

Board of Adjustment

Minutes



**City Council Chambers, Lower Level
June 10, 2008**

Board members Present:

Mike Clement, Chair
Dianne von Borstel, Vice Chair
Garret McCray
Linda Sullivan
Greg Hitchens

Board members Absent:

Terry Worcester (excused)
Scott Thomas (excused)

Staff Present:

Gordon Sheffield
Jeff McVay
Brandice Elliott
Kelly Arredondo

Fred Slade
Raad Mahdi
Scott Hudson

Others Present:

Charlie Gibson
Ralph Pew
Ranae Price
Nathan Babbit

The study session began at 4:35 p.m. The Public Hearing meeting began at 5:35 p.m. Before adjournment at 7:25 p.m., the following items were considered and recorded on Board of Adjustment CD #6.

Study Session 4:30 p.m.

- A. The study session began at 4:35 p.m. The items scheduled for the Board's Public Hearing were discussed.
- B. Zoning Administrator update – none

Public Hearing 5:47 p.m.

- A. Consider Minutes from the May 13, 2008 Meeting A motion was made to approve the minutes by Boardmember von Borstel and seconded by Boardmember Sullivan. Vote: Passed 5-0
- B. Consent Agenda A motion to approve the consent agenda as read was made by Boardmember Hitchens and seconded by Boardmember von Borstel. Vote: Passed 5-0
- C. Second Consent Agenda A motion to approve the second consent agenda as read was made by Boardmember von Borstel and seconded by Boardmember Sullivan. Vote: Passed 4-0-1 (Hitchens abstained)

**Board of Adjustment Meeting
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Case No.: BA08-005

Location: 715 North Country Club Drive

Subject: Requesting a Development Incentive Permit (DIP) to allow development of a multiple resident complex in the R-4 zoning district.

Decision: Continued to the September 9, 2008 hearing.

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

Motion: It was moved by Boardmember Hitchens, seconded by Boardmember von Borstel to continue case BA08-005 for 90 days to the September 9, 2008 hearing:

Vote: Passed 5-0

Findings: N/A

**Board of Adjustment Meeting
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Case No.: BA08-022

Location: 1020 East Southern Avenue

Subject: Requesting a Special Use Permit (SUP) to allow the development of a comprehensive sign plan in the C-2 zoning district.

Decision: Continued to the July 8, 2008 hearing.

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

Motion: It was moved by Boardmember Hitchens, seconded by Boardmember von Borstel to continue case BA08-022 for 30 days to the July 8, 2008 hearing.

Vote: Passed 5-0

Findings: N/A

**Board of Adjustment Meeting
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Case No.: BA08-026

Location: 727 West Broadway Road

Subject: Requesting a Development Incentive Permit (DIP) to allow the development of an automobile dealership in the M-1 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 Hitchens, seconded by Boardmember von Borstel to approve case BA08-026 with the following conditions:

1. *Compliance with the site plan submitted, except as modified by the conditions below.*
2. *Provide a five-foot (5') wide foundation base adjacent to the refuse enclosure.*
3. *The six-foot (6') high wrought iron fence shall be located five-feet (5') north of the parking area.*
4. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Vote: Passed 5-0

Findings:

- 1.1 The approved Development Incentive Permit (DIP) allows for the development of an automotive dealership. The site is currently vacant, and is located between two retail developments. The applicant has proposed several improvements to the site that largely comply with current Code requirements, with the exception of a six-foot high fence located in the front setback.
- 1.2 The site qualifies for a DIP, as it has all three of the following conditions: 1) the site does not exceed 2.5 acres; 2) the site has access to existing utilities; and 3) it is surrounded by properties within a twelve hundred foot radius in which greater than fifty percent of the total number of lots or parcels have been developed fifteen or more years.
- 1.3 While the site complies largely with current Code, the one exception is the proposed installation of a six-foot high wrought iron fence in the required front setback. Current Code would allow a fence up to 3'-6" in height in the front setback. The fence will serve the purpose of providing additional security to the site.
- 1.4 The six-foot high wrought iron fence is proposed with a building setback of 0-feet from the front setback, where current Code requires a setback of thirty-feet adjacent to Broadway Road. Further, current Code requires that fences and columns be placed a minimum of five-feet from drive aisles and parking stalls. While the fence complies with this requirement, there is benefit to placing the fence closer to the parking spaces to allow greater visibility of the landscape area. Relocating the fence would also increase the required building setback, resulting in greater compliance with current Code. A condition of approval requires the fence to be relocated five-feet in front of the parking area, which insures a 25-foot front setback.
- 1.5 The site plan does not identify a foundation base around the refuse container, where current Code

