

Board of Adjustment

Minutes

City Council Chambers, Lower Level December 11th, 2012

Board Members Present:

Danette Harris- Chair
Wade Swanson
Greg Hitchens
Trent Montague

Board Members Absent:

Tyler Stradling- excused
Chanel Fitch-Kirkpatrick- excused
Cameron Jones- unexcused

Staff Present:

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

Others Present:

Lyle Richardson
Scott Belford
Lance Baker
Glenda Chase
Jared Rogers
Scott Frazer
Mike Frost
Pat White

The study session began at 4:35 p.m. The Public Hearing meeting began at 5:34 p.m. Before adjournment at 7:02 p.m., the following items were considered and recorded.

Study Session began at 4:35 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.
- ii. Mr. Sheffield gave a brief report on case BA12-040 concerning additional livestock. He indicated that since the hearing, Planning staff has received letters from concerned neighbors. Mr. Sheffield stated since the hearing the zebra and goat have passed away.

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

Study Session was adjourned at 5:25p.m.

Public Hearing began at 5:34 p.m.

- A. Consider Minutes from the November 13th, 2012 Meeting a motion was made to approve the minutes.
Vote: Passed 4-0
- B. Consent Agenda a motion to approve the consent agenda as read was made by Board member Swanson and seconded by Board member Hitchens. Vote: Passed 4-0

**Board of Adjustment Meeting
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Case No.: BA12-049

Location: 840 West Inglewood Street

Subject: Requesting a variance to allow an existing addition to encroach into the required side and rear yard in the RS-9 zoning district. (PLN2012-00398)

Decision: Continued to the January 8th, 2013 hearing.

Summary: Jeff Fields, the owner and applicant represented the case to the Board. Mr. Fields stated the cost to remove the structure would place a financial burden on the family. Board member Swanson asked the applicant if he is taxed on the total square footage of the home including the addition.

The Board opened the case up for public comment.

Shauna Robinson is a neighbor and is in support of the request. Ms. Robinson also stated the addition is structurally sound.

Charles Sotomayor, a neighbor, stated to the Board that he is in favor of the request.

Dennis Banta and Michael Frost were present in support of the request but requested not to speak.

Staff member Angelica Guevara presented the staff report and recommendation.

Due to a new provision in the code, Mr. Sheffield suggested a continuance so the applicant has additional time to work with staff.

Motion: It was moved by Board member Swanson and seconded by Board member Hitchens to continue case BA12-049 to the January 8th, 2013 hearing.

Vote: Passed 4-0

**Board of Adjustment Meeting
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Case No.: BA12-052

Location: 3832 and 3838 East Alder Avenue

Subject: Requesting a Special Use Permit to allow a recreational vehicle (RV) to be used as a caretaker's unit in the RS-6 zoning district. (PLN2012-00399)

Decision: Continued to the January 8th, 2013 hearing.

Summary: Due to the applicants not being present, the case was continued.

Motion: It was moved by Board member Swanson seconded by Board member Montague to continue case BA12-052 to the January 8th, 2013 hearing.

Vote: Passed 4-0

**Board of Adjustment Meeting
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Case No.: BA12-053

Location: 146 West Baseline Road

Subject: Requesting a Variance to allow a reduction to the width of the required landscape yard in the LI-CUP zoning district. (PLN2012-00413)

Decision: Continued to the January 8th, 2013 hearing

Summary: Lyle Richardson, the applicant, represented the case in front of the Board. Mr. Richardson gave a brief history of the site. Mr. Richardson then explained how the site meets the criteria for a variance. His justification being that it is a small site and they are constrained by the pad parcel Wal-Mart split from the main site. Mr. Richardson explained a reconfiguration of the site would cause a deficiency in the required parking spaces.

Board member Hitchens asked if Wal-Mart was willing to contribute any parking. Mr. Richardson responded that it is unlikely.

Staff member Wahid Alam presented the staff report and recommendation.

The Board discussed the applicant's options. The Board asked the applicant if he would like the Board to vote on the matter that night or if he wanted a continuance so more board members would be present and the applicant has time to work on other scenarios with staff. The applicant stated he would like a continuance.

Motion: It was moved by Board member Hitchens seconded by Board member Swanson to continue case BA12-053 to the January 8th, 2013 hearing.

