



1

Variance Staff Report

TO: ZONING HEARING OFFICER

FROM: KEITH NEWMAN, SENIOR PLANNER *KN*
(480) 503-6812, KEITH.NEWMAN@GILBERTAZ.GOV

THROUGH: ASHLEE MACDONALD, AICP, PRINCIPAL PLANNER *Am*
(480) 503-6748, ASHLEE.MACDONALD@GILBERTAZ.GOV

MEETING DATE: MARCH 13, 2024

SUBJECT: V23-03 WALLCON BUILDING: REQUEST FOR A DEVIATION FROM THE STRICT APPLICATION OF THE LAND DEVELOPMENT CODE REQUIREMENT SET FORTH IN CHAPTER 1 ZONING REGULATIONS, SECTION 3.7 EMPLOYMENT DISTRICTS, SECTION 3.7.4.B.2 LIGHT INDUSTRIAL ACCESSORY STRUCTURES TO ALLOW AN ACCESSORY STRUCTURE CLOSER THAN 10 FT. FROM AN ADJACENT STRUCTURE/BUILDING. THE SUBJECT PROPERTY IS LOCATED AT THE SOUTHEAST CORNER OF ABALONE DR. AND SCOTT AVE. AND ZONED LIGHT INDUSTRIAL (LI) WITH A PLANNED AREA DEVELOPMENT (PAD) OVERLAY.

STRATEGIC INITIATIVE: Exceptional Built Environment

To allow for a vehicular shade canopy within 10 ft of an adjacent building on an existing industrial lot.

RECOMMENDED MOTION

Make the Findings of Fact and approve V23-03 Wallcon Building: Request for a deviation from the strict application of the land development code requirement set

forth in Chapter 1 Zoning Regulations, Section 3.7 Employment Districts, Section 3.7.4.B.2 Light Industrial Accessory Structures to allow an accessory structure closer than 10 ft. from an adjacent structure/building. The subject property is located at the southeast corner of Abalone Dr. and Scott Ave. and zoned Light Industrial (LI) with a Planned Area Development (PAD) overlay.

APPLICANT

Company: Wallcon LLC
 Name: Tom Barrett
 Address: 1476 W. Harvard Ave.
 Gilbert, AZ 85233
 Phone: 480-341-1444
 Email: tbarrett@twcdev.com

OWNER

Company: Wallcon LLC
 Name: Scott McDonald
 Address: 1476 W. Harvard Ave.
 Gilbert, AZ 85233
 Phone: 605-453-9255
 Email: N/A

BACKGROUND/DISCUSSION

History

Date	Description
<i>May 29, 1984</i>	Town Council adopted Ordinance No. 377 in case A83-02 annexing the subject property into the Town of Gilbert.
<i>August 21, 1984</i>	Town Council adopted Ordinance No. 392 in case Z84-15 to rezone approximately 179 acres at the Northeast corner of Guadalupe and McQueen Roads creating the Fiesta Ranch PAD.
<i>March 7, 2000</i>	Town Council adopted Ordinance No. 1254 in case Z99-54 approving a PAD amendment for the Fiesta Ranch PAD, reducing the required landscape setbacks along local industrial streets from 30 to 15 feet.

Overview/Discussion

The subject site is located at the SWC of Abalone Dr. and Scott Ave. in the Fiesta Ranch Commerce Park on a .93 acre site that is zoned Light Industrial (LI) with a Planned Area Development (PAD) overlay.

The current request by the applicant is for a variance on the subject site to request relief from the strict application of LDC Section 3.7.4.B.2 LI Accessory Structures, which requires that accessory structures be separated 10 ft. from another structure/building. The applicant’s specific request is to allow a proposed vehicular shade canopy approximately 6 ft. away from the adjoining building on the property to the east which is located 1 ft. off the property line.

