

Mesa Council Chambers Lower Level – 57 E 1st St

Date: July 6, 2022 Time: 4:30 p.m.

MEMBERS PRESENT:

Chair Alexis Wagner
Vice Chair Nicole Lynam
Boardmember Adam Gunderson
Boardmember Heath Reed
Boardmember Ethel Hoffman
Boardmember Troy Glover

MEMBERS ABSENT:

Boardmember Chris Jones

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

STAFF PRESENT:

Michelle Dahlke
Cassidy Welch
Lesley Davis
Charlotte Bridges
Robert Mansolillo
Josh Grandlienard
Chloe Durfee Daniel
Kwasi Abebrese
Alexis Jacobs

OTHERS PRESENT:

1 Call meeting to order.

Chair Wagner declared a quorum present and the Study Session was called to order at 4:31 p.m.

2 Staff Update: None

3 Review and discuss items listed on the Public Hearing agenda for July 6, 2022.

***3-a Staff member Chloe Durfee Daniel presented case BOA21-01213 to the Board.**

Good evening, Board and Chair again, this is BOA21-01213 and the request is for a Special Use Permit for Comprehensive Sign Plan. This property is located at 2130 Eastern University Drive, it's located on the north side of University Drive in the east side of Gilbert Road. The General Plan character area of this property is within the Neighborhood District which encourages safe places for people to live and enjoy the surrounding communities, as well as encourages a wide range of housing options and associated nonresidential uses which this would fall within. The zoning on this property is two different zonings. It is both a Multiple Residence-3 (RM-3) which places of worship are permitted uses and it is also within the Single Residence-6, or the RS-6 zoning district which also permits places of worship. These two zoning districts do allow limited signage for what is

City of Mesa - Board of Adjustment – July 6, 2022
Study Session Minutes

allowed per code for the RM-3, only two signs per street frontage attached or detached are allowed and for the RS-6, only one sign per parcel attached or detached is allowed. This is a view of the existing building. And the proposed Comprehensive Sign Plan is to allow for signs facing University Drive and allow increased signage to 179.14 square feet. They are also requesting to allow illuminated signage. The attached signage does meet the guidelines as per the Zoning Ordinance. These are the signs that are being proposed. On the left side you'll see the circular signs as well as the Everyone Is Welcome signs which will be on both sides of the main church building. The two signs in the back are not part of the requests but are also being put up because they do not face any of the public roads or streets. Per section 11-43-6D the site does contain unique and unusual physical conditions that would limit or restrict normal sign visibility. The development exhibits unique characteristics of land use that represent a clear variation from the conventional development. And the proposed signage incorporates special design features that reinforce or are integrated with the building architecture. Per section 11-70-5E of the Mesa Zoning Ordinance, the project will advance the goals and objectives of the General Plan and other city plans and/or policies. The location, size, design, and operating characteristics are consistent with the purposes of the district where it is located and conforms with the general plan and any other applicable city plans or policies. The project will not be injurious or detrimental to the surrounding property or to the neighborhood or to the general welfare of the city and does have adequate public services, public facilities, and public infrastructure are available. Overall, the findings that the project does comply with the 2040 Mesa General Plan. It meets the Comprehensive Sign Plan criteria from section 11-46-3D of the Mesa Zoning Ordinance and it meets the Special Use Permit findings of section 11-70-5E of the Mesa Zoning Ordinance. Overall Staff recommends approval with conditions, and I'd be happy to answer any questions.

***3-b Case BOA22-00199 continued to July 6, 2022.**

***3-c Staff member Chloe Durfee Daniel presented case BOA22-00401 to the Board**

This is BOA22-00401. This is a request for a Substantial Conformance Improvement Permit to allow deviations to the development standards to allow for the conversion of a bank with a drive thru into a restaurant with a drive thru. The site is located at 1054 East Southern Ave. on the north side of Southern Ave. west of Stapley Drive. The General Plan character area is Mixed Use Activity District which encourages community and activity, regional area and it's designed to attract customers from a large radius. The zoning is within the Limited Commercial Zoning District which does permit restaurants and does allow drive throughs but the current drive thru is the legal non-conforming condition. This is the current site photo of the existing building. And we have the site plan here, the applicant is providing a new shade canopy over the drive thru window as well as new pedestrian connections from Southern Ave. As you can see the current drive thru is having cars come from the northwest corner of the property and drive around south and exit out of the east side of the property, this is flipped from what is currently existing which would, for the new use of a restaurant, put cars on the wrong side for the drive thru window which is why it would be a legal non-conforming existing condition. The new landscape materials around the perimeter and in parking lot are being proposed as well as the increased foundation base on landscape material adjacent to the buildings. The request is for a reduction in the stacking distance for drive thru's of 34 feet and one inch. They are requesting a reduction in parking spaces down to 25 parking spaces. And then another existing landscape island reduction from what is normally required of an eight by 15 to a six foot 10 inches by 15-inch landscape island. Per section 11-73-3 of the Mesa Zoning

City of Mesa - Board of Adjustment – July 6, 2022
Study Session Minutes

Ordinance, significant alterations to the site would need to occur to bring the site into full conformance with the current Mesa Zoning Ordinance Development Standards. Full compliance would discourage redevelopment of the site. No new non-conforming conditions will be created by the new development and proposed request is compatible with and not detrimental to adjacent properties or neighborhood. In summary, the findings of the application do comply with the 2040 Mesa General Plan and it does meet the criteria outlined in Chapter 73 of the Mesa Zoning Ordinance. Staff does recommend approval with conditions, and I'd be happy to answer any questions.

