



**CITY OF
MESA**

Great People, Quality Service!

BOARD OF ADJUSTMENT MINUTES

July 9, 2002

Boardmembers Present:

David Shuff, Vice Chair
Greg Hitchens (Acting Chair)
Skip Nelson
Webb Crockett

Boardmembers Absent:

Nick Bischoff, Chairman (excused)
Clark Richter (excused)
Jared Langkilde (excused)

Staff Present:

Gordon Sheffield
Rich McAllister

Others Present:

Robert Power Larry Clouse
Thomas Harney Joyce Clouse
Susan Harney Others

Before adjournment at 6:02 p.m., the following items were considered and recorded on Board of Adjustment Tape # 280.

Study Session 4:30 p.m.

- A. The items scheduled for the Board's Public Hearing were discussed.
- B. Mr. Sheffield passed out copies of the Chapter 14 and 15 of the Zoning Ordinance to the Board. He explained that the City Council approved revisions to these chapters on May 20, 2002, which became effective on June 20, 2002. Because of the changes, Mr. Sheffield indicated he anticipated an increase in the number of variance applications. He outlined the delayed implementation schedule, and indicated there may be some cases in the next year that still involve the previous design standards (for example, a Special Use Permit for a gas station on a site approved in 1998, but not yet developed). He also outlined a proposal by staff to review qualified changes to existing sites through a Development Incentive Permit (DIP) or a Substantial Conformance Improvement Permit (SCIP); cases of which would be heard by the Zoning Administrator, with appeals being heard by the Board of Adjustment. The DIP and SCIP proposals are scheduled for consideration by the City Council in early August 2002.

Public Hearing 5:30 p.m.

Before starting the meeting, Mr. Hitchens welcomed two new board members, Mr. David Shuff and Mr. Jared Langkilde.

- A. Consider Minutes from the June 11, 2002 Meeting:

It was moved by Mr. Crockett, and seconded by Mr. Shuff, that the minutes of the June 11, 2002 Board of Adjustment meeting be approved.

- B. Election of Officers:

Motion: It was moved by Mr. Crockett, seconded by Mr. Nelson, that Mr. Bischoff become chair and Mr. Shuff become vice chair.

Vote: Passed, 4-0, passed

**Board of Adjustments Meeting
July 9, 2002**

Case No.: BA02-012

Location: 1945 West University Drive

Subject: Requesting 1) a variance to allow a building to encroach into the required side and rear yards, and to delete portions of the required perimeter landscape; and 2) a special use permit to allow the expansion of a car wash in the C-2 district.

Decision: Continued for 90 days.

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

Motion: It was moved by Mr. Crockett, and seconded by Mr. Nelson, that this case be continued to the October 8, 2002 meeting.

Vote: Passed 4-0

Finding of Fact: N/A

* * * * *

Case No.: BA02-018

Location: 540 North Garrison

Subject: Requesting a variance to allow a patio enclosure to encroach into the required rear yard in the R1-6 district

Decision: Continued for 30 days.

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

Motion: It was moved by Mr. Crockett, and seconded by Mr. Nelson, that this case be continued to the August 13, 2002 meeting.

Vote: Passed 4-0

Finding of Fact: N/A

* * * * *

**Board of Adjustments Meeting
July 9, 2002**

Case No.: BA02-021

Location: 4147 East Alder Avenue

Subject: Requesting a variance to allow a building to encroach into the required side yard in the R1-6 zoning district.

Decision: Continued for 30 days.

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

Motion: It was moved by Mr. Crockett, and seconded by Mr. Nelson, that this case be continued to the August 13, 2002 meeting.

Vote: Passed 4-0

Finding of Fact: N/A

* * * * *

Case No.: BA02-024

Location: 2436 North Lazona Drive

Subject: Requesting variances: 1) to allow a garage addition to encroach into the required rear and side yards; and 2) to allow a detached accessory building to exceed the maximum height permitted and encroach into a required side yard in the R1-43 district.

