

Board of Adjustment

Staff Report

CASE NUMBER: BA16-019 (PLN2016-00207)
LOCATION/ADDRESS: 2434 E. Southern Avenue
COUNCIL DISTRICT: District 2
STAFF PLANNER: Lisa Davis, Planner II
OWNER: Housing Recovery I, LLC
APPLICANT: IEFAZ Corporation-Navid Jafri

REQUEST: *Requesting a Substantial Conformance Improvement Permit (SCIP) to allow modifications to improvement standards for the development of a place of worship in the OC zoning district.*

SUMMARY OF APPLICANT'S REQUEST

Requesting a Substantial Conformance Improvement Permit (SCIP) to allow the re-purpose of a vacant building and site for a place of worship to be located at 2434 E. Southern Avenue. The SCIP application includes the requests to:

- 1) Reduce the amount of required landscape material required adjacent to the Southern Avenue street frontage and at the perimeter of the site;
- 2) Reduce the landscape material required within the foundation base of the existing building; and
- 3) Allow landscape islands to be installed at one every 9 parking spaces, where one every 8 spaces is required.

The proposed improvements to the site include installation of 9 parking spaces, and alterations within the existing vacant house to accommodate a worship area. The requested reductions would allow for the re-use of the existing nonconforming site, without bringing the entire site into conformance with current standards.

STAFF RECOMMENDATION

Staff recommends **approval** of case BA16-019, *conditioned upon following:*

1. Compliance with the site plan submitted, except as modified by the conditions below;
2. Compliance with all requirements of Ordinance 4753, Z07-082.
3. Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.
4. **Screening for parking shall be provided at the southern-most area of the proposed parking spaces adjacent to Southern Avenue to meet Mesa Zoning Ordinance (MZO) requirements, particularly Section 11-30-9.H.**
5. **The existing landscape material within the 15' landscape setback between the west property line and the proposed parking area shall be maintained or replaced if damaged during construction.**
6. **Three trees shall be provided adjacent to the south elevation of the building to comply with foundation base landscape as identified in the table of this report.**
7. **There shall be a minimum of three bicycle parking spaces provided on the site as per MZO Section 11-32-8.**
8. **Future expansion, building additions or site improvements will require modification to this SCIP.**

CASE SITE: Vacant residential house – Zoned OC
NORTH: Existing single residence – zoned RS-15
EAST: Existing office park – zoned OC
SOUTH: (Across Southern Ave) Existing multi-residence – zoned RM-2-PAD
WEST: Existing office– zoned OC

PROJECT DESCRIPTION

Existing church campus site area: 1.3 acres ±
Existing Building house and garage: 4,700 SF
Existing detached garage: 940 SF
Parking Required: 12 spaces
Parking Provided: 12 spaces

STAFF SUMMARY AND ANALYSIS

Development Standard	Code Requirement	Applicant Proposed	Staff Recommended
<i>Setback (building/landscape)</i> Southern Avenue North Property Line East Property Line West Property Line	15 feet 25 feet building/20 feet landscape 15 feet 15 feet	15 feet from future ROW 25 feet/20 feet 15 feet 15 feet	As proposed As proposed As proposed As proposed
<i>Foundation Base</i> South elevation North elevation East elevation West elevation	15 feet 5 feet 5 feet 5 feet	Average of 20 feet Over 85 feet 29 feet 5 feet	As proposed As proposed As proposed As proposed
<i>Landscape material</i> Southern Avenue North Property Line East Property Line West Property Line	8 trees & 50 shrubs 10 non-deciduous trees 9 non-deciduous trees & 60 shrubs 9 non-deciduous trees & 60 shrubs	8 trees 4 existing trees 6 existing trees 6 existing trees	As proposed As proposed As proposed As proposed
<i>Landscape material at Foundation Base</i>	6 trees total	0 trees total	3 trees adjacent to the south elevation

- A. The applicant is requesting a Substantial Conformance Improvement Permit (SCIP) to allow for modifications of improvement standards for an existing nonconforming vacant residential house and site to be re-purposed as a place of worship. The existing 4,700 square feet (SF) building and detached garage will be utilized with minimum alterations. A total of 9 new parking spaces are proposed to be installed on the site. The garage structure will be utilized for three additional spaces for a total of 12 parking spaces. A summary of the applicant's proposal and staff recommendation for the site is provided in the table above and in the following discussion.
- B. The existing house was built in the 1970's. In 2007, the site was rezoned from R1-43 to OC to accommodate a childcare facility (case Z07-082). The childcare facility use did not develop at the site. The conditions of approval included in the adopting ordinance for the site include a requirement of ROW dedication for Southern Avenue and installation of driveways to meet current development standards. With the development of the place of worship, all of these Ordinance requirements to be completed.

