



**CITY OF  
MESA**

*Great People, Quality Service!*

## **BOARD OF ADJUSTMENT MINUTES**

**February 11, 2003**

**Board members Present:**

David Shuff, Chair  
Jared Langkilde, Vice Chair  
Webb Crockett  
Clark Richter  
Skip Nelson  
Greg Hitchens

**Staff Present:**

John Gendron  
Gordon Sheffield  
David Nicolella  
Krissa Hargis

**Board members Absent:**

Roxanne Pierson (Excused)

**Others Present:**

Kim Eaton  
Jessica Reynolds  
Evelyn Stansbarger  
Marshall Kelly  
Jennifer Urquhart  
Jason Morris  
Mr. Al Cappello  
Jessica Reynolds  
Others

Before adjournment at 6:45 p.m., the following items were considered and recorded on Board of Adjustment Tape # 288.

**Study Session 4:30 p.m.**

- A. The items scheduled for the Board's Public Hearing were discussed.

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

- A. Consider Minutes from the December 10, 2002 Meeting:

It was moved by Board member Crockett, and seconded by Board member Hitchens, that the minutes of the December 10, 2002 Board of Adjustment meeting be approved.

- B. Vote: Passed, 6-0

**Board Of Adjustment Meeting  
February 11, 2003**

Case No.: BA02-045

Location: 405 East Crescent

Subject: Requesting a variance to allow a new dwelling unit to encroach into the required side yards in the R-4 district.

Decision: This case was on the consent agenda and was not discussed individually.

Summary: Boardmember Crockett asked for a point of clarification that this case be on consent agenda to be denied, planning staff confirmed that that was correct.

Motion: It was moved by Mr. Hitchens, seconded by Mr. Crockett, that this case be denied.

Vote: Passed 6-0

Finding of Fact: N/A

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**Board Of Adjustment Meeting  
February 11, 2003**

Case No.: BA03-001

Location: 429 South Hall

Subject: Requesting a Development Incentive Permit (DIP) to allow the construction of a 4-plex in the R-3 district.

Decision: Continued for 30 days.

Summary: Mr. Eaton addressed the Board stating that he has done everything he can to meet staffs requests. The only area that staff is still opposing is the building elevations and he believes that his proposed building far exceeds any building in the immediate vicinity. Mr. Eaton passed out a revised site plan. Mr. Sheffield stated that staff had received this plan last Thursday and there was not sufficient time to review it. Boardmember Hitchens commented that the staff report indicates that the applicant has not submitted proof of citizen's participation.

Motion: It was moved by Mr. Hitchens, seconded by Mr. Crockett, that this case be continued for 30 days.

Vote: Passed 4-2 (Langkilde and Richter voting nay)

Finding of Fact: N/A

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**Board Of Adjustment Meeting  
February 11, 2003**

Case No.: BA03-002

Location: 4801 East Brown Rd.

Subject: Requesting a Special Use Permit for a day care center and a Substantial Conformance Improvement Permit (SCIP) all in conjunction with the expansion of the First Baptist Church of Mesa.

Decision: Approved with conditions.

Summary: This case was on the consent agenda and was not discussed individually.

Motion: It was moved by Board member Hitchens, and seconded by Board member Crockett that this case be approved with the following condition:

- 1) Compliance with the site plan submitted, except as modified by the conditions listed below; and
- 2) Accessible parking spaces shall be provided and maintained pursuant to Section 4-1-3 of the Mesa City code pertaining to the Arizonans with Disabilities Act of 1992.
- 3) Supplementing the landscape plant materials to meet current plant ratio requirements for the entire perimeter of the site.
- 4) Moving the proposed refuse enclosure out of the setback on the south property line.
- 5) Certification of the day care center by the Arizona State Department of Health Service.

Vote: Passed 6-0

Finding of Fact:

- 1.1 This project will add plants to the landscape area along the street frontages of the site to meet the current ratio of trees and shrubs per lineal foot.
- 1.2 All new buildings and new parking spaces will meet the current Site Development Design Standards.
- 1.3 The entire development site reflects the greatest possible degree of compliance for each specific requirement in the Zoning Ordinance.
- 1.4 The improvements authorized by the permit shall result in a development that is compatible with, and not detrimental to, adjacent properties.

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**Board Of Adjustment Meeting  
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Case No.: BA03-003

Location: 1551 East Dana Ave.

Subject: Requesting a variance to allow a non-contiguous parking lot and a Substantial Conformance Improvement Permit (SCIP) all in conjunction with the expansion of Christ the King Catholic Church.

Decision: Approved with conditions.

Summary: This case was on the consent agenda and was not discussed individually.

Motion: It was moved by Board member Hitchens, and seconded by Board member Crockett that this case be approved with the following condition:  
1) Compliance with the site plan submitted, except as modified by the conditions listed below; and  
2) Supplementing the landscape plant materials to meet current plant ratio requirements for the entire perimeter of the site.

