

Board of Adjustment

Minutes

City Council Chambers, Lower Level September 3, 2014

Board Members Present:

Trent Montague – Chair
Greg Hitchens
Tyler Stradling
Tony Siebers

Board Members Absent:

Mark Freeman (excused)
Wade Swanson (excused)
Chad Cluff (unexcused)

Staff Present:

Gordon Sheffield
John Wesley
Angelica Guevara
Margaret Robertson
Tom Ellsworth
Wahid Alam
Kim Steadman
Mike Gildenstern

Others Present:

Michael Scarbrough
Gerald Hort
Josh Sohn
Amanda Sohn
Richard Dyer

The study session began at 4:43 p.m. The Public Hearing meeting began at 5:31 p.m. Before adjournment at 5:35 p.m., the following items were considered and recorded.

Study Session began at 4:43 p.m.

- A. Zoning Administrator's Report
 - 1. Discuss modifying the Zoning Ordinance to allow public banners in the public right of way, as Mesa Community College is proposing to celebrate the 50th Anniversary of the school by installing banners along the street frontage. Currently, the Zoning Ordinance only allows banners Downtown.
 - 2. Discuss Sign Code Update Draft sent out for public comment, providing increases for some allowances for ground and attached signs.
- B. The items scheduled for the Board's Public Hearing were discussed.

Study Session adjourned at 5:08 p.m.

Public Hearing began at 5:31 p.m.

- A. Consider Minutes from the August 6, 2014 Meeting a motion was made by Boardmember Hitchens and seconded by Boardmember Stradling to approve the minutes. Vote: Passed 4-0 (Absent- Boardmember Cluff)(Excused-Boardmembers Freeman and Swanson)
- B. Consent Agenda a motion to approve the consent agenda as read was made by Boardmember Stradling and seconded by Boardmember Hitchens. Vote: Passed 4-0 (Absent-Boardmember Cluff)(Excused-Boardmembers Freeman and Swanson)

**Board of Adjustment Meeting
September 3, 2014**

- Case No.:** BA14-046
- Location:** 7547 East Southern Avenue
- Subject:** Requesting a Substantial Conformance Improvement Permit (SCIP) to allow the redevelopment of an existing retail building in the LC-PAD zoning district. (PLN2014-00349)
- Decision:** Approved with Conditions
- Summary:** This item was on the consent agenda and was not discussed on an individual basis.
- Motion:** It was moved by Boardmember Stradling seconded by Boardmember Hitchens to approve case BA14-046 with the following conditions:
1. *Compliance with the site plan submitted, except as modified by the conditions listed below.*
 2. *Compliance with all the requirements of an Administrative Design Review for modifications to the building elevations.*
 3. *Compliance with all the requirements of Development Services in the issuance of building permits.*

FINDINGS:

1. The proposed site plan modification and improvements require conformance with current development standards.
2. The building on the proposed site has remained vacant and underutilized for more than a year. The proposed user requires a drive-thru lane and window in order for the site to be viable for use.
3. The proposed site plan change meets all of the current code requirements with the exception of the west and south landscape setbacks. In order to make room for the drive-thru lane the applicant is removing some square footage of the building and the loading docks on the south side of the building and is reducing the landscape area by 6' on the west property line and 2' on the south property line.
4. The applicant is providing increased landscaping along the north and east foundation base to off-set the reduction in landscape area resulting from the request.
5. The proposed reduction to setback is within an area that is screened from public view by a 6' wall on the west property line and the building itself sits between the reduction area and the public parking and right of way.
6. The proposed SCIP request is proportionate to the degree of change being requested from by the current design standards. The resulting site will have an increase in the overall designed landscaping on site with this proposal.
7. The proposed improvements with the recommended conditions of approval help bring the site into conformance with the intent of the current development standards.
8. The proposed use will not be detrimental to surrounding properties.

Vote: Passed (4-0) (Absent-Boardmember Cluff) (Excused-Boardmembers Freeman and Swanson)

**Board of Adjustment Meeting
September 3, 2014**

Case No.: BA14-047

Location: 929 West Inglewood

Subject: Requesting a Variance to allow a garage to encroach into the required side setback in the RS-9 zoning district. (PLN2014-00337)

Decision: Approved with Conditions

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

Motion: It was moved by Boardmember Stradling seconded by Boardmember Hitchens to approve case BA14-047 with the following conditions:

1. *Compliance with the site plan as submitted, excepted as modified by the conditions listed below.*
2. *Reduce the garage width to provide a 3' setback from the west property line*
3. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*

FINDINGS:

1. In its current configuration the carport's dimensions meet the Code standard of 10' width and 20' depth. The property does not meet the Code requirement for two covered parking spaces. This is an "existing, nonconforming" condition.
2. The Code establishes the minimum dimensions for a two-car garage as 20' wide and 22' long.
3. The proposed 22' interior width of the garage would be 2' wider than the required 20'.
4. The required side yard setback at the west side of the property is 7'.
5. The applicant is requesting a 6' encroachment on the setback.
6. A 4' encroachment would still provide the minimum garage width while leaving 3' of clear setback outside the garage.
7. The existing location of the front posts of the carport, along with the depth of the existing carport require the front of the enclosed garage to sit closer to the street than the front of the house. This does not conform to Code, but is needed to achieve the required garage depth.

Vote: Passed (4-0) (Absent-Boardmember Cluff) (Excused-Boardmembers Freeman and Swanson)

**Board of Adjustment Meeting
September 3, 2014**

Case No.: BA14-048

Location: 1954 East Huber Street

Subject: Requesting a Variance to allow a garage to encroach into the required side setback in the RS-9 zoning district. (PLN2014-00399)

Decision: Continuance to the October 1, 2014 hearing

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

Motion: It was moved by Boardmember Stradling seconded by Boardmember Hitchens to continue case BA14-048 to the October 1, 2014 hearing

Vote: Passed (4-0) (Absent-Boardmember Cluff) (Excused-Boardmembers Freeman and Swanson)

**Board of Adjustment Meeting
September 3, 2014**

Case No.: BA14-049

Location: 5765 East McKellips Road

Subject: Requesting a Special Use Permit (SUP) to allow a wireless communications facility to exceed the maximum height allowed in the LC zoning district. (PLN2014-00395)

Decision: Continuance to the October 1, 2014 hearing

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

Motion: It was moved by Boardmember Stradling seconded by Boardmember Hitchens to continue case BA14-049 to the October 1, 2014 hearing

Vote: Passed (4-0) (Absent-Boardmember Cluff) (Excused-Boardmembers Freeman and Swanson)

**Board of Adjustment Meeting
September 3, 2014**

OTHER BUSINESS:

None

ITEMS FROM CITIZENS PRESENT

None

Respectfully submitted,

Gordon Sheffield, AICP CNU-a
Zoning Administrator