



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 November 27, 2007

TIME 1:30 P.M.

Staff Present

Jeff McVay
Brandice Elliott
Constance Bachman

Others Present

Jim Larson
Mark Quinn
Leo Padilla
Delos Nokleby
Patrick Tenmant
Gary Tibshraeny
Lisa Tibshraeny

CASES

Case No.: ZA07-109

Location: 2605 South Signal Butte Road

Subject: Requesting variances to allow: 1) a reduction in landscape plantings, and 2) allow phased perimeter landscaping in conjunction with the development of a church in the AG zoning district.

Decision: Approved with the following conditions.

1. *Compliance with the site and landscape plans submitted, except as modified by the conditions below.*
2. *All Phase I landscaping shall meet or exceed Zoning Ordinance minimums.*
3. *All deferred perimeter landscaping shall be installed with approval of building permits for any development within Phase II.*
4. *All deferred perimeter landscaping, when installed, shall comply with the development standards then in place.*
5. *A twenty-foot (20') wide temporary turn-around, constructed of a durable material such as asphalt, shall be constructed to connect the dead-end parking fields in the northeast portion of Phase I.*
6. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Summary: Jim Larson represented the variance requests, noting that he did not have additional information to add to the case file. Mr. Larson did state continued desire for reduced landscaping along the south property line, noting the agreement of the LDS Church developing to the south. Mr. Gendron discussed the request with the applicant and staff. Discussion included the phasing plan, the site circulation, and minor changes to the development plan. Delos Nokleby, neighbor, was in attendance. He was not in opposition to the request, but did note concern that the type of trees installed on the north property line could cause too much shade on his property for the

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landscaping he has installed. Mr. Larson agreed to work with the neighbor as phased installation occurred. Mr. McVay provided a staff report and recommendation. Mr. Gendron agreed that the proposed phasing plan was reasonable, and that the intent of the Code will be met in the future. Mr. Gendron did not find justification for reduced landscape quantities along the south property line.

Findings:

- The subject property has been developed with a church. The final approval of the Certificate of Occupancy has not been completed as the church has requested variances to current development standards. Specifically requested is a reduction in the number of trees planted along the south property line and the deferment of perimeter landscape improvements for the Phase II area.
- As justification, the applicant has noted: 1) the size of the parcel was chosen to accommodate the long-term needs of the church; 2) budgetary considerations require the phasing of development; 3) coordination of landscaping along the south property line with a future church development will result in compliance with landscape requirements; and 4) all development standards of the City will be met upon completion of Phase II and the church development to the south.
- The size of the parcel in relation to the first phase of development creates a unique condition that justifies the deferment of Phase II landscaping until development begins. The deferred landscaping must be completed to the standards in place at the time of development, and any additional deferment or alteration of phasing will require review and approval of a variance through the Zoning Administrator or Board of Adjustment.
- Staff does not support any reduction below Code minimums for landscaping within Phase I, and specifically along the south property line. Such reduction has not been justified by unique conditions and primarily relates to budgetary concerns.
- Staff concern relates to the creation of dead-end parking fields in the northeast portion of Phase I. Given this concern, staff recommends a temporary paved turn-around be constructed to connect the two dead-end parking rows. This turn-around should be constructed of a durable material such as asphalt and of sufficient width to facilitate two-way traffic.

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Case No.: ZA07-124TC

Location: 435 North Grand

Subject: Requesting: 1) a variance to allow an accessory building to encroach into the rear setback; and 2) a Special Use Permit; both in conjunction with the development of a detached accessory living quarters in the R1-6 zoning district.

Decision: Continued to the December 18, 2007 hearing.

Summary: N/A

Findings: N/A

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Case No.: ZA07-126

Location: 8405 – 8435 East Baseline Road

Decision: Approved with the following conditions.

1. *Compliance with the sign plan submitted, except as modified by the conditions listed below.*
2. *Tenants shall be allowed a maximum of two (2) attached signs with a maximum aggregate sign area of thirty-two (32) square feet.*
3. *No attached signs shall be allowed on the south or east sides of Buildings C, D, E1, E2, F, and G.*
4. *Attached signs shall be non-illuminated or utilize halo illumination only.*
5. *Compliance with all requirements of the Building Safety Division with regard to the issuance of sign permits.*

Summary: Patrick Tennant represented the Special Use Permit request, noting that the owners would like to maintain the ability for attached signs on the rear elevations of the buildings, as tenant entrances may be located on these elevations. Mr. Gendron discussed the request with the applicant and staff. Discussion included the use of smaller pedestrian oriented signs for entrances from the rear of the building, the number of detached signs, and the staff recommendation for number of attached signs. Mr. McVay provided a staff report and recommendation. Mr. Gendron agreed that the request is consistent with intent of the Code requirements and will be compatible with and not detrimental to surrounding development.

