



Zoning Administrator Hearing **Minutes**

Mizner Conference Room
Mesa City Plaza Building, Suite 130
20 East Main Street
Mesa, Arizona, 85201

Draft

John Gendron
Hearing Officer

DATE January 29, 2008

TIME 1:30 P.M.

Staff Present

Jeff McVay
Brandice Elliott
Constance Bachman

Others Present

Bill Petrie
Julie S Lindholm
Carl Lindholm
Richard Thompson
Tom Schultz

CASES

Case No.: ZA08-008

Location: 736 North Country Club Drive

Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow redevelopment of a commercial building into a hospital in the C-2 zoning district.

Decision: **This case was continued to the February 19, 2008 hearing.**

Summary: Applicant requested a continuance for case ZA08-008.

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Case No.: ZA08-009

Location: 3823 East McKellips Road

Subject: Requesting a Special Use Permit (SUP) to allow a detached accessory living quarters in the R1-35 zoning district.

Decision: **Approved with conditions**

Summary: Case ZA08-009 was approved with the following conditions:

1. Compliance with the site plan submitted except as modified by the conditions below.
2. Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.
3. The detached accessory living quarters may not be leased or rented.

Findings:

- The subject parcel is 82,500 square feet in area, and a new single family residence is currently under construction on the premises. The applicant is proposing a 4,073 square-foot detached accessory living quarters that is to be used for entertainment only.
- The proposed detached accessory living quarters will be the only one located on the subject property and will be located within the buildable area. With a median height of 26'-11", the structure is architecturally compatible with the home currently under construction in that it utilizes similar materials and design elements. Further, the entry is not visible from the public right-of-way given its location at the rear of the property.
- The applicant has noted that the detached accessory living quarters will not be served by separate utilities; however, building permit BLD2007-08367 indicates that two electric meters have been issued for the primary dwelling. There are concerns that separate electric service may be connected to the accessory living quarters.
- The footprint of the proposed detached accessory living quarters is 1,980 square feet, which is 18% of the primary dwelling currently under construction. The overall roof area, including the proposed detached accessory living quarters, is approximately 16%, which is well within the 30% allowance for this zoning district.
- The applicant has indicated in the narrative that the proposed detached accessory living quarters will not be leased or rented, as it is to be used for the sole purpose of entertainment.
- As several adjacent properties have comparable detached structures,

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the proposed detached accessory living quarters is compatible with and not detrimental to the surrounding properties.

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Case No.: ZA08-010

Location: 7205 East Hampton Avenue

Subject: Requesting a variance to allow a reduction to the required landscape setback in the M-1 zoning district.

Decision: **Approved with conditions**

Summary: Case ZA08-010 was approved with the following conditions:

1. Compliance with the site plan submitted.
2. A minimum thirteen-foot (13') wide landscape setback from the east property line.
3. The proposed parking row along the east property line shall comply with Section 11-15-3 (B) of the Zoning Ordinance relating to parking lot landscape islands.
4. Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.

Findings:

- The requested variance would accommodate the dedication of a utility easement through the subject site to serve the development adjacent to the south (1529 S. Clearview Ave.). With the dedication of this utility easement the applicant has proposed the addition of 26 parking spaces adjacent to the east property line.
- Due to the location of existing utility lines the developer of 1529 S. Clearview Ave. has been unable to extend sewer service. The proposed solution to this condition includes the extension of sewer service through the subject property. Through negotiations the property owner has agreed to the dedication of a utility easement in exchange for the construction of the additional parking spaces shown on the site plan. As submitted, the parking would have a minimum 10-foot setback from the east property line where a minimum setback of 15 feet is required.
- The 26 parking spaces have proposed size of 9' x 19' where Code requires a minimum parking space size of 9' x 18'. Additionally, the size of the parking space can be reduced to 9' x 16' by allowing a two-foot vehicle overhang into the landscape area. By reducing the proposed parking spaces in this manner the effective landscape setback proposed could be increased from 10 feet to 13 feet, which is just two-feet less than required by Code.
- Current Code further requires the use of 8' x 15' landscape islands within parking rows. Such islands are required at the ends of parking rows and in between for a maximum of eight contiguous spaces. If the parking spaces are proposed to be covered, a maximum of 15 spaces may be covered and adjoining canopies must be separated by a minimum 24-foot wide landscape island. As proposed, three, 8' x 15' parking lot landscape islands would be required.

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- The lack of available sewer service creates a unique condition that limits the development of 1529 S. Clearview Ave. The location of utility services is a pre-existing condition, not created by the applicant. The solution proposed by the applicant allows the extension of sewer service to the site. Including the recommended conditions of approval, the minimum landscape setback from the east property line would be 13 feet, which is a relatively minor deviation from Code requirements and is consistent with setbacks required when the site was originally constructed.

