

**Virtual Platform**

**Date: July 7, 2021 Time: 5:00 p.m.**

**MEMBERS PRESENT:**

\*Boardmember Chris Jones  
Boardmember Nicole Lynam  
Boardmember Alexis Wagner  
Boardmember Heath Reed  
Boardmember Ethel Hoffman  
Boardmember Troy Glover

**MEMBERS ABSENT:**

Chair Adam Gunderson

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

**STAFF PRESENT:**

Rachel Prelog  
Chloe Durfee-Sherman  
Jennifer Gniffke  
Dawn Dallman

**OTHERS PRESENT:**

**1 Call meeting to order.**

Boardmember Jones declared a quorum present and the Study Session was called to order at 5:00 p.m.

**2 Staff Update:**

Principal Planner, Rachel Prelog, introduced new Boardmembers, Ethel Hoffman and Troy Glover and invited both to introduce themselves to the Board.

Rachel Prelog told the Board Council Chambers will be opening to the public in August, but we will still offer the hybrid version as well.

**3 Election of Board of Adjustment Officers:**

**a. Chair**

Alexis Wagner offered to fulfill the open Chair position.

Boardmember Jones motioned to elect Alexis Wagner as Chair, Boardmember Lynam seconded the motion.

Approved (Vote: 6 – 0: Chair Gunderson, absent)  
Upon tabulation of vote, it showed:  
AYES – Wagner-Lynam-Jones-Glover-Reed-Hoffman

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NAYS – None  
ABSENT – Gunderson  
ABSTAINED – None

**b. Vice-Chair**

Nicole Lynam offered to fulfill the open Vice Chair position.

Boardmember Jones motioned to elect Nicole Lynam, Boardmember Hoffman seconded the motion.

Approved (Vote: 6 – 0: Chair Gunderson, absent)  
Upon tabulation of vote, it showed:  
AYES – Wagner-Lynam-Jones-Glover-Reed-Hoffman  
NAYS – None  
ABSENT – Gunderson  
ABSTAINED – None

**4 Review and discuss items listed on the Public Hearing agenda for July 7, 2021.**

**\*4-a Case BOA20-00808 was tabled.**

**\*4-b Staff member Chloe Durfee-Sherman presented case BOA21-00301 to the Board.**

This is case BOA21-00301. It is located east of Power Road, north of Warner, and is located within the San Tan Commerce Court Condominium Complex. It is within the Mixed-Use Activity/Employment District per the General Plan, which goals are to create strong and viable centers of commercial activity, as well as providing wide ranges of employment in high-quality settings. This location is also within the Inner Loop District in the Gateway Strategic Development Plan. The zoning for this site is Light Industrial, which permits the clinic usage with approval of a Special Use Permit through the Board of Adjustment. This request is for a Special Use Permit.

They [applicant] are currently a doctor's office and would like to obtain a Special Use Permit and turn themselves into an outpatient surgery center. They would be using suites 101 through 109 as shown on the site plan for a total of 14,424 square feet. The finding is that it does comply with the 2040 Mesa General Plan. The clinic outpatient surgery center is permitted with approval of the Special Use Permit, and it does meet all the criteria outlined in Section 11-70-5 for the Special Use Permit. As of this point, the applicant has received one call from a neighbor asking what the use of the building would be. After they were informed of the use, that neighbor expressed no further concerns. Staff has been contacted by one person who was concerned about the possibility of a generator and where it would be placed. They are currently in negotiations with the overall commercial association and the concerned neighbor. It sounds like everybody in the situation is happy given that it will most likely be located on the north side of the site, as far away from the neighbor as possible, and within the building allowing enough ventilation for the exhaust to go outside. There are no more concerns or calls that staff is aware of. Staff recommends approval with conditions. Are there any questions from the Board?

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Boardmember Hoffman asked what businesses or other buildings are adjacent to the site?

Staff member Chloe Durfee-Sherman responded that the concerned neighbor operates an adjacent outpatient surgery center. There are medical offices, as well as other offices in this part of the site. Directly south of the center is boat and RV storage. There is agriculture and agri-entertainment directly north, as well as some vacant area. The Power Road Farmers Market is directly north.

Boardmember Hoffman asked if there has been consideration of adequate parking since patients stay longer at surgery centers as they tend to be there longer.

Staff member Chloe Durfee- Sherman stated the site plan does include the required parking calculations which have met. Also the surgery clinic has provided for a drop off area for patients.