More specifically, the applicant is proposing to construct a new 773 sf shade canopy along their eastern property boundary over 5 existing parking spaces to provide shade and protection from outdoor elements for visitors to their business. According to the applicant, the proposed covered parking is a practical solution to shield vehicles from harsh summer and monsoon conditions. It poses no harm to the public or any neighboring businesses. The structure itself is noncombustible, and a vertical shroud extending 2 feet down from the roofline is planned to minimize heat or flame transference.

Notably, the adjacent property at 1455 W Scott Ave features a 24-foot-tall building made of CMU block wall construction with a 2+ hour fire-rated wall construction. The small, covered parking structure request does not constitute an exclusive privilege, as several neighboring businesses have covered parking structures that were previously permitted prior to the change in the Town’s zoning regulations, which now requires a 10-foot separation from adjacent buildings.

Surrounding Land Use & Zoning Designations:

	Existing Land Use Classification	Existing Zoning	Existing Use
North	Industrial (LI)	Light Industrial (LI)	Scott Ave, then World Class Woodworking
South	General Commercial (GC)	General Commercial (GC)	Existing offices
East	Industrial (LI)	Light Industrial (LI)	Existing Industrial Business
West	Industrial (LI)	Light Industrial (LI)	Abalone Dr., then Caliber Collision
Site	Industrial (LI)	Light Industrial (LI)	Wallcon LLC

Project Data Table:

Site Development Regulations	Required per LDC LI	Proposed Shade Canopy Setbacks
Maximum Building Height (ft.)/Stories	55/3 stories	N/A
Minimum Building Setbacks (ft.)		
Front	0’	21’ (Scott Ave.)
Side (Employment)	0’	5’ (East property line)
Side (Employment)	0’	146’ (West property line)
Rear (Employment)	0’	173’ (South boundary)

FINDINGS

In order to approve a Variance, the Zoning Hearing Officer is required to make four findings per Section 5.503 of the LDC. The findings are listed here, along with the reasons why staff considers that the findings are or are not met in this case. These findings are:

- A. There are special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, whereby the strict application of the zoning ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district;**

Applicant Notes: The neighbor's building is constructed right on the property line, which makes it even more difficult for us to achieve 10' separation. Their building is of CMU construction and has a 2-hour fire rating which only adds to the safety of this smaller carport.

Staff finds that the strict application of the zoning ordinance would deprive the specific property of privileges enjoyed by similar property in the Fiesta Commerce Park.

- B. Such special circumstances were not created by the owner or applicants;**

Applicant Notes: The project was developed in 2002 when non-combustible, open parking canopies were allowed to be constructed up to property lines in the zoning district. Other properties within the Fiesta Ranch Commerce Park subdivision have included similar canopies to their properties. This request is in conformance with development privileges allowed on other like-zoned properties in the immediate area.

Staff finds that the special circumstances present are not self-imposed as the proposed canopy was permissible under 2002 zoning regulations and is consistent with other properties in the same district.

- C. The variance does 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; and**

Applicant Notes: Other properties were allowed to construct covered parking with less of a setback from neighboring property lines and buildings. Examples are found at 1429 W Scott Ave, 1431 W Harvard Avenue are less than 4' away. Others are at 965 N Acacia Dr., 1239 W San Pedro St. & 1535 W Harvard Avenue. Our Carport will be approximately 6' away from the neighbor's CMU building.

Staff finds the variance would not grant special privileges inconsistent with limitations on nearby or comparable properties.

D. The variance will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or the public welfare in general.

Applicant Notes: The carport is a safe place to store a vehicle or even take cover during harsh monsoons or Arizona heat. In no way does this carport hinder or prevent the public's ease of passing nor does it affect sunlight, parking or passing by in any way. It will not block the view of any window or negatively affect any neighboring property or person.

Staff finds that the proposed variance will not be detrimental to the enjoyment of adjacent properties, land uses or the greater community's welfare and safety.

