

# Board of Adjustment Minutes

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City Council Chambers, Lower Level  
November 14, 2006

**Board members Present:**

Dina Higgins, Chair  
Mike Clement, Vice Chair  
Randy Carter  
Craig Boswell  
Garrett McCray  
Dianne von Borstel

**Board members Absent:**

Roxanne Pierson (Excused)

**Staff Present:**

Gordon Sheffield  
Jeff McVay  
Lena Butterfield

**Others Present:**

Fernando Guerrero  
Susan Stewart  
Kent Grantham  
Brent VanDeman  
Tom Allbright  
Marvin Tate  
Dennis Price  
Jerri Lee Pendleton

The study session began at 4:30 p.m. The Public Hearing meeting began at 5:30 p.m. Before adjournment at 6:25 p.m., the following items were considered and recorded on Board of Adjustment Tape #354.

**Study Session 4:30 p.m.**

- A. The study session began at 4:30 p.m. The items scheduled for the Board's Public Hearing were discussed.

**Public Hearing 5:30 p.m.**

- A. Consider Minutes from the October 10, 2006 Meeting A motion was made to approve the minutes by Boardmember Boswell and seconded by Boardmember McCray. **Vote: Passed 6-0**
- B. Consent Agenda A motion to approve the consent agenda as read was made by Boardmember Carter and seconded by Boardmember Boswell. **Vote: Passed 6-0**

**Board of Adjustment Meeting  
November 14, 2006**

**Case No.:** BA06-042

**Location:** 7163 E Superstition Springs Boulevard

**Subject:** Requesting a Special Use Permit for a Comprehensive Sign Plan in the R1-6-PAD zoning district.

**Decision:** Continued to December 12, 2006

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

**Motion:** It was moved by Boardmember Carter, seconded by Boardmember Boswell to continue this case until December 12, 2006.

**Vote:** Passed 6-0

**Finding of Fact:** N/A

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**Board of Adjustment Meeting  
November 14, 2006**

**Case No.:** BA06-051

**Location:** 6035 East Hannibal Street

**Subject:** Requesting a variance to allow a shade structure addition to encroach into the required front yard in the R1-9 district.

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

**Motion:** It was moved by Boardmember Carter, seconded by Boardmember Boswell to continue this case until December 12, 2006.

**Vote:** Passed 6-0

**Finding of Fact:** N/A

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**Board of Adjustment Meeting  
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**Case No.:** BA06-054

**Location:** 4747 South Power Road

**Subject:** Requesting a Special Use Permit for a Comprehensive Sign Plan in the M-1-AF zoning district

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

**Motion:** It was moved by Boardmember Carter, seconded by Boardmember Boswell to approve this case with the following conditions.

1. *Compliance with the sign plan submitted, except as modified by the conditions listed below.*
2. *A total of three (3) attached signs with an aggregate sign area of two hundred and thirty-seven (237) square feet shall be allowed.*
3. *One (1) detached sign with a height of twelve (12) feet and sixty-four (64) square feet in sign area shall be allowed.*
4. *Compliance with all requirements of the Building Safety Division with regard to the issuance of sign permits.*

**Vote:** Passed 6-0

**Finding of Fact:**

- 1.1 The Zoning Code would allow a total of three attached signs with an aggregate sign area of 160 square feet for the Roberts Tire. The Zoning Code would allow one detached sign adjacent to Power Road with a height of 12 feet and maximum sign area of 80 square feet.
- 1.2 The proposed Comprehensive Sign Plan would allow a total of four attached signs with an aggregate sign area 367 square feet and one detached sign adjacent to Power Road with a height or 12 feet and 64 square feet in sign area.
- 1.3 The proximity of Roberts Tire to the recently opened Loop 202/Santan Freeway presents a unique condition that justifies increased signage to provide freeway visibility. To provide this freeway visibility, the CSP proposes one attached sign of 130 square feet on both the south and east building elevation.
- 1.4 Staff analysis has indicated that the desired freeway visibility can be accomplished through the use of one attached sign of 130 square feet on the south building elevation. This sign would be visible from both directions of traffic. Allowing one sign on the south elevation would address the unique condition of identifying the building from the Loop 202 viewpoint. For this reason the Board approved the CSP, which includes the existing detached sign, two existing attached signs, and one additional attached sign of 130 square feet

