

Board of Adjustment

Minutes

City Council Chambers, Lower Level October 16th, 2012

Board Members Present:

Danette Harris- Chair
Chanel Fitch-Kirkpatrick- Vice Chair
Tyler Stradling
Greg Hitchens
Cameron Jones
Trent Montague
Wade Swanson

Board Members Absent:

None

Staff Present:

Gordon Sheffield
Angelica Guevara
Jeff McVay
Kaelee Wilson
Jason Sanks
Wahid Alam

Others Present:

The study session began at 4:34 p.m. The Public Hearing meeting began at 5:33 p.m. Before adjournment at 6:02 p.m., the following items were considered and recorded.

Study Session began at 4:34 p.m.

A. Zoning Administrator's Report:

- i. Mr. Sheffield reported the status of the Sign Code update to the board. Mr. Sheffield stated he needs a new volunteer from the Board of Adjustment to sit on his Sign Code Update committee.

B. The items scheduled for the Board's Public Hearing were discussed.

C. Elect New Chair and Vice-Chair

- i. Board member Stradling nominated Board member Harris for Board Chair with a second by Board member Fitch-Kirkpatrick. Vote: 7-0.
- ii. Board member Hitchens nominated Board member Fitch-Kirkpatrick for Vice-Chair with a second by Board member Stradling. Vote: 7-0.

Study Session was adjourned at 5:24 p.m.

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Public Hearing began at 5:33 p.m.

- B. Consider Minutes from the September 11th, 2012 Meeting a motion was made to approve the minutes with corrections as submitted by Board member Swanson and seconded by Board member Harris. Vote: Passed 7-0

- C. Consent Agenda a motion to approve the consent agenda as read was made by Board member Hitchens and seconded by Board member Swanson. Vote: Passed 7-0

Case No.: BA12-029

Location: 1455 West 7th Pl.

Subject: 1455 West 7th Place (District 3) – Requesting a Variance to allow a detached structure to encroach into the required side yard in the RS-6 zoning district. (PLN2012-00234)

Decision: Denied

Summary: Richard Tomu, the applicant, represented the case in front of the board. Mr. Tomu stated due to family tragedies, the home needed extra storage space. They were unaware that a shed required a permit. Staff member McVay presented staff's recommendation to the board. Board member Montague asked staff if this accessory structure is being used as a living quarters.

Mr. McVay stated that was not the impression he received from the applicant.

Discussion began amongst the board members on what options the applicant has concerning the storage structure.

Board member Fitch- Kirkpatrick stated that since this whole issue could have been avoided if the applicant obtained permits, she could not support the request. The other board members agreed.

Motion: It was moved by Board member Fitch-Kirkpatrick seconded by Board member Swanson to deny case BA12-029.

Vote: Passed 7-0

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Case No.: BA12-034

Location: 305 S. Val Vista Drive

Subject: 305 South Val Vista Drive (District 2) – Requesting a Variance to allow recreational vehicles to encroach into the required front, side, and rear yards in the RM-4 zoning district. (PLN2012-00299)

Decision: Approved with Conditions

Summary: This item was on the consent agenda and was not discussed on an individual basis. The request was for a variance for the El Mirage Mobile Home Park.

Motion: It was moved by Board member Hitchens seconded by Board member Swanson to approve case BA12-034 with the following conditions:

1. *Compliance with the sign plan submitted, except as modified by the conditions listed below.*
2. *The property owner shall enter into a compliance agreement with the City prior to issuance of any building permits or before any additional recreational vehicles are set in place.*
3. *Each recreational vehicle space shall maintain a minimum one-foot (1') front setback, measured from the back of sidewalk.*
4. *Each recreational vehicle space shall maintain a minimum three-foot (3') rear setback, measured from the rear space line.*
5. *Each recreational vehicle space shall maintain a minimum three-foot (3') side setback, measured from side space lines.*
6. *The side setback can be reduced to eighteen inches (18") for patios, decks, Arizona rooms, awning, and other similar additions provided the materials and construction are of not less than one-hour fire resistive construction as required in the building code.*
7. *All measurements will be measured as setbacks. The front setback shall be measured from the back of sidewalk and the side and rear setbacks shall be measured from the recreational vehicle space line. In no instances shall the separation between structures be used to determine placement of an RV.*
8. *Individual recreational vehicle spaces shall be brought into compliance when any modification, addition, and/or replacement to the recreational vehicle require a building permit from the City of Mesa.*
9. *Individual recreational vehicle spaces shall be brought into compliance when the associated recreational vehicle is sold. New owners shall be provided one-year from the date of the sale to bring the space into compliance.*
10. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*

Vote: Passed 7-0

Findings

- 1.1** The El Mirage manufactured home park (MHP) was developed in the 1970s and includes 436 lease spaces. Of these spaces 40 were created to accommodate recreational vehicles (RV). With the development of 'park model' RVs in the 1980's, there has been an evolution of RVs and parks, and the permanent placement of RVs became commonplace.

