

Board of Adjustment

Minutes

City Council Chambers, Upper Level
April 9th, 2013

Board Members Present:

Danette Harris- Chair
Trent Montague- Vice Chair
Tyler Stradling
Chad Cluff
Mark Freeman

Staff Present:

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

Board Members Absent:

Wade Swanson- excused
Greg Hitchens- excused

Others Present:

Elvia Flores

The study session began at 4:35 p.m. The Public Hearing meeting began at 5:30 p.m. Before adjournment at 6:06 p.m., the following items were considered and recorded:

Study Session began at 4:35 p.m.

- i. Zoning Administrator's Report:
Mr. Sheffield reported the status of the Sign Code update to the board. He also gave the board a brief summary of the proposed housekeeping amendments to the Zoning Ordinance.

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

Study Session was adjourned at 5:11 p.m.

Public Hearing began at 5:30 p.m.

- A. Consider Minutes from the March 19th, 2013 Meeting a motion was made by Board member Stradling and seconded by Board member Freeman 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 Stradling and seconded by Board member Freeman. Vote: Passed 5-0

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Case No.: BA13-020

Location: 528 South Hobson

Subject: 1) Special Use Permit for an Alternative Parking Plan to allow a reduction in the required covered and uncovered parking spaces; and 2) Variance to allow an encroachment into the required rear and side yards in the RM-2 zoning district. (PLN2013-00079)

Decision: Denied

Summary: Elvia Flores, the applicant, represented the case to the Board. Ms. Flores explained the request is to convert the carport at her residence into livable space to accommodate her growing family. Ms. Flores presented a packet to the Board with images from other homes in her neighborhood that have converted their carports into livable space.

Staff member, Kaelee Wilson, presented the staff report and the recommendation of denial to the Board. Ms. Wilson explained that adequate parking cannot be provided on site and that approving this request would add to an existing parking deficit.

Board member Harris and Montague discussed other options with staff and with Ms. Flores about where additional parking can be provided.

Discussion ensued amongst board members about alternative options for Ms. Flores.

Motion: It was moved by Board member Stradling seconded by Board member Freeman to deny case BA13-020.

Vote: Passed (5-0)

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Case No.: BA13-021

Location: 1825 West Emelita Avenue

Subject: 1) Substantial Conformance Improvement Permit and 2) Special Use Permit; both to allow the expansion of an assisted living facility in the RM-4 zoning district. (PLN2013-00084)

Decision: Approved with Conditions

Summary: This item was on the consent agenda and was not discussed on an individual basis. The request was for an expansion of an existing retirement facility.

Motion: It was moved by Board member Stradling seconded by Board member Freeman to approve case BA13-021 with the following conditions:

1. *Compliance with the site plan submitted.*
2. *Compliance with all condition of approval of case ZA08-091 unless modified by this request. (PLN2008-00730).*
3. *Compliance with all requirements of the Building Safety Division in the issuance of building permits.*

Vote: Passed (5-0)

FINDINGS

- 1.1 The subject site comprised of a retirement apartment community with an assisted living component. Building 'A', which is the large "X" shaped building houses the retirement apartments. The building in the rear, which is identified as Building 'B' on the site plan, is the assisted living.
- 1.2 The applicant was approved for an expansion to an existing 48-bed assisted living facility. There are two separate additions proposed for the building 'B'. The additions will include a new 1,850 square foot dining facility and a 3,980 square foot addition, which will accommodate 16 new beds.
- 1.3 A SCIP was granted (ZA08-091) to accommodate the non-conforming site. As part of that approval, the applicant provided upgrades to the landscaping.
- 1.4 The approved additions for new beds and a new dining area invoked compliance with current code on the entire site. The existing improvements are non-conforming and require the approval of a SCIP to remain as is.
- 1.5 The approved additions are interior to the site and will not impact the deviations to setbacks and landscaping granted for the previous SCIP (ZA08-091). The previous SCIP also approved a reduction in the required parking. The proposed addition will only add 8 more rooms to the assisted living facility. The addition of parking would cause the need to alter buildings or remove existing landscape. The site has historically had sufficient parking for the use and staff has determined that an addition of 8 rooms will not negatively impact the use of the existing parking spaces.
- 1.6 The elevations provided show that the buildings will tie in with the existing architecture. The project will not require Design Review Board approval, but will be required to comply with the City's Design Guidelines established in the Zoning Ordinance.
- 1.7 The applicant has provided sufficient evidence that compliance with current Code requirements would not be possible without significant alteration of the site, resulting in the demolition of the existing building and/or a

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significant reduction in on-site parking. To provide substantial conformance with current Code development standards, the applicant will refurbish existing landscaping throughout the site.

- 1.8** 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.

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Case No.: BA13-022

Location: 825 South Alma School Road

Subject: Requesting a Variance to allow a sign in the future street width line in the RM-4 zoning district. (PLN2013-00085)

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 variance for an apartment complex's sign.

Motion: It was moved by Board member Stradling seconded by Board member Freeman to approve case BA13-022 with the following conditions:

1. *Compliance with the site plan and elevations as submitted, except as modified by the conditions listed below.*
2. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*
3. *A completed Sign Agreement, including certificate of insurance, shall be submitted to the Development Services Department prior to installation of the monument sign.*

Vote: Passed (5-0)

FINDINGS

- 1.1** The approved variance is being requested to allow an 8'4" monument sign within the future 65' right-of-way line along Alma School Road. Code requirements state that monument signs must be placed outside the future right-of-way line.
- 1.2** The reason, cited by the applicant, that the sign was not proposed outside of the 65' future right-of-way line is due to existing site development and building placement. Building #2 is nearly on the 65' line and Building #1 is setback 80' from centerline. Sign placement per code requirements would set the sign back from the improved right-of-way nearly 25' and relatively close to Building #1. Alma School Road is not likely going to be widened in the foreseeable future due to the large number of structures that would be impacted or demolished to make room for additional travel lanes. However, the applicant understands the need to execute a sign agreement for location of the sign within the future right-of-way so that in any event the sign requires relocation, it will be done at the owner's expense.
- 1.3** As approved, the 8'4" monument sign located within the future 65' right-of-way line requires the granting of a variance. The Board of Adjustment must find the following items are present to approve a variance:
- a) *There are special conditions that apply to the land or building.*
 - b) *The special condition was pre-existing and not created by the property owner.*
 - c) *That strict compliance with the Code would deprive the property of privileges enjoyed by other properties in the same zoning district.*
 - d) *The variance would not constitute a special privilege unavailable to other properties in the vicinity and zoning district of the subject property.*
- 1.4** The Stonegate apartments pre-date future right-of-way requirements and were constructed with the existing 40' right-of-way and necessary setbacks in 1978. Both the single family homes built to the south are within the future

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65' right-of-way as is the convenience store gas canopy located to the north. This is a special condition that applies to structures in this section of Alma School Road that developed prior to current day requirements. The condition is also pre-existing and not created by the property owner since the apartments were legally constructed 35 years ago under a prior zoning ordinance.

- 1.5** Strict compliance with code would deny the apartment complex of signage in a location near the existing right-of-way line that is currently enjoyed by the adjacent shopping center and retail outlets. These other businesses currently enjoy the visibility of their signage within the future right-of-way and the granting of a variance to Stonegate apartments for the proposed monument sign location would not constitute a special privilege.

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1 Other Business:

None

Respectfully submitted,

Gordon Sheffield, AICP CNU-a
Zoning Administrator

Minutes written by Kaelee Wilson, Planning Assistant