



Zoning Administrator Hearing

Minutes

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

Draft

John Gendron
Hearing Officer

DATE February 5, 2008

TIME 1:30 P.M.

Staff Present

Jeff McVay
Brandice Elliott
Constance Bachman

Others Present

Marilyn Head
Bill Thompson
Rod Morris
David Riggs
Mark Wingfield

CASES

Case No.: ZA08-012

Location: 1367 South Country Club Drive

Subject: Requesting a Minor Modification of a PAD overlay district to allow a new housing product to encroach into the required side yard setback in the R-3 PAD zoning district.

Decision: **Approved with conditions**

Summary: Case ZA08-012 was approved with the following conditions:

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

Findings:

- The condominium development of "Villages at Country Club" was approved by City Council November 1, 2004. The product for this development was also approved at that time and consisted of three different building types. City Council did not express any concern about the development, and the Planning and Zoning Board was very pleased with the overall proposal, noting the difficulty in redeveloping this particular area of the City.

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- The applicant is requesting to increase diversity in the development with the addition of one building type. The proposed building type connects three units by way of an auto court, with garages slightly closer to the front property line, and proposes a reduced side setback. An auto court will be provided in lieu of an auto drive, which is large enough to accommodate traffic circulation.
- The new building type will encroach into the required side setback. Where the approved side setbacks are 12-feet on one side and 5'-4" on the other, the new building type proposes a side setback of 5-feet on both sides.
- The applicant notes that the additional building will enhance the streetscape within the community, and that all other setbacks will remain the same. This request is consistent with the previously approved building types in that the floor areas are comparable, and the elevations will utilize similar design and embellishment. Further, the additional building type creates diversity and a more interesting and varied streetscape within the subdivision.
- The proposed modification is consistent with the intent of the approved PAD and will be compatible with, and not detrimental to, adjacent properties in the area.

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Case No.: ZA08-013

Location: 4911 East Falcon Drive

Subject: Requesting a variance to allow the reduction of the required foundation base in the M-1 zoning district.

Decision: **Approved with conditions**

Summary: Case ZA08-013 was approved with the following conditions:

1. Compliance with the site plan submitted except as modified by the conditions below.
2. A five-foot (5') hardscape at grade foundation base shall be provided adjacent to the south building elevation of the canopy and the east building elevation of the paint booth.
3. Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.

Findings:

- The proposed site is located within Falcon Field Airport adjacent to existing hangars, storage, and a taxiway, and is not visible from either Higley or McKellips Rds. The applicant is proposing the development of a paint booth and an open-air canopy that is to be used as a wash down area for aircraft.
- The Falcon Field Airport Director has provided a letter of approval for the proposed development of the lease area, noting the hazards posed by landscape adjacent to runways.
- The proposed development of the site consists of a new 6,300 square foot paint booth and a 5,092 square foot canopy. The applicant is requesting variances to deviate from current Code related to foundation base, foundation base landscape, and parking requirements. The applicant has noted in the narrative that a 5-foot at grade foundation base will be installed adjacent to the east and north elevations of the proposed building.
- As justification for the request, the applicant has noted that the proposed use is consistent with others in Falcon Field Airport. Landscaping is not compatible with airport uses, as it may become dislodged by bursts of air from propeller thrusts and damage aircraft. Further, the Federal Aviation Administration does not support the planting of any type of vegetation in or around an active runway, taxiway, taxi lane, or aircraft-parking apron due to the likelihood of potential bird strikes. This has also been verified

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in the letter of consent provided by Falcon Field Airport Administration. As a result, landscaping has not been provided on the site.

- Sufficient on-site parking has been provided to accommodate the enclosed paint booth. In this circumstance, canopy does not count toward required parking. Based on the area of the paint booth, the site is required 7 parking spaces, where 9 have been provided.

- The limitations presented by smaller lease areas in Falcon Field Airport pose a challenge in meeting parking requirements, and relief from this Code requirement is often requested through a variance. Further, the site is located within the airport secured area, and public parking on the site will be greatly limited. Given the unique condition of the use and site, and in consideration of the Falcon Field Design Guidelines, a variance for the number of required parking spaces is supported.

