

# **Board of Adjustment**

---

## **Minutes**



**City Council Chambers, Lower Level  
December 11, 2007**

**Board members Present:**

Mike Clement, Chair  
Dianne von Borstel, Vice Chair  
Terry Worcester  
Scott Thomas

**Board members Absent:**

Mike Garcia (excused)  
Garret McCray (excused)

**Staff Present:**

Gordon Sheffield  
Jeff McVay  
Brandice Elliott  
Constance Bachman

Matt Thompson  
Pastor Santiago  
Al Reece

**Others Present:**

Michael Hanai            Kathy Phelps  
Ernest Cleavenger      John Michael Parr

The study session began at 4:53 p.m. The Public Hearing meeting began at 5:38 p.m. Before adjournment at 7:30 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.
- B. Zoning Administrator Update Mr. Sheffield provided an update to the Board concerning the following: 1) Zoning Ordinance Update – Module 1; 2) revision of Board of Adjustment by-laws; and 3) staff report format and content.

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

- A. Election A motion was made to nominate Boardmember Clement as Chair by Boardmember von Borstel and seconded by Boardmember Worcester. Vote: Passed 4-0 A motion was made to nominate Boardmember von Borstel as Vice Chair by Boardmember Worcester and seconded by Boardmember Thomas. Vote: Passed 4-0
- B. Consider Minutes from the November 13, 2007 Meeting A motion was made to approve the minutes by Boardmember Thomas and seconded by Boardmember von Borstel. Vote: Passed 4-0
- C. Consent Agenda A motion to approve the consent agenda as read was made by Boardmember Worcester and seconded by Boardmember Thomas. Vote: Passed 4-0.

**Board of Adjustment Meeting  
December 11, 2007**

**Case No.:** BA07-044

**Location:** 59 South Horne Street

**Subject:** Requesting a Substantial Conformance Improvement Permit (SCIP) to allow development of a church auditorium in the C-2 and R-4 zoning districts.

**Decision** Approved with conditions

**Summary:** Matt Thompson and Pastor Santiago presented the Substantial Conformance Improvement Permit request. They discussed some of the modifications that had been made to the site plan, including reducing the size of the building and number of parking spaces, as well as increasing foundation base and on-site retention. They felt that they had done everything reasonably possible to comply with the Zoning Code, and that the development of the parcel would upgrade the community and boost neighborhood morale. The applicant acknowledged the conditions of approval provided by staff and stated that he was more than happy to comply.

Boardmember Clement and Mr. McVay discussed the staff comments related to Civil, Fire, and Building Code requirements. Mr. McVay noted that the applicant would be challenged in complying with Building Code in regards to right-of-way dedication on Mahoney Ave. and providing sufficient circulation space to meet solid waste vehicle requirements, amongst other issues identified by the Preliminary Plan Review Team. He further stated that compliance with the Building Code would be verified in the review of construction documents.

Boardmember Worcester acknowledged the applicant's worthy attempts to address concerns, but questioned the applicant concerning the use of the existing sanctuary. The applicant indicated that the existing sanctuary would not be used as an overflow area for seating.

**Motion:** It was moved by Boardmember Worcester, seconded by Boardmember von Borstel to approve case BA07-044 with the following conditions:

1. *Compliance with the site plan submitted, except as modified by the following conditions.*
2. *Compliance with all requirements of the Building Safety Division in the issuance of building permits.*

**Vote:** Passed 4-0

**Findings:**

- 1.1 The revised proposal includes construction of a smaller auditorium (2363 square feet/175 seats versus 3136 square feet/300 seats) as an expansion of the existing Pueblo De Dios church. The auditorium is proposed on an approximately 17,000 square foot vacant R-4 zoned parcel east of the existing church. Churches are an allowed use in the R-4 zoning district.
- 1.2 The site is very small and compliance with current Code requirements would necessitate the demolition or significant alteration of existing buildings. Consequently, the proposed church expansion is eligible for review of a SCIP.

**Board of Adjustment Meeting  
December 11, 2007**

- 1.3** The size and purpose of the proposed building will create significant parking issues, both on site, as well as along Mahoney Avenue. The revised proposal has improved the amount of on-site parking in relation to the size and seating capacity of the auditorium.
- 1.4** The applicant has provided sufficient evidence of substantial conformance with current Code requirements for the entire site to justify the request and has made a significant attempt to address identified concerns. The site does present significant challenges in development, however, the proposed development does provide a viable solution to those challenges.

