



Board of Adjustment

Minutes

City Council Chambers, Upper Level, May 4, 2016

Board Members Present:

Mark Freeman, Chair
Trent Montague, Vice Chair
Wade Swanson
Tony Siebers
Ken Rembold

Board Members Absent:

Steve Curran
Jessica Sarkissian

Staff Present:

Gordon Sheffield
Lisa Davis
Kaelee Wilson
Mike Gildenstern
Charlotte McDermott
Rebecca Gorton

Others Present:

Richard Dyer
Others

The study session began at 4:31 p.m. and concluded at 5:17 p.m. The Public Hearing began at 5:39 p.m. Before adjournment at 6:12 p.m., the following items were considered and recorded.

Study Session began at 4:31 p.m.

- A. Zoning Administrator's Report
Gordon Sheffield, Zoning Administrator, presented update on sign code
- B. The items scheduled for the Board's Public Hearing were discussed.

Study Session adjourned at 5:17 p.m.

Public Hearing began at 5:39 p.m.

- A. Consider Minutes from the March 2, 2016 Meeting: A motion was made by Boardmember Swanson and seconded by Boardmember Rembold to approve the minutes as written.
Vote: Passed 5-0
- B. Consent Agenda: A motion to approve the consent agenda as read was made by Boardmember Rembold and seconded by Boardmember Siebers. Vote: Passed 5-0

A motion to approve Item ADJ 16023, read by Boardmember Swanson, was made by Boardmember Swanson and seconded by Boardmember Siebers.

Vote: Passed 4-0 (Vice Chair Montague, recused)

Minutes of the Board of Adjustment May 4, 2016 Meeting

Public Hearing adjourned at 5:36 p.m.

Case No.: BA16-012 APPROVED WITH CONDITIONS

Location: 3512 E. Southern Avenue (District 2)

Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow reuse of an existing retail building to accommodate limited repair work for motorcycles and other small motorized vehicles in the LC zoning district (PLN2016-00184)

Decision: Approved with Conditions

Summary: The applicant, Jeremy Scism, 3512 E. Southern Avenue, presented the case to the Board. Mr. Scism stated he has owned the same type of business in Peoria for over 15 years. The location in Peoria is in the same type of strip mall as the one in Mesa and has never received complaints. The Mesa location has been opened since November, 2016 and he sells and repairs motorcycles and supplies. Mr. Scism stated he is aware of the concern of the neighbors about noise.

Chair Freeman inquired if the motorcycles are being repaired and do they run them. Mr. Scism responded that the motorcycles are off-road and are not street legal. He stated that they do pull the bikes out of the shop to start them to ensure they have been repaired. Mr. Scism stated the screen wall will help keep the noise down and the material is similar to freeway walls.

Morris France, 3450 E. Southern Avenue, spoke of his concern of the noise and height of the screen wall. Mr. France owns the building behind the motorcycle shop and stated that he spoke with Jeremy Scism before he moved in and felt that he has been a good neighbor. Mr. France is also concerned that the screen wall will obstruct visibility to the businesses in the rear. Mr. France stated that he does not feel the approval will affect his own business. Staff member Kaelee Wilson stated the wall will be 10' in height and will be made of stucco and painted to match the existing building.

William Still, 3510 E. Hampton Avenue, #62, spoke in opposition due to his concern of the noise. He stated that motorcycles driven on Southern and Val Vista are very loud. He is concerned that with an open area to repair motorcycles and test them outside, the noise level will increase. Staff member Kaelee Wilson explained that repairs are required to be done indoors and no work can be done outside of the building and the fence area will be used for security only. She continued that indoor repairs are an allowed use in this zoning district.

C.J. Lileikis, 3440 E. Southern Avenue, #1223, spoke to the Board in support of the applicant. Mr. Lileikis stated he has no concern with extra noise and that since only dirt bikes are being repaired, they are not allowed to be driven on the streets.

Mr. Scism stated once the trees are relocated and the wall constructed, it will open up the view to the businesses in the rear of the center. Staff member Wilson responded that the concerns from neighbors do not relate specifically to the SCIP request. She stated that staff is in support of the SCIP which will be an improvement to the shopping center.

Chair Freeman asked if there is a height requirement and if the wall could be lowered. Ms. Wilson stated the intent to the screen wall is to screen the bay door on the shop. LC zoning district allows heights up to 30' and has no concern with the 10' height. She agreed that this may enhance visilibty with the relocation of the trees.