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**Board of Adjustment Meeting  
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- Case No.:** BA06-055
- Location:** 4440 East Main Street
- Subject:** Requesting 1) a Substantial Conformance Improvement Permit (SCIP); and 2) a Special Use Permit for a Comprehensive Sign Plan, both in conjunction with the redevelopment of a retail center in the C-2 zoning district.
- Decision:** Approved with conditions
- Summary:** Mr. Price explained that the new shops will be located in an underutilized part of the property. Additionally, he is willing to make the necessary landscaping adjustments in order to spread the trees and shrubs out to the right-of-way.  
Boardmember Carter explained that he would like the accessible routes moved to the center of the landscape islands on the north and south sides of the center in order to avoid vehicle pedestrian accidents.  
Mr. McVay, Senior Planner, explained that the islands would be large enough to add the access through the center without losing landscaping.  
Chair. Higgins explained that she would like to see a cutaway on the curb and a ramp added adjacent to the south building elevation in order to provide access for the parking spaces to the south.  
Ms. Pendelton, 4316 E Balsam Ave, spoke regarding this item. She expressed concerns with both the notification of the hearing and the safety of the elderly residence surrounding the site.  
Mr. McVay responded that the notification had been done properly, but would make sure that the site plans are more legible in the future.  
Mr. Price explained that he would move the accessible routes to the center of the islands and add a cutaway with a ramp on the south side of the building.
- Motion:** It was moved by Boardmember Carter, seconded by Boardmember von Borstel to approve this case with the following conditions.
1. *Compliance with the site plan and landscape plan submitted, except as modified by the conditions listed below*
  2. *Provision of a total of sixteen (16) trees and sixty-five (65) shrubs within the landscape setback and public utilities and facilities easement adjacent to Greenfield Road.*
  3. *Compliance with Code related to landscape requirements within the foundation base adjacent to the north, south, and west building elevations.*
  4. *Compliance with all requirements of the Design Review Board.*

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5. *One eight-foot (8') high, fifty square foot (50 s.f.) detached monument sign shall be allowed as shown on the site plan and consistent with Design Review Board approvals.*
6. *Tenants shall be allowed attached signage consistent with current Sign Ordinance maximums.*
7. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits and sign permits*
8. *The accessible routes to the public sidewalk adjacent to Greenfield Road shall be placed in the center of the landscape island.*
9. *One (1) accessible ramp shall be added to the curb adjacent to the south building elevation and located approximately in-line with the third parking row east of Greenfield Road and south of the building.*

**Vote:** Passed 6-0

**Finding of Fact:**

- 1.1 The applicant is proposing the development of an 18,032 square foot multi-tenant retail building attached to an existing Fry's Marketplace. The existing Fry's Marketplace group commercial center was constructed at a time when setbacks were not as large as those required by current Code. Development of the retail building requires deviations from current Code that can be approved with a SCIP.
- 1.2 The applicant has proposed deviations from current Code requirements related to setbacks adjacent to Greenfield Road, reduction in landscape requirements within the Greenfield Road setback, and elimination of foundation base landscape requirements adjacent to the east building elevation.
- 1.3 The requested deviations from Code requirements related to the setback from Greenfield Road are necessary to allow expansion of the site without bringing the entire site in conformance with the Code. Compliance with current Code requirements would require significant alteration of the existing development.
- 1.4 The applicant has proposed a setback from Greenfield Road of approximately 14 feet. Additionally, the applicant is providing a 10-foot public utilities and facilities easement adjacent to Greenfield Road. In affect the applicant has provided a 24-foot setback where a 30-foot setback is required, which represents approximately 80 percent compliance with Code requirements. Such setback is consistent with and exceeds the setbacks for the remainder of the development.
- 1.5 Consistent with a reduced setback from Greenfield Road, the Board has approved provision of trees and shrubs reduced from current Code requirements. In total, this would result in provision of 16 trees and 65 shrubs within the setback from Greenfield Road.
- 1.6 The elimination of foundation base landscape requirements adjacent to the east building elevation has been justified. The east building elevation is adjacent to a narrow alley, does not have public entrances, is not visible to the general public or from the public right-of-way, and will improve security of the site

