

# MINUTES BOARD OF ADJUSTMENT AUGUST 26, 2020

Minutes of the regular hearing of the Board of Adjustment, of the City of Tempe, which was held at the Council Chambers, 31 East Fifth Street, Tempe, Arizona.

## Study Session 5:30 PM

**Present:**

**Staff:**

Chair David Lyon	Steve Abrahamson, Principal Planner
Vice Chair James Frazey	Lee Jimenez, Senior Planner
Board Member Richard Watson	Brittainy Nelson, Administrative Assistant
Board Member Whitney Baker	
Board Member Kevin Cullens	
Board Member Raun Keagy	
Board Member John 'Jack' Confer	

- **MEETING MINUTES**

Chairman Lyon asked if anyone saw anything in the July meeting minutes that needs to be addressed. No one had anything to address.

- **DISCOUNT TIRE COMPANY**

Chairman Lyon asked if staff had any updates on the case. Mr. Jimenez informed the Board that there were no new public comments.

- **HOUSE KEEPING**

Mr. Abrahamson reminded the Board Members that they are on camera and to be mindful of their facial expressions. Chairman Lyon also talked to the Board about their background and making sure no one is walking through or something distracting the public during the meeting. Chair Lyon also remind the Board members to mute your mic when you are not talking.

Mr. Abrahamson Informed Board Member Baker and Board Member Watson that their term was set to expire soon. Both Board Members informed him that they would like to serve another term.

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## **Regular Meeting 6:00 PM**

### **Present:**

### **Staff:**

Chair David Lyon	Steve Abrahamson, Principal Planner
Vice Chair James Frazey	Lee Jimenez, Senior Planner
Board Member Richard Watson	Brittainy Nelson, Administrative Assistant
Board Member Whitney Baker	
Board Member Kevin Cullens	
Board Member Raun Keagy	
Board Member John 'Jack' Confer	

### **1) Voting of the Meeting Minutes**

**Motion** by Board Member Baker to approve the Meeting Minutes of July 22, 2020; second by Board Member Keagy. Motion passed on 6-0 vote.

**Ayes:** Chair David Lyon, Vice Chair James Frazey, Richard Watson, Whitney Baker, Raun Keagy, John Confer

**Nays:** None

**Abstain:** Kevin Cullens

**Absent:** None

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- 2) Request a variance to increase the maximum lot coverage from fifty percent (50%) to seventy-five percent (75%) for **DISCOUNT TIRE COMPANY**, located at 1709 East Southern Avenue. The applicant is Architectural Resource Team. (PL190191)

#### **Presentation from Applicant: Mr. Quoc Truong**

Mr. Truong informed the Board that the business has been in operation since 1972. The business is currently operating out of only a portion of the floor plan at the western end of the strip mall. The rest of the building is currently unused and is vacant. Mr. Truong provided a floor plan of the proposed changes to the Board Members. There would be a 1,375 sq. ft exterior addition along the southern end of the Discount Tire Store. It will also give an 866 sq. ft interior renovation in the vacant unit. A few changes would be that the existing storage area will be demolished, and the trash will be moved to a different area of the site. The exterior addition will house two service bays to help with the growing demands. The interior remodel will consist of extending the existing tire rack storage and creating a new dead tire storage area. As for the outside the architecture of the exterior addition will match the aesthetic of the existing building to create a seamless transition from old to new. A few minor site changes trash enclosure relocated to southern end of the exterior addition and some landscape improvements to the area as well. The property sits within a parcel that is 70% of lot coverage. The proposed lot coverage it will go to 72% lot coverage. In a PCC-1 zoning area one can only have 50% lot coverage. The variance requests a 25% increase in the allowed lot coverage from 50% to 75%. The reason for the variance request is the result of a recorded subdivision plat that exempt the discount tire company parcel, among other parcels on the northwest and southeast corners of the plaza. If the shopping center had existed as one lot or parcel, as originally developed, the lot coverage would calculate to 27% with the tire store addition; far from the 50% maximum standard. As a result of this subdivision plat, the existing building is legal non-conforming. In order to be approved for a variance there are four criteria's that need to be met. 1. That special circumstances are applicable to the property, including its size, shape, topography, location and surroundings 2. The strict application of this code will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district. 3. The adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located 4. A variance may not be granted if the special circumstances applicable to the property are self-imposed by the property owner. The special circumstance applicable to the property is its size. The PCC-