Motion: A motion to approve was made by Boardmember Siebers and seconded by Boardmember Swanson to approve with the following conditions:

1. Compliance with all documents submitted, except as modified by the conditions below;
2. The landscape area to the west of the new masonry wall screening the west-facing service bays shall be enlarged to six feet in width, measured from the outside west face of the wall.
3. All new landscape material shall be consistent with the existing, established landscape palette.
4. All new landscape islands in the parking lot shall be a minimum of eight feet wide.
5. Two 24" box size trees shall be placed in the foundation base landscape area to the west of the new screen wall.
6. An Administrative Design Review application shall be submitted and approved for the addition of the screen wall and modifications to the building.
7. All mechanical work must be done indoors with the exception of the wash pad.
8. Under no circumstance shall anything be stored overnight in the secured staging area.
9. All motorized vehicles, parts and equipment shall be brought indoors every night.
10. Compliance with all requirements of the Development Services Department regarding the issuance of building permits.

Vote: Passed (5-0)

The Board's decision is based upon the following Findings of Fact:

FINDINGS FOR SCIP

1. The request is to add a secured, walled staging area in an existing landscape area to the west of an existing motorsport dealership.
2. The building was constructed in the 1990's; thus does not meet current development standards.
3. Currently the property does not conform with parking lot landscaping, foundation base, and setbacks adjacent to Southern Avenue.
4. The applicant is proposing to add additional landscape islands in the parking lot and additional landscaping on the property to meet the intent of the current development standards.

5. Full compliance with Code would require drastic modifications to the building, parking and parking lot circulation.
6. The proposed improvements will enhance the building and will be compatible and not detrimental to the adjacent properties.

Case No.: BA16-013 APPROVED WITH CONDITIONS

Location: 3530 N. Hawes, #6 (District S)

Subject: Requesting a Variance to allow an accessory structure to encroach into sideyard setbacks in the RS-35 PAD zoning district. (PLN2016-00203)

Decision: Approved with Conditions

Summary: This item was on the consent agenda and not discussed on an individual basis.

Motion: A motion to approve the consent agenda as read was made by Boardmember Rembold and seconded by Boardmember Siebers with the following conditions:

1. Compliance with the site plan submitted expect as modified by conditions below.
2. The detached garage shall remain a minimum of 6' from the existing house.
3. Compliance with all requirements of the Development Services Department with regard to the issuance of building permits.

Vote: Passed (5-0)

The Board's decision is based upon the following Findings of Fact:

- 1.1 The house was built in the 1996 and the current owner purchased the property in 2010.
- 1.2 The lot does have unusual topography that creates difficult conditions for constructing a typical buildings.
- 1.3 The large drainage easement/wash that extends from the northeast corner of the lot at a southwest diagonal direction for the entire width of the lot encompasses about 35% of the lot.
- 1.4 Building coverage for the lot with the proposed detached garage is 11% which is far below the allowed the 35% building coverage.
- 1.5 There is a 2-3' grade change from lot 7 to lot 6. Lot 6 is much lower than lot 7.
- 1.6 The proposed detached garage is proposed to be setback 149' from the front property line. The existing house is setback over 100' from the front property line.
- 1.7 The existing house is 67'-6" from the western property line. The proposed detached garage is proposed at over 135' from the western property line.
- 1.8 The detached garage will be placed in an area that has been previously disturbed.
- 1.9 There is not sufficient access or area available for the lawful construction of a useable detached garage without the variance.
- 1.10 The applicant has provided sufficient justification related to the physical constraints of the land, which would justify the degree of the requested variance.
- 1.11 Further, strict compliance with Code would deprive the property of the ability to construct a detached building in the rear portion of the lot.

Case No.: BA16-014 APPROVED WITH CONDITIONS

Location: 330 S. Gilbert Road (District 4)

Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow construction of a kiosk commercial building within an existing group commercial center in the LC zoning district (PLN2016-00204)

Decision: Approved with Conditions

Summary: Bill Rieff, General Contractor stated that he is working with the franchisee to place an ice kiosk at this location. Mr. Reiff explained that this is a standalone ice and water dispenser which is self-contained and unmanned. They will be Improving the site with landscaping and conforming to the parking regulations.

Chair Freeman stated that Margo Hunsinger, 2009 E. 3rd Drive completed a comment card as opposing the project. Ms. Hunsinger did not wish to speak about her concerns.