Chair Wagner: All right, thank you so much. Do we have any questions from the board? Okay.

Vice Chair Lynam: This is Vice Chair Lynam, has there been a traffic study or the look into is there going to be an issue with the reduced stacking? I know it's only reducing it by looks like about six feet. So, it's not a whole lot but I know there are definitely restaurants that have longer than typical stacking on some of them and I want to make sure that that's kind of been looked at and taken into consideration.

Staff member Chloe Durfee Daniel: Absolutely, thank you Boardmember Lynam and Chair, the stacking requirements for this spot that is reduced stacking is 40 feet for per current code, but because there is a double drive thru, staff is not concerned. But to answer your question fully no parking study or traffic study has been completed for this case.

Chair Wagner: I also have a question about the shared parking with the rest of the parking lot. I know in the application, it talked about how they were going to. They're asking for this reduction in parking spaces, because they're able to share with the rest of the parking lot area is that rest of the parking lot area pretty busy or what are they? Who else is like sharing that parking lot with them?

Staff member Chloe Durfee Daniel: It's a large development, overall group commercial development. As you can see, the entire section that's shaded in that pink for LC is all part of that group commercial. I know that there are several different drive thrus. There's several different grocery stores and other retail stores throughout the development with the overall original zoning case that approved the overall group commercial site. The only reason that this site has to go through the Special Use Permit requests is because the original site was permitted for a banking retailer and that has less parking requirements per code than a drive thru restaurant does. And so that's why they're coming through the Special Use Permit request.

Chair Wagner: Oh, awesome. And how many parking spaces less than what they're supposed to have are they asking for? Like, how much of a reduction are they asking for?

Staff member Chloe Durfee Daniel: I don't have that on there, but that should be listed in the staff report.

Principal Planner Michelle Dahlke: Madam Chair and Boardmembers. So, it's 41 spaces is required and 25 are the existing conditions.

Chair Wagner: Perfect. Thank you so much. I don't have any further questions. Does anyone else have any?

***3-d Staff member Chloe Durfee Daniel presented case BOA22-00473 to the Board.**

City of Mesa - Board of Adjustment – July 6, 2022
Study Session Minutes

Board and Chair this is BOA22-00473. This is a Special Use Permit request to allow for the enlargement of a legal non-conforming residence along the existing legal non-conforming setback. So, this site is located at 1117 West Heather drive, south of McClellan Road and east of Alma School Road. This is located within the Neighborhood Character Area, and it's designated as safe places for people to live and enjoy their surrounding communities, as well as providing a wide range of housing options and associated nonresidential uses. It is within the RS-6 or Single Residence-6 zoning district. The existing use as a single residential home is allowed but the current setbacks that the home is located within is what's causing this property to be legal non-conforming. This is the current site photo. Per the RS-6 zoning district, the minimum side setback would be five feet on either side and then the minimum aggregate or sum of both sides' setbacks would need to add up to 15 feet. The existing house does not meet that. The existing corner of the house which you can see on the southwestern side right before the addition is added on the site plan. The existing house corner is three feet and five and a half inches away from the property line and the existing roof corner is one foot and three and a half inches away from the property line. The new addition is making sure that they are not less than either of those numbers. The new addition corner is three feet six inches away from the property line following the existing non-conforming setback. The new roof corner is one foot four inches. These are the elevations that the applicant has provided, including in the addition per section 11-70-5E of the Mesa Zoning Ordinance. The project will advance the goals and objectives of the General Plan and other city plans or policies. The location size, design and operating characteristics are consistent with the purpose of the district where it is located, and conformance with the General Plan and any other applicable city plan or policies. The project will not be injurious or detrimental to the surrounding properties and neighborhood or to the general welfare of the city and four adequate public services, public facilities and public infrastructure are available. In summary, the application does comply with the 2040 Mesa General Plan, and it does meet the Special Use Permit findings of section 11-70-5E of the Mesa Zoning Ordinance. Staff does recommend approval with conditions, and I'd be happy to answer any questions.

***3-e Staff member Chloe Durfee Daniel presented case BOA22-00512 to the Board.**

This is Board of Adjustment case BOA22-00512. And this is a Variance request to allow for a Variance from the covered parking requirements for the conversion of a carport into livable space. This property is located at 2953 East Dolphin Ave., south of Broadway Road and east of Lindsay Road. It is located within the Neighborhood Character Area which designates safe places for people to live and enjoy the surrounding communities as well as the wide range of housing options and associated nonresidential uses. It does fall within the RS or Single Residence-7 zoning district which does allow the existing use as a single residential home. The item that makes this property legal non-conforming is that it has no covered parking spaces which per code, it requires all single residential homes are required to have two covered parking spaces and this home has none. This is the view of the existing building. And to give some background, you can see where a garage would go kind of right where that van is parked. From what we can find on Google images before Google Images even was capturing Street view, this house was had been converted away from the garage in front into livable far beyond the 2011 requirement in code that did require the two covered parking spaces. Had this been done and permitted and shown with a permit this would not have to go through the Board. But because no permit could be found it does have to go through the Board to get this Variance. The addition is going into the rear of the residence and some of the other interesting conditions on this site that make even adding a covered parking space in the rear of the house more difficult and wouldn't work through code requirements is that there's a three-foot PUE

