

Board of Adjustment

Minutes



City Council Chambers, Lower Level
April 10, 2007

Board members Present:

Dina Higgins, Chair
Mike Clement, Vice Chair
Craig Boswell
Garrett McCray
Dianne von Borstel
Roxanne Pierson

Board members Absent:

None

Staff Present:

Gordon Sheffield
Jeff McVay
Jim Hash
Rob Dmohowski
Lena Butterfield
John Wesley

Others Present:

Marni Brooks	Wayne Holst	Chifford L. Wagner
Tom Marske	Mark Christenson	Carol Wagner
Candace Greff	Scott R. Partridge	Rodney E. Dickson
Heather Preston	Matt Smith	Dan Acosta
Neal J. Greff	Monica Christenson	Karla Bos
Jon Stockfisch	Paul H. Midino	Terri Sroka
Chip Stauffer	Rick Miller	David Sroka
Doreeu Sexton	RoseMary Blackhurst	Karen Rhera
Nicole L. Marske	Reese Anderson	Barb Berry
Kamrya Hodson	Bruce Grieser	Jack Berry
Michael Ray	Allen Taylor	Mark Schofield
Sharon Bostic	Kerri Taylor	Barb Holst
Jacqueline A. Nelson	Blake & Doreen Sexton	R. Steve Mason
Susan Farrier	Judy Grieser	Kristine Gardner
Audrey Harrey	Peter Blied	Brent C. Gardner
Roger Alberts	Ben Thomason	Mary Alvine
Shery Alberts	Paul Kelly	Brian Hill
Ann T. Stauffer	Jim Nance	Brad Klingaman
Kathy Dickinson	Stephen Lentz	Jonathan Sinien
Kyle Ide	Denny Thomason	Juan Sinien
Beverly Hathaway	Lisa Lentz	Jan Heel
Brad Klingaman	Glen Nelson	Robert Mustari
Paul Preston	Darin Slada	Terry Willey
Betty Kemr	Kevin Rogers	Jason Hamrock
Mark Messer	David K. Udall	Phil James
Sherri Aldawood	Mark Freeman	Ona Liles
Terry Stockfisch	Yvonne Niemeier	Steve & Shanon Bostie
Michael Farrier	Ruth Liles	Reed Adams
Terry Worcester	Corey Bullock	

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The study session began at 4:30 p.m. The Public Hearing meeting began at 5:30 p.m. Before adjournment at 10:30 p.m., the following items were considered and recorded on Board of Adjustment CD #2.

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.

Public Hearing 5:30 p.m.

- A. Consider Minutes from the March 13, 2007 Meeting A motion was made to approve the minutes by Boardmember von Borstel and seconded by Boardmember Boswell. Vote: Passed 6-0
- B. Consent Agenda A motion to approve the consent agenda as read was made by Boardmember Boswell and seconded by Boardmember Pierson. Vote: Passed 6-0

**Board of Adjustment Meeting
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Case No.: BA07-002

Location: 933 North Lindsay Road

Subject: Requesting a Special Use Permit to allow development of athletic fields in conjunction with a place of worship in the R-19 zoning district.

Decision: Approved with conditions

Summary: This case was continued from the January 9, 2007 Board of Adjustment hearing. Mr. Bullock, applicant, presented the requested Special Use Permit and explained that the Church has worked to mitigate some of the neighbors concerns regarding noise, traffic, and safety. The measures the church have included in the request include: 1) a parking mitigation plan with parking related signs on the church grounds; 2) a requirement that parents sign agreements not to park on Encanto Street; 3) the completion of two sound studies that show the sound associated with the fields will dissipate significantly by the time the sound reaches the SRP berm, and 3) the inclusion of a fence along the west side of the fields with gates located to encourage the use of the adjacent parking and field and that will be locked when the fields are not being used for security.

Chair Higgins expressed concern that the Church would not be allowed to use the field during off hours for non-organized games.

In response to a request for clarification from Boardmember Boswell, Mr. Worcester explained that the bleachers will be only located on the "Field of Dreams" and the site will not be graded in such a way to raise the fields.

There were 44 people present in support of the case and 15 people present in opposition.

Of the people that spoke in favor of the case their points included:

1. It will be an asset to the area.
2. It will provide a safe place for children to play.
3. It will improve the lot that is currently a dirt surface.
4. The noise will not be grater than the noise from the two surrounding schools.