Vote: Passed 6-0

Finding of Fact:

- 1.1 The applicant has agreed to supplement the existing campus plantings to meet current perimeter requirements (see note at bottom right of site plan).
- 1.2 The size of the church campus is fixed. Abutting properties to the south and east are across an alley or access easement, and are currently used as single residence lots. The proposed location of the non-contiguous lot across the street should help provide needed parking for the peak uses of the campus.
- 1.3 The buildings being added are anticipated to be used at non-peak periods (during the week days).
- 1.4 Improvements will be made to the perimeter landscape areas to the extent that existing parking spaces along the street would not be removed.
- 1.5 The encroachments being requested represent small deviations from the 20' wide landscape areas normally required. Further reductions to the number of spaces provided would be detrimental to surrounding sites.
- 1.6 Installation of parking lot landscape islands at the ratio required would also result in a significant reduction to the number of parking spaces provided.

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**Board Of Adjustment Meeting  
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Case No.: BA03-004

Location: 3559 East University Dr. (Address re-assigned to 360 N. Val Vista Dr.)

Subject: Requesting a Development Incentive Permit (DIP) to allow the construction of CVS Pharmacy in the C-2 district.

Decision: Approved with conditions.

Summary: This item was removed from the consent for further discussion. Mr. Jason Morris spoke on behalf of the developer explaining the history of the project. He stated that this proposal will be a significant improvement to the corner and that it fundamentally conforms to the intent of the Zoning Ordinance. Boardmember Langkilde expressed that the development as proposed requests too much relief from the development standards. Because they are requesting relief on all four sides of the property he believes that the request exceeds the purpose of the Development Incentive Permit. Mr. Morris addressed the concern by stating that the project will allow the city to have increased Right of Way on both University Dr. and Val Vista Drive. Boardmember Crockett asked if the applicant is willing to meet all of the staff's stipulations for approval, Mr. Morris stated he agrees, including the recommendations forwarded to the Design Review Board to review the project under a "enhanced design" standard.

Motion: It was moved by Mr. Crockett, seconded by Mr. Richter, that this case be approved with the following conditions:

- 1) Compliance with the site plan submitted (revision dated 1-06-03), except as modified by the conditions listed below;

*(Note: the condition listed above gives final approval only to the dimensional characteristics of the site plan involving the width of landscape areas, building setbacks and foundation base requirements. It does not give final approval to the building design, landscape plan or design of the foundation base, which will be considered in a subsequent application to the Design Review Board.)*

- 2) Compliance with all requirements of the Design Review Board;
- 3) Provision of a minimum foundation base of 15' along both the north and east elevations;
- 4) Reduction of the street side landscape areas along both Val Vista Drive and University Drive from 30' to 25';
- 5) Reduction of the landscape area along the west interior property line from 15' to 12';
- 6) Replacement of the two northernmost parking spaces in the parking row closest to Val Vista Drive and the two easternmost parking spaces in the parking row closest to University Drive with a extension of the street-side landscape area adjacent to both of these streets;
- 7) Compliance with all requirements of Zoning Ordinance Section 11-15-4(B) 10 regarding a screening device for a parking lot; and
- 8) Compliance with all requirements of the Building Safety Division, including the requirements of the Development Engineering Section regarding off-site improvements.

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*Further, the staff also recommends the Board forward a recommendation to the Design Review Board that, in return for the reduced setbacks along all four sides of the site, and the reduced width of the setback along the south elevation, the building design, perimeter landscaping, screening device design and foundation base design should be reviewed under a standard of enhanced design that is a clear variation from conventional development.*

Vote: Passed 6-0

Finding of Fact:

- 1.1 The case site consists of two parcels, currently used as a car wash and a now vacant gas station. The existing uses do not conform to the present site development standards.
- 1.2 Approximately 3.26% of the surrounding area within 1200' is vacant. About 53% of the land developed more than 15 years ago. The site meets the definitional requirements of "Infill Property" found in Section 11-1-6 of the Zoning Ordinance, which requires that 75% of the surrounding area within 1200' be developed, and that at least 50% of the land within that area be developed at least 15 years ago.
- 1.3 The applicant would like to construct a 13,000 square foot building on the assembled site. The use is permitted within the C-2 district, and the scale of the use is consistent with surrounding commercial uses. Significant increases to the landscape area along both adjacent streets would be installed, as well as several items that would bring the site into a greater degree of compliance when compared to the present site development.
- 1.4 As proposed by staff, the site plan would have small deviations from standards to the width of the landscape area along both streets, and along both interior property lines. However, the street side landscaping would be almost 5 times as wide as the present condition along the street. In addition, the full width of the foundation base will be achieved, as has been the indicated preference of the Design Review Board.
- 1.5 The resulting development would be compatible with and not detrimental to surrounding uses, including the commercial uses adjacent to the west and northeast, or the manufactured home park to the west. The land to the south is vacant, but it is zoned C-2 and commercial uses are anticipated to be developed on the site because of the existing zoning district.