Findings:

- This professional office complex is zoned OS, which is a transitional zoning district surrounded by single-family residential neighborhoods. A multiple building, multi-tenant office development is generally found in a C-1 or C-2 zoning district and is unique in the OS zoning district.
- The current Sign Ordinance maximums for developments in the OS district do not allow sufficient signage to identify this type of development, as well as individual tenants. For the entire development, the Sign Ordinance would allow a total of four signs and 128 square feet of sign area between all attached and detached signs. Even if the development only included one tenant per building, there would be nine individual tenants that would need identification.
- The CSP allows one detached sign with an overall height of eight feet and sign area of 32 square feet along Baseline Road. Tenants would be allowed a maximum of one attached sign per elevation with a maximum sign area of 32 square feet each. Attached signs would be internally illuminated or non-illuminated.
- A condition of approval has been included that no tenant be allowed greater than two attached signs with an aggregate sign area 32 square. Additionally, to ensure compatibility with neighboring properties, no attached signs should be allowed on the south or east walls of Buildings C, D, E1, E2, F, and G. Staff further recommends attached sign be non-illuminated or limited to halo illumination only.

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- Case No.: ZA07-127
- Location: 1014 East Broadway Road
- Subject: Requesting a Substantial Conformance Improvement Permit to facilitate the redevelopment of a multiple residence use in the R-4 zoning district.
- Decision: Approved with the following conditions.
1. *Compliance with the site and landscape plans submitted.*
 2. *Parking and maneuvering areas shall be paved with asphalt, concrete, or similar material.*
 3. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*
- Summary: Leo Padilla represented the SCIP request, noting that he did not have additional information to add to the case file. Mr. Gendron discussed the request with the applicant and staff. Discussion included access to the site, the amount of parking provided, and the number of units. Mr. McVay provided a staff report and recommendation. Mr. Gendron agreed that the applicant has provided improvements to the site that constitute substantial conformance and that the plan will be compatible with and not detrimental to surrounding development.
- Findings:
- The Substantial Conformance Improvement Permit allows deviation from the required building setbacks and on-site parking requirement to allow the conversion of an existing single residence structure to a multiple residence with three units, consisting of one three bedroom and two, one bedroom units.
 - The compliance with current Code development standards for this site would require the demolition or significant alteration of the existing structure and the preclusion of a lawfully permitted use.
 - The expansion of the site complies with all current Code setback standards with exception of the setback from Broadway Road and the east and west property lines. A 30-foot setback is required from the future 65-foot right-of-way for Broadway Road. The existing structure is four feet from the future right-of-way and no additional expansion towards Broadway Road is proposed. The site plan indicates the continuation of a 10-foot setback from the east property line. Along the west property line, adjacent to the driveway and parking a zero setback has been identified and approximately 36 feet has been identified for the building.
 - Five on-site parking spaces where Code would require five spaces for the units and one additional space for guest parking. Guest parking can be accommodated on nearby local streets and on the driveway in front of the garage.
 - The property has historically been accessed through an ingress and egress easement located on the subject property and the property to the west. The applicant has provided evidence of the existence of this easement and proposes continued use with this proposal.

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- Improved conformance is achieved with the addition of on-site parking and parking lot landscape islands, additional on-site landscaping, and foundation base. Approval has also been conditioned upon the paving of all vehicular circulation and parking areas.

- The development is compatible with surrounding development and the reduced setbacks are commensurate with and exceed those of existing developments and will not adversely impact surrounding properties.

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Case No.: ZA07-128

Location: 925 West Fairway Drive

Subject: Requesting a variance to allow development of a detached accessory building that exceeds the maximum height permitted in the R1-9 zoning district.

Decision: Approved 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.

Summary: Mark Quinn represented the variance request, noting that he did not have additional information to add to the case file. Mr. Gendron discussed the request with the applicant and staff. Discussion included the location of the accessory structure, the size of the structure, and the grade of the lot. Gary and Lisa Tibshraeny, neighbors, spoke in opposition to the request. The concerns related to fencing along the property boundary and the design and color of the accessory structure. Mr. McVay provided a staff report and recommendation. Mr. Gendron agreed that the slope of the lot created a unique condition that made compliance with Code requirements difficult. In addition to staff recommended conditions, he conditioned approval upon the accessory building being painted to match the home to ensure compatibility with surrounding development.

Findings:

- The subject property is located within Hillcrest Terrace, a subdivision built along the Tempe Canal and the “Mesa” for which the City is named. The subject lot has a significant slope that required the building pad to be carved out of the “Mesa”. There is a limited amount of level area where the dwelling is constructed. The front property line is well below and the rear property line is well above this level area.
- The variance allows construction of a detached accessory building behind the primary dwelling. The building would be approximately 192 square feet in size and 10’ 6” in height. Due to the limited amount of level building area and significant slope in the rear of the property, the applicant is required to place detached structure within the rear and side setbacks. Code permits such structures in the rear and side setback, however, because the structure is not located within the rear ¼ of the lot, the height is limited to eight feet.
- The “Mesa” creates a unique condition of the site that precludes the applicant from constructing a detached building of the height permitted. The “Mesa” is a pre-existing condition, not created by the applicant. The structure is of reasonable size and under normal conditions, would be allowed without the need of a variance. Consequently, the requested variance does not grant the applicant a special privilege unavailable to other properties.

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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 and are available upon request.

Respectfully submitted,

John Gendron
Hearing Officer

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