

Board of Adjustment

Minutes

City Council Chambers, Upper Level
March 19th, 2013

Board Members Present:

Danette Harris- Chair
Wade Swanson
Greg Hitchens
Trent Montague- Vice Chair
Tyler Stradling

Board Members Absent:

Others Present:

Joe Taylor

Staff Present:

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

The study session began at 4:33 p.m. The Public Hearing meeting began at 5:30 p.m. Before adjournment at 6:03 p.m., the following items were considered and recorded:

Study Session began at 4:33 p.m.

- i. Zoning Administrator's Report:
Mr. Sheffield reported the status of the Sign Code update to the board. Mr. Sheffield stated the project will develop changes that intended to reduce the number of Comprehensive Sign Plans that come forward to the Board.

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

Study Session was adjourned at 5:12 p.m.

Public Hearing began at 5:30 p.m.

- A. Consider Minutes from the February 12th, 2013 Meeting a motion was made to approve the minutes. Vote: Passed 5-0
- B. Consent Agenda a motion to approve the consent agenda as read, as read was made by Board member Hitchens and seconded by Board member Stradling. Vote: Passed 5-0

**Board of Adjustment Meeting
March 19th, 2013**

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: Tabled

Summary: This item was on the consent agenda and was not discussed on an individual basis. The request was for a new McDonalds.

Motion: It was moved by Board member Hitchens seconded by Board member Stradling to table case BA12-053.

Vote: Passed (5-0)

**Board of Adjustment Meeting
March 19th, 2013**

- Case No.:** BA13-013
- Location:** 1840 South Val Vista Drive
- Subject:** Requesting a Special Use Permit to modify a Comprehensive Sign Plan in the LC BIZ-PAD zoning district. (PLN2012-0044)
- 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 Comprehensive Sign Plan for TQLA in Dana Park.
- Motion:** It was moved by Board member Hitchens seconded by Board member Stradling to approve case BA13-013 with the following conditions:
1. *Compliance with sign plan submitted, except as modified by the conditions listed below.*
 2. *Installation of trees within the Val Vista Drive landscape setback consistent with the sizes and quantities approved through Design Review case DR05-053.*
 3. *Compliance with all requirements of Development Services in the issuance of sign permits.*
- Vote:** Passed (5-0)

FINDINGS

- 1.1 The approved CSP allows letter sizes that exceed the 36 inch maximum letter size allowed. Approved signs have letter sizes up to 8 feet in height. With the exception of letter height, the approved number and aggregate sign area approved with this sign plan is consistent with the existing CSP.
- 1.2 As justification for the request the applicant has provided evidence of property management support for the proposal; 2) the primary identification sign has a more appropriate scale with the entrance elevation; 3) the approved signs complement the quality building architecture; 4) the lettering of the logo is unique and has long ascenders and decenders that increase the letter height; 5) the restaurant does not have any signage other than attached, either detached or on the Freeway Landmark; and 6) the Sign Ordinance does not regulate letter heights.
- 1.3 In support of the approved CSP, staff has recommended the replacement of all trees within the Val Vista Drive landscape setback that have been removed.

**Board of Adjustment Meeting
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Case No.: BA12-056

Location: 1411 South Power Road

Subject: Requesting a Substantial Conformance Improvement Permit to allow the redevelopment of a commercial building in the LC-PAD zoning district. (PLN2012-00377)

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 for Longhorn Steakhouse.

Motion: It was moved by Board member Hitchens seconded by Board member Stradling to approve case BA12-056 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# DR12-039.*
3. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*
4. *Provide two half diamond planters with trees in it along the east perimeter of the parking lot and enhance the landscaping with more trees and shrubs along the Hampton Avenue north of the parking lot screen wall.*
5. *Number of attached and detached signs and their area needs separate approval process.*

Vote: Passed (5-0)

FINDINGS

- 1.1 The applicant was approved to redevelop this existing restaurant site for a new restaurant building. The existing site was developed with setbacks, parking, and parking lot landscape requirements that differ from those required by current Code. The approved building for a restaurant of 6,245 square feet requires 83 parking spaces, therefore the applicant needs deviations from current Code.
- 1.2 The applicant was approved for deviations from current Code requirements related to landscape islands for every 8 spaces in the middle of the parking lot with diamond planters. The modifications would allow the development without requiring significant reduction of parking spaces or building foot print.
- 1.3 The applicant has provided sufficient evidence that compliance with current Code requirements would not be possible without reduction of the building foot print or reduction of required parking spaces, both of which will not work for the proposed business.
- 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.

