



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 July 24, 2007 **TIME** 1:30 P.M.

Staff Present

Jeff McVay
Jim Hash
Constance Bachman
Patrick Murphy

Others Present

Betty Austin
John Reddell
Elizabeth Wellborn
Dale Wilson
Kevin M. Wright

CASES

Case No.: ZA07-076TC

Location: 517 and 525 West Mahoney Avenue

Subject: Requesting variances to allow a reduction in the building and landscape setbacks and elimination of the landscaping requirement along the common property line for both lots in the C-3 zoning district.

Decision: Approved with the following conditions.
 1. *Compliance with the basic development as described in the project narrative and as shown on the development plans.*
 2. *Compliance with all City development codes and regulations.*

Summary: John Reddell, architect, represented the variance request. Mr. Gendron questioned what will happen in the event that Phase 2 is not constructed. Mr. Reddell discussed the required perimeter wall and an existing structure. Mr. Murphy noted the concern was not raised with staff or the Downtown Development Committee.
 Mr. Gendron asked why the buildings weren't just connected versus an eight inch separation. Mr. Reddell noted the separation was to address the Building Code.
 Mr. Murphy presented a staff report, noting DDC recommendation for approval, the quality of the building design, and the redevelopment of the block.

Finding of Fact:

- The project is being developed on small lots that were originally designed for a residential use. The lots are only 50 feet wide but are zoned for a commercial use, thereby creating a hardship for developers to provide the required landscaping and parking needed in a commercial zone.

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- The applicant will tie two lots together for each phase in order to aid in meeting the zoning requirements for setbacks, landscaping, and parking as well as, allow for sufficient building square footage to house a business.
- The buildings will be developed with a zero-setback on the common property line because it will be the most efficient configuration on the narrow lots and the buildings will have a more cohesive appearance. The configuration will also eliminated narrow passages between buildings that become a harbor for trash and criminal activity.

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Case No.: ZA07-077

Location: 264 South Winterhaven

Subject: Requesting a variance to allow a carport to encroach into the required side setback in the R-4 zoning district.

Decision: Approved with the following conditions.
1. Compliance with the site plan submitted.
2. A minimum five-foot (5') setback shall be maintained from the awning side of the property.
3. Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.

Summary: Dale Wilson from Lifetime Homes represented the variance request noting that the proposal will the replacement of a 1969 single-wide and the 10-foot carport is needed to provide some protection. The closest that the awning will be to the property line is five feet.
In response to a question from Mr. Gendron, Mr. Wilson noted that single-wide manufactured homes are very rare and double-wides, triples, and quads are the industry standard. Mr. Gendron had Mr. Wilson provide some clarification of the dimensions shown on the site plan.
Mr. Hash provided a staff report and recommended an additional condition of approval to maintain the five feet from the awning side of the property.
Mr. Gendron noted that industry standard for the size of manufactured homes has changed, but lots cannot get bigger to accommodate these larger homes. Further, the new home will provide greater compliance with current life and safety standards.

Finding of Fact:

- The requested variance would allow an existing legal non-conforming use in an older manufactured home subdivision to be replaced. The existing home was placed on the lot in 1969 and is a single-wide model with additional carport totaling 39 feet in width. The current home has a present setback of 6.5 feet on the west side and three (3) feet on the east side.
- As shown on the proposed site plan, the new manufactured home and additional new carport would have an overall width of 37 feet and would result in side setbacks of 5 feet and 6.5 feet where Mesa Mobile Estates Subdivision requires side setbacks of 5 feet and 10 feet.
- Current Code requires single-residence lots to be a minimum of 60 feet wide. The subject lot has a minimum width of 49.48 feet. The current lot is significantly narrower than lots required by current Code. The lot width represents a unique condition not created by the property owner that would not allow the owner to place a normal size manufactured home on the lot without encroaching into the required setback.
- While the home by itself would be able to conform to current setback requirements for the subdivision, the addition of a carport that is covered and open on three sides would necessitate encroachment into the required side yard. Although the encroachment will occur, access to the rear of the property will not be restricted.
- Compliance with current Code would severely limit the property owner's ability to have a carport; a structure allowed on similar properties in the area when located within similar zoning districts.
- While not justification for the variance, Staff feels it is important to mention that current standards and regulations dealing with the construction of manufactured homes far supersede those in place in 1969, at the time of the existing manufactured home construction. The newer standards regarding

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electrical wiring and fire construction would make this a much safer and suitable home within the subdivision.

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- Case No.: ZA07-078
- Location: 744 North Center Street
- Subject: Requesting a Substantial Conformance Improvement Permit to allow redevelopment of an office building in the O-S zoning district.
- Decision: Approved with the following conditions.
1. *Compliance with the site and landscape plan submitted, except as modified by the conditions below.*
 2. *Addition of all improvement items listed above.*
 3. *12-foot wide landscape island east of the south entrance to the property, which will contain one 36-inch box tree and three five-gallon shrubs.*
 4. *An additional landscape island west of the ADA provided parking spaces that will be 8'x15' containing one, 24-inch box tree and three 5 gallon shrubs.*
 5. *An additional 24-inch box tree and three, five gallon shrubs in the landscape island to the south of the lawn retention area to match existing landscaping on the west side of the walkway along south border of the lawn retention area.*
 6. *Additional landscaping surrounding the trash enclosure in the northwest corner of the property that will consist of three 24-inch box trees and 11, five gallon shrubs to match existing.*
 7. *Replace all dead or removed shrubs in the landscape islands along the northern property line with 5-gallon shrubs to match existing.*
 8. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*
- Summary: Kevin Wright, applicant, represented the SCIP request. Mr. Gendron confirmed with the applicants that no change to the building footprint is proposed, however, improvement to landscaping has been recommended by staff. In response to Mr. Gendron, Mr. Wright noted that 99% of the practice would be rabbits, ferrets, and small animals such as chinchillas and guinea pigs. Other animals could be small birds and reptiles. Two indoor wards will have overnight kennels, but there would not be noise or odor issues. The applicants did not have issue with the recommended conditions.
- Elizabeth Wellborn and Betty Austin, neighbors, ask questions about noise, smell, and general concerns about the new use to ensure compatibility with their neighborhood. Mr. McVay stated the requirements of the Zoning Ordinance as it relates to small animal hospitals and sound attenuation.
- Mr. Hash provided a brief staff report noting the requirements of and compliance of substantial conformance.
- Finding of Fact:
- The requested Substantial Conformance Improvement Permit would allow for the change in occupancy from a general office to medical office use. While a change in use triggers compliance with all current Code requirements the intent of the Substantial Conformance Improvement Permit (SCIP) is to allow the intensification of sites by provision of substantial conformance with current development standards while providing relief from development standards that cannot be met without demolition or significant alteration of buildings or the creation of new non-conformities.
 - The requested SCIP would deviation from current Code related to landscape setbacks along the north, south and west property lines, foundation base along the north and east elevations of the building, and parking lot landscape islands.

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- The recommend conditions shall be incorporated into the existing site development which would provide the greatest degree of compliance with current Code requirements without causing the demolition of existing buildings, the cessation of the proposed use:
- The site plan submitted, including staff recommended conditions of approval, provided substantial conformance with current Code requirements that justify the requested SCIP. The improvements will be compatible with, and not detrimental to, adjacent properties in the area.

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There being no further business to come before the Zoning Administrator, the hearing adjourned at 02:12 p.m.

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

Respectfully submitted,

John S. Gendron
Hearing Officer

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