City of Mesa - Board of Adjustment – July 6, 2022
Study Session Minutes

or public utility easement on the west property line. So that means nothing can be built within that three-foot area. There's a three-foot area of clearance for service wires on the east property line, which again, per SRP, nothing can be built in that area. There is an eight-foot PUE on the south property line, which again, nothing can be built in that area. And the only thing that would have allowed them to put covered parking in the rear of the structure would have been the space on the existing right side of the screen. This is technically upside down with how the site plan orients in the real world, but that 13 wide area would allow, per section 11-5-3B.5(b) of the Mesa Zoning Ordinance, with a 12-foot side yard, you could have a 10-foot driveway that goes into your rear yard, but given that they have that three-foot area of clearance for service fires, that reduces that to 10 feet and no longer provides a 12 foot side yard to meet that requirement, so they couldn't even access the rear yard with a driveway. So overall, all of those create this condition where there's no way to meet the requirement even when they're trying to. These are the elevations that were provided. For section 11-80-3 of the Mesa Zoning Ordinance, there are special circumstances applicable to the property, including its size, shape, topography, location, or surroundings. And to that such special circumstances are preexisting and not created by the property owner or applicant, which the property owner bought this property in 2010 after it had been done, and even then, before the two covered parking space requirement was put into code. Three, the strict application of the zoning ordinance would deprive such property of privileges enjoyed by other properties of the same classification in the same zoning district and four, any Variance granted will assure that adjustments authorized not constitute in grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone with such property is located. In summary, this application does comply with the 2040 Mesa General Plan and does meet the variance findings of section 11-80-3 of the Mesa Zoning Ordinance. Staff does recommend approval with conditions, and I'd be happy to answer any questions.

***3-f Staff member Robert Mansolillo presented case BOA22-00513 to the Board.**

Thank you Chair members of the Board this is BOA22-00513. The request is to modify a Special Use Permit and the purpose is for a Comprehensive Sign Plan. The location is north of Elliot Road and west of Signal Butte Road. And the General Plan is Employment, and one of the goals of Employment is to provide a wide range of high-quality employment opportunities. And the zoning is Light Industrial. This image shows a portion of agriculture but that is under a separate zoning application to be rezone. So, this will all be industrial. And one of the goals of industrial is to provide industrial uses and commercial uses on site. So, here's a site photo this is looking northwest towards the site from Elliott Road, it is currently vacant. And for the proposed Comprehensive Sign Plan, they are requesting a modification to allow a maximum height of 13 feet for a monument sign rather than the 12 feet as required by code. And all other monument signs and attached signs meet the Zoning Ordinance allowances. And here's an image of the 13-foot sign. And here's a site plan. There will be three detached signs along Signal Butte Road and two along Elliott. And, according to Section 11-46-3D of the Comprehensive Sign Plan criteria, the site contains unique and unusual physical conditions that would limit or restrict normal sign visibility for development, exhibits unique characteristics of land use that represent a clear variation from conventional development. And number three, the proposed sign incorporates special design features that reinforce or integrated with the building architecture. And this proposal does meet section 11-70-5E the Special Use Permit criteria. Number one, the project will advance the goals and objectives of the general plan and other city plans and policies. The location size and design of the operating characteristics are consistent with the purposes of the district. Number three, the project will not be interest are

City of Mesa - Board of Adjustment – July 6, 2022
Study Session Minutes

detrimental to the surrounding properties. And number four adequate public services public facilities and infrastructure are available. And some findings, this proposal does comply with the 2040 General Plan. It meets the CSP criteria of 11-46-3D of the Mesa Zoning Ordinance, and it meets the Special Use Permit criteria of 11-70-5E of the Mesa Zoning Ordinance and staff is recommending approval with conditions.

Chair Wagner: All right. Thank you so much. Do we have any questions from the Board today?

Boardmember Glover: Just for clarification, I want to make sure, and I think you said this, but it looks like there's five signs in total. Of those five signs, how many are being proposed for this additional one foot in height?

Staff member Robert Mansolillo: Yes, Boardmembers Glover, only one is being proposed for the additional height, and that is the one closest to the intersection of Elliot and Signal Butte. If you can see the cursor, it's this one right here. All the others will be within the height limitations.

Boardmember Glover: Very good. Thank you.

Boardmember Reed: This is a Boardmember Reed, is there any limitations and how many signs we're able to have within that distance like on Signal Butte? That's a short stretch of road which I drive every day, and there's three signs that are going to be 12 feet tall, right along there. So, we have a lot of signage up there.

Staff member Robert Mansolillo: Boardmember Reed, the other two signs will be, I believe, nine feet in height, and the one closest to the intersection will be 13 feet. But those are allowed per code.

Chair Wagner: Any other questions? Okay.

***3-g Staff member Kwasi Abebrese presented case BOA22-00520 to the Board.**

Thank you Chair, Boardmembers. This is BOA22-00520. And the request is variance for an encroachment of 18 feet into the required rear yard, as well as a variance to encroach into the required side yard. The purpose of these variance requests is to allow an existing shop and carport to remain in a single-family residence. The subject site is located south of west Rio Salado Parkway and west of North Country Club Drive. The General Plan character area designation is Neighborhood, and the focus of the Neighborhood Character Areas is to provide a safe place for people to live as well as make them feel comfortable and enjoy their surrounding communities. This Neighborhood Character Area also has a variety of housing which this area is a typical example of. The zoning is Single Residence 9 and the use as a single residence is permitted within the RS-9 zoning district. These are photos of the site. So, as you can see, this is a photo of the existing carport and the support beam. Per Maricopa County Assessor's historical aerial imagery, the carport was constructed in 1993 and the existing building was constructed in 1977. This is the picture of the existing shop, which encroaches into the rear yard. Per the Maricopa County Assessor's aerial historical imagery, this shop was constructed between 2012 and 2013 after the current Zoning Ordinance had come into effect. From the site plan, the existing shop encroaches into the rear yard 18 feet leaving a total provided setback of seven feet whilst the carport encroaches into the required side yard and is located right on the west property line. Per section 11-80-3 of the Mesa Zoning Ordinance, there are special circumstances which applies to the site with respect to the existing carport. The shape of the lot or the subject size is narrower at the front and then wider in the rear. Per the Maricopa County aerial historical imagery, this shop in the rear was constructed between 2012 and 2013 when the Zoning Ordinance has come into effect, and so it doesn't meet