Of the people that spoke in opposition to the case their points included:

1. Parking will continue to be an issue
2. The parking management plan will not work.
3. Property values will go down.
4. An analysis of the sound studies conducted by Tony Sola of Acoustical Consulting Service notes that surrounding neighbors will be exposed to clearly audible noise levels, substantially above the ambient noise levels.
5. The noise will disrupt the neighborhood.
6. Crime will rise.
7. The church has not worked with the neighbors to come up with a mutual agreement.

Mr. Anderson explained that he and the Church worked out an agreement that was specific to his circumstance to and the agreement was not between the Church and the neighborhood.

Mr. Bullock explained that the church implemented all the suggestions that

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they could from the neighborhood, but some of them they just could not implement because they would significantly effect the financial cost of the project and would have a detrimental affect on the project's goal.

The Board agreed that the neighborhood seemed disjointed and should have come to an agreement on what they would like seen done.

Boardmember McCray agreed that the additional money spent for a fence along the east property boundary was not needed because it would not block the sound.

In response to a question from Boardmember Boswell, Mr. Worcester explained that the security lighting would be limited to the backstops and possibly the future refreshment stand.

In response to Boardmember Pierson's concern regarding safety, Mr. Bullock explained that they have a security guard that lives at the church to ensure 24-hour security.

Mr. Sheffield explained that as the conditions stand he would interpret any unorganized play on the ball fields to be a violation of the Special Use Permit. In response Chair Higgins suggested a condition be placed on the Special Use Permit allowing some unorganized games related to Church activities.

Mr. Sheffield explained that a Special Use Permit can be revoked if the Church does not comply with the conditions agreed upon by the Board.

Boardmember Clement explained that it is his opinion that some sort of sports fields is to be expected in conjunction with a Church.

Motion:

It was moved by Boardmember Boswell, seconded by Boardmember von Borstel to approve this case with the following conditions:

- 1. Compliance with the site plan as submitted, except as modified by the conditions below.*
- 2. Lighting shall be restricted to the security lighting outlined on the site plan.*
- 3. A future public address system shall be restricted to the Field of Dreams and shall be reviewed and approved by the Zoning Administrator prior to installation.*
- 4. Unorganized activities related to the church shall be allowed from 9am to 6 pm. In addition to the times set by the "Operative Plan of Action"*
- 5. Compliance with the parking management plan submitted (dated received by the City of Mesa March 14, 2007), which will include signage within the boundary of the churches property line that will request "No Parking" along Encanto St.*
- 6. Compliance with the "Operative Plan of Action" as proposed by Central Christian Church of the East Valley that has set conditions of the times and days of use for "Organized" sporting events. (see "Operative Plan of Action dated received by the City of Mesa March 14, 2007).*
- 7. Compliance with all requirements of the Building Safety Division regarding the issuance of building permits.*

Vote:

Passed 6-0

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Finding of Fact:

- 1.1 Central Christian Church of the East Valley has proposed athletic fields that would provide youth team sports organizations the opportunity to have access to additional fields in the area. In addition, the facility will house a “Field of Dreams” for use by disabled athletes. The “Field of Dreams” is constructed to allow disabled children to safely play baseball.
- 1.2 The facility will encompass the vacant land that the Central Christian Church of the East Valley currently owns directly east of the existing church. The proposed facility will consist of one Field of Dreams Field, three T-ball fields, two Softball fields and natural grass surface for the remainder of the property that will be utilized for up to nine Soccer fields.
- 1.3 United States Census Bureau Reports as of the year 2000 that there are 5.2 million children with physical and/or mental disabilities living in this country. Of that total number 45,945 are children between the ages 5-20 and are living in the state of Arizona. The Bureau’s report indicates there are approximately 14,809 children between the ages of 5-20 in the East Valley with physical and/or mental disabilities.
- 1.4 Neighborhood concerns include traffic congestion, littering, and increased noise levels when facility is being utilized. Encanto Street is parallel to the northern boundary of the facility. A gate allows ingress and egress to the existing church and future athletic fields from Encanto Street. Currently, Encanto Street is used for parking by many attending church services. The easy access from Encanto Street to the site will likely mean such parking would occur during sports events.
- 1.5 The addition of this athletic facility to the City of Mesa will provide a unique opportunity for children that would otherwise not have the ability to experience the game of baseball, as well as providing access to additional athletic fields by City of Mesa residents.
- 1.6 The facility will not be lighted and will operate during daylight hours. From September to May, hours will range from 3 pm to dusk on Monday – Friday and 8 am to 4 pm on Saturday. From June to August hours will range from 8 am to dusk on Monday – Saturday. No organized use of the fields will occur on Sundays.
- 1.7 The athletic fields will be compatible with and not detrimental to the surrounding neighborhood. Athletic fields are an allowed use in conjunction with the Church, subject to the granting of a Special Use Permit. Several policies in the Mesa 2025 General Plan support the development of a youth athletic facility that includes a “Field of Dreams” for use by mentally and physically disabled youth.
- 1.8 The two sound studies resulted in the same conclusion, that the sound dissipates to ambient noise levels before reaching the canal that separates the ball fields from the Groves neighbors.
- 1.9 The 8-foot decorative CMU block wall that was originally requested by staff to mitigate noise levels has been removed as the sound studies showed that

