



Zoning Administrator Hearing

Minutes

Mizner Conference Room
Mesa City Plaza Building, Suite 130
20 East Main Street
Mesa, Arizona, 85201

Draft

John Gendron
Hearing Officer

DATE March 11, 2008

TIME 1:30 P.M.

Staff Present

Jeff McVay
Brandice Elliott
Constance Bachman

Others Present

Marji Covington Jones
Lori Jones
James Carpenter
Seurovi Elvedin
Kelly Chipman
Dean Stellmach

CASES

Case No.: ZA08-019

Location: 3511 East Pearl Circle

Subject: Requesting a Special Use Permit (SUP) to allow detached accessory living quarters in the R1-35-PAD zoning district.

Decision: **Approved with conditions**

Summary: Case ZA08-019 was approved with the following conditions:

1. Compliance with the site plan submitted except as modified by the conditions below.
2. The detached accessory living quarters shall not be leased or rented.
3. The detached accessory living quarters shall not have utilities separate from the primary dwelling.
4. Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.

Findings:

- The subject parcel is 30,160 square feet in area, and a new single-family residence is proposed on the premises. The applicant is also proposing a 579 square-foot detached accessory living quarters that will be utilized as a nanny's quarters.

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- The proposed detached accessory living quarters will be the only one located on the subject property, and will be constructed within the buildable area. With a median height of 16.5-feet, the structure is architecturally compatible with the proposed dwelling and it uses similar design elements and materials. In addition, the detached accessory living quarters is structurally integrated with the home via two covered walkways that attach to the garage on the west elevation, and the office and laundry room on the south elevation.
- The footprint of the proposed detached accessory living quarters is 579 square feet, which is 7% of the proposed primary dwelling. The overall area, including the proposed detached accessory living quarters, is 30%, which is the maximum allowance for this zoning district.
- The applicant has not indicated if the detached accessory living quarters will be served by separate utilities. Further, it has been specified that the structure will not be leased or rented. Two recommended conditions have been included to address Code requirements related to utility service and rental of accessory living quarters.
- The proposed detached accessory living quarters is compatible with the surrounding neighborhood in that adjacent properties have similar detached structures. Further, Special Use Permits have been issued for similar requests in the Montana Dorada subdivision.

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Case No.: ZA08-023

Location: 1411 West 1st Place

Subject: Requesting a variance to allow a reduction in the front and side yard setbacks in the R1-6 zoning district.

Decision: **Approved with conditions**

Summary: Case ZA08-023 was approved with the following conditions:

1. Compliance with the site plan submitted except as modified by the conditions below.
2. Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.

Findings:

- The applicant is requesting a variance to allow a proposed garage to encroach in the front and side setbacks. Current Code requires a minimum front setback of 20-feet, and a minimum side setback of 5-feet and total side setbacks of 15-feet. However, the existing dwelling is non-conforming in regard to setbacks, as the existing side setbacks are 5'-8" adjacent to the east property line and 5'-6" adjacent to the west property line.
- The applicant is proposing to convert the existing one-car carport into livable area that includes an office and a bedroom, and to construct a new 24'-10" W x 18' L garage to accommodate two vehicles. The garage addition will not encroach into the side yard any further than the existing dwelling, and will encroach 2-feet into the front setback.
- The dwelling was constructed in 1954 and complied with Code requirements at that time. While this dwelling only has one parking space, current Code requires two parking spaces. Therefore, the applicant is bringing the house into compliance as much as possible with current Code.
- The size of the proposed garage is typical of new residential construction and could not be constructed in compliance with current setback requirements due to the location of the home. Strict compliance with current Code would preclude the property owner from having a garage.
- The proposed garage would be compatible with the existing dwelling in terms of design and materials. In addition, the height of the garage would be 10'-8", which is lower than the median height of the existing dwelling.

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Case No.: ZA08-024

Location: 1225 West Guadalupe Road

Subject: Requesting a variance to allow attached signage that exceeds the maximum total area and number of signs permitted in the C-2 zoning district.

Decision: **Approved with conditions**

Summary: Case ZA08-024 was approved with the following conditions:

1. Compliance with the sign plan submitted, except as modified by the conditions listed below.
2. A total of four (4) attached signs with an aggregate sign area of one-hundred sixty square feet (160 s.f.) shall be permitted on the north building elevation.
3. Compliance with all requirements of the Building Safety Division with regard to the issuance of sign permits.

Findings:

- The intent of the request variance is to allow an update to attached signs for the Safeway located at the southwest corner of Alma School and Guadalupe roads. The update would include the replacement of the two main identification signs and the addition of three tenant signs. Two existing eight-foot tall, 40 square foot detached signs (one on each street frontage) will have the sign face replaced. No modifications have been proposed to the height or area of detached signs.

