CITY OF MESA
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BOARD OF ADJUSTMENT MINUTES

November 12, 2002

Boardmembers Present:
David Shuff, Chair
Jared Langkilde, Vice Chair
Webb Crockett
Clark Richter
Greg Hitchens
Roxanne Pierson
Skip Nelson

Boardmember Absent:
At 6 pm, Clark Richter was excused.
At 6:20 pm, David Shuff was excused.

Staff Present:
John Gendron
Gordon Sheffield
David Nicolella
Krissa Hargis

Others Present:
Sean Lake
Dan Bonow
Don Jolly
Adriana & Asfron Vazquez
Walter Kersting
Mary Kersting
Alma & Gwenn Davis
Thomas McKelvey
Martha West
Stephen J. Kramer
Paul E. Gilbert
Others

Before adjournment at 6:58 p.m., the following items were considered and recorded on Board of Adjustment Tape # 285.

Study Session 4:30 p.m.

A. Before beginning the meeting, Planning Staff member Gordon Sheffield handed out the City Council report on the Code amendments establishing a Development Incentive Permit (DIP), and a Substantial Conformance Improvement Permit (SCIP). He discussed the reason behind establishing the new Codes and the future implications.

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

Public Hearing 5:30 p.m.

A. Consider Minutes from the October 8th, 2002 Meeting:

It was moved by Board member Crockett, and seconded by Board member Nelson, that the minutes of the October 8th, 2002 Board of Adjustment meeting be approved.

Vote: Passed, 7-0

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Case No.:	BA02-012
Location:	1945 West University Drive
Subject:	Requesting 1) a variance to allow a building to encroach into the required side and rear yards, and to delete portions of the required perimeter landscape: and 2) a special use permit to allow the expansion of a car wash in the C-2 district.
Decision:	Continued until the December 10th 2002 hearing.
Summary:	Mr. Shawn B. Lake, applicant, explained the proposal to allow a building to encroach in the rear setback. This vacant part of the lot is behind the existing buggy bath car wash. The vacant land caused problems to the surrounding neighborhood because of trespassers and people dumping garbage. The primary reason that staff is recommending denial of this case is the fact that improvements are not being made to the front of the property. There is no opportunity to add landscaping the front because of the limited space. Board member Hitchens asked about landscaping the northwest corner of the site. Mr. Lake responded that there is an easement agreement at that location with the Circle K but he didn't know the exact dimensions. Mr. Sheffield ask if the Board would continue the case for 30 days in order to find out more information about the easement agreement on the north west portion of the property.
Motion:	It was moved by Mr. Crockett, seconded by Mr. Richter, that this case be continued for 30 days.
Vote:	Passed 7-0
Finding of Fact:	N/A

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Case No.: BA02-038

Location: 414 S. Stapley Dr.

Subject: Requesting 1) a Special Use Permit to allow an automobile service station; and 2) a variance to reduce the width of the perimeter landscaping along both street frontages; both in conjunction with the development of a convenience store and gas station in the C-2 district.

Decision: Approved with conditions.

Summary: This case was removed from the consent agenda due to Board member Crockett abstaining from any discussion of this case. Planning staff member Gordon Sheffield stated that the applicant has agreed with all the conditions in the staff report.

Motion: It was moved by Board member Richter, and seconded by Board member Nelson that this case be approved with the following condition:

1. Full compliance with all landscape area requirements as existed before June 20, 2002, including the width of the landscape area adjacent to Broadway Road.

Vote: Passed 6-0-1 (Board member Crockett abstaining and declaring a conflict of interest)

Finding of Fact:

1.1 This request initially involved rezoning of two small parcels on the west side of the site. The City Council approved the rezoning request after receiving a recommendation for approval from the Planning and Zoning Board.

1.2 To approve a Special Use Permit, the Board must make a finding that the request is in conformance with several criteria, including City Council policies. Given that the City Council approved the rezoning request, the Council has determined that this land use would be appropriate at this location.

1.3 This case qualifies for review under the commercial development standards in place prior to June 20, 2002. Review of the case is based on the delayed implementation of revised site development standards, as described in Ordinance 3987, Section 5.

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Case No.: BA02-039

Location: 506 West University Drive

Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow 1) a carport to encroach into the required side yard; 2) to allow a building and parking spaces to encroach into the required front yards; and 3) to delete portions of the required perimeter landscape all in conjunction with a day care facility in the R-4 district.

Decision: Approved.

Summary: The applicant, Mr. Don Jolly addressed the board on his proposed Substantial Conformance Improvement Permit. Mr. Jolly stated that they have done everything possible to confrom the site to the current zoning requirements. There proposing an increase in landscaping of 18 trees, 57 shrubs, as well as 338 sq. ft. of ground cover. They are providing more parking than required by code to address staffs concern with ingress egress during rush hour traffic. Boardmember Langkilde complimented the applicant on the proposed use crediting it as an asset to the neighborhood.

Motion: It was moved by Mr. Langkilde, seconded by Mr. Hitchens, that this case be approved.

Vote: Passed 4-2 (Langkilde, Crockett, Shuff, and Hitchens voting yeah) (Pierson and Nelson voting nay). Clark Richter excused

Finding of Fact:

1.1 Based on Section 11-1-3, both the change in use, and the expanded size of the use require the owner to bring the development standards of the property into complete conformance with current Zoning Ordinance requirements.

1.2 The site qualifies for a SCIP application because the existing development on the site would be required to be completely removed in order to accommodate the use in order to meet the requirements of Section 11-1-3.