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such wall would be of no effect in mitigating noise.

- 1.10** The grade separation between the proposed ball fields and the adjacent canal bank that borders the eastern boundary approximates six feet and will achieve essentially the same visual barrier as a wall.
- 1.11** The City of Mesa Code related of noise regulation provides exemption for organized sporting events and the 60-dba requirement is measured over a 24-four hour period, not by single occurrence.

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**Board of Adjustment Meeting
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Case No.: BA07-008

Location: 1759 East Broadway Road

Subject: Requesting a Development Incentive Permit (DIP) to allow the development of a condominium complex in the R-4 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 Boswell, seconded by Boardmember Pierson to approve this case with the following conditions:
1. Compliance with the site and landscape plans submitted, except as modified by the conditions below.
2. Compliance with all requirements of the Design Review Board.
3. Compliance with all requirements of the Building Safety Division in the issuance of building permits.

Vote: Passed 6-0

Finding of Fact:

- 1.1 The proposed Development Incentive Permit for the construction of residential condominiums at 1759 E Broadway is consistent with reinvestment plans for this area. The neighborhood, which is predominately multifamily housing, has been an area of increased attention from the City for some time.
- 1.2 Development of this project on this bypassed parcel will provide an affordable housing option to the area that is needed.
- 1.3 The Developmental Incentive Permit is required in order to provide relief from full development standards, particularly building and landscaping setbacks.
- 1.4 Although the proposal includes significant decreases in the width of otherwise required setbacks, the project meets and exceeds the Design Guidelines as evidenced by increased architectural design and higher quality building materials.
- 1.5 Consistent with the requirements for review and consideration of a DIP: 1) the subject parcel meets the definition of a by-passed parcel, and meets all other DIP eligibility requirements; 2) the proposed development is consistent with the General Plan and has a density consistent with the existing R-4 zoning district; 3) the deviations requested are commensurate with surrounding development; 4) the deviations requested are necessary to allow development on the site; and 5) the development has been reviewed and approved by the Design Review Board for compliance with the intent of the Design Guidelines.

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**Board of Adjustment Meeting
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- Case No.:** BA07-011
- Location:** 1230 South Mesa Drive
- Subject:** Requesting a Substantial Conformance Improvement Permit (SCIP) to allow the development of a retail use in the C-2 zoning district.
- Decision:** Approved with conditions
- Summary:** Mr. Blied, applicant, presented the requested SCIP and explained that the building will hold two retail stores and a restaurant. Additionally, he agrees with all of the staff recommendations.
Mr. Hash presented the staff recommended conditions of approval and explained how they will affect the site plan.
The Board agreed that the project met the criteria for a SCIP and that the requested deviations were commensurate with existing development located in the area.
- Motion:** It was moved by Boardmember von Borstel, seconded by Boardmember McCray to approve this case with the following conditions:
1. The drive aisle adjacent to Mesa Drive shall be reduced to a width of twelve feet (12').
2. Parking stalls along the twelve-foot (12') wide drive aisle shall be constructed at thirty (30) degrees.
3. The foundation base adjacent to the east building elevation shall have a minimum width of eleven feet (11').
4. The parking stalls adjacent to Mesa Drive shall include scalloped landscape islands.
5. The parking stalls adjacent to Mesa Drive shall be reduced to a depth of 16 feet (16') and shall include a two-foot (2') overhang.
6. Compliance with all requirements of the Design Review Board.
7. Compliance with all requirements of the Building Safety Division in the issuance of building permits.
- Vote:** Passed 6-0
- Finding of Fact:**
- 1.1 The site plan proposed expands the building floor area of an existing group commercial development. It would develop the pad site that had not developed as shown on the approved site plan last approved in 1985. The proposed use is consistent with the use permitted in the C-2 zoning district.
 - 1.2 The primary concern relates to the future right-of-way for Mesa Drive, which is 65 feet. While right-of-way dedication will not be required, Mesa Drive may be widened in the future. Such widening would significantly affect the proposed site plan, particularly the number of on-site parking space and the landscape setback from Mesa Drive.

