

# 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** May 15, 2007

**TIME** 1:30 P.M.

**Staff Present**

Jeff McVay  
Jim Hash  
Lena Butterfield

**Others Present**

Kirt Barr  
Michael Konard  
Stan J Commick  
Ryan Bingham  
Loren Tyler  
Suzette Tyler  
Tom Warne  
Dale Martin  
Frances Martin  
Boyd Thacker  
Larry Matheny  
Sam Fox  
J. Stern  
Warren Shumway  
Bruce Weeks

**CASES**

Case No.: ZA07-043

Location: 1944 South Greenfield Road

Subject: Requesting a Substantial Conformance Improvement Permit (SCIP) to allow the development of a bank as part of a group commercial center in the C-2 zoning district.

Decision: Approved with conditions

Summary: Mr. Barr, applicant, presented the request for a SCIP and explained the bank will bring the whole center into greater conformance with the current Code. The Bank site itself will comply with all current Code requirements.

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Mr. McVay explained that the bank site was originally a part of the parking lot when the original site plan was approved. The site has received an administrative site plan approval, but still requires Design Review Board approval.

Mr. Hash explained the design quality of the site will bring the whole center into a greater degree of conformance. Additionally, a recent modification to the Comprehensive Sign Plan includes the bank site.

Mr. Gendron approved the case with the following conditions:

1. *Compliance with the site plan submitted.*
2. *Provision of a pedestrian route form the bank to the public sidewalk adjacent to Greenfield Road.*
3. *Where the pedestrian route crosses vehicle routes, pedestrian routes shall utilize stamped or colored concrete, brick pavers, or other material approved by the Design Review Board.*
4. *Compliance with all requirements of the Design Review Board.*
5. *Compliance with all requirements of an Administrative Site Plan Modification.*
6. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Finding of Fact:

- 1.1 The proposed Bank will consists of a 4,600 SF building with a two lane drive through, that will be reviewed through the Design Review Board.
- 1.2 All Current Code Requirements will be met with regards to the new pad and bank. All requests from Code have to do with the overall Group Commercial Center.
- 1.3 In order to met the intent of substantial conformance with regards to the SCIP, the applicant is updating and integrating additional parking islands to the main parking field for the center to include five islands to the south of the new pad site and two additional islands to the north of the site.
- 1.4 Full Conformance with the current City of Mesa Zoning Ordinance would require the demolition and reconstruction of the existing parking lot to fully meet the current parking lot landscape requirements.

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Case No.: ZA07-044

Location: 454 South Grand Street

Subject: Requesting variances to allow: 1) a reduction in the lot width, and 2) reduction to the side setback requirements, both in the R-2 zoning district.

Decision: Approved with conditions

Summary: Mr. Bingham, applicant, presented the request and explained that he intends to move the existing lot line to create two lots that are 50 feet wide and build two single residence homes. Additionally, the current setback requirements in the R-2 zoning district are 10 feet on each side; he would like to encroach into one of the side yards 5 feet in order to fit a home of a size commensurate with the surrounding area.

Mr. Weeks, 438 S Grand, explained that he is concerned that the new home will be built close enough to his home to create fire issues. He would prefer to see a 10-foot separation between the new home and the property line.

Mr. McVay explained that the home will need to meet all the requirements of Building Safety including fire rated construction.

Mr. Gendron suggested that the 10-foot side yard be placed on the north property line rather than the south to ensure that there is a 13-foot separation between the new home and Mr. Weeks' home.

Mr. Hash explained that though the property will only be 50 feet wide the lot is deep enough to sustain a single residence.

Mr. Gendron approved the case with the following conditions:

1. *Compliance with the site plan submitted except as modified below:*
2. *A 10-foot building setback shall be maintained from the north property line of the northern most lot.*
3. *The Variance shall expire if not exercised, or if a building permit has not been issued within one (1) year of official action.*
4. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

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Finding of Fact:

- 1.1** The two lots were in the existing non-conforming configuration at the time of purchase by the applicant and therefore was a pre-existing condition that would not be construed as self-imposed. A 25-foot wide lot is not wide enough to allow development of permitted use (single residence), and is not of normal configuration for the area. The width of the lot creates a special circumstance that does not exist elsewhere in the surrounding community.
  
- 1.2** Due to the width of the lot, strict compliance with current setback requirements would deprive the property owner of the right to develop a single-residence of reasonable size (1,233 s.f.).
  
- 1.3** The proposed site plan notes side setbacks of 5 feet and 11 feet and the project narrative notes setbacks of 5 feet and 10 feet. Staff recommends side setbacks of 5 feet and 10 feet be provided.
  
- 1.4** While the subject property is zoned R-2, existing development in the vicinity is primarily single-residences and more akin to R1-6 development. The proposed setbacks are consistent with R1-6 setback requirements.

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Case No.: ZA07-045

Location: 2455 East Emelita Avenue

Subject: Requesting a Special Use Permit to allow a detached accessory living quarters in the R1-43 zoning district.

Decision: Approved with conditions

Summary: Mr. Thacker, applicant, presented the requested Special Use Permit and explained that the Accessory Living Quarters was at one time a garage that they turned into a guest house in order to take care of ageing parents.  
Dale Martin, Francis Martin, and Michael Leonard spoke in opposition to the case their concerns were:  
1) It would set a precedent in the neighborhood.  
2) It will turn into a rental property.  
3) There is a deed restriction against having a second dwelling on the property.  
Mr. McVay explained the Zoning Ordinance requirement that Accessory Living Quarters must meet in order to be allowed by right in a residential district. He further explained that the reason this Accessory Living Quarters needs a Special Use Permit is because it is not directly accessible from the home and the intent of the SUP requirement was to ensure the proposed Accessory Living Quarters complied with the intent of the regulations.  
Warren Shumway spoke in favor of the Special Use Permit. He explained that the Accessory Living Quarters is an asset to the property.  
Mr. Gendron read a letter of opposition from Jerald Smith into the record.  
Mr. Hash explained that the Accessory Living quarters meets the intent of the Code and will be compatible with and not detrimental to the surrounding properties.

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Finding of Fact:

- 1.1 The ALQ total roof area will not exceed 50% of the primary dwelling unit.
- 1.2 The ALQ complies with all Zoning requirements related to setbacks, size, and height for the R1-43 zoning district.
- 1.3 The ALQ is consistent with the intent of §11-13-2(C) of the City of Mesa Zoning Ordinance.
- 1.4 The ALQ will be compatible with and not detrimental to neighboring properties.

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There being no further business to come before the Zoning Administrator, the hearing adjourned at 2:40 p.m.

The cases for this hearing were recorded on Zoning Administrator Flash Card 3 Track 3.

Respectfully submitted,

John S. Gendron  
Hearing Officer

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G:ZA/Minutes/ZAM