

# Board of Adjustment Minutes



## Board of Adjustment Meeting August 9, 2005

### Board members Present:

David Shuff, Chair  
Greg Lambright, Vice Chair  
Randy Carter  
Roxanne Pierson  
Mike Clement (left at 5:55)  
Dianne von Borstel

### Board members Absent:

(none)

### Staff Present:

John Wesley  
Gordon Sheffield  
Jim Smith  
Lena Butterfield

### Others Present:

Richard Heape  
James Martinez  
Dave Patel  
Austin Cope  
JD Burman

The study session began at 4:45 p.m. The Public Hearing meeting began at 5:35 p.m. Before adjournment at 6:10 p.m., the following items were considered and recorded on Board of Adjustment Tape # 331 and 331.

### Study Session 4:45 p.m.

- A. The study session began at 4:45 p.m. The items scheduled for the Board's Public Hearing were discussed. Mr. Sheffield explained that unless someone asks for removal, all items on the consent agenda would be acted upon.

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

- A. Consider Minutes from the, 2004 Meeting  
It was moved by Boardmember Lambright and seconded by Boardmember Carter, that the minutes of the July 12, 2005 Board of Adjustment meeting be approved. Vote: Passed 6-0
- B. Consent Agenda  
Boardmember Carter, seconded by Boardmember Pierson, moved approval of the Consent Agenda, with the conditions noted in the staff reports. **Vote:** Passed 6-0

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**Case No.:** BA05-029

**Location:** 417 East Southern Avenue

**Subject:** Requesting a Development Incentive Permit to allow construction on a retail building in the C-2 district.

**Decision:** **Approved with Conditions**

**Summary:** The Board put this case on the consent agenda, so it was not discussed individually.

**Motion:** It was moved by Boardmember Carter, seconded by Boardmember Pierson that this case be put on the consent agenda.

**Vote:** Passed 6-0

**Motion:** It was moved by Boardmember Carter, seconded by Boardmember Pierson that this case be approved with the following conditions.

1. *Compliance with the site plan as submitted, except as modified by the conditions outlined as follows.*
2. *Compliance with all requirements of the Design Review Board.*
3. *Compliance with all requirements of the Building Safety Division, including the requirements outlined in the Development Impact Summary issued for the Design Review Board case.*
4. *Compliance with all requirements of the Mesa Sign Ordinance (Chapter 11-19 of the Mesa Zoning Ordinance), including removal of all non-conforming detached signs.*
5. *The sign area for the detached sign along Mesa Dr shall be no larger than 50 ft, and the sign area for the detached sign along Southern Ave shall be no larger than 60 ft.*
6. *Deletion of the loading zone.*

**Vote:** Passed 6-0

**Finding of Fact:**

- 1.1 The case site is eligible to apply for a Development Incentive Permit (DIP), having met the minimum standards set forth in the definition of "Infill" in Sec 11-1-6 of the Zoning Ordinance.
- 1.2 The applicant has proposed to build a small retail commercial building with surrounding parking. There are no vehicular access inter-ties with surrounding sites, so this site will need to be self-sustaining. Extra parking would be available (above ordinance minimums), the north landscape area may also be used for stormwater retention, and pedestrian access is reserved to both the north and to the west of the site. Full future width line requirements for both Southern Ave and Mesa Drive are in place.
- 1.3 The deviations requested from Zoning Ordinance standards are consistent with established development of nearby parcels. The north-side setback exceeds the setbacks used for parcels within a 1200' distance to the east and west of the site, and the 10' setback (after accounting for the 75' future width line for Mesa Dr) on the west of the building is consistent with that used to the north of Southern Ave for the law office, and exceeds the present condition found the convenience store to the south.

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- 1.4 The Applicant has indicated that the project will meet the Design Guidelines. The project is required to be reviewed by the Design Review Board. From the site plan, the architect has indicated that a true storefront will face both streets.
  
- 1.5 Because the store building will be closer to the street than other commercial buildings, the attached signs will be very visible from the street. A reduction to detached signs is being stipulated to reduce sign clutter.