- As the property is owned by the City of Mesa and the request is compatible with adjacent uses, there are no objections to a variance for parking spaces. Furthermore, all property within 300' of the lease lines is owned by the City of Mesa, so additional properties would not need to be notified of this additional request.

- A summary of Code requirements, the applicant's proposal, and staff recommendation is shown in the table below in regards to the existing building.

	Code Requirement	Applicant Proposed	Staff Recommended
Foundation Base			
Adjacent to parking (no public entrance)	10' south elevation	0'	As proposed
Adjacent to drive isles	5' (at grade) north elevation, south of open canopy, east elevations of open canopy and paint booth, and west elevation of open canopy and paint booth	5' (at grade) east and north elevations	5' (at grade) south elevation of canopy and east elevation of paint booth
Parking	13 spaces	9 spaces	As proposed

- As the applicant has not clearly indicated where the 5-foot at grade foundation base will be provided, a condition to provide the foundation base adjacent to the south building elevation of the canopy and the east building elevation of the paint booth has been included for clarification.

- Full compliance with current Code requirements would result in reducing the size of the paint booth and canopy to a point where it could not be used for its intended purpose.

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- Development within an airport and the size of the lease lot represent unique conditions that provide sufficient justification for the requested variances. Additionally, the proposed use and improvements will be compatible with, and not detrimental to, adjacent properties in the area.

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Case No.: ZA08-014

Location: 1035 West Elena Circle

Subject: Requesting a variance to allow a reduction to the required landscape setback in the M-1 zoning district.

Decision: **Approved with conditions**

Summary: Case ZA08-014 was approved with the following conditions:

1. Compliance with the site plan submitted.
2. Areas identified as parking spaces shall be independently accessible.
3. Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.

Findings:

- The subject property is located within Candice Estates, a twin-home subdivision approved in 1980s. The subdivision was approved with a PAD overlay that permitted deviations from standard development requirements related to building setbacks, most notable of which are the zero-setback between dwelling units and the 3,500 square foot lots. While this subdivision has a multiple residence zoning designation, it has been developed with a single residence on individually owned lots.
- The applicant has enclosed a one-car garage into livable space. The enclosure of the garage does not pose any issues related to building setbacks, however, there is concern related to the provision of two independently accessible parking spaces. To address this concern, the applicant has provided a site plan that identifies one parking space within a carport and an additional parking space in the side yard adjacent to the carport. As shown on the site plan sufficient area exists to support two independent spaces, however, there appears to be landscaping in the backing area of the side yard that would prevent the practical use of this area for parking. Staff would support the proposed parking alignment and a variance would not be required, provided sufficient backing can be provided.
- The applicant has also enclosed a cover patio in the rear of the property into livable space. The enclosure results in a rear setback of approximately eight feet, where a minimum rear setback of 15 feet is required. The subject lot backs to a 16-foot wide alley. While the subject property is zoned with a multiple-residence district the subdivision has been developed as single residences on individually zoned lots. Single residence zoned parcels that back to alleys are allowed to measure rear setbacks from the center of adjacent alleys. Application of the same standard on the patio enclosure would result in a rear setback of approximately 16 feet.
- In addition to the discussion, above the applicant has included further

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justification including: 1) other properties that have constructed similar enclosures; 2) the need for additional livable to accommodate live-in care or family members; 3) the patio enclosure provides easy access to a whirlpool that provides therapy for his chronic pain; and 4) the house is adjacent to a greenbelt.

- The applicant has presented sufficient justification for the requested variance based on the unique conditions of the parcel. Such conditions are not self-imposed and would not grant special privilege. Additionally, staff would note that the requested variance will allow expansion of the home to provide a reasonable accommodation for the applicant, consistent with the Americans with Disabilities Act.

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There being no further business to come before the Zoning Administrator, the hearing adjourned at 02:23 p.m.

The cases for this hearing were recorded on Zoning Administrator Flash Card, then burned to CD.

Respectfully submitted,

John Gendron
Hearing Officer

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