City of Mesa - Board of Adjustment – July 6, 2022
Study Session Minutes

this requirement, but the carport was constructed prior to the current Zoning Ordinance and in fact, predates it, and so can be regarded as a legal non-conforming structure and conforms or is in conformance with this requirement. Moreover, with regards to whether there are special circumstances preexisting, both structures meet this requirement, because the variance was not created by the current property owner with regards to the design and then the size of these structures. The current property purchased their property in 2013 and these were already in existence. These structures were already there before he purchased it so, it meets this criterion. With regards to the strict application of the MZO, it does not deprive the property of the privileges with respect to the existing shop. There are other properties with the same similar situation on the cul-de-sac, where this property is located with narrow frontages and wider area at the back of the property. But there isn't a situation where a shop has been, I mean, put up in this particular neighborhood. Moreover, staff sees that it is possible for the applicant to rebuild or reconvert the existing shop into a detached structure and there is enough space at the rear and can meet the five-foot minimum setback in the rear and the side for detached structures as specified in the Mesa Zoning Ordinance. With regards to the strict application of the MZO, staff finds that enforcing the MZO will not deprive the property of the privileges with regards to the existing shop. Moreover, the approval of this variance will not grant special privileges with respect to the carport. As mentioned earlier, this carport was constructed way back before the MZO had come into effect and is considered a legal non-conforming structure. Moreover, there are existing carports on adjacent lots close by on the same cul-de-sac where this property is located with a similar situation so approval of the variance with regards to the carport encroaching into the side yard setback will not grant any new privileges in this regard. In summary, staff finds that the existing carport is considered as a legal non-conforming structure, the existing shop was built after the MZO had come into effect and then the strict application of the MZO will not deprive this property of the privileges enjoyed by others. Staff recommends the approval of the variance requests for carport with conditions and then recommends denial of the variance requests for the existing shop.

Chair Wagner: All right, thank you so much. I have a quick question. So, you're saying both of these existed before they purchased the home? Correct?

Staff member Kwasi Abebrese: Yes, please.

Chair Wagner: Okay, thank you. Are there any questions from the board? or clarifications?

Boardmember Reed: So, I'm still struggling with the denial of staff's denial for the shop, because we're looking at, I understand that the Mesa Zoning Ordinance was in effect, but it was built as a legal use prior to their purchase. And the way I look at this is, you know, we've already gone through a couple of cases where we're allowing additions onto homes that are in setbacks. And staff finds out okay, but this is something that's there, and we're not finding it. So, it's okay. I'm a little conflicted here, because I don't fully agree with staff's conclusion, and no disrespect in that at all. But that's where I'm at. I don't know what you guys. I don't know if we can have discussion with us with Board. But that is,

Chair Wagner: Yeah, so we can't comment on it in that matter, like discussion wise, but we can pull it off the consent agenda, and it actually will be pulled off the consent agenda because of comments. And that's when we can discuss that further.

Vice Chair Lynam: What would the setback requirements be if it was an attached structure versus a detached?

City of Mesa - Board of Adjustment – July 6, 2022
Study Session Minutes

Staff member Kwasi Abebrese: Thank you Chair, Board members. For a detached structure the setbacks required for an accessory detached structure as we're looking at, the size of this property is 284 square feet. It will require a minimum rear setback of five feet and then a side setback of five feet.

Vice Chair Lynam: So, if it was attached, it looks like we have seven foot seven for the rear setback. Yeah. If it wasn't an attached structure.

Staff member Kwasi Abebrese: If it is detached, yes. There is a wide gap in the rear. When we look at the map, from the extreme right-hand corner, so it has to be at least six feet from the primary structure to meet that rear setback of five feet and then a side setback of five as well.

Chair Wagner: Do you have any photos of where it's attached to the home so which part of that is like that's the shot the whole thing there's the shop. And how far to meet the detached accessory building would it have to be away from the home?

Staff member Kwasi Abebrese: Six feet. This is just the that when you look at the map, on the extreme right-hand side there is enough space in that portion of the lot to meet that five feet setback from the rear.

Chair Wagner: So, they'd have to tear the whole thing down and rebuild it.

Staff member Kwasi Abebrese: If we have to meet the development standards as specified in the ordinance, the structure does not meet the setbacks.

Chair Wagner: Correct. Okay. Thank you for that clarification.

Boardmember Glover: I am just looking for a little clarification on currently, it's a legal non-conforming use, is that accurate?

Staff member Kwasi Abebrese: Thank you Chair, Board members. The existing carport as I indicated on earlier on is the legal non-conforming because it was constructed per the historical imagery in 1993, but the shop was constructed between 2012 and 2013 per the historical imagery. So that means it was constructed after the current Zoning Ordinance had come into effect and so it has to conform to the development standards specified in the ordinance. To continue, there is no evidence of a building permit that was obtained.

Boardmember Glover: That was my next question. Thank you.