**Board of Adjustment Meeting
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Case No.: BA13-018

Location: 957 South Dobson Road

Subject: Requesting a Special Use Permit to allow a wireless communication facility to exceed the maximum height allowed in the LC zoning district. (PLN2013-00049)

Decision: Approved with Conditions

Summary: This item was on the consent agenda and was not discussed on an individual basis. The request was a cell tower at Pima Medical Institute to exceed the maximum height allowed.

Motion: It was moved by Board member Hitchens seconded by Board member Stradling to approve case BA13-018 with the following conditions:

1. *Compliance with the site plan submitted except as modified by the following conditions below.*
2. *The commercial communication towers shall utilize a monopalm design with a maximum height of seventy feet (70') to the top of the palm canopy and sixty-five feet (65') to the top of antennas.*
3. *The commercial communication tower shall utilize a Faux Date Palm design with a minimum of 65 palm fronds. Palm fronds shall be a minimum of 10-feet in length.*
4. *The antenna arrays stand-off shall not exceed twenty-four inches (24") from the pole.*
5. *The antenna array for each sector shall not exceed an overall width of six feet (6').*
6. *The antennas shall not exceed 96" long x 12.5" wide x 7" deep.*
7. *All antennas, mounting hardware, and other equipment near the antennas shall be painted to match the color of the faux palm fronds.*
8. *The 15' x 28'-8" lease area containing the equipment shelter and generator shall be screened by an 8' high masonry wall and solid metal gates.*
9. *Provide one (1) 25' foot tall Mexican Fan Palm to be planted as shown on the site plan to blend with the row of existing palm trees within the median landscape.*
10. *The operator of the monopalm shall respond to and complete all identified maintenance and repair of the facility within 30-days of receiving written notice of the problem.*
11. *Provide a permanent, weather-proof identification sign, approximately 16-inches by 32-inches in size on the gate of the fence identifying the facility operator(s), operator's address, and 24-hour telephone number for reaching the operator or an agent authorized to provide 24/7 response to emergency situations.*
12. *Maintenance of the facility shall conform to the requirements of Zoning Ordinance Section 11-35-5-l.*
13. *No later than 90 days from the date the use is discontinued or the cessation of operations, the owner of the abandoned tower or the owner of the property on which the facilities are sited shall remove all equipment and improvements associated with the use and shall restore the site to its original condition as shown on the plans submitted with the original approved application. The owner or his agent shall provide written verification of the removal of the wireless communications facility within 30 days of the date the removal is completed.*
14. *Future colocation of one additional carrier may be allowed through a separate zoning approval, provided appropriate methods are used to camouflage the additional antennas and equipment.*
15. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*

Vote: Passed (5-0)

