Board of Adjustment
Minutes

City Council Chambers, Lower Level
March 6, 2007

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
Jim Hash
Lena Butterfield

Others Present:
Troy Bingham

The study session began at 4:30 p.m. The Public Hearing meeting began at 5:30 p.m. Before adjournment at 6:15 p.m., the following items were considered and recorded on Board of Adjustment CD #1.

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 February 14, 2007 Meeting: A motion was made to approve the minutes by Boardmember von Borstel and seconded by Boardmember Boswell. 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 McCray. Vote: Passed 6-0

Board of Adjustment Meeting
March 6, 2007

Case No.:	BA07-002
Location:	933 North Lindsay Road
Subject:	Requesting a Special Use Permit to allow development of athletic fields in conjunction with a place of worship in the R1-9 zoning district
Decision:	Continued to April 10, 2007
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 McCray to continue this case until April 10, 2007.
Vote:	Passed 6-0
Finding of Fact:	N/A

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Board of Adjustment Meeting
March 6, 2007

Case No.: BA07-007

Location: 356 E 9th Drive

Subject: Requesting variances to allow: 1) encroachment into the side yard; 2) encroachment into the rear yard; 3) encroachment into the front yard; and 4) exceed the maximum lot coverage allowed; all in conjunction with the construction of several additions to a single residence in the R1-6 zoning district.

Decision: Withdrawn

Summary: N/A

Motion: N/A

Vote: N/A

Finding of Fact: N/A

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Board of Adjustment Meeting
March 6, 2007

Case No.:	BA07-008
Location:	1759 East Broadway Road
Subject:	Requesting a Development Incentive Permit (DIP) to allow the development of a condominium complex in the R-4 zoning district.
Decision:	Continued to April 10, 2007
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 McCray to continue this case until April 10, 2007.
Vote:	Passed 6-0
Finding of Fact:	N/A

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Board of Adjustment Meeting
March 6, 2007

Case No.: BA07-009

Location: 161 West Hillside Street

Subject: Requesting a variance to allow a garage addition to encroach into required front and side yards in the R1-6 zoning district.

Decision: Approved as submitted

Summary: Mr. Bingham, property owner, explained that he is building the garage to protect the family's vehicles from theft, which vehicles would not fit in just a carport enclosure without increasing the size of the garage. During the building process he realized that a building permit was required. In applying for the building permit, he found that the construction did not comply with Zoning Code requirements related to setbacks. He state that, because of a curb step in the garage and a support beam that runs across the garage and front of the home, the garage has to be as long as proposed in order to fit his vehicles.

Mr. Hash explained that a variance may be justified, there is still a question of the degree of the variance that is at question. Of primary concern to staff is that the proposal would create a driveway that is not long enough to park vehicles in front of the garage without blocking the sidewalk.

The Board agreed that due to the crime rate and the location of the main support beam the variance is justified.

Mr. McCray expressed concern that the applicant would have to tear down what is already built.

Ms. Higgins and Mr. Carter agreed that the addition was one of the nicest ones on the block.

Motion: It was moved by Boardmember von Borstel, seconded by Boardmember Carter to approve this case as submitted.

Vote: Passed 6-0

Finding of Fact:

1.1 The requested variance would allow expansion and enclosure of an existing carport into a garage that encroaches 7 feet into the required 20-foot deep front yard and also encroaches1 foot into the required 5 foot wide side yard.

1.2 The applicant has expressed that the garage is required to maintain security of their property due to the fact that they have had several items stolen from under their present carport.

1.3 The applicant has supplied a police report that attests to the crime that has occurred at the residence and has also provided letters from neighboring property owners expressing support for the requested variance.

1.4 The Mesa Police Department has provided a crime report for the applicant's neighborhood that states the City of Mesa received over 5,000 calls for Police response/service between January 1st, 2006 and February 20th, 2007. The report notes the high burglary and vehicle thefts and notes the most effective means to prevent vehicle theft is the keeping of vehicles in a locked garage. The high crime rate does represent a condition not created by the applicant.

1.5 The crime rate in the neighborhood and the construction utilized in the home are unique conditions not created by the applicant that justify a variance.

1.6 An enclosed garage is standard in home construction. Allowing the garage enclosure the use and benefit of the property. Therefore, the approval of a variance in this case would not grant a special privilege not available to other property owners.

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Case No.: BA07-010

Location: 837 North Dobson Road

Subject: Requesting a Special Use Permit for the modification of 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 McCray to approve this case with the following conditions:
1. Compliance with the comprehensive sign plan modification submitted, except as modified below;
2. The Bed Bath & Beyond Store shall be allowed one sign with a maximum sign area of two hundred and twenty-four square feet (224 s.f.) on the front building elevation.
3. The Bed Bath & Beyond Store shall be allowed one sign with a maximum sign area of fifty-six square feet (56 s.f.) on the rear building elevation.
4. Modifier signs will be allowed provided they do not exceed twelve inch (12") letter size and are not placed greater than eight feet (8') above the adjacent grade.
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 (CSP) was approved for Mesa Riverview as Board of Adjustment case BA06-005. That CSP provides an aggregate sign area of 270 square feet for stre tenants such as B3 consisting of a 190 square foot attached sign on the front elevation, an 80 square foot attached sign on the rear elevation, and unlimited modifiers provided they not placed greater than eight feet above adjacent grade. The proposed modification would allow an aggregate sign area of 280 square feet between a 224 square foot sign on the front elevation and a 56 square foot sign on the rear of the building. No modifier signs have been identified.

1.2 The modification would result in an increase in the aggregate sign area of only 10 square feet and essentially transfers sign area from the rear elevation to the front elevation. The front elevation will be allowed a maximum sign area of 224 square feet and the rear elevation will be allowed a maximum sign area of 56 square feet.

1.3 The Bed Bath & Beyond faces the interior of Mesa Riverview. Due to the orientation of the building, the increased sign area will have a negligible impact on surrounding properties.

1.4 The proposed modification is consistent with the intent of the approved Comprehensive Sign Plan.

Board of Adjustment Meeting
March 6, 2007

Case No.:	BA07-011
Location:	1230 South Mesa Drive
Subject:	Requesting a Substantial Conformance Improvement Permit (SCIP) to allow the development of a retail use in the C-2 zoning district.
Decision:	Continued to April 10, 2007
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 McCray to continue this case until April 10, 2007.
Vote:	Passed 6-0
Finding of Fact:	N/A

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Respectfully submitted,

Jeffrey McVay, AICP
Senior Planner

Minutes written by Lena Butterfield, Planning Assistant

G:Board of Adjustment/Minutes/2007/03 March