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- 1.3** By City of Mesa Code, a pad site such as the proposed must be able to fully self-park. The pad site has a reciprocal parking agreement with the surrounding group center. The use of that reciprocal parking agreement would provide access to additional parking spaces and ensure a sufficient amount of parking for present use and in the event that South Mesa Drive were to be widened the center would be able to absorb the additional parking requirements that would be lost.
- 1.4** Additional concerns relate to the potential traffic conflicts created by the one-way drive aisle along the east portion of the site. To address this concern, staff is recommending that the drive aisle will be reduced to a width of 12 feet, which meets current Code requirements for backing from 30 degree angled parking, and discourages traffic entering the site from the wrong direction. That reduction will result in an additional four feet that to the foundation base adjacent to the east building wall.
- 1.5** The applicant has proposed a “no build easement” along the north and west property lines to prohibit any future structures from being built within ten feet of the proposed building. These easements will ensure compliance with Building Code fire separation requirements due to the proximity of the proposed building to the north and west property lines.
- 1.6** The requirements for approval of the Substantial Conformance Improvement Permit are present 1). The existing conforming use of the pad for parking by the existing center; and 2) full conformance would result in the creation of new non-conformities including the reduction of required parking stalls and the dedication of future right of way to Mesa Drive together justifies the SCIP.
- 1.7** The Design Review Board has reviewed the architecture of the building and were supported the design of the building. They indicated that the building was well designed and would not detract from the surrounding community.

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Case No.: BA07-012

Location: 2751 East University Drive

Subject: Requesting 1) a Development Incentive Permit (DIP); 2) a Special Use Permit for an automobile service station; and 3) a Special Use Permit for a carwash, to allow the redevelopment of an auto service station and carwash in the C-2 zoning district.

Decision: Continued to May 8, 2007

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

Motion: It was moved by Boardmember Boswell, seconded by Boardmember Pierson to continue this case to the May 8, 2007 hearing.

Vote: Passed 6-0

Finding of Fact: N/A

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Case No.: BA07-013

Location: 3215 South Sossaman Road

Subject: Requesting 1) variances to allow reductions in the landscape setbacks and landscape plantings along the north and east property lines; and 2) a Special Use Permit, both to allow the development of athletic facilities in conjunction with a place of worship in the AG zoning district.

Decision: Continued to June 12, 2007

Summary: Mr. Wunderlich, applicant, presented the requested variances and Special Use Permits and explained that the reduction in setbacks are only along the SRP easement. Because of the easement, there are landscape restrictions to allow SRP continues access to the site.
The ball fields themselves will be for groups such as the YMCA. The lighting is specialized lighting that will only shine on the playing fields. The schedule that they currently have set is from 7am-10pm.
Six people spoke in opposition to the case their main concerns were:
1. The lights shining into the nearby residences.
2. The noise from the events.
3. The fields creating a place for underage drinking.
4. Traffic issues.
Mr. Wilsey explained that they have approval from the Sonorian Springs HOA. Additionally, the site plan was approved when the project went through a rezoning in 2005. At that time a neighborhood meeting was held the neighbors supported the project.
The Board agreed that some time should be given so that the Church can have further discussions with the neighbors and present a photometric study of the affects of the lighting.

Motion: It was moved by Boardmember von Borstel, seconded by Boardmember McCray to continue this case to the June 12, 2007 hearing.

