

Board of Adjustment  
**Minutes**

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# Board of Adjustment Minutes



City Council Chambers, Lower Level  
May 10, 2004

**Board members Present:**

Jared Langkilde, Chair  
Roxanne Pierson, Vice Chair  
Greg Lambright  
David Shuff

**Board members Absent:**

Mike Clement  
Dianne von Borstel

**Staff Present:**

John Gendron  
Gordon Sheffield

**Others Present:**

Doloras Perez  
others

The study session began at 4:30 p.m. The Public Hearing meeting began at 5:30 p.m. Before adjournment at 5:45 p.m., the following items were considered and recorded on Board of Adjustment Tape # 328.

**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. Mr. Sheffield explained to the Board and those citizens present that there were unusual circumstances due to the fact that there were only four Boardmembers present, and one member had to leave by 5:45. At this time, the Board will lack a quorum and cannot do business or take action on any agenda item. Mr. Sheffield further explained that unless someone asks for removal, all items on the consent agenda will be acted upon. Those items not on the consent agenda will be continued to the June 14 meeting.

**Public Hearing 5:30 p.m.**

- A. Consider Minutes from the April 12, 2005 Meeting  
It was moved by Boardmember Shuff and seconded by Boardmember Pierson, that the minutes of the April, 12, 2005 Board of Adjustment meeting be approved. **Vote:** Passed 4-0
- B. Consent Agenda  
Approval of the Consent Agenda, with the conditions noted in the staff reports, was moved by Boardmember Pierson, seconded by Boardmember Shuff. **Vote:** Passed 4-0

**Board of Adjustment Meeting  
May 10, 2005**

**Case No.:** BA05-017

**Location:** 605 East McKellips Road

**Subject:** Requesting: 1) a Substantial Conformance Improvement Permit (SCIP); 2) a variance to allow vehicles to enter a public street in a backward motion; and 3) to permit development on a lot without frontage on a fully dedicated public street, all in conjunction with the conversion of an existing residential building into a beauty salon in the C-2 district.

**Decision:** Continued to June 14, 2005.

**Summary:** This case was on the consent agenda, and was not heard on an individual basis.

**Motion:** It was moved by Boardmember Pierson, and seconded by Boardmember Shuff that this case be continued to the June 14, 2005 meeting.

**Vote:** Passed 4-0

**Finding of Fact:** N/A

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**Board of Adjustment Meeting  
May 10, 2005**

**Case No.:** BA05-018

**Location:** 1245 South Ellsworth Road

**Subject:** Requesting: 1) a Special Use Permit for a garden center accessory to the primary use; 2) a variance to allow a foundation base with less than the required depth; and 3) a variance to allow a drive aisle to encroach into the required rear yard setback in the C-2 district.

**Decision:** Approved with conditions.

**Summary:** This case was added to the consent agenda, and was not heard on an individual basis.

**Motion:** It was moved by Boardmember Pierson and seconded by Boardmember Shuff that this case be approved, subject to the following conditions:

- 1) Compliance with the site plan stamped April 18, 2005 by Silvio Gabriel Popovsky, Registered Architect, except as modified by the conditions listed below;
- 2) The front foundation base shall be widened to a minimum depth of fifteen feet (15') measured from the face of the building to the outside edge of the pedestrian sidewalk (coterminous with the inside edge of the vehicular loading zone), and the front entry foundation base shall have a minimum depth of twenty-seven feet (27'), measured from the primary entry doors to the outside edge of the pedestrian entry landing (coterminous with the inside edge of the west-bound vehicular circulation lane adjacent to the store front).
- 3) Outdoor storage and display located outside of the designated "garden center" shall be limited to that area directly under front shade canopies, and shall not interfere with any pedestrian or handicap access on any sidewalks. Any outdoor storage or display located within the parking lot shall be considered under requirements for a special event, as defined by Section 11-1-6 of the Mesa City Code.
- 4) Compliance with all requirements of the Design Review Board.
- 5) Compliance with all requirements of the Building Safety Division.
- 6) Compliance with all requirements of the City Council approval for zoning case Z05-030.

**Vote:** Passed 4-0

**Finding of Fact:**

- 1.1 The location of the proposed garden center is integral to the design of the overall home improvement store, and the screening fences are of sufficient height to obscure any outdoor storage or display.
- 1.2 As limited by the recommended conditions, the outdoor display and storage will be controlled in a manageable fashion.
- 1.3 Assuming the City Council approves the site plan modification on May 2, 2005 (based on the Planning and Zoning Board recommendation of approval with conditions), the Council will have decided that both the home improvement store and the accessory garden center are designed in a compatible manner. Having set that decision as the policy regarding the development of this site, a finding may be made that the garden

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center use is consistent with Council policies as such policies pertain to this site.

