

Zoning Administrator Hearing



Minutes

John S. Gendron Zoning Administrator/Hearing Officer

March 18, 2014 – 1:30 p.m.

View Conference Room, 2nd Floor
55 North Center Street
Mesa, Arizona, 85201

Staff Present

Angelica Guevara
Lisa Davis
Mike Gildenstern

Others Present

Dave Ulrich

CASE:

- Case No.:** ZA14-001
- Location:** 5120 East Hampton Avenue
- Subject:** Requesting a variance to allow an encroachment into the required side yard in the RM-3 zoning district. (PLN2014-00055)
- Decision:** Case ZA14-001 was approved, *conditioned upon the following:*
- 1. Compliance with the site plan submitted.*
 - 2. Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.*

Summary:

The applicant, Dave Ullrich of O'Neill Engineering representing the Frankel Family Trust, presented the case to the Hearing Officer. Mr. Ullrich explained to Mr. Gendron that a larger maintenance building was needed due to changing methods of maintenance on an apartment complex that was built roughly 15 years ago. He explained that currently the maintenance is part of the office building and expansion wouldn't be feasible due to the storage needs of larger maintenance vehicles. If the new storage facility were to be allowed to be built, the existing structure would be repurposed for another needed use.

Planner Lisa Davis explained to Mr. Gendron that other areas within the 18 acre complex were not compatible with codes because if the storage facility was to comply with the 20 foot side setback, the new structure would be encroaching into existing parking and circulation areas, removing parking spaces.

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Mr. Ullrich confirmed for Mr. Gendron that the adjacent school was notified about the variance request, and they did not receive any comments or concerns. There are no windows or doors facing towards the school property on the proposed building, and all maintenance work will be done within the structure. Mr. Ullrich also maintained that there would be no grinding or welding and flammable liquid storage would be limited to possibly a gas can for the maintenance vehicles.

After Hearing Officer Gendron clarified that there were no citizens present to speak in favor or in opposition to the case, Mrs. Davis confirmed that the variance requested would allow the new maintenance building to encroach up to 13 feet into the required 20 foot side yard setback, and staff recommended approval.

Zoning Administrator Gendron acknowledged that staff recommended approval. He also acknowledged that an opposition letter from a Mr. Robert Marsh, residing at 5013 E. Flossmoor, had been received by staff. Mr. Marsh was concerned about the future needs of the Mesa School District and that the variance may impact use of the property. Mr. Gendron also noted that Mr. Marsh, or any citizen has the right to appeal the decision within 30 days.

FINDINGS:

- 1.1** The site is bounded on three sides by public streets, Hampton Avenue to the south, Southern Avenue to the north and Higley Road to the east.
- 1.2** The variance would allow the proposed 20' x 32', 640 SF, maintenance building location to be as close as 7' to the west property line in the RM-3 district, which requires a minimum 20-foot setback. The proposed location is a remote location on the site that is not highly visible from the streets. Other locations would be less desirable because they would need to remove parking spaces or storm water retention as well as make the maintenance building more visible.
- 1.3** The distance from the proposed maintenance building location to the single residence neighborhood to the south, across Hampton Avenue, is over 560 feet and to the north, across Southern Avenue, is over 840 feet.
- 1.4** The proposed location will meet the minimum on site building separation of 25'.
- 1.5** At the time of the development of the site, code was less stringent for setback requirements. There are a total of 35 two-story buildings existing on site. This includes two-story buildings adjacent to the west property line that are located less than 12' from the property line.
- 1.6** The current owners of the property did not own the property at the time of development in 2000.
- 1.7** The west property line is adjacent to the ball fields and open play area of Franklin Elementary/ Junior High School.
- 1.8** The strict application of the Zoning Ordinance will deprive the property owner of the privileges of the best design that other properties of the same classification in the same zoning district would have for construction of a maintenance building.

There being no further business to come before the Zoning Administrator, the hearing adjourned at 1:49 p.m.

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

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Respectfully submitted,

Gordon Sheffield
Zoning Administrator/Hearing Officer

Minutes written by Mike Gildenstern, Planning Assistant