***3-h Staff member Kwasi Abebrese presented case BOA22-00563 to the Board.**

This is BOA22-00563. And the request is a Special Use Permit. The purpose is for modification to a Comprehensive Sign Plan. The subject site is located west of South Greenfield Road and north of East Broadway Road. The subject site is a place of worship or a church and under the Mesa General Plan character area designation, the site falls under the Neighborhood Area. As already indicated, the Neighborhood Character Area focuses on providing safe places for people to live as well as creating an enabling environment for them to enjoy the surrounding communities. The subject use conforms to the intent of the General Plan as well as promote the Neighborhood Character Area designation's intent by ensuring the creation of a sense of place and then people feeling connected to the larger community. The zoning is RS-15, and the subject site as a place of worship conforms to or is an allowed use within the specified zoning district. This is a picture of the site looking north

City of Mesa - Board of Adjustment – July 6, 2022
Study Session Minutes

from East Broadway Road. The proposed modification of the CSP is to allow the sign area to exceed the allowable which is 32 feet to a maximum of 43 feet and these are the details provided per the elevations. The digital sign area previously was 32 and the applicant is seeking to increase it to 35 and to a total sign area of 43 square feet. Per Section 11-43-6D of the Mesa Zoning Ordinance, under the criteria on whether the site contains unique or unusual physical conditions that will limit or restrict normal sign visibility, the proposed CSP conforms to this because the site does not have any unusual physical conditions that will limit or restrict the normal sign visibility as specified in the criteria. With regards to the second criteria, the development exhibits unique characteristics of land use, that represents a clear variation from conventional developments. The sign encompasses a unique design that matches the architectural elements of the existing building, as well as conforms to the design of the site in general. So, the proposed CSP modification conforms to this criterion as well. With regards to the third criteria, the proposed signage incorporates special design features that are integrated with the building architecture. As already indicated, with regards to Section 11-70-5E criteria, this project will advance the goals and objectives of the general plan and other city plan and policies. Moreover, the location, size, design and operating characteristics are consistent with the purposes of the district where it is located and conform to the General Plan and any other applicable city plan. Moreover, the proposed CSP modification will not be injurious or detrimental to the surrounding properties in the neighborhood or to the general welfare of the city. Moreover, there are adequate public services, public facilities as well as infrastructure that are available to support this development. In summary, the proposed CSP modification complies with the 2040 Mesa General Plan, it meets the CSP criteria for Section 11-46-3D of the MZO as well as SUP findings of section 11-70-5E of the MZO. In all staff recommends approval with conditions.

Chair Wagner: All right, thank you. I have a quick question about the first item for approval or requirement for approval, would you be willing to go back to the first slide. So, where it says this site contains unique or unusual physical conditions, would you be willing to expand on what those are?

Staff member Kwasi Abebrese: Thank you Chair, Board members. This property is located in the RS-15 zoning district, and then the proposed use is a place of worship. This sign will provide visibility for the church as the existing development. The church as a place of worship, is in conformance with the zoning district. The design of the sign itself is in relation to the characteristics of all the elements of the environment in which it is found. The property is bounded to the north by single residential developments and to the south by a commercial development. The proposed sign is in tandem with the requirements in single residence zoning district, as well as will complement the commercial development which is located south of the property. This encompasses the uniqueness of the location as a whole because it's located in a single residential zoning district, but it's also close to a commercial district in the south and the design is in tune with the requirements in single residential zoning district as well as conform to the requirements of the existing commercial developments in the south and wouldn't pose any hazard in a way to the proposed developments.

Chair Wagner: Thank you for that clarification. And then you had mentioned that they currently have a Comprehensive Signed Plan. And this is just a change to that. And that's just the size correct.

Staff member Kwasi Abebrese: So, the previous SUP allowed the existing sign to have an electronic message panel that transitions within every 15 seconds. That was what the previous SUP that was approved in 2011 was all about but this particular modification is to modify the size allowable, as specified in the zoning ordinance from 32 square feet to a maximum of 43 square feet.

***3-i Case BOA22-00570 continued to August 3, 2022.**

***3-j Staff member Robert Mansolillo presented case BOA22-00571 to the Board.**

Thank you Chair members of the Board this is BOA22-00571. This is a request for a Substantial Conformance Improvement Permit, and the purpose is to allow deviations from development standards to convert a school to a place of worship. The location is at 3939 East University Drive and that is south of University Drive and east of Bella Vista Drive. The General Plan designation in this area is Neighborhood and some of the goals are safe places to live and to provide a wide range of housing options. The zoning is Multiple Residence 4 and places of worship are permitted in the RM-4 zoning district. And here's a site photo looking south from University Drive. The site plan is showing a new parking and landscaping areas between the existing building and University Drive. There's also a new location for a solid waste enclosure, and there'll be a new pedestrian path from the main building to the accessory building to on the southern portion of the site. Here's the landscape plan. There is new landscaping around the property and in the parking area and there will be some new trees planted along University Drive. So, the requested SCIP is to encroach into the landscape yard by the new parking 11 feet five inches is provided where 15 feet is required. And you can see that along University Drive. There are six parking spaces that encroach into that area, and those six are required for the place of worship where there needs to be 12 total. So according to Section 11-70-3 of the Mesa Zoning Ordinance, significant alterations to the site would need to occur to bring the site into full conformance with the current Mesa Zoning Ordinance development standards. Full compliance would discourage redevelopment of the site. No new non-conforming conditions will be created, and the proposed request is compatible with and not detrimental to adjacent properties or neighborhood and finding this does comply with the 2040 Mesa General Plan, and it meets the criteria outlined in Chapter 73 of the Zoning Ordinance, staff is recommending approval with conditions.