- 2.1** The intent of the 30' by 30' entry plaza is to provide a landing that extends between parked cars of sufficient width and depth that pedestrians coming from further away in the parking field may easily find the store entry, and that the store entry would be designed in an attractive and inviting manner. The design of this home improvement store does not include parking stalls immediately adjacent to the storefront. Rather, there is a second westbound lane designed for vehicles to pull next to the sidewalk and be loaded across the flush curb.
- 2.2** The applicant has agreed to modify the design depth of the entry plaza to be 27', which along with the 40' creates an entry plaza which exceeds the minimum area specified by ordinance, but is lacks only 3' in depth. The intent of design requirement appears to be met. Pushing the entry plaza an addition 3' would likely result in fewer parking stalls for a use that typically requires a significant number of stalls above the ordinance minimum.
- 2.3** As recommended, the applicant has agreed to modify the foundation base by increasing the minimum depth to a full 15' across the entire width of the storefront. This change alleviates the need for a variance to that particular ordinance requirement.
- 3.1** The east side drive aisle was installed as a means to gain access to the golf course driving range and communication uses that were placed on the south site of the overall site. When installed, the perimeter landscaping area could be a minimum width of 10', as was the case for this site.
- 3.2** The location of the drive aisle also acts as an access easement for the uses to the south. Any change to increase the width of the landscape easement along the east property line will affect the location of the easement, and require a new easement to drawn up along with new legal description of the easement. Because the beneficiaries of the easement are not bound to make changes to their portion of the development, the developer of this project cannot guarantee that the easement will be moved. As such, special circumstances exist outside of the applicant's control with regard to widening the east perimeter landscape area.

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**Case No.:** BA05-019

**Location:** 1251 East Vine

**Subject:** Requesting a variance to allow parking spaces to encroach into the required front yard setback in the R1-6 district.

**Decision:** Denied.

**Summary:** Ms. Dolores Perez was present to represent this case. She stated that they are in the process of selling this property and wanted a decision, not a continuance.

**Motion:** It was moved by Boardmember Shuff and, seconded by Boardmember Pierson that this case be denied.

**Vote:** Passed 4-0

**Finding of Fact:**

- 1.1 By enclosing the carport, this is a self-imposed hardship.
- 1.2 This lot is comparable in size and shape to the others in the area.
- 1.3 There are no special circumstances on this lot that warrant the granting of a variance.
- 1.4 Approval of this variance would be giving special privilege to this lot that is not available to other properties in the same zoning district, or neighborhood.

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**Case No.:** BA05-020

**Location:** 711 South Macdonald

**Subject:** Requesting a variance to allow a carport to encroach into the required side yard setback in the R-2 district.

**Decision:** Withdrawn.

**Summary:** This case was added to the consent agenda, and was not heard on an individual basis.

**Motion:** It was moved by Boardmember Pierson, seconded by Boardmember Shuff, that this case be withdrawn.

**Vote:** Passed 4-0

**Finding of Fact:** N/A

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**Board of Adjustment Meeting  
May 10, 2005**

**Case No.:** BA05-021

**Location:** 640 West McKellips Road

**Subject:** Requesting a Special Use Permit to allow a recreational vehicle to be used as a night watchman's quarters in the M-1 district.

**Decision:** Approved as submitted.

**Summary:** This case was added to the consent agenda, and was not heard on an individual basis.

**Motion:** It was moved by Boardmember Pierson, seconded by Boardmember Shuff, that this case be approved conditioned upon the site plan as submitted.

**Vote:** Passed 4-0

**Finding of Fact:** N/A

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**Board of Adjustment Meeting  
May 10, 2005**

**Case No.:** BA05-022

**Location:** 602 South Horne

**Subject:** Requesting a Substantial Conformance Improvement Permit (SCIP) to allow the expansion of an existing triplex in the R-2 district.

**Decision:** Approved with conditions.

**Summary:** This case was added to the consent agenda, and was not heard on an individual basis.

**Motion:** It was moved by Boardmember Pierson, seconded by Boardmember Shuff that this case be approved subject to the following conditions:

- 1) *Compliance with the site plan dated March 30, 2005;*
- 2) *Completion of the improvements listed on the narrative dated March 21, 2005; and*
- 3) *Compliance with all requirements of the Building Safety Division.*

**Vote:** Passed 4-0

**Finding of Fact:**

- 1.1 The property is zoned R-2 and being used as a triplex. The proposed addition is not increasing the number of units on the property.
- 1.2 The proposed addition is in substantial conformance with the Zoning Ordinance and is in the greatest degree of compliance for this site with current development provisions, based on the size of the parcel and the location of the existing building.
- 1.3 The proposed addition and improvements will be an enhancement to the property and surrounding area.

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**Board of Adjustment Meeting  
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**Case No.:** BA05-023

**Location:** 702 South Grand

**Subject:** Requesting variances to reduce the required rear and side yard setbacks in conduction with the construction of a duplex in the R-2 district.

**Decision:** Continued to the June 14, 2005 meeting.

**Summary:** This case was added to the consent agenda, and was not heard on an individual basis.

**Motion:** It was moved by Boardmember Pierson, seconded by Boardmember Shuff that this case be continued to the June 14, 2005 meeting.

**Vote:** Passed 4-0

**Finding of Fact:** N/A

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**Board of Adjustment Meeting  
May 10, 2005**

**Case No.:** BA05-024

**Location:** 2437 East Florian Avenue

**Subject:** Requesting a Special Use Permit to allow an accessory living quarters that is not directly accessible from the main dwelling in the R1-15 district.

**Decision:** Continued to June 14, 2005.

**Summary:** This case was added to the consent agenda, and was not heard on an individual basis.

**Motion:** It was moved by Boardmember Pierson, seconded by Boardmember Shuff, that this case be continued to the June 14, 2005 meeting.

**Vote:** Passed 4-0

**Finding of Fact:** N/A

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Respectfully submitted,

Gordon Sheffield, AICP  
Senior Planner

Minutes written by John Gendron, Zoning Administrator

G:Board of Adjustment/Minutes/2005/05 May