Pursuant to the above analysis, Staff finds that the variance request meets all of the four (4) findings required by Article 5.503 of the Land Development Code and ARS § 9-462.06.G.

PUBLIC NOTIFICATION AND INPUT

A notice of public hearing was published in a newspaper of general circulation in the Town, an official notice was posted in all the required public places within the Town and neighborhood notice was provided per the requirements of the Land Development Code Article 6.2.6.

Staff has received no comment from the public.

PROPOSITION 207

An agreement to "Waive Claims for Diminution in Value" pursuant to A.R.S. § 12-1134 was signed by the landowners of the subject site, in conformance with Section 6.2 of the Town of Gilbert Land Development Code. This waiver is in the case file.

STAFF RECOMMENDATION

Make the Findings of Fact and approve V23-03 Wallcon Building: Request for a deviation from the strict application of the land development code requirement set forth in Chapter 1 Zoning Regulations, Section 3.7 Employment Districts, Section 3.7.4.B.2 Light Industrial Accessory Structures to allow an accessory structure closer than 10 ft. from an adjacent structure/building. The subject property is located at

the southeast corner of Abalone Dr. and Scott Ave. and zoned Light Industrial (LI) with a Planned Area Development (PAD) overlay, subject to conditions.

1. The variance only modifies those standards specifically identified; all other standards of the Land Development Code must be met.
2. The vertical clearance of the proposed canopy must be revised to be a minimum of 8 ft.

Respectfully submitted,



Keith Newman,
Senior Planner

Attachments and Enclosures:

- 1) Hearing Officer Findings of Fact (blank form)
- 2) Notice of Public Hearing
- 3) Aerial Photo
- 4) Site Plan
- 5) Elevation
- 6) Applicant's Narrative

FINDINGS OF FACT FOR VARIANCE APPLICATIONS

CASE NUMBER: V23-03

APPLICANT NAME: Tom Barrett

The Hearing Officer, having heard all the evidence before it and having reviewed the file in the above application for a variance, hereby grants/denies the variance application and makes the following findings:

There are special circumstances of the property, including its size, shape, topography, location or surroundings, whereby the strict application of the zoning ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district. Those special circumstances include the following:

The above special circumstances applicable to the property were not created by the owner or applicant and are more than mere personal inconvenience or financial hardship because:

The variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the zone and vicinity in which such property is located because:

The authorizing of the application will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general because:

The variance will not make any changes in the uses permitted in the zoning classification or zoning district or make any changes in the terms of the zoning ordinance except adjustments authorized by ARS § 9-462.06.

Hearing Officer

Date

Notice of Public Hearing V23-03 Wallcon Building Attachment 2: Notice of Public Hearing

VARIANCE HEARING DATE:

Wednesday, March 13, 2024* TIME: 5:00 PM

LOCATION: Council Chambers
Municipal Building I
50 East Civic Center Drive

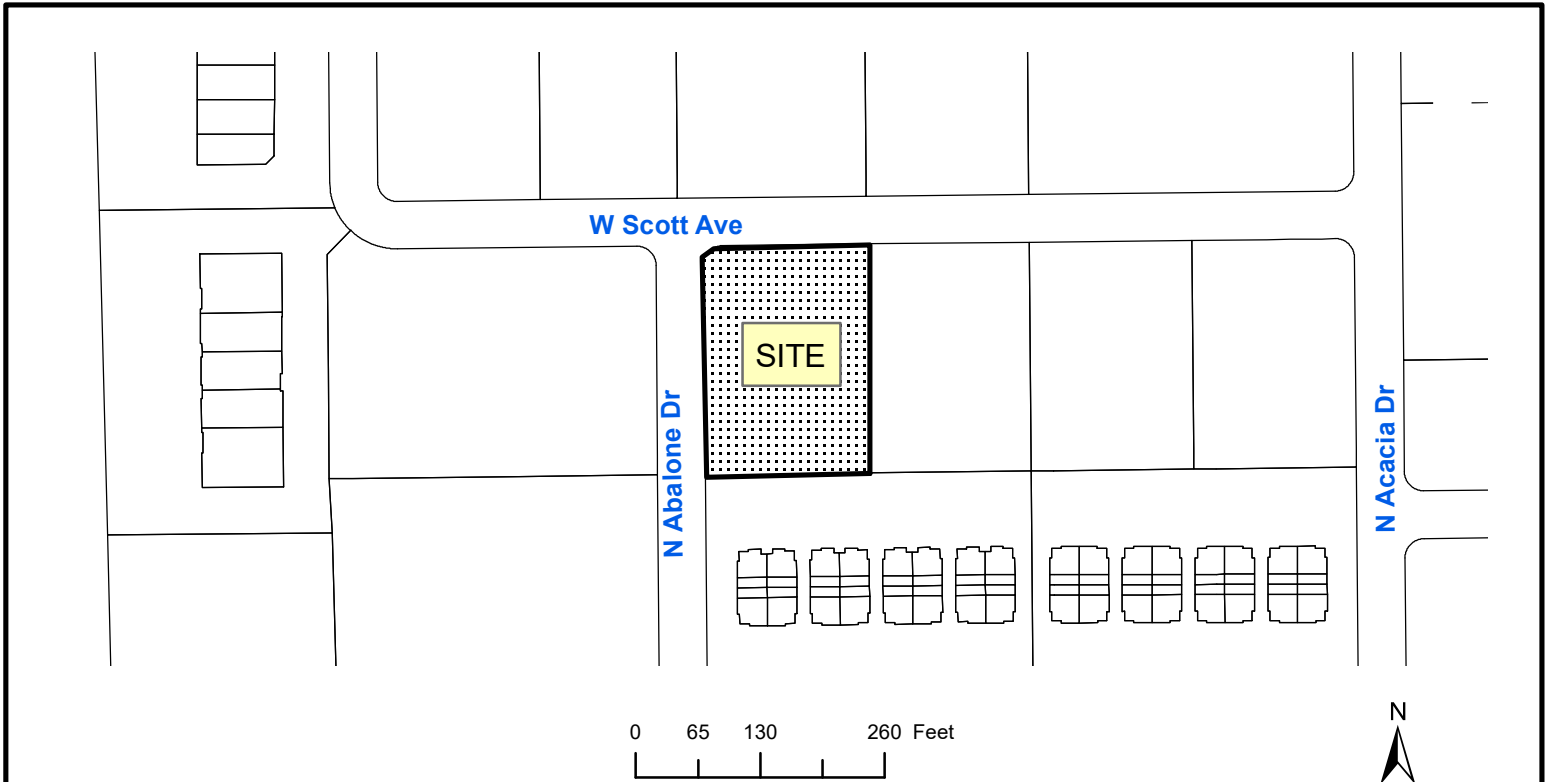
*Call Planning Division to verify date and time: (480) 503-6812

The application is available to the public for review at the Town of Gilbert Planning Division Monday - Thursday 7AM - 6PM.

REQUESTED ACTION:

V23-03 WALLCON BUILDING: Request for a deviation from the strict application of the land development code requirement set forth in Chapter 1 Zoning Regulations, Section 3.7 Employment Districts, Section 3.7.4.B.2 Light Industrial Accessory Structures to allow an accessory structure closer than 10 ft. from an adjacent structure/building. The subject property is located at the southeast corner of Abalone Dr. and Scott Ave. and zoned Light Industrial (LI) with a Planned Area Development (PAD) overlay.

SITE LOCATION:



APPLICANT: Wallcon | The Wall Company | TWC Development
CONTACT: Barrett Thomas
ADDRESS: 1476 W Harvard Ave.
Gilbert, AZ 85233

TELEPHONE: (480) 341-1444
EMAIL: tbarrett@twcdev.com





These drawings are instruments of professional service and shall remain the property of the Architect. These drawings, or any portion thereof, shall not be reproduced without written permission from the Architect.