Vote: Passed 4-0

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Case No.: BA12-054

Location: 2136 East Baseline Road

Subject: Requesting a Special Use Permit to allow a wireless communication facility to exceed the maximum height allowed in the LC zoning district. (PLN2012-00386).

Decision: Continued to the January 8th, 2013 hearing.

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

Motion: It was moved by Board member Swanson and seconded by Board member Hitchens to continue case BA12-049 to the January 8th, 2013 hearing.

Vote: Passed 4-0

**Board of Adjustment Meeting
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Case No.: BA12-055

Location: 1945 South Stapley Drive

Subject: Requesting a Substantial Conformance Improvement Permit to allow the development of a drive-thru restaurant in the LI zoning district. (PLN2012-00270)

Decision: Approved with Conditions

Summary: Danny Bockting, the applicant, presented the case to the Board. Mr. Bockting stated he agrees with all of the conditions put forth by staff except the condition concerning the 4 ft. landscape median. Mr. Bockting stated after all of the R.O.W. dedication, there are too many site constraints to have a 4 ft. wide landscape median.

Board member Hitchens stated that a 4 ft. landscape median is achievable on this site, but could see how on the north side it could be reduced to 2 ft. with a vertical curb.

Motion: It was moved by Board member Swanson seconded by Board member Montague to approve case BA12-055 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 Design Review case# DR12-038.*
3. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*
4. *Provide at least 4 ft. wide raised landscape median with plant materials with vertical curb reducible up to 2 ft. on north side of building as drawn up in specific drawings and enhanced material like pavers or stamped concrete for the drive-thru lane.*

Vote: Passed 4-0

FINDINGS

- 1.1 The applicant was approved for the redevelopment of an existing abandoned gas station into a new drive-thru restaurant. The site was developed in the 80's with setbacks, parking, and parking lot landscape requirements that differ from those required by current Code. The approved 3,626 square feet drive-thru restaurant was granted deviations from current requirements for future right-of-way, PUF, bus bays, setbacks and landscape islands from current code.
- 1.2 The applicant was approved for deviations from current Code requirements related to landscape setbacks along arterials, foundation base, parking area screening, parking lot landscape islands and raised landscape median along the drive-thru lane. These reductions allow the development without requiring significant reduction of the standard building foot print used by Raising Cane's Chicken Fingers or elimination of the drive-thru facility. The applicant has indicated the development is not feasible

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unless this floor area and drive-thru lane can be accommodated.

- 1.3** The applicant provided sufficient evidence that compliance with current Code requirements would not be possible without reduction of the building foot print or elimination of the drive-thru facility, both of which will not work for the business.

- 1.4** The site and landscape plans, including staff recommended conditions of 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.: BA12-057

Location: 2605 North Power Road

Subject: Requesting a Special Use Permit for a Comprehensive Sign Plan in the LC zoning district. (PLN2012-00445)

Decision: Approved with Conditions

Summary: This case was on the consent agenda and was not discussed on an individual basis. The request was for a Comprehensive Sign Plan (CSP) for LA Fitness.

Motion: It was moved by Board member Hitchens seconded by Board member Swanson to approve case BA12-057 with the following conditions:

1. *Compliance with sign plan submitted, except as modified by the conditions listed below.*
2. *Attached signs shall be limited to a total of two (2).*
3. *The primary identification sign attached to the west building elevation shall use letters that do not exceed four-and-one-half feet (4.5') in height or have an overall width that exceeds the width of the base of the "crown" entry feature.*
4. *The secondary identification sign attached to the north building elevation shall use letters that do not exceed three feet (3') in height.*
5. *The detached monument sign shall not exceed eight feet (8') in height as measured from the Power Road sidewalk grade.*
6. *The detached monument sign copy shall not exceed a horizontal-to-vertical ratio of 3:1 or a maximum width of 10 feet.*
7. *The detached monument sign shall have a full monument base that fully integrates architectural elements and materials from the building. The final design of the monument sign shall be approved by the Planning Director, or designee, prior to issuance of a sign permit. Appeals of the Planning Director's decision will be taken to the Design Review Board.*
8. *Compliance with all requirements of Development Services in the issuance of sign permits.*

