

Board of Adjustment Minutes



**City Council Chambers, Upper Level
October 10, 2006**

Board members Present:

Dina Higgins, Chair
Randy Carter
Craig Boswell
Garrett McCray
Dianne von Borstel
Roxanne Pierson

Board members Absent:

Mike Clement (excused)

Staff Present:

Jeff McVay
Lena Butterfield

Others Present:

Dorotha Bowman
Ronald Broach
Angela Castellano
Lee Mathiesen
Bill Zimmer

The study session began at 4:30 p.m. The Public Hearing meeting began at 5:30 p.m. Before adjournment at 6:45 p.m., the following items were considered and recorded on Board of Adjustment Tapes #351, 352, and 353

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.
- B. John Welsey, Planning Director, presented a potential amendment to the City of Mesa Zoning Ordinance, deleting the requirement in subsection 11-18-3 (A) 1, that applications for building permits must be accompanied by drawings demonstrating the application is in conformance with Title 11. The Board of Adjustment did not take any formal action, rather the presentations was intended form information purposes. The consensus of the Board was the proposed amendment would be detrimental to City entitlement processes and better dealt with through the Zoning Ordinance Update.

Public Hearing 5:30 p.m.

- A. Consider Minutes from the August 8, 2006 Meeting A motion was made to approve the minutes by Boardmember Carter and seconded by Boardmember Pierson. Vote: Passed 6-0
- B. Consent Agenda A motion to approve the consent agenda as read was made by Boardmember McCray and seconded by Boardmember Boswell. Vote: Passed 6-0

**Board of Adjustment Meeting
October 10, 2006**

Case No.: BA06-042

Location: 7163 E Superstition Springs Boulevard

Subject: Requesting a Special Use Permit for a Comprehensive Sign Plan in the R1-6-PAD zoning district.

Decision: Continued to November 14, 2006

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Boardmember McCray, seconded by Boardmember Boswell to continue this case until November 14, 2006.

Vote: Passed 6-0

Finding of Fact: N/A

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**Board of Adjustment Meeting
October 10, 2006**

Case No.: BA06-044

Location: 540 East 8th Street

Subject: Requesting a variance to allow a room addition to encroach into the side yard in the R1-9 zoning district.

Decision: Withdrawn

Summary: This case was on the consent agenda and not discussed on an individual basis.

Motion: It was moved by Boardmember McCray, seconded by Boardmember Boswell to withdraw this case.

Vote: Passed 6-0

Finding of Fact: N/A

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**Board of Adjustment Meeting
October 10, 2006**

Case No.: BA06-050

Location: 3529 East University Drive

Subject: Requesting: 1) a Substantial Conformance Improvement Permit (SCIP); and 2) a Special Use Permit to allow a crematorium as an accessory use to a mortuary 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 McCray, seconded by Boardmember Boswell to approve this case with the following conditions:

- 1. Compliance with the site plan and landscape plan submitted, except as modified by the conditions listed below*
- 2. Parking spaces shall have a minimum size of nine feet by eighteen feet (9' x 18').*
- 3. Provision of a six-foot (6') high masonry screen wall around the perimeter of the site where allowed by the Zoning Code.*
- 4. Replacement of all dead or dying plants within the entire development.*
- 5. Provision of one (1) tree and three (3) shrubs within the existing parking lot landscape island at the south end of the parking field adjacent to the rear of the existing mortuary building.*
- 6. Compliance with Code related to the number of trees and shrubs provided within landscape setbacks and parking lot landscape islands within the new development area.*
- 7. Compliance with all requirements of the Design Review Board.*
- 8. Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Vote: Passed 6-0

Finding of Fact:

- 1.1** The applicant is proposing the development of a Care Center that will include cremation and embalming facilities and increased visitation facilities associated with the Bunker Family Mortuary. The existing development was constructed at a time when required setbacks were not as large as those required by current Code. Development of the Care Center on the vacant portion of the site requires deviations from current Code that can be approved with a SCIP.
- 1.2** The applicant has proposed deviations from current Code requirements related to setbacks adjacent to University Drive and adjacent property lines and reduction in foundation base requirements, all related to the existing development. The applicant is requesting deviations from Code related to the setback from the west property line related to the proposed development.
- 1.3** The requested deviations from Code requirements related to setbacks are necessary to allow expansion of the site without bringing the entire site in conformance with the Code. Compliance with Code requirements would require significant alteration or demolition of the existing development.