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**Case No.:** BA05-030

**Location:** 1550 North 40<sup>th</sup> Street #8

**Subject:** Requesting variances to allow: 1) a detached garage to exceed the maximum height permitted, and 2) the total roof area to exceed the maximum lot coverage permitted in the R1-35 district

**Decision:** **Continued to September 13, 2005**

**Summary:** Mr. Heape showed pictures of other properties in the area with only one row of trees, and then explained that his motor coach needed at least a 16-foot door in order to pull into a garage. Boardmember Lambright explained that since there were other options for Mr. Heap, that the board could not grant him a variance, then asked to continue the case until the September 13<sup>th</sup> meeting so that Mr. Heape would have some time to review other options with Mr. Sheffield.

**Motion:** It was moved by Boardmember Von Borstel, and seconded by Boardmember Pierson that this case be continued to the September 13, 2005 meeting.

**Vote:** Passed 6-0

**Finding of Fact:**  
N/A

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**Case No.:** BA05-031

**Location:** 2925 East Dover Street

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

**Decision:** **Approved**

**Summary:** Mr. Martinez brought new information showing power and utility lines encroaching into his rear yard. These lines affect his ability to place a carport in the rear yard. Because of the new information provided, Mr. Sheffield changed the staff recommendation to "approval as submitted."

**Motion:** It was moved by Boardmember Carter, and seconded by Boardmember Von Borstel to Approve this case as submitted.

**Vote:** Passed 6-0

**Finding of Fact:**

1.1 The owner of the property provided the board with substantial evidence of additional utility lines placed in an area outside of the recorded PUE.

1.2 The presence of the additional utility lines restricted the areas available for detached accessory buildings.

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**Case No.:** BA05-032

**Location:** 1520 South Sossaman Road

**Subject:** Requesting a Special Use Permit for a comprehensive sign plan in the M-1-PAD district.

**Decision:** **Continued to September 13, 2005**

**Summary:** This case was on the consent agenda, so it was not discussed individually.

**Motion:** N/A

**Vote:** Passed 6-0

**Finding of Fact:** N/A

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**Case No.:** BA05-033

**Location:** 1299 South Ellsworth Road

**Subject:** Requesting a special use permit for a comprehensive sign plan in the C-2 district.

**Decision:** **Approved With Conditions**

**Summary:** This case was put on the consent agenda, so it was not discussed individually.

**Motion:** It was moved by Boardmember Carter, seconded by Boardmember Pierson that this case be placed on the consent agenda

**Vote:** Passed 6-0

**Motion:** It was moved by Boardmember Carter, seconded by Boardmember Pierson that this case be approved with the following conditions.

1. *Compliance with the comprehensive sign entitled "Apache Junction Master Sign Plan" and dated March 31, 2005, except as modified by the conditions listed as follows;*
2. *Compliance with all requirements of the Building Safety Division with regard to the review and issuance of sign permits;*
3. *Sign cabinets greater than one-half the total area of any attached sign shall be shaped in the form of the registered trademark of the sign permit applicant;*
4. *Attached signs shall be placed on the building so that the top of the sign is at or below the height of the building parapet. No part of the sign shall extend above the structure onto which it is attached;*
5. *The number of attached signs for Shop Tenant spaces shall be limited to the maximum permitted by Section 11-19-6(E) of the Mesa Sign Ordinance;*
6. *The number of attached signs for pad sites shall be limited to one sign per building elevation, and an aggregate sign area for all attached signs of no more than two feet (2') of sign area per front foot of building occupancy [(Front foot of building occupancy shall be as determined by Section 11-19-6(E));*
7. *Menu board signs shall be oriented so as to limit the visibility of this type of sign from any adjacent street or from neighboring residences; and*
8. *The "Lowe's" sign set above the primary entry on the west building elevation shall be limited to no more than 246 square feet. The total number of attached signs for Lowe's shall not exceed four, and the aggregate attached sign area shall not exceed 620 square feet.*
9. *A revised and edited version of the sign plan narrative and graphics shall be submitted to Planning Division staff within 30 days of the date of approval, or before the first application for a sign permit is filed with the Building Safety Division staff (whichever is first). The revision shall take into account the changes required to the plan as a result of any conditions attached to the approval of this Special Use Permit.*

