

**CITY OF MESA  
BOARD OF ADJUSTMENT MINUTES**

**City Council Chambers, Lower Level  
April 12, 2005**

**Board members Present:**

Jared Langkilde, Chair  
Roxanne Pierson, Vice Chair  
Mike Clement  
Greg Lambright  
David Shuff

**Board members Absent:**

Carie Allen, unexcused  
Dianne von Borstel, excused

**Staff Present:**

John Gendron  
Krissa Hargis  
Gordon Sheffield  
John Wesley  
Amy Veith

**Others Present:**

Patrick Mussler  
Jose Valenzuela  
Rudy Valenzuela  
Glenn Odegard  
Rulon Anderson  
Justin Menes  
Others

The study session began at 4:30 p.m. The Public Hearing meeting began at 5:30 p.m. Before adjournment at 6:50 p.m., the following items were considered and recorded on Board of Adjustment Tape # 326 and 327.

**Study Session 4:30 p.m.**

- A. The study session began at 4:30 p.m. The items scheduled for the Board's Public Hearing were discussed.

**Public Hearing 5:30 p.m.**

- A. Consider Minutes from the March 8, 2005 Meeting  
It was moved by Boardmember Lambright and seconded by Boardmember Shuff, that the minutes of the March 8, 2005 Board of Adjustment meeting be approved. **Vote:** 5-0
- B. Consent Agenda  
Approval of the Consent Agenda, with the conditions noted in the staff reports, was moved by Boardmember Clement, seconded by Boardmember Shuff. **Vote:** Passed 5-0

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**Case No.:** BA05-010

**Location:** 6806 East Brown Road

**Subject:** Requesting a Special Use Permit for a Comprehensive Sign Plan for a convenience store with a fueling canopy and car wash building, in the C-2 district.

**Decision:** Approved with conditions.

**Summary:** This case was on the consent agenda, and was not heard on an individual basis.

**Motion:** It was moved by Clement, and seconded by Boardmember Shuff that this case be approved, with the following conditions:

1. Compliance with the revised sign plan dated March 28, 2005 as submitted, except as modified by the conditions listed below;
2. Reduction of the aggregate attached sign area to 160 square feet or less, inclusive of the "background" panels for the three "Shell" signs, the "Food Mart" sign, the "Car Wash" sign and the "Enter" sign; and
3. Compliance with all requirements of the Building Safety Division, particularly with regard to the issuance of any sign permits.

**Vote:** Passed 5-0.

**Finding of Fact:**

- 1.1 The case site has been a gas station for several years. It has several automotive related uses on the site, including a car wash and a convenience store.
- 1.2 As a Texaco station, the site had two attached signs, one for the convenience store and one for the car wash.
- 1.3 It is not unusual to see gas stations sites request more than the otherwise permitted number of attached signs in order to properly notice the multiple car-related uses on the site. Typically, the Board has agreed to permit the increased number of attached signs if the applicant agrees to reduce the size of the detached signs. The applicant has agreed to use one 8' high, 50 sqft detached sign per street front.
- 1.4 The applicant has presented the design changes to the Design Review Board, which has made a determination that the blue and yellow and red and yellow ACM panels are signs, and not enhancements to the building architecture. As such the panels are to be included in the aggregate sign area calculations for attached signs.
- 1.5 The total attached sign area does not exceed 160sqft.
- 1.6 The multiple uses organized under one marketing brand presents a unique land use condition. The additional attached signs are balanced by the reduction to the size of the detached signs.

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**Case No.:** BA05-011

**Location:** 1957 North Country Club Drive

**Subject:** Requesting a Special Use Permit for a Comprehensive Sign Plan for a convenience store with a fueling canopy and car wash building, in the C-2 district.

**Decision:** Approved with conditions.

**Summary:** This case was on the consent agenda, and was not heard on an individual basis.

**Motion:** It was moved by Boardmember Clement, and seconded by Boardmember Shuff that this case be approved, subject to the following conditions:

- 1) Compliance with the revised sign plan dated March 28, 2005 as submitted; and
- 2) Compliance with all requirements of the Building Safety Division with regard to the issuance of all sign permits.

**Vote:** Passed 5-0.

**Finding of Fact:**

- 1.1 The case site has been a gas station for several years. It has several automotive related uses on the site, including a car wash, a lube and oil shop, and a convenience store.
- 1.2 As a Texaco station, the site had three attached signs, one for the convenience store, one for the lube and oil shop, and one for the gas brand.
- 1.3 It is not unusual to see gas stations sites request more than the otherwise permitted number of attached signs in order to properly notice the multiple car-related uses on the site. The Board agreed to permit the increased number of attached signs if the applicant agrees to reduce the size of the detached signs. The applicant has agreed to use one 8' high, 50 sqft detached sign per street front.
- 1.4 The multiple uses organized under one marketing brand presents a unique land use condition. The additional attached signs are balanced by the reduction to the size of the detached signs.

