



Board of Adjustment STAFF REPORT

AGENDA

TO: CASA GRANDE BOARD OF ADJUSTMENT
FROM: Laura Blakeman, City Planner
MEETING DATE: November 11, 2014

REQUEST

Request by Dawson Holdings, Inc. for the following land use request for the Kachina Apartments located at 316 N. Avenue A; APN's 505-30-016A and 505-30-035B:

1. **DSA-14-00168: Variance request** from Section 17.20.450 to allow:
 - a. The northerly apartment buildings on Parcel 1 (505-30-016A) to be 19.5 feet and 19.4 feet from the front property line and to be 17.8 feet and 17.9 feet from the rear property line where 20 foot setbacks are required.
 - b. The southerly apartment buildings on Parcel 2 (505-30-035B) to be 19.3 feet and 19.0 feet from the front property line and to be 18 feet and 18.3 feet from the rear property line where 20 foot setbacks are required.

APPLICANT/OWNER

John Hartwick, Vice President
Dawson Holdings, Inc.
4700 N. 153rd Lane
Goodyear, AZ 85395
P: 816-805-0000
Email: jhartwick@d-h-i.net

DHI Kachina Apartments LLC
300 Turney Street, 2nd Floor
Sausalito CA 94965
P: 408-212-7025

HISTORY

Zoning Map of 1964: The site was zoned R-3 – Multi-Family Residential (Parcel 1) and and GR – General Rural (Parcel 2).

October 6, 1977: CGPZ-19-77: The site (Parcel 2) received Zone Change approval from GR to R-3.

1979: The apartments on Parcel 1 were built per Pinal County Assessor's records.

1981: The apartments on Parcel 2 were built per Pinal County Assessor's records.

November 16, 1987: The site received official zoning of R-3 (Multi-family residential) with the adoption of the Zoning Ordinance and map.

April 30, 2012: DSA-12-00023: The site received approval for a Minor Site Plan.

September 4, 2012: DSA-12-00066: the site received approval of a Final Landscape Plan.

Surrounding Area Land Use and Zoning

Direction	General Plan Designation	Existing Zoning	Current Uses
North	Neighborhoods	UR (Urban Ranch)	Residential homes
South	Neighborhoods	UR (Urban Ranch)	Vacant land
East	Neighborhoods	UR (Urban Ranch)	Vacant land
West	Community Center	R-1 (Single-family residential) R-2 (Multi-family residential)	Vacant and Residential homes

Aerial of the site:



Overview

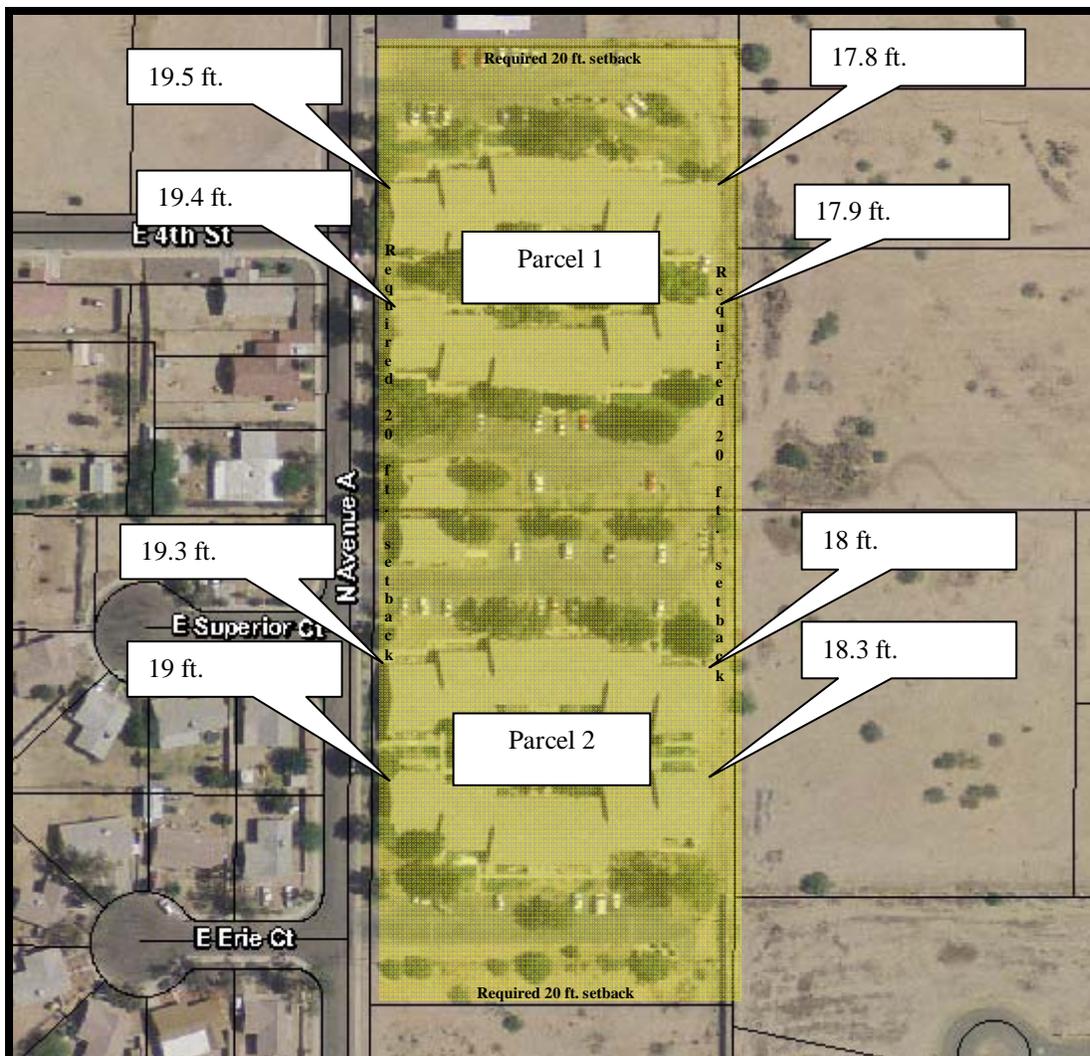
DHI-Kachina Apartments, LLC acquired the property in July 2012. In 2013, DHI remodeled the property. Site improvements ranged from interior upgrades of the kitchens, baths doors, windows etc. to exterior improvements with additional landscaping and asphalt repairs etc.