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requires a minimum foundation base width of five-feet. The Design Review Board approved the development with a condition that required the addition of this foundation base, and a condition of approval will ensure that the requirement is carried forward.

- 1.6** There is an existing 55-foot right-of-way on Broadway Road, and a 65-foot future width line. However, the property owner has not been asked to dedicate 65-feet of right-of-way at this time. Rather, a ten-foot Public Utility and Facilities Easement (PUFE) has been designated to facilitate the future widening of Broadway Road. The front setback is still measured from the 65-foot future width line. The proposed wrought iron fence will not be located within the PUFE.
- 1.7** The proposed development for the site is consistent with the General Plan and is a permitted use as specified in the zoning ordinance. The applicant has provided a degree of compliance with Code that is commensurate with or exceeds surrounding existing development. The requested deviations are necessary to accommodate the proposed development and insure that the site remains secure. This proposed development has been reviewed and approved by the Design Review Board, confirming that the proposed development meets the intent of the provisions of the Design Guidelines.

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Case No.: BA08-027

Location: 841 East 8th Place

Subject: Requesting a variance to allow a carport to encroach into the required sideyard setback in the R1-9 zoning district.

Decision: Denial

Summary: Chair Clement abstained from this case, leaving Vice Chair von Borstel to direct discussion.

Fred Slade presented the request for a variance, noting that the existing structure is similar to others in the neighborhood.

Boardmember McCray questioned if there is another location on the property where a similar structure could be placed. Mr. Slade indicated that there are other locations where a structure could be accommodated, but not without potentially interfering with future plans to expand the residence.

Mr. Slade presented photographs of other sites with similar structures to demonstrate that the structure is similar to others in the neighborhood. He further stated that the structure does not impede access to the rear yard.

Ms. Elliott presented the staff analysis for the request, noting that the justification provided by the applicant did not meet the criteria for a variance. There is a lack of unique conditions that may otherwise justify the request, and there are other locations on the property where a similar structure could be placed.

Mr. Slade indicated that he had collected signatures from adjacent property owners that were in approval of the structure, and presented the petition to the Board.

Boardmember Hitchens discussed the requirements for a variance, and indicated that there is a lack of justification for this request.

Boardmember McCray noted his support for amending the Code to allow similar structures in the required sideyard, but the current Code does not allow encroachments. He agreed with Boardmember Hitchens concerning the lack of justification for the structure.

Motion: It was moved by Boardmember McCray, seconded by Boardmember Hitchens to deny case BA08-027.

Vote: Passed 4-0-1 (Clement abstaining)

Findings:

- 1.1** The applicant requested a variance to allow an existing carport to encroach in the required sideyard. The structure is located adjacent to the west property line, and measures 8'-6" W x 24' L. The construction of the carport was completed without the benefit of a building permit and is currently the subject of a Code Compliance case (COD2008-01081).