Attached Signs

	Code Maximums	Existing	Proposed	Staff Recommendation
North Elevation	--	2 signs – aggregate 160.75 s.f. sign area	4 signs – aggregate 172.25 s.f. sign area	4 signs – aggregate 160 s.f. sign area
East Elevation	--	1 sign – 99.3 s.f. sign area	1 sign – 100.3 s.f. sign area	As proposed
Total	3 signs - aggregate 160 s.f. sign area	3 signs – aggregate 260.05 s.f. sign area	5 signs – aggregate 272.55 s.f. sign area	5 signs – aggregate 260.3 s.f. sign area

- As shown in the table above, the applicant has proposed to increase the total number of attached signs by two and the aggregate sign area by 12.5 square feet. Consistent with the aggregate sign areas existing and approved by BA93-021, a recommended condition of approval would limit the aggregate sign area for signs on the north building elevation to 160 square feet.
- The total amount of sign area proposed is consistent with attached signage permitted for other grocery store anchors. However, these

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approvals have been given as part of a comprehensive sign plan. This application is for a variance and requires demonstration of a hardship.

- The Safeway is part of a larger group commercial development with more than one ownership. Generally, a comprehensive sign plan would be created that would cover the entire development. Due to the presence of an existing 16-foot high nonconforming sign along Guadalupe Road under different ownership, a comprehensive sign plan was not feasible, as it would have required the consent of that owner and the removal of the 16-foot sign. This lack of cooperation inhibited the Safeway for transferring sign area from the smaller detached signs to attached sign area, a common component of comprehensive sign plans.
- This condition continues to represent a hardship, not created by or within the control of the applicant. The requested variance, while allowing a greater number of signs, maintains a comparable aggregate sign area. To ensure consistency with the approved and existing attached sign areas a condition of approval has been recommended that would reduce the proposed aggregate sign area for attached signs on the north building elevation from 172.25 square feet to 160 square feet. This reduction can be easily accomplished through a one-foot reduction in the diameter of the proposed "Signature Café" sign.

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Case No.: ZA08-025

Location: 1201 South Alma School Road

Subject: Requesting a modification of the Special Use Permit (SUP) for a comprehensive sign plan for an office development in the C-2-BIZ DMP zoning district.

Decision: **Approved with conditions.**

Summary: Case ZA08-025 was approved with the following conditions:

1. Compliance with the sign plan submitted, except as modified by the conditions listed below.
2. Proposed detached monument sign design and materials shall receive the approval of Design Review staff prior to approval of sign permits.
3. Compliance with all requirements of the Building Safety Division with regard to the issuance of sign permits.

Findings:

- The intent of the proposed CSP modification is to allow the replacement of the seven existing detached signs on the Mesa Financial Plaza campus, approved by case BA99-034. The replacement would provide an update to the sign design while placing the new signs in the same location as existing signs. A total of seven signs have been proposed, however, of those signs two are interior to the site and not visible from off-site. No modifications have been proposed in relation to attached signage.

Street	Code Maximums	Existing	Proposed	Staff Recommendation
Alma School Road	Aggregate 18.25' height/182.5 s.f. sign area	2 signs – aggregate 13' height/ 27.7 s.f. sign area	2 signs – aggregate 12' height/ 24.5 s.f. sign area	As proposed
Southern Avenue	Aggregate 18.25' height/182.5 s.f. sign area	2 signs – aggregate 13' height/ 27.7 s.f. sign area	2 signs – aggregate 12' height/ 24.5 s.f. sign area	As proposed
Grove Avenue	7.5' height/75 s.f. sign area	1 sign – 6' height/ 16.7 s.f. sign area	1 sign – 6' height/ 12.25 s.f. sign area	As proposed

- As shown in the table above, the number of detached signs has remained the same, while the aggregate heights and sign areas for each street frontage has decreased in comparison to existing detached signs. Additionally, the aggregate sign height and area is less than could be allowed by Code for each street frontage.
- The proposed CSP modification is consistent with the intent of the approved CSP. The single issue to be addressed relates to the design and materials of the new detached signs. Design Review staff approval will be required to ensure the design and

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material quality is consistent with the existing signs prior to the issuance of building permits.

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There being no further business to come before the Zoning Administrator, the hearing adjourned at 02:05 p.m.

The cases for this hearing were recorded on Zoning Administrator Flash Card, then burned to CD.

Respectfully submitted,

John Gendron
Hearing Officer

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