



Zoning Administrator Hearing
Minutes

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

Draft

John S. Gendron
Hearing Officer

DATE October 30, 2007

TIME 1:30 P.M.

Staff Present

Jeff McVay
Jim Hash
Patrick Murphy
Constance Bachman

Others Present

Sarah Spradun
Pastor Lewis
Garrett Newland
Christine McRight
Glenn Odegard
Rick Bianchina
Tom Fitzgerald
Anita Stapleton

CASES

Case No.: ZA07-109

Location: 2605 South Signal Butte Road

Subject: Requesting variances to allow: 1) a reduction in landscape plantings, and 2) allow phased perimeter landscaping in conjunction with the development of a church in the AG zoning district.

Decision: **Continued to the November 6, 2007 hearing.**

**City of Mesa
Zoning Administrator Minutes
October 16, 2007**

Case No.: ZA07-112TC

Location: 218 West Main Street

Subject: Requesting a Special Use Permit to allow outdoor seating in conjunction with a restaurant in the TCC zoning district.

Decision: **Approved with conditions**

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City of Mesa
Zoning Administrator Minutes
October 16, 2007

Case No.: ZA07-113

Location: 13 West 10th Avenue

Subject: Requesting a variance to allow a fence which exceeds the maximum height permitted in the front yard in the R1-6 zoning district.

Decision: **Approved with conditions**

Summary: Staff recommends **approval** of case ZA07-113, *conditioned upon the following:*

1. *Compliance with the site plan submitted.*
2. *Applicant shall remove or lower to forty-two inches (42") that portion of the existing interior six-foot (6') masonry fence located in the front setback upon completion of the new six-foot (6') masonry fence along the east property boundary.*
3. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Findings:

- The requested variance will allow the installation on a new six-foot masonry fence that will extend into the required front yard adjacent to a railroad right-of-way.
- The home has an existing six-foot masonry wall that extends into the front yard. Recently the owner acquired an abandoned alley adjacent to his parcel that extends the entire length of the eastern property boundary, historically separating the owner's property from the railroad right-of-way.
- The applicant's property is the last parcel on West Tenth before termination at the railroad right-of-way. A key purpose and intent of the height requirement for fences in the front yard is to ensure the clear view for traffic when entering or exiting the streets or driveways.
- The variance for height can be justified because of the need to reduce noise and flying debris that can be produced from passing trains that present a potential hazard to the owner. The subject site is also the only single-residence lot in the subdivision and vicinity that has a front yard to the railroad right-of-way.
- The rail bed is pre-existing to the homes construction and is not and the noise and safety issues are not self-imposed. Strict compliance with today's development standards would prohibit this construction and deprive the property owner from the right to protect himself from the potential hazards of passing trains.
- These conditions are unique to lots that abut to rail beds and are at an end of a road. The granting of this variance does not grant special privileges over other sites with similar circumstances.

City of Mesa
Zoning Administrator Minutes
October 16, 2007

- While the applicant has proposed the construction of a six-foot masonry fence parallel to the existing six-foot masonry fence with the installation of a gate on both the north and south boundaries, staff finds that the interior wall should be modified consistent with Code requirements. At minimum, that portion of the interior fence within the front yard should be lowered to 42-inches.

City of Mesa
Zoning Administrator Minutes
October 16, 2007

Case No.: ZA07-114

Location: 8445 East Teton Circle

Subject: Requesting: 1) Minor modification of a PAD to allow a reduced rear setback; and 2) a Special Use Permit; to allow a detached accessory living quarters; both in the R1-9 DMP zoning district.

Decision: **Approved With Conditions**

Summary: Staff recommends **approval** of case ZA07-114, *conditioned upon the following:*

1. *Compliance with the site plan submitted.*
2. *No building encroachments shall be allowed within the setbacks identified on the site plan*
3. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Findings:

- The proposed residence is located in the Peaks subdivision of Las Sendas Mountain Master Planned Community, which is situated in the foothills northeast of the City of Mesa. The Desert Uplands area is an Upper Sonoran Desert Community with unique plants, washes and land forms which create its own identity and character. The topography of the building lots in Las Sendas is undulating and consists of many 404 classed washes that prevent conventional building setbacks.
- The applicant's property is a long and narrow lot that is bordered on the west and east sides by drainage easements that provide significant constraints on the buildable area. Desert Uplands require open space for lots. Common open space areas with slopes of fifteen percent (15%) or greater, or natural area washes that carry significant drainage as determined by the City Engineer, shall be identified and secured by an open space and/or drainage easement.
- Due to Desert Upland requirements, the applicant is requesting a reduction for a portion of the 30-foot rear setback to ten feet. The designated drainage easement along the southern boundary of the subject parcel and the northern boundary of the adjacent parcel prohibits any future building that would create a separation issue.
- The requested Special Use Permit (SUP) would allow a detached accessory living quarters (ALQ) to be built in addition to the primary residence. The applicant has provided sufficient justification for the SUP.
- The ALQ will 1) be serviced by the same utility service as the primary structure; 2) have no entrances that will be visible from the right of

City of Mesa
Zoning Administrator Minutes
October 16, 2007

way; 3) will not have a roof area that is greater than 50% of the primary residence; 4) will not be leased or rented; and 5) will be architecturally integrated to the primary residence.

- Although the ALQ will not have direct access to the primary dwelling it will remain connected to the home by a common motor court/circular drive.
- The applicant has provided a letter of support for the requested modification from the Las Sendas Architectural Committee.

City of Mesa
Zoning Administrator Minutes
October 16, 2007

Case No.: ZA07-115

Location: 5540 East Main Street

Subject: Requesting a Special Use Permit to allow an electronic message display to remain static for a period of less than one hour in the C-2 zoning district.

Decision: **Approved with conditions.**

Summary: Staff recommends **approval** of case ZA07-115, *conditioned upon message changes occurring no more frequently than once every fifteen (15) seconds, with transitions between messages and light intensity complying with the requirements of Sec 11-19-8(D)17.*

Findings:

- Current Sign Ordinance requires electronic message displays to remain static for a minimum of one hour unless a Special Use Permit is granted. Such SUP may be found compatible with and not detrimental to surrounding properties through the consideration of the following factors: 1) the speed and volume of the vehicular traffic visually exposed to the sign, 2) the presence of other signs or distracting influences in proximity to the sign location, and 3) the extent to which the design of the sign is compatible with other signs located on the premises.
- Main Street has a speed limit of 45 miles an hour at this location. Assuming a vehicle travels at a constant 45 miles per hour, a sign change of every 15 seconds would happen every 990 feet of travel (One second of travel equates to about 66 feet of travel at 45 mph). A message change every 15 seconds would result in two message changes during a quarter-mile approach (1320') at constant speed. Such a change rate is reasonable given the traffic speed.
- The sign is located in an area of the City that is dominated by commercial uses. Many of these uses have detached signs, however, the placement of a sign with an electronic message display that changes every 15 seconds will not present a distracting influence to motorist.
- A 15 second message display is consistent with past Board of Adjustment decisions, which have allowed message changes every 15 seconds. The basis for these decisions has been the idea of having one message be visible for approximately a quarter mile as a vehicle approaches the sign.

City of Mesa
Zoning Administrator Minutes
October 16, 2007

There being no further business to come before the Zoning Administrator, the hearing adjourned at 02:08 p.m.

The cases for this hearing were recorded on Zoning Administrator Flash Card, Track 1.

Respectfully submitted,

Gordon Sheffield
Hearing Officer

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