



BOARD OF ADJUSTMENT MINUTES

March 11, 2003

Board members Present:

David Shuff, Chair
Jared Langkilde, Vice Chair
Roxanne Pierson
Skip Nelson
Greg Hitchens

Staff Present:

Gordon Sheffield
David Nicolella
Krissa Hargis

Board members Absent:

Clark Richter (Excused)
Webb Crockett (Excused)

Others Present:

Nancy C. Holleneck
Don Pershing
Marilyn Pershing
Marti Cizek
Robert Staten
Janelle A McEachern
Nicole Hunter – Maes
Sean Lake
Julie Knight
Others

Before adjournment at 5:45 p.m., the following items were considered and recorded on Board of Adjustment Tape # 289.

Study Session 4:30 p.m.

A. The items scheduled for the Board's Public Hearing were discussed.

Public Hearing 5:30 p.m.

A. Consider Minutes from the February 11, 2003 Meeting:

It was moved by Board member Langkilde, and seconded by Board member Hitchens, that the minutes of the February 11, 2003 Board of Adjustment meeting be approved.

B. Vote: Passed, 5-0

C. Case BA03-008 was taken off the consent agenda and case BA03-009 was added to the consent agenda.

**Board of Adjustment Meeting
March 11, 2003**

Case No.: BA03-001

Location: 429 South Hall

Subject: Requesting a Development Incentive Permit (DIP) to allow the construction of 4-plex in the R-3 district.

Decision: Approved with conditions.

Summary: This case was on the consent agenda and was not discussed individually.

Motion: It was moved by Board member Hitchens, and seconded by Board member Nelson that this case be approved with the following condition:

- 1) Conformance with the revised site plan submitted (dated 2/3/03), except as modified by the conditions listed below;
- 2) Conformance with all requirements of the Building Safety Division, and in particular all requirements of the Development Engineering Section regarding off-site improvements, including storm water retention and right-of-way improvements such as curbs, gutters and sidewalks;
- 3) Conformance with all requirements of the Solid Waste Division regarding the size, design and location of trash containers; and
- 4) Relocation of the southernmost parking space on the west side of the drive aisle to the north end of the same row of parking.
- 5) Wainscoting added to the lower portion of all four sides of the building.
- 6) Sculpturing of the eaves of the roofline to reflect attachment 1.

Vote: Passed 5-0

Finding of Fact:

- 1.1 This case site does qualify as an infill Property as defined in section 11-1-6. Significant changes have been made to the original submittal to improve the quality of the development. These changes do meet the intent of the provisions of Chapters 14 and 15 of the zoning ordinance, and therefore it does meet the requirements for the approval of a Development Incentive Permit.

- 1.2 The Development Incentive Permit is necessary to accommodate the proposed development. The incentives include modifications to building setbacks, the architectural elements, and landscape materials. The proposal meets the intent of the development provisions contained in Chapter 14 and 15 of the Zoning Ordinance.

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Board of Adjustment Meeting
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Case No.: BA03-008

Location: 1143 North July Circle.

Subject: Requesting a Development Incentive Permit (DIP) to allow the development of a duplex in the R-2 zoning district.

Decision: Approved with conditions.

Summary: This case was taken off the consent agenda to discuss a letter of opposition regarding the 5-foot setback on the north property line. Janelle McEachern, the applicant, addressed the Board regarding the setback concern. She stated that she believes the main concern of the letter is related to the spread of fire, however, it has been confirmed by staff and her own research that the building fire separation criteria has been met.

Motion: It was moved by Mr. Nelson, seconded by Ms. Pierson, that this case be approved with the following conditions:

- 1) Compliance with the revised site plan submitted, dated February 17, 2003, except as modified by the conditions listed below;
- 2) Provision of a minimum of four (4) trees and eighteen (18) shrubs along the front and sides of the building up to the front of the fence enclosing the rear yard areas;
- 3) Provision of two (2) trees in the rear yard, one in each separate play area;
- 4) Installation of an automatic irrigation device for all of the installed landscaping;
- 5) Compliance with Section 11-15-4(B) 3 regarding the placement of electric service panels and meters; and
- 6) Compliance with requirements of Chapter 11-14 of the Zoning Ordinance regarding the design of the building elevations, including the carports.

Vote: Passed 5-0

Finding of Fact:

- 1.1 The case site is a trapezoid-shaped lot on a cul-de-sac. The subdivision, Turco Terrace, was recorded in 1970, and development of most of the surrounding properties reflects the development standards of that time.
- 1.2 Based on the revised site plan, dated February 13, 2003, the proposed duplex will comply with the design guideline requirements for open space, storage units, on-site covered parking and the provision of amenities, such as on-site laundry facilities.
- 1.3 Setbacks proposed for the development meet or exceed the standards in place in 1970 for the rear and sides, and the carport has a corner post that encroaches about two feet into the front setback.
- 1.4 The project site qualifies as being eligible for a Development Incentive Permit (DIP).

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There is virtually no vacant property within 1200' of the site, and almost all of the development within that radius was developed in excess of 20 years ago. Existing utility lines serve the property, and the parcel size is less than 2.5 acres.

