



Zoning Administrator Hearing
Minutes

Mizner Conference Room
Mesa City Plaza Building, Suite 130
20 East Main Street
Mesa, Arizona, 85201

Draft

John S. Gendron
Hearing Officer

DATE September 11, 2007

TIME 1:30 P.M.

Staff Present

Jeff McVay
Jim Hash
Rob Dmohowski

Others Present

Charlie Carpenter
Kelly Tate
Jesus Resendiz

CASES

Case No.: ZA07-091

Location: 26 East McLellan Road

Subject: Requesting a variance to allow a front porch addition to encroach into required front setback in the R1-6 zoning district.

Decision: Approved with conditions **with the correction of the front porch being 18 feet wide**

Staff recommends **approval** of case ZA07-091 (*Conditioned upon the following:*)

1. *Compliance with the site plan submitted except as modified by the conditions below.*
2. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

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Summary:

Hearing Officer: When was the home constructed
Applicant: Replied 1980

Staff: Explained that although the three-foot setback on the west side of the home was not Compliant with today's development code, it is pre-existing since the construction of the home and is not part of the variance today.

Finding of Fact:

- The R1-6 zoning district requires a 20-foot front setback in accordance to Section 11-4-5 of the City of Mesa Zoning Ordinance.
- The Zoning Ordinance states that "Awnings, eaves, overhangs, or basement window wells may encroach not more than three feet (3') into any required yard, but shall not be closer than two feet (2') to any property line." (§11-13-2(E))
- The proposed porch will be four feet (4') wide and ten feet (10') in length and will encroach approximately four feet (4') into the required front setback. Since the awning may encroach up to three feet (3'), the new porch would exceed Code allowance by one foot (1') beyond what the Zoning Ordinance allows.
- The R1-6 zoning district permits a maximum roof area of 40% (§11-4-5). The 6,319 sq. ft. lot currently includes a 1200 sq. ft. home and a 100 sq. ft. storage shed. With the proposed 93.57 sq. ft. porch, the roof area will be at 22.05%.
- The home was built without a covered front porch to provide protection from the sun and weather. Compliance with the Zoning Ordinance would prevent the property owner from adequately providing shade and protection for the entrance of the home.
- The proposal is consistent with other homes in the area that were built with covered front porches. Based on this fact, the variance would not grant a special privilege over other homes in the neighborhood.
- The design and height of the porch is consistent with the architectural style of the home and would not be detrimental to surrounding properties.
- Staff further notes that the original construction of the home resulted in a side setback from the west property line of approximately three feet (3'), where five feet (5') is required. This condition is pre-existing and modification of that setback is not required as part of this request.

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Case No.: ZA07-092

Location: 3548 North Reynolds Circle

Subject: Requesting a variance to allow a detached accessory building to exceed the maximum height permitted in the R1-7 -DMP zoning district.

Decision: Approved with conditions

Staff recommends **approval** of case ZA07-092 (*Conditioned upon the following:*)

1. *Compliance with the site plan submitted except as modified by the conditions below.*
2. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Summary:

Hearing Officer: When was the home Constructed
Applicant: Approximately 1994

Hearing Officer: How long have you lived in the home
Applicant: About 1.5 years

Hearing Officer: Is the addition encroaching into the setback any further then the current construction.
Staff: Replies that there is not further encroachment.

Finding of Facts:

- The existing 120 s/f shed encroaches into the required side yard beyond the rear one quarter (1/4) and exceeds eight feet (8') in height, which is prohibited in accordance to City of Mesa Zoning Ordinance §11-13-2(B)3.
- The proposed extension of the shed is located entirely in the rear one quarter (1/4) and does not exceed 10 feet (10') in height as measured from the midpoint of the roof.
- Structures over 8 feet in height cannot be located in the required side yard, outside of the rear one quarter (1/4). The existing shed is eleven feet (11') at the highest point. However, less than 50% of the existing building is located within the required side yard that is not within the rear one quarter (1/4) of the lot.
- Accessory structures are not allowed within a side yard required for vehicle access (§11-13-2(B)3). However, given the wedge shape of the

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lot, the current shed location would not interfere with vehicle access into the rear yard

- The R1-7 zoning district permits a maximum roof area of 40% (§11-4-5). The 10,934 s/f lot currently includes a 2422 s/f home and a 120 s/f storage shed. With the proposed extension of 200 s/f to the existing shed, the roof area will be at 25%.
- The roof material of the accessory building will match the roof tile of the primary dwelling.
- The wedge shape of the lot creates a unique condition that prevents the accessory structure from being built entirely in the rear one quarter (1/4) of the lot. The configuration of the building is meant to preserve existing landscaping and maintain the existing roofline.
- Further, the existing non-conforming shed is a pre-existing condition that additionally justifies the requested variance.

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Location: 5958 East McKellips Road

Subject: Requesting a Development Incentive Permit to allow development of a bank in the C-2 zoning district.

Decision: Approved with conditions

Staff recommends **approval** of case ZA07-094, *conditioned upon the following:*

1. *Compliance with the Site Plan submitted.*
2. *Compliance with all requirements of the Designs Review Board.*
3. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Summary:

Hearing Officer: Is this a remodel of the service station or a complete raze of the site?

Applicant: This is a complete raze of the old structure.

Hearing Officer: Is the dedication of right of way

Applicant: Right of way has already been dedicated.

Staff: Right of way has been dedicated and taken and there is no further future widening planned.

Hearing Officer: Reminds the applicant that all detached signage that the site has planned must remain out of the right of way setback.

Applicant: I understand.

Finding of Facts:

- The requested DIP would allow the development of a bank without full compliance of the City of Mesa development standards. The site is approximately 36,900 square feet and was previously used as an automobile service station.
- The applicant is proposing the construction of a new 4,300 S.F TCF bank with drive-thru. The bank will be the third of its kind to be built in Mesa, and provide services that extend 24 hours a day seven days a

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week.

- The site meets the size and age requirements to be reviewed for a DIP: 1) the site does not exceed 2.5 net acres; 2) has been in its current configuration for more than 10 years; 3) the total development land is not greater than 25% vacant; and 4) greater than 50% of the total number of lots or parcels have been developed for 15 years or more.
- The development is consistent with the General Plan and the use is allowed in the C-2 zoning district. The development is commensurate with existing development within the definitional boundary of the property and meets the intent of the provisions of Chapter 15 of the City of Mesa Zoning Ordinance. Additionally, the reasonable development of this property would not be possible without the requested incentives.
- The proposed project is compatible with, and not detrimental to, adjacent properties or neighborhoods.

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