\*\*\*\*\*

**Board of Adjustment Meeting  
December 11, 2007**

**Case No.:** BA07-047

**Location:** 1023 East Broadway Road

**Subject:** Requesting a Substantial Conformance Improvement Permit (SCIP) to allow development of a daycare facility in the R-4 zoning district

**Decision:** Continued to the January 8, 2008 hearing

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

**Motion:** It was moved by Boardmember Worcester, seconded by Boardmember Thomas to continue case BA07-047 for 30 days to the January 8, 2008 hearing.

**Vote:** Passed 4-0

**Findings:** N/A

\*\*\*\*\*

**Board of Adjustment Meeting  
December 11, 2007**

**Case No.:** BA07-055

**Location:** 751 East Lehi Road

**Subject:** Requesting: 1) Interpretation of a corral fence; and 2) variances to allow a corral fence to exceed the maximum height and opacity permitted; both in the R1-43 zoning district.

**Decision:** Tabled

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

**Motion:** It was moved by Boardmember Worcester, seconded by Boardmember Thomas to table case BA07-55.

**Vote:** Passed 4-0

**Findings:** N/A

\*\*\*\*\*

**Board of Adjustment Meeting  
December 11, 2007**

**Case No.:** BA07-058

**Location:** 6807 East Broadway Road

**Subject:** Requesting: 1) a Substantial Conformance Improvement Permit (SCIP); and 2) a Special Use Permit (SUP); both in conjunction with a carwash addition to and existing automobile service station in the C-2 zoning district.

**Decision:** Continued to the January 8, 2008 hearing

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

**Motion:** It was moved by Boardmember Worcester, seconded by Boardmember Thomas to continue this case 30 days to the January 8, 2008 hearing.

**Vote:** Passed 4-0

**Findings:** N/A

\*\*\*\*\*

**Board of Adjustment Meeting  
December 11, 2007**

- Case No.:** BA07-062
- Location:** 2610 North Mesa Drive
- Subject:** Requesting a variance to allow one existing land parcel to be split into two lots, both with less than the minimum width of street frontage required in the R1-43 zoning district.
- Decision:** Approved with conditions
- Summary:** Al Reece and Ernest Cleavenger presented the variance request. Mr. Reece noted the property owner's desire to split the lot without the need to do a subdivision. He expressed that Mr. Cleavenger's lack of physical ability and financial means prohibit him from proceeding through the subdivision plat process.
- There was Board discussion concerning the potential approval of the variance with the requirement that any future division of the land require a plat. Mr. Sheffield clarified that if the Board chose to approve the variance, staff would recommend the inclusion of required improvements with the development of parcel two, which would include right-of-way and easements. He further noted that if the Board approved the variance, further division of parcel two would require additional review and a subdivision plat.
- Motion:** It was moved by Boardmember Worcester, seconded by Boardmember Thomas to approve case BA07-062 with the following conditions:
1. *Compliance with all lot split requirements.*
  2. *Access to Parcel 2 shall be completed concurrent with the approval of building permits for Parcel 2.*
- Vote:** Passed 4-0
- Findings:**
- 1.1 The current lot area is well above the allowable minimums for the zoning district. However, the proposal does not meet the minimum street front requirements for lots located within the R1-43 district. If appropriate street frontage were available, the lot could be legally split into two or more separate lots without the need for additional reviews.
  - 1.2 The proposed lot split would require a minimum of 260 feet of street frontage (130-feet for each lot).
  - 1.3 Improvement options are available that would permit the original parcel to be split into two or more parcels if a public street with a cul-de-sac were installed. The dedication of a public street would require a plat versus a minor land division. Such plat, however, could accommodate the division of two or three parcels.
  - 1.4 The lot in its current configuration is a legal lot in the R1-43 zoning district. Due to the historical existence of several nonconforming parcels along Mesa Drive, the applicant is unable to obtain the necessary public street frontage necessary to split the lot without the need for a variance. The configuration of the lot and the existence of the nonconforming lots along Mesa Drive pre-date annexation into Mesa and were not created by the applicant.

**Board of Adjustment Meeting  
December 11, 2007**

- 1.5** Strict compliance with today's development requirements would not allow the creation of a legal parcel that complies with area requirements without the creation of a subdivision plat. The requirement to prepare a subdivision plat for one lot results in an undue burden on the property owner to develop a public street and install utilities.

