

Zoning Administrator Hearing



Minutes

**John S. Gendron
Hearing Officer**

August 3, 2010 – 1:30 p.m.

View Conference Room, 2nd Floor
55 North Center Street
Mesa, Arizona, 85201

Staff Present

Angelica Guevara
Tom Ellsworth
Brandice Elliott

Others Present

Dave Robbins
W. Jeff Stephens
Brian Eichenberg
Dan Mrkvicka

CASES:

Case No.: ZA10-027

Location: 651 East Glade Avenue

Subject: Requesting a Variance to allow an addition to encroach into a required side yard in the R1-6 zoning district. (PLN2010-00206)

Decision: Approved with the following conditions:

- 1. Compliance with the site plan submitted.*
- 2. Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*

Summary: Danel Mrkvicka, the applicant, represented the case and provided a summary and also a list of additional locations on his street where there are similar instances of 2-car garages with reduced setbacks. He confirmed that the homes in his area were constructed in the mid 1970s. Mr. Gendron asked if the addition would be used as living space. Mr. Mrkvicka stated that it would not. Mr. Gendron further suggested that he review the CCRs of his subdivision to ensure compliance.

Brandice Elliot provided the staff report and recommendation. She also answered Mr. Gendron's questions related to building code requirements for distance from property line to the addition.

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Mr. Mrkvicka stated that the exterior of the garage addition would match the existing residence and he would move the pedestrian gate on that side to the opposite side of the residence. Mr. Gendron approved the request with stipulations.

Finding of Fact:

- 1.1** The applicant was approved to encroach into the required side yard setback for a garage addition to accommodate a second vehicle. The subject property was developed in 1975 as a single residence, with a one-car garage. Given that most homes in the subdivision were originally constructed with a one-car carport or garage, there have been several similar requests in the area to allow encroachments into the side yard to accommodate the parking of an additional vehicle.
- 1.2** The subject property is zoned R1-6 and complies with requirements of the zoning district related to lot size, roof area and setbacks. There is a 10'-6" setback along the east property line and a 5'-7" setback along the west property line. This variance allows a garage addition to encroach 2'-7" into the required 5-foot setback along the west property line, resulting in a side yard setback of 3-feet.
- 1.3** A floor plan identified the existing 10'-6" wide garage along with the addition that is 8-feet wide. The combined width of the existing garage and the addition accommodates two vehicles, as required by current Code. As a result, the homeowner brought the house into compliance with current Code requirements. Strict compliance with current Code precludes the property owner from parking two vehicles on the property in a manner that complies with the requirements of the Zoning Ordinance.
- 1.4** The peak of the garage is 13'-4" and the wall height is 8'-1". The current Code allows for detached structures up to 8-feet in height in the required side yard, so the height of the garage is not invasive. In addition, there is a distance of 10-feet between the edge of the garage and the adjacent dwelling, ensuring minimal impact on adjacent neighbors.
- 1.5** The existing dwelling complied with Code requirements at the time that it was constructed; however, the Zoning Ordinance has been modified since its construction to require two parking spaces for single residences. In addition, a two-car garage is a typical amenity provided in new homes, and the garage addition ensures that the home does not become functionally obsolete. The property owner provided a design that has little impact on the neighbors while maintaining the character of the home. As a result, the encroachment was compatible with, and not detrimental to, adjacent properties.

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Case No.: ZA10-028

Location: 1445 West Southern Avenue

Subject: Requesting a Special Use Permit to allow a Special Event to exceed the number of events allowed in a calendar year in the C-2 zoning district. (PLN2010-00211)

Decision: Continued to the August 24, 2010 hearing.

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Case No.: ZA10-029

Location: 1201 South Alma School Road

Subject: Requesting a Special Use Permit to modify an existing Comprehensive Sign Plan in the C-2-BIZ zoning district. (PLN2010-00219)

Decision: Approved with the following conditions:

1. *Compliance with the sign plans submitted.*
2. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*

Summary: Brian Aichenburg from Sign-a-Rama, represented the case and stated that he had received no responses to the letters of notification. Mr. Gendron asked questions related to the installation of the letters and replacement of the existing glass. Mr. Gendron further asked about cabinet signs. Staff member Brandice Elliott answered questions regarding this and the previous approvals at this location. Discussion ensued regarding the signs located on this building.

Ms. Elliott provided the staff report and recommendation. Mr. Gendron approved the request subject to staff conditions.