Staff member Lisa Davis stated the ice kiosk is only 106 sq. ft. and the applicant will provide foundation landscaping as well as significant landscaping along Gilbert Road. Ms. Davis stated staff recommends approval. Ms. Davis was asked if she had been contacted by Ms. Hunsinger and she replied that she had not been contacted by her.

Motion: A motion to approve was made by Boardmember Rembold and seconded by Boardmember Siebers with the following conditions:

1. Compliance with the site plan and landscape plan submitted, except as modified by the conditions below;
2. Compliance with all requirements of Site Plan approval.
3. Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.
4. Compliance with all requirements of Design Review showing compliance with Building Design standards in Mesa Zoning Ordinance (MZO) Section 11-6-3.C.
5. Mechanical units shall be fully screened by the design of the building as required in MZO Section 11-30-9.
6. There shall be a minimum of three bicycle parking spaces provided on the site as per MZO Section 11-32-8.
7. The hedge adjacent to Gilbert Road utilized for screening of parking and circulation area shall be maintained. As plants die or become diseased, these plants shall be replaced.
8. All signs will be required to meet all requirements of the Sign Ordinance, Article 5 of the MZO.

Vote: Passed (5-0)

The Board's decision is based upon the following Findings of Fact:

1. The existing group commercial center project was developed in the 1970's.
2. This application will allow for a 106 SF retail pad to be installed within the existing commercial center.
3. The minimum number of parking spaces, 119 spaces, will be exceeded with the proposed 133 spaces.
4. The entire site will be brought into substantial conformance with the Zoning Ordinance. Full compliance with development standards is not in proportion to the proposed site improvements. It would require demolition of the retail building to the north to building and landscape setbacks. Requirements to meet the landscape setback will impact the vehicular circulation to the west and is not in proportion to the amount of improvements proposed for the site.
5. With the approved deviations, the improvements to the site will include installation of additional landscape material adjacent to Gilbert Road to bring the site into conformance with current codes per section 11-33.
6. The parking and circulation area is currently screened by a well maintained dense hedge. There is limited space between the property line and the parking lot curb to require the addition of a screening wall. Additional landscape material including additional trees and shrubs will be added to the Gilbert Road frontage that will further expand the screening of the parking and circulation area.
7. The deviations requested are consistent with the degree of change requested and improve the site.
8. The proposed improvements with the recommended conditions of approval help bring the site into a closer degree of conformance with current standards.
9. The proposed improvements will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.

- Case No.:** BA16-01S APPROVED WITH CONDITIONS
- Location:** 4403 E. Broadway (District 2)
- Subject:** Requesting a Substantial Conformance Improvement Permit (SCIP) to allow changes to an existing bank building resulting in the use of the building as a funeral home and mortuary in the LC zoning district (PLN2016-0020S)
- Decision:** Approved with Conditions
- Summary:** This item was on the consent agenda and not discussed on an individual basis.
- Motion:** A motion to approve the consent agenda as read was made by Boardmember Rembold and seconded by Boardmember Siebers with the following conditions:
1. Compliance with the site and landscape plan submitted, except as modified by the conditions below;
 2. Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.
 3. Screening shall be provided to meet the requirements of Mesa Zoning Ordinance (MZO), Section 11-30-9.H with the exception of 6 and 7, for parking spaces adjacent to Broadway and Greenfield Roads.
 4. The existing illegal non-conforming pole sign shall be removed prior to the issuance of a Certificate of Occupancy and/or final inspection for the funeral parlor.
 5. The trees planted adjacent to the south and east property line shall be non-deciduous type trees to comply with MZO Section 11-33-3 of the zoning ordinance.
 6. There shall be a minimum of three bicycle parking spaces provided on the site as per MZO Section 11-32-8.
- Vote:** Passed (5-0)

The Board's decision is based upon the following Findings of Fact:

1. The previously developed bank site has been vacant for over one year.
2. Full compliance with development standards would require demolition of a significant amount of the existing site improvements, including removal of parking required for the proposed new use.
3. With the approved deviations, the improvements to the site will include installation of landscape material, appropriate screening for the parking and circulation areas adjacent to Broadway and Greenfield Roads, and installation of a landscape island at the west side of the property.
4. An existing non-conforming pole sign is required to be removed.
5. The deviations requested are consistent with the degree of change requested to improve the site.
6. The proposed improvements (based on the submitted plans) together with the recommended conditions of approval will help bring the site into a closer degree of partial conformance with current standards.