PRELIMINARY
NOT FOR CONSTRUCTION
OR RECORDING

TWC Gilbert Parking Canopy
Industrial
1481 West Scott Avenue
Gilbert, Arizona 85233

TWC - Scott Avenue II LLC

JOB NUMBER: 23008
DRAWN: tgh
CHECKED: TGH
DATE: 3/7/2024
SHEET TITLE: Site Plan

Sheet # **A1.1**

Project Data

General Description

Project consists of adding a vehicle parking canopy. There is no interior work.

Applicant

Scott McDonald
TWC - Scott Avenue II LLC
1476 W Harvard Avenue Gilbert Arizona 85233
scott@wallcon.team
480 686 9347

Property Legal Description

That part of the West half of the Northeast quarter of the Northeast quarter of Section 10, Township 1 South, Range 2 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows: Lot 32, Fiesta Ranch Commerce Park, according to the Plat recorded in Book 542 of Maps, Page 29 and Affidavit of Correction recorded in Document No. 2001-266026 records of Maricopa County, Arizona.

Street Address

1481 West Scott Avenue, Gilbert, Arizona 85233

Tax Assessor's Parcel Number

302 12 456

Existing Zoning

LI

Occupancy

B, F-1

Occupant Load

Business Office: 1/150 x 4,363 sq. ft. = 29
Manufacturing: 1/100 x 10,713 sq. ft. = 107
TOTAL OCCUPANT LOAD = 136

Construction Type

II-B + AFES

Site Data

Gross Site Area: 40,545 sq. ft. (0.93 AC)
Exist. Bldg Coverage: 15,396 sq. ft. (38%)
Paved Area (including sidewalks): 16,624 sq. ft. (41%)
Landscaped Area: 8,525 sq. ft. (21%)

Building Data

Existing Building Area: 15,076 sq. ft.
Roof Overhangs > 3': 320 sq. ft.
TOTAL BUILDING AREA: 15,396 sq. ft.
Stories: 1
ALLOWABLE BUILDING AREA
Basic area + 75% frontage increase (F/P = 1 + 30' min. clr. all around)
B occupancy sq. ft.: 92,000 + 69,000 = 161,000 sq. ft.
F-1 occupancy sq. ft.: 62,000 + 46,500 = 108,500 sq. ft.
Allowable area ratios (IBC 508.4.2) total < 1.0 OK:
B: 4,363/161,000 (0.027) + F-1: 10,713/108,500 (0.099) = 0.126

Parking Data

REQUIRED PARKING
Gilbert ZO 5.3.6.B; Home improvement manufacturer, wholesale: 1 space/ 800 sq. ft. x 15,076 sq. ft. = 19
PROVIDED PARKING
Standard Spaces: 33
ADA Accessible Spaces: 2
TOTAL PROVIDED PARKING: 35

Governing Building Codes

All construction shall comply with the following codes and any adopted amendments or ordinances adopted by Gilbert, Arizona:
International Building Code: 2018 Edition
International Mechanical Code: 2018 Edition
International Plumbing Code: 2018 Edition
International Fire Code: 2018 Edition
National Electrical Code: 2017 Edition
The Arizonans with Disabilities Act and Implementing Rules