Vote: Passed 4-0

FINDINGS

- 1.1 The approved CSP includes: 1) one detached monument sign, 12-foot high, 79.17 sf in area; and 2) two attached signs with an aggregate area of 345.25 sf (west elevation 231.75 sf, north elevation 113.5). Standard Sign Ordinance allowances would permit multiple detached signs with an aggregate area of 175 sf and 18.8 feet in height (no single sign exceeds 80 sf or 12 feet in height) and three attached signs with an aggregate sign area of 160 sf.
- 1.2 As justification the applicant has noted that: 1) clear and recognizable signage reduces the potential for conflicts between visitors to the facility and vehicle or pedestrian traffic; 2) the design is conservative, with low level

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illumination meant to complement the surroundings; 3) the facility is placed 230 feet from Power Road; 4) the speed of traffic, line- of- sight, and one entrance for southbound traffic may inhibit clear identification and wayfinding to the facility; and 5) the approved sign package is consistent with the color, design, and theme of the building while using a recognizable and consistent sign theme.

- 1.3** The Board notes that the building size, mass, and proximity to the street make the attached signs more visible than similar developments. Concerns relate to width of the primary building identification sign in relation to the width of the tower element; the size of the secondary building identification sign; and the detached sign's height and sign area, sign copy horizontal-to-vertical ratio of 4.6:1, and a monument base that does not incorporate sufficient design and materials of the building.
- 1.4** Additional attached sign area that complements the quality building architecture is justified. However, given the scale, visibility, and street proximity of the building, the sign area requested has not been justified. Without detracting from sign visibility, the size of attached signs can be reduced.
- 1.5** Justification for increased attached sign area should be accompanied by detached sign heights and areas less than allowed by Code. Conditions of approval reduced sign height to eight feet, reduce the horizontal-to-vertical sign copy ratio to not exceed 3:1, and require incorporation of a full monument base that fully utilizes design and building materials of the LA Fitness.
- 1.6** The approved CSP including staff recommended conditions of approval will be compatible with the existing development as well as surrounding properties, and will not be detrimental to adjacent development.

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- Case No.:** BA12-058
- Location:** 1832 West 3rd Place
- Subject:** Requesting a Variance to allow a detached accessory structure to encroach into the required side yard in the RS-6 zoning district. (PLN2012-00449)
- Decision:** Approved with Conditions
- Summary:** This item was on the consent agenda and was not discussed on an individual basis.
- Motion:** It was moved by Board member Swanson seconded by Board member Hitchens to approve case BA12-058 with the following conditions:
1. *Compliance with the site plan and exhibits submitted.*
 2. *Compliance with all requirements of the Development Services Division in the issuance of building permits.*
- Vote:** Passed 4-0

FINDINGS

- 1.1 The applicant was approved to construct a 160 s.f. detached storage shed 2.3-feet from the back of the house that is proposed 4 and 6-feet from the side property line to line up with the existing original construction of the home on the lot.
- 1.2 The approval allows the remodel of the existing carport into a garage and the construction of a 150 s.f. gazebo at the rear corner of the lot.
- 1.3 The overall roof area will be approximately 40% of the area of the lot.
- 1.4 The existing trapezoid shape of the lot is pre-existing and was not created by the current property owner.
- 1.5 The rear property line is 30-feet narrower than the front of the lot.
- 1.6 The rear yard setback can be measured from the centerline of the 16-foot wide alley adjacent to the rear of the lot.
- 1.7 The strict application of the Zoning Ordinance will deprive the property of privileges enjoyed by other properties of the same classification in the same zoning district as the shape of the lot is limiting the property owner's ability to construct a structure in the rear yard without encroaching into the 10-foot wide side yard.
- 1.8 The shed structure would encroach 4 and 6-feet into the required ten-foot side yard.

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Case No.: BA12-059

Location: 2603 North Horne

Subject: Requesting a Substantial Conformance Improvement Permit to allow the expansion of an existing church in the RS-43 zoning district (PLN2012-00453)

Decision: Approved with Conditions

Summary: Fred Woods, the applicant, represented the case in front of the Board. Mr. Woods stated the site has been a church since 2000. In 2004 the site came through for a SCIP. The current SCIP request is for a reduced project scale. Mr. Woods stated they held a neighborhood meeting where some neighbors had concerns.