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- 1.2** Although the carport has already been constructed, the Board reviewed this case as if it were still just a plan on paper, giving neither penalty or concern for having to maintain the applicant's investment.
- 1.3** The carport structure is located adjacent to the west property line, and is attached to both the dwelling and masonry wall. As a result, the applicant is requesting a zero-foot setback where a seven-foot setback is required. Current Code requires that all attached structures be located entirely within the building setbacks.
- 1.4** The subject parcel is 9,022 square-feet in area and is located within the R1-9 zoning district, which requires a minimum lot size of 9,000 square-feet. While the dwelling was constructed in 1957, it does appear to comply with current Code requirements, including setbacks and roof area. In addition, the property is of similar size and orientation of other lots in the subdivision.
- 1.5** The carport was constructed with the purpose of providing a shade area for storage. As justification for the variance, the applicant has noted that: 1) the carport structure is similar to others located within the neighborhood that also encroach into the sideyard; 2) the structure is consistent with the character of the neighborhood; 3) it provides shade to the west-facing elevation of the dwelling, which is the hottest side of the dwelling; and 4) the rear yard area must be preserved for future expansion of the dwelling.
- 1.6** The subject parcel is of similar size and orientation as other parcels in the subdivision, and consistent with the minimum size required in the R1-9 zoning district. In addition, there is approximately 40-feet between the rear of the dwelling and the rear property line, which provides adequate area for locating a similar detached or attached structure elsewhere on the lot to serve the same purpose. Further, the rear setback is measured from the center of the alley located south of the property, which provides an additional area for the placement of structures.
- 1.7** Review of Planning Division records shows no approved variances for similar structures in the neighborhood. Further, there are several detached storage structures that appear to comply with current Code requirements within the neighborhood. The applicant could locate a similar structure to a location permitted by current Code, and the size and depth of the lot provide sufficient area to locate the structure on the property without the need for a variance.
- 1.8** Evidence of a unique condition related to the land has not been provided, which is necessary for justifying this request. The justification provided primarily relates to self-imposed hardship, i.e., provides shade on west elevation. While a shade structure is desirable, it is required to be placed within the buildable area of the lot (i.e. built in compliance with building setbacks). Furthermore, the fact that other property owners in the neighborhood have constructed similar structures does not provide justification as all requests are reviewed on their own merit.

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Case No.: BA08-032

Location: 2020 North Mesa Drive

Subject: Appeal of Zoning Administrator Hearing Officer decision as it relates to a Development Incentive Permit (DIP) to allow development of an automotive service facility in the C-2 zoning district.

Decision: Approved with conditions (Affirmed Zoning Administrator decision with one additional condition of approval)

Summary: Ralph Pew presented the request for a Development Incentive Permit, noting that the irregular shape of the lot makes it difficult to develop without deviations to current Code. He summarized the case history of the property, and described the operations of the business that would be located on the site. The business would be a BMW certified service facility with a 3,000 square foot show room that will be authorized to sell BMWs. The automobiles will be displayed within the building to comply with the regulations of a C-2 zoning district.

Mr. Pew provided an exhibit to the Board demonstrating the distance between the bay doors and the house, which would be 161-feet. He continued by relating Development Incentive Permit findings to the request, noting that the proposed development is consistent with City policies and plans, and that only deviations necessary to accommodate the development have been requested.

Mr. Pew noted that the nature of the activity is a lower intensity than standard auto uses, and that an internally located air compressor will be used. Further, the use should minimally impact traffic, as approximately six cars would be serviced on a busy day.

Chair Clement confirmed that the cars for sale would only be displayed in the showroom.

Boardmember Hitchens confirmed the 20-foot encroachment of structures adjacent to the north property line, and that there would be five bays as opposed to the four bays shown on the elevation. Mr. Pew clarified that the elevations had been revised since the original submittal, and that the Design Review Board had approved the elevations with five bays.

Boardmember Hitchens also confirmed that the hours of operation would be 8 am - 5 pm, Monday through Friday, and that the air compressor would be located indoors and insulated.

Ranae Price spoke in opposition to the request, presenting a petition signed by adjacent property owners in opposition to the use. In addition, while she was not opposed to the business hours proposed by the property owner, she expressed concern that the hours of operation could change with a new tenant. As a result, she would prefer the bay doors be oriented south rather than north.

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Mr. Pew presented a rebuttal, noting the City noise ordinance as protection to the neighbors. He further indicated that reorienting the bay doors to the south would result in additional encroachment into setbacks adjacent to residences, and would further hinder the development of the site, creating complications related to parking, refuse containers, and fire access.

Boardmember Hitchens verified that the bay doors were shown on the south elevation at one point.