Chair Wagner: All right. Thank you so much. Do we have any questions from the board?

Boardmember Glover: Just quick was this a converted residence at some point it was a single family residential and then was converted.

Staff member Robert Mansolillo: Boardmember Glover. I'm not sure, I assume it was at some point in its history then was converted to a school and is now being converted to a place of worship. The building itself was constructed in the early 70s and the accessory unit in the south was in the early 80s.

***3-k Staff member Kwasi Abebrese presented case BOA22-00572 to the Board.**

Thank you Chair, Boardmembers this is BOA22-00572. The request is a modification to a Planned Area Development and the purpose is to allow for the addition of a garage onto an existing casita. The subject site is located north of East Brown Road and east of North Higley Road and it's also located within the Mission Square Planned Area Development. The General Plan area character designation for the site is neighborhood and then the zoning on the property is multiple residence with Planned Area Development overlay. The subject property is an attached single-family home located within a Multi Residence (RM-2) zoning district. The existence of a single-family home is a permitted use within this zoning district. This is a picture of the site looking north from North

City of Mesa - Board of Adjustment – July 6, 2022
Study Session Minutes

Sunnyvale. The existing building coverage on the site is 39%. The proposed garage is 357 square feet and the proposed building coverage will be 43.8%, which is in conformance with a Mesa Zoning Ordinance. The building coverage required in the RM-2 zoning district is 45%. In all staff found out the existing attached single residence home was constructed in 1985 and complies with the RM-2 PAD district development standards. The subject site has an existing garage which is 483 square feet in area and in 1999, a request was granted for an addition of a casita on the subject site. Per section 11-22-5E of the Mesa Zoning Ordinance, any modification or alteration to an existing PAD requires a review by the board to find the consistency of that new development with the existing plan. Staff found that the addition of the proposed garage will increase the visual dominance of garages on the subject site and does not conform to the design standards specified in the MZO in Multiple Residence zoning districts per Section 11-5-5 of the MZO. Staff found out that the request is not consistent with the purpose and intent of the Mission Square approved development plan. By section 11-5-5 of the MZO the total frontage of parking areas in RM-2 zoning districts shall not exceed 30%. The subject site already has two double garages that has a 40% frontage from the street. The addition of the proposed garage will increase this frontage, which is not in conformance with the requirements specified in the zoning ordinance, as well as per the intent of the Mission Square approved development plan. In summary, Staff recommends denial of this request.

Chair Wagner: Thank you, so I'm looking at the current photos of the site. Do you have them on? Where do they plan to build the garage?

Staff member Kwasi Abebrese: So, they plan to build it on the left, which is where the gate is.

Boardmember Gunderson: That portion of the building behind the gate, that's the casita. Okay.

Chair Wagner: Is there currently a door? Is that what that light is? Is there currently a door that goes into the casita? Or is that just a patio?

Staff member Kwasi Abebrese: Chair, board members, from the pictures, they showed that there is a door on the side but not at where they're proposing the garage to be.

Chair Wagner: These photos show that there's a second garage. So, these photos are different than that.

Staff member Kwasi Abebrese: So, this is what they're proposing.

Chair Wagner: So, this is another home in Mission Square that was looks like what they want to do.

Staff member Kwasi Abebrese: Yes. Okay.

***3-1 Staff member Cassidy Welch presented case BOA22-00574 to the Board.**

Thank you, good afternoon, Chair members of the Board. The case before you this afternoon is BOA22- 00574 this is the request for two variances from the form-based code to allow for a mixed-use development. So, the site is located north of Main Street and east of Dobson Road. The General Plan designation on the property is mixed use activity district. So, the intent behind that mixed use activity district character areas to provide for a variety of housing and commercial uses. It's also located in the transit corridor and station area due to its proximity to the Sycamore Station light rail stop. This site is located within the Sycamore Station Smart Growth community plan. So that smart growth Community Plan was established in 2016 and subsequently modified in 2021. And the

City of Mesa - Board of Adjustment – July 6, 2022
Study Session Minutes

Smart Growth Community Plan allows for developments outside of the downtown core to establish form-based code transects set specific development standards and design guidelines to encourage development. The zoning on the site is currently transect five main street and transect five main street flex. So, the intent behind the transects are to provide higher intensity mixed use development with ground floor commercial and upper floor residential, and then also low to no parking requirements to promote walkability. Here you can see an existing photo of the site it is currently a parking lot. So, this is the proposed site plan for the development it is for a five-story mixed use building, there will be retail on the ground floor adjacent to Main Street. And then multiple residents on the ground floor and floors two through five, there are 191 Total residential units. And then there's a ground floor parking garage and adjacent surface parking to the east. And they have provided 192 parking spaces for this development. So, there are two variances before you today. One is for the footprint depth for the building. So, there are requirements based off of the floor. So, for floors one and two, the maximum footprint depth should be 150 feet, they're proposing a maximum 426 feet. And then for floors three and up the maximum depth is 65 feet, they're proposing 401 feet. And I've outlined why this site is a little bit different from other form-based code standards. So typically, with form-based codes developments, you know, they're mostly in the downtown area, those lots are smaller in size, this area is a larger lot, you can see that the lot depth ranges from approximately 430 to 546 feet. And so, in order to meet those density requirements and build a true mixed-use development on that site, they do need to increase the footprint depth and width. This is important to know, while the footprint depth is a maximum of 426 on floors, one to two and 401 on floors three plus, you can see by the way that the building is designed in an S shape, that it won't be one full facade of 400 feet, it's going to break up to be more of 64 feet and then have a courtyard amenity and then approximately 120 feet, so it won't be one large mass. The second request is for the footprint whip for floors one and two. Again, the maximum is 200 and feet, they're proposing an increase to 213 feet. And that also has to do with the size of the lot. So, in terms of the approval criteria, there are special circumstances that apply to the site due to the size of the site. Those circumstances are preexisting. The strict application would deprive this property of privileges that other properties enjoy, and it will not grant special privileges to this development. And so, in summary, we find that the proposed development complies with the 2040 Mesa General Plan. It's also consistent with the Sycamore Station Smart Growth Community Plan and meets the criteria for a variance and staff is recommending approval with conditions. I'd be happy to answer any questions.