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**Case No.:** BA05-012

**Location:** 2357 East Calypso Avenue

**Subject:** Requesting: 1) a Special Use Permit for an accessory living quarters: and 2) a variance to allow the accessory living quarters to encroach into the required rear yard in the R1-7 district.

**Decision:** Approved with conditions.

**Summary:** This case was on the consent agenda, and was not heard on an individual basis.

**Motion:** It was moved by Boardmember Clement, and seconded by Boardmember Shuff that this case be approved, conditioned upon compliance with the site plan as submitted.

**Vote:** Passed 5-0.

**Finding of Fact:**

- 1.1 This property has a typical size and shape for this zoning district, and is comparable to other lots in the neighborhood.
- 1.2 The proposed room addition is an average size of 14' x 22', which includes a closet and bath area.
- 1.3 A majority of the rear yard will remain open, with a large area that exceeds the minimum required by the Zoning Ordinance.
- 1.4 The encroachment only extends a width of 22'-8" which will have minimal impact on the adjacent properties.

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**Case No.:** BA05-013

**Location:** 1006 East 9<sup>th</sup> Avenue

**Subject:** Requesting a variance to allow a garage addition to encroach into the required side yard in the R1-6 district.

**Decision:** Approved as submitted

**Summary:** Mr. Jose Valenzuela and Mrs. Ruby Valenzuela, property owners, explained the request to allow a garage addition to encroach into the required side yard setback. The two-car carport was enclosed to allow a storage room. Mr. Valenzuela asked the Board to approve his request because it will increase the property value of his home.

Boardmember Lambright stated that he was in support of the request since the request is a minimal encroachment and the property is a corner lot.

Boardmember Clement asked Mr. Sheffield if the two parking spaces would create a hazardous situation. Mr. Sheffield explained that the concern is regarding the existing fence. He further stated that there is a technical requirement for having two parking spaces that do not encroach into the required front yard setback. The City can not require that the applicants park in the designated area, but there must be a designated two spaces. Mr. Sheffield stated that he did not believe that the applicants would park in the designated area.

Mr. Valenzuela stated that they would be installing a gate for the two parking spaces and gravel for the parking area. He further stated that they would be parking in the driveway and not the designated area.

**Motion:** It was moved by Boardmember Pierson that this case be denied. Motion failed due to the lack of a second.

It was moved by Boardmember Shuff and seconded by Boardmember Lambright that this case be approved as submitted.

**Vote:** 4-1 (Pierson vote nay).

**Finding of Fact:**

- 1.1 Special circumstances exist on the property due to the property being a corner lot.
- 1.2 The encroachment is relatively minor and will have minimal impact on the surrounding properties.

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**Case No.:** BA05-014

**Location:** 2840 South El Dorado

**Subject:** Requesting a variance to allow a garage addition to encroach into the required side yard in the R1-6 district.

**Decision:** Approved with conditions.

**Summary:** Mr. Glenn Odegard, property owner, explained the request to convert a single-car carport into a two-car garage. The proposed garage would encroach into the required side yard setback. Mr. Odegard explained that the conversion is part of other major improvements to the property.

Boardmember Lambright inquired about the “example” photo that was submitted by the applicant. Mr. Odegard stated that it was an example of another property where the proposed improvements were completed. Boardmember Lambright asked if the lot was different than the current site. Mr. Odegard stated that the “example” lot was 10’ wider than the subject property, but it would be the same floor plan.

Chairman Langkilde inquired if a door could be placed on the back of the garage to allow for access into the rear yard. Boardmember Lambright stated that the door would create an additional encroachment into the required side yard. Mr. Odegard stated that there are few residences in the neighborhood that have R.V. gates.

Boardmember Clement stated concerns regarding the fact that no vehicles would be able to access the rear yard.

Chairman Langkilde stated that he was in support of the request. He believed that the request does have special circumstances because the home was built with a single-car carport and now it is very common for residents to have two cars. It would not grant the resident special privilege to allow a two-car garage.

Mr. Odegard stated that it was only cost effective to do the improvements to the property, if the variance was approved and believed that this would be an enhancement to the property and surrounding areas.

Boardmember Shuff asked if the Board was able to approve the request, subject to the applicant completing the listed improvements in the narrative. Mr. Sheffield stated that he believed that the Board was able to do that because it was mitigating the possible effects from the encroachment. Mr. Odegard stated that he had no objection having the approval conditioned upon the improvements being completed as specified in the narrative dated February 10, 2005.