- C. The non-conforming metal shade structure attached to the detached garage at the west side of the property is proposed to be removed.
- D. The most significant deviation requested will maintain the existing landscape material (currently below the required amounts and sizes) without adding landscape material to comply with current standards. Some of the reductions can be justified based on the large building setbacks from the property line to the structure. The existing setback from the principal building is 113-ft to the north property line, 37-ft from the west property line to the main structure, and a 44-ft setback to the east property line. The front setback is 105-ft. There is no parking or circulation proposed north or east of the main structure. Requesting full compliance with all required landscape material would not be proportionate.
- E. Screening for the parking adjacent to Southern Avenue has not been proposed. Screening for the parking adjacent to Southern Avenue as required by MZO Section 11-30-9.H should be provided. Staff recommends the screen wall to be placed south of the southern most proposed parking space.
- F. As justification for the SCIP, the applicant has noted:
 - 1) Parking is proposed to be installed at the site;
 - 2) Full implementation of landscape material would not be in proportion, it would far exceed, to the amount of improvements to the site;
 - 3) Removal of non-conforming illegal metal structure at the west side of the property; and
 - 4) Future expansion will include construction of a new building.
- G. Full compliance with current Code development standards would require significant alteration to the existing development site. Improvements to the site have been proposed that improve the site's overall compliance with current development standards.
- H. The intent of a SCIP is to recognize existing site constraints, and work proportionately with the degree of improvement being sought by the applicant to also improve the property based upon the development standards. The proposed improvements with the added conditions of approval constitute the greatest degree of compliance with current development standards without requiring demolition of the existing buildings or other significant improvements to the site. Deviations to current development standards are necessary to accommodate the continued re-purpose of this site with a viable use. The deviations requested will allow the development of the site in a manner that is consistent with development at other similar sites. The deviations will result in a development compatible with and not detrimental to, adjacent properties or neighborhoods.

FINDINGS:

- 1. The existing residential project was developed in the 1970's and has been vacant.
- 2. The site was rezoned in 2007, Z07-082, for use of a childcare facility that was not developed.
- 3. Compliance with requirements of Z07-082 including dedication of right of way for Southern Avenue and installation of driveways to meet current development standards is required for the site.
- 4. The entire site will be brought into substantial conformance with the Zoning Ordinance. Full compliance with development standards is not in proportion to the proposed site improvements.
- 5. With the approved deviations, the improvements to the site will include installation of required parking spaces, appropriate screening for the parking spaces adjacent to Southern Avenue streets and removal of an illegal metal shade structure at the west side of the property.

6. The deviations requested are consistent with the degree of change requested and improve the site.
7. The proposed improvements with the recommended conditions of approval help bring the site into a closer degree of conformance with current standards.
8. The proposed improvements will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.

ORDINANCE REQUIREMENTS:

Zoning Ordinance

11-31-22: Places of Worship

C. Residential Districts. Places of Worship located in residence districts shall:

1. Locate buildings within the required setbacks for the building setbacks specified for that zoning district;
2. Comply with design standards for the LC district.

Chapter 73, Substantial Conformance Improvement Permits (SCIPs)

Section 11-73-1 Purpose and Applicability

The purpose of this chapter is to establish a review process by which improvement standards required by this [Ordinance](#) can be incrementally installed on non-conforming sites when such sites are enlarged; buildings are replaced, extended or have additions constructed; or other site modification developed. The intent is to recognize existing site constraints, and work proportionately with the degree of improvement being sought by the applicant to also improve the property based upon the development standards adopted by the Ordinance, and therefore bring non-conforming developments into substantial compliance with this Ordinance through approval of a [Substantial Conformance Improvement Permit](#) (SCIP).

Section 11-73-2 Allowed Modifications

The only development requirements that may be modified in a [SCIP](#) are building setbacks, landscaping design, on-site parking, building height, right of way dedication, and other site development provisions, contained in this [Ordinance](#).

Section 11-73-3 Required Findings

A [SCIP](#) shall not be granted unless the [Zoning Administrator](#), acting as a [Hearing Officer](#), or [Board of Adjustment](#) shall find upon sufficient evidence that:

- A. The entire development site will be brought into substantial conformance. Substantial conformance shall mean physical improvements to the existing development site which constitute the greatest degree of compliance with this [Ordinance](#) that can be attained without causing or creating any of the following conditions:
 1. The demolition or reconstruction of existing buildings or other significant structures (except signs); or
 2. The cessation of the existing conforming use, or the preclusion of any other lawful, permitted use.
 3. The creation of new non-conforming conditions.
- B. The improvements authorized by the [SCIP](#) will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.