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FINDINGS

- 1.1** The monopalm wireless communication facility is an allowed use in the LC Zoning District subject to the granting of a Special Use Permit (SUP).
- 1.2** The development of a new 65-foot tall (70 to top of fronds) wireless communication facility is appropriate at this location as existing vertical structures of sufficient height to accomplish capacity and coverage goals were not available.
- 1.3** The 65-foot monopalm design is an appropriate method to blend a wireless communication facility into this environment.
- 1.4** The wireless communication facility exceeds the minimum required setbacks of the base Zoning District and the setback requirements for stealth tower designs. The monopalm would be located greater than 78 feet from the nearest residential use and greater than 471 feet from the nearest adjacent street. All ground-mounted equipment will be enclosed and screened by an eight-foot high CMU wall painted to match existing development.
- 1.5** The addition of a four-foot wide landscape area around the base of support structures and equipment facilities (consistent with Code requirement), will help buffer the facility. To additionally mitigate the visual impact of the monopalm, the approval of the plan includes the replacement of a live palm of 25 feet in height in close vicinity of the monopalm.
- 1.6** The monopalm design to camouflage antennas and wiring and has been proposed in a location consistent with such camouflaging. The conditions of approval will help ensure the monopalm design is an effective solution to camouflage and reduce the visual impact of the wireless communication facility.
- 1.7** The approved wireless communication facility has not been the subject of a neighborhood meeting. Since the letters of notification were mailed and completion of this report, staff has not received any inquiries regarding this request.
- 1.8** The distance from adjacent residential uses, the context of the site, and use of a stealth design are evidence that the monopalm wireless communication facility would be compatible with and not detrimental to surrounding properties.

**Board of Adjustment Meeting
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- Case No.:** BA13-019
- Location:** 1028 West 9th Place
- Subject:** Requesting Variances: 1) to allow a garage to encroach into the required side yard; and 2) a reduction in the required parking space width and depth in the RS-6 zoning district. (PLN2013-00050)
- Decision:** Approved with Conditions
- Summary:** Joe Taylor, the applicant, represented the case and stated he had a concern with condition number two that required an eighteen foot garage depth. There is an existing beam that would make the installation of garage door at eighteen feet very challenging.
- Board member Hitchens asked staff for the required dimensions for a garage. Jeff McVay responded that the required dimensions are twenty feet by twenty-two feet.
- Board member Hitchens confirmed with staff that even with the suggested eighteen foot garage depth, the front of the garage would be closer to the front façade of the home than allowed by current code. Board member Stradling asked Mr. McVay which deviation is less abrasive. Mr. McVay responded that they are both deviations from code so it is hard to say which is more abrasive.
- Mr. Sheffield responded that the provision in the code that requires the front of the garage to be placed three feet behind the front façade of the home is intended to apply to newer development, not existing homes.
- Motion:** It was moved by Board member Swanson seconded by Board member Stradling to approve case BA13-019 with the following conditions:
1. *Compliance with the site plan submitted, except as modified by the conditions listed below.*
 2. *Provision of a minimum garage depth of thirteen feet (13’).*
 3. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*
- Vote:** Passed (4-1 nay- Hitchens)

FINDINGS

- 1.1** The variance approved would allow the enclosure of an existing carport with a three-foot setback into a garage, where a five-foot setback is currently required by the Zoning Ordinance. The proposal does not expand the building footprint or roofline beyond existing, which conformed to zoning regulations at the time. In addition, the variance has been approved to allow a 16’-2”W x 13’-0”D garage, where the current minimum size for a two-car garage is 20’W x 22’D. The approved width maintains the current carport width. However, the applicant was approved for the placement of the garage door five feet behind the existing roofline resulting in the 13-foot depth.

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- 1.2** As justification for the approved variance, the applicant has noted: 1) that the home was constructed in 1973 with a three foot setback; 2) the existing carport setback is a pre-existing condition not created by the applicant; 3) strict compliance with setback requirements would deprive the applicant of the ability to have enclosed parking, which is standard in more recent residential development; 4) the request does not grant special privilege unavailable to other similar zoned properties as garages are common in the neighborhood and RS-6 zoning in general; 6) due to the location of a structural beam, standard garage door installation is difficult, which resulted in the approved 13-foot depth; and 7) the applicants are planning construction of a future garage that would be accessed from the alley.
- 1.3** Strict compliance with current setback requirements would deprive the property of privileges enjoyed by other properties within the RS-6 Zoning District that are allowed garages. Further, the hardships (existing 3-foot setback and carport width and depth) that prevents enclosure of the carport to a garage consistent with Code standards was not self-imposed and reasonable options to comply with these Code requirements do not exist.

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1 Other Business:

None

Respectfully submitted,

Gordon Sheffield, AICP CNU-a
Zoning Administrator

Minutes written by Kaelee Wilson, Planning Assistant