Mr. McVay presented the staff recommendation, noting that the property meets the definition of a by-passed parcel, which qualifies it for a Development Incentive Permit. Further, the site could not be developed without deviations from current Code, precluding it from an allowed use. The development is commensurate with surrounding development, as the landscape setbacks are greater than or proportionate with adjacent developments. Finally, the proposed development complies with current Code as it relates to adjacent uses.

Boardmember Sullivan noted the current location backs to residential development and inquired as to why the property owner is relocating, to which Mr. Pew responded that a newer, more modern facility is needed.

Boardmember McCray questioned why a sound study was not required for this development. Mr. McVay responded that the building would be occupied by a lower intense user, and it was not felt that a sound study would be necessary. Boardmember McCray discussed neighbor recourse to noise complaints.

Chair Clement asked Boardmember Hitchens for any thoughts about noise abatement. Boardmember Hitchens felt that the proposed block wall, perimeter landscape, and insulation of air compressor would be sufficient for buffering the noise.

Boardmember McCray reiterated concerns related to noise, and felt that the property owner's measures to restrict noise pollution were sufficient.

Boardmember Clement felt that it was necessary to include a condition to ensure that the air compressor would be indoors and insulated.

Motion:

It was moved by Boardmember McCray, seconded by Boardmember von Borstel to approve case BA08-032 with the following conditions:

1. *Compliance with the site and landscape plans submitted, unless modified by the conditions below.*
2. *Provision of a minimum of four (4) minimum twenty-four inch (24") size box trees, a minimum of five (5) minimum thirty-six inch (36") size box trees, and thirty-six (36) shrubs within the setback from the north property line.*
3. *Provision of a minimum of eight (8) minimum twenty-four inch (24") size box trees and thirty-one (31) shrubs within the setback from the west property line.*
4. *Provision of a minimum of seven (7) minimum twenty-four inch (24") size box trees and twenty-six (26) shrubs within the setback from the south property line.*
5. *Provision of an eight-foot (8') high masonry wall along the north property line.*

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6. *Compliance with all requirements of the Design Review Board.*
7. *The air compressor shall be located inside the building and insulated.*
8. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Vote: Passed 5-0

Findings:

- 1.1 The Development Incentive Permit (DIP) was reviewed and approved by Zoning Administrator Hearing Officer case ZA08-031 on April 8, 2008. By letter dated April 30, 2008, a request to appeal that decision from Ms. Ranae R. Price was received. Her concern relates to the use of this site for automotive service, or other commercial use due to the residential surroundings and increased traffic quantities. The concerns further extend to the orientation of the buildings and the noise and potential odors directed towards residences.
- 1.2 This site was originally developed with a residence in Maricopa County and annexed to the City of Mesa in September 1973 with the current zoning (Ord. #823). The residence was zoned C-3 in Maricopa County and down-zoned to City of Mesa C-2, which is a more restrictive commercial zoning district. Since annexation the site has been razed.
- 1.3 The approved deviations allow a reduction in the landscape setbacks from Mesa Drive and the north and west property lines; a reduction in the building and landscape setbacks from the south property line; and reduction in the associated landscaping. The site complies with all other development standards. The use of the site for automotive service is permitted in the C-2 zoning district.
- 1.4 Consistent with the definition of “by-passed”, the subject parcel is less than 2.5 acres in size and has been in the current configuration for more than 10 years, has direct access to existing utilities, and is surrounded by developed properties. A DIP is permitted for by-passed parcels that are unable to meet development standards.
- 1.5 The deviations approved allows the development of a long and narrow L-shaped property that affects site circulation, building depth, and building location. Placing the building closer to the south property line provides a larger buffer to adjacent residential properties. Existing structures on the property to the north were constructed 20’-6” onto the subject property, and resulted in a quick claim deed of that property, further reducing the width of the parcel.
- 1.6 To address the orientation of the overhead doors, conditions of approval would require the provision of a minimum of nine trees in the setback from the north property line, of which five must be 36” box size or larger, and the construction of an eight-foot high masonry wall along the north property line.
- 1.7 The applicant has provided sufficient justification for the DIP. The subject property is consistent with the definition of a bypassed parcel, the incentives proposed are necessary to accommodate the proposed development, the incentives approved will allow development commensurate with surrounding existing development, and the incentives will result in a development compatible with, and not detrimental to, adjacent properties or neighborhoods

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Case No.: BA08-033

Location: 857 North Dobson Road

Subject: Requesting a modification of a Special Use Permit (SUP) for a comprehensive sign plan in conjunction with an existing commercial development in the C-2-PAD zoning district.

