

STAFF REPORT

DATE: August 29, 2018

TO: Board of Adjustment

FROM: Zoning Administration
Planning & Development
Services Department

ACTIVITY NO. T18SA00326

C10-18-13 TRINITY TEMPLE CHAPEL ADDITIONS / TRINITY TEMPLE CME CHURCH / 1025 EAST 30TH STREET, R-2

The applicant's property is an approximately 7,000 square foot lot zoned R-2 "Residential" and is developed with a church. The applicant is proposing to renovate and expand the existing church building.

THE APPLICANT'S REQUEST TO THE BOARD

The applicant is requesting the following variances:

- 1) Allow the minimum lot size for the religious use to remain reduced from 20,000 square feet to 7,000 square feet;
- 2) Allow a reduced front street perimeter yard setback for the restroom additions from 20' to 11' as measured from the front street lot line;
- 3) Allow a reduced side perimeter yard setback for the fellowship hall addition from 13'-7" to 11'-3" as measured from the east lot line; and
- 4) Allow a reduced side perimeter yard setback for the fellowship hall addition from 13'-7" to 10'-7" as measured from the west lot line, all as shown on the submitted plans.

APPLICABLE TUCSON ZONING CODE SECTIONS

Tucson *Unified Development Code (UDC)* sections applicable to this project include, in part, the following:

Section 4.7.9 *Residence Zone (R-2)* and Table 4.8-2 *Permitted Uses – Urban Residential Zones*, which provides the use criteria in the R-2 zone;

Sections 6.3.4 *Dimensional Standards and Exceptions Tables*, 6.4.5 *Perimeter Yards* and Table 6.3-2.A *Dimensional Standards for the R-1, R-2, R-3, MH-1, & MH-2 Zones*, which provides the dimensional standards applicable to all principal and accessory structures; and

Table 6.3-2.B *Exceptions to the R-1, R-2, R-3, MH-1, and MH-2 Dimensional Standards*, which provides exceptions to the dimensional standards specific to the religious use.

GENERAL DEVELOPMENT INFORMATION

Zoning and Land Use

SITE: ZONED R-2; (church)

North: Zoned R-2; (undeveloped)

South: Zoned R-2; (nonconforming parking lot)

East: Zoned R-2; (single-family residential)

West: Zoned R-2; (undeveloped)

RELATED PLAN REVIEWS

Engineering

The Engineering Section of Planning and Development Services Department has no objections or adverse comments.

BOARD OF ADJUSTMENT FINDINGS

The Board of Adjustment can hear and decide a variance request from the regulations listed in the Unified Development Code. The Board may grant a variance only if it finds the following:

1. That, because there are special circumstances applicable to the property, strict enforcement of the UDC will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.
2. That such special circumstances were not self-imposed or created by the owner or one in possession of the property.
3. That the variance granted is subject to such conditions as will assure that 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. That, because of special circumstances applicable to the property, including its size, shape, topography, location, and surroundings, the property cannot reasonably be developed in conformity with the provisions of the UDC.
5. That the granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
6. That the proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase congestion, or substantially diminish or impair property values within the neighborhood.
7. That the variance, if granted, is the minimum variance that will afford relief and is the least modification possible of the UDC provisions which are in question.

ZONING ADMINISTRATION CONSIDERATIONS

The applicant's property is an approximately 7,000 square foot lot zoned R-2 "Residential" and is developed with a church. The applicant is proposing to renovate and expand the existing church building. The project triggers compliance with the Tucson *Unified Development Code (UDC)*.

Church Additions

Per *UDC* Table 6.3-2.B, the minimum lot size for a religious use in the R-2 zone is 20,000 square feet. The applicant is requesting a variance to allow the existing church to continue to operate on a reduced lot size of 7,000 square feet.

Per *UDC* Sections 6.3.4, 6.4.5 and Table 6.3-2.A, the required front street perimeter yard setback for the restroom additions is 20' as measured from the front street lot line. The applicant is requesting a variance to allow a reduced front street setback from 20' to 11'. Based on a wall height of 18'-1" for the new fellowship hall addition, the required east and west side perimeter yard setback is 13'-7". The applicant is requesting variances to allow a reduced east side perimeter yard setback to 11'-3" and a reduced west side perimeter yard setback to 10'-7".

Discussion

The property is located in a neighborhood that consists of a mix of uses. The site is developed with a church and has continued to be used as such since 1956 when it was constructed. The proposed additions are appropriate in order to accommodate a growing congregation. The additions to the church, totaling approximately 686 square feet, include two new ADA (Americans with Disabilities Act) compliant bathrooms, a fellowship hall, and an expansion to the existing mezzanine. The additions do not further reduce the existing prevailing setbacks on the sides and front perimeter yards. The rear perimeter yard is reduced but is still in compliance with setback standards.

Conclusion

Given that the church was originally constructed in 1956 and is a use that serves and is supported by the neighborhood; and that the church and new additions are not out of character with the neighborhood; and the additions are not exceeding prevailing reduced setbacks, staff can support the requested variances.

NEIGHBORHOOD CONTACT (BY APPLICANTS)

See the attached neighborhood notification dated July 3 and August 3, 2018, and the meeting sign-in sheet dated July 15, 2018.

PLANNING & DEVELOPMENT SERVICES RECOMMENDATION

PDSD staff recommends approval of the applicant's requested variances.

It is staff's opinion that there are special circumstances applicable to the property; and that the proposed additions would not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone; and are the minimum variances that will afford relief and are the least modification possible of the *UDC* provisions which are in question.

Mark Castro, Lead Planner
for
Russlyn Wells, Acting Zoning Administrator

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