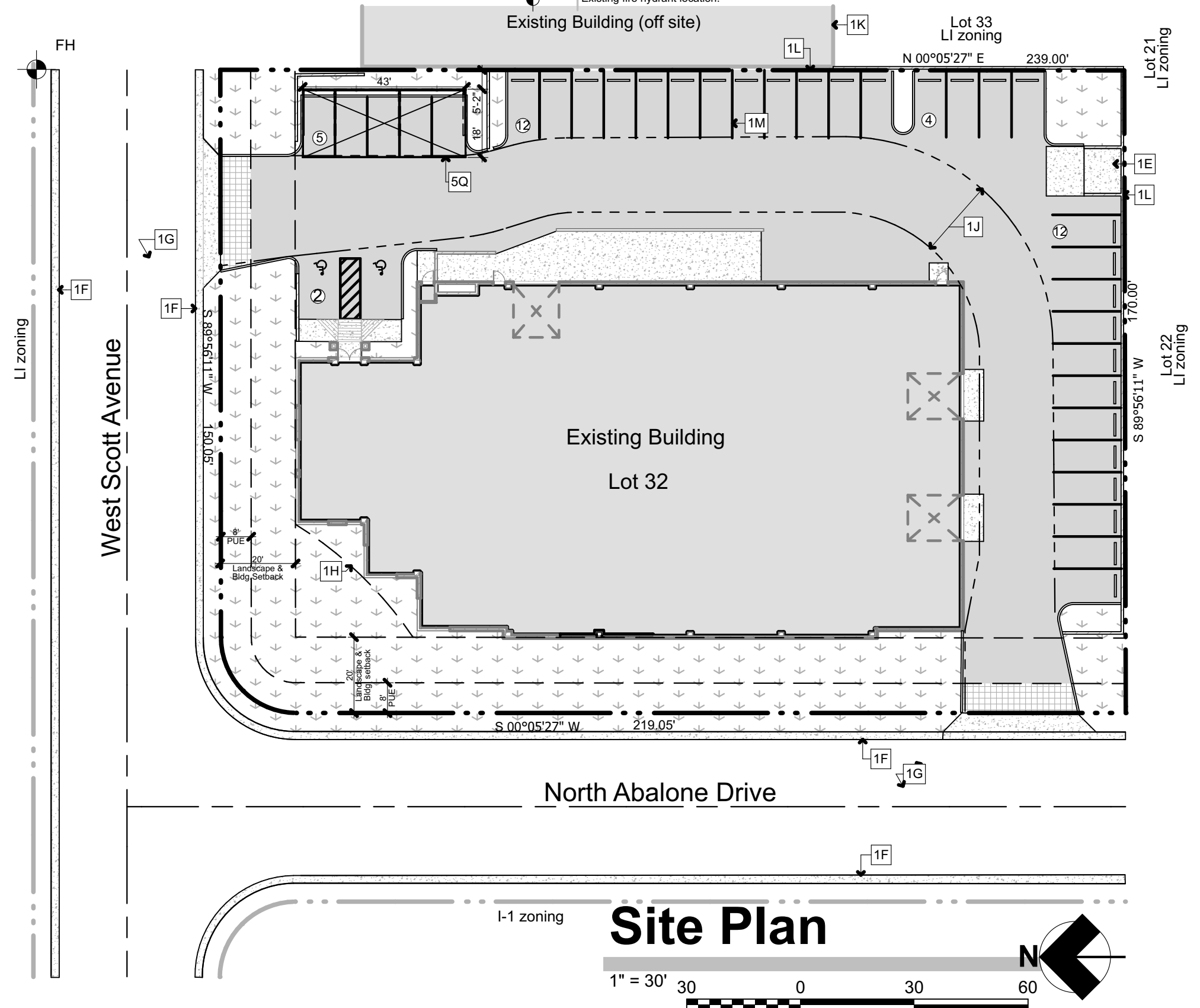
Approvals

Legend

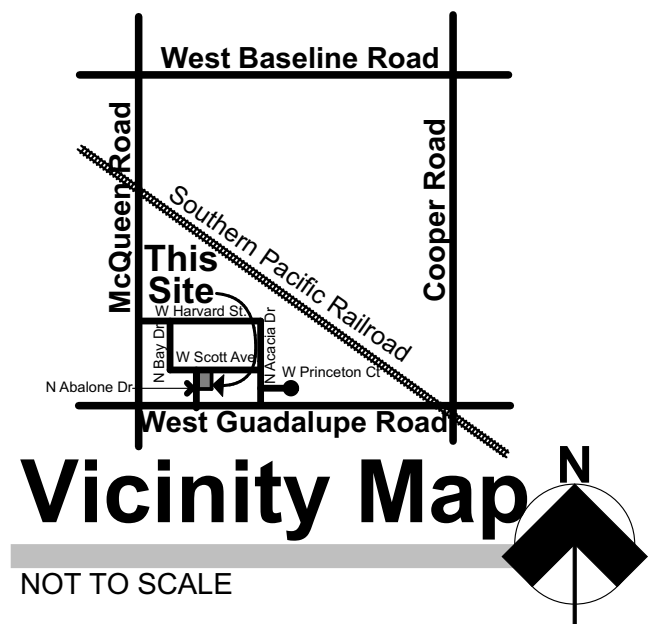
Symbol	Description
	Existing landscaped area to remain.
	Existing asphaltic concrete pavement to remain.
	Existing concrete pavement over A.B.C. per civil plans.
	Property line.
	Centerline of roadway easement.
	Building setback or easement lines.
	Existing marked fire access lane.
	Existing fire hydrant location.

Keyed Notes

- 1E Existing trash enclosure.
- 1F Existing concrete street curb & gutter.
- 1G Existing paved street.
- 1H Subdivision required landscape area limit.
- 1J Fire Lane: 20' width x 35' min. inside & 55' outside turning radii.
- 1K Existing building outline on neighboring lot.
- 1L Existing 6' high masonry screen wall to remain.
- 1M Existing Gilbert zoning compliant parking stall to remain (typ.).
- 5Q New steel framed covered parking canopy by others under separate permit.



Site Plan



Vicinity Map

NOT TO SCALE

HUN
ARCHITECTS
INCORPORATED
2236 E. Mariposa Grande
Phoenix, AZ 85024
Ph (602) 953-1822
Fax (602) 923-0609
Email: hurbarch@cox.net

These drawings are instruments of professional service and shall remain the property of the Architect.
These drawings, or any portion thereof, shall not be reproduced without written permission from the Architect.

PRELIMINARY
NOT FOR CONSTRUCTION
OR RECORDING

Consultants

TWC Gilbert Parking Canopy
Industrial



TWC - Scott Avenue II LLC

1481 West Scott Avenue