\*\*\*\*\*

**Board of Adjustment Meeting  
December 11, 2007**

**Case No.:** BA07-065

**Location:** 1409 North 62<sup>nd</sup> Place

**Subject:** Requesting a variance to allow a fence to exceed the maximum height permitted in the R1-7 zoning district.

**Decision:** Denied

**Summary:** John Michael Parr, property owner, presented the requested variance noting existing conditions, including differences in building elevations and lack of privacy. He stated the grade difference on adjacent lots allowed people to look into his yard, which deprives him of privacy.

Boardmember Clement verified the request with staff and the options available to the applicant. Mr. McVay responded that wall height variances are inherently difficult to justify in the absence of significant changes in topography. Mr. McVay further noted, that if approved, the wall would require building permits. Approval of building permits would require engineering of the wall. Such requirement would likely result in the wall being torn down and rebuilt in compliance with Building Code.

Boardmember von Borstel questioned whether a continuance is an option in order to resolve some of the issues between staff and Mr. Parr. Boardmember Thomas noted the lack of justification for a variance because the property owner was aware of the grade differences and adjacent mailboxes when the home was purchased. Boardmember Worcester stated that the Board is to view this request as a plan on paper and that it must be reviewed in the context of the Code. He further stated that similar requests are rarely approved and that he would be voting denial in this case. Boardmember Clement also noted the lack of justification for this request.

**Motion:** It was moved by Boardmember Thomas, seconded by Boardmember Worcester to deny case BA07-065.

**Vote:** Passed 4-0

**Findings:**

- 1.1 The variance requested would allow existing block walls that exceed six feet in height and located along the north property line, the east property line, and 16 feet from the sidewalk adjacent to Princess Drive. Current Zoning Code allows such blocks walls with a maximum height of six feet. The wall construction exists and is the subject of a Code Compliance case COD2007-11888.
- 1.2 The applicant's justification primarily relates to privacy concerns and the existence of other similar height walls in the neighborhood. Such justification does not relate to unique conditions of the land to support the requested variance.
- 1.3 The two-foot elevation difference between the applicant's parcel and the parcel to the east could justify an increased wall height. However, an increased wall height would be allowed only if it is consistent with current Code requirements and provided the wall height does not exceed six feet in height on the property to the east.

**Board of Adjustment Meeting  
December 11, 2007**

- 1.4** While other properties in the neighborhood may have walls heights in excess of six-feet, no variances have been granted for such walls, and the applicant's request is reviewed on its own merits. Consequently, granting such a variance would be considered grant of special privilege that is unavailable to other properties.
- 1.5** Block walls in excess of six feet require building permits, which in turn require the construction of an engineered wall; one that is fully grouted and has a significant foundation. If the variance were approved, the applicant would be required to receive such permits.
- 1.6** As an alternative, the applicant has been notified of a long standing interpretation allowing the addition of one course of block to existing block walls slightly lower than six feet without the need for a variance or building permits.

\*\*\*\*\*

**Board of Adjustment Meeting  
December 11, 2007**

**Case No.:** BA07-066

**Location:** 6720 East Main Street

**Subject:** Requesting a Substantial Conformance Improvement Permit to allow the expansion of an existing marine retail and service use in the C-2 zoning district.

**Decision:** Continuance to the January 8, 2008 hearing

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

**Motion:** It was moved by Boardmember Worcester, seconded by Boardmember Thomas to continue this case 30 days to the January 8, 2008 hearing.

**Vote:** Passed 4-0

**Finding:** N/A

\*\*\*\*\*

**Board of Adjustment Meeting  
December 11, 2007**

**Case No.:** BA07-067

**Location:** 2938 East Juanita Avenue

**Subject:** Requesting a variance to allow the total lot coverage to exceed the maximum permitted in the R1-9 zoning district.

**Decision:** Denied

**Summary:** Michael Hanai, property owner, presented the requested variance, noting neighborhood support and stating that he tried to design the house to complement existing homes within the vicinity.

Boardmember Thomas clarified the location of the patio in relation to photos from staff.

Boardmember Worcester noted that 43% roof area is ambitious, and the need for a patio could be mitigated through the use of landscape. As a result, he would be voting denial in this case. Boardmember von Borstel stated that she would also be voting denial because 43% is a substantial amount of coverage and there would be a lack of backyard area.