1 zoning district usually consist of large lots due to the higher minimum setback requirements from the sides and rear which typically makes it easier for developments to conform with the 50% maximum lot coverage requirements. Other properties within the same shopping plaza and zoning district have the privilege to construct building additions without exceeding the maximum lot coverage standard of the PCC-1 zoning district. The maximum lot coverage increase will provide consistency among the lots located within Southern and McClintock Plaza. The property size is the result of a subdivision plat approved by the City and is not considered self-imposed by the property owner. Due to Covid-19 the Public outreach was done by email intake. One comment that a citizen in the area had was the impact that the development would have on the surrounding community. Per the results of our noise analysis, the potential noise level from the expansion of 2 service bays it will be less than the existing operation with 4 services bays. When added to the existing operation, the combined potential noise level will increase by a virtually imperceptible amount to the closest residential properties.

Chair Lyon asked the Board if they had any questions for Mr. Trouong.

Chairman Lyon acknowledged Board Member Watson.

Board Member Watson asked staff what the maximum lot coverage in the purposed area is.

Mr. Jimenez stated that the maximum lot coverage in the PCC-1 district is 50%. As explained by the applicant the parcel that Discount Tire is located on is excepted out which is why the current coverage for that particular lot is around 70%.

#### Presentation by Staff, Lee Jimenez, Senior Planner

Mr. Jimenez informed the Board that the Discount Tire Company operates in the McClintock & Southern Plaza, located on the southeast corner of East Southern Avenue and South McClintock Drive in the PCC-1, Planned Commercial Center Neighborhood District. The applicant is requesting a variance to increase the maximum lot coverage from 50% to 75% for a 1,376 square-foot addition to the south end of the retail tire store. The addition will allow 2 additional service bays for the business. Should the variance be approved, the project will require a new Use Permit to expand the retail tire store use, and a Minor Development Plan Review for the site, landscape, and building elevation modifications. The Use Permit will be reviewed and heard by the Development Review Commission, and the Development Plan Review will be reviewed at a staff-level. A neighborhood meeting is required for variance requests located within 600 feet from the lot line of a residential use. On May 5th, 2020, the Mayor issued a proclamation authorizing alternatives to hosting physical neighborhood meetings during the COVID-19 global pandemic such as virtual meetings or comment periods. The applicant chose the comment period method and posted the site and mailed letters to property owners within 600 feet of McClintock and Southern Plaza on Monday, July 6th, 2020. Letters were also emailed to residential associations within 1,320 feet of the shopping plaza. The comment period ran from Monday, July 6th through Thursday, July 23rd, 2020. The applicant received 2 comments during the neighborhood outreach citing concerns of increased noise pollution from the existing and expanded operations of the tire store. In response, the applicant conducted a noise analysis in preparation of the use permit application process that will be reviewed and decided-upon by the Development Review Commission should the variance request be granted. Staff received an email from the same respondents of the neighborhood outreach, citing no concerns with the proposed addition, but rather the expansion of the tire store use, and the operational noise from the service bays. Based on the information provided, the public input received, and the analysis provided in the staff summary report, staff supports the requested variance. The request meets the required criteria and will conform to the conditions. There are no unique conditions of approval.

#### Public Comment:

No one from the public wished to comment.

#### Public Comments Closed

Chairman Lyon advised the applicant that they could respond to what they heard.

**Commission Discussion**

The commissioners did not have any further questions or comments on the case.

Chairman Lyon called for a motion:

Motion by Board Member **Baker** to approve the variance to increase the maximum lot coverage from fifty percent (50%) to seventy-five percent (75%) for **DISCOUNT TIRE COMPANY**, located at 1709 East Southern Avenue; second by Board Member **Confer**. Motion passed on **7-0** vote.

**Ayes:** Chair David Lyon, Vice Chair James Frazey, Richard Watson, Whitney Baker, Kevin Cullens, Raun Keagy, John Confer

**Nays:** None

**Abstain:** None

**Absent:** None

Staff Mr. Abrahamson state that currently there are no applications for a meeting next month.

Hearing adjourned at 6:25pm

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Prepared by: Brittainy Nelson, Administrative Assistant  
Reviewed by:



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Steve Abrahamson, Principal Planner

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