7. The proposed improvements will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.

Case No.: BA16-016 TABLED PER APPLICANT REQUEST

Location: 456 North Robson (District 1)

Subject: Requesting a Variance to allow a fence to exceed the maximum height permitted in the front yard in the RM-3 zoning district. (PLN2016-00044)

Motion: A motion to approve the consent agenda as read was made by Boardmember Rembold and seconded by Boardmember Siebers to table

Vote: Passed (5-0)

Case No.: BA16-017 APPROVED WITH CONDITIONS

Location: 2837 E. McKellips Road (District 1)

Subject: Requesting a Special Use Permit (SUP) to allow a wireless communication facility to exceed the maximum height permitted in the LC zoning district. (PLN2016-00203)

Decision: Approved with Conditions

Summary: This item was on the consent agenda and not discussed on an individual basis.

Motion: A motion to approve the consent agenda as read was made by Boardmember Rembold and seconded by Boardmember Siebers with the following conditions:

1. Compliance with the site plans dated March 9, 2016, except as modified by the following conditions:
2. The wireless communication facility shall utilize a monopalm design with a maximum height of sixty-feet (60') to the top of the fronds and fifty-one feet (51') to the top of the antenna array.
3. The lease area containing the equipment shelter and generator shall be screened by an 8' tall masonry wall, or to the height of the equipment being screened, with a solid metal gate painted to be compatible with the building on site.
4. The wireless communication facility shall utilize a Faux Date Palm design with a minimum of 65 palm fronds. Palm fronds shall be a minimum of 11-feet in length with 10% of fronds at a length of 12-feet blended to screen antennas.
5. The operator of the WCF shall respond to and complete all identified maintenance and repair of the facility within 30-days of receiving written notice of the problem.
6. The antenna array stand-off shall not exceed 2'-6" maximum from the pole.
7. The antenna array for each sector shall not exceed an overall length of 10'-6"
8. The antennas shall not exceed 19" wide x 10'-6" tall x 10" deep.
9. All antennas, mounting hardware, and other equipment near the antennas shall be painted to match the color of the faux palm fronds.
10. Provide and maintain one natural living palm tree (minimum 35' high) within the landscape planter surrounding the equipment enclosure (within 20' of the enclosure) to help camouflage the proposed wireless communication facility.
11. Apply a liquid copolymer to provide erosion control and dust suppression throughout the gravel yard.
12. Provide a concrete tongue and throat driveway improvement to a dimension of at least twenty-two feet into the parcel, measured from the property line, for ingress and egress where the site accesses McKellips Road. The purpose of this improvement is to mitigate the impact of vehicles tracking gravel and other debris when exiting a gravel parking yard onto a public street.
13. Provide a drawing of a hypothetical circulation/parking program designed to accommodate parking demands for a commercial shell building (1 space per 375 square feet) to exhibit how the wireless communication facility will integrate with the site if/when the parcel develops into a more intensive commercial use.

14. 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.
15. Maintenance of the facility shall conform to the requirements of Zoning Ordinance Section 11-35-5.I.
16. 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.
17. Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.

Vote: Passed (5-0)

The Board's decision is based upon the following Findings of Fact:

1. The proposed location is a commercially zoned site that features a residential structure that has served as an office.
2. The proposed WCF is designed principally to address issues related to signal capacity, and provides increased signal coverage.
3. The proposed WCF and equipment enclosure will only be partially visible from McKellips Road, so the code requirement for a 4' landscape buffer around the lease area enclosure is not necessary.
4. The improvements will be compatible and not detrimental to the surrounding neighborhood.

Case No.: BA16-018 APPROVED WITH CONDITIONS

Location: 1305 S. Alma School Road (District 3)

Subject: Requesting a Development Incentive Permit (DIP) to allow redevelopment of commercial site as a retail building in the LC zoning district (PLN2016-00206)

Decision: Approved with Conditions

Summary: This item was on the consent agenda and not discussed on an individual basis.