The applicant is applying for a variance because their lender is requesting that they secure a variance from the City for the building encroachments into the setbacks.

The variance request is from Section 17.20.450 of the City Code to allow the following:

a. The northerly apartment buildings on Parcel 1 (505-30-016A) to be 19.5 feet and 19.4 feet from the front property line and to be 17.8 feet and 17.9 feet from the rear property line where 20 foot setbacks are required.

b. The southerly apartment buildings on Parcel 2 (505-30-035B) to be 19.3 feet and 19.0 feet from the front property line and to be 18 feet and 18.3 feet from the rear property line where 20 foot setbacks are required.



Section 17.20.450 (R-3, Multi-family zoning) of the City Code, requires the buildings to have a 20 foot setback from the property line. Accordingly, the apartment buildings are technically classified as legal non-conforming uses. Per City Code Section 17.64.010 (D), the apartment homes can remain for the life of the structure but could not be reconstructed as built today if they were to be destroyed by fire or other causes.

Staff has determined that the project was built under the 1975 Zoning code which required 20 front yard setbacks and 25 foot rear yard setbacks for R-3 (multi-family residential). According to the ALTA Survey completed in March 2014, the buildings do not meet these setback requirements.

The site plan and building permit plans for this site were destroyed per the Arizona State Library Archives and Public General Records Retention Schedule. Staff supports the variance requests because at some time in the past, the City failed to ensure that the setbacks were met and that the buildings were built without encroaching into the setbacks.

The subject property is located within the Community Center land use category as set forth in the General Plan 2020. The purpose of the Community Center land use category is to provide an area of the City where development that has a strong pedestrian orientation as the primary objective and vehicular access as a secondary design feature can be achieved. Within the Community Center land use category the design objective is to place buildings closer to the street and set the parking to the side or rear of the building. The standard R-3 (Multi-family residential) zoning with 20 setbacks from the property line creates an obstacle to achieving the Community Center land use form. However, if the variance is approved, the existing setbacks bring the project into closer compliance with the Community Center land use form

The below graphic is an example of the Community Center land use form that shows the design elements of siting buildings closer to the street with only landscaping separating the building from the public sidewalk and adjacent street.



According to City Code 17.54.010, the Board of Adjustment may allow a departure from the terms of these zoning regulations pertaining to height or width of structures or the size

of yard and open spaces where such departure will not be contrary to the public interest, and where, owing to conditions peculiar to the property because of its size, shape or topography, and not as a result of the action of the applicant, the literal enforcement of this title would deprive the owner of the reasonable use of the land and/or building involved.

CONFORMANCE WITH THE VARIANCE CRITERIA:

The Board, in reviewing a Variance request, shall find that the request satisfies the considerations listed below.

The applicant provided a Justification Statement (Exhibit A) that presents how they believe their request meets the criteria. Staff's analysis is as follows:

A. That there are special circumstances or conditions applicable to the property referred to in the application which do not prevail on other property in that zone;

- The variance request is a unique in the fact that there are no other properties in close proximity to this site that are zoned R-3 (Multi-family Residential) and have existing structures on the site.
- Based on Alta survey, the lot is considered legal non-confirming in regards to setbacks.

B. That the strict application of the regulations would work an unnecessary hardship and that the granting of the application is necessary for the preservation and enjoyment of substantial existing property rights

- The applicant is seeking the variance for the existing apartments as they exist today. If the apartments were destroyed by fire or other causes, the owner could not rebuild the apartments without having to design a smaller floor plan or increase the buildings height to two-story buildings.
- The enforcement of the City Code requirements would deprive the owner of the reasonable use of his land as it exists today.