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- 1.7** The placement of pedestrian routes from Greenfield Road centered within the landscape islands will improve the safety of pedestrians without affecting landscaping. The provision of an accessible ramp adjacent to the south building elevation will provide additional convenience to patrons that park in the existing parking field south of the building.
- 1.8** The proposed site and landscape plans, with approved conditions, substantially conforms with the intent of the Code and is consistent with and not detrimental to adjacent properties. Additionally, the proposed development will bring a portion of the group commercial center into a greater degree of conformance than currently exists.
- 1.9** The proposed development has received review and approval by the Design Review Board. In addition to the requirements of the Substantial Conformance Improvement Permit, the applicant will comply with all requirements of the DRB.
- 1.10** An existing Comprehensive Sign Plan (CSP) exists for the group commercial center approved by BA95-039. That CSP did not anticipate the development of a multi-tenant retail building at this location. The applicant has proposed an eight-foot high, 50 square foot multi-tenant detached monument sign and attached signage that complies with Code requirements.
- 1.11** Including the proposed detached sign, the CSP would allow two detached signs adjacent to Greenfield Road with an aggregate height of 20 and sign area of 98 square feet, which is significantly less than would be allowed by Code. The proposed modification is consistent with the intent of the existing CSP.

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**Board of Adjustment Meeting  
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**Case No.:** BA06-056

**Location:** 1011 N. Dobson Road

**Subject:** Requesting a Special Use Permit for modification of a Comprehensive Sign Plan in the C-3 zoning district.

**Decision:** Approved with conditions

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

**Motion:** It was moved by Boardmember Carter, seconded by Boardmember Boswell to approve this case with the following conditions.

1. *Compliance with the existing Comprehensive Sign Plan (BA06-005) and the modification submitted, except as modified by the conditions listed below.*
2. *One attached sign per building elevation, exclusive of the take-out sign and weather vane sculpture, shall be allowed with an aggregate sign area of one hundred and sixty (160) square feet.*
3. *No single sign shall exceed eighty (80) square feet in area.*
4. *The sign area and number of signs associated with the take-out sign and weather vane sculpture shall be allowed only as proposed and shall not be transferable.*
5. *Compliance with all requirements of the Building Safety Division with regard to the issuance of sign permits.*

**Vote:** Passed 6-0

**Finding of Fact:**

- 1.1 A Comprehensive Sign Plan has been approved for Mesa Riverview as Board of Adjustment case BA06-005. That CSP allows one attached sign per elevation with a maximum aggregate sign area of 160 square feet. The applicant has proposed a total of six attached signs with an aggregate sign area of 212 square feet.
- 1.2 As justification for the increased aggregate sign area the applicant has noted that the Famous Dave's restaurant has visibility from all four elevations. Additionally, the restaurant has the unique condition of a separate entrance for take-out patrons that require a directional signage. The hammered copper winged pig weather vane sign adds an element of interest to the building that creates a unique condition that justifies the additional sign and sign area.

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- 1.3** The additional number of signs has been justified through unique conditions. The increased sign area related to the four attached building identification signs over that allowed by the existing CSP has not been justified. For this reason the aggregate sign area for these four signs should be limited to that allowed by the existing CSP.
- 1.4** The additional signs and sign area related to the take-out and copper winged pig weather vane would allow signs and sign area in excess of that allowed by the existing CSP. While, these signs have been justified by unique conditions and add interest to the building architecture, the number of signs and associated sign area should not be transferable should these signs not be installed or removed at a later date.

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**Board of Adjustment Meeting  
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**Case No.:** BA06-057

**Location:** 1755 South Greenfield Road

**Subject:** Requesting a Special Use Permit for a Comprehensive Sign Plan in the C-2 zoning district.

**Decision:** Approved with conditions

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

**Motion:** It was moved by Boardmember Carter, seconded by Boardmember Boswell to approve this case with the following conditions.

1. *Compliance with the sign plan submitted, except as modified by the conditions listed below.*
2. *Compliance with all requirements of the Building Safety Division with regard to the issuance of sign permits.*
3. *Anchor Tenants (Hobby Lobby) shall be allowed one (1) attached primary identification sign with area not to exceed two hundred and sixty-five square feet (265 s.f.) and four (4) modifier signs with a maximum letter size of twelve inches (12") and place no higher than eight feet (8') above ground.*
4. *Major Tenants (unknown user) shall be allowed three (3) attached signs with an aggregate sign area not to exceed two hundred square feet (240 s.f.).*

**Vote:** Passed 6-0

**Finding of Fact:**

- 1.1 The Zoning Code would allow an aggregate total of 43.75 feet in height and 437.5 square feet in sign area for detached signs along Baseline Road and an aggregate total of 64.5 feet in height and 645 square feet in sign area for detached signs along Greenfield Road.
- 1.2 The proposed Comprehensive Sign Plan proposes an aggregate total of 28 feet in height and 118.32 square feet in sign area between three detached signs along Baseline Road and 44 feet in height and 171.06 square feet in sign area between five detached signs along Greenfield Road. No detached sign would exceed 12 feet in height or 80 square feet in sign area.
- 1.3 An existing automobile service station and Discount Tire were developed before Greenfield Plaza II. The existing detached signs for these uses have been included in the aggregate totals for sign height and area because of the relation to the group commercial center, but have not been included in the proposed Comprehensive Sign Plan.