The Board opened the hearing up for public comment.

Glenda Chase, a neighbor, stated she is against a church in the area. Ms. Chase was concerned that motor homes will be parked on the site for an extended amount of time. Ms. Chase was also concerned with the irrigation ditch on the site.

The following people were in support but did not wish to speak: Susie Hampton, Steve Acaff, Robert K. Jones, Lauren Ballinger and Billy McCardie.

The applicant stated the church has committed to Ms. Chase that they will maintain the irrigation ditch.

Staff member Wahid Alam presented the staff report and recommendation and suggested the removal of condition #5 stating, "Compliance with all requirements of the Building Safety Division".

Motion: It was moved by Board member Swanson seconded by Board member Montague to approve case BA12-059 with the following conditions:

1. All new development shall comply with all requirements of the Mesa Zoning Ordinance, with the exception that the designated "chapel" building may encroach into the required building and landscaping setbacks along the north property line as shown on the submitted site plan.
2. Allow reduced setback as shown on submitted plans only adjacent to the Sanctuary along north property lines and provide 25 feet wide landscape yards adjacent to the parking lot along north and south property lines per current code;
3. Provide all four elevations of the Sanctuary building with enhance materials and design to make it compatible to the existing structure to the south and rest of the neighboring homes.
4. There shall be no provisions made for utility connections related to the temporary use of recreational vehicles as a residential use, nor provisions made to permit parking of recreational vehicles on site.
5. Compliance with all requirements of the Development Services Division with regard to the issuance of

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building permits.

6. Install a 20-ft wide asphalt or concrete driveway connecting the City of Mesa roadway Horne with the entry porch of the church.
7. The Sanctuary building shall not be occupied until the City of Mesa Certificate of Occupancy is issued.

Vote: Passed 4-0

FINDINGS

- 1.1 The case site is a non-conforming parcel that qualifies for a SCIP. The Board agrees, however, that the proposed site plan does not constitute the greatest degree of compliance with the current site development requirements. Therefore, the Board finds that only the reduced setback for the Sanctuary along north property line shall be approved with 25 feet wide landscape yards adjacent to parking lot along north and south property line.
- 1.2 The case site is a long, narrow lot that fronts onto a mid-section collector street (Lehi Road). The case site is located in the Lehi area and is adjacent to and surrounded by other residential lots of the same size and configuration. Prior to the church purchasing the property, the property had always been used as a residence. All of the surrounding lots are being used for residential purposes. There are no other commercial or institutional uses in the immediate area. The Sanctuary requires only 20 parking spaces; however the proposal is for 30 spaces. Therefore, the Board finds that the parking lot be reduced to accommodate only 21 spaces in order to keep the scale and the character of the Lehi area, and serve the need for the Sanctuary.
- 1.3 The church did not obtain building permits prior to commencing initial construction on the property, and as a result the new construction does not meet all zoning requirements and possibly not all building/construction requirements either. The approved plan is for additional class room and restrooms with reduced setbacks to an existing building, which already did not meet a required property line setback for a church use. Both of these structures existing and the addition are encroaching into the required setbacks along the north property line, and are therefore greatly impacting the residential property to the north.
- 1.4 The applicant is converting the existing building for the Sanctuary with entry porch, river rock wainscoat and standard size windows. The Board finds more should be done to enhance all four elevations with emphasis on street elevation (west elevation) and make it compatible with the residential structure to the south and the neighboring homes.
- 1.5 There are many issues related to utilities, for example septic system and off-site improvements along Horne need to be resolved. In 2004 for SCIP case BA04-056 the applicant was told that properties not already connected to the system are required to build sewer-line and connect to the nearest main, and incur all of the costs. Because of the extreme distance to the nearest existing main (3000'), the City's Engineer agreed to allow the church to contact Maricopa County about expanding their septic tank system to accommodate the new and proposed construction. In 2004, Staff contacted Maricopa County's Environmental Services for information regarding records of existing septic systems and the expansion of existing septic systems, and furnished all of this information to the applicant with a request to receive a written report on how they intended to handle the septic tank issue. To date, staff has not received the written report from the applicant except a memo with this application BA12-059 mentioning their intention is to use the existing septic system and claim that they are in the process of determining the exact size of the existing system. Also the applicant believes the septic system was inspected by County Health Department in 2000 during the purchase of the property, however they could not locate the report.