Decision: Continued to the August 12, 2008 hearing.

Summary: Scott Hudson presented the request to modify an existing comprehensive sign plan. The modification involved the replacement of a non-illuminated bank sign with a larger, illuminated sign placed higher on the building face. He indicated that the sign could not be illuminated if placed 8-feet high on the building elevation. In addition, the sign could not be placed at 12-feet high because it would conflict with the existing "Pharmacy" sign, resulting in the need to be placed 18-feet high on the building elevation. Further, Wal-Mart has approved the proposed location for the sign at 18-feet high.

Mr. McVay provided a staff report for the request, noting that despite the difficulties with illumination explained by Mr. Hudson, the recommendation remains the same. He indicated that department and sub-lease signs are considered modifiers and this sign was not specifically accounted for in the original comprehensive sign plan. The approved comprehensive sign plan requires modifiers to be placed on the sign band. Given the size of the building, other locations for the sign could be explored.

Boardmember Hitchens questioned Mr. Hudson concerning the size and location of the sign. Mr. Hudson replied that the sign could be any size, but could not be illuminated at a height of 8-feet or less.

Mr. Sheffield suggested placing the sign below the sign band, and below the existing "Optical" sign as an alternative to the current proposal.

Chair Clement discussed the possibility of alternative locations, and suggested the applicant further explore the opportunity to temporarily access the cash room to install a sign outside on the wall of the building. He added that he wanted evidence that Wal-Mart will not allow penetration of electrical conduit through the cash room.

Motion: It was moved by Boardmember Hitchens seconded by Boardmember McCray to continue case BA08-033 for 60 days to the August 12, 2008 hearing.

Vote: Passed 5-0

Findings: N/A

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Case No.: BA08-034

Location: 1842 South Crismon Road

Subject: Requesting a variance to allow the total number of attached signs and total aggregate attached sign area to exceed the maximum permitted in the C-2 zoning district.

Decision: Denial

Summary: Scott Hudson presented the request for a variance, and presented a revised plan that identified reduced letter height and overall sign area for the development.

Chair Clement stated that the amount of signage requested with the new plan was still excessive, and did not feel that a variance was justified.

Boardmember McCray indicated his agreement with Chair Clement.

Mr. McVay noted that this request could have also been processed as a comprehensive sign plan, in which case a recommendation of denial would have still been forwarded to the Board. There are not any unique conditions that justify the request for a variance, or a request for a comprehensive sign plan.

Mr. Sheffield stated that the proposed sign is for a larger building, or legible enough for freeway visibility. Such a large size is not needed when the building is only 100 feet or so from the road, and is too large proportionally for the building elevation.

Motion: It was moved by Boardmember McCray seconded by Boardmember Sullivan to deny case BA08-034.

Vote: Passed 5-0

Findings:

- 1.1** The applicant is requesting a variance to allow both the number of signs and aggregate sign area for a Tutor Time facility to exceed current Code maximums. Nine attached signs with an aggregate sign area of 390 square feet are proposed, while current Code would allow three signs with an aggregate sign area of 160 square feet.
- 1.2** The applicant recently requested a Special Use Permit for a comprehensive sign plan for the development in which Tutor Time is located. That case included this request, however, it was withdrawn before a public hearing was held. One challenge with this particular development is that it is under several different ownerships. As a result, it was difficult to attain approval from and reach a consensus among all property owners, which led to the withdrawal of the previous case. With that request, staff indicated to the applicant concerns regarding the number of signs and aggregate sign area requested for Tutor Time, which is similar to the number of signs and aggregate sign area requested with this variance.