Boardmember Clement noted the lack of justification and self-imposed hardship for the requested variance. Mr. Hanai questioned if there were other options for a shade structure, such as retractable awnings. Mr. McVay confirmed that retractable awnings are not calculated as roof area.

**Motion:** It was moved by Boardmember Worcester, seconded by Boardmember von Borstel to deny case BA07-067.

**Vote:** Passed 4-0

**Findings:**

- 1.1 The applicant proposal includes the addition of a 456 square foot covered patio to an existing house. The covered patio addition would increase total lot coverage from 38.8 percent to 43 percent. The subject parcel is 10,890 square feet in area.
- 1.2 The applicant has not provided sufficient justification related to unique conditions of the land to support the variance requested. The subject parcel is of similar size and orientation as other parcels in the vicinity and exceeds the minimum required size for lots in the R1-9 zoning district.
- 1.3 Through permit BLD2006-06682, the applicant received approval last year for a 2-story, seven-car garage, two bath, and four-bedroom addition to the home. That addition significantly increased the total lot coverage and created the conditions leading to the need for the requested variance.

\*\*\*\*

**Board of Adjustment Meeting  
December 11, 2007**

**Case No.:** BA07-068

**Location:** 947 East 10<sup>th</sup> Drive

**Subject:** Requesting a variance to allow a building addition to encroach into the required side yard in the R1-6 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 Worcester, seconded by Boardmember Thomas to approve case BA07-068 with the following conditions.

1. *Compliance with the site plan and landscape plan submitted, except as modified by the conditions listed below*
2. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

**Vote:** Passed 4-0

**Findings:**

- 1.1 The requested variance would allow the enclosure of a carport including an approximately 57 square foot addition that would result in a 4'-2" setback from the west property line, where five feet is the minimum required. A 6'-6" setback from original construction exists from the east property line. The site complies with all other requirements of the R1-6 zoning district.
- 1.2 The subject parcel was legally developed with setbacks less than currently required and is a legal non-conforming site. Any addition to the house requires the approval of a variance to address the non-conforming status of the existing side yard building setbacks. The nonconforming status of the property essentially prohibits the reinvestment into the house, which is generally allowed with developments utilizing current setback requirements.
- 1.3 Existing, legal development of houses with reduced setbacks is a unique condition not created by the applicant. Allowing the applicant a garage enclosure, does not grant special favor, as such construction is standard in new developments.
- 1.4 The proposed addition to the garage enclosure would result in a 10-inch encroachment into the required five-foot side yard. Such encroachment is minimal.
- 1.5 The requested variances are consistent with the intent of the Zoning Ordinance and would not be detrimental to neighboring properties.

\*\*\*\*

**Board of Adjustment Meeting  
December 11, 2007**

**Case No.:** BA07-069

**Location:** 415 South Higley Road

**Subject:** Requesting a Substantial Conformance Improvement Permit to allow the redevelopment of a commercial building in the C-2 zoning district.

**Decision:** Approved with conditions

**Summary:** Kathy Phelps presented the request for a Substantial Conformance Improvement Permit, noting disagreement with conditions number 2, 5, and 6 concerning the foundation base adjacent to the north building elevation, landscape islands, and the conversion of parking spaces into foundation base.

Boardmember Worcester stated his support of staff's recommendations with the desire to require this development to proceed through the Design Review Board process. Boardmember Clement voiced concern regarding the congestion of the intended uses, especially in relation to the proposed auto use, which may negatively impact parking for the site. Boardmember Clements concern resulted in a nay vote on a motion to approve the request as recommended by staff. In this instance, the nay vote resulted in a technical failure of the motion. Following further discussion, Boardmember Clement noted that his concerns could be addressed through a full Design Review Board review.

Boardmember Thomas stated he was in favor of the project noting that the site may be somewhat under-parked for the tenants identified. In addition, he stated that redevelopment of these sites is a good way to revitalize the area. Boardmember von Borstel noted her favor for the redevelopment of this site, and questioned whether there was a significant difference in requiring a 9-foot wide foundation base versus a 14-foot wide foundation base. Mr. Sheffield responded by indicating where small changes could be made to the parking lot to achieve a 14-foot wide foundation base.

