

Board of Adjustment

Minutes

City Council Chambers, Lower Level July 1, 2015

Board Members Present:

Trent Montague – Chair
Mark Freeman - Vice Chairman
Wade Swanson
Ken Rembold

Board Members Absent:

Tony Siebers-excused

Staff Present:

Gordon Sheffield
Lisa Davis
Mike Gildenstern

Others Present:

Mike Dieu
Jill Hegardt

The study session began at 4:36 p.m. and concluded at 5:11 p.m. The Public Hearing began at 5:30 p.m. Before adjournment at 6:26 p.m., the following items were considered and recorded.

Study Session began at 4:36 p.m.

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

Study Session adjourned at 5:11 p.m.

Public Hearing began at 5:30 p.m.

- A. Consider Minutes from the June 3, 2015 Meeting -A motion was made by Boardmember Swanson and seconded by Boardmember Freeman to approve the minutes. Vote: Passed 4-0
- B. Consent Agenda -A motion to approve the consent agenda as read was made by Boardmember Swanson and seconded by Boardmember Rembold. Vote: Passed 4-0

Case No.: BA15-018 **CONTINUED**

Location: 60 North Gilbert Road

Subject: Requesting: 1) a Substantial Conformance Improvement Permit to allow the redevelopment of a commercial building; and 2) a Special Use Permit to allow a reduction in the minimum number of required parking spaces, both in the GC zoning district. (PLN2015-00115)

Decision: Continuance to the August 5, 2015 Meeting

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

Motion: It was moved by Boardmember Swanson seconded by Boardmember Rembold to continue Case BA15-018.

Vote: Passed (4-0) (Boardmember Siebers-excused)

Case No.: BA15-021 **TABLED**

Location: 4418 East University Drive

Subject: Requesting a Development Incentive Permit to allow the development of a commercial building in the LC zoning district. (PLN2015-00119)

Decision: Tabled

Motion: It was moved by Boardmember Swanson seconded by Boardmember Rembold to table Case BA15-018.

Vote: Passed (4-0) (Boardmember Siebers-excused)

Case No.: BA15-027 **APPROVED WITH CONDITIONS**

Location: 508 South Standage

Subject: Requesting Variances to: 1) encroach into a required minimum side yard setback; 2) reduce the required minimum interior dimensions of a garage; and 3) reduce the minimum required number of parking spaces, all in the RS-6 zoning district. (PLN2015-00204)

Decision: Approval with Conditions

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

Motion: It was moved by Boardmember Swanson seconded by Boardmember Rembold to approve case BA15-027 with the following conditions:

1. *Compliance with the site plan submitted, except as modified by the conditions listed below.*
2. *A building permit shall be obtained for the patio if the applicant cannot provide evidence one was obtained for the structure.*
3. *The garage shall be modified to cohesively blend with the house by utilizing similar building materials and paint colors.*
4. *Compliance with all requirements of Development Services Division with regard to the issuance of building permits.*

Vote: Passed (4-0) (Boardmember Siebers-excused)

The Board's decision is based upon the following Findings of Fact:

- A. The home was constructed in 1961 based upon a previously adopted Zoning Ordinance.
- B. The site had legal non-conforming status until the modification was made to the carport.
- C. At initial construction, the home was placed incorrectly over the side property line. In response to the error, the applicant has recorded an affidavit of change that modifies the width of his lot from 63.85 feet to 68.66 feet.
- D. Strict compliance of the code would deprive the property owner of privileges other properties within the RS-6 zoning district enjoy.

Case No.: BA15-028 **CONTINUED**

Location: 1335 South Alma School Road

Subject: Requesting a Special Use Permit to modify a Comprehensive Sign Plan in the LC-PAD zoning district. (PLN2015-00219)

Decision: Continued to the August 5, 2015 meeting

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

Motion: It was moved by Boardmember Swanson seconded by Boardmember Rembold to continue case BA15-028.

Vote: Passed (4-0) (Boardmember Siebers-excused)

Case No.: BA15-029 **APPROVED WITH CONDITIONS**

Location: 459 South Temple

Subject: Requesting Variances to: 1) encroach into the required minimum side yard setback; 2) reduce the required minimum dimensions of a carport; and 3) reduce the required minimum number of parking spaces, all in the RS-6 zoning district. (PLN2015-00223)

Decision: Approval with Conditions

Summary: Michael Dieu of Eagle Valley Construction P.O. Box 9670 Chandler Heights, AZ presented his case to the Board.

