

STAFF REPORT

DATE: April 29, 2026

TO: Board of Adjustment

FROM: Zoning Administration
Planning & Development
Services Department

ACTIVITY NO. TP-MOD-0326-000033

**C10-26-03 LA INDITA RESTAURANT DINING PATIO / LIBERTY FEDERAL
FUND -LC/ 722 N STONE AV / C-3**

The applicant's property is an approximately 11,920 square foot parcel (0.27 acres) zoned C-3. The site is currently developed with an existing restaurant known as La Indita Restaurant. The applicant constructed an outdoor dining area without prior zoning approval. The applicant is seeking the necessary zoning approval to allow the outdoor patio to remain as constructed.

THE APPLICANTS' REQUESTS TO THE BOARD

The applicant is requesting the following variances:

1. Reduce required motor vehicle parking fifty-four (54) to fourteen (14) spaces, including one van-accessible space.
2. Delete the electric vehicle supply equipment requirement to provide 3 EV-installed spaces and 6 EV-capable spaces
3. Allow an alternative pedestrian circulation path in lieu of a concrete walkway and additional access gate connecting the restaurant to the Echols Avenue right-of-way.
4. Allow the existing trash dumpster to remain with a new enclosure

APPLICABLE TUCSON ZONING CODE SECTIONS

The Tucson *Unified Development Code (UDC)* sections applicable to this project include, but are not limited to the following:

Section 4.7.22 Commercial Zone (C-3) and Table 4.8-4 Permitted Uses – Commercial and Mixed Use Zones, which provide criteria for commercial uses in the C-3 zone,

Section 7.4.4 Required Number of Motor Vehicle Parking Spaces, for required number of motor vehicle parking spaces.

Section 7.4.11 Required Number of Electric Vehicle Supply Equipment (EVSE), for electric vehicle supply equipment requirements.

Section 7.8 Access

Section 7.15 Solid Waste and Recycling Disposal, Collection, and Storage

Technical Standards Manual Section 7-01.3.0 Pedestrian Circulation Path Required, for pedestrian circulation requirements.

Technical Standards Manual Section 8-01 Solid Waste Collection and Recycle Disposal, Collection, and Storage, for solid waste collection and enclosure standards.

GENERAL DEVELOPMENT INFORMATION

Zoning and Land Use

SITE: Zoned C-3; developed with restaurant use.

North: C-3 / Commercial uses

South: C-3 / Commercial uses

East: HR-2 / Single Family Residential

West: C-3 / Commercial / Multifamily Residential

RELATED PLAN REVIEWS

Engineering

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

Environmental Services has four comments regarding variance #4:

1. Concept may work as shown.
2. Must include all enclosure and maneuvering details with dimensions. TSM 8-01.5.2/8-01.9.0 Figure 3B and 8-01.5.3
3. Refer to TSM 8-01.9.0, Figure 4, 30 Degree Enclosure off Alley.
4. Depict power poles on site plan to demonstrate no conflict with 14ft x 40ft approach area.

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 15,357 square foot corner lot zoned C-3, and is developed with a restaurant. The applicant is proposing to legally permit an already constructed outdoor dining patio for the restaurant. The changes to the site trigger full code compliance.

Parking

Per UDC Section 7.4.4, restaurant uses require parking based on floor area and seating / occupancy factors. Based on a proposed gross floor area of 5,304 (including the patio area), the required number of motor vehicles spaces is 54 spaces. The submitted plan indicates approximately fourteen (14) spaces remain on site.

Given the site's existing development pattern, additional compliant parking would be difficult to achieve without substantial site reconstruction or removal of operational improvements.

Electric Vehicle Supply Equipment

Current standards require electric vehicle capable and installed spaces based on the required number of motor vehicle parking spaces. Based on the required parking total of 54 spaces, the site would be required to provide 3 EV-installed spaces and 6 EV-capable spaces. The applicant requests deletion of this requirement to preserve conventional parking supply on a constrained site.

