

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 February 13, 2007

TIME 1:30 P.M.

Staff Present

Jeff McVay
Jim Hash
Lena Butterfield
Patrick Murphy

Others Present

Monty Worthington
Kevin Kerpan
Mike Porubovich
Kevin Benson

CASES

Case No.: ZA07-005TC

Location: 143 West 3rd Place

Subject: Requesting: 1) a variance to allow a detached accessory structure to exceed the maximum height allowed; and 2) a Special Use Permit for a detached accessory living quarters in the TCR-1 zoning district.

Decision: Approved with conditions

Summary: Mr. Worthington explained that the new garage will be approximately eight inches (8") from the property line. The location of the building complies with Code, but he needs the structure to be one foot (1') higher in order to allow him to park recreational vehicles in the new garage.
Mr. Murphy explained that the project has received historic clearance and that staff is supporting the project.
Mr. Gendron approved the variance with the condition that the applicant obtains a historic clearance from the Historic Preservation Officer prior to the issuance of a building permit for the proposed garage.

City of Mesa
Zoning Administrator Minutes
February 13, 2007

Finding of Fact:

- 1.1 The property is located in an older neighborhood in the Town Center Area.
- 1.2 The variance and Special Use Permit will bring the property into conformance with the Code.
- 1.3 The project will be compatible with and not detrimental to surrounding properties.

* * * * *

City of Mesa
Zoning Administrator Minutes
February 13, 2007

Case No.: ZA07-006

Location: 344 South Power Road

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. Kerpan explained that the site complies with all current Code requirements with the exception of the 100-foot corner radius and complying with that requirement would cause the removal of fifteen (15) existing parking spaces. He went on to explain that the site will accommodate one restaurant and some retail shops. The site does have cross access agreements with the existing shopping center. Mr. Hash explained that the site is too small to meet the current standards and maintain a commercial use. Therefore, staff is recommending approval of the SCIP.
Mr. Gendron approved the case with the following conditions:
1. Compliance with the site plan submitted.
2. Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.

Finding of Fact:

- 1.1** The reduction of the 100-foot radius landscape requirement is necessary in order to maintain the required parking and still provide a development that is consistent with the existing centers in the area.
- 1.2** The proposed project is a complete demolition and rebuild. The proposed design and use will enhance and renew business for the abandoned corner and will contribute to the beautification of the city.
- 1.3** During the Design Review Board work session held on 2-7-2007 the DR Board was very favorable towards the project.

* * * * *

City of Mesa
Zoning Administrator Minutes
February 13, 2007

Case No.: ZA07-007

Location: 2145 West Broadway Road

Subject: Requesting a Substantial Conformance Improvement Permit to allow the redevelopment of an apartment complex in the R-4 zoning district.

Decision: Approved with conditions

Summary: Mr. Porubovich explained that the apartments were built in 1985. They are not adding additional parking they are providing shaded parking utilizing the current parking spaces. Additionally he explained that he is fine with providing a 5-foot (5') setback adjacent to the neighboring apartment complex in order to meet the new building code.
Mr. McVay explained that the property is being brought further into conformance by providing shaded parking. He further explained that staff is recommending approval of the project.
Mr. Gendron approved the case with the following conditions:
1. Compliance with the site plan submitted.
2. Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.
3. A minimum five-foot (5') setback shall be required from the existing property line to the fascia of the carport structure in each to an alley location that is not adjacent to an alley.

Finding of Fact:

- 1.1 The requested Substantial Conformance Incentive Permit (SCIP) is for the construction of seven Covered Parking structures.
- 1.2 During the time of construction, the complex was not required by the City of Mesa Zoning Ordinance to provide covered parking for each dwelling unit.
- 1.3 The existing parking will not be altered from its existing configuration.
- 1.4 By providing the additional covered parking the applicant will be bring the complex into a greater degree of compliance with the current Code requirements with regards to the covered parking.

* * * * *

City of Mesa
Zoning Administrator Minutes
February 13, 2007

Case No.: ZA07-008

Location: 2605 North Doral Street

Subject: Requesting a variance to allow the enclosure of an existing carport that encroaches into the required side yard in the R1-6-DMP-PAD zoning district.

Decision: Approved with conditions

Summary: Mr. Benson explained that the applicant would like to enclose the existing carport into a garage. He explained that the taper of the driveway prevents the proposed garage from meeting setbacks. Mr. McVay explained that the shape of the orientation of the lot and type of development are justification for granting the requested variance. The applicant is not asking to expand the structure only enclose what is already there. Additionally, he verified with the staff in the Building Safety Division Staff that a one-hour rated fire wall would be sufficient to meet the building code. Mr. Gendron approved the case with the following conditions:
1. Compliance with the site plan submitted.
2. Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.

Finding of Fact:

- 1.1 The requested variance would allow the enclosure of an existing carport into a garage. The carport encroaches into a required side setback. Such setback and encroachment were approved as a deviation to current Code requirements through a PAD overlay.
- 1.2 The townhome type development, which includes attached structures on separate parcels, and the shape of the parcels represent unique conditions not generally found in the R1-6 zoning district. Additionally, the enclosure of an existing structure will not result in increased impact to neighboring properties.
- 1.3 The proposed structure will be required to comply with all requirements of the Building Safety Division in the issuance of building permits. Approval of a variance does not preclude compliance with applicable Building Codes.

● * * * *

City of Mesa
Zoning Administrator Minutes
February 13, 2007

There being no further business to come before the Zoning Administrator, the hearing adjourned at 2:06 p.m.

The cases for this hearing were recorded on Zoning Administrator Flash Card 2, Track 23.

Respectfully submitted,

John S. Gendron
Hearing Officer

lb
G:ZA/Minutes/ZAM