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- 1.3** The current request for a variance applies to only Tutor Time. Given that the intent of a comprehensive sign plan is to create a sign program that is consistent and compatible with the architecture of the overall development, a comprehensive sign plan is not typically adopted for one building within a larger development.
- 1.4** A permit has been issued for the installation of a monument sign adjacent to Crismon Road. The sign is twelve-feet high and eighty square feet in area, which is consistent with current Code maximums. Tutor Time is the sole user of the approved monument sign.
- 1.5** As justification for the variances, the applicant has noted: 1) the Tutor Time building is not visible when travelling south on Crismon Road, and additional signage would safely facilitate traffic to the site; 2) additional signs on the southeast and front elevations of the building would provide clear visibility of the facility from Baseline Road, eliminating possible danger to the public seeking direction to the site; 3) signs located on the front elevation of the building are not visible when travelling east on Baseline Road, and signs placed on the southeast building elevation would insure that traffic has adequate time to prepare to enter the site; and 4) additional signs will alleviate confusion and danger to visitors looking for the facility.
- 1.6** The distance between the front property line and the Tutor Time facility is 100-feet. In addition, the size of the building is 25,744 square feet. Given the size of the building and its proximity to the street, the facility is quite visible from Crismon Road. The site has been developed in accordance with current Code requirements, and there are no special conditions related to the land or building, which is necessary to justify this request.
- 1.7** Additional signs are not needed for directional purposes, as the size of the building insures that it will be seen from the street. In addition, the placement of a 12-foot high monument sign oriented toward the driveway identifies where traffic should turn to access the site, and is also within the line of sight of oncoming traffic. The applicant does have the option to attach a total of three signs to the building. In doing so, a Tutor Time identification sign could be placed on the north, south, and east building elevations.
- 1.8** The applicant has requested special privilege related to both the quantity of signs and aggregate sign area. All other sites and tenants within the development would be required to comply with current Code requirements concerning signs, regardless of the visibility of a particular building from the street. Monument signs provide direction to oncoming traffic by identifying both tenants and entrances into the development. The applicant has already secured a sign permit for the monument sign, and will benefit from the visibility it offers to traffic.
- 1.9** The applicant has not justified the requested variance for additional signs and sign area. The monument sign in conjunction with attached signs compliant with current Code requirements will provide adequate identification for the building, and will safely direct traffic to the site.

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Case No.: BA08-035

Location: 605 South Drew Street

Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow the expansion of an office and storage facility in the M-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 von Borstel seconded by Boardmember Sullivan to approve case BA08-035 with the following conditions:

1. *Compliance with the site plan submitted, except as modified by the conditions listed below.*
2. *Provision of a minimum five-foot (5') wide foundation base adjacent to the north elevation of the existing office building.*
3. *Extension of the existing seven-foot (7') wide foundation base adjacent to the west elevation of the existing office building around the southwest corner of the building and east to the screen wall.*
4. *The five-foot (5') wide walkway along the north side of the parking field shall be paved with brick pavers, stamped concrete or similar material.*
5. *Provision of a minimum five-foot (5') wide at-grade foundation base adjacent to the south elevation of the proposed storage building.*
6. *The new parking lot landscape island separating the parking spaces and perpendicular to Drew Street shall have a minimum width of ten feet (10') and include two (2), minimum twenty-four inch (24") box trees and four (4), minimum five gallon shrubs.*
7. *The provision of eight (8) minimum five gallon shrubs within the new three-foot (3') wide parking lot landscape island parallel to Drew Street.*
8. *Replacement of all dead, dying, or removed trees and shrubs within existing landscape areas.*
9. *The approval of a Special Use Permit for a night watchmen's quarters, if necessary.*
10. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Vote: Passed 4-0-1 (Hitchens abstained)

Findings:

- 1.1** The approved Substantial Conformance Improvement Permit (SCIP) allows the expansion of an existing nonconforming site. The expansion consists of the construction of a 4,600 square-foot building for the secure storage of RVs, boats, and automobiles. The existing site condition includes a 1,280 square foot office, a 3,280 square-foot storage building, and a 450 square-foot manufactured building that appears to be a guard house or night watchman's quarters. The site also includes paved open area utilized for outdoor storage. The outdoor storage is screened by an eight-foot CMU wall.

