

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 17, 2007

TIME 1:30 P.M.

Staff Present

Jeff McVay
Jim Hash
Lena Butterfield

Others Present

CASES

Case No.: ZA07-036

Location: 2055 North 56th Street

Subject: Requesting a Modification of a Planned Area Development (PAD) to allow a bay window to encroach into a required side yard in the R-2-PAD zoning district.

Decision: Approved with conditions

Summary: Mr. Nuber explained that the modification that is being requested was an option available when the condos were built. Additionally, they have received approval from the homeowners association. Mr. McVay explained that because the property line conforms to the building the addition will not encroach into property owned by the HOA. In conventional subdivision development the Code allows a minor encroachment for a bay window into side yard setbacks. When reviewed consistent with conventional developments. It has been approved by the HOA, and a bay window was an option, the proposal is consistent with the intent of the PAD. 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.*

City of Mesa
Zoning Administrator Minutes
April 17, 2007

Finding of Fact:

- 1.1** The boundary of the ownership is formed around each individual unit. As a result the property owner may not make modifications to the unit that will encroach into the designated common areas.
- 1.2** As proposed the addition would encroach two feet into the shared common area that would constitute the perceived side yard in a normal City of Mesa residential lot configuration.
- 1.3** By current City of Mesa Zoning standards a home may encroach a maximum of two feet into any side yard setback, provided the aggregate width of all such projections adjacent to any yard does not exceed ten feet, as cited in §11-13-2(E) 3.
- 1.4** The applicant and owner have obtained approval from the Apache Wells Home Owners Association to request Modification of the PAD and for the construction of the addition.
- 1.5** These bay windows were an available option to the buyer during the original construction phase of the development.

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City of Mesa
Zoning Administrator Minutes
April 17, 2007

Case No.: ZA07-037

Location: 150 South Dobson Road

Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow redevelopment of the site for a commercial boat sales lot in the C-3 zoning district.

Decision: Approved with conditions

Summary: Mr. Almond explained the proposal for a boat sales dealership. He added that there will be outdoor storage of boats, but they will not display the boats outdoors. Additionally, he agrees with all the staff recommendation except he does not understand the need for additional landscape islands.
Mr. McVay explained that the landscape islands would bring the site into further compliance.
Mr. Gendron approved the case with the following conditions:
1. Compliance with the site plan submitted, except as modified by the conditions below.
2. Provision of a minimum thirty-foot (30') by sixty-foot (60') concrete or asphalt transition between the dust proof gravel surface inside the rear storage yard and the parking area
3. Provision of a corner quarter radius landscape island in the parking area at the northeast corner of the showroom.
4. A dust control adhesive shall be applied to all unpaved surfaces on-site on which motor vehicles may travel.
5. Compliance with all requirements of the Building Safety Division with regard to the issuance of building and sign permits.

Finding of Fact:

- 1.1** The applicant is requesting that the required building and landscape setback from the north property line be reduced from the required 15 feet to a minimum of 10 feet and a zero-foot setback from the south property line. A minimum setback of approximately 12 feet has been provided from Dobson Road, where 30 feet is required.
- 1.2** Dedication of future right of way will not be required with this request because there will be no change to existing structures. Sites with less than 100% expansion of the existing building are generally not required to dedicate future right of way to the City.

City of Mesa
Zoning Administrator Minutes
April 17, 2007

- 1.3** The site conforms to the requirements of the Substantial Conformance Improvement Permit. Specifically the site in its current legal non-conforming state would not allow development of the site to the full extent of the City of Mesa Code.

- 1.4** The site cannot comply with current Code in the areas of landscape setbacks and parking without requiring the demolition or significant alteration of existing building. Including staff recommended conditions of approval; the applicant has proposed a site plan that will provide substantial improvement to the neighborhood.

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City of Mesa
Zoning Administrator Minutes
April 17, 2007

Case No.: ZA07-038

Location: 4320 and 4360 East Brown Road, and 1244 North Greenfield Road

Subject: Requesting a Special Use Permit for a Comprehensive Sign Plan in the O-S-PAD zoning district.

Decision: Approved with conditions

Summary: Ms. Davis presente the proposed sign plan for the project and went on to add that some of the signs exist.
Mr. McVay explained that because this is a group office development in an O-S zoning district only 4 signs would be allowed per code. The comprehensive sign plan would allow additional signage for the center, which is more consistent with that allowed in the C-1 or C-2 zoned developments, in which district group office projects generally develop.
Mr. Gendron approved the case 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. No single sign shall exceed sixteen (16) square feet.
3. Removal of the Wall Sign on the corner of the commercial development.
3. No attached signs shall be allowed on the west or north sides of buildings located at 4320 E. Brown Road and 1244 N. Greenfield Road.
4. Compliance with all requirements of the Building Safety Division with regard to the issuance of sign permits.

Finding of Fact:

- 1.1 This professional 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.
- 1.2 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. Current Sign Ordinance maximums would allow a total of four signs and 128 square feet of sign area (attached and detached) for the entire development.

City of Mesa
Zoning Administrator Minutes
April 17, 2007

- 1.3** The complex has proposed two detached signs with an aggregate sign height of 14.5 feet and aggregate sign area of 58 square feet along Brown Road and two detached signs with an aggregate sign height of 18.5 feet and aggregate sign area of 67 square feet along Greenfield Road.

- 1.4** Tenant would be allowed a maximum of one attached sign per elevation with a maximum sign area of 16 square feet each. Assuming all the detached signs described above were allowed, no attached signs would be allowed to identify individual tenants.

- 1.5** Staff is recommending 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 west or north walls of buildings located at 4320 E. Brown or 1244 N. Greenfield. Attached signs will be illuminated by halo illumination only.

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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 **39**.

Respectfully submitted,

John S. Gendron
Hearing Officer

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G:ZA/Minutes/ZAM