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Case No.: ZA08-011

Location: 229 West Vine Avenue

Subject: Requesting 1) a Special use Permit (SUP); and 2) variances to allow an alternative dust-proof surface, a reduction in the landscape setback and landscaping requirements, and a reduction in foundation base requirements; all in conjunction with the development of an impound yard in the M-1 zoning district.

Decision: **1) Approved with conditions**
2) Approved with conditions

Summary: Case ZA08-011 was approved with the following conditions:

1. Compliance with the site plan submitted except as modified by the conditions below.
2. Fixident must be applied to alternative dust-proof surfaces once every two (2) years.
3. Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.

Findings:

- The subject parcels (10) are currently vacant, and are proposed to be developed as an impound yard, including a 96 square-foot guard office. A request to rezone the properties from R-2 to M-1 was approved by City Council January 22, 2007. An impound yard is permitted in the M-1 zoning district in conjunction with a Special Use Permit.
- The zoning request consisted of two separate developments: a proposed impound yard in the M-1 zoning district, and an existing landscape company with outdoor storage, a night watchman's quarters, and a non-conforming dwelling in the M-1 zoning district. The request for a Special Use Permit applies only to the impound yard.
- As required for the zoning request, the applicant has notified all neighbors within 300-feet of the proposed development and held a neighborhood meeting. In addition, these neighbors were again notified for the Special Use Permit request. To date there has not been any opposition to this use.
- While the area surrounding this development was once predominantly residential in use, it has converted into a pocket for industrial uses over time. City Council has shown its support for industrial uses in this area with the approval of General Plan Amendments; however, the General Plan intends for industrial uses to be employment-generating uses. Given the goal of the General Plan for industrial areas, the impound yard use is likely to be temporary until such time when more industrial development occurs.

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- A Special Use Permit for the development of an impound yard is consistent with City Council's approval of the previous zoning request. Further, based on neighborhood participation efforts and the lack of opposition, the proposed use is compatible with and not detrimental to adjacent land uses.
- The applicant has requested a variance to allow the use of an alternative dustproof surface, noting the unique use of an impound yard. A forklift is often required to move impounded vehicles due to inoperability, which tears through asphalt paving. In lieu of asphalt, the applicant indicates that milled asphalt is an industry standard and is consistent with other approved storage locations within Mesa. Given the nature of the proposed use, the use of an alternative dust-proof surface is justified provided the surface is treated with a fixident a minimum of every two years.
- The applicant will be required to design the "clear access aisle" identified on the site plan to comply with Mesa Fire Department Detail FPD 503.2-2 concerning the construction of fire lanes in order to receive a building permit. In addition, a fire truck hammerhead turn must be constructed at the south end of the "clear access aisle" as required by Mesa Fire Department Detail FPD503.2 in order to obtain a building permit.
- The applicant has requested a variance to deviate from foundation base requirements for the 96 square-foot modular guard office. The guard office is located behind a 6-foot high block wall, and will not be visible from adjacent properties or Vine Ave. A foundation base would limit the functionality of the guard office. Further, few structures in the surrounding area have a foundation base due to the transitional status of the neighborhood.
- The applicant has requested a variance to deviate from landscape setback requirements adjacent to the east property line. Given the unique use of the property and the transitional status of the surrounding area, additional landscaping would not be in character for this area. Landscaping is limited on surrounding industrial properties, and the proposed landscaping exceeds that of the surrounding uses. Further, the existence of an access easement to serve an adjacent property prohibits the placement of landscaping adjacent to the east property line.
- A summary of Code requirements, the applicant's proposal, and staff recommendation is shown in the table below in regards to the proposed development.

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	Code Requirement	Applicant Proposed	Staff Recommended
Dust Proof Surface	Asphalt, concrete, paving stone, or masonry	Milled asphalt	As proposed
Landscape Setbacks			
Vine Ave.	20'	20'	As proposed
West	15'	15'	As proposed
South	15'	15'	As proposed
East	15'	15' for 339 lineal feet 0' for 694 lineal feet	As proposed
Foundation Base			
Walls without public entrance	10'	0'	As proposed

- The site plan submitted, including staff recommended conditions of approval, justifies the requested variances and Special Use Permit. Additionally, the proposed use and improvements will be compatible with, and not detrimental to, adjacent properties in the area.

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There being no further business to come before the Zoning Administrator, the hearing adjourned at 02:23 p.m.

The cases for this hearing were recorded on Zoning Administrator Flash Card, then burned to CD.

Respectfully submitted,

John Gendron
Hearing Officer

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