



# 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** June 19, 2007

**TIME** 1:30 P.M.

**Staff Present**

Gordon Sheffield  
Jim Hash  
Constance Bachman

**Others Present**

Yolanda Montes	Tom Sanders
Juan Montes	Linda Sanders
Nadine Montes	Rick Schweichler
Pat Taylor	Sandra Schweichler
Mike Clements	Dennis Newcombe
Reese Anderson	CE Newschwander

### **CASES**

Case No.: ZA07-059

Location: 2062 North Silverton Street

Subject: Requesting variances to allow a detached accessory building exceed both the maximum height and maximum roof area allowed in the R-4 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:

Mr. Newschwander, Cavco Homes, presented the variance request and explains how the neighbors have provided the owner and support for the request. Additionally, the variance would allow an existing building to remain on the parcel while also allowing a new manufactured home to replace an existing old and less safe home. Mr. Newschwander further stated SRP has verbally approved of the encroachment into the SRP easement.

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Mr. McVay provided a staff report and recommendation, noting the unique conditions that apply to the site and the improvements that are being proposed on the site.

Finding of Fact:

- The variance allows an existing detached accessory building located in the required rear and side setbacks that exceeds current Code requirements to remain. The variances relate to height and roof area. The detached accessory building would have a maximum height of approximately 11.5 feet and roof area of 320 square feet. Current Code would allow such detached accessory building in the proposed location with a maximum height of eight feet and roof area of 150 square feet.
- The detached accessory building was constructed in the 1970s and existed when the current owner purchased the property.
- The relatively small size of the parcel precludes the construction of a similar sized detached accessory building that complies with current setback requirements.
- Strict application of current Code requirements would deprive the property of the ability to replace the existing manufactured home constructed in 1974 with a new manufactured home that complies with current building codes without the demolition of the detached accessory building.
- The detached accessory building is relatively small and would have minimal impact or detrimental effect on neighboring properties, as noted by the long-term existence without complaint.

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Case No.: ZA07-060

Location: 430 West Guadalupe Road

Subject: Requesting a Development Incentive Permit (DIP) to allow the development of an office use in the C-2 zoning district.

Decision: Continued to July 10, 2007

Summary: Staff is recommending that this case be continued until July 10, 2007.

Finding of Fact: N/A

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Case No.: ZA07-061

Location: 10400 to 10700 blocks of East Southern Avenue (south side)

Subject: Requesting a Special Use Permit (SUP) to allow outdoor display in conjunction with a retail use in the C-2-DMP-PAD zoning district.

Decision: Approved with the following conditions:

1. *Compliance with the site and landscape plans submitted as they specifically apply to the garden center, except as modified by the conditions below.*
2. *Compliance with all requirements and conditions of approval of the rezone and site plan review approved through case Z07-22.*
3. *Compliance with all requirements of the Design Review Board.*
4. *The Special Use Permit shall expire if not exercised, or if a building permit has not been issued within one (1) year of official action.*
5. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Summary:

Mr. Newcomb, applicant, presented the requested SUP, noting that no further statements than that provided with the application and agreement with the staff recommended conditions of approval.

Mr. McVay provided a staff report and recommendation, noting that the proposed garden center would be compatible with surrounding development.

Mr. Gendron led discussion of the approval status of City Council and Design Review Board reviews and the usage of the site for seasonal outdoor parking lot sales.

Finding of Fact:

- The SUP allows the development of an outdoor garden center associated with Super Target. The Super Target will be the anchor tenant within a large group commercial development known as Mountain Vista Marketplace and located at the southwest corner of Southern Avenue and Signal Butte Road.
- The Mountain Vista Marketplace development has approval for a General Plan Minor Amendment, Rezoning, and for its Site Plan from the Planning and Zoning Board and City Council. It also has architectural and landscape design approval from the Design Review Board.
- The Super Target and proposed garden center are consistent with the General Plan designation of Regional Commercial and the garden center is an allowed use in the C-2 zoning district subject to approval of a SUP.

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- The proposed garden center will be designed and constructed consistent with the design of the Super Target and with the overall Mountain Vista Marketplace development. The use of this site for a garden center will be compatible with and not detrimental to surrounding uses.

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Case No.: ZA07-062

Location: 1130 West Southern Avenue

Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow the redevelopment of a retail use in the C-2 zoning district.

Decision: Approved with the following conditions:

1. *Compliance with the site plan submitted.*
2. *Compliance with all requirements of the Design Review Board.*
3. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Summary: Mr. Anderson, applicant, presented the SCIP request noting that the original zoning cases were from 1979 or 1980. Additionally, the Saba's store that is being razed does not meet current building and site development standards. The primary deviation from Code requirements relates to the setback from Southern, which is a continuation of the existing setback line.

Mr. McVay provided a staff report and recommendation, noting that the site plan justifies a SCIP and the site plan has been reviewed and approved by Planning and Zoning and Design Review Boards. He further noted that a variance would be required to allow an existing non-conforming sign to remain.

Finding of Fact:

- The SCIP will allow deviations from current development standards related to setbacks, foundation base, and landscaping. The SCIP will allow the razing of an existing retail building and the construction of a Walgreens, which will be part of an existing group commercial development through.
- Unless approved through a SCIP, the proposed development would require full compliance with current Code development standards for the subject lease area, as well as the entire group development. Compliance with current development standards would require the demolition or substantial reconstruction of existing buildings and would result in the creation of new nonconformities related to on-site parking and stormwater retention.
- The applicants have proposed a development that substantially conforms to current development standards and is compatible with and not detrimental to surrounding properties. The most significant deviation, the landscape setback from Southern Avenue, would allow a setback commensurate with the surrounding development. Additionally, if a 30-

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foot setback were provided from the future 65-foot wide right-of-way for Southern Avenue, significant modification to existing vehicular circulation routes and parking fields would be required.

- The proposed site plan has received the approval of an Administrative Site Plan Modification, and the approval of the Design Review Board through case DR07-54.
- The existing group commercial development includes nonconforming signs that cannot be approved through the SCIP request. These nonconforming signs must be brought into conformance with current requirements or allowed in the current configuration through a variance. The variance will be reviewed July 10, 2007 as Zoning Administrator case ZA07-073.

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There being no further business to come before the Zoning Administrator, the hearing adjourned at 1:45 p.m.

The cases for this hearing were recorded on Zoning Administrator Flash Card 2, Track 22.

Respectfully submitted,

John S. Gendron  
Hearing Officer

cb  
G:ZA/Minutes/ZAM