Boardmember Clement asked if this home could have originally been constructed a two-car garage. Mr. Sheffield stated that the first owners chose the floor plan with a one-car carport and one uncovered parking space. Mr. Sheffield further explained that current Zoning Ordinance does not require that any of the parking spaces be covered.

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**Motion:** It was moved by Boardmember Lambright, and seconded by Boardmember Shuff that this case be approved, subject to the following conditions:

- 1) Compliance with the site plan dated February 8, 2005 as submitted;
- 2) Completion with the improvements listed on the narrative dated February 10, 2005; and
- 3) Review and approval by the Planning Division staff prior to the issuance of a building permit.

**Vote:** Passed 4-1 (Clement vote nay).

**Finding of Fact:**

- 1.1 Special circumstances exist on the property due to the property being constructed with a single car carport. The proposed request is compatible with surrounding properties. It is now uncommon for residences to be constructed without a two car garage.
- 1.2 The request does not grant special privilege to the property.
- 1.3 The encroachment is relatively minor and will have minimal impact on the surrounding properties.

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**Case No.:** BA05-015

**Location:** 450 South Sossaman Road

**Subject:** Requesting a Special Use Permit to allow a wireless communication tower to exceed the maximum height permitted in the C-2 district.

**Decision:** Approved with conditions.

**Summary:** Mr. Rulon Anderson, applicant, explained the request to construct a stealth monopalm at the subject property. Mr. Anderson presented various exhibits to the Board showing why the existing monopalm at 7525 E. Broadway Rd. is not co-locateable. Mr. Anderson further explained that the only location that the landlord would allow the ground equipment to be located was approximately 117' to the south of the tower, which would increase the co-axis cable size. He stated that with the increase, it would be nearly impossible to put the needed cables into the tower as long with the existing ones in it. Mr. Anderson then stated that all alternatives for co-location were exhausted prior to selecting this site for a communication tower. The Fountain of the Sun property would not allow for co-location of their existing tower, but stated that they would allow another monopalm on the property. Mr. Anderson further explained the need for the communication tower. He presented photos of various monopalms and showed how co-location on existing monopalms makes them become unnatural looking. He stated that he had received one phone call from a neighbor inquiring about if the tower would interfere with her television reception. Mr. Anderson explained to the neighbor that the tower would not interfere with her television. She stated that she had no objection, if this was correct. Mr. Anderson stated that since the proposed tower is not co-locateable because it is located between two trash dumpsters, he would propose that the tower be reduced to 55' to allow for a varied height to the existing monopalm.

Chairman Langkilde asked if Mr. Anderson had any written documentation to show that the site was not co-locateable. Mr. Anderson stated that he did not have any written documentation, but explained that he walked 7525 E. Broadway Rd. with the landlord and it was not co-locateable due to the previous reasons noted.

Boardmember Clement asked if there was an advantage to cell phone providers to own a tower. Mr. Anderson stated it was more economically desirable to co-locate and there was not an advantage to owning a tower.

Boardmember Clement stated that he was in support of the request because the other site was not co-locateable and believed that constructing a 55' high monopalm would be a compromise. Chairman Langkilde stated that he was in support of the request.

**Motion:** It was moved by Boardmember Clement, and seconded by Boardmember Pierson that this case be approved, subject to a maximum height of 55'.

**Vote:** Passed 5-0.

**Finding of Fact:**

- 1.1 The proposed monopalm meets the criteria set forth in the Communication Tower Guidelines. The proposed communication tower is of a stealth design; it is a monopalm.

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- 1.2 The proposed location for the monopalm is a commercial site. The Guidelines highly encourage the location of communication towers on properties zoned for commercial uses or industrial purposes or placed on sites with public facilities.
- 1.3 The location of the proposed monopalm exceeds the minimum setback requirements from adjacent residential properties, and from the only street that the property borders.
- 1.4 There are no existing verticalities that are feasible for co-location.

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**Case No.:** BA05-016

**Location:** 9202 East Main Street

**Subject:** Requesting a variance to allow an existing, non-conforming, detached sign to remain in conjunction with the issuance of a sign permit for new attached signs for an existing service station in the C-2 district.

**Decision:** Approved with conditions.

**Summary:** Mr. Justin Menes, applicant, explained the request to allow an existing non-conforming, detached sign to remain on the property. He stated that the sign has existed and was built while still in Maricopa County. Mr. Menes explained that they would only be re-facing the existing sign.

Mr. Sheffield explained that re-facing the existing sign does not require a sign permit. He stated that since there was new attached signage being installed, then all existing signage must be brought into full conformance with the Zoning Ordinance.