Vote: Passed 6-0

Finding of Fact: N/A

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**Board of Adjustment Meeting
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- Case No.:** BA07-014
- Location:** 855 East Broadway Road
- Subject:** Requesting a Substantial Conformance Improvement Permit (SCIP) to allow the expansion of an automobile repair use 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 Boswell, seconded by Boardmember Pierson to approve this case with the following conditions:
1. *Compliance with the site plan and landscape plan submitted, except as modified by the conditions listed below.*
 2. *Provision of a minimum six-foot (6') high masonry wall along the south property line where adjacent to property not used an outdoor storage area.*
 3. *Provision of a minimum five-foot (5') wide landscape setback adjacent to the south property line where adjacent to property not used an outdoor storage area.*
 4. *Provision of a minimum five-foot (5') wide foundation base along the outdoor storage eight-foot (8') masonry screen walls and adjacent to drive aisles.*
 5. *Provision of a minimum five-foot (5') wide foundation base along the south building elevation of the proposed building addition.*
 6. *Provision of a minimum five-foot (5') wide foundation base along the west building elevation of the existing and proposed buildings, excluding overhead doors.*
 7. *Provision of a minimum three-foot (3') wide foundation base along the south building elevation of the existing covered patio and proposed waiting area.*
 8. *All parking spaces shall conform to Zoning Ordinance standards.*
 9. *All primary activities associated with the site and use shall be conducted within an enclosed building and no outdoor activity shall be permitted.*
 10. *Landscaping shall be reviewed and approved by Planning Division staff consistent with the intent of Zoning Code requirements.*
 11. *Compliance with all requirements of an Administrative Design Review.*
 12. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*
- Vote:** Passed 7-0
- Finding of Fact:**
- 1.1 The proposing the expansion of an existing 1,386 square foot tire installation and repair shop, and allowed use in the M-1 zoning district, to a size of 2,360 square feet. Development of the site proposes several deviations from current Code requirements that may be approved by a Substantial Conformance Improvement Permit.
 - 1.2 The applicant has proposed deviations from current Code requirements relate to building and landscape setbacks, landscaping requirements, foundation base, and on-site parking requirements.

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- 1.3** Consistent with the requirements of a Substantial Conformance Improvement Permit, compliance with current Code requirements would require the demolition of the existing building and would preclude a use authorized by the zoning district.
- 1.4** Proposed improvements to the overall site including setbacks, foundation base, parking, outdoor storage, and site activity, and each represents significant compliance with current Code requirements.
- 1.5** Additional improvements to the proposed site plan are intended to provide increased compliance with current Code requirements and mitigate the impact on the neighboring residential zoned property.
- 1.6** The site plan and site improvements will require review and approval of an Administrative Design Review and landscaping requirements will be reviewed and approved by staff for compliance with the intent of the Zoning Code.
- 1.7** The site plan, including the conditions of approval, substantially conforms with the intent of the Code and is consistent with and not detrimental to adjacent properties. Additionally, the development will bring the site into a greater degree of conformance than currently exists.

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- Case No.:** BA07-015
- Location:** 1144 West Main Street
- Subject:** Requesting a Development Incentive Permit to allow the development of an automobile sales lot in the C-3 zoning district.
- Decision:** Denied
- Summary:** Mr. Salih and Mr. Hadaad, applicants, presented the requested Development Incentive Permit and explained that the amount right-of-way dedication on the lot limits the amount of usable space. The applicant would like to place a modular structure on the property and use it for an automobile sales lot. Mr. Haddad explained that he purchased the property from the City of Mesa intending to use it as an automobile sales with the understanding that City staff would work with him to allow deviations from Code necessary to make the use function properly. Mr. McVay explained that the applicant was aware at the time of the sale that staff would not support an automobile sales lot on the property. Concerns include the lack of space to display vehicles. Additionally, the applicant would site plan did not meet any code requirements. Boardmember McCray questioned the ability to make anything economically feasible on the lot.
- Motion:** It was moved by Boardmember Boswell, seconded by Boardmember von Borstel to deny this case.
- Vote:** Passed 6-0
- Finding of Fact:**
- 1.1 A Development Incentive Permit is requested to permit the development of a used car dealership on an 8,523 square foot parcel. The development would utilize a 528 square foot modular building for the sales office. A used car dealership is a permitted use in the C-3 district.
 - 1.2 The property was purchased from the City of Mesa in 2005. The applicant was aware of the limitations of the site and Planning Division staff's recommendation related to development of the site for a used car dealership. Despite those limitations the applicant chose to purchase the site, if only for investment purposes.
 - 1.3 The subject parcel meets the size and age of development requirements to be considered a by-passed parcel; the proposed use is consistent with the C-3 zoning district and General Plan designation of Mixed-use/residential, and incentives will be necessary to allow any development on the site.