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- 1.4** The Comprehensive Sign Plan proposes attached sign area for Anchor Tenants (Hobby Lobby) and Major Tenants (unknown user), which is greater than would be allowed by current Code. Increased sign area has been justified by the scale of the building, the distance from Greenfield Road, and detached signage under what could be allowed by Code
  
- 1.5** Board approved conditions of approval would allow one attached sign with a sign area of 265 square feet and four modifier signs for Anchor Tenants and three attached signs with an aggregate sign area of 240 square feet for Major Tenants.
  
- 1.6** The Comprehensive Sign Plan proposes numbers and sign area for Pad and Inline Tenants that are consistent with current Code.

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**Board of Adjustment Meeting  
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**Case No.:** BA06-058

**Location:** 1940 North Rosemont

**Subject:** Requesting a modification of a Substantial Conformance Improvement Permit (SCIP) for the expansion of an existing industrial center in the M-2 zoning district.

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

**Motion:** It was moved by Boardmember Carter, seconded by Boardmember Boswell to continue this case until December 12, 2006.

**Vote:** Passed 6-0

**Finding of Fact:** N/A

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**Board of Adjustment Meeting  
November 14, 2006**

**Case No.:** BA05-039

**Location:** 905 North Country Club Drive

**Subject:** Requesting a Substantial Conformance Improvement Permit to allow the development of an office building in the O-S district.

**Decision:** Approved with conditions

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

**Motion:** It was moved by Boardmember Carter, seconded by Boardmember Boswell to approve this case with the following conditions.

1. *Compliance with the site plan dated 8/21/06 as submitted, except as modified by the conditions listed below;*
2. *Provision of a five-foot by thirty-six foot (5' x 36') landscape planter along the south property line.*
3. *Provision of five (5)- twenty-four inch (24") or larger box trees and ten (10) five (5) gallon shrubs consistent with the West Mesa Plant List dated 2002 shall be provided within the five-foot by thirty-six foot (5' x 36') landscape planter required by condition #2 above.*
4. *In addition to the landscape plan provided, three (3)- twenty-four inch (24") or larger box tree, and fifteen (15)- five (5) gallon shrubs consistent with the West Mesa Plant List dated 2002 shall be provided along the north property line.*
5. *In addition to the landscape plan provided, five (5)- twenty-four inch (24") or larger box tree and ten (10)- five (5) gallon shrubs consistent with the West Mesa Plant List dated 2002 shall be provided along the east property line.*
6. *Compliance with all requirements of the Design Review Board.*
7. *Compliance with all requirements of the Building Safety Division and the Engineering Division.*

**Vote:** Passed 6-0

**Finding of Fact:**

- 1.1 A 1,026 square foot addition to an existing 1,080 square foot office building is proposed on a 6,370 square foot parcel. The existing development does not meet current Code requirements, and expansion would require the approval of a Substantial Conformance Improvement Permit.

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- 1.2 The proposed addition will be architecturally compatible with the existing building, will not encroach into setbacks more than the existing building, and received Design Review Board approval on October 4, 2006. Associated site improvements include sufficient parking for the entire site.
- 1.3 Given the size of the parcel, the number of non-conformities that can be brought into compliance with current Code without the significant alteration or demolition of the existing building are limited and full compliance with Code and would significantly limit the future use of the site.
- 1.4 The applicant has provided a landscape plan that does not meet current Code requirements. Additional trees and shrubs are required to offset the impact of reduced setbacks from adjoining properties.
- 1.5 Including Board approved conditions of approval the proposed development substantially conforms to current Code requirements. With the additional plants recommended by staff within landscape setbacks the entire site would be brought into a greater degree of conformance with Code.

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Respectfully submitted,

Jeffrey McVay, AICP  
Senior Planner

Minutes written by Lena Butterfield, Planning Assistant

G:Board of Adjustment/Minutes/2006/11 November