Decision: Continued for 60 days.

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

Motion: It was moved by Mr. Crockett, and seconded by Mr. Nelson, that this case be continued to the September 10, 2002 meeting.

Vote: Passed 4-0

Finding of Fact: N/A

* * * * *

**Board of Adjustments Meeting
July 9, 2002**

Case No.: BA02-025
Location: 2113 East El Moro Avenue
Subject: Requesting variances to allow: 1) encroachments into the required rear and side yards; and 2) a dwelling to exceed the required lot coverage in the R1-7 district.
Decision: Continued for 30 days.
Summary: This case was on the consent agenda and was not discussed individually
Motion: It was moved by Mr. Crockett, and seconded by Mr. Nelson, that this case be continued to the August 13, 2002 meeting.
Vote: Passed 4-0
Finding of Fact: N/A

* * * * *

Case No.: BA02-026
Location: 808 East 10th Street
Subject: Requesting a variance to allow a carport addition to encroach into the required side yard in the R1-9 district.
Decision: Withdrawn.
Summary: This case was on the consent agenda and was not discussed individually.
Motion: It was moved by Mr. Crockett and seconded by Mr. Nelson, that the Board acknowledge the withdrawal of this case.
Vote: Passed 4-0
Finding of Fact: N/A

* * * * *

Case No.: BA02-27
Location: 8050 East Juanita Avenue

Board of Adjustments Meeting
July 9, 2002

Subject: Requesting a variance to allow an addition to encroach into the required rear yard in the R1-7 district.

Decision: Continued for 30 days.

Summary: The applicant, Mr. Tom Harney, wished to enclose a portion of his rear patio and extend his garage to allow two vehicles to park in tandem. The applicant presented twelve photos of neighboring properties with additions or rear yard garages. Mr. Harney then stated that he would like to finish the addition as soon as possible due to the coming monsoon season. He was fully aware that only four Boardmember were present, and that four votes were needed to pass his request. Boardmember Crockett stated that the Board cannot look at other properties, but is required to focus on this site and the criteria mandated by State statute.

Mr. Harney suggested he extend only his patio cover and drop the portion of the request involving the garage. Mr. Crockett asked if he had made this suggestion to staff. Mr. Harney stated he felt it was necessary to decide this request tonight because of problems that may arise if a strong monsoon storm enters the area. Mr. Nelson agreed with Mr. Crockett, stating that the Board cannot vote in the applicant's favor in this case because the requested variance creates an unwarranted favor for the applicant.

Mr. Hitchens asked Mr. Sheffield if the Board were to deny this case, would the applicant have to wait a full year before reapplying for another variance. Mr. Sheffield said that the Board could waive this requirement. Mr. Sheffield also indicated that staff would not recommend approval of a covered patio that extends to within 7 feet of the rear property line, even without the garage addition. Mr. Crockett asked if a continuance would be appropriate for this case. Mr. Harney and Mr. Sheffield agreed that a continuance would allow further discussion of the options available to Mr. Harney.

Motion: It was moved by Mr. Nelson, and seconded by Mr. Crockett, that this case be continued to the August 13, 2002 meeting.

Vote: Passed 4-0

Finding of Fact: The applicant will meet with staff to determine what options are available for constructing an open patio cover or Ramada within the applicant's rear yard.

* * * * *

Case No.: BA02-28

Location: 2235 North Gentry Street

Subject: Requesting a variance to allow a second story addition to encroach into the required rear yard in the R1-9 district.

Decision: Continued for 30 days.

**Board of Adjustments Meeting
July 9, 2002**

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

Motion: It was moved by Mr. Crockett, and seconded by Mr. Nelson, that this case be continued to the August 13, 2002 meeting.

Vote: Passed 4-0

Finding of Fact: N/A

* * * * *

Respectfully submitted,

Gordon Sheffield, AICP
Senior Planner

Minutes written by Rich McAllister, Planner I
G:\Board of Adjustment\Minutes\9July 2002 minutes.doc