

Board of Adjustment

Staff Report

CASE NUMBER: BA16-045 (PLN2016-00580)
LOCATION/ADDRESS: 2207 W Main Street
COUNCIL DISTRICT: District 3
STAFF PLANNER: Lisa Davis, Planner II
OWNER/ APPLICANT: Brikeman LLC/IRA Plus Southwest LLC-Brian Menold

REQUEST: *Requesting 1) a Substantial Conformance Improvement Permit (SCIP) to allow modifications to development standards for and existing manufactured home park in the GC zoning district.*

SUMMARY OF APPLICANT'S REQUEST

Requesting a Substantial Conformance Improvement Permit (SCIP) to allow modifications to development standards for an existing manufactured home park, Redwood Gardens, at 2207 W Main Street. The SCIP request is to reduce the required setback requirements between units. The requested modifications through the SCIP would allow for the for the existing manufactured home park to establish realistic expectations for the placement of new units and any subsequent additions to the units. Specifically the request is to allow for the units to be placed 6' apart at the side and 10' apart at the rear for units that back to one another. These modifications to development standards will allow the site to incrementally be improved, without bringing the entire site into conformance with current standards.

STAFF RECOMMENDATION

Staff recommends **approval** of the SCIP, case **BA16-045**, *conditioned upon following:*

1. Compliance with the site plan submitted, except as modified by the conditions below;
2. Compliance with all requirements of the Development Services Division with regard to the issuance of building permits.
3. **Units 1 through 24 including RV-1 and RV-2 shall maintain front setback of 2' from edge of pavement, side yard setback between units shall be maintained at 6', and rear yard between units minimum of 10' between units.**
4. **Units 24 through 42 and 44 shall maintain 5' setback at front from edge of pavement, 6' between units and 10' at the rear measured to the rear property lines.**
5. **Spaces 43, 45 and 46 shall maintain 6' between units and 10' to west property line for space 46 and 6' from the office building for space 43.**
6. **Fire lanes must be maintained with no parking allowed.**
7. **Storage buildings are required to meet Mesa Zoning Ordinance requirements from section 11-34-2.B.**

CASE SITE: Existing manufactured home park – zoned GC
NORTH: Existing restaurant – zoned GC
EAST: Existing multi-residence- zoned RM-4
SOUTH: (Across the Railroad tracks) Existing Industrial – zoned LI
WEST: Existing commercial – zoned GC

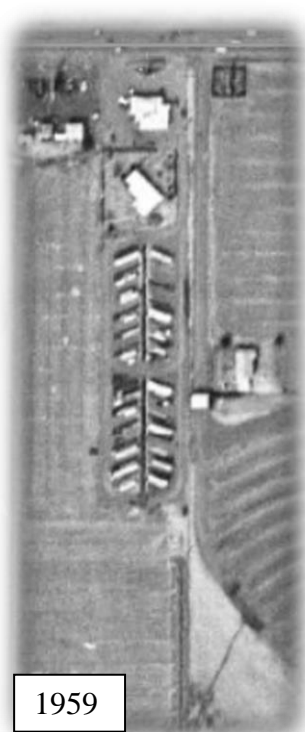
PROJECT DESCRIPTION

	Overall Commercial site
Site area	4± acre
Unit Spaces	46 spaces including 5 RV spaces

STAFF SUMMARY AND ANALYSIS

SUBSTANTIAL CONFORMANCE IMPROVEMENT PERMIT

The 4± acre Manufactured Home Park, Redwood Gardens, was developed in the 1950's and was annexed into the city of Mesa in 1966. The site is currently zoned GC-General Commercial that does not allow the manufactured home park use but was in place when it was annexed, therefore it is considered a legal non-conforming or a "Grandfathered" use. Access into Redwood Gardens is provided through an ingress/egress easement at the Groggy's restaurant site. The width of the drive aisle within the project meets minimum fire lane standards. No parking should be allowed within the fire lane.



The owner of the manufactured home park, Redwood Gardens, is requesting a Substantial Conformance Improvement Permit (SCIP) to allow modifications to development standards to allow for modifications to required setbacks between units. The manufactured home parks that were developed in the 1950's and 1960's were established as trailer parks. The Trailers used at that time were much smaller than the manufactured homes that are now used throughout the park. The established lots or spaces were lined out for smaller type units. This makes it difficult for the existing older parks to meet current setback requirements with the manufactured homes of today.