***3-m Staff member Charlotte Bridges presented case BOA22-00575 to the Board.**

Chair board members this is Board of Adjustment case 22-0575. And this is a request for a variance to allow an existing attached carport and existing detached accessory building within the required side yard setback. The property is located at 2337 West Pampa Avenue and Pampa Avenue is west of Dobson Road on the north side of the Western Canal. The General Plan designation for this area is Neighborhood and as we've heard before, the purpose of the Neighbor character area is to provide safe places for people to live and enjoy their surrounding community and to provide a wide range of housing options and associated nonresidential uses. This site is in the Single Residence-Six zoning district and single residences are permitted in the zoning district. This zoning district requires a minimum five-foot side yard setback and both side yards together are required to total 15-feet. Detached accessory buildings are also permitted in this zoning district. In this particular instance, a structure that exceeds eight feet in height measured at the midpoint of the roof would not be

City of Mesa - Board of Adjustment – July 6, 2022
Study Session Minutes

allowed within the side yard it would have to be located in the rear quarter of the property. It may encroach into the side and rear yard if the height is less than 10 feet in height and the structure is totally located in the rear quarter of the property. This is a picture of the existing home. This site plan just the areas where those two structures encroach along the west property line. Both of these structures are approximately three feet away from the west property line. This is another photo of the elevations. The applicant provided a number of pictures of similar structures around this neighborhood. So, I've just included a couple of photos of two existing homes in the neighborhood that have similar improvements. And then I also included a map just to show you where those properties are located. And from this map, I'll point out the homes or properties that are in green. These are properties that appeared to have very similar circumstances with an attached carport and an enclosed in an existing carport that was enclosed in livable. I could not find building permits for these examples that are shown in green. Also, I'll point out that a variance was approved for a property in the blue on the west side of this map. The variance approval allowed an existing carport to be within almost two feet of the side yard. As far as the criteria for the variance, the special circumstances applicable to the property centers on the construction of the structures. The detached accessory building appears to be constructed prior in about 1979. Based on the Maricopa County Historical aerial photos, the attached carport appears to have been constructed before or around 1986. The current property owner or applicant bought the property in 2008. So, both of those structures were existing prior to their ownership. That's essentially the basis for this for this variance request. The special circumstances applicable to the property are preexisting and not created by the owner. Strict application of the MZO development standards would deprive this property of privileges enjoyed by other properties in the RS-6 district and in the neighborhood. And approval would not grant special privileges or be inconsistent with properties in the vicinity and zone in which this property is located. So, in summary, staff finds that the existing house was constructed in 1976. The carport addition and the detached accessory building were constructed prior to 1986. The applicant purchased the property in 2008. The special circumstances are preexisting and not created by the property owner. And a similar variance was granted not too far from this site on Peralta Avenue, and staff is recommending approval with conditions. I'd be happy to answer any questions you might have about this property.

***3-n Staff member Lesley Davis presented case BOA22-00591 to the Board.**

This is BOA22-00591 it is a request for a Special Use Permit for a height exception to allow a hotel that's over height within the airfield overlay district three. The location of the site is north of Baseline Road on the west side of Crismon Road. And the General Plan for the site is neighborhood with a suburban subtype. The goal is to maintain great neighborhoods and provide supportive commercial uses along arterioles. The zoning on the site is limited commercial with a PAD overlay and a Council Use Permit. The Planning and Zoning Board approved the site back in 2020. With a Planned Area Development overlay, it's part of a mixed-use development, the areas surrounding to the west and to the south. In these areas here is all part of the overall development. The Council Use Permit was related to the multifamily in the back to allow a certain number of multiple residents within the LC district. So, the Council Use Permit doesn't relate to the hotel. They do have approval for a four-story hotel that's 56,000 square feet. As I said, it's within this mixed-use development. You can see it better here. There are some restaurants, some office the multifamily in the rear and then the hotel here. The maximum height that they're proposing is 57 feet access to the site is from Crismon Road. And here's a photo of the site looking from Crismon Road to the southwest. And they're proposing the 57-foot maximum height in the AOA-3 district this is about five miles from the airport. But because it's in the airfield overlay district, we have to take a look at each one of

City of Mesa - Board of Adjustment – July 6, 2022
Study Session Minutes

these and request the Special Use Permit to make sure that it's not in conflict with anything for the airport. The PAD approved a base height of the building at 51 feet, which exceeds the normal which would have been 30 feet in the LC district. They've actually lowered the base height of the building for this to 49 feet two inches. The zoning ordinance allows additional architectural features to exceed the height, the base height of the building. So essentially the PAD allowed the 51-foot height. And then they're proposing architectural embellishments to the building you can see with this tower element, and then they've got another feature over here that exceeds the height that one's at 54 feet. So, they are in compliance with the Mesa Zoning Ordinance for the amount of area that is exceeding and what it is that is exceeding that height. So, within those allowances, they're meeting that, and these are the elevations they're going to the design review board next week. And here's some renderings. For the Special Use Permit criteria, they are meeting the criteria that it will advance the goals of the General Plan. It's consistent with that location, size, design and characteristics are consistent with the purpose of the district did conform to the General Plan and other plans and policies. So, they are in conformance with the zoning ordinance and other standards. It won't be injurious or detrimental to surrounding properties or the neighborhood. And they've already been approved for additional height. The code allows for those exceptions the airport that doesn't have any concerns with the proposed height, and there are adequate public services etc. available to the site. It's in conformance with the general plan and the special use permit findings and staff is recommending approval with conditions. Are there any questions?

