

# Board of Adjustment

## *Staff Report*

**CASE NUMBER:** BOA18-00406  
**LOCATION/ADDRESS:** 747 East Southern Avenue  
**COUNCIL DISTRICT:** District 4  
**STAFF PLANNER:** Kim Steadman  
**OWNER:** KJM Properties, LLC  
**APPLICANT:** Shelly Allen

**REQUEST:** *Requesting a Substantial Conformance Improvement Permit (SCIP) to allow modifications to development standards in the LI District.*

### **SUMMARY OF APPLICANT'S REQUEST**

Requesting a Substantial Conformance Improvement Permit (SCIP) for modifications to development standards of the Mesa Zoning Ordinance (MZO) to add a detached shade canopy to an existing auto repair development, located at 747 East Southern Avenue in the LI district. This SCIP request will bring the site into substantial conformance with Code.

### **STAFF RECOMMENDATION**

Staff recommends **approval** of case BOA18-00406 *with the following conditions:*

- 1. Compliance with the site plan submitted, except as modified by the conditions below;*
- 2. Compliance with all requirements of the Development Services Division regarding the issuance of building permits.*
- 3. To ensure screening along the south property line provide the required number of trees per MZO 11-33-3.B.1.c.i.*

### **SITE CONTEXT**

**CASE SITE:** Existing auto repair development – Zoned LI  
**NORTH:** (Across Southern Avenue) Existing auto parts store – Zoned LI  
**EAST:** (Across Horne) Existing service station – Zoned LC  
**SOUTH:** Existing residential development – Zoned RS-6  
**WEST:** Existing auto sales lot – Zoned LI

### **PROJECT DESCRIPTION**

#### **STAFF SUMMARY AND ANALYSIS:**

This ±1.4-acre site is located at the southwest corner of Southern Avenue and Horne in an existing industrial/commercial area. The existing building is used as an auto repair shop. The applicant proposes adding a new metal shade canopy southwest of the existing building (within the screened yard) to provide shade for cars awaiting service. This expansion of building on the site triggers full compliance with current MZO development standards. The intent of this SCIP request is to achieve a proportional degree of improvements that will bring the site into greater compliance with current development standards. The improvements to the site include installation of landscaping at the street frontages. A condition of approval adds landscaping along

the south property line, adjacent to existing single residences.

The table below is a summary of the minimum MZO requirements, the applicant's proposal and staff recommendations for the site:

**DEVELOPMENT STANDARDS:**

<b>Development Standard</b>	<b>Code Requirement</b>	<b>Applicant Proposes:</b>	<b>Staff Recommends:</b>
<i>Setback</i> Southern Avenue (north) Horne (east) South Property Line West Property Line	<i>(landscape/building)</i> 15'/15' 15'/15' 20'/75' 0'/0'	<i>(landscape/building)</i> ±15'/±60' ±5'/±42' 10'/±64' 0'/±154'	As proposed As proposed As proposed As proposed
<i>Foundation Base</i> North Elevation East Elevation South Elevation West Elevation	15' 15' 5' 5'	±5' ±5' 0' 0'	As proposed As proposed As proposed As proposed
<i>Landscape islands:</i> 1 per 8 parking spaces	9 islands	<b>0 islands</b>	As proposed
<i>Screening of parking areas from adjacent street?</i>	32" to 40" wall plus landscaping	<b>Landscaping only</b>	As proposed
<i>Screening wall abutting residential district or use</i> South property line: Landscaping	6' 5 trees per 100'	Existing 6' Various existing trees	As proposed See Condition of Approval

The property owner has added landscaping along the street frontage and has made improvements to the materials of the existing building. The proposed canopy in the rear yard does not intensify the use of the site but does add more roof area. Staff has added a condition of approval to improve screening of this site from the residential uses to the south.

As justification for the SCIP, the applicant has noted that:

1. An existing SRP well site encumbers the northeast corner of the site.
2. The property owner has made improvements to the building and landscaping.
3. The proposed canopy will have limited visibility from outside the site.
4. The addition of the canopy does not intensify the use of the site. It will be used to cool cars that are waiting to be serviced.

The intent of a SCIP is to recognize existing site constraints, and work with the applicant to proportionally improve the property based on current development standards. The proposed improvements, with the staff-recommended condition of approval, constitute the greatest degree of compliance with current development standards without requiring demolition of existing buildings or other significant modification to the site. Remaining deviations to current development standards are necessary to accommodate the

continued viable use of this site. The SCIP will result in a development compatible with and not detrimental to the surrounding neighborhood.

**FINDINGS:**

1. The site is zoned LI. There is an existing auto repair building on the site, and a screened rear yard.
2. Proposed intensification to the site includes the addition of a shade canopy at the southwest corner of the existing building.
3. Full compliance with development standards would require demolition of the existing site improvements.
4. The modifications requested along with the conditions of approval are consistent with the degree of change requested to improve the site and will help bring the site into a closer degree of conformance with current standards.
5. The proposed improvements will not create new non-conforming conditions.
6. The proposed improvements will result in a development that is compatible with and not detrimental to the adjacent properties or neighborhood.

**ORDINANCE REQUIREMENTS:**

**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.