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- 1.4** The requested deviations to Code development standards are not commensurate those of surrounding properties and the architectural elements, construction and landscape materials, and other site improvements do not meet the intent of the Design Guidelines Chapter of the Zoning Ordinance
- 1.5** The proposed use is more intense than the subject parcel can support. Specifically, by providing the minimum number of on-site parking spaces required (4), only six vehicles could be displayed. Due to the limited number of vehicles that could be displayed, the sustainability of the site is brought into question.
- 1.6** The applicant has not provided sufficient justification or site improvements to support the requested deviations to current Code development standards and the requested deviations to current Code requirements will not allow development of a site that meets or exceeds the level of conformance of surrounding properties.

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**Board of Adjustment Meeting
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Case No.: BA07-016

Location: 2296, 2303, 2309, 2319 North Horne Street and 910 East Lockwood Street

Subject: Requesting a Special Use Permit to allow a riding and boarding stable in the R1-43 zoning district.

Decision: Approved with conditions

Summary: Mr. Udall, representing the applicant, described the boarding stable project and read a letter in support of the project into the record from Dennis Kavanaugh, a representative of the Mesa Museum. Additionally, he explained that he would like to see some of the conditions modified due to negotiations with Mr. Brent Gardner, a neighbor. He further explained that the project will not be commercial in nature and would like to see a stipulation added that would prohibit the property from being used commercially as a boarding stable. He added he would like to add a stipulation regarding lighting. If necessary, a solid wall will be added to the north, east, and south side of the covered arena to shield the light from the adjoining neighbor. In regards to the open arena, the applicant shall use lighting, which installation has received the approval of the Gardner's. Mr. Udall would also like to add a stipulation that no sound systems will be allowed on the property. Additionally, the operating hours can be limited from 6:30 am to 9 pm.

Mr. Nelson, property owner, explained the history of the site and how the location of the site will work as a riding arena and boarding stable. He described the people that will be able to utilize the stable. A covered arena will be utilized throughout the year to provide shade. He described sprinkler systems within the arena that will prevent dust. The property will not be managed as a commercial stable. He explained that he has support from the community.

In response to a question from Boardmember Clement, Mr. Nelson explained that he is only planning on adding two buildings to the site.

Chair Higgins expressed concerns with how the additional properties will be utilized to reach the 10 acre size requirement. Additionally, she expressed concern with the lighting.

Mr. Nelson summarized some of the neighborhood concerns with the project and his conversations and attempts to come to an agreement.

There were 8 people present in support of the case.

Of the people that spoke in favor of the case their points included:

1. The facility will be utilized by the whole neighborhood.
2. It is great project for the community.
3. It will fit in with the rural way of life that is preserved in Lehi.
4. It will help the youth in the area.
5. It fits with the Lehi sub area plan.
6. It is needed to maintain the ability to keep livestock.

There were 7 people present in opposition to the case.

Of the people that spoke in opposition of the case their points included:

1. Too much traffic.
2. Too Much noise.

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3. Dust will become an issue.
4. It will eventually be used for commercial uses.
5. 8-10 head of livestock per acre is too many.
6. The stables will detract from the low density residential feel of the area.
7. It will attract crime.
8. The area will not be kept clean.
9. The smell will be detrimental.

Mr. Udall explained that the measures proposed to control dust and smell exceeds the requirements of the City.

In response to a concern by Boardmember Clement, Mr. Nelson noted there would be a full time employee to keep the property clean. The stables will be cleaned every day, except Sunday. Outside of feed expense, no one will pay to keep his or her horses on the property.

Mr. Nelson explained that the dust problem would not be an issue because the pastures will be irrigated and sprinklers will be used to keep the dust down.

In response to some questions from Boardmember Boswell, Mr. Nelson explained that the combined properties would be about 11 acres. He then described the size of each of the individual properties.

Mr. Sheffield explained that Maricopa County will be the agency responsible to address dust issues.