Mr. Freeman sympathized with the homeowner, but confirmed with Zoning Administrator Sheffield that if the proposed structure were to be built within 5 feet of the neighboring building, there would be no option and no appeal, the structure would require a fire wall.

Mr. Sheffield confirmed for the applicant that the Board could potentially grant a variance to the setback found in the Zoning Ordinance, but they could not grant a variance to the Building Code.

Boardmember Rembold confirmed that with a “yes” vote, the Board does not necessarily approve a carport, only an encroachment into the side setback.

Mr. Sheffield confirmed that Mr. Rembold’s assessment was correct, and that the Board was just approving an encroachment, the particular characteristics of the construction would be dictated by the Building Code.

Motion: It was moved by Boardmember Swanson seconded by Boardmember Freeman to approve case BA15-029.

Vote: Passed (4-0) (Excused-Boardmember Siebers)

The Board’s decision is based upon the following Findings of Fact:

- A. The house was built in the 1950’s.
- B. Significant revisions have been made since the initial construction of this home that have rendered the placement of the house as nonconforming.
- C. The requested encroachment of 6’-6” into a 7’ side yard setback is reasonable given the limiting conditions set by the existing location of the house.

Case No.: BA15-030 **APPROVED WITH CONDITIONS**

Location: 5014 South Signal Butte Road

Subject: Requesting a Special Use Permit to modify a Comprehensive Sign Plan associated with the Eastmark Planned Community, located in the PC zoning district. (PLN2015-00227)

Decision: Approved with Conditions

Summary: Jill Hegardt, representing DMB Associates, Inc., 7600 E. Doubletree Ranch Road #300, Scottsdale, presented the case to the Board.

Chairperson Montague was concerned that north bound traffic on Signal Butte Road in the left turn lane, would have trouble seeing the sign at the proposed location.

Boardmember Freeman confirmed with the applicant that there are no other planned signs at the requested 24' height in this particular location.

Zoning Administrator Sheffield explained to the Board that Staff agrees with the applicant on everything except height. Mr. Sheffield went on to explain that Staff feels that the intended goal of the sign could be achieved at 20' instead of the applicant-proposed 24'. He went on to say that Staff and DMB have worked well together for years, and that they both recognize the opportunity to reduce sign clutter with fewer larger signs that create a greater impact. Mr. Sheffield concluded that, by experience shown of the present marketing directional signs used by Eastmark, the 20' is sufficient, rather than a full doubling the Sign Ordinance's standard maximum height of 12' to 24'.

Boardmember Swanson stated that he has hasn't heard anything compelling to change the existing provision for signage in the area, and that he is supportive of the staff-recommended maximum height of 20'.

Motion: It was moved by Boardmember Freeman seconded by Boardmember Rembold to approve case BA15-030 with the following conditions:

1. *Compliance with the Eastmark Master Comprehensive Sign Plan 1st amendment dated June 17, 2015 except as may be modified by the conditions listed below.*
2. *Compliance with all requirements of BA13-010.*
3. *The maximum height allowed for the Community Entry Sign Major is 20' tall measured from the finished grade. The proposed sign shown in exhibit 2.5 shall be reduced from 24' to 20' maximum.*
4. *Compliance with all requirements of the Development Services Division with regard to the issuance of sign permits.*

Vote: Passed (4-0) (Excused-Boardmember Siebers)

The Board's decision is based upon the following Findings of Fact:

- A. The Eastmark Planned Community is the largest master planned development in Mesa, consisting of approximately 3200 acres +/-.
- B. The SRP Transmission line poles exist adjacent to Signal Butte Road.
- C. The temporary Community Event Sign and model home complex signs specifications will establish expectations for the large development. This will result in significant reduction of sign clutter.
- D. With the recommended conditions of approval, signs authorized by the EMCSP should further goals regarding the use of signs as established in Section 16 of the Eastmark Community Plan, and of the goals and objectives of the Mesa Sign Ordinance.

OTHER BUSINESS:

None

ITEMS FROM CITIZENS PRESENT

None

Respectfully submitted,

Gordon Sheffield, AICP CNU-a
Zoning Administrator