- 1.5 This project is consistent with the General Plan designation for the site, and is consistent with the existing zoning for the property. The deviations from development standards are either equivalent to the standards used at the time surrounding properties developed, or exceed those standards. If these deviations were not approved, the development of this parcel would be limited to a single residence property because sufficient room does not exist on the site to accommodate two residential units, four parking spaces and an on-site space to turn a vehicle around, let alone the area to accommodate perimeter landscaping and open space requirements.
- 1.6 Conditions 5 and 6, as proposed, are designed to assure the building elevations comply with Chapter 11-14 of the Zoning Ordinance and the on-site screening standards for mechanical and utility equipment, as specified in item (d) of the DIP criteria.

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**Board of Adjustment Meeting
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Case No.: BA03-009

Location: 1163 East McKellips Road

Subject: Requesting a variance to allow parking to encroach into the front landscape area in conjunction with the development of a Drug Store in the C-2 zoning district.

Decision: Continue to the April 8, 2003 meeting.

Summary: This case was on the consent agenda and was not discussed individually.

Motion: It was moved by Board member Hitchens, and seconded by Board member Nelson that this case be continued to the April 8, 2003:

Vote: Passed 5-0

N/A

Finding of Fact:

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Case No.: BA03-010

Location: The 10000 through 10700 Blocks of East Baseline Road

Subject: Requesting a Comprehensive Sign Plan for the development of the Villages of Eastridge Development Master Plan.

Decision: Approved with conditions.

Summary: This case was on the consent agenda and was not discussed individually.

Motion: It was moved by Board member Hitchens, and seconded by Board member Nelson that this case be approved with the following condition:

1. Compliance with chapter 6 of the City of Mesa Outdoor Light Control Ordinance.
2. Maintenance of the permanent signs will be the responsibility of a property owner's association.

Vote: Passed 5-0

Finding of Fact:

- 1.1 The proposed request is to establish sign criteria for a 309-acre master planned development. The sign criteria are proposed to address both permanent residential and temporary residential sales signs.
- 1.2 The plans for signs A-101, A-102, A-103 show them being placed between 90 and 110 feet back from the city's right of way. The request for increased height, and increased letter height will help to make the signs more visible given the large set back. All other signs, (A105, A106, A107) meet sign code requirements.
- 1.3 The materials proposed for this Comprehensive Sign Plan include Sedona Red and Cocoa Brown CMU blocks, brushed brass aluminum finish channel letters, and curved metal element that is layered to represent the topographical layering of the nearby Superstition Mountains. In addition there is a unique water features that cascades down the sides of the sign (A101, SE corner of Crismon & collector) and into a pond in front of the sign.
- 1.4 The landscaping proposed for this Comprehensive Sign Plan meets the approved zoning case. (Z01-58)
- 1.5 Because of the sign location relative to the public street, the high quality materials and design, the water features, and the landscaping, the proposal meets the Comprehensive Sign Plan criteria for approval.
- 1.6 Maintenance of the permanent signs will be the responsibility of a property owner's association.

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**Board of Adjustment Meeting
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Case No.: BA03-011

Location: 400 through 500 Block of South 30th and 31st Street

Subject: Requesting a Special Use Permit to allow the keeping of livestock in the R1-43 zoning district.

Decision: Approved with conditions.

Summary: This case was on the consent agenda and was not discussed individually.

Motion: It was moved by Board member Hitchens, and seconded by Board Member Nelson that this case be approved with the following condition:

1. A limitation of no more than two head of livestock per lot;
2. Compliance with all requirements of Mesa City Code, Section 6-4-20 including but not limited to the location of stables, barns, corrals, pens, and other livestock related facilities, and all requirements regarding sanitation, the control of odors and the control of vectors;
3. Approval of this Special Use Permit does not limit the ability of Animal Control Officers to cause the removal of livestock from a site because of violations of Section 6-4-20 as it pertains to sanitary conditions or the health and welfare of animals; and
4. Commercial boarding of livestock is prohibited.

Vote: Passed 5-0

Finding of Fact:

- 1.1 Pleasure Acres is a 30-lot subdivision that was developed under the jurisdiction of Maricopa County prior to annexation by the City of Mesa in 1974. The area for each lot is less than a full acre (defined as 4,480 square yards or 43,560 square feet, *Webster's II New University Riverside Dictionary*, pg 74, 1984). The keeping of livestock on the site was authorized by the CC&Rs recorded at the time the subdivision plat was also recorded.
- 1.2 Residents of the Pleasure Acres subdivision have maintained horses and other animals on various lots within the subdivision in a manner consistent with Mesa City Code Sec 6-4-20, except for the requirement pertaining to minimum lot size.
- 1.3 As recommended, the ability to enforce appropriate sanitary requirements and appropriate placement of livestock facilities will still be maintained.
- 1.4 The applicant has met the criterion regarding historical evidence of livestock use on the site. As recommended, the number of livestock will be limited to two per lot, and no commercial boarding will be allowed. These two conditions will satisfy the remaining criteria.

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Respectfully submitted,

Gordon Sheffield, AICP
Senior Planner
Minutes written by David J. Nicoletta, Planner I