1.3 The use of the site as a day care facility is permitted by-right within the R-4 district.

1.4 The use proposed by the applicant is believed to be compatible with the surrounding neighborhood.

1.5 The proposed parking exceeds the required parking. Required parking is 4 spaces, the site plan shows seven spaces.

1.6 The total proposed increase in landscape is 18 trees and 57 shrubs, as well as 338 sq. ft. of ground cover. In addition, the plans show a new 20-foot driveway.

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Case No.:	BA02-040
Location:	664 South MacDonald
Subject:	Requesting a variance to allow a fence to exceed the maximum permitted height within the front yard in the R-2 district.
Decision:	Continued until the December 10th 2002 hearing.
Summary:	The applicant has requested permission to allow the existing wooden gate and sidewall to remain as it is. Mrs. Kersting, the applicant's mother, stated that she was in support of the existing fence. Board member Langkilde explained to the applicant that only 5 Board members are present and he needs a minimum of 4 votes to pass. He asked the applicant if he would like to continue the case for 30 days. The applicant agreed.
Motion:	It was moved by Mr. Crockett, seconded by Mr. Hitchens, that this case be continued for 30 days.
Vote:	Passed 5-0 (Clark Richter and David Shuff excused.)
Finding of Fact:	N/A

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Case No.: BA02-041

Location: 2553 North Mesa Dr.

Subject: Requesting a variance to split one land parcel and create two parcels with less than the required street frontage and less that the minimum lot size permitted in the R1-43 district.

Decision: Denied

Summary: The applicant, Mr. Alma Davis addressed the Board stating that the entire section of Mesa Drive where he lives has single residents homes on small lots. He believes that his lot split should be approved because it is compatible with what is existing neighborhood. The lot split would create two lots with areas that should fall within the R1-15 zoning district. Board member Crockett stated that this is a land use issue. Board member Nelson stated that this case should go through P&Z and then City Council.

Motion: It was moved by Mr. Nelson, seconded by Mr. Hitchens, that this case be denied.

Vote: Passed 5-0 (Clark Richter and David Shuff excused.)

Finding of Fact:

1.1 No special circumstances exist on this site. The lot has 198 feet of frontage on Mesa Drive and is 330 feet deep when measured from the center of Mesa Drive, this creates a 65,340sq. ft. lot.

1.2 Some lots In the surrounding area have less square footage than what is required in the R1-43 zoning district, however, these lots where created prior to being annexed into the City of Mesa.

1.3 The question of whether to allow lots size of less than 43,560 sq.ft. is more appropriately asked as a zoning application, and should be filed for a hearing before the Planning and Zoning Board

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Case No.: BA02-042

Location: 619 and 621 West Southern Ave.

Subject: Requesting a Special Use Permit to allow a group home for the handicapped to have more than five (5) guest rooms, or house more than then (10) people in the R-4 district.

Decision: Approved

Summary: This case was on the consent agenda and was not discussed individually.

Motion: It was moved by Mr. Richter, seconded by Mr. Crockett, that this case be approved.

Vote: Passed 7-0

Finding of Fact:

1.1 This facility will be operated in a similar fashion as the previous occupant of the property, which has shown to be a compatible use at this location.

1.2 Approval of six (6) additional beds at this facility will not have a negative impact on the surrounding businesses and homes.

1.3 This property is just over two acres in size, with the structures situated on the northern portion of the lots, which provides a significant buffer from adjacent properties to the south.

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Case No.: BA02-043

Location: 1648 North Country Club Dr.

Subject: Requesting a Development Incentive Permit (DIP) to allow 1) the deletion portions of the required perimeter landscape area; 2) a reduction in the required entryway foundation base; and 3) a reduction in the required number of parking spaces, all in conjunction of the development of an animal clinic.

Decision: Approved with conditions.

Summary: This case was on the consent agenda and was not discussed Individually.

Motion: It was moved by Mr. Richter, seconded by Mr. Crockett, that this case be approved with the following conditions:

1) Compliance with the site plan and elevations submitted, except as modified by the conditions listed below;
2) Compliance with all requirements of the Design Review Board; and
3) Compliance with all requirements of the Building Safety Division of the Development Services Department

Vote: Passed 7-0

Finding of Fact:

1.1 The case site meets the definitional requirements of an “Infill” parcel, as described by Section 11-1-6.

1.2 The applicant has submitted a site plan that largely complies with the dimensional requirements of the recently revised site development standards. The two dimensional requirements that are not in compliance have been designed in such a manner as to reduce the potential impact on adjacent properties. The requested reduction of the rear yard from 15’ to 10’ is at a portion of the site that abuts a City-owned and unmanned sulfide odor reduction facility. The reduction to the foundation base from 15’ to 14’.15’ is a very small deviation from the required standard. Elimination of the 30’ by 30’ entry landing permits the number of parking spaces to meet general office requirements, which will allow general office uses to be considered as an alternative should this business move or fail.

1.3 A reduction to the required number of parking spaces has been requested. The proposed use is a veterinary practice, which does not have a specifically ascribed parking ratio assigned to it. By past practice, veterinary offices have been required to use the medical office ratio of 1 parking space per 200 sq.ft. gross floor area (GFA). The applicant has presented an abbreviated parking count study of a similar, although smaller, practice in Washington State. The study shows that the ratio of 1 space per 315 sq.ft. GFA is adequate to accommodate the proposed activity.

1.4 The proposed parking ratio of 1 space per 315 sq.ft. GFA exceeds the minimum requirement for general office or retail uses (1 space per 375 sq.ft. GFA). Alternative uses of the site are possible, based on current parking ratios.

1.5 The site is zoned for indoor commercial and offices uses. The proposed use complies with the list of permitted land uses for the C-2 district. The use of the site as a veterinary office and hospital should be compatible with and not detrimental to surrounding land uses.

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Respectfully submitted,

Gordon Sheffield, AICP
Senior Planner

Minutes written by David J. Nicolella, Planner I