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- 1.2 Various additions to the RVs, such as awnings, Arizona room, or storage sheds have occurred both with and without the benefit of building permits and have created a condition in which very few RVs comply with, or are able to comply with setback requirements. Additionally, the current condition creates a safety hazard as minimum fire separations have not been maintained.
- 1.3 The approved variance would allow reduced setbacks that better respond to the evolution of RVs and the more permanent nature of RVs in parks that has become commonplace. The approved variance would also address fire safety improvements by including a mechanism for bringing the RV portion of the park into compliance with setback and building code requirements over time.
- 1.4 The applicant's justification for the approved variance includes: 1) the RV spaces are located interior to El Mirage and are not visible from the public right-of-way; 2) with reduced front setback, the width of private streets results in a separation between the front of units only 2 feet less than a development that met all minimum development standards; 4) additions by individual RV owners existed for many years; 5) evolution of RV and MH parks from transient to more permanent; and 6) the park owner will enter into a Compliance Agreement.
- 1.5 The City of Mesa began regulating manufactured homes and recreational vehicles in the 1970's, and more specifically through the Zoning Ordinance in 1990. Those regulations established minimum standards for RV parks such as space size, density, setbacks, and open space. As a MHP with an RV portion developed during the 1970s, not all the RV spaces comply with minimum space size standards.
- 1.6 Increase RV width allowances in the 1980s created non-conforming conditions when new wider RV units were placed on older RV spaces designed for narrower RV units. Given this constraint, strict application of standard setback standards can be a hardship that prevents improvement in the safety of the site.
- 1.7 Primary concern relates to the extreme fire hazard that has been created as additions and carports added over the years have put structures in close proximity to each other. The lack of fire separations consistent with building code standards means that a fire in one unit can quickly spread to other units.
- 1.8 To address this condition in other RV parks, the City has entered into Compliance Agreements with RV park owners since the mid-1990s. These agreements allow the parks to be brought into compliance over time and establish the activities that trigger compliance requirements for an individual space. The applicant has provided a draft Compliance Agreement. The conditions of approval include staff's recommendations for the compliance triggers and the setback standards that would be met.
- 1.9 The approved variance is a reasonable solution to the fire safety concerns and will result in improved compliance that will be a benefit to the residents of El Mirage while having no detrimental effects on surrounding properties. The variance request responds to the changing nature of RV parks and the permanent housing they provide. This changing nature of RVs is not a self-imposed hardship, created by, or in the applicant's control.
- 1.10 Conditions approved by the board would allow an 18 inch side setback only for patios, decks, Arizona rooms, awning, and other similar additions provided the materials and construction are of not less than one-hour fire resistive construction as required in the building code. All measurements will be measured as setbacks from the back of sidewalk in the case of the front and space line in the case of sides and rears. In no instances shall separation between structures be used to determine placement of an RV.

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Case No.: BA12-037

Location: 1858 W. Baseline Road

Subject: 1858 West Baseline Road (District 3) – Requesting a Substantial Conformance Improvement Permit to allow the redevelopment of a commercial building in the LC-PAD zoning district. (PLN2012-00331)

Decision: Continued to the November 13th, 2012 hearing.

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

Motion: It was moved by Board member Hitchens seconded by Board member Swanson to continue case BA12-037 to the November 13th, 2012 hearing.

Vote: Passed 7-0

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Case No.: BA12-038

Location: 606 West Caballero Circle

Subject: 606 West Caballero Circle (District 1) – Requesting a Variance to allow an accessory shade structure to encroach into the required side yard in the RS-9 zoning district. (PLN2012-00332)

Decision: Continued to the November 13th, 2012 hearing.

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

Motion: It was moved by Board member Hitchens seconded by Board member Swanson to continue case BA12-038 to the November 13th, 2012 hearing.

Vote: Passed 7-0

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Case No.: BA12-043

Location: 1213 South Greenfield Road

Subject: 1213 South Greenfield Road (District 2) – Requesting a Substantial Conformance Improvement Permit to allow the expansion of an existing drive-thru restaurant in the LC zoning district. (PLN2012-00330)

Decision: Approved with Conditions

Summary: This item was on the consent agenda and was not discussed on an individual basis. The SCIP request was for a McDonald's remodel.