**Motion:** It was moved by Boardmember von Borstel, seconded by Boardmember Thomas to approve case BA07-069 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 fourteen-foot (14') wide foundation base adjacent to the north building elevation.*
3. *Provision of one eight-foot by fifteen-foot (8' x 15') parking lot landscape island in the parking row adjacent to the north building elevation.*
4. *Provision of one eight-foot by fifteen-foot (8' x 15') parking lot landscape island in the parking row adjacent to the west building elevation.*
5. *Conversion of the one (1) southernmost parking space in the parking row adjacent to the west building elevation into landscape island.*
6. *Conversion of the two (2) easternmost parking spaces in the parking row adjacent to the south building elevation into foundation base.*
7. *Provision of a minimum five-foot (5') wide at-grade foundation base; that utilizes stamped or colored concrete, brick pavers, or other material approved through the Administrative Design Review process; and located adjacent to the overhead doors for the general auto repair facility.*

**Board of Adjustment Meeting  
December 11, 2007**

8. *The proposed pedestrian route to Higley Road shall utilize stamped or colored concrete, brick pavers, or other material approved through the Administrative Design Review process.*
9. *Replacement of all dead, dying, or removed plants within existing landscape areas.*
10. *Compliance with all requirements of Administrative Site Plan Modification and Administrative Design Review.*
11. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

**Vote:** 3-1 (Clement voting nay) (Technical Failure of the Motion)

**Motion:** It was moved by Boardmember Worcester, seconded by Boardmember Thomas to approve case BA07-069 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 fourteen-foot (14') wide foundation base adjacent to the north building elevation.*
3. *Provision of one eight-foot by fifteen-foot (8' x 15') parking lot landscape island in the parking row adjacent to the north building elevation.*
4. *Provision of one eight-foot by fifteen-foot (8' x 15') parking lot landscape island in the parking row adjacent to the west building elevation.*
5. *Conversion of the one (1) southernmost parking space in the parking row adjacent to the west building elevation into landscape island.*
6. *Conversion of the two (2) easternmost parking spaces in the parking row adjacent to the south building elevation into foundation base.*
7. *Provision of a minimum five-foot (5') wide at-grade foundation base; that utilizes stamped or colored concrete, brick pavers, or other material approved through the Design Review Board process; and located adjacent to the overhead doors for the general auto repair facility.*
8. *The proposed pedestrian route to Higley Road shall utilize stamped or colored concrete, brick pavers, or other material approved through the Design Review Board process.*
9. *Replacement of all dead, dying, or removed plants within existing landscape areas.*
10. *Compliance with all requirements of Administrative Site Plan Modification.*
11. *Compliance with all requirements of the Design Review Board.*
12. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

**Vote:** Passed 4-0

**Findings:**

- 1.1 This request would allow the redevelopment of an existing, vacant Osco Drugstore building located on the southeast corner of Broadway and Higley Roads by demising the existing building into five general retail spaces, one restaurant space, and one general auto repair space, which are all permitted uses in the C-2 zoning district.
- 1.2 The proposal requires a change of occupancy. The change of occupancy requires compliance

**Board of Adjustment Meeting  
December 11, 2007**

with current development standards, or the approval of a SCIP to permit the intensification of the site without full compliance. The proposal is eligible for review of a SCIP, as full compliance with current development standards would require significant modification to the site.

- 1.3** The applicant has proposed reduced setbacks adjacent to Broadway and Higley Roads; reduced foundation base adjacent to the north, south, and east building elevations; and a reduction in the size and frequency of parking lot landscape islands.
- 1.4** Primary concern relates to foundation base width adjacent to the north and south building elevations. Given the nature of the proposed use, particularly the restaurant use, an increase in foundation base in this area will be a benefit to the site and provide substantial conformance with current development standards.
- 1.5** To address foundation base concerns, the northern drive aisle width should be reduced from 27 feet to 24 feet and the provision of 16-foot deep parking spaces with a two-foot overhang into the foundation base, allowing the provision of a 14-foot wide foundation base along to the north building elevation and the conversion of the two, eastern most parking spaces adjacent to the south building elevation and the one, southern most parking space adjacent to the east building elevation into foundation base/parking lot landscape islands.

\*\*\*\*

**Board of Adjustment Meeting  
December 11, 2007**

**Case No.:** BA07-070

**Location:** 3547 East Southern Avenue

**Subject:** Requesting a Substantial Conformance Improvement Permit to allow the redevelopment of a commercial building in the C-2 zoning district.

**Decision:** Approved with conditions

**Summary:** Kathy Phelps presented the request for a Substantial Conformance Improvement Permit, noting disagreement with conditions number 2, 3, and 6 concerning the foundation base width and elimination of a proposed drive-thru.

