



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 November 13, 2007 **TIME** 1:30 P.M.

Staff Present

Jeff McVay
Jim Hash
Constance Bachman

Others Present

Ted Wild
Duane Mann
Stephen John

CASES

- Case No.: ZA07-121
- Location: 8306 East Valley Vista Circle
- Subject: Requesting a Special Use Permit to allow an accessory living quarters not directly accessible from the primary residence in the R1-35-DMP-PAD zoning district.
- Decision: Approved with the following conditions.
 1. *Compliance with the site plans submitted.*
 2. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*
- Summary: Ted Wild represented the Special Use Permit request, noting that he did not have additional information to add to the case file. Mr. Gendron discussed the request with the applicant and staff. Discussion included the location of the ALQ, the architectural integration, and HOA approval. Mr. Hash provided a staff report and recommendation. Mr. Gendron agreed that the request is consistent with intent of the Code requirements and will be compatible with and not detrimental to surrounding development.
- Findings:
- The SUP allows construction of an accessory living quarters (ALQ) not directly accessible to the primary residence. ALQ's are a "by right" use in single residence zoning districts provided they meet a six-part test set forth in the Zoning Ordinance. If the ALQ does not meet one of these requirements then approval of a SUP is required. The ALQ meets all requirements of the Zoning Ordinance with the exception of being directly accessible to the primary residence.
 - The ALQ meets the following requirements of Code: 1) Attached to, and architecturally integrate to the primary residence; 2) all utilities are of the proposed ALQ will be connected to the utilities

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serving the primary residence; 3) will have no entrances visible from the public right-of-way; 4) a roof area less than 50% of the roof area of the primary dwelling unit; and 5) as been stated in the justification statement that the ALQ will not be leased or rented by the owner.

- The residence is part of the Las Sendas DMP and subject to approval of the Home Owners Association Architectural committee. The owner has applied for and received approval from the Las Sendas Custom Architectural Committee.

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Case No.: ZA07-122

Location: 856 East Sorenson Street

Subject: Requesting a variance to allow a fence to exceed maximum height permitted in the front setback in the R1-43 zoning district.

Decision: Approved with the following conditions.
1. Compliance with the site plans submitted.
2. Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.

Summary: Steven John represented the variance request, noting he did not have additional information to add to the record. Mr. Gendron discussed the request with the applicant and staff. Discussion included the lot configuration, the fence location, and the anticipated fence construction. Mr. Gendron agreed that the configuration of the lot, shallow and wide, represents a unique condition not created by the applicant that justifies the variance request. He further noted the fence would be compatible with and not detrimental to surrounding development.

Findings:

- The variance allows construction of a six-foot high block wall extending along the frontage of Sorensen Road for a distance of approximately 40 feet to accommodate the location of the backyard area placed to the side of the home because of the shallow depth of the lot.
- Code requires a maximum height of 42 inches for fences that extend into the required front yard. Dimensions of the parcel 136-09-001-P measure 110 feet deep by 217 feet wide. Lot depth has determined the placement of the home to the west end of the lot to provide sufficient yard area to the east side of the home opposed to the traditional rear yard. The lot has been in the present configuration for approximately 50 years.
- Given standard construction methods and typical lot configuration, this lot has non-typical lot depth. The typical open space yard has to be placed to the side of the home to provide adequate space. Prevailing Customs traditionally place the narrower of the two sides towards the street creating a long rectangular lot that placed the larger areas for yards to the front and rear of the residence.
- These conditions are pre-existing the owners purchasing of the land. The need for a yard is traditionally an amenity that is enjoyed by homeowners in this zoning district. Strict compliance would deprive the homeowner uses of the property that are available to other homes in the area.

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- Case No.: ZA07-123
- Location: 1335, 1337, 1339 West Garden Circle
- Subject: Requesting a Substantial Conformance Improvement Permit to allow the expansion of an existing multiple residence development in the R-2 zoning district.
- Decision: Approved with the following conditions.
 1. *Compliance with the site plan submitted.*
 2. *Replacement of all dead, dying and removed landscaping.*
 3. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*
- Summary: Duane Mann represented the SCIP request, noting that he did not have additional information to add to the file. Mr. Gendron discussed the request with the applicant and staff. Discussion included the history and configuration of the property, the need for the addition, and required building permits. Mr. Hash provided a staff report and recommendation. Mr. Gendron agreed that the property improvements proposed by the applicant justify the SCIP and the addition would be compatible with and not detrimental to surrounding development.
- Findings:
- The SCIP allows construction of a 187 square foot sunroom to the southern elevation of unit 1339 to provide additional room for the owner's elderly parents. As part of the renovation process, the owner has made significant changes to the landscaping and court yard areas.
 - The original configuration of the property encompassed this parcel as well as the neighboring parcel, which shared the courtyard and pool area at the center of the complex. The owner's parents originally owned the property and split the parcels, selling one of the triplexes and giving the other to the current owner. The pool was filled in and the lot was split creating a courtyard area for each of the triplexes.
 - The SCIP allows relief from current development standards regarding landscaping, building setbacks and parking. All buildings with the exception of the Garden shed and covered gazebo area are original construction dating back to circa 1970 construction and development standards.
 - Full compliance with today's development standards would require the demolition and reconstruction of existing building, which in turn creates non-conformities in other areas that would require the owner to cease the existing conforming use.
 - The addition to the existing unit along with the improvements to the exterior elevations of the building and additional landscaping will update the complex enhancing the look of the overall neighborhood. The improvements authorized by this permit will be compatible with, and not detrimental to adjacent properties in the vicinity.

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There being no further business to come before the Zoning Administrator, the hearing adjourned at 1:53 p.m.

The cases for this hearing were recorded and are available upon request.

Respectfully submitted,

John Gendron
Hearing Officer

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