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- 1.4** The applicant has proposed eight parking spaces that do not comply with minimum size requirements of 9' x 18'. A modification to the site plan will provide parking spaces that comply with Code size requirements, while providing on-site parking for the entire site that meets Code requirements.
- 1.5** The proposed development requires the review and approval of the Design Review Board. The applicant will comply with all requirements of the DRB. The proposed 6,964 square foot building has been designed to be compatible with existing development and provides a large entry courtyard for the visitation facility. The proposed development will be screened from adjacent properties with a six-foot masonry wall.
- 1.6** The properties to the east, west, and south would have the most impact from the proposed development. The properties to the east are zoned C-2 and are all vacant, with the exception of a CVS on the southwest corner of University and Val Vista Drives. The R-4 zoned properties to the west are owned by the City of Mesa. The vacant property to the south is zoned C-2.
- 1.7** 60 percent of decedents in Maricopa County choose cremation. The aging population in Mesa warrants additional cremation facilities. Cremation facilities are regulated by the Arizona Department of Environmental Quality, including permitting and yearly air quality monitoring. Improvement in cremation technology has minimized the impact of these facilities.
- 1.8** The proposed site plan, including staff recommended conditions for approval, substantially conforms with the intent of the Code and is consistent with and not detrimental to adjacent properties.

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**Board of Adjustment Meeting
October 10, 2006**

Case No.: BA06-051

Location: 6035 East Hannibal Street

Subject: Requesting a variance to allow a shade structure addition to encroach into the required front yard in the R1-9 district.

Decision: Continued to November 14, 2006

Summary: Ms. Bowman explained that the shade structure will extend from her home and create an area to provide filtered sunlight and a butterfly garden. Additionally, she explained the following justification for the proposed location of the structure:

1. The right-of-way for Hannibal Street includes nine feet of what she had assumes was her yard.
2. The rear yard has a workshop, septic field, and a sidewalk adjacent to the home.
3. Adding the courtyard to the front is the best placement, aesthetically.
4. The plants she intends to plant in the courtyard will not do well next to a septic field.

Mr. McVay explained that within the City of Mesa a 50-foot right of way is standard on residential streets. Additionally, because the entire neighborhood was developed utilizing on-site sewage treatment, the septic field does not constitute a unique condition. Further, if the beams were removed, the fence height would still require a variance.

In response to questions from Ms. vonBorstel and Mr. Boswell, Mr. McVay explained that the Code would allow a 3-foot overhang into the front setbacks. In response to questions from several Boardmembers expressed concern with the other courtyards in the area, Mr. McVay explained that there have been no other variances approved for an increased fence height in the neighborhood. Ms. Higgins recommended that the case be continued so that the Ms. Bowman can work with the Planning Division staff to come up with an alternative solution which would only require a minor variance or none at all.

Motion: It was moved by Boardmember Carter, seconded by Boardmember McCray to continue this case to November 14, 2006:

Vote: Passed 6-0

Finding of Fact: N/A

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**Board of Adjustment Meeting
October 10, 2006**

Case No.: BA06-052

Location: 6820 E. Superstition Springs Boulevard

Subject: Requesting a Special Use Permit for modification of a Comprehensive Sign Plan in the C-2 DMP 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 McCray, seconded by Boardmember Boswell to approve this case with the following conditions:

1. The detached monument sign shall be designed, constructed, and finished to be compatible with existing detached monument signs approved by Board of Adjustment case BA99-042.

2. 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) has been approved for the Home Depot anchored group commercial/retail center by Board of Adjustment case BA99-042. That CSP did not provide any detached signage for the Burger King pad site.
- 1.2 Visibility of the Burger King has been limited by building setbacks and mature landscaping. The applicant feels that the lack of visibility has led to declining sales. The proposed seven-foot high 29 square foot sign is intended to improve visibility.
- 1.3 The proposed sign has been reviewed and approved by the Superstition Springs Community Master Association Commercial Design Review Committee. The center's Conditions, Covenants, and Restrictions (CCRs) would allow a detached sign of the height and area proposed along Superstition Springs Boulevard.
- 1.4 The proposed sign is relatively small in size and area and have been designed consistent with the existing Comprehensive Sign Plan. Including the proposed sign, there would be two signs with an aggregate height of 16' 10" and sign area of 93 square feet along Superstition Springs Boulevard. Code maximums would allow an aggregate height of 42.5 feet and sign area of 425 square feet.
- 1.5 The proposed detached sign is consistent with the intent of the existing Comprehensive Sign Plan, would be compatible with the surrounding neighborhood, and have minimal visual impact on surrounding properties.