**Vote:** Passed 6-0

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**Finding of Fact:**

- 1.1 The comprehensive sign plan proposed for this site largely follows standard sign ordinance requirements. There are a couple of deviations that involve the attached sign allotments for the Lowe's anchor tenant space, and for the number of signs that may be permitted for individual pad and store tenants. To permit these deviations from ordinance standards, the Board is required to make a finding that a unique condition is present that relates to the project, the site, or to the sign plan itself.
  
- 1.2 The scale of the Lowe's store (in excess of 165,000-sqft of retail floor space), and the distance of this building from the front street (over 600 feet), justifies the attached sign area for this store to be greater than the 160-sqft cap imposed by the Sign Ordinance. The Board's decision to reduce the proposed attached sign area total will bring the degree of change to a level that is more consistent with other approvals by the Board. Generally speaking, letters of 5' to 6' high are considered plainly visible from 500 to 600 feet away. The approved "smaller sign" does have letter heights more in keeping with the 5' to 6' range (and even one in the over 7' range).

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**Case No.:** BA05-034

**Location:** 731 North Alma School Road

**Subject:** Requesting: 1) A Substantial Conformance Improvement Permit (SCIP); and 2) a Special Use Permit; both to allow the conversion of an existing single residence into a wedding reception center in the O-S district.

**Decision:** **Approved With Conditions**

**Summary:** This case was on the consent agenda, so it was not discussed individually.

**Motion:** It was moved by Boardmember Carter, seconded by Boardmember Pierson that this case be put on the consent agenda with the following conditions:

1. *Compliance with the site plan as submitted, except as modified by the conditions listed below;*
2. *Review and approval of a request for a minor site plan modification by the Planning Director. The request for site plan modification shall include a landscape plan for the entire site, and shall indicate compliance with ordinance requirements for perimeter landscaping for the rear half of the site, with credit given for existing mature trees and shrubs towards compliance with the requirements;*
3. *Compliance with all requirements of the Building Safety Division and the Engineering Division, particularly with regard to the conversion of the residence into a commercial use and the design and location of the two commercial driveways;*
4. *Removal of any fence exceeding three and one-half feet high above street grade (3.5') within thirty feet (30') of the future width line of Alma School Road;*
5. *All outdoor activities are to end by 10:00 PM;*
6. *Any activity held outdoors shall be limited to an area of no more than 1000 sqft.;*
7. *Parking spaces shall be added to bring to the total number up to a minimum of 34. Additional parking spaces placed along the south property line shall have landscape islands placed at a ratio of one island every four spaces; and*
8. *Compliance with all parking lot screening requirements.*

**Finding of Fact:**

- 1.1 The proposed use of this site as a wedding and reception center is permitted in the O-S zoning district. A Special Use Permit is needed to allow outdoor activities as an accessory use.
- 1.2 A minor site plan revision is needed to the plan approved by City Council. Both plans (the Council approved plan and the proposed revision) require approval of a SCIP application regarding some deviations from ordinance standards. The revised plan brings the majority of the required parking spaces into the front yard.
- 1.3 The applicant has agreed to hold most of the noise producing activities indoors.
- 1.4 As approved, the number of parking stalls provided should be sufficient to accommodate most activities on site. The applicant has indicated that larger events may require parking on the adjacent church site, and that an informal agreement is in place to permit such parking to occur. Alternative parking sites are limited unless a parking shuttle service is arranged.

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- 1.5** The setbacks proposed are commensurate with surrounding development. An increase in the number of parking lot landscape islands along the south property line should help provide the intended buffer between the O-S and R1-6 districts.
- 1.6** With the recommended conditions, outdoor activities at this location should be compatible with surrounding uses.

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Respectfully submitted,

Gordon Sheffield, AICP  
Acting Zoning Administrator  
Senior Planner

Minutes written by Lena Butterfield, Planning Assistant

G:Board of Adjustment/Minutes/2005/08 August