alterations to the on-site circulation.
- E. Improvements to the existing site include landscape improvements around the perimeter or the site, within the parking field, and the foundation base areas adjacent to the building elevations.
- F. The modifications requested along with the proposed improvements 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 MZO standards.
- G. The proposed improvements will not create any new non-conformities.

- H. The proposed improvements will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.

***5-b Case No.: BOA20-00779 (Approved with Conditions)**

Location: District 4. Within the 1000 block of E. University Drive (south side) and the 300 block of N. Miller Street (east side). Located west of Stapley Drive on the south side of University Drive.

Subject: Requesting a Development Incentive Permit (DIP) to allow the development of a multiple residence development in the RM-2 and RM-4 Districts.

Decision: Approved with Conditions.

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

Vice Chair Rembold entered a correction to the staff report into the record. The staff report stated that the applicant was going to be purchasing 20 feet of right-of-way from the City. The staff report should have read 30 feet.

A motion to approve case BOA20-00779 was made by Boardmember Jones as read by Vice Chair 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 final site plan as submitted.
2. Compliance with all City development codes and regulations, except as identified in Table 1 of this report.
3. Compliance with all requirements of ZON20-00782 for site plan approval.
4. Compliance with all requirements of Design Review case, DRB20-00783.

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

- A. The development area consists of nine (9) separate parcels totaling 2.46± acres.
- B. The current configuration for each lot has been the same for more than 10 years.
- C. The site is served by, or has direct access to, existing utilities.
- D. The total developable land area within 1,200 feet of the site is not more than 25 percent vacant.
- E. Greater than 50 percent of lots within 1,200 feet of the site have been developed for more than 15 years.
- F. This requested deviations through the DIP will allow for the development of bypassed parcels.

- G. The proposed development is consistent with the General Plan designation character are of Neighborhood with a Suburban Sub-type.
- H. The requested modifications will result in a development that is commensurate with existing development in the vicinity.
- I. Compliance with Site Plan Review approval (Case# ZON20-00782) and Design Review approval (Case# DRB20-00783) to ensure the level of site improvements, architectural detailing and design elements on the building will meet the intent of the Design Standards of the MZO.
- J. The applicant will combine the lots to create one whole parcel prior to developing the site.

***5-c Case No.: BOA21-00114 (Approved with Conditions)**

Location: District 5. 928 S. 80th Street

Subject: Requesting a modification to an existing Planned Area Development (PAD) front yard setback requirement to allow for an addition to an existing single residence in the RS-6-PAD-AS-AF District.

Decision: Approved with Conditions.

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

A motion to approve case BOA21-00114 was made by Boardmember Jones as read by Vice Chair 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 final site plan as submitted.
2. Compliance with all applicable City of Mesa Development Codes and regulations.
3. Compliance with all requirements of the Development Services Department regarding the issuance of building permits

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

- A. The existing home was constructed in 1978 and meets the required RS-6-PAD-AS-AF District front yard setback of 20 feet.
- B. The existing home was constructed with an 18 feet, six-inches wide by 18 feet long (18'6" X 18") double-car carport complied with the development standards at the time of construction but does not conform to the current development standards of Section 11-32-4(E) of the MZO.
- C. Construction of an addition to the carport to facilitate a garage enclosure, which meets the minimum required length of Section 11-32-4(F)(2) of the MZO for a double-car garage, is not possible without the granting a modification to the PAD to allow the addition within the required RS-6-PAD-AS-AF District front yard setback of the 20 feet.
- D. Enclosure of the existing carport into a garage with a length that complies with the minimum length required under present standards is consistent with the purpose and

intent of the adopted plan for Fountain of the Sun since it improves the security of the residence, adds value to the subject property and contributes to the sustainability a unique, development catering to a retirement-oriented, age specific community.

***5-d Case No.: BOA21-00151 (Approved with Conditions)**

Location: District 5. 7530 E. Main Street
Subject: Requesting a Special Use Permit (SUP) to allow an accessory crematory for a funeral home in the LC District.
Decision: Approved with Conditions.
Summary: This item was on the consent agenda and not discussed on an individual basis.

A motion to approve case BOA21-00151 was made by Boardmember Jones as read by Vice Chair 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 final site plan and project narrative as submitted.
2. Compliance with all applicable City of Mesa Development Codes and Regulations.
3. Compliance with all requirements of the Development Services Department regarding the issuance of building permits.
4. Compliance with all requirements of SPR84-007.

