



Zoning Administrator Hearing **Minutes**

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

Draft

Gordon Sheffield
Hearing Officer

DATE January 08, 2008

TIME 1:30 P.M.

Staff Present

Jeff McVay
Brandice Elliott
Constance Bachman
Joe Welliver

Others Present

Melissa Thierbach
R. Blakemore
F. Crandell
Sandy Greenley
Harvey Raupp
Kimberly McLellan
Tom Marske
Larry Lind
Charles Baduer
David A Siewski
Allen Tom

CASES

Case No.: ZA07-133

Location: 905 West Broadway Road

Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow redevelopment of a residence into an office and construction yard in the M-1 zoning district.

Decision: **Approved with conditions**

Summary: Case ZA07-133 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 Z07-91.
3. Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.

Findings:

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- The requested Substantial Conformance Improvement Permit would allow an existing single residence structure to be converted to a concrete business and office. In 1984, the property was rezoned from R1-6 to M-1, and a site plan for an automobile sales and service business was approved. The auto business never matured, so the residential structure remained with M-1 zoning. The current owner has been using the structure as an office/construction yard and is willing to make changes to the site in an attempt to bring the property into conformance with City requirements.
- The requested SCIP would allow deviation from current City Standards related to the landscape setbacks from Main Street, from the east and west property lines, and to foundation base requirements. Current requirements, the applicant's request, and staff recommendations are shown in the table below.

Setbacks	Required (Landscape)	Proposed (Landscape)	Staff Recommendation
Broadway Road	30 feet/f 65' ROW	20 feet/f 40' ROW	As proposed
East property line	15 feet	0 feet	As proposed
West property line	15 feet	0 feet	As proposed

Foundation Base	Required (Building)	Proposed (Building)	Staff Recommendation
Public entrance	15 feet	4 feet (existing walkway)	As proposed

- As justification for the request includes: 1) compliance with current Code would require the demolition or reconstruction of existing buildings; 2) the modifications will not have a negative impact on neighboring properties; and 3) the site plan modification will not create additional building floor area.
- To provide substantial conformance, the applicant has provided six, 8' x 8' planter boxes installed on the eastern and western property lines (three on each) to come close to meeting the intent of the landscape setback. The adjacent land is zoned M-1, and similar industrial uses are currently present. The landscape setback to the south (adjacent to residential R-4 zoning) exceeds Code minimums, and is utilized as retention for the site. The result is 70± feet of open space from the southern property line to the curbing of the parking field. Additionally, the applicant has provided 12 clearly delineated parking stalls with the required landscape islands. The total number of stalls required by City Code would be eight, based on the reported building square footage.
- The submitted site plan provides substantial conformance with current requirements, which helps to justify the requested SCIP. Additionally, the proposed use and improvements will be compatible with, and not detrimental to, adjacent properties in the area.

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Case No.: ZA08-001

Location: 2030 West Southern Avenue

Subject: Requesting: 1) a Special Use Permit (SUP); and 2) a Development Incentive Permit (DIP); both in conjunction with the redevelopment of an automobile service station in the C-2 zoning district.

Decision: **1) Approved with conditions
2) Approved with conditions**

Summary: Case ZA08-001 was approved with the following conditions:

1. Compliance with the site plan and landscape plan submitted except as modified by the conditions below.
2. Compliance with current Code requirements related to foundation base landscaping.
3. Compliance with all requirements of the Design Review Board.
4. Non-conforming and/or prohibited signs shall be brought into conformance prior to the issuance of a building permit.
5. Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.

Findings:

- This use has been in existence prior to the requirement of the Special Use Permit for automobile service stations with or without accessory auto repair facilities. This use is compatible with and will serve the surrounding commercial uses, the hospital, and Maricopa Community College. This proposed development would not be a detriment to the area.
- The applicant is requesting a Development Incentive Permit (DIP) that will allow deviations from current development standards related to the street and corner landscape setbacks from Southern Avenue and Dobson Road, the adjacent property line setback to the north, and reduced landscape density requirements. The table below shows code requirements, the applicant's request, and staff recommendations.

Setbacks	Code Requirements	Applicant Proposed	Staff Recommendations
Dobson Rd	30 feet	20 feet	As Proposed
Southern Ave	30 feet	20 feet	As Proposed
West Property Line	N/A (cross-access)	- -	- -
North Property Line	15 feet	5 feet-8 inches	As Proposed
Dobson-Southern Corner	100-foot radius	32 feet	As Proposed

- The subject site is eligible for review of a DIP. The site assembles three parcels and approximates a total of 1.7 acres. The site has been in the current configuration for more than 10 years. The site is served by, or

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has direct access to, existing utility system. The total developable land area within 1,200 feet is not more than 25 percent vacant and greater than 50 percent of the lots within 1,200 feet have been developed for more than 15 years.

