



**CITY OF
MESA**

Great People, Quality Service!

**BOARD OF
ADJUSTMENT
MINUTES**

August 12, 2003

Board members Present:

Jared Langkilde, Chair
Roxanne Pierson, Vice Chair
Webb Crockett
Jennifer Gniffke
Greg Lambright
Mike Clement
David Shuff

Staff Present:

Gordon Sheffield
David Nicolella
Krissa Hargis
Gabriel Medina

Board members absent:

N/A

Others Present:

Robert L. Porter
Nancy Porter
Bob Minor
Susan Minor
Gregory Hitchens
Martha West
Others

Before adjournment at 6:00 p.m., the following items were considered and recorded on Board of Adjustment Tape # 294.

Study Session 4:30 p.m.

- A. Senior Planner Gordon Sheffield spoke to the Board and answered questions related to a legal opinion from the City Attorney regarding what constitutes a conflict of interest for citizen advisory board members.
- B. The study session began at 4:30 p.m. The items scheduled for the Board's Public Hearing were discussed.

Public Hearing 5:30 p.m.

- A. Consider Minutes from the July 8, 2003 Meeting:

It was moved by Boardmember Crockett, and seconded by Boardmember Shuff, that the minutes of the July 8, 2003 Board of Adjustment meeting be approved.

Vote: Passed 7-0

**Board of Adjustment Meeting
August 12, 2003**

Case No.: BA03-030

Location: 3450 North Higley Road.

Subject: Requesting a Special Use Permit to allow a communication tower to exceed the maximum height allowed in the M-2 district.

Decision: Withdrawn

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

Motion: It was moved by Mr. Shuff, seconded by Mr. Crockett, that this case be withdrawn.

Vote: Passed 7-0

Finding of Fact: N/A

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**Board of Adjustment Meeting
August 12, 2003**

Case No.: BA03-031

Location: 1413 N. Hobson

Subject: Requesting a variance to allow a building to encroach into the required side yard in the R1-7 zoning district.

Decision: Denied

Summary: Mr. & Mrs. Minor addressed the Board stating that they were not aware that a building permit was needed to build a RV Shade Structure. They feel that this shade structure is an asset to the neighborhood and there is no neighborhood opposition. Mr. Minor then presented the Board with a petition signed by residents in the community in support of the structure. Boardmember Shuff explained to Mr. & Mrs. Minor that the Board is bound by certain criteria when it comes to granting a variance. Based on the information submitted and the testimony given, in his opinion, there was no legal justification for the request.

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

Vote: Passed 7-0

Finding of Fact:

- 1.1 The lot is a typical lot in terms of size and shape and no apparent hardships exist. It is relatively flat, with no sharp changes to slope or topography on the site. No special circumstances exist on the site that justifies the approval of a variance.
- 1.2 The applicant already has a detached garage on the site. The RV shade structure is a second accessory building. Denial of this request will not deprive the applicant of the ability to utilize a detached accessory building. Application of Zoning Ordinance requirements will not deprive the applicant of privileges enjoyed by other properties in the same zoning district.
- 1.3 The approval of a variance in this situation would grant the applicant special privileges or unusual favor over other sites with similar circumstances and zoning.

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**Board of Adjustment Meeting
August 12, 2003**

- Case No.: BA03-032
- Location: 1114 and 1136 South Crismon Road
- Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow the development of a retail building in the C-2 zoning district.
- Decision: Approved with conditions
- Summary: This case was on the consent agenda and was not discussed individually.
- Motion: It was moved by Mr. Shuff, seconded by Mr. Crockett, that this case be approved with the following conditions:
1. Compliance with the site plan and elevations submitted, except as modified by the conditions listed below;
 2. Compliance with all requirements of Chapter 11-15 of the Mesa Zoning Ordinance (Site Development Standards), except the required thirty foot (30') wide landscape area setback along Crismon Road, where fifteen feet (15') will be provided;
 3. Compliance with all requirements of the Design Review Board; and
 4. Extension of the one-year time limit for implementation to five years.
- Vote: Passed 7-0
- Finding of Fact:
- 1.1 In 1999, zoning case Z99-72 approved the development of a Walgreens pharmacy with a future retail building and pad. The approval occurred under the old design standards.
 - 1.2 Soon after the approval of Z99-72 the Walgreens was built with cross access alignment to the future retail building and pad.
 - 1.3 In May of 2002 (effective June, 2002), the City Council approved new Design Guidelines and Site Development Standards (Chapters 11-14 and 11-15 of the Mesa Zoning Ordinance). All projects approved under the "old" requirements were given one-year to submit a full set of construction documents for plan review (until June 20, 2003) or be required to be modified to meet the entire scope of the revised standards. The first phase of development for this site did not include street improvements for the second phase of the project. Because the first phase improvements did not include improvements for the second phase, the two-second phase is subject to the revised standards.
 - 1.4 Under the revised site development standards, the subject site is required to meet a 30-foot front landscape setback. If standard was required, cross-access circulation aisles between the first phase Walgreens site, and the second phase restaurant/shops portion would no longer align. In order the drive aisles to align with a 30' setback on the first phase site, parking would need to be removed that is required by the Zoning Ordinance to serve the Walgreens store.

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- 1.5 The SCIP request is to provide a reduction to the 30-foot front yard landscape setback back to the 15 feet that was originally approved. All other development standards will be met.
- 1.6 The applicant has proposed to meet all other development standards, which will bring the site into the greatest degree of conformance with current requirements.

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**Board of Adjustment Meeting
August 12, 2003**

Case No.: BA03-033

Location: 6015 East Brown Road

Subject: Requesting a modification of a Special Use Permit for a Comprehensive Sign Plan to allow additional attached signs and increased sign area for a drug store in the C-2 district.

Decision: Continued for 30 days

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

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

Vote: Passed 7-0

Finding of Fact: N/A

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**Board of Adjustment Meeting
August 12, 2003**

Case No.: BA03-034

Location: 1212 South Greenfield Road

Subject: Requesting a modification of a Special Use Permit for a Comprehensive Sign Plan to allow additional attached signs and increased sign area for a drug store in the C-2 district.

Decision: Continued for 30 days

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

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

Vote: Passed 7-0

Finding of Fact: N/A

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**Board of Adjustment Meeting
August 12, 2003**

Case No.: BA03-035

Location: 9152 East Brown Road

Subject: Requesting a variance to allow additional attached signs and increased sign area for a drug store in the C-2 district.

Decision: Continued for 30 days

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

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

Vote: Passed 7-0

Finding of Fact: N/A

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**Board of Adjustment Meeting
August 12, 2003**

Case No.: BA03-036

Location: 360 North Val Vista Drive

Subject: Requesting a variance to allow additional attached signs and increased sign area for a drug store in the C-2 district.

Decision: Continued for 30 days

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

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

Vote: Passed 7-0

Finding of Fact: N/A

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**Board of Adjustment Meeting
August 12, 2003**

Case No.: BA03-037

Location: 9950 East Guadalupe Road

Subject: Requesting a variance to allow additional attached signs and increased sign area for a drug store in the C-2 district.

Decision: Continued for 30 days

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

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

Vote: Passed 7-0

Finding of Fact: N/A

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**Board of Adjustment Meeting
August 12, 2003**

Case No.: BA03-038

Location: 5954 East McDowell Road

Subject: Requesting a variance to allow additional attached signs and increased sign area for a drug store in the C-2 district.

Decision: Continued for 30 days

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

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

Vote: Passed 7-0

Finding of Fact: N/A

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Respectfully submitted,

Gordon Sheffield, AICP
Senior Planner