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Case No.: BA12-060

Location: 6315 East Auto Park Drive

Subject: Requesting a Special Use Permit for a modification of a Comprehensive Sign Plan in the LI-PAD zoning district. (PLN2012-00454)

Decision: Approved with Conditions

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

Motion: It was moved by Board member Swanson seconded by Board member Hitchens to approve case BA12-060 with the following conditions:

1. *Compliance with sign plan submitted, except as modified by the conditions listed below.*
2. *The subject site shall be limited to four attached signs with an aggregate sign area not to exceed 400 square feet and two modifier signs with an aggregate sign area not to exceed 100 square feet.*
3. *Compliance with all requirements of Development Services in the issuance of sign permits.*

Vote: Passed 4-0

FINDINGS

- 1.1** The Earnhardt Buick GMC dealership is on a 4.05 acre site and the applicant has proposed four attached signs with an aggregate area of 393.85 sf and one modifier of 33.8 sf. The existing CSP allows dealerships with five or more acres, four attached signs with an aggregate area of 400 sf and two modifier signs with an aggregate area of 100 sf. Dealerships with less than five acres are allowed four attached signs with an aggregate area of 320 sf and two modifier signs with an aggregate area of 100 sf.
- 1.2** Since completed, other freeway oriented auto malls have been developed that establish consistent sign quantity and area standards despite lot size. When compared to these other dealerships with freeway visibility, four-foot letter heights are common and with four-foot letters, the name "Earnhardt" will result in a larger sign area without exceeding common signage standards.
- 1.3** While sign area will be increased, sign clutter is not a concern as the proposal includes one less sign than could be permitted. Total number of sign signs and aggregate sign area will be consistent with the remaining dealerships within Superstition Springs Auto Park. Consequently, the sign plan will be compatible with the existing development as well as surrounding properties, and will not be detrimental to adjacent development.

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Case No.: BA12-061

Location: 245 West 2nd Street

Subject: Requesting a Special Use Permit for a Comprehensive Sign Plan in the DB-1 zoning district. (PLN2012-00464)

Decision: Approved with Conditions

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

Motion: It was moved by Board member Swanson seconded by Board member Hitchens to approve case BA12-061 with the following conditions:

1. *Compliance with sign plan submitted, except as modified by the conditions listed below.*
2. *Any additional signage not identified with this Sign Plan will require modification to this Special Use Permit.*
3. *Displays of static messages, where the message change sequence is accomplished immediately or by means of fade or dissolve modes shall be permitted. Spinning messages or other full animation is prohibited.*
4. *Message display shall be visible for 15 seconds minimum.*
5. *Compliance with all requirements of Development Services in the issuance of sign permits.*

Vote: Passed 4-0

FINDINGS

- 1.1 The approved comprehensive sign plan consists of five attached signs proposed on the north elevation of the building with an aggregate sign area of 448 s.f.
- 1.2 The approved comprehensive sign plan states specifications for attached signage.
- 1.3 Freestanding signage will be pan channel letters mounted on bent metal placed over raised planters incorporated into the landscape design.
- 1.4 Signage will identify the Center for Higher Education (one building mounted and one freestanding at the street) and will be illuminated.
- 1.5 Three non-illuminated sign panels will identify each college and university.
- 1.6 One 90 s.f. electronic message display will be provided for use by all schools.
- 1.7 The aggregate attached sign area and the total number of attached signs is comparable to the signage allowed by Code.

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- 1.8** Although the code allows various types of wall signs and awnings, the applicant is not requesting any awning signs.
- 1.9** The building is located in the heart of Mesa's downtown.
- 1.10** This location requires a unique application of signage criteria to meet the needs of the downtown location.
- 1.11** The proposed CSP would not be detrimental to the surrounding properties or the area in general.

1. Other Business:

None

Respectfully submitted,

Gordon Sheffield, AICP CNU-a
Zoning Administrator

Minutes written by Kaelee Wilson, Planning Assistant