- The proposed use is consistent with the General Plan designation of Neighborhood Commercial and is a permitted use in the C-2 zoning district, subject to the granting of a Special Use Permit.
- The deviations requested are necessary to accommodate the proposal and will result in a development that is commensurate with existing development in the vicinity. Further, the proposed development represents significant improvement to the existing condition.
- The architectural elements and landscape plan are the subject to the Design Review Board will meet the intent of the Design Guidelines of the Zoning Ordinance. The building architecture and landscape design was recently reviewed at a Design Review Board work session with approval anticipated In February.
- Consistent with the Design Review Board review a condition of approval has been recommended requiring compliance with current code development standards related to foundation base landscape requirements.

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Case No.: ZA08-002

Location: 1733 North Lemon Street

Subject: Requesting: 1) a Special Use Permit (SUP) to allow detached accessory living quarters; and 2) a variance to allow a fence to exceed the maximum height permitted; both in the R1-35-PAD zoning district.

Decision: **1) Approved with conditions**
2) Approved with conditions

Summary: Case ZA08-002 was approved with the following conditions:

1. Compliance with the site plan submitted except as modified by the conditions below.
2. Vehicular access to the property shall only be from Lemon Street.
3. The Accessory Living Quarters shall not be leased or rented.
4. Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.

Findings:

Special Use Permit (SUP)

- The requested SUP would allow the construction of an Accessory Living Quarters/RV storage not directly accessible to the primary residence.
- The Accessory Living Quarters is limited to one dwelling unit.
- The Accessory Living Quarters will be served by the same utilities as the main dwelling.
- The entrance to the Accessory Living Quarters will not be visible from the public right-of-way.
- The Accessory Living Quarters is approximately 7% of the size of the main dwelling.
- While not architecturally integrated, the Accessory Living Quarters will be architecturally consistent with the primary dwelling.
- As stated in the applicant's justification, the Accessory Living Quarters will not be leased or rented, and is intended for the use of family members.

Variance

- The requested variance would allow the construction of a six-foot fence to be placed in the front yard. A unique condition exists where the subject property, according to City Code, has two front yards due to two

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cul-de-sacs capping the property.

- The existence of two cul-de-sacs establishes a special circumstance that applies to the land, and was not created by the applicant. Consequently, the requested variance does not relate to a self-imposed hardship.
- All properties in the vicinity of the subject parcel have a distinctive front and rear yard. The approval of the variance request will not grant special privilege, as it allows the applicant the right to enclose a rear yard with a six-foot fence, consistent with surrounding properties.
- Not directly related to the applicant's request, it is important to note that a one-foot vehicular non-access easement has been recorded on the subject property adjacent to the Ivy Glen cul-de-sac. That easement precludes the use of Ivy Glen from access to the subject property. This condition was established with Zoning Case Z05-37.

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Case No.: ZA08-003

Location: 422 West McLellan Road

Subject: Requesting a Substantial Conformance Improvement Permit to allow the development of a single-residence structure into a mortuary in the C-2 zoning district.

Decision: **Approved with conditions**

Summary: Case ZA08-003 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 requested SCIP would allow deviation from current development standards related to the setbacks from McLellan Road and adjacent property lines, and to foundation base requirements. Current requirements, the applicant's request, and staff recommendations are shown in the table below.

Setbacks	Required (Landscape)	Proposed (Landscape)	Staff Recommendation
East property line	15 feet	7 feet	As proposed
West property line	15 feet	Min. 3 feet	As proposed
North property line	15 feet	7 feet	As proposed
McLellan Road	20 feet	13.5 feet	As proposed

Foundation Base	Required (Building)	Proposed (Building)	Staff Recommendation
Public entrance	15 feet	9 feet (existing walkway)	As proposed
Adjacent to parking	10 feet	8 feet	As proposed
Adjacent to drive aisle	5 feet	Min. 1.5 feet	As proposed

- Justification for the request includes: 1) compliance with current Code would require the demolition or reconstruction of existing buildings; 2) the modifications will not have a negative impact on neighboring properties; 3) the site plan modification will not create additional building floor area; and 4) improvements to compliance with current development standards for the entire property.
- To provide substantial conformance, the applicant has provided landscape improvements on the perimeter property lines and has provided on-site parking in compliance with current parking

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There being no further business to come before the Zoning Administrator, the hearing adjourned at 02:50 p.m.

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

Respectfully submitted,

Gordon Sheffield
Hearing Officer

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