

Zoning Administrator Hearing **Minutes**



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

John S. Gendron
Hearing Officer

DATE March 20, 2007

TIME 1:30 P.M.

Staff Present

Jeff McVay
Jim Hash
Lena Butterfield

Others Present

Biran Graffius
Christine Ellis
Laurie Hensely
Jake Hensley
Tony Frazee
Robert Burgheimer

CASES

Case No.: ZA07-021

Location: 4353 North Desert Gate Circle

Subject: Requesting a Special Use Permit to allow a detached accessory living quarters in the R1-35-PAD-DMP zoning district.

Decision: Approved with conditions

Summary: Ms. Ellis explained that what was originally planned for a guest quarters attached to the home will now be a nursery. The new guest quarters will be attached to a 4th bay garage. Additionally, they have received approval from the HOA.
Mr. McVay explained that the Accessory Living Quarters meets the intent of the requirements, and will be compatible with and not detrimental to the surrounding properties.
Mr. Gendron approved the case with the following conditions:
1. Compliance with the site plan submitted.
2. The Accessory Living Quarters shall not be leased or rented.
3. Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.

Finding of Fact:

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- 1.1** The proposed ALQ will be used for guest or family only and will not be rented or leased.

- 1.2** The proposed ALQ is consistent with the intent of Section 11-13-2 (C) of the Mesa Zoning Ordinance and will be compatible with and not detrimental to neighboring properties.

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Case No.: ZA07-022

Location: 1621 North Pasadena

Subject: Requesting a Special Use Permit to allow a lighted athletic facility in conjunction with a place of worship in the R1-6 zoning district.

Decision: Approved with conditions

Summary: Mr. Fraizee, applicant, presented the request and explained that there will be landscaping to block the lights from the volleyball courts, additionally, the lights will have shields installed on them. Mr. Hash explained that a 20-foot height for lights on a volleyball field is not out of the ordinary and lower lights would not be useful. Additionally, there is a retention basin between the property line and the neighboring residential development to the south that will provide a buffer between uses.
Mr. Gendron approved the case with the following conditions:
1. Compliance with all requirements of the site plan submitted.
2. The lights standards can be no higher than twenty feet (20').
3. The sand volleyball courts and associated lighting shall not be used past 9:00 pm.
4. Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits

Finding of Fact:

- 1.1 The project will consist of two temporary sand volleyball courts to be utilized by children, teens and adults through church organized sporting events. These courts will be removed and redeveloped as shown on the approved site plan (BA04-041) when future expansion of the site takes place.
- 1.2 The light pole will be no greater than 20 feet in height and will provide three lights, two of which will provide lighting for the volleyball courts and one additional light that will be facing to the north that will be used to provide security to the adjacent parking lot.
- 1.3 The site is in compliance with the current Code with the exception of the west side of the property, which is adjacent to Pasadena and to the south, which is adjacent to an open space area of a residential neighborhood.

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- 1.4 The applicant is mitigating the impact to neighbors by ensuring that the lighting will be fully shielded from the neighborhood and the third light that will be utilized for parking lot security will be directed northbound facing interior to the lot and have little to no impact on the adjacent neighborhood.
- 1.5 To further mitigate the impact of the use on neighboring properties, staff is recommending the courts and associated lighting not be utilized past 9:00 pm.

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Case No.: ZA07-023

Location: 8134 East Fountain Street

Subject: Requesting a variance to allow a pool to encroach into the required vehicular side yard in the R1-9 zoning district.

Decision: Approved with conditions

Summary: Mr. Graffius, applicant, presented the variance request and explained that the pool needs to be in the side yard to allow the installation of a safety fence. Additionally, the home was already built into the vehicular access side yard.
Mr. McVay explained the National Barrier Code states that a setback of 3 feet must be maintained between a structure and the pool fence. If the pool were to be placed in the rear yard the fence would not meet that requirement. Additionally, the swimming pool size proposed is consistent with standard pool sizes.
Mr. Gendron approved the case with the following conditions:
1. Compliance with all requirements of the site plan submitted.
2. Compliance with all applicable City of Mesa Development Codes and Regulations.
3. Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.

Finding of Fact:

- 1.1** The side yard setback is not currently 10 feet in width, which is required by City of Mesa Zoning Ordinance §11-13-2 (E) 1.
- 1.2** Current side yard setback is 8' 3" from the southeast exterior wall of the garage to the property line, plus the additional obstruction to the drive access due to the electrical service access protruding from the wall reducing the width to 7' 5". This creates a unique condition related to the existing development of the land that was not created by the applicant.
- 1.3** The location of existing development in the rear yard does not provide sufficient area to allow development of a standard size pool and would limit the use and benefit generally available to lots of similar size. The applicant has further noted that placement of the pool in compliance with current setback requirements would result in conflicting issues related to national barrier code setbacks for pools and the minimum "Climability Separation" of 3 feet.

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- 1.4** The home's west side yard has a setback of five feet at the front corner of the house and a setback of 10 feet at the rear corner of the house. The western border of the lot is not of standard shape therefore not allowing for room to be able to construct a pool in that area.

- 1.5** Approval of a variance would provide the owner the ability to fence and secure the pool area from small children and still maintain a safe play environment in the rear yard for outdoor recreation activities.

- 1.6** In this specific case, compliance with the City of Mesa Zoning Ordinance would deprive the property owner the same development opportunities as the surrounding properties.

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Case No.: ZA07-024

Location: 2750 East University Drive

Subject: Requesting a Substantial Conformance Improvement Permit to allow the development of a restaurant in the C-2 zoning district.

Decision: Approved with conditions

Summary: Mr. Burgheimer, applicant, presented the request and explained that the second building shown on the site plan may be modified from that shown on the site plan based on the potential tenant. The request is only for the Starbucks store. Related to the SCIP it was noted that significant right-of-way dedication requested and that compliance with current Code requirements, would greatly limit the size of the building that could be built. The site has been through an administrative Site Plan Modification and Design Review approvals. Mr. McVay explained that the site will come into substantial conformance and will be compatible with and not detrimental to the surrounding properties.
Mr. Gendron approved the case with the following conditions:
1. Compliance with the site plan submitted.
2. Compliance with all requirements of the Design Review Board.
3. Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.

Finding of Fact:

- 1.1** The applicant is requesting deviations to current Code requirements related to landscape setbacks from both Lindsay Road and University Drive, street corner radius landscape setback, foundation base adjacent to the west wall of the proposed retail building, and on-site parking requirements.
- 1.2** Due to the age of the existing development, compliance with current Code requirements would require the reconstruction of existing buildings and a reduction of on-site parking provided with the existing development.
- 1.3** Right-of-way dedication requirements associated with the proposed development significantly impact the developable land area.
- 1.4** The existence of right-of-way landscaping and the proposed landscape plan will mitigate the impact of reduced landscape setbacks from both Lindsay Road and University Drive.
- 1.5** The proposed site plan represents substantial conformance with current Code design guidelines and development standards and a

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significant improvement in overall site compliance with Code requirements.

- 1.6** The proposed site plan is consistent with the intent of Section 11-13-2 (S) of the Mesa Zoning Ordinance and will be compatible with and not detrimental to neighboring properties.
- 1.7** The proposed site plan has been reviewed and approved by the Planning and Zoning Board, City Council, and Design Review Board.

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There being no further business to come before the Zoning Administrator, the hearing adjourned at 2:16 p.m.

The cases for this hearing were recorded on Zoning Administrator Flash Card 2, Track 41.

Respectfully submitted,

John S. Gendron
Hearing Officer

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G:ZA/Minutes/ZAM