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**Board Of Adjustment Meeting  
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Case No.: BA03-005

Location: 7315 E. Jasmine St.

Subject: Requesting a variance to allow a patio enclosure to encroach into the required rear yard in the R1-7 district.

Decision: Approved with conditions.

Summary: The applicants' attorney, Jessica Reynolds, spoke to the Board stating that this request for a variance is different because it relates to a group home for the elderly. Being that it is a group home for the elderly the residents generally go to bed early, make less noise, and have limited activity in the rear yard. For these reasons she believes that the encroachment of a living space into the rear setback will not have a detrimental effect on the neighbors. Boardmember Hitchens ask the planning staff if a variance could be granted that is attached to the use, a group home for the elderly. Staff member John Gendron stated that a variance could be conditioned to the use of the property through a deed restriction. Once the home ceased being used as a group home for the elderly the enclosed patio would then have to be changed back to an open patio.

Motion: It was moved by Mr. Hitchens, seconded by Mr. Crockett, that this case be approved with the following condition:

- Recording a restrictive covenant that limits the use of the rear bedroom and bath to the use of the property as a licensed adult care home, the rear patio enclosure addition would be removed and returned to a open patio cover.

Vote: Passed 5-0

Finding of Fact:

- 1.1 When the applicant purchased the home the enclosed patio violation existed. The applicant purchased the home assuming that it was a five-bedroom home and that all rooms were in conformance with the Zoning Ordinance.
- 1.2 If strict compliance of the Zoning Ordinance were applied, the applicant would have to do a significant remodel causing excessive stress on the elderly residence.
- 1.3 The approval of this variance is conditioned upon the home remaining a group home for the elderly, if and when the home ceases to be used as a group home for the elderly the enclosed patio must be changed back to an open patio.

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**Board Of Adjustment Meeting  
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Case No.: BA03-006

Location: 2407 W Peralta Cir

Subject: Requesting a variance to allow a building addition to encroach into the required rear yard in the R1-6 zoning district.

Decision: Approved with conditions.

Summary: This case was on the consent agenda and was not discussed individually.

Motion: It was moved by Board member Hitchens, and seconded by Board member Crockett that this case be approved with the following condition:

- The addition will encroach no more than 6 feet into the 20' wide rear setback.

Vote: Passed 6-0

Finding of Fact: N/A

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**Board Of Adjustment Meeting  
February 11, 2003**

Case No.: BA03-007

Location: 1140 E Baseline Rd

Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow the development of a bank building in the M-1 zoning district.

Decision: Approved with conditions.

Summary: This case was on the consent agenda and was not discussed individually.

Motion: It was moved by Board member Hitchens, and seconded by Board member Crockett that this case be approved with the following condition:

1. Compliance with the site plan and elevations submitted, except as modified by the conditions listed below;
2. Compliance with all requirements of the Design Review Board;
3. Recording and maintenance of a reciprocal cross access easement with the parcel immediately adjacent to the north;
4. Supplementing the existing landscaping in front of the car wash building (along Baseline Road) with trees and shrubs to bring the total plant count up to a ratio of two trees and six shrubs per twenty-five feet (25') of lineal street front, measured from the west side of the south access drive to the west property line; and
5. Compliance with all requirements of the Sign Ordinance.

Vote: Passed 6-0

Finding of Fact: N/A

- 1.1 The existing car wash and convenience store/gas station development was approved by the Board of Adjustment and Design Review Board in 1998. At the time the project was reviewed, it complied with all zoning requirements in place.
- 1.2 The City Council adopted new site development standards that became effective in June, 2002. Development of any new project, or any expansion or addition of an existing project, is required under Section 11-1-3 of the Zoning Ordinance to come into full compliance unless a Development Incentive Permit (DIP) or Substantial Conformance Improvement Permit (SCIP) is approved.
- 1.3 The redeveloped portion of this site is limited to the east half of the overall development site; or the portion now used by the convenience store/gas station. The car wash on the western portion of the site is to remain.
- 1.4 The proposed bank building and associated parking lot will comply with all requirements for setbacks and landscaping. The only portion of the redeveloped site that will encroach into the required street side landscaping is the queuing aisle for the drive-through window. The queuing aisle will be screened by a 3' high meandering wall.

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- 1.5 There will be an increase of 17' in the width of the landscape area along Baseline Road, and 15' along Staley Drive. The applicant has indicated that they will comply with all ratios for plant materials within the perimeter landscape areas.
  
- 1.6 If the queuing aisle were to be setback to comply with the width requirements for the street side landscape areas, it would result in a substantial loss of parking spaces for the overall site. Although the site has more than the minimum required number of parking spaces, the excess spaces will be used by both the bank customers, and the employees of the car wash.
  
- 1.7 Substantial conformance would also result in a major alteration or demolition of the existing car wash building.

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Respectfully submitted,

Gordon Sheffield, AICP  
Senior Planner

Minutes written by David J. Nicolella, Planning I