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

- A. The subject site is currently used as a funeral home.
- B. Crematories are permitted as an accessory use to a funeral home in the LC district with the approval of a SUP.
- C. The crematory will not create any smoke or order.
- D. The addition for the crematory will be designed to meet all landscaping and foundation base requirements.
- E. There are no specific requirements for the proposed crematory beyond the SUP and the addition will not trigger any additional code requirements.
- F. This request conforms with the criteria for the granting of a SUP as outlined in Section 11-70-5(E) of the Mesa Zoning Ordinance.

***5-e Case No.: BOA21-00158 (Approved with Conditions)**

Location: District 5. 3861 N. Hawes Road
Subject: Requesting a variance to allow a detached accessory building in the area between the front of the principal dwelling and the front property line in a RS-90 District.
Decision: Approved with Conditions.
Summary: This item was on the consent agenda and not discussed on an individual basis.

A motion to approve case BOA21-00158 was made by Boardmember Jones as read by Vice Chair Rembold with the acceptance of Findings of Fact and Conditions of Approval, and seconded by Boardmember Curran to approve the following conditions:

1. Issuance of a building permit for the existing detached accessory building.
2. Compliance with all City Development Codes and regulations.

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

- A. The existing property has a grade change of approximately 74 feet, with the lowest grade along the front property line (Hawes Road) and the highest elevation in the rear of the lot.
- B. The special circumstance is pre-existing and not created by the property owner.
- C. The request does not involve any encroachments into setbacks. Although the proposed accessory structures would be located in front of the principal dwelling, they meet all required setbacks.
- D. On October 7, 2015, the Board of Adjustment granted a variance to allow a detached accessory building to be located in front of the front line of an existing home for the property located across the street from the subject site at 3852 North Hawes Road. Two other properties zoned RS-90 in the area were permitted accessory structures in front of the front line of the homes as well. Strict application of the zoning ordinance will deprive the subject property of privileges enjoyed by other property within the same zoning district and within the same neighborhood.
- E. Based on previous approvals of similar variances within the neighborhood and within the RS-90 District, approval of this variance request to allow detached accessory buildings to be located in front of the front line of a principal dwelling, does not grant special privileges inconsistent with the limitation upon other properties in the area or in the RS-90 District.

***5-f Case No.: BOA21-00159 (Approved with Conditions)**

Location: District 5.3861 N. Hawes Road
Subject: Requesting a variance to allow a detached accessory building in the area between the front of the principal dwelling and the front property line in a RS-90 District.
Decision: Approved with Conditions.
Summary: This item was on the consent agenda and not discussed on an individual basis.

A motion to approve case BOA21-00159 was made by Boardmember Jones as read by Vice Chair Rembold with the acceptance of Findings of Fact and Conditions of Approval, and seconded by Boardmember Curran to approve the following conditions:

1. Issuance of a building permit for the existing detached accessory building.
2. Compliance with all City Development Codes and regulations.

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

- A. The existing property has a grade change of approximately 70 feet, with the lowest grade along the front property line (Hawes Road) and the highest elevation in the rear of the lot.
- B. The special circumstance is pre-existing and not created by the property owner.
- C. The request does not involve any encroachments into setbacks. Although the proposed accessory structures would be located in front of the principal dwelling, they meet all required setbacks.
- D. On October 7, 2015, the Board of Adjustment granted a variance to allow a detached accessory building to be located in front of the front line of an existing home for the property located across the street from the subject site at 3852 North Hawes Road. Two other properties zoned RS-90 in the area were permitted accessory structures in front of the front line of the homes as well. Strict application of the zoning ordinance will deprive the subject property of privileges enjoyed by other property within the same zoning district and within the same neighborhood.
- E. Based on previous approvals of similar variances within the neighborhood and within the RS-90 District, approval of this variance request to allow detached accessory buildings to be located in front of the front line of a principal dwelling, does not grant special privileges inconsistent with the limitation upon other properties in the area or in the RS-90 District.

Consent Agenda Approved

Vote: 7-0

Upon tabulation of vote, it showed:

AYES – Gunderson-Rembold-Curran-Wagner- Jones-Lynam-Reed

NAYS – None

ABSENT – None

ABSTAINED – None

6 Items from citizens present: None.

7 Adjournment.

Vice Chair Rembold moved to adjourn the Public Hearing and was seconded by Boardmember Curran. Without objection, the Public Hearing was adjourned at 5:52 p.m.

Respectfully submitted,



Rachel Prelog,
On behalf of Zoning Administrator (Dr. Nana Appiah)