Mr. Menes stated that the sign is a pre-existing condition and it would be a disadvantage to the property to remove existing sign. He further explained that the surrounding corners have signs that are similar to the subject sign. Mr. Sheffield stated that the surrounding corners with within Maricopa County and each jurisdiction has a different Sign Ordinance.

Boardmember Clement inquired about the height of the canopy. Mr. Menes stated that the width of the fascia is approximately 3' and the canopy is 20' high. Boardmember Clement asked if the detached sign was removed, what alternatives were available to the applicant. Mr. Menes stated that due to the vehicular circulation in this area, two-8' high detached signs would not be efficient signage for the site.

Chairman Langkilde stated that he was in support of staff's recommendation and did not believe it will put the applicant at an advantage or disadvantage in comparison to the surrounding properties.

Mr. Menes stated that they were only going to be maintaining what is existing on the property and would propose a reduction of the attached signage to only two, one for "Food Mart" and one for "Shell" on the canopy.

Boardmember Lambright inquired about the color of the canopy. Mr. Menes stated that it would banded with white, yellow, and white on top. Boardmember Lambright stated that, in his opinion, the Shell image has extremely blocky colors and is not attractive to the city. He further stated that he was in support of staff's recommendation.

Mr. Menes stated that two-8' detached signs would not visible from both arterials due to the vehicular circulation and proposed one-12' high detached sign in the same location in lieu of the two detached signs.

Mr. Sheffield stated no objection to the modification and recommended that the sign be in compliance with the Design Guidelines.

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**Motion:** It was moved by Boardmember Lambright, and seconded by Boardmember Shuff that this case be approved, subject to the following conditions:

- 1) Removal of the non-conforming, 28 foot high detached sign;
- 2) Compliance with the submitted plans regarding the installation of six attached signs, as follows:
  - A) Three "Shell" signs of up to 22 square feet each; one each placed on three different elevations of the gas canopy;
  - B) One "Food Mart" sign of up to 5 square feet; placed above the convenience store entry;
  - C) One "Car Wash" sign of up to 4 square feet; placed on the west elevation of the car wash building; and
  - D) One "entry" sign of up to 3 square feet, placed above the entry to the car wash bay.
- 3) Installation of one detached sign of up to 12' high and 80 square feet with architecturally embellishment.
- 4) Compliance with all requirements of Section 11-14-3(E) of the Mesa Zoning Ordinance regarding the design of attached and detached signs.
- 5) Compliance with all requirements of the Mesa Building Code, particularly with regard to outdoor lighting.

**Vote:** Passed 5-0.

**Finding of Fact:**

- 1.1 The case site is a typical commercial corner that was recently annexed into the City. There are no significant or unusual impediments to the visibility of signs anywhere on the site or from nearby sites.
- 1.2 The other three corners of this intersection are still under the jurisdiction of Maricopa County. The County permits higher detached signs. However, that is not a special circumstance. This site is located within the Mesa city limits, and is subject to City of Mesa regulations, including all sign requirements.
- 1.3 The intent of the ordinance in question is to require a change to a conforming sign program when a change that requires a sign permit is requested. In this case, the change that is taking place is the result of a merger and the resulting sale of this location to Shell. If the site remained a Texaco station, the non-conforming signs could retain the grandfathered right. The re-branding of the station to Shell will require sign permits, and thus is required to bring all signage into conformance with current requirements. The impetus for the change in the sign plan comes from the owner of the site, not the City or the City staff.
- 1.4 No special considerations are needed to assure the visibility of detached signs, even with the large median in the middle of this portion of Main Street.
- 1.5 The attached signs used on the canopy will be visible and will convey the brand name of the gasoline sold on site in an effective manner, even to those viewing the site from the opposite side of the street.

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**Case No.:** BA05-017

**Location:** 605 East McKellips Road

**Subject:** Requesting: 1) a Substantial Conformance Improvement Permit (SCIP); 2) a variance to allow vehicles to enter a public street in a backward motion; and 3) a variance to permit development on a lot without frontage on a fully dedicated public street, all in conjunction with the conversion of an existing residential building into a beauty salon in the C-2 district.

**Decision:** Continued to the May 10, 2005 hearing.

**Summary:** This case was added to the consent agenda, and was not heard on an individual basis.

**Motion:** It was moved by Boardmember Clement, and seconded by Boardmember Shuff that this case be continued to the May 10, 2005 hearing.

**Vote:** Passed 5-0.

**Finding of Fact:** N/A

Respectfully submitted,

Gordon Sheffield, AICP  
Senior Planner

Minutes written by Krissa Hargis, Planning Assistant

G/Board of Adjustment/Minutes/2005/04 April

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