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Case No.: BA06-053

Location: 4240 E. Southern Avenue

Subject: Requesting a Special Use Permit for the construction of a commercial communication tower which exceeds the maximum height permitted in the C-2 Zoning District.

Decision: Approved with conditions

Summary: Ms. Castellano, representing Salt River Project, explained that the search radius Cingular utilized to find suitable sites for the proposed tower was constrained and limited several other potential locations. Ms. Castellano provided a map of the search area to the Board. SRP considered installing the communication facility on an existing electric pole, but that would have required electricity to the surrounding neighborhood be turned off for several days. She further explained that SRP found a site that will work on the substation property and is consistent with the Mesa Communication Tower Guidelines. Additionally, Cingular is willing to install landscaping to screen the tower from adjoining properties.

In response to a question from Mr. Carter, Mr. McVay explained that the setback 205 feet from residential properties to the north and approximately 160-180 feet from residential properties to the west.

Mr. Zimmer, 4239 E Emilita, explained that he understands that development is going to occur and that communication towers are necessary. If the communication tower is approved, he is happy that Cingular is willing to pay for landscaping on his property to screen the view of the tower.

Mr. Mathiesen, 4313 E Emilita, explained that he represents a majority of the neighbors in the neighborhood and they do not support the proposed tower locations for the following reasons:

1. The neighbors feel that there are other locations better suited for a communication tower.
2. The neighborhood consists mainly of large lots that are a part of the old citrus groves and the neighborhood would like to keep the rural feel of the area.

Mr. Mathiesen presented the Board a petition signed by 13 people, representing 12 properties in the vicinity.

Responding to a question from Mr. McVay, Ms. Castellano explained that the site will be used for by the cell phone carrier to increase their signal coverage and increase the number of callers (capacity) that the signal can serve.

Mr. Carter clarified with staff that the monopole will be equal in height to the existing power poles in the area.

The Board agreed that because of the existing substation the proposed location for the monopole meets the Commercial Communication Tower Guidelines.

Motion: It was moved by Boardmember McCray, seconded by Boardmember Boswell to approve this case with the following conditions:

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1. *Compliance with the site plan submitted, except modified by the conditions below.*
2. *Future co-location shall be limited to one (1) flush mounted array.*
3. *A landscape plan that shows existing trees and trees proposed to be added through a private agreement with adjacent property owners shall be submitted to the Zoning Administrator for review and approval prior at least one (1) week prior to submission of building construction documents.*
4. *Compliance with the landscape plan prior to the final inspection of the installation of the monopole.*
5. *Compliance with all Federal Aviation Administration regulations.*
6. *Compliance with all Federal Communications Commissions regulations.*
7. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Vote: Passed 6-0

Finding of Fact:

- 1.1 The proposed 65-foot commercial communication tower will utilize a standard monopole design in order to minimize the potential of power outages. SRP discourages “stealth” designs, such as monopalms, due to the potential of camouflaging materials breaking free and landing on transmission lines. The monopole will be constructed of materials similar to existing transmission line poles.
- 1.2 The proposal was the subject of two neighborhood meetings held on site. As a result of those neighborhood meetings, the proposal has been revised. The revision include a reduced CCT height from 75 feet to 65 feet, a reduction in antenna array width to four feet, the provision of an eight-foot high masonry screen wall, and the provision of additional trees to screen the CCT from adjacent residential properties to the north.
- 1.3 The location, number, and type of trees provided would be the result of private agreements between neighboring property owners and the owner/applicant. These trees should be shown on a landscape plan that would be reviewed and approved by the Zoning Administrator prior to issuance of a building permit.
- 1.4 A 65-foot high CCT is an allowed use in the C-2 Zoning District, subject to granting a Special Use Permit, and complies with the Commercial Communication Towers Guidelines adopted by the City Council, and would be compatible with and not detrimental to surrounding properties.

Respectfully submitted,

Jeff McVay, AICP
Minutes written by Lena Butterfield, Planning Assistant

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