Boardmember Worcester expressed concerns regarding the design of the building, and indicated that he would support the request provided that it is reviewed by the Design Review Board. Further, he was in support of modifying condition number 2 from a 14-foot foundation base to a 12-foot foundation base.

**Motion:** It was moved by Boardmember Worcester, seconded by Boardmember von Borstel to approve case BA07-070 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 twelve-foot (12') wide foundation base adjacent to the east building elevation.*
3. *Provision of a minimum fifteen-foot (15') wide foundation base adjacent to the west building elevation.*
4. *Provision of one eight-foot by fifteen-foot (8' x 15') parking lot landscape island within the parking row adjacent to the north building elevation.*
5. *Provision of a minimum five-foot (5') wide at-grade foundation base; that utilizes stamped or colored concrete, brick pavers, or other material approved through the Design Review Board process; adjacent to the overhead doors for the general auto repair facility.*
6. *Elimination of the proposed drive-thru.*
7. *Provision of a minimum five-foot (5') wide foundation base adjacent to the south building elevation.*
8. *Replacement of all dead, dying, or removed plants within existing landscape areas.*
9. *Compliance with all requirements of an Administrative Site Plan Modification*
10. *Compliance with all requirements of the Design Review Board.*
11. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

**Vote:** Passed 4-0

**Findings:**

- 1.1 This request would allow the redevelopment of an existing, vacant Osco Drugstore building located on the southwest corner of Southern Avenue and Val Vista Drive by demising the existing building into 10 general retail spaces, one of which includes a drive-thru, and one general auto repair space, all permitted uses in the C-2 zoning district.

**Board of Adjustment Meeting  
December 11, 2007**

- 1.2 The proposal requires a change of occupancy. The change of occupancy requires compliance with current development standards, or the approval of a SCIP to permit the intensification of the site without full compliance. The proposal is eligible for review of a SCIP, as full compliance with current development standards would require significant modification to the site.
- 1.3 The applicant has proposed reduced setbacks adjacent to Southern Avenue and Val Vista Drive; reduced foundation base adjacent to the north, east, and west building elevations; and a reduction in the size and frequency of parking lot landscape islands.
- 1.4 Primary concern relates to foundation base width adjacent to the east and west building elevations. Given the nature of the proposed use, particularly the potential for restaurant uses, an increase in foundation base in these areas will benefit the site and provide substantial conformance with current development standards.
- 1.5 To address foundation base concerns, the eastern drive aisle width should be reduced from 26 feet to 20 feet. 16-foot deep parking spaces with a two-foot overhang into the foundation base should be utilized in a 30-degree diagonal parking pattern thus allowing the provision of a 14-foot wide foundation base along to the east building elevation. The elimination of the five proposed 9' x 22' parallel parking spaces adjacent to the west property line would allow the 24-foot wide drive aisle in the current location and the provision of a 15-foot wide foundation base adjacent to the west building elevation.
- 1.6 The proposal includes landscape islands with reduced widths and parking rows up to 12 spaces without landscape islands. One minimum 8' x 15' landscape island should be provided in the parking row adjacent to the north building elevation and the existing landscape islands should be maintained.
- 1.7 The overhead doors for the general auto repair facility would be located approximately 135 feet from the nearest apartment building and well screened by mature landscaping. Such separation and landscaping should sufficiently screen the overhead doors from neighboring properties.
- 1.8 The existing pattern of development makes provision of sufficient drive-thru stacking distance for a restaurant use difficult. Current Code requires a total stacking distance of 140 feet. The proposed site plan provides a total stacking distance of approximately 90 feet. The proposed drive-thru window should be eliminated. Provided sufficient justification is submitted, a modification of the site through separate application could be considered, for a future restaurant user, or other tenant that utilize a drive-thru. A minimum five-foot wide foundation base should be provided adjacent to the south building elevation.
- 1.9 The recommended conditions of approval would result in an on-site parking reduction, but the site would still significantly exceed the 56 spaces required by a shell building calculation. Given the proposed site plan, and the recommended conditions of approval, the applicant has demonstrated substantial conformance with current development standards.

\*\*\*\*

**Board of Adjustment Meeting  
December 11, 2007**

Respectfully submitted,

Jeffrey McVay, AICP  
Senior Planner  
Secretary, Board of Adjustment

Minutes written by Brandice Elliott, Planner I

G:\Board of Adjustment\Minutes\2007 Minutes\12 December.doc