Motion: A motion to approve the consent agenda as read was made by Boardmember Rembold and seconded by Boardmember Siebers with the following conditions:

1. Compliance with the project narrative, site plan, landscape plan and elevations submitted except as modified by the following conditions.
2. Compliance with the Design Review approval for this redevelopment project.
3. Compliance with all other City development codes and regulations.
4. Compliance with all requirements of Development Services in the issuance of building permits.
5. Provide a raised landscape island, minimum 5-ft wide, adjacent to the west wall of the trash enclosure.
6. Revise Site Plan to move the nearest parking stalls at least 20 feet away from the existing R.O.W. along Grove Avenue.
7. Provide 4-foot wide landscape yard along north property line adjacent to trash enclosure.
8. Revise the proposed site plan to show driveway access from Grove Avenue to be in compliance with City of Mesa Traffic Engineering driveway standards. This may result in the site plan being revised from two driveways exiting to Grove Avenue, down to one driveway.
9. Compliance with the Fiesta District Design Handbook regarding the chapter entitled Private Realm Design Guidelines, including site design, architectural design, landscape palette, site furniture, fixtures, and connectivity.
10. Submit a revised site plan, landscape, building elevations (including color elevations) and materials board for Planning Division staff approval prior to Building Permit submittal.
11. All conditions attached to the Development Incentive Permit shall be completed prior to issuance of a Certificate of Occupancy.

Vote: Passed (5-0)

The Board's decision is based upon the following Findings of Fact:

- 1.1 The proposed redevelopment of the site invokes conformance with current development standards.
- 1.2 At the time of initial development in 1990's, the setbacks, foundation base, and landscape requirements of the Zoning Code varied or were non-existent when compared to the development standards of the current Code.
- 1.3 The proposed project provides 30 parking spaces on-site where only 11 spaces are required. There is a total of 19 additional (30-11= 19 spaces) parking spaces, which is 272% more than the minimum required 11 spaces. The maximum typically allowed without additional review is 125%, or in this case 14 spaces. The additional spaces may be authorized by approval of the DIP application.

- 1.4 Requiring full compliance with the current MZO development standards would discourage the redevelopment of the site, because the area in question is urban oriented, and the standards are based on more suburban oriented places found elsewhere in Mesa. In addition, the proposed design is consistent with the Private Realm Design Guidelines found in the Fiesta District Design Guidelines.
- 1.5 The proposed use will not be detrimental to surrounding properties.

Case No.: BA16-019 **APPROVED WITH CONDITIONS**

Location: 2434 E. Southern Avenue (District 2)

Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow revisions to the site plan related to the change of use from a professional office to a place of worship in the OC zoning district (PLN2016-00207)

Decision: Approved with Conditions

Summary: This item was on the consent agenda and not discussed on an individual basis.

Motion: A motion to approve the consent agenda as read was made by Boardmember Rembold and seconded by Boardmember Siebers with the following conditions:

1. Compliance with the site plan submitted, except as modified by the conditions below;
2. Compliance with all requirements of Ordinance 4753, Z07-082.
3. Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.
4. **Screening for parking shall be provided at the southern-most area of the proposed parking spaces adjacent to Southern Avenue to meet Mesa Zoning Ordinance (MZO) requirements, particularly Section 11-30-9.H.**
5. **The existing landscape material within the 15' landscape setback between the west property line and the proposed parking area shall be maintained or replaced if damaged during construction.**
6. **Three trees shall be provided adjacent to the south elevation of the building to comply with foundation base landscape as identified in the table of this report.**
7. **There shall be a minimum of three bicycle parking spaces provided on the site as per MZO Section 11-32-8.**
8. **Future expansion, building additions or site improvements will require modification to this SCIP.**

Vote: (4-0) (Abstain-Vice Chairperson Montague)

The Board's decision is based upon the following Findings of Fact:

1. The existing residential project was developed in the 1970's and has been vacant.
2. The site was rezoned in 2007, Z07-082, for use of a childcare facility that was not developed.
3. Compliance with requirements of Z07-082 including dedication of right of way for Southern Avenue and installation of driveways to meet current development standards is required for the site.
4. The entire site will be brought into substantial conformance with the Zoning Ordinance. Full compliance with development standards is not in proportion to the proposed site improvements.
5. With the approved deviations, the improvements to the site will include installation of required parking spaces, appropriate screening for the parking spaces adjacent to Southern Avenue streets and removal of an illegal metal shade structure at the west side of the property.

6. The deviations requested are consistent with the degree of change requested and improve the site.
7. The proposed improvements with the recommended conditions of approval help bring the site into a closer degree of conformance with current standards.
8. The proposed improvements will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.

OTHER BUSINESS:

None

ITEMS FROM CITIZENS PRESENT

None

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'G. Sheffield', is written over the printed name.

Gordon Sheffield, AICP, CNU-a
Zoning Administrator