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- 1.2** As justification for the SCIP, the applicant has noted: 1) the requested zero-setbacks for the proposed building provide better security and utilization of the site; 2) the proposed building will be minimally visible from Drew Street with the addition of opaque stalls in the gates and the intervening buildings; 3) the proposed building backs to a railroad then street right-of-ways; and 4) the revised parking layout along Drew Street allows additional landscape areas and sufficient back-up space to allow vehicles to enter Drew Street in a forward motion.
- 1.3** Consistent with the requirements to review a SCIP, full compliance with current Code development standards would require significant alteration to the existing development site, including demolition of existing buildings, elimination of on-site parking, and the disruption of vehicular circulation. Improvements to the site have been proposed that improve the site's overall compliance with current development standards. The proposed storage building will improve screening of the outdoor storage.
- 1.4** The approved Substantial Conformance Improvement Permit allows construction of the new storage building with a zero-setback from the north and east property lines. Such setback can be justified based on the limited space available to accommodate setbacks, the adjacencies are a railroad right-of-way to the east and M-2 zoned industrial uses to the north, and the prevailing pattern of zero-setback development within the surrounding industrial subdivision.
- 1.5** Additional deviation has been approved in relation to foundation base requirements. To improve conformance with current foundation base requirements, the following conditions have been approved: 1) the use of brick pavers, stamped concrete, or similar material for the new walkway adjacent to the existing seven-foot wide landscape area on the west side of the office, resulting in an effective 12-foot wide foundation base where 15 feet is required; 2) the wrapping of the existing seven-foot wide landscape area on the west side of the office around the southwest corner of the building east to the screen wall; 3) the provision of a five-foot wide foundation base adjacent to the north elevation of the office building to separate the parking from the building; 4) and the provision of a minimum five-foot wide, at-grade foundation base adjacent to the south elevation of the new storage building as required by current Code.
- 1.6** A revision to the proposal was provided, which modified the layout of parking spaces adjacent to Drew Street. The existing condition includes six parking spaces accessed directly from Drew Street with no landscape separation from the right-of-way. The existing layout requires vehicles to back directly onto Drew Street. The approved revision reorients the parking to provide four head-in parking spaces that will be accessed from driveway cuts on the north and south end of the parcel. The revised layout has sufficient space to allow vehicles to back out of parking spaces and pull onto Drew Street in a forward motion.
- 1.7** The revision provides room for a three-foot landscape setback from Drew Street and a landscape island separating the parking rows. Because the three-foot landscape setback from Drew Street is not wide enough to support trees, a condition has been recommended to include eight shrubs. Additionally, a condition has been approved requiring the landscape island separating the parking rows to be ten feet wide and include two, twenty-four inch box trees and four shrubs.

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- 1.8** The approved layout results in a loss of two on-site parking spaces, from nine to seven spaces. The proposed site plan would require a total of 14 parking spaces. The site provides parking in excess of that needed for the current use, as there are a limited number of employees and very limited number of customers. The proposed structure does not alter the use of the site for storage, it replaces lot area devoted to outdoor storage with area devoted to indoor storage. Should the use of the property change to a more intensive user, which would require additional parking, sufficient area exists within the secured storage area to accommodate several parking spaces.
- 1.9** The requested deviations allow improvement to a nonconforming site with design elements that largely comply with current standards. The proposal will result in improved compliance with foundation base requirements, landscaping, site circulation, and screening. The applicant proposed site plan, including the approved conditions, provides substantial conformance with current standards and will be compatible with and not detrimental to the surrounding neighborhood.
- 1.10** A site visit indicates that the 450 square foot structure located adjacent to the south property is being used as a guardhouse or night watchman's quarters. Night watchman's quarters are allowed in the M-1 zoning district. However, if the night watchman's quarters is a manufactured home, a Special Use Permit is required. Review of Planning Division files indicates that a Special Use Permit has not been granted for this use. If the structure is being utilized to house a night watchmen, such Special Use Permit is required before approval of building permits for the proposed storage building.

Respectfully submitted,

Jeffrey McVay, AICP
Senior Planner
Secretary, Board of Adjustment

Minutes written by Brandice Elliott, Planner I

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