Chair Wagner: Thank you. Are there any question? Sorry?

Boardmember Reed: Was the applicant required to do any neighborhood outreach due to the height and being close to single family residential?

Staff member Lesley Davis: Madam Chair, Boardmember Reed. The applicant did do some outreach. We actually asked them, there was some controversy with the original case. For this primarily regarding the multiple residents. It wasn't really related to the hotel based on the research that I did. We did ask them to notify in addition to the 500-foot boundary to make sure that they were hitting some of those neighbors on the west side that had been concerned. I haven't heard anything from anybody. I don't know if there's anybody here tonight, but I don't believe so. So, at this point, I haven't heard any concerns. Thank you.

***3-o Staff member Josh Grandlienard presented case BOA22-00595 to the Board.**

This is for BOA22-00595. This is for a Comprehensive Sign Plan which is for a Special Use Permit for Chupacabra Taproom. This located off of Robson, just north of Main Street. Here's an aerial context, I highlighted the box just so you can see it. This is a very small parcel. This is 0.02 acres; it is basically just the building. And that's about it. And then I'll show you a little closer up, per the general plan it is in our downtown transit corridor for pedestrian oriented transit rich environment which already exist over there. Per the zoning it is downtown core, and this use specifically is for a drinking establishment. And that is an allowed use within that downtown core zone. Here's the site photo scene from North Robson. As you can see, this is where the building would be located, the signage would replace the existing signage that you could kind of see behind the seating area and the tree in the way. And then the flag would go along the eastern wall, which does extend a little bit since it is a wing wall. So, as you can see, a close up of the parcel, again, is a very small parcel, GIS is

City of Mesa - Board of Adjustment – July 6, 2022
Study Session Minutes

slightly off. So that's why it does not surround the building. But in reality, it does. Currently there's three signs total being proposed because there's currently an existing historical mural on the south side along the alley, it's been there since 1954, I believe, per the date, it is a historic sign is unique and that typically the person that did the painted sign normally does neon signs. And that one case they did a full painted sign that is 234 square feet alone. So that basically pushes them into being required to have a Comprehensive Sign Plan. And for this sign plan specifically is supposed to be increased to 320 square feet. And again, here's this overall site plan, the two proposed signs. As you can see, the flag sign is on the winged wall. It had to be located in this per code because the alley access on the north side of this building, there's a lot of solid waste vehicles as a number of other city vehicles that have to go through that. And if it was placed like it is required by zoning code, it'd be hit by every one of those city vehicles, which we cannot allow because that is per traffic code. So, kind of stuck in a hard place where there's two codes conflicting. This is why it's coming here for you guys. So, in order to allow for the signage to be occur on the front edge, rather than the required side for the sign. And as well as part of this, they're also updating their main signage, and going for the neon look which is consistent with the intent for downtown. And overall, here's the existing site plan just give you a little more context. As you can tell, it's very large painted on. But with this dark nature of this building, we want to ensure that we maintain that here as well as just overall its historic nature of downtown. Per the signage requirements for a Comprehensive Sign Plan, because of the size of the site is very unique and unusual physical conditions that restrict the visibility development, exhibits unique characteristics because it has alleys on three sides and then a sidewalk and frontage on the other. And then the proposed signage incorporates design features that are reinforced with the architecture. The front signage has the recessed brick band that would be incorporated into the architecture, as well as the flag signage directly onto the wing wall, again supporting the existing architecture. Also, per these approval criteria, the proposed project will advance the goals and the general plan, as well as other policies including the central main street plan, as well as location sign consistent with the purpose of the district for downtown core, as well as the downtown events corridor overlay. The project will not be injurious or detrimental to the properties and neighborhood and general welfare. This CSP is directly so it could do that and will not prevent any kind of usage within that alley. And associated with those adequate public services, facilities and infrastructure are available in this area. So based off of that staff finds that the project complies with 2040 General Plan Comprehensive Sign Plan criteria for Section 11-40-6(D) as well as 11-70-5(E) and I'm willing to answer any questions that you might have on this project.

Chair Wagner All right, thank you. Are there any questions on the side?

Vice Chair Lynam This is Vice Chair Lyn am. If the mural along the side were not included in the area, would it comply?

Staff member Josh Grandlienard: Yes. Vice Chair Lynam it would comply with the requirements of the sign code with the exception of the placement of the flag. So, it's still having to come here for that. But it wouldn't be for the overall signage area.

4 Adjournment.

Vice Chair Lynam moved to adjourn the Study Session and was seconded by Boardmember Reed. Without objection, the Study Session was adjourned at 5:46 p.m.

City of Mesa - Board of Adjustment – July 6, 2022
Study Session Minutes

Respectfully submitted,

Michelle Dahlke

Michelle Dahlke,
On behalf of Zoning Administrator (Dr. Nana Appiah)