Motion:

It was moved by Boardmember Clement, seconded by Boardmember von Borstel to approve this case with the following conditions:

1. *Compliance with the revised site plan, dated March 28, 2007, the elevations dated February 28, 2007 and the narrative and letters submitted with the application.*
2. *Installation and paving of on-street diagonal parking spaces, as depicted on the site plan dated March 28, 2007.*
3. *Compliance with all requirements of the Engineering Department with regard to the installation of the on-street parking spaces, including removal and reinstallation of the fence along the west property line of the case site, any required permits, and compliance with all installation and materials standards.*
4. *Use of this facility shall be limited to the hours between 6:30 am to 9:00 pm.*
5. *A dust control fixative shall be applied to all unpaved surfaces on-site on which motor vehicles may travel.*
6. *The total number of animals that may be permanently boarded shall not exceed 80 head, or 8 head per acre. There will be no commercial equestrian events where fees will be charged to spectators or participants and no equestrian events will be advertised to the public at large.*
7. *Compliance with the amended project narrative dated March 28, 2007, and in particular, the cleaning and removal of animal waste from the site.*
8. *Compliance with all requirements of the Building Safety Division in the issuance of building permits.*
9. *No public address or sound amplification apparatus will be used, operated, or constructed, or permitted to be used, operated, or constructed, on or near the subject property.*
10. *A solid wall will be added to the north, east, and south sides of the covered arena to shield the light from the adjoining neighbor. In regards to the open arena the applicant shall not use any lighting that is not approved by the property owner of parcel number 136-08-003-Z as described by the Maricopa*

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County Assessors Office.

Vote: Passed 6-0

Finding of Fact:

- 1.1 This proposal involves the development of livestock boarding stables with associated riding and roping arenas, corrals, pastures, barns and pens.
- 1.2 The case site consists of seven land parcels, six of which will continue to be used, or may be used in the future as residences.
- 1.3 The primary activity area for this use is located on the northern and western portions of the case site. This location is advantageous in that it is away from neighboring residential properties, and adjacent to the neighboring museum and SRP substation. Such a location helps to limit the degree of potential impact from light, noise and dust that may be associated with any activities on this site.
- 1.4 The two livestock arenas are proposed to be used for occasional livestock events, such as riding and roping competitions, and barrel racing. Such activities may attract spectators. Parking for participants and spectators is proposed along North Horne. Preliminary review of placing such parking within the right-of-way of North Horne has been reviewed and an initial approval given by the Mesa Transportation Division staff.
- 1.5 The proposed land use is located within the Lehi Sub-Area. As adopted by the City Council (resolution 8655), the Lehi Sub-area plan acknowledges the area's semi-rural, agrarian lifestyle, and in particular, the desire of many residents to keep livestock. Activities that could be held at this facility are consistent with the goals of the Lehi Sub-area Plan in this regard.
- 1.6 Access to the corrals, stables and arenas is proposed to remain unpaved. Dust control should still be considered, and spray fixatives used to help control fugitive dust applied on a regular basis.
- 1.7 Time limits have been applied to minimize light and noise impacts during typical sleeping hours.
- 1.8 The site will have on-site residences in addition to the barns, stables and arenas. The on-site locations for corrals barns and stables are therefore limited, based on Mesa City Code § 6-4-20. Full utilization of the boarding stable maximum is therefore also limited. Occasional events may allow the maximum livestock density of ten head per acre to occur. Typical utilization should be limited to no more than half that amount.
- 1.9 With the recommended conditions, most impacts will have minimal effects on neighboring properties. The activities proposed are consistent with the goals and objectives of the Lehi Sub-Area plan. For these reasons, the proposal is considered compatible with and not detrimental to surrounding properties, and consistent with the intent of the Zoning Ordinance standards for the R1-43

**Board of Adjustment Meeting
April 10, 2007**

district.

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**Board of Adjustment Meeting
April 10, 2007**

Case No.: BA07-017

Location: 1441 East Broadway Road

Subject: Requesting an interpretation of Mesa Zoning Ordinance Section 11-13-2 (T) with regard to the use of Portable Storage Containers in the O-S zoning district.

Decision: Continued to May 8, 2007

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

Motion: It was moved by Boardmember Boswell, seconded by Boardmember Pierson to continue this case to the May 8, 2007 hearing.

Vote: Passed 6-0

Finding of Fact: N/A

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Respectfully submitted,

Jeffrey McVay, AICP
Senior Planner
Secretary, Board of Adjustment

Minutes written by Lena Butterfield, Planning Assistant

G:Board of Adjustment/Minutes/2007/04 April