Finding of Fact:

- 1.1** The sixteen-story Bank of America Financial Plaza is located on the southeast corner of Alma School Road and Southern Avenue. Approved in the early 1980s, the building is unique in regards to mass and height. There have been several requests concerning attached building signs in the past, including a variance, a comprehensive sign plan (CSP), and modifications to the existing CSP.
- 1.2** The applicant, Sign-A-Rama, will modify the existing comprehensive sign plan, last modified by case ZA08-025, to allow a 133-square foot sign above the entrance on the northwest building elevation. There is currently an attached sign of the same size above the entrance, but there is no record of a CSP modification to accommodate the additional sign or a building permit to allow its installation. The new attached sign replaces the existing one.
- 1.3** In addition, several directional signs will be located throughout the site. All directional signs comply with current Code requirements, those attached to the building do not exceed 6-square feet in area, and detached signs do not exceed a height of 3-feet and an area of 3-square feet. Further, the directional signs are not illuminated and do not display corporate colors.
- 1.4** Previously the CSP permitted three attached building signs with an overall area of 1,770 square feet. This modification allows a total of four attached building signs with an overall area of 1,903 square feet.

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- 1.5** The attached sign is mounted under the glass canopy at the entrance, as the glass wall cannot support the sign cabinet. The applicant received approval from building management to attach the sign at the approved location, and the glass and granite where the current sign is attached will be repaired once it has been removed.
- 1.6** The original intent of the case history related to signs for this building was to provide an appropriate amount of signage for an oversized building. The first request for attached signs approved a total area of 2,376 square feet. Given that the primary identification signs have been reduced over time, the number of signs and overall sign area meet the intent of the original approval.
- 1.7** The purpose of the attached sign on the northwest building elevation is to appeal to pedestrians and traffic that is relatively close to the building. The visibility of the sign is somewhat obscured by the front landscaping, which consists of mature palm trees. While the sign is illuminated, the copy does not exceed a height of 20-inches, ensuring that it has minimal impact on the overall appearance of the building as well as to adjacent properties. The additional attached sign meets the intent of the original CSP, in that it continues to provide adequate identification for a building that is unique in mass and height. Further, all directional signs comply with current Code requirements. As a result, the modification is compatible with, and not detrimental to, surrounding properties.

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- Case No.: ZA10-030
- Location: 51 South 48th Street
- Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow an addition to a nursing home in the R-4 zoning district. (PLN2010-00220)
- Decision: Approved with the following conditions:
1. *Compliance with the site, floor and landscape plan submitted except as modified by the conditions below.*
 2. *Landscape quantities to be provided as shown on the landscape plan (Sheet L-2) and not as shown in the New Plant Material Legend.*
 3. *Compliance with all requirements of the Administrative Design Review request.*
 4. *Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*
- Summary: William Stevens represented the case and stated that had no further comments. Mr. Gendron asked when the facility was constructed; Mr. Stevens stated that he thought it was in 1969 or 1970. There was discussion regarding the existing and proposed entrance as well as the number of available parking spaces.
- Angelica Guevara provided the staff report and recommendation and stated that she had received a call from an adjacent property owner. The caller commented on the leaves from the subject property's trees falling onto their property. Discussion ensued regarding the landscape plan that includes additional trees. Ms. Guevara stated that staff supports the project including the landscape plan. Mr. Gendron approved the SCIP with staff conditions of approval.
- Finding of Fact:
- 1.1 The SCIP will allow a 386 square foot addition on the physical therapy building located at the northeast corner of the site and a new canopy on the administration building located at the northwest corner of the site. The SCIP allows the expansion of the building without bringing the entire site into full compliance with current development standards.
 - 1.2 The applicant will relocate the existing facility entrance from the south elevation to the west elevation in conjunction with other façade improvements. A new pedestrian walkway and a new covered entry are provided on the west elevation of the Administration Building.
 - 1.3 Compliance with current Code requirements would have resulted in significant demolition of the existing buildings and parking areas. An analysis of the surrounding development indicated that existing buildings were located closer to the street than the buildings on this site. There was also very little to no landscape on non-residential development surrounding the site.
 - 1.4 The applicant will replace missing landscape throughout the perimeter of the site in order to comply substantially with current landscape requirements. The applicant provided a landscape

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plan showing the landscape material to be planted.

- 1.5** The minor building addition will be constructed adjacent to the northernmost parking area underneath an existing patio. The current site requires 108 spaces and 94 are provided. The addition required one additional parking space. The applicant indicated that based on the current use of the parking lot, they are not concerned with the amount of parking available and staff did not have a concern
- 1.6** The minor building addition and the administration building façade improvements reflected the greatest possible degree of compliance without requiring the demolition of existing buildings and parking spaces.
- 1.7** The applicant's plan, including recommended conditions of approval provided substantial conformance with current Code. In addition, the improvements to the site will result in a development compatible with, and not detrimental to, adjacent properties.

There being no further business to come before the Zoning Administrator, the hearing adjourned at 2:13 p.m.

The cases for this hearing were digitally recorded and are available upon request.

Respectfully submitted,

John S. Gendron
Hearing Officer

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