As noted in the narrative provided by the Park owner, there were a number of gas leaks within the Redwood Gardens Park that prompted the City of Mesa fire department to be dispatched. When they arrived, the fire department discovered that the fire lanes were not being maintained observed a close proximity of the some of the units. City of Mea Code Enforcement and Building Inspections then visited the site and determined that there have been additions to the original manufactured homes and detached buildings that did not obtain building permits as would be required. The manufactured homeowners then applied for building permits and it was determined that they could not meet current setback requirements. This prompted the application to Planning for a SCIP.

Comparing the existing manufactured home park site to current development standards there are a number of non-conforming items such as:

- The site is only 4 acres and a manufacture home requires a minimum of 10 acres
- The density of the site is 11.2 units/ acre and code allows a maximum of 10 units per acre
- Code requires a minimum of 3,000 square feet SF lot and some lots are less than 2,000 SF

However it was developed in the 1950's and would not be required to meet these standards. As noted above the primary need for the SCIP is to accommodate modifications of the required setbacks to provide the Park with the ability to come into substantial conformance with the Zoning Ordinance. This will then provide the owners of the homes to apply for required building permits.

The Table below shows the code requirements, the applicant proposed setbacks and staff recommendations for setbacks for the manufactured home units within the park.

Development Standard based on Manufactured Home Park	Code Requirement	Applicant Proposed	Staff Recommended
<i>Required yard setbacks</i>			
Front	5'	0'	1' for lots 1-24 43, 45,46 and RV-1 & 2 5' for lots 25-42 &44
Side Min/ Total	5'/10' to lot lines	6' between units/3' to awnings	6' between units
Rear	10' to lot line	10' between units	As proposed
Exterior Boundary of site	10'	10'	As proposed

Setbacks are typically measured from the lot or space line. This park has been established for over 50 years and the lot or space lines have not really been followed. In order to accommodate the existing manufactured homes, and to bring the site into substantial conformance with future additions and placement of the manufactured homes measuring setbacks between the units would be the best solution.

The existing manufactured homes will be allowed to remain. These requested modifications to setbacks will allow the site to be incrementally improved with building additions, storage buildings and newly placed manufactured homes. There are a number of storage buildings within the park and some may require the issuance of a building permit. All storage buildings will be required to meet the Mesa Zoning Ordinance requirements from section 11-34-2.B. Storage buildings, attached or detached, are allowed as long as they meet the following standards: a. A maximum area of 150 square feet; b. A maximum height of 10 feet; c. Location within the buildable area unless placed in the rear quarter of the space or lot and separated from the manufactured home by at least 6 feet.

In researching similar manufactured home parks established in the 1950's and 1960's like Ambassador Downs at 2345 E. Main street (ZA88-114), Alma Gardens at 530 S. Alma School Road (ZA89-72) and Broadmoor Park at 2601 E. Allred (ZA91-41) they have all received approvals for modifications from setback requirements. The setbacks approved at Alma Gardens include setbacks between units as is requested here.

As justification for the SCIP, the applicant has noted:

1. The modifications to setback requirements will allow the units to stay in their current location;
2. Additions and modifications have occurred over 50 years and were constructed prior to the current owner purchasing the manufactured home park 6 years ago. The current owner was not aware of the non-compliance of building additions and sheds at the time they purchased the property;
3. The Park owner is working with the City and the occupants of the park to bring the Park in the greatest degree of compliance;
4. Strict compliance of the development standards would require demolition of existing structures; and
5. This request for modification will not grant special privileges and will allow the established use to continue.

The intent of a SCIP is to recognize existing site constraints, and work with the applicant to proportionately improve the property based upon current development standards. The proposed modifications, and those recommended in listed conditions of approval, constitute the greatest degree of compliance with current development standards without requiring demolition of existing buildings or other significant improvements to the site. Modifications to current development standards are necessary to accommodate the continued viable use of this site. The modifications 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 for the SCIP:

1. The 4± acre site was developed in the 1950's and annexed into the city of Mesa in 1966.
2. Modifications to setbacks are consistent with approvals for similar manufactured home parks.
3. Full compliance with development standards would require demolition of the existing site improvements including removal of parking and circulation.
4. The deviations requested are consistent with the degree of change requested to improve the site.
5. The proposed improvements together with the recommended conditions of approval will help bring the site into a closer degree of partial conformance with current standards.
6. The proposed improvements will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.
7. The development standard modifications authorized by the SCIP will result in a development that is compatible with, and not detrimental to, adjacent properties or neighborhoods.

ORDINANCE REQUIREMENTS:

Chapter 73, Substantial Conformance Improvement Permits (SCIP)

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.