Pedestrian Circulation

Per *UDC Section 7.8*, changes of use should provide reasonable improvements for pedestrian facilities, in accordance with substantive requirements of Section 7-01.0.0, Pedestrian Access of the Technical Standards Manual. The minimum width of 4' wide pedestrian refuge is required between a building and parking area, and to connect to dumpsters and all buildings on site, comprised of a specific form of

acceptable materials. Due to site constraints, such as existing building location, parking spaces located with maneuverability directly into or from the right-of-way and parking spaces located within close proximity to the existing building, the applicant proposes alternative striping / defined pedestrian path improvements in lieu of full reconstructed walkways.

Trash Enclosure

Per UDC Section 7.15, solid waste collection areas shall provide reasonable screening and functional access improvements in accordance with applicable requirements of the Technical Standards Manual. Trash collection facilities are required to be enclosed and designed to accommodate safe and efficient refuse pickup while minimizing visual impacts to adjacent properties and rights-of-way.

Due to site constraints, such as the existing building location, limited lot size, established parking layout, maneuvering areas, and the current location of the refuse container near the southeast portion of the site, the applicant is requesting modification to full trash enclosure standards otherwise required by code. The applicant proposes to retain the existing general service location while providing an enclosure configuration that allows continued angled pickup access from Echols Avenue, as shown on the submitted plans.

Discussion

The subject property is an existing commercially developed parcel located within an established urban corridor along North Stone Avenue south of East University Boulevard. The site contains an existing restaurant use and associated parking.

The property lies within the Miracle Mile Historic District, an area characterized by mid-century commercial development patterns oriented toward vehicle travel and compact site design. Many parcels in this corridor were constructed with parking and landscaping configurations that do not align with current code requirements. The surrounding area consists of developed commercial properties along the Stone Avenue corridor, including a number of older parcels with similar lot dimensions and urban development patterns. In this context, constrained parking areas, limited setback areas, and compact site layouts are common characteristics.

The property appears to have been developed prior to adoption of many current site design standards related to parking layout, landscaping, electric vehicle infrastructure, pedestrian circulation, and service area screening. As a result, the existing site configuration presents limitations when applying current development standards to the parcel.

The site is constrained by its relatively small size, existing building placement, established access locations, and the amount of paved area currently devoted to parking and circulation. These physical conditions reduce the opportunity to incorporate additional compliant site improvements without reconfiguration of existing development.

The applicant proposes continued use of an approximately 2,587 square foot outdoor dining patio associated with the existing restaurant. The patio increases the functional customer area of the site and triggers compliance with current development standards. As a result, applicable parking, bicycle parking, electric vehicle supply equipment, landscaping, pedestrian circulation, and trash enclosure standards are required to be reviewed.

With the variance request, the applicant is proposing improvements intended to bring the site closer into conformance with current standards. These improvements include installation of a trash enclosure, pedestrian circulation delineation connecting parking and building access areas, accessible parking improvements, and landscaping where feasible, while maintaining continued operation of the existing restaurant use.

Conclusion

There are special circumstances, such as the small parcel size, existing building placement, established access points, and limited area available for parking, and circulation improvements that impact the development; and given these circumstances, the property cannot be reasonably developed in complete conformance with UDC provisions. Further, the project is the minimum request to afford relief given the applicant is bringing the site closer into conformance by providing site improvements, staff has no objection to the requested variances.

NEIGHBORHOOD CONTACT (BY APPLICANTS)

See the attached neighborhood notification dated March 9, 2026 and the meeting sign-in sheet dated March 20, 2026.

PLANNING & DEVELOPMENT SERVICES RECOMMENDATION

PDSD staff has no objection to the applicant's requested variances.

It is the opinion of staff that granting of the variances, with these conditions, will 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, will not be detrimental to public welfare or injurious to other property or improvements, and will not substantially diminish or impair property values within the neighborhood.

Georgia Pennington, Lead Planner
for
Elisa Hamblin, AICP
Deputy Director
Acting Zoning Administrator

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