**\*4-c Staff member Chloe Durfee-Sherman presented case BOA21-00478 to the Board.**

This is case BOA21-00478. The location is 1242 E. 7<sup>th</sup> Ave., east of Stapley Dr., within the Poinsettia Villa Subdivision. It is within the Neighborhood Character area of the 2040 General Plan which promotes safe places to live in a variety of different housing types. The zoning is within the Residential Single Dwelling (RS-6) zoning district which includes single residences. This single residence house is a permitted use in this district. Single residence districts do have a requirement of covered parking. This request is for a Variance to eliminate the covered parking requirements for this single residential home in the RS-6 district. The carport is currently enclosed and has been closed since at least 2011. The applicant provided a large list of other homes within his neighborhood and zoning district that have no covered parking to show this would not be granting any special privileges as this is very common in this neighborhood. The project meets all of the Variance criteria, including making sure there is a unique special circumstance, and the circumstance is pre-existing. As well as the requirements of the strict application of the zoning ordinance depriving such a property of privileges enjoyed by other properties of the same classification in the same zoning districts, and the requirement of any new variance granted will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone of which the property is located. In this case, the applicant bought this home in 2017 and the carport was already enclosed. Going back through Google street view images, it has been enclosed since at least 2011. As we showed there are other houses and homes in that district that do not have covered parking so this would not be granting any special privileges. In summary, the findings do comply with the 2040 Mesa General Plan and it meets the criteria outlined in Section 11-80-3 for a Variance. Staff recommends approval with conditions. I'm happy to answer any questions.

Principal Planner, Rachel Prelog, asked Ms. Durfee-Sherman to explain the background and what prompted them to request the variance.

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Staff member Chloe Durfee-Sherman stated the applicant bought this property in 2017 and when they bought the property the previous owner had enclosed the carport without a permit to make a third bedroom. But the current property owner/applicant found the area had severe damage and was not up to code. They renovated it entirely to give the home a master suite and a third bedroom that is up to code, but they did not submit for a permit for that renovation. The applicant is now trying to obtain a permit for the renovation already completed but they do not meet the covered parking requirement. This Variance has been submitted to remove that requirement.

Staff member Chloe Durfee-Sherman also clarified the provided memorandum addressed the fact the first condition of approval listed on the provided staff report reference the issuance of a building permit for an existing detached accessory building, when it should have referenced the enclosure of a carport instead.

**\*4-d Case BOA21-00482 was continued to the August 4, 2021 Public Hearing.**

**\*4-e Staff member Jennifer Gniffke presented case BOA21-00550 to the Board.**

This is case BOA21-00550. The location is along the east side of Mesa Drive, a little over 500 feet south of University Drive, and it is located on the former YMCA site. The General Plan character area designation is Downtown Neighborhood and Transit Corridor Character areas. The site is also located in the Neighborhood Maintenance area of the Temple/Pioneer Park neighborhood in the Central Mainstreet Area Plan. The proposal meets the intent of the General Plan by providing compatible nonresidential services to the neighborhood. The zoning district for this site is DR-3 and RM-4. A daycare center is a permitted use in the DR-3 zoning district with the approval of a Special Use Permit. This request is for a Special Use Permit to allow for a daycare center associated with a charter school in the DR-3 district. The current charter school is located in the former YMCA building, and now they're looking to add younger children's classrooms at the site for daycare aged children. The SUP request is for the daycare which will occupy two classrooms in the 30,227 square foot school. The request meets the criteria for a Special Use Permit from Section 11-70-5 of the Mesa Zoning Ordinance in that the approval of the proposed project will advance the goals and objectives of the General Plan and other applicable city plans. The location size, design and operating characteristics of the proposed project are consistent with the purposes of the district and with the General Plan. The proposed project is not injurious or detrimental to the adjacent or surrounding properties in the area. There are adequate public services, public facilities and public infrastructure to serve the proposed project. It is located along a bus line and the site is already developed as a school and is already functioning as a school. In summary, the request complies with the Mesa 2040 General Plan. The daycare center is permitted with approval of a Special Use Permit. The request meets the criteria outlined in Section 11-70-5 for a Special Use Permit. Staff recommendation is for approval with conditions. I'm happy to answer any questions.

Boardmember Hoffman asked if what the conditions are that accompany the approval.

Staff member Jennifer Gniffke stated the conditions of approval are that the project complies with the floor plan, site plan and project narrative as submitted. It is also in compliance with all

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applicable city of Mesa development codes and regulations and in compliance with all requirements of the Development Services Department regarding the issuance of building permits.

Boardmember Wagner asked if they are going to be shared common areas of the charter school as these the two classrooms aren't necessarily next to each other.

Staff member Jennifer Gniffke stated she is aware of outdoor areas attached to each classroom. But she doesn't believe they would be common areas.

**5 Adjournment.**

Boardmember Hoffman moved to adjourn the Study Session and was seconded by Boardmember Reed. Without objection, the Study Session was adjourned at 5:27 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rachel Prelog". The signature is fluid and cursive, with a long horizontal stroke at the end.

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