Gilbert, Arizona 85233

Revisions

JOB NUMBER: 23008
DRAWN: tgh
CHECKED: TGH
DATE: 3/7/2024
SHEET TITLE: View from West

Sheet # **A9.1**



- Framing: Paint finish in Dunn Edwards SP2920 Aztec Pony color.
- Roof Deck: Manufacturer's factory finished "Colonial White" color.
- Dimensions: Canopy is approximately 46' long x 18' wide x 9' (maximum) height.

Proposed parking canopy looking towards the neighboring building east of the site.



Tom Barrett | Project Manager Wallcon LLC

1476 W. Harvard Ave Gilbert, AZ 85233

Project Narrative Plan Number: PVA-2023-00003

To: The Town of Gilbert Planning Department

Wallcon would like to add one covered parking structure to the northeast corner of the property located at 1481 W Scott Ave Gilbert, AZ 85233.

Comments / Description: One carport, located in the north east parking lot, accessible from Scott Ave. to serve 5 parking spaces on the east side of the property. The carport shall be installed by Gort Metals of Phoenix and comes complete with code compliant approved engineered drawings. This will be a fully permitted project and will abide by all required inspections. The dimensions are approximately 46' Long X 18' Wide X 9' Height. The colors chosen are a nice compliment to the neighboring businesses and landscaping. Under canopy LED strip lights shall be installed and controlled by the existing lighting timer or photocell for dusk to dawn operation.

Thank you,

-Tom Barrett