Motion: It was moved by Board member Hitchens seconded by Board member Swanson to approve case BA12-043 with the following conditions:

1. *Compliance with the site plan and landscape plan submitted, except as modified by the conditions listed below.*
2. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*
3. *Compliance with all requirements of the Design Review Case DR12-30.*
4. *Replace dead and dying plant materials and install landscape material per Chapter 33 of current City Code.*
5. *The monument signs and screen walls along Greenfield Road and Southern Avenue shall be modified to include the design and with building materials incorporated with this remodel and expansion.*

Vote: Passed 7-0

FINDINGS

- 1.1 The applicant was approved to build the additional drive-thru lane and floor area to this existing drive-thru restaurant. In order to build the additional drive-thru lane and floor area, the applicant requires deviation from the current Code to bring the site into conformance with current standards.
- 1.2 Since the existing facility was built in 1999, the existing development standards do not comply with the current Code.
- 1.3 The applicant has provided sufficient evidence that compliance with current Code requirements would not be possible without significant alteration of the site, resulting in the demolition of existing building footprint. To provide substantial conformance with current Code development standards, the applicant will install landscape materials and remodel the exiting building with enhanced architectural design to comply with current standards.
- 1.4 The approved site and landscape plans, including staff recommended conditions for approval, substantially conform with the intent of the Code and the additional development will be consistent with and not detrimental to adjacent properties.

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- Case No.:** BA12-045
- Location:** 2111 West University Drive
- Subject:** 2111 West University Drive (District 3) – Requesting Substantial Conformance Improvement Permit to allow the redevelopment of a commercial building in the LC zoning district. (PLN2012-00362)
- Decision:** Approved with Conditions
- Summary:** This item was on the consent agenda and was not discussed on an individual basis. The request was for a SCIP to redevelop a vacant building for medical office use.
- Motion:** It was moved by Board member Hitchens seconded by Board member Swanson to approve case BA12-045 with the following conditions:
1. *Compliance with the site plan and landscape plan submitted, except as modified by the conditions listed below.*
 2. *Administrative Design Review approval required for proposed changes to the exterior building elevations.*
 3. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*
- Vote:** Passed 7-0

FINDINGS

- 1.1 The applicant was approved for the conversion of an existing vacant building into a medical office. The site was developed in 70's with setbacks, parking, and parking lot landscape requirements that differ from those required by current Code. The change of use, the building addition of 560 s.f., and the development of the remaining parcel consistent with the existing pattern of development requires deviations from current Code.
- 1.2 The applicant was approved for deviations from current Code requirements related to setbacks around the perimeter of the site, foundation base, and the patient drop off area. These reductions allow the addition of 560 s.f. without requiring significant alteration of the site or demolition of the existing building.
- 1.3 The applicant provided sufficient evidence that compliance with current Code requirements would not be possible without significant alteration of the site, resulting in the demolition of the existing building and/or a significant reduction in on-site parking. To provide substantial conformance with current Code development standards, the applicant will refurbish existing landscaping throughout the site and provide additional landscape adjacent to the south where residential exists and to the west adjacent to the canal.
- 1.4 The approved site and landscape plans, including staff recommended conditions for approval, substantially conform with the intent of the Code and provide a development that is consistent with and not detrimental to adjacent properties.

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Case No.: BA12-046

Location: 1301 West Broadway Road

Subject: 1301 West Broadway Road (District 4) – Requesting a Substantial Conformance Improvement Permit to allow the redevelopment of a commercial building in the GC zoning district. (PLN2012-00363)

Decision: Approved with Conditions

Summary: This item was on the consent agenda and was not discussed on an individual basis. The request was for a SCIP to redevelop the old “Big Two” site into a granite showroom and manufacturing facility.

Motion: It was moved by Board member Hitchens seconded by Board member Swanson to approve case BA12-046 with the following conditions:

1. *Compliance with the site plan and landscape plan submitted, except as modified by the conditions listed below.*
2. *Final approval of the site plan, landscape plan, grading and drainage, and building elevations will be completed after review by the Design Review Board.*
3. *Refurbish the existing landscape so that it is in conformance with the conditions of development approved as part of the original building permit for the site prior to the final inspection.*
4. *Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit.*
5. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*
6. *Foundation base shall be provided for the proposed 18,023 SF building at the required width.*

Vote: Passed 7-0

FINDINGS

- 1.1 The applicant was approved for the conversion of an existing vacant auto sales facility into a granite slab sales, storage, and fabrication facility. The site was most recently developed in the late 1980’s and there is no approved site plan on file. Original development setbacks and building separation requirements were not as large as those required by current Code. The approved changes, including the new building and landscape enhancements, will help bring the site into closer conformance with current code requirements.
- 1.2 The applicant was approved for deviations from current Code requirements related to setbacks adjacent to the west, east, and south property lines and reduced building separation. Such reductions will allow the site to retain its current parking layout, building locations, and general vehicular circulation.
- 1.3 The applicant provided sufficient evidence that compliance with current Code requirements would not be possible without significant alteration of the site, resulting in the demolition of existing buildings and negative impact to on-site vehicular circulation. To provide substantial conformance with current Code development standards, the applicant will provide parking area landscape islands for every 8 spaces and a 20’ landscape buffer along half the west property line.
- 1.4 The approved site and landscape plans, including staff recommended conditions for approval, substantially conform with the intent of the Code and provide a development that is consistent with, and not detrimental to, adjacent properties.

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1. Other Business:

None

Respectfully submitted,

Gordon Sheffield, AICP
Zoning Administrator

Minutes written by Kaelee Wilson, Planning Assistant