C. That the granting of such application will not materially affect the health or safety of persons residing or working in the neighborhood and will not be materially detrimental to the public welfare or injurious to property or improvements of the neighborhood.

- Staff finds that the existing development has been a compatible land use with the surrounding properties in the area for 33-35 years.
- Staff does not find any potential negative impacts to the affect the health or safety of persons residing or working in the neighborhood and will not be materially detrimental to the public welfare or injurious to property or

improvements of the neighborhood.

Public Notification

Public hearing notification efforts for this request meet the requirement set out by City Code:

- A notice was published in the Casa Grande Dispatch on October 25, 2014.
- A notice was sent to all property owners within 200 ft. of the subject site on October 27, 2014.
- A public hearing sign was posted by the applicant on the subject site on September 29, 2014. Because the project was postponed to the November 11th meeting, the applicant changed the meeting date on the sign on October 27, 2014.

Inquiries/Comments

Staff has not received any comments or inquiries on the variance request.

STAFF RECOMMENDATION

Staff recommends the Board approve DSA-14-00168, the Variance requests from Section 17.20.450.

Exhibits:

- Exhibit A – Project Narrative
- Exhibit B – Applicant’s Justification Statement
- Exhibit C – Alta Survey

Exhibit A – Project Narrative

VARIANCE REVIEW APPLICATION

Project Narrative

Kachina Apartments (the "Project") is located at 316 North Avenue A, in Casa Grande, Pinal County, Arizona 85222. The Project is currently zoned R-3 (Multi Family Housing) on parcels 505-30-16A and 505-30-035B. The parcels to the immediate East and South of the Project are currently vacant land.

The Project was built in two phases. Phase I was constructed in 1979 and Phase II was constructed in 1981. The Project consists of four (4) multi-family apartment buildings and two (2) auxiliary buildings, encompassing 96 one-bedroom senior apartments, a community center and a leasing office. The Project is a 100% affordable property, with 30 of the units restricted to households earning no more than 40% of area median income, 40 units restricted to 50% of AMI, 25 units restricted to 60% of AMI and 1 manager's unit.

The Project is owned by DHI-Kachina Apartments, LLC ("DHI"), which acquired the property in July 2012. DHI fully rehabilitated the property in 2013, extensively remodeling all unit interiors, including kitchens and baths, installation of energy efficient doors and windows, complete replacement of all HVAC systems, installation of extensive water conservation systems throughout the property, full remodel of community center and numerous exterior building upgrades.

Section 17.20.450 of the City of Casa Grande Code requires front and rear setbacks in R-3 Zones to be no less than 20'. According to the ALTA Land Title Survey of the Project prepared by Terrascope Consulting in March 2014, the front and rear setbacks of all four multi-family buildings are less than the Code required minimum(s).

Exhibit B – Applicant's Justification Statement

VARIANCE REVIEW APPLICATION

Applicant Variance Justification

Section 17.20.450 of the City of Casa Grande Code, requires multi-family structures in an R-3 Zone to have front and rear setbacks of no less than 20'. Section 17.20.340 of the Code requires dwellings with 1-4 units in an R-2 Zone to have front, corner and rear setbacks of no less than 20'.

The front setbacks of the two multi-family buildings on Parcel 1 (505-30-16a) were measured at 19' 5" and 19' 4" respectively, and the rear setbacks were measured at 17' 8" and 17' 9". The existing front setbacks of the two multi-family buildings on Parcel 2 (505-30-035B) were measured at 18' 0" and 18' 3" respectively and the rear setbacks were measured at 19' 3" and 19' 0". It should be noted that the rear of the Project (facing East) is currently vacant land. See attached ALTA Land Title Survey prepared by Terrascope Consulting in March 2014.

The Project is the only property within the particular R-3 Zone running along North Avenue A, hence there are no other properties within the zone on which to compare special circumstances. Notwithstanding, it should be noted in the immediate neighborhood of the Project, there are several properties in the R-2 Zone to West of the Project, which also do not currently meet the 20' Code required minimum setbacks.

Strict application of Section 17.20.450 would work an unnecessary economic hardship on the Project Owner, as well as the existing senior tenants who would be displaced, if the buildings were required to be torn down and/or moved a few feet in order to bring them into compliance. Strict application of the Code would result in substantial economic and legal waste with marginal benefit to the surrounding neighborhood.

The current non-conforming setback condition has existed for 30 plus years. The Project owner has invested a substantial sum of money to upgrade and improve the property, which has benefited the surrounding neighborhood. There are several mature trees between the buildings and North A Avenue, such that non-conforming setbacks are not readily apparent to the untrained eye. In addition, as noted above, there are several other properties in the surrounding neighborhood which also do not meet the required setbacks, such that the granting of this Variance Application will not materially change the character of the community. For the foregoing reasons, the Board's granting of this application will not materially affect the health or safety of persons residing or working in the neighborhood and will not be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

