

Zoning Administrator Hearing **Minutes**



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

John S. Gendron
Hearing Officer

DATE April 3, 2007

TIME 1:30 P.M.

Staff Present

Jeff McVay
Jim Hash
Lena Butterfield

Others Present

CASES

Case No.: ZA07-027

Location: 521 North Alma School Road

Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow the establishment of a day care center in the R-3 zoning district.

Decision: Continued to April 10, 2007

Summary: Staff recommended a continuance until April 10, 2007.

Finding of Fact: N/A

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Case No.: ZA07-028

Location: 744 West Dana Avenue

Subject: Requesting a Development Incentive Permit (DIP) to allow the development of a multiple residence complex in the R-3 zoning district.

Decision: Approved with conditions

Summary: Mr. White, applicant, presented the request and explained that the project will consist of four stand alone units that will be rented. Mr. White further noted that he agrees with the staff recommended conditions of approval.
Mr. Dmohowski explained that the project meets the criteria for the granting of a DIP. The requested setbacks are commensurate with the surrounding area. Additionally the density is lower than what is allowed in the R-3 zoning district. He went on to explain that staff is recommending the removal of a landscape island and replacing it with decorative pavers in order to allow traffic to flow more freely. Mr. Gendron approved the case with the following conditions:
1. Compliance with the site plan submitted except as modified by the conditions below.
2. Remove the landscape median and replace with a courtyard of brick pavers or textured concrete to be approved by staff prior to submittal for building permits.
3. Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.

Finding of Fact:

- 1.1 The proposed site meets the criteria for a DIP:
- 1.2 A DIP is necessary to accommodate the proposed development. Requiring standard setbacks for the project site will diminish the usable lot space. In addition, standard parking requirements would prevent this parcel from achieving higher densities as desired by the General Plan.
- 1.3 Reduced setbacks are commensurate with and exceed existing development on surrounding properties.
- 1.4 The proposal is compatible with existing development since it is surrounded by multi-residence housing. underutilized area.

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Case No.: ZA07-029

Location: 3829 East Huber St

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

Decision: Approved with conditions

Summary: Mr. Cure explained that the request is for an Accessory Living Quarters that is not attached to the main dwelling.
Mr. Tanner explained that the Accessory Living Quarters will not be leased or rented.
Mr. Dmohowski explained that the initial request for a modification to the PAD related to how the front setback is measured was determined to be unnecessary by the Zoning Administrator. The Zoning Administrator has made the interpretation that the front setback would be measured from the property line and not the cul-de-sac. Further, this interpretation does not require a re-plat. However, a Special Use Permit is needed for the detached Accessory Living Quarters. He further explained that the requested SUP is consistent with the intent of the Code and would be compatible with and not detrimental to surrounding properties.
Mr. Gendron approved the case with the following conditions:
1. Compliance with the site plan submitted except as modified by the conditions below.
2. The Accessory Living Quarter shall not be leased or rented at any time.
3. Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.

Finding of Fact:

- 1.1 The Accessory Living Quarters will not be directly accessible with the primary dwelling unit, but will be architecturally consistent with the primary dwelling. Access to the primary residence will be available through a courtyard.
- 1.2 The Accessory Living Quarters request only if the ALQ is not leased or rented.
- 1.3 The Accessory Living Quarters will be compatible with and not detrimental to the surrounding neighborhood.

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Case No.: ZA07-030

Location: 450 South Esquire Way

Subject: Requesting a variance to allow a garage addition to encroach into the required side yard in the R1-9 zoning district.

Decision: Approved with conditions

Summary: Ms. Conto, applicant, presented the variance request and explained that the garage would be located 3'8" from the property boundary. Adjacent to the property is a 16-foot wide alley with a utility easement.

Mr. Mcvay explained that an alley along the side and rear of the property is a unique condition that does not apply to many properties in the city of Mesa, which minimizes the impact on neighboring properties. Additionally, the requested height of the garage is 10'10", current Code allows rear setbacks from the centerline of alleys, but does not provide a similar allowance for side yards. An alley adjacent to the side yard provides an increased setback from neighboring properties that mitigates the impact of the proposed garage.

Mr. Gendron approved the case with the following conditions:

1. *Compliance with the site plan submitted.*
2. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Finding of Fact:

- 1.1 The subject parcel is bounded on the north and west side by a 16-foot wide alley. A parcel bounded on two sides by an alley is a unique condition not created by the applicant.
- 1.3 Current Code allows the rear setbacks of single-residence properties to be measured from the center-line of the alley. While the Code does not have similar provisions for alleys adjacent to side yards, the additional separation from residence to the north created by the alley, 19' 4" as proposed, will mitigate the impact of the reduced setback.
- 1.5 The proposed garage addition will have a maximum height of 10' 10", which will further reduce the impact of the garage addition on neighboring properties.

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Case No.: ZA07-031

Location: 809 E 9th Pl

Subject: Requesting a variance to allow a fence to exceed the maximum height allowed in the R1-9 zoning district.

Decision: Withdrawn

Summary: The applicant requested that this case be withdrawn

Finding of Fact: N/A

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Case No.: ZA07-032

Location: 4135 East Fairview Cir

Subject: Requesting a variance to allow a detached accessory building to encroach into the required side yard in the R1-43 zoning district.

Decision: Approved with conditions

Summary: Mr. Trimmer explained that the existing garage is built into the side yard. The new addition will be used for working on antique cars. Mr. McVay explained that the existing garage complies with old Code requirements. Because of the addition the applicant would have to comply Code requirements. If the garage were constructed as a stand-alone structure, the structure would only require a minor variance for height. The shape of the lot and existing development on the lot preclude other locations and represents a unique condition. The new addition of the garage will be compatible with the surround neighborhood, as shown by the approval letters received from neighboring properties.

Finding of Fact:

- 1.1 The existing detached garage will be altered with this request. Such change includes the construction of a parapet roof to replace the existing pitched roof. This modification will result in a lower overall height for the existing garage.
- 1.2 The owners immediately adjacent to the subject parcel have signed letters supporting the requested variance.
- 1.3 The existence of this legal non-conforming structure is a unique condition not created by the applicant.
- 1.4 The location of existing development in relation to the shape of the lot represents a unique condition not created by the applicant and that justifies minor deviation from Code regulations related to height.
- 1.5 The location of development limits vehicular access to the proposed garage that requires encroachment into the rear setback.

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There being no further business to come before the Zoning Administrator, the hearing adjourned at 2:15 p.m.

The cases for this hearing were recorded on Zoning Administrator Flash Card 2, Track 23.

Respectfully submitted,

John S. Gendron
Hearing Officer

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G:ZA/Minutes/ZAM